



FLAC ANNUAL REPORT  
2009

FLAC Annual Report 2009

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Noeline Blackwell,  
Director General of FLAC,  
speaking at FLAC's 40th  
Anniversary.

## Foreword

The year 2009 has been an important and eventful year for FLAC, both in marking a milestone in our history and in meeting the challenge of important issues facing society at a time of great economic uncertainty. Access to justice is a fundamental human right that has yet to be fully realised in Ireland. For forty years we have striven to ensure that those who lack power or resources can have their voices heard. Many people continue to face economic and social barriers to equal treatment before the law, and often cannot obtain basic legal assistance for matters of fundamental importance to their lives. The global economic crisis has deepened inequalities in the legal system and the constant threat of government cutbacks endangers hard won progress in the vindication and protection of fundamental rights.

FLAC has marked its forty years of activism, campaigning and provision of legal assistance to those in need with the publication of the report *Civil Legal Aid in Ireland: Forty Years On*. We reviewed the achievements of FLAC over the years, from our foundation as a student organisation to our role as a catalyst in the establishment of a state legal aid system to our current position of campaigning for a system that allows equal access to justice. Yet, while recognising the progress made since the 1960s in developing access to justice, we must look forward to the work that remains to be done. The Legal Aid Board strains to cope with the need that exists in society given its understaffing and lack of funding. Its structure continues to exclude vital areas from its remit, such as employment tribunals and the social welfare appeals office. Moreover, in this time of recession and cutbacks, we must remain vigilant to protect the civil and criminal legal aid system and preserve what has been hard-won.

The crisis in mortgage arrears and personal debt has highlighted these great inequities of access to justice and the need for law reform. FLAC has been at the forefront on the issue of personal debt in 2009. Our comprehensive report, *To No One's Credit*, highlighted the plight of debtors in the courts and the government's wholly inadequate response to the crisis facing indebted consumers and mortgage holders. By the end of 2009, FLAC was joined by the Law Reform Commission and others in calling for the government to take urgent action to reform the financial regulatory system and antiquated system of debt enforcement.

FLAC continued to seek the restoration of the budgets of the human rights bodies so disproportionately affected by cuts. The Human Rights Commission and Equality Authority were among the most severe casualties of the recessionary budgets. FLAC has continued to stand with the other members of the Equality & Rights Alliance in the campaign to reverse the damage. As 2009 drew to a close, ERA had lodged a petition with the European Commission arguing that these egregious cuts violated EU law. Ireland must not emerge from recession as a society that abandoned respect for equality and basic human rights at the first hurdle.

Our dedicated staff has continued to take cases raising serious issues of human rights and access to justice. In nine separate cases, FLAC has successfully challenged the wrongful refusal of social welfare to asylum seekers based on the Habitual Residence Condition. FLAC continues to represent Lydia Foy in her struggle for the rights of transgendered people. By the end of 2009, the state had appealed the Declaration of Incompatibility with the European Convention that we obtained in the High Court in her case, yet its Renewed Programme for Government contained pledges that raised hopes for a favourable resolution. We have also represented clients before the Equality Tribunal and fought for the rights of deaf people to sit on juries.

As ever, FLAC is indebted to our volunteers and the tireless work they do across the country. Numbering around 450, these volunteer solicitors and barristers provide an essential first contact for those in need of help in understanding their legal position. Assisted by the staff of the Citizens Information Centres, these volunteers fill an important gap for people who might be forced to wait many months for an appointment with the state's Legal Aid Board. Moreover, the centres supply important information on legal need in Ireland today and inform our policy and campaigning. Demand is still greatest in the area of family law, but many people have pressing concerns in other areas such as employment and housing, while the number of debt-related queries has again escalated rapidly this year. Many callers are intimidated and perplexed by legal jargon and forms; very often, the most basic information is all that is needed to satisfy an enquiry or at least allay worries.

FLAC maintains that access to justice is a fundamental right. FLAC's work would not be possible without the support of our volunteers, our funders and our dedicated staff. In these harsh economic times we must continue to assert the rights of the marginalised in society and remain vigilant to defend the important advances made in the last four decades.

**Peter Ward**  
Chairman

**Noeline Blackwell**  
Director General

## ABOUT FLAC

### mission

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

## STRUCTURE AND WORK

FLAC was established in 1969 by law students to provide legal information, advice and representation to people who could not afford to pay for legal services and to campaign for a state civil legal aid system. Today FLAC has a full-time head office in Dublin. Our organisation is managed by a Board of Directors known as the National Council, elected annually by FLAC's membership. Day-to-day management of the office is carried out by the Director General in conjunction with office staff, reporting to the Council. FLAC runs a limited internship programme. These interns provide a solid back-up to the core work of the organisation.

FLAC is also very dependent on its volunteer barristers and solicitors who impart legal advice at its centres. They provide a much-needed service to those who cannot afford legal information and advice otherwise. FLAC centres primarily operate out of Citizens Information Centre (CIC) premises and are organised in conjunction with CIC staff who make a substantial contribution to the smooth and effective running of our centres. The organisation also benefits from the work of volunteers in other areas such as campaigns, fundraising and administration, for which FLAC is extremely grateful.

In pursuit of the goal of promoting access to justice, FLAC works in a number of ways. These include outreach via a telephone information and referral line and a network of legal advice centres, campaigning on core issues and conducting research into areas of law and policy where FLAC can bring about positive social change. The organisation also generates publications and guides on legal topics aimed at informing the public about their rights and promoting access to justice. FLAC keeps statistics on legal queries received and conducts research on people's ability to access justice around the country. This has produced solid evidence on the extent of unmet legal needs in Ireland.



promoting access to justice

## COUNCIL



**PETER WARD**  
Chairperson



**LIAM THORNTON**  
(from February 09)



**DON CREWE**



**PAUL O'CONNELL**  
(to March 09)



**ISEULT O'MALLEY**



**RÓISÍN WEBB**

## STAFF



**NOELINE BLACKWELL**  
Director General



**CATHERINE HICKEY**  
Director of Funding  
& Development



**PAUL JOYCE**  
Senior Policy  
Researcher



promoting access to justice



**YVONNE WOODS**  
Information &  
Communications  
Officer



**SARAH HORGAN**  
Volunteer & Centres  
Co-ordinator (to  
August 09)



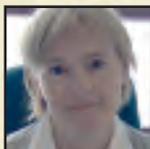
**SAOIRSE BRADY**  
Policy & Campaigns  
Officer



**MICHAEL FARRELL**  
Senior Solicitor



**GILLIAN KERNAN**  
Research Officer



**JACQUELINE  
HEFFERNAN**  
Information Line  
Co-ordinator



**EDEL QUINN**  
Legal Research  
Officer (to April 09)



**KIRSTY WATTERSON**  
Administrator



## PILA TEAM



**TONY O'RIORDAN**  
PILA Manager



**JO KENNY**  
Legal Officer



**LIANNE MURPHY**  
Project Officer



**EDEL QUINN**  
Legal Research  
Officer

## INTERNS

FLAC was again lucky to have a dedicated group of interns throughout 2009. They contribute hugely to the organisation's campaigns and research as well as running the telephone information and referral line.



FLAC legal interns (L-R): Doreen Mescal, Sarah Naughton, Kathrina Bray, Peter McKenna, Emma-Jane Morrissey, Fintan Monaghan, Niamh McEvilly, Stephanie Behan, Jennifer McCarthy.

