



Legal Aid Board Annual Report 2010

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

Access to Justice
www.legalaidboard.ie



Mission

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

Vision

To facilitate access to justice through the provision of a civil legal aid and advice service which compares favourably with best practice internationally.

Goals

- **Service:** To provide a professional, accessible quality service.
- **Communications:** To put in place an effective public information, education and communication process.
- **Resource Management:** To achieve the best use of the financial and operational resources allocated to the Board and to ensure value for money.
- **Innovation:** To ensure the Board is innovative, flexible and responsive in its approach to effective service delivery.
- **Capacity Development:** To develop the capacity of the Board to deliver a quality professional service.



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Overview

1. 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.

Legal services are provided across a wide range of civil law matters.

2. Service provision

Legal aid and advice are provided primarily through a network of law centres by solicitors employed by the Board. 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, and includes 3 full-time law centres comprising the Refugee Legal Service (RLS).

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.

3. 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 seeks to ensure that a person who qualifies for legal services 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. Such cases can include domestic violence, child abduction, cases involving applications by the State to take children into care, and cases that have statutory time limits close to expiry.

4. Payment for legal services

All persons who are granted legal advice and/or legal aid are required to 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. The minimum contribution is €10 for legal advice and €50 for legal aid. The law 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.



5. Head office

The Board’s head office is located in Cahirciveen, County Kerry where some 45 staff are located. Some of the headquarter functions are also located in Dublin.

6. Governance arrangements

The statutory Board is appointed by the Minister for Justice and Equality 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 normally consists of a chairperson and 12 ordinary members. The current Board was appointed in December 2006.

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

- at Board level, the use of six 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 2010, the Board held 11 meetings – 6 of which were in Cahirciveen and 5 in Dublin. Attendance at Board meetings in 2010 was as follows:

Member	No. of meetings
Anne Colley (Chair)	11
Bob Browne	10
Dr. Michael Buckley	9
Dara Foynes	7
Kate Hayes	9
Elizabeth Murphy*	4
Seamus Keelan	10
Breege Leonard	10
Niamh Moran	11
Jerry O’Connor	7
Jim O’Farrell	10
Eamonn Purcell	10
Fergal Rooney	11

Elizabeth Murphy was appointed to the Board on 01 September 2010. Margaret Heneghan SC resigned from the Board with effect from 18 January 2010.



In 2010, the Board members were paid fees in line with the relevant guidelines issued by the Department of Finance.

The committees of the Board met as follows in 2010:

Committee	No. of meetings held
Appeal Committee	16
Finance Committee	7
Audit and Risk Management Committee	6
Lawyers Committee	10
Human Resources Committee	3
Performance Committee	1

The Board utilises an in-house corporate governance manual 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.

The Audit and Risk Management Committee of the Board incorporates one independent, external member, Mr. Conan McKenna, in line with the requirements of the Code of Practice for the Governance of State Bodies. Mr. McKenna is an Assistant Secretary in the Houses of the Oireachtas.



Foreword by the Chairperson



This is the fifth and final annual report that I will be presenting on behalf of the current Board as I will be reaching the end of my five year term as Chairperson in October 2011. I think it is fitting therefore to reflect on the considerable achievements, and indeed the challenges, that we have faced over the course of our five year term and to consider current and future challenges facing the organisation.

As the Chief Executive points out in his introduction to this report, the main feature of our operating environment over the last few years has been a significant and sustained increase in demand for services across the law centre network. This increase in demand is largely driven by the adverse impact of the current economic climate on household incomes, with more and more people becoming financially eligible for our services. There is also the international phenomenon of increases in certain types of issues or problems being associated with a downturn in the economy. A similar impact on the Government's finances, and a consequent reduction in exchequer funding for state bodies, means that we simply don't have the capacity to respond to increased demand for our services in the way we would wish. We are not immune from the overriding imperative to reduce the cost of the services we provide while at the same time, increasing the volume of our services. In common with public service organisations generally we therefore face an ongoing challenge of 'doing more with less' for the foreseeable future.

Over the last five years we have become much more acutely aware of the delicate balancing act between seeking to provide access to justice for those persons who cannot afford civil legal services themselves and the most effective deployment of the resources available to us for that purpose. During the first half of our term up to 2008, our target of providing an initial appointment with a solicitor within a maximum of 2 to 4 months was largely met, primarily because the resources available and the demand for services, while increasing, were largely 'in balance'.



Since then, however, the economic situation has had a very real and tangible impact on our operating environment which is well documented in the Chief Executive's introduction. The rapidly evolving imbalance between the Board's level of resources and the significantly increased demand for services that has been evident since 2008, in particular, required a radical response from the Board and the organisation's executive. This response involved the implementation of the recommendations of a number of reviews of all aspects of the organisation initiated in 2008, including an external review of the management of risk and performance in the organisation.

The public service frequently gets critical media coverage for a perceived lack of innovation and responsiveness to legitimate expectations from the public. I am pleased to note that the evidence from the Legal Aid Board runs counter to the general perception of the public service sometimes portrayed in the media. The Board has proactively responded to its twin challenges of increased demand and managing with reduced resources by restructuring our services and introducing a number of innovative ways of delivering such services to improve the cost effectiveness of what we do. A number of these initiatives were progressed during 2010. They include moving towards the integration of our Refugee Legal Services with our law centres in Dublin, Cork and Galway. The integration process involved changing organisational structures and work practices in those locations in order to better respond to demand pressures. An 'advice-only' service was also introduced in our law centres, which tries to ensure that clients, who would otherwise be facing considerable delays in receiving a service, get an initial appointment with a solicitor within a maximum of 4 months.

The current Board has also been championing the need to promote alternatives to resolving appropriate family law disputes through the courts system. We and our staff see at first hand the impact on individuals, families (notably children) and society, of marital and relationship breakdown. We are of the firm view that many of the cases currently determined through the courts would benefit considerably from a less adversarial approach which is a natural feature of that system. We have joined with the Courts Service and the Family Mediation Service (under the auspices of the Family Support Agency) in establishing a Dublin based integrated mediation project on a pilot basis. The project has been in place since March 2011. The focus of this Integrated Mediation Initiative is very much on actively promoting alternatives to resolving disputes in court, and the initial results from the initiative are very encouraging in this regard.

During 2010, we marked the 30th anniversary of the establishment of state-funded civil legal aid in this jurisdiction by hosting an Anniversary Conference on 15th September 2010. The Conference theme was "Access to Justice and Legal Aid – Learning from the Past, Looking to the Future". The speakers included the President, Mary McAleese, the Chief Justice, Mr Justice John Murray and the Minister for Justice, Equality and Law Reform, Dermot Ahern T.D. The conference not only marked key achievements since the Board's establishment but set out the path for the future provision of legal aid in the state.



The Board offers a critical service in some 30 locations around the country, in addition to the Refugee Legal Service. The Board's law centre network for general civil matters dealt with a very significant (22%) increase in demand during 2010. The Chief Executive's introduction contains more information on the level of demand we are facing and how we are addressing the challenge that this poses for the organisation. While the Board and I are seriously concerned at the impact that the delay in providing essential legal services is having on individuals seeking services, we are also conscious of our responsibilities to manage our more limited resources to best effect. We have put in place a number of initiatives designed to address the situation, which are outlined in summary in the Chief Executive's introduction and in more detail throughout this report. We made extensive use of our Private Practitioner service in 2010 to address increasing demand, which has proven to be a most effective and efficient way to serve the needs of a great number of our clients. However, resource constraints have limited our potential to utilise this facility as much as we would like in order to address this increased demand.

The Board is engaged on the development of an extensive new case management system which will allow for a considerably more streamlined and up to date approach in how cases are handled. It will also facilitate online applications for legal aid. It will be early 2012 before this system goes live, but it is anticipated that the operation of the system will have a positive impact on the efficiency of the service and contribute significantly to increased case throughput across the law centre network.

My fellow Board members and I take great personal pride in having been to the forefront of directing, developing and supporting the delivery of civil legal aid services during our tenure. The demands on Board members have been considerable. We have managed a very efficient system of appeals against decisions of the executive, without an extensive support structure, and at no added cost to the State. Lawyer members of the Board have also contributed significantly in addressing legal issues arising in relation to legal aid matters. The contribution too of the Finance Committee, Human Resources Committee and the Audit and Risk Management Committee has been considerable. I would therefore like to express my appreciation for the sterling work done by my fellow Board members over the last five years. I wish to formally record my thanks for their high level of commitment to the task in hand and to pay tribute to them for performing an essential public service that can make a positive contribution to the lives of some of our most vulnerable citizens.

I take great heart from the decision of government to entrust the management and administration of criminal legal aid to the Board in the near future. This is a very important area involving a number of schemes and significant expenditure. The transfer of this responsibility, along with other ancillary legal aid schemes, to us is a huge vote of confidence from the Government in the capacity of the organisation and its management and staff to contribute further to public administration in Ireland. It reflects very well on the organisation at a time when the rationale for all public service bodies is being actively reviewed.



I would also like to express my thanks to the Department of Justice and Equality which continued to show a real interest in and support for legal aid and for our operations at a time when there were considerable financial and other pressures. The Secretary General and his staff have also been extremely supportive of the Board.

Finally, I would particularly like to thank the Chief Executive and the staff in the many locations from which the Board provides service. There is a real commitment right across the organisation to providing an efficient, quality and sensitive legal service to an ever-increasing client base. We also continue to seek innovation in how we provide our service at a time of constrained resources. I look forward to the ongoing commitment of the Board and staff to our extremely important role and function.

A handwritten signature in black ink that reads "Anne Colley".

Anne Colley
Chairperson



The Board

As at 31st December 2010

Anne Colley

Chairperson

Bob Browne

Assistant Secretary, Department of Justice and Equality

Michael Buckley

Retired Consultant Physician

Dara Foynes

Barrister at law

Kate Hayes

Business Person

Elizabeth Murphy

Barrister at law

Séamus Keelan

Retired Accountant / Local Representative

Breege Leonard

Regional Manager (Retired), Department of Social Protection

Niamh Moran

Solicitor

Jerry O'Connor

Solicitor

Jim O'Farrell

Retired Principal, Department of Finance

Eamonn Purcell

Staff Representative

Fergal Rooney

Staff Representative – Solicitor

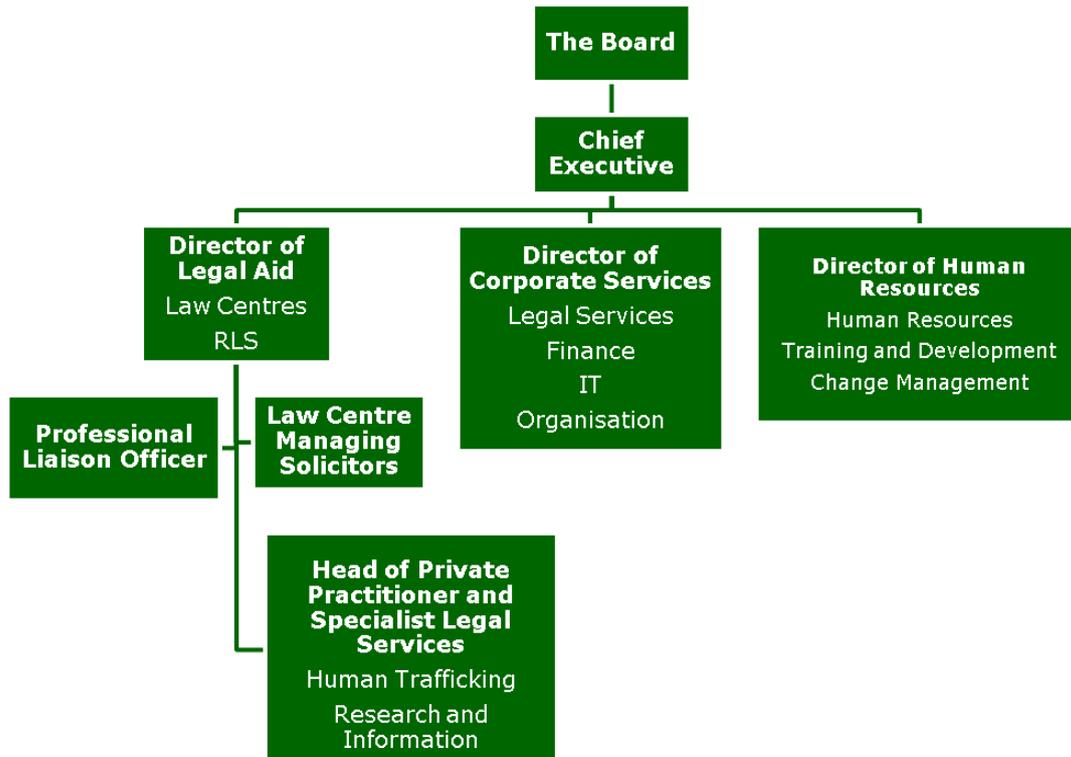


Head Office Executive Staff

Chief Executive Officer:	Moling Ryan
Director of Legal Aid:	Frank Brady
Director of Human Resources:	Pat Fitzsimons
Director of Corporate Services:	Eileen Bowden
Professional Liaison Officer:	John McDaid
Head of Private Practitioner and Specialist Legal Services:	Frank Caffrey
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



Structure





Introduction by the CEO



The Board's Annual Report for 2009 pointed to the increasing demand for legal services across our law centre network in the previous three years. The past year has seen the demand increasing at an even greater pace. In the four years since 2006 the number of applications is up by more than 70 per cent and the upwards trajectory of demand has continued into 2011. In 2010 alone there was an increase in applications to law centres alone of almost 22%.

Inevitably, the capacity of the Board to provide the services sought within a reasonable timeframe has come under increased pressure at a time of constrained resources, both human and financial. The Board operates a 'mixed' delivery system in that it utilises the services of private sector solicitors and barristers to complement the service provided by its own solicitors with a view to providing a timely and effective service. This system has operated effectively for a number of years and is utilised in a number of other jurisdictions. The economic downturn has resulted in two key consequences for the Board: demand has increased considerably as noted above and the resources available to meet the demand are static, at best. Consequently, the waiting times for a full appointment with a solicitor have increased beyond our target time of four months in more than half our law centres. It should be remembered though, that matters considered to be priority cases get immediate or near immediate service. These include cases of domestic violence, child abduction, applications by the State to take children into care and cases where statutory time limits are close to expiry. Last year, some 15 per cent of all cases came within this category. Furthermore, a considerable number of cases, notably in Dublin, were assigned to Private Practitioners without delay.

