



## **FOREWORD**

**PROFESSOR ALAN PATERSON**

*CHAIR, INTERNATIONAL LEGAL AID GROUP & DIRECTOR, CENTRE  
FOR PROFESSIONAL LEGAL STUDIES, STRATHCLYDE UNIVERSITY,  
GLASGOW*



Dear Colleagues,

After what seems like an interminable winter in the United Kingdom, there are signs that Spring is returning to the Northern Hemisphere, although the extremes of weather associated with climate change have not led to a reduction in strong winds or fierce rain in some countries and a shortage of rain in others. Quite a few ILAG members attended the International Legal Aid Forum in Taiwan at the end of last year and two of our contributions to this Newsletter are from presenters at that Forum. This a splendid event which has played a signal role in highlighting access to justice issues in Pacific Rim countries over the last 20 years. Anyone who has had an opportunity to attend the forums comes away with a wonderful impression of the energy, enthusiasm, and dedication of those responsible for the delivery of legal aid in that island. How unbelievably cruel that this week we see on our television screens the terrible destruction of an earthquake there (see photos below). I reached out on behalf of ILAG to Joan Yeh and her colleagues and am relieved to be able to report that the staff of the Legal Aid Foundation are all fine, though naturally shocked and concerned, and all branches are back in operation again. The aftershocks have become less frequent so hopefully the worst is over.

The article from Madhurima Dhanuka features another significant regional conference on access to justice in Asia which focused on progress, challenges, and exchange of good practices among participants from various Global South nations. Both this conference and the Taiwan conference drew on research conducted in recent times in the access to justice field. ILAG conferences with their commitment to evidence based policy making, consistently highlight the importance of applied research in the field and our next piece from Tatiana Grieshofer illustrates this with a highly innovative focus on language research and the pre-court stages of legal proceedings. The final piece in the Newsletter also stresses the importance of up-to-date research with a request for help from the very impressive Knowledge Centre for the Legal Aid System of the Dutch Legal Aid Board.

My thanks again to our ever-industrious newsletter editor (Peter van den Biggelaar) for generating the contributions to the Newsletter, our webmaster (Paul Ferrie) for his work on the Newsletter and Eileen Richie for sending it out. Peter and I continue to work on the next ILAG Conference in Cologne in June 2025, and we will say more about that in the next newsletters.

Ever best wish,  
Alan



## **COMMENTS BY MARK BENTON AT THE 2023 INTERNATIONAL FORUM ON LEGAL AID IN TAIPEI**

### **MARK BENTON**

*VICE CHAIR OF CANADIAN ACTION COMMITTEE ON ACCESS TO JUSTICE IN CIVIL AND FAMILY MATTERS AND BOARD MEMBER, CANADIAN FORUM FOR CIVIL JUSTICE.*



### **Some Introductory Things**

The convention is that the keynote address at Taiwan's *International Forum on Legal Aid* addresses current and emerging issues in legal aid. The organizers asked to me to include observations based on my own experience using technologies to address the needs of legal aid users.

My background is with the Canadian legal aid system and more recently with Canadian efforts to address access to justice. Canada has 13 distinct legal aid plans. There are significant differences among them in service delivery, financing, governance, and service breadth. A fourteenth legal aid system, intended to serve Indigenous communities, is in development (see more about this [here](#)). Each of these programs addresses the complexities of legal aid delivery in its own way. It is clear that there is no single best way; there are many good ways. That said, there are a number of trends that have emerged in Canada and elsewhere that are helpful indicators of the near future for legal aid.

In preparing these comments I was reminded how important a number of people have been to the developments of current trends in legal aid. The leadership of Hazel Genn and Pascoe Pleasence in the promotion of Empirical Legal Studies has transformed the conversation about legal aid, particularly a transition to focusing on users. Alan Patterson and other founders of the International Legal Aid Group have facilitated the evolution of legal aid through ILAGs international network for sharing legal aid developments and analysis. Peter van den Biggelaar's vision of an online legal aid service (what became Rechtwijzer) was transformational. Roger Smith's commentary on legal aid and on emergent technologies encouraged the legal aid community to inquire and engage in exploring the risks and opportunities of embracing technology in delivering services.

Most of the good ideas that follow are from the work of these pioneers. The others are mostly mine.

