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LEGAL AID BOARD

Annual Report 2000

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FOREWORD

This is my sixth and final Annual Report as Chairperson of the Legal Aid Board. In 2000, both the resources available to, and the services provided by, the Board continued to grow against the background of an ever-changing social and administrative environment.

The Board provided services to almost 18,000 clients in 2000. These services consisted of advice, representation before the Refugee Appeals Tribunal and representation in courts at all levels. The services involved were provided from 30 permanent law centres, 14 part-time law centres and one dedicated centre for asylum seekers.

The level of resources provided by the Government for the provision of legal aid continues to increase. In 2000 the Board's grant-in-aid was almost £13 million - an increase of 54% in the period 1997-2000. In addition, in 2000 funding of £1 million was approved for the Refugee Legal Service. I would like to thank the Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue T.D., and his officials for making the necessary resources available to the Board and for their continuing support.

In last year's Annual Report, I expressed my expectation that a further reduction in waiting periods for the legal services would take place in 2000. I am pleased to report that waiting periods were further reduced in the majority of law centres. The change, which has been gradual, came about as a result of the introduction of increased resources, including additional staff, the greater involvement of private practitioners in the provision of services and a decrease in demand for legal services.

One of the key tasks arising from the Programme for Prosperity and Fairness is the roll-out of a new performance management and development system (PMDS). The system aims to provide the framework for staff in the Board to move towards improved performance, greater job satisfaction and better service delivery while developing their skills and knowledge base. Further information on PMDS, the Strategic Management Initiative and Partnership within the Board is to be found on page 22.

As part of a move towards increased accountability in the public service, the Government has introduced a system for reviewing expenditure on various services. The Departments of Justice, Equality and Law Reform and Finance commenced a review of civil legal aid in 2000. The findings of this review will be presented to the Board in 2001.

In 2000, much work was carried out by the Board to give effect to the Government decision to transfer its



Head Office to Cahirciveen, Co Kerry. A site for the new Head Office was acquired and construction will be completed in early 2002. The Board subsequently decided to acquire temporary accommodation with a view to transferring certain sections of Head Office to Cahirciveen in 2001. A high level of applications was received from within the civil service for the vacancies, which will arise as a result of the decentralisation.

As the term of office of the current Board ends in October 2001, I have arranged for a short review of the Board's term of office to be included on pages 7-10 of this report.

I would like to thank my fellow Board members, the Board's management team and all staff in Head Office and law centres for their ongoing commitment to the provision of a professional, efficient and cost effective legal aid service.

I am very glad to have had the opportunity to contribute with my colleagues at a time critical to the Board's development. I realise that this process is ongoing and that there is no room for complacency in relation to continuing change. As the needs of society change, the Board must respond in a proactive manner in order to continue to meet the needs of its customers. Unfortunately, due to increased professional commitments I have had to advise the Minister that I will not be available to serve on a new Board. Personally, I regret that I will not continue to be part of the process of change in the Board, one from which I have gained very valuable experience of organisational expansion and change. I would however, finally like to take this opportunity to wish the incoming Chairperson and Board every success during their term of office.

Clare Connellan
Chairperson
September 2001

RÉAMHRÁ

Seo an séú Tuarascáil Bhliantúil uaim, agus an cearn deireanach, mar Chathaoirleach ar an mBord um Chúnamh Dlíthiúil. Sa bhliain 2000, lean acmhainní agus seirbhísí an Bhoird de bheith ag méadú laistigh de thimpeallacht shóisialta agus riaracháin atá ag athrú i gcónaí.

Thug an Bord Seirbhísí do bheagnach 18,000 cliant le linn na bliana 2000. Is é a bhí sna seirbhísí sin ná comhairle a thabhairt, ionadaíocht a dhéanamh os comhair an Bhinse Achomhairc do Dhídeanaithe agus ionadaíocht a dhéanamh i gcúirteanna ag gach leibhéal. Cuireadh na seirbhísí lena mbaineann ar fáil i 30 buanionad dlí, i 14 ionad dlí páirtaimseartha agus in aon sainionad amháin do dhaoine a lorgaíonn tearmann.

Tá leibhéal na n-acmhainní a sholáthraíonn an Rialtas chun cúnamh dlíthiúil a thabhairt ag méadú i gcónaí. Sa bhliain 2000, beagnach £13 mhilliún a bhí sa deontas i gcabhair a fuair an Bord – b'ionann sin agus méadú 54% sa tréimhse 1997-2000. Ina theannta sin, ceadaiodh maoiniú £1 mhilliún sa bhliain 2000 don tSeirbhís Dhlíthiúil do Dhídeanaithe. Ba mhaith liom buíochas a ghabháil leis an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, an tUas. Seán Ó Donnchú, T.D., agus lena chuid oifigeach, as na hacmhainní riachtanacha a chur ar fáil don Bhord agus as a dtacaíocht leanúnach.

Sa Tuarascáil Bhliantúil a bhí ann anuraidh, léirigh mé go raibh súil agam go dtarlódh laghdú eile le linn 2000 ar na tréimhsí feithimh i dtaca leis na seirbhísí dlíthiúla. Is cúis áthais dom a thuairisciú gur laghdaíodh na tréimhsí feithimh sa chuid is mó ionad dlí. Tharla an t-athrú de réir a chéile agus de thoradh acmhainní méadaithe a thabhairt isteach, lena n-áirítear foireann bhreise agus páirteachas níos mó ar thaobh cleachtóirí príobháideacha i dtaca le seirbhísí a sholáthar. Tá cúiseanna éagsúla ann le laghdú ar an éileamh ar sheirbhísí dlíthiúla agus táthar ag glacadh leis go dtiocfaidh athrú ar an treocht sin de bharr an mhéadaithe bheartaithe ar theorainneacha ioncaim sa bhliain 2001.

Ceann de na tascanna is tábhachtaí a d'éirigh as an gClár um Rathúnas agus Cothroime ná forbairt córais nua bainistíochta feidhmíochta agus forbartha (CBFF). Is é aidhm an chórais ná creat a chur ar fáil don fhoireann sa Bhord inar féidir leo dul i dtreo feidhmíochta níos fearr, ina bhfaighidh siad níos mó sásaimh óna gcuid oibre agus ina dtabharfar seirbhís níos fearr agus, ag an am céanna, inar féidir leo a gcuid scileanna agus a gcuid eolais a fhorbairt. Tá tuilleadh eolais faoi CBFF, faoi Bhainistíocht Straitéiseach agus faoi Chomhpháirtíocht laistigh den Bhord le fáil ar leathanach 22.

Mar chuid den athrú i dtreo cuntasaióchta méadaithe sa tseirbhís phoiblí, tá an Rialtas i ndiaidh córas a thabhairt isteach chun athbhreithniú a dhéanamh ar chaiteachas ar sheirbhísí éagsúla. Le linn na bliana 2000, chuir an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí agus an Roinn Airgeadais tús le hathbhreithniú ar chúnamh dlíthiúil sibhialta. Déanfar na cinntí a éireoidh as an athbhreithniú sin a thíolacadh don Bhord sa bhliain 2001.

Le linn na bliana 2000, rinne an Bord cuid mhór oibre chun éifeacht a thabhairt do chinneadh an Rialtais Ceannoifig an Bhoird a aistriú go Cathair Saidhbhín, Co. Chiarraí. Fuarthas láithreán don Cheannoifig nua agus críochnófar an obair thógála go luath sa bhliain 2002. Ina dhiaidh sin, chinn an Bord ar chóiríocht shealadach a fháil d'fhonn rannóga áirithe de chuid na Ceannoifige a aistriú go Cathair Saidhbhín sa bhliain 2001. Fuarthas ardleibhéal iarratas, ó dhaoine laistigh den Státseirbhís, ar na folúntais a bheidh ann mar gheall ar an dilárnú.

Ó tharla go mbeidh deireadh le téarma oifige an Bhoird láithrigh i mí Dheireadh Fómhair 2001, tá socrú déanta agam go ndéanfar athbhreithniú gairid ar théarma oifige an Bhoird a chur san áireamh ar leathanaigh 7-10 den tuarascáil seo.

Ba mhaith liom buíochas a ghabháil le mo chomhchomhaltaí den Bhord, le foireann bhainistíochta an Bhoird agus leis an bhfoireann go léir sa Cheannoifig agus sna hionaid dlí as a ndúthracht leanúnach i leith seirbhís chúnaimh dhlíthiúil ghairmiúil, éifeachtúil agus chost-éifeachtach a sholáthar.

Tá an-áthas orm go raibh deis agam a bheith páirteach, i gcomhar le mo chuid comhghleacaithe, i bhforbairt an Bhoird le linn na tréimhse tábhachtaí seo. Tuigim gur próiseas leanúnach é seo agus nach féidir a bheith bogásach i dtaca le hathrú leanúnach. De réir mar a thagann athrú ar riachtanais na sochaí beidh ar an mBord feidhmiú ar shlí ghníomhaíoch chun leanúint de fhreastal ar riachtanais a chuid custaiméirí. Ar an drochuair, mar gheall ar dhualgais mhéadaithe ghairmiúla, bhí orm a chur in iúl don Aire nach mbeidh mé ar fáil chun fónamh ar Bhord nua. Is oth liom, go pearsanta, nach mbeidh mé páirteach i gcónaí sa phróiseas athraithe sa Bhord, ar próiseas é óna bhfuair mé taithí an-luachmhar ar leathnú agus ar athrú eagrúcháin. Mar fhocal scoir, ba mhaith liom an deis seo a thapú chun gach rath a ghuí ar an gcathaoirleach nua agus ar an mBord nua le linn a dtéarma oifige.

Clare Connellan
Cathaoirleach
Mean Fómhair, 2001

HEAD OFFICE EXECUTIVE STAFF

Chief Executive:	Frank Goodman
Director of Legal Aid:	Frank Brady
Director of Human Resources:	Pat Fitzsimons
Director of Operations:	Dara Mullally
Assistant Directors, Legal Aid:	Clare Kelly Eileen Bowden Michelle O'Mahony
Assistant Director, Human Resources:	Eamonn Purcell
Assistant Director, Information Technology:	Evelyn McGuinness
Assistant Director, Organisation & Corporate Support:	Bernard O'Shea
Financial Controller:	Joan Enright
Auditors:	Comptroller and Auditor General
Head Office:	P.O. Box 16, Cahirciveen, Co Kerry Ph: 066 947 1000 Fax: 066 947 1035
Dublin Office:	St Stephens Green House, Earlsfort Terrace, Dublin, 2 Ph: 01 2400 900 Fax: 01 2400 972



Computer generated artists impression of new Legal Aid Offices in Cahirciveen

THE BOARD



Clare Connellan (Chairperson)

Solicitor; Law Agent, I.C.C. Bank plc; Chairman of Law Society Disciplinary Tribunal

Caoimhín Ó hUiginn

Assistant Secretary,
Department of Justice,
Equality and Law Reform



Mary Maher

Irish Times Staff Journalist, Member of
the Irish Executive Council, National
Union of Journalists

Dermot Condon

Principal Officer,
Department of Social, Community and
Family Affairs



Dan McCarthy

Dairy farmer; National Council Member of
I.C.M.S.A. and Chairman of its Rural
Development Committee

Louise Crivon

Barrister-at-law, Member of Family
Lawyers Association, former Counsellor
with Marriage Counselling Service, Dublin



Nessa McMahon

Staff Representative; Law Clerk,
Law Centre, Athlone

Áine Elliott

Chairperson, Dun Laoghaire V.E.C.,
Member Dun Laoghaire Harbour Board



Frank Murphy

Staff Representative;
Managing Solicitor, Law Centre, Wicklow

Paddy Howard

Principal Officer,
Department of Finance



Bernadette Owens

Solicitor

Patrick C. Kennedy

Barrister-at-law, former Senator, formerly
Mayor of Limerick, and President of
Limerick Chamber of Commerce



Anne Watkin

Barrister-at-law;
Chairman of Kerry Adapt

FUNCTIONS OF THE BOARD

The Legal Aid Board administers civil legal aid in accordance with the terms of the Civil Legal Aid Act, 1995, and Regulations made thereunder. The Act allows for the provision of legal aid and legal advice in civil cases to persons who satisfy the financial eligibility and merits test laid down in the Act and Regulations. The Act also provides for the provision of information in relation to its services and their availability.

Legal aid is available for representation for proceedings in the District, Circuit, High and Supreme Courts. 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 is provided, in the main, through law centres by solicitors in the full-time employment of the Board. The services of counsel are provided in accordance with the terms of an agreement between the Bar Council and the Board.

The Board's private practitioner scheme in the District Court was launched on a nation-wide basis in 2000 to assist 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 from law centres for certain family law matters in the District Court namely, domestic violence, maintenance and custody/access. In May 2001, the Board introduced a one-year pilot project which provides for an extension of the Private Practitioner Scheme to divorce and judicial separation cases in the Circuit Court.

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.

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.

DEVELOPMENTS IN 2000

There were a number of significant developments during the period under review, the most important of which are as follows:-

- the Board's grant-in-aid was increased by 8% from £11.95 million in 1999 to £12.90 million in 2000;
- the number of staff sanctioned for the Refugee Legal Service (RLS) has increased from 30 in February 1999 to 140 staff in 2000 to meet the increase in demand for legal services by asylum seekers;
- the RLS provided legal services to approximately 3,400 asylum seekers in 2000 which represents an increase of 111% over the 1999 figure of 1,600;
- at the end of December 2000, the waiting times for a first appointment with a solicitor had been reduced in 18 law centres as compared to December 1999, and had been reduced to less than three months in 14 law centres;
- the number of persons awaiting a first appointment with a solicitor had reduced by 24% from 2,900 in December 1999 to 2,200 at the end of December 2000;
- in May 2000 the private practitioner service was extended nation-wide and 900 persons were assisted in District Court family law matters by private practitioners; and
- in June 2000 the Board published a series of information leaflets on the range of legal services that it provides and further leaflets are planned for publication in late 2001.



