



# LEGAL AID BOARD

## ANNUAL REPORT 2002

Cavan

Clare

Cork

Donegal

Dublin

Galway

Kildare

Kilkenny

Laois

Limerick

Longford

Louth

Meath

Monaghan

Offaly

Tipperary

Waterford

Westmeath

Wexford

Wicklow

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PRN 2216

## FOREWORD

It is with a sense of sadness and loss that I present this report to the Minister for Justice, Equality and Law Reform, on behalf of the Legal Aid Board, following the sudden death of Eamon Leahy S.C., who was Chairperson of the Board from October, 2001, until his untimely death in July, 2003. During his relatively brief period as Chairperson, Eamon made an enormous contribution to the activities of the Board and he will be greatly missed by his colleagues and by the management and staff of the Board. Eamon had overseen the preparation of this Report and had drafted the foreword as follows:

“In 2002, the total number of cases in which legal services were provided was just over 21,300 as opposed to 18,700 in 2001. Of these some 13,600 cases were dealt with in law centres; just over 5,700 were provided with services by the Refugee Legal Service (RLS), while the private practitioner schemes provided services to over 1,700.

An adequate level of funding was provided for the Board’s services in 2002. The grant-in-aid funding increased from €17.274 million in 2001 to €17.636 million in 2002, while funding for the provision of the Refugee Legal Service and Refugee Documentation Centre, at €9.6 million in 2002, was similar to the level of expenditure on this service in 2001. I would like to thank the Minister for Justice, Equality & Law Reform and his officials for their continued support in the area of resources.

Following the Government decision to decentralise the Board’s Head Office to Cahirciveen, the transfer of the Board’s Head Office was completed in February 2002, when the balance of the staff moved to the new permanent offices in the town.

I would like to congratulate the three Board members who resigned during the year and thank them for their service. Patricia Ryan and Cormac Dunne left as a result of their appointments as judges in the Circuit Court and District Court respectively. David King, a staff representative, left as a result of his promotion to a new post in the



civil service. I would also like to welcome our new Board members Clare Pilkington, a staff representative, Noirin Slattery and Frank Goodman, the Chief Executive .

The Board is fully committed to developing a high standard of corporate governance and driving the change management programme in all areas of the Board. The Code of Practice for the Governance of State Bodies has been adopted and is being implemented by the Legal Aid Board. A statement on the system of internal financial controls of the Board, as required by the Code, is set out at Appendix I.

The major challenge facing the Board, in common with other areas of the public service, is the continued provision of legal services in the context of a much tighter budgetary situation. The Board is conscious of the need to protect its clients and potential clients and will seek to ensure that the front line service is maintained to the greatest extent possible.”

The Board endorse Eamon’s comments and will continue to seek to ensure that we meet the high standards that he set for the Board members and the organisation as a whole.

In conclusion, I should add that all members of the Board will continue to work with their colleagues and the Board’s management and staff, with a view to continuing improvements in the availability and quality of the service.

**Anne Colley**  
**Chairperson**  
**August, 2003**

## HEAD OFFICE EXECUTIVE STAFF

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



*The reception area and the exterior of the Legal Aid Board Head Office in Cahirciveen*

## THE BOARD



**Anne Colley**  
Chairperson



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



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



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



**Una Doyle O'Sullivan**  
Solicitor



**Brendan T. Looby**  
Solicitor



**David Barniville**  
Barrister-at-law



**Tony McCarthy**  
Retail Business



**Frank Goodman**  
Chief Executive



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



**Catherine Egan**  
Barrister-at-law



**Noirín Slattery**  
Administrator



**Clare Pilkington**  
Staff representative, Cahirciveen office

## FUNCTIONS OF THE BOARD

The 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 tests 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 and also for proceedings before the European Court of Justice. Legal aid is not available for the conduct of proceedings before an administrative tribunal, except for appeals against the refusal of refugee status. Legal advice and assistance can be provided, however, to persons involved in proceedings before any tribunal.

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

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

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

The Board continues to run a specialised Refugee

Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.

In the exercise of its function of providing information, the Board publishes a number of leaflets about its services, family law remedies and refugee matters. The leaflets provide general information, in clear, simple language, on a range of matters as listed at Appendix 5. The leaflets are available at the Board's law centres, as well as at court offices and Citizen Information Centres throughout the country.

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



## CORPORATE GOVERNANCE

The Board is committed to adopting and maintaining the standards of Corporate Governance laid out in the "Code of Practice for the Governance of State Bodies" issued by the Department of Finance. To this end, the Board commenced a programme of actions in 2002 with a view to complete compliance with the Code in 2003.

The Board decided that:-

- i) the Board secretary would advise the Board on regulatory matters and be responsible for ensuring that Board procedures are followed;
- ii) the Financial Controller would be the principal adviser to the Board and the Finance Committee on all matters relating to budgets and finance; and
- iii) a nominated Assistant Director would be responsible for ensuring compliance with the Code and for monitoring and reporting on progress on compliance to the Finance Committee.

The Finance Committee reviewed the requirements of the Code of Practice and developed documentation for the Board on the following:

- the roles of Board members and the Chairperson;
- the arrangements for policy development;
- codes of conduct for Board members and staff; and
- a schedule of decisions specifically reserved to the Board.

The functions of the Board are set out in Section 5 of the Civil Legal Aid Act, 1995, as follows:-

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

*such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability.*

- (3) *The Board may perform any of its functions through any of its members or any member of its staff duly authorised by the Board in that behalf.”*

In order to enable the Board discharge its functions, section 10 (2) and (3) of the Civil Legal Aid Act, 1995 provides for the delegation of functions by the Board to the Chief Executive and to staff. Under the provisions of section 10, the Board has assigned a range of functions to the Chief Executive, including "policy development and the formulation and implementation of suitable strategies".

While section 7 (1) of the Act provides for the Minister of Justice, Equality and Law Reform to “issue to the Board such general directives as to policy in relation to legal aid and advice as he or she considers necessary”, no such directives have been issued.

The foregoing sets out the statutory framework within which the Board operates. In the discharge of its functions, the Board meets on a monthly basis (except in August). The Board has a clearly defined role, incorporating responsibility for, inter alia: -

- strategic direction of the organisation;
- determination of policy and monitoring its implementation;
- overseeing the proper and effective management of the organisation;
- monitoring the implementation of effective financial procedures and providing accountability;
- approving and monitoring budgets; and
- making certain reserved decisions, e.g., significant acquisitions or disposal of assets.

On appointment, Board members are briefed by the Board secretary on their responsibilities.

While policy is usually approved/developed at Board level, the main internal fora which ultimately feed into the policy formulation process are :-

- the senior management team (the Chief Executive and the four Directors);
- the Strategic Management Initiative Steering Group; and
- the Partnership Committee.

## Committees

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

### *An appeal and certifying committees*

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

While responsibility for deciding on applications for legal aid is delegated to authorised members of staff, the Regulations also provide for a certifying committee of Board members to make such decisions.

### *The Lawyers' Committee*

The role of the Lawyers Committee is to consider legal issues in relation to the provision of legal services, including the interpretation of the Act and Regulations. The Committee, comprising lawyer members of the Board, also considers recommendations from the Professional Procedures Workgroup on a range of related issues, including, for example, the extent of the services to be provided by the Board in particular

categories of cases, and guidelines on the consideration of applications having regard to the provisions in the Act. The Committee considers such matters in detail in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

### *The Finance Committee*

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

### *The Audit Committee*

The role of the Audit Committee is to oversee and advise on matters relating to (a) the operations and development of the internal audit function; (b) the business control and risk management environment; and (c) the relationship with external audit.

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



environments that come to the attention of, or are of concern to, the Audit Committee.

The Committee also reviews all significant reports received by the Board from the external auditors (including in particular those contained in the Comptroller and Auditor General’s Report) and management’s responses thereto and considers the implications of the issues raised.

The Committee must produce a formal report within three months of the end of the calendar year outlining its activities, together with such advice and recommendations as it deems appropriate.

**The Human Resources Committee**

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

**The Performance Committee**

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

**CASES DEALT WITH IN 2002**

The total number of cases in which legal services were provided by the Board through law centres, the Refugee Legal Service and the private practitioner schemes in 2002 was 21,350, as compared with 18,700 in 2001. It should be noted that the number of individual persons in receipt of services is lower, as one person may receive legal services in relation to two or more separate matters in any one year. For example, a person may conclude a divorce or judicial separation case

and subsequently be provided with a conveyancing service. Also, a person provided with a legal service in the District Court may obtain legal aid for other court proceedings later in the year.

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

**Law centres**

The total number of cases in which legal services were provided in 2002 was 13,600, as compared with 12,800 in 2001. The number of cases in which legal aid was granted in 2002 was 3,680, similar to 2001.

As stated in last year’s Annual Report, the Board is developing criteria and measures for determining value for money and improving the throughput and cost effectiveness of law centres. As part of this process, a review has been undertaken of the case loads in law centres. The purpose of this review was to provide a focus on the throughput of cases in the law centres and to develop and publish more informative data. This review will also allow for the development of measures for the purposes of determining value for money.

The statistical information on cases in which legal services were provided in 2002 is contained in the following tables, together with some commentary on the analysis of workloads in law centres. For the purposes of comparison with previous years, statistical information is presented in Appendix 3 in the same manner as in those years.

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

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

It can be seen from these figures that almost 75% of the number of cases in which the Board provided legal services through law centres involved litigation. The figure for legal advice

represents the number of cases in which persons were provided only with legal advice during 2002. A proportion of these will be granted legal aid in 2003 and this will be reflected in the statistics for that year. Some clients will also have received representation in court in related matters in 2001 and earlier years and been provided with legal advice in 2002 in relation to, for example, conveyancing matters arising following litigation. It will be seen from Table 4(b) below that, of the 10,070 cases, almost 3,700, or just over a third, arose from cases in which legal aid was first granted in 2002.

The figures highlight the fact that 90% of the litigation services provided by the Board to its clients is in the area of family law. In the case of legal advice, the figures for family law and conveyancing can be combined to provide a total of 2,530, as the conveyancing services arises only after the provision of legal services in family law matters.

