



representing  
community lawyers

# LEGAL AID REVIEW

OCTOBER 2007

A STUDENT SUPPLEMENT



JUSTICE FOR ALL



representing  
community lawyers

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LEGAL AID REVIEW is published by the Legal  
Aid Practitioners Group, Registered address,  
Enterprise House, Vision Park, Histon,  
Cambridge CB4 2ZE  
Designed by Jonathan Payne  
Printed by RAP Spiderweb Ltd

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Cover picture:



**JUSTICE FOR ALL**

From top left: The Guildford Four, the Birmingham Six and Sally Clark are amongst the highest profile miscarriages of justice in British legal history.

Bottom right: Pioneering civil liberties solicitor Gareth Peirce, who represented the Guildford Four and Birmingham Six, is a partner at London firm Birnberg Peirce & Partners.

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# Rise to the



**Thirty years ago when I embarked on my legal career what attracted me to the law was the realisation that as a lawyer I would be dealing with real people with real problems, trying to make a difference to their lives, writes Cherie Booth QC**

And today I still remain convinced that it is difficult to over-estimate the importance of law in our modern world. It touches all our lives every minute of the day. Practising law is not just about the mechanistic interpretation of rules made by others. A career in law gives you the opportunity to be involved in some of the most important debates on public policy as well as serving society.

Should our schools be able to make pupils wear a uniform?

Is the total ban on smoking even in private clubs a breach of human rights?

Should bosses be allowed to read their workers' personal e-mails?

Should terrorist suspects be treated differently by the criminal law?

These are just some of the questions which have come up before the courts in recent years and in the future, more and more the court will be hearing disputes of a controversial and political nature. It is vital that we attract judges and lawyers who are equipped both intellectually and socially to rise to these challenges.

And as an antidote to some of the popular caricatures of lawyers, it's worth remembering that some of the greatest people of humanity and vision of the last 1,000 years like Sir Thomas Moore, Mahatma Gandhi and Nelson Mandela have been lawyers. They also each brought about practical change for good in their society. And anyone who works in the legal aid field at least knows that they are following – in their own small way – in this tradition.

It's no good pretending that legal aid work is the most lucrative branch of our profession or has the recognition. It isn't and it hasn't, as all of us who

# challenge

have worked in this field would admit. You have to accept that you will be paid far, far less than your colleagues who practice, for example, commercial law. But, in a different way, it can be very rewarding. It also enables us to go back to the essential reason that law attracted many of us in the first place.

Day in, day out, legal aid lawyers help protect the rights of the most vulnerable and disadvantaged members of our society. Each time they get a frightened youngster, who shouldn't be there, out of a cell, or force a recalcitrant landlord finally to make repairs to a family home, or ensure that a vulnerable mental health patient receives the care and treatment they need, the legal aid lawyer is helping real people with real problems.

This personal involvement in the legal problems of the disadvantaged and most vulnerable is one of the most rewarding experiences of any legal career. It allows lawyers the opportunity to serve the community and underlines how our profession is a force for good. It improves people's lives, ensuring practical help, in a way only lawyers can.

Working for those with limited resources can also sharpen our decision-making powers and increase sensitivity to the human dimension of complex problems. Legal aid lawyers are all too aware of what some people have to contend with on a daily basis.

Legal aid lawyers also play a vital role in ensuring that certain groups are not excluded from the legal process and enables them to enforce their legal entitlements. For if the law is to be just, everyone, whatever their personal circumstances,

should have access to legal assistance.

We all know, too, that it is often those who need legal help and advice most who are least able to afford it. Legal aid work is not a panacea for all of society's ills but it is a lot better than nothing for those who otherwise would be without any form of redress. But those who practice it recognise that we have, as lawyers, a privileged position in society and that our responsibilities must be exercised ethically.

What is also certain is that, despite the enthusiasm and commitment of existing legal aid lawyers, there is still a very considerable unmet need for free legal advice. There is a need, as great as ever, for talented, enthusiastic young lawyers to work in this field.

I'm always wary of offering advice to young lawyers on the path their careers should take. Everyone is different. Everyone has to make their own choices based on their interests, their skills, their circumstances and the opportunities in front of them. I know as well that there are many factors to take into account in these decisions. Those starting in their profession today, whether as barristers or solicitors, are perhaps more likely than ever to have debts to pay off.

But it would be tragic if talented people of any background, race or sex found themselves discouraged from contemplating a legal aid career. Look into it. Consider whether it could give you job satisfaction. And consider too, how vital skilled legal aid lawyers are for the integrity of our legal system and for justice.

# Taking part



**Richard Miller**

Twenty years ago, when I was a student, I knew I did not want to go into the City. It held no interest for me at all. I wanted to do the sort of work where I was helping individual people resolve the problems in their everyday lives. I couldn't find out anything at all about this sector of the profession or how to get into it.

I was lucky. I found a job through a friend of mine. But I was shocked when taking up my current role five years ago to find out that the situation is just as bad now as it was back then. I resolved to do something about it.

The first opportunity came when the College of Law approached me about putting together a brochure explaining to students about legal aid careers. With some funding from the Legal Services Commission, we came up with the booklet "Working for Justice".

We then set up a student session at our annual conference. At this session, we have talks from trainees and experienced lawyers working in

different areas of legal aid, and give those attending a chance to mix with our delegates and make a few contacts.

I have also given numerous talks to students organised by careers services across the country. They are to be commended for the effort they put in to try to find information for their students, despite the fact that it is still very thin on the ground.

In the past couple of years, LAPG has attended a number of careers fairs, giving students the chance to speak to us one to one, answering questions about this area of the law.

In all of this, I have had a lot of support from the Legal Services Commission. Like me, it recognises the urgent need to get more information to students about legal aid careers, and to support those who wish to follow such a career. This is why this year it has put onto a permanent footing its scheme for awarding sponsorships covering LPC fees and salary costs for prospective legal aid lawyers. We often find ourselves in opposition to the LSC, but in this, we applaud what it is doing.

The world of legal aid is changing very fast. When dealing week in week out with more new initiatives from the government, more forms, more bureaucracy, more of everything except money, it is very easy to become jaded. When I go out and meet the young men and women who are so keen to become the legal aid lawyers of the future, it reminds me why I do this job, and why it is so important to ensure that the legal aid system is maintained into the future.

I hope this supplement to Legal Aid Review will give you some useful insights into the vital work this sector of the profession does, and how you can be a part of it.

*At the time of writing Richard Miller was the director of Legal Aid Practitioners Group. He is now the head of legal aid at the Law Society.*

# A career in legal aid – making a difference



**Why should you choose to become a legal aid solicitor? The pay is never going to match that of commercial lawyers, but it can be more rewarding writes Carolyn Regan, chief executive, Legal Services Commission**

Legal aid solicitors work with some of the most vulnerable and socially excluded people in society. Their work really can change people's lives. Whether you help a family to keep the roof over their heads, or a victim of domestic violence to find a way forward – you will make a difference.

Making a difference is something Aika Stephenson knows all about. I met her after she won of the young solicitor award sponsored by the Legal Services Commission at the 2007 Legal Aid Lawyer of the Year awards. Aika used to work for the Children's Society in Feltham Young Offenders Institute and now specialises in youth justice. Along with a colleague, Aika set up Just for Kids Law, providing youth advocates for young people and devising training for lawyers working with them. Her incredible personal commitment and passion about the value of this work is obvious when you talk to her. However nothing expresses it better than the letters of thanks from her young clients that supported Aika's award nomination –

one of whom said: "You've been amazing and helped me be strong and have faith."

Legal aid solicitors are among the most dedicated in the profession and committed to public service. While legal aid fees aren't always comparable with fees for private work, it's still possible to make a good living from a career dedicated to serving the community.

## **What is the Legal Services Commission's role in legal aid and how can it support young lawyers interested in a legal aid career?**

The Legal Services Commission was created in April 2000 with a remit substantially greater than its predecessor, the Legal Aid Board. Our core purpose is to help people get quality legal services that tackle real needs. To do this, we run two legal aid schemes in England and Wales.

The Criminal Defence Service helps people who are under investigation or facing criminal charges. By ensuring that people accused of crimes have

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access to legal advice and representation, the CDS also helps the police and courts operate fairly and efficiently.

Through the Community Legal Service we help people protect their rights in civil law.

We contract and fund a network of quality-marked solicitors, citizens advice bureaux and other advice providers to help people who need advice about relationship breakdown or problems with debt, housing, domestic violence and benefits. Help is also available about asylum and immigration, education, employment, mental health and community care issues.

