



**LEGAL AID BOARD**

Annual Report 2003

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## FOREWORD

This is my first Annual Report as Chairperson of the Legal Aid Board and it relates to the year 2003. It was with much sadness that I took over the position of Chairperson, following the sudden death of Mr Eamon Leahy, SC, in July, 2003. Eamon brought to the Board a unique combination of qualities with his intellectual ability, great humour and genuine compassion and we were all deeply saddened at his passing.

I would like to welcome our new Board member, Mr David Barniville, BL, who took up office in September, 2003.

In 2003, the total number of cases in which legal services were provided was 19,500, as opposed to 21,300 in 2002. Of these, some 13,000 cases were dealt with in law centres; just over 5,600 were provided with services by the Refugee Legal Service (RLS), while the private practitioner scheme provided services to almost 900.

The grant-in-aid funding for the ongoing provision of legal aid services was reduced from €17.636 million in 2002 to €17.539 million in 2003. This level of funding presented a challenge to the Board in seeking to maintain a reasonable level of service. The actual final allocation in 2003 was €18.389 million, which included an additional funding provision of €850,000 to meet costs incurred by the Board, including the cost associated with the Board's project for the use of private practitioners in the Circuit Court. This additional funding was provided following meetings with the Minister and his officials and was welcomed by the Board.

Funding for the provision of the Refugee Legal Service and Refugee Documentation Centre, at €9.027 million, was adequate to enable the Board to meet the demand for service in this area.

I would like to thank the Minister for Justice, Equality & Law Reform, Mr Michael McDowell, T.D., and his officials for their continued efforts in the area of resources at a time of reduced public expenditure across Government departments generally.

The major challenge facing the Board in 2003, in



common with other areas of the public service, was to maximise the level of service provided in the context of a much tighter budgetary situation. The Board is conscious of the need to protect its clients and potential clients and continues to seek to ensure that the front line service is maintained to the greatest extent possible. The reduced budget allocated to the Board in 2003 and the proposed level of funding available for 2004 required a reduction in the numbers of legal aid certificates allocated for Circuit Court cases, a reduced use of private practitioners in the District Court, a reduction in the number of staff employed, and the non replacement of many of the staff who availed of maternity and other leave arrangements. These arrangements were, however, without prejudice to the Board continuing to deal with priority cases as and when required.

The Board is conscious that the net effect of the actions taken to operate within its budgetary allocation has been to reduce the number of persons provided with legal services, and has led to an increase in waiting times throughout the law centre network. The Board, however, is required, under section 5 of the Civil Legal Aid Act, 1995, to operate within its resources, with the consequence that this means a more limited service is currently provided to persons who are eligible for legal aid. The Board is seeking to tackle the funding difficulties

in two ways. First, it is preparing a detailed submission to the Minister for Justice, Equality and Law Reform for additional funding in 2004 and 2005, so as to enable it to operate at full capacity and to maximise the use of its staff resources. Secondly, it is involved in a series of discussions with the unions, aimed at increasing the effectiveness of resources allocated to the legal aid services. Issues being considered include greater use of solicitors as advocates and the consideration of alternative means of meeting the needs of clients, particularly in the area of family law.

On a more positive note, I am pleased to report that the staff have responded to this new environment. Specifically, the Performance Management and Development System enables staff to have a greater level of input into how their workplace is managed and how objectives are set and achieved, within the overall framework of the business plan for their work areas. In addition, the Board is satisfied that progress is being made on its modernisation and change programme, under the latest national programme, and that this will lead to further improvements in efficiency and effectiveness.

The Board and I are very much committed to meeting the challenges that lie ahead and we look forward to continuing to work with the Board's management and staff to meet these challenges.

**Anne Colley**  
**Chairperson**  
**July, 2004**

## HEAD OFFICE EXECUTIVE STAFF

<b>Chief Executive :</b>	Frank Goodman
<b>Director of Legal Aid :</b>	Frank Brady
<b>Director of Human Resources :</b>	Pat Fitzsimons
<b>Director of Operations :</b>	Dara Mullally
<b>Director of Corporate Services Refugee Legal Service :</b>	Feargal O'Brolchain
<b>Financial Controller :</b>	Joan Enright
<b>Secretary to the Board :</b>	Clare Kelly
<b>Auditors :</b>	Comptroller and Auditor General
<b>Solicitors :</b>	Mason, Hayes and Curran
<b>Head Office :</b>	Quay Street, Cahirciveen, Co. Kerry. Phone: 066 947 1000 LoCall: 1890 615 200 Fax : 066 947 1035
<b>Dublin Office :</b>	7-11 Montague Court, Montague Street, Dublin 2. Phone: 01 477 6200 Fax: 01 476 0267
<b>Website:</b>	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>

## THE BOARD



**Anne Colley**  
Chairperson



**Caoimhín Ó hUiginn**  
Assistant Secretary, Department of Justice,  
Equality and Law Reform



**Catherine Hazlett**  
Principal Officer, Department of Social and  
Family Affairs



**Lucille Fahy**  
Staff Representative, Solicitor,  
Gardiner Street Law Centre



**Una Doyle O'Sullivan**  
Solicitor



**Brendan T. Looby**  
Solicitor



**David Barniville**  
Barrister-at-law



**Tony McCarthy**  
Retail Business



**Frank Goodman**  
Chief Executive



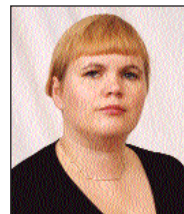
**Ann Nolan**  
Principal Officer, Department of Finance



**Catherine Egan**  
Barrister-at-law



**Noirín Slattery**  
Administrator



**Clare Pilkington**  
Staff representative, Cahirciveen office

## FUNCTIONS OF THE BOARD

The Civil Legal Aid Act, 1995, which provides for the establishment of the Legal Aid Board, sets out the functions of the Board at Section 5 of the Act as follows:

- “(1) The principal function of the Board shall be to provide, within the Board’s resources and subject to the other provisions of this Act, legal aid and advice in civil cases to persons who satisfy the requirements of this Act.*
- (2) The Board shall, to such extent and in such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability.”*

The Act allows for the provision of legal advice and legal aid in civil cases to persons who satisfy the financial eligibility and merits tests laid down in the Act and Regulations. Legal aid is available for representation for proceedings in the District, Circuit, High and Supreme Courts and also for proceedings before the European Court of Justice. Legal aid is not available for the conduct of proceedings before an administrative tribunal, except for appeals against the refusal of refugee status. Legal advice and assistance can be provided, however, to persons involved in proceedings before any tribunal.

The function of the Legal Aid Board is to make the services of solicitors and, where necessary, barristers available to qualifying persons. Legal aid and advice are provided, in the main, through law centres by solicitors in the full-time employment of the Board. The Board has a nationwide spread of law centres, with 30 full-time and 12 part-time centres around the country. The services of barristers are provided in accordance with the terms of an agreement between the General Council of the Bar of Ireland and the Board.

The Board engages solicitors in private practice to provide a complementary legal service to that provided from law centres for certain family law matters in the District Court, namely, domestic violence, maintenance and custody/access. This

assists the Board in seeking to provide a service to applicants within a reasonable period of time.

The Board operates a dedicated service, known as the Refugee Legal Service (RLS), to provide legal advice and assistance to asylum seekers at all stages of the asylum process, including representation before the Refugee Appeals Tribunal.

The Board continues to run 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.

In the exercise of its function of providing information, the Board has published a number of leaflets about its services, as well as about family law remedies and refugee matters. The leaflets provide general information, in clear, simple language, on a range of matters, as listed at Appendix 6. The leaflets are available at the Board’s law centres, as well as at court offices and Citizens Information Centres throughout the country. All of this information is available on the Board’s website, [www.legalaidboard.ie](http://www.legalaidboard.ie).

Expenditure incurred by the Board in the operation of its services is met from the Legal Aid Fund. This Fund consists of a grant-in-aid from the Department of Justice, Equality and Law Reform, contributions from aided persons and other income, including specific funding from the Oireachtas for the RLS.

## CORPORATE GOVERNANCE

In 2003, the Board continued to maintain the standards of corporate governance laid out in the *Code of Practice for the Governance of State Bodies* issued by the Department of Finance. As set out in its Report for 2002, the Board commenced a programme of actions in 2002 with a view to complete compliance with the Code in 2003. The Board is pleased to report that it has achieved its objective. The remainder of this section of the Report sets out the position in relation to corporate governance in the Board. Since the exercise commenced in 2002, a range of developments have been initiated, including the following:

- taking action to ensure defined division of roles and responsibilities as between the Board, the Chairperson and the Chief Executive;
- updating its Annual Report in accordance with the requirements of the Code;
- establishing an audit committee and internal audit function; and
- establishing a code of conduct for Board members, including procedures to deal with conflict of interest issues.

### Legal Aid Board

In the discharge of its functions, the Board meets on a monthly basis (except in August). The Board members have a clearly defined role, incorporating responsibility for, inter alia: -

- strategic direction of the organisation;
- determination of 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, e.g., significant acquisitions or disposal of assets.

While policy is usually approved/developed at Board level, the main internal fora that ultimately

feed into the policy formulation process are: -

- the Head Office management team and managing solicitors;
- the Strategic Management Initiative Steering Group; and
- the Partnership Committee.

### Committees

The Board uses seven committees to assist it in achieving its objectives and in the effective discharge of its responsibilities. These are the Appeal and Certifying committees, (both of which have a statutory basis), the Finance, Audit, Lawyers, Human Resources and Performance committees. The following paragraphs provide a brief overview of the role of the committees.

#### *Appeal and certifying committees*

An appeal committee is a statutory committee of Board members provided for under Regulation 12 (3) of the Civil Legal Aid Regulations, 1996. A committee meets each month (as required) to consider appeals by legal aid applicants to have decisions, made by authorised members of staff to refuse legal services in particular cases, reversed. Under regulation 12 (5), a committee may affirm, reverse or otherwise alter such decisions.

While responsibility for deciding on applications for legal aid is delegated to authorised members of staff, the Regulations also provide for a certifying committee of Board members to make such decisions. There were no meetings of a certifying committee in 2003.

#### *The Lawyers' Committee*

The role of the Lawyers' Committee is to consider legal issues in relation to the provision of legal services, including the interpretation of the Act and Regulations. The Committee, comprising of the lawyer members of the Board, also considers recommendations from the Professional Procedures Workgroup, as well as reviewing reports on law centres prepared by the Board's management. The Committee considers such matters in detail in order to make appropriate



recommendations to the Board and to provide advice to management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

### **The Finance Committee**

The role of the Finance Committee is to consider the Board's finances in detail and to report to the Board on such matters. This includes the review of budgets and financial reports, the approval of the Board's annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee. In addition, the Committee had responsibility for overseeing compliance with the *Code of Practice for the Governance of State Bodies*. This responsibility was transferred to the Audit Committee in 2004.

### **The Audit Committee**

The role of the Audit Committee is to oversee and advise on matters relating to (i) the operation and development of the internal audit function; (ii) the business control and risk management environment; and (iii) the relationship with external audit.

The Committee advises and makes recommendations on matters pertaining to the internal audit function within the Board. The duties of the Committee include, inter alia, reviewing the annual internal audit plan and monitoring implementation of the plan throughout the year. The Committee reviews the significant findings and recommendations of the internal audit function and monitors the action taken by management to resolve any issues that have been identified. In addition, the Committee communicates with the Board, the Chief Executive and senior management, as appropriate, in relation to any significant shortfalls in the business control and/or risk management environments that come to the attention of, or are of concern to, the Audit Committee.

The Committee also reviews all significant reports received by the Board from the external auditors, management's responses to these, and considers the implications of the issues raised. In 2003, the Committee received the report of the audit unit of the Department of Justice, Equality and Law Reform. This report concluded that "*...the internal controls in place in the Legal Aid Board are more than adequate.....and that a satisfactory audit trail exists within all areas examined in the Legal Aid Board.*"

The 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 2003 was presented to the Board on 12 March, 2004, and the programme for 2004 has been prepared.

### **The Human Resources Committee**

The role of the Human Resources Committee is to consider issues which impact on human resources within the Board. The Committee considers human resource matters, such as Board policy in relation to filling of vacancies, in order to make appropriate recommendations to the Board and to provide advice to management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

### **The Performance Committee**

This Committee considers the performance of, and makes recommendations on the performance pay for, the Chief Executive.

