

GCE

LAW: Access to justice and funding

SUGGESTED IDEAS FOR TEACHING/LEARNING



Teacher /Lecturer:	
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Course:	AS and A Level law
Topic:	
Session:	Access to justice and funding

Unit:	Unit 1: The Nature of Law and the Welsh and English Legal Systems
Ref. to specification:	Access to justice and funding
Suggested time allocation:	6 – 8 hours

Aims & Objectives: At the end of these sessions the student will be able to:

- **Explain** what is meant by the unmet need for legal services
- **Explain** the history of state-funded legal services & the reforms of 1999
- **Explain** the LASPO reforms
- **Identify** other providers of advice / alternative sources of help
- **Critically evaluate** the Access to Justice Act 1999 and LASPO reforms
- **Explain & evaluate** conditional fee agreements and contingency fee agreements
- **Identify & discuss** further proposals/ areas for reform

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce topic and objectives using IWB, PowerPoint or whiteboard
- Organize class into small groups and ask them: What is legal aid? What is meant by the unmet need for legal services? Why do you think people have an unmet need? Feedback answers to class.
- Give out flip chart paper / A3 paper and give the following task: You are the Government – you have been asked to draw up a legal aid scheme, you need to consider who you will fund / types of cases / eligibility rules / your budget etc. Students have 30 – 45 minutes to draw up a detailed scheme and then present their scheme to the class (purpose to show if their scheme differs from the schemes in place)
- Explain briefly the history of legal aid and the 6 schemes in place (and their problems) before the **Access to Justice Act 1999**
- Explain the reforms in the **AJA 1999** - Legal Services Commission, Community Legal Services Partnerships developed ;Introduction of a quality mark ;6 schemes replaced with 2 new schemes:
- Group work – identify and discuss the advantages and disadvantages of the AJA 1999 reforms
- Explain and discuss the reforms in LASPO 2012 and what the Act means for the future of legal aid

- Explain conditional fee agreements – how they work - **Courts & Legal Services Act 1990 & Access to Justice Act 1999**
- Explain contingency fee agreements and how they work
- Group work -Students to identify and discuss the advantages and disadvantages of conditional fee agreements and contingency fee agreements– feedback to class
- Group work – What other legal service providers can you think of?
- Discuss reforms to the system and **Lord Carter's review of 2006 and current Government reforms**

Student Activities:

- Group work – Introductory questions on legal aid and unmet need
- Group work - You are the Government – you have been asked to draw up a legal aid scheme, you need to consider who you will fund / types of cases / your budget etc. Students have 30 – 45 minutes to draw up a detailed scheme and then present their scheme to the class
- Group work – identify and discuss the advantages and disadvantages of the AJA 1999 reforms and LASPO reforms
- Group work - identify and discuss the advantages and disadvantages of conditional fee agreements and contingency fee agreements – feedback to class
- Group work – What other legal service providers can you think of?
- Small groups - identify problems with the system & suggest reforms
- Research Lord Carter's proposals
- **Suggested links / resources:**
- PowerPoint
- Handout
- IWB
- Flip chart / A3 paper
- www.legalservices.gov.uk
- www.clsdirect.org.uk
- www.dca.gov.uk
- www.communitylegaladvice.org.uk
- www.publications.parliament.uk – Carter's review 2007

Assessment of Learning

During the lesson	Group exercises and direct questioning illustrate how well the students have understood legal aid
Subsequent to lesson	Homework –question on legal aid (statistic based question and / or essay based)

TOPIC: Access to Justice: Sources of funding

Questions:		Expected answers:
1.	What is legal aid?	State- funded legal help
2.	What is meant by the unmet need for legal services?	A person has a problem which could possibly be solved by going to law, but that person is not able to get the help he / she needs from the system.
3.	Why do you think people have an unmet need?	<ul style="list-style-type: none"> • Person fails to see that their problem has legal implications • Chooses not to pursue the case because of implications like cost, sees solicitors as unapproachable • Person does not know of the existence of a legal service or cannot find one who could help
4.	What are the advantages of the AJA 1999 reforms and LASPO reforms?	<ul style="list-style-type: none"> • Better control over costs – civil cases now fixed budget • Higher standards of work – only those firms with a contract can provide legal services • Quality mark – reinforces high standards • Resources better allocated – the Funding Code channels money into those areas where it is needed
5.	What are the disadvantages of the AJA 1999 reforms and LASPO reforms?	<ul style="list-style-type: none"> • Limited access to justice • Cost cutting - concerns that civil cases will suffer because priority given to criminal cases • No legal aid for defamation cases – McLibel Two (Steel v UK (2005)) • Other cases removed from legal aid – business disputes and PI cases • Problems with conditional fee agreements

		<ul style="list-style-type: none"> • Public defenders – are they truly independent? (See research by Cyrus Tata & Others (2004) on success of public defenders in Scotland • Poorer standards of work • Huge costs of criminal cases
6.	What are the advantages of conditional fee agreements and contingency fee agreements?	<ul style="list-style-type: none"> • Widen access to justice • Cost to the state – they cost the state nothing • They encourage solicitors to perform better • Widen coverage – defamation & tribunal cases allowed to use a conditional fee agreement • Requirement for insurance • Very popular with the public
7.	What are the disadvantages of conditional fee agreements and contingency fee agreements?	<ul style="list-style-type: none"> • High risk / uncertain cases may not be taken on • Claimants have been misled • Requirement for insurance • Pressure from insurance companies to settle • Financial involvement of lawyers – is this a good thing?
8.	What other legal service providers can you think of?	<ul style="list-style-type: none"> • Law centres • Community Legal Advice Centres • Citizens' Advice Bureaux • LA's • Trade Unions • Motoring organisations • Pro Bono clinics • Insurance
9.	How could the system of legal aid be reformed?	<ul style="list-style-type: none"> • One-stop shops in doctors' surgeries, community centres • A National legal service – similar to the NHS

		<ul style="list-style-type: none">• Encourage use of ADR• Introduction of no-fault compensation & class actions
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