

**LEGAL AID. LEGAL HELP. WELFARE BENEFITS. TESCO LAW**

**RING IN THE NEW**

May I start this article by wishing all readers a "Happy 2012". The economic forecast may be gloomy, and the soothsayers may say we are in for a hard time, but I do hope that we in the South West can pull through.

In the Legal Aid world, it is also chop and change, and many seasoned lawyers such as myself have grave doubts on whether the cuts proposed by the Government will do anything other than give some temporary relief to the Exchequer. It would be a brave lawyer indeed who would be prepared to predict what the legal landscape will be like at the end of 2012.

**LEGAL AID**

I am sure you will have read in many publications that legal aid is to be withdrawn from many hundreds of thousands of prospective claimants. New and rigorous means testing has been brought in, and this will curb the eligibility of many people who in the past would have been entitled to a lawyer's help under a Legal Aid Certificate. I find it sad to see that clients of mine who are in receipt of Tax Credits are made to pay monthly instalments to get Legal Aid, even though most cannot afford to heat their houses properly.

The scope of Legal Aid is also being reduced drastically. Money and property claims arising out of divorce, and many disputes involving the children will be removed from the list of issues which can attract Legal Aid. People are already being left to their own devices. The Courts are becoming clogged up with litigants in person. Judges are pulling their hair out because litigants in person simply do not know or understand the

Court process and what is required (e.g. in preparing the bundle of documents for hearings etc).

Many predict that there will be chaos as the full effect of the Legal Aid cuts come into force later in 2012 - assuming Parliament passes the bill allowing these cuts to go ahead.

In the mean time the Legal Services Commission has further cut the fees which hardworking and hard-pressed solicitors are able to claim for the services they provide. A number have simply thrown in the Legal Aid towel and decided to do no further new Legal Aid work after the end of January. Do then check immediately with your solicitor on whether they will continue to do Legal Aid after the end of January - if you want to use that solicitor on Legal Aid you may have to move very quickly indeed.

### **LEGAL HELP**

Legal Help is not dissimilar to Legal Aid. It covers legal costs prior to any Court proceedings, and has been available over a fairly widespread area of the law. Free legal advice could therefore be available for such disparate issues as actions against the police, community care, consumer problems including bankruptcy, debt, education, employment, public law (such as maladministration and procedural unfairness by public bodies) and welfare benefits. Lawyers like me have for years worked along side other organisations to try to ensure seamless advice for many hard-pressed clients on all of the above issues. Now almost all solicitors are not allowed to help on any of the above. Funding for the CAB has also been massively curtailed, and it is now difficult for the man in the street to know where to go to get good advice.

### **WELFARE BENEFITS**

For years I have given a service for getting disability benefits which has been free to the vast majority of my clients. The application forms for some of these benefits are unbelievably complex and daunting. The last people who should be filling them in are the disabled people or their carers. Almost all have been unable to do justice to themselves in completing the forms properly, and benefits to which they should be

entitled have been refused. I now have to charge clients who return for my services, but the vast majority simply cannot afford to use a qualified solicitor to go along to the Appeals Tribunals to fight their case if they have been turned down by a decision maker. Fortunately, I am able to recommend a number of clients to a Launceston-based charity - Bufferzone - where advocacy at a Tribunal is provided at exceptionally low rates. Tony Lea of that organisation has built up an enviable record in successfully fighting such claims, and I would recommend anyone contact him via their website which is at [www.bufferzone.org](http://www.bufferzone.org).

It is becoming more and more important to get help for these claims. The Government employs a company called ATOS to assess claimants for disability benefits. The contract was awarded in 2005 for a seven year period, and will net ATOS £500 million. The Guardian newspaper reported at the end of last year that the analysts who carry out the assessments for disabled claimants have only six weeks' training in "disability analysis". None of them need to be experts in the field of the disability in question. Yet, the Guardian points out; their opinion "takes contractual priority over that of the patient's consultant".

One may feel that the chances of succeeding in proving one's disability in order to obtain justifiable benefits have been substantially reduced. All the more need, one would have thought, for help to be given to claimants by the Government to bring their claim properly. But we all know that this is not what it is all about.

### **TESCO LAW**

2012 also sees the de-regulation of large parts of the legal profession. This is commonly referred to as "Tesco Law", and will allow many big players to come into the market and cherry pick the legal services on which they feel they will get the best return. Some of this has already been going on for years with the unfortunate rise to prominence of unregulated will writers, and with conveyancing outlets which have often proved to be wholly incompetent. Whether de-regulation leads to a rise in standards is a moot point - the Government simply think that the big players coming in will keep baseline costs down. We have been witness to numerous mis-selling scandals by banks in recent years, and I for one won't be holding my breath in expecting that huge corporations will

in the future provide a Rolls Royce service. That is what many high street solicitors' practices concentrate on - value to clients at the right price, and long may it continue.

### **ACTION**

As I always say, there is no time like the present. If you need help with family matters, if you need a will doing, or an accident claim pursuing, then make a New Year resolution to get moving.

Here at Busbys we can provide you with a wide range of services, carried out by very experienced professionals. You can contact us here at Busbys on **01288 35 9000**.

So I wish you all good fortune in 2012, and Busbys look forward to being of service to you.

**John Busby**  
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