



**International
Legal Aid Group**

'Legal aid cuts so unfair they are illegal, rules High Court'
– The Independent

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INTRODUCTION

We start the New Year with a bumper issue of the newsletter plus a bonus attachment - a fitting start to 2015 and the run up to the June conference in Edinburgh. The articles illustrate themes which are bound to run through the Scottish event and also resonate through the year in those jurisdictions with any serious engagement in access to justice. Alan Houseman looks at the economic benefits of legal aid policies - a concern in many jurisdictions beyond his own in the US and the subject of other current studies. Contributions on this topic from others will be much welcomed. The summary of research on the use of digital delivery of legal services for those on low incomes raises another theme which will resonate widely and comes with the bonus, a perhaps somewhat over-edited summary of the Legal Services Corporation's technology conference in January. Let the opportunity be taken to hail The Netherlands and British Columbia as among the global leaders in the use of the internet. Again, others wishing to add their own jurisdiction to this role of honour are welcome to make their case in articles to be published in future. Liz Curran and Rosy Jolic make a plea for the old values in the face of new realities about funding. And, finally, the law centre in Northern Ireland provides a way of celebrating the best that can be delivered in the UK - without dodging the problems that are to be faced in the future.

So, have a good read and do be inspired to add a contribution to the next edition.

LAW CENTRE NI: THE CURSE OF INTERESTING TIMES

Roger Smith

Belfast has a pretty exceptional history. And, it is perhaps unsurprising that some exceptional institutions have emerged out of its troubled past. One of these is the Law Centre (Northern Ireland) which, under a number of slightly different names, has handled a range of social issues since 1977 with impeccable skill and imagination. The centre now works within a very different context. Rather neatly, this is symbolised by its own offices. They are a maze of rooms in a former warehouse at the seedier end of Donegal Street but nearby are the brash new buildings of Ulster University, a coffee shop with prices above the going rate for central London and looming up at the other end of the road is the glass dome of a new shopping mall which would not have lasted long in the old days.

The law centre has been since its foundation a member of what is now the Law Centres Network, the grouping of law centres in the UK. That reflects its focus on a similar range of legal issues: social security, immigration, community care, mental health and employment. There are, however, differences. For a start, the NI centre is bigger than most other UK law centres. It has around 40 staff based both in Belfast and Derry: it used to be bigger - it has recently downsized from 47. More importantly, it is the sole law centre for its jurisdiction, the Province of Northern Ireland with its population of 1.8m. This gives it a particular flavour - similar, say, to Greater Boston Legal Services

or South Africa's Legal Resources Centre, both successful salaried services with which it might perhaps be compared better than the model of the smaller, community based centre more usual in England, Scotland and Wales. Indeed, the Northern Irish centre has clearly been influenced by national organisations based in London: its mix of advice, casework, training, information and policy is very similar to that of the Child Poverty Action Group. Its training programme - with its short courses and basic extended course for new advisers - looks extremely similar to that of CPAG. And the centre's legal form as a body responsible to a voluntary organisation membership (supplemented by associate and individual members) is again more like a national organisation than a conventionally structured local charity.

The value emphasised above all by the centre's acting director, Ursula O'Hare, is credibility. It figures in her co-introduction to the centre's 2014 Impact Report: it comes up again as she talks about what is important about the centre. Everything suggests that the centre does pack a serious punch in the circles that count. It has had only three directors in its life: each have departed to prestigious jobs. The latest was long serving Les Allamby who left after 32 years of service as man and boy - volunteer to director - in September last year to become the chief of the Northern Ireland Human Rights Commission, not a post to be given lightly in the highly politicised world of the Province.

The centre's role in the particular circumstances of Northern Ireland has undoubtedly been an attraction to funders. It gets the bulk of its total funding (some £1.5m) from four government departments or statutory bodies - the Departments for Social Development and Employment and Learning, the Health and Social Care Board and the Legal Services Commission. One suspects that government has been willing to fund on the basis of the centre's wider role in encouraging civil society as much as the delivery of specific legal services. That non-partisan political role has been attractive to the US funders that have played a vital part in supporting civil society during Northern Ireland's troubled times. One US donor alone, Atlantic Philanthropies, currently contributes a fifth of the centre's income. This has allowed it the luxury, denied to other UK law centres, of a policy unit and also helped in the funding of work on mental health and the establishment of a pro bono unit, its litigation support project.

The relatively high level of funding has encouraged professionalism in management. You can tell that the centre is well organised simply by consulting its website. Under the section 'about us', you get a full suite of documentation including the latest annual report, an annual impact report, an annual case selection policy (general and, separately for the Litigation Support Project) a business plan, and a development plan. You name it on the quality accreditation front and the law centre has it: accreditation both under the Lexcel scheme and Bronze level Investors in People. You want strategy maps: the centre has got them and is happy to share them. Ursula O'Hare will brook no carping: 'it is necessary for funders to be assured and for ourselves to have proper systems.' Jennifer Greenfield, assistant director of casework and training (and previously a lawyer in private and public sectors), is similarly unrepentant: 'Accreditation is a source of professional pride. It requires us to hit standards.' And, though this all seems a long way from the happy improvisation of law centres in their early days so nostalgically recalled by old-timers, the centre clearly places great weight on, and derives real benefit, from the clarity of its strategy. The results are evident in its setting of priorities. It moved strategically to set up a Legal Support Project as a pro bono vehicle. The centre also responded to need by opening a unit to deal with mental health cases. Having decided on what it will do, the centre is strong in holding to its decisions: 'One of our strengths,' says Ursula O'Hare, 'is that we stay within our five areas of work. We have ventured out into broader issues only from that base on matters related to it such as tribunal reform, administrative justice and the bill of rights'.

The centre works as an 'expert' provider. Patricia Carty, a social security caseworker, explains, 'We are a membership organisation with members who are frontline advice organisations. We were founded by activists with a strong commitment to social justice. We, in turn, are members of the management committees of some of our members. They are our roots. We help our members deal

with social security cases through information, training and advice. We accept referrals. We seek test cases in specified areas. We have an advice telephone line.'

The commitment to test cases is impressive. The centre took a classic discrimination challenge to the privatised provider of disability assessments, Atos Healthcare. Atos would only undertake mobility assessments in two centres half an hour out of Belfast - previously used as the venue when this work was undertaken in-house. The consequence could be a cruel form of a Catch 22: you can't get extra benefit without a disability assessment; but, if you can get to the office for a disability assessment, you are not sufficiently disabled. County court litigation led to the admission that the practice was discriminatory. The centre has undertaken a stream of test cases in the complicated field of residence qualifications for social security benefits - a particular problem in a small jurisdiction with two larger ones nearby - Ireland and England. A long running dispute over the effect of residence requirements for child benefit was won before the social security commissioner; lost at the Court of Appeal; and now awaits leave at the Supreme Court.

The centre's annually determined strategic case selection policy is an impressive document which is actually longer than CPAG's equivalent. It is interesting to compare the priorities for each organisation. CPAG is looking for cases on delays, local authority welfare provision, inappropriate work-related activity and judicial reviews. The Law Centre is seeking cases about residence requirements, Employment Support Allowance, welfare reform issues, delays and the catch all that a one-time CPAG solicitor likes to see 'other issues that raise a strategic point of law or are likely to affect a significant number of other claimants'. That looks like a reasonable analysis of the key justiciable social security issues in its jurisdiction.

Daire Murphy, employment adviser, lists the strategic issues encountered in his area of work: 'migrant workers; zero hours contracts ; agency workers; the emerging area of (through our work on trafficking and immigration) Romanian workers brought in and supplied to various concerns and not being paid; costs threats being used by respondents solicitors - not necessarily evident to the tribunal. We had a client who was threatened that he would be charged £10,000 for day in tribunal.' A specialist anti-trafficking young people's project, funded by Comic Relief, has provided representation to young people trafficked for sex and employment into the Province. It led to a successful campaign, now implemented in legislation, for an independent legal guardian for trafficked and separated children, a first within the jurisdictions of the UK.

The centre's conscious use of CPAG as a source of inspiration is mirrored by the way that it has taken, and modified, the model of London's Free Representation Unit. This was the inspiration for its Legal Support Project. The project concentrates on representation in employment and social security tribunal cases support; opens around 100 files a year; and has attracted considerable support within the Province. Its advisory group is chaired by a judge. The centre's reputation is such that it was able to attract an experienced lawyer to head the unit - Sinead Mulhern - who has worked in private practice and been the chief legal officer for Northern Ireland's Equal Opportunities Commission.

The pro bono cases tend to involve disability and employment support allowance appeals and, in the field of employment, unfair dismissal, redundancy and what Sinead Mulhern calls 'recession type' cases. The volunteers are graduates, post-graduates and some qualified lawyers: 'In reality,' says Sinead Mulhern, ' the largest group are post graduates with a respectable representation of newly qualified barristers and solicitors plus one senior solicitor who is really committed.' The unit is linked to an interesting initiative at Ulster University, the feisty younger rival to Queen's, whose expansion plans are beginning to impact the Belfast townscape. The university has started a master's course in clinical legal education with the centre providing a significant number of placements. Other links are beginning to be developed. Plans are afoot to develop the project into more of a clearing house for pro bono representation in employment cases, matching potential clients with firms willing to take on the cases. Another initiative is a plan to work with Allen and Overy, which has an outpost in Belfast, to review social security files on employment support allowance and see if common themes can be identified. Northern Ireland has hitherto had little

established pro bono culture but is gradually adopting one - in part, under the influence of US funding by foundations with US pro bono expectations. At a policy level, the unit has pushed forward on support for pro bono costs orders (under which costs in a successful pro bono case are allocated to pro bono assistance) and the potential establishment of an access to justice foundation for Northern Ireland. Sinead Mulhern relishes the opportunity for this sort of policy development, 'A lot of other organisations are just firefighting at the present time. We have the opportunity to be more strategic.'

