

SESSION 3

Fundamental Reviews of the Purpose of Legal Aid

Reporting on the Dutch Revolution

The value-added of a good gateway to the legal aid system

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Dutch Constitution:

The Netherlands has a long tradition of legal aid (i.e. subsidised legal help). The Dutch constitution enshrines the principles that all citizens should have access to justice and a right to legal representation and legal aid:

Constitution

Art. 17: 'No one may be prevented against his will from being heard by the courts to which he is entitled to apply under the law'.

Art. 18 '(1) Everyone may be legally represented in legal and administrative proceedings. (2) Rules concerning the granting of legal aid to persons of limited means shall be laid down by Act of Parliament.'

For many decades these fundamental rights have been regulated in specific legislation and delegated legislation. A new Legal Aid Act (*Wet op de rechtsbijstand*) came into force in 1994, thereby replacing a former statute for the provision of legal aid to the indigent or people of modest means. Changes are now proposed to the system laid down in the 1994 Act.

The Dutch Legal Aid Act creates a scheme for the provision of subsidised legal advice and representation to those entitled. According to the most recent

estimates, some 48% of the Dutch population qualify under the scheme.

The costs are partly paid from the Legal Aid Fund financed by the State and partly from a means-tested contribution of the individual client for extended consultations and representation. In certain special circumstances, this contribution may be zero.

History of the present system

The Dutch system originated in the 1950s, when the legal profession accepted the obligation of advising and representing people on low incomes. They received a modest fee later from the state. Clients were required to pay a modest fee upon completion. It was during the heyday of the social services system in the Netherlands in the 1970s that the foundation of the current system was laid. The idea of subsidised legal help came initially from the providers themselves. Legal provision was subsequently made in the Legal Aid Act for people on low incomes to receive legal aid, thereby giving practical effect to their constitutional right. This scheme substantially boosted the fees received by lawyers in private practice for this type of work and also introduced a new type of organisation to complement the private practitioners: namely the Legal Advice and Assistance Centres(1976).

These low-threshold centres are completely financed by the state.

When costs of the legal aid system rose sharply, thereby exceeding the budget of the Ministry of Justice, the government felt it necessary to make radical changes to the system. Key elements of its 1993 proposals were clearer legislation, better control of legal aid expenditure, quality safeguards and measures to guarantee equilibrium between supply and demand. Legal Aid Boards were established for this purpose as independent administrative bodies whose function was to co-ordinate the achievement of the legal objectives.

Some milestones

1957: The first Legal Aid Act introduced statutory regulation of legal aid, in particular the provision of free (*pro deo*) representation in court by lawyers in private practice.

1969: The first Law Shop was opened. Law students discovered a great gap in the provision of legal help and established 'law shops' in nearly every big city.

1975: The first Legal Advice and Assistance Centre was opened. Staff members provide legal advice and assistance and assess legal aid applications.

1978: Legal aid became a constitutional right.

From 1978 onwards the Legal Advice and Assistance Centres grew rapidly, but it gradually became clear that the process was getting out of control. The problem lay in the fact that one and the same organisation was responsible for both assessing applications for legal aid and providing the advice and assistance.

1994: The new Legal Aid Act introduced Legal Aid Boards. From now on there was a clear separation between the organisation responsible for assessing legal aid applications and that

responsible for providing legal advice and assistance.

Before 1994 there was no budgetary control of legal aid and no adequate supervision. This created an abiding impression of abuse and misuse. These subjects were in fact the main issues dealt with by parliament.

The Legal Aid Act (*Wet op de Rechtsbijstand* or *Wrb*) entered into force on 1 January 1994. It replaced the 1957 Legal Aid for Indigent Persons Act (*Wet Rechtsbijstand aan On- en Minvermogenden* or *WROM*). The four main goals of the 1994 Act were expressed in the explanatory memorandum:

- to give applicants access to justice;
 - to provide a sufficient number of legal aid professionals;
 - to manage costs better;
- and
- to modernise the organisation.

