

## **Hadeel Abdel Aziz**

### *Learning for Change: Developing Innovative Solutions to Bridge Gaps and Reduce Demand for Legal Aid*

The funding of legal aid in Jordan has encountered significant challenges due to a growing demand for services coupled with recurring crises. In response, the Justice Center for Legal Aid (JCLA) has adopted multiple strategies to address the dual challenge of increased demand in light of limited resources. One key approach has been rethinking service delivery, focusing on targeted and streamlined interventions by lawyers. This led JCLA to introduce “self-representation” services.

The implementation of self-representation required developing assessment criteria, quality control, and follow-up mechanisms to ensure effective outcomes. A core concern, however, was that limited resources might pressure the team to place more clients than appropriate in self-representation, potentially limiting access to justice for the most vulnerable. To address this, JCLA introduced social vulnerability criteria and a clear eligibility process for self-representation, alongside a follow-up system. This approach allows lawyers to prepare court pleadings for cases where self-representation is permitted by law and the beneficiary is assessed as capable of representing themselves in courts.

Another strategy to mitigate resource limitations has been to leverage data gathered through legal aid provision. JCLA uses this data to advocate and educate stakeholders, aiming to inspire systematic changes that could help reduce demand in certain areas especially in cases related to debtors’ imprisonment and small claims track in Jordanian courts. Through these learning briefs, JCLA aims to contribute to actionable solutions and initiate a dialogue on reforming the legal aid system, enhancing both accessibility and efficiency within Jordan’s justice framework.

## **Varsha Aithala**

### *Unlocking resources for enabling affordable legal aid in India*

Affordable legal aid is a basic human right. Most countries resource legal aid mainly through taxes or fees. But such resource mobilisation efforts remain difficult, particularly in developing countries like India, which are moving from upper middle income to the high-income bracket. This is due to poorly designed spending, high subsidies, poor taxation, poor cash management, inadequate financial reporting and capital flight (Flood & Whyte, 2005). In India, similar to the experience of several jurisdictions worldwide, there has been a substantial reduction in legal aid budgets (Tata Trusts, 2019 - 2022). This paper conducts a detailed review of publicly available data on federal and regional budgets for the administration of justice in India to show that existing budgetary allocations have yielded diminishing returns on investment for the State. India’s Economic Survey 2024 discusses the country’s new welfare approach with a focus on the need to improve the efficiency of converting public expenditure into meaningful outcomes for people, through process reforms. This recognises that increased budgetary allocation and spending alone are not sufficient for achieving these outcomes.

This paper argues that to alleviate the issues arising from the complete reliance on public funding for legal aid, it is necessary to widen the resource base for this system. One means for this is to use resources such as legal sector levies and funds sourced from social investors and corporate social responsibility mandates of organisations for this purpose. This is an important means of improving the capacity of both State and non-State legal aid service providers in India to enhance the quality of their work.

## **Anzelika Baneviciene**

### *Requirements for legal aid from the European Court of Human Rights and the Court of Justice of the European Union*

The European Convention on Human Rights in Article 6(3)(c) states that each accused has the right to defend himself in person or through legal assistance of his choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require. Similarly, The Charter of Fundamental Rights of the European Union in Article 47 stresses that Legal aid must be available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice. In addition, EU directives established minimum requirements for ensuring access to the lawyer in criminal proceedings. Therefore, the decisions of the European Court of Human Rights and the Court of Justice of the European Union significantly impact the development of national laws and practices on legal aid in EU member states. The paper aims to present the results of the analysis of the European Court of Human Rights and the Court of Justice of the European Union decisions on this issue.

## **John Boersig**

### *The National Legal Aid Practitioner Census for Australia*

Legal Aid Commissions aim to ensure access to justice for the most vulnerable and disadvantaged members of the Australian community. Nationally, Legal Aid Commissions provide approximately 1.7 million instances of legal assistance and approximately 150,000 grants of aid annually across Australia.

Private practitioners are a crucial element of the Legal Aid service delivery model, delivering 72% of legal aid grants. However, the fees provided to private practitioners has stagnated, and as a result of this under-resourcing some Legal Aid Commissions are providing the same amount per hour to private practitioners as they were in 2014. This results in market supply risks in delivering essential legal representation, such as for victim-survivors of domestic and family violence and particularly in rural and remote areas of Australia.

In order to gain insight into the experiences and intentions of these critical providers National Legal Aid has undertaken a national survey of Legal Aid Private Practitioners, only the second known survey of its kind internationally. It hopes to provide national insights into barriers to access to justice and present a snapshot of the experiences of Legal Aid private practitioners all areas of Australia. Over 1000 practitioners participated in the survey and the results are expected to be released in early 2025.

Initial outcomes of the survey highlight the fact that, despite the fact that the vast majority of practitioners are highly motivated by making a difference in people's lives and helping to promote access to justice, many practitioners are considering reducing the amount of legal aid work they do. The difficulties that private practitioners most commonly identify are resource-related, with 70% saying that current funding levels are a significant barrier to taking on legal aid cases.

## **Matthew Burnett and Rebecca Sandefur**

### *The Future Is Justice Work*

Several decades ago, even the most expansive and generous Western welfare states began the retrenchments that included increasing restrictions on who could access traditional legal aid and the kinds of issues that aid would serve. Yet, at the same time, other jurisdictions permitted and supported greater creativity and diversity in routes through which people could access their rights and use their own law. We draw on a range of examples from around the world to illustrate how justice work is emerging as an effective, sustainable, and scalable strategy to respond to the access to justice crises currently facing many countries.

