

1. LEGAL AID IN FINLAND

Legal aid is governed by the Legal Aid Act, the Act on the State Legal Aid Offices, and three Government decrees: one on legal aid, one on legal aid fee criteria and one on the State Legal Aid Offices.

Links:

<http://finlex.fi/fi/laki/kaannokset/2002/en20020257.pdf> (Legal Aid Act)

<http://finlex.fi/fi/laki/kaannokset/2002/en20020388.pdf> (Decree on Legal Aid)

<http://finlex.fi/fi/laki/kaannokset/2002/en20020389.pdf> (Decree on Legal Aid Fee Criteria)

Legal aid is administered by state legal aid offices and by decisions of the courts. Legal aid is granted at the state legal aid offices. If the legal aid office does not accept the application and deems that there is no reason for a rectification, an application for legal aid can be submitted to the court for a hearing. If the court does not grant legal aid, it is possible to appeal against the decision.

The legal aid office has the right to contact the authorities and insurance companies so as to check the information that the applicant has provided on his or her financial circumstances. Also banks are under the obligation to provide the legal aid office with the assistance it needs, if there is a reason to doubt the reliability of the information supplied by the applicant. If bank information is to be requested, the applicant must be notified of the request in advance. Legal expenses insurance has priority over public legal aid.

A recipient of legal aid must inform the legal aid office of changes in his or her circumstances, including income, expenses or wealth. If the financial circumstances of a recipient of legal aid change, the legal aid office may amend the legal aid decision in order to take the change into account. And again, as in any decision the legal aid office makes concerning legal aid, the decision may be submitted to the court for reconsideration.

The funding of legal aid comes from the Budget via the Ministry of Justice.

Providers of legal aid

Legal aid is provided by public legal aid attorneys and private attorneys. A public legal aid attorney is a lawyer working at a state legal aid office. Private attorneys are advocates or other private attorneys. An advocate is a lawyer who is a member of the Finnish Bar Association and whose activities are supervised by the Bar Association and the Chancellor of Justice. All private attorneys who are not advocates and who deal with legal aid cases have to be licensed attorneys. A licensed attorney is a lawyer who has been granted a permit by the Licensed Attorneys Board to act as an attorney. The

activities of public legal aid attorneys and licensed attorneys are supervised in the same manner as those of advocates. Half of the public legal aid attorneys are members of the Bar.

In most cases, the applicant's first contact is the lawyer of his or her choice, who then draws up the application for legal aid. The recipient of legal aid has a choice of attorney in any court case.

The client may choose whether he or she wishes to be assisted in judicial proceedings by a public legal aid attorney working at the state legal aid office, an advocate, or a licensed attorney.

In matters that are not to be brought before a court (e.g. advice or drawing up of a document, such as an estate inventory or an agreed distribution of matrimonial property), legal aid is given only by public legal aid attorneys. In these situations, the recipient of legal aid cannot choose a private attorney, unless there is a special reason for it. The reason may be that the legal aid office has a conflict of interest in the matter, is too busy to take the client or the matter requires special knowledge that the public legal aid attorneys of the office do not have.

State Legal Aid Offices

State legal aid offices have two tasks: to provide legal aid and to grant it.

With a population of about 5.4 million and area of about 340 000 km², Finland has 27 legal aid offices, which are located mainly in the vicinity of the district courts. The legal aid offices have 165 locations, of which around half are service points where clients are met as required.

The legal aid offices are small: they have between 4 and 30 employees. The total number of employees is just 393, of which half are lawyers (public legal aid attorneys) and the other half office staff. Applicants for legal aid may choose which legal aid office they wish to use.

The offices are divided into six legal aid districts. One regional Director of an Office is appointed a Director of a District for a maximum of five years. The Director of the District has administrative duties, including performance discussions, proposals for the use of branch offices and service points, and recommending the appointment of legal aid attorneys. He or she is also responsible for the regional development within the district.

The Ministry of Justice is responsible for the overall management and supervision of the legal aid offices.

