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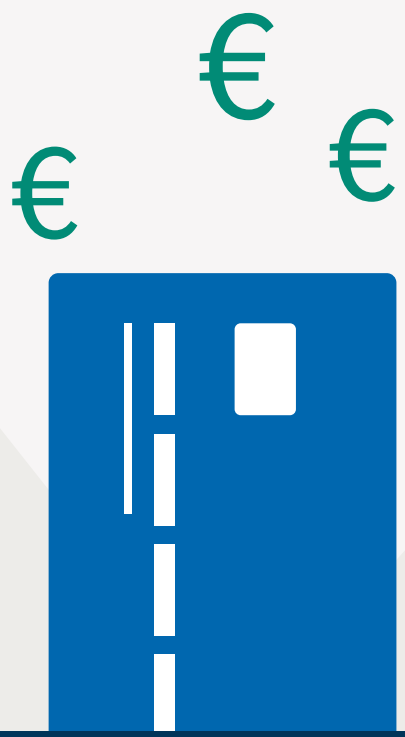

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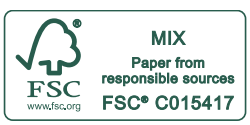

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FEATURES

REGULARS

On your behalf

The Law Society has been working hard to advocate and engage with policymakers and key stakeholders on issues of concern for the profession. Here's an update.

Housing and conveyancing

The Law Society has consistently communicated the need for modernising the process around the buying and selling of property, given its complicated nature and the delays encountered by sellers and buyers.

In June, the Law Society made a submission, at the invitation of the Joint Committee on Justice, on the *Seller's Legal Pack for Property Buyers Bill 2021*, following an earlier submission in September 2023. While we agree with the objectives of the bill – which seeks to improve the conveyancing process – we highlighted a few significant unintended consequences that could, in practice, add to consumer costs, increase delays, and make it less efficient. The Law Society's director general, Mark Garrett, and the chair of the Conveyancing Committee, Eleanor McKiernan, were invited to go before the joint committee on 2 July to discuss the proposed legislation.

The Conveyancing Committee also met with the Decision Support Service (DSS) in June on conveyancing-related matters when an order or agreement has been registered. A practice note on this issue will be released shortly. Other matters that the committee is dealing with, and which are resulting in an increased level of queries, relate to Tailte Éireann; lenders and difficulties in taking up title deeds from loan servicing providers; difficulties in procuring discharges for redeemed loans that have transferred from exiting lenders; and recent guidance on the roads and services request process.

Enduring power of attorney

I have heard from many solicitors that the enduring power of attorney application process is not working for you or your clients. The Law Society highlighted the pitfalls in the EPA process in its submissions on the amending legislation, and we continue to engage with the DSS and the Department of Children, Equality, Disability, Integration and Youth on the ongoing issues. We welcome the decision of the DSS in April to temporarily defer the withdrawal of the paper-based process for people who are being advised by a solicitor (or any professional), but the process for registering these arrangements is still complicated and poses accessibility barriers.

We also welcome the commitment from Minister of State Anne Rabbitte that the DSS will provide an expanded and dedicated helpdesk function as a priority to address these concerns. However, there is still no dedicated means by which a solicitor or other professional advisor can access the DSS portal on behalf of a client, and other legislation pitfalls we have identified have not yet been addressed.

Two recent Law Society webinars with the profession discussed the current processes and heard about practical difficulties that you have encountered. We are continuing to engage constructively with the DSS to share examples of solicitor experiences that highlight the challenges that you and your clients are facing, so we can find better solutions.

Family courts reform

We all know that improving and reforming the current system of family justice in Ireland is needed, and the Law Society welcomes the broad intention of the *Family Courts Bill 2022* to do just that. However, to ensure a better family justice system for children, families, and survivors of domestic violence, amendments to the bill are urgently required. This is an opinion shared by other legal groups and NGOs we have been collaborating with, comprising Clinical Assessors in Family Law Ireland CLG, the Cork Family Lawyers Association, the Dublin Solicitors Bar Association, One Family, Rape Crisis Network Ireland, Safe Ireland, Treoir, and Women's Aid.

Working together as a group, we are asking the Minister for Justice to look again at changes to the bill and are actively seeking a meeting to discuss our concerns so that we can achieve the common goal of a fair and just system for all.

LAW SOCIETY OF IRELAND

> WE ARE ACTIVELY SEEKING TO ACHIEVE THE COMMON GOAL OF A FAIR AND JUST SYSTEM FOR ALL

BARRY MacCARTHY,
PRESIDENT

THE BIG PICTURE

HERE COMES THE SUMMER

July 20 will mark the 50th anniversary of the 'women's invasion' of the Forty Foot, which had been an exclusively male preserve up until then. Here we see both sexes taking advantage of the rare oul' times to cool off on June 19

PIC: EAMONN FARRELL / ROLLINGNEWS.IE

Dublin Run in the sun in May

Almost 1,500 runners took part in the 26th annual Calcutta Run, The Legal Fundraiser, on Saturday 25 May 2024. The event aims to raise €350,000 for its partner charities, The Hope Foundation and the Dublin Simon Community, which aid the poor and homeless in Kolkata and Dublin

Winners of the Mens' 10km race: Karl Fitzmaurice (*first place, centre*) with Barry McEvoy (*left, third place*) and Sean Noble (*right, second place*)

Flossie Donnelly

Winners of the Womens' 6km race: Katie Nugent of Hayes (*first place, left*) and Denise Fox from K&L Gates (*second place, right*)

Winners of the Womens' 10km race: Jennifer O'Sullivan (second place) from Volkswagen, with Karla Doran (first place) from Mason Hayes and Curran, and Jen Preston (third place) from Matheson

PICS: JASON CLARKE

Mark Garrett, Law Society director general

Winner of the Mens' 6km race, Patrick Conlon (*centre*) of Addleshaw Goddard, with Koffi Kpoglo of Sanctuary Runners and Stephen Hurley of META

Law Society President Barry MacCarthy

Winner of the Womens' 6km race, Katie Nugent of Hayes

Rusty the dog (*centre*)

Run, Leeside, run! Calcutta Run hits Cork

PICS: CIAN REDMOND

For the public good

Pictured at the *Pro Bono* Ireland event on 13 June at Blackhall Place, 'The Irish *pro bono* ecosystem', were *(back)* Ailish Barry, Demetra Herdes, Junaid Abdulkarim, and Coralie Ithere; *(front)* Chris Hind, Michael Nugent, Sarah McGowan, and Robbie Sinnot

Carolann Minnock and Edel Finn

PICS: CIAN REDMOND

Junaid Abdulkarim and Coralie Ithere

Law Society President Barry MacCarthy

May days for Ireland for Law in the US

Gavin Smith, partner, DLA Piper, speaking at an event at the DLA offices in Wilmington, Delaware, hosting the recent Ireland for Law delegation

Catherine Dowling, partner, ByrneWallace, was the key speaker at an event on life sciences (pictured here with Rossa Fanning, Attorney General of Ireland, and Kelley Smith SC, Bar of Ireland)

Mark Garrett (Law Society director general), Kevin Kent (Clark Hill) and Kelley Smith SC at the Ireland for Law reception at the offices of Clark Hill, Philadelphia

Street Law mock trial at the CCJ

PICS: CIAN REDMOND

Law Society team triumphs at Irish Law Awards

Aine Hynes SC accepts her Special Merit award

The Law Society's Dolores Maguire, Lisa Gelston and Amy McDonnell with Gillian Cregan (director of finance and operations)

The winning Dentons team

John Hogan of LegalBooks.ie presents the Law Book of the Year award to Keith Walsh SC and co-author Sonya Dixon

PICS: PAUL SHERWOOD

Heritage enforcement now includes jail time

New enforcement measures designed protect Ireland's archaeological heritage, including fines and prison sentences, are now in effect.

The *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* provides for fines of up to €10,000 and/or terms of imprisonment of up to three years for offences under the act.

The provisions allow for the establishment and maintenance of inventories of relevant items of archaeological interest, architectural heritage, and wrecks of archaeological or historic interest. This is designed to bolster the status of existing inventories recording sites of archaeological, historic and architectural interest, both on land and under the sea.

Crucially, this also ensures that legal protection is afforded to certain records or archaeological objects in the event that a person or company in possession of such records is no longer in a position to maintain them, which further strengthens existing practices.

Powers to support these measures include enforcement notices, which can be used as an alternative to, or to accompany, criminal proceedings.

When fully commenced, the act will replace the existing *National Monuments Acts 1930-2014*, and other related legislation.

Irish law 'uniquely placed' to meet US business needs

The fact that contracts made in Ireland are valid immediately across the EU, along with Ireland being English-speaking and that we use the common law system, makes us an ideal location for business to acquire legal services, *writes Dermot Ryan, Ireland for Law executive director*.

That was the message given by an Ireland for Law mission to Delaware, Pennsylvania, and Washington DC recently.

Led by President of the High Court Mr Justice David Barnville, the mission was joined by Attorney General Rossa Fanning for part of the trip.

The mission focused on telling the story of why Ireland is uniquely placed when it comes to providing legal services to the US legal fraternity and businesses. It was also used as an opportunity to learn from other jurisdictions as to how they marketed themselves as a location for business.

The Law Society's director general, Mark Garrett, said: "This is an important initiative to both build awareness of Ireland's legal services and also to understand how other countries and jurisdictions use the law as a driver of economic growth and employment."

High Court President Mr Justice David Barniville

The mission kicked off with a meeting with Delaware Secretary of State Jeff Bullock, and was also hosted by the Chancellor of the Delaware Court of Chancery, Kathaleen McCormack.

The chancellor also joined Mr Justice David Barnville at an event hosted by DLA Piper, at which a significant turnout of Wilmington-based lawyers and businesspeople attended to hear about the career of Judge McCormack in a conversation moderated by Kelley Smith SC. Gavin Smith from DLA Piper in Dublin was there to welcome the Irish delegation.

The three-day schedule ended with a reception hosted by Ambassador of Ireland to the US Geraldine Byrne Nason at her residence in Washington DC.

Established by the Minister for Justice in 2019, Ireland for Law promotes Irish law and Irish legal services to the international business community, particularly for commercial sectors where Ireland is already a world leader. IFL's implementation group includes the Attorney General, the President of the High Court, and representatives of the Bar of Ireland, the Law Society, and Departments of Justice, Finance, Foreign Affairs, and Enterprise, Trade and Employment.

More pictures of the event can be seen at lawsociety.ie/gallery-video.

Attorney General Rossa Fanning

Frank Clarke awarded Hibernian Law Medal

PICS: KARL HUSSEY

● Former Chief Justice Frank Clarke has been awarded the Hibernian Law Medal.

The event at the Law Society in Blackhall Place on 5 June was chaired by Chief Justice Donal O'Donnell.

Mr Justice Clarke said that, when he was called to the Bar in July 1973, there were just 12 judges in the superior courts – four ordinary judges of the Supreme Court, plus the chief justice, and six ordinary High Court judges and the president. There has since been a massive change, to a judicial cohort that now exceeds 80 – a sevenfold multiplication, he said.

A judge's job was also a lot more difficult now, Clarke said – the population had increased significantly to over five million, while types of work before the courts had also expanded hugely in range. "We now live in a more complex society, and we have much more complex laws than we had in 1973," he stated.

The change in the male/female balance of the profession was also highly visible, he said, given that there were just eight women barristers when he joined the Law Library in 1973.

However, other areas of diversity, such as the economic background of those entering the profession, also mattered, he added. And the racial diversity now present in Ireland was not yet reflected in the legal profession, as this would take time to filter through.

"You can't compare today's balance of ethnic diversity of the population with the judiciary of today, because they're not comparing like with like. Today's judiciary are people who would have qualified as lawyers probably somewhere between 1975 and 2000. It is the nature of our system that people are appointed in the latter stages of a legal career," he said. "It's not, in my view, correct to try and compare today's judiciary with today's balance of population."

Clarke added that he was one of a small minority who had benefitted from free education, and his fees at the King's Inns were paid by a scholarship from the Department of Education. Better access to third level should see more people from less advantaged backgrounds – including among the new Irish – get to the upper reaches of the legal profession, he said.

The former chief justice said that he had happy memories of his ongoing legal career and hoped that he had been able to make some contribution to the development of the law in Ireland. "Insofar as being awarded this Hibernian Law Medal is a recognition of the things that I have done, I am really proud and very happy to have the honour," he said.

CPD for the Capuchins

● The 13th annual Lawyers Against Homelessness lecture will take place on Thursday 11 July at the Capuchin Day Centre, Bow Street, Dublin, from 3.30-7.30pm.

Four in-person CPD points are available for attendance, and 100% of the proceeds will go to the Capuchin Day Centre for Homeless People. To date, the event has raised over €385,000, for the centre.

The topics are personal injury, commercial law and non-jury, and speakers include Mr Justice Seamus Noonan (Court of Appeal), Ms Justice Niamh Hyland (High Court), Joe O'Malley (partner, Hayes Solicitors), Megan Gilroy (senior associate, Arthur Cox), Padraig McCartan SC, Feichín McDonagh SC, Shane Murphy SC, and Nouchka Lotefa BL.

The fee is €120 (or €60 for practitioners in years one to five). For more information and to book, please contact Kate Reeves, c/o 5 Inns Court, Winetavern Street, Dublin 8.

Earlier nominations for Council election

Nominations will open for the 2024/25 Law Society of Ireland Council on Tuesday 20 August this year and will close on 10 September 2024. Like last year, the nominations and voting will be online only.

Get involved! As a Council member, you can play an important role in supporting and developing the future of the solicitors' profession. The greater the diversity of membership across different areas of law, experience, location, and practice type, the more relevant the representation on Council. So why not run?

Key dates:

- **20 August – nominations open online,**
- **10 September – nominations close at 5pm,**
- **26 September – closing date for sending in canvassing profile (up to 500 words),**
- **4 October – voting opens (login to lawsociety.ie to access our secure electronic voting system),**
- **17 October – voting closes at 5pm,**
- **7 November – election results at AGM.**

See further information at lawsociety.ie/councilelections and lawsociety.ie/council.

Law Society rooms scoop award

The Law Society scored a victory in this year's 2024 Dye and Durham Irish Law Awards when its Four Courts Consultation Rooms scooped the 'Service Provider to the Legal Profession' prize on 14 June.

The gala evening also saw Law Society Council member Keith Walsh SC honoured for his book on domestic violence, co-authored with Sonya Dixon, which won 'Legal Book of the Year'.

Law Society Council member Aine Hynes SC was honoured with a 'Special Merit Award' for her work in guiding the rollout of updated enduring powers of attorney. She said that it was a privilege to help the profession in this way.

Mr Justice Michael White was honoured with the 'Lifetime Achievement Award' and said it was a great feeling to have his 49-year contribution to the law validated by the honour.

The overall award for 'Law Firm of the Year' went to McCarthy & Co, Solicitors LLP, while Lanigan Clarke LLP won 'Civil Litigation Law Firm of the Year' and the 'Family Law Firm of the Year' award went to Dillon Solicitors LLP. 'Property Law Firm of the Year' was won by O'Connor O'Dea Binchy Solicitors LLP, 'Employment Law Firm' was O'Mara Geraghty McCourt, and 'Corporate/Commercial Law Team' went to Dentons Ireland.

PICS: PAUL SHERWOOD

The 'Personal Injury/Medical Negligence Law Firm of the Year' award went to HOMS Assist, while 'In-House (Non-Civil Service or Public Sector) Legal Team' was Kellanova (formerly Kellogg's). The 'Public Sector/Civil Service In-House Legal Team' award was won by the Chief State Solicitor's Office (justice and crime section). 'Probate Law Firm of the Year' was Lavelle Partners LLP, while the Irish Refugee Council won '*Pro Bono* Public/Community Law Firm of the Year'.

The 'Lawyer of the Year' overall winner was Aoife McCarthy (Douglas Law Solicitors LLP). 'Criminal Lawyer of the Year' was Pádraig Langsch. Ciarán Mulholland of Mulholland Law won 'Sole Practitioner of the Year'. Gemma Fuller was named 'Legal Executive of the Year', and Patrica Hickey (General Solicitor for Minors and Wards of Court) won 'Mental Health and Capacity Lawyer of the Year'.

Law Society celebrates lawyers' *pro bono* work

PICS: CIAN REDMOND

Law Society President Barry MacCarthy, director general Mark Garrett, and Mr Justice Liam Kennedy

● An event to mark *Pro Bono Week* at the Law Society on 13 June heard that such work can enable access to rights that have been denied.

Mr Justice Liam Kennedy told the gathering that change could only be enacted through a process of complaint followed by action. Bring legal challenges and be prepared to carry them through, he advised attendees, who included activists who made pitches to the lawyers present to back their causes on a *pro bono* basis.

Lawyers could take a strategic approach to change, using their knowledge and expertise, he continued. Knowledge was power, and lawyers had status in society and a privileged position to promote causes and create change.

The overwhelming majority of Law Society members chose to add to their practising certificate fee by voluntarily donating to *pro bono* endeavours at renewal time each year, Mr Justice Kennedy said.

Law Society President Barry MacCarthy said that *pro bono* work was a central part of the legal ecosystem and played an important role in supporting access to justice.

The Law Society's John Lunney explained the Street Law public legal-education initiative, from which trainees gained a huge amount. Street Law training had been delivered to 14 DEIS schools in recent months, and the programme had over 100 Law School applicants this academic year, he said.

