

COURTS SERVICE

ANNUAL REPORT



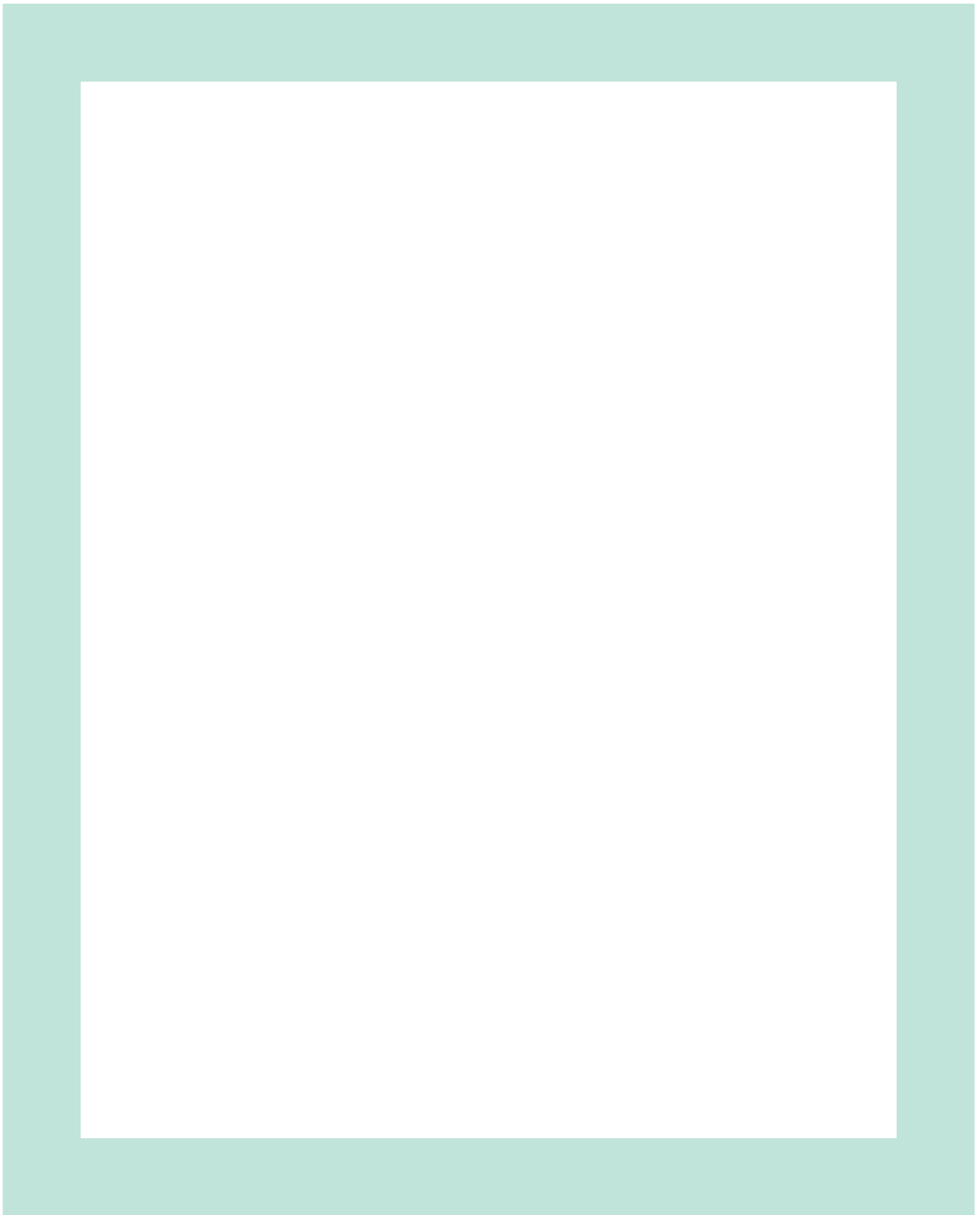
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COURTS SERVICE
An tSeirbhís Chúirteanna

Mission Statement

To manage the courts, support the judiciary and provide a high quality and professional service to all users of the courts.

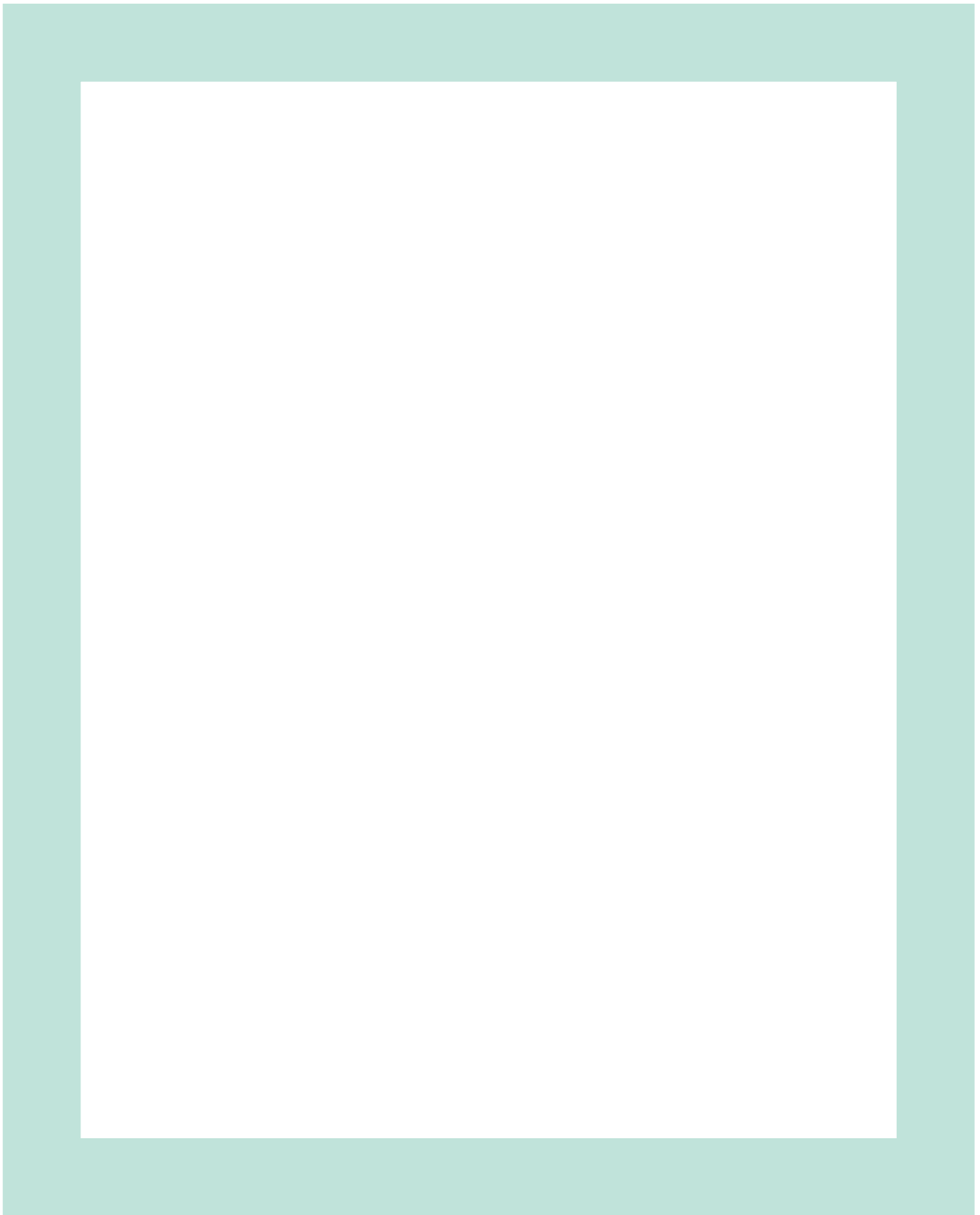


Longford Courthouse

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Cork Courthouse

Message from the Chief Justice and Chairperson of the Board



This Report highlights the seventh successive year of development and innovation in the increasing range of services provided by the Courts Service in support of the administration of justice in Ireland.

Since the establishment of the Courts Service there has been a need not only to focus on the maintenance and improvement of existing services but also on the need to innovate, adapt existing services and create new services to meet the challenges and problems posed by a society which is itself in a continuous state of change. Among the factors impacting on the work of the courts are: the growth in population, including the development of new major population centres; the need to provide extra services for immigrants and young offenders coming before the courts; and the expansion of the role of courts through new legislation and policies as well as the expansion in the volume of work of the courts.

To ensure that the courts can meet these challenges, the Courts Service can never stand still but must adopt a dynamic approach to its role and function from year to year. This it has succeeded in doing during 2006 as the Report demonstrates.

Any perusal of this Report will give the reader an insight into the nature and extent of the day to day work of the Courts Service as well as the many developments which this still relatively young public service has overseen. In 2006 many administrative improvements have been made, to take one example, in many District Court offices a new system of recording Court Orders has cut the

waiting time for such orders from 8 weeks to 3 days – a tremendous achievement.

2006 has also seen the introduction of many new projects, including the pilot family law reporting project and the Small Claims online system. Refurbishment of courthouses throughout the country has also continued apace. A primary function of the Courts Service is to provide support for the judiciary in the exercise of their judicial functions and many of the developments during 2006 were fundamental to that objective.

Overall, this report should lead to a greater understanding of the vast system of administration involving not only the Four Courts complex but more than one hundred court centres countrywide. In referring to the progressive evolution of the Courts Service during 2006, I must once again pay tribute to the commitment and spirit of innovation that is to be found among the personnel of the Service at all levels and throughout the country. I wish to express my deepest appreciation, and that of the Board, of the dedication of the Chief Executive Officer Mr P.J. Fitzpatrick, all Courts Service personnel and other agencies who continue to ensure that the challenges facing the administration of justice in today's society are being met with such success.

John L. Murray

Chief Justice of Ireland and Chairperson of the Courts Service Board

Introduction by the Chief Executive Officer

I am again very pleased to introduce the Annual Report of the Courts Service. 2006 was another busy and successful year of work and effort, change and development, and modernisation and growth.



All who work in the Courts Service have, through their efforts and attitudes, become champions of change. We continue to see major successes throughout the organisation on many levels: our building and information technology programmes; bringing the best services to the public by adapting work methods that provide a more customer friendly and centred service; offices embracing new technology, management tools and the development of access to offices and information which make court procedures more understandable and easier to access.

It is this desire for improvement combined with experience and knowledge developed over generations that has enabled the Service achieve so much in such a short time. A reflection on just some of the initiatives in 2006 illustrates the continued momentum:

- The Court of Criminal Appeal disposed of more cases than it received for the fourth consecutive year. This was as a result of increased sitting days and the monitoring/listing system put in place. By the end of 2006, only 19 of the outstanding appeals were lodged prior to 2005 and only 35 prior to 2006
- New *Customer Charters* were produced by Supreme, High, Circuit and District Court offices during the year. The Charters include the name of a Customer Liaison Officer for individual offices. They also provide information on matters relating to the service provided by the particular office including expected delivery times

- The *Legal Diary* section of our website was made available to users of Personal Digital Assistants in 2006 on a 24/7 basis 365 days per year. This allows court users access information about current and future court sittings using hand held computer devices
- An eSmall Claims system, *Small Claims Online* (www.smallclaims.ie), was implemented in 16 District Court offices in November 2006. This service is available on a 24/7 basis 365 days per year
- A pilot project commenced to report the work of the Family Law Courts for the first time ever. This includes the publication of detailed statistics and trends, publishing judgments, and reporting on proceedings in family law courts. The project provides very valuable information for the judiciary, legal practitioners, the media and the general public on family law matters
- The new Criminal Courts Complex was brought to contract stage.

These are but a very small sample of the initiatives outlined throughout this Report. Court statistics provide an insight into the busy, complex and yet business like manner of the courts system.

Seven years since our establishment, we are well on the way to reaching our goal of becoming a world class Service. This is reflected in the many visits we now receive each year from senior members of overseas judiciaries, government ministers and public officials. They visit to see our governance and structural arrangements and how we have sought to modernise support for the courts.

I would like to thank the Chief Justice and Chairperson of the Board, Board members, and the judiciary for their continued support and guidance during the past year.

Our staff have once again proved themselves to be second to none in their efforts – for that I extend my sincere appreciation and thanks.

We do not work in a vacuum. We work with the many agencies in the justice sector. I extend our gratitude to the two branches of the legal profession, An Garda Síochána, the Probation Service, the Prison Service, victim support agencies and other agencies in the justice sector for their continued cooperation with our modernisation programme.

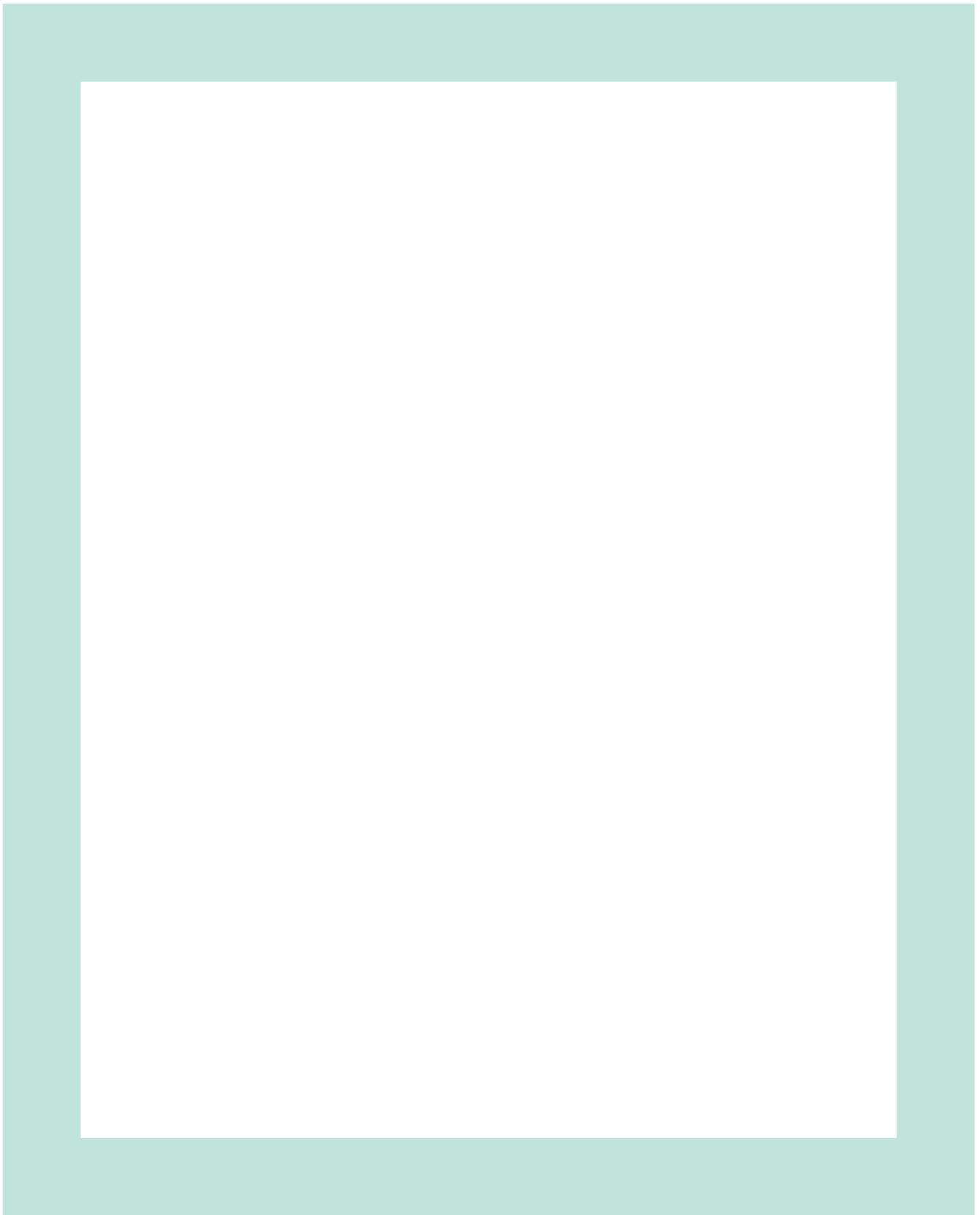
I also thank the Chairman and staff of the Office of Public Works for their ongoing support for our nationwide building programme.

