

Legal aid in criminal cases; the role of the Dutch Legal Aid Board

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Introduction. Developments in legal aid in criminal cases over the last five years

In 2009 the five regional Legal Aid Boards (LAB, *in Dutch: Raad voor Rechtsbijstand*) in the Netherlands merged into a nationally operating organisation with branch offices in five jurisdictions and a central office in Utrecht. The aims of the merger were (among other things) to promote national uniformity, make it easier to coordinate and consult with partners in the justice chain and achieve greater efficiency in the work processes. This article is about legal aid in criminal cases and I begin by referring to the merger because the greater effectiveness of the LAB has been very useful with regard to the organisation of legal aid in criminal cases.

I have worked in the organisation of subsidised legal aid since 1993 and I can say that until 2009, legal aid in criminal cases was a relatively straightforward matter for the Legal Aid Boards. There was little dynamism in the organisation of legal aid in criminal cases throughout those years, so that policy-related processes and consultation with the partners did not call for a great deal of attention on our part. In the last five years however there has been a radical shift in this regard and the effects have been numerous. The LAB has been brought into much closer contact with the partners in the justice chain and has presented itself well with respect to its organisational tasks.

One of the first radical changes was set in motion by the Salduz judgement of the European Court of Human Rights and a number of rulings of the Dutch Supreme Court which followed it. I will examine this in greater detail below. A second important development confronting the LAB at the time was the fact that criminal cases in the category of 'frequently occurring' crimes were being dealt with more quickly and increasingly being settled out-of-court. That approach is also described below. In the Netherlands this was dubbed the 'ZSM' approach and in English the 'ASAP' approach. Both abbreviations are short for 'as soon as possible' but the ZSM approach is not only about speed. I will explain why later.

A third development was the organisation of the duty solicitor schemes. These were redesigned by the LAB in close cooperation with the police and the legal profession, and automation played a major role.

A fourth development referred to below is the anticipated Directive of the European Commission with regard to juvenile suspects, whereby legal aid will have to be provided by lawyers with specific knowledge and skills.

The LAB accepts the challenge of giving such developments a proper place in the way legal aid is organised. In recent years it has been able to present itself as an expert and flexible organisation. As a result the LAB has become a serious consultation partner with the ability to influence policy development. Rapid service and the deployment of modern means of communication are also high-priority objectives at the LAB.

The Salduz case

Salduz is the name of a Turkish suspect who successfully elicited a ruling on consultation with a lawyer during the police questioning phase from the European Court of Human Rights (ECtHR).

Following in the footsteps of this ECtHR ruling our Supreme Court, the highest court in the Netherlands with regard to criminal matters, concluded on a number of principle rules, namely:

Persons suspected of more serious crimes arrested by the police and transferred to the police station for questioning are entitled to legal assistance from a lawyer prior to such questioning. For underage suspects the Supreme Court also derived the right to have a lawyer or confidential adviser present during police questioning from the European Convention for the Protection of Human Rights and Fundamental Freedoms.

These groundbreaking judgements had major consequences for the investigative stage of criminal proceedings. Suspects were given more rights. The need to protect those rights organisationally led to an urgent appeal for action on the part of police, the Public Prosecution Service (*in Dutch: Openbaar Ministerie*), the legal profession and the LAB. This was a substantial challenge, considering about 360,000 arrests were taking place in the Netherlands each year.

Prior to 2009 and before *Salduz*, about 70,000 suspects in criminal cases were given legal assistance at the police station every year. This number rose to about 110,000 in 2014.

The total number of criminal cases for which subsidised legal aid was granted rose from 156,000 in 2009 to 159,000 in 2014. There is a shift in the nature of these cases. More of them involve less serious offences. The LAB assumes this is partly because more suspects at the police station were able to get in contact with a lawyer at an early stage.

The right of suspects to legal consultation before and during police questioning must be established by national law in accordance with a European Directive. The deadline is 1 November 2016. The Dutch legislative proposal in this regard was brought before parliament in February 2015.

