**Meeting of External Consultative Panel**

**27th July, 2022**

**Via Zoom Video Conference**

Attendance:

Joan Crawford, Director of Internal Service Delivery, Legal Aid Board

John McDaid, CEO, Legal Aid Board (part only)

Caroline Counihan, Safe Ireland

Andrea McDermott, Men’s Aid

Joan O’Mahony, Law Society

Mary Condell, Sage Advocacy

Ciara Landy, Children’s Rights Alliance

Ger O’Brien, MABS

Paul Dornan, Mercy Law

Samantha Williams, Traveller Education Justice Project - UCC

Eavan Ward, Women’s Aid  
Rose Wall, Community Law and Mediation

Geralyn McGarry, Citizens Information Board

Fiona Wright, Courts Service of Ireland

Michael Bourke, Board Member, Legal Aid Board

Patrick Durcan, Board Member, Legal Aid Board

Emily Sherlock, Regional Manager, Legal Aid Board

Gareth Clifford, Director of Information and Communications

Susan Fay, Solicitor, Legal Aid Board

Rónán Deegan, Assistant Director, Legal Aid Board

Niamh McGuinness, Secretary to the Panel, Legal Aid Board

Apologies:

Monica Hynds, Barnardos  
Dr Amie Lajoie, MABS

Karen Kiernan, One Family

Deirdre O’Donohoe, Council of the Bar of Ireland

Mary Roche, Treoir  
Catherine Cosgrove, Immigrant Council of Ireland

Christopher McCann, FLAC

Tomás Keane, Assistant Director, Legal Aid Board

Fiona McAuslan, Director of Family Mediation, Legal Aid Board

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | JC/LAB | JC/LAB: welcomed all attendees and the meeting commenced with all members introducing themselves. |  |
| 2. | Draft minutes of meeting of 7th April 2022 and matters arising | JC/Secretary | JC/LAB invited members to approve the draft minutes of the meeting of the 7th April 2022 and noted that the minutes would be regarded as approved unless any member reverted to the Secretary within 7 days of today’s meeting. The minutes will then be published on the LAB website in order to ease requirements on foot of the Lobbying legislation. All actions from April’s meeting were carried out. | Action: Approved minutes to be published on LAB website. |
| 4. | Update on civil legal aid review | JC/CEO | The Civil Legal Aid Review Group has held two meetings to date. Tod O’Mahony, Regional Manager, is LAB’s nominee to the Group. CEO attended the first meeting and provided an overview on how the system currently works. Additionally LAB has established its own internal group with representation from the Executive and the Board. LAB will be making formal submissions in due course, these submissions will be client focused, with an emphasis on strengthening LAB’s support for marginalised groups.   The terms of reference have been established, the Group is focused on collecting data so that different subgroups of can look at the various different areas referred to in the terms of reference. A timeline of one year has been set to complete the review.   CEO noted there is a sense they are focused on addressing shortcomings rather than contracting the civil legal aid system, which is welcome.  CC/Safe Ireland: Asked if this panel could be notified of the consultation with stakeholders as soon as possible.  PD/Mercy Law: Queried if subgroups of the Review Group have been established and if yes, what are their titles and briefs.  JC/LAB: Noted that the Review Group has formed subgroups, however the focus of the Review Group is currently to gather as much information as possible. | TO’M to provide update of civil legal aid review group. |
| 5. | Sub Group on domestic violence | ES/LAB | Three meetings have been held to date. The group has a diverse membership with approximately 18 members, including representatives of; the Courts Service, Men's Aid, Women's Aid and other women's domestic abuse organisations, housing, mediation, immigration, refugees and Traveller services. The subgroup is working to identify issues that impact on the pathway for a person seeking to address domestic violence issues and provide expert advice and provide recommendations to the Executive.  The group also welcomed the launch of the [zero tolerance strategy](https://www.gov.ie/en/press-release/5b6b5-government-publishes-zero-tolerance-strategy-to-tackle-domestic-sexual-and-gender-based-violence/) to tackle domestic, sexual and gender based violence by the Department of Justice and the Department of Children, Equality, Disability, Integration and Youth.  A number of research projects in relation to this area are ongoing, some of which involve data collection. These reports will be made available to this panel once published. | Circulate approved minutes to the panel |
| 7. | Update on service delivery issues (combined with Tour de Table) to include:   * International Protection; * Abhaile related services; * Initiative to better support the legal needs of Travellers; * Anticipating the commencement of provisions of the Assisted Decision Making legislation * Family mediation services; * General legal services; * Promoting awareness of the Board’s services. * Tour de table |  | JC/LAB There has been a substantial increase in demand for international protection this year; demand for our services has increased by 868% when compared with the same month last year. Engagement is ongoing with the Department. It is currently expected that this increased demand will continued for the remainder of the year. Over 15,000 applications for protection in the State are expected by the end of the year. Additional staff have been taken on, however challenges remain in terms of meeting the demand and work is on-going to address them.  RD/LAB: Demand for the various Abhaile related services has generally decreased. The one exception is that of the duty solicitor which is starting to return to 2019 levels. A governance review was carried out and the relevant recommendations have been implemented. The Strategic Review of the Abhaile Scheme commenced this week and LAB is engaging with the consultants.  SF/LAB: The unit is providing legal services to Travellers on Traveller specific matters. The training programme for LAB staff is on-going. A training programme in relation to traveller specific domestic violence is also in progress. This is being developed with the National Travellers Women’s Forum and Pavee Point. Engagement with national and local Traveller groups is on-going. A consultative committee with LAB and representatives of the national Traveller organisations has also been established. This forum has met twice to date and is proving to be mutually beneficial. An official launch of the project is scheduled for late October. The initiative was endorsed by attendees.   