

London Advice Conference 9.2.15

Legal Aid – What Next?

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LAPG

- Legal Aid Practitioners Group is a membership organisation for practices (private practice and not-for-profit) with a legal aid contract, barristers, consultants, costs lawyers.
- We send updates to members on operational, policy and campaigning issues; meet with the LAA and MoJ; liaise with other groups; run training; run the LALYs; co-sponsor the All Party Group on Legal Aid. And much more

The Past

- Civil and Crime budget. How much?
- 1990s – over 11000 practices. Now?
- Percentage of the population eligible for legal aid?
- Numbers taken out of scope/eligibility in year one post LASPO?

The Past....

- **LASPO Act 1 April 2013**
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- remember drop in numbers before LASPO
- LASPO Act came in 1 April 2013
- Relevant Regulations: <http://legalaidthandbook.com/laspo-resources/>
- Transforming Legal Aid Consultation – 9 days after LASPO!
- Crime: second consultation. ‘Transforming Legal Aid: Next Steps’ this consultation ended on 1 November 2013.
- Own client crime contracts awarded. Duty provider contracts – delayed by JR 8/9 September 2014
- Civil: Parliament Joint Commission on Human Rights
- MoJ consultation on Judicial Review 1 November 2013 (costs changes to legal aid pre-permission implemented and in force as of 22/4/14 but subject to judicial review)

2014

- Low Commission: report 11 January 2014
- Justice Committee Call for Evidence
- Secondary Legislation Scrutiny Committee:
- Criminal Justice and Courts Bill 2013-14 in Committee.
- House of Lords debate on the Judicial Review changes
- Various legal challenges including exceptional case funding, residence test, judicial review payment, prison (Howard League), crime (LCCSA and CLSA) and Rights of Women JR over the domestic violence evidence.
- Munby LJ's judgment re HMCTS funding of cases
- National Audit Office: Implementing reforms to civil legal aid Published on the 20th November 2014
- Litigants in person in private family law cases, November 2014
- MoJ Review of the Civil Legal Advice Mandatory Gateway 9 December 2014
- Crime JR - injunction
- Projected legal aid spend 2013/14: £887m (civil) + £941m (crime) = (£1.8billion) plus LAA Agency admin costs £86.1m. NB 2012/13 accounts are **not qualified**.

2015

- Fixed-term Parliament Act 2011 – General Election 7 May 2015

Now

- Legal aid
- Local authorities
- Philanthropic funding
- Charging clients

Now

- "Access to justice is one of the most fundamental principles of our society, and the purpose of legal aid is to ensure that the poorest and most vulnerable people enjoy that basic right.
- So it is deeply disturbing that the Ministry of Justice's changes to civil legal aid were based not on evidence but on an objective to cut costs as quickly as possible. The Permanent Secretary told us that "the level of spend" was the "critical" factor driving the reforms.
- The Ministry still does not understand what its reforms mean for people. It has little understanding of why people go to court and how and why people access legal aid in the first place, and only commissioned research into these issues in 2014 – more than a year after its reforms were implemented."
- Margaret Hodge MP, Public Accounts Committee

Now?

Crying Lady Justice for sale \$103.50



What Next?

- Reduction in legal aid cases and providers
- Housing 98,909 2012-13
- Housing 55,943 2013-14
- 43% d

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What Next?

Issues for clients include

- Getting the right information
- Are they in scope?
- CCMS
- Evidential problems – finances
- Evidential problems domestic violence
- Evidential problems if the residence test comes in
- Exceptional case funding

What Next?

- Will any of the reviews lead to any change?
- Will any of the court challenges lead to any change?
- What will happen after the election?
- If the economy improves will there be any more spending?
- If the economy worsens will there be more cuts?
- Campaigning?