## CASES DEALT WITH IN 2003

The total number of cases in which legal services were provided by the Board through law centres, the Refugee Legal Service and the private practitioner schemes in 2003 was 19,500, as compared with over 21,300 in 2002. It should be noted that the number of individual persons in receipt of services is lower, as one person may receive legal services in relation to two or more separate matters in any one year. For example, a person provided with a legal service in the District Court may obtain legal aid for other court proceedings later in the year.

This section of the Report deals with the services provided through law centres. Commentary relating to the other areas of service delivery is provided under the respective headings in later sections of this Report.

### Law centres

The total number of cases in which legal services were provided in 2003 was just over 12,900, as compared with 13,600 in 2002. The number of cases in which legal aid was granted in 2003 was 3,565, whereas 3,719 cases were granted legal aid in 2002.

The statistical information on cases in which legal services were provided in 2003 is contained in the following tables, together with some commentary on the analysis of workloads in law centres. For the purposes of comparison with previous years, statistical information is presented in Appendix 2 in the same manner as in those years. Appendix 3 contains the comparative information for 2002 to the figures presented in the remainder of this section of the Report.

**Table 1: The number of cases in which legal services were provided in 2003**

Court proceedings	Advice only	Total
9,439	3,504	12,943

It can be seen from these figures that almost 75% of the number of cases in which the Board

provided legal services through law centres involved litigation. The figure for legal advice represents the number of cases in which persons were provided only with legal advice during 2003. A proportion of these will be granted legal aid in 2004 and this will be reflected in the statistics for that year. Some clients will also have received representation in court in related matters in 2002 and earlier years and been provided with legal advice in 2003 in relation to, for example, conveyancing matters arising following litigation.

It will be seen from Table 4(b) below that, of the 9,439 cases, just over 2,700, or almost a third, arose from cases in which legal aid was first granted in 2003. This was a slightly lesser proportion than in 2002 and reflects, in part, the reduced number of Circuit Court cases that were taken on in 2003.

The purpose of Tables 2 and 3 is to provide an overview of the broad categories of cases in which legal services were provided in 2003.

**Table 2 :The type of proceedings in which legal aid services were provided in 2003**

Subject matter	District Court	Circuit Court	High and Supreme Court	Total
Divorce/separation/nullity	0	6,125	0	6,125
Childcare	499	0	0	499
Other family law matters	1,941	0	100	2,941
Other civil law matters	61	512	201	774
<b>Total</b>	<b>2,501</b>	<b>6,637</b>	<b>301</b>	<b>9,439</b>

**Table 3 :The categories of cases in which legal advice was provided in 2003**

Subject matter	Total
Family law	2,305
Conveyancing	478
Other civil law matters	721
<b>Total</b>	<b>3,504</b>

The figures highlight the fact that over 90% of the litigation services provided by the Board to its clients is in the area of family law. In the case of legal advice, the figures for family law and conveyancing can be combined to provide a total of 2,800, or about 80%, as conveyancing services arise only after the provision of legal services in family law matters.

Tables 4(a) and (b) provide an age profile of cases in which legal aid services were provided, by court and by subject matter, respectively.

**Table 4(a) : Age profile of cases, by court**

Court	Year in which case file was opened				Total
	2003	2002	2001	Pre 2001	
District Court	1,179	772	265	206	2,422
Circuit Court	1,468	2,163	1,317	1,768	6,716
High Court/Supreme	86	77	46	92	301
<b>Total</b>	<b>2,733</b>	<b>3,012</b>	<b>1,628</b>	<b>2,066</b>	<b>9,439</b>

**Table 4(b) : Age profile of cases, by subject matter**

Subject matter	Year in which case file was opened				Total
	2003	2002	2001	Pre 2001	
Divorce/ judicial separation / nullity	1,236	1,989	1,233	1,667	6,125
Childcare	190	169	78	62	499
Other family law matters	1,049	582	178	132	1,941
Other civil law matters	258	272	139	205	874
<b>Total</b>	<b>2,733</b>	<b>3,012</b>	<b>1,540</b>	<b>2,066</b>	<b>9,439</b>

It can be seen from the tables above that almost 30% of the cases in which law centres provided a legal service for representation in court during 2003 were more than two years old. This compares with just over 20% in 2002. This increase is being examined to seek to establish the reasons for the increase. Table 7 below provides an age profile of the cases still on hands as at the end of December, 2003.

Tables 5 to 7 show the numbers of cases completed during the year, together with the number of active cases on hands as at 31st December, followed by an analysis by reference to the year in which services were commenced.

**Table 5(a) : Overview of cases completed in 2003 and ongoing as at end of the year.**

	Completed	Active cases 31 December	Total
Aid	3,725	5,714	9,439
Advice	1,587	1,917	3,504
<b>Total</b>	<b>5,312</b>	<b>7,631</b>	<b>12,943</b>

**Table 5(b) : Age profile of legal aid cases completed during 2003, by subject matter**

Subject matter	2003	2002	2001	Pre 2001	Total
Divorce / judicial separation / nullity	204	677	483	670	2,034
Childcare	57	83	33	26	199
Other family law matters	556	417	117	69	1,159
Other non-family law matters	86	120	59	68	333
<b>Total</b>	<b>903</b>	<b>1,297</b>	<b>692</b>	<b>833</b>	<b>3,725</b>

**Table 6(a) : Summary of active cases as at 31 December, 2003**

Court proceedings	Legal advice	Total
5,714	1,917	7,631

**Table 6(b) : Analysis of current status of cases involving court proceedings on hand as at 31 December, 2003**

Current Status	2003	2002
Legal aid certificate granted	373	635
Counsel briefed	705	830
Proceedings issued	1,540	1,540
At court (either date assigned or at hearing)	1,364	1,320
Court orders made but follow up required to complete	1,747	1,880
<b>Total</b>	<b>5,714</b>	<b>6,205</b>

This is an analysis of the status of cases on hand at the end of the year by reference to certain key steps in the process through which a legal aid service is provided.

**Table 6(c) : Analysis of legal advice cases on hand as at 31 December, 2003, by subject matter**

Subject matter	2003	2002
Family Law	1,298	1,325
Conveyancing	270	250
Other civil matters	349	330
<b>Total</b>	<b>1,917</b>	<b>1,905</b>

**Table 7 : Age profile of cases on hand as at 31 December, 2003, by current status**

Current Status	2003	2002	2001	Pre 2001	Total
Legal aid certificate granted	207	100	38	28	<b>373</b>
Counsel briefed	317	214	72	102	<b>705</b>
Proceedings issued	461	521	277	166	<b>1,525</b>
Court date assigned or at hearing	497	420	214	233	<b>1,364</b>
Orders made, but follow up required to complete	334	469	350	594	<b>1,747</b>
<b>Total legal aid</b>	<b>1,816</b>	<b>1,724</b>	<b>951</b>	<b>1,223</b>	<b>5,714</b>
Advice only	1,113	408	152	244	<b>1,917</b>
<b>Total</b>	<b>2,929</b>	<b>2,132</b>	<b>1,103</b>	<b>1,467</b>	<b>7,631</b>

## DEMAND FOR LEGAL SERVICES AT LAW CENTRES

As already indicated, legal services are provided mainly by solicitors in the full-time employment of the Board, assisted by paralegal and administrative staff.

### Priority service

The Board operates a procedure whereby priority is accorded to certain categories of cases, for example, domestic violence, childcare, child abduction and other cases where there are time limits. These cases are dealt with immediately. Such a system for priorities is necessary to ensure that, for example, persons who are subjected to domestic violence and child care cases are provided with a timely service. The need for this service arises from the fact that the demand for legal services can be greater than the Board's capacity to meet that demand in a timely manner. Managing solicitors also retain a residual discretion to provide a priority service where, having regard to the particular circumstances of the case, as compared with other applications on the waiting list, they consider it appropriate that a particular applicant be given specific priority. In 2003, the total number of priority appointments offered by law centres was over 24% of the total number of appointments offered to new clients during the year.

### Level of demand for legal services

The number of persons awaiting service has increased from 1,800 in December, 2002 to almost 3,500 at the end of December, 2003. This arises primarily from an increase in the level of demand for legal services from 9,000 in 2002 to just under 10,500 in 2003, and from the inability of the Board, due to financial constraints, to provide representation in the Circuit Court in divorce and judicial separation cases in the last quarter of 2003. This matter is dealt with in the section of this Report entitled *Funding for the law centre network and its impact on the level of service provided by the Board*.

The following table sets out the waiting times for an initial appointment with a solicitor and shows the longest time that a person has waited for an

appointment at the last day of December in each of the past three years.

**Table 8 :Waiting time for an appointment with a solicitor**

Law Centre	December 2001 Months	December 2002 Months	December 2003 Months
Cavan	1	0	1
Clare	4	7	12
Cork Pope's Quay	2	6	14
Cork South Mall	6	6	9
Donegal	3	6	8
Dublin – Blanchardstown	9	0	6
Brunswick Street	5	6	16
Clondalkin	3	1	4
Finglas	4	4	11
Gardiner Street	8	3	9
Ormond Quay	3	8	6
Tallaght	3	5	7
Galway	3	3	10
Kerry	6	3	6
Kildare	2	4	8
Kilkenny	4	6	11
Laois	3	5	13
Limerick	1	4	4
Longford	0	2	0
Louth	3	4	5
Mayo	1	3	2
Meath	3	7	12
Monaghan	0	2	5
Offaly	3	3	2
Sligo	3	1	5
Tipperary	3	9	4
Waterford	1	1	5
Westmeath	2	3	1
Wexford	6	2	4
Wicklow	4	9	10

The waiting period for a first appointment with a solicitor in a law centre is constantly changing and is continually monitored and kept under review by the Board. The waiting period may change due to, for example, an increase in demand in a particular location, or staff absences or vacancies.

The above table of the waiting times over the past three years shows very clearly the significant increase in waiting times over the past year. In particular, in 2003, the waiting periods increased in

twenty three law centres; six centres saw a decrease in waiting times; while one law centre had no change. The comparative figures for 2002 were eighteen increasing; seven showing a reduction; and five remaining the same. This development reflects the difficulties faced by the Board due to the funding difficulties in 2003 and going forward to 2004, and is mirrored in the similar increase in numbers of persons on the waiting list awaiting a first appointment.



## USE OF PRIVATE PRACTITIONERS

The Civil Legal Aid Act, 1995 empowers the Board to establish a panel of solicitors in private practice to provide legal aid and advice. The use of private practitioners is designed to improve access to legal aid services in situations where a law centre is not in a position to provide a timely service.

The private practitioner scheme in the District Court assists the Board in its efforts to provide a service to all applicants within a reasonable period of time. This scheme provides a complementary legal service to that provided by law centres for certain family law matters in the District Court. Private practitioners are used in cases of geographical remoteness, conflict of interest cases and also in cases where the exigencies of the law centre so require.

The private practitioner scheme operates on a nationwide basis, subject to the availability of solicitors on the private practitioner panel. Outside Dublin, applicants contact law centres in the normal way and managing solicitors determine whether the case is one that should be dealt with by a private practitioner or should be handled within the law centre. In determining whether or not the case should be given to a private practitioner, the managing solicitor has regard to the Board's obligation to provide a legal aid service to the greatest number of applicants possible. Applicants are given the option of either going to a private solicitor of their choice from the panel of private practitioners, or of having their names added to the waiting list at the law centre.

The pilot project for the use of private practitioners in the Circuit Court, which operated in 2001/2002, is under review and it is expected that a report on the effectiveness of the project will be completed in 2004.

The level of funding available to the Board in 2003 resulted in a situation where the Board had to reduce the scope of the private practitioner scheme in the District Court from February. This was done by confining the scheme to domestic

violence cases, primarily. The subsequent decision in late 2003, to cease the operation of the private practitioner scheme in the District Court and to reduce the number of certificates issued for Circuit Court cases in late 2003 led to the law centres dealing with a greater proportion of District Court cases, and not referring such cases to private practitioners.

The effect of these decisions on the number of certificates issued for proceedings in the District Court can be seen in the reduction in the number of cases referred to private practitioners from over 1,600 in 2002 to just under 900 in 2003. At the same time, the number of District Court cases dealt with in law centres increased from over 1,400 to almost 1,800.

