

International Legal Aid Group

Newsletter & Information Resource for Academics, Researchers & Policymakers

Issue # 32

May & June & July 2014

Editorial

Read the news and weep - once more. The chair of the US Legal Services Corporation, Jim Sandman, is helping judges explain the deleterious effects of less representation in courts. Vancouver's lawyers are threatening to go on strike again. In media coverage over the world, the word 'crisis' is repeated over and over again. The withdrawal of subsidised legal assistance is impacting on separating couples from New Zealand to England. The judiciary are getting restive and, in England, the most senior family judge adjourned a case where a party had no legal aid and he felt that he could not decide on access. For those of us who remember the commitment of the 1970s and 1980s, it is hard times. For legal aid administrators committed to their job, it must be heartbreaking.

Where do we look for a positive? The one place from which hope might spring is technology. We know our world is changing. You must have access to one or more of a smartphone, a laptop, a tablet or a desktop computer just to read this newsletter. We know that technology is changing our lives from our daily experience. And there is one story in the otherwise rather depressing news list that stands out. It is from Kenya and it lists four ways in which mobile phones are increasing access to justice. These particular projects may or may not be quite as good as portrayed (I have reservations about the performance of the only one that I know about) but the potential has to be there - from developing Bolivia to cutting edge California. Technology provides the only hope by which we can refashion services so that countries that are cutting their budgets may hold to acceptable levels of access to justice. It is the new frontier - as community law centres or neighbourhood legal centres were 40 years ago.

Digital provision will not help everyone: digital exclusion is, after all, a very real phenomenon but digital deployment should allow us to extend coverage of services - certainly of basic legal information and assistance - and to use individualised services in ways which eek out the limited funds in the most economic way. And, we should not confuse what is now being done with what can - and will be - done. Anyone grinding through Dan Brown's new thriller (and I would severely recommend against it - such a disappointment after his earlier works), *Inferno*, will be familiar with the effect of geometrical progression on population growth. The same concept - in relation to technology - underlies the approach of Brynjolfsson and McAfee in their best seller - *The Second Machine Age: work, progress and prosperity in a time of brilliant technologies*. These guys work at MIT: they know about the future; we are approaching a tipping point in the implementation of technology.

Despair is for wimps. Individual services will be required in many fields and for many clients - we have to defend those as best and extend these as best we can. Three cheers for Brazil. But, we also have to work out the best way in which we can use the possibilities of new technology. Read the article on how to compare websites and see if you agree. We have to refocus our efforts in relation to access to justice. Congratulations to Canada.

Roger Smith (rsmith@rogersmith.info)

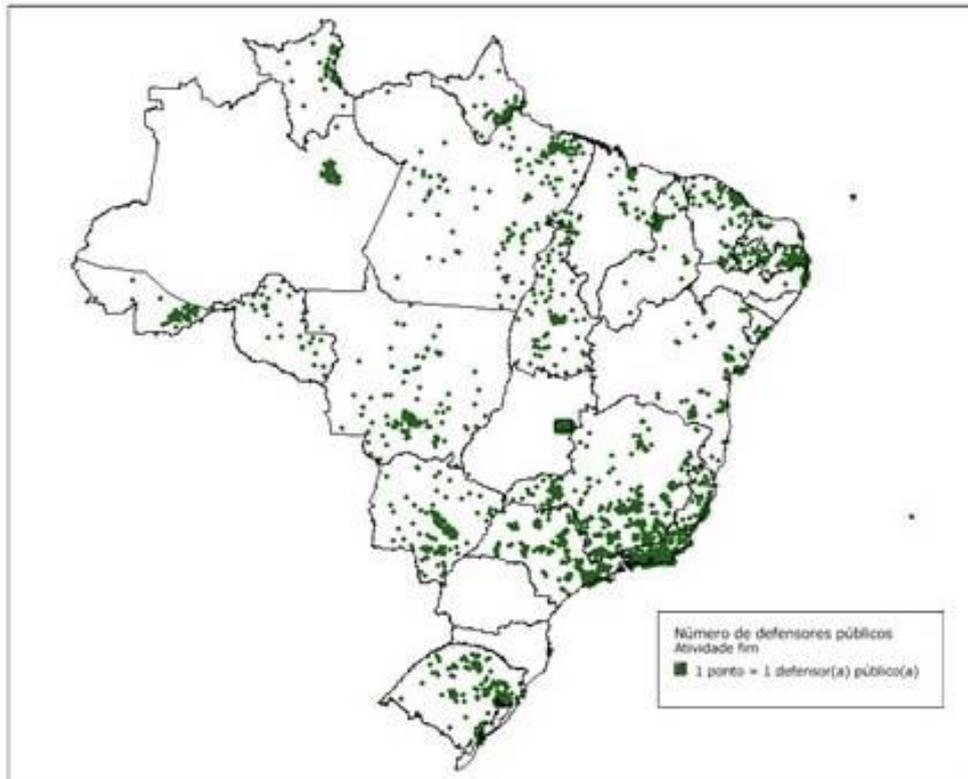
Another Step In The Consolidation Of Legal Aid In Brazil

