

Legal Aid

Quarterly newsletter
1st Issue

Chairman's Introduction

Welcome to Legal Aid Focus - the first issue of the Legal Aid Board's newsletter for legal aid practitioners.

As most of you will know by now the Board took over the administration of legal aid from the Law Society in April 1989. The take over stimulated much interest within the profession and the media. A press conference announcing our first annual report gained widespread coverage in the national newspapers and legal journals.

Curiosity about the Board was certainly a factor - members of the legal profession were interested to know who the Board was and what the Board could do for them.

This newsletter hopes to answer some of your questions. We will detail new policy developments in areas such as franchising and the provision of court based advice; we will outline new procedures which may have an impact on your work; we will also provide legal updates of practical use to legal aid practitioners.

The Legal Aid Board is funded by the Lord Chancellor's Department and consists of an executive body of 12 members who oversee the administration. We were appointed by the Lord Chancellor - some for two years, some for three years and some for four years. Our members are drawn from the legal profession, industry, commerce, the advice sector and further education.

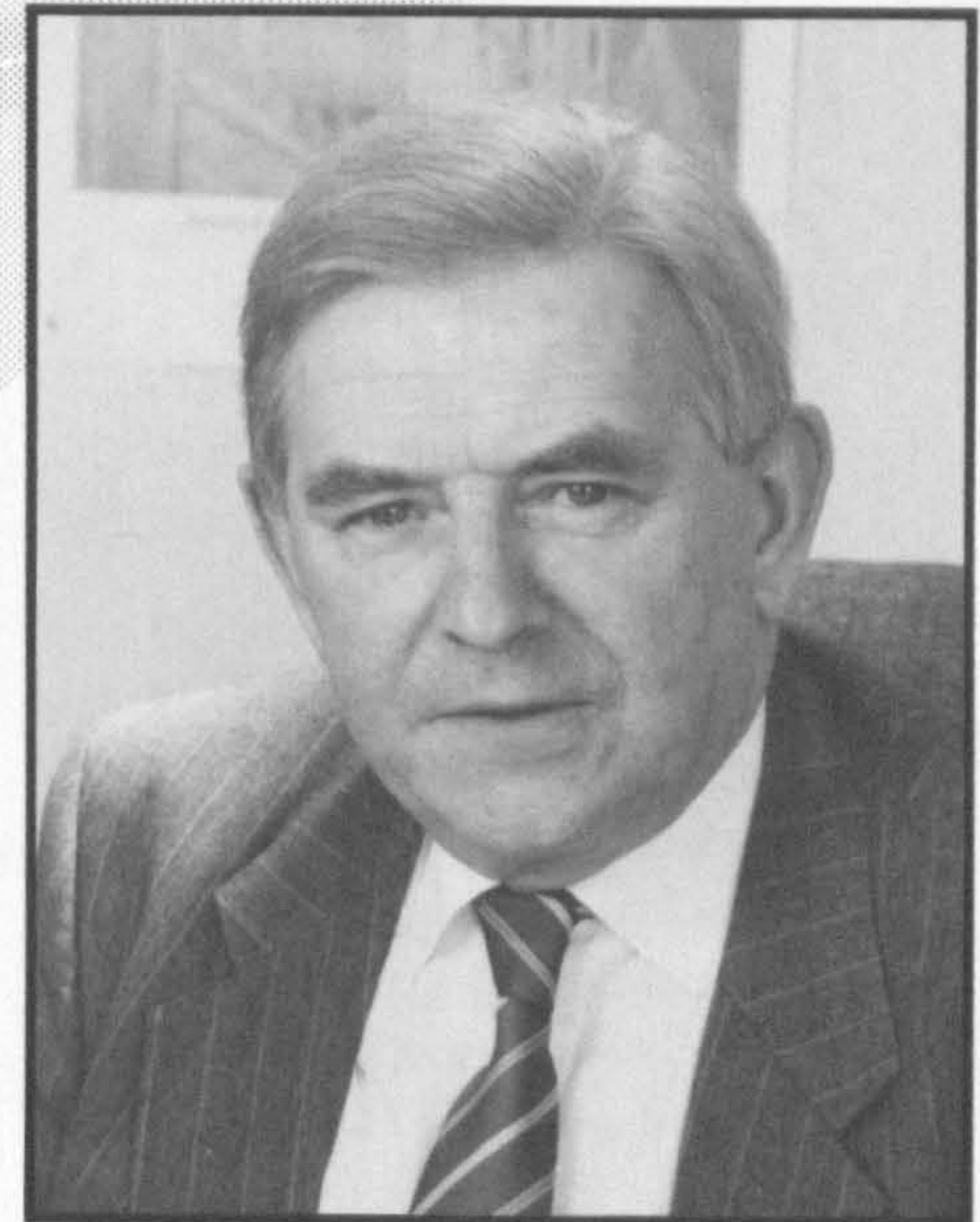
In our first 18 months we concentrated on improving the performance of the organisation - the time it took to pay bills and issue certificates was our major concern. We have addressed these problems and can report significant improvements in both areas. Almost 70% of certificates are issued in four weeks compared with just under 30% when the Board took over; 75% of bills are now paid within four weeks compared with a starting figure of less than 60%.

