



## **COVID-19: Immediate action needed to protect junior legal aid lawyers**

Young Legal Aid Lawyers (YLAL) calls on the Government, chambers and law firms across the country to immediately:

- Reduce the exposure of practitioners to COVID-19
- Put support measures in place to protect our members from the effect of loss of earnings and reduced job security
- Protect our members from increased pressures to work through ill-health

Our members represent some of the most vulnerable in society to enable them to access justice. Unless urgent action is taken, there will be a serious impact on vulnerable people who desperately need legal advice and representation at this time.

### **Junior lawyers placed at risk**

The Government's guidance provides that all individuals should avoid non-essential use of public transport and large gatherings and non-essential gatherings in smaller public spaces.

However, due to the failure of the Ministry of Justice, Senior Judiciary and Her Majesty's Court and Tribunals Service (HMCTS) to immediately cease in-person hearings, our members are required to attend courts and carry out their duties to their clients.

Our members travel up and down the country, moving between public transport and the courts. They come into close contact with clients, prisoners, their families, court staff, judges and juries. This directly undermines the Government's policy and has serious implications on public health. The measures put in place to mitigate the risk to junior lawyers are entirely inadequate. For example, the removal of criminal trials longer than four days is welcome, however, our members undertake most of the shorter trials and will be required to continue exposing themselves to risk of infection.

In ordinary circumstances, telephone and video hearings would be no substitute for in-person hearings. However, in the present situation, **the Government must immediately cease all in-person court hearings and ensure access to justice through telephone and video hearings.**

### **Financial support**

Our members will feel the financial impacts of COVID-19 harder than more senior lawyers.

Closing courts is a public health imperative. However, self-employed barristers' incomes will mostly disappear. Our members are disproportionately affected as they are still paying student loans and have not had an opportunity to amass significant savings.

There is a serious and urgent cash flow issue for our members. It is essential that Her Majesty's Revenue and Customs (HMRC) works with the Bar Council to ensure that self-employed barristers are afforded appropriate tax breaks or other relief.

Our members who work at Law Centres and legal aid firms face are deeply worried about job security. The difficulties involved in managing cases with vulnerable clients without face-to-face contact, alongside the lack of detailed guidance and adequate flexibility in the guidelines

issued by the Legal Aid Agency (LAA), mean that organisations reliant on a legal aid income are at real risk of cash flow crisis.

We note that those “essential to the running of the justice system” have been classed as essential workers by the Government under the “key public services” category. As such, HMCTS, the LAA and other relevant Government departments must ensure that support and clear guidance is put in place. **The LAA must urgently issue guidance in relation to offsite working, legal aid applications without face-to-face meetings and measures to ensure that business can be carried out effectively but safely.**

We support the Legal Aid Practitioners’ Group (LAPG) call for the Government to put measures in place to ensure that Law Centres and legal aid practices are provided with reassurance and financial support to remain viable throughout this crisis. It goes without saying that this is vital if we are to continue to provide access to justice for the most vulnerable.

### **Pressures on paralegals, pupils and trainees**

There is tremendous pressure on our most junior members at this time, particularly paralegals in precarious contracts, and pupils and trainees who have training and supervision needs.

#### **Training requirements**

We are concerned that supervisors might be forced to self-isolate and therefore be unable to offer the same degree of supervision that would otherwise be offered.

Many pupils were due to undertake their compulsory advocacy courses this month. If these are now cancelled, we are concerned that pupils will not meet their regulatory requirements to commence their practising stage of pupillage. Similarly, trainee solicitors’ Professional Skills Courses (PSC) are being cancelled. **The Bar Standards Board (BSB) and The Law Society must explain what accommodations will be made to training requirements.**

#### **Pressure to work**

In ordinary circumstances, paralegals, pupils and trainees feel pressured to take on additional work in order to secure training contracts, tenancies and post-qualification roles. During this crisis, our most junior members are feeling pressured to increase their workloads (often, as the only staff in the office) and to undertake work that is inappropriate for their level of experience. Some firms are insisting that no adjustments will be made to chargeable hours targets. This entirely disregards the disruption and stress being caused by the public health emergency.

We call on all chambers, firms and legal aid providers to issue clear guidance and facilitate an open dialogue with your most junior staff. **Senior lawyers must make it clear that the careers of the most junior lawyers will not be negatively impacted by COVID-19.**

### **Note to Editors**

Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.