

Media Briefing: Launch of FLAC Annual Report 2013 Embargoed to 1am Monday, 7 July 2014

FLAC publishes its annual report for 2013 on Monday 7 July 2014. Launching the report in FLAC's offices on Dorset Street, Dublin 1 will be Chief Justice Susan Denham, with an introduction by FLAC Chairperson Peter Ward SC, a contribution from Columb Fortune of FLAC's telephone information & referral line and a conclusion by Noeline Blackwell, FLAC's Director General.

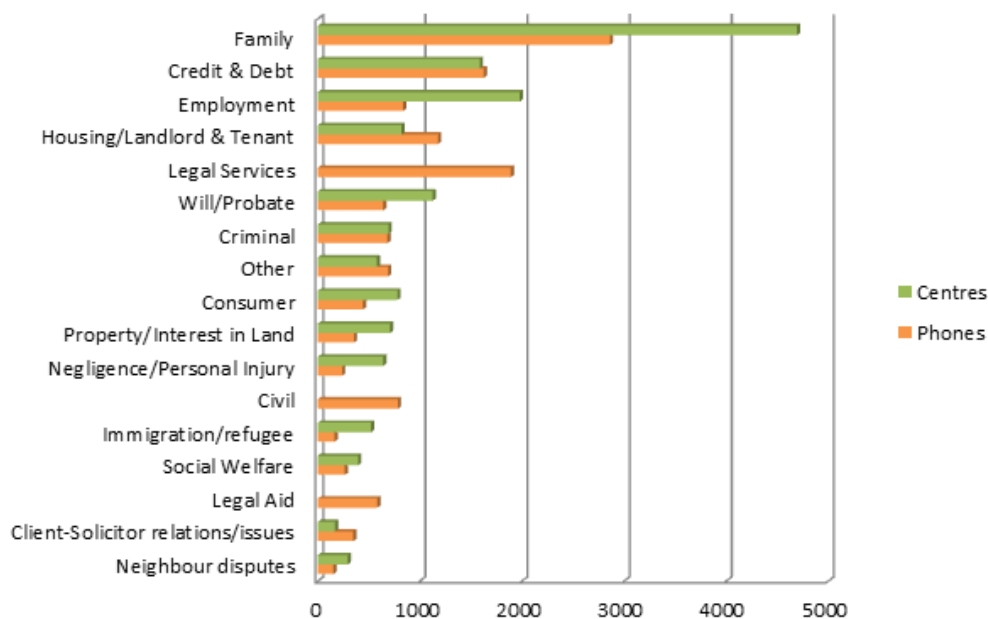
Background: FLAC's work in 2013 - based around the three interconnecting cogs of **advice & information**, **analysis** and **advocacy** - has focused on improving support systems for people: in basic legal assistance, in ensuring fairness in social welfare decisions and in dealing with personal debt & consumer credit as well as promoting the right of access to justice and the use of law in the public interest.

2013 stats: Calls to our national telephone information line in 2013 were up 10% over the previous year, while queries at our voluntary advice centres rose just over 6%. We helped **more than 27,500 people** around the country with their legal problems through the skills of our dedicated telephone team and our more than 500 volunteer solicitors and barristers.

Headline statistics for FLAC information services in 2013:

- **13,741 telephone line calls** - this is **up 10% over 2012**, of which
 - Top areas of law – family (20.8% of calls), credit & debt (11.8%), housing/landlord & tenant (8.6%), employment (6.1%)
 - credit and debt calls up 9.4%
 - neighbour dispute calls up 56.1%
 - housing/landlord & tenant calls up 83.5%
 - contract law calls up 93.5%
- **13,805 queries recorded at participating legal advice centres** - this is **up 6.3% over 2012**, of which
 - Top areas of law – family (34% of calls), credit & debt (11.5%), housing/landlord & tenant (5.9%), employment (14.3%)
 - credit and debt up 26.5%
 - housing/landlord & tenant up 12.7%

Queries to FLAC 2013



Priority areas of work: In FLAC's **key areas of work**, FLAC has concentrated on providing practical, useful legal information to the public and to support other bodies working with the public, on monitoring the state's duty to

respect, protect and realise basic human rights, and on promoting legal reform that is progressive, fair and that advances social justice. This includes:

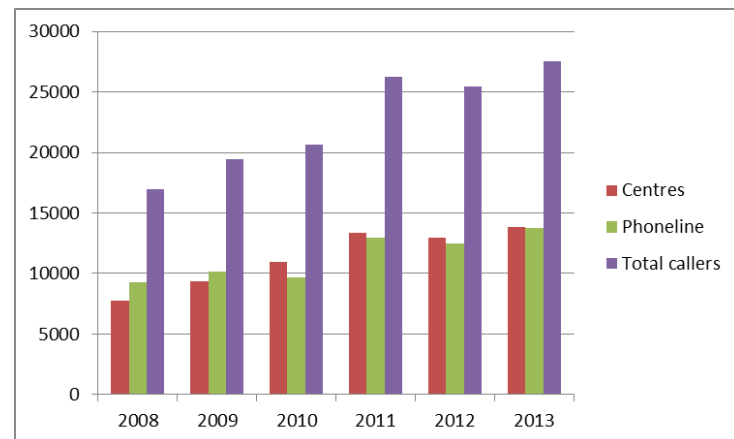
- providing basic legal information to the public through a **dedicated phone-line team** and offering legal advice at **81 locations around Ireland**. These services are **free, not means tested and confidential**;
- clarifying **consumer credit rights** and **personal debt law** reform through strategic litigation and policy submissions;
- preparing **guides** for the public on topics like the Mortgage Arrears Resolution Process /Code of Conduct on Mortgage Arrears;
- campaigning for the **legal recognition of transgender people**;
- advocating for a fairer, more accessible and more transparent social welfare system and for a human rights approach to budgeting;
- progressing public interest law in Ireland via our Public Interest Law Alliance project (PILA).

Importance of basic systems: Our day-to-day contact with people on the ground tells us that many find themselves in desperate situations through no fault of their own where they need support, whether short or long-term. This support must come from state systems that are as fair, accessible and transparent as possible. Equally, the state should adopt a human rights-based approach to budgeting. FLAC believes that by respecting, protecting and enforcing basic standards of human rights, the state will ensure that Ireland will come through the recession as a healthier, more cohesive society in a better position to move on from austerity.

Need for basic legal information and support: FLAC's long-standing campaign for better access to justice for all centres on the message that our **system of state legal aid needs to be strengthened, not undermined**. An almost doubling of the demand for state-funded legal services in recent years coincides with greater pressure than ever on FLAC's services. Our volunteers have risen to the challenge; more than 700 lawyers give in excess of 4000 hours of free legal advice and information to people in our clinics annually. FLAC is also able to maintain a phone line providing free legal information to the public.

Over the last six years, FLAC has directly helped people with more than 136,000 queries to its legal advice centres and telephone information line. This breaks down as

- 2008: 9244 (phonenumber) and 7733 (centres): 16,977
- 2009: 10,154 (phonenumber) and 9321 (centres): 19,475
- 2010: 9712 (phonenumber) and 10,967 (centres): 20,679
- 2011: 12,923 (phonenumber) and 13,362 (centres): 26,285
- 2012: 12,459(phonenumber) and 12,991 (centres): 25,450
- 2013: 13,741 (phonenumber) and 13,805 (centres):27,546
- **Total queries 2008-2013: 136,412**



Queries to FLAC telephone information line and legal advice centres 2008-2013

Clearly people need help with legal problems and they cannot afford to seek it out of their own resources. The state civil legal aid service, the Legal Aid Board, deals primarily with family law issues and requires applicants to have a

disposable income of less than E18,000 per annum; even if you pass the means test, in some parts of the country you will wait up to a year for even an initial consultation with a state lawyer. This cannot be seen as satisfying the right of access to justice.

