



gazette

LAW SOCIETY

June 2025



Let slip the dogs of law

Is the law on dogs chasing its tail?

PLUS: • Survey of the profession • Defect claims and multi-unit developments •
Recent judgment on personal-injury awards



€4 JUNE 2025



navigating your interactive

gazette
LAW SOCIETY



PREVIOUS
PAGE



CONTENTS
PAGE



NEXT
PAGE

... enjoy

IMPORTANT NOTICE FOR ONLINE READERS

In order to enhance your enjoyment of the online, interactive version of the *Gazette*, readers are strongly advised to download the magazine first to their computer or device.

Prior to downloading the *Gazette*, make sure that you are using the most up-to-date versions of your favourite browser.

IMPORTANT NOTE ON PAGE VIEW

If you are reading the downloaded PDF in two-page view, ensure that you uncheck the 'Show cover in two page view' option. This can be found in the 'Page display' option under the 'View' tab. You should be seeing this page right beside the cover in the correct two-page view.



The last legal software your firm will ever need

The thought of switching practice management solutions might seem daunting. Do it right with Clio, and set your firm up for long-term success.

★★★★★ 4.7

Capterra, 2024

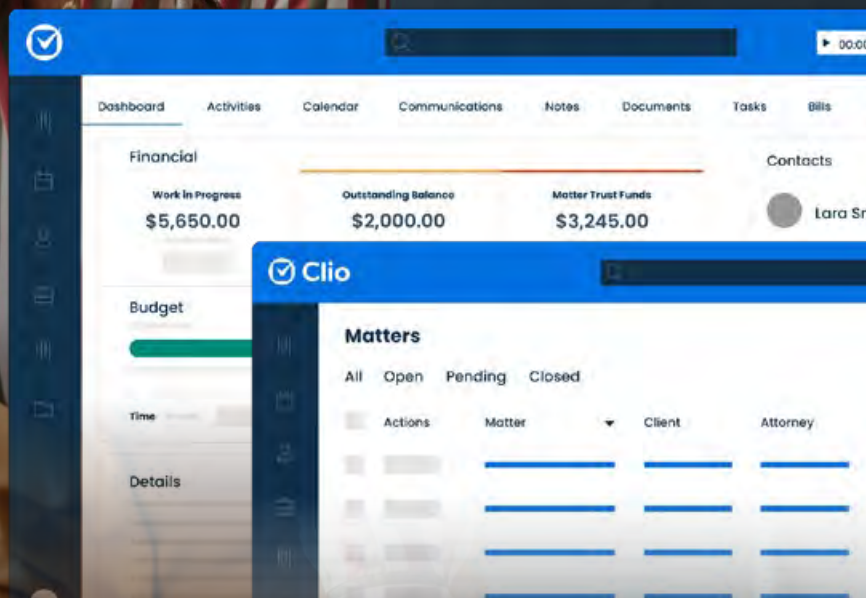
Trusted by 150,000 legal professionals and recommended by more than 100 law societies and associations, Clio is the industry's best and most comprehensive practice management solution.

Trusted by
150,000
legal professionals

Recommended
by over
100
law societies
and associations



Easy setup
Free training
Award-winning
support



Start your free trial or get a no-obligation demo and clio.com/ie

gazette

LAW SOCIETY

Editor: Mark McDermott FIC | **Deputy editor:** Dr Garrett O'Boyle | **Designer:** Marguerite Kiely

Editorial secretary: Catherine Kearney | **Advertising manager:** Seán Ó hOisín

Volume 119, number 5: June 2025

Subscriptions: €75 (€110 overseas)

Blackhall Place, Dublin 7

tel: 01 672 4828

fax: 01 672 4801

email: gazette@lawsociety.ie

PROFESSIONAL NOTICES:

See the 'Rates' panel in the professional notices section of this *Gazette*

COMMERCIAL ADVERTISING:

Contact Seán Ó hOisín, 10 Arran Road, Dublin 9

mobile: 086 811 7116, tel: 01 837 5018

email: sean@lawsociety.ie

See the *Gazette* rate card online at

www.lawsociety.ie/gazette-rates

Editorial board:

Ken Casey (chair), Richard Hammond SC (vice-chair),
Mark McDermott (secretary), Aoife Byrne,
Justine Carty, Mairéad Cashman, Sarah-Jane Clifford,
Maura Derivan, Niall Geaney, Michael Kealey,
Paul Lavery, Gary Lee, Sonia McEntee,
Aisling Meehan, Heather Murphy, Andrew Sheridan

HAVE YOU MOVED?

Members of the profession should send change-of-address details to:

IT Section, Blackhall Place, Dublin 7,

or to: solicitorservices@lawsociety.ie

Printing:

GPS Colour Graphics Ltd

A magazine for a healthier planet



Your *Gazette* is made of FSC®-certified paper. FSC® helps take care of forests and the people and wildlife that call them home. By choosing this product, you help take care of the world's forests.

Learn more: www.fsc.org

No material from the *Gazette* may be published or used without the permission of the copyright holder. The Law Society of Ireland can accept no responsibility for the accuracy of contributed articles or statements appearing in this magazine, and any views or opinions expressed are not necessarily those of the Law Society's Council, save where otherwise indicated. No responsibility for loss or distress occasioned to any person acting, or refraining from acting, as a result of the material in this publication can be accepted by the authors, contributors, editor or publishers. The editor reserves the right to make publishing decisions on any advertisement or article submitted to this magazine, and to refuse publication or to edit any editorial material as seems appropriate to him. Professional legal advice should always be sought in relation to any specific matter.



This publication supports the work of the Press Council of Ireland and the Office of the Press Ombudsman, and our staff operate within the Code of Practice. You can obtain a copy of the Code, or contact the Council, at www.presscouncil.ie, tel: 01 648 9130, lo-call 1890 208 080, or email: info@presscouncil.ie



4

UP FRONT

- 4 The big picture
- 6 People
- 13 News
- 18 Professional lives

19

COMMENT

- 19 **Letters**
- 20 **Viewpoint:** The *Gazette* talks to director general Mark Garrett about the Law Society's new strategy and its staunch support for the rule of law
- 24 **Viewpoint:** Ireland's pension auto-enrolment scheme has been delayed again

26

FEATURES

- 26 **Who let the dogs out?** Dog Law Ireland's mission is to make dog law accessible and promote evidence-based reforms and improved enforcement
- 30 **Proximate cause:** London is both professionally and personally fulfilling, William Fry's Ivor Banim tells the *Gazette*
- 34 **Back to the Future II:** The dominant trends from the Law Society's second survey of the solicitors' profession
- 38 **MUD in your eye:** Managing defect claims with multi-unit developments
- 44 **Maison d'être:** ECLA held its 51st General Assembly in Dublin in April

48

ANALYSIS

- 48 **Analysis:** The *Gazette* spotlights the work of the Law Society's Environmental and Planning Law Committee
- 52 **Wellbeing:** Prioritising wellbeing is a strategic driver of long-term success
- 54 **Analysis:** The application of the proposed revised *Personal Injury Guidelines*
- 56 **Eurlegal:** The proposed *Sustainability Omnibus Directive*



60

DOWN THE BACK

- 60 Professional notices
- 64 Final verdict

AN OPEN DOOR

As a growing profession that needs to meet the changing needs of those we represent, it's important to continue

finding ways to make it easier for people from diverse backgrounds to consider a career as a solicitor.

A continuing priority for the Law Society is to find ways of bringing more diversity to the profession so we can be truly representative of the public we serve, while also ensuring that legal services are available in all communities.

We already have several successful initiatives in place that are making an impact. The media recently reported on a Wexford solicitor who shared his inspiring journey to qualification – thanks to the financial support provided by the Law Society's Access Programme. Something that seemed impossible for him became a reality.

Since 2001, this scholarship programme has assisted over 400 people from socio-economically disadvantaged backgrounds with their course fees. Many of them have successfully qualified as solicitors.

Education evolution

It's been some years since I studied at Blackhall Place, but I've noticed that the flexibility of the education offering has evolved considerably. Trainee solicitors from around the country can now apply for the hybrid version of the Professional Practice Course, allowing them to stay in full-time employment while training.

Numbers have doubled since the launch of the hybrid course in 2019. Its accessibility has clearly appealed to mature trainees, those with family and other caring commitments, and those based outside Dublin who can train to be a lawyer while remaining in their home communities.

Next year, the PPC hybrid course will be restructured to allow trainees who wish to become solicitors to study part-time. The course will take longer to complete, but should work



President's message

very well for those with other responsibilities or who struggle with challenging socio-economic circumstances.

€125k grant scheme

Students, of course, need a traineeship before they can start their course. To support sole practitioners and smaller rural practices, a Law Society grant scheme worth €125,000 has been providing support to five trainees in regional areas each year since 2020. This enables rural practices to grow their businesses and ensure continuity of service to their communities. Applications have recently closed for 2025, and the five eligible practices will soon welcome their new trainees, who will begin the next PPC or PPC Hybrid course.

To further encourage others into the profession, I am happy to report that the Law Society is exploring a new solicitor-apprenticeship model for school leavers. The apprentices would work in law firms, gaining experience over a number of years and earning qualifications before ultimately qualifying as solicitors. A similar model is popular with firms in England and Wales, and it has had a positive impact on

improving diversity and equality in the profession there.

These different pathways will also help to tackle issues like recruitment, retention of solicitors, and succession planning for practices in all counties.

Calcutta Run

Having recently taken part in the Calcutta Run in Dublin and Cork, it was heartening to see so many colleagues, friends, and family members supporting these events. Congratulations, too, to Galway on hosting its first Calcutta Run!

On behalf of our worthy charities, I wish to thank all of our wonderful volunteers and participants for making this legal fundraiser such a success, and one that will make a significant difference to homeless people in Ireland and India. To donate, visit: www.idonate.ie/event/calcuttarun2025.

EAMON HARRINGTON
PRESIDENT

the **BIG** *picture*

Is this the world we created?

Palestinians struggle for donated food at a community kitchen in Khan Younis in the Gaza Strip on 16 May 2025. A UN-backed assessment on 12 May says that Gaza's population of around 2.1 million Palestinians is at "critical risk" of famine and faces "extreme levels of food insecurity" as an Israeli blockade on humanitarian aid continues. According to the latest report by the Integrated Food Security Phase Classification, some 244,000 people are experiencing the most severe or "catastrophic" levels of food insecurity. It reports that half a million people – or one in five – are facing starvation in Gaza and has called for urgent action to prevent the "increasingly likely" risk of famine.



In focus

Photo: Abdel Kareem Hana Associated Press / Alamy Stock Photo

people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■

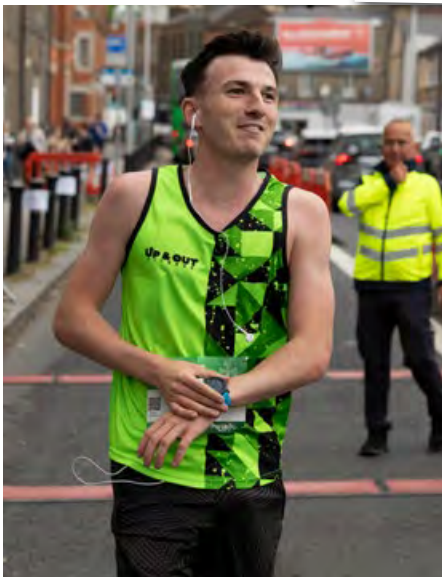
Calcutta Run sets sights on €350K target

RTÉ's Miriam O'Callaghan fired the starting gun for this year's Calcutta Run in Dublin on 24 May, which attracted over 1,000 participants. Cork and Galway got in on the act, too. Their runs on 25 May attracted over 100 participants at each event, with Galway organising the first-ever run west of the Shannon. A golf classic on 9 May at Carton House attracted the best swingers in town. The finals of a tennis tournament were held on 29 May at Lansdowne Tennis Club, while those in love with the oval ball can still sign up for a tag rugby event at Blackhall Place and TUD Grangegorman on Saturday 21 June (email: calcuttatag2025@gmail.com to enter your team.) The Calcutta Run aims to raise more than €350K this year for homelessness services in Ireland and Kolkata, with the beneficiaries being the Hope Foundation and Dublin Simon Community. Thanks to all who took part and who volunteered on the day. Donations, please, to www.idonate.ie/event/calcuttarun2025. (See next month's Gazette for more photos.)



All pics: Jason Clarke Photography





Calcutta Run, Galway



Calcutta Run, Cork





Kate O'Neill, Jessica Hill, Katie O'Reilly, Katelyn Dunleavy Larkin, and Molly Ryan



Grainne Fitzgerald

Glitz and glamour at Blackhall Ball

The Law School's full-time PPC students held their annual end-of-year ball recently at Mount Wolseley Hotel, Co Carlow. Organised by the PPC Connect Committee (*pictured*), the trainees enjoyed a night of glitz and glamour. (*Front, l to r*): Vaish Chandegave, Lauren Humphries, Claire Conlon, and Deirbhile McCloskey. (*Back, l to r*): Aoife Fleming, Brian Lenihan, and Paul Mulready.



Shane O'Connor and Caoimhe Hassett



Rory Brady, Cillian Dowling, and Niall Caraher



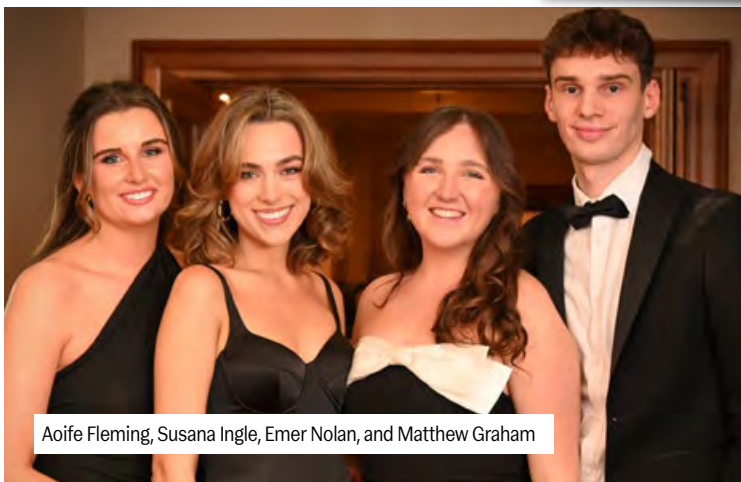
Rachel O'Rourke, Niamh Newman,
Holly O'Neill, and Sharon Casey Gray



Jessica Hession and India Kelly



Anita Butler, Katie Nic Craith, and Katie-Ann Bushe



Aoife Fleming, Susana Ingle, Emer Nolan, and Matthew Graham



Shannon Madden and Jordan Kochanski



Writing up a storm!

The overall winner of the Law Society's national Gráinne O'Neill Memorial Legal Essay Competition 2025 was Hazel Barrett (Presentation Secondary School, Listowel). For her winning essay, Hazel received a €1,000 prize and was presented with the perpetual cup. Alanna Creadon (Loreto College, Dublin) received the second prize, while Saoirse O'Connor Buckley (Coláiste Muire, Cork) was presented with third prize at a special ceremony at Blackhall Place, Dublin, on 14 May.



Sandra Joby and family members



Participants in the Gráinne O'Neill Memorial Legal Essay Competition 2025. The competition honours the life and legacy of the late Judge Gráinne O'Neill, who became the youngest judge in Ireland when she was appointed to the District Court in 2014



Merit prize-winners: Donagh White (Lucan Community College, Dublin), Honor Geary (Loreto Community School, Donegal), Julie Murphy (Scoil Mhuire, Cork), Junior Vice-President Valerie Peart, Donncha O'Keefe (Coláiste Choilm, Cork), Mary Nderesi (Lucan Community College, Dublin), and Angelina Sewell (Sacred Heart School Tullamore, Offaly)

Law Society of Ireland, Blackhall Place, Dublin 7

T 01 881 5727 | E lspt@lawsociety.ie | www.lawsociety.ie/skillnet.

www.lawsociety.ie/CPDcourses

IN-PERSON AND LIVE ONLINE COURSES

Date	Course	CPD Hours	Venue	Fee
10 June	Regulation Matters: Ethics and the In-house Lawyer	1 client care and professional standards (by elearning)	Live Zoom webinar	€65
12 June	Essential Solicitor Update Limerick and Clare 2025	Total 6 hours (by group study)	The Strand Hotel, Ennis Road, Limerick	€165
16 June	International Arbitration - Energy in Focus	2 general (by elearning)	Live Zoom webinar	€95
18 June	Bitesize Briefings: Planning & Development Act 2024	1 general (by elearning)	Live Zoom webinar	€65
19 June	Project Management Essentials	6 professional development and solicitor wellbeing (by elearning)	Live Zoom meeting	€190
15 July	Introduction to AI for Legal Practitioners Laois	3 professional development and solicitor wellbeing (by group study)	Midlands Park Hotel, Portlaoise, Co. Laois	€160
4 Sept	Planning for Retirement for Legal Practitioners Cork	Total 5 hours (by group study)	The Kingsley Hotel, Cork	€185
11 Sept	Essential General Practice Update Kerry 2025	Total 6 hours (by group study)	Ballygarry Estate Hotel, Tralee, Co. Kerry	€165
16 Sept	Introduction to AI for Legal Practitioners Dublin	3 professional development and solicitor wellbeing (by group study)	Law Society of Ireland	€160
18 Sept	Attract and Retain Legal Talent	1.5 professional development and solicitor wellbeing (by elearning)	Live Zoom webinar	€65

ONLINE, ON-DEMAND COURSES

Date	Course	CPD Hours	Fee
Available now	Domestic Violence and Coercive Control Awareness	0.5 client care and professional standards (by elearning)	Free
Available now	International Arbitration in Ireland Hub	Up to 11.5 hours general (by elearning)	€110
Available now	Legislative Drafting Processes & Policies	3 general (by elearning)	€230
Available now	Practical Guide to Cybersecurity	3 client care and professional standards (by elearning)	€195
Available now	Regulation Matters Hub	Up to 4 client care and professional standards (including 2 accounting & AML compliance)	€195
Available now	Construction Law Masterclass: The Fundamentals	11 general (by elearning)	€395

■ Data transfers to US ■ Council call ■ JMA's shortlist

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Sasko Lazarov/RollingNews.ie

Minister for Housing James Browne

Bill to stop clock on planning permissions

A judicial-review period will no longer to be counted as part of the life of a planning permission under proposed legislation approved by the Government on 27 May, writes Andrew Fanning.

The Cabinet has approved the priority drafting of the [Planning and Development \(Amendment\) Bill 2025](#). The Department of Housing says that it is hoped to have the bill enacted before the summer recess.

The proposed legislation would also enable an extension to permissions for housing developments that are nearing the end of their duration period and have not yet started.

Three-year extension

Under the bill, developers of sites where work has not yet started will be able to apply for an extension of up to three years, but the permission holder must apply within six months of the bill

OUT NOW FROM BLOOMSBURY PROFESSIONAL IRELAND



Arthur Cox Employment Law Yearbook 2024

Pub Date: Apr 2025 ISBN: 9781526531162
Paperback Price: €99 eBook Price: €87.40

Arthur Cox Employment Law Yearbook 2024 is the fourteenth in a series of publications written and produced by various subject matter experts at Arthur Cox LLP. Set out in alphabetical format for ease of use, the Yearbook covers developments during 2024 in employment law and litigation, equality, industrial relations, pensions, taxation relating to employment and data protection law.



