

# UNIVERSITY COLLEGE DUBLIN HONORARY CONFERRING Bloomsday, 16 June 2014

TEXT OF THE INTRODUCTORY ADDRESS DELIVERED BY **MR. PAUL GALLAGHER, SC** on 16 June 2014, on the occasion of the conferring of the Degree of Doctor of Laws, *honoris causa*, on **Susan Denham**

President, Honoured Guests, Ladies and Gentlemen.

Born in 1945, a native of Dublin, Susan Denham graduated from Dublin University with an LLB in 1970 and graduated from the King's Inns with a Barrister at Law Degree in 1971 and from the Law School of Columbia University with an LLM Degree in 1972.

Susan Denham commenced practice as a barrister in 1973, she became a Senior Counsel in 1987 and was appointed a Judge of the High Court in 1991. In 1992 she became the first woman appointed to the Supreme Court and on 25<sup>th</sup> July 2011 became the first woman to be appointed as Chief Justice of Ireland. She served as Pro-Chancellor of Dublin University from 1996 - 2010. As a lawyer, judge, and educator, she has provided selfless and highly committed public service in a lifetime of great achievement. She has brought to all of these roles her qualities of integrity, judgment and courtesy which have greatly enhanced her work.

Susan Denham's lifelong dedication to the administration of justice has through a singular focus of intellect, judgment and vision yielded great benefit for us all. Her dedication accrues not just to the advantage of those who engage with the legal system but to all those who participate in the democratic system. The proper and successful functioning of the legal system is vitally dependent on an independent judiciary with the necessary expertise, integrity and resources to discharge the crucial role conferred on it by the Constitution.

Susan Denham's influence on both the composition of Irish law and the structure of the Irish legal system over the last 20 years has been remarkable. As a judge she has played a central role in the judicial development of Irish law in that period. She has been involved in the determination of all the leading constitutional cases of the past two decades. This has occurred at a crucial time and during a period of profound and

far-reaching developments in our society generally and in the constitutional law that governs it, both domestically and at an international level.

In that context the many cases in which Susan Denham was involved have engaged with issues which have defined not only our relationship with government but also our relationship with each other. They have included issues of great significance for the Irish people which defined important aspects of our public discourse, expectations and understanding. The important and difficult questions addressed by the court of which she has been a member and of which for the last three years she has been President, have included issues relating to, abortion referenda; the rights to refuse medical care; immigration rights; the rights of a sperm donor, whether the frozen embryo constitutes an “*unborn*” under the Constitution; issues of sovereignty including Ireland’s relationship with the EU; and to the right of terminally ill persons to end their lives. These decisions not only constitute a major contribution to our jurisprudence, but in a society based on the Rule of Law, they also do much more. They serve to shape that society, to assist its members in reflecting on, and rationally considering, the hard questions.

Susan Denham has combined this adjudicative role with an administrative role in bringing about transformational changes to the Irish legal system. These changes have been essential not only to the continued functioning of the legal system but in a time of immense increase in the workload of the Courts have also been essential to ensuring that the legal system has been adapted to meet the needs of a modern society so that it has the capacity to respond more efficiently and effectively to the demands of its ever more sophisticated and demanding users.

In 1995 when Susan Denham was appointed to the Chair of the Working Group on a Courts Commission, the legal system required urgent and immediate overhaul if it were to continue to function. It was a system that was outdated and ill-suited to the requirements of a modern judicial system. The task of reform was daunting. It required Susan Denham’s special qualities to identify with clarity and precision what needed to be done and to present the need for change in such compelling terms that speedy implementation of the Working Group’s recommendation could not be denied.

The complexity of the task undertaken by the Working Group cannot be overstated. Fundamental change was required but it had to be obtained in a manner which preserved the integrity of the legal system, the independence of the judiciary and respect for the Rule of Law. Thanks largely to Susan Denham’s inspired and dedicated

leadership of the Working Group all this was achieved. Within a little over 12 months of her appointment, the Working Group, recommended the establishment of an independent and permanent body to manage a unified courts system. That recommendation resulted in the establishment of the Courts Service in 1998. The establishment of the Courts Service has been described as the greatest revolution in the management of the administration of justice since Independence. This new body, independent of any control by the executive organ of government, provided the framework in which the many other important subsequent recommendations of the Working Group, could be implemented. These latter recommendations related to case management, access to information on the Courts and to court documents, the creation of court divisions, major changes in the handling of family law cases, the benefits of technological change, and the first steps toward establishing a Drug Court administering restorative justice.

The Committee on Court Practices and Procedures, chaired by Susan Denham, recommended the establishment of a commercial court which has streamlined the hearing of commercial cases and played a vital role in creating the necessary legal environment to handle increasingly complex commercial cases and in helping to resolve the myriad of commercial entanglements and defaults resulting from the collapse of the Celtic Tiger.

It is no exaggeration to say that without the changes recommended by the Working Group's six reports and two working papers, the court system could not have dealt with the unprecedented demands placed on it in the last 15 years and would not have been capable of responding efficiently and justly (as it did) to the many complex legal problems of the recent national crisis.

Susan Denham has more recently turned her attention and efforts to effecting a fundamental change in the structure of our Courts. In May 2009 the Working Group on a court of appeal chaired by her, recommended the establishment of a new court of appeal in order to remedy the systemic backlog that would otherwise continue to accumulate in the Irish court system. It pointed out that remedying the problem would be of benefit to the economy as well as to individual litigants and the community at large. The implementation of this recommendation resulted in the 33<sup>rd</sup> Amendment to the Constitution and the new court of appeal is to be set up in the near future.

Susan Denham was a member of the committee, chaired initially by Liam Hamilton and then by Ronan Keane, which recommended in 2000, that a Judicial Council be

established in Ireland. She has advocated the necessity from such a body ever since, as a critical institution in a democratic state. Currently the Judicial Council Bill has priority status.

Susan Denham commenced her legal career in a male dominated profession and in a legal system that had changed very little for decades, if not centuries. She has displayed a deep understanding of the administration of justice and the role of the judiciary recognising at the same time that respect for, and devotion to, the law is not incompatible with change. She has used her special skills to play a vital role in the determination of the changes required to modernise the legal system and to make its operation more consonant with the needs of a modern society. Her legacy to the law is special. It reflects her great humanity, understanding and empathy. She has enhanced respect for the law and the Courts. She has ensured that the legal system has responded to the needs of a modern society without compromising its integrity. Her vision and her achievements have left an enduring legacy to society, a legacy of which both lawyers and non-lawyers can be proud. For these immense contributions we honour Susan Denham today.

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*Praehonorabilis Praeses, totaque Universitas,*

*Praesento vobis hanc meam filiam, quam scio tam moribus quam doctrina habilem et idoneum esse qui admittatur, honoris causa, ad gradum Doctoratus utroque Jure, tam Civili quam Canonico; idque tibi fide mea testor ac spondeo, totique Academiae.*