Naturally the protection of the rights of suspects could not wait for this new legislation. For that reason the most important organisations involved sought mutual consultation in 2009. Those parties concerned were the Ministry of Security and Justice, the Public Prosecution Service, the police, the Dutch Bar Association and the LAB.

That consultation led to a temporary arrangement, the 'Instructions on legal assistance and police questioning' from the Public Prosecution Service. This arrangement has applied since April 2010 and it was drafted at a good, rapid pace.

The above-mentioned 'Instructions' lay down rules for respecting the right of an arrested suspect to consult a lawyer prior to questioning by the police. This is referred to as 'legal assistance prior to questioning'. Such assistance must be provided to both minors and adults before the first substantive interview by the police. The Instructions also lay down rules for respecting the right of an arrested suspect to consult a lawyer *during* questioning by the police. This is referred to as 'legal assistance during questioning'. In accordance with the jurisprudence of the Supreme Court, only underage suspects have been given the right to 'legal assistance during questioning' in the Instructions.

The Instructions on legal assistance and police questioning distinguish three categories of cases: A, B and C.

In *category A* cases the police must send an application for legal aid to the LAB on behalf of the suspect after the arrest. Examples of cases in this category are:

- cases subject to a prison sentence of twelve years or more which can be characterised as (possibly) intentional homicide, a serious sexual offence, arson with serious consequences, hostage-taking, abduction and other crimes against physical integrity;
- cases in which the arrest of the suspect is preceded by a project-based investigation into organised crime;

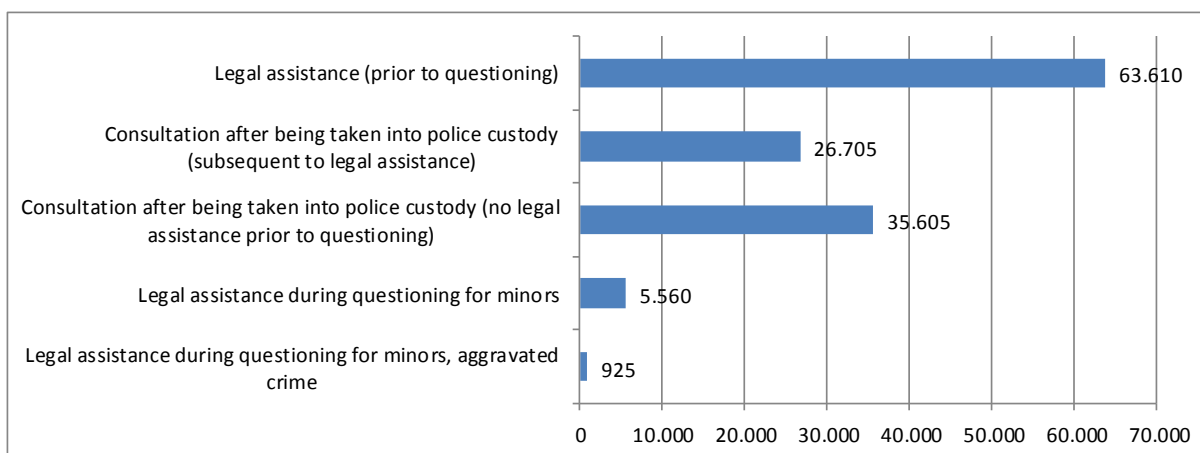
- cases which are expected to have a big social impact;
- cases involving suspicion of a crime whereby pretrial detention is permitted and which could be described as 'sensitive'. Such cases may attract a lot of attention from the media for example;
- cases involving suspects twelve to fifteen years of age and an offence whereby pretrial detention is permitted;
- crimes committed by suspects sixteen and seventeen years of age who in the opinion of the police have a mental or cognitive impairment, to the extent that the offence carries a penalty of twelve years or more *or* a penalty of less than twelve years but also involving a death or serious bodily injury.

Category B cases are all those cases which are not classified under category A or category C. In B cases the police will inform an arrested suspect of his right to consult a lawyer free of charge prior to questioning. The suspect may or may not choose to make use of this right. If the suspect requests legal aid then the police will have an application for legal aid sent to the LAB.