## **André Luís Machado de Castro<sup>1</sup>**

### **Access to Justice for All: Legal Aid for Vulnerable Groups in Rio de Janeiro**

The article will examine the legal foundations and strategies essential for promoting justice access for diverse vulnerable groups, emphasizing international frameworks such as the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), the 2030 Agenda's Sustainable Development Goal 16.3, the Lilongwe Declaration on Access to Legal Aid (2014), and the 100 Brasília Rules on Access to Justice for Vulnerable People (2008). It highlights how these frameworks align with the work of the Public Defender's Office (PDO) of Rio de Janeiro, which has developed a comprehensive approach to overcoming the different barriers faced by marginalized communities.

In Brazil, constitutional provisions guarantee free legal aid to those unable to afford it, with the PDO tasked with both human rights advocacy and specialized assistance for individuals in social or economic need. The PDO prioritizes judicial and extrajudicial support, offering alternative dispute resolution (ADR) to streamline processes. It collaborates with community leaders and NGOs to expand awareness and reach, conducting educational campaigns and workshops to inform individuals of their legal rights and available resources.

The PDO also plays a strategic role as *amicus curiae* in significant cases with social implications, particularly those involving human rights, amplifying legal action's impact to drive systemic change for vulnerable groups.

Specialized units within the PDO address specific needs, including women's rights, racial discrimination, LGBTQ+ advocacy, elder care, disability rights, and prisoner support. These units provide targeted aid and broader outreach, including itinerant services in remote areas.

## **Yu-Shan Chang, Wan-Chin Lan, Yi-Shih Su, Cheng-Han Lee and Zih-Ching Lin**

### *From Footsteps to Systems: Rethinking and Reshaping Legal Aid Service Systems Through Customer Journey Research*

The Taiwan Legal Aid Foundation (LAF) conducted its first National Legal Aid Clients' Assistance-Seeking and Life Profile Survey in 2022. The findings offered key insights into the assistance-seeking behaviours of legal aid clients, their sources of legal aid information,

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<sup>1</sup> Public Defender in the State of Rio de Janeiro, head and coordinator of the Human Rights Defense Unit of the Public Defender's Office. Former Public Defender General of the State of Rio de Janeiro, former president of the National Association of Public Defenders, and former General Coordinator of the Inter-American Association of Public Defenders. Holds a Bachelor's and Master's degree in Civil Law from the University of the State of Rio de Janeiro (UERJ). Currently pursuing a postgraduate degree in Digital Law at ITS Rio (Institute of Technology and Society of Rio de Janeiro) in partnership with CEPED/UERJ.

digital habits, capabilities, and preferences, etc. Building on this foundation, the LAF has launched a new series of studies to explore clients' legal aid journeys more deeply, focusing on their experiences before and after engaging with the LAF. While customer journeys differ widely across legal areas, this research focuses on employment law and consumer debt as illustrative examples.

This study delves into the complexities of customer journeys, offering a comprehensive understanding of client experiences. It examines how individuals seek advice, engage with service providers, interact with legal professionals, and utilise available resources. By tracing the steps clients take, the study identifies critical touchpoints and pain points that shape their experiences. Additionally, systemic constraints and barriers encountered by clients are analysed. Special attention is also given to clients' digital capabilities and preferences, emotional dynamics, and their perceptions of legal aid and judicial systems.

The findings from this research are synthesised into actionable insights to guide the redesign of legal aid service systems and foster future service innovation, aiming for better accessibility, responsiveness, seamlessness, and overall client satisfaction.

### **Sunil Chauhan**

#### *Grassroots Legal Aid in India: Challenges and Lessons*

This article explores the structural and operational frameworks of two key legal aid initiatives in India: the Para Legal Volunteer (PLV) Scheme, introduced in 2009, and Legal Aid Clinics, formally established under the National Legal Services Authority (Legal Services Clinics) Regulations in 2011. These programs were designed to extend free, accessible legal aid to underserved communities, aiming to bridge the gap between marginalized populations and the formal justice system. Despite their ambitious goals, these models have yielded mixed results across India's diverse geographic, social, and cultural landscapes.

Through an empirical analysis that includes data collection, field observations, and interviews with PLVs and panel lawyers, this article examines the factors contributing to the decline of these grassroots legal aid initiatives in India. It highlights various key limitations—such as insufficient structured implementation, inadequate training, minimal incentives for PLVs, and a lack of interdepartmental collaboration—that have hindered these programs from reaching their full potential. The COVID-19 pandemic resulted in the closure of hundreds of Legal Aid Clinics and underscoring the urgent need for a more resilient and adaptive model.

Drawing from both quantitative and qualitative insights, the article also proposes actionable solutions aimed at strengthening the implementation, reach, and impact of these grassroots legal aid initiatives.

### **Ab Currie and Trevor C. W. Farrow**

#### *Representation Pathways: Efficiency for the Courts and Better Outcomes for the Accused in the Ontario Court of Justice*

This paper will examine the extent to which adult accused were unrepresented, represented by duty counsel and by retained counsel for type of offence, most serious offence, order of appearance, type of appearance and disposition. The purpose of the research is to determine the overall extent to which accused persons appear unrepresented and to identify

specific aspects of the court process at which lack of representation appears to be greatest. It is hoped that the analysis, based on a unique data set representing approximately 2 million disposed cases and over 17 million appearances between 2011 and 2022, will contribute to the growing body of research on the implications of lack of representation for accused persons, legal aid and the courts.