Finally, I extend our thanks to the Minister for Justice, Equality and Law Reform, and to the Secretary General and staff of his Department for their unstinting support and interest in our work.



P.J. Fitzpatrick

Chief Executive Officer



Chapter 1

Structure and Governance

Chapter 1

Structure and Governance

Mandates of the Courts Service

- ▣ *Manage the courts*
- ▣ *Support the judiciary*
- ▣ *Provide information on the courts system for the public*
- ▣ *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



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



The Hon. Mrs. Justice **Susan Denham**
Elected by the judges of the Supreme Court



The Hon. Mr. Justice **Iarfhlaith O'Neill**
Elected by the judges of the High Court



The Hon. Mr. Justice **John Quirke**
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 **Patrick Moran**
Elected by the judges of the Circuit Court



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



Judge **Flann Brennan**
Elected by the judges, other than the President, of the District Court



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



Mr. **Turlough O'Donnell**,
S.C.
Nominated by the Chairman of the Bar Council of Ireland



Mr. **Owen Binchy**,
Solicitor
Nominated by the President of the Law Society of Ireland



Mr. **Kevin Fidgeon**
Elected by the staff of the Service



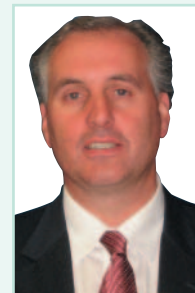
Mr. **James Martin**
An officer of the Minister nominated by the Minister



Ms. **Olive Braiden**
Nominated by the Minister to represent consumers of the services provided by the courts



Ms. **Esther Lynch**
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

Committees of the Board

The Board may establish and authorise committees to advise in relation to performance of many of its functions. During 2006, the following Committees dealt with a range of issues:

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. James Martin
- ▣ 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. James Martin

Building Committee

- ▣ The Hon. Mr. Justice John Quirke, Chairperson
- ▣ The Hon. Mr. Justice Iarfhlaith O'Neill
- ▣ His Honour Judge Michael White, judge of the Circuit Court
- ▣ Judge Catherine Murphy, judge of the District Court
- ▣ Mr. Patrick James McCarthy S.C., *nominee of the Bar Council of Ireland*
- ▣ Mr. Gerard Griffin, solicitor, *nominee of the Law Society of Ireland*
- ▣ Mr. Kevin Fidgeon
- ▣ Ms. Olive Braiden
- ▣ Mr. Michael Haugh, Office of Public Works,
- ▣ Mr. Brendan Ryan, Director of Corporate Services, *Courts Service*

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, judge of the District Court
- ▣ Ms. Olive Braiden
- ▣ Ms. Catherine Forde B.L., *nominee of the Bar Council of Ireland*
- ▣ Mr. David Bergin, solicitor, *nominee of the Law Society of Ireland*
- ▣ Mr. Kevin Fidgeon
- ▣ Ms. Nuala McLoughlin, Chief Registrar and Director of Operations, Supreme & High Courts, *Courts Service*
- ▣ Mr. Diarmaid MacDiarmada, Director of Operations, Circuit & District Courts, *Courts Service*

Steering Committee to provide information on sentencing

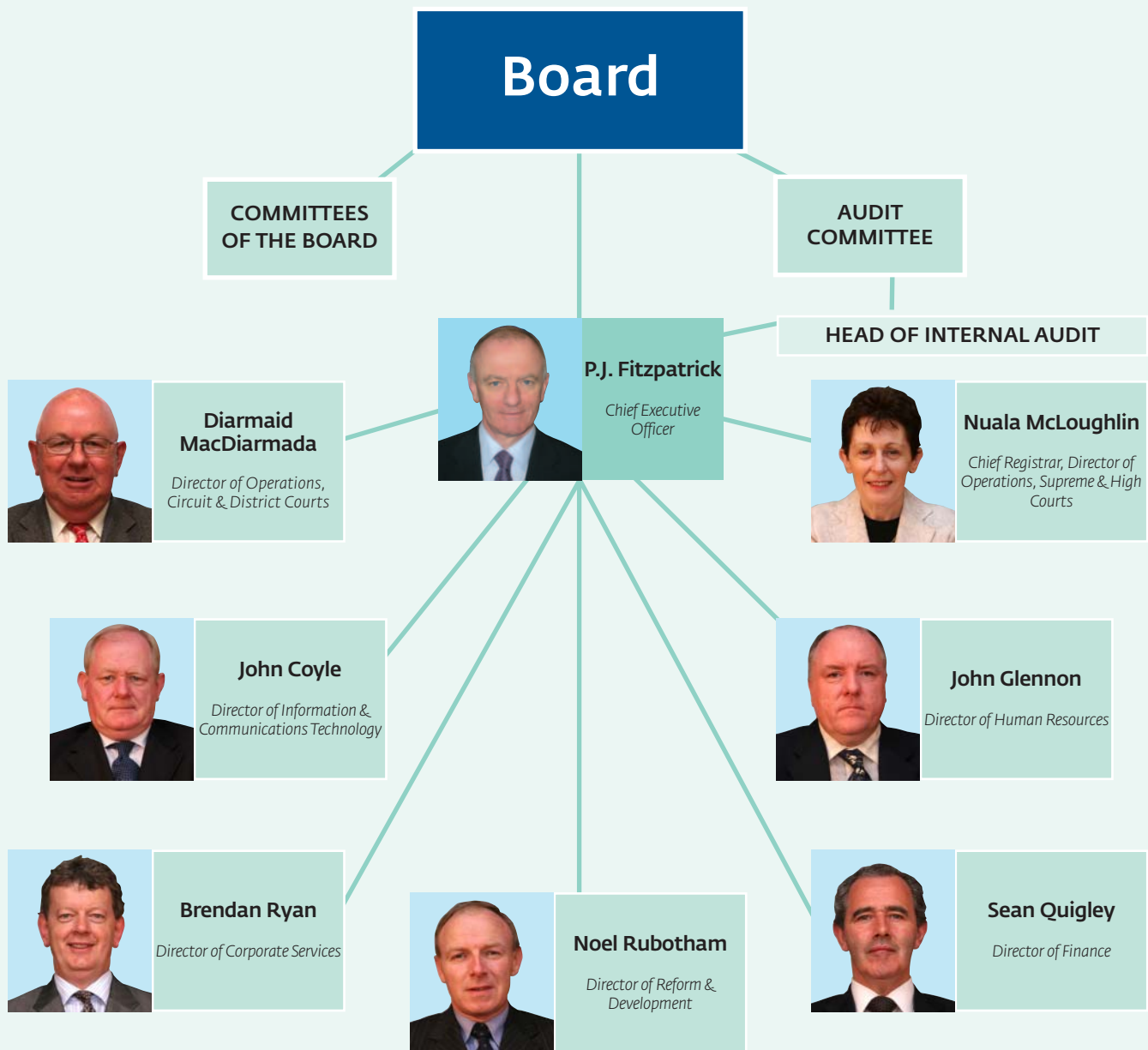
- ▣ The Hon. Mrs. Justice Susan Denham, Chairperson
- ▣ The Hon. Mr. Justice Kevin O' Higgins, judge of the High Court
- ▣ His Hon. Mr. Justice Esmond Smyth, judge of the Circuit Court
- ▣ Her Honour Judge Miriam Malone
- ▣ Professor Thomas O'Malley, Senior Lecturer in Law, National University of Ireland

Organisational Structure

Organisational / Management Structure

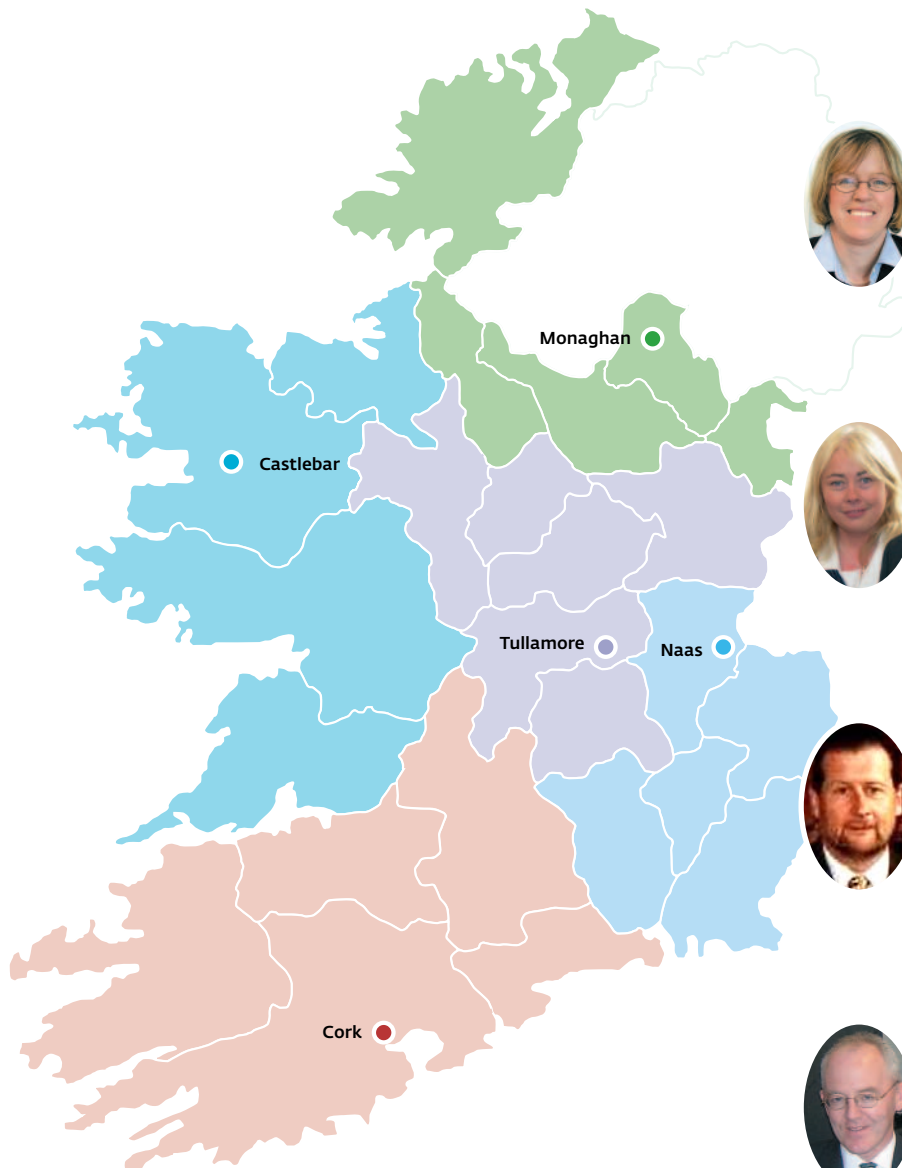
The Senior Management Team

The Senior Management Team comprises the Chief Executive Officer and seven Directors: Chief Registrar and Director of Operations for the Supreme & High Courts, Director of Operations for the Circuit & District Courts, Director of Finance, Director of Corporate Services, Director of Reform & Development, Director of Human Resources and Director of Information & Communications Technology.



Regional Offices

There are five regions with offices in Monaghan, Naas, Tullamore, Cork and Castlebar.



Gerry Nugent
Regional Manager

Eastern Region:
Office location - Naas, Co. Kildare

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



Olive Caulfield
Regional Manager

Northern Region:
Office location - Monaghan

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



Anne Price
Regional Manager

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

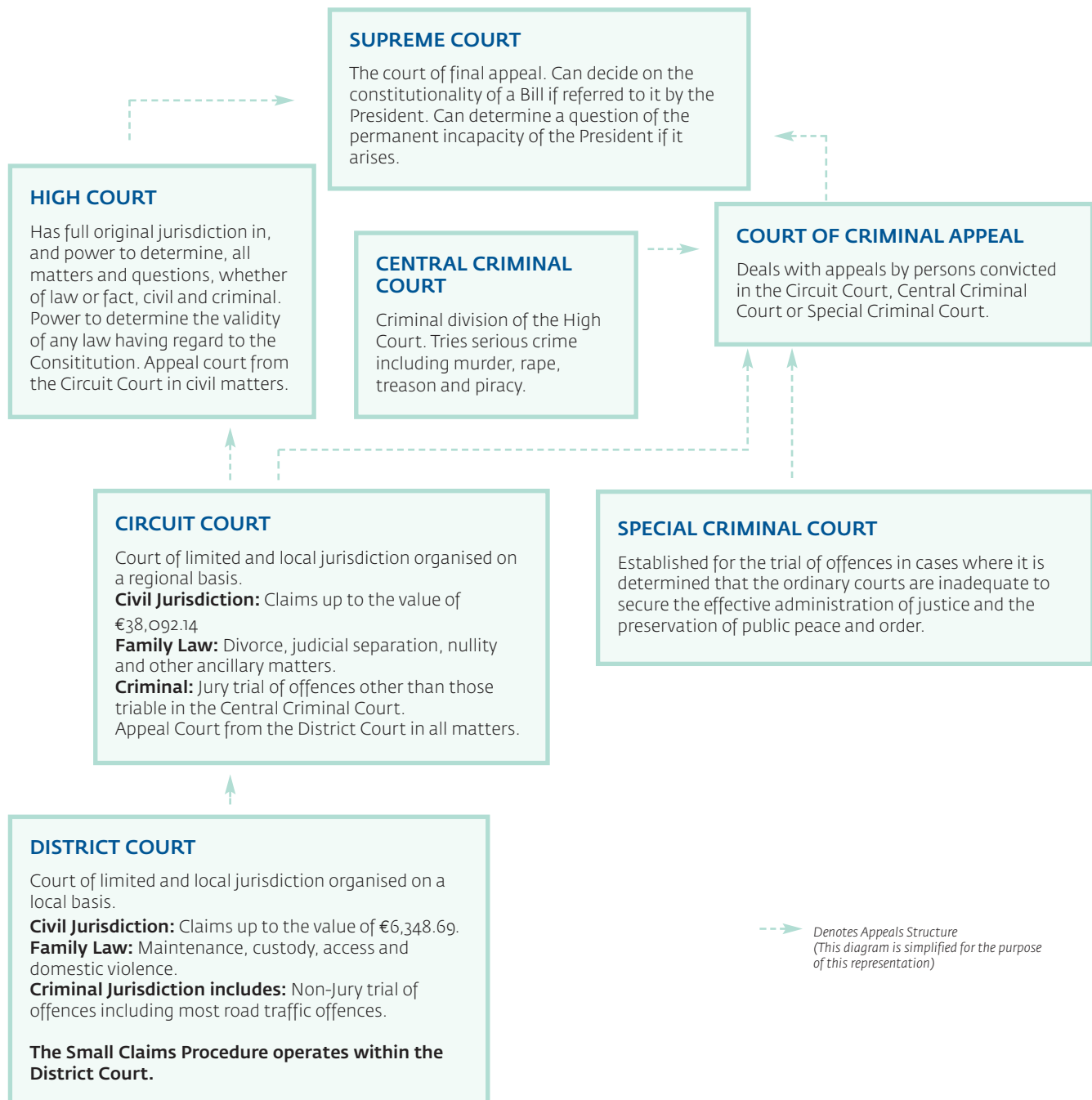


Brendan J. McDonald
Regional Manager

Western Region:
Office location - Castlebar, Co. Mayo

Counties covered - Galway, Mayo, Sligo, Clare

Structure of the courts



Governance

Work continued during the year on the implementation of the recommendations of the Working Group on the Accountability of Secretaries General and Heads of Offices (*Mullarkey Report*).

