



Oifig an Aire | Office of the Minister

Ms. Rosemarie Loftus,
President,
Law Society of Ireland
Blackhall Place, Dublin 7,
D07 VY24

15 September 2026

By email: presidentsoffice@lawsociety.ie

Dear President,

Thank you for your letter of 8 September 2026 concerning the operation of the revised Criminal Legal Aid Scheme.

I welcome the continued engagement of the Law Society on these matters and acknowledge the shared objective of ensuring a sustainable criminal legal aid system that protects access to justice while supporting the effective administration of justice. At the outset, it is important that the current position regarding the operation of the revised Scheme is considered in light of the most recent available evidence.

Since the introduction of the revised arrangements, criminal legal aid certificates have been issued in courts throughout the State and significant numbers of solicitors are undertaking criminal legal aid work. Over 600 solicitors remain on the Criminal Legal Aid panel. Certificates have been assigned across 39 court areas and there has been a notable increase in participation in the panel, with three new solicitors joining and twenty-four solicitors seeking and being granted reinstatement.

I am also aware that a number of solicitors who had previously indicated that they would not participate in the revised Scheme have subsequently accepted assignments under it. While the Department must ensure compliance with the applicable regulatory framework, and in particular, ensure that only solicitors on the criminal legal aid panel are granted certificates, I regard this development as further evidence that



representation continues to be available to legally aided defendants in courts across most of the State, while accepting that there are areas where this is not the case, Dublin in particular.

You refer in your letter to the substantial reduction in the number of legal aid certificates granted in July compared with the previous year. While I acknowledge those figures, comparisons with the former scheme require careful interpretation. Under the revised arrangements, a single certificate now generally encompasses matters that previously would have attracted multiple certificates. Accordingly, the overall number of certificates issued under the new model would, all things being equal, be expected to be considerably lower than under the previous appearance-based system.

The information available to my Department from the Courts Service indicates that more than 1,400 certificates have been granted since the commencement of the revised Scheme, with at least 700 certificates issued in the last fortnight alone as the District Court resumed after the summer break. Analysis of the data also shows that over 25% of these cases where certificates were granted have already been disposed of, **with more than 75% of those cases concluding in a single court appearance, attracting a fee of €520 for that one appearance.** Ninety nine percent of the cases concluded within five appearances. While it is too early to draw definitive conclusions, these early indications suggest that the new system is achieving one of its objectives, namely the early disposal of cases arising from the removal of an appearance-based fee system.

You identify two issues as remaining in dispute. The first concerns the treatment of multiple matters involving the same defendant before the same court on the same day. I fully appreciate the concerns expressed by practitioners regarding the practical work involved in preparing and conducting separate matters. However, the purpose of the reforms was to move away from an appearance-based payment structure towards a single-fee model which provides greater certainty and administrative simplicity. Permitting multiple certificates in circumstances where matters involving the same



defendant are before the same court on the same day would significantly undermine that objective and would, in practice, reintroduce features of the previous system.

I can confirm that distinct and separate cases brought against a defendant before the District Court on differing dates still attract new legal aid certificates. Further, the sliding scale previously operated no longer applies and a full fee is paid for each certificate granted.

This issue must also be seen against the backdrop of the early disposal of cases so far under the new system. The fee of €520 was calculated to compensate for an average of five appearances. Under the old system, the cases that have been disposed of to date in one hearing would have attracted a fee of only €240. While some cases will inevitably require a greater number of appearances, the fee structure must be assessed across the operation of the Scheme as a whole, including the substantial proportion of summary cases that conclude at an early stage.

The second issue concerns exceptional cases involving unusually high numbers of court appearances, including cases involving children or individuals with complex needs. As I have previously indicated, I recognise that certain categories of case may warrant particular consideration and am open to making changes if that is supported by the data. I am pleased to inform you that my Department has engaged extensively with the Courts Service and we expect to receive data on the operation of the Children's Court shortly. Once I have that data, my officials will engage with the Society to discuss whether any targeted amendments are required to address the particular circumstances of the Children's Court.

I have carefully considered your proposal that an independent mediator be appointed. While I appreciate the constructive intent behind that suggestion, I do not believe that mediation would assist in resolving the issues at this stage. The regulations underpinning the revised Scheme are currently the subject of Judicial Review proceedings to which the Law Society is a notice party and I am the respondent. The High Court is due to deliver its judgment on 13th October 2026. In those circumstances, and out of respect for the High Court, I do not consider that it would be appropriate for me to participate in such a mediation process.



In the meantime, I can assure you that I am committed to supporting the operation of the criminal justice system and that the reforms I have introduced are directed solely to that purpose. I appreciate the important role that your members play in making the criminal justice system work effectively and efficiently and the commitment they demonstrate to their clients and to the administration of justice more generally.

Finally, I want to thank you for your ongoing efforts to resolve matters and look forward to engaging with you further.

Yours sincerely,

A handwritten signature in dark ink, which appears to read 'Jim O'Callaghan'. The signature is written in a cursive style and is positioned above a horizontal line.

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