2. STATISTICS

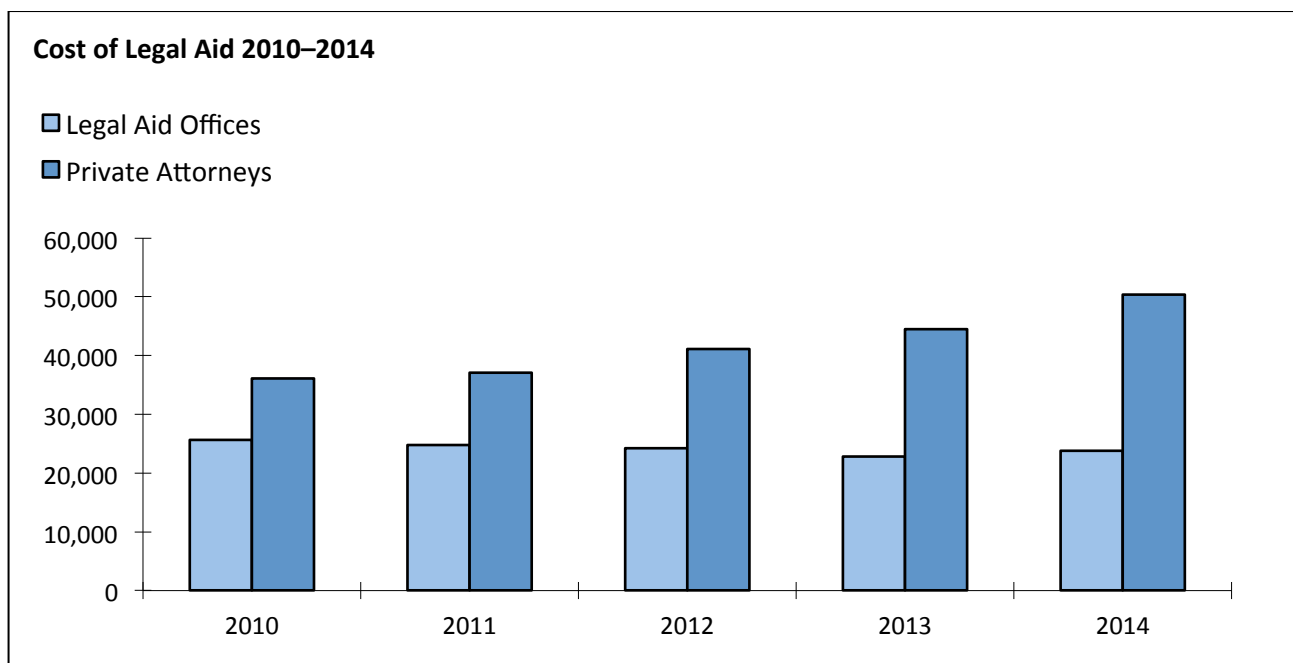
In 2014 expenditure on legal aid amounted to EUR 71.8 million. Of this sum EUR 21.4 million derived from the operations of legal aid offices and EUR 50.4 million from remunerations paid to private attorneys. With this sum approximately 78 600 legal aid cases were dealt with.

Private attorneys

In 2014, private attorneys were paid a total of approx. EUR 50.4 million as fees and compensations in legal aid matters, which is around 13 per cent more than in the previous year.

82 per cent of the fees and compensations payable to the private attorneys were incurred in the general courts and 12 per cent in the administrative courts. 6 per cent were incurred in out-of-court procedures.