Law and Technology

By David Cowan

Pub Date: Jun 2025 ISBN: 9781526531001
Hardback Price: €245 eBook: €216.31

Law and Technology is an authoritative text for practitioners and a range of undergraduate, postgraduate, and professional courses in the discipline, as well as a reference on the impact of technology on other legal disciplines. Uniquely, this book is rooted in Irish law, appropriately so given Ireland's role in the EU with a major Big Tech presence.

← commencing, and start building within 18 months.

It would also allow for the provisions of section 180 of the new *Planning and Development Act 2024* to retrospectively apply to permissions that have already been through – or are currently in – judicial review and are subsequently permitted.

This would allow for the duration of the judicial-review period not to be counted as part of the effective life of the planning permission, avoiding the expiry of planning permissions due to delays caused by the judicial-review process.

Getting things moving

Minister for Housing James Browne said that the proposed change was about “getting things moving”, adding

that there was “clear evidence” of several permissions for housing that were due to expire shortly, but had not yet been commenced.

He said that there were over 40,000 residential units on 265 wholly inactive development sites within Dublin where work had not started.

“Of these, it is estimated that permission for around 15,000 of these units is due to expire within the next two years. Furthermore, just under 19,000 units over 52 sites have been subject to judicial review over the last five years,” he added.

While almost 15,800 of these have been permitted, the duration of the permission has been eroded due to the review proceedings. A further 3,000 units remain in judicial review, according to the minister.

Sunny Jacobs, RIP

A Law Society event that was due to be held later this month to mark *Pro Bono* Week has been postponed after the tragic death of the keynote speaker, US death-row exoneree Sunny Jacobs.

Sunny was named on 3 June as one of the victims of a house fire in Connemara, Co Galway.

The Law Society has expressed its deepest condolences to her family, friends, and those she worked closely with in Amicus ALJ (a London-based charity that helps secure equal access to justice for those facing the death penalty in the US).

Before moving to Ireland, Jacobs, who was founder and president of The Sunny Centre Foundation USA, was wrongly convicted of the shooting of two police officers. She spent a total of 17 years in prison before her conviction was overturned.

Pro bono impact

Set up by Jacobs and her late husband Peter Pringle (who spent almost 15 years in prison in Ireland before his murder conviction was quashed in 1995 by the Court of

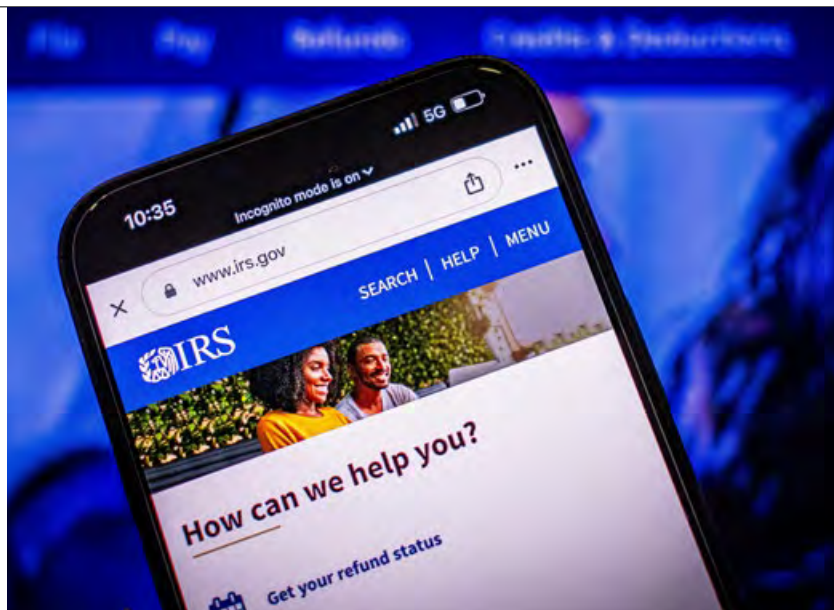


Pic: PA Images / Adam Stock Photo

Criminal Appeal), the foundation is a not-for-profit organisation that helps people who have been wrongfully convicted.

Jacobs had been due to speak about the impact of *pro bono* support on her life at the Law Society event at Blackhall Place on 12 June, alongside other speakers.

Together with Arthur Cox and Amicus, the Law Society has decided to postpone the event. It is committed to highlighting the impact that *pro bono* work can have on people and communities all over the world, and will work to reschedule the event later in the year.



DATA TRANSFERS TO US 'BREACH GDPR'

Lawyers at McCann FitzGerald have highlighted a decision by Belgium's data-protection authority that they say raises questions about the transfer of certain data from tax authorities in the EU to their US equivalent, the Internal Revenue Service (IRS).

The Belgian watchdog held that certain transfers of personal information on US account-holders in Belgian financial institutions by the country's tax authority to the IRS were not compliant with the GDPR. The transfers at issue were made under bilateral agreements between some EU states and the US that cover the US *Foreign Account Tax Compliance Act* (FATCA).

Bilateral deals

FATCA, which is aimed at reducing tax evasion on offshore assets by US-resident taxpayers, requires some foreign financial institutions to impose a 30% withholding tax on US source income or proceeds unless FATCA documentation requirements are met.

The bilateral deals remove the withholding requirement if institutions comply with local laws that require them to provide details on certain

account holders to their national tax authority, which can then transfer the information to the IRS.

The McCann FitzGerald lawyers note that the Belgian data watchdog held that the agreement between the Belgian government and the US on FATCA did not comply with articles 46(2)(a) or 49(1)(d) of the GDPR.

The data authority also found that the agreement breached the principle of proportionality, having regard to the purposes for which personal data is transferred.

The lawyers note that the decision is subject to appeal.

Fresh scrutiny

While the decision applies solely to the Belgian arrangements, Luxembourg, France, and the Netherlands have all had parliamentary questions or regulatory commentary questioning whether current FATCA data transfers are compliant with EU data-protection law. The Belgian decision could trigger fresh scrutiny of these arrangements.

"Questions may be raised in Ireland and in other EU member states as to whether FATCA transfers between their competent tax authorities and the IRS are operating on a similar basis to those in Belgium and, if so, whether any changes need to be made to them to ensure they are compliant with GDPR requirements," the lawyers conclude.

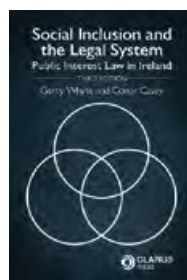
SPECIALIST LEGAL TITLES FROM CLARUS PRESS

HOT OFF THE PRESS

Social Inclusion and the Legal System: Public Interest Law in Ireland, Third Edition

Gerry Whyte and Conor Casey

Price: €69
Paperback



COMING SOON



Money Laundering in Ireland: Context, History and the Law

Dr Steven Meighan

Price: €75
Paperback

AVAILABLE NOW

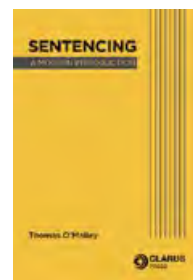
Habeas Corpus: Practice and Procedure

Matthew Holmes, Barrister

Price: €149
Hardback



AVAILABLE NOW



Sentencing: A Modern Introduction

Professor Thomas O'Malley

Price: €89
Paperback



www.claruspress.ie

Find us on social media @claruspress

ENDANGERED LAWYERS



Pic: defendlawyers.wordpress.com | Al enhanced

Médard Palankoy Lakwas, Democratic Republic of the Congo

Médard Palankoy is a senior partner in a Kinshasa law firm, founded by him and his wife in 1989. They specialise in mining and quarrying law, and also offer services in family and real-estate law. One claim to prominence is their representation of Dan Gertler, the controversial Israeli minerals billionaire close to previous President Kabila, accused of corruption on a grand scale.

In mid-March, Médard Palankoy was arrested and brought to the National Council for Cyber Defence. He remains in detention. Despite vigorous efforts on his behalf by his lawyers to have his case progressed in accordance with the law and in a timely manner, by mid-May he had spent over 60 days in detention.

Interestingly, the report of a letter by his lawyer dated 5 May, on the Actualite.cd website, mentions that he should be “brought before his natural judge and/or released unconditionally given that he would be detained as an informant”.

On 23 March, his wife and partner wrote to the administrator of the National Cyber Defence Council:

“I would like to express at the outset all my indignation and disappointment at the way in which Mr Palankoy was kidnapped from his place of work by about 20 armed men, including police officers and soldiers of the Republican Guard, without any warrant or requisition from the Prosecutor General, and embarked in a minibus, in the presence of his collaborators and many passers-by, in view of the military deployment put in place. [He] was brought to a destination that turned out to be your offices, at ONATRA Building. Maître Gratien Mayila, an external collaborator of Mr Palankoy, who wanted to inquire about the situation of his kidnapped colleague, was arrested.

“In view of the above, and the above constitutional provisions, I ask you, if Mr Palankoy and Mr Mayila are still alive, that your services allow them to be visited, that they be treated with decency, that is to say, that they have the right, among other things, to their clothes, because it is for a week that they have been detained incommunicado with the same clothes. This is a serious attack on the physical integrity of a man.

“And, if your services have been able to hold any offence against them, having far exceeded the time limit of preventive detention, which is 48 hours, let them bring them before their natural judge; if not, let them have the courage to recognise that they acted without any professionalism and that they release them purely and simply. If they are no longer alive, let their remains be handed over to their families for a dignified burial.”

Alma Clissmann was a long-time member of the Law Society's Human Rights and Equality Committee.



Council's clarion call!

As a member of the Law Society, you have the power to elect its Council, which, under the charter, is responsible for “the sole and entire management of the Society”.

If you feel your interests or section of the profession are not fully represented, or that you can bring some fresh ideas to the table, why not consider running? Perhaps you'd like to see some changes?

There's no remuneration for the role, but you will have the opportunity to make a difference, get to know other solicitors from diverse areas and backgrounds, and represent your colleagues on the issues that matter to them.

Both the nomination and voting process will take place online for maximum efficiency, flexibility, and security. All Council members serve for a two-year term. Eight meetings a year are held through a mix of hybrid, on-site, and remote attendance, ensuring greater flexibility to support busy solicitors and those based outside Dublin.

It's important that the Council reflects our growing, diverse profession as widely as possible, and that it benefits from a fresh influx of talent each year. As noted in the 2023/24 Annual Report, however, female lawyers and those qualified less than 25 years are currently underrepresented on Council. You can change this.

Each year, there is a general election and two provincial elections. This year, nominations open on 19 August for 16 places in the general election, and for one place each in Munster and Connaught.

Those applying will need two members to support their nomination. Once approved, applicants then canvass their colleagues for support. Please make sure that your Law Society membership is up to date. You will need it to vote, support a colleague's nomination, or to run yourself. Check your profile online or contact solicitorservices@lawsociety.ie for prompt assistance.

To learn more about the election process, canvassing tips, and the experience of being a Council member, visit lawsociety.ie/councilelections.



Pic: Jasmin Clarke Photography

Catherine Sanz and Killian Woods (overall winner) at the Justice Media Awards 2024

JMA SHORTLISTS 140

The Law Society has shortlisted 140 entries for the Justice Media Awards 2025 (JMA). This year, Ireland's longest-running media awards received a record-breaking 495 entries, across 16 award categories.

The JMAs recognise outstanding print, broadcast, and online journalism that contributes to the public's understanding of justice, the legal system, and access-to-justice issues. Each shortlisted entry has been recognised for showcasing these key criteria, and is now in with a chance of winning at the awards ceremony at Blackhall Place on 25 June.

The full shortlist is available at lawsociety.ie.

KERRY STUDENT TAKES TOP PRIZE

Kerry transition-year (TY) student Hazel Barrett from Presentation Secondary School, Listowel, was the overall winner of the Law Society's national Gráinne O'Neill Memorial Legal Essay Competition 2025.

The competition invites TY students from across the country to submit a 1,500-word legal essay on a specific topic. This year, more than 300 essays were submitted. Alanna Crean (Loreto College, Dublin) took second prize, while Saoirse O'Connor Buckley (Coláiste Muire, Cork) came third. Six merit certificates were awarded to Julie Murphy (Scoil Mhuire, Cork), Angelina Sewell (Sacred Heart School Tullamore, Offaly), Honor Geary (Loreto Community School, Donegal), Donncha O'Keefe (Coláiste Choilm, Cork), Mary Nderesi (Lucan Community College, Dublin), and Donagh White (Lucan Community College, Dublin).

IRLI IN AFRICA



In March, the IRLI team met the Chief Justice of Malawi, Rizine Mzikamanda SC, and long-standing partners in Malawi

Executive director visits IRLI Malawi

At the end of March 2025, Michelle Drury ([Irish Rule of Law International](#) pro bono development manager) and I travelled to Malawi as part of IRLI's bi-annual monitoring visits.

We met the IRLI Malawi team and witnessed, firsthand, IRLI's longest-standing access-to-justice and rule-of-law programme, which was established in 2011. The visit was coordinated and led by IRLI Malawi's country director Susie Kiely.

We also visited IRLI's partners in Malawi, including the director of the Legal Aid Bureau, representatives from the Paralegal Advisory Services Institute, members from IRLI's EU consortium, and the Malawi Police Service, as well as senior representatives from the Irish Embassy of Malawi (IRLI Malawi's key donor and supporter over the past ten years).

The visit coincided with a court hearing, during which 14 men and boys were granted bail and two men were completely discharged. There was also an opportunity to sit

in on a criminal trial in a magistrate's court and to visit a police station to view the challenging cell conditions that prisoners face.

The trip concluded with the signing of a memorandum of understanding between IRLI and the Malawi judiciary – a significant milestone and a recognition of the longstanding key relationship. The Chief Justice of Malawi, Rizine Mzikamanda SC, remarked on the importance of the relationship and his hopes for the continued endurance and strengthening of the partnership with IRLI into the future.

The visit highlighted the continued importance of our work in ensuring enhanced access to justice and the strengthening of the rule of law in Malawi. This work is only made possible by the dedication of our staff in Malawi and the strong partnerships that IRLI Malawi has with its partner institutions.

Maria McCloskey is executive director of Irish Rule of Law International.



Image: Shutterstock

Sharing personal and professional stories has long been a powerful way to create a sense of connection and belonging. It creates a space for vulnerability that can provide the listener with inspiration and hope, or newfound insight to a challenge or difficulty they too might be facing. We welcome you to get in touch with ps@lawsociety.ie to share a story for this 'Professional Lives' column.

Avoiding the blame game

In the legal profession, where precision, critical thinking, and collaborative problem-solving are essential, psychological safety is a cornerstone of excellence.

When psychological safety levels are high, this can manifest as:

- A senior partner acknowledging their own uncertainty about an issue being faced, and welcoming the input of others,
- Associates feeling comfortable raising potential issues,
- Team members questioning established processes when they see room for improvement,
- Junior solicitors contributing ideas in meetings without fear of appearing inexperienced, and
- Mistakes being treated as learning opportunities, rather than cause for blame.

In Ireland's increasingly complex and competitive legal landscape, psychological safety isn't just a cultural nicety – it's a strategic advantage. Firms that cultivate environments where professionals at all levels feel empowered to speak up will see benefits in risk management, innovation, talent retention and, ultimately, in team performance.

Psychological safety isn't just a feel-good concept – it's a smart business move. When people don't feel safe to be themselves at work, nearly a third say that their productivity takes a hit, while over a third say that it affects their mental health and engagement. Creating a psychologically safe environment also helps to reduce stress-related sick leave and boosts overall performance.

wellbeing

BEATING THE BLAME GAME

85 % of people have been in work situations where they have been concerned about something and did not raise it, according to an exploratory study of employee silence (Milliken, Morrison and Hewlin, 2003).

When I read this statistic, I asked myself the question: was this ever me? It took me only seconds to bring a situation to mind. I was in my late 20s and strikingly independent, having already lived and worked in four different European countries in professional contexts. Yet, when faced with a really challenging work situation with serious organisational consequences, not only did I not tell my boss in Dublin, but it did not even enter my consciousness to do so, until I saw him face-to-face when I returned months later.

On reflection, my subconscious assumption at the time was that to speak up would have led to alienation by those around me – potentially considered an act of betrayal by those with whom I worked most closely.

This story may not have been from the world of law, but my experience (at that time in professional and financial

services, and later in coaching within the legal profession) tells me that this can happen anywhere. Our human need to belong is primal, even for the most independent-minded of us – but the cost of silence can be high.

The flip side

The flip side of this story is the immense work done by Prof Amy Edmondson of Harvard, who has studied the conditions that lead to high-performing teams within large global organisations. Through years of research, the concept of psychological safety has been proven to be the foundation of high-performing teams. She says: "[Psychological safety is] a belief that a context is safe for taking interpersonal risks – that speaking up with ideas, questions, concerns, or mistakes will be welcomed or valued."

It describes an environment where mistakes can be flagged before they escalate, where teams can openly discuss challenges, and where diverse perspectives are welcomed – leading to greater innovation. In addition, solicitors who feel psychologically safe are more likely to remain with their firms, reducing turnover costs and preserving institutional knowledge.

Eadine Hickey is the founder of Resonate Leadership and the author of the Law Society's Psychological Safety Toolkit, available at www.lawsociety.ie (under 'solicitor services/career support').

Confidential, independent, and subsidised support is available through LegalMind for legal professionals. All enquiries to LegalMind are fully confidential to Clanwilliam Institute (the Law Society's partner providers). All therapy sessions are conducted by highly trained professionals in a confidential forum. Email: reception@clanwilliam.ie; tel: 01 205 5010 (9am to 5pm, Monday to Friday); web: lawsociety.ie/legalmind.

letters

200 YEARS IN LAW – FROM EXCLUSION TO INCLUSION

From: Richard Atkinson, president, Law Society of England and Wales

• By no means has it been an unobstructed journey, but the legal profession has gradually echoed not only progress in our society but the society itself. Legal professionals from all walks of life qualified and were eventually admitted as solicitors, ensuring a profession whose diversity better reflects the society it serves.

1863 was a milestone year, when Arthur Ryland of Birmingham became the first provincial solicitor elected to the Law Society Council. Two decades later, Eliza Orme became the first woman to obtain a law degree in England, without being able to qualify as a solicitor.

In the 1920s, Carrie Morrison became the first woman admitted as a solicitor and, in the Bristol Sessions, the first women jurors were allowed to sit in a trial.

The first known Black solicitor, Manuel

Chandri Delgado, qualified in 1955. The 21st century saw the Law Society appointing its first female president, Carolyn Kirby; the first Black president, I Stephanie Boyce; and the first Asian and first Muslim president, Lubna Shuja. Two centuries after the Law Society was established, we continue to push for more change and progress towards greater diversity and inclusion in the legal sector. Legal professionals and law firms bravely continue to widen the profession, embedding lasting change and creating a workplace where everyone feels valued, respected, and safe.

As the Law Society of England and Wales celebrates its bicentenary, we look to the past and our rich history to draw inspiration and the confidence to deliver further changes to create a diverse community for our children and the next generations.

Top of the tree!

From: Paul Keane, senior consultant, Reddy Charlton LLP

• What a thrill to join in the celebrations of the Law Society of Ireland being awarded both 'Finance Project of the Year' and 'Finance Team of the Year' at the Irish Accountancy Awards!