Notwithstanding the resource constraints faced by the Board, the number of cases handled by the Board's law centre network in 2010 increased by 3 per cent on 2009 and is close to 20 per cent up on 2007. The number of advice cases (some of which ultimately require legal representation in court) increased over the previous three years by 61 per cent.



As with other jurisdictions, the great bulk of civil legal services are provided in the family law area. Initial appointments in respect of family law matters were given in respect of close to 10,400 cases, an increase of almost 13 per cent on 2009. There was a modest reduction in the number of cases handled involving the possibility of children being taken into State care, though the number is still quite substantial at 517. The impact of the current economic environment was evident in a continued increase in cases involving debt matters with legal advice being offered in relation to 277 cases (up 27 per cent on 2009) and court proceedings taken in 76 cases (up from 60).

The decline in the number of clients seeking legal assistance in respect of asylum matters through the Refugee Legal Service continued in 2010 with numbers down by 37 per cent on the previous year. This is consistent with the overall reduction recorded of those seeking asylum status in the State. This reduction in demand enabled the Board to commence the process of restructuring our overall services in Dublin, Cork and Galway where our Refugee Legal Service offices are located. The restructuring involved the integration of Refugee Legal Services with the law centres in the three locations from where Refugee Legal Services are delivered. The integration of the Refugee Legal Service and the law centre network involved new management structures locally as well as changes in the deployment of staff and work practices, to address areas of greatest demand in the relevant locations.

The issue of greatest ongoing concern to both the Board and myself is the capacity of the organisation to meet the ever increasing demand for services. The combination of increased demand and resource constraints presented the Board with significant challenges during 2010. During 2008 and 2009, the Board had rigorously reviewed all aspects of the services we provide and the manner in which risk and performance was managed across the organisation. The recommendations from the various reviews provided the Board with a framework for addressing issues arising in these areas. As a result, the Board put in place a number of initiatives during 2010 designed to better manage demand for services. These included offering a short advice session to clients who are waiting more than four months for an appointment with a solicitor and having specialist services in place for medical negligence and childcare matters.

During 2010 the Board also made considerable progress towards the development of an integrated mediation service on a pilot basis in Dublin. This service involves the Board, the Courts Service and the Family Mediation Service working in a co-operative and integrated manner with the objective of re-directing appropriate cases away from a Court environment. The service was formally launched in 2011. We are also currently developing an integrated IT based case management system which should contribute further to the efficiency of the organisation.



The Board also developed a comprehensive Action Plan under the "Croke Park Agreement". This sets out the manner in which the public service modernisation agenda, with an emphasis on delivering more cost effective and efficient services to the public, will be driven forward in the Board. A value for money review of the Board also commenced during 2010. The report to be produced following completion of the review is likely to further complement the Board's efforts to reduce costs and increase value for money from the resources deployed to provide civil legal aid services in the future.

All of the initiatives undertaken are having some impact on the increased demand for services. However, they remain insufficient to address all demands for services within the type of timeframes that the Board considers desirable. The consequence will be an inevitable increase in waiting times for non-priority cases and increased stress on our law centres.

While it is a matter of considerable disappointment and concern that we have difficulty in meeting the huge extra demand in recent times, we continue to be determined to provide the best service possible within the resources available. I am extremely appreciative of the enormous commitment by so many within the organisation to meeting this objective on an ongoing basis. Notwithstanding the resource constraints that impact on the public service generally, we remain committed to building on the expertise we have in a number of areas of the law so that the Board continues to be well placed to respond as best we can to the increasing demands upon us.

A handwritten signature in black ink, appearing to read "Moling Ryan".

Dr. Moling Ryan
Chief Executive Officer



Key Achievements and Developments in 2010

The Board's law centre network for general civil matters dealt with a **21% increase in applications** in 2010. This followed an 18% increase in 2009 on the 2008 figure. The level of demand in 2010 was approximately 74% greater in 2010 than it was in 2007.

The number of new clients registering with the Board's **Refugee Legal Service** fell by 37%, in line with the reduction in recent years of the number of persons seeking asylum in this country.

Exchequer funding for the civil legal aid service fell by 8% to €24.22 million. For the Refugee Legal Service, the Exchequer funding provision fell by 4.3% to €7.96 million. Overall, staffing levels fell by 7% over the course of the year, from 386 wholetime equivalents at the end of 2009 to 359 at the end of 2010.

The number of **cases processed** during the year by the law centre network increased by 3% to over 16,600. The number of child care cases increased by 12%.

Waiting times for an appointment with a solicitor came under increasing pressure in 2010 due to increased demand and the constraints on the Board's resources. At year end the waiting time in 13 of the Board's Law Centres was less than four months while it was greater than four months in 16 of the Centres. However, the Board continued to provide an immediate or near immediate service to about 15% of its (non-asylum related) clients on account of the nature of the problems experienced by those clients.

The Board continued to make use of **private practitioners** to help reduce the numbers of clients waiting for legal services. Many clients who were referred to private practitioners did not experience a waiting period in order to receive services. In addition, the Board provided an '**advice only**' service, with the objective of providing clients with a preliminary appointment within four months if it was not possible to offer a substantive service within that period.

The Board worked closely with the Courts Service and the Family Mediation Service with a view to piloting an on site mediation initiative in the building housing the District Family Court in Dublin. At year end it was anticipated that the initiative would be operative in early 2011 and would focus on disputes between parents in relation to the welfare of children.

The Board hosted a **conference** in the Law Society of Ireland's premises in Blackhall Place, Dublin in September to mark the 30th anniversary of the establishment of the organisation. The theme of the Conference was 'Access to Justice and Legal Aid: Learning from the Past, Looking to the Future.' The conference was addressed by a number of high profile speakers on various aspects of civil law in Ireland and abroad.



Service Provided in 2010

The mission of the Legal Aid Board is to provide a professional, efficient, cost-effective and accessible legal aid and advice service to persons of modest means i.e. persons who cannot afford to retain a solicitor. Services are provided to clients primarily through a network of law centres which act as the first point of contact for persons seeking the Board’s services. The Board also uses private solicitors to complement the law centres and to assist in managing the demand for its services.

As highlighted in the introduction to this report, the Board experienced a challenging year in 2010. The increase in demand for its services, consequent on significant increases in 2008 and 2009, made for a very challenging operating environment. It has meant that the Board’s target that every applicant gets to see a solicitor within a four month period has not been met in a number of law centres, as can be seen below in Table 10.

The type of problems for which the Board provides services extends to most areas of civil law although in 2010, as has been the case since the Board’s inception in 1980, the majority of applicants sought services in relation to family law problems. A significant number of persons also sought services in relation to claims for asylum through the Board’s Refugee Legal Service, though it is notable that this number continues to decline.

Nevertheless, the total number of cases in which legal services were provided by the Board in 2010 was in the region of 23,300. This was an increase of about 800 on 2009. The number of cases dealt with in the law centres and the number of family law cases referred to private solicitors on the Board’s panels showed

an increase on the previous year while, as mentioned above, the number of asylum cases declined.

DEMAND FOR THE SERVICE

The following table gives the number of persons who applied for services to the Board in 2010 and the two previous years.

Table 1 – Number of applicants

Year	2010	2009	2008
Law centres	17,175	14,073	11,888
Refugee Legal Service	1,448	2,298	3,219
Total	18,623	16,371	15,107

Overall, the increase was just under 14% on the number of applications in 2009. Within this, there was a very significant increase of approximately 21% in the number of applications at law centres. This followed an 18% increase in 2009 and a 17% increase in 2008. In 2010, the number of new clients registering with the Refugee Legal Service fell 37% to 1,448. This was consistent with the sustained fall-off in applications for asylum which has occurred in recent years (see Table 12).

It should be noted that not every applicant is provided with legal services. While the numbers seeking legal services are not generally recorded by reference to the legal issues in respect of which they are seeking help, the breakdown of legal issues in respect of persons given a first appointment with a solicitor in 2010 (new cases) is likely to be indicative of the nature of the demand. Table 2 below gives that breakdown. It should be noted that this includes cases that were referred to private solicitors for the provision of a service.



Table 2 – Initial appointments by subject matter 2010

Subject matter	Number of new clients
General family law matters	7,391
Divorce / separation / nullity	2,974
Cases involving possible State care of children	517
Asylum and related matters	1,448
Other civil matters	1,407
Total	13,737

LAW CENTRES

Legal aid and advice was provided through the Board’s general law centres in 16,632 cases in 2010. Comparative information for the two previous years and a breakdown between aid and advice cases are set out below.

Table 3 – Cases handled in law centres

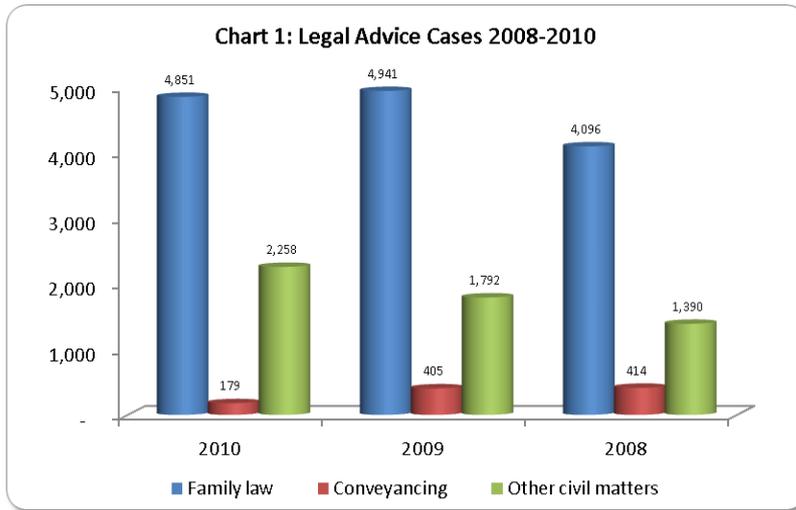
Year	2010	2009	2008
Advice only	7,288	7,138	5,900
Court proceedings	9,344	9,032	9,017
Total	16,632	16,170	14,917

As can be seen, the number of cases dealt with by the Board in its law centres increased by just under 3% in 2010 compared to the previous year.

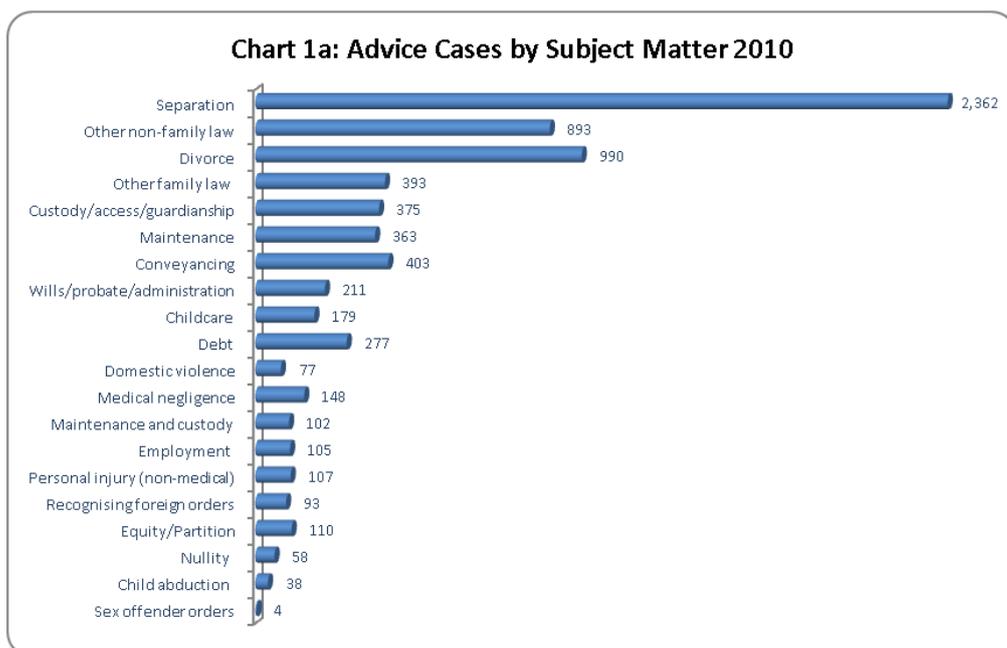


LEGAL ADVICE CASES

Chart 1 below highlights that family law continues to constitute the predominant area where the Board provides legal advice. Of the 'advice only' cases handled in 2010, just under 67% were in the family law area. Legal advice cases are those where advice has been provided to the client but legal aid, i.e. representation in court, has not. Some of the persons who received advice in 2010 will subsequently be granted legal aid, depending on the circumstances of the case.



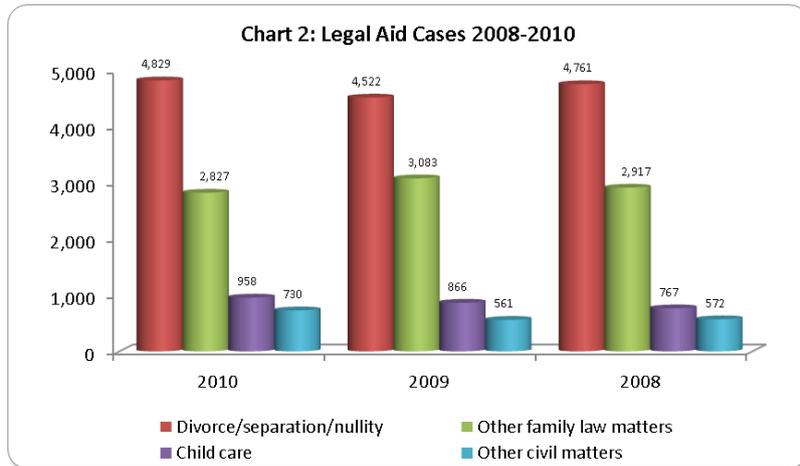
A more detailed breakdown of the main issues giving rise to these legal advice cases in 2010 is provided below in Chart 1a. In relation to a significant number of separation and divorce cases, it is likely that advice was also given on matters such as maintenance, domestic violence, and child welfare. Such additional advices are not separately recorded here.





