

I. Introduction

FLAC is an independent human rights organisation dedicated to the realisation of equal access to justice for all. It campaigns through advocacy, strategic litigation and authoritative analysis for the eradication of social and economic exclusion. The core of what FLAC seeks is equal access to justice for all. That includes access to lawyers, legal advice and representation. This can make significant contribution to the eradication of social and economic exclusion.

To achieve those aims, it is essential for FLAC to have an accurate picture of the legal needs of its callers. With the view to having uniform records and statistics of the overall work of its centres, FLAC continues to promote its Data Collection Programme¹. The information collected from FLAC's network of centres is intended to assist FLAC in its development and in its ongoing research and campaigning efforts to improve the provision of State civil legal aid and access to justice in Ireland.

FLAC was originally established to campaign for the introduction of a State-funded system of civil legal aid. Following the decision of the European Court of Human Rights in *Airey v. Ireland*², the Scheme of Civil Legal Aid and Advice was finally introduced in 1980 and the Legal Aid Board (LAB) was established. The service was put on a statutory footing in 1995 with the enactment of the Civil Legal Aid Act and is administered through the LAB. The service is delivered through a network of 30 Law Centres around the country.

While FLAC welcomed the introduction of the civil legal aid scheme, barriers to access and gaps remain in the provision of civil legal aid. That is why FLAC continues to campaign for an adequate scheme that guarantees access to legal services for all.

To begin with, there is little diversity in the work done within the civil legal aid scheme. Although the scope of the Act is broad- particularly in relation to legal advice which is available for a range of matters, such as social welfare, debt and consumer law, in practice the LAB has consistently prioritised family law over any other civil matter. Figures from the LAB's Annual Report indicate that 91.72% of litigation services and 80.68% of the cases involving legal advice provided by the LAB to its clients were in the areas of family law.

While legal advice is available for persons who are appearing before tribunals, actual representation is not provided for the tribunal hearing itself. Section 27 (2)(b) of the Civil Legal Aid Act, 1995 which allows for the scope of the legal aid scheme to be extended to tribunal representation has never been implemented. Effectively this means that people pursuing social welfare appeals, those appearing before the Tenancy Tribunal³, Employment Appeals Tribunal, or Equality Tribunal are very often unable to secure legal representation as they are unlikely to be able to afford a private solicitor.

Certain categories of law are specifically excluded by the legislation. Section 28 (9)(a) of the Act excludes nine "designated matters"⁴ from the scope of the Legal Aid Scheme, some of which, such as housing law, may impact particularly heavily on low income families.

¹ The Data Collection Programme is funded by the Scheme to support Federations, Networks and Umbrella Bodies in the Community and Voluntary Sector and is co-ordinated by Marcela Rodríguez-Farrelly, Research and Development Officer with the assistance of an intern. The programme was introduced in January 2004 and has been gradually launched at FLAC centres located in the Dublin and the greater Dublin area, as well as the Legal Advice Centres located outside the greater Dublin area.

² *Airey v Ireland* [1979] 2 EHRR 305.

³ Tenancy Tribunal of the Private Residential Tenancies Board of Ireland

⁴ Section 28 (9)(a) of the Civil Legal Aid Act, 1995 excludes nine "designated matters", which are "... (i) defamation; (ii) disputes concerning rights and interests in or over land; (iii) civil matters within the jurisdiction of the District Court (Small Claims Procedures) Rules, 1993; (iv) licensing; (v) conveyancing; (vi) election petitions; (vii) a matter as respects which the application for legal aid is made in a representative, fiduciary or official capacity and the Board, having regard to any source from which the applicant is or may be entitled to be indemnified in respect of the costs of the proceedings concerned and any resources of the persons who would be likely to benefit from a successful outcome of the proceedings for the applicant, is of opinion that legal aid should not be granted; (viii) a matter the proceedings as respects which, in the opinion of the Board, are brought or to be brought by the applicant as a member of and by arrangement with a group of persons for the purpose of establishing a precedent in the determination of a point of law, or any other question, in which the members of

Entitlement to civil legal aid and advice depends on satisfying both a merits and a means test. The merits test involves assessing whether a reasonable person would bring the case if they had the funds to do so, and whether a reasonable lawyer would advise such an action. This assessment is made by the Board itself. Except from child welfare cases, the Board will also assess whether the applicant has reasonable grounds for instigating, defending or, as the case may be, being a party to the proceedings and whether the case may succeed or not. The test of merit eligibility is not straightforward, and as a result, applicants may find it very difficult to know whether they will qualify.

In addition to the merit test, applicants must pass a means test. At the time of data collection and analysis the regulations were as follows. Except for separated or separating spouses, whose incomes are individually assessed, the “disposable” family income of a legal aid applicant was not to exceed €13,000 a year, in other words, €250 a week or less, to qualify for legal aid. To calculate this figure, certain deductions such as income tax and PRSI payments, allowances for dependants, social insurance contributions, childcare expenses up to €21.15 per child and accommodation or mortgage costs up to €94.50 per week were allowed. Small allowances which were taken into account such as interest on loan repayments, hire purchase and travel expenses were all abolished in 2002.

For years, FLAC was extremely concerned in relation to the financial criteria that limited the LAB service and which made it extraordinarily restrictive. When the statutory scheme was introduced in 1996 a means test was devised by regulation. The scheme does not provide for a periodic review of the financial limits on eligibility. Since then it has been revised in 2002 and recently in September 2006. The amount of allowances is not linked to a variable such as Consumer Price Index. FLAC is of the view that an assessment of means must reflect the actual cost of living and be reviewed annually. FLAC highlighted the issue to the Department of Justice and Law Reform in July 2005, and updated regulations went into effect on 1 September 2006.

New regulations have since come into effect at the time of the writing of this report. The new regulations allow for a disposable income of up to €18,000 per year, and childcare and accommodation allowances of €115.38 a week and €153.85 a week respectively. Unlike the previous regulations, the new regulations also completely disregard the applicant’s family home as capital for the purposes of qualifying for the service. Yet, the new regulations provide no mechanisms for a periodic revision of the financial limits on eligibility.

