19 July 2006

The challenge ahead is to make the Carter reforms of legal aid work

Dear colleague,

As many of you know, I am a legal aid practitioner and so Lord Carter’s proposed reforms have a direct bearing on my business and the livelihoods of my staff. I’ve read the report carefully and recognise that it implies wholesale change for a majority of legal aid practitioners. However, I believe that, properly implemented, the reforms could offer the opportunity for a much improved legal aid system, resulting in a stable and diverse base of legal aid practitioners providing ready access to justice in every part of England and Wales.

The Law Society has commissioned an independent economic evaluation of the Carter Review by economists LECG, to assist it in its negotiations with the Government. The report, attached, is being sent to the Lord Chancellor and the Legal Services Commission. It highlights the main risks of the Carter model and makes recommendations to mitigate these risks.

The Law Society has long argued that the present system has to be reformed, because with major change existing problems are set to get worse, prompting ever more solicitors to leave the system altogether. As you know, the Carter Review was established to devise a system that would stop the rot. It proposes a phased move to best value tendering over 3 years, aimed at achieving stability and sustainability.

I fully recognise that one of the main implications of the reforms is that legal aid will be delivered by fewer, larger firms. This is a difficult outcome to accept. I would also stress that the Law Society does not believe that the larger firm model will meet access to justice requirements across the country and it will continue to argue against a ‘one size fits all’ model of implementation.

However, it is inescapable that the reforms will have a significant impact on a majority of firms and the Society is committed to providing practical help to enable them to restructure. The Law Society lobbied for a package of assistance for firms and as you will see the Carter review proposes two funds totalling £10 million to help firms restructure, to be administered by the Society.
As we move into the consultation and implementation phase, the Society’s will lobby very vigorously to see that the new fees proposed for police station, magistrates’ courts and crown court, as well as those proposed for civil and family work, are pitched at a viable level. Legal aid practitioners must be properly and fairly remunerated and given a real prospect of improvements in their terms and conditions. We will also work to ensure a sensibly staged implementation timetable that incorporates rigorous assessment at each stage.

Lastly, we will work to ensure that new law firms can enter the market under the new regime, in particular those serving diverse communities.

As our President said on publication of the report, ‘the challenge ahead is to make the Carter reforms work’. The process of consultation by the DCA extends until October, and will be an intense period of analysis of the reforms. I will keep you regularly updated on our discussions with the DCA and LSC.

You can help us by contributing to our forthcoming series of online consultations on the individual proposals for criminal, civil and family work. Your input will help the Society in formulating our response to the consultation. Full details of our campaign and an opportunity to register for e-mail updates are available at www.defendinglegalaid.lawsociety.org.uk.

Yours faithfully,

Andrew Holroyd
Law Society Vice-President