

Annual Report 2006

LEGAL AID BOARD 



Our Mission:

To provide a professional, efficient, cost-effective and accessible legal aid and advice service.

Our Goal:

01

To provide a professional, accessible quality service.

05

To develop the capacity of the Board to deliver a quality professional service.

02

To ensure the Board is innovative and responsive in its approach to effective service delivery.

06

To develop the capacity of the organisation to respond positively to a changing work environment.

03

To provide services in an environment which is appropriate to the business being conducted by the Board.

07

To achieve the best use of the financial and operational resources allocated to the Board and to ensure value for money.

04

To put in place an effective public information, education and communication process.

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Overview

01 Function and purpose

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act, 1995.

Legal advice is any oral or written advice given by a solicitor or barrister, including writing letters and negotiations.

Legal aid is representation by a solicitor or barrister in court proceedings. A person must first obtain a legal aid certificate, which specifies the legal services being granted, and must pay the legal aid contribution specified on the certificate.

02 Service provision

Legal aid and advice are provided primarily by solicitors employed by the Board in law centres. A complementary service is provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

The service is provided on a nationwide basis through 33 full-time and 12 part-time law centres, incorporating 3 full time law centres comprising the Refugee Legal Service (RLS). In addition, in 2006, the Board instituted a Medical Negligence Unit which operates as a specialist law centre dealing with cases in the health sector.

The Board also operates a specialised Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.

03 Obtaining legal services

A person seeking legal services must apply to any of the law centres set out at Appendix 3 and must complete an application form, stating the subject matter on which legal advice and/or aid is sought and giving details of income and any capital resources.

The Board aims to ensure that a person who is financially eligible will be offered an appointment with a solicitor within a maximum period of 4 months from the time the application is completed. In certain cases, a priority service is provided.

04 Payment for legal services

All persons who are granted legal advice and/or legal aid must pay a contribution to the Board. The legal advice contribution is assessed on the applicant's disposable income, i.e. income after certain deductions. The legal aid contribution is assessed on the applicant's disposable income and disposable capital. As of 1 September 2006, the minimum contribution is €10 for legal advice and €50 for legal aid. The law centre or the Private Practitioner Centre advises a person of the actual contribution in each individual case. In the event that a person recovers money or property arising from the case, the Board may seek to recover the cost to the Board of providing legal services to the client.

05 Head office

The Board's Head Office is located in Cahirciveen, County Kerry where some 50 staff are located. Some of the headquarter functions are also located in Dublin.

06 Governance arrangements

The statutory Board is appointed by the Minister for Justice, Equality and Law Reform and has responsibility for:

- the strategic direction of the organisation;
- determining policy and monitoring its implementation;
- overseeing the proper and effective management of the organisation;
- monitoring the implementation of effective financial procedures and providing accountability;
- approving and monitoring budgets, and
- making certain reserved decisions.

The Board consists of a chairperson and 12 ordinary members.

The Board continues to maintain the standards of corporate governance set out in the *Code of Practice for the Governance of State Bodies*. This involves:

- at Board level, the use of seven committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below);
- a defined division of roles between the Board, the Chairperson and the Chief Executive;
- submission to the Minister of an annual report that meets the requirements of the Code;
- an internal audit function that operates effectively and as required, and
- a code of conduct, which incorporates procedures to deal with any conflict of interest issues.

In 2006, the Board held 10 meetings – 5 of which were in Cahirciveen and 5 in Dublin. The subcommittees of the Board met as follows:

Subcommittee	No. of meetings held
Appeal Committee	11
Finance Committee	6
Audit Committee	6
Lawyers Committee	6
Human Resources Committee	1

A Corporate Governance Manual was developed in 2006 to provide a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. It is also intended to ensure that Board members are fully informed of their legal responsibilities and that they are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.



Chairperson's Foreword



I am very pleased to be in a position to report that the Legal Aid Board continued to improve its level of service delivery in 2006, building on the progress made the previous year. In a year in which the total number of persons assisted was close to 17,500, waiting times for an appointment fell in 21 law centres. By the end of the year, the Board was meeting its objective of providing initial appointments within a maximum period of 2 to 4 months. There was also a further reduction in the number of people awaiting a service by the end of the year.



In terms of governance, the Minister appointed a new statutory Board in December 2006 as the term of the previous Board had expired in October. On a personal level, I was honoured to be reappointed as Chairperson.

This came about against the backdrop of an increase in the financial eligibility limits for legal aid, which came into effect in September on foot of Regulations signed into law by the Minister for Justice, Equality and Law Reform. These increased the maximum disposable income allowed, as well as the reckonable allowances, for an applicant for legal aid, whilst also removing the value of the applicant's home from the assessment of capital resources.

Effectively, these changes have meant an increase in the number of people who can access the Board's services. While the changes only came into force in September, the number of cases dealt with in law centres increased by over 7% in 2006 to 13,154.

The Refugee Legal Service continued to provide an immediate, independent and professional service to asylum applicants at all stages of the asylum process. Around 3,000 new clients registered for services last year – equivalent to almost 70% of new asylum applications. This represented a reduction of new registrations compared to 2005, reflecting increased involvement by solicitors in private practice in this area of legal practice and reduced numbers of asylum seekers generally.

In terms of governance, the Minister appointed a new statutory Board in December 2006 as the term of the previous Board had expired in October. On a personal level, I was honoured to be reappointed as Chairperson. I look forward to the challenge and working closely with my fellow Board members, those newly appointed as well as those who also served on the previous Board. The new Board will be informed by the Legal Aid Board's dedicated Corporate Governance Manual which was adopted in 2006. This provides a clear and comprehensive statement of the principal aspects of corporate governance as it affects the Board. It also helps to ensure that Board members are aware of the legal responsibilities and statutory provisions attached to their role.

I would like to take this opportunity to again thank the previous Board for their efforts and acknowledge their dedication in 2006 and, indeed, in previous years. I would also like to commend the Chief Executive and staff of the Legal Aid Board on the strong performance of the organisation in terms of delivering on its core objectives in 2006 and their dedication to that task. The level of commitment and flexibility shown in what was a challenging year is very encouraging for the future.

Anne Colley
Chairperson
July 2007

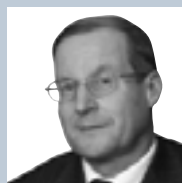
The Board



Anne Colley*
Chairperson



David Barnville*
Senior Counsel



Bob Browne
Assistant Secretary,
Department of Justice
Equality and Law Reform



Dr Michael Buckley
Retired Consultant
Physician

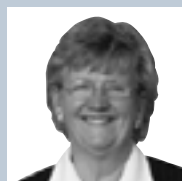
A new statutory Board was appointed in December 2006 by the Minister for Justice, Equality and Law Reform, following the end of the 5-year term of the previous Board. The outgoing Board members whose term expired in October were as follows:

Anne Colley (Chairperson), Caoimhín Ó hUginnn, Catherine Hazlett, Lucille Fahy, Una Doyle O'Sullivan, Brendan T. Looby, David Barnville, Tony McCarthy, Frank Goodman, Ann Nolan, Catherine Egan, Nóirín Slattery, Clare Pilkington

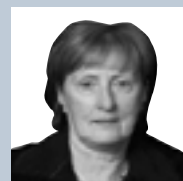
The new Board comprises the following members:
(Those marked with * served on the previous Board.)



Dara Foynes
Barrister at law



Kate Hayes
Business Person



Breege Leonard
Regional Manager,
Department of Social and
Family Affairs



John Lindsay
Solicitor



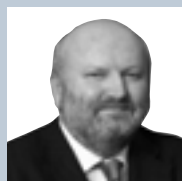
Jerry O'Connor
Solicitor



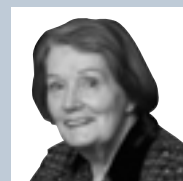
Jim O'Farrell
Principal Officer,
Department of Finance



Eamonn Purcell
Staff Representative



Fergal Rooney
Staff Representative
– Solicitor



Nóirín Slattery*
Administrator

Head Office Executive Staff

Chief Executive Officer:	Moling Ryan
Director of Legal Aid:	Frank Brady
Director of Human Resources:	Pat Fitzsimons
Director of Operations:	Eileen Bowden*
Director of Corporate Services:	Feargal Ó Brolcháin
Professional Liaison Officer:	John McDaid
Financial Controller:	Joan Enright
Secretary to the Board:	Clare Kelly
Auditors:	Comptroller and Auditor General
Solicitors:	Mason Hayes and Curran
Head Office:	Quay St. Cahirciveen Co. Kerry Phone: 066 9471000, LoCall 1890 615200 Fax: 066 9471035
Dublin Office:	47 Upper Mount St. Dublin 2 Phone: 01 6441900 Fax: 01 6623661
Website:	www.legalaidboard.ie

* Post held by Dara Mullally up to August 2006 and who has transferred to the Department of Arts, Sport and Tourism.

Key Achievements & Developments in 2006

Building on the progress made the previous year, there were further reductions in **waiting times** for an appointment with a solicitor. Waiting times for an initial appointment fell in 21 law centres.

The **number of persons waiting** for an appointment with a solicitor at the end of the year continued to fall and stood at less than 1,000 at the end of the year.

In total, **almost 17,500 persons** were provided with legal services by the Board, which was broadly in line with 2005.

Regulations came into effect in September 2006 which significantly increased the **financial eligibility limits** for legal aid. The maximum disposable income threshold was increased from €13,000 to €18,000, while a number of allowances were also significantly increased. Under the new Regulations, the applicant's home is excluded for the purpose of assessing capital resources.

The **Circuit Court Private Practitioner Scheme**, which enables the Board to refer separation and divorce cases to private solicitors, was put on a formal footing.

The Board enhanced its commitment to **dispute resolution mechanisms** in family law cases that are non-adversarial and facilitate the legitimate needs of both sides to the dispute.

A specialist **Medical Negligence Unit** was established from within the Board's existing resources to deal with cases of alleged negligence in the health sector.

The Board introduced a service providing **legal advice only** on a pilot basis in five of its law centres.

The number of **new clients registering with the Refugee Legal Service (RLS)** was just under 3,000, a reduction of 10% compared to 2005. Just under 70% of applicants for refugee status availed of RLS services during the course of the year – down from 75% in 2005.

The Board's library was re-established, in Dublin, and resumed provision of a full library service to the Board's staff.

Following the launch of the Board's Customer Charter in 2005, the Board published a revised **Customer Service Action Plan** which focuses on providing more specific standards of customer care to meet service commitments to the Board's clients and greater levels of monitoring and quality assurance of the service.

A new **HR Strategy** was developed, following wide consultation both within the Board and externally, setting out the aims and objectives of the Board's Human Resources section in the three year period from 2006 to 2008.

An updated comprehensive **Safety Statement** was drawn up in order to ensure that the Board's staff continue to work in a safe and secure environment. The statement is designed to ensure compliance with the Safety, Health and Welfare at Work Act 2005.

The Board's draft scheme under the **Official Languages Act** was completed and submitted to the Minister for Community Rural and Gaeltacht Affairs for approval.

Introduction from CEO



As the Chairperson outlined in her foreword, 2006 was another positive year for the Legal Aid Board in terms of delivering on its key objective of providing a professional, accessible quality service. From my perspective, the level of service delivery was very encouraging given some of the factors at play during the year. Not least amongst these was the increase in the income threshold for the first time since 2002, a welcome development which had the effect of increasing the Board's potential client base. I was very pleased with how the Board, both through its solicitors and support staff, responded to this development.

In order to ensure that our clients continue to receive the best possible service from the Board, we published a revised Customer Service Action Plan in 2006.

Another factor which impacted on the Board in 2006 was staff mobility. The main element of this was the decentralisation of the Department of Arts, Sport and Tourism to Killarney, which resulted in a number of staff in our head office in Cahirciveen transferring to that Department for commuting reasons. Through careful planning and appropriate recruitment policies, the effect of these moves on the organisation was minimised.

Aside from the level of service delivery, the Board also made progress on the quality of the service offered, in line with the objectives in our Corporate Plan; to provide a professional, accessible quality service and to be innovative and responsive in our approach to effective service delivery. We continued to promote resolution rather than conflict in those areas we are involved in, particularly in family law cases. To this end, training in collaborative law was provided to almost 100 solicitors, including some in private practice. In addition, the Board launched a pilot structured negotiation process. Essentially, what this process seeks to achieve is to establish ground rules for negotiation to enable parties to be clear about what they can expect from the process and, also, what is expected of them.

The Circuit Court Private Practitioner Scheme was put on a formal footing in 2006. The Scheme provides a complementary service to law centres that is crucial to ensuring waiting times are kept within 4 months. The Board also set up a specialist Medical Negligence Unit in 2006. This was an innovative response to a particular service delivery issue. In setting up the Unit, we recognised that a degree of expertise and experience in the area is of particular benefit in dealing with cases of alleged negligence in the health sector.

In order to ensure that our clients continue to receive the best possible service from the Board, we published a revised Customer Service Action Plan in 2006. This new plan follows on from the

Customer Charter published in 2005. It focuses on more specific areas of customer care together with greater levels of monitoring and quality assurance.

A significant development in the human resources area was the publication of the Board's 2006-2008 Human Resource Strategy. This sets the aims and objectives of the Board's HR function over the period and identifies 130 specific actions to be implemented. In addition, a new Training and Development Strategy was also devised in 2006 which will tie in with the HR Strategy.

