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Future Prospects and Development Targets for the Finnish Legal Aid System

The presentation is divided into three parts: the first part explores future prospects for legal aid as presented in the Ministry of Justice future outlook for 2011 onwards. The second part provides a short description of legal aid e-services adopted a year ago, and the third part discusses an ongoing quality project for legal aid services.

A. Legal aid as part of the legal protection of citizens in the Ministry of Justice future outlook

1. Advice and solutions at an early stage

The justice system is not a separate entity with independent operations but part of a safe and functional society. In the long term, the need for legal protection services is reduced by broader measures carried out in society to prevent social exclusion, such as timely and sufficient availability of social and mental health services. The best way to ensure legal protection from the viewpoint of both the individual and society is to find a solution to the matter as early as possible so that only matters requiring judicial review and the evaluation of evidence will undergo the process of litigation. Legal protection also requires clear legislation, good quality legal advice services, appropriate application of alternative dispute resolution methods, well-reasoned decisions and functional legislation on appeal procedure as well as easy access to information on the availability of different legal protection services and the decision-making practices of courts.

The significance of legal aid is highlighted in the work to prevent the accumulation of problems among persons at risk of exclusion and the expansion of these problems in a way that causes significant costs to society. The ageing of population, exclusion from society and the weakening of support structures increase the need for looking after the interests of citizens and require the production of related services in a versatile manner

using a variety of different means. The dispersed structure and operating methods of financial and debt advice services should be unified, and the services should be transferred to legal aid offices. This would ensure greater equality among citizens regarding the availability of the services. In addition, needs concerning the centralization and also the decentralization of matters involving court proceedings will be assessed.

2. Structures to ensure expeditious handling of matters

The availability of legal protection can be promoted by creating a purposeful division of labour and functional service networks between courts of law, legal aid services and the enforcement service. The concentration of population and businesses in certain regions and the financial resources available to judicial administration require developing the service networks in a way that ensures the availability of the services in areas where they are needed the most. In addition, the services must be of a high quality and efficiently produced.

Design of premises for judicial administration must be carried out in a comprehensive manner by developing modern solutions that entail up-to-date information technology and functional use of space, account for the needs of special groups and the requirements of security yet are reasonably priced. Ensuring appropriate design of premises can improve customer service, strengthen the functional capacity of units and support well-being at work among employees. The solutions should also benefit from the synergy generated when several units operate within the same premises. Appropriate premises must be ensured for courts of law, enforcement offices, legal aid offices and lobbying services.

The network of offices and premises for legal aid must be organized appropriately taking into account the needs of legal aid and lobbying. Particularly when centralizing services, the equal position of citizens living in more remote areas with view to the availability of the services must be ensured. Electronic services that are easy to use and secure from the viewpoint of the client must be developed to enable wider uptake of e-services and video conferencing. To ensure fair allocation of the available resources, instruments for measuring the volume of work associated with different areas are being developed throughout the judicial administration.

It is also important to establish needs concerning the reorganization of courts of law and the central administration of legal aid services.

3. More efficient authority chains

Expeditious implementation of legal protection requires cooperation between several different authorities. The significance of cooperation has been highlighted by the recent rapid changes in the operating environment. A central challenge is to construct systems and functions associated with them in a way that affords the use of the information systems and registered data of authorities to a wider range of operators.

Ideally, judicial administration and its various authorities should function as an efficient chain, with each of its links operating together seamlessly and productively. We must continue to develop e-services and the functionality of case management systems so as to enable electronic transfer of documents between different administrative authorities, courts of law and other judicial bodies as well as between different court levels. E-justice is being developed on the European level, too.

4. Right solutions through competence

The realization of legal protection is based on high-quality court decisions and directing the litigation process in a way that fulfils the requirements of a fair trial and the clients are able to have full confidence in the decisions made by the courts. An important factor in the administration of justice is the competence and quality of work among attorneys. High-quality judicial activities and competent attorneys reduce the need to appeal to higher court levels and promote access to justice in the early stages of the process.