LEGAL AID CASES

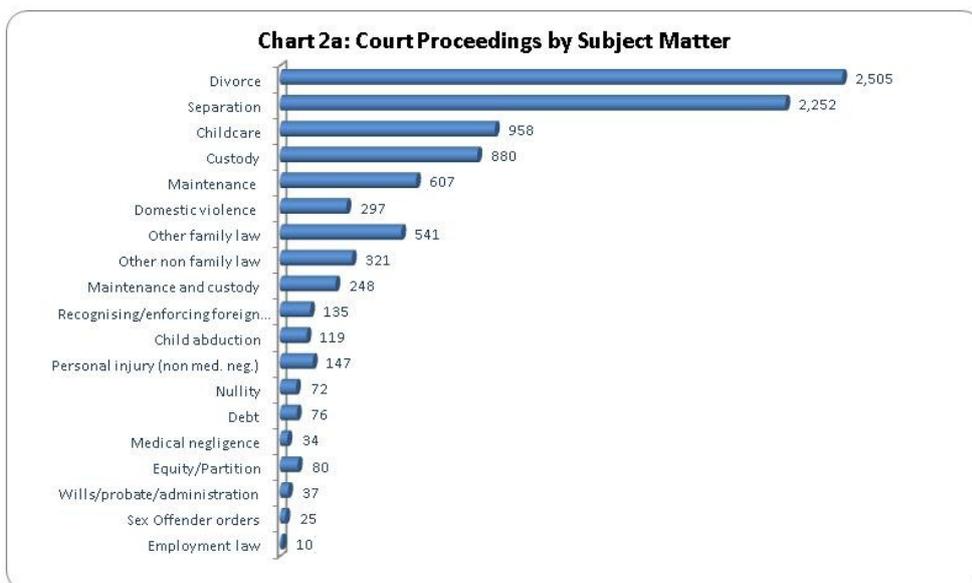
The issues in relation to which the Board’s law centre solicitors provided court representation in 2010 and the comparative information for the two previous years are set out in chart 2 below.



In 2010, the number of legal aid cases handled increased by just over 3% on the previous year. Within that figure the number of child care cases handled showed a 12% increase. There was also an increase in the separation / divorce / nullity cases and the other civil matters while there was a fall in the number of other family law matters dealt with.

A more comprehensive breakdown of the issues in respect of which legal aid was given in 2010 is provided below. In relation to a significant number of separation and divorce cases, it is likely that those cases also involved issues such as maintenance, domestic violence, and custody/access/guardianship. These are not separately recorded here.

The number of cases involving the recognition of foreign orders, whilst relatively small, has seen a significant percentage increase on the 2009 figure.





Case turnover

A particular concern, given the significant increase in demand for the Board’s services, is to try to maximise the turnover of cases within law centres and within the Board generally. It can be seen from Table 4 below that there was a decrease in the number of new cases taken on in the law centre network (just over 2%). This reduction needs to be viewed in the context of reduced staff resources in the centres.

Table 4 – New cases in law centres

Year	2010	2009	2008	2007
New cases	7,069	7,240	6,479	5,743

Table 5 below provides an age profile of cases in which legal aid was provided in 2010, by court. The year is indicative of when the file was opened.

Table 5 – Legal aid cases handled in 2010; year file opened

Year	2010	2009	2008	Pre-2008	Total
District	1,447	941	242	187	2,817
Circuit	1,439	1,595	1,109	1,667	5,810
High	245	187	91	174	697
Supreme	9	2	2	7	20
Total	3,140	2,725	1,444	2,035	9,344

As has been evident in previous years, case progression in the Circuit Court (where divorce and separation cases are heard) tends to be significantly slower than in the District Court. Of the Circuit Court cases dealt with by the Board in 2010, nearly 29% of them commenced prior to 2008.

Of the 9,344 legal aid cases handled in the law centres in 2010, 3,300 (35%) were completed by the end of the year while the remaining 6,044 were still active on the 31st December. The number of completed court cases was down on the 2009 figure by almost 12%.

Table 6 below gives an age profile of those cases involving court proceedings completed in 2010 by subject matter.

Table 6 – Legal aid cases completed in 2010; year file opened

Year	2010	2009	2008	Pre-2008	Total
Divorce/separation/nullity	96	329	363	529	1,317
Child care	96	183	46	38	363
Other family law matters	573	570	155	115	1,413
Non-family law matters	56	64	33	54	207
Total	821	1,146	597	736	3,300

It can be seen from this table that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 40% of divorce, separation and nullity cases completed in 2010 had been ongoing since before 2008.

Cases on hand

Table 7 below gives the status of all of the Board’s active legal aid cases as of the 31st December 2010.

Table 7 – Legal aid cases active as at 31st December 2010

Status	No. of Cases
Legal aid certificate granted	643
Counsel briefed	812
Proceedings issued	955
At hearing	1,966
Final Orders made	1,538
Re-entry / under appeal	130
Total	6,044

This type of information helps the Board in monitoring the progress of cases through the court process.



Private practitioners in family law matters

Private practitioners (PPs) are engaged by the Board to provide legal aid services to complement the service provided by law centres. This assists the Board in seeking to achieve its objective of providing legal services within a maximum waiting time of four months. It has become a key tool in terms of trying to achieve this objective or at least to keep the waiting times as low as possible. The PP service currently 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 separation cases in the Circuit Court.

A breakdown is given in Table 8 of the number of legal aid certificates granted to enable representation to be provided in the District and Circuit Courts by solicitors in private practice who are on the Board’s panels.

Table 8 – PP certificates granted

Year	2010	2009	2008	2007
District Court	5,220	3,921	2,815	1,977
Circuit Court	59	91	168	329
Total	5,279	4,012	2,983	2,306

As can be seen, the number of legal aid certificates issued to private practitioners for divorce and separation cases, handled in the Circuit Court, dropped significantly again in 2010, following substantial decreases in the previous two years. This was made necessary by the difficult funding situation in 2010 and the likelihood of this situation pertaining in 2011 and subsequent years. The time lag between the granting of the certificate for a divorce or separation case and the claim for payment tends to be relatively long generally. Thus, certificates granted in a particular year will only materialise, in payment terms, in

subsequent years.

This payment time lag is much less of an issue for certificates granted in respect of District Court matters, which tend to be resolved more quickly. In addition, fees paid to private practitioners for District Court cases are only 10 -15% of the fee payable for Circuit Court cases.

In 2010, there was another substantial increase (33%) in the number of District Court cases referred to private practitioners, which assisted in trying to meet the increase in demand for the Board’s services. In promoting the use of private practitioners in the District Court over the Circuit Court (divorce/separation) the Board was also mindful that there is often a more immediate need for District Court remedies, such as barring orders, maintenance and access.

Timeliness of the service

There was significant pressure on waiting times caused by the increase in demand for the Board’s services. The following table sets out the number of persons waiting on the 31st December 2010 for a first appointment with a solicitor.

Table 9 – Numbers on waiting list

Year	2010	2009	2008	2007
Number waiting	3,153	2,228	1,681	1,163

The maximum waiting time in months, as of the 31st December 2010, is set out for the various law centres in table 10 below. It must be emphasised that this table gives a snapshot of waiting times at a particular point in time.



Table 10 – Waiting times in months as at 31st December 2010

Law centre	Waiting time	Law centre	Waiting time
Athlone	6	Kilkenny	3
Castlebar	5	Letterkenny	3
Cavan	5	Limerick	3
Cork		Longford	5
Popes Quay	3	Monaghan	4
South Mall	7	Navan	4
Dublin		Nenagh	7
Blanchardstown	6	Newbridge	7
Clondalkin	5	Portlaoise	5
Finglas	5	Sligo	5
Gardiner St.	5	Tralee	4
Nth. Brunswick St.	4	Tullamore	6
Tallaght	9	Waterford	3
Dundalk	0	Wexford	3
Ennis	2	Wicklow	5
Galway	3		

Priority service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. A priority service was given in 15% of law centre cases. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into care, and cases that had statutory time limits close to expiry.

In addition to the cases given priority in the law centres, most of the cases referred out to solicitors on the Board’s private practitioner panels were so referred immediately or shortly after the person had applied for legal aid.

Appeal committee

This is a statutory sub-committee of the Board and it rules on cases where a person makes an appeal against a decision of the executive. Most of the cases that come before it relate to decisions to refuse legal aid.

In 2010, the Appeal Committee of the Board met on 16 occasions. There were 131 appeals heard in 2010. Of the appeals heard in 2010, the decision of the executive was upheld in 85 cases. There were 36 appeals where the original decision was overturned. Table 11 below provides an outline of the position.

Table 11 – Appeal committee

Year	2010	2009	2008
Number of decisions upheld	85	98	85
- <i>Financial criteria</i>	25	24	24
- <i>Merits criteria</i>	60	74	61
Number of decisions overturned	36	36	29
Number of appeals on hands	5	2	4
Withdrawn/resolved	5	3	3
Number of appeals	131	139	121

Asylum

The Refugee Legal Service (RLS) provides legal services at all stages of the asylum process and, in appropriate cases, on immigration and deportation matters. In 2010 it continued to provide services through its three centres in Dublin, Cork and Galway.



RLS: Challenges faced in 2010

Integration of services provided the key challenge to RLS staff in 2010 as the Board sought to realign its resources in the face of increasing demand in law centres at a time when applications for asylum services continued to drop. Legal and paralegal staff in the Cork & Galway RLS offices began taking on non asylum cases in 2010 and at the end of the year preparations were underway for the Dublin RLS office to do likewise in 2011. The RLS administration staff in Dublin provided support to other law centres with whom they are co-located and further integration of services is expected to take place in 2011.

RLS: New client registrations

There were 1,448 new clients registered in 2010. This is a decrease of 37% from the previous year and is a direct consequence of the decline in the number of new asylum seekers registering in the state. RLS registrations represent the equivalent of 75% of all asylum applicants registered with the Office of the Refugee Applications Commissioner (ORAC) in the year, compared to 85% in 2009 and 83% in 2008.

Table 12: Asylum Applications

Year	2010	2009	2008
RLS Registrations	1448	2298	3219
ORAC Applications	1939	2691	3866

Of the new clients that registered with the service in 2010, approximately 70% of them required services for the first stage of the asylum process, while the remainder required services for appeals or other related issues. This represents a move towards registration at an earlier stage – the corresponding figure in 2009 was 64%.

Minors

The RLS has a dedicated Children’s Unit located in Dublin to handle asylum applications by unaccompanied minors. Staff in the unit have received relevant specialised training. In 2010, a total of 250 minors applied for legal aid in asylum cases. This was down on the comparable figure for 2009, which was 364.

Legal aid certificates

The Board granted 1,013 legal aid certificates in asylum cases last year to enable representation before the Refugee Appeals Tribunal (RAT). The RAT decides appeals of those asylum seekers whose application for refugee status has not been recommended by the Office of the Refugee Applications Commissioner. The following table shows the breakdown between the numbers of certificates in which representation was provided by RLS solicitors and by private solicitors/barristers, acting on behalf of the RLS.

Table 13 – RLS certificates granted

Year	2010	2009	2008
RLS solicitors	548	876	859
Private solicitors on RLS Panels	310	601	496
Barristers instructed by the RLS	155	532	703
Total	1,013	2,009	2,058

The use of private practitioners by the RLS in asylum matters was extended in 2010 to include advice/representation at Subsidiary Protection/Leave to Remain stage as well as appeals to the Refugee Appeals Tribunal.



Subsidiary Protection

The number of applications for Subsidiary Protection submitted in 2010 decreased from the previous year. There is an ongoing need to update submissions made on account of changing circumstances in many of the countries of origin.

Table 14 - Applications for subsidiary protection

Year	2010	2009	2008
Number of applications	1,339	1,822	1,147

Judicial Review

The Board instituted judicial review proceedings in 48 asylum cases in 2010.

21 of these proceedings were instituted arising from decisions of the Refugee Appeals Tribunal. Four cases were instituted against the Minister for Justice and Law Reform (as then constituted) and a further 23 against the Office of the Refugee Applications Commissioner (ORAC), of which 22 were in relation to the State's intention to transfer certain asylum seekers to Greece to have their asylum applications determined there in spite of the United Nations High Commissioner for Refugees recommending that such transfers should not take place on account of shortcomings in Greece's reception and asylum processing systems.

The Board has had a high level of positive outcomes in relation to the judicial review cases taken and of those which have been finalised or settled. Cases that are settled are generally on terms that are no less advantageous to the asylum seeker than if they were successfully litigated in court. It also has in place a process whereby attempts are made with the relevant bodies to try to resolve matters in appropriate cases prior to the taking of proceedings.

Trafficking

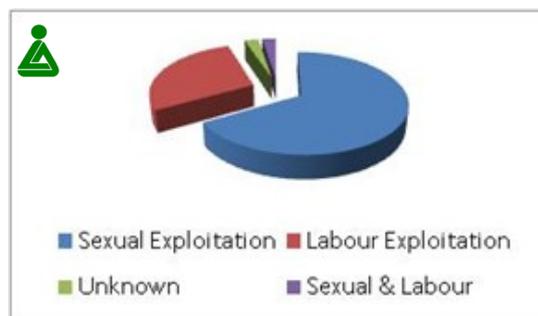
In late 2009 the Legal Aid Board commenced providing legal services on certain matters to persons identified by the Garda National Immigration Bureau (GNIB) as potential victims of human trafficking under the Criminal Law (Human Trafficking) Act 2008.

There is no requirement to satisfy the Board's financial eligibility or 'merits' criteria and a potential victim of human trafficking is not required to make a financial contribution to the Legal Aid Board. The service is provided by Board employees who have received specialised training in human trafficking issues.

The service provides initial advice to persons identified as potential victims of human trafficking on their legal rights. It also provides legal services to suspected victims of human trafficking who may be acting as witnesses in prosecutions taken under specified provisions of the Criminal Law (Human Trafficking) Act 2008.

