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October 2025

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Shooting straight on compliance

PLUS: Long-serving lawyer Rory O'Donnell • DPC annual report lessons • Launch of e-conveyancing pilot

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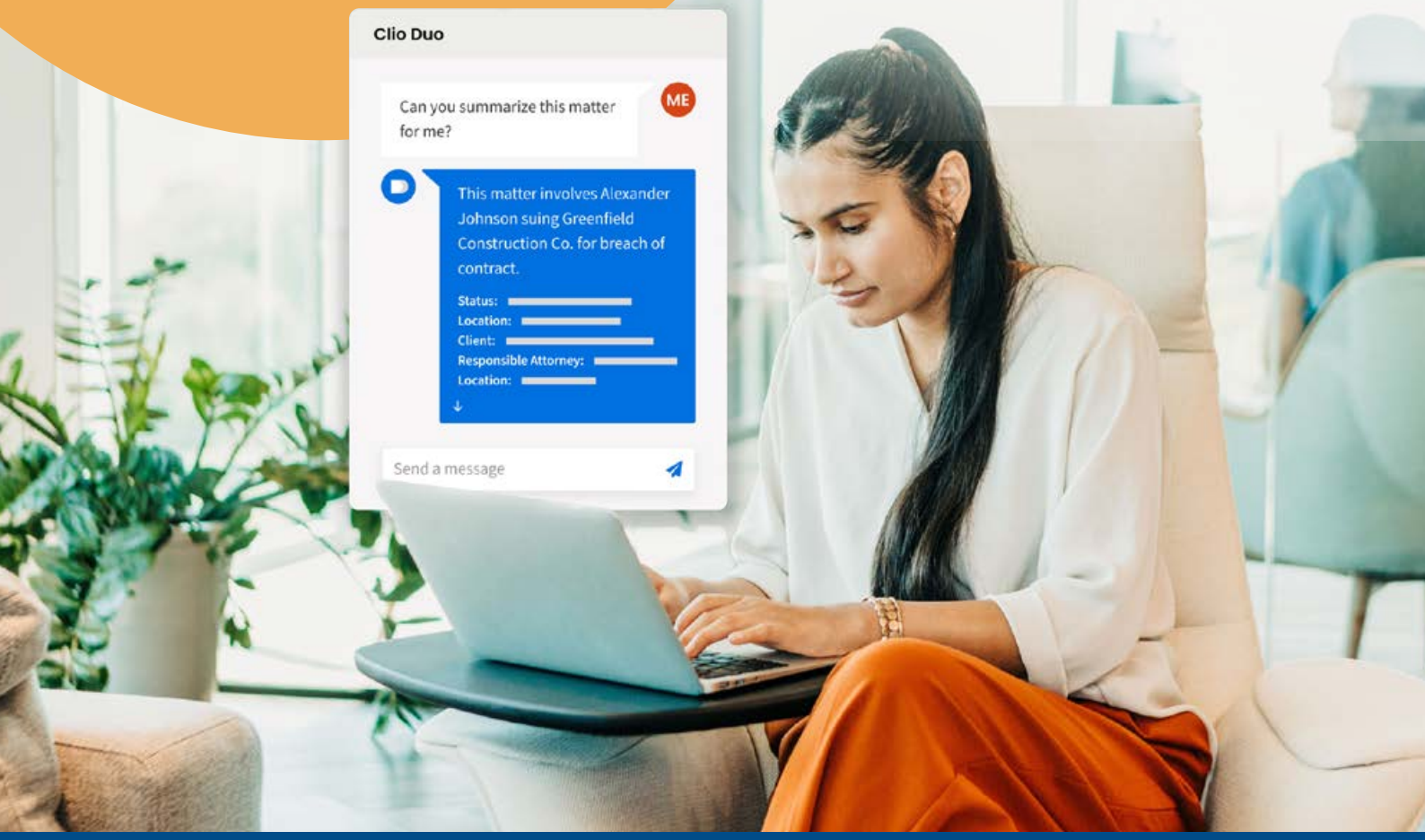

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gazette LAW SOCIETY

Law Society Gazette - October 2025

PRIORITISING CHALLENGES

From the beginning of my presidency, I have sought to prioritise the challenges faced by sole practitioners and smaller practices, particularly in regional areas.

While many services are already provided by the Law Society to support you in practice, additional resources are continuing to be developed. For example, you can now access the recently launched Legal Tech Hub on lawsociety.ie. Enhanced assistance for succession planning is also in train.

I'm delighted to announce a new Law Society initiative – designating October as 'Small Practice Month', with a programme designed to support the unique needs and expertise of this core sector of the profession in practice, business, and wellbeing.

Throughout the month, you can access a range of events and resources in key areas, such as conveyancing, cybersecurity, technology, recruitment, and retention. Most events are complimentary and available to access online to accommodate you wherever you work.

To coincide with Cybersecurity Month (also in October), the Law Society is offering a discount on its online training course to learn about security fundamentals and the basics of cybercrime. To access the full programme and book your place for the events taking place, visit www.lawsociety.ie/smallpracticemonth.

In case you missed it, the Law Society has opened applications for another grant to support small practices in hiring a trainee in a regional area, on top of the five already awarded this year. Since 2020, a total of 31 grants have been awarded. Each grant provides €17,000 for the firm and €7,000 towards the trainee's PPC Hybrid course fees, delivering real value to both the practice and the local community. If you're a practice with between one and five solicitors, based outside the main urban areas, applications are open until 10 October. Details are on the Law Society's website.

An independent, efficient, and well-resourced justice system is essential for society and for the wider economy

Budget submission

In September, the Law Society published its Budget 2026 Submission, which has attracted widespread national attention across radio and print. You may have heard one of the many interviews with the Law Society's director general Mark Garrett or policy director Dr Brian Hunt outlining our priorities. These included Newstalk, Southeast Radio, Shannonside Northern Sound FM, Tipp FM, LMFM, C103FM, Limerick Live 95FM, and Highland Radio, plus a feature article in the *Business Post*.

The submission set out a clear case for a well-resourced justice system, with 41 practical, cost-effective recommendations on six priority areas, designed to improve access to justice for individuals, businesses, and communities across the country. These included improving court infrastructure and staffing, increasing access to legal aid, promoting Ireland as a global legal hub, supporting small practices, as well as broadening access to legal education for a more inclusive profession.

Every day, solicitors help people navigate life's most important moments – from buying a home and resolving family disputes, to safeguarding rights and starting a business. Yet the system is under strain. As the pre-budget submission outlined, court cases currently take at least 1.5 times longer than the European average, due to persistent under-resourcing and structural inefficiencies. Courts are struggling to clear backlogs of cases, legal aid is stretched, and some communities are at risk of losing access to legal services altogether.

An independent, efficient, and well-resourced justice system is essential for society and for the wider economy. Our justice system is highly valued, and it should be resourced in a way that reflects its importance to society.

This is a critical moment – not only for access to justice, but for the sustainability of the legal profession that underpins it. In the Budget to be announced on 7 October, we expect to see more investment.

The Law Society's submission set out clear priorities for reform. We have made the case for change and will continue to advocate for essential measures in the public interest.

EAMON HARRINGTON
PRESIDENT

Photo: Laurent Gilleron/EPA/Shutterstock

the BIG *picture*

After the fall

Just three-and-a-half months after a landslide destroyed the village of Blatten, Switzerland, a groundbreaking ceremony called 'Blatten 2030' was held to mark its reconstruction project. On 28 May 2025, a section of the Birch Glacier collapsed in the Loetschental Valley in the Canton of Valais, burying 90% of the village under an avalanche of rock, ice, and debris. In all, 130 houses and the parish church were buried under the rubble, while debris also blocked the Lonza River, creating a large lake and raising serious concerns about potential flooding. The reconstruction is expected to be completed by 2030.

people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■

All pics: Cian Redmond

Absurdity in the workplace

Hundreds of legal professionals gathered at Blackhall Place on 3 September for the Law Society's 'Well Within the Law Festival', themed around absurdity in the workplace.

The event, organised by Law Society Psychological Services, featured writers, speakers, and performers who explored absurdity from the global stage to the everyday realities of contemporary legal practice – encouraging participants to reimagine what a sustainable legal culture might look like.

Assistant Chief State Solicitor Ciara Murphy addressed the topic of professional satisfaction, rejecting the notion that work "eats away at the self". She emphasised that alignment between personal values and workplace purpose created fulfilment, where "you get way more out of it than you put in".

Friends in high places

Clare Law Association held its annual summer evening in the Old Ground, Ennis, on 2 July, to mark the season's High Court sittings. Present were Gearoid Howard, Patrick Whyms BL, Elaine Davern Wiseman BL, Lisa Rynne, Saranne O'Malley, Sinéad Glynn, Sheila Finn BL, Kate McInerney, Isobel O'Dea, Caoimhe Collins, Marie Darcy, Marina Keane, Ciara Hogan, Fiona Stenson, William Cahir, Michael Collins SC, Robyn Hanrahan (treasurer), Avril Collentine (vice-president), Ms Justice Emily Egan, Mr Justice Mark Sanfey, Judge Alec Gabbett, Louise Merrigan (president), and Clare Barry (secretary)

Mairéad Doyle and Tara Godfrey

Sinéad Glynn, Kate McInerney, Clare Barry, and Marina Keane

Sheila Finn BL, Gearoid Howard, and Lisa Rynne

All pics: Eamon Ward Photography

Louise Merrigan (president), Ms Justice Emily Egan, Ciara Hogan, Fiona Stenson, and Avril Collentine (vice-president)

Lisa Rynne, Isobel O'Dea, Saranne O'Malley, and Bernard Mullen

Mairéad Doyle, Fiona Burke, Elaine Davern Wiseman BL

Bernard Mullen, Andrew Sexton SC, Conor Bunbury, and Patrick Whyms BL

Lest we forget

For the second successive year, the Law Society of Ireland participated in the Royal British Legion's Annual Ceremony of Remembrance at the National War Memorial, Islandbridge, on 12 July. The event honours the memory of all who fell in the Battle of the Somme, the two World Wars, and particularly the Irish men and women who served. The event is an all-island occasion with participation drawn from Government, state and civil society in both jurisdictions, together with members of the diplomatic corps and veterans' associations.

The Law Society's wreath, in memory of the 20 solicitors and 18 apprentices killed in action in the First World War, was laid by Judge JA Campbell on behalf of Law Society President Eamonn Harrington. The judiciary and legal profession were represented also by Judge Paul Coffey, Judge John O'Connor, Sean Guerin SC (chairman of the Bar Council), John McCoy BL, and solicitor Sabina Purcell.

LAW SOCIETY OF IRELAND

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Certificate in Legal Skills for Legal Secretaries	4 November 2025	€950
Diploma in Legal Skills for Legal Executives (NEW)	4 November 2025	€2,500
Certificate in Conveyancing	5 November 2025	€1,750
Certificate in Trade Mark Law	11 November 2025	€1,750

All lectures are webcast and available to view on playback, allowing participants to catch up on coursework at a time suitable to their own needs.
Diploma Centre reserves the right to change the courses that may be offered and course prices may be subject to change. *10/25*

■ E-conveyancing plans ■ Small Practice Month ■ LPT changes

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■

Photo: Mohammed Saber/EPA/Shutterstock

Israel guilty of genocide in Gaza – UN report

A report from an independent United Nations commission has found that Israel has committed genocide against Palestinians in the Gaza Strip.

The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, has urged Israel and all states to fulfil their legal obligations under international law to end the genocide and punish those responsible for it.

The commission's report, *Legal Analysis of the Conduct of Israel in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide*, concluded that Israeli authorities and Israeli security forces had committed four of the five genocidal acts defined by the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide*. ➔

The four are:

- Killing,
- Causing serious bodily or mental harm,
- Deliberately inflicting conditions of life calculated to bring about the destruction of the Palestinians in whole or in part, and
- Imposing measures intended to prevent births.

Intent to destroy

The commission said that statements by Israeli civilian and military authorities, and the pattern of conduct of Israeli security forces, indicated that the genocidal acts were committed with intent to destroy, in whole or in part, Palestinians in the Gaza Strip as a group.

"It is clear that there is an intent to destroy the Palestinians in Gaza through acts that meet the criteria set forth in the *Genocide Convention*," said commission chair Navi Pillay.

"The responsibility for these atrocity crimes lies with Israeli authorities at the highest echelons, who have orchestrated a genocidal campaign for almost two years now with the specific intent to destroy the Palestinian group in Gaza," she stated.

"The commission also finds that Israel has failed to prevent and punish the commission of genocide, through failure to investigate genocidal acts and to prosecute alleged perpetrators," Pillay added.

Incited genocide

The report is based on all the commission's previous investigations and the conduct and statements of Israeli authorities from 7 October 2023 until 31 July 2025. The Israeli military had launched its campaign in Gaza in response to the Hamas-led attack on southern Israel on 7 October 2023.

The commission also concluded that Israeli President Isaac Herzog, prime minister Benjamin Netanyahu, and then defence minister Yoav Gallant, had "incited the commission of genocide" and that Israeli authorities had failed to take action against them to punish this incitement.

Stop transfer of arms

The commission added that statements by other Israeli political and military leaders should also be assessed to determine whether they constituted incitement to commit genocide.

The commission recommended that UN member states:

- Stop the transfer of arms and other equipment to Israel that may be used for the commission of genocidal acts,
- Ensure that individuals and corporations in their territories and within their jurisdiction are not involved in aiding and assisting the commission of genocide or incitement to commit genocide, and
- Act on accountability through investigations and legal proceedings against individuals or corporations that are involved in the genocide, directly or indirectly.

Israel's foreign ministry said that it categorically rejected the report, denouncing it as "distorted and false".

VOTE FOR COUNCIL!

The Law Society Council represents every member, and your active participation makes that representation stronger.

Cast your vote for Council online by 5pm on Thursday 16 October to influence the decisions, priorities, and leadership that matter most to you and to your fellow members.

To vote, visit www.lawsociety.ie/elections.

Building a better way to convey

In order to improve the conveyancing process, the Law Society is developing a new e-conveyancing platform to streamline the process, enhance security, and save solicitors valuable time. Solicitors are being invited to take part in a pilot programme to help deliver a first-class online e-conveyancing system.

The initiative aims to build a solution that works for solicitors and clients alike. Conveyancing is a vital but time-consuming area of legal practice. From managing documentation to ensuring compliance and security, solicitors face a range of administrative and operational challenges in every transaction.

Real-word needs

The platform is being developed with one guiding principle – it must meet the real-world needs of conveyancing solicitors. From the outset, every stage of development to date has been informed by solicitor feedback from user-interface design to workflow integration.

The pilot programme will offer solicitors a chance to test the platform in practice and provide direct input on its functionality, usability, and effectiveness. This is not a top-down tech rollout. It's a collaborative effort to build a tool that reflects the realities of conveyancing work and supports solicitors in delivering high-quality service to their clients.

Saving hours

One of the platform's core goals is to reduce the burden of low-value administrative work. Conveyancing often involves repetitive tasks, manual data entry, and document handling that can consume hours of a solicitor's time.

The e-conveyancing platform will automate and simplify many of these processes, potentially saving up to two working hours per transaction.

Quick links within the platform to relevant Law Society guidance, including practice notes and regulatory updates, mean that solicitors can access authoritative information without leaving the workflow. This integration helps reduce time spent researching and ensures consistent best practice.

Robust security features

The platform has been built with robust security features to protect against online fraud and data breaches. Instead of relying on email or unsecured file transfers, the platform enables solicitors to share confidential documents through a secure online environment. This reduces the risk of interception, phishing, and other cyber-threats that have become increasingly prevalent in legal practice.

Participants will receive support from the Law Society throughout the pilot, including onboarding guidance, technical assistance, and opportunities to share their experiences with peers.

Whether you're a seasoned conveyancer or new to the field, your insights will be invaluable. By taking part in the pilot, your experience and feedback will help ensure that the final platform is practical, secure, and tailored to the needs of Irish solicitors.

ENDANGERED LAWYERS

Bhanu Tatak

Bhanu Tatak, India

The Times of India reported (8 September) that an anti-dam activist, lawyer, and Adi indigenous woman, Bhanu Tatak, was detained at Delhi Airport and prevented from boarding a flight to Dublin. She was travelling to take part in a three-month fellowship at Dublin City University as a 'visiting specialist'. However, she was detained and her travel documents were seized on grounds that there were pending police cases in Arunachal Pradesh, her home state in north-east India, adjoining Tibet. She was later released, but missed her flight.

As reported by *The Times*, the police in Itanagar, capital of Arunachal Pradesh, registered cases against her based on complaints by the state government that she is part of Siang Indigenous Farmers' Forum (SIFF) agitation against construction of a major dam on the Siang river. She is a legal advisor for SIFF and has long been a prominent face of their campaign.

The group halted a pre-feasibility study planned by the National Hydroelectric Power Corporation in a village in Upper Siang district, citing severe ecological damage, displacement of indigenous communities, and erosion of the cultural heritage of one of India's most biodiverse regions. Smaller dams, the SIFF argue, would be much more acceptable.

People displacement

As reported by *The Telegraph Online*, on 2 August she and a colleague (Ebo Mili) condemned the government's push to execute the project without the 'consent' of the affected people, which they said contravened the spirit of the constitution. They claimed that the project would displace over 150,000 people and submerge 27 villages.

Media reports quoted her alleging that the police case that resulted in her detention was being used to target those opposed to the proposed dam. *India Today* reported that the Inspector General of Police, Chukhu Apa, confirmed that she faces ten to 12 cases related to her alleged involvement in protests, including accusations of inciting violence and leading demonstrators to confront a cabinet minister.

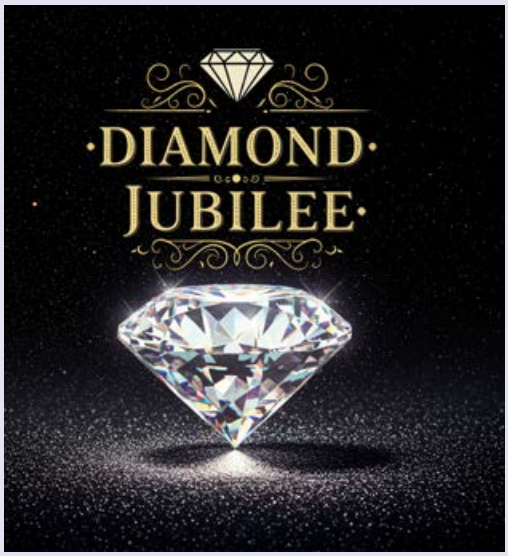
Tatak called the cases wrongful and said they were aimed at targeting people opposing the project. She demanded the withdrawal of the charges and accountability from police and immigration officials, who she said had not informed her in advance or provided written reasons for impeding her travel.

As work on the dam inches forward, her detention is perceived as part of a troubling pattern: the criminalisation of activism in the name of development.

DCU invited Bhuna Tatak to study topics including history, literature, philosophy, and sociology as a visiting specialist by engaging with various faculties and students. The programme was scheduled to begin on 8 September.