"It's not just good experience; trainees get huge skills from it," Lunney stated. Street Law participants were more likely to do *pro bono* work in the future, he said, and a total of 400 trainees have now gone through it, he said.

PICS: CIAN REDMOND

Ireland rates well on perceived judicial independence

● A full 71% of people in Ireland rate the independence of courts and judges as either very good or fairly good, according to the 2024 EU Justice Scoreboard.

Just 18% said it was very bad or fairly bad — the seventh best ranking of all EU member states. The figures are slightly down on 2016, when 75% rated Ireland's judicial independence as fairly good or very good. The ranking is among the highest in Europe for public perceptions of judicial independence.

The EU Justice Scoreboard was launched in 2013 and is used by the European Commission to monitor justice reforms in member states. It is one of the tools in the EU's 'rule of law toolbox'. Věra Jourová (European Commission vice-president for values and transparency) said: "The latest EU Justice Scoreboard shows that our efforts to strengthen judicial independence across the EU are bearing fruit."

Remains database includes visual records

The Department of Justice has published a second report containing information on unidentified human remains provided by coroners around the country.

The first report was published last year, after the department asked coroners to return updated details of any unidentified remains for their districts as part of their annual statutory returns to the Minister for Justice.

For the first time, visual records – including facial images and visuals of items found with remains – have been included, where provided by coroners. Coroners were asked to include in their 2023 return visuals of any distinctive items, such as jewellery, clothing, or tattoos that were found with or on the unidentified remains.

It is hoped that the information may help in identifying remains. The database now contains details of 26 unidentified full remains, 20 unidentified partial remains, and 16 historical remains. The database can be found at www.coroners.ie.

Judge praises 'impressive' Law Society initiative


PICS: CIAN REDMOND

Ms Justice Elma Sheahan of the Circuit Court presided over this year's Law Society Street Law mock trial, which was held for the first time at Dublin's Criminal Courts of Justice on 10 June.

The judge commented afterwards on how "worthwhile and impressive" she found the Law Society programme, run by Mary Ann McDermott of the Regulation Department.

In *DPP v Goldilocks*, the defendant was charged with trespass, contrary to section 13 of the *Criminal Justice (Public Order) Act 1994*; assault causing harm, contrary to section 3 of the *Non-Fatal Offences Against the Person Act 1997* (as amended by section 20 of the *Criminal Justice (Miscellaneous Provisions) Act 2023*; theft, contrary to section 4 of the *Criminal Justice (Theft and Fraud Offences) Act 2001*; and criminal damage, contrary to section 4 of the *Criminal Damage Act 1991*. The argument could be made that there was also a burglary, contrary to section 12 of the *Criminal Justice (Theft and Fraud Offences) Act 2001*.

Ms Justice Sheahan gave instructions on the manner in which the 'barristers' could ask questions of children giving evidence, stressed that they could not ask leading questions or be harsh in their questioning, and explained that, where there were children giving evidence via video-link (as Baby Bear did), they should remove their wigs and gowns.

Shock verdict

While the judge initially sought a unanimous verdict, she accepted a 10 to 2 majority and Goldilocks was acquitted.

Ms Justice Sheahan thanked the jury (made up of Courts Service and Law Society staff) for their time, particularly giving up their lunch hour. Afterwards, the judge spent some time with the schoolgirls, explaining courtroom practice and encouraging them to consider law as a career in the future.

For more photos of the mock trial, see the p11 of this issue or go to lawsociety.ie/gallery-video.

Reboot your career with the Law Society's Returners Programme

● Participants in the Law Society Returners Programme have said they found their dream jobs after completing the training.

The programme is a service to assist members in rebooting, networking, and regaining confidence prior to returning to legal practice.

Karen Grenham took part in the Returners Programme from the US, in preparation for returning to Ireland to live and work. She says she found her ideal job in-house after participating in both the Returners and Women in Leadership Programmes offered by the Law Society.

Aisling Pierse

Aisling Pierse completed the 2022/23 Returners Programme, proceeded to a Diploma Centre course, and is now employed with Matheson. Pierse says that her self-assurance and confidence around returning to work after an absence of eight years spent raising four children grew markedly as a result of participation.

Those surveyed said that Law Society facilitator, Shane Farrell, was "so lovely to deal with. He has a gentle manner and brings out the best in people."

A participant said: "The course content was on point, relevant, interesting, and accessible. Shane himself is both interested and interesting. The group set-up leads to great support and encouragement from peers, which really helps, as does the sharing of experiences.

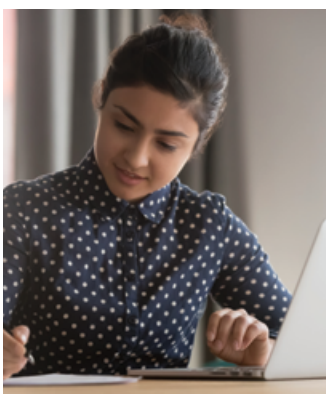
Karen Grenham

"Overall, this is a fantastic programme that exceeded expectations. It is a very progressive step for the Law Society to run such a course. It could run for a little longer, but that's merely a reflection of how good it is!"

Karen Grenham said: "I think this is an invaluable service for people like me returning to the workforce. We have so much to offer, and most of us just need that extra bit of support, encouragement, and guidance that Shane gives in bucketloads.

"It can be very overwhelming and difficult to know where to start when contemplating a return to work, and these programmes offer practical guidance and support, both for getting started and throughout your career. It is very innovative and proactive of the Law Society to run a programme like this – hopefully other organisations will take note and follow suit," she said.

The Returners Programme is one of the many solicitor services offered by the Law Society – find out more at lawsociety.ie/solicitor-services.



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

PROFESSIONAL LIVES

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

Don't take the hard days to heart

"So, Denise, what is it you do yourself?"

This is a question usually followed by a long, slow intake of breath and a fleeting moment when I'm tempted to concoct a mundane answer. But for the purposes of this exercise, best not. I've practised for almost 29 years in the area of child protection and welfare, and this is invariably met with "gosh, that must be tough".

It is. The adversity associated with the role manifests itself in so many ways: close quarters with grief and trauma; managing the space between the courts' expectations and those of your client; and sometimes the outcomes don't reflect the hope you had when a case started.

But, for me, the saving grace is that I've always been part of a team and, when things go wrong or someone has had a difficult encounter in court, a colleague will sit down and unpack that experience (expletives and tears permitted when necessary). Nine times out of ten, we tease out an issue – sometimes we don't, but the ventilation eases the pressure.

Advice to myself

If I had one piece of advice for my younger self, it would be not to take it to heart when things outside your control go awry. Too many nights losing sleep about problems you aren't responsible for is not good for the soul, and I do believe as practitioners we are evolving to become more aware of the stresses caused by a poorly crafted letter or email designed to assuage a client's anger or disappointment, but that instead increases the angst of the recipient.

A good few years back, I was engaged in regular correspondence with a colleague in Dublin. The mere sight of the headed notepaper would send me into a decline, and I found myself waiting until Friday evenings, pulling out the red pen and sifting through the pages of 'umbrage, disgust and outrage' in an attempt to distil that week's problem. A strategy no doubt designed to plunge the reader into despair and deplete any prospect of finding the sanctuary of common ground.

One should never underestimate the restorative power of a dark sense of humour. During COVID, I was asked by Foróige to do an online talk with some transition-year students about my career and the role of a solicitor. To prepare, I chatted with a colleague and asked her to recall any funny stories I could share with the group. After a brief trip down memory lane, we concluded that our stories were entirely inappropriate for the audience – most audiences, in fact.

Over the coming months, we'll be welcoming two new members to our modest team, and the advice will be: don't ruminate; pick up the phone or pop into a colleague at the end of the day before you turn for home; conduct your business with dignity, kindness, and courtesy, even to those who appear undeserving; and, lastly, try not to take the hard days to heart – they too will pass.

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

‘Hate crime’ bill requires significant changes

We would all benefit greatly from much more robust definitions of the crimes the *Incitement to Hatred Bill* establishes, argues Gary Daly

The rise in anti-refugee protests and the burning down of proposed direct provision centres underscore the pressing need for the *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill*. However, we would all benefit greatly from much more robust definitions of the crimes it establishes.

Having been personally involved in counter-demonstrations against anti-refugee protests, I am a first-hand witness to how recent events bear out the need for a toughening of Ireland’s laws. I also represent numerous clients in the international protection system, members of the Traveller Community, and members of the LGBTQI community.

The bill is designed to strengthen the law on the prohibition of incitement to violence or hatred on account of certain characteristics. It creates new aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against a protected characteristic.

The bill repeals the *Prohibition of Incitement to Hatred Act 1989*, which has been deemed ineffective in combating hate speech, in particular online hate speech, by multiple international human rights monitoring bodies, as well as the Irish Law Reform Commission.

The Law Society’s Human Rights and Equality Committee welcomes this much-needed legislation – but has pointed out its deficiencies.

The legislation must be clear of any ambiguity about what exactly constitutes unlawful material and behaviour.

The Law Society has outlined its concerns regarding ambiguity and unclear definitions and has made recommendations, particularly on the definition of ‘hatred’ under the section 2 of the bill: “*‘Hatred’ means hatred against a person or a group of persons in the State or elsewhere on account of their protected characteristics or any one of those characteristics.*”

The Law Society regards this definition as circular, and consequently the definition risks being simplified to ‘hatred is hatred’. The Law Society has reiterated the importance of clear definitions of key terms.

The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and other eminent bodies have proposed an alternative definition: “*‘Hatred’ is a state of mind characterised as intense and irrational emotions of opprobrium, enmity, and detestation towards the target group.*”

Without an adequate and robust definition of hatred, police forces cannot be expected to reliably recognise and consistently address hate crime when they are faced with it.

Definition of incitement

Neither the 1989 act nor the hate crime bill provide a definition of ‘incitement’.

The Law Society reiterates the importance of including robust definitions and supports the recommended definition of ‘incitement’ as provided by the Coalition Against Hate Crime – that is: “*‘Incitement’ means behaviour towards, or communications, that create a serious risk of discrimination, hostility or violence … on the basis of protected characteristics.*”

Section 10, on preparing or possessing material likely to incite violence or hatred, has attracted particular criticism. The language lacks certainty and precision, and risks ambiguity around the appropriate test to be applied.

According to the Coalition Against Hate Crime, the offence under section 10 may not meet the required threshold for criminal behaviour and may constitute a disproportionate interference with the right to private life, given that it does not require a clear intention of making the material public.

International standards are clear that the public element is a key requirement of an incitement offence.

Protected characteristics

The list of protected characteristics under the bill excludes a number of specific grounds, including socio-economic status, migration status (encapsulating refugees and asylum seekers), and age.

The exclusion of migration status from the list of protected characteristics is a glaring omission and could result in hate

speech towards refugees and asylum seekers falling outside the definition of offences under the bill.

Section 8 introduces a new list of protected characteristics, which excludes nationality and gender. The Law Society questions this omission and believes that the full list of protected characteristics under section 3 (which extends the protected characteristics defined under the 1989 act by including descent, gender, sexual characteristics, and disability) should also apply to the offence outlined under section 8.

Freedom of expression

There is no explicit mention of the right to freedom of expression in section 11 of the bill, despite multiple calls to ensure protection as guaranteed under the Irish Constitution and the ECHR.

It is important to note that the right to freedom of expression is not an absolute right, and there are circumstances where the State may legitimately restrict certain expressions.

Section 15 of the bill vests power to a District Court judge to issue a warrant in relation to suspected offences under section 7, 8 or 10.

The Law Society considers this section to be a significant expansion of garda search powers that risks interfering with the right to privacy and the constitutional right of inviolability of the dwelling, and stringent safeguards, such as not granting warrants to gardaí below the rank of superintendent, should be introduced. g

Gary Daly is a solicitor and member of the Law Society Human Rights and Equality Committee. Nadia Coyle, formerly of the Law Society and now of the Law Institute of Victoria, Australia, coauthored the original research for this article.

Hate speech law goes far beyond what EU requires

The proposed hate crime bill must be examined for how it will impact the expression of belief in the primacy of biological sex over that of gender identity, argues Laoise de Brún

The annual World Bar Conference, hosted in Belfast in May by the Bar of Ireland and the Bar of Northern Ireland, included a panel entitled 'Navigating the crossroads: cancel culture, free speech, and the right to offend'.

Johanna Cherry KC, a Scottish National Party MP, gave a powerful keynote speech on how women like her, who campaign to highlight the impact of trans rights on the rights of women, children, and LGB people, are targeted, threatened, harassed and cancelled.

She strongly rebutted the idea that this was 'just social media' and insisted it was systemic: women were losing their jobs and livelihoods for speaking out because of what she described as "wholesale institutional capture" of government and civic society by a gender ideology that frames any dissent as hate and bigotry.

Cherry told how police in Scotland had to deal with 7,000 complaints in the week after the enactment of hate speech legislation in that jurisdiction, forcing them to issue a statement that their ability to fulfil normal policing duties was impeded.

Context for planned laws

It was the EU's Council Framework Decision 2008/913/JHA, on combating certain forms and expressions of racism and xenophobia by means of criminal law, which gave rise to the requirement to enact hate crime legislation in this jurisdiction.

PICS SHUTTERSTOCK

THERE IS A LACK OF SYMMETRY AT THE HEART OF THE BILL, WHICH WILL ALLOW IT TO BE USED AS A TOOL OF HARASSMENT, BECAUSE 'HATE' IS NOT DEFINED, BUT ARISES FROM HOW MATERIAL OR WORDS ARE PERCEIVED BY A MEMBER OF A PROTECTED GROUP

This framework provides for the offence of publicly inciting to violence or hatred, directed against a group of persons or a member of such a group, defined by reference to race, religion, descent, or national and ethnic origin only.

If we compare that framework decision to Ireland's *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022*, we see how the latter goes far beyond what is required by the EU.

This is not mere transposition, but legislative activism, in my opinion.

Firstly, the directive does not provide for the lower threshold of 'demonstration' for an offence to be made out. Rather, it requires that consideration be given to enhanced sentences where an aggravated assault was motivated by hate.

The directive does not require the inclusion of gender or sex as protected categories and, lastly, it requires a balancing of the legislation with fundamental rights.

Legislators in this country agreed to introduce the novel 'demonstration test' and to include gender as a protected characteristic after lobbying by 22 non-governmental organisations.

Dissent

Gender-critical discourse is dissent from gender ideology. While it may be true that academia, the Oireachtas, NGOs, the public sector, and the media and tech industry seem to agree that 'trans women are women', it is also true that outside of this 'bubble' most ordinary people know that one cannot physically change sex.

Ordinary members of the public want to protect female-only sports, spaces, and services. They want them to remain separated based on sex, and not on gender identity.

The case of *M Forstater v CGD Europe* determined that discussion about the extent of trans rights is not, of itself, a violation of those rights.

Conflict of rights

A *bona fide* conversation needs to happen regarding the conflict of rights, but only proponents on one side of this argument are afforded protected characteristic status under the planned legislation.

There is a lack of symmetry at the heart of the bill, which will allow it to be used as a tool of harassment because 'hate' is not defined, but arises from how material or words are perceived by a member of a protected group.

I submit that this novel definition of gender is a further attempt to collapse the meaning of sex in law, in furtherance of trans-activist advocacy.

Senator Pauline O'Reilly of the Greens said the quiet part out loud in the Oireachtas debate when she stated that if "a person's views on other people's identities make their lives unsafe and insecure and cause them such deep discomfort that they cannot live in peace, our job as legislators is to restrict those freedoms for the common good."

This is a remarkable statement of legislative intent and a bold departure from EU jurisprudence, given that article 10 on freedom of expression in the *Irish Human Rights and Equality Commission Act 2014* includes "the right to offend, shock, disturb the State or any section of the population".

It seems that, far from feeling offended, shocked or disturbed, certain groups cannot now even be allowed to feel discomfort.

An offence under section 7 of the planned legislation is made out when someone who identifies as trans perceives 'hate'. And 'hate' is not defined. This signals a shift away from a legislative framework of equal rights, towards a hierarchy of rights. It risks criminalising ordinary majority-held opinions around sex and gender.

Laoise de Brún is a Dublin-based barrister and the founder and CEO of non-profit The Countess, which advocates for the rights of women, children and LGB young people.

This old house

A new bill seeking to provide for a mandatory 'seller's legal pack' is fraught with potential difficulties in terms of increased costs and inefficiencies, argues Lesley O'Neill

IT IS NOT UNREASONABLE TO EXPECT THAT SOME PROPOSED PURCHASERS WILL ENGAGE SOLICITORS TO REVIEW THE AGREEMENT FOR SALE AND THE SLP BEFORE A FORMAL OFFER IS EVEN MADE, WHICH WILL OF COURSE LEAD TO DELAYS AND ADD TO THE COSTS BORNE BY PURCHASERS

A private member's bill – the *Seller's Legal Pack for Property Buyers Bill 2021* – is presently before the Dail. It seeks to establish a statutory procedure whereby vendors would be obliged to provide a 'seller's legal pack' (SLP), which must be made available to prospective purchasers at the time of advertisement of a property, with the aim of ensuring that purchasers have all necessary legal information pertaining to the property at the outset.

The bill (at section 3.1) presently lists ten documents that vendors must provide and is supplemented by section 3.2, which lists a further 15 documents that the vendor can at his/her discretion provide.

