



LAF's Quality Assurance Strategy

Promoting Client-centered
Lawyering in Legal Aid Practice



財團法人法律扶助基金會
Legal Aid Foundation

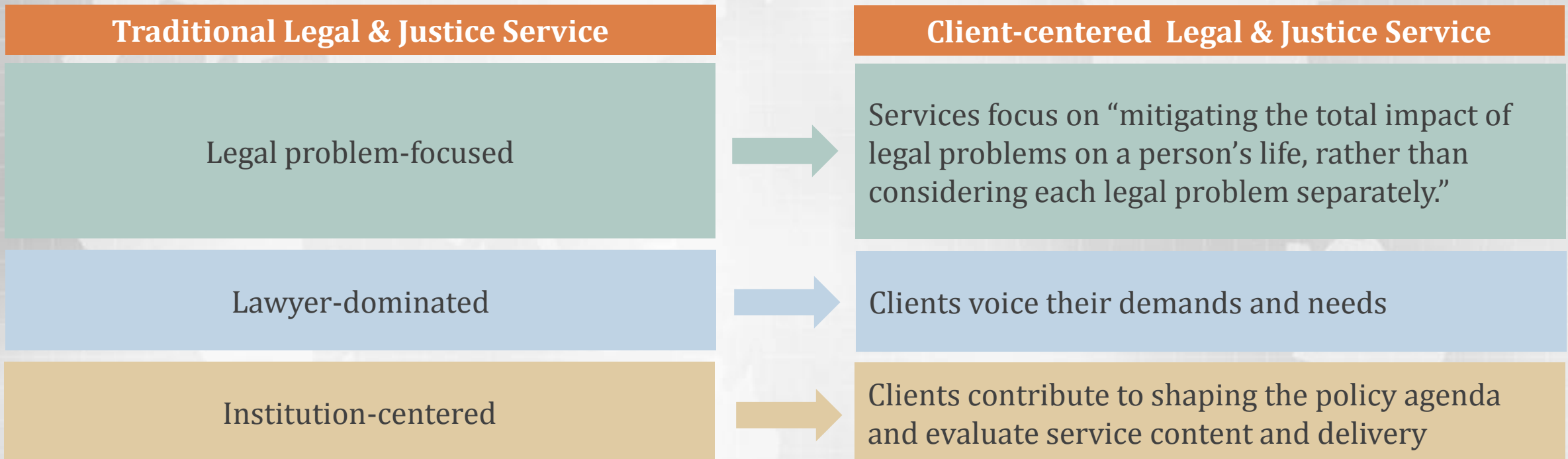
Ms. Yu-Shan Chang

2018 International Forum on Legal Aid
Taipei, Taiwan
1-3 November 2018

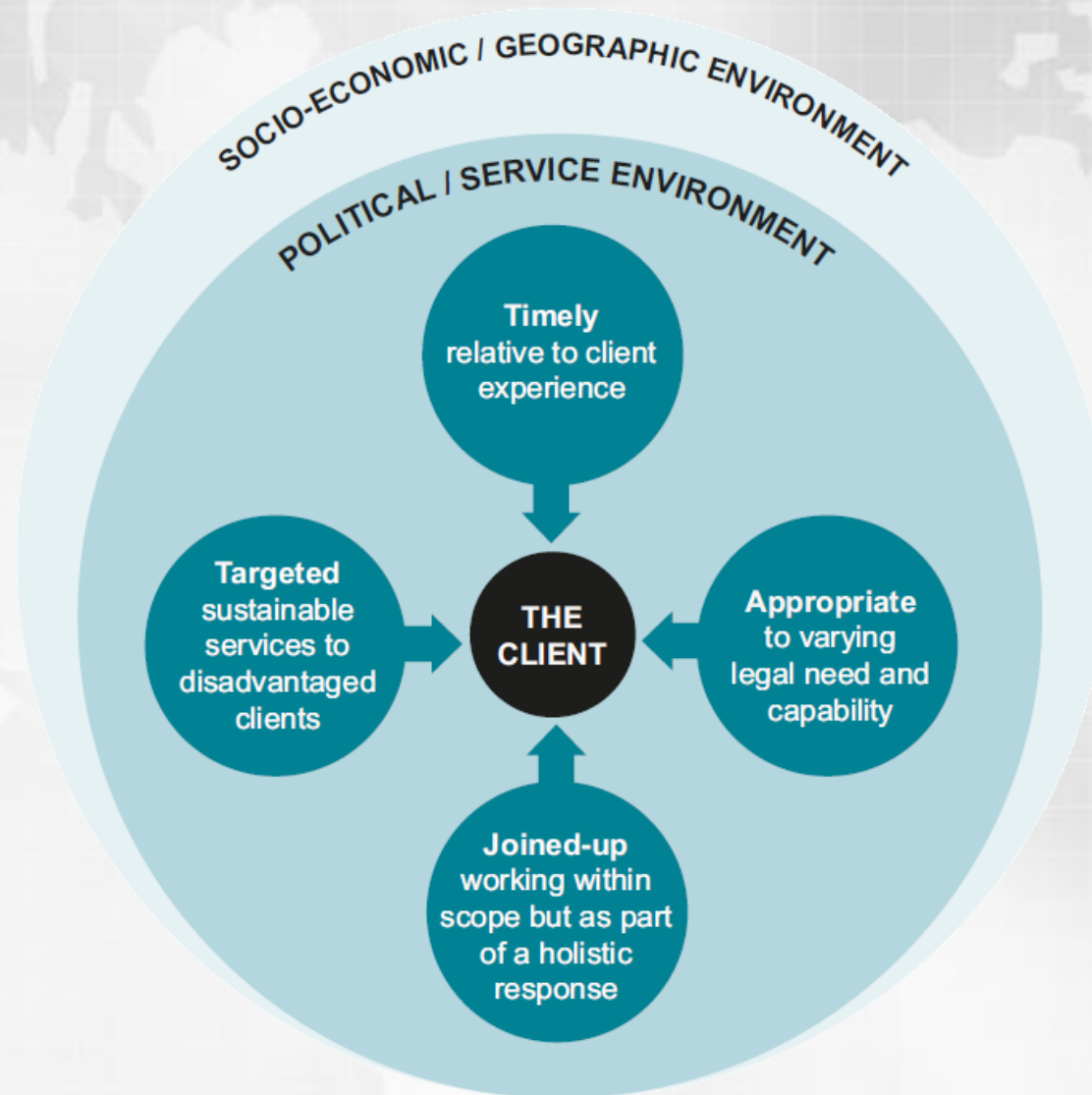
A Call for a Client-centered Legal & Justice Service (1)

“From an institution-centered perspective, users are often seen as passive recipients of services, whereas in a user-citizen, or people-centred perspective, people voice their demands and needs, contribute to shaping the policy agenda and evaluate service content and delivery. This renewed focus is sharpened by commitments under SDG No. 16 on inclusive institutions and access to justice”

OECD Policy Roundtable on Equal Access to Justice, (Session Notes, 2017)



A Call for a Client-centered Legal & Justice Service (2)



LAF's Service Model

Mixed Service Model
→ chiefly a
