



CUTS TO LEGAL AID – THE FUTURE

Why are you unable to represent me?

By 1st July 2015 the Government will have cut the fees payable to solicitors on legal aid by at least 17.5% over a 15 month period. This is against a background of there being no increase in legal aid rates for over 20 years. The Government Minister in charge of the courts Michael Gove now accepts there is a two tier system of justice. Gold standard for the rich and substandard for everyone else but he still ordered this further cut to criminal defence funding.

The Government has also announced that further, severe cuts of up to 50% will come into force in January 2016.

Many firms have already closed down and many more will do so over the coming months. The result is that you will be left with a small number of firms trying to do all the work at very low pay. This is what the Government want to happen.

This will affect all those people who find themselves in need of legal representation in the future. It will become very difficult to even find a criminal defence lawyer and when you do, you may find that he/she has neither the time nor the resources to properly represent you.

We passionately believe in the right of everybody to access justice regardless of means and that is why we are taking this stance now before it is too late.

I have been arrested! Does this mean that a solicitor cannot represent me?

Unfortunately, the cuts apply to all the work we do and so until the Government agree to pay us a fee that allows us to properly represent you and do the best we can for you, we will not be attending police stations either unless called out as the Duty Solicitor.

The law provides that the Government make a solicitor available to you and the police must ask you before the interview if you want one.

If you cannot have your own choice of solicitor then the police might ask you to say you do not want one. The choice is yours of course but they should offer you the duty solicitor.

You can of course take up the offer of a duty solicitor. If there is a long delay while the duty solicitor is dealing with other cases then the police may again suggest you do not need one. It is your right to have a solicitor with you as a legal protection. If the duty solicitor is not available then the police are unlikely to interview you (unless you agree) and they should consider bailing you. If they do interview you in these circumstances and you make no comment, it cannot be held against you.

So What Should I do Now? I am about to go

Into court?

In every court, there is a duty solicitor who, depending on what you are charged with can provide you with some assistance. The court usher will point out the duty solicitor. Some people pretend to be the duty solicitor when they are not. Do ask for confirmation from the court that they are the official duty solicitor for that court.

Alternatively you may wish to represent yourself, in which case the legal advisor in court will help you.

Hopefully this action will not last long and we can get back to representing you.





For any further questions

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What about if a solicitor at court offers to be my solicitor?

Almost every respected Legal Aid Solicitors firm is supporting this action, as expert evidence suggests it is impossible to provide a competent quality service under the proposed rates. Unfortunately, small minorities of firms are intending to continue to act despite the difficulties, and you may be approached by someone offering to assist. Such an approach may be contrary to professional regulations, and you should report any such approach to the duty solicitor who can take action. You may want to think carefully before agreeing to be represented by someone willing to act "on the cheap".

