The Brief

The Official Journal of the Irish Institute of Legal Executives

2019 Issue

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As part of this objective, The Brief will act as an authoritative source of information on Institute activities and policies. From time to time The Brief may cover controversial issues. The editorial team shall have the final decision on matters of editorial policy or content but always strive to preserve and to enhance the good name of the Irish Institute of Legal Executives and its members.

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EDITORIAL TEAM

We the Editorial team hereby extend many thanks to all of those who contributed articles as well as photographs for this Edition of the Official Journal of IILEX – "The Brief".

Your contribution and interest in being involved is much appreciated and makes all of the difference towards the production of a quality publication. All of our members and others should really enjoy reading the many interesting features and viewing the various exciting photographs kindly supplied by you,

If you have any social or current events coming up in the near future that you would like to see advertised or written about on the IILEX Website, or furthermore, maybe for inclusion in the next Edition of "The Brief", then please feel free to send information, photographs and other images to the following address:-

The Irish Institute of Legal Executives.
22/24 Lower Mount Street, Dublin 2 DX No. 15
Telephone: - (01) 890 4278 Email - info@iilex.ie www.iilex.ie

Congratulations and well done all.

Mary B. O' Dwyer, FIILEx
Director of PR/Communications
Editor

Front cover photograph: - Circuit Court Building, Washington Street, Cork City.
By kind permission of the Courts Service Office, Cork.

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President's Address

Dear Members,

We have once again completed another positive and busy year for the Irish Institute of Legal Executives. I am honoured to hold the position of President of IILEX for another year.

Our Directors and Administrator have been working extremely hard behind the scenes representing Members interests and the interest of the Institute ensuring positive steady progression of the Institute.

This past year we have been invited by the Property Registration Authority to be part of their Customer Focus Group, we accepted their invitation and we now represent the Institute and its Members at the PRA Customer Focus Group Meetings.

IILEX had also been invited by the Legal Services Regulatory Authority to make submissions in order to assist with the LSRA's statutory obligation to prepare reports regarding education and training of Legal Practitioners in the State also including public consultation of Section 6 Review of the LSRA Act 2015. IILEX was then invited to submit further submissions under Section 34 (1)(a) of the LSRA Act 2015 on 14 proposals for reform set out by the Hook Tangaza Review Team which is still being processed at this time. These are all indications of the positive recognition for Legal Executives and we are confident that this recognition will continue to grow moving forward.

I am pleased to announce that Griffith College Cork and Dublin continue to provide Legal Executive graduates and I would like to take this opportunity to congratulate the Graduates and look forward to them becoming full members of the Irish Institute of Legal Executives in the future.

I would ask Members to encourage their colleagues who may fill IILEX's required criteria to become Members. We also encourage our members to give us feedback and share ideas enabling us to continue growing and becoming an integral part of the Legal profession in Ireland.

Please note that we can be contacted at **info@iilex.ie.** We can also be found on LinkedIn and Facebook through our home page **www.iilex.ie.**

Finally, I would like to take this opportunity on behalf of the Board of Directors to thank you our Members for your continued support and look forward to another positive year.

Kind regards,

Deirdre Littrean-Butler, FIILEx
President
Irish Institute of Legal Executives

To Whose Benefit?

Can someone who has killed their spouse financially profit from their crime?

This was the question brought before the court in the cases of Cawley v. Lillis (2011) and Nevin v. Nevin (1997), and which, were considered in the Law Reform Commission's Report on the Prevention of Benefit from Homicide (LRC 114 - 2015) and led to the The Civil Liability (Amendment) (Prevention of Benefits from Homicide) Bill 2017 in Ireland.

Questions regarding the right to benefit financially from a crime have been considered in many jurisdictions and have evolved over hundreds of years.

The Forfeiture Rules in Ireland

The 'forfeiture rule' is a well-established legal principle that states nobody should be able to benefit from his or her wrongful conduct, especially a killer and Section 120 of the Succession Act 1965 put the forfeiture rule on a statutory footing;

> *"A sane person who has been guilty of the murder, attempted murder or manslaughter of another shall be precluded from taking any share in the estate of that other, except a share arising under a will made after the act constituting the offence, and shall not be entitled to make an application under section 117".*

The objective of the forfeiture rule is not to punish further a killer but to enforce a rule of public policy that a person should not benefit from their crime. A position long since enforced by the common law which prevented an individual benefiting from their own wrongdoing, known as known the "illegality doctrine" and outlined in Holman v. Johnson (1775) by Lord Chief Justice, Lord Mansfield;

> *"No Court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act. If, from the plaintiff's own standing or otherwise, the cause of action appears to arise ex turpi causa".*

The legal maxim 'ex turpi causa oritur actio' states that from a dishonourable cause, an action does not arise.

In addition to which the law of contract and of equity contain legal principles that seek not to assist those who 'approach the court with unclean hands'.

The Forfeiture Act 1982 in the United Kingdom

In the United Kingdom, the forfeiture rules preclude an individual who has unlawfully killed or aided, abetted, counselled or procured the death of another person from benefiting from the killing. The Forfeiture Act 1982 provides the courts with the statutory power to order the forfeiture of joint interests in property where one joint tenant has unlawfully killed another.

In Re Crippen (deceased) [1911] the family of Cora Crippens (who was murdered by her husband Hawley Crippens), sought to ensure that Hawley Crippen's Estate would not succeed to Cora Crippen's estate. The Court granted administration of Cora Crippen's estate to her next of kin, and not to the executrix of Hawley Crippen's Estate. Sir Samuel Evans explained that under the law:

> *"no person can obtain, or enforce, any rights resulting to him from his own crime; neither can his representative, claiming under him, obtain or enforce any such rights. The human mind revolts at the very idea that any other doctrine could be possible in our system of jurisprudence."*

However, exceptions to the rule do exist in particular circumstances, such as mercy killings and failed suicide pacts in which case the Forfeiture Act 1982 gives discretion to the courts in England and Wales to allow some flexibility in applying the rule in cases where there are mitigating factors.

Section 2(1) of the Forfeiture Act 1982 states that the court must have "regard to the conduct of the offender and of the deceased and to such other circumstances as appear to the court to be material", applying or modifying the rule as "the justice of the case requires".

An example being In Re K [1985] where a wife who had been convicted of manslaughter of her violent and abusive husband was granted relief from the forfeiture rule and allowed inherit the £1,000 bequeathed to her in her husband's Will.

Similar rules to the forfeiture rule in Ireland and Forfeiture Act 1982 in the United Kingdom exist in many states of the United States and are commonly, referred to as slayer statutes.

Slayer statutes in the United States

At common law, American courts used two different theories when dealing with early cases. Some courts would disinherit the slayer because of the public policy principle that a slayer should not profit from his crime (No Profit Theory), however, other courts were reluctant to disinherit a slayer in the absence of a legislatively codified statute directing the court to do so (Strict Construction Theory).

In the first American case to consider the issue of whether a slayer could profit from his crime, Mutual Life v. Armstrong (1886), the United States Supreme Court introduced the No Profit Theory, the public policy justification for slayer statutes stating that;

> *"It would be a reproach to the jurisprudence of the country if one could recover insurance money payable on the death of the party whose life he had feloniously taken."*

The second theory, the Strict Construction Theory originated from Judge John Clinton Gray's dissent in Riggs v. Palmer in a New York State case in 1889. Elmer Palmer stood to inherit from his grandfather's will, however, Palmer was concerned that his grandfather might change his will. In order to prevent a change to the will Elmer poisoned his grandfather. The Court disinherited Elmer as it was seen as the court's responsibility to prevent beneficiaries profiting through the inheritance system from their wrongdoing. Judge Gray argued that the criminal law already established punishment for slayers. Moreover, a court denying the estate to a slayer was to add significant further punishment to what a slayer received under the criminal statute. Judge Gray opined in his dissent that this was not something the court was permitted to do without an express, written statute. In Judge Gray's opinion, the court could not simply create or imagine such statutes to obtain a morally pleasing result.

However, in 1936, legal scholar John W. Wade proposed a No Profit Theory statutory fix to promote uniformity amongst the states of the United States in dealing with slayer cases and in 1969, the Uniform Code Commission included No Profit Theory language in its first iteration of the Uniform Probate Code (UPC). Forty-eight states have since enacted laws that strip a slayer of any inheritance benefits they would have gained from their unlawful act.

Indeed some have argued that slayer statutes still benefit those who have killed another by giving them arguably a better interest in the property than they had previously (severing the estate) as opposed to available alternatives that could be considered such as treating them as though they had predeceased the decedent.

In light of the cases, which have arisen in Ireland, the United Kingdom and the United States the removal of any financial motivation for murder is clearly of benefit. However, the forfeiture rule in Ireland does not apply to property held in a joint tenancy as the deceased's interest in the property ceases on his or her death resulting in a legal loophole. Where real property is held by way of joint tenancy, the property automatically passes to the surviving joint tenant, and this includes in cases of murder or manslaughter.

Joint Tenancy and Survivorship in Ireland

This transfer of ownership arises because of 'survivorship', which is one of the distinguishing factors of joint tenancy, meaning that in the case of a joint tenancy, the surviving co-owner automatically succeeds to the share of a pre-deceased joint tenant.

In response The Civil Liability (Amendment) (Prevention of Benefits from Homicide) Bill 2017 seeks to change the law in the area of joint tenancies and survivorship following the case of Cawley v Lillis (2011). Eamonn Lillis was convicted for killing his wife Celine Cawley in December 2008, following which proceedings were issued to prevent Mr. Lillis inheriting the property held by the couple as joint tenants in its entirety. The court decided that Ms. Cawley's share of the property be held in trust for their daughter.

This proposed change would reflect Section 120 of the Succession Act and the requirement within Irish succession law that a person may not inherit any part of the estate of someone they have murdered attempted to murder or kill by manslaughter.

However, the 2017 Bill does not consider the distribution of real property in the case of the murder suicide of joint tenants.