judicare system



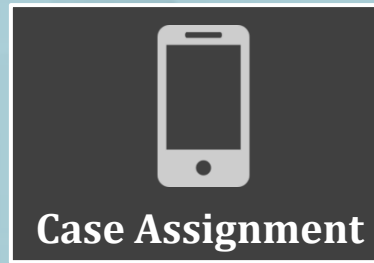
An Application
Interview
with 1 lawyer



Examination
Committee
(3 lawyers)

Applying
MEANS TEST &
MERIT TEST

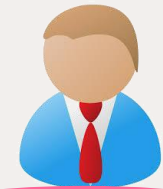
Successful
Unsuccessful



Case Assignment



LAF

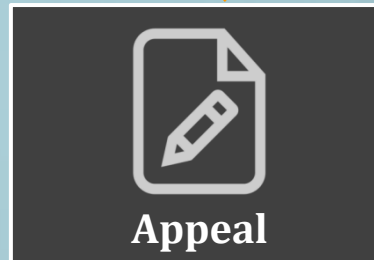


Lawyer

Private Law Firm



Lawyer



Appeal

LAF's Quality Strategy to Promote Client-Centered Service



The Development of LAF's Quality Control Systems

For Legal Aid Lawyers



The Process of LAF's Quality Review

Complaints System



Branch Routine Reviews for Case Management



Client Satisfaction Surveys



Judge & Prosecutor Feedback

Initial Investigation by the LAF Staff



Legal Aid Attorneys Evaluation Committee

- 9 members, representing the judiciary, prosecutors, lawyers, scholars etc.
- File review, meeting with clients etc.
- Making decisions:
 - Honors to the excellent ones
 - Disciplinary measures for the problematic ones



