

FLAC

***ANNUAL
STATISTICAL REPORT
FOR YEAR 2006***



I. Introduction

FLAC is an independent human rights organisation dedicated to the realisation of equal access to justice for all. It campaigns through advocacy, strategic litigation and authoritative analysis for the eradication of social and economic exclusion. The core of what FLAC seeks is equal access to justice for all. That includes access to lawyers, legal advice and representation. This can make significant contribution to the eradication of social and economic exclusion. To achieve those aims, it is essential for FLAC to have an accurate picture of the legal needs of its callers. With the view to having uniform records and statistics of the overall work of its centres, FLAC continues to promote its Data Collection Programmeⁱ. The information collected from FLAC's network of centres is intended to assist FLAC in its development and in its ongoing research and campaigning efforts to improve the provision of State civil legal aid and access to justice in Ireland.

FLAC was originally established to campaign for the introduction of a State-funded system of civil legal aid. Following the decision of the European Court of Human Rights in *Airey v. Ireland*ⁱⁱ, the Scheme of Civil Legal Aid and Advice was finally introduced in 1980 and the Legal Aid Board (LAB) was established. The service was put on a statutory footing in 1995 with the enactment of the Civil Legal Aid Act and is administered through the LAB. The service is delivered through a network of 30 Law Centres around the country. While FLAC welcomed the introduction of the civil legal aid scheme, barriers to access and gaps remain in the provision of civil legal aid. That is why FLAC continues to campaign for an adequate scheme that guarantees access to legal services for all.

To begin with, there is little diversity in the work done within the civil legal aid scheme. Although the scope of the Act is broad- particularly in relation to legal advice which is available for a range of matters, such as social welfare, debt and consumer law, in practice the LAB has consistently prioritised family law over any other civil matter. Figures from the LAB's Annual Report for 2005 indicate that 91.25% of litigation services and 70.53% of the cases involving legal advice provided by the LAB to its clients were in the areas of family law.

While legal advice is available for persons who are appearing before tribunals, actual representation is not provided for the tribunal hearing itself. Section 27 (2) (b) of the Civil Legal Aid Act, 1995 which allows for the scope of the legal aid scheme to be extended to tribunal representation has never been implemented. Effectively this means that people pursuing social welfare appeals, those appearing before the Tenancy Tribunalⁱⁱⁱ, Employment Appeals Tribunal, or Equality Tribunal are very often unable to secure legal representation as they are unlikely to be able to afford a private solicitor. Certain categories of law are specifically excluded by the legislation. Section 28 (9)(a) of the Act excludes nine "designated matters"^{iv} from the scope of the Legal Aid Scheme, some of which, such as housing law, may impact particularly heavily on low income families.

Entitlement to civil legal aid and advice depends on satisfying both a merits and a means test. The merits test involves assessing whether a reasonable person would bring the case if they had the funds to do so, and whether a reasonable lawyer would advise such an action. This assessment is made by the Board itself. Except from child welfare cases, the Board will also assess whether the applicant has reasonable grounds for instuting, defending or, as the case may be, being a party to the proceedings and whether the case may succeed or not. The test of merit eligibility is not straightforward, and as a result, applicants may find it very difficult to know whether they will qualify.

In addition to the merit test, applicants must pass a means test. During the first three-quarters of 2006 the regulations were as follows. Except for separated or separating spouses, whose incomes are individually assessed, the "disposable" family income of a legal aid applicant was not to exceed €13,000 a year, in other words, €250 a week or less, to qualify for legal aid. To calculate this figure, certain deductions such as income tax and PRSI payments, allowances for dependants, social insurance contributions, childcare expenses up to €1.15 per child and accommodation or mortgage costs up to €94.50 per week were allowed. Small allowances which were taken into account such as interest on loan repayments, hire purchase and travel expenses were all abolished in 2002.

For years, FLAC was extremely concerned in relation to the financial criteria that limited the LAB service and which made it extraordinarily restrictive. When the statutory scheme was introduced in 1996 a means test was devised by regulation. The scheme does not provide for a periodic review of the financial limits on

eligibility. Since then it has been revised in 2002 and recently in September 2006. The amount of allowances is not linked to a variable such as Consumer Price Index. FLAC is of the view that an assessment of means must reflect the actual cost of living and be reviewed annually. FLAC highlighted the issue to the Department of Justice and Law Reform in July 2005, and updated regulations went into effect on 1 September 2006.

As of the 1st September 2006, the new regulations allow for a disposable income of up to €18,000 per year, and childcare and accommodation allowances of €15.38 a week and €153.85 a week respectively. Unlike the previous regulations, the new regulations also completely disregard the applicant's family home as capital for the purposes of qualifying for the service. Yet, the new regulations provide no mechanisms for a periodic revision of the financial limits on eligibility. Where a legal aid certificate is refused the LAB must convey its decision in writing and state the reasons for refusal^v. The LAB published statistics on appeals against refusals for the first time in its Annual Report 2005^{vi}. Until then, the LAB has never published reasons for refusals and it is not clear to what extent clients are informed of such reasons. During 2007 FLAC intends to carry out a survey, of roughly 240 callers to FLAC centres nationally, to probe somewhat into clients perceptions and experiences with the Legal Aid Board.

II. Calls to FLAC's Information and Referral Line in 2006

FLAC head office operates a telephone information and referral line, which is open to individuals, local organizations, advice agencies and social workers during office hours, Monday to Friday. The line assists callers in identifying the appropriate services for their legal needs. Advice is not given over the phone line, but legal information is provided as well as referral to appropriate agencies and/or FLAC centres.

In 2006 FLAC head office received 5,786 telephone enquiries to its information service. This trend is up from 4,480 calls in 2005 and 4,303 calls in 2004, showing a growing awareness of FLAC's service. Family law was again last year the largest area of enquiry, with one-quarter of all calls to the information line being in this sector. The next largest area of enquiry was Consumer/Debt matters which account for 14% of all calls, followed by Legal Services which accounted for 12% of all calls to FLAC's information and referral line. Unlike previous years calls relating to employment law were fewer than in previous years, accounting for only 7% of calls in 2006, compared with 17% and 10% in 2004 and 2005 respectively.