As we prepare for the retirement of a large share of the working population, competition over skilled workforce can be expected to intensify. Opportunities for job rotation and career planning must be created throughout judicial administration. Moreover, it would be important to develop means to utilize the expertise of already retired personnel in fixed-term tasks. The pay systems will be developed aiming at competitive wages that match the competence requirements of the job. The pay systems may also include different elements designed to create incentive.

There needs to be an opportunity to evaluate the quality and effectiveness of courts and other judicial administration services from the viewpoints of both the clients and the functioning of society. Evaluation systems focusing on the effectiveness and quality of the activities of judicial administration authorities will be developed further, and quality projects will be supported. Also, an increasing amount of attention will be paid to the competence of and quality of work among attorneys.

B. Legal aid e-services

The objective of a legal aid case management system is to make the processing of legal aid matters easier and more efficient. The system is expected to yield savings the equivalent of ten person-years.

The legal aid case processing system has been developed in two stages. On 1 March 2010, the sector used by legal aid offices and attorneys was introduced. The section involves e-services associated with the making of a legal aid application, the making of a legal aid decisions and the work performed by lawyers in the handling of the matter. Community identification, developed in the system to cater for the needs of law firms, was adopted in early October 2010.

After this, the work has focused on functions to be used by courts, attorneys and the service centre, including submitting a fee request using the e-service account, making the fee decision and processing the payment. Since early 2011, this part of the system has been piloted in two district courts, a court of appeal and an administrative court. The aim is to launch the second stage in autumn 2011.

Electronic applications from citizens

Citizens can apply for legal aid by filling in an electronic application. The applicant logs into the system using his or her online banking codes. If the applicant does not have online banking codes, he or she should contact a legal aid office or a lawyer handling legal aid matters.

Citizens can apply for legal aid from a legal aid office or propose for the use of a private attorney. As a general rule, it is up to the applicants to choose the specific office to which they wish to send their application. If, however, the applicant has prior applications pending or he or she has received legal aid within the last six months (or after 1 July 2009), the application will be automatically directed to the office processing the prior application or the office from which legal aid was previously granted.

When submitting an online application, the applicant does not need to present receipts for their income, expenditure or wealth. The decision is announced to the applicant in writing. Upon request, the decision can also be sent to the applicant's email.

The website also contains a calculator that the applicants can use to perform a preliminary calculation about their chances of receiving fully or partly subsidized legal aid. Use of the calculator does not require logging into the system.

The new e-service means citizens can apply for legal aid outside of office hours. It also reduces the amount of work required from officials and speeds up the processing of applications. However, it is still possible for clients to fill in their application on paper and make a call to the legal aid office.

The aim is to improve the efficiency of work done in legal aid offices in legal aid matters. Adoption of the electronic application process reduces the processing of and verifying the correctness of both incoming and outgoing mail in legal aid offices. Automatic transfer of information entered into the online application into legal aid decisions reduces the amount of work involved in entering the data as well as the possibility of error in legal aid decisions. Practice has shown that applications completed in electronic form are clearer than those filled in by hand.

The online legal aid calculator for client use will reduce the number of queries from clients. The adoption of the services will thus have a direct effect on the loading of the counseling and telephone services.

Even after the adoption of the e-services, citizens will continue to have the opportunity to visit the legal aid office in person. Clients visiting the office will be attended to in the same way as before: the staff at the office will enter the information provided by the client into the system and finalize the legal aid decision immediately where possible. As a general rule, the legal aid decision is printed out for the client; the secondary option is to deliver the decision to the client as an e-letter. An e-letter is valid without a signature.

Clients should, however, always be informed about the possibility to use the e-services, for example when they contact the office by phone.

After the office has received the citizen's electronic legal aid application where he or she seeks legal aid from a legal aid office, the office will contact the applicant or the applicant will be asked to contact the office with the aim of finalizing the legal aid decision and possibly accepting the assignment.

Centralizing the legal aid decisions for private attorneys

The electronic application process enables centralizing the processing of legal aid decisions to less congested legal aid offices. Legal aid decisions made for private attorneys are centralized to 20 legal aid offices, meaning that about a half of legal aid offices are processing the applications.

The system automatically forwards legal aid applications made by private attorneys to the office making legal aid decisions that has the smallest backlog of applications, i.e. the office with the smallest ratio. The ratio is calculated by dividing the number of applications pending at the office in question with the number of secretaries processing the applications. If the application does not pass the automatic exclusion check, it is directed to the office with the second smallest ratio.