Professor Cleber Alves

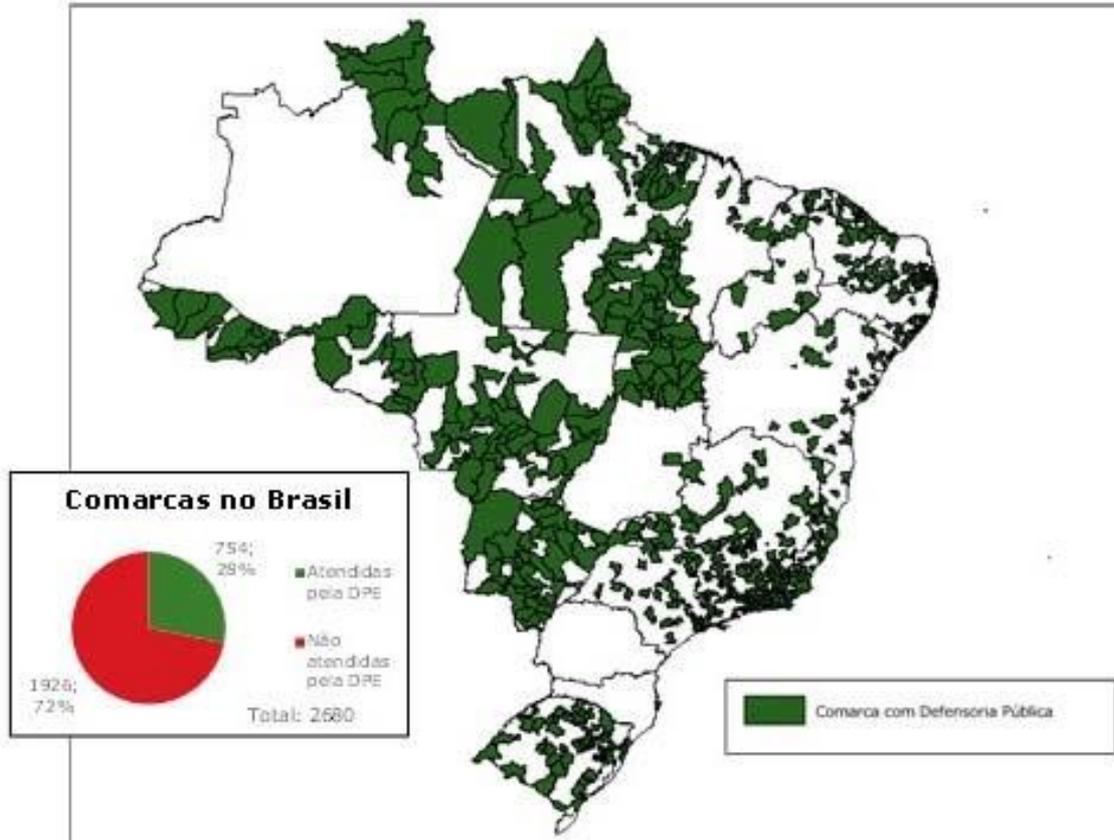
The Brazilian Parliament adopted last June 05, a new Constitutional Amendment establishing rules for the consolidation and expansion of the Public Defender in Brazil. It is the Constitutional Amendment. 80/2014, which states that, within eight years, all jurisdictional units/districts (i.e., all "comarcas" in Portuguese) of the country should rely at least on one public defender. The Brazilian Constitution of 1988 guarantees the right to be assisted by a public defender, paid by the state, for all people who do not have financial resources to hire the services of a private attorney for legal advice and representation before courts in both civil and criminal matters. Over the past 25 years the Brazilian model of free legal assistance through the Public Defender's Office has been consolidated with the adoption of several laws and even constitutional amendments. These laws extend the field range and define a legal framework that ensures the autonomy and functional independence of the public defenders (especially to prevent conflicts of interests with the government of the day), assuring them equated treatment (in some States, including in respect to remuneration) to that enjoyed by judges and prosecutors.

The number of public defenders has grown significantly over the years (there were 3,154 public defenders in Brazil, in 2004; this number rose to 5054, in 2013 - a growth of more than 60% in ten years). Similarly, the budget for the Public Defender has been growing faster than the growth of spending on the justice system in general proportion. Yet, in most States (Brazil has a federal system) the Public Defenders System is not effectively implemented to ensure full coverage throughout the territorial extension. The State of Rio de Janeiro, which has 750 public defenders in total (highest absolute number per state) has an average of one public defender for every 16,000 inhabitants. In the capital, Brasilia, this ratio is one public defender for every 12,000 inhabitants. However, in states like Maranhão, the ratio is one public defender for every 86,000 inhabitants. Even the state of São Paulo, the most populous of the country, the number of public defenders is only 600, implying a ratio of one for every 65,000 inhabitants (although in the State of São Paulo, to address the lack of public defenders a system that rely on private lawyers still exists as a kind of *judicare* model).