Category C cases involve minor crimes or misdemeanours for which pretrial detention is not permitted. Persons arrested on suspicion of an offence in the C category are not entitled to a LAB-paid consultation prior to police questioning. Suspects in a C case who nevertheless wish to consult a lawyer before questioning may call one for themselves at the police station at their own expense. In practice very few persons suspected of category C offences request legal assistance prior to questioning.

Category B is the largest category with 200,000 cases a year. Category A is the smallest. Category C includes such offences as driving under the influence of alcohol and vandalism.

Distribution of declarations for legal aid or assistance at police stations (2014)



As mentioned above there is currently a legislative proposal before parliament. In that proposal the classification into categories A, B and C is maintained. In future all minors will receive consultation and legal assistance during questioning. Children 16 and 17 years of age will no longer be able to waive such assistance. Once the proposal is accepted, adults will also be entitled to assistance from a lawyer during questioning.

The implementation of the legislative proposal will lead to a further increase in the work load of the legal profession.

Protecting the rights of suspects before and during police questioning obviously involves additional financial resources. The LAB takes the view that financial resources must be deployed in an efficient, critical fashion. The costs of the measures taken subsequent to the Salduz jurisprudence in 2010 were estimated at the time by the Ministry of Security and Justice at 15 million Euros, possibly an overestimate. But the Minister had to find resources with which to pay those costs. One possible source of funding was to raise the level of the personal contribution for legal aid in divorce cases. In the press this was portrayed as decent citizens paying for the misery caused by criminals. This is in fact the essential nature of the dilemma. If the costs of legal aid in criminal cases continues to rise, this could leave less money available for expenditure in other areas. The LAB considers it very important that citizens should retain access to legal aid in these other areas as well.

Reorganisation and automation of the duty solicitor schedules

I mentioned above that the Salduz jurisprudence has led to a much higher incidence of suspects calling for legal aid. In the mean time it is particularly important for lawyers to provide assistance quickly. According to the Instructions, the police should not start their questioning until two and a half hours after the arrest. The lawyer is given the opportunity to speak to the suspect for half an hour within that period. This means the lawyer has no more than two hours in which to contact the suspect after the application for legal aid has been sent by to the LAB by the police.

The necessity for speed means that the LAB has to organise the acceptance of applications from the police and the transfer of those applications to the legal profession efficiently. For that reason the LAB had new software developed, which processes applications for legal aid from the police automatically. The system was built by supplier Symagic.

The central unit for processing applications from the police is set up at the LAB office in 's-Hertogenbosch. This duty lawyer department is responsible for preparing duty lawyer service schedules and providing them to participating lawyers. The processing and monitoring of applications from the police is also one of the tasks of this unit. The unit acts as a help desk.

To guarantee that legal aid is provided in time, the map of the Netherlands is divided into regions for which duty solicitor schedules are drawn up. There are 37 regions for adults and 33 regions for minors. These regions must not be too large in connection with the distances to be travelled by lawyers. A duty solicitor schedule designates 1 to 7 lawyers daily, depending on the scale of crime in the region, to accept cases on a daily basis between 7.00 a.m. and 8 p.m. In the busiest regions the services of lawyers are sometimes divided between an early shift and a late shift.

When legal aid has to be requested for a suspect this is registered by the police in its own system. That computer system can then automatically send a notification to a web-server of the LAB. That electronic notification will also include details of the case from the police. Is it an A case or a B case? What kind of offence is involved? Does the suspect have a preference for a particular lawyer? Is the suspect addicted, does he need an interpreter, for what language, etc?

The computer system will pass the application or notification on to the lawyer on duty according to the duty solicitor schedule or to the preferred lawyer of the suspect. The lawyer receives the notification by email. In practice the lawyer will probably read the notification on his smart phone. He has 45 minutes in which to accept the notification by 'pressing the button'. A preferred lawyer is engaged in about 25% of cases. When a notification is not accepted it is passed on to by the computer to the next lawyer in line. This process makes the previous telephone and fax traffic largely redundant.

If a notification fails to be accepted twice, it will be taken up by the LAB duty lawyer department. A member of staff will then proceed to look for a lawyer by telephone.