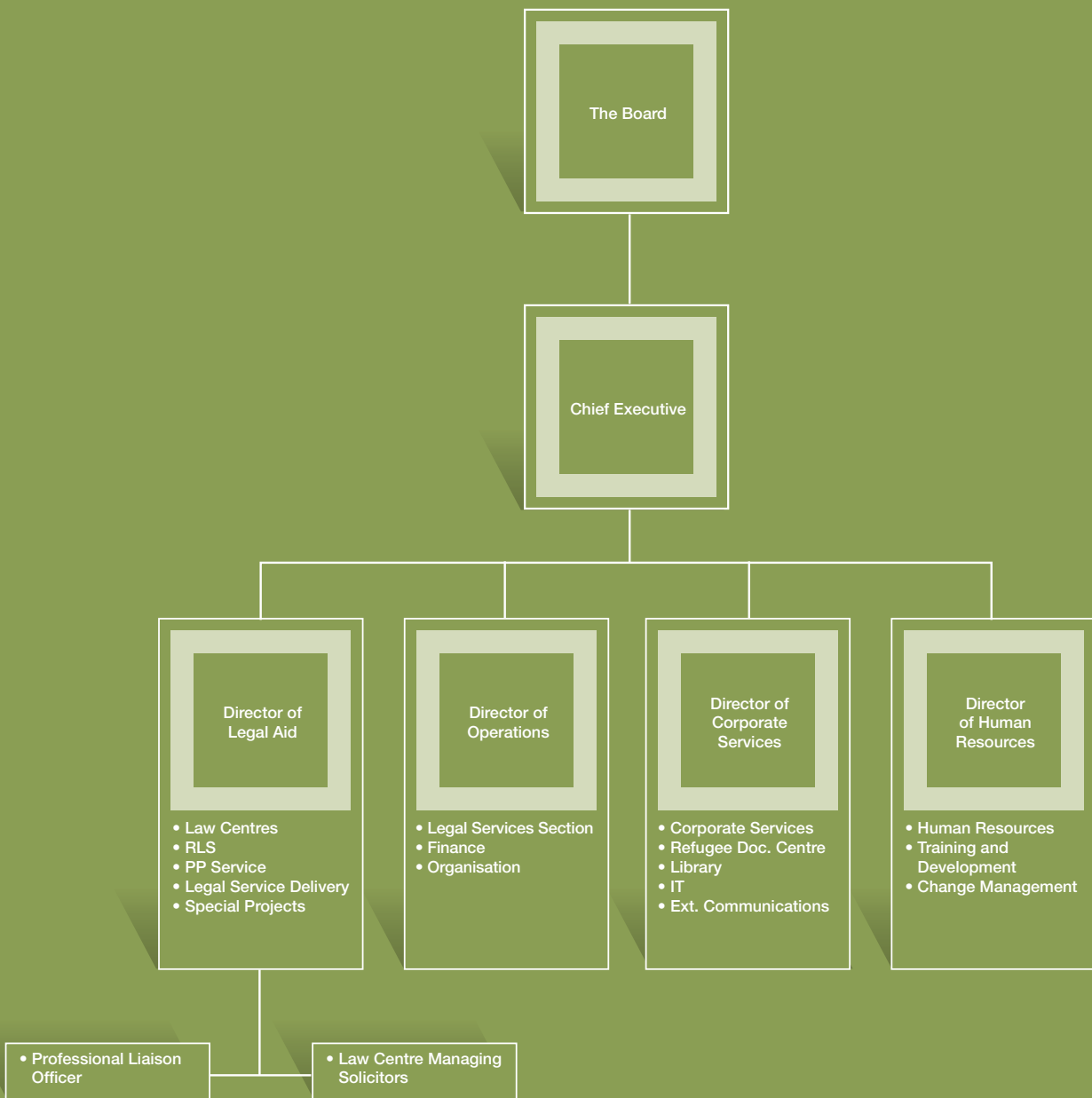
I would like to thank all of the Board's staff for their valuable contribution in 2006, which I appreciate greatly. I am happy that we continue to make excellent progress as an organisation and that we are achieving the objectives set out in our Corporate Plan. I look forward to this progress continuing as we move forward.

Moling Ryan
Chief Executive Officer
 July 2007



Board Staff

The Board employs 384 staff in total. The main service delivery is provided by staff in law centres. This complement includes 109 solicitors along with paralegal and administrative staff. Support for the delivery of the Board's core business is provided by the administrative staff in the various head office units, as outlined below.



Staff Developments in 2006

One of the main aims of the Legal Aid Board is to deliver a professional, accessible quality service to the public. Clearly, staff are a vital part of delivering on this objective. Many of the developments affecting staff in 2006 focused on putting the appropriate strategies in place to better facilitate the development of skills and expertise. This, in turn, enabled the Board to continue to meet its service delivery objectives in an efficient and cost effective manner.

The Board published a new Human Resource Strategy along with a new Training and Development Strategy in 2006. Following the publication of these strategies, work was undertaken to develop implementation plans for the specific actions identified. Sub-groups of the Partnership Committee, supported by Human Resources Section, were involved in the implementation process in the areas of Staff Training and Development, Equality and Disability and Communications.

Specific highlights included the refocusing of the Training and Development Unit, within HR, in line with commitments in the Training and Development Strategy. This ensured the more timely analysis and provision of training and development initiatives for staff in the Board. Initiatives undertaken included:

- further support for continuing third level education;
- provision of a greater level of continuing professional development programmes for solicitors, including advocacy and collaborative law, and
- the commencement of work on the development of a legal training programme for paralegal and administrative staff.

A new induction process was implemented in 2006. This involved the provision of induction training solely by staff employed in the Board with an emphasis on imparting information to new recruits on:

- the functions and structure of the Board;
- terms and conditions of employment;
- how the legal process works in practice, and
- the values that drive the organisation.

Five such programmes were provided during 2006. They were very well received by staff and made a considerable contribution to enabling new staff to settle down quickly in the organisation.

The Board also selected a training provider for soft skills training following a competitive tendering procedure.

During 2006, the Board's Partnership Committee continued to have a significant input into the change management process in the organisation including the development of an Action Plan for the Towards 2016 social partnership agreement. The Plan reflects a number of practical measures the Board will take to improve the level of services provided by the organisation and the cost-effectiveness of their delivery.

In relation to staff support, Staff and Managers' Handbooks were finalised and circulated across the organisation. These handbooks provide information on the terms and conditions of staff and the responsibilities of managers respectively, in an easy-to-read format.

The Board also undertook a number of recruitment competitions, under license from the Commission for Public Service Appointments (CPSA), including two separate law clerk competitions for different regions of the country that involved the processing of over 300 applications.

Service Provided in 2006

The total number of cases in which legal services were provided by the Board through the law centres, including the RLS, and the private practitioner service in 2006 was just under 17,500. This is a similar figure to the number of cases handled in 2005. The number of non-asylum cases processed by the law centres increased by about 900 while the overall number of new asylum cases processed dropped by approximately 550.

Law Centres

Legal aid and advice was provided through the Board's law centres in 13,154 cases in 2006. Comparative information for 2005 and 2004 and a breakdown between aid and advice cases are set out below.

Table 1

Year	2006	2005	2004
Advice only	3,683	3,336	3,462
Court proceedings	9,471	8,896	9,065
Total	13,154	12,232	12,527

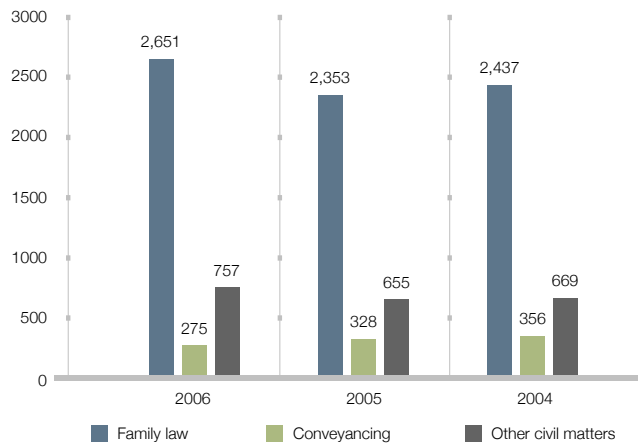
As can be seen, the number of cases dealt with increased by about 7.5% in 2006 over the previous year.

Legal advice cases

It should be noted that the number of cases recorded as being 'advice only' represents the number of cases in which persons were provided with legal advice only during 2006. A number of these will be granted legal aid in 2007.

As can be seen in Chart 1 below, family law constitutes the predominant area where the Board provides legal advice. Just over 70% of 'advice only' cases in 2006 were in the family law area, a similar proportion to previous years. Other civil matters and conveyancing made up the rest of the cases.

Chart 1: Legal Advice Cases 2004 - 2006



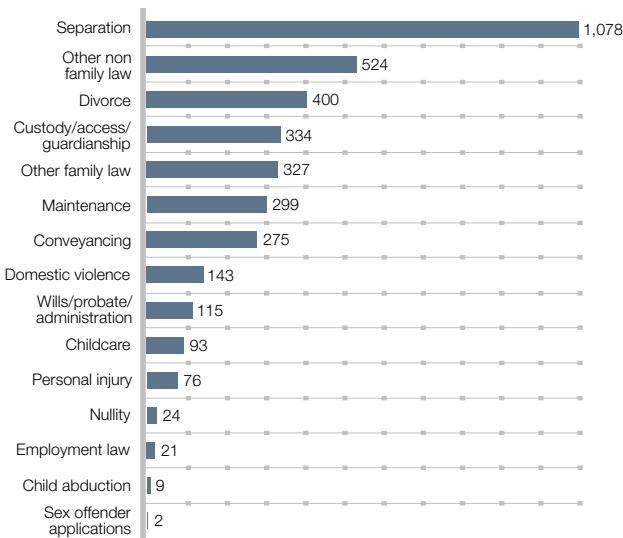
Overall, advice cases were up over 10% on 2005. The number of family law cases increased by almost 13% in 2006 to 2,651 and there was also an increase in cases where advice was provided on other civil matters (16%). The number of cases where conveyancing services were provided fell by 16%. Table 1 in Appendix 2 also refers.



Sample cases

A more comprehensive breakdown of the main issues in respect of which advice only was given in 2006 is provided below. The figures do not correlate exactly with the data presented in Chart 1 above as they are indicative of the issues about which there was consultation rather than the number of persons given advice. It should be pointed out that, in relation to a significant number of separation and divorce cases, it is likely that advice was also given on matters such as maintenance, domestic violence, and custody/access/guardianship; these advices are not separately recorded. Table I.A in Appendix 2 also refers.

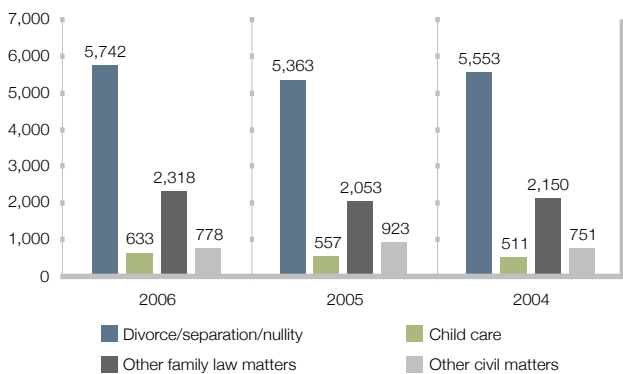
Chart 1a: Advice Proceedings by Subject Matter 2006



Legal aid cases

The issues in relation to which the Board's law centre solicitors provided representation in 2006 and the comparative information for 2005 and 2004 are set out in chart 2 below.

Chart 2: Legal Aid Cases 2004 - 2006



Relaxation of the 'in camera' rule

An unmarried mother wished to defend her ex-partner's application for guardianship and custody/access in respect of their young son. The mother was suffering from a terminal illness.

A report was obtained to assist the Court in relation to what would be in the best interests of the child as well as what the child's wishes were in relation to the matter. A request was made of the father's solicitor as to whether he would consent to the mother being accompanied by her father (the child's maternal grandfather) during the proceedings. An Order was served under Section 40(5) of the Civil Liability and Courts Act, 2004. The father indicated, through his solicitor, that he had no objection to the child's grandfather accompanying the mother of the child during the proceedings.

When the matter came before the court the application for guardianship was heard by the court and the mother was accompanied in court by her father.

Adoption

The Supreme Court heard a case in late 2006 involving the attempted adoption of a child of just over two years of age. The child's natural mother had placed the child for adoption but had withdrawn her consent before the final Adoption Order was made. The High Court had determined that the natural mother's consent should be dispensed with and the adoption should go ahead. The natural parents appealed this decision.

The Supreme Court determined that the child should be returned, on a phased basis, to her natural parents. In its findings, that court determined that in the ordinary way, the rearing of a child by his or her biological parent can be expected to be in the child's best interests, both in the short term and also, and importantly, in the longer term and that the significance of this factor should in no way be diminished. A child should not be removed from the primary care of his or her biological parents without compelling reasons.

