An Roinn Fiontar, Trádála agus Fostaíochta
Department of Enterprise, Trade and Employment

Oifig an Árd Rúnaí | Office of the Secretary General

Ms Nicola Kelly

Secretary

Judicial Planning Working Group

29 July 2021

Email: judicialplanning@justice.ie

Judicial Planning Working Group

Dear Ms Kelly

I refer to your letter of 30th June seeking submissions to the Judicial Planning Working Group regarding its Terms of Reference.

Please find attached a submission which, for completeness, includes not only my Department's views but also input received from the Competition and Consumer Protection Commission and the Company Law Review Group which may be of assistance to the Judicial Planning Working Group. Certain members of, and bodies nominating members to, the Company Law Review Group may be separately contributing to the Judicial Planning Working Group's processes.

If you require anything further please do not hesitate to contact me.

Yours sincerely,

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Secretary General

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Department of Enterprise, Trade and Employment submission to the Judicial Planning Working Group

The Department welcomes the opportunity to provide the following submission to the Judicial Planning Review Group on its Terms of Reference.

Intellectual Property

The Irish Commercial Court has for many years held a decisive role in a wider pan-European patent litigation strategy. As legal actions in Intellectual Property with a significant international dimension increase, as the progress to establish a Unified Patent Court continues, and as the effects of Brexit become clearer, there is an increased likelihood of a greater demand on the Irish Court.

Appropriate resources need to be made available to ensure that the courts of Ireland remain an attractive forum for parties seeking to resolve such disputes in as timely and cost-effective manner as possible. Consideration should be given therefore to the number of judges operating in the Commercial Division of the High Court with IP expertise (currently four).

The Government decision of July 2014 confirmed that once the Agreement on the Unified Patent Court has been ratified by referendum, the necessary arrangements will be put in place to establish a Local Division in Ireland. This will require dedicated judicial resources as it will entail a transfer of jurisdiction in patent litigation from the Irish courts to an international court. It must also be noted that voices within the Irish business and IP community have also urged that Ireland should campaign to host a central pharma division of the UPC, which if successful, would further increase the draw on the resources required.

Competitiveness and attractiveness to Foreign Direct Investment

With regard to judicial planning in the context of maintaining Ireland's competitiveness and attractiveness for foreign direct investment (FDI), specifically the issue of planning permission, IDA Ireland, Ireland's inward investment agency, cites Ireland's common-law legal system as one of Ireland's value offerings when working to attract and maintain FDI.

However, as detailed in the joint submission from the Department, IDA Ireland and Enterprise Ireland to the Review of the Administration of Civil Justice in 2018, the usability and efficiency of Ireland's planning system, including its judicial aspects, has become an area of reputational risk for Ireland in its efforts to attract and maintain FDI. This area remains to be a reputational risk in 2021. Multinational investors require certainty when considering the delivery timelines for both their own capital investment projects and any associated public infrastructure development upon which their investment depends. It is vital that potential investors, or indeed multinational companies located in Ireland seeking to expand their operations, do not perceive delays within the judicial review process as an additional and lengthy step within the planning process. Moreover, the potential for the judicial review process to become a mechanism to increase costs to a level which ultimately results in the FDI becoming commercially unviable, must be mitigated against.

In addressing this area of reputational risk within the aforementioned 2018 joint submission, resource constraints and the requirement for the appointment of additional judges were acknowledged. In addition, issues to consider in order to improve the efficiency of court procedures and case management were proposed. In making these proposals, the joint submission highlighted that the scope to deploy specialist judges in technical areas of high demand should be assessed. Moreover, the submission proposed that a specialist Planning and Environmental law division in the High Court, with specialist Judges to hear judicial reviews of environmental and planning related decisions, should be resourced.

