

Dispute Resolution

Litigation Update: What is happening in the Courts?

Recent changes to the monetary jurisdictions of the civil courts

Many individuals view the prospect of litigation as a costly and time consuming exercise. However, recent changes to the monetary jurisdictions of the civil courts should alleviate some concerns as these changes should help to decrease legal costs for individuals and corporate entities, in addition to reducing the length of time it currently takes for a case to get to a hearing and ultimately a decision to be reached.

Since 3 February 2014, the monetary jurisdictions of each of the civil courts have increased as follows:

- The District Court's jurisdiction has been raised from €6,384 to €15,000;
- The Circuit Court's jurisdiction has increased from €38,092 to €75,000 (with the exception of personal injury claims as detailed below); and
- In relation to personal injury claims, the Circuit Court can now hear matters up to a monetary value of €60,000.

Thus the High Court will hear cases with a value of €75,000 (save for personal injury actions).

The District Court will become a court of pleadings, so greater clarity will have to be provided in the initiating claim form and vague or uncertain claims will not be tolerated.

It is hoped that these recent changes will help to ease the pressure in and lessen the list of cases before both the High Court and Supreme Court, thus speeding up the litigation process in general. Another added benefit of the increased jurisdictions is that those living outside of the Dublin area will have greater access to the courts through the more evenly dispersed District and Circuit Courts.

Change to the "In Camera" rule in family law and childcare proceedings

Previously, all hearings relating to family and childcare proceedings were held in strict privacy, with only the family members, legal teams, relevant witnesses and the judge being present. Recent changes to the rules will now allow members of the media to attend such court proceedings and report on them. However strict rules will still apply.

The purpose of introducing these changes is to ensure that there is greater transparency in relation to the operation of the law thus benefiting the general public, legal profession and the judiciary alike. The government hope that by introducing this change, it will lead to greater uniformity and consistency in the manner in which this area of law is administered.

In order to protect families and children's anonymity and ensure that parties are not deterred from pursuing litigation where necessary, the media will continue to be prohibited from reporting any information which is likely to identify the parties involved or an individual child and any sensitive information, such as an individual's commercial interests. There is a sanction so that where a member of the media breaches these rules, it will constitute a criminal offence and if found guilty, he or she may be liable to fine of up to €50,000 or a term of imprisonment for up to 3 years. Further safeguards have been retained as the courts will continue to have the power to exclude members of the media from proceedings and to restrict reporting of proceedings in certain circumstances.

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