Separation

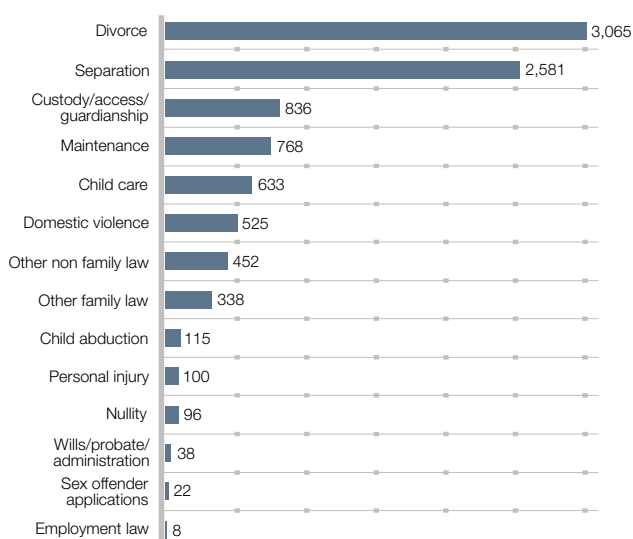
A woman attended at a law centre on account of unhappy differences that had arisen in her marriage. There were two young children of the marriage. The parties had already attended marriage guidance counselling but she and her husband had been unable to resolve their differences. The husband had moved out of the home. The law centre solicitor recommended that the woman enquire of her husband whether he was willing to attend a mediator and if so that they would both attend to try and negotiate the bones of a Separation Agreement. The husband was willing and both parties attended mediation.

Service Provided in 2006 (continued)

Legal aid cases were up over 6% on the preceding year. As can be seen from the chart, there was an increase in each category apart from other civil matters, with the number of divorce/separation/nullity proceedings handled growing by over 7%. The divorce/separation/nullity cases were processed in the Circuit Court with a small number of appeals going to the High Court. Child care cases were processed in the District Court as were most of the 'other family law matters'.

A more comprehensive breakdown of the issues in respect of which legal aid was given in 2006 is provided below in Chart 2a. Again, the figures do not correlate exactly with the figures provided in Chart 2 above as these figures are indicative of the issues about which aid was given rather than the number of persons given aid. The same qualification applies, that in relation to a significant number of separation and divorce cases, it is likely that those cases would have involved issues such as maintenance, domestic violence, and custody/access/guardianship; these issues are not separately recorded.

Chart 2a: Court Proceedings by Subject Matter 2006



Duration of cases

Table 2 provides an age profile of cases in which legal aid was provided in 2006, by court. The year is indicative of when the file was opened.

Table 2

Year	2006	2005	2004	Pre-2004	Total
District	1,369	715	281	205	2,570
Circuit	1,702	1,885	1,089	1,891	6,567
High/Supreme	119	68	40	107	334
Total	3,190	2,668	1,410	2,203	9,471

Of the cases in which legal aid was provided in 2006, two-thirds were opened in 2005 or earlier, with almost a quarter dating from before 2004. Most of the latter were cases in the Circuit Court, mainly divorce or separation. The delays in such cases can be attributed to a number of factors, including delays in getting court dates. The Board is endeavouring to reduce the percentage of long running cases.

Of the 13,154 legal aid and advice cases handled in 2006, 38% of cases were completed by the end of the year, with the remainder still active on December 31st. There were 5,718 cases of legal aid and 2,481 cases of legal advice active as at 31st December 2006. Further details are given in Table III in Appendix 2.

Table 3 below gives an age profile of the cases involving court proceedings completed in 2006, by subject matter.

Table 3

Year	2006	2005	2004	Pre-2004	Total
Divorce /separation /nullity	191	472	432	639	1,734
Child care	74	77	34	33	218
Other family law matters	660	487	151	104	1,402
Other civil matters	162	101	47	89	399
Total	1,087	1,137	664	865	3,753

Of the 3,753 legal aid cases completed in 2006, about 71% dated from 2005 or earlier. For divorce/separation/nullity cases the proportion dating from 2005 or earlier was 89%. This indicates that District Court cases, which constitute the bulk of the 'other family law matters', are generally processed far more speedily than the divorce, separation and nullity cases.

Cases on hand

Table 4 below gives the status of the 5,718 legal aid cases on hand on the 31st December 2006. The information presented in this table assists the Board in monitoring the progress of cases through the court process.

Table 4

Status	No. of Cases
At court	1,844
Court order made	1,236
Proceedings issued	1,196
Counsel briefed	783
Legal aid certificate granted	528
Re-entry	71
Under appeal	60
Total	5,718

Sample cases (continued)

Private practitioners in family law matters

Private practitioners are involved in the provision of legal aid services to complement the service provided by law centres. This service operates for certain family law matters in the District Court (such as domestic violence, maintenance, guardianship and custody/access cases) as well as for divorce and judicial separation cases in the Circuit Court.

A breakdown is given in Table 5 of the number of legal aid certificates granted in 2006 to enable representation to be provided in the District and Circuit Courts by solicitors in private practice who are on the Board's panels. It also gives comparable information for 2005 and 2004 for the District Court. The Circuit Court scheme was only introduced in 2005.

Table 5

Year	2006	2005	2004
District Court	1,557	1,590	650
Circuit Court	162	330	n/a
Total	1,719	1,920	650

As can be seen the number of referrals on foot of the Circuit Court scheme dropped significantly in 2006. This was attributable to the fact that in 2005 the scheme was used as an emergency measure to cut waiting times in all law centres to a period of four months or less. Once the backlog of cases had been addressed the number of cases referred to private practitioners decreased. It may be, however, that the number of referrals will increase again in 2007 partly on account of the increase in the legal aid financial eligibility limits introduced on the 1st September 2006 and having regard to the available financial resources.

Following a series of sessions with the mediator the parties were able to agree on the appropriate residence and contact arrangements in relation to the children and also on what maintenance the husband should pay. The woman returned to the law centre solicitor with a mediated agreement. The solicitor then contacted the husband's solicitor and started negotiations in relation to the assets of the parties. It was ultimately agreed that the family home, which was mortgage free, be transferred to the wife subject to the wife paying a specific lump sum to the husband and to the wife waiving any claim to an SSIA account in the husband's name. A formal Separation Agreement was drafted, approved and signed by the parties.

Collaborative law

A Board solicitor was involved in what is believed to be one of the first collaborative law divorce cases to be concluded with the approval of the Circuit Court. The husband and the wife had been involved in earlier District Court proceedings and had little appetite for further litigation. They both welcomed the opportunity to resolve their difficulties through collaborative law and both engaged fully in the process.

Each party signed a letter of engagement with their lawyers and mutual exchange of financial information took place. After that, a series of four-way face to face meetings involving both the parties and their lawyers were set up. At the first four-way meeting the Participation Agreement was signed by all the parties, including the lawyers, which clearly set out the ground rules including the proviso that if the process failed, neither lawyer could represent their client in subsequent litigation. An agenda was also agreed for the meetings so that they could be structured and there would be no surprises which would be contrary to the spirit of the agreement. Both parties were satisfied that full financial disclosure had been made.

There were six four-way meetings and it became quite clear early on that one of the main difficulties the parties had was communicating with each other, particularly in relation to the children. This was creating huge difficulties not only for themselves but also for the children. It also became quite clear that both parents were kind loving parents and only wanted the best for their children. Through the collaborative process a divorce which, in the normal course, could have become an adversarial and difficult court case, was resolved within a matter of months to both parties satisfaction. The relationship between the parties improved to the extent that they both acknowledged that the welfare of their children was paramount and they were able to communicate with each other in a civil and courteous manner.

At the final meeting, terms of agreement were drawn up and signed by the parties as consent terms. Divorce proceedings were issued and served. The lawyers appeared in court to obtain an order for divorce, incorporating the consent terms.

Service Provided in 2006 (continued)

Asylum

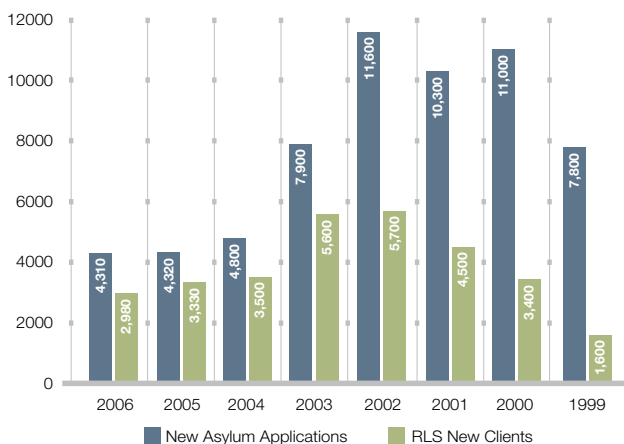
The Refugee Legal Service (RLS) was established in 1999 as a specialised office within the Legal Aid Board to provide a confidential and independent legal service to persons applying for asylum in Ireland. It provides services at all stages of the asylum process and in appropriate cases on immigration and deportation matters.

The RLS provides services through 3 full-time law centres; in Dublin, Cork and Galway. As well as this, the 3 RLS offices also provide services through an outreach service, whereby general information on the service is offered to new clients and existing clients in their own accommodation/reception centres. The outreach service also incorporates clinics in Sligo, Limerick, Athlone and Waterford.

RLS – services provision: New client registrations

The number of new clients registering with the RLS was just under 3,000 in 2006, a reduction of 10% compared to the previous year. This meant that almost 70% of applicants for refugee status availed of RLS services during the course of the year - a reduction on the corresponding proportion of 75% in 2005. The trend since 1999 can be seen in the chart below.

Chart 3: Asylum Applications and RLS New Clients 1999/2006



The Board granted 2,584 legal aid certificates in 2006 to enable representation before the Refugee Appeals Tribunal. The following table shows the comparative figures for the two preceding years and the breakdown between the number of certificates in which representation was provided by RLS solicitors, by private practitioners on the RLS panels and by barristers instructed by the RLS.

Table 6

Number of certificates	2006	2005	2004
RLS solicitors	795	974	1,324
Private practitioners on RLS panels	436	660	462
Barristers instructed by the RLS	1,353	1,502	1,596
Total	2,584	3,136	3,382

The use of private practitioners by the RLS in asylum matters is confined to appeals to the Refugee Appeals Tribunal. All other legal aid services in relation to asylum are provided by the Board's legal staff in the RLS offices with the assistance of barristers in judicial review cases. Those services include the following:

- advice prior to interviews with the Office of the Refugee Applications Commissioner;
- representation in the District Court of asylum seekers detained on foot of Section 9(8) of the Refugee Act 1996 (as amended);
- advice following the decision of the Refugee Appeals Tribunal;
- assistance with subsidiary protection applications under S.I. No. 518 of 2006 which gave effect to the EU Qualifications Directive;
- assistance with leave to remain applications;
- assistance with applications for subsidiary protection;
- advice in relation to Deportation Orders;
- advice in relation to Transfer Orders under the Dublin II Convention, and
- initiating judicial review in certain cases – where this is warranted by the circumstances of the case.

The Board instituted judicial review proceedings in 66 asylum cases in 2006. Table 7 gives comparative figures for 2005 and 2004 and also the outcomes of the cases.

Table 7

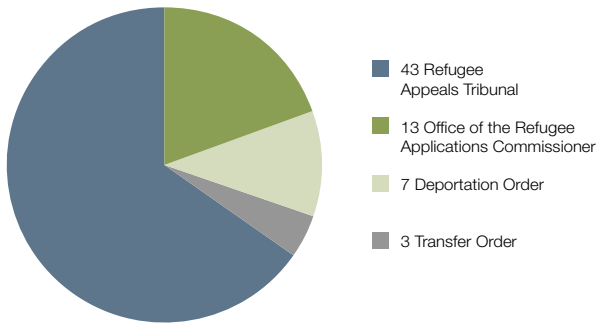
Judicial Review	2006	2005	2004
Proceedings instituted	66	84	85
Cases settled	20	55	75
Cases successfully litigated	0	3	0
Unsuccessful cases	1	7	0
Cases struck out	1	2	7
Cases still active	44	17	3

The high level of positive outcomes that was evident in 2005 was maintained, though it is notable that the number of cases carried forward at the end of 2006 was significantly greater than in 2005. Cases that are settled are generally settled on terms that are no less advantageous to the asylum seeker than if they were successfully litigated in court.

The following chart gives a breakdown of the Decision/Order that was the subject of the judicial review in 2006.

Sample cases (continued)

Chart 4: Judicial Reviews in 2006



As was the case in 2005, the majority of cases taken were against decisions of the Refugee Appeals Tribunal (RAT). This is largely attributable to the fact that there is no appeal from its decisions. Accordingly, defects can be dealt with generally only by way of judicial review.

Appeal Committee

Legal services are provided in individual cases in accordance with the provisions of the Civil Legal Aid Act and the Regulations made under the Act. Initial decisions on the grant and refusal of legal services are taken by staff at designated grade levels, with a right of review and appeal against a refusal of legal services.

An appeal against a refusal of legal services goes to an appeal committee, which comprises five members of the statutory Board. An appeal committee meets each month, or as required. In 2006, there were 11 meetings of an appeal committee of the Board.

The following table sets out the details of the appeals considered by the Board in 2006, together with comparative information for the previous two years.

