

CIVIL LEGAL AID

Leaflet No. 1



LEGAL AID BOARD

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LEAFLET No. 1 - CIVIL LEGAL AID

Civil legal aid and advice is a State-funded service which provides legal advice and legal aid in civil cases to people who might not be able to afford to pay for a lawyer themselves.

To qualify for civil legal aid and advice:

- 1. Your problem must be covered by civil legal aid**
- 2. You will need to have income and assets below a certain limit, after certain deductions are taken into account**
- 3. Depending on your case, if you want civil legal aid, your case will need to satisfy a “merits test”. The main purpose of the merits test is to see if a person paying for a lawyer out of their own money would likely to pay for the case, and if a lawyer would advise a person to take a case, knowing that they would be paying for it themselves**

1. About civil legal aid

What is civil legal aid and advice?

Civil legal aid and advice is a State-funded service, provided by the Legal Aid Board, which provides legal advice and legal aid in civil cases to people who might not be able to afford to pay for a lawyer themselves.

What is legal advice?

Legal advice is any spoken or written advice given by a solicitor or barrister. It can also include contacts and negotiation with another party. It does not include representation before a court or a Tribunal.

What is legal aid?

Legal aid is State-funded representation by a solicitor or barrister in court proceedings.

2. Who can get civil legal aid?

Who can get civil legal aid and legal advice?

Not everyone can get civil legal aid and advice. There are three main criteria you will need to meet:

- 1. Your problem must be covered by civil legal aid**
- 2. You will need to have income and assets below a certain limit, after certain deductions are taken into account**

3. Depending on your case, if you want civil legal aid, your case will need to satisfy a “merits test”. The main purpose of the merits test is to see if a person paying for a lawyer out of their own money would likely to pay for the case, and if a lawyer would advise a person to take a case, knowing that they would be paying for it themselves

3. What types of problems are covered by civil legal aid

Civil law relates to problems which involve you and another person or organisation. We classify civil disputes as either “family” or “non-family”

Family problems include:

- Marriage breakdown
- Disputes involving your children
- Actions by the Child and Family Agency (Tusla) to take your children into care or supervise them in your home

Non-family problems include:

- Claims for damages as a result of injuries which have been caused to you
- Claims for damages as a result of breach of a contract
- Property disputes (but we cannot provide legal aid for most property disputes)
- Disputes with your employer (but we cannot provide legal aid before the Workplace Relations Commission or Labour Court)

What types of problem are not covered by civil legal aid?

Civil legal aid and advice does not cover when you have been charged with a criminal offence. If you have been accused of committing a crime, you should speak to a solicitor in private practice or ask the judge for legal aid on the first day your case is in court.

In addition, there are some civil matters that we cannot provide legal aid in, such as defamation (formerly known as libel and slander), most property disputes and alcohol licencing applications. Even then there are some exceptions. You may wish to speak to a member of staff in our law centres if you are unsure that civil legal aid will cover your problem.

We cannot provide legal aid before a tribunal, other than the International Protection Appeals Tribunal. Examples of tribunals include the Labour Court or a Tenancy Tribunal established by the Residential Tenancies Board. We cannot provide legal aid for cases in the District Court covered by the Small Claims Procedure (often informally referred to as the “small claims court”).

Can I get legal aid if I am seeking international protection (asylum)?

We offer a specialised service for persons seeking international protection (asylum) to provide aid and advice in relation to their claims. We have a separate leaflet on this process.

How can I financially qualify for legal services?

Your disposable income must not be over €18,000 and your disposable capital must not be over €100,000. By disposable, we mean that we will calculate your gross income or capital assets, and then allow certain deductions from it. We have a separate leaflet that details how we do this.

Applying for legal services

What must I do to get legal advice or legal aid?

You must first:

- Make an application to a law centre;
- Be financially assessed; and
- Pay a contribution.

How can I apply for legal aid?