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

SYS TO CELEBRATE DIAMOND JUBILEE IN MARBLE CITY



Tickets are now on sale for the Society of Young Solicitors' (SYS) annual conference, *writes Rebecca Murphy (chair, Society of Young Solicitors)*. This year, the organisation celebrates its 60th anniversary, having been founded in 1965.

The conference will take place on Saturday 11 October at the Ormonde Hotel, Kilkenny. The theme is 'Client, court, conscience: the ethical balancing act for young lawyers'.

The day will comprise a full programme of CPD sessions on ethics and the legal profession, followed by a celebratory drinks reception, gala dinner and black-tie ball.

The keynote speaker will be Mr Justice David Barniville (President of the High Court). He will be joined by distinguished speakers including Geraldine Clarke SC (member, IBA Professional Ethics Committee Advisory Board), James MacGuill SC (past-president, Council of Bars and Law Societies of Europe), and Joan Crawford (CEO, Legal Aid Board).

The headline sponsor is Nixon McQuade, with co-sponsors including A&L Goodbody, Arthur Cox, Dentons, Dillon Eustace, Mason Hayes & Curran, Matheson, McCann FitzGerald, and William Fry.

Tickets can be purchased individually through Ticketsource (www.ticketsource.com/society-of-young-solicitors-ireland) or in bulk by emailing societyofyoungsolicitors@gmail.com.

Local Property Tax revaluation

The valuation of a property at the date of 1 November 2025 will determine the charge to LPT for the period 2026-2030.

Property owners are required, by 7 November 2025, to:

- Determine the market value of their property,
- Submit that valuation band to Revenue, and
- Set up a payment method for 2026.

It is important to note that the valuation bands have been widened for the next valuation period, and the base LPT charge has also increased.

Details of valuation bands and charges are available on revenue.ie.

Deferral of LPT

Eligible persons can defer payment of LPT where certain criteria are met. From 2026 onwards, the single person income threshold for deferral of LPT will increase from €18,000 to €25,000, and from €30,000 to €40,000 for a couple. Further information on the criteria to be met in order to qualify for a deferral can be found on the Revenue website.

A deferral is not an exemption, as the deferred LPT becomes payable at a later date and remains a charge on the property until it is paid. Interest accrues on the unpaid amount until it is paid, and Revenue clearance for the sale or transfer of a property will not be granted where payments are still deferred. The interest rate for the first valuation period from 2013 to 2021 is 4%, and is 3% from 2022 onwards.

LPT exemptions

Certain properties are exempt from LPT if they meet the qualifying conditions. The most common exemption claimed is for properties unoccupied for an extended period due to illness of the owner.

From 2026, the LPT exemption for properties damaged by defective concrete blocks will be expanded to include properties in Clare, Limerick, and Sligo. The exemption is already available to properties in Mayo and Donegal. An exemption to LPT can be claimed when submitting the LPT return.

October is 'Small Practice Month'

This October, the Law Society presents a dedicated programme of events, resources, and tailored supports to help small practices thrive in today's evolving legal landscape. In response to solicitor feedback, this month's programme highlights targeted sessions, expert-led support, and new and existing services to support your practice, business, and wellbeing.

Supporting your practice

With 47% of small-practice solicitors involved in conveyancing, we're spotlighting developments in property law and title registration:

- *1 October – Tailte Éireann Webinar series 1 (1 CPD)* – first-registration applications (Forms 1 and 2). This is a complimentary lunchtime webinar to help streamline applications and reduce queries.
- *15 October – Annual property law update (3.5 CPD)* – in collaboration with the Law Society's Conveyancing Committee, this seminar offers practical insights into recent developments in property law.
- *22 October – Tailte Éireann webinar series 2 (1 CPD)* – Form 3 applications for solicitor-certified, already-registered titles (the second in the free webinar series.)

Supporting your business

Cybersecurity, technology and recruitment remain top challenges for smaller firms. This month's programme includes:

- *2 October – Legal tech series* – a free webinar on cyber-threats and practical steps to improve workplace resilience.
- *23 October – Selling small-firm careers* – an online session hosted by the Law Society's Younger Members Committee, exploring recruitment challenges and opportunities.
- *Cybersecurity CPD discounts* – with 88% of solicitors concerned about cybercrime, we are offering a 20% discount off training to support upskilling. From 1-31 October, when you book the online course 'Practical Guide to Cybersecurity' through the Law Society website, you will only be charged the discounted fee of €150.
- *Legal vacancies advertising* – advertise your legal roles with free upgrades throughout October.

Supporting your wellbeing

This year's wellbeing summit will explore issues around professional isolation, client expectations and regulatory compliance, and offer practical strategies to manage stress and demanding clients: *7 October – Law Society Skillnet wellbeing summit (CPD)*. Early booking advised.

Visit www.lawsociety.ie/smallpracticemonth to view the full programme of services and events in October.

Stay informed: subscribe to the *Small Practice Update* – email solicitorservices@lawsociety.ie to receive this monthly newsletter, or if you have any queries.

SECRET KEEPER

The new Private Security Authority licence for safe suppliers faces scrutiny over EU-law compliance. Alan Donohoe Redd cracks the combination

Photo: Alamy

A new licensing requirement for 'suppliers or installers of safes' from Ireland's Private Security Authority (PSA) has come under scrutiny as European industry experts argue it infringes upon fundamental principles of EU law, including the free movement of goods and the GDPR.

PSA 94:2024 requires all suppliers of safes in Ireland to undergo regular audits in order to obtain a PSA licence. This introduces a new administrative and regulatory burden on anyone selling safes to end-users here, which experts argue amounts to a form of pre-market authorisation and risks delaying or deterring intra-community trade. Such a move poses a direct challenge to articles 34-36 of the *Treaty on the Functioning of the European Union* (TFEU), which prohibits rules hindering the free movement of goods.

Articles 34-36 mandate that goods lawfully marketed in one member state should be freely sold across the EU without such additional authorisation requirements and, while exceptions can apply, they must be necessary, proportionate, and are only allowed if there is a genuine and sufficiently serious threat to a fundamental interest of society.

Burglar alarm

Certified safes are already subject to accredited European burglary-resistance testing and certification compliant with Regulation (EC) 765/2008, so it is difficult to see how the PSA's imposition of additional licensing fees and barriers to market entry for such products in Ireland can be justified.

As established under EU law by *Dassonville* (Case 8/74), "all trading rules capable of hindering, directly or indirectly, actually or potentially, intra-community trade are to be considered as measures having an effect equivalent to quantitative restrictions" and are therefore prohibited by article 34 of the TFEU.

The European Security Systems Association (ESSA), representing the largest consortium of safe manufacturers and suppliers in Europe, has already written to the Minister for Justice and criticised the PSA's licensing standard as a "market barrier", warning that "if such national licensing standards proliferate, the EU's integrated market for safes could fragment into 27 localised markets, each with its own licensing requirements".


Photo: Shutterstock

In addition, a formal complaint is also active with the European Commission, not only in respect of the contravention of articles 34-36 of the TFEU, but also core principles of the GDPR.

Inside job

As regards the GDPR, sections 3 and 8 of the PSA 94:2024 licensing standard mandate licensed safe suppliers to gather and store highly sensitive personal and security-related data during a 'planning and design' phase and in an 'as fitted document'.

This data includes the location of the safe in the premises, the contents and value of items to be stored, existing security measures, operational procedures, and personal details, including address and telephone numbers of clients and installers.

This extensive data collection is problematic for multiple reasons under the GDPR:

- *Violation of data minimisation principle*: GDPR mandates that personal data collected must be limited to what is necessary for the specified purpose. Recording and retaining detailed security profiles of clients, existing security measures, and operational procedures appear excessive and disproportionate to the task of supplying a safe.
- *Lack of legal basis and consent*: there is no clear lawful basis under the GDPR for such comprehensive data collection by safe suppliers. Moreover, the right to refuse consent and to request erasure of personal data is not mentioned anywhere in PSA 94:2024.
- *Data processing and sharing risks*: PSA 94:2024 fails to consider that the party supplying a safe might differ from the installer, necessitating the sharing of sensitive data between unrelated entities, raising profound concerns about data handling, accountability, and GDPR compliance.
- *Security implications*: compiling detailed security blueprints of private and commercial premises, client profiles and operational procedures, particularly with the potential of distributing them to multiple parties, poses significant cybersecurity and physical-data handling risks. Additionally, industry experts and insurers have warned that such practices introduce unnecessary real-world risks for the end user, a concern aptly underscored by press reports that a known 'tiger kidnapper' and armed robber was working under a PSA locksmith licence until quite recently.

It is difficult to see how the PSA's imposition of additional licensing fees and barriers to market entry for such products in Ireland can be justified

Re-set the combination

As PSA 94:2024 stands under scrutiny for compliance with EU law, consumer safety, and data security in more ways than have been mentioned, it has to be noticed that these and other issues could have easily been avoided through structured consultation with European subject-matter experts and engagement with European-standards bodies for the sector.

Instead, it seems PSA 94:2024 was developed without a working group and with minimal consultation with the industry and relevant European standards bodies. The result not only threatens Ireland's compliance with EU law – and an industry that has always had confidentiality in respect to specifications, electronics integration, existing security measures, and end users as a cornerstone – but Ireland's reputational commitment to fair trade and fundamental principles of consumer privacy and safety. g

Alan Donohoe Redd is managing director of Certified Safes Ireland and serves both on the European CEN Technical Committee and US Underwriters Laboratories Technical Panel for safes and physical data-protection standards.

MAXIMISE YOUR TAX RELIEF

The deadline for final payment for the 2024 tax year under the self-assessment system is fast approaching. One way to reduce your tax liability is to use pension contributions to maximise relief in respect of 2024

You can still be eligible for a tax refund for 2024 by putting money into an approved pension scheme now and submitting a claim to the Revenue before 31 October 2025 (19 November if you submit your return online).

Tax relief is available at your marginal rate of tax, subject to an earnings limit of €115,000 and maximum contribution rates, which are dependent upon your age, as follows:

Age	% of net relevant earnings
Up to 30	15%
30 to 39	20%
40 to 49	25%
50 to 54	30%
55 to 59	35%
60 and over	40%

There are also tax advantages at retirement, in that you can take up to 25% of your fund as a lump sum, with up to €200,000 available tax free (subject to conditions). Your funds also accumulate tax free while invested.

Threshold changes

From January 2026, the standard fund threshold (SFT) for pension savings will increase to €2.2 million, with a further three annual increases of €200,000 until 2029, when the limit will be €2.8 million. From 2030, it will be increased in line with wage growth.

If you have previously ceased making pension contributions due to SFT limits, you may wish to reconsider your ability to make further pension savings.

Auto-enrolment

From 1 January 2026, new pension-saving rules come into effect in Ireland. The Government is introducing a new auto-enrolment system that makes pension saving all but mandatory in Ireland for the first time.

Any employee who is not currently contributing into, or receiving employer contributions in respect of, an existing occupational pension arrangement through payroll will be automatically enrolled into a new State-run pension savings scheme called 'My Future Fund' (MFF) if they have gross earnings over €20,000 per annum and are aged between 23 and 60.

If you are not currently saving into an occupational plan, and you meet the age and earnings criteria, you will be automatically enrolled into MFF from 1 January and you will be required to pay 1.5% of your gross remuneration up to an overall earnings cap of €80,000

If you are saving into an occupational plan through payroll, you will be exempt from enrolment into MFF. Nothing will change and you will continue your membership of the plan on the existing terms that apply to you. No further action will be required. (Note: if you are paid through the net pay arrangement and currently pay contributions to the plan on an annual basis, you may want to consider making a monthly contribution to ensure that you remain fully exempt from auto-enrolment.)

If you are not currently saving into an occupational

Photo: Alamy

Pension reform, French style

plan, and you meet the age and earnings criteria, you will be automatically enrolled into MFF from 1 January and you will be required to pay 1.5% of your gross remuneration up to an overall earnings cap of €80,000.

In addition, your MFF account will also receive 1.5% of gross remuneration to the above cap from your employer and a further 0.5% from the State. While you will be allowed to opt out of MFF if you wish, you may only do so after six months of membership, in months seven and eight. After two years, any employee who opted out of auto-enrolment and who still meets the eligibility criteria will be automatically re-enrolled.

The contribution rates for auto-enrolment will be phased in over the first ten years of the scheme, rising to a maximum in year ten of 6% for both employees and employers, with a 2% contribution from the State.

Your employer will match your contributions in MFF. Instead of tax relief on your contributions, the State will provide a top-up contribution at a rate of €1 for every €3 you pay in. As the employee and employer contributions are matched equally and then topped up by the State, the total amount of contributions will amount to 14% of an employee's gross earnings from year ten onwards.

Contributions will be fixed at a set rate, and it will not be possible for you or your employer to pay more or less than this rate. Contributions will be calculated on your gross earnings, so anything included in the gross pay field of a payroll file will be assessable. Contributions will not, however, be levied on any gross pay over €80,000.

It is important to note that the new auto-enrolment regime does not currently apply to the self-employed.

Retirement Trust Scheme

Law Society members who are self-employed, in partnership, or in non-pensionable employment are eligible to make a pension contribution to the Law Society Retirement Trust Scheme. The scheme offers all the flexibility of a personal policy and, in addition, offers a number of enhanced features, including a simple and transparent charging structure and 'best-in-class' investment management.

There is also a flexible 'lifestyle strategy' in place that gradually reduces the level of equity risk in your retirement fund the closer you get to your chosen retirement age, in addition to an online-access members' platform.

How do I join?

More information can be obtained from Mercer online at bit.ly/ContactJustASK or tel: 01 411 8505. A copy of the explanatory booklet can also be found on the Law Society's website.

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FUTURE-PROOFING YOUR DSA

It is of paramount importance that families entering new decision-support arrangements receive expert advice on building a robust financial investment plan to meet individuals' ongoing long-term needs. RBC Brewin Dolphin is here to help

The *Assisted Decision-Making (Capacity) Act 2015* has brought about a significant change in the landscape for people who have challenges with their capacity and who may need support to make certain decisions. The creation of new 'decision-support arrangements' (DSA) has opened up new possibilities – and challenges – for families around the country.

Significantly, these families are being given far more control over capital awards than had previously been the case. With that increased control comes increased responsibility. Having been in a passive environment under the wardship system, many families will naturally find this increased level of responsibility to be somewhat intimidating.

At RBC Brewin Dolphin (RBCBD), we have been helping families and their advisers all over Ireland in navigating this new landscape. We are here to work alongside their advisers to make this journey easier.

Thinking about risk

When assisting with long-term financial and investment planning, we have a particular responsibility to assess the capacity of our DSA clients to take investment risk. When discussing the topic of risk with families and their advisers, we place great emphasis on defining 'risk' in a manner that goes beyond the simple definition typically seen in investment literature.

The capital must endure over the long term in order to meet the relevant spending requirements. Failure to achieve this goal is the primary, dominant risk factor

In general terms, 'volatility' and 'risk' are used almost interchangeably in respect of investment risk. Nevertheless, the longer the investment timeframe, the less useful this simplification becomes. Indeed, over long investment timeframes, the relationship between risk and volatility starts to reverse.

As DSA clients tend to be long-term investors by their nature, using a simple rule-of-thumb like this when thinking about risk can be extremely dangerous. Over the short-term, investment volatility does indeed represent a serious risk, but over the long-term, *inflation* is the major concern.

Inflation impact

The impact of inflation on ongoing spending requirements (particularly the uncertainty around medical-cost inflation) will likely be material in most, if not all, DSA situations. Often, there are no other significant assets beyond the finite capital award sum, and the capital must last the client's lifetime. As such, the primary risk factor in these situations is that the capital would eventually be depleted to the extent that it can no longer meet the client's future spending requirements.

This being the primary risk, the investment plan must avoid conflating short-term investment 'volatility' with 'risk'. In many cases, if DSA clients were to avoid all investment volatility and leave the entirety of their capital in cash, this would effectively guarantee the occurrence of this primary risk (that is, the premature depletion of the capital through spending and inflation).

Simply put, for capital to maintain its purchasing power against inflation over the long term, investing at least a part of the capital in volatile assets like equities will be a necessity. This being the case, building a sensible, diversified, and high-quality long-term investment portfolio is the cornerstone of long-term capital protection.

Long-term strategy

In general, the long-term investment strategy must be suitable for the specific spending needs of the individual client. When we construct a specific long-term investment plan for a DSA client, the primary objective is to provide a stable source for meeting the ongoing spending requirements over the long term.

The main source of the capital appreciation that will help achieve this primary objective will be from the long-term investment portfolio, which, by its nature, will have a degree of exposure to volatile assets.

In our opinion, the short-term investment volatility that the investment portfolio will inevitably endure will be significantly more tolerable if

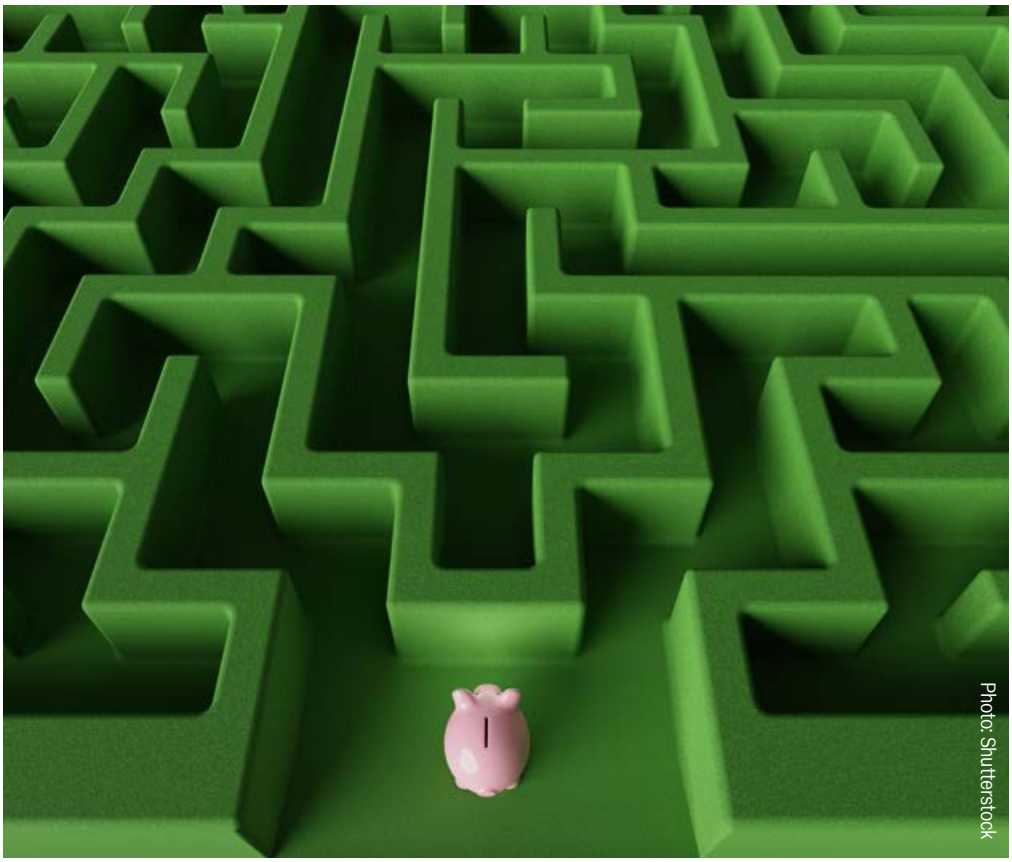
Photo: Shutterstock

there is a separate provision for several years' spending set aside at all times.

