

## Application to join the Legal Aid Review Panel 2020

### EXERCISE A: INDEPENDENT FUNDING ADJUDICATOR (Civil)

This exercise should be completed by candidates applying for the role of Independent Funding Adjudicator (IFA), membership of the SCRP sub panel or any of the Chair roles.

It need not be completed by candidates whose area of expertise is crime only.

The exercise is not intended to test knowledge of a particular area of law but is seeking to assess the applicant's knowledge of the relevant Legal Aid regulations and the powers available to a panel member.

#### Question 1

You have been sent an appeal to deal with and have been asked to return it on an urgent basis. In summary, the appeal is an application for Full Representations for a Judicial Review matter and there is a dispute between the provider and the LAA as to the prospects of success (noting that your decision on prospects of success would be binding on the LAA). The original application for legal aid was submitted on 1 July 2018.

Noting the information above, please identify all the relevant funding criteria to be applied in this case and provide (with reference to the Regulations) details of any issues that you consider may arise. Please do not restrict your answer to a decision on prospects of success alone and try to identify all relevant criteria set out in the Regulations. Please provide an explanation/breakdown of all of the criteria which may be applicable in this scenario.

Answer should be no more than 500 words.

**1a**

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Within the appeal documents, you note that the solicitors have stated that they consider prospects of success to be moderate, but that the LAA consider prospects to be poor. The solicitors have also confirmed that the case is of Significant Wider Public Interest (“SWPI”), but the LAA have provided no comment on SWPI as they consider prospects to be poor. On reviewing the papers, you come to the conclusion that all the relevant criteria are met, but in your view, prospects of success are borderline and you agree with the solicitors that there is SWPI.

What would you do?

Answer should be no more than 400 words.

**1b**

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## Question 2

A very complex appeal has been referred to you. You think you have all the information you need, but you may benefit from hearing from the solicitors. You also consider that, whilst you do have expertise in the area, the background facts are extremely complex.

What would you do?

Answer should be no more than 400 words.

2

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### Question 3

a) An appeal has been sent for you to adjudicate.

The appeal is in relation to funding for Investigative Representation for a community care judicial review. The LAA have refused funding on the basis that the local authority is currently conducting a community care assessment, but the provider states that it wants a certificate in place to analyse the assessment with counsel's assistance and to conduct further investigation and negotiation.

The LAA have identified Regulation 54 of the Civil Legal Aid (Merits Criteria) Regulations 2013 as amended by the Civil Legal Aid (Merits Criteria) (Amendment) Regulations 2016 as being applicable in these circumstances.

With reference to the Regulation identified by the LAA and any other Regulations that may be applicable, do you:

Allow the appeal;

Allow the appeal with a costs' limitation;

Agree with the LAA;

Respond to the LAA in a way not covered by the above.

Please state which of the four options above you would choose and explain why. You should also include the full detail of the applicable criteria which you are applying.

Answer should be no more than 500 words.

**3a**

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b) Please summarise the powers an Independent Funding Adjudicator holds.  
Answer should be no more than 300 words

**3b**

Click or tap here to enter text.