

LAW SOCIETY SUBMISSION



REORGANISATION OF THE DUBLIN DISTRICT COURTS

COURTS SERVICE OF IRELAND
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ABOUT THE LAW SOCIETY OF IRELAND

The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland.

The Law Society exercises statutory functions under the Solicitors Acts 1954 to 2011 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession. It is the professional body for its solicitor members, to whom it also provides services and support.

The headquarters of the organisation are in Blackhall Place, Dublin 7.

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1. Executive Summary

1.1. The Law Society of Ireland (“the Law Society”) welcomes the opportunity to make a submission to the Courts Service regarding proposals on the reorganisation of Dublin District Courts.

1.2. In summary, the proposals are as follows:

- close the offices in Swords and Dun Laoghaire and court venues in Swords, Dun Laoghaire, Balbriggan and Tallaght
- create two new dedicated road traffic courts for Dublin, in Blanchardstown courthouse, with work re-distributed as follows: all road traffic (RTA) summons offences dealt with in Chancery Street, Swords, Balbriggan, Dun Laoghaire and Tallaght to be transferred to the proposed dedicated road traffic courts in Blanchardstown
- charge sheet criminal business and Garda summons dealt with in Swords, Balbriggan, Dun Laoghaire, Tallaght and Blanchardstown to be transferred to the Criminal Courts of Justice in Parkgate Street
- juvenile business in Blanchardstown, Dun Laoghaire and Tallaght to be transferred to the Children Court in Smithfield
- all other business currently dealt with in Swords, Balbriggan, Dun Laoghaire and Tallaght to be distributed among existing civil/family law courts in the city centre
- criminal charge sheets from Blanchardstown court to be transferred to the Criminal Courts of Justice (CCJ).

1.3. These proposals will affect a direct catchment population of more than 866,000 and would mean no court venue between Bray and the north bank of the Liffey. The projected population growth for Greater Dublin by 2021 far outstrips the national rate. Citizens have an expectation that the justice system will operate in close proximity to their communities.

1.4. Under the Constitution, it is the responsibility of the State to provide courts of limited and local jurisdiction to the citizens of Ireland; however, the proposed rationalisation of the Dublin suburban District Courts has gone beyond what is sensible and justified and poses a threat to the very fabric of the justice system.

1.5. The proposed court closures are being driven solely by economic considerations in order to make short-term savings with no meaningful consideration being given to the greater overall impact these closures will have on our justice system.

1.6. The Law Society considers that a broader analysis of the potential social and economic consequences of the proposed closures is essential. Even a cursory consideration of the issue leaves no doubt as to the numerous challenges which could arise for court users and

the community: for example, the court closures will obviously increase travel time, and cause significant disruption for court users, they will increase costs for individuals and organisations (An Garda Síochána, local authorities, social workers, probation officers, HSE staff, solicitors, etc), undermine community justice, lead to a loss of valuable local knowledge of the community, adversely impact local businesses, and result in a restriction of access to justice.

- 1.7. The Courts Service Review ('the Review') rationale places little or no emphasis on the wider non-quantifiable benefits associated with the current Dublin District Court structure, such as regard for our justice system, local policing and supports it provides for other stakeholders.
- 1.8. The challenge of rationalising courts administration presents an opportunity for the Courts Service to take leadership in respect of electronic services both for the public and court users, while retaining a local presence and assisting to meet increasing demand.
- 1.9. The Courts Service is a frontline, core public-facing service. Developing justice policy (such as the Community Sanctions Bill), and commitments to local communities, must be considered in tandem with the structuring of the courts.
- 1.10. The Law Society urges the Government to carry out and publish a comprehensive and independent cost benefit analysis addressing the factors and benchmarks identified at Section 6 of this submission. This must be done in advance of any decision on the proposed court closures.
- 1.11. In 2011, a total of 46,292 criminal offences were committed within the affected Dublin District Courts' catchment, which represents one-fifth (19%) of the entire number committed in the State. The proposal is to transfer charge sheet criminal business from five existing courts into the one central facility which is already serving a considerable level of business.
- 1.12. The public transport arrangements connecting some areas represent a barrier for many citizens accessing and responding to court summonses and other court business. For those with young families who may not have childcare facilities or the resources available, this represents a further burden.
- 1.13. For many, public transport to a central facility is not an option (due to mobility and other reasons). Taxi costs (where no private car is available) will be a significant portion of a person's income (in some cases in excess of the weekly social welfare payment). Accordingly, court closures represent a penalty on those who may need the courts assistance the most and may compound personal circumstances.
- 1.14. The existing court facilities and their presence are well embedded in the communities they serve, as evidenced by the close proximity of the Probation Services and other restorative and juvenile supports. Dislocating the courts is likely to damage this cohesion.
- 1.15. For many business owners already struggling to maintain margins, the requirement to attend at a central facility is not viable (costs, opportunity costs, time, staffing). This may be a signal to local criminals that their actions – in the main - will go unprosecuted.

