



JUSTICE, SLL, Bar Council and the Law Society: Justice In The Modern Age

Tuesday 26th September

JUSTICE

Panel

Chair: Kate O'Rourke, Society of Labour Lawyers
Shami Chakrabarti, Shadow Attorney General
Richard Burgon MP, Shadow Secretary of State for Justice
Andrea Coomber, Director, JUSTICE
Christina Blacklaws, Vice-President, Law Society
Andrew Langdon QC, Chair, the Bar Council

Shami Chakrabarti, Shadow Attorney General

Chakrabarti committed the next Labour government to being a very law-friendly and lawyer-friendly government, saying that 'the denigration, and the humiliation, and the undermining of public service lawyers, and lawyers in general, ends right here.' There are six or seven lawyers in the shadow cabinet, and others who care about the rule of law and understand access to justice as a vital part of the welfare state. She cited Corbyn's work campaigning for legal aid and refugee's work as an example of his credibility. She said that technology allows improvements for access to advice, but that there will never be a technological replacement for lawyers. On access to justice, she has launched Lord Willy Bach's report on access to justice, which the Labour party commissioned and will now examine, including his recommendation of a duty on the state to give access to justice. She said that this is an exciting and scary moment in the world and we need the rule of law. If trust is to be maintained, the profession and the judiciary need to be more representative, raising the issue of tuition fees and cuts to maintenance funding making the profession harder to access. She raised the issue of Brenda Hale - the only woman in the Supreme Court. She wants justice in the modern era to be 'justice that everyone can access, but also justice that everyone can play a part in delivering.'

Richard Burgon MP, Shadow Secretary of State for Justice

Burgon said that the Supreme Court found in July that the Ministry of Justice has been acting unlawfully since 2013, blocking access to justice at employment tribunals via fees. He talked about expanding 'early legal assistance' which could instead save the Ministry of Justice money, but thought that employment tribunal fees weren't really about saving money, but about ideology. If you don't have access to justice, the rights you have are worthless. You also need to know about them, so he welcomed the Bach review's mention of legal education. He cited the Lammy review's finding that the disproportionality of black citizens jailed in the UK is worse than in the USA and suggested that proportionality would lead to 9000 less prisoners (or 12 less prisons). In the autumn the party will be pressing the issue of early legal assistance, which can save money, unclog courts, and prevent litigation. The saving in legal aid is not a price worth paying - it should be one of the pillars of the welfare state, like the NHS and education. He will ensure that the Bach and Lammy reviews have a key role in the next manifesto. There will be announcements on expanding legal aid in the autumn, and pressure on the Government to incorporate the Bach review findings into its LASPO review.

Andrea Coomber, Director, JUSTICE

Coomber said that there had been some progress - the Human Rights Act is safe, for example. People are realising that the justice system is a public good. The courts play a vital role and have been turned to a lot over the last year, e.g. the Gina Miller case. There has been a massive retrenchment over the last 9 years and the Bach report highlights the devastating impact of this. Over the last 30 years there has been a gradual retreat in legal aid coverage, leaving people of moderate means excluded from the courts. The court modernisation programme offers the ability to bring people into the system, but an effort needs to be made to ensure that digitally-excluded people are included. There's an issue of trust because senior judiciary are largely male, white and mostly public school educated - there are only two non-white judges on the High Court. In crown courts you have 'black boys sent to prison by a bunch of white judges.' A broader pool of people is needed, testing should be unbiased, recruitment is needed from tribunals and the affinity balance needs challenging. She suggested that there should be targets for recruitment. Given problems filling vacancies, she is worried that diversity may fall off the agenda. She concluded that the justice system is fragile and underfunded, so 'we need to do all we can to fight for it.'

Christina Blacklaws, Vice-President, Law Society

Blacklaws argued that access to justice had been eroded through a variety of measures, and that rights are meaningless if people can't enforce them. She said that the Law Society had prepared a report 'Access Denied - LASPO Four Years On', with recommendations endorsed by Lord Bach's report. She talked about the importance of legal education and re-establishing early legal advice. She outlined a series of tiers of the justice system: public legal education, a technological layer, legal aid, lawyers (including pro bono) and finally courts and judges. She talked about a 'hackathon' the Law Society hosted, which her team won with a project using an Amazon Echo to provide legal advice and support. She feels that digital technology can be part of the solution.

Andrew Langdon QC, Chair, the Bar Council

Langdon argued that as campaigners the sector had failed. In six years the Ministry of Justice has shrunk by 34%; for the last 20 years justice has been sliding down the scale. Government had two fundamental duties: defence of the realm and the rule of law. Over the last year there has been a gathering sense that something has gone very wrong and the UK has looked hypocritical internationally. Some of the Ministry of Justice's budget goes to courts, some to legal aid and most to the prisons, with each squabbling over a diminishing slice of the pie. A longer-term view is needed to ratchet justice up the public agenda. Technology is terrific because it improves cost and efficiency of justice. He talked about eBay justice - disputes over transactions used by many which could be brought into the justice system via an online court. However, technology is also used as a disguise for closing courts. Investment in courts has effectively come in the form of a loan, leading to other courts being closed which reduces access to, and visibility of, justice. New Government proposals are concerning. For example, preliminary hearings could become virtual hearings, but this will deny access to the public and the press, although 'booths' will be provided in courts. Flexible operating hours will have repercussions for diversity - e.g. making it harder for women to participate. Case officers are to be created to take on some judicial functions, but this will damage the independence of the judiciary. There is a responsibility to promote the recognition of what is going on and what will happen if there isn't proper investment in the system of justice.