Opening of Sligo Law Centre: From left: Karen Feehily, Chris Keane, Phil Armstrong, Mr. John O'Donoghue T.D., Minister for Justice, Equality and Law Reform, Fiona Maguire (Managing Solicitor)

FIVE YEAR REVIEW

As the period of office of the Board draws to an end, the opportunity arises to reflect on the years since this Board took office. The current Board was appointed in 1995 and the first meeting was convened on 11 May 1995. The Board consisted almost entirely of new members who therefore initially found themselves on a steep learning curve. The then Chief Executive, Pearse Rayel, retired in July of 1995.

In late 1995, the members of the Board decided that substantial developments were required in all areas related to the management and control of the Board and its services. This decision was prompted by the concern in relation to the absence of normal support services such as information technology and library facilities, and an inadequate number of senior management staff to manage the organisation. There were also concerns in relation to the unsatisfactory state of staff relations with the solicitors' unions in the Board.

The new CEO, Frank Goodman, was appointed in late October 1995 when the Board decided to use the framework created by the Strategic Management Initiative to introduce the changes required. Since that date the Board has prepared two Corporate or Strategic Plans for the periods, 1996 – 2000, and 1999 - 2002.

These plans were prepared, with the assistance of external consultants, and involved wide ranging consultation with staff of all levels. Furthermore, the actual implementation plans for the strategies identified are being carried through by five work groups again representing staff of all levels and from different geographic regions. To date in excess of 100 staff members have been involved in the work of these groups.

The work groups deal with the following areas:

- Staff Development;
- Communications;
- Information Technology;
- Professional Procedures; and
- Administrative Procedures.

The groups have been in existence for just five years and have completed a range of tasks some interesting, some more routine, but all essential to the running of an efficient public service.

Some of the highlights of the work programmes of the groups are laid out below:-

Staff Development

As part of its programme of work, the Staff Development group arranged a training needs analysis which resulted in the development of an overall training policy and the appointment of a Training / Communications Officer. A target spend of 3% of the payroll for training was reached in all but one year since 1997. This training needs analysis was subsequently updated in 1998.

Communications

The Communications work group has, as part of its programme of work, introduced a comprehensive series of information leaflets that are available in each of the law centres and in relevant locations such as the courts. This group has recently embarked on a series of client surveys to fulfil the Board's obligations under its Customer Service Action Plan.

Information Technology

The IT work group has introduced a local and wide area network infrastructure designed to provide internal communications and is currently being extended to external communications. The tenders for the contract for a legal case management system have been submitted and the contract will be awarded in the near future. The Board's website has been launched and is currently being expanded.

Professional Procedures

The Professional Procedures work group has undertaken a substantial number of tasks. These tasks include the consolidation of all circulars issued prior to March 2000 covering the professional workings of the Board. The group has also reviewed and developed the procedures in legal aid decision making. The group, in liaison with the IT work group, is involved in the ongoing development of professional packages for IT purposes. The group has also been instrumental in the introduction of library and research facilities.

Administrative Procedures

The Administrative Procedures work group has issued standardised procedures on purchasing, income assessments, and accounts. The group has reviewed, in liaison with the IT section, the application procedures for the purposes of the introduction of computerisation. The group is currently working on a comprehensive legal aid handbook for internal use and for use by private practitioners in the area.

Staff relations

The Board commissioned a report to be carried out on the staff relations in the Board. This was undertaken by an external consultant and the findings were published in May 1998. This report was accepted by the Board and unions. Work on the implementation of the recommendations is substantively complete.

Board subcommittees

The Board has also, over the last five years, set up a number of subcommittees of its members. These include an Appeal Committee, an "Act and Regulations" committee which consists of the lawyer members of the Board, a Finance Committee, and a Personnel Committee.

The interaction between Board members and both management and staff has been a positive force for change within the Board.

Family law

The majority of the Board's advice and aid services relate to family law and this work is carried out in a rapidly changing environment. The pressures of the modern world have produced huge sociological changes in Ireland and elsewhere since the Board's foundation in 1980. The increasingly mobile population means that it is not uncommon for a family to have substantial connections with more than one country, introducing an international dimension to family law. Today, family law has become a complex and specialist area of law within which separate specialisations are developing. As the remedies and reliefs available have vastly improved, more people turn to the law to resolve their problems. These changes have impacted and will continue to impact upon the work of law centres.

Over the period of this Board there have been significant changes in the area of family law legislation, most notably the introduction of the Family Law (Divorce) Act, 1996. In June 1998, when the full impact of the divorce legislation was being felt, 4,200 people were awaiting legal services. By June 2001 this figure has been reduced significantly to 1,650 people.

Refugee legal service

In the other major development of the civil legal aid service that this Board has overseen, the Board and the Minister reached an agreement that enabled the Board to represent asylum seekers before asylum appeals authorities. The Minister utilised his power under the Civil Legal Aid Act, 1995 to extend the

Board's jurisdiction to include the provision of legal aid at these tribunals. These Ministerial Orders were made in April and August, 1999.

The Board established the Refugee Legal Service (RLS) as a separate office in February 1999 with a staff of 30 and a budget of £1 million. The service opened to provide a professional and independent legal service to asylum seekers at all stages of the asylum process. The RLS has never operated a waiting list for legal services. This is due, in part, to the nature of the work and its strict time constraints and also to the fact that specific resources were allocated to deal with this area of work. As the demand for the service has grown, additional resources have been sanctioned.

The RLS was initially located in the "one stop shop" complex in Lower Mount Street set up to provide a comprehensive service to asylum applicants. The building also housed the office of the United Nations High Commissioner for Refugees (UNHCR), the Appeals Authorities and Health Board personnel, in addition to staff of the Department of Justice, Equality and Law Reform.

Due to the increase in resources provided to the Board, however, new premises have been acquired. The RLS retains a presence in Lower Mount Street but has since moved the majority of its staff to other Dublin premises. In 2000, the Board received sanction to increase the number of staff in the Refugee Legal Service to 140, and the additional staff have almost all been fully recruited and trained.

In response to the Government's policy to disperse asylum seekers to locations throughout Ireland, regional offices of the RLS have been opened in Galway and Cork. The budget for the RLS increased from £1 million in 1999 to over £8m in 2001 to facilitate this expanded service.

The RLS provided legal services to 1,600 asylum seekers in 1999 and to over 3,400 asylum seekers in 2000.

Cahirciveen

In July 1999, the Minister informed the Board of the Government's decision to relocate the Board's Head Office to Cahirciveen, Co. Kerry. The Board conducted an impact and feasibility assessment and its report concluded that 42 of Head Office posts could function effectively from Cahirciveen but that a small presence in Dublin should be retained. In July 2001 the first phase of the relocation to Cahirciveen took place. A temporary

office now accommodates two units from Legal Services Section, the Finance section, the Organisation section and a small Personnel function. The Board expects that the new premises, which is being built at present, will be completed by January 2002.

The future

The Board considers that the future provision of legal services will be based on effective partnership with both the Law Society and the Bar Council. The services of barristers are provided under a revised agreement with the Bar Council which was recently further amended to include services before Refugee Appeal Tribunals. The past five years have also seen a greater involvement of private solicitors in the provision of legal services.

The Board is committed to the service being provided primarily through the law centre network but recognises the need to involve private practitioners. The private practitioner scheme in the District Court is now in operation nationwide and a pilot project for the use of solicitors in private practice in divorce and judicial separation cases in the Circuit Court is currently underway.

The major expansion of the service commenced with the last Government and the support has been continued by the current Minister for Justice, Equality and Law Reform. Continuous increases in the Board's grant-in-aid over the early period of this Board funded the continued expansion of the law centre network from sixteen law centres in 1993 to a nation-wide service of 30 law centres in 1997.

This Board has also been pleased to see the introduction of a library and research facility. The first librarian to the Board was appointed in the summer of 2000. This facility will assist the Board to meet its requirements under Section 5 (2) of the Act, to "disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability"

As its term of office draws to a close the Board is firmly of the view that all aspects of the change management process must be continued. This is essential to ensure that an efficient cost effective professional service is available throughout the country on a timely basis.

CAPACITY OF THE BOARD TO MEET DEMAND FOR SERVICES

As already indicated, legal services are mainly provided by solicitors in the full-time employment of the Board, working in law centres established by the Board. In addition to the network of 30 full-time law centres, legal services are also provided through 13 part-time law centres which are serviced by staff of the Board.

There has been a significant increase in the grant-in-aid made available to the Board for expenditure on civil legal aid over the years. The grant-in-aid in 1994 was just under £5 million and it was increased to just £13 million in 2000. The major increase in funding in recent years has facilitated the development of a nation-wide legal aid service. This increased funding allowed the Board to:

- increase the number of staff from a total of 122 in 1994 to 256 (excluding the RLS) in 1999;
- upgrade the infrastructure of its law centres; and
- increase the number of law centres from 14 to 30.

The additional staff approved in 1999 have contributed to the overall reduction in waiting times at many of the Board's law centres and in the considerable decrease in the numbers awaiting services. The number of persons awaiting a first appointment with a solicitor has fallen from 2,900 in December 1999 to 2,200 at the end of December 2000. This represents a 24% decrease in the number of persons awaiting legal services at the end of 2000.

However, because the demand for the service is still greater than the Board's capacity to meet it, the Board differentiates between priority cases and less urgent matters. In relation to those applicants applying for legal services, the Board operates a procedure whereby priority is accorded for certain categories of cases, for example, domestic violence, child care, child abduction and cases where there are time limits. These cases are dealt with immediately.

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 2000, the total number of priority appointments offered by law centres was 1,545, or about 27% of the total number of appointments offered to new clients during the year.

The Board's private practitioner scheme in the District Court was launched on a nation-wide basis in May 2000 to assist 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 from law centres for certain family law matters in the District Court namely, domestic violence, maintenance and custody/access. Private practitioners are used in cases of geographical remoteness, in conflict of interest cases and in cases where the exigencies of the law centre service so require. 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 Board has also introduced a pilot project for one year for the involvement of private practitioners in the Circuit Court. The cases covered in the pilot project include: judicial separation, divorce and District Court Appeals where the case has been dealt with under the private practitioner scheme. This project will be systematically reviewed prior to the scheme being set up on a permanent basis.

The nation-wide expansion of the private practitioner scheme in the District Court, together with the extension of the scheme to the Circuit Court, will reduce the waiting times for an appointment with a solicitor and will increase the throughput of cases.

The Board is continually striving to reduce the length of time applicants have to wait for legal services. While there has been a significant improvement in the waiting times in a number of law centres, the Board is concerned at the increase in waiting times in a small number of law centres and specific measures, including the appointment of new solicitors, are being put in place to correct this.

In addition, a review of the practices and procedures in law centres is currently taking place to seek to improve efficiency, cost effectiveness and standardisation of administrative and professional procedures in law centres. The Board considers that this review will result in the provision of services to a greater number of persons.

The Board has two primary objectives, in accordance with the provisions of the Act and its Mission Statement, namely:

- to provide a cost effective and professional service, in a timely manner, to the greatest number of persons possible, within the resources available to the Board; and
- to provide information on the Board's services.

In relation to the dissemination of information, the Board launched a number of leaflets in June 2000 highlighting the range of services it provides. The series of nine leaflets provide general information, in non-legalistic language, on the range of family law remedies which are currently available. The leaflets are available at the Board's law centres as well as court offices and Citizen Information Centres throughout the country. The Board plans to publish further leaflets in late 2001 (see Appendix 5 for details).

Waiting time (months) for an appointment with a solicitor

LAW CENTRE	Dec. 1998 Months	Dec. 1999 Months	Dec. 2000 Months
Cavan	1.5	4	1.5
Ennis	7	4	5
<i>Cork Area:</i>			
Popes Quay	18	6	0
South Mall	23.5	7	5
Letterkenny	5.5	3.5	3.5
<i>Dublin Area:</i>			
Blanchardstown	2.5	2	5
Clondalkin	0	2.5	11.5
Finglas	6.5	5	10.5
Gardiner Street	10	13	10
Mount Street	9	2.5	5
Ormond Quay	5.5	11	7
Tallaght	18	4	10.5
Galway	29.5	4	5
Tralee	8	12	7
Newbridge	20	15	5
Kilkenny	2.5	6.5	5
Portlaoise	4	3.5	1
Limerick	8	4.5	3
Longford	1.5	2	1
Dundalk	8	6.5	4
Castlebar	0.5	1	1
Navan	3.5	4.5	2.5
Monaghan	2.5	3.5	2.5
Tullamore	4.5	5	1.5
Sligo	12	1.5	2.5
Nenagh	12.5	7	6
Waterford	0.5	1	3
Athlone	17	2	2
Wexford	3	10.5	7
Wicklow	22	12	3

CASES DEALT WITH IN 2000

The total number of persons who received assistance from the Board through the law centres and the Refugee Legal Service in 2000 was almost 18,000, which is an increase of 12% on the 1999 figure of 16,000. The total number of persons who received assistance through the law centres during 2000 was 14,440, similar to 1999.

The number of persons provided with legal advice was 9,400 as compared with the 1999 figure of 9,300.

