

# FACING A HERCULEAN TASK

*Nicholas Green QC  
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*Nick Green QC explains why the Bar Council has established five working groups to ensure that the Bar is prepared for future legal aid reforms*

The times they do not get any better. Halliwells, the Manchester based solicitors firm with over 700 fee earners, has applied to go into administration. The firm is in discussion with possible purchasers of parts or all of its business. When these are completed it is expected the firm will be dissolved.

City firms report a down turn in profits. Associates are on part-time working in some firms. And then of course there is the legally aided sector which awaits the approaching juggernaut which will be set loose by the MoJ's need to reduce its budget by circa 25 per cent over 4 years, equating to savings of over £2 billion.

The MoJ has started on the easy pickings: court closures. In a recent consultation the MoJ has identified some 157 courts for closure out of 530 courts. This would save annual running costs of only £15 million but other savings might push the total economies up to nearly £100 million. This is not a great chunk out of the total that has to be saved.

Ken Clarke QC MP has very bravely, and in my view rationally, opened up the debate about prisons recognising in particular that short term sentences are ineffective and do nothing to reduce recidivism rates. A reduction in the present prison population from 85,000 to 80,000 could save over £200 million per annum. There is growing support for the Secretary of State's proposal for fundamental reform but even if it is pursued and is successful and saves shed-loads of cash, it is still not going to be enough to prevent legal aid reform.

### **The 100 who are going to change the Bar**

So if the juggernaut is on its way then we have to ensure that we can help to steer it and not be under it. Along with Peter Lodder QC, the Vice Chairman, we have set up a group of circa 100 barristers, clerks, practice managers and outside consultants to work intensively upon the exact steps the Bar needs to take to be prepared. These individuals have been broken up into five working groups. The first group will examine business structures for the Bar and in particular for those sets who will wish to contract directly with the Legal Services Commission ("LSC") for criminal and in due course family work. The second concerns the contract which will be used by the Bar for the purpose of contracting with the LSC. The third concerns procurement techniques and, in effect, how the Bar is going to win contracts in LSC tendering processes. The fourth concerns PR and education and addresses the critical issue of how we disseminate information to those who need to know. The fifth is focusing upon savings to be made in the justice system since the greater the efficiency and other savings that can be made the less the stress on the legal aid fund.

The task we have set ourselves is huge. But we cannot afford not to get on with the task. In all likelihood new contracting rounds will be with us in 12–15 months. We simply have to be ready by then. I am very grateful to all those who have agreed, whether with their arms forced behind their backs or otherwise, to assist. This work is of fundamental importance since the lessons we learn from it will be of real and lasting relevance to the rest of the Bar. We will be leading the Bar to adopt a range of new business structures and these will inevitably form the basis of the models that the rest of the Bar uses in its non-publicly funded work.

### **Champers**

I have already mentioned the savings group. We will be setting up online forums so that if you have suggestions for reforms relating, in particular, to criminal and family justice which will both improve efficiency yet save money you can send us your thoughts and ideas. The MoJ is going to consult in the autumn on a range of matters, including reform to the justice system. If the Bar can – prior to the publication of the consultation paper – come up with proposals for savings then they will be given the most serious consideration. This is what I am told by Ministers. So, at the personal expense of the Chairman, there will be bottles of champagne for the best entries.

### **As for the French ...**

Recently I made a flying (by Eurostar) visit to Paris to attend the 200<sup>th</sup> Centenary of the restoration of the Paris Bar, an event punctuated by a speech by President Sarkozy who told us all in no uncertain terms that there would be no additional public funding in France for lawyers! *Plus ça change!* At least our football team is better than their's, but that's not saying a lot. I wonder how much legal aid the Spanish Government hands out?