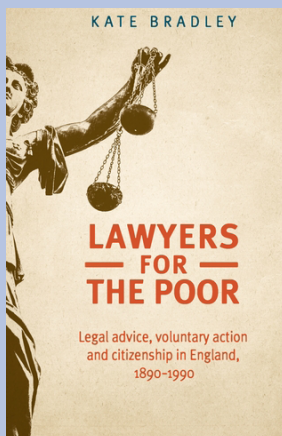


***LAWYERS FOR THE POOR: LEGAL ADVICE,
VOLUNTARY ACTION, AND CITIZENSHIP IN ENGLAND,
1890-1990* BY KATE BRADLEY**

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Kate Bradley (2019) *Lawyers for the Poor: Legal Advice, Voluntary Action, and Citizenship in England, 1890–1990*, published by Manchester University Press, Manchester ISBN 9781526136053

The access to justice issues experienced by people on a low income with everyday problems that involve the law are longstanding,¹ and Kate Bradley’s excellent book offers a very useful investigation of what services were available, if any, for affordable or free legal advice and assistance in the late 19th century and onwards. Her fascinating historical study analyses the changing situation over the course of a century—from 1890 to 1990—a period of expanding legislation “much of which aimed to protect the citizen from the risks of the modern world, from health and safety at work to standards in housing” (page ix). The historical development that Bradley examines includes the various post-World War II developments, which Cappelletti and Garth also characterize as one where “‘welfare state’ reforms have increasingly sought to arm individuals with new substantive rights in their capacities as consumers, tenants, employees, and even citizens” (Cappelletti & Garth 1978: 8). This was therefore also

¹ “Everyday problems” can include many different kinds of trouble, including relationship breakdown with a partner, experiencing difficulties with a landlord or problems with rented accommodation, which could include disrepairs, struggles with money, products or services, as well as problems with employers or welfare benefits.

a period when addressing “legal poverty”² was beginning to be a serious concern for the state.

Increasing “access to justice” for people on low incomes was one reason why, from the 1890s, the Poor Man’s Lawyer services were initially established. Bradley’s book is a valuable contribution to the access to justice literature and to the discourses of legal history dealing with low-cost or *pro bono* legal advice as provided in England to “the poor”. *Pro bono* services were established well before state provision of legal advice and representation, as Bradley’s book demonstrates. Another point which Bradley’s study emphasizes was the negative impact on people who needed legal advice following the enactment of the Legal Aid and Advice Act 1949. This legislation imposed very strict criteria for income and capital eligibility on those seeking to access such services. Readers who have followed the history of state provision of legal aid in England and Wales will be aware that well over a half-century later, the criteria applied to income and capital continue to be strictly applied, and scope for legal aid was further constrained by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Bradley’s study reminds us that in most cases the services of the Poor Man’s Lawyer were not entirely free. The availability of free advice was dependent upon two factors: first, the goodwill of solicitors and barristers who had the necessary expertise, and who were willing to “donate” their free time, as well as a willingness “to commit to doing [*pro bono* work] outside of their main, fee-incurring work” (page 59). Crucially, the services of the Poor Man’s Lawyer (hereafter “*pro bono* lawyers”) were available only in locations where charities could provide suitable “office-space” rather than the availability being driven by local needs. Second, the assistance from charities with suitable office-space that could be made available to the lawyers at the time needed meant that costs were therefore not incurred by the lawyers themselves who, in the main, were volunteering to deliver free legal advice. Bradley’s study is based on both primary and secondary sources, which focus on the provision of free or low-cost legal advice and, in some cases, assistance, by the proto-voluntary sector, political parties

² Cappelletti and Garth (1978: 7) characterize legal poverty as “the incapacity of many people to make full use of the law and its institutions”. The need was to avoid the mirage of “formal” equality and create instead a system that offered “effective” equality. The concept of legal poverty in my view should thus be seen in broad terms so as to include, for example, the circumstances of people whose earnings are just above the legal aid income eligibility rate. Those who are in this position cannot afford to hire a lawyer, pay court fees and, consequently, may not be able to engage effectively with the legal system, even though in formal terms they appear to have sufficient financial resources to use the law.

and their affiliate groups within the legal profession, trade unions and the media and, eventually, the state.

