



Law Society of Ireland

News Release

THURSDAY 7th JUNE 2012

JUSTICE MEDIA AWARDS, THURSDAY 7th JUNE 2012 – WINNERS AND CITATIONS

The Law Society of Ireland has today (Thursday, 7th June, 2012) announced the winners of its annual Justice Media Awards 2012.

These awards, which are 20 years in existence, focus on published works or broadcasts that have helped to inform and educate Irish citizens on the role of law in society. The aim is to give national recognition to published works or broadcasts that:

- 1) Promote the highest standards in legal journalism;
- 2) Foster greater public understanding of the law, the legal system or any specific legal issue;
- 3) Inform and educate citizens as to the roles in society of the law, the courts, law enforcement agencies and the legal profession;
- 4) Disclose practices or procedures needing reform so as to encourage the development and modernisation of Irish laws, courts and law enforcement agencies; and/or
- 5) Assist the legal profession, the judiciary, and all others involved in the administration of justice in attaining the highest professional standards.

The Law Society wholeheartedly congratulates all of today's winners of 'Justice Media Awards' and 'Certificates of Merit'.

The winners are as follows:

JUSTICE MEDIA AWARD – 'DAILY NEWSPAPERS':

The winner of the Justice Media Award in the 'Daily Newspapers' category is Carol Coulter of *The Irish Times* for her superb series: '*The Legal System*'.

What the judges said:

“This five-day series took a searching look at (1) ‘Structural problems in the courts system and how these might be fixed’; (2) ‘The place of the judiciary in society, the importance of judicial independence and transparency in how judges are appointed’; (3) ‘The solicitors’ profession and the impact of the recession, especially on small firms and sole practitioners’; (4) ‘The barristers’ profession, the vast discrepancy in earnings among its members and the difficulties experienced by new entrants’; and (5) ‘The importance of access to justice for all, cutting legal costs, and investing in areas of the legal system that would cut delay and waste’.

This broad-sweeping series took an extremely critical look at the legal system. It was informed and informative and while critical of many aspects of the legal system, was balanced in its approach. It succeeded admirably in informing the general public about the most salient challenges facing the legal system today.”

THREE ‘MERIT’ CERTIFICATES were awarded in the ‘DAILY NEWSPAPERS’ category to:

(1) Colette Browne of the Irish Examiner for her article: ‘Draconian asylum and immigration system needs reform, Mr Shatter’.

What the judges said:

“This journalist found that Ireland has one of the most restrictive regimes in the world when it comes to granting refugees asylum, with just 1.6% of applicants being successful in 2010 compared to an EU average of 24% ... Those refused asylum are entitled to appeal to the Refugee Appeals Tribunal but, in reality, they have very little chance of success as that body has a refusal rate of over 90%. Her challenging opinion piece that calls Ireland to task for its immigration record.”

(2) Carl O’Brien of The Irish Times for his series of three articles, titled: ‘21st Century Baby Surrogacy’.

What the judges said:

“This series of articles focused on the legal quagmire surrounding in-vitro fertilisation and surrogacy in its various forms. Showing that great journalism has a significant impact, this series prompted an announcement by the Minister for Justice, Alan Shatter, last November that he would draw up official guidelines on surrogacy, as well as a further pledge to fast-track legislation for the wider area of assisted human reproduction. These guidelines were ultimately published in February this year, setting out clear rules for the first time on obtaining travel documents and citizenship for surrogate children born abroad. Draft legislation is also being drawn up to deal with the regulation of assisted human reproduction. This series of articles was informative, sensitive and thought-provoking.”

(3) Paul Drury of the Irish Daily Mail for his article, ‘The power of judge and jury over all of us’.

What the judges said:

“This compelling opinion piece focused on one of two referenda that the Irish people were asked to vote on in October 2011. The article was an impassioned and personal

plea to the electorate to reject the 30th amendment, which would have granted the Oireachtas far-reaching powers to conduct inquiries into matters of public importance – but would have prohibited those investigated from recourse to the courts. Paul Drury’s trenchant rejection of this amendment utilises an intelligent, direct writing style that both informs and entertains his readers.”

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JUSTICE MEDIA AWARD – ‘SUNDAY NEWSPAPERS’

The winner of the Justice Media Award in the ‘Sunday Newspapers’ category is Mark Tighe of the ‘Sunday Times’ for his feature: ‘You’re hired’.

