



Preventing Catastrophes & Avoiding Collapse: The Urgent Need to end the Civil Legal Aid Crisis

Submission to the Joint Committee on Justice, Home
Affairs and Migration (and Executive Summary)
January 2026

***“Comprehensive, meaningful reform
is doable, practical and cost effective”***

- Civil Legal Aid Minority Report

About FLAC

FLAC (Free Legal Advice Centres) is an independent legal, human rights and equality organisation which works in a number of different ways to promote access to justice.

FLAC is at the coalface of Ireland's civil legal aid crisis:

- ▶ In 2024, our hugely oversubscribed Telephone Information and Referral Line received over 53,000 calls during opening hours from people desperate for legal information on their rights. We only had capacity to respond to 11,435 queries (i.e. 21% of those calls), mainly in the areas of family law and employment law. The Legal Aid Board has no legal information function to require them to provide early legal information.
- ▶ FLAC provides Phone Legal Advice Clinics. During 2024, Volunteer lawyers provided basic legal advice to over 3,700 people at these clinics, mainly in the areas of family law and employment law.
- ▶ Our independent law centre provides targeted legal services for the Traveller, Roma and (until recently) LGBTQIA+ communities. FLAC cannot begin to meet the huge unmet legal need encountered in these services which operate in areas which are not covered by the current scheme of civil legal aid, namely housing/homelessness, social welfare and anti-discrimination law.
- ▶ FLAC also undertakes public interest litigation (i.e. cases which may have an impact beyond the individual). For example, we represented John O'Meara and his children in their recent landmark case concerning their exclusion from the Widower's Pension Scheme. In the Dáil debates about the legislation introduced as a result of the *O'Meara* decision, it was suggested that there are 150,000 cohabiting couples/families who could potentially benefit as a result of that case.
- ▶ FLAC operates PILA (the Public Interest Law Alliance) which facilitates NGOs to obtain legal assistance from private lawyers via its *pro bono* referral scheme.
- ▶ FLAC makes policy recommendations in relation to areas of law that most impact on people living in poverty and disadvantage, including equality and anti-discrimination law, social welfare law, credit and debt law, housing/homelessness law, human rights law, and access to justice. This includes policy reports and submissions to national and international bodies, including Oireachtas Committees and human rights monitoring bodies.

FLAC & Civil Legal Aid Campaigning

FLAC was established in 1969 to campaign for the comprehensive provision of civil legal aid and to provide legal assistance to people of limited means. FLAC's experience in this area continues from its foundation, to its membership of the Pringle Committee in the 1970s¹ all the way to its successful campaign (together with over 45 civil society groups, academics, legal practitioners and trade unions) for the first comprehensive review of the civil legal aid system and our participation in that review.

Ellis Barry (FLAC Chief Executive) was FLAC's nominee on the Civil Legal Aid Review Group. She submitted a Minority Report to the Minister which was joined and supported by Review Group member Professor Thomas O'Malley SC. FLAC endorses the Minority Report and is calling for the implementation of its recommendations.²

“We know that a right to justice is fundamental to human rights protection, a primary element of an individual's entitlement as an equal citizen of any state. It is simply not acceptable, in a state that claims to be a democracy, that the most vulnerable section of our society is unable to access our legal system or is prevented from doing so in a timely manner. That is a situation which damages the very fabric of our society, entrenching and exacerbating inequality...”

If we are to achieve a Republic in its fullest sense, both institutional and experiential, it must be founded on a profound spirit of generous humanity and a necessary inclusiveness. It is such a spirit that led to the establishment of FLAC fifty years ago and has seen it grow and develop...”

– President Michael D. Higgins, February 2019.

¹ The Committee on Civil Legal Aid and Advice, chaired by Mr Justice Pringle, was established in the 1970s after FLAC threatened to close its voluntary clinics. The Pringle Report concluded that there was a need for a comprehensive civil legal aid scheme providing advice, assistance and advocacy in both courts and tribunals in relation to all types of legal problems. It recommended that, in addition to community law centres, legal aid should be offered by barristers and solicitors in private practice, and that legal aid and advice should be coordinated with other social services. The recommendations of the Pringle majority report were never adopted.

² Department of Justice, Home Affairs & Migration (2025), [Civil Legal Aid Review - Minority Report](#).

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Introduction

FLAC is very grateful for the opportunity to make a submission to Joint Committee on Justice, Home Affairs and Migration ('the Justice Committee') about civil legal aid. We welcome the fact that the Justice Committee is examining this area and we wish to support the work of its members in this regard to the greatest extent possible. We would be pleased to provide any further information that may be of use and to appear before the committee to address the matters raised in this submission.

This submission draws from the Civil Legal Aid Minority Report ('the Minority Report') which made stark findings regarding the civil legal aid crisis in Ireland. That report was submitted to the Minister for Justice, Home Affairs and Migration ('the Minister') in April 2025.³ Since that time, the Minority Report's findings have been confirmed by new reports and data concerning the Legal Aid Board ('LAB'), legal aid waiting times and the huge levels of unmet legal need in Ireland. The LAB itself has now acknowledged that the Ireland's system of civil legal aid may well collapse altogether during 2026 if urgent action is not taken.⁴

The Minority Report contains clear, practical and cost-effective recommendations for resolving the present crisis and creating a legal aid system which prevents and resolves the legal problems individual and communities experience as early (and efficiently) as possible. Access to justice is, and has to be regarded as, an investment. For every euro spent on access to justice there will be savings and benefits for the individual, communities, the courts and society. It needs to be regarded as a vital and essential social service akin to healthcare and education.

At the FLAC and Trinity College Dublin ('TCD') Law School Conference on Civil Legal Aid Reform in January 2026, European Union Commissioner Michael McGrath stated that he "*[applauds] the courage and clarity with which [the Minority Report] articulates the issues to be addressed.*" He called for Ireland to "*seize this landmark opportunity to close the justice gap.*"⁵

Given the deepening civil legal aid crisis and the imminent risk of collapse of legal aid services, FLAC is alarmed at the fact that the Minister and his Department have not yet provided a timeline for when they will respond fully to the Civil Legal Aid Review reports or introduce

³ As with the Minority Report, nothing in this submission is intended as a criticism of the staff of the Legal Aid Board or members of the Legal Aid Board's Private Practitioner Panels.

⁴ Comments of the Chair of the LAB, Nuala Egan SC, at the FLAC and Trinity College Dublin Law School Conference on Civil Legal Aid Reform on 12 January 2026.

⁵ Commissioner McGrath holds the Justice Portfolio (which includes responsibility for democracy, the rule of law, equality, civil society, fundamental rights and consumer protection). See: European Commission (2026), [*Speech by Commissioner McGrath on the Access to Justice at the FLAC and Trinity College Conference on "Civil Legal Aid: From Review to Reform"*](#).

reforms in this area.⁶ The Chief Justice, the Hon. Mr Justice Donal O'Donnell described the pace of reform in the area of civil legal aid as “*frustratingly slow*” at the FLAC and TCD Law School conference:

“...it is hard to believe that as a society we would tolerate this level of unmet need in the fields of health or social welfare. It is worth asking why this has been allowed to occur in the field of legal aid. One reason of course is the lack of voice of those affected...

...the attitude that we can simply continue as usual within existing constraints is wrong...”⁷

Executive Summary

This submission makes recommendations:

- ▶ to the Justice Committee about its examination of the area of civil legal aid,
- ▶ to Government as to the urgent next steps which it should take,
- ▶ about the necessary resourcing required in the area of civil legal aid, and
- ▶ about the necessary changes in law which are needed to facilitate the transformation of legal aid services in Ireland.

These recommendations are informed by this submission’s analysis of the civil legal aid crisis (**Section 1** below) and how it should be addressed (**Section 2**). Those sections are derived from the Civil Legal Aid Minority report and subsequent developments since the submission of that report to the Minister. The **Appendix** to this submission contains the full set of recommendations from the Civil Legal Aid Minority Report.

Summary of Section 1: Ireland’s Civil Legal Aid Crisis

The Civil Legal Aid Minority Report states categorically that “*Ireland’s system of public legal assistance is in crisis*”:

⁶ Statements by the Minister and the Department in relation civil legal aid reform since the publication of the reports have only been quite general. On 20 November 2025, the Department of Justice published its Strategy Statement for 2025 to 2028. It contained commitments to achieving: a “*reformed [system] of... civil legal aid that support access to justice*”; “*an efficient justice system that is fair, effective and responsive to the needs of those seeking justice*”, and; ensuring “*vulnerable users can access services with the support and knowledge they need*.” See: Department of Justice, Home Affairs and Migration (2026), [*Statement of Strategy 2025–2028*](#).

Further, in December 2025, the Minister stated as follows in response to parliamentary questions regarding the CLA means test: “*While the review highlights the need for comprehensive legal aid reform it also recognises that the current legal aid system must function effectively in the meantime. A critical aspect of any implementation will, therefore, be careful sequencing of reforms... [I]n my Department, officials are considering the reports and are putting together proposals that will come to me for the purpose of implementing the recommendations.*” See: Houses of the Oireachtas (2025), [*Dáil Éireann Debate, Thursday - 4 December 2025 re Legal Aid*](#).

⁷ The Courts Service (2026), [*Speech delivered by Mr. Justice Donal O'Donnell, Chief Justice, at the FLAC Civil Legal Aid: From Review to Reform Conference in Trinity College Dublin on 12 January 2026*](#).

