

20th March 2020

Ash Denholm MSP
Minister for Community Safety
St Andrew's House
Edinburgh EH1 3DG

Dear Miss Denholm,

COVID-19 : IMPACT ON LEGAL AID PRACTITIONERS

I write on behalf of the Glasgow Bar Association which represents around four hundred legal aid practitioners in the West of Scotland.

The COVID-19 outbreak is now having a significant impact on the Scottish Justice system as you know. The immediate and overwhelming reduction in court business is unprecedented and our members are facing financial disaster.

It is to be welcomed that the Scottish Government has announced that it will do everything it can in its power to protect small businesses. Our membership consists entirely of firms that fall within that definition. We support the approach already made to the Scottish Government by the Law Society of Scotland, however, we would emphasise that the Scottish Government is in a position now to significantly assist legal aid practitioners by allowing payment to them for work they have already done.

The concern from our members is that without amendment of the current legislation and associated regulations, firms will by necessity close, with staff and solicitors losing their jobs, thus impacting upon the communities we serve. At this point we only ask for payments that would be due to the practitioners' firms in any event. Our specific proposals are as follows :-

1. Criminal -

- i.) Summary cases – Payment in full now in relation to all cases adjourned as a result of current circumstances either by ABWOR grant or summary legal aid certificate. (Effectively treating the case as a long sentence deferred or warrant situation.)
- ii.) Time and Line / Solemn Certificates – payment of work done to date. We would also propose that further interim accounts can be submitted monthly thereafter while Covid measures are in place.
- iii.) Duty Scheme. We would ask for the immediate suspension of the current duty regulations where a half fee is subsequently payable to another Agent when the accused initially appears from custody. (We anticipate that a Duty Solicitor will be called upon to process accused persons where their nominated Solicitor is either self-isolating or is a member of the vulnerable groups.)

2. Civil and Children's

- i.) A&A – payment of work done to date, with the option to monthly fee accounts as further work is being done.

- ii.) Interim payments for civil legal aid - to reduce the time scales for submission of interim accounts, preferably monthly as further work is being done.
- iii.) Children's - Provision for submission immediately of interim accounts and monthly thereafter as further work is being done.

Clearly, so far as our members' businesses are concerned, this matter is urgent and therefore, we would be grateful to receive an immediate response and certainly, within the next week. We are sure you agree that once this crisis finally comes to a conclusion, there must remain an effective criminal and civil Bar to ensure access to justice and the rule of law in Scotland prevails. Without these measures being put in place, the prospect of this is currently in peril given the severe financial impact on legal aid firms in Scotland.

We look forward to hearing from you by return.

Yours sincerely,

Billy Lavelle,
President
Glasgow Bar Association