This type of help varies from information leaflets and directing people to other services, to specialist advice and taking cases to court where necessary.

In recent years, we have established new ways of delivering services that complement traditional face-to-face advice. Initiatives such as Community Legal Services Direct have been highly successful in improving access to legal help.

CLS Direct is a free and confidential advice service paid for by legal aid. Its helpline 0845 345 4 345 provides independent advice about debt, education, benefits and tax credits, employment and housing problems to people who live on a low income or benefits. Contact details for local legal aid solicitors, CABx and other advice providers are available from [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

In an average month:

- Over 60,000 calls are received by the helpline
- 250,000 visits are made to [www.clsdirect.org.uk](http://www.clsdirect.org.uk)
- Over 180,000 legal information leaflets are ordered

Overall in 2006/07, the LSC invested more than £2billion to provide legal and advice services to more than two million people.

We will only succeed in delivering services which really meet people's needs if we continue to have excellent lawyers dedicated to doing just that. Therefore, we provide funding to support the training of people who want to pursue a career in legal aid.

Since we started providing training grants for

legal practice course students and trainee solicitors in 2002, we have invested nearly £13million in the scheme and this will translate into nearly 500 newly qualified solicitors working in legal aid. We will continue to offer these grants annually, and will review the programme to ensure they have the flexibility to best support the needs of legal aid providers and the next generation of legal aid lawyers.

The availability of these grants has been welcomed by many of the professional groups, including the Legal Aid Practitioners Group, Young Solicitors Group and the Law Society.

### **What does the training grant cover?**

The current training support grants meet:

- the tuition fees of students on the one-year legal practice course
- 75% of the Law Society's minimum salary and the cost of professional skills courses for successful LPC students on training contracts with a solicitor organisation.

Therefore, the grant can be worth nearly £30,000.

The grants are provided to individual solicitor organisations. They then recruit someone who has completed the LPC and can start their training contract immediately or an LPC student who, on completion of their course, will join the organisation on a training contract.

The grants are provided on the grounds that the newly qualified solicitor remains in the employment of the solicitor organisation, and engaged in legal aid work, for at least two years after completing their training contract.

We announced which solicitor organisations have received the most recent round of grants in early September. The list of solicitor organisations is available from the LSC's website ([www.legalservices.gov.uk](http://www.legalservices.gov.uk)).

I look forward to somebody reading this article being a future young solicitor of the year award winner.

# The legal aid conundrum: Would I, could I, should I?

**By Des Hudson, chief executive of the Law Society of England and Wales**

In such a diverse profession there can be no set answer to the question “why did you become a solicitor?” At one end of the spectrum some dream of advising the CEO of a powerful multinational on a billion pound deal. Others dream of helping the most disadvantaged – those without a voice. The former is the pressure cooker of the profession – helping to drive the economy and UK plc. The latter is most definitely the coalface – protecting the rights of those the economy has left behind. Both very different, yet both playing an absolutely vital role in society.

As a reader of this supplement there may be something that distinguishes you from those who instinctively gravitate towards the Financial Times. You may be especially attracted to helping resolve family tragedies, immigration cases or assisting people with mental health problems. You may simply crave the sheer variety that legal aid practice can offer, in contrast to the increasing specialisation of some other sectors in the profession.

Whatever your specialist interest, if you see your future as one of the above it is important to also understand the future of legal aid – something I’m proud to say the Law Society of England and Wales has worked tirelessly to highlight and protect.

In May of this year the House of Commons Constitutional Affairs Select Committee published a devastating critique of the government’s plans for the legal aid system – a recognition perhaps of our powers of persuasion, having spearheaded the What Price Justice campaign which was backed by everyone from the NSPCC to the Refugee Council, or the absence of any voice supporting the government’s plans.

But what message does it send to legal aid practitioners and more importantly to the potential practitioners of tomorrow when such an influential

parliamentary committee decries the government plans as a “breathtaking risk”? Does this spell an end to careers for young solicitors in the legal aid sector?

The answer – if there is one – is complex. The legal aid world is changing fast. The “breathtaking risk” for access to justice which the Committee spoke of is seen by some as a “breathtaking risk” for practitioners as well. The Committee predicted the market would soon be dominated by fewer, larger suppliers. Their gravest concern was therefore that the rash introduction of a market-based system could lead to pockets with no legal aid practitioners, especially in rural areas. I am therefore concerned that the economic prospects for legal aid practitioners is uncertain and potentially very bleak.

But while we already face these “legal aid deserts” highlighted by the Committee, legal aid work will not simply dry up. Next year there will still be a legal aid budget of around two billion pounds – and where there is a budget, there will be legal aid practitioners. It is not easy to get a training contract in a legal aid practice – competition is fierce – but they do still exist. So in choosing a career in legal aid it is important to recognise the economic uncertainties of this branch of the profession, together with the financial pressures that some practitioners not only face, but will continue to face in the future.

Part of the answer also lies with perceptions and the pull of the city. Just as opportunities appear to be contracting in the legal aid sector, opportunities in the commercial sector have never grown so fast: London is now the predominant financial capital of the world and UK solicitors work in 77 countries worldwide; old walls between sectors are crashing down; new diversity

*Continued overleaf*

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in ownership could also be matched with a new diversity in the work solicitors undertake. Furthermore, the opportunity to work in-house as a salaried employee for one of the nation's mammoth banks or major corporations is yet another attraction to one of the UK's most dynamic and flourishing professions.

But while the legal aid road can be a bumpy one and commercial roads are often paved with gold, let us not forget that many legal aid practitioners have sought a different career path, with different emphasis and different values.

Let us also not forget that while empathy and communication skills are important for any branch of the profession, nowhere are they more vital than when assisting many of those who require legal aid. Different people will inevitably excel in different sectors, and what deters some people from working in the legal aid sector will be the chief attraction to others.

Whatever career direction you choose to take, I hope you continue to look to us at the Law Society as your professional body and as a source of advice as you advance in your career. If the last decade has demonstrated anything it is that the more diverse our profession becomes, when it comes to the big issues, it has never been more important to speak with a single, loud and above all united voice. And you can be sure we'll keep championing the work of legal aid practitioners and fighting to protect legal aid.

I applaud your decision to consider working in the legal aid sector. It may not always be as lucrative as other branches of the profession. It may be demanding. But it is certainly rewarding. If you are still in any doubt speak to any practitioner and their principled passion will be sure to inspire.

# A position

**All law centres employ paid staff and are managed by voluntary management committees comprised of representatives of local communities and other interested parties, writes Lynn Evans**

Solicitors working in law centres are subject to the same rules as solicitors who work in high street firms. The difference though is that law centres are not-for-profit organisations. They hold the specialist level quality mark which means that they have reached the required standard of quality as laid down by the Legal Services Commission.

Law centres are unable to meet all the demands placed upon them and have to concentrate on the areas of law that disproportionately affect poor people. Amongst the most common areas of work are housing and homelessness, welfare benefits, employment, immigration and nationality, community care and all forms of discrimination and human rights issues.

Law centres do not do any commercial work, such as conveyancing, probate, divorce, adult crime or personal injury work.

## **What sort of skills are needed?**

All law centres employ solicitors and barris-

# ve contribution

ters. A law centre needs at least one senior solicitor (possibly five years' post qualification experience). This is particularly relevant where a law centre is running a trainee solicitor programme. The law centre will also need suitably qualified workers to supervise each area of law for which the centre holds a quality mark. In addition law centres employ managers, administrators, advice workers, community workers, researchers and volunteer co-ordinators.

Law centre workers need a wide range of skills, including an awareness of social exclusion issues and the ability to empathise with their clients. They also need to be willing to use their knowledge and skills to inform people of their rights and to partake in community legal education projects – to give training and talks to other groups and generally to contribute to social policy work in conjunction with other centres and the Law Centres Federation.

Law centre work is for those who want to make a positive contribution to society, to effect change and to provide a channel for people to air their grievances. Law centres deal with new areas of law and often there is no text book with the answer. They require people who develop and extend legal remedies and use the law in innovative ways. Law centre workers spend time researching case law and have been seminal to the development of legal services in this country.

## Trainee solicitors

For the last few years, the Legal Services Commission has provided grants to support the training of trainee solicitors. Some law centres have been successful in gaining these grants. The vacancies are advertised along

with permanent posts on the LCF website. (See below.)

## Terms and conditions

Salaries differ from centre to centre but generally speaking they are in line with local authority salary scales. Holidays and other entitlements tend to be fairly good.

