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## Clarke defends LASPO as Panorama lifts lid on DIY justice

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**Will the BBC's exposé of government reforms to legal aid be too little, too late?**

'You've got to ask what justice really requires and really means,' said the former Lord Chancellor, Ken Clarke, during last night's **BBC Panorama** report on the impact of his reforms to civil legal aid in England and Wales.



Before the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, the then justice secretary rejected fears that cuts to the legal aid budget would hit women and children the hardest. Instead, he said, **the changes were aimed at lawyers.**

One can only imagine the look of incredulity on Clarke's face when the Justice Select Committee recently disagreed and found those very cuts in eligibility for civil legal aid had **significantly impacted on some of the most vulnerable in society.**

Yet, judging from Clarke's robust defence of his controversial legislation, perhaps he wasn't really that bothered by a damning report which ultimately found LASPO, and the £350m of cuts to civil legal aid, had restricted access to justice and failed to achieve value for money for the taxpayer.

'The idea that legal aid, this extraordinary generous system that the British had acquired thanks to lobbying over the years should be sacrosanct, and left untouched and couldn't be reduced was not one I agreed with,' he remarked. 'When the financial system eases and when you don't need more money for hospitals or schools then perhaps you should start putting some back into legal aid.'

Maybe Clarke's comments are to be expected. What lawyer - and former Lord Chancellor - wants their legacy to be that of someone who helped to damage a legal system beyond all repair. The once highly-regarded justice secretary seemed happy to lay the blame for legal aid failings at the doorstep of the legal profession.

Jason Bruce, practice director of Duncan Lewis solicitors, which is said to have **claimed almost £15m in legal aid in one year**, dismissed the notion of legal aid practitioners as 'fat cat lawyers' - a perception which is fed to the mainstream media by 102 Petty France at every opportunity.

'The vast majority of legal aid lawyers would be on a salary of between £22,000 and £40,000,' he said. 'It is important for everyone to understand that there is no gravy train. There is no bankrolling on public purse's money, which should be spent elsewhere.'

Joining Bruce in criticising the government's reforms was the former Court of Appeal judge Sir Alan Moses who, unlike many of his still serving brethren, was bold enough to speak out against the cuts.

'It touches upon an absolute basic principle of the law, which is access to the courts. There should be equality under the law. That means not just the way the law treats people equally, but in their ability to be able to vindicate their rights and argue their cases irrespective of their means,' he commented.

'In measuring the costs and the savings there never seems to be an accurate measurement of how much extra it costs if you don't have skillful, independent advocates arguing the case freely assisting the judge. Cases will take longer,' Sir Alan continued.

'I'm quite certain that if you don't allow those who can't afford it... that more and more serious miscarriages of justice will occur.'

The BBC broadcast will be seen as something of a watershed moment for the lawyers and campaigners who have spent more than two years fighting against cuts to a public service that is as important and synonymous with the UK as the NHS.

The mainstream media have previously only deigned to tip its collective toes in this issue. With the exception of the usual suspects, such as **Owen Bowcott at the Guardian** and **The Times'**

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**Frances Gibbs**, 'big media' have refused to give the swingeing cuts to legal aid the front-page treatment it deserved.

It has instead been left to the legal press to fly that particular banner in the hope our collective reach would go beyond the legal profession and touch the consciousness of 'Joe Public'.

But if last night's programme is to truly resonate with the public then it will be thanks to the voices of litigants-in-person, like Jon, Rochelle, and Jason, who each had difficult experiences of the justice system following denial of legal aid. Theirs are stories which many lawyers will be all too familiar with. Hopefully their tales will shock the populace into demanding urgent changes are made when parliament reconvenes in May.

Last week, lawyers called for the government's reforms to **legal aid to become an election issue**, just as an award-winning film-making duo prepare to capture the public's imagination with a satirical take on **Grayling's 'CRAP' legal aid cuts**. Now, with our national broadcaster beginning to highlight the impact on access to justice, legal aid practitioners may just have got their wish. But will it be a case of too little, too late?

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