Lawyers may appeal against the disciplinary measures

The Development of LAF's Quality Assurance Systems

For Legal Aid Lawyers

Ex-ante screening measures

- Case Assignment Limit: 24 cases per year **2012**
- Entry Requirements for Legal Aid Lawyers: 2+ years of practice **2014**
- Specialist Panels: Family, Employment & Debt

2004 Establishment of LAF

Ex-post control measures

2006 ■ Setting up Legal Aid Attorneys Evaluation Committee

2007 ■ Complaints System

2007 ■ 1st Client Satisfaction Survey

2009 ■ 2nd Client Satisfaction Survey

2012 ■ 3rd Client Satisfaction Survey

2014 ■ Judges' Comments on the Lawyers' Performance

2018 ■ Judge and Prosecutor Feedback Collecting System

2018 ■ 4th Client Satisfaction Survey

The Pilot : Specialist Panel Policy (1)

■ System Design

Panel Membership Application

- Application Routes
 - Self-recommendation
 - Recommended by one of the LAF branch offices
 - Received specialized training for 30+ hours over the past 3 years
 - (Debt only) Received LAF training and was recommended by the LAF branch office
 - Publications/degree thesis in the selected area within the past 5 years

Membership Examination

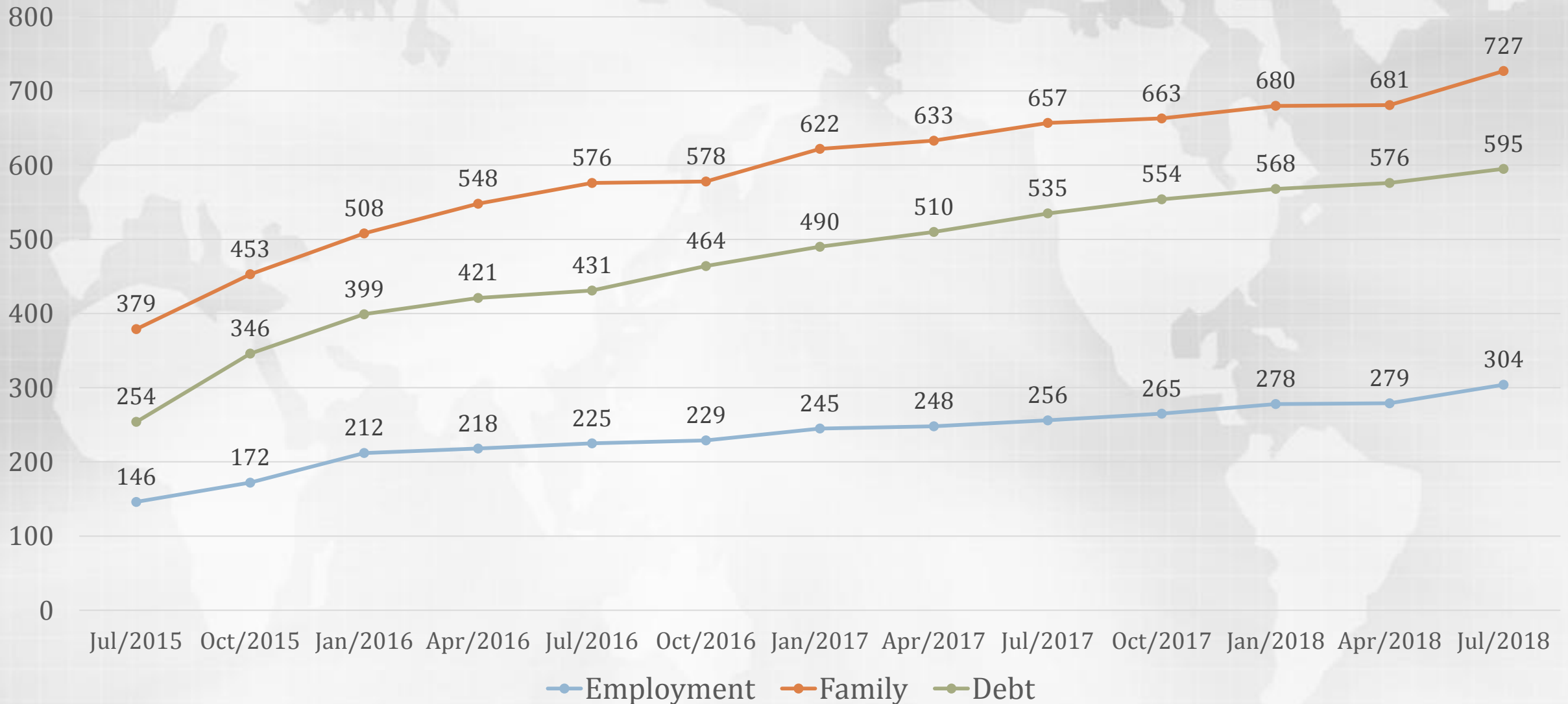
- Documents reviewed by external examiners or LAF staff, e.g.:
 - 10 or 3 copies of written submissions of court proceedings
 - A recommendation letter from an LAF branch
 - Training certificates
 - Publications/degree thesis
 - Other proof
- Finally approved by the Legal Aid Attorney Evaluation Committee

