

Further adventures in the complex mixed model

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(just about to go to bed in Edinburgh
– sorry I can't be with you)

Back to Antwerp

Reported civil supply issues. Worrying, but not as bad as the private legal profession suggested:

“It is, today, impossible...to find a lawyer prepared to take on interdicts on a legal aid basis in...Edinburgh [and] Glasgow.”

What happened next?

Range of responses suggested in Antwerp:

- Board reviewed fees and Ministers agreed to increase them
- Bureaucracy reduced through simplification project – went live in March 09
- Supplier support currently being piloted
- Using technology – 60% of advice and assistance now online, other areas following over next few months

What about employed solicitors?

- 2 weeks after Antwerp – Ministers call a halt
- Private sector denies any unmet need in Scotland's two major cities (slight turnaround!)
- Ministers accept case for rural coverage, but only if assurances given to private sector

Small steps...

- One office covering wide rural and island area – 3 solicitors
- Protocol agreed with private bar – office refers to private sector wherever possible
- Private bar now referring cases to the office
- Office having to expand to cope with demand
- High proportion of more difficult cases – the ones the private sector doesn't want
- This one office in 1st year did 10% of all cases across this huge area (served by 36 private firms)

A new catalyst for change?

- Economic downturn results in more acute awareness of unmet need
- Positive reaction to Inverness office eases the way for expansion
- Further growth in Inverness plus new offices in two other cities
- Private bar ambivalent – still want higher fees
- But willing to work with offices, not against them

What's complex about this mixed model?

- Economic downturn programme with 3 strands
 - Employed solicitors
 - Grant funding of advice sector
 - Support for in court advice
- Prioritising services that link advice sector with solicitor provision
- Further work to coordinate with services delivered or funded by local authorities and other government departments

What about criminal?

- Public defenders now in 7 offices across country
- Ministers originally sceptical but now value availability of PDSO in rural areas and where private sector may withdraw
- Private bar still vehemently opposed
- Current judicial review against SLAB for allegedly allocating more custody court cases to PDSO
- SLAB concentrating on ensuring PDSO maximises cost effectiveness
- Watch this space!

Conclusion

- Not come as far or as fast as might have liked
- Now established value of salaried solicitors working alongside private bar
- SLAB working to integrate salaried solicitors with predominantly private system and also with statutory and voluntary (non-lawyer) advice sector
- And the private bar still doesn't like public defenders...