

# Overfeeding the 5,000

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*Alastair Hudson*

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The latest Labour government initiative on human rights is to take legal aid work away from 6,000 of the 11,000 contracted solicitors' firms in England and Wales. That will leave the existing work to be done by only 5,000 firms in the future. The dispossessed 6,000 firms will lose the right to claim against the legal aid fund: many of them will go bankrupt. (While the government points out that they only do 20% of the total legal aid workload, that does not mean legal aid only constitutes 20% of their incomes.)

So what? A few lawyers have to get other jobs? I don't think it is as simple as that. It is true that legal aid is nothing more than public funds paid straight into solicitors' bank accounts. It is also true that spending a pound in legal aid does not 'buy' a pound's worth of justice. But legal aid is vitally important.

More particularly, ensuring that legal aid is as widely available as possible is an essential part of a democracy in which political power is expressed through law - by legislation, judicial pronouncement and social practice. Law must be accessible to citizens or they will remain simply the objects of that political power - not its owners.

The block contracting of legal aid introduced by Derry Irvine mirrors the disastrous Tory reforms of the NHS. It runs the same risk of the money running out in one financial year so that no new cases can be brought until the next year's budget. It runs the risk of concentrating control over the provision of particular public services into the hands of those 5,000 private, commercial lawyers' practices.

Lord Irvine's change to the numbers of qualifying firms will result in the growth of those 5,000 firms into effective local monopolies. They will absorb work from the bankrupt firms and grow ever larger and more distant from their clientele. They will cherry-pick the profitable cases and ignore the unprofitable housing, employment and social security disputes which ought to be the main concern of a Labour government.

Eventually a handful of large firms will control given types of litigation in particular geographic areas. The 5,000 firms will become a very powerful club. And yet all we get from Irvine is bluster about improving service (an unlikely result) to mask a naked, cost-cutting agenda.

Mind you there is something right in cutting back on the overall cost of legal aid. One third of the total legal aid budget (civil and criminal) is spent on matrimonial disputes, and yet legal aid is still unavailable for employment tribunal hearings. It should also be remembered that full legal aid is not available for anyone who earns more than income support - thus preventing most working people from getting any legal advice.

The only way both to streamline the system's cost and to ensure that citizens get genuine justice is see legal aid as a part of the welfare state. Public funds should be allocated according to political priorities rather than simply meeting the invoices sent in by the solicitors' firms. In the health service we make principled decisions about the services which ought to be available - we do not let the doctors demand payment for the work that they want to do. So why do we allow the lawyers to decide how this public legal aid money is spent?

What is lacking in Irvine's legal affairs policy is a socialism which gives individual citizens the opportunity to make their own lifechoices within a supportive, expansive welfare state. There has been no systematic, principled investment in law centres or citizens' advice bureaux, no investment in educating the public about their rights, and no investment in researching other means of delivering legal services. Sporadic amounts of money are occasionally put towards advice agencies but those agencies still lack core funding from government with which to plan for the future of the communities they serve.

The most important form of equality is equality of access in this micro-state, information age. Access to rights, access to public services, access (in the hackneyed expression) to justice. Access which is provided by a caring welfare state educating our citizens as to their rights. That is the kind of socialism we need in our legal system. Instead the Lord Chancellor is still feeding the fat 5,000 from public funds.