“The civil legal aid scheme which is administered by the Legal Aid Board is failing to meet significant legal need, especially among individuals and groups who live in poverty, extreme poverty and/or who experience disadvantage and discrimination.

*The scheme **cannot** meet this need because of its design, including its limited functions, narrow scope, rigid means and merits test, service delivery models, and under-utilisation of some of its functions and the dominance of family law in its casework. Its chronic under-funding and under-resourcing results in its inability to hire and retain staff, an over-reliance on private practitioner panels (where there is a low take up due to the low level of payment), critical legal aid deserts in some areas, significant delays to get a first appointment to see a solicitor, and an inability to pay for essential child welfare and other vital reports. All of this could act as a source of low morale amongst LAB staff.”*

No Preventative Functions & Limited Information Functions: The LAB does not have preventative and targeted function which would assist people and communities resolve their legal issue at an early stage, avoid or reduce the need for litigation and help prevent other legal issues from arising. It does not have the function of providing legal information to the public on their rights or providing targeted legal information, community legal education, advice and advocacy to disadvantaged individual and groups.

Under-utilisation of the LAB’s Broad Legal Advice Function: The LAB has a broad power to provide legal advice. While it cannot provide legal representation before bodies like the Workplace Relations Commission and in social welfare appeals, its legal advice function could be used to provide a significant level of assistance, such as detailed legal advice and drafting submissions in areas such as social welfare, housing and employment. This function is largely and inexplicably underutilised. This leads to a perception that the LAB cannot assistance in areas like housing, homelessness, discrimination and family reunification.

No Legal Representation before Tribunals: The LAB cannot provide representation before tribunals like the Workplace Relations Commission, Residential Tenancies Board or Social Welfare Appeals Office. It cannot, for example, represent people in Workplace Relations Commission cases in claims concerning reasonable accommodation for disabled children in schools, workplace sexual harassment, or employment rights and discrimination more generally. In practice, family law dominates the work of the LAB even though its family law clients are likely to have other legal issues in areas like debt, social welfare and housing, including as a consequence of the original family law matter.

The recent preliminary results of Ireland’s first ever national legal needs survey confirm the extent of unmet legal need in Ireland: The survey found that 80% of respondents in Ireland experienced at least one justice problem in the last two years. Several of the “most

common types of justice problems experienced in Ireland" identified in the survey are areas which fall outside the scope of the scheme of civil legal aid. FLAC has written to the Department of Justice and requested that they undertake further targeted research on the legal problems experienced by disadvantaged people and groups (who may not have been captured by the original online survey).

Disadvantaged groups experience a disproportionate number of legal problems: The number of legal problems which people experience are not randomly distributed across populations. This is because legal problems are often linked to poverty, discrimination or disadvantage and one legal problem tends to give rise to more such problems. For example, unemployment, debt, social welfare, rent problems, evictions or homelessness may all be linked to each other. Members of the Oireachtas will be aware from their constituency work of the many people who experience complex and interrelated problems (for example, people seeking assistance as a result of domestic violence will often have related issues in the area of housing and social welfare) and the absence of services which provide a holistic response to these problems.

Rigid Service Delivery Model: The LAB uses the traditional model of delivering legal services which relies on a person knowing they have a legal issue and where to go to get it resolved. This model that is not best suited to meet the need of the people who are experiencing multiple legal issues or groups with lower levels of legal capacity and awareness of rights, in particular groups who experience poverty and disadvantage.

Rigid Means Test: The civil legal aid means test is rigid arbitrary and wholly out of date. Applicants for civil legal aid have to establish that they have a disposable income of less than €18,000. This figure has been in place since 2006. The limited range of allowable allowances do not reflect the actual costs of childcare, accommodation, and matter like the cost of disability, insurance payments and transport to and from work costs. The means test does not link to, or assess in any way, the capacity of the person to pay versus the potential cost of the proceedings. It applies irrespective of the complexity of the issue and the incapacity of the person to represent themselves. This results in huge unmet legal need among people who have no or limited capacity to pay for legal assistance.

Financial Contributions: There is a requirement to make a financial contribution in most cases which can apply to people below the poverty line and people reliant on basic social welfare payments. In their submission to the Civil Legal Aid Review Group, St Vincent de Paul wrote about having to support a significant number of people to pay the financial contribution.

Strict Merits Test: Merits tests are strictly applied even in cases where it would be of huge practical benefit for the applicant to have legal representation, such as in cases where the applicant is the defendant in an eviction case and in debt cases.

Civil legal aid is not viewed or treated as a vital public service on par with health, education and social welfare. Under-resourcing of the scheme of civil legal aid likely results from the entrenched view that funding for legal aid is just 'more money for lawyers. In reality, spending on civil legal aid is an investment which saves money for individuals, the courts system and the State. This has been unambiguously established by World Bank and OECD research into different legal aid schemes. It also improves health outcomes and reduces pressure on other public services such as emergency homelessness and health services

The LAB is chronically under-funded and under-resourced. In 2025, it had a budget of €64.122m. To put this in context, the horse and greyhound industry received €100m million in this and last year's budgets. Private education is also subsidised in the amount of approximately €100m each year. The State has spent €58m in respect of the upcoming Ryder Cup which is €1 million less than the LAB's 2024 Budget.

This under-resourcing results in:

- ▶ An inability to hire and retain staff. There is no justification for the fact that LAB solicitors are paid less than other public service lawyers such as those in the Attorney General's Office and Chief State Solicitor's Office.
- ▶ An over-reliance on private practitioner panels (where there is a low take up due to the low level of payment).
- ▶ Critical legal aid deserts in some areas.
- ▶ An inability to pay for essential child welfare and other vital reports.
- ▶ It also leads to huge delays. The most recent figures published by the Board (which show the position as of 31 December 2025) state that waiting times for a first consultation with an LAB solicitor stand at 64 weeks in Sligo, 56 weeks in Ballymun, 46 weeks in Ennis, 46 weeks in Waterford, 43 weeks in Limerick, and 49 weeks for the LAB's Traveller Support Service.

No fewer than eight international and European independent human rights monitoring bodies have criticised the current civil legal aid scheme. This reflects the fact that legal aid is not treated as a fundamental right in Ireland.

The scheme of civil legal aid is likely to be contrary to European and/or EU law in at least four respects: the rigid means and merits tests, the blanket exclusion of legal

representation before bodies like the Workplace Relations Commission and in social welfare appeals, and the lack of legal for NGOs, especially in environmental cases.

An organisational review of the LAB by the consultancy firm Baker Tilly was recently released by the Board under FOI and corroborates the crisis in the legal aid system. It found that “***the [Board’s] current organisational design does not serve the organisation well***”:

- ▶ “...the organisation is struggling in the face of increasing challenges (political, economic, workforce, pay, legislative for example) as well as facing into significant increased workload/programmes, underpinned by creaking ICT infrastructure and dispersed culture.”
- ▶ “Many managers noted the high levels of ‘discretionary effort’ which individuals expend to get their job done, often buying IT packages etc out of their own pocket to help them in their job etc...”
- ▶ “There is a demonstrated need for additional Solicitors across all parts of the organisation.”

In 2026, the Legal Aid Board’s workload will increase again with the implementation of the EU Migration Pact. In the absence of comprehensive civil legal aid reform and resourcing before then, the Chair of the LAB has expressed a concern that the situation will descend from crisis into collapse.

Summary of Section 2: Resolving the Civil Legal Aid Crisis

Comprehensive, meaningful civil legal aid reform is doable, practical and cost effective.

In fact, it will save the State and the justice system money. The service delivery infrastructure is already in place. The LAB Law Centres and an expanded role for the Citizens Information Centres and its network of Citizens Information Centres all around the country are an important part of the proposed public legal assistance landscape. The existing independent law centres, such as FLAC, Community Law and Mediation, Mercy Law Resource Centre, the Immigrant Council of Ireland and the Irish Refugee Council, provide a different model of targeted service delivery (these centres operate under the auspices of registered charities rather than as part of the State system of civil legal aid and should not be confused with LAB Law Centres).

The minority report recommends **a complete reorientation of civil legal aid services with an emphasis on (and mainstreaming of) preventative services** so that people will have access to legal information, advice and advocacy as early as possible so that disputes and/problems will be resolved and not escalate. Preventative services should be general and targeted – and delivered by a diverse range of bodies working in collaboration.

General Early and Preventative Services include public awareness/education campaigns about legal rights and the availability of public legal assistance (delivered through a diverse range of media). They also include the provision of legal information through pamphlets, websites, web chat services, and telephone lines. LAB Law Centres should work in collaboration with local Citizens Information Centres to provide legal information, early advice and advocacy.

The implementation of these proposals would not be costly. The Citizens Information Board website is already a highly trusted resource and could easily be augmented to include further information on legal rights. The FLAC Telephone Information Line is able to meet about one-fifth of the demand for that service on an annual budget of around €500,000. This suggests that a service which meets the level of demand would only cost about €2.5m each year.

Targeted early and preventative Services are as important as general services and should not be seen as an add-on. Services need to be brought to where people are by locating services in the Courts, tribunals, libraries, primary health care services, family resource centres, Direct Provision centres, places of detention, and in residential institutions and nursing homes. Targeted early services should be delivered through 'collaborative service delivery models' i.e. the provision services alongside housing, homelessness, probation and welfare services, as well as through health justice partnerships and the use of 'legal health checks' (which equip non-legal professionals to identify legal needs and issues).

