WITHOUT PREJUDICE

A poster on X received an advance copy of David Morrisseys book, Without Prejudice[1], and below is their account of a May 2016 hearing under Judge Griffin in the Circuit Court with particular attention & what it records is not an unfortunate misunderstanding

- It is the exposure, on the public record, of @talktoBOI & its legal representatives placing sworn material before the court that did NOT reflect the true state of Morrissey's account.
- That practice deserves open and unapologetic condemnation.
- When a financial institution and those instructed on its behalf elect to omit years of documented payments from affidavits presented to a Circuit Court judge, they are not merely protecting a commercial position. They are interfering with the court's ability to decide the case accurate facts.
- The court is entitled to the truth.
- The opposing party is entitled to the truth.
- The public is entitled to expect that officers of the court will not facilitate its distortion.
- There is a particular contempt involved in requiring a borrower to assemble a suitcase of receipts simply to force the bank's own records into the open.
- The bank already possessed those records & its solicitors had access to them.
- The decision not to put them before the court was deliberate.

  That decision was not neutral.
- It was deliberately calculated to create a false impression of default.
- Once a choice is made and once it is exposed in open court, the professional consequences for the banks' legal representatives should be severe and lasting.
- Instead, this warped system moves on. The solicitor disappears from the listing. New counsel appears. The underlying culture remains undisturbed.
- Banks and their legal teams operate under a privileged position. They appear repeatedly before the same courts, with institutional resources far exceeding those of most borrowers.

[1] https://www.withoutprejudicebook.com/

- That privilege carries a corresponding duty of absolute candour. When that duty is breached, the damage is not confined to one case.

- It corrodes confidence in every subsequent possession or enforcement application.

  The May 2016 episode is an illustration, not an aberration.

- Morrissey's book forces the reader to confront what many prefer to treat as procedural noise: the quiet, routine willingness of some institutional litigants and their advisers to "shape the court" record rather than reflect it.

- Those who draft and settle affidavits for banks should read it carefully. Those who sit in judgment on such applications should read it.

- And those who still believe that "the bank wouldn't do that" should confront the documented reality that the bank did do this and continues to do this.

- The record was corrected that morning.

- The professional standards that allowed the original affidavits to be filed remain, in too many quarters, unexamined.

Without Prejudice the Book

How to Purchase a copy

https://www.withoutprejudicebook.com/

THE BOOK

A first-hand account of what happens when the promise of fairness meets the reality of the courtroom.

Without Prejudice is the story of an ordinary person entering the Irish courts expecting evidence to matter, procedure to be followed and both sides to be treated fairly.

What follows is a personal account of the proceedings, decisions and encounters that challenged those expectations — and raised increasingly uncomfortable questions about how the legal system operates when you have to navigate it without the protection of money, influence or a legal team.

Told from the author's perspective and with a healthy dose of sardonic humour, Without Prejudice is written for the ordinary reader, not the lawyer. Legal arguments, procedures and terminology are explained in plain English as they arise, without pages of impenetrable legal jargon.

It examines the gulf between how the legal system is generally perceived and what actually goes on.