

SAFEGUARDING JUSTICE

The Bar of Ireland Policy Newsletter

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A message from the Chair

Welcome to the fifth edition of Safeguarding Justice. Our newsletter seeks to highlight a selection of our advocacy work over the recent months as well as some of our initiatives in the community.

As we navigate immense changes as a society, whether it's the ongoing disruption arising from Omicron, or responding to the environmental crisis, the proper use of the law and the court comes immediately into focus.

However, other priorities must proceed, such as our continued commitment to equal participation in the law as well as our focus on human rights both at home and abroad. Work continues across a range of other areas of law and policy through various consultations - a summary of which is highlighted within. In commencing our new legal year, we were delighted to launch some of our recent public campaigns, including Black History Month in

October, followed by the centenary celebration of the first women called to the Bar in November.

I am immensely grateful to the many members who volunteer their time, knowledge and expertise in respect of all of this work.

I hope you find this newsletter useful and informative. We welcome and invite continued engagement with all interested parties on the issues raised within.

Wishing you a safe and healthy New Year.

Maura McNally SC
Senior Counsel, Barrister
Member of the Inner Bar
Chair of the Council of The Bar of Ireland



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In this issue:

100 Years of Women at the Bar

SBA Spotlight: Comhshaol, Climate Bar Association

Supporting Afghan Female Judges

Human Rights Award

Chair's Conference 2021

Access to Justice Conference 2021

Government Policy and the Bar



Promoting Equality, Diversity and Inclusion at the Bar

Celebrating a Century of Women at The Bar

October 2021 marked the commencement of our centenary celebrations - marking 100 years since the calling of the first women to the Bar in Ireland: Frances Kyle BL and Averil Deverell BL.



Averil Deverell BL photo: © Liz Goldthorpe
Frances Kyle BL photo: Courtesy of School of Law, TCD

We continue to honour and celebrate these women as they paved the way for generations of female barristers and their contribution to the Law Library, the Bench, and wider society. Centenary initiatives at The Bar of Ireland include: a commemorative Bar Review issue, a presidential reception at Áras an Uachtaráin in November, restoration of Averil Deverell's grave, and a public art installation at the Bar's premises on Church Street, Dublin.

[Read more about the celebrations here](#)

The Denham Fellowship

This five-year long programme, intended for aspiring barristers from socio-economically disadvantaged backgrounds, is currently supporting 10 Fellows.

Fellows are provided with financial, educational, and professional support from point of entry to the Barrister-at-Law degree programme at the King's Inns all the way through their first four years of practice at the Law Library, and ultimately in what is sure to be a successful and rewarding career at the Bar. [Hear from some of our current Fellows](#)

Forthcoming Equality, Diversity & Inclusion Guidance

In addition to the Dignity at Work Protocol and mental health supports, The Bar's Equality and Resilience Committee is finalising a number of initiatives to further advance an equitable, diverse, and inclusive community at the Bar, including:

- the **Equality Action Plan**, which aims to address the challenges faced by underrepresented, disadvantaged and minority groups in pursuing a career at The Bar of Ireland. Its priority areas include gender, socio-economic disadvantage, ethnic minorities, and disability.
- the **Equitable Briefing Policy**, which calls attention to unconscious

bias in briefing decisions and encourages gender-equitable distribution of briefs in all areas of practice.

We would be delighted to speak to you about these important initiatives and how they positively contribute to the legal services sector in Ireland.

Disability Inclusion

In an effort to continue to promote the rights and well-being of persons with disabilities, and raise awareness of the situation of persons with disabilities across the legal profession, the Bar was delighted to celebrate International Day of Persons with Disabilities on 3rd December.

In addition to endorsing the launch of the [disAbility Legal Network](#) and becoming a signatory to the Network, the Equality & Resilience Committee, in partnership with the Young Bar Committee, held the following seminars:

- the International Day for Persons with Disabilities panel discussion on 2nd December, in which we looked to promote accessibility within the legal profession for members with disabilities, enhance awareness, and promote diversity and inclusion within the profession.
- the Dignity in Court - Working with Clients and Witnesses with Disabilities webinar on 13th December, which aimed to enhance legal professionals' awareness of the challenges faced by those with disabilities.

Informing and Reforming

Over the past number of months, The Bar of Ireland, through its Council and committees, has submitted independent expert opinion across a range of issues concerning the rule of law and the administration of justice.