A network of Community Law Centres in the areas of greatest deprivation and targeted/specialised legal services and law centres should provide information, advice, advocacy and community legal education tailored to the needs of cohorts/communities which they serve. FLAC's experience would suggest that the cost of providing properly-resourced targeted and community services would only be approximately €1.5m per Community/Targeted Law Centre per annum.

The limitations on the scope of the scheme of civil legal aid are contrary to European law and should be removed. In more practical terms, this is necessary because social welfare and discrimination cases, for example, can be very complex and raise matters of EU law. There is a fear of a 'floodgates' effect if the ban on representation before tribunals is removed. This fear is unfounded. Not every matter requires full legal representation.

What is needed is tiered-approach where a range of different services and services delivery respond to different kinds and different levels of need. This should include:

- ▶ A network of advocacy workers in Citizens Information Centres who can provide advocacy and representation before the bodies like the Workplace Relations Commission in less complex cases.
- ▶ Augmented LAB Law Centres working in tandem with the Citizens Information Centres who would take on more complex cases where advocacy work by the Citizens Information Centre would not be sufficient.
- ▶ A network of community law centres in areas of high deprivation and specialised/targeted services, for example for Travellers and people with disabilities. The existing independent law centres which already provide some specialised/targeted services need to be properly resourced.
- ▶ A private practitioner panel which is similar to the model used by mental health tribunal (where membership is subject to an assessment of expertise and experience) and the LAB should provide ongoing training and encourage specialization in certain areas

The merits test should be simplified and based on an assessment of the potential benefits of legal assistance being provided rather than on the basis of a strict win/lose paradigm. It should not be applied in all cases.

The membership of the Legal Aid Board needs to be diversified to include representatives of Disabled Persons Representative Organisations, services users and the groups which represent them, the Irish Human Rights and Equality Commission, and human rights, equality and access to justice experts.

Recommendations

Recommendations to the Justice Committee

The Justice Committee's very welcome consideration of the area of civil legal aid should involve engagement with the following stakeholders:

- ▶ FLAC.
- ▶ Representatives of Ireland's network of Independent Law Centres.
- ▶ Civil society organisations representing communities with high levels of unmet legal need such as the Irish Network Against Racism and Pavee Point.
- ▶ Academic experts such as Professor Gerry Whyte (TCD). Dr Lara McLachlan (University of Bristol) and Professor Fiona Donson (UCC and the Traveller Justice & Equality Project).
- ▶ Representatives of the staff of the Legal Aid Board.

- ▶ Experts in the area of access to justice in the environmental context such as Professor Áine Ryall (Co-Director of the Centre for Law and the Environment at University College Cork and Chair of the Aarhus Convention Compliance Committee)
- ▶ Experts in the area of immigration and asylum law (who can address the impact of the EU Migration Pact in detail) such as Professor Patricia Brazil SC and Professor Clíodhna Murphy.
- ▶ Representatives from the Department of Justice's ongoing People-Centred Justice Project which involves the first ever national legal needs survey in Ireland.
- ▶ The Citizens Information Board in relation to the development of their services.
- ▶ The Courts Services in relation to its response to the number of lay litigants appearing before the courts.

The Justice Committee should engage with the Minister and his Department about civil legal aid and, in particular, should request:

- ▶ their response to the Civil Legal Aid Review reports, including any law reform currently under consideration on foot of receipt of those reports,
- ▶ information regarding the provision of funding and staff to the LAB in response to the influx of work which will arise from the implementation of the EU Migration Pact,
- ▶ their response to the BakerTilly organisation review of the LAB and whether the recommendations concerning resourcing contained in that report will be implemented, and
- ▶ their response to the preliminary findings of the Department of Justice's ongoing People-Centred Justice Project concerning legal needs in Ireland.

The Justice Committee should engage with the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation in relation to:

- ▶ the funding of the Legal Aid Board,
- ▶ the lower salary scales for solicitors in the Legal Aid Board (compared to other public service lawyers), and
- ▶ the economic return on investment for the State from funding access to justice services.

Recommendations to Government

The Minister and his Department should:

- ▶ Respond to the Civil Legal Aid Review, as well as the BakerTilly report and the legal aid requirements of the Migration Pact by setting out a clear timeframe for the resourcing and

reform of Ireland's system of civil legal aid. FLAC's recommendations as to the nature of those reforms and the required resourcing are set out below.

- ▶ Engage with all relevant stakeholders including the LAB, its staff, MABS, the Citizens Information Board, the Independent Law Centres, the Law Society, the Bar Council, civil society organisations representing communities with high levels of legal need, the Courts Service, the judiciary and trade unions.

Recommendations on Resourcing of Civil Legal Aid

Civil Legal Aid has been starved of investment and resources for decades. Significant Investment will be needed to transition to a new system and proper resourcing will be needed to sustain it. Additional resources are required to:

- ▶ Address the outstanding resourcing issues identified in the BakerTilly report on the operations of the LAB.
- ▶ Pay LAB Solicitors at the same rates as civil service lawyers in bodies such as the Chief States Solicitors Office.
- ▶ Allow the LAB to provide the reports necessary for the fair disposal of any case in which it is providing legal representation including the full cost of 'section 32'/voice of the child reports and other essential reports in family law and other cases.
- ▶ Increase the rates paid to the lawyers on private practitioner panels in line with the rates received by those on panels for the mental health tribunals. These should be reviewed on a periodic basis.
- ▶ Allow the LAB and Citizens Information Board to carry out additional functions and to provide services to a larger cohort.
- ▶ Fund a network of community law centres and dedicated/specialised law centres. The following areas should be prioritised:
 - A properly-resourced specialised and targeted Law Centre for the Traveller community (to replace the existing under-resourced LAB Traveller Legal Service).
 - An Anti-Discrimination Law Centre for black and minority ethnic communities.
 - Properly resourcing existing services such as the Irish Refugee Council Law Centre and the Immigrant Council of Ireland Law Centre.
 - A Disability Rights Law Centre.
 - An Environmental Law Centre (and/or fully resourcing the Centre for Environmental Justice operated by Community Law and Mediation).

Law Reform Recommendations

The Civil Legal Aid Act 1995 and the regulations made under that legislation, as well as the Comhairle Act 2000 (which provides the legislative basis for the work of the Citizens Information Board), need to be amended. This legislation should be in place in advance of Budget 2027 and this will require the immediate preparation of a Heads of Bill. Legislative reform is needed to:

- ▶ Amend section 5 of the 1995 Act to expand the functions of the LAB to include:
 - Raising awareness of legal rights and the availability of public legal assistance.
 - Public Legal Education and the provision of legal information, including through a national Legal Information Telephone Line and website.
 - The provision of a range of appropriate legal information services where potential service users already are. This includes the courts, tribunals, libraries, primary care centres, Direct Provision centres, family resource centres, and housing, homelessness, probation and welfare services. It also includes in-reach to places of detention such as prisons and in residential institutions and nursing homes.
 - The provision of Legal and Advocacy Training for bodies and organisations involved in the provision of public legal assistance, as well as civil society organisations and trade unions.
 - Providing (and ensuring the provision of) legal education, information, advice and advocacy services - both generally and through targeted and specialised services.
 - The resourcing of a network of Community Law Centres in the areas of greatest deprivation, and targeted and specialised legal services and law centres.
- ▶ Amend section 7 of the 2000 Act to expand the functions of the Citizens Information Board to include the provision of information, advice and advocacy in relation to legal rights.
- ▶ Amend section 5 of the 1995 Act and section 7 of the 2000 Act to mandate the LAB and Citizens Information Board to collaborate in the performance of their functions.
- ▶ Insert new provisions into the 1995 Act which provide the LAB with an overarching access to justice mandate, and clearly articulate the LAB's objectives and the principles that should guide it in carrying out its functions. These should include: Effectiveness; Integration; Collaboration & Co-operation; Flexibility & Innovation; Best Practice; Accessibility; Fairness; Poverty-Proofing & Poverty Reduction; the Promotion of Equality and Human Rights & the Elimination of Discrimination; Diversity; the Promotion of Social Inclusion, and; Efficiency & Timeliness.

- ▶ Amend section 4 of the 1995 Act to provide that the membership of the LAB is diversified to include representatives of Disabled Persons Representative Organisations, services users and the groups which represent them, the Irish Human Rights and Equality Commission, and human rights, equality and access to justice experts.
- ▶ Amend section 5 of the 1995 Act to bring MABS, Abhaile, and the new legal aid provisions in relation to the environment (provided for in the Planning and Development Act 2024) within the remit of the LAB.
- ▶ Repeal section 28(9) of the 1995 Act to remove the limitations on the areas of law where legal aid may be provided which are contrary to European law.
- ▶ Amend section 27 of the 1995 to provide that legal aid may be provided before any tribunal subject to the provisions of the legislation.
- ▶ Amend section 24, 26 and 28 of the 1995 Act to remove the existing merits test and replace them with a single merits test based on an assessment of the potential benefits of legal assistance being provided rather than on the basis of a strict win/lose paradigm.
- ▶ Replace the regulations introduced pursuant to section 29 of the 1995 Act with a new set of means test regulations designed to ensure that people who can afford private legal representation do not avail of the civil legal aid scheme for the purpose of obtaining representation, and which are responsive to the actual cost of potential proceedings.

