



An tSeirbhís Chúirteanna
Courts Service

COURTS SERVICE
ANNUAL REPORT

2008

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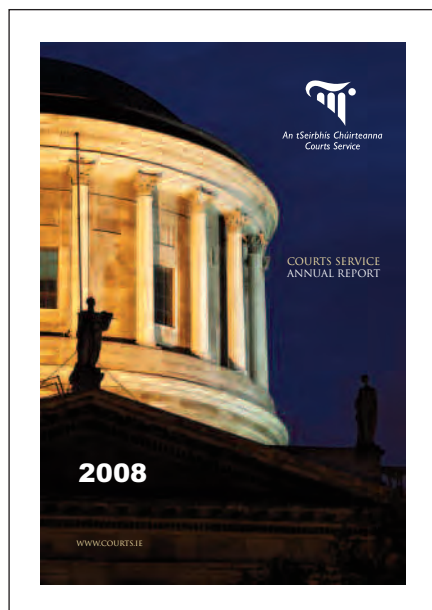
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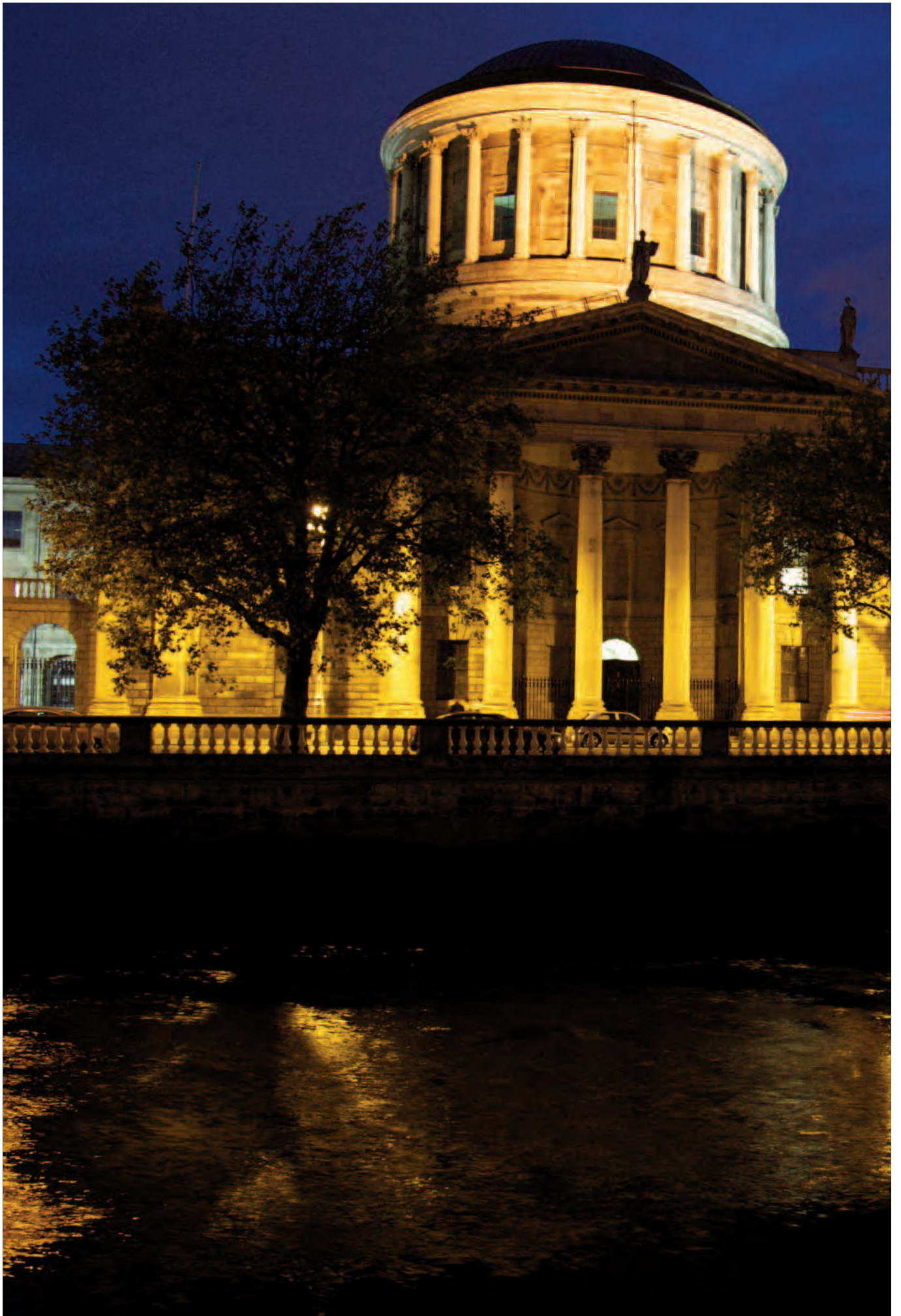
TO MANAGE THE COURTS, SUPPORT
THE JUDICIARY AND PROVIDE A HIGH
QUALITY AND PROFESSIONAL SERVICE
TO ALL USERS OF THE COURTS

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FOUR COURTS BY RAYMOND O'BRIEN © 2009

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2008 HIGHLIGHTS



MODERNISING THE COURTS:

- High Court sits in new venues around the country
- Capital building programme further improves the stock of Irish courthouses
- Landmark Criminal Courts Complex on schedule for completion in 2009
- Improved family facilities unveiled at Dolphin House in Dublin
- Work continues on reorganisation of District Court Districts
- Well designed and professionally delivered ICT programmes bring court services into the homes of citizens – e.g. Small Claims Online and Online Fine Payment
- Technology makes its way into the courtroom as video conferencing, video viewing facilities and digital audio recording are installed around the country
- Northern Irish court proceedings heard in the State for the first time, as court hearing the civil action taken by the families of the Omagh bomb victims sits in the Four Courts to hear evidence of An Garda Síochána
- Website wins 'Best State Body' category of Irish eGovernment awards for second time
- Courts Accounting Project introduces electronic payment of family law maintenance



COURT OPERATIONS:

- 103% increase in cases for recovery of possession of land or premises in the High Court
- 101% increase in cases for specific performance of contracts in High Court
- 63% increase in actions for recovery of debt and 34% increase in actions for breach of contract in High Court
- Applications to appoint Examiners to companies in difficulty increased by 71% with applications to wind up companies increased by 68%
- 47% increase in judgments registered in the High Court
- 106% increase in applications to High Court relating to certain solicitors matters
- 60% of civil bills issued in the Circuit Court relate to breach of contract or debt collection
- 45% of small claims applications in District Court made using Small Claims Online system
- 92% increase in ejectment proceedings in District Court
- Majority of applications for judicial separation and divorce in both Circuit Court and High Court made by wives
- 66% of maintenance orders in District Court made in favour of unmarried applicants
- 8% decrease in domestic violence applications to the District Court
- 25% increase in applications by unmarried fathers for guardianship of children
- 20% increase in appeals by Director of Public Prosecutions to Court of Criminal Appeal against leniency of sentences with sentences quashed and new sentence imposed in 67% of cases
- 17% increase in new cases in Central Criminal Court
- Trials taking longer in both Circuit Criminal Court and Central Criminal Court
- 26% increase in criminal cases in District Court
- 60% of all criminal cases in District Court relate to road traffic offences
- 58% increase in drug offence cases before District Court
- 92% increase in public order and assault cases before District Court
- 390% increase in sexual offences before District Court
- Hotel licence applications to Circuit Court decrease by 40%
- Applications to District Court to renew pub licences decrease by 33%

MESSAGE FROM THE CHIEF JUSTICE AND CHAIRPERSON OF THE BOARD



This, the ninth annual report of the Courts Service, records a year of consolidation, following a decade of effort, energy and innovation. In that time new approaches and level of service have developed across and throughout the Courts Service.

Over the years the Courts Service has operated in the context of an environment that was constantly evolving and changing. This has always posed and continues to pose challenges to the Courts Service and requires it to be constantly flexible and adaptable in its strategies and managerial projects. Economic expansion over the last decade or so has substantially altered the depth and breadth of the Irish economy so that there has been a substantial growth in the volume of cases with serious commercial interests at stake. Notwithstanding the downturn in the economy that is likely to continue to be the case although that downturn will also bring other challenges arising from cases generated by its consequences. Societal changes will also continue to have an impact such as population growth and the diversity within it. The current climate also challenges the Service to seek to improve the service provided while operating within a tighter budgetary framework.

In the past year there were, in particular, three specific operational changes which the judiciary and the staff of the Courts Service introduced:

- The occasions when the High Court sits outside Dublin have greatly increased, due to the availability of much improved court facilities across the country. This has reduced waiting times enormously especially in non jury matters where waiting times have reduced from 18 months to three months
- In the Circuit Court the introduction of case progression conferences before County Registrars in family law cases is bringing a new momentum to reducing the length of time it takes to finalise these cases
- Similarly in the District Court the reorganisation of the Districts and venues was the biggest administrative change in the courts system in over 40 years. The result was extra sittings and court days across the country.

These changes are a real sign of tangible progress, facilitated by the ground work of the past ten years. The Courts Service has radically changed the level of support and services available to the courts and the judiciary, in terms of an improved

estate of court buildings, a modern and dynamic approach to management, a major investment in and use of information and communication technologies and a flexibility of approach.

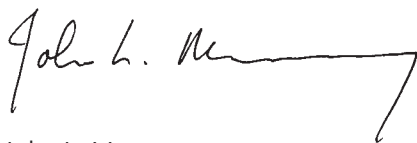
The efforts of the Service are greatly enhanced by staff who have shown a commendable willingness to change, both in terms of bringing forward ideas and in responding to them. Also the role of the judiciary across the country in leading change and in working with the Courts Service to implement improved services is gratefully acknowledged.

In acknowledging the essential contributions of the personnel of the Courts Service I wish to extend my own personal appreciation and that of the Board for their interest in and responsiveness to all of our initiatives to provide improved public service.

I would especially like to thank Mr. P.J. Fitzpatrick our Chief Executive for the past decade, who retired at the end of 2008. His contributions have been highlighted elsewhere, but he can be satisfied that he has left in place an organisation which is providing a support service for the administration of justice in Ireland of the highest order. The Board and I extend to his successor Mr. Brendan Ryan every best wish in his new position and look forward to working with him in the years to come.

I also extend my thanks and those of the Board to members of the legal community for their work and support in 2008.

Finally the Board acknowledges the continued support of the Government for our ongoing work and plans, and in particular the Minister for Justice, Equality and Law Reform and the Secretary General and staff of his Department.

A handwritten signature in black ink, reading "John L. Murray". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John L. Murray

INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER



The past year has seen a radical change in the country in terms of the economy, the relationships between businesses, and the relationship between the citizen and many commercial institutions. This change has resulted in new layers of work for the courts. It has also dramatically changed how we fund and invest in our various programmes.

2008 saw a doubling of many areas of commercial and financial matters before the courts. In the High Court new cases for recovery of possession of land or premises increased by 103%, actions for specific performance of contracts increased by 101%, and claims for recovery of debt increased by 63%. Over half of all civil matters in the Circuit Court related to debt collection or breach of contract. The largest increase in the civil work of the District Court also reflects the new fiscal reality where ejectment proceedings increased by almost 92% last year.

By the end of the year it was clear that like all other public bodies the Courts Service would have to conduct its business with less money. Early on our approach was that any savings would not impact on frontline, customer and courtroom services. I am glad to report that this is still the case and that the many real savings made have not impacted on the public who use our courts. Our approach to capital projects for future years has unfortunately to be re-evaluated with less money available for our extensive plans.

In terms of our modernisation programme we opened two new courthouses in Ardee and Blanchardstown and work continued ahead of schedule on the Criminal Courts Complex at the Phoenix Park which will see 22 new courtrooms come on stream before the end of 2009.

The improved use of technology has seen three projects rolled out with very real and immediate benefits for court users.

The first of these is the Courts Accounting System which has centralised and automated the processing of payments made by courts offices. In terms of family law this means the electronic payment of maintenance into bank accounts, instead of the labour intensive issuing of cheques from each court office. This has proven a major success with 75% of recipients choosing this method of payment. This system has also enabled the full roll out of *Small Claims Online* and the introduction of an on line payment of fines. All of these initiatives make the accessing of courts services easier and not restricted by office opening hours. They are also providing savings in staff

time, allowing us free up staff for court related work.

In the court room itself the roll out of digital audio recording, where each case is recorded as a digital computer file, will bring real benefits to the judiciary and litigants. It allows ease of access to playback from previous evidence, and use of the record to produce transcripts where the court deems necessary. The installation of equipment for this project was well under way by the end of 2008 and promises a new era in modern record keeping of court cases.

Our relationship with an Garda Síochána has also had an ICT input during the year with the introduction of a new system of transferring information between the two organisations. The Criminal Justice Interoperability Project (CJIPP), introduced in mid November, facilitates the electronic exchange of information between our Criminal Case Tracking System and the Garda Pulse system, as well as the electronic filing of requests for summons to be issued by the Courts Service. In the few weeks of operation to year end 230,000 pieces of information were exchanged between the two

organisations and 22,000 summonses applied for electronically. One other project remains a highlight of the year in terms of the provision of information to the public. The school curriculum can now avail of a law module. Our Information Office developed a ten part module for use in secondary schools which provides teachers with teaching aids, lessons, class plans and a DVD to explain how the courts system operates. This *'Let's look at The Law'*, pack has been widely taken up and praised in the education sector.

In undertaking the above four initiatives, and in the many other developments and day-to-day work outlined in this comprehensive report, we are reliant upon many people.

I am very grateful to the Chief Justice and Chairperson of the Board, The Hon. Mr. Justice John L. Murray, to all of the members of our Board, to each court President and the judiciary generally for their continued support and guidance during another very busy year.

The staff of the Service continually demonstrate that their openness and willingness to embrace change is exemplary. To each and every one I extend my sincere appreciation and gratitude.

We also very much appreciate the cooperation and assistance we continue to receive from the many other agencies within the wider justice community, the organisations representing the legal profession and


many other voluntary and non government organisations and agencies too numerous to mention.

I would like particularly to thank the Minister, Secretary General and staff of the Department of Justice, Equality and Law Reform, for their wholehearted and continuous support for our work.

This wide level of support ensured 2008 was another year of marked improvements and developments for the Courts Service.

As this is my first year as CEO I would like to acknowledge the work of my predecessor Mr. P.J. Fitzpatrick, who for ten years moulded the Courts Service into a successful, modern and dynamic public body. All of us in the justice community wish him well in his retirement.

This Annual Report contains a detailed account of the volume and complexity of the work undertaken in our courts during the year and of our continued programme of modernisation and reform. It is a resource in itself for all those interested in the work of our courts.



Brendan R. Ryan
Chief Executive Officer



CHAPTER 1 STRUCTURE AND GOVERNANCE



CHAPTER 1

STRUCTURE AND GOVERNANCE

FUNDING AND STAFFING OF THE SERVICE IN 2008

Funding provided by the State:	€139.2 million
Budget	
Revenue:	€97.2 million
Capital	€ 42 million
Staff:	1,090
Funds managed in a trustee capacity:	€1.033 billion
Fees collected:	€47 million
Fines collected:	€26 million
Offices nationwide:	82
Number of court venues:	140

The functions of the Service are to:

- Manage the courts
- Provide support services for the judges
- Provide information on the courts system to the public
- Provide, manage and maintain court buildings
- Provide facilities for users of the courts.

The Board consists of a Chairperson and 16 Members. Its functions are to consider and determine policy in relation to the Service and to oversee the implementation of policy by the Chief Executive Officer.

THE BOARD OF THE COURTS SERVICE



The Hon. Mr. Justice **John L. Murray**,
Chairperson
Chief Justice of Ireland

In November 2008:

- 1 Replaced The Hon Mrs Justice Susan Denham
- 2 Replaced The Hon Mr Justice Iarfhlaith O'Neill
- 3 Replaced The Hon Mr Justice John Quirke
- 4 Replaced Judge Patrick Moran

5 Replaced Judge Flannan Brennan

- 6 Replaced Mr. Owen Binchy
- 7 Replaced Mr. Kevin Fidgeon
- 8 Replaced Ms. Olive Braiden
- 9 Replaced Ms. Esther Lynch



The Hon. Mr. Justice **Richard Johnson**
President of the High Court



The Hon. Mr. Justice **Nicholas Kearns** ¹
Elected by the judges of the Supreme Court



The Hon. Mr. Justice **Kevin Feeney** ²
Elected by the judges of the High Court



The Hon. Mr. Justice **Iarfhlaith O'Neill** ³
Nominated by the Chief Justice in respect of his experience or expertise in a specific area of court business



The Hon. Mr. Justice **Matthew Deery**
President of the Circuit Court



His Honour Judge **Michael White** ⁴
Elected by the judges of the Circuit Court



Her Honour Judge **Miriam Malone**
President of the District Court



Judge **Gerard Haughton** ⁵
Elected by the judges, other than the President, of the District Court



Mr. **P.J. Fitzpatrick**
Chief Executive Officer



Mr. **Eoghan Fitzsimons**, S.C.
Nominee of the Council of the Bar of Ireland



Mr. **Gerard Doherty**, solicitor ⁶
Nominated by the President of the Law Society of Ireland



Mr. **Brian Leonard** ⁷
Elected by the staff of the Service



Mr. **Noel Waters**
An officer of the Minister nominated by the Minister



Ms. **Mary Southwell** ⁸
Nominated by the Minister to represent consumers of the services provided by the courts



Mr. **Liam Berney** ⁹
Nominated by the Irish Congress of Trade Unions



Mr. **Liam Farrell**
Nominated by the Minister for relevant knowledge and experience in commerce, finance or administration

STANDING COMMITTEES OF THE BOARD

FINANCE COMMITTEE

- The Hon. Mr. Justice John L. Murray, Chairperson
- The Hon. Mr. Justice Richard Johnson
- The Hon. Mr. Justice Iarfhlaith O'Neill
- The Hon. Mr. Justice Matthew Deery
- Her Honour Judge Miriam Malone
- Mr. Noel Waters
- Mr. P.J. Fitzpatrick

AUDIT COMMITTEE

- Mr. Tom O'Higgins, Chartered Accountant, *external member*, Chairperson
- The Hon. Mr. Justice Matthew Deery
- Judge Cormac Dunne, judge of the District Court
- Mr. Jim Farrell, former Director of the National Treasury Management Agency, *external member*
- Mr. Noel Waters

REMUNERATION COMMITTEE

- The Hon. Mr. Justice John L. Murray, Chairperson
- The Hon. Mr. Justice Richard Johnson
- The Hon. Mr. Justice Iarfhlaith O'Neill
- The Hon. Mr. Justice Matthew Deery
- Her Honour Judge Miriam Malone
- Mr. Noel Waters
- Mr. P.J. Fitzpatrick

BUILDING COMMITTEE

- The Hon. Mr. Justice John Quirke, Chairperson
- The Hon. Mr. Justice Iarfhlaith O'Neill
- His Honour Judge Gerard Griffin, judge of the Circuit Court*
- His Honour Judge Michael White
- Judge Catherine Murphy, judge of the District Court
- Mr. Brendan Ryan, Director of Corporate Services, Courts Service

- Mr. Fergal Foley BL, nominee of the Bar Council of Ireland
- Mr. Gerard Doherty, solicitor, nominee of the Law Society of Ireland
- Mr. Kevin Fidgeon
- Ms. Olive Braiden
- Mr. Michael Haugh, Office of Public Works,

** Co-opted on the committee as an additional member in February 2008.*

FAMILY LAW COURT DEVELOPMENT COMMITTEE

- The Hon. Mrs. Justice Catherine McGuinness, President of the Law Reform Commission, Chairperson
- The Hon. Mr. Justice Liam McKechnie, judge of the High Court
- Her Honour Judge Mary Faherty, judge of the Circuit Court
- Judge Gerard Haughton
- Ms. Nuala McLoughlin, Director of Supreme & High Court Operations, Courts Service
- Mr. Diarmaid MacDiarmada, Director of Circuit & District Court Operations, Courts Service*

- Mr. David Bergin, nominee of the Law Society of Ireland
- Ms. Catherine Forde, BL, nominee of the Bar Council of Ireland
- Mr. Kevin Fidgeon
- Ms. Olive Braiden

** Replaced by Ms. Margaret O'Neill in June 2008*

BOARD COMMITTEES TO ADDRESS SPECIFIC ISSUES: STEERING COMMITTEE TO PROVIDE INFORMATION ON SENTENCING

- The Hon. Mrs. Justice Susan Denham, judge of the Supreme Court, Chairperson
- The Hon. Mr. Justice Kevin O'Higgins, judge of the High Court
- His Hon. Mr. Justice Esmond Smyth, judge of the Circuit Court
- Her Honour Judge Miriam Malone
- Professor Thomas O'Malley, Senior Lecturer in Law, National University of Ireland Galway

