



The Law Society

## **Campaigner Briefing**

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

November 2012



## 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 low-level 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

Section 5 provides an example letter outline, which you may choose to use when writing to your MP. It should provide a framework by which to set out your primary concerns regarding the civil justice costs and funding reforms, as well as requesting a meeting with your MP to explain your concerns in more detail. However, in order for your letter to prove most effective – and receive the warmest response – it is important that you strive to make the letter as personal as possible. MPs receive several hundred letters and emails every week, so please only use the example letter as a guide.

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

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 Messingham on 020 7320 5858 or [Richard.Messingham@lawsociety.org.uk](mailto:Richard.Messingham@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 potential 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 just four months 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 1<sup>st</sup> 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.

### *Your personal section*

You may like to add a section, containing some of the following points, outlining your concerns about the pace and extent of the Government's reform:

- Is the uncertainty surrounding the implementation of the reforms before April 1<sup>st</sup> 2013 affecting your business planning? What impact will this have the future of your business?
- Will your firm be able to afford to continue offering high quality legal services to accident victims in low-level claims? What impact will your necessary withdrawal from the market have on access to justice in your area?
- The Government's argument – that the reductions in recoverable costs simply reflect the ban on referral fees – neglects legitimate marketing costs. What marketing does your firm engage in? Explain how you offer legitimate legal redress to accident victims, but that marketing and obtaining clients is a costly process.
- What impact will the reductions in recoverable costs have on your ability to offer high quality legal services? What will be the impact on clients of an increase in poorly qualified /trained entrants into the market?

*You may wish to include some of the following points relating to your own firm in the letter:*

- The length of time your firm has been in the local community, the number of staff at your firm, and the number engaged in civil litigation work.
- State what percentage of your work is attributable to civil litigation.
- State what impact (or potential impact) the reduction in recoverable costs will have on your business, e.g. possible staff redundancies etc.
- If applicable, do you cross-subsidise your legal aid department with income from civil litigation? What will be the impact on the former from a reduction in the latter?

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>>. I am particularly keen to discuss ways in which I can support you in raising these issues within Parliament and with the Government via the Ministry of 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>>