



The All-Party Parliamentary
Group on Legal Aid

Westminster Commission on Legal Aid Oral Evidence Session

Family Legal Aid

19th November 2020

In attendance:

Panel

- Karen Buck MP
- James Daly MP
- Gareth Bacon MP
- Andy Slaughter MP
- Baroness Natalie Bennett
- Lord Colin Low

In attendance

- Alex Chalk MP
- Karl Turner MP

Witnesses

- Jenny Beck, Beck Fitzgerald
- Malvika Jaganmohan, St Ives Chambers
- Lorraine Green, Miles and Partners
- Cyrus Larizadeh QC, Chair of the Family Law Bar Association
- Cris McCurley, Ben Hoare Bell LLP

Introductions

Karen Buck MP – Chair of the APPG on Legal Aid

Good morning everybody, welcome to our second of our inquiry sessions for the APPG on Legal Aid Inquiry into the state of legal aid and the resilience of the legal aid system in the light of the current pressure caused by Covid and the economic consequences of the pandemic.

We had a very successful session a few weeks ago, looking at the criminal legal aid system and today we will be looking at the area of family law. My name is Karen Buck and I am the Chair of this inquiry. We are joined by guest speakers, we are absolutely delighted to welcome Alex Chalk, who is the Minister at the MoJ responsible for legal aid. He was, unfortunately, unable to join us for our first session, but we are thrilled that Alex will be speaking to us this morning. We also welcome Karl Turner, the opposition spokesman on legal aid, and our panel members that will be helping me in asking questions to the witnesses – we are also very grateful to them.

We have over a hundred people that have joined us this session and you are all very welcome, we are absolutely delighted to have you with us. Please use the Chat function to put in comments and questions, I can't guarantee that the questions will be asked – although the panel members are encouraged to look in the chat and see what's being raised and maybe pick those points up. Ro Teather of LAPG, who is organising this Inquiry, will analyse the responses and draw on that information. We also encourage you to comment on these proceedings on social media using the #WeAreLegalaid. We are of course recording this session and that and a transcript of the session will be available later on.

So welcome again, and I am going to start by asking Alex Chalk if he would like to speak to us this morning.

Alex Chalk MP – Parliamentary Under Secretary (Ministry of Justice)

Thank you very much, Karen. Can I begin by saying how pleased I am and grateful that I have been given the opportunity to speak today and thank you to Karen in particular. We had a debate recently in Westminster Hall and in preparation I was looking for it at some of the debates that have taken place nearly 10 years ago, and there was a lovely tribute to Karen, thanking her for her long service on the APPG for legal aid, and that was in 2010 – so gives an indication of the dedication she has given to this course, which I am grateful for.

It's a pleasure to be here and to talk about such an important topic. From my background as a legal aid barrister, I am acutely conscious of not just important but the essential role that legal aid and legal advice plays in upholding justice, it upholds the principles of equality before the law, access to justice, and rule of law – all vital tenants of our constitution.

By way of some context, last year we spent about £1.7 billion on legal aid, and that provides support for the most vulnerable in society, to help them effectively accessing justice when they need to – and it is of course essential that we protect this support and it continues to be available in the future. Over the past few months, the importance of advice and the legal sector has been brought into sharp focus. My officials and I have been engaging extensively with actors across the advice sector in this period and I know how challenging this has been for providers and indeed for service users alike. Because although our priority has to be people that need that advice, I am of course extremely conscious of the impact on those people who work enormously hard late into the night to try to do their best for their clients. Let me make this clear, they do the best for their clients whether they agree with them, sympathise for them or not. Those are basic principles. You act without fear or favour and you do so to the best of

your abilities within the law. I know many providers across England and Wales have been going to distance making sure that their clients can continue to get the help they need.

As a Government, we have been trying to support this work as best as we can in this difficult period. I was pleased that we were able to secure over £5million in emergency funding for the not-for-profit advice sector to ensure that providers across England and Wales would be able to adapt their operations and continue to provide their important services. In the early days of the pandemic we saw that almost half of the law centres in England and Wales were facing potential collapse and I was really delighted that that funding we were able to provide helped to prevent that.

I am very grateful for the close working relationship that we have with organisations across the sector, to ensure that funding can be used in the most effective way possible. The world is changing, times are changing, advice will be delivered in different ways in the futures. Of course, we need to make sure that the essential face-to-face advice is there when appropriate but of course, things move on. And speaking with workers in the legal sector there is a strong appetite to ensure that we provide modern, effective delivery of legal advice and assistance.

So, we will continue to work with providers and strengthen those relationship moving forward. This year we have also launched our legal support for litigants in person grant to work with providers to enhance the support for litigants in person. Of course, that is not a substitute to legal aid – representation is absolutely essential but equally, there are some cases where litigants can be assisted as litigants in person, so this is a joint initiative, being delivered with our partners the Access to Justice Foundation and a new projects funded by the grant include an online platform providing access to legal help, safe space hubs, providing access to remote family support to litigants in person if they cannot do so safely from home, and a raft of new regional and local partnerships embedded in communities across England and Wales that will help more people resolve their problems. This is in addition to close to the £1m (I think it's £800k or so) that we have allocated to FLOWS (finding legal options for women survivors, which help give people that early assistant to try to find a remedy and often to find the protection that they require – because all too often it is the court that really provide that legal muscle to assist people to assert their rights and get the protection that they need.

So that money is on top of £9m that the MoJ has invested in support for litigants in person since 2015. And we have also designed several pilots to test other forms of legal help, we must be innovative and keep pace with change. This includes new projects to increase access to online PLE (public legal education), and better understand legal needs and paths to justice.

Beyond this funding, we have also made a number of changes to support legal aid providers including changing rules for payments on legal aid accounts and insuring providers can claim the same for remote hearings as they did for face-to-face hearings. So, in simple terms trying to ensure that where providers can get access to it quicker, more regularly and to a higher proportion to the sum on account if you will.

So, all these things are important changes, given to use of remote hearings in family courts in response to Covid. Of course, in August, we announced the additional funding of up to £51m for criminal defence lawyers through the acceleration of the criminal legal aid review. I know here we are focusing on family law but let me say, I completely get the issues facing criminal defence, I get the issues related to the average age of defence solicitors etc, I get the point that rebuilding from zero is more expensive that keeping the show on the road. I want to do everything possible to support this sector.

This was the past, let me turn briefly to the future. We maintain we have made a number of positive changes over the last year, particularly in the circumstance, but we all acknowledge

that there is more that needs to be done to ensure that the legal aid and advice sector thrive into the future. Demands on providers and courts are high and will likely remain high in the upcoming months, it's not entirely uniform – some parts have recovered much more swiftly than others – but we are doing important work in this space and we are looking to go further in the upcoming months.

Firstly, we have launched a new project considering the issues related to the wider long-term sustainability of the legal aid system. This is a long-term issue and now one that is more pressing due to the current situation. So, we want to take a broad look at the system as a result and I want to thank everyone here that has already engaged with this. In addition to considering fee levels, we will look at structural issues such as the delivery model for civil legal aid and we will seek to improve the delivery of remote legal aid advice where this is appropriate. Again, this is not always a substitute but equally the old model is not necessarily the way that all legal advice can be provided.

We want to ensure that support is available for those in hard-to-reach places, is it always the case that North Kensington law centre should be providing advice only to those that live in North Kensington? If there is real expertise, why not try to spread it out in a way that works for providers and litigants. We need to learn from both what has worked well during the pandemic and what has worked less well. We know of analysis that has looked at this in family courts for example/ we need to make sure that litigants come away from courts thinking that justice has been done.

In particular, we have been working closely with many of you in relation to our proposal for the ongoing review of the legal aid means test. This is due to be published in spring and it's a vital piece of work, to ensure that anyone can get the support they need. We are conscious that the cap threshold hasn't been changed for years and it was the right decision to commit to reviewing not just this threshold but also the means test more generally. I have talked about our response to CLAR 1 and there is also the next phase, that will be independently led and we will consider how the legal aid market can meet demand now and in the future. Making sure that it can deliver efficient service that ensures value for money for taxpayers and, critically important, provides high-quality independent advice from a diverse range of practitioners. And terms of reference for that phase of the review are currently being agreed. We will announce more details on the timeline very shortly.

Finally, as many of you already know, we are trying to ensure that people have the means to resolve their legal problems at the earliest opportunity. Access to early legal support is important not just for the individuals but also ensures that proceedings are dealt with more justly, and it reduces the burden on courts and tribunals. And courts staff should be also thanked for the way they have been able to respond to needs under difficult circumstances. The sector already does fantastic work in this space, fantastic early support offered by law centres and other not-for-profit providers, but we want to make sure we are going further. We are focused on this in our legal support action plan and I am keen to go further, beginning to engage with the sector on early legal support advice (ELSA), including a very helpful discussion with some of you at the most recent meeting of the MoJ support advisory group. We want to encourage those who could resolve their dispute outside of the courtroom to do so, in family courts we need to build on measures, such as availability of online mediation when it is appropriate. And we want to consider what else can be offered to separating parents, where it's safe for them, to resolve their issues outside of court. We are looking at the launch of the CAFCASS parenting hub.

Finally, many cases rightly need to be in court, for instance, domestic abuse cases – and we are looking across the sector to improve outcomes for the most vulnerable children and

families in society. While the challenges posed by COVID are great, we have – thanks to the dedication and flexibility of professionals and measures such as remote hearings – been seeing productivity recovering well. In addition, we have also been also implementing other cure forms, including the recommendation of the MOJ’s Harm Panel Report – shining a light on some difficult issues, particularly how courts deal with allegations of domestic abuse, repeat applications and so on. Also, the divorce and separation act 2020 and we are looking forward to the Domestic Abuse Bill in the near future.