- 1.16. Current issues regarding excess capacity in the CCJ may not apply in the coming years due to changes in population, changing offence rates and a broadening jurisdiction. Seeking to reopen suburban courts in a number of years may prove necessary and expensive.
- 1.17. It is evident that each catchment area has its own priorities (e.g. social deprivation, distance from proposed centralised facilities etc.). Accordingly, it is important to consider each court and its local inhabitants on their own merits.
- 1.18. Between 2007 and 2013, annual net expenditure on the Courts Service Vote has been cut by over €41m, representing a reduction of 42%. Capital investment in Courthouse facilities in the same period has fallen by 90% (€23m). Within the Justice Group Vote, net public expenditure on the Courts Service has experienced the most dramatic cut in investment (-42%) from its 2007 base.
- 1.19. The Law Society accepts that the Courts Service is under increasing financial pressure, and commends the consistently excellent service that is nonetheless provided; however, the unintended but unavoidable socio-economic consequences which will be caused by the proposed court closures must be recognised and addressed.
- 1.20. The Courts Service must be adequately resourced by the Government and all other efficiency reforms must be explored fully as viable alternatives to centralising much of the courts' business.

2. Broader policy considerations

- 2.1. The policy rationale for the court closures, as identified by the Courts Service, includes the need to further rationalise operational expenditure and human resourcing, anticipate increased demand for court services due to changes in jurisdiction and functions and the need to optimise existing capacity to avoid further investment.
- 2.2. In balancing these challenges, the Law Society believes that equal attention must be given to the following:
 - Broader social and population considerations
 - Access to justice and impact on the service and its users
 - Alternative efficiency reforms.
- 2.3. The Law Society considers that crucial policy considerations are being overlooked in the haste to make immediate (though limited) economic savings. The focus point of the discussions surrounding court closures has been the potential 'organisational' savings to be produced for the Courts Service.
- 2.4. In taking this narrow view of the issue, it can be agreed that the court closures will result in some savings in operational costs for the Courts Service. However, looking only at the

immediate or short-term economic effects of these proposals is extremely short-sighted as it fails to make any allowance for the overall needs of our justice system and of society.

- 2.5. By undertaking a more comprehensive evaluation of the issue of court closures, it becomes clear that extensive societal repercussions will be brought about by further sweeping cutbacks to the operation of the Courts Service; for example, it will lead to
 - a restriction of access to justice for citizens,
 - delays in the administration of justice,
 - excessive specialisation of certain courts leading to a rigidity of available court resources,
 - a loss of local knowledge,
 - an undermining of community justice,
 - the disenfranchisement of citizens from the justice system, and
 - it will also affect local employment and local businesses.
- 2.6. The adverse consequences of these court closures must be acknowledged, as it is clear that there are a range of socio-economic factors inherently linked to local court closures. Once these courts are closed, there won't be a 'quick-fix' solution for the socio-economic issues which result – it is critical that these issues be considered now.
- 2.7. As a result, the Law Society believes that any assessment of the impact or practicality of the proposed closures cannot be undertaken in complete isolation from broader societal concerns, as to isolate the issue in this way inevitably leads to a myopic cost-cutting exercise with the sole aim of facilitating cheaper management of the Courts Service.
- 2.8. The true context of these proposals is their potential impact on the overall operation and structure of the courts within our justice system. Our justice system must facilitate and protect the right of access to justice for all citizens through a well-resourced and balanced courts system.
- 2.9. How can a justice system serve its citizens if they cannot afford the time or cost of travel to court, if they do not wish to travel using the same public transport that witnesses or opposing parties will also have to use, or if they feel disenfranchised due to the lack of any community or local justice system? The greater responsibility in preserving court access does not just begin on the steps of the courthouse.
- 2.10. For those members of the community whose access to public transport is limited (by reason of cost, physical mobility etc), the challenge of travelling to the proposed centralised facilities will be considerable. For example, travelling from Dun Laoghaire to Blanchardstown creates a burden (particularly for those less well off) that cannot be ignored in the overall assessment of court closures.
- 2.11. The increasing trend of shutting down local courts undermines the process of justice as a whole by effectively frustrating and distancing community justice, and thereby restricting the right of access to justice.

2.12. The following paragraph is taken from the Review (page 8), and sets out precisely the rationale for retaining juvenile cases at local levels and against centralising to Dublin City Centre.

“In response to requests from the Irish Probation Services, the Irish Youth Justice Service and An Garda Síochána, juvenile lists have been established in Tallaght and Blanchardstown and more recently in Dun Laoghaire. Their location in these facilities is so as:

- To minimise the time a child is away from school and other venues
- To encourage the attendance of parents/guardians at hearings
- To facilitate involvement in restorative justice and other dedicated probation service programmes
- To avoid the Smithfield venue becoming a location where the congregation of troubled young people in one location exacerbates behaviour.”

2.13. In light of the Children’s Referendum, the voice of the child will be required in family law proceedings. This is likely to increase the length of cases and reliance on courts facilities, in addition to presenting challenges to maintaining waiting times. The Review (page 8) concedes that this is an argument in favour of retaining family law matters in Balbriggan and Swords.

