

Annual Report

2008

Mission

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

Vision

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

Goals

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

Contents

	<i>Page</i>
Overview	2
Foreword by the Chairperson	4
The Board	6
Staff and Structure	7
Introduction from the CEO	8
Key Achievements and Developments in 2008	10
Service Provided in 2008	12
Developing the Civil Legal Aid Service	24
Enabling Service Delivery	26
Finance	29
Appendix 1 – Financial Statements	32
Appendix 2 – List of Law Centres	51

Overview

1. Function and purpose

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act, 1995.

Legal advice is any oral or written advice given by a solicitor or barrister, including writing letters and negotiations.

Legal aid is representation by a solicitor or barrister in court proceedings. A person must first obtain a legal aid certificate, which specifies the legal services being granted, and must pay the legal aid contribution specified on the certificate. Legal services are provided across a wide range of civil law matters with few exclusions.

2. Service provision

Legal aid and advice are provided primarily through a network of law centres by solicitors employed by the Board. A complementary service is provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

The service is provided on a nationwide basis through 33 full-time and 12 part-time law centres, and includes 3 full-time law centres comprising the Refugee Legal Service (RLS).

The Board also operates a specialised Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.

3. Obtaining legal services

A person seeking legal services must apply to any of the law centres set out at Appendix 2 and must complete an application form, stating the subject matter on which legal advice and/or aid is sought and giving details of income and any capital resources.

The Board seeks to ensure that a person who qualifies for legal services will be offered an appointment with a solicitor within a maximum period of 4 months from the time the application is completed. In certain cases, a priority service is provided.

4. Payment for legal services

All persons who are granted legal advice and/or legal aid must pay a contribution to the Board. The legal advice contribution is assessed on the applicant's disposable income, i.e. income after certain deductions. The legal aid contribution is assessed on the applicant's disposable income and disposable capital. The minimum contribution is €10 for legal advice and €50 for legal aid. The law centre advises a person of the actual contribution in each individual case. In the event that a person recovers money or property arising from the case, the Board may seek to recover the cost to the Board of providing legal services to the client.

5. Head office

The Board's head office is located in Cahirciveen, County Kerry where some 50 staff are located. Some of the headquarter functions are also located in Dublin.

6. Governance arrangements

The statutory Board is appointed by the Minister for Justice, Equality and Law Reform and has responsibility for:

- ▣ the strategic direction of the organisation
- ▣ determining policy and monitoring its implementation
- ▣ overseeing the proper and effective management of the organisation
- ▣ monitoring the implementation of effective financial procedures and providing accountability
- ▣ approving and monitoring budgets, and
- ▣ making certain reserved decisions.

The Board normally consists of a chairperson and 12 ordinary members. The current Board was appointed in December 2006.

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

- ▣ at Board level, the use of six committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below)
- ▣ a defined division of roles between the Board, the Chairperson and the Chief Executive
- ▣ submission to the Minister of an annual report that meets the requirements of the Code
- ▣ an internal audit function that operates effectively and as required, and
- ▣ a code of conduct, which incorporates procedures to deal with any conflict of interest issues.

In 2008, the Board held 10 meetings – 6 of which were in Cahirciveen and 4 in Dublin. The committees of the Board met as follows:

Committee	No. of meetings held
Appeal Committee	14
Finance Committee	5
Audit Committee	7
Lawyers Committee	9
Human Resources Committee	2
Performance Committee	1

A Corporate Governance Manual was developed in 2006 to provide a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. It is also intended to ensure that Board members are fully informed of their legal responsibilities and that they are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.

Foreword

by the Chairperson



As we review the work of the Legal Aid Board in 2008, we are, as Board members, acutely aware of the organisation's mandate to facilitate access to justice in civil cases to persons who might otherwise not be able to afford to defend or vindicate their rights.

The downturn in the economy has, as with a number of other front line public services, increased the demand for our services. This has been due to two factors: firstly, the increase in the number of unemployed people has led to a greater number being eligible for our services and, secondly, as with other jurisdictions, reduced family financial circumstances can lead to greater domestic pressures and a consequent need for legal advice and assistance.

2007 had seen a modest increase (5%) in the demand for legal services from the Legal Aid Board, and this was expected following the increase in the eligibility limits in 2006. In 2008, however, the demand increased hugely with some 18% more clients seeking legal services than the previous year. The latter part of the year and the early part of 2009 saw the increase gathering even greater momentum.

This increased demand presents the Board with a considerable challenge to maintain its level of service provision in a time of scarce resources. Whilst the Board was greatly appreciative of the resources allocated by the Minister in 2008 and his continued support for the service, we recognise that the deterioration in the public finances makes further additional funding more difficult to secure. With an increasing number of applications for legal services, waiting times for initial appointments with solicitors are coming under further pressure. However, we are determined to continue to pursue our objective of providing a quality service within a maximum waiting time of 4 months. As evidenced in the report, this is not always attainable, but the Board, the Chief Executive and his staff remain focused on ensuring that the resources available are used in the most effective way possible. It should be remembered, too, that the maximum waiting times in law centres reflected in this Report do not apply to all who seek our services. More than a fifth of all cases in our law centres are deemed to be priority cases and receive a close to immediate service. Other cases are dealt with quickly on an advice-only basis and still others are referred speedily to solicitors in the private sector. Also, all cases handled by the Refugee Legal Service are required to be dealt with within specific time frames. We are mindful, though, that for a service such as ours to be meaningful, it must also be timely, and this is a challenge we are committed to taking on. The Board believes that the initiatives taken in 2008 to review all aspects of our work will greatly assist in meeting that challenge.

In terms of corporate governance, 2008 was an extremely busy year for myself and my colleagues who sit on the statutory Board. There were 10 full Board meetings and a large number of committee meetings held during the

year. The Minister appointed Seamus Keelan to the Board in July 2008, replacing the late Noirín Slattery who sadly died early in the year. At the end of the year, David Barniville SC resigned from the Board due to the demands of his work schedule. He was subsequently replaced by Margaret Heneghan, BL. I would like to express my gratitude to all of the Board members for their contribution and support during the year. Their varied backgrounds and talents meant that the Board benefited from a great deal of knowledge, experience and wisdom in the conduct of its affairs in 2008.

I would also like to thank the Minister for Justice, Equality and Law Reform, Dermot Ahern, TD, for his continued interest in and support of the activities of the Board. I know that legal aid is something in which he has a long-standing interest and that he appreciates the important role the Legal Aid Board plays in implementing Government policy and ensuring that Ireland meets its international obligations in such an important area.

Finally, I would like to express my appreciation to the Chief Executive, Moling Ryan, and the staff of the Legal Aid Board for the dedication, professionalism and openness they continued to show in 2008. Whilst we are in more challenging times, the Board and its staff remain focused on its core business of delivering legal services to its clients. I am confident that this will continue to be the case.



Anne Colley
Chairperson

The Board

As at 31st December 2008



Anne Colley
Chairperson



David Barniville*
Senior Counsel



Bob Browne
Assistant Secretary,
Department of Justice
Equality and Law Reform



Dr Michael Buckley
Retired Consultant
Physician



Dara Foynes
Barrister at law



Kate Hayes
Business Person



Séamus Keelan
Accountant and Local
Representative



Breege Leonard
Regional Manager,
Department of Social and
Family Affairs



Niamh Moran
Solicitor



Jerry O'Connor
Solicitor



Jim O'Farrell
Principal Officer,
Department of Finance



Eamonn Purcell
Staff Representative



Fergal Rooney
Staff Representative –
Solicitor



Margaret Heneghan*
Barrister at Law

* David Barniville resigned with effect from 31 December 2008 and was subsequently replaced by Margaret Heneghan.

Head Office Executive Staff

Chief Executive Officer:	Moling Ryan	Solicitors:	Mason Hayes and Curran
Director of Legal Aid:	Frank Brady	Head Office:	Quay St. Cahirciveen Co. Kerry Phone: 066 947100 LoCall 1890 615200 Fax: 066 9471035
Director of Human Resources:	Pat Fitzsimons	Dublin Office:	47 Upper Mount St. Dublin 2 Phone: 01 6441900 Fax: 01 6623661
Director of Operations:	Eileen Bowden	Website:	www.legalaidboard.ie
Professional Liaison Officer:	John McDaid		
Financial Controller:	Joan Enright		
Secretary to the Board:	Clare Kelly		
Auditors:	Comptroller and Auditor General		

Structure



Introduction

by the CEO



The year under review was an interesting and challenging one for the Legal Aid Board. It was a year which saw an 18% increase in applications to the Board for legal services.

The overall number of cases dealt with by the Board also grew. At the same time, the organisation continued its policy of reviewing operations with a view to achieving the best return from the resources available to it.

As indicated by the Chairperson in her foreword, the main factors in the increased demand for the Board's services in 2008 were the downturn in the economy and the growth in the number of people who were financially eligible for such services. Many jurisdictions have experienced a clear correlation between a downturn in the economy and an increase in demand for legal advice and assistance in areas such as debt, employment and family law. The increasing demand for our services is a serious challenge for the Board, particularly at a time when resources are also reducing.

Our solicitors and support staff have responded positively to the increased workload. Overall in 2008, there were approximately 10% more cases handled by the Board. Cases handled in our law centres, cases referred out to private practitioners and asylum cases handled by the Refugee Legal Service all registered an increase on the previous year. On the law centre side, a significant increase in legal advice cases was the most notable feature. Many of these advice cases will go on to become legal aid cases, involving court representation. On the asylum side, the increase in the number of new clients registering with the Board's Refugee Legal Service came about despite a fall-off in the number of new asylum seekers registering in the country.

One consequence of the greater demand for legal services provided by the Board is that the numbers on our waiting lists have also increased. This is something that we need to manage effectively, particularly given that the increasing level of demand looks set to continue for the foreseeable future. The Board realises that, in an era of limited resources, we cannot afford to stand still and allow this situation to deteriorate. We have been taking and continue to take a proactive approach to make the optimum use of the resources available to us.

In 2008, we undertook a review of the operations of all of our law centres, with a view to establishing how we can maximise the efficiency of our front line service delivery. A number of recommendations arose out of this review and these are now being implemented. The Board subsequently carried out a comprehensive risk analysis of how legal services are delivered. The rationale for this included the revised professional indemnity insurance regulations which came into force in November 2007 and, also, the greater focus now attaching to risk

management in the legal area. The findings in this report will require the Board to make adjustments to its service delivery model in 2009. It is hoped that the combination of both initiatives will result in a more focused, streamlined service.

In addition to the legal service reviews, a review of head office operations was instituted towards the end of 2008. This will look at how to best position the administrative parts of the organisation to meet the challenges we are facing. A revised Corporate Plan was also developed in late 2008. This sets out a focused set of objectives for the 2009-2011 period to facilitate the Board in continuing to deliver on its mandate.

We have been conscious that the Board's mandate extends also to providing information on the Board's services. A considerable amount of work was undertaken in 2008 to improve the quality of our information leaflets and our website. There is a certain validity in the view that accessing information regarding public services can be confusing for the citizen. With this in mind, the Board worked closely with the Family Law Committee of the Law Society in producing a booklet on civil legal aid which has been widely disseminated. It is planned to take further initiatives on simplifying the points of information and contact in 2009.

I would like to join with the Chairperson in thanking the Minister for Justice, Equality and Law Reform, together with the Secretary-General and staff of the Department for their continued support and assistance in 2008. Finally, I would like to record my appreciation of the staff of the Legal Aid Board for their ongoing dedication, commitment and professionalism in 2008. I have no doubt that they will continue to show these qualities as we face a demanding environment into the future.



Moling Ryan
Chief Executive Officer

Key Achievements and

In total, the number of applications for legal services increased by almost 18% in 2008. The main factor in this was the deteriorating economic situation, which meant that a greater number of people became financially eligible for civil legal aid.

Exchequer funding increased to €26.988m on the law centre side in 2008, an increase of over 11% on the previous year. For the Refugee Legal Service, funding increased to €8.897m, up 3%.