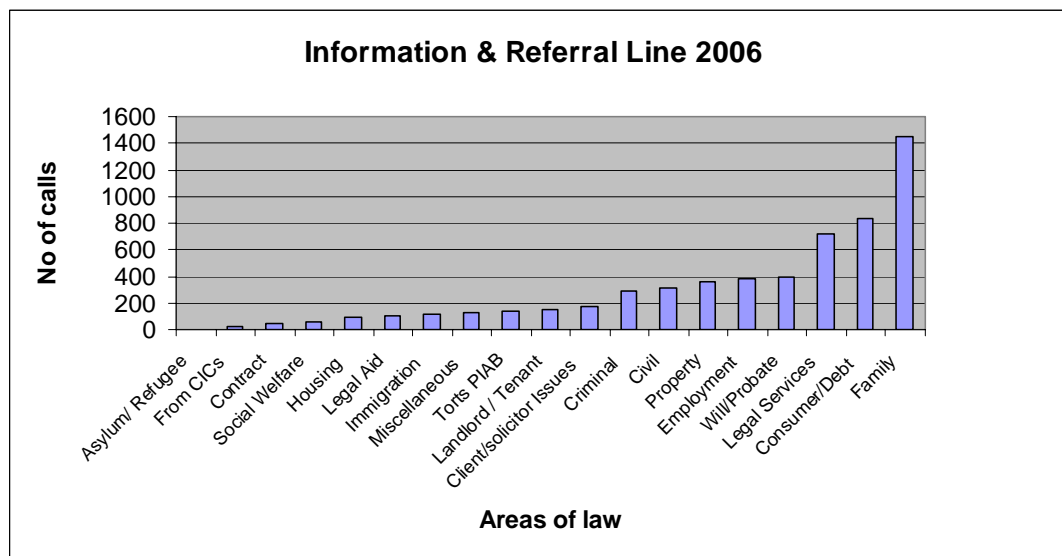


Figure 1 (N=5,786)

III. The Data Collection Programme – 2006 Statistics

When planning the Data Collection Programme, the above areas of concern about state civil legal aid provision were taken into consideration. FLAC recognises that precise information supplied by its volunteer legal advisors supports its representations to government, in a practical way. It began its current Data Collection Programme in 2004 and by the end of 2006, 31 of its centres were supplying information that have helped to advance its campaign for a more comprehensive civil legal aid scheme.

This report provides information collected from the legal advice centres which participated in the Data Collection Programme during 2006. In the Dublin area, participating centres included Adelaide Road,

Ballyboden, Ballyfermot, Ballymun, Blanchardstown, Clondalkin, Crumlin, Dundrum, Finglas, North King Street, Prussia Street, Pearse Street, Rathmines, Tallaght, Whitehall/Beaumont and the National Association for Deaf People (NAD). Among the participating centres from the rest of the country were Bantry, Ballina, Castlebar, Cork City, Clonmel, Listowel, Navan, Naas, Newbridge, Sligo, Thurles, Tralee, Tullamore and Wexford. Information was gathered from data collection forms used in the legal advice centres during personal consultations with callers. Every visit of a person to a centre is treated as one caller, and one form is used per caller. According to the data available to FLAC head office 4,353 forms were returned from participating centres in 2006.

1. Areas of Law discussed with clients

Callers visiting FLAC's network of centres seek legal information regarding one or more areas of law. The total number of legal queries recorded in 2006 was 4,468, as compared with 3,811 in 2005 and 3,536 in 2004. The following table shows the type of legal queries that FLAC callers brought to its network of centres.

In 2006, FLAC callers mainly sought legal information on civil law matters; only 5.5% requested information on criminal law.^{vii} When examining the sort of civil legal matters on which advice was sought, we see that the most frequently discussed area of law was family law, with 33.7% of the total number of the queries. However, the remaining 59.1% indicates that more than half of FLAC callers needed legal advice and information on a wide range of non-family matters.

Table 1 Areas of Law Discussed at FLAC Centres; 2004-2006

Areas of law discussed at FLAC centres		2004		2005		2006		
		Count	%	Count	%	Count	%	
Civil law	Family	1249	35.3	1425	37.4	1504	33.7	
	Non-family	Employment Law	361	10.2	343	9.0	455	10.2
		Succession/Probate	293	8.3	342	9.0	395	8.8
		Property	265	7.5	288	7.6	389	8.7
		Housing	247	7	275	7.2	336	7.5
		Consumer Law	179	5.1	192	5.0	265	5.9
		Credit and Debt	123	3.5	120	3.1	135	3.0
		Immigration/Refugee Law	95	2.7	83	2.2	83	1.9
		Social Welfare Law	63	1.8	58	1.5	68	1.5
		Other civil matters	464	13	495	13	593	13.3
	Total non-family	2090	59.1	2196	57.6	2719	60.8	
Criminal law		197	5.6	190	5.0	245	5.5	
Total legal queries		3536	100	3811	100	4468	100	

For instance, in 2006 one in five callers needed advice on either employment law or succession/probate. Housing was another area of considerable need for legal advice and information with over seven percent of the total number of queries, covering matters such as tenant's rights, neighbour disputes and local authority housing issues. Other areas of law where legal information was sought included property, social welfare and credit and debt. The category "other civil matters" included queries related to personal injuries, medical negligence, defamation, client/solicitor relationship and road traffic accidents, to name but a few.

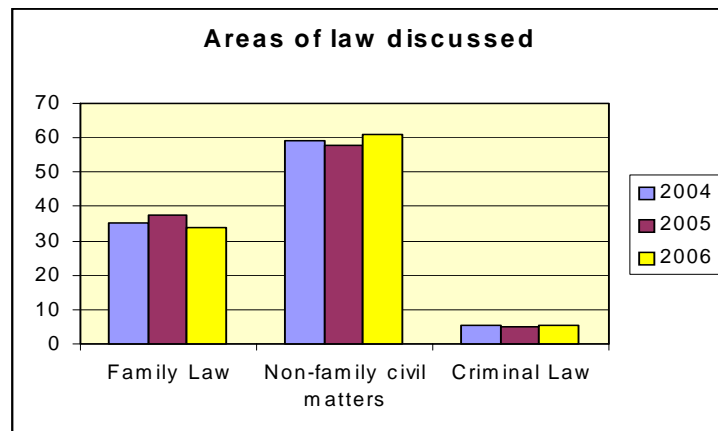


Figure 2 (N2004=3536; N2005=3811; N2006=4353)

Does the caller have a solicitor?

Callers were asked whether they currently had a solicitor^{viii}. Of the 2,386 respondents who answered this question, the majority said that they had no solicitor (77.3%; 1844/2386). Just over one in five callers said they had (22.7%; 542/2386). While these figures are very similar to previous years, there does appear to be a small increase in the number of clients calling to FLAC centres who already have a solicitor.

