

THE HIGH COURT

[2026] IEHC 509

[Record No. 2022/4507 P]

BETWEEN

THE BOARD OF MANAGEMENT OF WILSON'S HOSPITAL SCHOOL

PLAINTIFF

AND

ENOCH BURKE

DEFENDANT

JUDGMENT (No. 8) of Mr. Justice Cregan delivered on 22nd July 2026

Introduction

1. This is my eighth judgment in this case and it considers whether the High Court should make an order excluding Mrs. Martina Burke, Ms. Ammi Burke and Dr. Isaac Burke from all future court hearings in all High Court cases which involve their brother, Mr. Enoch Burke (either as plaintiff or defendant, applicant or respondent) in his dispute (or in any way related to his dispute,) about his dismissal for gross misconduct from Wilson's Hospital School.

Notice of intended order

2. In my second judgment in a related case – *Burke v. Ó Longáin* [2026] IEHC132 – delivered on 4th March 2026, I concluded that Mrs. Martina Burke and Ms. Ammi Burke's behaviour constituted a contempt of court and I sentenced them to two weeks imprisonment. At paragraphs 102 – 104 of that judgment, I indicated that I was considering making an order

pursuant to the inherent jurisdiction of the court (and/or under Section 11 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act, 2020 – “the 2020 Act”), that Mrs. Martina Burke, Ms. Ammi Burke and/or Dr. Isaac Burke (hereinafter referred to as “the Burkes”) be excluded from the court room for all cases involving Enoch Burke, and that they would only be allowed to attend online. This judgment deals with that issue.

3. The reason that I was considering such an order was because in every single case involving Mr. Enoch Burke, these members of the Burke family (and others) have behaved disgracefully, repeatedly interrupting court proceedings, refusing to obey directions of the court, refusing to keep quiet, shouting at the court and their opponents, and refusing even to leave the court when directed to do so by the court. This has resulted in the court having to request the gardaí to remove them from the court on repeated occasions. These disruptions have occurred in a number of cases before this court, including this case, *Burke v O’Longain*, and more recently, *Burke v Pike and Others*. I understand that Mr. Burke has also instituted judicial review proceedings against the DAP and the Minister.

4. I indicated in my judgment of 4th March 2026, that if the Burkes objected to such an intended order, they could file written legal submissions to the registrar within three weeks setting out the reasons for their objections.

5. On 25th March 2026, the registrar received written submissions on behalf of all three persons. I have considered these submissions in this judgment.

6. However, as the proceedings in *Burke v O’Longain* have now been struck out as moot, it was not appropriate for me to make an order in those proceedings. As a result, I decided to consider making such an order in these proceedings. Such an order could be made in any proceedings involving Mr. Enoch Burke. In the circumstances, I indicated in open court at one of the recent hearings in this case involving Mr. Burke’s ongoing contempt of court (on 24th June 2026), that I was considering making such an order in these proceedings

and I gave the Burkes a further opportunity to make additional submissions on this issue in these proceedings.

7. I also requested the solicitors for the plaintiff to write to the Burkes to put them on notice of this. The solicitors did so on 24th June 2026, and sent three separate letters to each of the Burkes by registered post, in which the solicitors informed the Burkes that the court was considering making such an order in these proceedings and indicated that if the Burkes wished to make further submissions, they should do so by 29th June 2026. These letters were opened and sent back by Mrs. Burke saying that they would not accept them. As a result, the Burkes made no further submissions.

8. Subsequently, the registrar of the High Court wrote a letter to all three members of the Burke family on 6th July 2026, giving them a further opportunity to make submissions by Friday, 10th July 2026.

9. The Burkes replied by letter and email on 9th July 2026. This letter stated that they were “*alarmed to receive correspondence of this nature from the court*” and, among other complaints, appeared to suggest that the court was not giving them enough time to make further submissions. They also expressed concern that they had not received a reply to their submissions sent to the registrar on 25th March 2026. These submissions did not require a reply. They are legal submissions which are considered in this judgment. This judgment is a response to those submissions.