The global environment in which Ireland competes for inward investment is increasingly competitive and it is expected that the forthcoming period will be set within an exceptionally challenging economic

context as a result of the COVID-19 pandemic. Ireland's planning process should not hinder efforts to attract and maintain FDI, rather it should act as key value offering to potential and current multinational companies located in Ireland. Therefore, this submission reiterates the position set out in the 2018 joint submission to the Review of the Administration of Civil Justice, specifically that additional specialist Judges to hear judicial reviews of environmental and planning related decisions should be resourced to support an efficient planning process.

White collar Crime

In the context of Point 8 of the Working Group's Terms of Reference, "*To make recommendations for developing judicial skills in areas such as white-collar crime*", the Department welcomes the recognition that the judiciary must develop appropriately sophisticated and domain-specific skills in relation to white-collar crime. This is vital in view of both the increasing complexity of EU and national legislation in areas of trans-national white-collar crime, and the advanced technology that can be the target of criminal activity in areas such as Export Controls and International Trade Sanctions.

In this context, the definition of white-collar crime should be sufficiently broad so as to include sophisticated, trans-national, non-violent criminal activity. For example, the FBI provides the following characterisation of white-collar crime: *These crimes are characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is financial—to obtain or avoid losing money, property, or services or to secure a personal or business advantage.*

In seeking to develop such skills, the judiciary should engage with, and seek to leverage the expertise of, the relevant Regulators and National Competent Authorities.

Examinership

It is generally accepted that examinership, a court overseen process for restructuring companies, while internationally recognised and successful in its own right, may be beyond the reach of small companies due to the associated costs. Uptake is relatively low when compared with the incidence of insolvency and consequent pursuit of alternative insolvency processes, particularly voluntary liquidations: examinerships currently account for c. 3% of all insolvencies versus voluntary liquidations which account for 70%.

The Companies Act 2014 allows such companies apply directly to the Circuit Court to have an examiner appointed, with the intention of lowering costs and facilitating greater accessibility for small companies to the examinership process as it has eliminated the requirement for any High Court involvement and all the associated costs. Nevertheless, jurisdiction of the Circuit Court has not led to a significant uptake in small companies availing of examinership. It has been suggested that moving examinership to a Circuit Court outside Dublin has in some cases tended to increase rather than reduce costs.

The Companies (Rescue Process for Small and Micro Companies) Bill 2021 provides for a new corporate rescue framework designed specifically for small and micro companies. It provides an alternative to examinership which is potentially more cost efficient and capable of conclusion within a shorter period of time. The rescue process (known colloquially as Small Company Administrative Rescue Process – SCARP) is initiated by the directors of the company concerned and can proceed without significant court involvement if the company's creditors are positively disposed towards the rescue plan. That said, while this Bill aims to achieve a rescue process outside of the court with the agreement of creditors, where that agreement is not forthcoming the matter will by necessity be referred to the courts - as it is under examinership and as it must in order to be as constitutionally robust as possible. Thus, the Bill provides that the insolvency practitioner who is appointed by the company to engage with creditors and prepare a rescue plan (the process adviser) determine which court, the Circuit or High Court, is most appropriate for the purpose of any court applications that may

be required during the process e.g., a stay on proceedings, repudiation of contracts or approval for the final rescue plan. This determination is made in conjunction with the company directors and bearing in mind the associated costs to the company and the requirement to expedite the process. The Bill also provides for the High Court to remit proceedings to the Circuit Court where it considers that the Circuit Court is a more appropriate venue.

Increased court involvement will result in a corresponding increase in costs and so the Department would welcome such court applications being dealt with in as efficient manner as is possible. To this end, it is worth noting that at EU level, Directive (EU)2019/1023 (Preventative Restructuring Directive) sets down minimum rules for Member State preventative restructuring frameworks, in order to remove barriers to effective preventive restructuring of viable debtors in financial difficulties across the EU. Recitals 85 and 86 refer to training and expertise of judges dealing with restructuring:

(85) It is necessary to maintain and enhance the transparency and predictability of the procedures in delivering outcomes that are favourable to the preservation of businesses and to allowing entrepreneurs to have a second chance or that permit the efficient liquidation of non-viable enterprises. It is also necessary to reduce the excessive length of insolvency procedures in many Member States, which results in legal uncertainty for creditors and investors and low recovery rates. Finally, given the enhanced cooperation mechanisms between courts and practitioners in cross-border cases, set up under Regulation (EU) 2015/848, the professionalism of all actors involved needs to be brought to comparable high levels across the Union. To achieve those objectives, Member States should ensure that members of the judicial and administrative authorities dealing with procedures concerning preventive restructuring, insolvency and discharge of debt are suitably trained and have the necessary expertise for their responsibilities. Such training and expertise could be acquired also during the exercise of the duties as a member of a judicial or administrative authority or, prior to appointment to such duties, during the exercise of other relevant duties.

(86) Such training and expertise should enable decisions with a potentially significant economic and social impact to be taken in an efficient manner, and should not be understood to mean that members of a judicial authority have to deal exclusively with matters concerning restructuring, insolvency and discharge of debt. Member States should ensure that procedures concerning restructuring, insolvency and discharge of debt can be carried out in an efficient and expeditious manner. The creation of specialised courts or chambers, or the appointment of specialised judges in accordance with national law, as well as concentrating jurisdiction in a limited number of judicial or administrative authorities would be efficient ways of achieving the objectives of legal certainty and effectiveness of procedures. Member States should not be obliged to require that procedures concerning restructuring, insolvency and discharge of debt be prioritised over other procedures.

This Bill passed all stages of the Oireachtas on 13 July 2021 and it is anticipated it will commence in the Autumn.

Appendix A: Input of Competition and Consumer Protection Commission

The Competition and Consumer Protection Commission (CCPC) has a statutory function under Section 10(3)(a) of the Competition and Consumer Protection Act 2014 to provide advice to policymakers on matters likely to impact on consumer protection and welfare, or competition. The suggested matters for consideration below highlight the CCPC's role in the enforcement of competition law.

Competition Law

The forthcoming reform of competition law, to be facilitated by the transposition of the 'ECN+ Directive' ((EU) 1/2019) by the Competition (Amendment) Bill, will involve a significant strengthening of the CCPC's competition enforcement powers. It will bring Ireland's competition regime in line with other EU Member States and other Irish regulators, many of whom have fining powers, including appropriate appeal mechanisms. These powers will be complemented by the codification of the law relating to search warrants as proposed in the General Scheme of the Garda Síochána (Powers) Bill.

In regard to the Competition (Amendment) Bill, the CCPC welcomes the proposed introduction of an administrative enforcement regime, whereby the CCPC itself would have powers to adopt prohibition decisions, to grant remedies (behavioural or structural), and to impose financial sanctions in respect of breaches of competition law by undertakings. In addition, the Bill will introduce new powers for the CCPC to review and unwind mergers as well as to exercise surveillance powers following a court authorisation. The CCPC believes that the proposed measures will fill a significant gap in the existing competition law enforcement regime in Ireland and will be vital for the effective enforcement of competition law in Ireland.

The CCPC anticipates that the implementation of the Bill will lead to a significant increase in activity for the Irish Courts in relation to competition law. The CCPC provides a high-level overview of those matters below while further specific detail is contained in the Appendix below. In order to deliver more effective enforcement, it will be important that the allocation of judicial resources is sufficient to provide for a range of possible actions including:

- Confirmation hearings in the High Court for the imposition of financial sanctions and any subsequent appeals.
- Judicial Review of the decisions of "Adjudication Officers" who will be appointed to make decisions on behalf of the CCPC.
- An expedited appeals process to the High Court arising from prohibition orders.
- Appeals by undertakings against decisions by the CCPC to review and potentially unwind mergers.
- Increased number of applications by the CCPC to the District Court to confirm surveillance powers.

The CCPC further notes that cases that are currently heard in the Central Criminal Court may be appropriate to instead be heard in the Circuit Criminal Court. If such a change of jurisdiction were to take place it would have implications for the allocation of cases.