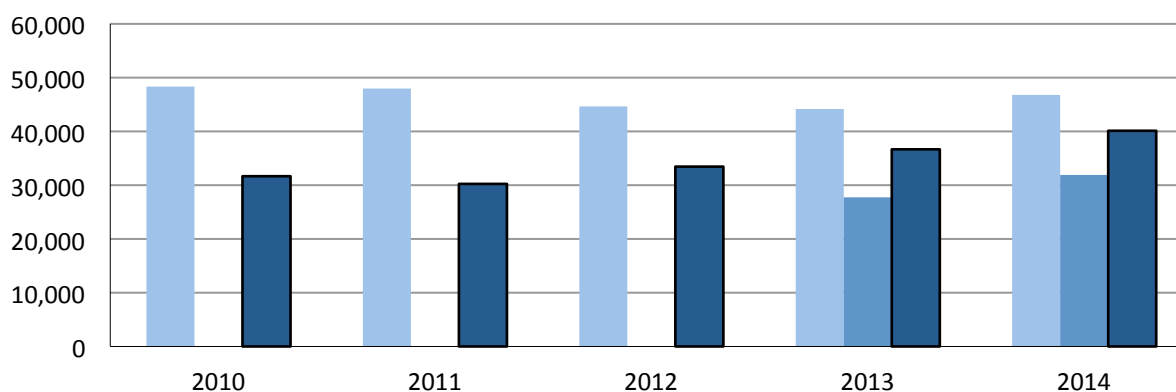
Criminal matters constitute the largest group, 66 per cent of the cases. Private attorneys handled 31 884 cases in 2014.¹



¹ All hearings and considerations concerning a case are registered as one case. A case may, however, include multiple considerations, e.g. in the District Court and in the Court of Appeal.

Cases Handled Through Public Legal Aid

- Cases handled by the legal aid offices
- Legal aid cases handled by private attorneys (one case may include multiple considerations)
- Total number of legal aid proceedings handled by private attorneys (all hearings and considerations concerning a case are registered as one case. A case may, however, include multiple considerations, e.g. in the District Court and in the Court of Appeal)



Operational efficiency in the legal aid offices

Operational outlays 2010–2014

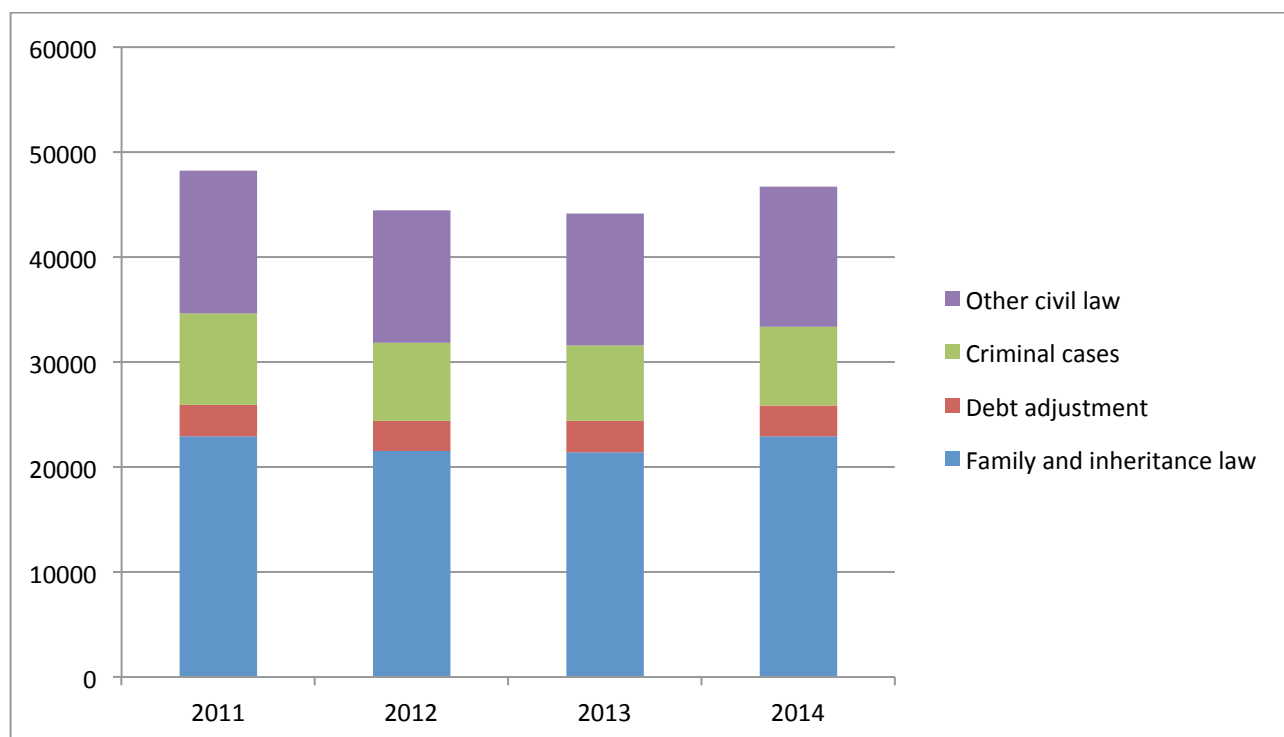
EFFICIENCY						
OUTLAYS 1000 €						
Legal Aid Offices	2010	2011	2012	2013	2014	Comp. to year 2013
Revenue						
Services subject to a charge	4 723	5 065	5 044	5 214	5 297	2 %
Costs						
	27 659	27 215	27 146	26 024	26 696	3 %
Total net outlays (1000 €)	22 936	22 150	22 102	20 810	21 399	3 %
Main operational targets						
Cost-effectiveness						
(Outlays/completed case unit)	116	112	121	113	115	2 %
Productivity						
(completed case unit/ person)	475	485	467	478	473	-1 %