In many DSA situations, we therefore maintain a separate short/medium-term liquidity portfolio to effectively warehouse several years' worth of future spending. This liquidity portfolio would largely be invested in government bonds and/or cash. The exact amount of future spending to be placed in this portfolio depends on the specifics of each individual case. Typically, this would be around five years' worth of estimated spending.

Spending requirements

Required spending would be drawn from the liquidity portfolio, and we would replenish this portfolio from the longer-term investment portfolio periodically.

In summary, the capital must endure over the long term in order to meet the relevant spending requirements. Failure to achieve this goal is the primary, dominant risk factor.

These spending requirements will naturally grow with inflation over time. In most cases, keeping the funds in cash would almost certainly result in the occurrence of the primary risk factor (that is, the premature depletion of the capital over time through spending and inflation). For these reasons, a robust long-term plan will almost certainly require some degree of allocation to volatile assets, such as equities. As the investment manager, our job is to ensure that the allocation to volatile assets is diversified, high-quality, and kept to a minimum. Clear communication of the investment plan and ongoing long-term support are vital components of the service we provide to our DSA clients.

What to expect

At RBCBD, we will always invest the time required to understand your needs and those of your clients and their families. Our investment resources and experience are extensive, and the Royal Bank of Canada is one of the world's leading (and most stable) financial institutions.

We have tapped into the experience of our colleagues in the UK arm of our business, as they have developed a 'compensation management service' that deals with clients and their advisers in areas such as the UK Court of Protection and Personal Injury Trusts.

Here in Ireland, we have also established a strong working relationship with Cantillons Solicitors and assist them with navigating their clients' journeys from wardship into the DSA world. This relationship has allowed us to develop a clear understanding with Cantillons, establishing trust with all parties (which is a key part of any professional relationship). Importantly, we have also had validation of our process through our involvement in the successful exiting of wardship.

Any long-term plan for a DSA client must be flexible, as the requirements will evolve over time. This being the case, our relationship with you and your clients would be managed by a dedicated relationship manager. You would have the full support of our DSA team in respect of ongoing investment and financial advice, and adapting the long-term plan as required.

We appreciate that time is of the essence when liaising with families facing the challenge of moving into the DSA world, particularly in relation to dealing with the High Court, so we would work collaboratively with you to ensure all documentation is diligently prepared in a timely manner. The deadline of April 2026 looms on the horizon.

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True GRITTS

The compliance function has oversight of the rules that are integral to the culture and behaviour of any organisation. Successfully engaging compliant behaviour involves effective communication and technology combined. David Cowan encourages you to get your GRITTS

When I first started travelling to the United States many moons ago, I spent some time in Tennessee and was introduced to the Southern breakfast of grits, served with honey, bacon, or whatever else appeals. Grits are made from dried corn kernels ground into smaller bits, and stone-ground grits can be hard to find outside of the South. The Southern US President Jimmy Carter campaigned with the slogan '*Grits & Fritz in '76*', brought the dish to the White House, and even named his pet dog 'Grits'. You now know more about grits than is good for you, but let me serve up something good for your daily *compliance* needs: 'GRITTS'.

Telling people that compliance is good for them is a little like being told to have your breakfast or eat your greens. We know it's good for us, but... When working with in-house or client-compliance teams, the biggest obstacle the team often faces is communication. The team struggles to connect people to the compliance need. This is not really surprising, given that compliance naturally involves rule-setting – and not everyone appreciates the rule.

The compliance function has oversight of the rules, which are, essentially, externally driven by regulators, professional bodies and the like, but they are also integral to the culture and behaviour of any organisation. Successfully engaging compliant behaviour involves effective communication and technology combined.

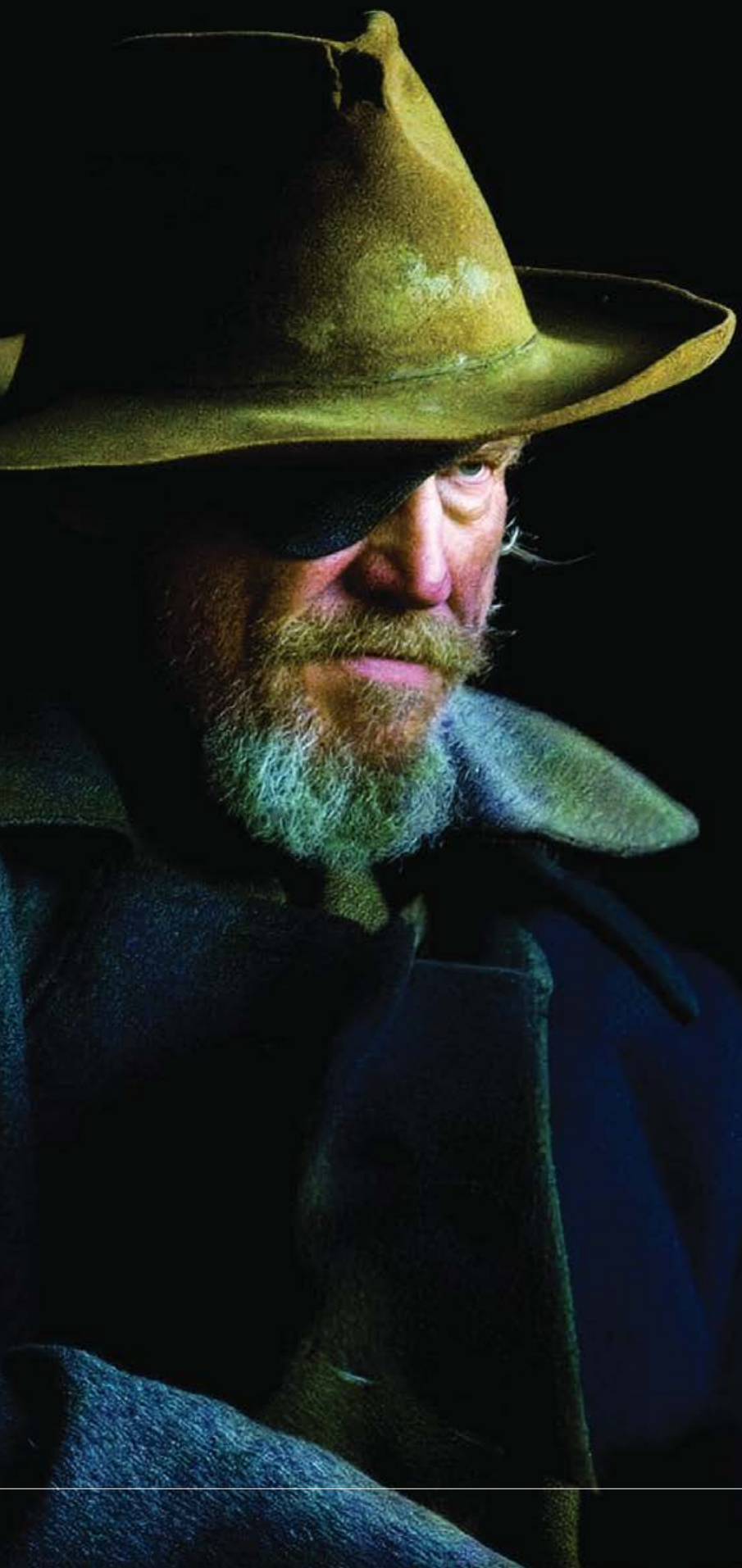
Grits ain't groceries

Using effective communication and technology can build in pre-emptive actions, such as early-warning systems and well-understood compliance indicators to help prevent issues from occurring, or at least help to spot them early on.

This means collecting and analysing data that indicates the outcomes of policies and actions deployed by the compliance team and their system. Indicators may be identified, analysed, and assessed by using a model proposed here called 'GRITTS'.

To help compliance teams assess their policies and actions, GRITTS can be used to map against the legal requirements and the practical realities of deploying compliance measures. Compliance teams need to be able to assess the organisational processes and personnel as to how policies are being understood and followed, which should also be done in respect to industry best practice:

- ***G**aps* – teams need to identify gaps that exist, need to be filled, and any risks to be mitigated. One of the major issues for organisations is the existence of 'silos', where departments, units, and projects are not connected or collaborating. For in-house legal, this can be especially irritating, as other departments see them as 'blockers'.
- ***R**esolution* – the existence of silos is one of the key causes of gaps, but there are many others. Closing the gaps is best achieved by having effective communication between leadership, units and teams to seek a fast resolution of problems, which also means undertaking regular policy reviews to monitor success and ensure alignment with legal and regulatory requirements, and, where possible, to do this in real-time.
- ***I**ncidents* – dealing with incidents is not simply a transactional issue. It involves sequences and patterns. This all requires effective monitoring and quick response.
- ***T**ime* – so time is a critical factor, which is not merely a data and technology solution. A people solution is also required.
- ***T**raining* – people and machines can be non-compliant. In the case of people, training is essential to create awareness and build compliance – not just directly to how it is framed by the compliance function, but also integrated into other disciplines.
- ***S**takeholders* – how compliance is then embraced by all stakeholders is key. Communicating with stakeholders requires connecting the stakeholder with the involved party in the organisation to encourage them to ask



the key question: what's in it for me? Clearly, there may be some negative messaging required, such as informing a third-party supplier that they will not get your business if compliance requirements are not met. However, positive messages around compliance include the importance of ensuring the integrity of the supply chain – and reputational arguments.

Breakfast in bed

For employees and other stakeholders, onboarding programmes can be strengthened to ingrain a compliance approach to working with the organisation. New entrants from schools and universities can be set on the right track before any cynicism sets in. Third parties and other stakeholders can also be onboarded in a process that goes beyond simply signing a contract, but also by supporting them to embrace shared compliance values.

If people are to be better led into compliance, it is important to ensure that the machines and systems are part of an augmented skills-base. The non-compliance of machines may be dealt with by identifying needs for an upgrade, update, or change of installation.

Errors may be related to various sources, including faulty data input, a data breach, accidental deletion of data, or a software bug. The error is operational and can usually be tracked. Computers can pick up on human errors and missed deadlines, but the same can operate in reverse, and people can pick up on odd or absurd outcomes produced by computers and artificial intelligence (AI).

A person being non-compliant is more complex and relates to matters of ethics and integrity. Employees may have different ethical or cultural ideas than the corporate messaging, and the need for them to be compliant may require supporting them through the process.

This process may mean they require handling offline. Automation does not always mean automating a whole process, it often requires appropriate jumping-off points to switch between online and offline processes as elegantly as possible.

Built for comfort

Technology can provide a compliance dashboard to provide line of sight, and many organisations have them in place. However, many do not, and sometimes the ones in place do not give the whole picture. There are a number of success factors that create an effective dashboard.

Having a clear sight of the compliance issues can drive policy decisions, such as health and safety, ethics, and supplier relations. The dashboard can help in the assessment of the compliance status of suppliers, contractors, and business partners. It can track relevant certifications and the status of contract terms. These dovetail into managing supply chains and other risks by ensuring full compliance.

An augmented compliance dashboard tracks the status of employee-training requirements, compliance with specific policies, and any breaches of company guidelines. This can ensure that all employees complete required training on compliance topics, such as cybersecurity, data protection, and workplace ethics. It also flags overdue training sessions and compliance violations.

Factors in a compliance dashboard should include:

- *Regulatory tracking* – the dashboard is proactively responsive to regulatory shifts, domestic law changes, new EU regulations, international requirements, and industry rules to ensure compliance alignment. It tracks alignment with current regulations and provides historical trends and forecasts. The dashboard needs to adjust quickly.
- *Data integration* – collates data from diverse sources into a consolidated compliance hub, including operational data from enterprise systems, insights from compliance policy materials and manuals, legal documents, and updates from external regulatory databases. The dashboard needs to present a holistic compliance view.
- *Data visualisation* – turns raw figures into readily-accessible insights. Using data visualisation, such as heatmaps, the dashboard presents detailed metrics and key performance indicators to highlight a variety of functional, regional compliance, and business-unit variations and trends. Dashboards needs to have intuitive visual formats.
- *Real-time* – delivers timely responses to enable decision-makers to access the latest insights for prompt and effective decision-making. Dashboards need to seamlessly incorporate real-time data across operations.
- *Policy adoption* – highlights gaps and issues where internal policies may be overlooked or bypassed, either intentionally or unintentionally. A dashboard needs to have a clear framework and policy to map against practice.
- *Training and certification* – tracks all employees and contractors who have completed necessary training certifications and shows this as a percentage of those who have completed necessary training. The dashboard needs to flag where training is not being carried out.
- *Incident and violation tracking* – enables granular tracking of unauthorised data access, privacy breaches or other violations. Helps identify problem areas. The dashboard needs to have effective mapping of all security vulnerabilities and offer real-time notification.

FOCAL POINT

Indicator	Descriptor	Identification issues	Resolution	Legal review
G	Gaps	Gaps between policy and conduct, different personnel classes and locations, knowledge and understanding, communication of policy	Tackling compliance silos, effective communication planning	Reporting, legal warnings, terms and conditions, contracts
R	Resolution	Ease of resolution, complexity of factors involved, transparency of process, reporting and monitoring	Pre-emptive and reflexive mechanisms for internal enforcement, including reporting, help support, and whistleblowing procedures	Legal advice, mediation, negotiation, litigation
I	Incidents	Looking for patterns in events and behaviours, such as the number of reported incidents, frequency, seriousness, repetition and locations, as well as personnel level, departments involved	Collecting data on incidents of non-compliance and analysing them	Data privacy, cybersecurity measures
T	Time	Frequency of compliance failures, their seriousness, impact on the organisation and business.	Frequency-based dashboard and alerts to leadership and personnel	Fines and legal actions in respect of failure to identify or resolve an issue within legislative, regulatory, or supervisory time limits
T	Training	Who has been trained and how, compliance training as part of onboarding employees, monitoring, upkeep of knowledge and changes in rules and policies, exchange of best practice	Workshop-based effective training, ongoing communication building on training, gaining personnel buy-in, stepping in to address individual failures	Translating legal requirements into everyday language and actions. Effective legal communication
S	Stakeholders	Measuring effect and impact in respect of external organisations, including clients and suppliers, investors, financial and other advisors; other stakeholders	Outreach programme on stakeholder compliance issues, flagging of external issues, effective communication in relationship with regulatory, supervisory and other bodies	Legal duties and responsibilities owed to specific classes of stakeholders

Sixteen tons

Compliance management and software tools support the mission but differ in the principles, methodology, and framework deployed, and are based on different profiles in respect to risk-management and compliance-policy approaches. Some tools are effective at monitoring, while others are

> **This means collecting and analysing data that indicates the outcomes of policies and actions deployed by the compliance team and their system. Indicators may be identified, analysed, and assessed by using a model called GRITTS**

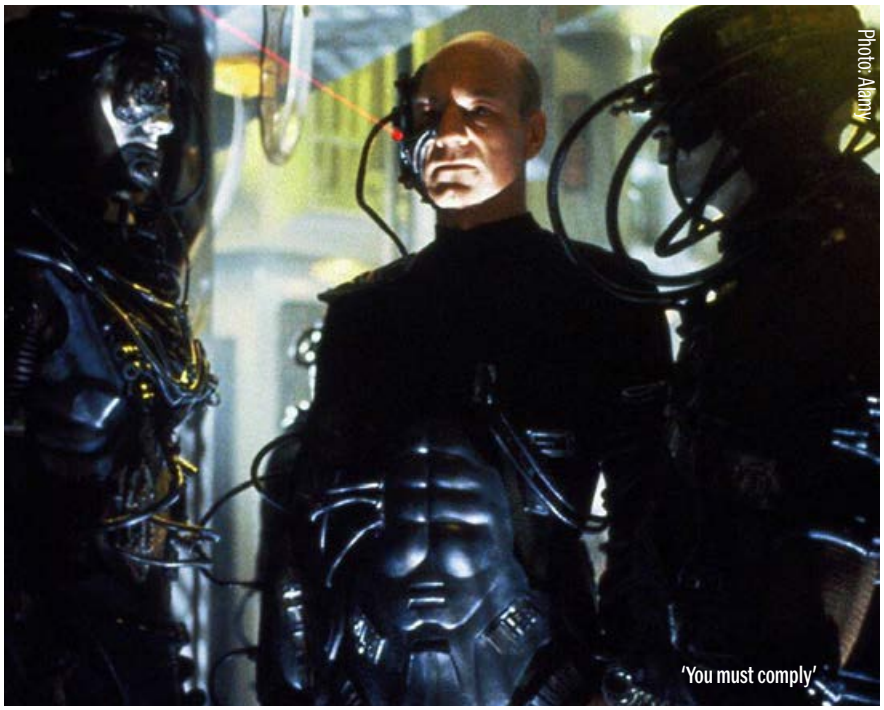


Photo: Alamy

'You must comply'

Compliance tools	
Intelligence platform	Document management system
Compliance dashboard	Policy management platform
Compliance workflow automation	Electronic signature tool
Impact assessment	Risk analysis software
Interactive training platform	Compliance risk scoring system
Training effectiveness analytics	Risk mitigation tracking
Learning management system	Secure messaging platform
Audit management software	Collaborative workspace
Reporting and analytics tool	Stakeholder engagement tool

more technically focused on, for instance, audit matters or ESG factors. These tools may be classified as:

- All-purpose,
- Sector or industry-based compliance tools,
- Governance, risk, and compliance (GRC).

Spoonful

Artificial intelligence is all-purpose and can offer many benefits to organisations managing their compliance needs. The need to inform employees, customers, or other stakeholders can be managed by chatbots.

Everyday monitoring can be conducted by AI, able to identify suspicious transactions or behaviours that may or may not be dangerous. An apparent suspicious item may well be random, benign, the beginning of wrongdoing, or the surfacing of a major fraud. AI and machine-learning algorithms are able to examine business and financial transactions and detect patterns of fraud or other abuses.

Systems enhanced by AI can collect a considerable amount of data that allow analysis of patterns of behaviour, which can act as early-warning detectors of change and risk, thereby providing compliance teams with the opportunity to stop wrongdoing before it becomes systemic or damaging.

Not all data and activities are structured. There is a great deal of data use that is unstructured data, the largest volume being email exchanges. In isolation, an email may appear innocuous but, once put with other data, a pattern may emerge, which is often better spotted by AI than humans.

Compliance teams have historically been hampered in their attempts by the need to find a needle in a haystack. AI may discover that needle, which might be an email, WhatsApp message, or the use of an access card. These are all big-data items that become manageable for today's AI-enabled compliance officer.

Walkin' by myself

At the basic systems level, a communication platform is needed to be effective at recording communication across platforms used by employees, and this is again a big-data issue. Managing records of emails sent, any social media apps used for business purposes, as well as access and usage of platforms, are needed for various legal and regulatory demands.

