

Blunt verdict

Law Society Director General Mark Garrett has delivered a blunt verdict on the Government's proposed reforms of criminal legal aid – describing them as a cost-cutting exercise that hollows out the rule of law from within. Mark McDermott reports



There is a particular kind of steely frustration that settles over a seasoned executive when they believe an injustice is being done – not to any one client, but to an entire system. Director General Mark Garrett is in precisely that state. The

Photo: Cian Reimond

Government's proposed introduction of €455 for 'one accused, one-fee payment' for criminal legal-aid work, he says, represents not a reform, but a retreat – not a "simplification" (as officials have chosen to describe it), but a renegeing on a promise.

The current system pays solicitors €239.38 per appearance per accused, and €59.86 for each subsequent court appearance. Solicitors on the criminal legal-aid scheme carry out the vast bulk of their work in the District Court, but criminal legal-aid totals also include fees paid for work in the Circuit Court and Central Criminal Court, where higher fees apply.

The consequence, he argues, will be felt chiefly in the District Courts, where the people least able to defend themselves will find themselves without legal representation.

"It is basically a renegeing on the Government's commitment to restore legal aid to the pre-financial-crisis era," Garrett says. "Ultimately, it will drive solicitors out of practising in this area – there will be an exodus."

The proposals, recently announced by Justice Minister Jim O'Callaghan, would place what Mark Garrett characterises as effective limits on legal advice for vulnerable individuals who can't afford private representation, and who are clearly eligible for legal aid.

Highly critical

Speaking after a meeting with senior officials at the Department of Justice – convened specifically to discuss criminal legal aid – the director general is highly critical about both the content and the process.

"This seems to be designed devoid of knowledge of how the District Courts work in practice. What is being proposed here

Those who designed these proposals are completely devoid of knowledge of how the District Courts work in practice. What is being proposed here is unsustainable

is unsustainable," he says. "These proposals haven't come from any level of collaboration. We are fully aware of overdue reforms required within the criminal legal-aid system, but these proposals were not in any way discussed with the Law Society, the Bar Council, or with anybody who understands the practical workings of the District Courts. To be honest, we're at a loss to understand how the department has come up with them."

What makes the proposals particularly galling, in Garrett's view, is that the Government appears to be reproducing a model that has already demonstrably failed. A similar scheme was introduced for family law some years ago, with consequences that the Legal Aid Board itself has been candid about: specifically, difficulty with recruiting solicitors, significant funding shortfalls for private practitioner panels at District Court level, longer waiting times, and some law centres facing potential closure because of high demand and a staffing crisis.

"This is a fundamental undermining of the justice system in this country. So, it's quite shocking to think that the department would propose a scheme that, clearly, has not worked elsewhere and is only designed as a cost-cutting measure."

He is careful not to frame this solely as a lawyers' grievance. The Law Society, he insists, is raising the alarm on behalf of those who will be left without a voice: "This is about the people it will impact, right across the country."

Starved of investment

The criminal legal-aid controversy does not exist in isolation. It sits within a broader landscape of chronic underfunding that the Law Society has spent the past year attempting to document and quantify. The vehicle for this effort is the *Justice Indicators* report, published by the Law Society's Centre for Justice and Law Reform – a landmark piece of research that Garrett describes as the most comprehensive mapping of Ireland's justice system ever undertaken.

Drawing on more than 100 data sources from Ireland, Europe, and beyond, the report compares the Irish justice system against comparable jurisdictions, measuring trust, policing, courts, and prisons. The findings, in several respects, make for uncomfortable reading. Ireland has the lowest number of judges of any EU country. Per head of population, it has one of the lowest rates of court spending in Europe. The consequences are predictable and, the data now shows, measurable.

"The case-disposal time in Ireland is up to three times longer – in civil and criminal cases – than in other comparable European countries," the director general says. "What that means for people is that you're not getting your day in court as early as you should, compared with your peers in other countries. The data shows that a massive underinvestment in the courts is leading to real-life circumstances where people are not getting the justice they deserve in an acceptable timeframe.

"Per head of population,

Per head of population, Ireland has one of the lowest spending rates on courts compared with other jurisdictions and it is leading to delays that have real consequences for real people



Ireland has one of the lowest spending rates on courts compared with other jurisdictions, and this is leading to delays that have real consequences for real people," he warns.

