

# FLAC annual report 2013



FLAC Annual Report 2013

ISSN: 0791-7775

©FLAC, July 2014

Copyright declaration:

- You are free to copy, distribute or display this publication under the following conditions:
- You must attribute the work to FLAC;
- You may not use this report for commercial purposes;
- You may not alter, transform or build upon this report.

For any reuse or distribution, you must make clear to others the licence terms of this publication.

Any of these conditions can be waived if you get permission from FLAC.

Photos courtesy of Derek Speirs, FLAC, Clive Wasson, Eric Luke.

Graphic design: Grainne Murray

Print: Impress Printing Works



## CONTENTS

Foreword	2
About FLAC	4
Legal Advice Centres	5
Telephone Information & Referral Line	6
Advising the Advisors	10
FLAC's priority areas of work	12
Civil legal aid	13
Debt law reform	17
Consumer credit law reform	20
Social welfare law reform	21
Access to justice, human rights and public interest law work	27
International Monitoring of Human Rights in Ireland	28
Strategic casework: Promoting equal access to justice	31
PILA – Public Interest Law Alliance	33
FLAC Student Societies	36
Dave Ellis Memorial Lecture	37
Interns	38
Staff & Council	40
Fellowships	42
Funding & Support	43
Income & Expenditure 2013	44



## Foreword

In 2013, FLAC saw another year of productive work at the coalface of access to justice. With many people in Ireland still over-burdened by the last years of recession, the challenge to fight the corner of the most vulnerable people in society is at least as great as ever. However, FLAC continued to highlight the need for core state systems to meet basic minimum human rights standards and people's right to expect them even - perhaps especially - in recession. Our latest legal analysis work on social welfare appeals and on consumer debt provided ample material for transmitting this message in 2013.

There continued to be a strong need for general legal information and advice: we directly assisted more than 27,000 people with legal queries either over the phone or face-to-face in an advice centre. Thousands more accessed our website to find legal information. It was noticeable that those who contact us often have very complex issues where problems lie across many legal areas of family, debt, housing and employment law. This reflects the very complicated life situations of people facing dwindling incomes, reduced employment, rising rents and limited access to civil legal aid but still needing to access the legal system.

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.

With a strong track record as an independent law centre litigating strategically to achieve fairer outcomes for marginalised groups, FLAC maintained a number of ongoing cases in 2013 in our priority areas of law. Although our capacity is limited, we take cases which establish the legal principles underlying people's entitlement to social welfare payments and how the social welfare system and appeal mechanism works; others that help to secure a broader and more accessible legal aid system and cases too that seek to establish a fairer and more equitable system of dealing with consumer credit and debt and that will help to end exclusion and unfair treatment of marginalised groups of people.

As our core mission is equality of access to justice, including access to the legal system, we also examine laws and legal mechanisms and aim to use the law in innovative ways that forge new avenues for obtaining justice. In particular, we look to Ireland's commitment to international human rights law either at the universal or the European level in our work with the aim of making justice more accessible to everyone. We were honoured in May to receive an Irish Law Award recognition of our work in promoting law in the public interest. And we were heartened in December by the landmark legal intervention that will involve the International Commission of Jurists in our long-running transgender recognition case, *Foy v An t-Ard Chláraitheoir & Ors*.

While FLAC gave a cautious welcome to the passage of a new personal insolvency law, we remained concerned about clear flaws in its design. The creditor veto on personal insolvency proposals and a continuing lack of adequate legal and financial advice and support for over-

indebted people were chief among our concerns. When the Insolvency Service began in mid-2013, these were indeed proven to be major stumbling blocks to the success of the new system. By the end of the year, it was clear that the system was failing to deliver equal justice to all, particularly for those on low incomes. The new insolvency system is not the only concern for consumers' financial rights. FLAC also registered its dismay at a retrograde revision by the Central Bank of its Code of Conduct on Mortgage Arrears in July which reduced protection to consumers. We continue to be frustrated by the failure to sufficiently support all those negotiating with lenders and we issued a guide that we hope will help people trying to move out of mortgage arrears and personal debt.

Likewise we worked on a major report enquiring into legal protections for consumers of credit and other financial services for publication in early 2014. FLAC's concerns have grown with a series of cases where it is shown that consumers of credit in Ireland have to deal with powerful, well-resourced financial institutions through complex and convoluted legal structures where it is difficult for them to understand the processes and difficult to use them to achieve justice.

In an effort to identify better ways of giving a voice to those who need to be heard in decisions concerning minimum basic standards of dignity, we helped to co-ordinate a debate about budgeting based on human rights and equality standards. A PILA-convened joint session with Equality Budgeting Ireland in October established that social justice groups recognise that these standards will provide guidance for fairer and more accountable budgeting process and outcomes. The processes in themselves are straightforward; what is needed is the political will to implement them.

In June, we highlighted a worrying move giving the Department of Social Protection wide new powers to reclaim social welfare overpayments by deductions from current payments to beneficiaries. Of particular concern is the law that now allows the Department to make deductions which will reduce a person's income below that which the State itself recognises as a minimum subsistence payment. These deductions will be used to repay overpayments even where the mistake is entirely that of the Department. As a result, many people will struggle to survive with serious hardship.

FLAC was also happy to provide support to the independent Child Care Law Reporting Project run by Dr Carol Coulter during 2013 as well as to support the newly established Law Centre for Children and Young People until it was in a position to manage independently. Both of these innovative projects will increase access to justice, particularly for children and their families, and we were glad to be able to support and foster their work.

The work that we do in FLAC takes both human and financial resources. In 2013, FLAC remained fortunate to have a skilled and committed team of staff and interns who operate out of our office in Dorset Street. The reach of FLAC is extended enormously because of our volunteers who are a core part of the FLAC structure. Our volunteers operate through the PILA legal network and through our partnership with Citizens Information Centres country wide where volunteers steadfastly and constantly provide legal advice in FLAC centres. Our volunteer board, FLAC National Council, have also worked long and hard to support and guide the organisation in its development. Many have volunteered the money that we need to keep going. We are particularly appreciative of the support of the vast majority of practising lawyers who include a donation to FLAC in their annual practising licence, a commitment which gives us our seed money. In addition our funding from state and semi-state organisations for our services as well as philanthropic grant funding has allowed us to continue to develop our aim of improving access to justice. Together, we form a strong team committed to building a society which guarantees equal access to justice.

**Peter Ward**, Chairperson

**Noeline Blackwell**, Director General

## About FLAC

FLAC exists to promote equal access to justice for all, so that the protection and benefits of the law are accessible to all people, regardless of income or background.

**VISION:** FLAC's vision is of a society where everyone can access fair and accountable mechanisms to vindicate their rights.

**MISSION:** FLAC is a human rights organisation which exists to promote equal access to justice for all.

### HOW WE WORK

FLAC is involved in a variety of different activities in the pursuit of access to justice and the use of law in the public interest.

These activities can be grouped under three broad headings:

Advice and Information, Analysis, and Advocacy.

Each of these activities is a powerful tool in its own right, but it is in combining them that FLAC is able to make the biggest impact.

#### ANALYSIS

FLAC recognises that law is a means to advance the public interest of society to achieve greater equality particularly for those who are marginalised and disadvantaged.

To this end, it conducts in-depth research and expert analysis of a number of core legal topics: state-funded legal aid, social welfare law, personal debt law and consumer credit law.

#### ADVICE & INFORMATION

Through the telephone information line, network of legal advice centres and its website, FLAC provides free legal information and advice to thousands of people all around Ireland every year.

The delivery of FLAC's information and advice services also keeps FLAC connected to people on the ground and the issues that they are facing – this informs all of FLAC's other work.

#### ADVOCACY

When it becomes evident that the law itself is not fair or reflective of the realities of the world we live in today, FLAC advocates for changes to the law, or changes to the way in which the law is applied, through its campaigns and strategic litigation in the public interest.

FLAC is an Independent Law Centre and takes a small number of cases each year, which it hopes will not only benefit the individual client, but test and possibly change the law or practice for the benefit of others as well. FLAC always seeks opportunities to persuade those who make and implement the law of the need for change by providing relevant and informed data to those charged with making decisions in Ireland, to its colleagues in the non-governmental sector and to the public.

# Legal Advice Centres

## About FLAC Centres

There are part-time legal advice centres at 81 locations around Ireland which provide an independent, confidential legal information and advice service to the public with no fees and no means test. For basic, one-on-one legal information and advice from our volunteer lawyers, callers can visit a FLAC centre near them and sit down with a volunteer barrister or solicitor for a

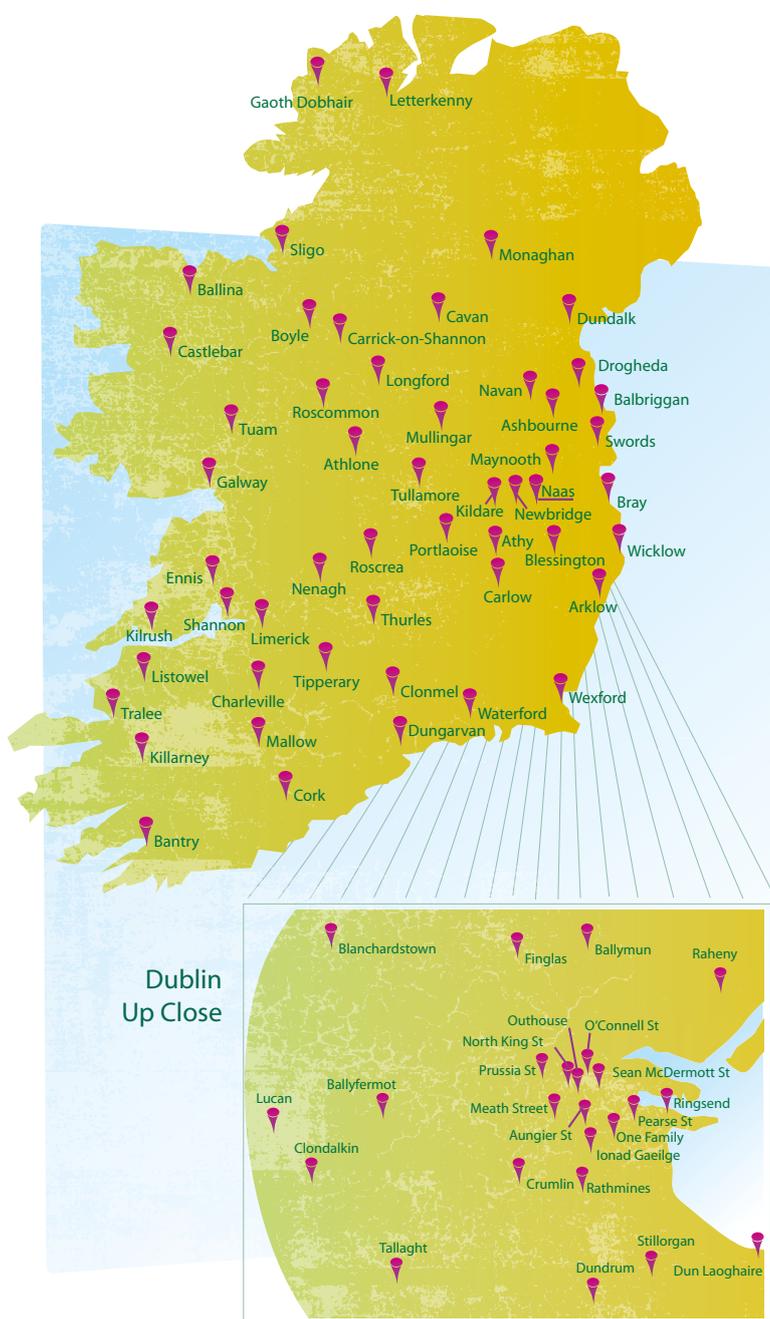
once-off, confidential discussion about their legal issue. The volunteer legal advisor may be able to resolve the caller's query there and then, they may advise them as to what the most appropriate next step is, or they may direct them towards a more appropriate service to meet their specific need.