An important new element of the Act was the transfer of responsibility for its implementation from the Legal Aid Centres and registrars of the district courts to the newly founded Legal Aid Boards organised according to area of jurisdiction. The legal advice and assistance itself is provided to applicants by lawyers (*advocaten*) and by the staff of the Legal Advice and Assistance Centres (*stichtingen rechtsbijstand*) just as before. The participating lawyers must for the first time meet certain registration conditions and the centres have legal status.

The 1994 Act stipulated that an evaluation of its operation should be carried out before 1 January 1999.

1998: Positive evaluation of the 1994 Legal Aid Act.¹

The legislative evaluation was based on various external and internal academic surveys, analyses of operating processes and operating data. The report was discussed during a round

¹ Evaluation of the Dutch Legal Aid Act, Ministry of Justice, 1999

table evaluation in which the organisations involved were represented. Although they were satisfied with the way the system had developed in recent years, they noted that the choices in the period under review had been made by the legislator and that they were not entirely in line with the wishes of those involved and that the policy plans contained in the report were not supported by all parties.

It was also noted in the evaluation that amendments to certain important aspects could not be deferred until the statutory evaluation. Problems that emerged in practice should be tackled directly wherever possible. However, not everything could be resolved. The report noted that subjects requiring attention in the period after 1999 would be include the issue of the price/quality ratio in legal work, the positioning of the Legal Advice and Assistance Centres and the decisiveness of the boards on policy matters. The report also listed the difficulties that had already been resolved or were yet to be resolved.²

2001: Survey of the Future. In 2000 the Legal Aid Boards commissioned a study of relevant trends and expectations. This survey was carried out by the Verweij Jonker Institute, a socio-scientific research institute and formed the basis for further research and discussion³ In its survey of future developments the Verweij-Jonker Institute made the following proposals for modification of the system:

1. introduce a Legal Services Counter in order to ensure that the legal aid system remains accessible and to guarantee the transparency of the market;
2. enhance the quality of the service still further;

2 Paragraaf 1.6. General Conclusion of the evaluation:

The general conclusion must be that the Wrb (Legal Aid Act 1994) meets the goals set at the time, that existing problems can be eradicated in practice by amending regulations but at the same time, amendments are still desirable and are possible in the future in order that the system will retain the required dynamism to be able to continue to work towards objectives also in the future.

3 Toekomstverkenning Gefinancierde Rechtsbijstand (Survey of the Future of Legal Aid), January 2001, Dr R.A.L. Rijkschroeff et al.

3. introduce demand-driven control of the system.

2002: Advisory Report of the Committee on the Future Organisation of the Legal Aid System (the Ouwerkerk Committee), February 2002.⁴

2004: Introduction of the legal services counters: clear distinction between public and private functions and dismantling of the Legal Advice and Assistance Centres as public service bodies.

2005: Changes to the means test: information required for assessment of applications to be gathered by means of Electronic Data Exchange with the tax office and the registry office.

New improvements: Legal Services Counter, the gateway

On 18 November 2003 the Lower House of Parliament passed a motion submitted by MPs Griffith and Wolfsen endorsing the change to the legal aid system proposed by the Minister on the advice of the Ouwerkerk Committee and the Legal Aid Boards. The Lower House asked to be supplied with periodic progress reports during the review of the system.

Background to the 2004 changes

For a good understanding of the changes proposed in 2004, it is of course necessary to know more about the system introduced on January 1st 1994. This system has two providers: the Legal Advice and Assistance Centres (*Bureaus Rechtshulp*) and the Dutch bar, mainly for follow-up

4 The Committee (known as the Ouwerkerk Committee after its chairman) considered that it was particularly regrettable that in the existing situation such a large proportion of the people in most pressing need of legal advice and assistance made no use of the first-line services of the Legal Aid, Advice and Assistance Centres, partly because they were unaware of the existence of the service. At the same time the Legal Aid, Advice and Assistance Centres were concentrating more and more on providing the extended/full service and less and less on the first-line service. Against this background there was no reason to suppose that the under-use of the system would diminish.

assistance. The Legal Advice and Assistance Centres are fully subsidised by the Legal Aid Boards, whereas lawyers in private practice receive a

fixed fee based on an average price per assignment. Broadly speaking, the system is as follows:

The Legal Aid Act specifies four types of services clients can apply for.

