

2009 International Forum on Legal Aid
National (or Regional) Report

1. Providers of Legal Aid

- (a) Who are the providers of legal aid services in your country?

In Finland the providers of legal aid are the Ministry of Justice through Legal Aid Offices, private attorneys and the private profession.

Legal Aid Offices are similar to private law offices, and over 80% of the public legal attorneys at the most are also members of the Finish Bar Association.

In Finland, citizens in legal aid court cases can choose the public legal aid attorneys or private advocates, so in court cases we have two legal aid systems.

The private profession gives consultation service, for example, in consumer protection cases, and to complainants in criminal cases. These services are free.

- (b) Does your organisation consolidate legal aid resources in your country, by carrying out legal aid work authorized by other government agencies?

In Finland the Ministry of Justice has organized legal aid, and the State budget includes an appropriation which includes the budget for Legal Aid Offices and fees that are paid to private attorneys. It is not necessary to consolidate the system.

2. Organization

- (a) How does your organisation organize its human resources?

In Finland all public legal aid attorneys and public legal aid secretaries are civil servants. All together there are about 400 people.

- (b) Is the legal aid scheme in your country funded by the government or the private sector? Is the scheme organized on a centralized level or regional level? If the legal aid scheme in your country is organized by the government, how does it maintain independence from the government?

Legal aid is a State based system and all funding comes from the State budget.

The State budget includes budgets for Legal Aid Offices and also fees that are paid to private attorneys. The scheme is organized on a centralized level. The Ministry of Justice is, at the general level, responsible for the work of the Legal Aid Offices, but the Ministry of Justice cannot examine the substance of the legal aid services provided in individual cases. If a citizen is not satisfied with the service of his or her attorney, the Finnish

Bar Association shall look into the matter.

3. Financial Affairs

- (a) What are the sources of legal aid funding in your country?

The State budget for example for year 2009 is 59,37 milj.Euro.

Management by results in Legal Aid Offices is 25million Euro, and the fees per case by court decision is 34, 37million Euros.

- (b) Does the legal aid scheme in your country adopt a charitable model or a rebate model? Are recipients of legal aid required to repay legal aid costs at the conclusion of court proceedings?

Legal Aid Offices calculate the applicant's monthly available means. Legal aid is granted on the basis of the applicant's income, assets and expenses. The Legal Aid Office has the right to check the applicant's information from the banks. After calculation it is decided how much an applicant will pay, whether he or she will pay a part or pays nothing. Legal Aid Offices also grants when a citizen has chosen a private attorney for his or her court case.

- (c) Are court fees/filing fees and security for costs covered by legal aid?

Court cases are covered by legal aid and as I have said in court cases a citizen can choose a public legal aid attorney or a private attorney. There are two applicable government decrees: the Decree on Legal Aid and the Decree on Fee Criteria.

- (d) If provided, does this assistance increase the burden on the government's budget?

Of course, but it has no meaning in the state governed by the rule of law.

4. Supervision

- (a) Is the operation of your organisation supervised by another authority?

As I said public legal aid attorneys are supervised by the Finnish Bar Association and by the Chancellor of Justice.

- (b) How does it supervise your organisation?

If a citizen is not satisfied with the service of his or her attorney, the Disciplinary Board of the Finnish Bar Association will look into the matter. The Finnish Bar Association can also check out the whole office. This kind of check has been made in Legal Aid Office of the city of Helsinki.

- (c) What are the difficulties involved in dealing with the organization's supervising authority?

There are no difficulties.

5. Procedures and Criteria for Granting Legal Aid

- (a) Please briefly describe your organization's criteria for granting legal aid.
- Legal aid is always applied from any State Legal Aid Office. The application can be filed with any of the Legal Aid Offices, regardless of where the applicant lives. The applicant must present evidence of his or her financial circumstances and the matter for which legal aid is being sought. The necessary documents required for the legal aid application are documents that any person can find from their home, such as bank statements and salary certificates. Legal aid is not granted, if a person has legal expenses insurance that covers the matter in question. Legal aid is given only to private persons, not to companies or corporations. In Finland legal aid can be granted to anyone regardless of nationality. Everybody has the right to communicate in his or her own language, and the State will pay the fee of interpreters in Legal Aid Offices and the Court of Justice. Legal aid is granted on the basis of the income and expenses of the applicant. If the available means of a single person are under 700 euros a month, he or she pays nothing, but if it is over 1500 Euros per month legal aid cannot be granted. Spouse's income are added together and if their available means are under 1200 euros they pay nothing, but if income passes 2600 Euros a month legal aid is not granted to them. Each child under the age of 18 years attracts a deduction of 250 euros from the monthly income. As told, Legal Aid Offices have the right to contact the authorities and insurance companies and even banks to check the information, this is however not usual.
- (b) Are applicants means-tested? If so, please describe the financial eligibility criteria, any documentation required for applying, the procedures of application and assessment, and the timeframe for decision-making. Are there situations where means-testing is not required?
- Decision-making takes some hours, but not more than a day if the documents which are needed are available.
- In criminal cases where a client is in jail or if the applicant's only income is social support, means-testing is not required.
- (c) If applicants are means-tested, has consideration been given to raise the financial eligibility criteria, thus increasing the number of people eligible for legal aid?
- In Finland, even now over 70% of the population is entitled to receive legal aid, and there is no meaning to raise the financial eligibility criteria.