JC/LAB: It is anticipated that commencement of provisions of the Assisted Decision Making (Capacity) Act will take place in October. LAB intends to operate a mixed service delivery model involving both in-house and private solicitors. A project group has been established to prepare for the commencement of the Act. Twelve lead solicitors have been identified and trained. Wider training will be provided once the (amended) provisions and operation of the Act become clear. Work is on-going in terms of the establishment of a dedicated panel of private solicitors for these cases.  JC/LAB: Mediation services continue to provided using a mix of in person, telephone and online. A new training programme for mediators has been set up internally. A new co-located centre was opened last week in Sligo. LAB has a cross functional group which meets regularly to monitor the co-located centres and ensure service delivery is operating efficiently and effectively. Work is ongoing in terms of promoting the mediation service generally.    JC/LAB: Resulting from the increase in international protection applications, demand for our services was 60% higher than in the same month last year. General law centre applications remain static when compared with the same period in the previous year. It is expected by September that the numbers waiting and waiting times will be reduced across all locations.  JC/LAB:Work is on-going in terms of promoting LAB services. Two areas of specific focus are the mediation services and LAB’s role in relation to the ADMC Act.  CL/CRA: Noted that their “[Know Your Rights](https://www.childrensrights.ie/content/know-your-rights-0)” guides are currently being translated into Ukrainian and Russian. These will be shared with panel members when they become available.  SW/UCC: The project is in partnership with FLAC; it is a legal information service which connects Travellers who have experienced discrimination in accessing goods and services to legal assistance. Their funding period from the EU is coming to a close in March and they have reapplied and if successful, their work will be expanded to include accommodation matters. One of the core issues they are encountering is identifying lawyers for the pro bono panel as currently they are reliant on four or five individuals.   EW/Women’s Aid: Raised three queries; firstly regarding appeals of domestic violence orders for e.g. a safety order; does the original legal aid cert cover appeal proceedings? Secondly, would it be common for an individual to be financially reassessed half way through proceedings? Thirdly, regarding the lists of private solicitors who are on a LAB panel, are they updated frequently, as when contacted, persons are being informed they no longer accept legal aid work.  RD/LAB: Clarified the positon regarding the first query, noting that if the matter is under appeal they would need to apply for legal aid for that matter. The previous certificate would not cover it. Regarding the second query, it was noted that clients will be reassessed if LAB becomes aware at some point that the person’s circumstances have changed.   JC/LAB: Noted regarding the third query that this had been raised at a previous meeting and investigated. The manager in LAB’s Dolphin House office stated that this is rarely an issue. If a client does return to the office stating they could not secure a private solicitor they will contact a number of solicitors who generally accept the work. In the event they are not in a position to accept, then that client is referred to a law centre and is taken on as a priority. Outside of Dublin there may be a smaller pool of solicitors on LAB panels. In such circumstances, cases will be dealt with predominately by the law centre.  CC/Safe: Noted from their experience, the lack of availability of private solicitors willing to accept LAB work is not occurring in small pockets. In circumstances where a person cannot secure a private solicitor what should they be advised?  JC/LAB: Reiterated that the person should present themselves back at the law centre and give an update on their situation and depending on the case type, their matter may be treated as a priority. If any panel member is aware of issues persisting, they may contact the relevant regional manager who can look into the matter. LAB has also recently advertised and more private practitioners have joined our panels in certain areas.  JO’M/Law Society: Raised a concern if private practitioners are signing up to a panel but then not accepting work and queried if any investigation has been carried out as to why they're not taking cases and if they wished to remain on the panel.   JC/LAB: Noted that the issue is the fees. A significant deterrent to accept the work can be how certain lists operate. If the practitioner is aware that the matter is likely to be adjourned on multiple occasions, then they will be less inclined to accept the work as the fees will not cover their costs. LAB has been consistently looking for the Department to action its submission in relation to the fees payable to the private solicitors.  CC/Safe Ireland: Noted that their service managers highlighted the issue of lack of private practitioners willing to do the work as they are not willing to do the work for the current rates.   JC/LAB: Informed the panel that file reviews are carried out in line with quality assurance and if issues are uncovered, solicitors would be removed from the panel, however LAB does not at the moment remove solicitors for not accepting particular cases. Solicitors are removed from the panel if the solicitor requested or if a quality assurance / risk issue arises. LAB will review this as it has no wish to have clients having to contact multiple solicitors in order to obtain representation.   