### **Ciara Daly and Carey Pearson**

#### *Local solutions to a global problem: piloting a place-based response to legal aid service provider market failure in Regional NSW*

Private legal practitioners who provide legal assistance to legally-aided clients (often for a significantly lower fee than their full-fee paying clients) are an integral part of the provision of legal aid services for all Legal Aid Commissions (LACs) in Australia, as in many other jurisdictions internationally. The 'mixed model' of service provision involves legal aid services being delivered by a mix of Legal Aid in-house, community legal centre and private practitioners and is a cornerstone of the legal aid model. Many LACs that use a 'mixed model' in providing services have struggled to maintain an adequate number of private practitioners willing to do legal aid work while still maintaining a high standard of quality of legal services. This issue is particularly acute in Regional NSW in the jurisdiction of Care and Protection. In several identified areas private practitioners are either no longer accepting legal aid work at all or reducing the amount that they take on, resulting in clients who would otherwise be eligible for legal aid being unable to access services. This in some instances is categorised as a 'crisis of supply' or 'market failure'.

Traditional approaches to this complex problem have taken a universal approach, for example by lowering eligibility requirements for those private practitioners eligible to have work assigned to them. Legal Aid NSW has commenced a new, innovative and tailored solution to address this persistent and worsening issue: the Legal Aid NSW Care and Protection Practitioner Development Initiative (CAPPD). The CAPPD Initiative aims to utilise a more robust approach to data analysis to identify regional areas most impacted by supply shortages and provide tailored place-based solutions to support local legal professions and attract and retain private practitioners to do legal aid work. Balancing both the 'quality' and 'supply' elements of the market failure issue. In this paper we will unpack the elements of this complex problem, discuss previous approaches, the approach of the CAPPD Initiative, the hypothesis and evaluation methods and initial findings and results of the pilot.

### **Madhurima Dhanuka**

#### *Strengthening Access to Justice through Legal Aid: The Indian Experience*

The provision of legal aid services for criminal, civil or administrative matters etc. is critical in upholding the rights of communities at risk, promoting social justice, inclusion and ensuring equal access to justice for all. The economic costs of prolonged and unresolved legal problems and disputes are impacting the rate of development of countries, and are a reason for off-tracking of the SDGs. Access to justice is viewed as a critical enabler of the 2030 Agenda for Sustainable Development, with access to effective legal aid services being a vital component in addressing the present access to justice crisis.

The paper would trace some of the recent initiatives undertaken by the National Legal Services Authority, India to strengthen access to legal aid in India. This would include the adoption of two comprehensive schemes for provision of legal aid to children, persons with mental illness and persons with intellectual disabilities; conduct of campaigns for periodically

reviewing cases of unsentenced prisoners and facilitating their release; adoption of the public defender system viz. the Legal Aid Defense Counsel system; strengthening the functioning of legal aid clinics in prisons; use of technology in accessing and managing legal services etc. In addition, reference will also be made to the innovative efforts undertaken by India to strengthen access to justice and legal aid services in the countries of the Global South through the adoption of the 'New Delhi Roadmap for Strengthening Access to Justice in the Global South by Improving Access to Legal Aid Services', as well as the 'New Delhi Principles on the Role of Judiciary in Ensuring Equal Access to Justice for all in the Global South'.

### **Diogo Esteves and Cleber Alves**

*Affording Legal Aid in Brazil: comparison of costs between salaried staff model and judicare system currently coexisting in the country*

According to the Brazilian Constitution, the legal aid service should be provided by the Public Defenders' Office, following the salaried staff model. However, due to the insufficient number of Public Defenders in the country, only 50% of judicial counties (*comarcas*) are regularly served by the Public Defenders' Office. To address this deficit, considering that in Brazil the possibility of "pro se litigation" is only admitted in exceptional situations, with the rule being legal representation by counsel, to ensure access to the courts, in the other half, legal aid services are provided on a supplementary basis by court-appointed counsel, in a scheme that informally resembles the traditional judicare system.

The paper we intend to prepare will present the findings of the evaluation of the two legal aid models currently coexisting in Brazil, analyzing the costs incurred in establishing and running the service over the period of one year (2023).

The research reported was originally commissioned by the CONDEGE (*Conselho Nacional das Defensoras e Defensores Públicos Gerais / National Council of Chief Public Defenders*) in 2022 and completed in 2024. It has been coordinated throughout by a large team of senior Brazilian researchers and was recently published in Portuguese (see <https://pesquisanacionaldefensoria.com.br/downloads/>).

The data from the research revealed that the cost of court-appointed counsel, as currently practiced in Brazil, would be extremely more expensive than the cost of the Public Defenders System, if such a system were adopted as the predominant model to represent vulnerable people both in criminal and civil legal aid scenarios. Considering a projection made based on the average amounts paid to court-appointed counsel (which are normally set based on the average rates of the minimum price lists for services provided by bar associations), if the remuneration paid to them were made on each judicial procedural act actually performed (unlike public defenders whose remuneration is based on a monthly salary regardless of the number of acts performed), the cost to the Public Treasury would reach astronomical figures, that is, a percentage that could correspond to a value of approximately 1800% (one thousand and eight hundred percent) higher than what would be necessary to cover the salaries of public defenders who could be hired to perform this same workload.

Furthermore, the quality standards of PDS were considered significantly higher than the court-appointed counsel system, considering overall performance and standards of files, efficiency and timeliness. Not to mention the wide range of activities in relation to collective protection of rights (class actions) and education in human rights that are provided by Public Defender's Offices and are outside the scope of the work of court-appointed counsels. As a final conclusion, the report indicates that the current problem of the Brazilian legal aid system is not the lack of budget, but its improper allocation in the court-appointed counsels.