2.14. It is conceded (page 6) that, for people from Swords and Balbriggan attending appeals in Phoenix House “they find it hard to get” to Phoenix House. In circumstances where all family district court business from these locations will be transferred, this experience will no doubt be replicated for all family law parties in Swords, Balbriggan, Dun Laoghaire, and not just appeals.

2.15. Chief Justice Susan Denham, launching the FLAC 2013 Annual Report, noted that ‘the law relating to children and families is a most important area of the legal system’, and proceeded to quote a Justice of the Supreme Court of Canada:

“Family law is the legal system’s metaphor, the crucible with which so much else in law intersects. It is also, because it is the area of law by means of which most people will come into contact with it, the area by which the legal system will be judged by most people”.

3. The restriction of access to justice

3.1. The closure of these local courts will result in the centralisation of a large variety of legal matters from a range of disparate locations in Dublin to three principal areas; that of Blanchardstown, Parkgate Street and Smithfield.

3.2. This narrowing of the available court resources will affect the perception of the accessibility of the justice system.

- 3.3. It is also clear that the increased travel times and associated transport costs due to this centralisation of courts will most often affect the economically and socially marginalised in our society. It must be remembered that often the most vulnerable members of our society are involved in court proceedings, particularly at District Court level given the broad spectrum of legal matters dealt with or commenced in the District Court. The result of the increased travel costs to this small number of centralised courts will affect those who can least afford it as well as those who are already in great distress.
- 3.4. The practical impact of this change in structure will be that access to justice for many communities will now also require access to private or public transport across the city and county. It is imperative that citizens' access to the justice system is unimpeded. Requiring people to travel further distances at greater expense will, as a matter of course, have an impact upon their ability to access justice.
- 3.5. Access to local courts must be facilitated in a manner which can meet the reasonable needs of all citizens, because the fundamental standard underpinning any justice system must be a commitment to do so. Rights become meaningless without reasonable access to the legal system.
- 3.6. The Law Society's submission is underscored by the key principle of access to justice, and consideration of impediments thereto. In this regard, Lord Neuberger, President of the Supreme Court of the United Kingdom has described - and endorsed by Chief Justice Susan Denham - the components of access to justice as including accessible courts, an effective legal process and most importantly affordable justice.
- 3.7. As underlined further in our submission, issues of cost, physical proximity and the particular characteristics pertaining to each of the District Court catchment areas must be taken into account when assessing the 'access to justice' benchmark.

4. The impact on professional court users

- 4.1. Professional court users, such as members of An Garda Síochána, staff of local authorities, social workers, probation officers, HSE staff and solicitors, will have to spend a greater amount of time travelling to these locations from the local areas they serve, thus depriving these areas of their services for prolonged periods of time. This will come at considerable expense to the communities they serve, both economically and socially.
- 4.2. Local authorities and other State agencies will also see an increase in their costs as their staff will have to travel further distances to attend court due to the proposed closures and be out of the office and unavailable for work for longer periods of time - ultimately creating an additional cost to be borne by the taxpayer.
- 4.3. There is also the likelihood that daily court business will increase given that (as there are greater distances to travel, particularly for those who may not be able to afford or manage

such travel) there will be an increase in those who fail to attend court when required, and therefore an increase in warrants for arrest and a greater difficulty in the courts managing their daily case lists. This will increase the already substantial workload on court staff.

- 4.4. The possibility also exists that 'centralised' courts will become excessively specialised to the point that there will be rigidity in resources available within the Courts Service, thus preventing the transfer of staff or judges between other courts where this expertise will still be needed.
- 4.5. According to the Review (page 7), separate proposals have been submitted to the President of the District Court on efficiencies that can be achieved with the current number of courts and sittings at the CCJ. It is vital, so that stakeholders may validly assess all options, that such proposals be published.
- 4.6. The Review notes that changing court arrangements could have a knock-on impact on other key stakeholders, including State Agencies, and suggests that, therefore, it is taking a 'whole of Government' perspective when reaching conclusions and recommending actions (page 4).
- 4.7. Disappointingly, there is no reference within the long list of consulted stakeholders to the following agencies being consulted on behalf of their key user groups:
 - The Health Service Executive
 - Tusla - Child and Family Agency
 - Local Drug Task Forces
 - Department of Social Welfare
 - Pobal
 - Irish Naturalisation and Immigration Services
 - Irish Association of Social Workers

5. Impact on local communities

- 5.1. One of the most obvious long-term consequences of the court closures will be the impact on the extensive local communities affected. The closure of these courts will result in a greater sense of dislocation and disenfranchisement amongst the communities in these areas. The perception of justice is an important aspect of the justice system. Justice must be 'seen to be done'. Local courts provide this vital link between community participation in justice and public decision-making and the functioning of the 'national' justice system; for example, through jury duty, public hearings, and local media presence reporting on cases before the District Court.