## What should you do if you want to work in a law centre?

All law centres adhere to an equal opportunities policy and all posts are advertised. Vacancies are usually advertised in the Guardian, Legal Action Group's monthly journal, and the Law Society's Gazette. They are also advertised on the LCF website.

## Students

If you are a law student you should take all the options you can which cover social welfare law. Try to gain as much experience as you can of advice giving – at student advice sessions, Citizens Advice Bureaux or law centre volunteer sessions.

Join a law centre and make a difference. Law centres focus on using the law to help vulnerable and marginalised people living in poor and disadvantaged areas. Its hard and challenging work, but worth it. Take legal action for the community... come and join us.

Lynn Evans is policy manager at the Law Centres Federation  
([www.lawcentres.org.uk](http://www.lawcentres.org.uk))

# The guardians

By Kerry Underwood

The Legal Services Bill will become law in this Parliamentary session, that is by November 2007.

The key change, overturning over 700 years of practice, is to allow any organisation, subject to certain licensing arrangements, to sell legal services. Thus becoming a “law” firm will be comparable to, say, obtaining a license to run a pub or a taxi firm or an employment agency.

No other country in the world has taken such a step and many countries have indicated that they will not allow any England and Wales based business to act as lawyers in their countries as they will not be professional practices in the way that the other 300 or so of the world’s jurisdictions have them. Scotland, Northern Ireland and the Republic of Ireland are not affected by the Act.

Thus the Act seeks to abolish the legal profession, which has existed since before the Statute of Westminster 1275, a key legal document – still in force – and which makes the Human Rights Act look like a wishy-washy do-gooder’s charter. Law students should read and understand the Statute of Westminster 1275. It governs the basic principles of costs, natural justice and the court system. This week I have pleaded it or used it in submissions in six separate cases, four employment and two costs cases.

I digress. The point is that throwing away 700 years of practice and doing something that no other country on earth has done has attracted relatively little public debate. This is the way the

world ends, not with a bang but a whimper. The legislation is, like so much else, driven by supermarkets and the big finance companies. The main players are likely to be Royal Bank of Scotland, Halifax, Tesco and the Co-op. Have a look at their websites. They tell their own story.

The entry of supermarkets, banks and insurance companies into the market is likely to be delayed until 2012.

What effect will this have on the practice of law?

It is likely that 80 per cent of solicitors’ firms will cease trading, not just because of the Legal Services Act. Ten per cent have ceased trading over the last three years and the Carter legal aid cuts are likely to see a further 10 per cent disappear. Many firms, maybe a further 20 per cent, have made a policy decision to run off work and retire in the period 2012 to 2015 as the market shift takes place.

However, even if 80 per cent go, that still leaves 2,000 firms in England and Wales. What work will they have and what work will go to Tessa’s?

The work almost certain to go is the work already in part controlled by the big institutions, for example re-mortgage, mortgage and conveyancing, where the lenders have a massive say, and road traffic personal injury work, where the insurers control the market anyway. The payment of referral fees jostles with the Legal Services Act for the title of the most serious attack on the rule of law in English history.

# of freedom

Together they represent a deadly cocktail.

They give the new players the ability, at a stroke, to buy up much of the English legal market. Take Qatar, a gas and oil-rich Middle East state. It is developing a major (and extremely good) airline; it is seeking to buy Sainsbury's; it has acquired Lord Woolf, former Lord Chief Justice, and a plethora of other English judicial superstars, to run a new international commercial court in Qatar. Is it such a flight of fancy to imagine Qatar buying up most of the English personal injury market? The work is done remotely by "case managers" who never see a client. Why not do it in Doha, rather than, say, Sheffield or Croydon?

All is not lost. The public tolerate, but do not like, supermarkets and banks. In spite of occasional appearances to the contrary, the public is not stupid. People already pick and choose – cheap firms for conveyancing, good and expensive firms when there is a difference to be made such as in employment, family, wills and tax-planning. Will-writers – cheap and low-quality – get very little of the market compared to good and relatively expensive solicitors.

Remember too that even this government of the lowest common denominator has no plans to allow non-lawyers to appear as advocates.

So in a nutshell here are work types to avoid and work types where I believe people will still use lawyers.

## To avoid

- Mortgage and re-mortgage work
- Bulk-conveyancing
- Road-traffic personal injury
- Debt-collection

## To cultivate

- Advocacy – in any kind of work
- Employment
- Family
- Pensions
- Education
- Wills and tax-planning
- Civil litigation

What goes round comes round. These disastrous changes may never be implemented. If they are their folly will soon be plain to see.

For reasons which escape me law has gone from being a slightly anoraky thing when I was a student to the sexiest job of them all.

Law is a great career, but it carries with it an awesome responsibility. Lawyers are freedom's guardians. We follow in the steps of Mahatma Gandhi and Nelson Mandela, not Morrisons and Marks and Spencer.

[Kerry Underwood](#) is a partner at [Underwoods](#)

# There is an

**By Diane Burleigh, chief executive of the Institute of Legal Executives**

Keith is proud to be involved in legal aid work and is well known for his ability to fight his client's corner with vigour and fairness. With over 20 years of experience in criminal law, Keith, a Fellow of the Institute of Legal Executives (ILEX), works closely with the Criminal Case Review Commission and is well respected for his involvement in miscarriage of justice work.

"I left school at 18," he said. "I started in a small trade union personal injury firm and chose not to go to university to study law, but began my training at a local college, before moving into criminal law. I now handle all areas of criminal law, from being an accredited representative for police station advice through to preparing Crown Court cases. I believe that the work we do is important."

But whatever branch of law you choose, getting the right training for you at a time and place when you want it remains the key to a successful legal career.

The traditional route to a career in law has been through a university course. However, getting a university education is an increasingly expensive business and with the average student debt on leaving university at around £22,000, many would-be students are now being forced to review their options,

According to UCAS, almost a quarter of all UK university applications are for a place to study law. But with just 15,000 places available, most applicants will not make it to university and many promising lawyers are denied the opportunity of a career in law.

But there is another way. ILEX can offer an alter-



native route to a career in law without having to study at university, and as you can 'earn and learn' at the same time, without the resulting debt.

It is one of the three officially recognised routes to becoming a lawyer and offers a cost-effective way of gaining the key qualifications needed for a career in law. It is a professional body representing 24,000 students and qualified members. It aims to enhance the role and standing of its members in the legal profession. It is a leading provider of comprehensive legal education and influences law reform.

Legal executives are qualified lawyers specialising in a particular area of law. They will have passed the ILEX professional qualification in law in an area of legal practice to the same level as required of solicitors.

# other way

Through a variety of options, from studying full-time at a higher education establishment to part-time and distance learning, students cover a similar syllabus to a university law course, but have the option to earn a salary and work within the legal environment at the same time, gaining valuable experience in the process.

The courses are designed so that students can 'mix and match' elements of a course to make it relevant to their particular area of interest. The ILEX qualification is made up of two parts – the ILEX Level 3 Professional Diploma in Law which normally takes two years – and the ILEX Level 6 Professional Higher Diploma in Law which also normally takes two years and is equivalent to an honours degree.

But flexibility means that students can work at a pace to suit their circumstances and take longer if required. When members have successfully completed Level 6 and a period of qualifying employment they can become a Fellow of ILEX, and eligible to use the term 'Legal Executive' and the designatory letters "FInstLEx."

The current ILEX president, Lesley Graham, is typical of the way many ILEX members have been able to pursue a worthwhile career in law without going to university. "Being a lawyer is not something I thought I would ever be able to do when I left school at 16," she said. "I had a number of secretarial jobs over the years and became interested in the law while working in the evening, typing for a barristers' office."

Later while working for a law firm, she was encouraged to take that interest further and

study law. She was then in her mid-thirties with a growing family. ILEX was the one organisation that could offer training while she worked, enabling her to remain with her family and carry on earning at the same time. It offered an alternative way of obtaining the qualifications she needed to become a lawyer without going to university, which was not an option for her because of the family commitments. She is now a Fellow of ILEX and a successful lawyer in a Manchester firm specialising in personal injury claims.

Historically, ILEX members have been restricted in what they can do. For example they have not been able to own or run their own legal practice or be a partner in a law firm. Now this is about to change. The Legal Services Bill, currently going through Parliament, will at last make this possible, significantly changing the face of the legal high street.

And there have already been other changes. Members have recently been granted powers of advocacy, which means that they can now represent clients in court. Legal executives can apply to chair tribunals or become district judges in civil or criminal matters now the Tribunals Bill has received royal assent. ILEX will also become recognised as a front line regulator alongside the Law Society and the Bar Council, so that it will continue to regulate our members.