Full submissions are available at www.lawlibrary.ie.



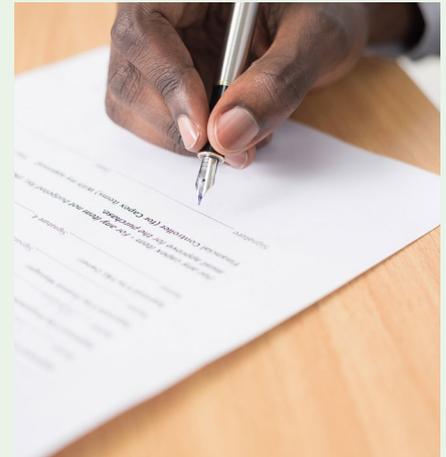
December 2021 | Creation of a New Profession of Conveyancer in Ireland

The Council was invited by the LSRA to make a submission in relation to the creation of a new profession of conveyancer in Ireland. The Council is of the view that such a move is not likely to significantly benefit consumers of legal services, aside from the increased number of qualified individuals able to act in conveyancing transactions. However, there is currently no shortage of such, and it is not clear that this will lead to lower prices for consumers. Further, there is nothing to stop the legislature

from prohibiting the calculation of fees for such a service based on the price of the property, in the same way that the calculation of legal fees cannot be based on the quantum of an award in personal injuries.

Further clarity has also been requested regarding the establishment and need for a supervisory body to set out the appropriate standards for conveyancers.

[Read the full submission here](#)



August 2021 | Courts & Courthouses

The Council supports the Courts Service in its endeavours to bring new technology and modern ways of working to the administration of justice so that it operates to the highest standard for everyone, from vulnerable court users, witnesses and litigants to judges and legal professionals. While the introduction of remote hearings has been of great value in ensuring stakeholders' safety during the pandemic, significant aspects of litigation have been negatively impacted, and it is the Council's view that in-person hearings are essential for most cases. Access to local courts must be facilitated in a manner which can meet the reasonable needs of all citizens.

Recommendations from the Council include to:

- ascertain whether there are enough courthouses in a given district or circuit through an analysis of the geographical location of courthouses

- ensure adequate facilities for users within every courthouse, including bathroom facilities and consultation rooms.
- ensure that the provision of supports and facilities extend to all users of the court, including those with a disability.
- ensure that acoustics generally are central to any courtroom adaption or re-design so that all parties to proceedings can be adequately heard.
- ensure provision of adequate broadband and wi-fi to support remote hearings together with hearing rooms/pods so that participants with inadequate facilities of their own may use such a room/pod to participate in their hearing.

[Read the full submission here](#)

July 2021 | Protected Disclosures (Amendment) Bill

At the behest of the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach (“the Joint Committee”) on the General Scheme of the Protected Disclosures (Amendment) Bill 2021, the Council has prepared this submission, which focused on how the law could be improved from a legal drafting and utility point of view.

The Council emphasised the need to:

- develop a more comprehensive

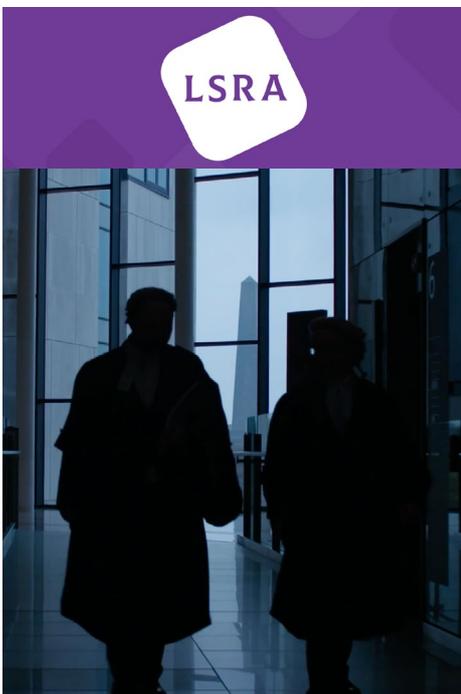
and inclusive definition for the persons entitled to whistleblowing protection.

- provide a clearer definition for the term ‘interpersonal grievance’, as failure to provide such could lead to differing views amongst employers and employees.
- provide greater clarity concerning reporting channels.
- ensure the establishment and

resourcing of a Protected Disclosures Office

- provide legal aid and psychological support to certain persons making or contemplating making a protected disclosure, given the complexity and sensitivity of this area.