Having regard to the compulsory nature of section 3.1, vendors would, going forward, be obliged to provide the following documentation contemporaneously with the property being placed on the open market:

1) Law Society conditions/ contracts of sale,
2) Certified copy of file and file plan or root of unregistered title,
3) Architect's certificate of compliance with planning permission,
4) Architect's certificate of compliance with building regulations,
5) Copy of all planning permissions and building regulations documents,
6) Receipts for financial conditions,
7) Letter confirming roads and services, or evidence of rights of way and wayleave, including rights of access to, over, or affecting the property interest, fishing rights etc,
8) Local property history details,
9) BER certificate and advisory report certificate of discharge or exemption from the Non-Principal Private Residence Charge,
10) Report summary on planning search, judgment search, compulsory purchase order search, bankruptcy search, sheriff and revenue sheriff search, Registry of Deeds search, and company search.

Critical requirement

While the proposals are not ostensibly thought to be dissimilar to the present auction regime, whereby vendors' agents routinely upload and disseminate an analogous form of legal pack, section 5 of the bill critically requires that the "documents included in the SLP must be dated no earlier than the date that falls one year before the first point of placing the property on the market for sale".

This will mean that vendors will be required to procure, at their own cost, up-to-date certificates of compliance with planning permission and building control legislation, for example, which goes much further than general condition 32 in the present iteration of the Law Society 2023 *General Conditions of Sale*.

Section 5 of the bill also mandates that vendors provide an up-to-date complement of searches – the costs of which, again, will be borne by the vendor in advance of placing the property for sale on the open market.

Practitioners will also note the absence of certain other critical documents in section 3.1, such as *MUD Act* replies and, indeed, replies to requisitions on title, which will prejudice a full investigation of title.

Section 3.1 requires the potential engagement of five professionals – including solicitors, BER assessors, architects, and law searchers – as well as requiring engagement with the local authority, Revenue and, where applicable, the funder, again up front and at the vendor's sole expense.

The 'up-front' SLP will not, however, be mandated where, for example, the sale comprises an open sale of mixed commercial and residential property, and will also not be required where the property is being sold without vacant possession – albeit practitioners will be acutely aware that prospective investor-purchasers consider the terms of an extant tenancy critical in terms of calculating net yield.

PIC: SHUTTERSTOCK AI

Efficiency and cost

While the bill speaks to the provision of the SLP as a step in making the conveyancing process 'more efficient', it may, as outlined above, increase both the vendor's and purchaser's costs in the engagement by the vendor of his/her 'property service provider' (auctioneer), who will be obliged to ensure that the SLP is provided.

It will also (in many cases) involve a separate cost to the vendor in terms of a release fee where title documents are taken up from a lending institution, and a further legal fee to the vendor's solicitor (once engaged) in terms of the solicitor's review of title and the preparation of the agreement of sale, which is the first mandatory document set out in section 3.1 of the bill. This will, it is envisioned, lead to various form of pre-contract enquiries being raised in circumstances where no form of binding legal agreement even exists.

It is not unreasonable to expect that some proposed purchasers will engage solicitors to review the agreement for sale and the SLP before a formal offer is even made, which will of course lead to delays and add to the costs borne by purchasers in an already inflated market.

The SLP costs will all be borne by the vendor before the property is even placed on the market and will not be recoverable in the event the property is not sold.

Sunk costs

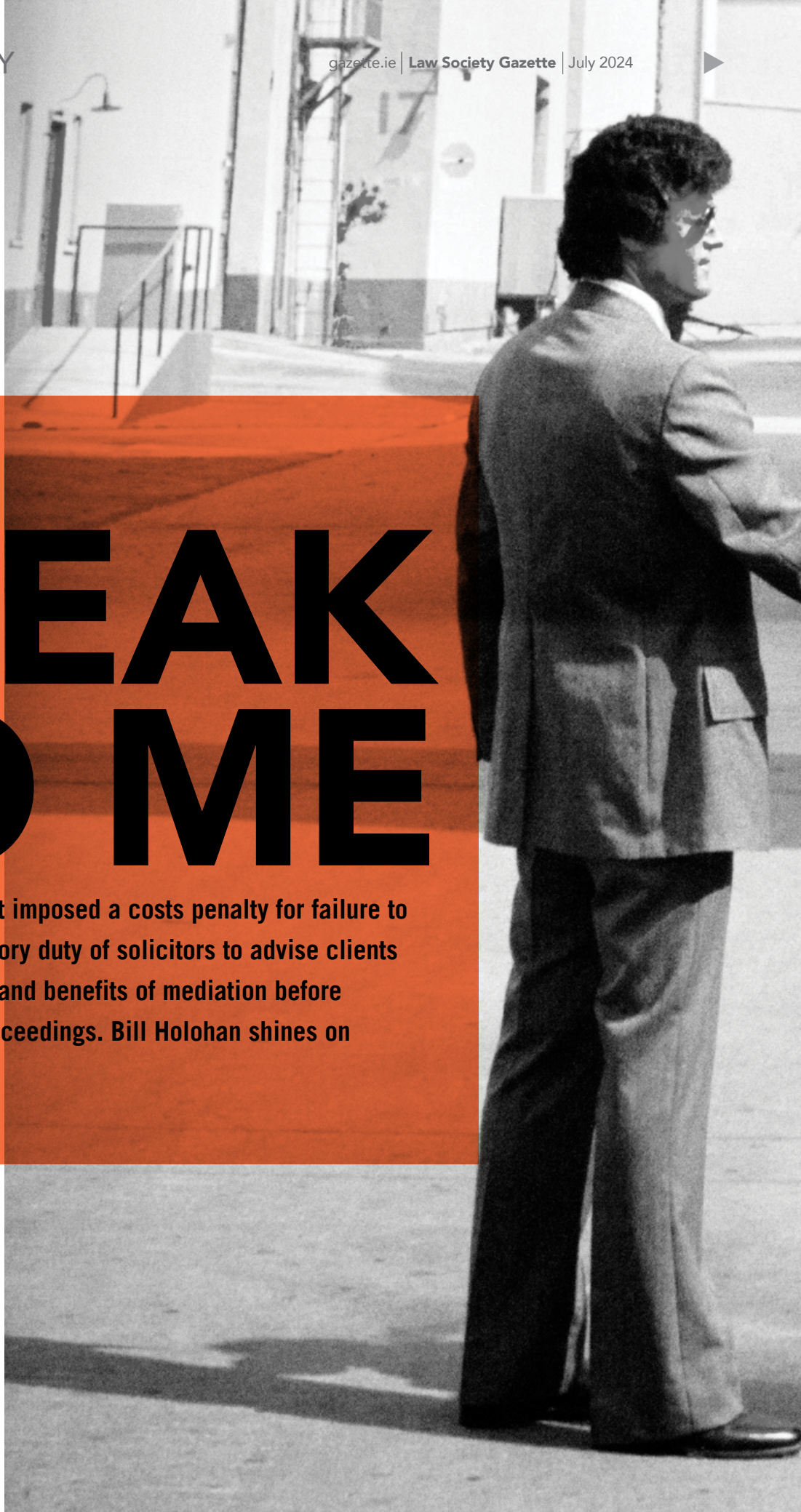
Dáil Éireann discussions on the SLP are presently confined to second-stage debate, but allude to the foregoing costs and support the contention that the SLP may lead to sunken costs where the sale falls through or where no purchaser appears. While the Government in principle supports the bill, it has asserted (via Justice Minister Helen McEntee) that "there is a risk the bill as drafted could lead to increased conveyancing costs and delays, and even reduce the supply of properties coming onto the market".

The discussions also refer to a similar form of SLP that was introduced In England and Wales in 2007, but which was suspended on the basis that it added to conveyancing costs and delays. It is clear, therefore, that the bill requires further legislative scrutiny as it advances, as it "risks not achieving its overall intended purpose".

Whilst IPAV has indicated that it is supporting the general scheme of the bill, it is difficult to conceive how the bill in its current guise will reduce delays when section 4 of the bill provides that the 'property service provider' shall advertise the property with the SLP, noting (as above) that input and documentation will in some cases be required from funders, solicitors, BER assessors, architects, law searchers, the local authority and Revenue in order to compile the mandatory SLP under section 3.1.

It remains to be seen whether the bill will be recommended at committee stage, but it is evident that efforts to "front-load the process to provide certainty and efficiency to all" will conversely increase both costs and inefficiencies. It is imperative therefore that the challenges addressed in this article and those outlined in the second stage debate are comprehensively addressed. g

Lesley O'Neill is a solicitor with Blake & Kenny LLP, Galway.



SPEAK TO ME

In June, the High Court imposed a costs penalty for failure to comply with the statutory duty of solicitors to advise clients about the advantages and benefits of mediation before commencing legal proceedings. Bill Holohan shines on

PIC: ALAMY

An interesting decision on the costs implications of failing to comply with what were described by Mr Justice Kennedy as the "not unreasonable or burdensome" obligations of a solicitor to advise a client about the advantages of mediation was delivered on 5 June in *Byrne v Arnold* ([2024] IEHC 308).

Kennedy J directed that the plaintiffs suffer a 5% penalty in terms of recoverable costs – in that they would only be entitled to recover 95% of party-and-party costs – because of the failure of the plaintiffs' solicitors to comply with the statutory section 14 *Mediation Act 2017* requirement to advise the client before commencing proceedings about the advantages and benefits of mediation.

Statutory declaration

Kennedy J also highlighted the fact that "a plaintiff's solicitor must advise the client to consider mediation. The statutory duty is to explain the option, facilitating an informed decision by the client, allowing them to consider alternatives to litigation."

He also pointed out that, unless and until such time as the required statutory declaration by the solicitor as to having so advised is filed, the court cannot proceed to deal with the proceedings.

Kennedy J pointed out that the 2017 act "obliges the court to adjourn proceedings in the event of any failure to meet the requirement. In order to comply with the statutory requirement without subjecting the parties to the delay and expense involved in a wasted hearing (including a costs order at the plaintiffs' expense as the party in default), I rose to allow the advices to be provided in accordance with section 14 (but litigants should note that the courts will not necessarily extend such latitude in future if such situations were to recur)."


'You talkin' to me?'

While in this particular case Kennedy J rose for long enough to allow for section 14 to be complied with and the statutory declaration to be filed, he specifically stated: "If such a failure to comply with section 14 were to occur in future, the court may adjourn a hearing (at the plaintiffs' expense) and stay the proceedings until the obligations had been discharged. Significant cost sanctions will be likely in any event." He also warned that "courts may be less lenient in future".

PIC: SHUTTERSTOCK

Informed decisions

As to section 14 advices enabling clients to make informed decisions, Kennedy J stated: "Section 14 protects clients by ensuring that they are fully informed as to options which may, *inter alia*, reduce their exposure to cost and risk. The provision also advances the public interest, discouraging unnecessary recourse to the courts (and legal expense) and promoting alternatives which may lead to outcomes which can be in the interests of all parties. The provision thus facilitates the earlier, cheaper, resolution of disputes. The public interest is demonstrated by the fact that the Oireachtas has imposed the extraordinary requirement of a statutory declaration by the plaintiff's solicitor confirming compliance and the stipulation that litigation subject to the provision [that is, most civil claims] cannot proceed without the declaration."

Urgency not an excuse

The judge also stated that he did not accept that urgency could ever justify default, stating that, even in the injunction scenarios such as in the particular case, "the advice should be given at the earliest opportunity".

Kennedy J also rejected the plaintiff's argument that an offer to mediate might not have been accepted and, in this particular case, would have been rebuffed. He stated: "The chances of the parties actually engaging at that point may have been low. However, the chances were not zero. Even if there was a 5% chance of such engagement at the outset, then the plaintiffs should have been encouraged to at least consider an option which, if successfully pursued, could offer significant benefits for the parties and for the courts, prior to significant costs being incurred. Secondly, there is a benefit to providing such advice at the outset. Even if the time is not right at that point for the plaintiff to propose mediation or for the defendant to engage, a seed is planted. Most cases eventually settle before trial – even if the suggestion of negotiation or mediation at an early stage does not bear fruit immediately, it may ultimately help the parties engage sooner than would otherwise be the case."


PIC: SHUTTERSTOCK

Reluctance

The judge also made an interesting comment about the statutory provision overcoming possible reluctance of parties to "show weakness" by proposing mediation: "In my view, sophisticated litigators are less inclined to consider a nuanced willingness to negotiate or mediate as a sign of weakness. If all parties refused to make the first move, then no dispute would ever settle. However, if there is any such nervousness, then section 14 offers an ideal basis for an overture which can legitimately be presented as compliance with statutory and professional requirements. This should counter any such sensitivity."

Kennedy J also had interesting comments to make about the timing of mediation: "In any case, there will always be 'known unknowns', which can influence the timing of any negotiation or mediation. Sometimes, in order to assess their legal position, parties may genuinely need to await the close of pleadings, the exchange of discovery or of witness statements or expert reports, the opening of the case, or the cross-examination of each side's witnesses. Such points may or may not be legitimate reasons to refrain from prematurely committing to mediation in particular cases or at particular points. *IEGP Management CLG v Cosgrave* ([2023] IECA 128) is an example of a case in which mediation was deemed premature or inappropriate at a particular point. Whether mediation is premature will depend on the circumstances, but it would be wrong to rule out negotiations or mediations early in proceedings solely because the parties have only limited visibility of their strengths and weaknesses. That could be said in almost every case. The counterargument is that rejecting or delaying opportunities to negotiate or mediate could also have unpredictable costs, risks and adverse consequences. Most negotiated settlements involve a leap in the dark to some degree. Litigants, like businesspeople, must sometimes reach a decision based on the best available information, knowing that the outcome at trial could be better (or worse), but that there are also costs and risks associated with delaying such engagement. In some cases – but perhaps not as many as might be thought – waiting for more information may be prudent. The essential dynamic is that earlier negotiations offer greater potential cost savings, but each side may be less informed as to the merits (and their position may improve – or disimprove – if they delay in engaging). Other factors may affect the optimum timing in particular situations. Clients and lawyers must balance such competing factors when deciding whether and when to mediate. However, even if mediation would be premature, the plaintiff's solicitors must still comply with section 14."

Obligations to the court

As to the plaintiff's argument that a previous order as to directions (O'Moore J) had not referenced the 2017 act obligations and requirements, Kennedy J responded by stating that the High Court's directions could not be "taken as excusing the breach of section 14. The court was dealing with the busy Chancery List and concerned with the immediate interim application. There is no suggestion that its attention was drawn to the breach of section 14 (although, if the plaintiffs' legal team had themselves been aware of the issue, then they would have been bound to draw the court's attention to the issue). The fact that the issue was not identified earlier in the proceedings is the plaintiffs' responsibility and does not excuse the noncompliance. Indeed, such a submission is inconsistent with the terms of section 14. If the issue had been raised, the court would have insisted on immediate compliance before the matter progressed. It would have had no jurisdiction to do otherwise."

KENNEDY J SPECIFICALLY STATED THAT HE HAD CONTEMPLATED A 15% PENALTY BUT DECIDED, ON THIS OCCASION, IN THE PARTICULAR CIRCUMSTANCES OF THIS CASE, TO LIMIT THE PENALTY TO 5%. HOWEVER, HE SPECIFICALLY WARNED THAT 'COURTS MAY BE LESS LENIENT IN FUTURE'

Kennedy J stated clearly: "I consider that the courts should take some account of a material breach of section 14 and that I should thus have regard to the failure to comply with the statutory precondition to issuing proceedings, a provision introduced as a public interest measure to avoid unnecessary litigation and to avoid unnecessary recourse to the courts. Such a default is a relevant consideration when exercising the statutory discretion as to costs. I am entitled to have regard to the breach of the legislation either in the exercise of the court's inherent jurisdiction or as an element of section 169(a) (conduct before and during the proceedings) or (c) (the manner in which the parties conducted all or any part of their cases) [of the *Legal Services Regulation Act 2015*]. I consider that the situation in this case is similar to the *Word Perfect* scenario, in which Twomey J concluded that, although s169(1)(g) did not apply, the court could take into account the party's conduct before and during the proceedings pursuant to ss169(1)(a) and (c) of the 2015 act."

Calculating the penalty

Kennedy J specifically stated that he had contemplated a 15% penalty but decided on this occasion, in the particular circumstances of this case, to limit the penalty to 5%. However, he specifically warned that "courts may be less lenient in future".

He concluded his judgment with the following wise words: "Finally, to return to the subject of mediation, I would still encourage the parties in this case to consider mediation or negotiation. Without ascribing blame to either side, it seems to me that the current lack of engagement may be partly due to a mutual misunderstanding of each side's position, with megaphone diplomacy shedding more heat than light. While I make no direction, I do consider that each side and their advisors would be wise to reflect at this stage on the possibility of a mediation or similar process (without preconditions) before even more significant costs are incurred.

"Indeed, in most disputes, prudent litigants – plaintiffs or defendants – and their advisors will reflect upon the alternatives before proceedings are issued. This is particularly important in family, business and partnership disputes, but it is always wise for parties and their advisors to consider the alternatives before assuming the costs and risks of litigation. Section 14 simply underscores the importance of good professional practice in this regard." g

Bill Holohan SC is senior partner in Holohan Lane LLP.

ACROSS THE WATERS

In a recent British judgment, *Conway v Conway & Anor (Rev1)* ([2024] EW Misc 19 CC), there was an interesting decision on the significance of an outright rejection of an offer to mediate and the implications in costs.

In his substantive judgment, HHJ Mithani KC said: "One matter that seriously concerns me is why the defendants did not agree to mediation when it was put to them. The importance of mediation can never be over-emphasised … The defendants will have to advance compelling reasons why the offer of mediation was rejected out of hand by them."

