

INTRODUCTION

Good morning.

It is a pleasure to be able to address this year's CLSA conference as Vice President of the Law Society. Next week I will be its President.

A YEAR ON: WHERE ARE WE?

I gave a speech to you last year where I said the justice system is in crisis and that the Law Society would use every tool at our disposal to fight for practitioners and to get the system the resources it needs.

Well, nothing has changed, the system remains in crisis.

I won't quote you the stats on the ageing profession.

The numbers of declining duty schemes.

The percentages of inflation that have devastated firms.

You know it all. This is your everyday reality and as a criminal practitioner, it was mine as well until last weekend when I started my break to take up my new

position.

The silver lining is that the Law Society and the CLSA has not given up the fight either. Last year, I told you we had been granted permission on our judicial review.

We won that. The judgment itself finding that our system runs on the goodwill of defence practitioners and is unsustainable.

We have a new Government 3 months in and in that time we have been banging on their door. Asking how they will fix this crisis, how will they respond to the JR and when will they give criminal legal aid the increases it needs.

But so far, we've got new ministers, new rhetoric, and the same old policies.

We understand the pressures that justice ministers are under. Their predecessors failed to meet the most basic and fundamental responsibilities of their office.

That a choice had to be made between letting people

out of prison early or running out of prison cells is a shocking demonstration of the impact of years of neglect.

Over the summer we saw what happens when the justice system appears to lose its credibility. But we also saw, and I hope the country saw it too, how criminal defence solicitors are critical to effective justice.

Solicitors were on the frontline of the response to the unrest over the summer.

Some of them were even targeted themselves for daring to represent clients in the most difficult of circumstances.

Duty solicitors enabled police investigations to move ahead, helping cases reach court quickly and advising guilty pleas where appropriate.

The Prime Minister himself recognised huge demands were made of the justice system, of “*people already stretched to the limit*” in his words.

And the system met those demands.

You all met those demands.

But without urgent repair and action it won't be able to next time.

We are rapidly reaching a point where it will become routine for someone to find themselves in a police interview asking for a duty solicitor to be told there isn't one.

Do they wait when they just want to go home and get out of the police station?

Or stay in limbo and hope a solicitor can be pulled from the 5 other urgent cases they are dealing with?

Or do they chance it?

"It's only a misunderstanding they just want your side of the story"

Another devastating choice, no one should be forced into making because of the failures of others.

The Lord Chancellor has rightly called the last

government “*the guilty men*” for the state they left the system in.

I fear she is walking the same path of delay that led us here. It may be that the Treasury is forcing her to walk that path, but the outcome is the same.

Today it is the prisons and next it is criminal duty schemes.

MISSED OPPORTUNITIES AND A FALSE DAWN

I’ve spoken with the Lord Chancellor, and we’ve met with Justice Minister Heidi Alexander, while talking to officials almost every day over recent weeks.

We have engaged with this Government since they entered office. In good faith, seeking concrete action and clear timelines.

A timetable for responding to the JR, a date for the consultation on lower crime work to be published, an

understanding of what funding they are asking from the Treasury.

Basic steps to show they are serious. We did not expect them to solve the whole problem immediately, but we needed to see a start.

Measures to build confidence and a signal to practitioners that it is worth holding on for a little bit longer.

In return we have received warm words and empty assurances.

Promises of next week.

Next month.

Next year.

That is **not good enough** for victims left waiting years for justice.

It is **not good enough** for defendants left to represent themselves.

And it is **not good enough** for duty solicitors, left to watch their firms collapse under them.

Criminal legal aid practitioners have spent years waiting for funding, for rates to increase. Lord Bellamy began his work in January 2021. The origins of CLAR started before that in 2018.

If CLAR was a child, it would already be starting school!

We could have trained a new generation of legal aid practitioners in the time governments have wasted.

Again and again, it has been demonstrated that those within the justice system are the only ones willing to fight for it.

Criminal legal aid has run on the goodwill of practitioners for too long.

Extra hours.

Filling the gaps in rotas.

Going beyond your contracts.

It is time that ended.

The Law Society will be publishing guidance in the coming days to help firms decide whether they can continue to provide criminal legal aid work in light of the LAA's 10-year tender, and continued uncertainty, and how they can take steps to avoid some of the most loss-making work.

We recommend firms examine the viability of each type of criminal legal aid work they undertake to decide **if** they should scale back or withdraw altogether until there is meaningful change by the new government.

The Law Society stands for access to justice and we will never step back from fighting for it. **This** is not an easy move for us to take and we have done all we can to

avoid it.

However, the goodwill of criminal legal aid practitioners has allowed successive governments to paper over the cracks and avoid the hard decisions that need to be made about our criminal justice system.

We can no longer ask you to hold the line in the hope of action from government that may never come.

Our door remains open to ministers and our asks remain the same.

A clear timetable for compliance with the JR.

The 2% now and by the beginning of December the implementation of the minimum level of investment called for by Bellamy, adjusted for the increases in the cost of living since the report was published.

An understanding of what funding is being sought from the Treasury.

And delivering the long-term viability of criminal legal aid.

Take these steps and I will call every firm myself to tell them there is now a future in criminal legal aid and they should consider returning to the sector!

But this may well be the last opportunity to walk back from the brink and the time we have to do it is very short.

If the rapid decline in the number of criminal and civil legal aid providers wasn't enough of a signal, Taylor Rose – one of the country's largest high-street firms-choosing to step back from all legal aid work is an urgent sign of how dire the financial environment criminal legal aid – all legal aid – faces.

The fact that for the first time ever, we have fewer firms undertaking civil legal aid immediately after a tender than we did before it is a further stark warning that the collapse of legal aid is no longer imminent, it is here, it is happening.

CLOSE

I would like to return to you in a year's time and pinpoint

that as the low water mark for criminal legal aid.

To be able to highlight a year of progress, of investment in the sector and maybe even some green shoots of young lawyers entering the profession because they can build a career making a difference.

That is the future I want to see for criminal legal aid practitioners.

But we need a government that is serious about criminal justice to get there.

And right now, we don't have one.

Thank you.