

22 SEP 2017

Legal Aid Committee

Minutes of a meeting held at 2.15pm on Wednesday 02 August 2017 in the Ground Floor Boardroom, Markwell House, Douglas

Members Present: David Trace (Acting Chair) DT
 Steph Lowe SL
 Tony Warham TW

Officers Present: Ross Stephens RS
 Wendy Montgomerie WM *for part of meeting*
 Alex Powell (Note Taker) AP

Apologies: Andrew Swithinbank AS
 Margaret Mansfield MM
 Tony Jones TJ
 Jane O'Rourke JO
 Christine Clucas CC



Action

37/17 MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting of 07th July, having previously been circulated, were approved.

38/17 MATTERS ARISING

(a) Care Proceedings Issue

RS reported that unfortunately his meeting with Paul Coppell (IOM Courts) had been unavoidably postponed and was due to be rescheduled. DT noted that the Law Society too would like this matter progressed and noted that there may need to be legislative changes.

RS

(b) Duty Advocate Scheme

CC had prepared an update advising that draft Regulations were awaited from the Attorney General's Chambers but this is being impacted on by the work required to implement the Equality Act.

CC

(c) Consultation on Members Expenses

AP was still required to construct a document in order that all Committee members could submit their comments to be collated by AP and a joint response may be submitted.

AP

39/17 MATTERS REQUIRING DECISION AND ACTION

(a) Staffing/Operational Issues/IT Developments in Legal Aid Administration.

The Committee were advised that the employment of two students over the

summer had proved beneficial as part of the review process as further areas which required change had been identified. It was anticipated that a presentation on the Process Review would be delivered to the Committee at their October meeting.

CC/AP

Regarding the work being undertaken around Contributors and Debtors, RS advised that the Attorney General's Chambers had indicated that there should be no hindrance with the Division continuing to the next stage, that being via procurement to recover the outstanding debt(s) of approximately £60,0000.

(b) (i) **LACO Update**

WM reported that she, CC, and MM had attended the Legal Aid User's Group w/c 10/07/17 (MM had provided a memo on the meeting). WM said that she had requested copies of Bills of Costs no longer be sent to the Legal Aid Office and that there had been no further concerns from Advocates on 'micromanagement' of cases – Advocates were invited to contact WM should they have any concerns in this area.

With regard to the 12 hour limit on Certificates, WM advised that this would be reviewed at the end of the year but thus far appeared to be working well and was removing unnecessary pressure on Advocates and Legal Aid administration alike. The Costs Assessing Officer had been adhering strictly to the 12 hour rule and, where necessary and requested, the LACO would review.

WM further advised that Legal Aid was not currently available for matters pertaining to the Proceeds of Crime Act (re Money Laundering) and that she was going to request figures, via the Law Society, regarding how many applications for representation had been received since April of this year. She noted that there may need to be legislative changes made and Counsel sought.

WM

DT queried if WM could draft a guidance note on the limit of the LACO's discretionary powers out with the Police Station as currently a Green Form could be used with the LACO using her discretion on extensions up to 9 hours. WM said that she would discuss further with Paul Cannan (Social Security).

WM

WM left the meeting at 3.05pm.

40/17 **REPORTS FROM SUB-COMMITTEES AND OTHER MEETINGS**

(a) **Public Defender Unit Sub-Committee**

DT reported that the meeting with the Attorney General's Office on 24th July had gone well and the sub-committee were making good progress.

DT/JO/S
L

(b) **Legal Advice Centres**

Plans continued afoot for the sub-committee to meet with counterparts of the Irish Legal Aid Board. AP to progress.

AP

(c) **Alternative Dispute Resolution/Mediation Sub-Committee**

TW reported that he and JO had encouraged the Law Society to be proactive in the promotion of mediation and the meeting agreed that this seemed to have been effective.

A meeting with Minister Chris Thomas and Bill Shimmins MHK had been mooted in order that progress is continued in this area if possible.

JO/TW

41/17 **ANY OTHER BUSINESS**

It was queried who had legal ownership of the 'Access to Justice' logo utilised by the Committee and agreed that clarification be sought from previous officers to the Committee.

42/17 **DATE OF NEXT MEETING**

2.15pm on Wednesday 06th September August 2017 in the Ground Floor Boardroom, Markwell House. Apologies were received from SL.

The meeting closed at 15:45

Minutes agreed by Deputy
Chairman



Date 20/09/17