

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/

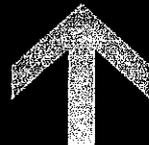


THE GOLDEN THREAD

VOL IV ISSUE I

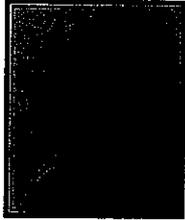


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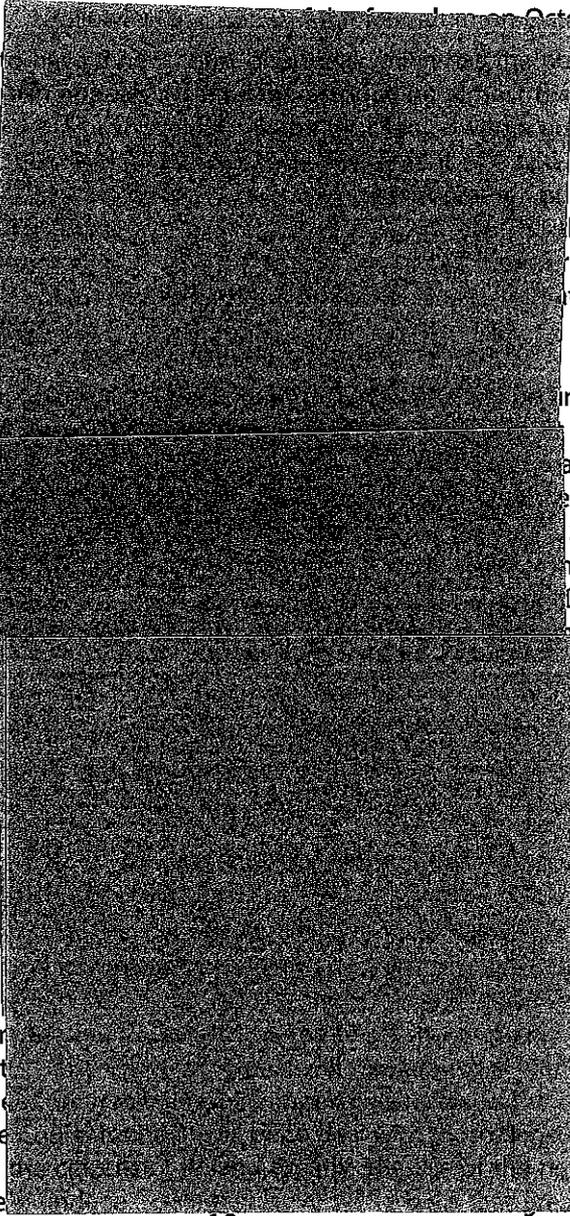


The 33rd Amendment on the establishment of a Court of Appeal.

By Leah Holmes

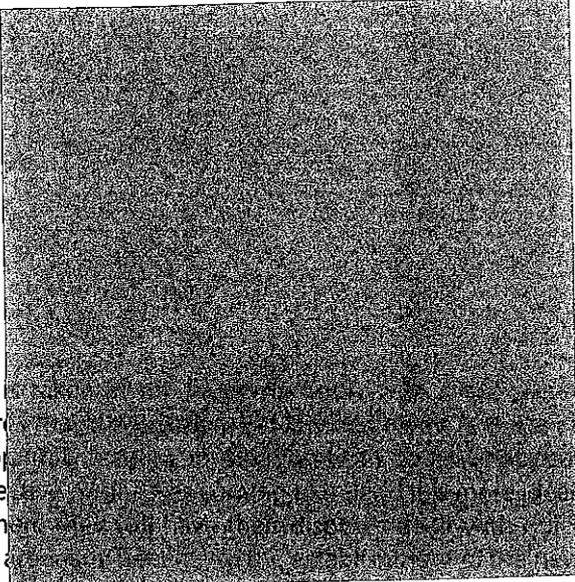
last, Ireland is set to 'revolutionise' the vote has highlighted the system. The referendum on appeal, which will be held in 2018, which will aid with the means that the majority of the appeal to the Court of Ap

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



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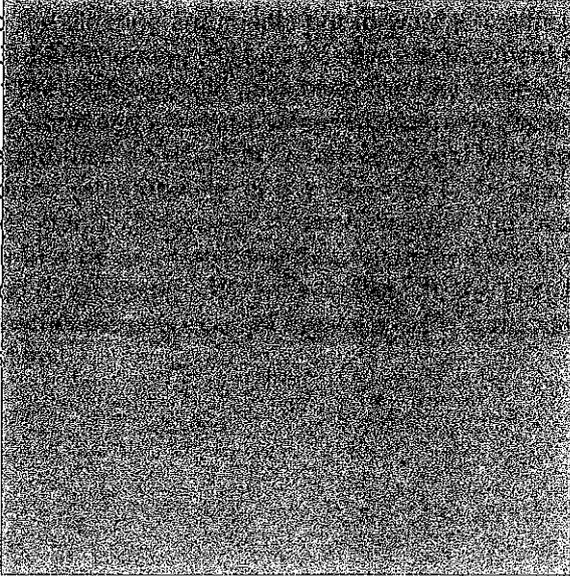
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THE ESTABLISHMENT OF A COURT OF APPEAL

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 devise" 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.

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