The Service continued to build on the significant progress made to date in developing new systems, structures and management practices. This is important in the context of strategic and business planning, further development of key performance indicators, managing risk and demonstrating delivery of improved services and value for money.

Audit Committee

The Audit Committee, which includes two external members, continued to meet at regular intervals during the year.

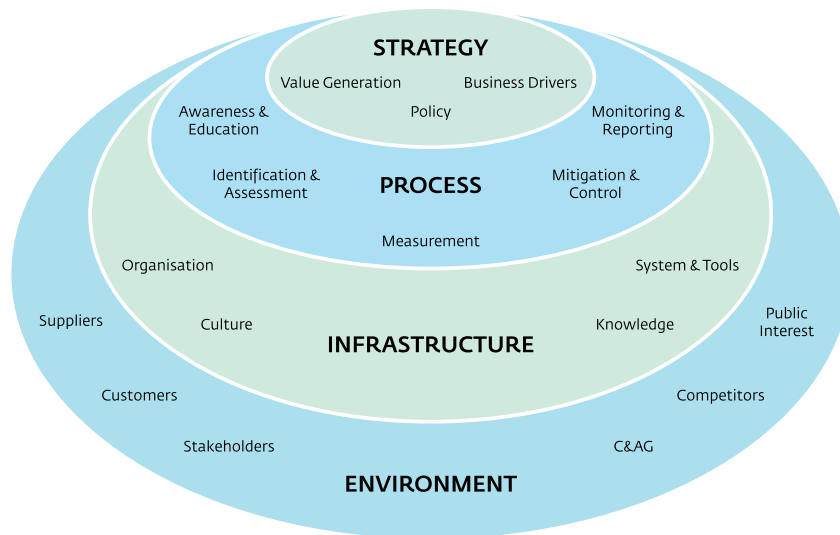


Internal Audit Unit

Audits are conducted across the full range of the activities of the Service including financial, operational, capital building, information technology and governance. They provide assurance that the risk management, control and governance processes are adequate.

The Internal Audit Unit is assisted by external auditors engaged by the Service to provide expertise in specialised areas including information technology and value for money. The Unit completed 46 audits during the year. This represents a significant increase in activity compared to previous years. All reports are submitted directly to the Audit Committee and to the Chief Executive/Accounting Officer.

The dimensions of the Risk Management Framework



Risk management

Good progress continued to be made in embedding the Risk Management Framework. A Risk Management Database was implemented to support the formal risk management process and provide a central repository for all risk information. The database was deployed to all Directorates and offices. Throughout 2006 an extensive data gathering exercise was undertaken with all offices and Directorates to compile comprehensive information to populate the database. The Risk Profile is now managed, reviewed, updated and reported to the Audit Committee on a quarterly basis using this central repository. The repository has enabled the Service analyse common risks, share knowledge on effective controls and mitigating actions, and provide transparency and accountability on the risks impacting the achievement of the goals set out in the Strategic Plan.

Expenditure reviews

Value for money and policy review initiatives which form part of the framework introduced to secure improved value for money continued during 2006. 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. An expenditure review on maintenance was completed during 2006. By year end a similar review of training and development expenditure was being externally evaluated with a completion date of early 2007. Plans were underway for a review of information and communications technology expenditure.

Procurement

Revised Procurement Policy and User Guidelines were finalised during the year.



Chapter 2

Managing the Courts - Performance Overview

Chapter 2

Managing the Courts - Performance Overview

In 2006 the courts continued to deal with a wide range and variety of civil law (including family law) and criminal law matters. Comprehensive statistics are contained in Chapter 6.

The Supreme Court

The number of appeals lodged in the Supreme Court in 2006 was 484, an increase of 9% compared to 2005. The total number of appeals disposed of in 2006 was 237. There were 57 appeals lodged by appellants in person or almost 12% of the total. The number of appeals from persons in custody continued to decline from 55 in 2004 to 16 in 2005 and just 6 in 2006.

There have been some notable changes in the type of appeals. *Habeas corpus* cases were down to 15 in 2006, compared with 21 in 2005. The number of appeals against refusal of *ex parte* and final judicial review orders was also lower, with 9 appeals against *ex parte* refusals of judicial review in 2006, compared with 22 in 2005. There were 28 appeals against final refusal of judicial review compared with 43 in 2005. Personal injuries appeals were down 24% from 72 in 2005 to 58 in 2006.

There was a reduction in the number of appeals against High Court orders on cases stated from the District Court from 10 in 2005 to 4 in 2006. The number of cases stated from the Circuit Court to the Supreme Court increased to 7 in 2006 compared with 1 in 2005.

Although the number of appeals against chancery final orders decreased from 23 in 2005 to 9 in 2006, the number of appeals in chancery interim orders increased by over 100% from 25 in 2005 to 55 in 2006. There were 10 High Court family law appeals in 2006, a significant increase on 2005 when 4 such appeals were lodged.

In 2006, there was a 100% increase in appeals in the judicial review asylum category, with 24 in 2006 compared to 12 in 2005. Appeals against judicial review interlocutory orders increased, from 2 in 2005 to 10 in 2006. Appeals against Planning Act (section 160) final orders increased from 1 appeal in 2005 to 4 in 2006.

Appeals in bail related matters more than doubled, from 8 in 2005 to 18 in 2006 and there were 22 appeals in European Arrest Warrant cases, an increase of over 50% compared with 2005.

The Supreme Court Office continues to authenticate notaries' and commissioners' signatures. This is required for many purposes, including company documents, marriage certificates and the adoption of children from abroad. The number of registrar's certificates of authentication issued in 2006 increased to 8,832, 10% higher than the 2005 figure of 8,005 and a 42% increase on the 2004 figure of 6,218.

Civil

The High Court

There were 15,433 new civil cases commenced in the High Court 2006, a 17.5% increase on the 13,126 issued in 2005. As in the Circuit Court much of the increase in new cases commenced was due to the 350% increase in the number of new personal injuries summonses issued. There were 2,673 new High Court personal injury cases commenced in 2006 compared with 746 in 2005.

Personal injury cases

There was a reduction in the number of cases set down for trial (4,906 in 2006 compared with 8,425 in 2005). The issue of proceedings for personal injury cases, now requires an authorisation from the Personal Injuries Assessment Board, indicating that one or both parties are unwilling to have damages assessed without an oral hearing.

In 2006, 3,765 High Court personal injury cases were concluded. 74% (2,781) were settled prior to hearing and almost 7% (259) settled at hearing (i.e. after trial commenced). Slightly more than 7% (273) went to full hearing or assessment of damages. 25% (69) of the total heard were dismissed.

The majority of the personal injury cases concluded in 2006 commenced within the previous 2-3 years, with 32% commenced in 2004 and 29% commenced in 2003.

Personal Injury Cases concluded by Year Commenced

Year	Concluded	Percentage
2006	90	2
2005	165	4
2004	1204	32
2003	1087	29
2002	554	15
2001	325	9
2000	127	3
Before 2000	213	6

Summary Summonses

There was a 6% increase in the number of new summonses issued for the recovery of debt (1,894 in 2006 compared to 1,782 in 2005), with a more marked increase in new Revenue Summonses. There were 901 new summonses issued by the Revenue Commissioners in 2006, a 29% increase on 2005, when 704 such summonses were issued.

European Arrest Warrants

This Act came into force on 1st January 2004. It provides a mechanism for persons from EU member states to be brought before the court in other member States to face charges or trial. It replaces extradition among EU member States in accordance with the Framework Decision and the national law of member states. Persons arrested under a European Arrest Warrant must be brought before the court immediately upon arrest and the hearing of proceedings must commence within 21 days of arrest. 171 European Arrest Warrant applications were made in 2006, almost three times as many as in 2005 when 62 such applications were made. 112 of the 171 European Arrest Warrant applications made in 2006 were concluded before the end of the year. 59 were carried forward to 2007. 27 of the 441 written judgments delivered by the High Court in 2006 dealt with such applications.

Judicial Review

There was a 9% increase in new judicial review applications in 2006 compared with 2005 (1,541 in 2006 and 1,419 in 2005). All of this increase is related to asylum cases, which are dealt with separately below.

Many judicial review applications relate to criminal trials. The High Court seeks to prioritise these cases. Final or concluding orders were made in 23 judicial review cases in which an order of prohibition was granted and in 19 judicial review cases in which an order of prohibition was refused.

Prohibition applications

Year case commenced	Final Order granted	Final Order refused
Prior to 2002	1	0
2002	1	1
2003	1	2
2004	6	8
2005	7	5
2006	7	3

Planning judicial review applications

Year case commenced	Final Order granted	Final Order refused
2002	0	0
2003	0	0
2004	1	4
2005	0	6
2006	1	4

Other final judicial review applications

Year case commenced	Final Order granted following hearing	Final Order refused following hearing	Strike out with costs
2002	1	3	3
2003	9	3	7
2004	29	9	13
2005	71	23	45
2006	75	13	45

Asylum and Immigration Act cases

In 2006 there were 909 new asylum related judicial review cases, an increase of 20% on the 2005 figure of 758.

Final or concluding orders were made in 403 cases. 8 of these had commenced in 2003, 43 in 2004, 208 in 2005 and 143 in 2006. 86% of cases were completed in 24 months or less (35% commenced and concluded in 2006, 51% commenced in 2005 and concluded in 2006). Of the remaining cases concluded in 2006, 11% commenced in 2004 and 2% in 2003. 47 of the 441 written judgments delivered by the High Court in 2006 dealt with these applications.

Commercial List – Breakdown of disposal times

- ▣ 50% of all cases are concluded in less than 14 weeks
- ▣ 75% of all cases are concluded in less than 25 weeks
- ▣ 90% of all cases are concluded in less than 45 weeks

Commercial List

There was a slight increase in the number of new cases entered into the Commercial List during 2006 and a significant increase in the number of cases disposed of compared with previous years. The largest single category of cases entering the List concerned disputes relating to business documents or contracts, and business disputes where the value of the claim or counterclaim was not less than €1,000,000 (146 cases out of the total of 262). The average waiting time is 9 weeks from entry to the List to allocation of a hearing date and 18 weeks from entry to the List to conclusion of the action. 20% were disposed of within 5 weeks. 60% of cases in the List settle prior to hearing, assisted by case management, directions hearings and pre-trial conferences.

Appeals from the Commercial List to the Supreme Court

Although the overall number of appeals from the List remains low, there was an increase in the number of appeals from 8 in 2005 to 14 appeals (involving 11 cases) in 2006.

Licensing

In the Circuit Court, the number of hotel licences granted increased by 18% from 83 to 98 in 2006. In the District Court, special exemption orders continue to form the majority of licensing business. The number of special exemptions granted decreased slightly, from 93,247 in 2005 to 91,157 in 2006. The number of temporary dance licences granted increased by 18% from 328 in 2005 to 388 in 2006.

The Circuit Court

The number of new civil cases commenced in 2006 increased significantly, from 22,692 to 26,503. The increase in civil bills was partly due to releases by the Personal Injury Assessment Board.

The number of notices of trial dealt with decreased by a third from 12,262 in 2005 to 8,168 in 2006. The number of motions dealt with decreased by 36% from 21,497 in 2005 to 13,666 in 2006. The number of civil trials dealt with in court and settled outside of court decreased by 34%. The number of motions dealt with by the Court and County Registrars decreased by 42% and 35% respectively.

The District Court

Civil business in the District Court increased slightly in 2006, from 59,748 applications in 2005 to 61,983, or an increase of almost 4%. One third related to summary judgments. The number of summary judgments dealt with decreased by 11% from 22,929 in 2005 to 20,391 in 2006. Other civil summonses increased by 25% in 2006, from 5,881 to 7,394. Committal orders for breach of court orders increased substantially, from 5,082 to 5,930, an increase of almost 17%.

Small Claims

Small claims applications continued to increase, from 2,705 in 2005 to 2,990 in 2006, an increase of 11%. The introduction of the 'Small Claims Online' (see page 54) in November 2006 facilitated the lodgment of claims over the internet. The number of applications finalised increased by 7%. Of the 2,877 applications dealt with, almost 50% were settled by the Small Claims Registrar. 730 cases or 25% were referred to the court, or an increase of 30% on the 2005 figure of 560. Of the claims referred to the court, decrees were granted in 52% or 377 cases.

Family

The High and Circuit Courts have concurrent jurisdiction in family law. Most applications for divorce and judicial separation are commenced in the Circuit Court.

The High Court

There was a 15% increase in the number of new family law cases in the High Court in 2006. The total number of new cases was 255 compared to 228 in 2005.

Family Law Reporting Service

The Service commenced a pilot project during the year to report on family law. This includes the publication of statistics, trends, and judgments, and reporting on proceedings in family law courts. The project will provide information to the judiciary, legal practitioners, the media and the general public on family law matters. By year end an analysis of all decisions and consent orders made in the Dublin Circuit Family Court for the month of October had been prepared as a 'snapshot'. This information will be combined with court reports and interviews with court staff in a report to be published early in 2007.

Divorce and Judicial Separation

Divorce applications increased by almost 25% (39 in 2006 compared to 30 in 2005). Appeals from the Circuit Court increased by 9% (89 in 2006 compared to 82 in 2005). The number of judicial separation applications remained similar (50 in 2006, 49 in 2005, 43 in 2004). As in the Circuit Court, nullity applications remain infrequent, with just one new case in 2006.