## FUNDING

FLAC is grateful to all funders and donors who supported FLAC's work in 2009:

- Members of the Law Society and Bar Council
- The Atlantic Philanthropies
- Citizens Information Board
- Department of Justice, Equality and Law Reform
- Department of Community, Rural and Gaeltacht Affairs
- Combat Poverty Agency
- FÁS
- Joseph Rowntree Charitable Trust (JRCT)
- People in Need Trust

## Women's Mini-Marathon 2009

FLAC entered a team in the Flora Women's Mini-Marathon for the first time ever in 2009. The team comprised 16 people, including FLAC staff and volunteers. In total more than €4,000 was raised by participants. The FLAC team wore black t-shirts with printing sponsored by Printwell Co-op. FLAC intends to make this an annual event and anyone interested in running the Mini Marathon in 2010 to raise funds to support the organisation's work should contact FLAC on (01) 874 5690 or by e-mail to [info@flac.ie](mailto:info@flac.ie) – we look forward to hearing from you!



FLAC's Women's Mini-Marathon Team 2009, who raised more than €4,000 towards improving access to justice in June.

## Thomas Addis Emmet Fellowship and William Sampson Fellowship 2009

Through the Thomas Addis Emmet Fellowship, FLAC, in conjunction with the University of Washington, Seattle gives an Irish student the opportunity to spend two months working in the United States in the field of international public interest law. The candidate earns invaluable first-hand experience in human rights and public interest cases. He or she can also attend classes geared towards legal externs at the university. FLAC covers flights, accommodation and meals plus an allowance for the successful candidate.

In 2009 the recipient of the Thomas Addis Emmet Fellowship was **Helen Nolan**, a 21 year-old student of law in Trinity College Dublin. Helen worked on projects initially set up by the public interest law Washington Appleseed Foundation but which had been taken over by the pro bono department of Foster Pepper, a large



William Sampson Fellowship recipient for 2009, Kristine Duncan



Thomas Addis Emmet Fellowship recipient for 2009, Helen Nolan, receiving her certificate from FLAC Chairperson Peter Ward SC.

corporate law firm. There she worked on two projects. The first involved a report examining access to transportation for low-income individuals in Washington, particularly in terms of access to employment. The second project examined the merits of using alternative data (for example, utility bill payments) to improve/build credit scores for people with 'thin credit'. Helen led preliminary research into current use of alternative data and other possible alternatives (such as micro-lending). Academically, she attended online classes on practical topics (such as confidentiality and conflict policies in a firm, the use of eyewitness testimony and racial profiling) as well as issues specific to public interest law (for example, mandatory pro bono service and compensation for legal services attorneys).

Similarly, the William Sampson Fellowship allows a University of Washington law student to come to work with FLAC in Ireland during the summer months. In 2009 the recipient was **Kristine Duncan**. She started work assisting with the follow-up Shadow report to the Third Periodic Report of Ireland under the International

Covenant on Civil and Political Rights. Kristine researched and summarised the State's progress on amending the Enforcement of Court Orders Bill as well as the lack of progress on the rights of transgendered persons and same-sex couples. Kristine also worked with FLAC on the launch of the organisation's report on debt enforcement (To No-One's Credit). She assisted in work on the joint Social Welfare Casebase, which was created by Northside Community Law Centre and to which FLAC is now contributing casework summaries. Kristine's knowledge of similar casebases in the United States helped make the decision summaries of cases FLAC has brought before the Social Welfare Appeals Office as helpful as possible to those who are involved in taking similar cases to appeal.

### 40th anniversary of FLAC's founding

In 2009 FLAC celebrated four decades of existence. The organisation marked the occasion in a number of ways. An event in Dublin's Mansion House on 25 April was addressed by the President of Ireland Mary McAleese, who spoke about the importance of FLAC in its early years:

*From the moment its doors first opened FLAC was deluged. The unmet needs of so many of our citizens became undeniably obvious as thousands sought the only help available to them. The FLAC volunteers became advocates not just for those individuals but for a society where equality of access to justice was a reality. (The full speech is available online at <http://url.ie/56y3>)*

The four founders of FLAC were also present: David Byrne SC, former EU Commissioner and now Chancellor



President McAleese with the FLAC team at the Mansion House.



The four founders of FLAC (L-R): David Byrne SC; Mr Justice Vivian Lavan; Denis McCullough SC; Ian Candy.



FLAC Chairperson Peter Ward SC speaking at event to mark 40th anniversary of FLAC's founding.

of Dublin City University; Ian Candy, formerly a judge in Hong Kong; Mr Justice Vivian Lavan and Denis McCullough SC, The evening also saw the launch of FLAC's new PILA project (see page 22) and a new report entitled *Civil Legal Aid in Ireland: Forty Years On* (see page 15 for more details).



Pictured at the 'Voices for Justice' poetry reading (L-R): John O'Donnell SC, Noeline Blackwell, Jane Hirshfield, Dennis O'Driscoll, Brendan Kilty SC.

## Poetry Reading

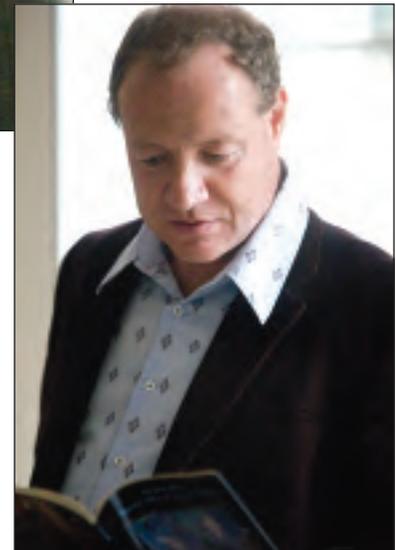
On 26 April FLAC hosted a poetry reading in the James Joyce House on Usher's Island, kindly facilitated by its curator and owner, Brendan Kilty SC. The reading, entitled 'Voices for Justice', featured celebrated poets Jane Hirshfield, Dennis O'Driscoll and John O'Donnell SC.



Jane Hirshfield, reading from her work



Dennis O'Driscoll, reading from his work



John O'Donnell SC, reading from his work



Noeline Blackwell introducing the Dave Ellis Memorial Lecture 2009



At the Dave Ellis Memorial Lecture 2009 (L-R): FLAC Chairperson Peter Ward SC; Guest speaker Dr Maurice Hayes; FLAC Director General Noeline Blackwell

## Dave Ellis Memorial Lecture

FLAC's annual Dave Ellis Memorial Lecture for 2009 was especially devoted to the 40th anniversary year. Given by Dr Maurice Hayes on the subject of 'Access to Justice', the lecture took place on 1 December at the President's Hall of the Law Society. An online archive of events from across FLAC's work was also launched that night by journalist and broadcaster Colin Murphy (you can access this archive on the FLAC website and also download Dr Hayes' speech).



Guests at the Dave Ellis Memorial Lecture 2009, including family members and friends of Dave Ellis



## FLAC News

As part of the anniversary year, FLAC produced commemorative issues of its quarterly newsletter, *FLAC News*. These all contained special inserts documenting the four decades of the organisation in news clippings and photographs. The four issues were sent to every lawyer in Ireland to thank them for their support of FLAC's work over the years and to hopefully reintroduce the organisation to those who had lost touch over time.



Asample page from the four decades of FLAC supplement published in *FLAC News*

## AREAS OF WORK

While the organisation offers information and advice on a wide range of legal topics in its legal advice centres and on its telephone information line, FLAC concentrates much of its casework, campaigning, research and policy work on some particular areas to achieve effective law reform and to promote access to justice. These areas are civil legal aid, debt and credit law, and social welfare law. It runs a project dedicated to promoting public interest law in Ireland, called PILA (Public Interest Law Alliance). FLAC's public interest law activity also includes a number of specific projects to promote human rights standards in Ireland.

### LEGAL AID

#### Campaign

In 2009, FLAC celebrated its continued provision of legal information and advice to those in need over the previous 40 years. FLAC was founded before there was any state-funded civil legal aid; and this service provided by volunteer lawyers over four decades has meant that many people have been able to get the information and advice that they needed but would otherwise not have received in order to make their voices heard in Ireland's justice system.

