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## A Year of Change: The Annual Report of the Supreme Court 2020

The Annual Report of the Supreme Court 2020 (the **Report**) was published on 14 April 2021 by Chief Justice Frank Clarke. The Report covers, amongst other things, the introduction of new Supreme Court procedures in response to the COVID-19 pandemic in what was an unprecedented year. We have summarised the key points below.

### Efficiency

Waiting times for the hearing of Supreme Court appeals have dropped to a historic low of 14 weeks, meaning the court has taken the opportunity afforded by the hiatus in physical hearings to bring its work up to date. Similarly, it was reported that the first remote hearing took place a mere 40 days from the announcement of the first Governmental restrictions and that the number of reserved judgments currently stands at 6, as opposed to approximately 20 at the date of previous years' reports.

### Remote Hearings

Since the start of the pandemic, the Supreme Court has held only one appeal physically, being *Friends of the Irish Environment v The Government of Ireland & Ors* [2020] IESC 49, with social distancing measures observed. Whilst the court has come to recognise the

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efficiency of remote hearings, the Chief Justice has noted that they are not as effective as the traditional model of physical hearings. With the Report providing that 117 remote hearings were held successfully in 2020, the Chief Justice indicated that remote hearings will continue to be utilised in the case management of proceedings but it is the court's intention to return to physical hearings as soon as it is appropriate to do so.

## Applications for Leave to Appeal

There was a 38% reduction in applications for leave to appeal filed during 2020, in contrast to the typical 10% increase in applications filed year on year. The court has noted one of the key challenges it will face this year will be responding as business returns to expected levels.

## Electronic Delivery of Judgments

On 24 March 2020, in response to the unfolding pandemic, the Courts Service indicated that the default position for delivering all judgments from that point was that they would be delivered electronically rather than in court rooms. Parties wishing to debate issues arising from the judgment were invited to electronically file written submissions in the Office of the Supreme Court. The Report highlights that the Supreme Court has delivered 89 written judgments in 2020 and this procedure remains the default position at the time of writing.

## Commentary

The Chief Justice appears to have recognised the practicality of remote hearings and electronic written submissions, however, this is not without reservation. The Chief Justice cites the ability to interact fully with counsel as an essential factor in dealing with matters of any complexity and contests the claim that dealing with issues on paper might save time and costs, stating *“a brief period of effective questioning in a live courtroom (even one which is being conducted remotely) has been shown to bring much greater clarity to issues than a written procedure and to reduce the overall judicial time required to dispose of appeals.”*

Nonetheless, the Report confirms that both remote hearings and dealing with more matters on paper will remain part of Supreme Court practice and procedure into the future, albeit perhaps restricted to more straightforward matters which do not require a physical hearing.

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