The centres provide an essential service for people who require legal advice and information to address a problem that they are facing but who

do not have the resources to pay for a consultation with a private solicitor. Our volunteer advisors will often be able to deal with a caller's difficulty at the consultation. If they need to be referred on to a more comprehensive legal service, to a money advice service, to an ombudsman or to some other institution, the volunteer lawyer will recommend that.

Most of the free legal advice centre services are run in the evening-time with a small number of day-time services. Details of the times and days of these new services, and all of the legal advice centres, are available on FLAC's website.

In 2013 we focused on deepening our relationship with the Citizens Information Centres. While the FLAC centres around the country are organised and operated by the Citizens Information Centres, FLAC works with them to assist with volunteer recruitment and other supports. In 2013, more than 50 new volunteer lawyers started in such FLAC centres. A further 86 were recruited to centres in the greater Dublin area. FLAC rosters almost all centres in the Dublin area as well as centres in Cork city directly.





Some of volunteers honoured at the Gold Pin award ceremony on 5 December, L-R: FLAC Chairperson Peter Ward SC, Angel Bello Cortez, Beatrice Cronin, Innocent Chukwuezi BL, Maria McDonald BL, Paula King, Katie Dawson BL, Barbara Sherry, Helen Moakley, Brian Connolly, Susan Webster, FLAC Volunteer Manager Zsé Varga

Since its establishment, FLAC has relied on the dedication and commitment of hundreds of volunteer solicitors and barristers to provide legal information and advice, free of charge, to people up and down the country. FLAC's volunteer service in centres is a central part of our work. Without it, more than 13 000 people would not have been able to get the information and advice that they needed to navigate their way through their legal problems.

The volunteer advisors are further supported by a smaller number of volunteer assistants. These volunteers have a legal background but are not qualified legal practitioners; they provide invaluable support in the centres each week.

Induction and training is made available to FLAC volunteers each year. In 2013, FLAC organised a first-ever training session for FLAC volunteers in the West of Ireland, in cooperation with the Galway Citizens Information Centre and the Galway Solicitors Bar Association, which saw over 40 volunteer lawyers attending. There were three training seminars for Dublin and Leinster volunteers and one in Cork for Munster volunteers. Topics covered included personal insolvency and debt, legal aid, social welfare law, employment law, family law (separation and divorce) and caller care. We also held three induction sessions for new volunteers.

FLAC also launched its nationwide FLAC Volunteer Awards scheme in 2013 after a pilot the previous year; some 72 volunteers were awarded the FLAC Gold Pin in 2013 for their long-standing and committed volunteering with FLAC, bringing the total number to 165. In 2013 10 volunteers were

awarded a Pin for their work with PILA through its Pro Bono Referral Scheme. FLAC believes that giving people access to the information and advice that they need at the time that they need it is an essential ingredient of access to justice. This is why we value the partnership with Citizens Information Centres and local community centres around the country. These centres provide a wide variety of information and advice supports and the FLAC advice centres complement and enhance the assistance available to communities country wide. While FLAC supports the service countrywide through help with recruitment and other volunteer supports and our office staff roster most of the FLAC centres in Dublin and those in Cork city, we acknowledge the vital work done by the management, staff and volunteers of the Citizens Information Services and community centres, without whom the current level of service would be impossible.

## 2013 Statistics from Legal Advice Centres

FLAC's Data Collection Programme enables us to collect basic information on the type of queries that people bring to our advice centres. This is all done on an anonymous basis and the data is analysed in order to give an indication of what kind and what level of legal need there is around the country.

In 2013, FLAC collected this statistical information from centres at 73 locations, with some 13,805 forms returned. Many callers had more than one

Key Numbers in FLAC Centres:

**13,805** visits to FLAC centres in 2013

**34%** of callers had a family law query

**11.5%** of callers had a debt or credit query **26.5%** increase in debt calls

**12.7%** increase in calls on housing/landlord & tenant issues

query or their query involved a number of areas of law. The numbers are significantly up on 2012, when 12,991 forms were returned.

Family law remains the most frequently discussed area of law in the centres, with 34% of callers needing to discuss some aspect of family law. Almost half of these callers' concerns were related to separation and divorce while 30% were

concerned with custody, access and guardianship of children. Employment continues to be the second most common type of query, followed by credit and debt related problems.

Noticeable trends in 2013 include a 13% increase in housing-related issues, a 26.5% increase in debt-related problems, and a steady rise in housing and landlord issues.

Primary area of Law	Number of callers in 2013	Percentage of all callers in 2013	Percentage change in number of calls from 2012 to 2013
Family	4694	34.0	5.1
Employment	1978	14.3	-0.3
Credit & Debt	1588	11.5	26.5
Will/Probate	1125	8.2	10.4
Housing/Landlord & Tenant	819	5.9	12.7
Consumer	780	5.7	-7.1
Property/Interest in Land	707	5.1	12.4
Criminal	694	5.0	3.3
Negligence/Personal Injury	641	4.6	8.3
Other	580	4.2	13.3
Immigration/refugee	521	3.8	14.8
Social Welfare	396	2.9	4.5
Neighbour disputes	293	2.1	0.7
Client-Solicitor issues	169	1.2	-4.5
<b>Total</b>	<b>13,805</b>	<b>100</b>	<b>6.3</b>



## Statistics from telephone information & referral line

FLAC's telephone information and referral line operates Monday to Thursday, 9am to 5:30pm and Friday, 9am to 5pm on lo-call 1890 350 250. There was a notable increase in calls in 2013 compared with 2012 with some 13,741 people phoning FLAC for assistance, up by 10% from the previous year.

As in the legal advice centres, family law is the most common area of concern with approximately one in five callers to the information line. One-third of these family law queries were about a divorce or separation, one-quarter were in relation to custody, access or guardianship of children and roughly one-fifth had a maintenance query. This breakdown is almost identical to family law trends the previous year.

Legal services were the second most common query on the phone lines last year, with 81% of callers in this category looking for details of their nearest FLAC centre. Just over 4% were seeking a solicitor and 3% were looking for details of another legal information body such as the Legal Aid Board.

Credit and debt queries remain high on the telephone information line. Just over half of all callers with a debt-related query were seeking help with mortgage arrears.

Some trends on the telephone information line show an increase in housing & landlord/tenant related queries (up 83%), legal services queries (up 47%) and neighbour dispute calls (up 56%).

### Key Numbers on FLAC Telephone Information and Referral Line: Lo-Call 1890 350 250

**13,741** calls received in 2013

**21%** of callers had a family law query

**9%** of callers had a debt or credit query

**84%** increase in calls on housing/landlord & tenant issues



Area of Law	Number of calls in 2013	Percentage of all calls in 2013	Percentage change in number of calls from 2012 to 2013
Family	2862	20.8	1.6
Legal Services	1892	13.8	47.5
Credit & Debt	1626	11.8	9.4
Housing/Landlord & Tenant	1178	8.6	83.5
Employment	836	6.1	-13.4
Civil	785	5.7	11.7
Criminal	682	5.0	4.4
Will/Probate	642	4.7	0.6
Legal Aid	583	4.2	-4.1
Other	456	3.3	-28.0
Consumer	442	3.2	19.5
Property/Interest in Land	354	2.6	28.7
Client-Solicitor relations/issues	349	2.5	-13.8
Social Welfare	264	1.9	9.5
Negligence/Personal Injury	239	1.7	-10.5
Immigration/refugee	165	1.2	-9.3
Neighbour disputes	153	1.1	56.1
Contract	149	1.1	20.2
Company	49	0.4	-27.9
Discrimination	35	0.3	n/a
<b>Grand Total</b>	<b>13,741</b>	<b>100.0</b>	<b>10.3</b>

## Advising the advisors

FLAC provides a 'second-tier' technical support service for Citizens Information Centres and MABS (Money Advice & Budgeting Service). This service complements the services provided directly to the public, and involves working with advisors and staff from these organisations and providing them with information and advice on a wide variety of matters where those advisors need legal support in the course of their work. In 2013 FLAC dealt with 222 such support queries many of which were complex and required significant time and expertise to resolve. As well as helping advisors to assist the client with a particular query, the other tangible benefit of this service is that it facilitates those advisors to further develop their own knowledge and expertise to advise and assist other clients in the future.



John Hussey, Volunteer Legal Advisor, South Mall & Blackpool FLACs, Cork:

*“ We have a wonderful group of Solicitors and Barristers in Cork, who provide front-line pro bono legal advice to all callers to South Mall. As I have been practising in Fermoy for 20 years, I am familiar with most of the matters raised by callers to FLAC, however, I can still be surprised.*

*Apart from South Mall, I have helped out at Blackpool, Cork and UCC FLAC. Our two receptionists, Martha and Rachel, are very efficient and ensure that Cork FLAC is able to advise hundreds of callers who call to South Mall and Blackpool.*

*In 2014 my daughter, Julia, became a FLAC volunteer in Dublin and that gives me great joy.”*

Aine Cadogan, Volunteer Assistant, Ringsend FLAC:

“ I began volunteering with FLAC as a legal assistant over three years ago as I wanted to gain practical legal experience and put the legal knowledge which I had gained at university to use.

In my experience, the majority of queries which we are faced with at clinics relate to family law, employment law, contract issues and increasingly, housing and mortgage repayment issues. Callers who attend the clinics come from all walks of life and often can be quite emotional when recounting their particular issue. I have learnt the importance of listening to callers and of balancing this with the need to gather the relevant information from callers in order to allow the caller to be advised effectively within the consultation period.

Assisting with FLAC has been very important to me for both my professional development and on a personal level whereby I have met fantastic volunteers within the FLAC organisation. ”



Caitriona O'Connor, Ennis FLAC

“ I started volunteering with FLAC over ten years ago. Most of the time when a person attends a FLAC clinic, they have an issue and they don't know how to go about resolving it. People often attend at a very vulnerable time in their lives. I try give guidance and direction to people and also reassurance when I can. The reasons why people attend the FLAC service have changed considerably in the ten years I have been volunteering. I genuinely believe that volunteering at FLAC gives me an opportunity to use my skills and knowledge to help people. I get great satisfaction when a caller leaves a consultation in a better position than they were in before they came to the service. Often people simply need some advice or an explanation or want some help in accessing information. For some people who may not have access to technology or have learned the skills to use same, being referred to a website is no help at all. ”

## FLAC's priority areas of work

Equal access to justice is the fundamental human right at the heart of all of FLAC's work. This right is indivisible from other human rights but we have identified four priorities as crucial to advance our mission. Those priority areas focus on civil legal aid, social welfare, consumer debt and consumer credit. In 2013 we engaged in a wide variety of activities to advance the rights of people in Ireland to access justice.