Outputs in the legal aid offices

In 2014, the public legal aid offices received a total of 46 438 cases. All in all, 84 per cent of the cases dealt with by the legal aid offices pertained to civil law or administrative law. Of the civil law cases, 49 per cent concerned family and inheritance law, 6 per cent concerned debt adjustment for private individuals and 29 per cent concerned other civil law or administrative law matters. The share of criminal cases was 16 per cent of the total.

Year	2011	2012	2013	2014
Family and inheritance law	22 931	21 522	21 405	22 916
Debt adjustment	2 987	2 906	3 003	2 968
Criminal cases	8 699	7 389	7 217	7 456
Other civil law	13 642	12 615	12 539	13 394
Together	48 259	44 432	44 164	46 734

Of the 46 734 cases dealt with by the legal aid offices in 2014, 18 per cent were closed by free legal advice on the phone, 20 per cent were closed with legal advice being given, 21 per cent with a document being drafted, 21 per cent with court proceedings and the other 20 per cent either with administrative authority taking measures or by some other measure.



Cases dealt with in the Legal Aid Offices



Outputs and quality control in the Legal Aid Offices 2010 – 2014

OUTPUTS AND QUALITY CONTROL						
	2010	2011	2012	2013	2014	Comp. to year 2013
Cases						
Incoming cases	49 667	48 259	44 432	44 724	46 438	4 %
Cases carried over to the following year	16416	16744	17228	15403	15321	-1 %
Main operational targets						
Closed cases	48 346	47 873	44 607	44 164	46 734	6 %
Legal Aid decisions (units)	22 751	22 098	24 553	26 702	26 994	1 %
Queuing time (days)	12,9	13,1	14	13,9	12,9	-1 day

3. PROGRAMME FOR THE REFORM OF THE ADMINISTRATION OF JUSTICE FOR 2013–2025

In order to shorten the total length of judicial proceedings and to guarantee the quality of legal protection, a legal protection programme has been drawn up in the Finnish Ministry of Justice for the years 2013–2025. The legal protection programme was drawn up by a broad-based advisory board. In addition to representatives of the Ministry of Justice, the advisory board consisted of representatives of the different court instances, the prosecutors, the enforcement service, The Finnish Bar Association, and the National Audit Office of Finland. The legal protection programme drawn up by the advisory board contains a wide range of proposals for the development of the courts, prosecutors, enforcement and legal aid.

According to the legal protection programme, the quality of advocacy and legal aid will be improved by making the supervision more effective. More effective supervision improves legal protection while also making the consideration of matters in courts more effective. In addition, the coverage, allocation and costs of legal aid will be examined and adjusted to correspond to the factual legal protection needs. The administrative reform of the legal aid office network will also be continued, and the use of e-services and remote services will be made more extensive.