The purpose of Tables 2 and 3 is to provide an overview of the broad categories of cases in which legal services were provided in 2002.

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

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

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

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

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

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

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

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

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

It can be seen from the tables above that over 20% of the cases in which law centres provided a legal service for representation in court during 2002 were more than two years old. Table 7 below provides an age profile of the cases still on hands as at the end of December, 2002.

While the Board is seeking to improve both the throughput and age profile of cases in law centres, it is conscious that other factors impinge on its capacity to achieve this objective. These factors include the administrative arrangements in the courts (e.g. frequency of sittings and the time devoted to family law cases), the extent of the co-operation of the other party in progressing a case, and the level of co-operation of the client.

Nevertheless, the Board has, in its Corporate Plan 2003-2005, committed itself to seeking to maximise the throughput of cases over the lifetime of the Plan, consistent with the provision of a professional legal service. In this context, the Board is introducing arrangements in 2003 at law centre level to place an increasing focus on measures designed to achieve this objective including, for example, a formal system for ongoing review of the progress being made on cases and an examination of the reasons for the delays, if any, in progressing cases. Other actions to be taken by the Board will include the further development of best practice guidelines and greater liaison with other agencies working in this area, including the Courts Service and the Family Support Agency.

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

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

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

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

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

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

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

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

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

This is an analysis of the status of cases on hand at the end of the year by reference to certain key steps in the process through which a legal aid service is provided. As this is the first time that this information has been collected in this format, it is not possible to make any comparisons with

previous years. Future reports will identify the extent to which progress has been made in bringing these cases to a conclusion in a timely manner. As with the previous table, this is an analysis of the legal advice cases on hands at the end of the year.

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

Subject matter	Total
Family Law	1,325
Conveyancing	250
Other civil matters	330
<b>Total</b>	<b>1,905</b>

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

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

Table 7 is designed to show the age profile of all legal aid and advice cases on hands at 31 December, 2002, by reference to the status of the case at that date. It shows the work on hand at

that date and indicates the extent of the progress that has been made, in global terms, on progressing cases.

## DEMAND FOR LEGAL SERVICES AT LAW CENTRES

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

### Priority service

The Board operates a procedure whereby priority is accorded to certain categories of cases, for example, domestic violence, childcare, child abduction and other cases where there are time limits. These cases are dealt with immediately. Such a system for priorities is necessary to ensure that, for example, persons who are subjected to domestic violence and cases involving the care of children are provided with a speedy service. The need for this service arises from the fact that the demand for legal services can be greater than the Board's capacity to meet that demand immediately.

Managing solicitors also retain a residual discretion to provide a priority service where, having regard to the particular circumstances of the case, as compared with other applications on the waiting list, they consider it appropriate that a particular applicant be given specific priority. In 2002, the total number of priority appointments offered by law centres was over 20% of the total number of appointments offered to new clients during the year.

### Level of demand for legal services

The number of persons awaiting service has increased from 1,500 in December, 2001 to 1,800 at the end of December, 2002. This arises primarily from an increase in the level of demand for legal services from 8,500 in 2001 to 9,000 in 2002.



*Mr. John O'Donoghue, T.D., then Minister for Justice, Equality and Law Reform, cuts the ribbon at the official opening of the Board's offices at 48-49 North Brunswick Street, Smithfield.*



The following table sets out the waiting times for an initial appointment with a solicitor and shows the longest time that a person must wait for an appointment at the last day of December in each of the past three years.

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

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

Law Centre	December 200 Months	December 2001 Months	December 2002 Months
Cavan	1.5	1	0
Clare	5	4	7
Cork Pope's Quay	0	2	6
Cork South Mall	5	6	6
Donegal	3	3	6
Dublin – Blanchardstown	5	9	0
Brunswick Street	5	5	6
Clondalkin	11	3	1
Finglas	10	4	4
Gardiner Street	10	8	3
Ormond Quay	7	3	8
Tallaght	10	3	5
Galway	5	3	3
Kerry	7	6	3
Kildare	5	2	4
Kilkenny	5	4	6
Laois	1	3	5
Limerick	3	1	4
Longford	1	0	2
Louth	4	3	4
Mayo	1	1	3
Meath	2	3	7
Monaghan	2	0	2
Offaly	1	3	3
Sligo	2	3	1
Tipperary	6	3	9
Waterford	3	1	1
Westmeath	2	2	3
Wexford	7	6	2
Wicklow	3	4	9

## USE OF PRIVATE PRACTITIONERS

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

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

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

In June, 2001, the Board relocated the administrative arrangements for the operation of the Private Practitioner scheme in Dublin, from St. Stephen's Green House to the District Court offices in Dolphin House. The result of this was a significant increase in the number of cases being referred to private practitioners.

In 2002, approximately 1,100 legal aid certificates were issued by the Private Practitioner Centre in Dublin, which compares with 800 certificates

issued in 2001 and over 700 certificates in 2000. On average, approximately 65% of the legal aid certificates issued between 2000 and 2002 included a domestic violence matter.

### Private practitioner pilot project in the Circuit Court

In May, 2001, the Board introduced a one-year pilot project which provided for an extension of the private practitioner scheme to certain cases in the Circuit Court, i.e. judicial separation and divorce cases. In addition, clients who were represented by private practitioners in the District Court had the option of choosing the same solicitor when they obtained legal aid for an appeal to the Circuit Court. The purpose of the pilot project was to assist in reducing waiting times for legal services for clients of law centres and to assist in the Board's efforts to provide a service to all applicants within a reasonable period of time.

Ten law centres participated in the pilot scheme, four of which were Dublin-based. In 2002, 145 legal aid certificates were issued in respect of the pilot project, 67 in respect of divorce, 74 in respect of judicial separation and four in respect of District Court appeals. Over the period of the pilot project (May 2001 to July 2002), a total of 402 legal aid certificates were issued - 191 in respect of divorce, 206 in respect of judicial separation and five in respect of District Court appeals.

The Board set up a Review Group which is currently in the process of carrying out an evaluation of the effectiveness of the pilot project.

## REFUGEE LEGAL SERVICE

### Overview

The Refugee Legal Service (RLS) was established by the Board in 1999 as a specialised unit to provide legal advice and assistance at all stages of the asylum process to persons applying for asylum in Ireland.

The year 2002 saw the effective completion by the RLS of its establishment phase. Staff numbers rose to the maximum sustainable level and the final elements of the management team were put in place. New structures were established for legal service provision and corporate support.

These developments took place in the context of a continuing increase in client numbers which saw the numbers registering at application stage increased from 50% in 2001 to 66% in 2002.

During 2002, the RLS established two work groups to examine internal professional and administrative procedures, to identify measures to improve quality, to standardise procedures and to develop best practice guidelines. At the end of 2002, the Professional Procedures Work Group had finalised best practice guidelines for the RLS.

A formal complaints procedure in relation to the internal operational handling and processing of clients' complaints relating to private practitioners and barristers was finalised in 2002.

## Funding

Total Exchequer funding for the RLS in 2002 amounted to €9.6 million - an increase of 12% on the €8.57 million of exchequer funding drawn down in 2001. This level of funding allowed the RLS to provide a full range of services to all applicants.

## Provision of legal services in 2002

The number of new clients who registered with the RLS in 2002 was 5,713 - an increase of 26% on the 4,520 registered in 2001. This is just half of the total number of new asylum applications made to the ORAC to the end of year.

The trend in the percentage of new asylum seekers who register with the RLS at any stage of the process since 1999 is set out below.

Year	New Asylum Applications	RLS Clients	RLS New Clients as % of new applications
1999	7,724	1,636	21%
2000	10,938	3,419	31%
2001	10,325	4,520	44%
2002	11,634	5,713	49%



Mr. John O'Donoghue, T.D., then Minister for Justice, Equality and Law Reform, pictured with the late Eamonn Leahy, Frank Goodman and Dara Mullally at the official opening of the Board's Head Office at Quay Street, Cahirciveen, Co. Kerry.

Most of those registering - almost 66% - applied for and received legal advice at the first stage of the process, i.e. completion of the ORAC questionnaire or prior to the interview with the ORAC. A further 29% received advice following interview, or at appeal stage at the RAT.

## Effective rate of coverage of RLS services

During 2002, the RLS established that its clients are less likely to withdraw from the process than those applicants who do not engage the services of the RLS. Specifically, of almost 4,600 applicants

who withdrew from the process in 2001, only 8% were clients of the RLS. In the nine months to September 2002, of 4,600 applicants who withdrew, 12.5% were clients of the RLS.

### Information services

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

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

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

### Outreach service

The RLS provides an outreach service from its locations in Dublin, Cork and Galway. The Dublin Outreach programme was implemented during 2002. There are a number of elements to the outreach service, including regular visits by RLS staff to the reception centres in the Dublin area and also to the dispersed accommodation centres throughout the country. The Outreach Service provided by Cork and Galway is well developed, with regular clinics in a number of locations in the west, midwest, the southwest, the midlands and northwest. The purpose of these visits is to provide information to newly arrived asylum seekers about the services provided by the RLS. The outreach service also provides a facility for registering new clients with the RLS and provides a point of contact for existing clients in those areas.

### Staffing and structure

Staff numbers at the RLS continued to expand during 2002 from 114 to 130 of the service's sanctioned complement of 140.

In order to accommodate this staff, the Board had acquired and fitted out new premises in the Smithfield area of Dublin in 2001. The offices were occupied in February, 2002. A small office is maintained in the Office of the Refugee Applications Commissioner in Timberlay House, Lower Mount St, where new clients of the RLS are registered.

RLS offices in Cork and Galway provide a service to asylum seekers in these locations and their surrounding counties. During 2002, the Board acquired new premises for the Galway office and these premises were occupied early in 2003.

### Private practitioner and barrister schemes

The Board continues to engage the services of solicitors in private practice and barristers. These solicitors and barristers submit appeals on behalf of legally aided asylum applicants and represent them before the Refugee Appeals Tribunal. The RLS decides which cases are to be dealt with by barristers and solicitors on the refugee panels and which are to be dealt with by RLS solicitors, on the basis of the level of cases on hand and its capacity to deal with cases in-house.

