

# Lawyers for Moriarty claim €25m

**Mark Tighe**

LAWYERS working for the Moriarty tribunal have been submitting pay claims for six- and seven-day working weeks at a rate of up to €2,500 a day.

Records released by the Department of the Taoiseach reveal that Jeremiah Healy and John Coughlan, two senior counsel, have been paid €9m each, including Vat, since the inquiry was established in 1997. Jacqueline O'Brien, a senior counsel on a slightly lower rate, has earned €6.5m, bringing the total for the three to almost €25m.

The barristers' fee notes, released under the Freedom of Information Act, show Healy worked 790 out of 944 (83.6%) days between November 20, 2007 and May 20 this year. Over that period the tribunal held just 23 public hearings.

Although there have been just four days' hearings this year, Healy claimed a fee for 150 out of 171 days up to May 20. He says he worked eight hours on New Year's Day, and every day in January except the 3rd.

Healy's second day off this year was said to be February 7. He claimed for all but five days between January 1 and March 31, including 21 Saturdays or

Sundays. Just six of these were said to be half-days, on which he receives 50% of the daily fee.

All three senior lawyers regularly work weekends. Healy claimed fees for 38 out of 52 Saturdays last year, which earned him €94,400. Eight of these Saturdays were half-days while the other 30 were said to be full working days. Healy claimed for work on 29 Sundays last year, 25 of which were full eight-hour days.

Coughlan regularly claimed for eight hours' work on Sundays. He claimed for 48 out of 52 Sundays in 2008, when the rate was €2,500 per day. Just one of these was a half-day. These 48 Sundays earned him €118,750.

The lawyers also regularly claim for working on public holidays. Healy said he worked full days on each of the last three May bank holiday Mondays.

Last week in the Dail, Enda Kenny, the Fine Gael leader, questioned why tribunal barristers were still being paid despite a statement made in 2008 by Brian Lenihan, the finance minister, that lawyers would be "let go" when there were no more public hearings. The tribunal is expected to hear evidence from just one more witness, Michael

Andersen, a telecommunications expert, who made himself available in early May, but who has yet to be scheduled for a hearing.

Although there are only 251 normal working days each year, Healy said he worked 300 days last year and 304 in 2008. The tribunal sat for just three days in 2008 and 16 in 2009. Lawyers are paid the same daily rate, €1,955 since February, whether there is a public hearing or not.

Coughlan claimed fees for working 302 days in 2008 (82.5% of the year). The barrister took sick leave from the tribunal earlier this year. He has not claimed for any work since November 30 last year, although he was working at the tribunal until March at least.

In total Coughlan has claimed fees for 613 of the 761 days (80.5%) between November 1 2007, and November 30, 2009.

O'Brien, who is paid less than Healy and Coughlan (currently €1,564 a day), did not work as many weekends as her colleagues but still claimed for 278 days last year and 272 days in 2008.

The Fianna Fail TD Michael McGrath suggested in the  
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## Moriarty team's €25m

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Public Accounts Committee (PAC) last year that the *per diem* payment "encourages counsel to prolong the work of the tribunal".

Jim O'Keeffe, a Fine Gael TD who also sits on PAC, said that the system was to blame. "To build even a shed with public money requires strict procurement rules to protect the taxpayer, but the same care hasn't been applied to the tribunal," he said. "The system is all wrong and obviously the rates are too high."

Healy and Coughlan's daily rate was set at €2,500 in 2002. This was reduced to €2,300 in March last year. In February, the daily fee for the two barristers was reduced to €1,955. Despite the cuts Healy received €664,839, after Vat, for his tribunal work last year.

According to the

Comptroller & Auditor General (C&AG) report on tribunal costs, the inquiry keeps a record of attendance for its legal team members but the system also has weaknesses. "It does not take account of arrival and departure times, work performed by the legal team outside of the office or at weekends," the C&AG said.

Each fee note listing the days worked by the lawyers is approved by Judge Michael Moriarty and Siobhan Hayes, the tribunal's registrar, before being sent to the taoiseach's office.

The tribunal told the C&AG that its work cannot be completed in the course of an ordinary eight-hour day and the barristers frequently work in excess of this. "Consequently, the state can benefit from the delivery of service in excess of that paid for," it said.