



The Law Society

**What Price Justice?
The Law Society's legal aid campaign**

Research and case studies

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Desert or Oasis: Mapping Social Welfare Law Provision in England

October 2006

[Download the research](#)

Case histories

Jenny Beck won Family lawyer of the year 2006 in the awards run by the Legal Aid Practitioners Group and Independent Lawyer magazine.

Jenny works for TV Edwards, one of the few remaining law firms doing family legal aid cases in Tower Hamlets, an inner city area with high levels of poverty and social problems. Jenny is facing a 40-50 percent drop in her income through these reforms. There is simply no way she could afford to continue to do legal aid work despite her dedication to public service; it's simply not possible to run a business at a loss.



Jenny's former client, Tracey Pearman, had previously been addicted to heroin and was in a dangerous relationship with the family of her newborn son Lewis. Social services tried to remove Lewis from Tracey.

Advice, support and help from Jenny helped to keep the family together. Tracey has now got her life back on track. The case cost £9,000 in legal aid money but the cost to the state of social care would have been much greater if the family bond had not been maintained. And the human cost to Tracey and her son would have been immeasurable.

Solicitor Jennifer Horsfield works for Hegarty LLP – the only firm doing housing legal aid in Peterborough. The closest alternative for people is 34 miles away in Grantham, Lincolnshire.

Jennifer has many vulnerable clients who must travel fifty miles or further for help. One client has to pay £60 to get a taxi to see her; but hardly any of her clients can afford to pay £60 for a taxi journey – others are physically unable to get a taxi.



Fixed fees set at unrealistically low levels will leave solicitors unable to afford to continue with home visits. People with more complex cases living many miles from a legal aid adviser will suffer most. Complex cases – most cases – cannot be handled exclusively by telephone. Face-to-face meetings are vital for people's legal representatives to be able to fully understand their circumstances and needs and to explain the options.

One of Jennifer's clients, Maggie Ellery, lives 12 miles from Peterborough. Maggie suffers from diabetes. She has had both legs amputated and has had heart and memory problems. Maggie relies upon the extra support provided by warden-controlled accommodation.

Maggie's case became so serious because housing benefit is paid directly to the landlord. Therefore, the first Maggie knew that that the authorities had stopped paying her housing benefit was when she received court papers seeking to evict her.

Jennifer was able to have proceedings suspended and a claim for housing benefit back dated to cover most of the rent arrears. As a result, Maggie has been able to remain in her own home.

Economic analysis shows risk of serious disruption to legal aid services

26 September 2006

A new, independent economic analysis of Carter proposals' impact on criminal legal aid warns that more than 800 legal aid firms could be forced out of business – double the number predicted by Lord Carter. The LECG report cautions that after years of restricted rates and limited profits the supplier base is fragile. Criminal legal aid firms are at best marginally profitable. Typical profits, allowing for all costs, range from only 2% down to about -6%, a significant loss.

[Read a press release](#)

[Download the LECG report](#) (PDF, 257kb)

Online surveys show practitioners concerned about proposed fees

14 September 2006

The Law Society ran a series of online surveys for practitioners from different specialisms.

The results show real concern that the new fee structure could threaten the viability of firms doing legal aid work. Government needs to address this problem now, and look again at these proposed fee levels before the end of the consultation, when firms are likely to start voting with their feet.

- 89% of practitioners believe the new fee systems will result in less fees per annum.
- 81% of practitioners believe that their firm was less likely to undertake publicly-funded work in the future.

Criminal legal aid survey - 262 responses

- 55% of practitioners were unsure if they would continue doing the work if a new specialist panel of suppliers for very high cost criminal cases was introduced.
[download the full results](#) (PDF, 84kb)

Civil legal aid survey - 436 responses

- 95% of practitioners believe that the introduction of fixed fees to replace tailored fixed fees in civil controlled work would lead to the work not being viable.
[download the full results](#) (PDF, 53kb)

Family legal aid survey - 384 responses

- 71% of practitioners believe they will be forced to devolve a significant amount of publicly-funded work to non-qualified or less experienced staff.
[download the full results](#) (PDF, 69kb)

Mental health legal aid survey - 85 responses

- 78% of practitioners who are considering continuing to represent publicly-funded clients think that the quality of advice/representation they are able to offer will decline.
- 80% of practitioners were against including time spent travelling and waiting in the graduated fee.
[download the full results](#) (PDF, 65kb)

Immigration legal aid survey - 44 responses

- 70% of practitioners were against fees and additional payments specified applying to all suppliers, irrespective of geographical location.
[download the full results](#) (PDF, 74kb)

The government's plans could hit some groups of clients particularly hard

Black and minority ethnic clients

The proposals represent the greatest challenge to small firms. Therefore BME firms, particularly in large urban areas, are more likely to close. There is also likely to be an adverse impact on BME communities as it has been established that BME clients are more likely to instruct a solicitor from a BME-managed firm.

Disabled clients

The fact that many solicitors serving clients with disabilities may be forced out of legal aid work poses a particular risk to this group. People with disabilities often need more time and assistance with their cases.

Clients from rural communities

The proposals to deliver legal aid services through larger firms could prove to be a particular disadvantage to clients in rural areas that are currently served by smaller firms.

The government must invest now to preserve access to justice

The central theme running through the government's proposed reforms is the need to control costs. Yet in recent years the average costs for most types of case have actually fallen in real terms. Legal aid firms are already very efficient, yet many still find it impossible to survive, leaving the whole sector's future uncertain even without the proposed reforms. For example:

- Legal aid payments to solicitors have been almost static for several years, the last pay increase for criminal legal aid being 2001, and civil practitioners received just one rise of 2.5% in 2004. There were no increases in 1993, 1994, 1997, 1998, 1999, or 2000.
- The number of offices with civil law legal aid contracts has fallen from 4,301 in March 2004 to 3,632 in March 2006. From the client's perspective it is becoming increasingly difficult to find a lawyer operating on a legal aid basis.
- Recent research has shown that while 59% of students and 50% of trainees would consider a career in legal aid, only 21% of students and 7% of trainees would consider pursuing that path in the current climate.