## FUNDING FOR THE LAW CENTRE NETWORK AND ITS IMPACT ON THE LEVEL OF SERVICE PROVIDED BY THE BOARD

The grant-in-aid funding was reduced from an original allocation of €17.636 million in 2002 to €17.539 million in 2003. The actual final allocation in 2003 was €18.389 million, which included an additional funding provision of €850,000 to meet costs incurred by the Board, including the costs already incurred in relation to the Board's pilot project for the use of private practitioners in the Circuit Court in 2001/2002. During 2003, the Board was advised that the level of funding available for 2004 would be €17.889 million. This projected level of funding had implications for the level of service to be provided in the latter part of 2003 and the service planned for 2004.

### Funding in 2003

In order to operate within the level of funding provided for 2003, the Board reduced or eliminated any discretionary areas of expenditure where there was scope for such a move. In doing so, the priority for the Board was to seek to maintain, to the greatest extent possible, the level of service provided to the public. It was, therefore, only with the greatest reluctance that, in February, 2003, the

Board reduced the use of the private practitioner service in the District Court and also decided that it had to leave some vacancies unfilled in law centres, so as to operate within the budgetary allocation. The net effect of these two decisions was to reduce the level of service provided to the public and contribute directly to an increase in the waiting times, and in the number of applicants for services, in many law centres.

In the context of those decisions, the Board made a specific funding proposal to the Department of Justice, Equality and Law Reform in relation to its financial requirements for 2004. The approach adopted in making that proposal was to seek to put the Board in a position to meet the demand for legal services within a reasonable period of time. The Board considered that it was reasonable that persons relying on the State to obtain access to the courts should be provided with a service within an indicative period of between 3 to 4 months for all cases, but that priority cases would continue to be treated as such. While some additional funding was made available, the Board was disappointed that the level of funding sought by it was not provided and, indeed, that the funding was such that the Board had to review and make further reductions in the level of legal service available to the public.

In September, 2003, the Board was advised by the Department of Justice, Equality and Law Reform that its projected funding situation for the next 3 years would be as follows:

	2003 Projected outturn €000	2004 Allocation €000	2005 Allocation €000	2006 Allocation €000
<b>Grant-in-aid</b>				
Pay	10,700	11,321	11,781	11,880
Non-pay	8,550	6,567	6,745	6,917
<b>Total</b>		<b>17,889</b>	<b>18,526</b>	<b>18,797</b>
Other income (contributions, costs, etc)		1,111	1,124	1,153
<b>Total Funding</b>	<b>19,250</b>	<b>19,000</b>	<b>19,650</b>	<b>19,950</b>

The Board considered its draft budget for 2004 at its September meeting. There was a lengthy and detailed discussion on its implications for the provision of a legal aid service. In its consideration of its financial position, the Board had particular regard to the provisions of section 5 of the Civil Legal Aid Act, 1995, which sets out the Board's statutory functions as follows:

*“(1) The principal function of the Board shall be to provide, within the Board's resources and subject to the other provisions of this Act, legal aid and advice in civil cases to persons who satisfy the requirements of this Act.”*

The Board had already, in 2003, reduced expenditure on discretionary items; had made limited reductions in the use of private practitioners; and had introduced a policy of not filling staff vacancies, so as to operate within the funding allocation for 2003. The Board also had regard to the fact that the introduction of the Valuation Act, 2001, meant that the Board was faced with potential demands, for the first time, for rates on its law centres and that the level of demands would be in the region of a total of €420,000 for both 2003 and 2004.

Accordingly, the draft budget for 2004 had to be prepared on the basis of reducing the level of legal services being provided in such a way as to achieve significant savings.

In this context, the Board decided that, in order to operate within the proposed budget, it was necessary to reduce further the level of legal services provided to the public. The following decisions were made:

- to further limit the use of the private practitioner scheme;
- to reduce the granting of legal aid, where a barrister is engaged, by about 700 cases;
- to continue a general policy of not filling vacancies as they arise; and
- to re-focus many law centres on providing services in the District Court.

The Board was conscious that its decisions would have a direct impact on the level of services provided to the public.

Accordingly, the Board decided that the Chairperson would write to the Minister for Justice, Equality and Law Reform in relation to the matter and that the Chief Executive would also discuss the Board's decisions with the Department. As a result of discussions with the Minister and his officials, some additional funds were made available for 2003 and 2004. The level of additional funding, while very welcome, was not, however, sufficient to allow the Board to rescind its original decisions and, while there was some scope for re-ordering of priorities, the restrictions on providing a full service were implemented in October, 2003 and continued into 2004.

The position, in 2004, is that the number of cases granted legal aid in the Circuit Court will be about 33% less than would otherwise have been the case if the funding restrictions had not arisen. This, in turn, impacted on the numbers waiting for legal services and in the waiting periods at law centres.

## PROCEEDINGS AGAINST THE BOARD REGARDING THE PROVISION OF LEGAL SERVICES

During 2003, the Board was engaged in preparation for the defence of High Court proceedings taken against the Board, the Minister for Justice, Equality and Law Reform, and the State. The plaintiff, Mrs O'Donoghue, took the proceedings, claiming that she suffered loss arising from a delay in providing legal services.

The following is a summary of the issues in this case.

In February, 1997, the plaintiff applied to the Board for legal aid and advice in connection with judicial separation proceedings that she wished to institute. The plaintiff was given an appointment to see a solicitor in February, 1999 and was provided with legal aid and advice in the normal course.

As a result of the delay experienced by the plaintiff in connection with her application for legal aid and advice, she instituted plenary proceedings in July, 1999. The plaintiff sought a number of declarations in those proceedings, including the following:

- a declaration that there is a duty imposed upon the defendants to deal with applications for legal aid in an expeditious manner; and
- a declaration that the defendants are in breach of the plaintiff's constitutional rights of access to the courts and are further in breach of the plaintiff's rights guaranteed by the European Convention on Human Rights, in particular, Articles 6, 8, 13 and 14.

The Board defended the case on the basis that it had to operate within the resources available to it. The matter was heard before Mr Justice Kelly at the end of January, 2004. At present, the Board is awaiting judgment in the case.

## REFUGEE LEGAL SERVICE

### Overview

The Refugee Legal Service (RLS) is a specialised service providing legal advice and legal aid at all stages of the asylum process to persons applying for asylum in Ireland.

A number of significant developments occurred in 2003 in the asylum area, and this was reflected in the service provided by the RLS. While there was a considerable reduction in new asylum applications, new client registrations with the RLS were similar to 2002. There were also important developments in legislation and jurisprudence. The Immigration Act, 2003 introduced a number of amendments to the Refugee Act, 1996, while the Supreme Court delivered a number of important judgments relating to asylum matters.

### Resources

Total Exchequer funding for the RLS in 2003 amounted to €9.177 million, as compared with €9.6 million in 2002. This level of funding allowed the RLS to provide services to all qualified applicants and to continue to provide an independent research and library service through the Refugee Documentation Centre (RDC).

The funding enabled the Board maintain the number of staff employed in the RLS and RDC at similar levels to 2002.

### Provision of legal services in 2003

The number of new clients in 2003, at 5,610, was similar to 2002, even though there was a reduction of about 40% in new asylum applications. The number of registrations at the first stage of the asylum process amounted to almost 50% of total new asylum applications.

The RLS provides an outreach service from its locations in Dublin, Cork and Galway. This service includes regular visits by RLS staff to the accommodation centres to provide information to newly arrived asylum seekers, to register new clients, and

to provide a point of contact for existing clients.

The trend in the percentage of new asylum seekers who registered with the RLS at any stage of the process is set out below.

Year	New Asylum Applications	RLS New Clients	RLS New Clients at 1st stage as % of new applications
1999	7,724	1,636	n.a.
2000	10,938	3,419	n.a.
2001	10,325	4,520	n.a.
2002	11,634	5,713	32%
2003	7,900	5,610	49%

Almost 70% of those registering in 2003 applied for and received legal advice at the first stage of the process. A further 25% applied for service prior to appeal stage at the Refugee Appeals Tribunal (RAT).

Following a specific review of cases, the RLS has established that only 8% of the 4,600 applicants who withdrew from the asylum process in 2001 were clients of the RLS. The corresponding figures for 2002, were 12.5% of the 6,000 applicants and, for 2003, 25% of the 1,243 withdrawals.

### Analysis of closed files

At the end of 2003, the RLS had closed 6,800 case files out of a total number of cases of about 21,000. While most of these files were closed in 2002 and 2003, many of them relate to clients who had registered in earlier years. An analysis of the reasons for closure, as recorded in the case of 5,800 such files, was undertaken and shows the following results:

Reason for closure	% of Total
Asylum claim withdrawn due to residency application	9
Asylum claim withdrawn due to voluntary repatriation	4
Deportation of client	5
Temporary leave to remain in the State granted	1
Unable to contact client	40
RLS service no longer required by client	4
Client went to private solicitor	11
Status granted	25
Other	1
	<b>100%</b>

This analysis shows that a high proportion of closures (55%) arises from clients ceasing to use RLS services (i.e., no contact, services not required, use of private solicitor). On the other hand, positive outcomes (status granted, leave to remain, voluntary repatriations) amount to 30% of all files closed. It must be noted, however, that

there is a certain bias in this indicator, as files with negative outcomes will remain open pending further action such as lodgment of appeal, assistance with leave to remain applications, further proceedings, or provision of service in relation to the issue and enforcement of deportation orders.

## Information services

The RLS uses a variety of methods to inform potential clients of the availability of its service. These include leaflets concerning its services and the asylum process, posters, outreach activities, presentations and seminars.

Leaflets are now available in nine different languages and are distributed to various government and non-governmental organisations nationwide, while posters are displayed in a number of strategic locations. In addition, the Office of the Refugee Applications Commissioner (ORAC) advises every applicant for asylum of the benefit of seeking legal advice and of the availability of these services from the RLS.

The RLS maintains regular contact with organisations involved in the asylum process to facilitate ongoing dialogue on various aspects of the service, with a view to continually monitoring and improving that service.

## Private practitioner and barrister schemes

To complement the staff based services of the RLS, the Board continues to engage the services of solicitors in private practice and barristers to submit appeals on behalf of legally aided asylum applicants and represent them before the Refugee Appeals Tribunal.

The following table provides details of the cases referred to barristers and solicitors, together with details of the number of solicitors and barristers on the RLS panels:

Year	Number of cases referred to solicitors	Number of cases referred to barristers	Total
2001	1,550	880*	2,430
2002	970	2,400	3,370
2003	866	1,581	2,447
	Number of solicitors	Number of barristers	
2001	32	213	
2002	43	281	
2003	49	314	

\*Referred between 30 March, 2001 (when the scheme was introduced) and 31 December, 2001

The total number cases referred out in 2003 was reduced, reflecting the reduced availability of funding and the reorientation of RLS resources towards a greater focus on appeal work by RLS solicitors.

## Independent Monitoring Committee

The Independent Monitoring Committee for the Refugee Legal Service was established when the service was set up in 1999. Its terms of reference are “to ensure a quality legal service is provided to asylum seekers in accordance with the arrangements agreed between the Legal Aid Board and the Department of Justice, Equality and Law Reform and to investigate complaints from customers of the service.” The members of the Committee are appointed by the Minister for Justice, Equality and Law Reform. The Committee holds four meetings annually. RLS management participated in these meetings during 2003 and provided updates on developments that occurred throughout the year.

## Legislative developments in 2003

The Immigration Act, 2003 introduced certain amendments to the Refugee Act, 1996. The most significant of the changes made were:

- the introduction of a concept of safe country of origin. Appeals in such cases are on the papers only, and must be submitted within 10 days, compared to the 15-day limit for oral appeals;
- provision for prioritisation of categories of cases by both ORAC and the Refugee Appeals Tribunal (RAT);

- burden of proof at appeal stage has shifted definitively to the applicant;
- appeals in relation to Dublin Convention cases will no longer have suspensive effect, i.e. the applicant will be removed to the State from which he/she came while the appeal is being considered;
- withdrawal will now result in a refusal of the asylum claim; and
- an applicant who fails to attend at interview, and who does not provide an adequate explanation within 3 days will be deemed to have withdrawn his/her application.

The RLS adapted its service provision to take account of these new measures.

### Judicial review cases

The Judicial Review Unit issued forty six sets of proceedings in 2003. Of these, twenty four were settled or won, 4 cases were lost and one was withdrawn. The remaining 17 cases are active.