## **Hazel Genn**

### *Reframing Access to Civil Justice*

More than a decade after the implementation in England & Wales of LASPO 2012, we are in yet another access to justice crisis. In the post-pandemic context with an economic downturn, increased levels of poverty and a developing public health crisis, access to civil justice in political and public consciousness is at best misunderstood and appears a largely irrelevant, if not invisible, issue. A former Minister of Justice recently remarked 'the justice system [outside of crime] is not taken seriously by politicians.' Governments are generally slow to give resources to justice. In England & Wales the **annual** spend on justice is equivalent to **two weeks** of expenditure by the Department of Work and Pensions. In the legal echo chamber, it is understood that access to justice is an essential element in the rule of law, that a well-functioning justice system underpins the economy and is indispensable to the realisation of many social policy objectives. But in other spheres - services, professions and political circles committed to an equality agenda - there is a need to articulate and communicate what access to justice is **for**, what is its value, and how effective implementation of protective rights and duties contributes to promoting equality, interrupting cycles of poverty and supporting health and well-being. To realise the shared objective of improving the situation of those on low-incomes or living with vulnerabilities, social welfare legal services need to collaborate constructively with other services and professions such as healthcare providers. A strategic approach to improving access to civil justice involves a call to action that inspires more allies to address the access to justice challenge. Advocacy and interprofessional education are important, but first we need a more comprehensible 'access to justice' lexicon that is salient and outcomes focused.

## **Tatiana Grieshofer**

### *A Critical Review of Access to Justice Assessments*

The paper explores a fairly recent phenomenon introduced by His Majesty's Courts and Tribunals Service in England and Wales – a practical toolkit for access to justice (A2J) assessments (HMCTS report 2023). The toolkit aims to identify, fix and monitor access to justice barriers. Although this is a welcome development, at the time of writing this, the programme of assessments is still in the initial stages. Currently, the assessments simply encompass a series of broad questions with respect to four aspects: access to the formal legal system, access to an effective hearing, access to a decision in accordance with law, access to a remedy. The corresponding measures and indicators are very broad and often lack a rigorous methodological approach to defining and measuring accessibility and, what is even more important, measuring the quality of accessible services.

Building on Sela's procedural justice conceptualisation (2018) and linguistic concepts underlying discursive practices in legal settings, this paper critiques the existing approach to the assessments and proposes a more rigorous methodological framework. The framework enhances the existing access to justice assessments by introducing more specific questions, checklists and clearly defined analytical measures. The paper concludes by reflecting on how the proposed model can be adapted for other national and international legal contexts or even expanded to incorporate structural justice or other justice conceptualisations.

#### References:

HMCTS (2023). *Assessing Access to Justice in HMCTS Services*.

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Sela, A. (2018). Can Computers Be Fair: How Automated and Human-Powered Online Dispute Resolution Affect Procedural Justice in Mediation and Arbitration. *Ohio State Journal on Dispute Resolution* 33: 91–148.

### **Anika Holterhof and Wendy O'Brien**

#### Legal Tech and the Promise of Enhanced Access to Justice

“Legal tech” is just one dimension of the now ubiquitous socio-technical promise for digital solutions to provide increased efficiency, improved service delivery, data-driven decisions, and an acceleration and amplification of impact. The idea that legal tech will afford greater access to justice turns on the premise that technological solutions can relieve the administrative burden of document review, legal research, and repetitive tasks such as contract drafting and data entry, thereby furnishing lawyers with increased time for delivering high quality, high priority legal work.

Taking stock of the current momentum for legal tech, this presentation analyses the rhetoric of techno-solutionism, the fear of missing out, and the strength of the profit model in legal tech settings, to critique the idea that legal tech is poised to afford enhanced access to justice. In focusing specifically on the depth of unmet need for quality legal aid, the presentation illustrates that access to justice is best served by judicious scrutiny of legal tech hubris, and a firm commitment to safety, human-rights, and privacy by design, to ensure that only those technologies that are evaluated as safe and human rights-compliant are adopted in legal settings. In arguing such, the authors focus on the importance of ensuring that any augmentation of services in the legal (aid) sector prioritises foundational legal principles, such as consistency in the interpretation and application of the law, equality of arms, accountability, fairness, transparency, and compliance with international human rights law.

### **Bonnie Rose Hough**

#### *Artificial Intelligence - Promise and Caution*

Artificial Intelligence (AI) poses enormous opportunities and challenges for expanding access to justice. I propose to review the state of development in the United States for use by attorneys and those representing themselves in legal proceedings. I am involved in a number of projects including with the Stanford Design School, the Legal Service Corporations Technology Innovation Group and the Self Represented Litigation Network, who are exploring these issues and testing possible uses of AI. This will include use of AI in chatbots providing legal information, document review to determine if litigants have pled the essential elements of their case, developing content in plain English as well as translations, and programs to assist litigants to complete forms, as well as any number of interesting use cases that may develop between now and June 2025. I will also review some of the challenges with hallucinations and the challenges of reviewing and ensuring accuracy of AI generated content.



## **Tomoki Ikenaga**

### *Beginning or Proceeding of the Lack of Civil Legal Aid Providers in Japan - Statistical Growth but Substantial Decline-*

ILAG 2023 Session 6” Where legal aid lawyers come from in the future?”

Above session indicated that lack of civil legal aid providers in England and Wales is proceeding that led to the government’s response “Review of Civil Legal Aid: Provider Survey Report”<sup>2</sup> and Law Society’s response “Legal Aid Dessert”<sup>3</sup> etc. In addition, ILAG 2023 National Report: The Netherlands mentioned the similar trend as follows.

