

justice alliance



**Be afraid
without
legal aid**

“Access to justice is one of the fundamental human rights.”
Stephen Fry



“Every individual, whether they are a homeless person living on the street or a lord in some castle somewhere, they all deserve the same decent treatment at the hands of the law.” Jo Brand



“Money should not be the reason why we are looked after legally. We should be looked after legally because we are human beings.” Tamsin Grieg



November 2013

Over **120** charities and organisations including **Amnesty UK, Liberty and The Children’s Society** signed a letter calling for a **halt to legal aid cuts.**

They were joined by Philippe Sands QC outside Lib Dem HQ to deliver this letter to Justice Minister Simon Hughes MP. A further letter was delivered from two women who were sexually abused by guards at Yarl’s Wood Immigration Removal Centre who would not have been able to seek justice under the proposed residence test.

Read about the Yarl’s Wood case here: <http://www.theguardian.com/uk-news/2013/sep/14/detainees-yarls-wood-sexual-abuse>
Read the testimonials from the 120 organisations here: <http://bit.ly/1L8amo4>
Read the letter here: <http://bit.ly/1ANh93z>



January 2014

On 6 January 2014 legal aid solicitors, barristers, charities and victims of state abuse joined together in an unprecedented and historic show of solidarity against the government's determination to impose further legal aid cuts.

Pragna Patel, Southall Black Sisters, an organisation supporting victims of trafficking, domestic violence and discrimination spoke of the impact on women, "The proposals will compromise their [women's] right to effective protection as set out in the government's own policies and strategies on violence against women."



Frances Crook, Chief Executive, Howard League for Penal Reform

What is legal aid and why should I care?

What is legal aid?

Legal aid pays specialist lawyers for one-off advice or to bring or defend a case. It is for people who cannot afford to pay for the costs of their case themselves. The income threshold is very low, so it is the poorest, often the most vulnerable, who get legal aid.

■ **Criminal legal aid** – to defend yourself when you are arrested/charged with a criminal offence.

For most cases a fixed fee is paid, which covers all the work done in a case by the solicitor and the barrister, no matter how long it takes. Sometimes cases cost more to take on than the lawyers recover.

■ **Civil legal aid** – when someone needs to bring/defend a case about their personal life or property.

Examples include: employment law, housing cases, immigration matters, welfare and benefits advice law, education law including special educational needs issues, actions against the police and challenging unlawful decisions by a state authority. It can either be a small fixed fee for one-off advice, or a low hourly rate for the case, but only for some of the necessary work.

What are the changes?

There have been no increases in legal aid payments in over 15 years, instead there have been substantive cuts.

It has been admitted that the cuts are based on no evidence but were made hard and fast because that is what the government wanted. The Public Accounts Committee recently reported that the Ministry of Justice does not know whether the savings in the civil legal aid budget represent value for money.

Read more here:
<http://bit.ly/1FWWASf>



■ **Criminal legal aid** –

- Fixed fees have been slashed and a further cut to these decreased fees is coming in.
- In many areas of the country the cuts are over 25%.
- Changes to the income threshold mean households with more than £37,500 p/a no longer get legal aid.

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What is legal aid and why should I care?

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If you are wrongly accused of a crime and have to pay for your defence and are found not guilty, you can only recover up to the very low legal aid rates. Most people will be thousands of pounds worse off.

■ Civil legal aid

● Legal aid is no longer available to help people in many areas of employment, education, immigration, housing, benefits, family and prison law.

● Civil legal aid fees have been cut by 10%.

● The government wants to bring in a “residence test”. This means that anyone who cannot prove they have been in the UK lawfully for a year will not get legal aid. Anyone in that position, such as victims of

trafficking, will not get help to challenge unlawful conduct by the state.

● The government has brought in substantial changes to judicial review. Judicial review is often the only way people can challenge wrong decision by public bodies such as their local authority, police or school. The changes mean it is now much more difficult to hold the state to account.

Why is that a problem and whom does it affect?

These changes affect everyone and devastate the justice system we are so proud of. Legal aid gives the voiceless a voice. These cuts will silence them.

● Changes to civil legal aid will lead to people being unable to enforce their rights, or protect themselves from the state.

● The changes to criminal legal aid will likely lead to many more miscarriages of justice.

● There will be a two-tier justice system – one for those who can afford to pay and one for those who cannot.

