**Meeting of Consultative Panel**

**19th July, 2018**

**Legal Aid Board, Jervis House, Jervis Street, Dublin 1.**

Attendance:

The following Panel members attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms Shirley Coulter, The Bar Council of Ireland

Ms Joan O’Mahony, Law Society

Ms Stephanie Lord, FLAC

Mr Ronan Deegan, Legal Aid Board

Ms Saoirse Brady, Children’s Rights Alliance

Ms Sarah Devilly, One Family

Ms Catherine Cosgrave, Immigrant Council of Ireland

Ms Gillian Dennehy, Women’s Aid

Ms Johanna Martyn, MABS

Mr Noel Gorman, Legal Aid Board, Secretary

The following Board members were present:

Ms Ellen O’Malley Dunlop

Ms Deirdre Burke

Mr Michael O’Connell

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1 | Minutes of meeting of 21st March and matters arising | CEO  Secretary | Matters arising from the previous minutes were discussed.  There were no suggested changes to the draft minutes circulated from the previous Panel meeting in March.  Mr McDaid confirmed that the action points from the last meeting were followed up on. A number of queries arose:  (1) Ms O’Mahony noted a lack of clarity and consistency in District and Circuit Court Orders and the impact this has on lay litigants who may not understand the Order, and also on persons dealing with them. Ms Burke noted that District Court Orders are sent to the client and not to the solicitor.  (2) Mr McDaid confirmed that the Board seeks to actively review cases referred to Private Practitioners from a quality assurance perspective.  Minutes were agreed and will be posted to the Board’s  website in order to ensure compliance with the Lobbying legislation. | Secretary  Mr McDaid to contact Head of Operations, Courts Service and also to raise the issue at a Family Law Development Committee meeting.  Ms O’Mahony will also raise this issue with the Courts Service. |
| 2 | Service Delivery update | CEO | In light of a significant number of new attendees at this meeting Mr McDaid outlined the purpose of the forum noting that the Terms of Reference and minutes of previous meetings are on the Board’s website. Panel members and the three Board members present introduced themselves.  The number of persons on the applications record awaiting services on 1st July 2018 was approximately 1,800. 3,700 cases were referred to solicitors for District Court family law matters to June 2018.  The current fee structure in place for referring cases to Private Practitioner panels was discussed. It was noted that there is a difficulty in attracting solicitors to Private Practitioner panels in some locations. Mr McDaid confirmed that a submission will be made to the Minister for Justice and Equality to consider the current fee structure in place for urgent consideration. Ms O’Mahony enquired if a nominal fee for refresher days where cases last beyond one day is being considered.  In a response to Ms Coulter about barrister fees Mr McDaid informed Panel members that a submission to revise the terms and conditions for the retention of barristers would be made to the Department of Justice and Equality and the Department of Public Expenditure and Reform. It is anticipated that the submission will be made in Q3. Ms Coulter asked that there would be further engagement with the Bar Council before the submission is made and Mr McDaid confirmed that this would be done.  The mechanism surrounding how a breach of access matter is dealt with in practice and whether it falls as a civil or criminal matter was discussed. Ms Coulter said that there is misinformation in the public domain about its application, and also highlighted the fact that counsel do not generally receive a payment until a warrant is executed. Ms Lord enquired if the Board had guidelines on this.  Ms Burke was of the view that attachment and committal were civil matters but that if a person was summonsed and there was a set sanction of a fine and / or imprisonment it was a criminal matter.  Ms Dennehy said that this issue requires clarity and urgent attention, particularly in relation to how a breach is interpreted and applied by the courts and the Gardaí.  Mr McDaid informed Panel members that the District Court Panel lists have been reviewed and amended to reflect solicitors who are willing to take cases that are referred under the Scheme.  In response to a query from Ms Dennehy about Panel membership Mr Deegan confirmed that solicitor details of those solicitors who are on the Abhaile panel are available on the Board’s website.  Mr McDaid confirmed that there is an ongoing difficulty in certain areas in recruiting solicitors to work for the Board and that this matter had been raised with the Department of Public Expenditure and Reform.  Discussions are ongoing regarding the eligibility criteria for legal services. Although contributions have been removed in District Court domestic violence cases the eligibility limits have not changed since 2006. | Mr McDaid to discuss this matter with Keith Walsh in the Law Society shortly.  Mr McDaid and Ms Coulter to discuss in the coming week  Mr McDaid to revert to Ms Lord with guidelines |
| 3 | General legal and family mediation service delivery update |  | Mr McDaid confirmed that the Board aspires to actively promote family mediation and to increase its appropriate use as a meaningful alternative to persons going through a court process. The Board will be developing a strategy about mediation and civil legal aid services in the coming months.  With regard to the provision of co-located services Mr McDaid outlined the co-located offices that are currently established, and the prospects for future co-located centres, which will be subject to funding and to the suitability of potential property sites.  Mr O’Connell provided an overview on the issues involved in sourcing co-located centres. |  |