A concerning trend in the Netherland is the gradual but steady decline of number of lawyers who are available for providing legal aid. There is a negative growth due to an outflux that is higher than the influx.<sup>4</sup>

Growth but superficial growth of civil legal aid providers in Japan

Due to the judicial reform in Japan in recent decades, the number of lawyers has increased rapidly. As a result, the main demographic composition has become young lawyers ranging from 20’ to early 40’. Accordingly, the number of civil legal aid providers who makes contract with Japan Legal Support Center which is public legal aid organization in Japan increased statistically.

#### Statistical Growth but Substantial Decline

Japan Federation of Bar Associations conducted the civil legal aid providers survey in 2023 and received responses from 2,719 providers. (The number of officially contracted providers is 24,056, which means response rate is 11.3%).

An overview of the survey results is as follows.

- Government always emphasize that the number of civil legal aid providers is steadily increasing statistically year by year. However, the survey revealed that officially contracted providers do NOT always accept legal aid cases in daily work. Rather, they sometimes or often refuse to accept legal aid cases although they are registered as official legal aid providers statistically.
- There is an emerging and concerning trend in Japan that the gradual but steady decline of actual active number of civil legal aid providers is observed.
- At a deep level, the survey indicates that there is a gradual change in attitudes toward public legal services amid the rapid demographic change of Japanese lawyers, which differs among age groups and region etc.

To develop sustainable legal aid at this austerity era

The survey made it clear that both government and bar associations are responsible for supporting raising next generation of civil legal aid providers. In ILAG Session, both quantitative and qualitative analysis in above survey is introduced and explored to find the solution to develop the sustainable legal aid at this austerity era.

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<sup>2</sup> <https://www.gov.uk/government/publications/review-of-civil-legal-aid-provider-survey-report>

<sup>3</sup> <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/>

<sup>4</sup> Femke van der Lans, Susanne Peters & Jin Ho Verdonshot, “National report ILAG Harvard 2023 The Netherlands”, 10, Other

## **Jon Johnsen**

### *Strategies for limiting judicare costs.*

My paper will analyse cost reduction strategies used in Norway's judicare schemes. In Norway and other countries, legal aid appears as an entitlement when the applicant qualify. The space for refusing applications due to budgetary reasons appears limited. Ordinary applications cannot be denied for budgetary reasons.

However, governments have several other techniques to keep judicare costs down.

I will mainly focus on public cost control in judicare schemes that only offer lawyers singular commissions. Hiring lawyers for larger quantities of cases (contracting) will mainly be outside my analyses.

Examples of such strategies are:

- Limitations of the types of legal problems covered.
- Making judicare schemes subsidiary to other forms of legal help like insurance, charity, membership organizations, etc
- Omit adjustments of poverty criteria according to inflation, which gradually makes limits more restrictive.
- Setting public fee levels for legal aid commissions lower than fees asked from paying users.
- Payment per case instead of per hour.
- No coverage of imposed costs to the counterpart
- Costs of expert evidence and interpretation.
- Complexity of application process

I might supplement with selected experiences from Bulgaria and draw upon Anna Barlow's findings from other the Nordic countries and the jurisdictions in the United Kingdom and Ireland in the "The Machinery of Legal Aid".

## **Stuart Kelly**

### Whither legal aid? Scottish law students and legal aid lawyering

This paper will examine the motivations and deterrents influencing Scottish students' decisions to pursue careers as legal aid lawyers. Understanding students' perspectives on this career path is critical to addressing the justice gap and ensuring a sustainable pipeline. As part of the 2021 Legal Aid Census for England and Wales, students' expectations of a career in legal aid was analysed. Two of the authors, Kinghan and Mant, presented their findings at ILAG 2023.

This paper will seek to explore themes from that research from a different jurisdiction.

My analysis uses a different methodological approach to the Census. Undertaking a qualitative survey, semi-structured interviews and focus group discussions provide the basis for in-depth insights into students' perceptions of legal aid careers. Participants include undergraduate and graduate students in law, selected using purposive sampling to ensure diverse perspectives. The study explores motivations, deterrents, and the influence of educational experiences.

This analysis, and ultimately the paper, therefore aims to capture a rich, nuanced understanding of the contemporary factors shaping students' decisions regarding legal aid careers. It is hoped this will be

## **Vicky Kemp**

### *Access to Justice for Children in Police Custody in England and Wales*

The Metropolitan Police Service (MPS) are piloting new arrangements for children (under 18s) in two London custody suites, including mandatory call-out of a lawyer, using specialist youth lawyers and requiring early involvement in children's cases. Custody officers and lawyers covering the two suites received training prior to the piloting of the new arrangements from November to February 2025. As part of the pilot study, the Ministry of Justice are considering the payment of a new fee for lawyers who engage with children shortly following their detention and, where appropriate, make representations on their behalf. The usual fixed fee would also be payable if a child is subsequently interviewed by the police.

We are evaluating the new arrangements as part of a Nuffield funded study that is piloting a 'Child First' approach in police custody. An experimental approach has been adopted, which includes conducting case studies of children held in the two pilot suites and two control suites. A case study includes observing and talking to children while in custody, interviewing custody staff responsible for their care and practitioners involved in questioning the child, and analysis of the recorded police interview. The evaluation will also include analysis of custody record data, both at an individual and aggregate level.

A theory of change approach has been adopted as the pilot project is intended to alter the behaviour of practitioners (lawyers and the police) by providing a pathway for change and in educating practitioners about the principles underlying a Child First approach. Key findings arising out of the pilot study will be presented.

