



## International Bar Association

# Directory of Legal Aid

The object of the questionnaire is to enable us to compile a second edition of the *International Directory of Legal Aid* first published in 1985. Much has changed since then, both in the nature and understanding of legal aid, and in the number of countries providing legal services.

The first edition of the *Directory* proved to be a resource to lawyers with clients seeking legal help in other countries, for academic research in comparative studies of legal aid, and to individuals seeking legal aid. Its worth depends on the information gathered in response to our questions, and we hope you will find the modest amount of time needed to compile the replies.

The questionnaire covers:

- legal advice, meaning advice given in relation to a specific situation, falling short of the first step in proceedings in a court.
- assistance from a lawyer in a civil matter involving proceedings in a court
- assistance from a lawyer in a criminal case, whether or not the assisted person is in custody
- assistance from a lawyer in any other form of tribunal having the power to make financial or other orders affecting an individual's welfare or livelihood.

In general terms we would like to build up a picture of the nature and extent of legal aid in your country. The results will be summarised and published in the form of tables so that comparison is easier. We would be grateful for replies which

are as brief and factual as possible – we are not asking you to comb the state archives for remote or obscure points. We do in some cases ask for general comment.

We are writing to providers of legal aid on a state-wide basis, and also to some suppliers so that perceptions of the system in use can also be given. We are not asking individual users for their experiences as this would be outside the limits of the present work.

Questions are asked first about the overall scope of the system in your country, the nature of eligibility for legal help, and the method of finance. We go on to ask about the kind and extent of help available for advice falling short of proceedings in a court or tribunal, assistance in civil and military courts, and any help available in quasi-judicial proceedings such as tribunals. Finally, we shall be grateful for any additional comments by way of explanation or expansion of your replies.

There has to be a time-scale for a project of this nature. We hope you will find it possible to send us a reply within thirty days. We will summarise the reply and submit the summary to you for approval. If you consider the form of legal aid available in your country cannot be described in answer to the questions we pose, we would be glad to have a general description following the lines of the questions as far as circumstances allow.

**Please send the completed questionnaire to:**

Peter Soar  
Barbican Cottage, 59 Castle Street  
Cambridge CB3 0AH, England

# QUESTIONNAIRE

## 1 GENERAL

- a If legal advice or assistance is available, is its provision the responsibility of :

- (i) national government ☐
- (ii) local government ☐
- (iii) the legal profession ☐
- (iv) voluntary organisations ☐
- (v) law faculties ☐
- (vi) other (please specify) ☐

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- b Under what law is legal advice or assistance available:

- (i) the constitution ☐
- (ii) articles of a legal code ☐
- (iii) statute ☐
- (iv) professional regulations ☐

- c Please provide this information

- (i) the population of your country or state

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- (ii) the number of people assisted in the last complete year

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- (iii) the cost to public funds in that year

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Please continue on a separate sheet if necessary

**d** Is legal assistance available generally to

- (i) resident nationals ☐
- (ii) resident foreigners ☐
- (iii) non-resident nationals ☐
- (iv) non-resident foreigners ☐

**e** Please give an address from which further information about legal assistance in your country can be obtained by applicants

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**2 LEGAL ADVICE** (that is, excluding general assistance or representation in court)

Is advice  
available for:

Is advice  
available from:

State  
Lawyers

Private  
Lawyers

Specialist  
Agencies

- |                             |                          |                          |                          |
|-----------------------------|--------------------------|--------------------------|--------------------------|
| (i) family law              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) welfare law            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) housing               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) environment law        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) consumer law            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (vi) children               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (vii) the elderly           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (viii) migrant workers      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (ix) employment law         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (x) immigration             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (xi) discrimination         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (xii) ethnic minorities     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (xiii) religious minorities | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (xiv) rural problems        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (xv) other (please specify) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**3 IF LEGAL ADVICE OR ASSISTANCE IS AVAILABLE:**

**a** Is it:

- (i) free ☐
- (ii) subsidised by state or local funds ☐
- (iii) subsidised by voluntary agencies ☐

**b** Does an applicant for advice:

- (i) have the right to choose a lawyer ☐
- (ii) have to select from one of a named group ☐
- (iii) have to use a state or local service ☐

**c** Where there is a choice does an applicant choose:

- (i) from any lawyer willing to accept instructions ☐
- (ii) from lawyers within a particular geographical area ☐