- 1) All kind of legal problems (civil, administrative, criminal and immigration) can be put before staff lawyers of the Legal Advice and Assistance Centres. During so-called consultation hours, they can provide half-an-hour of free legal advice. The decision on whether or not an applicant falls within the limits set by the law is based only on a marginal means test by the staff of the centre.
- 2) If a legal problem needs more than half-an-hour of a lawyer's time but is expected to be solved relatively quickly, the staff of the Legal Advice and Assistance Centres can also provide legal help for a further three hours. The applicant is required to pay a fee of € 13.5. Access to these services is based on a rudimentary means test.
- 3) When a problem is expected to take a minimum of three and a half hours to solve, applicants are entitled to legal aid based on a certificate. For this purpose, the clients must provide (detailed) documents to prove both their income and their capital. Using these documents and a summary of the legal problem by the lawyer, the Board has to decide whether or not the application should be granted. If so, the applicants are required to pay a financial contribution according to their income. The amounts range from a minimum of € 90 to a maximum of € 769. In exceptional cases, exemption from this contribution is possible, particularly in criminal cases and asylum cases. If the applicant needs a second certificate within a period of six months, the required financial contribution will be reduced.

This 'certificate procedure' applies to long-term legal aid provided by lawyers from the Legal Advice and Assistance Centres, but also above all to legal aid provided by members of the bar. The decision on an application is taken formally and there are legal safeguards for the applicant and the lawyer concerned. They can ask for a review and can also appeal.

4) Duty solicitors scheme

<i>Number of cases 2003</i>		<i>LAAC's</i>	
<i>Private lawyers</i>			
<i>Civil legal aid</i>	<i>184,000</i>	<i>Initial consultations</i>	<i>440,000</i>
<i>Criminal legal aid</i>	<i>130,000</i>	<i>Consultation < 30 min</i>	<i>173,000</i>
<i>Asylum</i>	<i>33,500</i>	<i>Extended Consultation</i>	<i>34,500</i>
<i>Duty solicitor</i>	<i>81,000</i>	<i>Certificates</i>	<i>8,300</i>

When a case has been completed, the lawyer bills the Legal Aid Board for the hours spent. Lawyers are paid a fixed fee under a system that differentiates according to the type of problem and the type of service provided (advice or procedural assistance). The time spent on the case is also taken into account.

Lawyers in private practice handle the great majority of legal aid work under the certificate scheme. In 2003, approximately 51% (6437) of the Dutch bar (12,691 lawyers) take part in the legal aid system, although most of them do this kind of work only intermittently.

Of the lawyers who participate in the system,
8% handle < 11 certificates per year
35% handle > 10 and < 51 certificates per year
25.5% handle > 50 and < 101 certificates per year
21% handle > 100 and < 201 certificates per year
10.5% handle > 200 certificates per year.

Lawyers in private practice provide little of the short-term type of legal advice and assistance, which is predominantly given by the staff lawyers employed by the Legal Advice and Assistance Centres. The predominance of lawyers in private practice in the provision of help under the certificate scheme is due in part to the fact that they specialise in family law, contract law, criminal law and asylum law, and in part to the fact that the client needs representation in court in various proceedings before the District Courts, the Courts of Appeal and the Supreme Court. There are only a few limitations that preclude the provision of assistance by a lawyer under the legal aid scheme in certain types of case, for example application for a permit.

Although the Legal Advice and Assistance Centres provide all types of legal advice and assistance, they specialise in the provision of short-term legal advice and assistance. They are almost exclusively occupied with legal services for citizens with medium and low incomes and have tended to concentrate on the socio-legal fields. Approximately 95% of their cases can be dealt with by them without referral in a way which they call 'one touch, one play'. Those centres have become specialised in a number of fields of social law such as labour law and social security, housing, immigration and consumer law. These Legal Advice and Assistance Centres employ about 250 staff lawyers (FTEs).