Ongoing reform of personal debt laws: This issue continues to dominate the national agenda; credit and debt law was the third largest area of enquiry in FLAC's centres and the second on our phone line in 2013. While FLAC acknowledges recent reform in the area, we seek ongoing review of the personal insolvency law. Our continuing concerns around personal debt law reform can be summarised as:

- **Urgent need for better solutions** – people contacting FLAC are not being adequately served by current solutions - long-term mortgage arrears continue to grow, people are having to negotiate unsupported with vastly better resourced lenders, advice services are over-burdened;
- **Holistic view:** Debt must not be taken in isolation as it is entwined with other issues such as family, employment or health problems. Government policy on personal debt must therefore be holistic, taking into account a person's entire debt situation and offering a suite of remedies;
- **Independent system:** FLAC has made the case for the establishment of a separate out-of-court debt settlement system to independently adjudicate on debt issues.
- **Preserve the family home:** Government policy must focus on keeping people in their homes as far as is possible; our current wave of homelessness and housing problems have been at least partly caused by the lack of a joined-up approach in this area;
- **Use all workable options:** Genuine concerns about the moral hazard of 'undeserving' debtors abusing the system can be addressed as in other countries through a robust system of checks & balances. However, they should not be used as a way to rule out solutions that could help deal with over-indebtedness, such as debt write-down.
- **Rebalance power inequality:** Ultimately, the state must re-balance the unfair distribution of power between banks and consumers in a fairer way and remember that it **cannot leave matters of public policy in the hands of a for-profit financial services industry.**

Fairness in social welfare: FLAC's work on social welfare is aimed at making as transparent and as fair as possible the state's system of support for people in need, however short or long-term. Ireland's social security net has become more legally complex and difficult to navigate in recent years. In 2013, FLAC challenged unfair and obscure practices in our social welfare appeals system where legitimate claims have been refused, only to be granted after what is most often a lengthy and stressful appeal period. Accepting the need for tighter spending in recession, FLAC has called on the state to ensure its budgetary decisions meet basic human rights standards, backed by some 80 other independent organisations.

Wider use of law in the public interest: FLAC uses the public interest tools of strategic litigation, public legal education and law reform across all our areas of work, reflected in such activities as our support of Lydia Foy in her quest to achieve transgender recognition in Ireland. In addition, our Public Interest Law Alliance had another productive year, helping dozens of organisations fighting for social justice to get the assistance they needed to better accomplish that work, whether through litigation, advice and information, law reform research or legal education. We were particularly proud of the 40 new lawyers, 5 law firms and first ever in-house legal team signed up to PILA's pro bono register, leading to a total of 175 individual lawyers and 16 law firms by the end of 2013.

Greater access to justice: the proposed law to regulate legal services due to be revisited in autumn 2014. FLAC has argued that the bill overlooks elements which would make legal services more accessible, such as **adequate civil legal aid** and reforms within the court system itself. This is especially the case as waiting lists at the state Legal

Aid Board continue to lengthen beyond the legally set maximum of four months, while the Board's funding and staff levels remain prohibitively limited. Meanwhile, FLAC sought to refocus the ongoing debate on **reforming legal services regulation** on wider and more equal access to justice.

Biographies of speakers at annual report launch:

- **Mrs Justice Susan Denham** was appointed Chief Justice in 2011. As a law student, she joined FLAC as a volunteer in 1970, advising in its Mountjoy Square and Molesworth St centres. She was called to the Bar in 1971 and became a Senior Counsel in 1987. Appointed a Judge of the High Court in 1991, in December 1992 she was the first woman appointed a Judge of the Supreme Court. Since her appointment as Chief Justice in 2011, Judge Denham chairs the Board of the Courts Service, its Finance Committee; the Committee for Judicial Studies; the Superior Court Rules Committee; the Judicial Appointments Advisory Board; the interim Judicial Council, and the Courts Centenary Commemorations Committee.
- **Noeline Blackwell** is Director General of FLAC. She is also a trustee of Front Line, the Dublin-based international foundation for human rights defenders at risk, and sits on the boards of the Immigrant Council of Ireland and of the state Citizens Information Board.
- **Peter Ward SC** is Chairperson of FLAC and a member of the FLAC National Council since the 1980s. He is a Senior Counsel specialising in the area of employment law. He also chairs the O'Devaney Gardens Regeneration Board and the Employment Bar Association of Ireland.
- **Columb Fortune** has been a legal information provider on the FLAC information line since 2013 and is also involved in FLAC's campaign and policy work on access to justice/civil legal aid. He studied social science and then law at UCD, qualifying as a barrister in 2013. Columb has also volunteered at FLAC legal advice centres. He is currently coordinating the FLAC information line team.

The annual report for 2013 will be available to download as a PDF from the FLAC website (www.flac.ie) from noon on Monday 7 July. For any queries, please contact

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