In his later *ex tempore* decision on costs, the defendant's costs were reduced by 25% because they rejected the claimant's offer of mediation out of hand, notwithstanding the fact that the judge was satisfied that the defendants had a strong case and that mediation would probably not have succeeded. However, he held that to reject an offer of mediation out of hand was unreasonable conduct.

The ruling is another sign from the British courts that a failure to mediate will not be tolerated: the Court of Appeal held last year in *Churchill v Merthyr Tydfil County Borough Council* that the courts could order parties to engage in alternative dispute resolution, or stay proceedings to enable them to engage.

The INFORMATION society

Online safety commissioner Niamh Hodnett is a world away from her time as a trainee in the '90s in a practice with only one computer and dial-up internet. Sorcha Corcoran downloads the info

Online safety commissioner Niamh Hodnett describes the first year of Coimisiún na Meán as "building the plane while flying it" and that it has felt like "ageing in dog years", because so much can happen within any given month. It's a world away from when she was an apprentice solicitor in her native Wexford in the late 1990s, in a practice with only one computer and dial-up internet.

Established on 15 March 2023, Coimisiún na Meán is Ireland's new regulator for broadcasters and online media. Its broad remit includes regulating online platforms based in Ireland and carrying out the previous functions of the Broadcasting Authority of Ireland.

"Coimisiún na Meán is a start-up regulator, which is an unusual scenario. We had to get off to a standing start. There was huge public expectation that we had to deliver on our role straight away, so we couldn't wait until we had hired everyone in to carry out our functions," says Niamh.

"It has been a hugely exciting and challenging time so far. We have grown from having 40 to around 90 staff – including a recently appointed legal team – and hope to reach a total of 160 people by the summer."

Safety dance

Core to Niamh's responsibility so far has been the implementation of an online safety framework in Ireland. This has three parts: the *Online Safety and Media Regulation Act 2022* (the basis for Coimisiún na Meán's draft online safety code); the *EU Digital Services Act*, which became fully applicable on 17 February; and the *EU Terrorist Content Online Regulation*, for which Coimisiún na Meán has been the competent authority since November 2023.

"We see these three legislative tools as the basic building blocks that needed to be put in place to move from an era of self-regulation to one of effective regulation. This period is a learning opportunity for everyone in this space, and we have a shared responsibility to make the online landscape safer," says Niamh.

"Thirteen of the 21 large online platforms and search engines are based in Ireland. We have met them frequently to understand where they are on their online-safety journey, what measures they already have in place, and where there's room for improvement. In January, all of the platforms came to our offices for a meeting as part of the Global Online Safety Regulators Network to discuss online safety with Technology Ireland."

Coimisiún na Meán's online safety framework makes platforms accountable for how they protect users, especially children, from harm online and will be used to enforce rules about how online services deal with illegal or harmful content.

The receptiveness of online platforms to Coimisiún na Meán so far bodes well for future compliance with regulations, according to Niamh. "There have been moments while our formal tools were not in place where we felt we had to act, and the platforms did cooperate and engage with us on those matters," she says.

"For example, on the morning of 23 November last year, we had been before the

PICS: CIAN REDMOND

COIMISIÚN NA MEÁN IS A START-UP REGULATOR, WHICH IS AN UNUSUAL SCENARIO. WE HAD TO GET OFF TO A STANDING START. THERE WAS HUGE PUBLIC EXPECTATION THAT WE HAD TO DELIVER ON OUR ROLE STRAIGHT AWAY, SO WE COULDN'T WAIT UNTIL WE HAD HIRED EVERYONE IN TO CARRY OUT OUR FUNCTIONS

Task Force on Safe Participation in Political Life, discussing how disinformation and incitement to hatred online deters women in particular from taking roles in public life. After the incident on Parnell Square, we could see a pile-up beginning to start online and were concerned it could lead to incitement to hatred or violence.

"I contacted some of the platforms and they reassured me that they were implementing their incident-response plans. The following day, we engaged with the European Commission and met with the platforms together to understand their response to the riots. This was the first time the *EU Digital Services Act* had been invoked in this way in Europe."

Digital bath

Signed into law in February, the *Digital Services Act 2024* fulfils Ireland's obligations under the EU regulation and designates Coimisiún na Meán as digital services coordinator and lead competent authority for the act. This means it can now enforce fines of up to 6% of worldwide turnover for non-compliance.

Coimisiún na Meán opened its user contact centre on 19 February to provide advice to users on their rights under the *Digital Services Act* and gather intelligence that will inform its supervisory and enforcement activities.

"Our role is not just about setting, supervising, and enforcing the ground rules, but also educating the public and all stakeholders on how we can be safer online. We partner with existing educational programmes such as Webwise to amplify their messages and supported Safer Internet Day on 6 February," notes Niamh.

"That user-engagement role is really important in terms of media literacy, raising awareness about digital civility, and empowering parents and children to be safer online."

Niamh expects the online safety code to come into effect in the summer, which will allow Coimisiún na Meán to impose fines of 10% of worldwide turnover or up to €20m, whichever is greater, for breaches. Under the *Online Safety and Media Regulation Act*, it designated ten video-sharing platforms that would be covered by the code in December.

The draft safety code proposes measures such as effective age verification and parental controls. Its development involved a significant amount of consultation, including with a dedicated youth advisory committee established early-on to provide the 'digital-native' perspective.

"One of the first things we did as an authority was to publish a call for public inputs over the summer last year. Since being appointed, I've had invaluable opportunities to meet with children and young people, non-governmental organisations, government departments, and civil-liberty groups to listen to their views directly and the harms they were most concerned about," Niamh explains.

"There was an overwhelming call for there to be an online safety code to address these harms, which include cyber-bullying, incitement to hatred or violence, and promoting eating disorders or suicide.

"We took all of that together to produce a draft code in December, and the consultation on that closed on 31 January. Once we have assimilated all responses from the public in a thoughtful and considered way, we will engage with the European Commission through a notification process, which can take three to four months."

Hand in glove

Niamh wants to work "hand-in-glove" with the European Commission on online safety. Her connection with Brussels goes back to the start of her career, when she worked in law firm Mayer Brown there for six years after qualifying as a solicitor in 1998.

"I was always interested in European law and regulatory law. I did a master's at Universität Passau in Germany and eventually co-wrote books on the topics [*European Law*, published by Oxford University Press, and *Regulatory Law in Ireland* published by Tottel]," she says.

The various roles Niamh has held since returning to Ireland in 2003 have incorporated a range of experience relevant to her current responsibilities as online safety commissioner – it has been almost like the pieces of a jigsaw coming together.

Niamh's most recent role was chief legal and regulatory officer at Premier Lotteries, the operator of the National Lottery. She was previously head of regulatory affairs at mobile phone company Three Ireland, a senior legal advisor with the Commission for Communications Regulation (ComReg), a regulatory lawyer with An Post, and a member of the EU, competition, and regulatory law team at Matheson in Dublin.

"Two of my fellow commissioners, John Evans and Jeremy Godfrey, and legal director Judy O'Connell, worked with me at ComReg. A lot of what we're doing at Coimisiún na Meán is similar. It's positive, as we're dealing with a new sector with very similar issues from a regulatory perspective," says Niamh.

"During my time at Three Ireland, I was involved in putting in place a memorandum of understanding with An Garda Siochána in relation to internet service providers

> IF I HAD MY TIME AGAIN, I WOULD DO LAW AGAIN AND BECOME A SOLICITOR AGAIN – AND NOT JUST BECAUSE I MET MY HUSBAND IN MY CLASS IN BLACKHALL PLACE

blocking child sex-abuse material. This included cooperation agreements with Interpol to block what's known as the 'Worst of' list'."

At the National Lottery, Niamh dealt with age verification in relation to online accounts to ensure there was no underage play, as this is an offence under the age of 18. "This experience has been useful in terms of the draft online safety code, where we are proposing that platforms have robust age-verification measures in place. We won't be mandating any particular form, but leaving it up to the platforms on how to achieve this in compliance with GDPR. A child simply self-declaring their age is not enough," says Niamh.

Being asked to give a talk at one of the Law Society parchment ceremonies last year prompted Niamh to reflect on her career to date. "My reflection was that, if I had my time again, I would do law again and become a solicitor again – and not just because I met my husband in my class in Blackhall Place!

"Law is such an interesting course to study and you can go in so many, often unexpected, directions by becoming a solicitor – whether you're in-house or in a private practice, in the public or private sectors, or work in different countries [all of which she has done].

"I think it is a really empowering qualification to get. To make the most of the career, I think it's about finding out what you're passionate about and get energy from and what drives you in terms of purpose. Coimisiún na Meán is very purpose-driven, which has really helped with recruitment.

"I feel huge privilege to be online safety commissioner – having the opportunity to work together with fantastic people to make a difference in creating a thriving, diverse, and safe online-media landscape." g

Sorcha Corcoran is a freelance journalist for the Law Society Gazette.

SLICE OF LIFE

Biggest influence?
My parents. They instilled a good work ethic in me and the confidence to do the right thing. They are still my advisors.

Passions outside work?
Spending time with family and friends. I have recently taken up the harp!

Favourite film?
Stand by Me.

Guilty pleasures?
Cheese.

Favourite music?
Classical. Love the Wexford Opera Festival.

Social media use?
I am on one platform and also use WhatsApp.

Any interest in sport?
On a recent trip to France, I stayed on the beach while the rest of the family went to rugby matches.

What are you watching on TV?
Nothing at the moment, too busy with work and parenting!

PIC: SHUTTERSTOCK AI

TALES FROM THE CRYPTO

As it stands, there is no specific EU legislation governing crypto-assets, except for anti-money-laundering regulations. This regulatory gap leaves holders of such assets vulnerable to various risks. Leo Twiggs bit that coin

The absence of a regulatory framework for certain crypto-assets within the European Union presents several concerns and risks, particularly in terms of consumer protection, market integrity, and combating financial crimes.

Without clear rules in place, consumers who hold unregulated crypto-assets may lack adequate protection. This could expose them to risks such as fraud, market manipulation, or loss of funds due to platform failures. The absence of regulatory oversight can also undermine the integrity of crypto-asset markets, leading to issues like market manipulation, insider trading, and other forms of market abuse, ultimately eroding investor confidence.

Various forms of financial crime also result from unregulated crypto-assets, including money-laundering, terrorist financing, and other illicit activities. Without appropriate regulations and monitoring mechanisms, these risks remain unchecked.


PIC: SHUTTERSTOCK

The cabinet of Dr Caligari

The EU *Markets in Crypto-Assets Regulation* (MiCA) is a significant step towards preventing cybercrime and creating a safer digital space, especially in the digital single market. The statute not only aims to regulate emerging digital financial markets assets, but also embed robust provisions against cybercrime.

The regulation is a landmark EU legislative framework designed to govern the rapidly evolving domain of crypto-assets. The statute, when implemented, will harmonise the regulatory environment for crypto-assets in the EU. Here's an introduction and overview detailing the purpose and goals of the statute, drawn from its preamble.

Regulatory harmonisation

MiCA seeks to eliminate inconsistencies in national frameworks governing crypto-assets, facilitating a unified market for digital assets across the EU. Standardising regulations will enhance legal certainty and foster a conducive environment for innovation and investment in the crypto-assets sector.

Consumer protection

A central goal of the *MiCA Regulation* is to safeguard consumers from the risks associated with the volatile crypto-assets market. This includes implementing stringent transparency requirements for issuers of crypto-assets and service providers, ensuring that consumers have access to clear, comprehensive information about the risks and costs involved.

Market integrity

The regulation is designed to uphold market integrity and promote the stability of the financial system by introducing robust oversight mechanisms for crypto-assets activities. This includes measures to prevent market manipulation, fraud, and other illicit practices that could undermine investor confidence and financial stability.

Innovation and competition

Recognising the potential of blockchain and other distributed ledger technologies to transform the financial sector, the *MiCA Regulation* aims to create a supportive environment that encourages innovation while ensuring that it does not compromise the security, efficiency, and stability of financial markets.

Anti-money-laundering

MiCA will integrate crypto-assets into the EU's framework for combating money-laundering and terrorist financing. By extending existing standards to cover all types of crypto-assets, the EU seeks to close loopholes that could be exploited for illicit purposes.

Financial inclusion
MiCA provides clear rules for the issuance and operation of both crypto-assets and stablecoins, enhancing access to financial services. This supports the EU's broader objectives of financial inclusion and the digital transformation of finance.

The omen

MiCA lays down uniform requirements for public offerings and admission to a trading platform of crypto-assets, as well as requirements for crypto-asset service providers. The statute divides crypto-assets into two main types:

- Crypto-assets other than asset-referenced tokens and e-money tokens,
- Asset-referenced tokens and e-money tokens.

We will primarily discuss the new regulations for crypto-assets other than asset-referenced tokens and e-money tokens, because this type of asset is more likely to be used by scammers and cybercriminals in their criminal activities.

Articles 4 and 5 of MiCA provide rules for offering crypto-assets (other than asset-referenced tokens or e-money tokens, also known as 'stable coins') to the public within the EU.

Those seeking to offer crypto-assets to the public must:

- Be a legal entity (a company),
- Create a detailed document called a white paper that follows specific rules (set out in articles 6-9 of MiCA),
- Notify authorities about the white paper, publish it, and ensure any marketing also follows certain guidelines, and
- Meet other specified requirements for making offers to the public (contained in articles 4 and 5 of MiCA).

MiCA provides detailed rules for who can offer and trade certain types of crypto-assets in the EU, outlining the necessary steps, exceptions, and specific scenarios that exempt some from these regulations. These rules are designed to make the digital single market a safer place for consumers of crypto-assets.

CASPar the friendly ghost

MiCA holds crypto-asset offerors accountable for providing incomplete, unfair, or misleading information in crypto-asset white papers, a measure aimed at preventing abuses. Individuals responsible for such infringements, including members of administrative, management, or supervisory bodies, will be held personally liable for any resulting losses incurred by crypto-asset holders (article 15). Under MiCA, this personal liability cannot be contracted away. Personal liability for the information contained in white papers will help ensure that those seeking to market crypto-assets are acting in good faith.

A major part of MiCA is the establishment of an authorisation framework for crypto-asset service providers (CASPs). Simply put, CASPs are companies that help their clients control, trade, or save their crypto-assets. Only authorised entities are permitted to

FROM HELL IT CAME

In the swiftly developing world of crypto-currency, investors are constantly on the lookout for the next big opportunity. This digital gold rush has also attracted a new breed of cybercriminals, eager to exploit the unwary. Below are brief examples of the most common types of crypto-scams making headlines:

'Pump-and-dump': By artificially inflating the price of little-known cryptocurrencies on social media, scammers lure investors into buying while the price is high. Once the price peaks, the scammers sell off their holdings, causing the price to plummet and leaving new investors with significant losses.

ICO impostors: Fraudsters impersonating legitimate crypto-traders advertise initial coin offerings (ICOs) of promising blockchain projects. These impostors create fake websites and white papers to lure investors into sending them cryptocurrency. Scams like these have duped investors out of millions, with many victims attracted by the promise of early investment returns.

Ponzi schemes reimagined: The digital age has seen the resurgence of a classic scam – the Ponzi scheme, rebranded for the crypto era. Scammers promise high returns on cryptocurrency investments, with payouts supposedly generated by new investors' funds. As these schemes unravel, the architects disappear, leaving investors with nothing.

Insider dealing: An employee of a crypto-asset service provider uses confidential information about an upcoming partnership announcement to buy a large quantity of the crypto-asset before the news becomes public, aiming to sell it at a higher price post-announcement. This manipulates the market unfairly and undermines investor confidence.

Cybersecurity breaches: A cyber-attack on a crypto-asset exchange results in unauthorised access to the exchange's digital wallets, leading to the theft of millions in various cryptocurrencies. The attackers exploit vulnerabilities in the exchange's security systems, highlighting the need for robust cybersecurity measures.

Ransomware attacks: A ransomware attack targets a crypto-asset service provider, encrypting its operational data and demanding a ransom in cryptocurrency to release the data. This disrupts the provider's services, affecting thousands of users and exposing the need for comprehensive cybersecurity defences and backup systems.

Money-laundering: Investigators uncover a scheme where criminals use a crypto-asset platform to launder money from illegal activities. The platform failed to perform adequate customer due diligence and report suspicious transactions, violating anti-money-laundering (AML) regulations.

While there are many risks lurking in the digital frontier, especially when it comes to crypto-assets, the lure of profit-making will continue to draw many into the market. And as the cryptocurrency market continues to grow, investors must stay informed and cautious, safeguarding their digital assets against the ever-evolving tactics of online scammers.

offer such services (article 59). These include CASPs authorised under article 63, as well as certain financial institutions specified in article 60.

CASPs authorised under article 63 must have a registered office and effective management within the EU, with at least one director residing in the EU. Competent national authorities granting authorisations to CASPs must specify the services authorised providers can offer. These providers have the freedom to operate throughout the EU.

This framework aims to ensure the integrity and safety of crypto-asset services within the EU. Consumers can look for information on legitimate authorisations from competent authorities before making investment in crypto-assets, which will hopefully prevent many forms of crypto-scams, including pump and dumps, impostors, and Ponzi scheme (see panel, previous page).

