

# ANNUAL REPORT 2019



**An Bord Um  
Chúnammh Dílthiúil**  
Legal Aid Board

Providing access to justice since 1979



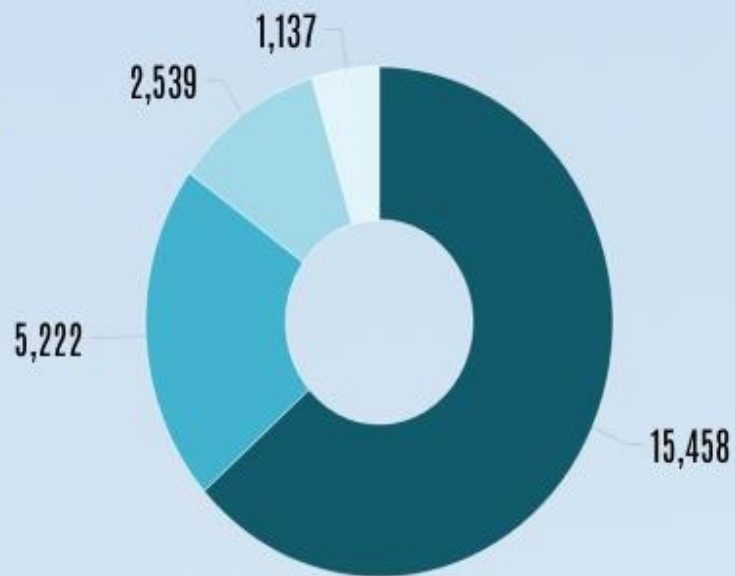
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# Key Developments of 2019

## Applications in 2019

There were 24,356 applications for the Board's services in 2019 of which 15,458 were for Civil Legal Aid, 2,539 for International Protection and 1,137 related to the Abhaile Scheme. 5,222 persons applied for Family Mediation services.



● Civil Legal Aid	15,458	● Family Mediation	5,222
● International Protection	2,539	● Abhaile	1,137

No. of Referrals to District Court Family Law Private Solicitor Panels



The number of referrals to the District Court Private Solicitors have increased from 5,224 in 2014 to 7,839 in 2019.

Referrals to the International Protection Private Solicitor Panels have increased from 818 in 2014 to 2,061 in 2019.

32%

In 2019 approximately 32% of first appointments were for prioritised matters. 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.

64%

64% or 11,539 of applicants received either a priority service or were referred to a private solicitor. Most of the cases referred out to solicitors on the Board's private solicitor panels were referred immediately or shortly after the person had applied for legal aid.



# 6,191

6,191 civil legal aid cases were completed by the end of the year, representing a 6% increase on 2018.

# 67%

11,643 Family Law cases were handled in 2019 representing 67% of civil legal aid cases handed over the course of the year.

# 1,710

1,710 International Protection cases were handled in 2019 slightly up from 1,673 in 2018.

# 3,907

3,970 claims were authorised under the Garda Station Legal Advice Revised Scheme in 2019.

# 540

There were 540 solicitor consultations claimed on foot of Abhaile vouchers and 352 legal aid certificates granted for Circuit Court Personal Insolvency Application Reviews.

# 4,176

4,176 Brief Fees processed for High Court Bail applications under the Custody Issues Scheme.

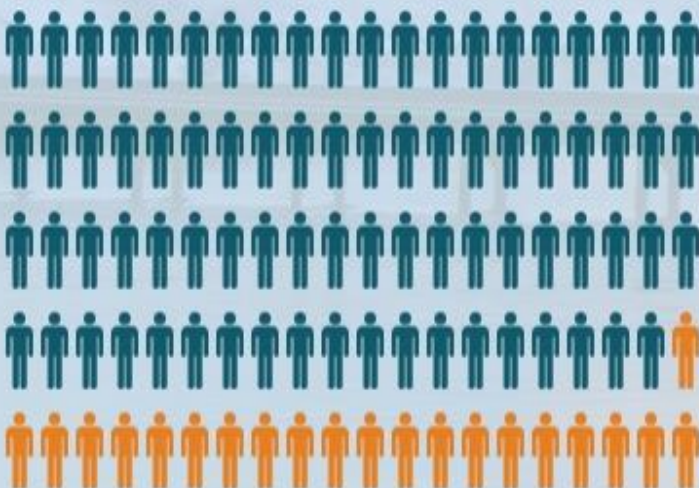
# 197

197 Legal Aid certificates were granted for Personal Insolvency Arrangement appeals to the High Court, up from 34 in 2018.

## ABHAILE

FREE MORTGAGE ARREARS SUPPORT

In 2019 a total of 2,611 new couples attended family mediation availing of 11,317 sessions including information sessions given to one party only. 1,212 formal agreements were reached. A total of 3,256 family mediation cases were closed in 2019.



# 2,611

New Couples availed of the Family Mediation service in 2019

# 554

of these New Couples availed of Court Based Mediation



## Mission

Our mission is to enable the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and family mediation services and to effectively manage and administer the State's criminal legal aid schemes.

## Vision

Our vision is to provide access to justice by enabling the resolution of disputes and the vindication of people's rights in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society.

## Values

- The client, access to justice and problem solving being central to our decision making.
- High professional and ethical standards in the provision of all of our services at all times delivered impartially and with professionalism and integrity
- A focus on learning, innovation and problem solving in the delivery of services in response to an ever changing legal and social environment
- Effective leadership at all levels and enabling staff to make the best use of their abilities and skills
- A culture that promotes a team ethic and respect for the human dignity of the client and that of the colleague
- The provision of good value for money
- Openness and transparency
- Effective governance and accountability relationships and structures with the Department of Justice and Equality, Government and the public

# 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 (the “Act”). The Act was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a **family mediation** service. The Board’s remit is in the process of being further expanded, following a Government decision, to include within the Board’s remit the management and administration of the various **criminal legal aid** schemes previously administered by the Department of Justice and Equality. Responsibility for the administration of the Garda Station Legal Advice Scheme, the Legal Aid - Custody Issues Scheme (formerly titled the Attorney General’s Scheme) and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme has transferred to the Board.

**Legal advice**, in terms of the Board’s remit in civil cases, 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, in civil cases, 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

Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the Board. There are 30 full time and 12 part-time law centres. Contact details for the Board’s law centres can be found on [www.legalaidboard.ie](http://www.legalaidboard.ie). Services are also provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

Specific law centres in Dublin, Cork and Galway include an international protection speciality and there are also dedicated units in Dublin dealing with personal injury and/or medical negligence cases and cases involving children at risk.

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 international protection process.

**Family mediation** services are provided through sixteen family mediation offices. Contact details can be found on the Board’s website.

Services in the three criminal legal aid ad-hoc schemes currently under the



Board's remit, the Garda Station Legal Advice Scheme and the Legal Aid - Custody Issues Scheme, and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme are provided through private solicitors and barristers.

### **3. Obtaining Civil Legal Aid Legal Services**

Save for the Abhaile Scheme (see page 33), a person seeking legal services in civil cases must apply to any of the Board's law centres 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 civil legal aid (legal services) will be offered an appointment with a solicitor within a maximum period of four months from the time the application is completed or will be offered earlier legal advice if it is not possible to provide full legal services within four months. A priority service is provided in certain cases including cases involving domestic violence, child abduction, applications by the State (Tusla) to take children into care or under supervision, and cases that have statutory time limits close to expiry.

### **4. Eligibility and Payment for Civil Legal Aid Legal Services**

There are financial eligibility criteria which the majority of civil legal aid applicants must meet in order to be

eligible for legal services. Furthermore the legal services provided by the Board are subject in most cases to the applicant paying a financial contribution and thus are not 'free'. 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 €30 for legal advice and €130 for legal aid. No fee is payable by applicants who are seeking advice and / or representation in cases (involving Tusla) to have their child taken into care or under supervision, nor is a contribution payable in domestic violence cases in the District Court. 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. Obtaining Family Mediation Services**

A person seeking to avail of mediation to assist with the resolution of a family problem must apply to any of the Board's family mediation offices. The second party also needs to contact the same office to confirm his/her interest in attending mediation. Once both parties have confirmed that they wish to mediate they will be offered an appointment as soon as possible. There is no requirement for an applicant to meet financial eligibility criteria and there is no charge for the service.

## 6. Criminal Legal Aid Ad-hoc Schemes

There are five criminal legal aid schemes, three of which are administered by the Board.

Persons detained under certain legislation in Garda stations may be entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-person consultations in the Garda station. They may also be entitled to legal advice by way of the attendance of a solicitor with them at Garda interviews. A person seeking legal advice under the Garda Station Legal Advice Revised Scheme must make their request to the Custody Officer in the Garda Station where they are detained. They must complete the standard Application Form and provide details of their financial means to ensure that they satisfy the financial eligibility threshold.

The Legal Aid - Custody Issues Scheme provides for payment of legal costs on the recommendation of the Court to the Legal Aid Board in certain types of litigation not covered by the civil legal aid scheme or the main criminal legal aid scheme. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity of their intention to apply for the Scheme's provisions. The Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme provides for payments to be made in respect of certain legal costs in certain types of litigation on the decision of the Court. These include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996, Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity.

Legislation providing for the transfer to the Board of the main Criminal Legal Aid Scheme is awaited.

Further details of the three ad-hoc schemes that the Board administers and the outturn for 2019 are provided later in the Report.

## 7. Head Office

The Board's head office is located in Cahirciveen, County Kerry. Some head office functions are carried out from Dublin.

## 8. Corporate Governance

The current Board was appointed by the then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8<sup>th</sup> November 2016. Membership of the Board is set out on page 9.

Further details are available in the Governance Statement and Board Members Report on page 62.



# The Board

## The Board as of 31 December 2019:

**Philip O’Leary**

Chairperson

**Anne-Marie Blaney**

Civil Servant (Staff Member) (resigned September 2019)

**Tom Brennan**

Chartered Accountant

**Deirdre Burke**

Solicitor (resigned November 2019)

**Martina Colville**

Department of Justice and Equality (resigned July 2019)

**Betty Dinneen**

Civil Servant (Staff Member) (appointed December 2019)

**Angela Denning**

Department of Public Expenditure and Reform (resigned August 2019)

**Eoin Dormer**

Department of Public Expenditure and Reform (appointed December 2019)

**Nuala Egan**

Barrister at Law

**Nuala Jackson**

Senior Counsel

**Gordon Jeyes**

Former Chief Executive of Tusla, the Child and Family Agency

**Maurice Lawlor**

Department of Social Protection

**Freda McKittrick**

Assistant Director, Barnardos

**Michael O’Connell**

Civil Servant (Staff Member)

**Ellen O’Malley Dunlop**

Chairperson of the National Women’s Council of Ireland

**Rachel Woods**

Department of Justice and Equality (appointed September 2019)



## Chairperson's Foreword

I am pleased to present the 2019 Annual Report of the Legal Aid Board.

I am preparing these words at a time in 2020 when so much has changed on account of the Coronavirus COVID-2019. The restrictions that have been placed on our daily lives have very significantly impacted on the immediate demand for the Board's services and the capacity of and manner in which the Board provides those services.

I am very conscious that the restrictions may be placing extra pressure on some family relationships that may already have been under strain. I am also conscious of the impact of the economic crisis that COVID-19 has and will give rise to. These are likely to give rise to a very significant 'delayed' demand for the Board's services and many of those experiencing difficult family situations or finding themselves with financial problems brought on or exacerbated by the crisis, will need legal advice and representation in increasing numbers as the restrictions unwind. The Board is keenly focused at the moment on making itself as 'agile' as possible in order to meet the needs of those who are going to need its services, in addition of course to those who are receiving its services but who may not be able to engage face to face with a lawyer or a family mediator at the moment.

In terms of 2019 it is disappointing to have to report that the numbers waiting for legal services at the end of the year had increased to a figure of 2,019 from a figure of 1,754 at the start of the year. This was counter to a trend that had seen the numbers waiting reducing year on year over the previous five or six years. I am able to report that the numbers waiting for a first appointment have reduced very significantly since the end of 2019 though I am cautious in terms of the impact of the COVID-19 restrictions and the extent to which it may be delaying a demand for the Board's services. The Board is reflecting carefully upon how it can meet any surge in demand that may arise as we emerge from the crisis.

It remained the case in 2019 that the majority of those seeking legal services from the Board did so in relation to a family problem and I have previously expressed a wish that the Family Courts Bill would be progressed, given its potential to provide for significant improvements in how family problems are resolved. Unfortunately the Heads of a Bill have yet to be published though I am hopeful that a new government

will take advantage of the considerable work that is already done and publish a draft General Scheme or the Heads of a Bill during the course of 2020.

During the course of 2019 we were able to establish two more co-located law centre and family mediation offices – in Letterkenny and Portlaoise. This brings to six the number of co-locations and at the end of the year two further co-locations were planned. I remain strongly of the view that the co-located model can offer better options to help many of those experiencing family breakdown. I also believe that alternatives to a court process are going to become more important as long as social distancing requirements restrict the level of business that courts can conduct. I acknowledge that there is work to be done to maximise the effectiveness from the user's perspective of law centres and family mediation offices working side by side and indeed I am confident that the current crisis will spur us on in terms of making mediation a conventional rather than an alternative option of dispute resolution in the family law arena. During the course of 2019 we concluded the piloting in Kilkenny of a trial 'model' office, which is a co-located office, and took lessons from that pilot which we are working to implement.

I am always conscious that legal aid and advice are critical pillars in ensuring access to justice. While the predominant area of demand for services is in the area of family breakdown and relationship difficulties as is the case in other civil legal aid jurisdictions, there are other very significant areas of law where the availability of the Board's legal services is necessary to properly vindicate people's rights. 2019 saw an increase in both the numbers seeking international protection in the State and the numbers applying for legal aid for representation in relation to their international protection claims. This is a potentially vulnerable group of persons and it is important that their rights are protected.

2019 saw a government decision to extend the Abhaile Scheme, on foot of which the Board facilitates legal advice and sometimes representation to persons at risk of losing their home on account of mortgage arrears, to the end of 2021. This is welcome, particularly in the light of the impact that the looming economic crisis is likely to have.

In terms of vindicating rights, one group of persons whose rights may at times be at risk are the elderly. While we have enacted good legislation in the Assisted Decision Making (Capacity) Act 2015 to help ensure that the rights of elderly people are vindicated, the commencement of this legislation remains outstanding and I would welcome progress on the implementation of that legislation including the legal aid aspects of it.

An issue that I have highlighted during my tenure to date as Board Chairperson is the fact that the financial eligibility criteria for legal aid and advice have not been substantially changed since 2006. I may be repeating myself here but I remain very conscious that there is no discretion or capacity to provide services to persons who may be marginally



outside the financial limits. There is significant potential at the moment for 'poverty traps' to arise. An example is that HAP support, which is a State support to help people find homes, can have the effect of bringing the same people outside the financial eligibility threshold. The Board's Executive is engaged with the Department of Justice and Equality in relation to the financial eligibility criteria. I would welcome early progress towards a new framework in this area.

The Board continues to administer three Schemes that are more related to criminal legal aid namely the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. The proposed transfer of responsibility to the Board for the main criminal legal aid scheme, which transfer requires legislation, did not progress during 2019 and legislation to give effect to the transfer remains outstanding.

The Board remains committed to the highest standards of corporate governance. Recognising that the Board has a presence in almost every county, during 2019 the Board met in Portlaoise as well as at the Board's principal offices in Cahirciveen, Co. Kerry and in Dublin. It took the opportunity while in Portlaoise to officially open new co-located premises there, the opening being conducted by the Minister for Justice and Equality, Charlie Flanagan.

I wish to thank Ms Anne-Marie Blaney, Ms Deirdre Burke, Ms Martina Colville and Ms Angela Denning, all of whom stood down from the Board during 2019, for their service and to wish them well in the new roles that each of them have moved on to. Ms Rachel Woods, Ms Betty Dinneen and Mr Eoin Dormer were all appointed to the Board in 2019 and have already proved themselves to be significant contributors.

I want to express my continuing gratitude firstly to the Board's staff for their on-going commitment, dedication and professionalism in the delivery of services to customers and secondly to the private solicitors and barristers who are similarly at the kernel of providing a meaningful service. The crisis has required significant changes in how many of the Board's staff and also how private solicitors and barristers go about their business. That change has happened virtually overnight. The organisation has had to move very quickly to greatly enhance its capacity for staff to work remotely and it has done so. It is a testament to people's commitment, resilience and professionalism that this has happened even if we're not at the end point yet.