In addition, some 90 staff lawyers (FTEs) are employed by three centres that focus on providing legal advice and assistance to asylum seekers. They work on the same basis as the Legal Advice and Assistance Centres, but only in this specific legal area.

Since 2000 developments have been identified within the legal aid system which are increasingly hampering its operation, albeit to a different extent in each district and region.

These developments are partly caused by a shift of emphasis (or a desire for a shift of emphasis) within the Legal Advice and Assistance Centres towards the assignment of legal aid work under the certificate system and away from the system of consultation and extended consultation. In consequence, many centres have become less accessible for those seeking to use their (primary) public functions. This has also meant that the centres employ a variety of different practices, which is making it more difficult to find and retain qualified personnel. In addition to problems affecting the centres themselves, problems have also arisen on the supply side: the extent to which the bar

participates in legal aid work is declining. As experienced lawyers are leaving the system and there are too few young lawyers joining the system, it is expected that the number of lawyers participating in the legal aid system will continue to decline unless measures are taken. The Dutch bar often argued in this connection that the changed method of working of the Legal Advice and Assistance Centres meant that they were actually competing unfairly with lawyers in private practice. In particular, they were using their public function as a marketing instrument. The bar gained the impression (sometimes wrongly, it should be noted) that the Centres were very quick to choose the most interesting cases for themselves (cherry picking) and to refer the rest to the bar.

Proposal for change

The proposal made by the Legal Aid Boards, which has been adopted by the Minister, is essentially that the system should be changed in such a way that people of limited means can obtain information about a legal problem free of charge from a legal services counter (possibly during a consultation hour). This could possibly be combined with the provision of basic advice as to possible solutions.

Front-line service

The front-line service (i.e. initial legal advice and assistance) is provided by the Legal Services Counters (*Juridisch Loket*), which are independent, publicly funded bodies. They provide a 60-minute free consultation during which legal professionals provide information, give advice or refer the clients to specialised legal aid providers.

This initial contact also helps to funnel and sift out the cases. Publicity for the system is generated by means of communication through the mass media and contacts with intermediaries. During the initial consultation the lawyers can assess whether:

- the problem is indeed a legal problem and, if so,
- whether it comes within the statutory criteria (not all legal problems are eligible for legal aid), and
- which service provider is best placed to solve the problem.

At this stage the clients can also obtain information about the chances of success, the lead time and the costs of the subsequent procedure. On this basis they can weigh up their own interests and decide whether they wish to proceed with the case.

If far-reaching legal help is desirable and if the applicant so chooses, he made then decide to consult a lawyer in private practice who may act on his behalf both in law and otherwise. In such a case the litigant is obliged to pay a contribution dependent on his income. In order to

ensure that sufficient lawyers in private practice take part in the legal aid scheme, provision will be made for a number of measures to strengthen supply.

Under these plans, the Legal Advice and Assistance Centres should be converted either into law firms or into part of the legal services counters.

The legal services counter

Mission

The legal services counter is intended to be a modern, public organisation where citizens can obtain free and immediate advice on legal matters. The counter will clarify the problem and then provide information and advice, either immediately or in a consultation hour. If necessary, it will refer the client to relevant organisations that can provide a more specialised service. One of its derivative functions will be to identify common defects in legislation and regulations and in the functioning of organisations that administer statutory schemes, as well as recurrent problems, for example regarding housing corporations or utility companies.

The legal services counter aims to become well-known to people of limited means throughout the country as the most easily accessible gateway to subsidised legal help. To achieve these aims at all times, its knowledge and experience will be combined and developed nationally. Within the organisation, the quality of the staff will be prominently upgraded through training and through such modern techniques as 'interview' and appraisal by colleagues.

Organisation

A new national foundation has been established to organise the legal services counters. The foundation's aim is to ensure that there is effective and efficient access to a good quality system of subsidised legal help. The foundation has a central organisation and is divided into five working units in districts that coincide with the jurisdiction of a Legal

Aid Board. 30 sites have been designated as locations for offices of the foundation.