These figures reflect our concern that the legal profession should get the best deal the Board can provide. We do not have the power to set the rates of pay for legal aid work but it is within our power to provide a fast, efficient service.

The Board is also investigating a number of important policy areas which will be explored in future issues of Legal Aid Focus. For the present, I hope you will find our newsletter both helpful and interesting. We would be glad to receive your comments. Please write to our Information Officer, Kate Enright, Legal Aid Board, Head Office, Newspaper House, 8-16 Great New Street, London EC4A 3BN.



John Pitts
Chairman, Legal Aid Board



Franchising has been very much in the news in recent months. We recap here to keep you up to date.

As many of you will know an experiment into franchising is currently underway in Birmingham. The experiment has gone in two phases - the first has seen two lead firms operating under franchise conditions, while the second has seen solicitors applying for franchises with the full selection procedures in force.

To get a more comprehensive picture of solicitors working in franchise conditions we extended the experimental area to cover a larger area of Birmingham. A total of 49 applications have been received at February 15th - the final deadline for applications.

A significant part of the experiment is the Board's invitation to the advice sector to participate. We are very pleased to have received a number of applications from advice agencies in Birmingham. Advice agencies that are successful in their applications will be able to claim payment for the advice they presently give for free. The same selection procedures will apply to solicitors and advice agencies alike.

The idea of franchising is to delegate decision making powers in granting legal aid in exchange for certain quality guarantees by the franchisee. This delegation enables the solicitor to act