75% or 30 of the 39 divorce applications and 90% or 45 of the 50 judicial separation applications were initiated by female spouses. Financial orders (property adjustment and/or maintenance orders) were sought in 82% of all divorce cases and in 79% of all judicial separation cases.

Married*	Divorce	Judicial Separation
1960's	2	5
1970's	14	9
1980's	9	16
1990's	10	11
2000 or later		1

* where details given

Parties seeking a divorce are required to have lived apart for 4 of the preceding 5 years. The data for the cases in which this information was provided is as follows:

LENGTH OF TIME PARTIES LIVING APART	NUMBER OF CASES
Less than 5 years	16 (3 where husband was applicant and 13 where wife was applicant)
5 to 10 years	16 (5 where husband was applicant and 11 where wife was applicant)
Over 10 years	4 (in all cases wife was applicant)

There is no 'living apart' requirement for a judicial separation. The data for the cases in which this information was provided is as follows:

	Applicant: male spouse	Applicant: female spouse
Not living apart	-	6
Up to one year apart	1	13
2-5 years apart	1	18
5-10 years apart	-	-
10-20 years apart	-	1

During 2006, a total of 47 final orders were made in divorce cases, 27 final orders were made in judicial separation cases and 47 final orders in Circuit Court Appeals. The table below sets out the year in which these proceedings were commenced:

Year	Divorce	Judicial Separation	Circuit Appeals
1999	1	-	-
2000	1	2	-
2001	-	2	-
2002	4	1	2
2003	9	1	2
2004	8	6	4
2005	9	14	22
2006	15	3	17
Total	47	27	47

District Court proceedings in respect of matters including custody, access and maintenance had been initiated or were pending in 87 of the 89 divorce and judicial separation cases commenced in the High Court in 2006.

In 10 of the divorce applications filed in 2006 the parties had previously obtained a judicial separation. A foreign decree had been obtained in 2 cases and a separation agreement was in place in 3 cases.

All of the parties in High Court divorce and judicial separation applications in 2006 were legally represented.

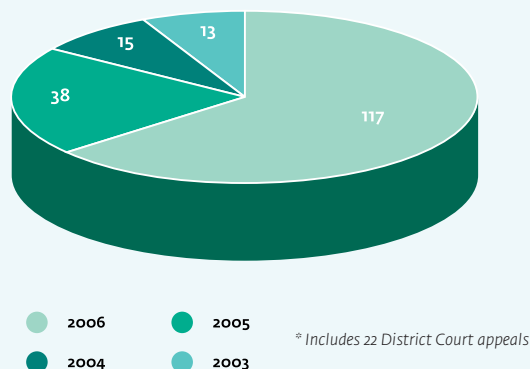
Dublin Circuit Family Court – October 2006

A total of 161 cases were decided in Dublin in the month of October 2006, with 99 of those cases initiated earlier in the year. Of those 99 cases, 81 were divorce applications where both parties consented to the terms of the divorce. In 65 of these the only order made was a blocking order, extinguishing the inheritance rights of both parties against the estate of the other. In a further six cases a blocking order was accompanied by a pension adjustment order. Nine of the applications for judicial separation initiated in 2006 ended in consents, with the terms filed as schedules or rules of court. Of the remaining 2006 cases, three (two divorce and one judicial separation) went to full hearing and judgment, and six concerned other matters such as guardianship of children, declarations of parentage and protection or safety orders.

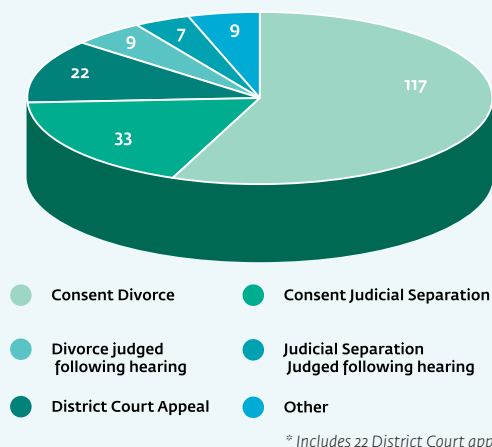
Of the cases that started in 2005, there were 14 divorces granted on consent and 11 judicial separations. Two divorces and four judicial separations went to a full hearing ending in a decision by the court. Of the 2004 cases, two were divorces on consent, eight were judicial separations on consent, and three divorces and two judicial separations went to trial. Of the 2003 cases, six divorce cases were settled, five judicial separation cases were also settled, and two divorces went a full hearing.

Therefore, of the 161 cases concluded in October 2006, 103 were divorces where the terms were agreed between the parties, and 33 were judicial separations where the terms were agreed. Sixteen cases went to a full hearing and a court decision. Nine of the total concerned other matters like guardianship, declarations of parentage or protection.

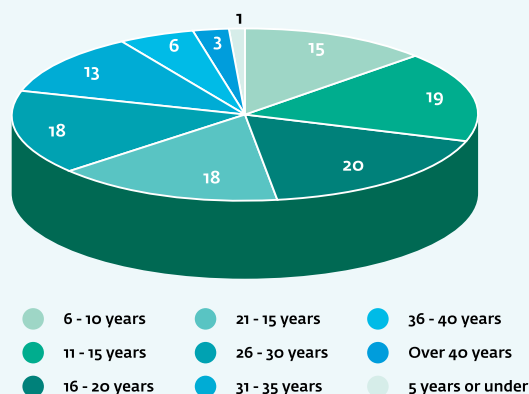
Cases concluded October 2006
Year of application *



Cases concluded October 2006
Types of cases *



Cases concluded October 2006
Length of marriage ending in Divorce



Note: Date of marriage not noted on some case files

Adoption Act

The High Court has exclusive jurisdiction in Adoption Act cases. There was a significant increase in the number of cases (24 new cases in 2006 compared with 8 in 2005 and 9 in 2004).

There was a 50% increase in Hague/Luxembourg (Child Abduction) cases with 46 new cases in 2006 compared with 31 in 2005 and 27 in 2004. These are subject to strict time limits and are therefore prioritised. The *Brussels II bis Regulation*, which applies to child abductions between EU Member States, contains new provisions in relation to parental responsibility. It is intended to enhance the role of the State of habitual residence in abduction cases to speed up decision making and to simplify the procedure for recognition and enforcement.

43 of the cases which commenced in 2006 concerned 63 children of whom 22 were aged under 5 years, 26 aged 5 – 10 years, and 15 aged 10 years and over. Of the 46 cases, final orders were made for the return of the children in 25 cases. Final orders directing that the children remain in this jurisdiction were made in 15 cases. Interim orders were made in the remaining 6 cases. The country of habitual residence in 35% of cases was the United Kingdom and in 15% of cases was the United States of America. Applications were also made in respect of children from Poland, Latvia, Estonia, Hungary, Germany, France, Spain, Finland, Northern Ireland, Australia, New Zealand and South Africa. Twelve of the 441 written judgments delivered by the High Court in 2006 dealt with such applications.

The Circuit Court

Divorce and Judicial Separation

There was a slight decrease in the number of new divorce applications, from 4,096 in 2005 to 3,986 in 2006. 3,420 divorces were granted, up from 3,391 in 2005. Applications for judicial separations continued to increase, up by 7.9% from 1,658 in 2005 to 1,789 in 2006. The number of judicial separations increased from 950 in 2005 to 1,072 in 2006, an increase of almost 13%.

Nullity

Applications for nullity constituted a very small percentage of the family law applications – 60 (less than 1%). However this represented an increase of 20% in the number of such applications in 2005 (50 applications). There was a decrease of over 30% in the number granted, 25 as opposed to 37 in 2005.

Section 33

Section 33 applications seek the permission of the court to dispense with the requirement to give 3 months notice of intention to marry and/or to allow persons under 18 years to marry. Applications for Section 33 relief decreased slightly from 923 in 2005 to 903 in 2006. Orders granted under Section 33 also decreased by almost 4% from 870 in 2005 to 836 in 2006. The number of orders refused shows the greatest change, up from 18 in 2005 to 29 in 2006, an increase of 61%.

The District Court

Domestic Violence

Applications under the Domestic Violence Act, 1996 account for more than 50% of the family law work in the District Court. In 2006, applications for barring orders decreased by almost 2%, from 3,183 in 2005 to 3,132. Applications for safety orders increased by 6% from 2,866 in 2005 to 3,050 while applications for protection orders increased by 10% from 2,850 in 2005 to 3,137. The number of orders granted in domestic violence cases increased in 2006 – barring orders from 1,265 in 2005 to 1,357, safety orders from 1,037 in 2005 to 1,221 and protection orders from 2,622 in 2005 to 2,845. The most significant increase was in safety orders granted which increased by over 17% while barring and protection orders granted increased by 7% and 8% respectively.

Applications for interim barring orders decreased by more than 3% in 2006 to 605 from 622 in 2005. 544 orders were granted as compared to 550 in 2005.

Applications against spouses accounted for more than 50% of all applications made to the District Court under the Domestic Violence Act, 1996. There were a total of 9,924 applications of which 5,565 were against spouses. Applications against common law or cohabiting partners accounted for 2,916 or almost 33% of all applications. The number of safety orders made against cohabiting partners increased by over 39% from 291 in 2005 to 404, the number granted to parents against adult children increased by 12% from 91 in 2005 to 102 while the number granted against spouses increased from 633 in 2005 to 693, an increase of over 9%.

Barring orders granted to spouses remained virtually unchanged in 2006. Barring orders granted to partners and parents increased by 17% and 16% respectively.

Custody and Access

Applications for custody and access increased by 8%, from 829 in 2005 to 900 in 2006. There was a similar increase in applications for access only. Applications for custody only increased from 749 in 2005 to 846, an increase of almost 13%. There was a small increase in the number of applications for maintenance from unmarried applicants with a corresponding decrease in the number from married applicants.

Maintenance

District Court offices continued to process a large number of maintenance payments. In 2006, a total of 283,292 maintenance payments were processed, an increase of 13% on 2005.

Childcare

The District Court deals with an increasing number of applications for supervision orders and care orders for children at risk. The number of supervision orders granted increased by almost 40%, from 372 in 2005 to 520. Care orders also increased, from 975 in 2005 to 1,125, an increase of just over 15%.

Criminal

The Court of Criminal Appeal

In 2006, the Court of Criminal Appeal received 244 new cases and disposed of 329 cases, disposing of more than it took in for the fourth consecutive year. While there was a 5% reduction in the number of new appeals lodged, there was a 13% increase in the number of appeals concluded due to the increased number of sitting dates.

As a result of increased sitting dates and the monitoring/listing system in place, by the end of 2006 only 19 of the appeals carried forward had been lodged prior to 2005 and only 35 prior to 2006.

At the beginning of 2006, the court had carried forward 273 cases from 2005, but due to its disposal rate only 194, or 71% of the 2005 total, were carried forward at the end of 2006. Average waiting times were consistent with 2005 levels (7-9 months for conviction cases and 6-8 months for sentence appeals).

The Central Criminal Court

There were 33 new murder cases commenced in 2006, a reduction of 6% on 2005 figure of 35. There were 58 new rape and sexual assault cases, an increase of 32% compared to 44 in 2005. While this was the second consecutive year showing an increase in the number of new rape cases, the number is 45% of the numbers in 1998/1999. For the sixth year in a row the number of cases completed

exceeded the number of new cases returned for trial.

The average time for a murder trial in 2006 was 8.8 days. One trial lasted 27 days, one lasted 24 days and one lasted 19 days. 10 cases lasted 5 days or less. The average time for a rape trial was 5.3 days. One trial lasted 11 days and one lasted 10 days. 8 cases lasted 5 days or less.

In 80% of murder cases (42 out of 52) and in 40% of rape trials (23 out of 56) a plea of not guilty was entered leading to a full hearing before a judge and jury. A plea of guilty was entered in three murder cases prior to trial. After commencement of the trial a guilty plea was entered in three murder cases and one rape case. A *nolle prosequi* was entered in one murder case and in seven rape cases. One murder case was transferred to Northern Ireland under the Criminal Law (Jurisdiction) Act, 1976. Two murder cases and one rape case were quashed.

Nine murder trials ended in acquittals and 39 in convictions. There were 17 murder convictions, 18 manslaughter convictions and four convictions for lesser offences. Fifteen of the 23 rape trials before a judge and jury resulted in a conviction and eight in an acquittal.

The mandatory life sentence was imposed in the 17 murder convictions.

The Circuit Court

Criminal business disposed of by the Circuit Court increased significantly in 2006. The number of defendants whose cases were disposed of increased by 5% from 2,437 in 2005 to 2,566 in 2006. A total of 2,039 (79%) pleaded guilty compared to 1,844 (almost 85%) in 2005.

A total of 153 defendants were convicted by juries representing almost 6% of the number disposed of. This is marginally lower than last year. The number acquitted increased from 190 in 2005 (7%) to 201 (8%) in 2006.

Forty six per cent of all defendants (1,214) were dealt with in Dublin. Of these 85% pleaded guilty and just over 5% were convicted by a jury. Almost 6% were acquitted by a jury.

Almost 74% of defendants outside Dublin pleaded guilty while 6% were convicted by a jury. Almost 10% were acquitted.

The District Court

Having decreased in 2004 and 2005, the criminal cases in the District Court increased by 10% in 2006, back up to just above the 2003 level. The number of summary cases dealt with in the District Court increased by over 9% from 302,134 to 329,775. The number of indictable cases dealt with summarily by the District Court increased from 41,374 in 2005 to 48,272 in 2006, an increase of almost 17%.

The most significant increase was in the drug related offences which increased by more than 26%, from 7,003 in 2005 to 8,842 in 2006. Larceny cases increased by over 16%, from 20,969 in 2005 to 24,463. The introduction of random breath testing and the automatic prosecution of fixed penalty charge defaulters contributed to a 12% increase in the number of road traffic cases disposed of, up from 198,412 in 2005 to 222,376 in 2006. Public order and assault offences increased by just over 4% in 2006, from 37,119 to 38,700.

The Children Court

The number of children whose cases were disposed of in the Children Court decreased from 2,434 in 2005 to 2,386 in 2006. There was a decrease of 9% in the number of children detained from 441 in 2005 to 399 in 2006 and the number of children sent forward for trial to a higher court also decreased from 131 to 121, a decrease of almost 8%. Community service orders increased by 50% from 40 in 2005 to 60 in 2006.

Chapter 3

Supporting the Judiciary

Chapter 3

Supporting the Judiciary

Supporting the judiciary is a statutory mandate of the Service. The goals set out in the Strategic Plan include many initiatives to support the judiciary and enhance day to day working arrangements between the judiciary and staff. The goals also contain many initiatives to assist the judiciary manage increasing workloads. Managers meet regularly with the judiciary to discuss court business and to devise methods of improving the management of court lists.

Support for the work of the courts

Case Management

The Service continued to assist the judiciary provide for more efficient and well managed litigation using case management principles. A feature of litigation in the High Court in 2006 was the increase in the number of cases (for example, judicial review) where the originating document commencing the litigation was of the type that is made immediately returnable before a judge. This means that the case comes under the control and management of the court from initiation until hearing.