A further consideration: Who inherits in the case of murder suicide in joint tenancy?

Currently under Irish succession law, real property is distributed by will (section 76, Succession Act 1965) of the last surviving joint tenant or the rules of distribution on intestacy (section 66 to 69 of the Succession Act 1965). As such, the person who stands to inherit by distribution of the estate of the last surviving joint tenant, in the case of a murder suicide, is most often the beneficiaries of the perpetrators estate.

This issue has recently arisen following the tragic death of Clodagh Hawe, with her family seeking a review of the law in this area. And in February 2019 Taoiseach Leo Varadkar confirmed that the Government was assessing requests to review the Succession Act 1965 on inheritance in the case of murder suicide. The outcome of the Governments assessment is awaited.

Karen Sutton BA.BL, MA H.Ed, LL.M

Head of Faculty of Law, Griffith College

Griffith College Dublin
Graduation and Conferring Ceremony 2018

Diploma in Legal Studies and Practice -_ (QQI) Level 7- (Special Purpose Award) -2018.

The Graduation and Conferring Ceremony of graduates of the Diploma in Legal Studies and Practice - (QQI) Level 7 Special Purpose Award) took place at the Conference Centre in Griffith College Dublin on Wednesday 8 November 2018. This Course is delivered by Griffith College Professional Law School and conducted in conjunction with the Irish Institute of Legal Executives - (IILEX).

The opening address of this event was made by Professor Diarmiud Hegarty, President of Griffith College who warmly welcomed to the Graduation and Conferring Ceremony all graduates and their families, friends, Directors of the Irish Institute of Legal Executives - (IILEX) as well as other invitees. Directors' of the Irish Institute of Legal Executives-- (IILEX) were delighted and honoured to receive the kind invitation to attend at this event and wish to sincerely extend thanks to Professor Diarmuid Hegarty, President of Griffith College for such and the hospitality shown. Directors in attendance representing the Irish Institute of Legal Executives-(IILEX) included Frank Crummey, FIILEx (Hon. Life Member of IILEX), and Mary B. O'Dwyer FIILEx. It was most pleasant and very interesting to meet up with and converse with various graduates, members of the academic staff of Griffith College and other invited guests present.

Congratulation and best wishes are extended to Catherine Geoghegan, who was presented with the Frank Crummey Perpetual Cup as an award for her great achievement as best student of the year 2018 in the Diploma in Legal Studies and Practice (QQI) Level 7 - Special Purpose Award). Well done Catherine and continued success in the future.

A total of forty-one (41) students graduated with Diplomas in Legal Studies and Practice - (QQI) Level 7 Special Purpose Award). Students were formally presented with their respective parchments by the President of Griffith College, Professor Diarmuid Hegarty who congratulated each on their great achievement as well as wishing them every success and happiness in their future careers and lives ahead. The Irish Institute of Legal Executives - (IILEX) also extend their good wishes to all graduates of this Diploma Course.

The Irish Institute of Legal Executives – (IILEX) was again delighted to learn of and to witness the high number of students graduating and thus acknowledging the sustained interest in the pursuance of the Diploma in Legal Studies and Practice (QQ1) Level 7 Special Purpose Award). This is truly a success story and excellent outcome for both the Irish Institute of Legal Executives- (IILEX)) in combination with Griffith College. Well done to all involved.

In addition, compliments are extended to all staff including staff of the Examinations' Office of Griffith College who per usual worked very diligently and professionally displaying an enormous duty- of -care in organising the logistics in putting in place this entire most professional and memorable event. Well done to all involved.

Finally, Directors' of the Irish Institute of Legal Executives – (IILEX), are at all times mindful and truly appreciative in being closely associated and engaged with Griffith College over many years. Continued success for the future is wished to Professor Diarmuid Hegarty President of Griffith College including wonderful academic staff and others in their much celebrated and excellent work.

Mary B. O' O'Dwyer FIILEx.

Director of PR/Communications- IILEX
Editor of the Official Journal of IIlEX - "The Brief "

Seated from left:-Tomas Mac Eochagáin, Director at GCD., John Eardly , Lecturer Law Faculty, Sarah Bryan O' Sullivan, Lecturer Law Faculty, Frank Crummey, (Hon.) Life Member of IILEX, Prof. D. Hegarty, President of Griffith College, Karen Sutton, Head of the Law Faculty, James Kane, Lecturer Law Faculty and Mary B. O' Dwyer, Director at IILEX.
Standing rows 2 &3 - Graduates of the DLS&P Course 2018

Frank Crummey Perpetual Award

Born in Kimmage, Dublin in 1936, Frank Crummey has had an eventful and varied career, he worked as a bus driver, postman, social worker and builder, before finally finding his métier as a legal executive. Throughout his adult life he has been an agitator for justice, associated particularly with the family planning movement and Women's Refuge, repeatedly using the law as an instrument for change.

Frank has challenged the status quo on a range of issues, including the Language Freedom Movement and corporal punishment in schools.

It was when Frank got a job as a Legal Executive that he finally, as a crusader, came into his own.

Frank Crummey was one of the first members to subscribe to the Memorandum and Articles of Association and form the Irish Institute of Legal Executives and was awarded Life Fellowship and Member for Special Services in 2008.

Through all the campaigns, Frank sustained a long and happy marriage with his wife Evelyn, and raised five children.

In 2003 Griffith College and the Irish Institute of Legal Executives established the Frank Crummey Perpetual Award in recognition of Frank's commitment to justice. Recipients of the Frank Crummey Perpetual Award achieved the highest overall grade on the Diploma in Legal Studies and Practice at Griffith College.

RECIPIENTS OF THE FRANK CRUMMEY PERPETUAL AWARD

Year	Recipient
2019	Anna Rowland
2018	Catherine Geoghegan
2017	Rian Gallagher
2016	Roisin O Grady
2015	Moya Comer
2014	Roseanne Murphy
2013	Tara Barron
2012	Helaine Trumble
2011	Lisa Donnelly
2010	Caroline Battlebury
2009	Aleksandra Krupa
2008	Doireann Ryan
2007	Luke Noonan
2006	Susan Miller
2005	Valerie Metcalfe
2004	Catherine Moore
2003	Geraldine Byrne

Frank Crummey, Director of IILEX., presenting the Frank Crummey Perpetual Cup to Catherine Geoghegan, best DLSP student 2018.

Frank Crummey, Catherine Geoghegan and Mary O'Dwyer, Director of Communications/PR at GCD Graduation Ceremony 2018

Directors of IILEX., Mary Foley, Frank Crummey, Mairead Dixon and Karen Sutton, Head of Law Faculty Griffith College at an evening in Griffith College to honour Frank Crummey, FIILEX and (Hon.) Life Member of IILEX

Marketing Yourself is Crucial If you want to Stand Out From The Crowd

We all know that the employment market is very competitive at the moment. It is important that we all stay relevant in our jobs and organisations. The key to this is to continually market yourself. You need to be aware of how you project and present yourself on a daily basis to everyone with whom you come in contact, including your bosses, colleagues, clients and customers. You never know when a promotional, developmental or even an employment opportunity might arise and you must be ready for it.

Here are my 10 Tips for marketing yourself more effectively inside and outside of your organisation and it doesn't even have to involve social media!!

Tip 1 - IMPRESSIONS COUNT

The impact that we make on people in the first few minutes of contact is based 60% on visual messages, 33% on vocal messages and only 7% on content. People are inclined to believe the evidence put before them, so appearances do count. The way you package yourself through your image and professional persona is like an advertisement, so present yourself appropriately and with confidence.

Tip 2 - PERCEPTION IS REALITY

People will judge you on how you come across. How you seem is how you will be, so you need to take steps to influence the perceptions of people, and particularly of people with no previous knowledge of you and no information other than what is in front of them. So think about and develop the type of image you want to project.

Tip 3 - ASSOCIATE YOURSELF WITH SUCCESS

Being seen as being associated with success is a key element to marketing yourself. Sign up to lead projects that are going to deliver results; offer to chair that high profile committee; do that media briefing etc. Be on the lookout for getting involved in high profile opportunities where you can showcase your skills.

Tip 4 - NO ONE BUYS SIGHT UNSEEN

You will seldom buy something sight unseen, so if you want to market yourself effectively, then get out there, be seen and be visible to your bosses, your colleagues and your clients. Develop a high profile within your organisation, network with contacts in other areas, attend functions, and be seen to be involved in the wider business community.

Tip 5 - ACCENTUATE THE POSITIVES

Organisations are competitive places, so don't undersell yourself to your colleagues or bosses. Concentrate on showcasing your positives and strengths while working independently on developing your weaker areas.

Tip 6 - BE NICE TO DO BUSINESS WITH

Develop a reputation among your colleagues, clients and bosses, for being nice to do business with. Be responsive, knowledgeable, willing to share, enthusiastic, professional, fair and be known for your straight dealing.

Tip 7 - UNIQUE PERCEIVED BENEFIT

Identify what is your Unique Perceived Benefit or your Unique Selling Point. What makes you different from the competition? Think about this and then promote it to your advantage.

Tip 8 - EAGER BEAVER

A rising tide lifts all boats, so develop a reputation for enthusiasm and you will infect those around you with the same enthusiasm and motivation to get things done. Volunteer to take on new projects, develop new products and services, and contribute strategically to organisational goals and be seen to deliver.

Tip 9 - WIDEN YOUR HORIZONS

While we are all focussed on doing the business, delivering a service, or managing our clients, we sometimes tend to forget the broader prospective. Those individuals who are successful at marketing themselves tend to develop themselves outside of their own specialised area, so look at the bigger picture and be seen as a strategic thinker.

Tip 10 - KEEP WORKING ON YOURSELF

Learning should life-long, so ensure you keep growing through continuous professional development and stay relevant.

Don't forget, people are a bit like icebergs, only 10% of ourselves is visible to the outside world, and we tend to get judged only on that which others can see. Why not make sure that what they do see is packaged and presented in such a way as to make you stand out from the crowd?

