



INTRODUCTION TO LEGAL AID

YOUNG LEGAL AID LAWYERS

Introduction to legal aid

1. What is YLAL and what do we do?
2. What is legal aid?
3. A brief(ish) history of legal aid
4. Working in legal aid



What is YLAL and what do we do?

- A group of junior and aspiring lawyers committed to practising in areas of law which have traditionally been publicly funded
- YLAL was founded in 2005 and has over 2,500 members across the country
- Members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers (up to 10 years call/PQE)
- YLAL holds meetings across the country in London, Birmingham, Manchester, Liverpool, Sheffield, Bristol, Kent, Newcastle and elsewhere!



YLAL's objectives

- To campaign for a sustainable legal aid system which provides good quality legal help to those who could not otherwise afford to pay for it
- To increase social mobility and diversity within the legal aid sector
- To promote the interests of new entrants and junior lawyers and provide a network for likeminded people beginning their careers in the legal aid sector



What is YLAL and what do we do?

Subgroups:

- YLAL Campaigns
- Social Mobility
- All Party Parliamentary Group
- YLAL Online

Mentoring scheme

Jobs & Opportunities



What is legal aid?

- Payment from public funds in cases of need to help pay for legal advice or proceedings
- The provision of assistance to people otherwise unable to afford legal representation and access to the court system
- Designed to make justice available to anyone in the country, regardless of their financial means



What is legal aid?

Historically, it has funded advice and representation for:

- Criminal law
- Family
- Housing
- Debt and welfare benefits
- Public law
- Employment
- Personal injury and clinical negligence
- Community Care
- Actions against the police and prison law
- Immigration



What is legal aid?

“Legal aid is a service which the modern state owes to its citizens as a matter of principle. Just as the modern state tries to protect the poorer classes against the common dangers of life, such as unemployment, disease, old age, social oppression, so it should protect them when legal difficulties arise. Indeed the case for such protection is stronger than the case for any other form of protection. The state is not responsible for the outbreak of epidemics, for old age or economic crises. But the state is responsible for the law.”

Dr Cohn, 1943

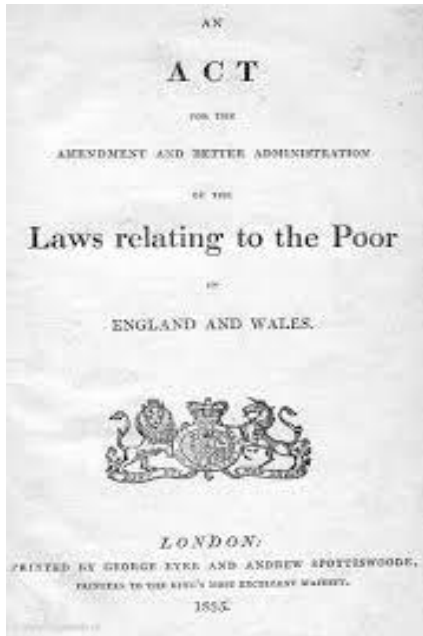


Pro bono publico

Early forms of legal aid were reliant on lawyers working for no fee or 'pro bono publico', i.e. for the public good.



Poor Man's Lawyers



- Poor Prisoners Defence Act 1903
- Poor Persons Defence Act 1930
- Poor Persons Procedure



The Rushcliffe Report

The Rushcliffe Report, May 1945:

- Legal aid should be available in all courts and in such manner as will enable persons in need to have access to the professional help they require
- This provision should not be limited to those who are normally classed as poor but should include those of 'small or moderate means'
- Those who cannot afford to pay anything for legal aid should receive this free of cost
- The cost of the scheme should be borne by the state
- Barristers and solicitors should receive adequate remuneration for their services



The modern legal aid scheme

Legal Aid and Advice Act 1949, Preamble:

“An Act to make legal aid and advice in England and Wales, and in the case of members of the forces legal advice elsewhere, more readily available for persons of small or moderate means, to enable the cost of legal aid or advice for such persons to be defrayed wholly or partly out of moneys provided by Parliament, and for purposes connected therewith.”



Legal aid from 1950 to 1970

The early years of legal aid

- 80% of the population estimated to be eligible
- Used mostly for criminal and family proceedings

But it wasn't popular with everyone...

In 1950, Lord Justice Singleton said he was “rather appalled at the number of assisted persons there are”.



