

legal merits and the likely outcome if it goes to court. We will also consider if your case is a public interest or 'test' case. This means other people would benefit in the future from your case going before a court.

Step 8 — Sign a client acknowledgment

If your application is approved, you'll need to sign a client agreement and acknowledgment, agreeing to repay the scheme any expenses it pays on your behalf. You repay these costs when your case has been settled and you've received a compensation payment.

Step 9 — Your lawyer will prepare your case

Your lawyer will attempt to negotiate a settlement for your claim. Hopefully you can sort out your legal issue through mediation and it will settle without needing to go to court.

Step 10 — Your case may go to court

If your lawyer cannot negotiate a settlement, your case may have to go before the appropriate court or tribunal. You should keep in mind that the court could award costs against you if your case is not successful, which means you could have to pay the expenses of the other parties involved. These costs cannot be claimed from us, Legal Aid Queensland or the Public Trustee of Queensland. You should talk to your lawyer about the possibility of having to pay these costs before you begin a claim.

Step 11 — Receive a payment and reimburse us

If your case is successful and you receive a payment or financial gain from the action (money and/or property), you must reimburse the CLLAS for any costs paid on your behalf. You will also have to pay your lawyer's costs.

If your claim is unsuccessful you do not have to pay your lawyer's fees or repay any costs to the scheme.

Can my funding be cancelled?

Your assistance may be varied or cancelled if:

- the information you or your approved legal practice provided was inaccurate
- you refuse to accept appropriate legal advice from your approved legal practice
- you no longer meet the means test due to a change in financial circumstances
- the application no longer meets the eligibility criteria under the CLLAS guidelines
- we consider there is another justifiable reason to cancel or vary our assistance.

What if my application is not successful?

There is no right of appeal to Legal Aid Queensland or the Public Trustee of Queensland on a refusal decision issued by the CLLAS. However, we will reconsider any decision to refuse aid if you can provide new relevant information.

For more information contact

The CLLAS Coordinator
Legal Aid Queensland
GPO Box 2449 Brisbane Qld 4001

Phone 1300 65 11 88
www.legalaid.qld.gov.au



Civil Law
Legal Aid Scheme

Funded by The Public Trustee of Queensland | Administered by Legal Aid Queensland

Need help with a civil law claim? Check out the

Civil Law Legal Aid Scheme

a client's guide



Legal Aid
QUEENSLAND

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April 2015

What is the Civil Law Legal Aid Scheme?

The Civil Law Legal Aid Scheme (CLLAS) helps financially disadvantaged people who have a civil law claim by paying some of the costs involved in preparing a claim for settlement negotiations or court proceedings.

What cases do you fund?

We will consider funding civil law claims that meet our funding guidelines. Priority is given to matters involving children, personal injury or matters where the applicant could lose their home or livelihood. We can also assist with public interest and test cases.

What cases won't you fund?

The CLLAS will not provide funding for:

- environmental impact/development claims
- total and permanent disability compensation claims
- motor vehicle property damage claims
- class actions
- family/defacto relationship property claims.

Who can access the scheme?

You will need to meet the following criteria to be eligible for funding:

- Your civil law claim or action must not be a matter that is eligible for assistance from Legal Aid Queensland.
- Your civil claim or action must be able to be dealt with by a Queensland court or tribunal.
- You must be represented by an approved legal practice.

- The legal practice must agree to represent you on a 'no win, no fee' basis. This is called "speculating" fees.
- The damages that you are likely to be awarded must be more than \$20,000.

You must meet the CLLAS means test, and the CLLAS merits test or the public interest/test case criteria. For more information about the means test, merit test and other criteria, you can view the scheme's guidelines at www.legalaid.qld.gov.au or contact us and we can send you out a copy.

How does it work?

Step 1 — Call Legal Aid Queensland on 1300 65 11 88

Our client information officers can give you information about the scheme. If they believe the scheme may be able to assist you with your legal issue they will send you a CLLAS application form. You can also print a form from the Legal Aid Queensland website.

Step 2 — Complete an application form and submit it to Legal Aid Queensland

If you need help completing your application contact Legal Aid Queensland on **1300 65 11 88**.

Send the completed application to:

The Civil Law Legal Aid Scheme Coordinator
c/o Legal Aid Queensland
GPO Box 2449
Brisbane Qld 4001

Step 3 — Initial assessment of your application

We will do an initial assessment of your application. If you meet the means test and your legal issue meets our guidelines, we will write to you explaining how the scheme works and the steps you will need to take. We will also include a list of CLLAS approved legal practices in your region.

Step 4 — Find an approved legal practice

Contact a CLLAS approved legal practice in your area and make an appointment to have an initial consultation with a lawyer. Some legal practices provide free initial consultations, but you should check this when you make your appointment. If the lawyer advises that you have a viable civil law claim or action, you should ask the practice to represent you on a speculative or 'no win, no fee' basis. Tell them you have applied to the CLLAS for financial assistance with the outlays associated with your case. You should give the legal practice a copy of your letter from us so they can access your reference number and any extra information we have requested. The legal practices do not have to take you on as a client on a speculative basis; they will only do so if your claim meets their requirements for these types of cases.

Step 5 — Talk to your lawyer about their fees

Find out how much you would have to pay the lawyer if you win your case or receive a settlement. You should get these costs in writing and sign a costs agreement. You do not have to pay your lawyer until your case has been successfully finalised.

Step 6 — Your lawyer will give us a budget for outlays

The budget will outline the initial outlays needed to prepare your case for settlement negotiations. Outlays are things like expert reports, court filing fees and fees to copy documents etc. Outlays do not include professional fees for legal practice staff or barristers. We will consider funding the outlays identified in the budget provided by your lawyer.

Step 7 — Your application is assessed

When we receive confirmation that an approved legal practice has agreed to represent you on a speculative 'no win, no fee' basis, we will assess your application. We will consider your case's