Thank you for inviting me to speak to you today. My officials and I will be following the rest of the oral evidence sessions with acute interest.

Karl Turner MP – Shadow Minister (Justice)

Thanks, Karen for everything you are doing. Thanks to Alex for joining us. This is a very important process and I am glad he joined us today. If legal aid is the means to deliver quality before the law, it has to be treated better. The reality is that it has been treated with serious contempt, complete and utter neglect, for at least the last decade. LASPO was the most destructive piece of legislation ever in my view. And I don’t blame Alex for LASPO, he wasn’t in government, he wasn’t a minister. But you will remember Chair, that we were there opposing LASPO because we knew it was going to be utterly destructive. It needs to be repealed.

If we believe what Alex said, and I do think his intentions are very good, the first thing the government should be doing is acknowledging that LASPO was a disaster and it needs to be repealed immediately. We see situations where there is absolutely no early advice – it’s gone – find themselves without the advice and of course become litigants in person and 80 per cent of cases in family proceedings see a situation whereby clients are acting for themselves, also in very legally and procedurally complex cases. The reality is, in the government’s own review, that this actually doesn’t save money because it delays the courts, it costs more in the long run.

The government has announced some money for legal aid, especially during this pandemic, but I am afraid to say Alex, that it just does not go far enough. It’s providing a plaster. The Covid pandemic has merely exposed a crisis within a crisis, the system was already on his knees, but the pandemic has exposed how difficult things are for those practitioners.

I want to thank every single practitioner who is doing a lot of work for free. They give advice regularly for free. Without them, the system would be in a worse space that it is now, but I am afraid it cannot continue for free. The reality is that the Minister, as much as his intentions are good, he has simply not done enough.

Thank you.

Introductions - Panellists

James Daly MP

I am the Conservative MP for Bury North, a practicing solicitor and was a criminal legal aid defence solicitor for 16 years, running a practice in Bury with my wife for 10 years. I am a member of the Justice Select Committee in Parliament.

Andy Slaughter MP

I am the Labour MP for Hammersmith elected in 2005. Before that, I was a practising barrister doing lots of legal aid work. I was a shadow justice minister for 6 years from 2010-15

parliament and opposed LASPO in the commons while Willy was opposing it in the Lords. I've sat as a member of the justice select committee for the last 2 years. For the last 28 years, I have been on the management committee in the Hammersmith and Fulham Law Centre and have had a ringside seat on the cuts to legal aid over the last 10 years

Lord Colin Low

I graduated in law and spent 16 years lecturing Law at Leeds University before I left to work in the disability field. I have been very active in the voluntary sector, on the basis of which I was made a life peer and joined the Lords in 2006. In the course of my work, I chaired a commission on legal aid which resulted in a report produced in 2014 that constitutes my main claim to be on this Commission.

Karen Buck

Baroness Natalie Bennett will be joining us a little later.

Questions to Witnesses

1. Jenny Beck, Beck Fitzgerald

Karen Buck:

Jenny, would you like to introduce yourself?

Jenny Beck:

I am a practicing family law solicitor with 30 years at the coalface. I have been the managing partner of a medium-sized practice, involved in the set-up of a national alternative business structure and have now set up my own niche practice delivering publicly funded and private family law to clients.

Alongside my role as a business owner and practitioner I sit on the Family Justice Council, the Access to Justice Committee and the Family Law Committees of The Law Society and co-chair the Legal Aid Practitioners Group.

I also actively campaign for a fairer family justice system and wider access to justice generally and hope I have a good track record of working with stakeholders for the betterment of the system.

KB:

Could you start by telling us a little bit about how you see those challenges, in terms of your firm experience and what you are hearing from others, of the fee structure and legal aid contribution to firms and their finances?

JB:

In terms of finances, the current position is entirely unsustainable. Legal aid practices just doing family law are now entirely unsustainable.

I set my most recent firm up after LASPO however the impact of LASPO on every family business has been devastating. The cuts at the end of the salami-slicing have meant that recruitment is extremely difficult particularly given the help that is needed by our very vulnerable clients when weighed against the fixed fee the government pays us. The job is very challenging, and we just aren't paid enough to do it.

I am going to give you an example to illustrate the inadequacy of the fees. Originally family lawyers were trusted to work with clients to provide what they needed without a timeframe. Fixed fees came in around 2007 and the way they worked out was that from the representation perspective the pot of money that had been used in the previous years was divided up into chunks for different areas of law that we do, and the fees were pretty poor, hence why half of the legal aid providers left. But what was there was meant to be workable, the problem is that LASPO came in and left providers with the most difficult cases having to be dealt for the same. This made it incredibly hard to sustain a business.

I will give a real-life example, it could have been any one of my cases, the name has been changed. Protecting a client who is a victim of domestic abuse and securing a protection order to keep them and their family safe is a reasonably straightforward piece of work. We have done over 250 such protection orders this year already covering all of England and Wales.

The work required is urgent, distressing and desperately needed. I have picked a client completely at random to provide some context to my evidence.

Ms Aisha Patel has fled a domestically abusive relationship taking with her 3 children into a refuge. She has been the victim of serious physical, psychological and sexual abuse at the hands of her husband for the last 20 years. The husband became increasingly abusive to the children and as a consequence, she fled with them to a refuge outside of her local area. She is completely destitute and left with only the clothes she and the children were wearing. She has absolutely no savings as she has also been the victim of financial abuse. Her husband, however, is relatively wealthy and has multiple properties which he rents out.

In the first instance, Aisha required a protection order. She struggles with English and much of the work had to be done via an interpreter. I won't bore you with the details however 25 hours' worth of work were needed in order to secure the necessary protection order for Aisha. 20 calls were made for representation, but no one agrees. The fixed fee payable in the London area for a domestic abuse injunction is £608. The work was therefore done at a rate of £24.32 an hour. I am going to mention here that during that 25 hours' worth of time, over 20 calls were made to different barristers' chambers to try to get Aisha represented at her first hearing. The representative would have secured a fee of £83 for a single unit.

Over 20 chambers were approached to see whether anybody would do it. Nobody would take the case. This is not unusual.

A newly qualified solicitor is often paid around £27-30,000 a year. Our firm pays 30-32 a year, the costs of their employment including national insurance, lighting, heating, practicing certificates, etc. push their cost up to around £50,000 a year. If they were to work a 37-hour week for 46 weeks of the year they would achieve 1,702 chargeable hours. If you multiply this by the average hourly rate under legal aid, they will make £40,000 per year. Clearly, I cannot afford to employ somebody costing me £50,000 a year when they can only generate £40,000 a year.

The reality is I have to set the targets at around 80-100k. They have to work double-time to make this on legal aid rates. 10-hour days aren't unusual. They are however unhealthy and unsustainable.

Their contemporaries qualifying to non-legally aided firms will be on salaries starting at £40-80,000 depending on what type of work they're doing and would be able to command fee at a rate of around £150-200 per hour easily making this a much more attractive option both for employer and employee.

Retention of staff under LASPO and encouraging young, bright, diverse, compassionate people into the legal aid world for family law is an increasing problem.

KB:

How are firms in practice managing this?

JB:

Firms are not managing. In family law firms are turning to more private work in order to balance. 80% of my team do publicly funded work. However, the spread of our income is 50/50. So, 20% that do private provide 50% of fee income. This is the only way we can survive.

Recruiting is increasingly difficult because fees are very low. Some firms have given up doing legal aid work at all because lawyers can take on similarly difficult cases from people that are able to pay.

We now moved on from the two tiers system and we have a 3-tier system. We've got those who are able to pay that can get good lawyers to take their cases, those falling back on legal aid who have exhausted publicly funded lawyers that are trying to do their best, and then the third group of people who can't even get legal aid at all – who have been cast out of the system entirely and have been left to try to navigate the system on their own, with some horrendous miscarriages of justice as a result.

KB:

What do you think we need to understand are the consequences are of that? If money is saved by not being invested in family law, what are the consequences?

JB:

Obviously, what happens when people cannot exercise their rights is that they will have to take alternative action. They may resolve to desperate measures. So, what we see it's a knock-on effect on the criminal budget on the health budget, the numbers of litigants in person have increased.

The impact of LASPO and the removal of huge swathes of legal aid from scope has had another dramatic impact on the practice of family law in that the removal of legal aid has driven parties towards litigation.

Early legal advice would often encourage mediation or non-court solutions to family law problems but the removal of 80% of these cases from scope has left people with nowhere to go. Family law problems escalate, often adding knock-on impact on other budgets such as crime and health, ultimately ending up in court.

The other most dramatic change has therefore been the huge rise of litigants in person and the move towards a more litigious approach to solving family problems which are entirely contrary to best practice. It has a dreadful impact on families and children.

What was intended to be a cost-saving package has destroyed many years of hard work moving towards a less litigious approach and has us moving down the path of an entire three-tier system so that those who can afford to pay privately can still secure top-quality representation, those who are forced onto legal aid have an exhausted and underfunded system and many are even denied this and are forced to self-represent to try to navigate away through their family problems on their own with often dire consequences.

Lord Colin Low:

Do you have difficulties in attracting fee-paying clients to sustain your work, or are they beating your door down?

JB:

We don't have difficulty attracting fee-paying clients as we provide services for socially acceptable rates. And we do a lot of pro bono work. But this is not sustainable at all. It's wrong that our paying clients, that themselves are in horrible circumstances, are forced to subsidize the poorer members of society, only because they are in the same desperate family situation as them.

Sustainability of the area keeps me up at night, as we need to make sure we are recruiting people that are clever and diverse. Many aspects of the law are intellectually challenging, and we need to ensure that they are not so poorly paid that we are effectively de-skill an area that needs the sharpest intellect. We represent everybody in society, and we need to make sure that like everybody in society we are diverse. People also need to be compassionate. We need to build in a system that allows time to listen and provide appropriate responses to family law problems.