- 5.2. The public perception of the justice system forms a crucial element in its successful functioning and in citizens' confidence in the system. Closing so many local courts will reduce the visibility of the justice system in operation in local areas and their surrounding environs, as well as obviously greatly affecting its accessibility.
- 5.3. Ideally, courts should be both public and local to the greatest extent possible, as this allows the local community to personally invest in the operation of the justice system and, as a result, it engenders public confidence in the fairness and accessibility of the justice system as a whole.
- 5.4. In economic terms, the proposal to close yet further local courts will undoubtedly have a knock-on effect on local employment and businesses. Small businesses rely on the trade generated by the regular influx of those attending court throughout the year.
- 5.5. There are numerous other unquantifiable benefits attached to the maintenance of local courthouses, which certainly warrant protection given their positive impact on society generally. One such invaluable benefit is the vital resource of local knowledge of a community; the first-hand familiarity and understanding of the community by those who serve it within the framework of the justice system – i.e. members of the local Gardaí, local solicitors, staff of local authorities and local court offices, and the District Judges.
- 5.6. This local knowledge is critical in serving as a type of early warning system in terms of crime detection and enforcement – it enables members of the local Gardaí and others in the area to be aware of any potential criminal activity posing a risk to the community - equally, it facilitates a better and more precise response to community needs.
- 5.7. In light of the fact that the proposed court closures will result in members of An Garda Síochána having to spend a great deal of time getting to and from court, local areas face a greatly reduced Garda presence for prolonged periods of time, a trend which raises obvious safety and policing concerns for the affected areas.
- 5.8. Regarding the day-to-day operation of the courts in these local areas, well-established professional relationships and informal contacts based on local knowledge of those working and living in the area go a long way towards assisting with the management of cases in the courts system. Closing local courts and their offices effectively eradicates this kind of local knowledge and informal network, to the detriment of the efficient running of the courts system.
- 5.9. It should be noted that the summonses of the type issued by the Garda Traffic Department (non-intercept safety camera prosecutions) take less of a court's time than would be the case for other charges (page 10). Accordingly, if the RTA proposals are implemented, court users would be compelled to incur significant costs and time to attend court for such brief periods. Court users are likely to adopt a negative and frustrated view of the justice system in these circumstances.

5.10. For many business owners already struggling to maintain margins, the requirement to attend at a central facility is not viable (costs, opportunity costs, time, staffing). This may be a signal to local criminals that their actions – in the main - will go unprosecuted.

6. Parallels with the postal network

6.1. The network structure and public service aspect of the system of local courts is analogous to the postal service and network of post offices. In a 2012 *Review of the Post Office Network in Ireland* (Grant Thornton), a cost benefit analysis was considered. The issues and factors highlighted apply to the proposed reorganisation of the Dublin District Courts.

6.2. Critical features of the cost benefit analysis that were identified included:

- That it should take a broad economic and societal perspective, rather than solely an organisational perspective
- That it should attempt to place a value on all costs and benefits
- That benefits should include all socio-economic benefits, not only narrowly defined financial or economic benefits, and
- It should include costs and benefits not normally captured within conventional financial appraisals.

6.3. Court closures or their retention/adaption must be measured against a number of benchmarks, none of which have been published to our knowledge. These are:

- Direct Benefits & Direct Costs
- Indirect Benefits & Indirect Costs
- Demand Projections
- Time frame
- Qualitative Factors/Impacts – Non quantifiable
 - o Public service focus on front line services
 - o Regard for rule of law, justice system, Garda Síochána/local policing
 - o Sustainability of the courts service network
 - o Social importance of the courts service network
 - o Benefits of network to businesses and civil society
 - o Financial inclusion
 - o Access to transport

6.4. The Joint Oireachtas Committee on Transport and Communications' *Report on Promoting a Sustainable Future for the Post Office Network* also emphasized the social benefit of providing services at a community level.

6.5. The Law Society believes that the Courts Service rationale places a disproportionate focus on the costs of the current court configuration and little emphasis on the wider non-quantifiable benefits, such as regard for the justice system, local policing and supports for other stakeholders.

6.6. The Law Society urges the Government to carry out and publish a comprehensive and independent cost benefit analysis addressing the factors and benchmarks identified at 6.2 and 6.3 above. This must be done in advance of any decision on the proposed court closures.

7. Planning for future demand

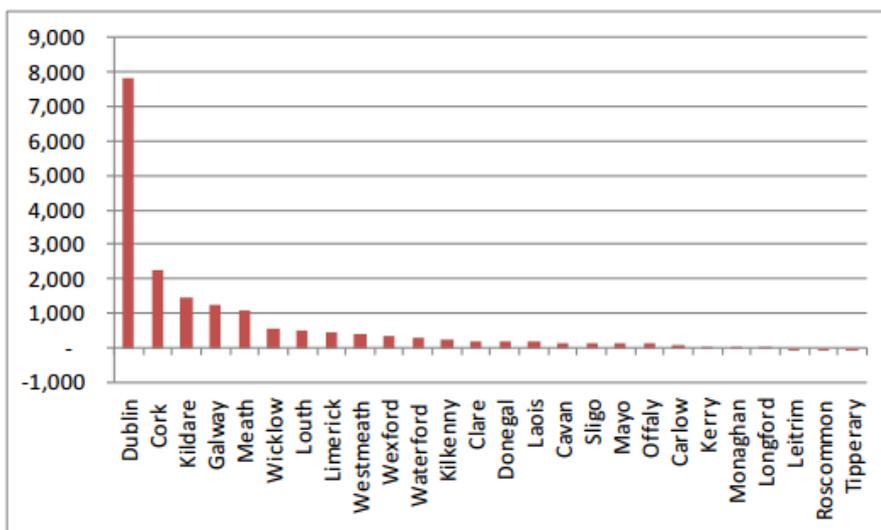
7.1. The Courts Service, in its correspondence to stakeholders, references the “anticipated increasing workload and demands over the next 3 years” as one of the factors requiring the reconfiguration.