Absence of data

The absence of data is itself a finding. There is no comparable information on how long civil cases take to complete in the District and Circuit Courts. There is no reliable data enabling Ireland's prison system to be compared meaningfully with those of other states. The majority of the report's recommendations are, accordingly, focused on building the information infrastructure that evidence-based policymaking requires. "You cannot fix what you cannot measure," Mark Garrett emphasises.

On policing, the picture is mixed. Ireland's homicide rate is considerably lower than the European average – a genuine positive. Yet the rate of reported sexual offences is more than 40% higher than the EU average – a figure that demands careful interpretation. Garrett is appropriately cautious. Greater resources dedicated to tackling sexual violence in recent years may have increased reporting rates, and historical and recent cases may not be properly disaggregated in the data. "That's what we don't know," he says. "And that is precisely why we need more data to properly analyse what is happening."

When investment works

The report is not merely a ledger of deficiencies. It also contains a proof of concept – evidence that when resources

are directed at the courts, the system responds. The Court of Appeal stands as the clearest example. Following a targeted increase in judicial capacity, case-disposal times have fallen significantly.

Mark Garrett is direct: "There has been some indication that the investment in the courts in recent years – additional judges that have been put in place – is showing through the data that it is improving the throughput of cases. That is a real indication that investment does work."

The Law Society has been calling for sustained investment across the courts system for many years. "Every stakeholder has talked about the underinvestment in the courts system in recent decades," Garrett says. "We feel it is long-overdue investment. We hope it will continue."

The ambition for the *Justice Indicators* report is that it will become an annual publication, updated and expanded each year, shaping a more mature national conversation about how justice is delivered. The Centre for Justice and Law Reform is also examining the question of 'legal deserts' – areas, particularly along the western seaboard, where the availability of solicitors is becoming critically thin – as well as broader questions around electoral integrity and constitutional law.

Supporting solicitors

If the Law Society's outward-facing agenda is dominated by advocacy and reform, its internal priorities are equally revealing. The Society has established a new Solicitor Services Department, built directly from feedback from the profession and designed to



provide tangible, practical support to solicitors throughout their careers.

The scale of existing activity gives some indication of the need. Approximately 28,000 people participated in CPD courses offered by the Law Society last year. The Society's library fielded over 4,000 legal queries from practitioners around the country. The Solicitor Services Department is intended to consolidate and expand this offering – covering professional development, career support, psychological services, networking, mentoring, and leadership development.

“We want to ensure that solicitors around the country are aware of what's available to them now, and will be in the future, to help them practise law, develop their careers, and assist them in any challenges that arise,” Garrett says.

Psychological wellbeing, he notes, is an area where Ireland is ahead of comparable bar associations internationally, a conclusion informed partly by the director general's recent participation in the American Bar Association's Bar Leaders

The data proves that an increase in judges in the superior courts has worked. The shortage of judges in the lower courts, however, has led to significant delays in case progression and throughput

Institute, where he exchanged notes with counterparts from across the United States.

Tech concerns

Technology, and artificial intelligence in particular, is a priority that runs through almost every aspect of the Law Society's plans. The organisation provided more than 28 individual CPD and training events on technology and AI for practitioners last year. Its massive open online course on AI attracted over 7,000 participants globally. In the first five months of this year alone, almost 20 events, conferences, and courses are being made available on the use of technology, AI, and cybersecurity – including a money-laundering webinar that drew 1,700 participants.


“Tech in the law is a major focus for 2026,” Mark Garrett says. The profession is acutely conscious of its exposure to cyber-threats, particularly around the handling of client funds. The Society is equally conscious that the solicitors who most need these supports – those practising in smaller firms in rural Ireland – are also those least likely to have the resources to access them independently.

It is in those rural practices that the most urgent questions about the profession's future converge. With the majority of

new traineeships concentrated in Dublin and other large urban centres, the prospect of legal deserts is not a theoretical risk, but an emerging reality.

The Law Society's response includes plans for an apprenticeship route for school-leavers who have not experienced third-level education, potentially available from 2027. This route is designed specifically to widen the access pipeline and, in doing so, to keep legal services accessible in the communities that need them most.

Whether the Society's long-term investment in access to legal training bears fruit may ultimately depend on the decisions being made right now in the Department of Justice. Mark Garrett does not hide his frustration: “This is the opposite of a collaborative process,” he says of the criminal legal-aid proposals, “and is deeply disappointing.”

The rule of law – on both sides of the Atlantic – is under pressure in ways that would have seemed unimaginable a decade ago. Ireland, he believes, should know better than to add to that pressure from within. 

Mark McDermott is editor of the Law Society Gazette.