My comments focus on observations on service trends, current thinking on access to justice and emergent issues that are affecting the development of legal aid services. This is not an encyclopedic inventory but a synopsis of items of consequence. These include:

- A shift in emphasis to focusing on user needs in addition to institutional needs for legal aid
- An increased understanding and profile of the social and economic benefits of effective access to justice

- An increased expectation that technology and particularly artificial intelligence will play an important role in improving access to justice

### **Focusing on users and their legal needs**

Legal needs surveying is now commonplace, and the highly consistent results have confirmed that when people have legal problems, they want to resolve the problem and get on with their lives. They want problem-solving processes that are easy to use, inexpensive, timely, authoritative, transparent, and fair. The legal needs survey content allows legal aid to make more targeted investments in legal aid that more effectively meet user needs and has shed light on the importance of linking legal aid services to other services, most importantly health care, to provide a more wrap-around approach to addressing legal aid users' needs. This will require a broader range of services than just representation- information and advice are as central to engaging and resolving legal problems as representation is. Martyn Evans Report, *Rethinking Legal Aid on Legal Aid in Scotland* explores this well.

### **International Developments: the UN SDGs, the World Bank research and the OECD all see improving access to justice as an important contributor to sustainable development and economic well-being**

The UN Sustainability Development Goals are a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone. The SDGs are an effort to create a whole system approach to goals and specific measures and justice systems are included. SDG 16.3 includes providing access to justice for all as a target. Two of the indicators to be measured have particular relevance for legal aid:

- 16.3.2: Unsented detainees as a proportion of overall prison population; and
- 16.3.3 Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism.

Many governments are in the process of developing national reporting frameworks for the SDGs and this will provide important opportunities for legal aid programs and civil society agencies to partner with government and other public services in improving access to justice.es.

Both the [World Bank](#) and the Organization for Economic Cooperation and Development ([OECD](#)) have published research and policy analysis that support more effective access to justice and recognize legal aid programs as having a central role in access to justice.

### **Three Big Things for Legal Aid in the Current Environment**

The current environment is placing new demands new demands and expectations on legal aid providers. Some of these will require new skills while others require the adaptation of existing skills if legal aid plans are to survive and thrive. Here are three that are already upon us:

1. With the trend towards more client-centered services and the persistence of tech change there will be increasing pressure on legal aid programs to incorporate more non-legal expertise in legal aid delivery and to have greater mastery of the tech environment to support the justice system and achieve better client outcomes.



2. A greater focus on user centred design in the justice system provides legal aid plans with opportunities to promote alignment among government, lawyers, the Judiciary, NGOs and health care providers to take a whole system approach to justice needs. This will require new collaborative and coordination competencies to achieve client centered outcomes
3. As competition for public funding increases it is increasingly important for legal aid plans to be adept at demonstrating the public value of legal aid services.

## **Technology as an Enabler and an Environmental Risk**

Roger Smith identifies four technology-based strategies to better meet legal aid clients' needs:

1. Use tech to support cooperation and collaboration with other agencies to deliver to support early information, advice, referral, and access to legal services.
2. The development of online tools to assist those people who can use them.
3. Online support to the delivery of legal services by lawyers, paralegals and others.
4. Innovate through discovering new ways to use and advance the use of technology through research, experimentation, and implementation

### **Areas of opportunity**

Guided Pathways are typically a series of online interviews that help a person create documents like a will or separation agreement, or to fill out the court forms. The pathways ask questions and uses that information to complete the form or created the document. A Canadian example is *Steps to Justice*; see it [here](#).

Document assembly -in the legal aid context document assembly combines the features of guided pathways and focusses on creating documents and assembling supporting information for Court applications and related processes.

Rechtwijzer is an online platform that provides legal information, advice, and dispute resolution services to people who have various legal problems. It combines the features of guided pathways and document assembly but most significantly, it is also a platform that offers mediation, legal advice and direct online access to legal process like divorce. The Dutch Legal Aid Board and HiiL, a non-profit organization that promotes access to justice, developed it. Rechtwijzer aims to help people find the best solution for their situation, whether it is through mediation, arbitration, or litigation. Rechtwijzer covers different types of conflicts, such as divorce, consumer protection, housing, work, and debt. Rechtwijzer also offers self-help tools and resources for people who want to learn more about their rights and obligations. Rather than run as a stand-alone It has been fully integrated into the Dutch Legal Aid Board Services structure.

Rechtwijzer is the most mature of the legal aid online services and the next generation Rechtwijzer is in development.

### **Cheaper, faster, better support to service providers**

It has been obvious for some time that technology will continue to drive change in the delivery of legal aid services and the structures that support them. It is safe to assume that all areas will

be affected but how much and when is not yet apparent. Legal aid Plans will need to ensure that their services providers are properly supported as technology changes their work environment. It is reasonable to expect that both private sector solutions and public sector approaches will appear to address these changes and that many of these will be adaptable to legal aid needs. Legal aid networks will be important for the sharing of information, success and failures in addressing these emerging issues. Those providers who collaborate and cooperate to spread risk and explore whole system solutions should do best. Engagement will be the best approach to addressing what may be very disruptive change.

