

THE WRIT



Law Society
of Northern Ireland

THE EZINE OF THE LAW SOCIETY
OF NORTHERN IRELAND

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THIS ISSUE

Society named 'Bar of the Year 2024'
in International Award Ceremony

The Future of the Profession
2024 Conference report
and photographs

**Interview with
Dame Brenda King**
Attorney General for Northern Ireland

Lay Observer's Report
How complaints are handled
by the Law Society



Law Society of Northern Ireland

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Foreword

Dear Colleagues

Welcome to the Winter 2024 edition of the Writ. I hope you find the contents interesting, relevant and enjoyable. Since taking up this post I have been reminded how this profession, in the smallest jurisdiction in these islands, can function on a par with our larger neighbours and make such a positive contribution to society. That is down to the commitment and energy of the Society's personnel, from the President, Council, Chief Executive and the Secretariat. One of the aims of the Writ is to inform the members of the extensive activities carried on in their name by these individuals. I hope this and future editions go some way to achieving that.

This publication also highlights the varied charitable and altruistic activities of individual solicitors. These range from the fundraising for BOOM to the selfless Third World endeavours of people like former President Norville Connolly to our new trainees. Such actions enhance the reputation of the profession here and abroad.

It is not all good news for solicitors, of course, as we face into 2025. President Darren Toombs set those challenges before us in his speech at the Council dinner and at the meetings held throughout the year with the Local Associations. Those challenges must, and will be addressed by the incoming President, Council, the Chief Executive and his officers. The Writ will ensure the profession is kept informed of those endeavours. The support of all our members to meet these challenges will be essential.

Finally we open this edition of the Writ magazine with the fantastic news that the Society has won the 'Bar of the Year 2024' Award. This is a significant achievement which should be celebrated by one and all.

Tony Caher
Editor

THE
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Law Society wins prestigious International Human Rights Award



Bertrand Favreau presenting the Award to Darren Toombs

The Law Society of Northern Ireland has been named the 'Bar of the Year 2024' at an award ceremony in Rome.

The Ludovic-Trarieux International Human Rights Prize is the oldest and most prestigious award given by lawyers to fellow lawyers in recognition of their work in defending human rights.

This year Myanmar lawyer Ywet Nu Aung was awarded the Ludovic-Trarieux Prize.

At the same ceremony the Jury of the Ludovic-Trarieux Prize named the Law Society of Northern Ireland 'Bar of the Year 2024' in recognition of the Society's advocacy on behalf of its members and on behalf of the Rule of Law.



Presentation of the Award



President Darren Toombs addressing delegates at the Awards Ceremony



LAW SOCIETY OF NORTHERN IRELAND
"BAR OF THE YEAR 2024"

The Future of the Profession Conference

The Ebrington Hotel and Spa in Derry/Londonderry was the venue for the Law Society of Northern Ireland's **'Future of the Profession'** conference which was held on the 26 & 27 September 2024.

Over 160 members attended the conference to discuss the changing legal landscape, to share lived experiences of being in practice and to explore the future of the solicitor profession in Northern Ireland.

As part of the two-day conference attendees had the opportunity to come together, socialise and catch up with colleagues on Thursday evening at a special dinner addressed by the Society's President, Darren Toombs and the Lady Chief Justice for Northern Ireland, Dame Siobhan Keegan.

The President took the occasion to welcome attendees to the return of the Society's annual conference highlighting its important role in promoting collegiality and providing a platform to examine issues of importance to the profession.

In her address, the Lady Chief Justice reflected on some of the key areas of focus for her judicial colleagues as well as emphasising the important role and significant contribution which solicitors play within the justice sector in Northern Ireland.

The main conference on Friday began early with a busy programme of contributions from speakers on a diverse range of issues dovetailing into the overall theme of the Future of the Profession.

Opening the conference was the Minister of Justice, Naomi Long MLA who addressed delegates on the priorities for the justice system. In her address to conference the Minister spoke of the pressures on the justice system including resourcing and budgetary constraints, the Burgess Review of legal aid, the key focus and priorities for her department as well as recognising the important contribution of the solicitor profession as a community resource in ensuring access to justice through the services they provide to the entire community. In response the President thanked the Minister for her speech and her efforts to address the concerns and

issues affecting the solicitor profession in Northern Ireland.

Following the Minister's remarks attendees' attention turned to the first session of the conference with a focus on **the New Legal Economy**.

The Society's new Head of Policy and Engagement, Dr Patricia O'Lynn introduced the session speakers and themes which included Brian Murphy, Managing Partner, BDO speaking on the Northern Ireland Economic Outlook, Alison Hook, Founding Director, Hook Tangaza Legal Consultancy on The Northern Ireland Legal Economy, and the session concluded with a presentation on Alternative Legal Careers in NI: Who provides them and why are they here? from Lauren McCoy, Managing Director, Citi.

Session two of the conference focussed on: **Running a Successful Practice** and it began with a no holds barred presentation from Gabriel Greene, Director, GMcG on issues surrounding profitability, succession planning, mergers, and acquisitions. He was followed by local solicitor, Andrew Taylor, Director, Anderson Gillan Barr who provided an informative and practical overview on **Modernising Private Practice** with his own personal insight and experiences. Eileen Donaghey, from Donaghey & Chance concluded the session with helpful tips and advice on marketing your practice. Following lunch attendees had the opportunity to attend session three with its focus on **Recruitment and Retention of Talent**. The session began with a presentation from Louise Smyth, Chief Commercial Officer, MCS Recruitment entitled the 'Truth about Talent' in which she provided attendees with her insight on market trends and advice on how best to

maintain, attract and bring in staff to support firms.

Local solicitor, Sara Edge from Edge Solicitors provided an employer's perspective on issues around recruitment and staff in a modern practice and Claire McAleer, Solicitor, Lennon Toner O'Neill provided her perspective on a returner's experience to practice.

The concluding session of the conference was entitled **New Ways of Working** and attendees welcomed Henry Sturm, Head of Research & Insights at Legal Geek who spoke on **Law Tech: The Future**. Jude Copeland, Legal Review Manager with Cleaver Fulton Rankin provided the final presentation at the conference on **Law Tech: Today**.

Drawing the conference to a close, the Chief Executive of the Society David A. Lavery CB took the opportunity to thank the Lady Chief Justice and Minister of Justice for taking time out of their busy schedules to speak at the conference, as well as the numerous contributors who provided their insight on issues of importance.

The Chief Executive also thanked the conference sponsors including WTW / ABL Group / Brown & Brown (Principal Sponsor); OneAdvanced; GMcG; DUAL Asset Underwriting, Kingsbridge Private Hospital and Currencies Direct for their support. He thanked the staff of the Law Society for their hard work in organising this event and the staff of the Ebrington Hotel for their hospitality and support.

In conclusion the Chief Executive thanked those attending for their support in making the Future of the Profession conference such a success.



Chief Executive David A. Lavery joined by the Minister of Justice, Naomi Long MLA and colleagues



Darren Toombs, President of the Society



Head of Policy and Engagement, Dr Patricia O'Lynn



Dame Siobhan Keegan, Lady Chief Justice for Northern Ireland



Gabriel Greene, Director, GMG



Jude Copeland, Legal Review Manager with Cleaver Fulton Rankin



Louise Smyth, Chief Commercial Officer, MCS Recruitment



Panel discussion with (from left): Louise Smyth, Dr Patricia O'Lynn, Claire McAleer and Sara Edge



David A. Lavery CB, Chief Executive

Speech to the Future of the Profession Conference by Naomi Long MLA, Minister of Justice



“I would like to begin by saying how pleased I am to be here for this important and timely conversation.

The environment in which we operate is evolving and it is evolving at pace. Resources are more constrained than ever, technology is advancing, citizen expectations are changing, and it is important that we take stock and collectively and individually consider how best we, and the system, can respond to those challenges.

Collectively and individually we need to do what we can to ensure the system is adroit, agile and reactive and that our mechanisms for delivering access to justice not only provide fair and effective outcomes for citizens but also enable the future viability of the system.

That means each of us looking critically at what we do, how we do it, and how our

practices and processes enhance access to justice. We need to innovate. We need to maximise the benefits of technology and enhance the range of options and tools available to citizens for resolving disputes. We need to ensure the right advice and support is available at the right time, particularly for the most vulnerable, and ensure the long respected judicial and legal talent that has been the cornerstone of our justice system is nurtured and developed, diverse and robust. We also need to ensure resources are directed where they will have the best effect, the biggest impact.

I appreciate that might mean challenging assessments and self-appraisal and equally challenging discussions and decisions, but I am ready to do what is necessary and I know from my discussions, and indeed the theme of this event, that the profession is equally ready and willing to undertake the necessary work and will not shy away from those difficult conversations and decisions.

The issues you will be exploring today are central to the thinking we all now need to do. We need to examine how best to respond to the changing economy. We need to consider how to harness alternative service models and new technological solutions to reduce overheads and maximise resources. In this increasingly digitalised world, we need to examine how best to respond to changing user expectations on how services should be delivered. Digital delivery is not only what users expect, it has the potential to

reduce administrative burden and save time and costs and we should be harnessing it. Refining practice and procedure can also assist. It can reduce effort, costs and aid quicker, better outcomes. We need to critically examine what processes add value and which contribute to the overall outcome for citizens.

We need to nurture talent and build capacity to ensure the right support, advice and representation is available at the right time and those who are supporting the delivery of justice are reflective of our society. Achieving that means taking a proactive approach to succession planning. Training and development models need to build capacity and support inclusivity. We do, of course, need to ensure fair remuneration for work undertaken but custom and practice must also operate to ensure the newly qualified build experience and income, that different areas of practice are equally attractive and rewarding, that career paths are not compromised because of breaks in service. I welcome the exploration of those issues here today and the active consideration already being given by the Law Society to vocational training models.

A robust and enduring profession is critical to a robust and enduring justice system. I am equally committed to delivering that for citizens as I consider how to progress the reform agenda.

Last year I commissioned a programme of work to review how access to justice is enabled across the criminal and civil spheres

including how legal aid does, and can better, contribute. I expect to receive advice shortly on potential options for ensuring the continued availability of quality advice and representation, how we can better meet user expectations in terms of delivery models and how we can satisfy the requirements of good government in terms of transparency, quality assurance and value for money. I know the Society, and many here, have contributed to that work by engaging with officials on the Taxation and registration workstreams, responding to the Call for Evidence for the Fundamental Review of Civil Legal Aid and contributing to the Review of Criminal Legal Aid led by His Honour Judge Burgess. I want to take this opportunity to thank you, and indeed Judge Burgess and others who have engaged, for that essential contribution. A wide evidence basis is critical if we are to effectively recalibrate and ensure the long-term viability of a system that effectively meets the needs of citizens.

Officials are taking time now to analyse and assess the implications of evidence and recommendations. I recognise that looking at reform options across the jurisdictions is no small undertaking, but it is right that we ensure decisions are properly informed and nuanced and linkages and repercussive implications across workstreams are identified and considered. It is also right that having sought input and evidence we take the time to properly assess and weigh what we have heard but I hope to be in a position to continue this conversation and share analysis and to consult on options and a prioritised delivery plan in the near future.

proportionality and responsiveness of the system and in reaching decisions I want to link and build on the good transformative work already in train.

Through the Criminal Justice Board, we have prioritised a programme of work targeted at reducing avoidable delay within the system. That work is being built around five key workstreams to take forward existing work on committal reform, existing and emerging work in the digital arena and to explore other areas such as early engagement, court remits and out of court disposals for potential efficiencies that can benefit us all.

We are also continuing to focus on improving the experience and outcomes for victims of sexual crime and I welcome the significant contribution the members of the Law Society have made to implementation of recommendations of the Gillen Review into serious sexual offences. The pilot for independent legal advice and advocacy to adult complainants in serious sexual offence cases is continuing to deliver real benefits, assisting almost 2,000 complainants since launch with overwhelmingly positive feedback. Many complainants have said that without a SOLA, they would not have remained in the justice system. I am grateful to the dedicated solicitors delivering this service and pleased to advise plans to launch an equivalent service for children and young people are well advanced. I also plan to legislate to provide for in-court representation

by SOLAs for complainants at hearings of specific pre-trial applications. My Department has engaged with stakeholders to seek their views and will publish a public consultation paper on the matter very soon. Input from the Law Society on these proposals is particularly welcome and it has been encouraging to learn of the involvement of the Society as a key partner in ongoing work on the disclosure process. I would also like to record my thanks to the members of the Society who have contributed to the development and operation of the judge-led voluntary protocol to expedite serious sexual offence cases involving children under 13. There has been a 70% reduction in the average time taken between reporting the crime and court disposal for protocol cases and it is extremely positive that the same principles have now been extended to complainants aged under 16 across all courts. Surely an example of how collectively justice system partners can refine and recalibrate processes and supports to deliver better outcomes.

It is that approach I am seeking to replicate in the reform programme and business transformation and IT modernisation is of course another key area where it can bear fruit and where we are already making good progress.

I am pleased to note a Delivery Partner has been appointed to the Themis transformation programme being taken forward under the NICTS Vision 2030 Portfolio. This work represents major capital investment to improve the experiences of both service users and the legal profession, NICTS staff and the judiciary across the Criminal, Civil, Family and Tribunals jurisdictions. Through the programme we will incrementally roll out a new operating model to replace our existing disparate, aging digital line of systems, to provide secure, easy to use online services that will facilitate self-service and case tracking by service users and the profession. Input from the profession will be essential to informing NICTS' new ways of working and the digital solution itself and we will continue to involve you and other key stakeholders throughout the design and implementation period. I recognise that some of that work also chimes with themes under discussion here today and welcome the opportunity to continue to engage and listen".



Tim Logan, Private Secretary to the Minister (left) and Hugh Widdis, Permanent Secretary of the Department of Justice.



Interview with Dame Brenda King, Attorney General for Northern Ireland

It was a very pleasant experience to be ushered into the office of the Attorney General for Northern Ireland, Dame Brenda King, to be met by a welcoming down-to-earth and very open woman who fills the highest non-judicial office in Northern Ireland. With the stunning view of Belfast city centre rooftops and the vista of the Antrim Hills in the background, the Attorney General set me at ease immediately and spoke with great frankness, humour and informality covering her background, her progress to this position and the myriad duties and functions that she has to undertake.

Northern Ireland has the benefit of being a small jurisdiction with all its leaders and major officeholders rooted in the community. That ensures that these individuals are in touch, not only with their peers, but all strata of society in this community. The current Attorney General demonstrated this empathy and insight during my interview with her.

Ms King spoke with great fondness of her formative years living in south Belfast and attending secondary school in Ballynahinch. It became apparent early on that she was a gifted student with great writing skills and was put forward to enter a writing competition which led to her securing a prize in the

Observer Whitbread National Essay Award in 1981. The result was an eye-opening trip to China at a time when very few western travellers had made that journey, never mind a 16 years old student from Northern Ireland. Remember that Richard Nixon's earthshattering visit had taken place a mere nine years beforehand.

Although she had no family connections in the legal profession, the Attorney General thought that a law degree offered her a wide range of career prospects which could accommodate her skills and ambitions. She commenced her law course at Queen's University Belfast in 1982 graduating in 1986. She realised that she wanted to pursue a career as a solicitor upon graduation and took up an apprenticeship in the office of Kieran Trainor Solicitor in Belfast. Her appetite for international law was further whetted when she obtained a scholarship to attend the University of South Carolina where she carried out research in Public International Law. After she concluded that research she returned to Northern Ireland commencing employment as an assistant solicitor in Mr Trainor's office. Her duties took her to the coalface in the magistrates courts, county courts and benefits tribunals. She attributes that experience to her subsequent ability to manage a busy office and also to appreciate the demands

and difficulties faced by High Street practices and to support the services they provide to marginalised and vulnerable sectors of our community.

In 1989 she secured a further scholarship to undertake a Master's degree in Cambridge University, specialising in International Law and European Law. Having obtained that qualification she returned to Northern Ireland and took up the position of legal advisor in the Northern Ireland Office. Subsequently she joined the Northern Ireland Civil Service and rose through the ranks there..

In 1994 she became Senior Assistant Legislative Counsel and in 1997 she filled the role of Legal Advisor in the Foreign and Commonwealth Office providing legal and diplomatic advice to the government of Gibraltar. In 1998, with the signing of the Good Friday Agreement she returned to Stormont as part of the team to implement that Agreement and establish the Northern Ireland Assembly and north/south institutions. In 2012 she became First Legislative Counsel – Head of the Office of the Legislative Counsel- the office responsible for drafting and advising on primary legislation for Northern Ireland in almost every area of law. From 2017 to 2019 she was President of the Commonwealth Association of Legislative

Counsel, a body representing legislative counsel in 53 countries and 92 jurisdictions worldwide. She was delighted to see Brian Speers elected as President of the Commonwealth Lawyers Association, making it a double first for Northern Ireland!

In 2020, having established her reputation with local and Westminster politicians as a lawyer with superlative drafting skills as well as achievements in the diplomatic sphere, she was appointed Attorney General for Northern Ireland, the second successive holder of the Office not to be a politician sitting in either Stormont or Westminster Parliaments and the first to be appointed directly from the Civil Service. The following year she was appointed Dame Commander of the Order of the Bath for her previous service to constitutional law as First Legislative Counsel.