| 4 | Abhaile update |  | Mr Deegan provided a comprehensive overview about the qualifying criteria and process involved when a person seeks access to the Abhaile scheme.  A discussion took place around the redemption of vouchers. Ms Martyn provided statistics for the number of vouchers issued to date. Since 2nd July 2016 2,400 legal advice vouchers had been issued, 1,000 redeemed and there are 23,000 mortgages in arrears. It was confirmed that approximately 60% of vouchers are not redeemed yet.  Mr Deegan informed Panel members that a payment is made only when a voucher is redeemed.  Ms Martyn also confirmed that a review of the scheme had been undertaken but has yet to be finalised and published. |  |
| 5 | International Protection update |  | Applications for international protection in the State have risen substantially from 1,000 for the first six months in 2017 to 1,600 for the same period this year.  Panel members were informed that there is a backlog in the International Protections Office and that priority cases only were being processed. The waiting time for an interview can be up to 18 months.  Ms Cosgrove highlighted some of the issues that the delays in processing were giving rise to. It was also highlighted that there is no legal aid available for unaccompanied minors seeking family reunification. It was also noted that post family reunification supports are not adequately in place.  There is a limited number of staff available in the Immigrant Council of Ireland to deal with resource intensive cases.  Mr McDaid noted that historically the Board has taken the view that family reunification is an administrative rather than a legal matter though he noted that the Board should be open to addressing legal issues where they arise in these cases. |  |
| 6 | Kilkenny Project |  | It was noted that the Board’s Kilkenny Initiative involved trying to initiate considerable cooperation with and between local service providers and NGO’s to provide the best possible service to clients. The potential arises to introduce identified best practice processes which may be considered for implementation in other centres. Mr McDaid noted that one aspect of this Initiative was trying to improve the level of research the Board was doing. |  |
| 7 | Legal Aid Board Annual Conference 2018 |  | The theme for this year’s conference is Family Justice Reform and the Conference is likely to take place in late September. A venue has yet to be confirmed. |  |
| 8 | Tour de Table |  | Ms Brady (Children’s Rights Alliance) noted that an Access to Justice Initiative will be setting up specialist Legal advice clinics for children in care and children with disabilities. It is anticipated that there will be regular solicitor clinics in Dublin and potentially further clinics in Cork, Limerick, Galway and the north west.  Ms Devilly (One Family) raised an issue in relation to applicants making claims for social welfare payments being required by the Department of Social Protection to make applications to court for maintenance even in circumstances where there was no prospect of a maintenance order being obtained.  Ms Burke (Board member) said that she was pleased to be invited to meet with the stakeholders involved in this forum and hoped that Board members would continue to have engagement with Panel members at future meetings.  Ms O’Mahony noted that the Law Society is keen to look at the issue of maintenance and that there would be a review of the mechanisms used to calculate maintenance with a view to bringing the procedures into line with best practice elsewhere. The Law Society is due to address the judiciary in September on the new Domestic Violence Act.  Ms Martyn noted that MABS is currently reviewing its Case Management System. It is involved with the National Safeguarding Committee and has a public awareness campaign to improve the safeguarding of vulnerable adults.  Ms Dennehy on behalf of Women’s Aid noted issues around the quality of solicitors and reports and that the level of expertise varies. It would be beneficial for the process if legal professionals, judges, court clerks and Gardaí were provided with training to ensure consistency within the process. It is also a concern that although there is no financial contribution for legal aid in District Court domestic violence cases, a contribution is still required where access and other issues arise.    Ms Lord noted that FLAC currently provides clinics for the Roma and Traveller communities, and attend meetings for the Justrom initiative. It is expected that a report will issue shortly about this initiative. She enquired if the Legal Aid Board has the capacity to include an ethnic identifier on an application. FLAC will host a free legal advice clinic specifically for the LGBTQ community in September.  FLAC is also considering hosting a legal advice clinic for prisoners and ex prisoners. She enquired if the Legal Aid Board received applications for legal aid for Pub discrimination cases. Mr McDaid confirmed that the Board did but that there were not a significant number of such cases. Pavee Point is due to join the Panel but were unable to attend today  A discussion took place about where to source information about applying for a contribution waiver. FLAC is of the view that this information should be more easily accessible on the Board’s website.  Ms Cosgrove confirmed that the Immigrant Council of Ireland’s focus is on child migrant support, particularly where there are acute issues for migrant children in care who are foreign nationals. The Immigrant Council is referred cases by Tulsa which, although not specifically falling under their remit, the Council continues to provide assistance and support. | Mr McDaid to confirm if the Board has the capacity to include an ethnic identifier.  Secretary to forward a copy of the Board’s Corporate Plan 2018-2020 to Ms Lord. |
| 9 | AOB |  | No other business issues arose. |  |
| 10 | Date of next meeting |  | Confirmation required for the date and venue for the next Panel meeting in November. |  |