

JUSTICE-ILAG
Legal Aid Newsletter
September-October 2010

Welcome to the fifth newsletter for 2010. The next will cover November and December: it will be sent out in early January. Any contributions gratefully received.

1. Major themes of the issue

Well, it's autumn here in London – and not only literally. Legal aid faces its biggest cut ever in its spending – around £360m from the annual £2bn budget. Courts and the rest of the criminal justice system also face similar levels of reduction. The extent to which these are achievable is to be seen. For those interested in such detail, it is worth consulting a report by Lord Justice Goldring on government proposals to cut 157 (just under a third of the total) 'under-utilised' courts. He accepted the case for closure in 46 cases; rejected it on practical grounds (eg insufficient transport for witnesses and defendants) in 34 and found it as yet unproven in 77. At the time of publication, we await what we had been told in our Coalition Government's *Programme for Government* would be 'a fundamental review' of legal aid. However, there has been a late name change. Jonathan Djanogly, the relevant minister, had clearly found out that we have already had a fundamental review. Consequently, he told the BBC: 'What we don't need now is another review. And that's why we're not calling it a review - it's a policy assessment'. Since a rose by any other name smells as sweet, it is not clear that the point is other than semantic. This issue contains three contributions and the usual round-up of news. We have:

- an article from Earl Johnson on the battle in the US for a 'civil Gideon', a right to a lawyer in civil cases, in the US;
- a contribution about paralegals in Sierra Leone, and;
- a piece by James MacGuill, an Irish lawyer on the Irish case of *Carmody*.

Carmody has specific importance in the Irish context of a split legal profession but it illustrates a more general issue of the intervention of courts to uphold standards of legal aid. Readers of the news section in this edition will see cuttings from Scotland where Scottish ministers object to a decision of the UK Supreme Court – *Cadder v HM Advocate*. This effectively requires the establishment of a police station duty solicitor scheme. This can be portrayed as an outrageous interference in the affairs of a semi-sovereign nation by an

imperialistic London-based court. However, since JUSTICE successfully intervened in the case, there is another view that should be presented: all countries subject to the European Convention on Human Rights should comply with the fair trial rights in Article 6, provisions that have recently given an improved bite by the decision of the European Court of Human Rights in the case of *Salduz v Turkey*. More detail will follow in the next edition of the *Cadder* case but, at a time when governments are under severe financial pressure, the operation of courts to defend explicit or implicit constitutional rights to access to the courts is perhaps foreseeable and hopefully helpful. Further examples would be welcomed from anywhere in the world. Over Europe, domestic courts – and governments - have been busy seeking to realign government policy to comply with *Salduz*. The French constitutional court, for example, has challenged French practice of detaining suspects without access to a lawyer. So, a common challenge faces legal aid policy makers in all European countries: Scotland should not feel alone.

Roger Smith

JUSTICE

2. Contributions

Towards a right to counsel in civil cases in the US

Earl Johnson Jnr

On August 10, 2010, the policy-making body of the 400,000 member American Bar Association overwhelmingly approved two resolutions furthering the ABA's recent commitment to establish a right to counsel in civil cases involving basic human needs. One of those resolutions adopts a "model access act" designed to provide interested legislators with a starting point for drafting legislation implementing such a right. The second resolution adopts a set of "principles" addressed to whatever body is assigned the task of administering the right.

Both of the 2010 resolutions follow up a landmark resolution the ABA House of Delegates unanimously adopted in August 2006, the Association's first expression in history supporting civil legal aid as a matter of right. Although justified and explained by a lengthy report, the 2006 resolution itself was succinct.

The American Bar Association urges federal, state, and territorial jurisdictions to provide counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as shelter, sustenance, safety, health or child custody, as determined by each jurisdiction.

In the years since that 2006 resolution several state bar associations—among them, California, New York, Pennsylvania and Massachusetts—have passed similar resolutions. In several states, bar associations or access to justice commissions have established committees dedicated to implementing rights to counsel in civil cases. In Massachusetts, Texas, and California pilot programs have been established to test the concept and to work out the most cost-effective ways of implementing the right.