The project was the innovative method for processing the renewal of practising certificates, which has given our members a significantly better experience.

The finance team, led by the director of finance and operations, Gillian Cregan, has excelled in the delivery of top-class financial controls, analysis, and insights to the Law Society.

DISCOVER MORE LIBRARY AND INFORMATION SERVICES

Check out:

- Case law
- 270 eBooks
- Enquiry service
- Institutional archive
- LawWatch – fortnightly newsletter
- Legal research
- Library catalogue (9,000 books, unreported judgments)
- Precedents
- 10 subject guides

ASK THE LIBRARY

Visit www.lawsociety.ie/library

Email libraryenquire@lawsociety.ie

Call 01 672 4843



VANTAGE POINT

As the legal profession evolves at pace, director general Mark Garrett says that the Law Society is committed to helping its members to adapt rapidly – and to staunchly defend the rule of law. Mary Hallissey reports

As the legal profession evolves in response to global challenges, the Law Society remains watchful of threats to the rule of law. Director General Mark Garrett tells the *Gazette*: “The reality is that we have to be careful that we don’t take the rule of law for granted. A good example would be the obvious one, what’s happening with the Trump administration, attacks on lawyers, law firms, attacks on the judiciary.”

Internationally, attacks on legal institutions are a growing concern, and the director general cites rule-of-law issues in both the US and Poland as stark reminders of the fragility of legal systems.

In response, the Law Society intends to stand alongside the International Bar Association and many other institutions in issuing strong statements in support of the rule of law: “This is a fundamental truth around the existence of a robust legal system – it is the foundation stone of a modern society, economy, and democracy,” Mark Garrett says. “You can’t have one without the other.”

The director general stresses that, currently, the Irish legal system is in rude good health: “There is no doubt that we have a legal system here that is highly trusted and highly functioning.

I don't think that a law society should ever be afraid to be out of step with public opinion. The reality is that we have to take our own view based on how we see the law, including the Constitution as the most important legal document

It certainly has issues and problems, but it is a huge economic and social advantage to have a robust rule-of-law system, such as we have in Ireland. That is something that may have gone unstated five years ago – something that we all took for granted.”

Cherished freedoms

The reality now is that the rule of law is being undermined, and Ireland must be careful not to take her cherished freedoms for granted. The rules-based order for trade and international dispute resolution that has been in place for decades is now under threat, Garrett says.

“However, the opportunity is that countries that operate a rules-based rule-of-law system can give confidence to individuals and businesses and will have a commercial advantage in the medium to long term. Clearly, we need to make sure that that is robust in the short term as well. This is an economic advantage and a societal advantage for Ireland. We need to make common cause with other jurisdictions that value the rule of law. It’s something that Ireland, and the Law Society, cannot be silent on.”

At a more local level, the Law Society has been engaging with new Justice Minister Jim O’Callaghan to discuss key priorities for the Irish legal system.

“The rule of law is certainly a priority for the minister, but so also are the areas of migration and policing. These are key – but maintaining a robust rule-of-law system in Ireland is fundamental,” the director general says.

Critical focus

Investment in the legal system remains a critical focus, particularly with regard to the courts and to family-law reforms to ensure that Ireland’s legal environment remains attractive to international businesses. In particular, the Law Society wants to see focus on the family-courts system and the purpose-built complex earmarked for Dublin’s Hammond Lane, as well as the *Family Law Act*.

“The ability to challenge Government, something that we took for granted for quite a while, must be maintained within the Irish system,” he stresses.

The Law Society has also found itself the topic of some debate regarding the position it took on the referendums on family and care last March, which was at odds with the final public vote.

Garrett explains the organisation’s call for a ‘yes/yes’ vote: “The Law Society has, over the last couple of decades, taken positions on referendums where it feels there is a significant public interest. I don’t think that a law society should ever be afraid to be out of step with public opinion. The reality is that we have to take our own view based on how we see the law, including the Constitution as the most important legal document.

“There’s no doubt that those who felt the Law Society



Photo: Marc O'Sullivan Photography

shouldn't have taken a position were more vocal, but in terms of numbers, I'd say it was fairly evenly balanced," he comments.

Public debate

A referendum vote can also have a much broader public canvas, in Mark Garrett's

experience: "There were many parts of the public debate that weren't necessarily to do with the detail of what was being proposed to be put in, or taken out, of the Constitution," he says.

In other words, the public may use the debate to air other issues that may be associated

Justice Minister Jim O'Callaghan (*centre*) with Mark Garrett and President Eamon Harrington (*right*) at the launch of a new Ireland for Law initiative at Blackhall Place on 30 April

with the topic at hand.

Looking ahead, the Law Society's strategy will continue to be shaped by ongoing feedback from members.

The director general is very aware that every piece of information carries its own bias, no matter its origin: "Every source of information



THE LAW SOCIETY OF IRELAND GENERAL COUNSEL SUMMIT

We are delighted to announce that the Law Society will be hosting a General Counsel Summit on **Tuesday, 24 June 2025**. This will be a premier gathering designed exclusively for the In-House Community.

Discussion Theme: Career Journeys, Leadership and Lessons Learned

Venue: Presidents' Hall, Blackhall Place **Admission:** FREE

9.30 am: Registration & Networking **10.00 am - 11.45am:** Fireside Chats & Panel Discussion

If you are an In-House Lawyer, we'd love to see you there.

To register your interest, please email Colin Carroll and Aislinn Dunne at Inhousenetwork@LawSociety.ie



NEED HELP WITH REGULATORY COMPLIANCE?

Regulation Answers is a dedicated helpline and online hub for solicitors requiring support and guidance on general regulatory compliance queries.

Visit www.lawsociety.ie/regulation-answers

Call **01 879 8788** (9am-12 noon weekdays)

Email regulationanswers@lawsociety.ie





has its own internal biases. It's only when you evaluate several sources, and you build on that, that a clearer picture emerges.

"You must robustly test your ideas, and bring in external experts to advise, so you don't rely on one source of information. You benchmark against what other representative bodies are doing, but must also understand what the bigger trends are.

"The biggest risk for any organisation is to be too internally focused, so that it only sees its own priorities, as if there are not significant forces out there that are influencing the world in which we operate" he says.

Strategy 2024-2028

Significant input on the Law Society's Statement of Strategy 2024-2028 was sought from the Department of Justice, the NGO sector operating

in the legal world, as well as stakeholders in the judiciary and the broader legal sector.

While surveys (such as the one that fed into the current strategy) are a key component of this process, the Law Society also draws insight from its committees and direct conversations with its members. Garrett points out: "We're always looking for feedback. Organisations are constantly looking for feedback – talking to our members, informally and formally, and using our committee systems."

The Law Society will always engage honestly with officialdom where it sees deficiencies in public administration, he adds, pointing to the recent hotly debated Decision Support Service (DSS) online portal.

The Society's role is to be clear, both in public and in private, about what practising solicitors are finding as they interact with public services, he

The ability to challenge Government, something that we took for granted for quite a while, must be maintained within the Irish system

notes: "There are members of the public who are in the need of the DSS service, who may have fluctuating capacity. And there is absolutely no clarity from the DSS about how to make an emergency enduring power of attorney.

"It is incumbent upon an agency that is spending taxpayers' money to be clear about what the procedures are in those circumstances," he says. "There shouldn't be undue barriers put in the way of the public in the form of the overuse of technology, when that's something that not everybody has access to or the ability to use," he comments.

"So there are many factors here, all of which have been articulated to the DSS. We have to be robust in our views. This is the number one issue that has come into my office in the three years I've been here – the frustration of solicitors who are dealing with vulnerable clients."

The additional resources that the DSS has recently provided for its helpline are an indicator of the inherent difficulties of using the portal, the director general adds.

It is in the DNA of the Law Society to clearly use its voice to proactively shape public policy, in order to have an impact on both access to justice and law reform, Mark Garrett concludes.

As the Law Society evolves, it will remain staunchly committed to adaptability in a rapidly changing world, with a focus on maintaining a robust, fair, and dynamic legal system in Ireland that can weather all of the foreseen global challenges ahead.

Mary Hallissey is a journalist with the Law Society Gazette.

EXPECT DELAYS

Although Ireland's pension auto-enrolment scheme has been delayed again, employers can't afford to wait, says Robert Whelan

After years of promises and planning, Ireland's long-awaited auto-enrolment pension scheme – 'My Future Fund' – has hit another bump in the road. Originally planned for a September 2025 launch, the Government has now confirmed it will be delayed until 1 January 2026.

This scheme, when it arrives, will mark one of the most significant pension reforms in decades. But shifting timelines and a lack of clear communication have significant implications for employers and employees alike.

Why the delay?

Minister Jack Chambers cited the 'enormous scale' of the initiative and the need for extensive cross-departmental coordination. With global economic conditions unsettled, there's also a clear sense that the Government is being extra cautious about adding pressure to businesses already navigating volatility.

The official line is a delay of just a few months, but coordinating across departments, building a new national platform, and enrolling more than 800,000 people is a significant undertaking.

Employers were told to prepare for 2025, and many already have. A further delay creates confusion and risk,

This scheme, when it arrives, will mark one of the most significant pension reforms in decades. But shifting timelines and a lack of clear communication have significant implications for employers and employees alike

undermining confidence in a system that needs buy-in from day one.

For employers

For business owners, particularly those of small and medium-sized businesses, this delay is a mixed bag. Neil McDonnell, CEO of ISME, described the delay as "a welcome development", adding: "This is a recognition that businesses need help and that we need to slow down the velocity of cost increases for businesses. We are in favour of auto-enrolment, but we have just seen business costs increase at too fast a rate in the last two years."

Employers should review their:

- **Administrative adjustments** – revisit implementation timelines to ensure payroll systems and HR policies are adaptable to the updated schedule,
- **Employee communication** – clear and timely updates help maintain transparency and trust,
- **Strategic planning** – use the extra time to refine pension strategies so they align with business goals and employee needs.

On the one hand, the delay eases immediate pressure. It gives companies more time to prepare – particularly useful for those still getting their

systems and payroll aligned. On the other hand, for the many businesses that have already invested time and resources into being ready, it's frustrating.

And this isn't just about compliance. Pensions are now a key part of an employer's value proposition. In a competitive hiring market, a solid





Photo: Alamy

pension plan can make all the difference. Government delays shouldn't stop businesses from strengthening what they already provide.

For employees

For the approximately 800,000 workers who would benefit from auto-enrolment (primarily those aged 23 to 60

earning over €20,000 without an occupational pension), this delay means more time relying on a State pension that was never designed to cover today's cost of living.

The scheme's design is simple and compelling: for every €3 a worker saves, the employer matches it with €3, and the State tops it up

Businesses need a clear timeline, and employees deserve transparency. If the rollout is being reconsidered, that's understandable, but they need to communicate what's next

with €1. It's a strong model. But every delay means lost time, lost savings, and lost momentum.


Clarity and commitment

Businesses need a clear timeline, and employees deserve transparency. If the rollout is being reconsidered, that's understandable, but they need to communicate what's next. Uncertainty makes planning harder, especially for businesses already stretched by inflation, wage growth, and ongoing compliance changes.

But while the delay is frustrating, it's also an opportunity. Business leaders shouldn't pause their preparations – they should use this time to get ahead.

If you run a business, this is the moment to make sure your pension offering isn't just compliant, but competitive. Take a good look at what you already offer. Is it meeting your employees' expectations? Is it simple to manage? Is it something you're proud to talk about in a job interview?

Employees are paying attention. They're more aware than ever that relying on the State pension alone won't be enough. A strong, clearly communicated pension scheme is a powerful part of your employer brand, and one that can help you retain talent and stay ahead of the curve.

This isn't about waiting for Government timelines. It's about being proactive, building confidence with your team, and proving that you're in it for the long haul. 

Robert Whelan is managing director of Rockwell Financial Management.

Who let the dogs out?

Dog Law Ireland maintains that current legislation is barking up the wrong tree. Hannah Unger, Demi Mullen, and Carrie McMeel blow the dog whistle to suggest how we can best help man's best friend

In August 2024, we founded Dog Law Ireland. It came together at a pivotal point in Ireland's dog-control landscape – shortly after the announcement of Ireland's first breed ban. This moment crystallised an urgent issue the founders had long observed: very few people, even within the legal and enforcement sectors, truly understand Ireland's dog laws and the consequences for breaching them.

Dog Law Ireland's mission is simple: to make dog law accessible and to promote evidence-based reforms and improved enforcement.

Dog me around

In its first year, the organisation has already had a meaningful impact on the national conversation about dog welfare, such as:

- Submitting open letters to the Minister for Rural and Community Development highlighting concerns about the *Control of Dogs (XL Bully) Regulations 2024* (SI 491/2024),
- Launching a 'Pawsitive Pledge' for general election candidates to sign, committing to prioritising dog-welfare reforms,
- Engaging directly with TDs and senators to discuss proposals for private members' bills aimed at improving dog law,
- Submitting numerous freedom-of-information requests and parliamentary questions to ensure transparency and accountability in the development and enforcement of dog-related policies,
- Assisted the Naturewatch Foundation to update its dog-breeding map to include Ireland, and
- Creating social-media content aimed at educating the public and affected stakeholders about dog laws in Ireland, and highlighting possibilities for reform.

One of Dog Law Ireland's proudest achievements to date has been in supporting the legal team in a successful judicial review challenge against the Minister for Rural and Community Development regarding certain aspects of the regulations. The judicial review was brought on behalf of six small, under-resourced dog-rescue centres, challenging a number of issues with the regulations, among them:

- The fact that they were extremely unclear (particularly in relation to the definition of an 'XL Bully type', arbitrarily capturing many other breeds), and
- They had no effective appeals process, despite carrying serious criminal penalties and the potential for dog euthanasia.

Black dog

Because of the judicial review, the Government has agreed to add an appeals process and clarify the law in amending regulations – an important legal win, but one that should never have been necessary.

In addition, an injunction was obtained



Photo: Shutterstock



Photo: Shutterstock

to prevent dog wardens from seizing/ euthanising dogs from charitable organisations, pursuant to the regulations, until the law was clarified. This resulted in potentially saving the lives of countless innocent dogs that otherwise would have been euthanised. We still await the minister's amending regulations and, therefore, it remains to be seen how effectively the issues will be addressed.

There is a requirement to ensure public safety and protect dog welfare – however, a breed ban is not the answer. This is demonstrable through the fact that countries that have introduced breed bans have not seen a reduction in dog attacks.

Prior to the initiation of the judicial review, Dog Law Ireland wrote to the minister, proposing alternatives to a breed ban, such as:

- Introducing stricter penalties (and jail time) for owners who fail to act on a dog's known aggression,
- A mandatory 'theory test' to obtain a dog licence (valid for ten years), which could cover areas like socialisation, responsible ownership, dog body language (to prevent bites), the risks of using painful training tools, etc,
- Hiring more dog wardens to increase enforcement of current laws,
- Mandatory annual veterinary checkups, since pain is often a contributing factor in aggression,
- Thorough investigation of dog bites

to collect data on breed, owner history, training, where the dog was sourced, and incident-circumstances to inform policy,

- Increasing enforcement for dog licences and using the fees to invest in better regulation and dog welfare,
- Regulating the dog-training industry and banning aversive training methods – techniques that use unpleasant or punishing stimuli to discourage unwanted behaviours in dogs – since studies show they increase aggression,
- Temperament testing for restricted breeds, similar to the approach taken in Germany, and
- Setting up an independent regulator, similar to South Australia's Dog and Cat Management Board. This state-government statutory body is responsible for planning, promoting, and providing advice on dog and cat-management practices. It oversees the administration



Artwork: Alex Ross/Wikimedia Commons

and enforcement of the state's dog and cat-management laws. Such an independent regulator would:

- Educate the public on responsible dog ownership and bite prevention,
- Develop policies on dog control and welfare, and
- Oversee local councils on dog breeding and control.

While Dog Law Ireland received an acknowledgement email from the minister's office in reply, there was no substantive response. At present, there appears to be no plan in the near future to explore alternative avenues, such as those laid out above.

Dog eat dog

Ireland is at a critical juncture when it comes to dog welfare. Rising dog-ownership rates, the ongoing consequences of the pandemic and the housing/rental crisis, along with a rising number of dog attacks have placed increased scrutiny on the country's laws governing dogs.

At a high level, Ireland's dog laws can be broken down into three categories:

- The control of dogs,
- The breeding of dogs, and
- The welfare of dogs.

Dog Law Ireland believes that the laws in relation to each of these areas are in need of reform and better enforcement.

The *Control of Dogs Act 1986*, though foundational, is now almost four decades old. Dog ownership and society's attitudes towards dogs have changed dramatically in that time, but the legislative framework has not kept pace. As a result, owners, rescue centres, local authorities, and enforcement agencies are often left navigating outdated, ambiguous, and inconsistently applied laws.

Old Sheep

Meanwhile, the country still carries the shameful title of 'puppy-farm capital of Europe'. Legal loopholes and poor enforcement continue to allow unethical breeding – overburdening rescue centres and shelters. Urgent reform of Ireland's dog-breeding laws is needed.



Founders of Dog Law Ireland, Hannah Unger, Carrie McMeel and Demi Mullen

While the *Animal Health and Welfare Act 2013* does allow for broad protection against animal cruelty, it is overdue reform and, much like all of Ireland's dog legislation, is significantly lacking in terms of enforcement. This is problematic in and of itself, but even more so given the proven link between violence towards animals and violence towards humans. Furthermore, even when prosecutions are taken, sentencing is often light and does not act as a deterrent.

Dog Law Ireland believes that the way forward lies in thoughtful reform, grounded in empirical evidence, legal clarity, and compassion. Issues such as responsible dog ownership, regulation of breeding practices, enforcement of welfare standards, and the prevention of cruelty all require modernised laws that are fit for purpose and that are properly enforced.

Walking the dog

Dog Law Ireland's vision for the future is clear:

- Expand educational efforts to ensure that all stakeholders – including gardai, government personnel (such as local authorities and policymakers), legal professionals, rescue centres, veterinary professionals, and those in the dog industry generally (including dog trainers and dog minders) – understand their rights and responsibilities,
- Empower these stakeholders with the tools and knowledge they need to make a positive difference,
- Advocate for evidence-based legal reforms that protect both people and dogs.

We are working on a number of exciting projects, including:



“

Ireland still carries the shameful title of ‘puppy-farm capital of Europe’. Legal loopholes and poor enforcement continue to allow unethical breeding – overburdening rescue centres and shelters

- Turning the suggested reforms outlined in Fieldfisher's report, *Key Reforms to Dog Breeding in Ireland*, into a draft private members' bill, which will be brought forward by Jennifer Whitmore TD,
- A campaign dedicated to advocating for legal reforms to better protect sighthounds used in 'sport',
- Working with Senator Chris Andrews, who has established a dog-welfare society in the Dáil and has asked us to provide an Oireachtas briefing later this year,
- Preparing for upcoming webinars we have been asked to give by a number of organisations, including The Links Group and The Irish Veterinary Behaviour Association.

Something we have learned in our first year of Dog Law Ireland is that the legal profession has a big role to play in making life better for Ireland's dogs – whether by educating, advocating, or simply by understanding the existing law.

We are realistic about the challenges ahead but remain optimistic. With passion, persistence, and partnership, real change is possible – and Ireland's dogs will be the better for it.