## **Generative AI**

– It is too soon to identify the opportunities for legal aid, but it does pose risks (see below)

## **Some AI Risks of Interest to Legal Aid Providers**

Biases are often embedded in the data, the design, or the use of algorithms. Reports of bias problems in these three areas are regrettably common:

- *Data* – for example facial recognition software where the data group is different than the subject group
- *Design* – Where the algorithm does not produce accurate results
- *Use and interpretation* – Where the user misunderstands or mistakenly interprets the results

In the pre-AI era, some data-based government programs were already suffering from these data-design-use failures in a manner that caused extreme hardship to those at pointy end of these programs. The Robodebt scandal In Australia, the Netherlands Childcare Benefit Scandal, and the English Post Office Scandal are all examples. In each case people of modest means faced extreme hardship because of these systems.

Based on these experiences it is reasonable to assume that in the immediate future AI will amplify and obscure the flaws in systems and pose significant risk to those at the margins wherever AI is introduced to the administration of government programs. Legal aid programs have already played an important role in addressing these kinds of problems and it is foreseeable that legal aid plan providers will need to develop new skill sets to assess these flawed programs and develop the strategies to address the harm they cause to legal aid users and others.

## **Looking Ahead**

A few important things to keep in mind as legal aid moves forward technologically:

- Treat technological changes as both a threat and an opportunity in both operations and strategy.
- Engage with technology and understand its implications. It is too important to leave to your tech specialists. That understanding will be foundational to assess, experiment and implement innovations that will reveal the new paths forward. As Roger Smith has observed “technology is not a magic bullet, but it might be a silver one”.
- Pay attention to what others are doing, it is one of the few ways to learn what is working, what is not.

- Make sure your data is robust. It will help you to plan, to identify opportunities and convince others of the need for change. This is particularly important where you are collaborating with others because all the data needs to be robust.
- Be cautious about the hype of new applications. It is a feature of tech change that is a risk.
- We know that making justice work for people at the margins is often messy and hard, we can expect that making technology serve those ends will be too.

I am looking forward to hearing of your further successes in technology and elsewhere.

## **LANGUAGE AND COMMUNICATION IN LEGAL SETTINGS (PART I): INFORMATION PROVISION AND COURT FORMS IN CIVIL AND FAMILY PROCEEDINGS**

**DR TATIANA GRIESHOFER**

*ASSOCIATE PROFESSOR IN LANGUAGE AND LAW, BRISTOL CITY UNIVERSITY*



This short post builds on the paper I gave at the ILAG 2023 conference, which introduced the role linguistic research can play in pre-court stages of legal proceedings. Language is an inherent part of legal practice and linguistic research has an important role to play in a wide range of access to justice areas, legal practice, and socio-legal research more widely. This post (which I hope is the first in a series of posts) focuses on the language of court guidance documents and court forms, expanding on several linguistic principles which constitute an important part of court users' journey to accessing courts.

The pre-court initiation of proceedings involves accessing legal information and advice, decision-making on legal strategy, and completion of court forms. These tasks depend on such language related aspects as comprehension of complex legal concepts, cognitive processing, and evaluation of the applicability of legal principles to the circumstances of the case, and presentation of a legally relevant narrative through different formats (e.g., court forms). For unrepresented court users, the complexity of legal discourse and court processes and procedures, unsurprisingly, creates multiple communicative, cognitive, and attitudinal barriers. There are two remedial communicative factors, which gain on significance in these initial stages, but are not always recognised or fully implemented as part of court services planning.

The first one is related to the notion of plain language and a common misconception that if a text follows the plain language principles, it is comprehensible. The plain language movement and the associated guidelines have been instrumental in enhancing the comprehensibility of legal information. But full transparency and comprehensibility is often not achievable when it comes to the provision of information for litigation purposes: law reflects complex reality and simplified language cannot express complex principles or fully cover specialised conceptual meanings. It is also rare to see plain language standards being implemented fully (e.g., see the report I contributed to by providing a linguistic analysis of the Police Scotland Letter of Rights<sup>1</sup>).

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<sup>1</sup> <https://justice.org.uk/justice-scotland/our-work/legal-assistance-in-the-police-station/>

In this respect, it is helpful to adopt the newly established ISO certified standards which can help assess the comprehensibility of texts<sup>2</sup>. Nevertheless, the transparency and clarity of content comes at the expense of accuracy and all-inclusiveness of meaning.

The second aspect is related to establishing appropriate elicitation strategies. This gains on significance in the circumstances when self-represented court users, who cannot afford legal support, struggle to find useful or reliable information even online<sup>3</sup> as they run against a number of problems: official websites can be difficult to navigate and often include guidance documents lay court users struggle to understand, other static online resources are often too generic, and interactive forms of advice provided via social media may be biased and expressed in antagonistic terms towards the legal profession<sup>4</sup>. As a result, when self-represented court users complete court forms, they often have very limited procedural understanding and limited access to legal information. Yet, completing court forms is an essential for defining the trajectory the case takes.