## **Jayne Mallin and Charlene Moore**

### *Integrating AI into Legal Aid: Enhancing Efficiency, Improving Outcomes, and Addressing Workforce Challenges*

Legal aid organizations are increasingly exploring the potential of artificial intelligence (AI) to enhance service delivery, create efficiencies, and mitigate workforce challenges. This presentation will examine how AI-driven tools can address the evolving needs of legal aid models while balancing the limitations and risks of AI in the practice of law.

**Legal Aid Saskatchewan (LAS)** will share insights into its early-stage AI Sentencing Research Project. As a staff-based model with persistent recruitment and retention challenges, LAS faces a mentorship gap due to the loss of senior lawyers. To address this, LAS is using the expertise of an in-house staff lawyer with advanced knowledge of large language models (LLMs) to develop AI-powered sentencing tools. These tools aim to help junior staff identify appropriate sentencing ranges when faced with unreasonable prosecutorial positions, reducing reliance on diminishing mentorship resources. By scraping data from sources such as CANLII, the Queen's OpenJustice AI database, and LAS's own client management system, the project will create a cost-effective, evidence-based framework for criminal law practice. The goal is to support more informed sentencing advocacy and potentially drive future law reform initiatives.

**Nova Scotia Legal Aid (NSLA)** will present its organization-wide AI strategy focusing on a governance framework to address privacy, risk, and cost considerations through consultations with law firms, public sector entities, and AI providers to explore practical applications of AI in legal aid. The presentation will highlight NSLA's evaluation of Microsoft Co-Pilot, assessing its potential to support legal practice by:

- Generating transcripts and meeting summaries.
- Producing high-quality reporting letter templates.
- Enhancing meeting productivity through automated action items, synthesized perspectives, and follow-up suggestions.

NSLA will also discuss key questions guiding its AI strategy, including:

- Are current legal AI products sufficiently advanced for criminal and family legal aid practice?
- Does the use of AI raise specific competency or disciplinary concerns in high-caseload, low-supervision environments?
- How can legal aid plans maximize their limited financial resources when adopting AI, particularly when moving beyond open-source solutions?
- What risks do potential AI biases pose for vulnerable legal aid clients?

Finally, the presentation will provide a cross-jurisdictional overview of how Canadian law societies, the judiciary, and the legislature are responding to the growing influence of AI in legal practice.

By showing practical AI applications and highlighting the challenges and opportunities of AI integration, this presentation will provide valuable insights for legal aid organizations looking to enhance client service delivery and operational efficiency through emerging technology.

### **Lianne Otten**

#### *Special legal aid arrangements after extensive government failure*

The past few years the Dutch government has adopted several legal aid arrangements aimed for specific groups of people. These arrangements address problems where the government often has failed to act adequately and now chooses a generous approach to ensure legal aid. Examples are arrangements for parents that are victims of the Dutch scandal with fiscal allowances (2021) and owners of houses in Groningen that are damaged due to mining-activities (2023). An arrangement for whistleblowers was also established in 2024. In contrast to regular legal aid this legal aid is free of charge (i.e. no contribution is asked) and is meant for everyone in this specific group (i.e. income or assets are not taken into account).

Whereas these quickly to make and flexible arrangements evidently benefit people that are abandoned by the government and can help to regain trust, this approach also has challenges.

The urgency to establish a legal arrangement is, often under political pressure, high. The ministry concerned with this problem is not always familiar with the system of legal aid. The extent to which the wishes of this ministry can fit into this system is part of the negotiations. Another challenge is the practicalities in executing the arrangements. These arrangements are different from regular legal aid and therefore ask for different procedures and approaches by employees of the Dutch Legal Aid Board.

This paper explains the content and context of several arrangements, the process of how these arrangements are established and the challenges that come with it.

## **Alan Paterson**

### *Can Legal Aid assist victims of a Mass Miscarriage of Justice*

This paper focuses on one aspect of the Post Office scandal in the United Kingdom where during a period of 15 years over 900 Sub Postmasters (SPMs) throughout the UK were convicted of offences of dishonesty in relation to their post office. In each case the Horizon software used by the Post Office as an institution had shown a shortfall in the balances of the sub postmasters. Despite the SPMs vehemently denying that there was a shortfall and that it must be the software which was a fault, the Post Office aggressively pursued thousands of innocent SPMs for shortfalls which it ultimately transpired were a fiction produced by defective software. Eventually it took a multi-party legal action by 555 of the SPMs against the Post Office for damages to establish that the Horizon software was at fault and that the aggressive tactics of the Post Office had compounded matters. Many of the convicted SPMs were legally aided when they were charged with a dishonesty offence and yet it did not help them to be acquitted. Why was this? Legal aid was again made available to those whose convictions had been questioned by the Criminal Case Review Commission and sent to a Criminal Appeal Court with some success but legal aid was not available to the 555 SPMs who raised the multi-party action against the Post Office for damages. Instead they had obtained the support of a third party litigation funder. This form of funding has its drawbacks as the 555 SPMs were to discover to their cost. The paper concludes by examining whether recent efforts to use legal aid to support multi party or class actions would have served the SPMs better.