There has never been a better time to be an ILEX member. Call us now on 01234 841000 or log on to [www.ilex.org.uk](http://www.ilex.org.uk) to find out how we can help you have a career in law.

# It's good to

## John Sirodcar, head of Direct Services at the Legal Services Commission, explains the benefit of high quality telephone advice

A work colleague recently told me about her daughter, who had split from her partner and subsequently struggled to pay the rent on her house. Her landlord, a local authority, suddenly issued a court order threatening eviction even though they had previously agreed to allow her more time to make up the arrears.

She turned to her local CAB. They offered to help but she would have to wait a month for the earliest appointment and they could only speak to her during office hours, when it was difficult for her to get away from work. The longer the issue dragged on, the more stressed she became.

At this point her mother recommended she call the Community Legal Service Direct phone line. An adviser was able to immediately reassure her of her rights, removing the stress, and help her resolve the issue with the local authority within weeks. Today, she still lives in the house and is up to date with her rent.

It's stories like this that clearly illustrate how telephone advice can improve access to legal aid for many people.

The Legal Services Commission launched Community Legal Service Direct – a free and confidential advice service paid for by legal aid – in July 2004. Community Legal Service Direct's helpline (0845 345 4 345) is available in England and Wales, Monday to Friday, 9.00am – 6.30pm and provides independent advice about debt, education, benefits

and tax credits, employment and housing problems to people who live on a low income or benefits. Later this year, family advice will also be available as part of a 12-month pilot.

About a quarter of clients are from black and minority ethnic communities, and they are offered a translation service if they want advice in a language other than English or Welsh.

In an average month:

- Over 60,000 calls are received by the helpline
- 300,000 visits are made to Community Legal Services Direct's website [www.clsdirect.org.uk](http://www.clsdirect.org.uk)
- Over 180,000 legal information leaflets are ordered or downloaded from the website

Community Legal Service Direct completed 111,245 advice cases last year – an increase of over 50% on the previous year. More than 36,000 of these cases involved people with debt problems.

Client surveys show very high levels of satisfaction with the service, with 92% saying they either had recommended or were likely to recommend it to someone else.

Free advice leaflets can be read or downloaded from the website and general information and legal factsheets are available in Welsh, Arabic, Bengali, Chinese, Gujarati, Hindi, Punjabi, Turkish and Urdu.

# talk

## Complement not replace

Community Legal Service Direct exists to complement traditional face-to-face advice, not replace it. Telephone advice is obviously not appropriate for all cases and Community Legal Service Direct advisers always refer clients to face-to-face advice providers if that is more appropriate.

The success of Community Legal Service Direct proves that a large number of people feel at ease and sometimes prefer obtaining legal advice over the phone. Community Legal Service Direct is particularly useful for people with caring responsibilities or those who live in remote locations.

## Not just civil advice

Telephone advice can also provide benefits for delivering legal advice on criminal matters. Since October 2005, the LSC has piloted telephone advice at the police station, through Criminal Defence Service (CDS) Direct, for people who have been arrested for less serious offences, such as driving with excess alcohol and failure to give a specimen and non-imprisonable offences such as fare evasion. CDS Direct has:

- Handled over 100,000 cases – with a daily average of 206.
- Surpassed targets by responding to nearly all requests within 15 minutes.

- Handled around 1000 cases a month where a non-criminal immigration issue is identified. These cases are passed to a panel of immigration specialists, who are contracted to provide telephone advice.

From January 2008, CDS Direct is being rolled out further. Clients held at police stations in Greater Manchester, West Midlands and West Yorkshire will receive advice from CDS Direct for all cases that are only covered by telephone advice, regardless of whether they have asked for the duty solicitor or their own legal aid solicitor. CDS Direct will then be extended to cover all 'own client' telephone advice in the rest of England and Wales in 2008. 'Own client' work refers to situations where a client requests the services of a specific solicitor or solicitors' firm paid for by legal aid.

The Johnson Partnership Solicitors, O'Garra's Solicitors and Bostalls will operate the expanded CDS Direct.

I am tremendously proud of what we have achieved to date with CDS Direct. It saved the taxpayer £4million last year, and the expanded service will save some £10million annually.

But the most important benefit is the same one as that provided for civil matters – faster access to high quality advice to some of the most vulnerable people in our society.

# Who'd be a legal

**By Ruth Brander**

Do you enjoy a good argument? Have a social conscience? Want to work with a wide variety of people? If so, then being a legal aid barrister could be for you – as long as you don't mind working very hard, often against the odds and in a financially uncertain climate.

So far so "New Street Law", but before you picture yourself as the next John Hannah, I'd strongly recommend getting in touch with a number of barristers' chambers and asking for some work experience, or a mini-pupillage.

When I was thinking about becoming a legal aid barrister, I was told lots about it by lecturers, friends who knew barristers, and providers of the Bar Vocational Course. But none of this prepared me for the reality, for good or for bad, in the same way as actually spending time with members of different chambers; going to court with them; hanging out in court canteens; listening to their gripes, worries and triumphs.

Now more than ever it's crucial to get a warts-and-all understanding of what you might be getting yourself into if you choose a career at the bar. Drastic reforms to legal aid are underway, with fixed fees for solicitors doing legal aid work being introduced shortly. This means that, for some areas of work, cases will be paid at a fixed amount no matter how much work they require. It's anticipated that barristers will also be required to block contract for legal aid work in the near future.

This is certainly worth bearing in mind when you're working out how long it might take you to pay off student loans and actually start earning a living wage. Many trainee barristers (pupils) live on the minimum award of £10,000 a year, with earnings in the first couple of years not rising much beyond that. Plus, there are real concerns that changes to legal aid will mean that the junior bar will not survive – perhaps leading to would-be advocates being employed by solicitors' firms in their first years of practice, and then only those who establish themselves as specialist advocates being able to move across to the independent Bar later in their careers.

So much for the down sides, what about the benefits? One of the things I love about the job is the sheer diversity of skills you're called on to use. You have to be a good communicator in court, of course, but you also have to be able to listen and understand the needs of people from all walks of life. For example, in my practice, I frequently represent children and young people who are about to be released from prison with nowhere to go and no proper support plan in place. These are kids who, for whatever reason, cannot be looked after by their families and so the local authority is supposed to step in to provide them with accommodation, appropriate education, health care and a structured package of support. Sadly, all too often, the day of release approaches and nothing has been arranged. It is a real

# aid barrister?

challenge, working with dedicated legal aid solicitors, to persuade the public authorities that they are under a binding legal duty to meet these children's needs. Often it takes resort to a duty judge, after the regular courts have closed, to get an emergency order to secure decent, safe accommodation for these vulnerable young people.

That can be a stressful experience, but if you're thinking about a career in legal aid law, then the chances are you have a strong interest in social justice. Working as a legal aid barrister can certainly give you the skills and opportunity to make a difference on a case-by-case basis.

It is also very rewarding working with colleagues who are passionate about what they do. The vast majority of people working in legal aid have chosen that career path because they want to provide a service for people who would otherwise be vulnerable or marginalized. This means that legal aid lawyers tend to be very interested in and committed to their work.

You also get the opportunity to see and learn about places and parts of our society that you might otherwise never know about: How many people get to see the inner workings of our prison system? Or our mental health hospitals? How many people get to grapple with the psychology of trying to persuade a jury of 12 randomly selected fellow members of the public to see things from a different perspective? Or

the opportunity to stop someone being returned to a country where they risk torture or persecution?

For me, the highlights of my career so far have been representing a seasoned anti-nuclear campaigner on charges of aggravated trespass for climbing into a nuclear weapons base to protest at gross and dangerous breaches of security there; challenging the mandatory death penalty in the Inter-American Court of Human Rights (not legal aid work – in fact not paid at all! – but still one of the most interesting and important cases I have been involved with); and representing families at inquests, trying to get answers where loved ones have died in prison or police custody.

My advice to anyone considering a career as a legal aid barrister: do your research and make sure you know what you're getting into. It's immensely challenging and rewarding – you get to work with wonderful people, both colleagues and clients – but the hours are long, the stress is high and the future for the young bar is far from certain. I hear colleagues moan about a lot of things, but I can honestly say that I have never heard anyone complaining of being bored.

Ruth Brander of Doughty Street Chambers won the young barrister title in the 2006 Legal Aid Lawyer of the Year awards.

