

Train of thought

If ever evidence of the current mood of the profession was needed, so many solicitors attending a series of national events during the last few months must be a key indicator. CLSA's first Training Day on 21st March was a considerable success. Whilst more than 200 solicitors attended a session in London run by the LCCSA, over 500 people attended the NEC when CLSA Chairman Ian Kelcey introduced Law Society Vice President Andrew Holroyd, who gave an update on the legal aid campaign and the Unified Contract. Representatives of the Society's contract lawyers, Bircham Dyson Bell, were on hand to give an analysis of some of the terms, described as 'unreasonable' and 'uncertain'. In an impressive performance a huge range of questions were dealt with clearly and concisely. They had no hesitation in answering the most telling question of all: 'Would you advise a client of yours to sign this contract?' The answer was an unequivocal: 'No'.

Then Director Rodney Warren explained some of the detail of the proposals and background for police station fixed fees, rotas and boundary areas and touched upon some of the other plans.

Questions and debate at the meeting showed concern that, leaving aside determined opposition to the ultimate objective of the changes, the Legal Services Commission is getting the detail wrong in many places. It is shattering the confidence of the profession that there is no clear understanding or concern at the grave consequence of getting wrong such things as police station rota slot allocations.

Cold War

Hundred of lawyers stood in freezing conditions outside Parliament this week to protest over cuts to legal aid – and top politicians even joined in to describe current policies as 'cuckoo'.

Outside the House of Commons on Monday, shadow attorney general Dominic Grieve told lawyers the current Carter reforms were 'extremely laughable' and argued that were better alternatives that could save the system. 'The idea that someone will do pro bono work and that will replace it... it is just cuckoo,' he warned. He backed the views of shadow constitutional affairs secretary Oliver Heald, who complained that now the best firms are being driven away because of cuts. Mr Heald insisted: 'We must continue to fight these proposals – do we say yes or do we say no? We say no.'

Labour MP Diane Abbot said legal aid should be viewed as just as important as housing, education and health. 'Maybe one thing we could look again at are the changes and ask if they are right for access to justice,' she said.

Des Hudson, chief executive of the Law Society, was greeted with cheers as he warned that the government was 'running an almighty gamble'. He said: 'We are insulted that the government talks about their measures being reforms. They are not reforms – they are cuts.' He told lawyers not to sign any new contracts until they are approved by the Law Society. 'We believe there are serious failings in the contract that will be attacked.'

Lawyer Louise Christian agreed with him, saying that Lord

Carter appeared not to understand the legal aid system. 'Don't sign that contract, write to your MP and lobby Parliament,' she advised.

Liberty's Shami Chakrabati raised a laugh by pointing out that their futures were planned by 'the commercial lawyers in the cabinet who call you fat cats'.

However, the Department for Constitutional Affairs said lawyers should be ashamed of themselves for attending, describing their actions as 'irresponsible and unprofessional'.

But Rodney Warren hit back, arguing: 'The word "irresponsible" is a bit rich coming from a department which treats a desire for change like a bungee jump – wanting people to jump and hope the elastic is not too long. I'm also not convinced the department knows what the word "unprofessional" means. In the absence of evidence that any client was left unrepresented, such phraseology is inappropriate.'

Duty Solicitor Call Centre (DSCC) and CDS Direct

This latest consultation contains ideas which will have very far reaching effect. There are two main issues.

First it is intended that all calls where a defendant requests legal advice in the police station should be routed through the DSCC – whether the defendant requests a named solicitor or asks for duty.

The second proposal is that CDS Direct should be expanded to include own solicitor cases as well as duty work for the same types of cases in which it is currently involved. This will save a projected £4m from telephone advice calls currently being paid to solicitors.

Although the potential problems of clients who have nominated their own solicitor finding themselves denied initial access to that solicitor (or any access if there is no interview, other need for attendance or subsequent charge) are significant it is probably the idea to put all calls through the DSCC which requires the most attention.

It is suggested that all own solicitor calls will be deployed to the nominated solicitor with strict telephone availability/response times. The document says: 'Three attempts will be made to contact them (the own solicitor) within thirty minutes. If, after this time that solicitor either declines to attend or cannot be contacted, then the Duty Solicitor will be allocated. The police will inform the individual that their own solicitor either could not be contacted or was unavailable to attend'.

The police are, for the most part, quite good at contacting nominated solicitors and there is a degree of common sense and flexibility in the process. This administrative approach, which will allow the LSC to monitor all demand, will create a considerable cost burden on medium-sized and smaller firms to develop telephone response services to ensure that they never miss a call. Consultation ends on 1 May 2007.

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