1. Ireland's Civil Legal Aid Crisis⁸

The Civil Legal Aid Minority Report highlights that Ireland's "*system of public legal assistance is in crisis*" and that an urgent response is needed to address that crisis.⁹

The civil legal aid scheme which is administered by the Legal Aid Board is failing to meet significant levels of legal need, especially among individuals and groups who live in poverty and in areas of high deprivation, or who experience disadvantage and discrimination. This is because of the design of the scheme and how it is delivered, and because of chronic under-resourcing and under-investment.

1.1. The Legal Aid Board's Limited Functions

The LAB has no remit to provide legal information or community education or to promote awareness of rights. These early services can prevent legal problems from arising or escalating to the point where they go to court. It has also no research function or mandate to make policy and law reform recommendations in the areas where it has significant experience and expertise

Further, the LAB under-utilises the functions it has, in particular its legal advice function which is quite expansive and could be used to provide a significant level of assistance in areas such as social welfare and employment which are otherwise largely excluded from the scope of the scheme.

1.2. Narrow Scope of the Civil Legal Aid Scheme

The LAB cannot provide representation before tribunals like the Workplace Relations Commission ('WRC'), Residential Tenancies Board ('RTB') or Social Welfare Appeals Office. These are the bodies that deal with the key areas which most impact disadvantaged people and communities. It cannot, for example, represent people in WRC cases concerning disability rights and reasonable accommodation, workplace sexual harassment, or employment rights and discrimination more generally. In practice, family law dominates the work of the LAB.

There are also exclusions for test cases and collective actions. Community groups and NGOs cannot receive legal aid.

1.3. Outdated Means Test

Applicants for civil legal aid have to establish that they have a disposable income of less than €18,000. This figure has been in place since 2006. It is not clear how that figure was arrived at in 2006. It is not linked to any stated standard of a minimum or living wage. It is not based

⁸ The information in this section is drawn from the Minority Report. Direct quotes and material from other sources are cited. See: Department of Justice, Home Affairs & Migration (2025), [Civil Legal Aid Review - Minority Report](#).

⁹ Department of Justice, Home Affairs & Migration (2025), [Civil Legal Aid Review - Minority Report](#), p.vi.

on any meaningful analysis or assessment of what kind of income would be necessary in order to pay for legal services. This results in huge unmet legal need among people who have no or limited capacity to pay for legal assistance.

The means test applies irrespective of the complexity of the issue and the capacity of the person to represent themselves. Further, the ‘allowances’ used to calculate disposable income do not reflect the actual costs of childcare, accommodation, and matter like the cost of disability.

There is a requirement to make a financial contribution in most cases. This requirement can apply to people below the poverty line. In their submission to the review, St Vincent de Paul noted that it had to support people to pay the financial contribution:

*“In our experience those who qualify for legal aid – the contribution causes financial difficulties for individuals – they cut back on food/heating as a result. There were just over 500 requests to SVP between 2019-2021 for help with the legal aid contribution. However, this is likely to be an underestimate as the initial request may be for food after money is spent on the legal aid contribution.”*¹⁰

1.4. Rigid Merits Test

Merits tests are strictly applied even in cases where it would be of huge practical benefit for the applicant to have legal representation, such as in cases where the applicant is the defendant in an eviction case.¹¹

The merits test takes a ‘win/lose’ approach which ignores the potential benefits of legal representation in mitigating the impact of losing the case. For example, by ensuring that a realistic debt repayment plan is put in place or by seeking a stay on an eviction order.

1.5. Limited Service Delivery Models

The LAB uses the traditional model of delivering legal services which relies on a person knowing they have a legal issue and where to go to get it resolved. This model that is not best suited to meet the need of the people who are experiencing multiple legal issues or groups with lower levels of legal capacity and awareness of rights.

International research demonstrates that, while all people experience legal problems¹², the number of such problems which people experience are not randomly distributed across

¹⁰ Society of St Vincent de Paul (2023), *Submission to the Civil Legal Aid Review Group*, p.5.

¹¹ Mercy Law Resource Centre (2023), *Submission to the Civil Legal Aid Review Group*, p.9.

¹² According to the broad sample of legal needs surveys used to develop the Organisation for Economic Co-operation and Development (‘OECD’) Guide to Legal Needs Surveys, certain justiciable problems are ubiquitous: “Common problems include those concerning consumer issues, money, neighbours, family matters, housing and land, employment, social safety net assistance, and access to public services. While there are some differences, patterns of problem experience are remarkably similar across the globe”. See: OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>, p.11.

populations;¹³ rather the “*adverse consequences of experiencing civil justice problems disproportionately affect the poor, ethnic and religious minorities, women and other vulnerable populations.*”¹⁴ This is because legal problems are often linked to poverty, discrimination or disadvantage and one legal problem tends to give rise to more such problems.¹⁵ For example, unemployment, debt, social welfare, rent problems, evictions or homelessness may all be linked to each other. Disadvantaged people/groups can draw on fewer resources and have less capability to avoid or mitigate problems.

The multiple, interrelated legal problems that disadvantaged individuals tend to experience has been described as ‘clustered injustice’:

*“...the legal problems encountered by people who live with disadvantage: disabled people, carers, people at risk of homelessness, people in significant debt, people falling foul of immigration laws, people fleeing domestic abuse... don’t come in single discrete packages (e.g. a personal injury claim; a consumer dispute; a divorce) but are multiple, interlinked and both concurrent and successional. No sooner has one problem been addressed than another is encountered.”*¹⁶

Legal aid service delivery models should be designed to respond to the experience of clustered injustice. There is a significant body of research on best practice in this regard (which informs the analysis in section 2 of this submission and the recommendations above).

1.6. Chronic Under-Resourcing of the Legal Aid Board and its Impact

The LAB is chronically under-funded and under-resourced. In 2025, it had a budget of €64.122m. By contrast, the horse and greyhound industry received €100m million in this and last year’s budgets. Private education is also subsidised to the tune of €100m each year. The State has spent €58m in respect of the upcoming Ryder Cup.¹⁷ The LAB received an €8m budget increase in this year’s budget. However (as is discussed further below), this funding is needed to replace its creaking ICT systems.

This under-resourcing results in:

- ▶ An inability to hire and retain staff.

¹³ Rebecca L Sandefur, *What We Know and Need to Know about the Legal Needs of the Public*, (2016) 67 SCL Rev 443, p.447.

¹⁴ Lisa Moore & Trevor C.W. Farrow for the Canadian Forum on Civil Justice (2019), *Investing in Justice: A Literature Review in Support of the Case for Improved Access*, p.14.

¹⁵ OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>, p.11.

¹⁶ Luke Clements, *Clustered Injustice and the Level Green* (Legal Action Group, 2020), p.2.

Professor Clements delivered the opening remarks at the second day of the Chief Justice’s Working Group on Access to Justice Conference in 2023. See: Courts Service (2023): *Conference Report – Civil Legal Aid Review: An Opportunity to Develop a Model System in Ireland*, p.64.

¹⁷ Irish Times (22 June 2023), *State expects to pay €58m on bringing Ryder Cup to Ireland in 2027*.

- ▶ An over-reliance on private practitioner panels (where there is a low take up due to the low level of payment).
- ▶ Critical legal aid deserts in some areas.
- ▶ An inability to pay for essential child welfare and other vital reports.
- ▶ It also leads to huge delays. The most recent figures published by the Board (which show the position as of 31 December 2025) state that waiting times for a first consultation with an solicitor stand at 64 weeks in Sligo, 56 weeks in Ballymun, 46 weeks in Ennis, 46 weeks in Waterford, 43 weeks in Limerick, and 49 weeks for the LAB's Traveller Support Service.¹⁸

All of this is likely to act as a source of low morale amongst LAB staff (and this has been confirmed by the recent BakerTilly report). LAB Solicitors are not paid at the same rates as civil service lawyers in bodies such as the Chief States Solicitors Office. There is no rationale or justification for this disparity.

The LAB's 2024 Annual Report (published in December 2025) states:

*"We are currently facing challenges due to resource deficits in our permanent workforce, which have led to service availability issues in certain regions. In the past, we could look to meet these demands by appointing private practitioners from our panels. However, some areas are now experiencing shortages with no private practitioners available. This affects our ability to maintain a consistent, accessible, and uniform service nationwide. We are currently working to resolve these difficulties and remain fully committed to ensuring that the same high standard of service is available to clients across the country."*¹⁹

1.7. Failure to Treat Civil Legal Aid as an Investment & Vital Public Service

The Chief Justice highlighted the importance of adequately resourcing civil legal aid at the FLAC and TCD Law School conference in January 2026:

"...any meaningful progress requires investment in the civil legal aid system.
... maintaining a fair and accessible system in which disputes large and small can be resolved is not a luxury or an optional extra. It is in truth the business of the State, and it has always been the business of the State. In that context, investment in civil legal aid should not be regarded as discretionary, optional or minimalist. The contrast between the scale of public expenditure on health and on civil legal aid remains stark, even allowing for the very different nature and function of those systems. The health budget for 2026 is

¹⁸ Legal Aid Board (2026), [Management Information as at 31st December 2025](#).