If you are seeking legal services you can apply by calling into, telephoning, or writing to any of our law centres listed in this leaflet or by applying online at www.legalaidboard.ie

What must I do when applying for legal services?

You must complete an **application form**. In this form you will say why you need the legal advice and / or aid.

You must undergo a means test by:

- Giving details of your income;
- Giving details of any capital resources you have such as; property, a car, or money in the bank. The value of your home is excluded.
- Giving details of certain expenses including any income tax you pay, rent or mortgage payments you make and certain child care costs you have.

Based on this information the Board will work out what your 'disposable income' and your 'disposable capital' are. The Board's website has an on-line indicator which will assist you in finding out if you are likely to be financially eligible. The indicator does not guarantee financial eligibility for legal services. It only acts as a guide.

Can I apply for legal services for more than one problem on the same application form?

Yes, but only if your application relates to **family disputes**.

If you want to apply for legal aid in relation to different non-family disputes, you must complete a separate application form for each.

Have you more information on how I apply?

Yes, we have a separate guide to completing the application form.

4. Paying for civil legal aid

Is legal advice and legal aid free?

No. In nearly all cases you must pay a **contribution** to the Board if you are granted legal advice and / or legal aid.

There are a small number of types of case where legal aid is free. We will tell you if this is the case.

How much will I have to pay?

Your contribution for legal advice will be assessed on your disposable income. The lowest contribution for legal advice is €30 and the highest is €150.

Your legal aid contribution will be assessed on your disposable income and disposable capital. The minimum contribution for legal aid is €130.

The law centre staff will advise you of the actual contribution that you will be required to pay.

If you're applying for legal aid in cases where the Child and Family Agency (Tusla) is applying to the Court to either have your children taken into care, or to place your children under its supervision, you won't need to pay any contribution.

If you're applying for legal aid in domestic violence cases, you won't need to pay any contribution, as long as the application for the domestic violence remedy is the only application before the District Court.

Will I need to pay any more after that?

At the end of your case, in some circumstances, you may have to repay to the Legal Aid Board some or all of the money it spent providing you with legal aid. If you are granted legal aid, and this is likely to apply to you, your solicitor will discuss the circumstances in which this might happen and the procedure involved.

5. Other information

Can legal services be withdrawn?

If you are provided with legal services, you are expected to be truthful in the information that you provide to the Board and your solicitor, and to behave reasonably at all times in your dealings with the Board and your solicitor. Giving false information or behaving unreasonably may result in the legal services provided to you being withdrawn and you may be liable for the full costs of providing you with legal services.

If the false information related to your financial circumstances, we might ask you to pay more towards your legal aid, instead of withdrawing legal aid.

What happens when legal services have finished?

When legal services have finished, you will be told about this in writing. Any original papers will be returned to you and your file will be closed.

After a number of years, closed files will be destroyed in accordance with Legal Aid Board policy.

You may **reapply** for legal services at any time for related or other matters. If you are considering applying for legal services you may wish to read some of the Board's other information leaflets including about applying for legal services, and about the financial eligibility criteria.

I am dissatisfied with a decision of the Legal Aid Board/ service provided

You can ask for a review or appeal of any decision that we take, including a decision on whether or not you can get legal aid.

If you are dissatisfied with the service provided by the law centre, your solicitor or your barrister, find out about making a complaint by writing to our complaints officer at 48-49 North Brunswick Street, Georges Lane, Dublin 7 or by email to complaints@legalaidboard.ie. If your complaint is with a private practitioner please email ppcomplaints@legalaidboard.ie

Contact Details:

General information about the services we provide and about financial eligibility is available at any law centre or at the following:

Head Office:

Legal Aid Board, Quay Street, Cahirciveen, Co. Kerry, V23 RD36.

NGN No. 0818 615 200 Phone (066) 947 1000

Information and an **application form** are also available on the Board's website at **www.legalaidboard.ie**

The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.