10. The Burkes complained, *inter alia*, that they were only being given 48 hours notice to put in submissions on this matter. As a result, the registrar wrote to the Burkes on 13th July 2026, to extend the time for the making of submissions by one further week, until Monday, 20th July 2026. The letter also indicated that the court would take their previous submissions into account.

11. The Burkes replied by email on 16th July 2026, making further complaints and this was replied to by the registrar on 17th July 2026. A further letter was received from the Burkes on 20th July 2026, reiterating many of the same points.

12. There is no doubt therefore, that the Burkes are fully on notice that the court was considering this matter and they have been given ample opportunity to make submissions. I have considered all of their submissions and correspondence in this judgment. Insofar as I have not addressed every one of their points, it is because I was of the view that many points were irrelevant to this issue or did not merit further consideration.

The power of the court to make such an order

13. There is no doubt that since courts have come into existence, they have the power to ensure that their proceedings are not persistently disrupted by protestors. This includes the power to remove such persons from the court and to exclude them from further hearings.

14. In *Walsh v. the Minister for Justice and Others* [2019] IESC 15 O'Donnell J. (as he then was) stated at paragraphs 6 and 7 as follows:

“6. No-one, not even a wholly successful party vindicated by the outcome of proceedings, can pretend that going to court is an enjoyable experience. Apart from the stress and anxiety involved in having the merits of a person’s actions, conduct and behaviour debated, sometimes challenged, and adjudicated upon, the courtroom also imposes certain requirements of tolerance on all participants which they can find extremely difficult. Judges must listen to arguments and evidence that strain both patience and credulity. Witnesses must submit to cross-examination, and may sometimes hear submissions that reflect upon their credibility, or contrary evidence which they believe to be misguided or even deliberately false. Judges may sometimes be required to give decisions they find uncongenial and contrary to their personal views, and lawyers and litigants must accept and abide by decisions with which they

may profoundly disagree. This is not a complete catalogue of all the difficulties encountered in a given day by anyone attending court, but it leads to a recognition that it is central to a court's capacity to administer justice that it should be capable of maintaining order. This in turn allows competing claims - sometimes highly charged, and always of importance to the participants - to be ventilated, fairly and dispassionately considered, and adjudicated upon. As was said long ago, of all the places where law and order must be maintained, the first place is in the courtrooms themselves. The administration of justice demands of parties that they trust this system and accept its outcomes. Parties are required to accept the decision of the court on the case itself, and on intermediate issues, even when they strongly disagree. Most individuals recognise that this is a price that must be paid, because it is an unavoidable component of the administration of justice. That is the idea, and perhaps the ideal, that disputes between parties (and indeed between parties and the State itself) can be submitted to an independent adjudicator where the outcome is to be determined by reason and law alone, rather than the physical or financial strength of the parties, their position, status, or influence, or their popularity or lack thereof in public discourse or on social media. A courtroom should provide an opportunity for any person to have their say on exactly the same terms as every other person coming to court, whatever their position, class, race, religion, sexual orientation, wealth, reputation, or political affiliation. It provides an opportunity, moreover, that any dispute will be determined only on the evidence adduced and argument advanced in that courtroom, and will be resolved by a decision pronounced in public. This ideal is not easily realised, but an essential component in achieving it is that a courtroom is, as it were, a safe space for everyone who comes to it to be heard, in particular perhaps the victimised, the marginalised, and the weak, those who are shy, reticent

and often overlooked, and those temporarily or permanently unpopular and to whom no one else is obliged to listen fairly and dispassionately.