What the judges said:

“This winning article examines in detail the process of judicial appointments in the State. It explains how the Government appoints judges and asks many hard questions about the process, drawing attention to the shortlists provided by the Judicial Appointments Advisory Board (JAAB) for Government. It states that, while canvassing of JAAB members is ostensibly prohibited, “it is not unlawful to seek support directly from the Minister [for] Justice or other Cabinet members, who have the final say in appointments”.

Referring to the referendum on the reduction of judicial pay and the implied risk to judicial independence, the author asks: “Shouldn’t there be equal urgency about taking politics out of the judicial appointments process”. Mark Tighe’s challenging article pulls no punches on this important subject.”

TWO ‘MERIT’ CERTIFICATES were awarded in the ‘SUNDAY NEWSPAPERS’ category to:

(1) Niall Brady of The Sunday Times for his article: ‘Hey presto! All your debts are gone’.

What the judges said:

“This journalist took on the difficult topic of the proposed *Personal Insolvency Bill*. This bill proposes a non-judicial solution for borrowers unable to pay their mortgages and other debts. The author evaluates the bill by examining how it might work in practice. He interviews those most affected by the mortgage crisis and seeks the views of an expert lawyer, financial advisor and a member of a Government expert group on mortgage arrears in order to assess the bill’s merits. Niall deserves this recognition for a highly educational and engaging article that explains the ‘ABCs’ of the *Personal Insolvency Bill*.”

(2) Sheila Flynn of The Irish Mail on Sunday for her article: ‘The Garda duty-of-care legal quagmire’.

What the judges said:

“This highly unusual topic grabbed the attention of the adjudicating panel. It highlighted, in stark terms, that members of the Garda Síochána hold no legal

responsibility for failings or actions that are performed outside of their investigatory functions. Based on an exclusive report on the rape of a woman by the husband of a recently-deceased friend who had been brought to her door by members of the Garda Síochána – where the Gardaí had failed to check his criminal history – the article raised a number of significant questions. Principally, it revealed that the victim in this case had no real legal recourse. Previous duty-of-care rulings by judges have repeatedly found that, should the duty of care be extended, Gardaí would be hampered by constant legal concerns that would effectively tie their hands. The article suggests that this is an area of law that needs to be revisited.”

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JUSTICE MEDIA AWARD – ‘REGIONAL NEWSPAPERS’

The winner of the Justice Media Award in the ‘Regional Newspapers’ category is David Looby of the *Wexford Echo* for his objective and sensitively-handled article titled: ‘*Hung jury marked final chapter in 18-day trial*’.

What the judges said:

“The winning article was something of an unusual one for a provincial newspaper, which had the opportunity to witness, first-hand, a case that acquired national notoriety. The winning journalist gave a ‘helicopter view’ of the Circuit Court trial into the death of Evelyn Joel, in the first case of its kind in Ireland to posit unlawful killing by neglect.

In the end, according to the author, “a hung jury provided no satisfactory ending for either of the defendants, the prosecution or the defence”. This reflective piece gave insight to the case and its background, the demeanour of the defendants, the conflicting views of medical experts called to testify, the final decision by the judge to discharge the jury, and its concluding Dickensian scene where “barristers carried their enormous cardboard boxes of files with them out of the courtroom, no doubt cognizant of the fact that they may well be returning to this same courtroom for a second run at the trial...”

NO ‘MERIT’ CERTIFICATE was awarded in this category.

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JUSTICE MEDIA AWARD – ‘COURT REPORTING – PRINT MEDIA’

The winner of the Justice Media Award in the ‘Court Reporting – Print Media’ category is Declan Brennan, (for *The Sunday Independent* and *The Irish Mail on Sunday*) for his article ‘*Forensics face crisis as court insists on cocaine purity test*’.

What the judges said:

“This article focused on a drug-trafficking trial in Dublin Circuit Criminal Court that collapsed because the purity of an 8kg cocaine haul had not been established by the prosecution – thus putting its total value in doubt. Prosecutions against suspected drug smugglers now face a massive backlog after the shock court ruling, since the DPP would need to be able to ascertain that the exact value of a drugs haul exceeded

€13,000 which attracts a mandatory minimum ten-year sentence. The ruling has serious implications for the Forensic Science Laboratory at Garda HQ in Dublin's Phoenix Park, which faces being swamped with tests for drug purity. Declan Brennan's article was excellently researched and involved investigative follow-up in order to confirm the significance of this judgment for the so-called '15a rule' under the *Misuse of Drugs Act*."