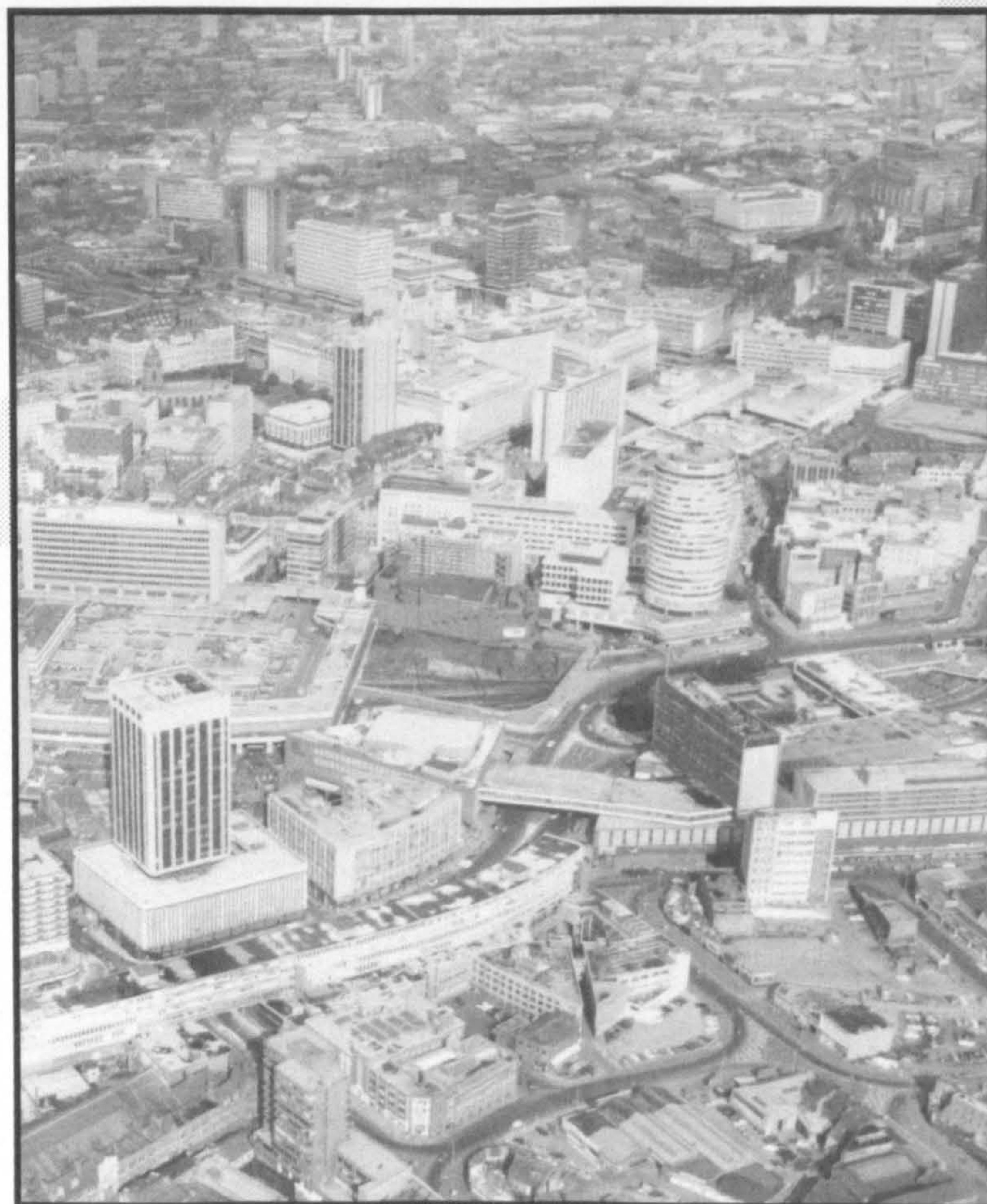
quickly with obvious benefits for the client.

Morton Fisher and Cartwright & Lewis are the two firms already operating franchises. Describing some of the benefits Cartwright & Lewis have derived from the experiment, Sally Barnby says, "Speed of response to the client has been one of the principal benefits of franchising. We are now able to grant green form extensions, ABWOR and emergency certificates, in practice, immediately."

Cartwright & Lewis has also seen advantages in the payment arrangements under franchising which allow solicitors to claim 75% on account nine months after the certificate has been issued.

For more information about the experiment or a copy of the Franchising Specification, please contact Simon Hillyard, Legal Services Officer at the Boards's Head Office.