The following table provides details of the cases referred to barristers and solicitors:

Year	Number of cases referred to solicitors	Number of cases referred to barristers	Total number of cases referred
2001	1,550	880*	2,430
2002	970	2,400	3,370
	Number of solicitors	Number of barristers	
2001	32	213	
2002	43	281	

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

## Independent Monitoring Committee

The Independent Monitoring Committee for the Refugee Legal Service was established when the service was set up in 1999. Its terms of reference are “to ensure a quality legal service is provided to asylum seekers in accordance with the arrangements agreed between the Legal Aid Board and the Department of Justice, Equality and Law Reform and to investigate complaints from customers of the service.” The members of the Committee are appointed by the Minister for Justice, Equality and Law Reform. The Committee holds around four meetings annually. RLS management continued to attend part of these meetings during 2002 and provided updates on developments which occurred throughout the year.

## REFUGEE DOCUMENTATION CENTRE

During 2002 the Board continued to significantly develop the Refugee Documentation Centre (RDC), which had originally been established by UNHCR.

The role of the RDC is, firstly, to build and maintain a collection of objective and up-to-date country of origin information and asylum, immigration, legal and human rights documentation for general access and, secondly, to provide a research and query service for organisations

involved in the asylum process. The query service involves supplying essential material, such as up-to-date country of origin information (COI), for the preparation of submissions. This service is provided to the RLS as well as the Department of Justice, Equality and Law Reform, the Refugee Applications Commissioner, the Refugee Appeals Tribunal, private solicitors and barristers on the Board's panel, and others involved in refugee work.

Apart from attendance at national and international seminars and conferences of relevance, the Refugee Documentation Centre has built up numerous contacts with individuals and organisations at home and abroad. These include the UK Home Office, the Canadian Immigration and Refugee Board (IRB), the UNHCR, the RRT Australia, ACCORD, CEDOCA, various Embassies, the Irish Refugee Council and many others, both governmental and non-governmental, as well as numerous libraries and information centres. The RDC also welcomed visits from interested parties, including representatives from CEDOCA, RRT Australia and European Refugee Integration Agencies.

The research and query service was expanded in 2002 following agreement with the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal to use the service.

Further work in the area of commissioned reports was completed, culminating in the release of two

reports *Prisons in the Democratic Republic of the Congo and Pentecostals in Romania* in May, 2002, and October, 2002, respectively.

Collection development continued throughout 2002 with the expansion of both the general library collection and the COI specific Country Folders (in-house collection of COI and other relevant documentation). A major project on standardised categorisation of main subject areas within the folders and keyword specification was commenced in 2002. Greater use was made of the LAB bulletin board to provide information about RDC holdings and a Lotus Notes database was made available to the RDC in order to electronically store certain types of information, pending implementation of a more extensive Knowledge Management System.

The RDC has continued to provide training in the use of COI, electronic legal information and introduction to the use of the Centre to its various user groups. This training has been conducted both on and off site and is ongoing. In particular, a presentation and training session was given in the offices of the Refugee Appeals Tribunal in October, 2002. Training was also provided for the Refugee Legal Service and the Repatriation Unit of the Department of Justice, Equality and Law Reform.

The RDC successfully relocated from St Stephen's Green House to Montague Court in October, 2002.

## SUMMARY ACCOUNT OF SELECTION OF LEGALLY-AIDED CASES

### Child care case

This case involved an application by a health board for a care order in respect of a three-year-old child on the basis that there was a danger posed by one or both parents to the welfare of the child. The child was brought to her GP, by both of her parents. She was referred from her local hospital to a large general hospital in Dublin and thence to

a specialist children's hospital. Tests were carried out but the diagnosis never went beyond one that had clinical symptoms, which did not fit any medical explanation and for which there was no causation.

The morning after discharge she complained to her parents of being unwell and was immediately brought back to the children's hospital. She had further tests before being again discharged.

Four days later, she had another "seizure" and went back again to the children's hospital for further tests. The children's hospital said that on each occasion she presented as ill and that she subsequently made a complete and very rapid recovery.

The children's hospital received a report from a specialist London hospital to the effect that Methanol had been found to be "detectable" in three samples of gastric content that had been forwarded to them for analysis. On this basis the matter was referred to the health board who sought and were granted an interim care order in the District Court on 11/9/01 on the basis that it was the opinion of the medical staff that Munchausen Syndrome by Proxy may have been an underlying factor.

Subsequently, the London hospital stated that the amount methanol detected was negligible and could have been attributable to the ingestion of a bit of fruit on the mornings that the samples were taken. At this stage it was agreed by all experts that the finding of methanol in gastric aspirate was irrelevant.

In the meantime, however, extensions of the interim care order had been granted, largely on the basis of a suspicion of sexual abuse and this continued until the case reverted back to the theory based on Munchausen's Syndrome by Proxy, the emphasis changing from poisoning to maternal behaviour.

It was decided that she be kept in care on an interim basis pending a full hearing. The law centre spent the following months attempting to build a case to dismantle the determination that the



health board had already made. This involved obtaining specialist witnesses in paediatrics, toxicology, psychology and psychiatry. More specialist disciplines were also considered - metabolics, neurology, genetics, medical statistics and dietary.

Over a period of six days in October and November, 2002, the health board witnesses were painstakingly cross-examined by both senior and junior counsel engaged by the Board on behalf of the legally aided.

The solicitor attended court on 55 separate days while another law centre acted for the father. After six days continuous hearing, the judge ordered the immediate return of the child to her parents.

The outcome is that the child remains with the parents

## Child abduction proceedings

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) in the High Court proceedings were married and had two children. In October, 1999, the mother obtained a barring order against the father but the parties subsequently reconciled and moved to England in December, 1999. On 1st September, 2001, the mother was assaulted by the father and received treatment for her injuries in hospital. On the following day, the mother brought the children back to Ireland without the knowledge of the father. Following the mother's departure to Ireland, the father found a note addressed to him by the mother advising him that she had taken the children to Ireland and that he should not attempt

to find her.

The father, under the Hague Convention, issued proceedings and both parties were granted legal aid.

The Judge indicated that he would have to order the return of the children to England, unless he was satisfied that there was a grave risk that the return of one or other of the children to England would expose the child to physical or psychological harm, or otherwise place the child in an intolerable situation, as provided for by Article 13 of the Hague Convention.

The Judge was concerned that one child had been diagnosed in Ireland as suffering from severe autism and the proceedings were adjourned to ascertain what facilities were available in England to deal with the autistic child's problems and to see how they compared with Irish facilities. Meanwhile, the child received a placement in a specially dedicated school for autistic children in Ireland.

The High Court obtained reports from both Irish and English medical professionals who agreed that any disruption of the autistic child's programme in Ireland would have a detrimental effect on his well-being. The English professional indicated, however, that any lost ground would be recovered within a year.

The Judge was of the view that a year was quite a long time for a boy of six years of age and noted that, if the child was returned to England, respite care would not be readily available to him and it could be a long time, if at all, before he would have educational facilities comparable to the placement that he had received in an Irish school.

The High Court Judge refused to order the return of the children on the grounds that he was satisfied that there would be a grave risk that the return of the autistic son would expose him to physical or psychological harm or otherwise place him in an intolerable situation.

The father of the children appealed the decision to the Supreme Court which found that the issue

upon which the High Court judgement turned was the application of Article 13 of the Hague Convention to the autistic child. Thus, the sole issue of the appeal was the Hague Convention, Article 13 exception

The general principle is that a requested country shall return children, wrongfully removed from the jurisdiction of their habitual residence, to their habitual residence. The exception in issue in this case arose under Article 13 (b) of the Hague Convention. Article 13 provides that *“Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested state is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that....(b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.”*

The Supreme Court held that the High Court had erred in conducting a hearing more akin to a custody hearing rather than an application under the Hague Convention. The Supreme Court also found that the grave risk exception did not arise in this case. The Supreme Court allowed the appeal and set aside the order of the High Court.

### **Injunction re Blood Transfusion**

The applicant (Mr M) in this case was a South African citizen and a Jehovah's witness. His wife, who had been studying to become a Jehovah's witness since March 2002, gave birth to their daughter on 2 October 2002 in Dublin. As his wife was HIV Positive, she was prescribed drugs, prior to the birth of her baby, to prevent the baby contracting HIV. One of those drugs was believed to have caused liver damage to Mrs M.

Mrs M was transferred to a liver transplant unit on 18 October, 2002. The medical staff discussed the possibility of a liver transplant and explained to her that such an operation would require a blood transfusion. While she was prepared to consent to a liver transplant operation, she refused to sign the consent form agreeing to a blood transfusion.

Mrs M was in a coma like state by 22 October and on that date her husband agreed to her having a blood transfusion. However, as she had previously indicated to medical staff her refusal of a blood transfusion, the applicant needed to obtain an injunction directing the medical staff to provide a blood transfusion in order to facilitate a liver transplant operation.

Mr M applied for legal aid on 24 October 2002. The application was treated as an emergency application and legal aid was granted immediately. A hearing took place that day and Judgment was delivered immediately. The Court established that Mrs M was terminally ill and it fell to the Court to decide if the decision of the medical staff to refuse treatment should be upheld having regard to the constitutional rights of Mrs M.

The evidence to the Court was that a decision had been made to receive treatment but then Mrs M refused to sign the consent form for the transfusion. The judge, having satisfied himself that Mrs M had made no final decision to refuse treatment, decided that it was up to the Court under its *patriae* jurisdiction to make the decision for Mrs M. The Court ordered *inter alia* that the hospital should provide such medical treatment to Mrs M, including a liver transplant and blood transfusion, as the relevant doctor advised.

Unfortunately, Mrs M died on 26 October having received a liver transplant.