AUTHOR

Brenda Dooley is an Executive & Leadership Coach with a wide range of corporate clients in all industry sectors. She also provides career and interview coaching services for private individuals in career transition. She may be contacted at www.brendadooley.ie

Conferring and Graduation Ceremony 2018 at Griffith College Cork

The graduation ceremony for the students who had completed the course of study for the diploma in legal studies took place on Thursday 22nd November 2018 in the Honan Chapel of Griffith College Campus, Wellington Road, Cork.

This course is a one-year full time or two-year part time course and is fully validated by our organisation the Irish Institute of Legal Executives.

The President of Griffith College and other notables attended and the calibre of those graduating was apparent which would bode well for the future of our profession and given the current discussion underway concerning statutory position and expansion of capabilities and responsibilities of Legal Executives in Ireland.

The occasion was celebrated by Graduates, with of course also their families and friends, representatives of the validating bodies as already noted as well as Griffith College Staff and local representatives already noted.

You may wish to note also that I, a Cork member of IIlEX attended as representative of our organisation in the place of our President Deirdre Butler who was perforce detained at another event in Dublin on the evening.

Members might like to note the various faculties graduating at the ceremony:

LAW:
Diploma in Legal Studies and Practice (QQI) and LLB (Hons) in Irish Law (QQI)

BUSINESS:
BA (Hons) in Accounting and Finance (QQI);
BA (Hons) in Business Studies (QQI);
BA in Business Studies (QQI); Diploma in Business Management (ICM);
Diploma in Human Resource Management (ICM);
Diploma in Marketing Management (ICM);
Diploma and Certificate in Online Marketing and Digital Strategy (ICM);
Certificate in SME Management (QQI).

COMPUTING:
Higher Diploma in Science and Computing (QQI)
Higher Diploma in Science and Web Development (QQI)

JOURNALISM & MEDIA:
BA in Journalism (QQI)
Diploma in Digital Communications for Enterprise (QQI)
Centre for promoting academic Excellence:
Certificate in Training and Education (QQI)

Once again, this year, the entire Ceremony was memorable and very professionally organised.

A warm thank you should be extended to Professor Diarmuid Hegarty President of Griffith College who as always carried out his academic role at the graduation ceremony with dignity and gravitas. This in fact brings to mind a personal memory at my own graduation ceremony some years ago when Professor Hegarty spoke in fluent Mandarin when speaking to the attendees.

I also note and commend the international make-up of the student body. As a historian will tell us great civilisations grew from the currents of ideas and technologies ebbing and flowing across borders. I personally find appealing the ethos and general tenor of the college.

A warm thanks should also of course be extended to the College staff for the very kind invitation and hospitality extended to Directors of the Irish Institute of Legal Executives. As always, it is indeed an honour and pleasure to share this special occasion with Graduates, families and friends and staff alike.

Peter Folley MIILEx
Irish Institute of Legal Executives

Seated front row from Left; -Tomás MacEochagáin – Head of Academic Programmes in Griffith College, Marcus Gotta Programme Leader LLB (HONS) Irish Law Griffith College, Dublin, Jenni Cashman – Programmes Leader, Law Faculty, Cork, Cllr Des Cahill - Deputy Lord Mayor, Cork City, Professor Diarmaid Hegarty- President of Griffith College, Peter Folley IILEX Cork Representative, Noel Daly Deputy Head of Griffith College, Cork.
Standing back row from Left; - Graduates of the Diploma in Legal Studies and Practice (QQ1 Level 7 Special Purpose Award).

Anti Money-Laundering Legislation and its Implications for Solicitors

There are three pieces of domestic legislation dealing with money laundering (and terrorist financing):

1. The Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010 ("the 2010 Act")
2. The Criminal Justice (Amendment) Act, 2013 ("the 2013 Act")
3. The Criminal Justice (Money Laundering and Terrorist Financing) Act, 2018 ("the 2018 Act")

The purpose of these Acts is to transpose EU anti money-laundering Directives into domestic legislation.

For solicitors, who fall within the definition of "designated persons" contained in Section 24(1) of the 2010 Act, the legislation has major regulatory implications, not merely in terms of complying with Law Society requirements but also in terms of an obligation in certain circumstances to report a client's activities to, and to co-operate with, An Garda Siochana and/or the Revenue Commissioners. Under the Acts failure to comply with the relevant provisions constitute offences the commission of which can result in a fine and/or a term of imprisonment.

In essence, the objective of the legislation is to ensure that the true identity of parties involved in defined transactions and the source of funds used in relation to such transactions is known.

The legislation does not define money-laundering, but Section 24 (1) of the 2010 Act provides as follows:

" A person commits an offence if –

(a) The person engages in any one or more of the following acts in relation to property that is the proceeds of criminal conduct:

(i) concealing or disguising the true nature, source, location, disposition, movement or ownership of the property, or any rights relating to the property;

(ii) converting, transferring, handling, acquiring, possessing or using the property;

(iii) removing the property from, or bringing the property into, the State; and

(b) the person knows or believes (or is reckless as to whether or not) the property is the proceeds of criminal conduct.

The definition of "property" is very broad and includes choses in action and incorporeal property as well as the more obvious forms such as land, buildings and money.

It is in the area of providing services to clients where solicitors, among others, need to be careful. However, not all services are affected by the legislation; Section 24 (1) of the 2010 Act sets out the services which are regulated. It stipulates that:

"relevant independent legal professional" means a barrister, solicitor or notary who carries out any of the following services:

(a) the provision of assistance in the planning or execution of transactions for clients concerning any of the following:

(i) buying or selling land or business entities;

(ii) managing the money, securities or other assets of clients;

(iii) opening or managing bank, savings or securities accounts;

(iv) organising contributions necessary for the creation, operation or management of companies;

(v) creating, operating or managing trusts, companies or similar structures or arrangements;

(b) acting for or on behalf of clients in financial transactions or transactions relating to land.

If a service provided does not fall within the above categories, the legislation does not apply.

It ought always to be borne in mind that only property which is the proceeds of criminal activity is affected by the legislation.

Criminal conduct is conduct which is either (a) conduct that constitutes an offence or (b) conduct occurring outside the State which constitutes an offence under the law of the place where it occurs and would constitute an offence were it to occur within the State.

The 2010 Act, in Section 6, provides that "Proceeds of criminal conduct" is any property which is derived from or obtained through criminal conduct whether directly or indirectly, or in whole or in part.

"Proceeds of criminal conduct" is any property that is derived from or obtained through criminal conduct whether directly or indirectly, or in whole or in part, and whether that criminal conduct occurs before, on or after the commencement of this Part (2 of the 2010 Act).

It is apparent from Section 7 (1) of the 2010 Act that ignorance of the fact that property is the proceeds of criminal conduct may not be a defence to a charge of having acted contrary to that Section. The use of the word "reckless" clearly indicates that some degree of enquiry may be needed.

Anti-money laundering legislation has been introduced to comply with EU Directives designed to reduce the risk of money laundering and terrorist financing and, insofar as is possible, to detect such activities. For this reason, the legislation imposes obligations on solicitors, among others, to carry out due diligence in relation to customers or clients to whom they have been requested to provide services of the type set out in Section 24 (1) of the 2010 Act and referred to above.

"Risk assessment" is fundamental to the obligations placed on solicitors under the legislation and will determine the type of Customer Due Diligence ("CDD") which ought to be carried out.

Risk assessment is, as the term suggests, an assessment of the level of risk that a particular service provided might involve or constitute money laundering (or terrorist financing). It is mandatory that every service of the nature described in Section 24 (1) of the 2010 Act be the subject of documented risk assessment which must be kept on the relevant file. It is also advisable to keep notes on each risk assessment in the CDD file. The notes need not be comprehensive but ought to be sufficiently detailed to show what factors were taken into account when making the assessment.

There are three levels of CDD:

(1) Simplified CDD;

(2) Standard CDD;

(3) Enhanced CDD.

The Law Society has published an excellent guideline on AML (Anti-Money Laundering). It provides detailed information not only on the relevant legislation but also, for example, on what should be taken into account when carrying out risk assessment and the type of CDD appropriate to the particular service to be provided. It is available on-line and ought to be read in detail.

Section 42 of the 2010 Act (as amended) provides that a solicitor, among others, has an obligation to report suspicious transactions:

A designated person [e.g. a solicitor] who knows, suspects or has reasonable grounds to suspect, on the basis of information obtained in the course of carrying on business as a designated person, that another person has been or is engaged in an offence of money laundering or terrorist financing shall report to FIU Ireland [Financial Intelligence Unit, Ireland] and the Revenue Commissioners that knowledge or suspicion or those reasonable grounds.

In Hussain – v – Chang Fook Kam, a decision of the UK Privy Council, it was held that "suspicion in its ordinary meaning is a state of conjecture or surmise where proof is lacking: "I suspect but I cannot prove." Suspicion arises at or near the starting point of an investigation of which the obtaining of prima facia proof is at the end"

In another UK case involving alleged money laundering it was held that "suspicion" in the context of a Suspicious Activity Report was more than a vague feeling of unease and involved thinking that there was a possibility which is more than fanciful, that the relevant facts exist.

Failure to comply with the obligation to report a suspicious transaction constitutes an offence for which a person may be charged and, if convicted, fined and/or given a term of imprisonment.

If the matter is subject to legal privilege, the obligation does not apply. However, legal privilege does not apply to information received from or obtained in relation to a client with the intention of furthering a criminal purpose.

As mentioned earlier, one of the purposes of the anti-money laundering (and terrorist financing) legislation is to detect such activities; another is to create greater transparency in respect of the beneficial owners of corporate entities. A consequence of this is the requirement that a central register of beneficial ownership ("RBO") be maintained by each Member State in respect of corporate entities registered in its jurisdiction. The Companies Registration Office is the designated register. Details of what is required of corporate entities are to be found in S. I. 110 of 2019. The relevance of this S. I. for solicitors and their clients is that the registered addresses of such entities are frequently the offices of their solicitors.