The number of cases in which legal aid and advice was provided in 2008 was 14,917, up over 7% on the previous year. A substantial rise in the number of legal advice cases handled was the main factor in this.

The Refugee Legal Service saw 3,219 new clients registering for legal services in 2008, up by 21% on 2007.

Whilst waiting times for an appointment with a solicitor came under pressure in 2008 due to increased demand, legal services were provided within 4 months in almost all of the Board's law centres. A priority service was provided in over 20% of the cases handled, such as those involving domestic violence, child care, child abduction or statutory deadlines.

Over the course of the year, the Board carried out a review of the operations of its law centres. A number of recommendations emerged which aim to optimise the quality, efficiency and effectiveness of the law centre network.

Developments in 2008

The Board engaged external consultants to carry out a **risk assessment** of its legal service delivery. The report, due in 2009, is likely to lead to significant standardisation of processes and procedures across the Board's law centre network.

In 2008, in order to promote **awareness** of the Board's services, quarterly meetings of the External Consultative Panel were held. The Board also collaborated on the production of an information booklet on civil legal aid by the Law Society, which is primarily aimed at the solicitors' profession.

The Board facilitated further training for both its own solicitors and private solicitors in the **collaborative law dispute resolution model**. It also co-hosted, with the Law Society of Ireland, a symposium on alternative dispute resolution in family matters with the stated aim of making non court-based dispute resolution a real option for those experiencing family law problems.

The Board drew up a new **Corporate Plan** towards the end of the year. This sets out the Board's objectives for the 2009-2011 period, together with the actions intended to achieve them, in what will be a very challenging period in terms of both demand and funding.

Service Provided in 2008

The mission of the Legal Aid Board is to provide a professional, efficient, cost-effective and accessible legal aid and advice service. Effectively, the Board is engaged in providing access to justice for people who might not otherwise be in a position because of the financial costs involved to defend or vindicate their rights.

Services are provided to clients primarily through a network of law centres complemented by the use of private solicitors. Cases extend to most areas of civil law, though in 2008 the majority of services continued to relate to family disputes, which is consistent with the experience in other jurisdictions. In addition, a significant number of persons were again provided with services in relation to claims for asylum through the Refugee Legal Service.

The Board experienced a challenging year in 2008, largely because of the significant increase in demand for its services. This increase can be primarily attributed to the changed economic circumstances of the country. As the Board's services are means tested, the rise in unemployment and reductions in incomes, coupled with the increase in the income threshold in September 2006, meant that the Board's potential client base grew. This was reflected in the numbers seeking and receiving legal services from the Board.

The total number of cases in which legal services were provided by the Board in 2008 was in the region of 21,200. This was an increase of about 1,900 on 2007. The number of cases dealt with in the law centres, the number of family law cases referred to private solicitors on the Board's panels and the number of asylum seekers registering as clients of the Refugee Legal Service all showed an increase on the previous year.

Demand for the service

The following table gives the number of persons who applied for services to the Board in 2008 and the two previous years.

Year	2008	2007	2006
Law centres	10,774	9,248	8,859
Private Practitioner centre	1,114	916	830
Refugee Legal Service	3,219	2,650	2,980
Total	15,107	12,814	12,669

Overall, the increase was almost 18%. Within this, there was a very significant increase of approximately 17% in the number of applications at law centres and the private practitioner centre (which refers District Court matters in the Dublin area out to private practitioners) in 2008 compared with the previous year. The increase in the demand for the Board's asylum services was even higher, at 21%, and this was despite a fall in the numbers seeking asylum in the State compared to the 2007 figure.

It should be noted that not every applicant is provided with legal services. While the numbers seeking legal services are not always recorded by reference to the legal issues in respect of which they are seeking help,

the breakdown of legal issues in respect of persons given a first appointment with a solicitor in 2008 (new cases) is likely to be indicative of the nature of the demand. Table 2 below gives that breakdown.

TABLE 2 – INITIAL APPOINTMENTS BY SUBJECT MATTER	
Subject matter	Number of new clients
Asylum and related issues	3,219
Divorce / separation / nullity	2,396
Cases involving possible State care of children	420
Other family law matters	3,562
Other civil matters	1,215
Total	10,812

Law centres

Legal aid and advice was provided through the Board's law centres in 14,917 cases in 2008. Comparative information for the two previous years and a breakdown between aid and advice cases are set out below.

TABLE 3 – CASES HANDLED IN LAW CENTRES			
Year	2008	2007	2006
Advice only	5,900	4,525	3,683
Court proceedings	9,017	9,380	9,471
Total	14,917	13,905	13,154

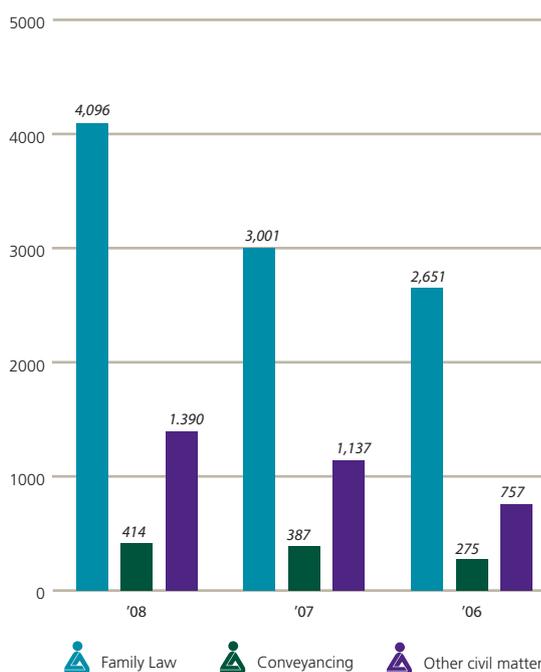
As can be seen, the number of cases dealt with by the Board in its law centres increased by over 7% in 2008 compared to the previous year, to almost 15,000. The main factor in this was a sharp increase in the number of legal advice cases handled. When compared to 2006, the overall increase was 13%.

Legal advice cases

Chart 1 below highlights that family law continues to constitute the predominant area where the Board provides legal advice. Of the 'advice only' cases handled in 2008, almost 70% were in the family law area. Legal advice is where advice has been provided to the client but legal aid, i.e. representation in court, has not. Some of the persons who received advice in 2008 will subsequently be granted legal aid, depending on the circumstances of the case.

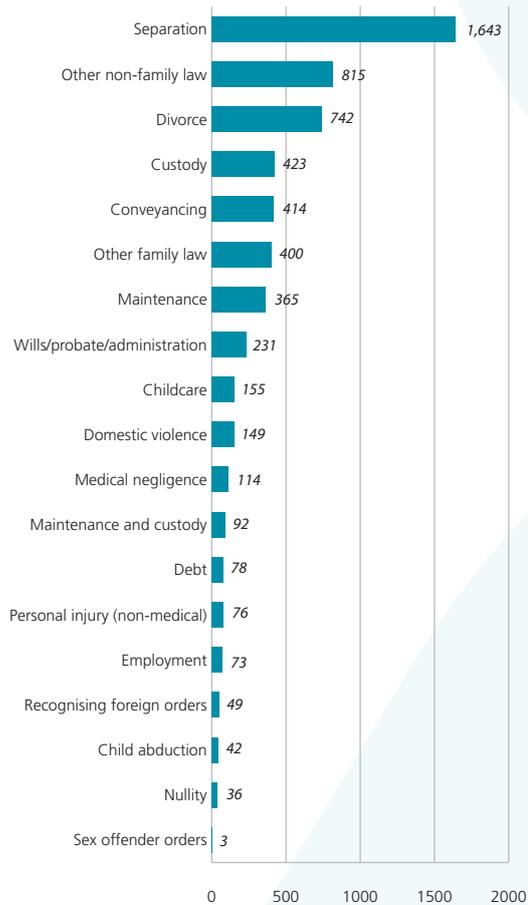
Overall, the number of advice cases dealt with by the Board was up by over 30% on 2007. Within this, there were increases in conveyancing and general civil matters, though the increase was most pronounced in the family law area (at over 36%).

Chart 1: Legal Advice Cases 2006-2008



A more detailed breakdown of the main issues giving rise to these legal advice cases in 2008 is provided below. In relation to a significant number of separation and divorce cases, it is likely that advice was also given on matters such as maintenance, domestic violence, and child welfare. Such additional advices are not separately recorded here.

Chart 1a: Advice Proceedings by Subject Matter 2008



Legal aid cases

The issues in relation to which the Board's law centre solicitors provided court representation in 2008 and the comparative information for the two previous years are set out in chart 2 below.

Chart 2: Legal Aid Cases 2006-2008

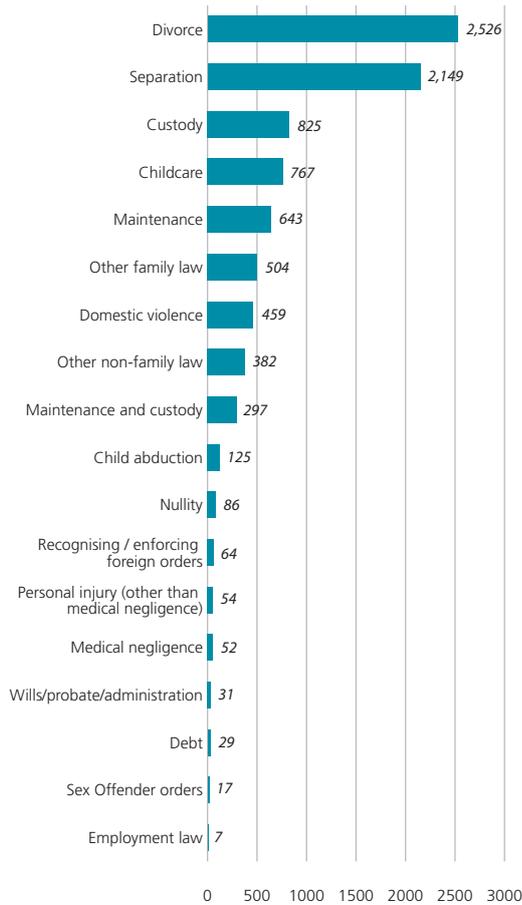


In 2008, the number of legal aid cases handled was slightly down on the preceding year. This was as a result of a fall in the number of divorce, separation and nullity cases in which the Board was involved. There was an increase in the number of other family law matters handled, such as custody and maintenance. The number of child care cases handled also grew, as did the volume of other civil matters.

In respect of the courts where cases are heard, separation, divorce and nullity cases are usually processed in the Circuit Court with a small number of appeals going to the High Court. Child care cases are processed in the District Court as are the majority of the other family law matters. The latter, however, can also include cases which are heard in the High Court, such as cases involving child abduction and the recognition of foreign orders.

A more comprehensive breakdown of the issues in respect of which legal aid was given in 2008 is provided below. In relation to a significant number of separation and divorce cases, it is likely that those cases also involved issues such as maintenance, domestic violence, and custody/access/guardianship. These are not separately recorded here.

Chart 2a: Court Proceedings by Subject Matter 2008



Case turnover

A particular concern, given the significant increase in demand for the Board’s services, is to try and maximise the turnover of cases within law centres. A comprehensive review of service delivery through the Board’s law centres was undertaken in 2008 (see below) with a view to trying to improve the quality of law centre output and also to optimise the efficiency and effectiveness of the centres.

It is anticipated that the improvements identified will enable the law centres to see more new clients and thus contribute to maintaining waiting times at reasonable levels, despite the financial constraints necessitated by the economic downturn.

Table 4 shows the number of new cases taken on in law centres in each of the last three years.

TABLE 4 – NEW CASES IN LAW CENTRES			
Year	2008	2007	2006
New cases	6,479	5,743	5,935

It can be seen from the table that 2008 saw a significant increase in the number of new cases taken on in the law centres (up approximately 13% on the 2007 figure).

Duration of cases

Table 5 below provides an age profile of cases in which legal aid was provided in 2008, by court. The year is indicative of when the file was opened.