The two 2010 resolutions were the product of an intensive year-long process. In 2008, a coalition of some of the ABA's largest and most influential sections along with the Standing Committee on Legal Aid and Indigent Defendants, and several other relevant committees formed a "Working Group on a Civil Right to Counsel" chaired by Mike Greco, the former ABA President who spearheaded the effort to enact the 2006 resolution. (Roger—you might want to include the fact that in the 1970s Mike Greco had been an American research fellow assisting Mauro Cappelletti at the latter's comparative law center at the University of Florence. Some of the older ILAG members might find that connection of interest given Cappelletti's pioneering work on comparative legal aid and access to justice.) In preparing its own initial drafts of the model act and principles the Working Group looked at the existing legal aid statutes in other countries. Once it had produced its own refined drafts, the Working Group submitted them to several rounds of review by other individuals and entities which resulted in many changes before the final version was ready for submission to the ABA House of Delegates.

The ABA House of Delegates passed those final drafts easily. The "Model Access Act" has elements familiar to legal aid legislation in many other countries—merits and significance tests, subject matter limitations, an independent appeal review for those denied service, among others. Unlike some nations, however, it limits representation to those below 125 percent of the poverty level—roughly the poorest 20 percentile of the nation's population—although commentary suggests some states might want to adopt more liberal financial eligibility standards. Meanwhile, the "Principles" cover many issues relevant to the administration of a right to counsel, but emphasize those characteristics calculated to

guarantee the quality of the representation provided—caseload limitations, adequate compensation, training, and the like.

Expanding grassroots justice services in Sierra Leone

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Background

Sierra Leone has less than 200 practicing lawyers, almost exclusively deployed in the capital city, and a population of over five million predominantly dispersed in rural areas. Seventy percent of the population are unable to access the formal justice sector¹ which was virtually destroyed during the bloody decade-long civil conflict. The country's informal/traditional justice sector, to which the majority turn, is plagued with perennial problems of abuse of authority, corruption and overreach. In the face of these challenges, lack of access to justice, in both the formal and traditional sectors is a lived reality for many, particularly the poor and marginalised.

Opportunely, the government and civil society are now teaming up to address the problem of lack of access to justice. In its justice sector reform strategy² the government made the provision of 'primary justice' i.e. justice at the community level, a priority and identified as crucial, the need to make 'alternative systems for delivering justice' function properly and effectively with emphasis on strengthening supervision of these alternative mechanisms.³ Perhaps of utmost significance is the recognition by the government that partnership with civil society on both the supply and demand sides of justice is crucial to attaining its objectives. Hopefully, this move will ensure that the resources of civil society will be deployed alongside available state resources in a strategic manner to meet the justice needs of the people.

¹ Government of Sierra Leone *Justice Sector Reform Strategy and Investment Plan 2008-2010*, pg. vi.

² See 1 above.

³ See 1 above.

Partners in justice

Partnership between the government and civil society is envisaged on two fronts. On the supply side, civil society and the government will undertake capacity building training for chiefs at the community level to ensure among others that these local authorities understand the scope of their authority and not exceed their jurisdiction, women and juveniles in conflict with the law are given a fair hearing and that punishments are not excessive.⁴

On the demand side, the government in partnership with civil society is considering how it can support users of the justice system through ‘the provision of widely available community-based paralegals.’⁵ Towards this end, the government plans to utilise the expertise and extensive experience of civil society organisations like *Timap for Justice*,⁶ who have provided rural communities with free legal advice and assistance, mediation services and rights education for several years through community-based paralegals.

Scaling up grassroots justice services

Since August 2009, the Open Society Justice Initiative has been working with the Government of Sierra Leone, Timap for Justice, the World Bank and other civil society organisations, to develop a national approach to justice services, one that includes a frontline of community-based paralegals and a small corps of public interest lawyers. Key objectives of this five year project include:

- Working on development and adoption of new legislation to recognise paralegals as providers of justice services, and set standards for paralegals and justice service organisations.
- Assisting in the establishment of national oversight mechanisms as necessary for their formal recognition.
- Establishing a training program for paralegals, and lawyers/ administrators on how to support and supervise paralegals.
- Funding and coordinating provision of justice services by new and existing paralegal organisations across the country.
- Developing and implementing mechanisms for monitoring and evaluation of the work of justice service providers.