KB:

What impact has the COVID crisis had on family lawyers?

JB:

It has been an incredibly distressing period, especially because of lockdown. There has been a huge 3-4-fold increase in domestic abuse. Survivors need to be able to access a system that is going to support them very quickly and they need to be able to access legal aid. Irrespective of means to pay, legal aid should be accessible to all victims of domestic abuse. They need to be able to get immediately to the kind of professional support they need. We are not providing help quick enough.

For domestic abuse victims, it has been the perfect storm. Their avenues for escape have been diminished by the restrictions on bed spaces in refuges and the reduction in the numbers of family members who are able to support them because of their own shielding or conditions. This has been coupled with an increase in the types of stress that exacerbate domestic abuse situations such as economic pressure. The children have been off school and therefore exposed to more conflict at home and as a consequence, in some of the worse cases, deaths have increased.

There were already 2 women dying every week at the hands of a violent partner and this has trebled during the lockdown.

The legal aid restrictions are random and untargeted so that those who need the help the most often can't secure it. I can provide examples. Equally, there aren't

enough people coming into this area of law to make sure that all the people that do need help can get it. I mentioned at the beginning the three things that we need to call ourselves a civilised society and to uphold the rule of law: a sustainable, accessible and fair system. Under COVID that we don't have an accessible system nor do we have a sustainable one and in consequence, we sadly no longer have a fair one.

Questions from other members of the panel

AS:

We are all aware that private family law has taken the most comprehensive cut under LASPO but there was supposed to be protection for domestic abuse cases. Why is it not working? What is stopping access to legal support for victims of domestic abuse?

JB:

It's two-fold with the means and the merits test in order to get legal aid. For a protection order, you still have to pass through the means test, and it shouldn't be means-tested. Unfortunately, at the moment, and there is a review on the way, too many people are falling outside of this means test. So, for example, at the moment, if you have a property or any interest in a property, you can't get legal aid. The means test excludes people that may be living below the poverty line, it excludes around 1 in 5 people that should be able to access legal aid. And the merits test, impacts people with wider family problems because it requires that they have proof of domestic abuse to get help in those other areas – you can't automatically get legal aid, you need to have proof that you are a victim or have been a victim of domestic abuse with some fairly stringent criteria for that.

AS:

As you said there have been some concessions on that, what more needs to be done? What needs to change in regard to the merits test?

JB:

Legal aid should be available for all victims of domestic abuse. In terms of merits, I have put together a proposal for how legal aid could be better structured within those same budgeting constraints. How it could be targeted better.

For example, at the moment we have too many people coming to court. If we could have early legal advice, we could divert people away from courts, reserving courts for those people who most need it. Everyone going to court should be represented, whether they are a perpetrator or a victim.

AS:

We know at the moment that 80% cases one side or the other are not represented. What are the difficulties for you being against unrepresented parties?

JB:

In court, the judge will have to assist the unrepresented party and the perception for the represented party will be that there is an advantage gained by the unrepresented party in this, as the judge is forced to embark on a case management role outside of their judicial role.

The Law Society has done a study that shows that cases are taking twice as long and cost more because the judges are turned into glorified case managers and aren't able to attend to their normal duties with the same resource and time.

From a practitioner perspective, we are having to prepare the documents for both parties which leave our paying clients slightly aggrieved because they are having to pay more in order to ensure that the unrepresented party is effectively represented. From a practical perspective is very difficult.

And even more, it's about the rule of law, about getting justice done properly.

JD:

Could you provide the work that you have done on the structuring of the budget? That would be very helpful to us. One quick question is: in family, why is it so difficult to recruit?

JB:

It's not difficult to recruit in family law. However, recruiting people into legal aid family law is difficult. £30k a year is quite high for newly qualified. The difficulty you have in criminal law is that there aren't a huge number of private clients, while in family law there are more. So, there will be new people coming in, but they will be stuck there as there are no options for the increase. The salary will remain static. So, the £30k that is quite fair when coming in will not look the same after a few years of practice. And if you look around and there are private firms where you can get paid a lot more you will be moving towards more private family law work.

KB:

Jenny, thank you very, very much for that incredibly helpful evidence. If there's anything, obviously, that you could not follow up as you've been asked to, then please, please do. But thank you very much for joining us this morning. We're now moving on to our second witness, Malvika Jaganmohan, who is a family practitioner and has been working all areas of family law, and particularly, I know she is interested in areas of mental health and how that fits into this area of policy. So, I'm going to ask you to introduce yourself and your background in this area of law and then jump-start the questioning. Thank you very much for joining.

2. Malvika Jaganmohan, St Ives Chambers

KB:

Could you introduce yourself?

Malvika Jaganmohan:

Thank you for having me. So, I've been a practising barrister for exactly a year yesterday at St Ives in Birmingham and I practise in public and private children law and in matrimonial finance. So, the division of assets, separation in domestic violence: my practice covers the whole spectrum of family matters, both legal aid and privately funded. I would estimate that around 50 percent of my income is derived from legal aid work. Alongside my practise I'm also on the national committee for Young Legal

Aid Lawyers and I'm on the founding board of Women in Family Law. I'm also part of the core group for the Transparency Project, which is a charity that aims to make family law clearer in England and Wales to the general public. And as you mentioned, I have an interest in challenging the stigma around talking about mental health within the profession. I'm very pleased to see that conversations about wellbeing have been getting more attention in recent years, but we still have a very long way to go. And I wrote a blog on the subject called Stiff Upper Lip.

James Daly:

Malvika, thank you very much for that. I'm going to jump around a little bit and I apologise for that. But I think it's such a big subject. We want to offer young lawyers the opportunity to go into legal aid work and family work. And I just wonder, what's your view of the opportunities of the young people coming through university now? Does the system is the system creating enough employment opportunities at the bar for young people to come into the profession, do you think?

MJ:

The difficulty is that there is a surplus of law graduate who want to become barristers and very few places in chambers for pupils, but it's also a much wider structural issue about who is actually able to access the profession. It's enormously expensive to become a barrister on top of the tens of thousands of pounds that we spend just going to university and getting into debt for that, the training course, as it's now called, probably costs between £15- 20k in London. And that's an enormous amount of money for anyone to invest with the possibility that they might not get a job at the end of it because it's very competitive. And then, of course, only those who have either scholarships or significant financial family support are able to carry on for long enough to be able to survive in the profession. And once you actually enter the profession, pupillage awards used to start at £12k. It's now increased, I believe, to the minimum I think is nineteen thousand pounds. Well, not very much. And it varies massively. My award in London was £22,500 for twelve months plus anything additional that I earned in my last six months. So, it's, it's very difficult to survive in the profession and to get there. And there are very few employment opportunities so it's risky for people to try to become a barrister.

JD:

Does the family legal aid system allow a barrister who is compassionate, who is committed to legal aid, to access to justice, to earn a decent living, or do you have to like Jenny mentioned, do you have to diversify into private work to simply make a living?

MJ

I would certainly say that you have to diversify to make a living, and I'd echo what Jenny said earlier in that my private practice probably subsidises my legal aid practice because the reality is that there's a lot of work that we do for our legal aid clients, which isn't paid. So, we get paid for attendance at hearings. We don't get paid for the thousands of pages that we read beforehand. We don't get paid for drafting position statements which are often expected by the courts. Those are documents which set out my client's position about the issues to assist an already overstretched judiciary. We don't get paid for that. We don't get paid for attendance rates that we do for our solicitors afterwards. We don't get paid for the sometimes days, sometimes weeks of correspondence about finalising the order. We get paid for attendance at the hearing, which is calculated in two and a half-hour units. So, an extra five minutes actually matters quite a lot because it could drag you into the next unit. And it means that we aren't being remunerated in proportion with the work that we're actually doing.

JD:

Obviously, in respect of this Committee, I don't think any of us would be sat here unless we wanted to put forward proposals which are going to improve the system and allow more people to work in legal aid to carry out the important work that you're talking about. So, in terms of the challenges that the system faces, how can we as politicians improve that? What recommendations should we be making? A big question is how to make the situation better, not only for those people representing people but also for your clients and the people who are in desperate situations.

MJ

Remuneration, of course, which properly reflects the work we're putting into the case and the time that we're spending on the case. Payment for preparation. I've sent some of my notes for this session to colleagues of mine, all the junior practitioners, and they all echo this comment: payment for prep because our workload is very unpredictable and hearings get adjourned all the time. If the hearing does get adjourned, but we fully prepped for it, we get some payment from the nominal fee, but we don't actually get paid for the work we did. Also, legal aid rates have risen with inflation in years. And I'm sure that the other people who will be giving evidence in later will say they've been stagnant for a very long time. We need a drastic reassessment of access into the profession because like I said, we're racking up tens of thousands of pounds in debt to even make it into the profession. And it's all well and good talking about diversity in the profession and the people that we really need to reflect the clients that we aren't able to get in because it's incredibly expensive to get in and they aren't able to stay in because they're not being paid as much as they need to be paid. And perhaps a broader point about a kind of ideological change. I think no one really appreciates the work we do and we are villainized by the media. We are described as self-interested. We do this work because we are part the wheels of justice turning. We do this work in the face of continual legal aid cuts in the face of foreclosures, which is happening over a number of years. And right now, we feel undervalued by the government.

JD:

Yes, absolutely. One of the things that this Inquiry should look at is we should decide to say that for a young lawyer to make this a viable and sustainable career, they must be able to earn this amount of money from legal aid fees. Now, that's not an easy question, but do you think there's some merit in that, looking at a figure that we can take back and say the barristers who want to come into this work, who are committed social champions, you have to understand that they have to earn without chambers fees and everything else.