The obligations of solicitors (and others) under anti-money laundering legislation is onerous and will undoubtedly become even more so.

Most clients are aware of the existence of such legislation and will accept that it places a duty on solicitors providing the types of services governed by it. It should be explained to them that you are obliged to make certain enquiries and obtain particular documentary evidence (as warranted by the particular circumstances) and not suggesting any lack of honesty or integrity on their part. If a client seems reluctant or refuses to satisfy your requirements for the purpose of discharging your legal obligations, you are best advised to refuse to act.

George McGrath, Solicitor

Social Media and the Workplace - Negotiating A Legal Minefield

John Eardly

Social networking sites, such as Facebook, Linked In and Twitter, have become an indispensable part of modern business. Legally, however, they pose significant challenges for many employers and firms. This article will review this vital area of practice in light of case law in Ireland in recent years.[1]

Access to the internet has greatly developed in recent years and technology now makes access easy and supervision hard. In the past, internet and email facilities at work were normally accessed through fixed computer installations which were the property of an employer. Today, social networking sites are often accessed remotely through personal devices, particularly mobile phones. Employees are also often allowed to use their personal mobile phones for work in a policy known as BYOD ("Bring Your Own Device").

This blurring of the distinction between personal and work-related internet devices makes it difficult to monitor the unauthorised use of social media. Under-performance by staff and loss of productivity are among the results. Social networking has also blurred the line between public and private communication. Social media sites thrive on a culture of communication that is at once intimate but also public. This is not new.

However, what makes social media sites so attractive is also what makes them so dangerous. It is the speed and scale of the exposure they offer. Those who contribute to these sites are accustomed to revealing personal information over a large public forum. Their working lives are no exception. The effect of this behaviour on a business can be staggering. Confidential or commercially sensitive information may be leaked into the public domain. Customers or management may be subjected to online gossip or criticism. Staff may suffer cyber-bullying or harassment. Brand image may be damaged by association with unsuitable online profiles.

Today, questions of work-life balance involve cyber-identity and the online lives of employees outside work. Already, social media screening of candidates is increasingly common during recruitment. The coming years are likely to see more cases where the purely personal lives of staff collide with the business interests of employers. Another emerging problem is the ownership of social media accounts. Employees with a direct relationship with customers and clients often use their social media accounts to reinforce customer/client relationships. This may also be encouraged by employers. However, in many workplaces, the ownership of information and contacts held on personal accounts is unclear and may be disputed later when an employee leaves.

Therefore, given these legal difficulties, how should employers deal with social media?

Employees should be warned to keep personal and work-related social media activities separate. Issues of confidentiality relating to the business must be explained as well as the ownership of social media accounts. Employees should be informed that they are personally responsible for what they post online and they must use privacy settings and lock devices on their computers and phones. Employers must consider the amount of social media access they want for their staff at work and whether personal mobile phones can be used for this purpose.

To this end, every employer should have a Social Media Policy based on actual business needs. This Policy should be kept under review as technology develops. It should also be built into the contract of employment of every employee from day one. The Policy should have user-friendly language covering the use of social media sites both during and outside of work. The Policy should refer to other relevant workplace Policies such as the Anti-Bullying, Equality and Disciplinary Policies.

However, having a Policy in itself is not enough. In order to penalise someone who has broken the rules, an employer needs hard evidence that the employee knew the rules in the first place. Employers must communicate the Social Media Policy to management and staff. Proof should be retained that this communication was received and understood by all. The Policy must also apply fairly to everyone in the business.

Any systems for monitoring staff must be transparent and proportionate. A common pitfall for employers is where double standards operate. However, the obligations in this area are not all one-way. Employees also have a number of legal duties to their employers. For example, employees have a duty to follow all reasonable instructions of their employer. They also have a duty to act in good faith and to maintain trust and confidence. The abuse of social networking sites is clearly covered by these duties. However, an employer will always need evidence to back up his actions against staff. Once an employer can show that his actions were reasonable, this often satisfies the law. However, what is considered reasonable is sometimes a moveable feast.

And the problem remains that many employers are not even aware of the legal minefield that social networking creates. Therefore, the best way for employers to protect themselves is to have a good Social Media Policy backed up with well written contracts of employment. Ignorance of the law is no excuse.

John Eardly, BL, Programme Director,
Faculty of Law Griffith College, Dublin.

"Bio

John Eardly is Programme Director of the Full- Time and Part-Time LLB (Hons) Programme in Griffith College Ireland. After qualifying as a barrister in 2000, John practised in the area of civil law and developed a specialization in the area of Employment Law. He is widely published and a guest speaker at professional practice conferences, including the annual Irish Employment Law Updates conference for the Association of International Accountants."

[1] *McCamley v Dublin Bus [2016] 27 ELR 81; Bank of Ireland -v- Reilly [2015] IEHC 241*

That's Not My Ending!

By Sharon Morrissey Conflict Resolution.

When the Mediation Act was enacted in 2017 and signed into law, it was an exceptionally exciting time in "mediation life" in Ireland.

I have witnessed first-hand the struggle that mediators before me endured to get this act to the government's office and have it placed on the table for negotiations and renegotiations until it was completed and passed into law.

WHAT IMPACT DID THIS HAVE ON FAMILY MEDIATION?
I was thrilled to see within the Mediation Act that although family mediation is not specifically mentioned, all solicitors had to advise clients to attend mediation and give clients basic information around it. This, in my personal view, could only be a good thing. However, after the Mediation Act was enacted, I noticed a significant drop in my referral base. As is my self-reflective reaction, I looked at my practice to see if anything had changed. Nothing seemed different, so I spoke with other colleagues and they had noticed the same. This was intriguing to me, as I wholeheartedly believed this act would translate into more family cases coming to mediation not less.

In late 2018, I was speaking with a good solicitor friend of mine, and I asked her to explain this to me. She was very blunt and exceptionally clear (which is my preferred method of communication). She said that yes, she advises clients to go to mediation, but with the outline, "It's my job to advise you to go to mediation, so these are three numbers; however, in my view, it rarely works."

I was shocked but thankful to now have this valuable piece of information.

When I reflected on this, I had to remember that divorce really is just over20 years old in Ireland, so in the scheme of things, it is still relatively new. Back then, the divorce referendum was barely passed, so logically, the first port of call in those days was the solicitor. The latest referendum has filled me with hope that mind-sets are changing and we have proven time and time again that we are a little country and very open to change. Perhaps now we will begin to see that mediation brings with it the benefits of individual and creative settlements, the benefits of being in control of outcomes and the benefits of reducing the impact of conflict on the children of the marriage/partnership. I am a family mediator, and I have spent my life working with children and seeing the impact relationship breakdown has on them. Being able to support families to put their children's needs in front of their own anger and loss is very important. It is my role to support and to facilitate parents to do that.

As stated previously, I am a private family mediator. It is my belief that when a family breaks down and there are children involved, it is necessary for a real, honest and "give mediation a try" attitude to become the norm in our country, not the exception. This needs to come from several avenues, from media and educational sources, from our judicial system and from people being honest and real about how mediation has worked for them.

I have written a book called That's Not My Ending! It is a book about relationship breakdown from the point of view of the children involved. This book will be a resource to our children, our parents and our judicial system. As a mediator, I am committed to supporting and facilitating the best family mediated agreements that will allow communication skills to improve so the family that once was can continue in a different guise.

About the Author:
Sharon Morrissey is one of Ireland's leading experts and training consultants in mediation and conflict resolution. Sharon's role in family mediation provides a dignified and humane way of resolving disputes and helping parties to reach an agreement that is workable and sustainable.

Sharon has lectured in Conflict Coaching and Family Mediation at St Angela's College, Sligo and the Law Society of Ireland. She has worked in the community and voluntary sector for over 20 years, most recently as a Project Worker with Barnardos Family Support Project, Limerick for over eight years. Sharon has represented the interests of the child on numerous Boards of Management and Childcare Committees.

Sharon has an in-depth and practical working knowledge of the impact of loss through bereavement, separation and divorce on children of all ages. Sharon has facilitated Parenting Groups and has a profound interest in how the knowledge of self positively impacts those closest to us in difficult times.

"In the middle of difficulty, lies opportunity" – A. Einstein

Sharon can be contacted via her website www.sharonmorrisseyconflictresolution.ie; Facebook, LinkedIn and Instagram.

Sharon is a biological mom to two girls, foster mom to one girl and step mom to two boys. Sharon practices full time as a Family Mediator. Sharon's hobbies include reading, writing, photography and spending time with family.

SOLUTIONS AS INDIVIDUAL AS YOU

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MEDIATION AND CONFLICT RESOLUTION
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Caught on Camera

Standing left to right: Deirdre Butler, President of IILEX and officials of the Property Registration Authority - (PRA)
Seated at right hand side: Veronica Duffy, Vice-President of IILEX, Frank Crummy, Fellow and (Hon.) Life Member of IILEX, Mary C. Foley, Director of Membership of IILEX and two other attendees.
Seated at left hand side: Lydia Mullane Director of Events at IILEX.

From left :- Siobhan Mc Donald (Secretary) of the Irish Institute of Legal Executives, Eileen Moloney, Head of Marketing Brightwater Recruitment Specialists, Mairead Dixon (Treasurer) of the Irish Institute of Legal Executives and Sorcha Corcoran, Consultant, Legal Division, Brightwater Recruitment Specialists.
Students of the Diploma in Legal Studies and Practice are featured in the audience.

TRAVELERS

IRISH LAW AWARDS 2019

The Irish Law Awards was held in the Clayton Hotel, Burlington Road, on Friday 14th June 2019. The Black Tie event was hosted by Ivan Yates. The main sponsor of this year's event was Travelers Insurance Designated Activity Company.