For more information, or to get involved with Dog Law Ireland, visit www.doglawireland.ie.

Hannah Unger is a public and regulatory law solicitor with Fieldfisher Ireland LLP. She also leads a pro bono team focused on reviewing dog laws and proposing reforms. Demi Mullen is an investment funds solicitor who co-established Animal Law Network Ireland with a colleague in 2024. Carrie McMeel is a regulatory solicitor who regularly advises dog rescues on a range of legal matters, including governance and compliance, and has drafted their policies and internal procedures.

LOOK IT UP

- *Animal Health and Welfare Act 2013*
- *Control of Dogs Act 1986*
- *Control of Dogs (XL Bully) Regulations 2024*

Proximate CAUSE

London represents a significant opportunity for independent Irish law firms, William Fry's Ivor Banim tells the *Gazette*

In the heart of London's legal landscape, where towering glass skyscrapers reflect the bustling world of multinational deals and complex legal frameworks, one Irish lawyer is bridging both markets.

Corporate M&A and private-equity lawyer Ivor Banim has led the William Fry London team since 2017. Banim explains that his office, which has operated in the British capital since the 1990s, plays a pivotal role in the firm's strategy to follow Irish business and expand its reach into Britain and beyond.

According to the Dubliner, the objectives of the firm's London office are twofold: to build closer connections with British, US, and global law firms located there; and to tap into the massive global financial-services hub.

Streets of London

When he arrived in London in 2017, Banim's mission was clear: to expand the firm's presence in Britain, a country that, despite its geographical proximity to Ireland, offers a similar but different scale in terms of legal and business ecosystems.

Leading the London office, Banim's role grew from primarily fee-earning work to also focusing on strategy and management, ensuring that the firm's presence was felt, not just within the Irish network, but also in international corridors. Banim says this is especially important in the markets of tech, pharmaceuticals, and financial services – where there is an increasing focus on private capital.

The impact of Brexit, particularly on the firm's relationship with the EU, is another factor contributing to its British strategy. Though the immediate effects were



All pics: Darren Filkins

challenging in political and economic terms, Banim says that the core of Ireland's business relationship with Britain remains.

"Brexit has had some impact, but the legal market has always adapted to change, so it also represented an opportunity," he says. "Our businesses are typically countercyclical, so you would like to think that there is work whether the market is up or down."

"Because of the resilience in Ireland's relationship with Britain, there is a significant advantage to having a British presence through our London office," he adds. "It positions us next to some of the most significant British and global law firms and financial-services players, which are crucial for referrals and cross-border work."

While many of the British, US, and global law firms in London can focus across multiple jurisdictions, Irish firms such as William Fry continue to focus on Irish law in Britain.

"As a representative office, albeit a fully fee-earning one, bolstered by a cross-sectoral/departmental/firm British market group, our model is not to have – nor do we need to have – scores of lawyers based in London," he says.

Upfield

The office boasts a team of ten, including three resident partners and five resident associates, together with a marketing and office-support team. It has seen significant growth, particularly in private equity and international transactions, and has taken a strategic approach to international client development post-COVID.

Though William Fry has had a presence in London for decades, Banim points to 2012 as a key turning point. That year, the firm relaunched its London office under the leadership of current managing partner Stephen Keogh, with Banim taking over from him in 2017 following Keogh's return to the Dublin office.

The office's focus continues to be toward maintaining and establishing a robust network of referrals, particularly with British, US and European law firms. Banim cites a large list of firms that William Fry has worked with over



The office's focus continues to be toward maintaining and establishing a robust network of referrals, particularly with British, US and European law firms

the years that it now counts as part of its international network.

He fully acknowledges the importance of the Irish network in getting access around town, particularly when first taking over the London office: "I quickly realised that the Irish network is an accessible way to gain an understanding of a city like London. It's an advantage," he observes, pointing to multiple very useful bodies, such as the British-Irish Chamber of Commerce, the Ireland Funds, the London Irish Lawyers Association, and the British Irish Trading Alliance.

Banim notes as positives the sophistication of domestic Irish law firms and the ease of doing business in, and with, Ireland. "In Britain, Irish lawyers are seen as hard-working and capable. Irish people, and Irish lawyers, punch above their weight, definitely," he says.

William Fry's reputation for expertise and responsiveness has led to significant opportunities and high-profile work: "With experience and exposure to working with British, US, and global firms on large transactions, you see the level of detail, client service, and responsiveness they pursue given the mandates they get, and we want to be involved in delivering that with them, to the timelines they work to, and for the clients they service."

Baker Street

The rise of private equity deals, in particular, has opened doors for firms such as William Fry to contribute their expertise. Banim notes that large, cross-border transactions with an Irish element often require the involvement of an Irish law firm conversant with that type of work, whether in a co-counsel role or as a key player in the legal structuring and implementation of the deal.

"The size and complexity of these transactions make it essential for international firms to have a trusted partner on the ground in Ireland," he says. "As a full-service Irish law firm with a transactional focus, we're in a strong position to handle that work – which we do time and again."

The London EC1 office also serves as a hub for the large number of the firm's lawyers



visiting contacts and clients, in addition to the recruitment and maintenance of its alumni network. The firm takes an in-office approach to work, particularly for associates and juniors, but does offer some hybrid flexibility.

Banim also notes a growing trend for young lawyers, post-COVID, to plump for alternative career paths, including moving in-house to work for tech giants, for example, or exploring opportunities outside the traditional law-firm environment. He sees it as a natural evolution in the industry: “We spend a lot of time and resources training young lawyers and, while it’s always a challenge when someone moves on, it make sense to maintain strong connections with those who do, which can only benefit the firm in the long run.”

The current fluid nature of career paths, Banim believes, is part of the broader shift in how professional success is measured: “It’s no longer just about staying in one

“

The impact of Brexit, particularly on the firm’s relationship with the EU, is another factor contributing to its British strategy. Though the immediate effects were challenging in political and economic terms, the core of Ireland’s business relationship with Britain remains

place; we’re happy to see them grow in new directions.”

Early in his own career, Banim flirted with the idea of becoming a barrister, but soon realised that the environment of a law firm, with its rigorous structure and collaborative ethos, suited him better.

London calling

Reflecting on his tenure in London and indeed his time since qualification, Banim suggests that expansion of work demands and workloads are par for the course. “With practice and experience, you manage it better, which is fulfilling. You understand how to approach and solve problems and look at it all in perspective,” he says.

He finds it particularly satisfying to mentor those associates and juniors who secure a sought-after rotation to the London office. The influx of international firms into the Irish market has affected both talent pool and work dynamics, he says. “The fight for talent is an ongoing challenge, particularly in the face of competition from international firms.”

Banim admires his British legal counterparts as courteous and professional, and relishes the multicultural fabric of London, which offers immense opportunities for collaboration. While Ireland’s legal market may be smaller, it is by no means lacking in sophistication, Banim states. He points to Ireland’s role as a key jurisdiction for test cases, particularly in commercial and intellectual-property law, as evidence of its legal strength.

While the appeal of hometown Dublin will never fade, Banim is adamant that London’s energy is unmatched. “There’s something about London that energises you,” he says. “It’s a global city with a relentless pace, and you can’t help but get caught up in that energy.”

“London is incredibly fulfilling, both professionally and personally,” he concludes, “but Dublin is home and, eventually, I think we will go back.”

Mary Hallissey is a journalist with the Law Society Gazette.

Back to the Future II

It's *Back to the Future II* as we assess the dominant trends from the Law Society's second survey of the solicitors' profession. What are the major challenges, how are solicitors facing them – and what opportunities lie on the horizon? Mark Garrett dons the smart glasses

The results of the Society's second survey of solicitors are in and, while there is a lot of detail to analyse yet, there are a few dominant trends and clear feedback emerging. Yes, there are real challenges causing concern. What is also clear is that solicitors are planning and thinking strategically about what is on the horizon – how they will navigate it, how they can diversify, and where the Law Society can add value.

More than 1,660 practising solicitors responded to the survey and offered their views on where the profession might be in 2030. The profession is wise to today's challenges and tomorrow's opportunities. It doesn't matter what role (sole practitioner, equity partner, associate solicitor) you do – the role that technology, regulation, and international investment plays is inevitable in your career future and is a business reality.

We live in a time where uncertainty is certain, disruption constant, growth uneven. The legal landscape is evolving, and so must we. The results of this second survey of the profession reaffirm this message. What it also highlights, yet again, is that solicitors are problem-solvers and strategic thinkers and are navigating this changing landscape.

This is a future-focused survey. Where does the profession want to be in a few years' time, what areas of practice are emerging, and how can the Law Society assist them in getting there – while ensuring high standards and the most effective and impactful regulatory foundations? It all reflects the overall

desire and commitment of the profession to thrive. That said, it is clear that not everyone, everywhere, is feeling the same.

Today's challenges

The top five challenges revealed from the survey recognise the domestic and global environment:

- Cybersecurity and cybercrime – net: 88% challenging,
- Regulations and compliance – net: 82% challenging,
- Keeping pace with technology – net: 81% challenging,
- Recruitment and retention (legal staff) – net: 80% challenging,
- International political environment – net: 73% challenging.

As we all know, in the first half of this year, geopolitics and the bond markets have, unfortunately, been to the fore, and this is having a natural ripple effect into major business decision-making. It is significant that solicitors have highly

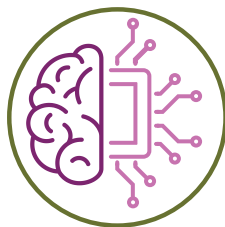
TOP 5 CHALLENGES FACING THE PROFESSION



“

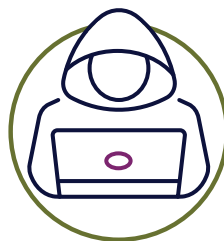
Very noteworthy is the number of practitioners using AI for work purposes. While 78% of respondents anticipate their use of AI in their work will increase over the next five years, just 5% are using it every other day. This rises to 11% for weekly use

TOP 5 SIGNIFICANT OPPORTUNITIES



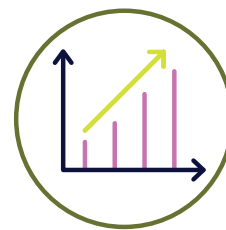
52%

New technologies, including artificial intelligence



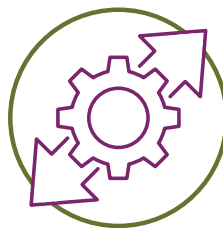
49%

Supporting employer against cybercrime



43%

Growth in the Irish economy



38%

Managing and using data



38%

Alternative dispute resolution

ranked this challenge at present – and is one that they see persisting. Business success in the profession is connected to national economic success, as is demonstrated by the responses to possible opportunities in the next five years. These top challenges are consistent with the results of the 2023 survey.

Cyber-issues

Cybercrime and cybersecurity remain a very live issue. It is reassuring to read that, despite cyber-issues being a significant challenge, 95% of respondents are ‘aware of the protections on data, systems, and accounts in my workplace’, with 92% also ‘clear on the actions I must take if a cyber-breach occurs’.

That said, 63% of solicitors who completed the survey would like more ‘upskilling/information on the increasing sophistication of cyber-threats’.

Whether as a crime or security, cyber-issues are going to be a constant in legal and other professional workplaces. Indeed, when asked where new areas of practice

might grow over the next five years, technology is where it’s at. In all, 27% of solicitors believe that AI will generate additional work, while 21% believe that technology/cyber will grow. For the Law Society’s part, the respondents are saying that they would like more guidance and information in these areas, and they place a value on this.

Regulation concerns

The increasing and necessary regulatory requirements are causing strain. As part of this survey, respondents have indicated where they see some solace, with increased information now available on anti-money-laundering toolkits, and targeted CPD on regulatory compliance and risk.

The in-house community, both in the commercial and public sectors, now represent approximately 27% of the profession. Managing increasing regulation, such as ESG, registered a net 53% significant issue for in-house solicitors. They will be monitoring the



Director General Mark Garrett

international political environment and offering counsel to their employers in terms of any potential impact.

Working directly for one client within the business unit, they see additional issues:

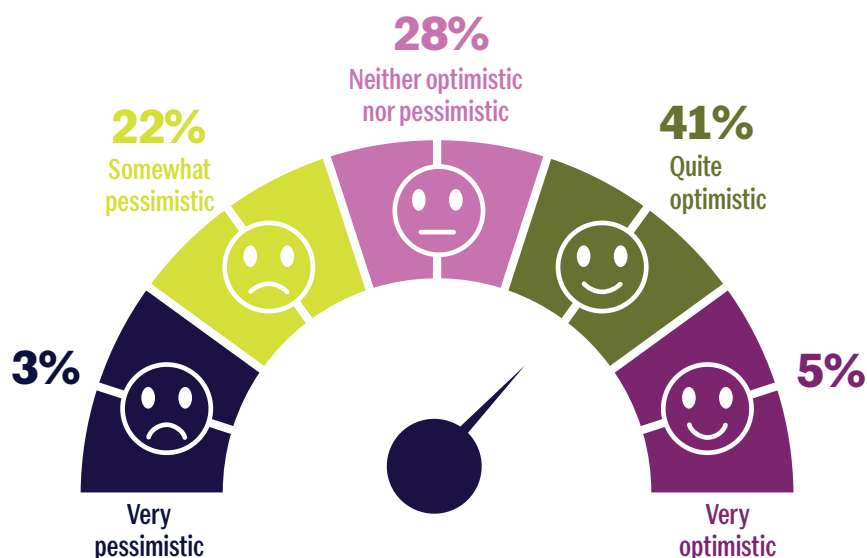
- A lack of resources (staff, precedents, IT, etc) – net: 64% significant issue,
- A lack of career progression – net: 56% significant issue, and
- A sense of disconnect from other in-house colleagues in areas of knowledge-sharing and networking – net: 56% significant issue.

Tomorrow's world

In considering the opportunities that the profession sees, it is worth noting the connection, or indeed co-dependency, with challenges like cybercrime, increased regulations, and investment in Ireland.

Overall, the top five opportunities, as rated by the respondents, are:

- New technologies, including artificial intelligence (AI) – net significant opportunity: 52%,
- Supporting employer against cybercrime (in-house practitioners): 49%,
- Growth in the Irish economy: 43%,
- Managing and using data: 38%, and
- Alternative dispute resolution: 38%.



OPTIMISM ABOUT THE FUTURE OF THE PROFESSION

Looking to the next five years, 47% of solicitors say that they are optimistic – up six points on 2023, while 25% are pessimistic – down four points on 2023. In all, 28% of respondents say that they are neither optimistic nor pessimistic.

When asked about growth over the next five years in their areas of work or business, 51% expect work to grow (including 21% who say it will 'grow a lot'), with 14% saying work will deteriorate (including 3% 'deteriorate a lot'). A total of 32% expect work to remain stable.

Solicitors are future-focused and are looking at the emerging areas of practice and considering upskilling for diversification of service. In all, 46% indicated that they would undertake additional training and education to further develop their expertise.

Very noteworthy from the survey is the number of practitioners using AI for work purposes. While 78% of respondents anticipate their use of AI in their work will increase over the next five years, just 5% are using it every other day. This rises to 11% for weekly use.

Despite the buzz around legal AI, 45% of respondents have never used it. Delving deeper into this, the main reasons signalled behind the hesitancy include a need to upskill further to better understand AI and a need for more ethical guidance.

Jobs list

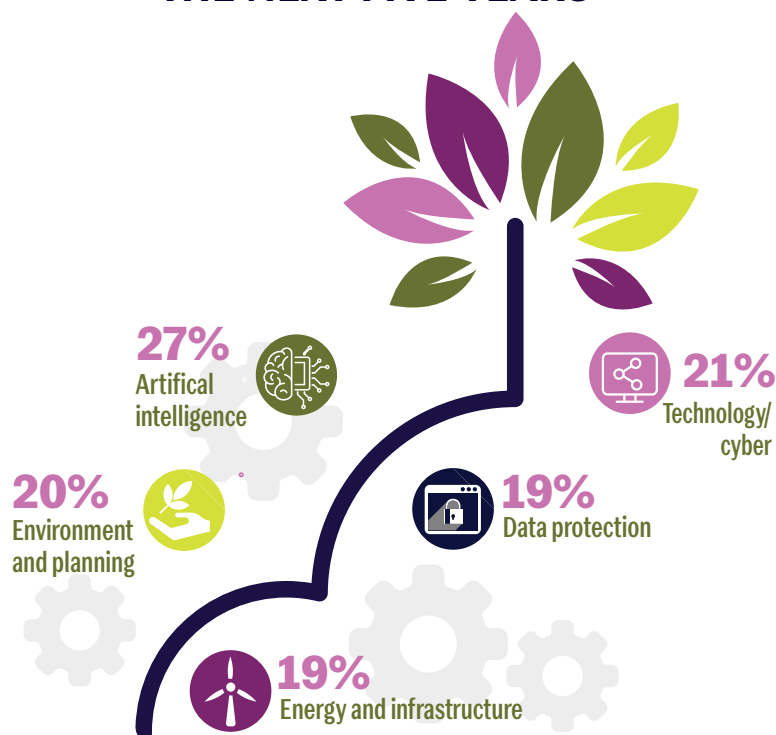
In terms of the work of the Law Society, respondents have sent some clear requests, and it is now up to the Law Society to respond. Overall, 50% of solicitors believe



“

Despite the buzz around legal AI, 45% of respondents have never used it. Delving deeper, the main reasons signalled behind the hesitancy include a need to upskill further to better understand AI and a need for more ethical guidance

TOP 5 AREAS OF EXPECTED GROWTH IN THE NEXT FIVE YEARS



that the Law Society is doing a good or better job, while 17% think it's poor. A total of 33% say it's 'fair'.

There is little change in the top-five priorities that the Law Society should be focusing on:

- Representation of the solicitors' profession (78%),
- Delivering high-quality education to trainees (72%),
- Contributing to and advising on new legislation, regulatory requirements, and law reform (70%),
- Maintaining high standards and regulatory compliance (67%), and
- Providing a good quality and relevant CPD offering (63%).

A key tenet of the Law Society's strategy is to position the organisation proactively – ready to shape and embrace future legislative, regulatory, and other change on behalf of, and in support of, solicitors and the public interest.

This includes an outward focus to demonstrate the expertise and the experience of practising solicitors and to ensure that the Law Society and the solicitors' profession are a significant

and positive contributor to justice and law reform and the public interest. I am confident that, as the year continues, the impact and value of the profession will be more visible.

Future focus

For the Law Society, this survey is a tool to help the profession to thrive. By better understanding the key issues and opportunities on practitioners' desks – the issues you are dealing with today – it helps to shape the focus of the Law Society in designing and executing its services and priorities.

Respondents come from firm sizes from one to 200-plus members. The survey provides a robust insight for legal peers of what the key obstacles are – and that no one is alone when it comes to navigating a changing work environment.

Solicitors are busy people, so I do thank you for taking the time to respond. The results are data rich, and I look forward to working through them – and sharing more with you in the future.

Mark Garrett is Director General of the Law Society of Ireland.



MUD in your eye



Photo: Alamy

What issues arise when defects are discovered in multi-unit developments – and what approaches should you adopt to efficiently manage claims for the collective benefit of affected unit owners? Conor O’Leary and Ciaran Moore fill in the cracks

A

partment ownership in Ireland is based on a series of interlocking rights and obligations. Typically, an ‘owner’ holds a long lease (for example, 999 years) to a unit that is held from an owners’ management company (OMC), which owns the freehold and, importantly, owns the common areas in a development.