Similarly in other forms of litigation the originating document commencing the litigation is often immediately returnable before the court and the case or application remains under the control and management of the court until finally determined. Examples include applications for European Arrest Warrants, applications under the Proceeds of Crime Acts, applications under the Companies Acts, applications under the Hague Convention on Child Abduction and certain applications under the

Competition Acts. In addition in lists such as the Commercial and the Competition Lists there is an application in the relevant list at an early stage and thereafter the proceedings remain under the control and management of the court for pre-trial directions and case management.

The Judiciary at 31st December 2006

	Number allowed by legislation	Numbers serving
Supreme Court	8	8
High Court	34	33
Circuit Court	34	33
District Court	55	55
Total	131	129

Specialised Lists

High Court Commercial List

The Commercial List in the High Court continued to demonstrate how specialised lists can improve the efficiency and speed of the court process. Case Management has resulted in a significant narrowing of the issues in dispute with the result that many cases settle in part or in full during the case management process.

The Commercial List's case management regime and its record of early disposal of cases makes it particularly suitable for planning and infrastructure related judicial review applications. In 2004, only 3 judicial review cases came into the List. This increased to 8 in 2005, and to 28 in 2006, a 154% increase on the previous total and a 250% increase on the 2004 figure.

There is also a small but growing trend whereby parties to cases which are not in the Commercial List consent to the List's case management regime being applied to their cases. In 2006, this occurred in approximately 50 chancery cases.

The Commercial List won a *Public Service Excellence Award* in 2006. The award was presented by An Taoiseach, Mr. Bertie Ahern, T.D., at a ceremony in the State Apartments in Dublin Castle in March 2006. Organised every two years, the awards acknowledge public service projects and initiatives throughout Ireland across the public sector that improve the quality of service or administration. The 2006 awards involved some 153 nominated projects. An independent selection committee chose 20 winners.

"Participants acknowledge that their lives are changed by their involvement in the Drug Treatment Court programme – even those who do not complete it"

*Judge Bridget Reilly,
Judge in charge of the Drug Treatment Court.*

The involvement of court staff in the call over of cases contributed to a more efficient system of processing cases. An example was in Carlow District Court where the Chief Clerk called over cases prior to the commencement of the court sitting. This assisted in the removal of cases not proceeding and afforded the judge additional time to deal with cases requiring a hearing.

Drug Treatment Court

The Drug Treatment Court was established on a permanent basis during the year. By year end the Service was involved in consultations with the Health Service Executive, the Probation Service, An Garda Síochána and the City of Dublin Vocational Education Committee to expand its catchment area.

Community Courts

In 2006 the Service continued to support the work of the National Crime Council in examining the suitability of community courts in Ireland. A community court is designed so that the criminal courts forge closer links with the community and develop a collaborative problem-solving approach to quality-of-life offences. These include petty crime which impacts severely on local communities including residents and businesses. A sub-committee of the Council, chaired by a judge of the District Court and including a member of staff of the Service, examined the operation of a number of such courts in the United States and the United Kingdom.

Staff in the District Court offices in Drogheda, Limerick and Trim introduced an initiative whereby times for the hearing of court lists are staggered. This avoids congestion and unnecessary waiting time for court users.

Improving processes

Many District Court offices improved the system of recording court orders during the year. Examples included the Dublin Metropolitan District Court where a new system was introduced whereby court orders are resulted by support staff and checked in court on the day by the registrar. This reduced the waiting time for orders from 8 weeks to 3 days. Similar arrangements were introduced by offices in Cork, Carrick-on-Shannon, Athlone, Donegal, Portlaoise, Longford, Limerick, Ennis, Listowel and Ballinasloe.

The President of the District Court introduced procedures to streamline the hearing of drink driving cases in the Dublin Metropolitan District Court. All such cases were brought before one court. Cases were given a date 'for mention' initially. On that date the accused can plead guilty or not guilty. If a defendant pleads guilty, the case is disposed of immediately. Hearing dates were allocated to defendants who plead not guilty.

An initiative to confirm the production of insurance certificates, tax documents and driving licenses in advance of sittings of Dundalk Circuit Court led to a reduction in the time required to deal with appeals from the District Court. Trim Circuit Court commenced using the civil case management system in the courtroom to process court decisions.

Call over lists

Following discussions with the presiding judges, District Court Clerks and court users in a number of districts, call over systems were introduced for lists involving summonses. The District Court Clerk calls through all of the cases on the summons list. As defendants or their legal representatives respond, cases are categorised as applications for adjournments, pleas of 'guilty' and pleas of 'not guilty'. When the judge sits, the applications for adjournment are dealt with first, then the pleas of 'guilty' and finally, the contested cases.

New procedures were introduced during the year to ensure that cases in the High Court Personal Injuries list for hearing in provincial locations progressed more rapidly. Staff worked with the President of the High Court to remove cases from the list where parties failed to appear at a special call over list.

"Listing cases at various times of the day reduces the number of persons in court and the amount of time people have to wait for their case to be reached in the list".

*Diarmaid MacDiarmada,
Director of Operations, Circuit and District Courts.*

Adjournments and trial waiting times

The Service continued to assist the judiciary reduce adjournments and trial waiting times where delays existed in 2006:

Central Criminal Court

In the Central Criminal Court the strict application of a policy on adjournments together with ongoing case management and careful scheduling of cases all contributed to a reduction in waiting times in 2006. It also facilitated the optimum use of judicial and other resources allocated to the court.

The continued increase in sittings of the High Court outside Dublin facilitated many court users. During the year the Central Criminal Court sat at six provincial venues for a total of 52 days. Ten persons had their cases dealt with locally.

“The major court building construction and refurbishment programme completed over the last seven years means that in the vast majority of counties there is a sufficient number of modern courtrooms and associated facilities to accommodate increased sittings of the courts”.

CEO, PJ Fitzpatrick

Cork Courthouse

Central Criminal Court – Sittings outside Four Courts

Venue	Days
Ennis	13
Waterford	6
Tralee	7
Cork	12
Limerick	7
Cloverhill	7
Total	52

High Court

Additional sittings of the High Court were held outside Dublin in 2006 to hear judicial review, non-jury and additional circuit appeal cases in venues including Cork, Dundalk, Clonmel, Naas, Limerick and Roscommon. The President of the High Court plans to extend such arrangements to include chancery and other cases in 2007.

In the Dublin Metropolitan District, special sittings were held in August and September to deal specifically with drink driving cases. Over 650 cases were listed of which over 400 were disposed of. Bench warrants issued in 30 cases and the remaining cases were adjourned.

Circuit Criminal Court

The priority in the Circuit Court in 2006 was to reduce backlogs in criminal cases, particularly by disposing of some very long trials around the country which had been waiting to be dealt with for some time. Additional judicial resources were assigned by the President of the Circuit Court for this purpose to Tullamore, Mullingar, Portlaoise, Kilkenny, Trim, Limerick, Naas, Wicklow, Letterkenny, Carrick-on-Shannon, Monaghan, Sligo, Nenagh, Waterford and Tralee. An additional criminal court was also provided in Dublin bringing the total number of Circuit Criminal Courts in Dublin to six. As a result, backlogs in criminal cases decreased.

District Court

In recent years, the number of available scheduled District Court sittings has been insufficient to manage the number and complexity of cases coming before the District Court. This necessitated the convening of special sittings. The total number of special sittings in the District Court in 2006 was 1,091. The Dublin Metropolitan District Court had 188 special sittings. Examples in other parts of the country include Bray, Carlow, Kilkenny and Naas where over 150 extra sittings were arranged and Donegal where over 90 extra sittings were arranged. There were special sittings in other locations including Cavan and Monaghan.

District Court Family Law

Work continued during the year to develop arrangements for dedicated family law sittings for all District Court Districts. By year end such lists were available in the following areas:

DISTRICT	VENUE	REGION	NUMBER OF DEDICATED FAMILY LAW SITTINGS
1	Donegal	Northern	One sitting each month
1	Letterkenny	Northern	One sitting each month
2	Sligo	Western	One sitting each month
3	Ballina	Western	One sitting each month
3	Castlebar	Western	One sitting each second month alternating with Westport
5	Cavan	Northern	One sitting each month
5	Monaghan	Northern	One sitting each month
6	Drogheda	Northern	One sitting each month
6	Dundalk	Northern	One sitting each month
7	Galway	Western	Two sittings each month except for September - one sitting
8	Athlone	Midlands	Afternoon of each court
8	Ballinasloe	Western	Afternoon of each court
8	Loughrea	Western	Afternoon of each court
8	Nenagh	Southern	Afternoon of each court
9	Mullingar	Midlands	One sitting each month
9	Tullamore	Midlands	One sitting each month
10	Trim	Midlands	Each Friday afternoon
12	Ennis	Western	One sitting each month
13	Listowel	Southern	One sitting each month
14	Limerick	Southern	One sitting each week
14	Thurles	Southern	One sitting each month
15	Carlow	Eastern	One sitting each month
15	Portlaoise	Midlands	One sitting each month
16	Bray	Eastern	One sitting each month
16	Naas	Eastern	One sitting each month
17	Killarney	Southern	One sitting every second month
17	Tralee	Southern	One sitting every second month
19	Cork	Southern	Two sittings each week
20	Fermoy	Southern	One sitting each month
20	Mallow	Southern	One sitting each month
21	Clonmel	Southern	One sitting each month
22	Kilkenny	Eastern	One sitting each month
22	Waterford	Southern	One sitting each month
23	Wexford	Eastern	One sitting each month
	Dublin	Dublin Metropolitan District	Daily

All urgent and uncontested family law applications are dealt with in the location where they arise

The Children Court

Arrangements continued in 2006 for the Children Court in Dublin to sit in local areas. With effect from September 2006 all new juvenile cases for the Tallaght area are heard in the courthouse in Tallaght. This will be extended to other courts in local areas in Dublin, including Swords and Dun Laoghaire, during 2007. By year end separate children sittings were available in Carlow, Galway, Castlebar, Westport, Ballina, Waterford and Cork.

Youth Justice Services

The Service continued to explore ways of providing additional services for young people and in particular improved arrangements for the Children Court, courts dealing with childcare issues and the involuntary detention of children. This included consultations with the new Youth Justice Office.

Reorganising District Court Districts and areas

Work on a major reorganisation of District Court Districts continued in 2006. This is to create more equitable workloads in Districts many of which have seen very significant demographic changes since the Districts were last revised.

Financial and Administrative Support

The functions of the Service also include the provision of financial and administrative support for the Judicial Studies Institute and the Judicial Appointments Advisory Board, both of which are independent of the Service.

Library and research facilities

The Judges' Library continued to serve judges of all courts and staff in many offices of the Courts Service during the year. Library resources include a comprehensive collection in hardcopy of reference works, textbooks, periodicals, law reports and unreported judgments, legislation, indexes and digests, Oireachtas Debates and official publications. Where materials were required that were not held within the collection, they were obtained on inter-library loan or document supply services. In addition, the library also subscribes to a range of quality online electronic resources, which was extended during the year. An information service for judges and staff is provided on the premises and by email, telephone, fax or post. As in previous years, readers often availed of library services during evening hours. Library staff provided training in online searching and legal information skills in general, and information on library services for readers was updated during the year. The library also continued to provide publications for use within offices and judges' chambers. Continuing professional development and training for staff of the library ensured that staff kept abreast of trends and best practices.

“The recording of court proceedings in this way will provide a much more efficient, less costly and more accurate system for producing transcripts. It will provide a permanent record of all court proceedings. It will reduce the time required for judges, legal practitioners and others to read and review court transcripts”

CEO, PJ Fitzpatrick

Information and Communications Technology

Providing improved facilities

Judges of the Supreme Court were provided with wireless handheld devices during the year. These devices have several inbuilt functions including wireless email, wireless web browsing, calendar, address book and calculator. Similar devices will be made available to judges in the other court jurisdictions in 2007. The next phase of the information technology programme for the

judiciary relates to the modernisation of the remote access system facilitating broadband, WI-FI and mobile connectivity to the network of the Service. Testing of the system using the new laptops will be undertaken early in 2007.

Digital Dictation System

A pilot digital dictation system was evaluated during 2006 following which it was decided to procure a full system for all judges to be rolled out on a phased basis.

Digital Audio Recording System

Tenders for a digital audio recording system were sought in 2006. At year end arrangements were being made with the Department of Finance for a formal peer review for this system in accordance with the recent Government decision in relation to the management of large scale information technology projects.

Progress was made in 2006 to identify an appropriate digital audio recording system for outlying or smaller venues not linked to the network of the Service. At year end a system was being tested in Athlone District Court with additional tests planned for Nenagh and Galway District Courts in early 2007.

Electronic display of evidence

Research work was completed in relation to the appropriate software and tools that would be suitable for the electronic presentation of documents in the Supreme Court. The electronic display of evidence within the Supreme Court is part of a larger programme of work to be implemented on an incremental basis. Work commenced in 2006 on the development of the technical approach to be adopted for this programme. At year end, the solution for the electronic presentation of documents within the Supreme Court was being designed and developed with priority in the first instance being given to electronic transcripts.

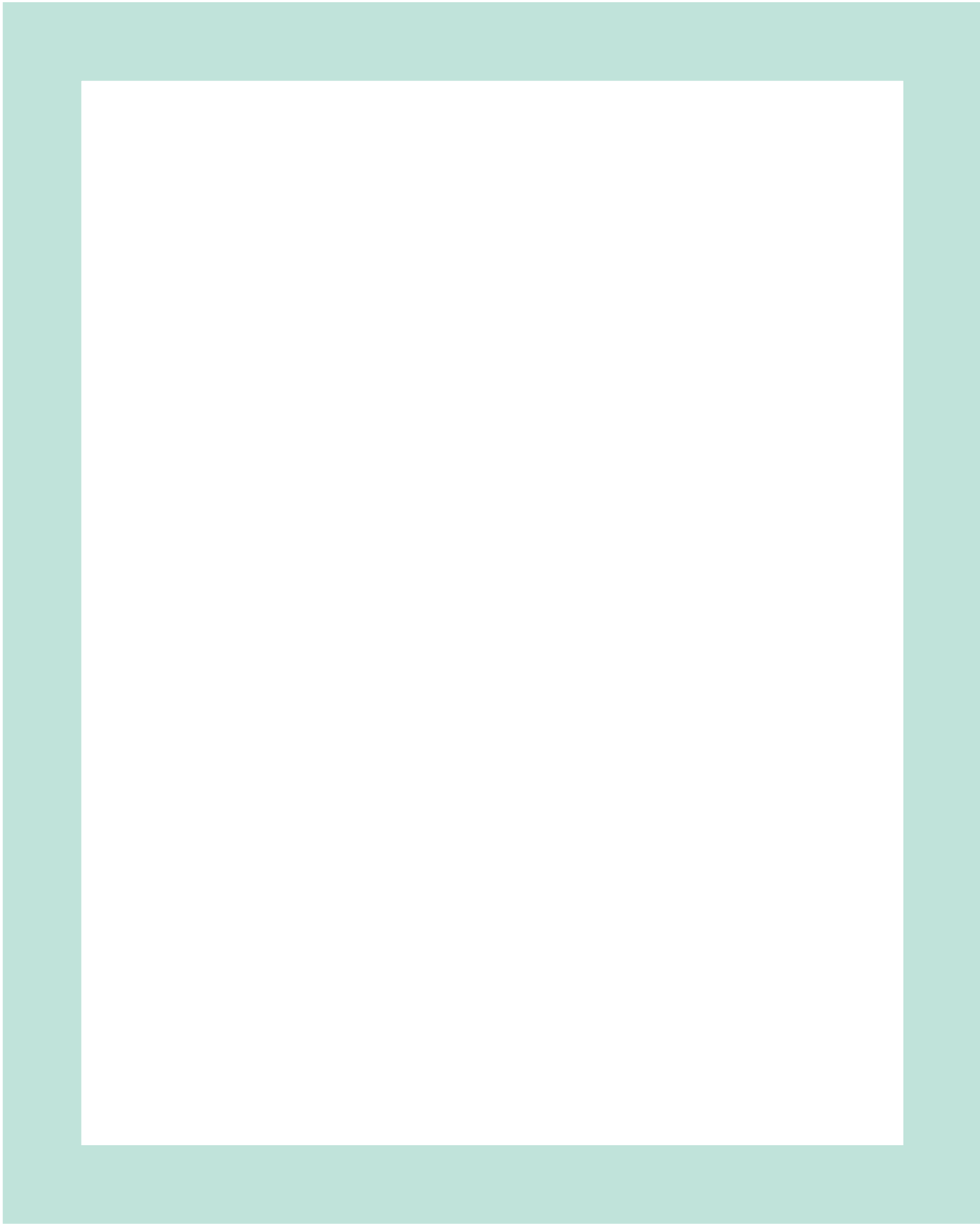
Nenagh Courthouse

Accommodation

Improved accommodation and other facilities continue to be provided for judges as part of the construction and refurbishment programme detailed in Chapter 4.