⁴ See 1 above, pg 18.

⁵ See 4 above.

⁶ A local non-governmental organisation in Sierra Leone set up in 2003 with support from the Open Society Justice Initiative.

Progress and challenges

Within the past twelve months, the scale up project has taken significant strides towards achieving its objectives. In particular it has:

- Formed justice service organisations into an informal coalition to advocate for the inclusion of paralegals in the draft legal aid bill as legal aid providers, and provided written and oral submissions to help shape the draft bill.
- Developed a curriculum and conducted a seven week training course for the first set of 41 community-based paralegals within the scale up project.
- Overseen the deployment of the recently trained community based paralegals in sixteen new offices across rural communities through partner organisations.
- Initiated dialogue with the University of Makeni to host a distinctively tailored and accredited certificate course in paralegal studies to meet the requirements of the project.
- Raised awareness about the role of paralegals in the justice sector through newspaper and newsletter publications in Sierra Leone.
- Engaged influential stakeholders such as the bar association and the judiciary on the utility of paralegals as primary justice service providers.

Several challenges were apparent from the outset of the initiative and remain. These include:

- The rather weak capacity of in-country civil society, particularly those involved in justice service provision in rural areas
- Communication infrastructure in rural communities is particularly poor making it difficult and expensive to reach those in need of justice services especially in the rainy season
- Accessing more resources to sustain the project beyond the five year time line.

How will the project contribute to the legal empowerment of the people?

- The scale up will provide justice mechanisms in communities unreached presently, helping to reverse the access to justice deficit.
- The scale-up will provide an opportunity for communities to benefit from education and awareness-raising on important aspects of the law and basic human rights.
- Community organising as part of the work of paralegals will give communities a voice to participate in decisions affecting them.

Monitoring and evaluation

Community-based paralegals within the project are backstopped by a small corps of lawyers who in intractable cases employ litigation and high-level advocacy to address injustices which the paralegals cannot handle on their own. At a lower level, lead paralegals in charge of several regional offices provide close supervision of the activities of paralegals. Several tools have been developed to aid supervision, such as case intake forms, activity and action ledgers, etc, all of which provide verifiable information about steps taken to deal with cases

that are reported. In addition, community oversight boards, comprising members of the communities in which paralegal offices are situated, provide another layer of oversight.

The project is currently considering different evaluation mechanisms to measure the impact of the scale up. One is case tracking, which involves taking a random sample of cases from across the dockets of partner organisations and interviewing all the parties involved. Another method being considered is a survey of households within a certain radius of paralegal offices to gauge perceptions and satisfaction. The scale up team is however open to consider and still studying other methods that would give a better and more holistic picture of the impact of the project in the lives of the rural population.

LEGAL AID AND INTERNATIONAL AND CONSTITUTIONAL STANDARDS:

The Irish decision in CARMODY v MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

James MacGuill, solicitor and member of the Council of the Law Society of Ireland

As resources become tighter, so courts are likely to face more litigation about the impact of international or national, constitutional standards on representation. Article 6 of the European Convention guarantees fair trial rights and is increasingly being used in this context. The European Court of Human Rights (ECtHR) decision in *Salduz v Turkey* has caused shock waves around Europe as states have taken on board the implications of a decision that requires them to ensure representation at any initial police interview which may prove important in the determination of the case. This article by James MacGuill, an Irish solicitor and member of its Law Society council, sets out the implications of Irish decision that has an impact on standards of representation. The Irish court was careful in its articulation of additional duties on government but has led to a loosening of the rules about the extent of representation available in Irish criminal lower or District courts.

In Ireland, the overwhelming majority of criminal cases are disposed of in the District Court, a court of summary jurisdiction and constitutionally confined to trying “minor cases”. However an accused can elect for summary disposal of indictable crime with the consent of the Director of Public Prosecutions (D.P.P). Furthermore since approximately 1980, the legislative policy has been to confer choice of trial venue in indictable cases not on the accused but on the D.P.P., effectively ruling out the entitlement to a jury trial in many cases.