Case Assignment Exclusively for Panel Members

- Exceptions:
 - NOT applied in rural areas (2 branches)
 - Clients appointing lawyers that have undertaken the same or interrelated cases
 - For the clients' better interests, approved by the CEO
 - Cases cannot be assigned successfully due to the lack of panel lawyers
- Period of Membership : 3 years

The Pilot : Specialist Panel Policy (2)

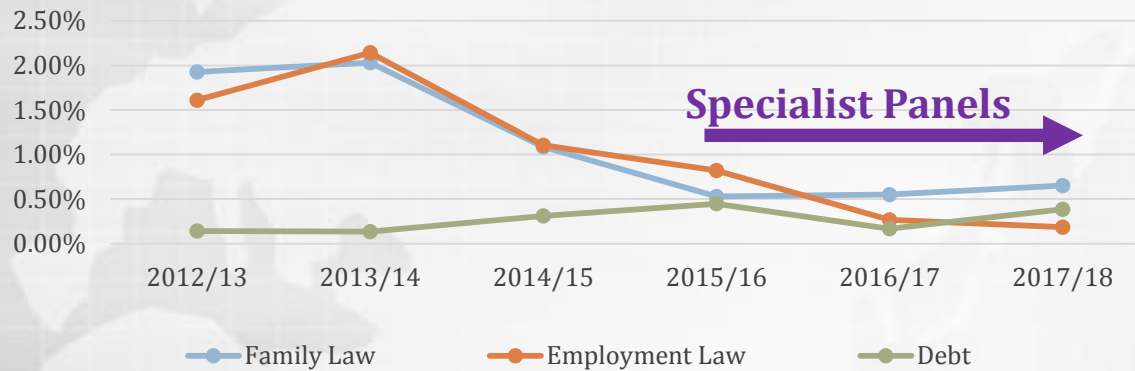
Number of Lawyers on Specialist Panels



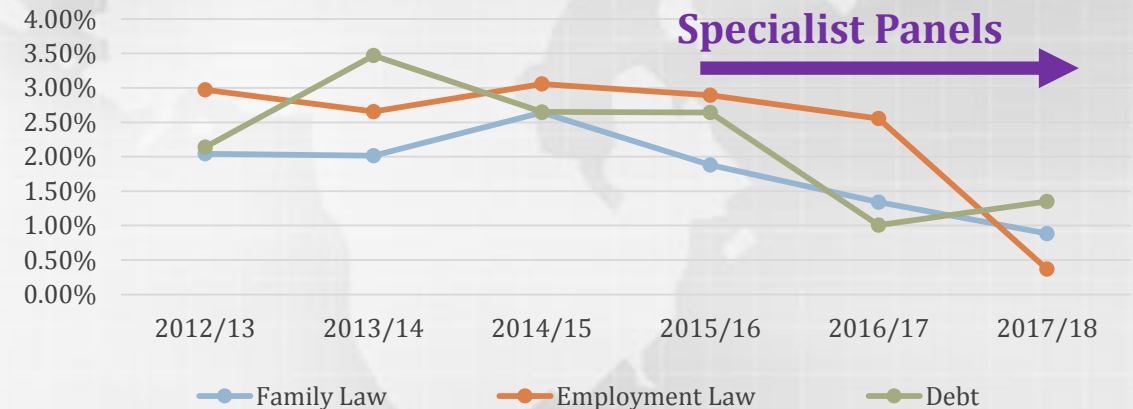
Preliminary Findings: Quality Improvements (1)