The policy engagement of the centre is much more reminiscent of that of a national organisation than a traditional law centre. Indeed, it goes much further than you might expect because of the particular political situation in the Province. Northern Ireland is a very different devolved UK jurisdiction from Scotland. Its main parties are tied into a coalition government. There is still almost a palpable sense of relief in Belfast that the troubles are over. Gone is the ring of steel around the city centre; the symbolic radio surveillance masts that loomed over the city; the military presence; and the ever-present sense of edginess. The centre of the city is now much like any other in provincial UK or Ireland. There are shopping malls and pedestrianised streets, concert halls, rebuilding and retail. But, the political situation remains stilted. Colin Harper acting head of policy, has an interesting analysis of the role of civil society and civil organisations in the Province: 'The relationship of civil society and politicians is still evolving. When politicians did not have power, there could be cosy relationship. Now that they have some power, it is becoming more difficult. There is a caution about challenging the Assembly too much but, yet, all five major parties are members of coalition government. There is no normalisation of politics yet.' This makes for a complex political world in which the law centre has to tread carefully. But, it seems to have done so with some success. It helped encourage Assembly consideration of welfare reforms that have been proposed on the English model rather than their simply being nodded through. It held Chatham House style confidential discussions between officials and key players. It has hosted various official working parties. Perhaps its greater success has come in the field of mental capacity legislation where - using its expertise in the field - it has encouraged Assembly politicians to consider a radically different and potentially more progressive approach to mental capacity than in England or Scotland. 'One of the things we are genuinely known for,' says Ursula O'Hare, 'is our political neutrality.' With that has come respect for its expertise and that which it can reach for: the centre briefed the Institute of Fiscal Studies to produce a careful study on the impact of proposed social security changes.

There can be little doubt of the centre's past and present effectiveness. But, the future sky is not entirely cloudless. One uncertainty will undoubtedly be the departure of the longstanding Les Allamby. He has been the public face and internal driving force of the law centre for so long that his departure will be a blow both externally and internally. The new incumbent, Glenn Jordan, is an interesting choice, coming as he done from outside the advice sector. He has been director of a large urban regeneration project in inner east Belfast. He certainly says that right things: 'This is a time of challenge and opportunity for the Law Centre ... there is opportunity ... to build on our reputation and record of success. But to do so we need to continue to change to be more agile and responsive to what's happening in our sector and in Northern Ireland as a whole.' He also displays what may be a useful sense of humour, expressing the hope that he would not 'be David Moyes to [Les's] Alex Ferguson'.

The most serious threat might be described as existential. The centre is based on the classic notion of a second tier agency responsive to its perception of need and that of the generalist organisations which it serves. The centre has fitted itself around a shared perception by itself and its members of what is required. Thus, it has taken up mental health but not housing as an area of work because nothing existed in the former area and a Housing Rights Service dealt with the latter. 'We're good,' says Ursula O'Hare, 'at our managing and partnership role. We are good at getting people together. There are four reasons for our success: we operate in a small jurisdiction; we have credibility; our membership connects us to others; and our emphasis on a collaborative approach and strong interpersonal relationships works well.' Liz Griffith, policy officer, expresses some of the downside of this way of working; 'We spend quite a lot of time supporting other organisations which may mean

that we are a bit light on the limelight. I sometimes feel we do a lot of the legwork but get insufficient credit'.

A trio of official consultation papers suggests questionable heed in some in government to the centre's sensitive model. There are plans to slash social welfare advice provision in Northern Ireland along the English model. There are proposals to streamline the voluntary sector without reference to any distinction between primary and secondary agencies. There is an overall access to justice review which reveals, in its consultation paper, little understanding of the centre's unique role. The progressive introduction of contracting by commissioners allows a diminishing space for agencies to determine their own priorities. Jennifer Greenfield confirms the challenges: 'contracts that once would have gone to the centre now have to go through a tendering process. Private practice is now competing for work that it would not previously have done. And it has the experience of obtaining tenders that I am going to have to get.'

Money is, of course, an issue. Voluntary agencies in Northern Ireland face a potential triple whammy: government policy is influenced by the austerity fashionable on the mainland; the apparent success of the peace process reduces the imperative for special treatment; the US funders that have done so much in recent years are now retreating partly because they see their job as done and partly because of the vagaries of private funding. Atlantic Philanthropies, which has made a major contribution to the law centre and other agencies, is withdrawing partly because of the wish of its donor to wind up the fund within - or soon after - his lifetime. Rules on government contracting mean that there can be no covert favouritism and the centre may have to bid against private providers lacking the more holistic approach that is the core of the centre's approach for contracts in which this is not recognised. The centre may also become a victim of its own success. Catherine Harper, a barrister working on mental health, reports, 'Originally, no other organisation was doing our kind of work. Now private practice is getting more involved - particularly since the fees were raised in 2011. Lawyers are coming to our training courses and then taking the cases.'

One issue that will be crucial in the future is the extent to which government and other funders are prepared to see Northern Ireland as a special case and different from elsewhere in the UK. There is a cogent argument that the fragility of the political situation in Northern Ireland requires special consideration. For all the improved security and happy shopping, Northern Ireland is still not operating as a conventional democracy. Its political process benefits disproportionately from province-wide NGOs which help to normalise a process that still has some way to go. This is a jurisdiction where political calm can be shattered at any minute by a march that goes AWOL or the raising (or lowering) of a flag on a town hall. In this context, Northern Ireland would certainly continue to benefit from its impressive law centre. Let's hope, for the sake of the centre's contribution to a very troubled province, that the law centre continues to thrive. And, let's hope, more generally, that the law centre continues as an inspiring model of provision at odds, more generally, with the currently fashionable world of cuts and contracts.

DIGITAL DELIVERY OF LEGAL SERVICES TO PEOPLE ON LOW INCOMES

Roger Smith

This paper is a summary of a full report which is available at thelegalfoundation.org.

Scan the world for innovation in the use of the internet to deliver legal services to people on low incomes and you find a profusion of creativity. Private providers, not for profits, statutory bodies, governments are all engaged in major projects which, if successful, will change how people resolve their legal disputes. This paper follows earlier research, the findings of which were published only in

January 2014¹ but from which significant developments are already clear. Providers are becoming more professional; video is being better integrated into websites; the presentation of information is being transformed by the introduction of guided pathways that lead the user interactively through difficult issues; the provision of information and advice is being transmuted into processes of online dispute resolution; the potential of integrated document assembly programmes in advice provision is pushing courts and tribunals to update their online capacities; sites are seeking to adapt to the rampant growth of mobile phones as primary means of access to the internet, particularly among young people; attempts are being made to integrate advice and information into online dispute resolution..

Driving this innovation is money allied to imagination and technological opportunity: a powerful brew. Private providers are seeking to open up low cost, high volume 'latent legal markets'. Governments are seeking to stabilise or reduce the costs of publicly funded legal services. Not for profit organisations are seeking to extend the value of services that they can provide. Funders are interested in exploring the possibilities of the new frontiers being opened up by digital delivery systems that promise to revolutionise legal services just as they radically changing shopping patterns more generally. The most creative staff in each sector wants to explore the possibilities of a new medium that they feel must, surely, have much to offer. Albeit, it must be admitted, all this is being done in a terrible financial post-crash financial climate in which much needed conventional services are being cut.

This report provides a snapshot of global developments and the issues for governments, funders, providers and users which are raised. Geographical coverage is inevitably biased by limitations of resources in favour of England and Wales, the jurisdiction of its origin, and also to the United States, the Canadian province of British Columbia and the Netherlands. The pioneering work of the Australian Ministry of Justice of New South Wales in its LawAssist and LawAccess provision was detailed in *Face to Face*.

Failure to cover any development worthy of inclusion but inexplicably omitted can easily be remedied. This report is necessarily provisional. The Legal Education Foundation (LEF) intends to follow it with quarterly newsletters through 2015, culminating in a full review of developments at the end of the year. Let us know of omissions - both of description and argument - and we can correct as the year goes by.² The LEF wants to provide a resource that will be useful both globally and nationally and which will help to guide its own funding decisions.³

In all the excitement of the 'shock of the new', two restraining elements have to be recognised. First, we cannot assume that digital delivery will be universally accessible. Excluded populations will be disproportionately found among those on low incomes - planning must allow for that. Secondly, underlying all the froth about delivery is the unavoidable fact that content will remain king. Here is an example of really good, practical advice from a court website (Connecticut in the US) about how to handle low technology dealings with court officials. It is not interactive; it does not use video; it is a simple, old fashioned list of really good tips on how to keep track of vital interactions

The report is based upon a series of papers which are separately published on the website. It is here framed as a series of questions and answers.

1. *What is the current state of relevant digital development and access?*

¹ R Smith and A Paterson *Face to Face Legal Services and their Alternatives: global lessons from the digital revolution*, Centre for Professional Legal Studies, Strathclyde University, available at http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf (*Face to Face*)

² Write to Roger Smith at rsmith@rogersmith.info

³ This will be part of the Legal Education Foundation website: <http://www.thelegaleducationfoundation.org>

As a general observation, few would dispute the emergence of what has been called a ‘second machine age’ that will transform society through ‘real, useful artificial intelligence’ and ‘the connection of most of the people on the planet via a common digital network’, all made possible by ever increasing processing capacity.⁴ An iPad 2 tablet in 2011 had more processing capacity than a 1985 Cray supercomputer and with that came a dramatic shift in cost (downward) and performance (upward and outward as previously separate technologies like phones and televisions converge). The pace of change continues.