[Read the full submission here](#)



June 2021 | Barriers for Early Career Barristers and Increasing Diversity

The Council of The Bar of Ireland prepared this submission at the invitation of the Legal Services Regulatory Authority who were preparing a report for the Minister for Justice on the topic of the barriers for early career barristers and increasing diversity, in accordance with section 34(1) of the Legal Services Regulation Act 2015.

The Council’s submission provides an overview of remuneration of barristers during pupillage; information for prospective pupils/

devils on available Masters; ensuring the quality and standards of the Master/Pupil arrangements; other financial considerations; maternity/ adoptive leave at the Bar; development of an equal, diverse and inclusive culture at the Bar; and challenges for early career barristers in maintaining and building a career at the Bar. The Bar of Ireland is aware of the need for its support in improving equity of access and entry into the legal professions and achieving greater diversity within the professions.

[Read the full submission here](#)

February 2021 | The Smuggling of Persons Bill 2020

In its submission to the Joint Committee on Justice in early 2021, The Bar of Ireland welcomed the Smuggling of Persons Bill 2020 but was of the view that a number of elements gave rise to concerns, including certain proposed provisions that could be open to constitutional challenge if enacted in their current form. Others lacked clarity and were potentially unworkable in practice.

Amongst other issues, the Bill was entirely silent on the rights and

protections of smuggled persons, as well as the identification procedure for smuggled persons. The Council also welcomes the inclusion of bodies corporate and their governors as prosecutable for the offences outlined in the Bill, given the prominent role they play in facilitating the smuggling of people.

[Read the full submission here](#)



Specialist Bar Association Spotlight



CLIMATE BAR
COMHSHAOL

Upcoming Event: Climate Bar Symposium

Fri 21st Jan | 3pm-5.45pm | [Register here](#)

Topics include proposals for a Model Environmental Law, environmental rights, rules of standing, class actions, alternative sanctions and lessons from abroad for a new Environmental Court.

Chairs: The Hon. Ms. Justice Marie Baker, Former Chief Justice, Mr. Frank Clarke SC & Bláthnaid Ní Chofaigh, RTÉ

Climate Bar Association

The [Climate Bar Association](#), chaired by Clíona Kimber SC, aims to act at the forefront of environmental justice and law in Ireland, and to become a thought leader of climate law expertise in Ireland. The Bar Association has three interconnected objectives:

- Pursuing practical green and environmental initiatives within the Law Library and surrounding neighbourhoods.

- Being a think-tank of expertise in environmental law and biodiversity protection for the Irish legal community and for Irish society.
- Enabling members to use their expertise to support NGO's and other litigants to engage in environmental advocacy and litigation where relevant.

Recent events held included the Comhshaol Launch Event, which took

place last July. Its theme was Climate Justice, Clean Water and Litigation, and speakers included Rose Wall (Community Law and Mediation), Christina Leb (World Bank), Mark Thuillier (A&L Goodbody), and Christopher Hughes BL.

Voluntary Assistance Scheme

NGOs and civic society groups working to respond to the needs of vulnerable sections of society during Covid-19, are reminded of the voluntary legal services of The Bar of Ireland's Voluntary Assistance Scheme (VAS). VAS can aid in most areas of law including debt, housing, landlord and tenant, social welfare, employment and equality law. Legal services can either be provided to the organisation itself, or to its clients where the organisation acts as the intermediary.

[Full details of the scheme and how to avail of its services can be found here](#)

Our members also continue to provide pro bono voluntary legal assistance through free legal advice clinics that operate outside of the Bar, including those operated by FLAC and Community Law and Mediation (CLM).



Community Law and Mediation
01 847 7804 or 061 536 100



Free Legal Advice Centres
1890 350 250 or 01 874 5690



Voluntary Assistance Scheme
vas@lawlibrary.ie

The Bar Review

The Bar Review, The Bar of Ireland's journal, contains articles from leading barristers on key developments and topical issues of practical and legal importance, as well as a comprehensive Legal Update detailing pertinent publications, judgments, and legislation.