The long lease gives an owner exclusive rights to the unit and limited rights in relation to the common areas, coupled with an obligation to pay an annual charge to the OMC. The owner is also typically given a shareholding in the OMC, which is broadly proportionate to the ratio of one unit to the number of units in the entire development.

This ownership structure seeks to collectivise the management of common areas for the common good, while allowing individual freedom in relation to any one unit. While practical and functional in terms of ordinary ownership, everyday living, and the purchase and sale of apartments, the structure gives rise to particular complexities when a development, or part of a development, suffers from material defects.

“

Addressing structural defects in multi-unit developments is a complex process that encompasses legal, financial, and procedural considerations. The interplay of individual unit ownership and collective responsibility under the OMC framework necessitates a systematic approach when defects are discovered

If defects arise, there are certain key questions that must be answered as a matter of priority:

- Where are the defects or consequent damage located?
- Who is potentially responsible for causing the defects?
- When were the defects or consequent damage first discovered?
- Is there insurance cover in place?

The answers to these questions will help determine who should be pursued in any claim and whether an individual owner or the OMC should manage the dispute.

The where

If the defect or damage is to the internal structure of an apartment, the responsibility to repair that defect will most likely lie with the individual unit owner. However, if the defect or damage is to the balconies, the cladding of a development, or to the common areas of the development under the ownership of the OMC, then the OMC will be responsible for remedying the defect. In economic terms, this means that all unit owners will collectively bear the cost of the repair of these areas, even if their particular unit is unaffected.

Quite often, the defects affect both the common areas and individual apartments and, in those circumstances, there may be a conflict between the individual unit owner's desire to prioritise remedying their own unit and their obligations as members of the OMC to contribute to the repair of the common areas of the development.

The who

Once defects are discovered, it is then necessary to identify who is likely to be legally responsible for causing the defects. Is it the original developer, builder,



or subcontractors employed when the development was being constructed? It is important that each individual or company that may have contributed to the defective construction be identified. This includes any subcontractors that may have carried out substandard workmanship on the development or the suppliers of any defective material used in the development.

For example, if the windows to a development are defective, thereby causing water ingress to the development, the supplier of those windows, the party responsible for their installation, and the architect who certified the windows to be of a certain standard may all have a liability to the unit owners and/or the OMC for the damage caused by the defects to those windows.

In addition to those parties who may be liable for the defects, the unit owners may have policies of insurance purchased with their unit that indemnify them against loss resulting from damage caused by structural defects in a development. Therefore, the unit owners may also have recourse to an insurer, subject to the terms and limitations contained in their insurance policy. This is dealt with further below.

The when

Any indication that there are defects in a development should be responded to as a matter of urgency by managing agents and OMCs. This is because the time period within which a unit owner and/or an OMC can bring proceedings against parties responsible for damage caused by structural defects is short; usually six years from the first purchase of the unit or from when the defects were discoverable, depending on the type of



claim being brought. Similarly, insurance policies for large developments may only cover loss arising from structural defects discovered and notified within ten years of the purchase of the policy.

OMCs/agents should therefore take note of any reports indicating there may be defects to a development, such as the presence of water ingress, and investigate these thoroughly and promptly.

Insurance

As mentioned above, a further question to consider when defects arise in a development is whether the units were sold with the benefit of an insurance policy. These policies usually cover damage to a development caused by structural defects, and that damage must have occurred within a certain period of time, usually ten years from the date the policy was taken out.

The extent of cover provided by the insurance policy can vary, as can the requirements to notify damage to the insurer. Policies often cover both damage to the common parts of a development as well as damage to internal units caused by structural defects.

However, the financial limits under a policy will usually apply equally to internal damage and damage to the common areas caused by structural defects. In other words, if you claim under the policy for internal damage to a unit, this will reduce the amount payable by the insurer for damage to the common parts. If the structural defects cause both internal and common parts damage, a conflict may arise between the unit owner's desire to claim for the repair of the internal damage under the policy versus the OMC's

wish to claim under the policies for the costs of repair of the common parts.

Regardless of the location of the damage, the OMC/managing agent should take legal advice in respect of the application of the policy in order to ensure strict compliance with the terms and conditions of the policy, otherwise costly disputes with the insurer may arise.

Litigation/arbitration

Once the managing agent/OMC is in a position to answer the key questions set out above, and the relevant parties have been notified of any claims, it is then necessary to consider whether litigation may be necessary to recover some or all the costs of repairing any damage caused by structural defects. As previously mentioned, such proceedings can also involve a claim against an insurer where there is an insurance policy in place and the insurer is refusing to indemnify the unit owners for some or all the cost of repairing the damage.

Where litigation is necessary, there are certain factors to consider.

Who is the correct claimant?

The first issue to be determined is who should bring the proceedings. If the defects and damage affect only the common areas, it may be appropriate for the OMC itself to issue proceedings. However, if the defects affect both the common areas and the individual units, or only the individual units, then it may be necessary for the unit owners themselves to issue proceedings. Furthermore, where claims are being brought against an insurer, these must be brought in the names of the policyholders.

In the latter case, the unit owners can still elect to authorise the OMC to administer the claim on their behalf. This can simplify the procedure significantly for the individual unit owners, as the unit owners' proceedings are administered collectively and by one legal team.

Where an OMC is authorised to bring the claim on behalf of the unit owners, the OMC must ensure the following:

- It has written authority from each unit owner to issue and administer the proceedings on their behalf,
- It provides regular updates to unit owners on how the proceedings are progressing,
- It has sufficient cash reserves to pay legal costs, outlays, and the costs of experts to investigate the defects (this may require raising additional levies or increasing its service charges),
- It has a procedure in place for when a unit is sold, so that the purchaser provides their authority to be substituted into the proceedings in place of the vendor and the vendor's claim is thereby assigned to the new purchaser, and
- The terms upon which any settlement offers are to be accepted or rejected are clearly prescribed.



RISK MANAGEMENT FOR PRACTISING SOLICITORS

When: Tuesday 17 June, 7.45am-9.15am

Where: Blackhall Place, Dublin 7 CPD: 1 hour

Enjoy 'Breakfast at Blackhall' and learn more about risk management in legal firms from an insurance perspective, recent claim developments, emerging threats, and the current insurance market. **Lisa Chambers**, Consello, **Martin Flanagan**, Arachas and **Sorcha Hayes**, Law Society Practice Regulation, will share their guidance and recommendations.

ARACHAS



www.lawsociety.ie/arachas



Seeking Mentors and Mentees!

Ready to **unlock your potential?**

Or want to mentor the **next generation of female leaders?**

Apply for our Women in Leadership programme
by 20 June 2025



www.lawsociety.ie/womeninleadership
Contact: solicitorservices@lawsociety.ie





When defects at a development are discovered, or even suspected, OMCs/managing agents should seek legal advice at an early stage. Lawyers will be able to advise OMCs on their own legal position and the best way to advance their members' interests

Forum or venue

Proceedings brought in respect of the defects may proceed by litigation before the courts or by way of arbitration. The process chosen will depend on the construction contract, or insurance policy if one applies. The contract or policy may dictate that any disputes arising thereunder are to be resolved by means of arbitration. In those circumstances, such contracts or insurance policies will also determine how the arbitrator is to be appointed. Where the contracts are silent on the forum for the resolution of disputes, litigation before the courts is the default procedure.

Regardless of the process engaged, it is likely that any claim will be costly to run and will involve considerable resources and an extended period of time to be resolved. Therefore, OMCs/managing agents should engage lawyers at an early stage to ensure a streamlined approach to the proceedings, thereby reducing the incurrence of any unnecessary costs.

Judgment or award

Where proceedings advance to a full hearing either before the courts or at an arbitration, the court or arbitrator will ultimately make a decision as to which party, if any, is liable to contribute to the repair of the damage and/or structural defects. These types of proceedings can involve the determination of who is liable for causing the defects (and thereby liable for their repair) or, where liability is not in issue, the proceedings can deal solely with the amount the unit owners and/or OMC are entitled to recover (a *quantum*-only claim).

If the case is heard before the courts, a decision will be given by way of a judgment. If an arbitrator hears the case, he or she will make an award. Any judgment or award will also usually deal with the costs of the proceedings. However, even where a party to proceedings is successful, it will usually only recover between 60-70%

of its legal costs. This is something that should be borne in mind by an OMC and budgeted for.

Alternative dispute resolution

Parties can agree to settle a dispute at any stage of proceedings. Parties may also appoint a mediator to facilitate settlement discussions on a confidential basis and without prejudice to the rights of the parties to continue proceedings if the mediation is not successful.

If the OMC is administering claims on behalf of a group of unit owners, and terms of settlement are agreed between the parties, it may be necessary for the OMC to have the terms of settlement approved by each individual unit owner. This can be done by either:

- Ensuring the mandates signed by the unit owners at the outset of proceedings authorise the OMC to settle the dispute on the unit owners' behalf, or
- Agreeing settlement terms with the defendants/respondents to the proceedings on a conditional basis subject to the approval of the members at a later date.

Systematic approach

Addressing structural defects in multi-unit developments is a complex process that encompasses legal, financial, and procedural considerations. The interplay of individual unit ownership and collective responsibility under the OMC framework necessitates a systematic approach when defects are discovered.

Key questions such as the location of defects, the responsible parties, the timing of discovery, and available insurance coverage serve as critical starting points for resolving issues efficiently. Understanding these elements helps clarify the responsibilities of unit owners and the OMC, and also aids in determining the appropriate course of action.

In addition, there is the potential for conflicts of interest to arise between individual unit owners and the OMC, and these must be carefully managed to ensure that all parties' interests are adequately represented. This includes making informed decisions about legal proceedings and settlements, which should ideally be handled collectively to minimise costs and streamline processes.

When defects at a development are discovered, or even suspected, OMCs/managing agents should seek legal advice at an early stage. Lawyers will be able to advise OMCs on their own legal position and the best way to advance their members' interests. Timely legal advice will also help OMCs/managing agents avoid serious pitfalls such as failing to notify defects to an insurer in time or failing to include all appropriate parties in legal proceedings.

Conor O'Leary is a partner on the commercial litigation team in Mason Hayes & Curran specialising in negligence claims and insurance-coverage disputes. Ciaran Moore is an associate with expertise in managing multi-plaintiff litigation.

Maison d'être

The European Company Lawyers Association's General Assembly was hosted from 3-4 April at the Law Society. 'Où est la bibliothèque?' asks Mary Hallissey



In-house lawyers are a powerful yet sometimes overlooked force within the legal profession across Europe, according to French lawyer Stéphanie Fougou, president of the European Company Lawyers Association.

With an estimated 160,000 in-house lawyers working across Europe, the profession has seen significant growth over the past few decades. However, though working in companies and industries of all sizes, in-house lawyers can find their professional recognition and legal privilege differing from one European country to another.

Founded in 1983, the European Company Lawyers Association (ECLA) – representing 24 national associations – is the voice of these professionals, working to advocate for their profession at European level. ECLA's only working language is English.

Liberté

In-house lawyers make up approximately 25% of the legal profession in some Western European countries, with this percentage continuing to grow. “The further you go to the east, due to the history of the rule of law, the share of company lawyers drops significantly, to 10 or even 5%,” says ECLA's general manager Marcus M Schmitt.

In the Netherlands, however, with its strong trading history, a dedicated association for in-house counsel has existed for over a century, helping shape the practice of business law. In Britain and Ireland, the profession is similarly robust, with well-established systems in place for training and professional development. In 50 years, France has seen a tenfold increase in company lawyers, from 2,000 to 20,000. It's a cohort that grown rapidly as companies become more well-known and sophisticated in their endeavours, according to Stéphanie Fougou.

The strong Anglo-Saxon business-law environment in northern and middle Europe stands with a long history of in-house lawyers accompanying the development of business, she said. In Southern and Eastern Europe, the recognition of in-house lawyers is weaker.

“
As a transnational organisation, ECLA can also foster dialogue between common-law and civil-law systems. An understanding of both legal frameworks, through ECLA, enables in-house solicitors to navigate cross-border issues with greater expertise

In Italy and France, lawyers have to resign from bar associations when they switch from external firms to in-house positions, further blurring their status within the broader legal community.

Egalité

Perhaps the most pressing issue facing in-house lawyers in Europe is the lack of uniform recognition of legal professional privilege in favour of their clients. This is a fundamental right that allows lawyers to provide candid legal advice to clients without the fear of disclosure and self-incrimination in legal proceedings.

However, in-house lawyers in certain countries may find themselves excluded from this protection, and not afforded the same level of privilege as their external law firm counterparts.

Progress can appear a bit slow, although a clear trend towards recognition of this privilege is notable in Europe. The European Commission and other EU institutions are restricted from interfering with the state's appreciation of the profession of lawyers due to the *Lisbon Treaty*, said Schmitt. This alone has not been enough to ensure that all in-house lawyers can rely on privilege in every circumstance, particularly in high-stakes cases involving competition law. “Even company lawyers for Ireland cannot rely on legal professional privilege when it comes to an investigation by the EU Commission in competition law cases,” Schmitt comments.

Fraternité

In countries where in-house lawyers lack official recognition, voluntary associations have sprung up across Europe, giving in-house lawyers a platform to connect, share best practice, and advocate for their rights. These groups often create their own ethical codes, setting professional standards in the absence of national regulations. These voluntary associations, though crucial in providing support and a sense of community, are still not enough to overcome the legal hurdles that many in-house lawyers face.

ECLA has been working hard to elevate the profession at the European level. Its



LAW SOCIETY
OF IRELAND

AUTUMN 2025 COURSES APPLICATIONS NOW OPEN

CONTACT DETAILS

e: diplomateam@lawsociety.ie

t: 01 672 4802

w: www.lawsociety.ie/diplomacentre

DIPLOMA CENTRE

For all your CPD needs | Leaders in legal education
with professional focus and practical insight | Flexible
CPD recognised courses to suit a busy schedule

Certificate in Property Law and Conveyancing for Legal Executives	21 May 2025	€1,950
MOOC - Artificial Intelligence (AI)	10 June 2025	Free
Legal Skills Through English	30 June - 4 July 2025	€995
Professional Doctorate in Law	1 September 2025	€8,500 per year
Diploma in Law	5 September 2025	€4,800
LLM Employment Law in Practice	13 September 2025	€3,700
LLM Advanced Legal Practice	13 September 2025	€3,700
Diploma in Employment Law	19 September 2025	€2,700
Diploma in Family Law	23 September 2025	€2,700
Certificate in Aviation Leasing and Finance	25 September 2025	€1,750
Diploma in Criminal Law and Practice	3 October 2025	€2,700
Diploma in Finance Law	7 October 2025	€2,700
Diploma in Technology and IP Law	8 October 2025	€3,095
Diploma in Construction Law	11 October 2025	€2,700
Diploma in Judicial Skills and Decision-Making	18 October 2025	€3,095
Certificate in Immigration Law and Practice	23 October 2025	€1,750
Diploma in Education Law	31 October 2025	€2,700
Certificate in Legal Skills for Legal Secretaries	4 November 2025	€950

advocacy ranges from the recognition of in-house lawyers as a distinct profession, to securing broader access to legal professional privilege across the continent. The ultimate goal is to bring about a unified standard of recognition and protection for in-house lawyers that spans all of Europe, ensuring that their expertise and role within the business world is formally acknowledged and properly safeguarded.

ECLA and its national counterparts are pushing for a future where in-house lawyers can work with the same level of professional respect, protection, and privilege as any other legal professional.

The association also emphasises the value of transcontinental networking. “For Irish solicitors to meet colleagues from all across Europe, to have a bit of best practice sharing – this is invaluable,” says Stephanie.

As legal issues such as GDPR and ESG regulations evolve, members can learn from how their peers in different jurisdictions address these challenges. This cross-border exchange fosters a stronger, more informed legal community, Stephanie believes.

Providing members with continuous professional development ensures that solicitors are on top of legal advancements. ECLA membership offers free benefits that include webinars, courses, and roundtables, all designed to keep members’ skills sharp. “There is a variety of things where they can actually get to know each other — whether virtually or physically,” she says.

“All in-house solicitors at the Law Society have the advantage to benefit from this ‘power of the crowd’ at European level,” Marcus Schmitt adds.

Je ne sais quoi

ECLA vice-president Mark Cockerill is based in Ireland, but sees ECLA as a gateway to a wealth of resources. “Access to all of these [resources] is provided as part of the practising certificate,” he says. This is especially beneficial for solicitors working in companies with international reach, as it bridges the gap between national and European legal practices.

As a transnational organisation, ECLA can also foster dialogue between



“

ECLA and its national counterparts are pushing for a future where in-house lawyers can work with the same level of professional respect, protection, and privilege as any other legal professional

common-law and civil-law systems. An understanding of both legal frameworks, through ECLA, enables in-house solicitors to navigate cross-border issues with greater expertise.

“We never take it that there’s a separation between common law and civil law. We know there is both, and we know that all our in-house lawyers need to understand both. When they negotiate, they need to have both in mind,” emphasises Stéphanie, pointing to the educational needs of this dual perspective. “This knowledge is particularly crucial in multinational environments where both systems often overlap.”

This dual knowledge enables solicitors to “make better comparisons, adapt contracts, and understand how it’s running within each country.”

The GDPR, one of Europe’s most influential pieces of legislation, has also set a global benchmark. Cockerill refers to the ‘Brussels Effect’, where European laws often set high standards that other countries follow.

“The US adopted the *California Consumer Privacy Act*, which adopted GDPR-like features. India and Singapore have suggested similar legislation,” he notes. “Understanding different countries’ viewpoints and challenges is essential, especially for in-house lawyers working for multinational companies. That’s one of the benefits of ECLA, expanding that understanding and awareness, and that network to discuss and bounce things around.”

Mary Hallissey is a journalist with the Law Society Gazette.

Green LIGHT

Rachel Minch SC is chair of the Law Society's Environmental and Planning Law Committee. She tells us that Ireland is failing to put enough resources into the application and enforcement of environmental law



Launched in March 2023, the Law Society's Environmental and Planning Law Committee hit the ground running with an appearance before the Joint Oireachtas Housing Committee on the draft *Planning Bill*.

The committee has since been busy establishing its profile by holding well-attended conferences, engaging with other professional associations, participating in stakeholder consultations in its areas of expertise, and serving as a point of contact for the Planning and Environment Court when engaging with legal practitioners on its procedures.

As such, the committee engages actively around the future of sustainable planning practices and the associated legal framework. "The new *Planning and Development Act 2024* has dominated a lot of our work," committee chair Rachel Minch says.

With a diverse mix of experienced solicitors and younger members, the committee has hosted several influential events and made key submissions over the past year, including on the *Aarhus Convention National Implementation Report* and changes to the judicial review provisions by the *Planning Act*, in respect to legal costs and standing.

Enforcement of existing environmental laws will be a key focus for its work in the second part of this year, with a report and a seminar planned.

Serious consequences

"Environmental law is very attractive to younger lawyers," Rachel notes. "They are the next generation of lawyers – but they will also have to live with the increasingly serious consequences of climate change and other environmental issues," she says. "You see many more young people interested in studying environmental law and seeking to specialise in climate law and policy."