Relevant implications of this ongoing digital revolution include:

- (a) the internet is becoming ‘so effortlessly interwoven into daily life that it will become invisible, like electricity’;
- (b) mobile connectivity through mobile or cell phones is changing how people perceive communication: it has also ‘affected the way people allocate their time and attention’;
- (c) users increasingly obtain information from video sources such as YouTube and Vimeo;
- (d) use of social media has expanded with wider social networks on which people rely with the result that, as the influential US Pew Center put it ‘traditional boundaries between private and public, between home and work, between being a consumer of information and producer [are] blurred’⁵.
- (e) the field of health is providing examples of how provision in law might develop - with specialist patient fora; online communities; online clinics and, in consequence, the development in the UK of NHS information standards to protect the quality of information.⁶
- (f) the general growth of what in the legal field would be called ‘unbundling’ and ‘self representation’ e.g. in self management digital communities for those sharing conditions such as diabetes;
- (g) a growing concern about whether the high access among young people to the net (pretty well 100 per cent in the UK and US) is coupled with ‘a perhaps surprising lack of digital literacy and capacity to identify the best forms of assistance’.⁷

Consideration has to be given to the question of ‘digital divides’ and the exclusion from the internet of some groups in the population. For the UK, Oxford Internet Study research suggests that ‘divides are narrowing, but digital inequality persists by age, education, income’. The issue is not physical access: almost everyone can get access via a library or a ‘proxy’. Barriers relate more to cognitive abilities, skills and culture. Furthermore, the Oxford Institute has discovered that 14 per cent of those with online access are not fans. They do ‘not feel that the internet makes them more efficient, nor do they enjoy being online to pass the time ... they feel frustrated that the internet is difficult to use and harbours too much ‘immoral material ... they feel excluded from a technological context which is “not made for them”’.⁸ We have worrying suggestions from research that, though young people have high levels of access to the net through near ubiquitous mobiles and smartphones, it cannot be assumed that they are willing - or able - to use it as a definitive source of advice.⁹

Once this 14 per cent of discontented users is added to the reported 20 per cent of non-users, we have around a third of the population either not using the internet or not happy with doing so. This figure for exclusion is likely to reduce over time - if only as those now young and familiar with smartphones inevitably age but people who are poor, old, less well educated and (at least at

⁴ See further E Brynjolfsson and A McAfee *The Second Machine Age* Norton, 2014 from which the quotes below are taken unless otherwise indicated. Detailed references are given in the working paper.

⁵ See www.pewinternet.org/three-technology-revolutions/

⁶ see paper on context REF

⁷ C Denvir, N Balmer, P Pleasance, ‘Surfing the web - recreation or resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension’ in *Interacting with Computers* 2011, 23, pp96-104.

⁸ p12, William H. Dutton and Grant Blank with assistance from Darja Groselj *Cultures of the Internet in Britain Oxford Internet Survey Report 2013*, University of Oxford, 2013, from which quotes relating to the UK are taken.

⁹ see http://www.youthaccess.org.uk/uploads/documents/Advice%20Publications/YPs_Access_to_Advice_briefing.pdf and C Denvir, N Balmer, P Pleasance, ‘Surfing the web - recreation or resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension’ in *Interacting with Computers* 2011, 23, pp96-104.

present) with a disability are likely to continue to be disproportionately excluded. Currently excluded populations will, to some degree, adapt to the surrounding culture and be forced to do so by governments keen to drive digital services in order to save costs of administration. However, we are left with a sizeable group of the excluded - likely to be disproportionately high among those on low incomes. A reasonable working assumption would seem to be to assume that the overall excluded population rises from about a third to around a half of those on low incomes because, among them, will be disproportionately more of the specifically excluded populations.

The policy consequence is clear. Digital delivery can - and should - play an important role in delivering legal services to the population as a whole but, for the foreseeable future, it will need to be supplemented by more traditional face to face mechanisms for something like a half of those on low incomes. Thus, a degree of realism is required over what is possible in terms of digital delivery. In addition, it is likely that digital provision which can incorporate individualised or face to face options will be more successful than that which does not.

2. *What is the current pattern of digital provision?*

In the field of digital delivery, it remains - as reported in *Face to Face* - the age of Aquarius. There is widespread innovation and experimentation. Developments might be categorised as follows:

(a) for profit legal providers are seeking to access the 'latent legal market' i.e. using the net to provide high volume, low cost services. Innovative, web-based initiatives include:

(i) 'winnowing' or 'gleaning' sites that provide free information as a way of attracting more valuable cases.

An example is provided by Roadtrafficrepresentation.com which offers automated decision trees or guided pathways that deliver advice on sentence to users who input data on themselves and the offence with which they have been charged. It then proceeds to arrange representation for those who might require it at a fee

(ii) providers offering low cost deconstructed 'unbundled' services for fixed fees - many of whom are seeking high volumes through the establishment of national brands.

The establishment of these sites is assisted in England and Wales by the influx of external investment into legal provision consequent to the deregulation introduced by the Legal Services Act 2007 which facilitates external ownership of law firms. A pioneer in this field was Co-operative Legal Services - though this might have financially overreached itself, at least temporarily. Various overseas law firms have tipped their toes into the English market - some to quite a considerable extent - and these include Australia's Slater and Gordon and the US firm Jacoby and Myers. A homegrown response is emerging with Quality Solicitors - a federation of individual firms with common branding and a shared advertising 'front end' and an increasingly uniform offer to clients in terms of fixed fees.

(iii) various forms of 'virtual legal practice' that may incorporate unbundling and other means of delivery

Commercial providers are deploying a variety of means by which they manage legal cases through virtual portals by email or otherwise: divorceonline.co.uk is but one example.

Divorce-Online - The Fast, Affordable and Easy way.

We can complete all required divorce forms and send them to you within 24 hours for just £69. Or we can manage your whole divorce process including dealing with the court and judge on your behalf for just £189.

in the US, legalgenie.com was set up by the Legal Aid Society of Orange County, California. It combines referral from a website or telephone hotline to a lawyer with some provision of automatic document assembly and telephone legal advice. It is aimed specifically for those above legal aid eligibility levels but on low incomes. A leader in the field of virtual legal practice is Stephanie Kimbro. She is experimenting with 'gamification', using the techniques developed in games to provide legal information in relation to estate planning.¹⁰

(iv) various forms of managed online communities

These are sites which provide facilities for online communities (see below) but with some form of profit generating mechanism behind them. For example, wikivorce.com has a link to a solicitors firm to which a user of the not for profit site can be referred. Another example would be legalbeagles.info which provides free discussion fora on a whole range of consumer law topic and is run by a paralegal in a firm of solicitors to which referrals are made.

*Wikivorce is a well respected, award winning social enterprise
Volunteer run - Government sponsored - Charity funded
Our organisation helps 50,000 people a year through divorce*

Who are we?

Founded in May 2007 LegalBEAGLES® is a FREE forum offering support, discussion & advice in many areas of your life. Made up of dedicated & enthusiastic individuals who are experienced in consumer issues. Most of us are fighting, or have successfully fought, our own battles against the major financial institutions. We are committed to remaining free to access to all our users.

(b) online communities free to users

These have been very successful in the health field: mumsnet.com is an example of a high profile UK site which deals with a range of topics of concern to mothers, including aspects of the law. It is a commercial oriented site but it seeks to fund itself from advertising rather than from fees. It also includes guides to the law from aspiring national solicitor brand, Slater and Gordon.

(c) government free information sites

All governments make available large amounts of information - and increasingly do so on the internet. In the UK, there has been a move to place all of this within one overall source - gov.uk. The inherent authority of this information is invaluable and clearly governments have a responsibility to inform citizens. However, there are difficulties. Some are illustrated by the UK Sorting out Separation site. It is so influenced by the desire to encourage mediation among splitting couples that it hopelessly simplifies the kind of problems that people face in practice - with consequent dents to its credibility (as detailed in *Face to Face*¹¹). A more openly acknowledged failure was the UK moneyadvice.service.org.uk website which stood accused of 'reinventing the wheel and spending millions of pounds in brand building unnecessarily' both by outsiders and the specialist Parliamentary Committee to which its sponsoring department was accountable.¹²

The difficulties are not insurmountable. Government departments can deliver high quality advice provision - as is illustrated by New South Wales' lawaccess.nsw.gov.au though this is assisted by its form as an 'aggregator' site that pulls together material produced both by government departments and others.

(d) not for profit legal portals and 'triaging' sites

¹⁰ <http://www.openlawlab.com/2014/02/04/estate-quest-video-game-estate-planning/>

¹¹ p47-8

¹² See paper x on Portals

Raad voor Rechtsbijstand

Heeft u een probleem of conflict? Rechtwijzer wijst u stap voor stap de weg naar een oplossing.

Door vragen te beantwoorden vindt u wat u in uw situatie kunt doen en wie u daarbij kunnen helpen. Ook biedt Rechtwijzer gereedschap voor het oplossen van veelvoorkomende problemen en conflicten.

- Uit elkaar
- Overheid
- Ontslag
- Consumentenzaken
- Huurwoning
- Mijn probleem staat er niet bij

Kinderalimentatie berekenen? Check de tool in de gereedschapskist!

Gereedschapskist
Hier vindt u gereedschap voor het oplossen van problemen en conflicten. U kunt bijvoorbeeld een brief opstellen voor een consumentenprobleem, zelf kinderalimentatie berekenen of online een oudereschapsplan maken.

Raad voor Rechtsbijstand
Rechtwijzer is ontwikkeld door de Raad voor Rechtsbijstand, in samenwerking met de Universiteit van Tilburg en het Justice Innovation Lab. De informatie en hulpmiddelen van Rechtwijzer zijn gratis en openbaar.
De Raad voor Rechtsbijstand regelt de gesubsidieerde mediation of rechtsbijstand. Dit doet de Raad op basis van de Wet op de Rechtsbijstand (WvR). Kijk voor meer informatie op www.rechtsbijstand.nl (link opent in nieuw venster).
Vragen over Rechtwijzer? Mail deze naar rechtwijzer@rvr.org (link opent in nieuw venster).