I would also like to acknowledge the continued support of the Minister for Justice and Equality and the officials in his Department who have supported the Board's business.

Finally I want to note the milestone of the Board reaching its 40 year anniversary. When Gerry Collins T.D., Minister for Justice appointed the first Legal Aid Board on the 21<sup>st</sup> of December, 1979, he stressed the importance of the Scheme of Civil Legal Aid and Advice as an instrument by which the concept of equality before the law could be

brought substantially nearer to realisation in practice. Equality may always remain an aspiration, rather than a reality, however the right to equality should be responsive to those who are disadvantaged, demeaned, excluded, or ignored. Over the past 40 years the Legal Aid Board has played a substantial role in redressing disadvantage by providing access to justice to people who could otherwise not afford to participate fully in the legal process.

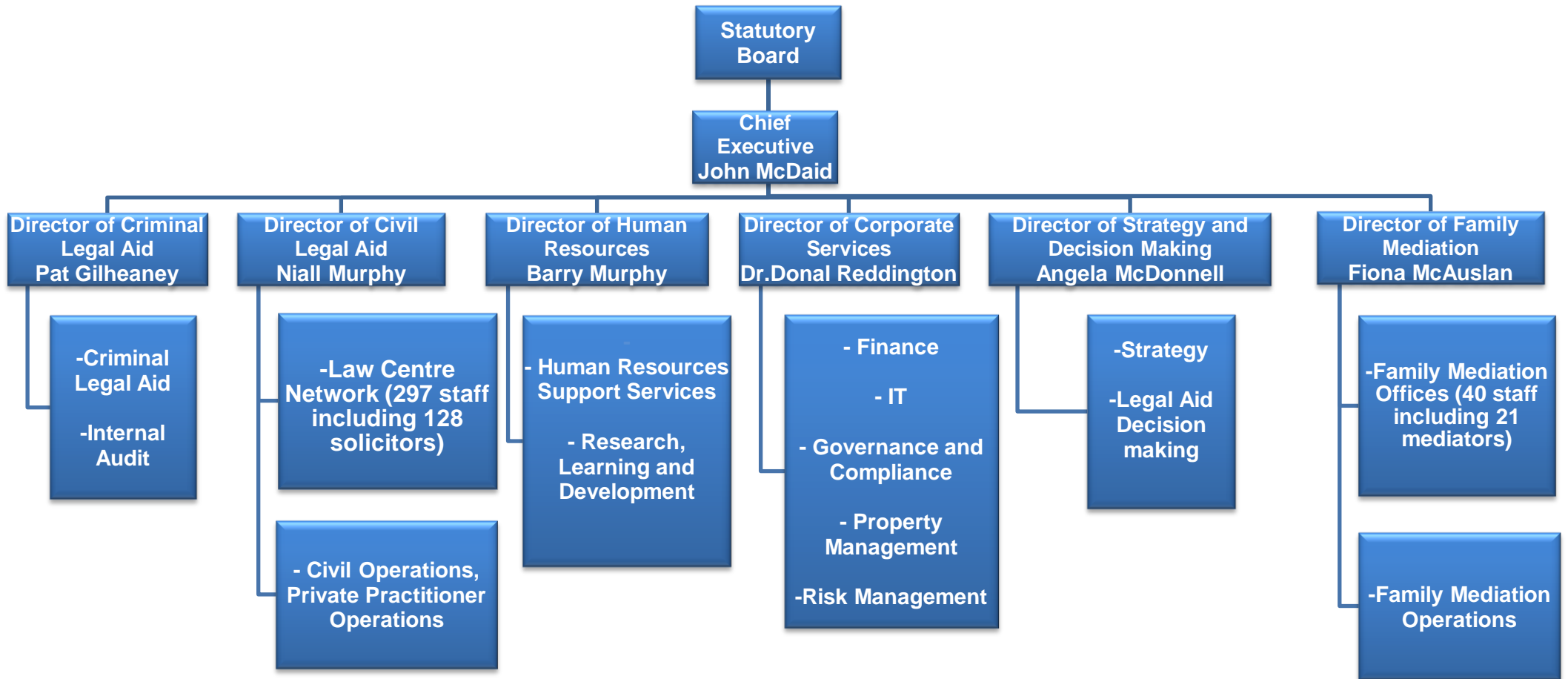
**Philip O'Leary**  
Chairperson

# Head Office Executive Staff

<b>Chief Executive Officer:</b>	John McDaid
<b>Director of Civil Legal Aid:</b>	Niall Murphy
<b>Director of Human Resources:</b>	Barry Murphy
<b>Director of Corporate Services:</b>	Dr. Donal Reddington
<b>Director of Strategy and Decision Making:</b>	Angela McDonnell
<b>Director of Family Mediation Services:</b>	Fiona McAuslan
<b>Director of Criminal Legal Aid:</b>	Pat Gilheaney
<b>Financial Controller:</b>	Joan Enright
<b>Secretary to the Board:</b>	Mary O'Connor
<b>Auditors:</b>	Comptroller and Auditor General
<b>Solicitors:</b>	Holmes O'Malley Sexton
<b>Head Office:</b>	Quay St. Cahirciveen Co. Kerry Phone: 066 9471000 LoCall 1890 615200 Fax: 066 9471035
<b>Dublin Office:</b>	48/49 North Brunswick St George's Lane Dublin 7 Phone: 01 6469600
<b>Website:</b>	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>



# Structure





## Introduction by the Chief Executive

I am pleased to introduce the Board's Annual Report for 2019.

In 2019 there were 17,997 new applications to law centres which was a decrease of just under 1.5% on the number of applications in 2018. (This figure excludes applications on foot of the Abhaile Scheme). As has been the case in every year since its inception, the majority of applicants seeking services from the Board did so in relation to a family problem. Of the 17,997 applications, approximately 78% involved a family matter. The numbers seeking services in relation to international protection matters rose from 2,079 in 2018 to 2,539 in 2019.

The Abhaile Scheme is part of the State's response to the mortgage debt problem and it involves the provision of legal advice, and in certain limited circumstances legal aid, to persons who are insolvent and at risk of losing their family home. The Scheme was established in July 2016. In 2019 there was an increase in the number of persons seeking legal consultations on foot of the Scheme - from 782 in 2018 up to 1,169 in 2019 (though it is notable that there were 1,933 such consultations in 2017). The number of legal aid certificates granted to take proceedings to have proposed Personal Insolvency Applications approved by the Circuit Court dropped from 591 to 352 though notably the number of legal aid certificates granted to appeal these cases to the High Court rose from 34 to 197. While the Scheme was originally established to the end of 2019 during the course of the year it was formally extended to 2021.

Speedy access to the Board's services and to the justice system generally, has always been a priority for the Board. As of the 31<sup>st</sup> December 2019 there were 2,019 persons waiting for legal services which was an increase of 265 on the figure of 1,754 at the start of the year. It is disappointing to have to report this as the trend in recent years has been downward. (At the time of preparing this introduction the numbers waiting for a first consultation have dropped significantly though the longer term impact of the Coronavirus COVID-19 on waiting times and waiting numbers remains to be seen). It is worth noting that the majority of applicants are either prioritised or effectively given an "on demand" service. Cases involving domestic violence and cases involving applications by Tusla to take children into care or under supervision are always prioritised while most persons seeking legal aid for family law cases in the District Court are granted a legal aid certificate on demand or shortly afterwards.

In 2019 civil legal aid services continued to be provided using a mixed model of employed staff including solicitors in the Board's network of 30 law centres and two specialist offices, and private solicitors paid on a fee per case basis. Private solicitors are used primarily for private family law matters in the District Court and for advice and representation to persons seeking international protection from the State, in addition to

the services they provide on foot of the Abhaile Scheme. In 2019 there was a 9.5% increase (to a figure of 7,839) in the use of private solicitors for private disputes in the District Family Court on the figure for 2018. Private solicitors are used to a much lesser extent in divorce and separation cases in the Circuit Court – only 10 such cases were referred to private solicitors in 2019, down from 63 in 2018. The Board continued to operate a limited scheme involving the use of private solicitors to represent parents in applications by the Child and Family Agency to have children taken into its care. This scheme operated in Counties Dublin, Donegal and Wexford and was very effective in ensuring the speedy delivery of legal services to parents in these cases. 71 referrals were made in 2019, down from 94 such referrals in 2018.

On the family mediation side the Board continued in 2019 to provide family mediation services in eight full time offices and nine part time offices and to pursue its policy of co-locating its law centres and family mediation offices where this was opportune. The objective of the co-location model is to encourage more persons seeking legal services in relation to a family dispute to seek to resolve the dispute with the assistance of a mediator rather than through a court process.

While the Board had in 2018 piloted a 'mandatory group information scheme' in Cork whereby persons seeking legal aid for family law matters where a dependent child is involved, were required to attend an information session about the option of family mediation before they could be granted a legal aid certificate for court representation, it was not clear from the evaluation that continuing the pilot was a good use of the Board's mediation resources, particularly in circumstances where the compellability only applied to those seeking mediation who were also seeking legal services from the Board.

The joint initiative between the Board and the Courts Service which makes family mediation freely available on site at the District Family Court in Dublin continued to operate. The number of new mediation cases showed a very small increase of just five to a figure of 334. I am confident that with the joint efforts of the Board and the Courts Service can result in more people seeking to resolve their problem by using mediation rather than by seeking a remedy in the District Court.

The Board held its annual conference in September and again we adopted the theme of reform of the family justice area. The event brought together a number of judges, senior officials in the Department of Justice and Equality and the Department of Children and Youth Affairs, lawyers practising in the area of family law, family mediators and NGO's with an interest in the family justice area. The appetite for reform and for improving the client experience was evident and I am hopeful that we can work with other stakeholders to build on what appears to be the consensus that improvements in how family problems are resolved, are needed.

The Board continued to be responsible for the administration of three ad-hoc schemes: the Legal Aid - Custody Issues Scheme, the Garda Station Legal Advice Revised Scheme and the Criminal Assets Bureau Legal Aid Scheme. The transfer of responsibility



for the administration of the main criminal legal aid scheme requires a legislative intervention which did not progress in 2019.

I want to acknowledge the contribution of our staff, the Board's greatest resource. The commitment of staff, their resilience and their willingness to learn, develop, and adapt is critical to the Board's work. At the time of preparing this introduction we are in the midst of the Coronavirus COVID-19 crisis and never has that commitment, resilience and willingness to adapt been more important in the pursuit of serving the members of the public that we are tasked to serve. I also must recognise and acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of legal aid and who similarly have shown themselves to be committed and agile in seeking to vindicate their clients' rights.

Finally I wish to express thanks to the Minister for Justice and Equality, and the Secretary General of the Department and his staff for their on-going engagement and support.

John McDaid  
Chief Executive



#### 40<sup>th</sup> Anniversary of civil legal aid in Ireland

The Board celebrated forty years in existence on 21<sup>st</sup> December 2019. In December 1979, following on from the report of the Pringle Committee and the seminal case of *Airey v. Ireland* (1979–80) 2 EHRR 305, the Government formally laid for the first time a comprehensive Scheme of Civil Legal Aid and Advice before both Houses of the Oireachtas. On 21<sup>st</sup> December 1979, it appointed the first members of the Legal Aid Board established to run the Scheme, among them the Board's first Chairperson, Ms Mella Carroll. Major milestones in the Board's development include:

- The opening of the first law centres in 1980,
- the commencement of state-funded family mediation in 1986,
- landmark legislation such as the introduction of no-fault judicial separation in 1989 and divorce in 1996,
- the creation of the first panel of private solicitors for District Court cases in 1993,
- the placing of civil legal aid on a statutory footing in 1995 and family mediation on a statutory footing in 2001,
- the establishment of a specialised service for asylum seekers in 1999,
- the transfer of the responsibility for family mediation to the Board in 2011,
- the establishment of the Abhaile scheme in 2016,
- the opening of the first co-located law centre and family mediation office in 2016.



**An Bord Um  
 Chúnammh Dílthiúil**  
**Legal Aid Board**

**Providing  
 access to  
 justice  
 since 1979**

## 40<sup>th</sup> Anniversary of civil legal aid in Ireland

The Board plans to mark the 40<sup>th</sup> anniversary of civil legal aid in Ireland throughout the year 2019-20. Some of the events already in train at the end of 2019 included:



- A leaflet was designed and published to mark the anniversary detailing major events that took place over the 40 years of civil legal aid (and over 30 years of family mediation services).
- An event commemorating 40 years of civil legal aid was organised and took place in St Lawrence's Church, Technological University Dublin on 23<sup>rd</sup> January 2020. The keynote address was delivered by the Hon Frank Clarke, Chief Justice of Ireland and other invited guests from the judiciary, Board members, and staff spoke as part of a panel discussion. The highlight of the evening for many will have been the presentation of certificates to long-serving staff of the Board (including those with long service with the Family Support Agency and its predecessors providing family mediation services).
- A new logo was unveiled for the 40<sup>th</sup> anniversary event and has been adopted by the Board as its new corporate logo.

The Board plans to continue to mark its 40<sup>th</sup> anniversary throughout 2020.



 **3,000**  
people helped

 **75**  
staff employed

 **97,000**  
people helped

 **282**  
staff employed

 **140,000**  
people helped

 **370**  
staff employed

 **305,000**  
people helped

 **470**  
staff employed

## 1979–1989

**1977 Pringle Report**  
The Committee on Civil Legal Aid and Advice recommended the introduction of a comprehensive scheme of civil legal aid and advice.



**1979 Airey v. Ireland**  
Right to civil legal aid in complex cases was recognised by European Court of Human Rights.

**Scheme of Civil Legal Aid and Advice**  
The Scheme was laid before both Houses of the Oireachtas and the Legal Aid Board was established on 21st December 1979.

**1980 The first law centres**  
Seven law centres were opened. The first solicitors were hired and administrative staff seconded from the Department of Justice.

**1986 State-funded family mediation starts**  
The first State-funded family mediation office opened in Dublin with four part-time mediators.

**1989 The Judicial Separation and Family Law Reform Act 1989**  
No-fault judicial separation introduced and jurisdiction conferred on the Circuit Court.



## 1990–1999

**1991 Development Plan**  
Fifteen new law centres opened between 1991 and 1997.



**1993 First solicitor panel established**  
Solicitors in private practice provided civil legal aid for first time on a contract basis.

**1995 Civil Legal Aid Act 1995**  
Civil legal aid was placed on a statutory footing.

**1995 The divorce referendum took place**

**1996 First Statutory Board was appointed**



**1997 The Family Law (Divorce) Act 1996**  
Divorce was put on a statutory footing.



**1999 The Refugee Legal Service is established**  
Legal Services for asylum seekers is provided by the Board.

## 2000 –2009

**2001 Head Office moves to Cahirciveen**  
Our purpose-built headquarters in Cahirciveen, Co Kerry was opened.



Artist, Martina Hanley, LAB

**Family mediation on a statutory footing**  
The Family Support Agency was established with a statutory remit to provide family mediation services.

**2004 O'Donoghue v. Legal Aid Board**  
Landmark judgement – target waiting period of four months to receive a non-priority service was endorsed.

**2006**  
The Board established a new law centre to provide services in medical negligence cases.

**2009 Dolphin House office**  
Office opened to provide a priority service to persons seeking family law remedies in Dublin.

**Legal services to potential victims of human trafficking**  
Services commenced to persons identified by the Garda National Immigration Bureau as potential victims of human trafficking.



## 2010–2019

**2011 The Civil Partnership and Obligations of Cohabitants Act 2010 was introduced**



**Mediation at Dolphin House, Dublin Metropolitan District Court**  
A new initiative with the Court Service began.

The Board began to provide legal services for complainants in certain sexual assault cases.



**Family mediation**  
The Board took responsibility for State-funded family mediation services, taking on 45 new staff from the Family Support Agency.



**2011-2012 Criminal legal aid ad-hoc schemes**

Management of the Garda Station, CAB and Custody Issues Schemes was transferred to the board.

**2016 Abhaile**  
The Board provides the legal services element of the scheme set up for insolvent persons in danger of having their home repossessed.



**2016-2019 First co-location in Dublin**  
The first law centre and mediation centre located in the same premises opened.

Further co-located family mediation and law centres opened in Dundalk, Kilkenny, Tullaght, Portlaoise and Letterkenny.