The infrastructure, content, quality and uniformity are being developed and maintained under nationwide control. The clients themselves will be served at one of the 30 counters. The central organisation develops and provides a nationwide, uniform knowledge infrastructure, promotes and monitors the quality of the service, publicises the services of the counters and performs administrative and back-up duties. The counter organisations in the five districts carry out the public function in the districts of the courts of appeal in consultation with their 'own' Legal Aid Boards, ensure cooperation with partners in the regional chain and make proposals to the Board for arrangements and special agreements with the bar for more far-reaching legal assistance. Where possible, the legal services counters will operate from the same premises as other bodies of a like nature such as social work organisations and Centres for Work and Income (CWIs).

Decisions on the number and size of counters are based on a number of assumptions that can lead to further adjustments and corrections between working units in the different districts. From the outset the product flow and number of contacts with members of the public are monitored in order to determine trends (including the passing on of inquiries by telephone and e-mail to other working units in the event of pressure of work or sickness) in order to determine whether and, if so, how adjustments should be made to the counters.

In order to guarantee continuity and quality, it has been provided that each counter should be staffed by a minimum of about 6 FTEs. Initially, there will also

be a temporary mobile unit (5 FTEs) which can be quickly deployed at locations where bottlenecks or problems occur. Beside these face-to-face services, members of the public can also use an extensive and customer-friendly website or put questions to a modern telephone information centre. It is important that the legal services counters should get off to a good start and be properly equipped in terms of both quality and quantity. It is therefore desirable that a large number of employees of the Legal Advice and Assistance Centres should be retained for the public side of the system.

Counters will be opened in 30 cities

Target group

The legal services counters will focus on serving those whose income and capital is such that they are eligible for subsidised legal services. The counters will be available round the clock through a national website, a national telephone number (during office hours) and physically (also during office hours). Provision has also been made for the counters to be open in the evening on the days when there is evening shopping in the municipality concerned. Members of the public can come to the legal services counter for advice on labour law, family law, social security law, tenancy and accommodation law, tax law, immigration law, contract and consumer law, criminal law and administrative law. The most frequently asked legal questions in these fields have been included in a product guide, which will also be available to the staff in computerised form.

The legal services counters can also provide assistance to victims of criminal offences who wish to join the criminal proceedings as an injured party in order to recover damage from the offender, in



so far as they cannot be assisted by the Victim Support Centres in the Netherlands. The consultation hour now held by the Legal Advice and Assistance Centres for prisoners in penal institutions will also be offered through the medium of the legal services counters.

Information and clarification will be provided on request at the desk of the legal services counters. Subsequently an opinion can be given during a free consultation. If the problem of the person concerned is of such a nature or scope that it cannot be dealt with by the legal services counter, he will be referred to another source of help. This may be lawyers in private practice, mediators, social workers, dispute committees and debt counsellors.

In order to facilitate referrals, arrangements will be concluded with lawyers in private practice and mediators interested in taking part. These arrangements will include agreements about the service to be provided, for example in the form of the legal areas in which these service providers will work and the number of hours they will be available. This does not mean, however, that a person seeking advice can obtain assistance only from lawyers and mediators who have signed up to such an arrangement. They are always free to choose from the lawyers and mediators registered with the Legal Aid Boards. Provision is also made for (electronic) support of the referral. Lawyers can in any event specify block periods which can be taken into account when making the referral. In addition, particulars of the person requesting advice can be supplied electronically to the lawyer if he wishes. This limits the administrative work for the lawyer and enables him to assess the legal question before contact with the client. The aim in due course would be for the legal service counters to record agreements in the diary of the lawyers.

Strengthening supply side and the position of the bar

If the legal services counter is to function well, it is also important that the system of referrals to the bar is properly regulated. Some measures have been taken over time to ensure that sufficient numbers of lawyers in private practice (i.e. the bar) are willing to provide subsidised legal advice and assistance. These measures are intended first to make it more attractive for lawyers to undertake legal aid work and, second, to increase the number of lawyers involved in this work.