By the end of 2010, 39 potential victims of human trafficking had been notified to the Board by GNIB, 34 of whom had received their first consultation.

Chart 3 - Trafficking purpose



Trafficking Purpose

Sexual Exploitation	26
Labour Exploitation	11
Unknown	1
Sexual & Labour	1
Total (at 31st Dec 2010)	39



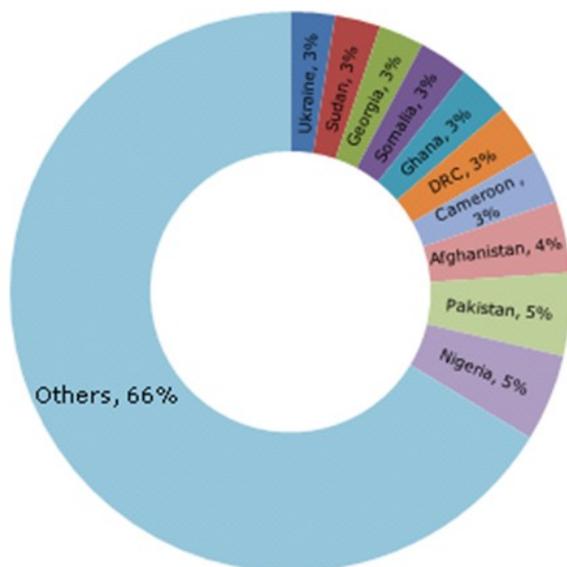
The Refugee Documentation Centre

The Refugee Documentation Centre (RDC) is an independent service operating under the aegis of the Legal Aid Board. The main role of the Centre is to provide an objective research and query service for key organisations involved in the asylum process, with a particular focus on providing Country of Origin Information (COI). Members of the public and other agencies may also use the Documentation Centre to conduct their own research. The RDC continues to maintain a close working relationship with UNHCR.

In 2010, the RDC Query Service provided a total of 1,766 query responses. This represented a decrease of 22% on 2009. On average, about 78% of queries related to Country of Origin Information, with the remaining 22% split between legal/quasi-legal and library queries. The country which gave rise to the largest single number of queries in 2010 was Nigeria. The main countries subject to COI queries are set out in Chart 4 below.

A brief sample of the type of information sought in the queries received is set out below:

Chart 4: RDC Query Statistics 2010



- Somalia: Information on the reliability of Language Analysis Reports regarding Bajuni islanders.
- Sierra Leone: Information on fear of harm from herbalists and those using black magic.
- Iraq: Information on how the current situation (breakdown of law and order, societal changes, growing Islamisation) since the international military intervention has affected the lives of women with regard to their economic and social freedom.
- Kyrgyzstan: Information on ethnic violence in Osh, treatment of Uzbeks by State and non-State agents, the availability of police protection, freedom of movement, the presence of NGOs, and Uzbek traditions, culture, society and history.
- China: Information on the position of Chinese nationals who avail of the services of informal loan providers, interest rates payable and any penalties for default.
- Guinea: Information on forced/arranged marriages and the availability of State or NGO assistance for girls who refuse to agree to these marriages.

The RDC continued to work closely with ORAC (Office of the Refugee Applications Commissioner) and other users of its services in 2010, with a view to strengthening co-operation and meeting the various needs of its users.

There were three editions of the RDC's periodical *The Researcher* published in 2010, which was made available internally and to relevant external agencies. To complement this, three RDC Library Bulletins were also produced in 2010 giving updates on new acquisitions to the library, book reviews, case law summaries and other information.

Training activities took place throughout 2010 in the areas of COI and also on the use of the E-Library. COI Network project work in the area of training continued in 2010. Blended learning courses were provided domestically and internationally to groups of Irish and international asylum agencies.



Sample Cases

Child Abduction

A Board solicitor represented a local authority in England charged under the Children Act 1989 with a legal duty to safeguard and promote the welfare of children residing within their area.

The infant child came to the attention of the local authority at the age of six weeks when the mother and father of the child presented at a hospital casualty with the baby who had sustained serious injuries. After extensive medical tests it was decided that the matter needed further investigation and the mother and father were arrested on suspicion of causing non accidental injury to the baby. Owing to both the medical tests and the concern in relation to the ongoing safety of the baby, the parties were informed that the local authorities intended to apply for a Care Order. Preliminary Orders were made in the English courts. However, the child was removed to Ireland by a relative who had Irish connections.

On foot of High Court proceedings in this country to have the child returned, the Judge held that the infant should be returned to England. The matter was appealed to the Supreme Court which heard the appeal within a couple of days. The appeal was dismissed. The child was not presented to the authorities to enable him to be returned to England.

An application was made at midnight to a High Court Judge for the purposes of hearing an application and making an Order directing the Gardaí to bring a relative of the child to the Court to be questioned as to the whereabouts of the child. The Judge made the Order and at 3.00am that morning the Gardaí produced this person in Court. She declined to give any information. During the day the Gardaí continued to call to this lady to try to get

information from her and eventually late in the early hours of Saturday morning she gave an address where she believed they might be able to locate the child. Having attended at a particular address the child was not there but further information was eventually given to the Gardaí and they were able to locate the child at a different address. The Gardaí had to remove the child and bring it back to Dublin where the HSE had arranged for a social worker to take the child into foster care. The child was returned to the English social services that day.

Personal Injury

A Board solicitor acted for a man who suffered brain damage when his car was in a collision with loose horses. On the night of this accident there were a number of horses loose on the roadway. Two horses collided directly with the vehicle, one coming in through the windscreen. One horse was injured and the other killed.

There was difficulty in establishing ownership of the horses. The persons sued owned substantial numbers of horses and kept them in a location near the site of the accident. One of the defendants attended the landfill site where the dead horse was being buried and declared the animal not to be one of his. This defendant was deceased at the time of the hearing and whilst his estate formally responded to the proceedings issued on behalf of the client, they took no part in the court case.

The case was defended by the second defendant who was the landowner and son of the first defendant. A microchip was located in the injured horse a considerable number of years after the accident and traced to a horse owner in Tipperary. This gentleman originally told the Gardaí that he had sold the injured horse to the first defendant but heard it was involved in an accident and had to be got rid of.



He subsequently denied this statement and was treated as a hostile witness in the course of the hearing. The sales book from the horse market showed that the microchipped horse had been sold at a particular horse sale, attended by the defendant who had brought a certain number of horses on that particular day.

The case rested on circumstantial evidence i.e., the number of horses, the poor fencing where the horses were kept by the defendants, the type of horses, the fact that no one had claimed the injured horse, the evidence of people living in the locality and an equine expert whose evidence was preferred over the evidence of the defendant's vet. No piece of evidence on its own would have been enough to lead a court to hold for the Board's client but all the pieces and strands when tied together lead the High Court to decide in his favour. The trial Judge in fact inspected the accident site, the location of the field in which horses were kept and the locality in general. The case was appealed to the Supreme Court who upheld the High Court decision. This case lasted a number of weeks in the High Court and a day in the Supreme Court.

Child Abduction

A family law case in which both parties were legally aided was referred to and heard in the European Court of Justice. An unmarried couple had a number of children. They resided in Ireland until, without the father's knowledge or consent, the mother removed the children to England. The English Courts referred the matter to the Irish Courts for a decision on whether the mother's removal of the children to England was wrongful. There was no dispute that the children were habitually resident in Ireland until their removal.

The High Court found that the removal was not wrongful. The father appealed the decision to the Supreme Court. The Supreme Court indicated that they were minded to agree with the High Court decision but they were concerned at whether under European law post the Lisbon Treaty and its incorporation of the European Charter of Fundamental Rights, there was a breach of the father's rights by requiring him, in the absence of an agreement, to make an application to court to give effect to his rights ('rights of custody').

Both of the parties were legally represented before the European Court and Ireland, Germany and the European Commission all made either written and oral or just oral submissions before the five Judge Court. The Court found that the relevant Council Regulation must be interpreted as not precluding a Member State from providing by its law that the acquisition of rights of custody by a child's father, where he is not married to the child's mother, is dependent on the father's obtaining a judgement from a national court with jurisdiction awarding such rights to him. In reaching its decision the Court noted that it was necessary to take into account the great variety of extra-marital relationships and consequent parent-child relationships.

Access and Domestic Violence

The client was a woman originally from Eastern Europe as was her husband. They had one child together. They had lived in Ireland for three years prior to the matter coming to court. The relationship ended shortly after their child was born due to escalating domestic violence issues. The child remained with the mother when the parties ceased living together.



In the months following the end of the relationship, the husband saw the child sporadically, however the husband made threats to kill the client and was stalking her at work and attempted to break into her apartment. The husband also threatened to abduct the parties' child. The client had made numerous complaints to the Gardaí. The client applied for and was granted a Protection Order in the District Court and an application was made for a Safety Order. In turn the husband made an application for access to the child. The client was granted legal aid for the hearing.

Prior to the hearing date the husband was arrested for breaking the Protection Order by assaulting the client in the street and attempting to take the child.

At the hearing the husband represented himself. Three Garda witnesses were called in evidence. The husband denied the circumstances surrounding the granting of the Protection Order and the subsequent alleged breach of the Order. He stated that he ran into the client on the street by chance and had tried to see the child and that she had over reacted to his presence.

The husband's access application was opposed as the client felt the husband to be a threat to the safety and welfare of the child and feared he may abduct the child if access was granted. The court granted a Safety Order for a period of five years in favour of the client. Access of two one hour access visits per week was ordered by the court, to be supervised by a nominee of the client.

On leaving the court, the husband approached the client in a threatening manner. The client was very upset and frightened by this. This was witnessed by the solicitor representing her, who reported it to one of the Garda witnesses, who arrested the husband and brought him back into the same court and advised the judge. The

solicitor applied to have the Access Order which had just been made vacated due to the fact that the breach of the Safety Order was further evidence of the husband's attitude to the Order of the court and supportive of the client's position that the husband was a threat to the child. The judge agreed and the Access Order was vacated.

At a subsequent criminal court hearing, the husband was convicted of the breach of the protection and safety orders. The solicitor representing the client made a statement to the Gardaí concerning the breach of the safety order, and agreed to attend at the criminal prosecution. The husband received a custodial sentence of seven months.

Access and Guardianship

The client was a young unmarried father. He had been in a relationship with the child's mother, however, the relationship had broken up shortly before the child was born. Following the birth of the child, the client had only seen the child sporadically and it was his view that the child's mother did not want him involved in the child's life. His name was not on the child's birth certificate.

When the father sought legal aid an application for access to the child and to be appointed a legal guardian of the child had already been issued and served and the matter was due before the court shortly afterwards. After taking instructions, the solicitor wrote to the child's mother enquiring if she had legal representation with a view to trying to establish a line of communication for the purpose of seeing if an agreement could be reached. There was no response to this letter. However, on the day of the court the mother did have a solicitor present to represent her.



Negotiations took place between the solicitors at the court. The mother's concerns were that the father would not make a sufficient commitment to the child and that, in the absence of such a commitment, the child's best interests were not served by making an access order. Ultimately it was agreed that limited access would take place on a trial basis and an Interim Order was made to this effect. Both the access and the guardianship applications were adjourned for a number of months to see how matters went.

When the case came before the court again it was clear that the access had been taking place and that it was working reasonably well. It was possible to agree improved access times and it was also agreed that there should be some flexibility in order to suit the needs of the parties. An Order was made on consent appointing the father a legal guardian of the child. The father was able to re-register the birth to have him named on the birth certificate.

Asylum

The client was a Middle Eastern woman who experienced ill treatment meted out to her by her family. She had been beaten, she was kept in the family home, treated as a slave and forced to do all the household chores. They insulted her by calling her names referring to the fact that she was born out of marriage. They threatened to kill her because she had brought shame on the family.

It was submitted that the risk of ill treatment were she to return was sufficiently serious as to amount to persecution. On account of her being born out of marriage she had no family member who would support her application for identity documents as her brothers would not

do so. Her situation was compounded even further by the fact that because it was her family whom she feared, the police/State were unwilling to offer her meaningful protection.

It was argued that her difficulties should be viewed within the legal, religious and cultural context in which they arose. Her situation left her without any effective means of accessing State protection. The patriarchal society in which she lived meant that women could not live alone and without the protection and guardianship of family, and in particular, male family members. Her State was also a tribal society in which one's membership of a tribe is also highly relevant to how one can live one's life and through which a person is known. This was supported by country of origin information submitted on her behalf.

The Refugee Appeals Tribunal Member found that the applicant gave coherent and consistent evidence throughout the hearing and was found to be credible. The Member found that in the exceptional circumstances of the case it was considered that there was a reasonable chance or serious possibility that she would be persecuted if she were returned to her country and it was not believed that State protection would be available to her. Accordingly a recommendation for asylum status was made.



Developing the Service

2010 was a particularly challenging year for the Board. The downturn in the economy has created a very different environment from that experienced prior to the economic problems. The combination of the tighter financial constraints in which the Board was required to operate, the government moratorium on filling positions and the very significant increase in demand for the Board's services, contributed to the Board having difficulty meeting its target of ensuring that every eligible applicant gets to see a solicitor for a first appointment within a four month period.

As a result of the above factors the Board has seen a significant increase in waiting times at law centres for non priority appointments (see Table 10) and seen a significant increase in the total numbers waiting for a first appointment with a solicitor compared to the numbers two and three years ago.

To provide a professional accessible quality service

For the aforementioned reasons, the issue of accessibility proved very challenging in 2010. While the Board provide a priority service to 15% of its clients and a further 36% or thereabouts were effectively prioritised for remedies in the District Court by being referred to private solicitors from the Board's Panel to get a service, the waiting time for non priority and non referred cases was in excess of four months in sixteen of the Board's law centres at the end of the year.

The Board operated an 'advice only' service in most of its law centres where the waiting time was in excess of three months. The objective of this service is to ensure that every eligible applicant gets to see a solicitor within a four month period. The service operates on the basis that if a person is unlikely to be given a full appointment with a solicitor within four

months, they should be offered a short half hour appointment for the purpose of being advised in relation to their legal problem. It is anticipated that a number of applicants will be equipped to either deal with the problem without legal assistance or to make significant progress in dealing with the problem while they await a full appointment with a solicitor. The service will be evaluated during the course of 2011.