In addition to this disparity, even more serious is the concentration of Defenders in the more densely populated areas, whereas the vast majority of cities in the countryside (inland) do not have the assistance of a Public Defender. In 2013, a survey was conducted to determine the geographic coverage of the actual existence of the Public Defender's offices across the country, a project called "Map of the Public Defender in Brazil" (see website: <http://www.ipea.gov.br/sites/mapadefensoria/defensoresnosestados>). According to the map below, the reality of the lack of Public Defenders, especially in the countryside, is evident (each "green point" corresponds to a public defenders office in activity). Although uninhabited areas, especially in the area of the Amazon rainforest, form a large part of the Brazilian territory the map shows the large territorial disparities in the provision of services of the Public Defender.



In the map below, there appears in green all "comarcas" ("comarcas" is the name used in Brazil to designate the territorial division of jurisdictional units) in which is available the service of the Public Defender: the white areas show those "comarcas" in which there is no Public Defender.



Moreover, the new amendment incorporates the text of the Brazilian Constitution, an explanation of a new concept and range of activities of the Public Defender, providing greater firmness and further strength to what had already been established by law in 2009. According to this new constitutional concept, “The office of Public Defender is a permanent agency and from now it can not be abolished by any law or government decision, except by another Constitutional Amendment. It is essential to the judicial function of the State (the idea of “equality of arms” is behind this expression), mandated as an expression and instrument of the democratic regime with the task of providing legal advice, of promotion human rights and defending at all levels, judicially and extra-judicially, the individual and collective rights of all needy people. There is not a pre-determined or strict “means test” established by the law: normally the public defenders take cases from people whose mensal income is up to US\$ 1.100 (i.e. three times the national minimum salary; the minimum salary is R\$ 724,00 corresponding to US \$ 360,00 per month).

Canada: Action Committee Colloquium

Ab Currie

The Canadians continue to follow up the recent *Final Report* of the Action Committee on Access to Justice in Civil and Family Matters. The committee, you may remember, made the following set of goals, which very much reflect a *Paths to Justice* agenda:

INNOVATION

1. Refocus the Justice System to Reflect and Address Everyday Legal Problems.
2. Make Essential Legal Services Available to Everyone.
3. Make Courts and Tribunals Fully Accessible Multi-Service Centres for Public Dispute Resolution.
4. Make Co-ordinated and Appropriate Multidisciplinary Family Services Easily Accessible.

B INSTITUTIONAL AND STRUCTURAL

5. Create Local and National Access to Justice Implementation Mechanism.
6. Promote a Sustainable, Accessible and Integrated Justice Agenda through Legal Education.
7. Enhance the Innovation Capacity of the Civil and Family Justice System.

C RESEARCH AND FUNDING

8. Support Access to Justice Research to Promote Evidence-Based Policy Making.
9. Promote Coherent, Integrated and Sustained Funding Strategies.

The most recent initiative was a two-day colloquium held in January this year, opened by Canada’s Chief Justice. This was wide ranging and is reported in depth on the Action Committee’s website: <http://www.cfcj-fcjc.org/action-committee>. A cautiously worded summary reads:

Beyond the need for additional support, Colloquium participants appeared to agree on several further issues, many of which were first identified in the Action Committee’s Final Report.

- *The need to provide more and better resources for self-represented litigants (SRLs).*
- *The importance of encouraging a “culture-shift” as defined in the Final Report. The “culture-shift” was seen as imperative for rallying political and financial support for new access to justice programs, improving service and user satisfaction, and increasing efficiency and effectiveness of the justice system generally.*
- *The importance of developing a robust Early Resolution Services Sector (ERSS).*

- *The need for more quantitative and qualitative research that can provide a strong foundation for evidence-based policy-making.*
- *The need for increased collaboration and cooperation.*
- *The need for strong national and local leadership that will assist in the coordination of access to justice efforts and ensure the continuation and growth of national discussions on access to justice.*

Access To Legal Aid In Criminal Justice Systems: An International Conference

Roger Smith

A collection of organisations supported an international conference on criminal legal aid in Johannesburg, South Africa in June. These included UNDP, UNODC, the International Legal Foundation and Open Society Justice Initiative as well as various domestic bodies including Legal Aid South Africa. The purpose was to promote the recently passed UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; to encourage discussion of developments, particularly in those countries developing criminal legal aid; and to provide a launch for a handbook on the principles Early Access to Legal Aid in Criminal Justice Processes written by Professor Ed Cape. The conference was very widely attended. As an illustration, countries represented which began with the letter A included Afghanistan, Angola, Argentina and Austria.

In the manner of this sort of event, the conference produced a rather grand final ‘Johannesburg Declaration’:

We, the participants of the International Conference on Access To Legal Aid In Criminal Justice Systems, assembled on 24-26 June 2014 in Johannesburg, South Africa to discuss effective strategies to improve access to justice in criminal justice systems consistent with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems ...

The Conference brought together over 250 participants from 67 countries who are legal aid policy makers and practitioners including Ministries of Justice, the Judiciary, bar associations, as well as legal aid lawyers, community based paralegals, civil society members, and experts to discuss common challenges in providing access to effective legal aid services in criminal justice systems and to propose practical and achievable solutions.

The three days of deliberations produced this declaration, which was adopted at the closure of the Conference, with the request that it be publicised widely to legal aid networks and forwarded to national governments, the UN Human Rights Council, regional commissions, the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Doha in April, 2015, and shared in discussions on the post-2015 sustainable development agenda on eradicating extreme poverty and inequality worldwide.