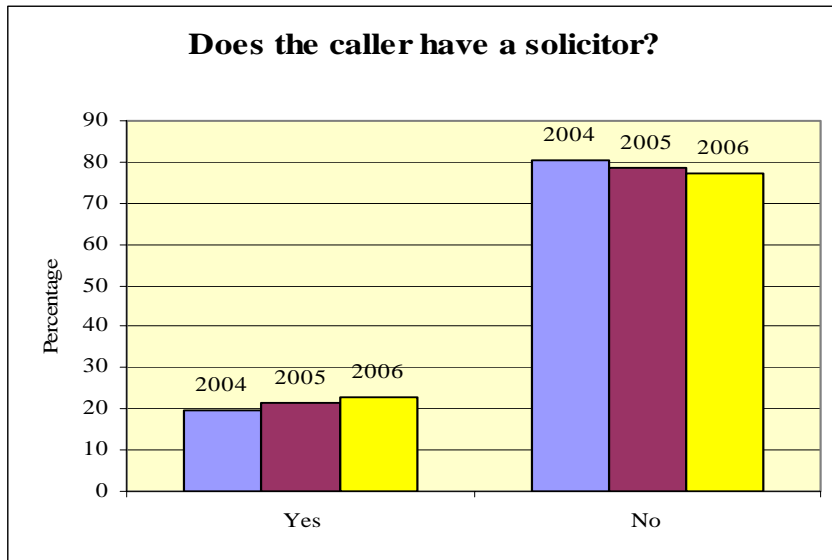


Figure 3 (N2004=1766; N2005=1681; N2006= 2386 respondents)

Of the 542 respondents who had a solicitor, 320 specified whether they had a private solicitor or were clients of one of the LAB Law Centers. One in five was a client of the Legal Aid Board (21.3%; 68/320), which compares with only one in ten in 2005. The remaining 78.1% (250/320) had privately hired a solicitor. Compared with previous years, this shows a slight increase in the numbers using Legal Aid Board solicitors. Figure 3 illustrates the breakdown.

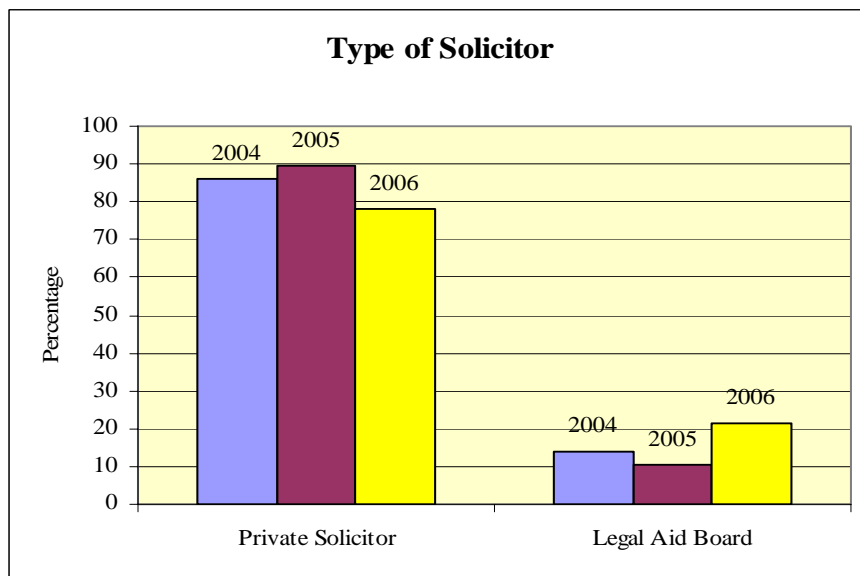


Figure 4 (N2004=225; N2005=363; N2006= 320 respondents)

Finding out about the FLAC Centres

Callers found out about FLAC through a broad range of different sources. Some 1737 respondents provided information relating to how they heard about FLAC's service. Citizen's Information Centres (CICs) - where FLAC centres^{ix} operate on a weekly or bi-monthly basis, were the main source of referrals for FLAC (49.9%; 866/1737). Word of mouth^x was the second most cited way of learning about FLAC (28.8%; 500/1737).

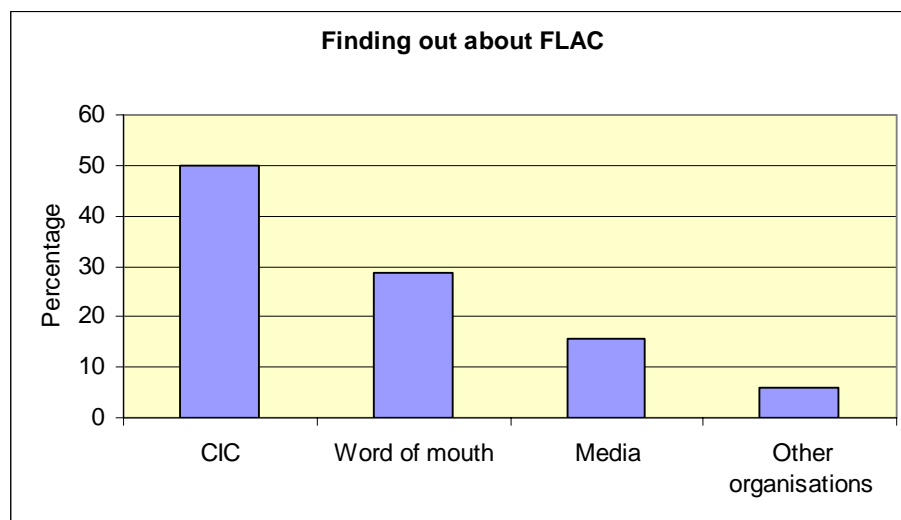


Figure 5 (N= 1737 respondents)

General media were the next source of connection to FLAC, reported by 15.5% of clients. The main sources were the internet, newspapers, Yellow Pages, leaflets, the radio and street signs. The remaining clients reported hearing about FLAC through various community and voluntary organisations. The media sources through which clients in 2006 found out about FLAC included the following:

- Internet 68 clients
- Newspaper 55 clients
- Yellow Pages 55 clients
- Leaflet 25 clients
- Radio 23 clients
- Street signs 23 clients
- Newsletter 10 clients
- Library 6 clients
- General advertisement 7 clients
- TV programme for deaf people 2 clients
- FLAC magazine 1 client

How FLAC helped: Legal information & referrals

Callers dropping in to FLAC network of centres can get access to first stop legal information about general rights and entitlements. When further legal advice or legal representation is needed FLAC advisors make referrals. Figure 5 shows how FLAC assisted its clients during 2006.

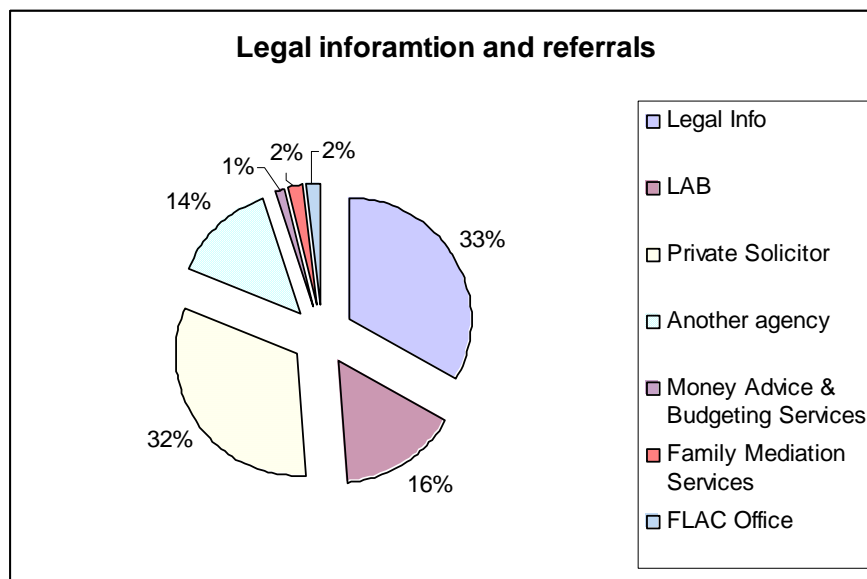


Figure 6 (N= 4353 clients)

As can be seen, in 2006 one in three callers were provided with legal information by FLAC volunteer advisors. The remaining callers, apart from being informed about their legal query, were referred to the LAB Law Centres, other statutory and/or voluntary organisations, a private solicitor and/or FLAC Office.