They are also essential for forensic needs in compliance investigations and, when used with AI tools, they can detect behavioural patterns in employee activity. They can also be linked to tracking of employee activity, such as mobile location and keystrokes – which are controversial, as this borders on employee-rights issues. Platforms include tools that are tailored to a specific sector or industry.

While automation can save great costs, switching to new platforms and deploying new tools can increase costs. There can be hidden costs in the inefficiencies created by not taking a GRITTS approach and missing compliance targets. Such inefficiencies represent significant governance, risk, and compliance factors.

A systematic and responsive GRITTS approach to legal and regulatory changes helps to build robust impact assessments and prepare effective plans for implementing changes required across the organisation. This also supports the management of compliance risks.

At its heart, compliance is a matter of changing human behaviour, and humans are not always good or welcoming when it comes to changing habits. As a species at work, most of us are happy to operate with comfortable inefficiency, meaning we like to do things the way we have always done, even when the change being deployed will make our lives better.

This all dovetails into an augmented approach to managing employee-related and operational risks. Giving 'line of sight' to risks in the organisation is important to all involved, not just the compliance function. So make sure that you and your clients get their GRITTS!

Dr David Cowan FRSA is assistant professor of law at Maynooth University and is the author of Law and Technology *(Bloomsbury Professional Ireland, 2025).*

All photos: Cian Redmond

Sweet home

Eminent property solicitor Rory O'Donnell is retiring after an unprecedented half-century on the Law Society's Conveyancing Committee. Mary Hallissey's big wheels keep on turning

Veteran solicitor Rory O'Donnell has retired from the Law Society's Conveyancing Committee – a committee that he served on, or consulted to, ever since its inception in 1974. He says that he has very much enjoyed his unprecedented 50 years of service: "Events have overtaken some of my know-how, since I retired from practice, but there is so much that is old law. And I can remember the same issues coming up 50 years ago."

Rory retired as a partner in Eversheds Sutherland in 2009, but stayed on as a consultant until the end of May 2021. He remained in practice as a sole practitioner, dealing only with work as an expert witness in property cases, until the end of November 2022, when he retired fully after a remarkable 61 years in practice, where he specialised in conveyancing, construction, planning, and commercial property.

"Well, it is ridiculous," he muses. "If you were trying to achieve it, it would be an achievement. But it was really the financial crash that changed plans to some extent, and I stayed on after 2011.

"I ended up doing a lot of work as an expert witness in property cockups. And there were a lot of actions taken at the time, a lot of them merited, a lot of them obviously not.

"There are some people who will never recover from the crash, and that has left its mark on people. It absolutely scarred people, some took their own lives, or had nervous breakdowns and never recovered, really.

"It's a tough one to go from being worth €100 million to being bankrupt in six months. Most people survived, but a lot didn't. It was tough on everyone."

Tuesday's gone

Rory has always strongly advised his clients to never, ever mix their personal and their business banking.

"I don't know how many times I've said to people, 'your bank manager is not your friend'. They listen, and they may know I am right. But they don't do anything about it. I would have had many a tussle with banks where they were trying to get a family home as part of a guarantee.

"And the banks were ruthless and applied pressure. And when things are good, people will give in, because advice is one thing – but when the bank manager is holding the 'keys to the kingdom', so to speak, a lot of people sign things they wish they hadn't."

Rory believes that economic progress in the country has not been spread evenly.

"That's the problem, and the Government has got away with not dealing with social housing for so many years, and local authorities stopped building houses. There is too much stopgap thinking and going from crisis to crisis."

Housing targets should be increased substantially, he suggests, and housing should be treated as a national emergency.

Simple man

One of six children from near Ballybrittas, Co Laois, Rory's father Joe was a Donegal teacher and native Irish speaker who relocated with his wife Sally to the midlands from a national school on Arranmore Island.

At almost 87, Rory attributes his good health and physique to his love of both ballroom dancing and walking, as well as to good genetics.

After school in Monasterevin, he was apprenticed with his brother Aidan's legal firm in Portarlington.

However, he soon struck out for the capital and got a job with well-known solicitor Dominic M Dowling, where he worked for six years before setting up on his own on Baggot Street in Dublin 2 in 1967.

Working for himself was the natural next step for Rory, because he felt that there wasn't room to grow in his initial position. "I never had any misgivings about moving to Dublin," he reflects. "I mean, there were advantages in a small town, because the solicitors have a better quality of life, but they are envious of the people in the city, because they think it's a honey pot. But the big work comes with big pressure, hassle, and the long hours.

"I received good tuition on conveyancing from Dominic Dowling, because he was very clever, a very capable solicitor.

"In a way, you sort of slide into it, and the work comes to you. Then you're in a hamster wheel, and you must keep it turning.

"I had no business contacts in Dublin, but I established contacts and got to know people, and it grew from there. Conveyancing was the work that gravitated to me. I ended up getting a certain amount of residential work, private homes, but that eventually led into building, and then into commercial property."

Rory did some family law but found it frustrating and poorly paid, with few legal solutions available for his clients at the time.

He believes that judicial reviews have often held up essential development. 'It would be so beneficial to end all these judicial reviews. The ones on planning matters, clearly, to me, are an abuse. There is a tendency to object first and think afterwards'

Free bird

What did Rory like about practice? "As a sole practitioner, there's a sense of isolation. You can see the work you have, but you can't see beyond six months down the road. And I'm not saying you live in perpetual fear. I was a positive person, but if you were negative, it would be a constant worry. Things are much better now, in that people form discussion groups, but that didn't happen then."

Administration was the hardest part of working as a sole practitioner, Rory reflects. "I would have preferred just to do my legal work," he says ruefully.

What Rory did find useful over the years was technology, which he readily embraced, investing in a photocopier in 1967. "I spent years trying to get a system where I could track my useful items of know-how, to be able to find them instantly on a computer. I ended up with two filing cabinets full of stuff with headings for problem-solving items.

"Let's say I was almost ready to retire by the time the system that could make it easy appeared!"

He is very aware of the danger of cyber-attacks: "It's almost back to the 1800s, when pirates were loose on the high seas and highwaymen on the roads. I'm glad not to be trying to cope with this piracy. The advantage of a bigger firm is that you have good tech people there, as back-up."

Rory's practice saw great success and expanded considerably over the years, driven by the gradual addition of talented partners.

Rory O'Donnell and Co became O'Donnell Sweeney in 1995, when Joe Sweeney, who had previously practised in Limerick, joined the existing five partners.

O'Donnell Sweeney had a 'best friends' relationship with Eversheds from early 2000 and entered into a formal link in November 2005. The link with Sutherland (a US firm) came later.

Searching

"There were no published books on Irish land or conveyancing law when I qualified," Rory recalls. "There simply wasn't any money in them."

Eventually, with the help of the Law Society and the Arthur Cox Foundation, the definitive texts were written by Rory's friend Prof John Wylie, including *Irish Land Law*, *Irish Conveyancing Law,* and *Irish Landlord and Tenant Law*.

Research was extremely difficult prior to the publication of *Wylie*, Rory said. "It took a lot of time and running around to find the information that you needed, and it was like practising with one hand tied behind your back. It is not possible to overemphasise how helpful and important Wylie's texts were to practising solicitors and barristers.

"I and a few other solicitors read chapters of *Irish Conveyancing Law* and provided John with practical comments. Doing that modest job made me appreciate the huge research that went into both those books. *Irish Conveyancing Law* was first published in 1978 and was very welcome.

"Other important books followed, but the first two were a game-changer for practitioners. *Irish Land Law* and *Irish Conveyancing Law* became the bibles for solicitors in trying to solve conveyancing queries."

Same old blues

From long experience, Rory believes that Irish conveyancing law needs to move into the modern age.

"There is some hope there. The Department of the Taoiseach set up an expert Conveyancing and Probate Implementation Group under the Housing for All Action Plan, in November 2023. The members included Michael Walsh, a senior member of the Conveyancing Committee. That body published a progress report in June 2025.

"I am hopeful that we will soon be moving towards the ability to carry out conveyancing online, but there are many complications to be resolved." Rory says. "The adoption of digital signatures is just one of them. These are widely used in other commercial transactions. This will only happen if the Government helps to make it happen," Rory says.

He has seen all sorts of shenanigans as a conveyancing solicitor over the years and

observes that some Irish people can readily ignore planning rules that don't suit them.

"The Department of the Environment issued a booklet in 1972 about what is proper in planning applications – what conditions were right and wrong. Local authorities didn't pay a blind bit of notice to it. We're good at making rules and regulations in this country, but not good at enforcement.

"A lot of these non-compliance matters just drift on and the rules aren't enforced and nothing happens. Yes, this is Ireland."

He believes that judicial reviews have often held up essential development. "It would be so beneficial to end all these judicial reviews. The ones on planning matters, clearly, to me, are an abuse," he says. "There is a tendency to object first and think afterwards."

Rory believes that when it comes to planning and construction matters, Irish people can be devious: "There is an ongoing battle between planning authorities and Irish people, when it comes to what they see as their entitlement. They don't like rules that don't suit them."

Objectors often feel better if they can air their concerns in a public inquiry, Rory notes, and may not proceed with their objection after being heard.

"For whatever reason, building infrastructure by statute has fallen out of fashion. Ardnacrusha was built on foot of a statute," Rory comments. "In terms of big jobs that need to be done, why not investigate a way in which you can avoid the objectors being able to judicially review it. I think that would be progress. The current situation is ridiculous. Because when judges find some loophole that wasn't considered, they have no option."

Call me the breeze

The Conveyancing Committee is a valuable resource, because it offers a broad mix of perspectives, and queries come in from all around the country. It took over the review and updating of Law Society standard documents, such as contracts, requisitions, and building agreements, which had previously been dealt with by *ad hoc* groups.

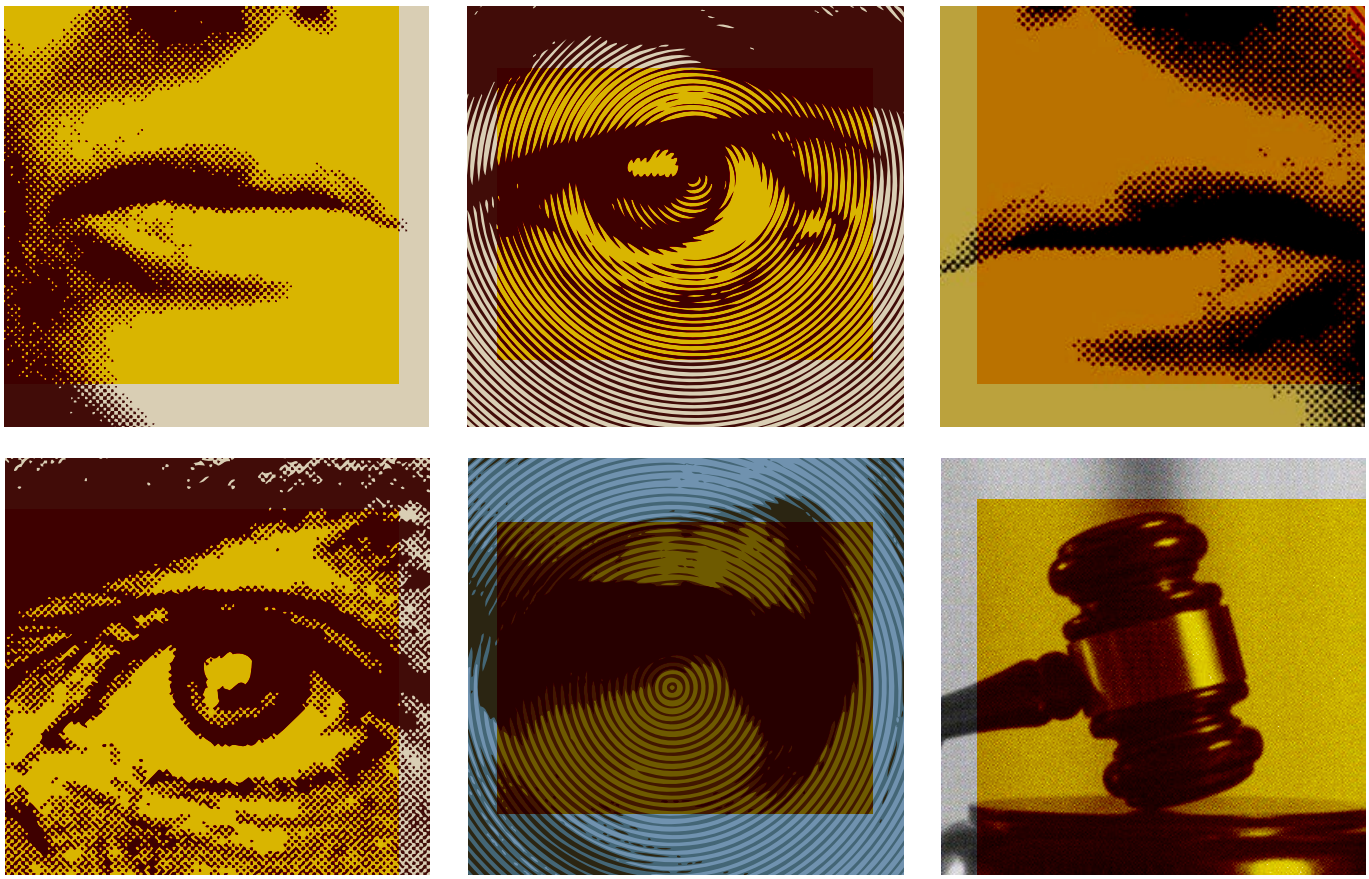
"The committee was never elitist. From the beginning, it included a mix of solicitors of varying experience from all around the country," Rory says. "Back then, the Law Society had no relationship with any of the Government departments. It was hopeless – all they could do was write tough letters to different departments.

"All that changed under the leadership of [former director general] Jim Ivers, who seemed to know everyone in the public service and was a great help in establishing lines of communication."

The committee cannot determine matters of law, but has always striven to give guidance and issue practice notes on problem areas, he says. It also seeks to resolve disputes between colleagues, with personal intervention by phone call to solve an impasse where possible.

"In my opinion, the committee has been a great success," Rory says. "Of course, the committee has not been able to please everyone, but solicitors who criticise need to be reminded that all the members and consultants are volunteers who give of their time generously, despite the never-ending demands of practice and life."

Mary Hallissey is a journalist with the Law Society Gazette.



JURY OF YOUR PEERS

There are books on, for example, 'what to expect when you're expecting'. Shouldn't there be a manual on ways to elect a jury foreperson, and on how to conduct deliberations? In the second of two articles, an anonymous juror gives an insight into jury service

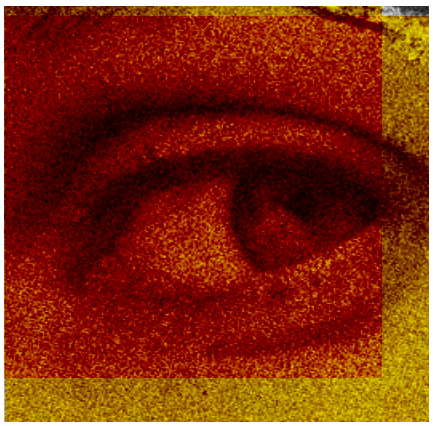
A Courts Service staffer tells of heated disagreements between some juries – with jurors refusing to talk to each other, refusing to be in the same lift, storming out. In short: all sorts. It's the human condition, and it happens. You have to think that maybe those jury deliberations weren't conducted in a sensible manner, if proceedings were allowed to descend into feuds and enmity.

And that probably comes down to the foreperson of the jury. Pick the wrong personality to act as 'captain' (when they probably should be thinking of themselves as chair or facilitator) and you likely have a problem. But this is the first thing strangers do when thrown together – and relatively little consideration goes into it.

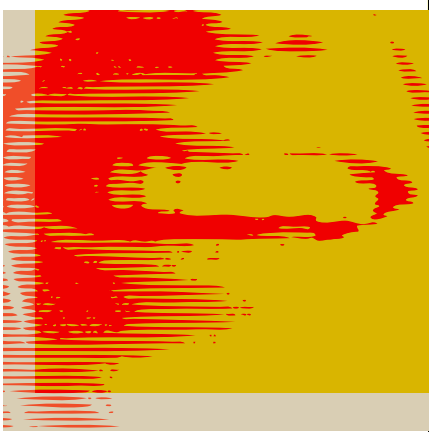
Someone says: "Who wants to be foreperson?" and another says, "I'll do it." A third remarks, "Grand, so," and everyone laughs, somewhat nervously.

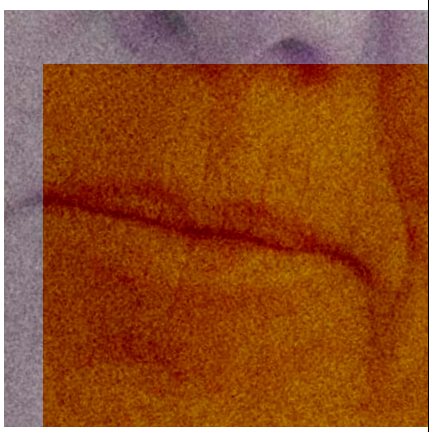
The first potential piece of tension has wonderfully dissipated. But think about it a little more. It is very hard to overthrow, psychologically, a person who asserts themselves when put at the top of a pyramid. If they turn out to a nutcase, how would a mutiny by the 'common-sensers' be organised?

Often a person who pushes themselves forward – especially in a situation where most people would be glad to pass on taking responsibility – turns out (surprise, surprise) to be pushy. The clue is in their eagerness to take up the job, but, once installed, it can ruin the experience of others.



> There is such a vacuum of information about what goes on in a jury room that juries might be assisted in first getting themselves set up in the right way to address a case





It may be that jury minders could issue guidance before the dozen is left to its own devices in coming up with a nominal leader.

The same might be said for ways of arriving at a consensus, such as procedural options for conducting votes.

Should it be a show of hands, or a secret ballot (easy to organise with notebooks and pens, but time consuming).

Of course, juries are asked to use their common sense in deciding on the evidence, but asking them to organise themselves, without a page or two of suggested methods, could lie behind some perverse verdicts (where exhausted members are ultimately defeated by a strong-willed foreperson), or deliberations that descend into internecine warfare and name-calling.

There are pregnancy-advice books (for example, *What to Expect When You're Expecting*) – why not a manual on possible ways to elect a foreperson, and possible ways to conduct deliberations? Such a menu might be helpful, once couched in a non-directive and neutral fashion, and must surely have been introduced in some other countries? If it saves one jury from unnecessary internal friction (quite apart from the matter of judging the evidence), then surely it will have done its job.

Who killed cock robin?

In our case, we had a round-robin of the table so that everyone could introduce themselves – first names only. It immediately engendered both a sense of trust and of togetherness.

There might be juries where anonymity is taken to such extremes that people withhold their names from each other. That can't be good for a bunch of people who will be like castaways on a desert island, cut off from much that is normal for the duration of a trial. Again, a black-book suggestion that juries initially individually introduce themselves to each other could go a long way.