The following aspects of the new administrative enforcement regime of the CCPC which are currently contained in the most recent draft of the Bill should be considered by the Judicial Working Group as relevant to the requirement for judge numbers.

- Each decision by the CCPC to impose administrative financial sanctions on an undertaking will require a court confirmation hearing in the High Court. The confirmation decision must be determined by the High Court within 12 weeks of the application being lodged.
- A decision by the CCPC to impose an administrative financial sanction can be appealed to the High Court by the relevant undertaking concerned or by a third party affected by the

decision.

- Where a court confirmation application has been lodged with the High Court and an appeal against the decision to be confirmed is subsequently brought, the same High Court judge shall be seised of both proceedings.
- The decisions in relation to administrative sanctions under the Bill will be taken by "Adjudication Officers" who will appointed to make decisions on behalf of the CCPC. This will introduce a new cohort of decision-making officers whose actions will be subject to judicial review by the Courts.
- The Bill contains an expedited appeals process for a prohibition notice. An undertaking the subject of a prohibition notice or any person aggrieved by the prohibition notice may appeal to the High Court within 7 days of the notice being served.
- The latest draft of the Bill also contains a mechanism by which an Adjudication Officer can refer a question of law to the High Court during the course of the Adjudication Officer's decision-making proceedings.

The Bill will also introduce new powers for the CCPC to review and if necessary, unwind mergers which are below the financial thresholds for notification to the CCPC. The exercise of these powers may lead to an increase in appeals by affected undertakings. The Bill will also introduce surveillance powers for the CCPC which will require a court authorisation prior to exercising such powers.

General Scheme of the Garda Síochána (Powers) Bill

The General Scheme of the Garda Síochána (Powers) Bill (the "General Scheme") was published on 14 June 2021. The General Scheme codifies the law relating to search warrants and includes the CCPC in its remit. Under the General Scheme the CCPC can apply for criminal search warrants in the District Court where the CCPC believes there are reasonable grounds for suspecting that evidence relating to an offence is to be found at a particular place. The CCPC can also apply to the District Court for a search warrant where this is required for the performance of the CCPC's functions, without there needing to be a suspected evidence of an offence.

It is not yet clear from the General Scheme in what circumstances the CCPC would require a warrant for non-criminal searches under the General Scheme. The content of the legislation on this point will need to be confirmed. However, for present purposes it should be noted that it may lead to increased applications for warrants by the CCPC to the District Court.

Head 17 of the General Scheme provides that the period of validity of a search warrant is 7 days. An application can be made to the District Court to extend this period during the 7-day period. This 7-day period is considerably shorter than the one month period of validity of the CCPC search warrants obtained under the Competition and Consumer Protection Act 2014. Therefore, this aspect of the General Scheme is likely to lead to an increase in applications to the District Court by authorised officers of the CCPC who will be seeking extensions to the period of validity of the warrant.

Zalewski Supreme Court Decision

The impact of the Supreme Court judgments in *Zalewski* on future administrative proceedings may need to be taken into account. The *Zalewski* case has the potential to lead to an increase in challenges to administrativeproceedings. This may take the form of constitutional challenges to an administrative regime on the grounds that it does not satisfy Articles 34 and 37 of the Irish Constitution.There may also be an increase in challenges to the procedures adopted by administrativebodies in particular in relation to the requirements of independence and openness as emphasised by the Supreme Court in *Zalewski*.

Judicial Expertise in Competition Law

Under the current Rules of the Superior Courts, competition law proceedings (includingappeals of merger determinations) are transferred to the "Competition List" in the HighCourt and typically heard by the High Court judge who is assigned to the Competition List. The High Court also has the ability to appoint an expert to assist the judge in understanding or clarifying a particular matter (e.g., an economist). The CCPC considers that the abovementioned measures are vital to ensure that the adjudication of merger appeals (as well as other competition law proceedings) are conducted by a judge with sufficient knowledge and experience of competition law. In the CCPC's view, the current framework for the hearing of competition proceedings in the High Court, including those relating to merger appeals, works fairly well in practice. The measures referred to above have been of considerable value in facilitating understanding by the High Court of the complex issues arising in competition cases.

