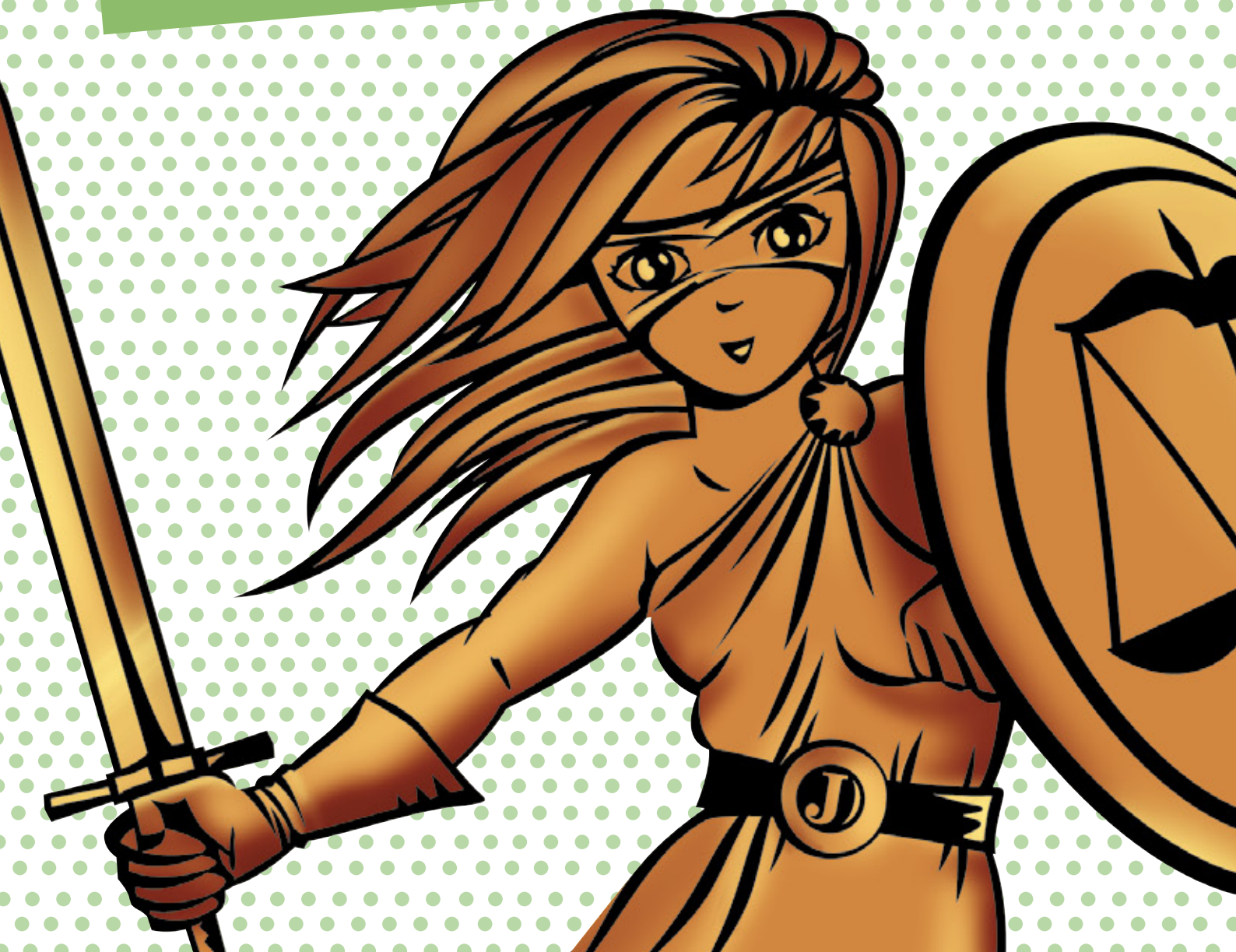


Jus[△]Tice
for**All**

Take action for justice
Correct these common myths
about legal aid reform
wherever you find them!



1

Legal aid is inefficient and is money for over-paid lawyers.

The proposed reforms do little to address inefficiencies while cutting the best value-for-money legal aid.

Fixed fees per case, regardless of the number of hours spent on it, are between £167 - £260 for early advice to help with problems with welfare benefits, debt, housing, employment, family, clinical negligence and immigration – these are the areas being cut. The proposals do little to tackle the small number of very high-cost legal aid cases, which you read about in the papers.

The average salary of a young qualified legal aid solicitor is £25,000¹, comparable to a teacher or police officer and much less than they could earn in private practice.

The real scandal of legal aid costs is the spiralling administration bill. In 2009/10 it cost over £120 million to administer the legal aid budget.² More must be done to tackle this, before cutting the front-line services people rely on.

2

The Government needs to save money – what would you cut instead?

A considered, cross-government approach is needed to save money while protecting free legal advice. Over 40 per cent of advice agencies time is spent dealing with problems caused by failures in other agencies, often Government departments.³

The Government should:

- address poor Government decisions and inefficiencies which mean people need advice;
- improve alternatives to legal processes instead of cutting help; and
- cut bureaucracy before frontline services.