TABLE 5 – LEGAL AID CASES HANDLED IN 2008; YEAR FILE OPENED					
Year	2008	2007	2006	Pre-2006	Total
District	1,431	919	266	159	2,775
Circuit	1,200	1,545	1,120	1,713	5,578
High	236	176	91	147	650
Supreme	6	4	1	3	14
Total	2,873	2,644	1,478	2,022	9,017

As has been evident in previous years, case progression in the Circuit Court (where divorce and separation cases are heard) tends to be significantly slower than in the District Court. Over 30% of the Circuit Court cases dealt with by the Board in 2008 originated prior to 2006.

Of the 9,017 legal aid cases handled in the law centres in 2008, 3,321 (37%) were completed by the end of the year while the remaining 5,696 were still active on the 31st December. Table 6 below gives an age profile of those cases involving court proceedings completed in 2008 by subject matter.

TABLE 6 – LEGAL AID CASES COMPLETED IN 2008; YEAR FILE OPENED					
Year	2008	2007	2006	Pre-2006	Total
Divorce/separation/nullity	87	333	376	629	1,425
Child care	93	121	57	43	314
Other family law matters	609	569	135	105	1,418
Non-family law matters	51	51	18	44	164
Total	840	1,074	586	821	3,321

It can be seen from this table that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 44% of divorce, separation and nullity cases completed in 2008 had been ongoing since before 2006.

Cases on hand

Table 7 below gives the status of all of the Board's active legal aid cases as of the 31st December 2008.

TABLE 7 – LEGAL AID CASES ACTIVE AS AT 31/12/2008	
Status	No. of Cases
Legal aid certificate granted	396
Counsel briefed	714
Proceedings issued	1,082
At hearing	1,893
Final Orders made	1,505
Re-entry / under appeal	106
Total	5,696

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

Private practitioners in family law matters

Private practitioners (PPs) are engaged by the Board to provide legal aid services to complement the service provided by law centres. This service assists the Board in seeking to achieve its objective of providing legal services within a maximum waiting time of 4 months. The PP service operates for certain family law matters in the District Court (such as domestic violence, maintenance, guardianship and custody/access cases) as well as for divorce and separation cases in the Circuit Court.

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

Year	2008	2007	2006
District Court	2,815	1,977	1,557
Circuit Court	168	329	162
Total	2,983	2,306	1,719

As can be seen, the number of legal aid certificates issued to private practitioners for divorce and separation cases, handled in the Circuit Court, dropped significantly in 2008. It was necessary for the Board to reduce the number of certificates issued, having regard to the anticipated constraints on the Board's budget in the coming years. There is generally a significant time lag between the date the certificate is issued and the claim for payment being received from the private practitioner. Thus, substantial future liabilities can accrue from certificates issued in a given year.

As District Court cases tend to be dealt with relatively speedily, this is less of an issue and the claim for payment is usually made within a few months. There was a substantial increase in the number of such cases referred to private practitioners in 2008, which assisted in trying to meet the increase in demand for the Board's services. It should be noted that the fees paid to private practitioners for District Court cases are substantially lower than for Circuit Court cases.

Timeliness of the service

There was significant pressure on waiting times caused by the increase in demand for the Board's services. The following table sets out the number of persons waiting on the 31st December 2008 for a first appointment with a solicitor.

Year	2008	2007	2006
Number waiting	1,681	1,163	984

At the end of 2008, the waiting time for a first appointment with a solicitor was at two months or less in nine of the Board's law centres. The waiting time exceeded four months in four of the Board's centres.

The maximum waiting time in months, as of the 31st December 2008, is set out for the various law centres in table 10 below.

Law centre	Waiting time	Law centre	Waiting time
Athlone	5	Kilkenny	2
Castlebar	2	Letterkenny	3
Cavan	4	Limerick	1
<i>Cork</i>		Longford	2
Popes Quay	5	Monaghan	3
South Mall	4	Navan	3
<i>Dublin</i>		Nenagh	3
Blanchardstown	1	Newbridge	6
Clondalkin	5	Portlaoise	3
Finglas	4	Sligo	4
Gardiner St.	3	Tralee	3
Nth. Brunswick St.	2	Tullamore	2
Tallaght	3	Waterford	2
Dundalk	0	Wexford	4
Ennis	3	Wicklow	3
Galway	3		

Priority service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. A priority service was given in 21% of law centre cases. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into care, and cases that had statutory time limits close to expiry.

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

Appeal committee

In 2008, the Appeal Committee of the Board met on 14 occasions. This is a sub-committee of the statutory Board and it rules on cases where a person makes an appeal against a decision of the executive. Most of the cases that come before it relate to decisions to refuse legal aid.

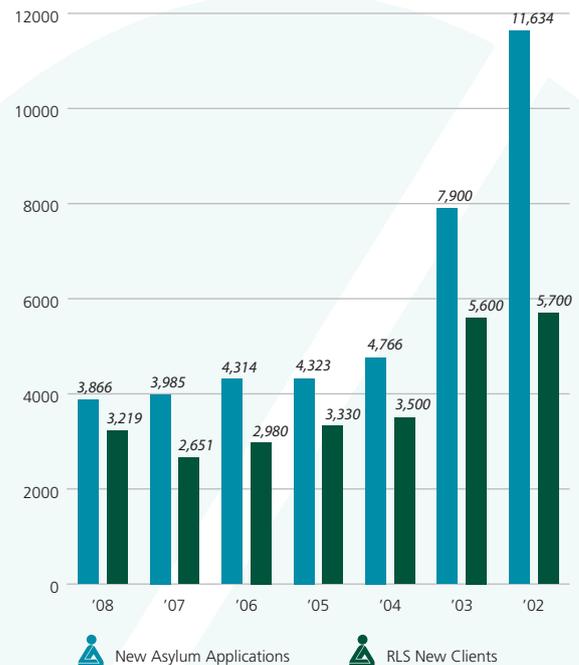
There were 121 appeals heard in 2008, up by over 45% on 2007. Of these, the decision of the executive was upheld in 85 cases (70%). There were 29 appeals where the original decision was overturned. Table 11 below provides an outline of the position.

TABLE 11 – APPEAL COMMITTEE			
Year	2008	2007	2006
Number of decisions upheld	85	63	44
- <i>Financial criteria</i>	24	18	7
- <i>Merits criteria</i>	61	45	37
Number of decisions overturned	29	17	35
Number of appeals on hands	4	2	1
Withdrawn/resolved	3	1	13
Number of appeals	121	83	93

Asylum

The Refugee Legal Service (RLS) provides legal services at all stages of the asylum process and in appropriate cases on immigration and deportation matters. In 2008 it continued to provide services through 3 full-time law centres; in Dublin, Cork and Galway. The 3 RLS offices also provided an outreach service, where general information on the service was offered to new and existing clients in their own reception and accommodation centres. In addition, an extensive clinic service was provided in 2008 to clients in Tralee, Killarney, Sligo, Limerick, Ballyhaunis, Mosney and Waterford. The RLS also undertook over 50 visits to prisons to take instructions from detained asylum seekers.

Chart 3: Asylum Applications and RLS New Clients 2002-2008



RLS: new client registrations

There were 3,219 new clients registered in 2008. This is an increase of 21% from the previous year. These registrations represent the equivalent of 83% of all asylum applicants registered with the Office of the Refugee Applications Commissioner (ORAC) in the year. This was notwithstanding an overall reduction of 3% in numbers applying for asylum in the State.

Of the new clients that registered with the service in 2008, 75% of them required services for the first stage of the asylum process, while the remainder required services for appeals or other related issues.

Minors

The RLS has a dedicated Children's Unit located in Dublin to handle asylum applications by unaccompanied minors. Staff in the unit have received specialised training in handling such cases. In 2008, a total of 435 minors applied for legal aid in asylum cases, of whom 60 were not recognised as such by ORAC. This was well up on the comparable figures for 2007, which were 233 and 42 respectively.

Legal aid certificates

The Board granted 2,058 legal aid certificates in 2008 to enable representation before the Refugee Appeals Tribunal (RAT). The RAT decides appeals of those asylum seekers whose application for refugee status has not been recommended by the Office of the Refugee Applications Commissioner. The following table shows the breakdown between the numbers of certificates in which representation was provided by RLS solicitors and by private solicitors/barristers, acting on behalf of the RLS.

Year	2008	2007	2006
RLS solicitors	859	726	795
Private solicitors on RLS Panels	496	432	436
Barristers instructed by the RLS	703	634	1,353
Total	2,058	1,792	2,584

The figure of 2,058 represents an increase of 15% on 2007. For the in-house solicitors, the increase was 18%. The use of private solicitors by the RLS in asylum matters is confined to appeals to the Refugee Appeals Tribunal.

RLS solicitors presented 314 cases before the Refugee Appeals Tribunal in 2008 up from 182 in 2007. Additionally, RLS solicitors drafted a total of 855 Notices of Appeal for cases before the RAT in 2008 compared to 767 in 2007.

Subsidiary protection

In 2008, there was a considerable increase in services provided to persons making applications for subsidiary protection applications under the EU Qualifications Directive. Such applications have only been possible since October 2006 when the Directive was transposed into Irish legislation. It applies in cases where a person does not qualify for refugee status but may nevertheless be at real risk of suffering serious harm in his/her country of origin. A total of 1,147 applications for subsidiary protection applications were filed by the RLS in 2008, up from 809 in 2007, the first full year in which such applications could be made.

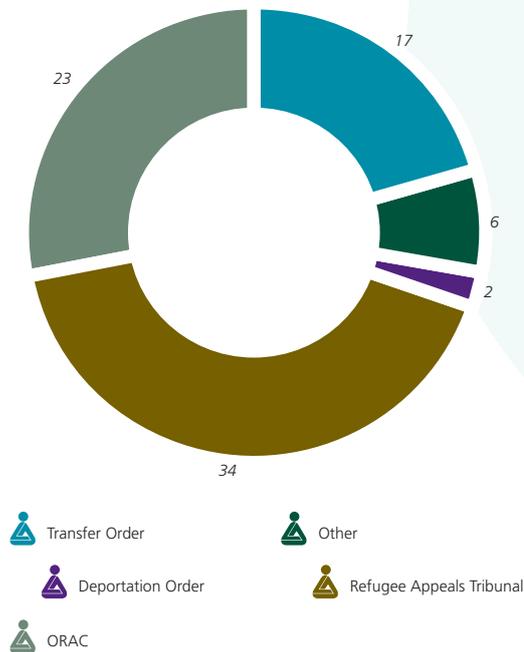
Judicial review

The Board instituted judicial review proceedings in 83 asylum cases in 2008.

As can be seen below, the proceedings instituted in 2008, in common with previous years, were mostly in relation to decisions of the Refugee Appeals Tribunal. It should be noted that cases represented by the Board accounted for fewer than 10% of the total number of judicial reviews instituted in asylum applications over the last 3 years.

The following chart gives a breakdown of the decision/Order that was the subject of judicial review proceedings by the Board in 2008.

Chart 4: Judicial Reviews in 2008



The largest number of judicial review cases taken by the Board are against rulings by the Refugee Appeals Tribunal (RAT). One reason for this is the fact that there is no appeal from its decisions. Accordingly, defects can be dealt with generally only by way of judicial review.

Table 13 below shows the status of all judicial review proceedings taken by the RLS in 2008.

The table indicates a high level of positive outcomes in relation to the judicial review cases taken, of those which have been finalised or settled. Cases that are settled are generally settled on terms that are no less advantageous to the asylum seeker than if they were successfully litigated in court.