The advantage of one or more general portal sites per jurisdiction is clear. Their creation in each state of the US was the first recommendation of the Legal Services Corporation's 2013 technology summit. They can be divided into different types on various bases including:

(i) aggregator or comprehensive

This is not necessarily a material distinction, in principle. To the user, there may be little difference in whether the site provider is the source of the information or whether the referral is being made to another organisation. Examples of comprehensive provision from the US by the providers of the site itself would be illinoisonline.org or two well produced Canadian sites, educaloi.qc.ca in Quebec and yourlegalrights.on.ca in Ontario. Both are linked to wider public legal education programmes: the

presentation of the content of the Quebec site is particularly excellent.

About Éducaloi

Éducaloï is a non-profit organization founded in 2000. It is a leader in the movement to improve access to justice in Quebec. Our mission is to inform Quebecers about their legal rights and responsibilities in language that makes the law easy to understand. In everything it does, Éducaloï draws on established techniques from the fields of legal education and plain language. High standards of legal accuracy are at the core of our work.

By contrast, a range of other sites marshal information provided by others with varying degrees of comment, rating or linking. Examples are the law access site in NSW; Clicklaw in British Columbia; advicenow.org.uk in England and Wales.

Welcome to Clicklaw

This site provides legal information, education and help for British Columbians. What is here for you?

About the Advicenow search

*Handpicked pieces of quality information, sourced from the best providers, tailored for your needs. We do the searching for you
In the Advicenow handpicked search you can find the web's best information on the law and rights. We've gathered together information from over 250 UK websites, checked that it's up-to-date, and covers the issues that are important to you.*

If you have a law-related problem or want to know more about the law and your rights, don't wade through endless internet pages. Just type a word or phrase into the Advicenow search box. We'll present you with a choice of hand-selected, quality-checked results.

All shapes and sizes

From fast facts and top tips to detailed leaflets and step-by-step guides there's something to suit everyone.

The information covers England and Wales. The law for Scotland and Northern Ireland can be significantly different.

How to use our Internet search

Either select a topic from [Browse all topics](#) , or type a few descriptive key words into the search box and press Enter or click 'Search'. The search is not case sensitive.

For example, type “tax credits” into the search box and click on 'Search'. The results in the left-hand column will provide a list of web pages dealing with this issue. Each entry will contain the title of the page; its web address (URL), a description of the page written by Advicenow, and the name of organisation producing the information together with their web address. If you click on one of these links, it will open in a new window. Each of these links is checked for accuracy and helpfulness every 6 months.

The right hand column of the search results will contain information on these topics from Advicenow.

If the word you used in the search falls within more than one topic area you will be given a summary of each of the relevant areas. Click on the most relevant topic to see the list of links on that issue.

(ii) orientation as a gateway to legal aid or to other advice provision or as standalone

Some portal sites, particularly in the US, have been expressly established as a way of filtering people into (or away from) legal aid: illinoislegalaonline.org would be one example, and MassLegalHelp.org another.

Others, like the two English sites - adviceguide.org.uk and advicenow.org - are emanations of not for profit advice organisations and represent those organisations plying their trade on the internet rather than having a primary filtering function for legal aid. However, this difference may explain history more than current function. These kind of sites are all designed to give initial information and assist in referral where necessary.

(iii) orientation towards dispute resolution

This is one of the distinctive features of the Dutch rechtwijzer.nl site. Even in its current 1.0 version, it is seeking to identify and narrow the issues in dispute and the ways of resolving them beyond the simple giving of information. Version 2.0, discussed below goes, much further and will offer, as will British Columbia's civil resolution tribunal a full service from information to resolution. The dynamic momentum of this approach represents a 'game changer'.

(e) stand alone specialist not for profit information sites

Almost every specialist not for profit legal advice provider has a website. For this project, we are concerned only with those aimed at non-professional users. In England and Wales, the best site on housing is run by the specialist housing organisation, Shelter. In other jurisdictions, such as BC and New South Wales, the aggregator sites direct users to specialist materials provided by their equivalents. This provides a reminder that, despite all the technology, content continues to be king. Specialist organisations have specialist information - about their subject area and sometimes too about a particular constituency of users. A good example of this is provided by the consideration of the problems of single parents given by their advocacy group, Gingerbread, on their website: gingerbread.org.uk. This, as you would expect, has the freedom to indicate, for example, that you might want to challenge a decision of the Child Support Agency - something difficult for a government site to acknowledge.

(f) assisting self represented litigants

There are evident reasons why sites have been developed in various jurisdictions to assist DIY litigants in court. Individuals taking court action are unavoidably brought directly into contact with complex legal procedures designed for, and by, lawyers. Judges generally find litigants in person a distraction from what they see as their 'proper' work, particularly in common law jurisdictions where the model of litigation is adversarial. Cuts or the non-provision of legal aid, particularly in family cases which generally require court decision making, expose litigants in person to an often alien world - emotionally as well as legally. As common responses, New South Wales has developed its CourtAssist provision; the Royal Courts of Justice CAB is developing its CourtNav programme, BC has a variety of provision to assist litigants in person - including [SupremeCourtBC.ca](http://www.supremecourtbc.ca) and [smallclaimsBC.ca](http://www.smallclaimsbc.ca); and California - the longtime leader in the field - has a wide provision of assistance for DIY litigants including its online self help centre - <http://www.courts.ca.gov/selfhelp.htm?genpubtab>.

(g) online dispute resolution and online dispute determination

An obvious development from face to face mediation is to take the process online. In England and Wales, provision like divorcejigsaw.co.uk and divorceonline.co.uk are beginning to do this.

Welcome to Divorce Jigsaw

Divorce Jigsaw is a specialist mediation and collaborative law practice. Why? Because, divorce and separation can be a traumatic and difficult time for couples and their children. Things can sometimes feel out of control and conflicts can quickly intensify and turn toxic, damaging parents and children alike. I believe that there is another way to divorce, one that avoids the toll of court proceedings, both in terms of costs and emotional upheaval, and yet acknowledges the significance of this major life change with all that it entails.

One step beyond such ODR processes - which are generally voluntary and, ultimately, not binding in court - is what might be termed 'Online Dispute Determination' i.e. the final and online determination of cases within a court structure that delivers judgements as enforceable as those traditionally obtained in person from a judge. The Netherlands has deployed an online element to the solution of some neighbour disputes. Australia is moving that way with partially online services from Consumer Affairs Victoria and the Dispute Settlement Centre of Victoria but the world leaders in exploring this field are British Columbia's proposed Civil Resolution Tribunal and the Netherlands' planned version 2.0 of its rechtwijzer.nl programme. Both of these are close to fruition. BC passed legislation to establish the tribunal in 2012 which will allow the tribunal to deal with small claims and 'strata disputes' relating to liability for the common costs of a shared building. It plans to implement the tribunal in 2015, soon after the Netherlands will enact its Rechtwijzer 2.0 proposals. Both are based on modules which take a person through from intake through negotiation and facilitated settlement to adjudication: some of the models will be free and others paid for. By the end of next year, it should be possible to see how these are actually working and the final details of their implementation - still, in both cases, being worked out.

Civil Resolution Tribunal Act

British Columbia's new Civil Resolution Tribunal Act received Royal Assent May 31, 2012. The act establishes a new dispute resolution and adjudicative body, the Civil Resolution Tribunal, which has authority to hear some strata property disputes and, where the parties agree, small claims matters. It is anticipated the Civil Resolution Tribunal Act will come fully into force and the tribunal will begin operations in 2015.

The new Civil Resolution Tribunal will provide an alternative to the traditional dispute resolution services of the B.C. Provincial Court's small claims division. The tribunal will be structured to encourage people to use a broad range of non-litigation based dispute resolution tools to resolve their disputes as early as possible, while still preserving adjudication as a valued last resort. It is

intended, as with the recently enacted Family Law Act, to encourage a collaborative, problem-solving approach to dispute resolution, rather than the traditional adversarial litigation model. The Civil Resolution Tribunal will draw on proven technology and combine it with the flexibility, case management and dispute resolution strengths demonstrated by British Columbia's administrative justice system.

(h) sites that link legal assistance to the development of skills including emotional support

Some of the American court sites give practical assistance with skills necessary to help someone navigate their way throughout the courts, including with advocacy. At its very basic, Connecticut gives very simple tips on communicating courts and their staff. A number of sites seek to help someone with the question of whether they should represent themselves and how: Maryland delivers this as a Q and A quiz - steering potential litigants away from such goals as 'wanting to get even'. A number of jurisdictions have online training for those going through the breakup of a family, most interesting British Columbia where the Justice Education Society's FamiliesChange site (which incorporates the interactive educational presentation of Changeville for children to explore as a virtual representation of issues that they may face) is a world leader Changeville, which is described in more detail in *Face to Face Legal Services and their Alternatives*, raises a general issue about delivery on the net. In what circumstances should you use the techniques of 'gamification', of making the quest for legal advice and information into a game? Changeville appears to do that very successfully for its audience of children. More questions arise on the appropriateness of this technique for people seeking advice on a legal issue for which the notion of gaming may be seen as trivialisation.

(i) sites that provide textbook level information on a shareable basis

Clicklaw Wikibooks is an example of a project using a wiki structure to place detailed book or pamphlet sized descriptions of the law - current in 15 areas - in a form which allows users to print, copy and re-use provided that they do so for non commercial reasons. The format also allows quick and easy updating by authors. This is of obvious use to the informed or skilled user, not least because the content can form a bridge to the primary sources. The resultant script on the screen, however, could be off-putting for someone not used to dealing with print at a highish level.

A number of jurisdictions have sites which are designed primarily for advisers rather than the general public. An example from England and Wales is rightsnet.org.uk and from Canada povnet.org. These have not been considered in this report: they have a different function from sites which are directed at the public.