Where a legal aid certificate is refused the LAB must convey its decision in writing and state the reasons for refusal⁵. The LAB published statistics on appeals against refusals for the first time in its Annual Report 2005⁶. Until then, the LAB has never published reasons for refusals and it is not clear to what extent clients are informed of such reasons.

II. The Data Collection Programme - Statistics

When planning the Data Collection Programme, the above areas of concern about state civil legal aid provision were taken into consideration. FLAC recognises that precise information supplied by its volunteer legal advisors supports its representations to government, in a practical way. It began its current Data Collection Programme in 2004 and by the end of 2005, 31 of its centres were supplying information that have helped to advance its campaign for a more comprehensive civil legal aid scheme.

This report provides information collected from the legal advice centres which participated in the Data Collection Programme during 2005. In the Dublin area, participating centres included Adelaide Road, Ballyboden, Ballyfermot, Ballymun, Blanchardstown, Clondalkin, Crumlin, Dundrum, Finglas, North King Street, Meath Street, Prussia Street, Pearse Street, Rathmines, Tallaght, and Whitehall/Beaumont. Among the participating centres from the rest of the country were Bantry, Ballina, Castlebar, Cork City, Clonmel, Letterkenny, Listowel, Navan, Naas, Newbridge, Sligo, Thurles, Tralee, Tullamore and Wexford.

the group have an interest;(ix) any other matter as respects which the application for legal aid is made by or on behalf of a person who is a member, and acting on behalf, of a group of persons having the same interest in the proceedings concerned...”

⁵ Civil Legal Aid Regulation, 1996 – Section 7

⁶ Legal Aid Board Annual Report 2005, page18

Information was gathered from data collection forms used in the legal advice centres during personal consultations with callers. Every visit of a person to a centre is treated as one caller, and one form is used per caller. According to the data available to FLAC head office⁷ 3,649 forms were returned from participating centres.

1. Areas of Law discussed with clients

Callers visiting FLAC's network of centres seek legal information regarding one or more areas of law. The total number of legal queries recorded in 2005 was 3,811, as compared with 3,536 in 2004. The following table shows the type of legal queries that FLAC callers brought to its network of centres.

Areas of law discussed at FLAC centres			2004		2005	
			Count	%	Count	%
Civil law	Family		1249	35.3	1425	37.4
	Non-family	Employment Law	361	10.2	343	9.0
		Succession/Probate	293	8.3	342	9.0
		Property	265	7.5	288	7.6
		Housing	247	7	275	7.2
		Consumer Law	179	5.1	192	5.0
		Credit and Debt	123	3.5	120	3.1
		Immigration/Refugee Law	95	2.7	83	2.2
		Social Welfare Law	63	1.8	58	1.5
		Other civil matters	464	13	495	13
Total non-family		2090	59.1	2196	57.6	
Criminal law			197	5.6	190	5.0
Total legal queries			3536	100	3811	100

In 2005, FLAC callers mainly sought legal information on civil law matters; only 5% requested information on criminal law.⁸ When examining the sort of civil legal matters on which advice was sought, we see that the most frequently discussed area of law was family law, with 37.4% of the total number of the queries. However, the remaining 57.6% indicates that more than half of FLAC callers needed legal advice and information on a wide range of non-family matters.

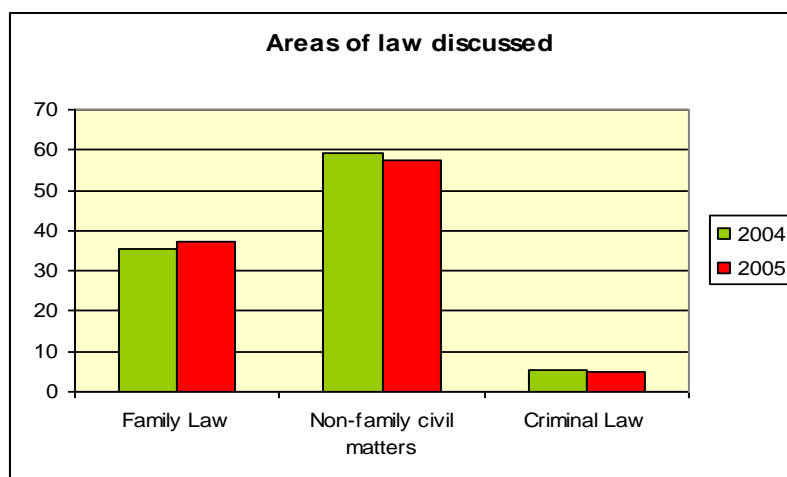


Figure 1 (N2004=3536; N2005=3811)

For instance, in 2005 almost one in five callers needed advice on either employment law or succession/probate. Housing was another area of considerable need for legal advice and information with over seven percent of the total number of queries, covering matters such as tenant's rights, neighbour disputes and local authority housing issues. Other areas of law where legal information was sought included property, social welfare and credit and debt.

The category "other civil matters" included queries related to personal injuries, medical negligence, defamation, client/solicitor relationship and road traffic accidents, to name but a few.

⁷ This report is based upon data available up to the cut-off day of 17 May 2006.

⁸ The Criminal Legal Aid Scheme is more straight-forward than the Civil Legal Aid Scheme. It is a matter for the judge to consider whether the person can pay to their legal representation. This entitles the party to free legal aid where no contribution is paid.

2. Does the caller have a solicitor?

Callers were asked whether they currently had a solicitor⁹. Of the 1681 respondents who answered this question, the majority said that they had no solicitor (78.4% ; 1317/1681). Over one in five callers said they had (21.6% ; 363/1681).

Of the 363 respondents who had a solicitor, some 282 specified whether they had a private solicitor or were clients of one of the LAB Law Centres. Only one in ten was a client of the Legal Aid Board (10.6% ; 30/282), while the remaining 89.4% (252/282) had privately hired a solicitor. Figures 2 and 3 illustrate the breakdown.