Table 8

Year	2006	2005	2004
Number of decisions upheld	44	84	70
- <i>Financial criteria</i>	7	11	4
- <i>Merits criteria</i>	37	73	66
Number of decisions overturned	35	44	48
Number of appeals on hands	1	9	6
Number of appeals	93	137	124

Note: 13 appeals in 2006 were withdrawn or resolved before a decision was taken

Both parties were satisfied with the outcome. From the lawyers' point of view it was a very rewarding case.

Child abduction

The parents of two young children were not married to each other but cohabited together in another EU country for a number of years. The children were born in this country.

Following the break-up of the relationship there were contested proceedings in the other country in relation to the children's residence at the conclusion of which Orders were made providing that the children reside with the father and have contact with the mother.

The mother had been exercising access to the children on an agreed basis and requested the father to give permission to allow the children to travel with her to Ireland to visit family members. Permission was granted but when the children were not returned on the agreed date the father initiated proceedings on foot of the child abduction legislation.

In the High Court it was argued successfully on behalf of the father that the Court Order in the other country granted him "parental responsibility" and that the practical effect of this was that he had rights of custody within the meaning of the Hague Convention.

The Court made an order that the children be returned to the other EU country. The Order was transmitted to the Gardaí with the result that the children were removed from the custody of the mother and placed into the care of the Health Service Executive who returned them to the father. The father and children returned to the other EU country.

Asylum (judicial review)

An asylum applicant from an African country who was HIV positive had her application refused by the asylum determination authorities. Judicial review proceedings were issued arising from the failure of the authorities to consider the applicant's fear of return to the country in question on account of her health difficulties. The High Court noted that at the applicant's hearing before the Refugee Appeals Tribunal the applicant and her representative made submissions that in light of her HIV status, return to the country in question would constitute a death sentence. Country information submitted referred to the gap in treatment for women subjected to sexual violence and the social stigma for those diagnosed as being HIV positive. Consequently, the High Court held that a matter had been raised which could justify the conclusion that the applicant was entitled to status as a refugee in the future and that matter was not considered by the Tribunal in reaching its decision. She quashed the decision and the matter was remitted for a fresh hearing before a different Member of the Refugee Appeals Tribunal.

Service Provided in 2006 (continued)

The number of decisions to refuse legal services remained a very small proportion of the overall number of cases where decisions were made to grant legal aid and/or legal advice. During 2006, the Appeal Committee overturned 38% of the decisions in cases referred to it, the same as in 2004. The figure in 2005 was 33%.

Timeliness of the service

The Board was able to maintain the significantly shorter waiting periods for first appointments with a solicitor that it achieved in 2005. The following table sets out the number of persons waiting for an appointment as of the 31st December 2006 and similar figures for the 31st December 2005 and 31st December 2004.

Table 9

Year	2006	2005	2004
Number waiting	984	999	2,200

By end-December 2006, waiting times for a first appointment were down to 2 months or less in most law centres. Overall, there has been a significant reduction in waiting times since 2004 due, to a large extent, to the increased level of funding made available to the Board since then. The waiting times decreased in 21 law centres in 2006. A list of waiting times by law centre can be seen in Table VI in Appendix 2.

The Board constantly monitors and reviews waiting lists so as to ensure that no applicant waits longer than a period of four months for a first appointment with a solicitor.

Demand for the service

The following table gives the number of persons who applied for services to the Board in 2006. Comparable information is also provided for 2005 and 2004.

Table 10

Number of applicants	2006	2005	2004
Law centres	8,859	8,300	9,400
PP centre	830	853	109
RLS	2,980	3,330	3,500
Total	12,669	12,483	13,009

There was an 6% increase in the number of applications for general legal aid matters (law centres and PP centre) in 2006, while the number of applicants for asylum services dropped by about 10%.

Demand for the Board's services is primarily in the area of family law and there is a common perception that the Board deals only with family law cases. It is important to note that the Board does undertake other civil law work, including personal injury and judicial review cases, as well as contract, employment and debt matters. The scope of the Civil Legal Aid Act, 1995 is very broad and covers most areas of civil law, particularly in relation to legal advice, which is available for a range of matters, such as social welfare, debt and consumer law matters. The Board can provide a legal advice service for persons who are appearing before tribunals and also can deal with any appeals that might arise from decisions of tribunals to, for example, the Circuit Court.

Priority cases

In 2006, the Board continued to provide a priority service to certain categories of cases that have been identified as requiring an immediate or near immediate service. The type of cases which have been regarded as priority include domestic violence, child abduction, child care and cases involving statutory time limits.

Refugee Documentation Centre

The Board's Refugee Documentation Centre (RDC) is recognised as one of the most developed information centres in its specialist area in the world. The number of queries received in 2006 at 2,304 was some 35% below the level in 2005, as can be seen in table 11 below. The major proportion of queries (over 90%) raised related to information sought about an asylum seeker's country of origin (COI), with the remainder divided between legal and quasi-legal queries and library requests (for books, reports etc).

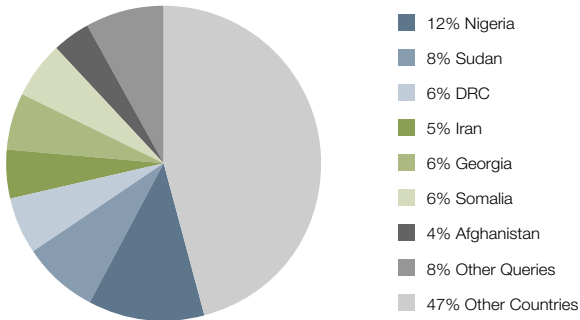
Table 11

Number of Queries	2006	2005	2004
COI	2,114	2,885	2,214
Other	188	228	246
Total	2,302	3,113	2,460

COI queries were spread across a large range of countries, with Nigeria the largest single source of queries in 2006 at 12%.

Sample cases (continued)

Chart 5: RDC Query Statistics 2006



The RDC was engaged in a number of publishing activities in 2006. Three reports arising out of presentations given at the 9th Country of Origin Seminar (held in Dublin) were drafted by RDC staff and published by UNHCR. The Refugee Documentation Centre also developed a quarterly electronic publication called *The Researcher*, which promotes the services of the RDC and reflects on issues of concern to the agencies it serves. The content of *The Researcher* includes academic papers on refugee and human rights issues, summaries of caselaw, guides to new legislation, reports of conferences, articles on RDC services and country of origin information reports. Contributors include the RDC, Refugee Legal Service, ORAC, the Department of Justice, Equality and Law Reform, UNHCR, IOM, SPIRASI, ACCORD, IRC, academics and barristers. The newsletter has been very well received by users and by other COI agencies.

A Decision Search Unit was established within the RDC in late 2006 to provide a search service of the Refugee Appeals Tribunal decisions database for the legal representatives of clients of the Refugee Legal Service, and also for asylum agencies.

Asylum

An asylum applicant was a young woman of mixed nationality from eastern Europe. She sought asylum on the basis of her own experiences and those of her family members, which she claimed amounted to persecution. Among the activities complained of were that her father had been killed during a period of conflict; the applicant and her mother experienced harassment and intimidation from neighbours because of their ethnic connections; land was forcibly taken from them in their home village and they were verbally abused. The applicant moved to a large city to attend university. She got a public service job but began to experience racism because of her ethnic background. A change of government resulted in her problems becoming much more serious; she was verbally abused and humiliated; a colleague attempted to rape her, and, on one occasion, a gun was held to her head. When she made complaints to the police, no action was taken on her behalf. On another occasion she was abducted, beaten and her life was threatened. Eventually she fled the country.

Country of Origin Information showed that ethnic tensions in the country were very high, that the Government was implicated in serious human rights abuses, that the police were ineffective in preventing abuses, and that abductions were a common form of punishment. Medical evidence was submitted describing the psychological problems experienced by the applicant because of her traumatic experiences. The applicant also had copies of the complaints she had made to the police.

The Refugee Appeals Tribunal accepted that Country of Origin Information supported the applicant's claim, that her experiences amounted to persecution and that she was unable to obtain protection from the State authorities or to safely relocate to another part of the country. Accordingly, the Tribunal issued a positive recommendation and the applicant was subsequently granted refugee status.

Developing the civil legal aid service

In 2006, the Board continued to focus on a number of key issues identified in its Corporate Plan for 2006-2008 that it sees as being pivotal in the development of the civil legal aid service in Ireland. The issues were identified in the context of the Board's Mission Statement which is "to provide a professional, efficient, cost-effective and accessible legal aid and advice service." Three of these issues were highlighted in its Annual Report for 2005, namely the issues of quality of service, accessibility to those seeking a service, and educating and informing people about legal aid. Further significant progress was made on each of these issues, as well as in other areas, which contributed to the development of the service.

Quality

During the course of 2006 the following areas were addressed by the Board to further enhance the quality of the service:

- a roll-out of best practice guidelines in relation to the core areas of its work was completed;
- a focused quality audit was undertaken, as was a review programme in relation to the services provided by its own solicitors. This involved reviewing case lists with a particular focus on the longer running files and discussing those cases with the solicitor involved with a view to trying to bring them to a conclusion at the earliest possible opportunity;
- the Board with its solicitor unions agreed a systematic means of assuring quality to include select and random file reviews;
- a formal private practitioner scheme for divorce and separation cases was introduced, with terms and conditions incorporating –
 - the quality standards already identified for its own solicitors;
 - a system of reporting of case progress, and
 - a requirement that files be made available for review by authorised officers of the Board.
- the Board reviewed its risk management strategy that every client gets a service that meets its commitments to provide a professional, efficient, cost-effective and accessible service, and
- a specialist Medical Negligence Unit was launched in order to ensure that the requisite expertise is provided in these often complex and difficult cases (see below).

Accessibility

In the area of accessibility, progress included the following:

- an advice service was set up on a pilot basis whereby applicants were offered the option of receiving a speedy legal advice service (see below);
- an analysis of the feasibility of providing a telephone service was instigated, i.e. information and/or advice in certain circumstances to those making telephone enquiries, and
- the Board proactively sought to ensure that no applicant for legal services waited longer than a period of four months for a first appointment with a solicitor.

Educating and informing people about legal aid

The Board also took a further series of steps towards making its services more accessible, as follows:

- it redesigned its website to make it more user friendly and informative. It is anticipated that the new website will be available by the middle of 2007;
- the Board actively engaged through its consultative panel and through other means with community and other stakeholder groups, and
- it also developed a comprehensive communications strategy. It is anticipated that the strategy will be available in the early part of 2007.

Alternative dispute resolution

The Board continued to promote resolution rather than conflict in the areas in which it does business and in particular in the area of family law. In its 2005 Annual Report, the Board's commitment to 'collaborative' family law was highlighted. Collaborative law / practice provides the opportunity for separating and divorcing couples to work with trained professionals to resolve disputes without going to court.

In 2006, the Board arranged and facilitated collaborative law training for close to a hundred lawyers from its own law centres and from private practice. In June 2006 the Board launched a cross border initiative in collaborative law with its counterpart in Northern Ireland, the Legal Services Commission. The Board aims to build a collaborative structure in partnership with the legal profession.

The Board is also mindful that collaborative law / practice is just one dispute resolution model and that there are other models that may be more suitable for particular cases. In June 2006 the Board launched a pilot 'structured negotiation' process. One of the criticisms made of the family law system is that there is no system or process for trying to negotiate solutions to problems other than in the context of court proceedings. What the structured negotiation process seeks to do is to establish ground rules for negotiation to enable parties to be clear about what they can expect from the process and also what is expected of them. It differs from collaborative law / practice in that the lawyer doesn't make a commitment not to go court on behalf of the client and also the four-way meetings that are an intrinsic part of the collaborative process are an optional part of the structured negotiation process. The pilot attempts to build on the ideas set out in Board solicitor Kevin Liston's book, *Family Law Negotiations – An Alternative Approach*.

Pilot legal advice service

During 2006, the Board introduced a legal advice service initiative on a pilot basis for a six month period initially in five of the Board's law centres. The purpose of this pilot was to:

- provide all applicants for legal services at the relevant law centres with the option of receiving a timely advice service;
- enable the Board to consider the effectiveness, for both the Board and clients, of the provision of a timely advice service, and
- consider the impact of such a service on the waiting times for legal aid services.

The pilot was monitored on a regular basis over the six month period to evaluate its effectiveness. As part of this evaluation, client, solicitor and law centre surveys were developed to assist with assessing the value of such a service. A report will be prepared with recommendations for the future provision of an advice service.

Development of a Medical Negligence Unit

The Medical Negligence Unit was put in place in September 2006. It is widely recognised that cases involving allegations of negligence against doctors and hospitals require specialist expertise and the Unit is headed by a managing solicitor with a background in both the medical field and also with significant experience of cases of this nature.

Significant numbers of the Board's existing medical negligence cases have been transferred to the Unit and it is anticipated that

the remaining cases, other than those close to completion, will be transferred in the early part of 2007.

Legislative developments in 2006 that impacted on service provision

Changes in Civil Legal Aid Regulations increasing financial eligibility limits

On the 1st September 2006 the Civil Legal Aid Regulations 2006 became operative. They significantly increased the financial eligibility limits for legal aid. The disposable income threshold for qualifying for services was raised from €13,000 to €18,000. Many of the allowances which can be offset against a person's gross income were also significantly increased. The following table provides a summary of the changes of the allowances.