TABLE 13 – JUDICIAL REVIEWS OF RAT DECISIONS BY THE RLS

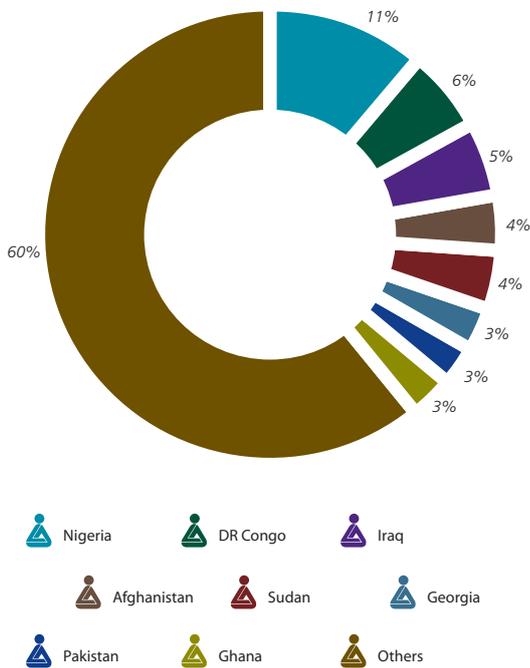
	2008	2007	2006
Number of proceedings	82	68	66
Cases settled	22	8	33
Cases successfully litigated	0	0	0
Unsuccessful cases	0	0	1
Cases struck out	5	3	4
Judgement reserved	1	1	2
Leave refused	0	0	1
Change representation to private solicitors	1	1	0
Cases still active at year-end	53	55	25

Refugee Documentation Centre

The Board's Refugee Documentation Centre (RDC) provides an independent research and query service for key organisations involved in the asylum process, focusing particularly on Country of Origin Information (COI). Country of Origin Information is used to help assess claims of individuals to refugee status or other forms of international protection. The RDC also provides training and library facilities for stakeholders in the asylum process. In 2008, the RDC processed over 2,400 queries. This was an 11% increase on 2007. On average, about 87% of the queries received were seeking information in respect of COI. The remainder was made up of legal queries or library requests.

The main countries covered by these COI queries can be seen in Chart 5 below. The vast majority of queries are received from the RLS or private practitioners or barristers acting on behalf of the RLS, with ORAC accounting for most of the remainder.

Chart 5: RDC Query Statistics 2008



Examples of some of the queries received included requests for information on the following practices or allegations:

- **Democratic Republic of Congo (DRC):** the treatment of failed asylum seekers on return to the DRC.
- **Somalia:** the treatment of certain clans or social groups in Somalia.
- **Sudan:** 'ghost house' prisons (i.e. unnamed prisons with no official status) and reports of torture in prisons.
- **Angola:** children being kidnapped and held for many years and the possibility of their use for rituals.

- **Ghana:** the treatment of women, in particular the practice of 'Trokosi' (a form of ritual slavery), and availability of any form of protection for women who wish not to get involved in this practice from the State or NGOs.
- **Burundi:** the maltreatment or abuse of adopted/orphaned/abandoned children and the availability of State protection for such children.
- **Zimbabwe:** the intimidation of Zimbabwean nationals in the UK by agents of their home State.

In addition to dealing with these information queries, the RDC also held a series of bilateral meetings with the Office of the Refugee Applications Commissioner (ORAC), aimed at strengthening cooperation and meeting ORAC's expanding COI needs. As a result, Country Information Packs were developed and prepared for the top 25 countries presenting at ORAC. These reference documents are intended to help meet ORAC's current and future COI needs, particularly in the area of subsidiary protection. They are also available to the other relevant agencies.

The RDC continued its training and educational activities in 2008. Training was provided to various bodies on both COI and also the new COI Library and Document Management System (E-Library), which was launched in 2007. Courses were provided domestically and internationally to groups of Irish and international asylum agencies as well as to UNHCR field offices. The RDC participated at expert level throughout 2008 in the development of the COI Module of the European Asylum Curriculum and has also been invited to participate in the training programme to be developed for it. In addition, the RDC also published 3 editions of *The Researcher* in 2008, which reflects on issues of importance and concern in the asylum area.

Sample Cases

Child abduction

A case was referred to the Board by the Central Authority for Child Abduction. The Board acted on behalf of an Eastern European man who had been appointed a foster carer for his grandchild by the courts in his home State. Without the grandfather's knowledge or consent, the child's mother (his daughter) moved to Ireland. Proceedings were issued in the High Court some two years later, when the child's whereabouts were confirmed, to have the child returned to the jurisdiction which had originally determined the matter. The mother, who was also legally aided, sought to defend the application. After a fully contested hearing, the High Court ordered the return of the child to the home country, on the basis that it was the child's place of habitual residence at the time of his removal and that the courts there were best positioned to consider the circumstances of the child and what was in his best interests. The child's mother appealed the order for the return to the Supreme Court, which affirmed the Order of the High Court. The mother and child returned to the home country shortly after the Supreme Court Order was made.

Personal injury

A client of the Board had suffered brain damage when his motor vehicle came in contact with loose horses on a main road. He was unable to return to work. Proceedings were taken on his behalf. There were serious difficulties in proving ownership of the horses. Whilst a number of witnesses gave evidence of seeing between three to fifteen horses running along the road, there was no witness as to where the horses had come from. One horse collided with the client's windscreen and was killed while a second horse was injured and led away to a neighbour's yard. No one sought to claim the injured horse. The defendants in the case owned land adjoining the scene of the accident and also owned a large number of horses. They strenuously denied liability and denied that any of their horses were missing. The Judge hearing the case attended the scene of the accident and the adjoining lands. He heard from a considerable number of witnesses. In a reserved judgement the Judge held for the client, accepting all of his evidence, and made a significant award of damages in the client's favour.

Non-marital family dispute – collaborative approach

A client was involved in long running acrimonious District Court proceedings. She and her ex-partner were unmarried and had one child, by then in her teens. There had been numerous applications to Court over the years regarding the child's welfare and maintenance payments. While the parties had difficulties communicating with each other regarding the upbringing of their child, they still kept in contact and shared a friendship. The father was very involved with the upbringing of his daughter and shared the parenting. He wanted to be appointed a joint legal guardian of the child and to have formal joint custody, which requests had been opposed. The solicitor involved considered that further court proceedings were unlikely to be satisfactory. She arranged that the parties and their lawyers would engage in a collaborative attempt to resolve the differences. This involved a number of four-way meetings at which the parties and the lawyers were present. It became clear at these meetings that misunderstandings had arisen and that these misunderstandings had given rise to difficulties for the child. The meetings were frank and forthright and at the conclusion it was agreed that the father would be appointed a joint legal guardian of the child and be given formal joint custody with the mother's consent. Orders were made to this effect in the District Court. The District Court Judge had been made aware by the solicitors beforehand that agreement had been reached using the collaborative process and he congratulated both parties on reaching agreement using this approach and in keeping the best interests of their child to the forefront. Both parties were satisfied with the outcome.

Non-marital family dispute involving a young child

The parties were in their early twenties. Both were students who lived with their parents. They had a difficult break-up shortly after the birth of their baby daughter. Their parents had a strong role in helping them care for their child. Although there were disagreements in relation to parenting issues, the father, who was not the primary carer of the child, had good contact arrangements and was financially contributing to the upkeep of the child. The father issued court proceedings for access and guardianship. The mother was concerned that while he was a good father, he was not fully living up to his responsibilities. She also expressed concern that he was changing the contact arrangements without reference to her; was returning the child late; was paying maintenance inconsistently; was occasionally taking the child to unsuitable locations, and was using drugs on occasion. The mother wished to try to resolve matters without a contested hearing but wanted to ensure her concerns were met before she would consider consenting to having the father appointed a joint legal guardian. The father did not have legal representation on the day of the court hearing. He had taken some advice beforehand. He was willing to give any necessary undertakings to allay the mother's concerns. Following a morning of talks, a detailed, comprehensive contact plan was agreed, finalised, and signed by both parties. The agreement covered all weekly arrangements together with other significant dates such as holidays and birthdays. Telephone contact arrangements were also agreed. Having had her concerns allayed, the mother was happy to consent to the father being appointed a joint legal guardian. The Judge commended the parties on having reached such a thorough agreement and wished them well in continuing to support each other in their parenting arrangements. The parties expressed interest in attending mediation to work out any differences that they might subsequently have without the intervention of the court system.

Asylum seeker from a Middle Eastern State

The client claimed asylum in Ireland in March 2007. He was born in a war torn Middle Eastern State and is a Shia Muslim. He was employed as a doctor in a hospital in his home State prior to leaving. At the end of January 2007, the applicant and other medical personnel provided medical treatment to State soldiers injured by a bomb blast in a nearby military base. The military base was around 100 metres from the hospital and the blast necessitated the injured soldiers requiring treatment at the hospital. The soldiers received medical treatment for their injuries. The following night an Islamic militant group entered the hospital and accused the client and other doctors of betraying their country and Islam, and collaborating with foreign enemy forces. The client was beaten and warned that if he did not leave the country within one month he would be killed. The client was in no doubt that he would be killed by the militant group if he remained. The client's claim was refused at first instance but the Refugee Appeals Tribunal recommended that the client be declared a refugee. The Minister for Justice Equality and Law Reform declared the client a refugee in August 2008.

Asylum seekers – judicial review of a RAT decision

A husband and wife from a Sub-Saharan African State were refused asylum on appeal by the Refugee Appeals Tribunal (RAT), following an initial negative recommendation from the Office of the Refugee Applications Commissioner. The Refugee Legal Service instituted Judicial Review proceedings in the High Court on the basis that the Tribunal member who had determined the appeal erred in the assessment of credibility in a number of areas of the clients' claim. These included the husband's conscription to, participation in and desertion from the State army, his escape from a detention centre and the couple's health. It was also argued that medical evidence provided by the clients at their appeal was not fully considered by the Tribunal member on the basis that he did not consider the appellant to be credible. The case was settled on the basis that the original RAT decision was set aside and the clients were afforded a fresh appeal before a different Tribunal member. Costs were awarded to the applicants.

Developing the Civil Legal Aid Service

As noted previously, 2008 proved to be a challenging year for the Legal Aid Board in the light of the country's changed economic circumstances and the very significant increase in demand for the Board's services. Nevertheless, the Board remained focused on adhering to the core commitments set out in its 2006-2008 Corporate Plan. In particular, renewed emphasis was placed on ensuring the quality of the services provided to clients and making services accessible to those who needed them.

A brief description of the progress made in 2008 in developing the civil legal aid service, with reference to the appropriate high level goal in the Corporate Plan, is set out below.

To provide a professional accessible quality service

The Board continued to seek to ensure that no applicant waited longer than a period of four months for a first appointment with a solicitor. This was a particularly challenging objective in 2008 given the 18% increase in demand at the Board's law centres. At year-end, four centres had waiting times of over four months. It should be noted, however, that 21% of the Board's clients received a priority service and furthermore those cases that were referred to a private practitioner in the Dublin area for a District Court family law remedy (over 1,000 in 2008) also received a near immediate service. At the end of the year proposals were being developed to try and alleviate the waiting times by varying the model of service delivery. Some of these proposals will be rolled out in 2009.

In order to assure the quality of the service being offered, the Board maintained its policy of carrying out case file reviews in 2008. Files subject to review were not only those handled by the Board's own solicitors, but also those which were referred to private practitioners on the Board's panels. The files were reviewed based on best practice guidelines and

checklists were used to monitor compliance with those guidelines. The focus remained on identifying those cases considered to be long running and taking steps to remove any barriers to bringing such cases to a conclusion. Steps will be taken in 2009 to further enhance the file review process.

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

Measures aimed at increasing awareness of the Board's services again featured the use of the external consultative panel, through which various interested parties provide feedback to the Board which assist it in raising awareness of its services. Quarterly meetings of the Board's External Consultative Panel took place during 2008. The panel consists of representatives of the following organisations: the Law Society of Ireland, the Bar Council, the Courts Service, FLAC, MABS, the Health Service Executive, the Irish Refugee Council, AMEN, AIM Family Services, Women's Aid, the Family Mediation Service and Children's Rights Alliance.

In 2008, the Board also collaborated with the Law Society on their production of a booklet on civil legal aid, which is primarily aimed at the solicitor profession. As well as being distributed to members of the Society, the booklet is also available from organisations such as the Citizens Information Service and also on the Law Society's website, www.lawsociety.ie.

