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GOVERNMENT MUST PRESERVE THE RIGHT OF CLIENTS TO CHOOSE OWN DEFENCE LAWYER, INSISTS CONSUMER PANEL

The Panel has called on the Government to rethink its proposal to deny people accused of a crime the right to choose their own defence lawyer.

In its response to the Ministry of Justice consultation on legal aid, the Panel warns the current proposals are unfair in principle, are not the most effective way of making competition work, risk undermining quality and will harm vulnerable clients the most.

Drawing on the findings of its latest Tracker Survey, the Panel highlights that consumers who receive legal aid greatly value choice in the current system. They are more likely to shop around than those who pay privately for legal services.

As well as commenting on the legal aid proposals, the Panel is also publishing the first of four briefing notes summarising the results of its latest annual tracker survey. The first set of figures, on the use and funding of legal services, show that:

- Use of legal services has risen since last year due largely to a pick-up in the conveyancing market, but personal injury continues its steady decline
- The family market is being transformed by fixed fee deals – over a quarter of work in this area is now billed this way; this has sharply risen since 2012
- The majority of consumers whose work is funded by insurers are dissatisfied with the extent of their choice of legal representative

Commenting on the legal aid proposals, Elisabeth Davies, Chair of the Legal Services Consumer Panel, said:

“When a person’s liberty is at stake, they must have the freedom to choose who will defend them. The public will not have confidence in a system where the defendant’s lawyer is chosen by the very state seeking to convict them.”

“Allowing consumers to punish the worst providers by exercising choice is the best way of ensuring that quality is not sacrificed in a price bidding war. Consumers need to be given the tools to make the market work on their terms and this shouldn’t be dependent on how you pay for your legal services.”

Commenting on the first findings of the latest tracker survey, Elisabeth Davies said:

“The Legal Ombudsman’s report on divorce showed that legal bills in this area can spiral out of control, so it’s encouraging to see that one quarter of work is now billed on a fixed fee basis – this figure has risen sharply since a year ago. Fixed fees offer consumers much-needed certainty over the costs they face and it’s good to see signs of competition taking hold in this part of the market.

“It’s worrying that consumers feel they have little or no choice of lawyer in over half of legal work funded by insurers. It’s important that insurers make it clear to consumers when it is possible for them to use a lawyer of their choice.”

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For more information, contact Steve Brooker, Consumer Panel Manager, on 020 7271 0077.

Notes to editors

1. The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.
2. The Panel’s legal aid consultation response can be found here http://www.legalservicesconsumerpanel.org.uk/publications/consultation_responses/index.html.
3. The Panel’s first briefing note on the Tracker Survey can be found here http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/index.html
4. The other three briefing notes – on shopping for legal services, satisfaction with legal services and public confidence in the market – will be released over the next few weeks. The raw data will be released alongside the fourth briefing note.