



Oifig an Aire | Office of the Minister

Mr. Mark Garrett

By email: m.garrett@lawsociety.ie

01 May 2026

Dear Mark,

I refer to previous correspondence and to the document "*Submission on Flawed Proposals to Reform Model for Criminal Legal Aid Work in District Court*" received from the Law Society on 27 March 2026, in respect of the proposed introduction of a flat fee in the District Court.

Together with my officials, I have carefully considered the points raised and I want to thank you for the helpful submissions and ongoing engagement on reforming criminal legal aid.

As you are aware, the Department's analysis draws on comprehensive data obtained from the Courts Service, supplemented by an extensive review of District Court payment claims and direct observation by officials across a number of Courts. The analysis is based on some 350,000 cases and while there are undoubtedly cases that do not conform to the data represented, careful consideration was given to take this factor into account in the presentation of analysis.



The suggestion that the proposal misdiagnoses the causes of delay by attributing them to defence practitioners does not fully reflect the findings of the review, which specifically states that “*the frequency of adjournments is a complex matter, with many contributing factors and does not lie solely with legal practitioners*”. While delays attributable to State agencies undoubtedly arise, these factors apply equally to cases with and without criminal legal aid.

Under the revised fee structure, it is proposed that solicitors would be paid a fee per defendant, regardless of the number of appearances or the numbers of clients they represent in a day. The purpose of a set flat fee is not to cover a finite amount of appearances, but to cover all appearances, regardless of whether the case is disposed of on its first or last appearance. This is designed to simplify the administration of criminal legal aid, resulting in quicker payments to practitioners, an increase in timely case resolution and to introduce efficiencies for the courts, [An Garda Síochána](#) and the Irish Prison Service.

I also note the concerns raised in relation to constitutional rights, access to representation, and the functioning of the District Court. These considerations are fully recognised. However, the proposal does not seek to undermine such rights; rather, it aims to ensure that the system operates efficiently, sustainably, and in a manner that supports the effective administration of justice.

Concerns regarding the potential impact of a flat fee model, including comparisons with the Civil Legal Aid Scheme and the risk of an exodus of practitioners, have been considered, and I can assure you that the operation of the flat fee will be kept under regular review to ensure that accused persons continue to be represented in our courts.



The increase in the use of multiple certificates for cases heard together, the assignment of multiple solicitors to a single accused in such cases, and the increased use of counsel in District Court matters are issues that need to be addressed. The introduction of a flat fee is a proportionate reform to support a more consistent and sustainable framework for the delivery of criminal legal aid in the District Court. Accordingly, I intend to proceed with the introduction of the flat fee structure in the District Court, and to fully restore Criminal Legal Aid fees, with effect from 1 July.

I would like to thank you again for your continuous engagement on this important reform and I am aware that my officials have met with you and members of the Criminal Committee on several occasions. I would like to continue this engagement, and my office will be in touch with you to arrange a meeting, when we can further discuss the reform of criminal legal aid.

Yours sincerely,

Jim O'Callaghan

Minister for Justice, Home Affairs and Migration



**Law Society
of Ireland**

Minister Jim O'Callaghan T.D.
Minister for Justice, Home Affairs and Migration
Department of Justice
51 St. Stephen's Green
Dublin 2

14 May 2026

Dear Minister,

Thank you for your letter dated 1 May last. We appreciate you giving consideration to our submission and welcome your invitation to meet and discuss our ongoing concerns.

As a starting point for that discussion we are deeply troubled that the policy proposals are based on a report and analysis which is self-evidently incomplete and therefore unreliable. The report which proports to go through 350,000 cases points out the significant number of court adjournment but does not, and cannot, identify who requested or initiated those adjournments. This is not a good basis for evidence-based decision making.

This is information which is not currently available or collected. While in the Department's report a passing reference is made to the role of the State in seeking adjournment, the conclusions of the report lays virtually all of the blame for delays in the courts on the defendant and the defence. That bears no resemblance to the reality of a criminal case in the District Court. The reality is that adjournments are most often driven by statutory requirements and State-side delays such as disclosure, DPP directions, books of evidence, probation and restorative justice reports, interpreter availability, and judicial oversight of rehabilitation.

Meaningful reforms to the Criminal Legal Aid system are long overdue for many reasons and are supported by the Law Society. We are supportive of the objective of simplifying the administration of Criminal Legal Aid and is supportive of the introduction of effective and efficient reforms that will benefit all stakeholders within the criminal justice system.

Solicitors are committed to helping shape a structure for Criminal Legal Aid that achieves genuine efficiencies, while guaranteeing fairness for all stakeholders in the justice system, as well as protecting the rights of those facing trial. That is why the Law Society is very keen to ensure that any reforms have these intended consequences. Unfortunately, we believe the proposals, as currently structured, will not meet those objectives and will also, perhaps invertedly, undermine the legal options available to those who qualify for legal aid.

We look forward to meeting with you to discuss how we can work together to bring about real and meaningful reforms to the Criminal Legal Aid system.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mark Garrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark Garrett
Director General