## **Dara Read and Daniel Kennard**

### *Child-centred services for children and young people in alternative care*

Globally, an estimated 2.7 million, or 102 per 100,000 children live in alternative or out-of-home (OOHC) care.<sup>1</sup> Indigenous children and young people (CYP) from colonised countries are vastly over-represented in OOHC and this trend is increasing.<sup>2</sup> These CYP are among the most vulnerable and disadvantaged in our communities<sup>3</sup> and the highest users of legal aid criminal, family and civil law services.<sup>4</sup>

There is a large body of literature documenting the adverse impacts of institutionalisation on the wellbeing and developmental outcomes of CYP in OOHC,<sup>5</sup> the complexity of their needs and overrepresentation in criminal justice systems.<sup>6</sup> A range of inquiries, reports and judgements have found that many CYP in OOHC are at risk of significant harm<sup>7</sup> and are not having their fundamental needs met in OOHC.<sup>8</sup>

Increasingly, there is a call for the direct voices of CYP in OOHC to be centered and amplified<sup>9</sup> and for 'better scrutiny of decision making'.<sup>10</sup> Recent research also emphasises the importance of 'listening and acting on the voices of Aboriginal CYP in OOHC'<sup>11</sup> and their right to self-determination.<sup>12</sup>

Currently, legally aided care and protection services primarily provide lawyer-adult models<sup>13</sup> of service delivery in connection with care applications initiated by the State and there is limited, if any, access to independent legal advice and representation regarding children's fundamental needs and experience once in OOHC care. Further, the care system is designed by non-Indigenous people, and while there are reported examples of good practice

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<sup>1</sup> [Children in alternative care - UNICEF DATA](#) Note: due to limitations in data collection, this figure is likely significant higher.

<sup>2</sup> Burns, B, Grace, R, Drake G, Avery S, [What are Aboriginal children and young people in out-of-home care telling us? A review of the child voice literature to understanding perspectives and experiences of the statutory care system](#), The International Journal of Childhood and Children's Services, June 2024

<sup>3</sup> See for example: Australian Institute of Family Studies, Young people transitioning from state out of home care, October 2009. [Young people transitioning from state out of home care | Australian Institute of Family Studies \(aifs.gov.au\)](#) and NSW Government, [Pathways to homelessness for young people leaving out-of-home care](#), January 2023.

<sup>4</sup> Legal Aid NSW, [High service users at Legal id NSW, Profiling the 50 highest users of legal aid services](#), June 2013

<sup>5</sup> Petrowski, N, Cappa, C, Gross, P, [Estimating the number of children in formal alternative care: Challenges and results](#), Child Abuse Negl. August 2017

<sup>6</sup> See for example: McFarlane, K. (2018). [Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system](#). Australian & New Zealand Journal of Criminology, 51(3), 412-433.

<sup>7</sup> See for example: [ACYP | Special Inquiry \(nsw.gov.au\)](#), p. 17

<sup>8</sup> See for example: [Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities](#), NSW Ombudsman, 2024, p. 52 - 64

<sup>9</sup> See for example, Office of the Advocacy for Children and Young People, [Special Inquiry into Children and Young People in Alternative Care Arrangements Final Report](#), p. 15

<sup>10</sup> [Family is Culture Review Report – Independent Review of Aboriginal Children and Young People in OOHC](#), xvii

<sup>11</sup> Burns, B, Grace, R, Drake G, Avery S, [What are Aboriginal children and young people in out-of-home care telling us? A review of the child voice literature to understanding perspectives and experiences of the statutory care system](#), The International Journal of Childhood and Children's Services, June 2024

<sup>12</sup> [Family is Culture Review Report – Independent Review of Aboriginal Children and Young People in OOHC](#),

<sup>13</sup> Savvas, E, [Rethinking advocacy: child-centered approaches to child protection legal services](#), Churchill Fellowship Report, 2023

and good judgement, contemporary casework practice often ‘reinforces the memory of the authoritarian state that dominated and subjugated Aboriginal lives during the protection era.’<sup>14</sup>

Children’s rights to participation in international human rights instruments<sup>15</sup> and local children’s rights charters<sup>16</sup> are not being meaningfully realised and upheld by national or state based legal and social service systems. In practice, CYPs experience in OOHC is ‘characterised by non-participation in decisions made about their lives.’<sup>17</sup>

This paper posits that providing access to independent child-centered, culturally safe specialist legal services relating to not only CYPs entry into OOHC, but their fundamental needs and experience in OOHC, is essential to enabling their rights in OOHC to be advocated for and upheld.

The paper explores the need for holistic child-centred services for CYP in OOHC with reference to the principles and practices of Your Voice<sup>18</sup>: Children’s Out-of-Home Care Advocacy Service, a pilot service designed and established by Legal Aid NSW.

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<sup>14</sup> [Family is Culture Review Report – Independent Review of Aboriginal Children and Young People in OOHC](#), xvi

<sup>15</sup> See United Nations Convention on the Rights of the Child Article 13 “to seek, receive and impart information” and Article 12 “to express views and have those views given due weight.”

<sup>16</sup> See for example: [Your rights as a child or young person in care | Communities and Justice \(nsw.gov.au\)](#)

<sup>17</sup> Bessell, S, [Participation in decision-making in out-of-home care in Australia: What do young people say?](#), Children and Youth Services Review, Volume 33, Issue 4, April 2011, p. 496-501

<sup>18</sup> Note: the proposed name for the pilot service and may change following consultation with CYP in OOHC and those with lived experience in OOHC, including Aboriginal and Torres Strait Islander children, young people and adults.

## **Juliet-Nil Uraz**

### *The Impacts of Reduced Access to Legal Assistance*

In 2013, England and Wales implemented a comprehensive legal aid reform that drastically reduced publicly funded legal assistance for low-income households confronting social welfare cases. This reform caused an 80% funding shock, leading to uneven closures and congestion among legal aid providers. This paper investigates the consequences of this reform on access to justice and its broader socioeconomic impacts, including health outcomes. Constructing panel data on providers activity from 2009 to 2023, we assess the reform's effects on eviction and debt court cases, housing market tension, and mortality rates. Adopting a causal inference framework, we leverage the spatial and temporal variations in access to providers in a difference-in-differences setting. We use a Bartik instrument to address differential provider resilience to the reform and predict shifts in legal aid flows.

