

Some observations from our experience with the Courts; mostly Circuit Court but we have had a number of appeals on point of law in the High Court as well.

- The Courts Service could operate a system of real time online court listings. The technology involved does not need to be complicated and would involve the Registrar marking on the system each time a matter is called, completed, sent to second call etc. It would mean that all solicitors and barristers would know what is going on in each list in real time. It would significantly reduce the amount of time that solicitors have to spend in Court (and reduce costs accordingly) and save Court time being wasted on matters going to second and third call.
- In cases such as statutory appeals involving lay litigants, on the first return date, the Judge could ask if both parties consent to the service of future correspondence and pleadings by email, and if consent is forthcoming, make a direction in those terms. This would result in cost savings for both sides.
- It would be useful if the procedure with regard to enforcement proceedings in the Circuit Courts throughout the country was made consistent; for instance, some Circuit Courts such as Dublin and Kildare assign a hearing date on the issuing of the motion, which is then served on the parties. Other Circuit Courts such as Cork and Louth require a phone call to be made to the Court Office to provide a hearing date, which is then served before the pleadings are filed. Other Circuit Courts such as Galway and Laois assign a call-over date initially which must be attended by an agent and a hearing date applied for, which must then be served upon the parties. This results in parties in those counties being served twice, once with the pleadings and then subsequently with the hearing date. Some Judges have also developed a practice of requiring two affidavits of service in this regard. It would be more efficient if cases that must be heard before a Judge, such as the RTB's enforcement proceedings under section 124 of the 2004 Act, could be allocated a hearing date in the first instance in every Circuit Court, with the parties only needing to be served once.
- The eCourt App was piloted in the Supreme Court in 2016 and was hailed as a success. All cases in Courts throughout Ireland could be conducted using a similar system which allowed for court documents to be uploaded to eCourt and made available on all parties' devices.
- E-filing of court documents is mandatory in countries such as Singapore and the United Kingdom. A similar system in Ireland would save time and money. In addition, the Courts Service website could be updated to make it more user friendly. In particular, it could be extended to include an online Circuit Court search function similar to the High Court so cases can be tracked and solicitors and case parties can check quickly and easily if documents have been filed, orders perfected etc.
- More consistency in the adjournment of civil matters on a peremptory basis would improve efficiency. In some cases, a judge may adjourn a matter on a peremptory basis, only for the party to apply for an adjournment again on the adjourned date, which is often granted.
- More uniformity around the uploading of court lists in advance of hearings would be useful; the system is currently very *ad hoc* and some courts do not put any lists up. Ideally solicitors' offices should be emailed the court date listing if they have a hearing.

- Ensure that third parties such as MacKenzie friends, who have no right of audience, are not permitted to make submissions to the Court. Allowing such parties to make submissions often adds greatly to the length of time that a case takes to be heard.
- Have more uniformity on the proofs required in specified cases as County Registrars differ widely.
- More resources in the court offices as some seem understaffed which means slow turnaround times for documentation and call response rates. Some Circuit Courts only issue the Court Order a number of months after the hearing date. This is prejudicial to any party waiting on an Order in their favour but is particularly prejudicial to the parties to cases involving overholding, as the Court Order must be served upon the respondent before any steps can be taken to instruct the Sheriff to take possession. The applicants in these cases may not be in receipt of any rent pending the taking back of possession of their property.
- In relation to the above point, it would much improve the procedures in Circuit Court enforcement proceedings if there was more consistency in the method of issuing Circuit Court Orders; some Circuit Courts ask that the solicitor draft the Order and send it to the Circuit Court Office; other offices draft the Order themselves and send directly to the parties.
- The sharing of more regular statistical data would be useful; the most recent statistical report is from 2016.
- The Courts Service might consider a regular forum/meeting/process which regular users of the courts could feed into, to ensure that similar cases are being dealt with consistently and court users are aware of high level timelines.
- Allowing motions (e.g. substituted service, renewal or amendment of pleadings) to be listed for the date on which the substantive matter is in Court. This would help to reduce the number of court appearances required for a given case and thereby reduce the lists.
- Better management and scheduling of lists; often the list for a given day is extremely lengthy with no realistic prospect of cases towards the end of the list being reached on the day, however both applicant and respondent still need to attend; if it is the case that a number of proceedings will not be reached, it would assist if the Courts Office could notify the parties the day before, so that solicitors and parties do not attend court and wait for the day for their case to be called, only for it not to be reached.
- On a related point, if a list is not concluded on the day then on the next hearing day the list should commence with matters that were not reached previously. In our experience some matters are continually rolled over into multiple lists before being heard, necessitating multiple court attendances.
- In some cases which are required to be heard before a Judge, such as the RTB's enforcement proceedings, where adjournments are sought, the matter is adjourned into the next callover list rather than the next Judge's sitting; in some Circuits an adjournment to the next available date is six months away which undermines the efficiency of the court process.
- More resources are required in the sheriff's offices around the country. Some Circuits have no sitting sheriff at all or only a part time sheriff which greatly slows down the execution of

Orders. There should also be more consistency and uniformity across sheriffs' processes in different Circuits, with regard to the documentation the sheriff requires in order to execute an Order, the timelines that apply and the fees applicable. There is currently a large disparity between Circuits in terms of timelines and procedures.

- Training should be provided to court office staff on matters such as service outside of the jurisdiction/ transmitting agency piece. There are currently conflicting approaches across Circuits.
- A consultation process with solicitors in the relevant practice area when new Practice Directions are being introduced would allow solicitors to offer feedback and insight into the practical application of the proposed directions.