Table 12

Regulations	Pre 1st Sept. 2006	Post 1st Sept. 2006
Disposable income	€13,000	€18,000
Spouse Allowance	€1,900	€3,500
Child allowance per child	€1,100	€1,600
Child care allowance per child	€1,100	€6,000
Accommodation	€4,900	€8,000
Income tax	Full amount	Full amount
Social insurance	Full amount	Full amount
Ex gratia	€1,040	€1,040

In addition to the increases in the allowances, the Regulations also provided that a person's home would no longer be included in the assessment of their capital assets. Thus, in assessing a person's capital assets for the purpose of either determining their eligibility for services or for determining what financial contribution they should make, the value of their home is no longer included.

Changes in asylum law

In the asylum area a new form of protection, known as subsidiary protection was introduced in October 2006. This applies in the case of persons who do not qualify for refugee status but who may nonetheless be in need of protection due to a serious risk of suffering "serious harm". This new form of protection was introduced by statutory instrument¹ to give effect to the provisions of the EU Qualifications Directive (which relates to applications for asylum) into Irish law.

In July 2006 the Supreme Court determined that asylum applicants should have access to previous relevant decisions of the Refugee Appeals Tribunal for the purposes of assisting them in preparing their appeals to the Tribunal. The arrangements for giving effect to this decision were put in place by the Refugee Appeals Tribunal later in the year.

1 S.I. No. 518 of 2006 European Communities (Eligibility for Protection) Regulations 2006

Enabling Service Delivery

As outlined earlier, the mission of the Legal Aid Board is to provide a professional, efficient, cost-effective and accessible legal aid and advice service. As with any organisation, the Board utilises a range of support services to enable it to achieve its core business objectives. These support services play a very important role as they must ensure that the necessary conditions are in place for the Board to deliver its services to the public.

Human Resources

Considerable emphasis was placed in 2006 on developing the HR and Training Strategies and on putting into place implementation plans for these Strategies. This was in recognition of the importance of having HR strategies in place which support the targets in the Board's Corporate Plan. The strategies provide a framework within which HR can lead change in the Board and support the ongoing development of a highly committed and motivated work-force.

Human Resource Strategy 2006-2008

A new HR Strategy setting out the aims and objectives of the Board's Human Resource Section in the three year period from 2006 to 2008 was developed in 2006, following wide consultation both within the Board and externally.

The Strategy is extremely action oriented with almost 130 specific actions identified with a timeframe for the achievement of each action. The Strategy is drawn up in recognition of the need to have a dynamic HR function in the Board. It envisages a considerable ongoing evolution of HR, including placing a greater emphasis on the "internal change agent" role of the HR function, developing a Service Level Agreement for internal customers and taking a more strategic role in the development of policy for supporting training and further education in the organisation.

Workforce Plan

The Board's Workforce Plan was finalised in 2006. The Plan addresses a number of key HR issues, including:

- the impact of decentralisation on the organisation;
- an analysis of the age and gender profile of staff of the Board;
- recruitment and selection, and
- the long-term impact of financing solicitors' pensions on the Board's pay budget.

The Plan featured extensively in the Board's planning for, and minimising the impact of, decentralisation in 2006. It also informed decisions on financial planning, arising from the analysis of the age profile of solicitors, recruitment, staff mobility and work/life balance issues.

Customer Service Action Plan 2006 – 2008

Following the launch of the Board's Customer Charter in 2005, the Board reviewed its last Customer Service Action Plan during 2006 with a view to developing a revised Plan. The revised Plan, which was approved by the Board and published in 2006, has a greater focus on providing:

- more specific standards of customer care to meet service commitments to the Board's clients, and
- greater levels of monitoring and quality assurance of the service.

An implementation template for the Board's Customer Service Action Plan 2006-2008 was also developed in 2006.

Performance Management & Development System (PMDS)

During 2006, steps were taken to implement the recommendations of the external review of PMDS which had been carried out in 2005, including the introduction of revised PMDS documentation in a number of areas, on a pilot basis. Information about the integrated model of PMDS was provided at regional meetings and the development of business plan templates was also addressed at a number of the networks during the year. Towards the end of 2006, training was provided to some groups of managers on the implementation of the integrated PMDS model.

Partnership and sub-committees

The Board's Partnership Committee met on 6 occasions during 2006. The Committee oversaw the work of five sub-committees, namely:

- Staff Training and Development;
- Internal Communications;
- Organisation of Working Time Act;
- Equality and Disability, and
- Health and Safety.

During 2006, the Partnership Committee had a significant input into both the development of the Board's 6th Progress Report on the implementation of the Board's Sustaining Progress Action Plan and the development of the Towards 2016 Action Plan.

Decentralisation

Many of the Head Office staff, including some of the Board's senior staff, who had indicated a preference to transfer to the Department of Arts, Sports and Tourism, in order to be based in Killarney, were offered and accepted such transfers during 2006. Through close liaison with the Department and with the Public Appointments Service, in accordance with our Workforce Plan, the effect of such transfers on the service provided by Head Office was minimised while facilitating the Department with progressing their move to a temporary office. This close liaison will continue in 2007 in relation to any remaining transfers.

Training and Development Strategy 2006-2008

A new Training and Development Strategy, developed in conjunction with the Board's Staff Training and Development Sub-Committee, was finalised during 2006 and circulated to all members of staff. A presentation concerning the principles and objectives on which the Strategy is based was given at the Regional Meetings during 2006. The Strategy also sets out the roles and responsibilities of the various stakeholders in the organisation in relation to training and development. It acknowledges the important role that training and development play in supporting the Board in its delivery of a quality service.

Enabling Service Delivery (continued)

The Strategy contains more than sixty actions and a related timeframe for the achievement of each. Significant progress has been made on a large number of the actions to date including those in relation to health and safety, induction, IT and ongoing/professional education as well as the development of modular management training courses. Work on these and other actions will continue during 2007.

Legal Services Section

Legal Services Section continues to provide essential administrative and support functions to law centres with regard to the delivery of legal services to the public. The section is responsible for managing the system for granting and refusing of legal services in accordance with the provisions of the Civil Legal Aid Act, 1995 and Regulations made thereunder. This involves liaising with solicitors in difficult/urgent cases including discussions on relevant legislation and case law and clarifying Board policy and instructions. The section also has an important role in ensuring value for money in the provision of legal services and ensuring compliance with the Civil Legal Aid Act, 1995. The section is also responsible for the compilation and provision of management information as required, including relevant statistics and information for production of the annual report.

Financial management

The Board's Finance Unit is responsible for the provision of finance functions and one of the unit's key responsibilities is financial management of the organisation. This is achieved by maintaining effective accounting and monitoring systems and controls.

The Board has a comprehensive budgeting system that includes approval of annual budgets and monitoring of monthly financial reports that track expenditure against agreed profiles on all areas of expenditure, with variance reports, where appropriate. In 2006 the finance committee continued to review detailed analysis reports for each area of expenditure.

Once again, a crucial function of the Unit's work in 2006 was the production of the annual audit file and financial statements for approval by the Board and signing off by the Comptroller and Auditor General's office. A copy of the accounts for 2006 is included at Appendix 1, as is a copy of the C&AG's report on the accounts.

RLS - interpretation and translation

The Refugee Legal Service (RLS) conducted a tender for interpretation and translation services in 2006. The outcome of this procedure was the award of a single contract to provide all of the

RLS requirements for interpretation and translation services for the RLS offices in Dublin, Cork and Galway. The aim of this contract is to contribute to the provision of quality service through ensuring the timely and reliable provision of interpretation services. It is also intended that the existing quality assurance measures for these services can be developed and enhanced. The tender and the resulting contract are also aimed at ensuring value for money in this element of service provision.

Legal Aid Board Library

The Legal Aid Board Library was re-established and launched in the last quarter of 2006. Its role is to provide an information service to support the work of the Board. A librarian was appointed and an audit of materials took place, while law centres were contacted to ascertain requirements. The Library collection was developed with the purchase of books, updating of periodicals and acquisition of additional electronic subscriptions. Three electronic subscriptions were made available to all Law Centres, *Firstlaw*, *Westlaw* and the *Consolidated District Court Rules*. The Library arranged for access by law centres to the Land Registry's online search service. It also assisted in the production of 3 issues of the *Legal Information Bulletin*. A number of study visits took place to other similar libraries to gain knowledge and view practices and procedures.

Information and communications technology

The Board continued to implement its ICT Strategy 2005-2007 during the year. The focus of development of ICT in 2006 related mainly to the background infrastructure required to ensure continued facilitation of service provision. The benefits of the change to the centralised storage model implemented in 2005 became increasingly evident, in terms of greater flexibility, and the ability of staff to access the system at any of the Board's locations. The implementation of the Board's disaster recovery site commenced and will, when complete, provide further resilience and effective disaster recovery. Thus central storage and the disaster recovery site will ensure greater continuity and reliability in the provision of service to customers.

A number of significant developments were commenced during the year including the Legal Aid Board Portal and redesign of the Board's website. The portal will greatly enhance existing applications which support service delivery in the Board. Substantial progress was made on the project to redevelop the Board's website which also started during the year with a target completion and launch date in 2007. The principal aims of this project are to provide comprehensive information on the Board's services in an accessible and user friendly format.

Organisational support

In 2006, the Board's Organisation Unit continued to provide the necessary support functions to enable the Board carry out its business. The Board operates thirty-seven full-time offices throughout the country, including law centres and head-office buildings. It also operates a number of part-time law centres. In 2006, the Organisation Unit managed this property portfolio and also administered supplies and services for the various locations. It was also the primary section dealing with procurement for the Board and provided general corporate support to the wider organisation.

Organisation Unit was also responsible for the Board's health and safety policy (see below) and ensuring that freedom of information legislation was effectively implemented. It managed the printing and distribution of publications, such as reports and information leaflets. The section contributed to the internal audit function, and coordinated the risk management and corporate governance functions for the wider organisation.

Further organisational support was provided through the Corporate Service function for the RLS which dealt with registration of new RLS clients, outreach services, interpretation and translation services, management of the RLS Private Practitioner service, the management of the grant and refusal of legal aid, including in judicial review proceedings. This function also managed the interaction between RLS service providers and the Department of Justice Equality and Law Reform, the agencies dealing with asylum applications, and a number of other corporate functions.

Health and safety

In 2006 the Board drew up an updated comprehensive Safety Statement in order to ensure that its staff continue to work in a safe and secure environment. This statement was also designed to ensure compliance with the Safety, Health and Welfare at Work Act 2005.

In order to ensure the effective implementation of the Board's commitments as set out in the safety statement, safety representatives, fire wardens and first aiders were appointed from amongst the Board's staff in its various locations throughout the country. Training for those nominated for such positions also began to be rolled out in 2006 in conjunction with the Training Unit. Staff within Organisation Unit also received training on risk assessments and began carrying out these in the Board's premises towards the end of the year.

Equality of opportunity

The Board is an equal opportunities employer. All applicants for employment are given full and fair consideration, due regard being given to the aptitude and ability of the individual and the requirements and eligibility criteria for the position in question. All persons are treated on equal terms as regards career development, promotion and training. The Board has an Equality Officer who monitors compliance with the Board's policy of equality and the Employment Equality Acts, 1998 and 2004.

The Board took a number of initiatives in the Equality and Diversity area during 2006. A sub-committee of the Partnership Committee was established to develop a new Equality and Disability policy for the organisation to reflect, in particular, the provisions of the Disability Act, 2005. Considerable progress was made towards the completion of this task by the end of the year. As part of their remit, the sub-committee undertook research involving close liaison with the National Disability Authority (NDA) including an examination of the feasibility of applying for the NDA's 'Excellence Through Accessibility' awards in a number of locations. The Board also expanded the role of the Equality Officer to encompass the new role of Disability Liaison Officer for the organisation.

Finance

The Board's financial statements for 2006 are shown at Appendix 1.

Income

The following are some comments on the sources of the Board's income.

(a) *Grant-in-aid*

As in previous years, most of the Board's income consisted of a grant-in-aid received from the Department of Justice, Equality and Law Reform. Funding provided by the Government in 2006 was €21.913 million, as compared with €21.362 million in 2005.

(b) *Refugee Legal Service*

Exchequer funding for the RLS in 2006 was €7.726 million, compared to €9.226 million in 2005. This level of funding was adequate to cover the full year cost of the provision of legal aid services by the Refugee Legal Service.

(c) *Contributions*

Persons who are provided with legal services pay a contribution related to their income and, in some cases, their capital resources. The minimum contribution is €10 for legal advice and €50 for representation in court. This minimum contribution can be waived in cases of hardship.

(d) *Recovery of costs*

The Board may recover the cost of providing legal services from:

- (i) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute, or
- (ii) from the legally aided person out of monies/property received by the person as a result of the provision of legal services.

The amount of costs recovered can vary significantly from year to year, especially if a legally aided person obtains an award for costs in a case in which the other party is in a position to meet the costs. This does not generally arise in family law cases, which form the bulk of the Board's caseload.

Costs recovered in 2006 (€1,347,433) were 99% higher than in 2005 (€676,183)

Expenditure

The following are comments on the major items of expenditure shown in the 2006 financial statements:

1) *Salaries*

The increase of €1,799,769 (11%) in expenditure on employee costs in 2006 (excluding pension charges for solicitors) is due to a number of factors including full year costs for staff vacancies filled in the latter part of 2005; benchmarking and pay increases; the cost of increments; and, the impact of maternity leave replacements and the increased length of statutory maternity leave introduced in early 2006.