This new way of doing things was rolled out nationally in 2013 and 2014. The police and the Dutch Bar Association were closely involved in the process. Naturally there were teething problems and some lawyers needed time to get used to a technology that was new to them. But the LAB concludes that the process is going well and that efficiency and operational reliability have improved. The computer system also logs a lot of information, so that the progress of a notification over time for example, or the speed at which lawyers accept their notifications, can be followed precisely.

The LAB anticipates that in the course of 2015, the notifications for the duty solicitor schedules for psychiatric patients and foreign nationals will also be processed digitally by the unit in 's Hertogenbosch.

In the Symagic application, duty solicitor schedules are not drawn up the way they used to be. A participating lawyer can now specify his own pattern of availability in the web application. Is he available every week day for example, or every day except Monday? After filling in his basic availability with a few clicks of the mouse, he can also specify additional dates on which he will not be available, due to holidays or scheduled court hearings for example. The planning is drawn up for half a year, so lawyers are invited by the LAB to indicate their availability twice a year.

Raad voor Rechtsbijstand

Beschikbaarheid
Diensten
Ontvangen 0
Verstuurd 0
Uitloggen

Vorige
Volgende

Juli 2014

	MA	DI	WO	DO	VR	ZA	ZO
27		1	2	3	4	5	6
28	7	8	9	10	11	12	13
29	14	15	16	17	18	19	20
30	21	22	23	24	25	26	27
31	28	29	30	31			

Augustus 2014

	MA	DI	WO	DO	VR	ZA	ZO
31					1	2	3
32	4	5	6	7	8	9	10
33	11	12	13	14	15	16	17
34	18	19	20	21	22	23	24
35	25	26	27	28	29	30	31

September 2014

	MA	DI	WO	DO	VR	ZA	ZO
36	1	2	3	4	5	6	7
37	8	9	10	11	12	13	14
38	15	16	17	18	19	20	21
39	22	23	24	25	26	27	28
40	29	30					

Dienstlijst [Legenda](#)

Tip!
Via de onderstaande lijst van diensten kunt u de ingeroosterde diensten overnemen in Outlook. Klik daarvoor op het icoontje in de kolom **Agenda** bij de dienst die u wilt toevoegen aan Outlook. Druk op de knop **Alles** om alle diensten in een keer toe te voegen.

Translation: Legal Aid Board

Availability Shifts Received Sent Log out

Previous Next

July August September

Duty list Legend

Tip! Using the duty list below you can transfer the scheduled shifts to Outlook. To do so click the icon in the **Agenda** column for the shift you want to add to Outlook. Press **All** to add all the shifts in one go.

Once lawyers have specified the days on which they are available and the days on which they are unable to attend, the computer system proceeds to draw up the duty solicitor schedules. It is assumed that all lawyers will be assigned shifts. In practice however, the probability of being allocated a shift will be greater if availability is indicated for seven days a week, as opposed to three days a week for example, with numerous dates on which one is unable to attend. In principle shifts are planned automatically. Naturally the LAB monitors whether any gaps have occurred in the planning.

Once the timetable is published on the internet lawyers can exchange shifts with other lawyers using the web application, without the intervention of the LAB, if it turns out later on that they are unable to attend. They can also find out who is on duty at the same time or immediately before or after them.

Lawyers who participate in the duty solicitor schemes must abide by specific conditions. In 2014 those conditions were redefined in consultation with the Dutch Bar Association. A lawyer may put himself forward for three areas of law at most. He must observe the availability times for duty lawyer notifications (on work days, in the weekend and on public holidays from 07.00 – 20.00) and he must have a mobile phone with internet access to receive notifications. Outside those times the lawyer must furthermore be available for notifications in relation to homicides, hostage-taking and abductions. If a lawyer is approached by the family of a suspect as preferred lawyer, he must contact the lawyer who is on duty that day according to the planning. He must also perform his own shifts and not leave them to others.

