

TEXT OF THE INTRODUCTORY ADDRESS delivered by **DR HUGH BRADY** Pro-Vice-Chancellor of the University, President of University College Dublin – NUI, Dublin, on 21 April 2004 on the occasion of the Conferring of the Degree of Doctor of Laws *honoris causa* upon **MELLA CARROLL**



A Sheansailéir, agus a mhuintir na hOllscoile:

The Honorable Ms. Justice Mella Carroll was born in Dublin in 1934. She came to University College Dublin in the 1950's and graduated with a BA in French and German. She subsequently went on to study Law at King's Inns and was called to the Irish Bar in 1957. In 1976 she was called to the Bar in Northern Ireland and, a year later, became a Senior Counsel and a member of the Inner Bar. For a period she was the only female Senior Counsel practising in the Irish State. In 1979 she was elected Chairperson of the Bar Council.

Then in 1980 Mella Carroll received the signal honour of being appointed the first woman judge of the High Court. She is now the longest serving member of that Court and during the intervening years has discharged the duties and responsibilities of her judicial office with great distinction, unfailing courtesy, and enormous integrity. Her formidable forensic talents were put to excellent use in another judicial context. For fifteen years she served on the Administrative Tribunal of the International Labour Organisation which is based in Geneva and, for a time, was appointed Vice-President of that Tribunal. The esteem in which Ms Justice Carroll is held by her fellow jurists was further evidenced by her appointment as President of the International Association of Women Judges.

In the course of a distinguished career she has chaired a number of important bodies. In this regard one might mention the County Borough Electoral Commission in 1984 and from 1991 to 1993 the Commission on the Status of Women. More recently she has chaired the Commission on Nursing and in this capacity has made a huge and lasting contribution to the nursing profession in Ireland. Referring to the implementation of the Commission's recommendations the Irish Nursing Board remarked that:

‘... the profession has seen the transformation of clinical career pathways, the introduction of graduate courses for new entrants, and the expansion and development of postgraduate courses leading to accredited specialist and advanced nursing and midwifery developments. The ultimate beneficiaries of the changes that have, and are, occurring are patients’.

In recognition of this outstanding contribution to nursing in Ireland Ms Justice Carroll was made an Honorary Fellow of the Faculty of Nursing of the Royal College of Surgeons in Ireland. Further recognition of her contribution to law and higher education came with the award of the honorary degree of Doctor of Laws (LLD) from the University of Ulster in 2003.

Ms Justice Carroll's long association with higher education culminated with her recent appointment as Chancellor of Dublin City University and chairperson of its Governing Authority.

It is, however, in her role as an accomplished jurist that Ms Justice Mella Carroll's contribution is most immediately and strikingly apparent. Her legacy as a judge of the Irish High Court, spanning some 24 years, is remarkable for its depth, scope and diversity. A small number of decided cases may be offered by way of illustration. In the field of constitutional law she is remembered for her decision in *The Attorney General of England and Wales v. Brandan Books* [1986] IR 597 in which she refused an application by the British government to restrain the publication in Ireland of the memoirs of a former member of the British Intelligence service (*One Girl's War* by Joan Miller). In reaching this decision the public interest of another state was not allowed to curtail freedom of expression within this jurisdiction. During the abortion controversies of the 1980's and 1990's Ms Justice Carroll wrote an important judgement in *SPUC v. Grogan* [1989] IR 753 in which she refused to commit student leaders and to grant an interlocutory injunction. In *Mhic Mathuna v. Ireland* [1995] 1 IR 484 she ruled that it was not unconstitutional to give greater assistance per capita to unmarried mothers than to married parents. More recently she participated as a member of the divisional High Court which held that the Oireachtas had acted ultra vires in establishing a committee of inquiry into the Abbeylara shooting and in the process decided that the Oireachtas had no inherent power to establish quasi judicial tribunals (see *Maguire v. Ardagh* [2002] 1 IR 385).

Ms Justice Mella Carroll has also decided a number of issues of commercial importance in the construction of the revenue code. In *McCann v. O'Culacháin* [1985] IR 298 she held that the process of artificially ripening bananas did not constitute manufacturing for the purpose of corporation tax relief. In the field of company law she was responsible for the decision on fraudulent trading in *Re Hunting Lodges* [1985] ILRM 75, one of the first cases in which the power to make directors personally liable for acts of fraudulent trading was exercised. Ms Justice Carroll sat on the Court of Criminal Appeal for a period but, in the field of criminal law, is best remembered for her meticulous handling of the trial for murder of Mrs Catherine Nevin. Within the broad area of family law she adopted a careful and restrained approach to attempts to extend the nullity jurisdiction of the High Court.

Ms Justice Carroll is a greatly admired graduate of this University and one who, despite her many and varied commitments, has maintained ongoing contact with the University particularly the Faculty of Law where she has been chairperson of its Centre for Commercial Law since 1990.

In honouring this fine jurist, and in recognition of her remarkable record of unstinting public service, the University does so in the knowledge that her many achievements have been marked not only by qualities of sharp and subtle intelligence but by strong personal qualities of firmness, integrity, courtesy, graciousness and modesty.

PRAEHONORABILIS CANCELLARIE, TOTAQUE UNIVERSITAS:

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