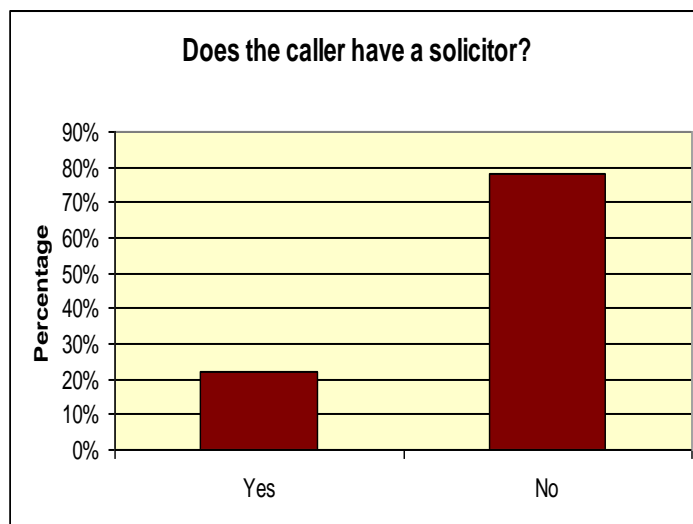


Figure 2 (N= 1681 respondents)

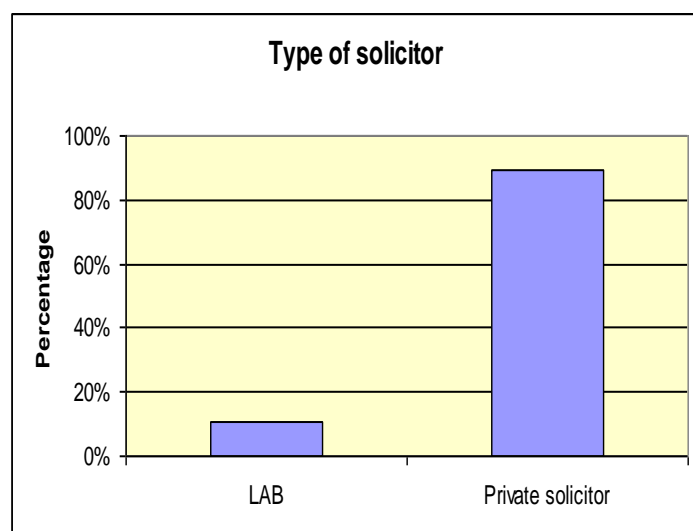


Figure 3 (N=282 respondents)

3. Finding out about the FLAC Centres

Callers found out about FLAC through a broad range of different sources. Some 882 respondents provided information relating to how they heard about FLAC. Citizen's Information Centres (CICs) - where FLAC centres¹⁰ operate on a weekly or bi-monthly basis, were the main source of referrals for

⁹ FLAC does not supply a second opinion service. However, callers sometimes have queries relating to costs or other questions which for reasons of expense or embarrassment they do not feel comfortable bringing to their solicitor.

¹⁰ All FLAC centres that reported data during 2005 operate at the Citizen's Information Centres (CICs), except from Pearse St and Prussia St Centres, which operate at the St Andrews Resource Centre in Dublin 2 and Aughrim St Parish Centre in Dublin 7 respectively

FLAC (47.2% ; 416/882). Word of mouth¹¹ was the second most cited way of learning about FLAC (27.7% ; 245/882).

Callers also mentioned that they had heard about FLAC through the media¹² (20.2% ; 177/882), through a statutory body¹³ (1.8% ; 16/882), through community/volunteer organisations¹⁴ (2.1% ; 19/882) and finally through a professional body¹⁵ (1% ; 9/882). Figure 4 below illustrates the breakdown.

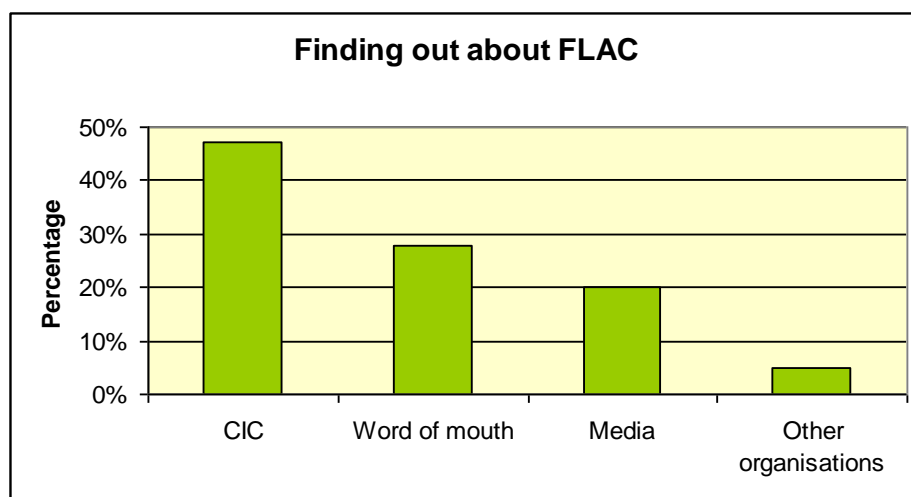


Figure 4 (N=882 respondents)

4. How FLAC helped: Legal information & referrals

Callers dropping in to FLAC network of centres can get access to first stop legal information about general rights and entitlements. When further legal advice or legal representation is needed FLAC advisors make referrals. Figure 5 shows how FLAC assisted its clients during 2005.

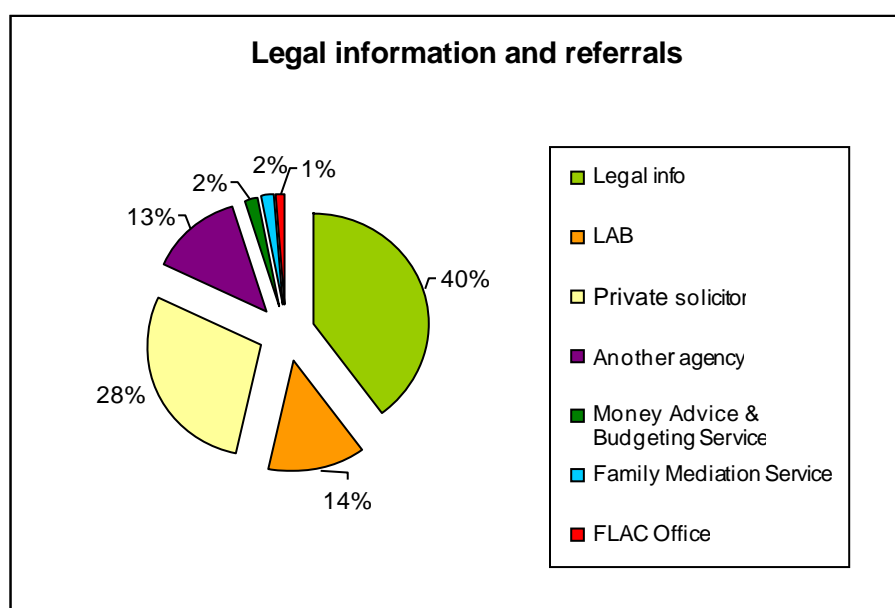


Figure 5 (N= 3649 clients)