It may happen from time to time that a lawyer responds too late or not at all to a duty lawyer notification, due to circumstances beyond his control for example. If this happens too often however, it may have consequences for his future participation in the duty lawyer timetable. The LAB will first contact the lawyer himself in this regard. If the lawyer fails to respond for a second time, the LAB will send a written warning. On the third occasion and in the absence of an adequate excuse (force majeure, technical problems with the connection, or having to hand in the phone at the police station for example) the LAB will remove the lawyer from both the current and subsequent half-year timetable. He will not be scheduled for duty again in either of these timetables. He may continue to do preferential notifications in this period however. If after a temporary deregistration the lawyer fails yet again to respond, he will receive a final warning. Any subsequent failure will result in definitive removal.

As previously mentioned the lawyer must fulfil specific training requirements before he can participate in a duty solicitor scheme. There are differing requirements for legal aid to adult and juvenile suspects. Legal aid for juveniles is subject to additional requirements, over and above those which apply to legal aid for adults, to ensure that the lawyer has specific knowledge of juvenile criminal law and the special provisions and measures made for youth.

ASAP: the ZSM approach

Frequently occurring crime should be tackled decisively, quickly, cleverly, selectively, appropriately, efficiently and in cooperation. This approach was given a central place in the ZSM (ASAP) programme of the Dutch Public Prosecution Service.

The ZSM approach was introduced in the Netherlands in 2011 with pilot projects in several large cities including Utrecht and Rotterdam. The national roll-out started in 2012 and was completed in 2014.

Police, the Public Prosecution Service and several chain partners want to tackle frequently occurring crimes more vigorously with ZSM. In the ZSM approach they decide on the settlement pathway as soon as possible after the arrest. Where possible a settlement decision is made immediately. According to the Public Prosecution Service this implies meaningful interventions whereby, as they say, suspects get an appropriate

response, the position of victims is taken into proper account and the area or neighbourhood notices that perpetrators are quickly corrected. All of this – in modern management language – *'in a criminal law chain in which the partners form a single link. And connect up quickly.'*

Greater speed is achieved by applying the principle of 'settle immediately, unless...': thereby setting up a concentration of assessment moments at the front so that unnecessary bureaucracy is avoided. With direct settlement, a deliberate judgement includes punishment and (if possible) enforcement, rather than organising them as separate, successive processes as was done previously.

In the view of the Public Prosecution Service 'clever' means optimal organisation of the process and making the right choices at the front. This requires the deployment of well-qualified staff. It can also be taken to mean optimal deployment of ICT resources, such as hearing by videoconference and multi-media official reports.

'Selectivity' is promoted by placing the public prosecutor right at the front of the criminal proceedings in the first stage of investigation and decision-making. Here it must also be monitored whether a case is dealt with by criminal prosecution, or settled through mediation between the suspect and the victim for example. If the public prosecutor in fact imposes a punishment, the object is to ensure that this is done in a noticeable, recognisable and visible way.

Simplification is achieved by straightforward, minimal registration. For example by recording (image) information digitally and only working out the details if necessary. This shortens the file and reduces the amount of administrative work for the police.

The Public Prosecution Service believes that the strength of ZSM is that all the relevant information for a settlement is available in the chain as quickly as possible. ZSM requires close cooperation. Apart from the Public Prosecution Service and the police, the Probation Service (*in Dutch: Reclassering*), the Child Care and Protection Board (*Kinderbescherming*) and Victim Support Netherlands (*Slachtofferhulp*) are also involved with ZSM.

These partners sit together at the settlement table where decisions are made about the settlement of criminal cases.

As I mentioned before: the ZSM approach means a rapid, selective and society-oriented approach to criminal offences. As well as helping to deal with the backload of work, this will also improve quality.

In the past the settlement of a simple criminal case could easily take nine months, with incoming and outgoing messages to the Probation Service, the Child Care and Protection Board and Victim Support. This meant criminal settlement did not gain sufficient legitimacy.

In the view of the Public Prosecution Service, important gains can be realised by having the parties concerned sit down together at a single settlement table with a leading role for the public prosecutor. The public prosecutor has moved from the back of investigation and prosecution to the front. The Public Prosecution Service is furthermore no longer open five days for nine hours, but seven days for 14 hours.

