

COMMENTARY ON THE PROVISION OF LEGAL SERVICES	
Legal Help and Help at Court	• The £500 financial limit is an increase on the previous two-three hour limit for Green Form Scheme help • Formal representation in court, eg for small claims, or in tribunals (such as employment tribunals) is still excluded • The financial eligibility limits are set too low • The statutory charge in family and personal injury cases may reduce compensation received partially or totally • It is obtainable only through contracted solicitors – and the current number has been reduced
Legal Representation	• Employment Tribunal, and since 1 April 2000, negligently caused death and personal injury and property damage cases are excluded from the scheme • The means test financial limits are set too low and ‘middle income’ people are excluded. Percentage of population eligible: 40-48% in 1993 • Contributions can be high • The merits test is much more complex and stricter than the previous test for Civil Legal Aid (the applicant had to show that he had reasonable grounds for taking, defending, or being a party to, the proceedings and that it was reasonable to grant legal aid in all the circumstances) • Funding may be refused on the grounds that the case is suitable for a Conditional Fee Agreement (see below) or there are other bodies or funds which could be used to support a particular case • The statutory charge may reduce compensation received, partially or totally • The number of solicitors providing Legal Representation is limited (having been reduced) and it is now only available through contracted solicitors (since April 2001) • If a legally-aided party loses a case, costs are difficult, if not impossible, to recover by a successful private paying litigant (<i>Hanning v Maitland</i> [1970] 1 QB 580)
Family Mediation (and Approved Family Help)	• A good initiative – helps speed up divorce in the courts through an agreement on key issues beforehand • The quality of mediation is an unknown factor at present

Police Station Duty Solicitor scheme	• Knowledge of the free scheme is limited (although detainees are now informed by custody officers) • There are delays in receiving legal advice (especially at night) • There have been problems with the method and quality of advice provided by solicitors, eg solicitors giving advice only on the telephone
Criminal Legal Aid/Criminal Defence Service	• There were variations in the granting of Criminal Legal Aid throughout the country by magistrates' clerks because of 'interests of justice' test • Proof of income was necessary for Criminal Legal Aid, but the financial test has now been abolished for Representation through the new Criminal Defence Service • Criminal defence services are only available through solicitors with a General Criminal Contract. Have enough contracts been issued? • The prospects of a public defender service are doubtful when the considering the performance of the Crown Prosecution Service (see the Glidewell Report)
Conditional Fee Agreements	• The client has to find a solicitor willing to take on the case on the basis of a CFA • The cost of the insurance premium (against losing) may be high and has to be paid up-front • Disbursements may be high and payable up-front • The success fee and insurance premium have only recently been recoverable by the successful party from defendant (since 1 April 2000) • Support Funding is available (Investigative Support and Funding Support)
Other Advice Agencies and the role of the Legal Profession	• Citizens Advice Bureaux need staffing by para-legals and more Government funding • Law Centres have faced funding cutbacks and closure • Free/fixed fee interviews are limited to half-an-hour • Public knowledge of ALAS (the Law Society's Accident Legal Advice Service) is limited • The Bar and Solicitor's Pro Bono Units take on only a limited number of cases
Other Issues	• What are the main difficulties for a person seeking legal assistance? (See textbook for answer) • Have the principles established by the Rushcliffe Committee (1945), which preceded the system of government-funded legal aid and advice, been achieved? (See textbook for answer)