As can be seen, in 2005 four in ten callers were provided with legal information by FLAC volunteer advisors. The remaining callers, apart from being informed about their legal query, were referred to

¹¹ Word of mouth includes clients who previously used FLAC service and referrals from friends and a family member

¹² Media includes TV, radio, newspapers, leaflets, Internet, Yellow Pages, newsletters and street signs.

¹³ Statutory bodies include Legal Aid Board, Small Claim Court and Family Law Court

¹⁴ Community/volunteer organisations include Threshold, MABS, Treoir, AIM, schools, libraries and Church/Parish Centres

¹⁵ Professional bodies include the Law Society, Social Service Federation and Social Workers

the LAB Law Centres, other statutory and/or voluntary organisations, a private solicitor and/or FLAC Office.

5. *Exploring caller's experience in accessing legal services*

Callers were asked whether they had previously experienced difficulty in accessing legal assistance. Of the 288 callers who answered this question, one in five reported that they had experienced such difficulties (60/288).

Callers were also asked whether they had heard about the Legal Aid Board. This was asked to assess awareness of the LAB's existence. Of the 923 respondents who answered this question, 62.4% (576/923) said "No" while only 37.6% (347/923) answered "Yes". Compared with 2004, there was an increase of nearly 11% in the number of callers who did not know about the existence of the LAB. Figure 6 illustrates the breakdown¹⁶.

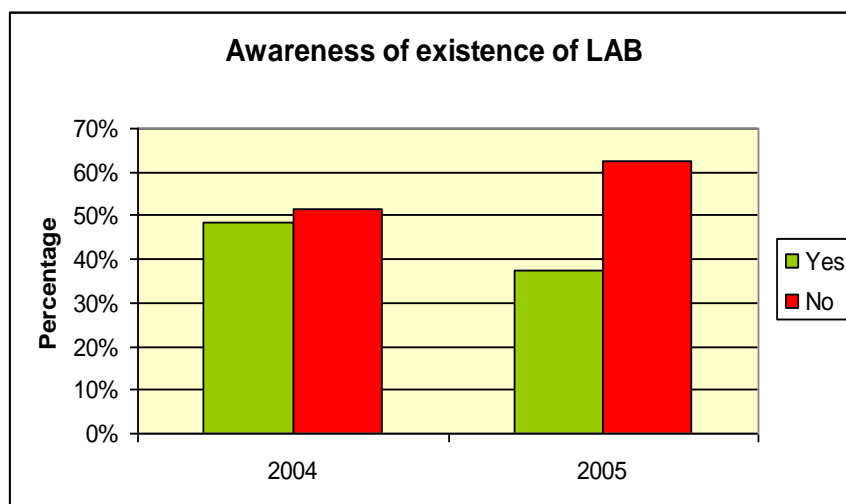


Figure 6 (N 2004= 781 respondents ; N 2005=923 respondents)

Following from that, callers who had heard about the LAB were also asked whether they had ever applied for legal aid. Of the 343 respondents to this question, 27.4% (94/343), applied for legal aid and the remaining 72.6% (249/343) did not apply.

- **The 94 callers who applied for legal aid were asked the following three questions:**

For how long did you have to wait to see a solicitor?

65 callers answered this question. The breakdown is as follows:

Waiting times	2004 (%)	2005 (%)
Within 4 months	51.5	60.3
5 to 12 months	25	21.4
Over 12 months	8.8	6
Not aware/still on waiting list	14.7	12.3
Total	100	100

(N2004= 68 respondents; N 2005= 65 respondents)

What was the matter in question?

69 callers answered this question. Of those, 65 respondents indicated that they had applied to the LAB in relation to family law matters. The other four callers indicated that they had applied for housing related matters. These four callers further indicated that their applications were refused because the matter was not covered by the LAB.

Were you granted legal aid?

¹⁶ In 2004, 51.5% (402/781) of the total number of respondents said "No" to that question, while 48.5% (379/781) answered "Yes", as indicated on the FLAC Statistical Report for year 2004, page 11

Of the 80 respondents who answered this question, 53 respondents said that they were granted legal aid/advice, 22 were refused legal aid/advice, and the remaining 5 said that they were not yet aware as they were still waiting to see a solicitor of the LAB.

Of the 22 callers who were refused legal aid/advice, 14 gave reasons. Four said that their matter was not covered, eight failed the means test, one said that her/his spouse had LAB representation and the other caller said that no reasons for refusal were given.

- **The 249 callers who said they had heard about the LAB but who had not applied for legal aid were asked the reasons for not having done so.**

Of the 86 callers who responded this question, over one in four had not applied for legal aid because the caller had previously been advised that they were over the limit for the means test. Compared to figures from 2004¹⁷, there was an increase of 11.5% in the number of callers who mentioned that they had not applied for the service because they felt they would be over the means limit.

Over one in ten callers indicated that they had previously been advised not to apply because the matter was not covered by the service provided by the LAB.

Over one in ten callers had not applied for legal aid because the caller was not aware of the extent of the service provided by the LAB. The following table indicates the breakdown.

Callers never applied for legal aid because...	Count	%
Deemed it unnecessary	40	46.5
Previously advised over the limit	24	27.9
Previously advised that the matter was not covered	11	12.8
Were not aware of the extent of the service	10	11.6
Chose not to apply due to delay	1	1.2%
Total	86	100

6. Callers' demographic profile

Employment status and income

Callers dropping in at FLAC legal advice centres come from a wide range of backgrounds. Some 1028 callers provided information relating to their employment status; over half of those indicated that they were working either in a full or part-time job, as self-employed, or participating in a Community Employment (CE) Scheme.