When asked to summarise the duties and responsibilities of the Office of the Attorney General Ms King spoke with great pride of the work she and her small staff carry out. The principal statutory and constitutional duties she and her office perform are impressive. The general public, including many members of the legal profession, may not be aware of the totality and significance of these duties. This article cannot accommodate all of them in the space permitted, but they may be briefly summarised as follows:

The Attorney General is the chief legal adviser to the Northern Ireland Executive and attends Executive meetings. Although she is appointed by the First Minister and deputy First Minister the Attorney General is statutorily independent of those Ministers and all Northern Ireland Departments. During her term she has established and has maintained good relations with all the major political figures from all the main parties here. She is delighted to see the return of the Executive and the Assembly and is confident that the organs of government are working well at this time.

In addition the Attorney General must scrutinise legislation to determine if any provision falls outside the competence of the Assembly. She may assist a court that is dealing with issues central to the interests of the devolved administration. She may enter an appearance in those proceedings and make written and oral submissions to the court. Similarly where a declaration of incompatibility under the Human Rights Act 1998 is sought or compatibility of subordinate legislation is being considered by the courts

she may participate in those proceedings. In matters of litigation in which she has advised, the Attorney General may act on behalf of the Executive. The profession will be familiar with the Attorney General's significant function viz a viz inquests. She may direct a coroner to conduct an inquest into the death of a person pursuant to the Coroners Act (Northern Ireland) 1959. Though the Attorney's role in relation to "Troubles" related inquests ended on May 1st, her role in relation to other inquests continues.

Readers will probably be aware of her powers to bring contempt proceedings in respect of activities which may interfere with the administration of justice, usually in the context of active civil or criminal proceedings. Her warning about the dangers and consequences of inappropriate comments on social media earlier this year was given considerable publicity at the time.

As indicated earlier the Attorney has numerous functions which this article cannot cover. These

include roles in relation to guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards, charities and vexatious litigants, powers to intervene in relation to proceedings under The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 and the Presumption of Death Act (Northern Ireland) 2009. There are many more but the two that struck this writer as significant are; First the role of the Attorney General in appointing the Director and Deputy Director of Public Prosecutions (and to convene a tribunal for dismissal if necessary) and second, the Attorney's role under The Mental Capacity Act (Northern Ireland) 2016. The Act imposes a number of duties on the Attorney who tells me she currently deals with an average of 25 deprivations of liberty authorisations a day!

Tony Caher



Dame Brenda King, Solicitor General Sarah Sackman KC MP and Attorney General Lord Hermer KC

Despite a stellar career in the civil service and the duties she currently carries out, Ms King makes time to support in every way possible the profession and its governing body, the Law Society. She was a committee member of the (NI) Solicitors European Group and a member of the Young Solicitors Association. She has been a participant in the Society's Mentoring Programme. She attends Society functions as a speaker, most recently the Council dinner.

She was very pleased to be the first solicitor to be appointed as Attorney General for Northern Ireland. The profession, in turn, is proud to have Ms King, a member of this profession, at the top table with the devolved government and filling the role of supporting, promoting and maintaining the Rule of Law with such consummate skill.

ADVANCED ADVOCACY COURSE 2024

The 21st Advanced Advocacy Course run by the Law Society of Northern Ireland in conjunction with the US National Institute of Trial Advocacy (NITA) concluded on Friday September 6th with the award of 26 Certificates in Advanced Advocacy to those solicitor advocates who successfully completed the Course. Each of them had completed an Evidence module in the late Spring and the practical advocacy programme throughout the week commencing September 2nd.

There are now over 500 solicitor advocates who have achieved this qualification since the first Course in 2000. Those readers who have participated in the interim will know how beneficial the Course has been to their professional development. Over the years it has received unequivocal praise from all who have been connected to it in whatever capacity. This year's Course, which took place in Law Society House in place of the Institute of Professional Legal Studies, was as successful as ever according to the delighted participants with whom I spoke at the Awards Dinner in the Hilton Hotel.

For those unfamiliar with its format, the Course provides expert tuition in the Law of Evidence. This is delivered by the local faculty. Provided the participants pass a written test on that subject they become entitled to commence the September Advocacy practical module. That requires participants to engage in role plays of advocates in a mock trial group setting. They demonstrate Evidence In Chief, Opening Statements, Cross Examination and Closing Statements on case files that have been adapted from real cases.

The performances are then critiqued before the class with the purpose of providing an example of enhanced technique for the future. The critiques are never undermining. The mock trials and the critiques are sometimes fun, always stimulating and, without doubt, a great top up in a solicitor's education. The skills learnt are transferable to all lawyers'



Advanced Advocacy Working Group with NITA colleagues

interactions with others, not just in a court setting. Advocacy is the art of persuasion and none of us can be satisfied that that skill cannot be enhanced in our professional lives.

Participants are drawn from all sectors of the profession; large commercial firms, public service, the not for profit sector and small and medium sized main street practices. Lay witnesses are drawn from the profession itself while the professional witnesses were actual doctors. The local faculty is made up

of experienced practitioners and judges and are led in each class by a visiting tutor from NITA. This year NITA provided, as always, a team of highly experienced judges and practitioners, namely, Programme Leader Doris Cheng (California) Monique Carter (California), Zol Rainey (Virginia) and Christopher Whitten (Arizona). Their dedication to advocacy training in this tiny jurisdiction is unstinting. All of them have busy professional commitments yet find time to travel here for a week to share their expertise.



Maria McCloskey welcoming attendees to the first day of training



Congratulations to the Advanced Advocacy Class of 2024



NITA colleagues

In addition to the US and local faculties this year, the Course benefited from the participation of two well-known local media celebrities, Donna Traynor and Ronan Kelly. They taught presentation skills throughout the week. The Society is also indebted to the Lady Chief Justice for permitting the Advocacy Working Group to avail of four courtrooms in the Royal Courts of Justice for the final day's mock trials before four current judges. Many thanks go to Mr Justice McAlinden, Mr Justice Kinney, Her Honour Judge Smyth and Her Honour Judge Bagnall. All of them have crowded calendars and yet each found time to devote a half day to this exercise.

A final word of thanks must go to Maria McCloskey in her first year as Chair of the Working Group and her team who made this year's Course such a success. I know that preliminary steps are in hand for 2025. All firms, large and small, and all public bodies and private companies should ensure their members, associates and employees are given every opportunity to avail of this opportunity.



Council Dinner 2024

Members of the judiciary, legal profession and invited guests attended the Law Society of Northern Ireland's Council Dinner which took place at the Culloden Estate and Spa on 12th September 2024.

In his keynote speech to attendees the President of the Law Society of Northern Ireland Darren Toombs, took the opportunity to review those issues of importance affecting members and the Justice system.

Having welcomed the announcement of an independent public inquiry into the murder of solicitor Pat Finucane, the President commented on the return of the Northern Ireland Assembly saying:

"It is notable that I am the first President in three Council dinners to speak with an Assembly back up and running. Whilst of course that is most welcome, many here will have been disappointed to learn this week that the Executive only had nine priorities and not a tenth one when announcing their Programme for Government.

Not one of the nine priorities explicitly mentions Access to Justice, nor directly the Rule of Law, at a time when the Chief Constable has highlighted an urgent need for greater funding for policing, when prisons are facing enormous pressures and whilst the legal profession in Northern Ireland is awaiting sight of the Burgess Report into criminal legal aid".

Commenting on the Burgess Review and Report the President said:

"As part of the Law Society's input to the Burgess Review and Report, we submitted a research report on 'The Viability of Criminal Legal Aid Practice in Northern Ireland' by the Hook Tangaza consultancy. The report presents compelling evidence of the parlous state of this cohort of firms and makes clear that they are most unlikely to survive unless they can return to profitability through an immediate uplift in criminal legal aid fees. Without this supplier base the criminal justice system in its current form will become inoperable. Instead, the simple fact that solicitors will not do unprofitable work will mean that there will



President Darren Toombs

be no solicitor attending at a PACE interview, nor turning up at a fifth review mention in a composite fee case.

Immediate reform and at least interim relief are something which I believe require the Minister's urgent and immediate attention, failing which we are at a tipping point beyond which there may well be no recovery."

The President also took the opportunity to reflect on the issues surrounding the National Minimum Wage at the beginning of the year:

"The National Minimum Wage issue and how it applied to trainees has certainly been a painful experience for us all, but it has thrown up an opportunity for learning and review.

The Society is using the opportunity and the learning and has listened to the membership at local association meetings and at the Special

General Meeting and will in the coming weeks issue a consultation to all members on the future of solicitor training and admission to the profession.

The Society's Professional Development Department has already sought initial views, as have I when out on my President's tour of all 15 local associations. We have had pre-consultation meetings with several stakeholder groups in an effort to inform the consultation exercise. It is apparent that although we have successfully onboarded 150 trainees in the 2024 intake, there is general agreement that a one size fits all method for training and entry to the profession does not in fact fit all.

In addition to our traditional model, it seems clear to me that we need an ability to part-time qualify. We also need to look to the initiative, commenced just this month by Ulster University, who have introduced a modern



apprenticeship to law degree level, funded by the Department for the Economy, for A level school leavers. I wish to thank the firms who have involved themselves in this most welcome scheme.

Accountants and many other professional service professions have modern apprenticeships, from school leaver to full qualification in the profession. I see no reason why we ought not have a similar route here in Northern Ireland. I am encouraging both local universities to come to the Society with proposals in that regard. An ability to earn and learn without the enormous burden of fees must be attractive to many school leavers. Many colleagues have suggested that we may have abandoned the old clerking route into the profession too quickly. A structured Returners' Programme would undoubtedly be beneficial. This is all the more important when we have empirical evidence of 50% of qualified solicitors leaving private practice after 5 or 6 years qualification. As a Society we have tried to lay some groundwork for this by reintroducing the rebate on insurance premium for part-time work."

In his speech the President also spoke about issues of importance for the future of complaints' handling and the Society's planned response saying:

"Something that has been looming on the horizon for us all since the report of Sir George Bain almost two decades ago, is the coming into operation of the Legal Complaints and Regulation Act 2016. This will mean that complaints against solicitors and barristers will no longer be dealt with by their respective bodies but by independent committees, which for the first time will have a lay majority.

The Act as drafted, will give powers to levy awards of up to £5000 for loss, distress and inconvenience, but more worryingly gives a power for an award of up to £5000 for loss suffered through a solicitor or barrister's negligence. The Society and the Bar have recently met with the Minister, expressing serious concerns as to the workability of the legislation, as intended, if the negligence provision comes into force.

Whether or not the legislation is enacted in full despite our protestations, remains to be seen, but the Society stands ready to roll out a full awareness and education programme for members in the coming months. It is envisaged that by the start of the Legal Year September 2025, solicitors and barristers will



Colin Mitchell, Junior Vice-President



Dame Brenda King, Attorney General for Northern Ireland



The Presidential Team at the Council Dinner. From left: Brian Archer, Senior Vice-President, Darren Toombs, President and Colin Mitchell, Junior Vice-President

need to stand prepared and ready. Fortunately, any member with a robust client complaints' process and more importantly, who engages it properly should a complaint arise, is already several steps ahead with preparation."

Commenting on the return of the Stormont Assembly the President said:

"On a more positive note, the return of the Stormont Assembly has enabled not only evidence sessions with the Justice Committee to take place but importantly we have seen the formation of an All-Party Group on Access to Justice, chaired by Stewart Dickson of the Alliance Party. Already several useful meetings have taken place.

Ahead of the recent election, the Society lobbied widely with our latest edition of our Justice Agenda and our Policy and Engagement Team is currently working on outreach projects for political party conferences to spread the Society's message on issues directly affecting the Rule of Law and most importantly Access to Justice.

The Society continues to run a highly successful mentoring scheme for young solicitors. The

Advanced Advocacy Course has also been relaunched after several years absence due to Covid. I recently attended four mock trials in the Royal Courts of Justice where I was pleased to see colleagues give of their time as trainers and adjudicators, as witnesses in trials, and as presiding judges. I could see that they were enjoying the experience just as much as those being taught and there was a real sense of not just enjoyment but fulfilment."

The President ended his speech reflecting on the changing legal landscape saying:

"Over the last while the Society has increasingly come to realise that the legal world is markedly different today from what it was when the members of our governing Council entered the profession. This realisation is causing us to review how we discharge each of our four principal responsibilities whether that is Education, Regulation, Representation or Supporting our members.

We shall be taking stock of the progress we are making in this important task when we meet later this month in the Ebrington Hotel for the Society's Conference on the Future of the Profession."

Lay Observer's Annual Report

A continued positive trend in how complaints are handled by the Law Society of Northern Ireland

In June the Society welcomed the publication of the [Lay Observer's 2022/23 Annual Report](#) for Northern Ireland. This is the sixth report published by Marian Cree (Legal Services Oversight Commissioner) in her capacity as Lay Observer for Northern Ireland.

The Lay Observer oversees the complaints handling system in place for the Solicitor profession in Northern Ireland, investigating complaints from clients who have exhausted the complaints process with their Solicitor, and thereafter, with the Society.

The Lay Observer praises the willingness and commitment by the Law Society to continue to improve the complaints process and welcomes the bespoke Client Complaints CPD Series to promote effective complaints handling within the profession.

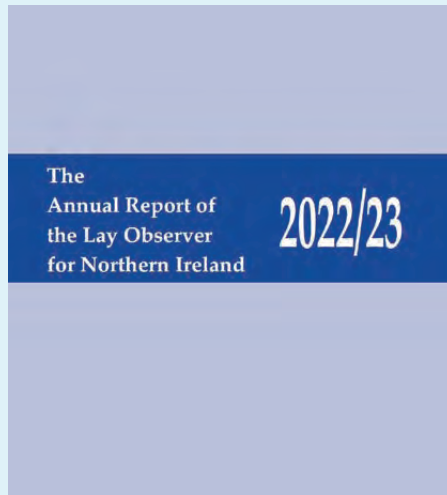
In her report she comments that the level of complaints against Solicitors in Northern Ireland remains very low, which is testament to those within the profession who are involved in large volumes of client transactions each year.

The Observer highlights three key areas for improvement which practitioners should be cited on:

1. Costs

The report notes that:

"Solicitors not providing estimated costs at the outset of business with their clients was yet again a key issue... something as important as costs should be provided up front and set out in layman's terms, with clear English explanations on potential reasons for changes."



The Society reiterates the importance of providing clear and accurate information on costs. This is in accordance with the Solicitors (Client Communication) Practice Regulations 2008, Regulation 4 alongside Schedule 3. Clear communication on costs throughout a case can prevent unnecessary complaints being submitted at all levels.

2. Failing to consider in-house complaints

The report notes *"this issue has appeared every year in my Annual Report as an area of concern, yet is still a dominant feature of the complaints analysis."*

There are professional obligations contained within the Solicitors (Client Communication) Practice Regulations 2008, Regulation 5 alongside Schedule 5 with regards to responding to in-house complaints. It is necessary that every client who follows the in-house complaints process is afforded a clear and considered response in writing. Failure to do so expends resources and quite often complaints could be resolved at an earlier stage without the involvement of the Society and Lay Observer.

3. Use of Inappropriate Statements

The report notes *"a worrying issue related to statements by a few Solicitors of their intention to engage legal representation*

against the Complainant...a threat by a Solicitor to sue a client for making negative comments about them is unacceptable and sends the wrong message to the public."

The Society has delivered recent CPD webinars including "Engaging with the Lay Complainant" and "Dealing Effectively with In-House Complaints" to assist the membership in appropriately addressing the complaints process, even where complaints may become contentious.

Commenting on the report, Laura McCullough, Head of Professional Conduct said

"The Lay Observer's report reflects positively on the work of the Society, the staff within the Professional Conduct Department and the Client Complaints Committee led by Mr John Guerin."

Whilst the number of client complaints considered within the reporting period is low, there are three areas of improvement identified which I would urge practitioners to familiarise themselves with. Unfortunately, these are also areas noted by the Client Complaints Committee as recurring themes. I would encourage everyone within the profession to review the contents of the report paying particular attention to the key issues identified."

Charting the Future: ABL Group Transitions to Brown & Brown

By **Shauna Graham**

Managing Director, ABL Group

Part of the Brown & Brown team

As both the legal and insurance industries face ongoing changes, professionals in these fields must be prepared to adapt and evolve. ABL Group, a respected name in insurance brokerage and risk advisory in Northern Ireland, is doing just that as we prepare for a transition of our own. In January 2025, the company will rebrand to Brown & Brown, a forever company.

Continuity Amidst Change

While the upcoming rebrand introduces a new name, the essence of ABL Group's operations remains unchanged, and indeed, we have been operating as part of the Brown & Brown team since our acquisition in July 2022.

Our firm has built a reputation for quality service, which will continue under the Brown & Brown banner. The rebrand is part of a strategic move to align with a larger global entity, but it does not alter our foundational commitment to our customers.

Continuity is especially important at a time when many industries, including the legal sector, are facing rapid changes with new and emerging risks. This change is about enhancing what ABL Group already does well. So, customers can expect the same level of personal service from knowledgeable teammates.

