

COMMISSION ON JUSTICE IN WALES

**A SUBMISSION BY CASWELL JONES SOLICITORS,
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Introduction

Caswell Jones is a small firm established in 1989. The firm believes strongly in client care and endeavours to improve its services to the client to compete in today's market. The firm offers a service with direct Fee Earner contact with concentration on client care.

The firm is aware of the environment and has developed services to meet the needs of our clients and the local community. The firm takes into account diverse needs and does not discriminate and will make reasonable adjustments for disabled clients as appropriate.

The firm is presently a partnership and intends to maintain and provide its range of services.

The firm is contracted with the Legal Aid Agency in Family law. The firm recognises that to compete in the legal market, the firm must move with the times, invest in its staff to establish the morale of team work, to concentrate, improve and maintain technical expertise in all areas of law, to keep up to date with information technology and its advantages in an ever-increasing competitive legal market and to provide the best possible service to its clients.

The firm is regulated by the Solicitors Regulation Authority and has adopted standards, procedures and policies to assist in the day-to-day running of the firm and also to ensure compliance with Statute and Regulations and the SRA.

The work undertaken has a ratio of approximately 50-50 between privately funded work and legally aided work. Most of the firm's business comes from recommendations. The firm has a strong family and matrimonial, conveyancing and probate base. The firm hopes to retain its strength in these areas.

We have considered the Consultation and we respond as best as possible to the questions raised but there is overlap in some of our responses which relate to more than one question raised.

1. GEOGRAPHICAL BARRIERS

Due to the geography In Wales, there are advice deserts. Potential clients may have to travel long distances to obtain advice. These clients may be on State Benefits and have to fund public transport to Court or to Social Services offices for meetings, which they cannot afford.

Public transport is not reliable. Due to the geography in Wales, there may not be a direct route by public transport resulting in several changes of bus or train, the cost of which is unaffordable.

2. PROBLEMS FACED BY PEOPLE WHO WORK WITHIN THE JUSTICE SYSTEM IN WALES

Family lawyers

Due to court closures, lawyers and clients have to travel long distances to and from court, often in unfamiliar places. This often causes additional stress to the client leaving the lawyers to calm them before the court hearing starts. Public transport is not reliable, which results in clients being late to court appointments. There appears to be a lack of understanding of distances between client's home addresses and the Courts and those listing cases may have no idea of travel restrictions/ roads/ distances.

Different Courts have different ways of dealing with cases. Budgets are dealt with differently in Local Authorities. There is no consistency.

Police

Police have similar problems. Different Local Authorities have different procedures and policy. There is no uniformity of jurisdictional boundaries so police could be dealing with several Local Authorities with different ways of dealing with a matter.

Youth justice is not devolved to Wales. The Government in England are unlikely to understand the difficulties faced by the youth in Wales.

There is a diminishing local relationship with young people. Positive interventions with young people would mean that the Police have the chance to form a relationship with young people in their area. By having knowledge of the area and its social difficulties, they have the best chance to advise where and how to get help.

There is a drug problem in many areas in Wales. eg 90% of hearings in the criminal courts in Merthyr are drug related.

There is a need to identify and work with young people who need help as they will be the offenders of the future if they do not have advice and help. There is a need to provide information of where these people can go for help.

Court closures

Court closures have resulted in cases being listed outside of the area in which the client lives. This makes it more difficult for the client to attend or attend on time. It also has the result that local judiciary with local knowledge is lost. Local judiciary may also have information of local projects or support network that could help the client.

Court closures may save money but do not make situation work.

IT

IT is often unreliable. This is due to poor signal or technical difficulties. Skype/phones are reliant on a good signal. However, this is impersonal and impacts on the ability to build relationships or an element of trust interpersonally.

3. ACCESS TO SERVICES IN WALES

LASPO 2012 has had a huge impact on access to services - in Wales and England. It has resulted in firms giving up Legal Aid work, closing or amalgamating.