DISTRICT COURT REVIEW COMMITTEE

- The Hon. Mr Justice Joseph Finnegan, judge of the Supreme Court, Chairperson
- Judge Michael Reilly, judge of the District Court*
- Judge Catherine Murphy, judge of the District Court
- Mr. Diarmaid MacDiarmada**
- Mr. Jim O'Farrell, Department of Finance
- Ms. Oonagh McPhillips, Department of Justice, Equality and Law Reform
- Ms. Olive Caulfield, Courts Service
- Ms. Claire Galligan, Principal Prosecution Solicitor, Office of the Director of Public Prosecutions

** Replaced by Judge Oliver McGuinness, judge of the District Court in May 2008*

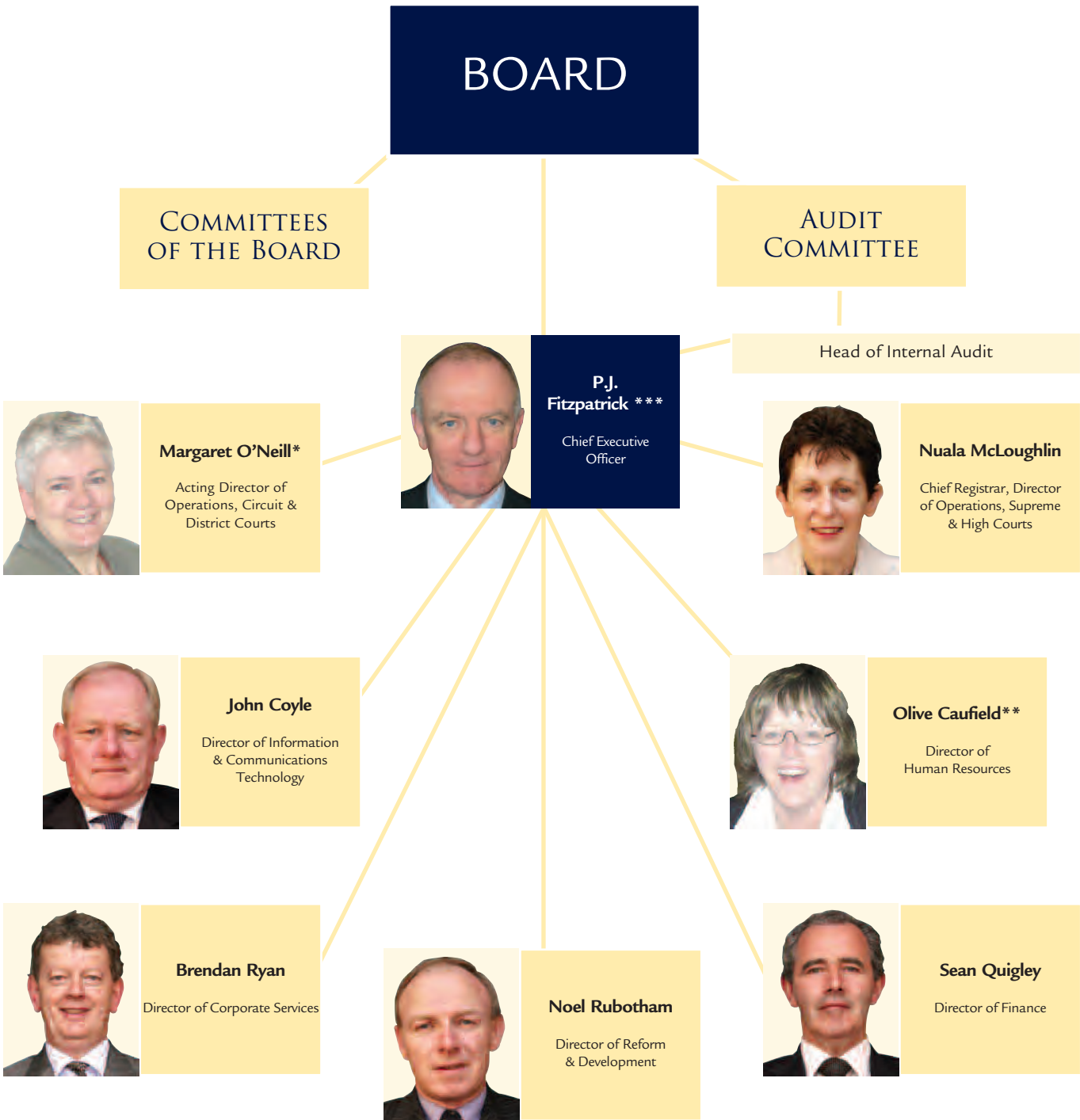
*** Replaced by Ms. Margaret O'Neill in June 2008*

FAMILY LAW REPORTING PROJECT

- The Hon. Mr. Justice Nicholas Kearns, Chairperson
- The Hon. Mrs. Justice Catherine McGuinness
- The Hon. Mr. Justice Henry Abbott, judge of the High Court
- His Honour Judge Michael White
- Judge Gerard Furlong
- Mr. Kevin Fidgeon
- Ms. Olive Braiden
- Ms. Esther Lynch
- Ms. Nuala McLoughlin
- Mr. Diarmaid MacDiarmada*
- Ms. Helen Priestley, Head of Information Office, Courts Service

** Replaced by Ms. Margaret O'Neill in June 2008*

ORGANISATIONAL STRUCTURE

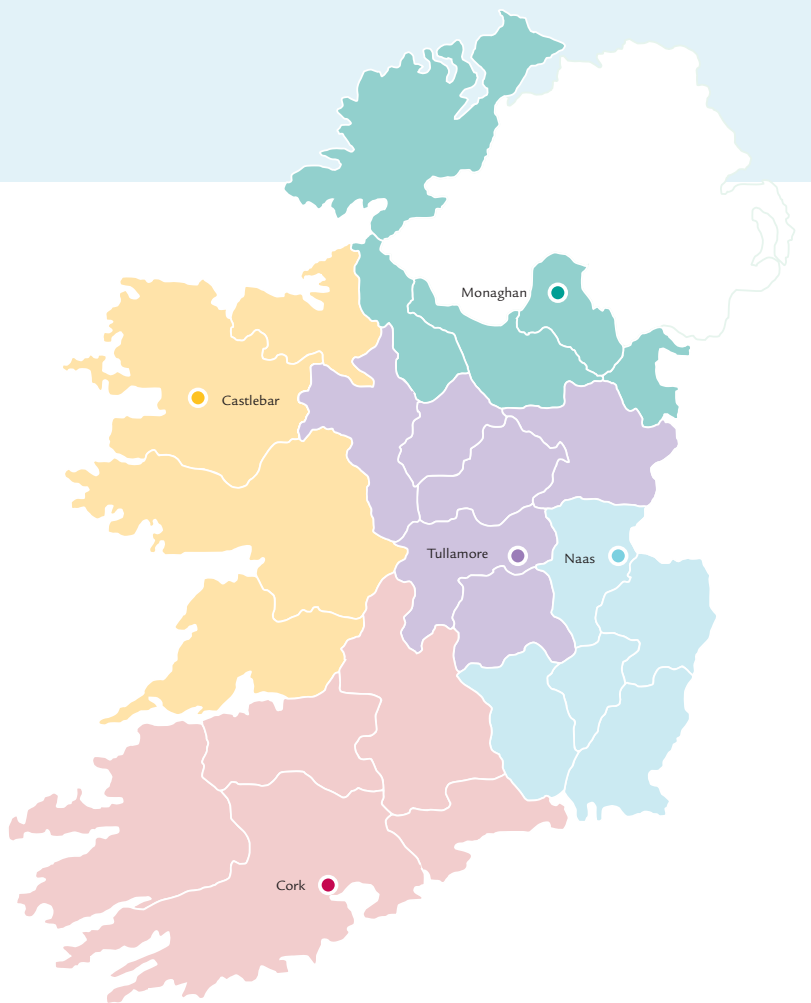


* Replaced Diarmaid MacDiarmada June 2008
** Replaced John Glennon February 2008
*** Term of Office ended December 2008

REGIONAL OFFICES

REGIONAL OFFICES

There are regional offices in Monaghan, Naas, Tullamore, Cork and Castlebar.



Paula Lyons
Regional Manager

Northern Region:

Office location -
Monaghan

Counties covered –
Monaghan, Cavan,
Leitrim, Donegal, Louth



Gerry Nugent
Regional Manager

Eastern Region:

Office location -
Naas, Co. Kildare

Counties covered -
Kildare, Wicklow,
Carlow, Kilkenny,
Wexford



Barry Conroy
Regional Manager
Replaced Ann Price in 2008

Midland Region:

Office location -
Tullamore, Co. Offaly

Counties covered -
Laois, Longford, Offaly,
Roscommon,
Westmeath, Meath



Eamonn Kiely
Regional Manager

Southern Region:

Office location -
Cork City

Counties covered -
Cork, Kerry, Limerick,
Waterford, Tipperary



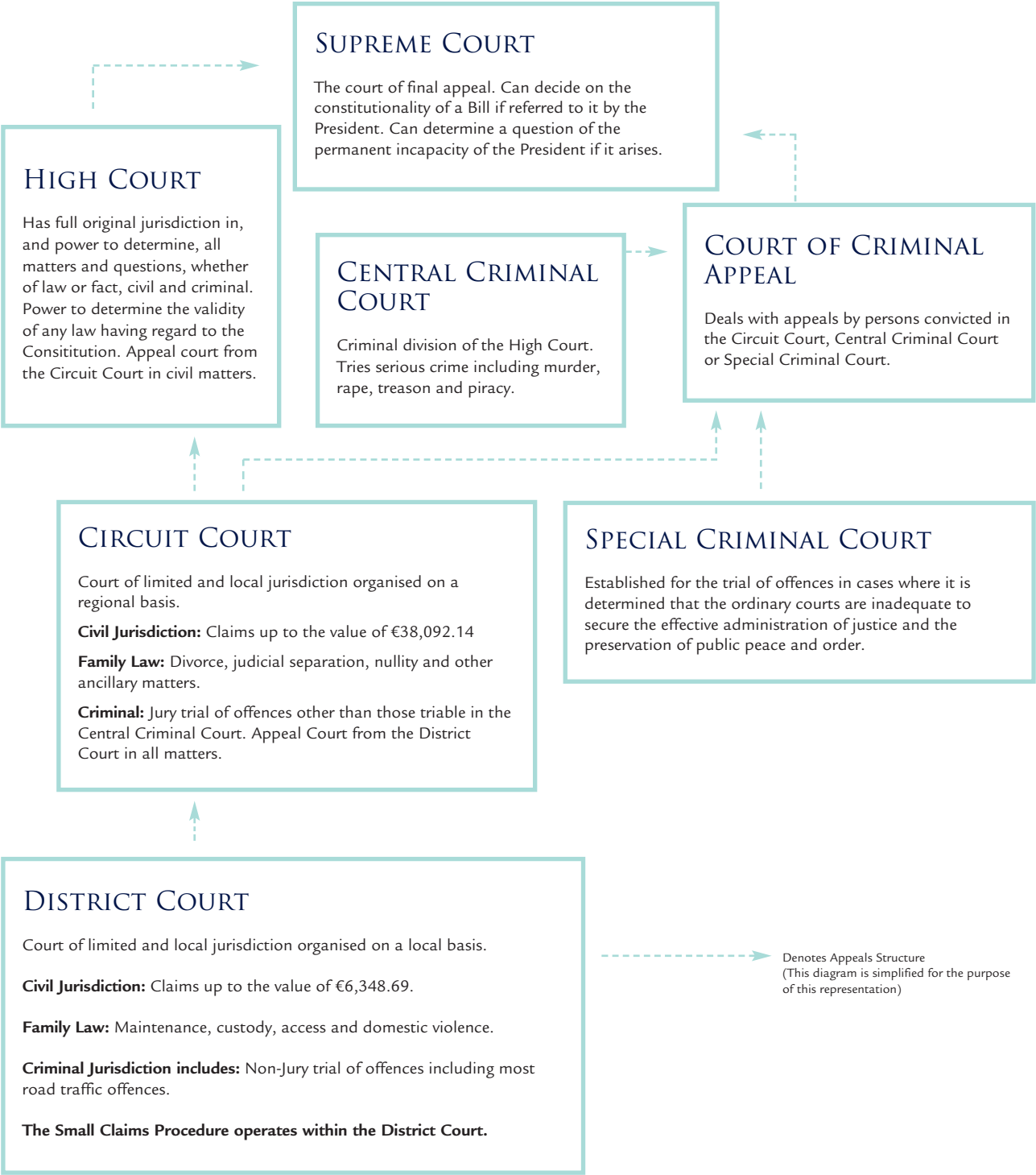
Brendan J. McDonald
Regional Manager

Western Region:

Office location -
Castlebar, Co. Mayo

Counties covered -
Galway, Mayo, Sligo, Clare

STRUCTURE OF THE COURTS



ACCOUNTABILITY

The Service is accountable to the Minister for Justice, Equality and Law Reform and through the Minister to the Government. The Chief Executive Officer is the Accounting Officer and in that capacity attends Public Accounts Committee and other Oireachtas Committee meetings as required.

GOVERNANCE FRAMEWORK

The functions of the Service are contained in the Courts Service Act, 1998. While the Act contains accountability and governance mechanisms, the Service is proactive in putting additional governance arrangements in place. These underpin best practice in the management and delivery of its services to meet the expectation of court users while at the same time ensuring accountability for expenditure of public funds.

A Governance Framework document, approved by the Board, defines the function of the Board, the Service, the Chief Executive and Committees of the Board. The Board delegates responsibility for the day-to-day management of the Service to the Chief Executive Officer supported by the Senior Management Team.

The Service continued to implement the recommendations of the Working Group on the Accountability of

Secretary Generals and Heads of offices (*the Mullarkey report*) during the year.

AUDIT COMMITTEE

The Audit Committee continued to advise the Board on internal audit policies and the management of risk during the year. The Committee includes persons with significant business expertise and experience within the public, semi state and private sectors.

INTERNAL AUDIT UNIT

Audits are conducted across the full range of the activities of the Service including financial, operational, information and communications technology, capital building and governance. They provide assurance in relation to the adequacy and effectiveness of the Service's risk management, control, and governance processes.

The Internal Audit Unit is assisted by service providers engaged by the Service to provide expertise in specialised areas including information and communications technology, and value for money. The Unit completed 36 audits during the year. All reports are submitted to the Audit Committee and to the Chief Executive/Accounting Officer.

VALUE FOR MONEY REVIEW

The Service conducts value for money reviews under the Department of Finance's value for money and policy review initiative. The focus of these reviews is to examine key expenditure areas in a systematic manner and provide a basis on which informed decisions can be made in assessing whether value for money has been achieved.

During the year external consultants conducted a value for money review of the information and communications technology programme of the Service for the period 2001-2007. The review concluded that value for money was achieved.

RISK MANAGEMENT

The risk management programme ensures that business risks are identified and assessed, that mitigating actions are put in place and that risks are monitored on an ongoing basis.

Further progress continued to be made during 2008 in embedding the risk management framework with clear roles and responsibilities outlined for all stakeholders involved in risk management. The Senior Management Team monitored the implementation and operation of the framework and reported on a quarterly basis to the Audit Committee.

PROCUREMENT

A Corporate Procurement Plan was produced during the year to define the direction and vision for procurement within the Service.

INTERNAL FINANCIAL CONTROLS

Further information on internal financial controls is contained in the statement prepared by the Chief Executive to accompany the annual financial statements of the Service. The statement, included with the 2008 Appropriation Account, is on page 91.

CHAPTER 2 MANAGING THE COURTS - PERFORMANCE OVERVIEW



CHAPTER 2

MANAGING THE COURTS

- PERFORMANCE OVERVIEW

During 2008 the courts dealt with various civil law (including family law) and criminal law matters. This Chapter provides an overview of the work of the courts across all jurisdictions. Detailed statistics together with trends in some areas are contained in Chapter 6.

THE SUPREME COURT

During 2008 the Supreme Court disposed of 229 appeals, the same as in 2007, and a further 105 appeals were withdrawn by letter to the Supreme Court Office, bringing the total number of appeals concluded in 2008 to 334.

443 appeals were lodged in 2008, of which 16% were lodged by appellants in person. During 2008, 219 appeals were certified as ready to proceed.

There was a notable increase in the number of certificates of authentication of the seal and signature of notaries public or the signature of commissioners for oaths on public documents for use abroad, principally in connection with the adoption of children. In 2008, 16,127 certificates of authentication were issued, an increase of 62% on 2007 figure of 9,937. 95% of all these certificates related to applications for the adoption of children from Vietnam.

CIVIL

The High Court

There were 119,499 documents filed in the Central Office during 2008, an increase of 32% on the 2007 figure of 90,143. In addition, the High Court issued proceedings in 22,861 new cases, an increase of 18% on the 2007 figure of 19,435. While personal injury cases increased by 8.5% to 6,466 in 2008 compared with 5,951 in 2007, the main driver of the increase in new High Court cases was actions relating to recovery of debt and commercial concerns generally.

Recovery of debt

There were 759 new cases for recovery of possession of land or premises, an increase of 103% on the 2007 figure of 374. Actions for specific performance of contracts increased by 94%, from 303 in 2007 to 589 in 2008. New claims for recovery of debt increased by 69%, from 2,292 in 2007 to 3,808 in 2008 while actions claiming damages for breach of contract increased by 34%, from 592 in 2007 to 791 in 2008. There was a 44% increase in proceedings for injunctions, from 409 in 2007 to 590 in 2008.

Judgments

The increase in proceedings for recovery of liquidated sums was matched by an increase in

applications for judgments in default of appearance. Judgment for a liquidated sum was marked in the Central Office in 1,186 undefended cases, an increase of 34% on the 2007 of 881. Judgment was marked pursuant to an order of the Master of the High Court in a further 241 cases, an increase of 23% on the 2007 figure of 196.

Company matters

During 2008, cases for relief under the Companies Acts increased by 10% to 528 from 480 in 2007. There were 41 applications for the appointment of an Examiner, a 71% increase on the 24 such applications in 2007. There was a 67% increase in applications to wind up companies, from 120 in 2007 to 201 in 2008, with a 68% increase in orders to wind up companies, from 42 in 2007 to 77 in 2008. The majority of cases were commenced in the last six months of the year with a large number relating to companies in the construction and property sectors.

The business of the Commercial List has increased every year since its inception in 2004. In 2008, new cases entering the list increased by 24%, to 243 from 196 in 2007. By 31st December 2008, 701 cases had been admitted to the List, of which 567 had been disposed of, with 205 cases disposed of in 2008 alone. The average time for disposal of cases is 21 weeks from the date of entry to the List.

Enforcement of judgments

The High Court issued 1,601 execution orders in 2008, an increase of 33% on the 2007 figure of 1,208. Judgments are registered in the High Court regardless of the court in which they are obtained. There were 4,886 judgments of the High, Circuit and District Court registered in 2008, an increase of 47% on 2007 when 3,324 were registered.

Judgement for a liquidated sum can also be registered as a mortgage by filing an affidavit for that purpose. These affidavits are then lodged with the Property Registration Authority to create a charge on lands or premises owned by the judgment debtor. In 2008 affidavits to register judgments as mortgages were lodged in 643 cases, an increase of 36% on 2007 when 471 such affidavits were lodged.

There was an increase of 40% in well charging orders disposed of in the Examiner's Office. Twenty orders were disposed of in 2008 compared with 15 in 2007.

Bankruptcy

There were eight adjudications for bankruptcy during the year with seven made in the last six months. The number of bankruptcies discharged practically doubled – 19 compared with ten in 2007.

Judicial review

There were 1,379 applications for judicial review, a 25% reduction on 2007 figure of 1,730. There was a similar reduction in asylum-related applications for judicial review. There were 785 applications for the judicial review of decisions of the Office of the Refugee Appeals Commissioner, the Refugee Appeals Tribunal, and the Minister for Justice, Equality & Law Reform. This represents 57% of all judicial review applications, and shows a reduction of 30% on 2007 when 1,024 such applications were made.

There were 1,465 orders made in asylum cases in 2008. Leave to seek judicial review was given in 288 cases, an increase of 9% on the 2007 total of 263. Leave was refused in 188 cases, an increase of 235% on the 2007 total of 56. There was an 11% increase in cases in which a final order was made on consent, with 382 such orders made in 2008 compared with 343 in 2007.

Regulating the Solicitors' Profession

In 2008, 86 applications under all sections of the Solicitors Acts were made to the High Court, a decrease on the 92 such applications made in 2007*. Sixteen of these applications were for the renewal of practising certificates, as required where there is a defect in the renewal applications to the Law Society of Ireland. This represents a decrease on the 27 such applications in 2007.

The Solicitors' Disciplinary Tribunal investigates allegations of misconduct against solicitors by the Law Society or a member of the public. The Tribunal can recommend sanctions including the suspension of a solicitor or that he/she be struck off the Roll of Solicitors. Decisions of the Tribunal may be appealed to the High Court in whole or in part. During 2008, the High Court received ten appeals from the findings of the Tribunal, an increase on the 2007 figure of seven.

There were 60 applications under the Solicitors Acts including applications for the production of client records, appeals by solicitors from rulings of the Law Society's Client Relations Committee, Tribunal reports referred by the Law Society to the President of the High Court and applications by the Law Society for freezing orders where the Society's accountant had found irregularities in accounts. This represents a 106% increase on the 29 such applications in 2007.

* the figure on page 92 of the Annual Report 2007 is understated by 46.