In ZSM the public prosecutor leads the police and the prosecution process from the front. In the past many cases were prepared entirely by the official assistants of the public prosecutors. The public prosecutor will have to look at both the spirit and the letter of the law, much more so than the official assistants did previously. There will also be an initial selection between cases that do not have to be dealt with by criminal proceedings and can be settled quickly and immediately by way of ZSM (83 % can be dealt with by way of a ZSM settlement, the potential is 90 %) and cases that have to be settled in the back-office of the Public Prosecution Service.

ZSM was not designed to cut costs. It may well lead to savings however, when repeat work is avoided by a correct decision taken at the front for example.

In 2014 a summons (*in Dutch: dagvaarding*) was issued to appear before the Court in about half of all cases.

Previously the Public Prosecution Service had to choose between imposing a monetary fine and summoning the suspect to appear before the Court. Since 2008 there is a third alternative in the Netherlands, namely the penalty order issued by the public prosecutor (*in Dutch: strafbeschikking*).

The public prosecutor can now impose a penalty order for minor offences and crimes punishable by a maximum prison sentence of six years. This is only possible however if the guilt of the suspect is established. In a penalty order the public prosecutor can impose the following punishments: a monetary fine, withdrawal of goods from the market, a community punishment order of up to 180 hours (minors 60 hours), cancellation of driving licence for up to six months, and an obligation to pay the State a sum of money for the benefit of the victim. The public prosecutor cannot impose a prison sentence: that remains a task for the Courts.

A suspect can actively oppose against a penalty order by writing a letter to the public prosecutor. He has fourteen days in which to do so. The public prosecutor may then decide to withdraw the penalty order. If not then the Court decides. A fine does not have to be paid before the hearing in Court. If the suspect does not oppose this is taken as an admission of guilt.

A large proportion of cases dealt with by the Court before the introduction of the penalty order in 2008 are now settled by the Public Prosecution Service out-of-court.

The aim of the Public Prosecution Service is not just to reduce the number of summons cases for the Court by imposing penalty orders, but also to bring cases that do have to go to Court to a hearing within 10 weeks. It is increasingly common for the suspect to be handed a summons at the police station. So even when the suspect has to appear in Court the process is still sped up.

Legal aid with ZSM

ZSM is a growth process which should eventually lead to a uniform national work process. The legal profession initially remained outside this process, partly due to the position of the legal profession itself; they prefer to wait and see. The legal profession remains critical, does not regard itself as a partner in the chain with a place at the settlement table but rather as a partner of the chain and it has taken up a more active, constructive approach to its role for some time now.

The Public Prosecution Service attaches considerable importance to the principle of the rule of law. The imposition of a penalty order implies confirmation of guilt for a punishable offence and may lead to a criminal record. This implication of the payment of an immediate fine by suspects is another reason why it is important that they should be able to seek information and advice from a lawyer. It is important for the legitimacy of the ZSM process.

The Ministry of Security and Justice, the Dutch Bar Association, the Public Prosecution Service and the LAB have discussed the role of the legal profession with lawyers.

The legal profession considered it important that every arrested suspect should be brought into contact with a lawyer and be given the opportunity to request consultation; nor should they be able to waive that right before the police. It was standard practice, after all, that contact between the suspect and the lawyer would only be organised by the LAB in serious or sensitive criminal cases. This only happened in other cases if the suspect requested consultation with a lawyer prior to questioning by the police. The legal profession was of the

opinion that suspects waived their right to legal assistance too often and without being fully aware of the possible consequences.

The practical implications of organising a Salduz-consultation for *all* arrested suspects have since been tested in three pilots between 1 November 2014 and 30 April 2015 (in Rotterdam, Central Netherlands and Eastern Netherlands). Video-consultation was deployed thereby. The underlying idea is that this could form a rapid and affordable solution.

In principle it would be better if the suspect and the lawyer had face to face contact at the police station, but if lawyers are increasingly called upon to get in their cars and make their way to the police station, this takes a heavy toll on their availability and long waiting periods are the result. Such waiting periods are not in the interest of suspects and they prolong the work process for the police and the Public Prosecution Service. The LAB believes that video-consultation can be a rapid, efficient and cost-effective alternative to face to face legal assistance.