In order to maximise accessibility, the Board has generally declined to approve discretionary leave for 'front line' staff though the Board has to balance this against its need to live within its budget

The Board continued to take steps to assure the quality of the services provided to its clients, primarily by the conduct of case file reviews. The files were again reviewed on the basis of checklists benchmarked against best practice guidelines for the core services provided by the Board. File reviews were conducted both in respect of cases handled by the Board's employed solicitors and those handled by private solicitors on the Board's panels.

The Board engaged with FAS and on foot of that engagement involved itself in a scheme for placing a number of unemployed solicitors in its law centres. While the Board met certain ancillary costs, it did not pay the solicitors who instead retained a Back to Work allowance from the State. The solicitors committed to working 30 hours a week for the Board. The rationale for the Scheme is that it is mutually beneficial - the Board gets the benefit of the solicitors' expertise while the solicitors gain valuable experience that should assist them in gaining employment on the open market.



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

As in previous years, in 2010 the Board's main tool for communicating with its stakeholders was the External Consultative Panel. The group has representatives from a range of organisations whose members or clients use the services provided by the Board, as well as the representative bodies of the legal profession. The Panel met four times during the course of the year to discuss the services provided by the Board and to receive feedback. It also received a number of presentations from member organisations to better inform the Board of the issues faced by persons they represent.

The Board hosted a successful 30th Anniversary conference at the Law Society in September 2010 which had as its theme 'Access to Justice and Legal Aid: Learning from the Past, Looking to the Future.' The conference is discussed further in this report at page 37.

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

The Board has taken a number of initiatives to enable it to better meet the additional demands placed on its services. The Board's Administrative Procedures Handbook acted as a blueprint for the operation of its law centres. It assists in the standardisation of processes and procedures in the law centre network and should lead to a greater consistency of approach. In addition the Board revised its Guidelines in relation to the provision of legal services again with the objective of ensuring a consistency of approach.

Management engaged more proactively with the individual law centres and in particular the

individual managing solicitors with a view to trying to address any issues that might have been impacting on the centre's case throughput capacity.

In 2010 a value for money review conducted by the Department of Justice, Equality and Law Reform¹ and the Department of Finance² commenced. The work of the reviewers was well underway at the close of the year and it is anticipated that they will complete their report by mid 2011.

To ensure that the Board is innovative, flexible and responsive in its approach to effective service delivery

The Board continued to promote non court based dispute resolution which it regards as generally appropriate in the first instance in family disputes. In terms of the appraisal of law centre and solicitor performance, a focus continued to be put on their capacity to offer meaningful non court based dispute resolution options.

In 2010 the Board engaged with the Family Mediation Service and the Courts Service with a view to piloting a 'mediation initiative' in the District Family Court premises in Dublin. What is envisaged is that persons presenting to the District Court office seeking remedies in the District Court in relation to the welfare of a child would be given information about attending mediation in order that they can try to achieve their own solution with the assistance of a trained mediator. A key aspect of the initiative is that the Family Mediation Service has mediators on site in the same building with a view to there being at least as good, if not better, ease of access to mediation as to the Court process.

1. Now the Department of Justice and Equality
2. Now the Department of Public Expenditure and Reform



In 2010 the Board enhanced its presence in the District Family Court in Dublin in order to develop its capacity to respond promptly to demands placed on it for legal services for parents who are at risk of having their children taken into the care of the State (HSE). This initiative became operative in December and it is hoped to build on the initiative if it proves successful.

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

One of the Board's longer term strategies, with which significant progress was made in 2010, was developing a comprehensive legal case management system to be available across its law centre network. The benefits that an enterprise wide case management system would bring to the Board include greater flexibility and effectiveness in the use of its staff resources and would, in particular, enable the Board to move to a situation where solicitors were engaged to a significantly greater extent than at present, in higher value legal work. The procurement process was almost complete at the end of 2010 and it is anticipated that the system will be operative in the law centres in the middle of 2012.



Supporting Service Delivery

By virtue of its business model, the Legal Aid Board relies on a central support structure to facilitate and manage the delivery of services through its law centre network and other means. This central support structure is based in the Board's Head Office in Cahirciveen and a support office in Dublin.

Legal Services

The executive function of granting or refusing applications for legal aid submitted by law centres rests with Legal Services. Some applications, for example those relating to District Court matters, are determined at law centre level, while applications for Circuit Court upwards are generally approved or determined by Legal Services, which is based in the Board's Head Office in Cahirciveen. The unit also administers the Board's private practitioner schemes.

In 2010, there were 3,154 certificates granted by Legal Services on foot of submissions made by law centres on behalf of applicants. This was a 10% increase on the previous year. The unit also granted 1,516 amendments to legal aid certificates, also up 10% on the previous year. These amendments are effectively authorisations for additional services on a certificate, such as a barrister or a medical report. There was also a significant increase in activity on the District Court Private Practitioner Scheme, which is administered by the Unit. As reported earlier in the report, the number of District Court certificates issued grew by 33% to 5,220 in 2010.

Legal Aid (Management and Development)

Much of the focus in 2010 was on the continued implementation of the recommendations contained in an earlier report on risk management in the Board. This involved putting in place better procedures in the Board's law centres. The Board published a new Administrative Procedures Handbook with the objective of providing a complete operating manual for law centre staff and ensure that law centres were being managed and operated on a consistent basis throughout the country.

A significant focus was also put on engaging with the law centres and in particular with the managing solicitors with a view to making best use of the resources available to the Board and to explore ways that the Board, and individual law centres can provide services more efficiently and more effectively. This was particularly important in the light of the ongoing increase in demand for the Board's services against a backdrop of limited resources.

In September the Board held a conference to celebrate its thirtieth anniversary, at which the Minister for Justice, Equality and Law Reform announced the Government's intention to transfer the administration of the scheme of criminal legal aid to the Board. Work is ongoing to put in place the necessary legal and administrative arrangements required to effect the transfer.

Human Resources

2010 was another challenging year for the Board's Human Resources Section with a significant number of developments across all areas of the function. The continuing moratorium on public service recruitment had a considerable impact upon the Board and its



capacity to provide a timely service in a situation where demand for services continued to increase.

Following discussions between the Government and the public service unions facilitated by the Labour Relations Commission, a Public Service Agreement 2010 – 2014 (The “Croke Park Agreement”) was produced and put to a ballot of their memberships by the public service unions. The Agreement was formally accepted by the ICTU in mid-2010 following the outcome of the various ballots.

The Agreement provided a blueprint for significant restructuring and reform of the public service, including an orderly ongoing reduction in public service numbers over the lifetime of the Agreement up to 2014. An independent Implementation Body was established to oversee the operation of the Agreement. Each public service organisation was required to develop an Action Plan setting out how the provisions of the Agreement would be implemented in their areas of responsibility.

The Board’s Action Plan was prepared and submitted to the Implementation Body towards the end of 2010. It contains a number of measures focusing on addressing service delivery issues in the context of increasing demand at a time when resources are constrained. These measures include proposals for changes in the manner in which services are delivered and commitments to ongoing review of all aspects of the organisation’s operations with a view to maximising the return from the resources available. In accordance with the provisions of the Agreement, the Action Plan will be implemented in full consultation with the unions representing staff in the Board.

Under the Action Plan, proposals for the integration of the Refugee Legal Service Office located in Cork with the Board’s other law centres in that location were implemented towards the end of 2010. The purpose of the integration was to make better use of the resources available to address increases in demand in non asylum areas of civil law. Progress was also made in developing proposals for the integration of the Board’s Refugee Legal Services in Galway and Dublin with other services in those locations.

In keeping with the Board’s policy of developing the Strategic Partner role of HR, the Board’s second Workforce Plan to cover the period up to 2012 was also finalised during 2010. It included a thorough analysis of the Board’s workforce, and also provides an overall structure for the active management of the impact of the public service wide moratorium on recruitment in the Board. This includes measures to review and re-assign staff and re-prioritise activities and workloads with an emphasis on front-line service delivery.

The Board’s Absenteeism Management Policy was also actively applied during the year. This resulted in the maintenance of relatively low levels of sick leave through a variety of measures as set out in the Absenteeism Policy. The average number of days absence on sick leave per employee of 7.9 days in 2010 was 28% lower than the comparable figure in 2008 and broadly similar to the level of absence during 2009. This compares favourably with the findings in a report from the Comptroller and Auditor General which indicated that the average number of days absence on sick leave per employee in the Civil Service was 11 days.



The Board continued the roll-out of an electronic time recording system that assisted in both streamlining HR administration while also better facilitating the extraction of information on HR metrics. This latter benefit of the system gave the HR Section an enhanced capacity for analysis and further policy development during the year.

The HR sub-committee of the Board met three times during 2010 and considered a wide range of HR issues including workforce planning, the Croke Park Agreement and the Board's Action plan, Absence Management, the Industrial Relations environment in the organisation, learning and development initiatives undertaken during the year, and the Board's 30th Anniversary Conference. The Board's Performance Committee also met on one occasion to review the Chief Executive's performance targets for 2009 and to decide on his performance targets for 2010.

During 2010, in accordance with Government policy, the Board continued to utilise the FAS Work Placement Programme aimed at graduates in receipt of Jobseeker's Allowance. The scheme allows for such graduates to undertake a job-placement for up to nine months while continuing to receive their jobseekers allowance. The Board facilitated up to 10 placements during the year

Learning and Development

The provision of Learning and Development services during 2010 was driven by the Board's Learning and Development Strategy for the period 2009-2011. The Strategy is intended to foster a learning culture in the organisation and to ensure that organisational learning and development initiatives contribute to the achievement of the Board's business objectives in a cost effective and efficient manner. During

the year 635 days of training was provided. While this was down on previous years due to resource constraints, it was still sufficient to meet the Board's legal obligations, continuing professional development and other needs arising from changing organisational priorities.

Learning and Development initiatives undertaken during the year included the commencement of a programme designed to improve the IT skills of staff in preparation for the introduction of a new legal case management system scheduled to go live during 2012. The results of the IT skills audit undertaken during 2009 provided a firm basis for identifying the most urgent training needs in this area. IT training on Microsoft applications was provided in an on-line format while training provided in employment law and debt reflected the Board's response to the changing nature of workplace demands.

A considerable emphasis was also placed on facilitating the Board's solicitor staff in obtaining sufficient learning and development opportunities to meet the Continuing Professional Development requirements of the Law Society.

47 staff received refunds/advance of fees during 2010 at a total cost of €69,000 to the Board. This means that around 13.5% of the Board's staff were funded in 2010 to pursue a course of education outside of working hours. Support for further education is a particularly important element of the Board's commitment to staff development and to raising the overall skills base of the organisation's workforce.



Legal Aid Board 30th Anniversary Conference



President Mary McAleese and Anne Colley, Chairperson

The Board hosted a Conference in the Law Society of Ireland's premises in Blackhall Place, Dublin on 15th September 2010 to mark the 30th anniversary of the establishment of the organisation. The theme of the Conference was **"Access to Justice and Legal Aid: Learning from the Past, Looking to the Future."** The Conference was addressed by a number of high profile speakers on various aspects of civil law in Ireland and abroad. Speakers included President Mary McAleese, the Minister for Justice and Law Reform, Mr. Dermot Ahern T.D., who formally opened the Conference, and the Hon. Mr. Justice John L. Murray, Chief Justice.

President McAleese acknowledged the role of the Board in providing access to justice that enabled citizens with legal problems to address their difficulties in an appropriate manner. She took up the theme of alternative dispute resolution mechanisms as a means of resolving legal issues in a more humane and less impersonal manner that would ease the trauma sometimes experienced by the parties to a family law dispute. The President also

expressed her confidence in the Board to continue to meet its current and future challenges in the best spirit of public service.

The Minister for Justice and Law Reform, Mr Dermot Ahern T.D. commended the Board for its work over the past 30 years and announced that he would be bringing proposals to Government to reform the system of criminal legal aid and to transfer responsibility for its administration to the Legal Aid Board. The Minister also said he considered it appropriate given the pressure on the public finances, that the system of criminal legal aid should be reformed with a view to controlling expenditure in this area. He expressed confidence in the Legal Aid Board's capacity to take on this important new area of work and he acknowledged that the Board would need to be appropriately resourced for the task.

Chief Justice Murray highlighted the need to consider more appropriate alternatives to litigation as a means of resolving civil disputes. He indicated that recent legal developments in relation to mediating disputes as an alternative to litigation before the courts should be given greater emphasis in the future. He acknowledged that current policy in this area was somewhat underdeveloped and uncoordinated and would benefit from a more strategic approach and a change in the litigation culture that governs the legal profession.

The Legal Aid Board's Chairperson, Ms Anne Colley, spoke at the Conference about the theme of "Access to Justice" and the role of the Legal Aid Board while Dr. Maurice Hayes and Ms. Patricia Rickard Clarke, of the Law Reform Commission, also addressed delegates about different aspects of the same theme - "Access to Justice".



There was a significant international dimension to the Conference with two presentations from overseas speakers: Mr Colin Lancaster, Director of Policy and Development, of the Scottish Legal Aid Board outlined the similarities and dissimilarities between the Scottish and Irish civil legal aid systems. He also suggested some potential policy and operational issues that might be given consideration in Ireland when charting the future direction of civil legal aid services in this jurisdiction.

Ms. Maja Groff from the Hague Convention on Private International Law addressed the Conference about the Convention and its interaction with the new EU Maintenance Regulation. Her presentation served to demonstrate the increasing internationalisation of civil legal aid with EU and other transnational obligations which are having an increasing impact on Irish civil law matters.

The Board's Director of Legal Aid, Mr Frank Brady reflected on the achievements of the Board in its 30 year history and outlined the significant challenges for the immediate future.

The Conference concluded with a presentation from Mr Fergus Finlay, Chief Executive of Barnardos. He spoke about the impact of the law on children and its implications for the Board and other bodies involved in childcare issues.

INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

The ICT Strategy 2009 to 2011 was published in 2009. This strategy has a strong focus on application development and enhancement.