***Birmingham -
home to the first experiment into franchising.***



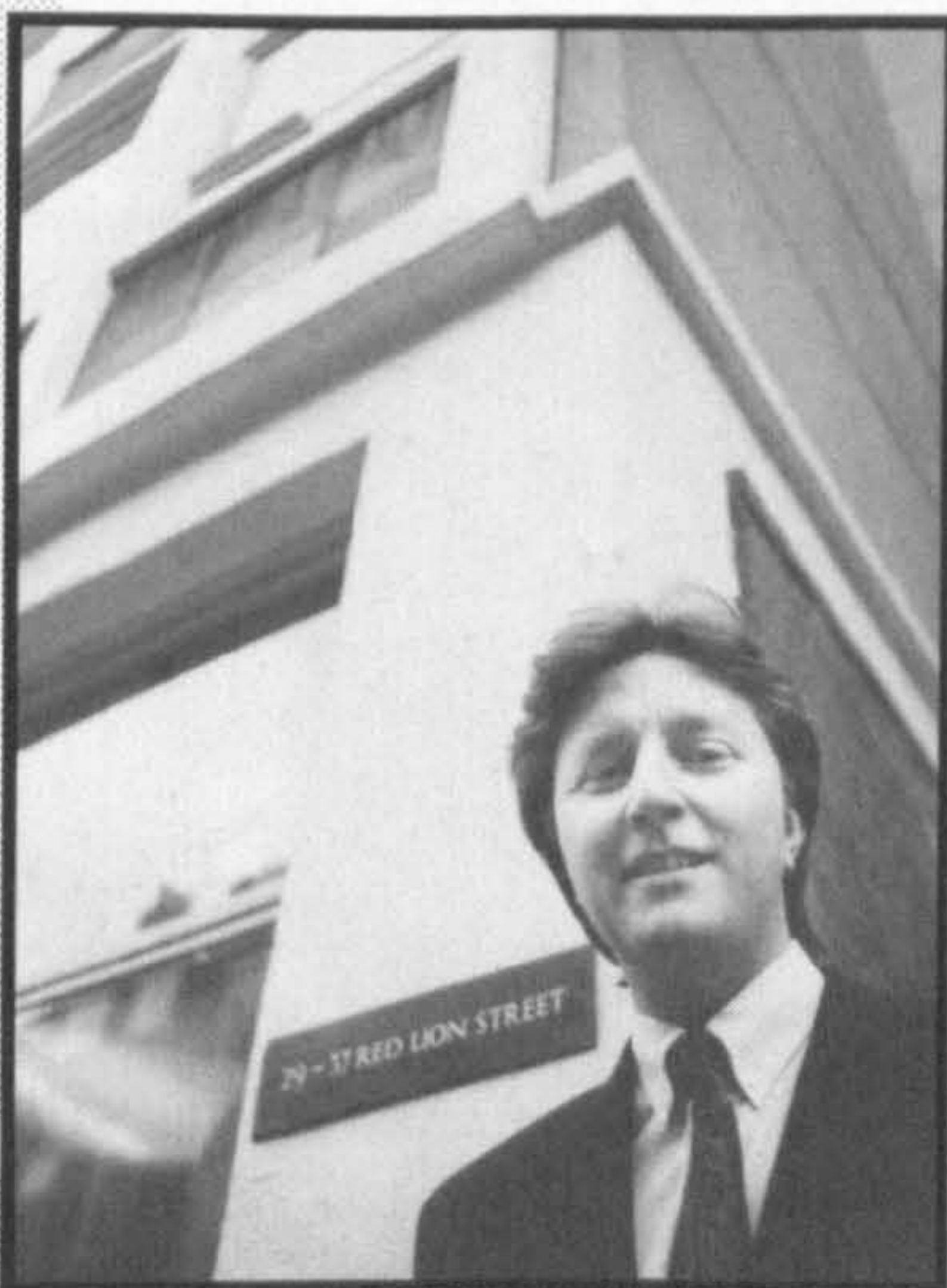
The South East Group is made up of the London and Brighton Area Offices. The Group Manager is Ken Winberg, who joined Legal Aid in August 1990 from his previous job as a Courts Administrator with the Lord Chancellor's Department. He is based in London where he also undertakes the responsibilities of an Area Manager.

The present London Office was set up in January 1990 when the old Areas 1, 13 and 14 were amalgamated to form the new Area 1. The accommodation in Red Lion Street was refurbished in open-plan style and now houses roughly 165 staff, including the six members of the management team and eight solicitors dealing with more complex legal work.

The scale of the operation is enormous. Each week the office receives on average, 7,500 bills for payment, 1,100 applications for Legal Aid, 1000 Green Form extensions and 7000 items of correspondence. Incoming applications are given their own file which is stored with some 250,000 others in the central filing system. At any one time between 10,000 and 14,000 files are out of the system being worked on.

