

International Legal Aid Group

Newsletter & Information Resource for Academics, Researchers & Policymakers

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Editorial

Welcome to an extra edition of the ILAG newsletter. We have brought this out to showcase the report on digital developments described in detail below and released in early February. ILAG regulars will be familiar with this research, on which reports have been made at ILAG conferences and previously in the newsletter. Developments are moving so fast that the core of the report had to be rewritten three times and more has happened since writing was completed in November last year. Discussion of the conclusions of the report - which include the proposal that 'digital first' provision is the way forward, though not 'digital only' - are welcome. So too are contributions on latest developments. One of the characteristics of digital is that it is, of course, inherently transnational. So, you can strip out national content and are left with the bones of an approach that can be transferred. The recent US Legal Services Corporation technology conference gave a really good example of this in terms of how Bonnie Hough's California courts had taken a project developed for British Columbia; stripped out the Canadian flag; and negotiated a license to use it. In the course of the research, I found it really interesting to compare websites in different countries: the lessons about the importance of putting the user first become pretty clear if you do this. So, enjoy the report and do feed back responses. That should be exactly one of the ways in which ILAG can deliver its value.

Roger Smith

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Face-to-Face Legal Services and Their Alternatives: Global Lessons from the Digital Revolution

Roger Smith & Alan Paterson

A week, famously said UK former prime ministers Harold Wilson, is a long time in politics. Zou Enlai, on the other hand, took the view that two centuries provided insufficient perspective on the French Revolution. A report on the impact of the digital revolution on legal services for the poor is likely to fall somewhere in between. So, taking a shaky snapshot of developments at the present time, what can we say after all the necessary caveats on the subject of the uncertainty of long-term trends? This is the subject of the

report that is attached on which Alan Paterson and I have been working.

In the two-year span of the research underlying this report, there were major changes to technology, politics and the infrastructure of delivery of what, in this country, has been known as civil legal aid. In the neighbouring field of medicine, projects such as NHS Direct in England and Wales rose and fell - appearing initially as beacons to the future and then falling victim to political destruction. Throughout the research period,

the impact of third party ownership of law firms and consequently greater external funding began to make itself felt. Expenditure cuts meant that the domestic legal advice scheme established in the early 1970s was all but wiped out and the not for profit sector pretty well bundled out of the field. Meanwhile, technology drove onward to the extent that Moore's law, that initially predicted a doubling of computer speed over every two years, was reduced by some observers to referring to a period of 18 months. Smartphones suddenly became prevalent, multiplying access to the web and to internet-based sources of advice.

Although technology is itself neutral, its development in legal services around the world reflects the local balance of forces and the sources of necessary finance. In England and Wales, the private sector leads in the development of what Professor Richard Susskind called 'the latent legal market', low cost services that might attract the sort of people who used to get legal aid subject to a financial contribution. Allied with techniques like 'unbundling' or the division of a case into its constituent parts, websites like that of Quality Solicitors and Co-operative Legal Services (CLS) have developed what effectively has become a new business model. For example, in the commercial battleground of matrimonial disputes, vacated by legal aid as the result of cuts, the CLS site offers three specific low cost packages. Innovation abounds: there are many other examples. Sites like roadtrafficrepresentation.co.uk give instant access to a wide range of free advice in order to pick up referrals of the smaller number of remunerative cases - on what we have called a 'gleaning' basis. Australian entrants to the legal market, Slater and Gordon, offer a referral app using the capacities of a smart phone to members of the Cycle Touring Club involved in an accident.

In other countries where government-funded legal aid organisations are leading developments, there are more centralised approaches. New Zealand and New South Wales - with their LawAccess programmes -

are two jurisdictions moving towards a re-orientation of their legal aid delivery system to being web-led with supplementary phone and face-to-face services. The Netherlands has developed its wonderful rechtwijzer.nl programme, which creates a dynamic element to the process of taking someone through a net-based programme of dispute resolution - supplemented by the possibility of face-to-face and digital chat assistance. In the US, the Legal Services Corporation has husbanded its limited resources with care and seen through a strategic approach to its technology initiative grants with several successes under its belt including what still looks like definitive, if now decade-old, research on how to run telephone hotlines; experiments with mobile-based systems and the A2J software that facilitates DIY court procedures.