The development of a new legal case management system is the most significant project in this strategy. It is the largest ICT Project undertaken by the Board to date. Significant work was undertaken in the

planning and analysis of requirements for this system in 2009. A market exercise was conducted throughout 2010 and a contract was awarded for the delivery of this new system in January 2011. The development project is now underway. This system will deliver a single repository for all applicant and legal case management data. It will include standard workflows, letters and precedents for the main proceedings undertaken by the Board and generic set of proceedings for use in processing cases. It will incorporate time management, financial management, scanning, central calendar and diaries and a reminder system. It will provide a view of the full client / case file from first application to closure of file. This project will be ready for implementation in mid-2012 and will significantly enhance the Board's capacity to deliver services in a more cost effective manner and to manage risk and performance in the organisation.

Some of the other noteworthy achievements during 2010 include the introduction of an online eligibility calculator on the Board's website. Enhancements and upgrades were applied to the Refugee Documentation Centre's systems including a project, which was initiated during 2010, to extend the current library system to provide a shared service library system for the Refugee Documentation Centre, Legal Aid Board and the Department of Justice & Equality libraries. Hardware and software upgrades were also implemented along with the implementation of power management software.

The Board continued the work to enhance the accessibility of its web site, in consultation with the National Disability Authority during 2010.



FINANCIAL MANAGEMENT

The Board's Finance Unit handled the payments processing and payroll function in 2010. Two main developments were: 1) the move to pay all suppliers by Electronic Funds Transfer (EFT) and 2) the emailing of payslips to all employees. Both of these measures increased the efficiency of the Unit. The Unit also successfully facilitated the annual audit carried out on behalf of the Comptroller and Auditor General.

ORGANISATIONAL SUPPORT

In 2010, the Board's Organisation Unit focused on maintaining services in the face of an ever-tightening funding situation. The Unit provided supplies, maintenance and support services to each of the Board's law centre's and administrative offices. The benefits of the approach taken in recent years in trying to reduce the running costs were clear to see as lower costs allowed resources to be directed to the provision of legal services. In 2010, running costs (accommodation, establishment and administrative costs) were over 21% lower than had been the case just four years previously. This was achieved for the most part through a greater and more strategic use of tendering and market exercises and also by carefully monitoring and controlling expenditure across a range of areas.

In 2010, the Board also adopted a new Corporate Procurement Plan. As well as meeting the Board's obligations under the Public Procurement Policy Framework, the Plan is aimed at ensuring that all procurement areas in the Board comply with best practice in the area of public procurement, and obtain the best possible value for money for goods and services procured.

OFFICIAL LANGUAGES SCHEME

The Board concluded its first Language Scheme under the Official Languages Act in 2010. The scheme committed the Board to a number of actions intended to promote the availability of the services provided by the Board through the Irish language. The implementation of the first scheme was reviewed by the office of An Coimisinéir Teanga, which confirmed that most of the commitments were fulfilled satisfactorily. By the end of the year, the Board had moved on to preparing a follow-up scheme.

INTERNAL AUDIT

The work programme of the Board's internal audit function was set out in the annual internal audit plan. Much of the work of the unit during the year focused on ensuring financial procedures were in order in the law centres. Audits were also conducted on head office expenditure.

The Audit and Risk Management Committee of the Board met six times during the year. As well as considering the work of the internal audit function, the Committee placed a good deal of emphasis on examining the area of corporate risk in the organisation and, to this end, instituted a system of reporting on corporate risk materialisation.



Finance

The Board's financial statements for 2010 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 consists of a grant-in-aid received from the Department of Justice and Equality. Funding provided by the Government in 2010 was €24.225 million, as compared with €26.310 million in 2009.

(b) Refugee Legal Service (RLS)

Exchequer funding for the RLS in 2010 was €7.967 million, compared to €8.330 million in 2009. 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. Contributions received in 2010 (€844,201) were nearly 8% higher than in 2009 (€783,601), as a consequence of the increasing client base.

(d) Recovery of costs

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

- ii. 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 2010 (€921,717) were 28% lower than in 2009 (€1,274,562).

EXPENDITURE

The following are comments on the major items of expenditure shown in the 2010 financial statements:

1) Salaries

Salary and related costs fell by just over €1.75 million in 2010. This was largely down to the lower level of staff in 2010, as a result of the moratorium on public sector recruitment and as a result of reduced pay rates introduced on January 1st 2010.

2) Accommodation and establishment costs

Expenditure in this area decreased by €87k (2.2%) in 2010. This was largely down to lower overall costs associated with the maintenance of premises and equipment. Rents, energy and cleaning costs were broadly static.

3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 9 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 decreased by €0.33 million (6%) when compared with 2009. A decreased level of expenditure in respect of the RLS was a significant factor in this. However, the 8% reduction in professional fees introduced in 2009 would also have begun to have an effect in 2010. A further reduction of 8% was applied in 2010 but this would not be reflected in these figures to any material degree. The overall figure masks an increase in expenditure on the LAB side.

The accrual for counsel fees, where work has been undertaken but not yet presented for payment at December 31st 2010, stands at €5.151 million, 3.8% lower than at the end of 2009.

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

Table 15 – Counsel Fees

Year	Counsel Fees
2004	€2,995,000
2005	€5,376,000
2006	€6,847,000
2007	€4,903,000
2008	€3,986,500
2009	€5,125,472
2010	€4,793,475

(ii) Legal fees (Expert witnesses etc.)

These case-related expenses are the additional expenses incurred by the Board, over and above counsel fees, in providing a civil legal aid and advice service to members of the public. 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 decrease in expenditure from 2009 to 2010. Reduced expenditure on the RLS side was offset by increased

expenditure on the civil legal aid side. The 8% reduction in professional fees in 2009 and again in 2010 also had an effect in controlling expenditure on this item.

(iii) Private practitioner scheme

Expenditure on the private practitioner scheme was down 29% to €2.6 million in 2010. This was largely down to reduced expenditure on the RLS scheme, but also the civil Circuit Court scheme, which more than offset an increase in the civil District Court scheme.

At December 31st 2010, the accrual for private practitioner fees, where work has been incurred but not yet presented for payment, stood at €2.029 million. The accrual for 2009 was €2.829 million, with the reduction due to an analysis which had the effect of reducing the level of certificates deemed outstanding.

(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. Expenditure in 2010 was 9% lower than in 2009. This partially reflects a lower level of expenditure on research, but also in respect of legal and other professional advice.

(v) Other expenses

This category saw a 6% drop in expenditure in 2010. This was largely down to reduced spending in the area of training and education.



4) General administration

Costs under this heading were 11% lower in 2010 at €1.744 million. The main factor in this was significantly lower expenditure on professional indemnity insurance. Lower costs attaching to telecommunications was also a factor here.

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

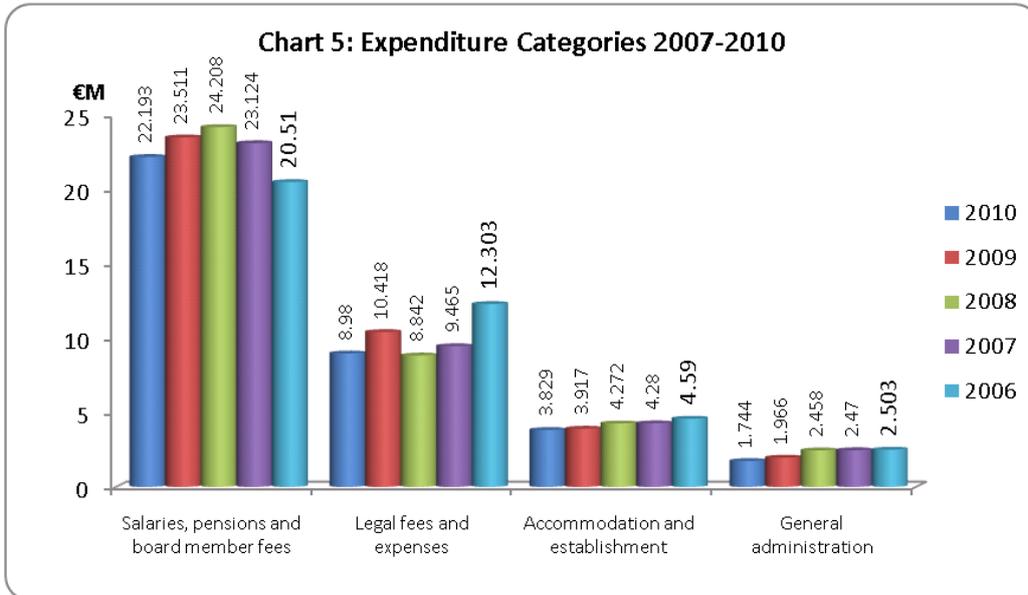
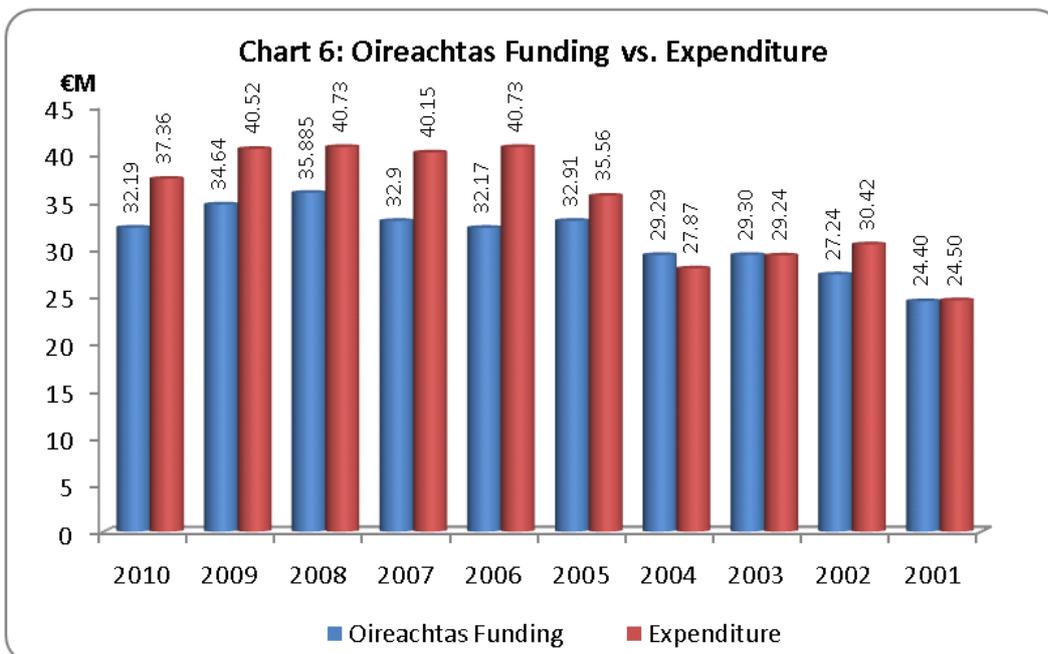


Chart 6 below shows the relationship between Oireachtas funding and the actual expenditure over the last ten years.





Cash at bank and on hand

The Balance Sheet shows that the Board had almost €6.3 million on hand at the end of 2010. This included €1.2 million held on behalf of clients. It can be seen from Note 12 to the accounts that the throughput of client funds in 2010 was €6.1 million. This arises from cases where, as a result of legal advice or representation in court, clients received monies either from the other party or from the disposal of property. All such monies 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 hand 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. The total amount of late payment interest paid to suppliers of goods and services during 2010 amounted to €0.



Appendix 1

Financial statements for the year ended 31 December 2010

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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 and Equality, with the consent of the Minister for Finance, all proper and usual accounts of any monies 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

Board Member



LEGAL AID BOARD

Statement on 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. The current Board was appointed in November 2006 and was fully briefed on Board roles and responsibilities. A full briefing has also been provided to any new Board members that have been appointed since November 2006. Actions have been taken by us to ensure compliance with the revised Code of Practice for the Governance of State Bodies, published in June 2009. These actions included the amending of our own Corporate Governance Manual to take account of the 2009 Code of Practice. The revised Corporate Governance Manual was formally approved by the Board at our meeting in November 2009. A revised Code of Business Conduct for Board Members was also approved by the Board in October 2009.
 - As required under the 2009 Code of Practice, the Board developed and implemented a Travel Policy during 2009 which sets out how we comply with the current Department of Finance regulations and guidelines on travel and subsistence. A financial fraud prevention policy for the Board was approved and implemented during 2008 which includes, inter alia, procedures whereby employees of the Board may in confidence, raise concerns about possible irregularities in financial reporting and other matters and ensure that such matters are followed up in a meaningful way. A Corporate Procurement Policy was finalised in September 2010 and forwarded to the Finance and Audit and Risk Management Committees for information prior to implementation.



- **Budget Information Systems:** We have a comprehensive budgeting system that includes approval by the statutory Board of annual budgets and monitoring of monthly financial reports. Budgets are used to plan, authorise, monitor and control the way the funding of the Board is determined, allocated and spent. The arrangements for budgetary control include the provision of regular, relevant and timely financial information to monitor income and expenditure in all areas and corrective action is taken where necessary. The Finance Committee is a committee of the Board which considers the organisation's finances in detail and reports to the Board on the financial affairs and policies of the Board. This includes the review of budgets and financial reports, the recommendation of approval of our annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the committee. The committee met on seven occasions during 2010 and, as part of its function, examined detailed analysis reports on legal fees, including, valuations and looked at the outstanding liabilities on the Circuit Court Private Practitioner Scheme. Using information gathered from a number of sources, Management subsequently carried out a comprehensive analysis of the legal aid certificates granted under the Circuit Court Private Practitioner Scheme between 2005 and 2010 which was presented to the committee in March 2011. Over the past four years, eighteen key areas of expenditure have been examined by the committee. During 2010, Management first produced a multi annual end of quarter financial review report for the committee's consideration whereby the committee can examine trends on expenditure for each subhead over a three year period. During 2010, in addition to the monthly financial reports, the committee also considered a mid year financial review, two multi annual end of quarter reviews and end of year outturn figures.
- **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 organisation'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 organisation and risk management forms an integral part of the Business Planning process. One of the functions of the Audit and Risk Management Committee is to provide an independent opinion on the adequacy of the Board's risk management arrangements. In February 2009, the committee agreed to a change in its procedures and terms of reference to reflect the increasing importance of and focus on managing corporate risk. As a result of this change, the committee was re-titled the Audit and Risk Management Committee (previously Audit Committee). An external member was appointed to the committee in April 2009. The committee met on six occasions in 2010. As proposed by the committee, Management implemented in March 2010 a formal risk materialisation reporting system on any potential and real risks that



materialised or near miss occurrences. The first risk materialisation report was presented to the Committee in July 2010. The report has been modelled on the Board's Corporate Risk Register and will be updated in conjunction with the risk register on a twice yearly basis. The risk register was revised and presented to the Committee in May 2010 and February 2011, in conjunction with the second risk materialisation report. The committee adopted recommendations arising from the Board's review of the internal audit process in October 2010. As part of this review, Management carried out an examination of the capacity and role of the Board's internal audit function and brought forward proposals on this issue to the committee. The review identified, inter alia, that the risk register should be consulted and the highest areas of risk should be identified in the context of determining the key areas for examination by the internal audit function.