Coverage and structures

In the assessment of the coverage of legal aid, attention shall be paid to the geographical coverage as well as to the coverage in respect of different groups of parties and matters. The case law of the European Court of Human Rights concerning a person's right to public legal aid in pre-trial investigation must be taken into account in this assessment. The same applies to the case law of the Court of Justice of the European Union concerning a legal entity's right to legal aid. Furthermore, the grounds for receiving legal aid in different administrative judicial matters, including tax matters, must be assessed.

The number of legal aid offices has been decreased to 27. Moreover, the need for a total reform of the organisational structure of the state legal aid offices is being examined. The consequences of the possible establishment of a single legal aid agency are also being looked into.

The smaller number of legal aid offices has more and more often led to situations where the office is disqualified from handling a case, and this will happen ever more often in future. Journeys to other legal aid offices with qualified attorneys have become longer and longer. At the same time, the number of private attorneys is assessed to be decreasing in the sparsely populated areas. In situations with disqualification problems, the primary solution is to provide legal aid as remote service.

Procedures

The e-services of legal aid offices will be made more extensive by creating an electronic appointment system. Remote services will be used more extensively especially in situations where a legal aid office is disqualified from handling a case and where the realisation of the linguistic rights of a client so require. If a legal aid office cannot provide service in the mother tongue of the client or cannot accept a commission due to disqualification, the client may be provided legal aid as remote service from another legal aid office or possibly from a Citizen's Office of the authorities. The electronic appointment system and the remote services make the customer service more effective and flexible.

Competence and personnel

In addition to exclusion from the proceedings, there is also a specific procedure in place to be applied in the supervision and direction of the attorneys. The courts monitor the appropriateness of the procedure also by way of active process management. As the fees of the public legal aid attorneys are paid from State funds, it is particularly justified to evaluate the quality of their work. It is possible, by virtue of the effective legislation, to reduce the attorney's fee or even to leave it altogether undetermined, if the quality of the work has not met the requirements. The courts shall, actively and justifiably, use this opportunity to make sure that the attorneys' work is of high quality. When it comes to the attorneys' fees, a possibility to determine fixed fees for simple cases will be examined. The level of fees must be kept high enough in all kinds of matters in order to ensure that skilled attorneys will continue to accept legal aid cases. High quality work by the attorneys helps to reduce costs.

Fees

The legal aid fee has been EUR 70 since 2008, and the last time the income limits for deductibles within legal aid were adjusted was also in 2008. In 89 percent of the legal aid cases handled by private attorneys the client receives legal aid for free, and in 11 per cent against a deductible. At the legal aid offices, the corresponding figures are 69 per cent for free and 24 per cent against a deductible. 7 per cent paid a full compensation. The aim is to cover a larger share of legal aid costs with payments from the clients. This requires that the system of fees and compensations be reviewed as a whole and possibly tied to the index fluctuations. In addition, attention shall be paid to the fact that the billing of the public legal aid attorneys shall fully correspond to the completed work amount and comply with the law. As the purpose of legal aid is to secure the low-income persons' right to legal protection, payments from the clients can only cover a very small share of the costs.

4. COMPREHENSIVE PLAN FOR LEGAL AID

A Comprehensive Plan for Legal Aid has been drawn up as a continuation of the Programme for the Reform of the Administration of Justice. The plan is divided into three sections: counselling and electronic services, alternative dispute resolution methods, and public legal aid. The plan will consider the current situation, objectives, and necessary procedures concerning each section.

Vision for Public Legal Aid

Every person will receive the necessary aid to solve his or her legal problem at the earliest possible stage, regardless of a poor economic situation. Legal aid is provided as considered expedient from a broader economic perspective.

1. Counselling and electronic services

Current situation

Authorities, companies and organisations provide a multitude of different free and commercial legal counselling services. A new phenomenon is that lawyer's offices have started providing online services.

