

.JUSTICE-ILAG

Around the Globe: News Stories on Legal Aid

5 November 2008

This is the first of three test newsletters. It includes stories that appeared in news coverage around the world during the month of October 2008. They have been assembled in order to test the usefulness of collecting this sort of information in a monthly bulletin. If useful, the newsletter may be formalised via the imminent International Legal Aid Group website: if not, it will cease at the end of the year. The newsletter is being circulated to ILAG members by Alan Paterson and to a list of individuals who might be interested by Roger Smith.

Please do scan the stories, check the links and assess the usefulness. The source is a regular daily scan of news stories, augmented by the occasional proactive search and filtered through an attempt to pick out stories with a potential international interest. The stories have been compiled by Roger Smith, director of JUSTICE to whom you are invited to email any comments or suggestions for improvements: rsmith@justice.org.uk.

During the trial period of three months until the end of the year, the newsletter will contain only news links of the kind below. There is the possibility of extending the content in due course.

If you would like to be taken off the circulation list or have someone added to it: contact rsmith@justice.org.uk.

Reports and Legislation

Trebilcock review of legal aid in Ontario:

<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/trebilcock/>

Conclusions:

There are seven key themes that arise from the analysis in this Report.

First, management of the legal aid system cannot be approached in isolation from the broader justice system and must be viewed as an integral part of a broader strategy of progressive and incremental reform of the justice system at large. Legal aid resources should be expended in ways that facilitate more timely and more effective resolution of disputes. In turn, reforms to the broader justice system must also be pursued that facilitate this objective.

Second, financial eligibility criteria need to be significantly raised to a more realistic level that bears some relationship to the actual circumstances of those in need. They should be simplified and made more flexible so that services could be provided along a sliding scale of eligibility with broadened rules for client contributions. The criteria also need to be brought into line with anti-poverty measures used elsewhere in the social welfare system and adjusted on a regular basis.

Third, some range of legal aid services should be provided to all Ontario citizens on a non-means-tested basis, in particular summary forms of advice and assistance, so that middle-class Ontarians develop a material stake in the well-being of the legal aid system.

Fourth, LAO [Legal Aid Ontario] needs to develop a strategic focus on mechanisms for facilitating greater integration in the delivery of legal aid services, minimizing the attachment of particular legal aid services to particular classes of institutions or classes of problems (the silo approach to legal aid service delivery), and enhancing single entry point or one-stop shopping approaches to the need for legal aid services. Reconceptualizing the mandate of the clinics and determining the role of the clinics in a broader strategic conception of the legal aid system would be a useful starting point.

Fifth, in order to facilitate the realization of some of the foregoing objectives, LAO must be much more aggressive and enterprising in experimenting with innovative forms of service delivery, such as comprehensive, sophisticated and accessible electronic information systems and hotline services, and it must be much more strategic in maximizing the

considerable potential of existing service delivery mechanisms, particularly staff duty counsel, staff offices and paralegals.

Sixth, the legal aid tariff needs to be significantly raised in the immediate future, along with salaries for staff lawyers in the clinic and duty counsel systems, and a system of periodic adjustments thereafter institutionalized and incorporated into the budgetary process governing the financial relationship between LAO and the Ministry of the Attorney General. LAO should be responsible for the management of the tariff to encourage a flexible and innovative management approach that is responsive to imbalances in the system.

Seventh, even with a much higher level of commitment to innovation in service delivery by LAO, most of the other objectives, especially the expansion of financial eligibility criteria for legal aid assistance on the demand-side, and redressing the under-compensation of service providers, on the supply-side, cannot be fully realized without a substantial infusion of additional financial resources into a system that has been chronically under-funded for decades and which compromises our commitment to the ideals of access to justice and the rule of law, which as a civilized, compassionate and prosperous society should be one of our most important shared common values or assets

Report recommends better legal aid in child-death investigations in Ontario, Canada. <http://www.lawtimesnews.com/Headline-News/Goudge-blasts-child-pathology-system>

District of Columbia Access to Justice Commission publishes report commissioned by court and written by law firm DLA Piper on pro bono basis on lack of civil legal aid, especially in housing, custody, small claims and other civil cases. <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/07/AR2008100702978.html>