Without access to effective legal representation millions of poor, vulnerable, and marginalised persons face the risk of arbitrary, extended, or illegal pre-trial detention, as well as torture, coerced confessions, wrongful convictions, social stigma, detrimental impacts on health and livelihood and other abuses. In this regard, these groups also have many unmet legal needs in civil matters, which need to be addressed. We acknowledge that in post-conflict and developing countries people who are provided free legal aid and representation are less apt to resort to non-lawful self-help alternatives and thereby, avoid situations which erode security and lead to conflict.

Moreover, the cost of not providing free legal assistance supersedes the cost of its provision and has significant financial ramifications for individual pre-trial detainees, their households, and communities – and for states processing large numbers of pre-trial detainees. Legal aid and early assistance schemes reduce excessive and arbitrary pre-trial detention, improve the administration of justice, increase public trust in justice and can boost socio-economic development at the family and community level.

We reaffirm that ‘legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial...’ and should be guaranteed by the State as set forth in the UN Principles and Guidelines.

We are convinced that speedy and effective implementation of the UN Principles and Guidelines is crucial to the improvement of the functioning of criminal justice systems worldwide as violations of human and legal rights of those caught in criminal justice systems have reached a grave scale in most parts of the world.

In line with the recommendations of the participants attending the Conference we resolve the following:

I. We call upon all States to proclaim and demonstrate political will and commitment to achieve the aspirations and objectives as set out in this declaration and fully implement the provisions of the UN Principles and Guidelines, as well as the related provisions under other relevant international and regional instruments.

II. We call upon all legal aid service providers to continue providing meaningful legal aid services for people who would otherwise not be able to access justice by properly monitoring and evaluating the quality of all services. Furthermore, we encourage legal aid systems to utilise lawyers and also paralegals, civil society organisations, university legal aid clinics and other services and develop partnerships with each other to facilitate access to legal aid services for poor, vulnerable and marginalised groups.

III. We call upon the international community, including regional cooperation mechanisms, international and regional civil society networks and organisations, international donor organisations, bi-lateral agencies and the UN system to support implementation of the UN Principles and Guidelines by the means of financial and technical assistance, in particular in developing and post-conflict countries, in order to build their capacity to provide and ensure access to effective legal aid in all matters and in all its forms.

Action Points:

A. Support the application of existing international standards and best practices, including through the provision of technical support to develop systems for legal aid delivery and prioritisation of national budgets for legal aid programmes, with mechanisms to assess and evaluate the effectiveness of these standards on a regular basis.

B. Engage in international forums to ensure that the recommendations from this meeting are taken forward and to advocate for the inclusion of equal access to legal aid as part of the international development and crime prevention agendas in a concrete and measurable manner.

C. Establish international and regional cooperation mechanisms among legal aid authorities and defence services, including for the purpose of international assistance and cooperation in the

representation of persons detained, arrested, suspected of, or charged with a criminal offence or imprisoned.

D. We encourage the Doha Congress delegates in 2015 to recognise the importance of effective application of the UN Principles and Guidelines in its final declaration and to recommend the development of a mechanism on international cooperation among defence services or address the needs of the defence in the review process of existing mechanisms.

E. In line with UN GA resolution 67/187 operative paragraphs 6-9, we ask the UN to continue to report on the implementation of the UN Principles and Guidelines and further request the Commission on Crime Prevention and Criminal Justice to consider the establishment of a mechanism for continuous assessment of the implementation of the UN Principles and Guidelines and the collection of relevant statistical information.

F. We ask States to collect on a continuous basis relevant statistics and information concerning the provisions of legal assistance in criminal matters and provide that information to the UN system. The data collected should be instrumental in targeting policy and budget priorities, tailoring technical assistance and ensuring accountability for the implementation of the UN Principles and Guidelines and promoting equal access to legal aid services.

G. We call on States to include the rule of law and access to justice, including equal access to legal aid as a target of the post-2015 development agenda.

Legal Information And Assistance Websites: How Can We Compare Them?

Roger Smith

Try to compare the level and quality of legal services provided by legal aid lawyers across jurisdictions and you enter a methodological minefield and are forced to look at the kind of complex factors identified in the *Effective Criminal Defence* series of studies associated with Professors Taru Spronken and Ed Cape (he of the UN handbook above). However, it should be much easier to compare legal advice and information websites, particularly when they are in English (the unreliability of Google Translator really impedes English speakers grappling with what is probably the most exciting site of this kind - rechtwijzer.nl). The point of such comparison would be theft - alternatively phrased as the dissemination of best practice and the raising of standards.