3. *What is the context of the best digital services?*

(i) users must have a relatively high digital literacy. Providers, therefore, must recognise the consequence of digital exclusion. So, the best services are functionally integrated into face to face provision which can support those unable to use the web or which is available for assistance - such as the network of law counters where paid staff in the Netherlands support the Rechtwijzer. It also helps to have opportunities for chat, email or phone conversations with an adviser within the programme.

(ii) a feature of the jurisdictions with the best provision is leadership, creativity (perhaps also competition) and some degree of resources. Thus, the Legal Services Corporation has played a lead role in the US with its competitive Technology Initiative Grants program; the Dutch Legal Aid Board has teamed up with the innovative Hague Institute for the Internationalisation of Law; in BC, a more widespread leadership has been devolved among a crucial range of providers including government, Legal Services Society, the Justice Education Society, the courthouse libraries and a strong public legal education culture to drive forward a digital agenda.

(iii) an entrepreneurial culture and the convergence of once separate activity, eg to the courts, legal aid, mediation, advice. This is reducing the silos in which previously separate communities have developed material. In the UK for example, it would prompt a coming together of lawyers, legal aid funding, the advice sector and the courts.

(iv) a favourable constitutional context where government remains committed to access to justice (in some cases, despite major cuts to funding on legal aid or the courts) and, as in The Netherlands, there is an explicit government endorsement of the value to citizens of self representation and self generated solution to legal issues. This, at best and as in the Netherlands, extends to a commitment to simplifying legislation to allow citizens to help themselves as well as facilitating digital development;

(v) a desire to make use of the interactive possibilities of the internet. Sites like the Rechtwijzer stand out because of their use of decision trees, guided pathways or series of limited options. These begin to challenge the static provision of much information and should begin to establish themselves as the new normal. They represent a quantum leap in the processing of information on the web and provides a mako challenge to providers in re-engineering their knowledge.

(vi) a commitment to research and feedback. The Legal Services Corporation requires an evaluation of the effectiveness of its Technical Initiative Grants programme. Some provision has been the subject of analysis - for example, British Columbia's Justice Education Society's court-oriented assistance. It is perhaps understandable that, in the opening waves of development, people should experiment but, as we progress, we need to know more about how people actually use provision and a willingness to learn from experience will be an indicator of the best provision. In this context, it would be helpful to develop criteria for assessment which could be as widely agreed as is possible (see below).

4. *What are the characteristics of the best internet provision?*

The best websites:

- (a) Meet basic standards. No site should be misleading; have major technical failings; be offensive or discriminatory; inadequately protect data, be out of date (preferably indicating when last checked); or inaccessible below the best current standards; be transparent about ownership.
- (b) Are user oriented: the content must be aimed squarely to the target constituency - not advisers or lawyers. Content must be specific, relevant, practical, balanced, in plain language, structured around key points and route maps of the way forward; translated into major languages of likely users; evaluated and continually adapted to user outcomes; and provide a way in which a user may give feedback on, or complain about, their experience.
- (c) Are functionally integrated with individualised assistance - both within and outside the site;
- (d) Meet current commercial standards of design - including responsiveness to different formats, particularly smartphones; effective use of graphics, audio and video; attractive presentation.
- (e) Are Interactive and resolution-oriented. They should offer a process that is interactive eg using 'guided pathways', dynamic using such techniques as guided pathways and oriented to the resolution of any dispute or query, providing sample letters and forms, automatic document assembly, practical tips on proceeding, assistance with necessary skills, emotionally supportive;
- (f) justify the expenditure on them either by proving that they are more cost efficient or effective than alternative forms of provision or because they can generate self-sustaining income. A starting list for relevant criteria might include the extent that provision can be proved:
 - (a) to increase the identification and resolution of disputes;
 - (b) to increase access;
 - (b) to increase the affordability of assistance;
 - (c) to increase the quality of services;
- (d) to comply with appropriate ethical standards;
- (e) to operate at a cost acceptable to its funder and likely to remain stable;

- (f) to increase the skills and capability of users;
- (g) to respond to the needs of users;
- (h) to generate feedback for policy-makers.

These are all indicators of a fundamental approach to develop provision which begins with the needs of users and re-engineers knowledge and information in consequence.

5. *What 'new frontiers' are emerging?*

These are the developments in which progress is being made and which merit monitoring to assist in developing best practice.

- (a) the integration of automated document assembly programmes. This is old hat in relation, say, to the US A2J programs. They allow the building up of court forms with a visual interface that fronts an automated document assembly programme. They have yet to spread very far in England and Wales where courts are not even yet equipped in the main to accept electronic filing.
- (b) the integration of interactivity - through such mechanisms as guided pathways and the use of such mechanisms as video avatars to conduct interaction with the user.
- (c) the integration of effective video;
- (d) the incorporation of individualised assistance within standard packages;
- (e) ensuring or introducing a degree of creative competition to encourage developments;
- (f) holistic approaches that incorporate skills training and emotional support;
- (g) holistic approaches that take - either within one site or a linked series - a user through from initial contact to resolution of a problem;
- (h) online dispute resolution and, particularly, online dispute determination that involves courts, tribunals and judges being online;
- (i) methods seeking to address digital exclusion;
- (j) the incorporation of user generated comment;
- (k) appropriate inter-relationship between profit and not for profit assistance (as, eg, in linked websites);
- (l) the modification for - and potential relationship with more detailed provision - sites designed primarily for mobiles.
- (m) the development of transparent and widely agreed criteria for the assessment and comparison of sites across jurisdictions.
- (n) an agreed research methodology on effectiveness.
- (o) sustainable funding.

Digital delivery of legal services takes place, of course, within a context. At the moment, users of the Royal Courts of Justice CAB's CourtNav software have to print off their forms at the end of a digitally assisted process and physically lodge them with the court because there is no electronic filing. A digital intake and processing system has limited use if it ends with a whimper and not a bang as the user shifts to unreconstructed mainline services of a non digital kind.

6. *What should be international priorities?*

- (a) maximum recognition that law might be national but technology and skills are global. In consequence, much can be transferable (as is happening with collaboration such as that between the Netherlands and other jurisdictions and between BC's Justice Education Society and the California courts);
- (b) recording and disseminating latest developments;
- (c) developing and encouraging international pathways for communication and learning;
- (d) encouraging evaluations; sharing the lessons; and developing a shared methodology which would allow comparison of effectiveness and cost efficiency;
- (e) sharing lessons on which technology proves the best for which purpose

COMMUNITY VIEWS ABOUT LEGAL AID IN VICTORIA

Rosy Jolic, Manager, Victoria Legal Aid, Research Program

Victoria Legal Aid (VLA) conducted its first ever research into community views about legal aid. VLA did this to inform their new strategy, which was developed in consultation with stakeholders, which included justice and community sector agencies and the general community.

The aims for the research were to find out to what extent the Victorian community is aware of legal aid services, their opinions about legal aid and their views on how VLA prioritises their services. VLA sought community views to influence their strategy and provide guidance on how they could engage with the community about future directions and priorities.

The research used a mixed quantitative/qualitative methodology, which consisted of an online survey of 1500 Victorians, and eight focus groups, some of which consisted of traditionally hard to reach groups – such as young people, people in regional locations and Indigenous Australians. The research found a high degree of support for government funded legal aid services for people who are unable to afford legal assistance or are experiencing disadvantage.

The community's recognition of people on a low income, people experiencing family violence or people with disabilities as being priority groups for assistance also aligns with VLA's own recognition of these groups as priority clients. The community also strongly supported VLA targeting services to those most in need and for VLA to collaborate with other agencies in delivering legal services.

The research also highlighted some interesting themes in relation to community perceptions of the justice system, including to what degree they felt the justice system met their own needs, or the needs of disadvantaged people.

Victorians see the main benefit of legal aid as a 'safety net', however, when asked, research participants tended to prioritise legal aid for victims, with strong support for legal aid for family violence, discrimination and family breakdown.

While there was support for legal aid to be provided for criminal matters, some research participants expressed ambivalence about the types of clients who received legal aid, and moral judgments about the nature of the crime – so while community members understood and generally supported everyone's entitlement to a defence, there were concerns about career criminals, murderers, child abusers or rapists accessing legal aid. There was also sometimes confusion about the role of legal aid in the criminal justice system. Focus group discussions resulted in some community members shifting their views on topics such as eligibility for legal aid when they understood more about why legal aid exists and principles like the 'right to a fair trial'.

VLA sees this as the beginning of an ongoing engagement and dialogue with the community. These findings have helped shape the commitment to being more transparent and providing meaningful information about VLA's services and performance to the community, acting on community feedback and appropriately consulting with the community when planning major changes.

A link to a summary of key findings, with a link to the full report is available at <http://www.legalaid.vic.gov.au/about-us/news/research-shows-strong-community-support-for-victoria-legal-aid>

Full report: <http://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-community-research-report-the-social-research-centre.pdf>

RESEARCH PROJECT ON ANTI-POVERTY EFFECTS OF CIVIL LEGAL AID IN THE UNITED STATES

Alan W. Houseman, President, Consortium for the National Equal Justice Library

Under a contract from the Public Welfare Foundation in 2014, Elisa Minoff¹³ and I reviewed research that involves civil legal aid to learn how and under what circumstances civil legal aid successfully reduces poverty. We evaluated the extant literature on legal services and considered studies, data sets, and reports that provide some information about the economic benefits of civil legal aid. The full report is available on the ILAG website at internationallegalaidgroup.org.

