

Chief Justice's Working Group

Access to Justice Conference

1st - 2nd October 2021 | #AccessToJustice2021

This open-access conference will be of interest to members of the public, practitioners, academics and those with an interest in legal and justice matters.

[Register](#)



Oifig an Príomh Bhreitheamh
Office of the Chief Justice



Legal Aid Board
An Bord Um Chúnaimh Díliúil

1st October 2021

09.00-09.30



Introductory remarks

The Hon. Mr. Justice Frank Clarke, Chief Justice

09.30-10.00



Access to Justice: Widening access, removing barriers, improving the process

Heather Humphreys TD, Minister for Justice

10.00



Reflecting on Access to Justice from ECHR and EU Perspectives

Siofra O'Leary, Judge, European Court on Human Rights

10.30-10.45

Break

10.45-11.15



Investing in Justice

Trevor C. W Farrow, Professor at Osgoode Hall Law School and Chair of the Canadian Forum on Civil Justice

11.15-11.45



The Courts Service's Modernisation Programme

Angela Denning, CEO, The Courts Service

11.45-12.15

Closing remarks for day one

Mr. Justice Frank Clarke, Chief Justice

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2nd October 2021 - Parallel Breakout Workshops

08.50-09.00

Introduction to second day of conference

The Hon. Mr. Justice Frank Clarke, Chief Justice

09.00-09.30



Introductory Overview of Unmet Legal Needs

Eilis Barry, CEO, FLAC (Free Legal Advice Centres)

09.30-11.00

Parallel Breakout Workshops A to C

Panellists of all workshops detailed on the following pages.
Attendees may choose one workshop from A to C.

11.00-11.15

Break

11.15-12.45

Parallel Breakout Workshops D to F

Panellists of all workshops detailed on the following pages.
Attendees may choose one workshop from D to F.

12.45-13.00

Break

13.00-13.30

Discussion of key points arising out of workshops led by the moderators

Chaired by Professor Gerry Whyte, Trinity College Dublin

13.30-14.00



Closing remarks for day two

The Hon. Mr. Justice Frank Clarke, Chief Justice and The Hon. Mr. Justice Donal O'Donnell, judge of the Supreme Court and designate Chief Justice

2nd October 2021 - Parallel Breakout Workshop Panels

09.30-11.00 Workshop A:

Awareness and Information

Moderator:

- » **Sinéad Lucey**
Managing solicitor, FLAC (Free Legal Advice Centres)

Panellists:

- » **Michael Owens**
Citizens Information Board
- » **Marianne Cassidy**
Head of Civil Reform-Modernisation Programme, Courts Service
- » **Ray Byrne**
Former Full-time Commissioner, Law Reform Commission
- » **Mark Benton QC**
CEO, Legal Aid BC, British Columbia
- » **Rose Wall**
CEO, Community Law and Mediation
- » **Colleen Dube**
CEO, National Adult Literacy Agency

09.30-11.00 Workshop B:

Access to Justice in Environmental Matters

Moderator:

- » **Professor Áine Ryall**
University College Cork

Panellists:

- » **Karin Dubsy**
Coastwatch
- » **The Hon. Justice Brian J. Preston**
Chief Judge of the Land and Environment Court of New South Wales
- » **The Hon. Mr. Justice Garrett Simons**
Judge of the High Court of Ireland
- » **James Connolly SC**
Chair, Planning, Environmental and Local Government Bar Association

09.30-11.00 Workshop C:

Legal Community Outreach: advancing access to justice through education and awareness

Moderator:

- » **Attracta O'Regan**
Solicitor, Head, Law Society of Ireland Professional Training

Panellists:

- » **The Hon. Mr. Justice John MacMenamin**
Judge of the Supreme Court of Ireland
- » **Katherine McVeigh BL**
- » **John Lunney**
Solicitor
- » **Maura Howe**
Head of Media and Communications, The Courts Service of Ireland
- » **Colin Smith BL**
Adjunct Lecturer, School of Law, Trinity College Dublin

11.15-12.45 Workshop D:

Accessibility of Courts: court procedures and legal representation

Moderator:

- » **Mary Carolan**
Courts Correspondent, Irish Times

Panellists:

- » **Gráinne McKeever**
Professor of Law and Social Justice, University of Ulster
- » **His Honour Judge Francis Comerford**
Judge of the Circuit Court
- » **Gary Lee**
Solicitor, Ballymun Community Law Centre
- » **Turlough O'Donnell SC**
- » **Éamonn Conlon SC**
Solicitor, arbitrator, mediator

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11.15-12.45 Workshop E:

Access to Legal Services for People in Poverty and Disadvantaged Groups

Moderator:

- » **Philip O'Leary**
Chair, Legal Aid Board

Panellists:

- » **Marc Willers QC**
- » **Brian Killoran**
CEO, Immigrant Council of Ireland
- » **Senator Eileen Flynn**
- » **The Hon. Ms. Justice Mary Laffoy**
Chair of Sage Advocacy
- » **Tricia Keilthy**
Head of Social Justice and Policy, Society of St. Vincent de Paul

11.15-12.45 Workshop F:

Equal Treatment in the Court Process

Moderator:

- » **David Fennelly BL**

Panellists:

- » **Robbie Sinnott**
Activist for Human Rights of Disabled People
- » **Fiona Donnelly**
Queens University Belfast
- » **Ms. Justice Mary Irvine**
President of the High Court
- » **Dr. Fiona Donson**
Director, Centre for Criminal Justice and Human Rights, University College Cork
- » **Sinead Gibney**
Chief, Irish Human Rights and Equality Authority
- » **Tamara Lewis**
Employment Tribunal Judge, United Kingdom
- » **Susan Kennefick**
Senior Policy and Public Affairs Advisor, National Disability Authority
- » **Bashir Otukoya**
Assistant Professor, School of Law and Government, Dublin City University

Register for the Conference

Register at:

lawsociety.ie/accesstojustice2021

Follow the #AccesstoJustice2021 hashtag on Twitter for further developments.

@LawSocIreland
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Chief Justice's Working Group on Access to Justice



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Concept Note

Equality before the law is a fundamental principle in a democratic state. To achieve it, there must be access to justice. To that end, a Working Group on Access to Justice has been established by the Chief Justice ('the Group') which currently includes the following members:

- » **The Hon. Mr. Justice Frank Clarke**, Chief Justice
- » **The Hon. Mr. Justice John MacMenamin**, Judge of the Supreme Court
- » **Mr. Joseph O'Sullivan BL**, nominated by the Council of the Bar of Ireland
- » **Ms. Attracta O'Regan**, nominated by the Law Society of Ireland
- » **Mr. Philip O'Leary**, Chairperson, Legal Aid Board
- » **Ms. Eilis Barry**, Chief Executive, Free Legal Advice Centres

The Group recognises the concept of 'access to justice' is broad and multi-faceted which requires a holistic approach and input from all key stakeholders in order to identify barriers to access to justice and work to remove such barriers. The goal of the Group is to contribute to improving access to justice.

As access to justice encompasses so many areas and there are a number of current initiatives which plan to achieve reform in this area, the Group wishes to host a conference to identify the strands of access to justice that will form the basis of its work.

It will also provide an opportunity for groups and individuals with unmet needs to engage in a conversation about what is needed to make improvements.

The conference will have two limbs.

1. Contextualising Access to Justice and Highlighting Existing Initiatives

The first day of the conference will involve addresses by a number of keynote speakers who will highlight the importance of access to justice and the relevant constitutional and European legal principles.

It will also highlight positive initiatives which are planned and underway in the justice sector. For example, a goal of the Strategy Statement of the Department of Justice for 2021-2021 is to improve access to justice and modernise the courts system. Its accompanying Action Plan for 2021 includes a number of actions in that regard, such as a commitment to reviewing the civil legal aid scheme and bringing forward proposals for reform.

The recently published *Review of the Administration of Civil Justice: Review Group Report*¹ ('the Kelly report') chaired by Mr. Justice Peter Kelly, former President of the High Court makes extensive recommendations concerning the overall civil justice system which are relevant to the issue of access to justice.

The Courts Service has embarked on its Modernisation Programme which aims to bring new digital technology and modern ways of working to the administration of justice, making access to justice easier and quicker to navigate, better responding to the needs of court users.