- The fundamental human right of access to justice includes knowledge of and access to the legal system and to whatever legal services people need to achieve a just outcome. It encompasses access to fair redress systems and also includes the state's obligation to vindicate and protect human rights. FLAC is seeking to reform the systems of the state through which people access justice. We want to isolate the barriers to justice which exist in these various systems and to provide constructive proposals to eliminate such

barriers, instead suggesting fair and accountable solutions that protect everyone equally

- A fundamental plank in this work is to establish the international and national human rights standards that underlie our core areas of work, including the use of international legal law mechanisms, policy work and strategic litigation.
- We promote greater use of the law in the public interest. This means taking cases, proposing law reform and promoting legal education as tools of change - a union of legal and social justice work, in our own programme work as well as in the NGO community in Ireland.

We outline progress in the individual priority areas below. Over and above the programme work in our priority areas of law, FLAC was active in promoting the three overarching principles in a number of other ways which is then outlined on page 27.



At the launch of the Child Care Law Reporting Project website in April, pictured L-R are FLAC Director General Noeline Blackwell, President of the District Court Judge Rosemary Horgan and CCLRP Director Dr Carol Coulter.



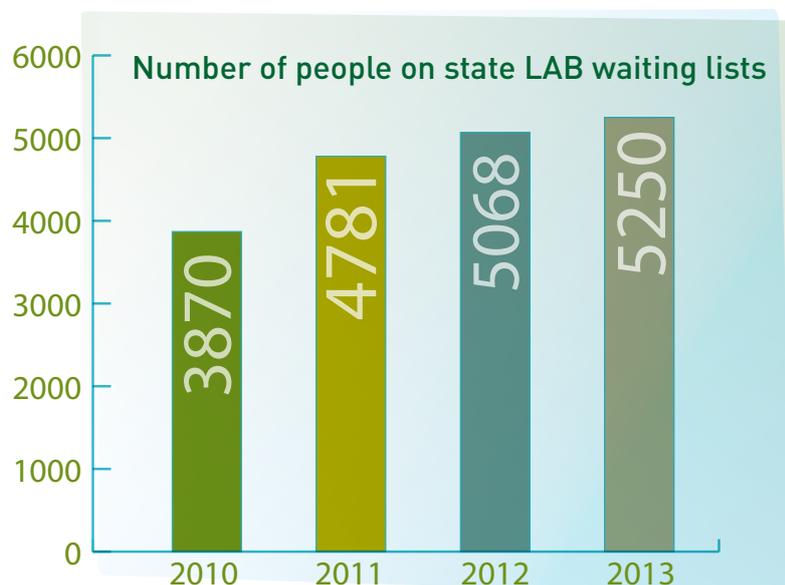
## Civil Legal Aid

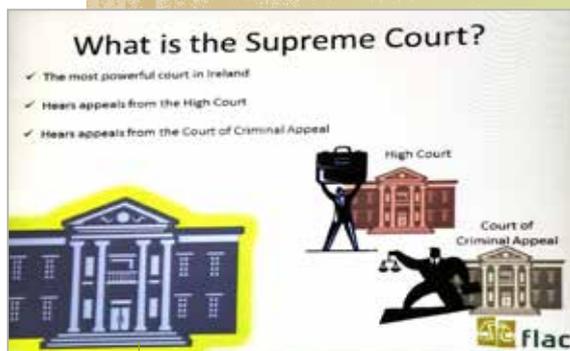
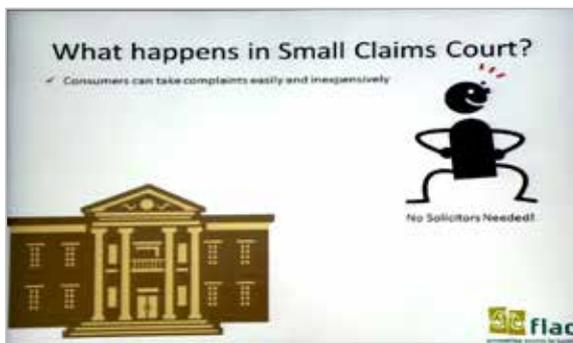
FLAC was founded as a response to the need for basic legal assistance for people who could not afford a lawyer. We continue to highlight the need for real and effective state funded legal aid for all those who need it to access justice on an equal basis.

Civil legal aid in Ireland is provided through the Legal Aid Board, a state agency which is staffed by committed and experienced personnel. Even before the recession, FLAC had pointed out that the Board's resources were not sufficient to meet need. Since the recession, the organisation has reduced in size like other state agencies the demand for their services far outstrips the resources available to them.

This has resulted in longer and longer waiting lists, slowing up the service entirely. FLAC is the sole non-governmental organisation which focuses on this issue holding the state to account, and highlighting the impact that inadequate civil legal aid has on the right of access to justice in Ireland.

At the end of 2013, there were 5250 people waiting for a first appointment with a state solicitor. Average waiting times varied hugely across the country from just 2 months in Wicklow to 22 months in Laois, with people in Donegal and Kildare as well as Dublin's Gardiner Street Law Centre having to wait 20 months. By comparison, the number of people waiting





FLAC launched the first three clips in its series of YouTube videos on accessing the legal system in December. These short guides cover the legal system, going to court and legal documents and terms. View them at [www.youtube.com/FLACIreland](http://www.youtube.com/FLACIreland)



for a first appointment at the end of 2010 was 3,870; at the end of 2011 there were 4,781 people waiting, in December 2012 the level was 5068.

FLAC's own services that are provided through the telephone information line and by volunteers at the network of FLAC centres around the country provide first-stop support for people who require legal assistance to manage their affairs; however they are no substitute for a properly state-funded legal aid system. FLAC has a positive working relationship with the Legal Aid Board and engages through the Legal Aid Board's External Consultative Panel.

In September 2013 the Minister for Justice, Equality & Defence Alan Shatter announced a radical increase in the basic costs of civil legal aid, with the stated aim of reducing waiting lists and increasing revenue for the Legal Aid Board. While these increases are the first since 2006, FLAC argued that closing the door to justice on the poorest people in our society was no way to tackle deficiencies in Ireland's legal aid system. Indeed we suggested that this move might actually prove

expensive if it pushes people to the extent that they cannot pay at all; or increases the number of waivers based on "financial hardship" grounds. Further, the Minister did not take this opportunity to set clear guidelines around what the Legal Aid Board defines as "financial hardship" as there is no definition provided in the Civil Legal Aid Regulations 1996.

In summary, the changes included:

- Minimum legal aid contribution up from €50 to €130 where court representation was needed;
- Minimum legal advice contribution up from €10 to €30;
- Disposable capital threshold cut from €320,000 to €100,000.

This disposable capital threshold does not include the family home, but the reduction could have a profound effect on access to justice for people who are asset rich but cash poor - people like farmers or tradespeople, who rely on expensive assets like land and machinery for an income and thus cannot sell them off to pay for legal assistance.

## CASEWORK: Pushing for wider access to justice

During 2013, FLAC identified a number of individuals who experienced difficulties in accessing civil legal aid for different systemic reasons. FLAC's work to advance fairer and more comprehensive legal aid also included taking on cases where the outcome of the cases will have an impact on the whole system as well as benefitting the individual concerned.

One particular issue arose where people had been granted legal aid but their legal aid certificate or permission was terminated before the case was completed due to 'unreasonable behaviour' on the part of the client. In any client/solicitor relationship, whether state or private, difficulties can arise. The Legal Aid Board rules provide that if a client is not behaving reasonably, they can terminate their legal aid certificate.

This can also happen in cases where a person is paying a private lawyer. In the case of a private law arrangement, the client and lawyer can just part company and the client can engage another lawyer. Under the Legal Aid Board scheme, if the legal aid certificate is withdrawn, the client not only loses legal assistance from the Law Centre where the difficulty arose, but from the entire network of Legal Aid Board Law Centres and therefore access to state-funded legal aid country wide. This then will deny them access to a lawyer and may deny them access to justice. FLAC remains concerned that the balance between the legitimate interests of protecting the staff of the Board and the right of a person to have adequate access to justice is too heavily weighed in the interest of the staff and the system, without enough safety nets in place for those who need lawyers to be heard in the justice system.

### CASE A: Jennifer\*

In 2013 Jennifer contacted FLAC in relation to her application for civil legal aid. She was referred to our information line by another organisation as the contribution or fee she was being asked to pay for state legal aid was almost €2,000. FLAC felt that this was quite high and queried the calculation. We advised her to seek a waiver or request that her fee be paid by instalments. The Legal Aid Board denied her application for either. In addition she was told that the Law Centre would not file court proceedings for her until the entire amount was paid.

FLAC contested the assertion that Jennifer would have to wait until everything was paid before her proceedings could be issued. The Board accepted that in fact this was not necessary and Jennifer was offered an instalment arrangement where she paid part of the fee up front and the rest in instalments over a number of months. However, the amount still seemed excessive and FLAC

remained concerned that there may be a mistake in the way her contribution was calculated. FLAC sought the information relating to how her contribution was calculated, which the Legal Aid Board provided. It transpired that the calculated figure was correct. We were able to explain the calculation to Jennifer who, while she still had trouble finding the money, was able to understand how the amount had been calculated.

The case was one of interest to FLAC, as it appeared that the Legal Aid Board conceded that even where instalments have not been paid in full, representation can be granted. FLAC was concerned that this woman's representation, to which she was entitled, was being delayed because of an administrative procedure which sets out that payments must be generally made in advance of representation. However, the regulations do not require this and we were glad to have this point clarified.

*\*names have been changed.*

## CASE B: Alison\*

FLAC was involved in a case where Alison’s legal aid certificate was terminated by the Legal Aid Board due to her “unreasonable behaviour”. FLAC attended court in support of the woman in order that her hearing would be adjourned to make sure she would have time to challenge the Legal Aid Board’s decision to terminate her certificate. Her application for review of the Board’s decision was also refused. The appeal was successful and representation was reinstated. Had FLAC not assisted this applicant in seeking an adjournment and conducting her appeal, she would have remained legally unrepresented.

*\*names have been changed.*

Another issue is around payment of fees for legal aid. It is not particularly well known that unlike criminal legal aid, civil legal aid is never free and the contribution varies in line with income. It can be very high and finding the money can be difficult for people on low incomes. FLAC seeks to clarify the state’s procedures and provisions on this issue, especially as over and above access to a lawyer, they can impact on the timeliness of a person’s access to justice.

<b>FLAC</b> Free Legal Advice Centres 	<b>LAB</b> Legal Aid Board 
<b>A voluntary non-governmental, not for profit human rights organisation. FLAC is a charity.</b>	<b>A state body established under legislation</b>
<b>Founded by law students in 1969</b>	<b>Founded in 1979 following Airey case, Pringle report and FLAC lobbying, and put on a statutory footing with the Civil Legal Aid Act 1995</b>
<b>Service provided by volunteers</b>	<b>Service provided by salaried solicitors and private practitioners who are paid a fee</b>
<b>Service provided in 80 clinics, usually run in the evenings from Citizens Information Centres</b>	<b>Run in full time Law Centres. Some outreach/branch offices where staff go out from the full time office to see clients</b>
<b>Provides basic legal information and advice and takes a small number of strategic test cases each year</b>	<b>Provides legal advice and full representation in most areas of civil law subject to a means test and a merit test</b>

## Debt Law Reform

FLAC continues to advocate and campaign for a fairer and more effective system for dealing with personal over-indebtedness. Such a system must aim to meet the needs of all over-indebted people, but FLAC's work focuses particularly on those who are on low incomes. For these debtors in particular, 2013 was a turbulent year that saw much expectation being created but did not yield near enough in terms of workable resolution mechanisms.



