



**Standard Operational Procedures**

**for**

**Legal Aid Lawyers and Legal Procurators assisting  
legal aid clients**

**July 2018**

**V.01**

## 1 Legislation

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The legal basis for the processing of Legal Aid Applications are laid down in the provisions of:

- Book III - Title X and Title X A of Chapter 12 of the Laws of Malta;
- Book II – Section II – Title III of Chapter 9 of the Laws of Malta;
- Legal Notices 414 of 2014;
- Legal Notice 64 of 2016.

Legal aid lawyers and legal procurators are nominated by the Minister responsible for Justice according to Article 89 and the list published as per Article 91 of Chapter 12 of the Laws of Malta.

The aim of these Standard Operating Procedures for legal aid lawyers and legal procurators is for these to provide legal services to eligible indigent clients with the same level of service given to private clients.

Legal aid lawyers and legal procurators will also bind themselves to provide reports as and whenever they are requested to do so by the Agency.

## 2 Acronyms

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LAM	-	Legal Aid Malta (referred to as ‘the Agency’)
MJCL	-	Ministry for Justice, Culture and Local Government
SOP	-	Standard Operational Procedure

## 3 Objectives

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3.1 These SOPs lay down the procedure to be followed when a Court decree nominating the lawyer and legal procurator to assist the client has been given. The lawyer and legal procurator are to assist the client by giving advice and legal representation before a Court or as stipulated by law.

3.2 These SOPs lay down the obligations lawyers and legal procurators have towards the client.

3.3 These SOPs lay down the procedure for the investigation of any complaints made by the client.

3.4 These SOPs oblige appointed legal aid lawyers to provide reports as and whenever they are requested to do so by the Agency.

## 4 Procedure for legal aid assistance

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4.1 In Civil cases:

- 4.1.1 The Court Registrar provides the Agency with the name of the lawyer and legal procurator who will be assisting the client.
- 4.1.2 The Agency informs the assigned lawyer and legal procurator with the name and details of the assigned legal aid client by email.

4.1.3 This same email will include the relevant documents pertaining to the issue for which the lawyer and legal procurator have been assigned.

4.2 In criminal cases:

4.2.1 Legal aid lawyers shall be available to assist clients in criminal matters according to the established daily roster issued by the Registrar of the Criminal Court.

4.2.2 Legal aid lawyers are also obliged to call upon clients held under arrest before interrogation and clients being detained in prison.

4.2.3 Legal aid lawyers are obliged to continue to assist clients after the first arraignment by the Police before the court.

4.3 Legal aid lawyers shall provide the assigned client with an appointment within a reasonable time and depending on the urgency to discuss and give the necessary advice.

4.4 Legal documents shall be prepared and presented to the Court Registries within the pertinent legal timeframes and according to the exigencies of the client's issue.

4.5 Legal procurators for legal aid shall be readily available at the Court Registries for the preparation and presentation of documents as instructed by the legal aid lawyers.

4.6 A legal aid lawyer cannot charge any fees in respect of their assigned legal aid clients.

i) In criminal law cases and those related to victims of crime, a legal aid lawyer may **never** charge any fees.

ii) In civil law cases, a legal aid lawyer may only recover payment of the Bill of Costs issued by the Court Registry as stipulated in Article 921 of Title X of Chapter 12 of the Laws of Malta.

## 5 Other obligations

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5.1 Legal aid lawyers and legal procurators are obliged to provide the Agency with updates on the cases assigned to them at least every two (2) months.

5.2 Lawyers or legal procurators that for whatever reason do not continue to provide their services as legal aid lawyers or legal procurators are to provide the Agency with an update and complete list of cases that they were working on within one (1) month from the date of termination. The Agency reserves any right to proceed as necessary against any lawyer or legal procurator that does not provide this updated list.

5.3 If an appointed legal aid lawyer does not consider that the *causa probabilis litigandi* will subsist, said legal aid lawyer must inform the Agency in writing immediately.

5.4 No legal aid lawyer may unilaterally refuse to provide his or her services to a client of the Agency.

## 6 Disciplinary Board

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6.1 Complaints made by legal aid clients shall be treated seriously.

6.2 There shall be a Disciplinary Board independent of the Agency that shall listen to complaints made by clients of the Agency and forwarded to the Board for examination by Head Advocate for Legal Aid.

6.3 The Board shall recommend any action which it deems fit to be taken by the Head Advocate for Legal Aid or the Minister for Justice according to the circumstances of the case.

## 7 Training

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7.1 Legal aid lawyers and legal procurators shall be required to attend compulsory training organised by the Agency or any other training that the Agency deems fit for the proper fulfilment of their duties.

7.2 Legal aid lawyers and legal procurators that do not attend this training without a truly justified reason shall also be referred to the Disciplinary Board.

## 8 Appendices

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Appendix A: Book III - Title X and Title X A of Chapter 12 of the Laws of Malta;

Appendix B: Book II – Section II – Title III of Chapter 9 of the Laws of Malta;

Appendix C: Chapter 539 of the Laws of Malta;

Appendix D: Legal Notices 414 of 2014;

Appendix E: Legal Notice 64 of 2016.