

## National University of Ireland, Maynooth

---

From the Selected Works of Seth Barrett Tillman

---

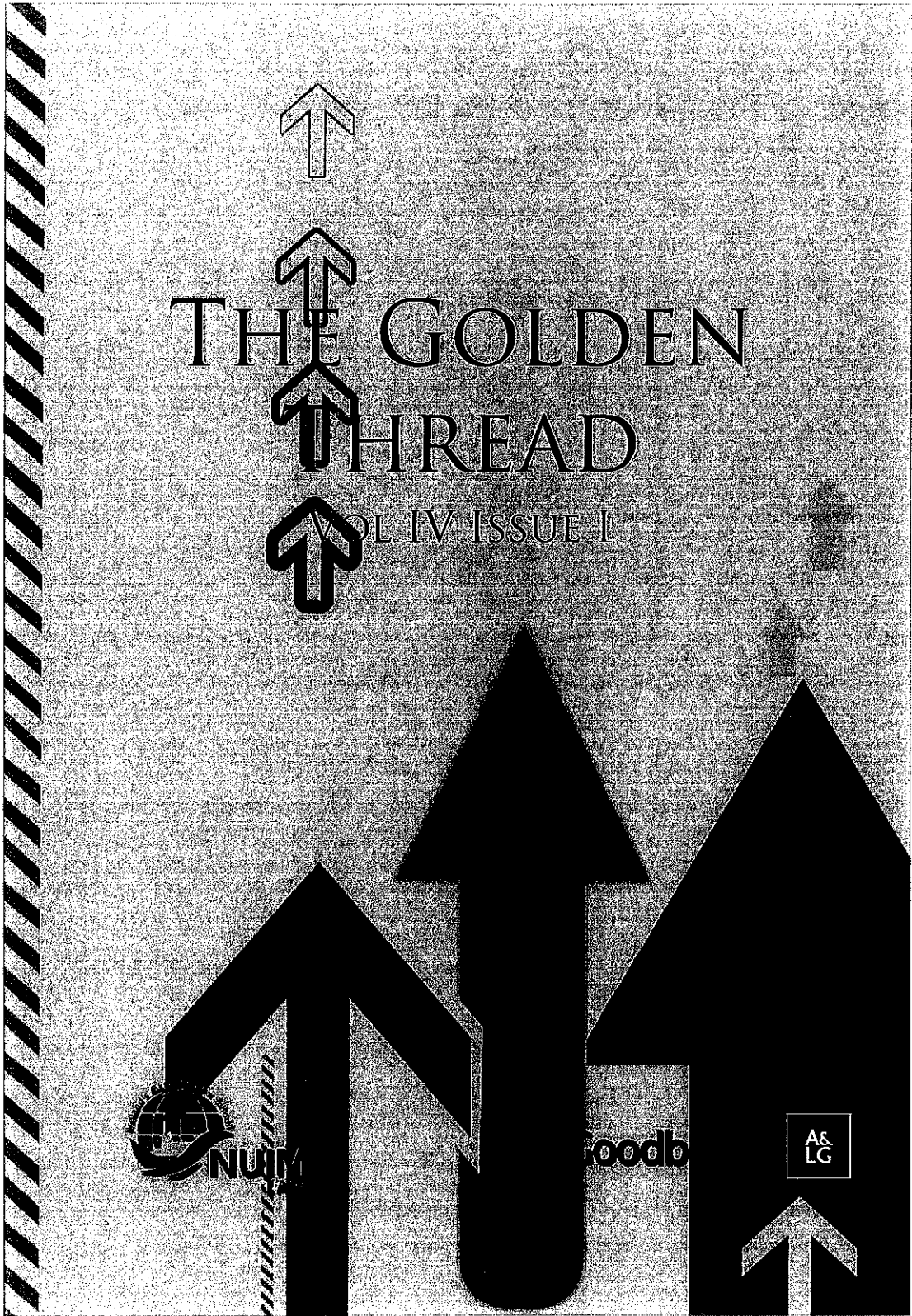
December 15, 2013

Extract from Leah Holmes, Note, The 33rd Amendment on the Establishment of a Court of Appeal, The Golden Thread (2013), acknowledging Tillman

Seth Barrett Tillman

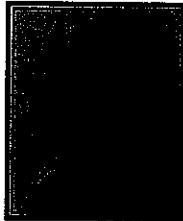


Available at: [https://works.bepress.com/seth\\_barrett\\_tillman/439/](https://works.bepress.com/seth_barrett_tillman/439/)