Paul Joyce, FLAC Senior  
Policy Analyst

### Personal Insolvency Act 2012

The long-awaited Personal Insolvency Act was finally signed into law in December 2012 after more than a decade of unrelenting campaigning by FLAC. This Act provided for the introduction in Ireland for the first time of legislation to write down and write off personal debt for insolvent debtors. It set up the Insolvency Service of Ireland to oversee the new system that would promote three new debt resolution methods – a Debt Relief Notice (DRN) for low levels of unsecured debt to be administered by approved intermediaries attached to MABS; a Debt Settlement Arrangement (DSA) for higher levels of unsecured debt and a Personal Insolvency Arrangement (PIA) for secured and unsecured debt, both to be negotiated on behalf of insolvent debtors by a network of Personal Insolvency Practitioners (PIPs). The new legislation also saw a major overhaul of the bankruptcy legislation with a reduction of the basic discharge period to three years.

The Insolvency Service finally opened for business in September 2013. Since the inception of the legislation in early 2012, however, it was clear that there were structural flaws in the scheme and these became apparent in practice in late 2013. FLAC continued to press for a more pragmatic system and in particular raised concerns about creditor veto of proposals, the lack of an appeals mechanism where proposals are rejected, the potential for upfront fees to be charged and the lack of access to publicly funded practitioners for insolvent debtors with very limited resources.

### Seminar on insolvency

In May, as a result of the continued state failure to provide adequate information on the options that might be open to debtors under the new legislation, FLAC organised a well-attended information and training session for volunteers in our legal advice centres and for the general public. Entitled 'Moving out of Personal Debt: How to use the new legal infrastructure on personal debt and insolvency', it featured inputs from Lorcan O'Connor, Director of the incoming Insolvency Service; Christopher Lehane, Official Assignee in Bankruptcy; Colette Bennett, Project Development Manager, MABS; Paul Joyce, Senior Policy Analyst, FLAC and Tom Murray, Partner, Friel Stafford. The event produced several useful resources on bankruptcy and insolvency which were distributed via our website, as well as videos of the various presentations. FLAC ran a number of follow-up regional workshops aimed at volunteers in our advice centres.

### Mortgage arrears measures

In March, under pressure from the Troika, the Central Bank began to set formal Mortgage Arrears Resolutions Targets (MART) for lenders, a process designed to distinguish between sustainable and unsustainable mortgages on family homes.

In April, FLAC made a lengthy submission on the Central Bank's planned revision of the Code of Conduct on Mortgage Arrears (CCMA). This submission was highly critical of proposed changes



At information session for FLAC volunteers on personal debt and insolvency in May. Pictured above are (L-R) Colette Bennett (MABSndI), Chris Lehane (Official Assignee in Bankruptcy), Lorcan O'Connor (Insolvency Service of Ireland) and Noline Blackwell.

that we felt would weaken the already frail consumer protections in the Code. This focused on issues such as allowing increased unsolicited contacts by lenders with borrowers, the failure to regulate debt collectors, the lack of a transparent decision making and internal and external appeals mechanism and the questionable status of the Code in terms of legal enforceability. The consultation process proved to be a very disappointing one which ultimately served to reduce rather than improve protection for many borrowers in arrears. A briefing for consumer stakeholders organised by the Bank before the revised code came into operation clearly showed that consumer advocates were unanimous that the revision was broadly one sided. Its cumulative effect was to strengthen the position of the lender

as sole arbiter of whether a mortgage is sustainable and whether a borrower is cooperating with the process.

The coming into force of the Land & Conveyancing Law Reform Act 2013 at the end of July effectively removed existing barriers to repossession (reversing the loophole identified in the so called 'Dunne judgment') and made the issuing of legal proceedings against borrowers in arrears more straightforward, completing an unhelpful suite of measures from the borrower's perspective. It is particularly telling that Central Bank figures revealed that in the first six months of 2013, 525 new cases were brought in the courts seeking to repossess family homes. The figure for the second six months was 3,321 new cases.

## Guide to the Code of Conduct on Mortgage Arrears

In August, following the revision of the CCMA, FLAC issued a new guide on how borrowers might use the Code of Conduct on Mortgage Arrears and other options open to them. Entitled 'Moving out of Mortgage Arrears & Personal Debt' it is free to download from our website. As part of its on-going monitoring work, FLAC continued to respond to the Central Bank's quarterly publication of mortgage arrears figures throughout 2013. In particular we underlined the lack of proper supports for over-indebted households; despite rhetoric the number of mortgage accounts in longer-term arrears continued to grow throughout 2013.

## Mortgage Arrears Advice Services

In June FLAC circulated a proposal to a number of relevant government departments for the provision of a more comprehensive range of legal and financial assistance services to be provided to those struggling with mortgage debt trying to re-negotiate with their lenders.

However, despite an internal review conducted through autumn 2013, a working group chaired by the Department for Social Protection proposed only minimal changes to the way in which advice was to be given – despite its own recognition that the current structure was seriously underused and was failing to help borrowers in trouble.

## Debt collection and debt management

In June FLAC made a submission on the Central Bank (Supervision and Enforcement) Bill 2013 flagging a number of issues concerning the forthcoming licensing of debt management companies and reiterating the ongoing lack of a plan to license or regulate debt collectors in Ireland.

### FLAC's resources on debt law reform are available on [www.flac.ie](http://www.flac.ie):

- ⇒ Guide: Moving out of Mortgage Arrears and Personal Debt - <http://bit.ly/flacMAPD>
- ⇒ Proposal: Mortgage arrears advice scheme - <http://bit.ly/flac2arr>
- ⇒ Submission: Central Bank (Supervision and Enforcement) Bill 2011- <http://bit.ly/subCBSE11>
- ⇒ Summary: Recommendations on review of CCMA - <http://bit.ly/ccmarecs>
- ⇒ Resources: Moving out of Personal Debt: How to use the new legal infrastructure on personal debt and insolvency - <http://youtube.com/flacireland>



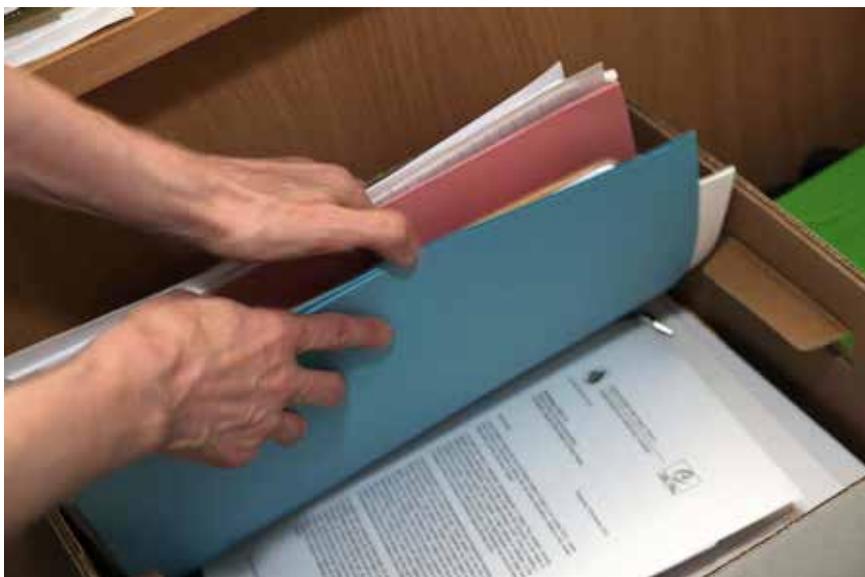
## Consumer Credit Law Reform

FLAC continues to campaign for more accessible and transparent systems to protect consumers of credit. Whilst considerable and justified focus has been put on reforming the law dealing with over-indebtedness in the wake of the recession and the personal debt crisis, we believe that it is imperative that the State put in place stronger preventative measures in an attempt to ensure that a similar credit bubble does not recur in the future. Our work on consumer credit in 2013 included a consumer protection research project, training for MABS money advisors and strategic casework.

An extensive research project in the legal protections available for consumers of financial services, which began in the autumn of 2012, was considerably advanced in 2013. This project was carried out by Dr Stuart Stamp, Independent Social Researcher and Research Associate, NUI Maynooth and FLAC's Senior Policy Analyst Paul Joyce. It examined both European and domestic legislation and Central Bank codes and focused in particular on the redress mechanisms available to consumer unhappy with the conduct of their provider. This necessitated a detailed examination of the legislation establishing the Financial Services Ombudsman (FSO) and the complaint mechanisms operated by that office. The impetus for this research stemmed from FLAC's experience of supporting a small number of complaints to the FSO which met with mixed success. One of these complaints ultimately resulted in a significant decision by the High Court on appeal – the Gabriel case – which was of benefit to a wider group of hirers trying to bring their Hire Purchase agreements to an end. A critically important element of the research therefore included interviews with both users of the FSO service and money advisors working for the Money Advice and Budgeting Service (MABS) who supported them with their complaints. Preliminary indications were that consumers

and their advocates were dissatisfied with these processes in terms of accessibility, complexity and outcomes. It was also clear that the system of appeal from the FSO to the High Court is prohibitive for consumers, unhappy with the FSO's decision.

FLAC provided a number of training sessions for MABS staff on the Consumer Credit Act 1995, the European Communities (Consumer Credit Agreements) Regulations 2010 and the Central Bank Consumer Protection Code 2012 and continued throughout 2013 to provide technical legal support to MABS money advisors on debt, credit and other legal issues affecting the rights and obligations of over-indebted clients.



### CASEWORK: Promoting effective redress mechanisms for consumers

In July 2013, FLAC commenced proceedings against the Financial Services Ombudsman in a case of excessive delay. The client had initially lodged a complaint with the Ombudsman against a finance house in autumn 2011 which had been decided against the client in April 2012. The client had appealed that decision in May 2012; the Ombudsman had decided that the case did in fact need further consideration in October 2012 but by July 2013 the client was still awaiting the outcome of that re-consideration. At the end of 2013, the case was proceeding through the High Court with a hearing due in 2014.

## Social Welfare Law Reform

FLAC campaigns for more fairness, consistency and transparency in the operation of the social welfare system. We envisage a situation where people who require support from the social welfare system to live their lives in dignity are able to access it in a timely way, with decisions made in a way that is fair and consistent and respects their human rights. Throughout 2013, we focused on identifying the applicable human rights principles in our social welfare work, particularly around the national budget, and on systemic failings in social welfare systems generally.

### Reform of social welfare appeals system

In February FLAC briefed members of the Joint Oireachtas Committee on Social Protection ahead of a presentation by Chief Appeals Officer,

Geraldine Gleeson, on social welfare appeals. *Not Fair Enough*, FLAC's landmark report on the appeals system from October 2012, provided rich material for reform proposals as well as evidence of system shortcomings. FLAC welcomed Ms Gleeson's acknowledgment that the delays in appeals were "significant and unacceptable" and that processing times for oral hearings as well as the overall number of oral hearings had improved in line with our recommendations, although the length of time needed to process summary decisions (decisions made on examination of paperwork alone) had increased in 2012. This was a particular concern as the majority of appeals were

Presenting FLAC's pre-budget submission to the Joint Oireachtas Committee on Finance, Public Expenditure & Reform in September, FLAC's Yvonne Woods and Yvonne O'Sullivan





Attendees at post-budget Equality & Human Rights Budgeting event in Mansion House in October

still dealt with summarily. While the Chief Appeals Officer was still considering a FLAC recommendation to include an 'express route' for requesting an oral hearing, it is clear from the higher success rate that appellants who get the chance to put their side of the case in person do better than those who do not.

