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International Legal Aid Group

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Legal Aid in the Netherlands

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Legal Aid in the Netherlands

The current legal aid system in the Netherlands was introduced on 1st January 1994 (Legal Aid Act). The main changes were the introduction of substantial contributions for all clients and the introduction of the legal aid boards. These five independent bodies, one in each judicial area in the country, became responsible for organising the system and controlling the budget. The third important factor was the increase of the remunerations of 25%.

The Dutch system is a mixed model. Legal Aid is supplied by private solicitors (advocates) and by legal aid centres. The centres are fully subsidised by the boards and the advocates are mainly paid on a case-to-case basis. The remuneration of the advocates is set at a fixed price which is related to the matter concerned. The average level is, presently \$123 per hour (1994: 87). The legal aid boards assess the applications and the bills of the advocates.

The Centre's subsidy is mainly related to the volume of clients visiting during the opening hours. The Centres ("bureau's voor rechtshulp") are fairly effective. About 95% of the clients can be helped within 3 to 4 hours.

About 45% of the clients are eligible for legal aid where the limit is a net monthly income of \$2162 for a single person and \$3092 for a family. Clients pay a contribution related to their income. At the top of the scale, the contribution is about \$858, where as for those on social security level, it is \$96. For a second case within six months, the client only pays 50% and for a third, mostly nothing. Only the first half hour of an appointment at the legal aid centre is free.

The total budget for the system was \$385.822.000 in 2000 (1994: \$304.692.000; 1997: \$ 317.544.000). In 1994 as well as in 2000, it was 0.06% of the BNP.

The budget (x 1000) is illustrated as follows:

legal aid centres	\$ 33.405	34.078	38.049	39.773
experiments	\$ 932	1.615	4.374	7.412
private practitioners:				
family law	\$ 40.718	44.132	34.172	46.898
civil and social law	\$ 72.387	78.457	73.508	79.855
criminal law	\$ 96.923	97.692	01.538	123.846
immigrants law	\$ 49.231	42.308	43.846	58.462
legal aid boards	\$ 23.214	23.365	27.841	28.857

The volume is illustrated as follows:

Legal aid centres	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Criminal law	12.797	14.236	13.731	13.196
Family law	6.350	8.805	7.959	7.654
Immigration law	20.187	19.843	22.125	21.278
Employment law	63.516	57.438	59.250	56.982
Social security law	49.365	42.117	39.423	37.914
Tenants law	33.470	28.919	26.926	25.895
Other civil law	38.664	41.185	41.889	40.286
Total	<u>224.349</u>	<u>212.543</u>	<u>211.293</u>	<u>203.206</u>

Private Practitioners	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Criminal law	84.612	87.055	94.552	94.755
Family law	63.720	63.611	62.497	59.517
Immigration law	51.350	53.123	66.995	69.035
Employment law	17.814	16.525	15.672	14.490
Social security law	28.829	28.452	26.069	25.108
Tenants law	9.468	8.969	7.847	5.745
Other civil law	29.111	29.107	27.230	25.570
Total	<u>284.904</u>	<u>286.842</u>	<u>300.862</u>	<u>294.220</u>

The system is evaluated in 1999. The results were positive except on one point. The remunerations of the advocates were still too low compared with the market (at least f\$ 240) and even compared with the costs of the legal aid centres. The government increased the remuneration level from \$99 in 1999 to \$123 in 2000. A further increase has been linked with quality auditing. In 2002 the level of remunerations will increase to \$140 for those who meet the quality criteria. A new institute, set up by the Law Society and the Legal Aid Centres and supported by the Ministry of Justice and the boards, the 'Foundation for Quality Initiatives in Legal Aid' (in Dutch shortened to *Skir*) has been given a budget to support law firms and legal aid centres in introducing Total Quality Management. The Legal Aid Boards will have the supervision on the audits. The next increase of the fees depends on the outcome of a new study on the current system of remunerations. The Treasury wish to introduce a form of result-related fees.

The other issues that are under discussion are:

- the wish of the majority of the legal aid centres to evaluate to more or less common law firms. They are facing the problem that more and more people in the Netherlands are no longer eligible for legal aid. The centres in the provinces are no longer cost effective. They want to reach the total population and wish to compete with other suppliers, eg the legal insurance companies, which are providing legal aid to the public themselves. The Law Society agrees with this development, but only if the funding of the centres and law firms are equal.
- linked to the wish of the legal aid centres - the boards have plans to start with a new independent initiative for the provision of legal information (Legal Information Centres); It will be their task to inform the public about the best lawyer they can obtain in their area.
- the main risk for the legal aid system in the Netherlands is the growth of the number of legal aid insurance policies. About 10% of households have family insurance. The annual growth is 16%. The companies have their own staff lawyers that provide almost all of the requested help. They claim to be very cost effective. Some of them have the objective to be the most beneficial parts of the legal aid system.

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