5. Exploring caller's experience in accessing legal services

Callers were asked whether they had previously experienced difficulty in accessing legal assistance. Of the 575 callers who answered this question, one in five reported that they had experienced such difficulties (21.1%; 122/575).

Callers were also asked whether they had heard about the Legal Aid Board. This was asked to assess awareness of the LAB's existence. Of the 1,622 respondents who answered this question in 2006, 53.1% (862/1622) stated that they had never heard of the Legal Aid Board, while 46.9% (347/923) answered that they had heard about the service. This shows that by 2006 almost one in two clients calling to FLAC centres were familiar with the Legal Aid Board. This compares to roughly one in three in 2005, showing an encouraging trend in awareness of the legal aid board. Figure 6 illustrates the breakdown^{xi}.

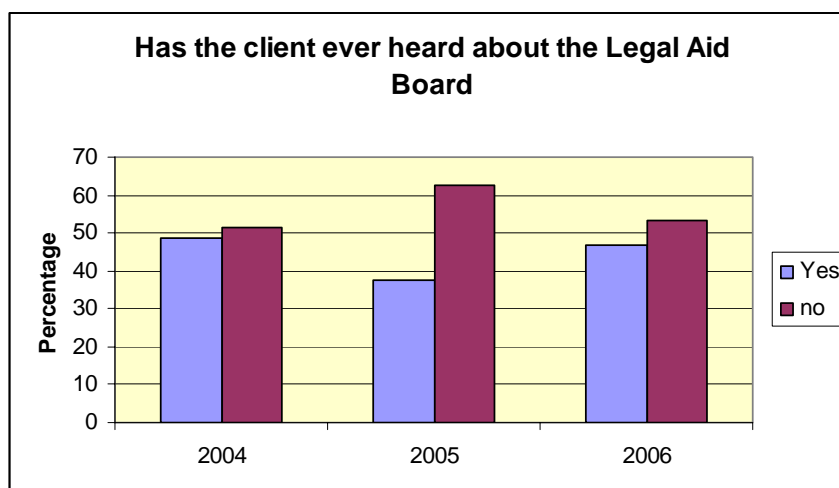


Figure 7 (N2004= 779 respondents; N2005= 923 respondents; N2006= 1622 respondents)

Following from that, callers who had heard about the LAB were also asked whether they had ever applied for legal aid. Of the 783 respondents to this question, 26.8% (210/783) applied for legal aid and the remaining 73.2% (573/783) did not apply.

- The 210 callers who applied for legal aid were asked the following three questions:

For how long did you have to wait to see a solicitor?

138 callers answered this question. The breakdown is as follows:

Table 2 Waiting times to see a solicitor

Waiting times	2004 (%)	2005 (%)	2006 (%)
Within 4 months	51.5	60.3	71.7
5 to 12 months	25	21.4	10.9
Over 12 months	8.8	6	5.8
Not aware/still on waiting list	14.7	12.3	11.6
Total	100	100	100

(N2004= 68 respondents; N2005= 65 respondents; N2006= 138 respondents)

What was the matter in question?

161 callers answered this question. Of those, 135 respondents indicated that they had applied to the LAB in relation to family law matters.

Table 3 Legal Matter in Question

Legal matter in question:	No. of clients	%
Family Law	135	83.9
Immigration/ Refugee Law	12	7.5
Housing	4	2.5
Credit/ Debt	3	1.9
Criminal Law	2	1.2
Property	2	1.2
Other	3	1.9
Total	161	100

Were you granted legal aid?

189 clients gave answers to this question for the data collection form. 108 of these respondents had been granted legal aid, and 65 had been refused. A further 16 were not yet aware as they were still on the waiting list. From the data it was possible to show how many of the clients who stated the legal matter relevant to their application in the previous question were successful at being granted legal aid. The results showed that all 12 of the applicants applying for legal aid for an immigration or refugee law matter were granted legal aid. The majority of those applying for legal aid for family law were also successful. However, none of the respondents who had applied for legal aid for housing, credit, criminal or property matters were granted legal aid. While criminal matters might be excluded because a separate legal aid scheme covers these, credit cases are well within the remit of the Legal Aid Board, as are many housing matters. This, however, is not widely known.

Table 4 Matters granted legal aid

Was legal aid granted:	Yes	No	Waiting list	No Response	Total
Family Law	82	30	10	13	135
Immigration/ Refugee Law	12	-	-	-	12
Housing	-	3	1	-	4
Credit/ Debt	-	2	1	-	3
Criminal Law	-	2	-	-	2
Property	-	1	-	1	2
Other	2	1	-	-	3
Total	96	39	12	14	161

Of the 65 callers who were refused legal aid/advice, 50 gave the reasons. 12 said that their matter was not covered, 15 failed the means test, 7 failed the merits test, and the remaining 16 either didn't know or hadn't been given a reason.

- **The 550 callers who said they had heard about the LAB but who had not applied for legal aid were asked the reasons for not having done so.**

Of the 291 callers who responded this question, over half of those that gave a reason claimed that they did not apply because they felt it was not necessary. Only eight clients did not apply because they thought or knew they would not qualify. Seven clients did not apply based on advice given to them regarding financial limits and whether the matter would be covered. Five clients chose not to apply because of the waiting time involved.

Table 5 Reasons for refusal of legal aid

Reason clients did not apply for legal aid:	No. of clients
Deemed it unnecessary	26
Deemed they would not qualify	8
Previously advised not to	3
Previously advised they would be over the limit	1
Previously advised that the matter was not covered	3
Chose not to apply due to delay	5
Were not aware of the extent of the service	3
Client plans to apply	2
No reason	240
Total	291

6. Callers' demographic profile

Employment status and income

Callers dropping in at FLAC legal advice centres come from a wide range of backgrounds. Some 1,670 callers provided information relating to their employment status; over half of those indicated that they were working either in a full or part-time job, as self-employed, or participating in a Community Employment (CE) Scheme.