Bride of the gorilla

Attempting to prevent crypto-asset-related criminality, MiCA places obligations on CASPs, emphasising honesty, fairness, and professionalism. Under MiCA, CASPs are obliged to prioritise the best interests of clients and prospective clients, acting with integrity and professionalism:

- Clients must be provided with transparent and non-misleading information, including in marketing materials, to prevent deliberate or negligent misrepresentation of crypto-assets' advantages,
- Clients must be warned about the risks associated with crypto-asset transactions, and providers must furnish hyperlinks to relevant crypto-asset white papers when offering trading, exchange, advice, or portfolio management services,
- Policies regarding pricing, costs, and fees must be made publicly available on providers' websites,
- Providers are required to disclose information on the climate and environment-related impacts of the consensus mechanisms used to issue crypto-assets they handle. This information, sourced from crypto-asset white papers, must be prominently displayed on their websites.

These measures aim to enhance transparency, mitigate risks, and ensure responsible conduct within the crypto-asset service sector.

PIC: ALAMY

MiCA also seeks to enact comprehensive governance regulations for crypto-asset service providers to ensure integrity and safeguard client interests. Key provisions for governance are contained in article 68 and include:

- Members of management bodies and shareholders must possess good repute and appropriate knowledge, skills, and experience, with no convictions related to money-laundering or terrorist financing. Authorities will intervene if shareholder influence threatens sound management.
- Providers must adopt effective policies and procedures to comply with regulations and employ knowledgeable personnel.
- Management bodies must regularly review policy effectiveness and address deficiencies.
- Providers must ensure continuity and regularity in service performance, employing resilient ICT systems and implementing business continuity plans.
- Mechanisms, systems, and procedures must be in place to comply with national laws and safeguard data integrity and confidentiality.
- Records of all services, activities, orders, and transactions must be kept for supervisory purposes, provided to clients upon request, and retained for up to seven years.

These provisions place obligations on CASPs to ensure that their governance structures are robust and that CASPs are able to comply with MiCA and other regulatory requirements. Requirements for appropriate corporate governance structures help protects consumers by ensuring that firms are reputable and their employees are acting in good faith.

Article 70 of MiCA establishes a framework to ensure the secure handling of clients' crypto-assets and funds by service providers:

- Providers holding clients' crypto-assets must implement measures to safeguard ownership rights, particularly in cases of provider insolvency, and prevent the misuse of clients' assets.
- For providers holding clients' funds, adequate arrangements must be in place to protect ownership rights and prevent the use of funds for the provider's benefit.
- Funds received from clients (excluding e-money tokens) must be deposited with a credit institution or central bank by the

MiCA WILL INTEGRATE CRYPTO-ASSETS INTO THE EU'S FRAMEWORK FOR COMBATING MONEY-LAUNDERING AND TERRORIST FINANCING. BY EXTENDING EXISTING STANDARDS TO COVER ALL TYPES OF CRYPTO-ASSETS, THE EU SEEKS TO CLOSE LOOPHOLES THAT COULD BE EXPLOITED FOR ILLICIT PURPOSES

following business day. Providers must ensure these funds are held separately and identifiable from their own accounts.

- Authorised providers or third parties (Directive (EU) 2015/2366) may offer payment services related to their crypto-asset services. Clients must be informed of the nature, terms, and conditions of these services, as well as whether they are provided directly by the provider or through a third party.

These regulations aim to enhance client protection and prevent misuse of client funds.

Deliver us from evil

Beyond rules incumbent on crypto-asset providers themselves, MiCA also introduces rules to address market abuses concerning crypto-assets, aiming to ensure transparency and integrity within financial markets.

Inside information disclosure: Inside information encompasses precise, non-public data likely to significantly affect crypto-asset prices. It includes information from clients regarding pending orders. CASPs must promptly disclose inside information, ensuring accessibility and accuracy. They must not combine this with marketing activities and must maintain such information on their websites for at least five years. CASPs may delay disclosure under specific conditions, provided it does not mislead the public and confidentiality is ensured. They must inform the competent authority of any delays and provide explanations.

Prohibition of insider dealing and unlawful disclosure: Insider dealing occurs when someone uses inside information to acquire or dispose of crypto-assets, including modifying orders. This prohibition extends to recommendations or inducements related to such activities. Unauthorised disclosure of inside information is prohibited, except in the normal course of employment or profession.

Prohibition of market manipulation: Market manipulation includes various activities aiming to deceive and affect crypto-asset prices. This encompasses fictitious devices, dissemination of false information, and taking advantage of media access to influence prices. Market manipulation includes actions such as disrupting trading platforms, creating false signals, and exploiting media influence without disclosing conflicts of interest.

Prevention and detection of market abuse: Entities involved in arranging or executing crypto-asset transactions must have effective systems to prevent and detect market abuse. They must report any suspicious orders or transactions to the relevant authorities.

These regulations aim to foster fair, transparent, and orderly markets, protecting investors and maintaining market integrity in the crypto-asset sphere.

The golem

MiCA is a landmark regulation that reflects the EU's proactive and balanced approach to governing emerging technologies and digital assets. The statute not only aims to protect the digital economy and its participants, but also to set a global benchmark for the responsible and ethical use of crypto-assets. As these regulations evolve and are implemented, they will undoubtedly shape the future of digital innovation and security within the European Union and beyond.

When set in the context of other EU statutes governing the single digital market (such as the *Digital Services Act* package and the new *AI Act*), MiCA can be seen as part of a comprehensive approach to digital governance, where safety, transparency, and integrity across all facets of digital innovation are paramount. While tackling vulnerabilities associated with the burgeoning crypto-assets market, together with other digital regulations, MiCA helps create a unified regulatory approach that prioritises the protection of fundamental rights, data privacy, and consumer safety across the digital domain, all while providing a cohesive regulatory environment conducive to sustainable digital advancement. g

Leo Twiggs is a policy advisor at the Law Society of Ireland.

PIC: SHUTTERSTOCK

LEAN ON ME

Law firms are collaborating in providing *pro bono* services alongside non-governmental organisations – and are achieving significant results for vulnerable clients. Sorcha Corcoran meets some of the solicitors involved

At a time when tents lining Dublin's Grand Canal are headline news, the legal profession is already stepping up to the plate to respond to the migrant crisis by providing *pro bono* services. Increasingly, this has involved law firms joining forces to achieve greater impact while partnering with non-governmental organisations (NGOs).

"The power of *pro bono* lies in the opportunities for collaboration it creates. By collaborating on *pro bono*, law firms can help more people together, resulting in better outcomes for everyone," says Carolann Minnock, who leads the *pro bono* practice at Arthur Cox.

A current example is a six-week legal-information webinar series for Ukrainian people, which has been running since May and is supported by Arthur Cox, DLA Piper, A&L Goodbody, Mason Hayes & Curran, Matheson, and McCann FitzGerald.

Run by the Irish Red Cross and Ukraine Ireland Legal Alliance (UILA), the weekly Zoom sessions involve

THE POWER OF *PRO BONO* LIES IN THE OPPORTUNITIES FOR COLLABORATION IT CREATES. BY COLLABORATING ON *PRO BONO*, LAW FIRMS CAN HELP MORE PEOPLE TOGETHER, RESULTING IN BETTER OUTCOMES FOR EVERYONE

Carolann Minnock

lawyers covering essential topics, including immigration, housing rights, employment, entrepreneurship, family matters, and criminal law.

Let's stick together

Last September, another Irish Red Cross/UILA initiative, 'Legal communities unite to support Ukrainians on Maynooth University campus' won the 'volunteering' category at the Chambers Ireland Sustainable Business Impact Awards.

This was the first collaboration of its kind: around 100 volunteer lawyers assisted 840 Ukrainian refugees at the temporary facility in Maynooth University in July and August 2022. The participating firms were A&L Goodbody, Arthur Cox, Comyn Kelleher Tobin, Dechert, Matheson, Philip Lee, Walkers Ireland, and William Fry.

Eithne Lynch

Eithne Lynch, head of *pro bono* at A&L Goodbody, is delivering a session on housing law for the current online information series for Ukrainian people. "Over the next few months, the coalition of law firms will develop the online information sessions further to be able to reach more people," she says.

Pledge

Such collaboration is the direct result of signatories of the '*Pro Bono* Pledge Ireland' connecting with each other on a regular basis, Lynch adds.

"We take it in turns to convene the network and discuss what's going well, identify challenges, and come up with ways to work better together. Momentum is growing, but there is a huge opportunity to make the approach more regional and engage more barristers."

Coordinated by Public Interest Law Alliance (PILA) – a project of the Free Legal Advice Centres (FLAC) – the *Pro Bono* Pledge Ireland represents the first articulation of the shared professional responsibility of lawyers to promote access to justice and provide *pro bono* legal assistance to those in need.

Since it was established in November 2020, the number of signatories has risen to 99, comprising 51 law firms, 40 barristers, two in-house legal teams, and six individual solicitors.

Work song

The willingness of signatories to work together is particularly evident during *Pro Bono* Week, which this year took place from 10-14 June. On 13 June, around 50 signatories attended the 'NGO Pitch Event' in Blackhall Place, where two selected civil-society organisations presented on their unmet legal needs.

The pledge involves an aspirational target of 20 *pro bono* hours per lawyer per year as a minimum commitment. In 2023, A&L Goodbody lawyers provided more than 14,100 hours of free legal advice, equating to an average of 33 hours per lawyer. The current participation rate at the firm is 80%.

While this metric is important, A&L Goodbody is also focused on evaluating the impact of its *pro bono* work in addressing the most pressing needs in society. Regarding international protection, for example, it has taken on many cases under the Afghan Admission Programme and achieved a 95% success rate, notes Eithne Lynch.

Lynch adds: "A&L Goodbody has had a great partnership with the Irish Refugee

Council [IRC] for over ten years, which has increased our capacity to navigate the international-protection process. More recently, we have been adding value at an earlier stage of the asylum process, which is helping to minimise misinformation or disinformation. Models such as this can be easily replicated."

Arthur Cox recently launched a pilot project with the IRC to help people applying for international protection. This follows the expansion of its immigration work in recent years, which has included assisting Afghan people fleeing Taliban rule (in addition to the initiatives to support Ukrainian people, mentioned above).

A migrant chef represented by Arthur Cox's Employment Group at the Workplace Relations Commission was awarded €28,000 in damages in January as redress for discrimination on the grounds of race, and for harassment. The case was part of Arthur Cox's ongoing partnership with Migrant Rights Centre Ireland.

"After completing around six months of underpaid work, with excessive hours and suffering demeaning treatment, our client was in a very vulnerable position," says Carolann Minnock. "Arthur Cox is committed to completing 3,000 *pro bono* hours per year to support and advance the rights of refugees and displaced people under the UNHCR Global Refugee Forum Legal Community Pledge."

During the past financial year, Arthur Cox lawyers have delivered a total of over 16,700 *pro bono* hours, representing a 10% increase on the previous year. The firm has achieved a participation rate of 74%, representing an average of 30 hours per fee-earner.

KIND of magic

A collaborative project that predates the *Pro Bono* Pledge Ireland – Kids in Need of Defence (KIND) – has grown from being a pilot in 2019 to now involving seven law firms, including Arthur Cox. The others are A&L Goodbody, Dechert, DLA Piper, Mason Hayes & Curran, Matheson, and Simmons & Simmons.

SINCE IT WAS ESTABLISHED IN NOVEMBER 2020, THE NUMBER OF SIGNATORIES TO THE *PRO BONO* PLEDGE IRELAND HAS RISEN TO 99, COMPRISING 51 LAW FIRMS, 40 BARRISTERS, TWO IN-HOUSE LEGAL TEAMS, AND SIX INDIVIDUAL SOLICITORS

Marcus Walsh

Set up in 2008 by Microsoft, and actor and former UN special envoy for refugees Angelina Jolie, the KIND organisation operates in many countries around the world, providing training to lawyers who volunteer to help unaccompanied minors. In Ireland, KIND is administered by the IRC and the Immigrant Council of Ireland.

DLA Piper opened its Dublin office in 2019 and its *pro bono* activity in Ireland has been growing organically alongside its presence here, according to Marcus Walsh, who leads the firm's Irish *pro bono* practice.

He predicts that the Dublin office, which now has a team of 115 people, will double its annual *pro bono* hours to reach 2,000 by the end of this year. In 2023, it was involved in 50 active cases and achieved a participation rate of 50-70%.

Practice what you preach

"It has been very beneficial to the Dublin office that DLA Piper has a sophisticated global *pro bono* practice, with over 200,000 hours of free legal services provided globally in any given year across the entire network," Walsh explains.

Supporting forcibly displaced people is one of the three main areas DLA Piper's international *pro bono* practice focuses on – the others are supporting climate justice and conservation, and good governance and shared value.

"The global strategy gives us the vision for *pro bono*. Signing up to the *Pro Bono* Ireland Pledge, and learning from and talking to other firms in the PILA network, has been huge in building up our *pro bono* work here. Once you're plugged into PILA and getting to know other firms, the requests for *pro bono* work start to stream through," says Walsh.

"The KIND project also involves regular meetings among the partners, where we talk about the cases and learn and develop expertise in cases involving children or minors arriving in Ireland without their families," he continues.

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DATE	EVENT	CPD HOURS & VENUE	FEE	DISCOUNT FEE
IN-PERSON CPD CLUSTERS 2024 - 6 CPD HOURS BY GROUP STUDY				
11 September	**Essential Solicitor Practice Update Kerry 2024**	Ballygarry Estate Hotel and Spa, Tralee, Kerry		€160
18 October	**North East CPD Day 2024**	The Glencarn Hotel, Castleblaney, Co. Monaghan		€160
24 October	**Connaught Solicitors Symposium 2024**	Breaffy House Resort, Castlebar, Co. Mayo		€160
14 November	**Practitioner Update Cork 2024**	The Kingsley Hotel, Cork		€160
21 November	**General Practice Update Kilkenny 2024**	Hotel Kilkenny, Kilkenny		€160
04 December	**Practice and Regulation Symposium 2024**	The College Green Hotel (formally The Westin), Dublin 2		€160
IN-PERSON AND LIVE ONLINE				
11 July	**Trauma Informed Lawyering**	Zoom webinar | 1 professional development and solicitor wellbeing (by eLearning)	Complimentary	
16 September	**Business Writing with Influence Afternoon Workshop**	Zoom meeting | 3 professional development & solicitor wellbeing (by eLearning)	€185	€160
18 September	**Regulation Matters: AML in Practice**	Zoom webinar | 1 hour client care and professional standards (accounting & AML compliance) (by eLearning)	€80	€65
24 September	**The Essential Guide to Probate Practice**	Law Society of Ireland | 3 hours general (by group study)	€205	€185
25 September	**Regulation Matters: Managing Client Expectations**	Zoom webinar | 1 hour client care and professional standards (by eLearning)	€80	€65
25 September	**Criminal Law Update 2024**	Law Society of Ireland | 3 general (by group study)	€198	€175
26 September	**Training of Lawyers on EU law relating to vulnerable groups of migrants (TRALVU)**	Law Society of Ireland | 5.5 general (by group study)	Complimentary	
01 October	**Effective Leadership Management - Giving & Receiving Feedback**	Law Society of Ireland | 3 professional development and solicitor wellbeing hours	€185	€160
02 October	**In-house & Public Sector Annual Conference 2024**	Law Society of Ireland | 4 general (by group study)	€198	€175
03 October	**Younger Members Annual Conference 2024**	Law Society of Ireland | 2 general (by group study)	Complimentary	
09 October	**Regulation Matters: Cybercrime - recent trends in cyberattacks and how to mitigate risk**	Zoom webinar| 1 hour client care and professional standards (by eLearning)	€80	€65
10 October	**EU Committee Talk: Balancing Privacy & Transparency**	Law Society of Ireland | 1.5 general (by group study)	€65	
15 October	**Law Society Skillnet Wellbeing Summit 2024**	Zoom webinar | 2.5 professional development and solicitor wellbeing (by eLearning)	Complimentary	
15 October	**Time Management for Lawyers**	Kingsley Hotel, Cork | 3 professional development & solicitor wellbeing (by group study)	€185	€160
16 October	**Regulation Matters: How to Prepare for an Inspection**	Zoom webinar| 1 hour client care and professional standards (accounting & AML compliance) (by eLearning)	€80	€65
17 October	**Property Law Annual Update Conference 2024**	Zoom webinar | 3.5 general (by eLearning)	€198	€175
23 October	**Litigation Annual Update Conference 2024**	Law Society of Ireland | 3.5 general (TBC)	€198	€175
ONLINE, ON-DEMAND				
Available now	**Legislative Drafting Processes & Policies**	3 general (by eLearning)	€280	€230
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Available now	**Construction Law Masterclass: The Fundamentals**	11 hours general (by eLearning)	€470	€385
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Available now	**International Arbitration in Ireland Hub**	Up to 9.5 general (by eLearning)	€135	€110
Available now	**Fintech Seminars**	Up to 3 general (by eLearning)	€185	€160
Available now	**Suite of Social Media Courses 2024**	Up to 4 professional development and solicitor wellbeing (by eLearning)	€180	€150
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Beth Dowson

Aside from KIND, DLA Piper ran a Ukrainian business bootcamp at the end of last year. It introduced its global 'Know Your Rights' programme in Ireland in 2021, supported by the IRC. In 2022, this involved a partnership with Deloitte to provide three paid internship opportunities for refugees and asylum seekers.

Strategy

Another firm that plans to draw on its *pro bono* experience outside Ireland is Browne Jacobson, which in January joined forces with the British programme LawWorks to launch a new firm-wide *pro bono* strategy. LawWorks brokers free legal advice from member firms to not-for-profit organisations.