Prior to 1984 the sentencing jurisdiction of the District Court was twelve months. It now permits the possibility of consecutive sentences totalling two years. In this writer's opinion, the effects on a person convicted in the District Court cannot realistically be considered "minor".

Furthermore, that court is the venue of choice for the prosecution of a whole range of regulatory offences including Corporate Governance, Consumer Protection, Agriculture, Environmental, Pollution and Planning. It is this latter category of prosecution that gave rise to controversy in the Carmody case.

The Legal Aid scheme, which was enacted in 1962, envisaged (with one exception of preliminary examination in murder cases) that solicitors would appear without counsel in the District Court. In regulatory prosecutions, however, the State typically engaged solicitor and counsel. Carmody challenged whether a scheme that did not permit the possibility of counsel being engaged on behalf of an accused was repugnant to the Irish Constitution, or in breach of Article 6 of the Convention.

The Carmody decision imposes an obligation on the State to accommodate such a possibility, but in a quite unique way, to coin a phrase "an Irish solution to an Irish problem".

In time, the greatest significance of the case will be the consideration the Supreme Court gave to the order in which legal arguments fell to be addressed. Previously, all other possibilities were to be exhausted before the Court was to consider the Constitutionality of a post 1937 Statute. However, the remedy provided when the European Convention was incorporated into Irish domestic law, following closely the UK Human Rights Act, is a declaration of incompatibility, together with the possibility of ex gratia damage. Both are non binding on the government. In Carmody, the Court considered "that an issue as to the Constitutionality of a Statute should first of all be addressed by the Court when the only other issue is a claim for a declaration pursuant to Section 5 of the Act of 2003".

The Court was critical of the fact that the scheme had not been updated to reflect the increasing complexity of prosecutions, the range of cases before the Court and the capacity for a consecutive sentence. The Chief Justice observed "unless it could be assumed that no criminal case which comes before the District Court could ever require representation by counsel, in order to ensure that the trial was in accordance with the requirements of

constitutional justice, this limitation on a poor defendant's right to apply for Legal Aid must be considered arbitrary".

However the Court did not go so far as to say that an accused was entitled to Counsel if the State had one.

"Counsel for the appellant did however rely on the principle of equality of arms. Quite correctly counsel did not go so far as to say that equality of arms meant parity of representation – so as to claim that where a State is represented by counsel a defendant has a right to be defended by counsel "

The Court adopted the observations of the ECtHR in *Steel and Morris v United Kingdom* - "circumstances of reasonable equality".

The Court went on to observe that the State is not bound to provide what might be perceived by an individual defendant to be the optimum form of representation or that which he or she desires.

Mindful perhaps of the Constitutional imperative not to strike down legislation other than as a last resort, the court concluded that the existing provision did not "prohibit or create an obstacle to the introduction by the State of procedures or means which would enable a defendant in a criminal prosecution before the District Court to apply for Legal Aid which could, in particular circumstances, include representation by counsel. "

The response of Government has been to introduce a mechanism which, as a part of an administrative arrangement, would entitle an accused through his solicitor to apply to a court for the assignment of counsel in the District Court where "the interests of justice require it". The scheme is so recently established that there have been very few applications made. Clearly on one reading of the Judgment the applications are reserved for wholly exceptional cases. On another reading they could apply very generally to all cases where a consecutive sentence is possible, and potentially to all offences which could not have been to the mind of the Oireachtas in 1962 (a vast array!).

Another practical difficulty that has yet to be teased out is whether, having made an application for counsel, but having been refused, a solicitor can or should continue to represent a client he has effectively claimed he cannot represent properly. The payment stipulated for counsel in the District Court on the scheme is €636.00, compared to the fee paid per case to solicitors of € 223.89. The Law Society has already suggested that while there may be specialist prosecutions which require specialist counsel, by and large the complexity of cases turn on their own facts and where additional time is required some intermediate form of enhanced payment might be more appropriate.

