



Commercial Litigation

The Irish Commercial Court was established in 2004 to deal solely with significant commercial cases speedily and efficiently. The Commercial Court deals with all types of commercial litigation dispute including the following: breach of contract, property, shareholder disputes, intellectual property, corporate mergers and global restructuring, debt recovery, International Swaps and Derivatives or other investment disputes, and judicial review. There are related specialist lists dealing with Competition, Arbitration and Strategic Infrastructure litigation. Once a case is admitted to the Commercial List, it is case managed by a designated judge of the High Court which ensures the litigation progresses expeditiously to trial. Where a High Court judgment in a Commercial List case is appealed to the Court of Appeal, priority hearings are available for urgent cases.

Why choose Ireland and Irish Lawyers for conducting Commercial Litigation?

- **A long-established English-Speaking Common Law Jurisdiction:** After England and Wales, Ireland is the oldest common law jurisdiction in the world. The core common law and equitable principles which underpin modern commercial law are well rooted in Irish law. The Irish system developed in parallel and on very similar lines to its English counterpart and, as far as commercial law is concerned, the two systems of law bear a very strong similarity.
- **Doctrine of Precedent:** The doctrine of precedent is central to the Irish system as a common law jurisdiction. Irish Courts are bound to follow decisions of superior courts. This high degree of certainty to the law has underpinned the popularity of common law courts amongst international commercial litigants.
- **Independent and Experienced Judiciary:** The Irish Judiciary are highly regarded and have an international record of integrity, commercial awareness, fairness and impartiality.
- **Deep talent pool:** Ireland possesses a strong and highly-regarded infrastructure of lawyers, barristers and solicitors, serving a domestic and international commercial client base. There is a large existing body of multinational companies based or headquartered in Ireland which is currently served by Irish lawyers. Irish solicitors' firms and barristers have extensive experience and expertise in multi-jurisdictional matters, including disputes in other EU countries and the United States.



- **Enforcement:** The Irish system has a strong, long-established and successful domestic regime for the enforcement of judgments. As an EU member, Irish judgments can be enforced in all other EU Member States in accordance with the Recast Brussels Regulation.
- **Visa Free Travel for EU Citizens:** Ireland does not require entry visas for counsel, witnesses, arbitrators, or other visitors, who are EU citizens. The UK may introduce such a visa requirement following its departure from the EU.

How will BREXIT impact on Commercial Litigation?

The UK's decision to leave the EU, and the single market, is likely to cause parties to international contracts to consider a different choice of law and/or submission to jurisdiction clause. With the departure of the United Kingdom from the European Union, Ireland will be the only member of the European Union that operates a court system that is both English speaking and based on the common law and the doctrine of precedent. At present, there is uncertainty as to whether judgments of English Courts will be easily enforceable in the EU. English Courts will not be able to make a reference to the Court of Justice of the European Union (CJEU).

Who should I contact for further information?

[The Bar of Ireland](#) is the representative body for barristers in Ireland and has a search facility on its website in relation to all barristers who are members of the independent referral bar.

[The Law Society of Ireland](#) has a search facility on its website in relation to all solicitors and firms who are eligible to practice in Ireland.

The [Commercial Litigation Association of Ireland](#) is a joint initiative of solicitors and barristers and its aims include:

- Providing a forum for practitioners engaged in commercial litigation
- Supporting best practice in the litigation of commercial disputes in Ireland and
- Providing legal education and training for practitioners.

[The Commercial Court in Ireland](#)