New Opportunities with Brown & Brown

Brown & Brown brings new opportunities for both our company and our customers. Brown & Brown is one of the world's leading insurance intermediary groups, and this partnership provides ABL Group with access to a broader range of resources and expertise.

Training and Development: One of the critical benefits of our evolution is the enhanced training opportunities for teammates. Brown & Brown offers extensive professional development programs, allowing ABL Group's team to stay ahead of industry trends and best practices.

Expanded Network of Insurer Partners: Another advantage of the rebrand is the access to a broader array of insurer partners and an even greater level of buying power. This expansion means that we can now offer more tailored and comprehensive insurance solutions, meeting increasingly complex customer needs and helping to mitigate emerging risks.

Local People, Powerful Solutions: Although we will benefit from Brown & Brown's global resources, the firm remains committed to maintaining its local focus. The combination of global capabilities and local knowledge positions the company to serve its customers with a level of expertise that is both broad and deep.

The Power of Collaboration

A significant aspect of our transition to Brown & Brown is the emphasis on collaboration, as signified by its brand words 'The Power of WE'

Brown & Brown's approach to business is rooted in the idea of collective success, where teamwork and shared knowledge are the key drivers. This collaborative ethos is something that will be increasingly integrated into ABL Group's operations.

For customers, this means that their needs will be met by a team that is not only highly skilled but also works together seamlessly to deliver the best possible outcomes. The collaborative culture within Brown & Brown supports a work environment where teammates are encouraged to share insights and strategies, ultimately benefiting the customer.

Looking Ahead

We have already integrated our systems and teams into the Brown & Brown family however the rebrand in January 2025 is more than just a name change; it represents a strategic step towards our future.

While the legal profession continues to adapt to its own set of changes, the evolution of ABL Group/Brown & Brown serves as a reminder of the importance of preparation and adaptability.

With the support of our global team, we are well-positioned to continue delivering high-quality service to our customers, both now and in the future.



BOOM FOUNDATION

The only charity in NI dedicated to supporting those affected by sarcoma cancer

Our Mission

To support and provide information to sarcoma patients and their families in NI

To increase knowledge and awareness of sarcoma cancer in NI

To fund high quality research projects through our partner charity, Sarcoma UK



What we do

We fundraise

We listen and we learn so that we can provide the right support

We offer practical support to sarcoma patients and their families

We run NI's only Sarcoma Support Group

We fund research projects through Sarcoma UK to strive for the best possible care

We work alongside the leading health professionals and have a unique patient referral system

What is sarcoma?

Sarcomas are rare cancers that develop in the muscle, bone, nerves, cartilage, tendons, blood vessels and the fatty and fibrous tissues

Sarcomas fall into three broad categories:

- Soft tissue cancers
- Primary bone cancers
- Gastrointestinal stromal tumours

There are around 100 different sub-types of sarcoma

Sarcomas make up 15% of all childhood cancers and 11% of all cancer diagnoses in teenagers and young people (15-24 years)

How do you help?

Your £ goes....

50p to **vital research**



50p to **support those in NI affected by sarcoma**



Tel: 075 4089 6470 www.theboomfoundation.co.uk

info@theboomfoundation.co.uk Search: Boom Foundation

Going that extra mile for the BOOM Foundation

In June over one hundred and fifty members of the legal profession in Northern Ireland joined colleagues for the Legal Walk / Run through Belfast City Centre in aid of the **Boom Foundation**.

Participants from the legal profession including solicitors, barristers, Judiciary, and support staff, set off from outside the High Court in Belfast for the 5k walk/ run to the Titanic Centre and back again.

The now annual charity event was organised by the Law Society in support of the Boom Foundation, a local charity dedicated to supporting patients with Sarcoma in Northern Ireland.

Harbinson Mulholland Chartered Accountants showed their ongoing support to the legal profession by sponsoring the Legal Walk / Run.

Commenting the President of the Law Society, Darren Toombs said:

"Once again members of the legal profession have stepped up in support of the Boom Foundation - our charity of the year - and I am delighted that so many joined us in making the Legal Walk / Run such a success."

"Thank you to the Lady Chief Justice and members of the Judiciary for their ongoing support and participation in the event also."

Leona O'Neill, Chair of the Boom Foundation said;

"Thank you to all who took part in the Legal Walk / Run 2024. The money raised will make a huge difference in supporting patients with Sarcoma and their families in Northern Ireland"

Over £5,000 was raised from the Legal Walk / Run 2024.



Fiona Kirkpatrick from Tughans as the first female runner completing the run



President Darren Toombs with Leona O'Neill, Chair of the BOOM Foundation



Congratulations to the first three runners back at the Legal Walk / Run 2024

When is Mediation not Mediation?



Brian Speers
Solicitor, Mediator

Mediation has evolved over several decades. The process of mediation has been well established and the principles of mediation have been endorsed by many training providers and academics. Analysis would suggest that mediation when conducted according to the established model produces successful outcomes for parties with disputes.

The “traditional” model of mediation involves a concept of voluntariness on behalf of the parties and, while a flexible process, the parties should be made to feel part of the process. The involvement of the parties directly in discussions is a critical distinguishing factor from litigation. In litigation the parties can often feel spectators to the litigation process conducted on their behalf by their legal representative and adhering to procedural rules set out in detail in Rules of the Supreme Court and the “Whitebook”. Litigation is understandably formal to provide an agreed process for ensuring that evidence is provided to a Court fairly and in accordance with established rules. These Rules refer to the obligation of parties to come to Court only when other resolutions have been tried but have not succeeded.

The system in Northern Ireland remains an adversarial system with a party alleging a grievance being required to prove their case and to adhere to the strict procedural rules and rules of evidence.

While settlements are common these are often achieved by joint consultations or by legal representatives meeting and tentatively edging towards a resolution.

In the mid-1990s, and continuing to the present day, there has grown an expectation that parties will have engaged in some form of dispute resolution. This has been encouraged in various Civil Justice Reviews (the *Campbell* and the *Gillen Review*). Practice Directions have been updated and changed and contain language indicating that the Court expects parties to have made every attempt to have resolved their dispute including by the use of mediation.

Mediation training has been provided and many colleagues have experienced that training and have used it to develop their interest in being mediators or in improving their ability to advise clients involved in mediation. The mediation model which I would refer to as “traditional” or “classic” mediation (it is in fact just mediation) involves broadly a facilitative approach whereby the neutral mediator, without any conflicts of interest, listens to the parties, understands their issues and helps to identify solutions that might be acceptable. If such solutions are found, then they are written up in a Settlement Agreement which can be made a rule of Court if required or appropriate.

The “traditional” model envisages the parties meeting together in one room for an opening meeting. At that meeting the mediator would explain the objectives of the day, clarify her or his neutrality and experience and would encourage all present to be willing to explore options for resolution.

The opening meeting in a “classic” mediation involves an invitation to each party to speak, maybe expressing, in their own words, how the dispute arose and how what has occurred has affected them. It gives each party an opportunity to speak directly to the opponent. This can often be the moment where a party feels they have “had their day” and is a hugely useful part of the process enabling progress to be made later in the process when the mediator meets privately with the parties. Of course, there will be a few disputes where the parties meeting face to face is not helpful, and this concern can be identified in the preparation a mediator makes before

the mediation day. Mediation can flexibly accommodate individual arrangements for specific disputes.

After an opening meeting the mediator in traditional mediation would privately meet each party and their advisors. The mediator will engage with the party directly - it is after all their dispute. The mediator would often try and get to know something of the party and if applicable their business or relationship with the other party. The mediator will be using the initial private meeting to build trust, to show understanding and to gain information that might be relevant to a proposed solution.

Certainly, the early exploratory meetings can yield much information of value to the resolution.

Later individual meetings allow the mediator to stress test or “reality test” positions being maintained by the parties. The mediator can play “devil’s advocate”. Those exchanges can be, and often are, robust and the mediator must be cautious to ensure that they stay on the right side of neutrality while exploring with each party alternative viewpoints to learn the party’s response and reaction.

It is prudent for a mediator to engage with the legal representatives to understand from them in the “Without Prejudice” setting that



is mediation what difficulties they have and where they would see the opportunity for resolution occurring. Sometimes mediators will meet with the legal representatives on their own, but it should always be remembered that it is the party who is the focus of a mediation. There are disputes in the writer's experience when a party has said they wish to settle but their lawyer will not allow them!

If enough common ground is achieved, then the mediator can convene a meeting again to review what progress had been made and to summarise what seems to be the terms of a possible Agreement. If a possible Agreement is confirmed, then the legal representatives can draft that Agreement with the mediator in attendance to clarify and assist in the accuracy of the terms being recorded.

Such a description of a mediation will, I suggest, find widespread acknowledgement from all mediators, mediator trainers and mediation providers. What has been described is what mediation is: a facilitated, often robust, series of meetings where the mediator interfaces with the party and their legal representatives to identify where agreement is possible that most meets the needs and interest of the parties.

However, what is emerging in this jurisdiction is a very significant variation from traditional mediation as described above. What is experienced in some mediations is a process where the focus seems to be more on engagement with the legal professionals than the parties. In these disputes the "mediator" is, in effect, chairing talks between the legal counsel for the parties. If any attention is paid to the parties, it is at best cursory. The mind-set seems to be that resolution lies in discussion with the legal representatives and

by the encouragement or challenge that can be offered by the mediator to the legal representatives.

While in appropriate disputes this may be useful or even what the parties want – it is not mediation as correctly understood.

It is fully accepted that the parties may want to have someone respected to give a steer, to stress test merits, and to knock heads together in a useful way. There is no doubt that many resolutions are achieved by those processes. However, words and vocabulary matter. If what is taking place is not mediation, then it should not be called mediation. It should be called neutral evaluation. It should be called an independently chaired legal conference. It should be called expert determination if that is what is taking place.

What it should not be called is mediation because the process of proceeding by discussions between counsel for the parties; or the process of expressing an opinion as to the merits of a matter; or the process of giving a prediction to parties about what may be the outcome in court is not mediation.

It is important, particularly when traditional mediation can bring about so many benefits and long-term satisfaction of the parties, that the proposed process and style of resolution meeting should be clarified and understood. If colleagues want mediation where their clients are involved, where their clients might be effectively heard and where lasting resolution is achieved then the Law Society Mediation Service can provide a very effective outcome using their mediators.

There will of course be matters that require a Judgement and decision. That is what the Courts are for. There will be other disputes where a joint consultation involving counsel chaired by a respected colleague will also be useful and can result in Agreement. However, there are many disputes which are undergoing "mediation", but which do not involve mediation as properly understood.

When considering mediation for a dispute colleagues should ask about the process proposed by the mediator. They should ask the proposed mediator how they propose to conduct the mediation and will they express any opinion. The term mediation should not be used for something which is not in fact mediation.



On our behalf - Linda McAuley

After twenty-nine years as Northern Ireland's best known advocate for consumers, Radio Ulster's presenter extraordinaire Linda McAuley has decided to hang up her headphones and microphone and move on to the next phase of her life of public service. While there will be a new generation of consumer broadcasters and journalists highlighting consumer rights, advocating for consumer protection and calling out poor service from providers, it is hard to imagine any will achieve the fame or attract the affection of the whole community as did Linda on her "On Your Behalf" radio programme over three and a half decades.

Linda, a Bangor woman, was educated variously at Glenola Collegiate, The Mount School in York and Belfast's College of Business Studies. Her early years saw her take on positions in a travel agency and estate agency. She found her true vocation, however, when she started work on the then brand-new radio station, Downtown Radio. She realised that journalism and broadcasting were her forte, and has followed that calling to the present day. After a number of years Linda started work with the BBC in Belfast and soon became a household name in news broadcasting in that station.

Eventually in 1995 the Radio Ulster Controller decided that Northern Ireland needed a benefits advice programme and so, in that year, "On Your Behalf" was first broadcast with Linda McAuley as its presenter. The programme soon developed into a broadcast campaigning for general consumer rights including state benefits and entitlements. Over the decades all providers of goods and services as well as government agencies came to recognise the power of Linda's commitment and tenacity when taking up causes on behalf of individuals and the wider society. Those organisations in positions of power soon came to appreciate the impact of Linda's broadcasts and more often than not responded



rapidly and positively to her advocacy. The programme achieved ratings that were the envy of other broadcasters and media outlets.

When asked how she felt her broadcast advocacy compared with that of our own profession and the court system Linda replied; *"I operate in the court of public opinion. Publicity can often achieve better results than solicitors' letters, litigation and the Court system. The administration of justice can be slow, laborious and expensive. A consumer rights programme such as On Your Behalf can frequently achieve satisfactory outcomes for consumer claims and complaints promptly, effectively and at no cost to the consumer."*

I want to emphasise however that the programme producers and I benefitted enormously from the assistance and expertise of many solicitors during the years. They participated as helpful and supportive experts during live broadcasts. I am certainly not an expert myself, merely a facilitator. I relied on the experts from the solicitors' profession nominated by the Law Society. So many were able to provide clear and comprehensive explanations and analyses of the myriad topics I had to cover.

Of course, there are others outside of the solicitors' profession that demonstrated their expertise in such areas as entitlement to benefits and shoddy consumer service. There are too many to enumerate but I must mention two great stalwarts, Eileen Evason and Jimmy Hughes and such organisations as Advice (NI), Trading Standard Service, General Consumer Council, Housing Rights and RNIB. The Northern Irish public owe a great deal of gratitude to all these individuals and bodies "

Pressed as to which topics captured the most interest over the years Linda explained; *"There were so many issues that exercised the public generally that it is hard to recall all of them. Some that are embedded in my memory and those that appeared to attract great interest from our listeners include issues such as passwords to computers, access to public toilets, entitlement to pension credits, information as to the safest way to pay for goods and services, delayed and cancelled airline flights, credit ratings and the provision of goods and services."*

There were many issues of particular interest to solicitors such as conveyancing delays, boundary disputes, estate planning and management, wills and inheritance. These are of course matters which are bread and butter to solicitors in practice but not to the public at large. It was greatly appreciated by me and the Northern Irish public that solicitors gave their advice and time to explain those matters to callers who may have been reluctant to visit a solicitor to seek clarification on those subjects. To be able to receive advice from legally qualified people was welcomed by so many.

I am reluctant to single out individual solicitors from the large number who participated in the programme but feel compelled to mention expert guests such as John Neill, Simon Murray, Brian Speers, Arleen Elliott, Michael Robinson and Catherine Hayes. I want to emphasise that this is not an exhaustive list and I wish to take this opportunity to extend my most sincere appreciation to the Law Society and the solicitors' profession for all those experts who came onto the studio over the years."

I think we, as a profession, appreciate that Linda's broadcasts not only assisted the general public but also gave the profession an opportunity to reach out to the community in a public forum such as the radio. She provided a platform for solicitors to demystify the law and to reassure the public that solicitors could be knowledgeable, considerate and, perhaps most of all, willing to help those who had need of their advice and services. Whatever public role Linda McAuley plays in the future, we in the profession can assure her that she enjoys our total gratitude and will continue to support her, where possible, in such roles.



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The Big Q - How to regulate the net?



Olivia O'Kane
Head of Technology, DWF, Belfast

The question of how to regulate the proliferation of harmful online content and create a safer online environment is one that tends to polarise opinion.

Mark Zuckerberg said in 2020, *"We have to balance promoting innovation and research against protecting people's privacy and security"*¹.

I recently helped organise a media law event in Google, Dublin. Experts from all over the World - including the Honourable Mr Justice David Barniville, President of the High Court in Ireland and the Honourable Mr Justice Colton, head of the King's Bench in Northern Ireland, as keynote speakers - attended. My panel robustly challenged these issues with insights from Adam Smyth of BBCNI, Daila O'Broin of Meta Platforms Ireland Ltd and Judy O'Connell from the Media Commission for Ireland.

At the event, I chaired a legal panel, which focused on internet litigation and online regulation. As a litigator myself, it is important to keep an eye to the regulatory challenges, not only in terms of horizon scanning, but it also provides a useful temperature check on the direction of travel of where society seeks to draw out boundaries and expectations of their legal rights as we become more sophisticated in our understanding of technological development.

The law is fairly well settled in Northern Ireland with regards to online liability and when a social media platform loses its safe harbour defence thereby adopting the status as secondary publisher and liable in law. The starting point of the legal principles are the EU Directive, which was transposed into national law by virtue of The E-Commerce Directive 2002. This statutory framework provides both transparency for a complainant, and access to a timely Notice and Take Down reporting mechanism, as well as providing immunity from liability for social media platforms in certain circumstances. The framework provides social media platforms with a qualified safe harbour defence, and which first established the Notice & Take Down procedure for complainants.

In one of the online privacy and harassment cases heard in Belfast, the Court recognised the importance of social media platforms taking down unlawful content quickly when notified under the legal framework. In *CG -v- Facebook Ireland Ltd* the Court observed:

"The speed with which social media operates is that the number of comments under the original posting can increase rapidly minute to minute or hour to hour."

