**Meeting of Consultative Panel – 8th March, 2017**

**Jervis Street Law Centre, Jervis House, Dublin 1**

Attendance:

The following attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms Sinead Harrison, Women’s Aid

Ms Shirley Coulter, Council of the Bar of Ireland

Ms Rachel Baldwin BL, Council of the Bar of Ireland

Mr Ciaran Finlay, FLAC

Ms Joan O’Mahony, Law Society and O’Mahony’s Solicitors

Ms Polly Phillimore, Director, Mediation Services

Ms Annmarie O’Connor, MABS

Mr Noel Gorman, Legal Aid Board, Secretary

Apologies:

Mr Niall Murphy, Director of Civil Legal Aid

Ms Susan Shanahan, Citizens Information Board

Ms Catherine Cosgrave, Immigrant Council

Ms Margaret O’Neill, Circuit and District Court Operations

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1 | Minutes of meeting of 8th November and matters arising | CEO  Secretary | Matters arising from the previous minutes were discussed.  There were two suggested changes to the draft minutes circulated from the previous Panel meeting in November. Subject to those changes the minutes were agreed and will be posted to the Board’s website. | Secretary |
| 2 | Service Delivery update | CEO | The Panel was informed that a mobility agreement had been reached to place a number of Legal Aid Board staff in the Citizens Information Boardoffices and visa versa. Staff exchanges would be for a week at a time.  Mr McDaid confirmed that the demand for legal services is marginally ahead in 2017 when compared to the same period last year. Applications for legal services in connection with international protection are down on the same period last year.  Technical issues have prevented the pilot roll out of the online application which was due to commence early in 2017 in a small number of law centres.  A discussion took place about the take up of legal aid certificates in the Circuit Court. Referrals will continue to be made having regard to the available budget.    The pilot private practitioner scheme for child care matters in the District Court continues in Dublin, Wexford and Donegal.  In matters relating to Family Mediation Ms Phillimore confirmed that the average waiting time for new clients is between 8 and 12 weeks. It was noted that since last year mediation services are now available in both Dundalk and Ennis. Tralee, Limerick and Clonmel will be considered as potential centres for co-location, subject to available funding.  The Panel was informed that that there is no decision yet to transfer Criminal Legal Aid to the Board, Discussions on drafting the Criminal Legal Aid Bill go back to 2010 and the Board is engaging with the Department about the Bill.  In his response to a question from Ms O’Mahony on the costs of administering criminal legal aid Mr McDaid said that the annual cost is some 54 million euro. The Board is currently responsible for the administration of 3 ad-hoc schemes.  Ms Baldwin enquired about a proposal for a Public Defender system and if it would operate in a similar way to criminal cases assigned in the States. Mr McDaid said that there is a commitment to evaluate a Public Defender system but that ultimately it will be a decision for the Department to make.  Mr McDaid confirmed that details about Abhaile (The Mortgage Arrears Resolution Service) are available on the Board’s website. Recent statistics confirm that duty solicitors were present at 152 repossession lists in the Circuit Court. |  |
| 3 | Interagency scheme to assist persons facing repossession proceedings |  | Ms O’Connor provided an overview of the qualifying criteria to access the Abhaile scheme and confirmed that an accountants panel is due to be put in place shortly. MABS has also received positive feedback on the duty solicitor service.  A communications campaign was jointly launched by the Tánaiste and Minister for Social Protection in February. Ms O’Connor said that 972 vouchers for legal advice had been issued since the scheme began and that there was an upturn in the number of homeowners in financial difficulty going to court. It was also noted that some registrars allow duty solicitors to speak in court and some do not.  In response to a question from Mr Finlay about the communications campaign Mr McDaid said that the campaign was advertised on radio, in print and on social media.  Mr McDaid said that a third round of training will be considered to ensure a sufficiently widespread coverage of solicitors. A solicitor is not placed on the Panel until this training is undertaken. | Ms Coulter and Ms O’Connor to consider if the Voluntary Assistance Scheme can assist in repossession matters. |