## Services Provided in 2019

The Legal Aid Board provides assistance to clients in the following areas:

**General Civil Legal Aid**  
**Abhaile – Free Mortgage Arrears Support**  
**International Protection Services**  
**Family Mediation**  
**Criminal Legal Aid**

### Civil Legal Aid

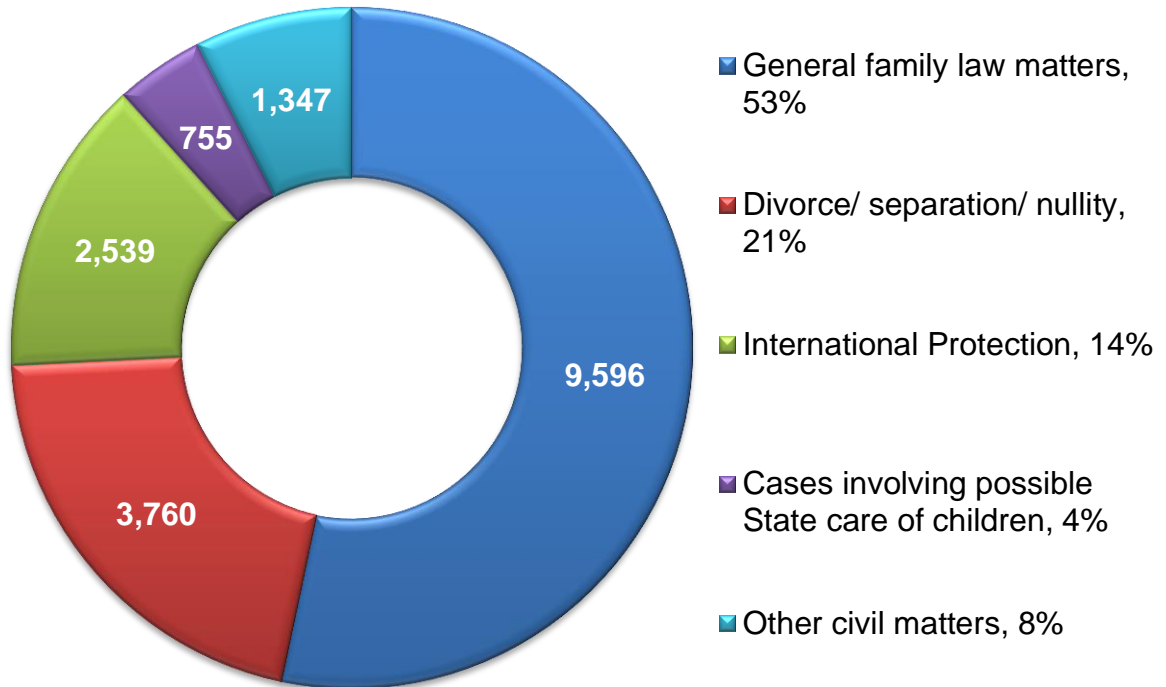
#### *Demand for the service*

17,997 applicants sought civil legal aid services from the Board's law centres in 2019. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2019, as has been the case since the Board's inception in 1980, the majority of applicants sought services in relation to family problems.

It should be noted that not every applicant is provided with legal services. A number of applicants do not pursue their application when they are offered an appointment. Chart 1 gives the approximate breakdown of applications by case type.

**Table 1 - Number of applicants 2014 - 2019**

Year	2014	2015	2016	2017	2018	2019
<b>General</b>	15,531	15,256	14,991	15,611	16,169	15,458
<b>International protection</b>	902	1,537	1,658	1,489	2,079	2,539
<b>Total</b>	<b>16,433</b>	<b>16,793</b>	<b>16,649</b>	<b>17,100</b>	<b>18,248</b>	<b>17,997</b>

**Chart 1 - Number of applications by case type 2019**

## Law Centres

Legal aid and advice was handled through the Board's law centres in 17,419 cases in 2019. Table 2 provides information on case numbers in law centres. As in 2018 the figure includes

persons provided services in relation to applications for international protection in the State and is not directly comparable with 2016 and previous years.

**Table 2 - Cases handled in law centres**

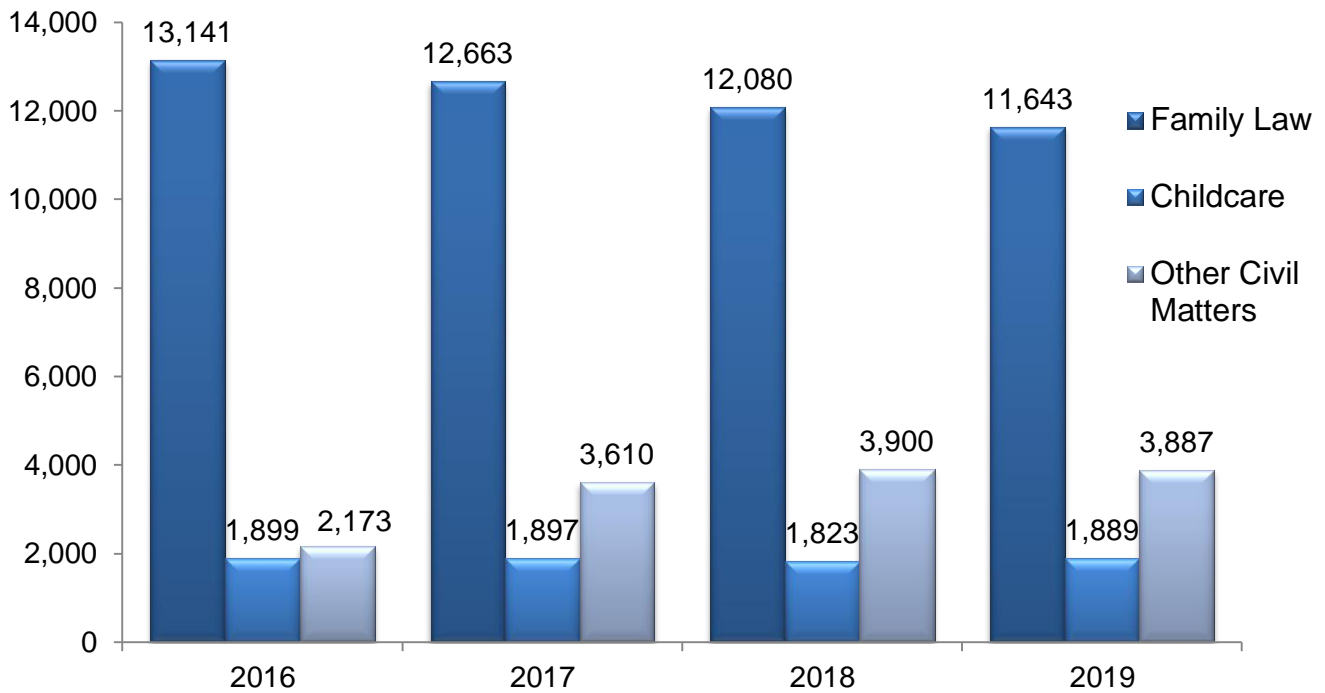
Year	2014	2015	2016	2017*	2018*	2019*
<b>Total</b>	18,338	17,959	17,213	18,170	17,803	17,419

\*Including international protection cases

### ***Legal aid and advice cases***

Chart 2 below highlights that family law continues to constitute the predominant area in which the Board provides legal

services. Of the cases handled in 2019, 67% were in the private family law area.

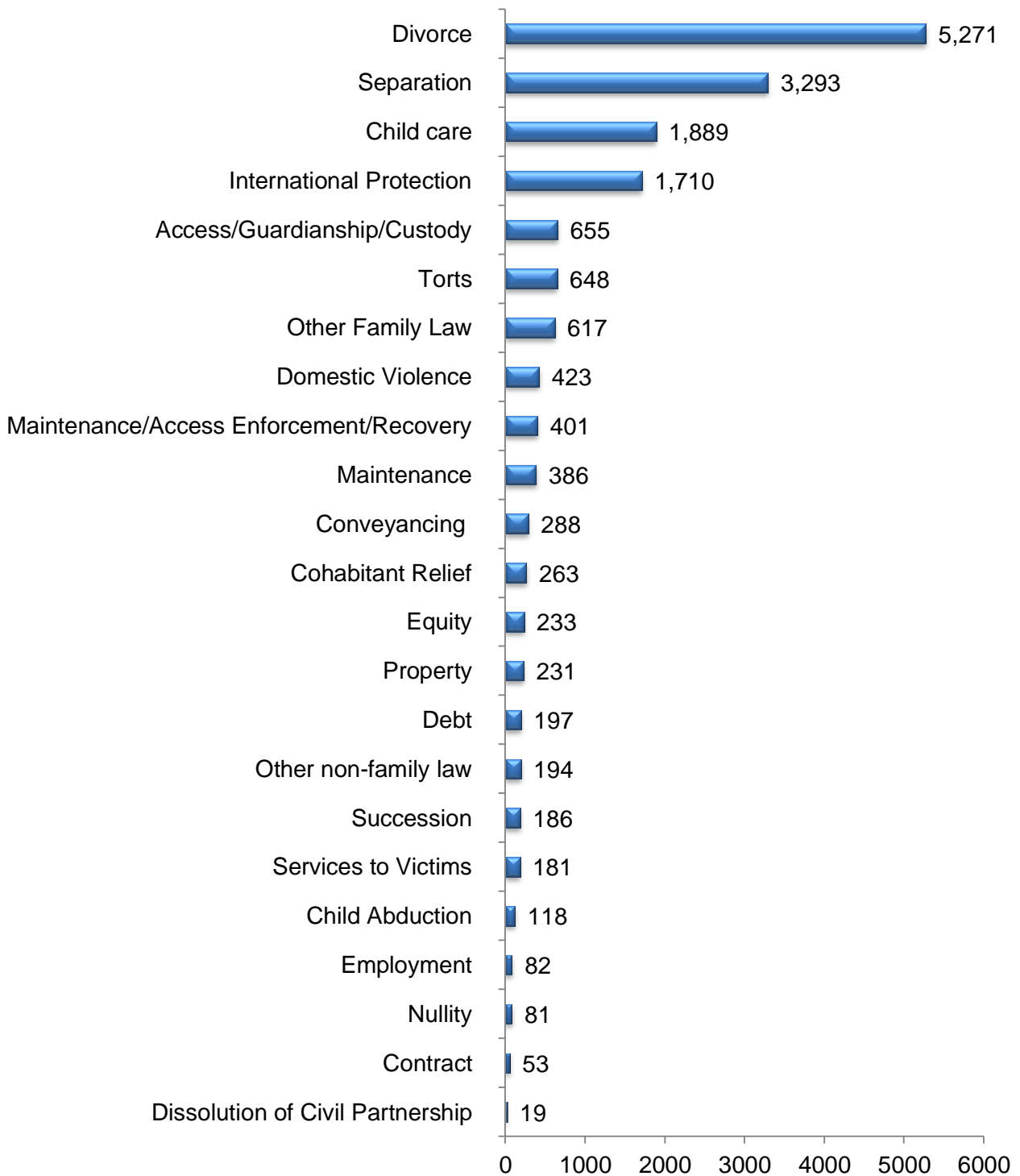
**Chart 2 - Cases handled 2016 - 2019**

A more detailed breakdown of the main issues in respect of which legal services were provided in 2019 is provided in Chart 3. It is likely that in relation to a significant number of separation and divorce cases, advice was also given on matters such as maintenance, domestic violence and child welfare. Such additional advices are not separately recorded in the above figures.

In addition, it should be noted that applicants often apply for legal services in relation to, for example, both domestic violence and custody/access or custody/access and maintenance. For the purposes of this chart a client in receipt of aid or advice for multiple family law issues has been categorised in relation to the principal matter for which they obtained legal services.



**Chart 3 - Cases by subject matter 2019**



**New Cases**

As can be seen from Table 3 below, there was a decrease in the number of new cases taken on in the law

centre network in 2019 compared to 2018.

**Table 3 - New Cases in law centre**

Year	2014	2015	2016	2017*	2018*	2019*
<b>New Cases</b>	6,300	6,264	6,119	6,299	6,221	5,717

\*Including international protection cases

**Duration of cases**

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2019. The year indicates when the application for

legal services was first made. It should be noted that there may have been a time delay in the person getting a first appointment with a solicitor.

**Table 4 - Cases handled in 2019; year of application**

Year	Pre- 2015	2015	2016	2017	2018	2019
<b>Number</b>	1,824	1,050	1,737	3,232	5,005	4,571

**Cases completed**

Of the 17,419, cases handled in the law centres in 2019, 6,191 (36%) were completed by the end of the year. Table 5 below shows how this number

compares with the number of completed cases in other recent years. Table 6 gives an age profile of those cases closed in 2019 by subject matter.

**Table 5 - Numbers of cases closed**

Year	2014	2015	2016	2017*	2018*	2019*
<b>Cases Closed</b>	5,757	6,059	5,699	6,052	5,852	6,191

\*Including international protection cases

**Table 6 - Cases completed in 2019; length of time open**

Case Type	<1 Year	1-2 Year	2-3 Years	3+ Years	Total
<b>International Protection</b>	134	239	152	3	<b>528</b>
<b>Child care</b>	240	142	102	146	<b>630</b>
<b>Divorce/Separation/Nullity</b>	588	657	533	1024	<b>2,802</b>
<b>Non-Family Law</b>	492	185	71	142	<b>890</b>
<b>Other Family Law</b>	802	280	124	135	<b>1,341</b>
<b>Totals</b>	<b>2,256</b>	<b>1,503</b>	<b>982</b>	<b>1,450</b>	<b>6,191</b>

It can be seen from Table 6 that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 37% of divorce,

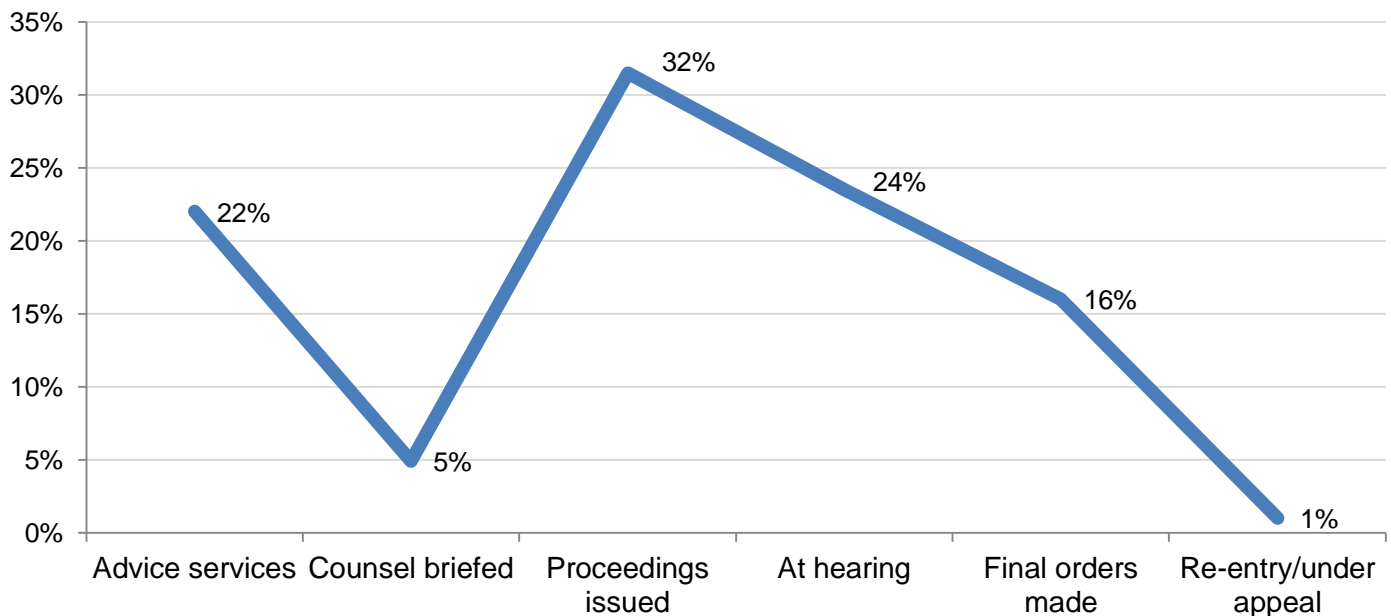
separation and nullity cases completed in 2019 had been on-going for longer than three years, compared to 23% of childcare cases and 10% of other family law matters.

**Cases on Hand**

Chart 4 below gives a percentage breakdown of the status of all of the Board’s active cases as of the 31<sup>st</sup>

December 2019 excluding international protection.