So, if the task is the comparison of websites around the world that provide legal advice and information, what would be the criteria by which they should be judged? There are a number of prior considerations. First, some jurisdictions have allowed their legal professions to capture the giving of legal advice - the US is an example. Thus, a site in such a jurisdiction has to stay on the right side of any laws about the unauthorised practice of law and is restricted in the individualised legal advice that it can provide. As systems develop, this will provide a national explanation for why such states may develop more limited provision and lower performance against sites in countries with more liberal laws. Tough. No allowance should be made on international comparison for national

restrictions. Second, some websites - particularly those which are both attempting to be comprehensive and are 'aggregators' - pulling together information from their party providers - may have patchy provision. You just have to come to a reasonable judgment about the site as a whole or - in any formal comparative exercise - stick with pre-identified scenarios. Third, I have tried but failed to come up with a rigid - and, thereby, transparent marking system but I do think that the exercise of trying to work out a rough scheme on the basis of, say, 100 marks is a valuable exercise in precipitating issues and indicating priorities. Fourth, there are a limited number of ways in which a site can fail fundamentally regardless of its performance in other areas. These include being substantially misleading; having major technical failings; being substantially discriminating or offensive; or inadequately protecting personal data. Come across one or more of these and the site is a failure - however good other elements of it might be. Finally, I would wish expressly to skew any marking scheme to a particular theory which is that most information sites currently use the web in a way that Gutenberg would understand: they are even referring to 'factsheets' and using similar language derived from print to describe guides. This is understandable and some of the information is really good but the medium of the internet cries out for interactivity. For example, an airline app on a smartphone does not open with an index to the timetable of all its planes: it asks where I want to go; what class I want to fly; the date of my intended departure and return; and then it only gives information relevant to my enquiry (unless it is running a bargain on otherwise empty flights to New York in February). That approach, it seems to me, is what you need, and should increasingly expect, if you are consulting a site about, say, a leaking roof that you think that the law might require your landlord to fix.

An increasing number of jurisdictions have developed - or are developing - triage or portal sites designed as a first port of call for users with a legal question. Doing so was one of the recommendations for each state of the US Legal Services Corporation's technology summit in 2013. They come in a wide variety of formats with a wide variety of authors. In England and Wales, we have two - one, adviceguide.org.uk, integrated within a citizens advice bureau network that provides face to face and individualised advice and the other, advicenow.org.uk, provided by a standalone NGO that largely aggregates information from other providers but supplements it with some (rather good) guides of its own. Examples from other countries of the same sort of provision include sites like illinoislegalaid.org and MassLegalHelp.org from the US; lawaccess.nsw.gov.au from Australia; lawaccess.govt.nz from New Zealand; and ClickLawBC.org.ca from Canada. These sites are run by not for profit organisations (Illinois, MassLegalHelp), Courthouse Libraries (ClickLaw) and government ministries (New Zealand and New South Wales). Two actively promote themselves as the produce of coalitions of organisations giving information (ClickLaw and MassLegalHelp). All the sites except Illinois are solely dedicated to giving legal information: Illinois' home page provides a landing place for legal services and pro bono lawyers as well. Sites like MassLegalHelp incorporate a way of finding local resources such as lawyers and agencies in your area into the information site. Sites choose between offering lists of what they cover on the front page (supplemented by a search facility) and requiring you to identify what you want to find first (Illinois). Colour schemes range from authoritative and restrained (New South Wales, Illinois, Clicklaw) to brash (New Zealand). The range of the sites is relatively similar: the main difference is whether crime is included or not (in for New Zealand and Australia: out for most of the others). Most of the sites are straightforward 'aggregators' i.e. they pull together relevant publications from other organisations: ClickLaw does this very attractively with pictures of the publications to which it is making reference and a short description; LawAccess NSW is particularly thorough at identifying the nature of the publication (egg fact sheet or guide) and in listing its main relevant subjects. LawAccess New Zealand is studious in giving contact addresses for publications and other assistance: most sites refer to documents with their website addresses. MassLegalHelp contains contributions by named authors on particular topics. Illinois has specially written Q and As.

Here are four questions by which it might be fair to compare these sites. The answers are going to be broadly similar in all jurisdictions:

- a. I cannot agree custody arrangements with my wife from whom I am separating. I would like my two children to stay alternate weekends. What can I do?
- b. I have broken my arm and lost my bike in a road accident with a car, which was not my fault. What can I do?
- c. Can my employer sack me just because he says that I have been coming in late over the last couple of weeks?
- d. I am claiming means-tested benefits. A female friend who is also on benefits has offered me a cheap room. Will we be in danger of losing benefits if I move in?

To find out how the sites actually performed you will have to read the research on digital delivery of legal services to low-income people to be published by the Legal Education Foundation in London in November. If you are responsible for, or involved with, a site like these then test it yourself with one of these questions. What comes out is how the value of the site increases the more detailed it is and the more orientated to the user rather than the adviser who wrote it. More important than any individual evaluation is what you think of the methodology set out below. Get your comment in by the end of September and you can still affect the final draft.

There are, I assert, four main headings under which assessment can be made. These are:

- Content - which must remain king;
- Structure;
- A problem solving orientation: and
- Functional integration with other individualised provision.

Content (I would say that this should be at least half of any marks - it is the core of what the site is about)

The following are relevant criteria in evaluating content:

(A) Depth

A site gives more value; the deeper it goes into a topic. It does not matter on the proposed scoring system if a site, like england.shelter.org.uk covers just one area, housing, or, like lawaccess.nsw.gov.au or adviceguide.org.uk or advicenow.org.uk strives for a more comprehensive approach.