The Circuit Court

The year on year increase in civil bills issued in the Circuit Court continued in 2008. There were 36,763 issued in 2008, an increase of almost 20% on the 2007 figure of 30,435, which was a 15% increase on the 2006 figure. Almost 60% (21,304) related to breach of contract or debt collection. Personal injury cases accounted for an additional 19% or 6,931 cases. The

largest percentage increase was in Galway where 2,016 civil bills were issued compared to 886 in 2007, an increase of 128%.

Judgments

Judgments marked in the office by the Circuit Court increased by nearly 24% in 2008, to 10,244 from 8,291 in 2007.

The District Court

Civil business in the District Court increased by 4%, from 74,250 in 2007 to 77,026. Ejectment proceedings increased by 92%, to 1,459 from 760** in 2007. Ordinary civil bills dealt with increased by 40%, from 7,685 in 2007 to 10,733. Instalment orders decreased by 14%, from 10,842 in 2007 to 9,271. Committal orders decreased by 28%, from 6,426 in 2007 to 4,620. Summary judgments increased for a second year, by 6% in 2008 to 24,873 from 23,389 in 2007.

** the figure on page 104 of the Annual Report 2007 is understated by 717

Small Claims

Applications under the Small Claims procedure increased for a second year. There were 4,145 applications in 2008, an increase of 11% from the 2007 figure of 3,734. The largest increase was in claims relating to dry cleaners which more than doubled,

from 107 in 2007 to 220. Applications relating to buildings almost doubled, from 109 in 2007 to 213 while applications relating to cars increased by 48%, to 372 from 251 in 2007. Applications relating to holidays accounted for 10% of total claims.

There was a considerable decrease in applications that could not be dealt with under the Small Claims procedure, from 589 in 2007 to 426. Applications received using the *Small Claims Online* system increased to 1,877, representing more than 45% of all claims received.

44% of all claims finalised were settled by the Small Claims Registrar with only 26% referred to court. There was an 18% increase in decrees by default (where the person against whom the claim was made did not respond or take any part in the case), from 294 in 2007 to 349. There were 1,030 cases referred to court, an increase of 20% on the 2007 figure of 857. Of those cases, 586 were dismissed, struck out or withdrawn with decrees granted in the remaining 442.

FAMILY

The High Court

Divorce applications to the High Court increased from 28 in 2007 to 43 in 2008, with 62% commenced by wives, compared with 2007 when the majority were commenced by husbands. Forty two new judicial

separation applications were received, a decrease on the 2007 figure of 52. As with divorce applications, the majority (29) were commenced by wives. There were no nullity applications to the High Court in 2008.

During 2008, there were 72 final orders in family law appeals from the Circuit Court and 87 final orders in divorce and judicial separation proceedings. Divorce proceedings were settled prior to hearing in nine cases, and during hearing in two cases. Judicial separation proceedings were settled prior to hearing in six cases and during final hearing in 14 cases. Proceedings were remitted to the Circuit Court in four cases.

There were 98 orders for final disposal of miscellaneous family proceedings (including orders following divorce or separation for property and pension adjustments).

The Circuit Court

Divorce applications to the Circuit Court increased by 3% in 2008, from 4,081 in 2007 to 4,214. The majority, 2,462 (58%), were commenced by wives. Divorces granted decreased by 2% in 2008, from 3,658 in 2007 to 3,588.

Judicial separation applications increased by 15%, from 1,689 in 2007 to 1,966. The majority, 1,409 (71.5%), were commenced by wives. Judicial separations granted increased

from 1,167 in 2007 to 1,180.

There was little change in nullity applications – 61 in 2008 compared with 60 in 2007. The majority, 35 (57%), were commenced by wives. 48 orders were made, an increase of almost 78% on the 2007 figure of 27.

Applications under section 33 of the Family Law Act, 1995 and section 47 of the Civil Registration Act, 2004 decreased by almost 10%, from 739 in 2007 to 673 in 2008. Applications granted showed little change – 550 compared with 546 in 2007.

The District Court

Family law applications in the District Court decreased for a second year. There were 25,057 applications in 2008 compared with 26,235 in 2007.

Domestic Violence

There were 10,401 applications under the domestic violence legislation in 2008 compared with 11,388 in 2007 – a decrease of 8%. Protection order applications decreased by 11%, safety order applications by 6%, barring order applications by 8% and interim barring order applications by 10%.

Orders granted also decreased in 2008. 6,153 orders were granted in 2008 compared with 6,795 in 2007, a decrease of 10%. The largest decrease related to interim barring orders where 445 were granted, a 24% reduction on

the 2007 figure of 586. Barring orders granted also decreased from 1,420 in 2007 to 1,251, a decrease of 12%. Protection orders granted decreased by 9% to 2,955 from 3,232 in 2007. Safety orders granted also decreased from 1,555 in 2007 to 1,502.

Spouses continued to make most applications accounting for 56% of the total. Applications by parents decreased in almost all areas of domestic violence – the only exception being barring orders where there was a 2% increase. There was a significant decrease (143%) in parents seeking protection orders, from 494 in 2007 to 203 in 2008.

Guardianship, custody, access

Guardianship, custody and access applications increased by 5% in 2008 – 5,483 applications compared with 5,211 in 2007. Applications for access only (3,491) remained almost the same as in 2007 when 3,475 applications were made. Applications for custody only decreased to 751 from 815 in 2007, a reduction of 8%. However, applications for custody and access increased significantly by 35%, 1,241 compared with 921 in 2007.

Applications for guardianship by unmarried fathers increased by 25% to 2,448 from 1,962 in 2007.

Maintenance

Applications for maintenance in the District Court increased by 10% to

4,877 compared with 4,441 in 2007. Almost 65% of applications were by unmarried applicants.

Supervision and Care

There were 804 supervision orders in 2008, an increase of 45% on the 2007 figure of 556. Care orders decreased by 13%, from 1,205 in 2007 to 1,044.

CRIMINAL

The Court of Criminal Appeal

In 2008, there were 305 appeals to the Court of Criminal Appeal, a 14% increase on the 2007 figure of 267. There were 174 (57%) appeals against sentence only, 90 (29%) against conviction and sentence and 41 (14%) against conviction only. The Court disposed of 279 appeals, with 220 being decided by the Court and 59 withdrawn by letter. Appeals by the Director of Public Prosecutions (DPP) against leniency of sentence continued to increase in 2008. The Court dealt with 47 such appeals, a 12% increase on the 2007 figure of 42. The original sentence was quashed and a new sentence imposed in lieu in 63% of all DPP appeals.

The Central Criminal Court

The increase in cases returned for trial to the Central Criminal Court continues. In 2008, 136 new cases were received, a 17% increase over the

2007 figure of 116. Prosecutions under the Competition Act constitute a new area of business in the Central Criminal Court with seven such cases returned during 2008.

Murder

The Court received 51 new cases and completed 34 in 2008. A plea of guilty was entered in nine murder cases, 24 went to trial and one was disposed of by way of *Nolle Prosequi*.

Of the 24 murder cases that went to trial, two defendants were found not guilty by reason of insanity, three were acquitted and 19 were convicted. Of the convictions, one was for conspiracy to murder, 12 were for murder and six were not guilty of murder but guilty of manslaughter.

The duration of murder trials also increased. In 2007, the average murder trial lasted 8.3 days with the two longest trials lasting 21 and 19 days and the shortest lasting four days. In 2008 each murder trial lasted an average of ten days with the two longest trials lasting 33 days and 19 days and the three shortest trials lasting three days each.

Rape

The Court received 75 new rape and three new sexual assault cases and completed 68 rape and four sexual assault cases in 2008. A plea of guilty was entered in 29 cases with 27 cases

proceeding to trial. The remainder were disposed of as follows: one deceased, nine *Nolle Prosequi* and two bench warrants.

In the 27 cases that went to trial, there were 12 convictions and 15 acquittals. The average time for a rape trial was just over five days, the longest lasted eight days, and the shortest lasted three days.

The Circuit Court

Theft and robbery accounted for 30% of all offences dealt with in the Circuit Court with assault accounting for 24%, drug offences 18% and firearms and road traffic offences between 5.5% and 6%.

Two thirds of all criminal trials lasted between two and five days with a further 79 trials lasting for six days or more.

The District Court

Criminal matters in the District Court increased by 26%, from 436,617 in 2007 to 550,694 in 2008. The main increase was in indictable cases dealt with summarily which increased by nearly 42% to 68,491 from the 2007 figure of 48,272. Summary cases also increased, to 482,203 from 388,345, an increase of more than 24%.

Road traffic offences continued to account for a large portion of the work of the District Court with 60% of

all cases relating to such offences. There were 358,371 road traffic cases disposed of, an increase of 27% on the 2007 figure of 281,641. There was a reduction in the number of people convicted of dangerous driving and drink driving. More than 6,000 dangerous driving offences, involving more than 4,500 people, were prosecuted, a decrease on the 2007 figure of almost 7,000. More than 28,000 drink driving offences, involving more than 26,000 people, were dealt with. The corresponding figures in 2007 were 30,257 offences involving 29,127 people.

Cases relating to drug offences increased by 58% - to 15,658 from 9,870 in 2007. Sexual offences increased by 390%, from 517 in 2007 to 2,017.

Public order and assault offences increased by 92% - from 35,964 in 2007 to 69,248. Theft offences increased by 34%, from 22,937 in 2007 to 30,821.

There were 197,853 cases struck out, an increase of 12% on the 2007 figure of 176,385. 38% of all summary cases dealt with were struck out with 14% dismissed - 16,691 in 2008 compared with 14,646 in 2007.

Fines imposed by the District Court increased by 10% to 125,063 from 113,983 in 2007.

LICENSING

Circuit Court

Licensing business in the Circuit Court decreased by 7% in 2008. Pub licences granted decreased from 267 in 2007 to 260 in 2008. Special restaurant certificates increased from 64 in 2007 to 70 in 2008. Hotel licences decreased by 40% to 37 in 2008 from 62 in 2007 and club licences 19% to 13 in 2008 from 16 in 2007.

District Court

Licensing applications in the District Court decreased by more than 12% in 2008, from 107,332 in 2007 to 94,277. Applications to renew pub licences decreased by 33%, from 1,432 in 2007 to 956. The only increase in District Court licensing business was in lottery licences which increased by 5% to 1,311 from 1,245 in 2007.



CHAPTER 3 SUPPORTING THE JUDICIARY



CHAPTER 3

SUPPORTING THE JUDICIARY

NUMBER OF JUDGES AT 31ST DECEMBER 2007

	Number allowed by legislation	Numbers serving
Supreme Court	8	8
High Court	38	37
Circuit Court	38	38
District Court	61	60
Total	145	143

NUMBER OF JUDGES AT 31ST DECEMBER 2008

	Number allowed by legislation	Numbers serving
Supreme Court	8	8
High Court	38	38
Circuit Court	38	38
District Court	64	61
Total	148	145

ADMINISTRATIVE SUPPORT

Judicial Studies Institute and Judicial Appointments Advisory Board

The Service continued to provide administrative support for the Judicial Studies Institute and the Judicial Appointments Advisory Board, both of which are independent of the Service.

Court Rules Committees

The Service also continued to provide administrative support, research and drafting resources for the three courts rules committees. A Rules Committees Support Unit was established during the year to provide secretarial, clerical and administrative support to the rules committees in accordance with the provisions of section 6(2) of the Courts Service Act, 1998, as amended by section 18 of the Civil Law (Miscellaneous Provisions) Act, 2008.

The Service, through its Reform and Development Directorate and its representation on the courts rules committees, continued to develop initiatives with the judiciary in the area of rationalisation of procedures and case management. The Directorate prepared rules of court to facilitate provisions of legislation introduced by statute or European Union instruments (in particular the EU Regulations concerning judicial cooperation in civil and commercial

matters, and the Framework decisions on mutual assistance in criminal matters).

The reports of the rules committees for 2008 are in Chapter 8 of this Report.

SUPPORT FOR THE WORK OF THE COURTS

Sittings outside Dublin

High Court

The High Court continued to hear a wide range of cases including debt recovery, contract disputes and other non-jury matters in provincial locations in 2008. Hearings were held in Trim, Dundalk, Tullamore, Castlebar, Galway, Limerick, Nenagh, Cork, Tralee, Baltinglass, Ardee, Naas, Bruff, Newcastlewest, Ennis, Fermoy and Cavan.

Prior to this initiative the High Court only sat outside Dublin to hear personal injuries actions and appeals from the Circuit Court. In 2008, non jury cases were heard outside Dublin either as part of a list of cases to be heard over a two week period by two judges, or, in the case of longer cases, assigned to a courthouse within a commutable distance of Dublin.

The primary benefit of hearing cases outside Dublin is the reduction in the time taken for cases to be allocated a date for hearing ('waiting time'). The waiting time in the non jury list was reduced from 18 months in January



2008 to three months in December 2008.

Central Criminal Court

During 2008 the Central Criminal Court sat at Galway, Ennis, Cloverhill, Dundalk and Cork. The Court sat for 11 weeks in courts other than the Four Courts. Ten cases were completed at these venues. The practice of holding sittings outside Dublin will continue in 2009.

Increase in number of sitting days

Circuit Court

The priority in the Circuit Court in 2008 continued to be the reduction in backlogs in criminal cases. Additional judicial resources were assigned by the President of the Circuit Court for this purpose to Tullamore, Mullingar, Roscommon, Kilkenny, Trim, Limerick, Longford, Clonmel, Castlebar, Ennis, Dundalk, Donegal, Naas, Letterkenny, Galway, Sligo, Waterford, Cork, Wexford, Wicklow and Tralee. Seven judges were assigned fulltime to criminal work in Dublin Circuit Court.

District Court

Additional District Court sittings were held in Dublin in August and September 2008 facilitating the earlier disposal of some 3,000 cases.

Special sittings of the District Court were held in almost every county. Examples include: Athlone, Ennis, Galway, Limerick, Killarney, Kilkenny, Tullamore, Longford, Kells, Sligo, Waterford and Wexford.

Family Law

Sittings

Progress continued to be made during the year to separate family law cases from the other work of the courts by the provision of separate sitting days.

In the High Court, two judges were assigned during the year to hear family law cases. In the Circuit Court, sittings were held on separate days in venues nationwide. In Dublin and Cork District Court judges continued to be assigned on a full time basis to the family law courts.

Family law cases are increasingly being dealt with in the larger centres such as county towns where appropriate facilities and more privacy are available. In Dublin family law cases are heard in Dolphin House (Dublin City Centre), Swords, Dun Laoghaire and Balbriggan.

Provision of reports

A pilot project for provision of reports under section 47 of the Family Law Act, 1995 for the family law courts commenced in 2008. The project, funded by the Service, is managed by

the Probation Service with reports provided by a panel of probation/social workers.

Case progression

The Service identified the matter of legislation to provide for the progression of family law cases in the Circuit Courts as one of its key outputs for 2008.

Family law proceedings commenced in the Circuit Court after 1st October 2008 became subject to a new case progression scheme. Under this scheme County Registrars perform case management duties to ensure that proceedings are prepared for trial in a manner which is just, expeditious and likely to minimise the costs of proceedings and that the time and other resources of the court are employed optimally. County Registrars now have a key role in overseeing preparation of family law cases for trial in the Circuit Court, generally monitoring the progress of a case pre-trial, and making final arrangements for the trial.

This new regime relieves Circuit Court judges of much of their pre-trial applications caseload, freeing them up for trial work, while ensuring that cases coming before judges are better prepared for trial, with the prospect that trial lengths will be reduced.



Juvenile cases

Separate days were organised for the hearing of juvenile cases in many parts of the country. They included Carlow, Galway, Castlebar, Westport, Ballina, Waterford and Cork. In venues where the volume of juvenile business did not warrant a full day, special times were fixed to deal with such cases.

Work to organise local sittings of the Children Court in Dublin continued. Juvenile cases are heard in Tallaght and in the Children Court in Smithfield. At year end the transfer of cases to the new court facility in Blanchardstown was being considered.

Reorganising District Court Districts and areas

Work on a major reorganisation of the District Court Districts continued in 2008. This major revision of District Court Districts involves a full review of court venues, sittings and workloads. The reorganisation will create more equitable workloads in the Districts many of which have seen very significant demographic and population shifts in recent years.

The first phase of the reorganisation came into effect on 1st January 2008. It affected counties Monaghan, Cavan, Louth, Meath, Kildare, Carlow, Kilkenny, Waterford, Wexford and Wicklow. Two new Districts were established: District No. 24 to cover Waterford City and District No. 25 to

Benefits of reorganisation of District Court Districts

- Addresses the demographic and social changes (including improvements in roads and increased road use) which have occurred in the past 45 years
- Eliminates short sittings in small venues freeing up full days for sittings in larger venues with better facilities
- Provides opportunity to have additional days dedicated to the hearing of family law cases only
- Allows for more equitable distribution of workloads for judges particularly in the eastern half of the country
- Venues unsuitable for court sittings are closed.

cover County Kildare. The second phase of the reorganisation will come into effect on 1st January 2009. It will affect counties Donegal, Sligo, Mayo, Leitrim, Roscommon, Galway, Clare, Tipperary, Laois, Offaly, Westmeath and Longford. Work on phase three of the reorganisation affecting the remaining three counties: Cork, Kerry and Limerick commenced during 2008.

District Court Committee

The reorganisation of District Court Districts will address many of the issues affecting the work of the District Court. Issues of an operational and resource nature require separate consideration. A committee chaired by a judge of the Supreme Court continued to examine these operational and resource needs in 2008.

Restorative Justice

The District Court continued to work with the local Probation Service in implementing community based restorative justice schemes in Nenagh and Tallaght.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

Digital Dictation Systems

Digital dictation featuring high sound quality coupled with rapid internal and remote transmission was provided for judges of the Supreme and High Courts and the Presidents of the Circuit and District Courts during the year. Voice recognition software was provided for judges of the Circuit Court and District Court and senior staff of the Service.



Digital Audio Recording System

In early 2008, the Service agreed a contract for a digital audio recording system for implementation in courtrooms nationwide. This system enables proceedings to be recorded providing an accurate record of evidence which can subsequently be accessed for the preparation of transcripts, playback within the courtroom or otherwise as required.

Following a successful pilot phase the system went live in the Central Criminal Court, the Circuit Criminal Court and the High Court Family Law Court. Further details are on *page 39*.

Video Conferencing/Video Link

Work continued during the year to increase the number of courtrooms where evidence can be given using video conference/video link facilities. Further details are on *page 38*.

Video Viewing

The Service continued to provide facilities for the viewing of evidence during the hearing of cases. Such evidence includes recordings of interviews in garda stations and CCTV security footage. Further details are on *page 38*.

Information and communications technology training

The Service facilitated several members of the judiciary to complete a training programme known as the European Computer Driving Licence (ECDL) during the year. Judges passed seven examinations completing modules in theory, file management, word processing, spreadsheet, internet and email, database and presentations. They were presented with ECDL certificates by the Chief Executive Officer.

Statistical information

The continued improvement in information and technology systems has afforded an opportunity to increase the range and quality of statistical information on the work of the courts for judges. During the year reports on court activity across the jurisdictions were provided to assist judges manage court lists, highlight areas where work is increasing and decreasing and provide information on a range of matters.

Equipment

A new remote access system giving members of the judiciary access to the network of the Service using a range of communications media such as broadband, WiFi and mobile technology (GPRS/3G) was deployed during the year. As part of this initiative members of the judiciary

were provided with new laptops and tablet PCs.

LIBRARY AND RESEARCH FACILITIES

Library facilities

The Judges' Library continued to provide a comprehensive range of information resources in 2008 for the judges and the staff of the Service.

In addition to a broad range of quality online electronic sources, the library holds a considerable hardcopy collection of textbooks, periodicals, reference works, law reports and unreported judgments, legislation, indexes and digests, Oireachtas Debates and official publications. Items were obtained on inter-library loan or from document supply services when they were not held within the collection. Readers availed of the service on the premises, through email communications, by telephone and fax, and by using electronic subscriptions directly. Staff of the library provided training and assistance in the use of various information resources for readers, including a number of library induction tours. Library personnel availed of opportunities for continuing professional development and training to keep abreast of trends and best practices, and also contributed to the profession by giving training sessions and seminars on issues such as e-publishing and copyright regulations for libraries.



Support for the Chief Justice

The Executive Legal Officer (ELO) continued to provide legal and administrative support to the Chief Justice during the year. The duties of the ELO include legal research for the Chief Justice, organisational responsibility for the Chief Justice's itinerary and liaison with national, foreign and international State bodies, courts and organisations.

Judicial researchers

Judicial researchers continued to provide research assistance to members of the judiciary of all court jurisdictions during the year. Assistance included conducting research, compiling summaries of unreported judgments, sourcing case law, legislation and other relevant materials and assisting with the proofreading of judgments and conference papers.

Judicial fellows

Judicial fellows provide support to judges of the High Court comparable to that provided for judges of the Federal Courts of the United States, the Courts of Australia and the European Courts in Luxembourg and Strasbourg.

During 2008, ten judicial fellowship contracts were awarded to third level graduates who are also qualified to practise as barristers or solicitors.