- (d) Who assess legal aid applications? How are these personnel recruited?
In Legal Aid Offices, public legal aid secretaries assess applications. There is continuous training in the skills of assessing legal aid matters. If a legal aid application is rejected, the Legal Aid Office will provide appeal instructions to the applicant. A rejected application can be submitted to the Court for hearing. Then the Court assesses the legal aid application and can decide to grant it. The Legal Aid Office is however the first gate to legal aid.
- (e) For court cases, is the prospect of success a consideration for deciding applications?
Yes.
- (f) Is there a requirement that an application must be made by the applicant personally?
Yes, signature for the content of the application is required. In Finland most applications come in by fax and also from private law firms.

6. Models of Service Delivery

- (a) How are legal aid cases assigned to lawyers? Are legal aid services provided by salaried lawyers, contracted lawyers, or by lawyers or law firms in other ways?
In court cases a citizen can choose the public legal aid attorney or a private advocate. However, the person assisting does not necessarily have to be an advocate, he or she can be a lawyer, but in either case the person has to be an attorney in law. So citizens have choices regarding their attorneys.

7. Legal Aid Fees

- (a) Please compare the fees paid to legal aid lawyers with fees charged by private practitioners.
The legal aid hourly rate is all the same - 122 Euros inclusive of tax. A private advocate with a full fee paying client could expect to be paid 1.5 to 3 times this much, and in Family Law cases about 1.5 times higher than the legal aid fee.

8. Legal Aid for Specific Communities

- (a) Does your organisation tailor and provide legal aid services to specific communities (for example, aboriginal people, foreign workers, plaintiffs in environmental litigation)
No, it is the same for all.

9. Scope and Types of Services

- (a) Is legal aid available for the following matters:
- (i) Litigation in civil law, criminal law, administrative law and claims for national compensation?
Yes.
 - (ii) Alternative dispute resolution?
Yes.
- (b) Does legal aid provide the following services?
- (i) Face-to-face or telephone legal consultation? What are the procedures of providing these services? Are applicants for legal consultation means-tested? How are applicants' finance assessed?
Yes, these are provided by Legal Aid Offices. We ask only the name of the applicant, to ensure that the same Office does not give this service to the opposing party. This service is free of charge.
 - (ii) Assistance during interviews at police stations?
Yes
- (c) Is legal aid available for foreign nationals?
Of course. Last year in the Legal Aid Office of Helsinki, people from over 90 countries were served in over 70 languages.

10. Innovative Legal Aid Initiatives

- (a) What are the unique features of the legal aid practices in your country?
When an applicant is granted legal aid, he or she has access to all services, there are no limitations imposed, except for the limit on the time that can be spent on cases. No more than 80 hours can be spent in non-court matters, the same applies to court matters, but the Court can grant more hours if it considers necessary.
- (b) What are your organization's innovative legal aid initiatives in the recent years?
Perhaps the signpost information made by secretaries is one of them. They give rapid answers to clients as to whether their problems are legal, or whether the client can get help from elsewhere.
We also send to clients by mobile phones a reminder a day before the appointment time.
From the beginning of next year we will implement an electronic grant system.

11. Access to Legal Aid

- (a) How does your organisation provide potential legal aid applicants with knowledge of the availability of legal aid services?
 We do this by producing publications and advertising in telephone books, and by word of mouth. We also appear as guest in many different events. All students from the ninth grade receive a “legal packet”.
 We explain in schools about when one needs legal aid and how to apply for legal aid. We also give examples of live cases, this ensures that people tell about our visit and about legal aid in their homes.
- (b) How are legal aid services provided to applicants who live in areas that lack legal resources?
 We have no lack of legal resources in Finland. We have 51 Legal Aid Offices, 30 branch offices and over 100 branch clinics to ensure that all who needs it will have access to legal aid services.
- (c) Does your organisation arrange outreach programs for legal aid lawyers? What is the performance of these programs?
 No.

12. Legal Aid Lawyers

- (a) What are the sources of recruiting legal aid lawyers?
 The Courts, the private profession, private law firms and the Prosecution.
- (b) Compared with lawyers in private practice, are legal aid lawyers as highly regarded by the police, prosecution and the courts? Do they provide facilities to make legal aid lawyers’ work more convenient?
 Yes. In some locations facilities are provided.

13. Quality Assurance

- (a) How does your organization ensure the quality of legal aid lawyers’ work?
 All public legal aid attorneys are supervised by The Finnish Bar Association and the Chancellor of Justice. The Ministry of Justice is also reflecting on its own system to ensure the quality of legal aid services.

14. Participation in Reforms

- (a) Does your organization participate in campaigns for social reforms or law reforms, with a view to reduce legal disputes?
 The Law Committee tries to hear public legal aid attorneys’ opinion before passing laws which concern the clients of public legal aid. This means that very many times in a year public legal aid attorneys are involved in the preparation of laws in the Ministry of Justice.

15. Challenges

- (a) What are the difficulties and challenges facing your organisation in promoting legal aid services?

The numbers of public legal attorneys are few while the numbers of cases conducted by each public attorney are too many. Perhaps the salary of public legal aid attorneys is also a challenge. But the legal aid system in Finland is very good.