**d** What help does an applicant have in the choice of lawyer:

- (i) by word of mouth ☐
- (ii) from lists of approved legal aid panels ☐
- (iii) do such lists describe lawyers' specialisms ☐

**e** Are there specialist agencies offering legal advice in any of the following areas:

- (i) welfare law (including social benefit or assistance) ☐
- (ii) housing ☐
- (iii) the environment ☐
- (iv) consumer law ☐
- (v) the elderly ☐
- (vi) migrant workers ☐
- (vii) immigration ☐
- (viii) non-residents ☐
- (ix) discrimination of any description ☐
- (x) rural areas ☐
- (xi) any other problem areas ☐

**4 CIVIL CASES IN THE COURTS**

**a** What are the main features of any scheme by which lawyers' fees are met wholly or in part?

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**b** Are legal services provided by lawyers in:

- (i) private practice ☐
- (ii) legal aid centres ☐
- (iii) state or government employment ☐
- (iv) in any other way ☐

**c** Please describe the methods for paying the fees of lawyers in private practice

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**d** What are the financial limits of eligibility for assistance in civil cases?

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Please continue on a separate sheet if necessary

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| <p><b>e</b> If a client is eligible for help is it provided:</p> <p>(i) free <input type="checkbox"/></p> <p>(ii) subject to a fixed contribution <input type="checkbox"/></p> <p>(iii) subject to a contribution proportionate to means <input type="checkbox"/></p> <p><b>f</b> Where the legally assisted person is successful are the costs of the case recovered:</p> <p>(i) from the losing party <input type="checkbox"/></p> <p>(ii) out of any damages recovered <input type="checkbox"/></p> <p>(iii) any other way <input type="checkbox"/></p> <p><b>g</b> Who takes the decisions about eligibility?</p> <p>_____</p> <p>_____</p> <p><b>h</b> What are the non-financial criteria by which it is decided whether a case deserves support?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>i</b> Who takes these decisions? Is there a right of appeal against refusal?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>j</b> Once legal aid has been granted:</p> <p>(i) is it for the full length of the case <input type="checkbox"/></p> <p>(ii) is there a review procedure during the case <input type="checkbox"/></p> <p>(iii) can aid be withdrawn during the case <input type="checkbox"/></p> <p><b>k</b> Is the overall fund for legal aid:</p> <p>(i) open-ended <input type="checkbox"/></p> <p>(ii) capped <input type="checkbox"/></p> <p>(iii) how are the limits set</p> <p>_____</p> <p>_____</p> <p><b>l</b> Please specify any classes of case for which legal aid is not available</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p><b>m</b> Is legal advice or assistance for 'ground-breaking' or test cases and if so, briefly, what are the criteria for grant?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>n</b> Are group actions supported and if so in what way?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>o</b> Are court fees payable by the parties in civil actions?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>p</b> What, if any, help with payment of court fees is given to assisted parties?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>q</b> Are cases conducted by lawyers on a 'no win, no fee' basis and if so what part does legal aid play in such cases?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>r</b> Is 'no fault' legislation in place for any class of case such as motoring or industrial accident? What part, if any, does legal aid play in such cases?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
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Please continue on a separate sheet if necessary

## 5 CRIMINAL CASES

- a Is legal advice or assistance provided to suspects in custody before charges are laid? Yes / No

- b If so, please describe the system briefly. For example, do fully qualified lawyers, or para legals attend?

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- c Is there a public defender system? Yes / No

- d If so, do defendants have a choice between that, and employing private lawyers under legal aid? Yes / No

- e Are there financial eligibility limits for criminal matters? If so, please describe them briefly. Yes / No

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- f Are private lawyers in criminal work paid:

- (i) by time spent ☐  
 (ii) by grade of case ☐  
 (iii) by block grant ☐  
 (iv) some other method (please describe)

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- g By whom are decisions for grant taken in individual cases?

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- h What non-financial criteria for grant are there?

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- i Is legal aid available for appeal from a court of first instance?

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- j When legal aid is granted is it for:

- (i) the full conduct of the case ☐  
 (ii) if for part only, which part

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- (iii) for a defendants' own choice of lawyers ☐

## 6 THE FUTURE

Please outline any substantial changes which are planned in:

- a financial eligibility

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- b non-financial criteria for eligibility

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- c overall funding methods or limits

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- d types of case in which legal advice or assistance is available

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- e agencies through which legal advice or assistance is funded

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- f any other substantial change

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Please give the name and address of any association which represents the interests of lawyers in your country

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Please continue on a separate sheet if necessary