**Chart 4 - Civil and Family Law cases active as at 31 December 2019**



**Timeliness of the service**

2019 saw an increase in the numbers of applicants waiting for legal services at the end of the year compared to at the start of the year. The numbers waiting for a substantive service as of the end of the year was higher than it was at the start as

is evidenced by the figures in Table 7. Table 7 sets out the number of persons waiting on the 31<sup>st</sup> December 2019 and on the same date in the previous five years, for legal services with a solicitor.

**Table 7 - The number of persons waiting on the 31<sup>st</sup> December 2019**

Year	2014	2015	2016	2017	2018	2019
<b>Number Waiting</b>	3,412	2,319	1,864	1,776	1,754	2,019

The longest wait in weeks, as of the 31st December 2019, is set out for the various law centres in Table 9 below. It must be emphasised that this table gives a snapshot of waiting times at a particular point in time. Waiting times will go up and down depending on demand and on the

### **Priority Service**

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2019 approximately 32% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into its care, and cases that had statutory time limits close to expiry.

In addition to the cases given formal priority in the law centres, most of the cases referred out to solicitors on the Board's private practitioner panels were

capacity of each law centre to offer appointments to new clients. A number of law centres continued to provide advice only (triage) services as an adjunct to full services. The number of law centres in 2019 doing so increased from 2 to 4.

referred immediately or shortly after the person had applied for legal aid. The total number and percentage of applicants who received either a priority service or were swiftly referred to a private practitioner referral to a private practitioner was 11,539 and 64% respectively.

Table 8 below provides a breakdown by case type of numbers of cases that were given priority or in respect of whom a swift referral was made.

**Table 8 – Breakdown by case type of cases that received priority service**

<b>Case Type</b>	<b>Total</b>
<b>Child Care</b>	629
<b>Child Abduction</b>	65
<b>Family Law, including Domestic Violence</b>	8,005
<b>International Protection</b>	2,607
<b>Legal Services for victims of crime</b>	47
<b>Medical Negligence, Personal Injuries, and other Civil cases</b>	186



**Table 9 - Waiting times in Law Centres on the 31<sup>st</sup> December 2019**

Law Centre	Law centres not operating triage	Triage Appointment	Further waiting time where triage appointment previously given
Athlone		22	8
Blanchardstown	26		
Castlebar	12		
Cavan	12		
Clondalkin	17		
Cork-Popes Quay	16		
Cork-South Mall	41		
Dundalk	19		
Ennis		15	7
Finglas	50		
Galway - Francis St	16		
Galway - Seville House		12	10
Jervis St	52		
Kilkenny	39		
Letterkenny	13		
Limerick	15		
Longford	25		
Monaghan	14		
Navan		38	9
Nenagh	31		
Newbridge	7		
Portlaoise	13		
Sligo	21		
Smithfield	32		
Tallaght	15		
Tralee	25		
Tullamore	18		
Waterford	21		
Wexford	20		
Wicklow	20		

## Victim of Crime Case Study

(The facts have been edited to ensure anonymity and compliance with the in camera rule)

The Board was notified that an application pursuant to section 3(1) Criminal Law (Rape) Act 1981 would be moved in a rape trial that had commenced. The defendant's lawyers were seeking permission from the Judge to question the complainant about certain aspects of her sexual history.

The Board was contacted by the Director of Public Prosecutions requesting representation for the complainant. In these circumstances there is no requirement for a complainant to satisfy the merits tests nor is there a need to pay a financial contribution. A legal aid certificate was granted for the purpose of representation for the specific application to the Judge. A solicitor and barrister were appointed to represent the complainant.

The defendant's lawyers proposed to cross-examine the client on whether she was involved in other relationships at the time of the alleged rape. The client was given legal advice regarding the proposed cross-examination. She was advised as to the issues of relevance, admissibility and the statutory test contained within section 3 of the Act. The client advised her lawyers of her willingness to answer certain questions but expressed some reluctance to be questioned on certain other information. After some negotiation between the lawyers representing the complainant and those representing the defendant it was agreed, with the complainant's consent, that certain questions only, would be put to the complainant in front of the jury. The Judge was given a copy of the questions. The jury was then recalled and the case proceeded with the Judge ensuring that the questioning of the complainant remained within the framework that had been agreed.

### ***Use of Solicitors Panels***

Generally, the Legal Aid Board can provide civil legal aid and advice in one of two ways:

- By providing advice and/or representation through a law centre,
- By referring the case to a private solicitor who is a member of one of the Board's solicitors' panels.

The Board primarily utilises private solicitors in District Court family law matters, international protection, and Abhaile cases. A smaller amount of matters are referred out in connection with judicial separation/divorce, coroners' inquests, and child care cases. The panels are as follows:

- **District Court Family Law:** covers matters in the District Court and on appeal to the Circuit Court under the Domestic Violence Act 2018, the Guardianship of Infants Act 1964 and the Family Law (Maintenance of Spouses and Children) Act 1976.
- **Abhaile:** covers advice in relation to repossession cases, a duty solicitor service at the county registrars' courts for repossession cases, and applications to the Circuit Court and High Court under section 115A of the Personal Insolvency Act 2012.
- **International Protection:** covers assistance to asylum seekers in making an application for international protection in the State,

including an appeal of a negative recommendation at first instance to the International Protection Appeals Tribunal and representations in relation to permission to remain.

- **Coroners Inquests:** Covers representation for a single family member of the deceased at certain inquests, primarily involving “death while in the care of the State” situations and maternal deaths. A very small number of referrals are made to this panel each year.
- **Judicial Separation and Divorce:** Covers judicial separation and divorce proceedings in the Circuit Court. A limited number of referrals are made to this panel each year.
- **Child Care Pilot:** This covers legal aid to parents of children who are the subject of applications by the Child and Family Agency (Tusla) to be taken into the care or under the supervision of the Agency. This panel operates on a pilot basis primarily in counties Dublin, Cork, Donegal, and Wexford. The

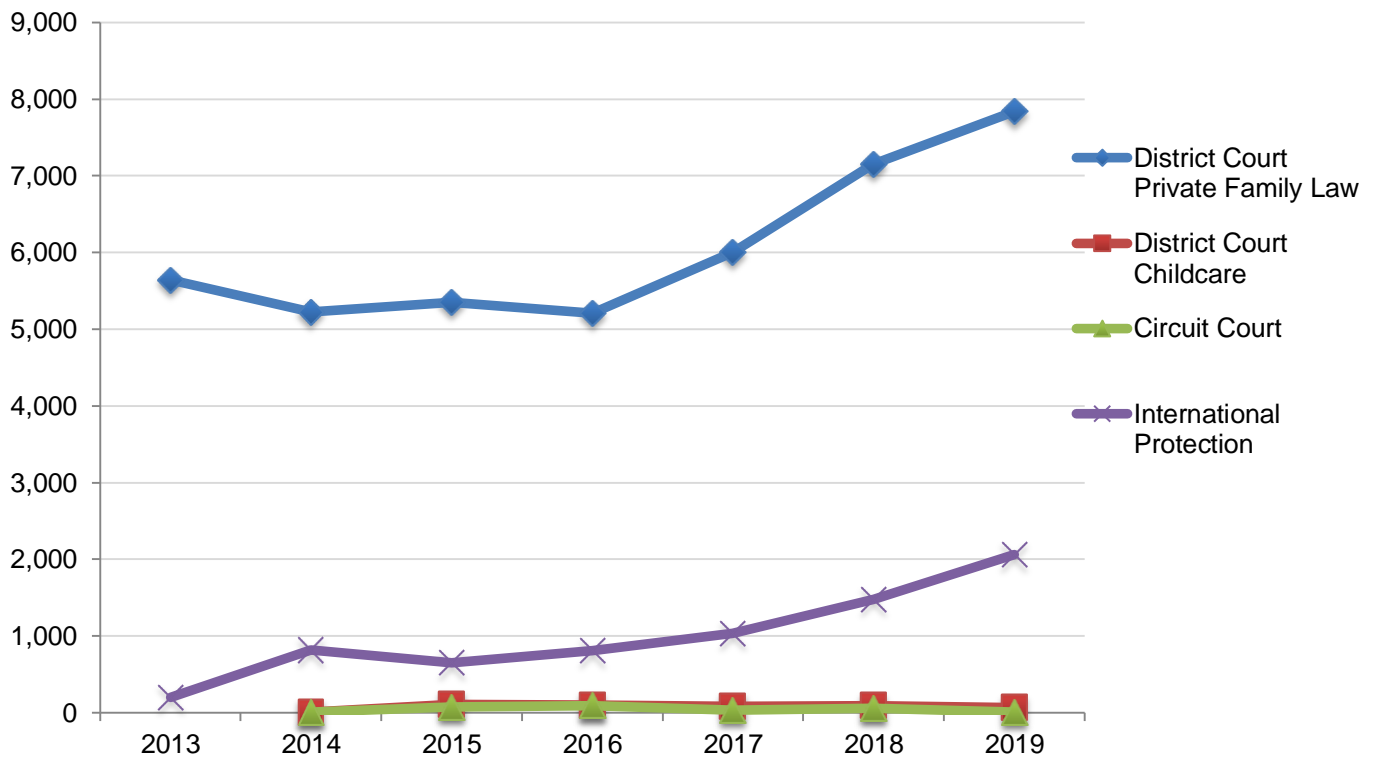
number of referrals to this panel is strictly limited.

As can be seen the services of private solicitors are engaged across a breadth of case types. However it remains the case that law centres provide services in the vast majority of child care and judicial separation/divorce matters, a significant number of international protection matters (through Smithfield, Cork Popes Quay, and Galway Seville House law centres) and a minority of District Court family law matters. Law centres also provide services exclusively in all matters for which a solicitors panel does not exist – for example all personal injuries and other tort cases, consumer and contract law, cohabitant relief, probate, wills, and succession cases.

Table 10 shows the number of referrals in relation to the District Court Family Law, Circuit Court Judicial Separation and Divorce, International Protection, and Child Care Pilot panels in 2019 and for each of the years 2013-2018. As can be seen from Chart 5, the overall number of referrals to these panels has increased every year since 2014 and it has increased by 61% since 2016.

**Table 10 - Number of Referrals per Year**

	2013	2014	2015	2016	2017	2018	2019
District Court Private Family Law	5,640	5,224	5,351	5,208	6,002	7,154	7,839
District Court Childcare		7	106	103	88	94	71
Circuit Court		10	77	89	30	63	10
International Protection	197	818	653	810	1,035	1,479	2061
<b>Total</b>	<b>5,837</b>	<b>6,059</b>	<b>6,187</b>	<b>6,210</b>	<b>7,155</b>	<b>8,790</b>	<b>9,981</b>

**Chart 5 - Number of Referrals per Year**

### Family Law Case Study

**(The facts have been edited to ensure anonymity and compliance with the in camera rule)**

The client attended at a Law Centre having been served with divorce proceedings. Following a meeting with a solicitor an application for a Legal Aid Certificate to defending the proceedings was made. As the client met the financial eligibility criteria the application was granted. On account of the particular circumstances of the case permission to retain a barrister was also granted. The possibility of attending a family mediator was explored with the client however it became apparent, following discussion by the client's solicitor with the solicitor representing the client's spouse, that the particular circumstances of the case meant that mediation was not a meaningful option. The matter proceeded to a formal Case Progression hearing before the County Registrar. The issues before the court were what should happen with the family home, and the pension rights of both parties. Financial discovery was made and a settlement meeting was arranged.

Following extensive settlement talks an agreement was reached between the parties. A Decree of Divorce was granted with the spouse to become the sole owner of the family home in exchange for a lump sum to be paid to the client. The client also retained their private pension and orders were made including a Pension Adjustment Order which was served on the Trustees of the relevant Pension Scheme. The lump sum was subsequently paid to the client and the Board's costs were deducted from the lump sum though a portion of the costs due, was waived. The client was satisfied with the outcome and felt that it would provide security and stability for the future.

The Abhaile Scheme was put in place in 2016 for people whose home is in mortgage arrears. Its services include financial advice, legal advice and insolvency advice. It is funded and supported by the Department of Employment Affairs and Social Protection and the Department of Justice and Equality with the support of the Money Advice and Budgeting Service, the Insolvency Service of Ireland and the Citizens Information Board along with the Legal Aid Board.

The Abhaile Scheme is fully funded by the State. If a borrower qualifies for the Scheme, there is no cost for them to use the services provided. To qualify the applicant must meet all four of the following conditions:

- Be in mortgage arrears on their home;
- Be insolvent (as defined under the Personal Insolvency Act 2012).
- Be at risk of losing their home due to arrears.
- The home is reasonable to the person's needs.

The Scheme works on the basis that a person applies to their local MABS service who will "triage" the person and identify the financial and/or legal services the person requires. The financial assistance element of the scheme involves the provision of services by a dedicated MABS mortgage arrears

advisor, a personal insolvency practitioner, or an accountant. The legal assistance element, which normally follows on from financial assistance, involves three potential strands:

- A solicitor consultation service, involving the provision of a single legal advice consultation. In certain circumstances authority might be granted to conduct negotiations to settle pending repossession proceedings.
- A "duty solicitor" service, where solicitors are rostered to attend repossession lists at County Registrars Courts. The solicitor may offer advice on the court procedure to the person and may (if permitted by the County Registrar) speak on behalf of the person and make an application for the proceedings to be adjourned so that the person can seek legal representation.
- A scheme of legal aid for applications to take a court review of a personal insolvency arrangement (PIA) that has been rejected by a person's creditors.

The Abhaile Scheme has been extended to 2021.

Since the inception of the Scheme the consultation solicitor aspect has dropped from a high of 898 consultation payment claims in 2017 with 118 claims for further negotiations the same year to 540 claims for consultations and 48 for further negotiations in 2019.

As the Scheme has developed there has been an increase in the take up of legal



aid services for the purpose of challenging creditors' refusals to approve personal insolvency arrangements and subsequently applications to appeal same in the High Court.

When the Abhaile Scheme was first put in place the terms and conditions of the Abhaile solicitor panel provided for an automatic grant of the services of Junior Counsel for Circuit Court Personal Insolvency Arrangement Reviews due to personal insolvency being a new area of law.

These terms and conditions were amended from 1<sup>st</sup> March 2019 and the services of Junior Counsel are no longer automatically granted. As with all other cases dealt with by the Board, Counsel is only sanctioned where it considers that there are legal complexities and/or particular circumstances that require the involvement of Counsel. In each case, it is necessary for the solicitor to set out clearly the reasons why Counsel is considered necessary.

Services provided on behalf of the Board under the scheme during 2018 and 2019 are outlined in Table 11 below.