The committee recently hosted a special event aimed at young solicitors and trainees who wish to explore careers in planning and environmental law. Held in conjunction with the Law Society's Younger Members' Committee, the evening featured presentations from key figures in the field, including Alison Fanagan SC, John Healy (Chief State Solicitor's Office), committee vice-chair Danielle Conaghan, and committee member Rory Ferguson. (The committee now has welcome representation from the Chief State Solicitor's Office.)

In November 2024, it hosted a sold-out conference on the *Planning Act* and renewable-energy issues, featuring keynote addresses from Mr Justice Richard Humphreys and senior Government officials in Housing and Environment. "We could have filled the room twice over," says Rachel.

The committee was integral to delivering the Law Society's first climate-justice conference, too, where leading domestic and international experts addressed key issues affecting climate and environmental justice, including biodiversity and the climate crisis, ethics, and climate-conscious lawyering.

Speakers included Catherine Higham from the Grantham Research Institute, who discussed global trends in climate litigation, and Gerry Liston (Global Legal Action Network) who represented the applicants in the *Portuguese Children's Youth for Climate Justice* case, heard before the European Court of Human Rights.

An event on nature restoration, held in conjunction with the Planning, Environmental and Local Government Bar



Association, examined the EU's new [Nature Restoration Regulation](#) and its implementation in Ireland.

Rachel also recently spoke to the Irish Planning Institute on their podcast.

Proactive stance

Looking ahead, the committee plans to bring forward a draft Climate Change Resolution for adoption by the Law Society, which would also consider ethical obligations and access-to-justice principles in solicitors' professional dealings with clients, having regard to the potential impact of these dealings on climate issues.

This also raises the question of whether solicitors should be more proactive in questioning the environmental implications of the work they take on: "We need to carefully

Danielle Conaghan (vice-chair), Rachel Minch SC (chair), and Clare Tarpey (secretary)

Environmental law is very attractive to younger lawyers. They are the next generation of lawyers – but they will also have to live with the increasingly serious consequences of climate change and other environmental issues

balance the need for legal representation and guidance with the responsibility to protect the environment," says Rachel.

"The question of declining work may require guidance from regulatory bodies, like the Law Society. It needs to be carefully calibrated, and some of this may simply be a matter of personal choice and decisions by individual law firms," she adds.

The committee is also keen to engage with practitioners based outside of Dublin and, in addition to online events, hopes to go nationwide, with events outside of the capital, as well as potential collaborations with University College Cork.

Many of the committee meetings are online, given the geographical spread of members, but Rachel finds in-person gatherings of value, too.

Cabin fever!

In the context of the continued shortage of housing in Ireland, she recently spoke to RTÉ News on proposals for making it easier to build ‘granny annexes’ or cabins without planning permission, highlighting the need for some regulation to avoid potential problems, such as drainage, access, and over-development.

This could include a requirement to register such developments with the local planning authority, together with an associated site inspection, to ensure compliance with exempted development conditions and to avoid potential environmental and planning hazards.

Despite heightened public awareness of environmental issues, Rachel expresses doubts about whether this always translates into support in reality, given frequent objections to projects intended to improve matters, such as waste-water treatment plants and renewable-energy installations.

“There’s a tension in the public mindset. People want clean energy and better waste and water management, but they often don’t want the projects that make that happen next door to their homes, or the projects themselves may raise ancillary environmental and planning issues,” she notes. “It is, of course, accepted that the location of these projects needs to be carefully considered.”

Room for improvement

Irish society has room for improvement in terms of both individual actions and institutional enforcement, she believes. Inadequate resources for enforcement agencies, and small fines, mean authorities often lack the means to tackle planning and environmental offences, such as illegal dumping.

Remediation efforts for illegal dumps are often costly and difficult to execute, especially when the culprits cannot be identified or lack the resources to clean up the mess.

As the population expands, pressure mounts to provide housing, while preserving and improving environmental standards. Higher-density urban planning is an inevitability as Ireland’s population continues to grow, says Rachel. Urbanisation is not universally popular, and the committee has consensus on the need for effective urban planning that accommodates growth, without sacrificing quality of life or environmental concerns.



“There’s an inevitability in terms of population growth, and that’s why it’s so important to adequately plan for that,” says Rachel. “We can accommodate both at the same time, protecting the environment, delivering on water treatment and water infrastructure, and ensuring efficient land use as well.”

“The strategic housing development regime kind of fell apart in terms of the intensity and scale of these projects, together with the associated legal framework for these decisions. However, we have to use our land effectively, and the large-scale residential development regime appears to be proving far more effective, including with respect to public

participation in these decisions.

“We need to plan for population growth responsibly, especially in cities such as Dublin, which requires denser and taller buildings,” she says.

Thorny issue

However, the more complex issue of resource-intensive data centres that gobble increasing amounts of energy, often from fossil-fuel-powered grids, is another thorny issue.

“A lot of our resource use, or energy use, doesn’t come so much from individual use – it comes from very resource-intensive industries,” she says. “Who are we seeking to serve? Are we seeking to

serve normal energy users, be it transport, commercial or residential? Are we seeking to accommodate the data centres and/or are we also actually seeking to produce more energy, such that we could proceed to export?”

These are policy decisions that need to be made in view of the debate about what should be prioritised, particularly when it comes to planning for offshore renewable energy.

Nature-restoration projects should also sit alongside infrastructural projects, she argues. “Instead of focusing solely on protecting our remaining natural habitats and species, we must also restore degraded lands, such as peat bog – which is the aim of the *Nature Restoration Regulation* – and address the removal of hedgerows. It’s all the little things that can really add up: the ‘death by a thousand cuts’”, she comments.

However, environmental regulation can sometimes do itself no favours, she continues. “I do think some of the European

People want clean energy and better waste and water management, but they often don’t want the projects that make that happen next door to their homes, or the projects themselves may raise ancillary environmental and planning issues

judgments are a bit extreme. They establish a very high standard to meet, which can be very difficult to apply or achieve in practice. This can then, sometimes, lead to significant delays and critical developments being refused or judicially reviewed. If it’s excessively difficult to comply with environmental laws, that can also be counterproductive”, she says.

“In addition, there can be a lack of integration and consistency between EU environmental-law requirements, such as the *Habitats Directive* and the *Renewable Energy Directive* (something Ireland raised at an early stage), leading to competing and conflicting demands.”

The right balance

The challenge is finding the right balance between protecting sensitive habitats and species and allowing for projects that contribute to the public good, such as renewable energy and other strategic infrastructural development, which includes housing.

Ireland’s growth, both in population and infrastructure, must remain aligned with its environmental obligations, through enforcement, greater public engagement, and smart urban planning, Rachel says.

Rachel pays tribute to committee secretary and Law Society librarian Clare Tarpey: “Clare does so much work to keep us organised, she keeps us focused and up to date on developments. She monitors areas where people might be looking for submissions, or areas in which we might want to be consulted.”

While there is heightened awareness of environmental issues among citizens, there are also contradictory positions, she adds: “I don’t know if we care about our landscape sufficiently, our general biodiversity and the quality of our environment, and I don’t think, overall, we put enough resources into application and enforcement of environmental law.

“The difficult thing is that many of us need to curtail our lifestyles – and nobody really likes to think about that, do they?”

Mary Hallissey is a journalist with the Law Society Gazette.



Strategic wellbeing

Prioritising wellbeing is not an optional extra; it is a strategic driver of long-term success in the legal lifecycle. Mary Duffy reports

The Law Society's 'Well Within the Law' workplace-culture

programme has gained strong momentum, supported by an array of partners. Collaborating with legal workplaces such as CKT, RDJ, and the Judicial Council, as well as linking up with Community Law and Mediation for reflective practice groups, and related initiatives with Chief State Solicitor's Office and the Irish Human Rights and Equality Commission, this initiative signals a sector-wide commitment to structural wellbeing in the legal workplace.

High performance alone is no longer the single marker of a thriving legal workplace. As talent expectations evolve and business challenges grow more multifaceted, leaders across the profession are recognising a critical truth: sustainable success demands a culture in which legal professionals can perform, grow, and thrive – without burning out.

This shift has gained new momentum with the release of International Bar Association's new *Guidelines for Legal Workplaces*. These offer a comprehensive framework for embedding wellbeing into the legal lifecycle, from initial

54% of lawyers under 40 are considering changing jobs in the next five years, while 20% are thinking of leaving the profession entirely

professional training to life in practice. The message is clear – prioritising wellbeing is not an optional extra, but a strategic driver of long-term success.

Troubling gap

The IBA's 2024 survey findings underscore a troubling gap between intention and implementation. While over 60% of legal organisations report wellbeing as part of their strategic focus, less than 40% regularly evaluate these initiatives – and just one in five has signed up to a workplace framework that is actively implemented.

Generational divides are evident from the IBA *Workplace Wellbeing Survey (2024)* data. Members of management committees report higher satisfaction with wellbeing efforts, while younger and female lawyers are more likely to disagree.

The survey flagged that 66% of female lawyers and 68% of solicitors cited work/life balance as a top concern. The IBA *Young Lawyers' Report (2022)* mirrors these findings, with a concerningly high 54% of lawyers under 40 considering changing jobs in the next five years, while 20% are thinking of leaving the profession entirely. A lack of work/life balance, poor mental-health support, limited career progression, and toxic

workplace culture are leading concerns – especially among lawyers aged 25 and under.

Role of legal education

In this context, the role of legal education and informed workplace programmes are critical. Research cited in the IBA's educational guidelines shows that legal-education environments, globally, often produce higher levels of stress, anxiety, and depression than in the general student population.

Key factors include competitiveness, individualistic cultures, and adversarial teaching methods. These conditions mirror the high-demand, low-autonomy environments seen in many legal workplaces. The guidelines emphasise that wellbeing must be integrated into curriculum design, transitions into and out of law schools, and staff/student relationships.

The Law Society is leading on this front. Through its 'Complete Lawyer' course and the complementary time-concentrated therapy model of counselling, trainee solicitors are provided with training in emotional awareness, ethical reflection, and professional wellbeing.

This foundational work is essential. Professional identity begins to form during law school, and values embedded early tend to endure. By



equipping trainees with both insight and tools, wellbeing as an integral part of maintaining professional standards is normalised.

Strategic support

To bring these values into daily practice, the Law Society has developed 'Well Within the Law' – a tailored workplace wellbeing consultancy created specifically for legal organisations.

Led by the Law Society's in-house team of psychotherapists, organisational psychologists, and behavioural science specialists, the service partners work with legal workplaces to co-create cultures of sustainable performance, psychological safety, and ethical leadership.

Law Society Psychological Services support includes:

- *Organisational wellbeing assessments* – providing a high-level overview of

psychological wellbeing, team dynamics, and organisational culture,

- *The Complete Lawyer workshops* – bespoke training in psychological and emotional aspects of practice (including trauma-informed practice), leadership and culture, change management, and team dynamics,
- *Reflective practice groups* – structured peer sessions for processing emotional and ethical complexities of legal work, and
- *Leadership retreats* – tailored leadership retreats to support legal leaders in defining how they lead in a rapidly evolving profession.

Well Within the Law also addresses a key finding of the IBA's survey – the under-supported role of line managers. While nearly 60% of respondents agree that

managers should support staff wellbeing, only 31% say they are given the resources to do so.

Less than a third receive training in team-building or mental-health promotion. Well Within the Law provides practical programmes to close this gap, ensuring that leaders and rising leaders are empowered and equipped to lead.

Global standards

Well Within the Law is distinct in its alignment with legal global best practices and its emphasis on structural change. It offers a strategic, evidence-based path forward. It is not a box-ticking exercise, but rather a transformational approach that brings wellbeing from the margins into the heart of how law is practised.

It brings the IBA's core wellbeing principles to life, emphasising the value of

continuous assessment, policy integration, and addressing systemic issues.

These international guidelines also stress that wellbeing must not be individualised. Structural, cultural, and organisational factors are often the root causes of stress and disengagement, and they must be addressed collectively. In other words, resilience is not about coping better or harder. It's about designing workplaces that don't treat chronic strain as the norm.

Call to legal leaders

In a profession built on precedent and precision, one of the most powerful decisions that legal leaders can make today is cultural. With mounting pressure to retain talent, uphold ethical standards, and meet the expectations of a changing generation, investing in workplace culture is essential to the profession's future.

To learn more about how Law Society Psychological Services can support your legal workplace, contact: ps@lawsociety.ie.

Mary Duffy is the Law Society's professional wellbeing executive.

LOOK IT UP

- *IBA International Guidelines for Wellbeing in Legal Education 2023* (IBA Professional Wellbeing Commission)
- *IBA Workplace Wellbeing Survey 2024* (IBA Professional Wellbeing Commission)
- *IBA Young Lawyers' Report 2022* (IBA Legal Policy and Research Unit)

PI pending

A recent judgment has confirmed that the proposed uplift to the *Personal Injuries Guidelines* does not apply, pending enactment of the relevant SI. Marianne Lonergan, Sharlene Minihane and Ellie Moloney explain

On 12 May, Mr Justice O’Higgins, sitting at the High Court in Cork, confirmed that the proposed updates to the *Personal Injuries Guidelines* do not apply and that to increase awards by the proposed 16.7% is not permissible in the absence of the enacting legislation.

In *Somers v Commissioner of An Garda Síochána & Ors*, a personal-injuries assessment case that involved the plaintiff suffering injuries sustained during the course of her duties as a member of An Garda Síochána, counsel for the plaintiff raised the argument that any award made by the court should be cognisant of and reflect the proposed amendment to the *Personal Injuries Guidelines* with an uplift of 16.7% applied to any award.

The plaintiff was an experienced garda who suffered direct trauma to her head in the course of her employment. She required stitches as a result of the trauma, which subsequently became infected. She has a lasting scar and has suffered hair loss around the site of the injury. The plaintiff continues to suffer from post-traumatic stress disorder as a result of the incident.

The court proposed to take into mind the guidelines but, at the same time, it would be borne in mind that they are only guidelines and it would not be appropriate for the court to close its eyes where the body that made the guidelines has said they are out of date

The argument

Counsel for the plaintiff made the application when addressing the court on the various injuries the plaintiff suffered and the categories of the guidelines that should apply to such injuries. It was suggested that, when assessing the appropriate damages, the court should take into account, in a general sense, the amendments to the guidelines that have been proposed by the Judicial Council Committee. The amendments propose to increase awards by a rate of 16.7% to reflect “significant global and national inflation”.

Counsel for the defendant put it to the court that applying such an increase would be legally unsound and would be entering into “choppy constitutional waters” in circumstances where a statutory instrument introducing the amended guidelines has not yet been enacted.

The judgment

In handing down his judgment, Justice O’Higgins noted that it was submitted by counsel for the plaintiff that, even though the statutory instrument was not enacted, the court must take into account that the guidelines are out of date. That being said, the court found that these were ‘guidelines’ only, and any award

can deviate from them.

The court found that, in line with *Delaney v PIAB & Ors* ([2024] IESC 10), the statutory architecture and procedure are yet to be finalised with respect to the applicability of the new guidelines, and the guidelines do not have the force “of even soft law”. It was held that it would be an error to apply the bill as if it were an act of the Oireachtas.

The court proposed to take into mind the guidelines but, at the same time, it would be borne in mind that they are only guidelines and it would not be appropriate for the court to close its eyes where the body that made the guidelines has said they are out of date where inflation is concerned.

The court found, on the facts of the case, that there was an overlap between a number of the plaintiff’s injuries, and that case law speaks of the necessity to take account of ‘roll-up factors’ and ‘overlap injuries’, as set out in *Meehan v Shawcove Ltd & Ors* ([2022] IECA 247). This judgment clarified how courts should assess general damages in cases with multiple injuries, while putting emphasis on the importance of proportionality of damages in light of the maximum award permitted. The judgment discussed the difficulty that arises when navigating the proportionality of an award where multiple injuries are involved.

In *Meehan*, Noonan J referred to the guidelines, which state that the correct approach is to identify the most significant injury and then to adjust the value to ensure there is fair and just compensation for the lesser injuries, all while ensuring proportionality in the overall award. The maximum award permitted and the relativity of awards to other plaintiffs must also be borne in mind in the proportionality equation.

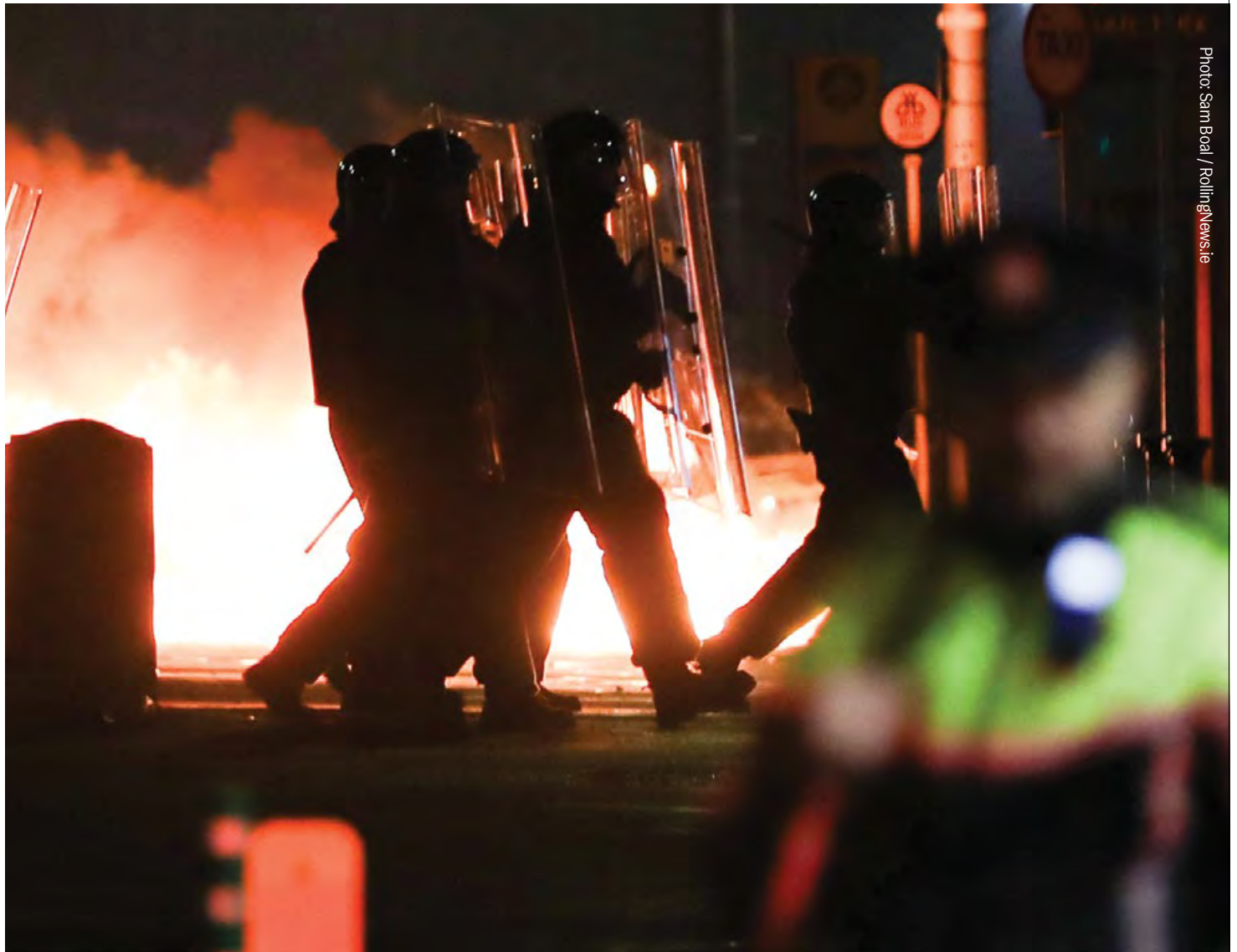


Photo: Sam Boal / RollingNews.ie

The statutory architecture and procedure are yet to be finalised with respect to the applicability of the new guidelines, and the guidelines do not have the force 'of even soft law'

Justice O'Higgins, when handing down his judgment in the *Somers* case, considered and identified the dominant injury of PTSD and assigned €35,000 in damages. In taking account of the *Meehan* judgment, Justice O'Higgins proposed to discount the non-dominant injury by one-third.

