

Judge restricts art teacher from taking more claims due to 'abuse of process'

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In a novel ruling, a High Court judge has granted orders preventing an art teacher from taking further employment claims related to her former school job – and struck out existing complaints not yet decided – due to her abuse of court and tribunal process.

Mr Justice Cian Ferriter remarked it was “hard to imagine a set of cases and facts more fitting” for the orders he granted to the Minister for Education and the Kildare and Wicklow Education and Training Board (KWETB), which prevent Ms Deirdre Morgan from taking more claims against them, under what is known as the Isaac Wunder orders.

An Isaac Wunder order involves restricting a vexatious litigant from bringing further legal proceedings, unless express permission is granted by the court. The order is designed to “protect the integrity of the administration of justice by providing a filter to weed out the issue and prosecution of proceedings where such proceedings would amount to an abuse of process”, the judge explained.

What is novel in the case of Deirdre Morgan is that the judge granted the order preventing her from taking further claims to the WRC – rather than the Court itself.

Ms Morgan was dismissed from her job, in 2015, after she was found to have made malicious and vexatious claims of sexual harassment against a former pupil of hers. She was afforded full and fair procedures and had the benefit of legal advice.

After she was removed from her job, Ms Morgan began, according to the judge, a “6-year campaign of complaints and litigation.” She pursued multiple claims against the KWETB, the Minister, but also more recently, against the WRC and the Irish Human Rights and Equality Commission.

‘VEXATIOUS RE-PACKAGING’

Ferriter J recorded that Ms Morgan “has engaged in the habitual and persistent institution of proceedings both before the WRC and in the courts” and that she “has repeatedly engaged in the vexatious re-packaging of claims already determined against her.”

The facts of Ms Morgan's litigation campaign "are an exemplar of abuse of the important right of access to the courts which is protected under article 40.3 of the Constitution and article 6 of the European Convention of Human Rights", the judge said.

While noting the WRC director general or the assigned adjudicator could dismiss Ms Morgan's existing claims, any such dismissals "would inevitably be appealed by [her] to the Labour Court given her approach to date."

The facts of the case are "sufficiently exceptional for the Court to intervene in exercise of its inherent jurisdiction at this point" to strike out all remaining proceedings, which were "bound to fail", the judge said.

GRAPHICALLY UNDERSCORED

In his conclusion, Ferriter J noted commented further on Ms Morgan's behaviour before the High Court.

He said his own experience of Ms Morgan during the three-day court hearing "graphically underscored the benefits which will flow from the orders" he was to make.

She had threatened to walk out of court proceedings several times, and, on the third day, her "erratic behaviour" led to both security and the on-site Garda having to be called.

"Matters culminated in particularly disgraceful behaviour by the appellant on the afternoon of the third day which forced me to abandon the hearing", he said, and decided to move the remainder of the hearing to be conducted remotely.

Despite this, Ms Morgan still turned up at the High Court and when she later joined the remote hearing she "was again disruptive." (*Morgan v Labour Court, 2020/123 MCA*)