**Table 11 – Services provided under Abhaile 2018 & 2019**

Year	2018	2019
<b>Legal advice vouchers issued by MABS</b>	782	1,169
<b>Consultations claimed on foot of MABS voucher</b>	536	540
<b>Authority granted to conduct further negotiations</b>	48	48
<b>Number of duty solicitor days scheduled</b>	461	493
<b>Duty Solicitor Advice provided at County Registrar Court</b>	3,022	2,676
<b>Legal Aid certificates granted for Circuit Court PIA reviews</b>	591	352
<b>Legal aid certificates granted for PIA appeals to the High Court</b>	34	197
<b>Counsel representation authorised (including Opinions and drafting fees)</b>	636	407

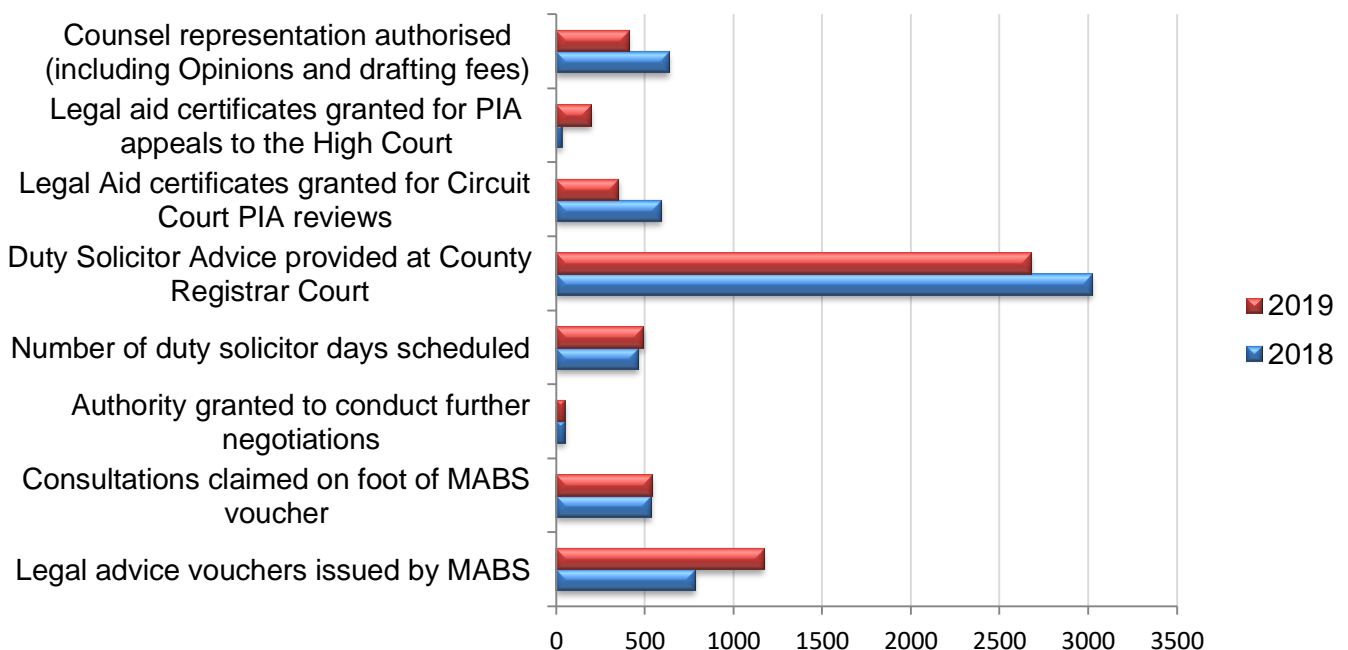


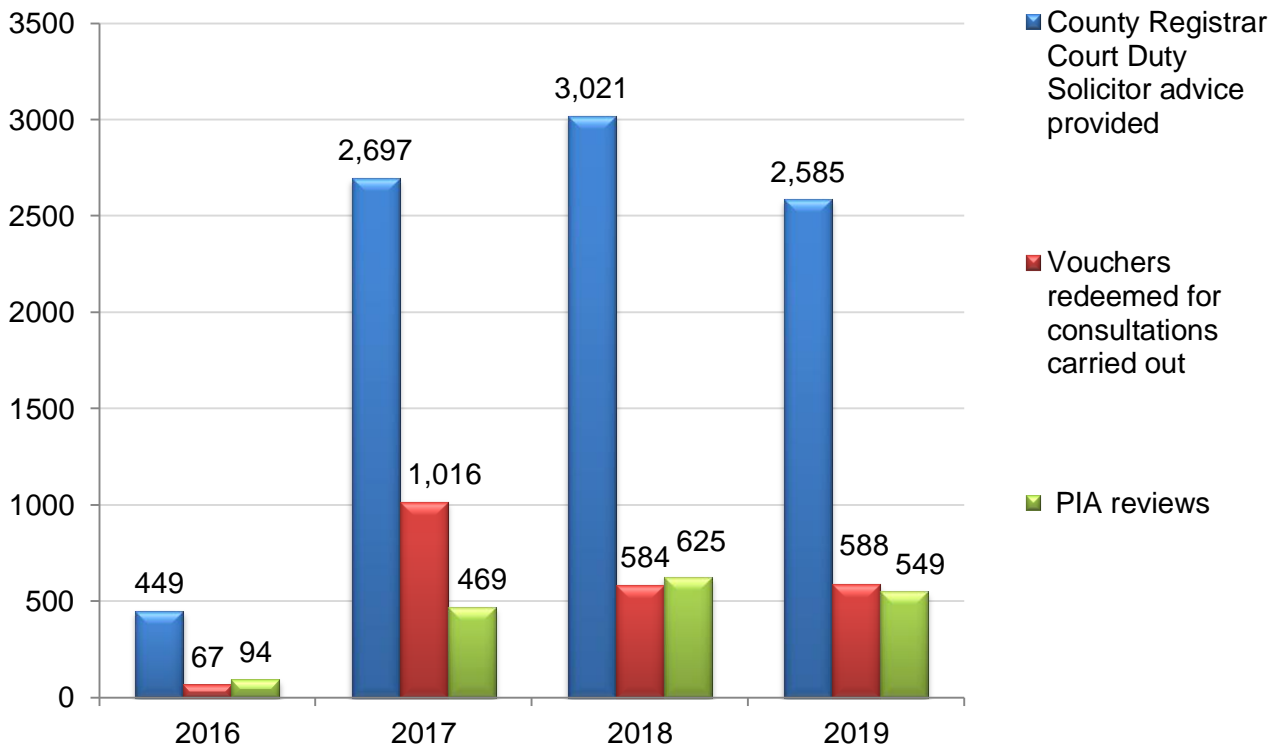
Table 12 and Chart 6 show the Abhaile consultations and representation carried out by private solicitors. As can be seen the number of persons to whom services

have been provided has declined recently (it should be noted that, in 2016, services were provided from 22<sup>nd</sup> July onwards).

**Table 12 - Abhaile consultations and representation carried out by private solicitors**

	2016	2017	2018	2019
<b>County Registrar Court Duty Solicitor advice provided</b>	449	2,697	3,021	2,585
<b>Vouchers redeemed for consultations carried out</b>	67	1,016	584	588
<b>PIA reviews</b>	94	469	625	549
<b>Total</b>	<b>610</b>	<b>4,182</b>	<b>4,230</b>	<b>3,722</b>

**Chart 6 - Abhaile consultations and representation carried out by private solicitors**



A standard fee per case is paid to private solicitors who are entered onto the Board’s solicitor panels (except for the

Abhaile duty solicitor service where, because of the nature of the service, solicitors are paid for time attending court).

### Abhaile Case Study

The debtors were a married couple with children ranging from pre – school to college age. One spouse was in secure employment but the other spouse had been made redundant from their regular employment and had only been able to get short-term, part-time work. The debtors kept in touch with and attempted to work with the lenders but bills and arrears began to mount up. They were in receipt of regular letters and telephone calls from lenders and had been warned of the possibility of repossession proceedings on account of mounting mortgage arrears. Their home was in substantial negative equity. The household income was over the Mortgage to Rent threshold.

The couple met with MABS and subsequently with a Personal Insolvency Practitioner (PIP). The PIP believed that the debtors were eligible for an arrangement under the Personal Insolvency Act 2012 and that such an arrangement would also allow a better return for creditors than bankruptcy. The proposed arrangement would also see the debtors retaining ownership of family home with a sustainable mortgage. The PIP proposed a 12 month mortgage moratorium to allow the couple deal with unsecured creditors. Upon completion of the twelve month period the Debtors would continue to make regular payments to the secured creditors in respect of the loans provided. It was proposed that the mortgage balance be written down to the current market value with the remaining balance being warehoused until the end of the mortgage term.

The Personal Insolvency Arrangement was rejected at the creditors meeting. The debtors then applied through the PIP for a Section 115A review by the Circuit Court of their proposed arrangement. Legal Aid was applied for and a legal aid certificate was granted. The application was refused in the Circuit Court due to issues around sustainability and affordability however a legal aid certificate was again granted for an appeal to the High Court and the High Court approved the insolvency proposal.

On foot of the Personal Insolvency Arrangement, the family retained their home which might otherwise have been repossessed by the lending institution.

## International Protection Services

### *International Protection Services*

The number of persons seeking legal services from the Board for international protection applications in 2019 was 2,539. This was an increase of 18% on the previous year. Services in international protection and related matters are provided in three of the Board's law centres, namely Smithfield

(Dublin), Pope's Quay (Cork) and Seville House (Galway) and also by private solicitors on a panel. Table 13 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who sought protection in the State.

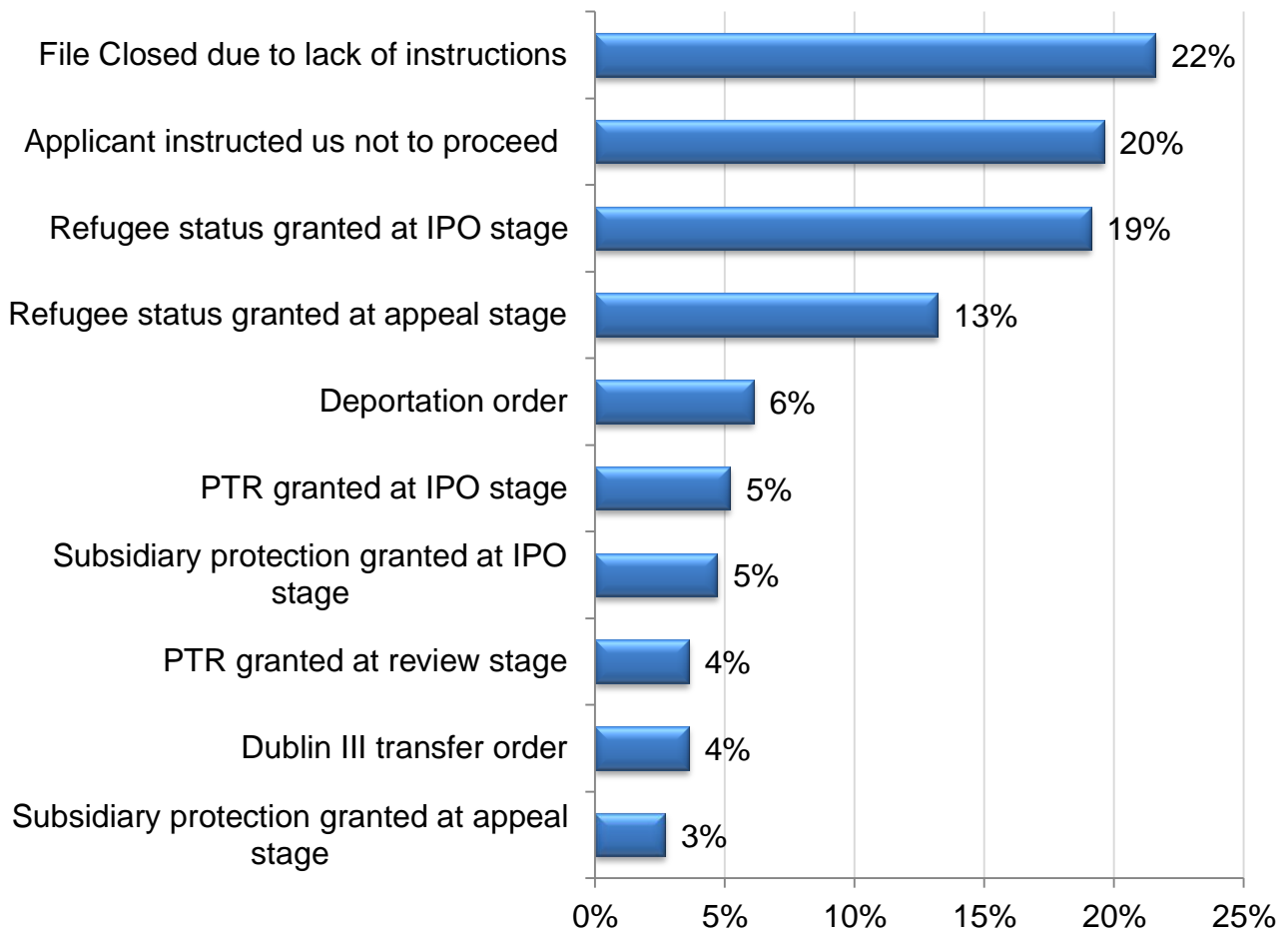
**Table 13 - International protection applications**

Year	2013	2014	2015	2016	2017	2018	2019
<b>LAB Applications</b>	708	902	1,537	1,658	1,489	2,079	2,539
<b>International Protection Office (IPO) Applications</b>	946	1,448	3,276	2,244	2,406	3,673	4,781

### *International Protection case outcomes*

The breakdown of outcomes recorded in international protection cases is shown in Chart 7 below. An additional 36 cases were closed after the applicant had

received legal advice and a further 60 cases were closed after legal aid was provided and no case outcome recorded.

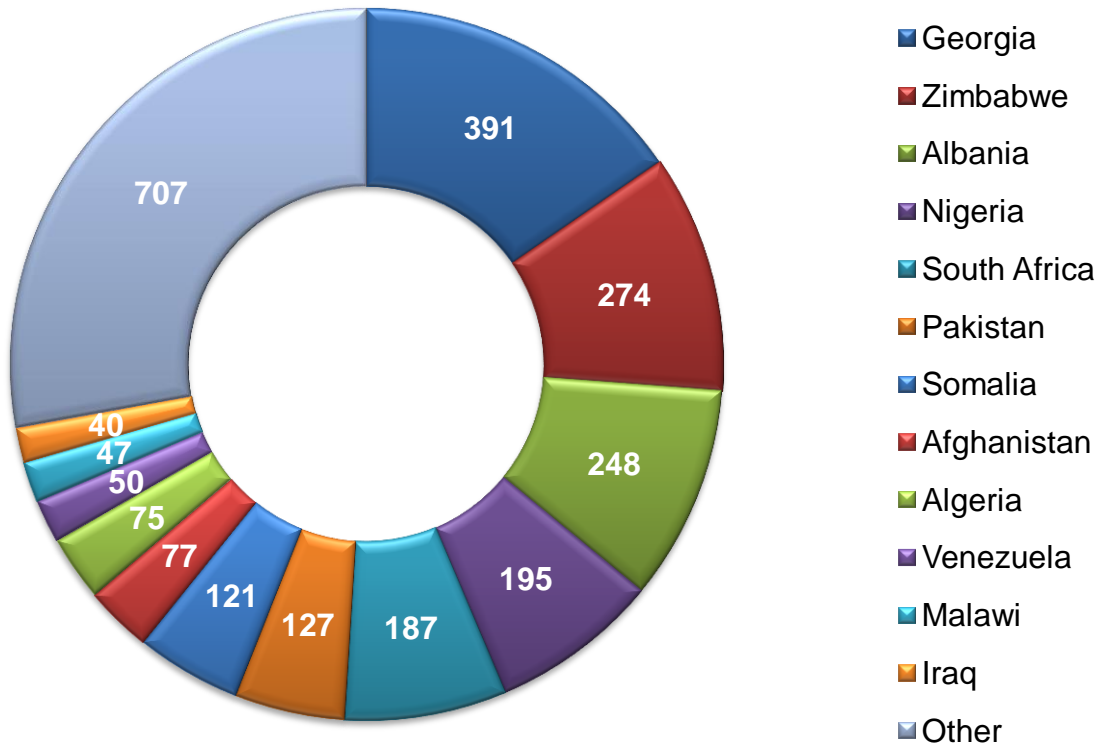
**Chart 7 - International Protection case outcomes 2019****Country of Origin**

Of the 2,539 new applicants for legal services in relation to international protection claims, 391 came from Georgia, 274 from Zimbabwe, 248 from

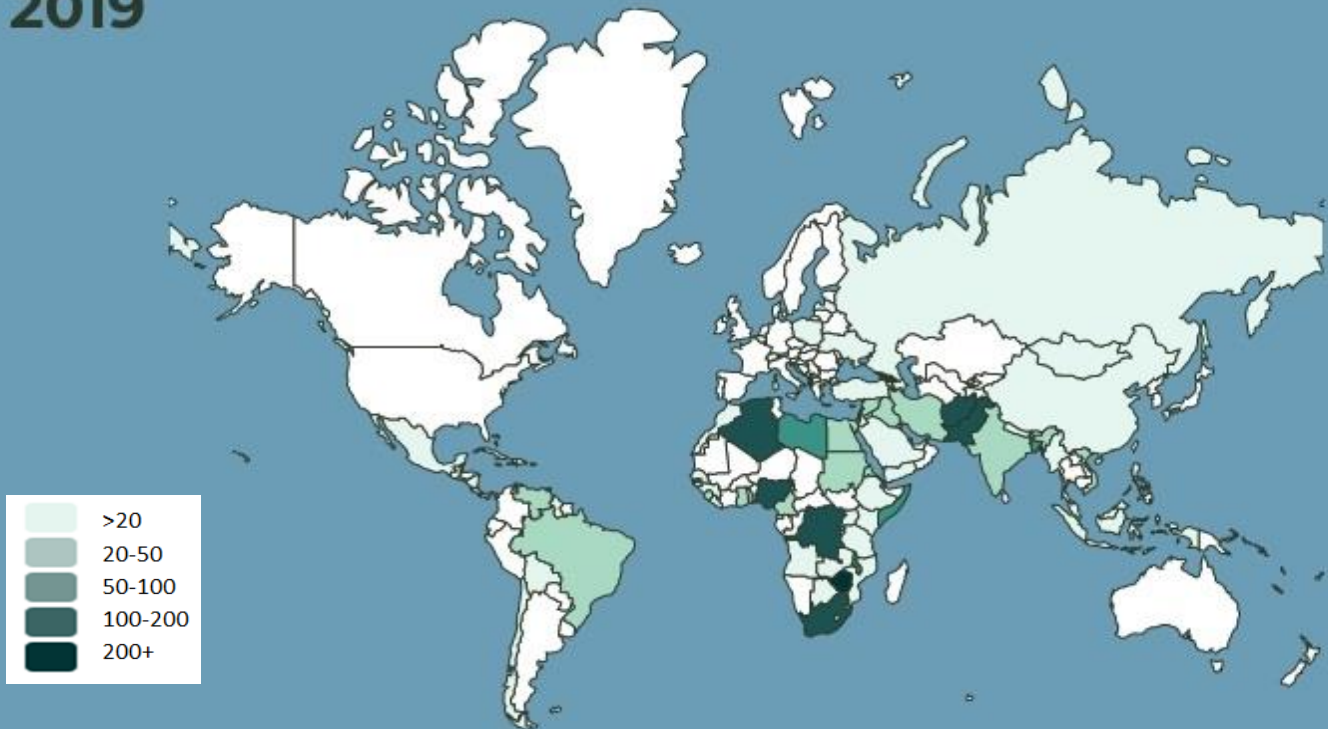
Albania, 195 from Nigeria and 187 from South Africa as shown in Chart 8. The remaining 1,244 of applicants came from a wide variety of countries. Applicants came from over 92 countries in total.