Technology is opening up fascinating possibilities. The [rechtwijzer](http://rechtwijzer.nl) site hints at an approach, which is truly radical: assuming that those that consult it do not really want advice or information - they want solutions to their problems. That would follow the approach of various commercial mediation sites that take the person consulting them straight to negotiating a settlement with all the dizzying possibilities of on-line automatic dispute resolution.

There may be reasons, however, to temper our excitement. First, though quantifying it may be difficult, a digital divide remains with some excluded from new forms of delivery by poverty, lack of physical access and culture. Second, we are still learning what works. A comparison of websites on a common topic around the world reveals just how much divergence there is between the best and the worst. Third, there is little objective research on the quality of net or telephone based legal advice and information. The US hotlines survey in 2002 and some of the work of the Legal Services Research Centre in England and Wales (now abolished) stand out in their willingness to make objective judgments of quality rather than hopeful assertions of success. Research on the [rechtwijzer](http://rechtwijzer.nl) by the

University of Twente, due later this year, is to be eagerly awaited. Finally, digital delivery provides temptations for government, both in terms of insufficiently specific assistance (at the worst, an automated telephone tape) and vulnerability to cuts (as was the fate of NHS Direct).

There are specific lessons for our own Ministry of Justice. Without prejudice to the arguments about reinstating at least some of the cuts to scope, we need continued support for free access to cases and legislation on the internet; express support for DIY litigants and those seeking to resolve a legal problem; a supportive culture for innovation; a commitment to rigorous research; and consideration of shift to an internet-led

network of provision on a new paradigm of delivery with face to face services present when required but providing the last line of assistance.

The result is an unclear picture of rapidly changing events but one, which shows that there is much to fight for in relation to adequate access to justice. There is still the opportunity to provide considerable assistance to those unable to pay for private representation and to do it more imaginatively than before. What is more, there are, around the world, examples of how it might be done. Comments on the conclusions of the report - or contributions on developments that should be followed - are welcome.

The report can be obtained using the following link:

http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf

News From Around The World

Paul Ferrie

The news items shown below are largely compiled from articles on the internet, found on the basis of a simple search for terms such as 'legal aid', 'access to justice' and 'pro bono'. Therefore, readers must, just as buyers, beware of authenticity. The links worked at the time of writing but some will obviously fail after a period of time.

This section is compiled by Paul Ferrie, Researcher and Website Administrator for the International Legal Aid Group. Paul, a graduate of the University of Strathclyde Law School, is also a Trainee Solicitor with Scottish based firm TCH Law, undertaking mainly civil litigation work.

If you would like to suggest or write an article for inclusion in this newsletter or the ILAG website, please contact Paul by emailing paul.s.ferrie@strath.ac.uk. Paul can also be contacted via Twitter (@psferrie) – and LinkedIn (<http://goo.gl/I9cmNd>).

Australia:

[Election To Spark Calls For More Legal Aid Funding](#) - Abc News

[Legal System Overhaul Proposal Pushes 'Inquisitorial' Role For Judges](#) - The Canberra Times

Bangladesh:

[Legal Aid For All Workers](#) – The Daily Star

Canada:

[Access To Justice: Help Coming For People Headed To Canada's Civil And Family Courts](#) – The Star

[How Does Ontario Legal Aid Compare?](#) – Law Times

[Injury Case Shows Barriers To Justice](#) – The Vancouver Sun

[Legal Aid Ontario Reverses Funding Decision On West End Toronto Clinic](#) – The Star

Cayman Islands:

[CJ: Legal Aid Changes Needed](#) – Cayman 27

England & Wales:

[Bar Council Chairman: Further Legal Aid Cuts Would Be False Economy](#) - The Guardian

[Crime Doesn't Pay](#) – The Economist

[Courts Close Across England And Wales As Lawyers Protest At Legal Aid Cuts](#) - The Guardian