7.2. Further, within the document, the challenges which the organisation will face “during the foreseeable future” are outlined. Finally, the correspondence states that “Courts Service management considers that these proposals as outlined will enable us to address the challenges being faced in the short to medium term”.

7.3. The Law Society supports a longer-term vision for the courts system, based on future likely demand, as a factor of population projections, broadening function of court facilities and provision for jurisdictional changes. An anticipated increase in demand has been relied upon by the Service as a reason for closures. The Society does not agree with this rationale and believes that anticipated increased demand in the Dublin area supports the retention of suburban District Courts, rather than their closure.

7.4. The ESRI predicts that, between 2011 and 2021, there will be an annual increase of approximately 8,000 households in County Dublin, significantly outstripping all other counties in the State.

Figure 1: Estimated Annual average increase in the Number of Households 2011 - 2021



Source: Economic and Social Research Institute (2014)

7.5. The Central Statistics Office projects the population growth rate for both Greater Dublin and Dublin County to be higher than the overall rate for the State. The data confirms that the population in the Greater Dublin area is set to increase by 9.9% by 2021 and by 16.3% in 2026.

Figure 2: Actual and Projected Population (Thousand) by Criteria for Projection, Regional Authority and Year

	2011	2021	% Change '11 / '21	2026	% Change '11 / '26
State	4,575	4,876	+ 6.6%	5,044	+ 9.8%
Dublin	1,262	1,373	+ 8.8%	1,448	+ 14.7%
Greater Dublin Area	1,795	1,973	+ 9.9%	2,087	+16.3%

Source: CSO (2014) (Method: M2F2 Traditional)

7.6. In addition to population growth, the following changes to jurisdiction and functions are likely to create capacity issues at the Criminal Courts of Justice and other central facilities:

- The increase in the financial thresholds for debt claims from €6,348 to €15,000 in the District Court and from €38,092 to €75,000 in the Circuit Court.
- The increase in the financial thresholds for personal injury claims from €6,348 to €15,000 in the District Court and from €38,092 to €60,000 in the Circuit Court.
- The appointment of Specialist Judges as a result of the new Personal Insolvency regime.
- The Assisted Decision-Making Bill which, when enacted, will confer on the Circuit Court responsibilities previously handled by the Wards of Court Office.
- The new Examinership regime for small and medium-sized enterprises following the enactment of the Companies Act.

7.7. Based on future demand, the Criminal Courts of Justice and other central facilities are likely to have reached capacity in a short number of years. Planning for future demand must take account of the long-term efficiencies of a courts system that can serve main population centres.

8. Assessing Dublin District Courts

Dun Laoghaire

Business: Civil, Juvenile, Custody, Summary.

Garda Station	Garda Sub-district population	Total Offences Committed % Change 2003 - 2011	Total Criminal Offences Committed in 2011
Blackrock	31,978	-2%	1,453
Bray	30,821	+36.5%	2,744
Cabinteely	32,754	+0.9%	1,088
Kill O'Grange (closed 2012)		+12.4%	783
Dun Laoghaire	67,614	-17%	1,426
Dalkey (closed 2012)		-13.2%	500
Dundrum	65,678	+34.8%	2,280
Stepaside (closed 2012)		+35.9%	820
Enniskerry	3,540	+21.2%	203
Greystones	22,637	-4.4%	880
Shankill	22,694	+1.8%	1,142
Total	277,716		13,319 (+10%)

Source: CSO (Small Area Population Statistics) & All Irish Research Observatory (Maynooth)

- The existing District Court in Dun Laoghaire serves a population in excess of a quarter of a million (277,716), which is more than Counties Kerry (7 District Court areas) and Limerick (4 District Court areas) combined.
- In 2011, a total of 13,319 offences were committed within the Dun Laoghaire District Court catchment area. Currently supporting 9 Garda stations, the Court will no longer act as a locally based 'listening post', particularly on juvenile and public order issues.
- Particularly in the area of child and family law, compelling families to attend in the city centre, away from support networks and schools will have a compounding and detrimental impact on their lives and their view of the justice system.
- The Review fails to outline the distance to be travelled to Blanchardstown. If travelling from Dun Laoghaire to Blanchardstown, a roundtrip by taxi is likely to cost in the region of €100 and take circa 4 hours by public bus.