The new approach from Browne Jacobson aims to enhance its lawyers' *pro bono* activities by ensuring they're targeted, measurable, and align with both its practice areas and the firm's core values – which include being at the forefront of society's biggest issues.

With a total of 1,000 employees in Britain and Ireland, Browne Jacobson now has 15 people in its Dublin office. "Our strategy in Ireland is still under development, but we have already learned so much from the early stages of our *pro bono* journey. Adopting a partnership approach shows how we can deliver a regular flow of activities, while filtering out those where we may not be able to contribute so easily," says legal director Beth Dowson, who sits on the firm's *pro bono* steering group.

OVER THE NEXT FEW MONTHS, THE COALITION OF LAW FIRMS WILL DEVELOP THE ONLINE INFORMATION SESSIONS FURTHER TO BE ABLE TO REACH MORE PEOPLE

"There is undoubtedly a rising demand in the profession for generating a wider social value. We are increasingly being asked in job interviews – particularly by the younger generation – about the opportunities and support they will receive to engage in *pro bono* work. A high proportion of our fee-earner base has registered an interest in participation since launching the new strategy."

House of the rising sun

Looking forward, an area with significant untapped potential is in-house *pro bono* work – considering that an estimated 4,000 solicitors in Ireland now work in-house, according to Catherine May (general counsel with Bank of America Europe).

Catherine May

"In recent years, the in-house legal sector in Ireland has seen considerable growth, and there has been a noticeable increase in the number of in-house legal teams providing free legal services to not-for-profit charitable organisations and individuals. Examples include areas like housing, immigration, board governance, data protection, and environmental action," says May.

"The feedback from in-house volunteers is that *pro bono* activity can provide valuable learning and be immensely satisfying. This has been my personal experience, whether providing information and advice through FLAC, advising international-protection applications on their rights, or advising charities on reviewing and negotiating contracts."

To mark international *Pro Bono* Day in April, Bank of America participated in an event in Dublin to support the IRC and international-protection applicants seeking to enter the labour market in Ireland. It worked alongside legal teams from A&L Goodbody, AIB, BNP Paribas, BNY Mellon, DCC, PTSB, Stripe, Visa, and Western Union to deliver sessions, on areas such as work visas and employment rights.

The event was the second of its kind to follow the establishment in 2023 of the In-House *Pro Bono* Network (PBN). In-house lawyers who wish to provide services to third parties – including *pro bono* legal work – must provide such services through a law firm or independent law centre.

Facilitated by A&L Goodbody, the PBN is a conduit through which in-house lawyers can collaborate to provide *pro bono* legal services in Ireland.

"There has been significant growth in the number of members joining the PBN since it was established," says May. "We anticipate continuing growth in *pro bono* activity by in-house legal teams in the future."

Sorcha Corcoran is a freelance journalist for the Law Society Gazette.

PICS: CIAN REDMOND

WE ARE FAMILY

Continuing our new 'Committee Spotlight' series, Mary Hallissey talks to Peter Doyle, chair of the Law Society's Family and Child Law Committee

The Family and Child Law Committee is currently working on several issues on behalf of practitioners, most importantly the upcoming *Family Courts Bill*, on which a lot of background work is being done in alliance with a broad coalition of interested groups, along with the legal profession itself.

Committee chair Peter Doyle understands the onerous nature of family-law practice and the toll it may take on practitioners: "Family law is a difficult job, and our door is open. We always are more than happy to speak to people about any issues that people think need to be examined."

The work in family law is hard, and the financial rewards may not always be commensurate with the effort put in. Long conversations with clients may only deal with matters of law for mere minutes, while the emotional toll of their situation takes up the bulk of the conversation, he points out.

Peter is keen for family-law practitioners to get in touch

with the committee and to avail of its resources. And many general practitioners will also touch on family law as part of a wider scope of work. Greater engagement from family-law practitioners across the country would allow the committee to better address the diverse issues and concerns faced in different regions.

Top priority

The committee is focused on ensuring that matters of divorce, separation, and cohabitation remain within the jurisdiction of the Circuit Court, rather than being moved to the District Court. This is crucial for maintaining the appropriate level of judicial oversight and expertise, the committee believes.

Another priority is regulation of guardians *ad litem*. Although the act regulating guardians *ad litem* was passed in 2022, its provisions have not yet been put into effect.

"We are the Family and Child Law Committee for the very good reason that child laws are a very important area," says Doyle. The committee is actively engaging with the relevant department to develop and implement the necessary regulations to bring the act into operation.

This is vital for ensuring that the interests of children are adequately represented in family law proceedings, Doyle said. "We are working currently on updating section 32 and 47 guidelines for practitioners," he added. "We have decided to look at parental alienation and to do a little bit of research in relation to that, because there are varying views on it."

The only way is ethics

The initiative to develop a comprehensive set of ethical guidelines specifically tailored for family-law practitioners is relatively new, but substantial progress is being made.

Given the emotionally charged and contentious nature of family-law cases, these guidelines will help practitioners manage cases in a manner that avoids unnecessary escalation and promotes amicable resolutions whenever possible.

'Ramping up' the situation in tricky family-law matters should always be avoided, Peter Doyle said. The goal is to promote ethical conduct, prevent escalation of conflicts, and support vulnerable clients. The guidelines will give practitioners a 'toolbox' in these situations.

The harmonisation of District Court practices is another key action point for the Family and Child Law Committee. There is significant variation in how different District Courts nationwide handle family-law cases, which may create confusion and inefficiencies.

The committee aims to research and promote uniform practices across the country to streamline procedures, with the goal of making life easier and work practices more efficient for practitioners. This will make it easier for lawyers to navigate the court system and provide a consistent service to their clients.

The committee is considering partnering with an academic institution to conduct this research.

Trust in me

Pensions and master trusts is another key area of work for the committee.

New EU regulations have resulted in the transfer of pensions into master trusts, often

BY FOCUSING ON LEGISLATIVE ADVOCACY, ETHICAL PRACTICE, UNIFORMITY IN COURT PROCEDURES, AND THE REPRESENTATION OF CHILDREN'S VOICES, THE COMMITTEE AIMS TO ENHANCE THE EFFECTIVENESS AND FAIRNESS OF FAMILY-LAW PRACTICE

without the inclusion of contingent benefit orders, as in pension adjustment orders, which can have significant financial implications for the parties involved.

The committee has been collaborating with the Department of Justice for 18 months to draft legislation that would close this loophole and would ensure that contingent benefits are properly managed in the context of family law.

Dynamic range

The committee convenes approximately once a month. In addition to these full committee meetings of just under 20 members, several subcommittees meet more frequently to focus on specific tasks and report back.

"We have a very good dynamic – a mix of younger and older, rural and urban, with a good spread of people on the committee. We have five former chairs still on our committee, which is a strong testament," Peter said.

The committee is also represented on the Dublin District and Circuit Court users' group and the Civil Legal Aid Liaison Group, as well as contributing to the Review of Civil Legal Aid led by former chief justice Frank Clarke.

Peter Doyle has also just been appointed to the Family Justice Training Working Group, which is a new committee formed by the Department of Justice.

These priorities highlight the committee's comprehensive approach to addressing the legal and regulatory challenges in family and child law.

By focusing on legislative advocacy, ethical practice, uniformity in court procedures, and the representation of children's voices, the committee aims to enhance the effectiveness and fairness of family-law practice in this jurisdiction.

"We are always happy to deal with practitioner queries," Peter Doyle concluded.

Mary Hallissey is a journalist at the Law Society Gazette.

Art in the age of mechanical reproduction

AI will not replace human creativity, the fifth annual Law Society/IMRO lecture has heard. Mary Hallissey files copy using ChatGPT

THREE MUSIC PUBLISHERS ARE CURRENTLY SUING AI COMPANY ANTHROPIC IN THE TENNESSEE FEDERAL COURT, ALLEGING MISUSE OF INNUMERABLE COPYRIGHT SONG LYRICS TO TRAIN ITS CHATBOT, CLAUDE

Generative AI burst into the public consciousness with ChatGPT's launch in November 2022, this year's Law Society/IMRO lecture was told at Blackhall Place on 1 May.

Dr Mark Hyland (Law Society/IMRO adjunct professor of intellectual property) noted that the crux of the technology is text and data mining, which involves 'scraping' digital material and using software to analyse and extract its information.

Dr Hyland said that such techniques have a considerable impact on the cultural and creative industries, and with their growth has come copyright infringements. While some applications of AI may enhance creativity, generative AI often infringes authors' rights by scraping copyright works for training purposes, he said. This inevitably leads to copyright disputes over unauthorised reproduction, and the devaluing of the original artistic works.

In December last, the *New York Times* sued Open AI and Microsoft for alleged copyright infringement, contending that millions of its articles were training chatbots to compete as reliable information sources. Separately, three music publishers are currently suing AI company Anthropic in the Tennessee Federal Court, alleging misuse of innumerable copyright song lyrics to train its chatbot, Claude.

Can't touch this

The *Directive on Copyright in the Digital Single Market* (CDSM) adapts the existing copyright framework, while maintaining a high level of protection of copyright works. Articles 3 and 4 of the directive contain the important mandatory text and data mining (TDM) exceptions, the latter being the commercial TDM exception – which was the main focus of the annual lecture.

Significantly, article 4 permits rightsholders to opt or contract out, and exclude their copyright works from the scope of the exception, a concession only made in the last stage of the legislative process. The exclusion applies where rights have been expressly reserved.

Attempts by the British government to introduce a broader TDM exception backfired about two years ago. The proposed legislation did not envisage a rightsholder opt-opt, and there was serious pushback from the country's creative sector. The British government dropped those legislative proposals, and a subsequent proposal to adopt a voluntary code of practice on the relationship between copyright and AI also floundered three months ago.

These unfortunate developments in Britain highlight the difficult interaction between innovation and creatives, Dr Hyland said.

Breaking the law

The EU's *AI Act* is the first-ever comprehensive law on AI worldwide and is expected to be fully formally adopted very soon. It will provide developers with clear obligations, while reducing the administrative and financial burden on firms.

Dr Hyland stated that, while the central thrust of the *AI Act* was not copyright law, there were provisions in it with significant relevance to copyright owners. Recitals 105 to 109 of the *AI Act* are of particular importance to EU copyright owners. While these recitals are not legally binding, they are persuasive and are frequently cited by both the European Commission and the EU courts, he said.

Dr Hyland also highlighted the importance of article 53 of the *AI Act*. The provision imposes important obligations on the providers of general-purpose AI models. One such obligation is the requirement to put in place a policy to comply with EU copyright and related rights law.

Returning to article 4 of the *CDSM Directive*, Dr Hyland said: "It is concerning that the language surrounding the reservation of the use of works in article 4 is not entirely clear."

All around the world

The World Wide Web Consortium Text and Data Mining Reservation of Rights


PICS: CIAN REDMOND

Community Group has proposed sample disclaimers for the effective reservation of copyright works. The European Commission should perhaps issue formal guidance on the complex issue of reservation of rights, Dr Hyland added.

The geopolitics of AI is also nuanced, with significant territorial differences on TDM.

The 'fair use' doctrine is alive and well in the US, while Japan and Singapore have permissive TDM exceptions. Britain is an outlier, as its TDM copyright exception is narrow.

Compelling judicial precedents are expected to emerge from *Getty Images v Stability AI* and *New York Times v Open AI* and will be influential in clarifying legal boundaries not only for journalism and photography, but also for digital music, Dr Hyland said.

Tension

Prof Eleanora Rosati commented that tensions arose when the interplay between artificial intelligence and copyright started to emerge.

"A lot was about the predictability of the outputs, and there was plenty of academic commentary on whether these outputs would be protectable by copyright," she said. The Bird & Bird Of Counsel asked whether it is possible to enforce EU law for activities that take place outside the EU. A situation similar to the early internet may emerge, when much of the peer-to-peer file sharing occurred on servers outside the EU, she predicted.

Generative AI development is a matter of global relevance, and everyone wants to understand how it can be done lawfully, Prof Rosati continued. "I see these extraterritorial elements as becoming the most relevant," she commented, adding that the next big frontier is liability for the use of AI tools.

John Phelan, director general of the International Confederation of Music Publishers (the global trade body for the music publishing industry) said that it is frustrating that few people ever actually define AI. "For the music industry, AI is not new, it's not novel. It's been used in many different forms, for many years," he said. Digital music is run on codes, and the U2 show at the Law Vegas Sphere is a digital AI construct, he pointed out.

AI is being used by artists to support the creative process, he said, but AI companies scraping content is a breach of copyright law and a breach of contract. He urged creatives to reserve their rights under copyright law, which the music publishing industry has been doing for many years.

His organisation has now launched rightsandai.com, available in eight different languages, where musicians can reserve all rights against scraping and illegal usage.

The music industry also uses a standardised machine-readable metadata format to defend songwriters and creators without any ambiguity, Phelan said. He predicted a reverse towards respecting legally enforceable rights, and a thriving music industry, commenting that some AI formats have some novelty value, but few returning users.

"I think as AI improves, and as long as we get the legal basis right … we can see it become part of the very exciting possibilities of technology," he said. All of this will drive both music and revenue.

Smooth criminal

Jeremy Godfrey, executive chair of Coimisiún na Meán, said that copyright infringement is a big driver of online takedown requests.

Coimisiún na Meán has also seen AI being used to produce child sex-abuse material, he said. "There's some really bad stuff," he commented.

The use of deep fakes to undermine the civic discourse and the electoral process has led the commission to produce election guidelines, he said. The possibility to create harm is great, but AI can also be used to detect illegal content. "If you look at the amount of content removed by platforms because it's harmful or illegal, most of that has been identified by the platforms themselves using their own AI. The best practice is usually [harmful content] flagged by AI and then reviewed by human moderators." However, human flaggers can also act in bad faith and in misconceived ways, he pointed out.

That Europe is such a large and important territory offered comfort, he said. Coimisiún na Meán is very much the Europe-wide regulator, since so many of the platforms have their European HQ in Ireland. The number and power of European users gave a territorial effect through suction forces, he added.

The panellists concluded that human creativity will not be replaced by artificial intelligence, but dealing with this technology requires a global approach, tied in with judicial decisions, in terms of rights infringement and transparency on obligations.

Mary Hallissey is a journalist at the Law Society Gazette.

Strength in diversity

Patricia Gannon looks at what diversity really means in terms of creating a culture that genuinely connects people – and how it can significantly enhance performance in the workplace

TECHNOLOGY CAN PLAY A SIGNIFICANT ROLE IN BUILDING AND MAINTAINING COMPANY CULTURE AND IN PROMOTING DIVERSITY AND INCLUSION FOR ALL VOICES. CONNECTING LAWYERS AND CLIENTS ACROSS THE GLOBE THROUGH WEBINARS, PODCASTS, ONLINE CONFERENCES, AND VIRTUAL MEETINGS IS A GAME-CHANGER

In a world where opinions are increasingly polarised, the ability to understand and respect diverse viewpoints is more important than ever. This openness not only enriches our professional practice, but also deepens our human connections. While almost all HR leaders (97%) report that their organisations have made changes to improve diversity and inclusion, just over a third of employees (37%) say the same of their organisations. As such, a considerable gap exists – this signals some success, but considerable room for improvement.

A *Harvard Business Review* study recently found that diverse companies had an impressive 19% higher innovation revenue than those who lacked diversity. The legal sector has made strides in advancing diversity, and yet a deeper understanding of the 'business and people value' of inclusive law firms is arguably yet to come. A strategic approach to difference that scaffolds and embeds real change is required if legal practice is to continue to attract and retain top talent.

Challenging times

Diversity is also important in legal practice in order to create a better reflection of society as a whole, enabling firms and legal workplaces to optimally serve clients. Many professionals face the challenge of overcoming entrenched views, both within themselves and in interactions with others. Recognising and addressing our often unconscious biases is crucial for fostering a more inclusive and empathetic professional environment.

Members of the public who need to hire a lawyer may be deterred if a firm does not have diverse staff, including people who they feel will understand them and their particular needs. A diverse and representative profession means improved choice and a better experience for the public accessing legal services. Many firms also find it a challenge to genuinely embrace diversity of opinion within their practice, and the traditionally hierarchical structure does not always support embracing diverse views and ways of doing things.

Being able to genuinely listen to new and different voices and embrace change-management tools will be key in embracing technology and rethinking how lawyers can best add value to their clients.

A diverse workplace allows for more ideas and processes. Diversity of talent means a broader range of skills among employees, as well as a diversity of experiences and perspectives – which increases the potential for increased productivity. It also enables outreach to broader communities and client bases and, most importantly, it allows us to evolve and develop as professionals serving clients who ideally are doing the same!

Practical magic

While we may all agree in principle to building a diverse workplace, it can be challenging to effectively manage in practice.

Encouraging open dialogue, actively seeking diverse viewpoints, and promoting a culture of continuous learning are practical steps that legal workplaces can take to foster an environment of open-mindedness. We link this concept of open-mindedness with culture because they are inherently interconnected.

Company culture is the heartbeat of any organisation. It's more than a set of rules or practices: it's the shared values, beliefs, and behaviours that define the way a company or firm operates. As we look to embracing diversity, we must also look closely at how culture is developed and supported. There is a lot of talk out there about what a company or firm culture is and how it's lived. Below, we shed light on some features facing companies and their 'culture'.