In the UK, Ofcom has confirmed that its focus under the Online Safety Act 2023 ("OSA") is Governance, Design, Trust and enabling choice to social media users and it has identified a

road map to implementation of the OSA by identifying three key phases:

1. Phase one: illegal harms duties: Ofcom published draft codes and guidance on these duties, which are anticipated to come into effect from 2025.
2. Phase two: child safety, pornography and the protection of women and girls. Draft guidance is due to be published by Spring 2025.
3. Phase three: transparency, user empowerment, and other duties on categorised services. A small proportion of regulated services if they meet certain thresholds will have duties to:

- produce transparency reports;
- provide user empowerment tools;
- operate in line with terms of service;
- protect certain types of journalistic content; and
- prevent fraudulent advertising.

Watch this space.

1. <https://about.fb.com/news/2020/02/big-tech-needs-more-regulation/>



The social media advantage for legal professionals

Paul McGarrity
Director, Octave Digital

“That’s the law and that’s a fact.”
The short, snappy line that helped propel Richard Grogan to social media superstar status.

The Dublin-based employment solicitor, who sadly died last year, became famous across Ireland and beyond for using short form video on social media to answer key questions on employment law.

Whilst platforms such as Facebook, Instagram, and TikTok are awash with celebrity influencers boasting state of the art production, Richard Grogan’s short videos stood out in the way he explained complex employment legal issues in a down to earth, honest and valuable way.

In fact, if the video series had featured slick production and over promotion of a corporate brand - it would never have worked. Welcome to the ever-changing, modern world of media and marketing.

Key Factors in Social Media

There is no doubt that social media offers legal professionals a significant opportunity to reach and influence audiences, however there are a number of critical factors that need to be carefully addressed in order to be successful on social.

Understanding the Environment:

Social platforms now command a huge percentage of people’s media time – on average, two hours and 23 minutes per day; with over 35% of all online time spent on social.

Given the level of time and attention, much of the focus in modern marketing now goes on social media, and it’s not difficult to see why.

However, there’s a huge volume of businesses that fail when it comes to social. Critically, they make the mistake of viewing social media as

a corporate announcement and sales tool. People aren’t on social media to read bland promotional posts. Mostly, they want to get social updates from family and friends, and to discover content that’s valuable to their own lives and interests.

Businesses can have an impact on social – but only if it reflects the reasons people are on the platforms in the first place. The reason Richard Grogan was so successful is that his content came across as authentic, honest, non self-promotional – and helpful. All of which made his content highly attractive to his target audiences, especially Millennials and GenZ who are very strong users of Instagram and TikTok.

And in doing so, he achieved a critical marketing goal - reaching a significant volume of his target audiences in a memorable way.

Marketing Reach:

Social media platforms are excellent media environments for reach. However so many small businesses, and especially legal firms, fall down badly here.

Organic (non-paid advertising) reach can be difficult to achieve on platforms such as Facebook and Instagram, as the number of people that actually see your posts can be extremely limited.

In my experience, businesses that want to achieve effective awareness on social media need to blend the following:

- Compelling, value- led organic content (especially video)
- Targeted social media advertising

The LinkedIn Opportunity:

As the worlds’ dominant professional social media platform - LinkedIn now commands very high usage with over one billion users worldwide.

The average time spent on LinkedIn is now significantly more than pre-2020, and has attracted a very a wide user base from business owners to C-suite, students and administrators.

The key advantages for legal professionals using LinkedIn are :

- Visibility: One of the most attractive benefits of LinkedIn is opportunity to gain a high degree of attention. While organic reach on Facebook and Instagram might now be very low, that’s not the case with LinkedIn, where legal professionals

can achieve great visibility by posting effective content and growing a following as an authoritative professional.

- Utilising Your Current Network: Growing and communicating with your community on LinkedIn – including existing clients and key business stakeholders.
- Building Credibility: commentary about news and developments in their niche legal field – to position themselves as authoritative.

For the past few years – there has been been this massive change of tone on LinkedIn, and questions about tone of voice come up regularly in my training sessions. Broadly speaking, the changing LinkedIn environment with a more social, softer, and engaging tone across the platform is a good thing.

You’re much more likely to be successful on the platform if you post content that:

- Shows a personable human side to you as a professional
- Adds value to your connections by offering your own insights on legal issues.
- Being social with stakeholders and industry peers – especially at events - and engaging with others in a social way

Remember, no one is on social media to read dry, corporate, promotional posts.

Marketing for Legal Professionals:

With competition being fierce amongst legal firms, it’s vital you revisit your business and marketing strategy - and focus on a plan and activity that is going to actually benefit your business, and critically, makes a solid financial return on marketing spend and time.

I will explore the wider area of legal firm marketing in much more detail as part of my Law Society NI seminar - focusing on:

- Search Marketing for Business Growth – pros and cons of search, and how to make it work effectively
- Effective social media: from Meta to LinkedIn
- Strategic marketing planning for legal professionals

octave-digital.com
linkedin.com/in/paulmcgarrity

One thing better - using technology to improve your legal practice



Jude Copeland Legal Review Manager, Cleaver Fulton Rankin

Lawyers and technologists are both fond of overcomplicating things. Legal technology/ lawtech is defined by practitioners (of both disciplines) in different and overly complicated ways. The constant stream of tech pieces online and in the traditional media can lead to this nebulous legal technology being a little overwhelming and something to fear. My purpose here is to provide examples of technology which are accessible, mostly free, and can help with your legal practice in some way.

In our Legal Technology Group, we consider people, process, and technology. We do it in that order, considering how to best serve our clients' interests, with technology enhancing and optimising the client experience or furthering their interests. Technology, specifically, carefully selected technology, properly deployed, with outputs checked for quality and consistency, can deliver greater compliance, lower risk, greater utilisation, and greater profitability for the firm.

Legl (<https://legl.com/kyc-aml>) is a platform which provides identity and biometric confirmations, financial and watch list screening, and ongoing monitoring. Private clients and UK corporate clients are sent a link and submit information and documentation online, which is verified by Legl and the outcome is communicated to the instructed lawyer. In an increasingly online work, clients have found this easier,

and the response time is much quicker than traditional methods. It minimises human error and frees up fee earner time for actual chargeable legal work
<https://legl.com/kyc-aml>

Precedents are nothing new, but investing time in their creation and maintenance reaps rewards. It is worthwhile looking at your existing practice management software to see whether you can add your precedents to the practice management software, meaning you can automate parts of your legal advice – meaning more consistency and lower risk of human error. A number of open-sourced precedents are available, which may be useful but should not be used as an alternative for legal advice. An interesting example is One NDA (<https://www.onenda.org/>).

Voice typing is another example of reviewing your current technology to see whether there is additional functionality you have not yet discovered. Windows 11 has voice typing, or digital dictation: by simply pressing the Windows logo key and “H” together, this enables speech recognition, and you can enter text into a document or email through speaking.
<https://support.microsoft.com/en-us/windows/use-voice-typing-to-talk-instead-of-type-on-your-pc-fec94565-c4bd-329d-e59a-af033fa5689f>

LinkedIn QR codes is an ultra-simple digital business card. In the mobile app, press the “search” bar then the logo to the right of it: your QR code is generated and can be scanned by others or incorporated in marketing materials.

<https://www.linkedin.com/help/linkedin/answer/a525286/using-a-linkedin-qr-code-to-connect-with-members>

Treekly is an innovative wellbeing and sustainability app which uses daily steps to plant trees. For every 5,000 steps a user takes, a tree is planted. It is a great way to promote employee engagement and wellbeing as well as ameliorating your firm's carbon footprint.
www.treekly.org

Ecosia is a search engine which works with Google and Bing, but which uses the advertising revenue to plant trees around the world. It is a very simple way to be climate active while simply searching for a legal authority or restaurant. www.ecosia.org

Bazaart is an incredible graphic design tool enabling users to create social media graphics, presentations, posters, fliers and other digital or print images. The premium version harnesses AI in several ways. These include removing backgrounds or flaws, airbrushing, matching text, backgrounds to logos or other graphics to ensure brand consistency.
<https://www.bazaart.com/>

These small technological innovations can help lawyers in practices of all sizes and in all sectors. Experience of new apps and new technology increases digital literacy, builds confidence, and will increase curiosity about what other legal technology solutions can make life easier. In a way, it does not matter how we define legal technology, all that matters is that we are responding to our clients' needs and continuing to deliver expert legal advice.

Clear and present cyber dangers



Samuel Kinkaid
Regional Cyber Protect
Officer, Cyber Crime Centre

While most local small organisations (49 or less employees) are aware of the dangers posed by cyber-crime, establishing how their current cyber security posture measures against expected norms or where to start on the pathway to improving their online defences, can cause some to put the issue of cyber security at the end of an often lengthy 'to do list'.

Like many traditional crimes or business risks, it can be the gap between identifying a vulnerability and implementing appropriate measures that provides the opportunity for threats to manifest and organisations to fall for what in most instances, are commonly seen and easily avoided cyber-attacks.

As part of the Cyber Protect Network across UK Policing, the Police Service of Northern Ireland Cyber Crime Centre supports a number of services provided by the National Cyber Security Centre ([ncsc.gov.uk](https://www.ncsc.gov.uk)) designed to assist organisations such as those in the legal sector, to identify areas of improvement and respond appropriately.

Early Warning - [ncsc.gov.uk/information/early-warning-service](https://www.ncsc.gov.uk/information/early-warning-service)

What is it?

A free automated service provided by the NCSC that uses trusted threat intelligence feeds to alert an organisation should it detect malware infections or vulnerabilities affecting its network.

How does it work?

Organisations looking to avail of Early Warning sign up to a 'MyNCSC' account by providing their organisation name, public IP addresses / domain names and a contact point for alerts (at least a name and email address).

What types of alerts does Early Warning issue?

Incident Notifications e.g. an active compromised device on your network.
Network Abuse Events e.g. a client on your network id detected scanning the internet.
Vulnerability Alerts e.g. vulnerable or outdated services exposed to the internet.

Benefits?

This is a free service funded by the NCSC that complements existing defences. Alerts issued can help organisations take proactive intervention before incidents escalate.

Cyber Essentials - [ncsc.gov.uk/cyberessentials](https://www.ncsc.gov.uk/cyberessentials)

What is it?

Designed to help reduce the risk posed by common cyber attacks such as phishing, malware and ransomware, Cyber Essentials is a Government backed scheme many in the legal sector will be aware of. Offering a cost effective way of establishing a cyber-security baseline, implementing Cyber Essentials controls can and will, reduce the threat posed by online crime. Successful certification can also help provide reassurance to current and future clients that your organisation takes cyber security seriously.

As just one measure of its effectiveness, recent insurance data indicates organisations with Cyber Essentials are 92% less likely to make a claim on cyber insurance than those without.

What does it look like?

Two levels of certification.

Cyber Essentials – an independently verified self-assessment certification that demonstrates that an organisation has the most important cyber security controls in place.

Cyber Essentials Plus – Based on the same requirements as Cyber Essentials and verified assessment questionnaire, Cyber Essentials Plus includes a technical audit to verify controls are in place giving a higher level of assurance.

Who can help you?

Many managed security service providers in Northern Ireland including ones you may already be contracted with, offer assistance in reaching the required Cyber Essential standards. Certification is carried out by an approved 'Certifying Body'.

IASME

As the NCSC Cyber Essentials delivery partner, IASME provide a wealth of online advice on how to meet the five required controls alongside an online readiness tool and open access to the Cyber Essentials assessment questions. [iasme.co.uk/cyber-essentials](https://www.iasme.co.uk/cyber-essentials)

Assured Cyber Advisors

For those organisations looking hands on support, the NCSC offer an 'Assured Cyber Advisor' scheme and the ability to contract with an accredited Advisor skilled in both Cyber Essentials and the ability to interact with small organisations.

[ncsc.gov.uk/cyber-advisor](https://www.ncsc.gov.uk/cyber-advisor)

For more information on NCSC services see [ncsc.gov.uk](https://www.ncsc.gov.uk) or contact cyberprotect@psni.police.uk

In Memoriam

John M. Boyd solicitor passed away on 22 May 2024.

John was born on 2 October 1945 and was admitted to the Roll in January 1972. He was sole principal of J M Boyd in Ballyclare and he had an office on the Carnmoney Road in Newtownabbey. The practice was taken over by Gray Magee.

John H. Walker solicitor passed away on 15 June 2024.

John was admitted to the Roll in 1960 and was principal of John G H Wilson & Company Solicitors before retiring in 1997.

James (Seamus) Agnew, solicitor passed away on the 11 July 2024

Seamus was admitted to the Roll in January 1972 and retired from practice on 23 January 2017 as a principal in Agnew Andress Higgins.

Peter Alexander Black, solicitor passed away on 11 September 2024.

He was admitted to the Roll in December 1969 and joined the late John Shearer in practice as a founding partner of the Mid Ulster Firm – Millar Shearer and Black. He retired from practice in December 2001.

James R Kirk, solicitor passed on 19 September 2024.

James was admitted to the Roll in May 1984 and was formerly a partner in Harrison solicitors. He retired in 2008.

John Quinn, solicitor passed away on 25 September 2024.

John was admitted to the Roll in October 1993 and was a sole practitioner in John Quinn Solicitors before retiring in July 2023.

OBITUARY

Tony McGettigan Past President of the Law Society of Northern Ireland



Tony McGettigan was born in West Belfast 89 years ago. He was a man who was very proud of his working-class background and his roots in that community. Although he spent most of his working life in County Fermanagh he had his funeral mass and was buried in West Belfast.

Tony was an excellent student at school and managed to secure a scholarship to St Malachy's College. However, he was required at a very young age to leave grammar school and take up gainful employment to assist his parents rear a large family. He worked in various locations and in a variety of jobs both here and in Great Britain. His intellect, advocacy skills and compassion for his fellow workers soon led him into the trade union movement as an activist. He was devoted to that movement for the rest of his life. Like many idealists in the 60s Tony was eventually drawn to a career in the legal profession. He had a profound belief that the practice of law would be the best avenue for him to better the conditions of society here in Northern Ireland at that time. He returned to his academic studies, acquiring a degree from Queen's University Belfast and was admitted to the Roll of Solicitors in 1975.

Tony secured a position in the well-established firm of PJ Flanagan & Co in Enniskillen and remained a principal in that firm until his late 80s. Because of the distance between his home in Belfast and his office in County Fermanagh he and his young family moved to Enniskillen where he insinuated himself in the community. He soon acquired a reputation throughout the county for his professionalism, good humour, and devotion to his clients.

Although it was not easy to juggle his practice, family duties and commitment to his professional body, the Law Society, he participated wholeheartedly in Council, travelling many miles back and forth to Chichester Street for numerous meetings and Committee duties. Eventually he was elected President in 1993 and served in that position with great distinction.

Tony McGettigan championed the underdog throughout his professional life never hesitating to represent all who came to him for assistance sometimes for little reward. In addition to his professional duties Tony was an avid reader and never ceased to improve his learning, acquiring fluency in Irish and French and managing to acquit himself confidently in the classics.

In later years he acquired an apartment in Belfast so that he could accompany his beloved wife, Anne to her numerous attendances at hospital for medical treatment in Belfast. He could not bear to be separated from her and when she was a resident in a nursing home, he insisted that he join her there. Unfortunately, Tony did not survive very long in that establishment and passed away, with his wife surviving him. He leaves his son Christopher who carries on in his father's footsteps as a partner in PJ Flanagan and co.

As the celebrant at his funeral mass stated: *"Tony McGettigan was not just doing a job it was his calling. He cared deeply about his clients and his staff. That assessment was echoed by Darren Toombs President who said after his passing; "Tony was well respected amongst his colleagues as a man of great humour, compassion and commitment to his profession. He will be remembered fondly and missed by many."*

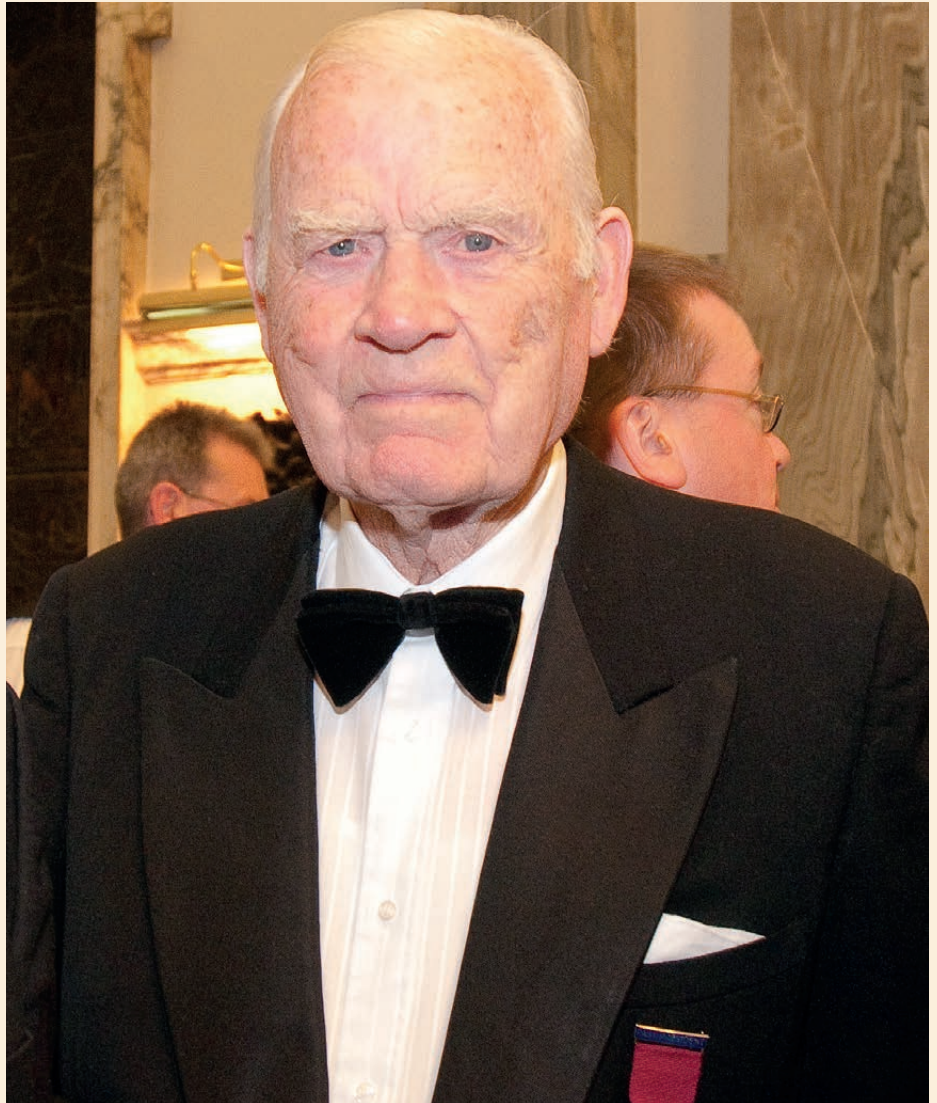
OBITUARY

James (Jimmy) Doran Past President of the Law Society of Northern Ireland

The late James G Doran solicitor, known to all as Jimmy Doran, passed away after a short illness at his home in Myrtlefield Park, Belfast on 25th February 2024.

