

Dublin Commercial Litigation e-Zine - March 2021

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We have prepared guidance and commentary on recent developments together with some helpful updates which we hope will be of interest to you.

First fully remote trial of plenary proceedings directed by the Commercial Court

In its recent ruling in *IBRC v Browne* [2021] IEHC 83, the Commercial Court has directed that a plenary trial should proceed by way of a fully remote hearing. Provision for the holding of remote court hearings was introduced last August under the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (“the 2020 Act”) and until now many interlocutory applications have been determined by courts sitting remotely. However, O’Moore J’s decision in *IBRC v Browne* represents the first time that the 2020 Act has been relied upon in order to direct a full trial in a witness action by remote hearing.

[Read more](#)

Change on the Horizon: Potential Developments in Civil Procedure

The recently published report of the Review Group established to conduct a review of the Administration of Civil Justice in Ireland is cause for optimism (“the Report”). The Report is extensive and contains in excess of 90 recommendations, the objectives being, amongst others, to improve access to justice, to improve efficiencies in the civil justice system and to reduce the cost of litigation.

[Read more](#)

Court of Appeal permits proceedings struck out on consent to be re-entered into Commercial Court

The Court of Appeal recently upheld a High Court decision to re-enter proceedings settled in 2011 for judgment in circumstances where the Defendants failed to comply with the terms of the settlement agreement.

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High Court Practice Direction 101 - Written submissions in civil proceedings accessible to the public

On 13 November 2020, the President of the High Court issued Practice Direction HC101, which came into effect on 22 February 2021. The Practice Direction permits any member of the public to seek access to the written submissions provided to the court by the legal representatives of parties in civil proceedings, once an order has been made to that effect by the court when giving judgment. The court will not make any order permitting submissions to be made public in cases heard in camera or in cases that are the subject of reporting restrictions.

[Read more](#)

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