MJ:

Definitely. I can't provide exact figures, but the reality is when there are commercial and public sets offering £65-70k awards compared with those doing legal aid work it's an easy decision to make. We have to think practically about how we can actually stay in the profession that we wanted to get into. I think having some sort of figure as a benchmark so that we can try and increase the attractiveness of legal practise to practitioners, to people entering the profession would be very helpful.

JD

What's your view on the diversity of the profession and what politicians can do perhaps to work with the Bar to increase diversity within the within the bar in general, but certainly within legal and legal aid work?

MJ

There are a few points I can make about diversity, I think we have to be very careful about all ethnic statistics and the experiences of everyone in the BME category. The BSB 2019 report on diversity at the bar says that actually there is a slightly greater proportion of Asian and Asian British practitioners compared to that proportion of the working-age population. And the same can be said of mixed multiple ethnic backgrounds. But the opposite is found the black British backgrounds and those from other ethnic groups. And we also have to be looking at the intersection of race and class, because I often say to people not to see my face as some great leap for diversity because I'm privately educated. I'm from a relatively privileged background, and I went to an elite university. Just because I am here doesn't mean we're doing pretty well on diversity, but it may well be that that's how it's being marketed. I also know that in that same report, there was a relatively low response rate of about 52 per cent but a disproportionate number of barristers attended an independent school from the ages of 11 to 18. And with respect to mental health, I have a real interest in access to the profession with people who suffer periods of mental health or health conditions. There's a real stigma at the bar about talking about mental health. Some people who do struggle don't often share that with the profession that they want to end because they think that that will be used against them. So, I attempted suicide last year and off the back of that attempt, I sought advice from the Bar Council about how I would share that information with Chambers' that I was applying to. And I was advised not to share any information about any health condition until I had a firm offer, which was a real blow to me because it obviously felt like it was something that I had to be ashamed of and my blog as well. I spoke to a number of people about pupil applications. One

person told me that they had an eating disorder, which they didn't declare on mitigating circumstances because they were advised not to draw attention to it. Another pupil told me that she struggles with the obsessive-compulsive disorder and hasn't shared that. I now have a fantastic Chambers that have really understood my needs. And I have no qualms about telling them that I'm having a tough month with my anxiety and really need to work from home. But not everyone is able to ask for those adjustments. Not everyone is able to ask for that support from within the profession because they aren't supported. And I keep drawing on this report, but it is actually very, very helpful, very interesting. Again, a relatively low response rate of 3.7%, underrepresentation of disabled practitioners of people who provided information on disability. Only six per cent disclosed the disability which is lower than the percentage of the working-age population. And so, there are a number of ways in which the bar is simply not representative of the people that we serve. And it all starts with, first of all, a reimagining of what a lawyer is in the sense of disability because we aren't emotionally invulnerable. We come in many different shapes and sizes and we need to recognise that. But I think the social mobility point is an important one because we need people in the profession who represent the clients we serve. And then if it's not attractive to them in the first place and they're not going to say and if they can't afford to stay in and provide for their children and saying that household.

JB

Well, first of all, thank you very much for sharing that it's such a powerful thing, I need to say something in response to that. And the fact that you are on this national platform saying that I thank you personally. That's a very brave thing to do. Can I ask you my question, then I'll finish at the end of it? In general, in terms of how you view legal aid and how you interact as a lawyer with it, have you got any practical suggestions to us in terms of how the government can better structure legal aid to serve the interests of clients? And secondly, if you could just comment on how you think the pandemic has impacted legal aid and how perhaps we can take steps to address the problems that's thrown up.

MJ

I'll take your second question first. COVID has affected my practice to a large extent. The unpredictability of work is something that comes with the territory. But with COVID my work for a number of months, basically disappeared overnight. So, if I recall correctly, lockdown was announced on the 23 of March. Prior to that I was in court four times a week, which is relatively representative of my practice. Following lockdown I had nothing on the first week, the and perhaps one hearing per week following that. So between 23rd March and 1 June I had five hearings, which is about how much I would have had in a week in normal times. Those numbers just aren't sustainable. There are, of course a couple of reasons for that. At the beginning of the last knockdown, hearings were adjourned en masse because courts didn't have the infrastructure to cater for remote hearings. But also, junior practitioners traditionally rely on senior practitioners not being able to cover all the available work. So, if your favourite practitioner, twenty years post-call, is now available to do a remote hearing in Coventry in the morning and a remote hearing in Wolverhampton in the afternoon,

there's no incentive for them to go to someone more junior because the legal aid rate is going to be the same for everyone, whereas the with private clients, the rates vary by seniority. So, I'm living with my parents, I don't have anyone depending on me and I have financial support. If I wasn't in that position, it would have been an enormously difficult year. I haven't been able to access the self-employed income support scheme. When the scheme was first introduced, the government was only considering 2018/19 and years backwards from then. I became a tenant – a fully practising barrister, in November 2019. The tax year before, I had been a pupil barrister and briefly employed in another role before the start of pupillage. The income I had received in that year had primarily been employed income and my non-taxable pupillage award. Because my self-employment income in 18/19 was very limited and less than 50% of my total income, I did not qualify for the self-employment support scheme.

I was advised by my accountant that if I was struggling financially, I should apply for Universal Credit. I had significant family support and as I said, live at home with my parents and don't pay rent, so I didn't need to apply for Universal Credit. But for other new barristers like me who didn't have that same financial support, it would have been very difficult indeed

JB

Thank you so much for that. Thank you, Karen. I'm sure my colleagues will have further questions for you.

KB

Thank you so much. Thank you, James. I don't know if Andy has anything you'd like to ask before we move on to our next witness.

Questions from other members of the panel

AS

Good morning and thank you very much for that account, you gave us a really clear picture of what it's like starting out at the bar. Can I ask, because you're so early in your career, can you see a career for yourself going forward? Quite a difficult question to imagine, really. But can you see where you will be in five years' time or longer than that and what is missing?

MJ

What I will say is that I'm able to manage to be a barrister because I don't have any disabilities or dependants. But I will have a serious conversation with myself about whether I can sustain this if at some point in my life I want to have a life or a family.

It's not unusual for me to get briefs the day before a hearing. As an example, this week I left home at about 7am Monday to get to work. I'd been working from about 5-630am and then getting ready. I worked through lunch, tidied up my cross-examination and finished some things that the judge had asked of me. I finished at 515pm, got home

by 715pm, had a bit of a breather and carried on working on a position statement after reading my bundles until about 1015pm. And that was actually a pretty alright day. There wasn't that much for me to do. But to do that day in, day out and to feel like you're constantly bearing the brunt of a system that is really creaking because the courts are so overworked, judges are so overworked, the courts are full of litigants in person who, with the best will in the world, just don't know what they're doing, so we spend so much time in court just explaining to them what's going on, really takes it's toll. We are working all the time because the system itself is being put under so much pressure. And as much as I would love to say in 10 years, I want to be here and I do want to be here, I love my job. I think it's an enormous privilege what I do. You know, I want to have a life at some point, and I'm not sure if that's something that I can actually do it five, 10 years from now.

KB

I think that's an incredibly powerful note on which to end. This is exactly the kind of contribution we've been hoping to get in this, the experience of a lot of people working in the profession, as well as your understanding of the impact on those who need the service. So, on behalf of all the panellists, can I thank you very, very much for joining us this morning and for what you've said today, we are very, very grateful to you. Thank you.

3. Lorraine Green, Miles and Partners

KB

So, we're now moving on to our third witness this morning and then we will have a short break before our final two. So, I'm very pleased to welcome Lorraine Green. Lorraine is an associate solicitor at Miles and Partners and has many years of experience concerning children as a member of the Law Society children's panel. So, Lorraine, welcome this morning. And I'm going to ask Andy if he will start.

AS

Could you just start off by giving us an introduction to your background and the work that you've done. Please could you say something about the 25 years that you've been in practice and how your work has changed over that time.

Lorraine Green

I've been a solicitor qualified for twenty-five years now and specialising in family law for the past twenty-three years. I am a resolution specialist in adoption and in domestic abuse. And I've been on the Law Society's Children's Panel for 21 years. The majority of my practise consists of acting for parents and children in public law care proceedings and therefore my income is solely based on legal aid. I've worked in small firms, medium-size firms and large firms. I've headed departments and also been an equity partner. As mentioned before, I'm currently an associate solicitor at Miles and Partners and my work is mainly acting for children and parents in care proceedings. I also represent children through a Children's guardian appointed by the court to the social worker who would make recommendations supporting care proceedings. I might be asked to represent a parent through the official solicitor if they don't have the

capacity to conduct proceedings themselves because of either mental health difficulties or cognitive limitations. And I may be asked to represent children separately, or directly in care proceedings when they are assessed as competent to provide instructions.

Over the last twenty-five years, my practice has changed. I started off doing the whole spectrum of family law, including divorces, but I specialised and I started doing more and more children work and care cases. That was an area that interested me, but also it was something that I found helped me in terms of my development. I wanted to do advocacy and that's something that I was able to do as my practice moved towards parent work and acting for children in care proceedings.