In Brighton, the scale of the operation is smaller than in London but the pressure to deliver a high volume of quality work is still great. Val Halsall has been the Area Manager there since the beginning of 1990, having worked in Legal Aid for ten years. With her four senior managers she runs a team of approximately 60 staff with an incoming work load of more than 2,600 bills, roughly 600 applications, 300 Green Form extensions and 2,700 items of correspondence per week. As in London, the staff are organised into Legal, Finance and Support Services Sections with the majority dealing with the administration of applications for Civil Legal Aid.

Ken Winberg considers that over the last 12 months the Group has made significant progress, with large backlogs in the early part of last year having been eroded by as much as 70%. That said, he recognises there is still some way to go in improving performance.



Ken Winberg
Group Manager
South Eastern Group

“We need to achieve a high speed turn around in all areas of our work whilst maintaining an acceptable level of quality. To do this, we must train more of our staff to perform a wider range of tasks and be prepared to constantly review and streamline our systems, particularly in managing the vast number of files we hold”. Val Halsall agrees and looks forward to the arrival later this year of new computer systems in the Area Offices. Present equipment is outdated and overloaded and new I.T. support is desperately needed.

The management team in the Group recognise the importance of good relations with the profession and invitations have been accepted by a number of practitioners to visit both offices. This has proved fruitful and Ken Winberg welcomes further co-operation of this type. “It is easy for us and the profession to criticise respective faults. The fact is that the way in which we operate has a profound effect on each other's performance. It makes sense to establish a good working relationship in order to progress”.

Important changes to the duty solicitor scheme come into operation on 1 April 1991 following an extensive review by the Board. We took account of the report from Birmingham University which was critical of the police, duty solicitors and the Board's administration of the scheme.

In a bid to give the fullest support to the duty solicitor scheme we are appointing five Duty Solicitor Managers to provide nationwide back-up.

The new Managers - one for each group of legal aid offices - will be responsible for duty solicitor administration in their regions. The five legal aid groups are: South East, North East, Midlands, Wales and West and North West.

To communicate these changes we issued a special newsletter to duty solicitors in January. If you would like a copy of this newsletter or more detailed information about the changes please contact Simon Hillyard at LAB Head Office.

Research Initiative into County Court Advice and Representation

A national county court advice scheme along the lines of the duty solicitor scheme may be the result of recent research commissioned by the Board.

This research initiative is a product of the Civil Justice Review which recommended that the Board should fund duty services at the county court for unrepresented litigants.

Our approach has been to assess the sort of services which already exist, where they are, and what sort of help they provide. Pictured here is the Money Advice Desk at Croydon County Court which is run by Merton Money Advice. The lay advisers provide advice and representation to people facing debt and possession cases.

We visited a number of court schemes and met many of the registrars, court staff, management and advice workers involved in the provision of these services. There are just under 30 schemes running out of a total of 267 county courts. Most are run by CABx, two are staffed by solicitors in private practice and several involve law centres and independent advice agencies. With few exceptions, the kind of cases covered are housing possession matters and debt.

In October 1990 we commissioned an independent research consultant to carry out two research projects: one examining the listing practices in all 267 county courts; and one into the detailed work of services in six county courts - Bloomsbury, Bristol, Chester, Croydon, Liverpool and Willesden.

The work done by these voluntary services calls for expertise in some areas of housing law, money advice, knowledge of county court procedure, as well as advocacy skills. Our proposals are likely to provide for services which involve either qualified or unqualified people who we are satisfied can do the work to a certain standard.

From our own experience and what we have been told by those operating existing services, a minority of defendants to housing possession and debt proceedings come to court. Often people who are in serious debt - serious enough to be brought to court for repossession of their homes -

get into these situations because they have succumbed to the impulse we all feel to pretend that difficult problems do not exist. They tend not to get advice and, more often than not, it seems that they follow this approach to the extent of not going to court when summoned to do so. This is understandable since courts are intimidating places and many people feel that nothing can be done about their particular problems. County court duty solicitors and advice workers have told us that only 10-15% of defendants in the lists they cover actually attend court.