Foreign visits

Visits by delegations from many foreign jurisdictions were facilitated in 2006. They included Australia, United States of America, France, Slovakia, India, Norway, Korea, China, Scotland and Macedonia. Assistance was also provided for the Working Group on Strengthening Mutual Confidence of the European Network of Councils for the Judiciary in November.



Nenagh Courthouse



Chapter 4
Modernising the Courts

Chapter 4

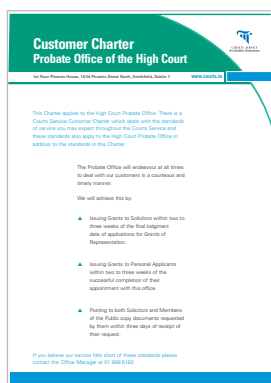
Modernising the Courts

The strategic objectives of the Service are in line with the Government's modernisation programme. In 2006 the Service continued to deliver on the programme of measures contained in *Sustaining Progress*, the social partnership agreement 2003-2006. Many of the initiatives undertaken in the later months of 2006 underpin the Service's programme under the terms of the social partnership agreement 2006-2015, *Towards 2016*.

The third Strategic Plan of the Service contains a series of goals for the years 2005-2008. These reflect the commitment to modernisation and include customer service, better regulation, new technology, eGovernment, improved buildings, information for the public and changes in existing structures and processes to ensure that services are provided in the most efficient and effective way.

Customer Service

Customer Charters



New Customer Charters were produced by Supreme, High, Circuit and District Court offices during the year. The Charters include the name of Customer Liaison Officers for individual offices. They also provide information on matters relating to the service provided by the particular office including expected delivery times.

User groups

User group meetings continued to afford the Service the opportunity to develop a customer-centred approach to service delivery and to seek feedback from groups who use court offices. They also afforded managers and staff the opportunity to suggest to users ways in which they could assist in improving service delivery. User groups for offices of the Supreme and High Courts, Dublin Circuit and Dublin District Courts were convened during the year. There are groups operating for High Court Probate, High Court Insolvency, High and Circuit Courts Family Law, cross jurisdictional civil litigation, Central and Circuit Criminal Courts, the Children Court and Dublin District Family Law Court. Each group met three times during the year. Meetings of user groups in regional venues around the country were convened on a regular basis during the year.

The second annual Central Customer Forum was convened in February 2006. Representatives of a total of 23 organisations engaged with the Chief Executive Officer and other members of staff to discuss a wide range of issues.

"Customer Charters serve a twofold purpose. First they provide information to users. Secondly they create a forum for staff to discuss their offices' objectives and commit themselves to delivering a high quality service".

*Nuala McLoughlin
Director of Operations, Supreme and High Courts*

Customer Complaints

The Service dealt with 11 formal customer complaints in 2006.

“The focus is on providing a top class service to all customers who come into contact with us. Whether their case is successful or otherwise, they should go away happy in the knowledge that the service they received in the court office was of the highest standard”.

*John Molloy,
Chief Clerk, Dublin Metropolitan District.*

Victims of crime

In 2006, regional managers commenced structured meetings with organisations representing or supporting victims of crime. In the Central Criminal Court and the Circuit Criminal Court special seating was provided for victims in murder and manslaughter cases. Special rooms were provided in all new and refurbished courthouses for victims, their families and organisations supporting victims. The new Criminal Courts Complex planned for Dublin (see page 64) will include comprehensive facilities for victims and their families including victim support and consultation rooms, video link/video conferencing facilities. The courtrooms in the new complex have been designed to minimise the proximity of victims and their families to defendants and accused persons.

Work commenced on the development of a section on the website (www.courts.ie) to provide a range of information for victims and witnesses.

The Service is represented on a cross-border Support for Victims Project Action Group, co chaired by the Department of Justice, Equality & Law Reform and the Northern Ireland Office established in 2006. At year end discussions were underway between the Service and the Courts Service of Northern Ireland with a view to improving the information available to victims of crime in one jurisdiction who reside in the other.

Better Regulation

Support for Court Rules Committee

The Service continued to provide administrative support, research and drafting resources for the three Court Rules Committees during the year. Provision was made in the Civil Law (Miscellaneous Provisions) Bill, 2006 to establish a unified secretariat for all three Rules Committees.

The Service participated in a sub-committee established by the President of the District Court during the year to examine ways of rationalising the forms and procedural provisions regarding search warrants. A compendium of forms for warrants was compiled and furnished to the President for consideration as to the most appropriate approach to providing standard forms.

Reform of court procedures

The Service continued to support initiatives to reform court practices and procedures. Examples include:

Court procedure

The Reform and Development Directorate prepared various schemes of rules of court. Full lists of these are contained in Chapter 8. In the Superior Courts, rules were introduced to rationalise and simplify the procedures for statutory applications and appeals, and proceedings concerning arbitrations. In the Circuit Court, draft rules for case management by County Registrars of family law proceedings were prepared for the Circuit Court Rules Committee. In the District Court, the procedure in cases stated was modified to enable the court more effectively to monitor progress in preparing such cases.

County Registrars

A review of County Registrars' functions with a view to expanding the remit of the office of County Registrar, providing greater support to the Circuit Court at the pre-trial stage of litigation, and freeing up judicial time for trial work was carried out.

The review also identified an opportunity to transfer to County Registrars the function of taking evidence in foreign civil and commercial proceedings under Council Regulation (EC) No. 1206/2001. This function is currently performed by District Judges of the Dublin Metropolitan District. By year end, with the approval of the Presidents of

the Circuit Court and the District Court, the Service was preparing a draft procedural scheme to implement the proposal.

Civil Law (Miscellaneous Provisions) Bill

The Service formulated and submitted a range of proposals for incorporation into the Bill during the year. These included provisions regarding:

- ▣ rules committees support
- ▣ wardship visitation
- ▣ juries
- ▣ the facilitation of video-conferencing for civil proceedings
- ▣ the expansion of the eligibility qualifications requirements for appointment to the post of Registrar of Wards of Court, Examiner of the High Court and Probate Officer
- ▣ the authentication of District Court orders and warrants and assignment of District Court Clerks and
- ▣ the facilitation of personal service of documents in civil proceedings in the Circuit Court and District Court as an alternative to registered post.

Proposals were also submitted which would enable the establishment of a Courts Funds Office the remit of which would encompass both the functions currently carried out by the Accountant's Office (*see page 66*) and the Courts Accounting System (*see page 65*).

Case conferencing in the Circuit Court

A pilot case conferencing initiative to assist with the resolution of family law cases commenced in Limerick Circuit Court in October 2006. The case conference is, by agreement, a meeting held by the County Registrar with the solicitors for both parties which takes place after court proceedings have issued. The purpose is to narrow the issues for trial or to facilitate settlement of some or all of the issues between the parties. The County Registrar can make certain court orders, for example time for filing of documents, inspections of property, interim maintenance and access orders, and orders for discovery. Cases which have gone through the case conferencing procedure and are either settled or some issues remain to be dealt with by the court are fast tracked to a judge for hearing or to make any necessary orders.

Codification of Courts Legislation

At the request of the Department of Justice, Equality and Law Reform, the Law Reform Commission has initiated a project to codify the courts legislation. The Service is represented on a contact group tasked to provide input into the project which includes representatives of the Law Reform Commission, Department of Justice, Equality and Law Reform and the judiciary. In addition to consolidation, it is anticipated that the project will identify opportunities for reform.

Wards of Court

The Service provided input into the deliberations of the Law Reform Commission in relation to its final report 'Vulnerable Adults' and the Law. The Report was published in December 2006.

Probate Office

In June 2006 a new application form was introduced, on a pilot basis, for solicitors applying for Grants of Representation of a deceased person's estate to either the Probate Office or one of the various District Probate Registries. Some 70 solicitors firms volunteered to participate in the pilot scheme. Feedback on their experience is scheduled for May 2007. The pilot is intended to pave the way to a more streamlined application form which will result in fewer delays for both solicitors and the Probate Office in the delivery of Grants of Representation to deceased persons' next of kin.

The image shows a sample of a legal form from the Probate Office, High Court. The form is titled 'APPLICATION FOR GRANT OF REPRESENTATION TO PRINCIPAL PROBATE REGISTRY DISTRICT PROBATE REGISTRY AT:'. It includes a section for 'SECTION A - Explanatory Notes' and 'RESPONSIBILITIES OF THE PROBATE OFFICE'. The form is designed for solicitors to use when applying for a Grant of Representation for a deceased person's estate.

Another successful initiative was the introduction of a standardised Probate Practice and Procedure Programme. The objective is consistency of approach in the Probate Office and the 14 District Probate Registries.

Dublin Metropolitan District Court

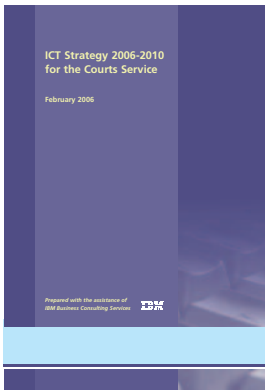
The initiative to encourage the payment of maintenance direct to bank accounts rather than through the District Court Office was successful with some 200 applications brought to the District Court in Dublin in August 2006. This initiative was extended to other District Court Offices in the latter part of 2006.

Information and Communications Technology

New information and communications technology strategy

The new information and communications strategy for 2006-2010 published during the year continues the extensive programme of work already underway while outlining ambitious plans for the future. It is specifically designed to enable the Service use technology to provide more expeditious processing of court business and improve service to those who use the courts and offices. The strategy has three key components: case management, information management and technology. Within the criminal jurisdiction, the programme of enhancing and extending the Criminal Case Management System to the Central Criminal Court, Special Criminal Court and Circuit Criminal Court continued. On the civil side a new initiative and significant challenge is the development and implementation of an integrated case management system to manage the processing of civil business (including family law cases) across all court jurisdictions. (*see page 53*)

The Service will avail of modern technology in the context of case management and particularly the electronic filing (*eFiling*) of court documents. The information maintained by the Service is central to the delivery of services. The new strategy addresses many issues in relation to the availability of information including a commitment to make registers and other public interest information available online on a 24/7 basis.



“Working together with the judiciary and those who interact with us we can deliver systems and technologies which will deliver benefits and efficiencies to the justice system and enhanced levels of service whether face to face or electronically to court users”

John Coyle, Director of Information and Communications Technology

Process review for civil and family law litigation procedures

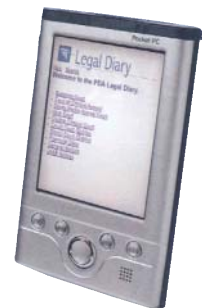
A process review for civil and family law litigation (excluding licensing) in all jurisdictions commenced in 2006. The review is being undertaken with a view to standardising and redesigning processes to improve efficiency and customer service. It will also support the introduction of the integrated case management system to manage the processing of civil business referred to on page 52. The process review is scheduled for completion in mid 2007.

Organisational support structure for ICT Projects



Information for use on Personal Digital Assistants (PDA)

The Service continued to explore ways of using technology to expand the ways in which information can be accessed by court users. The *Legal Diary* section of the website was made available to users of Personal Digital Assistants in 2006 on a 24/7 basis. This allows users access information about current and future court sittings for Dublin and courts around the country using hand held computer devices.



Video Conferencing/Video Link

Work continued during the year on the upgrade of the video system in five courtrooms within the Four Courts complex. Video link, video display and video conferencing facilities will be available in all five courtrooms. A further seven courts in the Four Courts complex will have new equipment installed for video display.

The Service continues to install video link, video display and video conferencing facilities in the larger new or refurbished courthouses. During the year such facilities were provided in Nenagh Courthouse with additional venues identified including Tullamore, Sligo, Castlebar, Ennis and Dundalk. Work on these provincial venues will commence early in 2007.

The first stage of technical testing commenced in November 2006 on the development of video conferencing between the courts and the prisons.

eGovernment

The provision of services that may be accessed 24/7 by court users continued to be a major priority for the Service in 2006.

"Online services including Small Claims Online, eJudgments, eCourt lists, ePayments, Progress Online and eSummonses are available on a 24/7 basis 365 days of the year in any location in Ireland or abroad via the internet. This is improving access to the courts for citizens and those who represent them".

CEO, PJ Fitzpatrick

Small Claims Online

An eSmall Claims system, *Small Claims Online* (www.smallclaims.ie), was implemented on a pilot basis in November 2006. The pilot project which is available on a 24/7 basis enables members of the public lodge a small claim application online in 16 selected District Court offices. Users can pay the appropriate court fee online and track the progress of their case throughout the process by using a PIN (Personal Identification Number). At year end plans were underway to deploy the system to remaining District Court offices during 2007.



In the first two weeks following implementation 18% of all small claims received in the Dublin District Court office were lodged online.

Progress Online

Work commenced in 2006 to make the public search facility for the High Court Case Tracking System (PROGRESS) available on line to court users and the public via the website of the Service (www.courts.ie). Users will have access to the copy of the database which is already available in a read-only version. The PROGRESS System records all proceedings issued and documents filed in High Court civil cases. It also contains dates of court listings, the dates and a brief summary of orders of the High Court and the dates of High Court judgments.

eRegisters

A feasibility study in relation to making the Probate Register available online was completed during the year.

Other eServices

Judgments of the Supreme Court, the Court of Criminal Appeal and the High Court continued to be made available on the website of the Service. The *Legal Diary* can be accessed at any time on the website together with a variety of other information relevant to the operation of the courts system including court fees, court rules, court forms, terms and sittings and practice directions.