A new customer comment card was introduced in 2008. The purpose of the comment card is to provide applicants and clients with an opportunity to give their views on their level of satisfaction with the services they receive from the Board, thereby assisting in its ongoing commitment to provide a professional and accessible legal aid and advice service. Customer comment cards are available in all of the Board's offices and also on the Board's website, www.legalaidboard.ie.

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

In 2008, the Board carried out a review of the operations of its law centres. This was in line with the overall public service modernisation process and, more specifically, the Board's 2006-2008 Corporate Plan, which commits the Board to "ongoing review of the arrangements for providing legal aid services and consideration of how best to meet the needs of clients and potential clients". The review was carried out by a working group drawn from all parts of the organisation. On foot of the review, a considerable number of recommendations emerged, aimed at optimising the efficiency and effectiveness of the law centre network. These recommendations focused on areas such as:

- costs and value for money
- staffing
- case throughput
- quality of service
- management at local and head office level
- service delivery options, and
- IT issues.

Later in the year, the Board engaged an external consultant to carry out a risk assessment of its service delivery operations. This was undertaken in the context of the new Professional Indemnity Insurance Regulations, which issued in November 2007, and also the higher priority which has been accorded to risk management in general in the legal area. The consultant is due to report in early 2009 and

indications are that the report is likely to lead to significant standardisation of processes and procedures in the Board's network of law centres.

As is evidenced from the information in relation to service delivery, most of the Board's work continues to be in the area of family disputes. The Board consistently sought to inform its clients, potential clients and the public generally about the benefits of engaging in negotiation to resolve family problems rather than immediately availing of the court system. In 2008, the Board facilitated further training for both its own solicitors and private solicitors in the collaborative law dispute resolution model. When appraising the performance of solicitors and law centres, significant emphasis was placed on their capacity to deliver non court-based dispute resolution options to clients. The Board also co-hosted, with the Law Society of Ireland, a symposium on alternative dispute resolution in family matters with the stated aim of making non court-based dispute resolution a real option for those experiencing family problems.

The Board continued to lead the initiative to develop an integrated approach to the delivery of legal and related services in one particular area of Dublin (Ballymun).

To provide services in an environment which is appropriate to the business being conducted by the Board

In 2008 the Board re-established service delivery from an office at the District Court at Dolphin House, East Essex Street, Dublin 2. A solicitor provides services in most family law matters from this office and the office also acts as a referral unit for those District Court cases in the Dublin area that are assigned to private solicitors. This on-site presence now provides a more convenient service for those clients of the Board in Dublin who have matters before the District Court.

Enabling Service Delivery

In a period of tightening funding for the delivery of public services, it is appropriate that attention and resources are focused on the front line activity of delivering legal services. However, in order to carry out its mandate in terms of core service delivery and, also, to achieve its broader organisational goals, the Board relies on having a strong support structure within the organisation.

The administrative functions of the Legal Aid Board are located in its head office in Cahirciveen and in Dublin. This section outlines some of the main developments in the support areas in 2008, which sought to underpin and enhance how the Board carries out its business.

consultants to carry out an evaluation of the Board's exposure to risk in the delivery of legal services. As noted above, this evaluation is likely to lead to a standardisation of the processes and procedures used by the Board in delivering legal services.

Legal services

The Legal Services section in head office carried out the executive function of granting or refusing applications for legal aid. In 2008, there were 2,543 legal aid certificates granted on foot of applications from law centre clients. There were a further 1,321 amendment certificates granted. The latter allow for the provision of extra services in certain cases, such as the use of a barrister or expert witnesses. In addition, there were 457 cases where legal aid was formally refused, whether on the grounds of the means test, merits test or designated matters. These refusals led to appeals in 121 cases (see table 11 above).

Legal aid (management and development)

The Legal Aid (Management and Development) section coordinated the production of the Law Centre Review in 2008 (see above). The review entailed a number of meetings of a review group which was drawn from all areas of the Board. The section will also be tasked with managing the implementation of the recommendations made in the report. In addition, towards the end of 2008, it arranged for the appointment of external

Human resources

Following on from reviews of the Refugee Legal Service (RLS) and the Law Centres, a review of all Head Office functions commenced in October 2008. The purpose of the review was to examine the rationale/function, roles and responsibilities and structures of all existing support services. These services operate from three locations, i.e., Cahirciveen, in County Kerry and Upper Mount Street and North Brunswick Street in Dublin. It is envisaged that the report will be completed in March 2009.

In the area of training and continuous learning, over 1,400 training days on a wide range of topics were provided in 2008, amounting to almost 4 training days per staff member. This included over 580 training days provided to the solicitor staff of the Board. Amongst the many programmes undertaken by solicitors were training on conveyancing, collaborative practice, alternative dispute resolution and the Immigration, Residence and Protection Bill 2008. A comprehensive training evaluation process was implemented in September 2008. This will be crucial for appraising the effectiveness of the training provided by the Board and in planning for future needs.

In addition, to assist in fostering a culture of excellence within the organisation, the Board instigated a

programme that resulted in 20 staff members, of various grades, roles and locations, committing to studying for a Diploma in Professional Legal Studies in 2008 and 2009.

In respect of the Board's Partnership Committee, 2008 proved to be an important year in the evolution of the process with the forum offering regular opportunities for senior management to communicate the ramifications of the wider economic situation directly to a cross section of staff members. A wide range of other issues of relevance to staff were also discussed. The activities of the various sub-committees of partnership contributed significantly to the work of the main committee. Reports of the partnership meetings were made available to all staff.

The Committee also considered the challenge of how to make Partnership more meaningful within the organisation. To meet this challenge, an externally facilitated workshop of Committee members was held on the topic in July 2008. This resulted in a number of important recommendations which have since informed the development of the Partnership Committee's current work-plan. In 2008, the Committee actively worked towards better communication mechanisms and increased visibility within the Board.

In the area of internal communications, there were 3 editions of the Board's staff magazine, *Lablife*, published in 2008. A wide variety of topics, from all parts of the organisation, featured in the magazine during the year. *Lablife* continues to be an invaluable internal communications medium within the organisation.

Financial management

The main focus of the Board's Finance Unit in 2008 remained its core functions of payments processing and financial management and reporting. It also facilitated the annual audit carried out on behalf of the Comptroller and Auditor General. In addition, the Finance Unit began investigating the possibility of using the Financial Shared Services Centre in Killarney, operated by the Department of Justice, Equality and Law Reform, to administer some of the functions currently handled internally. This will be considered further in 2009.

Organisational support

In view of the more challenging financial environment, there was a renewed focus in 2008 in securing value for money in the supplies and services procured by the Board. Direct tendering and drawdowns from central government contracts were used in order to allow savings to be made and resources directed to where they were most needed. In particular, significant savings were made on telecommunications and cleaning costs in 2008.

In terms of accommodation needs, there was additional office space procured for two of the Board's law centres, in Cork (South Mall) and Castlebar. In addition, accessibility audits were carried out at all of the Board's premises to establish how they measure up to the requirements set out in the Disability Act.

The Board also instituted an Environmental Committee, which was a sub-committee of the main Partnership Committee. This committee drew up a Corporate Environmental Policy for the Board and this was adopted during the year. It focuses on improving on how the Board interacts with the environment.

The RLS support unit managed the provision of translation and interpretation services for the RLS and carried out a tender for these services in August 2008. During the year, interpreters were sourced in approximately 80 different languages, with Arabic, French, Georgian, Russian and Somali amongst the most widely requested languages.

Information and communications technology

During 2008, the Board continued to focus on strengthening ICT systems by commencing a programme of hardware renewal and replacement. Work on the Board's 'hotsite' was completed and a generator was installed in the main IT site. A programme to update older, end-of-life PCs was also undertaken in 2008.

The Board also applied a number of system and software upgrades. This included a number of security upgrades, while encryption software was acquired in order to provide added security for the Board's systems, particularly portable devices, such as laptops.

The Legal Aid Board portal, which greatly enhances the presentation of existing applications and which supports service delivery in the Board, was successfully launched. The portal interface was designed so that each area of the Board has their own interface tailored to meet their area's requirements. The Board also enhanced the accessibility of its web site in consultation with the National Disability Authority and will undertake further work on this in 2009.

At the end of 2008 consultants were engaged to conduct an IT risk assessment, as part of an overall risk assessment (see above). The recommendations in this report will be implemented during 2009.

Research

In 2008, the Board received the final report from Indecon International Economic Consultants, which it had commissioned to determine the extent of the population that is potentially financially eligible for the Board's services based on the criteria set out in the Civil Legal Aid Regulations, 2006. The research was based on the EU Survey on Income and Living Conditions (EU SILC) 2006 compiled by the Central Statistics Office. It found that, based on the 2006 data, about 48% of the adult population was potentially eligible for legal services from the Board. Some 40% of adults were eligible for just the minimum contribution for legal services.

Equality and disability

The Board's current Disability and Equality Strategy was drawn up in 2007. The purpose of the document is to outline the legislative obligations of the Board in the areas of Equality and Disability and the issues that need to be addressed to ensure compliance with these obligations. It also identifies the actions required both to ensure compliance with the relevant legislation and to complement the achievement of broader organisational objectives.

There was considerable liaison with the National Disability Authority and Rehab Enterprises in 2008 in connection with the Board's application under the Excellence through Accessibility Award Scheme. Substantial progress was made by the Board in 2008 in addressing the gaps identified by engaging in this process, most notably in the areas of internal and external communication and in the content and layout of the website. The Legal Aid Board remains committed to ensuring that its services are accessible and available to all members of society and will continue to work towards external accreditation in this area.

Health and safety

Much of the focus on the health and safety area in 2008 was on completing a round of risk assessments for the Board's premises. The Partnership sub-committee on health and safety met on three occasions during the year.

Internal audit

The Board's internal audit function again carried out a work programme agreed with the Audit and Risk Committee of the Board. This covered a number of financial audits of law centres and head office areas.

Finance

The Board's financial statements for 2008 are shown at Appendix 1.

Income

The following are some comments on the sources of the Board's income.

(a) Grant-in-aid

As in previous years, most of the Board's income consists of a grant-in-aid received from the Department of Justice, Equality and Law Reform. Funding provided by the Government in 2008 was €26.988 million, as compared with €24.288 million in 2007.

(b) Refugee Legal Service (RLS)

Exchequer funding for the RLS in 2008 was €8.897 million, compared to €8.617 million in 2007. This level of funding was adequate to cover the full year cost of the provision of legal aid services by the Refugee Legal Service.

(c) Contributions

Persons who are provided with legal services pay a contribution related to their income and, in some cases, their capital resources. The minimum contribution is €10 for legal advice and €50 for representation in court. This minimum contribution can be waived in cases of hardship.

(d) Recovery of costs

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

- the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute, or
- from the legally aided person out of monies/property received by the person as a result of the provision of legal services.

The amount of costs recovered can vary significantly from year to year, especially if a legally aided person obtains an award for costs in a case in which the other party is in a position to meet the costs. This does not generally arise in family law cases, which form the bulk of the Board's caseload. Costs recovered in 2008 (€833,906) were 26% lower than in 2007 (€1,128,800).

Expenditure

The following are comments on the major items of expenditure shown in the 2008 financial statements:

1) Salaries

The increase of €1,006,262 (5%) in expenditure on employee costs in 2008 (excluding pension charges for solicitors) is primarily due to the cost of pay increases under *Towards 2016* and increments.

2) Accommodation and establishment costs

Expenditure in this area decreased slightly in 2008. Increased costs relating to maintenance of both premises and equipment, including computer equipment, were offset by savings in other accommodation related expenditure.

3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 7 to the accounts - and comment is provided on each of the various headings comprising the total as follows:

(i) Counsel fees

Expenditure on counsel fees decreased by €916,550 or 19% when compared with 2007. This was largely as a result of lower payments for counsel fees in respect of the RLS, which is consistent with the fall in the number of asylum cases handled in the years up to and including 2007 as well as a reduction in the valuation basis for counsel fee accruals from 50% to 45%.