These Awards are in their 8th year and identify and celebrate outstanding achievements by those dedicated to the Irish Legal Profession.

The Irish Institute of Legal Executives (IILEX) are honoured to be included in these Awards as dedicated professionals in the Legal Sector.

The evening was a tremendous success. We are pleased to announce and congratulate Deirdre O'Donovan from McCarthy & Co Solicitors as winner of Legal Executive of the Year 2019.

It was an honour to be in attendance with my colleagues and fellow Directors Deborah Walsh Chairperson Eka Chuks IT Director and Gabriel Canning Director representing the Irish Institute of Legal Executives (IILEX). On behalf of the Irish Institute of Legal Executives (IILEX) I would like to take this opportunity to congratulate all Winners and nominees who paricipated in the prestigious Irish Law Awards 2019 and continued success to all who dedicate themselves to making the Irish Legal Profession successful.

Deirdre Butler
President
Irish Institute of Legal Executives (IILEx)

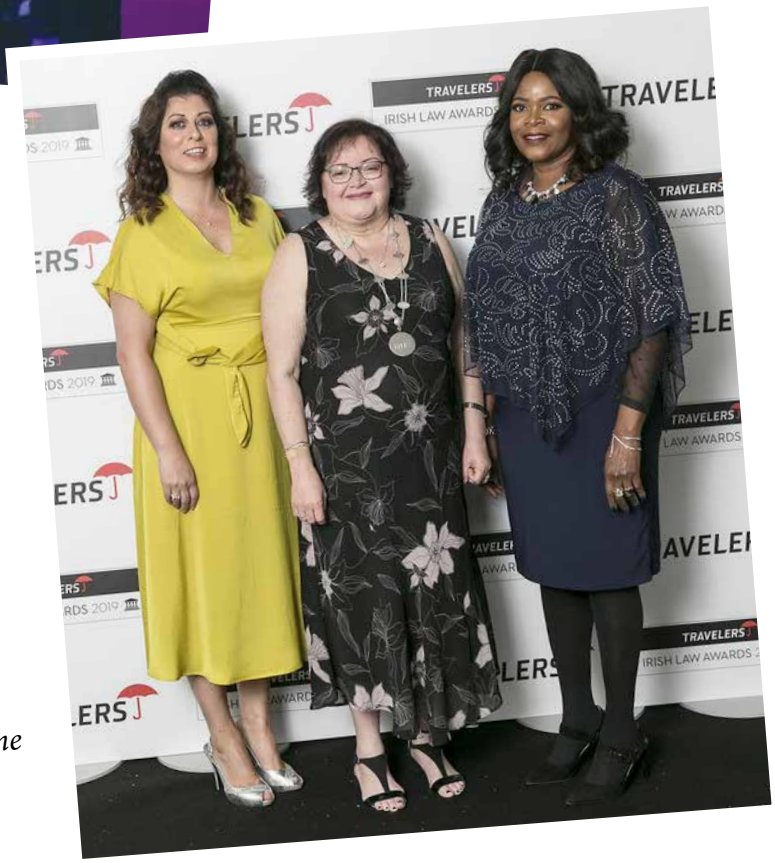
Deirdre O'Donovan recipient of Best Legal Executive 2019

Deirdre O' Donovan, Winner with Ivan Yates Presenter and National Media Broadcaster at the Travelers Irish Law Awards 2019

Deborah Walsh Chairperson, ILEX, Ivan Yates, Presenter of the Travelers Irish Law Awards 2019 and National Broadcaster and Deirdre Butler President - IILEX

Deirdre Walsh, Chairperson, Deirdre O' Donovan winner of the Legal Executive of the Year 2019, Deirdre Butler President and Eka Chucks IT Director– IILEX

Eka Chucks IT Director IILEX, Ivan Yates, Presenter of the Travelers Irish Law Awards 2019 and National Media Broadcaster and Deirdre Butler - President of IILEX



Deborah Walsh, Chairperson, Deirdre Butler President, Eka Chucks IT Director – IILEX at the Travelers Irish Law Awards 2019

Creating, Securing and Promoting Your Website

By Pat Hughes
Digital Marketing/IT Specialist
www.thehostingpool.com

The importance of an online presence

It goes without saying that in a modern economy, regardless of your company or your profession, you will need an online presence.

This online presence normally manifests itself in a website as a means of communicating with your present or potential customers.

As a web design and hosting company we have, at thehostingpool.com , created many websites over our 18-year history, including the one we currently designed host & support for ilex.ie

We have received many questions from clients as to what creating and managing an online presence means - in fact some of the questions keep reoccurring.

So, we have decided to provide answers to these questions in a best practice article that will hopefully assist you if you already have a website or are considering starting one.

Creating

Why is Navigation Important?

The legal profession is like most other professions in the digital world in that content needs to be created that attracts users to a site in the hope that these users will ultimately be converted into customers.

The challenge with online is you have a much shorter window of time to retain users on your site before their attention wanders elsewhere.

Thus, when designing a website, usability should be your number 1 consideration.

You'll want to make the experience of moving around your site as easy as possible.

Menus should be clutter free and there should be clear navigation paths to the goals you want your users to achieve.

Your goals could include downloading a brochure, complete a contact form, calling a telephone number. Whatever it is, you'll want to make sure that the architecture of your site facilitates rather than hinders these objectives.

If users are leaving your site without fulfilling these actions, then the design and setup of your website is failing.

Top Tip

You should also test how the navigation of your site behaves on mobile phone screen and tablets. Remember, today people check their phones and mobile devices even more than desktop PC's

Why should I have a website at all?

In one word CREDIBILITY. If a company or business does not have a website it can raises suspicions in people's minds about the legitimacy of the operation.

People will want to know if you are listed on Google Maps? Do you have a physical address? Have other people used your services? Can you be contacted by telephone? Are there links to a social platform like LinkedIn from your website and so on?

What sort of information do people want to find out about my business?

Your website should provide a snapshot of what your legal practice can do for potential clients.

Employing legal services is not like ordering pizza. The person who employs you will carry out a significant amount of research online before they can implicitly trust you to represent them. Your website, if comprehensive, should be able to provide them with all the reassurance they need.

That is why the About Page, on so many websites, is one of the most visited pages by users. On this page you can lay out the types of cases you have worked on, your specialist areas of knowledge, your experience, and the skills and expertise of your staff.

Social proof for clients is also very important. Testimonials and reviews form the main basis of this evidence and should be highly visible.

People always come to me through word of mouth. Why do I need a website?

People may come to you through word of mouth, but the numbers now expecting companies to have website when they start searching for products and services is increasing year on year.

In the modern world it is all to do with expectation. The fact is, even if you decide not to have an online presence, your competitors probably have and that could be where your potential client ultimately decides to go.

Security

Once you have created your website you will want to ensure it is secured against cybercrime.

What can we define as cybercrime? Cybercrime is any form of online activity that is designed to access and steal data from a website.

Common types of cybercrime are:

- **PHISHING ATTACKS**
- **RANSOMWARE**

Let's take a look at each of these in turn

Phishing attacks normally take the form of an email purporting to be from a legitimate source. The mailer then proceeds to request credit card details, or asks the recipient to respond with sensitive information, or instructs the receiver to click a link that activates a virus onto the recipient's machine.

Ransomware attacks normally spring of the back of a phishing attack.

When an email is opened the user is asked to activate an infected attachment which hijacks specific access data files within the computer meaning the user has to pay the sender a ransom in order to get access back into their own computer

How to Secure Your Website

ADJUST YOUR PASSWORDS

With passwords it is important that you include a mix of upper and lower case letters, special characters and numbers. Don't include your football team, GAA county, date of birth or anything that hackers would find easy to break.

Don't use the same password across your computer network. If this is guessed by hackers then they will have access to all your systems.

Try to ensure your password is longer than 10 characters. Shorter passwords are easier to crack

Add A Security Socket Layer (SSL) to your website

If you want to add an extra layer of protection to your website then you must ensure it has a HTTPS protocol installed.

This protocol allows users to communicate securely with your website without any communications being compromised.

You will know if you have this standard by checking the address bar of your browser. If you can see https://, then you have the protocol installed.

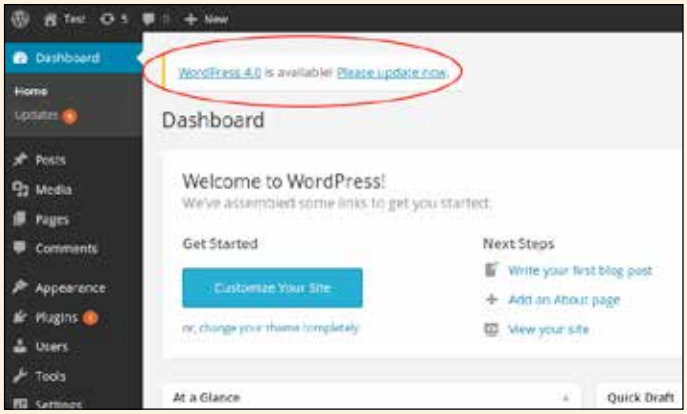
(All thehostingpool clients have Auto SSL installed by default)

Update Your Settings

It is important to update the settings on your PC as automated bots are always looking at opportunities of installing malicious scripts on to web pages in order gain access to a website's backend settings.

A firewall should be the very minimum line of defence against these types of attacks. Also, if you run on a CMS (Content Management System) platform like WordPress then it is important to make sure all plugins, that provide a site with its functionality, are updated regularly.

For example in WordPress, when you see the red circles in your dashboard you must go to the plugin section and update them. Outdated plugins leave holes for bots to exploit.



Backup your Computer

Away from the website, make sure you back up your computers. This way at least if you are attacked and information comprised you can at least go back to an early version of your files.

Promotion = SEO

SEO for the legal profession

Once you have created and secured your website from threats, the next thing to do is to promote it to your potential customers

This is where SEO (Search Engine Optimisation) comes in.