The following are two judicial review cases handled by the RLS:

#### **D -v- Minister for Justice, Equality and Law Reform and Others**

The applicant inadvertently missed the deadline for appealing to the RAT, but believed that a person who “amounted to her legal adviser” had lodged a notice of appeal on her behalf. All attempts to have the client readmitted to the asylum process failed.

The High Court held that the RAT has a jurisdiction to accept late notices of appeal in order to avoid exceptional injustices. In his judgment, Butler J. stated:

*“I do accept that the relevant statutory powers governing the respective powers of the Commissioner, the Tribunal and the Minister must, insofar as possible, be interpreted as being intended to accord with the principles of constitutional justice, including the right to fair procedures. I further accept that there is nothing in the statutory scheme which would prohibit the*

*Tribunal from accepting a late appeal in order to avoid what I hold in this case amounts to an exceptional injustice.”*

The Judge further stated:

*“It appears to me that the only difference between the case of the Applicant and the other 7 applicants is that their late appeals had been accepted by the Tribunal on the basis that they had been ‘failed by their lawyers’ whereas the applicant was not failed by a lawyer but a person who amounted to a legal adviser and that such failure was caused by an incident which ... was wholly outside the control of the applicant. It appears to me, to borrow the words of the Tribunal, that the applicant had done everything that could reasonably be expected of her and had in no sense contributed to the situation where appeal was out of time.”*

#### **Y -v- Minister for Justice, Equality and Law Reform and Others**

The applicant, a national of an African country, had sought asylum in another EU member State in 1998 and this application was refused in 2000. He came to Ireland in November, 2000 and sought asylum. The ORAC determined that he should be transferred to the other EU Member State under the Dublin Convention (Implementation) Order (S.I. 343 of 2000), with particular reference to Article 10 (1) (e) of the Convention. This imposed an obligation on a member State to take back an alien whose application it had rejected and who was illegally in another member State, but it did not appear to envisage the transfer of an application for asylum.

Judicial review proceedings were initiated by the RLS on behalf of the client.

The Supreme Court held that the relevant article of the Dublin Convention (10 (1) (e)) had not been properly incorporated in the law of the State by the Dublin Convention (Implementation) Order.

The Supreme Court further held that the Order contained no provision providing for an

appropriate form of determination by the Commissioner in cases where the responsible State had rejected the application for asylum. In the absence of such a provision, the Commissioner was obliged to proceed with the determination under Section 8 of the Refugee Act.

The Dublin Convention (Implementation) Order (S.I. 423 of 2003), addresses the issues raised in this case. It came into operation on 15th September, 2003 and applies to any application for asylum made on or after 1 September, 2003.

## REFUGEE DOCUMENTATION CENTRE

The Refugee Documentation Centre (RDC) was established in late 2000 as an independent service operating under the aegis of the Legal Aid Board. The role of the Centre is:

- to build and maintain a collection of objective and up to date country of origin information (COI) and asylum, immigration, legal and human rights documentation for general access;
- to provide a research and query service for all organisations involved in the asylum process; and
- to undertake other research activities and training, as well as providing a lending and research library service.

The RDC completed over 2,500 queries in 2003, as compared with 3,000 queries in 2002. This reflects the reduction in the number of applications for asylum. The nature of the queries submitted, however, changed considerably in 2003, with a trend towards queries with several complex elements, often incorporating elements of law or legal procedure. On average, about 90% of queries were for country of origin information, with the remaining 10% covering legal/ quasi-legal or library queries. Some 80% of the queries came from legal advisers, while the remainder came from the various State agencies involved in the asylum process.

A Steering Group was established in 2003 to review the current activities of the RDC; to consider the requirements of the various State agencies; and to make recommendations that will contribute to the strategic development of the RDC. Through the Steering Group, an external consultant was contracted to conduct a strategic review of the Refugee Documentation Centre and a draft report was prepared in late 2003. The Steering Group is considering the implications of the Report with a view to formulating proposals on the future of the RDC.

The RDC became a founder member of the European Transnational Network on COI along



with the Refugee Legal Centre (London), the Dutch Refugee Council, Informationsverbund Asyl (Germany) and ACCORD (Austria). The objectives of this network are to engage in the identification of best practices in the area of COI, particularly standards and methods; to investigate potential fields for cooperation; and to work towards the development of a common training approach for COI. The project was granted funds from the European Refugee Fund. The RDC was also represented at the European Country of Origin Information Network Advisory Board meeting in September, 2003.

Training activities continued in 2003 for caseworkers in the organisations that use the services of the RDC, particularly on formulation of queries and making suitable and relevant requests.

An official information leaflet for the Refugee Documentation Centre was published in May, 2003.

## SUMMARY ACCOUNT OF A SELECTION OF LEGALLY-AIDED CASES

### Dismissal of divorce application

Legal aid was granted to institute divorce proceedings. Both the applicant (husband) and the respondent (wife) resided in the house of the applicant's father. While they were living together, the wife was under the impression that the house was to be signed over to them. In any event, the parties separated and the wife remained in the family home. In the course of the divorce proceedings, the Circuit Court Judge joined the applicant's father to the proceedings in order to establish whether or not the husband or his wife had a beneficial interest in the family home. The Judge concluded that neither party had an interest and that the beneficial and legal ownership remained with the applicant's father.

The case then proceeded as a straightforward divorce. A separation agreement had previously been entered into in which the husband had agreed to pay a sum of maintenance. In evidence, he admitted that he had reneged on making the payments, but explained that this was due to financial inability. He said that he had made the maintenance payments when and as often as he could. His wife had instituted maintenance proceedings against him and a revised amount had been agreed. Evidence was presented that the husband had not honoured this revised agreement.

Voluntary discovery of the husband's assets showed a deposit account that he had not previously disclosed. There was also evidence that he was the joint owner of a €90,000 property, which had been placed in the joint names of the husband and his present partner, after the divorce proceedings had issued. In his evidence, the husband stated that he would offer maintenance of €100 per month if and when he could afford to make the payments. At the time he was on a Back to Work Scheme that was due to expire and he believed that he would be in receipt of unemployment assistance only within three weeks. The Court stated that it was satisfied that the

parties had lived apart for the requisite time period and that there was no possibility of reconciliation. The Judge indicated, however, that it was his view that the court could not make proper financial provision for the wife, arising from the previous failure of the husband to pay maintenance for the wife. Accordingly, the Court dismissed the application for a decree of divorce.

### Award of costs against a Health Board in child care proceedings

The applicant was granted legal aid in 2000 to defend a High Court Special Summons in relation to her daughter, a minor. The applicant wished to have her teenage daughter returned to her care, as her daughter was at the time being detained in an institution and was being heavily medicated. The mother believed that her daughter's welfare would be better served living at home with her in conjunction with the assistance of support organisations, such as the Health Board and related bodies.

The mother's contention was that the State was responsible for the detrimental and serious personal problems of her daughter. The judge said considerable efforts had been made to get a place for the child but that the Health Board could only provide the help required in the psychiatric wing of a general hospital. He referred to this case as one of the cases where the State had failed to provide facilities for some children with a range of difficulties.

Eventually there were very protracted court proceedings, with numerous court appearances over almost three years. Eventually, the matter was adjourned with liberty to re-enter; the minor reached the age of eighteen in 2003 and ceased to be subject to child care proceedings.

Costs were awarded in favour of the mother and the Health Board paid over costs in excess of €212,000 in the matter to the Legal Aid Board.

### West African asylum seeker

The applicant was a 30 year old male from a West African country, who alleged that he was

persecuted in his country of origin due to his political affiliations.

He said that he was arrested in 1996 for distributing opposition party leaflets, detained for eight weeks; subjected to forced labour; and that he was subsequently released without charge. The applicant stated that he was again arrested during elections in 2002; was beaten by police in custody; and was accused of setting fire to a car containing ballot boxes. He claimed that he escaped with the help of a lawyer his sister had hired, and indicated that he feared he would be imprisoned in a maximum security jail on his return to his country of origin.

He was unsuccessful at first instance and legal aid was provided to the applicant to assist in his appeal. The Refugee Appeal Tribunal referred to UNHCR reports on the widespread use of torture and the lack of respect for human rights in general in the applicant's country of origin.

The Tribunal Member concluded: *“given the country of origin information available to this Tribunal, the balance is weighed in favour of the applicant and the circumstances of his particular case. There is evidence to suggest that should he be returned to his country of origin today, there is a reasonable degree of likelihood that this applicant would be exposed to persecution on a ground envisaged in the Refugee Act, 1996 (as amended).”* The applicant was granted refugee status.

## Two minor asylum seekers from Southern Asia

In January, 2003, two teenage sisters (aged 13 and 14) from Southern Asia, were registered with the Refugee Legal Service by the Northern Area Health Board, for the purpose of obtaining legal representation for their claim for asylum.

It took many months and the joint efforts of social workers, nurses, psychiatrists, interpreters and the legal representative to ascertain their background.

The girls said that, at a very young age, they had been placed in a named orphanage by their grandmother after their parents had died in

unknown circumstances. It is well documented that the orphanage named is run as a military training camp by separatists in their country. They described how they were being trained in the use of firearms, survival techniques and fasting without food for long periods of time. According to a child psychiatrist, the girls had undergone intensive programming while living under an extremely regimented regime. The girls said that their brother died as a ‘martyr’ on a suicide mission. The girls appeared to find it very difficult to adapt to their new environment in Ireland. However, after a few months in the care of the Health Board, the girls’ dispositions improved and they were ready to have their interview with the Refugee Applications Commissioner. Despite their age and alleged indoctrination, the girls gave a very coherent account of their life in their country of origin and were granted refugee status at first instance.

## HUMAN RESOURCES

### Staff levels

On 1 January, 2003, the total number of staff sanctioned for the Legal Aid Board stood at 409, the same as in 2002. This number includes a total of 140 staff sanctioned for the Refugee Legal Service, though the number actually engaged has remained below 130.

During 2003, the priority in relation to staffing was to control pay costs in order to remain within the level of financial resources available. As a result, a number of vacancies were left unfilled.

Expenditure on overtime and recruitment of temporary staff, to replace staff absent on paid leave, such as maternity leave and sick leave, was curtailed. The effect of these measures was that the Board's staffing level had been reduced from 409 to 373, in whole time equivalents, by the end of 2003, including 125 engaged in the RLS.

### Sustaining Progress

During 2003, the Board developed measures necessary to strengthen and deepen the modernisation process in the organisation in line with the requirements of the new National Programme - Sustaining Progress. These measures form the agenda for the strategic direction of the Board's modernisation programme over the medium-term.

The main feature of the measures is its focus on (i) specific actions to improve flexibility and responsiveness in service delivery, and (ii) the development of a range of measures to identify specific outputs and outcomes for the resources employed.

The Board engaged in negotiations with the unions representing staff in the organisation on a number of measures concerning changes in work practices designed to improve service delivery. The Board made sufficient progress to secure approval for the payment of the increases due to staff under Sustaining Progress with effect from January, 2004.

### Corporate Plan

Following an extensive consultation process, involving both internal and external stakeholders, the Board finalised a new Corporate Plan covering the period 2003-2005. A particular focus of the new Plan is on continuing to develop mechanisms to assess the quality of the services provided. The emphasis is on outlining specific key performance indicators that underpin the Board's mission statement and high level goals, with attendant measures designed to assess the extent to which key performance indicators have been achieved.

In order to enhance the organisation's customer focus, the Corporate Plan commits the Board to establishing client user panels for ongoing consultation on delivery of services, and to develop customer satisfaction questionnaires. This will assist in assessing the effectiveness of services provided internally, and will ultimately have an impact on the effectiveness of staff providing services to external customers.

### Performance Management and Development System (PMDS)

The process of embedding the performance management and development system in the organisation continued during 2003. This involved the updating of business plans to align them with the commitments in the new Corporate Plan 2003-2005 and the provision of individual upward feedback for managers.

Following a competitive tendering process, an external firm was awarded a contract to provide the training and development programmes identified as part of the PMDS process. Management Training was provided to administrative and paralegal staff with managerial responsibilities, while programmes on customer service, time management, and report writing were also provided to staff.

During the year, the Law Society introduced new Regulations in relation to Continuing Professional Development (CPD), which requires solicitors to undertake 20 hours of continuing professional development by December, 2005. The Board will

ensure that the training opportunities provided will enable each solicitor to fulfill the Law Society's requirements.

The Board also provided further management development training for managing solicitors in 2003. This focused on the challenges of managing in an environment where resources are restricted, and the practical skills and techniques required to address those challenges.