Judicial expertise and experience in competition law is crucial to the proper enforcement of competition law in Ireland. The CCPC is particularly conscious of the need to have judges with extensive experience in this area. The Hamilton Review Group has recommended in its December 2020 report that a specific offence of bid-rigging be introduced and this will be introduced under Part 8 of the Bill, referred to above. This is despite the fact that the CCPC itself considers that bid-rigging agreements are already prohibited by the more general provisions of section 4 of the Competition Act 2002. However, the CCPC believes that introducing a specific bid-rigging offence will make it easier to bring criminal prosecutions in these types of cases and would assist the courts and others to better understand the criminal nature of bid-rigging. This is a useful example of how continuous judicial training in white collar crime is essential to the proper enforcement of competition law.

Court Venue

Under section 11 of the Competition Act 2002 Act, the Central Criminal Court has exclusive jurisdiction for the trial on indictment of offences under section 7 or section 8 of the Act, i.e., offences relating to breaches of section 4 or section 5 of the Act. The CCPC considers that it would be appropriate to move the trial venue for such offences from the Central Criminal Court to the Circuit Criminal Court. Staff in the DPP's Office have indicated to the CCPC that they are in favour of such a change.

In certain cases, depending on the scale of the financial detriment, it may still be appropriate for the trial to proceed in the Central Criminal Court. However, the CCPC considers that the Circuit Criminal Court is likely to be the appropriate venue in most cases.

With any relatively new area of law it takes time and a build-up of case precedents beforesentencing settles down. In the United States, it took decades before the first custodialsentence was imposed for cartels. Looking back, the CCPC considers that it was perhapspremature to move criminal trials for competition offences to the Central Criminal Courtas provided for under section 11 of the 2002 Act. It would perhaps have been preferableto build up a number of precedent cases from the Circuit Court so that when trials werereferred to the Central Criminal Court they would have had a bank of established precedents to refer to.

In Ireland, most white collar offences are tried in the Circuit Criminal Court and there appears to be an increasing willingness in that court to impose custodial sentences on persons convicted of white collar offences. This has led to staff in the DPP's Office indicating to the CCPC that the Circuit Criminal Court would perhaps be a better venue for the trial of competition offences. Although this may mean that trials will be held in a location which is closer to where the offence occurred, this has not proven aninsurmountable barrier to panelling a jury and getting a fair trial in other cases in the past.

The CCPC view is that it should remain open to a Circuit Court Judge to refer the case on to the

Central Criminal Court for trial, e.g., if they considered that the cartel in question was national in scope and had potentially resulted in considerable losses to consumers and businesses throughout the State.

Appendix B: Input of Company Law Review Group

The Department requested the Company Law Review Group (CLRG) to provide such input as it considered appropriate for the purposes of the Department's response to this request, notwithstanding that certain members of the CLRG and bodies nominating members to the CLRG may be separately contributing to the Judicial Planning Working Group's processes.

The Committee considered the Terms of Reference, deciding to provide input in relation to four of the 10 headings. The Committee decided to limit its inputs to areas which affect the administration and enforcement of company law, and that those inputs would be focused on specific outcomes that would facilitate and improve such administration and enforcement.

	Terms of reference of the Judicial Planning Working Group	**Approach of the CLRG Standing Committee**
1.	To consider the number of and type of judges required to ensure the efficient administration of justice over the next five years in the first instance, but also with a view to the longer term.	Provide advice
2.	To consider the impact of population growth on judicial resource requirements.	Abstain
	To consider, having regard to existing systems, the extent to which efficiencies in case management and working practices could help in meeting additional service demands and/or improving services and access to justice.	***Abstain***
4.	To evaluate the estimated impact of the Covid-19 pandemic on court caseload in the short, medium, and long term and strategies for reducing waiting times to significantly improve on pre-Covid levels.	Abstain
5.	To examine the experiences of other jurisdictions (particularly Common Law areas), and obtain accurate and up to date information on judicial practices and case management systems, together with caseload datain relation to Irish courts.	Abstain
6.	To consider the costs associated with additional judge numbers, including salaries, allowances, judicial support staff and chambers.	Abstain
7.	To review forthcoming and proposed policy and legislative reforms that may impact on the requirement for judge numbers including;	