Spot check

No receipts are attached to the electronic application. The applicant must present proof of their income and expenditure and a report of their wealth and debts upon the legal aid office's request. For applicants with very small income, the procedure has been simplified

so that information from the last confirmed tax assessment is sufficient: if, based on income, the applicant qualifies for fully subsidized legal aid, it is not necessary to determine expenditure.

The system generates a random digit for the applications. If the randomly generated digit is smaller than the value established for spot check percentage in the code, the system stores information on a spot check to be performed on the application. The system produces an additional letter that requests the applicant to provide an account of his or her income, expenditure, wealth and debts using receipts and other documentation.

If the applicant whose finances are subjected to a spot check would, based on their application, qualify for fully subsidized legal aid, the income information can be verified directly from the tax office. If in a situation like this the applicant is otherwise known by the employees of the legal aid office to be without means, it is not necessary to perform the check.

When the system is introduced in courts of law, it will facilitate the work performed in many different ways. The opportunity of clients to find representation through the e-service will reduce the processing of mail. Fee requests received in standard format are faster and more straightforward to process. In addition, making the fee decisions is facilitated through the use of mathematical formulas. It is no longer necessary to include statistical data in the validation decisions, as the data is now obtained directly from the system. Moreover, it is no longer necessary to post attorney invoices to the service centre. In addition, payment queries to courts are reduced when the payment decisions are forwarded to the service centre electronically on a daily basis and their payment at the service centre is speeded up. For the attorneys, this means significantly quicker payments.

C. CREATING AN EVALUATION SYSTEM FOR THE QUALITY OF PUBLIC LEGAL AID

1.1. Development committee for quality evaluation in public legal aid

In April 2008, the Ministry of Justice appointed a committee for the development of quality assessment for public legal aid to determine the quality factors of public legal aid and to create a proposal for an evaluation system suitable for evaluating the quality of public legal aid. The committee included representatives from among public legal aid attorneys, advocates and district court judges.

The committee was instructed to complete its duties by June 2009. Its aim was to define the quality factors of public legal aid, to present methods suitable for evaluating the quality of public legal aid, to assess the suitability of peer evaluation and client questionnaires for quality evaluation, to evaluate the effectiveness, efficiency and cost of different methods and to produce a proposal for an evaluation system that could be used to measure the quality of public legal aid and monitor its development.

1.2. Why do we need a quality evaluation system

A central feature in the results-based management system currently applied in state administration is holistic assessment of operations and finances. One of the key figures describing the work performed is effectiveness of operations. A central contributor to effectiveness is the quality of operations.

The quality of the operations in government legal aid offices has been evaluated through client questionnaires. Other focal areas have included ensuring quality of operations by means such as increasing the provision of information and timely invoicing of legal aid. The availability of the service has been monitored through waiting times. Waiting time means the period of time that elapses from the point at which the client first contacts the office to make an appointment and an actual meeting with an attorney. In 2008, the average waiting time for the whole country was 12 days.

The ministries manage and confirm the performance targets of agencies in their administrative sector. In annual performance negotiations, the ministry and the agency agree on the operational goals and financial resources of the agency. Establishing operational quality targets for legal aid offices and evaluating their implementation fall within the results-based management of the Ministry of Justice.

However, results-based management can only assess the quality of the operations of government legal aid offices. State-funded legal aid is also provided by other service providers than public legal aid attorneys. In matters handled out of court, the attorney must, as a general rule, always be a public legal aid attorney. In cases processed through litigation, the applicant of legal aid may choose their representative more freely. The representative can be a public legal aid attorney from the legal aid office, an advocate or other lawyer. To gain an overview of the quality of public legal aid, it is important that the quality evaluation also cover advocates and other lawyers.

Public legal aid constitutes a service that is either partly or fully subsidized by the government; consequently, there needs to be a readiness to report on the effectiveness of the operations on a more detailed level than has been the case until now. The currently applied methods intended mainly to safeguard quality do not lend themselves to evaluation, development or monitoring the quality of legal aid.