## CASES IN THE REFUGEE LEGAL SERVICE

### An asylum seeker from a west African country

The asylum seeker had fled from his home in a west African country. His claim for asylum cited religious rioting in his home region, in which members of his family were killed. He initially fled to another part of the country where he spent a considerable period of time in relative safety. Other members of his family sought refuge in Ireland shortly after the rioting and were granted refugee status. The Refugee Applications Commissioner determined that, as the asylum seeker found safety in another part of the country, he was not a refugee. On appeal, the Refugee Appeals Tribunal found that, while internal relocation in his own country was a possibility, it was not reasonable to expect this particular asylum seeker to relocate given his own personal circumstances and the trauma he had experienced in his own country. The Tribunal recommended that refugee status be granted.

### An east European asylum seeker

This east European national, who was a qualified teacher, claimed asylum on the grounds of persecution for her political beliefs. She stated that, over a period of years, she attended rallies and meetings and made her views known in public and that on a number of occasions she was detained and suffered ill-treatment at the hands of the authorities. She also stated that her husband, a member of the military, had fallen foul of the authorities for unconnected reasons, which brought her further adverse attention from the authorities.

Her initial application for refugee status was turned down by the Refugee Applications Commissioner. However, the Refugee Appeals Tribunal, on appeal, found that the client had suffered at the hands of State authorities, the cumulative effect of her experiences amounting to persecution. The Tribunal recommended she be given a declaration as a refugee.

## JUDICIAL REVIEW CASES

The RLS instituted judicial review proceedings in 35 cases in 2002. Of these 35 cases, 21 were settled prior to the hearing, one was successful in the High Court, five were unsuccessful and eight cases remain to be heard as of the end of 2002.

### L&O v the Minister for Justice, Equality and Law Reform

The above cases were taken on behalf of the applicants by the Refugee Legal Service and were referred to in last year's Annual Report. The case concerned a challenge to deportation orders made against parties who had Irish born children.

The Supreme Court decided by a five-two majority, that the Irish born child, as a citizen of Ireland, enjoys the right not to be expelled from the State, but this is not an absolute right. The Court found that, although the child enjoyed constitutionally protected family rights, he did not have a constitutionally protected right to the company or protection of his mother or sister in Ireland. The Court determined that, where there is an Irish born child, the Minister is obliged to consider the facts of each case before making a decision and in particular the constitutional position and the common good.

### D v the Refugee Appeals Tribunal (RAT) and others

This case was heard in the High Court. The applicant inadvertently missed the deadline for appealing to the RAT, but believed that a notice of appeal had been lodged on her behalf by a person working in a private capacity, who, the Court held, "amounted to her legal advisor".

In the proceedings, the applicant attempted to establish whether or not the present statutory scheme governing the determination of asylum applications and appeals was capable of avoiding the particular injustice which arose from her being denied the right of appeal in the circumstances of her case. The Court held that the provisions of section 16 (3) of the Refugee Act, 1996 did not preclude the acceptance by the RAT of an appeal

outside the time limits referred to in the Act. The applicant was held to be entitled to file a notice of appeal to the RAT.

### ***L K and ZK v Refugee Applications Commissioner (ORAC)***

LK applied for refugee status in Ireland, claiming that she was brutally raped together with her daughter and daughter-in-law, in front of her grandchildren, by renegade militia during a war in her home country. She also claimed that her son and his wife were murdered in the same incident. Another son had left home before this attack and had never been told by his family about the attack. This son had already been refused asylum in Ireland.

In the ORAC interview, the asylum seeker outlined her claim and also mentioned her son. The reports prepared by ORAC under sections 11 and 13 of the Refugee Act, which form the basis of the decision by ORAC, expressed a certain sympathy for the applicant, but found that there were inconsistencies between her account of leaving her country and “her son’s account of events” and, therefore, that there were credibility issues.

ZK, the daughter of LK, claimed asylum on the basis of the incidents outlined in the case of her mother, LK, as outlined above. The section 11 and section 13 reports prepared by ORAC also referred to inconsistencies between her story and that of her brother. In this case, ORAC cited her brother’s temporary residence certificate reference number. From an examination of the file of the case cited, it became evident that ORAC had referred to, and relied on, the file of the wrong person, not the applicant’s brother. On discovering this error, the mother’s file was reviewed and it became apparent that the same error had been made by the ORAC in her case.

Judicial review proceedings were issued, but were settled prior to hearing. The applicants were granted fresh interviews with the ORAC.

## **HUMAN RESOURCES**

### ***Staff levels***

On 1 January, 2002, the total number of staff sanctioned for the Legal Aid Board stood at 409, including a total of 140 staff sanctioned for the Refugee Legal Service.

During 2002, there was a significant reduction in staff turnover and the process of filling vacancies was somewhat easier than in recent years.

As a result, during the year, the levels of staff employed by the Board remained high. This was particularly the case in the early part of the year, when the final phase of the decentralisation of Head Office to Cahirciveen took place. This was in order to facilitate overlaps, for the purpose of training, between experienced staff who were leaving the Board and those replacements who had transferred to the Board to participate in the decentralisation.

### ***Management development programme***

The Board provided the second and final phase of a comprehensive management development programme for managing solicitors and senior administrative staff in 2002.

This programme had been specifically tailored to the needs of the Board’s senior managerial staff and involved, inter alia, an organisational climate survey on the culture of the Board and the management styles of the Board’s managing solicitors and senior administrative staff. The development programme dealt specifically with the individual management styles of the participants and one-to-one coaching was provided to them on how improvements in managerial performance would impact on their staff and on the effectiveness of their workplaces.

An action plan was developed, in consultation with all senior managers, identifying how to address the issues arising from the survey and from the programme itself. Work on implementing this action plan continued in 2003.

### **Continuing legal education**

In November, 2002, the Board held the first of its in-house continuing legal education seminars. The seminars allow a large number of the Board's staff to attend seminars on specific issues relevant to the Board, with invited expert speakers. It is intended to hold further seminars on a variety of relevant legal matters during 2003, with both guest and in-house speakers.

### **Equality of opportunity**

As stated in the Board's Equality and Diversity Statement, the Board is an equal opportunities employer. All applicants for employment are given full and fair consideration with due regard being given to the aptitude and ability of the individual and the requirements and eligibility criteria for the position. All persons are treated on equal terms as regards career development, promotion and training. The Board operates within the terms of the Employment Equality Act, 1998. An officer in the Human Resources Section of the Board is designated as the Board's Equality Officer.

The Board is strongly committed to equality of opportunity in its employment practices. The year 2002 saw further progress being made on work/life balance issues in the organisation with the introduction of the term-time scheme and the expansion of the work-sharing scheme to solicitors working in the Board. A significant number of staff have availed of these schemes to date.

### **Industrial relations issues**

During 2002, work continued, with the assistance of a facilitator, on the preparation of a draft Industrial Relations Procedural Agreement covering arrangements which will apply to solicitors in the Board. It is envisaged that further progress will be made during 2003 through direct negotiations between the Board's management and the two unions representing the Board's solicitors.

### **Change management programme**

The Programme for Prosperity and Fairness (PPF)

set out a framework for the development of performance indicators designed to assess the impact of the public service modernisation programme under the Strategic Management Initiative (SMI) in individual organisations. In keeping with the requirements of the national programme, the Board continued to address a number of important organisational issues during 2002 to improve service delivery to customers.

The main performance indicators for the Board included making progress on the review of the Corporate Plan, the enhancement of Partnership structures, the development of a human resources strategy, the roll-out of the Performance Management and Development System (PMDS), and the further enhancement of customer feedback mechanisms. The Board's progress on these issues was the subject of a positive evaluation by an independent Quality Assurance Group for the Justice, Equality and Law Reform Sector. Some details of the progress achieved on the main organisational issues are set out below.

### **Corporate Plan 2003 - 2005**

A significant amount of work was undertaken in 2002 in the preparation of a new Corporate Plan to cover the period 2003 to 2005. The process for developing the new plan included: -

- an examination, by the Board's workgroups, of the relevant areas of the current Corporate Plan. Each group then prepared a report which set out what had been achieved, details of outstanding items and any new areas which would require attention during the period of the new corporate plan;
- consideration of the responses received from a number of organisations and individuals following a public consultation process where the views of interested external parties were sought as part of the process for reviewing the Corporate Plan; and
- consideration of appropriate measures to more clearly assess the effectiveness of the Board in meeting its statutory remit.

A draft new Corporate Plan was prepared and

circulated internally towards the end of 2002 with a view to finalising a draft for consideration by the Board in 2003.

### **Partnership**

During 2002, a Partnership sub-committee was established to develop the Committee's input into the review of the Corporate Plan. This input covered the Partnership Committee's view on the overall strategic direction of the organisation as well as a review of the development of the partnership process in the Board. This review covered both the role, function and achievements of the Committee in the Board as well as drawing on the contents of a report on an overall review of Partnership across a number of public service organisations.

The Committee considered that the enhancement of their role, involving overarching responsibility for staff development including PMDS, communications, health and safety, INPUT (staff suggestion scheme), and exceptional performance would enable it to broaden and deepen its influence on important strategic change initiatives in the organisation.

### **Human resources strategy**

The Programme for Prosperity and Fairness (PPF) specified that sustaining and improving efficiency would require increasingly innovative and flexible human resource management policies and strategies. Accordingly, during 2002, the Partnership Committee was actively engaged in the development of a comprehensive human resources strategy for the organisation. The draft strategy was considered by the Human Resources Committee towards the end of 2002 with a view to finalisation and publication of the document in 2003. The strategy builds on initiatives already undertaken in the human resources area and is designed to address, in a comprehensive way, the human resources challenges facing the Board.

### **Performance management and development system (PMDS)**

The Staff Development workgroup acts as the

Board's project group for the roll-out of the Performance Management and Development System (PMDS) in the organisation.

While there were some delays in the introduction of the new system, the Board made significant progress on many aspects of the roll-out of the system during 2002, including the development of business plans for all areas of the organisation and the completion of the final two phases of training. The delivery of the relevant courses involved providing three days training in 2002 (five in all) to the Board's staff. Later in the year there was emerging evidence that the process was becoming more firmly embedded in the organisation.

As an essential part of PMDS, each employee of the Board, in consultation with their manager, identified on their role profile form their training and development needs. Work commenced, during 2002, on the analysis of the training and development sections of the forms for the purposes of an organisation-wide training needs analysis. This analysis assisted HR Section in planning and prioritising the delivery of the training and development needs identified. In the last quarter of the year, the Board commenced the delivery of some aspects of this training, including IT training. The provision of training will be an on-going part of PMDS during 2003 and subsequent years, having regard to the resources available.

