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Professional representative bodies respond to Government's legal aid plans

Law Society, Bar Council and Resolution warn of consequences for the poor and vulnerable

The various arms of the professions have responded to the government's [Green Paper on legal aid reform](#).

Law Society

The Law Society has said that the government's long-awaited Green Paper on legal aid, together with a consultation on Lord Jackson's proposals for changes to funding civil litigation, has confirmed its worst fears.

The Society believes that under the proposals only the poorest will continue to be able to obtain civil legal aid and even for them legal aid would cease to be available for some vital matters. It said that the government's comparisons with expenditure on legal aid in other countries hide many differences in approach and also imply that access to justice is a luxury rather than a foundation of a just and civilised society.

The Law Society will continue to lobby for the government to take a more constructive approach including implementation of the Society's own recommendations for legal aid, following an 18-month consultation with the legal profession. Among more than thirty recommendations, the Society's [access to justice review](#) suggests other ways to fund legal aid, rather than a willingness to cut the budget, irrespective of importance of access to justice.

In particular, the Society believes that the people who cause the expense in the first place – local authorities, other public bodies making poor decisions, the financial services and alcohol industries – should bear at least part of the expense.

Law Society president Linda Lee has met the Justice Minister Jonathan Djanogly to discuss the government's plans and made clear the Law Society's profound concerns. The minister emphasised that the government had issued proposals for consultation and it had not yet reached firm conclusions on these issues.

Bar Council

The Bar Council said that the launch of government consultations on reform of the legal aid system and on civil litigation is necessary but the impact of the proposals on the most vulnerable must be considered very carefully.

Responding to the legal aid consultation, Nicholas Green QC, the Chairman of the Bar, said:

"The announcement of the Government's consultation on reforming legal aid is a necessary and timely step. There has been no shortage of reviews of legal aid in the past few years. This latest consultation, coming against the background of massive public expenditure cuts

across almost every area of government activity, provides an opportunity for the Bar to ensure that cuts in legal aid expenditure do not result in a denial of justice. We shall study the Ministry of Justice's recommendations very carefully before responding in detail."

He continued:

"We have set up a number of working groups to examine the Ministry's proposals, drawing on the expertise of several specialist Bar associations. Our key concern is that these cuts will undoubtedly hit the weakest and most vulnerable hardest. The Bar has been preparing for some time for a step change in the delivery of publicly funded legal services. Today's consultations enable us to set out, in the public interest, how barristers can provide cost-effective specialist advocacy and advice to ensure that access to justice is not denied."

Resolution

David Allison, Resolution chair said:

"Families need legal aid for a whole range of reasons. Suggesting, as these proposals do, that couples in dispute about contact arrangements for children or financial issues are simply wasting taxpayers' money by unnecessary squabbling ignores the reality that 90% of couples already reach agreement outside of court.

"Those that do need legal aid usually do so for good reason – intimidation by one partner over another, or an imbalance of financial power in the relationship. Resolving a financial dispute through legal aid can prevent a vulnerable spouse from becoming dependent on the state."

David Allison continued:

"We are deeply worried that mediation is being seen as a universal panacea. Whilst mediation has a real and useful role to play there are real dangers in this approach, which ignores the range of non-court options.

"Family disputes are complex. There cannot and must not be a one size fits all approach."

Resolution proposes to respond to the consultation paper in detail.

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