⇒ **Download *Not Fair Enough* at <http://bit.ly/NFEfull>**

### **Tri-City Project conference on EU migrants' experiences of accessing social welfare**

FLAC partnered with the AIRE Centre in London and Dutch consultant Lize Glas in Amsterdam in an EU Commission-funded Tri-City project on EU migrants' access to special non-contributory benefits throughout 2012 and into 2013. In Ireland, these special non-contributory benefits include Jobseekers' Allowance, State Pension (non-contributory), Widow's and Widower's (non-

contributory) Pension, Disability Allowance, Mobility Allowance and Blind Pension. In February, FLAC with its project partners, concluded the project with a conference and training session at the London office of Skadden Arps LLP. The event brought together NGOs, welfare benefits advisers, lawyers and those interested in the area of EU social security rights from Member States such as UK, Ireland, Belgium, Sweden and the Netherlands. One of the fruits of the collaboration is a new EU Benefits Adviser website, launched after the final project conference. It provides a questionnaire in various languages which can be used to determine eligibility for welfare benefits in the tri-nation area.

⇒ Read the report in full: <http://bit.ly/1g5TH9a>

⇒ View the EU Benefits Adviser website: <http://eubenefitsadviser.org/>

## Pre-Budget 2014 submission urges respect for dignity & fairness

In June, FLAC submitted its Pre-Budget 2014 proposals to the Department of Social Protection under the banner of respect for basic human rights. The submission also covered social welfare appeals reform as well as the issue of EU migrants accessing social welfare payments in Ireland. The submission was discussed along with suggestions from several other rights groups at a Forum hosted by Minister for Social Protection Joan Burton TD in July. Here FLAC called for human rights to be at the centre of budgetary decisions as the State has committed itself under international law to respect, protect and promote human rights, including the right of people to live with dignity. FLAC made a pre-budget presentation to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform in September, stressing the need to ensure that the government complies with human rights law both in preparing and in implementing budget decisions. The FLAC delegation told the Committee that all government departments should carry out social impact assessments to safeguard the most vulnerable in society against disproportionate budget measures. While the Department of Social Protection did eventually publish a social impact assessment on the budget, this was done after the decisions had been made and was retrospective rather than proactive. FLAC suggests that such assessments be done prior to making any

decision to cut spending; if it is done across all departments, this will enhance effectiveness and ensure vulnerable groups are not disproportionately impacted, which was noted by the Committee.

⇒ Read more at <http://bit.ly/FLACprebudg2014>

## Making the case for Equality and Human Rights Budgeting

In July a roundtable meeting for NGOs on equality and human rights budgeting took place, chaired by Eilis Barry BL. FLAC Director General Noeline Blackwell gave a presentation on human rights approaches to budgeting and Louise Bayliss discussed the equality budgeting campaign. The question of how NGOs could come together to impress on the Government the importance of an equality and human rights-focused approach to budgeting was discussed in depth. It was agreed at the meeting that the attendees would come together for a considered response to the autumn budget. This resulted in an event in October two days after Budget Day, organised by PILA and co-sponsored by FLAC and the Equality Budgeting Campaign. This brought together 50 NGOs to critically discuss the impact of the 2014 budget on some of Ireland's most vulnerable people, and to consider how fairer budget decisions could be made in the future. NGOs were surveyed on their satisfaction with current

budgetary decision-making, with the NGOs then releasing a joint response calling for reforms to the budgetary process. Some 95% of participating NGOs stated their support for the introduction of equality budgeting and 80% supported human rights budgeting.



Participants at roundtable on Equality & Human Rights Budgeting in July (L-R): Stephen O'Hare (ICCL), Ciaran O'Reilly (Children's Rights Alliance), Emer Begley (Age Action) & Joe O'Brien (Crosscare)

### Countering negative Budget impacts for poorer and younger people

Later in October, in a joint submission on the draft law to cement changes to the social welfare code arising from the Budget, FLAC and Northside Community Law & Mediation Centre raised a series of concerns. We criticised the government's failure to adjust how the Social Welfare measures are unveiled and rolled out in the budget process, despite there now being more time available with an earlier Budget Day. There was just not enough time for consideration and debate on matters of fundamental importance such as the complex measures around recovery of over-payments. Coupled with a lack of impact assessment and inadequate consultation, the two bodies said the Social Welfare Bill has effectively become a vehicle for introducing substantial amendments to the social welfare code which cannot be properly considered in the time allocated, amongst other issues. FLAC and NCLMC condemned a measure in the Bill doubling the length of time that people have to wait to apply for illness and injury benefit from three to six days. This is something that both groups believe will impact most heavily on the poorest working people. FLAC was extremely disappointed at the end of Mortgage Interest Supplement. The joint submission also highlighted the discrimination suffered by young people under 26 in the Bill and the fact that this would qualify as unlawful discrimination if there wasn't provision in law for specific discrimination based on statute. The two bodies are concerned about several aspects of the mechanism, including the fact that for the first time, it restricts the right of appeal for a Social Welfare recipient.

⇒ Read the joint submission at [bit.ly/T378wN](http://bit.ly/T378wN)

### Migrant Consultative Forum

FLAC is part of the Migrant Consultative Forum, which comprises NGOs and Department of Social Protection officials working together as a result of findings from the independent report, "Person or Number". The Forum has created guidelines on decision-making and natural justice, addressed the issue of HRC, drawn up a new customer charter and action plan and a quick tip-sheet for deciding officers on customer service. It plans to produce a report for the Minister of Social Protection to reflect work done by the group and what has yet to be accomplished.

### Ombudsman report highlights failure to provide basic income for a family seeking asylum

In June the Ombudsman's Office published its investigation into the HSE's failure to implement a decision of the Social Welfare Appeals Office. FLAC represented the complainant at the later stages of her case after another organisation dealing with health inequalities, Cáirde, had referred the case to FLAC. The woman won a social welfare appeal but a Superintendent Community Welfare Officer refused to implement the Appeals Officer's decision to grant her full rate Supplementary Welfare Allowance, citing the Habitual Residency Condition. This meant that the woman had to make a further appeal. Unfortunately due to delays in this process, she was forced to return to Direct Provision accommodation. One of the woman's children had been placed in foster care but could not be reunited with her as direct provision accommodation was deemed unsuitable by the social work team. Subsequently she was granted compensation and received an apology from the HSE. This report further highlights some of the problems within the social welfare system including maladministration and delays which FLAC had raised.



### CASEWORK: Advocating for fair and consistent social security

Our work in this area in 2013 was complemented by providing legal assistance to a small number of clients with social welfare appeals where, apart from supporting the individual client, we also sought to establish a broader principle of human rights, public interest and/or access to justice. We include some examples below.

“It’s a vital service. There’s not many places people can go for free advice and people need it. The country isn’t in a great state so if you can talk to someone who can advise you, it puts your mind at ease.”

Paul, caller to Finglas FLAC

### CASE A:

A county council that had declined to accept a social housing application from a so-called ‘Zambrano’ mother came to agree that she was eligible to apply. Marie\* who is from an African country, was given leave to remain in the State in December 2011 because she is the mother of an Irish citizen child. This followed a landmark decision of the Court of Justice of the European Union in the *Ruiz Zambrano* case in 2011 holding that the parent of an EU citizen child, who was dependent on her or him, must be allowed to remain in the EU country concerned so that the child could grow up and enjoy the benefits of EU citizenship. Marie left the Direct Provision system and applied to the local county council for social housing but was told that, as a non-EEA national, she needed five years legal residence in the State before she would be eligible to apply. She had been living here in Direct Provision since December 2005, but was informed that this did not count.

The council did not seem to be aware that the relevant Housing Regulation (Paragraph 8 of Housing Circular 47/2011) had been amended to remove the five-year residence requirement for ‘Zambrano’ parents. FLAC wrote to the council on behalf of Marie, referring to Paragraph 8 and arguing that she satisfied the five-year rule not only because of the Regulation but also because the *Zambrano* decision did not make new law from March 2011 but was declaratory of EU law as it should have been interpreted all along. Thus Marie should have had a right to reside since her son was issued with an Irish passport in 2006. FLAC also referred to a recent decision by the UK Court of Appeal in the case of *Pryce v London Borough of Southwark* [2012] EWCA Civ 1572 which also dealt with eligibility for social housing by a *Zambrano* parent and held that she was eligible to apply despite other rules applying to non-EEA nationals. The council replied in July that it had “sought clarification from both the Irish Naturalisation and Immigration Service and the Department of the Environment, Community and Local Government and as a result of same the Council is satisfied with [Marie’s] residency status”.

\*names have been changed.

## CASE B:

Mariam\* is from a Middle Eastern country and was declared in need of Subsidiary Protection in May 2012. She came to Ireland in 2006 and her son was born here in 2007. She was living in Direct Provision and applied for Child Benefit but was repeatedly refused it until her Subsidiary Protection decision. The reason given was that she did not satisfy the Habitual Residence Condition (HRC) because of her uncertain status within the State. Once she was given Subsidiary Protection, Mariam began to receive Child Benefit, and then applied for it to be backdated to when her son was born or when she first applied for benefit in early 2008. She argued that she should be treated the same as persons declared to be refugees. FLAC, who represented Mariam in her application, argued that the circumstances that had put her at risk in her home country existed from before she sought protection. Her claim took some time to process, but when it succeeded, its effect should date back to when she arrived in the State and applied for protection. That meant that she had had a right to reside from the beginning, thus removing any uncertainty about her status, and she should have established habitual residence by the time her son was born a year later. FLAC also pointed out that while the Qualification Directive allowed states to provide a somewhat lower level of social protection to persons in Subsidiary Protection than to refugees, they must nonetheless provide “core benefits”, including “parental assistance” to all recipients of international protection and that included Child Benefit.

*\*names have been changed.*

“I think it’s brilliant. I mean, unless you have big bucks to go and speak with a solicitor, which very few people have, it’s great to be able to come here and speak with someone. It’s a great service, I mean, there’s so many people who need it.”

Michael, caller to Finglas FLAC

## Access to justice, human rights and public interest law

### Opening a window on treatment of children in the justice system: Child Care Law Reporting Project

FLAC is delighted to be associated with the Child Care Law Reporting Project, an innovative independent project commenced in November 2012 to run for 5 years under the direction of Dr Carol Coulter. The project is funded by One Foundation, the Atlantic Philanthropies and the Department of Children and Youth Affairs with support from FLAC and the Children's Rights Alliance. FLAC supports the project through providing its administrative support and FLAC Director Noeline Blackwell is on the project's Advisory Board.

Its reports from the courts relate to children being taken into the care of the State. The small team of

reporters attend and report on court proceedings countrywide; they collect and analyse data, report on the trends, nature and outcomes of proceedings and promote public debate on the issues raised. The anonymity of the children and their families is preserved throughout.

The project issued four volumes of cases over the course of 2013 and its dedicated website was launched by President of the District Court Rosemary Horgan in April. The first interim report was launched in November by Chief Justice Susan Denham. Its first year of operation has seen the project raise and illuminate many important issues in child care proceedings that had not been adequately aired or understood in public discourse.

➔ [Read more at www.childlawproject.ie](http://www.childlawproject.ie)

At the launch of the CCLRP interim report on 5 November (L-R) FLAC Director General Noeline Blackwell, Chief Justice Susan Denham and CCLRP Director Dr Carol Coulter.