They were assigned by the President of the High Court to work directly with one or two judges whose major commitment is to judicial review, chancery, commercial, asylum and competition lists in the High Court.

ACCOMMODATION

Improved accommodation and other facilities for judges continued to be provided as part of the Capital Building Programme referred to in Chapter 4.

INTERPRETATION SERVICES

The Service continued to provide quality interpretation services to the courts during the year. Interpreters were provided in all courts to facilitate access to justice for those for whom English is not their first language. The Service continued to engage a single service provider to effectively deal with the increasing need for interpreters, the diverse range of languages required and to ensure an appropriate standard of service.

Over 10,000 requests for interpreters were received in 2008. The Service provided interpretation services in 71 languages. The main languages requested were Polish, Romanian, Lithuanian, Russian, Mandarin Chinese, Latvian, Portuguese, French, Czech and Arabic.

At year end, a review was underway in relation to the quality and cost of interpretation services to identify and enhance the service and value for money being provided.

FOREIGN VISITS

The Service continued to facilitate judicial visitors from many countries during the year. They included United Kingdom and Northern Ireland, Scotland, Spain, Canada, Thailand, Bangladesh, Sweden, Brazil, United States of America, Norway and Uganda.

Programmes tailored to meet the specific needs of the individual groups included opportunities to meet members of the judiciary and court staff and attend a range of court hearings.

CHAPTER 4 MODERNISING THE COURTS



CHAPTER 4

MODERNISING THE COURTS

The modernisation of the courts in 2008 continued to be guided by the third Strategic Plan of the Service and in line with the Government's modernisation programme for the public service. The challenge continues to be to provide a world class service, delivered in a manner which meets the needs of citizens.

In 2008 the modernisation programme continued to be driven by a number of major projects including the Courts Accounting System, the Funds Accounting System, the Civil Court Modernisation System, the Criminal Case Management System, the Capital Building Programme (including the new Criminal Courts Complex Project), Business Planning and the Performance Management and Development System.

The changing economic environment requires all public bodies, including the Service, to make every effort to deliver improved value for money. The expectation of higher performance standards within the public sector generally was addressed in a report of the Organisation for Economic Co-operation and Development (OECD) in April 2008. While acknowledging the progress made in reforming the Irish public service in recent years the report identified a number of areas to further improve services to customers. These included more effective performance management systems, improved resource allocation, better human resource management and cross-service integration.

These and other measures feature in the third Strategic Plan of the Service and in *Towards 2016*, a ten year strategic framework between the Government and the social partners for economic and social development. Details of the continued efforts to deliver on the targets outlined in the *Towards 2016* Action Plan of the Service was submitted to the Department of Justice, Equality & Law Reform in May 2008 prior to a review of *Towards 2016* in September 2008.

NEW STRATEGIC PLAN

The fourth Strategic Plan of the Service was completed at the end of the year. The plan, for the years 2008-2011, takes account of reports of other State bodies including the Law Reform Commission, the Company Law Review Group, the National Crime Council and the Restorative Justice Group. Staff, members of the judiciary and a variety of court users, including the legal profession assisted in the development of the plan which is guided by a vision of the Service in 2020.

CUSTOMER SERVICE

In fulfilling its commitment to provide a high quality customer focussed service for those who use the courts, representative groups continue to be regularly consulted to better inform the Service of customer needs. These consultations provide much valued

information to help the Service and to build good working relationships. The views expressed at meetings provide a useful sounding board for testing proposed initiatives and changes in offices. They also allow the Service take account of proposals from customers to improve processes and agree performance targets.

In Dublin, six user groups each met on three occasions during the year. Regional and local groups organised on a cross-jurisdictional basis met at least once and also when specific local projects were being undertaken.

In addition the Service hosts an annual forum for all its users, the fourth of which was held in April 2008. It was attended by representatives of groups including those supporting victims and their families, other government agencies, support groups for those involved in family law cases, the legal profession and An Garda Síochána. The 2008 forum discussed the introduction of the electronic family law maintenance payment facility, the refurbishment of facilities in Dublin Metropolitan District Family Court, developments in family law reporting, the progress of the Capital Building Programme and in particular, the new Criminal Court Complex, and developments in the Service's education programme.

Special meetings for victims groups, were held on a quarterly basis throughout 2008 organised by the regional offices of the Service.



Complaints

The Service dealt with nine formal customer complaints during 2008.

New Customer Service Action Plan

Work continued during the year on the development of a new Customer Service Action Plan.

The Plan is being prepared with the assistance of a partnership committee which includes staff from Dublin and provincial court offices. The Service surveyed staff and court users including visitors to court offices, court user groups, members of Bar Associations and jurors to identify satisfaction with the level of service being provided. The Plan, which will take account of the commitments in the fourth Strategic Plan of the Service, will be completed in 2009.

Internal Customer Service

A partnership committee was established during the year to draft an internal customer charter of service standards staff can expect internally from offices of the Service.

Official Languages Act

During 2008 the Service prepared its second scheme under the Official Languages Act, 2003. The scheme,

which details improvements to be made in services available through Irish and English, was presented to the Minister for Community, Rural and Gaeltacht Affairs for his observations.

BETTER REGULATION

Reform of court processes and procedures

The management structure of the Service continued to include a Directorate of Reform & Development tasked with identifying and promoting measures to reform court procedures and, in conjunction with the draftsman to the Court Rules Committees, prepare various schemes of court rules.

Procedural manuals

Manuals outlining procedures in the Circuit Court and District Court were completed during the year to take account of legislative and other changes. The manuals, completed in-house, cover all procedures in the Circuit Court and criminal, civil and licensing procedures in the District Court. A guide to all procedures in Dublin Metropolitan District Court was also produced.

Work on a revised family law procedures manual for the District Court will be undertaken in 2009.

Civil Law (Miscellaneous Provisions) Act, 2008

The Act incorporated a number of sections proposed by the Service to improve the operation of the courts including:

- County Registrars can provide back-up to a colleague in a county with a high caseload
- A court can allow a blind or partially sighted person to be accompanied in court
- District Court clerks can sign certain orders and warrants
- Reporters in family law cases can have access to court documents with the permission of the court
- The upper age limit for jury service is abolished allowing persons aged 65 and over to attend for jury duty if called
- Jurors can now separate after they retire to consider a verdict as the judge may direct
- A new category of 'other persons' ineligible to serve on a jury includes people who cannot read and those with an enduring impairment such that it is not practicable for them to perform the duties of a juror.



BUSINESS PROCESS REVIEWS

The Service continued to review business processes during the year particularly where new legislation impacted on the work of court offices. An example was the introduction of the Criminal Justice Interoperability Pilot Project (CJIPP) (*see page 44*) in conjunction with An Garda Síochána.

REVIEW AND REORGANISATION OF DISTRICT COURT OFFICES

Work commenced during the year on a review of the offices and structure of the Service in line with commitments in the 'Towards 2016' action plan. The context for this review was the changing nature of the work of District Court offices brought about by initiatives such as the Criminal Case Management System and the Courts Accounting System. By year end arrangements had been made to restructure offices in Listowel, Thurles, Tuam and Fermoy.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Information and Communications Technology strategy 2006-2010 continued to guide the development of electronic services in 2008. A review of the strategy will be undertaken in 2009 to ensure that the

strategy is aligned with the fourth Strategic Plan of the Service.

Civil Court Modernisation

A key strategic objective of the Service is the rationalisation of processes relating to civil and family law cases in all jurisdictions and the subsequent introduction of a civil case management system built on streamlined and unified processes.

A process review project encompassing all relevant processes was completed in 2008. Planning for the next phase of the programme to implement process changes, interim changes to current information and communications technology systems and to develop and implement the civil case management system continued during 2008. A business case for the programme will be completed in 2009.

Criminal Case Management System

The criminal business of the District Court continues to be supported by the Criminal Case Management System which has also delivered significant benefits to the reporting capability of the Service. The system was significantly enhanced during the year to support the CJIPP.

At year end work was continuing on the specification of the requirements for the extension of the criminal case management system to the Circuit Criminal Court, Central Criminal Court and Special Criminal Court.

Video Conferencing/Video Link

During the year video conferencing facilities were installed in Cavan courthouse as part of the overall programme to have video conferencing available in all county towns. Video conferencing facilities are available in eight locations nationwide. The Criminal Courts Complex (*see page 42*) will have video conferencing facilities in six courtrooms.

The Service continued to work with the Prison Service to complete the testing of a video conferencing system to provide for video conferencing between courts and prisons. Video conferencing between Limerick District Court and Limerick Prison will commence in mid 2009. This exercise will facilitate the piloting of High Court bail application hearings between Limerick Prison and Cloverhill Courthouse.

Video viewing facilities

Facilities for viewing of all types of evidence during the hearing of cases including recordings of interviews in garda stations and CCTV security



footage continued to be installed in courtrooms during the year. By year end, facilities had been installed in 19 courtrooms in Dublin including the Four Courts, Cloverhill, Blanchardstown, Richmond and Dolphin House. They had also been installed in Bray, Tullamore, Trim, Cork, Limerick, Castlebar, Naas, Dundalk and Cavan.

Digital Audio Recording System

Digital audio recording enables proceedings in courtrooms to be recorded providing an accurate record of evidence which can subsequently be accessed for the preparation of transcripts or for playback either within the courtroom or otherwise as required.

The Service agreed a contract for a digital audio recording system for implementation in courtrooms nationwide in January 2008. Following a pilot implementation of the system in the Circuit Criminal Court in Dublin, Cork and Bray and the Central Criminal Court in Dublin, deployment of the system to courtrooms of the Circuit Criminal Court, the Central Criminal Court and the High Court Family Law Court commenced in October 2008. By year end the system was operational in all Central Criminal Court courtrooms, High Court Family Law courtrooms and Circuit Criminal Court courtrooms in Dublin. In addition, the system was operational in 22 Circuit Court courtrooms nationwide. The remaining

courtrooms and the Special Criminal Court will be operational in early 2009.

eGOVERNMENT

The provision of 24/7 access to services continued to be a major priority for the Service in 2008.

Small Claims Online

Small Claims Online enables applicants to lodge claims 24/7 over the internet, pay the court fee online and follow their application through the various stages of the process using a unique personal identifier (PIN). By year end the system had been deployed to all District Court offices with 45% of all small claims in 2008 received via the online system.

High Court Online Public Search System

The system continued to provide legal practitioners and members of the public with access to details of High Court cases at any time, from anywhere, using the internet. The data in the system is updated every day, and shows the position in each case at close of business the previous working day. The system gives access to a wide range of information about High Court cases including the names of parties, name of the solicitors on record, the case record number, court

listings and a brief description of the outcome, the types of documents filed and the date on which the court gave its written judgment.

PROVISION OF INFORMATION FOR THE PUBLIC

Young citizens

The programme to encourage young people to visit the courts as part of their general education continued in 2008. The Four Courts visitor programme was attended by over 5,000 students mainly at second level. Similar programmes were organised in all five regions of the Service and involved schools from all parts of the country.

A resource pack for second level students, *'Let's Look at the Law'*, was presented to the Minister for Education & Science by the Chief Justice in March 2008. The pack enables teachers who have no previous knowledge of the law to introduce young people to law and the courts system in Ireland. It comprises a manual for teachers, a series of teaching aids and a DVD and complements the National Mock Trial Competition which was again supported by the Service in April 2008.



NEW PUBLICATIONS: THE SERVICE PUBLISHED A NUMBER OF PUBLICATIONS TO ASSIST LITIGANTS DURING THE YEAR. THEY INCLUDED BOOKLETS TO EXPLAIN THE OPERATION OF THE SOME OF THE LESSER KNOWN OFFICES OF THE HIGH COURT - THE OFFICE OF THE EXAMINER OF THE HIGH COURT AND THE OFFICE OF THE OFFICIAL ASSIGNEE IN BANKRUPTCY.

A DVD and booklet to provide young witnesses with basic information about how the court process works and provide guidance as they prepare to go to court was completed during the year. The publication, *'Going to Court'*, will be available in early 2009.

Further issues of *Family Law Matters* were published in April, June and November 2008 with a final issue to be published in April 2009.

General information on family law matters

The Service continued to improve the range of family law information available. An analysis of and statistics on the number of cases for hearing and orders made by the courts in relation to applications for divorce, nullity, judicial separation, custody and access, maintenance, childcare and domestic violence was provided on the website.

The website won the 'Best State Body Website' award at the Irish eGovernment awards for the second time in March 2008. The site had previously won this award in 2005. The awards organised by *Public Sector Times* and *Elucidate*, celebrate excellence in eGovernment and technology innovation in Ireland.

Visits to the site continued to increase during 2008 as month by month comparisons with visits for 2007 indicate. (see page 41).

Family Law

Family Law Reporting Project

The Board decided to continue a pilot project to report on family law until early 2009. This was the second phase of the project and included the continued publication of statistics, trends, judgments and reports on proceedings in family law courts in a series titled *'Family Law Matters'*.

A committee chaired by a judge of the Supreme Court continued to monitor and review the project. During the year the committee also considered recommendations contained in an evaluation report prepared at the conclusion of the first year of the pilot project in so far as they relate to the Service. The committee will make proposals concerning the implementation of such recommendations in 2009.

Website

The Service continued to use the website to provide a comprehensive range of information on the work of the courts in English, Irish and a range of other languages including Spanish, French, Chinese (Traditional and Simplified), Polish and Russian. Judgments of the Supreme Court, Court of Criminal Appeal and High Court continued to be made available together with the *Legal Diary* providing details of court sittings, hearings and notices.





VISITS TO WEBSITE

Month	2008	2007
January	147,201	103,354
February	149,200	105,740
March	140,228	109,231
April	157,469	103,353
May	132,151	125,590
June	133,147	114,116
July	153,190	129,541
August	101,886	89,147
September	108,353	94,898
October	156,252	139,336
November	157,306	136,752
December	115,982	101,029
Total	1,652,365	1,352,087

Freedom of Information

In addition to formal requests queries under the Freedom of Information Acts were dealt with by telephone, email and through general correspondence requesting information relating to the courts and/or requesting court records. A total of 75 written requests were dealt with outside of the Act and approximately 80 queries by telephone or email. During the year deciding officers and appeals officers availed of ongoing training to maintain a high standard of decision making skills.

The Freedom of Information Officer continued to participate in the Public Service Users Network group (PSUN), a group of FOI officers in Public Service bodies who exchange information relation to requests under the Act.

FREEDOM OF INFORMATION ACTS

	2008	2007
Requests received	33	20
Access granted/ part granted	21	14
Refused	3	2
Transferred/ Withdrawn	8	4
Carried forward to 2009	1	

Data Protection

During the year the Data Protection Compliance Officer of the Service dealt with a variety of queries under the legislation.

Outreach

During the year a variety of organisations availed of the outreach programme of the Service. This initiative allows the Service provide information tailored to meet the particular needs of individual groups. The programme includes an opportunity to meet with court personnel including judges, court staff, media relations staff and barristers and attend a range of court hearings.

Media

During 2008 the Service continued to provide a dedicated Media Relations Service as a single reference point and source of information for national and local media including television, radio, internet and print. The Media Relations Service also acted as a conduit of information between court offices and a wide range of media interests locally, regionally, nationally and internationally.

Over 10,000 queries were dealt with during the year covering a broad range of court related issues including details of cases, practice and procedure, statistics and information



OPTIMISING POWER AT WORK: THE FOUR COURTS WAS CHOSEN AS ONE OF 100 STATE BUILDINGS TO PARTICIPATE IN A PILOT PROJECT TO REDUCE CO2 EMISSIONS. THE OFFICE OF PUBLIC WORKS PROJECT, CALLED OPTIMISING POWER AT WORK, AIMS TO REDUCE EMISSIONS BY 15% OR MORE BY INCREASING ENERGY AWARENESS AMONG STAFF

to assist with historical research. Over 90% of queries were dealt with on the day of receipt.

The Media Relations Advisor lectured in a number of third level colleges and other centres of education at undergraduate and postgraduate level in Dublin. The Service also facilitated several visits to the courts, workshops and simulated news days for journalism students during the year. Contacts and relationships were maintained with professional bodies dealing with the media including the National Union of Journalists, the Press Council of Ireland and the Office of the Press Ombudsman.

The Service was expanded in 2008 to provide extended hours of availability to the media and faster information turnaround times.

CAPITAL BUILDING PROGRAMME

The Service spent over €26 million on capital works under the Capital Building Programme in 2008. New and refurbished courthouse accommodation was provided throughout the country. The implementation of the Capital Building Programme continues to be overseen by the Building Committee.

Public Private Partnerships

Criminal Courts Complex

By the end of 2008 construction of the new Criminal Courts Complex was ahead of schedule with completion anticipated by the end of 2009. The new complex is a 10 storey over basement building with 23,000 square metres of accommodation including 22 courts with state of the art ancillary facilities for all criminal courts' users. The advanced design ensures that the public, jurors, defendants in custody, judges and staff have segregated and secure accommodation and circulation routes to and from the courts. The courtrooms will be of varying sizes suited to the varying types of criminal business to be accommodated. All courtrooms will have good levels of natural light and will provide a very modern and comfortable environment for the public and legal professionals. In addition to the Service, the Bar Council, the Law Society, the Director of Public Prosecutions, the Probation Service and An Garda Síochána will have accommodation in the new complex.

Criminal Courts Complex Unified Office

A project board was established during the year to oversee the

operational aspects of the Criminal Courts Complex. The board is chaired by a Director of the Service and includes representatives of the judiciary and court offices. A project team was also established to manage the transition to and operation of the new complex.

Other Public Private Partnership Projects

By year end work was nearing completion on the appraisal stage of other public private partnership projects. Sites have been secured in Limerick, Cork, Letterkenny and Drogheda.

Four Courts Complex

The Criminal Courts Complex Project will pave the way for a major redevelopment of the Four Courts as a new Civil and Family Law Courts Complex. Following approval by the Department of Justice, Equality and Law Reform of a preliminary appraisal for the redevelopment of the Four Courts work commenced on a detailed assessment of the project. By year end work was nearing completion on this assessment.



SUPPORTING HERITAGE WEEK: THE SERVICE PROVIDED GUIDED TOURS OF THE REFURBISHED COURTHOUSE IN WASHINGTON STREET, CORK TO OVER 130 PEOPLE AS PART OF HERITAGE WEEK IN AUGUST 2008. HERITAGE WEEK IS CO-ORDINATED BY THE HERITAGE COUNCIL WITH SUPPORT FROM THE DEPARTMENT OF ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT. THE MAIN AIM IS TO BUILD AWARENESS OF IRELAND'S BUILT, NATURAL AND CULTURAL HERITAGE THEREBY ENCOURAGING ITS CONSERVATION AND PRESERVATION.

Projects completed in 2008

New courthouses were constructed in **Ardee** and **Blanchardstown** in 2008.

The courthouse at **Ardee** was a joint development with Louth County Council and the Office of Public Works to provide modern court facilities and local offices for both bodies. The new courthouse in **Blanchardstown** includes two courtrooms with all necessary ancillary facilities including consultation rooms, legal practitioner's room, jury room, District Court office, dedicated public waiting areas and holding cells with secure access to the courtrooms.

Courthouses at **Thurles** and **Clones** were refurbished to meet modern requirements. The restoration and extension of the courthouse in **Thurles** facilitated the provision of two courtrooms with all necessary ancillary facilities. The courthouse in **Clones** was refurbished as part of a joint development with Monaghan County Council to provide court facilities and a theatre in the building.

Projects in progress at the end of 2008

Work was continuing on the refurbishment of **Kilkenny** and **Monaghan** courthouses and the provision of new courthouses at **Kilmallock** and **Gorey**. Work was nearing completion on the refurbishment of **Killarney** and **Virginia** courthouses. Plans were being prepared for **Wexford**, **Tralee**, **Waterford**, **Wicklow**, **Youghal** and a number of other smaller venues.

Additional space was acquired at **Wicklow**, **Clonakilty**, **Tuam** and **Birr** to facilitate the refurbishment and extension of the courthouses in these locations. In addition, a site for a new courthouse was acquired at **Dungloe**, County Donegal. Plans were completed for projects at **Swinford** and **Manorhamilton**.

Projects to commence in 2009

Subject to the provision of funding work will commence on the refurbishment and extension of **Mullingar** courthouse in 2009. This major project will provide additional courtroom and office accommodation

"The upgrading of historic buildings such as Thurles and Clones, which are protected structures, not only enables the Service provide modern court accommodation but assists in the preservation of the architectural heritage of the towns concerned"

CEO PJ Fitzpatrick

together with all necessary ancillary facilities required including those for family law, juries, legal practitioners, the public, victims, the media, An Garda Síochána and the Prison Service.

New District Court office accommodation will also be provided in **Youghal** during the year.

Jury facilities

Efforts continued during the year to improve facilities for jurors. All county towns and Four Courts venues have modern public address systems and jury rooms. Jurors are provided with lunch on the days of a trial. As part of the development of the new Criminal Court Complex a dedicated jury dining facility will be provided together with improved information for jurors.

IMPROVEMENTS IN THE PROCESSING OF FAMILY LAW MAINTENANCE PAYMENTS IN DUBLIN METROPOLITAN DISTRICT COURT FACILITATED THE ISSUE OF 3,000 PAYMENTS EVERY WEEK WITH A VALUE OF OVER €300,000.