The state-funded civil legal aid scheme came under increased pressure in 2009. At its very best, this scheme, administered by the Legal Aid Board, had a total of 89 solicitors to cover its general law practice in 29 law centres across the country. Increased demand, together with a government embargo on recruitment, meant that in 2009 the waiting times for a client to see a solicitor for the first time increased by up to 9 months over the course of the year. By December 2009, 2475 people were approved for legal aid and on waiting lists to get a first appointment with a solicitor; 1700 of those in law centres which had a waiting list of 4 months or more.

FLAC continued to raise concerns about longer waiting times through its membership of the Legal Aid Board's External Consultative Panel and in its discussions with the Board and with politicians. FLAC is very aware of the truly excellent service that Legal Aid Board solicitors and staff give even under enormous pressure. However there are deep concerns that, without additional resources, they cannot meet the need and that as a result, those who are entitled to legal services to access justice do not receive them.

#### Casework

In addition to its general monitoring role, FLAC intervened in a number of specific cases where legal aid was refused. Some of these cases related to proceedings issued where one parent claimed that the other had abducted their child to Ireland, and sought its return. These cases, commonly called 'Hague Convention' cases, are always heard in the High Court as emergency cases. As a matter of law, the person claiming that abduction took place is entitled to legal aid whatever his or her financial circumstances. Not so the parent against whom the claim is made. That person has to pass the financial means test and also has to prove that their case has "merit". In 2009, some parents failed

that merits test. FLAC intervened in two of these cases. FLAC was concerned that such cases were extremely complex, with very narrow and technical points of European Union and international law being argued. This compounded an inequality where one side was represented by experienced solicitors and barristers whereas the other parent had no representation. In agreeing to adjourn cases briefly to allow legal aid appeals to be dealt with, Mrs Justice Finlay Geoghegan noted the value to the parties, to the child in question and to the court in having both parties represented and asked that this be drawn to the attention of the Central Authority, the Department of Justice Equality & Law Reform. FLAC made the representations suggested. FLAC was also grateful for the assistance of members of the Bar in making representations to the court on behalf of the unrepresented party.

In 2009, two judgments issued which affect the right to legal aid and which were therefore of interest to FLAC. The first of these was *Magee v Farrell*, where the Supreme Court held that the constitutional right to legal aid did not extend to legal aid for his family at the coroner's court enquiry into the death of a young man who died in police custody. The second was *Carmody v the Minister for Agriculture*, which held that where necessary and appropriate, legal aid should extend to providing a barrister and a solicitor in the District Court. The cases bracketed statements made by the Minister for Justice, Equality and Law Reform in the second half of 2009 which seem to indicate the introduction of new restrictions to the existing criminal legal aid scheme. FLAC warned that any changes to the scheme must ensure that its essential purpose – permitting people access to the courts and a fair hearing – must be kept at the heart of any proposals for change.



Four Courts, Dublin

## Policy

FLAC launched a 30-page report, *Civil Legal Aid in Ireland: Forty Years On*, at an event marking the 40th anniversary of FLAC's founding in April 2009. The document was well-timed given the increasing number of people who require legal assistance and representation and who may not be able to afford it as a result of the economic climate of 2009.



The report examines:

- The scope of the civil legal aid scheme and how well it meets the needs of those who require legal aid to access justice;
- The practice and funding of the Legal Aid Board;
- Financial eligibility to qualify for civil legal aid; and
- A study of unmet legal need in the north east inner city area of Dublin.

It found that in spite of certain improvements that have been made to the civil legal aid scheme over the years,

issues remain in terms of meeting the unmet legal needs of marginalised groups and ensuring the vindication of their right of access to justice. Concluding its review, FLAC called on the government to prioritise the needs of those who require aid and assistance to access legal services and the courts. FLAC pointed out that this alone would not provide full access to justice, which requires an approach based on the actual needs of marginalised groups, which are often left without a platform to voice their needs. It said that the existing scheme needed to be restructured, and that closer links needed to be established between the Legal Aid Board and other organisations such as the Courts Services, MABS and the Citizens Information Centres.



Edel Quinn launching report on *Civil Legal Aid in Ireland: Forty Years On*, in April.

## SOCIAL WELFARE LAW

FLAC carries out work in the area of social welfare law to ensure that the system is administered fairly, consistently and transparently with adequate remedies for those who need them. By carrying out legal research and taking a number of strategic cases in its areas of expertise, the organisation aims to test and improve the social welfare system.

### Campaigns

In 2009, FLAC continued to increase its expertise on the subject of the Habitual Residence Condition (HRC). This condition was introduced to inhibit "welfare tourism" and imposes five criteria to be met by social welfare applicants who are not Irish citizens and who are not currently employed here. FLAC was asked to make a presentation on the application of the HRC in Irish social welfare law at the annual Tress (Training and Reporting on Social Security) seminar held in Dublin in May 2009.

In addition, FLAC set up a working group of volunteer lawyers to research areas relating to the HRC from an EU social security perspective, such as frontier workers, cross border cases, the situation of Romanian and Bulgarian citizens living in Ireland and the proportionality of the HRC.

FLAC has been contacted by a number of organisations and individuals who have highlighted discrepancies in

the way in which the Habitual Residence Condition is being applied. Callers to FLAC's information line have said that they have been refused a payment because they have not been in Ireland for two years. FLAC had previously lobbied the Department of Social and Family Affairs on the "two-year rule" and was assured that it was not applied. There was also increasing concern that when EU migrant workers were made redundant, their Child Benefit payments were cut off as they were no longer working and the DSFA stated that they could no longer be considered habitually resident. However, a person's pattern of employment is only one of the five factors to be taken into consideration when determining habitual residence. Furthermore, under EU law, EU migrant workers retain their worker status for a period of time after they become unemployed so they should not be subject to the HRC until this time has elapsed.

### Social welfare appeals casebase

FLAC met with Northside Community Law Centre (NCLC) to discuss FLAC contributing to NCLC's database of social welfare appeals decisions. Since the Social Welfare Appeals Office publishes only a handful of its decisions, NCLC established a database for others working in the area to provide useful information and determine patterns in decision-making. FLAC is now working with NCLC on contributing to the 'casebase' with summaries of decisions in social welfare appeals cases it has taken.

### Direct Provision/Immigration Issues

In February FLAC Policy and Campaigns Officer Saoirse Brady spoke to UCC FLAC students about FLAC's ongoing research on direct provision. FLAC also continued to attend meetings throughout the year of an



At the North/South Immigration Forum (L-R): Michael Farrell (FLAC), Roisin Hennessey (IHRC), Ursula O'Hare (Law Centre NI), Dr Nazi Latif (NIHRC), Liz Griffith (Law Centre NI), Anita Collins (Liberty).

alliance of NGOs working on direct provision issues.

FLAC ran two information sessions in April on the Habitual Residence Condition and the social welfare system for a Lone Parents Group which assists and supports other residents in a Direct Provision accommodation centre.

In September 2009 FLAC co-hosted the North-South Immigration Forum along with the Law Centre Northern Ireland. Anita Coles from Liberty in the UK and Hilka Becker from the Immigrant Council of Ireland spoke on the new immigration legislation in each jurisdiction. Representatives of both the Northern Ireland Human Rights Commission and the Irish Human Rights Commission expressed views on the legislation from a human rights perspective.

### Casework

**Social welfare benefits:** FLAC continued to work on a series of cases where the Department of Social and Family Affairs refused to pay social welfare benefits to asylum seekers and people seeking humanitarian leave

to remain in the State. The Department claimed that no-one in the asylum process could satisfy the Habitual Residence Condition (HRC) which is a pre-condition for these benefits. They relied on a Supreme Court decision (*Goncescu v. Minister for Justice et al [2003] IESC*) given in 2003, a year before the HRC was introduced.