(B) Aimed At The Public, Albeit Perhaps At A Particular Section, Not An Adviser

A site should be testable against the literacy, competence and skills of a member of the public not an adviser or lawyer and points should be deducted if the approach and language is too specialist. This is where the Advicenow criteria of 'best quality' are relevant: 'user friendly, written in plain English and supporting a user to deal with an issue by including an overview; explaining key points; recognising when to and how to get additional help; acknowledging the emotional aspects of problems; offering step by step guides, route maps and assistance like standard letters, incorporating guidance on relevant skills needed to solve a problem'. Also relevant is their emphasis on organising information through key points and such mechanisms as FAQs

(C) Deploying A User Perspective

Too many websites read as if they are simplified versions of textbooks or standard explanations arranged in a logical form for advisers. For example, if you consult adviceguide.org.uk for what to do after a traffic accident, the material is fine and entirely logical for a lawyer or adviser. It runs through legal requirements with, e.g. an early section on 'What must a driver involved in a traffic accident do' which details the relevant legal obligations but only some way further down the page do we get to a section of 'witnesses' which again is impeccable in its content but more questionable in its placing:

It is important to obtain evidence from independent witnesses about what happened at an accident. If someone who is present at an accident refuses to act as a witness, it is advisable to ask the police if the witness has been called to give a witness statement. If this is not possible, it is very difficult to do anything, unless the name and address of the witness are known. With this information they can be called as a witness in any civil court proceedings that might take place.

Witnesses should write down their evidence and keep their original notes, as it may be some time before any claims are settled or court proceedings are heard. Whatever witnesses may say, the people involved in the accident should make their own written accounts of what happened, including making sketches and taking photographs as soon as possible and keeping their original notes.¹

This positioning is entirely logical for an information system developed to help advisers in offices to give advice some time after an accident. It is, however, not that useful to someone who has just had an accident and called up advice on what to do on their mobile phone. In that case, the information should be right at the top - under what you should do while you are still dazed and lying by the side of the road with your bicycle wheel still spinning in the air.

(D) Specific, Relevant And Practical

The best website is not a simplification of a textbook: it is a distillation of the wisdom of a longtime practitioner. You should be getting off the net what you would get from an expert if they were physically present. The issue of lack of specificity is shown, for example, by the government website on Sorting out Separation. This just does not show the range of difficult issues, such as second families, which haunt the area of sorting out financial needs for separating families in practice.

(E) Up To Date; and

(F) Balanced

Any information part of a website being rated must be balanced - an issue sometimes both for government and campaigning groups - or it will lose points. However, for this purpose, it would seem reasonable for that to apply to the information not the website as a whole. Thus, if a political party or a government wants to give legal information on its site and as long as that information was balanced then its political contextualisation would be acceptable. This is at variance with the AdviceGuide criteria.

Structure

- The website should be well designed - preferably to standards relatively similar to sites in the commercial sector.
- Design is important. This is not just a question of using full colour and nice pictures: design also goes to the underlying approach of the website. For example, Cooperative Legal

¹

http://www.adviceguide.org.uk/england/consumer_e/consumer_cars_and_other_vehicles_e/consumer_driving_and_parking_e/consumer_driving_e/traffic_accidents.htm

Services noticeably raised the standard of presentation for private providers in England and Wales with a mixture of technical design (pictures, text etc.) and transparency over pricing. This clearly had an effect on archivals, Quality Solicitors, which, after a short delay, responded with a better offer. Such is the user expectation of good design that the NGO sector has little option but to follow suit. Increasingly, you have to hit commercial levels of quality even with a not for profit site: it is what users expect.

- The website must work - or have a version which works - on mobile
- The paradox of mobile - increasing access to the internet, limiting information per screen - is clear. Commercial operators are grappling with it. The LSC TIG programme is clearly alert to the mixture of challenge and threat: it has given a number of grants to explore mobile oriented provision.

Problem Solving

The best sites, which are now emerging, indicate a concern to resolve a problem, which goes beyond the neutral statement of information. In jurisdictions like the US with prohibitions against the unauthorised practice of law, it will be difficult to go beyond simply giving information but it is still possible to help a user complete a form or decide on a course of action - as in some of the document completion software in US courts or the RCJ's CourNav programme. In jurisdictions where the legal profession's interest is less well protected (or protected in a different way) then online advice may be available. Rechtwijzer2.0 or planned provision in British Columbia holds the promise of moving towards online dispute determination. In almost all jurisdictions, it should be possible to help a user through the resolution of a dispute by the provision of draft letters or advice on strategy. AdviceNow.org.uk, for example, provides sample letters. Many of the divorce or family oriented sites recognise the need for advice on the emotional side of a dispute - very evidently in the case of BC's FamiliesChange programme. Behind this element of a website is a concern that the user deploys or develops the skills to resolve their dispute.

Thus, relevant considerations (to which it would be difficult to attach precise weightings) would include practical hints on how to solve a dispute; assistance with emotional elements; the provision of draft letters or assistance with document assembly.

Functional Integration

This is a phrase that has been pinched from Ab Currie (see above). He used it in his assessment of BC provision by the Justice Education Society. I take it to mean the integration of the website with other individualised assistance available to the user. Just as in the case of telephone hotlines, this is a vital element in the best website provision. It is a feature, albeit variously in LawAssistNSW and the rechtwijzer.nl. It can be provided in various different ways, for example through supplementary video, chat facility, telephone helpline or the provision of advice agencies.