¹⁹ Legal Aid Board (2025), [Annual Report 2024 - A New Strategic Direction: Building for the Future](#), p.6.

approximately €27.4 billion. The comparison with Social Welfare is, if anything, more telling. The Social Welfare budget for 2026 is €29 billion. By contrast the Civil Legal Aid budget is about €72 million. I am well aware that the areas of social deprivation which require assistance from the State are very many and demanding, but are we really saying that this represents the relative prevalence of legal problems in the population, or their importance? Are we seriously saying that the business of dealing with legal issues and navigating a legal system represents 0.25% - a quarter of one per cent of the problems that persons on low incomes in Ireland face?”²⁰

Civil legal aid is not viewed or treated as a vital public service on par with health, education and social welfare. Under-resourcing of the scheme of civil legal aid likely results from the entrenched view that funding for legal aid is just ‘more money for lawyers. In reality, spending on civil legal aid is an investment which saves money for individuals, the courts system and the State. This has been unambiguously established by World Bank and OECD research. It also improves health outcomes and reduces pressure on other public services such as emergency homelessness and health services. Put simply, not paying for legal aid costs more than paying for it. However, it remains extraordinarily difficult to persuade the politicians and state to invest in access to justice.

1.8. Criticism by Human Rights Monitoring Bodies

No fewer than eight international and European independent human rights monitoring bodies have criticised the current civil legal aid scheme. Their many concerns cover the narrow scope of the scheme, the lack of representation before quasi-judicial bodies (QJBs) which deal with access to vital public services such as housing and welfare (and socio-economic rights more generally), the limited extent to which immigration and asylum matters are covered by the scheme, delays in accessing the scheme, the “*restrictive financial eligibility criteria*”, and the financial contribution requirements and legal aid for victims of domestic violence. These criticisms by human rights monitoring bodies reflect the fact that legal aid is not treated as a fundamental right in Ireland.

In July 2025, the United Nations Committee on the Elimination of Discrimination Against Women made several recommendations in relation to Ireland’s system of civil legal aid, including by highlighting the need for targeted legal services for Travellers, Roma, migrants and people with disabilities. It also called on the State to “[*eliminate*] *restrictive financial eligibility criteria for legal aid*” and to “*expand access to legal aid and legal representation for*

²⁰ The Courts Service (2026), [*Speech delivered by Mr. Justice Donal O’Donnell, Chief Justice, at the FLAC Civil Legal Aid: From Review to Reform Conference in Trinity College Dublin on 12 January 2026.*](#)

women in all areas of law where discrimination occurs, including labour disputes, welfare benefits and other civil matters.”²¹

In its list of issues dated 15 September 2025 and published in advance of Ireland’s first review under the Convention, the United Nations Committee on the Rights of Persons with Disabilities asked Ireland to provide information about “[m]easures to implement recommendations from the review of the Civil Legal Aid Scheme, including measures to address the unmet legal need experienced by persons with disabilities.” This underscores the importance of civil legal aid in meeting our obligations under Article 13 of the Convention (Access to Justice).²²

1.9. Breaches of European Law

The scheme of civil legal aid is likely to be contrary to European and/or EU law in at least four respects:

- ▶ its highly restrictive means test,
- ▶ the strict merits test,
- ▶ the blanket exemptions (including on legal aid before quasi-judicial bodies), and
- ▶ the prohibition on NGOs accessing legal aid for environmental cases. Failure to comply with EU law raises financial and reputational risks for the State.

Failure to comply with EU law raises financial and reputational risks for the State. These risks will be heightened during Ireland’s Presidency of the Council of the European Union when our credibility on issues such as fundamental rights and the rule of law is crucially important. The importance of access to justice from an EU perspective was reflected in the remarks of Commissioner Michael McGrath at the FLAC and TCD Law School Conference on Civil Legal Aid Reform in January 2026:

“...access to justice is not merely a legal principle; it is a cornerstone of democracy, a pillar of the rule of law, and a foundation for social cohesion. Without it, the promises of equality and fairness enshrined in our laws are hollow. Our commitment must be that justice is not only theoretical, but practical and effective. Legal aid serves as the crucial bridge that transforms rights from existing on paper to becoming realities in the lives of people... Ireland’s reforms can align with [European] advances, ensuring that legal aid and support begin from the first contact, not just in court.... The Commission stands ready to support

²¹ United Nations Committee on the Elimination of Discrimination Against Women (2025), [Concluding observations on the eighth periodic report of Ireland](#).

²² United Nations Committee on the Rights of Persons with Disabilities (2025), [List of issues in relation to the initial report of Ireland](#).

Ireland to transform its civil legal aid system into a model of responsiveness and inclusivity, setting a standard for the rest of Europe.”²³

1.10. Organisational Review of the Legal Aid Board

An organisational review of the LAB by the consultancy firm BakerTilly was recently released by the Board under FOI.²⁴ It found:

- ▶ *“...the [Board’s] current organisational design does not serve the organisation well. It is too fixed, too rigid and lacks agility and flexibility... There are significant concerns on the organisation’s capacity to change and its capability to change without significant investment and a change in culture and vision. The organisation strives hard to deliver its remit almost in spite of its design...”*
- ▶ *“...the organisation is struggling in the face of increasing challenges (political, economic, workforce, pay, legislative for example) as well as facing into significant increased workload/programmes, underpinned by creaking ICT infrastructure and dispersed culture.”*
- ▶ *“Many managers noted the high levels of ‘discretionary effort’ which individuals expend to get their job done, often buying IT packages etc out of their own pocket to help them in their job etc...”*
- ▶ *“There is a demonstrated need for additional Solicitors across all parts of the organisation.”*

While the BakerTilly review was carried out during the Civil Legal Aid Review process, the firm’s report was only provided to the LAB and not to the Civil Legal Aid Review Group. Very regrettably, the BakerTilly report only came to light after the Civil Legal Aid Review reports had been published.

1.11. Impact of the Migration Pact

In 2026, the Legal Aid Board’s workload will increase again with the implementation of the EU Migration Pact. In the absence of comprehensive civil legal aid reform and resourcing before then, the situation may well descend from crisis into collapse.²⁵ It has been suggested that €30m in additional funding for the LAB will be required to cope with the impact of the EU

²³ European Commission (2026), [*Speech by Commissioner McGrath on the Access to Justice at the FLAC and Trinity College Conference on “Civil Legal Aid: From Review to Reform”*](#).

²⁴ The full BakerTilly report may be accessed here: TheStory.ie (2025), [*Staff sometimes left to buy software from own funds as IT systems of Legal Aid Board at “critical risk of failure”*](#).

²⁵ Comments of LAB Chair Nuala Egan SC at the FLAC and Trinity College Dublin Law School Conference on Civil Legal Aid Reform on 12 January 2026.

Migration Pact. It must be highlighted that the additional €8m provided in Budget 2026 was required to address the issues with the LAB's ICT system identified in the BakerTilly report.

The Minister for Justice has stated as follows in response to a parliamentary question:

*"When it comes to international protection and the enactment of the new international protection Bill, obviously there is a requirement within that, that we are going to provide legal counsel to individuals who are seeking assistance in respect of the international protection process. I will have to fund that. That funding will have to be made available. That will happen immediately, as of 12 June next year."*²⁶

1.12. Evidence of Huge Levels of Unmet Legal Need in Ireland

As mentioned above, the civil legal aid scheme which is administered by the Legal Aid Board is failing to meet significant levels of legal need, especially among individuals and groups who live in poverty and in areas of high deprivation, or who experience disadvantage and discrimination.

The extent of unmet legal need in Ireland is evidenced by the experience of the Independent Law Centres such as FLAC. In 2024, FLAC's Telephone Information and Referral Line received over 53,000 calls. We could only respond to 11,435 queries (i.e. 21% of calls received). The Legal Aid Board has no legal information function to require them to provide early legal information.²⁷ FLAC's specialist legal services for Travellers and for the Roma community cannot begin to meet the demand amongst these communities. In addition, FLAC regularly receives requests for the creation of dedicated legal services (which we do not have the resources to provide) in areas like disability rights and in respect of the legal needs of minority ethnic and migrant communities.

The recent preliminary results of Ireland's first ever national legal needs survey confirm the extent of unmet legal need in Ireland. The survey found that 80% of respondents in Ireland experienced at least one justice problem in the last two years. Several of the "*most common types of justice problems experienced in Ireland*" identified in the survey are areas which fall outside the scope of the scheme of civil legal aid, including problems in the area of housing, employment, access to public services and problems concerning "*Government benefits and payments*."²⁸

²⁶ Houses of the Oireachtas (2025), [Dáil Éireann Debate, Thursday - 4 December 2025 re Legal Aid](#).

²⁷ FLAC (2025), [Annual Report 2024: Do Something About It!](#), p.8.

²⁸ Department of Justice, Home Affairs & Migration (2025), [Minister Jim O'Callaghan notes the early findings of Ireland's first Legal Needs Survey](#).