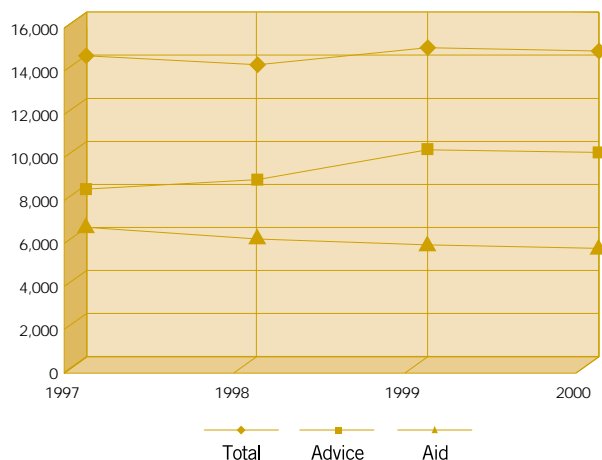
The number of persons provided with legal aid, i.e. representation in court, in 2000 was 5,000 as compared with 5,150 in 1999. There was an increase of 34% in the number of persons who were represented in High Court proceedings, 229 in 2000 compared to 171 in 1999. This arose primarily as a result of judicial review cases handled by the RLS.

In 2000, the RLS provided legal services to over 3,400 asylum seekers, an increase of 111% on the 1999 figure of 1,600. The number of persons who also received legal aid for representation before the Refugee Appeals Tribunal was 2,200 in 2000 compared to a figure of 1,000 in 1999.

Detailed statistics on the cases dealt with in 2000 are contained in Appendix 2.

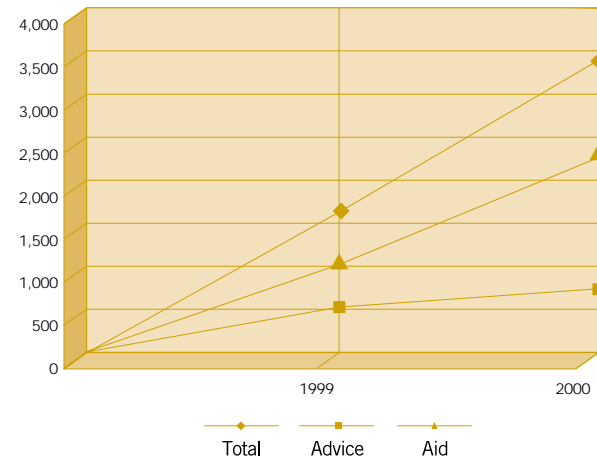
The following chart shows the number of persons provided with legal services through law centres during the past four years.

Persons provided with legal aid and advice through law centres



The chart shows the number of persons provided with legal services through the RLS during the past two years.

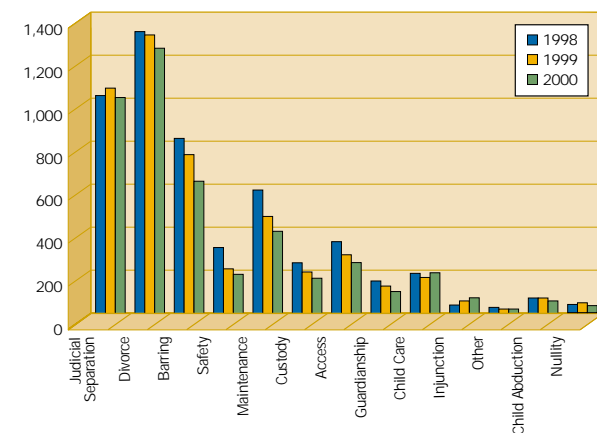
Persons provided with legal aid and advice through the Refugee legal service



Family Law Cases

As in previous years, the vast majority of cases dealt with by law centres were in the family law area - about 96% of court cases and 80% of legal advice cases. The following chart gives a breakdown of the various family law cases provided with legal aid in law centres.

Family Law Cases - Law Centres



Judicial Separation

There has been a slight decrease in the number of persons provided with legal aid for judicial separation proceedings in 2000 as compared to 1999, but these cases continue to constitute a major element in the legal services provided by the Board and account for over 23% of the total certificates granted in family law cases. The Family Law Act, 1995, which incorporates the provisions of the Judicial Separation and Family Law Reform Act, 1989, remains a very important piece of legislation for persons who do not wish to institute divorce proceedings, or have not lived apart for four years, but who wish to separate and to avail of property adjustment orders, pension orders and other ancillary orders that may be made under the Act.

By the end of 2000, legal aid had been granted to 9,727 persons in respect of judicial separation cases since the coming into operation of the Judicial Separation and Family Law Reform Act, 1989. The following are the figures for the last five years:

JUDICIAL SEPARATION CASES	
Year	Legal Aid Certificates
1996	1,252
1997	1,211
1998	1,019
1999	1,043
2000	990

Divorce

The number of persons who were provided with legal aid for divorce proceedings in 2000 shows a slight decrease from the 1999 figure, but it still accounts for over 29% of the total certificates granted in family law cases. Divorce continued to have a considerable impact on law centres and on the waiting times for an appointment with a solicitor during 2000. The extension of the private practitioner scheme to the Circuit Court will assist in improving the waiting times for an appointment with a solicitor in divorce cases. Approximately 25% of the persons on the waiting list at the end of December 2000 were seeking legal aid for divorce.

By the end of 2000, legal aid had been granted to 4,780 persons in respect of divorce cases since the coming into operation of the Family Law (Divorce) Act, 1996 on the 27 February 1997.

The following table shows the number granted legal aid for divorce over the last 4 years.

DIVORCE CASES	
Year	Legal Aid Certificates
1997	938
1998	1,316
1999	1,307
2000	1,219

Divorce Survey

In its last Annual Report the Board indicated that it proposed to undertake a survey of divorce proceedings.

This survey is underway at present and the Board has reviewed a sample of 150 cases to ascertain the breakdown of cases between men and women; age profile of clients for divorce and an analysis of the extent of which the client has been involved previously in family law issues. The following tables set out the position:

Details of Client	Gender of Client	No. Issues	% of Total
Defend Proceedings	Female	10	7%
Institute Proceedings		109	72%
<i>Sub Total</i>		119	79%
Defend Proceedings	Male	10	7%
Institute Proceedings		21	14%
<i>Sub Total</i>		31	21%
<i>Total</i>		150	100%

Age Profile for Women	No. of Certs. Issued	As a % of Total
20-30 years	7	6%
30-40 years	54	45%
40-50 years	34	29%
50-60 years	17	14%
Over 60 years	1	1%
No age indicated	6	5%
<i>Total</i>	119	100%

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. A panel has been established to provide services for clients who require remedies in the District Court for domestic violence, maintenance and/or custody/access issues.

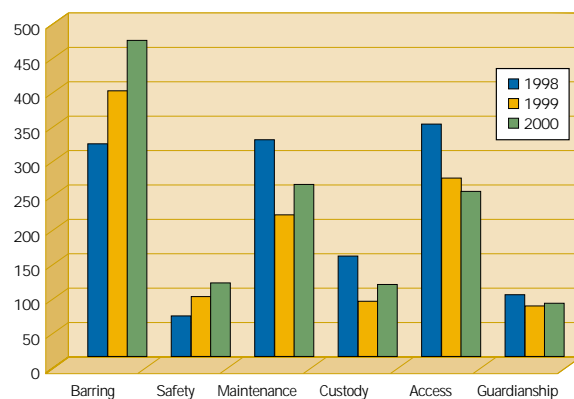
The private practitioner scheme, which operated in the Dublin area only, was extended nation-wide in 2000. Outside Dublin, applicants may now contact law centres in the normal way. Managing solicitors will determine whether the case is one that should be handled within the law centre. In determining whether the case should be handed over to a private practitioner, the law centre will have regard to the Board's obligation to provide a legal aid service to the greatest number of persons possible.

This scheme is designed to:

- provide quicker access to legal aid services in situations where a law centre is not in a position to provide a speedy service; and
- provide easier access to legal aid services for persons who reside in areas which are geographically remote from a law centre.

The following chart gives a breakdown of the various family law cases dealt with under the private practitioner scheme over the last three years.

Family Law Cases - Private Practitioners Scheme



Age Profile for Men	No. of Certs. Issued	As a % of Total
20-30 years	0	0%
30-40 years	12	39%
40-50 years	14	45%
50-60 years	2	6%
Over 60 years	3	10%
No age indicated	0	0%
Total	31	100%

Legal Status prior to obtaining Legal Aid Certificate	No. Issued	As a % of Total
No formal separation agreement or District Court Orders	71	47%
District Court Orders	37	25%
Separation Agreements Judicial Separations and/ or District Court Order	42	28%
Total	150	100%

REFUGEE LEGAL SERVICE

The Refugee Legal Service (RLS) was set up in February 1999 as a specialised office within the Board to provide confidential and independent legal services to persons applying for asylum in Ireland. Legal advice is also provided in appropriate cases on immigration matters.

The year 2000 saw major developments in the RLS. The Government allocated substantial additional resources to improve the rate at which asylum cases were to be processed. As a consequence, the Board sought and obtained approval for an increase in staff numbers to 140 and the acquisition of additional office accommodation to enable it provide legal services to the anticipated increased number of asylum seekers. The Board plans to ensure that the full complement of staff is in place by the end of 2001. New accommodation was obtained in Montague Street, Dublin. A newly-built office block in the Smithfield area of Dublin has also been acquired by the Board and will be occupied in 2001. Some staff continue to occupy a small part of Timberlay House, Lower Mount St, where new clients of the RLS are registered.

Dispersal / Decentralisation

Legal services are also provided to asylum seekers dispersed outside the Dublin area through local offices and information leaflets. The Board has opened offices in Galway and Cork to provide services on a regional basis. Solicitors and paralegals in those offices provide an outreach service to asylum seekers in surrounding counties by holding regular clinics in hostels and in other locations.

The Board provides information on its services through the Refugee Legal Service information leaflets. These set out the services provided by the RLS, are available in a number of languages directly from the RLS, are provided to all asylum seekers when an

application for asylum is made through the Office of the Refugee Applications Commissioner and are also made available to hostels for display on notice boards.

Private Practitioner Scheme

To complement the services of the RLS and ensure the capacity of the Board to provide a service to clients, a panel of solicitors in private practice was set up in March 2000 to deal with RLS clients who are at the appeal stage. This panel allows for the contracting out of suitable cases from the RLS. Where practical, every effort is made to refer an asylum seeker outside of Dublin to a local solicitor. Negotiations with the Bar Council of Ireland, with a view to using the services of barristers in appeal cases, have also been concluded and this scheme commenced operation in March 2001.

Number of asylum seekers provided with service

The number of new clients who registered with the RLS in 2000 was 3,424. Of these, approximately 50% applied for and received legal aid on first applying for service. The remaining 50% registered in order to avail of legal advice, but it is estimated that approximately 30% of these subsequently availed of legal aid at appeal and/or deportation stages.



From left: Margaret Lawlor, Liz Murphy, Mr. John O'Donoghue T.D., Minister for Justice, Equality and Law Reform, Niall Murphy (Managing Solicitor), Angela Claffey, Claire Moran

LAW SOCIETY REPORT - BOARD'S RESPONSE

In 2000 the Law Society published a report on civil legal aid in Ireland. The Board welcomed the report as an important contribution to the debate on the future development of civil legal aid services in this country and wishes to take this opportunity to respond to some of the issues raised in the report.

Access to the Service

The concerns expressed by the Law Society in relation to access to the legal aid service dovetail with the objective of the Board of providing a quality service to persons of modest means. In this regard, the Board, having engaged in a fundamental review of the delivery of its service and the development of its internal capabilities, is placing an increasing emphasis on service to the customer.

The Board aims to provide a comprehensive, accessible and professional legal aid service within a reasonable period of time.

While the demand for the Board's services continues to exceed the capacity of the Board to meet the demand, the position in relation to waiting periods is improving. In addition, as referred to on page 9 of this report, the Board operates a procedure to deal with cases on a priority basis. Priority is accorded for certain categories of cases over other cases, e.g. domestic violence, child care, child abduction and cases where there are time limits. The effect of dealing with cases on a priority basis is that solicitors are not in a position to deal with other cases on the waiting list.

During 1999, about 3,500 persons received priority legal services without any waiting period. In addition, the waiting times for an appointment with a solicitor continue to fall. At the end of October 2000 the waiting period at nineteen law centres was less than 4 months; was between 4 and 9 months at nine law centres and was 10 months at the remaining two law centres. The actual numbers on the waiting list were reduced to just over 2,000 at the end of October 2000 as compared with over 2,500 last May and over 3,500 in May 1999.

The policy of the Board is to continue to use the law centres as the primary model for the delivery of

legal aid services. While the Board has extended the existing private practitioners scheme in the District Court on a nation-wide basis, it has also extended the use of private practitioners to the Circuit Court on a pilot basis. The Board looks forward to co-operating with the Law Society on the use of private practitioners, with a view to providing legal services within a reasonable period of time and to increase access to the service by using private practitioners to compliment the law centre service.

Refugee Legal Service

The Refugee Legal Service provides a comprehensive and quality legal service to asylum seekers at all stages of the asylum process. Contrary to statements by the Law Society, legal aid is in fact available to persons served with deportation orders and this has been the case since shortly after the service was fully operational in May 1999. Furthermore, legal aid has been granted to take judicial review applications in the High Court in 77 cases.

In relation to the employment of law clerks in the Refugee Legal Service, the Board is surprised at the comments of the Law Society on their use in this particular service only. In common with many law firms, the Board has been using law clerks to assist solicitors with the provision of legal services in its 30 law centres for a number of years. A structured system for law clerks/legal clerks is in place which ensures that law clerks/legal clerks are working under the supervision and direction of solicitors and are fully familiar with the asylum process.

