



Statement on the Jack Shepherd case and legal aid funding for criminal appeals

Young Legal Aid Lawyers (YLAL) notes the on-going media coverage concerning the case of Jack Shepherd, and in particular the criticism of the way in which criminal appeals are funded. YLAL believes that legal aid should be available at all stages of the criminal justice system, including trial and appeal. Justice may only be done if individuals are properly represented throughout the process of criminal proceedings, including before appeal courts.

YLAL staunchly supports the proper funding of our criminal justice system, regardless of the crimes of which a person has been accused. Justice necessarily includes everyone - we cannot withhold legal aid from a person simply because we consider the actions of which they are accused to be heinous. To do so would undermine the entire basis of our criminal justice system, particularly the central principle that a person is innocent until proven guilty. Indeed, we note that the media responds very differently when a miscarriage of justice is established, and it becomes clear that an innocent person has spent time in prison without proper cause.

YLAL committee member and criminal appeals paralegal, Katie McFadden, said:

“There are many criticisms that may be flung at the legal aid system for funding criminal appeals, but generosity is certainly not one of them. Solicitors very rarely receive any funding for criminal appeal matters - advising on and the lodging of an appeal is generally included in the fixed fee provided by the trial representation order. The Registrar of the Court of Appeal Criminal Division will generally grant a representation order to cover the barristers’ fees alone – the vast majority of criminal appeal cases are conducted by solicitors with no further funding being granted. A significant amount of the work solicitors do on criminal appeals is therefore entirely unpaid.”

YLAL believes that the current funding system for criminal defence is detrimental to the future of the profession, with few aspiring and junior lawyers willing or able to enter this important practice area for a combination of reasons including low pay, difficulties in career progression, and the high stress nature of the work for little reward. These factors are huge limitations to social mobility, which necessarily detract from the diversity and accessibility of the profession. For more information, please see our report from March 2018, [Social Mobility in a Time of Austerity](#).

YLAL wholeheartedly supports the solicitors acting for Jack Shepherd, who have done nothing more than comply with their professional obligations to act in the best interests of their client in lodging an appeal, and thereby uphold the core principles of our criminal justice system.

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