



Irish Penal Reform Trust

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Jim O'Callaghan TD
Minister for Justice, Home Affairs and Migration
Department of Justice
51 St Stephen's Green
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D02 HK52

3 June 2026

Re: Proposed reform of the District Court Criminal Legal Aid Scheme

Dear Minister,

I am writing to highlight the Irish Penal Reform Trust (IPRT)'s concerns regarding the proposed reform of the District Court Criminal Legal Aid scheme. Criminal legal aid underpins not only the right to a fair trial, but also the court's ability to adopt a constructive, problem-solving approach that supports rehabilitation and reduces reoffending. Any reform to the scheme must be carefully calibrated to ensure that it does not inadvertently undermine these fundamental objectives.

IPRT believes the proposed replacement of the current fee-per-appearance model with a flat fee would, in effect, operate as a cap on the level of legal representation available to an accused person and infringe upon their fundamental rights. This is likely to have a particularly acute effect on vulnerable defendants, including those experiencing addiction, mental health challenges, homelessness, language barriers, or a combination of these, who may face significant difficulty securing adequate legal representation.

A flat fee model, applied irrespective of the number of appearances or the complexity of the case, does not reflect the realities of District Court practice. The criminal justice system, particularly in the District Court and the Children's Court, serves not only an adjudicative function but also an important supervisory and, in many cases, rehabilitative role. Proceedings before the District Court concern minor offences which are often connected to underlying complex needs of an individual, including poverty, mental health challenges and addiction. These cases frequently involve the court engaging with issues such as welfare, family circumstances, education, and behavioural changes, especially in cases involving children and young adults. Adjournments in cases of this nature may arise for a number of reasons, including outstanding probation reports and mental health assessments, particularly given the long waiting lists in securing reports. These cases are inherently more time-intensive and we are concerned they would be severely impacted by a flat fee model and that a person-centred approach would be severely impeded.

The calculation of the number of appearances, and whether bail hearings are exempt from that calculation, is critically important. Where an individual is remanded in custody, statutory requirements mean that they may only be remanded for a maximum of two weeks at a time, or four weeks with their consent. This

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frequently results in a cycle of repeated appearances to renew the committal on remand. Office of the Inspector of Prisons (OIP) reports show that vulnerable cohorts disproportionately make up the prison remand population and are more likely to be held in custody on remand for minor offences, either due to denial of bail or their inability to pay the bail bond. Appearances before District Courts in bail applications are a crucial moment for an accused and require adequate legal representation to ensure their right to bail is effectively protected. This procedural reality requires ongoing legal representation and continuity of engagement which would be more difficult to secure under a flat fee model.

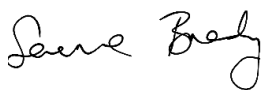
The proposed reform comes at a time when the availability of criminal defence solicitors is at crisis point. The departure of practitioners from the criminal sector has left some rural areas with only one, or in some cases zero, solicitors willing to take on legal aid work. This proposal risks disincentivising practitioners from taking on legal aid cases, particularly in more complex or time-intensive cases. This, in turn, may lead to a contraction in the pool of solicitors willing to undertake criminal legal aid work, thereby exacerbating existing access to justice challenges. The experience in family law, where a similar flat fee structure contributed to a significant reduction in practitioner participation, illustrates the very real risks associated with this approach.

IPRT also has concerns regarding the review process underpinning this proposal. The desk-based assessment conducted by the Department appears to offer only a partial picture of how the system operates in practice. Without engagement with stakeholders in the system, any review cannot adequately capture the reasons for case adjournments or the complexity of individual matters, particularly where such information is not systematically recorded on court files. Meaningful engagement with practitioners and other stakeholders is essential to fully understand these dynamics and to develop reforms that are both effective and proportionate.

Finally, I would like to acknowledge the critical role performed by criminal defence practitioners both in the lives of the individuals they represent and the criminal justice system as a whole. We acknowledge that there appears to be concerns that some practitioners do not always act in good faith when applying for adjournments in the District Court. However, without meaningful stakeholder engagement and clear evidence that this practice is widespread, this perception should not form the basis for policy development.

IPRT strongly urges you to reconsider the proposed model in its current format and to engage further with relevant stakeholders prior to commencing any reforms.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Saoirse Brady', written in a cursive style.

Saoirse Brady
Executive Director