None of this intrudes on the jury's

duties and responsibilities, yet there is such a vacuum of information about what goes on in a jury room that juries might be assisted in first getting themselves set up in the right way to address a case.

Disagreement should be on interpretation of the evidence, and never between one person and another, for instance. This is called *ad hominem* argument (which, of course, is all over social media – but juries are exposed to social media), which boils down to playing the man or woman, and not the ball.

When there is an issue throwing up conflicting points of view, juries must act in looking afresh at that item of evidence, and not get suckered into a personality contest. This is where a good chairperson is essential, in redirecting the focus back onto the facts instead of the faces. Criticism must be of the evidence, not the individual. Of course, I would say that ours was an exemplary jury, full of love and laughter...

Ding dong dell

And then the days comes when there are closing speeches.

Suddenly the judge is looking you square in the eye and summing up the evidence. The charge is outlined again, and its definition in law.

We are the judges of fact, and it is up to the prosecution to prove its case – not, as in civil cases, on the balance of probabilities, but to a higher standard. That's 'beyond reasonable doubt', which the judge is not going to define because it's an impossible task.

So, we are also the judges of a 'reasonable doubt' – and there seems to be two elements to that: a doubt being where something is not proven; and it being a doubt that can be reason for acquittal. In other words, it being a cornerstone or lynchpin of a case, rather than a stray cracked brick in the prosecution's edifice.

And that's it – out you go. One of the last things said to us was about 'doubt', itself a cloudy concept, and now we must reach unanimity.

Ask 12 people what they are going to have for a drink, and the order is inherently unlikely to be a dozen pints of Guinness. But it's over to us.

> There had been one curveball a little earlier: during the closing defence speech, the defendant suddenly broke down. Just a sob or two, but it was unsettling; a reminder that a real human being was on trial

A hunting we will go

This is where it has all been leading – and folks have their game faces on. Thankfully, we explored ways of doing this earlier, during one of our waits while legal argument was going on in our absence.

The foreperson said they would do a tour of the table when sent out, asking for initial opinions, with themselves last. It was to be an exploration, each person speaking as long or as little as they liked without interruption, to be followed by an initial show of hands that would be indicative only – not definitive. Then we would hash out points that came up, sorting them out before the first fully serious vote.

Photo: Shutterstock

As this was being outlined again, one juror suggested a secret ballot, with pages torn from notebooks and thrown into the centre of the table. While this would have, undoubtedly, heightened the drama, there was little enthusiasm for it.

The foreperson made the point that secret ballots may be inimical to achieving unanimity. After all, reaching consensus becomes more difficult when you don't know who the holdouts are.

And so, we plunged into the tour – and the first speaker, to the left of the foreperson, was a 'science' type. They were quickly analytical, foregrounding some salient points, and going on to declare a personal verdict, which hadn't been asked

for, but which followed the logic of their analysis.

Little boy blue

This was a good start and looked fair to set the tone – until we reached the third speaker. This juror liked the sound of their own voice, as had been noted earlier. A strong personality, the juror talked about going back into court and asking for a clarification of 'reasonable doubt'. Well, we weren't having that.

"We have to be 100% sure, lads," they added – which was just not true.

The foreperson performed a holding manoeuvre (figuratively, of course) by emphasising that we were 12, and doubt would have to be proportional to all views expressed.

With that slight glitch, we moved on. The next speaker was clear-cut: no doubts. Like a vox pop after a football match, folks had all witnessed the same thing, and similar themes emerged.

There had been one curveball a little earlier: during the closing defence speech, the defendant suddenly broke down. Just a sob or two, but it was unsettling; a reminder that a real human being was on trial. An earlier witness had also reached for the Kleenex, but their future was not in play. So, the seriousness now impinged on us.

Hickory dickory dock

But sympathy for the person's plight was not a reason to let emotion intrude, which is also important in the jury interactions. We had to be dispassionate and impersonal, it being said by our foreperson that we were debating the evidence, not each other.

And in looking at the facts, the terms of the charge itself were also helpful. The one-count accusation was bound in a three-year timeframe of alleged occurrence. It meant that anything that fell outside of this band was strictly not relevant.

Something had happened two years earlier that might be called motivational, but when you come to think about it, cause is unimportant to the simple question of whether the claimed crime had been committed by the defendant. If we found that it was so perpetrated, then any sympathy or mitigating circumstances were a matter for the judge in sentencing.

Photo: Shutterstock

Then to the show of hands, with the voluble juror suggesting a third option of abstention, which wasn't a bad idea.

The vote was put first in a manner favourable to the defendant: 'Who thinks the defendant is not guilty, and/or that the State has not proved its case beyond a reasonable doubt?'

'Voluble' and a younger member of the jury put their hands up. The other ten voted 'guilty'. No abstentions.

Then 'Younger' said they might have abstained, because they were thinking '80% guilty to 20% not guilty' in their heads.

Okay, so we had one-and-a-bit jurors away from the crowd. And is 20% 'reasonable doubt'?

We decided at this point to have a bit of a personal think, so the foreperson sought an early lunch. Once deliberating, we had to have the judge's permission to go for a meal, so we trooped back into court. In letting us go, we were told not to discuss the case over lunch, so that was a bonus.

Pop goes the weasel

Back in the room, the break had done the world of good. There were contributions of some specific points, and 'Younger' said that now they were satisfied – that 20% doubt had evaporated.

That left 'Voluble' – and a strategic question had been asked of the jury-minder when we came back into the room: "How long would a judge typically wait before seeking a majority verdict?" This disclosed a key response: "Several hours."

'Voluble' knew the writing was on the wall, but also graciously said that examining some specifics had helped them come round.

So, then we had a binding vote on a show of hands – and there it was: 12 hands in the air.

We had achieved unanimity after two hours and 25 minutes, including the munch over lunch, when the case was also chewed over in our heads.

The foreperson opened the door and told our jury-minder those words of time-honoured tradition: "We have a verdict."

RISE OF THE MACHINES

The rapid advancement and widespread adoption of generative artificial intelligence (AI) in recent times presents a broad range of considerations for the financial-services sector. Clodagh Ruigrok and Barry Scannell input the prompts

Regulated financial-services entities, including investment funds and their service providers, must adapt to a rapidly evolving regulatory and supervisory environment surrounding the use of AI. To remain compliant and foster responsible innovation, firms should proactively assess emerging obligations, strengthen governance frameworks, and ensure the ethical and effective integration of AI technologies.

The Central Bank of Ireland has been designated as the market-surveillance authority for the financial-services sector under the EU *Artificial Intelligence Act*. In this role, the bank will oversee the implementation and enforcement of the *AI Act* in areas such as algorithmic trading, credit-risk assessment, and other AI applications within financial services. As part of this responsibility, the bank is preparing to enhance its supervisory approach to ensure that the adoption of AI supports investor protection and does not introduce new systemic risks or vulnerabilities.

The Central Bank is actively enhancing its AI expertise, including through a research partnership with University of Limerick, indicating its commitment to understanding and regulating AI applications in financial services. For example, the bank's 'Innovation Sandbox Programme' was launched in December 2024, and artificial intelligence and its application in financial services was identified as one of the main areas of focus

Affirmative

The *AI Act* establishes a comprehensive regulatory framework for AI across the EU and imposes new obligations on both AI system developers and users, such as financial-service providers. The act provides a structured foundation for organisations to develop and align their internal AI governance and compliance policies.

While the provisions of the *AI Act* are being gradually phased into effect, key obligations – such as providing AI-literacy training to personnel, the legal definition of what constitutes an AI system under the act (thereby enabling firms to determine whether their technologies fall within scope), and prohibited AI practices – came into force on 2 February 2025.

In February 2025, the EU Commission published guidelines on AI-system definitions to facilitate the first *AI Act*'s rules application. The guidelines explain the practical application of the legal concept, as anchored in the *AI Act*. By issuing guidelines on the AI-system definition, the commission aims to assist providers in determining whether a software system constitutes an AI system to facilitate the effective application of the rules.

Firms will need to be aware of their responsibilities and obligations under the act, including evaluating the risk level of their AI systems, conducting risk assessments, and considering transparency, accountability and robustness measures to meet the act's obligations. The *AI Act*'s comprehensive framework creates multiple potential compliance touchpoints for investment funds, ranging from universal literacy requirements to specific restrictions on certain AI applications.

Computer says 'no'

The key prohibitions include subliminal manipulation causing harm to individuals, exploitation of vulnerabilities due to age or disability, social scoring by public authorities, and real-time biometric identification in public spaces.

Firms are more likely to encounter classification under high-risk AI systems, which pose significant risks to health, safety, or fundamental rights. The *AI Act* specifically classifies as 'high risk' AI systems intended to be used for evaluating the creditworthiness of natural persons, or establishing their credit score and risk assessment and pricing in relation to natural persons in the case of life and health insurance.

Significantly, article 4 of the *AI Act* establishes universal AI literacy requirements and requires that users and developers of AI systems must ensure an adequate level of AI literacy among their staff. The requirement applies to all AI systems, meaning that investment funds using any AI systems must ensure their staff possess adequate AI literacy, extending beyond technical knowledge to include the broader implications and risks of AI deployment.

Additional considerations include, for example, transparency obligations, and potential impacts from general-purpose AI provisions.

File not found

The Central Bank's *Regulatory and Supervisory Outlook Report*, published in February 2025, recognises that while AI tools and technologies can deliver significant benefits for consumers and the financial sector, risks arise that have the potential to adversely affect firms, their customers, and wider society in various ways.

The report highlights that the potential use of outputs from AI-based tools in fund-management decision-making processes – for example, stock selection or for the application of portfolio diversification rules under the *UCITS Directive* – can lead to unwanted bias and poor investment decisions that could harm both investors and firms.

The bank further highlights that human oversight of AI systems will remain crucial, given the risk of such scenarios occurring. While the bank accepts that AI has the potential to enhance all areas of securities markets, it stresses that the use of AI technologies could increase market volatility, facilitate market abuse, introduce systemic risk, increase cybersecurity exposure, and reduce market transparency.

> **To help address AI risks, firms should implement robust AI governance frameworks, formally integrate AI-related risks into governance structures and risk registers, and develop systems such that AI can operate safely, transparently, and in alignment with the evolving regulatory landscape**

In June 2025, the Central Bank invited certain financial-services firms to participate in a survey released by the European Securities and Markets Authority (ESMA) on the topic of AI. The objective of the survey is for ESMA to gain a better understanding of how financial entities are using AI, including their AI strategies and policies, levels of investment, and details of specific-use cases.

In February 2025, ESMA published its *Trends, Risks and Vulnerabilities Report*, which assessed the integration and impact of AI within EU investment funds. The report highlighted that AI presents new forms of risk to investor protection and financial stability, tied to third-party dependencies and service provider concentration, cyber-threats, model and data governance, and increased market correlations.

Notably, the report observed a sharp increase in investment in AI-focused companies. Since 2023, actively managed equity funds have increased their exposure to AI-driven firms by over 50%, resulting in a doubling of the market value of these positions. This growing concentration raises concerns about market volatility and shifts in fund-risk profiles, underscoring the need for robust oversight and risk management as AI adoption accelerates across the industry.

ESMA emphasised that the growing interconnectedness of AI-related firms with broader economic activities further elevates AI risks, underscoring the need for the ongoing monitoring of investment trends in AI-related companies, as the sector's rapid growth continues to reshape the composition and risk profile of equity-fund portfolios.

Resistance is futile

While AI technologies present opportunities to enhance automation, operational efficiency, and productivity, they also introduce a range of emerging risks.

Under the *AI Act*, firms will be expected to make best efforts to ensure that AI systems are developed and used in line with core principles, such as human oversight, data privacy, sound governance, and social and environmental responsibility. For Irish-regulated funds and their management companies, this means that establishing a responsible AI framework and embedding AI-related risks into existing risk registers and governance structures will be essential to demonstrate ethical and compliant use of AI in the interests of investors.

AI-related risks can be particularly complex to assess, especially given the unpredictability of machine-learning models. These may include algorithmic risks (where AI systems behave unexpectedly or generate flawed outputs) and data risks (such as bias in training data or improper data handling). Conducting AI impact assessments will be a key part of meeting risk-management obligations under Irish and EU regulatory frameworks, including UCITS and AIFMD, when deploying AI tools in investment processes or operational functions.

The Central Bank report highlights a number of critical risks that must be addressed, and that firms remain responsible for managing these risks appropriately:

- Input risks – involving the data an AI model uses,
- Algorithm selection and implementation risks – including inappropriate use of black-box AI in high-stakes settings and incorrect parameter selection,

- Output risks – relating to decisions taken on the basis of, or informed by AI, leading to individual or collective harm (for example, bias leading to financial exclusion),
- Overarching risks – linked to the use of AI, such as cyber-resilience, operational resilience, and governance.

The Central Bank expects that, where a firm is using AI, it should be clear what business challenge is being addressed, and why their use of specific types of AI are an appropriate response to the business challenge.

Moreover, the use of AI may require more consideration of accountability and recourse, as well as issues like interpretability, explainability, fairness, and the ethical usage of data.

To help address AI risks, firms should implement robust AI governance frameworks, formally integrate AI-related risks into governance structures and risk registers, and develop systems such that AI can operate safely, transparently, and in alignment with the evolving regulatory landscape.

You must comply

Under the *AI Act*, firms must implement strong data-governance and managerial controls before deploying AI. For financial services, this raises several operational and compliance considerations:

- MiFID – AI used in trading or investment advice must comply with MiFID, including transparency, record-keeping, and best execution. Such systems may be classified as high-risk under the *AI Act*, triggering stricter requirements.
- UCITS/AIFMD – fund managers must uphold fiduciary and depositary duties, manage conflicts, and ensure clear investor disclosures.
- Outsourcing – when AI is provided by third parties, firms must ensure oversight of performance, data integrity, and compliance with both the *AI Act* and sector-specific rules.

These requirements reinforce the need for robust governance frameworks when integrating AI into regulated financial activities.

Financial-services firms, including fund managers, face environmental, social, and

The Central Bank of Ireland

governance (ESG)-related obligations under regulations like the *Sustainable Finance Disclosure Regulation* (SFDR). With the *AI Act*, firms must now assess how AI use may impact their sustainability activities and disclosures.

The SFDR requires disclosure of how sustainability risks are integrated into investment decisions and the potential adverse effects on ESG factors. AI introduces key challenges here, including:

- Disclosure accuracy – AI tools assessing ESG risks may produce biased or inaccurate outputs if based on incomplete or unverified data,
- Transparency – complex or opaque AI models can make it difficult to meet SFDR transparency requirements, raising concerns for investors and regulators.

Firms must evaluate how AI affects their ability to comply with sustainability regulations, particularly the SFDR.

Does not compute

The new AI regulatory obligations build on existing frameworks, including data-protection and AML laws. For instance, AI systems processing personal data (whether for marketing, profiling, or investment purposes) must comply with the GDPR. This includes conducting a data-protection impact assessment where AI use poses high risks to individuals' rights – a scenario likely relevant for fund managers using AI in client-facing applications.

Under the EU's *Fifth Anti-Money-Laundering Directive*, AI can enhance transaction monitoring and detect suspicious activity, but must still meet core obligations, such as reporting and record-keeping. Where such systems are deemed high-risk under the *AI Act*, they must also satisfy enhanced requirements around transparency, robustness, accountability, and human oversight.

These obligations reflect the *AI Act*'s broader aim of fostering trustworthy AI in sensitive areas like financial-crime prevention, while aligning with existing supervisory expectations.

I'll be back

As AI becomes increasingly embedded in the operations of investment funds and broader financial services, the regulatory landscape is evolving at pace, and with complexity.

The dual imperative facing financial institutions is clear: innovate responsibly, while navigating a fragmented and intensifying regulatory environment. Innovate – but govern.

Clodagh Ruigrok is a partner in William Fry, specialising in the regulatory framework affecting Irish fund managers and investment funds. Dr Barry Scannell is a partner in William Fry's Technology Department and a member of Ireland's AI Advisory Council.

LOOK IT UP

LEGISLATION:

- *AIFMD Level 2 Regulations* (EU 231/2013)
- *Central Bank (Supervision and Enforcement) Act 2013 (Section 48(1) (Undertakings for Collective Investment in Transferable Securities) Regulations 2019* (SI 230 of 2019)
- *EU Artificial Intelligence Act* (2024/1689)
- *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011* (SI 352 of 2011) (as amended)
- *Fifth Anti-Money-Laundering Directive* (EU 2018/843)
- *General Data Protection Regulation* (EU 2016/679)
- *MiFID II Directive* (2014/65/EU)
- *Sustainable Finance Disclosure Regulation* (EU 2019/2088)

LITERATURE:

- Central Bank of Ireland, *Regulatory and Supervisory Outlook* (2025)
- ESMA, *Trends, Risks and Vulnerabilities Report, No 1* (2025)
- EU Commission, *Guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689*

LESSONS
TO LEARN

Photos: LANDMARK MEDIA/ Alamy

TOMs wait

Painting by numbers

F

Specialist subject

Law Society guidance on data-subject rights

Candid camera

guidance documents

remain a constant issue. It falls into two camps: CCTV use by organisations and CCTV use by individuals.

For individuals to keep within the 'household exemption' of the GDPR – that is, to fall outside the scope of the GDPR – all use of CCTV, including 'smart doorbells', must be strictly within the perimeter of an individual's own property and be used solely for domestic purposes. If an individual's CCTV captures images of public property or their neighbour's property, they lose the benefit of the household exemption and fall under the scope of the GDPR. The lesson is to check cameras to ensure their range is within the perimeter of the property.

From a commercial perspective, organisations must ensure adequate signage and transparency, use CCTV appropriately rather than have blanket coverage, remember that CCTV images are personal data, subject to DSRRs, and implement proper retention schedules with deletion processes.

Time and again

One of the themes throughout the report and case studies is the importance of timely and transparent communication. Examples include delays in breach notification, delays in responding to DSRRs, and not providing a sufficient response to the data subject.

There are several cases where the organisation does amend its response and/or its processes following intervention of the DPC – for example, an organisation reducing the redactions in a DSAR or no longer seeking to rely on an exemption following input from the DPC. Lack of good communication and delays in responses all inevitably lead to the need for more resources to deal with the issue.

It's important to remember that any communication with a data subject has the potential to be seen by the DPC and/or a court. It's imperative that there is an agreed process for communications to data subjects (or their representatives) and regulators.

No solicitors

Data subjects do not want spam emails that they have not consented to. Data subjects expect their marketing preferences to be complied with.

Marketing emails are another area where data subjects have become familiar with their rights. While there are some limited exemptions, if a client wishes to send marketing emails to a data subject (customer or potential customer), they need that individual's consent.

> **Half the reported breaches were caused by communications to the wrong person. This means that approximately 3,890 breaches handled by the DPC were as a result of correspondence being sent to the wrong individual**

In 2024, the DPC issued 49 warning letters to companies on foot of unsolicited marketing communications and prosecuted eight companies in the District Court. For the eight companies prosecuted, they had all received a prior warning to correct inadequate processes and procedures for electronic marketing and had failed to do so. As the organisations had failed to act on the warning, the DPC decided to prosecute the cases. While the fines under the *ePrivacy Regulations* are not substantial (and, in the case of Supermac's, they were ordered to pay €3,500 to charity), the reputational cost and the resources used to respond to the call could all have been avoided if the organisation had taken appropriate action.