# CONTENTS

|  |         |
|--|---------|
| <b><i>"Editor's Welcome"</i></b><br>by Nicole Duffy  | Page 1  |
| <b><i>"Will you still love me tomorrow? A call for 'pre-nuptial agreements' to be legally recognised."</i></b><br>by Brian Walsh | Page 2  |
| <b><i>"The UN: United In Our Safety?"</i></b><br>by Freda McGeough   | Page 4  |
| <b><i>"The Gender Recognition Bill: A Good Start?"</i></b><br>by Aoife McMahon   | Page 7  |
| <b><i>"The 33rd Amendment on the establishment of a Court of Appeal."</i></b><br>by Leah Holmes                                  | Page 10 |
| <b><i>"The Need For The Reform of Domestic Violence Legislation in Ireland."</i></b><br>by Nicole Duffy                          | Page 12 |
| <b><i>"Is it Time to Re-Evaluate the 'Life Sentence'?"</i></b><br>by Rhys Thomas   | Page 14 |
| <b><i>"The Abolition of the In-Camera Rule in Family Law Courts."</i></b><br>by Jessica Wilke                                    | Page 17 |
| <b><i>"How to achieve the best results in your first year law exams."</i></b><br>by Mairéad Conway                               | Page 19 |
| Exam Timetable   | Page 20 |
| <b><i>"Meet Prof. Michael Doherty; Our New Head Of Department."</i></b><br>by Ryan McGuinness                                    | Page 22 |
| Contributors   | Page 23 |
| References   | Page 24 |



## The 33rd Amendment on the establishment of a Court of Appeal.

By Leah Holmes

last, Ireland is set to 'revolutionise' the vote has highlighted the system. The referendum on appeal, which will be held in 2018, which will aid with the means that the court majority of the appeal to the Court of Appeal.

The concept of the court for certain circumstances made. There are three new Court of Appeal judges addressed is the Solicitor and Junior Vice President. This fear in his debate on Newstalk 106-107 to work incredibly hard drop a little bit. I am the legal profession planned change to the Supreme Court Court decisions. It is Ireland in line with the 21st Century system that reflects out-dated and the cases will be dealt with Constitutional Court Ireland will mirror the matters, leaving the Supreme Court. The Supreme Court matters that affect the Court of Appeal for more

October 4th  
 premise to  
 two-to-one  
 appeal  
 court of  
 levels,  
 therefore  
 the  
 matter,  
 final, save  
 may be  
 of the  
 to be  
 Solicitor  
 sized  
 Dermott  
 the Court  
 must  
 stream of  
 es". The  
 on  
 Supreme  
 will bring  
 As we  
 courts  
 severely  
 appeal  
 devoted  
 Court in  
 routine  
 Supreme  
 Constitutional  
 new Court  
 care

and time also ensure that the issues will become clearer for prospective litigants on the matter. For prospective litigants to have a courts system which is more efficient and less costly. It is evident that there is a need for a new Court.

Notwithstanding the astounding yes vote to the reform of the Irish appeals system, it has been met with a substantial amount of criticism. Paul Anthony McDermott, Constitutional Lawyer, expressed his reservations about the possible establishment of a new Court of Appeal, asserting that the introduction of a new court will only increase the delays. "In my experience in law, the more layers you introduce to a system and the more courts & judges you have, the more cases there'll be, the more delays there'll be. It won't solve the problem that Irish people are very litigious". Our very own Professor Seth Barrett Tillman has been quite vocal with his concerns over the proposed changes. He claims that the issue with the current backlog is a "productivity problem" which "a new court can't solve" further adding that the new Court of Appeal is "a new bailout". Professor Tillman, along with many other commentators, believes that this will not be a solution to the existing problem. The Master of the High Court has made his own comments on the matter calling the new system a "crude device" which will not reduce the backlog but rather increase the number of appeals. "The judges have come up with this idea for a Court of Appeal with lots of judges but it's a crude device which avoids addressing the problems of excessive complexity and paperwork," Possible separation issues between the High Court, Court of Appeal and the Supreme Court have too been advocated. Michael Gallagher, Professor of Comparative Politics, Trinity College Dublin, has raised such concerns. He believes that the new Court of Appeal will also hear some Constitutional cases which may blur the dividing line between the two Courts.

With regard to the question of whether the 32nd Amendment to the Constitution is possible that it is possible that the current courts may be able to handle the baton? It may be asserted that the current system is laborious and costly and that a new system is the most straightforward and efficient. The new courts will truly separate or will they become a more complex version of the current system. In time will tell whether the new system is a more efficient and less costly system for the Irish Courts system.