Most of these cases were about Child Benefit but others involved Disability Allowance, Carer's Allowance, State Pension and Guardians Payment.

Nine of the cases were applications to the Chief Social Welfare Appeals Officer to review appeal decisions and they all dealt with the HRC. The Chief Appeals Officer gave decisions in four cases during the summer and in the rest at the beginning of December. In all nine cases, he said that the Supreme Court's *Goncescu* decision was not relevant because it was given before the HRC was introduced and did not deal with social welfare.

He held that there could not be a blanket ban on anyone in the asylum process qualifying for social welfare. Each application should be considered on its merits and people who had been here for some time and had begun to put down roots in the community should be able to satisfy the HRC. He held that all nine applicants should receive benefits.

The Department did not appeal these decisions to the High Court, but a week after the second batch of decisions in December 2009, the Government rushed through an amendment to the law to specifically exclude all people in the asylum process. FLAC will now be looking carefully at the amended legislation.

**Documents that could not be obtained:** FLAC also took a number of other social welfare cases during the

year. In one case a woman from a war-torn African country had applied for Guardian's Payment for a young cousin who had fled her home after her mother had been killed and who had lost contact with the rest of her family. The young woman had been recognised as a refugee but the Department of Social and Family Affairs refused to award the payment until she produced a death certificate for her mother. FLAC argued that it was impossible to obtain certificates because the civil administration had broken down. The Department finally accepted this, agreeing to accept other evidence instead and paying the benefit.

**Payment backdated:** In another case where a woman had been accepted as a refugee after an appeal to the Refugee Appeals Tribunal (RAT), FLAC represented her at a social welfare appeal. The Appeals Officer held that the RAT decision should replace the original refusal of refugee status decision and then backdated her Child Benefit payment to the date of the original asylum refusal.

**No 'two-year rule':** FLAC also represented a national of another EU state who had separated from her Irish partner. The Department had refused her claims for Supplementary Welfare Allowance and One Parent Family Payment, claiming she could not satisfy the Habitual Residence Condition because she had not been here for two years. The Appeals Officer accepted that under EU law (*Swaddling v. Adjudication Officer, Case C-90/97*) there cannot be a fixed minimum time period for qualifying for benefits and each case must be judged against five criteria set out in S. 246 (4) of the 2005 Social Welfare Act. The woman was awarded the benefits she was claiming.

**Complaint to Ombudsman:** The Social Welfare Appeals Office declined to accept one appeal. A young woman had come to Ireland as an unaccompanied minor shortly before the introduction of the Habitual Residence Condition in May 2004. At the time Child Benefit was paid directly to unaccompanied minors but she was refused because her application was received on the first working day after the introduction of the HRC and she did not qualify under it. The Appeals Office refused to accept her appeal because it was out of time, so FLAC took it to the Office of the Ombudsman which is currently investigating it.

## Policy

Following a series of decisions by the Chief Social Welfare Appeals Officer (discussed under 'Casework' above) FLAC issued a briefing note on the Habitual Residence Condition in September 2009 and updated in December 2009 due to changes in legislation, intended to help others working in the field to better understand the application of the HRC in cases involving asylum seekers or people seeking other forms of protection. In this context FLAC continued to provide support and guidance to other NGOs, CICs and other individuals working on more complex cases relating to the HRC.

The Citizens Information Service contacted FLAC on a number of queries and subsequently made a submission to the Department on the application of the HRC to people who were formerly resident in other parts of the Common Travel Area.

## DEBT & CREDIT LAW

### Campaigns

Throughout the course of the year, FLAC continued to campaign for law reform in the debt area through meetings with both government and opposition political representatives. In April the organisation was invited to make a presentation to the Joint Oireachtas Committee on Social and Family Affairs which was examining levels and trends in personal debt in Irish society. That Committee's final report is due to be published in early 2010.

FLAC's second major report on reform of the legal system in relation to debt enforcement was launched by singer/songwriter Mary Coughlan in July. This report, entitled *To No One's Credit*, detailed the results of a research study comprising interviews with 38 clients of the Money Advice and Budgeting Service, against whom debt enforcement action had been taken. A number of these clients ultimately served prison sentences as a result of non-payment of court orders.

The study confirmed the existing anecdotal evidence that debtors very often do not attend hearings designed to determine their capacity to pay debts by instalments, mainly because such hearings are in open court. A lack of understanding of the legal processes and documentation was also a prominent factor. For those who accessed money advice or legal advice early, the outcome was more positive but there was evidence of services being accessed far too late in the process. For those who did summon up the courage to attend court hearings, there was little in the way of assistance provide by the State to present their case. Like the last report on this issue entitled *An End based on Means* (2003), this study closes with detailed recommendations for reform.

Speaking at the launch of  
*'To No One's Credit'...*



Patricia Rickard Clark, full-time Commissioner with the Law Reform Commission.



Colin Daly, solicitor with Northside Community Law Centre, who represented Caroline McCann in her case around imprisonment for debt which she won in June 2009.



Anne Marie O'Connor, Business Manager with MABSnd.



At the launch of FLAC's report, *To No One's Credit* (L-R): Paul Joyce, Mary Coughlan, Noeline Blackwell.



Liam Herrick, Director of the Irish Penal Reform Trust.

Liam Herrick, Director of the Irish Penal Reform Trust.

## Policy

In June, just prior to the publication of *To No One's Credit*, the High Court gave its judgment in the *McCann* case, a constitutional challenge to the Enforcement of Court Orders legislation that allows for the imprisonment of debtors for non-payment of Instalment Orders. The Court determined that the legislation infringed a debtor's right to liberty and fair trial procedures, in that the onus was on the debtor to show s/he had not wilfully refused to pay, the debtor could be imprisoned in his/her absence and no legal aid was available for the debtor to defend his/her position. The Government was forced to quickly introduce amending legislation, the Enforcement of Court Orders (Amendment) Act 2009, and FLAC produced a briefing paper for Senators and TDs on the draft Bill and how it might be improved.

In September, as part of its Third Programme of Law Reform, the Law Reform Commission (LRC) published its comprehensive *Consultation Paper on Personal Debt and Debt Management*, a wider ranging examination of the deficiencies of the legal system in Ireland in dealing with consumer debt. Much of FLAC's research work and submissions in this area are examined in the course of this Paper, as are other significant studies in the fields of debt and credit. As an illustration of the urgency it attaches to the current crisis of over-indebtedness, the LRC held its Annual Conference on the subject in Dublin Castle in November. FLAC's Senior Policy Researcher, Paul Joyce, was amongst those invited to address the Conference on the subject of 'Consumer Debt in Irish Society'. In the course of his address, he called for the swift implementation of the LRC's recommendations for legislative reform but also argued that a coherent

national strategy to deal with over-indebtedness was required. Following responses to its provisional recommendations and requests for submissions on areas that require clarification, the LRC is expected to publish its final recommendations for reform in 2010.

The growing problem of mortgage arrears was also a major issue for FLAC in 2009 and the organisation issued a number of submissions and briefing papers on the topic. The adoption of an existing industry code into a Financial Regulator's Code of Conduct on Mortgage Arrears in February held out some promise that borrowers in difficulty would be protected. However, the eventual Code turned out to be weaker than the draft. Aside from a relatively short moratorium on repossession proceedings from the time arrears first arise and a general obligation on mortgage lenders to examine alternative repayment arrangements, the code is very short on specific obligations. In October FLAC issued an open letter to legislators outlining concerns and calling for urgent action to help people mired in mortgage arrears. The Renewed Programme for Government published that month promised that measures would be examined to further protect homeowners in arrears but by the close of 2009, no concrete proposals had materialised.

