

Proposed Research Outline

Legal aid systems in selected places

1. Background

1.1 At its meeting on 28 January 2008, the Panel on Administration of Justice and Legal Services requested the Research and Library Services Division (RLSD) to conduct a research on the legal aid systems in selected places.

2. Proposed outline

2.1 RLSD proposes to study the governance, financing, coverage, eligibility, and delivery in respect of legal aid services in selected places.

Part 1 — Introduction

- (a) background information of the research
- (b) overview of the legal aid systems in the selected places

Part 2 — Major development/reform in recent years

- (a) review and evaluation conducted
- (b) consultation exercises
- (c) legislative changes

Part 3 — Governance and finance

- (a) regulatory framework
- (b) independence
- (c) sources of funding
- (d) relationship with other legal services
- (e) accountability

Part 4 — Coverage and eligibility

- (a) scope of services, including civil and criminal legal aid services
- (b) service delivery models and accessibility of legal aid services
- (c) special legal aid schemes
- (d) examination of both the eligibility criteria and the process of eligibility determination to meet applicants' needs

Part 5 — Fees and contributions

- (a) service fees
- (b) fees payable to private practitioners
- (c) costing methods for legal aid work
- (d) arrangement for contribution to legal costs

Part 6 — Analysis

comparison of the various features of the selected legal aid systems

3. Places to be studied

3.1 RLSD proposes to study the legal aid experiences in England and Wales of the United Kingdom, the Province of Ontario of Canada and the State of New South Wales of Australia. All the selected places follow common law. The England and Wales system is selected because of not only its long history, but also it being in the process of major transformation towards a market-based approach to the funding and procurement of legal aid work.

3.2 Ontario is selected because its legal aid system provides a variety of legal services to assist a broad range of potential clients, including a legal aid certificate programme provided by private lawyers, a community legal clinic system providing information, representation, and advice on various kinds of legal issues and a duty counsel programme. At present, Ontario's legal aid system is subjected to a comprehensive government review. New South Wales is selected because its legal aid commission provides by far the largest and broadest civil law programme amongst the regional legal aid commissions in Australia.

4. Proposed completion date

4.1 RLSD proposes to submit an interim report in June 2008 covering Part 1 to Part 3 of the proposed outline and to complete the whole research by October 2008.

Research and Library Services Division
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