

**INTERNATIONAL LEGAL AID GROUP CONFERENCE:  
8 TO 10 JUNE 2005 – KILLARNEY, IRELAND  
NATIONAL REPORT – THE NETHERLANDS**

**1. The organisation of the legal aid system.**

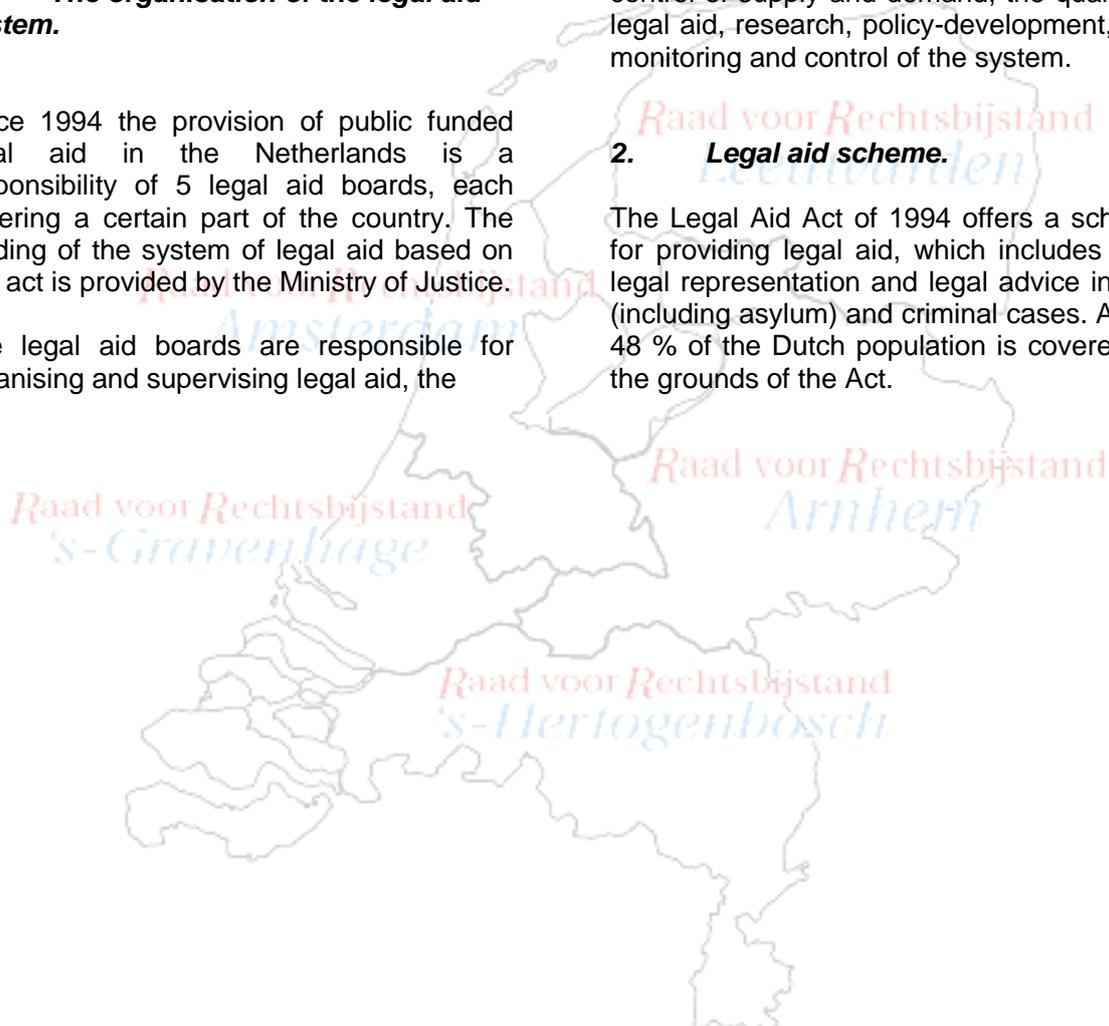
Since 1994 the provision of public funded legal aid in the Netherlands is a responsibility of 5 legal aid boards, each covering a certain part of the country. The funding of the system of legal aid based on this act is provided by the Ministry of Justice.

The legal aid boards are responsible for organising and supervising legal aid, the

control of supply and demand, the quality of legal aid, research, policy-development, and monitoring and control of the system.

**2. Legal aid scheme.**

The Legal Aid Act of 1994 offers a scheme for providing legal aid, which includes both legal representation and legal advice in civil (including asylum) and criminal cases. About 48 % of the Dutch population is covered on the grounds of the Act.