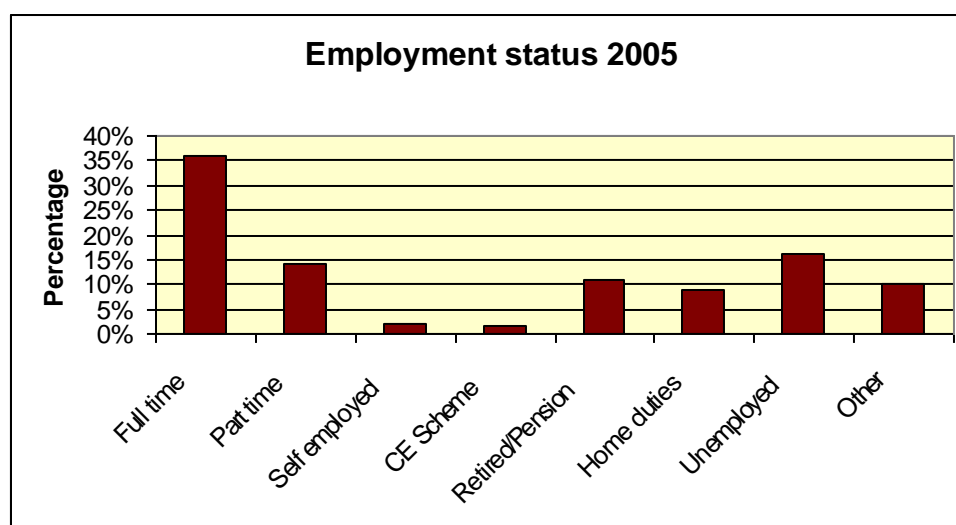


Figure 7 (N=1028)

¹⁷ In 2004, 16.4% (11/64) of the total number of respondents who gave reasons for not applying to LAB said that they had deemed that s/he would not qualify as they were over the limit for the means test.

As can be seen in the tables below, the number of unemployed callers visiting FLAC centres has dropped from 21.70% in 2004 to 16.20% in 2005. The number of social welfare recipients though has increased 2.20% in comparison to the previous year. A possible explanation for that may be that many respondents who were employed were still getting family benefits.

The number of retired or pensioner clients also slightly dropped when compared to the previous year. In 2005, there was a slight increase in the number of clients who performed home duties.

Employment status	2004	2005
Full time	32.70%	35.80%
Part time	15.00%	14.20%
Self employed	1.30%	2.20%
CE Scheme	2.10%	1.60%
Retired/Pension	11.20%	10.90%
Home duties	8.20%	8.90%
Unemployed	21.70%	16.20%
Other	7.80%	10.20%

(N2004= 874; N 2005=1028)

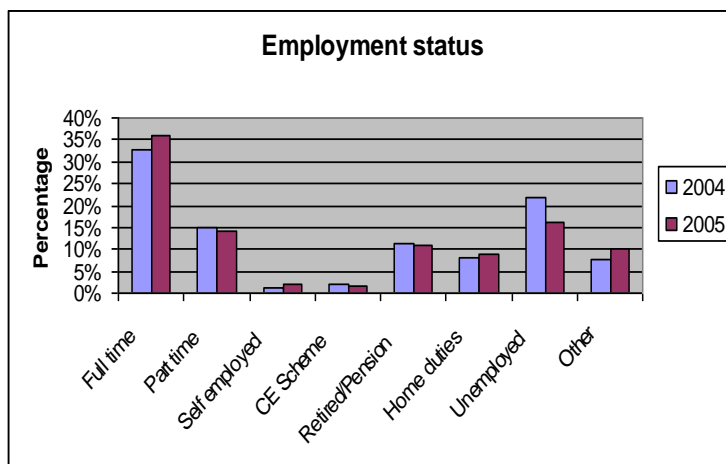


Figure 8

In relation to the callers' household income, in year 2005 one in three callers said they had a gross annual household income over €20,000. Nearly one in four was a social welfare recipient and almost one in five had an income between €13,000 and €20,000.

GAHI	2004	2005
under €8000	17.20%	9.40%
€8000 - €13000	16.20%	14.50%
€13000 - €20000	20.40%	19.60%
over €20000	24.80%	33.70%
Social Welfare	20.20%	22.40%
Direct Provision	1.20%	0.40%

(N 2004=723; N 2005=1028)

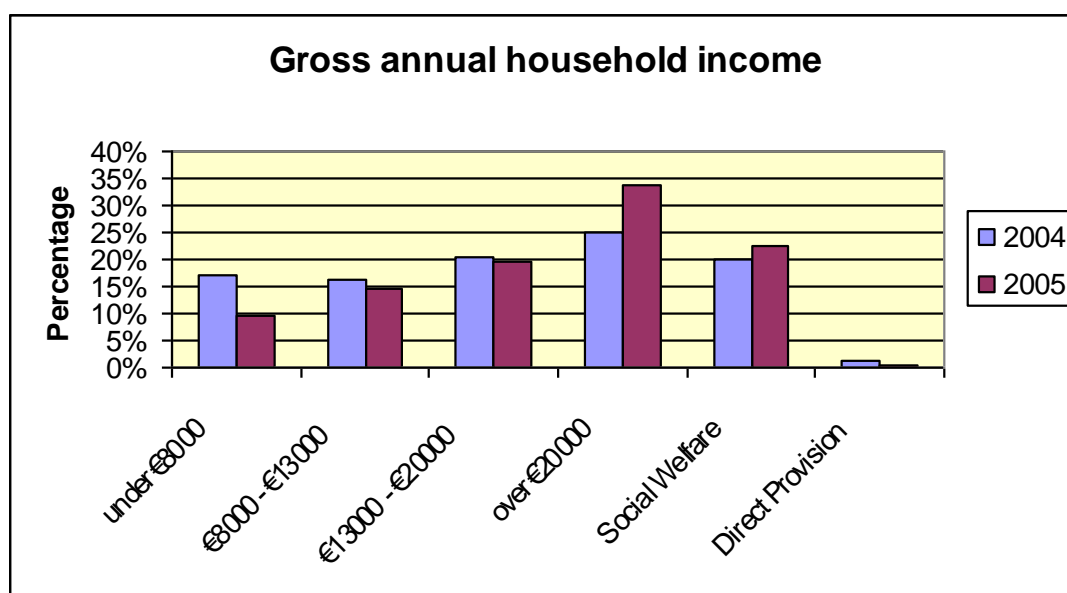


Figure 9

Marital status

In examining the marital status of callers who answered the question (1088 respondents), we see a diversity of backgrounds as well. In 2005, 36.3% (395/1088) of our callers were married, a further

29.6% (322/1088) were single with no children and 16.4% (178/1088) were separated or divorced. Nearly one in ten callers was a single parent (9.3%; 101/1088). Widow or widowers amounted to 4.8% (53/1088) of the clients, while cohabitees made up 3.6% (39/1088).

