

Dear Ms Humphries,

1. I note that you would like to have the views of the public in relation, inter alia, to work practices, efficiencies and productivity in the Court Service, and how to have a judicial system that is modern and responsive.

2. I am a barrister in practice since 1969. In my view, there is huge potential for an increased efficiency in the running of the courts. I do not propose to deal with the question of the number of judges, since I understand that, at least in the High Court, the number now appointed is greater than ever before. My views relate primarily to the High Court, but can be relevant also to the other courts.

3. Mr Justice Peter Kelly, who was an excellent President of the High Court, shortly before his retirement, produced an excellent report on how the court system could be improved, and I have huge regard for his views, based on his great experience, intelligence and devotion to work. That is a report which should be examined, and the recommendations therein should be very seriously considered.

4. The operation of the Commercial Court (the running of which was greatly influenced by Mr. Justice Peter Kelly and Ms. Justice Mary Finlay-Geoghegan), showed how efficiently courts can be run, and again there is a lot to be learned from it. Many of its practices should be extended to the other courts.

5. There appears to be an extremely lax approach in the Irish courts to the question of adjournments, which are granted far too easily and for too long. Often adjournments of a number of weeks, should, instead, be for the same number of days. Where a case has above a certain number of witnesses, and a witness cannot attend, an adjournment may be a waste of time, since on the law of averages, there will always be one or more witnesses who cannot attend. This gives rise to a catch 22 situation, where lawyers relax in the well founded belief that an adjournment will be easy to obtain. A short sharp shock is needed.

6. Justice delayed is justice denied. The process of discovery of documents (without which cases generally managed very well, when I started practice), has become hugely wasteful, unfocussed, expensive and causes huge delays. It needs to be radically overhauled.

7. Screens in courthouses should show the public the case which is being heard in each court, the further cases to be heard in that Court, and the likely time when the next case will be reached.

8. It is not uncommon for a personal injuries case to be heard in the High Court 10 years after the accident occurred. That is a ridiculous situation, and involves witnesses having an impossible task to remember all the details of what occurred. If cases in the Commercial Court can be heard less than 1 year after the claim was made, the same should apply in the other Courts. Many years ago, I remember acting in an accident case in the Supreme Court, where the accident had occurred about 2 years prior to the Supreme Court hearing and about 1 year prior to the High Court hearing. This shows what can be done, if there is a will to do so.

9. Reserved judgments often take far too long to deliver. I remember an extradition case where the reserved judgment was given after a delay of approximately 5 years. After hearing a complex case, judges should be allowed sufficient time to immediately prepare their judgment, rather than be asked to immediately commence hearing another case. I guess that the time needed to prepare a judgment immediately after the hearing, may be a fraction of the time needed if the preparation commences after a long delay.

10. People are entitled to have their cases heard without undue delay. That right is often denied. Judges and lawyers need to have a completely new approach to litigation, with a view to eliminating all unnecessary delay. This calls for many radical changes.

11. I would be happy to expand on my views, if it would assist.

Patrick Keane
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