Management Data

Rate of remuneration reduction of the lawyer's imputable reasons



Rate of changes of lawyers



Branch Offices

- For the survey respondents, all (7/7) agreed that the pilot has led to better quality **REPETITION → FAMILIARITY → BETTER QUALITY**
- The interview respondents (3/4) recognised the slightly positive impact on quality, ruling out the worst lawyers
- However, the interviewed branches stated that they still need to do the 2nd-tier screening for case assignments as the respondents questioned the limited effectiveness of the screening approach used to assess quality

Preliminary Findings: Quality Improvements (2)

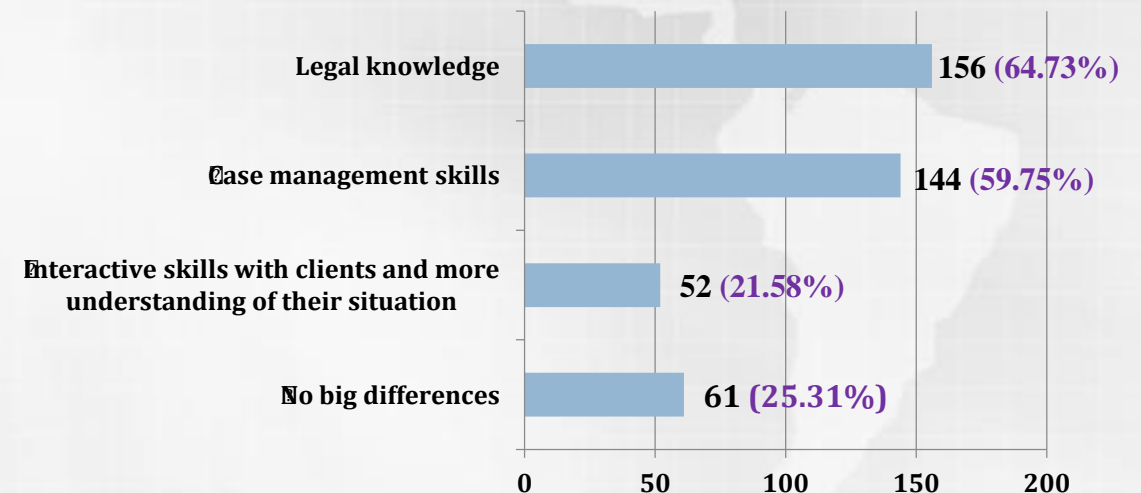
■ NGOs:

- **NGOs expressed their clients' common expectations of lawyers:**
 - ✓ **Attitude: patient, compassionate, caring and supportive...**
 - ✓ **Professional capabilities: good communication, analytical and explanatory skills (e.g. avoiding legal jargon)**
- **NGO respondents express diverse experiences and perspectives:**
 - ✓ Apparently positive improvements: about 1/3 respondents (family, employment)
 - ✓ Positive improvements occur but unqualified lawyers still exist: about 1/3 of respondents (family, debt)
 - ✓ No big differences before and after the pilot (→ always good) (1 NGO in family area)
 - ✓ Can't comment because they use the same group of lawyers whom are mostly on the specialist panels (2 NGOs in employment area)

■ Lawyers

(survey respondents \doteq 20% of the panel lawyers)

- **75% of survey respondents recognized improvements in their professional skills**
- **However, most of the recognized improvements focused on legal technical skills, rather than their understanding of the clients' situation**