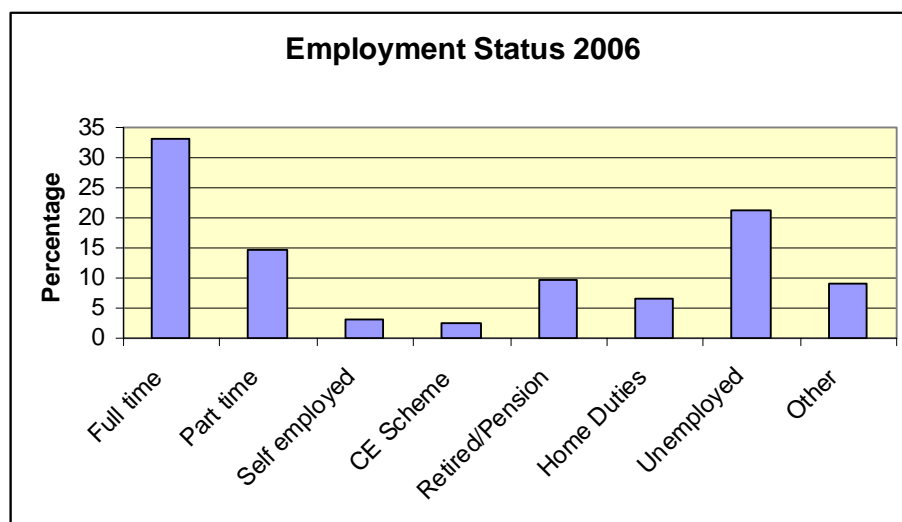


Figure 8 (N=1670)

As can be seen in the tables below, the number of unemployed callers visiting FLAC centres has dropped from 21.70% in 2004 to 16.20% in 2005, but went back up to 21.3% in 2006. The number of social welfare recipients though has increased 2.20% in comparison to the previous year.

The number of retired or pensioner clients also slightly dropped when compared to the previous two years. In 2006, there was a fall in the number of clients who performed home duties. The number of clients who are self employed had doubled since 2004.

Table 6 Employment Status of callers to FLAC centres

Employment status	2004	2005	2006
Full time	32.70%	35.80%	33.2%
Part time	15.00%	14.20%	14.6%
Self employed	1.30%	2.20%	3.0%
CE Scheme	2.10%	1.60%	2.4%
Retired/Pension	11.20%	10.90%	9.8%
Home duties	8.20%	8.90%	6.5%
Unemployed	21.70%	16.20%	21.3%
Other	7.80%	10.20%	9.2%

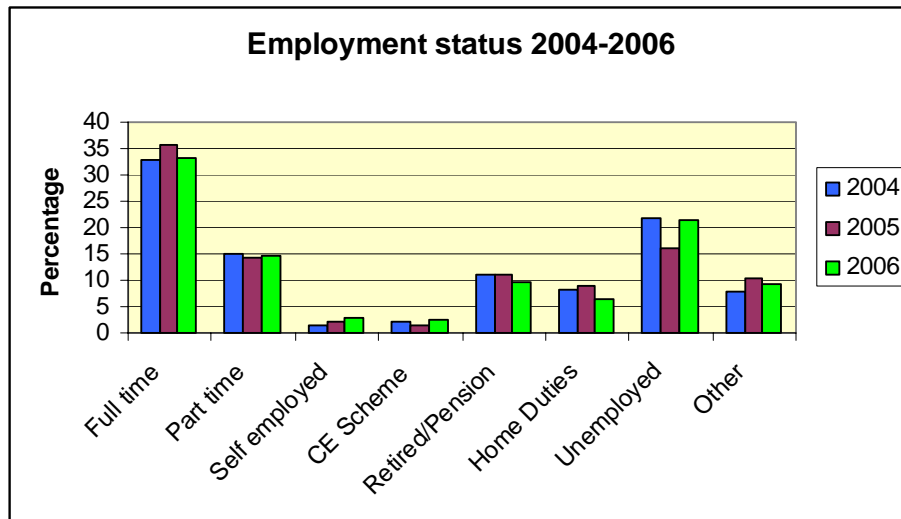


Figure 9 (N2004= 874; N 2005=1028; N2006= 1670)

In relation to the callers' household income, in year 2006 one in three callers said they had a gross annual household income over €20,000. One in four was a social welfare recipient and almost one in five had an income between €13,000 and €20,000.

Table 7 Gross Annual Household Income of callers to FLAC centres

GAHI	2004	2005	2006
under €8000	17.20%	9.40%	8.27%
€8000 - €13000	16.20%	14.50%	13.09%
€13000 - €20000	20.40%	19.60%	17.79%
over €20000	24.80%	33.70%	32.83%
Social Welfare	20.20%	22.40%	27.82%
Direct Provision	1.20%	0.40%	0.20%

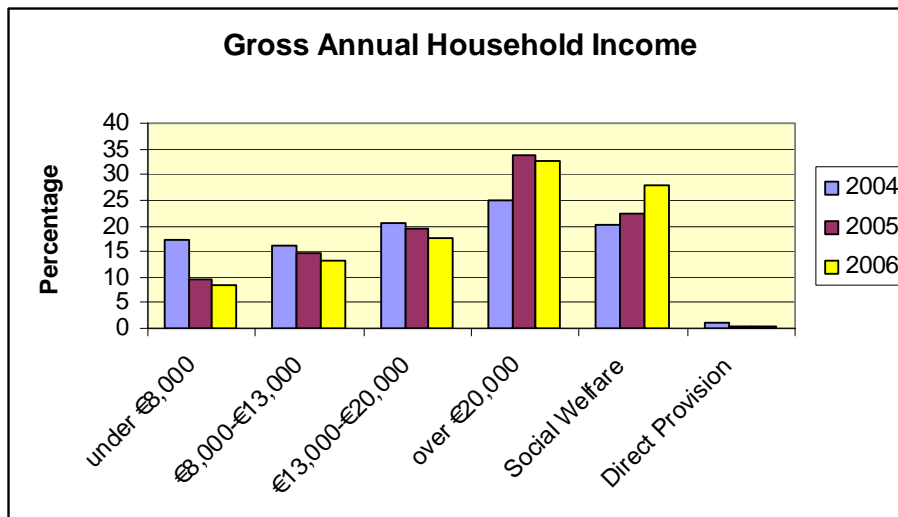


Figure 10 (N2004= 723; N 2005=1028; N2006= 1535)

Marital status

In examining the marital status of callers who answered the question (1,714 respondents), we see a diversity of backgrounds as well. In 2006, 35.4% (606/1714) of our callers were married, a further 28.8% (494/1714) were single with no children and 14.9% (256/1714) were separated or divorced. Over 13% of callers was a single parent (229/1714). Widow or widowers amounted to 4.1% (71/1714) of the clients, while cohabitants made up 3.4% (229/1714).

