



**Market Stability Measures
– amendments to proposals for the allocation of Duty Solicitor Slots
A Consultation Paper**

Response from:

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This consultation arises out of fundamental errors by the LSC.

The LSC accept that their proposals for transitional arrangements from 1st April 2007 as originally proposed are flawed. These were allocated on the basis of volume of both 'own' and 'duty' from a prescribed period. However they were based on incorrect data and the LSC accepted this and had to delay their implementation.

The LSC proposed to revert to a "snapshot" allocation based on the market on the date originally proposed in the consultation "Market Stability Measures" namely 28th November 2006

In this consultation two alternatives for duty solicitor slot allocation are proposed:

1. Maintain the current system until October 2007
2. The "snapshot option" as set out above.

In between times there have been two important developments which should properly influence the LSC's thinking:

1. The Constitutional Affairs Committee reported on 1st May 2007
2. The Law Society has published the impact report of LECG on the new police station arrangements

There is remarkable homogeneity between these two reports and the LSC's own Otterburn report which was published after a substantial delay

This consultation addresses only interim measures (also known as transitional arrangements) before implementation of the new police station arrangements based on boundary changes and fixed fees in October 2007. That consultation has only recently closed and the LSC is still considered the responses to that consultation but remains committed to introducing the changes proposed in October 2007.

Further the LSC must now consider the above two reports which both caution the LSC as to the risk of irreparable damage to the supplier base if they continue on the path they have chosen without evaluation research and care.

Both reports are critical of the transitional arrangements. The Constitutional Affairs Committee call for them to be "scrapped" and LECG conclude that many firms will find it hard to survive the transition.

Both urge the LSC to abandon its current timetable and re evaluate its proposals.

Consequently the only sensible option for the LSC in the light of these reports is to leave the status quo in place instead of rushing forward with its timetable in the face of opposition from the profession and its representative bodies.

The LSC and the DCA should now carefully consider the position in the light of this information which confirms what the profession has been saying all along. These reforms will not work; will not save money; will destroy the supplier base and will have severe and permanent consequences for access to justice in this country.