2) *Accommodation and Establishment Costs*

Expenditure in this area increased by €299,969 (7%) in 2006. This heading includes expenditure in the area of computer maintenance and development. During 2006 the Board carried out Central Storage and New Library Projects at a cost of €229,000. The balance of the increase comes from extra costs in energy and heating.

3) *Legal fees and expenses*

There are a number of differing elements covered in this heading - see Note 7 to the accounts - and comment is provided on each of the various headings comprising the total as follows:

(i) *Counsel fees*

Expenditure on counsel fees increased by €1.47 million or 27% when compared with 2005. This arises as a result of (1) an increase in the level of counsel fee payments in 2006 over 2005 (€633,000) and (2) the Board carrying out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities in counsel fees. The accrual for counsel fees at 31st December 2006, where work has been incurred but not yet presented for payment, stands at €5,084,000.

When costs are recovered, the amount recovered in respect of counsel fees is paid to the barrister and this is generally higher than the fee normally paid by the Board.

The following table shows the trend in expenditure on counsel fees in respect of legal aid and advice over the past seven years.

Year	Counsel Fees
2000	€1,996,000
2001	€2,318,000
2002	€3,326,000
2003	€3,978,000
2004	€2,995,000
2005	€5,376,000
2006	€6,847,000

(ii) *Legal fees - expenses*

These case-related expenses are the additional expenses incurred by the Board, over and above counsel fees, in providing legal services to clients. The expenditure amount under this heading is derived from the requirements of the cases handled by the Board in any particular year. There was a slight increase of 1% in 2006, as compared with 2005.

(iii) *Private practitioner scheme*

Expenditure in 2006 on the private practitioner scheme was up 70% to €3.034 million, as compared to 2005. The increase arises primarily as a result of the Board introducing a revised method of accruing for legal aid certificates issued under the private practitioner scheme after carrying out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities in this area. At December 31st 2006 the accrual for private practitioner fees, where work has been incurred but not yet presented for payment, stands at €1.757 million.

(iv) *Other professional fees*

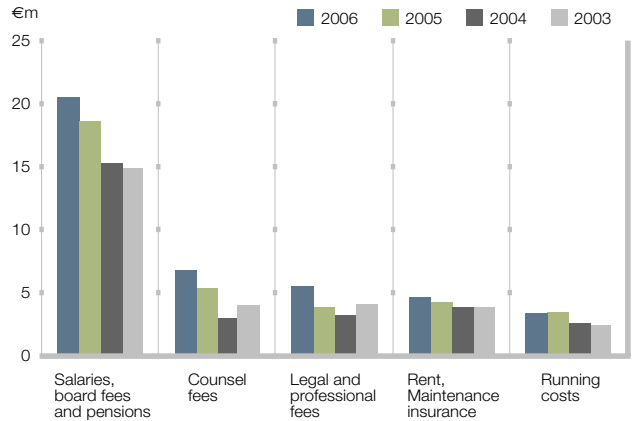
Costs under this heading relate to the engagement by the Board of professionals to provide independent legal advice and other professional services to the Board. The increase of 48% in 2006, as compared with 2005, reflects the increased need on the part of the Board for recourse to its legal advisors, arising from legal cases involving the Board.

(v) *Other expenses*

Solicitors employed by the Legal Aid Board must have a practising certificate, which is issued by the Law Society of Ireland. The cost of these certificates in 2006 totalled €235,000. Also included under this heading is expenditure on training and education and annual membership subscriptions.

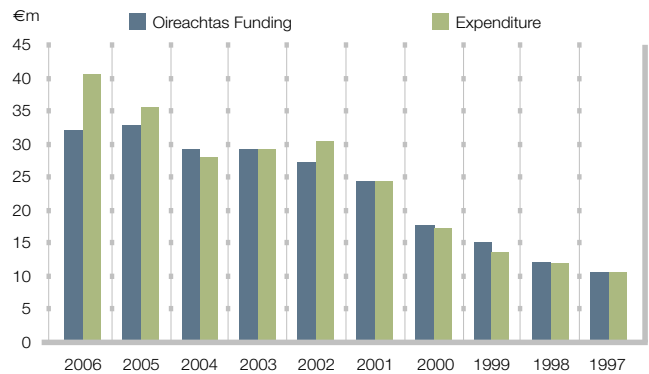
The following graph shows a breakdown of expenditure by the Board over the last four years.

Chart 6: Expenditure



The following graph shows the relationship between Oireachtas funding and the actual expenditure over the last ten years.

Chart 7: Funding vs. Expenditure



Cash at bank and on hand

The Balance Sheet shows that the Board had over €3.51 million on hand at the end of 2006. Of this amount, funds totalling €1.476 million were held on behalf of clients. It will be seen from Note 12 to the accounts that the throughput of client funds in 2006 was €13.254 million. This arises from cases where, as a result of legal advice or representation in court, clients received moneys either from the other party or from the disposal of property. All such moneys are initially lodged to the Legal Aid Client Fund Account before being returned to clients less, in some cases, an amount in respect of costs incurred by the Board in providing legal services. The cash at bank figure, apart from client funds, is similar to the level of expenditure incurred by the Board each month and is considered to be a reasonable level of funding to have on hands at any one time.

Prompt Payment of Accounts Act, 1997

Section 4 of the Prompt Payment of Accounts Act, 1997 requires the Board to pay for the supply of goods or services by the *prescribed payment date*. This date is currently 30 days after the receipt of an invoice, or a lesser period as may be specified in a written contract. If the Board fails to make payment by the prescribed payment date, interest is payable to the supplier. Procedures ensure that the Board complies in all material respects with the requirements of the Act. There was no late payment interest paid to suppliers of goods and services during 2006.

Appendix I

Financial Statements
for the Year Ended
31st December 2006



Legal Aid Fund

Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas

I have audited the financial statements of the Legal Aid Fund for the year ended 31 December 2006 under the Civil Legal Aid Act, 1995. The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Statement of Total Recognised Gains and Losses, the Balance Sheet, the Cash Flow Statement and the related notes.

Respective Responsibilities of the Members of the Board and the Comptroller and Auditor General

The Legal Aid Board is responsible for preparing the financial statements in accordance with the Civil Legal Aid Act, 1995 and for ensuring the regularity of transactions. The Board prepares the financial statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities of the Members of the Board are set out in the Statement of Board Responsibilities.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report my opinion as to whether the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland. I also report whether in my opinion proper books of account have been kept. In addition, I state whether the financial statements are in agreement with the books of account.

I report any material instance where moneys have not been applied for the purposes intended or where the transactions do not conform to the authorities governing them.

I also report if I have not obtained all the information and explanations necessary for the purposes of my audit.

I review whether the Statement on Internal Financial Control reflects the Board's compliance with the Code of Practice for the Governance of State Bodies and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements. I am not required to consider whether the Statement on Internal Financial Control covers all financial risks and controls, or to form an opinion on the effectiveness of the risk and control procedures.

I read other information contained in the Annual Report, and consider whether it is consistent with the audited financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

Basis of Audit Opinion

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures and regularity of the financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Board's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion, the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Legal Aid Fund's affairs at 31 December 2006 and of its income and expenditure for the year then ended.

In my opinion, proper books of account have been kept by the Board. The financial statements are in agreement with the books of account.



Gerard Smyth
For and on behalf of the
Comptroller and Auditor General
14 August 2007

Legal Aid Fund

Statement of Board Responsibilities

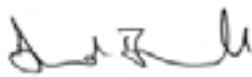
Section 20 of the Civil Legal Aid Act, 1995 requires the Board to keep, in such form as may be approved by the Minister for Justice, Equality and Law Reform, with the consent of the Minister for Finance, all proper and usual accounts of any moneys received or expended by it. In preparing those financial statements, the Board is required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Fund will continue in operation, and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Fund and which enable it to ensure that the financial statements comply with Section 20 of the Act. The Board is also responsible for safeguarding the assets of the Fund and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Chairperson
23 July 2007



Board Member

Legal Aid Fund

Statement of Internal Financial Control

1. On behalf of the Board of the Legal Aid Board, I acknowledge that the Board is responsible for ensuring that an effective system of internal financial control is maintained and operated for the organisation.
2. Any such system can provide only reasonable and not absolute assurance against material error. In considering the effectiveness of internal financial controls the Board has regard, among other things, to the requirements of the Code of Practice for the Governance of State Bodies.
3. The key procedures that have been put in place by the Board, designed to provide effective internal financial control, include
 - Control Environment: the management and executive functions of the Board are delegated to the Chief Executive and senior management of the organisation by resolutions of the statutory Board, which monitors and reviews the work of senior management, who report to it at its monthly meetings and through its various Committees. A Corporate Governance Manual was developed in 2006 to provide a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management. It is also intended to ensure that Board Members are fully informed of their legal responsibilities and that they are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role;
 - Budget Information Systems: the Board has a comprehensive budgeting system, that includes approval by the statutory Board of annual budgets and monitoring of monthly financial reports, that track expenditure against agreed profiles on all areas of expenditure, with variance reports, where appropriate. The Finance Committee of the statutory Board considers the Board's finances and reports to the Board on the financial affairs and policies of the Board. The Committee also reviews detailed analysis reports for selected areas of expenditure;
 - Risk Management: the Board has adopted and implemented a clearly defined Risk Management policy and maintains a formal Risk Register that documents business risks and associated mitigations, controls and actions for all aspects of the Board's activities through the application of risk analysis techniques to its business objectives. Risk analysis principles have been systematically applied to the objectives of all Business Plans for the Board and risk management forms an integral part of the Business Planning Process. The Audit Committee of the statutory Board has responsibility, and has a system in place, for monitoring, reviewing and reporting to the Board on this function;
 - Procedures: the Board has clearly defined financial instructions and procedures, including delegated spending and authorisation limits and segregation of duties, approved by resolution of the statutory Board. In addition, the statutory Board has reserved approval of expenditure on contracts with value in excess of €65,000, while the Finance Committee of the statutory Board is notified of all contracts with value in excess of €10,000 and less than €65,000, and
 - Monitoring of Internal Control: the Board has an Internal Audit function whose annual audit programme is approved by the Audit Committee of the statutory Board and one of whose functions is to review all aspects of internal financial controls. The Audit Committee reviews the work and recommendations of the Internal Audit function and monitors the action taken by management to resolve any issues that have been identified. The Committee also reviews all significant reports received by the Board from the external auditors, including management's responses to these and makes recommendations on the issues raised. Correspondence with the Comptroller and Auditor General, including the audit Management Letter, and any issues raised, are brought to the attention of the Audit Committee and the statutory Board, which ensures that issues raised are pursued. I can confirm that all issues raised since the 2005 audit have been addressed and any recommendations adopted.

The Audit Committee must produce a formal report within three months of the end of the calendar year, outlining its activities, together with such advice and recommendations as it deems appropriate. The report for 2006 was adopted by the Board at its meeting on 20th April 2007.
4. I confirm that during the year ended 31 December 2006 the Board has continued to review the effectiveness of the Board's system of internal financial controls.



Chairperson
23 July 2007

Legal Aid Fund

Statement of Accounting Policies 2006

General

The Legal Aid Fund, which is provided for under Section 19 of the Civil Legal Aid Act, 1995, is managed by a Legal Aid Board appointed by the Minister for Justice, Equality and Law Reform. The Fund consists of all the financial resources of the Board. In 2006, the Board operated out of 33 full-time centres and 12 part-time centres throughout the country.

Basis of accounting

The financial statements are prepared under the accruals method of accounting, except as indicated below, and in accordance with generally accepted accounting principles under the historical cost convention. Financial Reporting Standards recommended by the recognised accountancy bodies are adopted, as they become operative.

Going concern

The Legal Aid Board is a statutory body established under the Civil Legal Aid Act 1995. The financing of the Board's activities is predominantly met by grant-in-aid and exchequer funding from the Department of Justice, Equality and Law Reform.

During the financial year the Board carried out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities figure, in particular, Counsel Fees and the Private Practitioner service.

The balance sheet at 31st December 2006 shows an excess of liabilities over assets of €3,124,984. This deficit arises from the timing difference between receipt of funding to pay liabilities for legal services when they are due for payment and the provision for these liabilities that is recognised in these accounts under the accruals method of accounting.

A letter of ongoing support has been received from the Department of Justice, Equality and Law Reform confirming that the Board's activities will be funded into the future.

The Board takes the view that the going concern accounting convention applies to the accounts which represent the operations of the Board as long as the provisions of the Civil Legal Aid Act 1995 remain in existence.

The Board knows of no review of its operations or intention to suspend its activities or merge it with other organisations. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

State grants

Income under this heading is accounted for on a cash receipts basis.

Contributions from aided persons

Due to the nature of this income, i.e. contributions from persons of modest means, it is considered prudent to account for such income on a cash receipts basis. The estimated amount collectable at 31 December, 2006 was approximately €22,000. There were no bad debts written off in 2006.

Costs recovered

The Board may recover the costs of providing legal services from:

- (a) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute, or
- (b) from the legally aided person, out of moneys/property received by the person as a result of the provision of legal services.

Fixed assets and depreciation

Fixed assets are shown on the Balance Sheet at cost less accumulated depreciation. Depreciation, which is calculated over the useful life of the assets using the straight line method, is charged at the following annual rates:

Leases, office furniture & equipment, computer equipment and premises fit out	20%
---	-----

A half year's depreciation is charged in the year of purchase and in the year of disposal.