| 4 | Co-locating law centres and family mediation offices - update. | Ms Phillimore | Ms Phillimore confirmed that Jervis House provides the only co-location between a law centre and family mediation office. However, and depending on funding, Dundalk, Tallaght and Kilkenny will be considered as possible co-location options in the future.  Ms Phillimore informed the Panel of the number of first and second contact information sessions, joint mediation sessions and joint agreements. There remains an issue in getting 2nd party involvement in the process. |  |
| 5 | Mediation Bill |  | Ms O’Mahony said that the mediation process would get traction following the publication of the Mediation Bill 2017 in February.  The Panel considered the perception that there is a lack of consistency in mediation training and that the process would benefit by having standardised training courses.  In response Ms Phillimore confirmed that the Board is currently running its own mediation courses. | . |
| 6 | International Protection Act 2015 / anticipating the ‘single procedure’ |  | Mr McDaid provided an overview of the Act which commenced on 31st December 2016. Mr McDaid confirmed that staff resources have been allocated to administer for the single procedure and that initial advice is provided to applicants prior to completing their questionnaire.  Both Mr Finlay and Ms O’Mahony expressed concern about the limited time assigned to provide legal advice in completing a 60 page questionnaire. This could potentially have legal ramifications where a client has a difficulty understanding the language or where illiteracy issues arise.  Mr McDaid said that the procedure is still in the early stages of development and that this matter will be retained as an agenda item for our next meeting |  |
| 7 | Tour de Table |  | Mr Finlay expressed concern about the client’s financial contribution in domestic violence cases and was of the view that this contribution should be abolished. Mr Finlay said that FLAC welcomed a recommendation from a UN examination of Irish State officials in Geneva in February to end the requirement for victims of domestic violence to make a financial contribution for civil legal aid.  Ms Harrison informed the Panel that there was an inconsistent approach when it came to waiving a contribution in domestic violence cases, for example it was known that an automatic waiver applied as a matter of course in one particular Law Centre.  In response Mr McDaid anticipated that there would be a proposal for change, however it was likely to be a reduction in contribution rather than no charge to the client in domestic violence cases. The matter would be considered shortly by the Board and thereafter a submission on client contributions would be made to the Minister. The Board will also review the client’s contribution in asylum cases.  According to Ms Harrison Womens Aid is dove tailing with FLAC to set up a legal clinic. McCann Solicitors (through PILA) will host lunch time and evening sessions in Dolphin House.  Ms O’Connor highlighted MABS involvement with the National Safeguarding Committee, which is running a public awareness campaign to improve the safeguarding of vulnerable adults, and also MABS research into money lending. MABS also provides guidelines on Debt Release Notices and Basic Payment Accounts.  Ms O’ Mahony confirmed that she would be attending a series of seminars hosted by seven European countries. The first seminar on domestic violence was due to take place at the end of March in Madrid. Following the completion of the seminars a manual detailing the experiences of participants would be published.  Ms Coulter said that the Bar of Ireland would be accepting applications under The Denham Fellowship shortly from graduates from socio-economically disadvantaged backgrounds. Each year The Fellowship provides financial assistance to two graduates who seek a professional legal education at the Kings Inns.  Ms Baldwin said that despite the considerable amount of work undertaken by legal representatives in the Family Law Courts, there is no provision to increase fees for adjournments or refreshers for cases referred by the Legal Aid Board under the Private Practitioner Schemes. | Mr McDaid will look into this. |
| 8 | AOB |  | After serving 11 years with the organisation Ms Harrison confirmed that she would be leaving Women’s Aid in April. As a long standing member of the Panel Mr McDaid acknowledged the contributions made by Ms Harrison and wished her well for the future. | Ms Harrison to provide the Secretary with a contact name for Women’s Aid. |
| 9 | Date of next meeting |  | Subsequent to this meeting it was confirmed that the next meeting of the Panel would take place in the Citizens Information Board, 43 Townsend Street, Dublin 2 on Tuesday, 11 July @ 11am. |  |