It is noted that some other jurisdictions do not require qualified lawyers to be exclusively the persons who render assistance to asylum seekers in presenting the facts of their case. In fact in England it is not necessary for an advocate to be a practising solicitor in order to have rights of audience before the Immigration Tribunal. It is similarly the case in this country that persons with no practising certificates have the right of audience before the Appeal Authority and that offices of private practitioners engage persons that do not have practising certificates for cases before the Appeals Authority. The Board, however, provides representation by a solicitor or Barrister at hearings before a Refugee Appeal Tribunal.

Future of Legal Services

A key strategic objective of the Board under the Corporate Plan is the preparation of a submission by the Board to the Minister of Justice, Equality and Law Reform setting out its views on the future of civil legal aid services. The views and opinions expressed by the Law Society on the extension of legal aid services will provide material for consideration by the Board in relation to the direction in which legal services should develop over the coming years.

Quality Services

The Board welcomes the acknowledgement in the report that *“the skill and dedication of law centre solicitors is generally acknowledged within the legal profession to be very high”* and that *“the law centres have developed a recognised expertise in the area of family law”*. The Board's Professional Procedures Work Group is, however, currently working on arrangements for the development of a system for the objective assessment of the quality of the service being provided to clients and has recently commenced a client survey to assess their views. In addition, the Board has finalised a Customer Service Action Plan. It is also planning to publish a revised formal complaints procedure in the near future, which will replace the existing complaints system that has operated since 1980.

As part of its information service, the Board has launched a series of leaflets on the family law services being provided by its centres as a start of an external communications programme aimed at placing particular emphasis on the service to its clients.

Conclusion

In common with the interest of the Law Society, the Board, law centre solicitors and staff are committed to the provision of a professional quality service within a reasonable period of time in accordance with the provisions of the Civil Legal Aid Act, 1995 and Regulations.

SUMMARY ACCOUNT OF A SELECTION OF LEGALLY AIDED CASES

Child abduction

This case was brought by the father of two children under the Hague Convention on the Civil Aspects of International Child Abduction which was incorporated into Irish law by the Child Abduction and Enforcement of Custody Orders Act, 1991. The purpose of the Convention is to facilitate the speedy return of children to the jurisdiction from which they have been wrongfully removed or to which, by reason of the wrongful retention, they were not being returned.

The Plaintiff (father) and Defendant (mother) were married and had two children. They were living apart from each other and the mother was in a new relationship. The mother had custody of the children and the father had rights of custody. The father was serving a prison sentence and had access to the children when they visited him in prison either fortnightly or monthly, with the paternal grandparents. The father had obtained a court order prohibiting removal of the children from England, pending further order of the court. The mother had applied to the English court for an order permitting her to bring the children to Ireland, but did not pursue the application. In November 1999, the mother brought the children to Ireland, without informing the father, and in breach of the English court order.

Proceedings were issued by the father under the Hague Convention and both parties were granted legal aid.

The High Court ordered the return of the children to England in the care of their paternal grandparents subject to certain undertakings and pending the outcome of court proceedings in England.

In accordance with the provisions of the Civil Legal Aid Act, 1995, the mother was granted legal aid to appeal the High Court's decision and the father was granted legal aid to defend the appeal.

In the Supreme Court, it was submitted on behalf of the mother that the removal of the children was not in breach of the father's "rights of custody" as defined in Article 5 of the Convention. Furthermore, it was submitted that the remedies available to the father arose only under Article 21 of the Convention, which is the appropriate

machinery for enforcing access rights, and, accordingly, the removal of the children was not a wrongful removal. It was also argued that the Court should not return the children to England, as this would place the children in an intolerable situation. Counsel for the mother also submitted that if the children were to be returned to England, they should be returned in the care of their mother who was willing to undertake to accompany them.

It was submitted on behalf of the father that, as a married father, he had joint parental responsibility and that he had exercised a power to determine the children's place of residence by obtaining an order from an English court. With regard to his exercise of rights of custody, it was submitted that in seeing the children frequently while in prison he was exercising his rights of custody insofar as he could. It was also submitted that the burden of establishing that there was a grave risk that the children would be placed in an intolerable situation if they returned to England lay with the mother.

The Supreme Court concluded that the father possessed, jointly with the mother, rights of responsibility for the children under the English Children Act, 1989. Judge McGuinness did not accept that the clear position of the father in English law could be nullified by the fact that, due to his imprisonment, he was not at that time playing a large part in the physical day-to-day care of the children. She was of the opinion that this fact alone could not deprive the father of a legally established right of custody. Judge McGuinness was also of the opinion that it was clear that the father was exercising his right to see the children and maintain his relationship with them.

It was also held that the mother had not sufficiently established that there was a grave risk that the children would be placed in an intolerable situation if they were accompanied by the mother in their return to England and if they remained in her care pending a decision of the English court.

The mother gave an undertaking to the Court that she was willing to return the children to England and to care for them there.

Accordingly, the appeal was dismissed and the Court ordered the return of the two children to England.

Nullity proceedings

A husband and wife were married in December 1987. They had one child who was born in September 1989. The husband commenced

proceedings for judicial separation in the Circuit Court in May 1995 and commenced nullity proceedings in January 1996. Legal aid was granted to the wife to defend both proceedings.

The husband submitted that, because his wife's infidelity prior to the marriage had been concealed from him, he had never been in a position to give an informed consent to the marriage, and for this reason, the marriage was invalid. The High Court held that the non-disclosure of inappropriate behaviour prior to or during the courtship was not a ground for nullity and refused the petition on the basis that the husband had failed to satisfy the Court that his consent was not full, free and informed.

The husband appealed the High Court decision to the Supreme Court and the wife was granted legal aid to defend the appeal. The High Court refused to make an order for costs and the wife cross-appealed on the issue of costs to the Supreme Court.

It was submitted on behalf of the husband that the wife had been involved in a sexual relationship with another man in the period before the marriage and even during the engagement. The husband's position was that he had been completely unaware of this and, had he known this, he would not have married her. Counsel argued that the husband had been deprived of information in regard to a matter of importance which was highly relevant to his decision to marry. His consent was, therefore, not an informed consent and the marriage was consequently void.

It was submitted on behalf of the wife that the husband was seeking a decree of nullity on a ground of misrepresentation by silence. Counsel submitted that, historically, mistake, misrepresentation and fraud had never been grounds for nullity save in the narrowest of circumstances which did not extend to the area of misconduct. It was also submitted that parties were entitled to know if they were validly married; they must enjoy a legitimate expectation that the institution of marriage would be protected. The law should not produce uncertainty in marriage, and nullity should not be granted on a ground so wide as to be incapable of proper definition. It was argued that the remedy for voluntary misconduct was divorce, not nullity.

The Supreme Court looked at various court judgements when considering the issue of "informed" consent. Judge McGuinness found that where "informed" was used in the other judgments it was used in the sense of being informed about the alternatives to marriage available to the young

girls in question and not to information about the character or conduct of the respondent. Judge McGuinness found that nullity could not be extended to cover concealed misconduct and other forms of misrepresentation. The courts had always stressed the necessity of certainty in marriage which was reinforced in the Constitution. The introduction of a ground for nullity in respect of misconduct, which, taken to its logical conclusion, could bring uncertainty into a wide variety of marriages was not only undesirable as a matter of public policy, but was contrary to the clear intention of the Constitution.

The Supreme Court dismissed the appeal and accordingly, the Order of the High Court was affirmed. The Supreme Court was obviously concerned to limit the availability of nullity to exceptional cases for reason of public policy and, in the event of marital breakdown, to encourage use of the more appropriate remedies of judicial separation and divorce instead.

In relation to the wife's cross-appeal on the issue of costs, Judge McGuinness held that she would not interfere with the High Court judge's exercise of his discretion in refusing to make any order as to costs. The Supreme Court dismissed the cross-appeal and the Order of the High Court was affirmed.

Judicial review proceedings – child care

Legal aid was granted to a person to institute judicial review proceedings against a Health Board, for allowing the applicant's child to be placed in the care of her father when it was known that he was going to take her outside the jurisdiction.

The legally-aided person was separated from her husband by whom she had four children. The husband lived in Northern Ireland and had sought a Residence Order in respect of all four children. He obtained a permanent Residence Order in respect of the three older children who were living with him. The youngest child resided with her mother in Ireland. The Residence Order proceedings were adjourned to determine the jurisdiction in relation to the application concerning the youngest child.

In June 2000, the child was removed from her mother's care into the care of the health board. The mother was told by telephone on the day of the Emergency Care Order hearing that she could not remove the child from the hospital where she was temporarily staying as the health board was

applying on that day to have an Emergency Care Order made.

An Emergency Care Order was then made in respect of the youngest child on the hearing date. It provided that she should be placed in the care of the health board for a period not exceeding eight days. The Order further provided that the health board should be allowed to place the child with her father in the jurisdiction of Northern Ireland. The child was subsequently handed into the care of her father who brought her to Northern Ireland immediately.

The mother sought, by way of judicial review, a number of orders including an order quashing the purported Emergency Care Order because of the health board's failure to comply with Section 12 (4) of the Child Care Act, 1991. This section provides that the health board must make an application for an Emergency Care Order to the District Court within three days of a child being delivered up to the custody of the health board

It was submitted on behalf of the health board that, if the High Court took the view that the application for an Emergency Care Order was not brought within the requisite time period under Section 12 (4), it would be accepted that certain consequences would arise from this. Counsel for the health board also stated that it might be possible to shorten the proceedings if that issue was decided upon. The High Court found against the health board on that particular issue.

The High Court ordered that the Order of the District Court in respect of the child was ultra vires the provisions of the Child Care Act, 1991 and thereby unlawful. The health board was also ordered to pay the costs of these proceedings.

Judicial review proceedings – domestic violence

Legal aid was granted to a person to institute judicial review proceedings against a decision of the District Court in respect of his refusal to hear a safety order application.

The legally-aided person was granted legal aid to apply for a safety order in the District Court. The judge was informed that the client had obtained a decree of judicial separation three years previously against the same respondent in the Circuit Court, but that no relief was sought or granted in the judicial separation proceedings under the Domestic Violence Act, 1996. The Judge declined to hear

the application on the grounds that the application should be dealt with by the Circuit Court because of the earlier judicial separation proceedings in that court.

The client sought, by way of judicial review:

- an order directing the District Court to hear and determine the applicant's proceedings for a safety order brought pursuant to the Domestic Violence Act, 1996; and
- a declaration that the applicant is entitled to prosecute her proceedings seeking a safety order pursuant to Section 2(2) of the Domestic Violence Act, 1996 in the District Court.

The judicial review proceedings were uncontested and the orders sought by the client were granted by the High Court.

The difficulty faced by non parent/guardians of children not covered by the Guardianship of Infants Act 1964.

At the commencement of the relationship between the parties, the wife was already pregnant by another man. The parties had resided in England until April 1997 and then moved to Ireland. They had two children together and after the second child was born they got married. Difficulties existed throughout their relationship which caused concern for the local authorities while they resided in England and also for the health board when they came to reside in Ireland.

In August 1999, the wife returned to England with the three children. An application was made by the husband, under the Hague Convention, for the return of the children to the Ireland. At the hearing the mother agreed to return all three children to Ireland in her care. The three children were returned to Ireland at the end of October 1999 without their mother. The children were placed in emergency care on their return to Ireland and in November 1999 were placed in the care of the husband.

The husband was subsequently granted legal aid to institute proceedings under Section 11 of the Guardianship of Infants Act 1964, seeking an order of custody in respect of all three children. Although it was clear that he could issue custody proceedings in relation to the two younger children, the issue arose as to whether he had the right to issue proceedings in relation to the eldest child, without being the child's father or guardian. The wife was also granted legal aid to defend the guardianship proceedings.

When the matter came before the District Court, it was argued on behalf of the wife that the Court had no jurisdiction to deal with the issue of custody in relation to the eldest child, as the Guardianship of Infants Act, 1964, did not allow the husband to institute such proceedings.

It was submitted, inter alia, on behalf of the father that:

- the District Court had jurisdiction, pursuant to the Courts Act 1981, to deal with all matters under the Guardianship of Infants Act 1964; and
- there were circumstances when the court could invoke its own jurisdiction to grant custody to a non-guardian/custodian and once a summons was before the court, the court, pursuant to the Constitution, was obliged to vindicate the rights of a child if called upon to do so.

The Court stated that it had a duty, obligation and jurisdiction to make a decision in respect of the eldest child, if it was satisfied that the child's constitutional rights required vindication. The Court however, had to be satisfied that the matter was of such a serious and exceptional nature that not to do so would seriously endanger the child's physical well being.

The matter was adjourned for the production of evidence in order to show that it was appropriate for the court to invoke its inherent jurisdiction and to make an order of custody in relation to the eldest child. The evidence included calling as witnesses the parties to the proceedings, a child psychologist, a psychiatrist and a social worker.

Having heard the evidence, the Court decided that there was not sufficient evidence to support the contention that the circumstances were of such a serious and exceptional nature that it would seriously endanger the child's physical being, if an order was not made. Accordingly, the Court refused the husband's application for custody of the eldest child.

Child care proceedings – Health Board placing a child outside the State.

A legal aid certificate was granted to a person to defend proceedings in the District Court taken by a health board under Section 47 of the Child Care Act 1991. The applicant was seeking the Court's directions on questions affecting the welfare of a child in the care of the health board. The particular directions sought were whether it would

be in the child's best interests to be placed in foster care with a relative in the United Kingdom. At the hearing, the District Court sought submissions from the legal representatives of the parent and the health board and considered that the obtaining of a determination of the High Court in relation to certain matters relevant to the application would be desirable. The parent was granted a legal aid certificate for the case before the High Court.

