



If I ran legal aid...

...MPs & govt ministers would be forced to use the same legal services as their poorest constituents & govt bodies would only be allowed to pay their lawyers at legal aid rates, says Lucy Scott-Moncrieff

In the medium term, I would place the Legal Services Commission under the supervision of the Legal Services Board, which would be set up as recommended by the Clementi review. It would continue to be responsible for maintaining a funding code to establish the criteria justifying the grant of legal aid but would do so as part of a consortium that would include central and local government, law centres, Citizens Advice Bureaux and advice agencies, relevant charities and pressure groups, the Bar Council and the Law Society. The consortium would be required to reduce the need for legal aid by setting targets for improved decision-making by central and local government.

All the LSC's responsibilities for monitoring the quality of work done by legal aid lawyers, including value for money, would be transferred to the regulatory arm of the new, divided, Law Society. The Law Society and the LSB would devise a system, approved by the National Audit Office, for monitoring all firms who do work for central and local government, the NHS, etc. Any firm wanting to do publicly-funded work would have to meet the Lexcel standard.

The budget for all publicly-funded legal services would be set by the Treasury and all purchasers of legal services would compete for a share. Local and central government bodies would only get funding for litigation if they could show they had robust, effective systems for minimising the need for litigation.

MPs and family members living with them who needed legal help in an area of law covered by the funding code would be obliged to use a legal aid lawyer (and reimburse the legal aid fund). If their case did not meet the funding code criteria, they would be prohibited from paying a solicitor to represent them and would have to deal with the matter in person.

There would be fixed hourly rates for all publicly-funded legal services, including, but not limited to, legal aid work. Rates would be the same for all publicly-funded clients, to do away with the current ludicrous situation, whereby a publicly-funded lawyer acting for (say) a respondent health authority has an hourly rate five times that of a publicly-funded lawyer acting for an applicant on legal aid.

In the short term, every act of parliament giving rights to individuals

would be endorsed as follows: 'Only people able to fund their own litigation have the right to enforce the provisions of this act, as the legal aid budget is not being increased to provide this opportunity to the poor.'

Just as local councils require property developers to provide 'planning gain', government procurement policy would require all firms receiving public funds for the provision of legal services, other than legal aid work, to pay 10% of fees into a fund (administered by the LSC, the Law Society and councils) to set up schemes to reduce the need for legal aid services.

Government protocols would require all public inquiry work to be offered to lawyers who derive at least 50% of their income from legal aid.

The LSC's budget would be a fixed percentage of the total legal aid spend, and LSC salary increases would be tied to the average increase in rates made to practitioners.

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