Jimmy was born in 1927 outliving virtually all of his contemporaries in the solicitors' profession. He was admitted to the Roll of Solicitors on November 25th 1953. He was predeceased by his beloved wife Mary-Jo and survived by six children (three of them following in his footsteps as solicitors) and an extended family of children in law, grandchildren, etc. He was a true son of Loughinisland Co Down where he was buried following a large funeral in Saint Brigid's Belfast. His Admission Certificate in 1953 was signed by the Secretary to the Law Society, the famous Blair Mayne, the highly decorated war hero from World War II. Jimmy and his family were immensely proud of that Certificate which was displayed to many over the years. Mayne himself died in a tragic accident just two years after Jimmy's admission.

Although his heart always lay in East Down, Jimmy was obliged to follow a legal career in Belfast. Within four years of qualification, he opened his own office in Alfred Street Belfast trading as James G Doran Solicitor. He was a principal in that firm until his late 80s and then he continued acting as a consultant for a time. He was a highly regarded solicitor throughout his professional life and gained a reputation as an excellent conveyancer and probate lawyer. Such was his standing in that field that he was frequently called upon to act as an expert witness in many property disputes.



It was his role within the Council of the Law Society of Northern Ireland that gave Jimmy such widespread recognition. Having been initially co-opted at the beginning of the 70s he served on many Committees on Council eventually being elected President in 1979. The 70s and early 80s were terrible times for all who worked and lived in Belfast and it was vitally important that the solicitors' profession maintained a role of impartiality and adherence to the law against a background of violence and destruction.

Jimmy, along with many colleagues on Council, steered the Society through those dangerous times allowing the profession to emerge from the conflict with its reputation enhanced and unimpeached. Jimmy was a wonderful ambassador for the solicitors' profession. He had the great bearing, good looks and infectious smile of a US senator. One commentator noted, "He was straight out of Central Casting". His genial manner, empathy and charm engaged all with whom he came into contact in that role.



The Incorporated Law Society of Northern Ireland Final Examinations 1953. Jimmy Doran fourth from left, back row.

In addition to his Law Society activities, Jimmy served on various tribunals including the Medical Appeals Tribunal. It was as a member of the Legal Aid Committee which adjudicated on civil legal aid applications that he is best remembered by current practitioners. His experience, wisdom and legal knowledge ensured that he played a leading role in that Committee over many years. All who appeared before the Committee or sat along with him, appreciated the care and attention he gave to every case. He was a wonderful example of how to adjudicate on serious issues with compassion

and great humour. Several colleagues have told me it was a joy to sit in that Committee with him each Friday afternoon describing the experience as an excellent way to end a difficult week in practice.

Outside of his legal world Jimmy loved nothing more than a four ball whether it be in Balmoral, Downings or Ardglass. He was no mean golfer playing off an eleven into his senior years. It was a pleasure to run into Jimmy Doran in his later years as he walked his Red Setter along the towpath or when travelling on a bus into the city centre from

his home or as he strolled through the city visiting various legal haunts and offices. It was hard to take leave of him, as he regaled one with his endless humour and wonderful anecdotes.

Thankfully he survived to see the Centenary celebrations of the Society in 2022 to which he was invited to attend as one of the Society's elder statesmen. Our President Darren Toombs recorded in his tribute shortly after Jimmy's death his great pleasure and privilege spending time in the company of this great lawyer on that occasion.

Legal Life outside Private Practice



Ciarán Fegan,
Group General Counsel,
GRAHAM
Chair, In-House Lawyers
Group NI.

Changing trends in legal life are nothing new. COVID has opened up and/or expedited changes in attitudes and practices in the world of the workplace and has arguably been a catalyst for many looking for career options outside of the traditional, but the scope of legal practice outside of the conventional law firm is a change that has been growing in almost all jurisdictions for quite some time.

What do I know about this? I'm one of those who have made that move, and I made it a long time ago. My journey to the profession was the orthodox one to most - straight from school into an undergraduate law degree (a sadly now discontinued Law and Accounting degree at QUB); IPLS entrance exam; finding a master; starting my apprenticeship;

qualification into the firm in which I trained. I was working in a good firm and I'd enjoyed what I was doing. My caseload was varied - spanning criminal cases, Judicial Review and other large High Court and Court of Appeal litigation, but perhaps driven by my undergrad background, I found myself drawn more to the more corporate and business-focused application of the law. In late 2007, I thought about making a move to scratch that itch, and in March 2008 I moved into my role with GRAHAM, one which has grown and developed significantly over the past 16 years.

The in-house community is far from just within the world of corporates. Many practitioners are within the public sector, through local and central government organisations and departments and NGOs, as well from within the third sector, and even within many of the bigger national and international law firms currently operating in Northern Ireland. The in-house lawyers are there within the organisations as the first line of advice, the lodestar and first responder in legal matters. As with all lawyers, in-house practitioners are there to help businesses and other entities assess, manage, and mitigate risk; they're the touchpoint between the organisation and its external legal and (increasingly frequently) commercial advisers, and are usually the gatekeepers of those relationships; they're the translators, taking often complex advice and distilling that for non-lawyers and advising on its application and consequences.

The roles, given their locus, tend to be more commercially focused, and the seemingly ever-increasing compliance requirements have made this a fertile bed for the growth of new roles and practice areas - increasingly, my own role has branched out to encompass corporate governance, data protection, corporate criminal offences, reputation management and more. Very often those transferable skills which are second nature to solicitors, skills such as research, analysis, advocacy, communication,

negotiation and often most importantly hard work are valuable commodities in a business setting and that diverse mindset, coupled with technical legal knowledge and skills, can often be a valuable proposition for many organisations.

In 2022, as part of the Society's Centenary Year, it commissioned a report by Hook Tangaza into the profession in Northern Ireland. Among its many findings, one of the most striking facts was that even almost three years ago, nearly a fifth of the regulated solicitor profession was working in corporate, public or third sector roles. When you look beyond the regulated profession (those practitioners working in-house are not required to hold a practising certificate unless they are undertaking Restricted Activities; although as the research shows, a great many do), the in-house community is a significant and growing caucus within the legal profession in Northern Ireland.

Whilst there are a number of very large in-house teams, most are small (a high number of single practitioners, and many teams not growing to more than three or four lawyers) and can often feel isolated. Following engagement within the in-house community locally, in 2014 the In-House Lawyers Group NI was established. The group's aim is to offer a forum to members (all persons who are enrolled as lawyers and who are employed in an In-House legal adviser capacity in Northern Ireland) to meet, to provide CPD and networking events tailored to the in-house community, to provide support to members and to engage with the Society and the profession more widely on matters of importance to the in-house community. Membership is free, as is attendance at IHLGNI events.

For those interested in hearing more about IGLGNI and its events please feel free to email inhouselegallgroupni@gmail.com



SBA AGM NOTICE

Notice is hereby given that the 160th Annual General Meeting of the Solicitors' Benevolent Association will be held at the Law Society, Blackhall Place, Dublin 7, on Friday 15 November 2024 at 12.30pm to consider the Directors' Report and Financial Statements for the year ending 30th November 2023, elect directors and deal with other matters appropriate to a General Meeting. A copy of the Directors' Report and Financial Statements can be viewed on the Association's website

www.solicitorsbenevolentassociation.com



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A Briefing Note from the Children's Law Centre on homeless 16 and 17 year olds



As solicitors we often face challenging moments in our working day. Certainly one of the most challenging cases we can face is that of a client who is homeless and who has turned to us for help. That becomes even more challenging when the client sitting in front of you is a teenager who is estranged from those with parental responsibility and essentially stands alone in the world with no one to guide them.

There is however a clear path for help for homeless 16 and 17 year olds contained within the Children (NI) Order 1995 and set out in the Regional Good Practice Guidance for meeting the Accommodation Needs of Homeless 16-21 years olds - known as 'the Guidance'.

The first point of contact is Social Services, who are obliged to carry out an Understanding the Needs of Children in Northern Ireland (UNOCINI) assessment of your client with the specific aim of deciding if your client is entitled to be accommodated by the Trust under Article 21 of the Children Order.

There is a 7-step test laid out in the Guidance which is based on the ruling of Baroness Hale in the *Southwark* (2009) judgment which must form part of the UNOCINI Assessment.

As it can take some time for assessments to be completed the Guidance allows for co-operation between the Health Trust and the Northern Ireland Housing Executive in that the Executive will provide accommodation for your client for up to 10 days to allow the Trust to complete its UNOCINI Assessment.

Once the UNOCINI Assessment is complete if your client is found to be an Article 21 entitled young person there is an absolute duty upon the Health Trust to accommodate your client.

Importantly for your client once they are accommodated by the Trust for a period in excess of 24 hours under Article 25 of the

Children Order they are automatically a looked after child. This can have several advantages for your client as a period of 13 weeks accumulated as a looked after child before their 18th birthday entitles them to access the full leaving and aftercare supports available to them until they are 21 years old or in some cases longer.

Those solicitors who act for young people in criminal matters where the client has been remanded to the Juvenile Justice Centre with bail granted subject to an address may in fact be acting for a young person experiencing homelessness.

If a client who is 16 or 17 has been granted bail but cannot return to their previous address for whatever reason, then they may be entitled to be accommodated under Article 21 of the Children Order. The Guidance has a specific section covering children who are within the Juvenile Justice Centre and similar to their peers in the community a UNOCINI assessment must be carried out and the 7-step test outlined in the Guidance must be applied. There is a multitude of caselaw on this issue,

all of which makes it clear that once Article 21 is triggered for a child in custody then there is a statutory duty upon the Health Trust to provide accommodation.

The Children's Law Centre (CLC) has been working for and on behalf of homeless young people for over 25 years. We operate a free phone advice and information service which is accessible to everyone working for and on behalf of children, including members of the legal profession.

If you would like any of the documents mentioned in this briefing note, including caselaw, or would like information about the training we offer on youth homelessness please contact us on 028 9024 5704 or visit www.childrenslawcentre.org

Eamonn McNally
Senior Solicitor
Children's Law Centre
eamonnmcnally@childrenslawcentre.org



The Future of the Profession



Niamh Warnock Engagement and Relationship Manager, LawCare

There are ripples of change moving across the legal sector, driven by the evolving expectations of those entering the profession. Unlike past generations, many younger lawyers are reassessing what they want from their careers. They're not just after money or high-status jobs; they also care about work-life balance, meaningful work, and environments that support and protect their mental health. Younger lawyers are also advocating for workplaces that reflect wider society, actively welcome different perspectives, and support neurodiversity, while the profession as a whole is increasingly committed to diversity and inclusion.

At LawCare, we have noticed that those entering the legal profession are more informed and deliberate about their career choices than in the past. They conduct thorough research to understand what their professional lives might look like before committing to a particular path. If they find that their initial choices don't align with what they truly want, they are more likely to seek alternative career options, leading to a rise in portfolio careers and people moving jobs after a short period of time. Perhaps the days of qualifying into a firm and staying there for your whole career are becoming a thing of the past.

So how can the profession adapt to meet these changing aspirations and attract people and create environments that encourage them to stay?

The answer may partly lie in supervision, whether regular and scheduled or available on an ad hoc basis. At LawCare we hear that the key is knowing that the support is there and will be provided if needed.

Our Life in the Law research (2021) found that regular check-ins and appraisals were the most effective workplace support measures, boosting confidence and reducing anxiety. Despite this, only 48% of those in managerial or supervisory roles had received formal leadership or supervisory training. This gap suggests a need for legal organisations to invest more in developing supportive leadership within their teams.

Creating psychologically safe workplaces is another key area for improvement. Legal professionals, like everyone else, go through ups and downs in their personal and professional lives. When they work in environments where they feel supported and know they can seek help without fear of judgement, they are more likely to stay with their employers and thrive. At LawCare, we often hear from people who are so grateful when they feel they can be open at work about what they are going through.

Another approach is to adjust recruitment processes to prioritise mental health, diversity, and inclusion. This involves considering candidates with diverse backgrounds and

experiences, supporting neurodiverse applicants, and being clear about how the workplace supports and protects mental health.

In conclusion, the legal sector is at a crossroads, with junior lawyers seeking careers that align with their values, offer work-life balance, and support mental health. To attract and retain talent, the legal sector must enhance supervision, offer robust support systems, and prioritise mental health. Creating safe and supportive work environments where employees can be themselves and seek help is crucial for fostering a healthy and sustainable work culture.

At LawCare, we are committed to supporting the mental health and wellbeing of those in the legal profession. For more resources and information, visit www.lawcare.org.uk.

If you are struggling with your mental health, remember that you can reach out to LawCare for confidential, free emotional support at 0800 279 6888, via email at support@lawcare.org.uk, or through our live online chat.

LawCare
Supporting the Legal Community





Centenary Bursary Scheme

Law Society of Northern Ireland

Centenary Bursary Scheme 2024 launched

In June the President launched the Society's **Centenary Bursary Scheme 2024**.

The Scheme was introduced in 2023 as part of a legacy project to mark the Society's Centenary Year with the aim of broadening access to the profession by supporting Trainee Solicitors without the means to finance their place at the Institute of Professional Legal Studies (IPLS). Following the success of the pilot initiative, the Society has committed to funding the bursary again and is inviting applications.

Commenting the President of the Law Society of Northern Ireland, Darren Toombs said:

"The bursary scheme underscores our commitment to finding new ways to support those from disadvantaged backgrounds who wish to become part of the solicitor profession in Northern Ireland."

The first recipients of the bursary awards - Chiara Clarke and Sorcha Davidson - joined the President at the launch of the scheme at Law Society House.

Commenting on her bursary award in 2023, Chiara Clarke said:

"I was so delighted to have been awarded the bursary which gave me the financial support and reassurance to allow me to undertake the IPLS course"

Her views were echoed by Sorcha Davidson who said:

"The bursary award opened doors for me as a single mum with a young son with a disability. I have always had the passion to become a solicitor but not the financial means and being awarded the bursary has changed my life"



President Darren Toombs with bursary recipient Chiara Clarke.



Sorcha Davidson.

CPD Recap: how to harness your legal skills as a force for climate justice



Emma Cassidy, Senior Engagement Lead from PILS.

The PILS Project are calling on the Writ's readership to be early adopters of **climate change litigation** in Northern Ireland. It will give you the opportunity to be part of some truly profound litigation in the public interest.

This year, the first Climate Justice CPD series - co-designed by The PILS Project and the Law Society of Northern Ireland - encouraged local legal practitioners to get involved in an exciting legal movement.

Climate change litigation - the use of court proceedings by individuals and communities to advance effective action on climate change - is flourishing around the world.

From the trailblazing Swiss women, to Sarah Finch's tenacious campaigning, and (closer to home) the tireless No Gas Caverns community, we've seen campaigns by environmental protectors serving as the catalyst for landmark judgments in recent months.

Here are three key takeaways for lawyers shared during the 2024 Climate Justice CPD series:

1. Fill in the blank: Climate justice is _____
2. Reframing your mindset is essential
3. Be an early adopter!

Reframing your mindset is essential

Our Climate Justice series also wanted to start dismantling previously held beliefs that there isn't a clear connection between climate change and human rights. There's been a growing recognition of their interconnected nature at international level for some time.

PILS want to help practitioners in NI reframe the way that they think about environmental law: moving from an individual planning lens to a more creative mindset that recognises the inextricable links between a climate emergency and protecting our planet for future generations.