The questions of law for determination by the High Court were as follows:

In relation to a child who is in the care of a health board pursuant to Section 18 of the Child Care Act 1991:

- Can the health board place the child with relatives or foster parents outside the State pursuant to the provisions of Section 36 of the said Act?
- Can this Court lawfully direct the placement of a child with relatives or foster parents outside the State pursuant to the provisions of Section 47 of the said Act?
- If the answer to either of the above is "Yes", can the period for which the child is so placed be limited?

In considering the first question, the High Court came to the conclusion that the Child Care Act, 1991, requires a health board to maintain control and supervision of children in its care. Placing a child with foster parents requires a health board to continue to exercise control and supervision. The Act makes it clear that the health board has an overriding obligation to control and supervise and that that could only effectively be done if such placement is within the State. The answer to the first question was "No".

In relation to the second question, it was stated that the District Court exercises more than a supervisory jurisdiction. Unlike Section 36 of the 1991 Act, Section 47 of that Act has no qualification requiring control and supervision and there was no reason to suggest that a restrictive interpretation of Section 47 is appropriate. Section 47 empowers the District Court to do whatever it deems appropriate to achieve the policy of the Act as a whole. Consequently, the answer to the second question is "Yes".

As regards the third question, the High Court found that there is no limitation on the exercise by the District Court of its powers. Accordingly, the

District Court can lawfully direct the placement of a child with relatives or foster parents outside the State pursuant to the provisions of Section 47 of the Act, with or without the period for which the child is so placed being limited.

The matter is at present under appeal to the Supreme Court.

Declaration of parentage proceedings

Legal aid was granted to a person to institute proceedings pursuant to Part 6 of the Status of Children Act, 1987 seeking a declaration establishing the identity of her child's natural father so that his name could be placed on the child's birth certificate.

The client was involved in a road traffic accident with her boyfriend as a result of which her boyfriend was killed. Subsequently, she discovered that she was pregnant and she gave birth to a baby boy approximately eight months later. When the client went to register the birth, the local Registrar of Births, Deaths and Marriages would not register her deceased boyfriend as father of the child as, in these particular circumstances, they had no consent signed by the father or court order establishing his paternity.

In conjunction with the legal aid certificate, authority was also granted by the Board to obtain DNA testing for the purpose of establishing paternity. The best evidence to furnish to the court as proof of parentage was a DNA test but this posed a difficulty as one of the parties was dead.

However, enquiries were made of the hospital where the deceased was taken following the accident as to whether any blood or tissue samples from the deceased were still retained. After it was satisfied with the verification process, the hospital indicated that it still had a tissue sample preserved and the father of the deceased consented to the use of the sample for the purpose of DNA testing.

The result of the DNA test was that, in all probability, the deceased was indeed the father. At the hearing of the matter, the Circuit Court accepted the evidence from the DNA test and granted the mother a declaration that the deceased was the father of her son. Following this declaration, the Registrar General of Births, Deaths and Marriages agreed that the name of the father could be entered on the Register and that the surname of the child could be that of his deceased father. The mother subsequently attended at the local Registry for the registration of the details of

her child, which set out the surname of the child as that of his deceased father.

Eastern European asylum seeker

A person applied for refugee status on the grounds of religious persecution. He was a Jehovah's Witness and therefore had conscientious objections to carrying out military service in his country of origin.

His application was refused at first instance because the Refugee Applications Commissioner was of the view that the client could have carried out alternative military service.

He was granted legal aid to appeal the decision. Country of origin information was submitted which showed that there was an alternative to military service but that it was for twice the period of ordinary military service. Country information also revealed that a number of Jehovah's Witnesses had been imprisoned for refusing to carry out military service. The legally-aided person stated that he also had conscientious objections to carrying out alternative military service, on the grounds that the alternatives available were all run under the auspices of the military.

The Appeals Authority accepted that the asylum seeker was a genuine conscientious objector, but took the view that there were valid alternatives to military service in his country of origin. The appeal was refused.

An asylum seeker from Western Africa.

This person was a national from a West African country. He left the country in 1999 and arrived in Ireland by ship a few weeks later. He applied for refugee status on the grounds that he had suffered persecution in his country, on account of political opinions and his membership of a cult movement. He stated that the movement, which was comprised of mainly university students, sought to highlight the oppressive practices of the government. He stated that he had been suspended and subsequently expelled from the university for his activities in the organisation, and that he was later arrested and detained by police and violently assaulted by them during the course of that detention. He stated that he was subsequently moved to a low-security prison from which he ultimately succeeded in escaping.

The application was refused at first instance, principally on the grounds that it was concluded that his main reason for coming to Ireland was to further his education, that he could have safely moved to another part of the country and that his credibility was at issue in any event.

He was granted legal aid to appeal against the refusal decision. At the appeal hearing, he gave evidence of the persecution that he said he had experienced. The Refugee Appeals Tribunal decided however, to uphold the original decision and refuse the appeal. The Tribunal noted that the asylum seeker had offered no evidence as to his identity or membership of the movement. The independent objective evidence indicated that the organisation was a cult. By being a member of such a cult, the asylum seeker had committed an offence in the country which he had fled. The Tribunal concluded however, that he could have moved to another part of the country. The Tribunal accordingly concluded that the asylum seeker had not satisfied the criteria necessary for him to be recognised as being a refugee within the meaning of the law.

An asylum seeker from Western Africa.

The client was from a West African country. She had come to Ireland together with her two children. She had applied for refugee status in Ireland on the grounds that, as a result of her husband's and her brother's membership of a rebel group in her country, she had suffered persecution and would be subjected to further persecution including possible death, were she to return to that country. She stated that she had learnt that her husband had been killed since she had left the country, and that her parents had previously been killed when government forces attacked and destroyed their home.

The client's application was refused at first instance, principally on the grounds that it was considered that her credibility was in doubt and it was believed that she was not a national of the country she claimed to be of, but of another West African country. Although the client had produced identity documents, their veracity was considered to be in doubt.

The client was granted legal aid to appeal against the decision to the Refugee Appeals Tribunal. At the appeal hearing, following the client's oral evidence, a number of submissions were made by the Refugee Legal Service on her behalf, drawing attention to an undue preoccupation with credibility at first instance, and including reports

illustrating a deteriorating security and health situation in the country and the increasing violation of human rights abuses by both rebel groups and the pro-government forces. It was submitted on behalf of the Refugee Applications Commissioner that the client's credibility remained in doubt whilst it was nevertheless acknowledged that the country was an unsafe place. In the event, the Tribunal Member found for the client and issued a decision declaring her to be a refugee.

An asylum seeker from a Western African Country

The asylum seeker was a national of a West African country having left that country and travelled with the assistance of an agent to Ireland in 1998. He fled a climate of violence between two ethnic groups which for him culminated in the murder of his entire family which murder he himself witnessed. He sought asylum on the grounds of that persecution and on the grounds that he would be subjected to further such persecution were he to be forcibly returned to his country.

The application for refugee status was refused at first instance principally on the grounds that it was considered that the asylum seeker's stated fear of persecution was not well founded, that no independent evidence had been offered to corroborate the asylum seeker's account of the murder of family members, that the asylum seeker could have availed of the protection of the authorities in his country and that there were a number of inconsistencies in his accounts leading to doubts as to his credibility.

He was granted legal aid to appeal against the decision to the former Appeals Authority. An expert report was obtained and presented to the Appeals Authority by the Refugee Legal Service. The report supported a claim of post-traumatic stress disorder brought on by experiences including, the violent murder of family members. Following the client's own evidence, various submissions were made on his behalf by the Refugee Legal Service, including reports illustrating the ongoing ethnic and other tensions which continued to prevail in the Western African country. It was submitted on behalf of the Department that the political situation in that country had improved and that the asylum seeker's difficulties could have been overcome by relocating within the same country. The Appeals Authority, however recommended that the person ought to be recognised as a refugee and the Minister made a decision to that effect.

An asylum seeker from Eastern Europe

The person was from an Eastern European country. He applied for asylum on the grounds of persecution arising from his political activities and opinions. He had for many years been a member of a political party, and participated in a number of demonstrations, and had previously been arrested, detained and assaulted as a result of such activities in the early 1990s. In or about 1998, he was again arrested at an anti-government demonstration. He was transferred to a psychiatric hospital from which he escaped and, with the assistance of friends and family, he fled the country and made his way to Ireland. He was refused refugee status at first instance.

He was granted legal aid to appeal against the decision to the Refugee Appeals Tribunal. He gave evidence at his hearing that, if he were to return to his country, he would again be arrested and may even disappear. Reports relating to the political situation in his country indicated that freedom of expression was severely restricted and confirmed that there were problems in relation to access to justice in the country.

In its submissions, the Office of the Refugee Applications Commissioner submitted inter alia that the recent establishment of a human rights office to educate the public generally and investigate complaints in relation to human rights violations in the country and the absence of any reports of political disappearances, led one to believe the asylum seeker's fear of persecution was not well founded.

The Tribunal Member found that the asylum seeker's stated fear of persecution was not well founded, and that adequate protection was available to him under the laws of that country. The Tribunal Member further concluded that the client had fled the country to avoid a prosecution in respect of which he would have been afforded natural justice and which he would have had the opportunity to defend and accordingly that that did not amount to persecution. His appeal was accordingly refused.

STAFF MATTERS AND INDUSTRIAL RELATIONS

Staff resources

On 1 January 2000, the total number of staff sanctioned for the Legal Aid Board stood at 298, including staff sanctioned for the Refugee Legal Service. During 2000 a further 112 posts were sanctioned for the Refugee Legal Service, bringing the total approved numbers for the expanded service to 140 posts. A major recruitment drive, which included holding a number of recruitment competitions for solicitors, para-legal staff and administrative staff was underway at the end of 2000 in order to fill the additional authorised posts, along with vacancies which existed at that time, and further competitions have been held in this regard in the early part of 2001.

The Board, in common with many other public service organisations, continues to encounter recruitment difficulties at both administrative and solicitor levels. The Board is pleased, however, with the appointment by the Civil Service Commission of a Liaison Officer to deal specifically with the Board and to assist in meeting its needs insofar as possible. It is also noted that the Civil Service Commission have taken a number of initiatives to speed up the recruitment process which has resulted in clerical officer staff being appointed to the Board to fill vacancies much more speedily than heretofore.

Unfortunately, however, there appears to be a diminishing number of trained typists, which constitute the majority of the Board's needs at clerical level, applying for positions in the civil service. The Board has, however, undertaken training initiatives to counter this situation.

Cahirciveen

During 2000, the Board moved ahead with the process of transferring staff into the Board who would be relocating to Cahirciveen. Staff within the Board have the option to transfer to other government departments. A number of staff have not yet availed of this opportunity, and this has facilitated the Board's plans to provide an overlap with incoming staff for the purpose of training.

The process of acquiring a site, getting planning permission, and preparing a building for occupation is progressing and the Board

anticipates that the final relocation will take place in early 2002. As part of this process, the Board decided to open an interim office in Cahirciveen in 2001 to facilitate the smooth transfer of its Head Office functions to Cahirciveen.

Solicitors' pay claim

During 2000, management and the unions representing the solicitors in the Board engaged in intensive discussions in order to satisfactorily finalise the PCW pay claims which had been outstanding for a number of years.

The Board is pleased that these discussions reached a satisfactory conclusion in October 2000, with agreement both on the pay element and on areas of flexibility and change in work practices. The agreement resulted in substantial pay increases for the majority of the solicitors employed by the Board, in return for which, agreement was reached on, inter alia, the increased use of private practitioners and more flexible working arrangements including specialisation.

The Board considers that the revised salary scales for solicitors should result in an easing of the recruitment difficulties at this level.

Strategic Management Initiative (SMI)

The latest national agreement, the Programme for Prosperity and Fairness (PPF), contains a number of specific measures which are designed to ensure that the broad objectives of the public service modernisation programme, under the Strategic Management Initiative, can continue to be achieved by individual organisations. These measures cover organisational flexibility, quality assurance, performance management, further development of partnership structures and a refocussing of human resource management strategies.

During 2000, the Board took a number of initiatives, under an ongoing change management process, to ensure that it can achieve the improvements required of it over the lifetime of the PPF. In this connection, the Department of Justice, Equality and Law Reform, has developed a number of performance indicators for organisations under the Department's aegis, against which progress with implementing the modernisation programme can be assessed. Details of progress in the Board on some of the relevant areas are set out below.

Organisational flexibility

In accordance with a commitment in the Corporate Plan 1999 - 2002, the Board has established a committee representative of Head Office management and managing solicitors with an external management consultant as chairperson to examine the Board's current management structure and to make any recommendations considered appropriate. It is expected that the work of the group will be completed by autumn 2001.

Another group, representative of management and staff in the Board, has also been established recently to meet the commitment in the Corporate Plan to prepare a "submission by the Board to the Minister setting out its policy and views on the future of civil legal aid services". The group will be examining the issue of access to legal aid, the delivery of services, including the systems and structures through which legal aid is delivered. It is envisaged that the work of the group will be completed by the end of 2001.

As part of a programme of improved accountability in the public service, reviews of expenditure on various services are now carried out. The focus of such reviews is to make recommendations on ways in which services might be delivered in a more efficient manner. The Departments of Justice, Equality and Law Reform and Finance have carried out a review of legal aid services and the report is expected to be finished by summer 2001. The Board will, following consultations throughout the organisation, draw up a comprehensive response to the report.