What is often ignored is that court forms are an interactive genre essential for legal-lay communication in civil and family proceedings. They fulfil several communicative aims: provide instructions on how to fill in forms, include procedural information and legal information, and, importantly, elicit claims/grievances. But elicitation should entail support for narrativisation.

This is discussed in one of my articles on court forms, which compares two versions (downloadable pdf version and an online version) of the most frequently used court form in family courts in England and Wales, i.e. "Form C100: Apply for a court order to make arrangements for a child or resolve a dispute about their upbringing".<sup>5</sup> By comparing the paper and the digitised version of the court form, the article reflects on (1) the challenges lay participants experience when engaging with legal language in court forms; (2) the improvements and limitations the digital paths to justice currently offer to court users; (3) the importance of embedding procedural guidance and offering genre-specific support to enhance the court user's narrativisation strategies.

The digitisation offers new opportunities of working with court forms and engaging with court users. One of the clear advantages is that smart forms make it easier to see the relevant information and answer respective questions, but this requires careful planning and alignment of the provision of information and procedural guidance with elicitation strategies. The article illustrates that the digitisation of the C100 form has introduced considerable improvements in relation to linguistic style and content: lexical and syntactic simplifications, more explanation of administrative steps, clarification of procedural or case management steps, and exemplification of some of the key legal concepts, which illustrate opportunities for enhancing court users' understanding of relevant principles and their active engagement with the development of narrativisation to support their cases. But there are also clear limitations in the digitised form, which range from linguistically complex passages to the lack of support for court users for developing their narratives. Despite the fact that the guidance is presented in simplified terms, the informational needs of lay court users are not fulfilled, partially because they are positioned

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<sup>2</sup> <https://www.iplfederation.org/iso-standard/>

<sup>3</sup> [http://epapers.bham.ac.uk/3014/1/cepler\\_working\\_paper\\_2\\_2017.pdf](http://epapers.bham.ac.uk/3014/1/cepler_working_paper_2_2017.pdf)

<sup>4</sup> <https://doi.org/10.1177/0964663922109013>

<sup>5</sup> <https://doi.org/10.1007/s11196-023-09993-y>



as outsiders (e.g., legal representation is presented as the norm). Further, definitions of key legal concepts are outsourced via external links, which do not focus on legal settings or offer contextualised legal explanation; the functionality of digitised spaces (e.g., ease of establishing intertextual links) can thus turn into a disadvantage. Given that online forms are designed to be submitted remotely, lay court users need to be at the centre of not only digital design but also content design and conceptualisation of communicative practices. Linguistic input for ensuring comprehensibility of court communication and supporting narrativisation and elicitation strategies.

I will be happy to hear from legal aid specialists and practitioners with respect to opportunities of contributing linguistic input to the design and drafting of guidance information and court forms (especially online court forms) and identifying patterns of communicative challenges in completed court forms.

## **EFFORTS TO STRENGTHEN ACCESS TO LEGAL AID IN THE GLOBAL SOUTH: NEW DELHI PRINCIPLES ON THE ROLE OF JUDICIARY IN ENSURING EQUAL ACCESS TO JUSTICE FOR ALL, 2023 & THE NEW DELHI ROADMAP FOR STRENGTHENING ACCESS TO JUSTICE IN THE GLOBAL SOUTH BY IMPROVING ACCESS TO LEGAL AID SERVICES, 2023**

**MADHURIMA DHANUKA**

*PROGRAMME HEAD, PRISON REFORMS PROGRAMME, COMMONWEALTH HUMAN RIGHTS INITIATIVE, NEW DELHI*



The world is going through a global crisis in access to justice. It is reported that an estimated 5.1 billion people – two-thirds of the world’s population, lack meaningful access to justice<sup>6</sup>. Lack of access to effective legal aid services further contributes to this crisis, as poor and marginalised individuals are unable to address their legal needs and affirm their rights in the absence of quality legal representation. The crisis is even more acute in the nations of the Global South, which represent a diverse group of nations, often characterized as low and middle-income economies, with high levels of poverty and socio-economic inequality. Thus, there is an emergent need to address this growing crisis.

It is with this context, that in November 2023, for the first time ever, 21 chief justices and senior judges, 36 ministers and representatives of ministries of justice, together with 134 legal aid administrators, policy makers, academicians, practitioners, legal aid providers, civil society representatives etc. from 51 countries of Africa, Asia and the Pacific nations of the Global South came together to participate in the *1<sup>st</sup> Regional Conference on Access to Legal Aid: Strengthening Access to Justice in the Global South*. The conference was hosted by the National Legal Services Authority of India (NALSA) with support from the Government of India and in collaboration with the International Legal Foundation (ILF), the United Nations Development Programme (UNDP), and the United Nations Children’s Fund (UNICEF).