It is now an accepted fact that if you want your business to be found online you must aim to rank in the Top 10 of Google.

Google is the world's largest search engine and is the first online port of call for people when they go searching for products or services.
SEO is not an easy subject to understand as Google constantly keeps changing their ranking algorithm. However, the following key principles remain constant.

You must carry out comprehensive keyword research. These are the keywords people use to find your business. Do not use single words as the competition for these will be too high.

For example, the word "Solicitor" would be a very competitive keyword to rank for in the Top 10 of Google. It would be better to focus in on 'solicitors specialising in divorce' as you will be targeting a much narrower niche with less competition.

Also, look out also for keywords with serious intent. For example, the keyword phrase 'I am going to sue a services company' means those searchers are most certainly considering employing the services of a solicitor to represent them.

There are a number of tools you can use to research keywords, some paid for and some free, but the main one we use at thehostingpool.com is the **Google Keyword Planner.** This is a free tool that gets its data directly from the Google search engine.

Once you have sourced your keywords, how do you incorporate them into website? Well the main way is to build **keyword optimised content.**

Each of your website pages should carry with it keywords targeting specific services.

So for example Page 1 **Personal Injury,** Page 2 **Divorce Cases,** Page 3 **Conveyancing Services** and so on.

These pages should contain the keyword you wish to rank for.

Blogging is another great way to push your website further up the rankings. Google has a freshness ranking signal that tells it your updating your site with posts on a regular basis. The post you create should also contain the keywords you wish to attract customers for.

You can also get a longer shelf life from a blog post as you can encourage people to share them out to social media sites, or link to a high authority site and encourage a link back.
If you would like more information about how we build, maintain and promote websites please call Tel: 01 230 3645 or connect with me at the links below

Many thanks

Pat Hughes

Digital Marketing/IT Specialist
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Left in The Dark: The Non-Inclusivity of Rape Law in Ireland

INTRODUCTION

Despite this serious harm suffered by victims of rape, Ireland's current position with regards to the law in this area is that only a man can commit such an offence. Such an approach is outdated, non-inclusive and does not serve to vindicate the rights of victims outside its narrow definition. Rape legislation in Ireland has evolved slowly and incrementally. Until the Criminal Law (Rape) (Amendment) Act 1990 a man could legally rape his wife as she had provided unconditional consent within her wedding vows to sexual intercourse.[1] The Marriage (Equality) Act 2015 recognised same sex marriage, and afforded with its marital rights, obligations and protections to all citizens. The failure to properly recognise gender and sexual protection of every individual encapsulated in rape laws does not reflect the current social climate which is now fixed within society. O'Malley has commented that the current laws relating to sexual assaults are "a legislative maze, with countless amendments and substitutions rendering this important area of law anything but accessible". [2]

GENDER & HETERONORMATIVE ISSUES:

Rape is a manifestation of domination over a victim.[3] In Ireland this is whereby "a man commits rape if he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and at the time he knows she does not consent to the intercourse or he is reckless as to whether she does or does not consent to it."[4] Section 4 rape as introduced by the 1990 Act includes the provision of including penetration however slight of the anus or mouth by the penis,[5] or penetration of the vagina by any object held or manipulated by another person.[6] However legal protection is not specifically granted to men and does not consider trans persons.

The specific wording of the acts emphasise that it is a man who commits rape unto a woman. The provision of only vaginal rape occurring through an object other than a penis does not include the same protection if anal penetration was inflicted in similar circumstances. Rape by same sex female couples would only be recognised if such non-consensual penetration were inflicted by an object, rather than through digital penetration. This is not inclusive, nor reflective of sexual intimacy which is accepted in society.[7] Equality issues arise, which are further incompatible with Ireland's duties as an EU member state,[8] and also the Irish Constitution.[9]

SECTION 4 RAPE

Some scope has been implemented in recognising anal rape, however it is not given equal placement in terms of the hierarchy of recognition of severity of offence by the current legislation. Issue arises with the classification of 'sexual act', originally categorised under the Criminal Law (Rape) (Amendment) Act 1990,[10] to include the penetration of the anus or mouth, however slight.[11] This section has been since amended by the Criminal Law (Sexual Offences) Act 2017 which imports the outdated "buggery" description.[12] This further detaches the reality of current sexual acts and language. It alienates those who may have suffered such crimes, and transports the operation of the charge to a period where buggery was illegal. Furthermore, by using supplemental legislation[13] in addition to the primary rape law legislation[14] permeates acknowledgement of heteronormative vaginal rape as primary.[15]

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1 *S. 5 Criminal Law (Rape) (Amendment) Act 1990. This step in gender equality was necessary and has been the largest legislative reform of the area of gender within rape or sexual assaults laws in Ireland.*

2 *Sarah Bardon, 'Rape trials to be scrutinised by independent assessor', Irish Times, 9th August 2018*

3 *Masiya v Director of Public Prosecutions (Pretoria) and Others, 2007 (8) BCLR 827 (CC)*

4 *S. 2 Criminal Law (Rape) Act, 1981*

5 *S. 4 (a) The Criminal Law (Rape) Acts, 1981 and 1990*

6 *S. 4 (b) Ibid.*

7 *This also is relevant in considering the failure to acknowledge any individuals outside of traditional gender roles of "men" and "women". The implication it seems, in conjunction with the definition of sexual intercourse, is that this legislation only applies to biological men and women.*

8 *Article 2 of the European Union Treaty on the Functioning of the European Union proscribes fundamental freedoms: human dignity, democracy, equality, the rule of law and human rights.*

9 *Article 40.1 Bunreacht nA Eireann*

10 *S. 9 (6) Ibid.*

11 *Continued:" (b) an act described in section 3(1) or 4(1) of this Act, or*
(c) an act which if done without consent would constitute a sexual assault;
'sexual intercourse' shall be construed in accordance with section 1(2) of the Principal Act.".

12 *S. 48 Criminal Law (Sexual Offences) Act 2017*

13 *Ibid.*

14 *The Criminal Law (Rape) Act, 1981*

15 *This is not in line with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 which aids in establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA "(9) Crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health."*

The Dublin Rape Crisis Centre reported that 25% of its callers in 2017 were made by men in distress.[16] This is supported by the Crime Statistics Office's report which concludes that almost twenty percent of reported sexual assaults were by male complainants.[17] The DRCC have expressed satisfaction with the level of reporting detail that this document provides.[18] The report categorises the sex of the victim, the victim's age bracket and the period between the crime and the complaint by the victim to the police. Whilst this is progressive, such reporting limits detailed insight to be gathered as to the true position of sexual violence crimes in Ireland. It is obvious from this data that a percentage of men are reporting sexual violence incidents of which they are victims, however no further assessment can be given.[19]

CROSS-JURISDICTIONAL COMPARISONS

The United Kingdom and Northern Ireland both have gender specific rape laws.[20] Other jurisdictions however such as Australia endorse a genderless approach and focus on penetration of genitalia by a wide range of apparatus. Further is the inclusion of aggravating factors such as prohibition of inciting or compelling parties to participate in the sexual violence, including onlookers. The New South Wales approach has an elevated and more serious charge of 'aggravated sexual assault' which is akin to Irelands rape offence, attaches a higher penalty when factors such as causing injury, use of a weapon, entrapping the victim, the victim's age or mental impairments and also any position of authority the accused may have had over the victim are in action at the time of the offence. What Ireland classifies as sexual assaults are classified as 'indecent assault' and include any other sexual offence which does not constitute rape. The Australian approach is far more inclusive than that of Ireland's current position. Tasmania has been hailed as the most progressive rape legislators, and dismantled gender specific laws in their Criminal Code Act 1924. This denotes that "any person who has sexual intercourse without the consent of the other person is guilty of rape.[21]"

CONCLUSION

Rape is not like any other crime. It occurs often behind closed doors, with little evidence other than the two parties involved to support or defend such an accusation. To exclude female same sex rape and rape of males by females is not inclusive and reflective of the reality that such crimes are committed. Consideration is not given at all to trans persons in the 1981 & 1990 Acts at all. Inclusive legislation is needed to protect all the citizens in this jurisdiction. Rape is not a crime that is exclusive to one gender and it's within the interests of justice to finally acknowledge those who we have left for so long in the dark.

Siobhan Clabby, MIILEX - LLB (Hons) in Law -
(now studying at the King's Inns)

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[16] *Dublin Rape Crisis Centre, Annual Report 2017*

[17] *See Tables 1-4 taken from Central Statistics Office, Recorded Crime Victims 2018*

[18] *Noeline Blackwell CEO of the Dublin Rape Crisis Centre commented: "What's different about this is the level of detail we're given from the CSO. I don't ever recall statistics that broke figures down to this extent – we would only know there were so many offences recorded." The Journal, "More than 2,270 women reported a rape or sexual assault to Gardaí last year" 17th April 2019, https://www.thejournal.ie/cso-data-homicides-sexual-offences-ireland-4596509Apr2019/*

[19] *There is no basis to assess what percentages of these men have suffered rapes.*

[20] *United Kingdom: Sexual Offences Act 2003. Northern Ireland: The Sexual Offences (Northern Ireland) Order 2008*

[21] *S.185 Criminal Code Act 1924*

Directors attending AGM 2019 in Cork

Court Litigation (Personal Injuries) Costs and Cost Differential Orders

Over the past year and before there has been substantive media coverage concerning issues such as fraudulent and exaggerated personal injury claims, the workings of the Oireachtas Finance Committee, the efforts of Mr Michael D'Arcy T.D., the Minister for State in charge of insurance reform and the more recent discontinuance by Ms Maria Bailey T.D of her personal injury claim against the Dean Hotel arising from her fall from a swing inside the venue.