Victims and Witnesses

The Service continued to work to assist victims of crime as they attend court. During 2008 the system of reserving special seating for victims' families in murder and manslaughter cases continued in the Central Criminal Court and the Circuit Criminal Court. Special rooms for victims are now available in over 50 newly refurbished courthouses around the country.

At year end work was nearing completion on a booklet and DVD to provide young witnesses with basic information about how the court process works and give useful guidance as they prepare to go to court. The initiative was supported by a number of agencies, schools and others working with young people in Ireland. (see page 40)

The new Criminal Courts Complex courtrooms are designed to minimise the proximity of victims and their families to defendants and accused persons. The complex will contain remote video link and victim support and consultation rooms.

EFFICIENT USE OF RESOURCES

Annual Output Statement 2008

The Annual Output Statement sets out the major objectives to be achieved by the Service on foot of the funding provision in the annual Estimates process. It is one of the ways the Service as a public service organisation demonstrates transparency and accountability and also allows for enhanced Dáil scrutiny of the Estimates process. The Service published its second Annual Output Statement in 2008. The key objectives identified and achieved for 2008 were:

Objective 1: Implementation of the Criminal Justice Interoperability Pilot Project ('CJIPP')

The CJIPP interface was completed in November 2008. It enables the Service receive summons applications from An Garda Síochána and transfer case results electronically from the criminal case management system to An Garda Síochána, the Prison Service and the Department of Transport. It reduces duplications and manual work in court offices and in An Garda Síochána. From 17th November 2008 to 31st December 2008 almost 230,000 court outcome, bail and warrant details were successfully

transferred to An Garda Síochána while the Service received approximately 22,000 summons applications electronically from An Garda Síochána.

Objective 2: Legislation in place to enable family law case progression in the Circuit Court

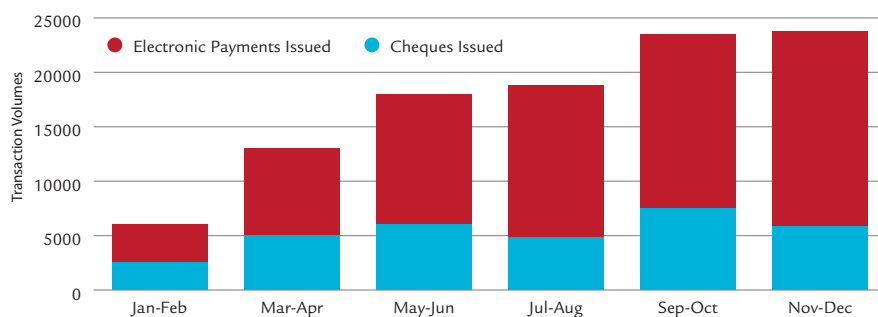
Circuit Court family law case progression legislation came into operation in October 2008. This initiative facilitates family law case progression by County Registrars (see page 31).

Objective 3: Roll-out a new approach for handling the accounting operations of District Court offices

The Courts Accounting System (CAS) was deployed to 29 District Court offices including all the major urban centres during the year. The deployment of this system also supports eGovernment by enabling the payment of fines online and the electronic payment of family law maintenance.

“THE COURTS ACCOUNTING PROJECT HAS DEMONSTRATED THAT IMPROVED CUSTOMER SERVICE AND IMPROVED ORGANISATIONAL PERFORMANCE CAN BE DELIVERED WHILE ACHIEVING EXCELLENT VALUE FOR MONEY FOR THE TAXPAYER”. CEO, PJ FITZPATRICK

Creditor Payments - CAO 2008



There was significant demand for the electronic payment of family law maintenance directly into bank accounts with over 70,000 payments to creditors issued electronically by the system in 2008. The Service actively encouraged the payment of maintenance electronically during the year. By year end 75% of payments were being paid by electronic funds transfer. The *Online Fine Payment* facility was launched in 2008. Over 5,000 transactions were carried out generating €1.1 million in revenue for the Exchequer and saving users over 5,000 visits to District Court offices. Usage increased greatly during 2008 and it is expected that the number of transactions will double in 2009 as the roll out of the Courts Accounting System to all District Court offices is completed.

Financial Performance

Funds to manage the courts and support the judiciary are voted to the Service by the Oireachtas. The financial outturn for 2008 is in the Expenditure and Income Table on page 90. Total expenditure for the year amounted to €139m, compared with €129m for 2007, an increase of €10m.

Total current expenditure amounted to €102.7m compared with €94.4m for 2007. Expenditure on capital programmes amounted to €36.4m an increase of €1.6m compared with 2007. Fees generated for a wide range of services amounted to €47m in 2008 an increase of €8m on 2007. This is attributable to the introduction of a revised Fees Order which came into operation in July 2008.

In addition to the ongoing cost of court operations a significant element (26%) of funding is spent on both capital building and ICT programmes. This has enabled significant progress to be sustained on the major modernisation programme of the Service in recent years.

Management of Court Funds

The courts have a custodial role in relation to funds that are lodged in court following the making of court orders or in compliance with legislative requirements. The funds held by the courts principally relate to Wards of Court, Minors (persons under 18 years) and lodgments by parties to court proceedings.

Funds lodged in court are managed by the Office of the Accountant of the Courts of Justice (“the Accountant’s Office”). Total assets managed by the Accountant’s Office increased to €1.033 billion at the end of the financial year to September 2008, up €11m on the previous year.

Of the total assets managed by the office €952m were invested in Spectrum Funds. The increase in the value of assets managed by the Accountants Office to €1.033 billion at 30th September 2008 from €1.022



AWARDS FOR COURTS ACCOUNTING PROJECT

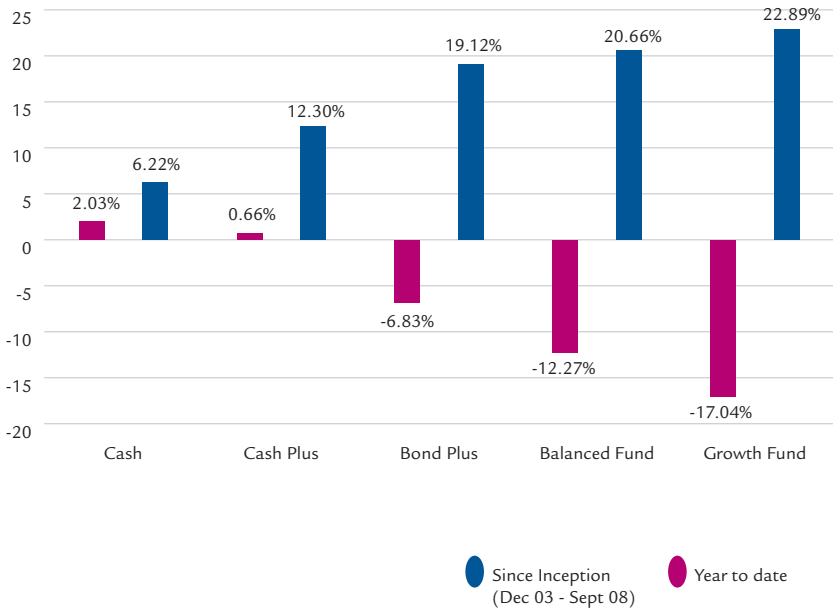
THE COURTS ACCOUNTING PROJECT WAS ONE OF 20 WINNERS OF A PUBLIC SERVICE EXCELLENCE AWARD IN 2008. THE AWARDS ARE A CENTRAL STEP IN PROMOTING THE PRINCIPAL AIM OF THE QUALITY CUSTOMER SERVICE INITIATIVE, WHICH IS THE PROVISION OF A CONSISTENTLY HIGH LEVEL OF SERVICE TO CUSTOMERS OF THE PUBLIC SERVICE. PROJECTS CAN BE NOMINATED BY ALL GOVERNMENT DEPARTMENTS AND PUBLIC SERVICE BODIES. THE PROJECT ALSO RECEIVED A MERIT AWARD IN THE ‘SERVICES TO CITIZENS’ CATEGORY OF THE ‘INNOVATING GOVERNMENT’ AWARDS IN 2008. THE AWARDS RECOGNISE EXCELLENCE AND CREATIVITY FOR INNOVATIVE INITIATIVES IN THE PUBLIC SECTOR.

billion at 30th September 2007 is attributable to an increase in capital transactions of €86m (i.e. excess receipts over disbursements) and a net decrease, including unrealised losses of €88m, in court funds from investment activities of €75m. The average investment return for the Spectrum Funds for the year ended 30th September 2008 was -4.23% (net of fees) (2007: +3.94%). The other significant factor contributing to the increase in assets was the transfer of funds from District and Circuit Court Offices.

Investment performance for the year for all funds was adversely affected by the sub-prime credit crisis and turbulent financial markets. Performance ranged from 2.03% (Cash Fund) to -17.04% (Growth Fund) net of fees. The table on this page shows the cumulative investment performance of the funds since inception in December 2003 and performance in the year under review.

Despite the impact on investment performance due to turbulence on financial markets, the cumulative investment performance for all funds is positive. Cumulative investment

Spectrum Fund Investment Performance (Net of Fees)



* Note: The Cash Fund only commenced in June 2006

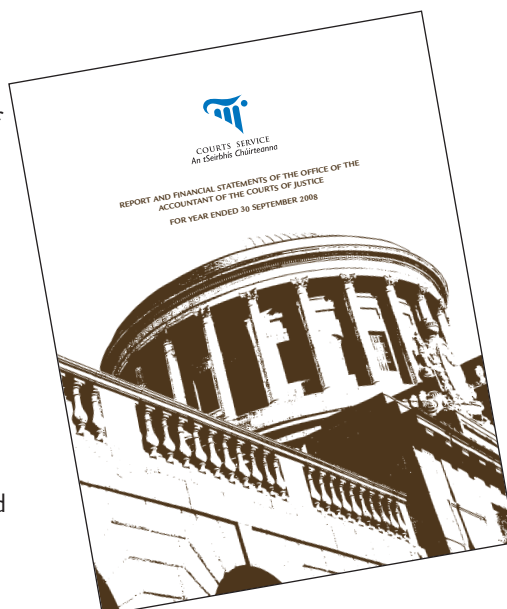
performance since the new unitised funds were established in December 2003 ranged from 12.30% for the Cash Plus Fund to 22.89% for the Growth Fund.

The reduction in the value of court funds reported in the financial statements for the period ended 30th September 2008 is based on the market to market value of the assets held and has not materialised in a realised loss.

In 2008, the Investment Committee initiated a review of all aspects of the management and investment of court funds. The review, carried out by external consultants, was completed in July. The key recommendations were accepted by the Investment and Finance Committees and the Board of the Service and will be a key factor in determining the Service's approach to the investment of court funds over the next five years.

During the year over 61,000 financial transactions with a monetary value of over €929m were processed by the Accountant's Office. This compares with 56,000 financial transactions to September 2007 with a monetary value of €929m, an increase of 9% and was largely due to the transfer of funds from the Circuit and District Courts and cases from the Redress Board.

The annual financial statements for the Accountant of the Courts of Justice for the financial year ended 30th September 2008 have been audited by Deloitte & Touche, who provided an unqualified audit report. These financial statements were submitted to the Minister for Finance and the Minister for Justice, Equality & Law Reform. Extracts from the financial statements are on *pages 94 to 96*.





CHAPTER 5 SUPPORTING STAFF



CHAPTER 5

SUPPORTING STAFF



The development of staff skills and competencies for the effective delivery of services continued to be a major objective of the Service in 2008. Training needs were identified as part of the performance management and development system and a comprehensive Training and Development Plan was developed.

Staff at all levels of the Service undertook a wide variety of courses during the year. In addition to availing of opportunities for development during office hours, many were given financial and other support in pursuing out-of-hours courses on a variety of topics relevant to their work.

TRAINING

A new training and development strategy prepared in 2008 included the following:

Induction

The induction programme for new entrants was organised over two days. Staff are briefed on organisational, management and staffing structures. They are introduced to the culture of the Service through the provision of information on a range of matters including the customer service charter, performance management and development system and the code of standards and behaviour.

Fourteen induction courses were held in 2008 – 11 in Dublin and three regionally – attended by 77 staff.

Supporting Staff in Further Education

One of the ways the Service encourages and supports staff to enhance their knowledge and skills is by refunding educational course fees. In 2008, fees were refunded to 39 staff.

Health & Safety

Fire Warden training was provided for 132 staff with 181 staff availing of defibrillator training and seven receiving evacuation chair training.

A tender for the continued delivery of health and safety training and service issued in November 2008 and will be awarded in mid 2009.

General Training

Staff were encouraged to attend conferences, seminars and workshops relating to their work and professional duties. Events included seminars on legislative change, developments in employment law, project management programmes and mediation seminars.

On the Job Training

The vast body of knowledge acquired by staff in the course of their work continued to be a much valued element of the training programme of the Service. During the year offices across all jurisdictions, assisted by the Training Unit, organised seminars and training days to allow experienced staff share and transfer this knowledge to colleagues.

Promoting the Irish language

The Service continued to support staff interest in the Irish language. Courses at beginner, intermediate and advanced levels of Irish were provided by two service providers, attended by over 60 staff during the year.

Information and communications technology training

Staff continued to attend a variety of information and communications technology courses to improve skills during the year. Courses attended included Lotus Notes and Microsoft Excel, Word, PowerPoint and Publisher.

Pre-retirement

Staff availed of pre-retirement courses organised by the Civil Service Training and Development Centre.



DEVELOPMENT

Performance Management and Development

During 2008 the Performance Management and Development System was fully integrated and aligned with other human resource management systems including promotions, increments, training and career development. The Service introduced an electronic performance management and development records system during the year. The system allows staff create, save, approve, sign off and file forms electronically. It replaced a paper based system saving considerable time and resources.

Promotion

Staff promotions continued to be achieved by process of competitive interview in 2008.

SUPPORT

Employee Assistance

The Service continued to provide an employee assistance service during the year. The service is an in-house counselling, information, support and referral service. It helps staff to manage or resolve work-related and personal difficulties which, if left unattended, may adversely affect attendance, work performance and quality of life. The Employee

Assistance Officer (EAO) is an accredited psychotherapist and group therapist who consults with and provides support to managers dealing with sensitive staff welfare issues.

During 2008, the EAO continued to organise monthly information talks during the lunch break. Topics covered included good nutrition and diet, support in the workplace for people with acquired brain injury, the Public Service Friendly Society, mediation and homeopathy.

Work Life Balance

The Service continued to offer staff a range of flexible working arrangements including term-time and flexi-time during the year. Two hundred staff availed of work share arrangements with 41 availing of the term-time scheme.

CONSULTING WITH STAFF

The Service continued to consult with staff and involve them in the development of the organisation during the year.

Partnership

The Central Partnership Committee chaired by the Chief Executive Officer continued to address issues of interest and concern to the Service at seven meetings during 2008.

The involvement of staff at all grades in partnership sub-committees on matters such as performance management and development and the Criminal Courts Complex continued to prove particularly constructive.

Regional Partnership Committees continued to meet regularly during the year affording staff and management the opportunity to deal with a range of local issues.

A report on the effectiveness of the regional partnership initiative was considered by the Central Partnership Committee in 2008.

ASSISTING STAFF WITH DISABILITIES

The Service continued to assign a Disability Liaison Officer to assist staff. The necessary organisational and technical supports are in place to facilitate the employment of persons with a disability and to support existing employees with disabilities.

DECENTRALISATION

The Government's decentralisation programme continued to impact on the Service in 2008. Twenty-nine staff transferred to decentralising departments under the terms of the programme with one person joining the Service.



STABLE INDUSTRIAL RELATIONS

The Service continued to enjoy a constructive and productive working relationship with the staff trade unions. Through the combined use of the partnership process and the Conciliation and Arbitration Scheme a positive industrial climate continued to be maintained.

The ambitious programme to modernise the courts outlined in the Strategic Plan and restated in the *Towards 2016* Action Plan owes much of its continued success to the support of the staff and the staff trade unions. There were no working days lost due to industrial disputes in 2008. This harmonious industrial relations climate has been instrumental in encouraging staff to become, and remain, involved in the many projects, large and small, underway throughout the Service.

SOCIAL

Staff continued to be involved in many activities outside of the workplace. The skills they acquire continue to be used to great effect within the Service.

Courts Service Choir

The choir performed at the Mass to celebrate the commencement of the Legal Year in October and at staff events during the year.

Retired judges and staff

The Service continued to acknowledge the contribution made by those judges and staff who have retired, many following long years of service. Social events in June and November 2008 afforded retired judges and staff the opportunity to meet serving colleagues.

CHAPTER 6 STATISTICS



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INTRODUCTION

The statistics in this Chapter are for the period from 1st January 2008 to 31st December 2008. They are presented by reference to specific categories of law: criminal, civil (including family) and licensing. In some instances statistics for 2007 and previous years are provided for comparison purposes. An overview of the work of the courts in 2008 is contained in Chapter 2.

The statistics provide information about the major areas of the work of the courts. Additional information and further statistics providing more detailed analysis are available on the website of the Service (www.courts.ie).

The classification and categorisation used by the Service has been used to produce the statistics in this Chapter. These may differ from other agencies such as An Garda Síochána, the Director of Public Prosecutions and the Office of the Director of Corporate Enforcement.

LAW TERMS 2008

Hilary:	12th January to 14th March
Easter:	31st March to 8th May
Trinity:	21st May to 31st July
Michaelmas:	6th October to 21st December

A glossary of terms is contained in Chapter 9.

SECTION 1: SUPREME COURT

Trends: Appeals 2002-2008				
Year	Received	Disposed of by the Court	Withdrawn in the office by letter	Total disposed of
2008	443	229	105	334
2007	373	229	47	276
2006	484	202	35	237
2005	446	211	33	244
2004	531	725*	76	801
2003	440	261	50	311
2002	415	222	99	321
Total	3,132	2,079	445	2,524

* 432 of these appeals were disposed of in a review of uncertified appeals list

Outcome of appeals disposed of by the Court		
	2008	2007
Appeal dismissed: High Court order affirmed	125	85
Appeal allowed: High Court order set aside	41	59
Appeal allowed: High Court order varied	14	14
Appeal struck out certified and uncertified	46	70
Cases stated determined	1	1
No jurisdiction	2	0
Total	229	229

Appeals from appellants in person			
Year	Total received	Received from appellants in person*	Percentage of total
2008	443	71	16%
2007	373	49	13.1%
2006	484	57	11.78%
2005	446	30	6.73%
2004	531	37	6.97%
2003	440	32	7.27%
2002	415	45	10.84%

*not legally represented

Judgments	2008	2007
Judgments reserved	97	75
Appeals/motions disposed of by reserved judgments delivered	101	84
Individual judgments delivered	104	94

Length of appeal	2008	2007
One day or less	211	209
Two days or more	18	20

Other documents filed	
Commissioners appointed	26
Notaries Public appointed	16
Certificates of authentication issued	16,127
Called to the Inner Bar	20
Called to the Outer Bar	244
Declarations made by newly appointed judges	6
Extensions of time granted to County Registrars/District Judges	5

SECTION 2: CRIMINAL

COURT OF CRIMINAL APPEAL

	On hand 01/01	Received	Disposed of	On hand 31/12
Appeals from Circuit Criminal Court	139	205	192	152
Appeals from Central Criminal Court	45	39	31	53
Appeals from Special Criminal Court	13	2	8	7
Appeals from Courts-Martial Appeal Court	0	0	0	0
Appeals by the Director of Public Prosecutions*	31	58	47	42
Appeals alleging miscarriage of justice**	1	1	1	1
Total	229	305	279	255

** The Director of Public Prosecutions can appeal against sentence on the grounds of undue leniency under section 2 of the Criminal Justice Act, 1993.*

*** In the case of an alleged miscarriage of justice, an appeal may be lodged under section 2 of the Criminal Procedure Act, 1993.*

Nature of appeal	On hand 01/01	Received	Disposed of	On hand 31/12
Against conviction and sentence	52	90	40	102
Against conviction only	29	41	26	44
Against sentence only	148	174	213	109
Total	229	305	279	255

Outcome of appeals against conviction and sentence	2008	2007
Refused	16	25
Conviction affirmed, sentence varied	10	3
Conviction quashed, re-trial directed	2	2
Conviction quashed (no re-trial)	9	2
Appeal struck out	0	2
Adjourned generally with liberty to re-enter	0	0
Liberty to withdraw granted	1	1
Total	38	35

Outcome of appeals against conviction only	2008	2007
Refused	11	24
Conviction quashed, re-trial directed	0	1
Conviction quashed re-trial directed and admit to bail	2	1
Conviction quashed (no re-trial)	3	2
Appeal struck out	3	1
Adjourned generally with liberty to re-enter	0	0
Liberty to withdraw granted	1	0
Total	20	29

Outcome of appeals against sentence only	2008	2007
Refused	45	35
Liberty to withdraw granted	18	19
Original sentence quashed and sentence imposed in lieu	45	22
Appeal struck out	6	7
Adjourned generally with liberty to re-enter	1	0
Total	115	83

Appeals against sentence by DPP	2008	2007
Refused	14	6
Original sentence quashed and sentence imposed in lieu	30	30
Struck out	0	2
Liberty to withdraw granted	3	1
Total	47	39

Appeals withdrawn in the office	2008	2007
	59	45

Trends: Appeals received and disposed of 2001-2008	Received	Disposed of
2008	305	279
2007	267	232
2006	244	329
2005	257	290
2004	257	266
2003	257	347
2002	237	273
2001	287	216
Total	2,111	2,232

HIGH COURT: BAIL

Only the High Court has jurisdiction to deal with bail applications where a person is charged with murder. Application may also be made to vary the terms of a bail order made by a District Court judge.

