



LITIGATION AND DISPUTE RESOLUTION

How the COVID-19 Pandemic is Affecting the Administration of Justice in Ireland

by **Shane Neville**

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16th April 2020 | by Shane Neville

In response to the Covid-19 pandemic and the Government of Ireland's restrictions placed on social interactions, the Courts Service of Ireland has adopted significant measures to reduce the number of people attending court, while leaving structures in place to deal with certain urgent matters. Urgent matters include applications or hearings involving criminal law, family law and corporate insolvency law.

The Chief Justice of Ireland recently released a public statement in which he stated that the Courts Service of Ireland is working on an information and communications technology (ICT) system, which it is aiming to roll out by mid-April to facilitate court hearings being heard remotely using video links.

The last court term ended on 3 April 2020 and the next court term commences on 20 April 2020. Temporary measures which have already been put in place by the Courts Service of Ireland to address the Covid-19 pandemic include:

- The majority of non-urgent hearings which were previously assigned a hearing date between 16 March 2020 and 3 April 2020 were adjourned and a new hearing date will be assigned in due course;
- Written judgments are being delivered electronically to the parties and published on www.courts.ie.
- Parties to litigation can use email to make a request for a court order to be made "on consent" if all relevant parties are in agreement.
- The Courts Service of Ireland's administrative offices remain operational, with documents being accepted by post or email only as opposed to physical attendance at such offices. Separate measures are in place to deal with urgent filings. Urgent filings include matters such as where papers need to be filed to avoid a claim becoming "statute-barred".

Remote Hearings in the New Court Term?

The Chief Justice stated on 31 March 2020 that the precise manner in which necessary physical court hearings are conducted is being kept under constant review and measures currently in place are subject to change to reflect the Government of Ireland's guidance.

As already mentioned, the Courts Service of Ireland is currently working on putting in place an ICT infrastructure to facilitate remote court hearings. It is hoped that this infrastructure could be in place by the commencement of the new court term on 20 April 2020. We infer from the Chief Justice's statement that remote hearings might not only be in place for urgent matters but for as many hearings as possible.

It remains to be seen how the remote hearings would work in practice but it is envisaged that parties and legal representatives will be able to make oral submissions to judges via video link. In line with the general constitutional requirement for justice to be administered in public, if remote hearings do come into play, measures will be in place for court journalists and members of the press to be able to watch proceedings.

It is hoped that the new system of remote hearings would be of benefit to judges, practitioners and parties alike, by ensuring that litigation can be progressed safely and reduce the inevitable backlog of hearings when the Covid-19 pandemic inevitably passes.

Parties to proceedings or potential proceedings need to be mindful that, regardless of whether remote hearings materialise, the courts' administrative offices remain operational, albeit with necessary restrictions in place. If necessary, proceedings can and still should be issued during the Covid-19 pandemic to avoid any claim becoming "statute-barred".

For more information, please contact [Shane Neville](#).

To access the Chief Justice of Ireland's statement released on 31 March 2020, please [click here](#).

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