As regards credit, FLAC continued in 2009 to work on the forthcoming transposition of the revised Consumer Credit directive. In March the Department of Finance issued a Consultation Paper inviting submissions on how the Irish State should deal with the areas of discretion left to Member States in how they implement the directive. FLAC prepared a submission which considered these issues in detail and was sent to the Department in April. FLAC also responded in September

to the European Commission's *Consultation on Responsible Lending and Borrowing in the European Union*, with a lengthy submission responding to the points raised in the consultation and outlining some aspects of the failure of financial regulation to curtail reckless lending practices in Ireland in recent years.

### Outreach

FLAC continued to provide specialist legal support throughout 2009 to the Money Advice and Budgeting Service through training, policy support and advice and information for money advice staff to assist their clients in financial difficulty. FLAC dealt with 327 specific queries in relation to MABS clients and delivered seven training modules, as well as attending numerous internal and external meetings concerning the development of money advice services and relationships with creditors.

Callers to FLAC's telephone information and referral

line on debt matters came to a total of 9.4% of all calls in 2009, which is a 106% increase on 2008. (It should be noted that this comprises calls from the public directly to FLAC as well as calls from MABS seeking advice regarding their clients. Calls from the public alone rose just under 300% in 2009 over 2008.) In the legal advice centres, queries round credit and debt law rose by almost 10% from the previous year, with a total 5.8% of callers in 2009 as opposed to 3.4% in 2008 and 2.9% in 2007.

FLAC issued a checklist of practical actions in the event of losing your job in February 2009 which received a lot of interest from legislators and the public. FLAC has a telephone information line which offers basic legal information to callers at LoCall 1890 350 250. Our centres around Ireland are listed on our website at [www.flac.ie/gethelp/](http://www.flac.ie/gethelp/) with opening hours and telephone numbers for all centres.

## PUBLIC INTEREST LAW

For a number of years, FLAC has been building on interest and momentum for promoting law as a tool for social justice in Ireland. This has led to the establishment of a dedicated project to advance Public interest Law in this jurisdiction, the **Public Interest Law Alliance**.

### Public Interest Law Alliance (PILA) – a project of FLAC

The Public Interest Law Alliance was launched in April 2009 at the FLAC At Forty celebrations. The establishment of the project was the culmination of several years of work developing public interest law in Ireland.



The project's manager, Tony O'Riordan, was recruited in March 2009 while Edel Quinn, FLAC's Legal Research Officer took up the role of Legal Information Officer in May. The Legal Officer, Jo Kenny and Project Officer, Lianne Murphy, came on board in June to complete the team.

The PILA Advisory Board was set up to assist in the progression of the project. This comprises lawyers and experts from Ireland and abroad.

In addition to developing the terms, criteria and strategies for the project, the PILA team began to work towards the overall objective of the project: to facilitate and promote the use of law in the public interest for the advancement and protection of human rights and for the benefit of the marginalised and disadvantaged. PILA's work to achieve these aims falls under the broad areas of law reform, legal education (both in the community and ongoing education of lawyers) and strategic litigation.

PILA has developed an alliance of organisations and individuals committed to using law to address unmet legal need and it has established a range of international contacts with public interest law firms and organisations.

Strategies and *pro bono* schemes in a number of jurisdictions have been researched with the aim of applying best practice to the Irish context. PILA is developing processes to match legal need identified in consultation with the NGOs with legal expertise that will be available through the PILA *pro bono* panel and through its register of lawyers.

With regard to public interest litigation, a major research project which has been undertaken by the project is to examine a number of procedural barriers to litigation in the public interest with the aim of providing



Pictured L-R are the PILA team: Jo Kenny, Lianne Murphy, Tony O'Riordan and Edel Quinn (seated).



Attendees at PILA's Legal Education Roundtable in October 2009.

resources for legal practitioners and members of the public on these barriers. As with much of PILA's initial work, this project is ongoing into 2010.

PILA hosted the inaugural meeting of PILA Lawyers Network, a mechanism for lawyers in Independent Law Centres and NGOs to exchange information and to share experience. It held the first in a series of seminars for practitioners, which centred on the European Convention on Human Rights in the UK and Ireland. It also hosted a roundtable on clinical legal education, the first of its kind in Ireland, which was attended by representatives from all third level institutions with law faculties and the legal professional bodies. Consultations with attendees on the potential for developing clinical legal education in Ireland were undertaken in November to December 2009.

The Public Interest Law Network Bulletin became the Public Interest Law Alliance Bulletin in 2009 and with now over 560 recipients, continued to be well received by legal practitioners, NGOs, academics, students and other interested parties. This electronic bulletin provides information on developments in public interest law nationally and internationally (people can subscribe by contacting [bulletin@pila.ie](mailto:bulletin@pila.ie)).

PILA has provided support to a range of organisations to date, including the Mercy Law Resource Centre and the Irish Traveller Movement, which was enabled to re-establish its Law Centre. PILA has also brought together a group of organisations and individuals with a view to establishing a Children's Law Centre.



Speakers at PILA's seminar on 'Using human rights law for clients: Comparing the British and Irish experiences' (L-R): Jo Kenny (PILA), Kevin Kerrigan (University of Northumbria), Tony O'Riordan (PILA).

## PROMOTING ADVOCACY, EQUALITY AND HUMAN RIGHTS

For a number of years, FLAC has been building on interest and momentum for promoting law as a tool for social justice in Ireland. This has led to the establishment of a dedicated project to advance Public interest Law in this jurisdiction, the **Public Interest Law Alliance**.

### Advocacy Initiative

The Centre for Non-Profit Management's Summer School in 2008 addressed the theme of *Relationships and Representation: Irish Civil Society at the Crossroads*. Subsequently, it organised a 'café workshop' in October 2008 which involved seeking the views and drew on the experience of people in the sector around the question of 'advocacy and the non-profit or civil society sector'.

After the workshop a core group including FLAC came together to drive the discussion of the place of advocacy in Ireland today. Meetings were held in the first half of 2009 where research into these issues was discussed and

terms of reference for the project as well as a research proposal were agreed upon. An application for funding was compiled and funding was granted in September 2009. This research is due to be published in 2010.

### Equality and Rights Alliance

FLAC continued its participation in this campaign to restore and rebuild the human rights and equality infrastructure so damaged by disproportionate government cuts in September 2008, joining the alliance's Steering Committee early in 2009. Now numbering 140 other concerned organisations and individuals, the alliance ran a roundtable event in May

to explore legal avenues of action and subsequently lodged a complaint with the European Commission that Ireland is in breach of EU race and gender law as a result of these swingeing cuts. The alliance simultaneously entered a petition to the EU Parliament on the same issue. MEPs were asked to sign a pledge to support equality and human rights in the run up to the European elections. Almost all independent and Opposition MEPs did so. The Alliance commissioned research into the impact of cuts to the Equality Authority and the Human Rights Commission, which was launched at a conference in November. The event also featured individuals who have been affected by human rights and equality issues in Ireland and brought in international experience with equality and rights bodies, as well as a debate between government and Opposition spokespersons chaired by John Bowman (you can see conference highlights and download the report from the ERA website at [www.eracampaign.org](http://www.eracampaign.org)).

### **International Covenant on Civil and Political Rights - Follow-up conference**

FLAC continued its work relating to the International Covenant on Civil and Political Rights in 2009. Together with the Irish Council for Civil Liberties and the Irish Penal Reform Trust, the group that had submitted a Shadow Report in 2008, a follow-up conference was organised on 6 April 2009.

