

Preventing Catastrophes & Avoiding Collapse: The Urgent Need to End Ireland's Civil Legal Aid Crisis

**Opening Statement of Eilis Barry (FLAC Chief Executive) to the
Oireachtas Joint Committee on Justice, Home Affairs and Migration**

17 February 2026

It is extraordinarily difficult to attract political attention to and achieve change in the area of civil legal aid. I would like to thank the Committee for inviting FLAC to this meeting and for their consideration of this vital topic.

FLAC has been campaigning for improved access to justice services in Ireland for over 50 years. In 2021, we successfully campaigned for the first ever comprehensive review of Ireland's scheme of civil legal aid. I was FLAC's nominee to the review group and the author of the minority report, which was endorsed by my review group colleague Professor Tom O'Malley SC.¹

Civil Legal Aid Crisis and Risk of Collapse of Legal Aid Services

The minority report identified that the system of civil legal aid delivered by the Legal Aid Board ('LAB') is in crisis. It is failing to meet huge amounts of legal need, particularly amongst groups who experience disadvantage and discrimination. Ireland's system of civil legal aid may go from crisis to collapse altogether during 2026 (because of the huge increase in the LAB's workload arising from the implementation of the EU Migration Pact) if urgent action is not taken. This has been acknowledged by the Chair of the LAB.²

Chronic Under-Resourcing: Very Small Legal Aid Budget

The LAB is chronically under-funded and under-resourced. In 2025, it had a budget of €64.122m. To put this in context:

- ▶ The horse and greyhound industries received €100 million in this and last year's budgets.

¹ That report was submitted to the Minister for Justice last April.

² Comments of the Chair of the LAB, Nuala Egan SC, at the FLAC and Trinity College Dublin Law School Conference on Civil Legal Aid Reform on 12 January 2026.

- ▶ Private education is also subsidised in the amount of approximately €100 million each year.
- ▶ The State has spent €58 million in respect of the Ryder Cup which is €1 million less than the LAB's 2024 Budget.

The Chief Justice recently highlighted that the LAB's budget for 2026 is about €72 million. By contrast, the health budget is €27.4 billion and the social welfare budget is €29 billion. The total civil legal aid budget equates to just 0.25% of social welfare spending.³

An operational review of the LAB carried out by the consultancy firm Baker Tilly found that resourcing issues are so chronic within the LAB that staff are buying I.T. packages out of their own pocket to allow them to carry out their work.

It is completely indefensible that pay levels for LAB solicitors are lower than for lawyers in other parts of the civil service. This leads to difficulties in hiring and retaining LAB staff, which in turn leads to critical legal aid deserts in some areas and an overreliance on the private practitioner scheme, where there is a low take up due to the low level of payment.

Delays of Over a Year for a First Appointment

Under-resourcing also results in huge delays. The waiting times for a first consultation with an LAB solicitor stands at 64 weeks in Sligo, 56 weeks in Ballymun, 46 weeks in Ennis, 46 weeks in Waterford, 43 weeks in Limerick, and 49 weeks for the LAB's Traveller Service. The LAB is unable to pay for essential child welfare and other vital reports in cases where it is providing representation.

Wholly Outdated Means Test

The wholly outdated legal aid means test, which has been in place since 2006, requires applicants for civil legal aid to establish that they have a disposable income of less than €18,000. The limited range of deductible allowances do not reflect the

³ The Courts Service (2026), [*Speech delivered by Mr. Justice Donal O'Donnell, Chief Justice, at the FLAC Civil Legal Aid: From Review to Reform Conference in Trinity College Dublin on 12 January 2026.*](#)

actual costs of childcare and accommodation⁴, and do not cover areas like the cost of disability, insurance payments and transport to and from work. The means test does not link to, or assess in any way, the capacity of the person to pay versus the potential cost of legal proceedings. Huge swathes of people who simply cannot afford a solicitor are ineligible for legal aid. Many of these people end up contacting FLAC for assistance.

Strict Merits Test

There is a very strict merits test applied to applications for legal aid which does not have sufficient regard to the importance of the issue to the individual and whether legal aid could improve or mitigate the outcome, even if the applicant is unlikely to win the case.

Requirement to pay Financial Contributions for Legal Aid

In most cases, people receiving legal advice and representation from the LAB have to pay a financial contribution. This requirement can apply to people who may be below the poverty line and people reliant on the lowest social welfare payments as their only source of income. In their submission to the civil legal aid review, St Vincent de Paul stated that it regularly has to support people to pay the financial contribution and that people are sacrificing food and heating to pay the financial contribution of the LAB.

The Legal Aid Crisis Cannot be Resolved by only increasing the Means Test

The Minister has indicated that he wants to implement the civil legal aid majority report recommendation for an immediate increase in the means test to a disposable income limit of €23,500. While any increase in the means test is welcome, this increase would still exclude people on a minimum or living wage (who cannot avail of the relevant allowances) and many of the callers to FLAC's Telephone Information & Referral Line would still be excluded.

In response to the present civil legal aid crisis, it is natural to focus on the need to update the means test and to address the most urgent resourcing deficits faced by the

⁴ The maximum allowance for the annual cost of childcare is €6,000 per child and the maximum allowance for accommodation costs is €8,000.

LAB. However, we cannot stress enough that there is an equally urgent need to address to three other issues if this crisis is to be resolved:

1. There is No Legal Aid for Cases before Quasi-Judicial Bodies⁵

The LAB cannot provide essential legal representation in anti-discrimination, sexual harassment, disability and employment claims before quasi-judicial bodies like the Workplace Relations Commission and in social welfare appeals. Bodies like the WRC and RTB make vital decision in areas of law that most impact on individuals and communities experiencing disadvantage and discrimination.