In a number of cases (for example, Pulse Gym trading as Energie Fitness, Dublin 8, and Supermac's Ireland Limited), the organisations referred to failures of their third parties. This highlights the need to have adequate supplier (third-party) assessment and ongoing due diligence, including a compliant data-processing agreement.

The report states: "It is critical that, before embarking on electronic marketing campaigns, companies carry out robust testing and checks with their service providers to ensure that they have the valid and up-to-date consent of the individuals on their marketing lists and that their opt-out mechanisms are fully functional."

Call me AI

It would be remiss not to mention the work of the DPC in relation to artificial intelligence (AI). It has been leading in this space for some time now.

The report references the European Data Protection Board opinion on the processing of personal data in the context of AI models, which resulted from a request by the DPC. (Further details on that opinion can be found in the April 2025 *Gazette*.)

The DPC has engaged with a range of organisations that are developing large language models. A deputy commissioner has within their remit the EU *AI Act*. In a first for the DPC, in August 2024, it applied to the High Court for interlocutory relief regarding the processing of personal data by X (formerly Twitter) to train its AI model, Grok, and other AI. Further details on this case are available in the report and on the DPC's website.

It is expected that the 2025 annual report will have an even greater focus on AI. What will be one to watch is how data subjects react. Will we see a rise in DSRRs, or more complex DSRRs arising from organisations' use of AI to process personal data and to build models?

More than ever, timely and effective communication will be required to respond to data subjects and/or their representatives and the regulator. Use the 'rules' to help your practice and clients stay compliant.

Elaine Morrissey is chair of the Law Society's IP and Data Protection Law Committee.

Life through a lens

The Litigation Committee tackles key issues like personal-injury law, commissioner-of-oaths fees, and litigation funding. Mary Hallissey speaks to committee chair Ann McGarry about the valuable work it's doing for members

The remit of the Law Society's Litigation Committee's is broad – necessarily so, because litigation intersects with so many aspects of legal practice. "In many ways, it touches everything we do," says Ann McGarry, committee chair.

"With 32 solicitors serving on the committee, we have an incredible depth of expertise to draw on. Whether it's reviewing and critiquing submissions on the law, identifying practical or procedural changes we can seek to address, or dealing with specific issues or policies submitted, someone around the table will have the insight we need. If I ever have an issue, the first place I always look to is the committee," Ann says.

Photos: Cian Redmond

Riona Leahy (secretary), Ann McGarry (chair), and Sonya Lanigan (vice-chair)

The Litigation Committee tackles key issues like personal-injury law, commissioner-of-oaths fees, and litigation funding. The committee plays a vital role in supporting the Law Society's regulatory, representative, and law-reform functions. Current members are from Cork, Donegal, Dublin, Kerry, Limerick, Louth, Monaghan, Kilkenny, Sligo and Tipperary. Large firms, sole practitioners, and in-house counsel are all represented, with an even female/male mix.

Ann took over the role of chair at the end of 2024 after serving as deputy chair, and has been a long-standing member since 2016. She is a law graduate from Trinity College Dublin and has worked for over 25 years at every court level. She is currently a sole practitioner in Co Monaghan, having previously worked in small-to-medium-sized practices in Cavan, Meath and Dublin – chiefly in all areas of civil litigation, with a focus on defence.

She has worked with the insurance industry on complex, high-value litigation – and also with the most vulnerable, including victims of abuse and the seriously injured. She is also the Law Society's representative on the District Court Rules Committee. Wearing an entirely different hat, she has served also as a judge for the Irish Law Awards.

Essential resource

The Litigation Committee works very hard to represent solicitors' everyday challenges, she says. "It's an essential resource for the profession and serves as a strong, representative voice for solicitors."

The committee's work is shaped by direct feedback from solicitors, with regular correspondence that highlights issues practitioners are facing in their day-to-day practice.

Although the committee is unable to provide legal advice, it responds by pooling knowledge to offer practical guidance.

"Practitioner feedback is central to what we do," says Ann. "We hear directly from solicitors about the issues they encounter, for example, a general-court procedural difficulty they have identified. We log this information so that practitioners' real-world experiences inform our engagement with the Courts Service. Queries are also logged and can feed into later submissions," she says.

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Feedback loop

This feedback loop is crucial, the chair points out, as a seemingly isolated issue in one court office can often reflect a broader trend.

Measured progress is achieved through the work of sub-groups, which assess and report back, and the committee then reviews and refines those findings. "Change in litigation practices can seem slow, but that's deliberate. In law, mistakes aren't an option, so progress has to be measured and carefully managed. Any shift in the profession tends to happen in small, deliberate steps. Much of that progress comes through sub-groups."

When other committees have queries, they are responded to through a litigation lens, Ann adds. "Much of the committee's work involves sensitive issues and, by necessity, is confidential to the committee. We research, assess, and jointly make recommendations to assist the working groups that our committee members are nominated to, as well as the Law Society Council.

"The committee's consensus on an issue or action is not determinative: the reality of implementing and effecting positive change involves many layers of analysis and external considerations. So, even when we favour an option, the process is complex and nuanced," she adds.

Committee submissions

During the past year, the committee has made formal submissions on jury reform, review of the Civil Legal Aid Scheme, discount rates, statements of truth, and Commissioner for Oaths fees. It is actively working on litigation-funding reform (including litigation funding and collective action, redress, and representative action) and the introduction of a 'long stop' on limitation periods. These projects involve detailed papers, stakeholder engagement, and sub-group collaboration.

Committee members often cross-reference efforts and share expertise across other Law Society committees and gain from reciprocal assistance. This cross-committee communication helps ensure that key litigation issues – such as potential risks or procedural bottlenecks – are thoroughly aired.

UNDER THE MICROSCOPE

The Litigation Committee's annual seminar in October 2025 will cover:

- Representative actions (focusing on the *Protection of the Collective Interests of Consumers Act 2023*),
- AI and the litigation solicitor,
- Circuit Court applications under the *Assisted-Decision-Making (Capacity) Act*,
- Personal injuries and the media landscape, and
- A Courts Service update.

Changes to court rules are routinely reviewed to make sure litigation issues are considered. Members of the Litigation Committee have been appointed to courts rules external committees.

IRB engagement

Externally, the committee engages with the Injuries Resolution Board, the Judicial Council, and the Irish Medical Organisation on policies that affect litigation, particularly in the realm of personal injury.

Members also offer insights on various user groups for the superior courts and Courts Service portals, and AI developments in legal practice.

The committee liaises with the policy and media departments of the Law Society on key topics. Media requests from journalists are dealt with through provision of content or information, and occasionally through direct interviews, facilitated by a member of the committee in their capacity as an expert working in the field of litigation.

Her focus is on reinforcing public trust through the professionalism and visibility of local solicitors, many of whom are highly active in community life, she concludes.

Mary Hallissey is a journalist at the Law Society Gazette.

Opening and closing

Setting up a practice on your own is pretty straightforward. Bringing a practice to an orderly close is where good planning pays off. Sorcha Hayes provides a regulatory overview of what you need to know – and how to plan for emergencies

When it comes to commencing a practice, the Irish adage is incredibly apt: *'Tús maith, leath na hoibre!'* – a good start is half the work. Opening a firm well means getting the essentials right from day one – clear governance, robust client-care and complaints pathways, professional indemnity in place, and disciplined financial and records systems.

A thoughtful start reduces regulatory risk, protects clients, and gives your new practice the resilience it will need when day-to-day pressures begin to bite. Thankfully, the regulatory requirements for opening your firm are relatively straightforward.

Starting well is a matter of form and systems. Finishing well is a matter of planning and discipline. If closure is on your horizon, even tentatively, engage early with your broker, your accountant, the SPF manager and the Law Society to keep the process clean, compliant and client-focused

Opening up

Any solicitor may open a solicitor's firm with a current practicing certificate (PC), a qualifying policy of professional indemnity insurance (PII) confirmed by your broker using our online PII portal, and a completed 'commencement in practice' form filed with the Law Society.

In addition, a copy of your firm's proposed letterhead and notepaper, information on the solicitors in the firm, your proposed financial year-end, and reporting accountant details will need to be provided with your application.

Firm letterhead and notepaper – in accordance with regulations, firm notepaper must list the names of all solicitors in the firm that currently hold a PC – differentiating between principals and non-principal solicitors. Non-practising solicitors and non-solicitors can be included if their status is clearly stated. Any association with another firm should be made clear.

Partners and responsibility – for regulatory purposes, there is no distinction between salaried and equity partners. All partners carry joint and several liability and regulatory responsibility, and must be informed about this.

Client accounts – confirm your accounting year-end and reporting accountant with the Law Society, or provide a statutory declaration that your firm does not hold client monies.

PII – succeeding practice and phoenix firms. You are required to flag in your application if your new firm meets any of the criteria for a succeeding practice under the PII regulations, or has a principal who has a previous firm that entered the Run-off Fund. This is to ensure that any 'phoenix-firm' issues are resolved in advance.

Additional protection – as part of your emergency planning, consider having 'keyman' insurance or income-protection insurance in place.

Closing the door

'Dá fhada an lá, tagann an tráthnóna' – however long the day, evening will come. Every practice has a life-cycle, and preparing for that natural end is part of good governance. Succession planning, file and data-retention strategies, insurance cover, and transparent client communication ensure that, when closure arrives, it is orderly, safe, and respectful of the trust your clients have placed in you and your firm.

Plan your cessation at least 12 months in advance, whether it be a wind-up, retirement, sale, transfer, merger, partnership dissolution or change in structure.

Vital information

Provide confirmation to the Law Society of your proposed date of cessation, home/correspondence

Image: Shutterstock

address, contact mobile and email, details of file and sensitive documentation distribution and storage, written confirmation from the practising solicitor with access to your files, confirmation of entry to the Run-off Fund or a succeeding-practice proof, and a closing reporting-accountant's report.

Run-off cover

The Run-off Fund (ROF) provides six years of run-off cover for eligible firms without succeeding practices, and is managed by DWF Claims (Ireland) as the SPF manager. Cover is free at point of entry for compliant firms and has the same minimum terms and conditions as your last policy of PII. Apply for run-off cover to the SPF manager not later than 60 days before your date of cessation. Ensure to meet the close-of-practice requirements, provide an ongoing contact address/email, and confirm ROF cover with the Law Society. You are required to meet all cessation requirements before and while the firm is in the ROF, including cooperation with claims. Non-compliant firms will be required to pay a premium and excesses.

Succeeding practices

If your firm has a succeeding practice, as defined under the current PII regulations, then the succeeding practice will take over the files and client accounts of your ceasing firm. You should get written confirmation from the firm and their insurer that they are a succeeding practice and have succeeding-practice PII cover in place.

Any firm automatically becomes a succeeding practice to your closed firm if, at any time, a firm meets any of the criteria for a succeeding practice set out under the PII regulations. This includes if a firm expressly holds itself out as a successor to your closed firm or any part thereof, a firm assumes the liabilities of your closed firm, or the principal or partners of your closed firm become principals or partners in

other firms (with some limitations) at any point while the closed firm is in the ROF.

A 'phoenix firm' is either a new firm that meets the definition of a succeeding practice to an ROF closed firm, or an existing firm that triggers the succeeding-practice rule due to a principal of an ROF firm joining as a partner. Phoenix firms are not permitted to start or exist in order to prevent abuse of the ROF. The issue can be regularised by succeeding-practice cover for the ROF firm being put in place.

If you are taking on the files of a closed firm and do not wish to be deemed a succeeding practice, there are a number of steps you can take to avoid this. Do not include any reference to the closed firm in any of your firm stationery, website, social media, promotional material, or advertising. Make it clear to clients that your firm is not a continuation of the ceased firm. Send a written notification to the Law Society that you are taking on client files, but that you are not a succeeding practice.

Date of cessation

It is advisable, regardless of the date that you close your doors, to set your cessation date as 30 November. This is because PII cover usually runs from 1 December to 30 November each year. As such, your PII cover will continue to run until 30 November in the year that the firm ceases. This gives you timeto properly wind-down your firm with full PII cover in place before the firm officially ceases on 30 November.

Client files

It should be noted that the client owns their own file, not the firm. On cessation, you cannot retain open or closed client files, any practice documentation, or client monies without a current PC. You cannot store client files in your home or private property.

Write to all your clients notifying them of the firm's cessation. Clients with active files should be requested to nominate a new solicitor to take over the file. Closed files should either be returned to the client or stored, where appropriate. Closed files in storage must be accessible by a nominated practising solicitor notified to the Law Society.

Particular care should be taken with deeds, wills, and enduring powers of attorney. Transfer wills to another nominated solicitor or return them to the client. Record where deeds and safe-custody items (such as enduring powers of attorney) will be held, post-closure. Tell your local bar association and the Law Society about arrangements so that clients can locate documents in the future.

Undertakings

Undertakings create a personal liability that persists after sale or wind-up. Limitation periods in conduct do not apply to enforcement. On a sale, make sure to list each undertaking and ask the purchaser to substitute their undertaking and seek the recipient's release. If substitution is not appropriate, the purchaser should notify recipients of the transfer and put them in a position they would have been in on compliance. On a wind-up, ensure the client's newly nominated solicitor follows the same process.

Plan your cessation at least 12 months in advance, whether it be a wind-up, retirement, sale, transfer, merger, partnership dissolution, or change in structure

Client monies

You cannot hold client monies without a current PC. Transfer balances with their files where appropriate, and reconcile to nil before closing client accounts. File a closing reporting-accountant's report covering the period from your last annual report to the date that the client balances went to zero (as per bank statements). The deadline for filing is three months, but an extension can be requested from the Law Society. You should continue to file annual reports until such time as you are in a position to file a closing report, and keep the Law Society up to date.

If you are just undergoing a structure change – for example, from a sole principal to a partnership – you should close existing bank accounts and open new ones, Alternatively, submit a closing report within the required period and include a banker's letter noting the change date, a copy of the new bank mandate, and your reporting accountant's written confirmation of the change.

Emergency planning

'Ní h-é lá na gaoithe lá na scolb' – a windy day is not the day for thatching. Whether you are starting a new firm, in practice, or considering

Sliding doors...

Photo: Alamy

closing your firm, you should ensure that you have an up-to-date emergency plan in place. Ensure that you have prepared for the worst, in case events cause a temporary or permanent emergency closure of your firm.

If a sole principal dies or becomes incapacitated, their practice cannot lawfully continue trading until a solicitor is appointed to manage the wind-down, sale, or transfer of the firm. A section 61 application should be made to the Law Society to approve a practice manager to wind-down, sell, or transfer the firm, paid for by the estate or family of the principal.

Once appointed, the practice manager has six months to arrange the sale, transfer, or orderly wind-up of the practice. The manager is authorised to handle client monies and sign cheques for the purposes of closing the practice. PII cover must be in place for legal services to be provided by the practice manager. If no PII is in place, the practice manager can only carry out an administrative closure.

Have a written emergency plan in place, and review and update the plan annually. The plan should include your nominated practice manager with their current written consent, your will appointing a practising solicitor as 'special executor' in relation to your practice, an agreement for management if you are temporarily indisposed and will likely return to practice, power of attorney and enduring power of attorney (if you are unlikely to return to practice), plans for remuneration by you or your estate for these services (consider 'keyman' or income-protection insurance to help), authority to operate the bank accounts of your firm, and the location of any relevant information and passwords. Make multiple copies of your emergency plan, and ensure that a number of people are notified of the location of the plan, including family members, your executor, members of staff, and the Law Society.

Image: Shutterstock

Final thoughts

Starting well is a matter of form and systems. Finishing well is a matter of planning and discipline. If closure is on your horizon, even tentatively, engage early with your broker, your accountant, the SPF manager, and the Law Society to keep the process clean, compliant and client-focused.

A wealth of information and guidance on commencements, cessations, and emergency planning can be found at https://www.lawsociety.ie/Solicitors/regulation, and by contacting our helpline at firms@lawsociety.ie. The SPF manager is also available for guidance and insight at SPF@dwfclaims.com.

Sorcha Hayes is head of practice regulation at the Law Society of Ireland.

Theatre of the absurd

Law Society Psychological Services held its 'Well Within the Law' Festival in September, on the theme of 'This is Absurd'. Dale Whelehan shares his perspectives

It began in February, in a small room inside the Law Society. We were supposed to be talking about wellbeing: the industry, the language, the familiar toolkit of supports and interventions – but our conversation kept slipping into something else. We felt, each of us, that the ground beneath wellbeing had shifted.

The word itself had grown too light, too smooth, for the times we were living in. Wars breaking out. Climate disasters flaring. Institutions accelerating and fracturing in ways no policy seemed able to slow. The people we serve – lawyers, judges, students – were not simply tired or stressed. They were now also confronting something larger, stranger, harder to name.

> *We were offered a mirror for our profession – a reminder that law, too, must live inside the unresolved, that our task is not to banish tension but to face it, with honesty*

We found ourselves circling back to a field few would associate with legal wellbeing: existentialism. It wasn't the psychological voices we were trained in, but other voices – harder, sharper, less consoling. Beckett's silences in *Waiting for Godot*, where two men wait endlessly for someone who never arrives. Camus' defiance in *The Myth of Sisyphus*, insisting that life's lack of inherent meaning is not despair but freedom. De Beauvoir's clarity in *The Ethics of Ambiguity*, where she argued that responsibility lies in how we choose to act within uncertainty. Frankl's conviction in *Man's Search for Meaning* that, even in the darkest camps of war, meaning could still be found.

These voices did not soothe. They did not offer neat solutions. But they felt honest. They helped us name the contradiction at the heart of this moment: that we long for certainty in a world that has none to give.

From those conversations the idea emerged: what if we built a festival around absurdism? What if, instead of pretending we could erase contradiction,


Photos: Cian Redmond

we invited the profession to sit with it? To acknowledge it, metabolise it, and ask how to live with it.

Imagine him happy

From the outset, we knew the myth of Sisyphus would anchor the evening. In the Greek story, Sisyphus is condemned by the gods to spend eternity rolling a great stone up a hill. Each time he reaches the top, the stone slips from his hands and crashes back down, forcing him to begin again. An endless cycle of effort without completion.

For those of us who have carried case files late into the night, or sat through meetings that promised change only to collapse into repetition, the metaphor required no translation. Law is Sisyphean. Life is Sisyphean. The question is not whether the boulder will roll back, but how we will live with it.

Tales of the unexpected

By September, the plans were in place. The tickets had gone. More than 300 people were expected from across the justice sector. And then, on the morning of the festival, absurdity arrived in its purest form. Two of our headliners – Claire Keegan and Kevin Barry – withdrew late in the day due to illness.