I think in answer to your question about how things have changed in the last twenty-five years, the major headline issues would be the low rates of remuneration and fixed fees, increased bureaucracy and difficulties in staff recruitment and retention. The introduction of fixed fees has meant that I've had to increase the volume of work that I do just to maintain the level of fee income that I achieved prior to them being introduced. And that more so since the introduction of LASPO that has been mentioned by Jenny Beck in her evidence.

the fixed fees based on hourly rates of fifty-five pounds, twenty-four for preparation and 57.91 pounds for advocacy. So, I gave an example. If I had one child in care proceedings on the track to fixed fee around to two thousand two hundred thirty-seven pounds. And when you look at that based on the hourly rate that amounts to 40 hours of work, there was no opportunity to attract a higher fee if you escape. But that means you would need to do seventy-three hours work because you would be able to get four thousand twenty-six pounds. So, any work that's done between forty hours and seventy-three hours results lost communication. So, if I do, forty-one hours or seventy-two, I still get the same pay for forty hours to two thousand two hundred thirty-seven pounds. And what that's meant is if I give an example of a target that I may be sacked. So, one hundred and seventy thousand pounds for the year in terms of fee income, I would have to on the basis of the two thousand two hundred thirty-seven pounds, bringing at least seventy-six cases a year, and that's more than one a week and that's six cases a month. It's a huge amount of work to have to do. And that's meant that I've had to have the support and the firm had to employ people to support me in my role, because there are, as you will have heard, there are lots of things that we don't get paid for doing. And I have to open a file. I have to set up on our database. I have to apply for public funding. There are lots of things that are administrative and necessary that are not paid for. And those are the things that that I have to have someone more choose to do. But that means you have to train people. That means you have to pay people to assist you to make sure they can be as effective as they can be to help you to do the work that you've got to do.

And that's a major issue because as you heard from the last person who gave evidence, she's really new at the bar. There are lots of young people who are wanting to perhaps seek pupillage or to have a training contract. So, they may start off as being a paralegal. So, they will want to move on. They will want to move on and progress in their career. And it means that there is a high turnover at that level. When they attract

a salary of around 16 to 20 thousand pounds, they're going to want to move on because they can't afford to do the work that they'd be able to do.

AS

Yeah, I think that is a really good point. I mean, you're doing absolutely essential life and death work in terms of people representative and that their future life chances and, as you say, have a solid legal practise and to manage the work that you're doing. Do you think you are atypical or do you think that that's common in family law?

LG

I think it depends on the firm that you work for, in particular, if it believes in legal aid and all champions of legal aid work, and they make the business work by ensuring that we have the support that we need. But that's not to say that it's easy to do what they do in terms of keeping that firm running, as you've said. I mean, the sort of work that we do deals with the most vulnerable adults and children in society, and they need to have good representation because they are facing the loss of their children from their car, potentially and potentially losing the legal right to be considered that child's parent. So, they do deserve to have the best support legally that they can have. And if that's not going to be possible in terms of the remuneration that we are provided with, then there will be fewer and fewer people able to do. LASPO brought in fees that have not changed since 2013. And that can't be right, that we are still working at figures that seven years ago were considered to be appropriate. They cannot be considered appropriate now.

AS

Pre-LASPO Were you able to either through private work or through private or private family law or other work? Did you have a private practice or were you able to with the ease to make a living and cope with work, compared to where you are now?

LG

Yes, I'd say it was. I was doing privately paying private law work, acting for parents when they have disputes about their children, as well as doing the publicly funded work. And at that time, I was doing divorces and those sorts of cases as well. So, I had a more balanced practise. And as I specialised more into dealing with just families and children, I was doing mostly public and private law and family cases. And it was more sustainable because I was able to, I had a larger practise area and I was able to attract private fees as well as the publicly funded work I was doing.

AS

We've heard a lot talk about managing your practice and income, but we've also had a bit this morning about the problems thrown up in the court system, generally to do with the pressures on the court system and the pressures of having so many more litigants in person. Have you had the experience of that? And how does that affect your work?

LG

Well, I have had experiences with that. I have on occasion been instructed by children's guardians in private law proceedings where children have been made parties to those proceedings and those that happen in the most difficult of and challenging private law cases where there are real difficulties between the parents, which means that the child may be cause harm as a result of that. And in those cases, generally, cases where both parents are acting for themselves, there are procedural issues that need to be dealt with and evidentiary issues that need to be dealt with, that they're not able to they're not equipped to deal with. And the judge relies on the publicly funded party who is the child's representatives to meet that gap. And it does put a lot of pressure on the practise because if you're having to try and maintain a high volume of cases to meet the targets you've got; it means that you need more support to be able to do the additional work that you are required to do just because you are the legal aid party in a private law dispute. And that's something that that is not sustainable. It means that you are you have a lot more to do for no more income because you're doing what isn't being paid for.

AS

Are you in the situation where you are the only qualified person sitting around the table and talk to the judge and effectively it's falling on you to keep the show on the road?

LG

Well, yes, I absolutely agree with that, because, for example, the applicant to the proceedings is supposed to prepare a court bundle to prepare a statement of issues, to prepare technology to set out for the judge what's required for that particular hearing. That's not something that the person is skilled in doing because it's not something they've been trained to do, that they may well do their best, but it generally will fall upon the legal aided path to fill that gap, to do that work. And it means that we are doing more work. That is not really. I want to help the judge.

AS

Yeah, I mean, there is an awful lot I mean. to just do your job effectively. And you said a little bit about the effect that had on young people coming in confession. Could you say a bit more either from your own experience or what you're seeing?

LG

Well, when I came into the profession, I wouldn't have had to have any support in terms of dealing with cases. I was fortunate enough to get a training contract and I was given a number of cases. I worked on my own cases when I started. That's not generally what's done now. And I think when you have young people coming through as graduates, they have to make a decision. Do they want to be a private client, a private firm, or do they want to do legal aid work and to do legal aid work? You have to want to help the most vulnerable in society. You have to want to use the skills that you've developed through education to do that. And that's come at the cost. being a legal aid lawyer is not a job. It's a vocation. And I think to be able to sustain the level of fees required means, means that the person has to really commit to the work. And it means that achieving a good work-life balance is challenging. as access to university

education has meant that there have been people from lower socio-economic groups as law graduates. And whilst they may, there may be some who have financial support from their parents, a lot don't. And they rely on loans. And it means that they have to accrue tens of thousands of pounds in debt just to become a lawyer. So, when they're faced with the choice of either they can be recruited by a firm who are going to be able to pay them a good living wage or work the legal aid, when they're going to their remuneration report, the prospects are pretty low and many will not choose the legal aid because it just isn't financially viable for them and it doesn't provide the life that they want that they envisage for themselves.

AS

Are you finding that young people do want to do legal? I mean, is this issue about whether they are actually economic? I mean, can you find people with the right calibre and quality and diversity to recruit within the firm? Or are you just finding that people can't for whatever reason?

LG

Well, before I go, let me say it wasn't easy for me. I'm not suggesting in any way, shape or form it take a lot of hard work and determination. and even though my education wasn't had to be funded in the same way as it is now, I did still have to accrue some debt because some of the courses weren't paid for. So, it hasn't completely changed. But I think the level of debt that you get into now is far higher than it was when I was starting out. in terms of recruiting the right people, I think I touched on this before. You may get people who want some experience because they've come out of law school, they either want to go from do the people or they want to have a training contract, so they need to get some experience working in a firm. And if they want to see if this is something they could do; they may well decide that they come to them like mine and support another member of the team. They may be prepared at that point in their career to accept a lower fee, low remuneration because I think well, I'd like to do this, but I want to see whether I can fit in with my life. And as I said before, a paralegal will really earn between 16 and twenty-one thousand pounds. It's not a lot of money if you're living in London. And I can only talk about the experience in London. That's why I practise all my career. And I think that whilst it may be possible to recruit people, it's difficult to retain because people want to move on people to move on in their lives, as Jenny has mentioned in her evidence. It's very difficult to do that if you are trapped, attracting the sort of salaries that you are in Legal Aid. for example, trainee solicitor that although Jenny pays above the Law Society recommended the minimum is twenty-two and a half thousand pounds. And that's not a lot of money, when you've got a lot of debt, you have to pay accommodation for various expenses. It's not a lot of money. I think if we consider those who are most vulnerable in society should have access to justice, that they should have access to the best lawyers to deal with their cases, and those lawyers need to be properly remunerated.

AS

Now, I'll end this. I mean, obviously, they're touching on a lot of different problems in the system. What are the two or three things that you would like most urgently to change in order to be able to make the job you do more sustainable?

LG

Well, certainly an increase in the 2013 rates that's a given. I think that we need to ensure that we are properly funded because if we're not properly funded, people will leave and will decide that legal aid law is not for them. And we will be left with a system that stops working. It will grind to a halt. That will not be enough people to do the work that's required. And there won't be this level of skill that is required to do this work because it does take a level of skill. There are a lot of things that these families need help with that we're not funded to help them to deal with. So, it's not it may not just be a legal issue that you're having to deal with a helpline, for example. You might want to help me to find a parenting course or to find children's centres where they might be able to spend time with other parents, with children, or they might need to go to domestic abuse calls. Those are pieces of work that don't require legal training, but they are part and parcel of the work we have to do to help our clients who are not being funded to do that. One of my other observations in terms of the work that I do, particularly when working with young people directly, they are not enough black and multi-ethnic solicitors who do the work that needs to be done to represent children, and they are more women. But in terms of males, they may well be plenty of teenagers who are coming through the care system who might be involved in gangs, who might be abusing their parents' control. And sometimes it's helpful for them to have a male role model of their background because they may be able more relate to them. And that's something I'm not sure why that's the system. Why we don't have more black, minority ethnic children, panel lawyers that could do that work, particularly males. We do need to attract the right people to do this work and they need to be properly remunerated at that time.

AS

From your long experience, why do you think that is? That we are attracting enough in the profession generally just not attracting enough people from ethnic backgrounds? Or is it simply a problem for the family law and what can be done to correct that?

