LEGAL AID-ILAG 2021
NATIONAL REPORTS
AROUND THE WORLD IN 20 MINUTES

Avrom Sherr, IALS
A Question of Balance

Mention each or go for themes?
Australia to Zambia

Or we could break some rules

And go Zambia to Australia,
Including Hungary and Scotland
The data collected indicates that human rights violations are being committed under the pretext of curtailing the threat of COVID-19 (31%). Serious doubts are arising about some country’s capacity to maintain the rule of law during the pandemic and prevent arbitrary infringement of civil liberties, whether by private individuals, organizations or governmental authorities (4%).

Mandatory social isolation measures have in some instances motivated justice systems and legal aid agencies to invest in the use of technology to avoid face-to-face contact (more than 70%). However, limited resources and improvised solutions have also undermined the capacity to maintain normal levels of access to justice during the outbreak (51%).

The current uncertainty that undermines the stability of justice systems and legal aid agencies is likely to continue for the foreseeable future, and the economic crisis triggered by mandatory social isolation measures has already in some countries raised the prospect of cuts to legal aid funding (25%).

Covid Cont.

And See UNDP paper on Covid including

From the Country Reports the most startling is the Taiwan Report where Covid only hit with force in April 2021.

England and Wales- Major section on Contingencies for payments systems etc.
The rise and rise of Public Legal Education

- E.g. Fiji- Outreach programmes with legal advice and will drafting
- Rwanda- Legal Aid Week- 70% of population listened to 1 of 6 radio and TV shows
- Taiwan- Board Games, theatre in school campuses and for general public
- Ireland and elsewhere- Street Law
- But most often through the internet.
Customary Law Indigenous Cultures

- E. G. Canada- First Nations Courts with restorative justice and traditional approaches
- Chile- indigenous peoples’ defence
- New Zealand- Alcohol And Other Drug Use Courts, New Beginnings for Homeless Courts, Rangahati and Pasifica Maori Courts-cultural processes but same law and consequences
- Sierra Leone- Monitoring Local and Traditional Courts to ensure they hear only appropriate cases
Customary and indigenous cont.

- Sierra Leone cont.- Ensured women in heret deceased husband’s property where customary rules and practices are entrenched.

- South Africa Report- Begins by referring to the importance of Customary Law and culture and decolonolisation—but does not mention it again.

- Zambia-Paralegals as a bridge between local communities and the legal system
Zambia
Zambia
Impact and need for the “third sector”

- E.g. Denmark- Unions, voluntary organisations, law students

- Law Clinics almost everywhere (Zambia coming) esp. USA, Ireland, Israel, Lithuania, South Africa (cooperation agreements)- not in Austria.

- Health organisations in Denmark, England and Wales (380 established), USA (Medical-Legal partnerships)
Clinic was not only a creature of its time?
Old Clinicians can:

- Become 60s throwbacks,
- Tour the universe as consultants
- Become Deans
- Continue as clinicians
- Go back into practice
- Become real academics
- Research clinical legal education
- Pontificate at international conferences
Quality

- E.g. England and Wales- numerous forms incl. Peer Review
- Fiji- audits on files + assessment of court performance
- Finland- Court can monitor quality of L. A. lawyer’s work and adjust the fee
- Ireland- internal File Reviews
- Netherlands – Elected reviewers for asylum law-files and court
- South Africa-file reviews, self reviews, peer reviews
- Taiwan-Mystery soppers/model clients
- USA- civil – peer review on site examination of overall effectiveness(+outcome measures)
Technology

- Call centres almost everywhere esp. Australia, Rwanda (83.8% have mobile phones), South Africa (“over 100%”)

- The Netherlands- Rechtwijzer-The Return of the Galaxy-decision tree+ online divorce+ further help+online dismissal advice+ multiple tools being worked up

- USA- document assembly applications etc.
Legal Service Counters in The Netherlands
An advert for Rechtwijzer
Rechtwijzer Advice in a Locket
Dutch Jusbus?
Surprises

- Growth of hybridity- Brazil, Chile et alia civil systems borrowing from common law
- Reliance on Legal Expenses Insurance- Denmark, Finland (90% coverage) etc.
- USA-Legal incubators, Delivery Research
- NL. Childcare benefits scandal plus ”justice journeys” and “legal aid package”
- Austria- No supervision “against professional independence”
- England and Wales- Civil applications rising, criminal applications falling
- Ireland- 50% split but Law Centres doing more complex matters than private solicitors.
- Japan- Rise from 21,000 Bengoshi in 2005 to 41,000 now.
- Some States do not allow administrative law cases to be supported/litigated
- Zambia- 73% of Criminal case represented by Legal Services Units successful
- Scotland-Probably the widest coverage of civil cases of all
Mobile Units in Japan
Japan: Tsunami 2011
Non-lawyer law

- Japan-Legal Social Work with social welfare orgs. (sounds like Belgium)
- E and W- Litigants in person support
- Finland- Digitalisation is coming
- NL- Rechtwijzer etc.
- NL- Solving problems of clients vs. just making legal decisions
- USA- Paralegals and Limited Licence Legal Technicians
- USA- Pro se increasing.
AND OF COURSE, COVID...

Thanks for watching...if you were.