A small claim can be lodged online in the following District Court offices – Bray, Castlebar, Clonakilty, Dublin Metropolitan, Killarney, Listowel, Swords, Trim, Carlow, Cavan, Cork, Dun Laoghaire, Limerick, Mallow, Tralee and Wexford.

Electronic transfer of summonses

Work on the implementation of an electronic interface for the receipt of all penalty point summons applications was completed during the year. The Service, in association with An Garda Síochána and REACH, has embarked on a pilot project to provide for the electronic transfer of information between the Service's Criminal Case Management System and the Garda PULSE system. The system will result in all summons applications being received electronically by the Service while details of court hearing dates and the outcome of cases heard in court will be electronically sent to An Garda Síochána. The pilot system will be implemented in late 2007.

Provision of information for the public

Increased range of publications

The range of information on the courts system was improved during the year with an number of additional publications. Examples included booklets explaining the operation of the Office of the Taxing Master of the High Court and the procedure for obtaining maintenance in the District Court, and leaflets on the procedure for making a small claim online, the procedure for obtaining a refund of bail in the Circuit Court, the Four Courts, the Judges' Library and Cloverhill Courthouse. Information for those seeking judgment for liquidated amounts in Dublin Circuit Court office was published together with information on the website on the work of the Supreme Court, the

High Court Examiner's Office and the Central Office of the High Court.

Information of a historical nature was provided in a number of heritage leaflets. A chart containing information for licensing practitioners relevant for 2006 on all District Court applications including information on time limits for various applications, court fees applicable and publication requirements was also published.

Wall planners and calendars featured the refurbishment work carried out on Lismore, Nenagh and Longford courthouses.

Information in Irish

The Service remains committed to the production of information in Irish. Leaflets and booklets published during the year were published in Irish and available in Irish on the website. 'Courts Service News' the magazine of the Service was also published in Irish on the website.

Information in audio format

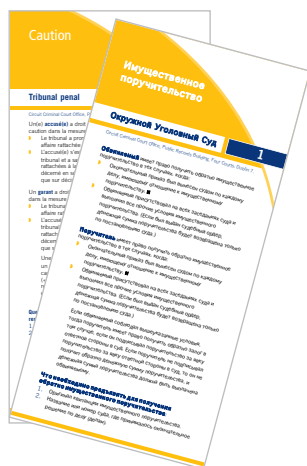
The Service provided information in audio format accessible from the website (www.courts.ie). This included information for customers interested in applying in person for probate and information for those intending to lodge a small claim in the District Court.

Information in other languages

The Service must take account of the increasing diversity of court users. Many do not speak English or Irish as a first language. The programme to provide information in a range of languages continued with the publication of information on a selection of court procedures including small claims and bail in a range of languages in addition to English and Irish. They include French, Spanish, Russian, Chinese and Polish.

Educating young citizens

Work continued on the development of a resource pack for second level students. The pack, which includes notes for teachers, handouts for students and a DVD, is being developed in cooperation with the Department of Education and Science and a number of second level schools around the country. At year end a pilot version of the pack had been



distributed to selected schools with feedback requested by March 2007.

The Service continued its support for the National Mock Trial Competition still the largest transition year competition in the country. The 2006 competition involved over 100 schools and comprised five separate categories: the mock trial and sections for court artists, television reporters, newspapers reporters and court photographers. The Service provided staff, equipment and 14 courtrooms in the Four Courts for the semi finals and final of the competition in April 2006.

The Service continued to accommodate visits to the Four Courts and other court buildings for second level and other students in 2006. A total of 175 tours involving 3,978 students and 264 teachers was organised for second level students in the Four Courts alone. Tours were also provided in courthouses around the country including Kilkenny, Mullingar, Castlebar, Cork, Fermoy, Mallow, Nenagh, Naas, Cavan, Port Laoise, Tullamore and Roscommon.

Many offices continued to afford students an opportunity to work in a court office as part of work experience initiatives during the year. Such placements allowed second and third level students participate in a limited way in the administration of the court system in several offices in Dublin including the Four Courts and Phoenix House and offices around the country including Naas and Cork.

The Service was short-listed in two categories, 'State Body eGovernment Award' and 'Irish Language eGovernment Award' as part of the Irish eGovernment awards in December. The short-listing was in recognition of the work carried out on the development of the website of the Service and the development of 'Small Claims Online'. The awards, hosted by Public Sector Times and Elucidate, recognise excellence in Irish eGovernment and technology innovation.

TOTAL MONTHLY VISITS TO WEBSITE

Month	2006	2005
January	77,530	49,067
February	76,522	52,112
March	84,389	50,154
April	64,416	54,498
May	78,726	53,441
June	69,875	51,681
July	76,119	49,691
August	58,863	41,463
September	63,616	46,996
October	91,086	69,339
November	99,377	77,122
December	73,855	56,150

Website

At year end court lists from 24 Circuit Court offices were available on the website (www.courts.ie). A pilot project had commenced with some District Court offices to assess the advisability of posting District Court lists to the site. Work commenced on the development of an Irish website.

Visits to the site showed a substantial increase on visits for 2005. In November 2006 the number of visits was 99,377 the highest monthly figure recorded to date. The most visited sections of the site continue to be the *Legal Diary* section and the section containing judgments of the Supreme Court, Court of Criminal Appeal and High Court.

Cork Courthouse

Information by other agencies

The Service continued to promote information prepared by other agencies on the work of the courts where appropriate. Booklets produced by family law support groups and the Director of Public Prosecutions were distributed and made available in court offices during the year.

Interpretation services

The Service concluded a contract with an external provider during 2006 to provide interpretation services in all courts.

Family Law Information

The Service commenced a project on a pilot basis in 2006 to provide information on the outcome of cases coming before the family law courts. The project includes publishing statistics, trends, and judgments, and reporting on proceedings in family law courts. The project will provide information to the judiciary, legal practitioners and the general public in relation to family law matters. The first Report of the project will be published in early 2007 (*see also page 28*).

FREEDOM OF INFORMATION ACTS

	2006	2005
Requests received	16	21
Access granted/part granted	13	15
Refused	1	2
Handled outside Acts	1	3
Transferred/Withdrawn	1	1

Freedom of Information

The Service remains committed to the full implementation of the Freedom of Information Acts and continues to maintain a high quality of decision making in responding to all requests under the Acts. The trend evident in previous years of a reduction in the number of formal requests continued in 2006. The Freedom of Information Unit did however continue to deal with a high number of queries by telephone, email and through general correspondence in relation to the courts and court records. There were 35 written requests outside the Freedom of Information Acts and approximately 41 general written requests relating to the Acts. The Unit dealt with 120 emails and telephone queries. Training was provided to enable the Freedom of Information Officer, deciding officers and appeals officers maintain a high standard of decision making skills.

The Freedom of Information Officer continues to participate in the Public Service Users Network group (PSUN), a group of Freedom of Information Officers in public service bodies who exchange information in relation to requests made under the Freedom of Information Acts.

Outreach initiative

Courthouses in Dublin and around the country were used for the outreach initiative. Examples of regional courthouses included Kells where an adult literacy group was accommodated and Athlone where student Gardai in the Westmeath area participated in mock courts.

Outreach

Programmes tailored to suit community groups interested in specific aspects of the work of the courts were organised in 2006. This initiative affords the Service an opportunity to provide information in a targeted way tailored to meet the particular needs of a variety of interest groups. A programme can include an opportunity to meet and discuss matters of interest with court personnel including judges, court staff, media relations personnel and barristers together with an opportunity to observe a court hearing. Groups availing of this initiative during the year included those advising on personal debt; third level students of law, medicine and media; senior citizens; public servants; and family law and other community based support organisations.

Media

The dedicated Media Relations Service continued to provide a central point of contact between court offices and a wide range of interests including television, radio and print media during the year. The Media Relations Service provided accurate and timely information regarding court proceedings and the operation of the courts and promoted developments and achievements of the Courts Service during the year. Approximately 10,000 queries from the media were dealt with covering a broad range of issues including details of court proceedings, practice and procedure in the courts, statistics on the work of the courts and information to assist with historical research.

A number of media releases were issued during the year relating to a wide variety of matters including the opening of courthouses, clarification of inaccuracies about the courts and the Courts Service, information to inform debate in the public sphere, updates on building projects and details of the completion of major Courts Service initiatives.

Visits, including an opportunity to discuss matters of interest with a judge, were facilitated for students of journalism in Dublin and Cork District Court. The Media Relations Service continued to work with third level institutions to organise simulated news days and investigative training programmes. The Media Relations Advisor lectured students in a number of third level colleges and other centres of education at under-graduate and post-graduate level in Dublin.

The provision of modern facilities for the media continued to form an important part of the building programme of the Courts Service in 2006. New media rooms were provided in the refurbished courthouses in Nenagh and Longford.

Jurors

The Service established a committee to examine the arrangements for the formation and composition of jury panels, facilities for jurors, information provided for jurors and other relevant issues. At year end the committee was in the final stages of its deliberations.

Information for jurors and others interested in the matter of jury service was provided in a new section on the website (www.courts.ie). The section 'Jury

Service is a guide through jury service from the time a person receives a summons to the completion of the trial process. The section also allows prospective jurors confirm that their attendance is required on particular days.

Capital Building Programme

The Service continued the major programme of work to provide modern 21st century court buildings in all parts of the country during 2006. The Service is very aware that the vast majority of members of the public who use the courts are reluctant participants in the court process. Particular attention is therefore given to making what can be an unpleasant ordeal as comfortable as possible. This includes the provision of jury facilities, rooms for victims, facilities for the professionals who use the courts including lawyers, the Probation Service, the Prison Service, members of An Garda Síochána, accused persons and prisoners. The building programme was boosted by the allocation of substantial additional funding under the new National Development Plan 2007-2013. The funding includes €504 million for the Capital Programme of the Service including building and information and communications technology.

The additional allocation means that the Capital Building Programme can be fast tracked and many projects which would not have been reached between 2007 and 2010 can be undertaken within that time frame. These include Kilkenny, Killarney, Monaghan, Mullingar, Tralee, Wicklow, Wexford and Roscommon. It also includes projects at a number of smaller venues.

Tour of new courthouse for court users

The Service hosted an informal visit to the new courthouse in Bray for court users. The visit allowed local legal practitioners, staff from the Legal Aid Board, the Prison Escort Service and some other justice agencies to view the new facility at first hand before the new courthouse opened for business.

Longford Courthouse

Projects completed in 2006

The refurbished and extended courthouse in Longford was re-opened in July 2006. Work was completed on the refurbishment of Nenagh and Tullamore courthouses. Construction of new courthouses in Bray and Belmullet was completed. Court sittings resumed in refurbished accommodation in New Ross while improvements were carried out in Enniscorthy and Gorey. A major upgrade of facilities was undertaken in Achill.

A number of additional courtrooms were provided in Dublin. An additional courtroom was provided in the Bow Street court building with work on the provision of a third courtroom on course for completion in April 2007. The Taxing Master's Offices and Courts were transferred to new accommodation. The programme for Dublin included refurbishment work in the Four Courts, Tallaght, Richmond, Dolphin House, Balbriggan, Swords, and Chancery Street.

Projects in progress at end of 2006

By year end work was well advanced on the refurbishment of Fermoy courthouse. This joint development with Cork County Council will be completed in early 2007. Plans were advanced to provide new court facilities in Blanchardstown.

Projects to commence in 2007

Plans for the refurbishment of Kilkenny courthouse were finalised with work to commence in 2007. Work will commence on the refurbishment of Thurles courthouse in early 2007. Plans were prepared for new court facilities in Ardee. Work will commence in early 2007. Work will commence in the provision of additional facilities at Monaghan courthouse in the latter half of 2007 and on the provision of new facilities in Gorey.

Maintenance

The construction of new court buildings and the refurbishment of others continues to be complemented by a major maintenance programme. The scale, extent and variety of the court building stock requires constant upgrading and attention. Maintenance works were carried out in court buildings all around the country in 2006 including Ballina, Ballinasloe, Ennis, Galway, Loughrea, Swinford, Enniscorthy, Athy, Naas, Glenties, Carndonagh, Monaghan, Carrick-on-Shannon, Ballyconnell, Buncrana, Drogheda, Bailieborough, Virginia, Dundalk, Donegal, Port Laoise, Portarlinton, Castlecomer, Boyle, Enniscorthy, Gorey and Achill.

Public Private Partnerships

The Criminal Courts Complex in Dublin will be delivered by way of a public private partnership. By year end contract negotiations in respect of the proposed development had been completed. Construction will commence in May 2007.

The Service will provide additional court facilities around the country using the public private partnership model. Venues identified include Drogheda, Limerick, Cork District Court, Waterford, North Kildare (Maynooth, Celbridge and Leixlip), Swords, Tallaght and Letterkenny. In 2006 work continued to procure sites suitable for court building development.

The Criminal Courts Complex – building for the 21st century.

The Criminal Courts Complex will be a state of the art criminal justice facility suited to the administration of criminal justice in 21st century Ireland. It will comprise 22 courts with modern facilities for all court users including staff, judges, the public, jurors, victims, witnesses, lawyers, prisoners, members of An Garda Síochána and the Prison Service. The building has been designed to concentrate all central Dublin criminal business in one location. It will overcome the existing security, service delivery and logistical problems associated with running criminal trials in a number of sites dispersed throughout the Four Courts complex.

Efficient use of resources

Financial information

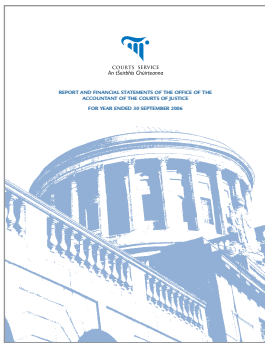
The production of timely and meaningful financial information is an important part of the internal financial controls of the Service. Since January 2006 enhanced financial reports have been made available to the Board and budget holders.

Courts Accounting System

Work continued during the year on the establishment of a computerised Courts Accounting System to process fines, bail, family law maintenance, poor box and court fees. Among the enhancement to services which this will deliver will be the payment of fines online and the electronic payment of family law maintenance.

During 2007 the new approach will be tested on a pilot basis. The pilot phase will see all court fines and poor box payments for Dublin Metropolitan District Courts and certain other court offices in greater Dublin processed centrally. The pilot phase will also include Sligo District Court. This phase will be reviewed in the second half of 2007. The Service plans to commence the roll-out of the system to all District Court Offices before the end of 2007.

Funds management



The transfer of funds from Circuit and District Court offices to the Office of the Accountant of the Courts of Justice (Accountant's Office) commenced in 2006. With effect from 11th January 2006 all new Circuit and District Courts funds are lodged in the Accountant's Office. Work continued during the year to transfer all legacy

funds held in all Circuit and District Courts offices. There are approximately 13,000 cases with a value of €134 million.

Total funds managed by the Accountant's Office increased to €937.2 million at the end of September 2006, an increase of €88.6 million on the 2005 amount.

A new cash only fund was established. Investing in this fund commenced on 21st June 2006 for cases which have a duration of less than two years or where the duration is not known.