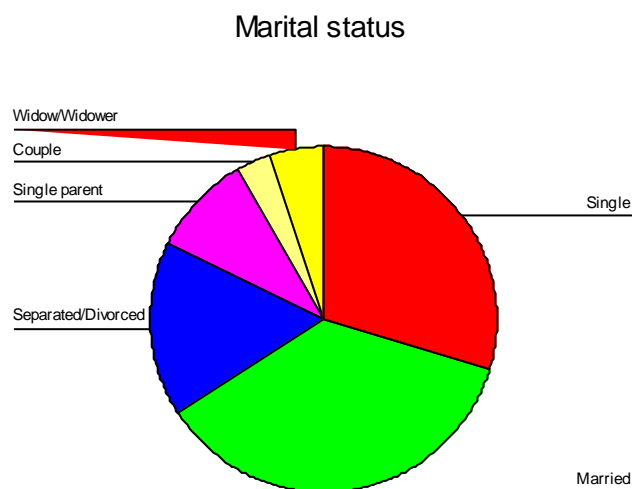


Figure 10 (N=1088)

Resident dependants

Some 1034 respondents indicated whether they had resident dependants. More than half of FLAC callers who answered this question said that they did not have any resident dependants (57%; 589/1034). Of those who had resident dependants (43%; 445/1034), 15.3% (158/1034) said they had one child; 16.2% (167/1034) said they had had two children (16.2%; 167/1034) and 10.9% (113/1034) said they had more than three children. Less than 1% indicated that they had a resident other than a child.

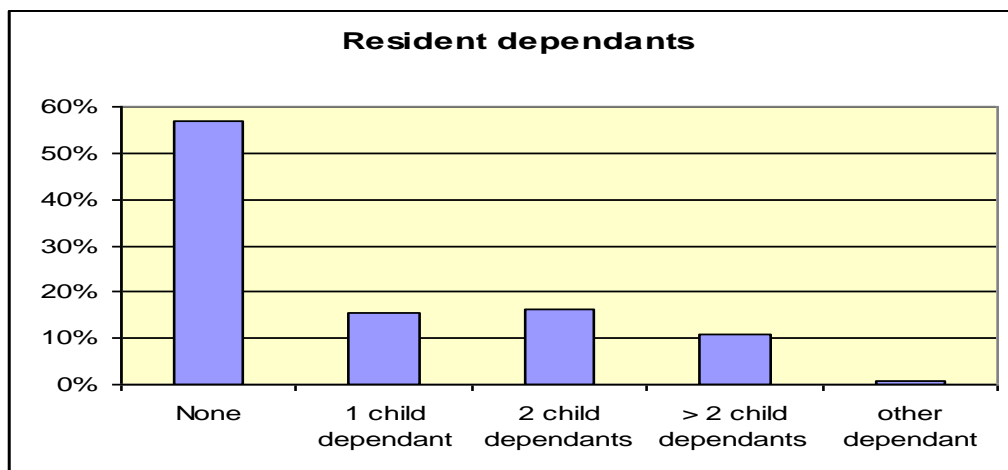


Figure 11 (N=1034)

Home ownership

The home status of FLAC callers who answered this question covers a diverse range of situations. Some 1012 respondents provided information in relation to their accommodation status. As in the previous year, in 2005 one in three callers said they lived in a cost-free accommodation, as they either owned outright their dwellings (23%; 230/1012), or live in “other” kinds of accommodation such as with relatives or in a shelter (12.4%; 125/1012). There was an increase of 5.3% in the total number of persons in out-right ownership of their dwellings seeking advice in our centres.

Owner-occupiers with a mortgage on their dwelling amounted to 30% (301/1012) of callers, while clients living in a private rented accommodation amounted to 22.2% (225/1012) and 12.4 (125/1012) in local authority housing.

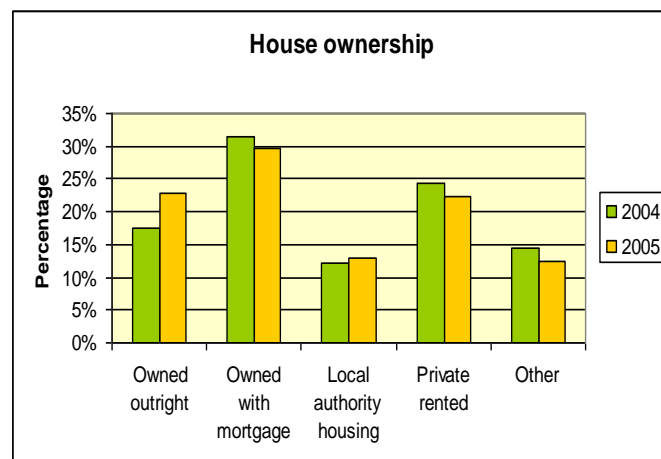


Figure 12 (N 2004=840; N 2005= 1012)

Gender

More women than men visited our centres in search of legal information in 2005.