7. *The disruption of proceedings, the refusal to accept court rulings, and an insistence on continuing to speak when a matter has been determined by the judge, should not be mischaracterised as speaking truth to power, or merely challenging authority. A judge sitting in a crowded courtroom has little power other than respect for the law itself. The refusal to accept rulings and decisions, the constant interruption of court proceedings, and the making of offensive interjections and comments is at best rude and inconsiderate to all other court users who are obliged to accept the necessity for calm in court proceedings, but more often amounts to simple bullying. When carried out in a concerted manner, it is, and is often intended to be, menacing and intimidatory. These are serious concerns which should not be ignored or lightly dismissed. Disruption of proceedings attacks the very essence of a fair hearing which it is the court's obligation to provide, and every litigant's right to obtain.* (Emphasis added.)

15. I would emphasise a number of points which O'Donnell C.J. has stated above. First, of all the places in which order must be maintained, the first place is in the courtroom itself. Secondly, the constant disruption of proceedings, the refusal to accept court rulings and an insistence on continuing to speak when the matter has been determined by a judge is not only rude and inconsiderate but also often amounts to simple bullying. Thirdly, as he said, when carried out in a concerted manner it is, and is often intended to be, “*menacing and intimidatory.*”

16. As O'Donnell J. also stated at paragraph 27:

“The power to remove a person from the courtroom (and order that they not be permitted to return) probably flows from the same source in the common law as the law of contempt, that is, the objective of maintaining order. It is not necessary that there should be a determination that the conduct amounts to contempt (although, if sufficiently serious, such a determination may be made). This power has long been established as part of the common law. In Arlidge, Eady and Smith on Contempt (5th edn., Sweet & Maxwell, 2017), para. 10-112, the authors state that “[a]ll courts have power to order a person interrupting or hindering their proceedings to leave court, and to have him removed if he fails to leave”, citing R v. Webb ex p. Hawker (The Times, 24 January 1899). An article in the Journal of Criminal Law on the power of magistrates to deal with contempt, ‘Contempt in the face of a court of summary jurisdiction’ (1939) J.Crim.L. 291, cites an earlier case Willis v. Maclachlan (1876) 45 L.J.Q.B. 689 for the proposition that “[d]espite the absence of a specific power either at common law or by statute, in practice justices have sufficient power to ensure, save in exceptional circumstances, that justice shall be administered unhindered and with proper decorum. A person may be turned out of court if in fact he is hindering the business of the court by disturbance or misconduct or contempt or for any other reason which renders expulsion necessary to ensure due decorum in the proceedings of the court [...]”. These observations, made at a time when the magistrates’ court in England and Wales was not a court of record, must apply if anything with greater force in this jurisdiction, where all courts are established pursuant to the Constitution and administer justice under Article 34, and all are now also courts of record. Removal from court does not require elaborate fair procedures. The process must be capable of being conducted reasonably summarily, since otherwise the proceedings (which it is the function of the court to determine) will be disrupted and diverted; a

situation which would itself be fundamentally unfair to the participants involved, and particularly those who abide by the court's directions. There is no constitutional restriction on removal of a person from court for the purposes of maintaining order. It is the case that, pursuant to Article 34.1 of the Constitution, the administration of justice must be carried out in public, save in such special cases as are provided for by law. The requirement that the court will perform its function in public is an important guarantee of a courts system to which members of the public may have access as of right, and therefore of the transparency of court proceedings. That, however, does not give any individual member of the public an entitlement to behave in a courtroom in a manner that would not be tolerated elsewhere. The exclusion of one or more individual members of the public does not mean that the hearing is not being conducted in public, or that the public do not have access, which is what the Constitution requires." (Emphasis added.)

17. I am satisfied that this court has the power under the inherent jurisdiction of the High Court, in order to ensure the proper administration of justice, to exclude certain individuals from the court in respect of any cases in which Mr. Enoch Burke is either plaintiff or defendant (or applicant or respondent). In the circumstances, it is not necessary for me to consider section 11 of the 2020 Act or any practice directions. (The question of whether they be excluded from the Court of Appeal or the Supreme Court is, of course, a matter for those courts.) In the circumstances, the first submission of the Burkes – that this court does not have the power to make such an order – is wrong in law.

