

**Minutes of a meeting held at 2nd Floor Markwell House
on Wednesday 08th February 2023**

Members Present:	Ruth Costain	RC
	Pam Pringle	PP
	Colm Andrew	CA
	Paul Coppell	PC
	David Trace (<i>via Teams</i>)	DT
	Bob Ayres (<i>via Teams</i>)	BA
Officers Present:	Christine Clucas	CC
	Martina Jay	MJ
	Simon Winning (Note Taker)	SW
Apologies:	Howard Connell	HC

05/23	WELCOME AND MINUTES	
	<p>RC opened the meeting and apologies from HC were noted.</p> <p>It was with deep regret that RC informed the Committee of the passing of Margaret Mansfield (former Vice Chairman of the Legal Aid Committee) on 1st February 2023. The Committee wished to have recorded their thanks to Margaret for her contribution over the past 6 years to Legal Aid. The Minutes of the meeting 11th January 2023, having been previously circulated, need to be amended and will be signed at the next meeting.</p>	
06/23	MATTERS ARISING	
	<p>57/22 Interim Costs in Personal Injury/Medical Negligence Cases – A response from the Law Society has been received. The matter was discussed again by the Committee and it was agreed, but not unanimously, that interim costs could be claimed from the respondent where liability is accepted. Some concerns were raised and it was suggested that the response to the Law Society include the following regarding interim damages:</p> <ul style="list-style-type: none"> a) existence of the Legal Aid Certificate is at risk b) provisions of the settlement need to be specific and provided to Legal Aid c) funds released to the Advocate for the client and the funds may then impact on the clients eligibility for future LA funding d) Legal Aid will then look to recover their costs 	AP

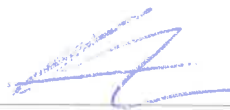
		<p>Legal Aid Appeals Tribunal Order – following the financial details which were submitted on 23rd December MJ advised the Tribunal hearing will be sitting again on 22nd March.</p> <p>Legal Aid Appeals Tribunal (additional) – MJ advised a second appeal hearing in which an opponent has appealed the award of a Legal Aid Certificate where the legally assisted person is an automatic qualifier (in receipt of specified Social Security benefits). It was commented that appealing the award of Legal Aid could potentially be being used tactically by opponents in some cases and a costs order in favour of Legal Aid against opponents may be considered to try and deter against such actions in the future.</p>	
07/23	MATTERS REQUIRING ACTION AND DECISION		
	(a)	Update from the Legal Aid Certifying Officer (MJ)	
		(i) A Legal Aid file has been provided to the Attorney General's Prosecutions to advise on charging in respect to an Assisted Person who had been found guilty of Social Security Benefit fraud.	
		(ii) Browne & Craine Liquidators have been provided with a Proof of Debt notification. This is in relation to the statutory charge which applies in two Legal Aid cases. Legal Aid is classed as a Crown debt therefore should have priority on recovery of the monies.	
		(iii) The LACO expressed concern that the Judiciary are ordering certain disbursements to be incurred by Legal Aid which are not correct for Legal Aid to pay. This matter will be progressed with the Courts & Treasury.	
		(iv) Requests for psychiatric evaluations of defendants are becoming more frequent and sometimes where a custodial sentence is not very likely it is a "just in case" report. MJ declined the last request for a psychiatric report and explained the reasons behind this decision to the Advocate. There was no response from the Advocate.	

		(v)	Turnover of Legal Aid extension requests and new matters are steady. MJ deals with about eight such matters each day at present. In addition to this a steady flow of Green Form extension requests and criminal disbursement requests are received on a daily basis.	
		(b)	Update on Staffing/Operational Matters (CC)	
		(i)	CC advised that staff absence is continuing in the Legal Aid Office team, therefore the team are being focused on productivity.	
		(ii)	A drafting Officer from the Attorney General's Chambers is currently working on rules for the Legal Aid Appeal Tribunal.	
		(iii)	Five Freedom of Information (FoI) requests have been received and answered since January 2023.	
BA left the meeting at 14:55				
08/23	OTHER ITEMS FOR CONSIDERATION			
	(i)	Two formal complaints had been tabled for the meeting which were discussed and a response is to be sent to complainant. The following points are to be included in the response: a) The LAC are bound by statute. b) The LAC have nothing further to add to the previous correspondence in relation to Legal Aid availability for employment tribunals.		
-09/23	ANY OTHER BUSINESS			
	(i)	PP gave her apologies for the next meeting on the 8 th March 2023.		

The meeting closed at 15:15

Minutes agreed

**By
Chair**



Date 12/02/23