● Many legal aid firms will close and those which struggle on will likely have to use less qualified under-supervised staff to work on cases.

● The government agrees “legal aid recipients are amongst the most disadvantaged in society, reflecting both the nature of the problems they face as well as the eligibility rules for legal aid.”

You never know when you might need legal aid. Save legal aid before it's too late.



March 2014

On 7 March 2014 Paddy Hill and Janis Sharp joined lawyers staging their first national day of action in history.

“If I was in prison today, I would never get legal aid, I would rot in prison even though they knew I was innocent. They [politicians] don’t care about us. They only care about themselves. These cuts [to legal aid] will cause a lot more miscarriages of justice and a lot more money from the public to be paid when those judgments are overturned.”

Watch Paddy Hill speak here:

<https://justiceallianceuk.wordpress.com/2014/03/13/paddy-hill-joins-the-fight-to-save-legal-aid-on-the-23-year-anniversary-of-his-release/>

I am for

justice

Mythbusters: legal aid

Myth 1



“The cost of legal aid is spiralling, the system is inefficient and cuts are our only option”

- The cost of legal aid is *not* spiralling out of control. Legal aid spend is falling. Spending on legal aid for 2013-14 decreased by 11% compared to the previous year and has reduced 24% since 2009-10.
- The Government’s proposals are not solely about reducing spending. The Secretary of State has admitted the proposals are ideological.
- The cuts will generate knock on costs to other Government departments. The National Audit Office (NAO) has estimated that the cuts to civil legal aid will cost HM Courts & Tribunals Service an additional £3 million per year.
- Research has shown that the right legal advice early on can save money.
- The Government’s proposed reforms do little to address inefficiencies in the system and cost drivers such as poor government decision making.
- The Government does not understand the knock on costs of the cuts they have made. The Public Accounts Committee has reported that “the Ministry does not know whether the reduction in spending on civil legal aid is outweighed by additional costs in other parts of the public sector as a result of the reforms... The Ministry seems unwilling to even ask other departments about any impacts on their spending”.

Myth 2



“Legal aid lawyers are fat cats”

- In a survey conducted by Young Legal Aid Lawyers the majority of respondents earned less than £20,000. This is comparable to a teacher or police officer and much less than private legal practice salaries. This is in the context of student debts frequently amounting to tens of thousands of pounds.
- 65% of respondents to the survey had or will have around £15,000 debt from post university law school and 15% will have £35,000 debt.
- Legal aid rates for criminal solicitors have not been increased for 20 years; in fact they have been cut.
- Since 1998 fees for civil legal aid have fallen in real terms by 34%. The Government has recently added to this with a further 10% cut to civil legal aid providers.

Myth 3



“Judicial review cases are rarely successful and waste government money”

- On 23 April 2013 Chris Grayling said only 144 out of 11,359 applications for judicial review were successful. This was based on a misunderstanding of the judicial review process. The figure of 144 measures judicial review cases that succeeded at a full hearing. Numerous cases are settled before a full hearing with a positive outcome for the claimant.
- Every case must have at least a 50% chance of success in order to get legal aid funding. Merits are reassessed at each stage of the case and the Legal Aid Agency (which is part of the government’s Ministry of Justice) can already stop funding if concerned that any case is unlikely to succeed. Legal aid money is not available to fund frivolous cases.
- Judicial review is a crucial means by which the citizen can hold the State to account for unlawful acts. Access to this fundamental right should not be curtailed unnecessarily and without a sound evidential basis.

Myth 4



“We spend more on legal aid than any other country in the world”

- Chris Grayling has been quoted as saying we have the most expensive legal aid system in the world and spend more than New Zealand and Canada on legal aid. **He needs to get his facts straight!**
- Comparisons of legal aid spending with other countries do not compare like with like.
- Countries have different legal systems (adversarial or inquisitorial) political, cultural and religious traditions and varying quality.
- Other countries which spend less on criminal legal aid, spend more on other aspects of the justice system (such as courts and prosecutors) to compensate. Figures compiled by the National Audit Office on European spending on criminal courts, prosecution and legal aid as a percentage of GDP per capita found expenditure in England and Wales to be average.
- Similarly, a study by the European Commission for the Efficiency of Justice comparing European legal systems, ranked England and Wales 13 out of 41 countries, based on legal spend per inhabitant (€80.80), smaller than that of Spain, Norway, Austria and Belgium and dwarfed by Switzerland (€167.10) and Luxembourg (€137.70).