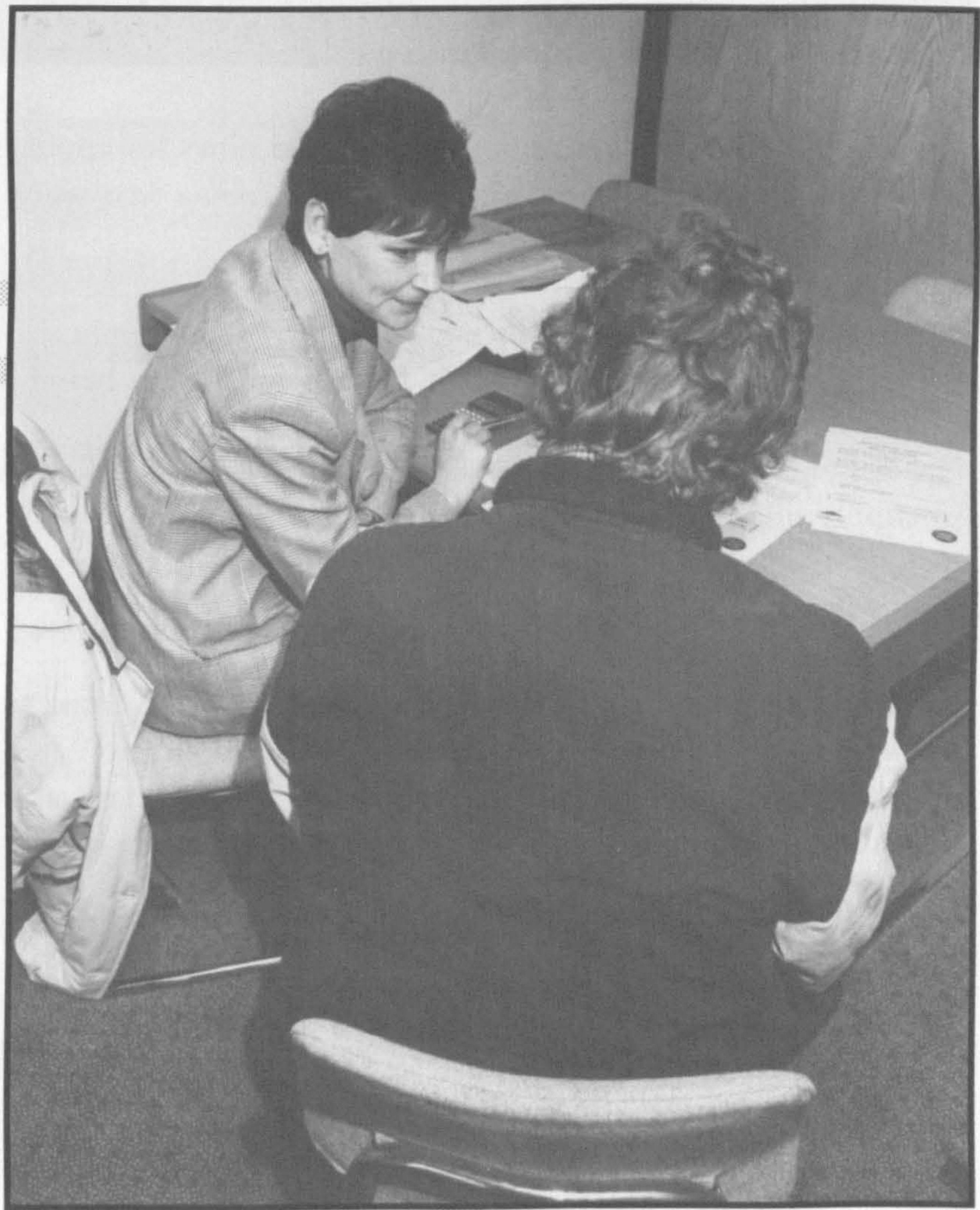
We would hope to increase this proportion. If defendants know that they can get help in court, more may attend. The Lord Chancellor's Department is currently considering how to implement another Civil Justice Review recommendation which says that lists of local advice agencies should be sent out with the summons in small claims, housing, debt and personal injury cases. Taken together, these initiatives should lead to far more



Liz Willoughby of Merton Money Advice is on hand to give help at Croydon County Court

defendants getting help. Moreover, properly funded and staffed services would be able to challenge procedurally or legally defective claims, and negotiate realistic settlements.