JO’M/Law Society: Stated it is concerning that the issue is becoming more widespread or worse in certain areas and she will raise the matter with the President, so she might raise the matter with the Minister as an access to justice issue.  CC/Safe: Spoke about the general difficulties that their service users encounter in the justice system, namely; delays in cases being heard save for domestic violence matters and the additional trauma placed on victims of domestic violence if they are faced with representing themselves in court proceedings.   FW/Courts Service: Offered assistance in terms of promoting LAB’s family mediation services within the organisation, specifically regional offices. It is well promoted in Dublin. The effective service in Dolphin House is evidence of that. The Courts Service continues to address the backlog, however one issue of concern is the lack of availability of judges, it is hoped this will improve in the new term. Similar to LAB work in on going in preparation for the enactment of the ADMC Act.   GO’B/MABS: The Department of Finance recently held a public consultation in relation to the retail banking sector. MABS made a submission outlining its concerns regarding recent changes and dominant trends in Irish retail banking sector, including the withdrawal of certain banks, as well as the closure of in-person banking facilities and the drive towards digital banking.   GO’B/MABS: Ask RD if he was at liberty to divulge the names of the consultants working on the review?   RD/LAB: Not at liberty to say the names. The actual review began this week and is due to finish in September. It is hoped that the banks would engage more directly with the creditors to come to a resolution rather than through court proceedings.   GMcG/CIB: Firstly, MABS recently published research on debt relief notices; which are the lower end of the insolvency provision mechanisms for those with lower income and lower assets titled [“For the few but not the many?](https://mabs.ie/wp-content/uploads/2022/06/For-the-Few-but-Not-the-Many-Report-Stuart-Stamp-and-Paul-Joyce-May-2022.pdf)”. Secondly, the Legal Services Regulatory Authority is undertaking its third strategy review which may have an impact on early points on legal service availability. The deadline for submissions is next week.    Attention was also drawn to the CIB data hub where information on services is provided and quarterly statistics are available. Finally, CIB made submissions in relation to the Decision Support Service codes of practice including the role for independent advocates.   RW/CLM: The service continues to provide legal advice and mediation services either by phone, in person or online. Representation is also provided in the following areas; housing, social welfare debt, child law, environmental justice, employment and equality. Issues presented at clinics relate to a new homeless policy document that the Country Council has adopted which is imposing additional criteria on the definition of homelessness and creating barriers for people trying to access emergency accommodation. Another issue is the conditions of certain social housing and Traveller halting sites. Thirdly, there is the issue of child law work; children and young people particularly with disabilities who are having difficulties accessing education and other services.  Queried if the review of the Traveller legal unit will be fed into the civil legal aid review and if the Board will be lobbying, for example, for an extension of the criteria regarding rights and interest over land and the removal of some of the limitations.   CEO/LAB: While this is a pilot project, LAB is keen to ensure it is continued as it is evident already it is adding value. It was also noted that there are strong voices on the Civil Legal Aid Review Group who would likely advocate for the continuation of such a service.   MC/SAGE: Raised a query re: the mediation service and if it can play a role in the ADMC cases given that family conflict can often play a role in such matters. SAGE would be happy to assist the LAB in working with both their mediators and solicitors in providing training based on their experience.  MC highlighted the importance of not just knowing the law of the ADMC Act, but also knowing how to engage with persons of potentially limited capacity. SAGE is also working on an access to justice paper which will cover all of the issues. The report will be published on the SAGE website in due course. SAGE is working with the DSS. MC is interested to meet with the LAB to share their anticipation of the operation and impact of the ADMC.  JC/LAB: Noted that a meeting will be arranged with the project team and MC/Sage, likely to be held in  September or October.   CEO: Noted that the Board provides family mediation services in accordance with a definition of family mediation within our legislation however given the observations, LAB will raise the issue of Board mediation services being available within the Assisted Decision Making process, with the Department.  AMcD/Men’s Aid: The service has seen a significant increase in demand across all of its services and from a variety of age demographics. Some of the issues they hear include the difficulty of trying to get their case taken on when they have initially engaged with a private solicitor, but then their circumstances changes and they are now eligible for legal aid. There is a lack of awareness of people’s rights in terms of access to justice or individuals being trapped in situations for financial reasons. There is a need for the coercive control legislation to be extended to include family abuse. It was also queried what should happen if a client is asked to pay a private solicitor directly who was taken on the case on a legally aided basis.   JC/LAB highlighted the LAB complaint process and how this should be used in such circumstances; the client should not be asked to pay any additional fees. LAB is eager to investigate and resolve such incidents.   MB/LAB: thanked all the members for their contributions and noted the benefit of hearing from a number of perspectives and the huge need for access to justice. | Hold a meeting with LAB ADMCA focus group and MC/SAGE. |
| 8. | AOB |  | Nil. |  |
| 9. | Date of next meeting. |  | Next meeting to be held in Q4 2022. | CEO/Secretary |