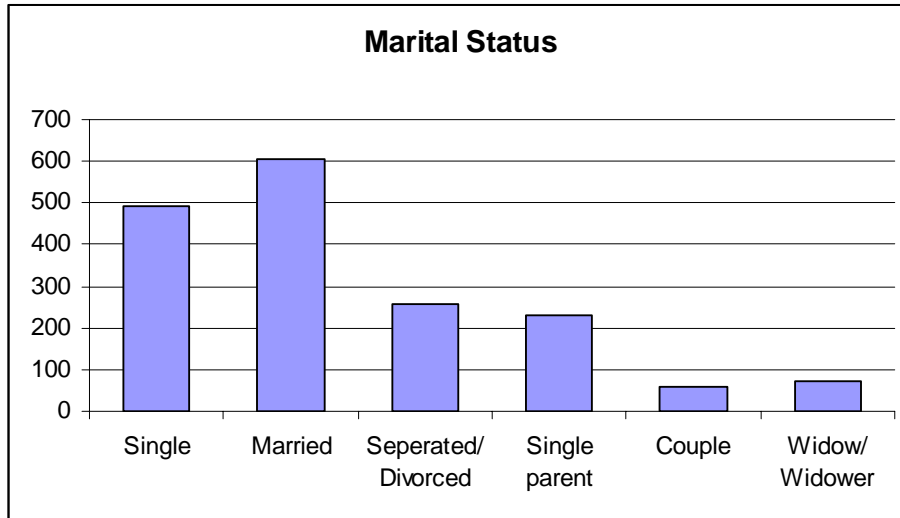


Figure 11 (N=1714)

Resident dependants

Clients were asked to give information on how many dependents they have living with them. A total of 1,875 callers answered this question. Over half of FLAC callers in 2006 who gave this information reported that they did not have any resident dependents (59%; 1106/1875). 16% of the callers had one dependent child, 12.5% had two dependent children, 6.5% had 3 children, 5.4% had more than 3 dependent children, while only 0.6% had a resident dependent other than a child.

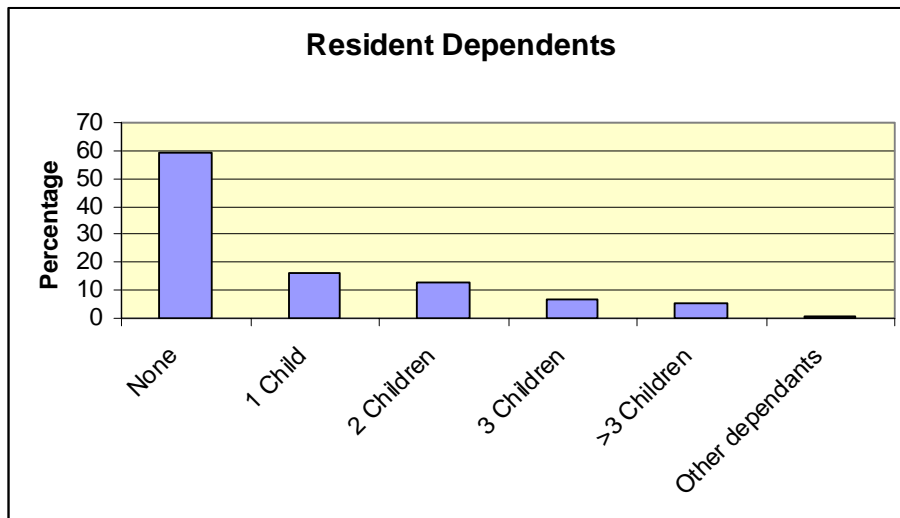


Figure 12 (N=1875)

Home ownership

The home status of FLAC callers who answered this question covers a diverse range of situations. Some 1648 respondents provided information in relation to their accommodation status. In 2006, 22% of FLAC callers lived in a house or apartment which they owned outright without a mortgage. Just over 26% of callers lived in a dwelling that they own with a mortgage. Just over one quarter of

the callers lived in the private rented sector, while just over twelve percent lived in local authority housing.

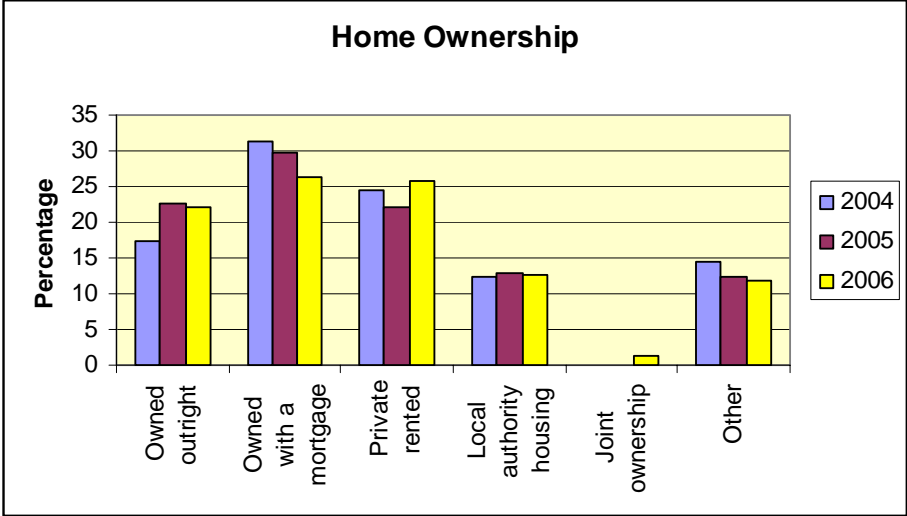


Figure 13 (N2004= 840; N2005= 1012; N2006= 1648)

Gender

As in previous years, more women than men visited our centres in search of legal information in 2005.

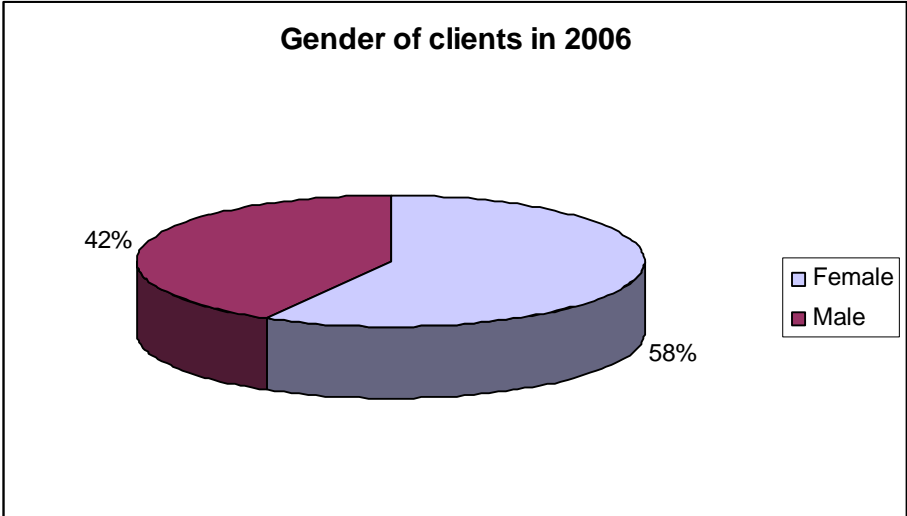


Figure 14 (N= 1905)

Age group

Some 1929 callers in 2006 provided information regarding their age. As in the previous year, most FLAC callers were in the 35 – 50 and 25 – 34 year old bracket.