Council of Europe cites Ireland as seventh highest spender on legal aid among members of Council – beaten only by three UK jurisdictions, Netherlands, Sweden and Norway. <http://www.irishtimes.com/newspaper/ireland/2008/10/11/1223560398208.html>

Policy

New minister in Ministry of Justice for England and Wales reviews legal aid and confirms delay on introduction of compulsory competitive tendering. <http://www.egovmonitor.com/node/21485> Allegation that legal aid costs ‘cut to the bone’. <http://business.timesonline.co.uk/tol/business/law/article4948120.ece>

Legal aid bill passed to establish National Legal Agency for Legal Aid in the Gambia:
<http://thepoint.gm/africa/gambia/article/2008/10/30/new-bill-seeks-to-provide-legal-representation>

Legal Aid Council of Nigeria reports that 70 per cent of remand prisoners have no chance of trial or release. <http://allafrica.com/stories/200810160851.html>

Legal Aid and Lawyers

Christian legal aid lawyers meet in Washington, US as part of Christian Lawyers Global Convention.

<http://www.christiannewswire.com/news/241478096.html>

Cases

CLAP, Committee for Legal Aid to the Poor, argues that plan to cease distribution of cooked lunches in Cuttack, India goes against court order for minimum standards of food.

http://www.telegraphindia.com/1081006/jsp/nation/story_9914718.jsp

The Society for Protection of Rights of Child, an NGO, has sent an application to the Peshawar High Court in Pakistan appealing for free legal assistance to juvenile prisoners.

http://www.dailytimes.com.pk/default.asp?page=2008%5C10%5C12%5Cstory_12-10-2008_pg7_41

Hartford Legal Aid in US challenges 'Fannie Mae's' eviction policies: [Fannie Mae: Goal Is To Avoid Evictions](#).

Provision

Legal aid organisations struggle to provide services in Cambodia.

<http://www.phnompenhpost.com/index.php/2008100922039/Siem-Reap-Insider/Lawyers-offer-free-representation-to-the-poor.html>

Hebei in China establishes employee legal aid service.

<http://www.chinacsr.com/en/2008/10/20/3389-hebei-to-establish-legal-aid-system-for-employees/>

Offer of legal aid by head of Islamic university to alleged terrorists creates controversy in India.

http://timesofindia.indiatimes.com/India/Secularism_and_legal_aid_to_terror_suspects/article_show/3587905.cms

Set of barristers' chambers in Manchester, England closes because it felt it was not big enough to handle legal aid work <http://www.thelawyer.com/cgi-bin/item.cgi?id=135158&d=415&h=417&f=416>

Mock trials form part of training of interns with Tblisi Legal Aid Bureau in Georgia. <http://www.geotimes.ge/index.php?m=home&newsid=13099>

Clark County, Nevada considers extra \$3 filing fee on civil cases to pay for self-help cases. <http://www.lasvegassun.com/news/2008/oct/05/self-help-center-would-aid-amateur-civil-lawyers/>

Growth of pro bono in Canada to cover, to some extent, decline in legal aid. <http://www.lawyersweekly.ca/index.php?section=article&articleid=787>

Legal aided trials in Namibia delayed to January 2009 because of shortage of funds for legal aid: <http://www.namibian.com.na/2008/October/national/08344404E8.html>

Barristers in Northern Ireland Omagh bombing trial paid £1.2m: http://news.bbc.co.uk/1/hi/northern_ireland/7681194.stm Total public bill rises to £3.5m: <http://www.belfasttelegraph.co.uk/news/local-national/bill-for-failed-omagh-trial-pound35m-and-rising-14017718.html>

Malaysian Bar Council seeks to shift responsibility for funding 13 legal centres to government: http://www.nst.com.my/Current_News/NST/Wednesday/National/2387476/Article/index.html

One English legal firm earns £9m in one year from legal aid: <http://business.timesonline.co.uk/tol/business/law/article5050346.ece>

ILAG was established in 1992 as a way of bringing together academics, administrators and others interested in the development of legal aid. ILAG is constructing a website at www.ilagnet.org.

JUSTICE is a UK-based human rights and law reform organisation dedicated to advancing human rights, access to justice and the rule of law. Its website is www.justice.org.uk.