### **Customer feedback mechanisms**

The responses to questionnaires issued to a sample of clients in each of the Board's law centres in 2001 were analysed in 2002 by the Communications Work Group. While the feedback received was broadly positive, the Board gave further consideration in 2002 to the establishment of customer panels for the purpose of receiving further feedback on services provided and how they might be improved. The establishment of these panels will be finalised in the context of the development of the Corporate Plan for the period 2003 - 2005.

### **Health and safety**

During the year the Board continued to maintain a



proactive approach to its health and safety policies and its obligations under the Safety, Health and Welfare at Work Act, 1989. In particular, the Board arranged to have health and safety risk assessments carried out at each of the Board's offices with a view to updating the Board's health and safety statement.

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

## **TRANSFER OF HEAD OFFICE TO CAHIRCIVEEN**

In 2002, the Board completed the relocation of its Head Office from Dublin to Cahirciveen with the final transfer of staff in February, 2002. The Board's new offices at Quay St, Cahirciveen were officially opened by the then Minister for Justice, Equality and Law Reform, Mr John O'Donoghue, T.D. on 23 March, 2002.

The staff of the Board contribute to both the economic and social life of the town and surrounding areas. Thirty of the 45 staff live in the immediate area. Fifteen of these have families with children attending local schools. Eleven others travel from various points in South Kerry, while another four staff travel from North Kerry.

## **WEBSITE**

The Board's website at [www.legalaidboard.ie](http://www.legalaidboard.ie) contains full details of the service provided by the Board, copies of its information leaflets for law centres and the RLS and application forms and means test forms. The site also provides details of all law centres and offices, with contact numbers for each office.

## FINANCE

The Board's financial statements for 2002 are shown at Appendix I.

### Income

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

#### **(a) Grant-in-aid**

As in previous years, most of the Board's income consists of a grant-in-aid received from the Department of Justice, Equality and Law Reform. Funding provided by the Government in 2002 was €17.636 million, an increase from €17.274 in 2001.

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

Exchequer funding for the RLS in 2002 was €9.6 million. While this represented a reduction on the allocation for 2001 (€10.287), the amount actually received was the level of funding that was necessary to cover the full year's cost of the provision of legal aid services by the Refugee Legal Service.

#### **(c) Contributions**

Persons who are provided with legal services pay a contribution related to their income and, in some cases, their capital resources. The minimum contribution is €6 for legal advice and €35 for representation in court. The minimum legal aid contribution can be waived in cases of hardship. Receipts from contributions were similar to 2001.

#### **(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.

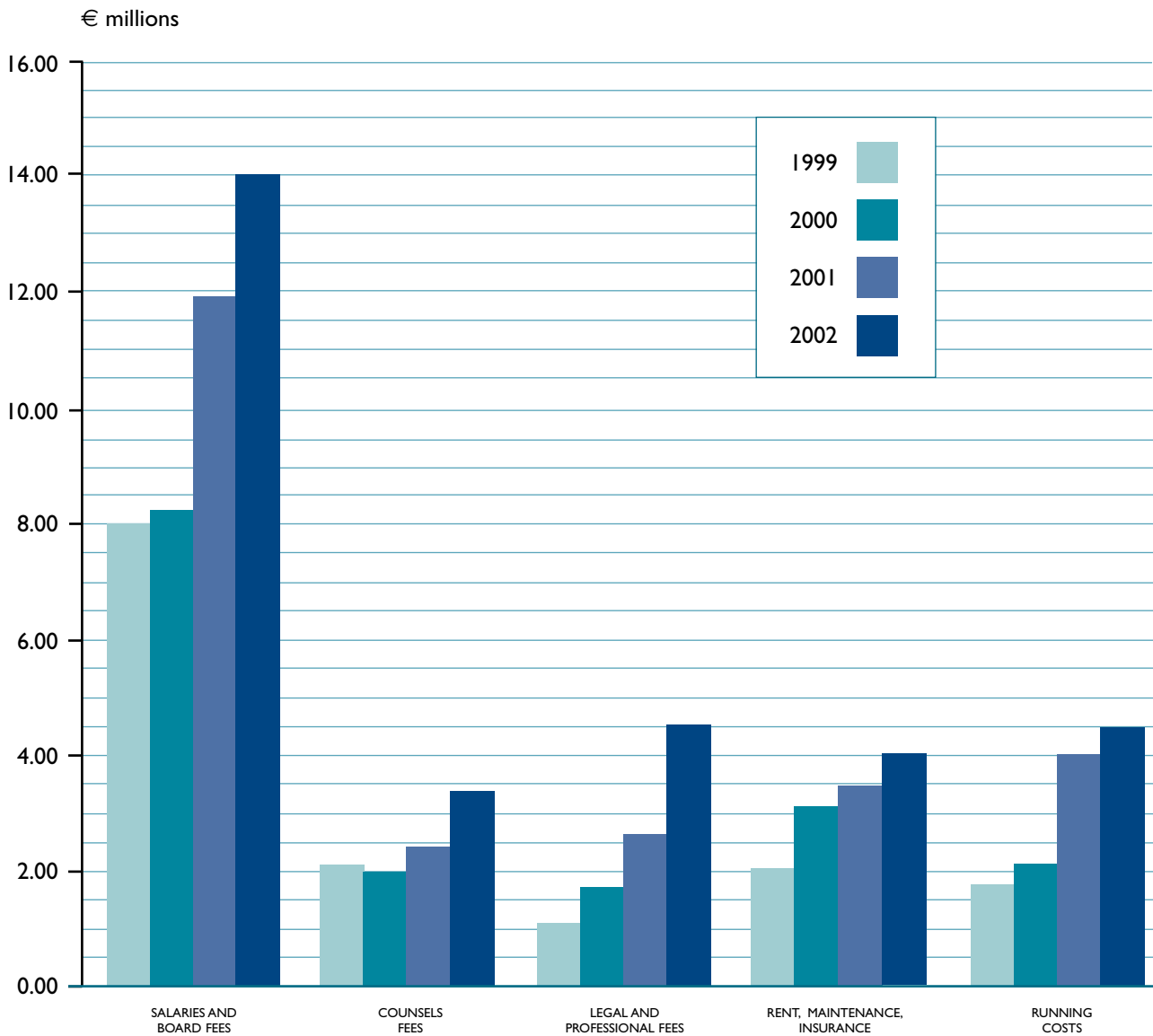
The amount of costs recovered can vary significantly from year to year, especially if a legally-aided person obtains an award for costs in a case in which the other party is in a position to meet the costs. This does not generally arise in family law or

refugee appeal cases, which form the bulk of the Board's caseload.

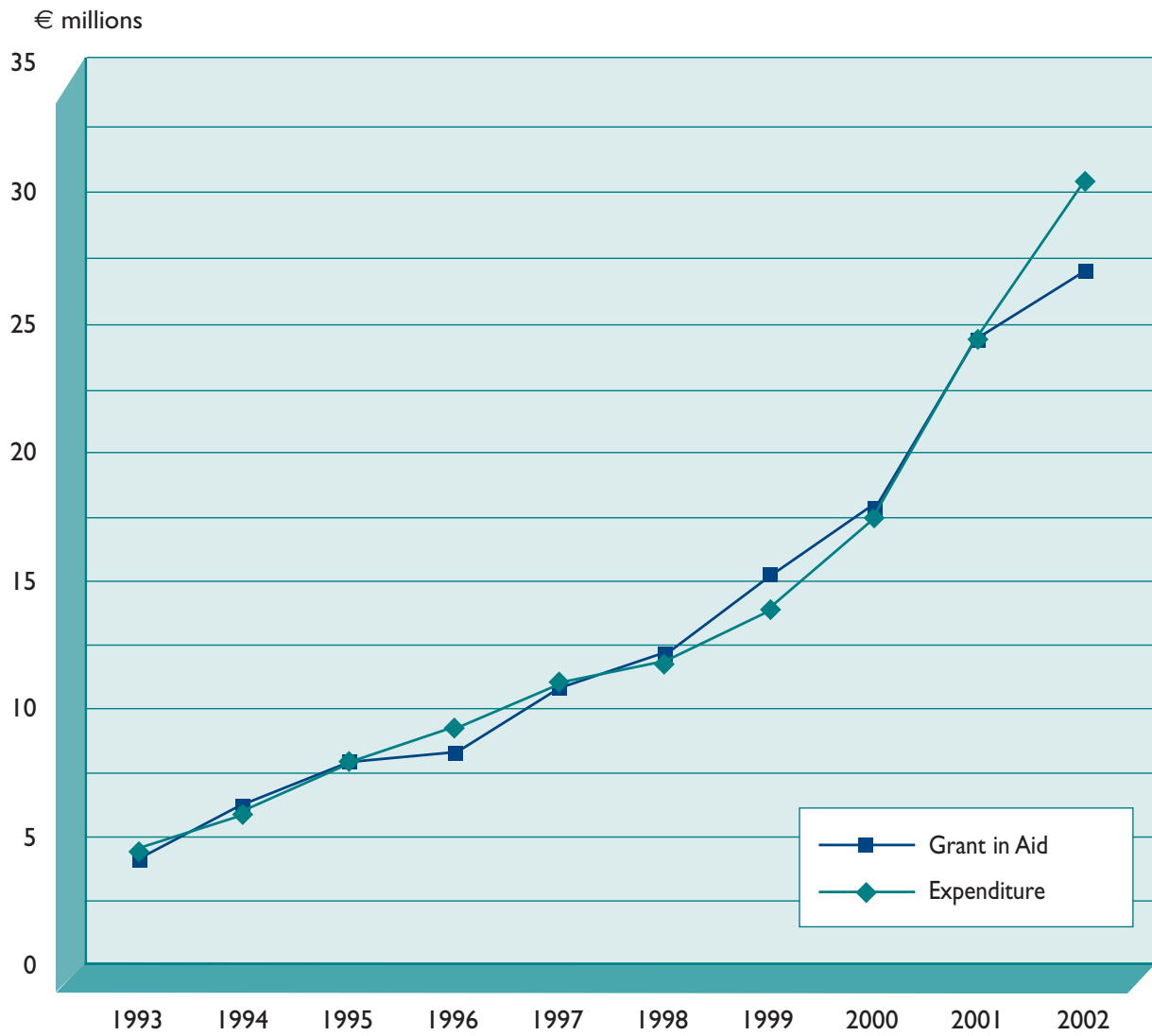
Costs recovered in 2002 (€737,760) were 58% greater than in 2001 (€467,432). This is in the main attributable to an increase in costs recovered by the RLS.