From Kilmacanogue (Bray), to Blanchardstown (roundtrip)

Distance: 72km

Taxi Cost: €103.20 – €122.80

Time by car: 1hr

Time by Public Bus: 4hr 40min

Bus Cost: €12.20

From Greystones to Blanchardstown: (roundtrip)

Distance: 90.6km

Taxi Cost: €122.40 - €148

Time by car: 1hr 15mins

Time by Public Bus: 4hr 12min

Bus Cost: €16.90

Tallaght

Business: Juvenile, Custody, Summary.

Garda Station	Garda Sub-district population	Total Offences Committed	Total Criminal Offences Committed in 2011
		% Change 2003 - 2011	
Rathfarnham	61,731	-10%	2,210
Tallaght	76,412	+ 3.5%	5,112
Total	138,143		7,322 (-1%)

Source: CSO (Small Area Population Statistics) & All Irish Research Observatory (Maynooth)

- Despite little change between 2003 and 2011, the number of offences committed in 2011 represents in excess of the outturn for County Louth in the same year (7,192).
- Tallaght Garda Station represents the busiest Garda sub-districts of the stations listed (bar Blanchardstown). Accordingly, the need for Gardaí to be available and accessible to their catchment area is vital. Centralising their attendance to either the CCJ or Blanchardstown only serves to deprive an already over-extended catchment area.
- The Review concedes that Tallaght court “costs a very small proportion of the total available budget” and that it “serves a large catchment area for the county”.
- Centralising criminal and juvenile business to the CCJ, Children’s Court and Chancery Street is likely to result in young offenders congregating and developing networks in the City Centre. This is likely to impact on the effectiveness of locally-based Probation Services.
- The Department of Justice confirmed, in response to a Parliamentary Question in November 2012, that 1,186 Bench Warrants remained outstanding for Tallaght. The Review states that 604 bench warrants were issued in 2012. As is also conceded within the Review, local enforcement working alongside a local judiciary gives rise to efficiencies that a centralised system could not produce.
- Much of the catchment area of Tallaght District Court is classified as disadvantaged with citizens highly reliant on local public services. It is vital that particular supports and attention is paid to these communities.
- There are no direct buses connecting Tallaght and Blanchardstown, with users required to walk from Dame Street to Essex Quay for a final connecting bus. For users with young families, mobility and access issues, this is a significant barrier.

From Tallaght to Blanchardstown (roundtrip)

Distance: 34km

Taxi Cost: €37 – €50.40

Time by car: 50mins

Time by Public Bus: 3hrs

Bus Cost: €12.20

Swords

Business: Civil, Juvenile, Custody, Summary.

Garda Station	Garda Sub-district population	Total Offences Committed	Total Criminal Offences Committed in 2011
		% Change 2003 – 2011	
Malahide	31,892	+13.1%	1,289
Swords	49,149	+18.5%	2,543
Ashbourne	24,582	+47.5%	975
Total	105,623		4,807 (+22%)

Source: CSO (Small Area Population Statistics) & All Irish Research Observatory (Maynooth)

- The Review confirms, that between 2011 and 2012, there was an increase in applications for the following Court Orders:
 - 138% increase in applications for Protection Orders,
 - 100% increase in applications for Safety Orders,
 - 100% increase in Barring Orders and
 - 108% increase in applications for Maintenance Orders.

Clearly there is a strong family dimension to court users.

- The CSO data confirms that the largest proportion of families in the Swords district are those with children between pre-school and adolescence. Compelling family members to attend central locations in Dublin city, where childcare might not be accessible or affordable represents a burden (cost and time) that could be lessened by a local court.
- Waiting times in Dolphin House for family law matters are currently overstretched. In addition, once ratified, the Children's Referendum will place the onus on courts to hear the voice of the child in proceedings, which will lengthen proceedings. The Review concedes that "this is a barrier to moving the family law business from Balbriggan and Swords".
- As noted previously, the direct and indirect costs for business owners to attend at the central facilities is a disincentive in prosecuting theft, robbery, damage etc. This will create a perverse signal in the locality that criminality will remain unprosecuted.
- The Review highlights the connectivity between Swords and the CCJ, but fails to detail how court users might access Blanchardstown facilities.

From Donabate to Blanchardstown (roundtrip)

Distance: 49km	Taxi Cost: €60.80 – €75.60	
Time by car: 43mins	Time by Public Bus: 3hr 50mins	Bus Cost: €17.40

Balbriggan

Business: Civil, Juvenile, Custody, Summary.