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<sup>6</sup> <https://s42831.pcdn.co/wp-content/uploads/sites/3/2023/03/Task-Force-on-Justice-Report-27Jun19.pdf>.

The Conference was the first regional conference in a bi-annual series of international legal aid conferences, previously held by South Africa, Argentina, Georgia and Brazil. The regional conference follows a call, made by participants in previous international conferences, for organising similar convenings at the regional level. The regional conference enabled discussions of progress, challenges and exchange of good practices among participants from various Global South nations.

The conference sessions spread across 17 sessions, including two high level Roundtables (Chief Justices' Roundtable and Ministerial Roundtable), three plenary sessions, ten parallel technical sessions and inaugural and valedictory ceremonies, and resulted in the adoption of two crucial outcome documents viz. the 'New Delhi Principles on the Role of Judiciary in Ensuring Equal Access to Justice for All' and the 'New Delhi Roadmap for Strengthening Access to Justice in the Global South by Improving Access to Legal Aid Services'. The Ministerial Roundtable too resulted in a consensus of nations to prepare and adopt the 'New Delhi Statement on Advancing the 2030 Agenda for Sustainable Development: Access to Justice in the Global South' in 2024.

### **New Delhi Principles on the Role of Judiciary in Ensuring Equal Access to Justice for All, 2023**

These principles set out a bold vision and establish the crucial role of the judiciary in ensuring the right to legal representation; the importance of legal information and creation of publicly available data that enables easy access to courts and its procedures for all persons; and to further the integration of technology in court processes making access to legal remedies easier, faster and equitable. The principles were the outcome of deliberations between 21 Chief Justices and senior judges from 15 countries of the Global South. Discussions at the roundtable touched upon the differences and commonalities across jurisdictions, including the nature of codification of the right to legal aid; the institutionalization and funding of legal aid institutions; and the provision of legal aid services.

The New Delhi Principles outline a set of 12 principles for enabling equal access to justice for all. These include principles on Equal Protection of Laws, Non-discrimination and Equality, Right to a Fair Trial, Legal Representation in Criminal Cases, Legal Representation in Civil Cases, Right to Legal Aid, Accessibility and Affordability, Technology Innovations and Advancements, Legal Education and Public Awareness, Public Participation and Accountability, Continuous Improvement and Promoting Alternative Dispute Resolution Mechanisms. An important assertion was made by the justices in regard to access to legal representation from the initial stages of criminal proceedings, which finds mention in Principle 4 – "Judges must uphold the fundamental right to a fair trial and safeguard individuals from injustice through assurance of legal representation at all stages of an inquiry, investigation and a criminal proceeding."

### **New Delhi Roadmap for Strengthening Access to Justice in the Global South by Improving Access to Legal Aid Services, 2023**

The Roadmap encapsulates the commitment of all participants to work together to ensure that everyone has access to effective, quality legal representation at all stages of their justice system and to promote equal access to justice for all, protect individual rights, and build a more just and equitable society. It contains 10 recommendations, premised on the discussions and deliberations undertaken at the conferences, viz.:

1. Countries should remove barriers that individuals face in qualifying for legal aid services when suspected or accused of a criminal offence.
2. Countries should invest in expanding the right to civil legal aid.
3. Countries should invest in a people-centred approach to legal aid services.
4. Countries need to take steps to improve the quality of legal aid services.
5. Countries should ensure that individuals suspected or accused of a criminal offence are provided with access to legal aid at the time of their questioning, interrogation, arrest or detention in order to ensure that they are not subjected to unlawful, arbitrary, and excessive pretrial detention.
6. Countries should ensure that all children in conflict with the law have access to specialized and child-friendly legal aid at all stages of the criminal justice process
7. Countries should ensure sufficient and sustainable funding of legal aid.
8. Countries should consider innovative solutions for expanding legal aid services, taking into consideration the challenges of providing legal aid services in rural, remote, and under-resourced communities.
9. Countries should take steps to eliminate discrimination in criminal justice systems based on poverty, legal status, race, gender, or ethnicity.
10. Countries should prioritize the collection and analysis of data in order to ensure that legal aid services are provided effectively and efficiently.

The conference succeeded in highlighting the need for stronger south-south collaborations in efforts to advance the *2030 Agenda for Sustainable Development* and the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. The conference outcome statements are a reaffirmation that access to justice is a fundamental right and that access to inclusive legal aid services is a vital part of enabling access to this right and an indispensable pillar of peace, justice and strong institutions.

For accessing the concept note, outcome documents, presentations and other relevant documents of the conference please visit: <https://nalsa.gov.in/rlac2023/>



## ***A SKETCH OF THE 2023 INTERNATIONAL FORUM ON LEGAL AID IN TAIWAN***

***YU-SHAN CHANG***

***RESEARCHER, LEGAL AID FOUNDATION, TAIWAN***

Following the first post-pandemic International Legal Aid Group Conference held face-to-face at Harvard in June 2023, the Legal Aid Foundation (LAF) in Taiwan was honoured to host another significant event in legal aid—the 2023 International Forum on Legal Aid (IFLA)—in Taipei, Taiwan, from 13 to 15 November 2023.