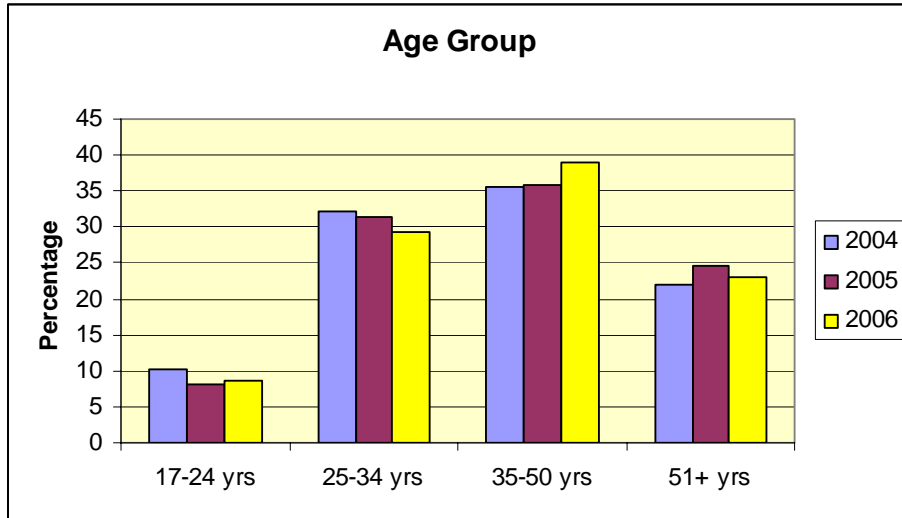


Figure 15 (N2004= 1074; N2005= 1230; N2006= 1929)

Nationality

Most callers to FLAC centres in 2006 were Irish nationals. Of the 1904 respondents to this question, EU/EEA nationals only accounted for 7.61% (up 0.6% from 2005) and non-EU/EEA nationals for 8.98% (up 2% from 2005).

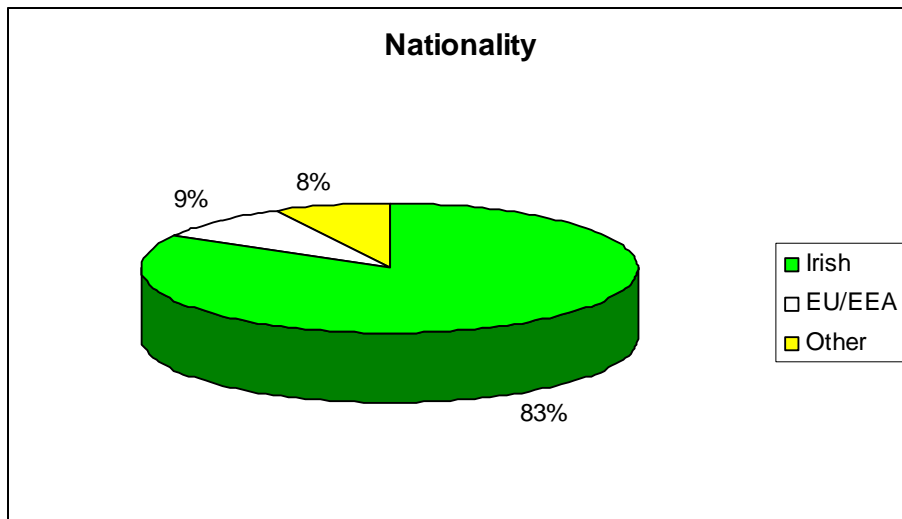


Figure 16 (N= 1904)

The bulk of non-Irish callers were received at the North King Street FLAC centre with 56 foreign callers, followed by the Blanchardstown FLAC centre with 50 non-national callers. FLAC currently provides immigration specialised legal advice in those centres. The largest groups of non-nationals were from Nigeria, Britain and China.

Table 9 FLAC Centres * Client's nationality Crosstabulation

Count		Client's nationality				Total
		Irish	Other	EU/EEA	Not recorded	
FLAC Centres	Adelaide Road	24	3	1	72	100
	Ballyfermot	238	4	6	55	303
	Blanchardstown	89	38	12	92	231
	Clondalkin	9	2	1	167	179
	Crumlin	82	2	1	37	122
	Dundrum	31	4	2	102	139
	Finglas	62	2	3	131	198
	North King Street	96	43	13	69	221
	Prussia Street	29	3	1	26	59
	Tallaght	85	8	3	127	223
	Whitehall/Beaumont	4	2	0	0	6
	Cork	192	23	20	21	256
	Ballyboden	19	2	1	4	26
	Pearse St	13	0	2	13	28
	Ballymun	0	0	0	93	93
	Rathmines	62	18	12	18	110
	NAD	6	0	2	0	8
	Total	1041	154	80	1027	2302

Immigration Status

Only 51 callers to FLAC centres in 2006 gave information on their immigration status. Of these people 9 claimed that they are asylum seekers and 6 claimed that they are refugees. The remaining 37 stated other immigration status, for example less than one third were residents in Ireland.

Client's first language

Almost 90% of the callers to FLAC centres in 2006 stated that their first language is English. However, there was a huge range of first languages recorded, a total of 48 languages. The largest groups were Polish, Russian, Irish, Spanish, Nigerian, German and French.

Table 8 First language of callers to FLAC centres

	Frequency		Frequency
English	1641	Algerian	2
Polish	22	Hungarian	2
Russian	15	Twi	2
Irish	13	Estonian	2
Spanish	13	Thai	2
Nigerian	12	Greek	1
German	11	Urdu	1
French	10	Cantonese	1
Chinese	9	Somali	1
Arabic	8	Farsi	1
Latvian	7	Icelandic	1
Bulgarian	6	Khana	1
Romanian	6	Swahili	1
Lithuanian	5	Kazakh	1
Dutch	4	Croatian	1
Portuguese	3	Visayan	1
Irish Sign Language	3	Tagalog Filipino	1
Hindi	3	Chechen	1
Swedish	3	Slovak	1
Ukrainian	3	Punjabi	1
Czech	3	Indian	1
Italian	3	Bangladeshi	1
Filipino	3	Mandarin	1
Yoruba	2	Italian	1
Total			1837

IV. Summary of findings

This is the third year of FLAC's data collection programme from its centres around the country. Approximately half of the centres participate in the programme. The results show a similar picture to previous years.

