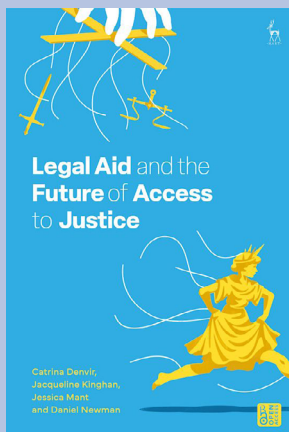

LEGAL AID AND THE FUTURE OF ACCESS TO JUSTICE BY CATRINA DENVIR, JACQUELINE KINGHAN, JESS MANT AND DANIEL NEWMAN

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C Denvir, J Kinghan, J Mant and D Newman (2023) *Legal Aid and the Future of Access to Justice*, published by Hart ISBN: 9781509957804.

This book opens with a foreword by Shami Chakrabarti, in which she ends with the words:

the pandemic reminded many of the dangers of inequality ... During this health emergency, the United Kingdom lost at least twice as many civilians as during World War II. If that war prompted a societal reset, this important book ... argue(s) that another is long overdue” (pages vi-vii).

As such, in a *very timely* manner, this book provides an essential *and necessary* insight into the world of legal aid provision. Legal aid, as a “crucial component in the fabric of the justice system in England and Wales”, is very much undermined, overlooked and ignored within its broader context, by the Government, the general public and the media alike (page 1). Here, the authors offer an (open access) snapshot into the world of legal aid; here, its very function, importance, positionality and standing within the broader legal and welfare systems is explored. Students, scholars, practitioners, politicians and the general public alike will benefit from grasping the ins and outs of legal aid provision, given that without it, justice simply would not exist. Yet, 11 years after the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)—which called for the most significant economic cuts

to legal aid provision yet—current provisions are not sustainable, and the system is on its knees. Working within legal aid is more challenging than ever before and, without an appreciation of this, the fate of access to justice remains questionable as it is becoming increasingly difficult for providers to sustain business.

Legal Aid and the Future of Access to Justice is not only an academic text, but also a practical guide in a sense. The book consists of eight substantive chapters, focusing on the context and conditions, as well as the future, of the legal aid profession. This book therefore takes the reader on a journey to educate and inform, on such a forgotten and very often hidden, pillar of the welfare state. Its practical offerings likewise speak to future legal recruits and students alike, with an incredibly valuable section on “Preparing for a career in legal aid”. In a sense, this book offers an all-encompassing “legal aid toolkit”, whether it be for a reader who has never even heard of the term legal aid, or whether it be someone who has an existing interest in it. This book therefore speaks truthfully to the challenges, shortcomings and realities of legal aid work. This makes it an ideal resource for practitioners, academics and students alike.

The authors do not shy away from the realities of the legal aid world, in their very honest and real account based on data collected through the Legal Aid Census (2021), incorporating over 1000 accounts from current and former legal aid lawyers. It is a *very* impressive piece of work, given that the legal aid field is also difficult to access due to time and resource constraints. Generated by the very fruits of labour of a research team formulated by the Legal Aid Practitioners Group, it provides (a long overdue) evidenced-based overview of motivations, perspectives and real-life experiences of legal aid practitioners *across the board*. This is incredibly valuable, as most existing research has tended to focus on specific practice areas of law, as opposed to the sector as a whole.

The census explored key themes such as demographics, education and training, salaries, barriers and challenges, as well as job satisfaction levels. It comprised five surveys, “voluntarily self-administered online” by respondents from the following five groupings: (1) former practitioners; (2) current practitioners; (3) chambers who offer legal aid; (4) organizations involved in legal aid; and (5) current law students (22). The first four groupings were clustered together in terms of the questions asked—given their past or current involvement within the legal aid field—whilst students were asked slightly different questions in the fifth survey, which were more focused on plans and aspirations post-degree. A variety of legal aid practitioners contributed, including directors, managers, executives,

practitioners (former/current/aspiring), clerks, paralegals, caseworkers and students. Whilst the census has provided rich and detailed findings, the authors are not shy in also exploring the implications of their findings in each individual chapter, showing true reflexivity and thought in how they have chosen to carefully formulate and present their research.