The aim of the conference was to refocus attention on the ICCPR and the observations of the UN Human Rights Committee, which had examined Ireland's report the previous summer. The conference gave policy makers, the legal professional bodies, community groups, service providers, government bodies, NGOs,



At the roundtable on legal challenges to cuts in the Irish equality and human rights infrastructure, organised by ERA (L-R): Orlagh O'Farrell, legal expert on equality; Proinsias de Rossa MEP; Niall Crowley, equality expert and former CEO of the Equality Authority; Michael Farrell (FLAC).

students and academics the opportunity to discuss the issues highlighted both by the Shadow Report and the Concluding Observations and the implementation of the Committee's recommendations. The conference was very well attended with figures approaching 150 from a wide range of sectors including representatives of the Departments of Justice, Equality & Law Reform, Defence, Foreign Affairs and from the Garda Síochána Ombudsman's Commission. The morning session of the



At the joint NGO follow-up conference on the ICCPR (L-R): UN Human Rights Committee members Judge Elisabeth Palm and Prof Michael O'Flaherty; Liam Herrick (IPRT) (standing); Tanya Ward (ICCL); Dr Maurice Hayes, Mark Kelly (ICCL); Noeline Blackwell (FLAC).

conference was hosted by Dr Maurice Hayes who introduced Committee members Prof. Michael O'Flaherty and Judge Elisabeth Palm of Sweden. On behalf of the alliance, Tanya Ward, Deputy Director of the Irish Council for Civil Liberties spoke about the work of the project to date and James McIntyre gave a statement from the Department of Foreign Affairs. The afternoon session was chaired by Susan McKay and included inputs from Dr. Siobhan Mullally, UCC, Eamonn MacAodha of the Irish Human Rights Commission and Michael Farrell of FLAC. This was followed by an open forum.

In its Concluding Observations on Ireland, the Committee requested Ireland to give further information on certain priority areas by 31 July 2009. The priority areas were extraordinary rendition, prison conditions and non-denominational education. In response to the State's submission, FLAC, ICCL and IPRT, again in consultation with a number of other organisations, submitted a fifteen-page document not only updating the Committee on developments relating to the three priority areas but also on the range of regressive measures the State had taken in the previous twelve months with regard to human rights in the State.

Meetings were held with officials from the Departments of Justice, Education, Foreign Affairs as well as the Attorney General's office in advance of the conference and the submission on priority areas.

### Charities regulation

Following on from a campaign in December 2008 to amend legislation being introduced to regulate charities in Ireland, FLAC along with four other organisations, Amnesty International Ireland, Front Line, Irish Council for Civil Liberties and The Wheel, sent a briefing



At the joint NGO follow-up conference on the ICCPR (L-R): Michael Farrell (FLAC); Dr Siobhan Mullally (UCC); Susan McKay, Eamonn MacAodha (IHRC).

document to TDs in February 2009 calling for the advancement of human rights to be included in the Charities Act as a charitable purpose. While the legislation was enacted without this change, all opposition parties raised concerns about the exclusion of human rights at the debate stage and welcomed the briefing paper.

### Casework

**Rights of Transgendered persons:** FLAC has continued to represent transgendered woman Dr Lydia Foy in her struggle to secure legal recognition in her female gender (*Foy v. An t-Ard Chlaraitheoir & Others 2006/33SP*). The High Court declared in 2007 that Irish law on this issue was incompatible with the European Convention on Human Rights, the first declaration to be made under the European Convention on Human Rights Act 2003.

The State appealed this decision to the Supreme Court. In the meantime, the Council of Europe's Commissioner for Human Rights has continued to take an active interest in this issue and to call on the Irish Government

to change the law. In October 2009, the Coalition Government said in its Renewed Programme for Government that it would introduce legislation to recognise transgendered persons. FLAC continues to await developments.

**Right to serve on juries:** In 2006, FLAC issued proceedings on behalf of Joan Clarke, a deaf woman who had been prevented from serving on a jury (*Joan Clarke v. Galway County Registrar, 2006/1338JR*). Deaf persons serve on juries throughout the US and in a number of other countries. The case was heard in the High Court in May/June 2008 and Ms Clarke is still waiting for judgment. FLAC continues to press for judgment to be delivered.

**Disability Rights:** FLAC represented a disabled man who is confined to a wheelchair in a case before the Equality Tribunal. FLAC's client complained that he had been harassed by Iarnrod Eireann staff when travelling to and from Dublin (*William Hennessy v. Network Catering/Iarnrod Eireann, DEC-S2009 – 029*). The Tribunal upheld his complaint and ordered Iarnrod Eireann to pay compensation and to train their staff in the requirements of the Equal Status Acts. It also ordered them to display notices on trains saying that passengers with disabilities are welcomed by Iarnrod Eireann and are protected by the Equal Status Acts. The notices had not been displayed as this report went to press.

FLAC also represented this client in a complaint to the Equality Tribunal that he had been placed in unfit accommodation by a local authority. The case was heard over two days in September and November 2009 and a decision is awaited.



Lydia Foy pictured with FLAC Senior Solicitor Michael Farrell.

## PROVIDING LEGAL INFORMATION AND ADVICE IN THE COMMUNITY/ADVANCING ACCESS TO JUSTICE

FLAC's overall goal in terms of its information and advice work is to facilitate access to justice. Thus it runs a LoCall telephone advice and information and referral line offering basic legal information to callers. This service is free and confidential.

FLAC also operates a network of legal advice centres around Ireland. At these centres, members of the public can receive once-off, basic legal advice from qualified lawyers who volunteer their knowledge and expertise. Some of the advice centres operate by appointment while others run on a drop-in basis. There are currently 28 advice centres in Dublin and 47 located around the country, generally operating out of Citizens Information Centres.

### Legal advice centres round-up

Due to the growing numbers of queries to the legal advice centres, and in particular the specialised nature of some queries, 2009 has seen the expansion of existing centres and the opening of new ones. In Galway City, in addition to the general FLAC service and the centre set up for Irish speakers, there are now three specialised clinics (see below). New centres opened throughout the year, one in Tipperary Town, another in Nenagh and a third centre was set up in Tuam, Co Galway, which is open on a monthly basis. In Dublin a new centre has started in Ringsend while the existing service in Finglas has been extended to open twice weekly, on Tuesday and Wednesday evenings.

**Student FLAC societies:** There are two FLAC student societies, one in Trinity College Dublin and one in University College Cork. Both societies seek to ensure that any student who needs to will have the opportunity to access law. To this end they operate clinics providing advice by qualified legal practitioners to members of the student population, while also arranging legal



Members of FLAC student societies from NUI Galway and Trinity College, Dublin.

information evenings, seminars and debates. FLAC is currently in process of establishing a society in NUI Galway and it is hoped that the students and the volunteer legal practitioners there will soon be in a position to operate advice clinics. In the meantime the society has started to arrange information evenings for interested students. The development of student FLAC societies is of particular interest to the organisation as it is key that law students understand as early as possible the inequities that exist in accessing law and the legal system in Ireland.

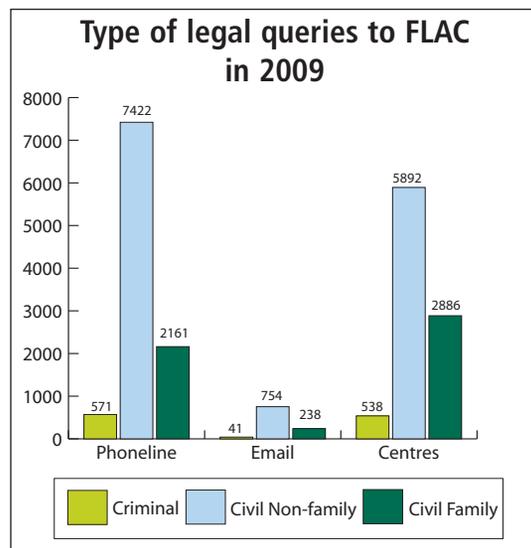
Specialist centres: While most centres provide advice on general areas of law, FLAC has set up a number of centres that specialise in particular legal areas. These are family law, employment law and debt law. Different specialised centres run in different locations (see the FLAC website for details of when and where the centres run). To date they have been very successful, usually booked out each session. In Galway city, new specialised centres opened in 2009 on employment law, family law and immigration law. The employment law clinic runs three times a month, the family law clinic is operated on a weekly basis and the immigration law clinic runs once a month. Similarly, a specialised employment clinic has started in Bray, which is open every second Tuesday.