We had invited them for a reason. Keegan, with her spare and luminous prose in works like *Small Things Like These*, has a rare gift for laying bare the quiet contradictions of Irish life – the collision of silence and complicity, kindness and cruelty. Barry, with novels such as *City of Bohane*, is able to capture the strange, the comic, and the tragic in the same breath. Together, they would have brought a literary force to the evening: two writers unafraid of tension, contradiction, or the absurd woven through society.

To lose them on the day of the festival felt like the absurd writing itself into the script. For a moment, panic. How could we possibly replace two of Ireland's most powerful literary voices? And then, something shifted. Wasn't this exactly the point? To live the absurd, not only to talk about it.

Out of disruption came new possibility. Lisa Harding – whose novel, *Bright Burning Things*, was shortlisted for the Women's Prize and whose work confronts fragility and survival with stark honesty – stepped forward. Alongside her was Andrea Mara, one of Ireland's most widely read contemporary writers, whose thrillers (*All Her Fault*, *No One Saw a Thing*) probe the anxieties of modern life. Their presence grounded the evening in voices every bit as attuned to contradiction, to the tensions that make up ordinary existence.

The programme bent, but it did not break. If anything, the night gained a new energy. Absurdity had written itself into the script, weaving its way into the very fabric of the night.

The gong show

That evening, each guest was handed a small token card printed with a fragment of text: a line from Beckett, a phrase from Sartre, a sentence from Camus. No instructions. No explanations. Just words slipped into their palms to unsettle.

The night began not with words, but with sound. Adrian Mulryan, our MC, struck a gong until the room was suspended in silence and before a single idea had been spoken, everyone knew we were already in a different register.

Then came the storm. Daren Jacobs took the stage and launched into the opening of *The Tempest*. Chaos, noise, disruption. Shakespeare's storm became ours, reminding us that the absurd is not something to be explained, but something to be felt.

And just as the room steadied, Jacobs shifted again. He told of an absurd moment he'd observed on his flight from Heathrow: the peculiar rituals of Londoners, the small habits and mannerisms that pass as normal inside one culture but look strange, even comic, to those outside it. The story landed with laughter, but also with recognition. Absurdity is not only in philosophy or myth, it is in the daily choreography of our lives, in the behaviours we normalise until we no longer see them. That, too, was part of what the evening asked us to notice.

Acts and interruptions

Act I opened with Lisa Harding and Andrea Mara in conversation with solicitor Jeanne Kelly. Both women are writers who understand contradiction not as a flaw in a story but as its lifeblood. Harding spoke of her novel *Bright Burning Things*, where addiction and love are so tightly bound together that one cannot be untangled from the other. Mara, as in her thrillers, explored the fine line between safety and danger, the ordinary and the catastrophic, showing how quickly the ground beneath us can tilt.

They spoke of the craft of writing Irish life as it is: silence rubbing up against confession, poverty sitting alongside prosperity, resilience walking hand-in-

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Date	Course	CPD Hours	Venue	Fee
7 Oct	**Professional Wellbeing Summit 2025**	2.5 professional development and solicitor wellbeing hours by elearning	Live Zoom webinar	Free*
8 Oct	**Annual In-house & Public Sector Conference 2025**	3.5 hours professional development and solicitor wellbeing by group study	Law Society of Ireland	€175
9 Oct	**EU & International Affairs Committee Talk 2025**	2 hours general	Law Society of Ireland	€175
15 Oct	**Annual Property Law Update 2025**	3.5 general, 5 professional development and solicitor wellbeing by group study	Law Society of Ireland	€175
16 Oct	**Litigation Committee Annual Update Conference 2025**	2.5 general and 0.5 professional development and solicitor wellbeing, total 3 hours by group study	Law Society of Ireland	€175
17 Oct	**North East CPD Day 2025**	Total 6 hours by group study	Four Seasons Hotel, Monaghan	€165
23 Oct	**Essential Solicitors' Update Connaught 2025**	3 general, 0.5 Client Care & Professional Development, 2.5 Professional Development & Solicitor Wellbeing. Total 6 hours by group study	Breaffy House Hotel, Breaffy House Resort, Castlebar, Co. Mayo	€165
4 Nov	**Lean for Law 2025**	12 hours professional development and solicitor wellbeing hours by elearning	Live Zoom Meeting	€290*
4 Nov	**Bookkeeping and Accounts for a Legal Firm Micro-credential**	Total 15 hours by group study/elearning	Law Society of Ireland and Online	€750*
5 Nov	**Annual Business Law Conference**	2.5 general, 0.5 client care and professional standards (accounting & AML compliance) Total 3 hours by group study	Law Society of Ireland	€175
6 Nov	**Practitioner Update Cork 2025**	Total 6 hours by group study	The Kingsley Hotel, Cork	€165
12 Nov	**Sustainable High Performance for In-house Counsel**	1 professional development and solicitor wellbeing by elearning	Live Zoom webinar	€65
13 Nov	**Environmental and Planning Law Committee Conference 2025**	3 general by group study	Law Society of Ireland	€175
14 Nov	**Family & Child Law Annual Conference 2025**	3.25 hours general, 1 hour professional development and solicitor wellbeing, Total 4.25 hours CPD by group study	Law Society of Ireland	€175

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Available now	**Bitesize Briefings: Planning & Development Act 2024**	1 general (by elearning)	€65
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hand with oppression. What they create on the page is not resolution but tension, prose that refuses to settle into this or that, right or wrong, hero or villain. Instead, they stay with the liminal space between – and it is there, in that in-between, that the rawest flesh of the human condition is revealed.

Their words reminded us why literature had been invited into this legal festival in the first place. Stories are vessels strong enough to hold paradox. And in hearing how Harding and Mara navigate contradiction in their work, we were offered a mirror for our own profession – a reminder that law, too, must live inside the unresolved, that our task is not to banish tension but to face it, with honesty.

Accident of timing

Aideen McQueen cut through the tension with humour. Fresh from Electric Picnic, she arrived almost by accident of timing, stepping off a bus bound for London to join us in the marquee on a wet Wednesday night. Her comedy was not escape but confrontation by other means. She pointed to the rituals we accept as normal – the small absurdities of professional and daily life – and showed them back to us askew, funny because they were true. In her hands, laughter became a form of recognition.

Act II, chaired by Patricia Gannon, carried that spirit into dialogue. On stage, Mr Justice David Barniville was joined by novelist Rosemary Hennigan and Prof David Kenny of Trinity Law School – a judge, a writer, an academic. Three vantage points on the same dilemma: how do you lead when the very

system you serve is itself the obstacle?

They spoke of the accelerations we all feel pressing in: artificial intelligence moving faster than regulation, public trust eroding, professional identity fraying. Their conversation offered no easy remedies. Instead, they shared an insistence that not all speed is progress. That meaning requires pause. That systems designed only for acceleration will eventually run out of breath.

And then, quite literally, breath returned to the room. Our colleague Mary Duffy led the audience, alongside Justice Barniville, through a short 'breath of joy' exercise. In that moment, 300 lawyers inhaled together, lifted their arms, and exhaled into laughter. The symbolism was hard to miss – even the most formal of professions can find renewal in something as elemental as breath. Even a judge can stand, robe of responsibility set aside for a moment, and remind us that our humanity is not separate from our work, but at its core.

Krapp's last tape

By the time we reached *Act III: Meaningful Acts of Change*, the evening had moved from storm and laughter into something quieter and closer to the bone. This was where the abstract met the everyday. No longer philosophy or performance, but the lived reality of leading change inside Irish institutions.

I had the privilege of chairing four people who, together, represented different pillars of our society and economy. Tom Noonan (chief operations officer, RDJ) spoke from the vantage of the corporate law firm, where global competition, client demands, and internal culture constantly rub against each other. Jane O'Sullivan (managing director, Community Law and Mediation) brought the voice of the community frontline, where need is unending and resources never match. Stephen Collins (Irish Human Rights and Equality Commission) offered the perspective of rights and regulation, tasked with holding the State to its higher promises. And Ciara Murphy (Chief State Solicitor's Office) represented the machinery of government itself, where principle and pragmatism must coexist in uneasy partnership.

Each spoke plainly about what change does to those who must lead it. The compromises made. The fatigue endured. The persistence required. There were no grand claims, no sweeping narratives. Only truth. Jane closed with four words that seemed to settle into the very floorboards: "Dig where you stand." Change is not elsewhere. It is not waiting for better conditions. It begins here, in the ground beneath our own feet.

Like a rolling stone

And then, the boulder. Rolled onto the stage, it sat there, unmoving and undeniable, as though it had always been waiting for us. Daren Jacobs returned one final time, and Camus' words were spoken aloud: "We must imagine Sisyphus happy." The absurd will not go away. The stone will always roll back. Yet there is dignity in the effort, and perhaps even joy in knowing that others are pushing beside you.

Within eight hours, I was on a plane to Rome for a wedding, three more days of celebrations ahead. Somewhere over the Alps, I put on the audiobook of Camus' *The Myth of Sisyphus* – as if I hadn't had enough of him by then.

Some words cut through the noise, don't they? "A fate is not a punishment." Perhaps the weight we carry is not there to crush us, but to remind us that life cannot be lived outside contradiction. Our task is not to escape the boulder, but to decide how we will live with it – and with one another – as we climb.

We will never resolve the absurdities of life now, or ever. That isn't the point. What matters is to name it. To sit with it together, like we did in a wet marquee tent on a Wednesday. To know that, in the contradictions of law and of life, you are not alone – and that the hurt and pain, but also the humour and joy of the human condition, are carried more lightly when carried together.

This is the work we are building within Psychological Services – not the erasure of difficulty, but the creation of spaces where it can be faced honestly. Through reflective practice groups, through gatherings, through curricula. And through nights like this. g

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Dr Dale Whelehan is senior Psychological Services executive at the Law Society.

Game of two halves

All photos: Shutterstock

People engaged in what appears to be some form of professional sporting activity

A recent CJEU decision addressed the interplay between the EU law to an effective remedy and the availability of judicial review in the context of compulsory sports arbitration. Anthony Moore SC dives in the box

RFC Seraing, a Belgian football club, transferred economic rights over a number of its players to a Maltese company, Doyen Sports Investment Ltd, in return for finance. This contravened provisions of FIFA's *Regulations on the Status and Transfer of Players*, which prohibited third-party ownership agreements.

FIFA's disciplinary committee held that the regulations had been infringed, a decision that was subsequently upheld by its appeal board. In consequence, RFC Seraing was banned from registering players for four consecutive registration periods and subjected to a fine of 150,000 Swiss francs (around € 138,000).

RFC Seraing lodged an unsuccessful appeal with the Court of Arbitration for Sport (CAS), contending that the provisions in question breached EU law on, among other things, the free movement of workers, the freedom to provide services, and the competition rules laid down in articles 101 and 102 of the TFEU. RFC Seraing then reiterated its arguments against the CAS award before the Swiss Federal Supreme Court, only to find them rejected once again and its challenge dismissed.

Switzerland not being a member state of the EU, neither the CAS nor the Swiss Federal Supreme Court were able to seek preliminary rulings from

the CJEU pursuant to article 267 TFEU.

Meanwhile, after FIFA began disciplinary proceedings against RFC Seraing, the club joined Belgian court proceedings initiated by its owners and Doyen against FIFA, UEFA, and the Belgian football association, challenging the relevant FIFA regulations. By the time the CAS award issued, those proceedings had made their way to the Brussels Court of Appeal, which found that, under Belgian law, the CAS award had the authority of *res judicata* as between the parties to it and, consequently, probative effect vis-à-vis third parties like the Belgian football association.

RFC Seraing then appealed to the Belgian Court of Cassation, which sought a preliminary ruling from the CJEU as to whether article 19(1) TEU and article 47 of the *Charter of Fundamental Rights*, guaranteeing the right to an effective remedy, precluded Belgian law from treating an arbitral award as *res judicata* and from attributing probative value to it vis-à-vis third parties, where its conformity with EU law had been reviewed by a court of a non-EU member state, which was unable to seek a preliminary ruling from the CJEU.

Effective remedy

In Case C-600/23 *RFC Seraing*, the CJEU began by considering the EU law requirement that individuals have an effective remedy to challenge measures affecting them and pointed out that what was required of the member states, at a minimum, was that their laws contain mechanisms enabling, indirectly, effective judicial review of such measures in the light of EU law. In this respect, it stressed that a national court or tribunal had to be permitted to request it to give a preliminary ruling under article 267 TFEU on any question concerning the interpretation of EU law or the validity of an act of EU law.

Impact on arbitration

Explaining how that general requirement applied in the context of arbitration, the CJEU acknowledged the freedom of persons to enter into arbitration agreements, emphasising that the EU legal order "does not preclude, in principle, individuals who are subject to that legal order by virtue of pursuing an economic activity, within the territory of the European Union, from submitting disputes that may arise between them in the


Some rough sportsing

context of that pursuit to an arbitration mechanism". The CJEU highlighted the benefits of arbitration in the sporting context, such as the uniform handling of disputes relating to particular sports and the need for consistent interpretation and application of the rules relating to them.

Nonetheless, echoing its 2023 decision in C-124/21 *International Skating Union v Commission*, the CJEU cautioned that, once such an arbitration mechanism was to be implemented in all or part of the EU's territory in the context of disputes relating to the pursuit of an economic activity there, it had to be "designed and implemented in such a way as to ensure, first, its compatibility with the principles underlying the judicial architecture of the European Union and, second, effective compliance with EU public policy". It stated that arbitral awards made under such a mechanism had to be amenable to judicial review in order to guarantee an affected individual's right to an effective remedy under article 47 of the *Charter of Fundamental Rights*, which the member states were obliged to ensure by article 19(1) TEU.

An important factor colouring the CJEU's conclusion that the CAS award in this case was amenable to judicial review was that the arbitration mechanism to which RFC Seraing was subject had been "unilaterally imposed" on it by FIFA and that, as a result of FIFA's statutes, the jurisdiction of the CAS and of the arbitration bodies established at national level was "not only general and mandatory but also exclusive for all of the categories of persons referred to in those provisions".

Although the CJEU acknowledged, by reference to its 2023 decision in C-333/21 *European Superleague Company*, that imposed recourse to arbitration might be warranted in principle, and accepted that judicial review of arbitral awards might legitimately be limited in nature, it nonetheless firmly rejected any notion that the referral of disputes to arbitration enabled individuals to discard principles or provisions of primary or secondary EU law that were "essential to the legal order established by the treaties or are of fundamental importance for the accomplishment of the tasks entrusted to the European Union". The CJEU made clear that international sports associations like FIFA could not rely on their legal autonomy to exercise their powers in such a way as to limit individuals' ability to rely on EU rights and freedoms forming part of EU public policy.

Scope of judicial review

The CJEU then set out, for the benefit of national courts and tribunals, the indicia of effective judicial review of an arbitral award of the sort under consideration in its ruling. Such a review had to ensure observance of the principles and provisions forming part of EU public policy, and national courts and tribunals had to be able to review:

- The arbitral body's interpretation of those principles and provisions,
- The legal consequences of that interpretation, and
- The legal classification of the facts established and assessed by the arbitral body.

In essence, therefore, the CJEU's emphasis appears to have been on review: a *de novo* hearing of the dispute is not required.

As to how the sometimes nebulous concept of 'public policy' was to be interpreted, the CJEU explained that it included, on the one hand, the freedom of movement of workers, the freedom to provide services, and the free movement of capital guaranteed by articles 45, 56 and 63 TFEU respectively, describing them as "part of the foundations of the internal market comprising an area without internal frontiers" and, on the other, the competition law rules laid down in articles 101 and 102 TFEU.

Remedies required

The CJEU set out the remedies required to be provided as part of an effective judicial

The case of* RFC Seraing *confronted the CJEU with the problem of squaring the circle of ensuring continuing applicability of the EU law right to an effective remedy in respect of CAS awards, while not undermining the autonomy of arbitration

review of such an arbitral award. It stressed that national courts and tribunals could not simply confine themselves to finding that such an award was inconsistent with EU public policy. Instead, they had to be able to draw "all the appropriate legal conclusions" where an award was found to be inconsistent with the principles or provisions forming part of EU public policy.

In the case of an alleged infringement of the competition rules or the principle of free movement, the CJEU said that national courts or tribunals were empowered not only to find that it existed, but also to award the individuals affected by it damages for any resulting harm suffered by them, and to direct that the conduct giving rise to the infringement cease. National courts and tribunals also had to be able to grant interim measures to ensure the full effectiveness of their eventual judgment on the substance of the case, as well as to disapply any rules of national law precluding that power, something clearly of significance in the case before the CJEU.

Res judicata

The CJEU noted that the relevant Belgian legislation that conferred the authority of *res judicata* on final arbitral awards in the relations between the parties to the award and probative value vis-à-vis third parties like the Belgian national football association was incompatible with the requirement to review the consistency of the CAS award with EU public policy. It made clear that the right of individuals to an effective remedy applied irrespective of the persons seeking to rely on such an award against them and that the Belgian courts and tribunals were accordingly obliged to disapply such restrictive legislation in order to ensure an effective remedy.

"Wa hey!", Wallace roared on his way to the floor

Final whistle

The case of *RFC Seraing* confronted the CJEU with the problem of squaring the circle of ensuring continuing applicability of the EU law right to an effective remedy in respect of CAS awards, while not undermining the autonomy of arbitration. It achieved this by requiring that CAS awards that resulted from compulsory arbitration mechanisms and concerned the pursuit of economic activity on EU territory be subject to review on public policy grounds. It thereby declined to follow the earlier opinion on the case of Advocate General Capeta (16 January 2025), who had recommended a broader scope of review, capable of being based on all relevant EU law provisions, and not just on public policy grounds.

The CJEU justified its conclusion by noting that the 1968 *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (to which all member states are party) enabled review of arbitral awards on public policy grounds, which it considered went "hand in hand" with the obligation to ensure that individuals who were the subject of awards of the sort before it were able to review them for consistency with EU public policy.

Particularly important in the domestic law context is the CJEU's detailed specification of the scope of review and the remedies required of the courts and tribunals of the member states when faced with challenges to CAS awards. Its clarity in this regard is welcome. It is clear that, if called upon to do so in a given case, the Irish courts would be well-equipped to afford a party aggrieved by a reviewable CAS award the appropriate address. g

Anthony Moore SC is a member of the Law Library.

LOOK IT UP

CASES:

- C-124/21 *International Skating Union v Commission*
- C-333/21 *European Superleague Company*
- C-600/23 *RFC Seraing* (1 August 2025)

LEGISLATION:

- *Charter of Fundamental Rights*
- FIFA's *Regulations on the Status and Transfer of Players* (October 2022)
- *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (1958)
- *Treaty on European Union* (consolidated version)

CONVEYANCING COMMITTEE

Revised pre-contract enquiries

Revised pre-contract enquiries for purchase of second-hand apartments and duplexes

New precedent MUDs pre-contract enquiries have been issued by the Conveyancing Committee. See www.lawsociety.ie/globalassets/documents/precedents/2025-pre-contract-enquiries-apartments-duplexes.pdf.

The Conveyancing Committee has now decided that, in certain circumstances, many of the enquiries seeking confirmation that the owners' management company (OMC) is complying with the *MUDs Act* (which is a statutory obligation) may be omitted.