As Laura Neal eloquently described in session #2, it is possible to use existing tools in a new way, for example using tort law to tackle pollution as a nuisance.

Fill in the blank: Climate justice is

The first goal for our CPD series was to give attendees clarity on what is really meant by 'climate justice'.

Those countries and communities who have contributed the least to climate breakdown are more likely to suffer its consequences.

Climate justice is a holistic term, designed to highlight how unjust the effects of climate change are, and the proactive steps required to demolish these layers of inequality.

Climate justice also captures the concept that the processes we adopt to meet various climate targets must be fair too (often referred to as a 'just transition').

As you read this article, we invite you to complete the sentence 'Climate justice is _____' for yourself. What do you feel the key components are in the fight to seek justice for our planet?



Be an early adopter!

Throughout the CPD series, the guest speakers encouraged legal practitioners to get on board with this work early.

Given Northern Ireland's frankly depressing track record on regulating environmental damage, there is a lot of source material from which to craft a life-changing legal challenge.

Here are some ways for you to get involved:

1. As an individual practitioner, **join our Pro Bono Register** to share your expertise with local human rights organisations and community groups.

2. Encourage your firm to **join PILS' membership** network.
3. Browse PILS' list of existing NGO members and **connect with groups** that are campaigning for causes that are close to you.
4. **PILS can speak to your solicitors' association** about our support for local lawyers thinking about taking a public interest case. Contact us to set a date.

Feedback forms might not be the most exciting part of an event – but for PILS, the responses were fascinating. When participants were asked what further climate justice training they'd like, they listed multiple areas of law, from evidence gathering to cross-jurisdictional case briefings.

The CPD session's aim was to inspire, empower and support legal practitioners. Based on that feedback, there is a clear appetite among local lawyers to engage in climate justice work.

Now, our challenge is to feed that hunger and continue to connect the expertise of environment defenders with supportive, confident solicitors and barristers.

For more information on The PILS Project and to get involved in our movement for legal change, visit www.pilsni.org or contact info@pilsni.org

The PILS Project



Mentoring key to career development

Over 30 solicitors and barristers attended Law Society House on Friday 20th September for a joint networking event on the theme of 'Career Development'.

The event was organised by the Law Society as part of their Mentoring Programme with assistance from Advance Coaching.

Those attending had an opportunity to network and to gain insights from senior practitioners on career development strategies.

Speaking at the event were former President of the Society, Brigid Napier, Margaret Magennis solicitor, Craig Dunford KC, Neasa Murnaghan KC and Niamh Shiels from Advance Coaching.



From left: Dr Andrew Godden, Law Society of Northern Ireland, Margaret Magennis, solicitor, Brigid Napier, former President of the Society, Niamh Shiels from Advance Coaching, Neasa Murnaghan KC and Craig Dunford KC.

Attendees heard about the challenges facing the legal profession in Northern Ireland and the impact on individual practitioners, firms, and the legal community as a whole.

Speakers also emphasised the need during challenging times to be forward-thinking and proactive in career development planning. They noted the importance of diversity and inclusion for the future sustainability of the profession, praising the Society's Mentoring Programme and the equivalent scheme from the Bar of Northern Ireland.

Commenting Dr Andrew Godden, Professional Development & Training Lead at the Law Society of Northern Ireland said

"We are delighted to have hosted another successful networking event for local solicitors and barristers and to have provided an important platform to discuss the challenges facing practitioners as they build their career".





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meet the trainees



Rachel McCullough – MMW

What advice do you have for budding solicitors who are contemplating a career in law?

For those starting their career in law, I would advise that even if a piece of work or area of law seems daunting or uninteresting, it is always worth giving it a try. Every opportunity to broaden your experience and understanding of what career options are out there is one worth taking.

What’s the biggest opportunity you’ve been given since joining the firm?

During my training contract I have had the opportunity to take responsibility for a number of files, with oversight from my master and other senior solicitors. This has been invaluable in preparing me for qualification and a testament to the trust my senior colleagues have in my capabilities.

What attracted you to a career in law?

Since I was at school, I’ve always been interested in knowing how things work and being able to help other people understand this as well. I found that a career in law would allow me to develop my understanding of how legal processes, which apply across all areas of life, allow people to seek solutions.

What do you most enjoy about your career and why?

The opportunity to have in-person interactions with clients has been very rewarding especially during my time working in our residential property department. Although buying and selling houses can be quite a stressful time for clients, it is also a very exciting time and one of the biggest investments the client will make. Being involved in the process and helping clients reach a happy conclusion has been one of the most enjoyable aspects of my career so far.

What skills/strengths do you need to be a successful solicitor?

I have found that the most successful solicitors I know are inquisitive, observant and have good attention to detail. They are able to spot issues but most importantly, know how to come up with solutions in a realistic and timely manner that can best meet the needs of the client.

What makes your firm stand out from the rest?

I think MMW stands out as having a great balance between fostering a good work ethic and providing a welcoming and social office environment. The quality and variety of work is significant and the opportunities at MMW make it a great firm to develop legal skills and knowledge which are further supported by all members of staff who are helpful and approachable.

What might you do in a typical day?

Throughout my training contract, I have had the opportunity to be involved across a number of areas which has meant each day can be quite varied. As a general rule for the start of my day, I make a point of checking my emails to see if anything urgent has come up before working through my list of tasks for that day. My level of workload can vary day to day so I find it’s important to let my colleagues know if I have capacity to take on more work.



Tamara Duncan - TLT NI LLP

Supporting women in law has become a deeply meaningful part of my career. As a career changer, I’ve seen firsthand the unique challenges women face – gender bias, the glass ceiling, and more— across multiple industries and the significant difference a strong network can make. The legal profession is no different and I believe it is important to support and uplift women within this field.

While at Queen’s University Belfast, with the support of QUB Women in Law, I launched the first Annual Women in Law Networking Event in Northern Ireland. Aimed at creating a platform for female legal professionals to connect, share experiences, and build supportive networks, it quickly gained traction, attracting leading female figures in Northern Ireland, including keynote addresses and attendance from Lady Chief Justice, Madam Justice McBride, former President of the Law Society Brigid Napier, and Attorney General Dame Brenda King. The event’s popularity has grown year on year, helping foster relationships, knowledge exchange, and empowerment among law students, solicitors, barristers, and in-house legal professionals.

Though newly qualified in law, I’m delighted to continue supporting women in law in whatever way I can. Using my extensive experience in business and the workplace, I’ve continued to mentor women entering the legal profession. There’s much more to come, and I’m excited to be part of this positive movement.

Katie Kennedy – Pinsent Masons

In May 2024 I had the privilege of going out to Uganda to visit the Wamukisa Youth Centre with Waakisa Ministries. The Centre began around 20 years ago when three friends from Northern Ireland noticed the number of pregnant teenage girls living on the streets in Uganda, many shunned from their villages and left with no hope. Motivated by a desire to show God's love they built a home for the girls to meet their physical, spiritual, emotional and educational needs so they could have hope and a future. Today, there is also a nursery school and a primary school being built! One of the friends who started the work is a lady called Valerie who I go to church with. After hearing so much about the amazing work I was so glad I got to go with her, see it for myself and help where I could.



Caitriona Fitzpatrick - Cleaver Fulton Rankin

It was an honour to represent the IPLS and United Kingdom at the Stetson International Environmental Moot Court Competition this year in St Petersburg, Florida, along with teammates Warren Polly and Harry Robinson.

We prosecuted a fictional ICJ case concerning protections for endangered gorilla populations.

We counted victories over the Philippines as well our friendly Dublin rivals whilst in Florida. We were also honoured to be recognised for sportsmanship and continuing contribution to the competition with the Spirit of Stetson Award.

I'm grateful for the support from our coach, Thomas Stewart BL, IPLS Director Barbara Jemphrey, as well as Stetson University, who were fabulous hosts.

Warren Polly - McCartan Turkington Breen

At this early stage of our careers, the practical experience of applying the law, developing a persuasive argument, and advocating this to the court was invaluable. Testament to our collective effort were some very pleasing scores throughout the Florida competition. I look forward to drawing upon this experience in the coming years as a newly qualified lawyer with McCartan Turkington Breen.

Conor Cleverly - O'Reilly Stewart Solicitors

In July 2023, I undertook a charitable climb of Mount Kilimanjaro, the tallest freestanding mountain in the world. Beginning my fundraising journey in September 2022 (alongside my training contract at O'Reilly Stewart Solicitors), I raised £9,500 for the Down's Syndrome Association.

I raised funds by running raffles, quizzes and hosting charitable Irish dance classes. Previously, I regularly placed on the World Championship podium and toured internationally with Michael Flatley's "Lord of the Dance".

I flew to Tanzania on my 23rd birthday and commenced the week long hike on 8th July 2023. After hiking vigorously in diverse climates, I successfully summited Mount Kilimanjaro on 13th July at 6:30am after a gruelling 7 hour hike. Uhuru Peak stands at 5895 metres and is the highest point in Africa.

IRISH RULE OF LAW INTERNATIONAL



IRLI with African judiciary on visit to Belfast to meet Lady Chief Justice and senior judiciary

Irish Rule of Law International (IRLI), a charity, is the joint initiative of the Law Society of Ireland, the Bar of Ireland, the Law Society of Northern Ireland (LSNI) and the Bar of Northern Ireland, dedicated to promoting the rule of law in developing countries. IRLI seeks to harness the skills of Irish and Northern Irish lawyers, on a pro bono basis, in using the law as a means of tackling global injustice, empowering all people to live in a society free from inequality, corruption and conflict and thereby give something back to those people who so badly need it.

Over the years of IRLI's work across a number of jurisdictions, solicitors, judges, large and small law firms, law students, universities and police officers from Ireland have played key roles in many jurisdictions past and present including Zambia, Tanzania, Malawi (where we have a full time office with 9 staff, including six lawyers, working mainly for unrepresented prisoners who have been in prisons for very long periods without a trial or sentence) and South Africa. IRLI's work in Tanzania is led by Northern Irish solicitor Anne Marie Blaney and is concerned with capacity building programmes for the police and judiciary in the area of improved victim-centred processes in child sexual abuse cases.

I have been IRLI's Country Director for Zambia since April 2022. I work as a volunteer. Prior to this, from 2018 to 2022, I was Deputy Executive Director of Integrity Watch Afghanistan a large anti-corruption NGO

based in Kabul. Since April 2022, IRLI has been collaborating with the Zambian Judiciary and the Zambian justice sector in general under its access to justice project supported by the Irish Embassy Zambia and with support from the Law Societies and Bars of Ireland and their members.

IRLI's work in Zambia to date includes the following:

1. Capacity building to effectively fight economic and financial crimes through provision of expert resource persons at workshops and conferences and bringing Zambian delegations, including the Chief Justice, the DPP and senior judges and justice representatives, to Belfast and Dublin on fact finding missions. IRLI has also reviewed and contributed to the Rules for the new fast track Economic and Financial Crimes Court Division which was created in late 2022 by the Chief Justice of Zambia.
2. On-going work to help build a new criminal assets seizure, management and confiscation institution modelled on the Criminal Assets Bureau (CAB) in Ireland. This is a hugely important initiative as in Zambia there is an emphasis on getting convictions before criminal asset seizures take place. The new institution, once established, will totally change this and will help to deprive criminals of their ill-gotten gains.
3. Helping to build a prisons court system for Zambia modelled on the prisons courts

system IRLI runs in Malawi, which will help some of the many thousands of unrepresented and forgotten prisoners to realise access to justice.

4. Helping to support the restructuring of Zambia's National Prosecution Authority's department for the prosecution of gender-based violence crimes and crimes against children. Lynne Carlin, a Northern Irish solicitor and Assistant Director in the Public Prosecution Service of Northern Ireland is the lead expert helping IRLI with this work.
5. Helping with putting together specialist courses for capacity building and awareness raising for law enforcement institutions in collaboration with the University of Zambia and with Irish universities. These courses will focus on the effective investigations and prosecution of corruption and other economic and financial crimes.
6. Helping to develop sentencing guidelines for certain categories of criminal offences.

Aside from this, Northern Irish solicitors and other experts are also helping with IRLI's transitional justice (TJ) work with victim groups in Somalia and Tigray giving their services pro bono. The NI TJ experts include Darragh Mackin (Phoenix Law), Cheryl Lawther (Queen's University), Dr Maire Braniff, Brandon Hamber, and John Bell (Ulster University), and Paul Gallagher (WAVE, Trauma Centre for Victims in Belfast).

In addition, IRLI also has longstanding relationships with a number of Northern Irish law firms who provide IRLI with pro bono legal expertise to support it to implement its work (including in Malawi and Tanzania). The Northern Irish law firms that provide such pro bono support to IRLI include Baker McKenzie, A & O Shearman, A & L Goodbody, and Arthur Cox. IRLI is seeking to continue to build upon its professional legal and academic relationships in Northern Ireland as it continues to expand its work globally.

IRLI is planning to hold an information meeting and board meeting in Belfast very soon where further information on our work will be given and opportunities to become involved will be highlighted.

Norville Connolly
Country Director Zambia
nconnolly@irishruleoflaw.ie
www.irishruleoflaw.ie



Book Review

My life as an international libel lawyer to the rich and famous

Paul Tweed

Lives of good lawyers are prescribed reading for all members of the profession affording us that vicarious pleasure of famous battles won or lost and triumphs of skill and professional ingenuity reaping just rewards. They can be an inspiration to young trainees and newly qualified lawyers as they focus on the career path ahead.

Paul Tweed, Solicitor has written such a book. Despite his disarming modesty and self effacement he has demonstrated in these pages that hard work, sound judgement and client empathy can result in a lawyer rising to the very top echelons of his profession. There cannot be a solicitor who ever practised in this jurisdiction of Northern Ireland who managed to achieve such fame worldwide and attract clients with international recognition whether they be in business, entertainment, sport or politics. From very humble beginnings, Tweed became a household name as an international libel lawyer to the rich and famous over four decades.

The early pages of this memoir describe how the author in his own words had an indifferent academic career and simply drifted into the solicitor profession. Upon qualification he

encountered his first major slice of good fortune when he acquired a position as an associate in the firm of Johnson Solicitors in Belfast. The second, and clearly the most significant piece of luck, was the fact that the firm's principal Herbie McCracken was a close friend of leading QC Bob McCartney. He in turn directed major insurance company work to the practice, in which Tweed soon excelled. He, along with another partner, in time attracted a sizeable tranche of insurance companies to the firm along with MOD personnel criminal injury claims. This would probably have been the extent of Paul Tweed's career had it not been for a court case known as the *Cream Bun Case*.

While the facts of that litigation and the allegations of defamation may appear trivial to the general public at this time, the libel published by the tabloid newspaper, the Sunday World, against the said Bob McCartney and Desmond Boal QC was regarded, by the former at least, as a serious undermining of his professional standing. The background was that the paper reported that the eminent legal pair had had a public row over who should get the last éclair in a cake shop in Hollywood Co. Down. Tweed describes McCartney as a force of nature, a description with which those who



practised in that era would heartily agree. He and Boal were numbered among the most effective court advocates in the Northern Irish Bar, and he simply would not allow the slur to persist and fester. Tweed was McCartney's solicitor and the case achieved prominence and some notoriety in the media, particularly when the jury brought in an award of £50,000 to each plaintiff, a very sizable sum in 1986.

This case and his introduction to the law of defamation opened up a whole new world for Paul Tweed. He is generous to many people with whom he worked but undoubtedly it was Bob McCartney who inspired him and opened up that area of law which dominated his practice for the rest of his professional life.

McCartney also introduced Tweed to a famous bookmaker and boxing manager/promoter called Barney Eastwood. The most famous boxer Eastwood managed at that time was a young man called Barry McGuigan who was the WBA featherweight champion of the world. The Eastwood/McGuigan relationship soured following the loss of his world title to an underdog, Steve Cruz, in the sweltering heat of Sun City. This led to bitter recrimination and numerous lawsuits involving Eastwood and McGuigan in which Tweed was actively involved. The most serious allegation made by McGuigan was that Eastwood was conflicted as both manager and promoter and that he, Eastwood, had forced McGuigan to fight Cruz while he was carrying a serious ankle injury. No defamation case achieved the publicity of this heavyweight contest with McGuigan represented by Michael Lavery QC taking on Eastwood represented by McCartney in the ringside of the Royal Courts of Justice in Belfast. Eastwood and McCartney, instructed by Paul Tweed, landed a knockout blow to McGuigan when the jury brought in a verdict for the bookmaker with a huge costs bill to be paid by the defeated boxer. Tweed as instructing solicitor was lauded by all including his formidable client and his mentor Bob McCartney.

A cut glass bowl was presented by the grateful client to Tweed bearing the engraving "To Paul, the Hitman Tweed, the undisputed Champion of The World". This was Paul Tweed's finest hour and contributed to his enhanced reputation as a major libel lawyer throughout these islands.