- **Procedures:** The organisation 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. During 2010, the internal audit function carried out audits of accounts and procedures in ten of the organisation's law centres. It was recommended in the review of the internal audit process that the law centre audit process should focus on areas that generate highest risk in the law centre and the frequency of law centre audits should be reduced to every three years with a view to increasing Head Office auditing and/or procedural auditing with reference to the risk register and other relevant issues. During 2010, the internal audit function also carried out an audit of Counsel Fees and made recommendations which were presented to the Audit and Risk Management Committee. Management has recently submitted a response to the committee on the implementation of the recommendations and progress will be monitored in this area during 2011.
- **Monitoring of Internal Control:** the Board has an Internal Audit function whose annual audit programme is approved by the Audit and Risk Management Committee of the statutory Board and one of whose functions is to review all aspects of internal financial controls. The scope of the law centre audit was widened in 2009 to incorporate the financial assessment on the client file. The Audit and Risk Management 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 capacity and role of the Internal Audit function was comprehensively reviewed by the committee in 2010 in the context of the internal audit review process. The main purpose of the internal audit review process was to identify where the emphasis of the internal audit function should best be placed subject to the availability of resources and the requirements of the Board. 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 and Risk Management Committee and the statutory Board, which ensures that issues raised are acted upon. With the exception of finalising the development of a records management policy for the Board, I can confirm that all other issues raised since the 2009 audit have been addressed and any recommendations adopted. The records management policy will be addressed in the context of the organisation's new Legal Case Management system. The Internal Audit Unit of the Department of Justice and Law Reform also carried out an audit of the organisation in 2010. The audit examined the systems of internal controls, business processes, procedures and practices in place within the Legal Aid Board. In summary, the report which was considered by the Audit and Risk Management Committee found that the system of financial controls are reasonable and operate effectively. The Audit and Risk Management Committee is required to 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 2010 was completed in March 2011 and was presented to the Board at its meeting on 15th April 2011.

- I confirm that during the year ended 31 December 2010, the Board conducted a review of the effectiveness of our system of internal financial controls.

Signed:

A handwritten signature in black ink, appearing to read 'A. Colley'.

Chairperson

Date: 22nd June 2011



Comptroller and Auditor General

Report for presentation to the Houses of the Oireachtas

Legal Aid Fund

I have audited the financial statements of the Legal Aid Fund for the year ended 31 December 2010 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. The financial reporting framework that has been applied in their preparation is applicable law and Generally Accepted Accounting Practice in Ireland.

Responsibilities of the Board

The Board is responsible for the preparation of the financial statements, for ensuring that they give a true and fair view of the state of the Legal Aid Fund's affairs and of its income and expenditure, and for ensuring the regularity of transactions.

Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation.

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of Audit of the Financial Statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of

- whether the accounting policies are appropriate to the Board's circumstances, and have been consistently applied and adequately disclosed
- the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- the overall presentation of the financial statements.

I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

In addition, I read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my report.

Opinion on the Financial Statements

In my opinion, the financial statements, which have been properly prepared in accordance with Generally Accepted Accounting Practice in Ireland, give a true and fair view of the state of the Legal Aid Fund's affairs at 31 December 2010 and of its income and expenditure for the year then ended.

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

Matters on which I Report by Exception

I report by exception if

I have not received all the information and explanations I required for my audit, or

my audit noted any material instance where monies have not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or

the information given in Board's Annual Report for the year for which the financial statements are prepared is not consistent with the financial statements, or

the Statement on Internal Financial Control does not reflect the Board's compliance with the Code of Practice for the Governance of State Bodies, or

I find there are other material matters relating to the manner in which public business has been conducted.

I have nothing to report in regard to those matters upon which reporting is by exception.

John Buckley

**Comptroller and Auditor General
27th June 2011**



Statement of Accounting Policies

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 and Equality. The Fund consists of all the financial resources of the Board. In 2010, the Board operated out of 33 full-time law 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 and Equality.

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 2010 shows an excess of liabilities over assets of €1,969,993. 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 Secretary of the Department of Justice and Equality 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 receipt 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, 2010 was approximately €20,000. There were no bad debts written off in 2010.

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 monies/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, and premises fit out	20%
Computer equipment	33%

A half year's depreciation is charged in the year or 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 2010, 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 and Equality 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

recognised 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 and Equality.

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 and Equality.

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 2010

	Note	2010		2009	
		€	€	€	€
Income					
State funding	1	32,192,000		34,640,000	
Net deferred funding for pensions	2 c	4,065,932		3,495,456	
Contributions from aided persons		844,201		783,601	
Costs recovered		921,717		1,274,562	
Loss on sale of assets		0		(14,110)	
Other income	3	<u>493,327</u>		<u>566,646</u>	
			38,517,177		40,746,155
Transfer from Capital Account	4		<u>393,802</u>		<u>478,041</u>
			38,910,979		41,224,196
Expenditure					
Salaries and related expenses	5	18,158,935		19,917,500	
Pension Costs	2 a	3,934,823		3,479,560	
Fees to Board members		99,619		113,867	
Accommodation and establishment expenses	8	3,829,478		3,916,917	
Legal fees & expenses	9	8,980,156		10,417,600	
General administration	10	1,744,234		1,966,229	
Depreciation	11	590,184		693,692	
Audit fee		<u>18,095</u>		<u>18,095</u>	
			37,355,524		40,523,460
Surplus for year			1,555,455		700,736
Opening balance as at 1 January			(4,265,960)		(4,966,696)
Closing balance as at 31 December			<u>(2,710,505)</u>		<u>(4,265,960)</u>

All income and expenditure for the year 31 December 2010 relates to continuing activities.

The Statement of Accounting Policies, together with Notes 1 to 20, form part of these financial statements.

Chairperson

Chief Executive



Statement of Total Recognised Gains and Losses

FOR THE YEAR ENDED 31 DECEMBER 2010

		2010 €	2009 €
Surplus / (Deficit) for year		1,555,455	700,736
Experience losses / (gains) on pension scheme liability	2 d	(4,865,932)	2,704,544
Changes in assumptions underlying the present value of pension scheme liabilities		<u>0</u>	<u>0</u>
Actuarial loss / (gain) on Pension Liabilities	2 b	(4,865,932)	2,704,544
Adjustment to Deferred Pension Funding		4,865,932	(2,704,544)
Total Recognised Gains / Losses		1,555,455	700,736

The Statement of Accounting Policies, together with Notes 1 to 20, form part of these financial statements.

Chairperson

Chief Executive



Balance Sheet

AS AT 31 DECEMBER 2010

	Note	2010		2009	
		€	€	€	€
Fixed assets	11		740,512		1,134,314
Current assets					
Cash at bank and on hand		6,272,217		4,550,896	
Debtors and prepayments	12	<u>767,658</u>		<u>828,635</u>	
		7,039,875		5,379,531	
Less current liabilities					
Creditors and accruals	13	8,527,896		8,713,712	
Clients' funds	14	<u>1,222,484</u>		<u>931,779</u>	
		9,750,380		9,645,491	
Net current (liabilities)			<u>(2,710,505)</u>		<u>(4,265,960)</u>
Total assets less current Liabilities before Pension			(1,969,993)		(3,131,646)
Deferred pension funding	2 c		36,400,000		37,200,000
Pension liabilities	2 b		<u>(36,400,000)</u>		<u>(37,200,000)</u>
			0		0
Total assets			<u><u>(1,969,993)</u></u>		<u><u>(3,131,646)</u></u>
Represented by:					
Income and Expenditure Account			(2,710,505)		(4,265,960)
Capital Account	4		<u>740,512</u>		<u>1,134,314</u>
			<u><u>(1,969,993)</u></u>		<u><u>(3,131,646)</u></u>

The Statement of Accounting Policies, together with Notes 1 to 20, form part of these financial statements.

Chairperson

Chief Executive



Cash Flow Statement

FOR THE YEAR ENDED 31 DECEMBER 2010

	Note	2010 €	2009 €
Net cash (outflow)/inflow from operating activities	16	1,793,006	527,324
Returns on investment and servicing of finance			
Interest received		137,200	122,712
Interest paid on client settlements		(16,079)	(25,180)
Investing activities			
Sale of tangible assets		0	15,652
Purchase of tangible assets		(192,806)	(231,303)
Net cash inflow/(outflow)		<u>1,721,321</u>	<u>409,205</u>
Increase/(Decrease) in cash	17	<u>1,721,321</u>	<u>409,205</u>

The Statement of Accounting Policies, together with Notes 1 to 20, form part of these financial statements.

Chairperson

Chief Executive



Notes to the Financial Statements

FOR THE YEAR ENDED 31 DECEMBER 2010

1. State Funding

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

Subhead:	2010 €	2009 €
C.2 Grant-in-Aid	24,225,000	26,310,000
D.2 Asylum Seekers Taskforce - Legal Aid*	<u>7,967,000</u>	<u>8,330,000</u>
	32,192,000	34,640,000

2 Pension Costs

(a) Analysis of total pension costs charged to Expenditure		2010 €	2009 €
Current service cost		2,400,000	2,300,000
Interest on Pension		2,000,000	1,700,000
Employee Contributions		(465,177)	(520,440)
		<u>3,934,823</u>	<u>3,479,560</u>
(b) Movement in Net Pension Liability during the financial year		2010 €	2009 €
Net Pension Liability at 1 January		37,200,000	31,000,000
Current Service Cost		2,400,000	2,300,000
Interest Costs		2,000,000	1,700,000
Actuarial (Profit)/Loss		(4,865,932)	2,704,544
Pensions paid in the year		(334,068)	(504,544)
Net Pension Liability at 31 December		<u>36,400,000</u>	<u>37,200,000</u>
(c) 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 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 Net Deferred Funding for Pensions recognised in the Income and Expenditure Account was as follows:			
		2010 €	2009 €
Funding recoverable in respect of current year pension costs		4,400,000	4,000,000
State grant applied to pay pensioners		(334,068)	(504,544)
		<u>4,065,932</u>	<u>3,495,456</u>
The deferred funding asset for pensions as at 31 December 2010 amounted to €36.4 million (€37.2 million in 2009).			



(d) History of defined benefit obligations	2010	2009	2008
	€	€	€
Defined Benefit obligations	36,400,000	37,200,000	31,000,000
Experience losses / (gains) on Scheme Liabilities amount	(4,865,932)	2,704,544	2,567,783
Percentage of the present value of the scheme liabilities	-13%	7%	8%

The cumulative actuarial loss recognised in the Statement of Total Recognised Gains and Losses amounts to €2,685,795.

(e) General Description of the Scheme
 The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieth per year of service) and spouse's and children's pensions. Normal Retirement Age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.
 The valuation used for FRS 17 (Revised) disclosures has been based on a full actuarial valuation (Mar '11) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2010.

The principal actuarial assumptions were as follows:

	2010	2009
Rate of increase in salaries	4.0%	4.0%
Rate of increase in pensions in payment	4.0%	4.0%
Discount Rate	5.5%	5.5%
Inflation Rate	2.0%	2.0%

The average future life expectancy according to the mortality tables used to determine the pension liabilities were as follows:

	2010	2009
Male aged 65	22	22
Female aged 65	25	25

3. Other Income

	2010	2009
	€	€
Interest received and receivable	146,145	146,503
Sundry receipts	347,182	420,143
	<u>493,327</u>	<u>566,646</u>

4. Capital Account

	€	€
Balance as at 1 January		1,134,314
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	196,382	
- Amount released on disposal of fixed assets	0	
- Income amortised in year in line with depreciation of assets	<u>(590,184)</u>	
		<u>(393,802)</u>
Balance as at 31 December		<u>740,512</u>



5. Employee Numbers and Costs

The total staff complement as approved by the Minister at 31 December, 2010 was 384. The number of staff actually employed by the Board at 31 December, 2010 was 360 (2009 - 358) The average number of employees in the Board during the year was 359 (2009- 374). Employee and related costs were as follows:

	2010 €	2009 €
Salaries	16,898,865	18,537,150
Cost of Secondment	57,683	59,135
Employer PRSI	<u>1,202,387</u>	<u>1,321,215</u>
	<u><u>18,158,935</u></u>	<u><u>19,917,500</u></u>

€1,020,125 was deducted from staff by way of pension levy and was paid over to the Department of Justice and Law Reform.

6. Chief Executive Officer Salary and Expenses

	2010 €	2009 €
CEO Salary	145,998	150,422
CEO Benefits	<u>3,635</u>	<u>4,476</u>
	<u><u>149,633</u></u>	<u><u>154,898</u></u>

The CEO received salary payments of €145,988. The pre-existing performance related pay scheme has been discontinued and no bonus has been paid in 2010. The CEO also received an amount of €3,635 in respect of travel and subsistence.

The CEO is a member of an unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond the standard entitlements in the public sector defined benefit superannuation scheme.