	Terms of reference of the Judicial Planning Working Group	Approach of the CLRG Standing Committee
	a. Recommendations of the Civil Justice Review	Abstain
	b. The O'Malley Review on victims of crime	Abstain
	c. Family Justice Reform	Abstain
	d. Review of Legal Aid financial eligibility criteria	Abstain
	e. Courts Service Modernisation Programme	Abstain
	f. Commencement of relevant provisions of the Assisted Decision Making Capacity Act 2015	Abstain
	g. Judicial Appointments Commission Bill	Abstain
	h. PfG commitment to establish a new Planning and Environmental Law Court	Abstain
	i. Insolvency Review	Reserve position to make a submission when more is known about this Review
	j. Economic development.	Abstain
8.	To make recommendations for developing judicial skills in areas such as white collar crime.	Provide advice
9.	To make recommendations on relevant issues such as judicial workload, barriers to entry, efficiency gains, and speed of access to justice.	Abstain
10.	To consider the implications of Brexit on the courts in regard to judicial resources and potential increased workloads arising.	Provide advice

Number of and type of judges required to ensure the efficient administration of justice (Item 1)

1. The Committee notes that there is a satisfactory level of competence in company law (to include corporate insolvency law) among judges of the High Court. Whereas judges are appointed not solely as company law judges, there is a sufficient number who have the necessary level of knowledge of the law, without requiring that it be explained to them, in order to rule on company law matters and to compose reasoned judgments where necessary.

2. The Committee notes the comments of High Court President Ms Justice Mary Irvine and agrees that there is, and there appears likely to continue to be, a shortage of High Court judges.

3. Where company law matters are within the competence of the Circuit Court, the Committee concludes that there is insufficient company law expertise consistently available in such a way

as to render the Circuit Court an efficient forum for company law matters. There are a number of factors leading to and which illustrate this conclusion:

a. It is possible for examinerships of small companies to be commenced by and conducted under the supervision of the Circuit Court. However, as the necessary legaland accounting expertise required for examinerships is concentrated in Dublin, the conduct of examinerships outside Dublin has had the unintended consequence of adding to legal and accounting costs, in light of the requirement for the relevant professionals to travel to Court destinations outside Dublin for court hearings in the examinership process when in a regional Circuit Court.

b. The nature of the Circuit Court is that civil sittings of the Court in many venues outside Dublin do not sit throughout Court terms. The judges in a particular circuit change from time to time. The Circuit Court outside Dublin does not sit on Mondays. The combination of these factors means that the customary availability of the High Court for urgent matters and familiarity of the judge with the particular examinership is not matched in the Circuit Court.

c. Circuit Court judges are by and large drawn from areas of legal practice other than company law.

d. Although it is possible for applications to restore dissolved companies to the register to be conducted through the Circuit Court, it is more efficient and not much more expensive than the Circuit Court for parties instead for such applications to be dealt with on the Monday Chancery list in the High Court.

4. If company law matters are to be placed within the competence of the Circuit Court, there are a number of steps that should be taken:

a. Instead of permitting regionalism to supersede specialism, in the case of company law matters, provision should be made so that there should be no more than two locations where the Circuit Court would deal with company law matters, which the Committee suggests be Dublin and Cork.

b. Such a provision could be modelled on the provisions in section 866 of the Companies Act 2014 for District Court prosecutions brought by the Registrar of Companies where it is possible for these to be brought not only in the district of the relevant company's registered office, but also in the Dublin Metropolitan District or in Carlow (where the Companies Registration Office has an office). This provision allows for the benefits of specialism while respecting the local nature of that court's jurisdiction.

c. Specified Circuit Court judges should be identified as those to deal with company law matters.

d. The relevant judges should have the benefit either of a satisfactory level of company law experience in their previous professional practice or have been provided with detailed induction and training in company law matters.