This marks the fifth international forum hosted by the LAF since 2005, and it has become one of the most prominent regular legal aid conferences in East Asia, occurring every four to five years.

The IFLA was initiated the year following the establishment of the LAF to encourage international exchange and mutual learning, facilitating the sharing of legal aid knowledge among countries. Over past forums, the hosting LAF has greatly benefited from illuminating ideas contributed by international delegates, with some of these ideas applied in policy and research. The IFLA has also helped the LAF embrace a broader legal aid community, despite Taiwan's challenging situation in international relations.

The 2023 IFLA was themed 'Legal Aid in the Post-pandemic Era—Democracy, Technology, and Access to Justice.' Given the substantial changes brought about by COVID, wars, heightened political tension between democracy and autocracy, and emerging technologies such as artificial intelligence in the early 2020s, discussing how these forces have impacted the landscape of legal aid and legal services—and how legal aid can cope with them—was considered essential. Two national report sessions and seven panel discussions were organised around the main theme.

More than 60 delegates from 17 countries, including practitioners, scholars, and experts, were invited and involved in giving presentations and discussions during the conference. Despite the ongoing Russia-Ukraine War, it was our great honour to virtually invite Mr. Oleksandr Baranov from the Coordination Centre for Legal Aid Provision in Ukraine to participate in the forum. Here are some highlights of the 2023 Forum:

### ***Day 1: Nation Reports***

Differing from previous forums that required each country delegate to present a national report individually, this was the first time the IFLA invited experts to chair the sessions and provide a global or topic-wise summary report, followed by reports from a few selected countries. Many thanks to our terrific chairs; this new approach has successfully helped the audience focus on the context and make comparisons easier, highlighting the similarities and differences.

During the first session, 'Legal Aid and the Crisis of Democracy and Human Rights,' as summarised by the chair, Dr Yu-Jie Chen, we have witnessed various types of democracy crises in the past few years. Firstly, democratic backsliding has occurred in democratic countries primarily due to COVID and political polarisation, resulting in restricted human rights for the vulnerable and limited access to legal aid. Secondly, authoritarian repression has turned legal aid into an image clean-up tool and a state machine to enhance government control, particularly through government intervention in assigning counsels in politically sensitive cases. This was clearly observed in the cases of Hong Kong and China. The courage of some legal aid professionals in these two jurisdictions and their commitment to defending genuine access to justice were truly touching, earning tributes from other delegates later in the conference. Lastly, authoritarian aggression has led to a surge in demands for legal aid but has also created mounting challenges to legal aid service delivery, as exemplified in the case of Ukraine. All the presentations have reminded us that legal aid has always been fragile and cannot be secured without a sound political system. Legal aid is a mechanism to defend the rule of law; however, legal aid itself can be easily diminished or undermined during the backsliding of the rule of law.

The second session, 'Global Changes to Legal Aid Systems after the Pandemic: Tweaks or Transformations?', was initiated by the chair, Prof. Alan Paterson. He provided an overview of international legal aid systems from a comparative perspective in different dimensions, including the nature of the legal aid authority, service delivery, research responsibility, early



intervention, austerity and policy changes, budget controllers, post-COVID developments, and emerging trends. He commented that there might be more tweaks rather than fundamental transformations and drew a few conclusions, including digital helplines and advice packages will be maintained, but more should be done to tackle digital exclusion; generative AI, quality assurance, and public legal education are emerging trends and worth observing; prevention, early intervention, and holistic service will be the future.

Delegates from selected countries, namely Australia, Brazil, and Taiwan, then introduced their legal aid systems and recent developments. Some of their reports echoed global trends. For example, four services of the Australian legal assistance (i.e., LACs, CLCs, ATSILS, and FVPLS) have worked more collaboratively on the ground for a more holistic service recently. However, due to insufficient funding and the impact of COVID, Australian legal aid has suffered from a shrinkage of private legal aid practitioners, leading to more casework undertaken by in-house staff attorneys and more preventative work such as public legal education. In Brazil, the Public Defender's Office of the State of Rio de Janeiro integrated technology tools and offered remote services during COVID. Since then, it has increased investment in modern ICT tools, including digital applications for direct communications with clients, free teleservice for appointment scheduling and guidance, software to manage all case files, and digitalisation of internal administration. During the Q&A session, more topics regarding the management of resources were mentioned and discussed, such as funding sources, cost-benefit analysis, private lawyers' participation, quality assurance, service scope and its relations to holism, etc.