The returns that give the overall picture have increased by approximately 10%. Half of FLAC's 60 centres participated in the 2006 Data collection programme and returned almost 4,500 forms. Extrapolating from this, and based on the experience of previous years, we believe that approx. 9,000 used FLAC's service nationally.

The results show that family law is an area where people need our first stop legal advice and information with approximately one caller in three. Even callers who subsequently go to a private solicitor or to legal aid often need immediate advice. This can be a problem for clients dependent on legal aid. Even though the waiting times have dropped drastically, (see below), many people – particularly in the early stages of matrimonial or family breakdown will be severely disadvantaged by having to wait one, two or three months. Apart from the emergency service mainly devoted to domestic violence cases, the Legal Aid Board has little capacity to identify where quick advice is needed. A pilot project providing an advice only service was undertaken by the Board> FLAC understands that the results are being examined. That such a service is needed is borne out by the FLAC figures. Many people do not

need an elaborate structure and complicated service delivery. Many just need accessible and timely legal advice.

It is however a welcome trend to see that of those who have a solicitor, the number going to the LAB Law Centres has risen from 10% in 2005 to 20% in 2006. At the same time, the waiting time to see a LAB solicitor has fallen, in most cases surveyed to below 4 months. In addition, knowledge of the legal aid board seemed to have increased. However, only 1 in 2 of FLAC's callers surveyed knew of the existence of the LAB Law Centres

The number of non-nationals using FLAC centres has increased by 3%. More striking is that of those who approached us, 1 in 10 did not speak English as a first language. It will be commonly acknowledged that the legal system is difficult even for those who speak and read English easily. The difficulties for those who speak other languages, and who come from different legal systems are therefore greatly increased. This leads to the conclusion that there is a need for easily understood and accessible documentation and information about law as it applies to most people. FLAC's leaflets issued across a range of legal topics have been issued in response to that need. Current survey trends point to the need for translation and interpretation facilities to allow people to access justice.

FLAC serves a widely varied public. Most of its callers are aged between 25 and 50. More are women than men. Half of our callers own their own houses – with or without a mortgage. Half are not home owners. 16% of callers had questions about housing and property. This then constituted one of the biggest areas of enquiry after family law. People are understandably anxious and concerned when legal issues arise around housing, around landlord and tenant rights and their shelter. Nonetheless, these areas are – at least at first glance – excluded from civil legal aid. What is not widely known or understood is that a number of property and housing matters are within the scope of the scheme. Apart from this, the State should seriously examine a legal aid scheme which will give assistance to people because they can bring themselves within certain areas of law, but will exclude people trouble in other areas. Thus two people in similar need and similar circumstances can be treated unequally by the State by virtue of a random classification of law.

As in previous years, half of the referrals to the FLAC clinics came from the Citizens Information Centres. This partnership with the Citizens Information Board (formerly Comhairle) has been a helpful one for clients of FLAC centres who can get an easy referral and who will be familiar with the system. One of the greatest difficulties for those who seek to access justice and the law is the danger of being passed from pillar to post, from one office to another, without any clear understanding of the connection between the various offices. Much more could be done by the State to connect up their various services and thus reduce the risk of “referral fatigue” for people who are possible already overburdened with problems.

Finally, FLAC centres depend on the voluntary commitment of the volunteers who staff them around the country. This report serves as a vindication of their work, giving legal advice to the many who need it and also giving valuable insights to the wider community on the gaps that remain in meeting legal need in Ireland. We salute and offer our gratitude to all FLAC volunteers and hope that we can continue to depend on their sterling services in the future.

ⁱ The Data Collection Programme is funded by the Scheme to support Federations, Networks and Umbrella Bodies in the Community and Voluntary Sector and was co-ordinated by Marcela Rodríguez-Farrelly, Research and Development Officer up to April 2007 with the assistance of an intern. The programme was introduced in January 2004 and has been gradually launched at FLAC centres located in the Dublin and the greater Dublin area, as well as the Legal Advice Centres located outside the greater Dublin area.

ⁱⁱ *Airey v Ireland* [1979] 2 EHRR 305.

ⁱⁱⁱ Tenancy Tribunal of the Private Residential Tenancies Board of Ireland

^{iv} Section 28 (9)(a) of the Civil Legal Aid Act, 1995 excludes nine “designated matters”, which are “... (i) defamation; (ii) disputes concerning rights and interests in or over land; (iii) civil matters within the jurisdiction of the District Court (Small Claims Procedures) Rules, 1993; (iv) licensing; (v) conveyancing; (vi) election petitions; (vii) a matter as respects which the application for legal aid is made in a representative, fiduciary or official capacity and the Board, having regard to any source from which the applicant is or may be entitled to be indemnified in respect of the costs of the proceedings concerned and any resources of the persons who would be likely to benefit from a successful outcome of the proceedings for the applicant, is of opinion that legal aid should not be granted; (viii) a matter the proceedings as respects which, in the opinion of the Board, are brought or to be brought by the applicant as a member of and by arrangement with a group of persons for the purpose of establishing a precedent in the determination of a point of law, or any other question, in which the members of the group have an interest; (ix) any other matter as respects which the application for legal aid is made by or on behalf of a person who is a member, and acting on behalf, of a group of persons having the same interest in the proceedings concerned...”

^v Civil Legal Aid Regulation, 1996 – Section 7

^{vi} Legal Aid Board Annual Report 2005, page 18

^{vii} The Criminal Legal Aid Scheme is more straight-forward than the Civil Legal Aid Scheme. It is a matter for the judge to consider whether the person can pay to their legal representation. This entitles the party to free legal aid where no contribution is paid.

^{viii} FLAC does not supply a second opinion service. However, callers sometimes have queries relating to costs or other questions which for reasons of expense or embarrassment they do not feel comfortable bringing to their solicitor.

^{ix} All FLAC centres that reported data during 2006 operate at the Citizen’s Information Centres (CICs), except from Pearse St., Prussia St. and NAD Centres, which operate at the St Andrews Resource Centre in Dublin 2, Aghrim St Parish Centre in Dublin 7 and NAD Head Office, 35 North Frederick Street, Dublin 1 respectively

^x Word of mouth includes clients who previously used FLAC service and referrals from friends and a family member

^{xi} In 2004, 51.3% (400/779) of the total number of respondents said “No” to that question, while 48.7% (379/779) answered “Yes”, as indicated on the FLAC Statistical Report for year 2004, page 11. In 2005, 62.4% (576/923) of the total number of respondents said “No” to that question, while 37.6% (347/923) answered “Yes”, as indicated on the FLAC Statistical Report for year 2005, page 6.



This is not a legal interpretation. For more information please refer to the leaflet on legal aid.

Free Legal Advice Centre, 13 Lower Dorset Street, Dublin 1. Telephone: 01-8745690 Website: www.flac.ie

FLAC is an independent human rights organisation dedicated to the realisation of equal access to justice for all. It campaigns through advocacy, strategic litigation and authoritative analysis for the eradication of social and economic exclusion.