From a citizen's perspective, the challenge is finding the right service and to evaluate its quality and reliability.

The judicial system and other authorities provide citizens with organisation oriented information on their websites. Counselling services are mainly one-way information channels that provide general information. The focus of the service should move to a more individual level and it should be easier to transfer between different services.

One of the strengths of the administrative branch of the Ministry of Justice is the renewed oikeus.fi-website, which is well known. However, general counselling in everyday legal problems is fragmentary and spread out on a number of different pages.

The online counselling services of the administrative branch do not yet meet their future requirements and expectations. For instance, electronic legal aid and also legal aid services in general are not yet naturally interwoven with the current online counselling services.

Objectives

All citizens have easy access to legal advice services through various channels. These channels include different forms of online counselling, electronic services, distance services, a telephone service and personal consultations.

The objective regarding online legal advice is that citizens have easy and fast access to information in accordance with their respective life situations. The information should also be written in a clear language. Citizens may flexibly transfer from general information sources to a more individual approach and electronic services, and also to consultation over the telephone or personal meetings.

Procedures

Legal advice services are developed to become more customer oriented and legal advice will be provided in more diverse forms.

- ✓ The plan will evaluate the clarity and level of customer orientation of the general legal advice provided on the websites suomi.fi, oikeus.fi and oikeusministeriö.fi, and determine whether it is necessary to increase the clarity by compiling the information in a single service (with regard to the KaPa project²)
- ✓ The need for a structured and individual online service (e.g. rechtwijzer.nl) in collaboration with the social welfare authorities will be evaluated
- ✓ A legal advice telephone consultation system, through which the client can make a request for contact from a public legal aid attorney, will be created
- ✓ A trial will be executed for testing an online legal aid attorney service, where a public legal aid attorney can offer assistance in legal problems e.g. via a chat service
- ✓ Public Service Info's experiences of providing advice via videoconferencing will be put to use and the provision of legal advice via videoconferencing will be tested
- ✓ The possibilities to develop the legal advice provided by Legal Aid Offices without increasing the occurrence of disqualification will be investigated
- ✓ Legal aid offices will participate in the pilot testing of the ASPA project and if the trial is successful, other legal aid offices may agree with the municipalities about providing legal advice at municipal service points

Electronic legal aid services will be taken into wider use and their usability will be improved

- ✓ The usability of the Electronic Legal Aid Application Form will be improved
- ✓ An electronic appointment system for legal aid will be developed
- ✓ The usability of the portal for electronic legal aid services will be improved and an evaluation will be made regarding the benefits and disadvantages of combining it with other electronic portals within the judicial administration, e.g. the portal that is included in the plans for the AIPA project
- ✓ Ways to connect the portal to the Shared Service View of the KaPa project will be considered
- ✓ The need for creating electronic application forms (e.g. a will, a power of attorney, an agreement on division of property) will be assessed

²The programme for development of the National Architecture for Digital Services. The goal of the programme is to create a National Architecture for Digital Services that includes the following elements: National Data Exchange Layer, Shared Service Views (for citizens, companies and authorities), an E-identification Scheme, and Administration of Roles and Authorisations for Organisations and Individuals. The programme is set up by the Ministry of Finance and it will be implemented in 2014–2017. Further information about the programme is available at <http://vm.fi/palveluarkkitehtuuri>.

2. Alternative dispute resolution

Current situation

The strength of the Finnish system with alternative dispute resolution, i.e. proceedings before the matter is considered by a court, is an established system of boards and tribunals, through which citizens have a chance to have their matter considered for free and without court proceedings.

Society already offers lots of different mediation systems, but the related mechanisms are not used to their full potential in early dispute resolution. There is also not yet enough competence in the area of mediation procedures.

Objectives

Existing mediation systems will be considerably strengthened. The objective regarding legal aid is that legal aid attorneys have a substantially more active role in promoting a resolution compared to the present situation.