The public are not aware that Legal Aid is still available in certain cases. Information should be shared on a regular basis to confirm this.

Private Law Family work has been affected, such as divorce, finances and child arrangements. The criteria to apply for Legal Aid is based on income, assets, merits and in particular, evidence of Domestic Abuse. The evidence of Domestic Abuse is so strict that many clients fall outside of scope. The client has to get evidence from the Police, Social Services, the Court, GP or health professional. There are standard letters which the GP is reluctant to follow. More could be done to raise awareness of what Legal Aid is available and how to obtain it.

Private Law family work is affected in several ways. In child matters, the parent with care of the child may take advantage of the lack of Legal Aid by withholding contact on the basis that the other parent will not be able to afford to take legal advice. In divorce and financial matters - the party with less money may find themselves in a position where they cannot afford to proceed to get a fair financial settlement.

Many firms have stopped doing Legal Aid work, or have reduced the areas of Legal Aid work being undertaken. This has resulted in a limited choice of firms for the client. In some areas, eg

Caerphilly, there used to be 12-15 firms which gave the client choice of representatives. More recently, firms have either closed or amalgamated, leaving only 5 firms.

4. PRO BONO

Many people have to rely on Pro Bono services in Wales. There is a lack of information of how and where to obtain this help.

Pro Bono work should be promoted to lawyers to make them aware of what they can do to assist.

Access to Justice Foundation collects funds and distributes grants to those in need of access to justice, particularly where there is no other service available. The funds can be raised in several ways. Firms can make donations, S194 Legal Services Act 2007 costs orders can be made by the Court for Pro Bono costs, there is a campaign called "its not just peanuts" whereby firms are encouraged to send unclaimed client account funds to Access to Justice Foundation. These funds will subsequently be distributed in Grants to various legal support agencies.

Legal Support Trusts raise funds to distribute in the locality. The funds are raised by local Walks, a Quiz and Cake Bakes but the funds raised in Wales are poor. This means that the distribution in Wales is poor.

Third Party Providers

The burden on Advice Agencies, PSU and CAB is huge. Each area has their own problems.

Advice Clinics fill gaps relying on law firms and lawyers to work with them on a Pro Bono basis. Funding has been made available for short term projects but this is subsequently withdrawn.

There was a Legal Advice Clinic set up by University in Wales. This is student-led. They want to help to continue.

A Central Advice/information Hub would help both the legal profession and support agencies to disseminate information as to what services are available and where to those in need. It would need to be up-dated regularly if it is to work for everyone.

5. IMPACT OF DEVOLUTION

Education

Qualifications Wales has led to divergence in education between England and Wales. Qualifications Wales does not cover Trailblazer apprenticeships. Grants and support varies. All this leads to confusion in an already complicated area.

6. FUTURE LEGAL PROFESSION

Information to schools

There is a lack of information to schools of the various routes into law, eg Apprenticeships, CILEX, Solicitors Qualification route. More information should be made available to schools as to the cost and benefit of each route so students are able to make informed decisions.

Due to the difficulties experienced by many lawyers eg in family, crime with working long hours, travelling long distances to court often on fixed fees, talented lawyers are being lost. The legal profession is not an attractive option for newcomers. This has a long term effect as there will be limited members of the profession progressing to the judiciary.

7. WHAT STEPS COULD BE TAKEN TO FACILITATE POSITIVE CHANGE

(a) Consider a project for a Central Information Hub to disseminate information to both the legal profession and the public of services available.

(b) Provide more information to the public to promote the Legal Aid that is available.

(c) Work with the various agencies to ensure they are conversant with the evidential requirements for Legal Aid and the part they can play eg Court, Social Services, General Medical Council, Police.

(d) Promote Court Users meetings in the courts to practitioners. These could be used to share information about practical day to day running of the courts to help practitioners and vice versa.

(e) Provide information to the schools about the various routes into the legal profession