Culture club

Creating a culture that genuinely connects people involves several key elements:

- Open communication: encouraging open, transparent communication builds trust and fosters a sense of belonging among employees,
- Empathy and understanding: promoting empathy helps in understanding diverse perspectives, leading to a more inclusive and supportive work environment,
- Shared values and goals: aligning everyone around common values and goals creates a sense of purpose and unity.

These aspirations may be stating the obvious and, while many companies get this right, it may be surprising that many companies overlook the importance of establishing a healthy culture that lives those principles day to day. Culture has a huge impact both internally and externally with clients, communities, and wider society. Nurturing a culture that values human connections and empathy is crucial to building a sustainable team over time.

Remote control

Given that we still live in a mobile, remote, and hybrid work world, maintaining a strong company culture can be particularly challenging. It requires intentional efforts to ensure employees feel connected and aligned with each other and the company's values, regardless of their physical location.

Although many firms are encouraging employees to get back to the office, there remains a reluctance to do so. Certainly, greater flexibility is sought now within the legal community regarding remote work than was ever possible before, due to the remarkable technological advancements we have seen over the past ten years. Given that there is no 'going back to the way things were', we need to adapt to the way things are today.

Technical college

Alongside people, technology can play a significant role in building and maintaining company culture and in promoting diversity and inclusion for all voices. Connecting lawyers and clients across the globe through webinars, podcasts, online conferences, and virtual meetings is a game-changer. Such platforms and apps can be an interesting part of cultural scaffolding. By facilitating real-time, voice-based interactions, apps can enable a more personal and engaging way for team members to connect, share experiences, and reinforce company values. By providing a safe space for diverse voices and discussions, we encourage listening to and understanding different perspectives, enhancing our ability to connect, empathise, and better communicate with each other.

As we continue to navigate the complexities of the modern workplace, the importance of a strong, human-centric, diverse company culture cannot be overstated. It's the glue that holds an organisation together, ensuring that, despite the challenges of remote work, AI, and digital communication, the human premium remains at the forefront of what we do and who we are in law. g

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Patricia Gannon is a solicitor and founder at Platforum9, a social audio app connecting lawyers in live conversations around the practice areas and issues that matter to them. See platforum9.com.

Seize the day

A recent High Court judgment has important implications for the aftermath of dawn raids and will inform the conduct of, and engagement between, regulators and regulated entities. Cormac Little crash-dumps the hard drive

> WHERE THE SEIZURE OF DATA BY A REGULATOR DURING A DAWN RAID IS PERMITTED BY LAW, THE STARTING POINT IS THAT THE SEARCH OF THIS MATERIAL IS LED BY THE REGULATOR, OTHERWISE THE VERY PURPOSE OF THE STATUTE IS NUGATORY

In his 2 February judgment in *Commission for Communications Regulation v Eircom Limited* ([2024] IEHC 49), Twomey J considered the effect of the requirement on ComReg under the *Communications Regulation Act 2002* of maintaining the confidentiality of legally privileged or irrelevant material seized during a dawn raid. (In reaching his decision, the trial judge relied heavily on the 2022 judgment of Murray J in *Heather Hill Management Company CLG and Gabriel McCormack v An Bord Pleanála* ([2022] IESC 43) regarding the interpretation of statutes).

Legislative background

ComReg is the statutory body responsible for the regulation of the Irish electronic communications sector. A key objective of this regulator, under the 2002 act (as amended – 'the acts'), is to promote competition. As part of its functions, ComReg – provided it receives the imprimatur of the European Commission – may designate a particular operator as having significant market power (SMP). If so designated, this means that the relevant entity may be placed under supplementary regulatory obligations. At the relevant time, Eircom Limited, trading as Eir, was designated as having SMP in the provision of wholesale broadband services. This meant that Eir's wholesale arm, Open Eir, was obliged to provide third-party suppliers of retail broadband services with access to its network, while also being subject to a price-control framework, including a ban on wholesale discounts.

Eir's proposal

In any event, Open Eir, in early 2023, published details of a proposed discount scheme for its wholesale broadband customers (for example, Sky). ComReg duly informed Eir that the proposed scheme potentially infringed the relevant SMP requirements and commenced an investigation under the acts. Eir, therefore, quickly withdrew the relevant proposal. That said, ComReg remained concerned that the mere plan to implement such discounts might breach Eir's relevant obligations. Therefore, over three days in late May and early June 2023, ComReg, using its powers under the acts, conducted a surprise visit or 'dawn raid' of Eir's premises and seized copies of the latter's digital data. (Curiously, under the acts, ComReg is not obliged to obtain a District Court warrant before launching a dawn raid. This contrasts with the situation of the Competition and Consumer Protection Commission under the *Competition Act*, which must satisfy the relevant District Court that there are reasonable grounds for suspecting that an infringement of EU/Irish competition law is taking place at a particular premises. If so, only then can a district judge grant a search warrant.)

Statutory interpretation

As mentioned above, the court, in interpreting the relevant provisions of the acts, followed recent findings of the Supreme Court in *Heather Hill*. In the relevant judgment, Murray J refers to four principles of statutory interpretation that seek to ensure that the distinction between, on the one hand, the permissible admission of context coupled with the identification of purpose and, on the other hand, the impermissible imposition on legislation of an outcome that appears reasonable to a particular judge, remains clear.

Firstly, the Supreme Court found that legislative intent is a misnomer. The subjective intention of individual Oireachtas members is not relevant to interpretation. Secondly, a court's task is to ascertain the legal effect of a statute by using a framework developed by both legislation and common law. This approach may produce a result that, in hindsight, some parliamentarians did not envisage. Thirdly, the actual words of the relevant legislation are the best signpost regarding


PICS: SHUTTERSTOCK AI

what parliament wished to achieve. In deciding what is the relevant legal effect, the plain meaning or literal approach to the relevant provision is the preferred point of departure, because this is what legislators had before them when they adopted the relevant statute. Finally, the Supreme Court held that the best guide regarding the purpose of the legislature is the statute read as a whole. Where the apparently clear language of a specific provision is not followed by a court, the context/purpose must be clear and specific, with the alternative view proven by the broader language of the relevant statute.

The court used the *Heather Hill* principles to decide whether to approve the 'step plan'. (More broadly, the decision of Murray J constitutes a 'gold standard' in terms of the canons of statutory interpretation).

The step plan

To continue its investigation, ComReg wished to access the seized data while, at the same time, respecting Eir's rights to confidentiality regarding any legally privileged or irrelevant documentation. Accordingly, ComReg brought an application under the acts before the High Court seeking approval for its planned treatment of the seized data (the 'step plan'). This was opposed by Eir, which argued that the confidentiality of the relevant material would not be 'maintained', as required under this legislation. (Pending the court's decision, ComReg did not have access to the seized data, as it was kept in the electronic equivalent of sealed evidence bags.)

The step plan proposed a series of electronic word searches of the seized data, in each case considering any submissions of Eir regarding which terms should be used, in order:

- To identify file/domain names related, for example, to media, transport/accommodation, 'out of office' replies, plus healthcare providers, which are clearly personal to Eir

THIS HIGHLIGHTS THE NEED FOR BUSINESSES TO ADOPT A STRUCTURED PLAN FOR DATA STORAGE/ MANAGEMENT. THIS WOULD INCLUDE LABELLING OR SEPARATING POTENTIALLY PRIVILEGED MATERIAL WHEN GENERATED/ RECEIVED, THUS EASING THE TASK OF IDENTIFYING AND SEGREGATING SUCH DOCUMENTATION WHEN REQUIRED

staff, for the purpose of removing irrelevant documentation,
- To find domain names plus email addresses of lawyers/ law firms, with the aim of eliminating legally privileged material, and
- To use terms that will identify documents relevant to the investigation.

After completing the relevant word searches, ComReg proposed to commence its analysis of the seized data.

The key issue before the High Court was whether the electronic word searches were to be conducted by Eir (the regulated entity that had its data seized) or by the regulator, ComReg, which had gathered that material as a result of exercising its investigative powers.

The court held that, while the acts provide that the confidentiality of the regulated entity's information is to be maintained, it is impossible to guarantee that the searches conducted by ComReg will remove all privileged and/or irrelevant information.

Regardless of who conducts the search, the court noted that a strict literal or plain meaning interpretation of the acts, as argued by Eir, meant that confidentiality must be 100% guaranteed. However, this could never be achieved – whomever conducts the electronic word searches. With over 320,000 documents to be processed, there will always be a risk that some privileged legal advice to Eir, or the private or personal correspondence of an Eir staff member, might not be removed after the electronic word searches have been completed. However, just because ComReg cannot guarantee absolute confidentiality is not a reason for the court to order Eir to conduct the search. In other words, it was not clear to Twomey J that the literal meaning of 'confidentiality [is to] be maintained' is that confidentiality must be 100% guaranteed, as this is impossible to achieve in practice. Indeed, interpreting this provision as meaning that confidentiality must be guaranteed (and so the electronic word searches must be conducted by Eir) is only

possible if the phrase is read in isolation from the rest of the acts, without any consideration for its specific purpose.

Where the seizure of data by a regulator during a dawn raid is permitted by law, the starting point is that the search of this material is led by the regulator, otherwise the very purpose of the statute is nugatory. The context and purpose of the acts are clear and specific: the very nature of the seizure of material is that it is to be conducted by ComReg. This is the context against which the relevant statutory provision must be interpreted.

Court's findings

The court therefore concluded that ComReg should conduct the searches while seeking to maintain confidentiality, even though this cannot be 100% guaranteed for every single document. Twomey J found that it is the most consistent interpretation with the context and purpose of the acts. Otherwise, the purpose of the statutory investigative powers of ComReg would be undermined. The court therefore approved the step plan, subject to a small number of minor modifications.

Separately, the court stated that it would have been preferable if Eir had meaningfully engaged with ComReg in identifying potential terms for the electronic word searches seeking to eliminate privileged and/or irrelevant information. Indeed, the court stipulated that Eir is the party best placed to suggest such terms, given that its data will be searched. (Moreover, the court noted that Eir's actions had delayed ComReg's investigation by several months.)

Broader consequences

Twomey J's findings have important practical implications for the aftermath of dawn raids and will inform the conduct of, and engagement between, regulators and regulated entities. The starting point is that the regulator should conduct the search to remove irrelevant and privileged information from any data seized. However, given a regulated entity's familiarity with and access to the original material, the courts would expect them to contribute meaningfully to that process.

The approach taken to the searching of the seized data in this case appears to have involved only the use of keyword searches to eliminate legally privileged and/or irrelevant documentation. This highlights the need for businesses to adopt a structured plan for data storage/management. This would include labelling or separating potentially privileged material when generated/received, thus easing the task of identifying and segregating such documentation when required.

This decision constitutes a useful addition to the Supreme Court's findings in *CRH plc & Ors v the CCPC* ([2017] IESC 34). Following the court's criticisms of its seizure, during a dawn raid, of the entire email account of a senior CRH executive without adequate protection for both privacy rights and legal professional privilege, the CCPC, last year, adopted a protocol establishing safeguards for material that may be the subject to either category of claim during a dawn raid. The 2023 protocol contains five principles to be followed by the CCPC: legality, proportionality, necessity, fairness, and transparency.

While the CCPC is primarily subject to a single legislative framework (the *Competition Act*), and ComReg operates under both this (in terms of electronic communications and services) and also the *Communications Regulation Act*, the approach of the latter to its investigation of Eir aligns with the 2023 protocol. That said, this latter text does not address how the CCPC would deal with potentially irrelevant information. Accordingly, the High Court's judgment contains very useful complementary lessons for future investigations, whether under EU/Irish competition rules or under the acts. g

Cormac Little SC is a partner in William Fry LLP and is head of its competition and regulation team.

PRACTICE NOTE

PRACTICE NOTES ARE INTENDED AS GUIDES ONLY AND ARE NOT A SUBSTITUTE FOR PROFESSIONAL ADVICE.
NO RESPONSIBILITY IS ACCEPTED FOR ANY ERRORS OR OMISSIONS, HOWSOEVER ARISING

CONVEYANCING COMMITTEE

SOLICITORS' CERTIFICATES REGARDING ROADS AND SERVICES: UPDATE

● Following extensive engagement by the Conveyancing Committee with the Local Government Management Agency, the committee has reconsidered the practice of solicitors issuing a solicitor's certificate in respect of roads and services on completion. The committee's previous practice note (2017) can be found at lawsociety.ie/solicitors/knowledge-base/practice-notes/letters-re-roads-and-services-in-charge--follow-up.

As the committee believes that it can be difficult for a solicitor to conclusively certify the position with regard to roads and services, it considers it no longer appropriate for solicitors to issue these certificates and recommends that, instead, the appropriate letter be furnished by the relevant local authority. The next revision of the *Replies to Requisitions* will be updated to deal with this change in practice.

The position outlined in previous practice notes relating to Uisce Éireann/Irish Water still remains. The 2018 practice note is at lawsociety.ie/solicitors/knowledge-base/practice-notes/irish-water---update.

The committee continues to liaise with the LGMA in streamlining the roads and services request process and will keep the matter under review. g

WILLS

Barry, Nuala (deceased), late of 12a Strand Road, Sandymount, Dublin 4, who died on 26 November 2023. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Denis McSweeney, Solicitors, 40 Upper Grand Canal Street, Dublin 4; tel: 01 676 6033, email: info@denismcsweeney.com

Carroll, Margaret (deceased), late of Annabeg Nursing Home, Meadow Court, Ballybrack, Co Dublin, and formerly of 423 Collinswood Avenue, Whitehall, Dublin 9. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 19 March 2024, please contact Benville Robinson LLP, 24A Florence Road, Bray, Co Wicklow; tel: 01 276 1330, email: gillian@benvillerobinson.ie

Farrell, Joan (deceased), late of Talbot Lodge Nursing Home, 17 Kinsealy Lane, Malahide, Co Dublin, and formerly of 187 Castle Curragh Vale, Blanchardstown, Dublin 15. Would any person having knowledge of a will executed by the above-named deceased, who died on 22 December 2023, please contact Mairead Leyne, solicitor, 3 Park House, Greystones, Co Wicklow; DX 205003 Greystones; tel: 01 287 3483, email: maireadleynesolicitor@gmail.com

Larkin, Margaret (deceased), late of St Mary's Hospital, Dublin 20, who died on 25 November 2019. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Reddy Charlton LLP, 12 Fitzwilliam Place, Dublin 2; tel: 01 661 9500, email: solutions@reddycharlton.ie

Leonard, Anna Marie (otherwise Creighton, Anna Marie) (deceased), late of Oldtown, Moycullen, Co Galway, who died on 14 January 2024. Would any person having knowledge of any will made by the above-named deceased, or if any firm is holding any will or documents, please contact Mary O'Malley, Russell & O'Malley LLP, Solicitors, Unit 1, 'Garrai Mhe', Mountain Road, Moycullen, Co Galway; tel: 091 556 356, email: mary@romlaw.ie

O'Brien, Dorothy (deceased), late of 25 Gleann na Coille, Barna Road, Galway, formerly of 1 Barr na gCurrach, Furbo, Co Galway, who died on 30 April 2022. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact MacSweeney & Co, Solicitors, 22 Eyre Square, Galway; tel: 091 532 532, email: info@macsweeneylaw.com

O'Byrne, Niall Donal (deceased), late of Apartment 103 Custom Hall, Gardiner Street, Dublin, and Edificio Michelle y Fabian, Apartment 14 Corralejo, Fuerteventura, 35560, who was a garda and originally from Tipperary. Would any person having knowledge of any will made by the above-named deceased, or if any firm is holding any will, please contact Claire Tuohy, Holmes O'Malley Sexton, Bishopsgate, Henry Street, Limerick; tel: 061 758 728, email: claire.tuohy@homsassist.ie

O'Molloy, Joseph (deceased), late of 285 Grace Park Heights, Drumcondra, Dublin 9, and 16 Villa Park Avenue, Navan Road, Dublin 7, who died on 27 April 2024. Would any person having knowledge of any will made by the above-named deceased, or if any firm is holding any will or documents, please contact Matthew O'Donohoe, O'Donohoe Solicitors, 11 Fairview, Dublin 3; tel: 01 833 2204, email: reception@odonohoes.com

O'Neill, Olive (deceased), late of 3 The Green, Straffan Wood, Maynooth, Co Kildare, formerly of Newtown Park, Leixlip, and Castletown, Celbridge, who died on 10 December 2022. Would any person having knowledge of any will executed by above-named deceased please contact Colm O'Cochlain and Co, Solicitors, First Active House, Old Blessington Road, Tallaght, Dublin 24; tel: 01 459 0684, email: solicitor@ocochlain.ie

Reilly, Cecelia Frances (deceased), late of Cylearil, Balcoultry, Swords, Co Dublin, who died on 28 April 2024. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Mark Connellan, Connellan Solicitors LLP, 3 Church Street, Longford; tel: 043 334 6440, email: info@connellansolicitors.ie

Sinnott, Timothy James (otherwise Timothey, Teddy, Ted) (deceased), late of Broomville Lodge, Ardatton (Ardattin), Co Carlow, who died on 29 April 2024. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Jason Dunne, solicitor, John A Sinnott & Co, Market Square, Enniscorthy, Co Wexford; tel 053 923 3111, email: info@johnasinnottsolicitors.ie

RECRUITMENT

Solicitor required for busy Carrick-on-Shannon general practice with strong emphasis on conveyancing and probate. Experience in these areas desirable. The opportunity offers prospects of early advancement in the firm, with good support available to a suitable applicant. Apply to info@georgelynch.ie. Closing date: 31 July 2024; attention: Noel Farrell

RATES

PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICES SECTION ARE AS FOLLOWS:

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

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

ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO catherine.kearney@lawsociety.ie and PAYMENT MADE BY ELECTRONIC FUNDS TRANSFER (EFT). The Law Society's EFT details will be supplied following receipt of your email. **Deadline for August/September 2024 *Gazette*: Friday 9 August 2024.**

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

TITLE DEEDS

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*: lands comprising The Red House, Castle Street, Dunmanway, Co Cork

Any persons having an interest in the freehold or intermediate estates in the above property take notice that Kathleen Carroll, as legal personal representative in the estate of James (otherwise Jimmy) Carroll, intends to submit an application to the county registrar of the county of Cork for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and any person asserting that they hold any superior interest in the property are called upon to furnish evidence of title to the premises to the below named.