The long term objective is that a mediation process concerning family matters should be more customer-oriented and the process should be developed cross-sectorally in collaboration between the social welfare services and the judicial administration. The development could start with introducing a web service with a structured and individual approach (e.g. online advice and mediation in the style of rechtwijzer.nl) and in connection to the family mediation process.

Consequently, the consumer dispute process requires development in order to make the process more effective and to streamline it according to the needs of the customer. Here the collaboration should include the Consumer Disputes Board and other consumer authorities.

Procedures

New ways to increase the number of resolutions through mediation will be developed and competence in the area of mediation will be increased

- ✓ Legal aid offices will increase collaboration with local authorities in order to provide clients with smoother legal aid and mediation services
- ✓ Public legal aid attorneys' possibilities to actively promote dispute resolution through mediation will be assessed
- ✓ Training in mediation in court will be organised for legal aid attorneys and advocates

- ✓ The possibilities to develop an online mediation service along the lines of the rechtwijzer.nl-model in collaboration with the social welfare services will be assessed
- ✓ The development of the model for family mediation in accordance with the Marriage Act should continue in line with e.g. the Fasper project, so that families throughout the country can use it
- ✓ Clients of the Consumer Disputes Board are provided access to electronic services with main focus on the production of advisory services. Work efficiency will be increased with an electronic case management system

3. Public legal aid

Current situation

To the most part, the public legal aid system meets the international requirements, but case law has shown that certain issues require clarification.

Contrary to many other countries, in Finland public legal aid is provided by both the State and private lawyer's offices. In international studies, the Finnish system has been regarded as extensive and efficient for the citizens.

The challenge is guaranteeing access to public legal aid while the population continues to concentrate in growth centres and while the state finances are becoming more and more limited.

Objectives

Efforts will be made to ensure that legal aid is directed to where it is most needed.

Legal advice and mediation as well as all other legal aid work prevent the escalation of problems.

A growing portion of all legal aid services will be made location-independent by utilising various electronic and remote services. Appointment and case processing in legal aid offices will be accelerated.

The legal aid sector takes an active role in promoting the use of oral preparation in courts as early in the proceedings as possible, hereby promoting resolution through mediation.

The legal aid office structure is developed in parallel with other state administration and in accordance with customer needs.

Procedures

Compliance with international obligations will be ensured

- ✓ The need for a duty system, as well as possible ways to implement it, and the extra costs incurred from maintaining a duty system will be determined.
- ✓ It will be determined in what degree a decision by the Court of Justice of the European Union requires changes to a legal entity's right to public legal aid.

The regional coverage of and right-timely access to legal aid will be ensured. The quality of public legal aid will be monitored and quality assessment will be used for supporting competence development. Case processing at legal aid offices will be made more effective.

- ✓ The organisational structure of legal aid offices will be defined
- ✓ The implementation of the propositions by the working group for an appointment system for legal aid offices will be continued
- ✓ Legal aid offices will increase the use of remote services
- ✓ Effective and best practices in legal proceedings will be developed in collaboration with the AIPA project, with initial focus on the most common matters
- ✓ The quality control system will be developed – the system will be expanded to cover individual attorneys, feedback will be collected as part of the client process
- ✓ In the legal aid sector, best practices will be created regarding an individual legal aid attorney's possibilities to promote the resolution of a case as early as possible, also in court
- ✓ The reporting system for public legal aid will be improved

Ways to restrict provision of legal aid without weakening legal protection will be considered. Ways to improve the service quality and efficiency of legal aid attorneys by altering the system of fees and compensations will be evaluated.

- ✓ The possibility to restrict legal aid in certain groups of matters will be considered, e.g. repetitive custody matters, or debt counselling matters, when the client already has access to the services of a finance and debt counsellor. Practices for granting legal aid in petty criminal matters will be assessed.
- ✓ Legal aid fees will be reviewed.
- ✓ Certain parts of the provisions on legal aid fees will be reviewed e.g. those concerning partly fixed fees, travel remunerations, fees for post-trial work, eliminating certain unnecessary provisions on fee rounding
- ✓ The need to amend legislation on situations where the quality of the attorney's work has not met the requirements will be considered