The Burkes' submissions that they have a constitutional right to attend court

18. The Burkes also submit that the constitutional requirement in Article 34.1 of the Constitution, that justice be administered in public, means that they, as members of the public, have a constitutional right to attend the court.

19. I do not agree with the submission.

20. Article 34 of the Constitution provides that

"Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution, and, save in such special and limited cases as may be prescribed by law, shall be administered in public."

21. Article 34.1 of the Constitution - that justice be administered in public - is a key cornerstone of the rule of law in a democratic state. It allows all members of the public to see how cases are being conducted. Every citizen in the Republic has a right to walk into the courts and to observe the administration of justice on a daily basis. It is a vital protection against secret trials and unlawful detention. It is a right which is zealously protected by the courts in this country. There are however certain exceptions to this right, which are regulated by law, for example, family law proceedings which can take place in camera.

22. However, the constitutional requirement under Article 34.1 of the Constitution, that Justice should be administered in public, does not give any individual member of the public an entitlement to cause enormous disruption to the case before the court, or to shout at judges, and at opposing counsel.

23. Moreover, the exclusion of certain individual members of the public does not mean that the hearing is not being conducted in public or that the public does not have access to the courts, which is what the Constitution requires. It just means these three persons cannot be admitted to the court room.

24. All cases involving Mr. Burke will continue to be heard in public as before. All members of the public have a right to attend, and the administration of justice, in relation to

Mr. Burke's cases, will continue to take place in public. This order does not require that Mr. Burke's case, is held in camera. It just means that the Burkes cannot attend in person.

Therefore the Burkes' argument on this ground is without merit.

25. I would also emphasise that because the Burkes will be allowed to attend remotely, they can see and hear the proceedings, which is precisely the role they have, or should have, in a court if they were to appear in the courtroom itself. There is therefore no reduction of the rights they have – to see and hear proceedings in court.

26. However, the effect of only being able to attend remotely, and being excluded from court hearings involving their brother, is that they will not be able to disrupt court proceedings, and/or insult counsel or judges or whatever tactics they employ on any given day.

Alleged lack of impartiality

27. The third argument the Burkes made in their submissions is that I lack the impartiality required to make such an intended order because, over the past number of months, I have made comments critical of Mr. Burke. Again this submission is without merit. I have been dealing with Mr. Burke (and members of his family) since in about 14th October 2025 until now – i.e. for an entire legal year. I have given no less than eight judgments in the *Board of Wilsons Hospital School v. Enoch Burke* and two judgments in the case of *Burke v. Ó Longáin*. My views on Mr. Burke and his family have been formed solely and exclusively by virtue of their conduct before me in my court. That conduct is unacceptable, to say the least. I have been critical of Mr. Burke because his behaviour deserves to be criticised.

28. Moreover, it is a repeated pattern of Mr. Burke's (and other members of the Burke family) conduct of this litigation that they request a particular judge – whom they do not like, or whom they believe will not give them a favourable decision – to recuse

themselves. Applications for recusal have been made by Mr. Burke (and various members of the Burke family) to numerous judges in these cases.

Behaviour of the Burkes

29. The fourth submission made by the Burkes was that they needed specific details of the conduct alleged against them to be given so that they could defend themselves accordingly. Given that they themselves have created these interruptions and disturbances, they are well aware of all of them.

30. It is clear to this court that on every occasion – or on almost every occasion – in which a case involving Mr. Burke has come before this court since 14th October 2025, various members of Mr. Burke's family, including, but not limited to these three members, have sought to interrupt court hearings. Interruptions have been made by Mrs. Martina Burke, Mr. Burke Senior, Dr. Isaac Burke, Ms. Ammi Burke, Mr. Simeon Burke and Ms. Jemima Burke. These interruptions are coordinated and concerted. If one member of the Burke family is not able to attend, other members of the Burke family take their place and instead of listening to what is happening to the proceedings, they seek to interject themselves in the proceedings, and to cause a disruption.