### **Partnership**

The main focus of the Partnership Committee in 2003 was to:

- develop a work programme arising from the commitments set out in the new Corporate Plan 2003 – 2005, which impacted on the Committee's remit; and
- provide a significant input into ensuring that the Board met the requirements placed on it in terms of the modernisation of the service, as envisaged in Sustaining Progress.

During 2003, the Committee also continued to exercise overarching responsibility for staff development, communications, health and safety, INPUT, (staff suggestion scheme) and exceptional performance in the organisation.

### **Staff Development**

The Board's Staff Development Workgroup drew up a revised work plan, which was consistent with the commitments identified in the new Corporate Plan. Most of the Group's other activities related to the implementation of training and development programmes. These were identified through an analysis of training needs arising from PMDS. Initial consideration was also given to the development of mechanisms for the evaluation of the effectiveness of training programmes, including their impact in the workplace.

### **Equality of Opportunity**

As stated in the Board's Equality and Diversity Statement, the Board is an equal opportunities employer. All applicants for employment are given full and fair consideration, due regard being given

to the aptitude and ability of the individual and the requirements and eligibility criteria for the position. All persons are treated on equal terms as regards career development, promotion and training. The Board operates within the terms of the Employment Equality Act, 1998. A staff member in the Human Resources Section of the Board is designated as the Board's Equality Officer. The Corporate Plan 2003-2005 also commits the Board to equality proofing all HR policies.

### **Health and Safety**

During the year, the Board continued to maintain a proactive approach to its health and safety policies and its obligations under the Safety, Health and Welfare at Work Act, 1989. In particular, the Board reviewed and updated its health and safety statement.

The Board will continue to ensure that all staff work in a safe and secure environment.

## FINANCE

The Board's financial statements for 2003 are shown at Appendix I.

### 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 2003 was €18.389 million, increased from €17.636 in 2002.

#### **(b) Refugee Legal Service**

Exchequer funding for the RLS in 2003 was €9.177 million. This was the level of funding that was necessary 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 €6 for legal advice and €35 for representation in court. This minimum contribution can be waived in cases of hardship. Receipts from contributions were 13% less than 2002. One of the reasons for this reduction was the reduction in the number of cases taken on by the Board in 2003.

#### **(d) Recovery of costs**

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

- (i) 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
- (ii) from the legally aided person out of monies/property received by the person as a result of the provision of legal services.

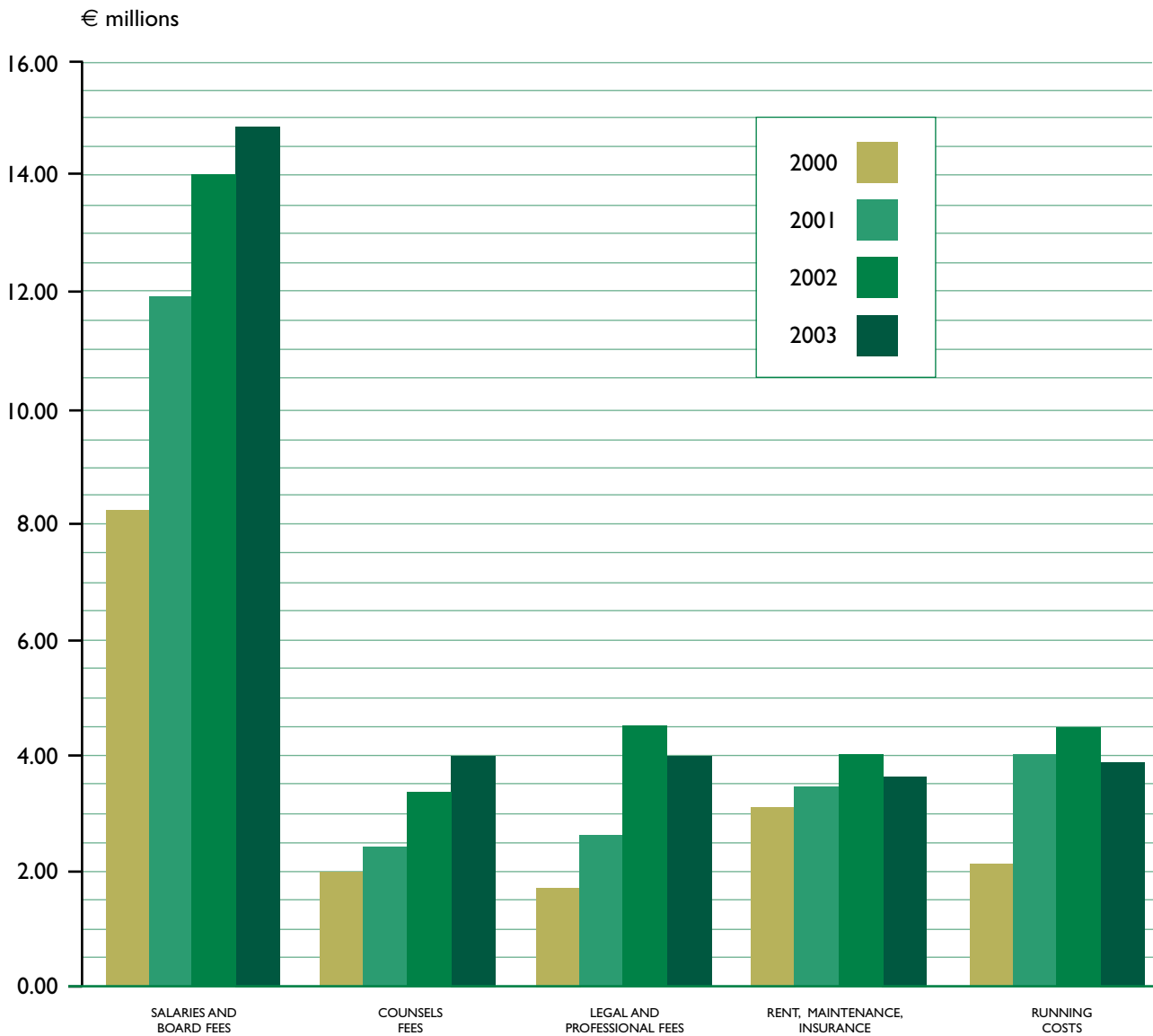
The amount of costs recovered can vary significantly from year to year, especially if a legally aided person obtains an award for costs in a case

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.

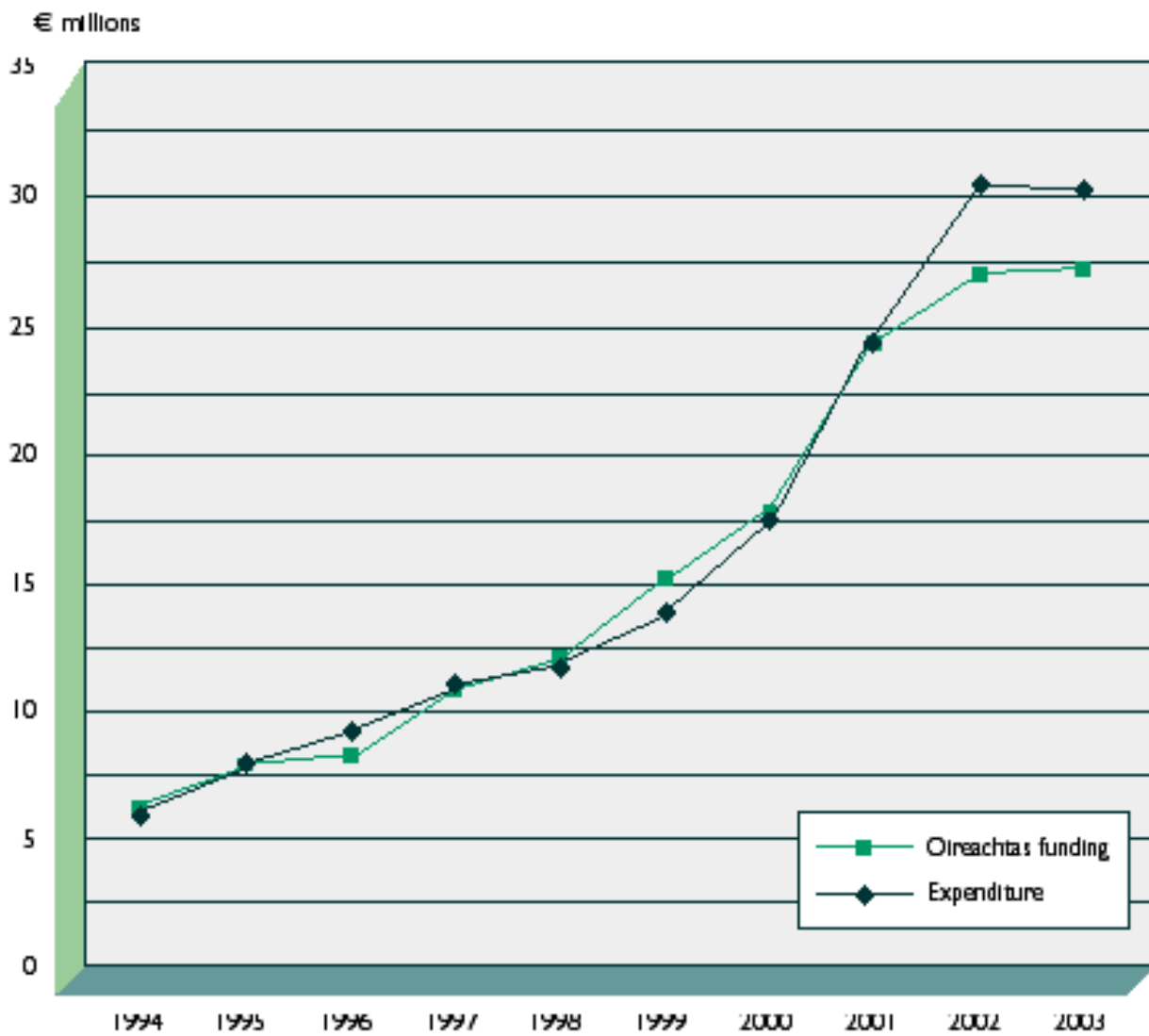
Costs recovered in 2003 (€904,790) were 23% greater than in 2002 (€737,760). This increase also reflects a greater level of cost recovery in judicial review cases taken by the RLS.

## Expenditure

The following graph shows a breakdown of expenditure by the Board over the past four years.



The following graph shows the relationship between Oireachtas funding and the actual expenditure over the last ten years.





It should be noted that funding and expenditure for the RLS is included in the above figures for the years 2000 onwards.

The following are comments on the major items of expenditure shown in the 2003 financial statements:

### 1) **Salaries**

The increase of €768,000 (6%) in expenditure on employee costs in 2003 is due largely to the impact of pay increases and the cost of increments.

### 2) **Accommodation**

Expenditure in this area decreased by €472,000 (11%) in 2003. This reduction occurred as a result of decisions by the Board to reduce expenditure under this heading to the minimum possible. Planned moves of law centres were postponed due to financial constraints.

### 3) **Legal fees and expenses**

There are a number of differing elements covered in this heading - see Note 6 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 increased by over €652,000, or 20% when compared with 2002. This reflects the impact of a slightly speedier submission of claim forms, the application of increases in salary levels to the level of fees and the impact of the increased recovery of costs on the level of the payments made to counsel. 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 six years.

Year	Counsel fees €
1998	1,370,000
1999	2,023,000
2000	1,996,000
2001	2,318,000
2002	2,865,000
2003	3,562,000

The fees paid to counsel for judicial review in the RLS amounted to €416,000 in 2003.

#### (ii) **Legal fees – expenses**

Legal fees are the fees incurred by the Board in providing a civil legal aid and advice service to members of the public. Some 50% of this expenditure is attributable to the RLS, and includes, in particular, expenditure on translation and interpretation services for asylum seekers.

#### (iii) **Private practitioner scheme**

Expenditure in 2003 on the private practitioner scheme was €2,096,500. Over 60% of this expenditure is attributable to the RLS, which makes significant use of private solicitors and barristers for appeals before the Refugee Appeals Tribunal.

#### (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.

#### (v) **Other expenses**

Solicitors employed by the Legal Aid Board must have a practising certificate, which is issued by the Law Society. The cost of these certificates in 2003 totalled almost €204,000. Also included under this heading is expenditure on training and annual membership subscriptions.

