

Mr. Julian Young  
President  
West London Law Society

Sent by email

15 February 2021

Dear Julian

Thank you for your email dated 01 February.

I hope that my response to your earlier letter dated 23 November provided some reassurance that the Law Society absolutely shares your concerns about the increasingly unsustainable nature of criminal legal aid work, and the need for urgent action on the part of the government to address the situation.

Your suggestion that the Gazette might publish percentage increases in remuneration paid from 1998 to date to other professions is an interesting one which you may wish to suggest yourself to the Gazette?

As I made clear in my letter, we are already lobbying for an interim increase in rates pending the report of the Criminal Legal Aid Review (CLAR). This is one of our key priorities; I have raised it directly with the Lord Chancellor, the Minister for Legal Aid and senior officials at every meeting I have had with them and will continue to do so at every opportunity.

You may be interested in our latest press release on this issue drawing attention to the number of firms leaving criminal defence practice: [Urgent cash injection needed to halt demise of criminal legal aid firms | The Law Society](#)

More recently I also raised this with Sir Christopher Bellamy - the Chair of CLAR- making clear our concerns that given the delay in CLAR getting off the ground, by the time any recommendations are implemented it may be too late for many criminal firms.

One thing that has emerged clearly from our discussions with government officials and with Sir Christopher, is the need for what MoJ officials call 'hard evidence' of the specific difficulties being faced by defence practices. We have learnt that it is not enough to tell them that 162 firms have left the market since 2019 and that 750 have closed their doors over the past ten years, or that the CPS is recruiting directly from defence firms because they can offer better salaries and employment terms. The MoJ needs evidence of the specific pressures that firms are under, in order to be able to make a compelling case to the Treasury that additional funding is needed.

This is where you and your members may be able to assist us. I would urge you to encourage your members to provide evidence from their own experience to their local MPs; this can be an effective way of bringing the issues to the attention of Government.

The professional body for solicitors

Turning to your second point, payments on account is another issue that we have been lobbying strongly on. We have been urging the MoJ to increase the level of the interim fee that firms can claim, given the ongoing dearth of trials being concluded. The last exchange we had with the MoJ indicated that they are minded to increase the interim fee to 100% of the cracked trial fee. Our proposal that it should be 100% of the trial fee was declined due to the MoJ's concerns about the number of recoupments that would have to be made. Discussions with officials are ongoing.

Investment in the courts is another of our key lobbying points. There were already delays and court backlogs pre-Covid, however this has been exacerbated by the pandemic. To clear this properly and in the long term, courts will need to run at a greater capacity than they currently are. The government's court closure programme before the pandemic has worsened the current situation. We have urged the government to open more Nightingale courts in order to increase the number of cases that can be heard in a safe manner. To date, 21 Nightingale Courts have been opened and these venues are operating a total of 39 courtrooms to increase capacity and reduce the delays caused to the justice system. HM Courts and Tribunals Service is also shortly due to announce a third phase of Nightingale Court buildings, comprising mostly of criminal court rooms. We also believe that vital investment in technology is required so that hearings can still go ahead where it is unsafe for court users to attend in person.

The criminal defence community have done extremely important work in the face of the pressures of the pandemic, on top of the long and unsocial hours many work during more normal times. It is important this is recognised by the Lord Chancellor and Lord Chief Justice, and I have been pleased to see some of their comments in public thanking the profession for its work. I will look to see what more I and others can do to show the deep appreciation that is felt for the work that is being done by practitioners to keep the wheels of justice turning and whether a published article could be explored.

I do hope this letter offers you reassurance that the Law Society shares your concerns and is doing everything on behalf of our members to support them through the challenges we face and to raise these important issues with the government.

Yours sincerely,



David Greene  
**President**