# Legal aid?

## You must be

By Anna Barlow

For law students and trainee solicitors trying to decide the path of their future careers, the advice is often conflicting and the pressures confusing. What they thought it would mean to be a lawyer may well not bear much similarity to what they are now learning and experiencing; the reality turns out to be different to the dream in all sorts of ways. For some this may mean coming to terms with lower rates of pay than expected, or accepting that good pay may mean excessively long hours and repetitive work. Those who entered their legal studies with altruistic motives also face a dilemma: is it still a viable option to choose a future in legally aided work?

Recent press coverage and campaigns by the profession have focused on the challenges facing legal aid practitioners under the government's reforms of legal aid. For very many legal aid firms and the practitioners working within them, the reforms have put a serious question mark over their ability to continue to carry out publicly-funded work. This is a cause of great sadness for many who have spent their working lives committed to using their considerable legal skills to help the vulnerable in society, and the loss of the skills and knowledge held by these practitioners will be deeply felt.

However, despite the difficulties, this is not the time to give up your dreams of a future in legally aided law. Let's start with the motivation – here are some words of clients helped under legal aid:

"It is good to know that some people ... can motivate themselves to help others. (My lawyer's

heart is in the right place and she knows her stuff."

"This is a long overdue thank you for your utmost excellent hard work. I am utterly grateful."

"I couldn't have got through it without you and your team."

"Thanks a million."

It is wonderful to receive thanks like these, but of course you can't pay with them at Tesco. If you choose to work within legal aid, can you expect a decent level of pay? The answer to this one is complicated. There have been no increases in pay rates under civil legal aid for 10 years. The rates of pay have in that time fallen considerably behind the rates which can be charged to private clients. However, at Law For All we believe that the funding constraints offer a business challenge, best addressed through business expertise, rather than a professional challenge to be addressed by those with legal training. To put it simply, we believe that if lawyers can be provided with a working environment which enables them to practice law, and so long as that structure is managed in a way which works within the constraints of legal aid funding, enabling proper salaries to be paid, the future of legally aided social welfare work will be secure. And, fundamentally, we believe that it is possible to provide such a structure. Law For All is one successful example of this.

Law For All is a limited company with charitable status, founded in 1993. It provides not-for-profit

# mad!

legal services in social welfare law in the London Boroughs of Ealing, Hillingdon, Hounslow and Richmond and in East Anglia. The bulk of our work is funded by the Legal Services Commission. We also have funding from the London Borough of Ealing for work increasing access to advice services, and some charitable donations from individuals and groups. In addition, for debt work, we receive DTI funding through the Capitalise money advice consortium.

Law For All has six major areas of legal practice: debt, social security, housing, employment, family and immigration and we also carry out work in the areas of education and community care. Although we also engage in policy work, our core work continues to be the provision of high quality, cost-effective social welfare law services to the public. Our client group is made up of those who are eligible for public funding and those who, although outside the scope of legal aid, would be unable to afford to pay privately for assistance.

During 2006 we gave advice to approximately 10,500 people and opened case files for about 2,250. During the year we worked on case files for just under 5,000 people (including those whose cases had started before January 2006). To serve these clients we employ 38 lawyers, including trainees.

Our lawyers benefit from working in this environment in several ways. The focus of their work can be on providing high quality assistance to their clients; they do of course have targets to reach but the nuts and bolts of the management and finances are not their responsibility; that work underpins the legal work, supporting and enabling it to take

place, but is seen as separate. As we do not take private clients, none of the lawyers suffers by comparison with higher-earning colleagues in other subject areas. Furthermore, our size and breadth of work means we all feel part of a team which can offer a comprehensive service to clients with complex combinations of problems.

We know that there are other practitioners around the country also seeking or developing working models which will enable legally-aided work to continue and we want to work with them to share best practice and good ideas. To this aim we were instrumental in setting up the Social Welfare Law Coalition (SWeLC). The main aim of SWeLC is to ensure the future of high-quality publicly-funded social welfare law services provided by lawyers. The coalition believes that examples of sustainable excellence in service provision should inform future decisions. It brings together people with experience of running successful legal services and others whose experience in for example finance and business can help us reach our goals.

These are challenging, difficult times, but if this is to be a truly civilised society access to justice must be maintained for the disenfranchised. Working with other committed lawyers and, vitally, skilled business managers, we can continue to provide this access, with or despite the government.

Legal aid? Go to it!

For further information about Law For All, including job opportunities, please contact [anna.barlow@lawforall.org.uk](mailto:anna.barlow@lawforall.org.uk).

# Fulfilling and

By Chris Johnson

One of the common experiences for any legal aid firm is turning people away. That includes people who have very pressing and urgent problems. It is also one of the most difficult things for any legal aid lawyer to do. However, the simple fact is that demand completely and utterly outstrips supply in this area of the law. Despite this, the government is currently cutting fees for legal aid lawyers and driving even more people out of the profession.

This might sound like a strange way to start a piece that is meant to encourage you to become involved in legal aid. However, you have to start off by acknowledging the difficulties. You are not going to be able to buy that Ferrari on the strength of joining a legal aid firm. That said, in an almost perverse way, the shortage of lawyers means that you have opportunities for getting involved at the cutting edge of many areas of the law.

In 1995 I was a housing solicitor and partner in a Birmingham legal aid firm. I had gained a bit of a reputation for dealing with cases which didn't fit into the usual categories. So when an urgent phone call came in from a Traveller facing a police eviction from her unauthorised encampment, it got routed through to me.

The difficulties faced by Gypsies and Travellers in Britain had just got worse thanks to the introduction of the Criminal Justice and Public Order Act 1994. The 1994 Act had repealed the duty on certain local authorities to provide sites for Gypsies and Travellers whilst giving local authorities and the

police extremely draconian powers of eviction.

When the Traveller in question phoned I knew nothing of these changes in the law. On the spur of the moment I grabbed the firm's copy of the 1994 Act and headed for Warwickshire where the encampment was located. I spent the evening negotiating with the police, a process that took so long that I missed the last train home and ended up in a spare caravan on the site. The next morning I managed to persuade the police to give the Travellers a bit of extra time.

On the basis of that very mild success, word went out to other Travellers and Gypsies who were also having enormous difficulties finding legal representation in the face of the new legislation. As a firm we decided for a very brief period that we could only possibly cover the Midlands. However, after becoming inundated with requests from all over England and Wales we took the plunge and decided to cover the whole of both countries and to set up the Travellers' Advice Team.

Then, in 1999, I helped set up the Community Law Partnership (CLP) with three of my colleagues and the Travellers' Advice Team moved with us. CLP is a firm that (apart from a small handful of cases) just does legal aid work and specialises in housing law.

Since its hesitant beginnings the Travellers' Advice Team has radically improved the success rate of Gypsies and Travellers seeking planning permission for their own sites at planning inquiries,

# rewarding

thanks especially to the groundbreaking work of my colleague, Dr Angus Murdoch.

The team has also been responsible for some of the landmark cases in this area of the law and we have already won two House of Lords cases (Porter (No.1) and (No.2)) and I am running another that will be heard in the new year by their Lordships (*Doherty v Birmingham City Council*). My colleagues and I have also been involved in numerous Court of Appeal cases and we can rightly say we have changed the face of this area of the law. I think it is doubtful whether a lawyer in a posh commercial firm would be able to enjoy such an experience.

Perhaps more importantly we have been able to make a radical difference to the lives of our clients. Trevor Phillips, chair of the Commission for Equality and Human Rights has said:

“The disadvantage faced by Gypsies and Travellers extends beyond site provision to all other walks of life including education, health and criminal justice. And recent research suggests that the level of racism and hostility experienced is at least as serious as that experienced by any other community.”

If we help a Gypsy or Traveller gain planning permission for their own land, then their days of being subject to continual harassment and eviction will be at an end, their children will gain the education that they probably missed out on themselves and the whole family will have the

healthcare they require. Similarly, if we prevent the eviction of a Gypsy or Traveller from their pitch on an official local authority site, then a return to the roadside is avoided. Our work for those on unauthorised encampments keeps them on sites for reasonable periods of time whilst our arguments under the homelessness legislation push forward the battle for more site provision, both permanent and transit.

Above all, doing the type of work that we do, we have been privileged to meet some of the kindest, most endearing, honest, humorous and courageous people – the Gypsies and Travellers themselves.

Legal aid lawyers have been described as an “ageing cohort”. The need for new, young lawyers to enter legal aid is pressing. I hope the above brief account helps to explain why this kind of work can be the most fulfilling and rewarding of any you could expect to experience within the legal world.