7. Board Members Fees and Expenses

	2010 €	2009 €
Board Members Fees	99,619	113,867
Board Members Expenses	<u>24,558</u>	<u>28,207</u>
	<u><u>124,177</u></u>	<u><u>142,074</u></u>

Board Members Fees

Anne Colley	11,970
Jerry O'Connor	7,695
Margaret Heneghan	386
Michael Buckley	7,695
Eamonn Purcell	7,695
Breege Leonard	7,695
Niamh Moran	7,695

Board Members Fees

Kate Hayes	7,695
Robert Browne	7,695
Jim O'Farrell	7,695
Seamus Keelan	7,695
Dara Foyne	7,695
Fergal Rooney	7,695
Elizabeth Murphy	2,618



8. Accommodation and Establishment Expenses

	2010 €	2009 €
Rents	2,548,148	2,583,704
Cleaning	280,156	261,851
Lighting and heating	238,702	243,027
Maintenance - Premises	434,896	607,013
Maintenance - Equipment	327,577	221,322
	<u>3,829,478</u>	<u>3,916,917</u>

9. Legal Fees and Other Expenses

	2010 €	2009 €
Counsel fees	4,793,475	5,125,472
Legal fees (incl. expert witness fees)	888,943	893,025
Private Practitioner Schemes	2,611,655	3,662,871
Other professional fees	196,740	216,219
Other expenses	489,343	520,013
	<u>8,980,156</u>	<u>10,417,600</u>

10. General Administration

	2010 €	2009 €
Stationery and office expenses	316,671	344,252
Books and printing	146,431	111,229
Postage and telephone	782,739	856,177
Insurance	54,440	188,487
Travel and subsistence	443,953	466,084
	<u>1,744,234</u>	<u>1,966,229</u>

11. Fixed Assets

	Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
Cost					
Balance as at 01/01/10	2,292,177	1,302,134	6,863,728	3,406,661	13,864,700
Acquisitions	0	0	189,342	7,040	196,382
Disposals	0	(337,026)	(4,162,978)	0	(4,500,004)
Balance as at 31/12/10	<u>2,292,177</u>	<u>965,108</u>	<u>2,890,092</u>	<u>3,413,701</u>	<u>9,561,078</u>
Depreciation of fixed assets					
Balance as at 01/01/10	2,212,737	1,245,098	6,317,378	2,955,173	12,730,386
Charge in year	67,703	29,465	309,885	183,131	590,184
Disposals	0	(337,026)	(4,162,978)	0	(4,500,004)
Balance as at 31/12/10	<u>2,280,440</u>	<u>937,537</u>	<u>2,464,285</u>	<u>3,138,304</u>	<u>8,820,566</u>
Net book value as at 31/12/10	<u>11,737</u>	<u>27,571</u>	<u>425,807</u>	<u>275,397</u>	<u>740,512</u>
Net book value as at 31/12/09	<u>79,440</u>	<u>57,036</u>	<u>546,350</u>	<u>451,488</u>	<u>1,134,314</u>



An exercise to review fixed assets was carried out during 2010 whereby obsolete assets were identified. All of these assets were fully depreciated and the IT equipment was disposed of in line with EU directive 2002/96/EC.

12. Debtors and Prepayments

	2010 €	2009 €
Debtors - deposit interest	106,500	138,236
Prepayments		
- Rent	117,002	116,991
- Insurance	19,314	21,370
- Salaries	26,870	53,213
- Other	497,971	498,825
	<u>767,658</u>	<u>828,635</u>

13. Creditors and Accruals

	2010 €	2009 €
Amounts falling due within one year: Creditors & accruals	<u>8,527,896</u>	<u>8,713,712</u>
	<u>8,527,896</u>	<u>8,713,712</u>

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.

14. Clients' Funds

	€
Client funds held at 1 January (Gross)	931,779
Interest	<u>(21,106)</u>
Client funds held at 1 January (Net of Interest)	910,673
<i>Add Awards/settlements received during 2010</i>	6,096,129
<i>Less Settlements paid out, including interest allowed and costs recovered</i>	<u>(5,806,272)</u>
Client funds held at 31 December	1,200,530
Interest accruing on client funds held	21,954
Total due to clients	<u>1,222,484</u>



15. Commitments

(a) Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and Mount Street, Dublin and operates out of 33 other centres throughout the country. The Board is committed to pay rent of € 2,445,322 during 2011 in respect of leases expiring as follows:

	€
2011	0
2012-2016	622,169
2017 onwards	1,823,153

(b) Commitments in respect of Legal Fees

Commitments in respect of Legal Fees

Counsel Fees and Private Practitioner Schemes	Total
	€
Open cases certified at 1 January 2010	15,872,779
Additional fees certified in 2010	7,879,039
2010 Payments	<u>(8,414,926)</u>
	15,336,892
Provided for at 31 December 2010	<u>(7,179,575)</u>
Outstanding commitments at 31 December 2010	<u>8,157,317</u>

At 31 December 2010, the Legal Aid Board had a number of ongoing cases where the matter of fees had not yet been settled. In accordance with its operating policy on these matters the Legal Aid Board makes partial provision against these fees based on a statistical model which recognises the average term to crystallise for such costs. This model is applied consistently across all cases handled. At 31 December 2010, the Legal Aid Board had provided for legal fees of €7,179,575 and had outstanding commitments in the amount of €8,157,317.



16. Reconciliation of Surplus for Year to Cash from Operating Activities

	2010 €	2009 €
(Deficit) / Surplus for year	1,555,455	700,736
Adjustment for non-operating items		
Bank interest receivable	(146,145)	(146,503)
Movement on Capital Account	(393,802)	(478,041)
Adjustment for non-cash items		
Depreciation (Increase) / Decrease in debtors	590,184	693,692
Increase / (Decrease) in creditors	86,849	44,106
	100,465	(286,666)
	<u>1,793,006</u>	<u>527,324</u>

17. Movement of Cash

	2010 €	2009 €
Balance at 1 January	4,550,896	4,141,691
Net cash inflow	1,721,321	409,205
Balance at 31 December	<u>6,272,217</u>	<u>4,550,896</u>

18. Refugee Legal Service

	2010 €	2009 €
Expenditure and income relating to the Refugee Legal Service are included in the financial statements as follows:		
Salaries and related expenses	4,395,738	5,006,445
Accommodation expenses	1,208,437	1,318,103
Legal fees and professional fees	1,283,424	2,191,434
General administration	352,095	396,950
Fixed assets purchased	50,614	22,873
	<u>7,290,308</u>	<u>8,935,805</u>
Less contributions from legally aided persons and costs recovered	<u>(276,952)</u>	<u>(607,856)</u>
Total net expenditure in the year	<u>7,013,356</u>	<u>8,327,949</u>

19. 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.

20. Approval of Financial Statements

The Financial Statements were approved by the Board on 22nd June 2011.



Appendix 2

Energy Usage 2010

Managing energy usage

The Board has a network of 34 offices throughout the country. The main source of energy is electricity, with gas heating in six offices and oil heating in the Cahirciveen head office.

Overview of energy usage in 2010

In 2010 the Board consumed 1,552 MWh of electricity across its network of offices. It was not possible to get an accurate figure of the usage of fossil fuels in 2010. This will be rectified for future reports. OPW audits indicate that the level of oil used in the head office in Cahirciveen was approximately 5% below the level used in 2007, with approximately 160 MWh used during the year.

Actions undertaken in 2010

In 2010 the Board undertook a number of initiatives to improve our energy performance, including:

- Participation of the Board's head office in Cahirciveen in the OPW *Optimising Power at Work* initiative. The audits on head office in Cahirciveen show that the overall energy consumption for that office has been reduced by an average of 70MW/h each year since 2007.
- Software was installed across the organisation which automatically powers off any PC's left on standby each evening.
- Advising staff in each of the locations to turn off lighting and office machinery when not in use.

Overall, in 2010, the Board reduced electricity consumption in 13 of its offices resulting in an annual saving of 46 MWh in these offices.

Actions planned for 2011

There was an increase in overall electricity consumption in a number of offices in 2010. The Board will concentrate on controlling and reducing consumption in these offices in 2011, as well as maintaining progress in offices where decreased consumption was recorded. The Board has been proactive in recent years in introducing measures to ensure that all PC's are automatically turned off at night and at weekends. All staff will be advised to turn off lights when the office is not in use. All machines, photocopiers, printers, PC's will be turned off, (rather than left on standby) when not in use, particularly at evenings and weekends. Minor adjustments to heating controls will be made where necessary to reduce energy consumption.



Appendix 3

List of 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	Patricia O'Reilly
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 1A South Mall, Cork Tel: (021) 427 5998 Fax: (021) 427 6927	Betty Dineen Deirdre Kissane
DONEGAL Unit B9, Letterkenny Town Centre, Justice Walsh Road, 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	Shane Dooley
DUBLIN Tower Centre, Clondalkin Village, Dublin 22 Tel: (01) 457 6011 Fax: (01) 457 6007	Tom Nally
DUBLIN Village Green, Tallaght, Dublin 24 Tel: (01) 451 1519 Fax: (01) 451 7989	Pauline Corcoran



LAW CENTRE

MANAGING SOLICITOR

DUBLIN

44/49 Main Street, Finglas, Dublin 11
Tel: (01) 864 0314 Fax: (01) 864 0362

Marie Quirke

DUBLIN

48/49 North Brunswick Street, Georges Lane, Dublin 7
Tel: (01) 646 9700 Fax: (01) 646 9799

Hugh Cunniam

DUBLIN

Unit 6-8, Business Centre, Clonsilla Road
Blanchardstown, Dublin 15
Tel: (01) 820 0455 Fax: (01) 820 0450

Joan Crawford

DUBLIN

Medical Negligence Unit
Montague Court, 7-11 Montague St Dublin 2
Tel: (01) 477 6200 Fax: (01) 477 6241

**Margaret O'Shea-
Grewcock**

DUBLIN

George's Lane, 48/49 North Brunswick Street, George's
Lane,
Dublin 7
Tel: (01) 646 9740 Fax: (01) 646 9750

Anke Hartas

.....
Dolphin House office
East Essex Street, Dublin 2
Tel: (01) 888 6998/888 6957 Fax: (01) 888 6007

GALWAY

9 St. Francis Street, Galway
Tel: (091) 561 650 Fax: (091) 563 825

Mary Griffin

KERRY

1 Day Place, Tralee, Co Kerry
Tel: (066) 712 6900 Fax: (066) 712 3631

Carol Anne Coolican



FULL TIME LAW CENTRES (CONTINUED)

LAW CENTRE	MANAGING SOLICITOR
KILDARE Canning Place, Newbridge, Co Kildare Tel: (045) 435 777 Fax: (045) 435 766	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) 866 1366 Fax: (057) 866 1362	Catherine Martin
LIMERICK Unit F, Lock Quay, Limerick Tel: (061) 314 599 Fax: (061) 318 330	Fergal Rooney
LONGFORD Credit Union Courtyard, 50A Main Street, Longford Tel: (043) 475 90 Fax: (043) 47594	Edel Hamilton
LOUTH Condil House, Roden Place, Dundalk, Co Louth Tel: (042) 933 0448 Fax: (042) 933 0991	Deirdre McMichael
MAYO Humbert Mall, 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	Mary Pat Ahern
MONAGHAN Alma House, The Diamond, Monaghan Tel: (047) 848 88 Fax: (047) 84879	Stephanie Coggans



FULL TIME LAW CENTRES (CONTINUED)

LAW CENTRE	MANAGING SOLICITOR
OFFALY Harbour Street, Tullamore Tel: (057) 935 1177 Fax: (057) 935 1544	Orla Connolly
SLIGO Bridgewater House, Rockwood Parade, Sligo Tel: (071) 916 1670 Fax: (071) 916 1681	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) 855 814 Fax: (051) 871 237	Aidan Lynch
WESTMEATH Paynes Lane, Irishtown, Athlone, Co Westmeath Tel: (090) 647 4694 Fax: (090) 647 2160	Phil O'Laoide
WEXFORD Unit 8, Redmond Square, Wexford Tel: (053) 9122 622 Fax: (053)9 12 4927	Niamh Murran
WICKLOW Bridge Street, Wicklow Tel: (0404) 66166 Fax: (0404) 66197	Barbara Smyth
REFUGEE LEGAL SERVICE 48/49 North Brunswick Street, George's Lane, Dublin 7 Tel: (01) 646 9600 Fax: (01) 671 0200	Gráinne Brophy
Registration Office Timberlay House 79/83 Lower Mount Street, Dublin 2 Tel: (01) 631 0800 Fax: (01) 661 5011	



PART TIME LAW CENTRES

Location and telephone	Open	Law Centre
<p>CARLOW St. Catherine's Citizens Info. Bureau, St. Joseph's Road, Carlow. Tel: (059) 9138700</p>	Twice a month	Kilkenny
<p>CORK Citizens Info. Bureau, Wolf Tone Square, Bantry (021) 455168</p>	Once a month	Cork (Popes Quay)
<p>DONEGAL The Courthouse, Donegal Town Tel: (074) 9126177</p>	Once a month	Letterkenny
<p>KERRY Arbutus Hotel, Killarney Tel: (066) 7126900</p>	By appointment	Tralee
<p>LEITRIM The Health Centre, Leitrim Road, Carrick-on-Shannon Tel: (043) 47590</p>	Once a month	Longford
<p>LOUTH Drogheda Community Services Centre, Scarlett Crescent, Drogheda Tel: (041) 9836084/9833490</p>	By appointment	Monaghan
<p>MAYO The Pastoral Centre (Cathedral Grounds) Ballina, Co. Mayo Tel: (094) 9024334</p>	Once a month	Castlebar
<p>Health Centre, Knock Road, Ballyhaunis Tel: (094) 9024334</p>	Fourth Tuesday of every month	Castlebar



PART TIME LAW CENTRES CONT'D

Location and telephone	Open	Law Centre
ROSCOMMON		
Citizens Information Centre, 7 Elphin Street, Boyle Tel: (071) 9161670	Once every 2 months	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	Four times a month	Nenagh
WESTMEATH		
Unit 11, Enterprise Centre, Bishopgate Street, Mullingar Tel: (090) 6474694	Once a month	Athlone

REFUGEE LEGAL SERVICE INFORMATION CLINICS

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

Doras Clinic (Limerick)

Mount St. Vincent,
O'Connell Avenue,
Limerick

Contact: Ella / Sr. Teresa (087) 7754160 / (061) 310328

Every 8-10 weeks.