The evaluation system was not created as a system for controlling the attorneys or as a sanction mechanism. The main task of the evaluation system is to provide a tool for monitoring and constant improvement of the quality of public legal aid and for the maintenance and development of the competence and professional ability of the attorneys. This is why there is no need to create new legislation concerning the evaluation system.

The quality evaluation system is aimed at evaluating the quality of all state-funded legal aid.

This means that the evaluation of quality applies to matters handled under both the Legal Aid Act and the Criminal Procedure Act. The provider of legal aid can be a public legal aid attorney, an advocate or other private lawyer. The heterogeneity of the area to be covered

by the evaluation is likely to cause challenges in the creation of the evaluation system and to complicate future interpretation of results gained from the evaluation.

1.3. The functions and application of the quality evaluation system

1.3.1. A tool for monitoring the level of quality

Systematic evaluation enables national level reporting of the quality of public legal aid as well as the monitoring of its development. It is important to be able to demonstrate in state-level reporting that the quality of public legal aid is at an adequate level. The information is requested, among others, by the bodies deciding on the funding of legal aid. In addition to indicating positive quality development, the results of the evaluation naturally also provide the opportunity to detect possible weakening in the quality of legal aid activities in some of the areas of evaluation, which enables more attention to be focused on the matter.

The evaluation system is used to measure the quality of legal aid matters handled by public legal aid attorneys and private attorneys on a general level. Results gained from the evaluation are reported primarily on the national level. This level is considered sufficient for describing the quality. For the purposes of quality development, reporting results is also possible on the level of district court judicial districts, as the national level reporting is not sufficient for the development of quality.

No results will be reported on office level. The only exception to this is the peer evaluation, which requires attorney- and office-specific reporting in order to yield optimal benefits.

1.3.2. A tool for training and development of attorneys

Another important function of the evaluation system and the evaluation implemented by it is providing an instrument for the maintenance and development of the competence and professional ability of public legal aid attorneys and private attorneys.

The quality criteria of the evaluation system could function as policies promoting the quality of public legal aid. In addition, self-evaluation encourages the attorneys to think about their work and develop themselves further. The evaluation will provide a foundation for discussion the quality of public legal aid. This is necessary as discussion on the quality of public legal aid presumes a shared conception of what is understood as quality. Using

the discussion carried out concerning quality criteria, it is possible to elicit best practices regarding a variety of issues as implemented by the attorneys and disseminate their application more broadly among attorneys.

Central aspects in efforts to promote quality consist of identifying targets for operational development and agreeing on development measures to be implemented. When analyzing the results of the evaluation, it is important to consider reasons for possible weaknesses detected in the quality of public legal aid and to explore the development measures required and their implementation. Results should be discussed in office meetings, appraisal interviews with attorneys and discussions between attorneys and their interest groups such as judges, prosecutors and other attorneys.

Analysis of the evaluation results may show that the reason for the deficiencies in quality may lie, for instance, in the fact that the attorneys' awareness of a certain quality criteria as a factor that contributes to overall quality is not at a sufficient level or the competence of attorneys is lacking in this area. The results of the evaluation should thus also be considered when planning training for attorneys.

2. QUALITY EVALUATION SYSTEM FOR PUBLIC LEGAL AID

2.1. Definition of public legal aid

In order to determine the factors and indicators of quality, it was first necessary to answer the question, what is the reason of existence of the legal aid system. In its report 2002:1, the legal aid offices development committee proposed the following mission statement for legal aid offices: *"As part of the judicial system, a legal aid office provides efficient, good-quality and timely legal assistance to persons who are unable to cover its cost by themselves."* The report states that the operations and duties of legal aid offices are based on legislation stipulating their duties. Applicable legislation and the mission statement both contain information on the intended beneficiaries and the targeted effect of the work. The mission statement places particular emphasis on the nature of the organization as a service provider.

The purpose of legal aid activities is to make sure that citizens receive sufficient and good quality expert services for a price that corresponds to their paying capacity irrespective of their financial position. Efficiency of the services means that those entitled to legal aid are provided with services of adequate quality in a reasonable amount of time. Services provided as public legal aid must be efficient also in the sense that they provide good value for the tax money invested in them. The aspects highlighted in the mission statement reflect the values based on which legal aid services are arranged.