**Chart 8 - Country of Origin Registration 2019**



**Country of Origin Registration 2019**



### ***International Protection and Children***

The Board continued to have a dedicated Children's Unit located in Dublin to handle international protection applications by unaccompanied minors. In 2019, 44 unaccompanied minors applied for legal services. This figure does not include accompanied or age disputed minors which are also handled by the Unit.

### ***Human trafficking***

The Board provides 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 for these cases and a potential victim of human trafficking is not required to make a financial contribution to the Board.

The service is provided by Board employees who have received specialised training in human trafficking issues.

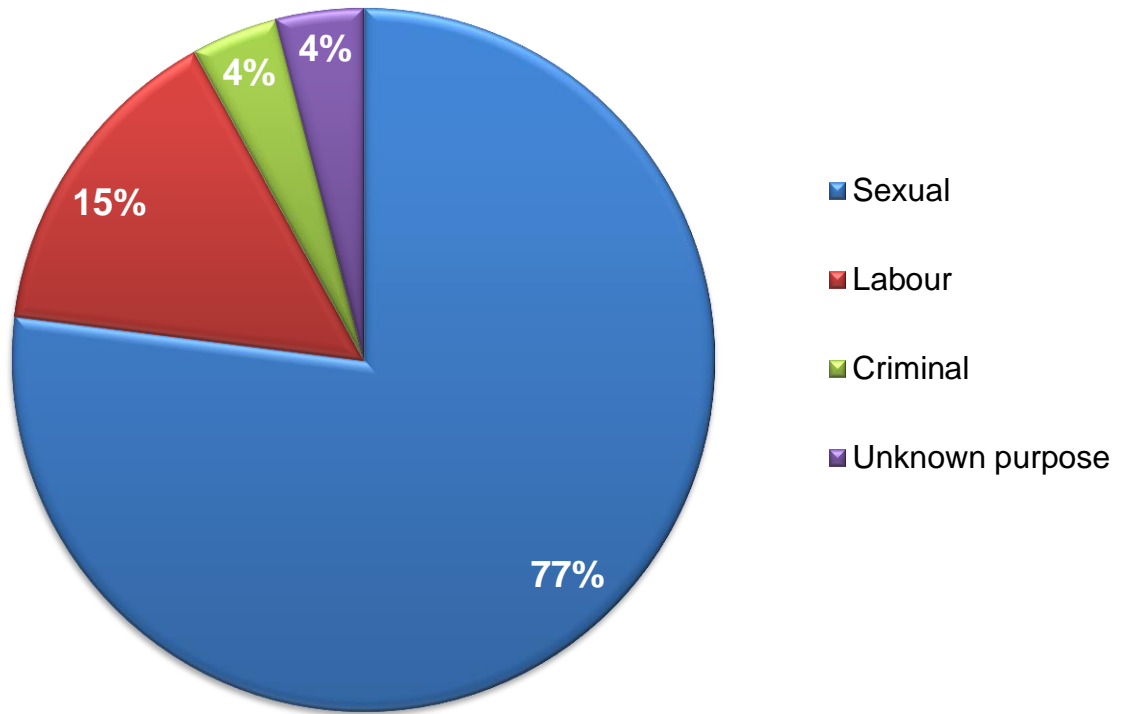
The Board provides legal services to persons identified as potential victims of

The Unit has well-developed interagency relationships with the International Protection Office and the Child and Family Agency. In addition to preparing pre-interview submissions for separated children, the Unit also provides these clients with legal services in relation to family tracing and family re-unification .

human trafficking on their rights in relation to a range of issues including their status in the State, seeking international protection, seeking redress through the employment protection legislation (legal advice only), information on what is involved in a criminal trial, information on compensation, and information on voluntary return home. The Board also provide representation in court in a criminal trial where a victim's past sexual history is raised.

During 2019 nine potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services. One of these cases related to labour exploitation, eight to sexual exploitation, and one to criminal purposes.

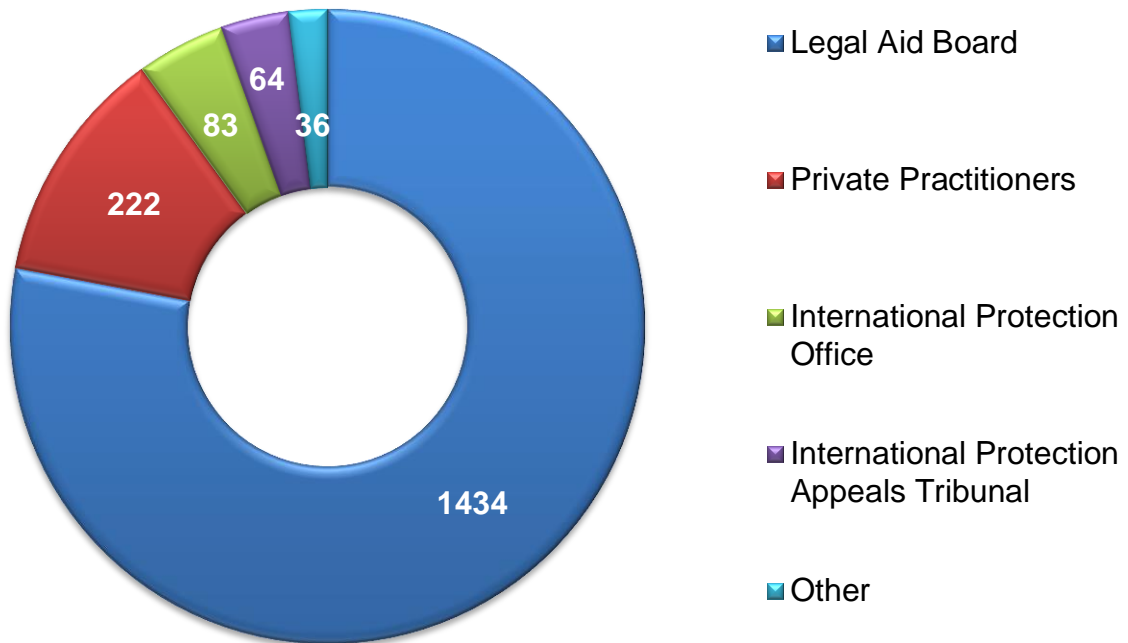
**Chart 9 - Human trafficking cases referred to the Board during 2019**



**The Refugee Documentation Centre**

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

In 2019, the RDC received 1,747 COI queries, a 12% increase in COI queries received on 2018. The RDC query service provided a total of 1,839 COI query responses, an 8% increase on the 2018 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. 458 queries were processed by the LAB library. Chart 10 shows the breakdown of completed COI queries for 2019 by requestor.

**Chart 10 - Completed COI Queries by Requestor in 2019**

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

- Mistreatment of LGBT persons in Zimbabwe
- Treatment of victims of forced marriage in Pakistan
- Discrimination against people with HIV in Malawi
- Treatment of failed asylum seekers in Ghana
- Treatment of the Hazara people in Afghanistan
- Gender violence in Albania and the police response

The RDC continued to work closely with the European Asylum Support Office, International Protection Office and International Protection Appeals Tribunal and other users of its services in 2019 by providing training and by strengthening co-operation and meeting the various needs of its users.

### **International Protection Case study (The facts have been edited to ensure anonymity)**

The Board's client was from a country in Africa and arrived in the State as an unaccompanied minor. She was initially placed in the care of Tusla. Her application for international protection, which was based on her membership of several particular social groups including as a former victim of trafficking, was rejected by the International Protection Office largely on credibility issues. She then sought legal assistance and advice from the Legal Aid Board after being referred to the Board by the Gardai as a potential victim of human trafficking.

An NGO who was supporting our client as a victim of trafficking provided information that was of use in establishing the client's credibility. An expert's report prepared by Spiritan Asylum Services Initiative (SPIRASI) found that the client was suffering from post traumatic stress disorder or PTSD.

The negative international protection recommendation was appealed and detailed submissions were made on the negative credibility findings of the International Protection Office. Further country of origin information was also submitted. At the appeal hearing the Tribunal, noting all of the evidence, found that the client's claim was coherent, plausible and on balance capable of being believed and recommended her for a grant of refugee status.



## Family Mediation

### **Family Mediation Service**

Family mediation services help couples who have decided to separate or divorce, who have already separated, or who have never lived together but have a child together to negotiate their own terms of agreement, taking into account the needs and interests of all involved. The mediator's role is not to come up with solutions but to facilitate the parties in dispute to come up with their own solutions.

The Board has sixteen family mediation offices in total. Six of these are co-located with law centres in Jervis House, Dundalk, Tallaght, Kilkenny, Letterkenny and Portlaoise. The service also has one full time court based service in the District Family Court in Dublin (Dolphin House). There are also a number of part time court based services including in courts in Cork, Naas, Ennis, Dundalk, Limerick, Carlow, Castlebar, Sligo and Letterkenny.

### **Family Mediation Process**

Mediation looks to enhance the clients' own ability to negotiate their differences and empower collaborative decision making. There are three basic types of successful outcome which the Board's mediators work towards:

**Settlement:** This type of mediation focuses on simply the settlement of issues and does not look at changing the negotiating relationship of the clients.

**Resolution:** This type of agreement focuses on changing and enhancing the

negotiation relationship of the clients, believing that this creates a better and more durable agreement. The techniques used are aimed at facilitating better problem solving capacity in the clients. There is an emphasis on joint sessions, where trust can be built.

**Transformation:** This is where the parties transform their understanding of each other and thereby improve their relationship. This sort of outcome works with conflict as a creative and enhancing opportunity and is centred on empowering the parties to find a new way forward.

The Board's family mediation services primarily practice a resolution based model, whereby all issues between the parties are mediated to resolution and a written agreement can be drafted, if this is the clients' wish. The court based mediation services tend to focus on the single issues that are due to come before the Court.

### **Applying for family mediation services**

Persons can apply to avail of the Board's family mediation services at any of its family mediation offices.

### **Services provided**

In 2019 a total of 2,611 new couples attended mediation availing of 11,317 sessions, including information sessions given to one party only, resulting in 1,212 agreements. There were a total of 3,256 mediation cases closed in 2019. This included those carried over from 2018.

The number of agreements recorded includes full written or recordable verbal agreements. It does not include interim agreements, partial agreements or outcomes where the parties agree between themselves and do not wish

anything recorded, this particularly refers to cases where there has been reconciliation or a resolution of a particular communication issue or misunderstanding that is now considered resolved.

**Table 14 – Total Cases, Sessions and Agreements 2019**

	2017			2018			2019		
	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total
<b>New Cases*</b>	2,149	623	<b>2,772</b>	1,807	475	<b>2,282</b>	2,057	554	<b>2,611</b>
<b>Total Joint Mediation Sessions</b>	6,788	1,129	<b>7,917</b>	6,888	1,233	<b>8,121</b>	7,700	1,534	<b>9,234</b>
<b>Total Information Sessions</b>	634	1,645	<b>2,279</b>	284	1,792	<b>2,076</b>	466	1,617	<b>2,083</b>
<b>Total Agreements</b>	836	362	<b>1,198</b>	870	348	<b>1,218</b>	849	363	<b>1,212</b>

\*A new case is defined as two clients (a couple) agreeing to mediate. This does not include information sessions that may have taken place.

**Table 15 – Cases Closed 2019**

	2017	2018	2019
<b>Total Cases Closed (including Information Sessions)</b>	3,355	3,394	3,256
<b>Cases not progressed to Mediation</b>	902	810	512
<b>Total Mediation Cases Closed (excluding cases opened but not progressed beyond Information Sessions)</b>	2,453	2,584	2,744

## All Issues Mediation

In the general family mediation offices 2,057 new cases were commenced in 2019 with 7,700 mediation sessions attended. 849 mediated cases reached

formal agreement in 2019. It should be noted that non court referred cases have also been dealt with in Limerick, Tallaght, Jervis Street, Carlow and Ennis.

**Table 16 - Demand / service provision 2019 (All Issues)**

	New Cases		Total Mediation Sessions		Reached agreement	
	2018	2019	2018	2019	2018	2019
<b>Athlone</b>	127	126	473	422	57	51
<b>Blanchardstown</b>	174	221	900	903	133	108
<b>Carlow</b>	4	57	16	166	0	37
<b>Castlebar</b>	61	63	187	129	24	11
<b>Cork</b>	132	143	473	701	84	115
<b>Dundalk</b>	33	56	191	184	15	17
<b>Ennis</b>	17	49	22	201	3	59
<b>Galway</b>	181	187	788	598	96	84
<b>Jervis Street***</b>	218	295	706	925	103	319
<b>Kilkenny</b>	37	37	161	181	26	50
<b>Letterkenny</b>	98	58	333	256	31	29
<b>Limerick*</b>	118	141	532	614	47	50
<b>Mullingar</b>	N/A	9	N/A	0	N/A	0
<b>Portlaoise</b>	81	57	293	250	28	32
<b>Raheny</b>	1	N/A	55	N/A	5	N/A
<b>Sligo</b>	45	57	160	152	25	21
<b>Tallaght**</b>	185	252	634	1,018	75	115
<b>Tralee</b>	63	69	213	194	36	29
<b>Waterford</b>	122	90	398	465	42	51
<b>Wexford</b>	110	90	353	341	40	34
<b>Total</b>	<b>1,807</b>	<b>2,057</b>	<b>6,888</b>	<b>7,700</b>	<b>870</b>	<b>1,212</b>

\*Includes Thurles, Nenagh & Clonmel

\*\*Includes Naas

\*\*\*Includes Dolphin House

## Waiting times

Comparative waiting times for Family Mediation offices at the end of 2019, 2018, and 2017, are as follows:

**Table 17 – Family Mediation Office Waiting Times**

Office	2017	2018	2019
<b>Athlone</b>	24	12	20
<b>Blanchardstown</b>	8	20	16
<b>Castlebar</b>	12	8	24
<b>Cork</b>	24	28	14
<b>Dundalk</b>	20	36	10
<b>Galway</b>	16	8	12
<b>Jervis House</b>	16	16	16
<b>Kilkenny</b>		20	8
<b>Letterkenny</b>	16	16	16
<b>Limerick</b>	6	12	20
<b>Portlaoise</b>	14	16	24
<b>Sligo</b>	12	8	18
<b>Tallaght</b>	14	16	16
<b>Tralee</b>	12	6	8
<b>Waterford</b>	32	6	6
<b>Wexford</b>	12	16	8

## Court based mediation

Table 18 shows the level of mediation and information giving about mediation, taking place in court or on foot of referrals from a Court. A total of 554 new cases were commenced in 2019.

There was a total of 3,151 mediation or information sessions held comprising 913 1<sup>st</sup> contact information sessions, 704 2<sup>nd</sup> contact information sessions and 1,534 mediation sessions. 363 agreements were reached.