In particular, any persons having an interest in a lease for the term of 147 years agreed between Thomas Fuller as lessor and Daniel Lynch as lessee dated 4 November 1878, to run from 29 September 1878, should provide evidence of their title to the below-named solicitors. Further, any persons having any estate or any interest superior to that of the grantors of the said leases as aforesaid and any of them and/or the fee simple interest in the above properties should provide evidence of their title to the below-named solicitors.

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

Date: 5 July 2024
Signed: O'Brien Solicitors (solicitors for the applicant), Market Square, Dunmanway, Co Cork

In the matter of the *Landlord and Tenant Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of an application by Michael Connell, Paul Connell and Brian Connell (as legal personal representatives of Maureen Connell) in relation to 12, 13 and 14 Grattan Crescent, Inchicore, Dublin 8

Take notice any person having any interest in the freehold estate of the following property: all that and those the premises demised by a lease dated 24 September 1937 between the Right Honourable Lord Mayor, Aldermen and Burgess of Dublin on the one part and Mary Connell and Bridget Connell of the other part, being that part of the estate of the said corporation situated on Grattan Crescent, Inchicore, in the parish of St Jude and city of Dublin, containing in front of the newly widened Grattan Crescent 70 feet, in the rear 71 feet, in depth from front to rear on the north side 52 feet 5 inches, and on the southwest side 59 feet 8 inches, all or any of the said measurements more or less, which said premises are coloured green and are more particularly laid down and described on a map annexed to the lease of 24 September 1937, which said premises are now known as 12, 13 and 14 Grattan Crescent, Inchicore, Dublin 8, in the city of Dublin.

Take notice that Paul Connell, Brian Connell, and Michael Connell (as legal personal representatives of Maureen Connell deceased,) c/o Cullen Solicitors, 86-88 Tyrconnell Road, Dublin 8, intend to submit an application to the county registrar for the county of Dublin for acquisition of the freehold interest in the aforesaid properties, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of the title to the aforementioned premises to the below named within 21 days from the date of this notice.

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

Date: 5 July 2024
Signed: Cullen & Co (solicitors for the applicants), 86-88 Tyrconnell Road, Inchicore, Dublin 8, D08 FW01; DX 1038 Four Courts

In the matter of the *Landlord and Tenant Acts 1967-2005* and in the matter of a premises being a licensed house and situate at Main Street, Killaloe, in the barony of Tulla Lower and county of Clare: an application by Pat Reddan

Take notice that any person having any interest in the freehold estate or claiming to own the fee simple interest of the hereditaments and premises known as a licensed house and premises situate at Main Street, Killaloe, in the barony of Tulla Lower and county of Clare, being the premises more particularly outlined in red on the land registry compliant map attached hereto, held under a now-expired lease dated 1 December 1906 and made between John O'Nial of the one part and Patrick Collins of the other part for a term of 99 years from the first day of February 1906,

subject to a yearly rent of £12, and any party or parties asserting that they hold a superior interest in the premises are called upon to furnish evidence of title to the premises to the below-named solicitors for the applicant within 21 days from the date of this notice.

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

Date: 5 July 2024

Signed: Maurice Power Solicitors LLP (solicitors for the applicant), Lord Edward Street, Kilmallock, Co Limerick

In the matter of the *Landlord and Tenant Acts 1967-2005* and in the matter of premises comprising stores, garages, and premises in Sexton Street, situate in the parish of St Michael and city of Limerick and commonly known as 3 The Stables, Sexton Street, Limerick: an application by Daniel Lehane

Take notice any person having any interest in the freehold estate or claiming to own the fee simple interest of a premises comprising stores, garages, and premises in Sexton Street, situate in the parish of St Michael and city of Limerick, and commonly known as 3 The Stables, Sexton Street, Limerick, the subject of an indenture of lease dated 29 September 1946 between Catherine Cecilia Leahy and Mary S Bowers of the one part and Alfred J Sexton and Kate Foley of the other part for a term of 99 years, subject to a yearly rent of £100, and any party or parties asserting that they hold a superior interest in the premises are called upon to furnish evidence of title to the premises to the below-named solicitors for the applicant within 21 days from the date of this notice.

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

Date: 5 July 2024

Signed: Maurice Power Solicitors LLP (solicitors for the applicant), Lord Edward Street, Kilmallock, Co Limerick

In the matter of the *Landlord and Tenant Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of the premises known as 33½ and 34 Clarendon Street, city of Dublin: an application by Francis Little

Take notice any person having any interest in the freehold estate or any intermediate interest in the property known as 33½ and 34 Clarendon Street, city of Dublin, being the property comprised in a lease made 23 May 1947 between Hodgins and Co Ltd of 82 Aungier Street in the city of Dublin of the one part and Richard McIlhagga of 48 Upper Drumcondra Road in the city of Dublin and Joseph Cunningham of Arundel, Sutton, in the county of Dublin of the other part, for the term of 150 years from 1 February 1947, subject to a yearly rent of £100 thereby reserved and subject to the covenants and conditions therein contained.

Take notice that Francis Little (the applicant) intends to submit an application to the county registrar for the county of the city of Dublin for acquisition of the freehold interest and any intermediate interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforementioned premises is called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

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

Date: 5 July 2024

Signed: O'Shea Legal (solicitor for the applicant), 3 Chancery Place, Dublin 7

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019* and in the matter of an application by William and Marie Cleary in respect of the purchase of the fee simple and all intermediate interests in premises at 137 Galtymore Road, Drimnagh, Dublin 12

Any person having any superior interest in the premises the subject of an indenture of lease dated 6 June 1985 between Kenny & Sons Limited of the one part and Robert Murphy of the other part for a term of 105 years from 29 September 1984 (less the last three days) at a rent of £5 per annum, and thereinin described as "all that piece of land shown on the plan annexed hereto and thereon coloured red and the upper floor of the premises known as 137 Galtymore Road, Drimnagh, in the parish of Crumlin and city of Dublin (including the numbered joists on which the upper floor of the premises is laid, but not the ceiling of the retained premises), together with the ground floor entrance, passage and staircase leading to the upper floor".

Take notice that William and Marie Cleary, being the persons now holding the leasehold interest in the premises under the lease, intend on the expiry of 21 days from the date of publication of this advertisement to submit an application to the Dublin County Registrar to acquire under the *Landlord and Tenant (Ground Rents) Acts 1967-2019* the fee simple and all intermediate interests in the premises, seeking such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest is unknown and unascertained, and further take notice that any party asserting that they hold a superior interest in the premises is hereby called upon to furnish evidence of their title to the solicitors for William and Marie Cleary, Mangan O'Beirne LLP, 31 Morehampton Rd, Ranelagh, Dublin 6, within 21 days from the date hereof.

Date: 5 July 2024

Signed: Mangan O'Beirne Solicitors

(solicitors for the applicants), 31 Morehampton Rd, Ranelagh, Dublin

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act*: lands at or adjacent to 'Remuera', Knocknagore (orse Crosshaven), Kerrycurrihy, Co Cork

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

In particular, any persons having an interest in a lease for the term of 999 years agreed between Francis George Hayes as lessor and Robert Cleburne as lessee, dated 18 February 1905, to run from 25 March 1905 and as varied on 1 December 1906, should provide evidence of their title to the below-named solicitors. Further, any persons having any estate or any interest superior to that of the grantor of the said lease as aforesaid and any of them and/or the fee simple interest in the above properties should provide evidence of their title to the below-named solicitors.

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

Date: 5 July 2024

Signed: Babington, Clarke & Mooney, Solicitors (solicitors for the applicant), 48 South Mall, Cork

In the matter of the *Landlord and Tenant Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* (as amended) and in the matter of an application by Gerard Barter, c/o Whelan Solicitors, Grattan Court, Washington Street West, Cork

Any person having interest in the freehold and/or intermediate estates in the following property: the premises situate at and known as 10 Cahill Ville, Alexandra Road, in the parish of St Anne's, Shandon, and city of Cork, as more particularly described in an indenture of lease dated 19 December 1975 made between Jeremiah Murphy and Mary Cody of the one part and Daniel Roy Noonan and Paulette Noonan of the other part.

Take notice that Gerard Barter intends to submit an application to the county registrar for the county of Cork for the acquisition of the freehold interest and all intermediate interests in the aforementioned property, and any party asserting that they hold a superior interest in the said property is called upon to furnish evidence of title thereto to the below named and, in particular, the following: such person or persons entitled to the interests of Jeremiah Murphy and Mary Cody pursuant to an indenture of lease dated 19 December 1975, made between Jeremiah Murphy and Mary Cody of the one part and Daniel Roy Noonan and Paulette Noonan of the other part, whereby for the consideration therein contained the premises therein described and edged in red on the map endorsed thereon were demised by the said Jeremiah Murphy and Mary Cody unto the said Daniel Roy Noonan and Paulette Noonan for the term of 112 and one-half years (less the last three days thereof) from 29 September 1974, subject to the yearly rent of £3 and to the covenants on the part of the lessees and conditions therein contained.

Any person or persons entitled to the grantor's interest under the aforesaid lease or those holding any superior interest in the property should provide evidence of their title to the applicant's solicitors within a period of 28 days of the date of this notice.

In default of such notice being received, Gerard Barter intends to proceed with an application before the county registrar for the county of Cork to acquire the fee simple interest and all intermediate interests in the said property and will apply to the county registrar for such directions and orders as may be appropriate on the basis that the person or persons entitled to the superior interests including the freehold interest in the aforesaid premises are unknown or unascertained.

Date: 5 July

Signed: Whelan Solicitors LLP (solicitors for the applicants), Grattan Court, Washington Street West, Cork

PRO BONOBO

Me against the music

● Two Madonna fans have dropped their lawsuit against the singer for starting her show two hours late, having previously argued they had to get up early the next day, *The Guardian* reports.

In January, Michael Fellows and Jason Alvarez had filed a class action case against the singer, the venue, and the tour promoters. They argued they would not have bought tickets if they had known that her performance would not start until 10.30pm, saying that leaving the venue at 1am had left them "stranded" with "limited public transportation" options and increased costs due to surge prices on ride-share apps.

Burger me!

● MacDonald's is to remove AI ordering tech in its drive-through restaurants in the US, after ending its two-year partnership with IBM, *Salon* reports.

The fast-food chain had been testing the technology at over 100 restaurants nationwide, but now says it will remove all AI systems after customers experienced several public mishaps while attempting

to order from the AI. In one incident shared on social media, a customer attempts to order a caramel ice cream, only for the AI to add multiple stacks of butter to her order. In another instance, two customers can't contain their laughter while an exorbitant amount of chicken nuggets is added to their order.

A separate customer is given ice cream topped with bacon. The *Gazette* wouldn't be sending that one back.

Cash in hand is worth two in the box

● A New York couple who were 'magnet fishing' in a lake recovered a safe that had $100,000 in cash stuffed inside, *The Guardian* reports.

James Kane and Barbie Agostini tossed a line with a strong magnet attached to the end into a lake in Flushing Meadows Corona Park in Queens on 31 May. After pulling up the safe and managing to open it, they found bundles of $100 bills, though the money was damaged by the water.

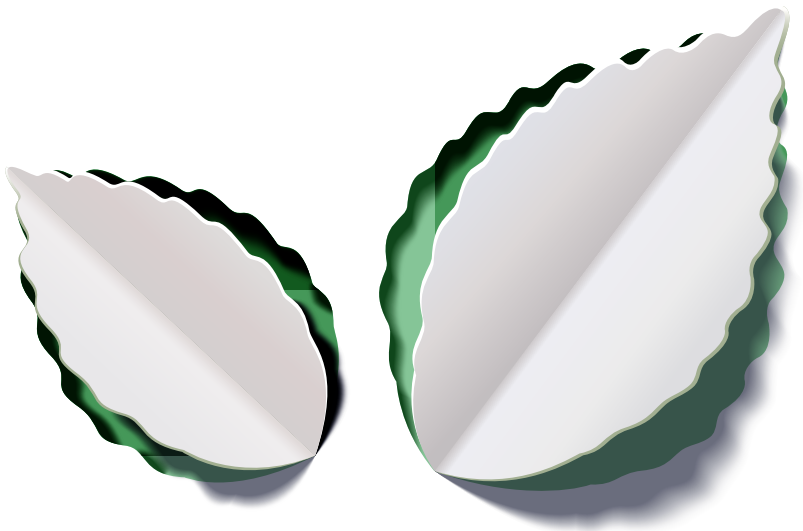
When they contacted the police, they were told there was no crime attached to the cash and there was no way to identify the original owner of the safe, meaning they were allowed to keep the money.

No-hog hot dog flog

● The US's most famous hot-dog-eating contest has banned 16-time champion Joey 'Jaws' Chestnut for signing a deal with a company that makes plant-based sausages, NPR reports.

Organisers of the Nathan's Famous Hot Dog Eating Contest said they banned him after he signed an endorsement deal with Impossible Foods, which recently launched a marketing campaign specifically targeting meat-eaters.

Major League Eating, which oversees 'professional competitive eating events' (including but not limited to hot dogs), said in a statement that Chestnut had "chosen to represent a rival brand" rather than compete in its storied Coney Island contest.



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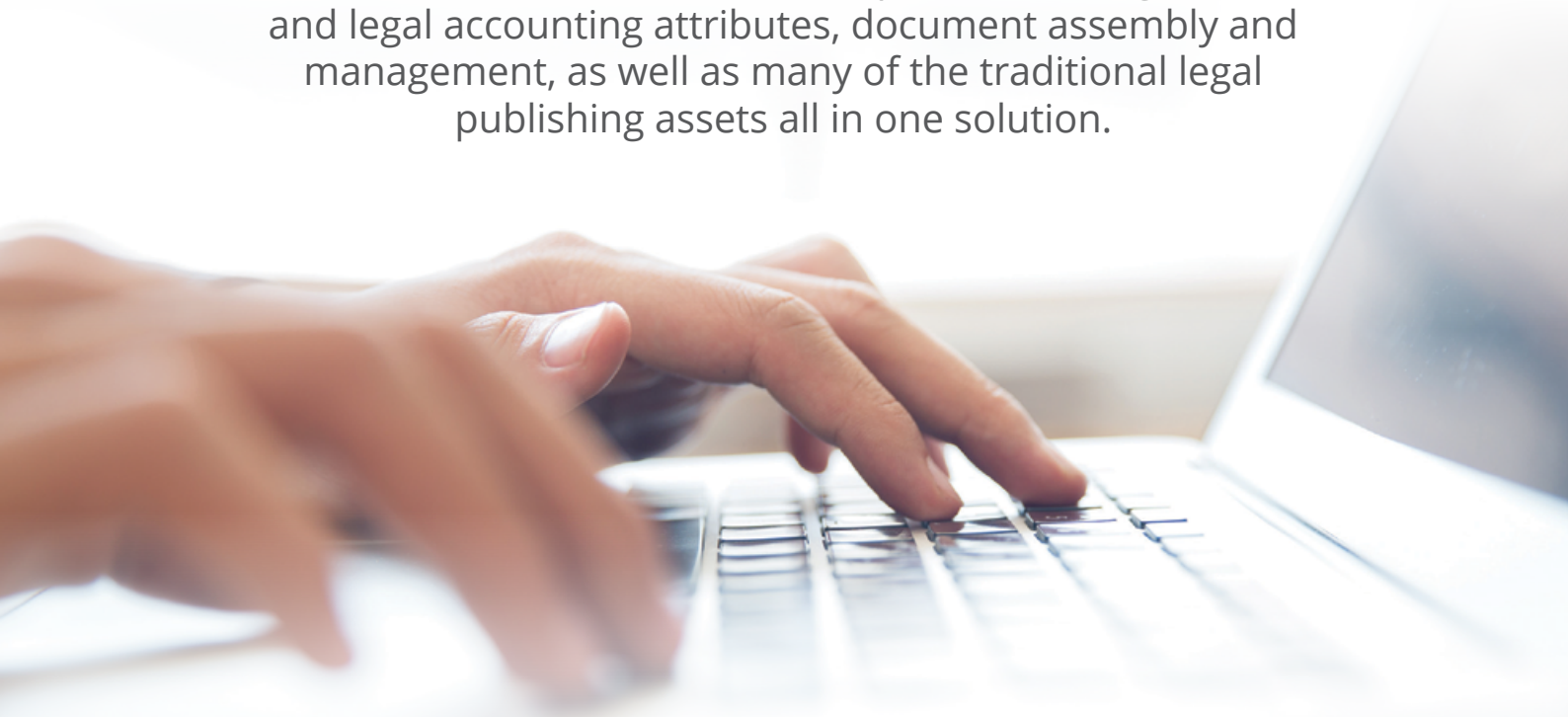

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