Quality assurance

The Board has developed a Customer Service Action Plan for 2001 - 2004. This sets out the standards of care that our customers can expect in their dealings with the Board. The Plan also recognises that internal customers (i.e. staff of the Board) are entitled to receive the same standard of care which applies to external customers.

The professional procedures workgroup, established as part of the strategic management process in the Board, is also examining the issue of quality in the delivery of a professional legal service. It is envisaged that the group will produce "best practice" guidelines designed to enhance the quality of the services provided by the Board.

Performance Management and Development System

In common with other government departments and offices, the Board is in the process of introducing a Performance Management and Development System for all staff, which will involve a new approach to managing staff and will enable staff to contribute more effectively to the organisation.

The Board is currently developing business plans for each area of its operations. These plans are detailed work programmes which translate the high level goals and objectives in the Board's Corporate Plan into more detailed work programmes which will inform the day-to-day activities of work units and staff. The performance management and development system is intended to provide clarity on what has to be achieved, how it is to be achieved and to assist staff in pursuing their work and career aspirations. A key emphasis in the new system is the provision of appropriate training and development opportunities for staff. The introduction of the new system will involve five days' training for all staff. In this regard, an external training company will be engaged to provide this training to all staff throughout 2001.

Partnership

The Partnership process in the Board continued to evolve and develop during 2000, with new initiatives being undertaken and further training being provided to the group on the new approach to be adopted at Partnership, in particular, the area of consensus decision making. The Staff Development and Communication Work Groups, established under the Strategic Management Initiative, now report to the Partnership Committee on their on-going work programmes. Amongst the key tasks being overseen by the Partnership Committee, are the roll-out of the Performance Management and Development System for all staff and the development of the Board's Customer Service Action Plan. The Partnership Committee has recently initiated a review of their role and function and this will be completed during 2001.

Human resources management strategy

The development of a comprehensive human resources management policy is a key high level objective of the Board's Corporate Plan 1999 - 2002. A number of initiatives have already been taken in furtherance of this objective in the human

resources management area of the Board. These include, amongst other things, (i) the completion of two training needs analyses, the consequent introduction of new training initiatives and the significant enhancement of the resources devoted to training and development in the Board, and (ii) the implementation of most of the recommendations of a Report on Employee Relations in the Board which was prepared by an external consultant.

The Programme for Prosperity and Fairness (PPF) specifies that sustaining and improving efficiency will require increasingly innovative and flexible human resource management policies and strategies. Accordingly, the Board intends to further develop its human resources management strategy during 2001 by building on initiatives already undertaken and addressing, in a comprehensive way, all aspects of HRM policy in the Board. It is intended that the Partnership Committee will have a major input into this task.

Staff development

During 2000 a programme of personal development training was run for staff of the Board, in conjunction with an external training provider. Staff turnover also necessitated the allocation of resources to induction training. The introduction of new computer systems resulted in further requirements for training in the IT area which were addressed during the year.

In the area of third-level education, an increasing number of staff have undertaken courses, particularly in the areas of public administration and law. The Board has continued to refund in full the costs incurred, where the course content is relevant to the work of the Board.

Equality of opportunity

The Board is an Equal Opportunities Employer. All applicants for employment are given full and fair consideration, due regard being had 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. During 2000, the Board decided to designate an officer serving in Personnel Section as the Board's Equality Officer.

Health and safety

During the year 2000, 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.

The interaction between staff and persons applying for and/or in receipt of legal services is being reviewed and it is expected that this will result in the preparation by the Professional Procedures Workgroup of guidelines for staff safety and welfare in 2001. A number of recommendations made in this report have already been implemented in law centres. In addition, the security enhancement programme in the Board's premises, which began in 1999, continued in 2000.

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

FINANCE

The Board's draft financial statements for 2000, are shown at Appendix 1. The financial statements will be presented to the Minister for Justice, Equality and Law Reform who will cause copies to be laid before each House of the Oireachtas, in accordance with the provisions of the Civil Legal Aid Act, 1995.

Income

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

(a) Grant-in-Aid

As in previous years, the bulk of the Board's income (88%) consists of a grant-in-aid received from the Department of Justice, Equality and Law Reform. There was a further increase in the funding provided by the Government in 2000. The grant, which increased by over 24% in 1999, was increased by a further 8% in 2000 to £12.899 million. This level of funding was necessary to cover the full year cost of developments carried out in previous years and also the annual cost of the additional staff sanctioned in 1999.

(b) Refugee Legal Service

Funding of just over £1 million was also made available by the Oireachtas to enable the Board to operate a specialised Refugee Legal Service. This level of funding was necessary to meet the full year cost of providing a service to asylum seekers.

(c) Contributions

Persons who are provided with legal services pay a contribution related to their income and, in a minority of cases, their capital resources. Some 80% of persons pay the minimum contribution, i.e. £4 for legal advice and £23 for representation in court. This minimum contribution can be waived in cases of hardship. Receipts from contributions increased by 7% in 2000.

(d) Recovery of costs

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

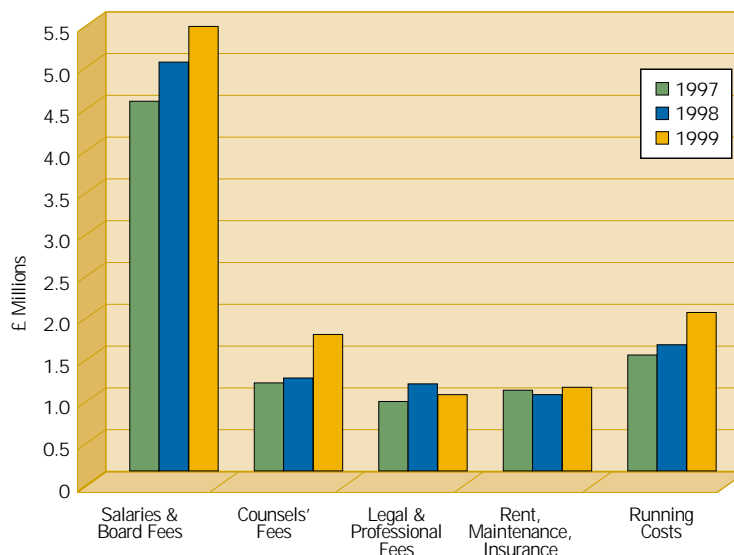
- (i) the other party to a dispute either as a result of a court order or as part of an agreement to settle a dispute; or
- (ii) from the legally-aided person out of monies /property received by the person as a result of the provision of legal services.

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 case load.

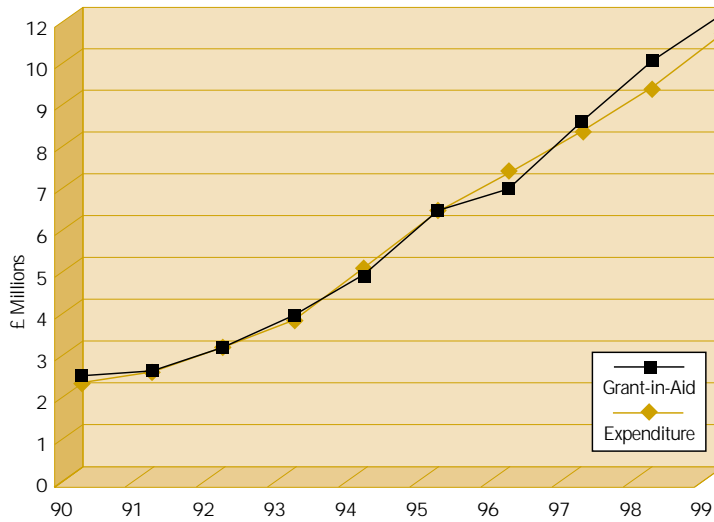
The level of costs recovered in 1999 was 80% higher than in the previous year. It was reasonable to expect that 2000 would see a reduction in this figure and indeed the costs received were 7% less in 2000 than in 1999. Three cases in 2000 accounted for almost £110,000 of the total costs recovered for the year.

Expenditure

The following chart shows a breakdown of expenditure by the Board over the past three years.



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



It should be noted that the above figure for the year 2000 includes funding and expenditure for the RLS (which were not included in the 1999 figures). The RLS funding and expenditure was shown as a separate heading in the 1999 annual accounts.

The following are comments on the major items of expenditure shown in the 2000 financial statements: -

(a) Salaries

The increase of about £762,000 (approximately 13%) in expenditure on employee costs in 2000 is accounted for by the inclusion of the Refugee Legal Service staff in the figures for 2000, standard increases arising from annual increments, national wage agreements and arrears on restructuring agreements under PCW which was concluded in 2000. It also includes the cost of engaging a number of temporary contract solicitors and clerical support staff to cover for absences such as maternity leave, sick leave etc. Note 4 to the accounts gives particulars of employee numbers and costs and shows that the Board had 410 sanctioned posts at 31 December 2000 including RLS staff.

(b) Maintenance

In addition to the costs incurred in the upkeep of 31 premises around the country, the Board incurred costs in the fit-out of relocated premises and the refurbishment

of existing centres. This expenditure forms the bulk of the costs charged to this heading.

(c) 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 was similar to last year, in line with the number of certificates granted for proceedings in the Circuit and High Courts. The following table shows counsel fees and the number of cases in which legal aid certificates were granted in the Circuit and High Courts over the past six years.

COUNSEL'S FEES		
Year	Circuit & High Court Certificates	Counsels' fees £
1995	1,842	584,000
1996	1,883	685,000
1997	2,839	1,007,000
1998	2,862	1,079,000
1999	2,897	1,593,000
2000	2,774	1,572,000

(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. They include, in particular, expenditure on expert, professional and lay witnesses who are engaged in legally aided cases.

(iii) Private practitioners scheme

Expenditure in 2000 on the Private Practitioner Scheme was £178,000 as compared with £109,000 in 1999. This arose in part from the extension of the scheme on a nation-wide basis in 2000.

(iv) Other professional fees

Most of the costs under this heading relate to the engagement by the Board of professionals to assist in the acquisition and fit-out of new premises and also for the provision of independent legal advice 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 2000 totalled almost £130,000. 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 in excess of £3.8 million on hand at the end of 2000. There were a number of projects which had been expected to be completed in 2000 which were not finalised and resulted in funds being carried over to 2001. These items include a number of IT projects; management training for the solicitors, which could not be carried out due to the grade restructuring claim not being finalised until October 2000. There are also a number of rent reviews outstanding and VAT due on leases taken out in 2000 were not invoiced until this year, the result being that monies had to be available to pay for these when they arose.

Monies totalling £498,000 were monies held on behalf of clients, most of which will be returned to clients during 2001. It will be seen from Note 11 to the accounts that the throughput of client funds in 2000 was over £5.6 million. This arises from cases where, as a result of legal advice or representation in courts, 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 the costs incurred by the Board in providing legal services.

Creditors and accruals at 31 December amounted to almost £918,000 and included £165,946 which was payable to the Revenue Commissioners in respect of PAYE/PRSI and £53,111 in respect of Professional Service Withholding Tax.

Prompt Payment of Accounts Act, 1997

The Prompt Payment of Accounts Act, 1997 came into effect from 2 January 1998. Section 4 of that Act requires the Board to pay for the supply of goods or services by the "prescribed payment date". The prescribed payment date is currently 45 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 shall be payable to the supplier.

Extensive procedures were introduced in order to ensure that the Board complied in all material respects with the requirements of the Prompt Payment of Accounts Act, 1997. Monthly reports of incidences of interest being incurred are reviewed by management and corrective action taken as necessary to ensure both 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 2000 amounted to IRE1,971 (£4,484 in 1999) which represents 0.03% (0.07% in 1999) of all relevant payments.

There were 220 instances of late payments during the year where the amount payable was in excess of IRE250 (382 in 1999). The total value of these payments was IRE180,351 and the average length of delay on these payments was 33 days (48 in 1999). The overall proportion in monetary terms which late payments constituted of total payments during 2000 was 3.38% (5.20% in 1999).

APPENDICES



APPENDIX 1

LEGAL AID FUND

REPORT OF THE COMPTROLLER AND AUDITOR GENERAL

I have audited the financial statements on pages 32 to 40.

Responsibilities of the Board and the Comptroller and Auditor General

The accounting responsibilities of the Legal Aid Board are set out in the Statement of the Board Responsibilities on page 31. It is my responsibility under Section 5 of the Comptroller and Auditor General (Amendment) Act 1993 to audit the financial statements presented to me by the Board and to report on them. As the result of my audit I form an independent opinion on the financial statements.

Basis of Opinion

In the exercise of my function as Comptroller and Auditor General, I plan and perform my audit in a way which takes account of 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 as assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate, consistently applied and adequately disclosed.

My audit was conducted in accordance with auditing standards which embrace the standards issued by the Auditing Practices Board and in order to provide sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. I obtained all the information and explanations that I required to enable me to fulfil my function as Comptroller and Auditor General and 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 accounts 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 the affairs of the Fund at 31 December 2000 and of its income and expenditure and cash flow for the year then ended.

John Purcell

Comptroller and Auditor General

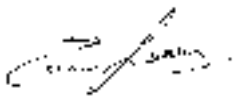
14 December 2001

STATEMENT OF BOARD RESPONSIBILITIES

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

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



Chairperson



Board Member

12 December 2001

STATEMENT OF ACCOUNTING POLICIES 2000

1 *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 2000 the Board operated out of 31 full-time Centres and 13 part-time Centres throughout the country.

2 *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.

3 *State Grants*

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

4 *Currency*

The unit of currency in which the Financial Statements are denominated is the Irish Pound. Comparative Euro figures are disclosed for memorandum purposes only.

