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Commission on Justice in Wales

Our Ref:RH
Your Ref:

18 May 2018

Dear Sirs

Re: CONSULTATION PROCESS

I refer to the recent consultation exercise in Llandrindod Wells which was very helpful and informative.

I would anticipate that the review presents a rare opportunity for a thorough assessment of the state of the Justice System in Wales and the provision of legal services. I sincerely hope that you receive a sufficient response to enable the Commission report to identify some of the real issues and challenges facing practitioners and the population of Rural Wales.

I am currently the Treasurer of the Mid Wales Law Society which counts as its members private practitioners throughout Meirionydd and Montgomeryshire. I have practised in Newtown and the surrounding area both as a trainee and thereafter a solicitor for over 40 years. In geographical terms my main area of practice is from Welshpool to Aberystwyth to Wrexham down to Merthyr Tydfil. The principal focus of my Practice however is of course upon Newtown and the catchment towns and villages around it.

Having been born and educated in the area I believe I have a fairly accurate view of the demographic issues in this part of rural Wales as well as the geographical issues which often seem to be ignored following consultation processes, such as the closure of courts. Those issues are real issues that create significant problems of people particularly those who can be counted amongst the most vulnerable in society.

In terms of access to legal advice the disappearance of legal aid for a large number of areas of law has created a void which is not accommodated by voluntary services. The demand upon small high street practices to provide pro bono advice is very considerable indeed and if one were to respond to every enquiry where legal aid is either not available or the individual does not have the resources to pay then it would be completely unsustainable. That being said I can confidently state that most of the practitioners in mid Wales provide a notable amount of pro bono advice which would probably cause city practices who advertise the fact that they do so some embarrassment! I spend several hours a week as indeed do many of my fellow professionals.

Family law is a particularly difficult problem area, this is not only because of the loss of legal aid. The closure of courts requires us to travel huge distances to deal with routine hearings. It is not uncommon for example for one of my colleagues Miss Nazar to have to travel to Prestatyn or Caernarfon in the North or Merthyr



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Tydfil in the south. We have quite a busy public law department and we are of course dealing with the most vulnerable in society in rural Wales who have almost insurmountable hurdles in ensuring that they are adequately represented and in getting to court. Hearings of course are often convened at very short notice. It should also be noted that the only towns in Montgomeryshire and Radnorshire that provide Legally Aided services are Newtown and Llandrindod Wells. There are in essence only three practices with legal aid franchises. Two of the practitioners of the four who regularly practice this area of law are in their 60s with very little prospect of further fee earners being trained to undertake this type of work. The constraints of rates of pay for publicly funded work are compounded by the prohibitive travel associated with representation of individuals.

Although I may indeed seem to repeat myself much of the problems associated with access to justice arise as a consequence of court closures and limited financial returns for undertaking legal aid work.

As far as representation in criminal cases is concerned again publicly funded work is limited to only three practices in Montgomeryshire and Radnorshire, the same three that undertake family work. In a recent publication the national press and professional press reported that it was a worrying trend that very few young lawyers are taking up publicly funded work. It was reported that the average age of duty solicitors in mid Wales was over 50. I can in fact provide more accurate information on that and confirm that there are in fact five duty solicitors in mid Wales one of whom is over 70, two over 60, one aged 46 and the other 35 years of age. None of the three practices appear to be investing in training up solicitors to undertake this work and the inevitable conclusion is that unless there is a radical rethink about the way in which services are provided in rural areas those services will disappear altogether.

I am reminded of the words of Dame Margaret Hodge when she was chair of the Public accounts committee criticising HMCTS for being very blinkered in its approach to cost-cutting. It is fairly clear that not only have the cost-cutting exercises made justice very remote indeed but further cuts will cause it to disappear completely for many. This in my view is very shocking indeed.

Our position therefore as a practice is that we are allowing the publicly funded part of the practice to follow its own inevitable course, with limited investment in resources to continue to provide it for the long term. We have seen the number of practices offering such services in mid Wales reduce to the small handful referred to above. We are focusing upon private practice by actively promoting conveyancing services, elderly client services and civil and criminal litigation for those who can afford it.

