Mattie McGrath TD, Press Release, ‘Court of Appeal Act will only entrench systemic delays’, 30 July 2014, quoting Tillman's opinion editorial in The Irish Times on the Court of Appeal Bill 2014

Seth Barrett Tillman
PRESS RELEASE

“Court of Appeal Act will only entrench systemic delays,” McGrath

30-07-2014

Independent TD Mattie McGrath has said that the unwillingness of Government to implement meaningful reform of Court practices despite the passing of its Court of Appeal Act over nine months ago clearly demonstrates its abject failure to deal with the massive and continuing backlog in both the High and Supreme Court. Deputy McGrath was speaking after the Minister for Justice and the Government have come in for sustained criticism relating to the delay in getting the Court of Appeal up and running despite the electorate having been promised it would speed up the four year backlog which has accrued in the Courts:

“The fact that for over one year the Government will have delayed in the very establishment of a Court designed to reduce delays is almost laughable. I said at the time of the Referendum last October that the proposed Court of Appeal would do nothing to solve the backlog in the absence of other more immediate and practical reforms of how our higher courts operate.

Not only have these reforms not taken place but in the meantime we have witnessed the closure of courts on a scale that the Law Society itself has deemed harmful to the fabric of justice in this State. While on the one hand the delay in setting up the Court of Appeal is absurd, on another we have to see that even when it is established it will do nothing to prevent further backlogs occurring.

What needs to be also kept in mind is the fact that that we have been talking about the establishment of a Court of Appeal since 2009 when the Government established the Working Group on a Court of Appeal in order to make recommendations to ensure greater efficiencies in the practice and procedure of the Superior Courts.

Since that time despite Introducing case management, the greater use of technology by the High and Supreme Courts and encouraging resolution of issues and disputes outside the courts, nothing has worked in easing the backlog.
This is because the real changes that are required have been either ignored or resisted. It has rightly been pointed out by Dr Seth Barrett Tillman[1] that this new court is going to carry on using the same procedural framework used by the Supreme Court, and because of that it will be weighed down by the exact same backlog in the exact same way.[2]

The Government’s solution has simply amounted to ‘more of the same.’ It is a practice and an approach we have seen with the establishment of Irish Water. Tens of millions in initial fees thrown at the establishment of a quango that did not even have protocols in place to deal with blocked water pipes.

It is a farce designed to give the appearance of reform while maintaining the status quo of deferring to vested interests. The people deserve better than this mockery of judicial reform, they deserve meaningful changes that will enable them to move on with their lives instead of being trapped in legal limbo for years on end,” concluded Deputy McGrath.

ENDS

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[1] My title is Seth Barrett Tillman, AB (University of Chicago), JD (Harvard Law School), Lecturer, Department of Law, National University of Ireland Maynooth. [Footnote added by Tillman, and was not part of the original press release.]

[2] Seth Barrett Tillman, Opinion Editorial, ‘Court of Appeal just a new version of Supreme Court—only more costly’ The Irish Times (Dublin, 28 July 2014, 1:30 AM), Business & Innovation at 7, available at http://works.bepress.com/seth_barrett_tillman/501/, also available at http://ssrn.com/abstract=2465554, also available at http://www.irishtimes.com/news/crime-and-law/court-of-appeal-just-a-new-version-of-supreme-court-only-more-costly-1.1874746 (“Should the new court carry on using the same (or similar) procedural framework used by the Supreme Court, it will be weighed down by the exact same backlog in the exact same way.”). [Footnote added by Tillman, and was not part of the original press release.]