And, if I was to hold to the heresy of fixed marks, I would allocate:

- 50 per cent for content;
- 20 per cent for structure
- 20 per cent for a problem solving orientation
- 10 per cent (plus a possible large bonus) for functional integration.

And the final question is: do you agree?

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.

This section is compiled 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>).

Angola

[President's aide commends justice reform programme](#) – Angop, Agencia Angola Press

[RIPAJ signs deal on benefit of free justice](#) – Angop, Agencia Angola Press

[Embassy in Brazil provides legal aid to Angolans](#) – Angop, Agencia Angola Press

Australia

[Legal Support for Those Going It Alone](#) – Pro Bono Australia

[Coalition cuts to Legal Aid for Indigenous Australians](#) – Amnesty International

[South Australia's judiciary use their feet to raise money for free legal aid](#) – The Adelaide Advertiser

[ABA says Federal Budget Legal Aid cuts push courts towards crisis](#) - Australian Bar Association

[Children hardest hit by legal aid funding cuts](#) – The Examiner

[Legal Aid cuts worry lawyers](#) – WA Today

[Family Court Chief Justice Diana Bryant concerned about budget cuts to legal aid](#) – ABC News

[Kevin Rudd and Julia Gillard seek legal aid in batts probe](#) – National Affairs

[Aussie pro bono culture reflects absence of civil assistance, says partner](#) – Australian Asian Lawyer

[Tough legal aid means tests leave many genuinely poor people without legal help](#) – Victoria Legal Aid

['Broad approach' works for access to justice](#) – Australian Human Rights Commission

Bangladesh

[National Legal Aid Day Celebrated at the District Level](#) – US Aid

[245 cases in last seven years saw no justice](#) – The Daily Star

Canada

[How the Ontario budget allows more people to qualify for legal aid](#) – Global News Canada

[Proposed budget includes big boost to legal aid eligibility](#) – Legal Feeds

[Ontario faces the prospect of two-tier justice](#) – Ottawa Citizen

[Increasing Access to Justice through Orders for Directions](#) – De Vries Litigation

[Province announces \\$2M in legal aid funding](#) – CK NW News

[Government responds after legal aid concerns](#) – Metro News

[Ian Mulgrew: Small legal aid surplus belies financial predicament](#) – The Vancouver Sun

[Vancouver lawyers to strike over Legal Aid](#) – The Global Legal Post

[Who Else Has a Stake in Access to Justice?](#) - Slaw

[Ontario justice groups launch access action](#) – Legal Feeds

[Liberal Justice Critic calls on province to increase legal aid funding](#) – CBC News

[Ian Mulgrew: Access-to-justice transcripts costs appeal rejected by B.C. Court of Appeal](#) – The Vancouver Sun

[Diversity and inclusion: an important piece of the “access to justice” puzzle](#) – Legal Aid Ontario

[Ian Mulgrew: B.C. legal aid system fails to meet basic needs, report says](#)- The Vancouver Sun

[Legal Aid Alberta ‘in crisis mode’ after cuts](#) - Calgary Herald

[Legal Aid closing northern Alberta offices, cutting jobs in Calgary](#) – CBC News

[Cutbacks to Legal Aid will clog Alberta courts, lawyers warn](#) - Calgary Herald

China

[During Death Penalty Review, No Right to Legal Aid](#) – Dui Hua Journal

East Timor

[Timor-Leste's mobile courts promote access to justice](#) – Irin News

Democratic Republic of Congo

[E-Access To Justice In Dr Congo](#) - Cordaid

England & Wales

[Legal aid row leads to halting of serious fraud trial](#) - BBC News

[Legal aid cannot be compromised](#) – Financial Times

[Judges criticise impact of legal aid cuts](#) – The Guardian

[Sharp drop in ET claims raises access to justice concerns](#) - Legal Action Group

[Foreigners to be banned from using legal aid to sue the MoD after Iraqis accused soldiers of executing prisoners](#) – Mail Online

[SRA publishes guidance for criminal legal aid contract applicants](#) – Solicitor Regulation Authority

[Children suffer as cuts to legal aid penalise parents in court](#) – The Independent

[Law firm offers £50k award to charities promoting access to justice](#) – UK Fundraising

[Legal aid dispute: judge warns over dangers of 'unrepresented' defendants](#) – The Guardian

[Top family judge adjourns father's contact case amid legal aid impasse](#) - The Guardian

[Bid to save legal aid for domestic violence victims](#) – Law Society Gazette

[Legal aid guidance unlawful, High Court rules](#) – Law Society Gazette

[Lawyers' high fees 'are denying people access to justice'](#) – The Times

[Law graduates hit by stiff competition, legal aid cuts and falling crime](#) – The Guardian

[Justice reforms have fundamentally reduced access to justice](#) – Labour List

[Residence Test for Legal Aid Will Deny Access to Justice](#) – Huffington Post

[NGOs urge Court of Appeal to preserve access to justice in torture claims](#) - Justice