The accrual for counsel fees, where work has been undertaken but not yet presented for payment at December 31st 2008, stands at €5,128,188, 7% lower than at the end of 2007.

When costs are recovered, the amount recovered in respect of counsel fees is paid to the barrister and this is generally higher than the fee normally paid by the Board.

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

Year	Counsel Fees
2002	€3,326,000
2003	€3,978,000
2004	€2,995,000
2005	€5,376,000
2006	€6,847,000
2007	€4,903,000
2008	€3,986,500

(ii) Legal fees (Expert witnesses etc.)

These case-related expenses are the additional expenses incurred by the Board, over and above counsel fees, in providing a civil legal aid and advice service to members of the public. The expenditure amount under this heading is derived from the requirements of the cases handled by the Board in any particular year.

There was an increase of 7% in such expenses. This was mainly due to higher expenditure on the law centre side on case related activity such as medical experts.

(iii) Private practitioner scheme

Expenditure on the private practitioner scheme was up 12% to €2.858 million in 2008. This increase was largely down to a higher number of referrals in respect of the District Court scheme. At December 31st 2008, the accrual for private practitioner fees, where work has been incurred but not yet presented for payment, stood at €2.819 million.

(iv) Other professional fees

Costs under this heading relate to the engagement by the Board of professionals to provide independent legal advice and other professional services to the Board. In 2008, expenditure was marginally higher than in 2007 and included costs in relation to the research project on financial eligibility.

(v) Other expenses

Solicitors employed by the Legal Aid Board must have a practising certificate, which is issued by the Law Society of Ireland. The cost of these certificates in 2008 totalled €263,000. Also included under this heading is expenditure on training and education (€347,000) and annual membership subscriptions (€9,900). Overall, expenditure in this category was 10% lower in 2008 as a result of reduced costs associated with training.

4) General administration

Costs under this heading were slightly lower in 2008 at €2.458 million. Higher costs in respect of office supplies were more than offset by savings made on telephone charges, insurance and travel and subsistence. The following graph shows a breakdown of expenditure by the Board over the last five years.

Chart 6: Expenditure 2005-2008

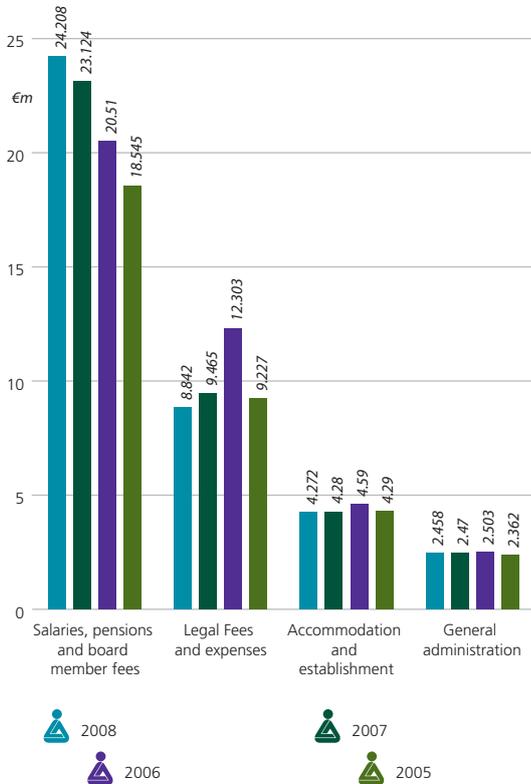
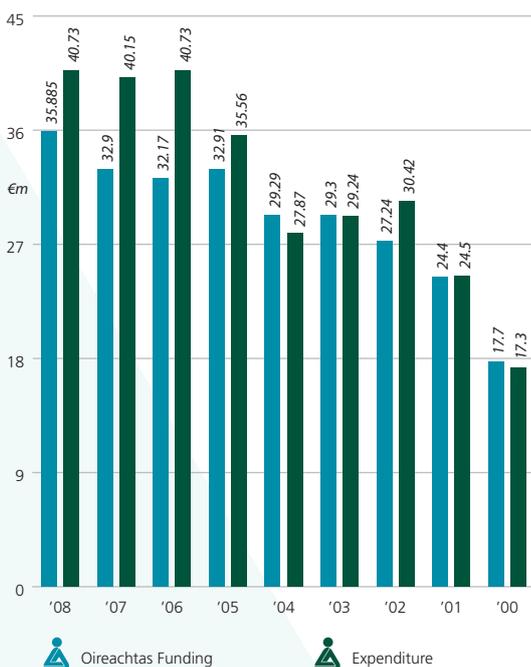


Chart 7 below shows the relationship between Oireachtas funding and the actual expenditure over the last ten years.

Chart 7: Funding vs. Expenditure 2000-2008



Cash at bank and on hand

The Balance Sheet shows that the Board had over €4.14 million on hand at the end of 2008. Of this amount, €1.06 million was held on behalf of clients. It can be seen from Note 12 to the accounts that the throughput of client funds in 2008 was €12.05 million. This arises from cases where, as a result of legal advice or representation in court, clients received moneys either from the other party or from the disposal of property. All such moneys are initially lodged to the Legal Aid Client Fund Account before being returned to clients less, in some cases, an amount in respect of costs incurred by the Board in providing legal services. The cash at bank figure, apart from client funds, is similar to the level of expenditure incurred by the Board each month and is considered to be a reasonable level of funding to have on hands at any one time.

Prompt Payment of Accounts Act, 1997

Section 4 of the Prompt Payment of Accounts Act, 1997 requires the Board to pay for the supply of goods or services by the *prescribed payment date*. This date is currently 30 days after the receipt of an invoice, or a lesser period as may be specified in a written contract. If the Board fails to make payment by the prescribed payment date, interest is payable to the supplier. Procedures ensure that the Board complies in all material respects with the requirements of the Act. The total amount of late payment interest paid to suppliers of goods and services during 2008 amounted to €0.

Appendix 1 Financial Statements

for the year ended 31 December 2008

Contents

	Page No.
Statement of Board Responsibilities	33
Statement of Internal Financial Control	34
Report of the Comptroller and Auditor General	36
Statement of Accounting Policies 2008	38
Income and Expenditure Account	40
Statement of Total Recognised Gains and Losses	41
Balance Sheet	42
Cash Flow	43
Notes to the Financial Statements	44

Statement of Board Responsibilities

Section 20 of the Civil Legal Aid Act, 1995 requires the Board to keep, in such form as may be approved by the Minister for Justice, Equality and Law Reform, with the consent of the Minister for Finance, all proper and usual accounts of any moneys received or expended by it. In preparing those financial statements, the Board is required to:

- ▣ select suitable accounting policies and then apply them consistently
- ▣ make judgements and estimates that are reasonable and prudent
- ▣ prepare the financial statements on the going concern basis unless it is inappropriate
- ▣ to presume that the Fund will continue in operation and
- ▣ state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Fund and which enable it to ensure that the financial statements comply with Section 20 of the Act. The Board is also responsible for safeguarding the assets of the Fund and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Anne Colley
Chairperson



Bob Browne
Board Member

July 2009

Statement of Internal Financial Control

1. On behalf of the Board of the Legal Aid Board, I acknowledge that the Board is responsible for ensuring that an effective system of internal financial control is maintained and operated for the organisation.
2. Any such system can provide only reasonable and not absolute assurance against material error. In considering the effectiveness of internal financial controls the Board has regard, among other things, to the requirements of the Code of Practice for the Governance of State Bodies.
3. The key procedures that have been put in place by the Board, designed to provide effective internal financial control, include
 - **Control Environment:** the management and executive functions of the Board are delegated to the Chief Executive and senior management of the organisation by resolutions of the statutory Board, which monitors and reviews the work of senior management, who report to it at its monthly meetings and through its various Committees. A Corporate Governance Manual was developed in 2006 to provide a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management. The current Board was appointed in December 2006 and was fully briefed on Board roles and responsibilities. A full briefing has also been provided to any new Board members that have been appointed to the Board since December 2006.
 - **Budget Information Systems:** the Board has a comprehensive budgeting system, that includes approval by the statutory Board of annual budgets and monitoring of monthly financial reports. Budgets are used to plan, authorise, monitor and control the way the funding of the Board is determined, allocated and spent. The arrangements for budgetary control include the provision of regular, relevant and timely financial information to monitor income and expenditure in all areas and corrective action is taken, where necessary. The Finance Committee is a committee of the Board which considers the 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 recommendation of approval of the Board's annual accounts to the Board and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the committee. The committee met on five occasions during 2008 and, as part of its functions, examined detailed analysis reports on five key areas of expenditure. Over the past two years, twelve key areas of expenditure have been examined by the committee.
 - **Risk Management:** the Board has adopted and implemented a clearly defined Risk Management policy and maintains a formal Risk Register that documents business risks and associated mitigations, controls and actions for all aspects of the Board's activities through the application of risk analysis techniques to its business objectives. Risk analysis principles have been systematically applied to the objectives of all Business Plans for the Board and risk management forms an integral part of the Business Planning Process. One of the functions of the Audit Committee of the Board is to provide an independent opinion on the adequacy of the Board's risk management arrangements. The committee met on seven occasions in 2008. A major

review of the Board's risk register was completed in 2008 having particular regard to pertinent risk issues associated with the high level goals of the Board's Corporate Plan. The revised risk register was presented to the Audit Committee in April and approved by the Board in May. The Director of Legal Aid attended two of the meetings to brief the committee on certain key risks in his area of responsibility. An external risk assessment was initiated in November 2008 for the purpose of identifying organisational risks from an objective and independent perspective and was completed in December 2008. An implementation plan has been prepared for the purpose of ensuring that the recommendations of the report are implemented by November 2009.

- **Procedures:** the Board has clearly defined financial instructions and procedures, including delegated spending and authorisation limits and segregation of duties, approved by resolution of the statutory Board. In addition, the statutory Board has reserved approval of expenditure on contracts with value in excess of €65,000, while the Finance Committee of the statutory Board is notified of all contracts with value in excess of €10,000 and less than €65,000. During 2008, the internal audit function of the Board carried out audits of accounts and procedures in twelve of the Board's law centres. In addition, an audit of the purchase of office supplies was also carried out. A financial fraud prevention policy for the Board was prepared and implemented during 2008.

- **Monitoring of Internal Control:** the Board has an Internal Audit function whose annual audit programme is approved by the Audit Committee of the statutory Board and one of whose functions is to review all aspects of internal financial controls. Having regard to the scope of law centre audits, the Audit Committee decided in 2008 to extend the audit to carry out an examination of financial documentation on individual case files in law centres, including the area of client contribution. The Audit Committee reviews the work and recommendations of the Internal Audit function and monitors the action taken by management to resolve any issues that have been identified. The Committee also reviews all significant reports received by the Board from the external auditors, including management's responses to these and makes recommendations on the issues raised. Correspondence with the Comptroller and Auditor General, including the audit Management Letter, and any issues raised, are brought to the attention of the Audit Committee and the statutory Board, which ensures that issues raised are pursued. With the exception of finalising the development of a records management policy for the Board, I can confirm that all other issues raised since the 2007 audit have been addressed and any recommendations adopted. The Board is in the process of developing a records management policy having regard to the recommendations of the IT Risk Management Report which was prepared in tandem with the external risk assessment.

The Audit Committee must produce a formal report within three months of the end of the calendar year, outlining its activities, together with such advice and recommendations as it deems appropriate. The report for 2008 was completed in February 2009 and was presented to the Board at its meeting on 19th March, 2009.

4. I confirm that during the year ended 31 December 2008 the Board has continued to review the effectiveness of the Board's system of internal financial controls.



Anne Colley
Chairperson

July 2009

Report of the Comptroller & Auditor General

I have audited the financial statements of the Legal Aid Fund for the year ended 31 December 2008 under the Civil Legal Aid Act, 1995.

The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Statement of Total Recognised Gains and Losses, the Balance Sheet, the Cash Flow Statement and the related notes.