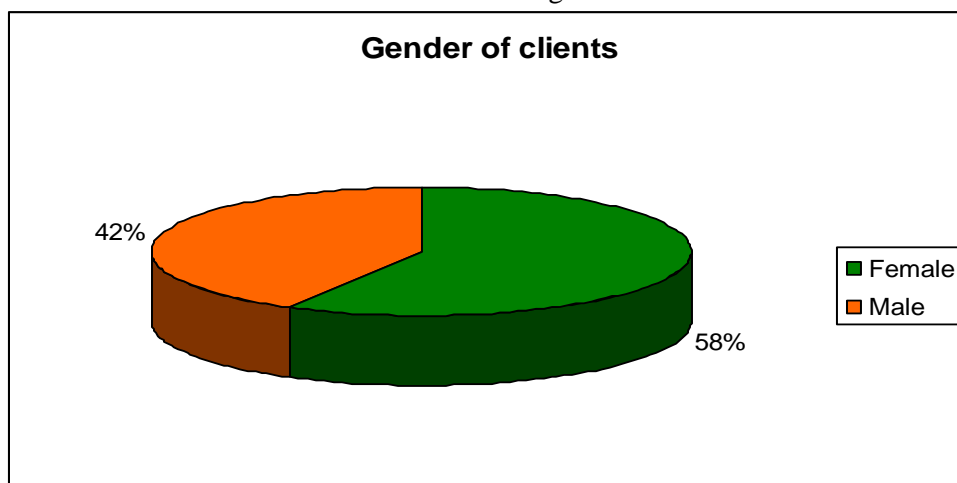


Figure 13 (N=1209)

Age group

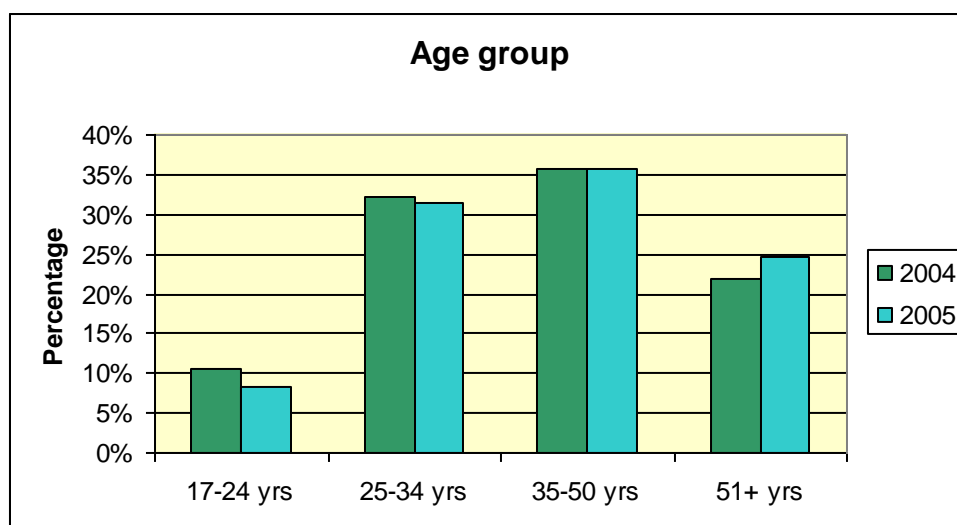


Figure 14 (N2004= 1074; N2005=1230)

Some 1230 callers provided information regarding their age. As in the previous year, most FLAC callers' were in the 35 – 50 and 25 – 34 year old bracket. Compared with the previous year, in 2005

more clients who were over 51 years of age sought legal information at FLAC centres and fewer clients who were in between 17 and 24 years of age.

Nationality

Most callers to FLAC centres were Irish nationals. Of the 1230 respondents to this question, EU/EEA nationals only accounted for 6.5% and non-EU/EEA nationals for 6.9%.

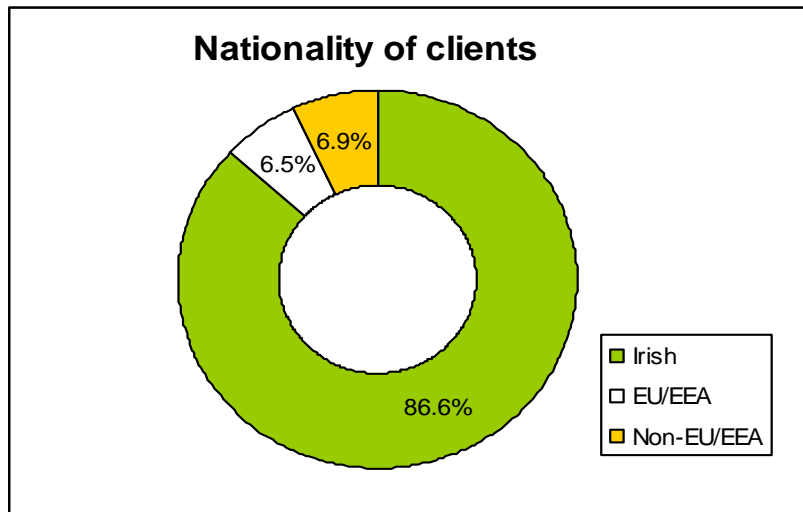


Figure 15 (N=1230)

The bulk of non-Irish callers were received at the Blanchardstown FLAC centre with 39 foreign callers, followed by the North King Street FLAC centre with 18 non-national callers. FLAC currently provides immigration specialised legal advice in those centres.

III. Summary of findings

1. Areas of Law

The vast majority of FLAC callers sought legal information on civil legal matters. In turn, the majority of civil queries at the centres were non-family related. Nearly one in five callers needed advice on either employment law or succession/probate. Housing was another area where there was considerable need for legal advice and information with over seven percent of the total number of queries, covering matters such as tenant's rights, neighbour disputes and local authority housing issues. Other areas of law where legal information was sought included property, social welfare and credit and debt as well as civil litigation matters such as personal injuries, medical negligence and defamation.

2. Whether callers have a solicitor

Nearly four in five callers had no solicitor. Of those who had a solicitor, only one in ten had obtained legal assistance through the Legal Aid Board Law Centres, although data shows that most of FLAC callers were not in full-time employment and on low incomes.

3. Finding out about FLAC

Callers heard about FLAC from a wide range of sources. Callers were mainly referred to FLAC legal advice centres by the Citizens' Information Centres and by word of mouth. One in five callers learnt about FLAC through the media.

4. How FLAC helped

FLAC advisors provided its callers with legal information about rights and entitlements, often combined with a referral to a private solicitor, another statutory and/or non-statutory organisation for further advice and/or representation.

5. Exploring callers' experience in accessing legal services

One in five callers who answered the question reported that they had previously experienced difficulties in obtaining legal assistance.

