



## Legal Professionals Required

(Solicitors // Barristers // Senior Counsel // Academics)

To assist in tackling chronic systemic & endemic barriers to justice in Ireland



## Access to Justice

It is widely accepted that Ireland's Justice system is archaic & dysfunctional. This is particularly so in cases with structural imbalances, i.e., where individuals or SME's attempt to bring cases against the big players, e.g., the State and /or large corporations. Decades of experience has led to a perception that a cultural bias or prejudice exists in favour of large establishment entities, similar to the case being made by *Germany's Thuringia Regional Court to the ECJ in Case No. C-276/20*.

Amongst the Barriers to Justice are:

- **Chilling Effect** - where would be litigants are deterred from bringing cases due to High Costs, Complex Legal Procedures, and a High Expectation of Failure.
- **Third Party Funding** - Barriers to Justice are further exacerbated by government failure to repeal the Maintenance and Embracery Act 1634, which outlaws third party funding of litigation.
- **Contingency Fees** - arrangements with Solicitors are not allowed.
- **Class Actions** - are not allowed. At a minimum, opt in class actions need to be introduced to enable Irish consumers to take bundled actions against, e.g., utility providers.
- **Assignment of cases** - requires validation and/or clarification, in particular but not only in regard to the European Union (Actions for Damages for Infringements of Competition Law) Regulations 2017.
- **Abysmal Failure of Irish Regulators & Law Enforcers** - including but not only:

**Competition Authority [CCPC] // Company Law Enforcement [ODCE] // An Garda Síochána**

Failure to adequately if at all, comply with, enact and/or enforce:

- **European Law and Directives** including the Principle of Effectiveness.
- **EU Charter of Fundamental Rights**
- **EU Convention on Human Rights**
- **Bangalore Principles**
- **Article 45 (Directive Principle) Irish Constitution 1937 and Articles 34 // 35 // 40**

As a result, there are scores of cases that Individuals and SMEs are unable to bring, and those that do attempt such litigation, invariably succumb to a web of barriers to justice, e.g.,

- **Competition Law** - currently the only two core competition cases (since the introduction of Competition Law in 1991) have been running for a staggering 36 years). There is prima facie evidence of competition law infringements across many sectors, including Banking (which adversely effects Credit Unions, Post Offices and Consumers / Building Materials / Agri, including Farm Inputs, Farm Waste Recovery, the Beef market / Energy and more. The Insurance sector is rarely out of the news.
- **Land and Conveyancing** Issues and Anomalies // **Environmental Law** and Enforcement // **Procurement Law** Planning and related issues // **Banking and Financial Sector** // **Professional Negligence**

Are you a dedicated and passionate Legal Professional that is prepared to put Access to Justice before short term profit in the interest of ensuring that all Irish Citizens / Farmers / SME's can enjoy their Constitutional Right to Access to Justice. If so, please contact us at: [info@isba.eu.com](mailto:info@isba.eu.com)