[Legal aid residence test 'discriminatory and unlawful', high court rules](#) – The Guardian

[Devastating blow to Grayling as judges halt his legal aid reform](#) – Politics

[LSB: Reforms had 'little impact' on access to justice](#) – Law Society Gazette

['Don't put legal aid into retirement'](#) – Law Society Gazette

[Legal aid cuts have left family courts 'at breaking point'](#) – The Guardian

Gambia

[Justice Amadi Accords Legal Aid to React](#) – All Africa

Ghana

[Legal Aid Scheme not for affluent in society](#) – Ghana Web

[Sandra Ankobiah donates to Legal Aid Scheme](#) – My Joy Online

[Five Legal Aid Scheme offices in Brong-Ahafo Region inaugurated](#) – Ghana News Agency

India

[How NLSIU Bangalore's legal aid cell won \\$5,000 global citizenship prize](#) – Legally India

['Indian prisoners to get free legal aid from Pakistan lawyers body'](#) – Indian Express

[Why Every Law School in India should follow the path of NLSIU's Legal Services Clinic](#) – India Justice Foundation

[Prison authorities to form legal aid cell](#) – Times of India

Kenya

[Four Ways Mobile Phones are Increasing Access to Justice](#) – Reinventing the Rules

[More Kenyans access justice as judicial reforms take shape](#) – Media Max Network

Liberia

[More Suffering, Less Access](#) – all Africa

Malawi

[Bail-jumping culture paralysing Malawi's justice delivery](#) – chreaa.org

[Malawi's criminal justice system is in need of urgent reform](#) – chreaa.org

[Malawi female judges embark on access to justice for women, girls project](#) - BNL Times

Mozambique

[Government Determined to Improve Access to Justice](#) - all Africa

Namibia

[Refresher training for Legal Aid lawyers](#) – Namibian Sun

New Zealand

[Legal aid debt keeps climbing](#) – Radio New Zealand News

[Family-law changes hit New Zealand's poor, says barrister](#) – Te Waha Nui

[Govt secret plan to keep ACC judges out of access to justice](#) – Scoop Nz

[Morning Briefing: 'Pay what you want' legal services; smaller firms favourites for big deals](#) – NZ Lawyer

Nigeria

[UN Partners Nigeria On Legal Aid For The Poor](#) – All Africa

Northern Ireland

[Ford urges alternative dispute resolution](#) – Northern Ireland Executive

[Ford announces further review of access to justice](#) – Northern Ireland Department of Justice

[Ford Launches Access To Justice Scholarship At The University Of Ulster](#) – Northern Ireland Dept. Justice

Pakistan

[Delivering Access to Justice in the Mountains of Pakistan](#) – Open Society Foundations

Philippines

[Supreme Court launches "Justice on Wheels" in Iligan](#) – Iligan City Government

Republic Of Ireland

[Court closures threaten access to justice](#) – Law Society of Ireland

Scotland

[Confusion over introduction of changes to legal aid fees](#) – Herald Scotland

[Criminal legal aid contributions remain on hold](#) – Glasgow Bar Association

[Court closure scheme under fire as cases are delayed](#) – Express

[Scottish Civil Justice Council Publishes Annual Report and Annual Programme](#) - Scottish Civil Justice Council

[Face to face legal services and their alternatives](#) – Scottish Legal Aid Board

[Workers 'denied justice' as tribunal numbers collapse](#) – Herald Scotland

[Legal aid fund avoids large bill after ruling on asylum appeal](#) – Herald Scotland

[Legal aid fund avoids large bill after ruling on asylum appeal](#) – Herald Scotland

[Law Society of Scotland in tribunal fees review call](#) – BBC Scotland

United States Of America

[“New Roles for Non-Lawyers to Increase Access to Justice” by David Udell and Richard Zorza Published](#) – Richard Zorza’s Access to Justice Blog

[Courts are Dysfunctional for Different Kinds of Litigants in Profoundly Different Ways](#) – Richard Zorza’s Access to Justice Blog

[Litigants without Lawyers: Equal Justice under Threat in State Courts](#) - LSC

[The Legal Aid Community Should be Ready to Help the Nation’s Response to Crisis](#) – Richard Zorza’s Access to Justice Blog

[Obama to provide legal aid to border-crossing children](#) - USA Today

[NYT Report on California “Court-Aided Divorce” is a Milestone in Several Ways](#) – Richard Zorza’s Access to Justice Blog

[Access to Justice Still a Goal For the Nation’s Most Vulnerable](#) – University of Hawaii

[New York to provide free legal aid, IDs to undocumented immigrants](#) – CS Monitor

[Sandman, Rawdon Highlight Use of Technology to Aid Self-Represented Litigants](#) – LSC

[D.C. Expands Pro Bono Practice Rule to In-House Lawyers](#) – National Law Journal

[Duke Law launches Civil Justice Clinic in collaboration with Legal Aid of North Carolina](#) - Duke Law

[Growing numbers of U.S. lawyers are doing pro bono work in other countries](#) - ABA Journal

[White House implores allies to provide pro bono legal services to illegal immigrant children](#) – Mail Online

[ABA House urges law schools to create veterans' law clinics](#) – ABA Journal

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>.