Chris Johnson is a solicitor and partner at Community Law Partnership solicitors in Birmingham and leader of the firm’s Travellers’ Advice Team. The team provides a dedicated national telephone advice service to Gypsies and Travellers funded by Community Legal Services Direct. With Marc Willers of Garden Court Chambers in London, Chris is co-editor of *Gypsy and Traveller Law*, published by Legal Action Group.

# Legal aid lawyer

By Eve Naftalin

What does it mean today to be a radical lawyer? If you are a legal aid lawyer, you are a radical lawyer. It means fighting for people who are disenfranchised. It means representing drug dealers and terrorists. It means helping children in care, a homeless family, an asylum seeker. It means challenging the government on an unjust policy. In short, it means helping people who are at the bottom of the social pile and who might have nowhere else to turn. It is by turns difficult, frustrating, tiring and can be poorly paid. But it is also exciting, challenging and you can truly make a difference to the lives of individuals.

When radical left-wing chambers such as Garden Court and Cloisters, and solicitors' firms such as Bindman and Partners and Birnberg Peirce were established in the 1960s and 1970s, 'alternative' lawyers were seen as a real threat to the legal system. Their attitudes and actions were largely motivated by a left-wing, even Marxist, political ideology and they were committed to forging fundamental changes to the law, its institutions and the legal system. They were fearless advocates who represented people and ideas which were considered to be at the very fringe of acceptability – militant strikers and the trade unions, law centres, racial equality, squatters, to name but a few.

What has become of this radical ideology and its proponents? The old guard, such as Michael Mansfield QC, Sir Geoffrey Bindman, Lord Lester and Baroness Helena Kennedy, are household names and in some respects are now seen as part of the new establishment. The once controversial policies fought for by the old legal left are now accepted as sensible and necessary by society and the government. The Human Rights Act was passed



into law nearly ten years ago and has had an immense impact. Shami Chakrabarti, the director of Liberty, is a regular guest on the Today programme and Newsnight. One can see a wider mix of ethnicity and religion at both the Bar and in solicitors' firms. More judges are women. It is fashionable to show one's human rights credentials.

So who are the radical lawyers of today? It is true that much has improved. The Human Rights Act is pervasive and most new lawyers show a strong interest in high profile human rights and social justice issues. But there are still serious and fundamental issues closer to home to tackle.

Since its inception in 1945, legal aid has helped to assist people in a vast array of difficult circumstances who would otherwise be unable to afford professional legal advice and representation. Legal aid lawyers are fighting for access to justice

# = radical lawyer

for all. We make a stand for people affected by problems such as poverty, housing, violence in the home. We share in common a strong belief in the importance of good quality representation and advice at all levels to those who could otherwise not afford it. We have chosen to commit ourselves to legally aided work because we want to provide a good quality public service within a justice system that does not favour the wealthy. Continuing cuts and increasing bureaucracy have made life difficult for legal aid lawyers. But those committed to legal aid work understand the intrinsic value of using their legal skills to help those who could otherwise not afford it. Young Legal Aid Lawyers (YLAL) was formed in 2005 for such people and includes students, barristers and solicitors up to ten years' call or qualification.

What sort of lawyers commit themselves to legal aid? A good legal aid lawyer is a person who understands that human rights law is now intrinsic to all areas of the law and who can forensically analyse statute and case law to fight their client's corner. If you are passionate about social and civil rights, and intelligent enough to withstand intense competition for pupillages and training contracts then you too can be a legal aid lawyer! If you are ambitious and motivated, you can make a decent living. It means being a sociable person who can relate to both lay clients but also professional clients and peers. There is great camaraderie both at the Bar and in solicitors' firms, where everyone knows one another and people feel that they are fighting for the same cause. There is perhaps less professional jealousy, but nevertheless, as in other areas of the law, you compete for work with lawyers who are ambitious and clever.

If anything, you have to be even more committed than the firebrands of the 1960s, as there is so much change and uncertainty in the profession. But added to this, young lawyers have another cause to fight for. The government's policy of cutting the funding for publicly funded work means that young lawyers need to campaign for the very soul of legal aid. It is partly to make sure that we are fairly remunerated for our hard work, but there is also a much more important principle at stake: the fight to ensure continued access to the legal system for people who would otherwise be left high and dry. YLAL believes in a good quality public service for everyone, regardless of their means. We believe that without access to justice, there can be no justice at all. In a time of increased police powers, a raft of new offences (over 3000 since 1997) and an increasingly complex legal framework, more and more people will face difficult legal issues without legal representation. YLAL believes that cannot be right. We have written articles, organised meetings in which MPs and QCs have spoken, responded to government consultations about legal aid. We have had several meetings with relevant ministers to explain our position and we have joined forces with many other groups to campaign on these issues. It is a challenging time in which to commit yourself to legal aid. But the work is fascinating and if you are motivated by a desire to help people in difficult circumstances, the rewards are high.

Young Legal Aid Lawyers is free to join and open to students, barristers and solicitors up to ten years' qualified. ([www.younglegalaidlawyers.org](http://www.younglegalaidlawyers.org))

# Ups and

By Liz Miller

I was 35 years old, I had done a multitude of jobs, including cake decorator, running my own business, ice skating instructor and was currently working for directory enquiries.

I had come to the conclusion that I needed something more challenging. I went to university and then to the College of Law. When I started at university, I thought that I wanted to specialise in employment law. I soon found myself attracted to crime, however. This was partly due to a summer job working as a seasonal traffic warden. Believe it or not I had great fun, as we were attached to the police station. After the first year I was told by the superintendent that I might be suitable for a job in custody looking after female prisoners. This I was able to continue during termtime as well, as I was only called out now and again. The second year I spent most of my time working in the front desk of the station and my knowledge of the law was extremely helpful.

After I had finished at the College of Law, I wrote to one of the solicitors whom I had seen in the police station. They invited me for an informal interview that turned out to be an actual interview and they offered me a training contract in crime. Unfortunately after just over a year they decided that they were not going to continue with a criminal contract. When word got out, I was approached by another firm and joined them. Again I was training to do crime and some family. This firm was smaller, having only two solicitors – father and son – with mother acting as secretary. Here I felt like a dogsbody; the final straw came

when I was asked to sort out the blocked toilet. I also discovered that the firm was not registered to take trainees. Luckily I had only been there for four months.

Even luckier was that our law centre advertised for a benefit advisor. I decided to go for it as I was so depressed and I thought that maybe I did not really want to be dragged out at silly o'clock. For some reason they interviewed me for the post of housing advisor, but they explained that they did have a supervising solicitor and therefore I would be able to continue with my contract. I completed my training contract with them. Just as I was coming to the end of the contract they explained that they were going to ask the LSC for a criminal contract, as the supervising solicitor was accredited for both the police station and court. Would I like to do crime again? Yes, I said.

Everything seemed fine, however all was not well with the supervising solicitor who resigned after a few months. At first it was a case of carry on, whilst they looked for a new supervising solicitor. Then I had to resign myself to the fact that we could not do crime any more. I therefore had to decide whether or not I wanted to stay a solicitor. If I stayed there without a supervisor I could not be a solicitor. I therefore called a friend to see if their firm had any vacancies and they invited me for an interview.

I have now been employed here for one and a half years in the criminal department. In November last year I became police station accredited and in December magistrates' court accredited. We now

# downs

have the Carter reforms to look forward to and we do not know for sure what they are going to bring. I may be included when they decide on the percentages that they are going to give to each firm or I may not as I was accredited but not on the rota until March this year and the LSC plans to look at 2006 – 2007.

The one thing I know is that I enjoy my job. It is not a case of getting someone off. It is a case of making sure that the police do their jobs right and do have the evidence; that if the client has committed the crime that they are represented in the court to the best of my ability and that the court hears something of their life and why they did what they did.

I chose criminal law because I felt I could help people who find it difficult to help themselves. There are many types of people who end up in the police station, not only those who are always getting into trouble. There are those who are wrongly accused of rape by former partners because they want to get back at them; there are those whose partner may be abusing them and in order to continue with the control, accuse their victim of having started the assault; some who are trying to gain custody of their child and use the law to accuse their partner of doing something to scuttle their chances of gaining custody; there are also the children, who have been more or less abandoned by their parents for one reason or another and go wild as a result.