31. I have lost count of the number of times I have directed Mrs. Martina Burke, Ms. Ammi Burke and Dr. Isaac Burke not to interrupt hearings and/or not to make representations and/or to sit down. I have lost count of the number of times I have requested Mrs. Burke, Ms. Burke and Dr. Burke to leave the courtroom. I have also lost count of the number of times when they have refused to leave the courtroom and I have had to direct the gardai to remove them from the courtroom and to rise while this is being done. (I have also had to ask Mr. Burke Senior, Mr. Simeon Burke and Ms. Jemima Burke to leave court after their repeated interruptions).

32. In any event, if they are seeking further details, I would refer them to the judgment I delivered on 18th November 2025 in the *Board of Management of Wilsons Hospital School v. Burke* [2025] IEHC 365. In that judgment, from paragraphs 13 to 61, I set out what happened at the first hearing on 14th October 2025, the second hearing on 22nd October 2025, the third hearing on 29th October 2025, the fourth hearing on Wednesday, 5th November 2025 and other hearings. These paragraphs of that judgment should be read in conjunction with this judgment.

33. Likewise, in my second judgment in *Burke v. O'Longain* [2026] IEHC 132, delivered on 4th March 2026, (at paragraphs 16 – 32, paragraphs 59 – 86, and paragraphs 90 - 94) I have set out further details of the behaviour of Mrs. Martina Burke and Ms. Ammi Burke. The paragraphs of that judgment should also be read in conjunction with this judgment.

34. In addition, I found Mrs. Martina Burke and Ms. Ammi Burke to be guilty of contempt of court and sentenced them to two weeks imprisonment. I had thought that the period of imprisonment might bring about a halt to their interruptions but it did not. After release from prison, whilst hearing an application by Mr. Burke in another case – *Burke v. Pike and Others*, on Tuesday, 16th June 2026, I had to again ask Mrs. Burke and Ms. Burke to leave the courtroom because they were interrupting proceedings.

35. It is also important to recall that members of the Burke family, including some of these three members, so misbehaved themselves in the Court of Appeal that the Court of Appeal was actually unable to deliver its judgment in open court. In addition, a significant number of gardaí had to be called to remove them all from the court. This resulted in Mr. Burke Senior being convicted for assault of a female garda and his subsequent imprisonment.

36. The idea that these three members of the Burke family are not aware of the conduct which is the subject matter of this decision is simply ridiculous.

37. I can understand, in certain cases, that litigants in person get annoyed or angry in the heat of battle and can sometimes exceed the bounds of what is acceptable behaviour in a courtroom. However, again, in my experience, such a litigant in person will often quickly apologise to the court for their behaviour after they have calmed down. Judges understand, even if they do not always condone, such behaviour. The issues involved in some cases can sometimes be highly charged and of huge importance to the participants. However, I have never experienced anything like the constant level of interruption, shouting, roaring and deliberate disruption of court proceedings by these three individuals since October 2025. Mrs. Martina Burke, Ms. Ammi Burke and Dr. Isaac Burke are all familiar with the rules but choose to break them.

38. It is clear to this court that Dr. Isaac Burke, Mrs. Martina Burke and Ms. Ammi Burke are clearly attempting to bully and abuse counsel for the school, or counsel for the defendants in the Ó Longáin case. Counsel are regularly called liars and, any time they stand up to speak, they are shouted down by members of the Burke family. Any time anyone says anything with which they disagree, members of the Burke family interject, complain, heckle or shout abuse at them. It is an extraordinary degree of intolerance and inability to listen to the other side.