The hourly rate for legal aid work by lawyers in private practice has been increased for various types of work.⁵ Measures are also being taken to simplify applications for assignments under the certificate scheme and to check the financial data of legal aid applicants under the certificate of income and capital project.⁶ This will

⁵ The Dutch system of subsidised legal advice and assistance is based on a system of fixed fees. A number of points is allocated for each type of case, for example 10 points for a divorce, 11 points for a wrongful dismissal case. Each point is multiplied by an hourly rate (currently € 98). The hourly rate is adjusted each year in keeping with inflation. The number of points allocated is based on the average time spent on each type of case. This average is in turn fixed on the basis of hundreds of thousands of cases.

⁶ What is equally important is to try to reduce the administrative burden on the bar. A bill to this effect is currently being considered by the Lower House of Parliament. As the means testing of the applicant will in future be based on a certificate of taxed income, it can be carried out more easily and quickly. This will facilitate and speed up the assignment procedure and make it more attractive for lawyers in private practice to undertake legal aid work. It is noteworthy in this connection that the 2004 Legal Aid Monitor shows that almost 65% of the lawyers questioned regarded the present assignment procedure as burdensome. Almost a third of the respondent lawyers also indicated that they would take on more legal aid cases after the introduction

reduce the administrative burden on the legal profession.

The number of lawyers involved in legal aid work can be boosted in the relatively near future by ensuring that the staff of the Legal Advice and Assistance Centres transfer to law firms. After the closure of the centres, some of the legal staff of the centres will not choose to work for the legal services counters. In view of their knowledge and experience it is desirable that they be retained for the legal aid system and encouraged to switch to the bar. To promote this switch, a set of facilities has been drawn up which will be offered by the Legal Aid Boards at district level in order to convert the centres more easily into new law firms.

Besides the measures to encourage the legal staff of the centres to switch to private practice, efforts are being made to interest young lawyers and law students in legal aid work. A conference organised by the Legal Aid Boards was held on 28 April 2004. This conference was partly concerned with legal aid work and was emphatically intended to bring legal aid work to the attention of members of the bar and law students. Of these 640 people present, over 400 were attorneys and 90 were students.

A two-year Master's course at the University of Tilburg has also been organised in cooperation with the Legal Aid Boards, the Netherlands Bar Association and the deans of the local bar. The course is intended for lawyers specialising in legal aid work. It will start in September 2005 and provides students with the possibility of doing part-time practical training with a law firm, where they will be mainly involved in legal aid work. In addition, the Amsterdam Legal Aid Board has mounted a recruitment project, which

of the income and capital certificate. This would also benefit legal aid applicants. Another advantage is that the applicant – and his lawyer – will need to supply fewer data and that he can request a decision on the legal aid application more quickly.

has provided subsidies since last October to law firms willing to take on trainee lawyers or offer training places to students. If successful, this scheme can be introduced nationwide. Clinics are also being offered to law faculties in the context of the project and there is consultation with the Netherlands Bar Association regarding cooperation in information campaigns.

Lawyers in private practice, like mediators, debt counsellors and social workers, are an important partner to whom clients can be referred by the legal services counters for more far-reaching legal advice and assistance. Agreements have been made between the Legal Aid Boards and the Legal Service Counter organisation for referrals to the bar. The system of referrals will have to operate in a transparent way. All lawyers taking part in the system must be given a proportionate share of the work and the criteria for referral will include the specialisation required and the distance clients must travel.

All qualified lawyers can take part in the system. In the spring of 2002 the Legal Aid Boards, the Ministry of Justice and the Netherlands Bar Association signed a covenant for this purpose, which is intended to introduce a coherent system of quality assurance for legal aid. The quality standard has been developed for 2004. Lawyers should have an audit certificate from 1 January 2004 in order to be able to continue operating within the legal aid system. Under the terms of the covenant it follows that from 2004 only lawyers who have a valid audit certificate will in principle be given legal aid work. Those who do not have such a certificate and do not meet (or no longer meet) the prescribed conditions will not be entered on the list of the Legal Aid Board or, if they are already on the list, will be removed from it.

The 2004 quality standard of the Netherlands Bar Association relates to the quality of the working procedures in a law firm. The quality standard is a follow-up to the 2002 quality test. The standard, which was accepted by the

Board of Representatives in July 2003, relates to the rules of conduct, guidelines and minimum standards of the Netherlands Bar Association. Observance of the rules falls outside the scope of the standard. This is assessed by the deans of the local bar.

