

2015-UNAT-577, Staedler

UNAT Held or UNDT Pronouncements

Noting that UNDT concluded that the Office of Staff Legal Assistance (OSLA) had provided the Appellant with legal assistance and that its refusal to provide legal representation was reasoned, appropriate, and did not breach any lawful obligations of OSLA, UNAT held that UNDT did not err in law or fact or exceed its competence in reaching this conclusion. UNAT found no fault with UNDT's rejection of the Appellant's contention that OSLA had no discretionary authority. UNAT held that UNDT did not err in law or fact or exceed its competence in finding that the reasons for OSLA's decision were valid and not arbitrary. UNAT held that UNDT did not err in its findings that: OSLA had provided the Appellant with legal advice or assistance; OSLA conducted a full review of the cases before the contested decision was made; and OSLA had stressed that it would remain at the disposal of the Appellant to provide him with focused advice on specific legal questions and never closed its doors to the Appellant. UNAT held that UNDT did not err in law or fact in concluding that the Appellant had failed to meet his burden to show bias or prejudice against him as the motive for OSLA's decision.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Office of Staff Legal Assistance (OSLA) not to represent him. UNDT rejected his application.

Legal Principle(s)

Services provided by OSLA and the manner in which the representation is implemented can have an impact on a staff member's terms of appointment and therefore can fall within the jurisdiction of UNDT, without interfering with the professional independence of counsel. The right of staff members to receive assistance from OSLA does not amount to a right to be represented by OSLA. The

discretionary power of OSLA not to represent a person is not unfettered.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Staedler

Entity

UN-Habitat

Case Number(s)

2014-671

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Legal services (OSLA or other) and self-representation

Legal assistance

Legal representation

Applicable Law

Staff Rules

- Rule 11.4(d)

UNAT Statute

- Article 7.5

UNDT Statute

- Article 11.1

Related Judgments and Orders

UNDT/2014/127

2011-UNAT-135

2012-UNAT-211

2012-UNAT-199

2010-UNAT-084

2013-UNAT-359

UNDT/2014/057

UNDT/2014/058

2015-UNAT-546

2015-UNAT-547

2015-UNAT-511

2014-UNAT-420

2012-UNAT-254

2012-UNAT-260

2013-UNAT-309