

Julian Young
President of the West London Law Society
Lansbury Worthington
11 Galena Road
London W6 0LT

Sent by email: youngj@tuckerssolicitors.com

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Dear Julian,

Thank you for your kind letter of 23 November. This will be a challenging year for solicitors. I will be working to support you and our members through it. Both before and after my inauguration I have spent much time dealing with issues arising from the criminal justice process with your colleagues on the Criminal Law Committee.

You raised a number of points about the difficulties the profession is facing, I would like to address what the Law Society is doing to support the profession in these areas.

You rightly note the pressures that the **Release Under Investigation** process puts both suspects and solicitors under. This has been an area of concern for the Law Society for some time, it was a key issue in our Criminal Justice Campaign of 2019. Our press office also worked with Newsnight on an investigation of the issue too and you may have seen the coverage. We are calling for time limits on release under investigation and for fairer remuneration for defence solicitors. As a result of our campaigning, the Government agreed to a review of the process, which we have been engaging with, and we hope to use this to further push the points you have raised and have them addressed.

You are absolutely right to say that the current fees system is based on historic, out of date calculations. We have been campaigning for an increase to fees for all criminal work, as well as a restructuring of how the system as a whole works so it can be put on a sustainable footing. The Ministry of Justice is reviewing the structure and remuneration within the **Criminal Legal Aid Review** (CLAR). The accelerated part of the review has now been concluded, which resulted in some additional funding for the sector. Though the rest of the review has been delayed by COVID-19, we expect the next stage of its work will begin by the end of the year and we are fully engaging with it.

We know now that CLAR is unlikely to provide respite until 2022 so we are pressing the Lord Chancellor for an interim uplift in fees in the meantime and for further commitment on the timing of the conclusion of the Review.

We have also been calling for an independent review into the sustainability of criminal legal aid work. This has resulted in, as part of CLAR, the Ministry of Justice launching an Independent **Review of Sustainability**. We will engage with both reviews on behalf of the profession to show the impact the system is having on access to justice and to secure lasting changes to criminal legal aid fees.

The professional body for solicitors

I fully understand the impact **delays** in Crown Court cases are having on many firms, and the financial implications this is having for many of our members. When the pandemic began, the Law Society worked closely with the Ministry of Justice and Legal Aid Agency to ensure contingency measures were put in place to assist with cash flow challenges. You will have seen the interim and hardship measures that were put in place for Crown Court cases.

However, I agree that these are inadequate for firms that are undertaking a huge amount of work but are unable to bill due to delayed trial dates. The Law Society has submitted urgent requests to the Ministry of Justice to revise these measures, including increasing the interim fee claimable to a one-day trial fee.

In our submission to the Ministry of Justice, we argued that the interim payment was directly affecting whether some firms were able to continue to operate, especially as staff began to return from furlough. We argued that increasing the fee would help maintain the sustainability of the profession at this very difficult time.

The Law Society continues to strongly make the case publicly, and in our private meetings with the Government, of the urgent need to properly fund the justice system and put legal aid on a sustainable footing. In my meetings with the Lord Chancellor, and with other government ministers, I have directly raised these points with them. The Law Society also made strong representations in our submission to the Spending Review. The Chancellor of the Exchequer announced as part of the Spending Review over £500 million for the justice system, including the criminal justice system. We are engaging with officials and making representations to ensure that these funds also cover legal aid. We will continue to raise these issues at every opportunity.

I do hope this letter helps reassure you of the work being done by the Law Society to support you and all our members through the difficult challenges' solicitors are facing. As I said I have been committing myself over the past year to ensuring a fair and sustainable criminal legal aid system and will continue to do so as will the Law Society generally over the coming period. Let's keep in touch over your concerns and what we are doing and can do to address them.

Yours sincerely,



David Greene
President