November 2021 Issue

To commemorate the centenary, this issue pays tribute to women in law through the years and looks at the Bar's efforts to increase diversity and inclusion. Some featured articles include:

- **Trailblazer.** Averil Deverell (1893-1979) was the first woman called to the Irish Bar and led the way for future generations of women lawyers in Ireland.
- **Flexible working: panacea for gender equality?** Will new policies and codes of practice in relation to remote working and the right to disconnect advance employment equality?
- **The situation of Afghan women judges.** Following the return to power of the Taliban, the situation of women who are judges and lawyers in Afghanistan is extremely perilous.

[Read issue](#)

December 2021 Edition

- **The measure of a country.** Ireland's Permanent Representative to the United Nations, Geraldine Byrne Nason, speaks about her career, the value of multilateralism, and Ireland's role on the UN Security Council.
- **Government policy and its impact on the Bar.** A number of policy changes are currently in development, which will likely impact on the Law Library and the work of barristers in Ireland.
- **Climate litigation: challenging Government failure.** As climate cases against governments increase across the globe, recent judgements in the Netherlands, Ireland and Germany point to the emergence of an interventionist trend in the approach of domestic courts to these vital issues.

[Read issue](#)

Recent interviewees:

- **Oonagh McPhillips**, Secretary General at the Department of Justice, on her experience as a female leader, and the Department's work on equality and diversity.

[Read interview](#)

- **Paul Gallagher SC**, Attorney General, on holding office during two major international crises, and the evolution of the law.

[Read interview](#)

- **Lord Sumption**, retired UK Supreme Court judge, on government responses to Covid-19 and where the boundaries should lie between law and politics.

[Read interview](#)



Lucky Khambule, MASI Co-founder, accepting The Bar of Ireland Human Rights Award 2021

Bar News

Government Policy and its Impact at the Bar

Throughout the course of the last decade, the advent of the Legal Services Regulation Act was viewed as one of the biggest disruptors to the legal profession in Ireland. A decade since formation of the new independent legal services regulator was first mooted, a recent survey of members of the Law Library suggested that the majority of members believe that the Legal Services Regulatory Authority (LSRA) has improved standards in the provision of legal services since it was established, but that it is too early to comment on the overall impact of its introduction.

While the impact of the LSRA on the provision of legal services and the profession will take some time to play out, there are a range of other policy matters that are now coming to the fore where the profession will have a significant interest in their development and implementation. This article provides a high-level overview of those policy areas that will undoubtedly impact on the profession in the coming years.

[Read more on Viewpoints](#)

The Bar of Ireland 2021 Human Rights Award

We were delighted to present the 2021 Human Rights Award to MASI, the collective Movement of Asylum Seekers in Ireland in November. MASI, a grassroots organisation that has campaigned tirelessly on behalf of some of the most vulnerable people in Ireland, was recognised for their work with those in Direct Provision, and in the community, advocating for improved legal and social protection, as well as access to State services, including education.



MASI's steadfast campaigning and advocacy stands as a vital reminder to politicians, lawyers and society in general of the importance of human rights, the bedrock of any democracy and rule of law.

[Watch the ceremony here](#)

Chair's Conference 2021

The Bar of Ireland Chair's Conference, **Home and Abroad. Human Rights: Universal Rights?**, took place online this past June, with a focus on the role the courts play in defending human rights and the power of that role.

The first session focused on the home front, with the prestigious line-up speaking to promoting human rights and the rule of law in Ireland. The second day looked to events beyond Ireland's borders with speakers addressing a range of issues, with a general – and worrying – consensus that there is much to be concerned about on the international stage with regard to the rule of law overseas. The final session paid homage to the women who have paved – and who continue to pave – the way in the profession. A panel discussion moderated by RTÉ Legal Affairs Correspondent, Orla O'Donnell, brought together three trailblazers of the legal world: The Rt Hon. The Baroness Hale of Richmond OBE, former President of the UK Supreme Court; Ms Justice Mary Finlay Geoghegan, former Judge of the Irish Supreme Court; and The Honourable Rosalie Abella, Justice of the Supreme Court of Canada.

[Read the Chair's Conference Report in The Bar Review](#)

Access to Justice Conference

In one of his final public engagements before retiring, Former Chief Justice, Mr. Frank Clarke SC hosted an inaugural **Access to Justice Conference** in October, bringing together a wide-ranging number of justice stakeholders and members of the public. A Conference Report will soon follow, together with recommendations and feedback from the plenary and workshop sessions.

The conference addresses delivered by the Chief Justice, and the Minister for Justice, Heather Humphreys TD, [can be read here](#).

