



**Law Society
of Ireland**

**Opening Statement to Joint Committee on
Justice, Home Affairs
and Migration
on**

Criminal Legal Aid

Good afternoon everybody,

I would like to thank the Cathaoirleach and the members of this Committee for the opportunity to address you again on the ongoing matter of the new Criminal Legal Aid Scheme, introduced on 1st July last.

Despite substantial effort and some constructive engagement before the summer recess, the two core issues have not been resolved. And as the days, weeks and months pass, it impacts more negatively on the administration of justice and heightens delays, and anxiety for those reliant on it.

I am joined today by my colleague, Dr Shane McCathy, Chair of the Criminal Law Committee.

The Law Society has been calling for reform of the criminal legal aid system for many years. However, we have always believed and advocated for evidence-based reforms leading to a practical system.

In seeking reform, our ultimate objective is the same as the Department of Justice, Home Affairs and Migration's: a sustainable criminal legal aid system that protects access to justice, supports the effective administration of justice and commands the confidence of those who use it, need it, rely on it and work in it.

Criminal legal aid is a cornerstone of our justice system, serving as a vital mechanism to uphold the constitutional right to legal representation. By protecting the right to representation and ensuring a fair trial, the criminal legal aid scheme ensures that justice in Ireland remains a fundamental right for all.

The new scheme takes a one-size-fits-all, uniform approach that is especially problematic as it has no regard to the complexity of cases coming before the courts. The scheme is based on a fundamental misunderstanding of how the District Court operates. It prioritises administrative efficiencies over fairness.

It also replicates a flawed model that has already failed in civil legal aid.

In an effort to resolve this impasse, the Law Society is renewing its call for an independent mediator, who could help bridge the gap between the policy objectives of the Department and the practical realities experienced by everyone working in the courts.

In seeking to find a resolution, there are two outstanding issues that have always been core to solicitors' concerns, namely,

1. The treatment of separate and distinct criminal cases as a single matter where they happen to come before the court on the same day, and
2. The absence of any practical mechanism to address cases of extended duration involving exceptionally high numbers of court appearances.

The backdrop to all this is a Courts Service and justice system facing a real and negative impact.

It is stark: the number of legal aid certificates granted has collapsed compared to July 2025 - down 93% from 10,277 to just 702 in July 2026. The scale of the reduction is reflected in courts across the country. A fall of this scale is deeply worrying in itself.

The effectiveness of the constitutional right to legal representation is threatened by the current situation. Under the Criminal Justice (Legal Aid) Act 1962, the State is required to provide legal representation to those who cannot afford it.

The Law Society remains committed to finding a workable solution to the outstanding issues. We are available to meet with the Minister at any time, and we urge him to engage with us as soon as possible. The Law Society does not accept the Minister's view that it would be inappropriate to address these issues in advance of the judicial review judgment due next month.

The commencement of the new legal term in October traditionally results in a high volume of trials being listed, especially long-running cases exceeding four weeks. The availability of legal representation will be essential for these trials. Every day that passes sees people denied meaningful access to justice.

We come before this Oireachtas Committee today in good faith seeking a resolution. The Law Society is ready to engage immediately. Criminal Defence solicitors want to work within a practical and realistic scheme. They want to ensure their clients are well represented and have access to justice.

Thank you.