3. News: summaries and links

News: summaries and links

These reports are largely compiled from news reports on the internet on the basis of a simple search under the words 'legal aid'. Readers must, just as buyers, beware of authenticity. The links worked at the time of writing but some will fail after a period of time. This section is compiled by Paul Ferrie of the University of Strathclyde.

Australia:

Legal aid helps more people in tough times:

<http://www.legalaid.vic.gov.au/3096.htm>;

Victoria Legal Aid responds to child protection claims in the media:

<http://www.legalaid.vic.gov.au/3142.htm>;

Legal aid case argued:

<http://www.knoxweekly.com.au/news/local/news/general/legal-aid-case-argued/1980185.aspx>

Belarus:

Belarus, Egypt sign agreement on legal assistance in criminal matters:

<http://law.by/work/EnglPortal.nsf/0/D4004C80A8B584EEC22577C2005253AC?OpenDocument>

Brunei:

Abused Women Need Legal Aid to Fight Court Battles:

<http://www.brudirect.com/index.php/2010102131688/Second-Stories/abused-women-need-legal-aid-to-fight-court-battles.html>

Canada:

Chief justice seeks compulsory mediation in family cases:

<http://www.thestar.com/news/gta/article/861258--chief-justice-seeks-compulsory-mediation-in-family-cases?bn=1>;

Legal Aid Ontario helps families through new centres:

http://www.legalaid.on.ca/en/news/newsarchive/1009-22_newflsc.asp;

Legal aid in crisis: 28/09

http://www.torontosun.com/comment/columnists/edward_greenSPAN/2009/09/28/11160271-sun.html;

New technologies providing instant access to legal aid services:

http://www.legalaid.on.ca/en/news/newsarchive/1010-01_cbcinterview.asp;

Legal aid a vital link in the justice system:

<http://www.calgaryherald.com/Legal+vital+link+justice+system/3619526/story.html>;

Invest in legal aid, speakers say:

<http://www2.canada.com/nanaimodailynews/news/story.html?id=196dcf11-d856-40d7-96cd-8ac8bf2173b4>;

Looking for fair access to justice:

<http://www.chilliwacktimes.com/business/Looking+fair+access+justice/3625521/story.html>;

Pro bono is good for law firms, too:

<http://www.ctv.ca/generic/generated/static/business/article1744076.html>;

Legal aid funding urgent, advocates say:

<http://www.theglobeandmail.com/news/national/legal-aid-funding-urgent-advocates-say/article1758155/>;

Legal aid, missing women, RCMP on justices' agenda:

<http://www.ctv.ca/CTVNews/Canada/20101014/justice-ministers-101014/>;

Federal government not taking over legal aid:

<http://www.news1130.com/news/local/article/115775--federal-government-not-taking-over-legal-aid>;

Our legal aid system is broke and needs fixing:

<http://www.chilliwacktimes.com/news/legal+system+broke+needs+fixing/3676940/story.html>;

Alberta's law society tackles legal aid shortfall:

<http://www.lawyersweekly.ca/index.php?section=article&volume=30&number=23&article=1>;

Government budget-slashing cuts into legal aid:

<http://www.lawyersweekly.ca/index.php?section=article&volume=30&number=24&article=3>

China:

Income curbs for legal aid eased:

http://www.thestandard.com.hk/news_detail.asp?pp_cat=11&art_id=103981&sid=29977455&con_type=1;

Lawmaker's green light changes to legal aid bill:

<http://www.macaudailytimes.com.mo/macau/18367-Lawmakers-green-light-changes-legal-aid-bill.html>

England and Wales:

Family contracts quashed:

<http://www.lawgazette.co.uk/news/family-contracts-quashed>;

Legal Aid scheme ruled unlawful:

<http://www.bbc.co.uk/news/uk-11446957>;

LSC hit by £300,000 legal bill over tender:

<http://www.lawgazette.co.uk/news/lsc-hit-300000-legal-bill-over-tender>;

Black and female young offenders 'failed by legal advice':

<http://www.guardian.co.uk/society/2010/oct/05/legal-advice-fails-black-and-female-young-offenders>;

