

Appeal No.

THE COURT OF APPEAL

BETWEEN

HELEN DAVIS

APPELLANT

- and -

IRELAND

RESPONDENT

NOTICE OF APPEAL

TAKE NOTICE that on the expiry of 10 days from the date hereof the above named Appellant will apply to the Court of Appeal, sitting at the Four Courts, Inns Quay, in the City of Dublin by way of an appeal from the entirety of the Judgment and Orders of the High Court (Ms Justice Honnor) delivered on the 15th day of June 2015 and perfected on the 2nd day of July 2015.

AND FURTHER TAKE NOTICE that at the hearing of the within appeal the Appellant will rely on the following grounds of appeal:-

TAKE NOTE the Appellant is not raising issue with whether or not the offending article is defamatory.

- 1) The learned Trial Judge erred in law in finding that the exclusion of defamation from the remit of the Civil Legal Aid Act 1995 was not contrary to natural and constitutional justice;
- 2) The learned Trial Judge erred in law in finding that the exclusion of defamation from the remit of the Civil Legal Aid Act 1995 was not contrary to the Appellant / Plaintiff's personal rights, more particularly her right to a good name and earn a living;
- 3) The learned Trial Judge erred in law and in fact in rejecting the Plaintiff's/Appellant's argument that the exclusion of defamation from the Civil Legal Aid Act 1995 was a breach of constitutional protection of fair procedures and the principle of equality before the law;
- 4) The learned Trial Judge erred in fact and in law in failing to hold that the exclusion of defamation from the Civil Legal Aid Act 1995 violates the principle of proportionality.
- 5) The learned Trial Judge erred in law in finding that the exclusion of defamation from the remit of the Civil Legal Aid Act 1995 was not contrary to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, more specifically that the exclusion was not in breach of Articles 6, 8 and 13.

- 6) The learned Trial Judge erred in law in failing to find that the exclusion of defamation from the remit of the Civil Legal Aid Act 1995 was contrary to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, more specifically that the exclusion did not amount to a permitted restriction under Article 18.

WHICH APPEAL shall be grounded upon the pleadings and proceedings already had herein, the Judgment and Orders of the learned High Court Judge, the Notice of Appeal herein, the nature of the case and the reasons to be offered.

Dated the day of July 2015.

Signed _____

Solicitors for the Appellant,
Erin Brokovitz Solicitors
2 Champerty Lane,
Dublin 30.

TO:-

The Court of Appeal Registrar,
Office of the Court of Appeal,
Four Courts,
Dublin 7.

AND TO:-

Solicitors for the Respondents
The Chief State Solicitors Office

Counsel's Note. 28th July 2015

The Court of Appeal today granted liberty to the Appellant/Plaintiff to appeal the decision of the High Court on the ground of appeal as set out in the Notice of Appeal.

The Appeal shall proceed on all 6 grounds.

A. Another BL.