Garda Station	Garda Sub-district population	Total Offences Committed % Change 2003 - 2011	Total Criminal Offences Committed in 2011
Balbriggan	24,042	+64.2%	1,486
Garristown	3,686	+55.8%	104
Lusk	18,280	+65.1%	413
Rush (closed in 2012)		+41.9%	320
Skerries	11,411	+30.5%	407
Total	57,419		2,730 (+55%)

Source: CSO (Small Area Population Statistics) & All Irish Research Observatory (Maynooth)

- The total offences committed and recorded between 2003 and 2011, in the Balbriggan District Court Catchment area increased by 55%. Some sub-districts experienced an increase of almost two-thirds (Balbriggan and Lusk).
- The Review confirms that the facility is in State ownership and has identified an annual operating cost of just €11,140, representing just 19 cent per inhabitant in the catchment area, per annum.
- Waiting times in Dolphin House for family law matters are currently overstretched. In addition, once ratified, the Children's Referendum will place the onus on courts to hear the voice of the child in proceedings, which will lengthen proceedings. The Review concedes that "this is a barrier to moving the family law business from Balbriggan and Swords".
- The Review concedes the challenge for those from Swords and Balbriggan attending family law matters in the city centre. The following transport arrangements and costs should be borne in mind in the case of families, elderly guardians and others attending proceedings.
- Public transport connection between Garristown Garda Station and Blanchardstown involves walking and connecting to at least two buses. The most direct service (103/189A) leaves every 2 hours. A round trip is likely to take almost 3 hours by public transport.
- From Balbriggan to Blanchardstown by public transport can include three bus connections, and involves walking (which may not be possible for some users).

From Balbriggan to Blanchardstown (roundtrip)

Distance: 70.6km

Taxi Cost: €96.40 - €118.00

Time by car: 1hr 20mins

Time by Public Bus: 3hr 55mins

Bus Cost: €19.20

Blanchardstown

Business: Civil, Juvenile, Custody, Summary.

Garda Station	Garda Sub-district population	Total Offences Committed	Total Offences Committed in 2011
		% Change 2003 - 2011	
Blanchardstown	98,078	+35.3%	5,767
Lucan	34,769	-5.9%	1,700
Ronanstown	32,361	+20.8%	2,629
Clondalkin	32,389	+14.3%	2,645
Rathcoole	11,646	+14.4%	617
Celbridge	21,696	+29.8%	903
Leixlip	15,682	-63.3%	627
Finglas	41,045	+32.6%	3,226
Total	287,666		18,114 (+14%)

Source: CSO (Small Area Population Statistics) & All Irish Research Observatory (Maynooth)

- The Department of Justice confirmed, in response to a Parliamentary Question in November 2012, that the following 1,458 Bench Warrants remained outstanding for the following Garda districts within the Dublin Metropolitan Region (DMR):
 - Blanchardstown – 1,014
 - Lucan – 249
 - Clondalkin – 195
- The Review states that, for the Blanchardstown Court venue, 267 Bench Warrants were issued in 2012. As the Review notes, “a high percentage of bench warrants issued in suburban courts are for local people, which further enhances efficiencies” where they are issued locally.
- The proposal to move juvenile and charge sheet criminal business to the City Centre provides an opportunity for already vulnerable users to mix and influence each other as a peer group, thus compounding and increasing the wider societal costs of crime.
- The Review concedes that Blanchardstown’s “facilities are excellent” and “state of the art”. It would be of assistance, in order to fairly assess the policy options, if the Courts Service could indicate what ICT investment will be required in order to handle all RTA business transferring to Blanchardstown.
- The Courts Service proposes to maintain family law business in Blanchardstown. It would be most helpful if the rationale for this policy was disclosed, and in particular how it differs from the other proposed closures.

9. Possible further efficiencies and reforms

- 9.1. Consideration of other effective or less invasive measures must be exhausted prior to the proposed reconfiguration. While the Law Society recognises the objective being pursued by the Courts Service, a number of other procedural measures should be explored further.
- 9.2. The Courts Service Annual Report lists a number of electronic initiatives. It is the Law Society's view that a reasonable investment in ICT facilities and public/practitioner online services would accrue long-term savings for the Service while protecting frontline services for users. Measures include:
 - Video viewing facilities
 - Video conferencing facilities
 - Video link between the Courts Service and the Prison Service
 - Digital Audio Recording.
- 9.3. *The Report of the Working Group on Efficiency Measures in the Criminal Justice System* (November 2012), in its recommendations to both the District and Circuit Court, endorsed a number of pilot initiatives, including the following measures:
 - Video links between legal practitioners and clients
 - Video links for 'mentions'.
- 9.4. The Government's eGovernment Strategy (*Supporting Public Sector Reform – eGovernment 2012 – 2015*) contains a number of actions that could be fully implemented as an alternative to any court closure proposals.
- 9.5. An increased cross-agency approach to electronic services, such as the Criminal Justice Interoperability Project, could be prioritised (where court summons applications between the Courts Service and the Garda Síochána and all subsequent court documentation including schedules, outcomes, bails and warrants are supported).
- 9.6. Other actions within the strategy include:
 - Electronic collaboration
 - Incentivise eServices
 - Interoperable eServices.
- 9.7. The challenge of rationalising courts administration presents an opportunity for the Courts Service to take leadership in respect of electronic services both for the public and court users, while retaining a local presence and also assisting in meeting increased demand.
- 9.8. A key aspect of the *Working Group on Efficiency* measures referenced above was to ensure that measures that give rise to savings for one agency do not give rise to increased costs elsewhere in the system.
- 9.9. The Law Society has concerns that court closures could diminish the effectiveness of other justice initiatives, such as developments in restorative justice and community courts.