Clients' funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December 2006, on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

Capital account

The Capital Account represents the unamortised amount of income used to purchase fixed assets.

Pensions

The Legal Aid Board operates a defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the Department of Justice, Equality and Law Reform and from contributions deducted from solicitors' salaries.

Pension costs reflect pension benefits earned by solicitor staff in the period and are shown net of staff pension contributions which are retained by the Legal Aid Board. An amount corresponding to the pension charge is recognized as income to the extent that it is recoverable, and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable from the Department of Justice, Equality and Law Reform.

Pension liabilities represent the present value of future pension payments earned by solicitor staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Justice, Equality and Law Reform.

Provisions

A provision is recognised when an obligation (whether legal or constructive) arises as a result of a past event, and when it is probable that a transfer of economic benefit will be required to settle the obligation and that it can be reliably estimated.

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date.

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year.

No income is anticipated for cases that may recover costs.

Legal Aid Fund

Income and Expenditure Account

for the year ended 31 December 2006

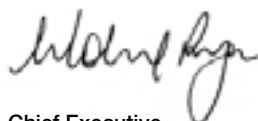
	Note	2006		2005	
		€	€	€	€
Income					
State funding	1	29,638,760		30,588,000	
Net deferred funding for pensions	2b	2,523,600		2,320,00	
Contributions from aided persons		497,473		485,507	
Costs recovered		1,347,433		676,183	
Other income	3	1,095,752		390,256	
			35,103,018		34,459,946
Transfer from Capital Account	4		296,873		323,698
			35,399,891		34,783,644
Expenditure					
Salaries and related expenses	5	18,175,888		16,376,119	
Pension Costs	2c	2,228,743		2,082,177	
Fees to Board members		105,795		86,724	
Accommodation and establishment expenses	6	4,590,221		4,290,252	
Legal fees & expenses	7	12,303,074		9,227,246	
General administration	8	2,503,491		2,362,296	
Depreciation	9	1,102,556		1,443,412	
Audit fee		17,600		16,800	
			41,027,368		35,885,026
Deficit for year			(5,627,477)		(1,101,382)
Opening balance as at 1 January			526,443		1,627,825
Closing balance as at 31 December			(5,101,034)		526,443

All income and expenditure for the year 31 December 2006 relates to continuing activities.

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.



Chairperson
23 July 2007



Chief Executive

Legal Aid Fund

Statement of Total Recognised Gains and Losses

as at 31 December 2006

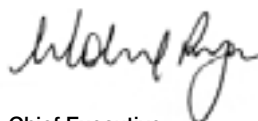
	Note	2006 €	2005 €
Deficit / Surplus for year		(5,627,477)	(1,101,382)
Experience (gains) / losses on pension scheme liability		1,579,000	(820,000)
Changes in assumptions underlying the present value of pension scheme liabilities		0	0
Actuarial (gain) / loss on Pension Liabilities	2e	1,579,000	(820,000)
Adjustment to Deferred Pension Funding		(1,579,000)	820,000
Total Recognised Gains / Losses		(5,627,477)	(1,101,382)

All income and expenditure for the year 31 December 2006 relates to continuing activities.

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.



Chairperson
23 July 2007



Chief Executive

Legal Aid Fund Balance Sheet

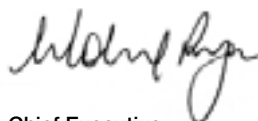
as at 31 December 2006

	Note	2006		2005	
		€	€	€	€
Fixed assets	9		1,976,050		2,272,923
Current assets					
Cash at bank and on hand			3,513,210		4,627,112
Debtors and prepayments	10		581,034		481,404
			4,094,244		5,108,516
Less current liabilities					
Creditors and accruals	11		7,687,331		3,691,957
Clients' funds	12		1,507,947		890,113
			9,195,278		4,582,070
Net current (liabilities)/assets			(5,101,034)		526,443
Total assets less current liabilities before pension			(3,124,984)		2,799,366
Deferred pension funding	2d		23,602,600		19,500,000
Pension liabilities	2e		(23,602,600)		(19,500,000)
			0		0
Total assets			(3,124,984)		2,799,366
Represented by:					
Income and Expenditure Account			(5,101,034)		526,443
Capital Account	4		1,976,050		2,272,923
			(3,124,984)		2,799,366

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.



Chairperson
23 July 2007



Chief Executive

Legal Aid Fund Cash Flow Statement

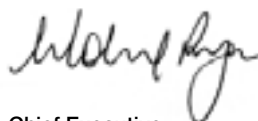
for the year ended 31 December 2006

	Note	2006 €	2005 €
Net cash (outflow)/inflow from operating activities	14	(408,133)	1,893,774
Returns on investment and servicing of finance			
Interest received		108,711	88,754
Interest paid on client settlements		(17,977)	(16,307)
Investing activities			
Sale of tangible assets		0	5,069
Purchase of tangible assets		(796,503)	(1,123,007)
Net cash inflow		(1,113,902)	848,284
Decrease in cash	15	(1,113,902)	848,284

The Statement of Accounting Policies, together with Notes 1 to 18, form part of these financial statements



Chairperson
23 July 2007



Chief Executive

Legal Aid Fund

Notes to the Financial Statements

for the year ended 31 December 2006

1 State funding

State Funding was received from Vote 19 - Office of the Minister for Justice, Equality and Law Reform as follows:

	2006	2005
	€	€
Subhead:		
C.2 Grant-in-Aid	21,913,000	21,362,000
D.2 Asylum Seekers Taskforce - Legal Aid*	7,725,760	9,226,000
	29,638,760	30,588,000

* This funding was provided towards the expenditure incurred on the Refugee Legal Service. See Note 16

2 Pension Costs

(a). Pension Scheme

The Legal Aid Board operates a defined benefits superannuation scheme for solicitors. Superannuation entitlements arising under the scheme are paid out of current income and are charged to the Income and Expenditure Account, net of employee superannuation contributions, in the year in which they become payable. The results set out below are based on an actuarial valuation of the liabilities of the scheme in respect of Legal Aid Board solicitor staff as at 31 December 2006. The valuation was carried out by a qualified independent actuary for the purposes of the accounting standard, Financial Reporting Standard No. 17-Retirement Benefits (FRS 17). The financial assumptions used to calculate scheme liabilities for the purpose of FRS 17 were as follows:

	At 31/12/06	At 31/12/05	At 31/12/2004
Discount Rate	5.5%	5.5%	5.5%
Salary increase assumption	4.0%	4.0%	4.0%
Pension increase assumption	4.0%	4.0%	4.0%
Price inflation	2.0%	2.0%	2.0%

On the basis of these assumptions, and using the projected unit method prescribed in FRS17, the value of the accrued liabilities in respect of the Legal Aid Board solicitor staff at 31 December 2006 was estimated at €23.6m (compared with €19.5m as at 31 December 2005).

(b). Net Deferred Funding for Pensions in year

	2006	2005
	€	€
Funding recoverable in respect of current year pension costs	2,600,000	2,400,000
State grant applied to pay pensioners	(76,400)	(80,000)
	2,523,600	2,320,000

(c). Analysis of total pension costs charged to Expenditure

	2006	2005
	€	€
Current service cost	1,500,000	1,400,000
Interest on Pension Scheme Liabilities	1,100,000	1,000,000
Employee Contributions	(371,257)	(317,823)
	2,228,743	2,082,177

(d). Deferred Funding Asset for Pensions

The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and the annual estimate process. While there is no formal agreement regarding these specific amounts with the Department of Justice, Equality and Law Reform, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice. The deferred funding asset for pensions as at 31 December 2006 amounted to €23.6m (€19.5m in 2005).

(e). Movement in Net Pension Liability during the financial year

	2006	2005
	€	€
Net Pension Liability at 1 January	19,500,000	18,000,000
Current Service Cost	1,500,000	1,400,000
Interest Costs	1,100,000	1,000,000
Actuarial (Gain) / Loss	1,579,000	(820,000)
Pensions paid in the year	(76,400)	(80,000)
	<hr/>	
Net Pension Liability at 31 December	23,602,600	19,500,000

(f). History of experience gains and losses

	2006	2005	2004
	€	€	€
Experience (gains) / losses on scheme liabilities			
Amount (€)	1,579,000	(820,000)	310,000
Percentage of the present value of the scheme liabilities	7%	(4%)	2%
Total amount recognised in STRGL			
Amount (€)	1,579,000	(820,000)	2,670,000
Percentage of the present value of the scheme liabilities	7%	(4%)	15%

3. Other income

	2006	2005
	€	€
Interest received and receivable	98,300	87,326
Sundry receipts*	997,452	302,930
	<hr/>	
	1,095,752	390,256

*Sundry receipts primarily consist of rent rebate in respect of Montague Court.

4. Capital Account

	2006	2005
	€	€
Balance as at 1 January		2,272,923
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	805,683	
- Amount released on disposal of fixed assets	0	
- Income amortised in year in line with depreciation of assets	(1,102,556)	
	<hr/>	
		(296,873)
		<hr/>
Balance as at 31 December		1,976,050

Legal Aid Fund

Notes to the Financial Statements

for the year ended 31 December 2006

5. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December, 2006 was 384. The number of staff actually employed by the Board at 31 December, 2006 was 389 (2005 - 383) The average number of employees in the Board during the year was 387 (2005 - 380). Employee and related costs were as follows:

	2006	2005
	€	€
Salaries	16,880,964	15,221,797
Cost of Agency Staff & Secondment	54,281	51,139
Employer PRSI	1,240,643	1,103,183
	18,175,888	16,376,119

6. Accommodation and establishment expenses

	2006	2005
	€	€
Rents	2,717,830	2,687,411
Cleaning	331,304	295,654
Lighting and heating	299,109	197,547
Maintenance - Premises	713,129	874,417
Maintenance - Equipment	528,849	235,223
	4,590,221	4,290,252

7. Legal fees and expenses

	2006	2005
	€	€
Counsel fees	6,846,818	5,376,326
Legal fees	994,311	979,925
Private Practitioner Schemes	3,033,894	1,781,617
Other professional fees	742,700	501,091
Other expenses	685,351	588,287
	12,303,074	9,227,246

8. General administration

	2006	2005
	€	€
Stationery, office and training expenses	472,919	399,461
Books and printing	100,577	147,985
Postage and telephone	894,442	894,141
Insurance	253,897	216,362
Travel and subsistence	781,656	704,347
	2,503,491	2,362,296

9. Fixed assets	Leases	Office Furniture	Equipment & Computers	Premises Fit Out	Total
	€	€	€	€	€
Cost					
Balance as at 01/01/06	2,236,152	1,172,654	6,034,464	2,496,959	11,940,229
Acquisitions	0	71,092	350,323	384,268	805,683
Disposals	0	0	0	0	0
Balance as at 31/12/06	2,236,152	1,243,746	6,384,787	2,881,227	12,745,912
Depreciation of fixed assets					
Balance as at 01/01/06	1,626,404	1,044,394	5,005,767	1,990,741	9,667,306
Charge in year	212,127	72,969	441,918	375,542	1,102,556
Disposals	0	0	0	0	0
Balance as at 31/12/06	1,838,531	1,117,363	5,447,685	2,366,283	10,769,862
Net book value as at 31/12/06	397,621	126,383	937,102	514,944	1,976,050
Net book value as at 31/12/05	609,748	128,260	1,028,697	506,218	2,272,923

10. Debtors and prepayments	2006	2005
	€	€
Debtors - deposit interest	103,216	85,661
Prepayments		
- Rent	130,183	124,945
- Insurance	115,119	171,395
- Salaries	10,777	8,414
- Other	221,739	90,989
	581,034	481,404

11. Creditors and accruals	2006	2005
	€	€
Amounts falling due within one year:		
Creditors & accruals	7,687,331	3,691,957
	7,687,331	3,691,957

Legal Aid Fund

Notes to the Financial Statements

for the year ended 31 December 2006

12. Clients' funds		€
Client funds held at 1 January (net of interest)		875,417
Add Awards/settlements received during 2006		13,254,201
Less Settlements paid out, including interest allowed and costs recovered		(12,646,361)
Client funds held at 31 December		1,483,257
Interest accruing on client funds held		24,690
Total due to clients		1,507,947

13. Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and Mount Street, Dublin and operates out of 34 other centres throughout the country. The Board is committed to pay rent of €2,341,738 during 2007 in respect of leases expiring as follows:

	€
2007	20,500
2008-2012	87,716
2013 onwards	2,233,522

14. Reconciliation of surplus for year to cash from operating activities

	2006 €	2005 €
(Deficit) / Surplus for year	(5,627,477)	(1,101,382)
Adjustment for non-operating items		
Bank interest receivable	(98,299)	(87,326)
Movement on Capital Account	(296,873)	(323,698)
Adjustment for non-cash items		
Depreciation	1,102,556	1,443,412
(Increase) / Decrease in debtors	(82,075)	(14,988)
Increase / (Decrease) in creditors	4,594,035	1,977,756
	(408,133)	1,893,774

15. Movement of cash

	2006 €	2005 €
Balance at 1 January	4,627,112	3,778,828
Net cash inflow	(1,113,902)	848,284
Balance at 31 December	3,513,210	4,627,112

16. Refugee Legal Service	2006	2005
	€	€
Expenditure and income relating to the Refugee Legal Service are included in the financial statements as follows:		
Salaries and related expenses	4,685,482	4,388,626
Accommodation expenses	1,737,362	1,733,875
Legal fees and professional fees	2,374,057	2,365,031
General administration	499,304	574,054
Fixed assets purchased	357,174	377,913
	9,653,379	9,439,499
Less contributions from legally aided persons and costs recovered	(765,826)	(281,959)
Total net expenditure in the year	8,887,553	9,157,540

17 Comparative Figures

Some changes have been made to the presentation of items in the financial statements and the comparative figures have been restated where necessary on a basis consistent with the current year presentation.

