

Legal Aid Board

**Legal aid, developments in the
Netherlands**

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System characteristics Dutch legal aid system

- Everyone who cannot afford the costs of legal services is entitled to rely on the provisions of the Legal Aid Act (approximately 39 % of the population).
- A person who is single can rely on the provisions when his income is no more than €26.000 a year and for a family this is €36.800 a year.
- These limits are corrected for inflation each year.
- Dutch and foreign residents have the same rights.
- all legal cases (civil, criminal, administrative and emigration & asylum) and all legal services: advice, assistance and representation in court, mediation.
- Free choice of lawyer.
- Lawyer must be registered by the Legal Aid Board.

Legal Aid Board

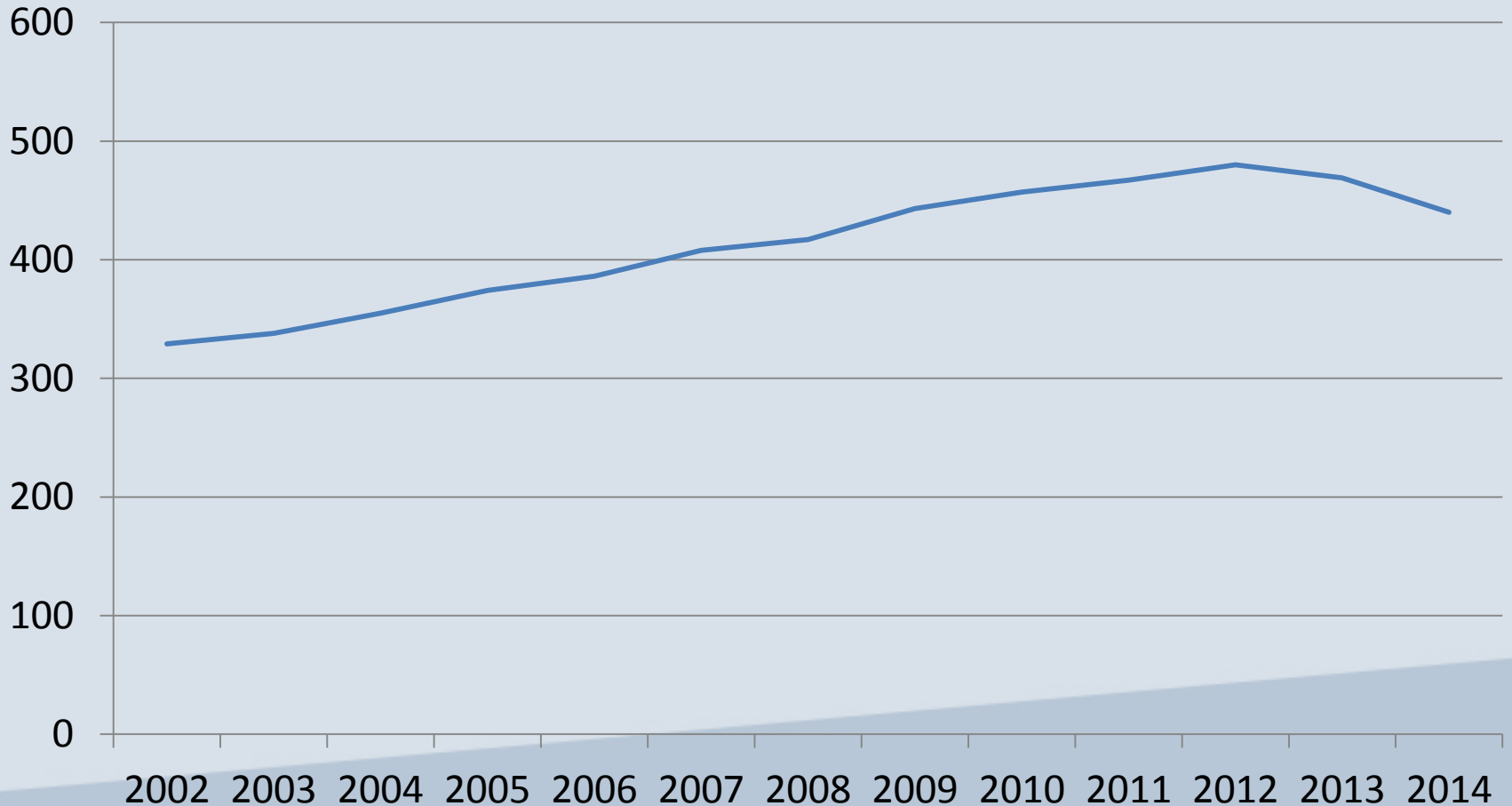
Client contributions

- Contributions are meant as a threshold: to prevent legal aid is not lightly used
- Way of co-funding by users themselves
- Depending on income level
- Raised in the last decade
- Contribution to influence clients:
 - Visit to LSC: discount
 - Advice instead of litigation: lower contribution
 - Use of mediation: lower contribution
 - Use of legal aid online: lower contribution
- € 53 (mediation) - € 849 (litigation highest incomes)

Lawyers fees

- Not low, not high
- Fixed fees
- € 250 (short advice) - € 1.500 (labor law cases)
- Exception: very complex cases, mainly criminal cases

Increase expenses € 329-440 million



Increase in second line: volume growth



The figures

Total annual expenditure (million euros) and total expenditure per capita (euros)

Total expenditure

- 1. England & Wales 2489
- 2. Germany 533
- 3. Netherlands 485
- 4. France 351
- 5. Scotland 182
- 6. Ireland 97
- 7. Belgium 77
- 8. Finland 68
- 9. Poland 23

Per capita

- 1. England & Wales 39,37
- 2. Scotland 34,28
- 3. Netherlands 29,11
- 4. Ireland 21,18
- 5. Finland 12
- 6. Belgium 6,96
- 7. Germany 6,52
- 8. France 5,40
- 9. Poland 0,59

- Source: Hiil, Legal Aid in Europe: nine different ways to guarantee access to justice, 2014

Causes of volume growth

- 2015: installation of advisory committee Wolfson by the government: investigation of system developments and recommendations
- Panel:
 - No increase of number of people entitled to legal aid