### Trends in advice centres and information line

As in previous years, throughout 2009 FLAC's legal information and advice services were kept busy with queries across the full range of legal areas.

Some 10,154 calls were made to its telephone information and referral line, an increase of just under 10% over 2008 when it received 9250 calls. It was notable that calls to the information line are longer and more complex, sometimes encompassing several different legal angles. The organisation also answered over 1000 e-mail enquiries for information or referral. In the legal advice centres, FLAC volunteers gathered information on 8730 queries, up from 7233 in 2008. More centres are taking part in the recording of queries, and the average number of queries to centres is rising steadily each year, up 1.1% in 2008 and up 9.1% in 2009.

Overall family law is the largest area of enquiry in civil law across all FLAC information services, averaging between 20 and 30% of queries. This is in continued contrast with the state Legal Aid Board's almost exclusive focus on family law, which forms more than 90% of its work. Other prominent areas are employment law and debt law. Criminal law enquiries account for roughly 5% of queries overall.



### Telephone information and referral line

On the telephone information line, family law calls accounted for 21.3% last year compared with 20.7% in 2008. Employment law calls made up 8% but when added to specialist employment calls from Citizens Information Centres this rises to 9.7% of all queries.

Callers on debt matters came to a total of 9.4% of calls in 2009, which is a 106% increase on 2008. (It should

be noted that this comprises calls from the public directly to FLAC as well as calls from MABS seeking advice regarding their clients. Calls from the public alone rose just under 300% in 2009 over 2008.)

Also noteworthy was the 70% rise in calls about civil legal aid, a 61% rise in queries about social welfare and a general rise of almost 90% in queries around other civil law matters.

Table 1 Areas of Law Discussed on telephone information line 2006-2009						% Change 2008/2009
		2006	2007	2008	2009	
Civil Law	<b>Family</b>	25.1%	22.8%	20.7%	21.3%	12.7
	Children's Rights	—	0.1%	0.2%		
	Civil	5.3%	5.0%	4.6%	7.6%	+89.5
	Company	—	0.8%	0.5%	0.1%	-67.5
	Consumer	14.4%	5.7%	7.3%	3.3%	-50.7
	Credit & debt		1.5%	1.7%	6.2%	+298.7
	MABS debt calls			2.25%	3.2%	+5.8
	Contract	0.8%	2.5%	1.7%	1.7%	+9.0
	Discrimination/Equality	—	0.2%	0.1%		
	Employment	6.7%	14.1%	20.1%	8.0%	-56.4
	CIC Employment calls			3.34%	1.7%	-18.27
	Housing	4.1%	3.0%	3.2%	2.7%	0
	Immigration	2.0%	1.8%	1.8%	1.4%	-15.2
	Legal Aid	1.8%	4.5%	3.5%	5.5%	+70.2
	FLAC centre query	12.4%	18.1%	10.7%	10.7%	
	Neighbour disputes				0.4%	
	Personal Injuries	2.5%	1.3%	2.2%	1.5%	-23.0
	Tort		—	1.3%	1.2%	-3.3
	Probate	6.9%	5.4%	5.9%	4.2%	-21.2
	Property	6.2%	3.7%	4.4%	3.2%	-18.9
	Social Welfare	1.1%	0.9%	0.9%	1.4%	+61.6
	Solicitor/Client Issues	3.0%	4.0%	3.8%	4.1%	+18.9
	Wills/Power of Attorney				2.0%	
	Miscellaneous	2.7%			0.4	
	<b>Total Non-Family</b>	<b>69.9%</b>	<b>72.6%</b>	<b>73.9%</b>	<b>73.1%</b>	
		<b>5.0%</b>	<b>4.6%</b>	<b>5.7%</b>	<b>5.6%</b>	<b>+8.5</b>
<b>Total Legal Queries</b>	<b>5,786</b>	<b>6,034</b>	<b>9,244</b>	<b>10,154</b>	<b>+9.8</b>	

In the legal advice centres, family law queries made up 31% of the total, compared with 31.5% in 2008 and 32.7% in 2007. Employment law rose to 15.2% from 14.1% (an increase of almost 30%) the previous year and 10.2% in 2007, showing a distinct upwards trend. In the centres, queries around credit and debt law rose

by almost 10% from the previous year, with a total 5.8% of callers in 2009 as opposed to 3.4% in 2008 and 2.9% in 2007. Consumer, housing and property law queries also figured high among people's concerns at FLAC centres

		2006		2007		2008		2009		% Change 2008-2009	
		Count	%	Count	%	Count	%	Count	%		
Civil Law	<b>Family</b>	<b>1504</b>	<b>33.7</b>	<b>1,741</b>	<b>32.7</b>	<b>2438</b>	<b>31.5</b>	<b>2886</b>	<b>31.0</b>	<b>+18.4</b>	
		Employment Law	455	10.2	508	9.5	1094	14.1	1422	15.2	+29.6
		Succession/Probate	395	8.8	393	7.4	275	3.6	274	2.9	+0.4
		Property	389	8.7	436	8.2	439	5.7	575	6.2	+30.9
		Housing/Landlord	336	7.5	330	6.2	521	6.7	538	5.8	+18.4
		Consumer Law	265	5.9	348	6.5	505	6.5	570	6.1	+12.9
		Credit and Debt	135	3.0	153	2.9	259	3.4	543	5.8	+9.6
		Neighbour Dispute	-	-	205	3.9	157	2.0	154	1.7	-2.0
		Immigration/Refugee law	83	1.9	222	4.2	258	3.3	347	3.7	+34.5
		Negligence/Personal Injury	102	2.3	165	3.1	413	5.3	407	4.4	-1.7
		Wills/Power of Attorney	13	0.3	14	0.3	268	3.5	31.7	3.4	+18.2
		Client-Solicitor Relations	34	0.8	20	0.4	89	1.2	96	1.0	+7.9
		Social Welfare Law	68	1.5	99	1.9	139	1.8	196	2.1	+41.0
		Other civil matters	444	9.9	392	7.4	446	5.8	458	4.9	+2.7
	<b>Total non-family</b>	<b>2719</b>	<b>60.8</b>	<b>3,285</b>	<b>61.7</b>	<b>4863</b>	<b>62.7</b>	<b>5897</b>	<b>63.2</b>	<b>+21.2</b>	
		<b>245</b>	<b>5.5</b>	<b>297</b>	<b>5.6</b>	<b>432</b>	<b>5.6</b>	<b>538</b>	<b>5.7</b>	<b>+24.5</b>	
<b>Total legal queries</b>		<b>4468</b>	<b>100</b>	<b>5,323</b>	<b>100</b>	<b>7,733</b>	<b>100</b>	<b>9321</b>	<b>100</b>	<b>+20.5</b>	

More than 90% of all people who visited FLAC centres last year had not accessed a private or Legal Aid Board solicitor. In response to demand, FLAC has established a number of specialised centres focusing specifically on employment, family and immigration law at certain centres. In the family law centres, the main areas have been divorce/separation (45.7% of queries), maintenance (20.5%) and custody/access guardianship. This is largely similar to the trends evident in data from the Legal Aid Board, which indicates that most of their work in family law concerns separation, divorce and custody (see the LAB annual report 2008).