Justice for All supports the principle of a 'polluter pays' system where the Government departments causing a problem pay the costs of legal advice. The Law Society's Access to Justice Review 2010 has also suggested a package of detailed reforms that could make savings while protecting access to free legal advice. Any reforms must be in place before the legal advice people rely on is cut.

The proposed cuts to legal aid will not save the Government money overall. Although the MoJ impact assessment recognises there are likely to be knock-on costs to the public purse from the legal aid cuts, no impact analysis of the extent or amount of these costs has been done.

Research by the new economics foundation has shown that the right advice early on can save up to £10 for every £1 invested.

1. Linda Lee, Law Society president, quoted in the Law Gazette, 5 April 2011

2. Legal Services Commission Annual Report and Accounts 2009/10

3. Advice UK, Radically Re-thinking Advice Services in Nottingham, 2009

A cost-benefit analysis developed by Citizens Advice shows that for every £1 of legal aid expenditure on housing, debt, employment and benefits advice the state potentially saves between £2.34 and £8.80.

3

How were these cost savings figures worked out?

Socio-economic value of Law Centres

The research project was undertaken by nef consulting, commissioned by the Law Centres Federation.

It considered the impact of three aspects of Law Centres' work - the individual Case Work; Education and Prevention; Develop Policy/Test Cases. Drawing on case studies in each of these areas, it uses a socio-economic valuation framework which captures wider social values by translating social outcomes into financial values to see the benefits of the service in terms of the 'return' for individuals, communities, society or the environment. A full explanation is contained in the report.

The socio-economic cost benefit ratio of £10 benefit for every £1 invested relates to the individual case work analysed.

Towards a business case for legal aid

This cost-benefit analysis was developed by Citizens Advice, supported by the Legal Services Commission, and taking advice from the Legal Services Research Council (LSRC) and Prof. Roger Bowles, a well-respected academic.

The study was limited to 'Legal help' – the early advice which the proposed cuts are largely targeting. The data sets used were statistically significant using all the appropriate data available – 6,000 cases from LSRC's civil and social justice survey 2007/08 and around 400,000 cases from the LSC's 2008/09 data. The savings analysis excluded two control groups – the cases where legal advice did not lead to a positive outcome (from the LSC data); and those cases where people did not experience adverse consequences with known costs (from the LSRC data).

A fully detailed explanation of the methodology is in paragraphs 36-40, and fuller discussion is included throughout the paper.

4

The UK spends more money on legal aid than any other country.

The UK does have a proud international reputation for fairness and supporting access for justice for even the most vulnerable in our society. The proposals to drastically reduce legal aid threaten this.

Comparisons of legal aid with other countries do not compare like with like. Other countries legal systems are more inquisitorial – meaning more funding is given to pre-court actions. Wider reforms to our system could achieve similar cost savings – but this must happen before simply cutting the help available.

5

Other sources of legal advice are available, and more appropriate.

The reality is that no legal aid will mean no legal advice for many thousands. Over 650,000 people a year will lose out on legal aid under the proposals – 30 per cent more than the MoJ claimed.⁴ Demand for legal advice already outstrips supply as 2.3 million haven't been able to get help with a civil legal problem when they needed it⁵ – this is the type of advice being cut.

Can't the voluntary sector pick up the slack?

Free legal advice agencies cannot meet this additional extra demand - Law Centres, Citizens Advice bureaux and other independent community advice agencies are facing cuts to multiple funding streams, and many rely on legal aid funding. Over 75 per cent of legal aid funding to these charities will go⁶ – hitting them the hardest.

Legal aid funding supports charities to provide specialist advice on the most complex cases. Most volunteers cannot offer the time commitment required to develop the level of expertise required nor the frequent, long-term presence necessary for continuity of casework.

The majority of the specific organisations mentioned as alternatives in the Green Paper have issued public statements indicating they cannot meet the needs.

Aren't there other ways of providing free legal advice?

Pro bono advice can't expand to fill such a large gap – volunteer lawyers can't always take on the most complex and time-consuming cases.

Alternatives such as legal costs insurance won't reach the poorest.

Telephone and online advice can't replace face-to-face help – it is not always appropriate, especially for vulnerable people, who need the time, contact and a personal relationship with their adviser to get sustainable results.⁷

Can MP's surgeries fill the gaps?

A recent survey for Justice for All showed the majority of MPs were not preparing to fill the gap but 88 per cent agreed that the proposed reforms could lead to a substantial increase in the workload of MPs.

Justice for All a coalition of charities, legal and advice agencies, politicians, trade unions, community groups and members of the public campaigning to ensure everyone is treated fairly under the law, no matter who they are, how much money they have or where they live. To find out more and join us visit: www.justice4all.org.uk

4. Legal Action Group, The real impact of legal aid advice cuts, 2010

5. Citizens Advice, No time to retire, Legal Aid at 60, 2009

6. MoJ Addendum to Cumulative EIA, Green Paper on the Reform of Legal Aid in England and Wales, 2010

7. Youth Access and Law Centres Federation, Rights beyond Reach 2009; Council on Social Action, Time well spent, 2009