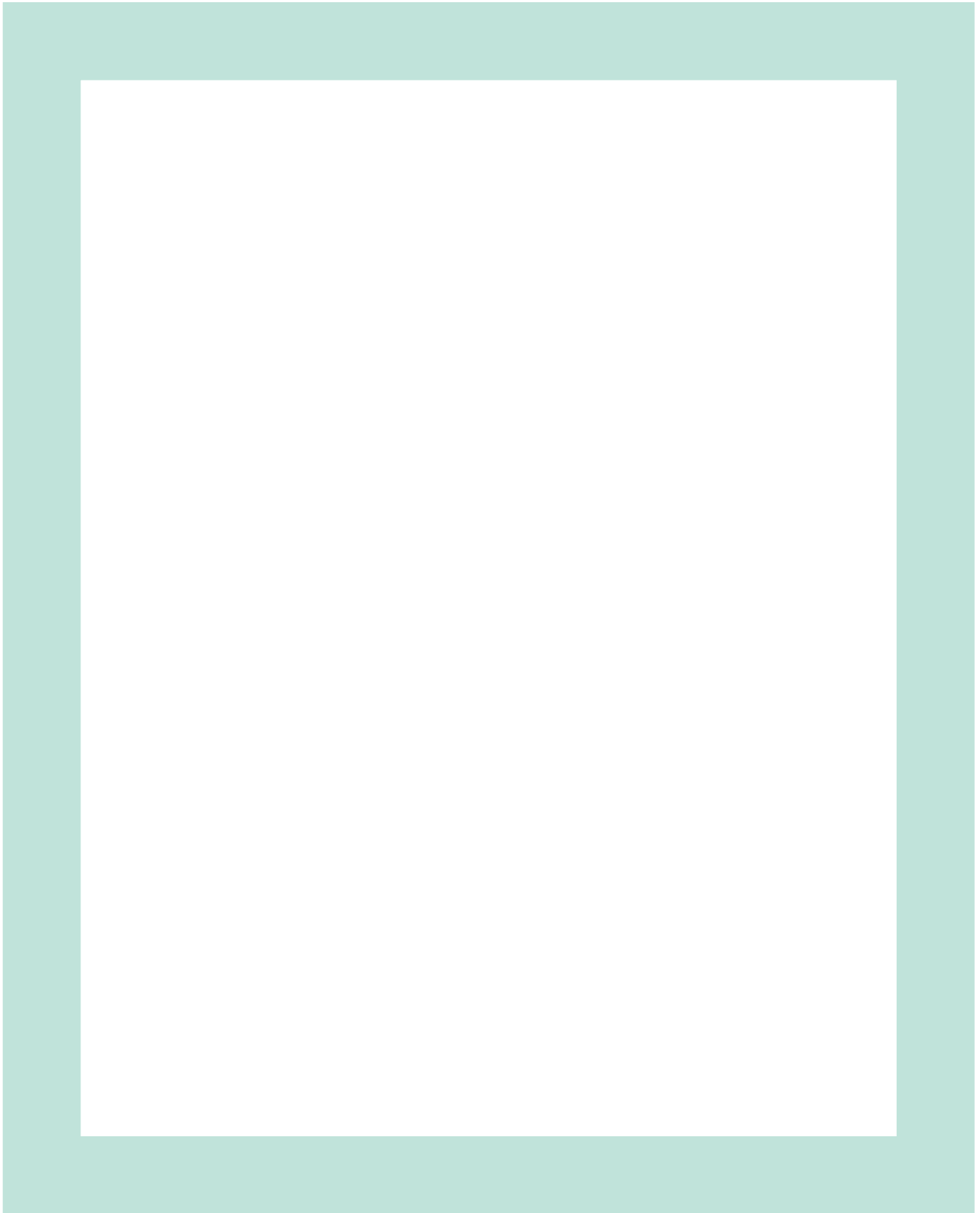
Fostering links with colleagues in other jurisdictions

Annual Courts Services Conferences

The Courts Services Conferences 2006 was hosted by the Service in Farmleigh in Dublin in October. In addition to staff of the Service the Conference was attended by delegates from England & Wales, Northern Ireland, Scotland, Jersey, Guernsey and the Isle of Man. Presentations at the Conference covered a wide range of topics including case management initiatives (Ireland), performance management in the criminal justice system (England & Wales), High Court reform (Scotland) and tackling delay in the justice system (Northern Ireland).

Visits by colleagues from abroad

Representatives from nine African nations including Mauritius, Mozambique, Swaziland and Zambia spent a week training with the Service in November. They were part of a group of Superior Court Registrars who came to study the operations of the Supreme and High Courts in Ireland under an initiative organised by the Venice Commission of the Council of Europe. The event, which acknowledges that information and learning are not confined within national and regional borders, allowed for a wide sense of the variation with which different countries organise court matters.



Chapter 5
Supporting Staff

Chapter 5

Supporting staff

The Service is acutely aware that service organisations rely on their staff for success. Staff are critical in seeking to develop a world class Service. The Service continues to foster a culture of staff involvement and participation and encourages staff to be creative and innovative. Staff development continues to be a major part of the Service's strategic planning. The Strategic Plan 2005-2008 contains specific strategies aimed at both encouraging staff involvement and equipping them to deal with an ever changing working environment.

Training

Technical legal training

An initiative titled '*Technical Legal Training*' was a key component of the training programme during 2006. Step by step guides were prepared in-house to provide comprehensive information on practice and procedures for staff in offices throughout the Service on a wide range of matters including criminal law and family law in the District Court and criminal law in the Circuit Court. Electronic training manuals were completed for use by Registrars in the High Court.

The Office of Wards of Court provided training on tax matters, enduring powers of attorney, conveyancing and probate and pre-wardship matters. The office also completed a comprehensive training manual and a revised booklet to reflect new changes to investment strategies. In the Office of the Examiner of the High Court training on the theory and practice

associated with next-of-kin inquiries and administration suits was provided. The office commenced work on guidelines for staff dealing with mortgage suits. The Official Assignee's Office produced comprehensive training manuals on the law of personal insolvency. In Monaghan Circuit Court, training was provided for staff of the Circuit and District Court and Regional Office on the role of the Registrar in a criminal trial. As part of this initiative mock trials were held in the courtroom.

Legal qualifications

The Service commenced a review during the year of staff with legal qualifications. The information obtained will be used to identify staff legal training requirements for the future.

Supporting staff in further education

The Service continued to encourage staff to enhance their knowledge and skills by undertaking studies in their own time in academically recognised third level courses. In 2006, 49 staff availed of the refund of fees scheme, special leave for study and paid leave for examinations. In addition, staff were sponsored to attend conferences, seminars and workshops relating to their areas of work. Examples of the type of events attended included legal seminars on legislative change, changes in government procedures, human resource management, financial management and project management.

Information and communications technology (ICT) training

The Service now relies on a large number of computer systems covering all aspects of the work of the courts. Training in the use of these systems is vital if the Service is to obtain the maximum benefit from them and so improve efficiencies. In 2006, the ICT training programme continued. This included ongoing training in the use of systems in the criminal, civil and family law areas and in the financial and human resource areas. A new initiative in 2006 was the training provided for staff in Circuit Court offices around the country to enable them post court lists to the website of the Service.

General training

A new training programme for staff of the Higher Executive Officer grade was developed during the year. It includes a module called '*Doing it Differently*' to reflect the importance of innovation and change in the approach to service delivery.

Other initiatives included:

- Pilot project of executive coaching for senior managers at Director and Principal Officer level
- Specialised programmes in health and safety, bullying and harassment investigation, project management, customised programmes and events for individual offices, and Clerical Officer and Executive Officer development programmes.

“Middle Managers must become change champions creating a change readiness within the organisation. They must understand both the strategic and cultural change roles of the projects”.

*Terry Agnew,
Organisational and Development Unit.*

Organisation Development Unit

During 2006 the Service established an Organisation Development Unit within the Human Resources Directorate. The objective of the Unit is to improve the capacity for managing change and to improve the overall performance of the organisation through a number of key strategic projects.

Henley Management College

As part of its remit the Unit developed a change management programme ‘Managing Change Through Projects’ with the Henley Management College, one of the leading management colleges in England. The objective of the programme was to provide senior managers involved in the major change projects underway in the Service with the tools, knowledge and skills to effectively manage the projects in a manner that realises the business benefits for the Service.

Objectives of the Henley Management Programme ‘Managing Change Through Projects’

- Help participants understand the change environment impacting on the Service and in turn on the projects
- Help those involved in the projects as project sponsors, project managers, business leaders or as members of project boards understand the change process the Service is going through
- Provide participants with a set of project and change management tools which will allow them manage the projects to a successful conclusion
- Enable participants apply these tools to their respective projects
- Develop participants’ skills to allow them provide leadership to their projects

The programme was also designed to specifically focus on a number of key projects with a view to ensuring their successful implementation. Some of these projects are referred to elsewhere in this Report and include:

- The Courts Accounting System
- the Civil Case Management System (to include eFiling)
- the establishment of a unified office (a 'one stop shop') for all court jurisdictions in the new criminal court complex in Dublin
- the implementation of a fully integrated Performance Management Development System (PMDS)
- the further development of the Criminal Case Management System

The Henley programme aims to build a capability within the Service to manage change on an ongoing basis through the application of well established techniques and theories.

Organisational Review Projects

The Organisation and Development Unit assisted a number of review projects during 2006. These included the review of the family law office in the Dublin Metropolitan District Court, a review of business planning and the development of a competency framework for senior managers.

"Evaluation of training courses and development initiatives provides the organisation with feedback on the effectiveness of the training activities. It assists in the identification of training courses and interventions which increase the levels of performance and empower staff to meet the challenges facing the organisation going forward".

CEO, PJ Fitzpatrick

Value for money review of Training and Development

The Service undertook a value for money review of training and development in 2006. The project in its evaluation of the training and development process within the organisation attempted to establish the worth of the training course and initiatives undertaken. The 'worth' means the value, merit or excellence of the training initiatives.

The project will inform the Service of the direction it should take in deepening the learning culture it has created since its inception.

Consulting with staff

The policy of seeking to create an inclusive working environment where staff participation is valued and encouraged was evidenced in 2006 by a variety of consultation exercises with staff. An example was in the plans for the development of the new Criminal Courts Complex in Dublin. Staff at both operational and support level were involved in a comprehensive consultation programme to ensure that the new Complex will meet both user and staff requirements.

Team working arrangements in many court offices continued to provide a basis for efficient service during 2006. Such arrangements allow for continuity of work practices, good customer service and cover for absent staff.

Staff mobility

Lateral mobility between staff of the Circuit and District Courts offices in provincial areas continued in 2006. Such cross jurisdictional assistance improved the quality of the service to users and afforded staff the opportunity to develop additional skills. Offices where staff mobility was promoted included Castlebar, Sligo, Cavan, Dundalk, Monaghan, Leitrim and Carrick on Shannon.

Improved accommodation for training

The provision of a dedicated training centre in the Western Regional Office facilitated the provision of training locally, reducing disruption to offices and travelling inconvenience for staff. The new centre facilitated training on a diverse range of topics including posting court lists to the website, health and safety, 'Small Claims Online', partnership, performance management and development and grade development.

Performance Management Development System (PMDS)

Training was provided on the new Performance Management Development System (PMDS) and its integration with other human resource processes. The integrated model is an enhancement to the system which has been in place for a number of years. The new model integrates the performance management system with other human resource management systems including increments, promotions and disciplinary matters. The new model will be in place in 2007 and will be fully integrated by the beginning of 2008.

Reviews of performance and role profile forms were completed for all staff as part of the Performance Management Development System during the year. The System provides clarity of staff roles and responsibilities and the management of performance and underperformance in a structured and focused manner. It also provides a valuable forum for identifying training requirements.

Reporting on progress

During 2006 the Service submitted a sixth and final Progress Report to the Performance Verification Group on its modernisation action plan under *Sustaining Progress*. The Group decided that the progress achieved by the Service in relation to the commitments in *Sustaining Progress* on stable industrial relations, co-operation with flexibility and ongoing change, as well as satisfactory implementation of the agenda for modernisation warranted payment of the general round pay increase due from June 2006 to all staff. The Service also prepared an action plan based on the commitments in *Towards 2016*. (See page 48)

Partnership

The Service continued to utilise the partnership process in 2006 to address issues including customer service, business planning, waste management, action plan for the implementation of *Towards 2016*, Performance Management Development System (PMDS) and the implementation of the Disability Act. Partnership committees continued to operate at regional level with the Chief Executive Officer continuing to chair the Central Partnership Committee.

A review of partnership in the Service was concluded in 2006. Following the review, a comprehensive training programme was implemented for the partnership committees.

Employee Assistance

The Service employs an Employee Assistance Officer to provide a comprehensive support service for staff. The Officer, who is professionally qualified, continued to be proactive in advising staff of the nature of the service available.

'Lunch and Learn'

An employee assistance initiative designed to provide staff with information on a range of social and work related issues during the lunch break continued in 2006. The 'Lunch and Learn' programme limited in the first instance to Dublin was extended to regional areas with a session held in Castlebar in May. Topics featured at the sessions during the year included managing personal finances, dealing with panic attacks, life coaching, parenting and enduring powers of attorney.

Stable Industrial Relations

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

In addition to assisting the judiciary in the day to day operation of the courts in Ireland, many staff of the Service continued to participate in a wide range of projects during the year. This included acting as project managers, serving on project boards and committees and testing computer systems. This additional commitment on the part of staff continued to drive the modernisation programme of the Service in 2006.

Conciliation and Arbitration

The Conciliation and Arbitration process continued to deal with many staff issues during the year. They included claims for allowances and upgradings, outsourcing of work, issues relating to the employment of contract staff, the reorganisation of District Courts, guidelines for dealing with family law matters and the adoption of a code for dealing with complaints.

Work/life balance

The Service makes available to staff a range of flexible working arrangements consistent with the requirement to ensure that acceptable levels of service are provided for the public and the judiciary. These include term-time, flexi-time and other family friendly working arrangements. There were 200 applications for flexible working arrangements in 2006.

Assisting staff with disabilities

The Service continued to adopt a proactive approach to meet the needs of staff with a disability during the year. The necessary organisational and technical supports are in place to facilitate the employment of persons with a disability and to support existing employees who have disabilities. These supports include a Disability Officer, the provision of training tailored to the needs of staff with disability on an ongoing basis and the provision of suitable facilities and equipment. The Service employs in excess of the 3% set out in the Disability Act 2005 for the employment of persons with disabilities.

The Service's Disability Awareness Training Programme continued to increase awareness and understanding of the contribution that people with a disability make to the organisation.

Decentralisation

The Service continued to actively manage the Government's decentralisation programme.

Staff promotion

Work commenced in 2006 on the development of new selection criteria for staff promotion. These criteria will reflect an innovative approach and will be in place in 2007.

Human Resources Strategy

Work on a new Human Resources Strategy for the Service continued during the year.



Staff

Staff continued to participate in a wide range and variety of activities outside of the workplace during 2006. The resulting improvement in communication, interpersonal and other skills greatly benefited the working environment of the Service.