LG

Well, what I was thinking about the issue of diversity, I looked at the government's statistics on diversity in the judiciary for 2020 because it covers not just the judiciary, it also covers the legal profession as a whole. Up until April 2020. So, I've got some figures that I've pulled out of that. And that might be that might illuminate this issue a little further. For instance, in the profession as a whole, for those who are over 15 years qualified, black ethnic, 14 per cent versus 12 per cent solicitors, three per cent legal executives. And it was also seen that there was a low representation of black and minority lawyers in senior positions. So, there were nine per cent Queen's Counsel, 15 per cent partners of solicitors and four per cent partners as legal executives. In terms of digital appointment applications from black lawyers, 25 per cent applied, only 14 per cent were shortlisted and 12 per cent were recommended. And

the success rate, as according to those statistics, was that 17 per cent was the success rate was 70 per cent lower than for their white counterparts. when you look at the figures for the representation within the judiciary, eight per cent of judges are BME backgrounds, 12 per cent of tribunal judges and only four per cent of the high court or above. When looking at the figures for just the profession in general, non-barristers in the judiciary, that's two per cent full-court judges, 58 per cent full tribunal judges and three per cent for high court level. that's in terms of the judiciary and how that is set up, but it does show that there is a lower level of BME solicitors within the legal profession that are achieving the senior roles. I like I cannot say more than I think that you need to make the profession attractive for all graduates from diverse backgrounds, whether it's those with disabilities, those who may have had a state school education. It may be that people think that this is OK for them because a lower level, they're being told that that's not something that is right for them. So, it needs the messages to be out there that actually this is a way that you could do. This is something that we want to invest in, because if it's not invested, then why would you want to come into this area of law?

AS

Did you feel that when you first trained and qualified and do you think the situation got better?

LG

I always wanted to go into law, I was always told that it was very competitive and I had people trying to steer me the other way. But I was quite determined. it was what I wanted to do and I wasn't going to let anyone tell me otherwise. I don't know what the situation is now. It may well be that there were fewer barriers in that respect at a lower level, but it's a risk. You have to invest in your education. So, tens of thousands of pounds, you have to feel that you are going to be able to recoup the money that you've invested. And I think it is a massive business, as the last witness attested to. You have to really feel that you are able to do this to be able to invest that money because it's tens of thousands of pounds that you may not end up in the legal profession, and certainly in the legal sector There are plenty of other jobs that you could do with a law degree that may fund you better. That may mean that you have a better work-life balance. That may mean that you have been able to move on in your life as you progress in age rather than being a legal aid lawyer. So, you have to really need to want to do it. So, to be able to get those people who are clever, compassionate, who have the skill set that we need, you have to fund them.

AS

That's really good. Thank you very much for asking. certainly, for MPs prospective the sort of cases that you deal with we also come across them on our desk and they are some of the most difficult and challenging to deal with. Thanks very much.

KB

Thank you very much. And we're running a little over time, so unless anyone else has a burning question, I think I'm going to thank you very much for that. I found that

absolutely fascinating information, incredibly useful for our enquiry. And your experience is absolutely worth its weight in gold for us. Thank you for what you do. Thank you for giving up your time this morning. We're going to have a very short break for emergency coffee or anything else.

4. Cyrus Larizadeh QC, Chair of the Family Law Bar Association and Bencher of the Inner Temple

KB

Hopefully, everyone is here gathered for the last two witnesses. Thank you for staying with us. It's a great pleasure to be joined now by Cyrus Larizadeh QC, chair of the Family Law Bar Association and inner temple bencher, with massive experience over many years in legal aid family law. So, we're very grateful to you for giving us your time this morning. Can I just ask you to introduce yourself a little more?

Cyrus Larizadeh QC

I took silk in 2016 and I have done Legal Aid all my life, so I qualified in 1992. And I'm very much a child of the Children Act, and I've grown up over the years really dealing with the Children Act. And I've always done Legal Aid. It's in my DNA and I suspect I will continue to do it throughout the rest of my career. I, as chair of the FBI, have the great privilege of leading three thousand barristers and working very closely with the judiciary and the other specialist bar associations, such as the Criminal Bar Association and obviously the bar counsel. I'm also very closely involved with solicitors and Cafcass(?), social workers and other aspects of, if you like, the family justice community. So, I've got very much my ear to the ground and I have a lot of information through my contacts with various people, including litigants in person about the current situation.

KB

Thank you very much indeed for that. Can I ask James if you could start the questioning.

JD

Yes, Cyrus, I wonder whether you have a view of how we can improve the legal aid system. We're here to make recommendations, obviously, to government and whether your broad experience going back over many years, perhaps that can shape how you think we can produce a better legal aid system that creates a sustainable profession for young barristers, older barristers, solicitors, but also represents the interest of the public by allowing increased access to justice.

CL

So, I think we'd need to break this down. I mean, obviously, there are many different aspects in terms of improving the system, but if we're focussing on legal aid and really

how that can be best applied and used in order to improve the system, I think the starting point is that we would need to review the seismic effect that LASPO had on private law cases. And not my direct experience of the effects of LASPO has been the explosion of litigants in person in the Family Justice Forum, and this has caused huge problems. I mean, firstly, the withdrawal of funding has meant that many are representing themselves. And what seems to happen is that many have come out of difficult, conflictual relationships. Some are traumatised. Some are essentially unable to process properly and ironically, the thrust into litigation. And not only have they not got the reserves to cope emotionally, they clearly can't finance the cases to be able to obtain decent legal advice and to ensure that they are properly represented. So, you've got a conflict in court. You've got an explosion of hearings because the directions are not complied with.

there have been very serious issues with the explosion of the litigants in person. You've got judges having to manage and deal with the litigants. You've got more court hearings of many more breaches of orders because litigants can't cope with or comply with orders all the time. Of course, there are exceptions to that rule. You've got the one solicitor or advocates who represent in exceptional cases the child who joined the proceedings. That individual has to deal with everything, collating the disclosure. They have to deal with essentially translating or securing translation, explaining orders to both sides, explaining the forthcoming hearing to both sides, often cross-examining because the litigants are just not skilled enough in the majority of cases to be able to cross-examine. So, the advocates sometimes are solicitors sometimes and instructed advocates such as counsel, all in a way taking over the cross-examination if the judge doesn't and are often criticised because they can't really put the case on behalf of someone else.

JD

Cyrus, I am sorry to interrupt, that is the problem, what is the solution to it?

CL

the bottom line is that we need to reinstate some funding, unrealistic that We're not going to be able to reverse all of LASPO, But I think the following areas need to be focussed on. I think we need money for early legal help. And I think that that has been advocated by the divorce surgery. Who've written to you I think that there are a group that have advocated early intervention, along with many other groups have advocated this. So, some funding for that early legal advice to parties to try and avoid litigation. We need, in fact, a reinstatement of funding in the most complex cases, which include, for example, cases relating to implacable hostility or cases involving parental alienation and cases involving where findings of fact are required. Now, the exceptional funding provisions that were put in place to pass LASPO have not been fit for purpose. Firstly, there were so complicated that initially and no one was able to really secure any funding through it. Then there was a successful judicial review and now it's really available in Article six cases where there are problems with mental health or language or literacy, those sorts of things. So, we'd like the exceptional funding provisions simplified and made more user friendly and relaxed so that more people can apply to be able to have proper representation in private law cases, in

particular. The other areas, I think the of the advocates, the rule 16.4 advocates need to be much better a properly remunerated for the work that they're doing, plugging the gaps and so that they need better funding. We also, I think, in my view, need to look at improving and increasing rates. And I produced, which has been, I think, sent on to the schedules, which the stark difference between private law funding where you finally do get it, and the real world, the other side of the coin, which is the private rates. Now, obviously, we're not going to be able to match that and it's not realistic to even expect that. But there could be a much better improvement really to the current rates. And they should certainly be in line with inflation, but I would argue much better than that. And so, I think those are areas that need to be looked at and that not just with private law. in terms of public, again, those rates froze those long ago, and what we now have, unfortunately, is a complete increase in data that we're looking at, so every case that we do has got vast amounts of data downloads in Re Aa (?), which was a case that I appeared in, which has been reported, there were 800000 downloads of 800000 pages, nearly a million. In many cases, it runs to a thousand, if not much more than that. And so, when FAS came in and family ground funds came in, we weren't expecting that sort of explosion of material that we had to read. And so, I think one needs to factor that in. And so, there's a there's a some of the key points that are I think are significant.

JD

I mean, you've talked about it already in terms of the more remote hearings. But in practical terms, how is the pandemic impacted your work?

CL

So, the pandemic has caused significant difficulties and I mean, if I could just help you with just a few figures, I can tell you that between April and October, 70 per cent of chambers reported a loss of income. this is a better figure to the 90 per cent that reported this in the first survey, which I conducted in March and April. And if I told you that 15 per cent have reported recently a drop in income between 25 and 50 percent, it's very, very significant. And so, it's a very stark situation that we face. And against the background of, of course, years of not receiving our fees. So, there was such a cash flow problem that we had to raise this with the legal aid agency and Anthony Evans and Jane Harbottle and Anthony Liu (?) have worked very, very closely with us, the FLBA with ?, Chris Feresten and Scott Baldwin and myself, to try and improve cash flow. It's improved dramatically, but we are owed hundreds of thousands of pounds. That is as an as a body. And if you add everyone up, it's millions. And this is through unpaid fees on which we are taxed. And obviously, that needs to be looked at.

But that gives you the background to us Entering into the pandemic.

JD

A question about that. when you say unpaid fees, we talk about legal aid fees?

CL

Yes, it's money mainly, for example, in our cases, because this is about legal aid money that went through legal aid.

JD

What is the turnaround between billing, whatever the process is, and you - a barrister getting paid for the work you have done?