Where there are **no fire safety issues, and no substantial works required in an apartment development that is likely to increase the service charge in the short term**, it is now recommended that a vendor's solicitor should firstly discuss the MUDs pre-contract enquiries directly with the vendor, as it may not be necessary to get replies from the managing agent of the OMC. The documents of title will likely contain many of the documents sought by the new precedent MUDS pre-contract enquiries issued (linked above).

If matters relating to **fire safety** or a **substantial increase in the service charge** do emerge and are not clarified to the satisfaction of the purchaser, then a solicitor for the vendor should consider raising all of the pre-contract enquiries with the managing agent in the ordinary course.

Client memo on surveys

The Conveyancing Committee has also republished the client memo on surveys (for use on and after 16 July 2025). See www.lawsociety.ie/globalassets/documents/committees/conveyancing/precedents/2023/clientmemorandumonsurveysjan20182.pdf – practitioners will note the substituted section 12 dealing with fire-safety issues.

This arises as a result of a Government report entitled *Fire Safety in Ireland – Report of the Fire Safety Task Force* that was published in 2018 following the Grenfell Fire Tragedy in London, which resulted in the death of 70 people.

The substituted section 12 in the client memorandum on surveys acknowledges the serious problem for apartment owners if there is a finding of fire-safety defects, and acknowledges the substantial change in the information and advice purchasers need from a survey carried out in relation to an apartment they propose to purchase.

CONVEYANCING COMMITTEE

Sales of second-hand apartments and duplexes

New precedent MUDs pre-contract enquiries: should vendors try to deal with replies to MUDs pre-contract enquiries themselves?

New precedent MUDs pre-contract enquiries have been issued by the Conveyancing Committee. In the light of the considerable experience since the *MUDs Act* was enacted, the committee has decided to omit many enquires seeking confirmation that the owners' management company (OMC) was complying with the *MUDs Act*. This is a statutory obligation.

Where there are no issues with fire safety and no substantial works are required in an apartment development that are likely to involve a levy/increase in the service charge in the short term, the Conveyancing Committee suggests that a vendor's solicitor should firstly discuss the new MUDs pre-contract enquiries with the vendor, and see if it is necessary to get the replies from the managing agent of the OMC.

The vendor's solicitor should review the documents of title, which, in most cases, will contain many of the documents sought by the newly issued precedent MUDs pre-contract enquiries issued.

The committee is of the opinion that the new MUDs pre-contract enquiries are not beyond the scope of a careful apartment owner who attends the AGMs of the OMC and has available the most recent report, under section 17 of the *MUDs Act*, to rely on in replying to the MUDs pre-contract enquiries.

The vendor of any apartment in a MUD that is being run in accordance with the *MUDs Act* should have access to most of the details required to furnish proper replies without much effort. The accounts are important, but every owner gets a copy of these before an AGM, and an OMC is obliged, by section 17 of the *MUDs Act*, to provide each member with a report of the directors

in advance of an AGM. Such a report includes statements of:

a) The income and expenditure relating to the period covered by the report,
b) The assets and liabilities of the OMC,
c) (i) The funds standing to the credit of the sinking fund, and (ii) details of the amount of the annual contribution to the sinking fund and the basis on which such contribution is calculated,
d) The amount of the annual service charge and basis of such charge,
e) The projected or agreed annual service charge relating to the current period,
f) Any planned expenditure on the refurbishment, improvement, or maintenance of a non-recurring nature that it is intended to carry out in the current period,
g) The insured value of the development, the amount of the premium, the name of the insurance company, and a summary of the principal risks covered,
h) In general terms, the fire-safety equipment installed in the development, and the arrangements in place for its maintenance, and
i) Full disclosure of any contracts between the OMC and a director or shadow director.

If the directors' report does not contain all the information that it is obliged to provide under the *MUDs Act*, the vendor should not have to pay any fee to obtain any missing details.

Purchasers' solicitors should continue to ensure that service charge is paid or apportioned to the date of completion of the sale.

The committee understands the need for an OMC and its managing agents to get the name and contact details of a purchaser of a unit in a managed development. Owners of a unit in a development to which the *MUDs Act* applies are obliged under section 8(3) of the act to provide the OMC with, among other things, details of their name and address, particulars of the names of any tenants or habitual occupiers, and other contact particulars that the OMC may reasonably request.

To avoid ongoing enquiries to their vendor clients, vendors' solicitors should ask purchasers to complete a reasonable owner's contact detail form and to provide this directly to the OMC or its managing agent on, or immediately after, completion of the sale.

If matters relating to fire safety and other issues that might involve a substantial levy/increase in the service charge are not clarified to the satisfaction of the purchaser, a solicitor for the vendor should consider raising all or some of the pre-contract enquiries with the OMC or its managing agent.

Furthermore, where a vendor and the vendor's solicitor elect to seek replies to the MUDs pre-contract enquiries from the OMC or its managing agent, they should ensure that the replies will be signed on behalf of the OMC and that the fee sought for the replies is reasonable in all the particular circumstances.

The Law Society's *Requisitions on Title* (2019 revised edition) is under review by the committee at present. The new edition of the *Objections and Requisitions on Title* will include the new precedent *MUDs Pre-Contract Enquiries for Apartments and Duplexes* issued on 15 August 2025. Pending the issue of the new edition of the *Objections and Requisitions on Title*, solicitors should use the new *MUDs Pre-Contract Enquiries for Apartments and Duplexes* issued on 15 August 2025.

GUIDANCE AND ETHICS COMMITTEE

Terms and conditions of business

The Law Society's Guidance and Ethics Committee has produced an updated template *Terms and Conditions of Engagement*. The updated *Terms and Conditions of Engagement* are intended to operate in conjunction with the compulsory fee notice that must be issued under section 150 of the *Legal Services Regulation Act*.

It is recommended that practitioners would issue a section 150 notice – which, by its nature, must be tailored to the specific instruction – and the *Terms and Conditions of Business* would be appended as a static document, outlining the basis on which the issuing firm provides its service.

As a general rule of thumb, practitioners are recommended to ensure that the section 150 notice contains the information that is compulsory under section 150 of the *Legal Services Regulation Act*, and any other terms, conditions, or information governing the firm's relationship with its client should be outlined in the terms and conditions.

By its nature, the document is a template, suitable for many situations, but should be tailored by each individual solicitor's practice to reflect the terms and conditions on which it conducts its business.

Practitioners should note that certain elements of the *Terms and Conditions of Business* must be populated by details that are specific to each firm and should be read carefully before being appended to a section 150 notice. As with any such document, responsibility for the content lies with the issuing practitioner.

To view the updated template, visit www.lawsociety.ie/solicitor-terms.

WILLS

Cassidy, Joseph (deceased), late of 2108-80 St Clair Avenue East, Toronto, Canada ON M4T 1N6, and Ballyclare, Ferbane, Co Offaly, who died on 28 July 2025. Would any person holding or having any knowledge of a will made by the above-named deceased please contact Dermot F Murphy, Brian P Adams & Co LLP, 4 Cormac Street, Tullamore, Co Offaly; DX 43 006 Tullamore; email: dmurphy@brianpadams.ie

Collins, Margaret (deceased), late of 3 Bishopscourt Green, Bishopstown, in the city of Cork. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Gráinne Cuddihy, Eamon Murray & Co, Solicitors, 6/7 Sheares Street, Cork; tel: 021 493 7000, email: grainne@murraysolicitorscork.ie

Cuddy, Eimear (deceased), late of 33 Cashel Road, Crumlin, Dublin 12, who died on 10 February 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@gaffneyhalligan.com

Devlin, Margaret (deceased), late of 77 Rockford Park, Blackrock, Co Dublin. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 15 March 2025, please contact Benville Robinson LLP, 24A Florence Road, Bray, Co Wicklow; tel: 01 276 1330, email: gillian@benvillerobinson.ie

Fitzgerald, John Joseph Fitzgerald (orse Jack Joseph Fitzgerald) (deceased), late of Shanbally, Abbeyfeale, Co Limerick, and Shanbally, Abbeyfeale PO, Co Kerry, who died on 27 April 2024. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, or if any firm is holding same, please contact Fiona O'Sullivan, Purtill Woulfe Murphy Solicitors LLP, The Square, Abbeyfeale, Co Limerick; tel: 068 31106, email: fosullivan@pwmsolicitors.ie

Fitzgerald, Mary (Esther) (deceased), late of Shanbally, Abbeyfeale, Co Limerick, and Shanbally, Abbeyfeale PO, Co Kerry, who died on 9 August 2025. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, or if any firm is holding same, please contact Fiona O'Sullivan, Purtill Woulfe Murphy Solicitors LLP, The Square, Abbeyfeale, Co Limerick; tel: 068 31106, email: fosullivan@pwmsolicitors.ie

Hogan, Anne Carmel (deceased), late of Percival Street, Kanturk, Co Cork. Would any person having knowledge of a will executed by the above-named deceased, who died on 18 March 2024, please contact Colbert Solicitors, Old Limerick Road, Charleville, Co Cork; tel: 063 30759, email: reception@colbertsolicitors.com

Kenny, James (deceased), late of 631 Waterpark, Clonard Road, Kimmage, Dublin 12, who died on 25 March 1960. We are seeking a copy will, grant of probate, or letters of administration that may have been extracted in the estate of the above-named deceased. Would any person having knowledge of the whereabouts of any of the above please contact Anne Marie James, Kirwan McKeown James Solicitors LLP, 3 Clanwilliam Square, Dublin, D02V997; mob: 087 254 0241, tel: 01 661 2297, email: annemarie.james@kmj.ie

Lynch, Phillip (Phil) (deceased), late of Cappagh, Ballinalack, Mullingar, Co Westmeath, who died on 12 June 2025. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact Mary Whyte, estate administrator, 24 Shanliss Way, Santry, Dublin 9; tel: 085 864 2479, email: plynchreps@proton.me

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 November 2025 *Gazette*: Wednesday 15 October 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***.

Lynskey, Mary (deceased), late of 9 Hampton Crescent, St Helen's Wood, Booterstown, Co Dublin, who died on 25 June 2025. Would any person holding a will or having knowledge of the whereabouts of any will made by the above-named deceased please contact AC Forde & Co LLP, Solicitors, 14 Lansdowne Road, Dublin 4; tel: 01 660 8955; email: jbailey@acforde.com

MacDonncha, Seán (deceased), late of Rath Cairn, Athboy, Co Meath, who died on 20 April 2025. Would any person having knowledge of any will made by the above- named deceased please contact Brian Callaghan, Regan McEntee & Partners, Solicitors, High Street, Trim, Co Meath; DX92002 Trim; tel: 046 943 1202

McGee, Edward (Eddie) (deceased), late of 17 North Circular Road, Dublin 7, who died on 25 February 2023. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Denise Edge, Walter Odlum & Co, 16 Main Street, Blackrock, Co Dublin; tel 01 278 0096, email: denise@walterodlum.com

Mollaghan, Patrick (Paddy) (deceased), late of Aughnashannagh, Ballinalee, Longford, Co Longford, who died on 6 February 2025. Would any person having any knowledge of the whereabouts of any will made by the above-named deceased please contact EC Gearty & Co, Solicitors, 4/5 Church Street, Longford, Co Longford; DX 29015; tel: 043 334 6312, email: cgearty@ecgearty.ie

Molloy, Bernadette (deceased), late of 32 Ard Colmcille, Letterkenny, Co Donegal, who died on 27 June 2025. Would any solicitor or person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased please contact Crawford Gallagher Solicitors, High Road, Letterkenny, Co Donegal, F92 TW13; tel: 074 916 4906, email: info@crawfordgallaghersolicitors.ie

Murray, Máire (otherwise Margaret Mary) (deceased), late of 9 Darley Street, Harold's Cross, Dublin 6W, and formerly of Croughan, Carrick-on-Shannon, Co Roscommon. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 1 August 2025, please contact Anthony Carroll & Co, Solicitors, Fermoy, Co Cork; tel: 025 31100, email: info@anthonycarroll.ie

Nolan, Louise Nolan (deceased), late of 43 Beaumont Avenue, Churchtown, Dublin 14, D14 N7C1, who died on 20 April 1979. Any person having knowledge of the existence of a will made by the above-named deceased: enquiries are currently being made to determine whether the deceased left a valid will. We would be grateful to hear from any solicitor, individual, or institution who may be in possession of, or have any knowledge regarding, such a document. All communications should be directed to Lisa McKenna, McKenna and Co, Solicitors, 115 Lower Baggot Street, Dublin 2; tel: 01 485 4563, email: lisa@mckennaandcosolicitors.com

TITLE DEEDS

76 Parkmore Drive, Terenure, Dublin 6W – Buckmaster. Would any person having knowledge of the location of the title deeds to the above premises, 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

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019* and in the matter of those lands, hereditaments, and premises known as No 6 Belmont Terrace, Old Youghal Road, in the city of Cork, and in the matter of an application by Adrian Peglar and Fiona Peglar: premises situation at 6 Belmont Terrace, Old Youghal Road, in the city of Cork
Any person having an interest in the freehold or intermediate estates in the above property: take notice that Adrian Peglar and Fiona Peglar intend to submit an application to the county registrar of the county of Cork for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and any person asserting that they

hold a superior interest in the property are called upon to furnish evidence of title to the premises to the below named.

In particular, any person having an interest in a lease of 20 August 1956 made between Dorethea O'Riordan of the one part and Alice Peglar of the other part, wherein the above property was demised to the said Alice Peglar for a term of 85 years from 20 August 1956, subject to the yearly rents and covenants and conditions therein contained, should provide evidence of their title to the below-named solicitors. Further, any persons having any estate or interest in any interest superior to that of the grantor of the lease of 20 August 1956 aforesaid and/or the fee simple interest in the above premises should provide evidence of their title to the below-named solicitors.

In default of any such information being received, the applicant intends to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the person or persons entitled to the superior interests, including the freehold interest, in the said premises are unknown and unascertained.

Date: 3 October 2025
Signed: Leo Murphy, David Cowhey Solicitors LLP (solicitor for the applicants), 10 Georges Quay, Co Cork

In the matter of the *Landlord and Tenant (Ground Rents) Act 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*: lands comprising 'Maryville', 48 Rossa Avenue, Bishopstown, Cork

Any persons having an interest in the freehold or intermediate estates in the above property: take notice that Matilda Guffogg and Brendan Bulfin intend to submit an application to the county registrar of the county of Cork for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and any person asserting that they hold any superior interest in the property are called upon to furnish evidence of title to the premises to the below named.

In particular, any persons having an interest in a lease for the term of 150 years agreed between Henry I Hawkes as tenant for life and Dermot O'Leary, to run from 25 March 1960, should provide evidence of their title to the below-named solicitors. Further, any persons having any estate or any interest superior to that of the grantors of the said leases as aforesaid and any of them, and/or the fee simple interest in the above properties, should provide evidence of their title to the below-named solicitors.

In default of any such information being received, the applicants intend to proceed after the expiry of 28 days from the date of this notice with the application before the county registrar for the county of Cork to purchase the fee simple and any intermediate interests in the said properties and such directions as may be appropriate on the basis that the person or persons entitled to the superior interests, including the freehold interest, in the said property are unknown and unascertained.

Date: 3 October 2025
Signed: Katherina White (solicitors for the applicants), 2nd Floor, 32 Oliver Plunkett Street, Cork

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 Grand Canal Place Property Holdings Limited as general partner of the Grand Canal Place Property Holdings Partnership

Any person having a freehold estate or any intermediate interest in either the original premises the subject of an indenture of lease dated 14 August 1930 between Charles Herbert Landers and Frank Cumming Landers of the one part and John Naughton of the other part for a term of 212 years from 14 August 1930, subject to the yearly rent of

£3 thereby reserved and to the covenants on the lessee's part and conditions contained therein, and therein described as "all that and those the cottage and premises now known as 39 Upper Sandwith Street in the parish of Saint Mark and city of Dublin", or the adjoining premises number 38 Upper Sandwith Street, which, having been exclusively occupied with the original lease premises for upwards of 12 years past, are now likewise held under the lease pursuant to the doctrine of encroachment.

Take notice that Grand Canal Place Property Holdings Limited, as general partner of the Grand Canal Place Property Holdings Partnership, being the person entitled to the lessee's interest therein (the applicant), intends to apply to the county registrar of the county of Dublin to vest in it the fee simple and any intermediate interests in both premises, and any party asserting that they hold a superior interest therein 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, 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 said premises are unknown or unascertained.

Date: 3 October 2025
Signed: Mason Hayes & Curran (solicitors for the applicants), South Bank House, Barrow Street, Dublin 4

Final verdict

PRO BONOBO

Grok and roll

A former insider in X.AI (also known as Grok) has allegedly leaked the entire codebase to rival OpenAI before cashing out on his stock options.

Xuechen Li, a founding engineer at Elon Musk's evil empire, faces allegations of uploading the company's complete proprietary codebase to OpenAI – just three days before resigning and liquidating $7 million in company stock.

According to news.bloomberglaw.com, the alleged theft, discovered during routine security reviews on 11 August, included critical AI models, training data, and infrastructure designs worth billions in development costs.

The breach intensifies the bitter rivalry between Musk's X.AI and OpenAI, the company he co-founded but later abandoned over strategic disputes.

Lend me your ear!

"Do you swear to pierce your ear, the whole ear and nothing but the ear?"

A New York-based Kirkland & Ellis lawyer literally put a pin in it, by getting his ear pierced in a Delaware courtroom after successfully rescuing the accessories retailer, Claire's, from collapse.

People.com reports that Joshua Sussberg made the unusual promise to a judge earlier this year as Claire's faced its second bankruptcy filing in seven years.

The lawyer pledged to pierce his ear if he could secure a buyer for the once-popular tweens and teens retailer. After brokering a last-minute deal with a private-equity firm, Sussberg made good on his promise during a court hearing in September. Judge Brendan Shannon noted that Sussberg had "worn a crisp white shirt", which he deemed "a gutsy move", and joked: "We're going to find out if you're a crier, too!"

Snails of the unexpected

Furious residents of a Bavarian apartment block called police after their doorbells kept getting rung during the night. They suspected teenage 'knick-knock' ringing of their bells – which Deutschenkinder also apparently do, running away before getting caught.

The real culprit? A very busy slug. According to *The Guardian*, the slimy saboteur had been oozing up and down the building's doorbell panel, triggering the buzzers and jolting angry tenants from their beds well past midnight. Police officers arriving to investigate the late-night disturbances discovered the ghastly gastropod still crawling across the bell system. Moist!

That's a-more, eh?

A Missouri family restaurant is fighting back against Google's AI after the system invented non-existent pizza specials that sent angry customers flooding through their doors.

Stefanina's in Wentzville was forced to issue public warnings after Google's AI overview feature – the summaries at the top of Google searches – falsely advertised that large pizzas cost the same as small ones at the Italian eatery.

Vice.com says that the AI 'hallucination' turned locals into belligerent customers who berated staff when the fantasy deals failed to materialise. The owner stressed that the business could not control Google's posts and would not honour the fabricated specials, highlighting growing concerns about AI misinformation that has negative effects on real businesses.

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