5. The Committee notes that with the amendments to the Companies Act 2014 by the Companies (Rescue Process for Small and Micro Companies) Act 2021 which provide for the new small companies' administrative rescue process (SCARP), Circuit Court examinerships are likely to become rarer exercises.

6. Some Committee members suggested that part-time judges, like they have in England, mightimprove matters. In substance it should be no different from senior lawyers sitting as arbitrators or on an arbitral panel. As against that, the prevailing view was not in favour of part time judges, not least on account of a likely requirement for a constitutional referendum to amend Article 35.3 of Bunreacht na hÉireann, which provides: "No judge shall be eligible to be a member of either House of the Oireachtas or to hold any other office or position of

emolument."

The development of judicial skills in areas such as white collar crime (Item 8)

7. Breaches of the Companies Act giving rise to criminal proceedings are a subset of corporate crime generally. The Committee believes that the primary responsibility of a judge in a criminal trial is to understand criminal procedure and to give a correct and comprehensible charge to the jury.

8. That said, where there is a complex company law issue, some members of the Committee are of the view that the judge should either have a satisfactory level of company law experience in their previous professional practice or have been provided with detailed induction and training in company law matters.

Implications of Brexit on the courts in regard to judicial resources and potential increased workloads arising (Item 10)

9. In its submission to the Government in relation to the Department of Enterprise, Tarde and Employment's Action Plan for Jobs 2018, the Law Society of Ireland highlighted four areas where the Government could better position to attract post Brexit international litigation business:

    a. "Increase the number of specialist judges, appoint additional registrars to create greater capacity, reduce delays and increase efficiencies;

    b. Increase the use of technology to improve timeliness and efficiency of legal administration;

    c. Prioritise the promotion of alternative dispute resolution options to free up capacityin the court system; and

    d. As part of the current review of civil court rules, ensure the administrative burden onbusinesses and individuals is minimised."[1]

The Committee agrees with these points.

10. The *Ireland for Law* initiative, jointly led by the Bar of Ireland, the Law Society of Ireland, IDA Ireland and the Department of Justice notes that:

    "Ireland is recognised internationally as a leading global centre for international financial services. At the end of 2019, over 430 financial institutions employing over 47,000 people provide financial services to every major economy in the world from Ireland. We are home to 9 of the world's top 10 software companies and 15 of the world's top 25 financial services companies.

    Ireland is a global leader in aviation leasing, a global tech hub, and a world leader in funds, insurance, pharma and life sciences. Ireland is now becominga primary centre for the provision of legal advice, and transactional services inthese sectors."[2]

[1] https://www.lawsociety.ie/login?ReturnUrl=/News/Media/Press-Releases/four-ways-for-ireland-to-become- a-centre-for--international-dispute-resolution-post-brexit/

[2] https://www.irelandforlaw.com/choose-irish-law

11. In the *Justice Plan 2021*[3] of the Department of Justice the following objective is stated:

"Provide appropriate support for the Ireland for Law Initiative following Brexit".

The appropriate support requires:

a. a sufficient number of judges;

b. with satisfactory knowledge of:

- company law (to include insolvency law);
- the areas of law in which disputes are likely to arise, including those identified by *Ireland for Law:*
    i. financial services generally and other discrete sectors such asaviation leasing, funds and insurance;
    ii. technology generally and including other discrete sectors such as pharma, life sciences; and
    iii. intellectual property law as it applies to these industries;
- corporate transactions generally, including mergers and acquisitions, debt structuring, company restructurings, issuances and alterations in share and debt capital, financial investment arrangements and corporate compliance; and

c. with sufficient practical support by way of human resources and technology.

[3] http://www.justice.ie/en/JELR/Department_of_Justice_Action_Plan_2021.pdf/Files/Department_of_Justice_Action_Plan_2021.pdf