Plaintiff personal injury litigation colleagues will likely have noticed, over the past year and half, an increase in Defence personal injury litigation colleagues' warning letters similar in content as set out below:

"Dear Sirs
Please note in the event your client proceeding in the "Circuit Court / High Court" (as each case may be) and ultimately recovering damages within the jurisdiction of the lower Court, we shall rely on, inter alia, on the provisions of the Courts Act, 1981, as amended by the Courts Act 1991, for the purpose of first limiting your Client's costs to those of which would be applicable to a "District Court / Circuit Court" action (as each case may be), and second calling upon your Client to discharge any excessive costs which our Client incurred in or about defending these proceedings in "Circuit Court / High Court" (as each case may be)as opposed to the "District Court / Circuit Court" (as each case may be), in other words, those extra costs incurred by the Defendant as a consequence of your Client proceeding in the "Circuit Court / High Court" (as each case may be).
Yours faithfully"

Plaintiff personal injury litigants, together with their Solicitor and Counsel, taking into account medical report evidence and whatever Personal Injuries Assessment Board (PIAB) formal assessment may have been made and declined, need to take extra care when deciding which Court jurisdiction to issue their Personal Injuries Summons from given a relatively recent increased emphasis on Court litigation costs.

From 3 February 2014 and pursuant to the Courts and Civil Law (Miscellaneous Provisions) Act, 2013, the maximum monetary jurisdiction a Judge of the District Court may award compensation sums to personal injury claimants is €15,000.00. The maximum monetary jurisdiction a Judge of the Circuit Court may award compensation sums to personal injury plaintiffs, subject to the provisions of section 20 of the Courts of Justice Act, 1936 (as substituted by section 16 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013, is €60,000.00. A Judge of the Superior Courts, sitting in the High Court, has an unlimited monetary jurisdiction post €60,000.00, to award compensation sums to personal injury plaintiffs.

Law students when reading about negligence, and in particular personal injury cases, should note a claimant / plaintiff when successful in their claim is awarded monetary sums under a category called General Damages and are also awarded monetary sums under a category called Special Damages. General Damages attempt to compensate a claimant in monetary terms for the *"pain & suffering"* element they endured when they sustained their injuries due to a defendant's negligence.

Special Damages, may include in a Schedule of Special Damages, a claim for reimbursement for "net" loss of earnings (if a plaintiff is deemed, by way of medical evidence, as unfit to work for a period of time arising from their injuries sustained due to a Defendant's negligence) and reimbursement for medical, pharmacy or physiotherapy, travel and miscellaneous expenses incurred relevant to the injuries sustained.

Generally, when a personal injuries claimant / plaintiff settles *"on a without prejudice"* basis their claim against a respondent / defendant, or multiple respondents / defendants or succeeds in their personal injury case at a full hearing before a Judge at trial in Court, the standard rule is *"costs follow the event"*. This means – the losing party discharges the Court litigation costs incurred by the successful party.

Law students should be aware that some cases settle *"on a without prejudice"* basis and may conclude on an *"all-in"* settlement or may settle on the basis the claimant / plaintiff Court litigation costs will, *"without prejudice to Taxation"* be discharged by the respondent / defendant.

An *"all-in"* settlement means the claimant / plaintiff Court litigation costs such as Court outlays, expert report fees and professional fees, owing and due to his or her solicitor, barrister, medical and engineering experts and other experts such a vocational assessor, an accountant or an actuary are deducted from their overall "full & final" settlement. The defendant or defendant's insurer does not discharge these costs in this instance.

Law students should also distinguish between what is known as "Solicitor – Own Client" costs and Court litigation costs. Law students should note that a personal injury plaintiff is also likely to owe their Solicitor what is known as "Solicitor – Own Client" costs. These costs are not reimbursed by self-insured legal entities or insurers.

Clients when instructing a Solicitors' practice, up to 7 October 2019 and the signing by the Minister for Justice, of a Commencement Order concerning various provisions of the Legal Services Regulation Act, 2015, would have received from their Solicitors' practice what was known as a "Section 68" letter, pursuant to section 68 of the Solicitors (Amendment) Act, 1994. A "section 68" letter from a Solicitors' practice addressed to a client formally set out how the Solicitors' practice would provide its professional services, the nature of the instruction and the costs of their professional services and outlays. The former "section 68" letter is replaced by a "Section 150 Notice" pursuant to section 150 of the Legal Services Regulation Act, 2015.

While the extent of Court litigation costs is no doubt a pertinent issue for plaintiff personal injury claimants when their case concludes on an "all-in" settlement, for the main purpose of this article, the issue is irrelevant.

Court litigation costs are a significant issue for self-insured legal entities and insurers when a personal injury plaintiff succeeds at a full hearing at trial in Court or when a claim is *"without prejudice"* settled on a plus plaintiff Court litigation costs basis.

In a "plus plaintiff Court litigation" costs scenario, self-insured legal entities or insurers finance the sums paid out for General Damages, Special Damages, the plaintiff's agreed Court litigation costs and their own legal costs for Solicitors, Counsel and expert reports.

Court litigation costs known as "Party Party costs" tend in a majority of cases, on the production of a "Bill of Costs" document, to be negotiated, "without prejudice to taxation" between the plaintiff's Solicitors and the defendant/s Solicitors thereby obviating the need to refer the issue to a Legal Costs Accountant. A Legal Costs Accountant is a specialist who, having reviewed the full file, prepares a formal, itemised and detailed "Bill of Costs" booklet. This booklet is used for negotiation and for the purpose of a hearing before a County Registrar or who was formally known as the Taxing Master of the High Court. The Office of the Taxing Master of the High Court is pursuant to section 139 of the Legal Services Regulation Act, 2015 tilted the Chief Office of the Legal Costs Adjudicators.

Pursuant to sections 141 (2) & (5) of the Legal Services Regulation Act, 2015, each County Registrar will need to keep a register of taxation determinations and shall report annually to the Chief Legal Costs Adjudicator providing a summary of the information contained in the register of taxation determinations.

Court litigation costs when running a personal injury case in the High Court, particularly for plaintiff litigants if the case is listed for trial at one of the provincial High Courts (Cork, Limerick, Waterford / Kilkenny, Galway, Sligo or Dundalk), are more extensive than running a case at trial in the Circuit Court.

In the High Court there is a need to instruct Senior Counsel together with Junior Counsel, and when one is a plaintiff litigant sometimes there is a need to instruct two Senior Counsels when running a case at trial in one of the provincial High Courts. There is also a need to have medical experts available on stand-by and / or to attend at the High Court, as compared to the Circuit Court, as well as a need for other experts to attend the Court to give evidence.

There are more significant Rules of the Superior Courts and procedural requirements such as the production, scheduling and exchange of what is known as the SI 391 / 1998 Schedule of Witnesses, Expert Witnesses and Expert Witnesses and having same settled by Senior Counsel.

An area the mainstream print and television media have not made a lot of noise about, and which plaintiff litigation personal injury colleagues will have noticed, is the significant Court of Appeal decision ([2018] IECA 240) of Peart J, with Hogan and Baker J.J concurring, when delivering their Judgment on 24 July 2018 in the similar Appeals of Jibrain Moin v Veronica Sicika (2017 / 498P) and John O'Malley v David McEvoy (2017 / 429P).

The Court of Appeal decision is having an impact when it comes to the issue of a Personal Injuries Summons and whether to issue from the District Court, the Circuit Court or the High Court. The issue in these Appeals was based upon the provisions of sections 17 (5) of the Courts Act, 1981 (as amended by substitution by section 14 of the Courts Act, 1991) which provides as follows: -

"(5) (a) Where an Order is made by a Court in favour of the Plaintiff or Applicant in any proceedings (not being an Appeal) and the Court is not the lowest Court having jurisdiction to make an Order granting the relief the subject of the Order, the Judge concerned may, if in all the circumstances thinks it appropriate to do so, make an Order for the payment to the Defendant or Respondent in the proceedings by the Plaintiff or Applicant of an amount not exceeding whichever of the following the Judge considers appropriate

(i) The amount, measured by the Judge, of the additional costs as between Party and Party incurred in the proceedings by the Defendant or Respondent by reason of the fact that the proceedings were not commenced and determined in the said lower Court or

(ii) An amount equal to the difference between –

(i) The amount of the costs as between Party and Party incurred in the proceedings by the Defendant or Respondent as taxed by a Taxing Master of the High Court or, if the proceedings were heard and determined in the Circuit Court, the appropriate County Registrar, and

(ii) The amount of the costs as between Party and Party incurred in the proceedings by the Defendant or Respondent by a Taxing Master of the High Court or, if the proceedings were heard and determined in the Circuit Court, the appropriate County Registrar on a scale he considers would have been appropriate if the proceedings had been heard and determined in the said lowest Court.

(b) A person who has been awarded costs under paragraph (a) of this subsection may, without prejudice to his right to recover the costs from the person against whom they were awarded, set off the whole or part thereof against any costs in the proceedings concerned awarded to the latter person against the first-mentioned person."[1]

Generally, up to the Judgment delivered by the Court of Appeal on 24 July 2018, a practice developed, notwithstanding the provisions of section 17 (5) of the Courts Act 1981 (as amended by substitution by section 14 of the Courts Act, 1991), that if a personal injury plaintiff claim, which issued in the High Court, *"without prejudice"* settled on a plus Court litigation costs basis or was fully run at a hearing at trial in Court and concluded in the plaintiff's favour, but was settled or concluded for a monetary sum below the High Court monetary jurisdiction, it was likely depending on the nature of the case that the defendant self-insured or insurer, would discharge the plaintiff's Court litigation costs on the Circuit Court scale with a certificate for Senior Counsel, without seeking a deduction from the plaintiff for the defendant incurring its own significant and extra costs defending and / or fully running the case in the High Court.

When a plaintiff succeeds in their claim in the High Court but the Judge awards a sum for General Damages and Special Damages below €60,000.00, the defendant may on application to the Court seek an Order to allow for the plaintiff to reimburse, as such, the defendant for its extra Court litigation costs defending and / or fully running the case in the High Court as opposed to defending and / or fully running it in the Circuit Court.