Background

Jean and Edgar Cahn, in their seminal article “The War on Poverty: A Civilian Perspective,” proposed a neighborhood law firm as one way of enfranchising the poor, giving them representation, and a voice. Their vision led Sargent Shriver to establish in 1965 at the Office of Economic Opportunity a legal services program. Clint Bamberger, the first director of the Legal Services Program explained: “We cannot be content with the creation of systems of rendering free legal assistance to all the people who need but cannot afford a lawyer's advice. Our responsibility is to marshal the forces of law and the strength of lawyers to combat the causes and effect of poverty.” During the War on Poverty, legal services attorneys attempted to combat poverty through a combination of helping individual poor people with their legal problems, and “law reform” efforts, bringing large class-action suits challenging statutes, regulations, and policies that adversely affected the poor and engaging in policy advocacy at the local, state and federal levels. Under the term of Earl Johnson, the second director of OEO legal services, “law reform” became the chief goal of federally-funded civil legal aid. In the late 1960s, OEO made large investments in national and state back up centers, national publications to describe poverty law development, training and technical assistance programs, as well as the Reginald Heber Smith Fellowship program, which sent recent law school graduates, known as “Reggies, to legal services programs across the country to provide a law reform ‘spark’ to the programs in which they were placed.

Legal Services attorneys won some early Supreme Court cases that Susan Lawrence in her book *The Poor in Court* noted increased dollars going to the poor. “The Department of Health, Education and Welfare estimated that three LSP cases won on the merits – *King v. Smith*, *Goldberg v. Kelly*, and *Shapiro v. Thompson* – resulted in a \$400 to \$500 million per year increase in public assistance payments.” These seminal cases were hardly the only cases brought to the Supreme Court by legal services attorneys. The study by Professor Lawrence reviewed the 110 Supreme Court cases between 1966 and 1974 that were brought by legal services attorneys. Legal services attorneys secured victory in 62% of those cases, second only to the record of the Solicitor General of the United States.

The anti-poverty vision lives on in many legal services offices and policymakers outside the civil legal aid movement continue to recognize the importance of legal services to fighting poverty. In 2012, the White House Domestic Policy Council and the Department of Justice launched the Legal Aid Interagency Roundtable to raise awareness about the need for legal services within the federal government. Attorney General Eric Holder and Director of the Domestic Policy Council Cecilia Munoz observed: “The Roundtable’s work is premised on the recognition that applying the power of legal services to meet Federal objectives creates more opportunities for Americans to grab the next rung on the ladder out of poverty.”

The Research

¹³ Assistant Professor of History, University of South Florida St. Petersburg

A growing body of literature has documented that lawyers make a difference—that is, that representation improves outcomes in civil trials and hearings. However, it is surprising how little rigorous research has actually attempted to document the effect of civil legal assistance on impoverished clients and communities.

There is data from several sources that also provides some insight into the anti-poverty impact of civil legal aid. Five state IOLTA programs and programs in other states collect outcome data. All consider how the data reveals the benefits to the clients served by the programs. In addition, individual civil legal aid programs as well as state-wide access to justice and IOLTA programs have conducted over 22 studies on the “social return on investment” (SROI) or the economic benefits of civil legal aid.

Housing

Housing is the most widely studied area of legal services practice. It is also one of the most common categories of cases brought by legal services attorneys.

Observational studies consistently show that tenants who are fully-represented in eviction cases are more likely to be able to stay in their homes. The few extant randomized studies seem to reinforce the findings of such observational studies that representation helps people stay in their homes. In addition to the above research, the economic benefit studies further indicate the impact of civil legal aid housing advocacy on ameliorating poverty. The Social Return on Investment Analysis for Colorado Legal Services (hereafter Colorado SROI Study) indicated that legal representation in 2012 resulted in \$2,097,340 in immediate direct financial benefits and 3,892,743 in long-term financial benefits (such as savings on costs for emergency housing and family assistance that result from enforcement of landlord tenant law).

Domestic violence

Studies have found that providing legal services to victims of domestic violence actually reduces the incidence of domestic violence. By reducing incidences of domestic violence, legal services attorneys have a direct effect on victims’ earnings and income. In addition to the above research, the Colorado SROI Study indicated that legal representation in 2012 in domestic violence cases resulted in \$12,577,624 in immediate direct financial benefits and \$8,864,713 in long-term financial benefits.

Benefits and Income Support

The safety net remains an important support for poor Americans, and lawyers continue the work they began during the War on Poverty to help poor people access public benefits and other income supports.

The research on legal services attorneys’ public benefits work is limited. One study analyzed data on Social Security disability and unemployment appeals in Wisconsin and found that represented claimants were consistently more successful in their appeals than unrepresented clients. Studies of SSI (Supplemental Security Income) and SSDI (Social Security Disability Income) also found that legal representation effectively connected clients to benefits. James Greiner and Cassandra Pattanayak’s randomized study of representation in unemployment insurance appeals found that the offer of assistance by the Harvard Legal Aid Bureau had no significant effect on case outcomes. But there are clear limits to this study. The lawyers offering representation were law school students, rather than experienced legal services attorneys, and the question being tested was not whether representation mattered, but whether the *offer* of representation mattered. In addition, many of the claimants that were in the control group did in fact receive representation from civil legal aid programs and did quite well as a result of that representation.

The reports and datasets on the economic benefits of civil legal aid do provide concrete information that suggests the anti-poverty impact of civil legal aid public benefits work. In New Hampshire, for example, researchers estimated that the state's three major legal services programs brought in \$14.3 million of SSI/SSD benefits for elderly and disabled people, \$8.6 million of Medicare Benefits for people with disabilities, \$1.7 million in federal tax refunds and savings for low-income clients, \$12.8 million in child and spousal support in 2011. An Evaluation of seven Equal Justice Works AmeriCorps Veterans Legal Projects completed in 2013 found that the projects recovered \$1,567,130 in retroactive veterans' benefits. Those seeking benefits collected \$422,130, with veterans awarded an average of \$2465.25 in monthly benefits or \$29,583 a year.

Civil legal aid programs have also helped low-income families obtain Earned Income Tax Credit Benefits. I-CAN! E-FILE, a nationwide web-based tax preparation service developed by the Legal Aid Society of Orange County, has returned \$796,000,000 in federal and state credits and refunds to low-income families since its inception in 2003. In 2012, for example, I-CAN returned \$167,767,231 in benefits.

Consumer Protection

There is very limited research on consumer cases. A 2013 Maryland study of consumers debtors sued by debt buyers found that consumer debtors who were not represented by attorneys had their cases dismissed or judgments entered in their favor 23% of the time. By contrast, consumer debtors assisted by volunteer attorneys in the Pro Bono Resource Center of Maryland Consumer Protection Project achieved a positive outcome such as a judgment in favor of the defendant or a dismissal 71% of the time.

The Colorado SROI Study found that the program's consumer legal work resulted in \$9,365,525 in immediate direct financial benefits and \$1,617,034 in long-term consequential financial benefits.

Health

A large body of research has shown the extensive connections between poor health and poverty. As research has shown, reducing poverty helps improve health. Legal services lawyers are increasingly working directly with healthcare professionals to improve clients' health and life outcomes. Over the past twenty years, health centers across the country have established their own medical-legal partnerships, often hiring legal services attorneys directly to meet the legal needs of their patients. The attorneys help mitigate patient's poverty by helping them connect directly to government benefits and meeting their other legal needs.

One study of a medical-legal partnership in California found significant improvements in patients' income and wellbeing as a result of the partnership. A comprehensive review of the literature on medical-legal partnerships has found that other programs have had similarly significant anti-poverty effects.

In addition to the above research, the Colorado SROI Study indicated that legal representation in 2012 resulted in \$251,075 in immediate direct financial benefits.

Child Welfare

For over a decade, Columbia Legal Services has been engaged in a class action settlement to ensure that children in foster care receive the care and services they are constitutionally guaranteed. Columbia worked on and monitored the settlement, which mandated "improvements in placements, mental health and other services to children, assistance for foster parents, and enhanced services by child welfare workers." Researchers at the University of Chicago found that "the settlement has spurred dramatic increases in the number of children getting intake health screening and the number of times foster children are visited by their state caseworker. It has also decreased multiple placements, lowered caseloads (which impacts safety), decreased the number

of siblings who are split up in foster care and increased the number who visit one another if they have been split up, and enhanced educational stability.” As part of its advocacy around child welfare issues, Columbia called for and the Washington Legislature “enacted a new law requiring that foster children have the maximum sibling interaction possible and caregivers shall not limit contact or visitation as a sanction for a child’s behavior.” The approximately 10,000 foster children who are in the system are all affected by Columbia’s advocacy.

Interestingly, as byproduct of their research on Washington State, the researchers found that enhanced parental representation increased the rate of family reunification, and, strikingly, nearly doubled the likelihood of adoption and doubled the likelihood of legal guardianship. “Our findings suggest that, far from serving as an obstacle to adoption and guardianship, the availability of adequate legal counsel might facilitate a parent’s acceptance of the need to find another permanent home for their child if they cannot reunify.”

Custody

Two studies of Maryland custody cases by the Women’s Law Center of Maryland – one in 2004 and a follow-up in 2006 – tracked both case outcomes and custody outcomes. The 2004 study found that representation of parents by a lawyer made it far more likely that spousal support or alimony would be awarded. In the later study, researchers affirmed that “when neither party is represented, both parties ‘do the worst’ in terms of financial outcomes.” The later study also looked specifically at the impact of representation on custody outcomes and found that representation made a significant difference.

Anti-Poverty Work Not Captured by the Research

The academic research on civil legal aid and the data available on the benefits of legal assistance does not capture everything that legal aid lawyers do to reduce poverty. Most notably, it does not capture civil legal services attorney’s continued focus on law reform and anti-poverty work.

We presented a set of examples of the current work of civil legal aid programs, both LSC funded and non-LSC funded, that illustrates how legal aid programs helped clients: connect to benefits, services, employment, education and housing that help lift them out of poverty; avert costs that could drive them into poverty or increase their existing poverty; stabilize their lives so that they can move out of poverty; and disentangle from administrative systems that prevented them from receiving benefits and services to which they are entitled.