In conjunction with the Court Service a new service delivery model was introduced in Dolphin House (March 2019). This involved administrative staff

providing information to clients and if they agree to engage in the mediation process they were then offered a pre-mediation session with a mediator.

**Table 18 - Court-Based Mediation Initiatives**

Office	New Cases (1 <sup>st</sup> Joint Mediation Session)		1 <sup>st</sup> contact Info sessions		2 <sup>nd</sup> contact Info sessions	
	2018	2019	2018	2019	2018	2019
Carlow	0	42	2	83	0	48
Cork	17	62	21	67	21	61
Dolphin	329	334	900	575	446	464
Dundalk	15	10	23	17	16	11
Ennis	34	27	52	47	44	29
Kilkenny	34	33	61	26	45	19
Limerick	7	14	15	34	14	27
Naas	34	14	72	28	41	20
Mullingar	N/A	6	N/A	8	N/A	7
Tipperary*	5	12	10	28	9	18
<b>Total</b>	<b>475</b>	<b>554</b>	<b>1,156</b>	<b>913</b>	<b>636</b>	<b>704</b>

\*Nenagh & Clonmel District Court

	Mediation Sessions		Total Sessions		Agreements	
	2018	2019	2018	2019	2018	2019
Carlow	0	82	2	213	0	25
Cork	49	165	91	293	16	11
Dolphin	655	690	2,001	1729	234	220
Dundalk	77	47	116	75	9	17
Ennis	154	180	250	256	31	44
Kilkenny	135	93	241	138	29	22
Limerick	24	96	53	157	3	3
Naas	114	151	227	199	22	8
Mullingar	N/A	1	N/A	16	N/A	0
Tipperary*	25	29	44	75	4	13
<b>Total</b>	<b>1,233</b>	<b>1,534</b>	<b>3,025</b>	<b>3,151</b>	<b>348</b>	<b>363</b>

\*Nenagh & Clonmel District Court



## Co-Location Referrals

The first co-located law centre and family mediation office was established in Jervis House, Dublin 1 in the autumn of 2016. Protocols have been put in place to try and facilitate a greater take-up of mediation on account of the co-location.

This will continue to be monitored, and changes made to procedures as considered necessary.

### Family Mediation Case Study (The facts have been edited to ensure anonymity)

The couple had been in a relationship for a period of time. They were not married. Both had children from previous relationships and had forged a good relationship with each other's children all of whom got on well together.

However, their relationship broke down and by the time they came to mediation 12 months later, they were no longer able to communicate with each other. The children not only lost contact with the other adult but also with the other children of the blended family.

Both parents had been represented by Legal Aid Board solicitors on a number of applications relating to access and maintenance arrangements regarding the child of the relationship.

The clients were very cautious about coming to mediation and openly stated that they would not be there had their solicitors not recommended it. However as trust was built by and with the mediator, they learned how to hear what the other was saying, rather than what had been said in the past. Fears and worries were expressed about the future and both parties noted their concerns around the children who had lost an amount of emotional support in their lives on account of the separation.

A parenting plan was developed that involved not just the child of the relationship but also the other children. A regular maintenance payment was agreed. The agreements were ruled upon in the District Court and both parties acknowledged that they would try to resolve any future issues through discussion or mediation rather than court applications.



*Official opening of Portlaoise Co-located Law Centre and Family Mediation Office, 21<sup>st</sup> June 2019*

*Left to right: Heather Blundell, Christina McEvoy, Mary Bennett, Pat O'Sullivan - Solicitor, Aisling O'Meara - Mediator, Philip O'Leary - Chair of the Legal Aid Board, Charlie Flanagan - Minister for Justice & Equality, John McDaid - Chief Executive, Katie Gilhooly - Managing Solicitor, Catherine Paisley, Naomi Coonan - Solicitor, Rosie Palmer.*



*Cutting the ribbon at the official opening of Portlaoise Co-located Law Centre and Family Mediation Office, 21<sup>st</sup> June 2019.*

*Left to right: Aisling O'Meara - Mediator, Sean Fleming TD, Katie Gilhooly - Managing Solicitor, Charlie Flanagan - Minister for Justice & Equality, Philip O'Leary - Chairperson of the Legal Aid Board, John McDaid - Chief Executive, Fiona Grant Thomas - Regional Manager.*





*Legal Aid Board Annual Conference 2019*

*Andrew Field, Mary T O'Connor, John McDaid, Christine Hayes, John Sugrue.*



*Legal Aid Board Annual Conference 2019*

*Eimear Fisher – Department of Children and Youth Affairs, Gordon Jeyes, Philip O'Leary – Chair of the Legal Aid Board, John McDaid – Chief Executive, Oonagh Buckley – Deputy Secretary General, Department of*



*Legal Aid Board Annual Conference 2019*

*Oonagh Buckley– Deputy Secretary General, Department of Justice and Equality , Freda McKittrick – Board member and Angela McDonnell.*

*Legal Aid Board delegation attending the Oireachtas Joint Committee on Justice and Equality – Angela McDonnell, Joan Crawford, John McDaid, Catherine Ryan, Caoimhghín Ó Caoláin TD (Committee Chair), Philip O'Leary and Andrew Field.*



## Criminal Legal Aid

Criminal Assets  
Bureau Ad-hoc Legal  
Aid Scheme

Garda Station Legal  
Advice Revised  
Scheme

Legal Aid - Custody  
Issues Scheme

### Overview of Criminal Legal Aid Ad-hoc Schemes

There are five Criminal Legal Aid Schemes and the Board is currently responsible for the administration and management of three of them. They are as follows:

- The Garda Station Legal Advice Revised Scheme
- The Legal Aid – Custody Issues Scheme
- The Criminal Assets Bureau Ad-hoc Legal Aid Scheme

These three schemes do not have a statutory footing.

### ***Garda Station Legal Advice Revised Scheme***

This is a non statutory scheme which caters for persons who are detained in Garda Stations. Those who satisfy certain criteria, including a financial eligibility threshold of €20,316, are entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-station consultations with a solicitor and also to legal advice by way of the attendance of a solicitor with them at a Garda / detainee interview.

**Table 19 - Garda Station Legal Advice Revised Scheme Expenditure**

Year	2016	2017	2018	2019*
<b>Expenditure</b>	€1,711,000	€1,864,000	€1,948,000	€1,715,000

\*figures include VAT

**Table 20 - Garda Station Legal Advice Revised Scheme statistical report 2019**

No.	Description	Count	2019 *
1	Total cost of authorised claims this year		€1,409,200
2	Overall number of claims authorised during the year	3,970	€1,409,200
3	Total number of solicitor firms that had authorised claims during the year	241	€1,409,200
4	Total number of claims authorised during the year under the <i>Offences Against the State Acts</i> legislation	118	€69,800
5	Total number of claims authorised during the year under the <i>Criminal Justice Act, 1984-2006</i> legislation	3,508	€1,113,600
6	Total number of claims authorised during the year under the <i>Criminal Justice (Drug Trafficking) Act 1996</i> legislation	266	€123,400
7	Total number of claims authorised during the year under <i>Section 50, Criminal Justice Act, 2007</i> legislation	78	€102,400
8	Total number of claims authorised for consultations only	1,793	€247,000
9	Total number of claims authorised for attendance hours only	44	€9,300
10	Total number of claims authorised for consultations and attendance hours	2,133	€1,152,900
11	Total number of individual phone consultations authorised for payment	1,945	€77,000

\*figures exclude VAT

**Table 21 - Garda Station Legal Advice Revised Scheme Payment Information**

No.	Description	2017	2018	2019*
1	Average payment to a solicitor firm	€6,526	€6,703	€5,847
2	Average cost per solicitor claim	€370	€360	€355
3	Average cost per individual consultation	€92	€93	€94
4	Average number of claims per solicitor firm	18	19	16
5	Highest cost of an individual claim processed	€9,087	€7,487	€6,547

\*figures exclude VAT

### **The Legal Aid - Custody Issues Scheme**

The Legal Aid - Custody Issues Scheme is an administrative, non-statutory arrangement whereby legal costs payments are made in certain types of litigation not covered by Civil Legal Aid or the main Criminal Legal Aid Scheme. The Scheme applies to the following forms of litigation:

- Habeas Corpus (Article 40.4.2) Applications
- Supreme Court, Court of Appeal and High Court Bail Motions related to criminal matters
- Judicial Reviews that consist of or include certiorari, mandamus or prohibition and which concern criminal matters or matters where the liberty of the applicant is at issue

- Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrants.

A person seeking legal representation under the Scheme must notify the relevant Court at the outset of proceedings of their intention to apply for the Scheme's provisions. Depending on the type of proceedings and the financial circumstances of the applicant, the Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

**Table 22 - Legal Aid - Custody Issues Scheme Information**

No.	Description	2019*
1	Number of new claims received by Board in the year	178
2	Number of individual authorised payments in the year	504
3	Number of claims generating payment in year	199
4	Total cost of claims for Chief State Solicitors Office (CSSO) cases	€1,530,661
5	Total cost of claims for Director of Public Prosecution (DPP) cases	€168,633
6	Total cost of claims for Health Service Executive (HSE) cases	€33,756
7	Total cost of claims for Mental Health Commission (MHC) cases	€46,741
8	Total cost of claims for TUSLA cases	€20,050
9	Average cost per authorised claim in year	€9,045
10	Total value of claims authorised by Board for the Scheme*	€1,800,000

\*figures exclude VAT



**Table 23 - Breakdown of payments for High Court Bail applications**

No.	Description	2019**
1	Total cost of High Court Bail Applications	€1,108,500
2	Total number of Brief Fees processed	4,176
3	Payments to solicitors	€552,050
4	Payments to counsel	€556,300

\*\* figures include VAT

**Table 24 - Total Overall Scheme expenditure breakdown 2015 - 2019**

	2015	2016	2017	2018	2019**
<b>Expenditure</b>	€2.75m	€3.0m	€3.2m	€2.7m	€3.2m

\*\*figures include VAT

### ***The Criminal Assets Bureau Ad-hoc Legal Aid Scheme***

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme is a non-statutory scheme that provides for legal representation to persons involved in certain types of litigation. Such proceedings include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996,

Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity and it is a matter for the Court to determine whether legal aid should be granted.

The Board authorised payments in respect of 8 claims in 2019 at a cost of €34,000.

**Table 25 - Total Overall Scheme expenditure breakdown 2019**

No.	Description	2019*
1	Number of new claims received by Board	8
2	Number of claims with authorised payments by Board	5
3	Average cost per authorised claim	€6,823
4	Total value of claims authorised for the Scheme	€34,115

\* figures exclude VAT

**Table 26 - CAB expenditure 2015-2019**

	2015	2016	2017	2018	2019**
<b>Expenditure</b>	€178,000	€99,000	€101,000	€147,000	€42,000

\*\*figures include VAT

**Induction Day in Montague Court offices - August 2019**

*Back row – Left to right: Miriam Keegan, Jean-Anne Powell, Noel Gorman, Paul Pierse, Simon Urbanki, John McDaid CEO, Mike Flynn, Janette Murphy, Monique Fennell.*

*Front row – Left to right: Rose Murphy, Elaine Ellis, Eimear Ryan-Charleton, Niamh McDermott, Orla Lydon, Joan Crawford Regional Manager.*

## Supporting Service Delivery

### **Legal Services Support / Civil Legal Aid**

The grant or refusal of civil legal aid certificates is governed by the Civil Legal Aid Act, 1995, and associated Regulations. The Board's operating model allows local law centres to grant civil legal aid certificates for most family law District Court cases, which tend to be less complex and less expensive cases. Whilst many of these cases are dealt with directly by the relevant law centre, the majority are allocated to private solicitors on the Board's District Court panel.

For cases which require representation in the Circuit or Superior Courts, the decision-making function rests with the Board's Legal Services function, which is a decision making function. The decision to grant or refuse legal aid is made on foot of a submission from the client's solicitor, which sets out the relevant facts and seeks to apply the law to those facts. The authority for case-related expenditure, such as briefing a barrister or procuring expert reports, also rests with Legal Services. This is a central part of the cost-control and governance role of the Support function.

In 2019, there were 3,030 certificates granted by the Board's Legal Services function on foot of submissions made by law centres on behalf of applicants for family law matters and 237 for non family law cases. The Unit also granted 5,006 amendments to legal aid certificates in the year. These amendments are effectively authorisations for additional services on a certificate. 33% of these amendments were for the granting of Counsel services including brief fees, refresher and interim fees, opinions and written submissions. A further 21% of the amendments were in relation to medical, psychologist and psychiatrist reports. There were 535 authorisations given on cases prior to a decision on whether a legal aid certificate should be granted; these were primarily to enable an opinion to be sought from a barrister or a medical expert to help determine the merits of the case.

Details of the number of submissions granted and refused are set out below in Table 27.

**Table 27 - 2019 Submissions**

Family Law Legal Aid Certificate	Non Family Law Legal Aid Certificate	Amendments	Authorisations	Waiver of Contribution	Waiver of Costs
<b>Granted</b>	<b>Granted</b>	<b>Granted</b>	<b>Granted</b>	<b>Granted</b>	<b>Granted</b>
3,030	237	5,006	535	1,159	108
<b>Refused</b>	<b>Refused</b>	<b>Refused</b>	<b>Refused</b>	<b>Refused</b>	<b>Refused</b>
35	140	45	10	35	18

## Appeal Committee

The Appeal Committee is a statutory committee of the Board that decides on cases where a person makes an appeal against a decision of the Executive.

The majority of cases that come before it relate to decisions to refuse legal aid certificates.

In 2019, the Committee met on 15 occasions and considered 152 appeals. Five of these meetings were held on an

emergency basis on account of the urgency of the matter.

Of the 152 cases considered, the decision of the Executive was upheld in 125 cases.

There were 23 appeals where the original decision was overturned. In 6 cases, full or partial waivers of costs or contributions were granted by the Committee (out of a total of 8 sought).

Table 28 below provides some more detail.

**Table 28 - Appeals**

Year	2015	2016	2017	2018	2019
<b>Total appeals</b>	146	129	169	180	152
<b>Decisions upheld</b>	111	105	131	138	125
- <i>financial criteria</i>	31	34	57	56	59
- <i>merits criteria</i>	80	71	74	82	66
<b>Decisions overturned</b>	31	23	35	40	23
<b>Appeals withdrawn/ resolved</b>	4	1	3	2	4

Year	2015	2016	2017	2018	2019
<b>Total waiver of contribution appeals</b>	1	1	4	3	3
- overturned	1	1	1	1	2
- upheld	0	0	3	2	1
<b>Total waiver of costs appeals</b>	5	5	12	6	5
- overturned	5	5	10	5	4
- upheld	0	0	2	1	1

## Protected Disclosures

The Board has a policy on protected disclosure reporting in the workplace and it complies with the provisions of the Protected Disclosures Act, 2014.

The Board signed up to Transparency International Ireland's "Integrity at Work" programme in 2017. As part of the Board's commitment to protecting workers who raise concerns, the Board has signed the Integrity at Work Pledge to ensure that workers reporting

wrongdoing will not face penalisation and that action will be taken in response to the concerns raised.

The Policy sets out the principles underpinning the development and maintenance of an ethical culture in the organisation, the operational details of how protected disclosures are to be made by workers in the Board and how those disclosures are to be considered.

The Board has appointed a confidential recipient. No disclosures were reported to the confidential recipient in 2019.

### ***Internal Audit Unit***

The Board reviewed and strengthened its Internal Audit Function in 2018. This exercise resulted in an increased staffing complement being designated to the Internal Audit Unit and, in turn, this facilitated the introduction of a

more comprehensive audit process for the Board's Law Centres and Family Mediation Offices located across the country coupled with a higher number of audits being finalised in 2019. Further to the introduction of more in-depth audits, a three month follow up report was also introduced to ensure that the original audit recommendations were being implemented. In addition, two specialist bespoke audits were completed to comprehensively review specific on-going work processes within the Board.

The following full Audit Reports were presented to the Board's Audit and Risk Committee for consideration in 2019. In addition to the audits listed below, twenty one three month follow up reports were also presented to the Committee.