To summarize, the most central task and objective of the public legal aid system is to guarantee the equal right of citizens to competent legal aid. The aim of the legal aid system is to produce and provide good-quality legal services to those entitled to them on the grounds of certain specifications and limitations. In other words, the aim of the system is to implement, safeguard and produce legal protection and justice as part of the administration of justice.

2.2. Evaluation areas and quality criteria for public legal aid

The structure of the quality evaluation system for public legal aid proposed by the committee was modeled on the quality project for adjudication in courts falling within the jurisdiction of the Rovaniemi Court of Appeal. The quality criteria were based on the Code of Conduct for Lawyers by the Finnish Bar Association. This was opted for because the ethical code of conduct for lawyers reflects on the one hand the moral perceptions prevalent within society and the understanding of citizens concerning good administration of justice and, on the other hand, the conception of lawyers on the significance and value of their function in society and their responsibilities. The code of conduct indicates, what can be expected of a good lawyer. The demands targeted at lawyers in the code of conduct can be directly applied to all attorneys providing legal services.

When creating the evaluation system, it was first necessary to determine the areas of legal aid to be subjected to quality evaluation. Second, quality criteria to be applied in the evaluation were chosen for each area. Third, the quality criteria were specified by providing examples of their features. Further measures were determining the scoring for each quality criterion in the evaluation and choosing the evaluation methods.

The proposed legal aid evaluation system consists of five evaluation areas containing a total of 38 evaluation criteria:

1. Confidence in legal aid in a client relationship
 - 1a. The attorney has looked after the interests of his or her client to a satisfactory degree
 - 1b. The matter has been handled in confidence
 - 1c. The attorney has been free of any conflict of interest, or the attorney has withdrawn from handling the matter at a later stage after a conflict of interest has emerged.
 - 1d. The matter has been handled in such a way that the absence of attorney or unexpected discontinuation of practice does not cause the client the risk of losing his or her rights

2. Appropriate and respectful treatment
 - 2a. The attorney has treated the client appropriately and with respect
 - 2b. The attorney has treated the opposing party appropriately and with respect
 - 2c. The attorney has shown the courts the respect due to them
 - 2d. The attorney has treated other members of the profession appropriately and with respect
 - 2e. The attorney has treated witnesses, experts and other persons to be heard appropriately and with respect

3. The matter has been handled efficiently and the costs incurred by it have remained at a reasonable level
 - 3a. The matter has been handled in reasonable time
 - 3b. The attorney has observed the imposed or agreed upon deadlines
 - 3c. The handling of the legal aid matter has been organized and implemented in a way that has generated the least amount of cost for the client

Invoicing

- 3d. The measures carried out are itemized in the invoice unless a minimum fee has been charged
- 3e. The client has been explained the elements that the attorney's invoice is composed of

- 3f. The attorney has attempted to resolve a dispute between him/herself and the client regarding an invoice in a conciliatory manner and has, when required, provided the client with information on the ways in which the dispute can be resolved.
 - 3g. The legal expenses have been covered from external funds where possible
 - 3h. The attorney's reaction to the invoice from the opposing party has been appropriate
 - 3i. The invoicing has been handled in a timely manner
4. Procedure for the handling of legal aid matter

Accepting the assignment and advice

- 4a. The attorney and the client have agreed on the steps to be taken in the matter
- 4b. The attorney has provided the client with his or her assessment of the strengths and weaknesses of the matter
- 4c. The attorney has explained to the client the alternatives of court proceedings

Managing the assignment

- 4d. The attorney has identified all facts essential for the handling of the matter
- 4e. The attorney has gained an understanding of the matter that is correct from a judicial viewpoint
- 4f. The material necessary for the handling of the matter has been collected in a comprehensive manner
- 4g. Overall, the handling of the matter has been carried out in an appropriate manner
- 4h. The legal aid matter has been handled openly and in an interactive relationship with the client
- 4i. The attorney has been in contact with the opposing party when necessary
- 4j. Active measures have been taken to achieve settlement, in case settlement has been a possibility in the matter
- 4k. The matter has been handled in a flexible manner

Termination of representation

- 4l. Procedure when withdrawing from representation
- 4m. Procedure when transferring representation to another person
- 4n. Procedure at the termination of representation

The central quality criteria contributing to the quality of the service were identified in each area. The chosen quality criteria are not clearly set apart from each other but may contain

some overlap or even repetition. A central factor in choosing the quality criteria was their suitability for evaluating the quality of public legal aid regarding the handling of both civil and criminal matters. When necessary, the content of the quality criterion was specified further by explaining its features.