Respective Responsibilities of the Members of the Board and the Comptroller and Auditor General

The Legal Aid Board is responsible for preparing the financial statements in accordance with the Civil Legal Aid Act, 1995 and for ensuring the regularity of transactions. The Board prepares the financial statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities of the Members of the Board are set out in the Statement of Board Responsibilities.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report my opinion as to whether the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland. I also report whether in my opinion proper books of account have been kept. In addition, I state whether the financial statements are in agreement with the books of account.

I report any material instance where moneys have not been applied for the purposes intended or where the transactions do not conform to the authorities governing them.

I also report if I have not obtained all the information and explanations necessary for the purposes of my audit.

I review whether the Statement on Internal Financial Control reflects the Board's compliance with the Code of Practice for the Governance of State Bodies and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements. I am not required to consider whether the Statement on Internal Financial Control covers all financial risks and controls, or to form an opinion on the effectiveness of the risk and control procedures.

I read other information contained in the Annual Report, and consider whether it is consistent with the audited financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

Basis of Audit Opinion

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures and regularity of the financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Board's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion, the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Legal Aid Fund's affairs at 31 December 2008 and of its income and expenditure for the year then ended.

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



John Buckley

Comptroller and Auditor General

21 July 2009

Statement of Accounting Policies 2008

General

The Legal Aid Fund, which is provided for under Section 19 of the Civil Legal Aid Act, 1995, is managed by a Legal Aid Board appointed by the Minister for Justice, Equality and Law Reform.

The Fund consists of all the financial resources of the Board. In 2008, the Board operated out of 33 full-time centres and 12 part-time centres throughout the country.

Basis of accounting

The financial statements are prepared under the accruals method of accounting, except as indicated below, and in accordance with generally accepted accounting principles under the historical cost convention. Financial Reporting Standards recommended by the recognised accountancy bodies are adopted, as they become operative.

Going Concern

The Legal Aid Board is a statutory body established under the Civil Legal Aid Act 1995. The financing of the Board's activities is predominantly met by grant-in-aid and exchequer funding from the Department of Justice, Equality and Law Reform.

During the financial year the Board carried out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities figure, in particular, Counsel Fees and the Private Practitioner service.

The balance sheet at 31st December 2008 shows an excess of liabilities over assets of €3,354,340. This deficit arises from the timing difference between receipt of funding to pay liabilities for legal services

when they are due for payment and the provision for these liabilities that is recognised in these accounts under the accruals method of accounting.

A letter of ongoing support has been received from the Secretary of the Department of Justice, Equality and Law Reform confirming that the Board's activities will be funded into the future.

The Board takes the view that the going concern accounting convention applies to the accounts which represent the operations of the Board as long as the provisions of the Civil Legal Aid Act 1995 remain in existence.

The Board knows of no review of its operations or intention to suspend its activities or merge it with other organisations. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

State grants

Income under this heading is accounted for on a cash receipts basis.

Contributions from aided persons

Due to the nature of this income, i.e. contributions from persons of modest means, it is considered prudent to account for such income on a cash receipts basis. The estimated amount collectable at 31 December, 2008 was approximately €22,000. There were no bad debts written off in 2008.

Costs Recovered

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

- (a) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute, or
- (b) from the legally aided person, out of monies/property received by the person as a result of the provision of legal services.

Fixed assets and depreciation

Fixed assets are shown on the Balance Sheet at cost less accumulated depreciation.

Depreciation, which is calculated over the useful life of the assets using the straight line method, is charged at the following annual rates:-

Leases, office furniture & equipment, and premises fit out	20%
computer equipment	33%

A half year's depreciation is charged in the year of purchase and in the year of disposal.

Clients' Funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December 2008, on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

Capital Account

The Capital Account represents the unamortised amount of income used to purchase fixed assets.

Pensions

The Legal Aid Board operates a defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the Department of Justice, Equality and Law Reform and from contributions deducted from solicitors' salaries.

Pension costs reflect pension benefits earned by solicitor staff in the period and are shown net of staff pension contributions which are retained by the Legal Aid Board. An amount corresponding to the pension charge is recognized as income to the extent that it is recoverable, and offset by an element of grant-in-aid received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable from the Department of Justice, Equality and Law Reform.

Pension liabilities represent the present value of future pension payments earned by solicitor staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Justice, Equality and Law Reform.

Provisions

A provision is recognised when an obligation (whether legal or constructive) arises as a result of a past event, and when it is probable that a transfer of economic benefit will be required to settle the obligation and that it can be reliably estimated.

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date.

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year. No income is anticipated for cases that may recover costs.

Income and Expenditure Account

for the year ended 31 December 2008

	Note	2008		2007	
		€	€	€	€
INCOME					
State funding	1	35,885,000		32,905,000	
Net deferred funding for pensions	2 b	3,292,777		3,234,356	
Contributions from aided persons		753,833		659,520	
Costs recovered		833,906		1,128,800	
Other income	3	1,167,617		748,084	
			41,933,133		38,675,761
Transfer from Capital Account	4		221,297		142,398
			42,154,430		38,818,159
Expenditure					
Salaries and related expenses	5	21,120,234		20,113,972	
Pension Costs	2 c	2,967,771		2,888,302	
Fees to Board members		120,147		121,526	
Accommodation and establishment expenses	6	4,272,437		4,279,587	
Legal fees & expenses	7	8,842,151		9,464,686	
General administration	8	2,457,529		2,470,379	
Depreciation	9	931,991		749,039	
Audit fee		19,250		19,250	
			40,731,510		40,106,741
Surplus/Deficit for year			1,422,920		(1,288,582)
Opening balance as at 1 January			(6,389,616)		(5,101,034)
Closing balance as at 31 December			(4,966,696)		(6,389,616)

All income and expenditure for the year 31 December 2008 relates to continuing activities.

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.



ANNE COLLEY
CHAIRPERSON



MOLING RYAN
CHIEF EXECUTIVE

July 2009

Statement of Total Recognised Gains and Losses

as at 31 December 2008

		2008 €	2007 €
Surplus / (Deficit) for year		1,422,920	(1,288,582)
Experience losses / (gains) on pension scheme liability		2,567,783	(1,149,600)
Changes in assumptions underlying the present value of pension scheme liabilities		0	0
Actuarial loss / (gain) on Pension Liabilities	2 e	2,567,783	(1,149,600)
Adjustment to Deferred Pension Funding		(2,567,783)	1,149,600
Total Recognised Losses / (Gains)		1,422,920	(1,288,582)

All income and expenditure for the year 31 December 2008 relates to continuing activities. The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.

Balance Sheet

as at 31 December 2008

	Note	2008		2007	
		€	€	€	€
Fixed assets	9		1,612,355		1,833,652
Current assets					
Cash at bank and on hand		4,141,691		4,131,984	
Debtors and prepayments	10	827,922		492,994	
		4,969,613		4,624,978	
Less current liabilities					
Creditors and accruals	11	8,900,272		8,977,591	
Clients' funds	12	1,036,037		2,037,003	
		9,936,309		11,014,594	
Net current liabilities			(4,966,696)		(6,389,616)
Total assets less current liabilities before pension			(3,354,341)		(4,555,964)
Deferred pension funding	2 d		31,000,000		25,457,730
Pension liabilities	2 e		(31,000,000)		(25,457,730)
			0		0
Total assets			(3,354,341)		(4,555,964)
Represented by:					
Income and Expenditure Account			(4,966,696)		(6,389,616)
Capital Account	4		1,612,355		1,833,652
			(3,354,341)		(4,555,964)

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 18, form part of these financial statements.



ANNE COLLEY
CHAIRPERSON



MOLING RYAN
CHIEF EXECUTIVE

July 2009

Cash Flow Statement

for the year ended 31 December 2008

	Note	2008 €	2007 €
Net cash (outflow)/inflow from operating activities	14	696,305	1,038,734
Returns on investment and servicing of finance			
Interest received		82,629	233,118
Interest paid on client settlements		(51,066)	(42,669)
Investing activities			
Sale of tangible assets		0	0
Purchase of tangible assets		(718,161)	(610,409)
Net cash inflow/outflow		9,707	618,774
Increase/Decrease in cash	15	9,707	618,774

The Statement of Accounting Policies, together with Notes 1 to 18, form part of these financial statements



ANNE COLLEY
CHAIRPERSON



MOLING RYAN
CHIEF EXECUTIVE

July 2009

Notes to the Financial Statements

for the year ended 31 December 2008

1 State funding

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

	2008 €	2007 €
Subhead		
C.2 Grant-in-Aid	26,988,000	24,288,000
D.2 Asylum Seekers Taskforce - Legal Aid*	8,897,000	8,617,000
	35,885,000	32,905,000

* This funding was provided towards the expenditure incurred on the Refugee Legal Service. See Note 16.

2 Pension Costs

(a) Analysis of total pension costs charged to Expenditure

	2008 €	2007 €
Current service cost	2,100,000	2,000,000
Interest on Pension Scheme Liabilities	1,400,000	1,350,000
Employee Contributions	(532,229)	(461,698)
	2,967,771	2,888,302

(b) Movement in Net Pension Liability during the financial year

	2008 €	2007 €
Net Pension Liability at 1 January	25,457,730	23,602,600
Current Service Cost	2,100,000	2,000,000
Interest Costs	1,400,000	1,350,000
Actuarial Loss / (Gain)	2,567,783	(1,149,600)
Pensions paid in the year	(525,513)	(345,270)
Net Pension Liability at 31 December	31,000,000	25,457,730

(c) Deferred Funding Asset for Pensions

The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and the annual estimate process. While there is no formal agreement regarding these specific amounts with the Department of Justice, Equality and Law Reform, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.

The Net Deferred Funding for Pensions recognized in Income and Expenditure Account was as follows:

	2008	2007
	€	€
Funding recoverable in respect of current year pension costs	3,500,000	3,350,000
State grant applied to pay pensioners	(207,223)	(115,644)
	3,292,777	3,234,356

The deferred funding asset for pensions as at 31 December 2008 amounted to €31.1 million (€25.5 million in 2007).

(d) History of defined benefit obligations

	2008	2007	2006
	€	€	€
Defined Benefit obligations	31,000,000	25,457,730	23,602,600
Experience (gains) / losses on Scheme Liabilities amount	2,567,783	(1,149,600)	1,579,000
Percentage of the present value of the scheme liabilities	-8%	-4%	7%

The cumulative actuarial loss recognised in the Statement of Total Recognised Gains and Losses amounts to €2,567,783

(e) General Description of the scheme

The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieth per year of service) and spouse's and children's pensions. Normal Retirement Age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The valuation used for FRS17 (Revised) disclosures has been based on a full actuarial valuation (February '09) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2008.

The principal actuarial assumptions were as follows:

	2008	2007
Rate of increase in salaries	4.0%	4.0%
Rate of increase in pensions in payment	4.0%	4.0%
Discount Rate	5.5%	5.5%
Inflation Rate	2.0%	2.0%

Information in relation to the life expectancy for members will be available for the 2009 Financial Statements.

(f) Revised FRS17 Disclosures

The information on pensions has been presented in line with new disclosure requirements required from 2008 under an amendment to FRS17.