	2008	2007
Orders made on own surety	477	432
Orders made on own surety and cash lodgement	146	149
Orders made on third party surety	269	277
Refused	367	317
Revoked	57	52
Withdrawn	166	267
Struck out	62	82

HIGH COURT :
CENTRAL CRIMINAL COURT
MURDER

Trends: 2001-2008	Received	Disposed of
2008	51	35
2007	39	44
2006	33	52
2005	35	42
2004	28	59
2003	39	58
2002	55	48
2001	31	32
Total	311	370

Cases disposed of	2008	2007
Convicted of murder	16	16
Convicted of offences other than murder	12	15
Found not guilty by reason of insanity	2	2
Acquitted	3	8
Other	2	3
Total	35	44

Sentences imposed	2008	2007
Life imprisonment	16	17
Over ten years	1	4
Over five years to ten years	8	8
Over three years to five years	3	1
Other	2	3
Not guilty by reason of insanity	2	0

Pleas/jury trials	2008	2007
Guilty pleas	9	11
Jury trials	24	25

Rape and sexual assault

Trends: 2001-2008	Received	Disposed of
2008	78	72
2007	73	76
2006	58	61
2005	44	75
2004	40	72
2003	52	100
2002	82	93
2001	92	98
Total	519	667

Cases disposed of	2008	2007
Convicted of rape	27	9
Convicted of rape and other offences	9	27
Convicted of other sexual offences	6	12
Acquitted	15	13
Other (including nolle prosequi)	15	15
Total	72	76

Sentences imposed	2008	2007
Life	1	2
Over 12 years	5	2
Over five years to 12 years	24	34
Up to five years	12	7
Other*	2	3

* Includes suspended sentences, bench warrants

Pleas/jury trials	2008	2007
Guilty pleas	29	27
Jury trials	27	35

HIGH COURT: HABEAS CORPUS

	2008	2007
Cases issued	164	200
Orders made	278	311

HIGH COURT: EUROPEAN ARREST WARRANTS

	2008	2007
Cases issued	230	207
Orders made	466	399

SPECIAL CRIMINAL COURT

Trends: Outcome of cases 2002-2008					
	Trials	Accused persons	Convicted on plea of not guilty	Convicted on plea of guilty	Struck out / nolle prosequi/acquitted
2008	10	22	6	10	6
2007	7	10	3	7	0
2006	10	16	12	0	4
2005	6	21	10	11	0
2004	15	30	13	10	7
2003	9	19	7	6	6
2002	13	22	10	9	3
Total	70	140	61	53	26

2008

Offence	Convicted
Membership of an unlawful organisation	2
Possession of firearms	6
Possession of ammunition	6
False imprisonment	1
Murder	1
Attempted murder	1
Causing serious harm	1

CIRCUIT COURT

	Road traffic	Drug offences	Sexual offences	Firearms offences	Theft/ Fraud / Robbery	Assault	Child Abuse	Man -slaughter	Other	Total
CASES DISPOSED OF										
Defendants	168	521	134	174	874	708	6	5	403	2,993
Guilty pleas	136	491	85	151	793	509	5	1	333	2,504
Trials	32	30	49	23	81	199	1	4	70	489
OUTCOME OF TRIALS										
Convicted	12	17	12	3	23	55	0	2	17	141
Acquitted	12	8	23	9	29	85	1	2	23	192
Nolle prosequi	8	5	14	11	29	59	0	0	30	156
SENTENCES (ALL CASES)										
Community Service	5	23	1	9	25	22	0	0	13	98
Suspended sentence	35	166	22	46	246	225	7	0	109	856
Fine	16	8	2	4	10	18	1	0	37	96
Imprisonment up to 2 years	75	204	29	67	349	199	4	0	138	1,065
Over 2 years to 5 years	37	101	27	37	253	121	2	0	76	654
Over 5 years to 10 years	35	114	21	25	172	60	0	6	62	495
Over 10 years	6	69	4	14	9	5	0	0	5	112
Other	8	25	12	10	28	41	0	1	33	158

DISTRICT COURT

	2008	2007
Summary offences disposed of	482,203	388,345
Indictable offences dealt with summarily	68,491	48,272
Sent forward for trial	12,965	-

All cases disposed of	2008	2007
Public Order/Assault	69,248	35,964
Drugs	15,658	9,970
Theft	30,821	22,937
Road Traffic Offences	358,371	281,641
Sexual Offences	2,017	517
Other*	74,579	85,688
Total	550,694	436,617

* 'Other' includes offences such as breach of bail, litter offences, street trading and offences prosecuted by Government Departments and other State agencies such as the Health and Safety Authority.

Sentences	Public Order/Assault		Drugs		Theft		Sexual		All Road Traffic	
	Offences	Defendants	Offences	Defendants	Offences	Defendants	Offences	Defendants	Offences	Defendants
Imprisonment / Detention	5,920	4,156	1,265	960	6,152	2,932	108	65	4,995	3,634
Fines	13,033	8,954	3,138	2,734	2,737	2,279	36	30	80,774	66,712
Community Service / Probation / Dismiss under Probation of Offenders Act	10,525	6,446	2,506	2,016	3,983	2,571	93	75	8,474	5,969
Struck Out	13,475	8,979	2,702	1,974	5,057	3,196	140	88	155,578	81,963
Dismiss	2,043	1,497	222	176	440	329	15	13	13,346	9,380
Taken Into Consideration**	15,516	6,167	2,121	1,029	6,166	2,149	73	50	52,118	21,970
Other	6,743	4,769	3,403	1,544	5,258	2,167	1,531	226	42,427	32,598
Peace Bond	1,993	1,637	301	265	1,028	844	21	20	659	576
Total	69,248	42,605	15,658	10,698	30,821	16,467	2,017	567	358,371	222,802

** The Criminal Justice Act, 1951 section 8 provides that where a person, on being convicted of an offence, admits himself guilty of any other offence and asks to have it taken into consideration in awarding punishment, the Court may take it into consideration accordingly. If the Court takes an offence into consideration, a note of that fact is made and filed with the record of the sentence, and the accused cannot be prosecuted for that offence, unless the conviction is reversed in an appeal.

Specific road traffic Sentences	Dangerous Driving		Drink Driving		Unauthorised taking of motor vehicles	
	Offences	Defendants	Offences	Defendants	Offences	Defendants
Community Service Order	43	35	104	90	15	15
Probation/Dismiss under Probation of Offenders Act	103	75	99	94	87	76
Dismiss	251	195	899	855	27	27
Fines	1,091	1,004	10,965	10,491	62	59
Imprisonment/Detention/ Imprisonment/Detention Part Suspended	471	270	648	525	304	238
Imprisonment Suspended	105	81	292	269	53	50
Peace Bond	44	43	151	145	38	37
Struck Out	1,362	942	1,363	1,293	253	236
Taken Into Consideration**	796	494	1,236	1,124	234	189
Disqualification	1,132	906	11,813	11,093	181	160
Other	679	494	645	606	225	194
Total	6,077	4,539	28,215	26,585	1,479	1,281

Appeals

District Court to Circuit Court	2008	2007
Received	6,335	7,684
Disposed of	2,801	2,465

JUVENILE CRIME

Outcome of offences dealt with	Offences	Defendants
Community service	57	38
Detention	708	280
Detention part suspended	7	6
Detention suspended	233	150
Dismiss	301	147
Dismiss on probation	553	253
Disqualified	238	131
Fine	435	246
Other	29	25
No order	296	131
Peace Bond	227	140
Poor Box	9	8
Probation order	1,046	334
Strike out	1,931	636
Taken into consideration	2,354	402
Returned to higher Court for trial	270	121
Withdrawn	228	132
Total	8,922	3,180

SECTION 3: CIVIL OVERVIEW

CASES ISSUED

	2008	2007
High Court	22,861	19,435
Circuit Court	36,763	30,435
District Court	77,026	74,250
Total	136,650	124,120

CASES DISPOSED OF

High Court	2008	2007
Orders made	25,734	23,844
Settled	4,631	4,283

Circuit Court	2008	2007
Settled (<i>consent decree</i>)	4,488	4,361
Dealt with by court	5,575	6,272

DOCUMENTS FILED IN COURT OFFICES (INCLUDING SUMMONSES, PETITIONS AND MOTIONS)

	2008	2007
High Court	119,499	104,841

WRITTEN JUDGMENTS

High Court	2008	2007
Reserved 01/01	73	
Delivered	449	403
Reserved at 31/12	85	73

PERSONAL INJURY

High Court

Cases issued	2008	2007
Personal injury summonses	6,466	5,951
Assault	124	144
Medical negligence	481	566

Listed for hearing	2008	2007
On hands 01/01	8,074	11,744
Received	5,159	4,646
Disposed of	6,033	8,316
On hands 31/12	7,200	8,074

Analysis of cases disposed of	2008	2007
Orders made	3,617	3,554
Settled	3,337	3,346
Withdrawn	118	171

Awards made

Awards were made or approved in 124 personal injury cases. The lowest amount awarded was € 3,250.00, the highest €9,000,000.00 The total amount awarded in all cases was €50,672,427.50

Amount	Cases
€0 to €37,999	22
€38,000 to €99,999	52
€100,000 to €199,999	21
€200,000 to €999,999	20
€1m+	9
Total	124

Circuit Court

	2008
Cases issued	6,931
Notice of trials disposed of	3,209

Analysis of notice of trials disposed of	2008
Settled	1,932
Dealt with by court	1,277
Total	3,209

Awards made

Awards were made or approved in 966 personal injury cases involving persons under 18 years. The lowest amount awarded was €50.00, the highest €44,000.00. The total amount awarded in all cases was €12,995,498.56.

Amount	Cases
€0 to €9,999	360
€10,000 to €19,999	380
€20,000 to €29,999	178
€30,000 +	48
Total	966

COMPANY MATTERS

Restore company to register

High Court:	2008	2007
Received	145	193
Orders made/cases disposed of	144	196

Examinership

High Court:	2008	2007
Received	41	24
Orders made:		
Appoint Interim Examiner	37	22
Appoint Examiner	39	19

Wind up company

High Court:	2008	2007
Received	201	120
Orders made	77	42
Cases disposed of (<i>Examiner's Office</i>)	70	75

Restrict Directors

High Court	2008	2007
Received	48	76
Orders made:		
Directors restricted	95	125
Directors not restricted	14	26

Disqualify Directors

High Court	2008	2007
Received	10	7
Orders made:		
Directors disqualified	10	10
Directors not disqualified	4	2

OTHER COMMERCIAL MATTERS**Bankruptcy**

High Court:	On hand	Received	Disposed of	On hand 31/12
Bankruptcies	462	8	20	450
Arrangements with debtors	24	1	0	25

Cases disposed of

Discharged	19
Other	1

Financial overview

	Amounts	Cases
Funds received	€1,233,712.14	30
Total payments out	€1,867,573.30	70

European Communities (Personal Insolvency) Regulations, 2002

Entries on 01/01	15
Entered during 2008	8
Entries on 31/12	23

Commercial List

High Court	2008	2007
On hands 01/01	96	130
Entered into list	243	196
Disposed of	205	173
On hands 31/12	130	96

Analysis of cases disposed of	2008	2007
Motion to dismiss	4	24
Settled after entry	8	5
Settled after directions hearing	46	42
Settled after hearing date set	20	16
Settled after pre-hearing conference	0	2
Settled at hearing	31	37
Full hearing	66	47

Specific performance

High Court	2008	2007
Received	589	303
Listed for hearing	590	409
Orders made/cases disposed of	510	587

Injunction

High Court	2008	2007
Received	590	409
Orders made	224	217

Declaration

High Court	2008	2007
Received	553	587

Equity

Circuit Court	2008	2007
Received	2,589	3,288
Disposed of	1,282	1,025

Mortgage suit

High Court	2008	2007
Received	105	95
Orders made	43	33
Disposed of (<i>Examiner's Office</i>)	20	15

Possession

High Court	2008	2007
Received	759	374
Orders made	238	109

Circuit Court	2008	2007
Orders made by court	225	n/a

District Court (Ejectment)	2008	2007
Received	1,459	760

Breach of contract

High Court	2008	2007
Received (includes negligence)	1,507	935
Orders made	416	182

Circuit Court	2008	2007
Received (includes recovery of debt)	21,304	15,481
Cases disposed of	686	792

Employment law

Circuit Court	2008	2007
Received	266	204
Disposed of	134	76

Summary judgment (recovery of debt)

High Court	2008	2007
Summary Summonses	3,808	2,292
Revenue Summonses	1,609	818

Filings to assist recovery of debt

High Court:	2008	2007
Execution orders	1,601	1,208
Renew execution order	71	52
Default judgment	1,186	881
Judgement mortgage affidavit	643	471
Judgment on foot of Master's Order	241	196
Registered High Court judgments	419	296
Satisfaction piece	68	40

Circuit Court:	2008	2007
Orders for possession	225	
Execution orders	6,844	4,911
Judgement mortgage affidavit	1,571	1,266
Satisfaction piece	224	255
Judgment marked in the office (O27,28)	10,244	8,291

District Court	2008	2007
Summary judgment	24,873	23,389
Summons for attendance of debtor	13,079	13,459
Instalment orders	9,271	10,842
Committal orders	4,620	6,425

Appeals

Circuit Court to High Court	2008	2007
Received	373	368
Orders made	409	412

District Court to Circuit Court	2008	2007
Received	601	671
Orders made	375	458

REGULATION OF PROFESSIONS

High Court

Medical Council matters	2008	2007
Received	19	27
Orders made	24	38

Nurses Acts	2008	2007
Received	20	35
Orders made	19	41

Solicitors Acts	2008	2007
Received	86	17
Orders made	207	92

JUDICIAL REVIEW

High Court

Asylum*	2008	2007
Received	785	1,024
Orders made	1,465	819

* includes all judicial review applications brought under legislative provisions relating to asylum, immigration and refugees. Respondents include the Office of the Refugee Appeals Commissioner, the Refugee Appeals Tribunal and the Minister for Justice, Equality and Law Reform

Certiorari	2008	2007
Received	315	320
Orders made	158	148

Certiorari and declaration	2008	2007
Received	34	58
Orders made	12	11

Injunction	2008	2007
Received	31	49
Orders made	3	12

Mandamus	2008	2007
Received	70	95
Orders made	5	2

Planning	2008	2007
Received	79	49
Orders made	21	18

Prohibition	2008	2007
Received	63	87
Orders made	8	11

Public procurement	2008	2007
Received	2	1
Orders made	2	1

JURY

High Court

Defamation	2008	2007
Received	39	25
Orders made	28	29

False imprisonment	2008	2007
Received	13	20

Libel	2008	2007
Received	83	88

Slander	2008	2007
Received	10	13

CASES STATED

District Court to High Court	2008	2007
Received	32	36
Orders made	39	29

Revenue (District Court) to High Court	2008	2007
Received	0	4
Orders made	3	6

Circuit Court to Supreme Court	2008	2007
Received	4	4
Orders made	1	1

High Court to Supreme Court	2008	2007
Received	0	0
Orders made	0	0

OTHER

High Court

Garda compensation	2008	2007
Received	227	158
Orders made	251	158

Hepatitis C appeals	2008	2007
Received	6	16
Orders made	12	16

Criminal Assets Bureau	2008	2007
Received	29	37
Orders made	130	79

Masters Court	2008	2007
Orders made	3,814	3,942

WARDS OF COURT

	2008	2007
Wardship cases	2,310	2,280
Applications awaiting hearing	60*	261
Miscellaneous Applications	76**	339
Total	2,446	2,880

Enduring Powers of Attorney registered	2008	2007
	241	191

*approximate number of cases pending at any one time

**number of miscellaneous letters received in 2008.

GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT

	2008	2007
Wardship cases	473*	463
Sub cases	367	352

Reason person admitted to wardship*	Cases
Acquired Brain Injury	51
Elderly Mental Infirm	154
Learning or Intellectual Disability	108
Minor	11
Pending cases	4
Psychiatric Illness	143
Residential Abuse	2
Total	473

ESTATES OF DECEASED PERSONS (PROBATE)

High Court (Probate)	2008	2007
Cases issued	17	22

Circuit Court (Testamentary)*	2008	2007
Cases issued	31	30
Listed for hearing	20	18
Orders made	9	-

* Dublin only

Probates (and administrations with wills annexed)	2008	2007
High Court: Principal Registry	6,074	6,021
Circuit Court: Local registries**	5,906	6,445
Total	11,980	12,466

Intestacies (no valid will)	2008	2007
High Court: Principal Registry	2,045	2,106
Circuit Court: Local registries**	2,253	2,569
Total	4,298	4,675

** Incomplete Returns from District Probate Registry (GY 1st and 2nd Quarter of 2008)

TAXATION OF COSTS

High Court	2008	2007
Costs claimed	€45,825,687.77	€41,258,555.55
Costs allowed	€31,637,301.44	€29,735,485.47
Fees (duty)	€2,004,775.72	€2,002,523.00
Duty on summonses	€286,420	€151,690.00

DISTRICT COURT:

SMALL CLAIMS PROCEDURE

Applications received	2008	2007
Holidays	403	375
Professional services	211	164
Dry cleaners	220	107
Building	213	109
Damage to private property	288	303
Key money	56	62
Electrical goods	359	341
Audio/computer	161	172
Clothing	94	102
Shoes	57	66
Furniture	340	311
Carpets/flooring	100	86
Doors/roofs	97	82
Cars	372	251
Other	1,174	1,203
Total	4,145	3,734

Disposed of	2008	2007
Cases not covered by procedure	426	589
Cases not proceeded with	388	384
Decrees by default	349	294
Settled by Registrar	1,723	1,504
Referred to court	1,030	857
Total	3,916	3,628

Adjudicated by court	2008	2007
Decrees granted	442	411
Cases dismissed	201	154
Cases struck out/withdrawn	385	292
Total	1,028	857

SECTION 4: FAMILY LAW

The High Court and the Circuit Court have concurrent jurisdiction in family law matters. However, there is a right of appeal from the Circuit to the High Court.

