

Dear Justice Secretary,

2025 Criminal Legal Aid Contract

We write in response to the invitation to tender for the 2025 criminal legal aid contract.

On 31 January 2024 the Law Society was successful in its judicial review against the Ministry of Justice's failure to increase criminal defence solicitors' legal aid rates by 15%, the figure recommended as the bare minimum by Sir Christopher Bellamy in the independent review of criminal legal aid (CLAIR).

The High Court acknowledged that *"the system depends to an unacceptable degree on the goodwill and generosity of spirit of those currently working within it."* The High Court made it clear in its judgment that *"Unless there are significant injections of funding in the relatively near future, any prediction along the lines that the system will arrive in due course at a point of collapse is not overly pessimistic"*. These comments were made against the background of more than a quarter of a century of stagnant and then reduced rates before the meagre increase in September 2022 which barely put rates back to 1996 levels without any adjustment for 26 years of inflation.

Criminal defence solicitors are still waiting for announcements on:

- i. How the Ministry of Justice intends to respond to the Court's judgment of January 2024 and how the obligations imposed by the judgment will be implemented.
- ii. The last government's as yet unfulfilled commitment to a further £21m of funding to increase rates for Police station and the Youth Court.
- iii. Whether the Ministry of Justice will accept the expected recommendations of the Criminal Legal Aid Advisory Board's report, which we understand will be recommending an immediate and substantial increase in rates.

The Law Society has said that *"It is wrong that the tender requires firms to bid before the UK government outlines its response"* to the above matters. The Law Society has also indicated that without a long overdue increase in rates, criminal legal aid defence work is very unlikely to be financially viable for the vast majority of firms. The current unattractiveness of criminal defence work is illustrated by the continuing decline in duty solicitors, their age profile and the vanishingly small number of young people who choose to become criminal defence trainee solicitors.

We are aware that the Ministry of Justice's budget is unprotected. However, failing to invest now will ultimately cost more in the longer term if as predicted the sector ends up with too few firms and too few lawyers willing and able to do the work, and equally as important, a failure to do so will escalate the public crisis of confidence in the efficacy

and legitimacy of the Criminal Justice System. Fewer lawyers mean no end to delays for victims and defendants and a greater risk of miscarriages of justice.

We fully expect that the majority of firms undertaking criminal legal aid work will preserve their position by submitting a tender for the new contract. However, there is a huge difference between submitting a tender as a result of an artificially swift deadline imposed by the Ministry of Justice and actually seeking and ultimately signing a new contract in 2025. Whether firms decide it is financially viable to continue to provide legally aided criminal defence services, and accept the contract offer, or maintain a contract for more than a short period is wholly dependent on whether the new government heeds the warnings of the profession and the High Court.

We look to the new government to restore rates to a level which will ensure a sustainable future for the profession.

Yours sincerely,

Abraham White Law

ABV Solicitors

ACA Law

Adamson Solicitors

Advise Wise Solicitors

AHS Law

Allington Hughes

APL Law

Ashley Smith & Co Limited

Bark & Co

Berris Law

Berry Redmond Gordon & Penny LLP

Bhatia Best Ltd

Birds Solicitors

Birnberg Peirce Solicitors

Bobbetts Mackan Solicitors

Boyce & Co Criminal & Motoring Solicitors

Brockbanks Solicitors
BSB Solicitors
Bullivant Law
Burroughs Solicitors
Butt Solicitors
Cambrose Solicitors
Carlisle Criminal Law
Carson Kaye Solicitors
CCWS Solicitors
Chris Clarke Solicitors
City Law
Clarke Kiernan LLP
Commons Law CIC
Coninghams Solicitors
Cousins Tyrer Solicitors
Cox Burley Solicitors
Cuttle & Co
Dalton Holmes Gray
Darton Law
Duncan Lewis
EBR Attridge LLP Solicitors
Edward Fail, Bradshaw & Waterson
Edwards Duthie Shamash Solicitors
Elite Solicitors
Elliott Stern Solicitors
Evans Moore Solicitors
Favell Smith & Lawson Solicitors
Galbraith Branley Solicitors
Gatsby Law

GC Law Ltd
Goldman Bailey Solicitors
GQS Solicitors
GT Stewart
Hecht Montgomery Solicitors
Hodge Jones and Allen
Hollingsworth Edwards Solicitors
Howell Hylton Limited
HP Gower
HSR Solicitors
Hurley's Solicitors Limited
ITN Solicitors
Janes Solicitors
JFH Law
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KC Solicitors
Keima Payton
Kelcey & Hall Solicitors & Advocates
Kieran & Co
Kirwans Solicitors
Kristina Harrison Solicitors
Langfield Law
Lartey & Co
Lawrence & Co
Levy & Co Solicitors
Lewis Nedas Law

Liberty Law

Linda Filby Solicitor

Lister Brady Criminal Defence Solicitors

Lords Solicitors

Lound Mulrenan Jefferies

Mackrell Marsh & Co

Malcolm McGuinness Solicitors

Martin Murray Solicitors

Masih Devitt & Associates

Metro Law Solicitors

MI Law

Michael Carroll & Co

MK Law

Montague Solicitors

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Simon Bethel Solicitors

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