On 10 November, FLAC and the National Traveller Women's forum sent a joint letter to the team working on the People-Centred Justice Project "*about how the project will seek to identify and respond to the legal needs of people and communities who experience disadvantage and discrimination*". We recommended that "*that further targeted research is carried out as part of the People-Centred Justice project which is specifically concerned with the legal needs disadvantaged groups including,*

The crisis of unmet legal need also manifests in the extremely high number of people who are attempting to navigate the complex and opaque Irish court system without any legal representation or assistance.²⁹

2. Resolving the Civil Legal Aid Crisis³⁰

Comprehensive, meaningful civil legal aid reform is doable, practical and cost effective. In fact, it will save the State and the justice system money. There is a significant service delivery infrastructure already in place with LAB Centres, the clear potential for an expanded role for the Citizens Information Board ('CIB') and its Citizens Information Centres (CICs) all around the country, and with and the existing Independent Law Centres serving as models for what can be achieved.³¹

The minority report recommends a complete reorientation of civil legal aid services with an emphasis on (and mainstreaming of) preventative services so that people will have access to legal information, advice and advocacy as early as possible so that disputes and/problems will be resolved and not escalate. Preventative services should be general and targeted – and delivered by a diverse range of bodies working in collaboration.

2.1. General Early and Preventative Services

General Early and Preventative Services include public awareness/education campaigns about legal rights and the availability of public legal assistance (delivered through a diverse range of media). They also include the provision of legal information through pamphlets, websites, web chat services, and telephone lines. LAB Law Centres should work in collaboration with local CICs to provide legal information, early advice and advocacy. CICs should have an enhanced capacity to provide information and advocacy on rights before bodies like the WRC, RTB and in social welfare appeals.

for example, Travellers, Roma, people in prison and their families, people with intellectual disabilities, people who are digitally excluded (including older people), people who are homeless and people living in poverty and extreme poverty."

²⁹ Judicial Council (2026), [Report of the Working Group on Litigants in Person](#).

³⁰ The information in this section is drawn from the Minority Report. Direct quotes and material from other sources are cited. See: Department of Justice, Home Affairs & Migration (2025), [Civil Legal Aid Review - Minority Report](#).

³¹ Independent Law Centres should not be confused with Legal Aid Board Law Centres. The Independent Law Centres operate under the auspices of registered charities (rather than as part of the State system of civil legal aid). There are seven Independent Law Centres. an Independent Law Centre, FLAC (Free Legal Advice Centres) undertakes public interest litigation and also operates a Traveller Legal Service and Roma Legal Clinic. FLAC also provides a national Legal Information and Referral Line, Phone Legal Advice Clinics and a Pro Bono Referral Scheme for social justice organisations through PILA (the Public Interest Law Alliance). There are two Community Law Centres: Community Law and Mediation (which is a community law centre in Coolock and which opened a second centre in Limerick), and Ballymun Community Law Centre. CLM also runs a Centre for Environmental Justice. There are four specialist Independent Law Centres which focus on particular areas of law: Mercy Law Resource Centre (with its focus on homelessness), the Immigrant Council of Ireland and the Irish Refugee Council (both of which operate independent law centres), and Transparency International Ireland (which operates a helpline and legal advice clinic).

This will require immediate legislative changes to the statutory functions of the LAB and the CIB, including expanding the mandate of the LAB to include the provision of early general and targeted legal information and expanding the mandate of the CIB to provide advocacy in non-complex case before bodies like the WRC and in social welfare appeals.

The implementation of these proposals would not be costly. The CIB website is already a highly trusted resource and could easily be augmented to include further information on legal rights. The FLAC Telephone Information Line is able to meet about one-fifth of the demand for that service on an annual budget of around €500,000. This suggests that a service which meets the level of demand would only cost about €2.5m each year.

2.2. Targeted Early and Preventative Services

Targeted early and preventative Services are as important as general services. Services need to be brought to where people are by locating services in the Courts, tribunals, libraries, primary health care services, family resource centres, Direct Provision centres, places of detention, and in residential institutions and nursing homes.

Targeted early services should be delivered through ‘collaborative service delivery models’ i.e. the provision services alongside housing, homelessness, probation and welfare services, as well as through health justice partnerships and the use of ‘legal health checks’ (which equip non-legal professionals to identify legal needs and issues). There should be a ‘no wrong doors’ approach; a culture of collaboration should be fostered along with the development of clear referral pathways. Trade Unions, relevant NGOs and community organisations should receive training to equip them to provide information, undertake non-legal advocacy, and to make appropriate referrals where legal representation is required.

A network of Community Law Centres in the areas of greatest deprivation and targeted/specialised legal services and law centres should provide information, advice, advocacy and community legal education tailored to the needs of cohorts/communities which they serve. FLAC’s experience would suggest that cost of providing properly-resourced targeted and community services would only be approximately €1.5m per Community/Targeted Law Centre per annum.

2.3. Removal of the Limitation on the Scope of the Civil Legal Aid Scheme

The limitations on the scope of the scheme of civil legal aid (i.e. the areas of law and the types of cases where legal aid may be provided) are contrary to European law and should be removed. In more practical terms, this is necessary because social welfare and discrimination cases, for example, can be very complex and raise matters of EU law. Research has established that prospects of success in Employment Equality cases heard by the WRC are significantly improved by having legal representation.

There is a fear of a 'floodgates' effect if the ban on representation before tribunals is removed. However, the minority report acknowledges that not every matter requires full legal representation. What is envisioned is a tiered approach where a range of different services and services delivery models (in the terms outlined above) respond to different kinds and different levels of need. For example, a CIB with an enhanced functions (and supported by the LAB) could provide advocacy and assistance in social welfare matters (as it already does) and with matters before tribunals such as the RTB and WRC. Additional private practitioner panels could cover new areas. These should adopt the model used by mental health tribunal where membership is subject to an assessment of expertise and experience. and the LAB should provide ongoing training and encourage specialisation.

2.4. Reforming the Merits Test

The merits test should be simplified and based on an assessment of the potential benefits of legal assistance being provided rather than on the basis of a strict win/lose paradigm. It should not be applied in all cases. Community, specialised and targeted services will prioritise cases that impact on their communities.

2.5. Reforming the Means Test

A means test should only apply for the purpose of ensuring that people who can afford private legal representation do not avail of the civil legal aid scheme for the purpose of obtaining representation:

- ▶ Any means test should be responsive to the actual cost of potential proceedings with a lower means test in place for cases heard by higher (and more expensive) courts.
- ▶ Allowances should be available in respect of reasonably incurred, fully vouched costs in areas including accommodation, childcare, the cost of disability, transport to and from work, and the payment of insurance premiums for cars and houses.
- ▶ People who receive legal assistance should not have to pay a financial contribution save as part of a system of 'tapering' which should be put in place to eliminate 'cliff-edges' in access to public legal assistance services.
- ▶ The means test should be reviewed and updated on an ongoing basis having regard to a range of benchmarks including the cost of living and the living wage.
- ▶ There should be no means test for cases involving domestic violence, childcare cases, and cases concerning evictions, reposessions and homelessness.
- ▶ The minority report argued for the threshold to be raised to at least €30,000.

In response to a parliamentary question, the Minister for Justice has endorsed the majority report's immediate recommendation concerning the means test:

“[T]he review group recognised that immediate action is required on the financial eligibility thresholds. [The majority report] favoured an increase in the available income threshold from €18,000 to €23,500 as soon as possible... I have instructed officials in my Department that I want to see it achieved. However... I cannot just do that by the stroke of a pen. Once I do that, the demand for services is going to increase quite significantly. I need to ensure that I have the lawyers available to provide the increase in services...”³²

While any increase is welcome, the majority report recommendation of an increase to €23,500 is still inadequate. In some circumstances (depending on allowance), such an increase would still exclude people on a minimum or living wage and it would also exclude most of the callers to FLAC’s Telephone Information & Referral Line.

2.6. Diversifying the Membership of the Legal Aid Borad

The membership of the Legal Aid Board needs to be diversified to include representatives of Disabled Persons Representative Organisations, services users and the groups which represent them, the Irish Human Rights and Equality Commission, and human rights, equality and access to justice experts.

2.7. Other Areas where Reform is Required.

All of these matters discussed in this submission are addressed in detail in the Civil Legal Aid Minority Report. That report also includes recommendations on applications and appeals, diversity and inclusion, reducing legal need, simplifying court rules, forms and procedures, pro bono, and clinical legal education.³³ FLAC has also published a briefing on the minority report on our website.³⁴

³² Houses of the Oireachtas (2025), [Dáil Éireann Debate, Thursday - 4 December 2025 re Legal Aid](#).

³³ Department of Justice, Home Affairs & Migration (2025), [Civil Legal Aid Review - Minority Report](#).

³⁴ FLAC (24 July 2025), [Briefing on the Civil Legal Aid Review Minority Report](#).

Appendix: Civil Legal Aid Minority Report Recommendations

1. Access to Justice

Access to justice needs to be treated as a fundamental right and a fundamental component of inclusive development, good governance, public policy and the rule of law. It has to be regarded as a pressing social issue and vital public service in the same way as education and healthcare. There can no longer be an accepted absence of access to justice for significant cohorts of disadvantaged communities and individuals.

Access to justice should be reflected in government policy and national strategies and in the adequate funding and resources made available for the statutory bodies involved in delivering access to justice including a reformed LAB, a reformed CIB and the Courts Service.

How is this achieved and what needs to change?

Recommendation #1 (Legislation & Overarching Access to Justice Mandate)

- i. A new Civil Legal Assistance (Access to Justice) Act should provide the Legal Aid Board with an overarching access to justice mandate and all necessary powers and functions to fulfil this mandate and to develop and deliver a new, comprehensive system of civil legal aid.
- ii. The existing legal assistance services as far as possible be brought within the remit of a reformed LAB in collaboration with the CIB, including MABS, Abhaile, and the new legal aid provisions in relation to the environment (provided for in the Planning and Development Act 2024) .
- iii. The new legislation should contain appropriate transitional provisions to allow the reformed LAB to develop services before the new system becomes fully operational.

