

# Try Harder Garda

**State has so far failed a woman who alleges Judge James O'Connor misconducted himself in office by making repeated contact with her though she was a vulnerable litigant in family law before him**

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Challenging the endemically complacent and others by the acute promotion of equality, sustainability and accountability

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In October 2021, *Village* detailed four incidents where retired Tralee District Court Judge James O'Connor is alleged to have had improper contact with women who appeared in his family court. Other media have reported another five allegations, making up to nine.

One of the women is still trying to push her case with the Garda. In July 2021 *Village* had reported that a woman had appeared family proceedings in Judge James O'Connor's District Court in Tralee, that the judge had said in open court that he needed her number, so at her solicitor's urging she gave it to him and that he subsequently texted her to say she had looked beautiful in his court. She met him on a number of occasions. She said she was afraid to say no since he had not resolved the case and she would need to go back into court.

Paul Murphy asked a question of the Taoiseach who appeared scandalised and agreed to look into it.

Another woman described how Judge O'Connor had found a reason to clear his court and then had leaned forward and said "C'mere, while they are gone: would you ever go and have a cup of coffee with me?"

A third woman described how the judge "approached her repeatedly, and "on one occasion lunged at me outside the court. I pushed him and left. He obviously felt he could have done anything he wanted to".

In early October Mick Clifford in the Irish Examiner exposed a fourth case of a woman who claimed that she met Judge O'Connor in a supermarket. "He told me to wait outside the door for him. Outside, he asked me for my phone number. What could I do? You're on your own with small kids and he's the judge".

The first woman had contacted Harcourt Square Garda Station Dublin in April 2018. Detectives from the Special Crimes Operations Branch met her in Tralee in May 2018. In the end she says a Detective Sergeant told her there was nothing to investigate and that it was "a normal situation, boy meets girl".

The woman complained to the President and half the cabinet, Leo Varadkar, Charlie Flanagan (former Minister for Justice), Brendan Griffin, the President of the District Court, and Chief Justice Frank Clarke but she had "not received much acknowledgment or help". The judges kicked for touch, saying improper contact was contrary to the "Bangalore principles".

She also lodged a formal complaint with the Garda Síochána Ombudsman Commission ("GSOC") in March 2019. It decided that there was no criminal element to the matter and ruled out any further action. GSOC found no evidence that Garda officers had mishandled her complaint.

Given how useless all this is, the woman's

solicitors, KRWLaw are now pursuing the State under heads including:

breach of the Data Protection Act 2018; breach of the woman's constitutional rights including under Article 38.1 (fair trial) and Article 40.3.2<sup>o</sup> (privacy); breach of s.3(1) of Ireland's European Convention on Human Rights Act 2003; and the tort (a civil not criminal offence) of misfeasance in public office.

*Village* suggested that given the abject inefficacy of all these agencies of State, she go back to the Garda, who may have considered only the crime of harassment and ask for the case to be pursued for the Common Law offence of Misconduct in Public Office'. Very simply, that is what the judge's scandalous actions most obviously appears to be.

In 2020 the Irish Times reported that Drew Harris, the Garda Commissioner, had announced that the Garda would investigate allegations relating to the 1979 Whiddy disaster, for the crime of misconduct in public office

The woman wrote to the Garda Commissioner, Drew Harris.

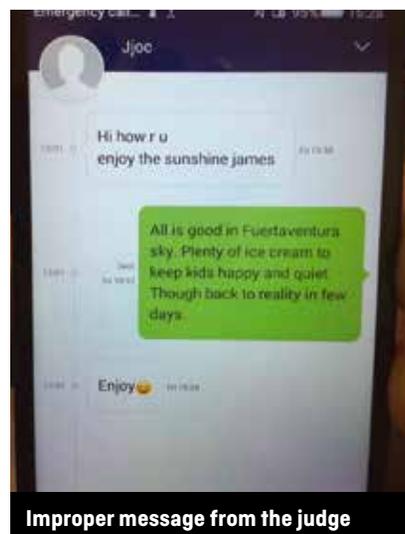
Correspondence from the Garda Corporate Services Unit on his behalf advises: "If you have any additional information relating to this matter, which you have not previously brought to the attention of Gardaí, you may report it to your local station, or any Garda station nationally".

The woman told the Garda she is forwarding additional information.

This includes the following:

1. As to the law, I have furnished you with the view of the Garda Commissioner that Misconduct in Public Office is a crime.
2. As to the circumstances, I note that at least three other women have been reported as having witnessed similar misconduct from the same judge. They are mentioned in the report I furnished to you. At least one of them would give information to any inquiry. I can give details of this.
3. As to the circumstances, I understand the Garda did not actually look at the phone I gave them which contains the key evidence of Judge O'Connor's misconduct. I can furnish that phone.
4. As to evidence, I have since learnt the names of the lawyers who spoke to Judge O'Connor when I was with him outside the Court in Tralee. Their evidence would corroborate my story.
5. I have also discovered the name of the clerk on key dates when I was before Judge O'Connor. I believe she could give key evidence. That too is new information".

Having been all around the houses in the body politic of Ireland, this heroic woman is back in the hands of An Garda Síochána. **L**



Improper message from the judge