Forthcoming Research

Wide-ranging research currently being conducted will tell us much more about the anti-poverty effects of civil legal aid in the years to come. Academic researchers are currently studying some of the less tangible effects of civil legal aid: how legal services effect client’s sense of dignity, their interest in participating in their communities, and their political engagement. A number of ongoing pilot projects will also, once completed, offer new insights into whether and to what extent various levels of legal advice and representation make a difference both to case outcomes and to client outcomes.

Conclusions

There is little rigorous research that has actually attempted to document the effect of civil legal assistance on impoverished clients and communities. There is little quantitative research on civil legal aid and anti-poverty, and even less qualitative research. In order to understand how civil legal aid ameliorates poverty, we need to know not only how clients fare in court (their case outcomes) but also how they fare in life after their cases close (their personal outcomes). But, as scholars have routinely observed, very few studies and little data actually documents the experiences of legal services’ clients after their cases have been closed.

Research Agenda

Quantitative Research

We need more data on client outcomes, not just case outcomes. Given the dearth of information, any data at all on client outcomes six months or more after their cases have closed would be helpful. While the strongest data available is in the public benefits area, where programs can track the amount of benefits received by the client served and estimate the long term impact of receiving benefits, it would still be helpful to examine what happens to the clients 4 or 6 months after the case was closed.

In virtually all other areas of legal services work, similar studies would be useful. For example, it would be helpful to do several studies comparing what happened to a) clients who won their eviction cases, b) clients who had a delay in eviction, and c) clients who were evicted. Because tenants may be treated differently in urban, suburban and rural courts and the outcomes in these settings may be different, such studies should include different courts and geographic settings.

Cost Savings Research.

The studies on “social return on investment” (SROI) or the economic benefits of civil legal aid have their own faults. Many make inadequately supported assumptions in the course of describing the cost savings resulting from legal services. A classic example is the assertion that a certain percentage of people who legal services attorneys saved from eviction or from having their mortgage foreclosed would have had to go into emergency housing had it not been for the legal services intervention. A study tracking people evicted from rental housing or mortgage foreclosure, would offer us a more realistic picture of what actually would have happened to people evicted or whose mortgages were foreclosed. A corollary study could examine what happened to people who were not evicted.

In order to make the methodology of the economic benefit and SROI studies more transparent, and, ultimately, more convincing, a comprehensive review and compilation of all of these studies, describing the methodology and showing the results, would be useful.

Qualitative Research

In addition to more data collection about client outcomes, we recommend five new research projects that are fundamentally qualitative in nature. We will only begin to capture the full-extent of legal services’ anti-poverty impact by combining quantitative and qualitative research methods. These include: (1) a comprehensive survey of, and a report about, the current work in civil legal aid that has an anti-poverty effect; (2) a review of all U.S. Supreme Court cases brought by civil legal aid attorneys over the last 50 years; (3) a review of selected State highest court decisions that have shaped critical state law and had a significant impact on the poor; (4) a historical evaluation of the first fifteen to twenty-five years of legal services work; and (5) a series of comprehensive case studies to document the systemic work of present-day legal services organizations.

AUSTRALIA – RELEASE OF THE PRODUCTIVITY COMMISSION INQUIRY INTO ACCESS TO JUSTICE¹

Dr Liz Curran, Australian National University

On 3 December 2014, the long awaited Final Report of the Productivity Commission Inquiry into 'Access to Justice Arrangements' in Australia was released publically through an email to those of us who made submissions.¹⁴ The report had been provided to the Government in September 2014 and as yet the government has not made its response. The Government did however hold off mooted further cuts to legal assistance services that were foreshadowed to be in the Economic Forecasts which were released in early December. Perhaps, the government desisted because of the Productivity Commission's clear finding that the legal assistance sector was underfunded, stretched and unable to meet demand as a consequence and its call for a further \$200 million that is needed (Page 30). Making a further announcement of cuts might have looked very odd given this recently released Government commissioned wide-ranging report.

Background

This time last year budget cuts were announced on 17 December 2013 with further cuts and details provided in the May 2014 Budget. In an already under-funded legal assistance system, the Australian Government aims to deplete \$19.6 million from Community Legal Centres (CLCs) in the 2014/15 financial year¹⁵ and, then, in 2015/16, reduce 13.41 million over four years for Aboriginal and Torres Strait Islander Services (ATSILS). CLC's and ATSILS will be made to meet \$32 million of the projected \$42 million, the remainder coming from Legal Aid Commissions (LACs) and Indigenous Family Violence Prevention Services (IFVPS).¹⁶ These services are categorised as 'legal assistance services'. Furthermore, the fate of Indigenous Family Violence Prevention Services is uncertain due to tendering of these services. This may see them mainstreamed despite significant reports as to the need for culturally specific services for indigenous people highlighted in many reports that detail the mistrust of mainstream services by indigenous people and high rates of family violence. Much of this has been documented as due to separation policies, the stolen generations which saw government remove indigenous children from their families due to their culture over many decades and the barriers to their access which have been recently documented.¹⁷

For decades, I have been writing about effective ways to reach the vulnerable and disadvantaged people who need access to legal assistance services. Happily, the Productivity Commission drew

¹⁴ Productivity Commission Inquiry into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Overview Report and Volumes One and Two.

¹⁵ National Association of Community Legal Centres. (2013) *\$16 million cuts to the CLC Sector misguided and short sighted*, media release, 17, December. Available at: http://www.naclc.org.au/cb_pages/files/%2419m%20cuts%20to%20CLCs%20short%20sighted%20and%20misguided%20says%20NACL%20FINAL.pdf, accessed 21 December 2013.

¹⁶ National Association of Community Legal Centres. (2014) , 'NaCLC Strongly Supports Calls from National FVIPS for reinstatement of direct funding, 20 August 2014 http://www.naclc.org.au/cb_pages/files/Media%20Releases/Budget%20misses%20opportunity%20to%20address%20crisis%20in%20legal%20help.pdf accessed Community Law Australia, 'Broad Cuts to legal assistance services will fuel access to justice crisis', <http://www.communitylawaustralia.org.au/budget-cuts-to-free-legal-help-hit-vulnerable-and-isolated-victorians/> accessed 5 August 2014. <http://www.ervictoria.org.au/sites/default/files/BYB-Fact%20Sheet%20%282%29.pdf> accessed 5 August 2014.

¹⁷ M Schwarz, F Allison and C Cunneen, 'A Report of the Australian Indigenous Legal Needs Project', Cairns, James Cook University, 2013. See <http://www.jcu.edu.au/ilnp/public/groups/everyone/documents/technical_report/jcu_131180.pdf> accessed 17 January 2014.

heavily on this work and its' conclusions in its two volume report.¹⁸ In Australia, there is a mixed model of legal aid with a combination of grants of aid to the private profession but significantly a publicly funded, salaried legal assistance sector. This emerged in the 1970s as a result of market failure¹⁹ and because of the diverse and complex needs of community members in a vast country. The Productivity Commission endorsed much of what has already been revealed in recent evidence based research in Australia since 2012. This research fell in a context of an absence of such Australia-wide data and built on approaches of the now disbanded UK Legal Services Research Centre and New South Wales Law and Justice Foundation, the latter, who were commissioned to undertake the first Australia-wide study of its kind, by a cash strapped National Legal Aid (NLA) body due to ongoing refusals by government to fund such research.²⁰

What the Productivity Commission concludes

The Productivity Commission acknowledges that legal assistance services are 'highly committed' to their clients in what are challenging circumstances.²¹ The report notes that a lack of legal knowledge leads to an escalation of problems.²² They urge that 'given the scarcity of resources, it is critical that existing and additional funds are diverted to where they are most needed'²³ but they also stress that there is a 'disconnect between legal need and government funding'.²⁴ Something that is highly pertinent in the Australian political environment with the Federal Coalition government's effort to cease funding advocacy and policy reform by the legal assistance services²⁵ was the Productivity Commission's ringing endorsement of systemic work done by these agencies²⁶ even encouraging regulators to respond to such systemic issues when raised and be more proactive as a means of gaining efficiencies, stopping problems at their core and preventing additional costs to the legal and health and social system.²⁷ They endorse innovative holistic approaches to problem solving.²⁸

The Productivity Commission argues for more evidence based research and evaluation in Australia than currently exist and calls for a clearing house and notes that this should inform the current funding decisions which operate in a vacuum. Drawing on this author's outcomes based measurement work²⁹, the Productivity Commission calls for such outcomes based measurement to be given greater priority.³⁰

¹⁸ Productivity Commission Inquiry Into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Volume One pages 86, 153, 154,156,159,171, 175, 176, 177,178, 207 and Volume Two pages 806, 885, 887, 888, 889, 890, 895, 897.

¹⁹ This is detailed and documented in Noone, M. & Tomsen. (2006) *Lawyers in Conflict: Australian Lawyers and Legal Aid*, (New South Wales, the Federation Press).

²⁰ Coumarelos, C., MacCourt, D., People, J. McDonald, H.M., Wei, Z., Iriana, R. & Ramsey, S. (2012) *Access to Justice and Legal Needs: Legal Australia Wide Survey Legal Need in Australia*, (Sydney, Law and Justice Foundation of New South Wales). Available at: [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Australia.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf), accessed 10 June 2014.

²¹ Productivity Commission Inquiry into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Overview Report, 28.

²² Above note viii, 8

²³ Above note viii, 31.

²⁴ Above note viii, 28.

²⁵ See L Curran, 'Attorney General George Brandis Set to Silence CLCs' *The Saturday Paper*, 14 June 2014 http://www.thesaturdaypaper.com.au/opinion/topic/2014/06/14/attorney-general-george-brandis-set-silence-clcs/1402668000#.VJkLsf_ALB accessed 23 December 2014.