One such child was A. He was just 10 years old. The first time I met him was the day after I was to

have seen him in the police station when he was meant to have returned on bail. I was in the police station for someone else when I was told he had been arrested. I went to the cell and saw this tiny person sitting on the bench crying his eyes out. I told him who I was and asked him if he would like me to represent him. He said he would. His mum had refused to come down and so he had an appropriate adult. When we went to the interview room he was very quiet at first. I decided not to question him about the offence and asked him instead about his family. He told me that his mum and dad had recently split up after being married for 20 years and that his dad had moved away. His dad had also been very ill with cancer although was now in remission. The previous day he had been with his dad, which is why he had not returned bail. He very rarely saw his dad now.

We then went through the reason for his arrest. He had taken a pint of milk from a shop and he fully admitted it. Unfortunately he had already had a reprimand and a warning and therefore had to go to court. At court I met his mum for the first time. She proceeded to tell him that because of what he had done he was finished from the point of view that there were very few jobs that he would be able to do because he had been in trouble with the police. No wonder his attitude was that of despair. I explained to him that so long as he stayed out of trouble then this was not true.

I do not know what will happen, but I know that I am a fighter and will keep fighting both for myself and the client.

# The legal aid

## Sara Chandler reviews training for future legal aid lawyers

In 2005/6 the College of Law piloted a course for legal practice course (LPC) students who want to practice as legal aid solicitors. The course is called the public legal services pathway – the PLS. This year 85 students in the Bloomsbury centre of the college successfully completed the course.

It's a tough assignment. In addition to their usual studies, the students attend speaker meetings and workshops. In the second term, they study at least two social welfare subjects in depth from a choice of four practice areas: advanced criminal practice, housing law, family law and practice, immigration and welfare benefits.

Each student must undertake pro bono work and submit a portfolio of their practical experience. They receive a written and oral evaluation from their tutors.

Most of the students carry out their practical work with the Bloomsbury Legal Advice Centre. This is a fully functioning legal practice with a staff of seven solicitors and three administrators. The members of staff come from backgrounds in law centres or legal aid practices. Students are the advisors and representatives for their clients and are closely supervised by the staff. There are four kinds of opportunities in the centre, and students must complete one experience in depth or more than one with less content.

Some students complete advice only work for their clients: taking instructions, carrying out legal research and advising in writing on housing, family, debt or social security law. There are also opportunities to advise and assist on employment matters, mostly unfair dismissal and discrimination. In addition students may opt for the housing casework training scheme, in which case they will advise and assist their clients and represent them at small claims or other hearings. In this scheme students gain experience of negotiating with landlords and local authorities, and have achieved good settlements on behalf of their clients.

Like all LPC students, the PLS students study the compulsory subjects: civil and criminal practice, property law and practice and business law and practice. From the start of the September term the students attend talks designed to provide them with an insight into legal aid practice and procedure. This year the season kicked off with a social to which LAPG, Young Legal Aid Lawyers, Legal Action Group and the Independent Lawyer were invited. There was a careers discussion with a panel of legal aid practitioners and Young Legal Aid Lawyers group members. There was also a panel discussion with former College of Law students who are now trainee solicitors in legal aid firms.

From March onwards the PLS students

# front line

start their series of lectures and workshops, when they examine in depth areas of legal aid work and practice that they are learning in workshop exercises. For example, they learn how to complete legal aid forms. There are also talks by staff from the Legal Services Commission and legal aid practitioners.

We encourage students to start their pro bono work in the first term so that there is plenty of time for them to carry the case through. At the end of each case students are asked to give us feedback on their experiences.

Sian Davin, who has just finished the LPC, and who volunteered as part of our triage team, answering telephone enquiries from the public, said about her casework: "It was really interesting to actually work directly with a client and on a real case. It was exciting to be able to apply what we happened to be learning on the employment elective to an actual case."

Bibi Tautaya, who worked on a housing case, commented: "All of the skills I had learnt have been put in practice, I enjoyed working as part of the team".

Andrew Edwards had a housing disrepair case and wrote in his evaluation: "I enjoyed working with a real client with genuine problems who achieved a great outcome for herself using our advice".

Lastly, Maria Wright commented:

"Working at the legal advice centre made me realise that I had made the right career choice, as having direct contact with a client was very rewarding".

This year 106 students completed cases in the housing casework scheme. The scheme is funded by the Legal Services Commission for three years, ending in December 2007. The aim has been to enable students who want to be legal aid lawyers to gain relevant experience so that they will be able to hit the ground running when they start their training contracts. Over the past three years we have seen 188 students complete the scheme. Some of them are now trainee solicitors and many are paralegals hoping to obtain a training contract in a legal aid firm.

The reduction in numbers of legal aid firms is a matter of grave concern for the future of access to justice, and for LPC graduates who want a career in legal aid it is a source of constant worry. If we are to ensure a healthy frontline for legal aid, with well trained solicitors working with the most vulnerable persons in society, we need to start the practical training of law students at the earliest possible opportunity.

Sara Chandler is associate professor and senior pro bono coordinator at the College of Law

# LEGAL AID of the LAWYER year awards

## 2007 winners

A man who pushed the boundaries of the law for his clients won the 2007 Legal Aid Lawyer of the Year award for outstanding achievement. Alured Darlington was presented with his honour by Cherie Booth QC at a ceremony at the Haberdashers' Hall in London held to mark the fifth year of the LALY awards.

Organised by the Legal Aid Practitioners Group, the awards celebrate the work of lawyers who have dedicated their careers to protecting the rights of the poor and the powerless against the rich and powerful, and to working towards the goal that nobody should be unable to protect and enforce their rights just because they cannot afford a lawyer.

Alured Darlington's award reflects more than 30 years of achievement. In the 1970s, he was responsible for pushing the boundaries of the law to secure protection for the victims of domestic abuse. He worked with Erin Pizzey, who had founded the first women's shelter. Ms Pizzey paid tribute to him for the risks he took personally and professionally to help the women who came to her seeking refuge from violent partners. More recently, he became concerned at the plight of young women from the third world he was representing for drug importation offences. Very often, they had little idea of the potential risks of what they were doing, either in respect of the criminal penalties they faced or the danger of

death. Moved to try to tackle this problem at source by stopping these women becoming drug mules in the first place, he has helped develop and promote a video warning of the risks they face if they get involved in drug trafficking.

Jan Luba QC was named barrister of the year. He has been involved in just about every leading case in the housing field, developing and enforcing the rights of the homeless and those living in sub-standard accommodation. His nominee said: "He is without peer as the lawyer of choice for any tenant or homeless person with a case in the appellate courts."

Criminal defence lawyer of the year was Colin Byrne. He was nominated by a colleague for his hard work daily at the coal-face, and his nomination was supported by a young woman who, at the age of 18, was charged with the manslaughter of her baby son. Colin showed up the flaws in the medical evidence and secured her acquittal after a retrial.

Alison Gerry won young barrister of the year for her work in difficult inquest cases, including the case of Rachel Whitear, who died in 2000 from a heroin overdose. Her parents allowed photos of her body to be used to warn people off drugs. At the initial inquest, an open verdict was recorded, and many questions remained unanswered. The coroner refused to re-open the inquest after both the police and the family



Alison Gerry from Doughty Street Chambers, winner of the Young Barrister award



Aika Stephenson from Lawrence & Co Solicitors, winner of the Young Solicitor award

requested it because of new evidence. The family then applied to the High Court for a new inquest, which the court granted in October 2006.

Alison has also drafted an analysis of the legality of the death penalty in international law, which has been adapted and used in a number of jurisdictions.

Young solicitor Aika Stephenson, who works in the youth justice system, has developed Just For Kids Law. This organisation provides youth advocates for youngsters caught up in legal and quasi-legal proceedings, and trains lawyers and other advisers who work with young people.

The family award was won by Neil Robinson of Nowell Meller Solicitors. He was described by a designated family judge as “the torch bearer” for the cause of mediation in his area. He is a mediation evangelist, spreading the word to the next generation of family lawyers by a combination of training, writing articles and producing leaflets.

Michael Kennedy won the mental health award. In 1999, he founded the mental health department of his firm, Switalskis. He now manages 10 staff in two locations, representing vulnerable clients across the north of England. His nominator said, “His ability to communicate with clients with profound communication problems is outstanding”. The immigration lawyer of the year is Sue Willman of Pierce Glynn, who works closely with

refugee community organisations and is an expert on the law affecting the right to accommodation and support for asylum seekers and their families.

The social and welfare award was presented to John Halford of Bindman & Partners; and the award for solicitors’ organisation was won by Tendring Outreach Service.

The then LAPG director Richard Miller said, “All our winners and nominees deserve the utmost respect. In the middle of the turmoil caused by a period of unprecedented change, this remarkable body of men and women, along with many others throughout the country, is providing a priceless service. The clients do not regard these people as businesses but as the heroes who help them through the most difficult times in their lives.

