

Legal Aid Board

Extracts from the report by Letty Molopa SC, the GCB's representative on the Legal Aid Board

The Legal Aid Board (LAB) approved the LAB Strategic Plan 2006 in November 2005. To implement this strategic plan and realise the vision and mission of the LAB, annual business plans are developed and executed.

Briefing patterns

Insofar as the briefing patterns under judicare are concerned, the LAB uses a quota system. Currently the structure of the quota is such that for every four African legal representatives who receive briefs, two Indians, two Coloureds and one White advocate will receive a brief, ie, the ratio is 4:2:2:1 in respect of A, I, C and W respectively.

It must be noted that women are not specifically catered for in the current quota system. I have taken up the issue with management and they promised specifically to include women, both black and white, in the quota system. The quota system has in fact been built into the accreditation system which the LAB now uses to accredit the practitioners who are interested in doing Legal Aid work.

What in essence has to happen is that practitioners who are interested in doing Legal Aid work have to apply at the various Justice Centres in their regions to be accredited; their data is then kept on the system, and this system keeps a roster and rotates the work according to the quota system amongst the accredited practitioners.

Backlog on payments

Insofar as the backlog on the payments of judicare practitioners is concerned, I have

been informed by the LAB secretariat that the backlog is completely up to date. All practitioners have now been paid. Currently the accounts of the practitioners are paid within 30 days of receipt. The only delays are when there are queries and the accounts are sent back to the practitioners. However, once the queries have been cleared, the accounts would be paid within 30 days. I have been assured that the system is working nationally.

Funding

The LAB is pushing for the acquisition of funding for children's matters. Presently there is money set aside for matters relating to children. Treasury has allocated R10 million specifically for children's matters. The LAB is now in the process of setting up children's units at various Justice Centres, and, to date, specialists have been appointed to assist children in both civil and criminal matters. The LAB currently finances the Rural Legal Trust, an organisation that deals with land disputes. Furthermore, the LAB funds the Land Legal Clusters which deal with Land Claims / PIE matters.

The need for the LAB to provide civil legal services

The LAB has since its establishment in 1969 provided legal aid in both criminal and civil cases. The advent of the Constitution resulted in a huge increase in legal aid in criminal cases, which virtually consumed all of the LAB's funds.

For this reason, in 2004/5 only 11% of the new cases taken on at Justice Centres were civil cases. As a result, the criminal legal aid system is now up and running, whereas the civil legal aid system is highly inadequate. There is thus a need for the civil legal aid to be provided by the LAB on an adequate scale. For this reason, the LAB has made a submission to the Minister of Justice and Constitutional Development, setting out the need for the LAB to provide civil legal services and thereby motivating the additional funding for this purpose.

Amendment to the Legal Aid Act

The current Legal Aid Act does not sufficiently provide for the role of the LAB under the Constitution, nor has the Act been appropriately amended to recognise and provide for the LAB's new role. The LAB has accordingly decided that a new Legal Aid Act should be drafted and a task team has been constituted in conjunction with the Department of Justice and Constitutional Development. It is envisaged that a new Legal Aid Act will at the earliest be considered by Parliament in 2007.

An amendment of the Attorneys Act is also sought to address a clear lacuna in the law that affects the Legal Aid Board's ability to register candidate attorneys to render community service.

General

The LAB, has constituted various committees for its effective functioning: an Exco, an Audit Committee, a Remuneration and Human Resources Committee and the Legal Services Committee. These committees function effectively and, together with management, they run the LAB effectively and competently.

Legal Aid Board Justice centres per province

Province	Justice Centres	Satellite Offices	High Court Units
KwaZulu Natal	10	4	2
Mpumalanga	4	4	0
Eastern Cape	10	7	4
Free State	4	2	1
Western Cape	7	8	1
Northern Cape	3	1	1
Gauteng	8	3	3
Limpopo	5	3	0
North West	7	1	1
Total	58	33	13

Legal Aid Board staff per province (Legal and support staff)

	Number of Justice Centres	Legal staff	Non-legal staff	Total
Eastern Cape	10	194	57	251
Free State	4	76	23	99
Gauteng	8	284	61	345
Limpopo	5	85	24	109
North West	7	106	30	136
KwaZulu Natal	10	224	60	284
Mpumalanga	4	71	15	86
Western Cape	7	211	39	250
Northern Cape	3	44	11	55
National Office		6	129	135

Legal services delivery 2005/2006

Region	New Matters	Finalised Matters	Pending Matters	%	Total
Justice Centre	291,457	264, 825	150,295	85% 87%	
Judicare Matters	42,787	32,941		13% 11%	
Co-operation Partners	6,000	5, 360		2% 2%	-
New Matters					340,244
Finalised Matters					270,185