



Ms. Rosemarie Loftus,
President,
Law Society of Ireland
Blackhall Place,
Dublin 7,
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07 October 2026

By email: presidentsoffice@lawsociety.ie

Dear President,

Thank you for your letter of 30 September 2026 concerning the revised Criminal Legal Aid Scheme. I appreciate the engagement of the Law Society on this issue and the concerns that have been raised on behalf of practitioners.

I want to reiterate that both I and my Department are committed to ensuring access to justice, the effective operation of the criminal courts and the availability of a sustainable Criminal Legal Aid Scheme. We fully recognise the vital role played by solicitors in the administration of justice and I welcome continued engagement with the Law Society in that regard.

I note your renewed proposal for mediation. As I have previously indicated, I am a strong supporter of mediation and alternative dispute resolution mechanisms where they provide an appropriate means of resolving disputes. However, the Regulations establishing the new Criminal Legal Aid Scheme are in force and constitute the law governing the operation of the scheme. I understand that the judgment in the judicial review case challenging the Regulations is due to be delivered by the High Court on 13 October. In that context, while mediation is often a valuable means of resolving disputes, I am not convinced as to its



appropriateness where the law itself is in dispute and would respectfully suggest that disputes in relation to the law are best left to the courts to resolve.

You suggest that the new scheme is based on a fundamental misunderstanding of the operation of the District Court. I cannot accept this. My Department has extensive experience of the criminal justice system and works closely on an ongoing basis with the Courts Service, An Garda Síochána, the Director of Public Prosecutions, the Legal Aid Board and many other stakeholders. The design of the new scheme was informed by a detailed understanding of District Court processes and by extensive analysis of the operation of the previous arrangements.

I should also say that I find the position of the Law Society in relation to the new scheme somewhat contradictory. On the one hand, it has been argued that the new system is fundamentally flawed, unworkable and incapable of meeting the needs of practitioners or court users. On the other hand, the Law Society has consistently maintained that its concerns could be addressed through two relatively limited and specific amendments to the scheme. It is difficult to reconcile these two positions particularly when most of the public statements made by practitioners and the Law Society, including at the recent Justice Committee meeting, is to the effect that the so-called 'flat fee' model is fundamentally flawed and unworkable.

Similarly, I note the position advanced by the Law Society that the review conducted is also fundamentally flawed, and that your efforts to access the data have been unsuccessful. As has been explained previously, the data in question contains personal information relating to thousands of individual cases and, accordingly, cannot be disclosed in a manner that would compromise the privacy rights of the individuals concerned. The Department must ensure that any information it holds is handled and disclosed in accordance with its legal obligations concerning the protection of personal data.



The review, which is publicly available, finds that Criminal Legal Aid cases take longer to complete and have a higher number of adjournments than cases without Criminal Legal Aid, while overall outcomes are broadly the same. Indeed, as you will have seen, the data emerging since the introduction of the revised scheme, is that a majority of cases are being disposed of in one hearing and almost all within the five hearings which was the average under the old system. That, I would contend, is what one would expect from proceedings at a court of summary jurisdiction. If maintained, solicitors will earn more under the new system than under the old, given that cases disposed of in one hearing under the old system would have attracted a fee of €240.

I have acknowledged that the review did not examine the reasons for individual adjournments and I reiterate that I fully accept that there are multiple reasons why cases are adjourned, as you have articulated. However, the cause of adjournments is largely academic. The new fee has been set at the level of the average number of appearances under the old system. That means that it compensates for all adjournments, regardless as to the reason. It is also the case that it does not anticipate the possibility that the new system will result in the earlier disposal of cases. Five was the average under the old system, and the new €520 fee covers that, even if that average falls under the new system, which I expect to happen.

While we may disagree on certain aspects of the scheme, I believe we share the same objective: a criminal legal aid system that supports access to justice, serves court users effectively and ensures that public resources are deployed in a fair and sustainable manner.

I remain open to continued engagement with the Law Society and my officials are available to discuss operational issues that may arise in the implementation of the scheme. To that end, as previously agreed to, I can confirm that my officials are finalising a preliminary review of data related to the Children's Courts and we will



invite submissions on it shortly. I believe that such engagement is the most constructive way to address the concerns that have been raised while respecting both the statutory framework currently in force and the ongoing court proceedings.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Jim O'Callaghan", is written over a horizontal line.

Jim O'Callaghan, T.D.,
Minister for Justice, Home Affairs and Migration