DIVORCE, JUDICIAL SEPARATION AND NULLITY

	Trends: Applications received					
	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2008	43	4,214	42	1,966	0	61
2007	28	4,081	52	1,689	0	60
2006	39	3,986	50	1,789	1	60
2005	30	4,096	49	1,658	1	50
2004	34	3,880	48	1,654	0	51
2003	42	3,733	53	1,802	1	92
2002	33	3,912	59	1,871	2	52
2001	31	3,459	76	1,845	8	109

	Trends: Orders granted					
	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2008	42	3,588	45	1,180	0	48
2007	26	3,658	18	1,167	1	27
2006	47	3,420	27	1,072	0	25
2005	20	3,391	23	950	6	37
2004	42	3,305	42	1,216	5	20
2003	41	2,929	26	1,206	4	33
2002	20	2,571	28	940	1	40
2001	20	2,817	27	1,018	4	59

JUDICIAL SEPARATION

	Commenced by wife	Commenced by husband
High Court	29	13
Circuit Court	1,409	557

DIVORCE

	Commenced by wife	Commenced by husband
High Court	27	16
Circuit Court	2,462	1,752

NULLITY

	Commenced by wife	Commenced by husband
Circuit Court	35	26

CASES DISPOSED OF

High Court	Judicial separation	Divorce	Circuit Court appeals
Settled out of court	6	9	-
Settled in court	14	2	-
Full hearing	25	32	72

Circuit Court	Judicial separation	Divorce	Nullity	District Court appeals
Settled out of court	449	1,231	2	16
Settled in court	373	1,320	10	83
Full hearing	413	1,063	33	112

Circuit Court Orders Made	Judicial separation		Divorce		Nullity	
	Male	Female	Male	Female	Male	Female
Pension adjustment	145	273	588	660	0	0
Transfer of family home	116	325	259	355	1	0
Sale of family home	58	174	151	345	1	0
Residence in family home	49	218	123	335	0	0
Other property order	21	116	69	120	2	0
Extinguish succession rights	331	737	1,444	1,995	55	0

MAINTENANCE

High Court	2008	2007
Cases issued	0	0
Orders made	1	6

Circuit Court Orders Made	Judicial separation		Divorce	
	Male	Female	Male	Female
Periodic payment to spouse	17%	83%	42%	58%
Periodic payment to child	21%	79%	35%	65%
Lump sum payment to spouse	24%	76%	38%	62%
Lump sum payment to child	33%	67%	46%	54%

District Court:

Married applicants	2008	2007
Granted	1,179	1,029
Refused	225	50
Withdrawn/struck out	247	478
Miscellaneous	73	53

District Court:

Unmarried applicants	2008	2007
Granted	2,349	1,981
Refused	439	56
Withdrawn/struck out	365	794

GUARDIANSHIP

High Court	2008	2007
Received	25	10
Orders made	17	9

District Court: Unmarried Section 6(a)	2008	2007
Granted	1,802	1,258
Refused	283	51
Withdrawn/struck out	363	653

CUSTODY & ACCESS

Circuit Court:	Judicial separation		Divorce		Nullity	
	Husband	Wife	Husband	Wife	Husband	Wife
Orders made	118	328	303	494	2	2

District Court: Custody & access	2008	2007
Granted	857	428
Refused	209	21
Withdrawn/struck out	175	472

District Court: Custody only	2008	2007
Granted	468	330
Refused	68	43
Withdrawn/struck out	215	441

District Court: Access only	2008	2007
Granted	2,723	2,334
Refused	175	75
Withdrawn/struck out	593	1,066

HIGH COURT

Adoption	2008	2007
Cases issued	8	4
Orders made	9	8

Hague Convention (child abduction)	2008	2007
Cases issued	45	45
Orders made	167	146

Appeals from Circuit Court	2008	2007
Cases issued	120	123
Orders made	192	67

DOMESTIC VIOLENCE

Circuit Court:

	2008	2007
Orders made	164	91

District Court:

TRENDS: 2001-2008	2008	2007	2006	2005	2004	2003	2002	2001
Barring order applications	3,096	3,355	3,132	3,183	3,210	3,586	4,067	4,470
Barring orders granted	1,251	1,420	1,357	1,265	1,295	1,575	1,740	2,067
Protection order applications	3,354	3,794	3,137	2,850	3,054	3,109	3,677	4,263
Protection orders granted	2,955	3,235	2,845	2,622	2,810	2,814	3,248	3,711
Safety order applications	3,328	3,553	3,050	2,866	2,611	2,557	2,814	2,903
Safety orders granted	1,502	1,556	1,221	1,037	987	1,108	1,187	1,232
Interim barring order applications	623	692	605	622	698	629	852	1,159
Interim barring orders granted	445	586	544	550	604	531	706	1,007

* Some interim barring orders were granted on foot of applications for protection orders. Likewise some protection orders were granted on foot of interim barring orders

CIRCUIT COURT

Section 47 Civil Registration Act, 2004*	2008	2007
Received	673	739
Orders granted	550	546

** Section 47 Civil Registration Act, 2004 allows the court dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of eighteen to marry*

Appeals from District Court	2008	2007
Received	872	593
Orders made	552	534

District Court

Barring orders	2008	2007
Granted	1,251	1,420
Refused	580	115
Withdrawn/struck out	1,265	1,820

Barring orders: applicants	2008	2007
Spouse	1,690	1,827
Common law partner	903	971
Parent	486	476
Other	16	53
Health Board	1	28

Interim barring orders	2008	2007
Granted	445	586
Refused	71	78
Withdrawn/struck out	107	28

Interim barring orders: applicants	2008	2007
Spouse	361	388
Common law partner	214	244
Parent	39	58
Other	2	0
Health Board	7	2

Safety orders	2008	2007
Granted	1,502	1,556
Refused	617	296
Withdrawn/struck out	1,209	1,701

Safety orders: applicants	2008	2007
Spouse	1,745	1,915
Common law partner	1,059	1,052
Parent	451	458
Other	71	114
Health Board	2	14

Protection orders	2008	2007
Granted	2,955	3,235
Refused	256	363
Withdrawn/struck out	138	188

Protection orders: applicants	2008	2007
Spouse	2,087	2,162
Common law partner	1,036	1,044
Parent	203	494
Other	27	84
Health Board	1	10

CHILDCARE

Childcare cases involve applications by the Health Service Executive (HSE) in relation to care of children, mainly applications to have children placed in the care of or under the supervision of the HSE temporarily or permanently.

	2008	2007
Supervision orders granted	804	556
Care orders granted	1,044	1,201

The court may also grant interim care orders.

SECTION 5: LICENSING

CIRCUIT COURT

Liquor licences granted	2008	2007
Pub	260	267
Hotel	37	62
Special restaurant	70	64
Club	13	16
Total	380	409

DISTRICT COURT

Applications dealt with	2008	2007
Renewal of publican licences	956	1,432
Temporary transfer of licence	817	967
Annual dance licence	1,598	1,635
Temporary dance licence	263	274
Restaurant certificate	1,083	1,145
Special exemption orders	78,711	90,691
Lottery licence	1,311	1,245
Other	9,538	9,943
Total	94,277	107,332

SECTION 6: WAITING TIMES

SUPREME COURT

Waiting time is the time between the lodgement of the certificate of readiness and the hearing date.

Priority cases: Cases where hearings are sought on the grounds of urgency. Hearing dates are allocated, depending on the degree of urgency and the availability of dates – the majority being listed between **6 months and 12 months** of admission to the priority list and in certain cases (e.g. child abduction appeals) within weeks.

Ordinary appeals: These cases comprise the ordinary waiting list. The waiting time at the end of December 2008 was 31 months.

Average waiting time for all appeals heard in 2008 (from both the priority and ordinary list): **17 months**.

COURT OF CRIMINAL APPEAL

Waiting time is the time from the issue of a Notice of Appeal to the time the matter is first listed before the Court of Criminal Appeal.

	2008	2007
Conviction cases	9-11 months	8-10 months
Sentence appeals	6-8 months	6-8 months

HIGH COURT: CRIME

Waiting time is:

- (a) in the case of murder and rape trials, the time from the first listing of case before the Central Criminal Court on return for trial from District Court, to the trial date, and
- (b) in the case of bail applications, the date from the issue of a Notice of Motion to the date the matter is first listed before the High Court.

	2008	2007
Murder and rape trials	7 months	8 months
Bail	Date immediately available	Date immediately available
Criminal Assets Bureau	Date immediately available	Date immediately available

HIGH COURT: CIVIL

Waiting time is the time from when a case is ready for listing/hearing to the allocation of the first date for hearing before the High Court.

Personal injury	2008	2007
Cork	24 months	34 months
Dublin	6 weeks	3 weeks (max)
Dundalk	6 months	14 months
Galway	9 months	6 months
Kilkenny	11 months	11 months
Limerick	28 months	29 months
Sligo	11 months	15 months
Waterford	3 months	16 months

Asylum	2008	2007
Pre-leave	11 months	26 months
Post-leave	3 months	18 months

Chancery	2008	2007
Monday motions list	3 weeks	4 weeks
Certified cases	3 months	9 months
Special summonses	3 months	4 weeks
Misc	3 months (sooner if case less than 2 hours)	8 months (sooner if case less than 2 hours)

Other commercial	2008	2007
Commercial List	Date immediately available	Date immediately available
Competition List	2 weeks	2 weeks
Restrict Directors	4 weeks	4 weeks

Family	2008	2007
Cases for hearing	Within 3 months	Within 3 months
Hague Convention	Must be within 6 weeks	Must be within 6 weeks

Non jury	2008	2007
Monday list	2 weeks	3 weeks
Certified cases	Within 3 months	7 months
Misc	Within 3 months	21 months (sooner if case less than 2 hours)

Other	2008	2007
Common law motions	4 weeks	6 weeks
Garda compensation	10 weeks	20 weeks
Circuit Court appeals	4 weeks	4 weeks
Hepatitis C Tribunal appeals	Within 3 months	Within 3 months
Jury list	12 months	7 months
Judicial review	7 months	17 months (sooner if case less than 2 hours)
Master's list	15 weeks	7 weeks (3 weeks for family law matters)
Rulings	1 week	1 week

CIRCUIT COURT:

Criminal

Waiting time is the time from the receipt of a case from the District Court to the trial date in the Circuit Court.

Civil

Waiting time is the time from receipt of notice of trial to disposal of the case.

Family Law

Waiting time is the time from receipt of notice of trial to disposal of the case.

Appeals

Waiting time is the time from the receipt of a case from the District Court to disposal.

CIRCUIT COURT:

	CRIMINAL		CIVIL		FAMILY LAW			
	Cases	Appeals	Cases	Appeals	Judicial Separation	Divorce	Nullity	Appeals
Carlow	12 months	18 months	6 months	6 months	8 months	8 months	8 months	8 months
Carrick on Shannon	12 months	6 months	6-12 months	6 months	6-12 months	6-12 months	6-12 months	3 months
Castlebar	6 months	6 months	3 months	3 months	3 months	3 months	3 months	3 months
Cavan	12 months	12 months	18 months	6 months	6-12 months	9-12 months	6-12 months	6 months
Clonmel	18-36 months	18 months	12-18 months	12-18 months	18-24 months	18-24 months	18-24 months	18-24 months
Cork	Next Sitings	6-9 months	9 -12 months	9-12 months	3-6 months	3-6 months	3-6 months	Next Sitings
Dublin	9 months	2-6 months	2-4 months	2-6 months	3 months	3 months	6 months	3 months
Dundalk	12-15 months	6 months	12-18 months	6 months	6 -9months	3-6 months	6-9 months	6-9 months
Ennis	3 months	3 months	3 months	5 months	3 months	3 months	3 months	5 months
Galway	3-6 months	Next Sitings	3-6 months	3-6 months	Next Sitings	Next Sitings	Next Sitings	Next Sitings
Kilkenny	12-18 months	12-18 months	12 months	12 months	6 months	6 months	6 months	6 months
Letterkenny	6-12 months	6 months	12 months	12 months	6-9 months	6-9 months	6-9 months	3-6 months
Limerick	3-9 months	3-6 months	9 months	9 months	3 months	3 months	3 months	3 months
Longford	3-6 months	Next Sitings	9-12 months	12-18 months	3-6 months	3-6 months	3-6 months	3-6 months
Monaghan	6-12 months	3 months	9-12 months	6 months	6-12 months	6-12 months	6-12 months	6 months
Mullingar	6-12 months	4-8 months	4 months	6-9 months	12-18 months	12-18 months	12-18 months	9-12 months
Naas	24 months	9 months	30 months	24 months	24 months	24 months	24 months	9 months
Portlaoise	11 months	3 months	12-18 months	3 months	3-12 months	3-12 months	3-12 months	3-6 months
Roscommon	9-12 months	3-6 months	6-12 months	3-6 months	3-9 months	3-9 months	3-9 months	3-6 months
Sligo	3 months	Next Sitings	3 months	Next Sitings	3 months	3 months	3 months	Next Sitings
Tralee	3 months	Next Sitings	3 months	3 months	3 months	3 months	3 months	3 months
Trim	12-18 months	12-18 months	12-18 months	12-18 months	12-18 months	12-18 months	12-18 months	12 months
Tullamore	12 months	12 months	18 months	12 months	12 months	12 months	12 months	6 months
Waterford	18-24 months	Next Sitings	18-24 months	Next Sitings	18-24 months	18-24 months	18-24 months	Next Sitings
Wexford	9 months	9 months	18 months	6 months	12-15 months	12-15 months	12-15 months	Next Sitings
Wicklow	12 Months	6 months	6-9 months	6-9 months	6 months	6 months	6 months	6 months

DISTRICT COURT:

Waiting time is:

Criminal cases: Time from issue of a summons to initial hearing date.

Civil cases: Time from issue of a summons to initial hearing date.

Family cases: Time from issue of a summons to initial hearing date.

OFFICE	CRIMINAL CASES	CIVIL CASES	FAMILY CASES
Athlone	2 months	1 month	1 month
Ballina	10 weeks	6 weeks	No Delay
Ballinasloe	1 month	1 month	1 month
Bray	1 month	3 months	1 month
Carlow	2 months	4 months	No Delay
Carrick-on-Shannon	No delay	2 months	2 months
Castlebar	3 months	2 months	1 month
Cavan	1 month	1 month	1 month
Clonakilty	2 months	4 months	1.5 - 2 months
Clonmel	3 months	2 months	2 months
Cork	1 month	1 month	1 month
Derrynea	2 months	2 months	10 weeks
Donegal	3 months	2 months	No Delay
Drogheda	3 months	No Delay	No Delay
Dundalk	6 weeks	2 months	6 weeks
Ennis	3 months	3 months	2 months
Fermoy	2 months	1 month	No Delay

OFFICE	CRIMINAL CASES	CIVIL CASES	FAMILY CASES
Galway	4 months	2 months	6 weeks
Kilkenny	No Delay	No Delay	No Delay
Killarney	4 months	3 months	6 months
Letterkenny	2 weeks	2 months	2 months
Limerick	1 month	1 month	1 month
Listowel	3 months	3 months	1 month
Longford	No Delay	No Delay	No Delay
Loughrea	1 month	2 months	1 month
Mallow	No delay	No Delay	No Delay
Monaghan	4.5 months	Up to 3 months	Up to 3 months
Mullingar	1 month	2 months	2 months
Naas	1 month	1 month	1 month
Nenagh	3 months	2 months	2 months
Portlaoise	No delay	No Delay	No Delay
Roscommon	No delay	No Delay	No Delay
Sligo	1 month	1 month	1 month
Thurles	No delay	2 months	up to 1 month
Tralee	No Delay	No Delay	No Delay
Trim	1 month	1 month	1 month
Tuam	3 months	3 months	2 months
Tullamore	12 months	6 months	1 month
Waterford	3 months	3 months	3 months
Wexford	2 months	2 months	2 months
Youghal	2 months	3 months	2 months
Dublin Metropolitan	2 weeks	n/a	n/a
Blanchardstown	3 months	2 months	2 months
Dun Laoghaire	5 months	6 weeks	1 month
Swords	5 months	6 weeks	1 month

CHAPTER 7 ANNUAL FINANCIAL STATEMENTS



EXPENDITURE AND INCOME

	2008 € '000	2007 € '000
Current Expenditure		
Salaries and Wages	58,343	54,137
Travel and Subsistence	4,674	4,345
Staff and judicial training	793	1,249
Stenography and other fees	6,347	4,895
Legal services	1,162	1,044
Postal services	1,484	1,334
Telecommunications	1,750	1,169
Office equipment and materials	1,568	1,374
Courthouse maintenance	12,991	11,777
Heat, light and fuel costs	2,833	2,312
Furniture and fittings	621	891
Leases	5,539	6,152
Consultancy (Non I.T. related)	595	319
Incorporated Council of Law Reporting of Ireland	41	41
Incidental/ miscellaneous costs	3,938	3,410
Value for Money & Policy Review	82	-
Total Current Expenditure	102,761	94,449
Capital Expenditure		
Telecommunications systems	123	28
Computer systems	9,865	9,231
Courthouses and other buildings	26,380	25,477
Total Capital Expenditure	36,368	34,736
Total Expenditure	139,129	129,185
Income (Appropriations - in -Aid)		
Fees	38,105	29,191
Miscellaneous	913	1,041
Total Income	39,018	30,232
Net Expenditure	100,111	98,953

Note : These figures are provisional and subject to audit by the Comptroller and Auditor General

STATEMENT ON INTERNAL FINANCIAL CONTROLS

As Accounting Officer the Chief Executive prepares a statement of internal financial controls to accompany the annual financial statements. This statement addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control.

The following statement by the Chief Executive was included with the 2008 Appropriation Account. The initiatives are consistent with best practice in the area of Governance and also comply with the recommendations contained within the Report on the Accountability of Secretaries General and Accounting Officers (*the Mullarkey Report*)

RESPONSIBILITY FOR SYSTEM OF INTERNAL FINANCIAL CONTROL

As Accounting Officer I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Courts Service. This responsibility is exercised in the context of the resources available to me and my other obligations as Chief Executive Officer. Also, any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls is a continuous process and the system and its effectiveness are kept under ongoing review.

The position in regard to the financial control environment, the framework of administrative procedures, management reporting and internal audit is as follows:

FINANCIAL CONTROL ENVIRONMENT

I confirm that a control environment containing the following elements is in place:

- financial responsibilities have been assigned at management level with corresponding accountability
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action
- there is an audit committee to advise me in discharging my responsibility for the internal financial control system.

ADMINISTRATIVE CONTROLS AND MANAGEMENT REPORTING

I confirm that a framework of administrative procedures and regular management reporting is in place including segregation of duties and a system of delegation and accountability and, in particular, that

- there is an appropriate budgeting system with an annual budget which is kept under review by senior management
- there are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- a risk management system operates within the Courts Service
- there are systems aimed at ensuring the security of the ICT systems
- there are appropriate capital investment control guidelines and formal project management disciplines.

INTERNAL AUDIT

I confirm that the Office has an internal audit function with appropriately trained personnel, which operates in accordance with a charter which I have approved. Its work is informed by analysis of the financial risks to which the Service is exposed and its annual internal plans, approved by me, are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period. The internal audit function is reviewed periodically by me and the Audit Committee. I have put procedures in place to ensure that the reports of the internal audit function are followed up.



Brendan Ryan
Accounting Officer

31st March 2009

COURT FEES & FINES

FEES

Fees are received in respect of legal documents lodged and services provided in Court Offices. They produced higher receipts due to the revised fees order which came into operation in July 2008

The Service collects a range of fees on behalf of the Property Registration Authority and the Revenue Commissioners. The Property Registration Authority fees relate to access to documents held locally in court offices. The fees collected on behalf of the Revenue Commissioners include excise duties due on certain applications to court. This is mainly in relation to licensing (for example, applications for hotel and pub licences).

	2008 (€000's)	2007 (€000's)
Revenue Commissioners	9,416	10,743
Retained by the Service	37,689	28,828
Property Registration Authority	41	51
Total	47,146	39,622

FINES

The Service collects fines imposed by the courts. These are transferred to the Exchequer and a number of government agencies or public bodies (for example, fisheries fines are transferred to the Department of Communications, Marine & Natural Resources).

	2008 (€000's)	2007 (€000's)
Exchequer (Motor Fines)	15,680	12,806
Revenue Commissioners	2,570	2,346
Department of Communications, Marine & Natural Resources	500	251
Exchequer	7,394	6,664
Total	26,146	22,067

OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2008

STATEMENT OF ASSETS AND LIABILITIES

AT 30 SEPTEMBER 2008

	30/9/2008 €	30/9/2007 €
INVESTMENT ASSETS		
Investments	<u>1,020,772,928</u>	<u>1,002,626,140</u>
CURRENT ASSETS		
Debtors	12,964,732	6,713,655
Bank	<u>766,834</u>	<u>13,072,240</u>
TOTAL CURRENT ASSETS	<u>13,731,566</u>	<u>19,785,895</u>
CURRENT LIABILITIES		
Creditors	(1,481,262)	(659,335)
TOTAL LIABILITIES	<u>(1,481,262)</u>	<u>(659,335)</u>
NET CURRENT ASSETS	12,250,304	19,126,560
TOTAL NET ASSETS	<u>1,033,023,232</u>	<u>1,021,752,700</u>
Represented by:		
Funds held for beneficiaries	<u>1,033,023,232</u>	<u>1,021,752,700</u>

OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2008

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED 30 SEPTEMBER 2008

	30/9/2008 €	30/9/2007 €
NET REALISED AND UNREALISED (LOSSES)/GAINS		
Net realised gains on investments disposed of during the year	10,164,057	7,761,001
Net unrealised (losses)/gains on investments	(87,733,704)	12,539,527
(Losses)/Gains realised on transfers from funds	(291,211)	919,161
	<hr/>	<hr/>
NET REALISED AND UNREALISED (LOSSES)/GAINS	(77,860,858)	21,219,689
	<hr/>	<hr/>
Investment income	3,842,593	2,883,897
	<hr/>	<hr/>
	(74,018,265)	24,103,586
	<hr/>	<hr/>
Expenses	(1,302,133)	(1,146,260)
	<hr/>	<hr/>
(DECREASE)/INCREASE IN NET ASSETS FROM OPERATIONS	(75,320,398)	22,957,326
	<hr/>	<hr/>

OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2008

STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED 30 SEPTEMBER 2008

	30/9/2008 €	30/9/2007 €
(DECREASE)/ INCREASE IN NET ASSETS RESULTING FROM OPERATIONS		
Investment income less expenses	2,540,460	1,737,637
Net realised gains on investments	10,164,057	7,761,001
Net unrealised (losses)/gains on investments	(87,733,704)	12,539,527
(Losses)/ Gains realised on transfers from funds	(291,211)	919,161
(DECREASE)/INCREASE IN NET ASSETS FROM OPERATIONS	(75,320,398)	22,957,326
CAPITAL TRANSACTIONS		
Receipts	255,543,129	198,544,808
Disbursements	(168,952,199)	(146,508,056)
INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS	86,590,930	52,036,752
Increase in net assets	11,270,532	74,994,078
Net assets at beginning of year	1,021,752,700	946,758,622
NET ASSETS AT END OF YEAR	1,033,023,232	1,021,752,700

This Report includes extracts from the Report and Financial Statements of the Office of the Accountant of the Courts of Justice for the year ended 30th September 2008. The full Report and Financial Statements are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Dublin 7. Telephone: 01 8886211 and on the website of the Service at www.courts.ie.