18 Approval of Financial Statements

The Financial Statements were approved by the Board on 20 July.

Appendix 2

Supplementary Statistics

Table I – Legal advice cases

Year	2006	2005	2004
Family law	2,651	2,353	2,437
Conveyancing	275	328	356
Other civil matters	757	655	669
Total	3,683	3,336	3,462

Table I.A – Breakdown of legal advice cases

Advice only by subject matter	Number of cases
Separation	1,078
Other non family law	524
Divorce	400
Custody/access/guardianship	334
Other family law	327
Maintenance	299
Conveyancing	275
Domestic violence	143
Wills/probate/administration	115
Childcare	93
Personal injury	76
Nullity	24
Employment law	21
Child abduction	9
Sex offender applications	2
Total	3,720

Table II – Legal aid cases

Year	2006	2005	2004
Divorce/separation/nullity	5,742	5,363	5,553
Child care	633	557	511
Other family law matters	2,318	2,053	2,150
Other civil matters	778	923	751
Total	9,471	8,896	8,965

Table II.A – Breakdown of legal aid cases

Advice only by subject matter	Number of cases
Divorce	3,065
Separation	2,581
Custody/access/guardianship	836
Maintenance	768
Child care	633
Domestic violence	525
Other non family law	452
Other family law	338
Child abduction	115
Personal injury	100
Nullity	96
Wills/probate/administration	38
Sex offender applications	22
Employment law	8
Total	9,577

Table III – Status of cases as at 31 December 2006

Year	Completed	Active on Dec 31st	Total
Aid	3,753	5,718	9,471
Advice	1,202	2,481	3,683
Total	4,955	8,199	13,154

Table IV – New asylum applications and new RLS clients

Year	New Asylum Applications	RLS New Clients	RLS New Clients as % of new applications
1999	7,800	1,600	20%
2000	11,000	3,400	30%
2001	10,300	4,500	45%
2002	11,600	5,700	50%
2003	7,900	5,600	70%
2004	4,800	3,500	75%
2005	4,320	3,330	77%
2006	4,310	2,980	69%

Table V – Decision/order subject to judicial review in 2006

Decision/Order	Number of cases
Office of the Refugee Applications Commissioner	13
Refugee Appeals Tribunal	43
Deportation Order	7
Transfer Order	3

Table VI – Waiting time by law centre

Law centre	Waiting time in months on 31st Dec 06	Waiting time in months on 31st Dec 05	Waiting time in months on 31st Dec 04
Athlone	1	3	3
Blanchardstown	2	3	11
Castlebar	1	1	4
Cavan	0	1	4
Clondalkin	3	3	3
Cork – Popes Quay	2	3	2
Cork – South Mall	1	3	11
Dundalk	0	1	5
Ennis	1	3	9
Finglas	2	1	15
Galway	2	2	4
Gardiner St.	2	1	8
Kilkenny	1	4	7
Letterkenny	3	4	8
Limerick	1	1	3
Longford	0	0	0
Monaghan	0	1	4
Navan	3	2	10
Nenagh	2	3	6
Newbridge	2	3	20
Nth. Brunswick St.	1	2	4
Ormond Quay	1	2	3
Portlaoise	3	4	10
Sligo	1	2	2
Tallaght	2	3	6
Tralee	3	4	4
Tullamore	2	3	3
Waterford	2	2	3
Wexford	2	3	6
Wicklow	1	2	15

Appendix 3

Law Centres

FULL TIME LAW CENTRES

LAW CENTRE

MANAGING SOLICITOR

CAVAN

Newcourt Shopping Centre, Church Street, Cavan
Tel: (049) 433 1110 Fax: (049) 433 1304

Mary Pat Ahern

CLARE

Unit 6A, Merchant's Square, Ennis, Co Clare
Tel: (065) 682 1929 Fax: (065) 682 1939

Mary Cuffe

CORK

North Quay House, Popes Quay, Cork
Tel: (021) 455 1686 Fax: (021) 455 1690

Betty Dinneen

1A South Mall, Cork

Tel: (021) 427 5998 Fax: (021) 427 6927

Shane Dooley

DONEGAL

Houston House, Main Street, Letterkenny
Co Donegal
Tel: (074) 912 6177 Fax: (074) 912 6086

Ray Finucane

DUBLIN

45 Lower Gardiner Street, Dublin 1
Tel: (01) 874 5440 Fax: (01) 874 6896

Kevin Liston

9 Lower Ormond Quay, Dublin 1

Tel: (01) 872 4133 Fax: (01) 872 4937

Hugh Cunniam (Acting)

Tower Centre, Clondalkin Village, Dublin 22

Tel: (01) 457 6011 Fax: (01) 457 6007

Tom Nally

Village Green, Tallaght, Dublin 24

Tel: (01) 451 1519 Fax: (01) 451 7989

Pauline Corcoran

44/49 Main Street, Finglas, Dublin 11

Tel: (01) 864 0314 Fax: (01) 864 0362

Marie Quirke

48/49 North Brunswick Street, Georges Lane, Dublin 7

Tel: (01) 646 9700 Fax: (01) 646 9799

Hugh Cunniam

Unit 6-8, Business Centre, Clonsilla Road

Blanchardstown, Dublin 15

Tel: (01) 820 0455 Fax: (01) 820 0450

Joan Crawford

PRIVATE PRACTITIONER CENTRE

7 – 11 Montague Court, Montague St Dublin 2
Tel: (01) 4776200 Fax: (01) 4776241

MEDICAL NEGLIGENCE UNIT

7 – 11 Montague Court, Montague St Dublin 2
Tel: (01) 4776200 Fax: (01) 4776241

Margaret O'Shea Grewcock

GALWAY

9 Francis Street, Galway

Tel: (091) 561650 Fax: (091) 563825

Mary Griffin

KERRY

1 Day Place, Tralee, Co Kerry

Tel: (066) 712 6900 Fax: (066) 712 3631

Carol Anne Coolican

LAW CENTRE

MANAGING SOLICITOR

KILDARE

Canning Place, Newbridge, Co Kildare
Tel: (045) 435777 Fax: (045) 435766

Edel Poole

KILKENNY

87 Maudlin Street, Kilkenny
Tel: (056) 776 1611 Fax: (056) 776 1562

Niall Murphy

LAOIS

Unit 6A, Bridge Street, Portlaoise, Co Laois
Tel: (057) 8661366 Fax: (057) 8661362

Catherine Martin

LIMERICK

Unit F, Lock Quay, Limerick

Tel: (061) 314599 Fax: (061) 318330

Fergal Rooney

LONGFORD

Credit Union Courtyard, 50A Main Street,
Longford
Tel: (043) 47590 Fax: (043) 47594

Eugene Kelly

LOUTH

Concil House, Roden Place, Dundalk, Co Louth

Tel: (042) 933 0448 Fax: (042) 933 0991

Deirdre McMichael

MAYO

Humbert Hall, Main Street, Castlebar, Co Mayo

Tel: (094) 902 4334 Fax: (094) 902 3721

Thomas O' Mahony

MEATH

Kennedy Road, Navan, Co Meath

Tel: (046) 907 2515 Fax: (046) 907 2519

Patricia O'Reilly (Acting)

MONAGHAN

Alma House, The Diamond, Monaghan

Tel: (047) 84888 Fax: (047) 84879

Stephanie Coggans

OFFALY

Harbour Street, Tullamore

Tel: (057) 9351177 Fax: (057) 9351544

Orla Connolly

SLIGO

Bridgewater House, Rockwood Parade,

Thomas Street, Sligo

Tel: (071) 9161670 Fax: (071) 9161681

Fiona McGuire

TIPPERARY

Friars Court, Abbey Street,

Nenagh, Co Tipperary

Tel: (067) 34181 Fax: (067) 34083

Josephine Fair

WATERFORD

Canada House, Canada Street, Waterford

Tel: (051) 855814 Fax: (051) 871237

Aidan Lynch

LAW CENTRE	MANAGING SOLICITOR	PART-TIME LAW CENTRES	Open	Law Centre
		Location and contact telephone		
WESTMEATH				
Paynes Lane, Irishtown, Athlone, Co Westmeath Tel: (090) 647 4694 Fax: (090) 647 2160	Phil O'Laoide	CARLOW St. Catherine's Citizens Info. Bureau, St. Joseph's Road, Carlow. Tel: (059) 9138700	First and last Friday of every month	Kilkenny
WEXFORD				
Unit 8, Redmond Square, Wexford Tel: (053) 9122622 Fax: (053) 9124927	Niamh Murren	CORK Citizens Information Centre Wolfe Tone Square, Bantry. Tel: (021) 4551686	Once a month	Cork Popes Quay
WICKLOW				
Bridge Street, Wicklow Tel: (0404) 66166 Fax: (0404) 66197	Barbara Smyth	DONEGAL The Courthouse, Donegal Town. Tel: (074) 9126177	Once a month	Letterkenny
REFUGEE LEGAL SERVICE				
48/49 North Brunswick Street, George's Lane, Dublin 7 Tel: (01) 646 9600 Fax: (01) 671 0200	Frank Caffrey Grainne Brophy	KERRY 52 High Street, Killarney Tel: (066) 7126900	Every Friday morning	Kerry
North Quay House, Popes Quay, Cork Tel: (021) 4554634 Fax: 021 4557622	Bernadette McGonigle	LEITRIM The Health Centre, Leitrim Road, Carrick-on-Shannon. Tel: (043) 47590	Once a month	Longford
Seville House, New Dock Road, Galway Tel: (091) 562480 Fax: (091)562599	Cormac Faherty	LOUTH Drogheda Community Services Centre, Scarlet Crescent, Drogheda Tel: (041) 9836084/9833490	First and Second Tuesday of every month	Dublin (Ormond Quay)
REGISTRATION OFFICE				
Timberlay House, 79/83 Lower Mount Street, Dublin 2 Tel: (01) 631 0800 Fax: (01) 661 5011		MAYO The Pastoral Centre (Cathedral Grounds) Ballina, Co. Mayo Tel: (094) 9024334	Once a month	Ballina
		Health Centre, Knock Road, Ballyhaunis Tel: (094) 9024334	Fourth Tuesday of every month	Galway
		ROSCOMMON Citizens Information Centre, 7 Elphin Street, Boyle Tel: (071) 9161670	Once a month	Sligo
		TIPPERARY Thurles Community Social Services, Rossa Street, Thurles. Tel: (0504) 22169	Second Tuesday of every month	Nenagh
		Citizens' Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	Three or four times a month	Nenagh
		WESTMEATH Enterprise Centre, Bishopgate Street, Mullingar Tel: (090) 6474694	Once a month	Athlone

Appendix 3

Law Centres (continued)

REFUGEE LEGAL SERVICE INFORMATION CLINICS

It should be noted that locations dates and times of these clinics may change depending on demand for the service.

Doras Clinic (Limerick)

Address: Mount St. Alphonsus
South Circular Road
Limerick

Contact: Suzanne / Ella – (061) 310328
Every Friday.

Killarney Clinic

Address: 54 High Street
Killarney
Co. Kerry

Contact: (064) 39617
Every Monday, Tuesday and second Wednesday.

Waterford Clinic

Address: Mount Sion Information Unit
Barrack Street
Waterford

Contact: (051) 874390
Every Wednesday.

Cork Clinic

Address: Plunkett Chambers
21-23 Oliver Plunkett Street
Cork City

Contact: (021) 4806329
As necessary.

Ennis Clinic

Address: Irish Refugee Council
Unit 13 Business Park
Carmody Street
Ennis
Co. Clare

Contact: Karen / Comfort - (065) 6822026
Every second Monday.

Dublin Clinics

Address: Kilmacud House
Uppr Kilmacud Road
Stillorgan
Co Dublin

Contact: (01) 2786090
Every Thursday.

Athlone Clinic

Address: Athlone Accomodation Centre
Lissywoolen
Ballymahon Road
Athlone
Co. Westmeath

Contact: Mattie - (09064) 91982
Every second Friday.

Address: Baleskin Centre
St Margaret's Road
Finglas
Dublin 11

Contact: (01) 8646291
Every Wednesday.

Sligo Clinic

Address: The Family Resource Centre
The Mall
Sligo

Contact: Vincent /Orla - (071) 9137448
Every second Tuesday.

Address: Georgian Court
Lr Gardiner St
Dublin 1

Contact: (01) 8557872
First and third Tuesday.

Tralee Clinic

Address: Tralee Law Centre
1 Day Place
Tralee
Co. Kerry

Contact: (066) 7126945
Every Monday and every second Wednesday.

Address: Hatch Hall
Lr Hatch St
Dublin 2

Contact: (01) 6762953
First and third Friday.