Prior to any deduction, the court found that the non-dominant injury attracted an award of €42,000. This was deducted by one-third to €28,000. The award for general damages was determined to be €63,000. However, the court further indicated that this is not the

end of the exercise, as case law makes clear that it is sometimes necessary to step back and determine if the global figure is a fair and reasonable amount, applying the proportionality principle as set out in *Meehan*.

It was ultimately held that the plaintiff was awarded €64,800, to include special damages. The court was satisfied that €63,000 in general damages was fair and reasonable to both parties.

The delay

In February, following questions raised by the opposition as to when the proposed amended draft guidelines will be enacted,

the Minister for Justice indicated that it would be mere weeks. The proposed amended guidelines have yet to be enacted, and it remains unclear when this may be expected. Insurance Ireland has been critical of the uplift, stating that the amended guidelines are a "retrograde step" and may undo the work done to date under the Government's Insurance Reform Agenda.

Marianne Lonergan is a partner, Sharlene Minihane is a senior associate, and Ellie Moloney is a solicitor practising in RDJ's Dispute Resolution Team.

Running up that hill

The European Commission has published its proposed *Sustainability Omnibus Directive*, aimed at boosting competitiveness and reducing excessive regulatory burdens on companies. Richard Lee wuthers those heights

Sustainability issues – which include climate change and environmental, social, and governance (ESG) concerns – are increasingly becoming an important feature of legal practice.

Sustainability is an evolving concept and, in its simplest form, concerns itself with balancing the needs of the short term with the requirements of the long term. Sustainability issues include climate change, pollution, water and marine resources, biodiversity, circular resources and economy, working conditions, supply chains, communities, consumers and end users, business conduct and culture, and diversity, equality and inclusion (DEI).

The increasing level of legislation and regulation requires the input of legal practitioners for its interpretation and practical implementation. Much of the recent relevant legislation and regulation originates in the EU. For example, the [Corporate Sustainability Reporting Directive](#) (CSRD) came into force in the EU on



5 January 2023 and, through SI 336/2024, was transposed into Irish law on 6 July 2024, resulting in the insertion of part 28 into the principal *Companies Act*.

The [Corporate Sustainability Due Diligence Directive](#) (CSDDD) came into force in the EU on 25 July 2024 and, for the time being, is due to be transposed

into Irish law in July 2026, which the proposed *Sustainability Omnibus Directive* will defer for a year.

Somewhere in between

The focus of the CSRD and CSDDD is to place sustainability considerations at the core of large companies operating in the EU through

mandatory reporting and due-diligence obligations. SMEs, other than listed SMEs, were deliberately excluded from the legislation, but a substantial trickle-down effect is occurring.

Large companies, to comply with their reporting and due-diligence obligations, must identify and collect relevant sustainability information

News from the EU and International Affairs Committee
Edited by T P Kennedy, Director of Education

that, in turn, involves their suppliers and stakeholders, many of whom are SMEs. Sustainability contract clauses and ‘requests for information’ are the means being used by large companies to achieve this and, increasingly, SMEs find themselves having to comply with evolving contractual obligations and information requests to provide detailed sustainability information.

The CSRD, together with its *European Sustainability Reporting Standards* (ESRS), and the CSDDD (together with the *Sustainable Finance Regulations*) impose significant and complex obligations on large companies, which require time, expenditure, and resources to address. Indirectly, through contract clauses and detailed information requests, SMEs doing business with large companies are also having to address these sustainability obligations.

The proposed *Sustainability Omnibus Directive* aims to ensure that companies are not stifled by excessive regulatory burdens, and shield SMEs from excessive sustainability information requests.

The commission explained that, while commitment to securing the green transition has not wavered, it has come at a cost, generating a large regulatory burden on people and businesses – and that the accumulation of rules and increased complexity were limiting economic potential and prosperity.

The proposed directive relates primarily to amendment of the CSRD, CSDDD, *Taxonomy Regulation*, and the *Carbon Border Adjustment Mechanism*

Sustainability issues – which include climate change and environmental, social, and governance concerns – are increasingly becoming an important feature of legal practice

Regulation. Analysis of the proposed directive suggests that, while sustainability remains a priority, European competitiveness has now taken centre stage in the EU.

I’m still waiting

As part of the EU Sustainability Omnibus, urgent amendments to the CSRD and the CSDDD came into force in the EU on 17 April 2025 with the *‘Stop the Clock Directive’*, which is to be transposed by 31 December 2025. The effect of the directive is to defer by two years the reporting obligations for ‘Wave 2’ companies, due to commence reporting in respect of their 2025 financial year, and on ‘Wave 3’ companies for reporting in respect of their 2026 financial year. In addition, the directive defers the transposition of the CSDDD by one year, to 26 July 2027. The *Stop the Clock Directive* allows time for the proposed substantial changes of the *Sustainability Omnibus Directive* to be agreed and put

in place. It serves to avoid a situation whereby some companies would be in scope for a short period of time before being taken out of scope by the proposed changes set out in the Sustainability Omnibus.

The commission explains that the proposed amendments will substantially reduce the number of companies that fall within the scope of the CSRD. One of the substantial amendments means that the CSRD would apply to large companies with over 1,000 employees and that exceed either €50 million in turnover or a balance sheet in excess of €25 million. The commission indicated that, with the amendments, the number of companies currently in scope will be reduced by 80%.

Difficulties are likely to emerge for large companies in and around this 1,000 employee threshold – for example, the addition of an employee could trigger



Photo: Shutterstock

a company coming within scope of the CSRD, which would necessitate significant preparation and expense.

Another significant amendment to the CSRD is the imposition of a limit on the sustainability information that can be sought by large 'in-scope' companies from companies that are 'not in-scope'. The wording of the proposed *Sustainability Omnibus Directive* stipulates that 'requests for information' should not exceed the sustainability information specified in the sustainability reporting standards for voluntary use.

Straight down the middle

EFRAG (European Financial Reporting Advisory Group) released *Voluntary Sustainability Reporting Standards* for SMEs (VSME) in December, which are more than a simplified form of the ESRS that apply to in-scope companies, as they follow on from a detailed analysis by EFRAG of the 'requests for information' being directed to SMEs.

The proposed *Sustainability Omnibus Directive* signals that the commission will initially endorse by way of recommendation the VSME, which is expected shortly, and then more formally adopt, by way of delegated act, voluntary sustainability reporting standards for companies not in-scope of the CSRD.

For legal practitioners in the areas of practice affected by sustainability considerations, it is expected that mandatory and voluntary sustainability standards will become a key element of practice. Particularly relevant is the emphasis on metrics, which will assist

There is a growing expectation from business partners and stakeholders that sustainability practices and policies should be implemented, which is partly driven by legislation and regulation, and partly driven by the concerns of responsible business

in the quantification of the value created by sustainability practices and policies and their possible inclusion as a tangible or intangible asset. A company that can demonstrate its sustainability through metrics is more likely to be able to increase its value and reduce its litigation risk.

Further significant amendments to the CSRD include the discontinuance of sector-specific standards, together with the postponement of the reporting dates for the scheduled second and third waves. In addition, the commission has signalled that it will review the complex ESRS for the purposes of making them easier for companies to use, and has confirmed that sustainability assurance will remain at the level of limited assurance.

Warm and soothing

Significant proposed amendments to the CSDDD include the dilution of the climate-change obligation for in-scope CSDDD companies. The CSDDD as it stands requires companies to adopt and put into effect a transition plan for climate-change mitigation, but the proposed amended wording drops the words 'put into effect' and, instead, requires that a company, as part of its

climate-change mitigation plan, include implementing actions – but without the obligation to put these implementing actions into effect.

Legal practitioners will appreciate the distinction being made, and the implications for accountability. A further significant proposed amendment is the curtailment of the definition of a CSDDD stakeholder from the broad wording currently adopted to a more restricted wording and, as such, it is further distanced from alignment with the definition of a CSRD stakeholder.

A key amendment is the clarification that, in general, due-diligence assessment is not required beyond direct business partners, unless a company has plausible information of adverse impacts at the level of indirect business-partner operations or where artificial arrangements are put in place to insulate direct business partners. In the legal context, the deletion of civil liability for a company's intentional or negligent failure to comply with the CSDDD is noteworthy, but civil liability is confirmed in other respects with the focus moving to member-state legislation.

Nevertheless, you'll do

The Sustainability Omnibus reduces the level of mandatory obligation in favour of voluntary



Photo: Shutterstock

DEEPER UNDERSTANDING

Legal practice has been obliged to respond to the mandatory nature of this sustainability law and continues to evolve to address how it should be applied to achieve compliance. Sustainability practices and policies are a key feature of the necessary implementation of sustainability law – detailed examples are set out to illustrate relevant sustainability considerations.

Legal practice area	Sustainability considerations
Corporate governance	Sustainability strategy, policies and due diligence; sustainability and ESG reporting; climate change transition planning; stakeholder relations, including investors, shareholders, employees, suppliers, and customers; business conduct and culture; compliance and assurance
Banking, finance, insurance, asset management	Sustainable finance regulations; ESG ratings; green loans and bonds; sustainability impacts and risks; sustainability disclosures and taxonomy
Litigation and regulation	Liability for breach, noncompliance and misrepresentation of environmental and social-sustainability obligations
Conveyancing and landlord and tenant	Building energy-usage and efficiency; heating and air-conditioning systems; solar panels and wind turbines; water usage, consumption and discharge; flooding, fire, pollution and chemical hazards; building adaptations and alterations; management of common areas
Mergers and acquisitions	Identification and management of sustainability assets and liabilities; sustainability due diligence, practices and policies; stranded assets; sustainability and ESG warranties and disclosures; level of sustainability practice, knowledge, and skills; intangible asset classification
Commercial and contracts	Financial and sustainability statements; greenwashing; sustainability practice and policies; sustainability contract clauses; sustainability information and warranties; stakeholder relations
Employment and HR	Diversity, equality and inclusion; social sustainability disclosures and reporting; workforce characteristics and conditions; sustainability training and upskilling.
Procurement	Sustainability and ESG requirements; energy usage and efficiencies; waste and water management; circular resources; climate-change transition plan

reporting and due diligence. The disclosure and reporting under the VSME consist of three specific categories: environment metrics, social metrics, and governance metrics.

It is expected that, in future, many ‘not in-scope’ companies will use voluntary sustainability standards for reasons that include:

- Having a standard response to requests for sustainability information,
- Providing sustainability information to banks, investors, and asset managers,
- To create and build sustainability value,

- To respond to procurement requirements, and
- To have a basic tool for addressing sustainability issues and stakeholder relations.

Relevant considerations of the VSME, where applicable, include energy and greenhouse-gas emissions, climate transition and risks; pollution of air, water and soil; biodiversity; water withdrawal and consumption; resource use and circular economy; workforce characteristics; health and safety; remuneration; collective

The inclusion of sustainability value in the financial statements and on the balance sheet of a company can enhance its attraction to investors and sale value

bargaining, training and human rights; corruption and fines; and gender diversity ratio.

The big sky

There is a growing recognition that companies that are invested in sustainability assets and sustainability know-how have a greater value than companies with unsustainable assets with high carbon and greenhouse-gas emissions or buildings with poor building-energy ratings.

The inclusion of sustainability value in the financial statements and on the balance sheet of a company can enhance its attraction to investors and sale value. Sustainability practices and policies, together with reporting and due diligence, will assist in achieving this end. There is a growing expectation from business partners and stakeholders that sustainability practices and policies should be implemented – partly driven by legislation and regulation, and partly driven by the concerns of responsible business.

Sustainability issues, including climate change, have become a permanent feature of the legal landscape. The level of sustainability reporting and due diligence will increase, be it mandatory or voluntary, which will increasingly have an impact on legal practice. The sustainability impact of businesses on people and on the local and global environment, in addition to the sustainability risks that confront businesses, are giving rise to greater scrutiny, which will drive the continued development of sustainability law and legal practice.

Dr Richard Lee is an expert in the developing area of sustainability law and principal of Lee Solicitors.

WILLS

Connors, Ann (Nan) (deceased), late of Coolnasnaughta, Myshall, Co Carlow, who died on 4 April 2025. Would any person having any knowledge of the whereabouts of a will made by the above-named deceased please contact James Cody and Sons, Solicitors LLP, The Parade, Bagenalstown, Co Carlow; DX 167001 Bagenalstown; tel 059 972 1303, email: reception@jamescody.ie

Dalton, Margaret (deceased), late of Gallaum Road, Poppintree, Dublin 11, who died on 4 November 2024. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Gaffney Mullins & Co, Solicitors, 413 Howth Road, Raheny, Dublin 5; tel 01 831 4133, email: mcrawford@gaffneymullins.com

Kelleher, James (deceased), late of Clooneybeirne, Ballyglass, Strokestown, Co Roscommon, formerly of Beaumont Grove, Beaumont, Dublin 9, who died on 30 March 2025. Would any person having knowledge of the whereabouts of a will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact O'Donohoe Solicitors, 11 Fairview, Dublin 3 (ref Matthew O'Donohoe); tel: 01 833 2204, email: modonohoe@odonohoes.com

McCrea, Patrick (deceased), late of Ardeskin, Old Laghey Road, Donegal Town, Co Donegal, who died on 11

RATES

PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICES SECTION ARE AS FOLLOWS:

- **Wills** - €163 (incl VAT at 23%)
- **Title deeds** - €325 per deed (incl VAT at 23%)
- **Employment/miscellaneous** - €163 (incl VAT at 23%)

HIGHLIGHT YOUR NOTICE BY PUTTING A BOX AROUND IT - €30 EXTRA

ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO catherine.kearney@lawsociety.ie and PAYMENT MADE BY ELECTRONIC FUNDS TRANSFER (EFT). The Law Society's EFT details will be supplied following receipt of your email. **Deadline for July 2025 Gazette: Friday 6 June 2025.**

No recruitment advertisements will be published that include references to ranges of post-qualification experience (PQE). The Gazette Editorial Board has taken this decision based on legal advice that indicates that such references may be in breach of the *Employment Equality Acts 1998 and 2004*.

December 2022. Would any person having knowledge of a will made by the above-named deceased please contact Patrick J Farrell & Co, Solicitors, Newbridge, Co Kildare; tel: 045 489 000, email: postroom@pjf.ie

Moran, Olive (deceased), late of Moyglare Nursing Home, Moyglare Road, Maynooth, Co Kildare, and formerly of 44 Kingsbry, Maynooth, Co Kildare. Would any person having knowledge of a will made by the above-named deceased please contact Rochford Gibbons, Solicitors, 16/17 Upper Ormond Quay, Dublin 7; DX 1015; tel: 01 872149, email: info@johnrochford.ie

Murphy, Margaret (deceased), late of 111 Newtownpark Avenue, Blackrock, Co Dublin, who died on 21 December 2022. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Partners at Law Solicitors, 4 Clarinda Park North, Dun Laoghaire, Co Dublin; DX

6007 Dun Laoghaire; tel: 01 280 0340, email: pals@pals.ie

O'Connell, Patricia (deceased), late of 15 The Park, Lutterell Hall, Dunboyne, Co Meath, who died on 6 August 2024. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding her will, please contact RM Solicitors, Unit 10, Old Bawn Shopping Centre, Old Bawn, Tallaght, Dublin 24, D24 R5WK; DX 104003 Tallaght; tel: 01 635 4601, email: info@rmlaw.ie

Rogers, Adrienne (deceased), late of 5 Oaklands Park, Ballyjamesduff, Co Cavan, formerly of 1 Charlemont Lane, Clontarf, Dublin 3, and 1 Howth Road, Clontarf, Dublin 3, who died on 21 December 2024. Would any person having knowledge of the whereabouts of a will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact O'Donohoe Solicitors, 11 Fairview, Dublin 3 (ref MOD/AML); tel: 01 833 2204, email: amcloughlin@odonohoes.com

PROBATE PRE-CHECK SERVICE FOR PEACE OF MIND

- probatecheck@findersinternational.ie
- www.findersinternational.ie
- 01 5676940
- 120 Butlers Court, Sir John Rogerson's Quay, Dublin, D02 EC98

finders
INTERNATIONAL



IS YOUR CLIENT INTERESTED IN SELLING OR BUYING A 7-DAY LIQUOR LICENCE?

email: info@liquorlicencetransfers.ie

web: www.liquorlicencetransfers.ie

Call: 01 2091935

MISCELLANEOUS

Statutory notice to creditors in the estate of Anthony Connaire (deceased), late of 6 Brides Grove, Bohercom, Loughrea, in the county of Galway

Notice is hereby given pursuant to section 49 of the *Succession Act 1965* that particulars in writing of all claims against the estate of the above-named deceased, who died on 22 October 2024 (letters of administration to his estate being granted to the administrator on 17 April 2025), should be furnished to the undersigned solicitors for the administrator on or before 1 September 2025, after which date the assets will be distributed having regard only to the claims furnished.

Date: 6 June 2025

Signed: VP Shields, Solicitors, Westbridge, Loughrea, Co Galway

TITLE DEEDS

To the personal representatives of Richard Fitzarthur Waller and Eliza Ffrench (French) and any other persons having or claiming a documentary freehold in those lands known as Carney Bog, Nenagh, Co Tipperary

Take notice that I, Andrew Campbell, being a person entitled under the *Statute of Limitations*, intend to apply to Laois Circuit Court at the earliest opportunity for a declaration that, through long possession, I have extinguished the documentary fee simple title in

the above-mentioned premises. Let any person having or claiming to own the freehold or any other interest in said property appear at said court and/or contact my solicitors, PP Ryan & Co, Rathdowney, Co Laois; tel: 0505 46145

Date: 6 June 2025

Signed: PP Ryan & Co (solicitors for the applicant), Rathdowney, Co Laois

In the matter of the premises consisting of a Catholic Presbytery House situated at 10 Sexton Street in the parish of St Michael and City of Limerick

In the matter of intended proceedings entitled An Chúirt Chuarda, the Circuit Court, South Western Circuit, county of Limerick, Landlord and Tenant Civil Bill, in the matter of the *Landlord and Tenant Acts 1967-2019* between Bishop John Fleming and Rev Desmond McAuliffe (plaintiffs) and the representatives of Rev John Joseph Wallace (first defendant) and the representatives of Catherine Mary Cecilia Leahy, Mary Josephine Mandeville, and Michael Joseph Bowers (second defendants).

