

Hanging on the telephone?

Last week was miserable. "Teething troubles" does not begin to describe the catalogue of chaos that was unleashed on the police and defence solicitors, because of the simple fact that the DSCC project was handled with the competence to be expected in a far flung banana republic. There was nothing special about last Monday, or indeed any other day that week, so it is hard to understand why call volumes were outside expectation, save to conclude that someone did not do their homework. In the first 38 hours of DSCC Tuckers Solicitors took one call. Now, whilst we cannot always predict call volumes with certainty there are still only two conclusions to draw from this: either criminals in Manchester, Birmingham and London were having a holiday or the system was in chaos. To his credit, John Sirodcar has admitted some failings, but that amounts to mitigation, not a defence.

It was never entirely clear why Lord Carter was so in favour of DSCC and the business case is far from made. The LSC is obviously struggling to cope with the change programme it has to implement. It should freeze all further developments until it has under control those projects currently live, not least LSC Online (or offline?).

The DSCC is simply a prelude to removing almost all advice and assistance from independent suppliers and replacing it over the course of the next few years with call centre justice. Recent experiences indicate that the LSC will simply deliver injustice on the cheap.

Andrew Keogh, Vice-Chair

**CLSA conference
17 October 2008
in Sheffield**

Chair's view

It is becoming clear that many firms are in crisis at the present time, January is always a tough month, with the financial hangover from the Christmas break and the tax bill. This year, matters have been exacerbated by a number of factors: primarily the new criminal contract and the introduction of DSCC.

However that is only part of the picture. Magistrates' court fixed fees are beginning to bite and trying to manage the expectations of clients within a fixed fee structure will be even more difficult with the litigators' graduated fees. Clients have enjoyed, quite properly, regular visits in custody when remanded on a Crown court case but with travel included in the graduated fee and no escape this will not be economically possible.

If you add into the mix the chaos surrounding LSC "offline" and the consequential difficulties with SMPs it is no surprise that almost daily reports of firms giving up crime are emerging.

So much for "Legal aid reform: a sustainable future/the way ahead."

The CLSA will continue to argue that the LSC is unable to manage this programme of change and will keep you advised of all developments.

Joy Merriam, Chair

Best value tendering — the CLSA view

In mid February, the CLSA will publish on its website the working draft of its response to the LSC's consultation paper on best value tendering.

Lord Carter's report envisaged a "steady state" where there were no longer payments to solicitors on the basis of time spent, but instead, fixed and graduated fees. He acknowledged that not every

geographical area would be suitable for BVT.

Apart from specified savings, most of which are now in place, it was said that, upon reaching that steady state, in areas where administered prices remain (most likely Crown Court fees, for instance), the appropriate level for those fees should be reviewed annually to ensure that their value is maintained in real terms. So far, the LSC and MoJ show little sign of recognising that fact. Without that recognition and the necessary increases, there will be no long term sustainable supplier base.

The originally expressed purpose of BVT was to demonstrate that the best rate was being paid and public money being spent wisely. If there is a political decision that the overall budget cannot increase, the economic reality is that prices in the overall BVT round will not be allowed to rise.

This is precisely the point where the proposals fail for long term delivery. Lord Carter knew that the market needed to be transformed, which is why he recommended the market stability measures — all of which the LSC failed to deliver. We all now know that the LSC is trying to sell something which it cannot deliver — volume.

BVT won't work in a market where the bidders are desperate for a contract and will bid unrealistic prices in the hope of a miracle that will allow them to survive while the seller tries to sell something it doesn't have, at a price it says it can't afford.

Rodney Warren, Director

For information about CLSA membership, contact **Sue Johnson**
Telephone: 01273 676725
Email: sue@clsa.co.uk
or see: www.clsa.co.uk