## Legal Services Regulation Bill 2011

The Legal Services Regulation Bill 2011 is a major piece of legislation that will alter how the legal profession in Ireland is structured and regulated and which presents a unique opportunity to reform and improve the provision of equal access to legal services to people. It has languished at Committee Stage since 2012. Throughout 2013, FLAC used every opportunity to raise its concerns around the Bill's proposals. In particular, FLAC is concerned that although the Bill is supposed to open up the legal professions to competition, it does little or nothing to actually reduce legal costs and in some ways, it risks closing the access of those who are less well off to law and to lawyers. In addition, this Bill is an opportunity, still not taken, to improve the systems for advancing law in the public interest through permitting class actions and providing for protective costs orders. Noeline Blackwell spoke on the issue at the renowned Magill Summer School in Donegal in July.

⇒ For more detail on FLAC's recommendations, read our submission: [bit.ly/FLAC\\_legalservbill11](http://bit.ly/FLAC_legalservbill11)

## International Monitoring of Human Rights in Ireland

FLAC has continued to advocate that even in straitened times, the State maintains solemn and legally binding obligations to respect, promote and fulfil human rights obligations under international law. In 2013, a number of human rights bodies visited Ireland and FLAC engaged with them, highlighting areas of concern relating to access to justice.

---

FLAC received an Irish Law Award for Public Interest Law Firm of the Year 2013. Pictured here is Brian O'Neill of Documatics which sponsored this award presenting to FLAC Director General Noeline Blackwell.

## European Commission against Racism and Intolerance (ECRI) report

In February 2013, FLAC welcomed a report by the European Commission against Racism and Intolerance (ECRI), a human rights body of the Council of Europe which monitors issues related to racism, discrimination and xenophobia in each of the 47 member states. Representatives of ECRI conducted a joint visit to Ireland with members of the Advisory Committee of the Framework Convention on National Minorities (FCNM), another international human rights body. In its report, ECRI highlighted a number of concerns shared by FLAC, including the merger of the Irish Human Rights Commission and Equality Authority and the Habitual Residence Condition in social welfare law. ECRI recommended that clear rules be published for the application of the Condition as well as calling for the publication of Social Welfare Appeals Officer's decisions in cases involving the Habitual Residency Condition, highlighting the importance of access to this type of information. FLAC's Michael Farrell is the Irish expert for ECRI and he convened a meeting of NGOs following the publication of the report (it should be noted that the national expert does not participate in official state visits, in case of conflict of interest). At the meeting, organisations discussed how to use the recommendations in lobbying work.





The new international Board of the FIDH elected at its 38th Congress in Istanbul. FLAC's Noeline Blackwell is standing on the right at the end.

## Report of UN Human Rights Defenders Rapporteur

In March Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders, issued a report on her visit to Ireland the previous November, which had been partly hosted by FLAC. Ms Sekaggya met a host of state and independent groups during her trip. FLAC welcomed Ms Sekaggya's report, which highlighted systemic barriers for those who championed the rights of others. She singled out how underfunding of the equality and human rights infrastructure undermines bodies fighting for human rights for some groups. Ms Sekaggya expressed concern that those who promoted human rights were denied the protection of Irish charity law and that legal costs constituted a chilling effect on those who want to use the courts to promote human rights. Ms Sekaggya also underlined the lack of protections for whistleblowers. Her main recommendations focused on strengthening the state's human rights infrastructure and introducing a National Action Plan on Human Rights with a specific section on Human Rights Defenders.

⇒ Read Ms Sekaggya's report at <http://bit.ly/irlrepSRHRD>

## FLAC Director joins board of international human rights body

At its congress in Istanbul in May, Noeline Blackwell was voted on to the Board of the International Federation for Human Rights (FIDH), joining leading human rights campaigners from around the world. The FIDH board comprises human rights defenders elected by the 164 member organisations for a three-year term. FIDH is the oldest international human rights organisation in the world with a core mandate to promote the rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. FLAC is an associate member for Ireland.

## Respecting economic, social & cultural rights

A Constitutional Convention was created by the government in 2012 to investigate amendments to the Constitution. It was composed of citizens selected at random and legislators across the parties, including Northern Ireland. In June, FLAC, as part of the 27-member Economic, Social and Cultural Rights Initiative, made a joint submission to the Convention that it should examine the inclusion of economic, social and cultural rights in the Irish Constitution. Ireland ratified the International Covenant on Economic, Social and Cultural Rights in 1989, committing the State to legal obligations to uphold economic, social and cultural rights. However, an explicit provision in the Constitution could strengthen the obligations of the State to respect and protect such rights in Irish law. In December 2013, the Convention decided it would discuss this issue the following February.

⇒ Read the joint submission at <http://bit.ly/T39Pyo>

In July we had a visit from leaders of a South African public interest law body, the National Alliance for the Development of Community Advice Offices. They were meeting groups around the best model of legal aid to implement at home ahead of establishing an umbrella organisation to oversee and advocate on behalf of all South African community advice offices.

## UN High Commissioner for Human Rights visit to Dublin

FLAC was privileged to meet with Navi Pillay, the UN High Commissioner for Human Rights, during her visit to Dublin in October. Along with other organisations, FLAC raised human rights issues of pressing concern in Ireland. For FLAC, these included the continued lack of transgender recognition legislation, limitations on the right of equal access to justice for all, and human rights in administrative processes such as the right to an effective remedy and fair procedures for people appealing social welfare decisions. In particular, FLAC called on the High Commission to support its proposal to incorporate the entire UN Basic Principles on the Role of Lawyers into the Legal Services Regulation Bill as way to promote human rights standards among practising lawyers. On the human right to shelter, FLAC raised concerns about the State's failure to adequately support people's housing needs, including people in mortgage debt who are at incipient risk of homelessness. FLAC noted inadequate social welfare supports to mortgage holders in distress as well as the lack of suitable and timely legal and financial advice, coupled with the absence of an appeals mechanism in both the process leading up to insolvency and in the new personal insolvency scheme itself.



## CASEWORK: Promoting equal access to justice

### Recognition of Transgender Persons in Ireland:

In spite of several government promises and growing support for transgender rights in Ireland at home and internationally, yet another year has been added to the ongoing legal battle of Dr Lydia Foy, represented by FLAC, to be recognised in her female gender. In fact 2013 marked 20 years since Dr Foy first applied to the Registrar of Births for a birth certificate to be issued in her female gender. However there was some progress during the year.

At the start of 2013 Dr Foy and FLAC reluctantly concluded she would have to go back to the High Court to try to enforce the 2007 High Court decision that her rights under the European Convention on Human Rights had been violated by the State's failure to recognise her gender identity. FLAC issued a Plenary Summons in January seeking declarations by the Court: that the Government has a duty to legislate to allow recognition of our client's gender identity; that the State is in breach of Article 3 of the European Convention (inhuman and degrading treatment) and Article 13 of the ECHR (failure to provide an effective remedy); that the State is in breach of the Constitution for failing to remedy the breach of her rights; and damages. Legal recognition of transgender persons would be a key step towards combating the ignorance and intolerance that fosters their abuse.

The summer saw two Gender Recognition Bills; the first by Sinn Fein in May which featured a briefing by FLAC Senior Solicitor Michael Farrell, Transgender Equality Network Ireland and Dr Foy. In July Independent Senator Katherine Zappone launched her Legal Recognition of Gender Bill, again with support from Michael Farrell and FLAC generally.

Also in July, the Minister for Social Protection launched the Heads of a Gender Recognition Bill. This was a major step closer to legislation and legal recognition for transgendered persons. However, FLAC issued a comprehensive response which had four primary concerns with the proposed scheme: it required married transgender persons to divorce as a condition of recognition; contained no provision for anyone under 18 to seek recognition; laid heavy emphasis on supporting



Lydia Foy meets President Michael D Higgins at Áras an Uachtarain on 13 November 2013, with Broden Giambrone, CEO of Transgender Equality Network Ireland, pictured centre. Both FLAC and TENI were grateful for and honoured by the President's recognition, solidarity and support in inviting transgender activists to the Áras and were greatly encouraged by it.

evidence from doctors; and did not include provision for legal sanction in cases of discrimination such as introducing a transgender equality ground.

In August we learned that Lydia had been shortlisted for Campaigner of the Year in the highly prestigious European Diversity Awards. While at the ceremony in September the award went to veteran UK campaigner Maxie Hayles, Lydia's nomination was a huge honour and recognition on an international level of her heroic struggle for basic human rights in Ireland.

In October FLAC was invited to present its concerns around the Heads of a Gender Recognition Bill to the Joint Oireachtas Committee on Social Protection and Education. The Committee's eventual report issued in January 2014 backed all FLAC's main concerns and proposals on the scheme.

Finally, in December the High Court took the landmark decision to grant legal standing to the International Commission of Jurists (ICJ) to intervene as amicus curiae in Lydia Foy's new proceedings. The intervention of the ICJ demonstrates its importance both in relation to the rights of Lydia Foy and other transgender persons and in testing the effectiveness of the ECHR Act, 2003, which was intended to give direct effect to the ECHR in Irish law. It is clear that the decision in the Foy case will be watched carefully in other EU countries and further afield. Judge Gilligan's decision also clarifies the criteria that need to be met by other bodies seeking to intervene as amicus curiae in other cases.

- ⇒ Read more about Foy case and Lydia's long journey towards gender recognition in Ireland: <http://bit.ly/foflyer>
- ⇒ See the Joint Oireachtas Committee on Social Protection and Education's Report on the General Scheme of a Transgender Recognition Bill 2013: <http://bit.ly/JOctransbill>

**Right of Deaf People to Serve on Juries:** In the 2010 case of *Clarke v Galway County Register and Ors.*, FLAC represented deaf woman Joan Clarke in her legal challenge against the Galway County Registrar's decision to excuse her from jury service despite not having sought to be excused. We have continued to advocate for the inclusion of deaf people in jury service. The barrier to this continues to be concern around an outdated provision which would prevent a deaf person who required sign language interpretation serving on a jury, as the '13th juror' rule prohibits the presence of an additional person (the interpreter) in the jury room.

Having contributed to consultations organised by the Law Reform Commission in 2012 to discuss the practicalities of deaf persons serving on juries in criminal trials, FLAC was disappointed by the eventual report and recommendations of the Commission in April 2013. It suggested that the pool of potential jurors be widened to make it more representative, but did not recommend positive measures to include deaf and blind persons on juries. FLAC continues to seek opportunities to promote the right of deaf people and other excluded groups to sit on juries as equal citizens.



## Public Interest Law Alliance - PILA

The Public Interest Law Alliance (PILA), a project of FLAC, was established in 2009 to promote the use of law in the public interest. Public interest law is not a traditional area of law – it is a way of working with the law for the benefit of marginalised and disadvantaged people. It involves using litigation, law reform and legal education as tools of change. PILA runs a pro bono referral scheme, and supports lawyers, NGOs, colleges and students to help marginalised and disadvantaged people and further the use of law in the public interest.

In February, PILA drew together almost 180 lawyers and NGO staff for its 6th practitioner seminar, 'Using the Charter of Fundamental Rights of the EU - From Theory to Practice'. Jonathan Cooper, a leading human rights barrister with Doughty Street Chambers, London, looked at the constitutional framework for Europe, while Suzanne Kingston BL assessed the Charter's potential and limitations for Ireland.