5 *Contributions from Aided Persons & Costs Recovered*

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 2000 was approximately £35,000. There were no bad debts written off in 2000.

6 *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:-

Office Furniture,
Equipment & Computers 20%

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

The cost of fitting-out leased premises is charged in full to the Income and Expenditure account in the year in which it is incurred.

7 *Capital Account*

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

8 *Superannuation*

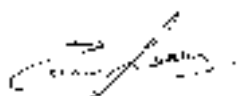
Superannuation benefits are provided for under schemes adopted by the Board. There is a liability of an undetermined amount for which no provision is made in these accounts. The charge to Salaries is reduced by contributions to the Spouses' and Children's Pension Scheme.

INCOME & EXPENDITURE ACCOUNT <i>for the year ended 31 December 2000</i>							
	Note	2000		2000		1999	
		£	£	Euro	Euro	£	£
INCOME							
State Funding	1	13,942,507		17,703,332		12,517,719	
Contributions from Aided Persons		264,848		336,287		250,131	
Costs Recovered		371,413		471,597		398,042	
Loss on sale of assets		(855)		(1,086)		243,056	
Other Income	2	67,562		85,786		37,273	
		—————	14,645,475	—————	18,595,916	—————	13,446,221
Transfer To Capital Account	3		(189,300)		(240,360)		(207,810)
			—————		—————		—————
			14,456,175		18,355,556		13,238,411
EXPENDITURE							
Salaries and related expenses	4	6,460,979		8,203,751		6,257,436	
Fees to Board Members		34,000		43,171		34,000	
Accommodation and Establishment expenses	5	2,622,287		3,329,618		1,782,023	
Refugee Legal Services						564,719	
Legal fees & expenses	6	2,947,909		3,743,072		2,526,058	
Costs awarded against the Legal Aid Board		0		0		400	
General administration	7	1,122,673		1,425,501		872,099	
Depreciation	8	425,982		540,886		357,835	
Audit Fee		7,920		10,056		6,600	
		—————	13,621,750	—————	17,296,055	—————	11,836,451
Surplus for Year			834,425		1,059,501		1,401,960
Refund to the Exchequer	17		0		0		(275,000)
			—————		—————		—————
Surplus after Refund to the Exchequer			834,425		1,059,501		1,126,960
Opening Balance as at 1 January			1,855,720		2,356,279		728,760
			—————		—————		—————
Closing Balance as at 31 December			2,690,145		3,415,780		1,855,720
			=====		=====		=====

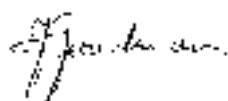
The Fund has no gains and losses in the financial year or the preceding financial year other than those dealt with in the income and expenditure account.

The results for the year relate to continuing operations.

The Statement of Accounting Policies and Cash Flow Statement together with Notes 1 to 18 form part of these Financial Statements.



Chairperson

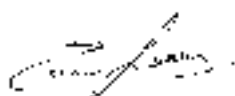


Chief Executive

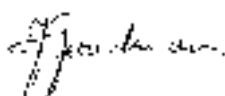
12 December 2001

BALANCE SHEET							
<i>as at 31 December 2000</i>							
	Note	2000		2000		1999	
		£	£	Euro	Euro	£	£
FIXED ASSETS	8		1,353,174		1,718,177		1,163,874
CURRENT ASSETS							
Cash at Bank and on Hand		3,824,905		4,856,628		3,421,936	
Debtors and Prepayments	9	141,854		180,117		707,958	
		—————		—————		—————	
		3,966,759		5,036,745		4,129,894	
LESS CURRENT LIABILITIES							
Creditors and Accruals	10	776,438		985,873		1,625,968	
Clients' Funds	11	500,176		635,093		648,206	
		—————		—————		—————	
		1,276,614		1,620,966		2,274,174	
NET CURRENT ASSETS/(LIABILITIES)			2,690,145		3,415,779		1,855,720
			—————		—————		—————
TOTAL ASSETS			4,043,319		5,133,956		3,019,594
			=====		=====		=====
REPRESENTED BY:							
Income and Expenditure Account			2,690,145		3,415,780		1,855,720
Capital Account	3		1,353,174		1,718,176		1,163,874
			—————		—————		—————
			4,043,319		5,133,956		3,019,594
			=====		=====		=====

The Statement of Accounting Policies and Cash Flow Statement together with Notes 1 to 18 form part of these Financial Statements.



Chairperson

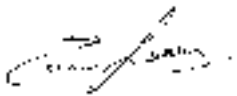


Chief Executive

12 December 2001

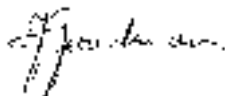
CASH FLOW STATEMENT <i>for the year ended 31 December 2000</i>				
	Note	2000 £	2000 Euro	1999 £
Net Cash Inflow from Operating Activities	13	977,173	1,240,753	1,973,410
Returns on Investment and Servicing of Finance				
Interest Received		52,438	66,583	60,364
Interest paid on Client Settlements		(11,783)	(14,961)	(11,389)
Investing Activities				
Sale of Tangible Assets		1,427	1,812	275,000
Purchase of Tangible Assets		(616,286)	(782,522)	(627,021)
Net Cash Inflow		402,969	511,665	1,670,364
		=====	=====	=====
Increase in Cash and Cash Equivalents	14	402,969	511,665	1,670,364
		=====	=====	=====

The Statement of Accounting Policies together with Notes 1 to 18 form part of these Financial Statements.



Chairperson

12 December 2001



Chief Executive

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2000

1. STATE FUNDING

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

	2000 £	2000 Euro	1999 £
Subhead K: Oireachtas Grant-in-Aid	12,899,000	16,378,351	11,953,000
Subhead G.1: Asylum Taskforce - Legal Aid*	1,043,507	1,324,981	564,719
	<u>13,942,507</u>	<u>17,703,332</u>	<u>12,517,719</u>

* These grants were provided towards the expenditure incurred on the Refugee Legal Service. See Note 15

2. OTHER INCOME

	2000 £	2000 Euro	1999 £
Interest received and receivable	65,320	82,939	37,148
Sundry receipts	2,242	2,847	125
	<u>67,562</u>	<u>85,786</u>	<u>37,273</u>

3. CAPITAL ACCOUNT

	£	£
Balance as at 1 January		1,163,874
Transfer from Income and Expenditure Account		
- Income used to purchase fixed assets	617,565	
- Amount released on disposal of fixed assets	(2,283)	
- Income amortized in year in line with depreciation of assets	(425,982)	
		<u>189,300</u>
Balance as at 31 December		<u>1,353,174</u>

4. EMPLOYEE NUMBERS AND COSTS

The total staff complement as approved by the Minister at 31 December 2000 was 410. The number of staff actually employed by the Board at 31 December 2000 was 333 (1999 - 250) The average number of employees in the Board during the year was 302 (1999 - 241). Employee and related costs were as follows:

	2000 £	2000 Euro	1999 £
Salaries	5,984,552	7,598,815	5,812,711
Cost of Staff on Secondment	52,234	66,323	133,142
Employer PRSI	424,193	538,613	311,583
	<u>6,460,979</u>	<u>8,203,751</u>	<u>6,257,436</u>
Included in the charge for salaries is a provision of £562,204 in respect of the estimated cost of grading award to solicitors employed by the Board (Note 15).			

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2000

5. ACCOMMODATION AND ESTABLISHMENT EXPENSES

	2000 £	2000 Euro	1999 £
Rents	1,935,080	2,457,044	891,859
Cleaning	138,533	175,901	119,188
Lighting and Heating	75,763	96,199	84,984
Maintenance - Premises	393,658	499,843	600,186
Maintenance - Equipment	79,253	100,631	85,806
	<u>2,622,287</u>	<u>3,329,618</u>	<u>1,782,023</u>

6. LEGAL FEES AND EXPENSES

	2000 £	2000 Euro	1999 £
Counsel fees	1,569,423	1,992,755	1,628,847
Legal fees	522,417	663,333	409,221
Private Practitioner Scheme	178,035	226,058	111,395
Other Professional fees	394,568	500,998	184,540
Other expenses	283,466	359,928	192,055
	<u>2,947,909</u>	<u>3,743,072</u>	<u>2,526,058</u>

7. GENERAL ADMINISTRATION

	2000 £	2000 Euro	1999 £
Stationery and Office Expenses	308,727	392,003	172,373
Books and Printing	83,569	106,111	60,495
Postage and Telephone	328,738	417,411	272,419
Insurance	60,030	76,222	52,381
Travel and Subsistence	341,609	433,754	314,431
	<u>1,122,673</u>	<u>1,425,501</u>	<u>872,099</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2000

8. FIXED ASSETS

	Office Furniture £	Equipment & Computers £	Total £
COST			
Balance as at 1st January, 2000	529,661	2,228,640	2,758,301
Acquisitions	68,381	549,184	617,565
Disposals	(4,089)	(300)	(4,389)
Balance as at 31st December, 2000	<u>593,953</u>	<u>2,777,524</u>	<u>3,371,477</u>
DEPRECIATION OF FIXED ASSETS			
Balance as at 1st January, 2000	391,954	1,202,473	1,594,427
Charge in Year	57,667	368,315	425,982
Disposals	(1,806)	(300)	(2,106)
Balance as at 31st December, 2000	<u>447,815</u>	<u>1,570,488</u>	<u>2,018,303</u>
Net Book Value as at 31st December, 2000	<u>146,138</u>	<u>1,207,036</u>	<u>1,353,174</u>
Net Book Value as at 31st December, 1999	<u>137,707</u>	<u>1,026,167</u>	<u>1,163,874</u>

9. DEBTORS AND PREPAYMENTS

	2000 £	2000 Euro	1999 £
Debtors - Deposit Interest	67,807	86,097	39,652
PREPAYMENTS			
- Rent	38,320	48,656	38,600
- Insurance	18,165	23,065	16,960
- Wages & Salaries	0	0	29,163
- Other	17,562	22,299	18,864
Refugee Legal Services (Note 14)	0	0	564,719
	<u>141,854</u>	<u>180,117</u>	<u>707,958</u>

10. CREDITORS AND ACCRUALS

	2000 £	2000 Euro	1999 £
Amounts falling due within one year:			
Creditors & Accruals	<u>776,438</u>	<u>985,873</u>	<u>1,625,968</u>
	<u>776,438</u>	<u>985,873</u>	<u>1,625,968</u>

Included in Creditors at 31 December 2000, is a sum of £53,111 in respect of Withholding Tax on Counsel, Legal and other Professional fees and £23,880 in respect of PAYE and PRSI.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2000

11. CLIENTS' FUNDS

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December 2000 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.

	£	Euro
Client funds held at 1 January	648,206	823,052
<i>Add</i> Awards/settlements received during 2000	5,405,467	6,863,528
<i>Less</i> Settlements paid out including interest allowed and costs recovered	5,560,249	7,060,060
Client funds held at 31 December	493,424	626,520
Interest accruing on Client Funds held	6,752	8,573
Total due to Clients	500,176	635,093

12. COMMITMENTS UNDER OPERATING LEASES

The Board occupies premises at St. Stephen's Green House, Dublin 2 and operates out of 30 other Centres throughout the country. The Board is committed to pay rent of £954,717 during 2001 in respect of leases expiring as follows:

	£	Euro
2000	62,802	79,742
2001 - 2005	4,700	5,968
2006 onwards	887,215	1,126,531

13. RECONCILIATION OF SURPLUS FOR YEAR TO CASH FROM OPERATING ACTIVITIES

	2000 £	2000 Euro	1999 £
Surplus for Year	834,425	1,059,501	1,126,960
<i>Adjustment for Non-Operating Items</i>			
Bank Interest Receivable	(65,320)	(82,939)	(37,148)
Loss on Disposal of Fixed Assets	855	1,086	(243,056)
Movement on Capital Account	189,300	240,360	207,810
<i>Adjustment for Non-Cash Items</i>			
Depreciation	425,982	540,884	357,835
Decrease in Debtors	594,257	754,552	(607,012)
Decrease in Creditors	(1,002,326)	(1,272,691)	1,168,021
	<u>977,173</u>	<u>1,240,753</u>	<u>1,973,410</u>

14. MOVEMENT OF CASH AND CASH EQUIVALENTS

	2000 £	2000 Euro	1999 £
Balance at 1 January	3,421,936	4,344,962	1,751,572
Net Cash Inflow	402,969	511,665	1,670,364
Balance at 31 December	<u>3,824,905</u>	<u>4,856,627</u>	<u>3,421,936</u>

15. REFUGEE LEGAL SERVICE

	2000 £	2000 Euro	1999 £
Expenditure and Income relating to Refugee Legal Services are included in the Income and Expenditure account under the following headings. The comparative figures for 1999 have been restated in the Income and Expenditure account			
Expenditure			
Salaries and Wages	678,984	862,131	411,627
VAT on leases	600,000	761,843	0
Other Accommodation Expenses	223,295	283,526	64,894
Legal Fees and Professional fees	338,249	429,487	55,384
General Administration	69,363	88,073	41,513
	<u>1,919,891</u>	<u>2,437,758</u>	<u>573,418</u>
Less contributions from legally aided persons	<u>(43,108)</u>	<u>(54,736)</u>	<u>(11,859)</u>
Net expenditure in the year	1,876,783	2,383,022	561,559
Cash held by the Refugee Legal Service as at 31 December 1999			3,160
Total advances by the Fund to the Refugee Legal Service (Note 8)			<u>564,719</u>

16. PROVISIONS FOR LIABILITIES AND CHARGES

	At 1 Jan 2000	Paid during 2000	At 31 Dec 2000
Solicitors Regrading Costs	<u>562,204</u>	<u>562,204</u>	<u>-</u>
The provision was utilised during the year and therefore there is a nil provision at the end of the year.			