Addressing the means test alone would mean that people in these situations would still have no access to legal aid. These blanket exclusions to the areas covered by the legal aid apply regardless of the complexity of the issue involved or the applicant's incapacity to represent themselves. The exclusions are likely contrary to European law.⁶

The LAB has a broad power to provide legal advice. However, this function is largely and inexplicably underutilised. The LAB rarely provides assistance in areas like housing, homelessness, discrimination and family reunification.

2.Preventing Catastrophes: Lack of Early Legal Services which Prevent or Reduce Legal Issues before they escalate

The LAB does not have the necessary preventative functions which would assist people to resolve their legal issues at an early stage, prevent them from escalating, and reduce or eliminate the need for litigation. For example, it has no legal information or community education functions and can not provide such services in either a general or targeted way.

The FLAC phonenumber received over 70,000 calls during 2024 from callers desperate for information about their rights. We only had the capacity to answer 11,435 queries.

⁵ With the exception of the International Protection Appeals Tribunal.

⁶ Further, no fewer than eight international and European independent human rights monitoring bodies have criticised the scheme of civil legal aid. The scheme is likely to be in breach of European and EU law in respect of the highly restrictive means test and strict merits test, the blanket exemptions, especially in relation to representation before quasi-judicial bodies, and the prohibition on NGOs accessing legal aid for environmental cases.

We also cannot begin to meet the demand for legal assistance in the areas of housing, discrimination and social welfare encountered by our Traveller Legal Service and Roma Clinic.

3. Lack of Targeted and Community Legal Services

People and communities who experience poverty and disadvantage and discrimination such as lone parents, people experiencing domestic violence, and parents of children with disabilities, tend to disproportionately experience multiple legal issue (all at the same or consecutively) in areas like housing, social welfare discrimination and debt. This is referred to as 'clustered injustice'.

The LAB uses the traditional model of delivering legal services which relies on a person knowing they have a legal issue and knowing where to go to get it resolved. This model is not suited to meet the need of the people who are experiencing multiple inter-related legal issues.

Comprehensive, Meaningful Reform is Doable, Practical and Cost Effective.

The infrastructure needed to resolve the legal aid crisis is already in place. The LAB and the Citizens Information Board ('CIB') have networks of centres all around the country, and the small cohort of independent law centres provide models of community and targeted services for disadvantaged individuals and groups. What is envisioned is a tiered-approach where a range of different services and services delivery models respond to different kinds and different levels of legal need. Targeted, early and preventative services need to be fully mainstreamed into the LAB and CIB services. There should be a no wrong door approach or as few doors as possible.

What is required is a simple amendment to the LAB's statutory functions to require it to:

1. Provide legal information and education to the public on their rights.
2. Ensure the provision of targeted and preventative services for particular disadvantaged groups and communities.
3. Provide training to CIB, NGO and Trade Union advocates.
4. Provide advice and legal representation in cases before tribunals.

A small amendment could enhance the Citizens Information Board's statutory mandate to ensure that:

1. It can provide information and advocacy on rights to the public (and not just information on public services).
2. It is explicitly allowed to provide advocacy in non-complex cases before bodies like the WRC, RTB and in social welfare appeals.

Bringing Services to Where People Are

Communities experiencing high levels of deprivation, victims of domestic violence, minority ethnic and migrant communities, people with disabilities, people in debt, people living in residential care, direct provision, people in prison, and their families, people with alcohol or drug dependency issues and litigants in person, all need to have access to legal information, early legal advice and advocacy where they are located. This would involve locating information and advice services in the courts, tribunal, libraries, primary health care centers and family resource centres, and outreach to places of detention prison, residential institutions and nursing homes.

A legal aid system which prevents and resolves the legal problems individuals and communities experience as early (and efficiently) as possible also requires a network of Community Law Centres in the areas of severe deprivation (which are identified by Pobal), and targeted and specialised law centres for groups such as Travellers and people with disabilities. Both of which should provide a range of legal assistance services which are tailored to the needs of the communities which they serve.

A properly trained and resourced private practitioner panels along the lines of the existing Mental Health Tribunal panels is also required.

These proposals are neither radical nor costly. We estimate that a properly-resourced national legal information telephone line would only cost about €2.5 million annually. Properly-resourced targeted and community services would only cost approximately €1.5 million per law centre each year.

Access to Justice is an Investment which Saves Money for the State

We need to reject the entrenched cliché that legal aid is just ‘more money for lawyers’. It is vital to stress that there is research into whole different range of legal aid systems which shows that for every euro spent on access to justice there will be savings and benefits for individuals, communities, the courts and society. This has been firmly established by OECD and World Bank research. Access to justice is, and has to be regarded as, an investment, and a vital public service akin to healthcare and education.

Given the imminent risk of collapse of legal aid services, it is alarming that the Minister and his Department have not yet provided any timeline for when they will respond fully to the Civil Legal Aid Review or introduce reforms in this area. As the Chief Justice pointed out at the recent civil legal aid conference, the pace of change is “*frustratingly slow*.”

The Justice Committee and its members are key stakeholders in ensuring that the comprehensive review of civil legal aid leads to comprehensive reform, and in ensuring that the potential collapse of our system of civil legal aid can be avoided.

We have supplied the Committee with a detailed submission and we are happy to answer any questions.⁷

ENDS.

⁷ FLAC’s written submission to the Committee may be accessed [here](#).