With the support of PILA, Limerick Community Law and Mediation Centre was officially launched in April as the first community law centre to be established outside Dublin. The Centre provides free legal information, advice, advocacy and representation services to families and individuals living in communities identified for regeneration and other socially and economically disadvantaged

areas in Limerick. The Centre also provides a dispute resolution service and works to empower the community through education, research and campaigns.

The first clinical legal education conference in Ireland was hosted over two days in May by PILA and the National University of Ireland, Galway. The conference, 'Developing Clinical Legal Education in Ireland', featured a keynote address from Northumbria University clinical legal education expert, Kevin Kerrigan, and presentations from a range of academic and NGO representatives. It also saw the launch of the Irish Clinical Legal Education Association (ICLEA). Made up of 15 law schools, ICLEA has been established to enhance and expand clinical legal education programmes in Ireland by providing a forum to share experiences and foster collaboration, by lobbying collectively for necessary resources, and by ensuring optimum international engagement with clinical legal educators in other jurisdictions.

A final roundtable in December gave 18 NGOs the opportunity to explore the means of challenging cuts to the social welfare of young people under 25. Various national and international mechanisms were discussed, with the outcome that a working group was established to pursue viable European complaints procedures.

### PILA Bulletin & Website

As an alliance, PILA aims to be a hub for news, information and resources on public interest law in Ireland. The website and PILA

Bulletin play a key role in this. As of December 2013, there were 1800 subscribers to the PILA Bulletin, a fortnightly electronic newsletter that provides a round-up of the latest developments, events, news and jobs to those interested in using the law as a tool for social change.



## Pro Bono Referral Scheme

PILA's Pro Bono Referral Scheme matches the unmet legal needs of law centres and organisations working for human rights and social justice with private law firms, barristers and solicitors who have signed up to PILA's pro bono register. Lawyers give their legal expertise to the organisations in a number of ways: by providing legal advice on organisational issues or in conjunction with an NGO's policy and campaigning work, by participating in law reform working groups, by conducting legal education sessions and by providing litigation support. In 2013, PILA ran legal education sessions on topics such as the habitual residence condition and the social welfare appeals office, the new Garda vetting legislation, housing law and family law. Law reform working groups were convened and supported by PILA at the request of a number of organisations on a wide variety of topics including to draft a bill of rights for children of prisoners, analysis of the Assisted

Decision Making (Capacity) Bill and research and consideration of a legislative framework relating to assisted dying in the event of chronic or terminal illness.

In 2013, PILA facilitated and supported an innovative collaboration between the Irish Refugee Council Law Centre and the law firm A&L Goodbody, whereby A&L Goodbody works on a pro bono basis to provide legal representation to applicants in the first stage of the asylum process. In mid-2013, 28 A&L Goodbody lawyers received bespoke refugee law training. This has been followed up with additional training on practice and procedure, and ongoing shadowing and mentoring with the IRC team. This unique partnership will help address the unmet legal need of people in the early stages of an asylum application, and demonstrates a different model of legal service in this area.

Participants in a PILA Law Reform Working Group relating to rights for victims of homicide. This long-running group has brought together representatives from Advocates for Victims of Homicide (AdvVIC), the Dublin Rape Crisis Centre, and Support after Homicide. In November 2013, these three organisations launched the Victims' Rights Alliance, to lobby for the implementation in Ireland of the European Victims' Rights Directive.



## PILA Pro Bono Referral Scheme – what we did in 2013:

- 50 legal advice and litigation pro bono referrals facilitated
- 81 NGOs and independent law centres supported
- 9 law reform working groups set up
- 8 legal education sessions delivered training to over 200 staff from 70 organisations
- 40 new lawyers, 5 law firms and the first in-house legal team signed up to the pro bono register, leading to a total of 175 individual lawyers and 16 law firms as of December 2013



In 2013 PILA brokered a groundbreaking collaboration between the Irish Refugee Council Law Centre and law firm A&L Goodbody that was featured in the *Irish Times*. Pictured (L-R) are Ciara Smyth & Jacqueline Kelly (Irish Refugee Council), Eamonn Conlon (Goodbodies) and Maeve Regan (PILA).

Target group	Change supported by PILA in 2013
<b>Transgender People</b>	A draft private member's bill on gender recognition was produced and subsequently proposed in the Seanad. The Bill, together with the ongoing FLAC-supported Foy litigation, increased pressure on the Irish Government to publish an outline of potential gender recognition legislation. This referral was shortlisted for the 2013 PILnet European Partnership in the Public Interest Pro Bono Award.
<b>Victims of Crime</b>	Launch of a group to provide a space to consider developments in EU victims' rights and to campaign for the timely and effective implementation of the Victims' Rights Directive.
<b>Vulnerable Migrants</b>	Legal assistance for an undocumented elderly man who had been in Ireland for 37 years, living on the streets or in temporary housing since 1976 led to the case being highlighted to the Minister for Justice, who used his powers of discretion to grant residency.
<b>People with Disabilities</b>	Legal advice received on provisions of the Electoral Acts as they apply to persons with an intellectual disability, which was used to approach Government for change in advance of the May 2014 elections.
<b>Exploited Children</b>	Legal opinion received on an EU Directive combating the sexual abuse and exploitation of children and child pornography, better enabling the lobby for provisions of the Directive to be transposed into Irish law and assessment of the adequacy of Ireland's judicial response to such offences.
<b>Non-EU Migrants</b>	Legal advice on fee implications for non-EU students who naturalise during their degree formed the basis of recommendations to the Department of Education that were ultimately accepted by Government in July 2013.
<b>Victims of Hate Crime</b>	Legal analysis of options in drafting a specific legislative amendment to make the commitment of an offence motivated by hate or racism an aggravating factor, thereby providing for a more severe punishment.

## FLAC Student Societies

FLAC societies had a bumper year in 2013 with higher membership as well as a stronger presence on campuses. Societies provided advice to students and college staff with legal questions and woes as well as running campaigns and awareness events. Many well established societies are faring very well this year with a host of clinics, events and campaigns underway and other colleges are now in the process of setting up their own FLAC society.

In December, FLAC held a national student society meeting which brought together FLAC society members from Griffith College Dublin, Trinity College, DCU, NUI Maynooth and Carlow IT at the FLAC office in Dublin to discuss progress over 2013 as well as plans for the future and possible joint projects. The societies plan to meet on a biannual basis in future.

There were FLAC societies in the following colleges in 2013: Dublin City University FLAC, Griffith College Dublin FLAC, NUI Galway FLAC, NUI Maynooth FLAC, Trinity College Dublin FLAC, University College Cork FLAC,

**Dublin City University FLAC** – DCU FLAC is in its third year of operation. The society holds regular workshops for members, followed by a series of practice clinics to enable members to sharpen their advice skills. Clinics run fortnightly.

**Griffith College Dublin FLAC** - Griffith College FLAC runs fortnightly clinics for students and staff. In 2013 the society started a blog where members submit articles on legal topics, as well as an e-newsletter. The society began work on a research project on youth justice and had the Irish Penal Reform Trust come in to discuss aspects of its work in the area.

**NUI Galway FLAC** – Not only is Galway FLAC offering a free legal advice clinic for students of the college, it has also begun an innovative Disability Legal Information Clinic, currently the only one of its kind in Ireland. It is a partnership between the University's student-run FLAC and the college's Centre for Disability Law and Policy. The monthly service is a free, confidential, accessible, drop-in

legal information service on issues related to disability. Clinics are staffed by trained student volunteers supervised by a legal practitioner and a staff member of the Centre for Disability Law and Policy.

**NUI Maynooth FLAC**- Maynooth FLAC got off to a great start in 2013 with membership reaching 126, and all levels of students getting involved from 1st year to PhD. The society began setting up mock clinics for younger law students to provide some practical experience in volunteering in the clinics. In 2013, the society had over 90 trained volunteers, up massively from 43 last year. Maynooth FLAC runs legal advice clinics fortnightly, which have been very much in demand. For training purposes, the society also had speakers come in to talk about relevant legal topics, such as landlord and tenant law.

**Trinity College Dublin FLAC** - Membership of Trinity FLAC Society tripled in September and attendance at its legal advice clinics for students was up 500% due to increased presence on campus and Student Union advertising. The society launched a legal information booklet aimed at college students entitled "Know Your Rights", which covers areas relevant to students such as landlord/tenant law, employment law, cyber law, the right to protest and Garda powers and rights on a night out. It also hosted a talk on Direct Provision with the society's Honorary President, the Hon. Mrs Justice Catherine McGuinness.

**University College Cork** - UCC FLAC holds a walk-in fortnightly clinic as well as a weekly appointment-only clinic. The society has recently started to open up its legal advice clinics to members of the public. It also runs information and training seminars on various legal topics for members.

**Carlow IT** – In 2013 a group of dedicated students in Carlow IT began work on setting up a FLAC society. By the end of the year they were organising mock clinics and training lectures for students looking to get involved.

## Dave Ellis Memorial Lecture

The Seventh Annual Dave Ellis Memorial Lecture took place on 5 December 2013 and was attended by almost 200 people, made up of current and former FLAC volunteers, staff and interns, our colleagues in the legal profession and wider NGO sector, members of the judiciary and other supporters. FLAC was particularly honoured this year that President Michael D. Higgins and his son Michael attended the event in a personal capacity. The annual event has gone from strength to strength and is an important fixture on the FLAC calendar.

This year's speaker was Martin O'Brien, human rights campaigner and Senior Vice President for Programmes at the Atlantic Philanthropies. Martin spoke about access to justice with a particular focus on public interest litigation and law as a vehicle of social change. He focused on how law can be changed to create a fairer and accessible justice system, stressing that " [sometimes, the need is not for new laws or to get rid of bad ones but rather to secure the full and fair implementation of existing ones." He put it to attendees that government policy has great potential to bring about broader systematic change, with law central to how this can be achieved, as it "regulates our relationship with the state and with others and how we perceive ourselves and are perceived." Martin laid out criteria and necessary factors in public interest litigation and used examples from home and abroad of successful strategies, paying tribute to FLAC's work in the area and to the innovative PILA project.

FLAC's annual lecture commemorates the work of legal activist, Dave Ellis who died in 2007.

⇒ Read the full text of Martin O'Brien's speech: <http://bit.ly/DEML7paper>



President Michael D Higgins at the lecture with (from left) FLAC's Noeline Blackwell, Martin O'Brien, FLAC Chairperson Peter Ward SC.



Martin O'Brien of Atlantic Philanthropies, who gave this year's Dave Ellis Memorial Lecture



FLAC Senior Solicitor Michael Farrell, FLAC Council member Roisin Webb BL, Orlagh O'Farrell and Orla Farrell

## Interns

Each year, FLAC relies on a group of talented and hard-working interns to support our work. These interns play a vital role in the running of the organisation and are involved in all aspects of FLAC's work. They play a particularly important role in the operation of our telephone information line. We thank them for their dedication and commitment to human rights and access to justice.

The interns in 2013 were:

Oliver Browne, Emma Cassidy, Sarah Jane Corbett, John Creegan, Rachel Ferguson, Laura Feely, Ciara Flatley, Columb Fortune, Katie Fox, Andrew Guy, Ciarrai Healy, Amy Heffron, Marianne Hennessy, Anita Howlin, Vanessa Lawlor, Anita Lenihan, Emma McCarron, Rachel McMahan, Louise Mitchell, Geraldine Murphy, Doris Obot Ogodo, Hayley O'Donnell, Fionnuala Power, Eamonn Tansey, Maria Victory, Lorraine Walsh.