The reform disrupted three critical dimensions of local legal aid: availability, affordability, and proximity, collectively reducing access to timely, free, in-person legal assistance. Our preliminary results indicate that the most affected areas experienced notable increases in eviction rates—3.9% in claims and 2.1% in court orders relative to 2013 baselines—as well as a 1.2% rise in mortality rates. Additionally, these areas saw an 8.5% decline in house prices over time. These findings suggest that a loss in legal aid provision impoverishes the entire area, with higher housing instability, worse health outcomes, and a less attractive housing market. This study provides critical empirical insights into the unintended socioeconomic and public health repercussions of legal aid reforms.

## **Jin Ho Verdonshot**

### *Feedback loop for legal aid: experiences of citizens and professionals during their search for justice and restoration*

At the request of the Dutch Legal Aid Board, the Knowledge Center Legal Aid System has followed the experiences of people undergoing specific restoration procedures aimed at those disproportionately affected by administrative decisions made by the Dutch Tax Authority.

As of 2021, people using legal aid for these procedures have periodically been asked to share their experiences with the services of the Dutch Legal Aid Board, their lawyer, the procedure and actors involved, as well as with the outcomes they received. These data provide over time insights in the procedural justice and restoration people experience, the degree to which the procedures meet their intended goals, and the effectiveness of outcomes received.

The data collected via this so-called feedback loop have been complemented with data on the experiences of lawyers. The collection of data on the legal quality is at the verse of commencing. Together, these various types of data feed into a more 360-degree evaluation of how legal aid works for people, professionals and society in these cases. The paper presents the data collected since 2021, demonstrating how such data enable comparisons across different procedures, and discussing the lessons learned for the broader feedback loop that the Knowledge Center is developing for the Dutch Legal Aid Board



## **Olli Vilanka**

### *Tackling the challenges related to Access to Justice in Finland: the role of the new Legal Services Authority*

Public legal aid has been provided in Finland to customers for nearly 140 years. Originally the service was granted by the cities, but at the turn of the millenium the service was transferred to the state. Services have been traditionally provided by public legal offices. However, due to the historical background size and operating methods of legal aid offices in Finland vary among the offices. For example, waiting times and duration of different processes vary between offices. Consequently, the state has taken as its aim to harmonize services of legal aid offices. Also, other types of more topical challenges exist. For example, irregular arrival of asylum seekers has produced a need to create a call in system for public legal aid attorneys, as the time to make an appeal may be short. Moreover, competition between different branches of law causes skills shortage at our branch. In order to tackle these types of challenges many responsibilities to develop the field of legal aid were transferred from the Ministry of the Justice to the National Legal Services Authority, which started operating in the beginning of 2025.

## **Mies Westerveld**

### *Mass harm and public interest: what legal aid system is most promising in terms of effectiveness and cost efficiency?*

The mainstream discourse on legal aid (subsidy) tends to be people-centered, focusing on one individual and their legal problems. This approach falls short when problems are not so individual, for instance because systemic flaws lie at their root, such as we have seen in the Netherlands with the childcare allowance failings, in the UK with the Post Office scandal, and in Australia with the toxic Robodebt scheme. It also misses the mark when the interest is public, for example in disputes about climate change, breach of privacy by search engines scanning for fraud, or inhumane public refugee policy. Thirdly, it is inadequate when hundreds (or thousands) of people are affected by faulty products, such as breast implants (Allergan) or sleep apnea devices (Philips). Here, the question also arises whether a company with deep pockets might be held accountable other than by allowing lawyers to operate on a contingent fee basis (NCNP).

At first glance, these three themes are very different, but the overarching question, both from a public and a people-centered perspective, is: which methods are most effective and efficient to provide victims with affordable legal aid and lawyers with a reasonable fee?

While the scope of the study will focus on the Dutch system, with information being collected through interviews with relevant stakeholders, predominantly in the Netherlands, its findings will also be relevant to countries with a different legal architecture.

## **Jan Winczorek, Karol Muszyński, Mikołaj Ryśkiewicz**

### *Modeling Demand for Free Legal Aid in Poland: The Impact of Social Inequalities and Legal Capability*

The paper describes a research project modeling demand for Poland's "system of free legal aid and civic advisory services" (FLACS), established in 2016. FLACS provides free pre-litigation legal services through about 1,500 county-level service points staffed by legal professionals and mediators. Despite its potential, it remains small and underutilized

compared to countries like the Netherlands or Finland, offering only 350,000 to 500,000 consultations annually.

The research aimed to determine if demand was endogenous—driven by situational decisions—or exogenous, linked to socioeconomic factors like spatial disparities in wealth, unemployment, prevalence of social problems, and availability of other social services. To explore this, the project used hierarchical logistic and Bayesian models, analyzing FLACS data from 2021 to 2023 service records and surveys, totaling about 1.5 million records, integrated with sociodemographic variables from external sources.

Central to the study was "legal capability," inspired by Amartya Sen. Accessing legal services requires skills and social capital beyond income, like identifying legal issues, finding providers, and following advice. The project hypothesized (H1) that exogenous factors do not influence seeking legal aid. It also used a BERT-based NLP model to analyze case descriptions, testing hypothesis (H2) that high-demand points do not handle different case types than low-demand ones.

Ultimately, the project aimed to reveal how social inequalities have affected the use of free legal aid in Poland, indicating broader social disparities.