

## PARLIAMENTARY OFFICERS REPORT,

Since the AGM in March, my duties as Parliamentary Liaison Officer (“PLO”) have been concentrated almost entirely upon the fight to preserve the Legal Aid Scheme. For those not aware of the desperate situation, it is pertinent to point out that legal aid rates have remained virtually unchanged for over a decade. Yet, far from proposing to increase rates, the Government and the Legal Services Commission (“LSC”) now seek to impose Fixed Fees, which is short hand for either a cut in rates or a diminution in quality and probably both, followed, just a year later by “Best Value Tendering”, which is shorthand for “forget quality, price is everything”. The Government seeks to justify its proposals by reference to the Carter Report. , However, in a recent debate in the House of Commons, one of the Government’s own backbenchers and a member of the Constitutional Affairs Committee, Keith Vaz MP (also the husband of a former president of the MLS) described Lord Carter thus :

“The worst witness by far was Lord Carter. I cannot understand the Government’s love affair with Lord Carter; with legal aid having been completely messed up and firms having been driven into legal action against the Government, they have decided to appoint him to examine the Prison Service. Goodness knows what will happen to that after Lord Carter finishes his report, because, to quote Catherine Tate, in our dealings he was just “not bothered”. He came along having not done any analysis of the impact that his proposals were going to have on legal aid firms, he had no understanding of the legal profession, he did not understand what running a legal practice that had to rely on legal aid was all about, and he just shrugged his shoulders when he was asked questions of fact. On the basis of that kind of demeanour, this report has been produced.”

Within the MLS area we have a particular interest in defending legal aid. This Law Society Constituency contains more sole practitioner and two partner firms than any other constituency in the country. It also contains one of the highest proportion of BME solicitors.

In April, I had the opportunity to address a gathering of MPs and PLOs at Portcullis House, Westminster. Evocatively, the meeting took place in the Attlee Suite. It was therefore entirely appropriate for me to draw to the attention of the Labour MPs there that, as Prime Minister immediately after the war, and facing all the deprivation of that period, Clement Attlee nevertheless found his way to introducing Legal Aid. At that time over three quarters of the population qualified on means. Now, with wealth undreamt of then, another Labour Government is intent on destroying the system in order to save money. But of course the ministers in the MOJ would no doubt argue that, as a solicitor himself, Attlee had a vested interest and that his views were therefore not worth considering

In May, I attended the Justice Alliance meeting at the House of Commons, which was addressed by Alan Beith MP, Chairman of the Constitutional Affairs Committee. Their helpful report had not yet been published, but Mr Beith gave us a useful and interesting preview of what it contained.

I must confess that I had never before read a parliamentary report in full. This one is actually quite a good read!. Apart from dealing comprehensively and fairly with the issues, it illustrates, to an even greater extent than I had previously realised, the complete mis-understanding of legal aid practice by the then Lord Chancellor, Lord Falconer, by Lord Carter and by the Chief Executive of the Legal Services Commission, Carolyn Regan. It is particularly depressing that this Report, though written by a Committee dominated by Government MPs, has been rejected in its entirety by the Government.

Later in the month I was privileged to open the MLS Forum at the Ramada Hotel in Ealing, at which the main speakers were the Shadow Attorney General, Dominic Grieve MP, Richard Collins, Executive Director of Policy at the LSC and Andrew Holroyd, then Vice President (now President) of the National Law Society. Not much encouragement there either! The Shadow Attorney General was full of sympathy; He also admitted guilt for the damage wreaked to the Legal Aid system by his own Lord Chancellor, Lord Mackay of Clashfern, Nevertheless, he was conspicuously unable to promise any more money. Mr Collins managed to avoid many awkward questions, by saying he had not yet had time to consider the Report of the Constitutional Affairs Committee. One wonders what other more important things he had to do!

So, can I end with a note of hope? Just possibly!

We have a new government and a new set of ministers at the MOJ. It would be difficult for the new Lord Chancellor and the new Legal Aid Minister to be as ignorant of Legal Aid, as intransigent or as unwilling to engage in proper discussion as their predecessors were.

Second – and perhaps not unconnected –we have just heard that a settlement has been reached in the action brought, with the support of the Law Society, by the Black Solicitors Network and the Society of Asian Lawyers, (and spearheaded by MLS Committee Member, Sandeep Bhatia) against the LSC. In short the LSC have agreed to carry out a full consultation and a Race Equality Impact Assessment, before introducing Best Value Tendering. One could well argue that it is not a stunning success, but it nevertheless represents a positive achievement after months of failure!

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