“It is this indefinable element that makes an excellent legal aid lawyer. It cannot be measured, which is why it is under threat from the government’s proposals. The anger of legal aid lawyers at the government is not for themselves, but for their clients. The lawyers will merely lose some job satisfaction. The clients will lose the lawyers who go the extra mile to help them when they are at their most desperate.”

Mr Miller called on the new prime minister, Gordon Brown, to ensure “that in another five years, we are still able to celebrate such heroes who are invaluable to the poor and the powerless”.

# Legal aid in 2010: how do you see the

## A solicitor and the chief executive of the Legal Services Commission predict where they see legal aid in the year 2010

### THE SOLICITOR

I decided that my clairvoyant abilities must be somewhat limited, otherwise I would have known that a Labour government would have presided over one of the greatest infringements of civil liberties, including bringing in 3000 new criminal offences.

I thought back over changes we have seen, from franchising through contracting. Files from before 1995 are completely unrecognisable from 2007 files and there is much improved recording of information and advice but also a huge administrative and bureaucratic burden.

Firms have become more specialised due to the requirements to have a supervisor in place for every type of work and firms not carrying out sufficient cases to comply with the onerous supervisory requirements. Consequently, fewer firms are able to offer a broad church of advice, despite the fact that a number of cases, especially in the social welfare arena, encompass more than one case type and solicitors would have been more than able to advise on them.

The number of firms carrying out legal aid work has reduced, in family by more than half since 2001. If the government bring in the Carter reforms and ultimately competitive tendering, then firms will be competing on price. I envisage a large number of firms, especially with mixed private and legal aid practices, will give up legal aid work.

The social welfare issues will probably be catered for by community legal advice centres (CLACs) with possibly one CLAC in a major town with the scenario of a client not

represented by a CLAC, as they act for the opponent, having to travel to the CLAC in another town for representation.

Criminal work will be carried out by large conglomerate practices with one solicitor having to juggle many cases at court. Family will be carried out by smaller niche practices, often concentrating on specific areas such as childcare. Rural areas are likely to be ill served.

The worst image is of victims of domestic violence, children being wrongly taken into care and people charged with one of the myriad new criminal offences in danger of not finding any legal representation at all and I believe this is a valid concern.

Wendy Hewstone

### THE CHIEF EXECUTIVE

Legal aid is undergoing a period of great reform, but two things that won't change are its fundamental role to social and legal justice and the real difference legal aid lawyers make to the lives of some of the most vulnerable people in our society.

Leading legal aid firms are already preparing for the future, changing the ways they deliver services and manage their business. For clients, this will mean better access to the help they need.

The legal aid reforms are part of bigger changes taking place in the wider legal services

# future?

market. There have already been major changes over recent years and the market will become increasingly competitive as a result of the Legal Services Act. Providers of private or publicly funded services will need to work and structure themselves in different ways to succeed in this market. The reforms to legal aid reflect this and will help them prepare for change.

By achieving best value for money and rebalancing the overall budget to provide more funding for civil work, we can continue to increase the number of people helped.

More than two million people a year currently receive legal aid for help with criminal and civil matters. However, we need to ensure that services are available in the geographic areas and categories of law where they are most needed and can make the most difference to people's lives. Key to this will be providing more holistic and joined-up service for clients so they can get help for housing, employment, domestic violence, welfare benefits, debt, community care and some family problems from the one place. Why should someone suffering from domestic violence have to seek help from different legal firms to deal with related housing and debt problems?

Changes like these will improve value for money and positive outcomes for clients, and ensure that being a legal aid lawyer remains a career with purpose.

Carolyn Regan

## Websites

CLS Direct  
[www.clsdirect.org.uk](http://www.clsdirect.org.uk)

The directory on the CLS Direct website provides details of all solicitors, advice agencies and information providers across England and Wales who have committed themselves to the CLS quality mark. The benefit is that your search can be limited both to specific fields of law and geographical areas to help you to come up with a target list of firms to approach.

Legal Aid Practitioners Group  
[www.lapg.co.uk](http://www.lapg.co.uk)

Law Society  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

Bar Council  
[www.barcouncil.org.uk](http://www.barcouncil.org.uk)

Institute of Legal Executives  
[www.ilex.org.uk](http://www.ilex.org.uk)

Law Centres Federation  
[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

Law for All  
[www.lawforall.org.uk](http://www.lawforall.org.uk)

Legal Alternatives  
[www.legalalternatives.co.uk](http://www.legalalternatives.co.uk)

Legal Services Commission  
[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

College of Law  
[www.college-of-law.co.uk](http://www.college-of-law.co.uk)

Young Legal Aid Lawyers  
[www.younglegalaidlawyers.org](http://www.younglegalaidlawyers.org)

# Alternative student legal

**www.legalalternatives.co.uk is a website set up by a law graduate to promote pro bono and public interest legal work amongst current students and graduates, writes Rebecca Greenhalgh**

Before graduating with my law degree in 2003, I knew I wanted to undertake public interest internships and spent months researching possible placements. Although I succeeded in arranging several internships, the experience made me realise just how difficult it can be for students to find suitable placements.

Both branches of the legal profession have pro bono groups to help qualified lawyers volunteer their time and skills (Law Works and the Bar Pro Bono Group) but the same couldn't necessarily be said for those at student and graduate level.

At the same time I knew from my own experience that many charities, NGOs and other public interest groups were always in need of volunteers and people with legal skills, but couldn't afford to promote that need to a wide audience. They were dependant on people knowing about them, visiting their website and looking for voluntary vacancies. Not easy when you all have essay deadlines fast approaching!

That led me to create Legalalternatives – a site intended to promote alternative legal opportunities to graduates and those doing LPC/BVC, training contract/pupillage. Whenever I become aware of placements that might be suitable, I try to add them to the database so that students anywhere in the country can search for opportunities in their local area.

The opportunities range from a couple of hours' general volunteering per week to fully organised placements. One of the main problems for students is finding work that uses their legal skills and I've tried to highlight other ways that they could become involved that will be relevant to their future career.

For example, an environmental charity may not have a placement specifically for legal work – but a student with an interest in the environment could undertake a general voluntary placement with them. This allows them to learn more about their area so that, should a relevant opportunity arise in the future, they have evidence of an interest and stand more chance of being considered for the opportunity.

More importantly, a general voluntary placement allows students to assess whether there is any way that law students/graduates may be able to assist an organisation with their specific skills. They might even be able to work with the organisation in developing a voluntary scheme tailored for future law students and then enter that scheme onto the database.

The site contains general advice on volunteering plus a forum through which I can pass on my own experience from internships. I also trialled a newsletter featuring advice on obtaining alternative legal careers (the United

# opportunities

Nations, capital defence work, election observation etc) and intend to run this again for the new academic year, along with regular events bulletins about pro bono and public interest law events nationally.

Anyone visiting the site with knowledge of local opportunities is welcome to submit database entries. In the future, I'm also hoping to help match up organisations with law students / graduates so they can work together in developing volunteering schemes to utilise law students' skills.

Whether you are a first year law student, finalist or undertaking one of the professional courses, the site is intended to help you. Contact me to become a student rep. and help build up information and events listings for your local area, or simply use the site to find out about opportunities suitable for you.

My final comment regarding public interest legal work is to pass on something that I have heard time and time again from organisations. Many students and graduates undergo a burst of enthusiasm each year and sign up to volunteer with an organisation or charity. A few weeks later many of them realise they can't in fact commit themselves to the needs of the organisation and have to stop volunteering. Please, please – before you become one of them, think

long and hard about the level of commitment you can make.

To the individual student, dropping out of a scheme after two months of a six-month commitment may have little impact. However public interest work is important because it generally helps people with little access to support. The organisations themselves are limited in time and resources and whenever they take on an intern or volunteer, they have to invest some of that time and money in bringing the volunteer up to their requirements. If you drop out, you further reduce that organisation's efficiency.

If you do find that an organisation asks you to be a general volunteer at first and assist with admin, it may not be because they have nothing else to offer. They need to be sure that you can commit to them and carry out whatever they need help with, so accept the photocopying or envelope stuffing with good grace. It may take a month or two but once they have come to know you and assess your capabilities, you stand more chance of getting involved in projects that you're really interested in.

And with that, all I can say is go forth, find an opportunity and put those newly acquired legal skills to good use – future national student pro bono award winners all have to start somewhere and now is as good a time as any.

# Searching for a job?



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