



The Law Society

Campaigner Briefing

Lobbying your MP: Implementation of civil justice costs and funding reforms

January 2013



1. Overview

The Government is seeking to implement a number of wide-ranging and substantial changes to the civil litigation funding regime. Many of these changes will have a significant effect not only on the economic feasibility of many law firms but also, by consequence, on the ability of members of the public to access justice and the quality of the legal service they will receive.

In particular, in a recent letter to stakeholders the Parliamentary Under-Secretary of State for Justice, Helen Grant, indicated that from April 2013 the recoverable costs for lower value claims handled through the road traffic accident (RTA) portal scheme would be reduced by £700.

The letter goes on to explain that the proposed new costs regime 'reflect the forthcoming ban on referral fees'.

However, the reduction in recoverable costs is excessive and fails to take account of a number of factors:

- **The reduction takes no account of increased marketing costs** – while the payment of referral fees will be prohibited following the implementation of the ban the Government's logic takes no account of the corresponding increase in the amount paid for conventional forms of advertising which, unlike referral fees, give no guarantee of results.
- **For many firms RTA claims will cease to be economically feasible, threatening access to justice** – The likely result will be that many solicitors will not be able to afford to carry on doing this type of work. There is a danger that if firms cease to undertake RTA claims it will have a detrimental impact on access to justice for accident victims.
- **Quality of service to the public will be put at risk** – Those firms continuing to operate in the RTA claims market will, by necessity, have to make greater use of paralegals or untrained staff. It is unfortunately inevitable that the quality of legal services provided to the public will be reduced.

This briefing sets out how you can contribute to the Society's lobbying work by lobbying your own, or your firm's local Member of Parliament (MP), in order to raise your concerns about the implementation of the civil justice costs and funding reforms.

2. Writing to your MP and setting up a meeting

Section 5 provides an outline letter, which you may choose to use when writing to your MP.

You can find out who your local MP is as well as their contact details by entering your postcode into <http://findyourmp.parliament.uk/>

Consider the following:

- For the greatest impact you should send your letter **via email** as well as post.
- Follow up your letter by making a telephone call to your MP's constituency office asking to schedule an urgent meeting.

- Remember to include a request in your letter for your MP to ask a question of the Secretary of State for Justice at the next Justice Question Time in the House of Commons.

You may be concerned at including any commercially sensitive information in your letter, for example the amount paid for referral fees or other marketing. However, it should be noted that letters between constituents and MPs are not subject to freedom of information requests, since MPs do not constitute “public bodies”. Subsequent letters between MPs and ministers may be subject to FOI requests, but it is unlikely that your MP will include any such information and, in any case, you can request that they do not at your meeting.

3. Meeting your MP

The suggested letter includes a request to meet with your local MP in order to discuss in detail your concerns. Once you have arranged an appointment to meet with your MP, you should prepare a short list of the issues you wish to raise. The aim of the meeting will be to demonstrate to the MP the effects of the civil justice reforms on your firm, on access to justice in your area and on the quality of legal services in this area of law.

Some MPs, such as those with Ministerial responsibilities, may be busier than others, and therefore may only be able to dedicate no more than 10-15 minutes to hearing your concerns. This is particularly likely to be the case if you meet your local MP at one of their constituency surgeries. If you are able to arrange a meeting at your firm's offices you may potentially have longer with your MP, perhaps 30 minutes to an hour. Most MPs will be more than happy to meet with local constituents and local businesses.

The following points should be considered before any meeting with a local MP:

- **Don't presume knowledge** – MPs deal with several dozen issues every day, and may therefore have very little, if any, knowledge of the extent of the reforms.
- **Highlight your local concerns** – Explain your concerns regarding the detrimental effect of the Governments' decisions and the effect upon your firms financial stability, and the resultant effect on the provision of quality legal services locally.
- **Urge them to write to the Lord Chancellor and the Parliamentary Under-Secretary of State for Justice, Helen Grant** – setting out the concerns you have raised.
- **Suggest a follow up action between yourself and the MP** – this could include the MP forwarding any response from the Minister; each of you agreeing to update each other on any future developments; and also perhaps meeting again.

4. Meeting your MP

Your work is essential to moving forward the Law Society's lobbying to persuade the Government to review its decisions. It would therefore be helpful if you could provide a brief report of your meeting, and the proposed follow up actions, to the Law Society's Government and Parliamentary Affairs Unit who are co-ordinating the profession's lobbying of MPs and ministers.

Please contact Richard Heinrich on 020 7316 5527 or Richard.Heinrich@lawsociety.org.uk

5. Suggested letter

<<Name>> MP
House of Commons
London
SW1A 0AA

<<Date>>

Dear <<Mr/Ms/Sir etc Surname>>,

Implementation of Civil Justice Costs and Funding Reforms

As a solicitor in <<your town>> I am writing to inform you about the serious adverse consequences of the Government's unnecessarily rushed implementation of its civil justice reforms, and in particular of reductions in the fixed recoverable costs in road traffic accident claims.

With less than ten weeks to go until the implementation of all of the Government's litigation costs and funding reforms many solicitors, including my own firm, are being faced with the near impossible task of business planning without full details of the changes being known. This is partly because the Government has not left enough time before the April 1st 2013 implementation deadline to publish the necessary Regulations and Civil Procedure Rules.

The fact that, at the same time, the Government is proposing to drastically reduce the fixed recoverable costs in the road traffic accident (RTA) claims portal, will mean that my firm and others, will face considerable difficulties in the future and may be forced to stop doing lower value personal injury work – reducing access to justice for legitimate accident victims and raising the prospect of a serious inequality of arms in personal injury cases.

I would appreciate an urgent opportunity to meet with you in the next few weeks in order to discuss the likely impact of the reforms on the provision of quality legal services in <<your town>>.

However, in the meantime I would be grateful if you could raise my concerns – which are shared by the Law Society – with the Secretary of State for Justice at the next Justice Question Time. In particular, could you ask the Secretary of State what steps he is taking to ensure that the rapid pace of reform does not have serious negative consequences for access to justice.

I would be happy to host a meeting at our offices in <<your town>>, or to meet with you at one of your constituency surgeries.

Yours sincerely,

<<your name>>
<<your position>>
<<your contact details>>