## Cash at bank and on hand

The Balance Sheet shows that the Board had over €2.54 million on hand at the end of 2003. Of this amount, monies totalling €1.35 million were held on behalf of clients. It will be seen from Note 11 to the accounts that the throughput of client funds in 2003 was over €9.4 million. This arises from cases where, as a result of legal advice or representation in court, clients received monies either from the other party or from the disposal of property. All such monies 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.

In addition, a number of projects were not finalised in 2003 resulting in funds being carried over to 2004. These projects included law centre fit-outs, which were not completed before the end of the year and costs incurred under the Circuit Court private practitioner pilot scheme.

## 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.

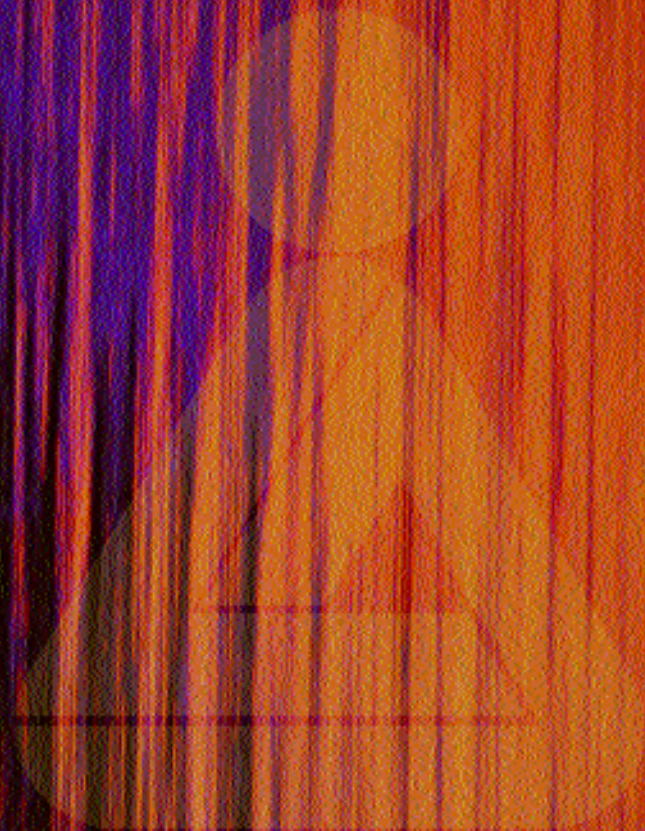
Procedures ensure that the Board complies in all material respects with the requirements of the Act. Monthly reports of incidences of interest being incurred are reviewed by management and corrective action taken as necessary to ensure compliance with the Act and to minimise the incurring of late payment interest in subsequent periods.

The total amount of late payment interest paid to suppliers of goods and services during 2003 amounted to €170 (€613 in 2002) which represents 0.0011% (0.0039% in 2002) of all relevant payments.

There were only 2 instances of late payments during the year where the invoice amount payable was in excess of €300 (19 in 2002). The total value of these payments was €2,721. Late payments constituted 0.025% (0.033% in 2002) in monetary terms of total payments.



# APPENDICES



## **APPENDIX I**

### **LEGAL AID FUND**

### **FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003**

## LEGAL AID FUND

### REPORT OF THE COMPTROLLER AND AUDITOR GENERAL FOR PRESENTATION TO THE HOUSES OF THE OIREACHTAS

I have audited the financial statements on pages 40 to 51 under Section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

#### *Respective Responsibilities of the Board and the Comptroller and Auditor General*

The accounting responsibilities of the members of the Board are set out on page 38. It is my responsibility, based on my audit, to form an independent opinion on the financial statements presented to me and to report on them.

I review whether the statement on the system of internal financial control on page 39 reflects the Board's compliance with applicable guidance on corporate governance 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.

#### *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 auditing standards 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 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 Fund'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 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, proper books of account have been kept by the Board and the financial statements, which are in agreement with them, give a true and fair view of the state of affairs of the Legal Aid Fund at 31 December, 2003 and of its income and expenditure and cash flow for the year then ended.

John Purcell

Comptroller and Auditor General

22 July 2004

## 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:

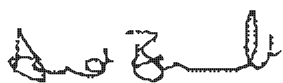
- select suitable accounting policies and then apply them consistently;
- make judgments and estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Fund will continue in operation; and
- state whether applicable 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.



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Chairperson



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Board Member

15 July 2004

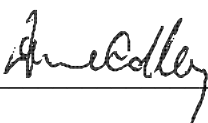
## STATEMENT ON INTERNAL FINANCIAL CONTROL

1. The Board is responsible for the Legal Aid Board system of internal financial control.
2. Such a system can provide only reasonable and not absolute assurance against material error.
3. The key procedures which have been put in place by the Board to provide effective internal financial control include:
  - **Control Environment:** Resolutions of the statutory board have delegated management/executive functions to the Chief Executive. The Board monitors the senior management through regular meetings to review work and policies.
  - **Risk Management:** The Board has undertaken risk assessment exercises in the area of Health and Safety and a Risk Management exercise of the entire organisation is being overseen by the Board's Audit committee.
  - **Budget Information Systems:** The Board approves the annual budget and receives monthly reports on all areas of expenditure. In addition the Finance Committee of the Board receives detailed analysis for each area of expenditure and has reserved approval of expenditure on contracts in excess of €70,000.
  - **Monitoring of Internal Control:** The Board's Audit Committee oversees and advises on matters relating to (i) the operations and development of the internal audit function; (ii) the business control and risk management environment and (iii) the relationship with external audit. The Committee reviews the significant findings and recommendations of the internal audit function and monitors the action taken by management to resolve any issues that have been identified. In addition, the Committee communicates with the Board, the Chief Executive and senior management, as

appropriate, in relation to any significant shortfalls in the business control and/or risk management environments that come to the attention of, or are of concern to, the Audit Committee. The Committee also reviews all significant reports received by the Board from the external auditors, management's responses to these and considers the implications of the issues raised. In this context, a report by the Internal Audit Unit of the Department of Justice, Equality and Law Reform, on an internal audit of the Board conducted in 2003, concluded that *"...the internal controls in place in the Legal Aid Board are more than adequate...and that a satisfactory audit trail exists within all areas examined in the Legal Aid Board."*

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 2003 was presented to the Board on 12 March 2004.

4. Any issues raised by the Comptroller and Auditor General have been addressed and any recommendations implemented.

Signed:  \_\_\_\_\_

Chairperson

15 July 2004



## STATEMENT OF ACCOUNTING POLICIES 2003

### 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 2003, the Board operated out of 36 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.

### 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, 2003 was approximately €22,000. There were no bad debts written off in 2003.

### 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

moneys/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	
computer equipment, premises fit out	20%

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, 2003, 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.

### Superannuation

The Board operates a defined benefit superannuation scheme for its public service employees. Superannuation entitlements arising under the scheme are paid out of current income and are charged to the Income and Expenditure Account in the year in which they become payable. No provision is made in the financial statements in respect of future benefits. Salaries and wages are charged in the financial statements net of public servants' superannuation contributions.

## INCOME & EXPENDITURE ACCOUNT

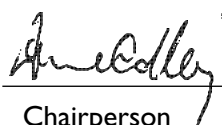
for the year ended 31 December 2003

	Note	2003		2002	
		€	€	€	€
<b>INCOME</b>					
State funding	1	27,566,050		27,236,000	
Contributions from aided persons		383,046		441,280	
Costs recovered		904,790		737,760	
Profit/loss on sale of assets		600		0	
Other income	2	428,253		440,634	
			29,282,739		28,855,674
Transfer from capital account	3		1,144,795		292,882
			<u>30,427,534</u>		<u>29,148,556</u>
<b>EXPENDITURE</b>					
Salaries and related expenses	4	14,732,854		13,964,247	
Fees to Board members		84,122		71,096	
Accommodation and establishment expenses	5	3,899,486		4,371,203	
Legal fees and expenses	6	8,027,705		7,863,425	
General administration	7	2,043,421		2,618,789	
Depreciation	8	1,575,563		1,514,632	
Audit fee		21,093		16,500	
			30,384,244		30,419,892
Surplus/(Deficit) for Year			43,290		(1,271,336)
Opening Balance as at 1 January			331,470		1,602,806
Closing Balance as at 31 December			<u>374,760</u>		<u>331,470</u>

The Fund has no gains or losses in the financial year or the preceding financial year other than those dealt with in the Income and Expenditure Account

The results for the year relate to continuing operations.

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 17, form part of these Financial Statements.

  
Chairperson

  
Chief Executive

15 July 2004

**BALANCE SHEET**  
 as at 31 December 2003

	Note	2003		2002	
		€	€	€	€
<b>FIXED ASSETS</b>	8		3,685,167		4,829,962
<b>CURRENT ASSETS</b>					
Cash at bank and on hand		2,540,721		1,712,323	
Debtors and prepayments	9	523,297		567,073	
		<u>3,064,018</u>		<u>2,279,396</u>	
<b>LESS CURRENT LIABILITIES</b>					
Creditors and accruals	10	1,394,377		881,724	
Clients' funds	11	1,294,881		1,066,202	
		<u>2,689,258</u>		<u>1,947,926</u>	
<b>NET CURRENT ASSETS / (LIABILITIES)</b>			374,760		331,470
<b>TOTAL ASSETS</b>			<u>4,059,927</u>		<u>5,161,432</u>
<b>REPRESENTED BY:</b>					
Income and Expenditure Account			374,760		331,470
Capital Account	3		3,685,167		4,829,962
			<u>4,059,927</u>		<u>5,161,432</u>

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 17, form part of these Financial Statements.

  
 Chairperson

  
 Chief Executive

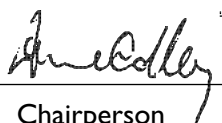
15 July 2004

## CASH FLOW STATEMENT

for the year ended 31 December 2003

	Note	2003 €	2002 €
Net cash inflow/(outflow) from operating activities	13	1,308,556	(596,660)
Returns on investment and servicing of finance			
Interest received		60,171	107,536
Interest paid on client settlements		(20,585)	(20,392)
Investing Activities			
Sale of tangible assets		1,000	0
Purchase of tangible assets		(520,744)	(1,159,884)
Net cash inflow/(outflow)		828,398	(1,669,400)
Increase/(Decrease) in cash and cash equivalents	14	828,398	(1,669,400)

The Statement of Accounting Policies, together with Notes 1 to 17, form part of these Financial Statements.



Chairperson



Chief Executive

15 July 2004)

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

## 1. State funding

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

Subhead:	2003 €	2002 €
K. Grant-in-Aid	18,389,000	17,636,000
G.I Asylum Seekers Taskforce - Legal Aid*	9,177,050	9,600,000
	<u>27,566,050</u>	<u>27,236,000</u>

\* This funding was provided towards the expenditure incurred on the Refugee Legal Service. See Note 15

## 2. Other income

	2003 €	2002 €
Interest received and receivable	57,335	32,429
Sundry receipts	370,917	408,205
	<u>428,252</u>	<u>440,634</u>

## 3. Capital account

	€	€
Balance as at 1 January		4,829,962
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	431,167	
- Amount released on disposal of fixed assets	(399)	
- Income amortized in year in line with depreciation of assets	<u>(1,575,563)</u>	
		<u>(1,144,796)</u>
Balance as at 31 December		<u>3,685,166</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

### 4. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December 2003 was 409. The number of staff actually employed by the Board at 31 December 2003 was 373 (2002 - 411). The average number of employees in the Board during the year was 389 (2002 - 413). Employee and related costs were as follows:

	2003 €	2002 €
Salaries	13,742,629	12,919,493
Cost of Agency Staff and Staff on Secondment	38,481	164,132
Employer PRSI	951,744	880,622
	<u>14,732,854</u>	<u>13,964,247</u>

### 5. Accommodation and establishment expenses

	2003 €	2002 €
Rents	2,627,268	2,923,313
Cleaning	280,874	280,138
Lighting and heating	215,650	180,798
Maintenance - Premises	461,447	615,326
Maintenance - Equipment	314,247	371,628
	<u>3,899,486</u>	<u>4,371,203</u>

### 6. Legal fees and expenses

	2003 €	2002 €
Counsel fees	3,978,398	3,326,142
Legal fees	1,445,816	1,417,592
Private Practitioner Scheme	2,096,505	2,224,473
Other professional fees	205,242	481,542
Other expenses	301,744	413,676
	<u>8,027,705</u>	<u>7,863,425</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