### ***Day 2 & 3: Keynote Speech & Panel Discussions***

The keynote speech and sessions of Panel Discussions 1 and 4 were orchestrated with a heightened emphasis on technology and the future landscape of legal aid. Mr. Mark Benton, the former CEO of Legal Aid BC, was invited to present the keynote address, titled 'Legal Aid: What's Next?'. With over 40 years of professional experience in legal aid and having successfully overseen the launch of the digital platform MyLawBC, Mr. Benton initially encapsulated the desires of individuals for justice, the development of legal aid, and the three big rocks of legal aid from a Canadian perspective. He perceived technology as both an enabler and an environmental risk when navigating these dimensions. While acknowledging that technology can be used to better meet legal aid clients' needs, Mr. Benton highlighted the inevitability of bias embedded in algorithms. Instances of suboptimal administration and erroneous programming by algorithms, such as the Robodebt scandal in Australia, were presented. Technologies like guided pathways, document assembly, and the latest generative AI were identified as potentially cheaper, faster, and better solutions for service providers. However, the discontinuation of Rechtwijzer and MyLawBC served as a valuable lesson, prompting concerns about the costs and benefits associated with such technological initiatives. Mr. Benton argued that AI might not offer an immediate solution to legal aid matters. Nevertheless, he stressed the importance of comprehending how AI is likely to be employed and responding to it appropriately, given its inevitable transformative impact on our working environment. The neutral perspective adopted in the keynote speech, addressing both the positive and negative aspects of modern ICT applications, has paved the way for the subsequent panel discussions.

In the first panel discussion session, titled 'Legal Aid Services and Access to Justice in the Digital Age,' speakers shared a variety of ICT applications, especially innovative initiatives, for delivering legal aid services. These included official websites, information and referral platforms, educational video clips, telephone hotlines, video conferencing advice, guided



pathways, text messages, live chat, document automation, etc. All speakers expressed the view that modern ICT technology has expanded the potential to improve access to justice, particularly for those facing geographic, economic, or physical barriers to traditional legal services. However, it is also essential to address challenges of ICT service delivery, such as the digital divide, privacy concerns, data security, and quality assurance. The speakers in this panel agreed that technology serves as a tool or channel for addressing legal problems, rather than a panacea. They emphasised that the problem-solving mindset, as opposed to specific ICT applications, holds true importance.

Regarding the fourth panel that deliberated on 'Towards the Future for Legal Aid and Legal Aid Professionals,' even though the legal services markets' landscapes in the presenting countries differed, addressing (or even embracing) technology and its impact on legal aid and professionals emerged as the most common theme. Australian National Legal Aid introduced its recent AI initiative, amica, for mediating family law disputes; Taiwan Legal Aid Foundation established an online operating system for lawyers to update personal details, track case progress, and submit closure reports; Canadian Legal Aid Saskatchewan acknowledged that managing the risks and unique opportunities of technology and cross-sectoral collaboration are crucial parts of its plan to reinvent criminal justice after COVID; and the Dutch Legal Aid Board has actively explored the possibilities of future law firms through various studies that may involve a higher level of digitalisation and automation (such as virtual firms, cloud networking, case management tools.) This session concluded with a vibrant discussion and a strong impetus to collaborate, proposing that there can be more intense coordination and collaboration on data sharing and the development of AI tools for a broader international legal aid community.



Panel Discussions 2 and 3 comprised various concurrent sessions, with topics set in response to the recent development focus and research interest within the context of the Taiwanese legal system. We had discussions on 'indigenous peoples,' 'migrant workers,' and 'refugees and asylum seekers,' respectively, under the theme of 'Specialised Legal Assistance'; panels on 'criminal defence in citizen participation systems' and 'protection of victims of crime' were held for 'Legal Aid in Criminal Justice'. The organisations providing services for the targeted groups or the jurisdictions dealing with specific systems or issues were intentionally selected for each panel. By presenting the development of specified topics in different jurisdictions, we aim to build a broader practical knowledge of legal aid that can benefit both international and local practitioners and researchers.

In order to facilitate better dialogues, the IFLA conference proceeded bilingually in English and Mandarin with simultaneous interpretation, and the conference website was also constructed accordingly. For more detailed information, including conference papers and video recordings of the 2023 IFLA, please visit: <https://www.laf.org.tw/ifla2023/index.php>



## **SURVEY PARTICIPATION REQUEST**

***JIN HO VERDONSCHOT***

*CHIEF SCIENCE OFFICER, LEGAL AID BOARD, NETHERLANDS*

Last year the Knowledge Centre for the Legal Aid System (of the Dutch Legal Aid Board) asked you to participate in a survey about the challenges with regards to availability of legal aid lawyers in your jurisdiction. Thus far, two fully completed surveys were returned (thank you to the colleagues from Chili and the Netherlands), and two others started the survey but did not complete it. Additionally, we have the data from The Netherlands.