POOR BOX RECEIPTS THROUGH COURT OFFICES 2008

	Opening balance at 01/01*	Receipts	Payments	Closing balance 31/12
	€	€	€	€
High Court	Nil	Nil	Nil	Nil
Circuit Court	10,717	262	2,200	8,779
District Court	182,518*	2,039,040	1,783,981	344,075
Total	193,235	2,039,302	1,786,181	352,854

* The opening balance at 01/01/2008 was €10,660 less than the closing balance in the Annual Report for 2007 due to revised details provided by court offices.

PROMPT PAYMENT OF ACCOUNTS ACT, 1997

The following information is provided in accordance with the Act within the guidelines issued by the Department of Enterprise, Trade & Employment.

The Service has procedures in place to ensure that all invoices are paid within the time limits identified on these invoices or, if no time limit is specified, within the statutory time limit. While the procedures have been designed to ensure compliance with the Act, they only provide reasonable, and not absolute assurance against material non compliance with the Act.

These procedures operate in the financial period under review and, in the case of late payments, the relevant suppliers were notified and the interest due was paid to them.

In accordance with the Prompt Payments of Account Act, 1997, the following information is provided in respect of the financial period ending 31st December 2008.

(A) PAYMENT PRACTICES

The Service makes payment to suppliers in accordance with the terms specified on the respective invoices or the conditions specified in individual contracts, if appropriate. Since 2002, the standard terms are 30 days.

(B) LATE PAYMENTS

Invoice Amount	No. of Invoices	Amount of Interest paid in €
Under €100	1,012	19,469.77
Over €100	53	12,153.94
Total	1,065	31,623.71

CHAPTER 8 COURT RULES COMMITTEES REPORTS



SUPERIOR COURTS RULES COMMITTEE

The Superior Courts Rules Committee was established by section 67 of the Courts of Justice Act, 1936 and reconstituted by section 15 of the Courts of Justice Act, 1953. Under section 68 of the 1936 Act the power to make, annul or alter rules of court is exercisable by the Committee with the concurrence of the Minister for Justice, Equality & Law Reform.

Section 18 of the Civil Law (Miscellaneous Provisions) Act, 2008 which was signed into law on the 14th July 2008, provides for the extension of the Courts Service's mandate to provide secretarial, clerical and administrative support to the Courts Rules Committees. Section 20 of that Act provides that the Registrar of the Supreme Court shall be an *ex officio* member of that Committee and that the Chief Executive Officer, in consultation with the chairperson of the Committee, shall appoint in writing a member of the Courts Service staff to be secretary to that committee.

In accordance with section 20, Ms. Liz Hughes, Directorate of Reform and Development of the Courts Service was appointed secretary to the Committee with effect from 1st October 2008.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2008

- The Chief Justice, the Hon. Mr. Justice John L. Murray (Chairman)
- The President of the High Court, the Hon. Mr. Justice Richard Johnson (Vice Chairman)
- The Hon. Mr Justice Adrian Hardiman, judge of the Supreme Court
- The Hon Mr Justice Joseph Finnegan, judge of the Supreme Court
- The Hon. Mr Justice Liam McKechnie, judge of the High Court
- The Hon Miss Justice Elizabeth Dunne, judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan SC.
- Mr. Lyndon MacCann SC, nominated by the Council of the Bar of Ireland
- Mr. Paul McGarry BL, nominated by the Council of the Bar of Ireland
- Mr. Patrick Groarke, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Patrick O'Connor, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act, 1998
- Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Ms. Maeve Kane, Registrar of the Supreme Court.

Drafting Services – Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors.

The committee met on five occasions during 2008 and signed the following rules:-

Title	Date signed by Committee	S.I. number	Operative date
RSC (Costs), 2007	21st June 2007	12 of 2008	21st February 2008
RSC (Cape Town Convention), 2007	31st January 2008	31 of 2008	12th March 2008
RSC (Health Repayment Scheme Act, 2006), 2008	3rd April 2008	190 of 2008	9th July 2008
RSC (Recording of Proceedings), 2008	3rd April 2008	325 of 2008	10th September 2008
RSC (Residential Institutions Redress Act, 2002), 2008	30th October 2008	529 of 2008	29th December 2008
RSC (European orders for payment), 2008	4th December 2008	551 of 2008	16th December 2008
RSC (Amendment to Order 118), 2008	4th December 2008	562 of 2008	16th December 2008

During the year the committee also considered representations in relation to the time limits for particulars in personal injuries actions.

At year end the following Rules signed by the Committee were awaiting the concurrence of the Minister:-

Title	Date signed by Committee
RSC (Discovery), 2008	30th October 2008
RSC (Affidavits), 2008	30th October 2008
RSC (Criminal Justice (Mutual Assistance) Act, 2008), 2008	30th October 2008
RSC (Costs of Judgment In Default of Appearance), 2008	30th October 2008
RSC (Criminal Justice Acts, 2006 and 2007), 2008	30th October 2008
RSC (Courts-Martial Appeal Court), 2008	30th October 2008
RSC (Fees payable to Commissioners for Oaths), 2008	4th December 2008

At year end, draft rules in respect of the Defamation Bill were under consideration by the Committee.

Liz Hughes
Secretary

CIRCUIT COURT RULES COMMITTEE

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act, 1936. The remit of the Committee is fixed partly by section 66 of The Courts of Justice Act, 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice, Equality & Law Reform, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgement and granting of summary judgement in appropriate cases) of the Circuit Court and the use of the national language therein amongst other things.

Section 18 of the Civil Law (Miscellaneous Provisions) Act, 2008 which was signed into law on the 14th July 2008, provides for the extension of the Courts Service's mandate to provide secretarial, clerical and administrative support to the Courts Rules Committees. Section 21 of that Act provides that a county registrar, not being the county registrar for the county and city of Dublin shall be a member of that Committee nominated by the Chief Executive Officer (CEO) and that the CEO in consultation with the chairperson of the Committee, shall appoint in writing a member of the Courts Service staff to be secretary to that committee.

In accordance with section 21, Ms. Liz Hughes, Directorate of Reform and Development of the Courts Service was appointed secretary to the Committee with effect from the 1st October 2008.

THE MEMBERS OF THE COMMITTEE AT 31ST DECEMBER, 2008 WERE:

- The Hon. Mr. Justice Matthew Deery, President of the Circuit Court (Chairman)
- Her Honour Judge Alison Lindsay, judge of the Circuit Court
- His Honour Judge Tony Hunt, judge of the Circuit Court

- Mr. Shane Murphy SC, nominated by the Council of the Bar of Ireland
- Mr. Fergal Foley BL, nominated by the Council of the Bar of Ireland
- Mr. Gerard J. Doherty, solicitor, nominated by the Law Society of Ireland
- Mr. Joseph T. Deane, solicitor, nominated by the Law Society of Ireland
- Mr. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act, 1998
- Ms. Susan Ryan, County Registrar, Dublin
- Ms. Patricia Casey, County Registrar, Carlow, nominated by the Chief Executive Officer of the Courts Service under section 69(4) (d) of the Courts of Justice Act, 1936 as amended.

Drafting Services – Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors.

During the course of the year the Chairman and Members welcomed His Honour Judge Tony Hunt and Mr. Ronan Boylan of the Chief State Solicitor's Office to the Committee. Mr. Paddy Hunt SC stepped down as the Bar Council representative during the year and the Chairman and Members acknowledged his participation and invaluable contribution during his term on the Committee from 2002 to October 2007.

The Committee met on six occasions in 2008. The following Rules of the Circuit Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2008 and the 31st December 2008:

S.I. NO.	Title	Date signed by Committee	Date effective from
S.I. 188 of 2008	Circuit Court Rules (Jurisdiction, Recognition, Enforcement and Service of Proceedings) 2008	29th April 2008	11th June 2008
S.I. 189 of 2008	Circuit Court Rules (Trial), 2008	29th April 2008	11th June 2008
S.I. 191 of 2008	Circuit Court Rules (County Registrar), 2008	29th April 2008	11th June 2008
S.I. 353 of 2008	Circuit Court Rules (Costs), 2008	24th June 2008	3rd September 2008
S.I. 354 of 2008	Circuit Court Rules (Recording of Proceedings), 2008	24th June 2008	3rd September 2008
S.I. 358 of 2008	Circuit Court Rules (Case Progression in Family Law Proceedings), 2008	24th June 2008	12th September 2008
S.I. 585 of 2008	Circuit Court Rules (Consumer Protection Act, 2007), 2008	14th October 2008	19th January 2009

At year end the following Rules signed by the Committee are awaiting the concurrence of the Minister:-

- Circuit Court Rules (Criminal Justice (Mutual Assistance) Act, 2008), 2008
- Circuit Court Rules (Service), 2008
- Circuit Court Rules (Trial) (No 2), 2008

During the year the Committee considered amongst other things:-

- a draft version of rules in relation to the Defamation Bill 2006 which were held pending enactment of the legislation
- correspondence from the Mental Health Commission, seeking to have the Consultant Psychiatrist or approved centre named as Respondent in the matter of appeals under section 19 of the Mental Health Act, 2001
- whether provision was required to be made in the Circuit Court Rules for a procedure to cover company examinations remitted to the Circuit Court by the High Court under the Companies (Amendment) Act, 1990, and
- Order 59 with a view to harmonising the Rules of the Superior Courts and the Circuit Court Rules where possible and to simplify the rules on foot of the recommendations of Dr. Carol Coulter in her report to the Board of the Courts Service in October 2007 concerning the format of the Family Law Civil Bill.

Rules relating to the following were under consideration by the Committee at year end:

- Circuit Court Rules (Interpretation), 2008.

Liz Hughes
Secretary

DISTRICT COURT RULES COMMITTEE

The rule making authority for the District Court is the District Court Rules Committee established under section 71 of the Courts of Justice Act, 1936. The Committee may annul or alter rules and make new rules with the concurrence of the Minister for Justice, Equality & Law Reform.

Section 18 of the Civil Law (Miscellaneous Provisions) Act, 2008 which was signed into law on the 14th July 2008, provides for the extension of the Courts Service's mandate to provide secretarial, clerical and administrative support to the Courts Rules Committees. Section 22 of that Act provides that the CEO in consultation with the chairperson of the Committee shall appoint in writing a member of the Courts Service staff to be secretary to that committee.

In accordance with section 22, Ms. Liz Hughes, Directorate of Reform and Development of the Courts Service was appointed secretary to the Committee and Ms. Michelle Johnston replaced Ms. Hughes as a member with effect from the 1st October 2008.

MEMBERS OF THE COMMITTEE AT 31ST DECEMBER, 2008:

- The President of the District Court, Her Honour Judge Miriam Malone (Chairperson)
- Judge Uinsin MacGruairc, judge of the District Court
- Judge Mary Devins, judge of the District Court
- Judge Thomas E. O'Donnell, judge of the District Court
- Judge Brian Sheridan, judge of the District Court
- Ms. Fiona Twomey, solicitor, nominated by the Law Society of Ireland
- Ms. Shalom Binchy, solicitor, nominated by the Law Society of Ireland

- Mr. Joe Jeffers, B.L., nominated by the Council of the Bar of Ireland
- Mr. Roy Pearson, Chief State Solicitor's Office, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel A. Doherty, Directorate of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer under section 30(2) of the Courts Service Act, 1998
- Ms. Michelle Johnston, Deputy Chief Clerk, Dublin Metropolitan District Court.

Drafting services – Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors.

The District Court Rules Committee met on five occasions during 2008 and considered and passed a number of Rules. The following Rules of the District Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2008 and the 31st December 2008:

S.I. NO.	Title	Date signed by Committee	Date effective from
S.I. 25 of 2008	District Court (Criminal Justice Act, 2006) (No 2) Rules, 2008	3rd December 2007	12th March 2008
S.I. 41 of 2008	District Court (Criminal Justice Act, 2007) Rules, 2008	3rd December 2007	19th March 2008
S.I. 322 of 2008	District Court (Search Warrant) Rules, 2008	12th May 2008	8th September 2008
S.I. 469 of 2008	District Court (Child Care) Rules, 2008	18th February 2008	16th December 2008
S.I. 498 of 2008	District Court (Bench Warrants) Rules, 2008	15th September 2008	29th December 2008
S.I. 583 of 2008	District Court (European Small Claims) Rules, 2008	8th December 2008	1st January 2009

At year end the following Rules signed by the Committee are awaiting the concurrence of the Minister:-

- District Court (Criminal Justice (Mutual Assistance) Act, 2008) Rules, 2008
- District Court (Intoxicating Liquor Act, 2008) Rules, 2008
- District Court (Criminal Justice Act, 2006) Rules, 2008
- District Court (Consumer Protection Act, 2007) Rules, 2008.

Rules relating to the following were under consideration by the Committee at year end:

- District Court (Maintenance) Rules
- District Court (Service) Rules
- District Court (Applications Using Videolink) Rules
- District Court (Forms) Rules.

Liz Hughes
Secretary

CHAPTER 9 GLOSSARY OF TERMS



GLOSSARY OF TERMS

Affidavit - a written statement made on oath

Appeal - a proceeding taken by a party to a case dissatisfied with a decision made, to a court having authority to review or set aside that decision.

Appearance - a document which indicates that a defendant, after being served with a summons to a Circuit or High Court action, intends to defend the action

Barring Order - an order preventing a spouse from entering the family home or using or threatening violence against the other spouse or family members

Bill of Sale - a document transferring or mortgaging of an interest in movable property

Care Order - an order placing a child in the care of the health board until he or she reaches the age of eighteen or a shorter period as determined by the court

Caveat - a written notice to the court requesting that nothing be done regarding the estate of a deceased person without notice to the party who entered the caveat or his/her solicitor

Certified List - a list of cases certified by counsel as being ready for hearing

Civil Bill - a document used to start a case in the Circuit Court. It gives details of the parties to the case and details of the claim being made

Claim - the assertion of a right. Taking a case against someone is a way of making a claim

Commissioner for Oaths - a person entitled to administer oaths and take affidavits

Courts-Martial Appeal Court - the name applied to the Court of Criminal Appeal when hearing appeals from courts martial (military tribunals for the trial of members of the defence forces on active service)

Deed Poll - a deed completed by one party only, often used to declare an intention to change a name

Defence - a document delivered by the defendant to the plaintiff in response to a civil bill or a plenary summons

Defendant - a person against whom an action is brought; a

person charged with a criminal offence

Deponent - the person who swears an affidavit

Emergency care order - an order placing a child under the care of the health board for a maximum period of eight days if the court considers that there is a serious risk to the health or welfare of a child

Enduring Power of Attorney - a document providing for the management of a person's affairs in the event of their becoming mentally incapacitated

Ex officio - by virtue of his/her office

Ex parte - without notice to the other side of an action

In camera - a court hearing to which the public is not admitted

Indictment - a formal document setting out certain kinds of charges against an accused person or the process by which those charges are presented against the accused

Indictable offence - an offence which, if committed by an adult, is triable on indictment

Injunction - an order of the court directing a party to an action to do, or to refrain from doing, something

Interim barring order - an immediate order requiring a violent person to leave the family home, pending the hearing of an application for a barring order

Interim care order - an order, granted when an application for a care order has been or is about to be made, requiring that the child named in the order be placed in the care of the health board

Intestate - dying without making a valid will

Judicial Review - a legal remedy available in situations where a body or tribunal has acted in excess of legal authority or contrary to its duty

Judicial separation - a decree granted by the court relieving spouses to a marriage of the obligation to cohabit

Jurisdiction - (a) the power of a court or judge to hear an action, petition or other proceeding, or (b) the geographical area within which such power may be exercised

Lis Pendens – *Action pending* – the registration of an action against an owner of land

Mortgage suit - a form of proceeding to recover a debt owed to the holder of security on property - by forcing the sale of the property (usually on foot of a judgment mortgage or an equitable mortgage)

Nolle Prosequi - the entering by the prosecution of a stay on criminal proceedings (not to be confused with an acquittal)

Notary Public - a legal practitioner, usually a solicitor, who witnesses the signing of documents or makes copies of them in order to verify their authenticity, especially for use abroad

Oath - a form of words by which a person calls his/her God to witness that what he says is the truth, or that what he/she promises to do he will do

Original actions - actions commenced in the court of hearing (as opposed to cases appealed from a lower court)

Plaintiff - a person who brings a legal action against another

Plenary Summons - document used to begin certain civil proceedings (e.g. claims for non-specific damages, libel, nuisance) in the High Court where pleadings and oral evidence are required

Power of Attorney - a deed by which one person allows another to represent him, or act in his place either generally or for specified purposes

Protection Order - an interim order, granted when an application for a safety/barring order has been made, prohibiting a person from committing further acts of violence or threatening violence

Revenue Summons - a form of summary summons heard on affidavit, used by the Revenue Commissioners to commence civil proceedings in the High Court to recover sums due (e.g. unpaid taxes)

Safety Order - an order prohibiting a person from committing further acts of violence or threatening to do so. It does not prevent the person from entering the family

home.

Setting down for trial - a request that an action be allocated a date for hearing

Special Exemption Order - an order allowing a licensee to sell alcohol outside the normal licensing hours subject to certain conditions

Special Summons - document used to begin certain civil proceedings (e.g. equity claims, mortgage enforcement, administration of trusts) in the High Court to be heard on affidavit (that is, not oral evidence)

Subpoena - an order issued in an action requiring a person to be present at a specified place and time for a specified purpose under penalty

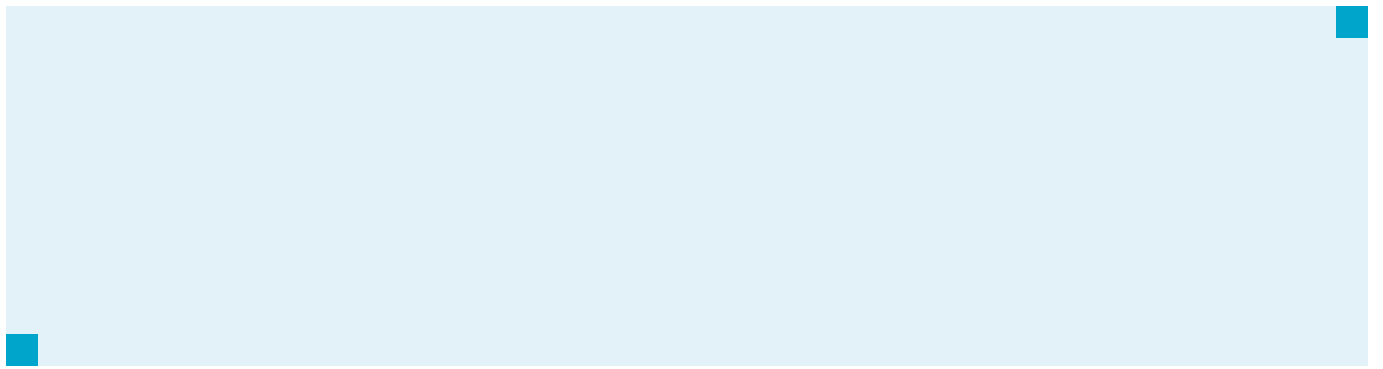
Subpoena ad testificandum - an order to attend and give evidence

Subpoena duces tecum - an order to attend and produce certain specified documents

Summary Judgment - judgment for a claim in respect of a debt or specific monetary demand. The judgment is given to the plaintiff against the defendant in a court office without the need to bring the claim to court.

Summary Summons - document used to commence certain civil proceedings (e.g. claims for a specific amount of money, recovery of possession by a landlord) in the High Court, to be heard on affidavit

Supervision order - an order authorising a health board to visit a child periodically to satisfy itself as to the child's welfare and enabling the health board to give advice regarding the child's welfare



CHAPTER 10 ADDITIONAL INFORMATION



ADDITIONAL INFORMATION

CONTACTING OFFICES OF THE SERVICE

Contact details for the main offices of the Service are published on the website. Details may also be obtained from the Information Office, Courts Service, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-8886000.

EIRCOM TELEPHONE DIRECTORIES

Telephone numbers for the main offices of the Service are contained in the green pages section of the current eircom telephone directories.

OTHER INFORMATION

Details of court cases at hearing in the High Court in Dublin and Cork are displayed on electronic boards in the Four Courts in Dublin and in the courthouses in Washington Street, Cork and Ennis.

The *Legal Diary* providing details of cases for hearing in the Supreme Court, the Court of Criminal Appeal, the High Court (including the Central Criminal Court) and the Circuit Court is published on the website.

The Annual Reports of the Service together with the Strategic Plans, Customer Service Action Plan, Customer Charter and other publications are on the website.

Copies of all publications are available from the Information Office.

WEBSITE

The website can be accessed at www.courts.ie

SOLICITORS

A & L Goodbody,
Solicitors,
International Financial Services Centre,
North Wall Quay,
Dublin 1.

McCann FitzGerald,
Solicitors,
Riverside One,
Sir John Rogerson's Quay,
Dublin 2.

AUDITORS

The Office of the Comptroller and Auditor General,
Treasury Block,
Lower Yard,
Dublin Castle,
Dublin 2.
(Appropriation Accounts)

Deloitte & Touche
Chartered Accountants
Deloitte & Touche House
Earlsfort Terrace
Dublin 2
(Financial Statements of the Office of the Accountant of the Courts of Justice).



An tSeirbhís Chúirteanna
Courts Service

The Courts Service

Phoenix House,
15/24 Phoenix Street North,
Smithfield, Dublin 7.

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Web: www.courts.ie