

JOINT COMMITTEE ON JUSTICE MEETING

ON

**THE GENERAL SCHEME OF CRIMINAL JUSTICE (LEGAL AID)
BILL 2023**

DARREN LALOR BL

OPENING STATEMENT

Cathaoirleah, Members of the Committee, thank you for your invitation to discuss the General Scheme of the Criminal Justice (Legal Aid) Bill 2023.

I don't want to re-write my submissions already furnished to the Committee, but I wish to take this opportunity to emphasise the importance of a properly funded and properly mechanised criminal justice payment system at all levels, with a particular focus on barristers practicing at District Court level under the criminal legal aid scheme.

By virtue of Rule of Law compliance requirements and Ireland's membership of the United Nations and of the European Union the Irish State is obliged to fund prosecution and defence services in criminal proceedings. On the defence side this is so where an accused is unable to pay for her or his defence. The European Union Justice Commission audits Rule of Law compliance in member states on an annual basis. Non-compliance can lead to substantial State fines.

As matters stand, there is no mechanism in place to facilitate direct payment to barristers practicing in the District Court, save when the Non-Statutory Scheme is on occasion activated by a District Court Judge.

All criminal matters that come before the District Court are important to an accused given the nature of the alleged offence and the circumstances of that accused. Effectively, instructed barristers in a sense have to live the lives of the accused (and the victims of crime) at a particular time in their lives. Then you go home and live your own life, with your own family, waiting to be paid by your instructing solicitor, and in many instances, hoping in vain to be paid.

I don't want to rewrite history, but the State has placed me and many other barristers in a dilemma such that I need to come before you all pleading with you to rewrite the future. Nothing effective has been done since my time arriving at the Bar in 2015 to remedy this dysfunction in the legal aid scheme at District Court level.

To become the best version of yourself you must take risks. I have taken those risks. I left school very early. I turned my back on possibilities, and later found my future in my wife Fiona, and with Marie Torrens BL and Luigi Rea BL, each of whom I trained under. Now the State has turned its back on me, and people like me.

I tell students who come and visit the Criminal Courts of Justice

"Don't negotiate your values with anyone. You are all worth it".

Yet today I am sitting in front of the Oireachtas Justice Committee, cap in hand, asking to be considered to be paid directly by the State for work done on behalf of the State - a fair day's pay for a fair day's work – I think I am worth it.

Darren Lalor BL