

## Beyond the call of duty

The Legal Services Commission has backed down over plans to reform the duty solicitor rota after it came under pressure from the profession.

The move came last week amid concerns that the LSC's consultation process was unfair, including a threatened judicial review from the Law Society and notices from law firms that they would sue for breach of contract.

It originally presented two models of slot allocation, one based on the volume of cases, including own client work, undertaken between November 2005-October 2006 and a second focused on a 'snapshot' of the number of duty solicitors by firm in November 2006. In February it announced it would go with the 'volume' option, leading to a flurry of activity amongst firms.

But the LSC has now admitted: "It has not proved possible to construct new duty solicitor rotas on the basis we originally intended because our discussions with providers have highlighted inaccuracies in the data we used to formulate our proposals."

Derek Hill, LSC Criminal Defence Service Director, added: "We are now proposing either to issue rotas up until October 2007 based on the existing system or to take a 'snapshot' of the number of solicitors that firms had on each scheme on 28 November 2006 (the day the initial consultation on Market Stability Measures was launched) and use this information to allocate slots until the new system begins." See the new consultation at [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

Many firms have already sent notices of intention to sue the LSC claiming they were shafted when they believed that slot allocations would be based on volume.

Andrew Bishop, partner at Brighton firm Bishop & Light, one of the firms that protested, said firms had hired and fired solicitors and bought up other firms on the basis of the LSC's February decision. "For firms that want to stay in business under Carter and see a sustainable future, this gives them no confidence," he complained.

CLSA Director Rodney Warren said it would be responding to the new consultation. He argued that the duty slots issue, especially the consequence of including own client work, had never been properly understood by the LSC. "Change for the sake of change is not a supportable concept," he said.

Andrew Keogh, partner at Tuckers, said: "Suppliers are quickly losing faith in the LSC's ability to take forward the Carter vision. Decisions are being made in good faith, but regrettably the LSC is not keeping to its side of the deal, exposing firms to considerable financial loss. The LSC has delivered price cuts, it is now time to begin delivering volume."

## If it ain't broke, don't fix it

Solicitors have hit out at proposed changes to CDS Direct and the Duty Solicitor Call Centre, branding them 'client stealing' in an effort to fix something that is not broken.

The LSC is proposing that all calls should go through the Duty Solicitor Call Centre, with CDS Direct expanding to take on own solicitor work. This would also exclude private practice solicitors from providing telephone advice. Consultation on the matter closes on 1 May.

But Steve Wedd, partner at Brighton firm BWS, compared his role to a doctor/client relationship, especially in trouble areas where there is a lot of crime. "I have spent 20 years building up my practice and have plenty of clients who I dealt with before ringing me up saying: 'My boy's in trouble'. If they are in the police station and they ask for Wedd, they do not want Warren or Kelcey, they want me because they know me." He described the plans as 'nonsense'. "It's just the LSC client stealing," he argued. "This system has been working pretty well for 20 years and it's been cheap as chips - why fix something that isn't broke?"

Stephen Nunn, partner at Devon firm Nunn Rickard, said many clients would not understand that they could speak to their own solicitor, thinking they would have to pay for more than just the phone call. He said it was bad for both solicitors and clients. "CDS Direct is possibly the final nail in the coffin," he warned. "Not only are we not going to be given contact with our clients, but there will be a call centre culture; it's rubbish - everyone hates call centres."

## Conference call

The next CLSA conference will take place at the Oxford Belfry Hotel on 3 November. For more details about the event or for information about CLSA membership, contact **Sue Johnson; telephone: 01273 676725, e-mail: [sue@clsa.co.uk](mailto:sue@clsa.co.uk) or see: [www.clsa.co.uk](http://www.clsa.co.uk)**