With chapters 1 and 2 creating a strong contextual basis for the rest of the book to develop, chapter 3 is of particular value for those aspiring to work within the legal aid field. This chapter illuminates the realities of the work, drawing on real-life experience, from education, work experience, career guidance, to barriers in the profession—this provides a “toolkit” for those seeking more practical insight, such as aspiring law students. This is worth its weight in gold, as often legal aid is omitted from legal education—as highlighted as a key finding of Young Legal Aid Lawyers (2022) *Social Mobility Report*. To this end, 50% of their respondents indicated that the lack of modules relevant to legal aid work within their law degrees left them feeling unprepared going forward. Yet, the principle of equal access to justice implies that the provision of legal aid is an essential part of the legal system as a whole. This makes the book in question—and specifically chapter 3—so incredibly valuable, as an ideal and educative resource to help fill gaps in institutional provision by offering a *real* and *holistic* insight into legal aid work.

The subsequent sections of the book focus on the current state of the sector, as well the social and economic factors that make working in legal aid more challenging than ever before. Given my opening comments, this element of the justice system can no longer be ignored and the requisite for change is critical at this time. Chapter 4 draws on Fineman’s (2013) theory of vulnerability (see Newman & Ors 2021; Newman & Dehaghani 2022; Newman & Robins 2022), as a theoretical framework to further understand how austerity—as well as the Covid-19 pandemic—affects legal aid practice. As Fineman notes (2008: 9), “Institutions as well as individuals are vulnerable to both internal and external forces”, which coincides with the findings set out in this chapter. Experiences of working within the legal aid field revealed in the census data illustrate that there are significant issues faced, which makes both the sector and those within it incredibly vulnerable (page 125). To this end, working conditions, financial insecurity and unsustainability all contribute to this. Whilst some readers may already be loosely aware of these issues, this book provides robust and concrete data in support.

Chapter 5 follows suit, drawing specifically on the economic implications of the work, something which will be of great significance for those either

already working in the field, or those seeking to join. The findings of chapter 5 prove that—in spite of lawyers often being referred to as “fat cats” or well paid, in the sense that it is believed that *all* lawyers have a high rate of pay—legal aid lawyers express frustration about low rates of pay alongside their challenging working conditions. As cited here, Wilding (2021: 26) quite rightly notes that there is significant disconnect between thought and reality. This book does a great job of providing a bridge between the two; it provides that critical voice in an otherwise silenced system.

Chapter 6 specifically focuses on the impact of Covid-19 and its unprecedented consequences. Census data gathered here shows that several new challenges emerged within the legal aid sector as a result. The authors highlight here that factors such as the implementation of technology, remote and distant working, lack of community, erosion of boundaries, training difficulties, economic sustainability, job (in)security and enhanced economic precarity, all contribute to an even rockier legal aid terrain (page 195). A key strength of this chapter is the initiation of discussions on the post-Covid future of the legal aid workforce. This ultimately prompts further discussion and vital dialogue, given that the system was already in tatters prior to the pandemic. Chapter 7 follows nicely on from this, providing insight into recruitment and retention.

The final substantive chapter of this book explores the future of legal aid. Given that the authors have provided such a comprehensive overview of the legal aid field here, it is not surprising that its future needs to be questioned. Chapter 8 does a great job of exploring proposals and recommendations for policy change and future research in order to secure the sector going forward. Not only have the authors offered such a complete and authentic snapshot of what it is like to work in legal aid, but they have also gone above and beyond to think about the terrain outside their own findings. Informed by the largest study of the legal aid sector, frontline experiences taken from the census data indicate that “radical and foundational” change is needed (page 248). The authors conclude here that justice *should be taken seriously*, and this speaks volumes.

If somebody told me that they would like to read only one book about legal aid, I would recommend *Legal Aid and the Future of Access to Justice*: it is comprehensive and rich, but not complicated by any means, which makes it so accessible for a variety of audiences. It is critical and not blind to the realities of legal aid work, whilst many other strings of life are. Most importantly, it puts being human at the centre of it and stimulates debate as to the fate of access to justice, a concern which

needs addressing more urgently than ever before. This is an excellent and highly admirable addition to the literature; if you have any interest in legal aid, or simply care about access to justice, the authors absolutely have you covered.

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Legislation, Regulations and Rules

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