

**REPLY TO CALL FOR EVIDENCE OF INDEPENDENT REVIEW OF CRIMINAL LEGAL AID
ON BEHALF OF STRAIN AND COMPANY**

Preface

Strain and Company are a firm of solicitors based in North West Wales with three duty solicitors and two paralegals covering the locality with solicitors having been involved in Criminal Legal Aid work for thirty years. The Firm provides Criminal Legal Services at the Police Station, Magistrates and Crown Courts and do so in a bilingual setting.

Replies to Questionnaire

1 The main issue in the Criminal Legal Aid system is under-funding. The working conditions are such that it is impossible to recruit young Criminal Legal Aid lawyers. Given the geographical and logistical difficulties of rural North West Wales, a large amount of travelling and waiting is involved in the system, reducing Criminal Legal Aid fees to unprofitable, or barely profitable, margins. Additionally, delays in investigations, charging, listing and processing of cases, all acts to the detriment of the Firm's profitability.

2 The current fees schemes have not modernised to deal with the increase in clients suffering mental illness which appear to be increasing in numbers in the Criminal Justice System. Much of this is drug-related and the fees are simply insufficient to provide people with an incentive to represent difficult and often demanding defendants. The current fee structure can only be profitable with rapid progression through the system of high-volume case work, neither of which is currently happening.

3 The under-funding and under-staffing of the Police lead to lengthy delays in processing cases and equally, the lack of Legal Advisers at court hearings causes further delay in the Magistrates' Court. All delay is detrimental to the financial sustainability of a Criminal Legal Aid Firm and, in turn, creates pressures on the system. That in turn is reflected in the low salary levels available to new and recently qualified solicitors and is a disincentive to career progression in Criminal Legal Aid. The reality is that an increasingly reduced number of middle-aged and elderly solicitors make up the bulk of the Criminal Legal Aid advisors, and when they have reached retirement age or have absolutely had enough of the system, the real difficulties for the system will arise.

4 No. We have referred to the difficulties in paragraph 3, the margins available simply do not allow for salaries which reflect the difficulties faced; from £25,000 - £30,000. If young lawyers cannot see a path to develop themselves financially and personally, they will not remain in the profession for long enough to build up the reservoir of experience and skills required to maintain a proficient criminal advice service. There are many examples of this. One example would be of somebody being on a 12 or 24-hour Police Station Rota and having to conduct 2.00am interviews with potentially a full day's work as Duty Solicitor in Court the following day or with Trials. There are no fees available for standby work and the pressure to maintain volume and carry out the work is incessant.

5 When the system does work efficiently and quickly, there is a lot of quality inherently there. I'm able

to refer to a specific scenario; We recently had a rape case at the Youth Court. Legal Aid was extended to include Counsel for the Trial and we were properly paid for a Paralegal to interview five witnesses, to attend the hearing, a senior solicitor to supervise the case management and Counsel to conduct the case at Trial. It was a difficult case with life-changing repercussions for the defendant. After a three-day Trial, the defendant was acquitted, the bill for the work exceeded £5,000.00. The Court, however, heard all the evidence in a properly prepared case by both the Crown and the defendant and the Judge was able to reach a decision on the merits of the evidence, having heard the case in full. Quality representation costs money.

6 CVP should be the norm for administrative hearings and non-custodial cases. The throughput of cases has reduced to a crawl, thereby increasing financial pressures on Criminal Defence Firms. The Crown Court is under great pressure with Trials being delayed for months and sometimes years.

7. A significant improvement would be to cut the bureaucracy employed by the Duty Solicitor Call Centre and the Legal Aid Agency. A lump sum could be paid annually to Criminal Defence Firms in respect of which they would be expected to administer a certain number of cases. Any divergence over a percentage would be balanced at the expiry of a 12-month period. This would provide firms with the funds from which to operate and to do so without expensive time-consuming bureaucratic reporting of huge details to the Legal Aid Agency. In addition, added resources to the Police would assist in bringing cases to the Court quickly and resolved so that payment can be administered in a similar fashion.

8 The Government needs to pay more for the Criminal Defence Service it receives. If this is not possible, then reducing the bureaucracy of the Legal Aid Agency and reporting requirements would assist, together with the quicker payment of money e.g guilty plea fee should be available for all not-guilty pleas at the point the not-guilty plea is entered in the Crown Court.

9 No