The adrenaline rush of these early libel actions gave Tweed the incentive to completely change the direction of his legal practice from a provincial firm in Northern Ireland to worldwide litigation in media law and reputation management. His connection to Eastwood led him to establish contacts first in the boxing world in the US and then with show business stars in Hollywood. The roll call of clients is quite breathtaking and, because of client confidentiality, is probably not exhaustive. Among those represented by Tweed were Liam Neeson, Britney Spears, Arnold Schwarzenegger, Bruce Willis, and Jennifer Aniston. There are many more A-listers named in this book who were represented by the author who soon became the go to lawyer for the world's famous and rich who wished to protect their reputations. Tweed quickly appreciated that U.S stars could bypass the restrictive laws in the country to take advantage of the protections afforded by our own defamation laws. The factors that played into his success were that most U.S publications carried European editions, stars had international reputations and the onset of global online dissemination. This resulted in what Tweed describes as a tsunami of claims. No longer would U.S celebrities be cannon fodder for the tabloids. Paul Tweed was the leader of that tsunami.

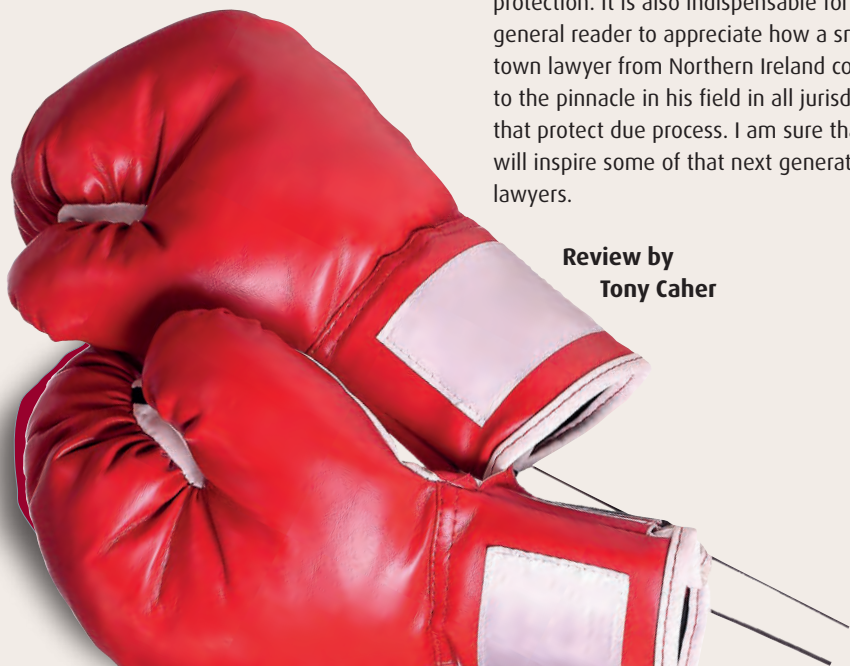
The latter part of the book deals with some of the personalities with which readers on

this side of the Atlantic are more familiar such as Sinead O'Connor, Sarah Ferguson, Louis Walsh, and of course our ex first minister Arlene Foster. It is compelling to read Tweed's impressions of these household names. It is clear that he is never overawed by the elevated status of those with whom he was now associating. It is always reassuring to learn that the powerful and famous have feet of clay like the rest of us. There is no doubt that the author comes across as a very likeable character who has genuine affection for his clients. He has also a steely side and does not hesitate to express his visceral dislike for some of the adversaries he has met in his career. By way of example he refers to a legal adversary as odious.

The book is also of great contemporary interest to all lawyers as it deals with the overwhelming power and influence of Big Tech. Tweed describes his frustration at dealing with these companies, who make billions acting as platforms for the dissemination of defamatory material as well as facilitating malevolent users to incite hatred and violence. He makes a very powerful argument that all jurisdictions throughout the modern world must take decisive action to regulate these companies and the emergence of AI. Tweed hopes that the tide is turning against generative AI, social media platforms and search engines. Perhaps he shares the ambition that the next generation of lawyers will be able to master space and cyber laws to a sufficient degree in order to bring about some level of practical regulation.

This book is a must read for all professionals in the field of reputation management and protection. It is also indispensable for the general reader to appreciate how a small town lawyer from Northern Ireland could rise to the pinnacle in his field in all jurisdictions that protect due process. I am sure that he will inspire some of that next generation of lawyers.

**Review by
Tony Caher**



SOCIETY NEWS IN BRIEF



New endorsements for the Pledge to uphold the Rule of Law

In June the Society thanked Dame Brenda King, Attorney General for Northern Ireland for her endorsement of The Pledge to Uphold the Rule of Law and the Independence of the Legal Profession.

Earlier in the same month the Permanent Secretary of the Department of Justice Hugh Widdis signed The Pledge.

The Pledge, which has been launched by The Law Society of Northern Ireland, recognises the Rule of Law as the foundation of a just and democratic society, and commits to supporting and upholding the independence of the legal profession and the judiciary which underpin the Rule of Law.

It commits to upholding six key principles:

Independence	Balance and impartiality
Responsibility	Transparency
Fairness	Accuracy



Law Society shows support for Belfast PRIDE Parade 2024

On Saturday 27th July 2024, solicitors participated in the Belfast Pride Parade through Belfast City Centre in celebration of the LGBT+ community in Northern Ireland.

The Society is grateful to the many solicitors, their families and friends who joined the parade supporting equality and diversity within the legal profession and our community.





Law Society welcomes new Head of Policy and Engagement

The Law Society of Northern Ireland has announced the appointment of **Dr Patricia O'Lynn**, as its new Head of Policy and Engagement.

Patricia brings a wealth of experience from various public and academic roles to her new role.



President and CEO attend Law Society of Ireland Annual Dinner

The President, Darren Toombs and Chief Executive, David A. Lavery CB were delighted to join Barry MacCarthy, President of the Law Society of Ireland at their Annual Dinner at Blackhall Place on Friday 17th May 2024.

President attends The Law Society of Scotland, 75th Anniversary Dinner

In May, the President was delighted to attend The Law Society of Scotland, 75th Anniversary Dinner at the National Museum of Scotland in Edinburgh.



From the Courts - Abstracts of recent Case Law



Below are headnotes and links to the full text of selected judgments from the High Court and Court of Appeal.

Please note that these headnotes are for guidance only.

COMPANY LAW

[In the matter of Cloughvalley Stores \(NI\) Ltd - in administration between Michael Quinn and The Department for the Economy](#)

Leave to appeal extension of time to appeal. - Michael and Brigid Quinn appointed as directors of Cloughvalley Stores in 1998. - company went into administration in 2011. - deficit of £5m. - administrator reported that appellant and Brigid Quinn were unfit to manage the company. - failure to co-operate with the administrator. - failure to file annual accounts. - caused and permitted the company to misuse bank account. - failure to pay £160,915.10 to the Crown. - appellant also caused criminal damage to property. - appellant

and Brigid Quinn failed to appear at hearing in February 2023 either in person or remotely. - whether fair and transparent procedure followed. - whether discretion to extend time. - HELD THAT there is no merit to the appeal. - application to extend time is refused.

McBride, J
Court of Appeal
25 June 2024

CRIMINAL JUSTICE

[In the matter of an application by Malachy Goodman for judicial review](#)

Application in respect of a decision of the Parole Commissioners dated 28 February 2024. - illegality in respect of the decision not to direct

further release after recall of applicant. - applicant sentenced to a determinate custodial sentence one year and three months in custody followed by a period of one year and nine months on licence. - aggravated vehicle taking, dangerous driving, driving whilst unfit and disqualified. - custody expiry date 31 May 2022 and licence expiry date 1 December 2024. - applicant recalled to custody on 10 November 2022 due to breach of licence conditions. - consideration of *Foden* [2013] NIQB 2, *Pearce* [2023] UKSC 13 and *Hilland* [2024] UKSC 4. - failure by Parole Commissioners to consider the guidance of *Hilland*. - test, approach and mechanism applied by the panel when considering parole. - HELD THAT there has been

an error of law sufficient as to quash the case and to justify that, the Parole Commissioners should consider this matter afresh in light of the guidance of *Hilland*.

McAlinden, J
Kings Bench Division
3 July 2024

[In the matter of an application by Jason Moore for leave to apply for judicial review and in the matter of a decision of the Parole Commissioners for Northern Ireland](#)

Applicant is a determinate custodial sentence (DCS) prisoner recalled to prison having been released on licence. - applicant had pleaded guilty to one count of robbery and one count of

theft. - sentenced to two years in custody and three years on licence. - applicant was released on 18 August 2023 with no fixed abode. - due to meet with his supervisor on day of release but failed to appear. - attended police station to notify them that he had missed an appointment who took him to his mother's house where he stayed until he was arrested on 21 August 2023. - DCS licence revoked. - whether illegality and irrationality. - whether Commissioners wrongfully conflated two separate elements of their powers, assessment of suitability for release and responsibility to promote rehabilitation. - whether Commissioners wrongly took into account an immaterial consideration in the form of the Mental Health (NI) Order 1986 art. 53. - whether applicant sought re-release. - whether accurate expression of wishes. - *Hilland and Foden* cases. - risk posed by applicant if released. - HELD THAT application for leave to apply for judicial review is dismissed.

Scofield, J

Kings Bench Division

9 July 2024

CRIMINAL LAW

[R v Darren Gleeson](#)

Conspiracy to possess explosives with intent to endanger life or cause serious injury to property. - conspiracy to possess firearm and/or ammunition with intent. - preparation of terrorist acts. - receiving training or instruction in the making or use of weapons for terrorism. - belonging to or professing to belong to a proscribed organisation. - Irish Republican Army (IRA). - reliance on video and surveillance evidence. - voice recognition evidence. - whether evidence is circumstantial. - Facebook entry investigation. - analysis of phone numbers. - bad character evidence. - defendant not called to give evidence. - whether defendant was present at

meetings. - HELD THAT defendant is acquitted on all counts. - there is a high suspicion defendant was present at meetings but they do not "cross the line" to establish guilt to the criminal standard.

Colton, J

Crown Court

1 May 2024

[R v Stephen Kinney](#)

Appellant convicted following a trial by jury in respect of one count of murder contrary to common law and sentenced to a mandatory life sentence with a minimum tariff of 20 years. - appeal was dismissed in December 2023. - appellant was the husband of Lu Na McKinney (the deceased). - appellant had hired a boat for family holiday with his wife and two children on Lough Erne. - appellant's wife could not swim. - appellant's case was that his wife had fallen into the water and despite jumping in, he could not save her. - wife had a sedative in her blood at time of death. - tariff in murder cases. - reference to *R v McCandless* and others [204] NICA 1. - starting point. - whether appellant was coercive and controlling towards the deceased. - whether murder was premeditated. - whether deceased had been lifted and placed into the water by the appellant. - whether appellant had tried to rescue his wife. - aggravating features. - domestic abuse. - HELD THAT the tariff imposed was not manifestly excessive and reflected the horrific elements of this crime. - appeal dismissed.

Keegan, LCJ

Court of Appeal

4 May 2024

DAMAGES

[AB v Logan Wellbeing Belfast Ltd, Logan Medical Belfast Ltd and Ruth Ellen Logan](#)

Assessment of damages in respect of plaintiff. - AB had fertility treatment which was unsuccessful, followed by

unsuccessful pregnancy. - AB suffered increasingly low mood and was prescribed antidepressant medication. - in 2019 AB became aware of Logan Wellbeing and following a meeting was told she would be able to conceive. - treatment protocol drawn up. - assumption that person treating her was appropriately qualified. - following a TV programme detailing fraudulent treatment by the clinic AB consulted a solicitor. - writ issued claiming that misrepresentations were made to AB and services rendered were negligent and ineffective. - medical evidence. - treatment by Logan Wellbeing had left AB in a position where she cannot bring herself to undergo another round of IVF, causing emotional pain and psychiatric damage. - HELD THAT AB is awarded £80,000 in respect of general damages and £6530 for special damages in respect of payments made to Logan Wellbeing Ltd.

Master Bell

Kings Bench Division

21 June 2024

DATA PROTECTION

[Fibrus Networks Ltd v Gareth Lacey and R&A Consulting and Brokerage Services Ltd](#)

Inter-related applications. - application by plaintiff seeking a permanent injunction against both defendants requiring them to deliver up information and ordering them to restrain them using information obtained by them from the plaintiff, in breach of the equitable doctrine of confidence and in breach of the plaintiff's database rights. - application by defendants seeking the discharge of the interim injunction granted to the plaintiff on 22 December 2023. - plaintiff carries on business as a broadband provider. - plaintiff obtained email addresses from customers and with consent was permitted to use these to

contact customers. - addresses stored on CRM. - first named defendant engaged as an Installations Coordinator as an agency worker by plaintiff. - first named defendant owned and controlled the second named defendant. - customer had received spam email from the latter. - first named respondent had copied email names and addresses to create a distribution list. - following investigation first named respondent left employment and admitted responsibility. - first named respondent continues to hold the data. - agency worker and not an employee. - HELD THAT there is a permanent injunction in the terms set out and there is no merit to discharge the injunction.

McBride, J

Kings Bench Division

28 June 2024

ENVIRONMENTAL LAW

[In the matter of an application by Dennison Commercials Limited for judicial review](#)

Applicant company is a well established business selling new and used trucks and providing maintenance and repair services to the transport industry. - decision to install 11 biomass boilers at its premises. - incentivised by the RHI scheme as well as the economic and environmental benefits. - applicant applied successfully under the Renewable Heat Incentive Scheme Regulations (NI) 2012 with effect from October 2015. - changes made in 2017 and in July 2021 when Ofgem revoked the applicant's accreditation and requested the repayment of £53,296.42. - statutory review requested by applicant of the Regulations under Regulation 50. - whether non-compliance and use of certain materials had occurred on behalf of the applicant which

had resulted in the revocation. - increased use of fossil fuels. - decrease in oven temperature. - change in business model. - whether procedural fairness of judicial review. - material was not provided to the applicant or disclosed to them. - Article 6 ECHR and lack of oral hearing. - illegality. - HELD THAT applicant's claim based on procedural fairness, error of law in the interpretation and application of the Regulations and inadequacy of reasons succeed; claim that Ofgem acted ultravires in relation to the recoupment of payments is dismissed; applicant's claim pursuant to ECHR Article 6 is dismissed. - applicant's challenge succeeds and panel decision of October 2022 is quashed.
Humphreys, J
Kings Bench Division
19 June 2024

FAMILY LAW

[A Health & Social Care Trust v A Mother and A Father and in the matter of AB, CD, EF \(children aged 10 years, 9 years and 7 years\)](#)

Applications by Trust seeking care orders in respect of three children. - mother and father are unmarried. - both took part in an Islamic Nikah ceremony shortly after meeting. - father's name on birth certificate of AB but not CD or EF. - three children born in England. - mother left father following the birth of third child and moved to Northern Ireland. - mother had been subjected to a catalogue of domestic abuse and coercive control with the father of the three children. - mother changed children's names to her adopted English surname. - mother then entered into an abusive relationship with another man. - mother moved to Women's Aid centre with the children initially and children were placed in foster care. - children had been exposed to abusive relationship and partner had been convicted of assaulting

AB and CD. - mother breached safeguarding arrangements. - mother has since had another child with partner with whom she now lives with. - HELD THAT rehabilitation into the care of the mother or father is not feasible within the near to mid-term. - care order in respect of each child approving care plans
McFarland, J
Family Division
1 August 2024

[A Health and Social Care Trust v PA and RM and in the Matter of CD \(Care Order and Freeing Order\)](#)

CD is five years old and was born to PA, CD's birth mother. - biological father has never been involved in the proceedings. - RM is PA's partner who also has a child. - applicant seek an order freeing CD for adoption. - PA wants CD to be returned to his care. - PA on child protection register as a child. - history of drug abuse, gender dysphoria, ADHD and mental health issues. - first child, GK was taken into care and adopted and subsequently suffered the loss of his adoptive mother. - whether CD would be safe in the full time care of PA at this stage. - assessments of PA and also RM, his partner. - whether statutory test on threshold has been met. - lack of narrative work regarding CD. - HELD THAT rehabilitation of CD to PA's care is not a viable option and would have a negative impact on CD. - Freeing order in respect of CD approved. - contact arrangements proposed by the Trust are approved
Kinney, J
Family Division
10 April 2024

[A Health and Social Care Trust v A Mother and in the matter of SE \(a child aged 5 years\)](#)

Religious upbringing. - SE, aged 5 years, is the subject of an interim care order. - child in foster placement with a family who are active members of Pentecostal church. - mother

of child is agnostic. - mother objects to SE receiving any form of religious instruction. - Trust seeks a declaration that SE be permitted to attend church services and church based social activities whilst in the care of foster family. - father is not on birth certificate and had never had contact with SE. - mother, drug misuse and suicidal ideation. - mother was aware that foster family were a Christian family when SE was first fostered and did not object. - mother has no contact with her birth family. - provision of new foster family would require SE changing schools. - whether significant harm to child to change foster placement. - consideration of child's religious persuasion. - provision of welfare checklist. - HELD THAT the Trust, in exercising its parental responsibility for the child permit the child to engage in the religious practices of the foster family
McFarland, J
Family Division
30 May 2024

HUMAN RIGHTS

[In the matter of an application by the Northern Ireland Human Rights Commission for Judicial Review and in the matter of an application by JR295 for judicial review](#)