Challenges and Future Plans

■ Disadvantages & Challenges



■ Future Plans

- Pilot extended for 3 more years
- Providing financial incentives
→ Remuneration adjustments
- Increasing intangible incentives
- Considering new panels:
 - ✓ Serious Crimes
 - ✓ Children and Youth Legal Services
 - ✓ Immigration/ Human Trafficking

The Development of LAF's Quality Control Systems

For Legal Aid Lawyers

The foundation of quality assurance

- On-job Training Courses 2006

Ex-ante screening measures

- Case Assignment Limit: 24 cases per year 2012
- Entry Requirements for Legal Aid Lawyers: 2+ years of practice 2014
- Specialist Panels: Family, Employment & Debt

2004 Establishment of LAF

Ex-post control measures

2006 ■ Setting up Legal Aid Attorneys Evaluation Committee

2007 ■ Complaints System

2007 ■ 1st Client Satisfaction Survey

2009 ■ 2nd Client Satisfaction Survey

2012 ■ 3rd Client Satisfaction Survey

2014 ■ Judges' Comments on the Lawyers' Performance

2018 ■ Judge and Prosecutor Feedback Collecting System

2018 ■ 4th Client Satisfaction Survey

Beyond Screening and Monitoring — Training

- **Continuous training is the foundation to enhance a lawyers' capacity to deliver more client-centered services**
 - The social-legal issues that LAF is deeply involved in are often not the main focus for law school students/lawyers because they are not the main subject of bar exams/private legal practice
 - Many emerging human rights issues involving disadvantaged people continue to arise rapidly, and laws may change accordingly
 - The socially disadvantaged situations that legal aid clients are standing in may be different from those of private practice clients
- **In recent years, LAF has held more than 40 regional training courses for legal aid lawyers across the country per year, covering the following topics:**
 - employment, family, consumer debt, human trafficking, refugees, migrant workers, evictions and housing rights, juveniles, indigenous people and persons with disabilities etc.

LAF's Approach to Organizing Training Courses

■ Speakers:

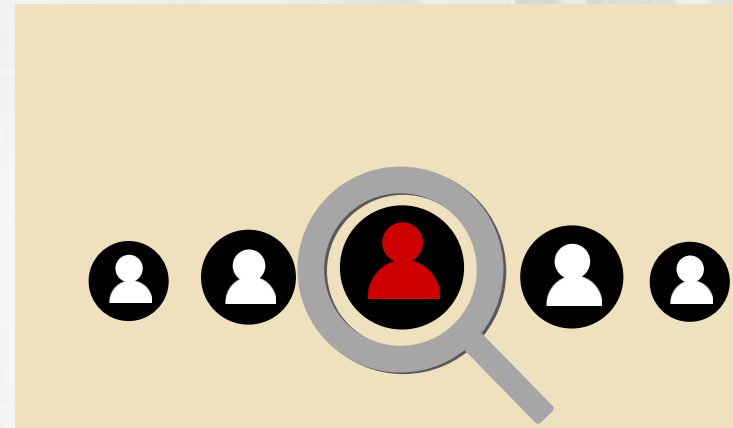
- Legal and multidisciplinary experts, practitioners, NGOs and social workers and community support workers from the relevant fields
- Clients/potential clients of the targeted groups

■ Content:

- Legal technical knowledge
- Background knowledge of the clients' circumstances
- Technical skills (e.g. interpersonal communication skills)



Know the problem



Know Your Customer

Learning by Experiencing

■ e.g. Immersive Tribal Experience Camps (since 2015)



Challenges & Future Prospects

- Keeping the balance between monitoring/screening and training/empowerment
- Keeping the balance between respecting both the professionals' and clients' voices

Balancing

Refining

Strengthening

- Developing more appropriate and effective indicators and evaluation approaches to assess quality improvements
- Differentiating between the quality assurance systems and management indicators for different specialist panels

- Enhancing the legal aid lawyers' awareness and capability to work with different professionals to provide a more holistic service
- Strengthening their understanding of vulnerable clients to facilitate law reform work
- Broadening the traditional focus of lawyering as advocacy to include proactive and preventive roles, skills and mentalities

Thank You

**Thank you for listening.
Any comments and suggestions are welcome.**



財團法人法律扶助基金會
Legal Aid Foundation

Ms. Yu-Shan Chang

Researcher

Legal Aid Foundation, Taiwan

E-mail: yschang@laf.org.tw