A final word of caution. The Board can only fund these services if it is directed to do so by the Lord Chancellor under Part II Legal Aid Act 1988. Whether the Lord Chancellor would make such a direction would depend on the public expenditure position at the time. However, the research being carried out at present will help us decide what sort of help is needed and how best it could be provided.



A client receives advice before going into Court

Forms Revision

As someone once said "Give us the tools and we will finish the job". He might have added that the better the tools the better and quicker the job.

One of our basic working tools is information supplied via forms. The easier the forms are to understand and complete, and the clearer they are about what is required, then the better the information given to us. This will lead to better decisions by us and faster processing. With this in mind we intend to review all our forms.

Work has started on the application form for non-matrimonial civil legal aid, the formal offer that goes to an applicant, and the duty solicitor claim forms. Work is also being done on new forms for:

- criminal authorities,
- civil amendments,
- civil "adjustment purposes only" cases,
- bills check list.

We are reviewing the information we make available both to the profession and the general public about the statutory charge.

These are complex projects but we are aiming to introduce some of the new forms in the early summer. You will be pleased to know that we are being advised on priorities as well as procedures and design by a group of solicitors who practice legal aid. This group is lead by John Appleby and its input will be invaluable.

New Measures Speed Up Delivery of Legal Aid

The new CLA4A form is undoubtedly good news for applicants and practitioners. Since the introduction of the new forms, we have seen a two week reduction in the time it takes to decide a legal aid application.

Before the system was introduced, less than 47% of applications were decided in four weeks. Now we are seeing almost 70% of certificates being decided within four weeks.

The benefits of the CLA4A form are twofold. Firstly, the new form puts the responsibility for supplying financial details for the means assessment check with the applicant. The financial information must be supplied at the time of applying otherwise the application cannot proceed.

The previous procedures created inbuilt delays. The applicant made the application to the area office, the DSS would be notified of the application and would then correspond separately with the applicant to establish his or her financial position. The new system streamlines these procedures which had existed largely unchanged for many years.

The second benefit is that the problem of abandoned cases has dramatically reduced. As many as 90,000 cases a year have been abandoned at the means assessment stage with the client deciding, for whatever reason, not to provide financial information when contacted by the DSS.

The new arrangements relieve the system of thousands of abandoned cases and avoid the huge waste of area office, DSS and solicitors' time which they cause. Recent DSS figures show that after only five months working to the new system, abandoned cases have reduced by 70%.

In the case of emergency applications we will accept applications without wage slips or employers' statements, decide the cases on their merits and arrange for these to be submitted later. However, we must have the completed CLA4A. We are seeking further improvements in the way we handle emergency cases.

In the case of income support cases, the news is particularly good: where the applicant supplies his/her income support reference number and local benefit office address, the whole DSS involvement is reduced and the application can often be decided in 48 hours or less.

While the system is demonstrating a capacity to speed up decisions, area offices and solicitors have reported some problems with a few of the questions on the new form and have made some useful suggestions. As a result, a slightly amended CLA4A form will be introduced together with a simple one page form (CLA4B) for Income Support cases only. You will be sent more details nearer the time but for now the following checklist will be of help when filling out the CLA4A. The questions which are posing problems are located on pages two, three, four and five of the form.