62.4% of callers who responded to questions in relation to awareness of civil legal aid had never heard about Legal Aid Board. This shows an increase of nearly 11% in the number of clients who did not know about the existence of the Legal Aid Board compared to figures from last year.

Slightly over one in four of those callers who had heard of the LAB applied for civil legal aid/advice.

- The vast majority of callers who had applied for legal aid/advice reported that they applied on family law matters.
- 62.3% of those who answered the question relating to waiting times at the LAB's Law Centres indicated that they had had to wait four months or less to see a solicitor from the LAB for first time.
- Of those who had indicated whether legal aid or advice was or was not granted, over one in four said that they were refused legal aid/advice. Few respondents indicated the reasons for a refusal of legal aid/advice. However, it is worth mentioning that among the reasons given were that their matter was not covered and that they had failed the means test.

Nearly three in four clients who had heard about the Legal Aid Board did not apply for the service.

- Compared to last year, more respondents reported that they did not apply for legal aid/advice because they felt that they would be over the limit of the means test.
- 12.8% of respondents who gave reasons for not applying for legal aid/advice said that they had been previously advised not to apply because the matter was not covered by the Legal Aid Board's service.
- Nearly 41% of respondents who gave reasons for not applying for legal aid/advice said that they had been previously advised that they wouldn't qualify.
- 11.6% of respondents who gave reasons for not applying for legal aid/advice said that they were not aware of the extent of the services provided by the Legal Aid Board.

6. FLAC caller's demographic profile

FLAC figures show that its callers come from a wide range of backgrounds. In terms of their employment status and household income, slightly over one third of FLAC callers were in full-time employment and only one third indicated that they had a gross annual household income of €20,000 or more.

IV. Conclusion and recommendations

1. As in the previous year¹⁸, FLAC found that the majority of the legal queries brought by callers to FLAC network of centres during 2005 were non-family matters, as only 37.5% of the total number of queries was family law related. While family law continues to be an important area of concern for FLAC callers, the wide range and frequency of other areas of law may indicate that wider need is not being met by the current service. It is significant that these areas primarily affect the welfare of those who have limited resources but nonetheless real unmet legal needs.

¹⁸ FLAC Statistical Annual Report for Year 2004, available at FLAC head office

Figures from the LAB's Annual Report 2005¹⁹ indicate that 89.63% of representation services and 80.37% of the cases involving legal advice provided by the LAB to its clients were in the areas of family law. In contrast, FLAC's Data Collection Programme highlights that there is wider demand for civil legal aid.

For instance, according to FLAC figures, one in five callers sought advice on either employment law or on succession /probate; over seven percent needed legal advice on housing matters and property. LAB's own statistics show that in practice civil legal aid concentrates heavily on family law, reducing the service far below its potential and ignoring substantial areas of legal need. While the LAB has justified its primarily family law approach as demand for that field²⁰, FLAC findings show that other areas of civil law constitute a significant percentage of the demand and that unmet legal need is more diverse than the analysis of the LAB would indicate.

As the Irish High Court and the European Court of Human Rights have said, legal aid should be available in matters of great importance to an applicant where a failure to grant representation may deny the applicant the right to access her/his rights. Such matters should include housing, disputes concerning rights and interest over land, tribunals or defamation.

Recommendation

The LAB service should be one where it actually provides the full scope of legal aid and advice to which people are entitled to by right. To that end, the LAB should endeavour to ensure that its staff is fully conversant with the full statutory scope of the LAB's service and it should publicise the extent of its service.

2. FLAC figures reveal that the LAB service needs to be more effectively publicised. More than half of respondents to the question said that they had never heard about the LAB. But even one in ten of those respondents who had heard about the LAB – and who gave reasons for not applying- said they had not applied for legal aid/advice because they had not know about the *extent of the service* provided by the LAB.

Recommendation

The LAB should make the existence of the service it provides more widely and effectively known. The LAB should develop an advertising campaign to promote awareness of legal aid services, especially through the use of media at local level.

3. FLAC report shows that the vast majority of respondents who applied for legalaid/advice applied on family law matters. Although advice was needed- and according to the LAB is available- on a wide variety of issues, it appeared to be a perception among FLAC callers that the Legal Aid Board Law Centres provided a family law service. This may confirm anecdotal evidence of the belief that the LAB is a family law only service.

Recommendation

The LAB needs to widely circulate information regarding the service it provides and should endeavour to accurately portray the true scope of the service. Such an approach would lead to increased demand and the LAB's Law Centres providing a wider range of services to persons who would qualify for legal assistance.

¹⁹ Legal Aid Board Annual Report 2005, page 15. Table 3 of the report provides information on the representation that the LAB provided in court. Of a total number of 8,896 cases, 923 were "other civil matters". Table 2 gives information in relation to the advice service provided by the LAB. Of a total of 3,336 cases, "other civil matters" accounted for only 655 cases.

²⁰ "Access to Legal Aid in Family Law; New approaches to the Legal Profession" by Frank Brady, Director of the LAB. Presentation paper at the conference on "Recent Developments in Family Law", Trinity College, Dublin, October 8th 2005.

4. Findings of this report confirm anecdotal evidence that people did not make a formal application for legal aid/advice in the belief that they would not qualify because of their apparent means or the nature of their problem.

Recommendations

The procedures by which people can access civil legal aid/advice should be simple enough for them to easily find out whether or not they would qualify.

The LAB needs to encourage applicants to apply for civil legal aid/advice and to properly explain whether an applicant would qualify for the service or not. In addition, the LAB should provide a detailed explanation of the review and appeal process where an applicant for legal aid/advice is refused the service. The LAB should make this information available in its web-site and leaflets.

5. FLAC figures from 2004 and 2005 show that overall there has been a fall in the waiting times at the LAB Law Centres. Additional funding has contributed to the progress made in securing a major reduction in waiting times for legal aid, with a more positive spin following the *O'Donoghue v Legal Aid Board*²¹ court decision that helped focus on overdue delays.

Recommendation

Further increase in funding should accompany the revision of means test to ensure that the waiting times will not go up as more applicants would qualify for civil legal aid/advice

²¹ *O'Donoghue v Legal Aid Board, the Minister for Justice Equality and Law Reform, Ireland and the Attorney General*. [2004] IEHC 413 (High Court, 21 December 2004)