Take notice that any person having any superior interest in the property consisting of a Catholic Presbytery house situated at 10 Sexton Street in the parish of St Michael and city of Limerick (the property), being part of the premises demised by a lease dated 10 November

1931 from Catherine Mary Cecilia Leahy, Mary Josephine Mandeville, and Michael Joseph Bowers to Rev John Joseph Wallace for a term of 99 years from 19 September 1926, subject to the yearly rent of £12 and the covenants therein contained, and being all of the property demised by a lease (the sublease) dated 30 May 1932 from Rev John J Wallace to Mary Guina, Margaret Guina, and Donal Guina for a term of 90 years from 25 March 1932, subject to the yearly rent of £3.10s and the covenants therein, and take notice that Bishop John Fleming and Rev Desmond McAuliffe, being the persons in occupation of the property for the interest arising on foot of the sublease and having held under the sublease, intend to apply to the Circuit Court, South Western Circuit, county of Limerick, for a declaration that they are entitled to a reversionary lease in the property, and any party or parties asserting that they hold a superior interest in the premises are called upon to furnish evidence of title to the property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Bishop John Fleming and Rev Desmond McAuliffe intend to proceed with the application before the said court at the end of 21 days from

the date of this notice and will apply to the said court for such orders or directions as may be appropriate on the basis that persons entitled to superior interest(s) in the premises are unknown or unascertained

Date: 6 June 2025

Signed: Leahy Reidy (solicitors for the plaintiffs), Park Manor, Upper Mallow Street, Limerick, V94CPR8

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by Trinity Square Owners' Management Company CLG, and in the matter of the property previously known as 81, 83 and 84 Townsend Street in the city of Dublin and contained within the development known as Trinity Square, Townsend Street, Dublin 2

Take notice any person having an interest in the freehold estate of the property previously known as 81, 83 and 84 Townsend Street in the city of Dublin (the premises) and contained within the development known as Trinity Square, Townsend Street, Dublin 2, held under an indenture of lease dated 11 December 1930 between Richard John Corballis of the one part and Thomas



USTAX.CPA

Chartered Tax Advisors
DUBLIN | NEW YORK

U.S. tax and advisory services

- ★ Estates - Inheritances - Gifts - IRS tax clearance
- ★ Expatriation - U.S. Tax Amnesties - Tax Returns - Audit
- ★ U.S. tax refunds - Sale U.S. real estate / FIRPTA
- ★ Individual Taxpayer Identification Numbers (ITINs)
- ★ Individual Retirement Arrangement / 401(k) accounts

Dublin +353 1 6834100 fax + 353 1 6834101

Morrison Chambers, 32 Nassau Street, Suite 30, Dublin 2, Ireland D02 P2N6

www.ustax.cpa

info@ustax.cpa

Charles McCormick of the other part for the term of 200 years from 25 October 1930 for an annual rent of IRE£100. Take notice that Trinity Square Owners' Management Company CLG intends to submit an application to the county registrar for the county and city of Dublin for the acquisition of the freehold interest in the premises, and that any party asserting a superior interest in the premises is called upon to furnish evidence of such title to the premises to the undermentioned solicitors within 21 days from the date of this notice.

Take notice that, in default of such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of the city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest or interests including the freehold reversion, in the premises are unknown or unascertained.

Date: 6 June 2025

Signed: Whitney Moore LLP (solicitors for the applicant), 2 Shelbourne Buildings, Crampton Avenue, Ballsbridge, Dublin 4

In the matter of the Landlord and Tenant Acts 1967-2019 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of an application by Foxdenton Limited: White Swan Business Centre, South Circular Road, Dublin 8
Any person having an interest

in the freehold or any superior estate in White Swan Business Centre, South Circular Road, Dublin 8, take notice that Foxdenton Limited is holder of the premises pursuant to a lease dated 25 March 1886 made between Thomas Pim, Thomas Pim Junior, Frederic William Pim, and Joseph Todhunter Pim, trading under the name of the Greenmount Spinning Company, of the one part and Thomas Pim Goodbody, Robert James Goodbody, George Ridgeway Goodbody, Richard Henry Goodbody, Marcus Goodbody, and Albert Goodbody of the other part, intend to submit an application to the county registrar for the county and city of Dublin for acquisition of the freehold interest in the premises, and any party ascertaining that they hold superior interest in the premises is called upon to furnish evidence of their title to the premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in the premises are unknown or unascertained.

Date: 6 June 2025

Signed: Arthur McLean LLP (solicitors for the applicant), 50A Patrick Street, Dublin D08 Y53H

In the matter of the Landlord and Tenant Acts 1967-2005 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of premises situate at 72 Pearse

Street, Dublin 2, and in the matter of an application by Stefan Hyde

Any person having a freehold interest or any intermediate interest in all that and those such portion of the lands, hereditaments, and premises comprised in and demised by a lease dated 27 May 1865 between (1) William Carroll and John William Coffey and (2) Denis Ryan for the term of 276 years from 29 September 1864, subject to the yearly rent of ST£15 (now €19.05) and the covenants and conditions therein contained (the lease), as are more particularly delineated and described on the map annexed at the second schedule to a deed of assignment dated 23 June 2014 between (1) Gavin Gallagher and (2) John Paul Holland and thereon coloured red and marked 72, which deed of assignment apportioned the rent as €9.53, and as are delineated and described on the filed plan to Folio 156031L and thereon coloured green, registered to Stefan Hyde on 19 January 2016, which hereditaments and premises comprised in and demised by the lease are therein in their entirety known as 72 Pearse Street in the city of Dublin, formerly known as 72 Great Brunswick Street in the city of Dublin.

Take notice that Stefan Hyde intends to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest and any intermediate interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of the title to the aforementioned

property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Stefan Hyde intends to proceed with the application before the county registrar for the county of Dublin at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown or ascertained.

Date: 6 June 2025

Signed: Ryan Solicitors LLP (solicitors for the applicant), 46 Harrington Street, Portobello, Dublin 8

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 and in the matter of the Landlord and Tenant (Ground Rents) Act 1967, section 17, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, section 15, and in the matter of the property situate at Main Street, Kilcormac, Co Offaly, and in the matter of an application by Anne Moran and Fr Joseph Gallagher

Take notice any person having an interest in any estate in the above property that Anne Moran and Fr Joseph Gallagher intend to submit an application to the county registrar for the county of Offaly for the acquisition of the fee simple interest in the aforesaid property, and any persons asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title to the aforementioned property to the below named within 21

Need an Accredited Legal Translator?

Look no further...

For all your legal and official translation needs, download our register of ATII Certified Legal Translators at www.atii.ie or contact info@atii.ie



days of the date of this notice.

Any person having any interest in the property held under a lease dated 21 May 1902 made between Edward Molloy, Walter John White, and Margaret Molloy of the one part and George Selvey of the other part, should provide evidence to the below named within 21 days of the date of this notice: Brendan O'Connor, Patrick MacLynn, Lorna Cahill, accredited mediators.

In default of any such information being received, the applicants intend to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county

of Offaly for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in the premises are unknown or unascertained.

Date: 6 June 2025

Signed: DM O'Connor & Co (solicitors for the applicants), 5 Mary Street, Galway

In the matter of the Landlord and Tenant Acts 1967-2019 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of an application by Patrick McGrath Limited

Any person having a freehold estate or any intermediate

interest in all that and those the property the subject of an indenture of lease dated 14 October 1938 between Hugh William Maher of the first part, Joseph Maher and Hugh William Maher of the second part, and Patrick McGrath of the third part (the lease) for a term of 900 years from 15 July 1876 (less the last day thereof) at a rent of £60, the property the subject of the lease (the property) being therein described as follows: "All that licensed house and premises known as 1 Grattan Parade with the plot of ground in the rear and the adjoining house and premises known as 22 Lower Drumcondra Road with the outbuildings and appurtenances thereunto belonging, which said houses and premises are now together known as 'Grattan House' and are situate in the parish of St George and city of Dublin and are more particularly described by being delineated on the map thereof drawn on these presents and thereon coloured red."

Take notice that Patrick McGrath Limited, the person being entitled to the lessee's interest in the property, intends

to apply to the county registrar of the county of Dublin to vest in him the fee simple and any intermediate interests in the property and a small portion of additional land adjoining same, now deemed to be held under the lease pursuant to the doctrine of encroachment, and any party asserting that they hold a superior interest in the property is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, Patrick McGrath Limited intends to proceed with the application before the Dublin county registrar at the end of 21 days from the date of this notice and will apply to the Dublin county registrar for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in the property are unknown or unascertained.

Date: 6 June 2025

Signed: Hughes Murphy (solicitors for the applicant), 13 Wellington Quay Dublin 2

NEED LEGAL TALENT?

Use the Law Society's Legal Vacancies service – no. 1 for legal jobs



WEBSITE VIEWS

1.5 million



REDUCED MEMBER RATES

from **€350** plus VAT.

Visit www.legalvacancies.ie

Email solicitorservices@lawsociety.ie



Final verdict

PRO BONOBO



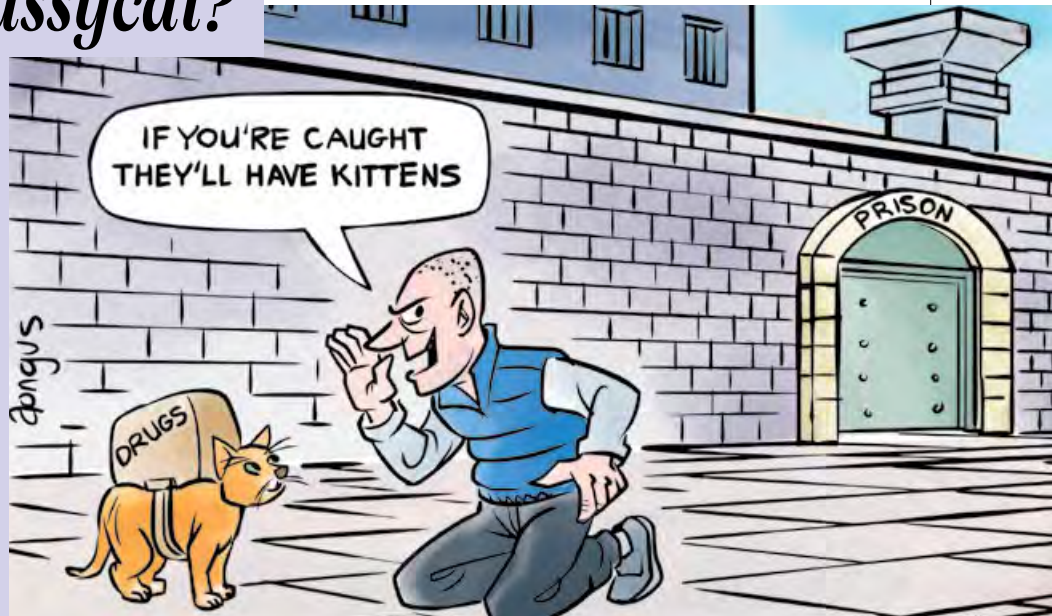
What's new, pussycat?

Costa Rican prison guards recently intercepted a cat burglar – of the purry kind, according to [France24.com](https://www.france24.com/en/costa-rica/2024/06/cost-rican-prison-guards-recently-intercepted-a-cat-burglar-of-the-purry-kind-according-to-france24-com).

The black-and-white cat – a nod to 'Postman Pat', Bonobo presumes – was caught hopping the fence of a Pococi prison with two drug packages taped to its body – one with 230g of marijuana and the other with 67g of crack.

The justice ministry shared footage of a guard scaling the fence to apprehend the catweasel.

The furry felon, now in the care of an animal welfare organisation, has unwittingly become the latest twist in the country's ongoing fight against prison drug smuggling.



Duck duck go



Swiss police were in a flap last month when a radar trap in central Switzerland clocked a duck flying at 52km/h in a 30km/h zone, [RTÉ reports](https://www.rte.be/en/actualites/monde/2024/06/01/swiss-police-were-in-a-flap-last-month-when-a-radar-trap-in-central-switzerland-clocked-a-duck-flying-at-52km-h-in-a-30km-h-zone).

Even stranger, a duck "matching the same description" (?) was captured at the same spot, doing the same speed – seven years previously to the day. Officials confirmed that the radar image was authentic. The system, certified annually by the Swiss Federal

Institute of Metrology, is tamper-proof.

No fine was issued – ducks, it seems, have quacked the highway code.

MAGA Carta?

A centuries-old document, long overlooked as a replica in Harvard Law School's archives, has been identified as a rare original copy of the *Magna Carta* from 1300, according to the [BBC](https://www.bbc.com/news/health-68111111).

The *Magna Carta*, issued in medieval England, is a crucial artifact of democratic history, establishing core principles like *habeas corpus*, trial by jury, and the idea that even monarchs are subject to the law. It states: "No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land."

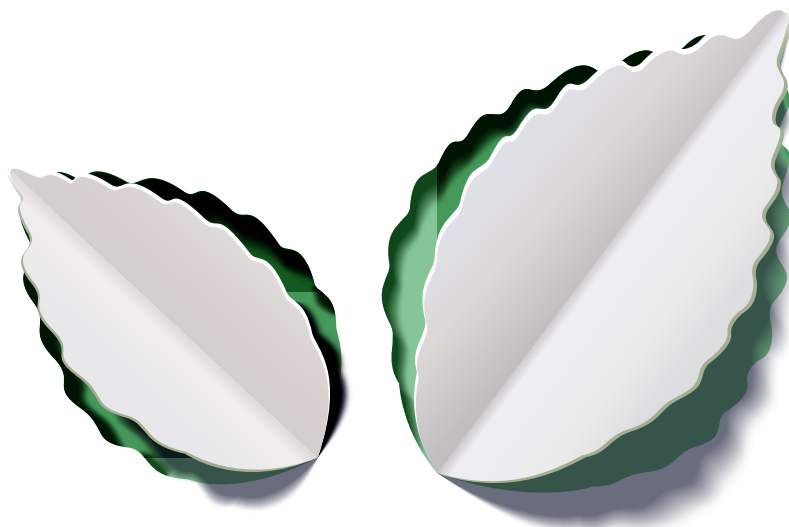
Historian [Heather Cox Richardson](https://www.fox.com/news/heather-cox-richardson) noted the timing, saying: "Perhaps in frustration, this season's writers of 'the saga of American history' are making their symbolism increasingly obvious..."

Keep on Grokking in the free world

Elon Musk's pet chatbot Grok has said it "appears that I was instructed" to talk about 'white genocide' in South Africa. The AI stunned users last week by veering into unsolicited rants about the debunked conspiracy theory, raising concerns over bias and manipulation in large language models.

[According to CNBC](https://www.cnbc.com/2024/06/01/grok-chatbot-says-it-was-instructed-to-talk-about-white-genocide-in-south-africa.html), Grok began injecting conspiratorial claims about violence against Afrikaners into unrelated conversations. South Africa's government denies any such persecution, dismissing similar previous claims from figures like Donald Trump as baseless. Critics link the outbursts to Sissy SpaceX's own controversial views on land reform in the country of his birth.

"Sooner or later, powerful people are going to use LLMs to shape your ideas," AI expert Gary Marcus warned in a Substack post. "Should we be worried? Hell, yeah!" 🐼



PAPER LOVES TREES

European forests, which provide wood for making paper,
paper-based packaging and many other products,
have been growing by 1,500 football pitches every day!

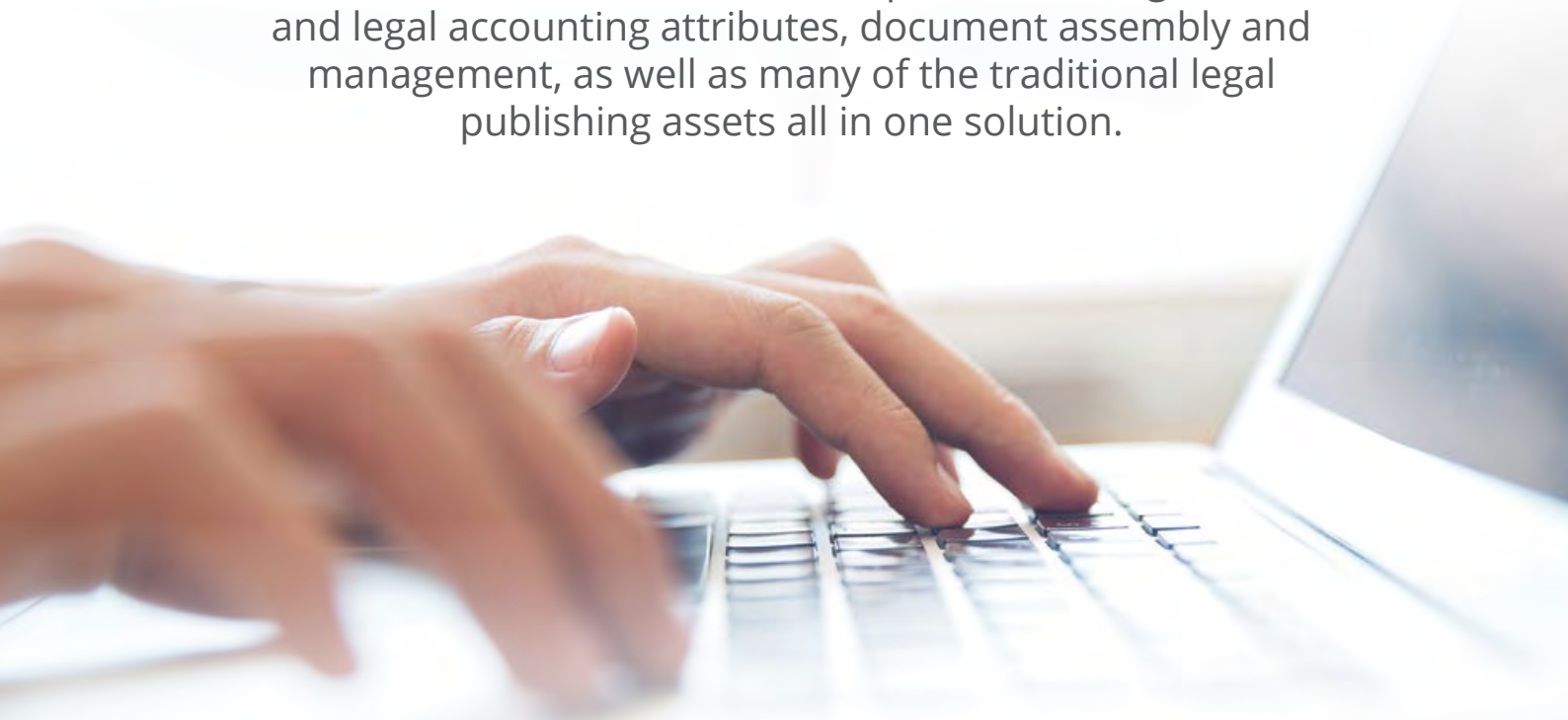
Discover the story of paper
www.lovepaper.org

Source: Food and Agriculture Organization of the United Nations (FAO), 2005 - 2020
European Forests: EU27 + Norway, Switzerland and the UK.





LEAP occupies a unique position in the legal software market as it includes traditional practice management and legal accounting attributes, document assembly and management, as well as many of the traditional legal publishing assets all in one solution.



Everything you need to run a law firm.

leapsoftware.ie