¹Report of the Review of the Administration of Civil Justice (October 2020), available at http://www.justice.ie/en/JELR/Review_of_the_Administration_of_Civil_Justice_-_Review_Group_Report.pdf/Files/Review_of_the_Administration_of_Civil_Justice_-_Review_Group_Report.pdf

2. Workshops to identify unidentified and unmet needs a roadmap to remove them

The second day of the conference will involve a series of breakout workshops which will provide a forum for key stakeholders to discuss in more detail some of the issues affecting access to justice in a number of areas.

Selected panellists in each group will provide short remarks in each session, leaving most of the time for discussion among participants.

The topics of the workshops are:

A: Awareness and Information;

- » Where do people get information from on access to information on the law, their rights and what avenues of dispute resolution are available to them?
- » What are the main barriers to awareness and accessing information?
- » How might barriers be overcome so that people can be made aware of dispute resolution bodies and courts and how to access them.
- » Potential targeting of communities and geographic areas to raise awareness of provide information.
- » Accessibility of legislation.

B: Access to Justice in Environmental Matters

- » Where do people access accurate and reliable information about environmental rights and remedies?
- » What is the current level of awareness of environmental rights and remedies?
- » Barriers to access to justice in environmental matters e.g.:
 - fragmented and highly complex legislative framework;
 - can be difficult to access expert legal and technical advice in a short timeframe;
 - high cost of environmental litigation and uncertainty around the application of the special costs rules;
 - lack of timely remedies.
- Are effective and timely remedies available in the case of threatened or actual environmental damage? Is the current system effective in preventing/remediating environmental damage?
- Significance of current Government proposal to establish a Planning and Environmental Law Court? Insights to be gained from experience in other jurisdictions in terms of specialist environmental courts and tribunals?

C: Legal Community Outreach : advancing access to justice through education and awareness

- » What outreach programmes do the Bar, Law Society, Judiciary, Universities and Court Services currently operate?
- » What does evaluation feedback from participants teach us about these programmes?
- » How do your outreach initiatives foster a relationship between the community, the courts and lawyers?
- » Why is legal community outreach important for the community, lawyers and the courts?
- » Is there scope for a more collaborative and strategic approach to legal community outreach?

- » Does educating students and the community improve access to justice by teaching people about the law, their rights and the dispute resolution process?
- » Do outreach programmes provide diversity awareness and understanding for legal services providers?

D: Accessibility of Courts: court procedures and legal representation

- » Barriers to accessing legal representation (including legal aid system and cost).
- » Barriers to legal participation for litigants in person – intellectual, practical, emotional, attitudinal.
- » Implications for the right to a fair trial under Article 6 ECHR and what can be done to support courts in protecting Article 6 rights.
- » Revision of court procedures.
- » Pro bono legal advice and assistance.

E: Access to Legal Services for People in Poverty and Disadvantaged Groups

- » Does the civil legal aid scheme adequately support the legal needs of persons in poverty and if not what improvements can or should be made?
- » What are the barriers that make it more difficult for persons experiencing poverty or disadvantage to access legal services – fear, lack of confidence, unable to understand the language, concern about legal costs, difficulties physically accessing services, lack of IT skills etc and what can be done to address them?
- » How can disadvantaged groups be better supported in getting legal services?
- » How can NGOs, support groups, statutory bodies and other stake-holders with an interest in or responsibility for legal services work better together for the benefit of persons in poverty and disadvantaged groups?

F: Equal Treatment in the Court Process

- » How do we ensure that the constitutional guarantee of equality before the law is upheld in the day-to-day operations of the justice system, as Irish society becomes more diverse and the needs of different groups of court users must increasingly be taken into account?
- » In ensuring that the court system is accessible to all (in terms of infrastructure, procedure as well as cost), how do we accommodate the needs of different groups, including for example persons with disabilities?
- » How can the public sector equality and human rights duty be embedded in the Irish courts system?
- » What is the role of the judiciary, the Courts Service, the legal profession and other stakeholders in this regard?
- » What lessons can we draw from other jurisdictions? What is the potential role and value of support and guidance for stakeholders – such as an Equal Treatment Bench Book - in promoting equal treatment in the court process?

Register at lawsociety.ie/accesstojustice2021



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