

# Latest from the Irish Courts

Published 4 August 2020

## Remote Hearings

As in other jurisdictions, the COVID-19 pandemic has had a significant impact on the operation of the Courts in Ireland. This has resulted in the Courts Service having to adapt the way in which hearings are conducted. At the outset of the ‘lockdown’ period, the Courts Service introduced a number of measures to scale back the work of the courts which resulted in a significant decrease in the number of hearings across all court jurisdictions. This led to the majority of listed hearings being adjourned. Only matters deemed to be urgent could be heard with strict guidelines in relation to social distancing.

To combat lockdown measures affecting operations, the Courts Service quickly rolled out the use of remote hearings to allow more cases to be heard by the courts and without the need for parties to physically attend.

The Legislature is seeking to catch up with these adaptations and the Civil and Criminal Law Miscellaneous Bill 2020 provides that a court may direct that any category or type of civil proceedings can proceed by way of remote hearing. Section 12 of the Bill sets out how the Courts can use electronic communications technology which is defined as “*technology that enables real time transmission and real time two-way audio-visual or audio communication that enables a person to participate in the hearing from a location other than the court itself*”, to deal with litigation at a time when social distancing is an imperative.

To date the Supreme Court, Court of Appeal and High Court have successfully heard cases via electronic communications technology, albeit with some understandable teething problems in relation to the platform used. The Courts Service and the Judiciary have worked closely to iron out any issues to improve the remote platforms and are also considering permitting the use of alternative platforms, where appropriate.

In addition, all courts implemented the delivery of written judgments to parties electronically to negate the need for parties to attend physically. All court offices also adapted their procedures to allow for filings to be delivered by post and email and for urgent matters, in-person appointments were provided. The 2020 Bill provides at Section 20 for the long awaited possibility of electronic filing. This will permit documents be filed electronically with the various different courts and also allow the courts issue documents electronically to include summonses, civil bills, claims notices or other originating documents. A court will also be permitted to (continue to) electronically issue judgements, decrees or other orders.

## Face Coverings

On 20 July 2020 a statement was made by the Chief Justice and the Presidents of all Courts concerning the wearing of face coverings in court. All persons attending any court venue are expected to strictly comply with current public health guidance concerning COVID-19. Physical distancing (currently 2m) must be maintained at all times and all attending should engage in frequent handwashing and comply with respiratory etiquette. Whilst face coverings are not mandatory at present, it is strongly advised that all persons, save for those who for medical or other welfare considerations cannot wear a face covering, should do so unless giving evidence, questioning a witness or addressing the court. Anyone wishing to use a face covering when addressing the court or giving evidence should be permitted to do so, unless the presiding judge considers the same prejudicial in all of the circumstances.

While it is clear that the Courts Service and the Judiciary are clearly making every effort to resume to a level of normality, it appears that the landscape regarding court hearings will be very different for the foreseeable future. In the short term (and indeed possibly permanently) the prevalence of remote hearings, together with the continued trialling of more effective and user-friendly electronic communications technology, will continue to increase.

In terms of the latest position regarding each Court, please see below:

## Supreme Court

The Supreme Court continues to deal with hearings remotely and a practice direction was introduced in April to help facilitate and streamline these. The Chief Justice has noted that situation is likely to continue for the immediate future although the Court will seek to arrange either a full physical hearing or a so-called hybrid hearing (where some only of those involved are in a courtroom) where it considers that the interests of justice so require.

## Court of Appeal

As in the Supreme Court, the Court of Appeal continues to deal with a number of appeals on both the Civil side and Criminal side of the Court on a daily basis. On a typical day, appeals are heard in three virtual courtrooms. The Court of Appeal has

dealt with over 125 appeals since the first remote hearing on 20 April 2020. The Court has been in a position to respond positively to requests for priority hearings and would hope to be in a position to continue to do so. It is intended that the Court of Appeal will sit to deal with appeals during September 2020

## High Court

On 17 July 2020, the President of the High Court, Justice Mary Irvine made a statement which noted that subject to current Department of Health advice and the restrictions necessary to best protect the safety of court users, the High Court is in a position to resume work across all divisions including the hearing of proceedings requiring oral testimony. She noted that the members of the High Court will sit in September to clear the backlog of cases which were postponed due to COVID-19. She also hoped that by the start of October 2020, all High Court courtrooms would be capable of being used for either physical or remote hearings.

The President also provided updates in relation to each of the High Court Lists, details of which can be found [here](#).

## Circuit Court

The Circuit Court continues to sit to deal with urgent matters. All trials and motions lists are on a staggered/time slot basis and parties are requested to attend no earlier than 5 minutes before their allocated time to ensure social distancing is adhered to. Urgent applications can be e-mailed to the appropriate Court Office.

In all cases consideration will be given to dealing with matters remotely where possible and appropriate. The Presiding Judge will decide which cases should be dealt with remotely. A list of all notices containing the latest updates in relation to each provincial circuit can be found [here](#).

## District Court

Urgent District Court matters are being dealt with throughout the country, however parties in non-urgent matters are not required to attend Court until further notice. The list of urgent matters has been expanded to include certain criminal, family and child care law matters.

A list of all District Court notices can be found [here](#).

## Further updates

A full list of the measures implemented by the Courts Service and all new announcements can be found [here](#).

If you have any questions in relation to this update, or would be interested in attending a webinar covering this topic in greater detail, please contact us and we would be delighted to assist.

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