



## Young Legal Aid Lawyers

### Transforming Legal Aid: explanatory note

*On 9 April 2013 the Ministry of Justice issued a consultation paper entitled '[Transforming Legal Aid](#)'. The consultation paper proposes further significant changes and cuts to legal aid, closely following the considerable cuts introduced by the Legal Aid Sentencing and Punishment of Offenders Act 2012 which came into force on 1 April 2013. The deadline to respond is 4 June 2013. This explanatory note is intended to give an introduction to the proposals and the key objections to them.*

**Legal aid in all civil cases will be subject to a discriminatory “residence” test.** Many vulnerable people, including homeless families, victims of domestic violence and trafficked children will no longer be able to rely on the protection that the law provides them. Having one rule for migrants and one for everyone else undermines the principle of equality before the law. Under this proposal groundbreaking cases involving the accountability of the state for the actions of the armed forces abroad could not have been brought.

**Legal aid will no longer be paid for the early stages of judicial review claims** (unless the case passes the “permission” stage). Without the help of legal aid judicial review will simply not be possible for the majority. The ordinary citizen will no longer be able to hold the state to account.

**The Government proposes to award contracts for criminal defence work to the cheapest bidders irrespective of quality.** This will lead to a poor quality, low value service. The proposals will also restrict the ability of individuals to choose their lawyer and damage small and medium-sized local businesses.

**Prisoners will no longer receive legal aid for many vitally important issues** such as whether they are treated lawfully and humanely in the prison system or where they will live on release and how they will be supported to avoid reoffending. This will stultify the civil liberties of prisoners and jeopardise the Government’s stated commitment to rehabilitating offenders and reducing crime.

**There will be further cuts to the fees paid in criminal, civil, family and immigration cases.** These cuts threaten the quality of legal representation and the sustainability of the profession. The cuts will hit low earning junior lawyers the hardest.

**Cut to experts’ fees** will make it very difficult to bring or defend cases which depend on crucial expert evidence, such as child care proceedings or cases involving vulnerable and mentally ill people.