It is important to note that the lists on the features of the quality criteria are not exhaustive. Yet, describing the features was seen as necessary for certain criteria to ensure more consistent understanding and interpretation of the criteria.

5. Competence and professional ability of the attorney

5a. In the last year, the attorney has participated in further training in their profession:

0 h = 0 points

1 - 8 h = 1 point

9-17 h = 2 points

18 h = 3 points

19 - 24 h = 4 points

25 h - = 5 points

5b. The attorney has attended to the maintenance of their own competence and professional ability

5c. The attorney is well-prepared and has acquired a thorough understanding of the matter

5d. Argumentation by the attorney during the court proceedings has been clear and understandable

5e. The documents created by the attorney are clearly written

5f. The documents created by the attorney are appropriate and promote the handling of the case

2.3. Evaluation methods

The term evaluation method refers to a means used to gain information. In legal aid activities, feedback from clients regarding the quality of the service naturally holds a central position. Considering the nature of public legal aid, other evaluation methods apart

from client feedback are also necessary to gain a realistic and comprehensive perception of the quality public legal aid services. This is also necessary on account of the quality criteria chosen, which describe a wide variety of aspects.

The committee proposed that the quality of public legal aid be evaluated through four different methods:

- 1) Self-evaluation of the attorney
- 2) Client questionnaire
- 3) Questionnaire for the chairman of the court, prosecutor and the attorney of the opposing party
- 4) Peer evaluation

The attorney's self-evaluation means that the attorneys themselves assess their activities in the handling of public legal aid matters light of the established quality criteria. The attorney's self-evaluation can be used to enquire the attorney's own assessment of all of the areas under evaluation. The client questionnaire focuses on the client's assessment of his or her experiences regarding their confidence in legal aid and the handling of the legal aid matter. The questionnaire directed to the chairman of the court, the prosecutor and the attorney of the opposing party focuses on the behaviour of the attorney under the evaluation in the handling of the legal aid matter and on efficient organization of the matter with reasonable costs. The questions to the chairman of the court and the prosecutor also include items on the competence and professional ability of the attorney.

In the peer evaluation, an unbiased colleague compares the level of the service delivered to previously agreed upon evaluation criteria based on the documentation stored in the files on the matter. Peer evaluation can only be carried out by experienced legal aid professionals who have received training in peer evaluation. The nature of information gained through peer evaluation remains subjective, but considering the professional ability of the evaluators and the uniform evaluation methods, it is reasonable to assume that the picture yielded by it regarding the quality level is fairly accurate. In addition to the efficiency of handling the matter and the level of costs generated, the peer evaluation can be used to gain information on the handling of the assignment and the attorney's ability to prepare clear documents appropriate for the purpose.

2.4. Scoring of quality criteria

The quality criteria are scored using a seven point scale. A numerical score is important for the usefulness of the evaluation results and the comparability of the results. The evaluators can refer to the features of the quality criterion when considering the score to be given. The features are thus not scored or evaluated separately. The scoring is based on the following scale used to evaluate the realization of the quality criteria:

- 0 Is not realized at all
- 1 Poor performance
- 2 Satisfactory performance
- 3 Adequate performance
- 4 Good performance
- 5 Excellent performance
- X No evaluation

As to the scoring, it is important to note that even through the score 3 is only halfway on the scale, attaining it is already an indication of sufficient quality level for the criterion in question. This represents the targeted quality level in public legal aid.

3. PILOTING

The quality evaluation system for public legal aid was piloted between 7 and 18 February 2011.

The piloting was implemented in nine state legal aid offices of different sizes representing different client groups and in six private law firms. In total, 30 public legal aid attorneys from the legal aid offices and nine advocates from the private law firms participated in the piloting.