²⁶ Above note viii, 11, 31.

²⁷ Above note viii, 30-31.

²⁸ Productivity Commission Inquiry into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Volume One, 171 – 176.

²⁹ Curran L (2013a). *The Strategic Approach to Legal Problem Solving Problems –: Examples, processes & strategies*, Legal Workshop, Australian National University College of Law, 13 March. http://law.anu.edu.au/sites/all/files/legalworkshop/final_report_solving_legal_problems_curran_calc_13_march_2013.pdf accessed 14 December 2014; Curran L (2013b). *Encouraging Good Practice in Measuring Effectiveness in the Legal Service Sector*, Legal Workshop

Conclusion

There does seem to be a disconnect at times between some suggestions for the funding issues in Recommendation 21 which may cut across some of the Productivity Commission's other recommendations. If there can be improvement in the measurement of effectiveness and impact that the Productivity Commission suggests and a more realistic consideration of legal need and how best to target and reach people in need then it should not be done by government in isolation from the work of the services themselves and such research input and although this is stressed throughout the report it does not seem to be consistent with recommendation which seems to leave it to government which leaves the problem unsolved.³¹ However, the Productivity Commission does suggest that funding should reflect the relative costs of service provision and indicators of need suggesting the need for a massive injection of funds in terms of funding of legal assistance service in Australia.³² This also accord with a Review of Legal Assistance Services the government commissioned from Allen's Consulting in September 2014³³ which made similar recommendations but which has also received little if any response from government.

Perhaps the two reports revealed what the Federal Government did not want to hear, namely that legal assistance services in Australia are vital ingredients to equality before the law and access to justice and that it is not only the front line work that they do but, also, the community development approaches, community legal education, holistic and integrated service and law reform that are ingredients that are all essential to access to justice, an efficient and effective legal system and that in circumstances of chronic underfunding. Its conclusion that there could be improvements that a government ought to lead in partnership with those on the ground who deliver the services needs to be heard.

INTERNATIONAL TRAVEL FOR ILAG

Peter van den Biggelaar, Chief Executive, the Legal Aid Board for the Netherlands

At the start of September 2014 Professor Alan Paterson (the Chair of the International Legal Aid Group) and I attended the first high level exchange between delegates from the European Union and China as part of the launch of the China / EU Access to Justice Programme. In the two day workshop in Beijing in depth discussions ensued across a wide range of legal aid issues which are current in both China and the EU followed by a fascinating study tour of a network of Chinese legal aid centres and law firms. Amongst all the topics discussed at the conference the topic of quality assurance in legal aid was to the fore, and in the discussion it emerged that in 2012 China had

Australian National University College of Law, 21 May. Available at: <http://www.plelearningexchange.ca/database/solving-problems-strategic-approach-examples-processes-strategies/> accessed 14 December 2014; Curran L (2012a) *'We Can See there's Light at the End of the Tunnel Now': Demonstrating and Ensuring Quality Service to Clients*, Legal Aid ACT, (Canberra, Legal Aid ACT). Available at: http://www.legalaidact.org.au/pdf/Light_at_the_end_of_the_Tunnel_Legal_Aid_Services_Quality_and_Outcomes.pdf, accessed 14 December 2014 and Curran L (2012b) *A Literature Review: examining the literature on how to measure the 'successful outcomes': quality, effectiveness and efficiency of Legal Assistance Services*, (Canberra, Australian Attorney General's Department). Available at: [http://www.ag.gov.au/LegalSystem/Legalaidprograms/Documents/Literature%20review%20of%20legal%20assistance%20by%20Dr%20Liz%20\[Author%20surname\].pdf](http://www.ag.gov.au/LegalSystem/Legalaidprograms/Documents/Literature%20review%20of%20legal%20assistance%20by%20Dr%20Liz%20[Author%20surname].pdf), accessed 14 December 2014.

³⁰ Above note viii, 33-34 and Productivity Commission Inquiry into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Volume Two, 895-897.

³¹ Productivity Commission Inquiry into Access to Justice Arrangements Report, No 72, 5 September, 2014, Australian Government, Canberra, Volume Two, 895.

³² Above note viii, 30-33.

³³ Allen Consulting Group. (2014) *Review of the National Partnership Agreement on Legal Assistance Services, Final Report*, June (Melbourne, Australia, The Allen Consulting Group). Available at: http://www.acilallen.com.au/cms_files/NPA%20Review_LAS%20report_final.pdf, accessed 23 December 2014.

initiated a series of legal aid quality assessment pilots in a range of provinces, based on the peer review model pioneered in the UK by Professor Paterson and his London based colleague Professor Avrom Sherr. By 2014 there were 32 different pilots across China operating under the aegis of the Chinese National Legal Aid Centre. Such was the enthusiasm of our Chinese hosts for quality assurance that a follow up 2.5 day workshop was organised for January 2015 in Shenzhen led by Professor Paterson and I on the topics of Quality, Quality Measurement and Peer Review for an audience of over 60 legal aid officials and policymakers. This will now be followed in mid March 2015 by Professors Paterson and Sherr leading a training workshop in China on Peer Review for practitioners, peer reviewers and policymakers which will be the springboard for two pilot programmes using UK style peer review criteria and marking systems. Some of our Chinese colleagues will attend the next ILAG conference in Edinburgh in June 2015, providing an excellent opportunity for further exchange.

Launch of Rechtwijzer Uit Elkaar for Separation Disputes

The Raad voor de Rechtsbijstand (Dutch legal aid board) launched [Rechtwijzer Uit Elkaar](#) for separation disputes. This [Rechtwijzer 2.0](#) platform offers complete justice journeys designed by HiiL Innovating Justice. It helps users to diagnose their situation and informs them about possible solutions. After both selecting their initial preferences, the parties enter into a dialogue phase, where they work on items of a separation plan. If they do not agree, a mediator or neutral adviser helps them to decide. In order to guarantee fair outcomes, the plan is reviewed by an independent lawyer. Rechtwijzer is configurable for other types of disputes and jurisdictions. A landlord-tenant dispute version will be next. The Legal Services Society in British Columbia will launch a Rechtwijzer version in August 2015 (see [devblog](#) about the hard work behind the scenes). In the next issue of the ILAG newsletter, there will be more about an international consortium supporting this development, sharing costs and experiences.

In the February 2015, the [ODR Report](#) by the English and Welsh Civil Justice Council's Advisory Group on On-line Dispute Resolution lead by Richard Susskind argued that ODR holds enormous potential to bring two great benefits to justice systems: a lower cost court system and an increase in access to justice. Rechtwijzer, and the Modria ODR platform on which it runs, were mentioned as powerful examples of how this can be achieved.

NEWS

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.

The news is collated by Paul Ferrie - ILAG's Researcher and Online Editor. 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

[Cuts to Commonwealth legal aid hit NSW courts](#) – Sydney Morning Herald

[Federal government must commit to more funding for ACT Legal Aid: Simon Corbell](#) – Canberra Times

[Federal government provides \\$5.2 million in urgent legal aid funding after money runs out](#) – Sydney Morning Herald

[NT Chief Justice Trevor Riley blasts cuts to legal aid services as a 'blow to heart' of justice system](#) – ABC News

Canada

[B.C. budget has new money for courts, none for legal aid](#) – Legal Feeds

[Lawyers worry oil slump will impact legal aid](#) – Metro News

[Legal Aid Ontario urged to share funding with ethnocultural legal clinics](#) – Toronto Star

[Nova Scotia Legal Aid: Back to the Future](#) – Ng News

Chinese

[1.39 million Chinese receive legal assistance](#) - Xinhuanet

England & Wales

[Criminal solicitors to fight plans to reduce on-call lawyers](#) – The Guardian

[Hefty solicitors' legal aid fees cut to pay barristers](#) – The Times

[High court upholds plan to slash on-call legal aid solicitors](#) – The Guardian

[Legal aid cuts are costing, not saving money, say judges](#) – Law Careers

[Legal aid cutbacks are 'soul destroying'](#) – Worthing Herald

[Legal aid cuts exposing domestic abuse victims to court ordeal, says report](#) – The Guardian

[Legal aid cuts hit divided families as contact centres close down](#) – The Guardian

[Magistrates in new legal aid warning to Grayling as survey shows growing fears over justice system](#) - The Bureau of Investigative Journalism

[Solicitors lose duty contracts challenge](#) – BBC News

Fiji

[Full Speech at the Opening of the Legal Aid Commission in Nausori](#) – Fiji Sun

[Legal Aid on the Move: A-G](#) – Fiji Sun

India

[Legal aid centre in every village](#) – The Hindu

[NSS legal aid centre opened](#) – The Hindu

New Zealand

[The crisis in New Zealand's civil justice system](#) – Scoop NZ

Northern Ireland

[Law chief rounds on Ford over plans to cut legal aid and courts](#) – Belfast Telegraph

[Northern Ireland legal aid proposals are unfair](#) – Belfast Telegraph

Scotland

[Law Society's legal aid proposal could put most vulnerable at risk](#) – Herald Scotland

[Legal aid row as lawyers advised to lend to their clients to cover their own fees](#) – Herald Scotland

United States

[Improving access to justice in Florida](#) – Miami Herald

[Legal Aid awards recognize pro bono work](#) – Florida Today

[Mobile Legal Aid Office to Help Homeless Youth](#) – Hartford Courant

[Push for increase in civil legal aid funding comes to Beacon Hill](#) – Mass Live

[Syracuse University offering free legal aid to veterans](#) – Local SYR

[Texas Chief Justice Presses Lawmakers on Legal Aid for Veterans](#) - Texas Tribune

For more information about the work of the *International Legal Aid Group*, please visit our website which can be found at <http://www.internationallegalaidgroup.org>.