The aim of this small study is to construct an initial overview of challenges across the globe, different measures that are taken or considered, and their impact. We hope to function as an exchange agent and kindly ask you to complete the survey if you have not yet done so.

The survey contains 13 questions and takes 10 to 15 minutes to fill out.

<https://www.rvronderzoek.org/?f=98xhhcev1p>

Thank you very much in advance.

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## LEGAL AID NEWS FROM AROUND THE WORLD

**PAUL FERRIE**

ONLINE ADMINISTRATOR, ILAG AND LEGAL DIRECTOR, FULTON'S,  
SOLICITORS, SCOTLAND

The news items shown below are largely compiled from online articles, found based on 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.



### Australia

[Aboriginal Legal Aid 'Not Fit For Purpose'](#) – Alice Springs News

[Community Legal Centres Turn Away 1,000 Australians Each Day Despite Growing Need For Help](#) – The Guardian

[Lawyers Are Leaving The Community Legal Sector Due To Low Pay. Creating An Experience Gap](#) – ABC News

[North Australian Aboriginal Justice Agency Resumes Taking On Youth Clients After Mass Exodus Of Lawyers](#) – ABC News

### Canada

[Alberta Expands Legal Aid Eligibility](#) – Canadian Lawyer

[BC Reaches Settlement On Legal Aid For People Suffering Domestic Violence](#) – Canadian Bar Association

[New Family Law Clinic To Open In B.C. By End Of 2024 With \\$29.1M Boost](#) – The Abbotsford News -

[Providing Access To Free Legal Services For Ukrainian Nationals](#) – Government of Canada

### England & Wales

[Civil Legal Aid: MOJ Explores Netherlands 'High Trust' Model](#) – Law Society Gazette

[Civil Legal Aid Review: Law Society Hands Ministry Of Justice Blueprint To Save Fragile Sector](#) – Law Society Gazette

[England: Judges Warn Of Collapse Of Criminal Justice System](#) – Scottish Legal News

[Housing Legal Aid 'On Brink Of Collapse', Experts Warn](#) – Big Issue

[Justice Tech - One Year To Solve The Access To Justice Crisis](#) – Law Society Gazette

[Legal Aid Cuts Risk Shifting Costs To Other Public Services, Says UK Watchdog](#) – Financial Times

[Legal Aid Review: MOJ Has Plenty Of 'Hard Data'](#) – Law Society Gazette

[Solicitor General Opens Free Legal Aid Clinic In Southampton](#) – University of Southampton

[The Ministry Of Justice And Legal Aid – A Dereliction Of Duty](#) – Legal Futures

[Victims Given Greater Access To Justice Through Legal Aid Reform](#) – Ministry of Justice

### India

[NGO Provides Legal Aid To Undertrials In Maharashtra, Securing Bail For Hundreds](#) – Deccan Technology Can Ease Access To Legal Services As It Did With Payments: Infosys' Nandan Nilekani – Business Line

[Workshop On Free Legal Aid Held In Capital](#) – Times of India

## Japan

[Japan To Boost Legal Aid For Crime Victims And Bereaved Families](#) – The Japan Times

## Kenya

[Kenya And Rwanda Win Commonwealth Access To Justice Innovation Awards](#) – The Commonwealth

## Malaysia

[Legal Aid Booths To Be Opened In Courts Across Peninsula](#) – Malay Mail

## Northern Ireland

[Northern Ireland Legal Aid Spend Exceeds £100m](#) – Irish Legal News

## Poland

[Legal Aid And Protection Needs Of The People Displaced From Ukraine: Report On The Results Of The Research In Poland](#) – Relief Web

## Republic of Ireland

[Dearth Of Legal Aid In Housing Disputes 'Felt Most By Socially Excluded Communities'](#) – Irish Examiner

## Scotland

[Access To Justice Remains A Live Issue A Decade After The Taylor Report](#) - Andrew Lothian – The Scotsman

[UN's Help Sought In Forcing Scottish Government To Act On Legal Aid](#) – Scottish Legal News

## Tunisia

[Authorities' Targeting Of Lawyers Undermines Access To Justice](#) – Amnesty International

## United States of America

[Access to Justice Requires Access to Law. So Why Aren't the Advocates of Each More Closely Aligned?](#) – Law Sites

[Above The Line Network Launches For Lawyers Who Work With Middle-Class Clients](#) – ABA  
[HGC Legal Aid Pilot Program Faces 'Overwhelming' Demand, Looks Towards Spring Expansion](#) – The Harvard Crimson

[Missouri AI Rules Could Impede Access to Justice](#) – Bloomberg Law

[New Immigrants Get Legal Aid In Denver Through Free Clinic](#) – Axios Denver

[Why Should You Resolve To Support Civil Legal Aid In 2024?](#) 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>.