[Declining Crime Rates Will 'Save £80m A Year In Legal Aid'](#) - The Guardian

[Government Opens New Front In Criminal Legal Aid Fight By Bulking Up Public Defender Service](#) – Legal Futures

[Lawyers Protesting Outside Courts Over Legal Aid Cuts](#) - BBBC News

[Legal Aid Cuts Are 'Taking The Profession Back To Dickensian Times', Says No5 Chambers](#) – The Lawyer

[Legal Aid: 'We Deal With Real People With Real Problems'](#) – The Times

[Strategy Is Published To Ameliorate Impact Of Legal Aid Cuts](#) – Civil Society

Ghana:

[Legal Aid Scheme Gets Undps Support](#) – Spy Ghana

India:

[Bitcoin Fans Seek Legal Aid For Regulatory Clarity](#) - The Economic Times

[Legal Aid Clinic Opened](#) – E-Pao

[Free Legal Aid Scheme Fails To Attract Litigants](#) – The Times Of India

['Poor Should Get Free-Legal Aid And Speedy Justice'](#) – Hindustan Times

[Supreme Court Judge To Open Web Legal Aid Clinics In Palamu](#) – The Times Of India

[Wanita Mic To Open Bankruptcy, Legal Aid Clinic For Women](#) – New Straits Times

[Wazirabad Village Gets Legal Aid Clinic](#) – The Times Of India

Kenya:

[Kenya Urged To Back Access To Justice As Global Standard](#) – Capital News

[Poor Will Soon Get Legal Aid](#) – The Star

Liberia:

[Carter Center Gets Support For 'Access To Justice Program'](#) – All Africa

Malawi:

[Malawi's Criminal Justice System Is In Need Of Urgent Reform](#) – The Guardian

Malta:

[Legal Aid Structure Attacked In Constitutional Case](#) – Malta Today

[Restrictive Legal Aid System Could Breach Human Rights](#) – Malta Today

Namibia:

[Legal Aid Funds 'A Real Problem' – Judge](#) – The Namibian

Pakistan:

[Access To Justice: Lawyers Agree Not To Strike During Court Hours](#) – The Tribune

The Philippines:

[Filipinos Can Find Legal Aid From Compatriot](#) - The National

Portugal:

[Court Reforms, Pay Cuts, Legal Aid Dominate At Judicial Year Opening](#) – The Portugal News

Republic Of Ireland:

[Demand For Legal Aid Fell By 10 Per Cent In 2012](#) – Irish Times

[Legal Aid Bill Up €760k To €48m](#) – Irish Examiner

Scotland:

[Additional £280,000 For Slab's Making Advice Work Programme](#) – Scottish Legal Aid Board

[Lawyers Revolt Forces Legal Aid Cuts Retreat](#) – The Scotsman

[Ministers Delay Legal Aid Contributions Following Society Guidance](#) – The Journal Online

United States Of America:

[Access To Justice Commission Releases Plan For Future](#) – The Charleston Gazette

[Cuts To Legal Aid Strain Services For Poor](#) - Wgbh

[Columbus Legal Unveils New Legal Aid Policy](#) - Post Online

[Judiciary Increases Access To Justice With New Online Services](#) – Pacific News Center

[Legal Aid Hotline Swamped With Health Care Questions](#) – Wcax.Com

[Massachusetts Attorneys Mobilize To Increase Legal Aid Funding In Boston](#) – Non Profit Quarterly

[Patrick Proposes \\$1m More For Legal Aid In 2015](#) - Boston Business Journal

[Stanford Law School Clinic Offers Free Legal Services In East Palo Alto](#) – The Stanford Daily

[Volunteer Lawyers For Justice Continue Free Legal Aid Clinics](#) – North Jersey.Com

Ukraine:

[More Than Five Thousand Persons Receive Free Secondary Legal Aid In January – For Um](#)

For more information about the work of the *International Legal Aid Group*, please visit our website which can be found at <http://ilagnet.org/>. Please note however, that in the coming weeks, a new website will be launched. More information will be made available in due course.