



The Conditions for Obtaining Legal Aid

Interview with the Legal Aid Staff

Decision Regarding Provision of Aid

Filing an Application for Aid >

The Conditions for Obtaining Legal Aid v

The Department's Examination of Economic Eligibility

The Conditions for Obtaining Legal Aid

A. GENERAL

As a rule, eligibility for receiving legal aid is conditional upon three cumulative conditions:

1. The legal aid is required in one matter or in several matters in which it is possible to receive legal aid (Regulation 5 of the Legal Aid Regulations, 5733 – 1973).
2. The applicant for aid is eligible to receive it from the economic aspect (Regulation 2 of the Legal Aid Regulations, 5733 – 1973).
3. There is legal chance of winning the claim (Section 4 of the Legal Aid Law, 5732 – 1972).

B. THE MATTERS IN WHICH LEGAL AID IS PROVIDED

- Family matters within the meaning thereof in the Family Affairs Court Law, 5755 – 1995, including: divorce, annulment of marriage, maintenance, child custody, visiting arrangements, protective order within the framework of domestic violence, stay of exit order, change of age/name, succession, etc.
- Protection of rights concerning residence, including ownership, claims for eviction and removal, rent, key money and repairs to premises, excluding registration of the acquisition of a right in land or any other act in connection therewith.
- Financial matters, including torts.
- Matters that the Labor Tribunal is competent to hear, such as claims for wages, severance pay, social benefits, etc., excluding criminal matters.

- Claims pursuant to legislation granting pensions, bonuses, rehabilitation or other rights for the disabled or families.
- Claims in any matter concerning the rights of discharged soldiers.
- Claims pursuant to the Law of Return, 5710 – 1950, the Citizenship Law, 5712 – 1952, the Population Registry Law, 5725 – 1965.
- Matters of business, occupations or professions licensing and the regulation thereof in legislation.
- Representation in forced hospitalization committees – via the Treatment of the Mentally Ill (Amendment No. 5) Law, 5764 – 2004, legal aid is granted by the legal aid districts to persons forcibly hospitalized by virtue of a hospitalization order, including their representation before the District Psychiatric Committees.
- Representation in civil proceedings of victims of human trafficking offenses.
- Representation of foreign minors before the Illegal Entrants Custody Control Tribunal.

C. PROOF OF ECONOMIC ELIGIBILITY

Regulation 2 of the Legal Aid Regulations, 5733 – 1973 prescribes the economic tests for granting legal aid. Excluding in matters of National Insurance and representation of persons forcibly hospitalized where there is no means test, the aid is only granted to those eligible for it from the economic aspect.

THE MEANS TEST INCLUDES TWO CUMULATIVE TESTS:

1. THE INCOME TEST – an individual or a family of up to three persons whose income is up to 67% of the average wage in the economy (presently 6,482 ₪). There is an addition of 6% for each additional person. The test relates to gross income. The spouse's income is not examined in personal status matters. According to a directive from the Legal Aid Supervisor, the maintenance he pays to his wife and children should not be deducted from the income of the applicant for legal aid. However, if it is proved that the person is paying maintenance, they shall be deemed to be extra persons for the purpose of calculation of the eligibility for aid.

2. THE PROPERTY TEST – the applicant's liquid property (savings, vehicle, etc.) or property on account of which a loan may be obtained, does not exceed three times the average wage in the economy (presently 29,025 ₪).

The property test does not apply to a residential apartment or the spouse's property.

D. LEGAL CHANCES

Section 4 of the Legal Aid Law, 5732 – 1972 prescribes that "the District Director may dismiss an application for legal service if he is of the opinion that the applicant's matter is merely frivolous or vexatious, or is unreliable, or it has no reasonable basis from the legal, factual or evidential aspect, and he may order that the service that has commenced be terminated and that the applicant repay the expenses that the District has spent on the service provided, all as prescribed in the Regulations".

The statutory provisions require, therefore, that in every single case (excluding representation before the District Psychiatric Committees) the legal chance of success in the proceeding shall be examined. Within this framework, both the factual aspect and the legal aspect are examined, while examining the evidence and legal arguments of the opposing party.

It should be emphasized that this aspect requires a great deal of professionalism in particular in view of the multiplicity of relevant matters and proceedings. Likewise, we are required to conduct a thorough examination in every single case that requires your cooperation in providing relevant information and documents.

Share via  Facebook  Twitter