CL

Well, can I tell you that I'm still owed money from 1993 and 1994 and 95 and 96 and 2001 and 2003. These are unpaid sums which I write off-year in, year out. Now it's improved dramatically in the last 12 months. And so, you're talking about much, much better turnarounds, but it's still in cases sometimes many months. And I can tell you that some people are very unhappy with even the current improvements and they are owed money of covering a number of years. These are now becoming much rarer. And we are working very hard with **the (??bark) to** improve things. But I think that tells you something about the problems. And we are then mindful of being hit very badly in March and April and May buy something that wasn't our doing or indeed the governments, which is the pandemic. And we worked very hard to set up the virtual court. And I'm sure you followed our work on Twitter and online. the Family Law Bar Association created a virtual court and we have, I think, one of the leaders in the field, but that that's resulted in work being salvaged. But, of course, many are still suffering financially. There are huge backlogs and cases that are simply not able to be heard in court.

JD

But the consequences of that is your eminent QC we've heard the evidence from a junior member of the bar who gave some very concerning evidence. is one of the impacts remote court hearings that senior barristers are able to do, keep more of the work themselves, that historically if you'd have been in a court in whatever the court would have been, you wouldn't probably be able to do all the briefs that you had and the hearings so your junior colleagues could take some of that work to sustain their income. A general question regarding the challenges facing the junior bar and whether some of the improvements or some of the technologies that have been brought in are actually penalising the junior bar?

CL

I'm not sure about that. I mean, the work I do is obviously legal aid. I am only authorised to act as leading counsel if the case is so exceptional that a junior couldn't do it. So, I don't think My case's impact on junior work, what I can tell you is that we have a duty to ensure that we represent people competently. So, I wouldn't want to see people juggling a large number of cases just because they can because it requires proper preparation and a high level of competence to make sure that cases are properly presented. But I can tell you, it has removed, at least for the time being, all that travelling that we did and we couldn't be in two courts at the same time - So very shortly before this, I had a hearing in London technically, and I also had a hearing elsewhere in another part of the country. I was able to do both of those competently

and also attend this hearing, this meeting. And so, it was actually possible to do all three without compromising the quality. I had plenty of preparation time, but what was removed was the travel time.

JD

But that creates a problem for the profession in the efficiencies potentially within the system could hinder the amount of work that the junior bar and others have got, which is not which is nobody's fault at all. But the problem with the legal aid work is not just simply the remuneration is the amount of work to go around within the profession.

CL

I agree with that. I do. I do agree with that in principle. I know that I know that there was a huge dip in work in public law and a suspension of work and things have improved. But at the same time, private law has been hit very badly. And I mean, one of the key points is that, of course, private law is so poorly remunerated that the juniors are doing privately funded litigation. And so, they're not really cutting their teeth on the sort of work that I used to do at the time. And I think the public and the family justice system is really missing out on good advocates taking the publicly funded cases and so on. But I agree with you. I think we need to look at the impact of a Covid on work across the board and in particular on the advocates, juniors and others, juniors and seniors. But I think if you mean juniors, of course, they're all juniors who are actually senior barristers, but they're called juniors. And so, I agree we would need to review that.

JD

Cyrus, thank you very much indeed. Thank you, Karen.

KB

Thank you very much, James. I'm very pleased to say we've been joined by our Baroness Bennett, Natalie Bennett. Welcome. I don't know if you've had a chance to hear anything that's been said, but you're very welcome.

Natalie Bennett

Apologies, my last meeting overran horribly, but I've listened to at least get a flavour. I apologise.

KB

Thank you very much. Now, I'm keen that we don't overrun too much unless anybody has any burning questions.

Questions from other members of the panel

AS

There's a problem with both private and public from family law. The problem with the public could be remedied by an increase in fees in part, I guess, but the effect of

LASPO in family law is probably deeper than any other area. But you don't often hear in the demand for restoration of funding the restoration in legal aid for private family law work. So, what's the solution there? Because clearly, mediation is not simply set in the way that we were told it would do at the time of LASPO and how do we actually get that back on track?

CL

I would want at least for us to look carefully at whether or not there's a way of looking at improving the funding in relation to some aspects. I can't see why there's a difference between removing funding altogether and allowing targeted improvements in certain aspects of the work that we do and our solicitors colleagues do. I can't see what the problem is there.

AS

I think you may have touched, but what are the areas you would like to see? What are the priorities for which you would like to see some funding restored?

CL

So, I think realistically we would look at certainly some funding for early intervention in private law. I think that that's achievable. And I think just looking at one aspect in relation to that, if I may, I think the state's got a statutory obligation to ensure access to justice affordable while simultaneously obviously protecting early settlements and diverting unnecessary disputes from the courts. So, I would have thought that is an attractive area that we could focus on and that would remove some cases from the court arena, certainly in private law. The second aspect, I think, is to perhaps not reinstate funding altogether. I mean, it's just not realistic to look at a handful of really complex cases in which, for example, there is hostility and parental alienation, which clogs up the court system for years and to deal with those cases. And then finally, the fact-finding cases, cases where a parent has been accused of sexual and physical abuse, which doesn't involve the local authorities, involved some public law, but private law and I would have thought those are far fewer and far between. And so, some limited funding should be made available for those. And I think that that might be possible. so, I would certainly commend those areas to you if there is to be any money from any pot looking at this. And I would have thought that that's it's a responsibility that we all have. So, I hope that that helps you to think about.

AS

Thank you

KB

Cyrus, thank you very much.

5. Cris McCurley, Ben Hoare Bell LLP

KB

So now onto our final witness this morning. Absolutely delighted to welcome Cris McCurley, a colleague from Ben Hoare Bell LLP. And Cris has a wealth of experience in family law and childcare, an international family law with specialist knowledge on gender equality, domestic violence and honour-based violence, forced marriage across the board. It's a dimension we haven't heard a great deal about today. So that's a particularly welcome range of experience. Cris, can I just ask you to introduce yourself and your history very briefly for the panel? And then I also Lord Low if he will start the questions.

Cris McCurley

Thank you, Karen, and thank you all. I am very passionate about Legal Aid. I am a partner in the firm of Ben Hoare Bell LLP in the North East of England, and I am head of the International family department. I qualified in 1990 and have worked throughout my career with the most vulnerable and abused migrant and other Black and minority women and children who have experienced abuse.

The areas of work cover all areas of Family law including parental dispute and care cases involving my client groups. We also deal with child abduction, international spousal disposal, FGM, trafficking, radicalization, Forced and early marriage and Honour abuse. As well as the specific areas of work, I head up the emergency team at BHB and we deal with all urgent and high-risk cases. We are set up to make urgent family law applications including out of hours (for which there is no recognition financially) for protective orders of all kinds and we run an out of hours, on-call service. I personally act in cases referred by the Police for people in the witness protection scheme. I am also a Higher Rights Advocate and an active campaigner.

In addition to the casework, I am a member of the Law Society Access to Justice Committee, Resolution Domestic abuse committee and International family law committee. I am a panel member of the International Child Abduction and contact unit panel (ICACU) and I am on various advisory boards and am an active campaigner for better access to legal aid and access to justice.

And there are enormous challenges to doing that work, which I would like to share with you that certainly are not remunerated sufficiently by the study. we are experiencing increasing difficulties and coping with this very, very vulnerable caseload and being able to do it within a budget and to be sustainable in terms of across the board, Family law has been cut to ribbons, as has legal aid, but will are not just talking about LASPO. every part of the family justice system has been significantly cut, and I'm talking about our partner organisations like the police, the children's social care, refuges are underfunded. The court systems cut to judicial sitting days, adding to the pressure, and just to give a quick quote from one of the judges who gave evidence to the minister of Justice enquiry, which included in the 'HARM' report from June 2012, saying 'the system is absolutely on its knees and we just can't cope'.

I would say that the most vulnerable in our society have been systematically failed by every part of the family justice system and often by the time they got to us, specialist practitioners, the case has gone so far and so badly wrong to try and get the case back on track It's like trying to turn a tanker midstream, and that's the only way I can

really think about describing it. The clients are usually very high risk and high dependency. We don't get paid for anything like the amount of time that we have to spend with them in order to get the case histories from them. We have to spend time building up trust with people, particularly with highly vulnerable people, with complex issues. And they're going to have to share with us and trust us with things that they are deeply ashamed of, things that they're frightened might get them killed and it can take them a very, very long time to build up that trust, we don't get that time and we don't get the funding to enable us to do that.

And yet that's essentially what the case, for example, was really recently instructed to work for, a highly, highly vulnerable young woman with mental health problems who's been trafficked into the UK by a very sophisticated and organised criminal gang. She was forced into unpaid work, including sex work. She has severe post-traumatic stress disorder and she's been failed as she feels by the police and by adult social services not being able to help them. She was referred to me by her trafficking trauma specialist at the point when her traffickers had located her, which literally means her life is on the line. In order for me to take a case history from her, I had to agree that I would only do Zoom hearing. She would not give me her name. I wouldn't know where her location was. I wouldn't know any of her personal details. And it was only on that basis she would agree to speak to me. So, the first meeting lasted over two and a half hours, not least of all because she had to keep stopping to go to the bathroom and throw up because that is a part of her expression of her trauma. She's also regressed periodically through the interview to her trauma supervisors, has told me at the age of about a seven-year-old child, in which case a friend who was with her had to give me the history. And I've yet to get legal aid for her, but she needs urgent help. To give you an idea to date me and the counsel who's been very generously working with me on it, we've done upwards of a full week's work on a pro bono basis, and the case is hardly off the ground.

I'm very indebted to my colleagues who have gone before me and I'll try not to repeat any of the points that they've made because I know we're short of time and I will endorse everything that they've said about-face, everything they've said about unpaid work. And I want to say something about sustaining a team that is doing this kind of crisis work. In the Northeast, where you've heard mention of standard fees, in the north, we get remunerated at a very much lower fee than in the London area.