THREE 'MERIT' CERTIFICATES were awarded in the 'COURT REPORTING – PRINT MEDIA' category to:

(1) Conor Gallagher of the *Sunday Independent* for his article: '*Gang-rape woman arrested during trial, following overdose*'.

What the judges said:

"This exclusive article concerned the jailing of a plaintiff who refused to give evidence in a 'gang-rape' trial. The article highlights the difficult process of victims giving evidence in rape cases and the sometimes uncompassionate and unyielding attitude of the legal system. The article gives an excellent summary of the early stages of the trial, the reasons for its 24-hour adjournment, the unusual judicial instructions given to the Gardaí tasked with locating the plaintiff (she had fled because she had found the court proceedings too harrowing to proceed with), and her eventual detention in the holding cells so that the case might proceed. Conor Gallagher is to be commended for his insightful and challenging article on what was a very disturbing case."

(2) Carol Byrne of *The Clare Champion* for her article '*The cost of journalistic error in the courts*'.

What the judges said:

"This article detailed the collapse of a trial against a former doctor, Paschal Carmody, on deception charges in May 2011, due to the errors of a journalist that cost the State €121,000 and Mr Carmody €300,000 – a bill that the courts believed the offending newspapers should pay. The error? Two national newspapers carried a number of paragraphs outlining matters that had been discussed in the absence of the jury. Mr Lorcan Staines, barrister for Mr Carmody, said that there was "no precedent" in Ireland where this particular set of circumstances came together: "Firstly, that there was a collapse of a trial; that the collapse of that trial was entirely the fault of a non-party; and that the defendant in that case was not on free legal aid". The case made for some very interesting legal argument and led the courts to award costs against both newspapers – something that they argue was beyond the trial judge's jurisdiction and which they seek to judicially review.

Carol Byrne deserves recognition for the excellent quality of her writing, the clarity of her reporting and the lucidity of her analysis."

(3) Marisa Reidy of *The Kerryman* for her article "*Whistling donkey*" leaves court in tears of laughter'.

What the judges said:

“This article focused on a case that brought some levity to the serious business of the day in a busy District Court. What could have been a humdrum story was given a humorous twist when a Dingle-based Garda told the court of finding a donkey in the back of a Hiace van after he had stopped a driver – a well-known local busker – for having three bald tyres. The author reports: “When asked by the chuckling judge what the donkey did as part of the act, Garda Scanlon told him he played the tin whistle, causing an outburst of laughter in the courtroom.”

Marisa Reidy’s humorous eye and her ability to spot a great story and tell it so wonderfully really caught the judge’s attention.”

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JUSTICE MEDIA AWARD – ‘COURT REPORTING FOR BROADCAST MEDIA’

The winner of the Justice Media Award in the ‘Court Reporting – Broadcast Media’ category is Dyane Connor of TV3 NEWS @ 5.30 for her television news report: ‘Justice for Shane Geoghegan’.

What the judges said:

“This award is being made for a report into the Shane Geoghegan trial – the 28-year-old who was shot dead in a case of mistaken identity in Limerick in November 2008. Dyane Connor presented the judge’s findings and gave an excellent synopsis of the case. She detailed the evidence heard in the trial and interviewed the leading superintendent, John Scanlon, who made it clear that he believed more people were involved in the shooting. For the first time, this reporter revealed that this was a retrial, since the first outcome had resulted in a hung jury. Dyane’s award recognises the accuracy of her reporting, her commendable attention to detail and coolness under pressure.”

TWO ‘MERIT’ CERTIFICATES were awarded in the ‘COURT REPORTING FOR BROADCAST MEDIA’ category to:

(1) Orla O’Donnell of RTÉ News for her ‘News at One’ radio report: ‘Commercial Court judge slams failure to investigate and prosecute white-collar crime’.