Green Street Lecture Series

The Bar of Ireland's 2021 **Green Street Lecture Series** discussed the intersection between law, politics and literature, detailing some of the notable characters, culture, and controversies that defined the Irish State through the years. Some recent lectures include:

- The late **Frank Callanan SC** – *The tables of the law, graven in the language of the outlaw*

Access lecture:

[Youtube](#) | [Spotify](#)

- **Dominic Grieve QC**, former Attorney General for England and Wales – *The Roots and Realities, Legal and Otherwise, of English 'Exceptionalism'*

Access lecture:

[Youtube](#) | [Spotify](#)

- **Hon. Ms. Justice Nuala Butler** – *Already Convicted in Half the Public Houses in Dublin: The Trials of Nurse Cadden*

Access lecture:

[Youtube](#) | [Spotify](#)

- **Patrick Fitzgerald**, Attorney and former US Attorney for the Northern District of Illinois – *Special Counsels: From Watergate to the Russia Investigation*

Access lecture:

[Youtube](#) | [Spotify](#)

Specialist Bar Associations at the Bar

The Bar of Ireland houses a number of Specialist Bar Associations (SBA), each a vibrant hub of activity that facilitates the exchange and advance of specialist knowledge and expertise through conferences, seminars, papers and submissions, promoting members of The Bar of Ireland as a specialist provider of advocacy and legal advice services across a range of practice areas.

[Learn more about The Bar of Ireland Specialist Bar Associations](#)



Irish Justice Community Response to Afghan Crisis

Irish Justice Community Response to Afghan Crisis

Arising from the takeover of Afghanistan by the Taliban in late summer, female judges immediately become marks for attack and retribution. Working with the Irish State, the International Association of Women Judges, as well as the Association of Judges of Ireland, we have now established a model of support around the 10 female judges and their families who have obtained refuge in Ireland.

As part of that community sponsorship effort (based on a Canadian pilot), the Irish legal community are building a circle of support around each of them – with offers of long term independent accommodation, fundraising and professional/collegiate/mentoring support.

[Wish to contribute? Click here](#)



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Government of Ireland



LAW SOCIETY OF IRELAND



ASSOCIATION OF JUDGES OF IRELAND



IRISH RULE OF LAW INTERNATIONAL



International Association of Women Judges

Latest from The Bar of Ireland Podcast



[▶ Listen here](#)

Women at the Bar: Experiences and Lessons from Recent Decades

Sarah Reid BL joins The Hon. Ms. Justice Mary Laffoy, The Hon. Ms. Justice Aileen Donnelly, and The Hon. Ms. Justice Mary Rose Gearty (then Senior Counsel), in a discussion on the experiences of women at the Bar over the last fifty years.



[▶ Listen here](#)

International Women's Day 2021: The Baroness Hale of Richmond DBE

We welcomed former president of the UK Supreme Court, The Rt. Hon. the Baroness Hale of Richmond DBE to a conversation with Emer Woodfull BL.



[▶ Listen here](#)

The Heather Blazing in Conversation with Colm Tóibín and the Hon. Ms. Justice Mary Rose Gearty

Hosted by the Bar's Young Bar Committee and the Law Society's Young Solicitors Committee, The Hon. Ms. Justice Mary Rose Gearty and Colm Tóibín discuss his 1992 novel, 'The Heather Blazing'.

You can find a wide selection of podcasts by searching 'The Bar of Ireland' wherever you find your audio, or directly [here](#).

Get in touch

Find a Barrister

The Bar of Ireland is delighted to announce the successful relaunch of the Law Library website with the newly improved 'Find a barrister, mediator or arbitrator' search tool now front and centre.

The function comprises more search terms and enhanced access to information about barristers' expertise to enable solicitors and clients to identify suitably qualified counsel more easily.

[Visit website](#)



Need a Legal Opinion? Direct Professional Access Scheme

The Direct Professional Access Scheme is a facility for approved bodies and their members to brief barristers directly (i.e. without going through a solicitor) in non-contentious matters.

The scheme does not extend to contentious matters (for example, court appearances) but only legal opinion. Approved bodies include the Oireachtas Committees, Houses of the Oireachtas Commission and Service.

[Learn more](#)

Connect with us

Our Policy and Public Affairs team welcomes the opportunity to speak with you, understand your priorities and clarify any queries you might have. Get in touch!

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