This is the purpose of the various section 17 provisions of the Courts Act 1981 (as amended by the Courts Act, 1991). The issue is known as applying for a Costs Differential Order.

The plaintiffs in these joint Appeal cases received awards of damages at the mid to higher end of the Circuit Court jurisdiction but well below the start of the High Court jurisdiction. The plaintiff, Jibrain Moin, was a passenger in a motor-vehicle involved in a road traffic collision who sustained soft tissue injuries, was awarded in the High Court for General Damages and Specials the total sum of €41,305.00, with the Circuit Court jurisdiction at the time being €60,000.00. The Judge in the case of the plaintiff, John O'Malley, made an Order for an award of damages, to include Specials, the sum of €34,808.00.

The Defence Solicitor in the case of Jabrain Moin, eleven months prior to the date of trial by way of letter wrote to his Solicitor, when issuing Notice for Particulars to indicate his client intended to seek a Costs Differential Order at the conclusion of the proceedings on the basis of having to defend the case in the incorrect High Court jurisdiction. In the case of John O'Malley, the Defence Solicitor wrote to his Solicitor fifteen months prior to trial date to indicate that his client intended to seek a Costs Differential Order indicating and warning that the case was issued in the wrong jurisdiction.

The appellants, Veronica Sicika and David McEvoy, argued in the Court of Appeal, that the respective High Court trial Judges fell into error by not allowing a Costs Differential Orders, despite each being asked to do so after an award of damages was made.

The Court of Appeal opined that the relevant provisions of section 17 (5) of the Courts Act 1981 (as amended by substitution by section 14 of the Courts Act, 1991), are clear. The legislation gives two options available to a trial Judge wherein an award of damages is within the jurisdiction of a lower Court.

Under section 5 (a) – the trial Judge measures a sum which he or she considers to be the difference between the costs actually incurred by the Defendant and those that would have incurred had the proceedings issued in the appropriate Court jurisdiction. It would be a matter for the trial Judge's knowledge to measure that difference in any particular case. The Court opined that option *(a) "has an attractive simplicity if it is possible to fairly make such a measure".* The Court of Appeal decision in the case of Landers v Dixon {2015] IECA 155 made clear however that *"the Judge must have some evidential or other objectively defensible basis for the manner in which costs are measured".* Judge Gerard Hogan opined that there may however be simple and straightforward cases

where the trial Judge will have a personal knowledge of the sums likely to be allowed in straightforward cases of the type before the Court. An advantage to option (a) is that it avoids a time delay and more importantly the incurring of additional costs involved in bringing a Taxation case, which is required under option (b).

Under section 5 (b) – the trial Judge does not make any measurement for the cost difference as between running a case in a Court of higher jurisdiction when on the basis of the Court award it should have been run in a Court of lower jurisdiction. As from 7 October 2019 that is the role of a Legal Costs Adjudicator, who will deal with taxing costs on two bases. In the first instance, the Legal Cost Adjudicator taxes the Court litigation costs incurred in the Court of higher jurisdiction where the Court award was ordered and second taxes the Court litigation costs, on a hypothetical basis that had the proceedings being run in the Court of lower jurisdiction, therefore enabling the Legal Cost Adjudicator determine on a taxed basis the difference between the two sums, to which the Defendant/s will be entitled to reimbursement.

Whether option (a) or option (b) is utilised what is known as a "set off" is allowed, i.e. the Defendant/s is reimbursed the extra costs of running a case in a Court of higher jurisdiction when it should have been run in a Court of lower jurisdiction.

The Court of Appeal in these joint Appeal cases, in its Judgment, the parties having already highlighted to the Court, the cases of *O'Connor v Bus Atha Cliath / Dublin Bus* [2013] 4 I.R 459 and *Sivickis* v *The Governor of Castlerea Prison and Others* {2016} 3 I.R., set out the legislative purpose of section 17 (5) of the Courts Act 1981 (as amended by substitution by section 14 of the Courts Act, 1991).

It should be remembered that a trial Judge, where an award for damages is ordered within the Court of a lower jurisdiction and the respondents / defendants make an application to the trial Judge for a Costs Differential Order, has a discretion under the provisions of section 17 (5) as to whether to make such an Order, as what occurred in the High Court case of *Jibrain Moin v Veronica Sicika* (2017 / 498P). The trial Judge in this case opined that the Plaintiff was decent, honest and genuine. The trial Judge indicated that:

"The other significant factor, in this case, I think, is that whether you like it or not, especially with a back injury, his Solicitor would have been negligent, in my view, in starting in the Circuit Court. Why? How on earth can a Solicitor take the risk of saying to him, "definitively it's Circuit Court" with a back injury?"

The Court of Appeal, utilising the previous Judgments of the former Chief Justice John Murray and the late Mr Justice Adrian Hardiman in the case of *O'Connor v Bus Atha Cliath / Dublin Bus* and a previous Judgment by Mr Justice Brian McCracken in the case of *Mangan v Independent Newspapers (Ireland) Limited* [2003] 1 I.R 448, placed an emphasis on the trial Judge's discretion as to whether to make a Costs Differential Order but also strongly emphasised that in exercising his or her discretion the trial Judge must take into account the legislative purpose of section 17 (5) of the Courts Act 1981 (as amended by substitution by section 14 of the Courts Act, 1991).

The former Chief Justice John Murray in the case of O'Connor v Bus Atha Cliath / Dublin Bus stated *"it is clearly in the public interest that claims are in principle brought before the lowest Court having jurisdiction to hear and determine the claim with a view to the proper and efficient administration of justice and for the purpose of minimising the cost of litigation generally and in particular for the parties. There is therefore an onus on a plaintiff to bring the proceedings before the Court having the appropriate jurisdiction ……. An unsuccessful defendant should not be wantonly burdened with the costs of defending a claim in the higher Court when it could reasonably have been brought in the lower Court." The late Mr Justice Adrian Hardiman in the same case described the section as "a disincentive to the taking of an action in a higher Court than is necessary".*

The Court of Appeal in the similar Appeals of Jibrain Moin v Veronica Sicika (2017 / 498P) and John O'Malley v David McEvoy (2017 / 429P) held that *"there has been a clear error in principle by the respective trial Judges by not having had proper regard to the relevant considerations."*

Where a personal injury case is issued by the High Court / Central Office and it transpires during the course of the pleadings or a change in medical evidence or on receipt of a warning letter from a defendant Solicitors indicating that it is proposed to seek a Costs Differential Order, an application to the High Court may be made to seek an Order, pursuant to section 26 of the Courts of Justice Act 1924 and / or Order 49, Rule 7 of the Rules of the Superior Courts, to remit the case to the Circuit Court.

If the Defendant formally consents to the application, the Master of the High Court has jurisdiction under the Courts of Justice Act 1953 and Order 63 of the Rules of the Superior Courts to remit the proceedings. The Notice of Motion application must be filed in the Central Office as being returnable (listed for hearing) on the Monday common law motion list before a Judge of the Superior Courts in the event the Defence does not consent to the application. The issue of the Defendant consenting to such an application revolves around the provisions of section 20 of the Courts of Justice Act, 1936 (as substituted by section 16 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013, which allows for the Circuit Court to have an unlimited jurisdiction to take account of "borderline" cases as between the High Court and the Circuit Court. The Defence Solicitor is unlikely to obtain instructions from his or her client/s to consent to such an application to remit to the Circuit Court unless the plaintiff formally indicates that he or she will seek an award of damages limited to the jurisdiction of the Circuit Court.

Where a personal injury case is issued from Dublin Circuit Court civil office or one of the seven provincial Circuit Court civil offices and it transpires during the course of the pleadings and a change in medical evidence that the case should be run in the High Court, the plaintiff may make an application to the County Registrar by way of Notice of Motion and Grounding Affidavit exhibiting his or her medico-legal report evidence, to seek an Order to transfer his or her case to the High Court.

Obviously – all pre-trial Court applications by way of Notice of Motion and Grounding Affidavit whether for seeking Orders for Judgment in Default of Defence, dismissing the Plaintiff's claim for want of prosecution, seeking Orders for discovery or a failure to comply with an Order for discovery or in the High Court seeking an Order for failure to comply with the statutory SI 391 / 1998 requirements or seeking an Order to remit a case to a Court of lower jurisdiction or to seek an Order to transfer a case to a Court of higher jurisdiction, each application involves extra Court litigation costs and delay.

While rightly there is on-going, and has been, substantive media coverage concerning issues such as fraudulent and exaggerated personal injury claims and in particular the cost of litigation, the writer suggests that, notwithstanding the Competition and Consumer Protection Commission probe into the increasing levels of public liability insurance premiums and also the European Commission's competition probe into Insurance Ireland and whether it restricts access to its Insurance Link database system and whether same may restrict competition in breach of EU rules, and whatever the outcome of these regulatory competition probes in reducing personal injury costs, the Courts and Civil Law (Miscellaneous Provisions) Act, 2013 in the changing of the District Court, Circuit Court and High Court monetary jurisdictions together with the Judgment of the Court of Appeal decision ([2018] IECA 240) of Peart J, with Hogan and Baker J.J concurring, when delivering their Judgment on 24 July 2018 in the similar Appeals of Jibrain Moin v Veronica Sicika (2017 / 498P) and John O'Malley v David McEvoy (2017 / 429P) has, and will continue to have, a big impact in reducing the overall cost of personal injury litigation.

Author
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Caught on Camera

Patrick Devaney Auditor delivering the Financial Report at the IILEX AGM in Cork - 2019.

Jonathan Lynam Partner in Murphy Lynam Solicitors giving a talk at the IILEX AGM in Cork - 2019.

Directors of IILEX., Speaker Jonathan Lynam Partner at Murphy Lynam Solicitors and other attendees at IILEX AGM in Cork – 2019

Directors of IILEX, Speaker Jonathan Lynam Partner at Murphy Lynam Solicitors and other attendees at IILEX AGM in Cork - 2019.

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