Recommendation #2 (Principles & Objectives of the Reformed LAB)

As well as its overarching access to justice mandate, the legislation should clearly articulate the LAB's objectives and the principles that should guide it in carrying out its functions. These should include: Effectiveness, Integration, Collaboration & Co-operation, Flexibility & Innovation, Best Practice, Accessibility, Fairness, Poverty-Proofing & Reduction, the Promotion of Equality and Human Rights & the Elimination of Discrimination, Diversity, the Promotion of Social Inclusion, and Efficiency & Timeliness.

Recommendation #3 (Resourcing)

It has to be appreciated that as well as being a fundamental right, access to justice is an investment and has to be properly resourced and that there is a social and economic return for such an investment and reduction in the ongoing costs of not ensuring access to justice. Not providing legal aid is also costly.

The LAB should be funded to achieve the transformation envisioned in this report and adequately funded on an ongoing basis. Specifically:

- LAB Solicitors should be paid at the same rates as civil service lawyers in bodies such as the Chief States Solicitors Office. They should have reasonable opportunities for career

advancement and promotion within the LAB so that their expertise can be passed on to new staff.

- The LAB should have a budget for the reports necessary for the fair disposal of any case in which it is providing legal representation including the full cost of 'section 32'/voice of the child reports and other essential reports in family law and other cases.
- There should be an increase in the rates paid to those on private practitioners panels in line with the rates received by those on panels for the mental health tribunals. These should be reviewed on a periodic basis.

2. Preventative Services: Access to Early Legal Information, Advice, and Advocacy

There needs to be a reorientation of civil legal aid services emphasising preventative service so that people, in particular disadvantaged individuals and communities, have access to information, advice and advocacy as early as possible so that disputes/problems will be resolved and not escalate. These early and preventative services should be available across all areas of law.

Targeted early and preventative services need to be fully mainstreamed into the new CLA system and seen as important and vital as "general services". Services need to be brought to where people are. There should be a 'no wrong doors' approach with co-location and a holistic approach ensuring that there are as few 'doors' as possible.

People and communities experiencing high levels of deprivation, victims of domestic violence, minority ethnic and migrant communities, people with disabilities, Travellers, Roma, people living in residential care, people in direct provision, people in prison, the families of people in prison, people who have recently left prison, young people leaving care, people with alcohol and drug dependence, and Litigants in Person (LIPs) all need to have ready access to legal information, early legal advice and advocacy where they are located.

Targeted approaches to the provision of legal information should involve locating information services in the courts, tribunals, libraries, primary health care centres, and family resource centres. It should also include in-reach to places of detention such as prisons and in residential institutions and nursing homes.

Community law centres and targeted/specialised legal services and law centres should provide information, advice, advocacy and community legal education tailored to the needs of cohorts/communities which they serve.

Targeted early services should also be delivered through 'collaborative service delivery models' i.e. the provision services alongside housing, homelessness, probation and welfare services, as well as through health justice partnerships and the use of 'legal health checks' (which equip non-legal professionals to identify legal needs and issues).

CICs should have an enhanced capacity to provide information and advocacy on rights.

Trade Unions, relevant NGOs and community organisations should receive training to equip them to provide information and to undertake non-legal advocacy.

General early and preventative services include public awareness/education campaigns about legal rights and the availability of public legal assistance (delivered through a diverse range of media and in person, for example, via mobile units). General services also include the provision of legal information through pamphlets, websites, web chat services, and telephone lines. LAB Law Centres should work in collaboration with local Citizens Information Centres to provide legal information, early advice and advocacy.

How is this achieved and what needs to change?

Recommendation #4 (Early and Preventative Services Functions)

i. The new legal aid legislation should provide that the LAB and/or the CIB's functions include:

- Raising awareness of the availability of public legal assistance.
- Public Legal Education and the provision of legal information, including through a national Legal Information Telephone Line and a website (both of which should be based on existing CIB services).
- The provision of a range of appropriate legal information services where potential service users already are. This includes the courts, tribunals, libraries, primary care centres, family resource centres, and housing, homelessness, probation and welfare services. It also includes in-reach to places of detention such as prisons and in residential institutions and nursing homes.
- Legal and Advocacy Training for bodies and organisations involved in the provision of public legal assistance, as well as civil society organisations and Trade Unions.
- Providing (and ensuring the provision of) legal education, information, advice and advocacy services - both generally and through targeted and specialised services.

ii. The functions of the CIB should be amended to allow it to collaborate with the LAB in the performance of the functions listed above and to deliver information, advice and advocacy services in collaboration with LAB Law Centres. The latter should involve the development of the existing functions of the CIB to have a clear duty to provide information and advocacy on rights.

iii. Given the extent of the collaboration and co-delivery of services envisioned, the amalgamation of the CIB and LAB should be considered.

iv. In line with the principles underpinning the reformed LAB (such as best practice, collaboration and flexibility), the functions of the LAB and CIB should provide for collaborative service delivery, co-location and initiatives such as Health-Justice Partnerships and Legal Health Checks. In addition, the Courts Service and the reformed LAB should establish a procedural advice clinic and create an LIP liaison support unit to provide face-to-face information and advice to LIPs. The provision of legal information in courts should respond to the specific needs of LIPs and the provision of 'unbundled legal advice' should be explored (as discussed in the final chapter of this report).

Recommendation #5 (Community, Targeted & Specialised Services)

The new legal aid legislation should provide for a mixed model of delivery of all forms of public legal assistance, including early and preventative services. This should involve:

- Direct service provision by the LAB and CIB (for example, national legal education and information services and awareness-raising programmes) and through its Law Centres (in collaboration with the CISOs).
- A network of Community Law Centres in the areas of greatest deprivation.
- Targeted and specialised legal services and law centres.

3. Mediation

People who want to resolve their issues through mediation should have access to free mediation. Mediation should never be compulsory and access to further legal assistance should never be denied on the basis of a refusal to engage in mediation.

Parties to mediation should have access to the legal assistance necessary to ensure that they are aware of their legal rights. This assistance should be available before and during mediation and before any mediation agreement is signed.

How is this achieved and what needs to change?

Recommendation #6 (Mediation)

- The Mediation Council envisioned in the Mediation Act 2017 should be established without delay.
- The Mediation Act 2017 should be amended to provide for the creation of a properly-resourced free legal mediation service in all areas of law covered by the Act and which operates independently of the LAB. That mediation service could be provided by the Mediation Council itself or by another body such as the Courts Service. The latter option would require amendments to the functions of the Courts Service.
- The new legal aid legislation should make it a function of the reformed LAB to provide legal assistance to parties to mediation as appropriate.

4. Representation

People with non-complex and complex claims should have access to advocacy and/or representation before QJBs like the WRC and Residential Tenancies Board (RTB), and in matters such as social welfare appeals. Advocacy officers in the CIB and CISOs should be able to provide advocacy and representation before QJBs in non-complex cases. NGOs and Trade Unions should be able to access training to enable them to provide advocacy and representation in non-complex cases before QJBs.

Individuals and communities living in areas of significant levels of deprivation should have access to Community Law Centres which are concerned with addressing the particular needs of those communities. Other communities which experience discrimination and disadvantage should have access to specialised and targeted legal services tailored to their needs.

An expanded scheme of CLA should drastically reduce the number of LIPs seeking to navigate the Courts with no legal representation. In courts and tribunals where LIPs nonetheless remain, duty solicitors who are able to represent LIPs should be available (along with the targeted information services discussed above).

Scope & Eligibility: The limitations on the scope of the scheme of civil legal aid (i.e. the areas of law and the types of cases where legal aid may be provided) are contrary to European law and should be removed in their entirety. There should be no restrictions on the areas of law where legal representation may be accessed through the scheme.

Community, specialised and targeted services should be able to select and prioritise cases that will have a positive impact on their communities/in their areas of work (as by their nature they will prioritise the needs of those communities).

Community groups and NGOs should be able to access legal representation including in environmental matters.

Means: A means test should only apply for the purpose of ensuring that people who can afford private legal representation do not avail of the CLA scheme for the purpose of obtaining representation. Any means test should be responsive to the actual cost of potential proceedings with a lower means test in place for cases heard by higher (and more expensive) courts.

Allowances should be available in respect of reasonably incurred fully vouched costs in areas including accommodation, childcare, the cost of disability, transport to and from work, and the payment of insurance premiums for cars and houses.

People who receive legal assistance should not have to pay a financial contribution save as part of a system of ‘tapering’ which should be put in place to eliminate ‘cliff-edges’ in access to public legal assistance services.

The means test should be reviewed and updated on an ongoing basis having regard to a range of benchmarks including the cost of living and the living wage.

The provision of legal representation should include the provision of any relevant and necessary reports.

Merits: Where a merits test is applied, there should be no distinction based on the forum where a case will be heard or the extent of the services sought. The single merits test which may be applied should be based on an assessment of the potential benefits of legal assistance being provided rather than on the basis of a strict win/lose paradigm.

Community, specialised and targeted services will prioritise cases that impact on their communities.

How is this achieved and what needs to change?