## Expenditure

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



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



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

The following are comments on the major items of expenditure shown in the 2002 financial statements :

### 1) Salaries

The increase of about €2,102,000 (approximately 18%) in expenditure on employee costs in 2002 is accounted for by the full year's cost of increases in the number of Refugee Legal Service staff (whose approved numbers increased from 39 to 115 during the second half of 2001 and by a further 15 in 2002), and standard increases arising from annual increments and national wage agreements. 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 financial statements gives particulars of employee numbers and costs and shows that the Board had 409 sanctioned posts at 31 December 2002, including RLS staff.

### 2) Accommodation

In addition to the costs incurred in the upkeep of 34 premises around the country, the Board incurred costs in the fit-out of relocated premises and the refurbishment of existing centres

### 3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 6 to the accounts - and comment is provided on each of the various headings comprising the total as follows:

#### (i) Counsel fees

Expenditure on counsel fees increased by over €547,000, or almost 25% when compared with 2001. There are a number of elements to this increase, including the full impact of the revised fee arrangements negotiated with the Bar Council in 1998; and the impact of increase in the level of fees which increase automatically in line

with salary increases in the Office of the Attorney General

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

Year	Council fees €
1998	1,370,000
1999	2,023,000
2000	1,996,000
2001	2,318,000
2002	2,865,000

The fees paid to counsel for judicial review in the RLS increased from €110,000 in 2001 to €460,000. This arises from increasing numbers of such cases and also the number of cases in which the applicants are successful and costs are recovered.

#### (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. The level of the increase is largely attributable to increased expenditure on the RLS.

#### (iii) Private Practitioners Scheme

Expenditure in 2002 on the private practitioners scheme was €2,224,000, as compared with €693,000 in 2001. This arose principally from increased activity levels in the RLS.

#### (iv) Other professional fees

Costs under this heading relate to the engagement by the Board of professionals to provide independent legal advice to the Board and to assist in the acquisition and fit-out of new premises.

#### (iv) Other expenses

Solicitors employed by the Legal Aid Board must have a practicing (is this the correct

term?) certificate, which is issued by the Law Society. The cost of these certificates in 2002 totalled almost 200,000. Also included under this heading is expenditure on training and annual membership subscriptions.

## Cash at bank and on hand

The Balance Sheet shows that the Board had over €1.7million on hand at the end of 2002. Of this amount, monies totaling €1.06 million were held on behalf of clients. It will be seen from Note 11 to the financial statements that the throughput of client funds in 2002 was over €6.8 million. This arises from cases where, as a result of legal advice or representation in court, clients received monies either from the other party or from the disposal of property. All such monies are initially lodged to the Legal Aid Client Fund Account before being returned to clients less, in some cases, an amount in respect of costs incurred by the Board in providing legal services.

In addition, a number of projects were not finalised in 2002 resulting in funds being carried over to 2003. These projects included law centre fit-outs which were not completed before the end of the year and costs incurred under the Circuit Court Private Practitioner pilot scheme.

## Prompt Payment of Accounts Act, 1997

Section 4 of the Prompt Payment of Accounts Act, 1997 requires the Board to pay for the supply of goods or services by the "prescribed payment date". The prescribed payment date is currently 30 days (45 days in 2001) after the receipt of an invoice, or a lesser period as may be specified in a written contract. If the Board fails to make payment by the prescribed payment date, interest is payable to the supplier.

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

compliance with the Act and to minimise the incurring of late payment interest in subsequent periods.

The total amount of late payment interest paid to suppliers of goods and services during 2002 amounted to €613 (€2,012 in 2001) which represents 0.0039% (0.01% in 2001) of all relevant payments.

There were only 19 instances of late payments during the year where the invoice amount payable was in excess of €300 (118 in 2001). The total value of these payments was €16,463. Late payments constituted 0.033% (1.38% in 2001) in monetary terms of total payments.



# APPENDICES

## APPENDIX I

### LEGAL AID FUND

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

I have audited the financial statements on pages 42 to 51 under Section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

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

The accounting responsibilities of the Legal Aid Board are set out in the Statement of Board Responsibilities on page I. It is my responsibility, based on my audit, to form an independent opinion on the financial statements presented to me by the Board and to report on them.

I review whether the statement on the system of internal financial control on page reflects the Board's compliance with applicable guidance on corporate governance and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements.

#### *Basis of Audit Opinion*

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with auditing standards issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation.

An audit includes examination, on a test basis, of

evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Fund's circumstances, consistently applied and adequately disclosed.

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

#### *Opinion*

In my opinion, proper books of account have been kept by the Board and the financial statements, which are in agreement with them, give a true and fair view of the state of affairs of the Legal Aid Fund at 31 December 2002 and of its income and expenditure and cash flow for the year then ended.

John Purcell

Comptroller and Auditor General

15 August 2003

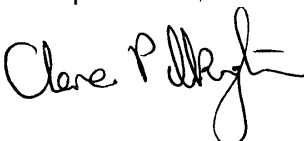
## STATEMENT OF BOARD RESPONSIBILITIES

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

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

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

  
 \_\_\_\_\_  
 Chairperson

  
 \_\_\_\_\_

Date (13/8/03)

## LEGAL AID BOARD: LEGAL AID FUND AUDIT 2002

### REPORT FROM THE CHAIRPERSON ON THE SYSTEM OF INTERNAL FINANCIAL CONTROL

- 1 The Board is responsible for the Legal Aid Board system of internal financial control.
- 2 Such a system can provide only reasonable and not absolute assurance against material error.
- 3 The key procedures which have been put in place by the Board to provide effective internal financial control include:
  - **Control Environment:** Resolutions of the statutory Board have delegated management/executive functions to the Chief Executive. The Board monitors the senior management through regular meetings to review work and policies.
  - **Risk Management:** The Board has already undertaken risk assessment exercises in the area of Health and Safety and a Risk Management exercise of the entire organisation is currently being overseen by the Board's Audit committee. A Contingency plan already exists for the Board's IT Unit.
  - **Budget Information Systems:** The Board approves the annual budget and receives monthly reports on all areas of expenditure. In addition, the Finance Committee receives detailed analysis for each area of expenditure and the Board has reserved approval of contracts in excess of €70,000 to itself.
  - **Monitoring of Internal Control:** The Board has established an Audit Committee with responsibility for the independent review of the systems of internal control and of the external audit process. The Committee has met four times since its

establishment in November 2002. In addition, the Internal Audit Unit of the Department of Justice, Equality and Law Reform have recently established that the control in place in the Board's Finance Unit are deemed to be adequate. That unit is currently conducting a complete internal audit of the Board.

- 4 Management has recently conducted a review of the effectiveness of the systems of internal control and reported to the Board's Finance Committee. The review confirmed that adequate physical and procedural controls are in place and are being observed.
- 5 Any issues raised by the Comptroller and Auditor General have been addressed and any recommendations implemented.



---

Chairperson

13 August 2003

## STATEMENT OF ACCOUNTING POLICIES 2002

### 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 2002, the Board operated out of 34 full-time centres and 12 part-time centres throughout the country.

### Basis of accounting

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

### State grants

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

### Currency

The unit of currency in which the financial statements are denominated is the Euro.

### Contributions from aided persons and 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, 2002 was approximately €23,000. There were no bad debts written off in 2002.

### 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:-

Vat on leases, office furniture & equipment	
computer equipment, premises fit out	20%

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

### Capital Account

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

### Superannuation

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

<b>INCOME &amp; EXPENDITURE ACCOUNT</b>					
<b>for the year ended 31 December 2002</b>					
	Note	2002		2001	
		€	€	€	€
<b>INCOME</b>					
State Funding	1	27,236,000		24,403,736	
Contributions from aided persons		441,280		431,686	
Costs recovered		737,760		467,432	
Profit/loss on sale of assets		0		509	
Other income	2	440,634		106,074	
			28,855,674		25,409,437
Transfer to capital account	3		292,882		(2,719,010)
			<u>29,148,556</u>		<u>22,690,427</u>
<b>EXPENDITURE</b>					
Salaries and related expenses	4	13,964,247		11,802,002	
Fees to Board members		71,096		86,698	
Accommodation and establishment expenses	5	4,371,203		3,697,230	
Legal fees and expenses	6	7,863,425		5,070,877	
General administration	7	2,618,789		2,749,924	
Depreciation	8	1,514,632		1,086,412	
Audit fee		16,500		10,259	
			30,419,892		24,503,402
Deficit for Year			(1,271,336)		(1,812,975)
Opening Balance as at 1 January			1,602,806		3,415,781
Closing Balance as at 31 December			<u>331,470</u>		<u>1,602,806</u>

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 17, form part of these Financial Statements.