It would be wrong to suggest that the practice has taken a downward turn in fortune as moving away from a focus on publicly funded work is proving to be more profitable. The long-term victims of this process will be those on the bottom end of the financial scale and hence those most vulnerable and least able to access justice.

The closure of courts and the centralisation of custody facilities within police stations has also resulted in it being no longer financially viable to travel great distances when undertaking publicly funded work.

Although general technological facilities exist for greater use of video link facilities they are not being used to the extent that they should be. Lawyers who are prepared to be a little more inquisitive or innovative can use these facilities to their advantage and the advantage of their clients. Personally I think it inevitable

that courts are not going to be reopened and that we will be lucky if we can maintain the current coverage that we have across Wales. If we could have a complete rethink about the distribution of courts and the way in which those courts are serviced by the judiciary and support staff and professionals I think this would be to the credit of Wales. I shudder to think that we're going to follow the example currently being demonstrated across the board by the closure of all courts in Shropshire with the exception of Telford and the current fear of practitioners in Telford that even that court will be closed with practitioners and the public having to travel to Worcester. The system there I will state is in disarray.

If we establish and use video link facilities extensively it would probably go a long way to cutting out most of the travelling. If practitioners cannot economically serve the courts then the public will not be able to access practitioners and will therefor be unable to access justice.

Centralisation of certain aspects of work, again as a cost saving exercise has proved problematic. One example would be the centralisation of minor traffic offences in Llanelli. I cringe occasionally when I hear of clients on routine traffic matters faced with a huge wad of papers received through the post, enclosing a postal requisition, and failing to realise that they could probably deal with the matter by post and finding themselves travelling the 2 ½ hours from the North of Montgomeryshire down to Llanelli to be dealt with. Having made the enquiry, which I would encourage other professionals to do, I have been able to deal with a number of relatively routine traffic hearings including special reasons and exceptional hardship pleas by sitting with my client in the witness room at Welshpool and linking up to Llanelli. This system needs to be promoted if we are going to be dealing with routine prosecutions in distant locations. I believe defendants should be given that option as requiring them to travel such huge distances is to discourage them from making personal appearances in court. I am reliably informed that the technology exists, and it would be very encouraging to think that in Wales we recognise this and grasp an opportunity to develop this. Accessibility to the court system will at least encourage professionals to continue to engage in providing advice in those areas of law which are currently under threat.

Unfortunately the austerity drive has involved court closures without any suitable alternative being made available to the public and professionals.

Far as the future of legal practice in Wales is concerned I am personally very confident that practices will survive. Most practices can be described as small and even the larger rural practices are very small by comparison to those operating in large towns and cities. They do however have a faithful clientele, but in the course of my career I can see that practices are beginning to return to their more traditional model, relying largely upon conveyancing and probate. Other than by amalgamation there is very little scope for significant practice development as I believe the public are quite conservative in their ways.

Succession however is a problem in mid Wales as depopulation seems to be on the rise again with regard to middle management and professional people, making the area far less attractive to prospective employees. We recently ran advertisements in two successive editions of the Law Society Gazette and in the regional press to have only one applicant for a post of assistant solicitor, who was not suitable.

There is of course a glut of graduates looking for positions as paralegals and trainees but surprisingly you wouldn't think that to be the case here in mid Wales.

Such candidates that we have have been able to take on in recent years have had very strong local ties, principally through family, and have made a conscious choice that they would wish to develop a career in the area. They are however few and far between and frankly the quality of graduates generally is not what it was. It would be very helpful to have some sort of liaison, possibly through the Mid Wales Law Society with educational establishments such as Aberystwyth University; but I have not seen any initiative from Aberystwyth over the past several years. They need to look at this as I recognise quite a number of practices that would benefit from developing a succession plan.

I am sorry that I'm a bit late with communicating with you but did want you to know that I have very strong views about endeavouring to maintain legal services in rural Wales. The experience with most centralised services is that the standard of service deteriorates significantly and with that injustices will inevitably occur. I apologise for any typographical errors but I have tried to get this done as quickly as possible.

Yours sincerely,

Robert Hanratty

Yours faithfully

HANRATTY & CO