Legal aid in the 1970s and 1980s

- Eligibility: 40% in 1973
79% in 1979
- “The most friendless wing of the welfare state”
- The Law Centre movement
- The Green Form scheme
- Police and Criminal Evidence Act 1986 (PACE)



The end of ‘justice for all’

- The Legal Aid Act 1988
- Eligibility: 53% in 1993
- Scope: probate and property removed
- Growth of Green Form scheme

LA/Rev9A GREEN FORM THE LAW SOCIETY LEGAL AID ENGLAND AND WALES

WILLIAMS' REPORT ON LEGAL AID AND ASSISTANCE GIVEN UNDER THE LEGAL AID ACT 1988

Summary PLEASE USE BLOCK CAPITALS For example: Mrs Jones AREA OFFICE

Address

NETS TO INDICATE WHERE OTHER FORMS ARE BEING SUBMITTED IN RESPECT OF OTHERS AT UNDER-16S AND UNDER-18S AND HOW TO CONTACT AND CONTACT THE PROVIDER OF A SERVICE. THE NUMBER OF THE SERVICE IS GIVEN IN THE SUMMARY PROVIDED BY THE SERVICE PROVIDER TO SUPPORT THE PROVIDER'S REPORT HERE.

NETS: 01-099 £ TOTAL SAVINGS AND OTHER CAPITAL 10-200 £ TOTAL

INCOME: Please indicate in respect of Income-Expenses or Family Credit. If the income is NOT given for any of the Section 12(1)(a) items, please tick the appropriate box.

Section 12(1)(a) Item	Income	Expenses	Net Income
1. Pensions	£	£	£
2. Spouse's	£	£	£
3. Other	£	£	£
TOTAL	£	£	£

Allowances and Deductions from Income

Section 12(1)(a) Item	Income	Expenses	Net Income
4. Income tax	£	£	£
5. National Health Contributions, etc.	£	£	£
6. Other	£	£	£
TOTAL	£	£	£

Dependents (children and/or other dependents)

Section 12(1)(a) Item	Number
7. Under 6	
8. For under 11	
9. 11 - 15	
10. 16 - 18	
11. 19 and over	
TOTAL	

USE TOTAL INSTRUCTIONS

TOTAL NETT DEPRIVABLE INCOME

TO BE COMPLETED AND SIGNED BY CLIENT

- I am over the compulsory school leaving age.
- I am not currently receiving income from a provider under the Legal Aid and Public Access Schemes.
- I am liable to pay a contribution and accepting.
- I understand that any money or property which is recovered or preserved for me may be subject to a deduction of my contribution if and in so far as the Society's charges.

The information on this page is the first of several pages you complete. Consider the other pages, together with a definition of the Law Society's policies.

Date: Signature:



New Labour and legal aid



Access to Justice Act 1999

- Community Legal Service
- Criminal Defence Service
- Personal injury removed from scope
- Cap on the overall legal aid budget introduced



Eligibility falls, net expenditure capped

Eligibility:

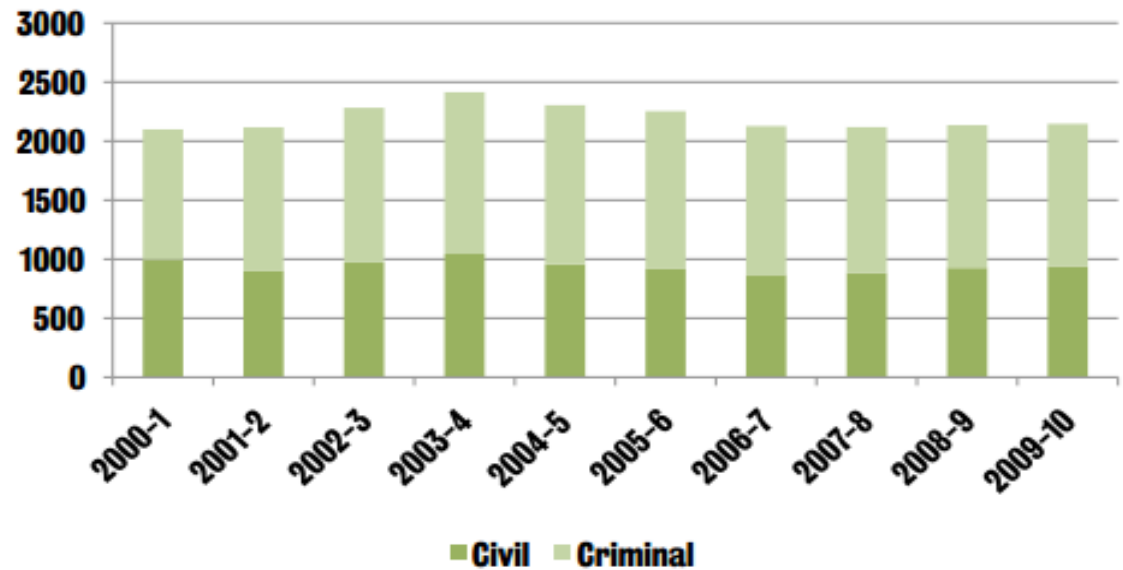
52% in 1998

50% in 2000

41% in 2005

29% in 2007

Figure 1: Legal Aid Net Expenditure (£ millions) 2000-2010 (in 2009 prices)^{4e}

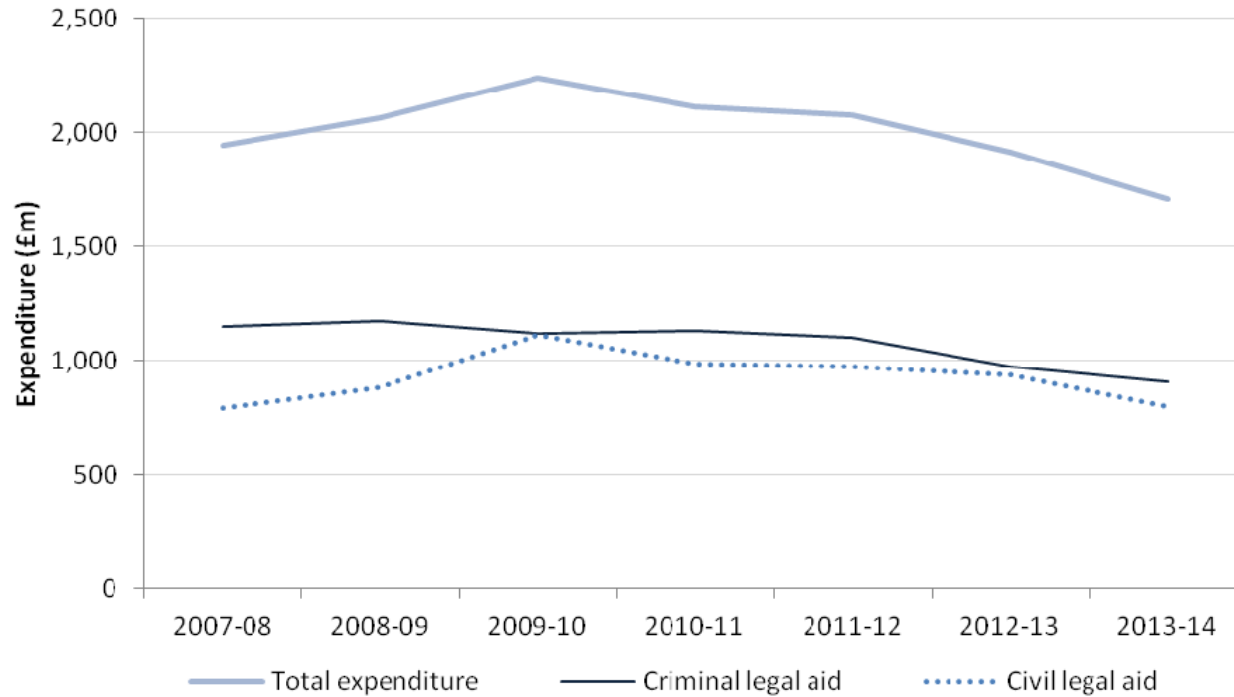


The Coalition government

- The Coalition government: 2010-2015
- The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)



Legal aid spending 2007/08 - 2013/14



LASPO

Areas of law wholly or partially removed from scope:

- Housing
- Welfare benefits
- Debt
- Immigration
- Private family law
- Medical negligence



Opposition to LASPO

Cuts that made top lawyers moan



One barrister's legal aid protest

'These proposals would move us from having a justice system admired all over the world, to a system where price trumps all.'

Maura McGowan QC, former Bar Council chairman

'My greatest worry is that we will have more miscarriages of justice. The law will become open to all, like the Ritz hotel.'

Human rights lawyer Geoffrey Robertson QC

'[It] will start to undermine the rule of law... people will feel the Government isn't giving them access to justice.'