39. What usually happens, is that Mr. Burke makes whatever application he wants to make and then, when the time comes for his opponent to respond, he or she is invariably interrupted and shouted down by the Burkes. This effectively amounts to a barracking of their opponents, and makes it impossible for the court to hear the other side without directing members of the Burke family to leave the courtroom. This is simply an intolerable interference with the administration of justice.

40. The Burkes' actions are also designed to try to bully and intimidate judges.

41. The Burkes demand strict adherence to fair procedures for themselves, whilst simultaneously acting in such a manner as to deprive their opponents of fair procedures. The

Burkes demand to be heard, whilst simultaneously refusing all other parties a right to be heard. The Burkes demand respect from the courts, whilst simultaneously treating the courts with the utmost contempt and disrespect.

42. Moreover, the extraordinary and repeated interruptions by these members of the Burke family take up an enormous amount of court time, and, as a result, the court is unavoidably delayed in getting to deal with other matters in the list. The Chancery list is a busy list on most days of the week and, on any day in which Mr. Burke's case is before the court, one can anticipate that it will take far longer than should be required. This clearly is a significant inconvenience to all other litigants, solicitors and counsel who are awaiting in court for their cases to be heard. Again, this is an intolerable interference with the administration of justice.

43. In addition, and again this is an enormously significant issue, on any of the days in which Mr. Burke's case is listed before the court, the registrars have to notify the gardai that this case is due to be heard. As a result, a number of gardai have to attend on each and every day in which Mr. Burke's case is before the courts. Indeed, on the day on which I found a contempt of court was committed by Mrs. Martina Burke and Ms. Ammi Burke (at the hearing on Friday, 20th February 2026) there were approximately 8 to 10 gardai who had to move in to the well of the court to remove Ms. Ammi Burke, Mrs. Martina Burke and Mr. Enoch Burke. This is simply intolerable. It is a serious waste of Garda time but the Burkes repeatedly engage in such interruptions and confrontations.

44. The Burkes also complain that if they are excluded from court then they will not be able to assist Mr. Enoch Burke in the presentation of his case in court. They should have thought about that before they constantly interrupted court proceedings, shouting and roaring from the well of the court and refusing to abide by the directions of the court. Actions have consequences and, in this case, their actions have led to them being prevented from attending

court. In any event, they can still assist Mr. Burke in the preparation of his cases outside court. If he wishes, Mr. Burke can get another member of his family to assist him in court, provided he or she does not disrupt court hearings.

45. I am of the view that the actions of Mrs. Burke, Ms. Burke and Dr. Isaac Burke are not only disruptive and offensive, they are also attempts to bully and intimidate the court and their opponents. It will not be tolerated any longer.

Conclusion

46. In conclusion therefore, I am satisfied that this court has an inherent jurisdiction to make an order excluding Mrs. Martina Burke, Ms. Ammi Burke, and Dr. Burke from attendance at physical hearings in the High Court involving their brother Mr. Enoch Burke and I am satisfied that it is appropriate to do so.

47. I will therefore make an order prohibiting Mrs. Martina Burke, Ms. Ammi Burke and Dr. Isaac Burke from attending in person in the courtroom during any future hearings in any case involving Mr. Enoch Burke in his dispute with Wilson's Hospital School and/or the DAP and/or the Minister for Education and/or members of the Disciplinary Panel of the Teaching Council and any litigation related to this dispute.

48. This order is narrow in its scope: it restrains all three persons from physically attending in court in any case in which Mr. Enoch Burke is a party, in hearings before the High Court which relates, directly or indirectly, to his dismissal from Wilson's Hospital School and/or his proceedings against the Teaching Council of Ireland. However, the Burkes will be granted facilities to dial in remotely, and to be able to see and hear the proceedings as they occur. What they will not be able to do is to disrupt court proceedings because they will not be present in court.

49. The behaviour of the Burkes is indefensible and unacceptable in a court of law. Their behaviour is an affront to the administration of justice and will not be tolerated any longer by

the courts. If they breach this court order, it will be treated as a contempt of court and treated accordingly.