**Table 29 - 2019 Audit Reports**

Law Centre	Family Mediation Office	Bespoke Audits
Tralee	Letterkenny	Counsel Fee Payments
Smithfield (Dublin)	Dundalk	LAB Procurement
Monaghan	Tallaght	
Cork South	Limerick	
Finglas	Galway	
Blanchardstown	Tralee	
Castlebar	Athlone	
Ennis	Kilkenny	
Clondalkin	Castlebar	
Navan	Dolphin House	
Cavan		
Dolphin House		
Wexford		
Nenagh		
Galway (Francis Street)		
Sligo		
Kilkenny		
Tullamore		

### **Strategy (including strategic research)**

During 2019 the Board sought to further develop its capacity to engage in the development of strategy and in particular strategic research. In January 2019 the Board recruited a research manager to lead in the conduct of strategic research. At the same time the Board established a Strategy and Opportunity Committee with a view to improving its focus on the development of strategy.

Arising from the above developments, the Board established a dedicated Strategy function in May 2019. Research is being carried out both internally and in collaboration with other departments, agencies and third level institutions.

### **Research Activity in 2019**

#### **Global Access to Justice Report**

A substantial Country Report for Global Access to Justice was produced as part of a major international research project:

#### ***An analysis of case outcomes where the Appeal Committee of the Legal Aid Board granted a Legal Aid Certificate.***

This research sought to ascertain the outcome for the client, following the provision of legal services, with the basis of inclusion in the analysis by way of having an initial application for legal aid refused by the Executive but that decision having been reversed by the Appeal Committee of the Board.

### **Examining the length of time taken to obtain a judicial separation / divorce**

This analysis sought to establish the average length of time it takes for a legally aided person to obtain a judicial separation or decree of divorce. The analysis looked at the length of time between key milestones on the Board's case management system. A report was prepared involving a sample of 146 plaintiff divorce cases from across the law centre network. The national average was eighteen months but significant regional variations were evident.

### **Kilkenny Project Review**

An interim report was produced on the Kilkenny Project. The objectives of this research were to document the development of the Project, to review the Project outcomes to date and to outline considerations for future model service delivery offices and co-located offices. Both potential benefits and issues with the project were identified as part of the research.

### **Irish Research Council Funding**

The Board, in conjunction with University College Cork, was successful in obtaining research funding from the Irish Research Council. The overarching aim is to conduct a qualitative and quantitative study of the workings, outputs and efficiencies of the Legal aid Board in the provision of marriage breakdown legal services. The research project, which will be conducted as a PhD thesis, "*From dispute to decree: A critical exploration of the client's journey through the Legal Aid Board's Dispute Resolution Services*" is due to commence in Q1 2020.



### ***Financial Management***

The Board's Finance Unit is responsible for the financial management of the organisation. During 2019, the Unit continued to support the work of the Board through maintenance of effective accounting systems. Regular financial reports,

together with periodic expenditure analysis reports were provided to Management, the Board's Finance Committee and the Board to assist in the effective management of the Board's budget. The Unit facilitated the annual audit carried out on behalf of the Comptroller and Auditor General.

### ***Information and Communications Technology***

The principal developments in relation to information and communications technology (ICT) during 2019 included the completion of a programme to replace all end-of-life PCs across the entire office network, the installation of

updated videoconferencing systems in the main administrative offices to reduce the necessity for business travel, and the development of an updated system to facilitate online applications for civil legal aid.

### ***Official Languages Scheme***

An Irish Language Scheme was approved by the Department of Culture, Heritage and the Gaeltacht in January 2019 for a period of 3 years. The Board

is in a position to facilitate both legal and family mediation services in the Irish language.

### ***Section 42 of the Irish Human Rights and Equality Act 2014***

The Board is conscious of its responsibilities on foot of the above legislation to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect

the human rights of its members, staff and the persons to whom it provides services and is implementing an Equality, Diversity, Disability and Accessibility Strategy for 2018 – 2020.

### ***Overview of Energy Usage in 2019***

The Board is currently on course to meet its statutory obligation to reduce energy consumption by 33% by 2020 (over a 2009 baseline). Returns are made to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, and the performance

scorecard, based on these returns is outlined below.

The offices included in this report consumed the following levels of energy over the last three years.

**Table 30 - Energy Consumption**

Year	Electricity(kWh)	Gas (kWh)	Oil (Litres)
2019	1560,708	102,146	17,000
2018	1,623,548	103,164	12,000
2017	1,511,041	95,268	15,254
2016	1,549,512	115,647	17,000

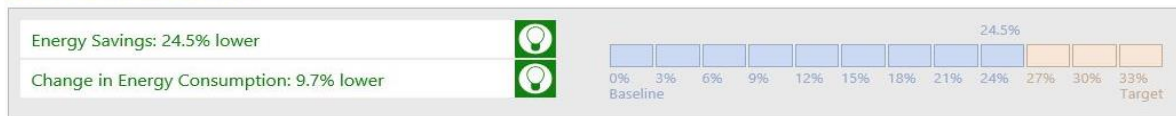
**Initiatives taken during 2019**

The Board has, throughout 2019, continued to work with the Office of Public Works (OPW) via its Optimising Power @ Work campaign to focus on

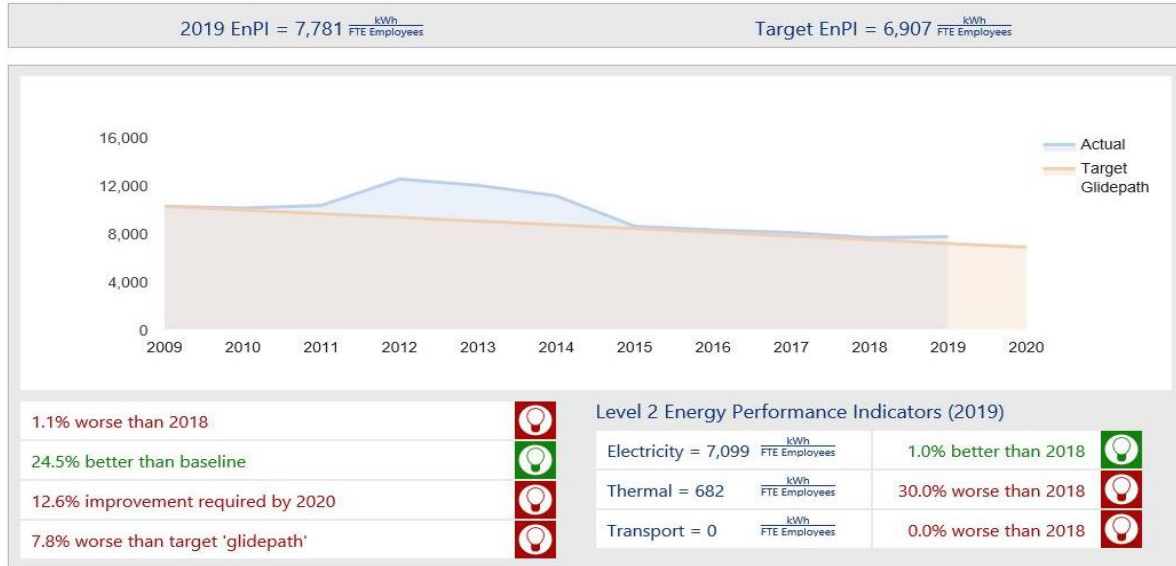
staff awareness campaigns, behavioural change and minor works projects that generate savings in energy usage.

**Progress against baseline (2009 to end 2019)**

Since Baseline to 2019



**Energy Performance Indicators - 2019**



## **Governance Statement and Board Members' Report 2019**

### **Governance**

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 (the "Act"). The Act was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a family mediation service.

The Board is accountable to the Minister for Justice and Equality and is responsible for ensuring good governance and performs this task by setting strategic objectives and targets and taking strategic decisions on all key business issues. The regular day-to-day management, control and direction of the Legal Aid Board are the responsibility of the Chief Executive and the senior management team. The Chief Executive and the senior management team must follow the broad strategic direction set by the Board, and must ensure that all Board members have a clear understanding of the key activities and decisions related to the entity, and of any significant risks likely to arise. The Chief Executive acts as a direct liaison between the Board and management of the Legal Aid Board.

### **Board Responsibilities**

The functions of the statutory Board are set out in Section 5 of the Civil Legal Aid Act 1995 (as amended) – "the Act" – and its responsibilities are set out in the Board's Governance Manual, as follows:

- 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.

Section 20 of the Act requires the Board to keep in such form as may be approved by the

### **Board Structure**

The Civil Legal Aid Act 1995 makes provision for the appointment of a Chairperson and 12 ordinary members to the Board. The current Board was appointed by the then Tánaiste and Minister for Justice and Equality, Ms. Frances Fitzgerald TD, on 8<sup>th</sup> November 2016. A number of ordinary vacancies have occurred subsequently and members have been appointed to fill these vacancies by the Minister for Justice and Equality, Mr. Charles Flanagan T.D.

The table below details the appointment period for current members:

<b>Name</b>	<b>Date of Appointment</b>	<b>Date on which term expires / expired (or the member resigned)</b>
<b>Philip O’Leary</b> Chairperson	08/11/2016	01/11/2021
<b>Anne-Marie Blaney</b> Civil Servant (Staff Member)	08/11/2016	13/09/2019
<b>Tom Brennan</b> Chartered Accountant	08/11/2016	01/11/2021
<b>Deirdre Burke</b> Solicitor	08/11/2016	18/11/2019
<b>Martina Colville</b> Department of Justice and Equality	05/01/2018	31/07/2019
<b>Angela Denning</b> Department of Public Expenditure and Reform	25/09/2018	22/08/2019
<b>Betty Dinneen</b> Civil Servant (Staff Member)	05/12/2019	01/11/2021
<b>Eoin Dormer</b> Department of Public Expenditure and Reform	05/12/2019	01/11/2021
<b>Nuala Egan</b> Barrister at Law	21/02/2017	01/11/2021
<b>Nuala Jackson</b> Senior Counsel	08/11/2016	01/11/2021
<b>Gordon Jeyes</b> Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016	01/11/2021
<b>Maurice Lawlor</b> Department of Social Protection	08/11/2016	01/11/2021
<b>Freda McKittrick</b> Assistant Director, Barnardos	08/11/2016	01/11/2021
<b>Michael O’Connell</b> Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Ellen O’Malley Dunlop</b> Chairperson of the National Women’s Council of Ireland	08/11/2016	01/11/2021
<b>Rachel Woods</b> Department of Justice and Equality	24/09/2019	01/11/2021

The Board has established seven committees, as follows:

### ***Appeal Committee***

The Appeal Committee is a statutory committee of the Board, and comprises the following members in 2019: Ms. Nuala Jackson (Chair, January – April), Ms. Nuala Egan (Chair, May onwards), Mr. Gordon Jeyes, Mr. Maurice Lawlor, Ms. Ellen O’Malley Dunlop. Substitutes: Ms. Deirdre Burke, Mr. Philip O’Leary, Ms. Martina Colville, Ms. Angela Denning.

This committee considers requests by legal aid applicants for decisions made by the executive in a particular case to be reversed.

***Audit and Risk Committee***

The Audit and Risk Committee considers organisational and other risks identified in the risk assessment reports or otherwise and reports to the main Board on the extent to which such risks are managed or mitigated in a structured and on an on-going basis. The members of the Audit and Risk Committee in 2019 were: Ellen O'Malley Dunlop (Chairperson of Committee), Mr. Gordon Jeyes, Mr. Michael O'Connell, Ms. Martina Colville, and Mr. Michael Flynn (external member of Committee, appointed in January 2019).

***Finance and Effectiveness Committee***

The Finance and Effectiveness Committee members for 2019 were as follows: Mr. Tom Brennan (Chair of Committee), Mr. Maurice Lawlor, Mr. Michael O'Connell, Mr. Philip O'Leary, Ms. Angela Denning. The Committee considered the Board'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 approval of the Board's annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management.

***Strategy and Opportunity Committee***

The role of the Strategy and Opportunity Committee is to consider matters relating to new areas of work of the Board and any relevant areas of reform in relation to the approaches adopted by the Board. The Committee considers Board policy and interpretation of legislation and reports and makes recommendations to the Board as deemed appropriate. The members of the Committee in 2019 were Ms. Freda McKittrick (Chairperson of Committee - May 2019), Ms. Anne Marie Blaney, Ms. Deirdre Burke, Ms. Nuala Egan, Ms. Nuala Jackson, Mr. Philip O'Leary.

***Performance Committee***

The Performance Committee is set up to consider the objectives of the Chief Executive and the extent to which those objectives have been achieved. Its members in 2019 were Mr. Philip O'Leary, Ms. Freda McKittrick, Mr. Tom Brennan and Ms. Ellen O'Malley Dunlop. The Committee was chaired by the Board Chairperson.

***Family Mediation Committee***

The role of the Family Mediation Committee was to consider and make recommendations to the Board on matters relating to the provision of family mediation services by the Board and family mediation matters generally. The members of the Committee are Ms. Deirdre Burke (Chair of Committee), Ms. Anne-Marie Blaney, Ms. Nuala Jackson, Ms. Freda McKittrick, Ms. Nuala Egan, and Mr. Derek Fish (Staff member). The Committee was

discontinued in July 2019. This was in line with recommendations from the Board Effectiveness and Evaluation review which was carried out in the first half of 2018 and the recommendation was on the basis that a Strategy and Opportunity Committee should address the need to consider the strategic development of family mediation services.

### **Governance Committee (ad-hoc)**

The Governance Committee was established on a temporary basis to oversee the implementation of the recommendations in the external Board review. The members of the Committee were Mr. Gordon Jeyes (Chairperson of Committee), Ms. Martina Colville, Ms. Freda McKittrick, and Mr. Philip O'Leary. The Committee held its last meeting on the 24th January 2019.

### **Schedule of Attendance, Fees and Expenses**

In 2019, the Board held 10 Board meetings, seven of which were held in Dublin, two in Cahirciveen, and one in Portlaoise. A schedule of attendance at the Board and Committee meetings for 2019 is set out below.

<b>Name</b>	<b>Number of Board meetings attended</b>	<b>Fees 2019 €</b>	<b>Expenses 2019 €</b>
<b>Philip O'Leary (Chair)</b>	10	11,970	1,663
<b>Anne-Marie Blaney*</b>	6	0	95
<b>Tom Brennan</b>	9	8,538	32
<b>Deirdre Burke</b>	5	6,962	0
<b>Martina Colville**</b>	5	0	0
<b>Angela Denning***</b>	6	0	0
<b>Nuala Egan</b>	9	8,538	0
<b>Nuala Jackson</b>	7	7,695	0
<b>Gordon Jeyes</b>	9	7,695	433
<b>Maurice Lawlor</b>	10	0	1,225
<b>Freda McKittrick</b>	9	8,538	0
<b>Michael O'Connell</b>	10	0	754
<b>Ellen O'Malley Dunlop</b>	9	8,538	315
<b>Rachel Woods****</b>	2	0	0
<b>Micheal Flynn (External member of Audit and Risk Committee*****)</b>	-	1,197	0

\* Ms. Anne-Marie Blaney resigned from the Board in September 2019

\*\* Ms. Martina Colville resigned from the Board in July 2019

\*\*\* Ms. Angela Denning was appointed to the Board in August 2019

\*\*\*\* Ms. Rachel Woods was appointed to the Board in September 2019

\*\*\*\*\*Michael Flynn was appointed in January 2019

Note: Anne-Marie Blaney, Maurice Lawlor, Michael O'Connell, Martina Colville, and Angela Denning, Betty Dinneen and Eoin Dormer who are public servants, did not receive a Board fee under the One Person One Salary principle.



A schedule of attendance at Committee meetings is set out below.

	Appeals	Audit and Risk	Family Mediation	Finance and Effectiveness	Governance	Performance	Strategy and Opportunity
<b>Number of Committee meetings held</b>	12	4	2	7	1	3	4
<b>Philip O'Leary</b>				7	1	3	4
<b>Anne-Marie Blaney</b>			1				1
<b>Tom Brennan</b>	1	4		6			
<b>Martina Colville</b>	2	1			1		
<b>Deirdre Burke</b>	3		2				2
<b>Angela Denning</b>	3			5			
<b>Nuala Egan</b>	11		1				4
<b>Nuala Jackson</b>	10		2	2			1
<b>Gordon Jeyes</b>	6	4			1		1
<b>Maurice Lawlor</b>	8			7			
<b>Freda McKittrick</b>	3		1		1	3	4
<b>Michael O'Connell</b>		4		7			
<b>Ellen O'Malley Dunlop</b>	8					2	
<b>Rachel Woods</b>	1	1					
<b>Michael Flynn (External member of Audit and Risk Committee)</b>		4					