## 7. General administration

	2003 €	2002 €
Stationery, office and training expenses	312,423	741,409
Books and printing	104,002	107,320
Postage and telephone	878,448	951,239
Insurance	245,190	163,212
Travel and subsistence	503,358	655,609
	<u>2,043,421</u>	<u>2,618,789</u>

## 8. Fixed assets

	Vat on Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
<b>COST</b>					
Balance as at 1 January 2003	1,681,176	1,090,517	5,160,169	2,134,871	10,066,732
Acquisitions	100	17,889	92,555	320,623	431,167
Disposals	<u>0</u>	<u>(1,600)</u>	<u>0</u>	<u>0</u>	<u>(1,600)</u>
Balance as at 31 December 2003	1,681,276	1,106,806	5,252,724	2,455,494	10,496,299
<b>DEPRECIATION OF FIXED ASSETS</b>					
Balance as at 1 January 2003	642,365	749,453	3,306,912	538,040	5,236,770
Charge in Year	336,245	107,290	672,992	459,036	1,575,563
Disposals	<u>0</u>	<u>(1,200)</u>	<u>0</u>	<u>0</u>	<u>(1,200)</u>
Balance as at 31 December 2003	978,610	855,543	3,979,904	997,076	6,811,133
Net book value as at 31 December 2003	<u>702,666</u>	<u>251,263</u>	<u>1,272,820</u>	<u>1,458,418</u>	<u>3,685,166</u>
Net book value as at 31 December 2002	<u>1,038,811</u>	<u>341,064</u>	<u>1,853,256</u>	<u>1,596,831</u>	<u>4,829,962</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

### 9. Debtors and prepayments

	2003 €	2002 €
Debtors - deposit interest	59,001	49,985
Prepayments		
- Rent	97,835	99,389
- Insurance	200,267	176,529
- Wages & salaries	85,753	168,774
- Other	80,441	72,396
	<u>523,297</u>	<u>567,073</u>

### 10. Creditors and accruals

	2003 €	2002 €
Amounts falling due within one year:		
Creditors & accruals	1,394,377	881,724
	<u>1,394,377</u>	<u>881,724</u>

Included in creditors at 31 December 2003 is a sum of €41,407.95 in respect of PAYE and PRSI.



**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003****11. Clients' funds**

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December, 2003 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.

	€
<b>Client funds held at 1 January</b>	<b>1,043,413</b>
<i>Add</i> Awards/settlements received during 2003	9,628,157
<i>Less</i> Settlements paid out including interest allowed and costs recovered	9,391,077
<b>Client funds held at 31 December</b>	<b>1,280,493</b>
<b>Interest accruing on client funds held</b>	<b>14,388</b>
<b>Total due to clients</b>	<b>1,294,881</b>

**12. Commitments under operating leases**

The Board occupies premises at Cahirciveen, Co. Kerry and Montague Court, Dublin and operates out of 34 other centres throughout the country. The Board is committed to pay rent of €2,234,484 during 2004 in respect of leases expiring as follows:

	€
<b>2004</b>	<b>0</b>
<b>2005-2009</b>	<b>36,000</b>
<b>2010 onwards</b>	<b>2,198,484</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

### 13. Reconciliation of surplus for year to cash from operating activities

	2003 €	2002 €
Surplus (Deficit) for Year	43,290	(1,271,336)
Adjustment for non-operating items		
Bank interest receivable	(57,335)	(32,429)
(Profit)/loss on disposal of fixed assets	(600)	0
Movement on capital account	(1,144,795)	(292,882)
Adjustment for non-cash items		
Depreciation	1,575,563	1,514,632
(Increase)/decrease in debtors	53,123	(198,724)
Increase/(decrease) in creditors	839,310	(315,921)
	<u>1,308,556</u>	<u>(596,660)</u>

### 14. Movement of cash and cash equivalents

	2003 €	2002 €
Balance at 1 January	1,712,323	3,381,723
Net Cash inflow/(outflow)	828,398	(1,669,400)
Balance at 31 December	<u>2,540,721</u>	<u>1,712,323</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2003

## 15. Refugee legal service

	2003 €	2002 €
<b>Expenditure and income relating to the Refugee Legal Service</b> are included in the financial statements as follows:		
Salaries and related expenses	4,292,572	3,727,899
Accommodation expenses	1,774,615	2,386,193
Legal fees and professional fees	2,503,091	2,989,966
General administration	574,038	628,464
Fixed assets purchased	211,288	90,434
	<u>9,355,604</u>	<u>9,822,956</u>
Less contributions from legally-aided persons and costs recovered	(255,728)	(214,555)
<b>Total net expenditure in the year</b>	<u><u>9,099,876</u></u>	<u><u>9,608,400</u></u>

## 16. Pensions

A new accounting standard Financial Reporting Standard No. 17 - Retirement Benefits (FRS 17), was issued by the Accountancy Standards Board in November 2000. Compliance with the new standard does not become mandatory until the financial year 2005. However, in accordance with the transitional arrangement set down by the standard, the Legal Aid Board is required to disclose the assets (if any) and liabilities related to the pension scheme for its public service employees by way of a note to the accounts. The results set out below are based on an actuarial valuation of the liabilities in respect of the Legal Aid Board public service employees' superannuation scheme as at 31 December, 2003. The valuation was carried out using the projected unit method.

The financial assumptions used to calculate scheme liabilities were as follows:

	2003	2002
Discount Rate	6%	6%
Salary increase assumption	4%	4%
Pension increase assumption	4%	4%
Price inflation	2%	-

On the basis of these assumptions, and using the projected unit method prescribed in FRS17, the value of the accrued liabilities in respect of the Legal Aid Board public service employees' superannuation scheme at 31 December, 2003 was estimated at €13.5million. The comparative figure for 2002 was €11.9million. There are no assets held in respect of the accrued pension liabilities of the Legal Aid Board public service employees' superannuation scheme.

## **17. Approval of financial statements**

The Financial Statements were approved by the Board on 15 July 2004.

## APPENDIX 2 STATISTICS FOR 2003

**TABLE 1: Analysis of applications dealt with in 2003**

No of persons provided with legal services		No of persons given legal advice only		No of persons given legal advice and representation (i.e., legal aid certificates)	
2003	2002	2003	2002	2003	2002
13,838	15,349	9,378	9,881	4,460	5,468

**TABLE 1a : Analysis of applications dealt with by Refugee Legal Service in 2003**

No of persons provided with legal services		No of persons registering at legal advice stages		No of persons registering at legal aid stages	
2003	2002	2003	2002	2003	2002
5,610	5,713	3,960	3,860	1,650	1,853

**TABLE 2 : Analysis of legal aid certificates by court in 2003**

Type of Case	District Court		Circuit Court		C. Criminal Court		High Court		Supreme Court		Total	
	2003	2002	2003	2002	2003	2002	2003	2002	2003	2002	2003	2002
Law centres												
Family law	1,792	1,424	1,609	2,040	0	0	83	90	0	3	3,484	3,557
Other	12	10	25	62	8	15	39	75	0	0	81	162
Private Practitioners	895	1,604	0	145	0	0	0	0	0	0	895	1,749
<b>Total</b>	<b>2,699</b>	<b>3,038</b>	<b>1,634</b>	<b>2,247</b>	<b>8</b>	<b>15</b>	<b>122</b>	<b>165</b>	<b>0</b>	<b>3</b>	<b>4,460</b>	<b>5,468</b>

**TABLE 3: Legal aid analysis of proceedings by court in 2003****(a) Family law cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2003	2002
Access	296	37	0	1	0	334	252
Adoption	0	0	0	1	0	1	1
Barring	329	13	0	0	0	342	361
Child abduction	0	0	0	59	0	59	49
Child care	195	1	0	2	0	198	189
Custody	154	4	0	2	0	160	156
Divorce	0	771	0	0	0	771	982
Domestic violence	112	0	0	0	0	112	184
Guardianship	128	9	0	2	0	139	131
Injunction	1	15	0	1	0	17	38
Judicial separation	0	670	0	3	0	673	937
Maintenance	428	37	0	8	0	473	406
Marital status	0	0	0	0	0	0	2
Miscellaneous	0	10	0	0	0	10	19
Nullity	0	14	0	2	0	16	26
Partition Act	2	14	0	0	0	16	6
Paternity	1	8	0	0	0	9	4
Safety order	156	2	0	0	0	158	166
Wardship	1	4	0	2	0	7	6
<b>Total</b>	<b>1,792</b>	<b>1,609</b>	<b>0</b>	<b>83</b>	<b>0</b>	<b>3,495</b>	<b>3,915</b>

**TABLE 3: Legal aid analysis of proceedings by court in 2003****(b) Non-family law cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2003	2002
Contract	3	0	0	0	0	3	2
Tort	2	3	0	5	0	10	29
Debt	2	1	0	0	0	3	11
Judicial review	0	0	0	21	0	21	57
Landlord and tenant	0	8	0	0	0	8	17
Sex Offenders Act	0	0	8	0	0	8	15
Miscellaneous	5	13	0	13	0	31	40
<b>Total</b>	<b>12</b>	<b>25</b>	<b>8</b>	<b>39</b>	<b>0</b>	<b>84</b>	<b>171</b>

**TABLE 3: Legal aid analysis of proceedings by court in 2003****(c) Private practitioners**

Proceedings	District Court	Circuit Court	High Court	Supreme Court	Total 2003	Total 2002
Barring order	330	0	0	0	330	463
Safety/Protection order	315	0	0	0	315	469
Access	235	0	0	0	235	526
Custody	133	0	0	0	133	195
Maintenance	336	0	0	0	336	679
Guardianship	87	0	0	0	87	223
Judicial separation	0	0	0	0	0	74
Divorce	0	0	0	0	0	67
Other	0	0	0	0	0	20
<b>Total</b>	<b>1,436</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,436</b>	<b>2,716</b>

## APPENDIX 3 COMPARATIVE INFORMATION ON CASES DEALT WITH IN 2002

**Table 1 : Total number of cases in which legal services were provided in 2002**

Court proceedings	Advice only	2002
10,070	3,530	13,600

**Table 2 :The type of proceedings in which legal aid services were provided in 2002**

Subject matter	District Court	Circuit Court	High and Supreme Court	Total
Divorce/separation/nullity	0	6,600	20	6,620
Childcare	520	0	0	520
Other family law matters	2,000	0	100	2,100
Other civil law matters	50	580	200	830
<b>Total</b>	<b>2,570</b>	<b>7,180</b>	<b>320</b>	<b>10,070</b>

**Table 3 :The categories of cases in which legal advice was provided in 2002**

Subject matter	Total
Family law	1,930
Other civil law	1,000
Conveyancing	600
<b>Total</b>	<b>3,530</b>

**Table 4(a) :Age profile of cases, by court in 2002**

Court	Year in which case file was opened				Total
	2002	2001	2000	Pre 2000	
District Court	1,440	705	275	280	2,700
Circuit Court	2,120	1,860	1,190	1,880	7,050
High/Supreme Court	110	65	75	70	320
<b>Total</b>	<b>3,670</b>	<b>2,630</b>	<b>1,628</b>	<b>1,540</b>	<b>10,070</b>



**Table 4(a) : Age profile of cases, by court in 2002**

Court	Year in which case file was opened				Total
	2002	2001	2000	Pre 2000	
District Court	1,440	705	275	280	2,700
Circuit Court	2,120	1,860	1,190	1,880	7,050
High Court/Supreme	110	65	75	70	320
<b>Total</b>	<b>3,670</b>	<b>2,630</b>	<b>1,540</b>	<b>2,230</b>	<b>10,070</b>

**Table 4(b) : Age profile of cases, by subject matter in 2002**

Subject matter	Year in which case file was opened				Total
	2002	2001	2000	Pre 2000	
Divorce/ judicial separation / nullity	1,940	1,780	1,160	1,850	6,730
Childcare	160	190	90	80	520
Other family law matters	1,410	560	150	140	2,260
Other civil matters	160	100	140	160	560
<b>Total</b>	<b>3,670</b>	<b>2,630</b>	<b>1,540</b>	<b>2,230</b>	<b>10,070</b>

**Table 5(a) : Overview of cases completed in 2002 and ongoing as at end of the year.**

	District Court	Active cases 31 December	Total
Aid	3,865	6,205	10,070
Advice	1,625	1,905	3,530
<b>Total</b>	<b>5,490</b>	<b>8,110</b>	<b>13,600</b>