And although our outgoings are basically the same and the work that we do is harrowing, it's often thankless and the clients are typically highly anxious and prone to get very angry with us when they've invested that trust in us and then we can't magically give them the immediate solution that they want and that they desperately need. Many people that we train up, not surprisingly, don't feel that this work is paid commensurately to deal with complexity, to deal with the trauma that they're having to manage. And quite frankly, sometimes the personal danger of being escorted by the police out of court, most Muslims, because they're responding to the threat. We had an excellent just as the first fellowship, who we trained at work, training, practice, we like to train people up in all sorts of questions that have been asked of the other panel members or the witnesses or so. We don't have any trouble recruiting people for training contracts because training contracts are at a premium. And people who are

coming out of universities with no huge debt and just want to get qualified and get qualified as quickly as possible. The real problem we have is returning people. We had an excellent Justice First Fellow who we trained up and offered a job. She left us to go and work with a Union who could pay her to double what we can and with a pension and a car. And we just absolutely cannot compete. And one of my fellow panel members asked the question, what would you say to encourage people into doing this work? And she said, don't just think about legal aid private law, go and work for an NGO, go work for the government. Don't do anything essentially other than cover your debt into something that will not be able to support it. And that's the very, very sad fact a couple of years ago.

A couple of years ago we had to close our community care law department when we lost all of our staff to the University or to the Local authority. We cannot complete unless LA rates of pay rise significantly and mean that we are not working for 50% of our time pro bono.

KB

Thank you for the introduction. Lord Colin Low, is there anything you would like to ask

LCL

Thank you very much for taking the time Cris. Could you tell us what's been the impact of the changes that you've been describing in in the area of family law?

CM

Well, I think I've explained quite a bit about recruitment difficulties. in terms of cuts to other parts of the system, so many lawyers are having to pick up work that is no longer able to be done by other parts of the system, like, for example, a breach of an injunction which can be a really serious consequence in a case would normally result in a police arrest because it's a criminal offence. in order to get the police to take that step, it often involves an awful lot of unpaid lobbying on our part on behalf of the client, and the cuts to the police mean that they just don't have the time to do it. Most of the time, if we have to take proceedings through the family court, which is an option that involves a huge amount of lobbying of the Legal Aid Authority, who don't believe that they should be funding work that should be paid, that should be paid for by the police budget.

And to give you one example, I had a client a couple of years ago who I did manage to get legal aid for, and we did manage to get her into court for four breach proceedings against the respondent was a very serious breach as well. And on hearing the evidence, that man was imprisoned for several years. Now, the police didn't take action on that breach, despite the fact that that is a woman who has a life-limiting health issue which is exacerbated by the abuse. So, things like that were picking up an awful lot of different parts of the system and specifically which doing an awful lot of work that will not be paid for because nobody else is doing it, but you have to do it to help the client in order to get the case on.

LCL

What has been the impact of the Covid pandemic on this?

CM

Oh, it's been enormous, as Jenny said this morning, and not least of all because of the tsunami impact of the increase in domestic abuse cases, which we're all struggling to manage, but also the significant increase in children being taken into care. Also, significantly, the mental health of clients has absolutely tanked, and we're having to manage not just amongst the anxiety and needs in the way that I've never known in 30 years in practice. And we've explored the reasons for why that is the impact on us as practitioners mean that our junior practitioners don't have the experience or the life skills to be able to deal with that kind of raw emotion that's coming at us from the clients and people who are more experienced, such as myself and my partners, find ourselves managing, micromanaging Junior's casework to assist and to assist the clients as well as manage their own work.

And I haven't had a holiday this year. I've had the best time I've had of altogether is four days in the last year because I'm running a business and I'm also managing this very young and very brilliant team. But it's not sustainable.

LCL

What improvements need to be made to the system to address the problems that you are explaining to us?

CM

Well, to begin with, and this was something that Mr Chalk raised in his opening remarks, ELSA or the early legal advice system, is not going to be the panacea for everything and more funding for early proper and qualified expert legal advice is needed at that stage rather than Looking for different options, which will involve people eventually ending up in court, as Cyrus said before.

we've got to have more money invested into the system. We can't keep people, we can't keep good people doing essential work on the amounts we're able to pay. And we're not able to pay London money. We're not able to pay even what the local authorities in the Northeast can pay. So, we lose our stuff, and we are constantly, constantly having to recruit. I am going towards retirement age and I will not be doing is very much longer And I'm worried about who's going to come through and take up this work when I'm no longer doing it.

LCL

How sustainable do you think the system is, how sustainable is family legal aid, do you think?

CM

I think it is medium to long term, completely unsustainable and we're exhausted, all of us are exhausted. And I can speak from talking to colleagues in other parts of the country and in different firms. Everybody's feeling the same. We are all working ridiculous hours. We're all managing real and significant trauma that we're having to

carry and we're having to support clients along with. we might get paid for 50 per cent of the work we do on a lot of cases. And yet we still have to keep going, pay the bills and pay the overheads.

I think Cyrus made the point about but bill-paying and that was something that a colleague at the bar referred to me yesterday and asked me to raise today. a lot of complex cases, such as the work that myself and my team do, end up as what we call high-cost cases. And you can wait years and years for payments on those cases. And it may have improved at the bar. It hasn't improved for the solicitors. And I can't think of another industry when you could contract somebody services and then say to them, tell you what, I'll pay you in a couple of years or maybe three. It just doesn't happen anywhere else. And as Cyrus says, we taxed on the earned and yet unpaid income while we're waiting for it. And that's a huge amount of cash flow tied up that we just can't afford.

When I say this out loud, I imagine that you're all thinking, why are you still doing it? I have to say I ask myself that. But as Lorraine said earlier on, this is a vocation. We don't do it for the money or the glamour, certainly not for the money. I think one of the things that could improve, going forward, is if when policy decisions or policy committees were meeting the right people were asked about how to do or what steps to take so that we're not looking at a system that isn't going to work. I think Cyrus might have mentioned the panacea that we thought mediation is going to be. Well, if you ask practitioners, we all knew it wasn't going to work. We all knew mediation wasn't going to replace early legal advice because it's us who refer people to mediation. So, you know, the right people have to be around the table to answer the questions and they have to be people that are the coalface.

LCL

If you could if you could write a report, what recommendations would we be making to us? What recommendations do you think we ought to be making?

CM

Make legally funded work sustainable, we're not in it for the money, but we do want to be able to have a reasonable standard of living because of what we're carrying. We are a very demoted and depleted part of the system and if there isn't that proper investment and recognition that Complex work has to be properly funded or else just nobody will do it and vulnerable people won't get the help that they need, then we are essentially following out criminal practitioner colleagues.

LCL

what you're saying you feel is necessary if the system is to be sustainable, is that what you're saying to us?

CM

Absolutely, absolutely.

Questions from other members of the panel

NB

If I can jump in. Well, I'm just going to say, first of all to you, Cris thank you. I think someone needs to say it. You're reminding me of hearing a young female solicitor speaking at a women's event in Carlisle four or five years ago, speaking then about how desperate the situation was. And it's very clear that it's got more and more desperate and you've hung in there and you stay there, and it really needs to be said: Thank you very much for all you do while society is failing to acknowledge it properly. So, I just wanted to say that. my question is we're going to face another effectively six months of what we call a lockdown, but six months at least of a Covid situation. what does that look like and what could be done to fix that? And then what does let's assume vaccine takes and we get to expect something resembling normal in six to 12 months' time. What does it look like and what's your best picture of what it would be like? And what do we need to make that best picture that you can kind of imagine?

CM

I think that one of the features of virtual courts is that the work is far more intense, it's far more concentrated and is really tiring. When I'm sitting here now looking at a screen late this afternoon, I'll put my jacket on and be in a complex abduction case and there's no downtime. I think if there was some funding in the lockdown period that would enable us to hire more support to deal with the intense needs of the client, that would be hugely welcome.

And give you an example, one of my client texted me 25 times yesterday asking for an urgent **corbac (?)**. Although she knew that I was in court, I was in court, I was going to be in court all day. She also emailed me numerous times and having someone to pick up some of that and run with it. But we were cut to the bone when our budgets are cut to the bone and we're surviving just.

NB

So, there hasn't been any I'm not the expert on this. There's been no kind of rescue package for legal. I mean, I hear this from other friends, people struggling. So, we need a legal rescue package.

CM

Exactly. That would be extremely welcome and extremely useful. And I'm not taking a holiday in a year because I don't want to. I'm exhausted. I haven't taken a holiday because I have a responsibility to my team, to my business and generally towards the clients to keep the business running and taking over during this really, really difficult time.

NB

Thank you.

LCL

Your evidence has been very telling and very powerful, very, very helpful to us. Thank you very much indeed for taking the time. And Karen, I'm going to pass it back to you now.

KB

Thank you very much, Colin. So, can I just also record my thanks to Cris? That was very, very passionately expressed evidence. I completely understand. I think you made a very strong point about the trauma that people are carrying, particularly on some of these very difficult areas of law. So not just the pressure, but also the very heavy emotional weight that is that people carry from the kind of cases that people are dealing with and are often not able to feel that they have the time to or the back up to the right and what people need. I think that's a strong point. Very well expressed.

Conclusions - Karen Buck MP

So, thank you and thank you to everybody from the who gave evidence this morning. And thank you for staying with us. Some very interesting comments in the chat. One of the things that we should have picked up, but I think is a strong point is about the constraints on payment for expert witnesses, which I think is a very valid point joining us. We want to take up as well. So, we will be meeting again on the 17th of December when we will be hearing evidence across the area of civil legal aid.

this recording and transcript will be available for people soon. So please continue to promote the work of this enquiry and encourage people to continue to give evidence to us. Thank you to the panel for being here this morning. And we will see you in a few weeks. Thank you.