Applicants seek to challenge core provisions of the Illegal Migration Act 2023 (IMA). - whether statutory provisions are incompatible with article 2 of the Ireland/Northern Ireland Protocol or Windsor Framework (WF) as implemented by section 7A of the European Union (Withdrawal) Act 2018. - whether same provisions are incompatible with articles 3,4,5,6 and or 8 of ECHR and section 4 of the Human Rights Act 1998. - first applicant is NIHRC and second applicant is a 16 year old asylum

seeker from Iran who is an unaccompanied child. - whether killed or sent to prison if he returns to Iran - consideration of age assessment process. - HELD THAT section 4 HRA declaration in respect of the age assessment provisions of the IMA are declined. - however granting of section 4 declarations of incompatibility are sought for sections 2(1), 5(1), 6(3) and 6(7) insofar as they impose a duty to remove; sections 2(1), 5, 6 and 22 insofar as they relate to potential victims of modern slavery or human trafficking and sections 2(1), 5(1) and 6 relating to children. - relevant provisions of the IMA at para [178] are disapplied in Northern Ireland and declarations of incompatibility in respect of those sections of the Act set out at para [255].
Humphreys, J
Kings Bench Division
13 May 2024

IMMIGRATION

[In the matter of an application by Shima Esmail for judicial review](#)

Applicant is a citizen of United Kingdom originally from Sudan. - extended family members still live in Sudan. - civil war in Sudan. - applicant wishes to secure a safe route for family members to join her in the UK. - applicant seeks to challenge UK Government's failure to establish a family reunification scheme. - Windsor Framework. - applicant's family are currently living on a bus with no access to healthcare and food shortages. - village is controlled by rebel forces. - consideration of leave outside the Immigration Rules declined. - "existing published concession". -

completion of Visa Application Form (VAF). - difficulties for family members completing VAF. - option for applicant to complete the forms. - Charter of Fundamental Rights. - HELD THAT none of the grounds for judicial review have been made out and application is dismissed.
Humphreys, J
Kings Bench Division
2 August 2024

INQUESTS

[In the matter of an inquest into the death of Fergal McCusker](#)

Open ruling. - provisional ruling on the viability of the inquest proceeding. - relates to death of Fergal McCusker who was likely shot dead at the back of Fairhill youth centre around 1.30am on 18 January 1998. - Loyalist Volunteer Force claimed responsibility for his killing. - no-one has ever been prosecuted or convicted for the any involvement in Mr McCusker's death. - viability of inquest. - whether practically possible to complete the inquest in time remaining until 1 May 2024. - *Litvenenko*. - information withheld on PII grounds is of central importance. - continuing with the inquest would mean conducting an insufficient investigation and would not deliver a full and proper verdict. - HELD THAT inquest is not viable within the time frame. - intention of Coroner to write to the Secretary of State for Northern Ireland requesting a public inquiry to allow for a full examination of evidence.
McGurgan, HHJ
Coroner's Court
24 April 2024

[In the matter of an application by SGM 15 for leave to apply for judicial review and in the matter of the findings and verdict of Coroner McGurgan on 6th September 2022 arising from the inquest into](#)

[the death of Master Stephen Geddis](#)

Applicant seeks a judicial review of the findings and verdict of McGurgan, HHJ delivered on 6 September 2022. - on 28 August 1975 Stephen Geddis (aged 10) sustained a head injury in the Divis area of Belfast. - army had been attacked with stones and bottles by civilians. - SGM 15 fired a baton round into a crowd. - crowd dispersed and Stephen Geddis was left lying on the ground and later died in hospital. - no evidence that Stephen Geddis was involved in any unrest. - verdict of misadventure was recorded on 8 January 1976. - Attorney General directed that there be a fresh inquest on 12 June 2014. - intended start date of inquest August 2021 - coroner heard evidence from 19 civilian witnesses with a further nine witnesses admitted into evidence. - evidence also from consulting engineer as well as medical witnesses, military witnesses, forensic evidence and pathology evidence. - whether procedural unfairness, self-incrimination, bias and irrationality. - whether coroner conducted a thorough public investigation. - illegality. - immaterial considerations. - procedural unfairness. - irrationality. - Article 2 ECHR. - HELD THAT leave to apply for judicial review is refused. - coroner has complied with his procedural obligations and conducted a thorough investigation
Colton, J
Kings Bench Division
28 June 2024

PERSONAL INJURIES

[Imelda McLaughlin and Italian Coffee Holdings Limited t/a Caffe Nero and Ageas Insurance Limited - Insurers of One to One Signs Solutions Limited \(in liquidation\) and Radiant Blinds Limited](#)

Application under Order 29 in

which the plaintiff seeks an interim payment of under one million pounds. - action arises from an incident at the first defendant's premises when the plaintiff allegedly suffered catastrophic injuries, loss and damage when a sign and canopy allegedly fell and struck her. - interim payment required to purchase a property suitable for plaintiff's needs in the longer term. - second defendant is not a party to the application. - real, immediate and reasonably necessary need for interim payment. - whether plaintiff will obtain judgment for substantial damages. - HELD THAT the first defendant shall pay the sum of £443,750.00 and the third defendant shall pay £543,750.00 as interim payments with 21 days of the service of the order.
Master Harvey
Kings Bench Division
22 May 2024

POLICE

[Joseph Holbeach v Chief Constable of the Police Service of Northern Ireland](#)

Plaintiff is a living victim of the Enniskillen bomb. - plaintiff was a bystander who suffered, mental and physical injuries and possibly some financial loss. - plaintiff claims his injuries and possible losses were sustained by reason of the negligence of the RUC. - proceedings initiated on 8 September 2021, 34 years after the event. - application had been amended without leave of the court. - whether RUC were negligent by not searching the Reading Rooms prior to the parade. - bomb subsequently exploded in the Reading Rooms. - strike out order. - consideration of *Magill v Chief Constable of PSNI* [2022] NICA 49. - whether a duty of care was owed to members of the public who relied on positive actions of the police in providing security for those

attending a public event. - plaintiff was reassured of police presence and this encouraged his attendance. - concept of reliance. - reference to *Robinson, Poole and HXA caselaw*. - HELD THAT it is not arguable that the plaintiff could establish at trial a relevant assumption of responsibility giving rise to a duty on the part of the RUC to take reasonable care for his safety at the material time. - appeal is dismissed.
McCloskey, LJ
Court of Appeal
31 May 2024

[In the matter of an application by JR305 for judicial review](#)

Applicant, a police trainee challenges the decision on 8 August 2023 by Chief Superintendent Walls to refuse the applicant vetting clearance. - whether impugned decision contained errors of law and fact, was procedurally unfair and was *Wednesbury* unreasonable/irrational. - applicant is subject of internal police proceedings which have been stayed pending the final determination of these judicial review proceedings. - applicant had been successful in his application to become a PSNI Officer in 2017 and following vetting was approved for induction training on 23 May 2019. - on 15 May 2019 an eighteen year old woman made an allegation to the police that the applicant had raped her. - whether he was aware that the complainant was drunk and had also taken drugs. - on 13 May 2020 applicant was informed by relevant authorities that he would not face prosecution as there was insufficient evidence. - review of decision requested by complainant and applicant was informed he would face prosecution for rape

on 9 August 2021 - applicant's vetting was suspended and his status as a police trainee. - applicant was acquitted on 30 May 2023. - vetting procedure. - whether applicant should have left the house when he was aware there were Class A drugs. - whether applicant had put himself in a position by entering a bedroom where a girl had taken drugs. - poor decision making. - reputational damage of PSNI. - consideration of *Victor* [2023] EWHC 2119. - Sir John Gillen review of case. - HELD THAT applicant's challenge is dismissed, and costs awarded to respondent.
McAlinden, J
Kings Bench Division
23 July 2024

REAL PROPERTY

Alan Dixon v Anne Sharkey
Appeal against an order of the County Court on 2 March 2021. - declaration that the defendant holds a beneficial interest in the property at Deerpark Road on trust for the plaintiff, herself and their three children. - the parties met following the death of defendant's first husband. - parties lived together in the Deerpark property from 2006 until 2015 but never married. - parties had three children together. - property was built on land gifted to plaintiff by his mother. - property was jointly transferred to the plaintiff and defendant as joint tenants in 2006. - plaintiff obtained planning permission and financed the construction of the property himself, using the proceeds from the sale of his own house to help fund the construction. - defendant alleged she paid for furnishings as well as household expenses. - defendant was to sell her marital home to finance the new property. - property never sold due to a boundary issue. - rental income of the house was used towards the family. - HELD

THAT appeal is allowed and find in favour of the plaintiff. - defendant is to execute a transfer of interest to the plaintiff.
Huddleston, J
Chancery Division
30 May 2024

SENTENCING

R v Gary Baird
Sentencing remarks. - Gary Baird guilty of murder of his wife on 16 August 2020. - victim statements of children and also brother and sister. - marriage difficulties. - deteriorating mental health. - death of wife caused by multiple blows to head, fractures to skull and catastrophic damage to brain. - Gary Baird called 999 and admitted murdering his wife. - voices in his head. - 500+ calls had been made to the GP regarding Mr Baird's mental health prior to the murder of his wife. - following the murder, Mr Baird was "sectioned" and detained for 376 days. - Mr Baird entered a plea of manslaughter on 20 May 2024. - Mr Baird had no previous convictions, no history of violence and had enhanced status as a prisoner. - whether risk of harm posed by Mr Baird. - HELD THAT sentence is seven years, three of which served in custody and four years on licence. - terms of licence to be agreed.
McFarland, J
Crown Court
10 July 2024

R v Viktoria Maksymowicz
Sentencing remarks. - defendant pleaded guilty to murder, possession of Class B drugs, possession of an offensive weapon and assault occasioning actual bodily harm. - defendant was living with Mr Browne before his murder. - sentenced to life imprisonment. - tariff period. - defendant had been in a relationship with Mr Browne for six months. - deceased had previous issues with alcohol and had been sober for ten years but

resumed drinking whilst in a relationship with defendant. - family members had concerns about relationship. - defendant had stabbed Mr Browne and he died from his injuries. - victim impact statement from family. - defendant had alcohol related problems. - no criminal record. - whether likelihood of reoffending. - expression of remorse. - whether there was an intention to kill. - sentencing principles. - HELD THAT sentenced to 14 years with three months for possession of drugs and three months for possession of knife and one year for inflicting bodily harm which are to run concurrently with the tariff
O'Hara, J
Crown Court
3 July 2024

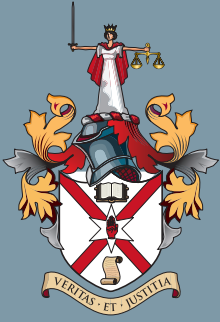
TERRORISM

In the matter of an application by William Bannon for leave to apply for judicial review
Applicant was detained between 13 October 1973 and 23 May 1974 under the internment regime. - detention grounded upon an interim custody order (ICO). - seeks to secure the quashing of the ICO. - consideration of *R v Adams* where the making of the ICO was invalid and consequent detention and convictions for attempting to escape were unlawful. - applicant purports that his case has the same legal flaw as in the *Adams* case. - ICO not personally made by the Secretary of State as it was required in law to be. - ICO was made by the Minister of State and not the Secretary of State. - whether applicant's challenge is out of time. - whether applicant was legally represented at the material time. - whether applicant understood the ICO at the time. - implications of Legacy Act. - HELD THAT application is dismissed. -

application is out of time. - in light of the provisions of the Legacy Act the substantive application even if pursued by a civil action would fail.
Scoffield, J
Kings Bench Division
23 March 2024

WILLS

In the matter of the estate of Terence Benedict McQuaid (deceased) between Conrad McQuaid and Briege McQuaid and Patrick Mallon as executors of the estate of Terence Benedict McQuaid deceased (No. 2)
Plaintiff had appealed an earlier decision challenging the validity of the will. - plaintiff now seeks reasonable financial provision from his late father's estate. - deceased's will bequeathed everything to his wife, Briege. - estate is valued at £2,946,349. - plaintiff disputes the valuation. - plaintiff is eldest of six children and is an amusement arcade proprietor with an extensive property portfolio. - whether plaintiff had worked with his father in the amusement business in the belief that he would acquire equitable share in the business. - plaintiff now in some financial difficulty. - whether plaintiff had a difficult and fractured relationship with his father and made an allegation of criminal conspiracy against family members. - plaintiff harbours animosity towards mother. - HELD THAT claim is dismissed and plaintiff to pay the defendant's costs. - there is nothing in the case to justify a claim by an adult son who is capable of earning an independent living.
Humphreys, J
[2024] Nich 9
27 June 2024



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2. Solicitors being blamed for poor exchange rates or being asked to hold off sending the funds while the client waits for a better rate.

- a. A solicitor sent funds as per normal through their bank to a client in Australia. By the time the funds arrived with the client, not only was the exchange rate poor, but the rate had moved against them. The client was continually in contact to dispute the amount received, even though the file was closed, causing the solicitor lots of distress.

3. Funds bouncing back

- a. A solicitor transferred funds to an overseas bank, and they rejected the funds multiple times. Understandably the bank would not speak to the solicitor and the client was elderly. It took three months to resolve

4. Confirming overseas bank details

- a. A solicitor had to confirm bank account details with an American client out of hours and the bank details provided were incorrect, which means funds were sent to the wrong account.

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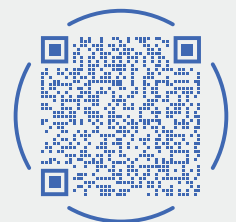
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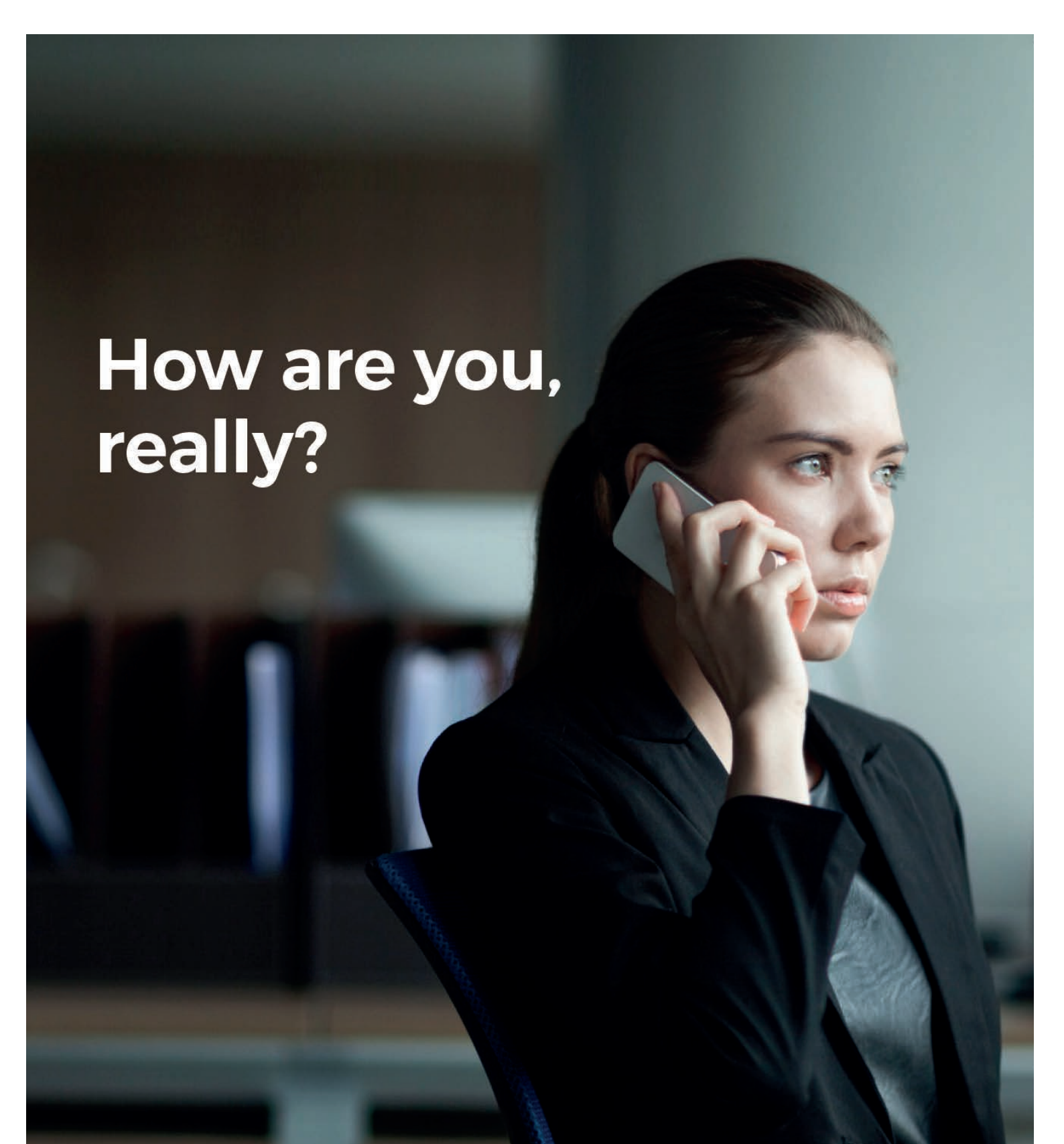
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