17. REFUND TO THE EXCHEQUER

The refund to the Exchequer of £275,000 in 1999 represents the proceeds of the sale of a premises of the Board in Waterford.

18. APPROVAL OF FINANCIAL STATEMENTS

The Financial Statements were approved by the Board on December 10th, 2001

APPENDIX 2

STATISTICS FOR 2000

TABLE 1: Analysis of Applications dealt with in 2000

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)	
2000	1999	2000	1999	2000	1999
14,382	14,448	9,411	9,299	4,971	5,149

TABLE 1a: Analysis of Applications dealt with by the Refugee Legal Service in 2000

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)	
2000	1999	2000	1999	2000	1999
3,424	1,622	1,198	575	2,226	1,047

TABLE 2: Analysis of Legal Aid Certificate by Court

Type of case	District Court		Circuit Court		High Court		Supreme Court		Total	
	2000	1999	2000	1999	2000	1999	2000	1999	2000	1999
Law Centres										
Family Law	1,257	1,432	2,493	2,640	111	139	2	6	3,863	4,217
Other	17	27	48	86	118	32	2	1	185	146
Private Practitioners	923	786	-	-	-	-	-	-	923	786
Total	2,197	2,245	2,541	2,726	229	171	4	7	4,971	5,149

TABLE 3: Legal Advice in 2000 - Analysis of Subject Matter

Issue	No. of instances in which issue was the subject of advice	
	2000	1999
Adoption	18	47
Barring/Safety	2,991	3,130
Child Abuse	152	158
Child Abduction	89	107
Custody/Access	7,105	7,980
Separation	4,155	4,814
Divorce	3,770	3,851
Property	3,189	3,567
Maintenance	4,201	4,551
Nullity	572	749
Wardship	56	77
Family Law (other)	414	645
Conveyancing	584	704
Child Care	525	593
Foreign Divorces	83	197
Wills/Probate/Succession	1,317	1,295
Contract	103	103
Injunction against co-habitee	49	308
Injunction – other	128	118
HP/Debt	93	143
Social Welfare	80	295
Landlord/Tenant	57	79
Tort	390	423
Unfair dismissal	15	23
Miscellaneous*	340	451

* Includes, for example, housing and civil assault

TABLE 4: Legal Aid Analysis of proceedings by Court and by subject matter of proceedings

(a) Family Law Cases

LAW CENTRES						
PROCEEDINGS	District Court	Circuit Court	High Court	Supreme Court	Total	
					2000	1999
Barring	570	34	1	0	605	720
Safety Order	176	6	1	0	183	201
Access	207	38	1	0	246	271
Custody	144	27	1	0	172	183
Maintenance	320	48	8	0	376	419
Child Care	122	68	5	0	195	175
Guardianship	76	11	2	0	89	103
Judicial Separation	0	990	13	0	1,003	1,060
Divorce	0	1,219	6	0	1,225	1,317
Injunction	0	41	1	0	42	33
Nullity	0	36	0	0	36	41
Child Abduction	0	0	65	2	67	84
Adoption	0	0	1	0	1	1
Wardship	0	6	7	0	13	10
Other	1	12	0	0	13	16
Total	1,616	2,536	112	2	4,266⁽¹⁾	4,634

PRIVATE PRACTITIONERS						
PROCEEDINGS	District Court	Circuit Court	High Court	Supreme Court	Total	
					2000	1999
Barring	463	0	0	0	463	385
Safety Order	102	0	0	0	102	82
Access	248	0	0	0	248	206
Custody	110	0	0	0	110	75
Maintenance	239	0	0	0	239	273
Guardianship	77	0	0	0	77	69
Total	1,239	0	0	0	1,239⁽¹⁾	1,090

(b) Non-Family Law Cases

LAW CENTRES						
PROCEEDINGS	District Court	Circuit Court	High Court	Supreme Court	Total	
					2000	1999
Tort	4	14	22	0	40	48
Contract	2	1	0	0	3	5
Employer/Employee	0	0	0	0	0	1
Debt	3	1	4	0	8	20
Property	7	26	4	0	37	53
Landlord /Tenant	0	1	0	0	1	2
Miscellaneous	1	5	11	0	17	17
RLS Judicial Review	0	0	77	2	79	n/a
Total	17	48	118	2	185	146

⁽¹⁾ Certificates issued (especially in family law cases) frequently cover several sets of proceedings e.g. barrng and maintenance or custody and maintenance. Accordingly, the total of this table will not agree with the total of certificated issued.

APPENDIX 3 - LAW CENTRES

Full-time Law Centres

LAW CENTRE	MANAGING SOLICITOR
CAVAN Newcourt Shopping Centre, Church Street, Cavan. Tel: (049) 433 1110 Fax: (049) 433 1304	Shane Dooley
CLARE Unit 6A, Merchant's Square, Ennis, Co. Clare. Tel: (065) 682 1929 Fax: (065) 682 1939	Mary Cuffe
CORK North Quay House, Popes Quay, Cork. Tel: (021) 551 686 Fax: (021) 551 690 1A South Mall, Cork. Tel: (021) 275 998 Fax: (021) 276 927	Betty Dineen Brian Sheridan
DONEGAL Houston House, Main Street, Letterkenny, Co Donegal. Tel: (074) 26177 Fax: (074) 26086	Geraldine O'Connor
DUBLIN 45 Lower Gardiner Street, Dublin 1. Tel: (01) 874 5440 Fax: (01) 874 4937 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 47 Upper Mount Street, Dublin 2. Tel: (01) 662 3655 Fax: (01) 662 3662 Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin 15. Tel: (01) 820 0455 Fax: (01) 820 0450	Kevin Liston Gerard Kirwan Hugh Cunniam Pauline Corcoran John Weston Ray Finucane Vacant
GALWAY Francis Street, Galway. Tel: (091) 561 650 Fax: (091) 563 825	Mary Griffin
KERRY 1 Day Place, Tralee, Co Kerry. Tel: (066) 712 6900 Fax: (066) 712 3631	Carol Ann Coolican
KILDARE Canning Place, Newbridge, Co Kildare. Tel: (045) 435 777 Fax: (045) 435 766	Maeve Slattery
KILKENNY Maudlin Street, Kilkenny. Tel: (056) 61611 Fax: (056) 61562	Niall Murphy
LAOIS Unit 6A, Bridge Street, Portlaoise, Co Laois. Tel: (0502) 61366 Fax: (0502) 61362	Máire Ní Cruadhlaich
LIMERICK Lock Quay, Limerick. Tel: (061) 314 599 Fax: (061) 318 330	Fergal Rooney
LONGFORD Credit Union Courtyard, 50A Main Street, Longford. Tel: (043) 47590 Fax: (043) 47594	Helen O'Reilly
LOUTH The Laurels, Dundalk, Co Louth. Tel: (042) 933 0448 Fax: (042) 933 0991	Deirdre McMichael

LAW CENTRE	MANAGING SOLICITOR
MAYO Humbert Hall, Main Street, Castlebar, Co Mayo. Tel: (094) 24334 Fax: (094) 23721	Tom O'Mahony
MEATH Kennedy Road, Navan, Co Meath. Tel: (046) 72515 Fax: (046) 72519	John McDaid
MONAGHAN Alma House, The Diamond, Monaghan. Tel: (047) 84888 Fax: (047) 84879	Margaret O'Shea Grewcock
OFFALY Harbour Street, Tullamore. Tel: (0506) 51177 Fax: (0506) 51544	Helen O'Reilly
SLIGO Bridgewater House, Rockwood Parade, Thomas Street, Sligo. Tel: (071) 61670 Fax: (071) 61681	Fiona McGuire
TIPPERARY Friarscourt, Nenagh, Co Tipperary. Tel: (067) 34181 Fax: (067) 34083	Josephine Fair
WATERFORD Canada House, Canada Street, Waterford. Tel: (051) 855 814 Fax: (051) 871 237	Aidan Lynch
WESTMEATH Northgate Street, Athlone, Co Westmeath. Tel: (0902) 74694 Fax: (0902) 72160	Phil O'Laoide
WEXFORD Unit 8, Redmond Square, Wexford. Tel: (053) 22622 Fax: (053) 24927	
WICKLOW Bridge Street, Wicklow. Tel: (0404) 66166 Fax: (0404) 66197	Frank Murphy
REFUGEE LEGAL SERVICE Timberlay House, 79/83 Lower Mount Street, Dublin 2. Tel: (01) 631 0800 Fax: (01) 661 5011 Montague Court, 7-11 Montague Street, Dublin 2. Tel: (01) 476 0265 Fax: (01) 476 0271 48-49 North Brunswick Street, Georges Lane, Dublin 7. Tel: (01) 646 9600 Fax: (01) 671 0200	} Frank Caffrey, John McDaid, Grainne Brophy

Applications for legal aid certificates under the private practitioner project are referred to:

Private Practitioner Centre,
 Dolphin House,
 East Essex Street,
 Dublin 2,

Tel: (01) 888 6000 ext. 6655

Part-time Law Centres

LOCATION AND TELEPHONE	OPEN ON	LAW CENTRE
CARLOW St. Catherine's Social Services Centre, St. Joseph's Road, Carlow. Tel: (0503) 31354	First and Third Friday of every month	Kilkenny
CLARE Kilrush Community Centre, Toler Street, Kilrush. Tel: (065) 682 1929	Fourth Wednesday of every month	Clare
CORK Mallow - <i>Operating from Cork Popes Quay on a Temporary Basis</i> Tel: (021) 551 686	Fourth Monday of every month	Popes Quay, Cork
DONEGAL The Courthouse, Donegal Town. Tel: (074) 26177	First Friday of every month	Donegal
KERRY Killarney - <i>Operating from Tralee Law Centre on a Temporary Basis</i> Tel: (066) 712 6900	Every Friday morning	Kerry
LEITRIM North Western Health Board, Leitrim Road, Carrick-on-Shannon. Tel: (043) 47590	First Wednesday of every month	Longford
LOUTH Drogheda Community Services Centre, Fair Street, Drogheda. Tel: (041) 36084 / 33490	First & Second Tuesday of every month	Ormond Quay, Dublin
MAYO Ballina Community Centre, Teeling Street, Ballina. Tel: (094) 24334	First Monday of every month	Castlebar
Health Centre, Knock Road, Ballyhaunis. Tel: (091) 561 650	Fourth Tuesday of every month	Galway
ROSCOMMON Citizens' Information Centre, Patrick Street, Boyle. Tel: (071) 61670	First Monday of every month	Sligo
TIPPERARY Thurles Community Social Services, Rossa Street, Thurles. Tel: (067) 34181	Second Tuesday of every month	Tipperary
Citizens' Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	First, Second & Third Monday of every month	Tipperary
WESTMEATH Enterprise Centre, Bishopgate Street, Mullingar. Tel: (0902) 74694	Last Friday of every month	Westmeath

APPENDIX 4 - 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.

Income Eligibility

The present eligibility limit is £7,350 per annum disposable income. Disposable income is the income that remains after various deductions have been made in respect of dependants, rent/mortgage, income tax, social insurance, etc.

Income Contribution

A person whose disposable income does not exceed £5,060 per annum is required to pay a contribution of £4 for legal advice and £23 for legal aid.

Where the disposable income exceeds £5,060 per annum, a person is required to pay a larger contribution up to a maximum of £595. In such cases the contribution is calculated as follows: -

Legal Advice

one tenth of the difference between disposable income and £5,060, subject to a minimum contribution of £4 and a maximum of £64;

Legal Aid

£23 plus one quarter of the difference between disposable income and £5,060.

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) is also taken into account and a capital contribution may be payable. However, capital contributions arise only in a minority of cases.

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	1,328
Dependent child	668
Payment towards household expenses by unmarried person	1,256
Rent	2,976
Mortgage	3,802
Travelling expenses	265
Hire Purchase payments	265
Loan interest payments	602
Life & Health Insurance	754
Board & Lodgings - 50% of payment up to	1,599
Child care expenses	668
Income tax	Full amount
Social Insurance	Full amount
Rates	Full amount
Ex Gratia payments	520

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 four children on a gross income of £10,076 where the spouse is not a dependant.

	£
Income	10,076
Less allowances:	£
4 children	2,672
P.R.S.I.	3
Interest on loans	60
	2,735
Disposable income	7,341
Contribution :	£593

Married person with three children on a gross income of £15,398

Income		£	15,398
Less allowances:	£		
Spouse	1,328		
3 children	2,004		
Rent	2,976		
P.R.S.I.	758		
P.A.Y.E.	1,460	8,526	
Disposable income		6,872	
Contribution:	£476		

Married person with two children on a gross income of £9,267

Income		£	9,267
Less allowances	£		
Spouse	1328		
2 children	1336		
Mortgage	3802		
Travel expenses	265		
P.R.S.I.	396		
P.A.Y.E.	82	7,209	
Disposable income		2,058	
Contribution:	£23		

Married person with one child on a gross income of £10,144 where the spouse is not a dependant.

Income		£	10,144
Less allowances:	£		
1 child	668		
Rent	520		
Travel expenses	260		
Interest on loans	406		
P.R.S.I.	397		
P.A.Y.E.	1,072	3,324	
Disposable income		6,820	
Contribution:	£463		

APPENDIX 5

INFORMATION LEAFETS 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

INFORMATION LEAFETS AVAILABLE FROM THE LEGAL AID BOARD IN 2001

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

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