All evaluation methods proposed by the committee were piloted.

The Ministry of Justice organized five-day training for the peer evaluators. Based on applications, experienced attorneys from both the public and the private sector were selected for the training. In total, 14 peer evaluators were chosen for the training. In the selection process, it was ensured that the evaluators came from different parts of Finland, as the evaluator can never be a close colleague of the attorney receiving the evaluation, but must practice his or her profession in a different part of the country.

The training covered areas such as the principles and function of peer evaluation, the content of the quality criteria and the evaluation methods. The aim of the training was a common interpretation regarding the application of the criteria. Professor Alan Paterson from the University of Strathclyde in Glasgow gave a speech about peer evaluations carried out in England and Scotland and about the experiences gained from them.

3.1. Responses gained

A total of 49 client questionnaires were returned by the due date, of which 25 were completed in the internet and 24 were sent by post. Two more forms that arrived by post had to be rejected as the respondents had not completed the form correctly. The number of self-evaluations completed by attorneys was 80. In all, 30 evaluations were carried out by court chairmen and prosecutors and nine by opposing party attorneys. A total of 32 files containing documents on legal aid matters were delivered for peer evaluation.

3.2. Results

Overall, the quality of public legal aid was assessed as higher than the targeted level 3. The average scores from the evaluation were as follows:

Client questionnaire	4.06
Questionnaire for the chairman of the court and prosecutor	4.02
Questionnaire for opposing party attorney	3.89
Self-evaluation by attorney	3.86
Peer evaluation	3.16

3.3. Findings based on the results

The quality evaluation of public legal aid did not indicate areas with deficiencies in quality. The clients afforded public legal aid the highest score possible, which can be considered a highly satisfactory outcome. The lowest average from peer evaluation is probably explained by the fact that the training arranged for peer evaluators stressed the significance of level 3 as a good evaluation and instructed the evaluators to reserve the score 5 for exceptional cases only. In their own evaluations, the clients had opted for 5 as the appropriate score whenever they had been very satisfied with the service provided.

Based on the peer evaluations, particular attention should be focused in the future on making sure that all of the measures undertaken are also indicated in the files. Also, the importance of making clear notes should be stressed. In addition, the peer evaluators noted a clear discrepancy between the measures carried out and hours invoiced in several of the files examined. The attorneys should be instructed to pay due attention to accurate invoicing also in cases where the client receives the service free of charge. The above-mentioned issues are crucial also for the attorneys' own protection under the law. Overall, the peer evaluators found the handling of the assignments to be of a high quality.

4. FEEDBACK PROVIDED AFTER THE PILOTING

After the piloting, offices, firms and attorneys participating in the piloting were requested for feedback on the practical experiences gained from the piloting.

Based on the feedback received, the respondents were pleased with the opportunity to respond to the query online. On the whole, the software was considered easy to use. Also, the self-evaluation form for attorneys was deemed successful. The participants were also happy with the template emails intended for easy dissemination of the questionnaire.

The scale for the evaluation system was considered difficult to interpret. Similarly, the feedback stated that not all criteria were appropriate for all evaluation topics, which might be likely to confuse the respondents. Some found the questionnaire distributed to clients too complex. Many also found that the two-week piloting period was too short for the peer

evaluation. Some attorneys did not complete a single case during the period that would have been suitable for peer evaluation. Some offices also found that more clients refused to allow their matter to be subjected to peer evaluation than they had expected.

The feedback received indicated that the evaluation had also had certain welcome "side effects". Evaluating one's own work had the consequence of the attorneys focusing more attention on issues that had been subject to evaluation. Conversely, some attorneys also found the evaluation a futile task that caused extra work and inconvenience to several parties.

5. FURTHER DEVELOPMENT OF THE EVALUATION SYSTEM

Based on the feedback received, by April 2012, the piloting committee will produce a proposal for changes and improvements perceived as necessary for the evaluation system and present their view about the extent in which the evaluation should be carried out in the future.

The improvements considered by the committee include the suitability of the evaluation scale used in the piloting when the parties responding constitute a very heterogeneous group of actors, possible simplifying of questionnaires by combining or even removing certain questions and ways to account for non-Finnish clients.