Two different forms of technology were used to realise video-consultation. In one case video cameras were deployed at police stations and a central location where lawyers worked their shifts. In the other case I-pads were handed out to suspects in their cells and the lawyer could offer advice using his own PC or laptop. The latter method is extremely flexible but it was found to be somewhat less robust technically.

In the pilots video-consultation was the basic point of departure in establishing contact with the suspect. If it did not work or if it hindered a proper conversation, the lawyer could break off the consultation and demand that a lawyer visit the suspect on location.

For the legal assistance described above the LAB adjusted the payment arrangements. The usual payment arrangements were not well-suited to new work forms and frequent and rapid legal aid. For that reason the Ministry, the Dutch Bar Association and the LAB held discussions about a separate payment system, which would be a mix of payment based on activities and a guaranteed minimum.

The Ministry of Security and Justice will be responsible for scientific evaluation of the pilots. The research report will come out in the summer of 2015.

As far as the LAB is concerned, the pilots must show whether the early deployment of legal assistance contributes to a successful and legitimate ZSM procedure. A procedure whereby simple cases can be settled quickly and without the intervention of the courts. This is a huge challenge. The LAB is also curious to see whether the number of criminal cases before the courts and the number of cases in which the LAB assigns subsidised legal aid to suspects in connection with those cases will decline.

In conclusion

The LAB sees a development whereby the rights of suspects in the first stage of criminal proceedings are extended as positive. Also because the settling of criminal cases more quickly is a matter of increasing urgency in practice.

The LAB advocates working with video-communication and/or posting lawyers at police stations provided it is organisationally feasible and financially responsible to do so.

The LAB emphasises the importance of critical reflection on the payment system for criminal cases. Criminal law and its procedures change quickly and the question of whether the payment system should be adjusted accordingly is one that deserves serious consideration. Expenditure for criminal cases has hugely increased over the course of time. For that reason as well, proper dimensions are important.

In the Netherlands about 7,500 lawyers provide subsidised legal aid. This is 44 % of the total number of lawyers. On average each deals with 55 cases a year, in all legal areas.

To provide legal aid in criminal cases a lawyer has to meet additional requirements with regard to training and experience. In 2014 there were about 3,400 lawyers registered for criminal cases. For cases in the field of juvenile criminal law, additional conditions have applied since July 2013. There were about 1,450 lawyers available in this field.

The number of available lawyers is high, also in the view of the LAB. If the number of lawyers is too high, some lawyers will end up with relatively few cases as a result. This issue needs to be taken into consideration and it will form the basis for further discussions with the Dutch Bar Association about raising the requirements for being eligible to provide legal aid. Legal aid should be provided by competent lawyers who have the knowledge and skills to act quickly in criminal proceedings. In an increasing number of instances criminal proceedings resemble a pressure-cooker in which cases can no longer be prepared calmly over a longer period.

Research conducted by the University of Maastricht showed that some lawyers did not know about Instructions on legal assistance and police questioning and that in some cases, criminal defence lawyers knew nothing at all about the ZSM approach.

Space for innovation and experiment is important. The Criminal Defence Innovation Committee of the Dutch Bar Association also referred to the importance of innovation in its recommendation. The LAB read with interest in this recommendation that there are no urgent reasons to assume that in less serious cases, activities in the consultation phase could not be performed by qualified professionals who are not lawyers. In the opinion of the LAB it would therefore be a good thing if the law, apart from posting lawyers at police stations and deploying video communication, did not exclude the possibility of such a development in the future.

I hope I have made it clear in this article that the LAB is actively following developments as they unfold and doing its best, with others, to steer those developments in the right direction. Rapid sorting-out of the consequences of the Salduz case in cooperation with the chain partners, the use of automatic scheduling and the electronic transmission of notifications, the use of modern communication technology for video-consultation, I-pads, the efforts for ZSM, changes to the standards of expertise and adjustments in the system of payment; all of these should serve to make legal aid in criminal cases future-proof.