- 9.10. Because of the location of probation and other rehabilitation services close to existing District Courts, the Law Society is also concerned that the opportunity of providing a comprehensive and community-based rehabilitation service will be compromised by the closure of these courts. This is likely to lead to a reduction in completion rates for programmes and a fragmentation in the provision of care between State agencies and civil society groups.
- 9.11. The Joint Committee on Justice, Defence and Equality, in its report on Community Courts (July 2014) recommended, *inter alia*, that community courts can only be successful with a strong commitment to community engagement and collaboration between various agencies.
- 9.12. Accordingly, wider justice policy (such as the Community Sanctions Bill), and commitments to local communities, must be considered in tandem with the structuring of local courts.

10. Investment in the Courts Service

- 10.1. Between 2007 and 2013, annual net expenditure on the Courts Service Vote has been cut by over €41m, representing a reduction of 42%. Capital investment in Courthouse facilities in the same period has fallen by 90% (€23m).
- 10.2. Table 1 (at Appendix 1) also confirms that, as a proportion of total net expenditure, capital expenditure on courthouse facilities has fallen from a quarter (26%) to just 4%.
- 10.3. The Justice Group Vote is comprised of the following voted headings:
- Courts Service
 - Garda Síochána
 - Justice and Equality
 - Prisons
 - Property Registration Authority
- 10.4. Table 2 (at Appendix 1) confirms that, of all the above headings, the Courts Service has experienced the most dramatic cut in investment (-42%) from its 2007 base.
- 10.5. According to the OECD, Ireland has one of the lowest levels of investment in court services, as a proportion of GDP. In *The Economics of Civil Justice* (August 2013), the OECD/European Commission data confirms that Ireland spends only 0.1% of GDP on the courts, considerably less than the Netherlands and New Zealand.
- 10.6. OECD and European Commission data also confirms that the State's ongoing investment in courts operations (12.1%) is one of the lowest and significantly below the average of common law jurisdictions (17.3%).

10.7. The Courts Service is a frontline, core public-facing service. Ongoing reductions in funding are undoubtedly going to damage the delivery of services at a local level and have a detrimental effect on the regard for our justice system.

11. Conclusion

- 11.1. In spite of any savings that might be made for the Courts Service, the closures will give rise to a greater long-term economic and social cost for the public, local authorities and court users.
- 11.2. Wider engagement with the local authorities, community groups and other concerned parties must be facilitated to explore the extent of the unintended economic costs of such court closures.
- 11.3. While some savings may be made by these proposed closures, there will certainly be other costs which will ultimately be absorbed and suffered by the local communities and the general public.
- 11.4. The Law Society accepts that the Courts Service is under increasing financial pressure, and commends the consistently excellent service which it nonetheless provides; however, the unintended but unavoidable socio-economic consequences and indirect costs that will be arise by the proposed court closures must be identified and addressed.
- 11.5. An adequate level of investment is required to ensure that the visibility and effectiveness of the network of court offices is maintained. Increased capital and ICT investment in the courts system is likely to give rise to wider efficiencies and economic advantage to communities.
- 11.6. The Law Society recommends that alternative efficiency measures be explored fully in advance of any decision on court closure.
- 11.7. Finally, the Law Society urges the Government to carry out and publish a comprehensive and independent cost benefit analysis addressing relevant factors and benchmarks. This must be done in advance of any decision on the proposed court closures.

Appendix 1

Table 1: Courts Service Expenditure 2007 – 2013

Table 1: Courts Service expenditure trends 2007 - 2013 ('000)

	2007	2008	2009	2010	2011	2012	2013	% Change '07/'13	Cut €m
Total net expenditure	98,953	99,020	74,414	98,147	62,639	59,156	57,811	-42%	(41.1m)
Courthouse capital expenditure	25,477	25,290	20,427	17,272	4,679	2,309	2,505	-90%	(22.9m)
Courthouse maintenance	11,777	12,991	10,348	8,565	8,172	7,290	7,359	-38%	(4.4m)
Cap. expend/net	26%	26%	27%	18%	7%	4%	4%		

Source: Courts Service Annual Reports, 2008 - 2013

Table 2: Total net expenditure: Justice Group Vote 2007 - 2013

	2007	2008	2009	2010	2011	2012	2013	% Change
Courts Service	98,953	99,020	74,414	98,147	62,639	59,156	57,811	-42%
Garda Siochana	1,433,604	1,565,277	1,507,746	1,397,638	1,437,247	1,332,503	1,321,634	-8%
Justice and Equality	441,814	476,719	427,180	367,763	350,424	305,139	295,657	-33%
Prisons	372,101	402,318	357,827	317,109	330,149	316,805	304,964	-18%
Property Registration Authority	41,505	46,216	40,198	34,999	31,483	30,967	29,355	-29%
Justice Group Total	2,387,977	2,589,550	2,407,365	2,215,656	2,211,942	2,044,570	2,009,421	-16%

Source: Department of Public Expenditure and Reform

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