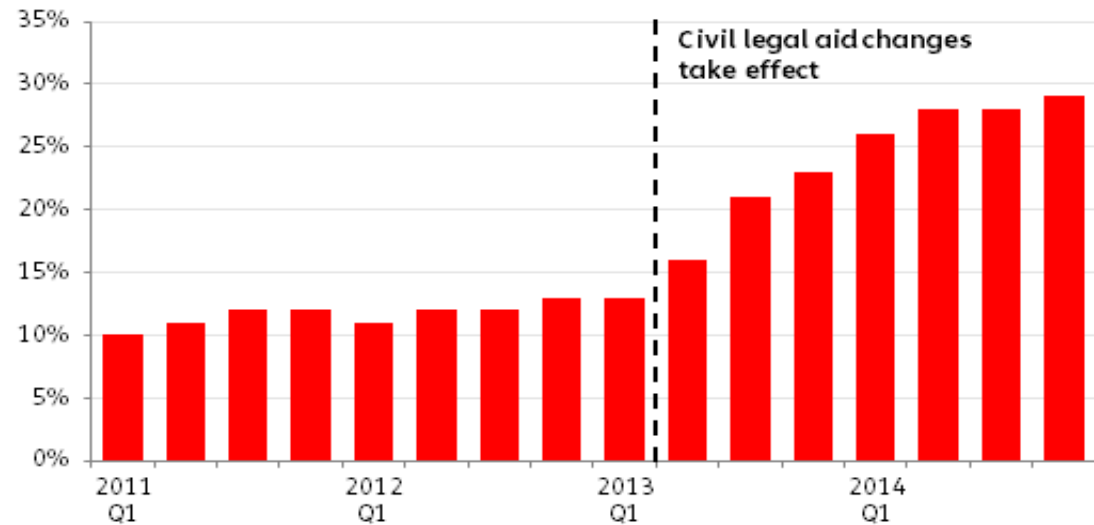
Lord Neuberger, president of the Supreme Court



The effects of LASPO

Litigants in person on the rise

Proportion of private family law cases, in each quarter, where neither party is recorded as having legal representation*



* Based on court databases and described as a "proxy" rather than definitive measure

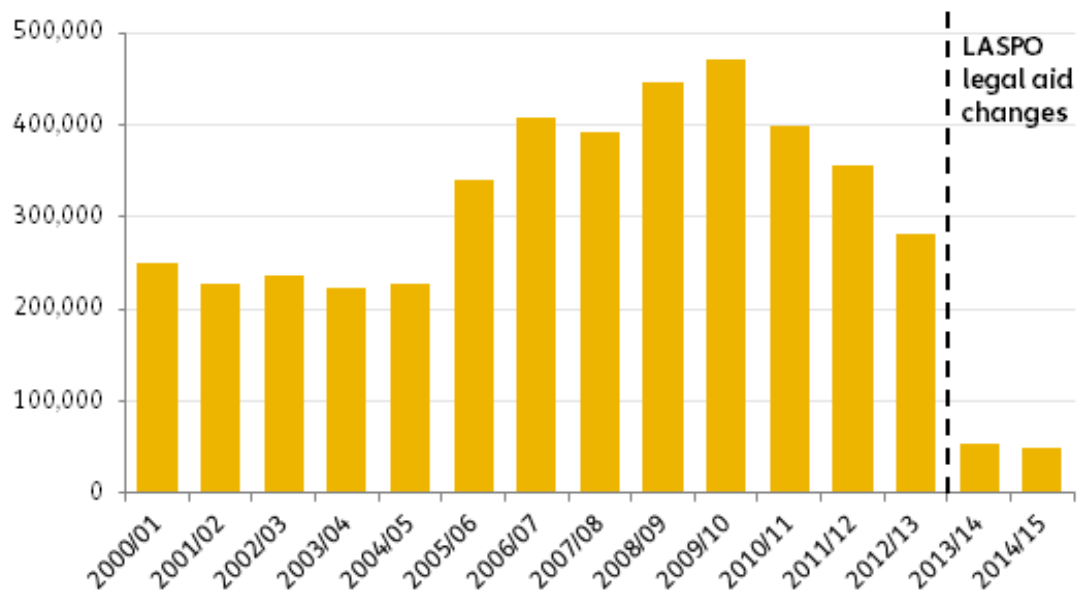
Source: Ministry of Justice, Family court statistics quarterly, October to December 2014, Table 6



The effects of LASPO

Legal aid for social welfare cases

Legal help matters started in social welfare law (community care, debt, employment, housing and welfare benefits cases)



Source: Legal Aid Agency, 'Legal Aid Statistics underlying data: April to June 2015'



What next for legal aid?

- Criminal legal aid
- The residence test
- Review of LASPO
- Labour review of legal aid
- The next general election...?



Working in legal aid

- Family
- Crime
- Community care
- Public law
- Actions against the police
- Inquests
- Immigration



THANK YOU!

ylalinfo@gmail.com

<http://www.younglegalaidlawyers.org/>

YLAL Twitter: @YLALawyers

YLAL Facebook: <https://www.facebook.com/YoungLegalAidLawyers>



Careers Panel

Chair: Maia Cohen-Lask, YLAL Committee

- Jane Pritchard, partner at TV Edwards Solicitors
- Amean Elgadhy, barrister at 1 Pump Court Chambers
- Paul Turner, CILEx Fellow and partner at Barnes Harrild & Dyer

