

Witness:
Party: Second Interested Party
Date:

Claim No: CO/764/2023

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN:

R (on the application of The Law Society)

Claimant

And

LORD CHANCELLOR AND SECRETARY OF STATE FOR JUSTICE

Defendant

And

(1) THE CRIMINAL LAW SOLICITORS' ASSOCIATION
(2) THE LONDON CRIMINAL COURTS' SOLICITORS' ASSOCIATION
(3) LEGAL AID PRACTITIONERS GROUP

Interested Parties

WITNESS STATEMENT

I, [NAME] of [COMPANY & ADDRESS] will say as follows:-

1. Criminal law experience
2. How would you describe the constitution of your firm? (sole practitioner, partnership, LLP)
3. How many offices does your firm have? How many of these engage in Criminal Legal Aid work?
4. How many solicitors at your firm specialise in Criminal Law?
5. How long has your firm undertaken Criminal Legal Aid Work?
6. Which duty solicitor scheme/s is your firm currently a member of?
7. How long has your firm been a member of this/these scheme/s?
8. How many solicitors at your firm are members of the scheme/s, and which ones?
9. Please explain broadly how the criminal justice system operates in your local area (e.g. location of police stations, Crown and Magistrates courts and prisons)
10. Have there been significant changes to the duty solicitor scheme/s in your area in the last three years? If so, please give details.
11. What is your (and your colleagues', where applicable) recent experience of the scheme? Please describe your typical week.
 - a. hours on call and working
 - b. travel time/distances to police stations and Magistrates' courts
 - c. waiting times for suspects
12. What do you consider are the key problems with the present scheme/s?
13. How do these problems affect you and/or other local criminal legal aid practitioners?
14. What happens when you can't attend? Is there a back-up list for the call centre? Please give specific examples.
15. Are there significant delays? If so, please give examples.
16. Do actual or potential conflicts of interest often arise on case involving more than one suspect? If so, how are they dealt with?
17. How do these problems affect your clients/potential clients?
18. Are there knock on effects for other suspects? If so, please give specific examples.
19. How do these problems ultimately affect victims? Please give specific examples.
20. How do these problems ultimately affect court hearings?
21. Do they ultimately affect whether prosecutions proceed and whether trials are effective? Please give specific examples.

22. Are there other impacts on the effective operation of the criminal justice system and access to justice locally? Please give specific examples.
23. What has been the impact of the reductions in Criminal Legal Aid funding up until September 2022 on your firm?
 - a. How profitable is the firm?
 - b. Is it possible to recruit Criminal Law Specialists?
 - c. Can you retain Criminal Law Specialists? What happens when they leave your firm? Where do they go to work?
 - d. Can you offer training contracts specialising in Criminal Law and, if so, are they taken up?
 - e. What is the age demographic in your firm?
24. Please comment on how the reductions in Criminal Legal Aid funding up until September 2022 have impacted on other firms in your area. E.g. have other firms experienced any of the difficulties you have? How have they reacted?
25. Have increases in funding made in September 2022 made any difference? Please give details.
26. Will a further increase of 2% in 2024 make any difference?
27. Have you considered changing career paths or seeking early retirement as a result of these problems?
28. What is your opinion of criminal law as a career?
29. What is your view on the sustainability of criminal legal aid work in your local area?
30. What could be done to make a criminal law career more attractive?
31. How have you engaged with the various consultations on Legal Aid?
32. What did you understand the Lord Chancellor's position to be on the Central and Intervention Recommendations in response to CLAIR and, if it was unclear, why?
33. Have the Lord Chancellor's funding changes addressed the problems the Central Recommendation was intended to address and, if not, why not?
34. What is your view of Legal Aid deserts and the causes of them, giving specific examples?
35. What is your understanding of how the LAA and MoJ gathers and analyses information about market failures, 'market challenges', 'capacity issues' and the risks of non-compliance with the s.1 LASPO duty (including the criteria, if any, that are applied)?
36. What knowledge do you have of the areas that have been identified where problems are especially acute, e.g.
 - Berwick and Alnwick
 - Bury
 - Salford
 - Ceredigion, Pembrokeshire
 - Newtown
 - Kendal, Lancaster
 - Newport and East Gwent
 - Barnstaple
 - Skegness
 - Newark, Worksop & East Retford
 - Dolgellau
 - Mendlip / Yeovill & South Somerset
 - West Dorset
 - North West Wiltshire
 - Isle of Wight
 - Lancaster
37. Do you hold a view on the minimum number of duty solicitors required in a given area and, if so, what is it?
38. How problems associated with lack of duty solicitors manifest themselves i.e. long waiting times, suspects kept in cells etc?
39. By contrast, what does supply look like in areas where there are sufficient duty solicitors?
12. What are the interventionist measures the LAA takes and are they effective?
13. What has happened when there have been scheme mergers – or proposed mergers that have not happened: see the list at <https://www.gov.uk/government/publications/duty-solicitor-scheme-boundary-consultations>
14. What data should be being captured and is not? (e.g. police station waiting times, rates of interviews without a duty solicitor, conviction/caution rates in relation to interviews with/without duty solicitors, cumulative travel times (unpaid), age of duty solicitors, salaries of duty solicitors, recruitment times and problems for duty solicitors etc)

15. What data is captured but never analysed? (e.g. number of refused duty slots due to conflict, lack of capacity; delay caused by going out of area etc)?

STATEMENT of TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Date.....