

Unified Contracts: a slow death as opposed to a quick one?

A WEEK THAT BEGAN with Bindman & Partners' announcement that it does not intend to sign the LSC's "opaque and unfair" Unified Contract, has ended with Osbornes, another Camden firm, suggesting that the legal aid system in the capital is facing "meltdown."

Having warned that "the contract [...] is the means by which the Legal Services Commission proposes to introduce unprecedented and untested changes to legal aid", the Law Society has upped the ante and sent the LSC a letter before action paving the way for a judicial review.

Saimo Chahal, one of Bindmans' partners, believes that no competent lawyer would advise a client to sign the contract.

"Its terms remain uncertain, are lacking in crucial information and gives the LSC a discretion to amend it at will" she explained, before warning that the LSC's planned reforms are "compromising quality and client choice and undermining the profession's ability to address the serious and complex issues that face the disadvantaged in society."

Bindmans have said they will ask to be joined as an interested party if the Law Society proceeds with its action, so that the firm can "actively protect [its own and its clients'] position".

Eileen Pembroke, managing



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partner of Fisher Meredith, says her firm is taking a similar position. Pembroke told *Solicitors Journal*: "We feel unable to sign the unified contract. If we felt any of the proposed measures would guarantee a greater chance of justice for those we and others represent, we would support them to the hilt. They do not."

"This contract is opposed by our professional body and we wish to support any challenges they seek to make", she added.

Pembroke says the talk amongst London's legal aid suppliers is whether or not they should sign the contract. "Some say that to sign is slow death as opposed to a quick one, but soli-

arity in opposition is the only way out of that. Only by standing together can we achieve something better. Ultimately [the LSC] need us more than we need them" she said.

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Resolution's Chief Executive, Karen McKay recognises Chahal and Pembroke's concerns. She said that a large number of Resolution's members have also said they will not be signing up, with a "tipping point" about to be reached.

And David Emmerson, Chair of Resolution's Legal Aid committee, warned: "The current timetable for the new contracts is nothing short of bullying and looks set to backfire. Strength of feeling on this issue is extremely high – the Legal Services Commission is facing a rebellion of untold proportions."

Emmerson added: "In Oxford for instance, we are told that a reduction of almost 70 per cent of legal aid capacity to deal with family law issues is likely."

London is facing a similar crisis according to Julian Beard, a partner in Camden firm Osbornes, who has been told by

the LSC that only 10 per cent of London's 900 legal aid suppliers have signed and returned their contracts.

"Whilst the large firms are contemplating a future without legal aid, small suppliers who the LSC had wanted to force out of the system may have no alternative but to sign and return the contract. This can't have been the LSC's objective" said Beard.

Beard suspects that the LSC thinks most suppliers will wait until the last moment this Friday before returning their contracts. "It's squeaky bum time; a question of who's going to blink first" he said, adding: "It will only take about 30 per cent of London's suppliers to refuse to sign before the legal aid system in the capital goes into meltdown."

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After reporting on 27 March that 99 per cent of firms are not happy with the unified contract, the Law Society announced as *Solicitors Journal* went to press that it would be meeting with the Lord Chancellor before hosting a meeting at its Chancery Lane office on 29 March to update practitioners on unified contract developments.

Legal aid; why they won't be signing the new contract:

"We are the 12th largest supplier of family legal aid in the country. We are not signing the contract".
Blacklaws Davis

"If we and others were to you sign it would give the LSC (and the public) the signal that the contract is viable, when we know it is not".
Jacqueline Everett & Co

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