  
Chairperson

  
Chief Executive

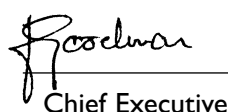
Date (13/8/03)



<b>BALANCE SHEET</b>					
<b>as at 31 December 2002</b>					
	Note	2002		2001	
		€	€	€	€
<b>FIXED ASSETS</b>	8		4,829,962		5,122,844
<b>CURRENT ASSETS</b>					
Cash at bank and on hand		1,712,323		3,381,723	
Debtors and prepayments	9	567,073		416,181	
		<u>2,279,396</u>		<u>3,797,904</u>	
<b>LESS CURRENT LIABILITIES</b>					
Creditors and Accruals	10	881,724		1,424,004	
Clients' Funds	11	1,066,202		771,094	
		<u>1,947,926</u>		<u>2,195,098</u>	
<b>NET CURRENT ASSETS / LIABILITIES</b>			331,470		1,602,806
<b>TOTAL ASSETS</b>			<u>5,161,432</u>		<u>6,725,650</u>
<b>REPRESENTED BY:</b>					
Income and Expenditure Account			331,470		1,602,806
Capital Account	3		4,829,962		5,122,844
			<u>5,161,432</u>		<u>6,725,650</u>

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

  
Chairperson

  
Chief Executive

Date (13/8/03)

**CASH FLOW STATEMENT**  
for the year ended 31 December 2002

	Note	2002 €	2001 €
Net cash outflow/inflow from operating activities	13	(596,660)	2,229,960
Returns on investment and servicing of finance			
Interest recieved		107,536	124,282
Interest paid on client settlements		(20,392)	(23,428)
Investing Activities			
Sale of tangible assets		0	923
Purchase of tangible assets		(1,159,884)	(3,806,642)
Net cash outflow		<u>(1,669,400)</u>	<u>(1,474,905)</u>
Decrease in cash and cash equivalents	14	<u>(1,669,400)</u>	<u>(1,474,905)</u>

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

  
Chairperson

  
Chief Executive

Date (13/8/03)

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 1. State funding

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

Subhead:	2002 €	2001 €
K. Grant-in-Aid	17,636,000	15,834,060
G.I Asylum Seekers Taskforce - Legal Aid*	9,600,000	8,569,676
	<u>27,236,000</u>	<u>24,403,736</u>

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

### 2. Other Income

	2002 €	2001 €
Interest received and receivable	32,429	105,658
Sundry receipts	408,205	416
	<u>440,634</u>	<u>106,074</u>

### 3. Capital Account Balance as at 1 January 5,1,844

	€	€
Balance as at 1 January		5,122,844
Transfer from Income and Expenditure Account		
- Income used to purchase fixed assets	1,221,750	
- Amount released on disposal of fixed assets	<u>0</u>	
- Income amortized in year in line with depreciation of assets	(1,514,632)	
		<u>(292,882)</u>
Balance as at 31 December		<u>4,829,962</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

## 4. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December 2002 was 409. The number of staff actually employed by the Board at 31 December 2002 was 411 (2001 - 410). Employee and related costs were as follows:

	2002 €	2001 €
Salaries	12,919,493	10,859,789
Cost of Agency Staff and Staff on Secondment	164,132	162,879
Employer PRSI	880,622	779,334
	<u>13,964,247</u>	<u>11,802,002</u>

## 5. Accommodation and establishment expenses

	2002 €	2001 €
Rents	2,923,313	2,562,556
Cleaning	280,138	219,307
Lighting and heating	180,798	134,842
Maintenance - Premises	615,326	538,861
Maintenance - Equipment	371,628	241,664
	<u>2,911,805</u>	<u>4,371,203</u>
	<u>4,371,203</u>	<u>3,697,230</u>

## 6. Legal Fees and Expenses

	2001 €	2000 €
Counsel fees	3,326,142	2,428,135
Legal fees	1,417,592	953,696
Private Practitioner Scheme	2,224,473	692,986
Other professional fees	481,542	508,296
Other expenses	413,676	487,764
	<u>7,863,425</u>	<u>5,070,877</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 7. General Administration

	2002 €	2001 €
Stationery, office and training expenses	741,409	892,222
Books and printing	107,320	181,874
Postage and telephone	951,239	842,148
Insurance	163,212	92,453
Travel and subsistence	655,609	741,227
	<u>2,618,789</u>	<u>2,749,924</u>

### 8. Fixed Assets

	Vat on Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
<b>COST</b>					
Balance as at 1/1/02	1,609,393	939,007	4,673,816	1,622,767	8,844,983
Acquisitions	71,783	151,510	486,353	512,104	1,221,750
Disposals	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance as at 31/12/02	1,681,176	1,090,517	5,160,169	2,134,871	10,066,733
<b>DEPRECIATION OF FIXED ASSETS</b>					
Balance as at 1/1/02	313,308	648,322	2,598,232	162,277	3,722,139
Charge in Year	329,057	101,131	708,680	375,764	1,514,632
Disposals	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance as at 31/12/02	642,365	749,453	3,306,912	538,041	5,236,771
Net book value as at 31/12/02	<u>1,038,811</u>	<u>341,064</u>	<u>1,853,257</u>	<u>1,596,830</u>	<u>4,829,962</u>
Net book value as at 31/12/01	<u>1,296,085</u>	<u>290,685</u>	<u>2,075,584</u>	<u>1,460,490</u>	<u>5,122,844</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

## 9. Debtors and Prepayments

	2002 €	2001 €
Debtors - deposit interest	49,985	97,817
<b>Prepayments</b>		
- Rent	99,389	113,934
- Insurance	176,529	108,469
- Wages & Salaries	168,774	43,748
- Other	72,396	52,213
	<u>567,073</u>	<u>416,181</u>

## 10. Creditors and accruals

	2002 €	2001 €
<b>Amounts falling due within one year:</b>		
Creditors & Accruals	881,724	1,424,004
	<u>881,724</u>	<u>1,424,004</u>

Included in creditors at 31 December 2002, is a sum of €38,226.59 in respect of Withholding Tax on counsel, legal and other professional fees.



## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 11. Clients' Funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December, 2002 on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

	€
<b>Client funds held at 1 January</b>	<b>755,191</b>
<i>Add</i> Awards/settlements received during 2002	7,135,053
<i>Less</i> Settlements paid out including interest allowed and costs recovered	6,846,831
<b>Client funds held at 31 December</b>	<b>1,043,413</b>
Interest accruing on client funds held	22,789
<b>Total due to clients</b>	<b>1,066,202</b>

### 12. Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and Montague Court, Dublin and operates out of 34 other centres throughout the country. The Board is committed to pay rent of €2,043,516 during 2003 in respect of leases expiring as follows:

	€
<b>2003</b>	<b>-</b>
<b>2004-2008</b>	<b>26,664</b>
<b>2009 onwards</b>	<b>2,016,852</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

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

	2002 €	2001 €
Deficit for Year	(1,271,336)	(1,812,975)
Adjustment for non-operating items		
Bank interest receivable	(32,429)	(105,658)
Profit/loss on disposal of fixed assets	0	(509)
Movement on capital account	(292,882)	2,719,010
Adjustment for non-cash items		
Depreciation	1,514,632	1,086,412
Increase/decrease in debtors	(198,724)	(224,344)
Increase/decrease in creditors	(315,921)	568,024
	<u>(596,660)</u>	<u>2,229,960</u>

## 14. Movement of cash and cash equivalents

	2002 €	2001 €
Balance at 1 January	3,381,723	4,856,628
Net Cash Outflow/Inflow	(1,669,400)	(1,474,905)
Balance at 31 December	<u>1,712,323</u>	<u>3,381,723</u>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

### 15. Refugee Legal Service

	2002 €	2001 €
<b>Expenditure and income relating to the Refugee Legal Services are included in the financial statements under the following headings.</b>		
Salaries and related expenses	3,727,899	2,149,595
Vat on leases	-	761,843
Other accommodation expenses	2,386,193	1,607,284
Legal fees and professional fees	2,989,966	1,106,819
General administration	628,464	430,903
Fixed assets	90,434	2,120,820
	<u>9,822,956</u>	<u>8,177,264</u>
Less contributions/costs from legally-aided persons	(214,555)	(53,278)
<b>Total net expenditure in the year</b>	<u><u>9,608,401</u></u>	<u><u>8,123,986</u></u>

### 16 Pensions

Financial Reporting Standard No. 17- Retirement Benefits requires disclosure of the assets (if any) and liabilities of defined benefit pension schemes, measured in accordance with prescribed criteria. Compliance with the new standard does not become mandatory until the financial year 2005. However, as a transitional arrangement, employers providing occupational pension schemes are required to disclose the assets (if any) and liabilities of the schemes by way of note to the accounts. This note, accordingly presents the results of a valuation of the liabilities of the above schemes pertaining to serving, retired and non active staff members of the Legal Aid Board superannuation schemes as at 31 December, 2002. As the scheme is unfunded, the valuation deals with scheme liabilities only. The purpose of the current valuation is to estimate the accrued liabilities of the pension schemes as prescribed in the Standard.

The main financial assumptions used were as follows:

- rate of increase in salaries 4.00%
- rate of increase in pensions 4.00%
- rate for discounting scheme liabilities 6.00%

## **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002**

On the basis of the assumptions listed above, and using the projected unit method, the value of the accrued liabilities of the Legal Aid Board schemes as at 31 December was €11.9million. This figure represents the total accrued liability of the pension schemes as at 31 December 2002.

### **17 Approval of Financial Statements**

The Financial Statements were approved by the Board on 29 July 2003.