LSC announces defendant legal aid sanctions:

<http://www.lawgazette.co.uk/news/lsc-announces-defendant-legal-aid-sanctions>;

Feuding parents could be refused legal aid unless they mediate:

<http://www.telegraph.co.uk/family/8046239/Feuding-parents-could-be-refused-legal-aid-unless-they-mediate.html>;

Suspects at disadvantage without legal adviser, study shows:

<http://www.lawgazette.co.uk/news/suspects-disadvantage-without-legal-adviser-study-shows>;

Legal aid delivers justice; kind lawyers won't:

<http://www.guardian.co.uk/commentisfree/2010/oct/13/legal-aid-justice-lawyers-vulnerable>;

Employment solicitor sets up legal aid support network:

<http://www.lawgazette.co.uk/news/employment-solicitor-sets-legal-aid-support-network>;

Lawyers must protect vulnerable from effect of budget cuts – Djanogly:

<http://www.lawgazette.co.uk/news/lawyers-must-protect-vulnerable-effect-budget-cuts-djanogly>;

George Osborne takes spending axe to prisons and legal aid:

<http://www.guardian.co.uk/society/2010/oct/16/george-osborne-prisons-legal-aid>;

Legal aid: No access. No justice:

<http://www.guardian.co.uk/commentisfree/2010/oct/18/legal-aid-justice-liberty>;

MoJ budget slashed by 30%:

<http://www.lawgazette.co.uk/news/moj-budget-slashed-30>;

Lawyers put forward alternatives to legal aid cuts:

<http://www.lawgazette.co.uk/news/lawyers-put-forward-alternatives-legal-aid-cuts>;

Justice budget will fall to £7bn in four years:

<http://www.lawgazette.co.uk/news/justice-budget-will-fall-7bn-four-years>;

Abolish 'unfair' means testing, say criminal lawyers:

<http://www.lawgazette.co.uk/news/abolish-unfair-means-testing-say-criminal-lawyers>;

Lawyers issue warning over Lord Young's compensation proposals:

<http://www.lawgazette.co.uk/news/lawyers-issue-warning-over-lord-young-s-compensation-proposals>;

Price competition 'very possible' in criminal legal aid tendering:

<http://www.lawgazette.co.uk/news/price-competition-039very-possible039-criminal-legal-aid-tendering>;

No amount of pro bono law work could make up for cuts in legal aid:

<http://www.guardian.co.uk/commentisfree/2010/oct/22/pro-bono-legal-aid-cuts>;

Lord chief justice calls for reform of family system:

<http://www.lawgazette.co.uk/news/lord-chief-justice-calls-reform-family-system>;

LSC rules out appeal against family tender judgment:

<http://www.lawgazette.co.uk/news/lsc-rules-out-appeal-against-family-tender-judgment>;

Lawyers call for details of £350m legal aid budget cut:

<http://www.lawgazette.co.uk/news/lawyers-call-details-350m-legal-aid-budget-cut>;

Profession facing 'demographic time bomb':

<http://www.lawgazette.co.uk/news/profession-facing-039demographic-time-bomb039>

Europe:

European Civil Justice Day: Three out of four Europeans want better access to justice abroad:

<http://www.iewy.com/10620-european-civil-justice-day-three-out-of-four-europeans-want-better-access-to-justice-abroad.html>

India:

Legal aid center opened:

<http://timesofindia.indiatimes.com/city/patna/Legal-aid-centre-opened/articleshow/6694435.cms>;

Stress on legal aid:

http://www.telegraphindia.com/1101024/jsp/northeast/story_13092434.jsp

Indonesia:

Legal aid bill inadequate for women, kids:

<http://www.thejakartapost.com/news/2010/10/27/legal-aid-bill-inadequate-women-kids.html>

Ireland:

Board to administer criminal aid scheme:

<http://www.irishtimes.com/newspaper/ireland/2010/0916/1224278993982.html>;

Cuts to legal aid 'may put justice in danger':

<http://www.irishtimes.com/newspaper/ireland/2010/0925/1224279657376.html>;

Law Society: legal aid cuts will create two-tier justice system:

<http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/law-society-legal-aid-cuts-will-create-twotier-justice-system-14958243.html>;

Bill to overhaul justice system:

<http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/bill-to-overhaul-justice-system-14980052.html>

Malaysia:

Legal aid foundation to be established by year end:

<http://thestar.com.my/news/story.asp?file=/2010/10/6/nation/20101006190544&sec=nation>

New Zealand:

Region's legal aid bill hits \$1m:

<http://www.stuff.co.nz/marlborough-express/news/4202849/Regions-legal-aid-bill-hits-1m>;

Legal aid work stops after trio racks up \$2m:

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10678729;

Lawyer sees downside to legal-aid overhaul:

<http://www.nbr.co.nz/article/legal-aid-review-panel-crisis-131628>;

Legal aid review panel in crisis:

<http://www.nbr.co.nz/article/legal-aid-review-panel-crisis-131628>;

New legal aid bill flawed, say lawyers:

<http://www.stuff.co.nz/national/politics/4235249/New-legal-aid-bill-flawed-say-lawyers>;

Call to improve legal aid rates:

<http://www.newstalkzb.co.nz/newsdetail1.asp?storyID=184431>;

Enforce existing legal aid standards, urges lawyer:

<http://www.radionz.co.nz/news/political/60061/enforce-existing-legal-aid-standards,-urges-lawyer>;

Law Society Proposes Adjustments to Legal Services Bill:

<http://www.voxy.co.nz/national/law-society-proposes-adjustments-legal-services-bill/5/68497>;

Legal Services Bill labeled overkill:

<http://www.nbr.co.nz/article/legal-services-bill-labelled-overkill-131954>;

Lawyers fight loss of choice with legal aid:

<http://www.stuff.co.nz/national/politics/4261348/Lawyers-fight-loss-of-choice-with-legal-aid>

Nigeria:

'I Founded Legal Aid Council to Defend the Poor' – Ikheazor:

<http://allafrica.com/stories/201009060436.html>;

No Access to Justice, No Exit from It 50 Years On:

<http://allafrica.com/stories/201009280683.html>

The Philippines:

Aquino: Govt may seek more funds for legal aid for OFWs:

<http://www.gmanews.tv/story/202897/aquino-govt-may-seek-more-funds-for-legal-aid-for-ofws>

Scotland:

Legal aid cuts mean poorest will be hit by double whammy:

<http://www.scotsman.com/legalissues/Legal-aid-cuts-mean-poorest.6541502.jp>;

Legal aid tendering in Scotland would "risk damaging access to justice":

<http://www.journalonline.co.uk/News/1008730.aspx>;

Law Society committee to seek abolition of legal aid quango:

<http://www.heraldscotland.com/news/home-news/law-society-committee-to-seek-abolition-of-legal-aid-quango-1.1060914>;

D-Day for legal aid:

<http://www.journalonline.co.uk/Magazine/55-10/1008761.aspx>;

Row breaks out over legal aid claims:

<http://www.journalonline.co.uk/News/1008812.aspx>;

Scotland rushes through new laws after court ruling on questioning suspects:

<http://www.guardian.co.uk/uk/2010/oct/26/scotland-rushes-through-new-laws-court-ruling>;

Justice Secretary responds to the Supreme Court decision:

<http://news.stv.tv/politics/204963-justice-secretary-responds-to-the-supreme-court-decision/>;

Lawyer ruling set to reopen Scottish cases:

<http://www.ft.com/cms/s/0/b2e3f536-e116-11df-90b7-00144feabdc0.html>;

Scottish legal system facing giant shake-up:

<http://www.heraldscotland.com/news/home-news/scottish-legal-system-facing-giant-shake-up-1.1063829>;

Scottish suspects to get instant legal access:

<http://www.channel4.com/news/scottish-suspects-to-get-instant-legal-access>;

Emergency bill presented to Parliament:

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6. And finally

This newsletter has been compiled by Roger Smith of JUSTICE in London, UK. If you would like to be taken off the circulation list; add someone or contribute some content: contact rsmith@justice.org.uk.