What the judges said:

“Orla O’Donnell continues to set the highest standards in her approach to court reporting. Her entry this year focused on the judgment of Mr Justice Peter Kelly of the Commercial Court in relation to an application by the Director of Corporate Enforcement for a six-month extension to his investigation into the former Anglo Irish Bank. Judge Kelly criticised the slow pace of the investigation and expressed his dismay at the apparent lack of action into several other high-profile cases involving white-collar crime. The judge’s decision in this case led to lawyers for the DPP being present at every subsequent application by the Office of the Director of Corporate Enforcement for time extensions. Orla excellent analysis and attention to detail in this report are to be commended.”

(2) Trudy Waters of Clare FM for her report on the 'Clare school abuse case'..

What the judges said:

“Trudy Waters is being acknowledged today for an excellent report on a case that had significant local interest, showing a great understanding of the main facts, and – under stringent time constraints – producing a report that was detailed yet comprehensive; colourful, yet highly informative.”

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NO JUSTICE MEDIA AWARD WAS PRESENTED IN THE 'NATIONAL RADIO' CATEGORY.

One 'Merit' Certificate was awarded in the 'National Radio' category to Cian McCormack of RTÉ's 'Morning Ireland for his report, titled: 'Suicide and the coroner's court'.

What the judges said:

“This worthy report – something of a scoop for this journalist – focused on the issue of suicide and how it is dealt with in the Coroner’s Court, specifically in Co Tipperary. Cian McCormack shows that solicitor and County Coroner, Paul Morris, has been making great efforts to make changes to how his inquests are run, so that bereaved families are treated sensitively and with compassion. The judging panel praised the choice of the reporter’s topic, his ability to get an interview with the coroner, and his success in revealing the ‘human side’ of the Coroner’s Court at grassroots level. This journalist raises questions about how suicide deaths are recorded, the constraints placed on coroners when recording a verdict of ‘death by suicide beyond reasonable doubt’ and other sensitive issues relating to suicide.”

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JUSTICE MEDIA AWARD – 'LOCAL RADIO'

The winner of the Justice Media Award in the 'Local Radio' category is Louise Byrne of 98FM News for her report: '21st century rule – Ireland's new Criminal Courts of Justice'..

What the judges said:

“This was a highly innovative report on the Criminal Courts of Justice in Dublin. This new courts complex marked the beginning of its second year in operation in November 2011. Already, its hi-tech courtrooms have played host to some of Ireland’s most high-profile trials. The reporter in this series of radio reports asks what impact the new building has had on the justice system and those who work in it.

The winning reporter was granted exclusive and unprecedented access to the CCJ. She goes behind the scenes, visiting the holding cells, the jury rooms and courtrooms and asks whether the building has radically affected the administration of justice. Using interviews, narration and sound-affect recordings, she creates a wonderfully vivid picture of daily life inside the Criminal Courts.”

ONE ‘MERIT’ CERTIFICATE was awarded in this category to John Cooke (presenter) and Niamh McNamara (producer) for the radio slot: ‘Free legal advice – on Clare FM’s Morning Focus’.

What the judges said:

“This team produces a very popular legal advice programme that airs weekly, utilising the expertise of local solicitors who are members of their county’s Free Legal Advice Centre. They join the presenter live in studio to address specific legal issues and queries received from members of the public. Running for four years now, in the past year there has been an emphasis on recent changes to the law and how these will affect the public. Solicitors discuss topical issues surrounding the *Criminal Law Defence and Dwelling Act*, the *Civil Partnership Act*, new drink-driving laws, and advice on new business start-ups in the recession. These reports featured solicitors Mairead Doyle and Elaine de Courcey, both assisting the Free Legal Advice Centre in Clare.

The judges commented that the issues raised during the programme are extremely topical, the quality of questioning and interaction between the presenter and solicitors is superb, and the format devised by this radio station for explaining the law to the general public is to be commended.”

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JUSTICE MEDIA AWARD – ‘TELEVISION NEWS’

The winner of the Justice Media Award in the ‘Television News’ category is Caitríona Perry of RTÉ News, for her ‘Six One News’ report: ‘The gates to nowhere’.

What the judges said:

“This outstanding report revealed that the Government had quietly shelved its plans for the proposed National Children’s Detention Facility. The decision was discovered by this journalist using old-fashioned journalistic research – by trawling through Dáil debates.

The scandal of the continued detention of young boys in St Patrick’s Institution was highlighted by means of disturbing testimony from former detainees whom the reporter tracked down. This report subsequently led to a decision by the Minister for Children that the practice of detention of children in St Patrick’s Institution would end.