 - But the entitled use legal aid more frequently

Causes of higher frequency

In general:

- society is getting more (legally) complex
- citizens are more assertive
- availability (surplus) of lawyers

At the same time:

- emphasis on greater responsibility for citizens

Legal aid budget

- Open-ended scheme
- Growing expenses
- Pressure on expenses to lawyers
- Fees were frozen
- Pressure on the turnover of lawfirms

- Side effects: search for more income
 - extra, needless, cases?
 - more 'complex' cases?
 - conflict divorce instead of agreed divorce?

Legal aid in the second line

- Second line mainly is done by lawyers (members of bar)
- Expensive, reasons:
 - Quality measures:
 - Education
 - Insurance
 - Audits, also focussing on integrity
 - No competition on tariff
 - Not much innovation

Innovation of the legal aid system: key values

- **Access to a solution is the key issue, not automatic access to a lawyer.** The Legal Aid system must be equipped to provide a solution which is both adequate and cost-effective.
- **People are directed towards other ways of (out of court) dispute settlement.** People who have alternative options to solve their legal problem are expected to make use of those options. Examples: legal aid insurance, labour unions.
- **Self-reliance is facilitated.** Rather than to solve other people's legal problems, give them the tools to do it themselves, like Rechtwijzer. People who must be considered self-reliant are not eligible for state funded legal aid.

Innovation: measures

- Select and solve more problems at LSC, not per definition in second line with lawyer
- No granting legal aid when insured
- Cooperation with other services, more attention for multi-problem resolution (problem behind the problem)
- Less granting legal aid: divorces, suspects not under detention, house-owners
- Client contribution collected by LAB
- Create possibilities for better fees for lawyers

Reception of the innovation program

- In parliament, the program was supported by the coalition parties and can expect a majority vote. In the senate the actual coalition parties have no majority. There will come a new government coalition
- The Dutch Bar Association is strongly opposed to the innovation program. In the opinion of the Bar Association, access to justice is at risk.