The work traces the progression from the *pro bono* and informal Poor Man's Lawyer initiatives in the late 19th century to the establishment of formal legal aid under government oversight by the 20th century. Bradley meticulously explores the contributions of legal professionals, trade unions and community organizations providing legal advice to those on a low income. She scrutinizes the impact of governmental policies, particularly the Legal Aid and Advice Act 1949 (noted above) and subsequent legislation, highlighting both state-funded activities and initiatives delivered by volunteers. The book also connects access to legal information and advice with broader citizenship issues, demonstrating how the provision of information about rights and legal advice has empowered individuals in vulnerable communities by reinforcing their rights and responsibilities. The book identifies four groups that contributed to greater access to justice in the first half of the 20th century: the proto-voluntary sector, political parties and their affiliate groups within the legal profession, trade unions and the media. Within that context, Bradley presents a critical analysis of the inception of legal aid, emphasizing the importance of accessible services in promoting justice, yet highlighting at the same time the continuing need for volunteers, including the voluntary sector, to deliver legal advice and in promoting social justice.

The Introduction establishes the context of the study by examining the development of voluntary legal advice from 1890 to 1990 and legal aid from inception via the Legal Aid and Advice Act 1949. This chapter highlights the challenges faced by citizens who are on a low income in accessing legal advice and assistance and describes attempts by activists, social workers and *pro bono* lawyers to address these inequalities.

Chapter 1 analyses state involvement, legal aid policies and the ongoing tensions between independent legal services and government control in supporting the rights of vulnerable citizens. Chapter 2 explores the contribution by *pro bono* lawyers from the late 19th century which contributed to the initiatives of services provided by charities for individuals and communities in need. Chapter 3 examines how the Labour Party and Conservative Party offered legal advisory services to connect with voters by addressing their legal problems. This chapter also reviews the broader role of lawyers within the Labour Party and the involvement of radical lawyer groups in advocating for workers as a key concern of the legal profession. Chapter 4 considers the trade unions'

role in shaping legal aid policy and providing legal services to members through subscription. Chapter Five focuses on the contribution by the media: broadcasting—radio programmes focusing on rights and advice as well as TV programmes, such as *That's Life!* and *Watchdog*, concentrating on consumer issues. The media encompassed print, by the provision of advice columns and features in newspapers. Chapter Five additionally explores the trade publishing of popular law guides, and also discusses the use of the then new telephone technologies to support those in need of advice who were unable to attend clinics due to distance, personal safety or other reasons, such as caring responsibilities. Chapter Six, “Advisory Services in the Post-war Welfare State” considers how voluntary legal advice providers continue to survive an unstable funding environment and the impact of changes in municipal, local and central government funding on these precarious institutions. In this chapter of the study, the author also discusses the ongoing challenges in providing accessible legal aid services due to limited resources, ideological differences and funding constraints. Despite the ground-breaking Legal Aid and Advice Act 1949, the funding needed to implement the Act was inadequate, and this meant that the services of the Poor Man’s Lawyer continued to be needed. Such services also evolved over time to become the more recognizable legal advice centres of today (page 152). The socio-political position of the legal voluntary sector services was strengthened with the establishment of law centres in the 1970s—the first one being North Kensington Law Centre (page 160). The law centres were political in the sense that they provided legal advice and also campaigned on welfare law and rights (page 171). Finally, in the concluding chapter, Bradley notes that, although there was political will to provide support to citizens “through a system of legal advice and aid”, in the end that political will was not strong enough to “radically rethink how a profession of private practitioners could operate in a welfare state” (page 186).

Anyone with an interest in access to justice issues would benefit from reading this book. The book documents the efforts of lawyers over the course of a century from 1890 to 1990 who cared enough to want to provide some kind of free or low-cost legal advice and sometimes advocacy in court. The study provides valuable insights into the collaboration between lawyers who were willing to volunteer in providing free or low-cost legal advice to assist those on a low income with legal problems and the settlement houses where the services were delivered. The book contributes to the access to justice literature through an analysis of the contributions made by the Poor Man’s Lawyers, trade unions, political parties and their affiliate groups within the legal profession

and the media—the very areas where scholars have given less attention. Lawyers—law students, scholars, law teachers, campaigners or activists—sociologists and legal historians who are interested in access to justice issues from the perspective of *pro bono* services and state-funded initiatives will benefit from reading this book. This reviewer finds the study particularly inspiring because it seems that there will always be lawyers who want to volunteer or provide low-cost advice and who want to contribute to making a difference to people's lives.

About the author

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References

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Legislation, Regulations and Rules

Legal Aid and Advice Act 1949

Legal Aid, Sentencing and Punishment of Offenders Act 2012