3. Other income

	2008 €	2007 €
Interest received and receivable	109,685	101,960
Sundry receipts	1,057,932	646,124
	1,167,617	748,084

4. Capital Account

	€	€
Balance as at 1 January		1,833,652
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	710,694	
- Amount released on disposal of fixed assets	0	
- Income amortised in year in line with depreciation of assets	(931,991)	
		(221,297)
Balance as at 31 December		1,612,355

5. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December, 2007 was 384. The number of staff actually employed by the Board at 31 December, 2008 was 390 (2007 - 383). The average number of employees in the Board during the year was 383 (2007 - 383). Employee and related costs were as follows:

	2008 €	2007 €
Salaries	19,572,166	18,657,649
Cost of Agency Staff & Secondment	73,720	57,409
Employer PRSI	1,474,347	1,398,914
	21,120,234	20,113,972

6. Accommodation and establishment expenses

	2008 €	2007 €
Rents	2,571,238	2,766,309
Cleaning	264,613	318,535
Lighting and heating	268,220	255,824
Maintenance - Premises	658,814	545,442
Maintenance - Equipment	509,552	393,477
	4,272,437	4,279,587

7. Legal fees and expenses

	2008 €	2007 €
Counsel fees	3,986,503	4,903,053
Legal fees (Expert Witnesses)	793,517	740,273
Private Practitioner Schemes	2,858,149	2,557,013
Other professional fees	582,407	576,043
Other expenses	621,575	688,305
	8,842,151	9,464,687

8. General administration

	2008 €	2007 €
Stationery, office and training expenses	499,751	397,352
Books and printing	176,071	173,875
Postage and telephone	874,795	920,393
Insurance	151,264	178,877
Travel and subsistence	755,648	799,882
	2,457,529	2,470,379

9. Fixed assets

	Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
Cost					
Balance as at 01/01/08	2,292,177	1,292,098	6,635,755	3,132,523	13,352,554
Acquisitions	0	5,339	522,099	183,256	710,694
Disposals	0	0	(120,554)	0	(120,554)
Balance as at 31/12/08	2,292,177	1,297,437	7,037,300	3,315,779	13,942,693
Depreciation of fixed assets					
Balance as at 01/01/08	1,971,505	1,169,161	5,786,341	2,591,894	11,518,901
Charge in year	117,032	40,268	588,897	185,794	931,991
Disposals	0	0	(120,554)	0	(120,554)
Balance as at 31/12/08	2,088,537	1,209,429	6,254,684	2,777,688	12,330,338
Net book value as at 31/12/08	203,640	88,008	782,616	538,091	1,612,355
Net book value as at 31/12/07	320,672	122,937	849,413	540,629	1,833,652

10. Debtors and prepayments

	2008	2007
	€	€
Debtors - deposit interest	93,417	20,578
Prepayments		
- Rent	117,482	121,065
- Insurance	159,060	94,867
- Salaries	192,249	13,116
- Other	265,714	243,367
	827,922	492,994

11. Creditors and accruals

	2008	2007
	€	€
Amounts falling due within one year:		
Creditors & accruals	8,900,272	8,977,591
	8,900,272	8,977,591

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date.

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year.

No income is anticipated for cases that may recover costs.

12. Clients' funds

Client funds held at 1 January (net of interest)	2,006,461
Add: Awards/settlements received during 2008	12,051,941
Less: Settlements paid out, including interest allowed and costs recovered	(13,047,623)
Client funds held at 31 December	1,010,779
Interest accruing on client funds held	25,258
Total due to clients	1,036,037

13. Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and Mount Street, Dublin and operates out of 34 other centres throughout the country. The Board is committed to pay rent of € 2,536,713 during 2009 in respect of leases expiring as follows:

	€
2009	0
2010-2014	284,487
2015 onwards	2,252,226

14. Reconciliation of surplus for year to cash from operating activities

	2008 €	2007 €
(Deficit) / Surplus for year	1,422,920	(1,288,582)
Adjustment for non-operating items		
Bank interest receivable	(109,685)	(101,960)
Movement on Capital Account	(221,297)	(142,398)
Adjustment for non-cash items		
Depreciation	931,991	749,039
(Increase) / Decrease in debtors	(262,089)	5,402
Increase / (Decrease) in creditors	(1,065,535)	1,817,233
	696,305	1,038,734

15. Movement of cash

	2008 €	2007 €
Balance at 1 January	4,131,984	3,513,210
Net cash inflow	9,707	618,774
Balance at 31 December	4,141,691	4,131,984

16. Refugee Legal Service

	2008 €	2007 €
Expenditure and income relating to the Refugee Legal Service are included in the financial statements as follows:		
Salaries and related expenses	5,560,971	5,232,352
Accommodation expenses	1,340,928	1,264,411
Legal fees and professional fees	1,479,872	1,703,146
General administration	620,979	889,525
Fixed assets purchased	169,891	115,041
	9,172,641	9,204,475
Less contributions from legally aided persons and costs recovered	(257,829)	(383,326)
Total net expenditure in the year	8,914,812	8,821,149

17. Comparative Figures

Some changes have been made to the presentation of items in the financial statements and the comparative figures have been restated where necessary on a basis consistent with the current year presentation.

18. Approval of Financial Statements

The Financial Statements were approved by the Board on 22 May 2009.

Appendix 2

List of Law Centres

Full Time Law Centres

LAW CENTRE

MANAGING SOLICITOR

CAVAN

Newcourt Shopping Centre, Church Street, Cavan
Tel: (049) 433 1110 Fax: (049) 433 1304

Patricia O'Reilly

CLARE

Unit 6A, Merchant's Square, Ennis, Co Clare
Tel: (065) 682 1929 Fax: (065) 682 1939

Mary Cuffe

CORK

North Quay House, Popes Quay, Cork
Tel: (021) 455 1686 Fax: (021) 455 1690

Betty Dineen

1A South Mall, Cork

Tel: (021) 427 5998 Fax: (021) 427 6927

Deirdre Kissane

DONEGAL

Letterkenny Town Centre, Justice Walsh Road,
Letterkenny, Co Donegal

Tel: (074) 912 6177 Fax: (074) 912 6086

Ray Finucane

DUBLIN

45 Lower Gardiner Street, Dublin 1
Tel: (01) 874 5440 Fax: (01) 874 6896

Shane Dooley

Tower Centre, Clondalkin Village, Dublin 22

Tel: (01) 457 6011 Fax: (01) 457 6007

Tom Nally

Village Green, Tallaght, Dublin 24

Tel: (01) 451 1519 Fax: (01) 451 7989

Pauline Corcoran

44/49 Main Street, Finglas, Dublin 11

Tel: (01) 864 0314 Fax: (01) 864 0362

Marie Quirke

48/49 North Brunswick Street, Georges Lane, Dublin 7

Tel: (01) 646 9700 Fax: (01) 646 9799

Hugh Cunniam

Unit 6-8, Business Centre, Clonsilla Road

Blanchardstown, Dublin 15

Tel: (01) 820 0455 Fax: (01) 820 0450

Joan Crawford

Medical Negligence Unit

7 – 11 Montague Court, Montague St Dublin 2

Tel: (01) 4776200 Fax: (01)4776241

Margaret O'Shea-Grewcock

Private Practitioner Centre

7 – 11 Montague Court, Montague St Dublin 2

Tel: (01) 4776200 Fax: (01)4776241

Dearbhla Deery

GALWAY

9 St. Francis Street, Galway

Tel: (091) 561650 Fax: (091) 563825

Mary Griffin

KERRY

1 Day Place, Tralee, Co Kerry

Tel: (066) 712 6900 Fax: (066) 712 3631

Carol Anne Coolican

KILDARE

Canning Place, Newbridge, Co Kildare

Tel: (045) 435777 Fax: (045) 435766

Edel Poole

KILKENNY

87 Maudlin Street, Kilkenny

Tel: (056) 776 1611 Fax: (056) 776 1562

Niall Murphy

LAOIS

Unit 6A, Bridge Street, Portlaoise, Co Laois
Tel: (057)8661366 Fax: (057) 8661362

Catherine Martin

LIMERICK

Unit F, Lock Quay, Limerick
Tel: (061) 314599 Fax: (061) 318330

Fergal Rooney

LONGFORD

Credit Union Courtyard, 50A Main Street, Longford
Tel: (043) 47590 Fax: (043) 47594

Edel Hamilton

LOUTH

Condil House, Roden Place, Dundalk, Co Louth
Tel: (042) 933 0448 Fax: (042) 933 0991

Deirdre McMichael

MAYO

Humbert Mall, Main Street, Castlebar, Co Mayo
Tel: (094) 902 4334 Fax: (094) 902 3721

Thomas O' Mahony

MEATH

Kennedy Road, Navan, Co Meath
Tel: (046) 907 2515 Fax: (046) 907 2519

Mary Pat Ahern

MONAGHAN

Alma House, The Diamond, Monaghan
Tel: (047) 84888 Fax: (047) 84879

Stephanie Coggans

OFFALY

Harbour Street, Tullamore
Tel: (057) 9351177 Fax: (057) 9351544

Orla Connolly

SLIGO

Bridgewater House, Rockwood Parade, Sligo
Tel: (071) 9161670 Fax: (071) 9161681

Fiona McGuire

TIPPERARY

Friars Court, Abbey Street, Nenagh, Co Tipperary
Tel: (067) 34181 Fax: (067) 34083

Josephine Fair

WATERFORD

Canada House, Canada Street, Waterford
Tel: (051) 855814 Fax: (051) 871237

Aidan Lynch

WESTMEATH

Paynes Lane, Irishtown, Athlone, Co Westmeath
Tel: (090) 647 4694 Fax: (090) 647 2160

Phil O'Laoide

WEXFORD

Unit 8, Redmond Square, Wexford
Tel: (053) 9122622 Fax: (053)9124927

Niamh Murrán

WICKLOW

Bridge Street, Wicklow
Tel: (0404) 66166 Fax: (0404) 66197

Barbara Smyth

REFUGEE LEGAL SERVICE

48/49 North Brunswick Street,
George's Lane, Dublin 7
Tel: (01) 646 9600 Fax: (01) 671 0200

Frank Caffrey
Gráinne Brophy
Anke Hartas

North Quay House, Popes Quay, Cork
Tel: (021) 4554634 Fax: 021 4557622

Bernadette McGonigle

Seville House, New Dock Road, Galway
Tel: (091) 562480 Fax: (091)562599

Cormac Faherty

Registration Office

Timberlay House
79/83 Lower Mount Street, Dublin 2
Tel: (01) 631 0800 Fax: (01) 661 5011

Part Time Law Centres

Location and telephone	Open	Law Centre
CARLOW St. Catherine's Citizens Info. Bureau, St. Joseph's Road, Carlow. Tel: (059) 9138700	First and last Friday of every month	Kilkenny
CORK Citizens Info. Bureau, Wolf Tone Square, Bantry (021) 455168	Once a month	Cork (Popes Quay)
DONEGAL The Courthouse, Donegal Town Tel: (074) 9126177	Once a month	Letterkenny
KERRY 52 High Street, Killarney Tel: (066) 7126900	Every Friday morning	Tralee
LEITRIM The Health Centre, Leitrim Road, Carrick-on-Shannon Tel: (043) 47590	Once a month	Longford
LOUTH Drogheda Community Services Centre, Scarlett Crescent, Drogheda Tel: (041) 9836084/9833490	Twice a month	Monaghan
MAYO The Pastoral Centre (Cathedral Grounds) Ballina, Co. Mayo Tel: (094) 9024334	Once a month	Castlebar
Health Centre, Knock Road, Ballyhaunis Tel: (094) 9024334	Fourth Tuesday of every month	Castlebar
ROSCOMMON Citizens Information Centre, 7 Elphin Street, Boyle Tel: (071) 9161670	Once a month	Sligo
TIPPERARY Thurles Community Social Services, Rossa Street, Thurles Tel: (0504) 22169	Second Tuesday of every month	Nenagh
Citizens' Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	Four times a month	Nenagh
WESTMEATH Enterprise Centre, Bishopgate Street, Mullingar Tel: (090) 6474694	Once a month	Athlone

Refugee Legal Service Information Clinics

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

Doras Clinic (Limerick)

Mount St. Vincent,
O'Connell Avenue,
Limerick
Contact: Ella / Sr. Teresa (087) 7754160 / (061) 310328
Every Friday.

Waterford Clinic

Mount Sion Information Unit,
Barrack Street,
Waterford
Contact: (021) 4554634
Frequency determined by demand.

Tralee Clinic

Tralee Law Centre,
1 Day Place, Tralee,
Co. Kerry
Contact: (087) 4190117
Every Wednesday and Friday.

Killarney Clinic

52 High Street,
Killarney,
Co. Kerry
Contact: (087) 4190117
Every Monday and second Wednesday.

Sligo Clinic

The Family Resource Centre,
The Mall,
Sligo
Contact: Vincent / Orla (071) 9137448
Every second Tuesday.