

MEDIA BRIEFING

too many citizens are 'lost to law'

We need to promote the Access to Justice Campaign with the media. Don't wait for journalists to pick up on the story, be proactive and either use the enclosed press release or contact them and give them some suggestions for stories. All editors and journalists will want stories that illustrate the human angle of the campaign.

Where possible use local examples for local newspapers and broadcast media. Give your clients a voice in the Access to Justice Campaign and ask them if they would be willing to give interviews or be quoted.

Key messages are:

- The client's perspective-lack of access to legal aid ruins lives
- Advice deserts - for many ordinary people there is now nowhere to turn for specialist advice funded by Legal Aid

The client's perspective

The crisis in legal aid affects ordinary people in this country often in the most tragic ways. Failure to obtain legal assistance can lead to increased acts of domestic violence, unnecessary evictions, family hardship or distress, and ultimately tipping those with legal needs into a spiral of debt and social exclusion.


Whilst AJA does not believe that all social problems have neat legal solutions, it is important that where people have legal rights, they are able to access these rights and enforce them where necessary.

Below are some cases reported (from bureaux at the 'frontline') to Citizens Advice,¹ illustrating the sort of problems that legal aid can help to deal with but where there are problems for clients in getting it. If your own firm or advice agency has similar cases use those to illustrate the issues.

Fractured families and relationships

A CAB in Surrey was unable to find a legal aid solicitor to help their client, a 36 year old father of two, as respondent in a divorce case. The only solicitors with a family law contract available locally were representing the client's wife.





A CAB in the East reported that their client's husband had been arrested and bailed after he threatened to kill her and her children. She urgently needed a civil injunction, but the Domestic Violence Unit could not find a legal aid solicitor to take the case on in the district, the only appointment that could be made available for the client was in Norwich which would involve a 100 mile round trip.

Homelessness – Prevention and Cure

A CAB in West London reported that their client had been evicted from a tenancy and applied to the borough for housing; he was turned down as not being in 'priority need'. He requested a review, but was refused interim accommodation. The client has since been sleeping in his car, and suffers from long-term depression. Attempts to refer the client to a solicitor proved fruitless due lack of housing solicitors in the borough.

A CAB in South London had a homeless male client with severe mental health and alcohol problems; the Community Alcohol Team found it difficult to help him without a permanent home. However, the Council did not consider the client to be in 'priority need'. The CAB considered this decision to be clearly irrational, but could only contest it through judicial review. However, there were no CLS solicitors doing housing cases within the borough, or indeed neighbouring boroughs; so the bureau had to arrange an appointment some distance away in Crystal Palace and arrange transport, whilst in the meantime the client's condition was deteriorating and was unclear whether the client would be well enough to attend the appointment.

Landlords obligations

A CAB in the Midlands reported that the client's private landlord had allowed the house to fall into disrepair; the house was flooded through holes in the roof and the walls had caved in resulting in considerable personal property damage. The local Tenancy Relations Officer became involved and advised the tenant to make a claim against the landlord, so the bureau phoned the two local firms listed under in the CLS directory as housing specialist, however neither were able to take on the case, even under their contract 'tolerances.' The nearest available housing lawyer was a half an hour's car journey away.

Workplace rights

A CAB in the East Region reported a client off sick from work for a period, after which he was dismissed. He made a claim in the County Court for pay in lieu of notice and holiday, which resulted in the case being allocated to the multi-track rather than the fast track. The client was entitled to legal help, but no local solicitor was able to take the case up under Legal Help, as they had all used up their matter starts for the year.

Staying power – immigration and asylum

A CAB in the North Region reported that their client – a male asylum seeker from Eritrea could not afford the journey (a coach fare of £23) to see his lawyer in London. He had moved north under the government's dispersal scheme for asylum seekers, but had been unable to find a new solicitor, as in Hull there are no longer any solicitors doing publicly funded immigration work.

An Essex CAB reported that their client, a Zimbabwean man who served in the UK army for three years, was discharged without permission to work and given 28 days to return home. He faced a real fear of imprisonment in Zimbabwe, and wanted to make an application to stay in the UK. The nearest CLS immigration lawyer though was based in Cambridge.

Another CAB in Essex reported that their client, a 37 year old Ghanaian female who was 7 months pregnant, separated from her husband due to violence. She urgently needs advice about whether she needs to apply to stay in the UK, however there were no solicitors in the area able to take on new legal aid clients.

Dealing with debts and benefits

A Hampshire CAB reported that one client who has serious medical problems and had to leave work. The benefits agency took over 5 months to process his claims; he had been unable to find a CLS with a Welfare Benefits contract to help challenge the benefits agency.

What is an 'advice desert'?

Advice deserts are distinct geographical areas where there is nonexistent or insufficient supply of free specialist legal advice in one or more areas of social welfare law, due to local solicitors pulling out of legal aid. This means no access to justice, as where clients are eligible for legal aid it is because they are on low incomes, and often cannot afford even small amounts of money on travelling to get legal help. Often clients need help urgently and cannot wait months for an appointment.

In all regions there is evidence of insufficient supply, and the result is that clients are turned away.

The government deny that there are 'advice deserts', but recognises that there are many parts of the country with areas of 'unmet legal need' for clients who are eligible for legal help.



Examples of what we call advice deserts include:-

A CAB in Warwickshire regularly has problems in obtaining clients representation in difficult housing cases, as the nearest LSC suppliers with housing contracts are Solicitors Solihull or Nuneaton, or Coventry Law Centre. They have discussed the matter with a District Judge, who circulated a discussion paper which concluded "it appears that our County Courts in Warwick and Stratford are in an 'advice desert.' Although tenants are well served by the CAB in rent possession cases', I am not convinced it is fair to expect the bureau to provide support in nuisance/anti-social behaviour cases."

A CAB in Hampshire report that there is only one firm left in town that is doing any contracted civil legal aid work, and they have a three-week waiting list. The result is that they have to send clients to a solicitor in Salisbury.

A CAB in Lancashire reported that a client, a Nigerian man, needed representation in an appeal against a Home Office decision regarding his immigration status. The nearest specialist practitioner was based 40 miles away from the client's home.

A CAB in the East Midlands reported that their client, who needed a divorce, was eligible and registered with the only CLS listed firm in the area. However, the solicitor is no longer offering legal aid and their only option is to travel to Peterborough 25 miles away for an initial interview with another firm.

The evidence

The evidence of increasingly inadequate and uneven supply of legal aid, and insufficient funding for the whole system of providing civil legal advice, is by no means anecdotal. **It has been confirmed by every authoritative study of the Community Legal Service since the legal aid system was reformed by the Government's Access to Justice Act.**

The evidence is substantial and cannot be ignored - legal aid cuts hit vulnerable people.

Some sources of further information

www.adviceuk.org.uk

www.asauk.org.uk

www.cpag.org.uk

www.citizensadvice.org.uk

www.dca.gov.uk

www.justice.org.uk

www.liberty.org.uk

www.lag.org.uk

www.lapg.org.uk

www.lawcentres.org.uk

www.lawsociety.org.uk

www.lsc.gov.uk

www.publiclawproject.org.uk

www.shelter.org.uk