Checklist For Completion of CLA4A Forms

Page 2		
Q1	Answer	<p>No No need to complete partner's details throughout the form</p> <p>Yes All details for applicant and partner to be completed, unless partner is the opponent</p>
Q2	Answer	<p>No Partner's details to be completed as well as applicant's</p> <p>Yes No details for partner required</p>
Q3	Answer	<p>No or Yes</p> <p>Applicant's details (and partner's if applicable) are to be completed in full (name & address)</p>
Q4		To be completed where there is a Next Friend
Page 3		
Q1	Answer	<p>No Go on to Q2 on this page</p> <p>Yes Check that the address of the paying office is given. Check that there is an income support reference number. If all information is provided, check if the CLA4A has been signed and dated on page 11</p>
Q2	Answer	<p>No Go on to page 4</p> <p>Yes Give all relevant information requested</p>
Page 4		
Q1	Answer	<p>No Go on to page 5</p> <p>Yes A full set of Trading Accounts, including a Balance Sheet, must be provided. If subcontracting, send in SC60 or 715 vouchers for the last 6 months</p>
Page 5		
Q1	Answer	<p>No Go on to Q2 on this page</p> <p>Yes Form L17 is required for applicant (and partner, if applicable). If an emergency application, the previous week's wage slip will suffice.</p>

Please do not send CLA4A forms without the L17 form or wage slips or trading accounts as we do not have the facility to retain incomplete application forms (apart from emergency ones) pending receipt of this essential information.

Review of Case Control System

The case control system introduced in 1990 proved unpopular with legal aid practitioners. You said it was a lengthy and time consuming process.

The intention was to review the justifiability of legal aid certificates in particular cases where, for example, the certificate had been issued some time previously but no action had since been taken.

We still need this information but in response to your comments about the case control system, we are reviewing it to see if we can make it easier to comply with and hope to have an improved system running during 1991.

We would like to know how long it takes you to supply the information included in the CC1 and CC2 case report forms. These forms are first sent out 18 months after a certificate has been issued and every 12 months thereafter. Please note that you can claim the time spent filling in the CC2 and CC1 as part of your costs under the legal aid certificate. Your comments on the case control system should be addressed to the Chief Executive's Support Group.

**Published by
Legal Aid Board
Head Office
Newspaper House
8-16 Great New Street
London EC4A 3BN
Telephone 071 353 7411**

How To Get Your Bills Paid Quickly

Since the Board was established, there has been a significant improvement in the time it takes to pay solicitors' and barristers' bills.

Current figures show around 75% being paid within four weeks of the claim for costs. This compares with less than 60% before the Board took over administration of legal aid. While we have achieved significant improvements in how we handle bills, we have no control over the taxing system. Therefore we can't influence the time it takes for the court to tax your bills. Where you are submitting bills for assessment by the area office these improvements will be more evident since there is no court procedure involved.

While we are pleased with the improvements made to date we are aiming for still faster speed of response but need your help to make this possible.

Avoidable delays arise from the CLA 16 and CLA 17 forms (report on case form and bill of cost form) being returned incomplete and with minor omissions which can lead to major problems!

If your bill is being taxed by the court you need only fill in the CLA 16. Please ensure that a copy of the taxed bill, the sealed copy of the Court Allocatur, counsel's fee note (where appropriate) and copies of any orders made in the proceedings - particularly where the statutory charge is relevant - are enclosed with the CLA 16 form. The current address of the assisted person also needs to be filled in at the top of the CLA 16. These parts of the procedure may sound obvious but as many as 20% of bills have to be returned for lack of information.

If your bill is to be assessed by the area office you need to fill in both the CLA 16 and CLA 17 form in order to be paid. The checklist below reflects regular omissions which slow down the payment of bills.

1. Check you have quoted the full reference number of the legal aid certificate. This must be quoted in full.
2. The amounts claimed in respect of profit costs, disbursements and counsel's fees must be entered in the boxes provided.
3. The amounts of any costs awarded or damages or other monies recovered must be entered in boxes two and three.
4. The solicitor must ensure that the form CLA 16 is signed twice, the second signature covering the statutory declaration.
5. The solicitor must ensure that the firm's account number and, where appropriate, counsel's account number are completed.
6. When the statutory charge applies and property has been recovered or preserved, the reverse of the form must be completed in full.