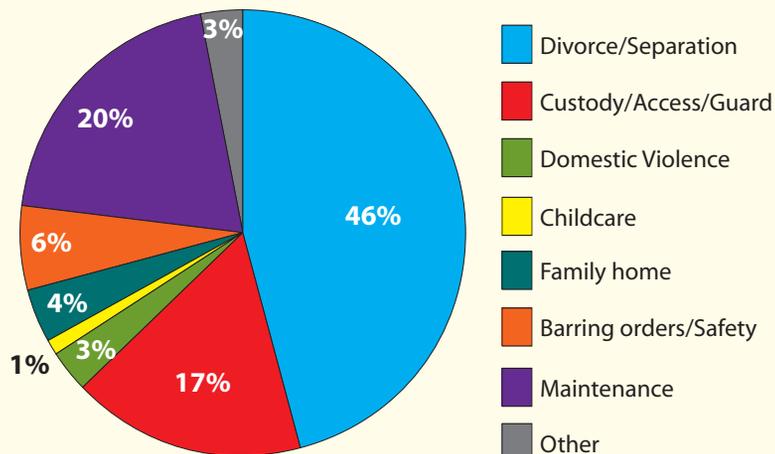
Statistics in employment centres mirror the recent decline in the Irish economy: Questions about dismissal account for 30.2% of queries, redundancy for 25.8%, terms of contract for 15.9% and discrimination for 3.2%.

In the specialist immigration law centres, the main areas of concern were naturalisation (36%), visas (20% and family reunification (11%).

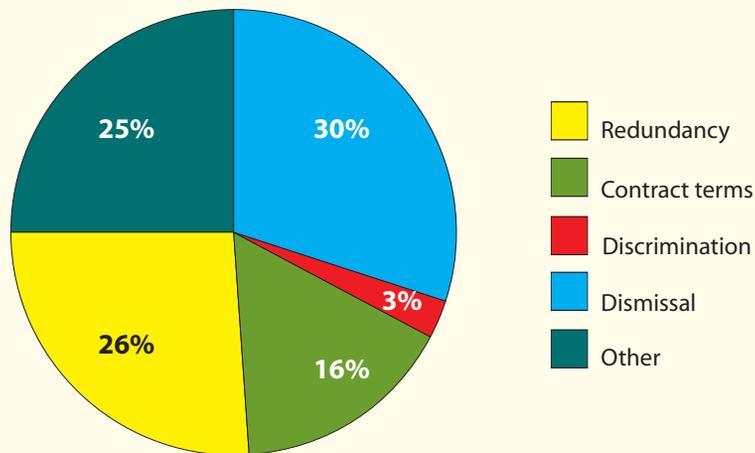
Referrals from FLAC's telephone line were mainly to its legal advice centres (32.6% of calls), to the Legal Aid Board (9.4%) and to Citizens Information Centres (7.1%). From advice centres, clients were advised to contact a private solicitor (24.1%), the Legal Aid Board (20%) or the District Court (3.6%).

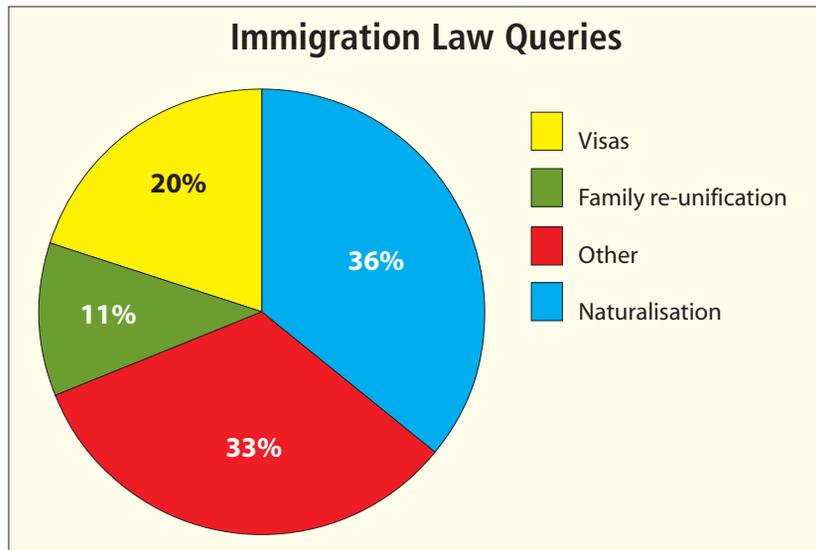
Also of note was the relative stability of trends across FLAC's information and advice services between the Celtic Tiger era and recession. Generally the

### Family Law Queries



### Employment Law Queries



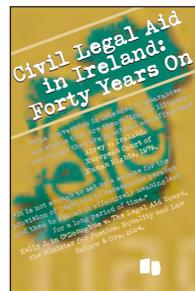


queries remain roughly the same over the years from 2007 to 2009, apart from the steep rise in queries on debt, which would indicate that for those who access FLAC services, the boom and bust cycles have not radically altered their basic legal concerns.

## Publications

Authoritative analysis is crucial to campaigning for social change. FLAC publishes practical guides on and analyses of various areas of law. These include a range of legal information leaflets and booklets, covering such areas as moneylending and the law, wills and probate, maintenance, divorce and separation. It also issues factsheets on issues that arise as part of its campaigns.

The organisation also issues a quarterly magazine, *FLAC News*. It features legal information and comment, reports on new developments and details of FLAC's work in general. All publications can be downloaded from FLAC's website at [www.flac.ie/publications](http://www.flac.ie/publications)



## FLAC VOLUNTEERING

FLAC is very fortunate to have over 500 dedicated, committed and hard working volunteers currently throughout the country. The majority of these volunteers provide their services at FLAC's legal advice centres in Dublin. The volunteers who attend at the legal advice centres all have legal qualifications; they are solicitors, barristers, trainee solicitors or 'devils' (newly qualified barristers under the guidance of an established barrister) who volunteer at the centres to provide much-needed legal advice to members of the public. Law students may also sit in from time to time to observe and learn before they qualify.

FLAC volunteers are assigned to a specific advice centre, approximately once a month, to take consultations with clients, advise the client on a legal issue and make appropriate referrals if necessary. Some of the legal advice centres are operated on an appointment basis and volunteers at these centres normally see about six clients per session. In comparison, other advice centres operate on a drop-in basis. FLAC is privileged to attract volunteers from all spectrums of the legal profession, from legal practitioners with over 30 years experience to first-year law students.

### Other volunteers

In addition to the volunteers who work in the advice centres, FLAC volunteers also support the organisation in a number of other ways. During 2009 FLAC called on the services of its volunteers to assist with casework, for



Volunteers at a FLAC training session.



Lecturers at a FLAC training session.

help with office work, on working groups for law reform and for support in training and outreach.

### Volunteer training

FLAC regularly organises training seminars for volunteers on areas of law of particular relevance for FLAC centre clients, so as to refresh and supplement volunteers' knowledge. In April FLAC organised training on employment law, with a specific focus on the law surrounding redundancy and unfair dismissals, debt law and the Equality Authority, giving detailed information on the applicable equality legislation. FLAC also ran training on immigration law in conjunction with the Immigrant Council of Ireland.



Volunteer legal advisor Michael O'Dwyer with a client in FLAC's legal advice centre in Clondalkin, Dublin 22. Michael is a partner in a firm of solicitors and volunteers in the FLAC Centre, based in the Citizens Information Centre (CIC) in Clondalkin, on Tuesday evenings. He talked to FLAC News for the September issue about providing legal information and advice to the public: "I think there is a general lack of knowledge among people as to their entitlements to state civil legal aid and how to apply for and access the service... people with legal problems require legal help at the earliest possible opportunity in order to avoid a slew of other problems developing which may prove more costly to the state in the long term. FLAC is providing a stop-gap for these problems but ultimately the state must take appropriate action to serve its citizens adequately in this area." FLAC is extremely grateful to Michael and all the other volunteers for the extremely valuable work they do, week in and week out, in centres around the country.

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