

## **Judge Fidelma Macken SC**

YEAR OF CALL: 1987 YEAR OF SILK: 1995

Clerk's Email: [TonysClerkingTeam@brickcourt.co.uk](mailto:TonysClerkingTeam@brickcourt.co.uk)



### **Practice Overview**

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Mrs Fidelma Macken is a retired judge of the Supreme Court of Ireland and a former judge of the European Court of Justice.

She was called to the Irish Bar in 1973 (and to the Bar of England and Wales in 1987). From 1973 to 1979 acted as legal counsel to a firm of patent and trademark attorneys. She commenced practising at the Bar of Ireland in 1979 and took silk in 1995. During her time at the Bar she specialised in European Law, Irish Constitutional Law, Public and Administrative Law, Company Law and Intellectual Property. She was appointed a judge of the High Court of Ireland in 1998 and in 1999 was the first woman judge to be appointed to the European Court of Justice. In 2004 she returned to the High Court of Ireland, and in 2005 was appointed to the Irish Supreme Court, from which she retired in 2012.

During her time in judicial office she presided over or was a member of the formation in many seminal cases involving a wide range of legal issue, at European and national level, including in the areas of the environment (waste, water, special areas of conservation), free movement, intellectual property, regulatory control, telecommunications, privacy and data protection, the European Arrest Warrant, and in a broad range of constitutional and EU Treaty matters.

### **EU/Competition**

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In the course of her practice at the Bar of Ireland Judge Macken specialised in commercial, chancery, intellectual property, constitutional banking and EU and public law, acting for a very broad range of clients. She was nominated on three separate occasions by the Supreme Court to challenge Bills referred by the President of Ireland, on rare occasions, for an opinion on their constitutionality. She was the first woman judge appointed to the ECJ.

### **Qualifications and Further Information**

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## Qualifications

1968 - 1972	B.A. (Mod) Legal Science, Trinity College Dublin
1972 - 1973	LL.M London School of Economics
1969 - 1972	B. L. Kings Inns, Dublin
2002	LL.D (honoris causa) Trinity College Dublin

## Career

1973 - 1979	Legal Advisor to patent/trademark firm, Dublin
1973 - 1995	Practised as a junior at the Bar of Ireland
1995	Took Silk
1998 - 1999	Appointed Judge of the High Court of Ireland
1999 - 2004	Appointed Judge of the European Court of Justice
2001-2002	President of the 3 <sup>rd</sup> and 6 <sup>th</sup> Chambers, ECJ
2004 - 2005	Reappointed Judge of the High Court of Ireland
2005 - 2012	Appointed to the Supreme Court of Ireland

## Academic

Averil Deverell Chair in Commercial Law TCD

Distinguished Global Hauser Fellow, NYU, New York

Lectured widely in Europe and the US on EU Law, including during the course of official exchanges between the ECJ and the US Supreme Court; at several universities throughout the US, UK and EU

Invited to address judges in candidate members of the EU on Community law and relationship of ECJ with national courts.

Invited regularly to address lawyers and judges at the EU Trademark and Design Office in Alicante on IP issues.

## Other

2008 - Chair, Irish Centre for European Law (a not for profit organisation promoting an understanding of EU law and practice)

2010 - Patron, Irish Commercial Mediation Association (a not for profit organisation promoting the benefit of mediation in resolving commercial disputes)

2002 - Voted among the 50 most influential persons worldwide, in the field of Intellectual property

2009 - 2013 Member of the Committee of the Council of the EU for the appointment of judges to the Tribunal for Public Functions of the Institutions of the EU

1990/2000s Member, Company Law Review Commission;  
Member Board, Irish Intellectual Property Review;

Member of Board, Academy of EU law, Trier

**Interests**

Gardening, France, Travel, Irish history