### 3. Eligibility limits

Table income and contributions since 1/1/2005

Net income a month	Client's contribution	Net income a month
<i>Single</i>	<i>per 1.1.2005</i>	<i>Married or single with minors</i>
000 - \$ 1,095*	\$ 120*	000 - \$ 1,536*
\$ 1,096 - \$ 1,198	\$ 189	\$ 1,537 - \$ 1,684
\$ 1,199 - \$ 1,264	\$ 278	\$ 1,685 - \$ 1,778
\$ 1,265 - \$ 1,315	\$ 368	\$ 1,779 - \$ 1,850
\$ 1,316 - \$ 1,377	\$ 455	\$ 1,851 - \$ 1,941
\$ 1,378 - \$ 1,436	\$ 530	\$ 1,942 - \$ 2,025
\$ 1,437 - \$ 1,491	\$ 613	\$ 2,026 - \$ 2,103
\$ 1,492 - \$ 1,552	\$ 691	\$ 2,104 - \$ 2,190
\$ 1,553 - \$ 1,617	\$ 779	\$ 2,191 - \$ 2,282
\$ 1,618 - \$ 1,674	\$ 847	\$ 2,283 - \$ 2,365
\$ 1,675 - \$ 1,732	\$ 941	\$ 2,366 - \$ 2,447
\$ 1,733 - \$ 2,032	\$ 1,029	\$ 2,448 - \$ 2,858

- Capital allowed
    - for singles: € 7,500 (\$ 10,039)
    - married or single with child(ren): € 10,500 (\$14,054)
  - For the purpose of calculating capital , the first € 65,344 (\$ 87,464) of the equity of the owner-occupied home ( i.e. the value of the home minus the outstanding mortgage) is not counted as capital)
- \* In criminal cases, when legal aid is ordered by the court, people don't have to pay a contribution. (first category)

#### 4. Statistics on numbers of public funded cases.

	2003	2004
Employment	21,226	21,680
Administrative*	65,615	63,424
Housing	6,545	6,804
Family	70,203	74,012
Contract/consumers	18,932	21,075
Other civil cases	1,427	1,792
Asylum	33,506	23,322
Criminal cases**	129,848	136,666
Total	347,302	348,775

\* Including social security and social benefits.

\*\* Including mental health-cases.

Duty solicitor cases:

2003	2004
74,858	88,771

#### 5. Total budget public funded legal aid \*

x € 1,000

x \$ 1,000

budget \$ per capita  
of the total

	x € 1,000	population	x \$ 1,000	budget \$ per capita of the total
2003	360,383	482,376		30
2004	393,256	526,377		32
2005	375,354	502,415		31

\* Based on budget 2005 of the Ministry of Justice

In 2003 the Dutch government decided that in the next few years substantial investments have to be made within the framework of the security-program "To a safer society". A large number of measurements should contribute to a higher level of security in the Netherlands.

As a result of the intensification of this new security-policy, an increase of mainly criminal cases is to be expected, which makes a raise of the budget for legal aid necessary.

Furthermore there is an autonomous increase in civil and criminal cases as a result of a bad economic situation. A large decrease is to be expected in asylum-cases.

**6. About private lawyers and lawyers employed by the legal aid authorities.**

In 2005 there are over 13,000 private lawyers in the Netherlands. More than 50 % of these lawyers are available for public funded legal aid.

In 2004 the process of a large scale change of the organisation of legal aid started with the introduction of the Legal Aid Counter (Juridisch Loket). At the end of 2005 these counters will operate in the 30 main cities

At the same time the legal advice and assistance centres (Bureaus voor

Rechtshulp) transformed into offices of private lawyers. This is a still ongoing process. As a result of this process 177 employees of the legal advice and assistance centres will be working as a private lawyer.

**7. Coverage of legal expenses insurance.**

In 2003 there were 90 companies which cover legal expenses; 9 of these companies provide legal assistance themselves. At the end of 2004 there were almost 1,400 legal aid workers employed by these companies; a growth of 24 % in one year.

The penetration of legal expenses insurance by age of prime wage earner:

	age < 35	age 35-49	age 50-64	age > 65	Total
1996	14.7	20.3	18.7	11.1	16.6
2002	32.8	36.4	36.5	20.2	32.0

(definition legal expenses: separate policies, i.e. excluding parts of vehicle/motorbike insurance.)

**8. The Dutch population.**

2003	2004	2005
16,192,500	16,292,000	16,300,500

**9. Quality assurance.**

In 2003 the legal aid boards, the Dutch Bar Association and the Ministry of Justice agreed on the introduction of instruments regarding the assurance of the quality of the legal service.

All lawyers providing public funded legal aid have to meet the current quality standard.

This quality standard and the audit system contribute to the objective that private lawyers take all necessary measurements to ensure the quality of the organisation of his office.