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Mythbusters: legal aid

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Myth 5



“Getting rid of lawyers will save time and money”

- In the year following the civil legal aid cuts there was an increase of 18,519 cases in the family courts in which both parties had to represent themselves.
- These cases are difficult and stressful for those involved. They also take longer. Judges have estimated that cases involving litigants in person take 50% longer.
- This ends up costing the taxpayer more. The NAO has estimated that this increase in litigants in person will cost HM Courts & Tribunals Service an extra £3 million per year while the cost to the Ministry of Justice will be an extra £400,000 per year.
- The Magistrates’ Association have also said that the rise in litigants in person in family cases is having a negative impact on the administration of justice.

MIIND THE GAP

Myth 6

“Other services will fill the gap”

- Free legal advice agencies cannot meet the additional demand that will be created if the government’s proposals are implemented. Law Centres, Citizens Advice Bureaux, and other independent community advice agencies are also facing cuts to multiple funding streams and many rely on legal aid funding.
- Few volunteers can offer the necessary time commitment to develop the level of expertise required, or long-term presence necessary for casework.
- Pro bono advice cannot fill such a large gap. Legal aid lawyers carry out specialist work on behalf of vulnerable clients. Volunteers or commercial lawyers giving up their time, cannot be expected to replicate this specialist service, especially when you get to the more complex stages of a case like in the courts or tribunal. You also need special accreditation or supervision to provide immigration advice or it is a criminal offence.
- The government will still pay for lawyers whenever it wants them but will stop ordinary people getting help even in cases against the state.

For a fuller version of this article please go to: <http://bitly.com/1A1WIPA>



April 2014

1 April 2014. Protesting at controversial plans to privatise probation services, cut legal aid and limit access to judicial review, the Justice Alliance, National Association of Probation Officers, individuals and lawyers joined together outside Westminster before marching on the Ministry of Justice shouting “Save Legal Aid” and “Keep Probation Public”.



Anita

“Legal Aid helped me stand up for myself. That is my right as a human being. I should not be pushed to one side I don’t matter. Because it does matter. It’s my life.”



Gyanendra

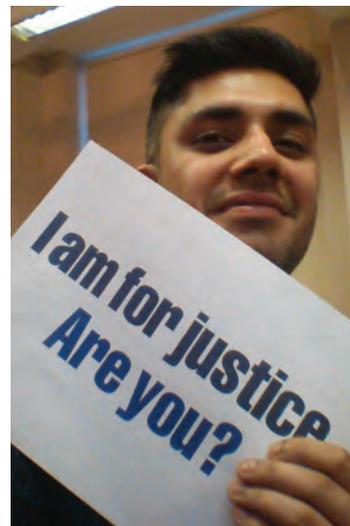
“I wore the British army uniform. I fought and spilled my blood for this country.”



Join Stephen Fry and do a ‘jelfie’ [Justice Selfie]

HOW TO DO A “JELFIE”

Take a picture of yourself holding the centre page poster OR get a friend to take a picture of you. Then TWEET the picture using hashtag #IAMFORJUSTICE or post the picture on the Justice Alliance Facebook page www.facebook.com/JusticeAllianceUK



Daniel

“Daniel would either have died in prison or if he ever got out, been in a nursing home.”

Patrick

“They made that terrible mistake, but I’m innocent, my whole family are, and I can say that until the day I die.”



Vivian

“The most important thing for us was to prove Jean’s innocence and show to the world that he was innocent and a good guy who was shot dead by the police.”

Read their stories at: www.justiceallianceuk.wordpress.com/stories
Watch the film: www.youtube.com/justiceallianceuk

justice alliance



Fight for legal aid

**Fight for your rights.
Before it's too late.**

What you can do

- Spread the word. Watch the Justice Alliance film www.youtube.com/justiceallianceuk and send it to your friends or share it on social networking sites. Send it to your MP.
- Support our actions against the cuts, join protests, rallies and events.
- Get involved in campaigns and events, and keep informed at www.justiceallianceuk.wordpress.com and [@justallianceuk](https://t.me/justallianceuk)
- Arrange a film screening event at your University or workplace. See <https://justiceallianceuk.wordpress.com/university-events/> for previous events and get in touch.
- Lobby your local politicians against cuts to legal aid. For more information visit <https://justiceallianceuk.wordpress.com/take-action>