Recommendation #7 (Diverse Modes of Delivery of Legal Representation including Private Practitioner Panels)

i. As outlined in recommendation 5, the LAB should be assigned the function of ensuring a diverse range of representation models including:

- augmented LAB Centres (working in tandem with local CISOs),
- a network of community law centres,
- a network of advocacy workers in CICs who can provide advocacy and representation before QJBs,

- Trade Union and NGO advocates trained by the reformed LAB, and
- targeted and specialised law centres and legal services.

These services should be supported and resourced by the LAB and they will prioritise cases on the basis of the needs of the communities they serve.

ii. While the range of services discussed above should be the primary service delivery models, where specialist expertise is required on a significant scale there is a role for private practitioner panels. However, the current private practitioner model should be overhauled. It should be a function of the LAB to ensure the provision of properly trained and funded Private Practitioner Panels based on the Mental Health Tribunal model. These panels should be ‘closed’ i.e. membership of the panel should be subject to an assessment of expertise and experience. The LAB should provide ongoing training to panel members and encourage specialisation in relevant areas. A quality assurance mechanism for private practitioners on the panels should be put in place.

Recommendation #8 (Community Law Centres)

It should be a function of the LAB to promote and support the development of Community Law Centres which should be accountable to the communities they serve. There should be a dedicated stream of funding for those Community Law Centres within the overall legal aid budget. In the first instance, the LAB itself should work with communities in the areas of greatest deprivation (per the Pobal Index and other relevant data) to establish new Community Law Centres.

Recommendation #9 (Targeted and Specialised Services / Law Centres)

The LAB should resource the existing ILCs to fully meet the needs of their target cohorts, and support the development and delivery of new targeted and specialised services. The following areas should be prioritised:

- A properly-resourced specialised and targeted Law Centre for the Traveller community (to replace the existing current under-resourced LAB Traveller Legal Service).
- A Black and Ethnic Minorities Anti-Discrimination Law Centre.
- Law Centres dealing with all areas of Immigration Law as well as targeted services for Asylum Seekers and Victims of Trafficking, including legal representation and advice as required by the EU Directive on preventing and combating trafficking in human beings and protecting its victims (in addition to properly resourcing existing services such as the Irish Refugee Council Law Centre).
- A Disability Rights Law Centre.
- An Environmental Law Centre (and/or fully resourcing the Centre for Environmental Justice operated by Community Law and Mediation (CLM)).

New targeted services should be established in response to legal needs surveys.

Recommendation #10 (Financial Eligibility i.e. The Means Test)

i. Financial eligibility criteria should be responsive to the prospective cost of any legal proceedings and the ability of the applicant to meet those costs (i.e. the eligibility criteria should be more generous where a case will be more expensive).

- ii. A system of 'passporting' should mean that people in receipt of means-tested social welfare payments are not subject to means testing.
- iii. There should be no means test for cases in the following areas: Cases of domestic violence; Cases involving childcare and children; Where the applicant is in immediate danger of eviction or repossession; Cases in relation to access to emergency accommodation or where the applicant is in emergency accommodation.
- iv. There should be no requirement to pay fees or make a financial contribution for access to legal aid save as part of a system of 'tapering' which should be introduced to remove 'cliff-edges'.
- v. The disposable income threshold (where applied) should be raised to a minimum of €30,000. The disposable income threshold should be reviewed and updated on an ongoing basis having regard to a range of benchmarks including the cost of living and the living wage.
- vi. Allowances should be available in respect of reasonably incurred fully vouched costs in areas including accommodation, childcare, the cost of disability, transport to and from work, and the payment of insurance premiums for cars and houses.

Recommendation #11 (Merits Testing)

i. The European law principles for access to legal aid should be enshrined in primary legislation as part of the merits criteria (where applied). Under the 'O'Leary Principles' (discussed in chapter 2 of this report), a requirement to provide legal aid will depend on factors such as:

- the importance of what is at stake for the applicant;
- the vulnerability of the applicant;
- the emotional involvement of the applicant which impedes the degree of objectivity required by advocacy in court;
- the complexity of the relevant law or procedure;
- the need to establish facts through expert evidence and the examination of witnesses;
- the applicant's capacity to represent him or herself effectively;
- and the existence of a statutory requirement to have legal representation.

In addition, the merits test should include cases that may have an impact beyond the individual and test cases.

ii. A single-merits test should apply regardless of whether the application is for legal advice or legal representation. This single test should be modelled on the existing test in section 24 of the Civil Legal Aid Act 1995 (the 1995 Act) which applies in respect of legal advice. However, it should be clarified that legal aid may be provided where it would could improve or mitigate the impact of a likely negative outcome to a case.

iii. Eligibility criteria for groups applying for legal assistance should be developed and, for environmental cases, should mirror the provisions of the Aarhus Convention and the expert interpretation of same.

5. A User-Centred System

The system of CLA should be centred around the needs of the user and responsive to changing legal needs.

How is this achieved and what needs to change?

Recommendation #12 (Composition of the LAB)

Along with the addition of representatives of Disabled Persons Organisations (DPOs) (as required by the UNCRPD), the Board should include representatives from the Irish Human Rights and Equality Commission (IHREC), Independent Law Centres and experts in the areas of equality, human rights, and access to justice. They should also include representatives of service users (and potential service users) i.e. people who have availed of, or who are more likely to avail of, civil legal aid.

Recommendation #13 (LAB Functions to Promote a User-Centred System)

- i. Measuring legal need on an ongoing basis (including national and community legal needs assessments) should be a function of the reformed LAB. Targeted and specialised services should be provided/resourced on foot of legal needs assessments.
- ii. The reformed LAB should have policy, research and law reform functions. It should undertake research and provide law reform recommendations in relation to public legal assistance and in relation to the areas of law where that assistance is frequently provided.
- iii. It should be a function of the reformed LAB to continuously monitor, evaluate and adapt all legal aid services.

Recommendation #14 (Applications & Appeals)

- i. The new legal aid legislation should provide that any application forms for public legal assistance should be as short and simple as possible, and, where necessary, adapted to the needs of particular groups (i.e. it should be available in multiple languages and accessible to people with disabilities).
- ii. There should be no requirement to re-apply for legal aid where cases evolve beyond the scope of the initial application or where a new related legal issue is identified.
- iii. Applications should be available in hard copy, as well as online, and assistance should be available in applying for legal aid and in seeking reviews and appeals.
- iv. Requirements to provide specific documentation should be applied flexibly, especially for those experiencing poverty, homelessness, with literacy or language issues, or experiencing domestic violence or coercive control.
- v. There should be an internal review mechanism for decisions on eligibility and an independent appeal mechanism.
- vi. Detailed guidelines on eligibility and decision-making should be publicly-available.
- vii. The new legal aid legislation should mandate a 'no wrong doors' approach whereby users and potential users are guided to the correct service/service provider regardless of who/which they contact initially.

Recommendation #15 (Diversity & Inclusion)

- i. The LAB and all organisations involved in the provision of any legal assistance should champion diversity within all of their staff.
- ii. All LAB staff should receive cultural sensitivity training.
- iii. General and targeted services should ensure that they are responsive to the specific needs of their target cohorts, including by ensuring cultural sensitivity.
- iv. The reformed LAB and all participants in the new system should be key stakeholders in the development of an Equal Treatment Bench Books by the Courts Service.

6. Reducing Legal Need

Better quality decision-making by public bodies and QJBs, as well as ‘benefit take-up’ campaigns, will reduce levels of legal need in areas such as social welfare, planning, housing and environmental law.

A pro bono culture should be mainstreamed in the legal professions.

Law students in universities and professional bodies should have training on access to justice and legal aid, and the opportunity to engage in live clinics.

How is this achieved and what needs to change?

Recommendation #16 (Reducing Legal Need)

- i. The work of the Law Reform Commission on the reform of non-court adjudicative bodies should be expedited and should be undertaken with a view to establishing a standardised, accessible ‘tribunal tier’ (similar to the UK) within the Irish legal/courts system.
- ii. There should be a positive duty on public bodies to proactively identify need for services such as social welfare, social housing and emergency accommodation and to promote take-up of those vital public services.
- iii. Urgent steps should be taken to improve decision-making by public bodies and QJBs in areas such as social housing, social welfare, planning and environmental law.

Recommendation #17 (Simplifying Court Rules Forms & Procedures)

- i. The Courts Service should commit to a structured and participatory process for the reform and simplification of court rules, forms and procedures which involve relevant civil society organisations. This process should specifically engage with the needs of Litigants in Person (including people facing family home repossessions) and groups representing people who will use the Courts such as Womens Aid, Mens Aid and Disabled Persons Organisations.
- ii. Legislation should be introduced which provides for the diversification of the Court Rules Committees to include court users and relevant NGOs.

Recommendation #18 (Pro Bono)

- i. The Law Society of Ireland and the Bar Council of Ireland should seek to develop a pro bono culture broadly within the legal profession - working with existing pro bono structures - to maximise the potential of pro bono. In the first instance, both bodies should establish Pro Bono Committees.
- ii. Pro Bono work could be better incentivised in tendering and public procurement processes.

Recommendation #19 (Clinical Legal Education)

- i. Access to justice and legal aid should be core subjects in the curriculums of all Irish third-level law schools, as well as the Kings Inns and The Law Society.
- ii. The necessary law reform, including to the legislation underpinning the Legal Services Regulatory Authority (LSRA), should be undertaken to facilitate the development of Clinical Legal Education (including case work and live clinics) in these settings.