In addition, FLAC would like to thank Mimi Goodman and Deirdre Curtis who volunteered in the FLAC office throughout 2013.

We are very grateful to all the law students who came to us as part of their college's clinical practice programmes: to Danielle Matuschka and Hannah Sioux Daly of Trinity College Dublin's Clinical Legal Education Programme, to Coire Mc Crystal and Caoimhín O'Madagain of University College Dublin's Legal Practice placement; and to the two longer-term placements from University College Cork's Clinical Legal Education Programme, Vanessa Lawlor and Oliver Browne. We also thank our interns from the USA: Caroline Weatherford who came to us on the EUSA Programme, and Kendra Rychlick and Megan Crenshaw who were both William Sampson Fellows from the University of Washington, Seattle.

FLAC interns in 2013 – back row, L-R: Katie Fox, John Creegan, Rachel McMahan, Ciarrai Healy, Ciara Flatley, Rachel Ferguson and Yvonne O'Sullivan.  
Front row: Emma McCarron, Emma Cassidy, Laura Feely and Doris Obot Ogodo.





Mimi Goodman (Volunteer) and John Creegan (Legal Intern)



Anita Howlin, Andrew Guy, Fionnuala Power, Monta Taurmane and Maria Victory

---

I just wanted to thank you for your help and advice when I contacted you last week. I went to FLAC's Aungier Street clinic on Tuesday evening and met with an Employment lawyer who was fantastic.

What you do is so important and it is only when you need it, do you truly appreciate the services being provided. Best wishes and thanks again.

E-mail message

---

I was lucky enough to have interned in FLAC's media office as their communications intern and also got the chance to work on several of the organisation's priority research areas, including personal debt and social welfare law reform. Interning with FLAC quickly took on a completely different dimension to other 9-5 office roles. By spreading FLAC's access to justice message, you are not only showcasing the work of the organisation you work for, you are potentially offering people a solution to a legal problem that may have consumed their entire lives. FLAC has a wonderful history of advocacy and of using law in the public interest - to have been a part of that, for even a short while, was incredibly rewarding.

Emma Cassidy, FLAC Intern in 2013



## FLAC Staff & Council

### FLAC Council



**Peter Ward SC**  
Chairperson



**Don Crewe**



**Joanne Hyde**

### FLAC Staff



**Noeline Blackwell,**  
Director General



**Saoirse Brady,**  
Advocacy & Policy Officer  
(to August 2013)



**Yvonne O'Sullivan,**  
Advocacy & Policy Officer  
(from September 2013)



**Paul Joyce,**  
Senior Policy Analyst



**Gillian Kernan,**  
Research Officer



**Lorraine Walsh**  
Volunteer & Centres  
Administrator

### PILA Team



**Lianne Murphy,**  
Project Officer  
(to May 2013)



**Mairead Healy**  
Project Officer  
(from June 2013)



**Maeve Regan,**  
Legal Officer  
(to July 2013)



**Dr Liam Thornton**



**Róisín Webb**

FLAC is committed to adhering to high standards of governance. As part of this, we are on the journey towards full compliance with the Governance Code for community and voluntary organisations. You can read more about the Governance Code on [www.governancecode.ie](http://www.governancecode.ie)



**Emer Butler,**  
Executive Officer



**Michael Farrell,**  
Senior Solicitor



**Jacqueline Heffernan,**  
Information Line Co-ordinator



**Catherine Hickey,**  
Director of Funding  
& Development



**Kirsty Watterson,**  
Finance & IT Coordinator  
(to May 2013)



**Yvonne Woods,**  
Communications &  
Information Officer



**Zsé Varga,** Volunteer  
& Centres Manager



**Eithne Lynch**  
Legal Officer  
(from October 2013)



**Rachel Power,**  
PILA Coordinator  
(from August 2013)



**Kim Watts,**  
Legal Information &  
Communications Officer

## Fellowships 2014

Since 1997, FLAC and the University of Washington, Seattle, have run a fellowship programme which commemorates the lives of two lawyers, Thomas Addis Emmet and William Sampson. Both born in Ireland in 1764, they went on to have high profile, successful legal careers in the United States. The fellowship programme celebrates this Irish-American link and provides an opportunity each year for two talented law students, one from an Irish university and one from the School of Law at the University of Washington, to learn about the theory and practice of law in another jurisdiction, particularly from a public interest law and human rights perspective.



Thomas Addis Emmett Fellowship recipient Vanessa Lawlor with FLAC Director General Noeline Blackwell, President Michael D Higgins and FLAC Chairperson Peter Ward SC

### Thomas Addis Emmet Fellow 2013: Vanessa Lawlor, UCC

A final year BCL Clinical student at University College Cork, Vanessa Lawlor was the recipient of the 2013 Thomas Addis Emmett Fellowship. Vanessa spent 8 weeks working in Seattle working as a legal fellow in Washington Appleseed Centre for Public Interest Law. Washington Appleseed is a non-profit which seeks to achieve social justice through working closely with community advocates and utilising pro bono resources.

Here Vanessa was involved in the research and drafting of a "re-entry to society" guide for incarcerated individuals in America. The aim

of this guide is to address the legal obligations and rights of incarcerated individuals, both pre-release and post-release, thus aiding their reintegration into society. As well as working with Appleseed, Vanessa was a research assistant with Professor Walter Walsh in the University of Washington. Vanessa also attended classes at the University of Washington, which were given by a variety of different professionals in the legal field, from Supreme Court judges to government attorneys to senior law clerks.

### William Sampson Fellows 2012: Kendra Rychlick & Megan Crenshaw, University of Washington

Kendra and Megan came to FLAC from Seattle filled with enthusiasm and willingness to share their many skills. While Kendra worked on our PILA programme, she shared her time in Dublin with Northside Community Law Centre, while Megan similarly worked half the week in FLAC and half in Ballymun Community Law Centre. This gave both young women the chance to experience a wide variety of work and environments. Megan assisted FLAC in its communications work, having studied in this area in her undergraduate programme, and also worked on legal research, particularly around access to jury service in Ireland. Both Fellows also took part in a comparative social welfare law seminar looking at systems in Ireland, the United States and other European countries.

### New Opportunities for Women in Law

For a third year, FLAC ran its 'New Opportunities for Women in Law' programme supported by the Equality for Women Measure, administered by Pobal and funded by the Department of Justice & Equality and the European Social Fund. The programme involved a combination of volunteering with FLAC, group learning and participation on a variety of training courses for participants, who are made up of unemployed women lawyers and women who wish to pursue a career in law.

## Funding & Support

Our aim is to build better bridges for people to their rights and to identify more clearly what needs to be done to remove systemic barriers. FLAC would like to thank all those who provided financial support in 2013. Their generosity and commitment to access to justice is much appreciated, particularly in these challenging times. Without them, and their confidence in FLAC's work, none of the activities described in this report would have been possible.

- The Atlantic Philanthropies
- Citizens Information Board
- Community Foundation for Ireland
- Department of Environment, Community and Local Government
- Department of Justice and Equality
- ESB Electric Aid
- Equality for Women Measure (European Social Fund, Department of Justice & Equality, Pobal)
- FÁS
- Individual donors (including mini-marathon participants & Ten Speed Racer)
- The Ireland Funds
- J P McManus Charitable Foundation
- MABS
- Members of the Bar Council
- Members of the Law Society
- Ulster Bank

Team FLAC at Dublin Women's  
Mini-Marathon 2013



On 3 May 2013, legendary rockers Ten Speed Racer reformed - for one night only - in Dublin music venue Whelan's. The lads very generously split the proceeds of their reunion gig between FLAC and Amnesty Ireland. The band's Pat Barrett stopped by the FLAC office to pass on this generous donation - he is pictured with FLAC's Rachel Ferguson, Emma Cassidy and Emer Butler. Thanks very much to all the Ten Speed Racer crew!

FLAC depends profoundly on the work of volunteers, qualified barristers and solicitors, who provide legal advice to the public at Citizens Information Centres throughout the country. Lawyers who are interested in volunteering with FLAC can find more information and a registration form on the FLAC website.

### Help us widen access to Justice

FLAC is constantly seeking support to deliver its services and to campaign for positive change. Those who are committed to access to justice and are interested in supporting FLAC can do so by giving their time or by making a donation.

FLAC is committed to implementing good practice in all aspects of its fundraising and financial management. We have signed up to the ICTR's voluntary Guiding Principles for Fundraising. More information is available on the FLAC website and at [www.ictr.ie](http://www.ictr.ie).

Those who are interested in making a donation to FLAC can do so in a number of ways:

- By sending a cheque to FLAC, 13 Lower Dorset Street, Dublin 1
- By logging on to [www.flac.ie](http://www.flac.ie) and clicking on the 'Donate' button
- By making a regular donation by standing order (Please contact - [fundraising@flac.ie](mailto:fundraising@flac.ie) or phone (+353) 1 887 3600 to get the appropriate form)

All support is greatly appreciated and helps FLAC to pursue its vision of a society where everyone can access fair and accountable mechanisms to vindicate their rights.

# Income and Expenditure 2013

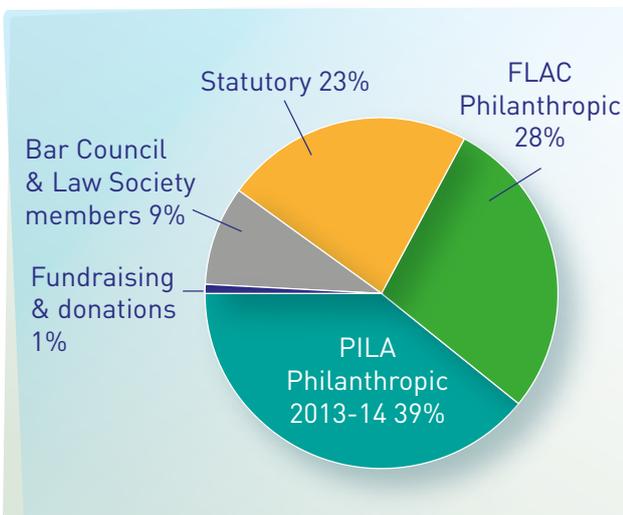
FLAC's accounts are audited by KPMG each year.  
 FLAC's financial year runs from 1 January to 31 December.  
 The following extracts are taken from the audited accounts  
 for the year ending 31 December 2013.

FLAC's financial year runs from 1 January to 31 December.

The following extracts are taken from the audited accounts for  
 the year ending 31 December 2013.

<b>Total income received in 2013</b>	<b>€1,696,750</b>
Philanthropic funding FLAC	€480,565
Philanthropic Funding PILA (received for 2013-2014)	€655,000
Bar Council & Law Society members' contributions	€149,795
Statutory funding	€394,685
Fundraising and donations	€16,705
<b>Total expenditure in 2013</b>	<b>€1,144,231</b>
Salaries	€854,151
Programme of work	€125,040
Overheads, equipment & depreciation	€165,000

## FLAC Income 2013



## FLAC Expenditure 2013





Don't forget -

FLAC has a quarterly newsletter, FLAC News, that you can download from our website at <http://www.flac.ie/publications/>

You can subscribe by contacting us at [info@flac.ie](mailto:info@flac.ie)



**promoting access to justice**

Free Legal Advice Centres  
13 Lower Dorset Street, Dublin 1, Ireland

T: +353 1 887 3600 F: +353 1 874 5320  
Information & Referral LoCall Line: 1890 350 250  
[www.flac.ie](http://www.flac.ie)