A certificate is issued for a period of 1 year or 3 years (a certificate is issued for 1 year if the law firm has to make improvements and for 3 years if everything is found to be in order). In the case of a certificate for 1 year, a further audit is conducted at the end of the year. The certificate can then be renewed for up to 3 years.

Under the new system, the extended consultation arrangement of the Legal Advice and Assistance Centres is dropped. It is replaced by what is termed an assignment for 'minor advice', which can be provided by all lawyers with whom an arrangement has been concluded. This form of service consists of three hours of legal advice or assistance in exchange for a client contribution of € 13.50. The lawyer receives on average a fee for two hours for this form of service.

On the basis of the initial findings on the performance of the legal services counters, it may be concluded that the interest shown by members of the bar in taking part in the legal aid scheme far exceeds expectations.

Interim assessment: the first results

The experience gained from the first legal services counters has been used to determine whether there is a need to modify the concept underlying the changes to the system and the organisation of the counters. This has proved not to be the case. Although improvements had been found to be necessary in respect of certain parts, mainly of a practical or technical nature, and a number of points for attention have been defined, it should be noted that the assumptions and basic principles have proved tenable for the time being. It is also evident that the customers of the legal services network

and the lawyers in private practice are generally satisfied or even very satisfied. Given the results of the interim assessment, it can clearly be concluded that the procedure followed by the legal services counters is adequate and provides sufficient guarantees for the further rolling out of the system.

As agreed at the start of the system review, provision has been made for the first legal services counters in Breda and Rotterdam to function as a pilot project. The initial findings indicate that the system can now be fully rolled out on a responsible basis.

A first interim assessment was made in August by the Central Project Organisation (CPO) of the Legal Aid Boards. For this purpose the legal services counters in Breda and Rotterdam were visited and factual data obtained about such matters as the organisation and procedure. In addition, discussions were held with counter staff and lawyers in private practice and a survey was conducted among both clients and lawyers. The scope of the interim assessment was relatively limited as the counters had been in operation for only a short time. Other constraints were the circumstances in which the interim assessment was made (during the summer holiday) and the procedure used (quick scan). Nonetheless, the interim assessment gives a good idea of the position shortly after the introduction of the legal services counters (the initial stage). This view is endorsed by an external agency, which checked how the interim assessment had been carried out and its results.

The interim assessment shows that the functioning of the legal services counters is improving and meeting expectations.

In order to obtain more information about the functioning of the legal services counters, a follow-up assessment was conducted at the end of 2004 on the basis of the survey which underpinned the interim assessment (see annexe 1). The second interim assessment confirmed the findings of the first survey and was once again positive. Whether modifications should

be made and, if so, what modifications will be discussed with the Ministry of Justice, the Legal Aid Boards and the legal services counters. In view of the findings so far, the legal services counters appear to function perfectly adequately.

Final observations

Are we on the right path?

The experience of the first period shows that we are on the right path with the latest modifications to the system.

- The system provides a service for citizens who need support. They can obtain information from the legal services counters at an early stage.
- The system has been made more transparent and there is a clear incentive to arrive at a proper judgement.
- There is a good spread of all kinds of facilities (front and back-line services throughout the country).
- The quality of the service can be better measured.
- A monitoring system has been developed for properly tracking developments in the field and elsewhere.
- There is an adequate structure for contributions by the applicant: free of charge up to one hour and € 13.50 for up to 3 hours. The amount of the contribution for further advice and assistance will depend on the income of the client.
- The service providers receive a good price and service from the Boards.
- The level of client satisfaction with the service is certainly encouraging, although further improvements to the service are of course always possible.
- The costs of the system are under control.
- Alternatives such as mediation and debt counselling are available.

What matters require further attention?

- Greater publicity must be generated for the legal aid scheme and for the legal services counters.

- Further steps must be taken to develop a reliable and easily achievable self-service system.
- The cooperation between the partners in the system can certainly be improved still further.
- A transparent system for assessing the quality of lawyers.