**Table 5(b) : Age profile of legal aid cases completed during 2002, by subject matter**

Subject matter	2002	2001	2000	Pre 2000	Total
Divorce / judicial separation / nullity	300	470	470	810	2,050
Childcare	70	70	35	40	215
Other family law matters	645	360	140	140	1,285
Other non-family law matters	90	100	50	75	315
<b>Total</b>	<b>1,105</b>	<b>1,000</b>	<b>695</b>	<b>1,065</b>	<b>3,865</b>

**Table 6(a) : Summary of cases as at 31 December, 2002**

Court proceedings	Legal advice	Total
6,205	1,905	8,110

**Table 6(b) : Analysis of current status of cases involving court proceedings on hand as at 31 December, 2002**

Current Status	Total
Legal aid certificate granted	635
Counsel briefed	830
Proceedings issued	1,540
At court (either date assigned or at hearing)	1,320
Court orders made but follow up required to complete	1,880
<b>Total</b>	<b>6,205</b>

**Table 6(c) : Analysis of legal advice cases on hand as at 31 December, 2002, by subject matter**

Subject matter	Total
Family law	1,325
Non family law	250
Conveyancing	330
<b>Total</b>	<b>1,905</b>

**Table 7 : Age profile of cases on hand as at 31 December, 2002, by current status**

Current Status	2002	2001	2000	Pre 2000	Total
Legal aid certificate granted	420	125	45	45	635
Counsel briefed	500	160	80	90	830
Proceedings issued	680	410	225	225	1,540
Court date assigned or at hearing	570	370	180	200	1,320
Court orders made, but follow up required to complete	520	485	330	545	1,880
<b>Total legal aid</b>	<b>2,690</b>	<b>1,550</b>	<b>860</b>	<b>1,105</b>	<b>6,205</b>
Advice only	1,125	370	180	230	1,905
<b>Total</b>	<b>3,815</b>	<b>1,920</b>	<b>1,040</b>	<b>1,335</b>	<b>8,110</b>

## APPENDIX 4 - LAW CENTRES

### Full-time Law Centres

LAW CENTRE	MANAGING SOLICITOR
<b>CAVAN</b> Newcourt Shopping Centre, Church Street, Cavan Tel: (049) 433 1110 Fax: (049) 433 1304	(Vacant)
<b>CLARE</b> Unit 6A, Merchant's Square, Ennis, Co Clare Tel: (065) 682 1929 Fax: (065) 682 1939	Mary Cuffe
<b>CORK</b> North Quay House, Popes Quay, Cork Tel: (021) 455 1686 Fax: (021) 455 1690  1A South Mall, Cork Tel: (021) 427 5998 Fax: (021) 427 6927	Betty Dineen  Brian Sheridan
<b>DONEGAL</b> Houston House, Main Street, Letterkenny Co Donegal Tel: (074) 912 6177 Fax: (074) 912 6086	Ray Finucane
<b>DUBLIN</b> 45 Lower Gardiner Street, Dublin 1 Tel: (01) 874 5440 Fax: (01) 874 6896  9 Lower Ormond Quay, Dublin 1 Tel: (01) 872 4133 Fax: (01) 872 4937  Tower Centre, Clondalkin Village, Dublin 22 Tel: (01) 457 6011 Fax: (01) 457 6007  Village Green, Tallaght, Dublin 24 Tel: (01) 451 1519 Fax: (01) 451 7989  44/49 Main Street, Finglas, Dublin 11 Tel: (01) 864 0314 Fax: (01) 864 0362  48/49 North Brunswick Street, Georges Lane, Dublin 7 Tel: (01) 646 9700 Fax: (01) 646 9799  Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin 15 Tel: (01) 820 0455 Fax: (01) 820 0450	Kevin Liston  Gerard Kirwan  Shane Dooley  Pauline Corcoran  Marie Quirke  Hugh Cunniam  (Vacant)
<b>GALWAY</b> Francis Street, Galway Tel: (091) 561 650 Fax: (091) 563 825	Mary Griffin
<b>KERRY</b> 1 Day Place, Tralee, Co Kerry Tel: (066) 712 6900 Fax: (066) 712 3631	Carol Ann Coolican

LAW CENTRE	MANAGING SOLICITOR
<b>KILDARE</b> Canning Place, Newbridge, Co Kildare Tel: (045) 435 777 Fax: (045) 435 766	Maeve Slattery
<b>KILKENNY</b> Maudlin Street, Kilkenny Tel: (056) 776 1611 Fax: (056) 776 1562	Niall Murphy
<b>LAOIS</b> Unit 6A, Bridge Street, Portlaoise, Co Laois Tel: (0502) 61366 Fax: (0502) 61362	Catherine Martin
<b>LIMERICK</b> Lock Quay, Limerick Tel: (061) 314 599 Fax: (061) 318 330	Fergal Rooney
<b>LONGFORD</b> Credit Union Courtyard, 50A Main Street, Longford Tel: (043) 47590 Fax: (043) 47594	Eugene Kelly
<b>LOUTH</b> Roden Place, Dundalk, Co Louth Tel: (042) 933 0448 Fax: (042) 933 0991	Deirdre McMichael
<b>MAYO</b> Humbert Hall, Main Street, Castlebar, Co Mayo Tel: (094) 902 4334 Fax: (094) 902 3721	Tom O' Mahony
<b>MEATH</b> Kennedy Road, Navan, Co Meath Tel: (046) 907 2515 Fax: (046) 907 2519	Vivienne Crowe
<b>MONAGHAN</b> Alma House, The Diamond, Monaghan Tel: (047) 84888 Fax: (047) 84879	Stephanie Coggans
<b>OFFALY</b> Harbour Street, Tullamore Tel: (0506) 51177 Fax: (0506) 51544	Helen O'Reilly
<b>SLIGO</b> Bridgewater House, Rockwood Parade, Thomas Street, Sligo Tel: (071) 916 1670 Fax: (071) 916 1681	Fiona McGuire
<b>TIPPERARY</b> Friarscourt, Nenagh, Co Tipperary Tel: (067) 34181 Fax: (067) 34083	Josephine Fair
<b>WATERFORD</b> Canada House, Canada Street, Waterford Tel: (051) 855 814 Fax: (051) 871 237	Aidan Lynch
<b>WESTMEATH</b> Northgate Street, Athlone, Co Westmeath Tel: (090) 647 4694 Fax: (090) 647 2160	Phil O'Laoide

**LAW CENTRE**

**MANAGING SOLICITOR**

**WEXFORD**

Unit 8, Redmond Square, Wexford  
Tel: (053) 22622 Fax: (053) 24927

Margaret O'Shea-Grewcock

**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

47 Upper Mount Street, Dublin 2  
Tel: (01) 644 1900 Fax: (01) 662 3660

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

Frank Caffrey, John McDaid, Grainne Brophy

**Part-time Law Centres**

LOCATION and TELEPHONE	OPEN ON	LAW CENTRE
<b>CARLOW</b> St. Catherine's Social Services Centre, St. Joseph's Road, Carlow. Tel: (0503) 31354	First and Third Friday of every month	Kilkenny
<b>CLARE</b> Kilrush Community Centre, Toler Street, Kilrush. Tel: (065) 682 1929	Fourth Wednesday of every month	Clare
<b>DONEGAL</b> The Courthouse, Donegal Town. Tel: (074) 912 6177	First Friday of every month	Donegal
<b>KERRY</b> Killarney Community Services 57 High Street, Killarney Tel: (066) 712 6900	Every Friday morning	Kerry
<b>LEITRIM</b> North Western Health Board, Leitrim Road, Carrick-on-Shannon. Tel: (043) 47590	First Wednesday of every month	Longford
<b>LOUTH</b> Drogheda Community Services Centre, Fair Street, Drogheda Tel: (041) 36084/33490	First & Second Tuesday of every month	Ormond Quay, Dublin
<b>MAYO</b> Ballina Community Centre, Teeling Street, Ballina Tel: (094) 902 4334	First Monday of every month	Castlebar
Health Centre, Knock Road, Ballyhaunis Tel: (091) 905 61650	Fourth Tuesday of every month	Galway
<b>ROSCOMMON</b> Citizens Information Centre, Patrick Street, Boyle Tel: (071) 916 1670	First Monday of every month	Sligo
<b>TIPPERARY</b> Thurles Community Social Services, Rossa Street, Thurles. Tel: (067) 34181	Second Tuesday of every month	Tipperary
Citizen's Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	First, Second & Third Monday of every month	Tipperary
<b>WESTMEATH</b> Enterprise Centre, Bishopgate Street, Mullingar Tel: (090) 647 4694	Last Friday of every month	Westmeath

## APPENDIX 5 - MEANS TEST

The applicable criteria for assessing financial eligibility are contained in Section 29 of the Civil Legal Aid Act, 1995 and in Part 5 of the Civil Legal Aid Regulations, 1996, as amended by the Civil Legal Aid Regulations, 2002. The figures shown below became operative on 1st February, 2002.

### Income eligibility

The present eligibility limit is €13,000 per annum disposable income. Disposable income is the income that remains after various deductions have been made in respect of dependants, childcare, accommodation costs, income tax and social insurance.

### Income contribution

A person whose disposable income does not exceed €8,300 per annum is required to pay a contribution of €6 for legal advice and €35 for legal aid.

Where the disposable income exceeds €8,300 per annum, a person is required to pay a larger contribution up to a maximum of €1,210. In such cases the contribution is calculated as follows: -

**legal advice** - one tenth of the difference between disposable income and €8,300, subject to a minimum contribution of €6 and a maximum of €100;

**legal aid** - €35, plus one quarter of the difference between disposable income and €8,300.

### Capital

If it becomes necessary to go to court, the value of the applicant's capital resources (e.g., house, land, money in a bank, car) are also taken into account and a capital contribution may be payable.

### Present allowances against income

The maximum allowances for the purpose of calculating the disposable income of applicants for legal services are as follows:-

Allowances:	€
Applicant's spouse	1,900
Dependent child	1,100
Accommodation costs	4,900
Childcare expenses	1,100
Income tax	Full amount
Social Insurance	Full amount
Ex Gratia payments	1,040

## Examples of operation of means test

The following are some actual examples of the operation of the means test in the case of married persons with dependants and certain outgoings.

Married person with two children on a gross income of €18,067 where the spouse is not a dependant.

	€
Income	18,067
Less allowances:	€
2 children	2,200
P.R.S.I.	762
Income tax	917
Accommodation costs	4,900
	<u>8,779</u>
Disposable income	9,288
Contribution : €282	

Single person with four children on a gross income of €13,565 and Lone Parent Allowance of €10,192.

		€
Income		23,757
Less allowances:	€	
4 children	4,400	
Child care	1,040	
Accommodation costs	3,840	
P.R.S.I.	746	
P.A.Y.E.	<u>1,147</u>	<u>11,173</u>
	Disposable income	12,584
Contribution : €1,106		

Married person with one child on a gross income of €17,620 where the spouse is not a dependant.

		€
Income		17,620
Less allowances:	€	
1 child	1,100	
Accommodation costs	4,900	
P.R.S.I.	458	
P.A.Y.E.	<u>1,389</u>	<u>7,847</u>
	Disposable income	9,773
Contribution : €403		

Single person with three children on a gross income of €11,458 and Lone Parent Allowance of €7,108.

		€
Income		18,566
Less allowances	€	
3 children	3,300	
Accommodation costs	4,900	
Child care	<u>2,200</u>	<u>10,400</u>
	Disposable income	8,166
Contribution: €35		



## APPENDIX 6

### INFORMATION LEAFLETS AVAILABLE FROM THE LEGAL AID BOARD

Leaflet No. 1	Civil Legal Aid
Leaflet No. 2	Family law general
Leaflet No. 3	Separation
Leaflet No. 4	Divorce
Leaflet No. 5	Nullity
Leaflet No. 6	Maintenance
Leaflet No. 7	Domestic violence
Leaflet No. 8	Children and family law
Leaflet No. 9	Wills and inheritance
Leaflet No. 10	Customer care and complaints procedure
Leaflet No. 11	Applying for legal services
Leaflet No. 12	Withdrawal of legal services
Leaflet No. 13	Financial eligibility

### INFORMATION LEAFLETS RELATING TO THE REFUGEE LEGAL SERVICE

Refugee Legal Service - Information leaflet

Refugee Legal Service -The Aylum Process

Refugee Legal Service – The Asylum Process for Unaccompanied Minors