## APPENDIX 2 STATISTICS FOR 2002

**TABLE 1: Analysis of applications dealt with in 2002**

No of persons provided with legal services		No of persons given legal advice only (i.e., legal aid certificates)		No of persons given legal advice and representation	
2002	2001	2002	2001	2002	2001
15,349	14,214	9,881	9,151	5,468	5,063

**TABLE 1a : Analysis of applications dealt with by Refugee Legal Service 2002**

No of persons provided legal services		No of persons given legal advice only (i.e., legal aid certificates)		No of persons given legal advice with and representation	
2002	2001	2002	2001	2002	2001
5,713	4,520	2,100	1,705	3,613	2,815

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

Type of Case	District Court		Circuit Court		C. Criminal Court		High Court		Supreme Court		Total	
	2002	2001	2002	2001	2002	2001	2002	2001	2002	2001	2002	2001
Law Centres												
Family Law	1,424	1,469	2,040	2,011	0	0	90	60	3	0	3,557	3,540
Other	10	16	62	35	15	0	75	41	0	0	162	92
Private Practitioners	1,604	1,174	145	257	0	0	0	0	0	0	1,749	1,431
Total	3,038	2,659	2,247	2,303	15	0	165	101	3	0	5,468	5,063

**TABLE 3: Legal aid analysis of proceedings by court****(a) Family Law Cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2002	2001
Access	213	33	0	6	0	252	251
Adoption	0	0	0	1	0	1	2
Barring	345	16	0	0	0	361	468
Child Abduction	0	0	0	46	3	49	34
Child Care	158	26	0	5	0	189	202
Custody	131	19	0	6	0	156	182
Divorce	0	972	0	6	0	156	182
Domestic Violence	184	0	0	0	0	184	187
Guardianship	116	13	0	2	0	131	126
Injunction	0	35	0	3	0	38	43
Judicial Separation	0	929	0	8	0	937	841
Maintenance	348	56	0	2	0	406	390
Marital Status	0	2	0	0	0	2	1
Miscellaneous	14	5	0	0	0	19	9
Nullity	0	25	0	1	0	26	23
Partition Act	0	6	0	0	0	6	6
Paternity	0	4	0	0	0	4	8
Safety Order	165	1	0	0	0	166	182
Wardship	0	6	0	0	0	6	11
<b>Total</b>	<b>1,674</b>	<b>2,148</b>	<b>0</b>	<b>90</b>	<b>3</b>	<b>3,915</b>	<b>3,976</b>

**TABLE 3: Legal aid analysis of proceedings by court****(b) Non-Family Law Cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2002	2001
Contract	0	2	0	0	0	2	11
Tort	1	13	0	15	0	29	26
Debt	4	7	0	0	0	11	8
Judicial Review	0	0	0	57	0	57	143
Landlord and tenant	1	16	0	0	0	17	10
Sex Offenders Act	0	0	15	0	0	15	0
Miscellaneous	4	28	5	3	0	40	34
<b>Total</b>	<b>10</b>	<b>66</b>	<b>20</b>	<b>75</b>	<b>0</b>	<b>171</b>	<b>232</b>

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

Proceedings	District Court	Circuit Court	High Court	Supreme Court	Total 2001	Total 2000
Barring Order	463	0	0	0	463	431
Safety/Protection Order	469	0	0	0	469	383
Access	526	0	0	0	562	452
Custody	195	0	0	0	195	206
Maintenance	679	0	0	0	679	344
Guardianship	223	0	0	0	223	204
Judicial Separation	0	74	0	0	74	133
Divorce	0	67	0	0	67	124
Other	0	4	0	0	20	16
<b>Total</b>	<b>2,555</b>	<b>145</b>	<b>0</b>	<b>0</b>	<b>2,716</b>	<b>2,293</b>



## APPENDIX 3 - LAW CENTRES

### Full-time Law Centres

LAW CENTRE	MANAGING SOLICITOR
<b>CAVAN</b> Newcourt Shopping Centre, Church Street, Cavan Tel: (049) 4331110 Fax: (049) 4331304	Margaret O'Shea-Grewcock
<b>CLARE</b> Unit 6A, Merchant's Square, Ennis, Co Clare Tel: (065) 6821929 Fax: (065) 6821939	Mary Cuffe
<b>CORK</b> North Quay House, Popes Quay, Cork Tel: (021) 551 686 Fax: (021) 551 690  1A South Mall, Cork Tel: (021) 4275 998 Fax: (021) 4276 927	Betty Dineen  Brian Sheridan
<b>DONEGAL</b> Houston House, Main Street, Letterkenny Co Donegal Tel: (07491) 26177 Fax: (07491) 26086	Geraldine O'Connor
<b>DUBLIN</b> 45 Lower Gardiner Street, Dublin 1 Tel: (01) 874 5440 Fax: (01) 874 6896  9 Lower Ormond Quay, Dublin 1 Tel: (01) 872 4133 Fax: (01) 872 4937  Tower Centre, Clondalkin Village, Dublin 22 Tel: (01) 457 6011 Fax: (01) 457 6007  Village Green, Tallaght, Dublin 24 Tel: (01) 451 1519 Fax: (01) 451 7989  44/49 Main Street, Finglas, Dublin 11 Tel: (01) 864 0314 Fax: (01) 864 0362  48/49 North Brunswick Street, Georges Lane, Dublin 7 Tel: (01) 646 9700 Fax: (01) 646 9799  Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin 15 Tel: (01) 820 0455 Fax: (01) 820 0450	Kevin Liston  Gerard Kirwan  Hugh Cunniam  Pauline Corcoran  John Weston  Ray Finucane  Marie Quirke
<b>GALWAY</b> Francis Street, Galway Tel: (091) 561 650 Fax: (091) 563 825	Mary Griffin
<b>KERRY</b> 1 Day Place, Tralee, Co Kerry Tel: (066) 7126900 Fax: (066) 7123631	Carol Ann Coolican

LAW CENTRE	MANAGING SOLICITOR
<b>KILDARE</b> Canning Place, Newbridge, Co Kildare Tel: (045) 435 777 Fax: (045) 435 766	Maeve Slattery
<b>KILKENNY</b> Maudlin Street, Kilkenny Tel: (05677) 61611 Fax: (05677) 61562	Niall Murphy
<b>LAOIS</b> Unit 6A, Bridge Street, Portlaoise, Co Laois Tel: (0502) 61366 Fax: (0502) 61362	Marie Ni Cruadhloaich
<b>LIMERICK</b> Lock Quay, Limerick Tel: (061) 314 599 Fax: (061) 318 330	Fergal Rooney
<b>LONGFORD</b> Credit Union Courtyard, 50A Main Street, Longford Tel: (043) 47590 Fax: (043) 47594	Eugene Kelly
<b>LOUTH</b> Roden Place, Dundalk, Co Louth Tel: (042) 9330448 Fax: (042) 9330991	Deirdre McMichael
<b>MAYO</b> Humbert Hall, Main Street, Castlebar, Co Mayo Tel: (09490) 24334 Fax: (09490) 23721	Tom O' Mahony
<b>MEATH</b> Kennedy Road, Navan, Co Meath Tel: (04690) 72515 Fax: (04690) 72519	Vivienne Crowe
<b>MONAGHAN</b> Alma House, The Diamond, Monaghan Tel: (047) 84888 Fax: (047) 84879	Stephanie Coggans
<b>OFFALY</b> Harbour Street, Tullamore Tel: (0506) 51177 Fax: (0506) 51544	Helen O'Reilly
<b>SLIGO</b> Bridgewater House, Rockwood Parade, Thomas Street, Sligo Tel: (07191) 61670 Fax: (07191) 61681	Fiona McGuire
<b>TIPPERARY</b> Friarscourt, Nenagh, Co Tipperary Tel: (067) 34181 Fax: (067) 34083	Josephine Fair
<b>WATERFORD</b> Canada House, Canada Street, Waterford Tel: (051) 855 814 Fax: (051) 871 237	Aidan Lynch
<b>WESTMEATH</b> Northgate Street, Athlone, Co Westmeath Tel: (0902) 74694 Fax: (0902) 72160	Phil O'Laoide

LAW CENTRE	MANAGING SOLICITOR
<b>WEXFORD</b> Unit 8, Redmond Square, Wexford Tel: (053) 22622 Fax: (053) 24927	Shane Dooley
<b>WICKLOW</b> Bridge Street, Wicklow Tel: (0404) 66166 Fax: (0404) 66197	Barbara Smyth

REFUGEE LEGAL SERVICE	
48/49 North Brunswick Street, George's Lane, Dublin 7 Tel: (01) 646 9600 Fax: (01) 671 0200	
47 Upper Mount Street, Dublin 2 Tel: (01) 644 1900 Fax: (01) 662 3660	Frank Caffrey, John McDaid, Grainne Brophy
Timberlay House, 79/83 Lower Mount Street, Dublin 2 Tel: (01) 631 0800 Fax: (01) 661 5011	

## Part-time Law Centres

LOCATION and TELEPHONE	OPEN ON	LAW CENTRE
<b>CARLOW</b> St. Catherine's Social Services Centre, St. Joseph's Road, Carlow. Tel: (0503) 31354	First and Third Friday of every month	Kilkenny
<b>CLARE</b> Kilrush Community Centre, Toler Street, Kilrush. Tel: (065) 682 1929	Fourth Wednesday of every month	Clare
<b>DONEGAL</b> The Courthouse, Donegal Town. Tel: (074) 26177	First Friday of every month	Donegal
<b>KERRY</b> Killarney Community Services 57 High Street, Killarney Tel: (066) 7126900	Every Friday morning	Kerry
<b>LEITRIM</b> North Western Health Board, Leitrim Road, Carrick-on-Shannon. Tel: (043) 47590	First Wednesday of every month	Longford
<b>LOUTH</b> Drogheda Community Services Centre, Fair Street, Drogheda Tel: (041) 36084/33490	First & Second Tuesday of every month	Ormond Quay, Dublin
<b>MAYO</b> Ballina Community Centre, Teeling Street, Ballina Tel: (094) 24334	First Monday of every month	Castlebar
Health Centre, Knock Road, Ballyhaunis Tel: (091) 561650	Fourth Tuesday of every month	Galway
<b>ROSCOMMON</b> Citizens Information Centre, Patrick Street, Boyle Tel: (071) 61670	First Monday of every month	Sligo
<b>TIPPERARY</b> Thurles Community Social Services, Rossa Street, Thurles. Tel: (067) 34181	Second Tuesday of every month	Tipperary
Citizen's Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	First, Second & Third Monday of every month	Tipperary
<b>WESTMEATH</b> Enterprise Centre, Bishopgate Street, Mullingar Tel: (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, as amended by the Civil Legal Aid Regulations, 2002. The figures shown below became operative on 1st February, 2002.

### Income eligibility

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

### Income contribution

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

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

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

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

### Capital

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

### Present allowances against income

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

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

## Examples of operation of means test

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

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

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

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

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

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

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

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

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

## APPENDIX 5

### INFORMATION LEAFLETS AVAILABLE FROM THE LEGAL AID BOARD

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

### INFORMATION LEAFLETS AVAILABLE FROM THE REFUGEE LEGAL SERVICE

Refugee Legal Service - Information leaflet

Refugee Legal Service -The Aylum Process

Refugee Legal Service – The Asylum Process for Unaccompanied Minors