Caitríona Perry is to be commended for the delivery of such a hard-hitting report on an issue of such significant legal and social importance.”

ONE CERTIFICATE OF MERIT was awarded in the ‘TELEVISION NEWS’ category to:

Brian Daly of TV3 News @ 5.30 for his series of reports: ‘Priory Hall – defending your home’.

What the judges said:

“This series of reports deals with the fall-out from the High Court decision the day after Priory Hall residents were ordered to leave their homes to be placed in temporary hotel accommodation. It addresses the jailing of the builder at the heart of the case for his failure to comply with a court order to carry out works to make the apartments safe. Finally, the reporter spends time with one couple forced to spend Christmas away from their home as the legal row continues. Brian Daly managed to combine analysis of legal decisions with their impact on the lives of ordinary people in a highly effective manner.”

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JUSTICE MEDIA AWARD – ‘TELEVISION FEATURES AND DOCUMENTARIES’

The winners of the Justice Media Award in the ‘Television Features & Documentaries’ category are Ian Kehoe (reporter) and John Corcoran (producer) of RTÉ’s Prime Time for their report: ‘The indebted’.

What the judges said:

“This stand-out entry investigated the legal dispute between Anglo Irish Bank (now IRBC) and the Quinn family in the largest Commercial Court case involving an Irish company. Despite the huge legal complexities of the case that meandered between six international jurisdictions and a multitude of cases, this highly engaging and fast-tempoed programme zipped along, utilising a highly innovative detective-style motif, reminiscent of the great detective movies of the ‘60s and ‘70s.

Given the potential cost to the taxpayer, this programme investigated the various legal actions between the two sides, ranging from the battle for Quinn Insurance to an international asset chase for a €500 million property portfolio. It drew from confidential legal documents and broke new ground, revealing how the Quinn group was engaged in talks with the tax authorities for a global settlement – and broke the story about how Sean Quinn was facing a €2.2 billion court judgement. Needless to say, the programme’s findings were discussed at length in the Dáil.

The judging panel was effusive in its praise for this programme’s wonderful attention to detail. The journalistic skill of the reporter in breaking down immense amounts of facts into easily digestible information drew high praise, as did the programme’s engaging production style.”

ONE CERTIFICATE OF MERIT was awarded in the ‘TELEVISION FEATURES & DOCUMENTARIES’ category to:

Colette Fitzpatrick (presenter) and Patrick Kinsella (producer) of TV3’s Midweek for their programme, titled: ‘Defending your home’.

What the judges said:

“The foil for this programme was the introduction of new legislation – the *Criminal Defence and Dwelling Act 2012* – by the Minister for Justice.

The programme examined whether the legislation extended the common law position, focusing on the meaning of the term ‘reasonable force’. This programme gave an excellent summary of the legislation, its strengths and weaknesses. Panel discussion featured a supporter of Padraig Nally (who argued that the legislation didn’t go far enough); Gerald Kean (solicitor and burglary victim); and TV3 reporter, Ciara Doherty.

The judging panel highly commended ‘Midweek’ contributor, Ciara Doherty, for her excellent dissection of the legislation on this programme; and her examination of the decision of the Government to ignore recommendations by the Law Reform Commission for an objective element in the test of ‘reasonable force’.”

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‘OVERALL WINNER’

The ‘Overall Winner’ award in the Justice Media Awards 2012’ is: Carol Coulter of *The Irish Times* for her excellent series – ‘The Legal System’.

What the judges said:

“This year’s ‘Overall Winner’ award is being presented to Carol Coulter of *The Irish Times* for an outstanding entry that, in its content, revealed:

- A significant amount of research;
- Contained justified criticism of many aspects of the Irish legal system, while at the same time, drawing attention to the challenges the legal system faces on so many fronts;
- Was fair and balanced in its reporting;
- Made informed suggestions about the most pressing issues that need to be addressed to ensure access to justice for all; and
- Was admirably clear in communicating its message to the general public about several complicated aspects of the legal system.

The judges described this newspaper series as “One of the best it has encountered in recent years. This series of articles represents the best of journalism in the legal sphere. The writer and newspaper is to be congratulated for devoting the time, energy and space in bringing these important and highly significant legal issues to the attention of its readers.”