



**Steve Hynes, Legal Action Group's director, looks back at LAG's first 35 years and discusses its priorities for the future**

# Legal Action Group at 35

## LAG's middle age

Perhaps, like many of our readers, reaching the age of 35 means the illusion that you are still 'young' is shattered or at least threatened. While these days it can be argued that middle age is delayed for longer, at 35 it has to be conceded that it is an imminent possibility. Unlike people, though, LAG does not have the responsibilities of mortgages and children, as well as greying hair (or lack of it), to remind us that we are getting older.

Perhaps a reality check on age for both people and organisations comes with the comparison between youthful ambitions and ideals against the experience of life. So, this article is a pause for reflection on this theme and like someone established in his/her career, it is an opportunity to contemplate what can be achieved in the coming years.

## Early days

LAG was founded after a group of solicitors decided to call a public meeting to set up an organisation to monitor the provision of legal services around the country and to provide information on the law and legal services. The meeting was held in November 1971, and led to the establishment of the organisation the following year after a successful grant application was made to the Nuffield Foundation.

The early 1970s were a time of change in the legal world; lawyers and policy-thinkers were questioning the traditional approach to legal services which largely excluded the poor. The first Law Centres®

had been established and, as well as providing a new model of legal services, they challenged the legal establishment. The Law Society tried to stifle their development but had eventually, tentatively, accepted them.

Crucially, there was a growing acceptance, which the fledgling organisation LAG embraced, that traditional solicitors' practices did not provide advice on the areas of law which impacted on poor communities. This was reflected in the legal aid scheme which largely paid for divorce and personal injury litigation. As well as leading policy thinking in the field, LAG aimed to educate lawyers and others in underdeveloped areas of work such as housing and benefits law.

## Publications and training

In its first year, LAG published six issues of its *LAG Bulletin*, the precursor to this publication. From these early days, although *Legal Action* has grown into a bigger, glossier magazine, the essential format of policy comment mixed with articles on substantive areas of law has remained the same. An important innovation has been the publication of some magazine content online.

From the start, LAG provided specialist training to practitioners which the magazine supported with related articles. An important development later in our history was the commissioning and publication of books on the law and related policy. Our first book on social

security law was published in 1978 and we now publish more than 40 titles. These range from books on criminal and civil law through to ones on legal policy.

We also publish the *Community Care Law Reports* which celebrate their tenth anniversary this year. This is an increasingly important area of work for end users dependent on public services due to age and/or disability.

LAG's authors write with authority on their specialist areas and in an accessible style which makes sense of what are often complex legal issues and procedures. Our authors often contribute to *Legal Action* and act as tutors on our training courses. As an organisation, LAG could not function without our book and magazine authors, our tutors and, of course, the LAG staff. LAG is looking to innovate in how we provide our publications and training to adapt to what is a competitive and fast-moving market, but at the core of our strategy will be these talented and committed people.

## Policy thinking

LAG's successful training and publications have contributed to the greater take up of legal rights, which in part has led to growth in state funding and a higher profile for legal services. Unfortunately, this has meant a political agenda that, particularly in the past ten years, has been mainly about controlling legal services' costs rather than further expanding the take up of rights.

To use the analogy of the human career

trajectory: LAG might have got the semi and the BMW in the drive (if that is your idea of success!) but there is a creeping feeling of angst that it could all come to an end and no one believes in what you are trying to do anymore.

Throughout its history, LAG championed many innovative ideas in legal services. To focus on three of the early ones illustrates the problems of judging the success of LAG's policy agenda:

- Campaigning for the development of more Law Centres to act as a salaried component to complement the legal aid system.

- Supporting the development of local legal aid committees to research need for, and to plan, new legal services.

- Calling for a 'Legal Services Commission' (LSC) to replace the Law Society as the administrator of the legal aid system.

For a brief period in the late 1970s, when the government was committed to providing direct funding to existing Law Centres and to establishing more, LAG looked to have achieved the first of these policy objectives. A change in government largely stifled this. The second idea led to the creation of the North West Legal Services Committee, which pioneered a planning approach to legal services based on trying to identify need and contributed much to the development of the legal aid system over the past ten years. It is the final policy objective that needs to be discussed in more detail, not least in the present climate, so as to prevent usually loyal *Legal Action* readers from rushing to cancel their subscriptions, blaming LAG for fixed fees, competitive tendering and all the other ills visited on them by the LSC.

The rationale for taking the administration of legal aid away from the Law Society was to eliminate the provider bias in the service. LAG argued that a commission could properly research and plan services. LAG was partially successful in this aim with the creation of the Legal Aid Board, which took over the administration of legal aid from the Law Society in the late 1980s.

The current LSC was established in April 2000. As LAG wanted, the LSC has the Legal Services Research Centre which produces well-respected research on civil and criminal justice. Unfortunately, with the demise of the Community Legal Service Partnerships there is little in the way of research and planning of services at a local and regional level.

Unforeseen by LAG's founders has

been the welcome growth, since the late 1970s, in other state funding, particularly for civil legal advice services. For example, adviceUK, the network of independent advice centres, estimates that around £70–80 million goes to fund its 900 centres from local government, and local citizens advice bureaux receive nearly £67 million from local councils. Local differences in funding levels have meant that access to legal advice has become a postcode lottery which would be unacceptable in other public services. LAG argues that this reinforces the need to re-examine how legal services are planned so that a coherent system can be designed which takes into account geographical, social and other factors.

As well as in planning, the LSC's failure to provide leadership independent of the government on publicly funded legal services falls well short of LAG's original vision. Over recent years, the LSC has ceded ground to its funding department as a defensive measure due to budget pressures, no doubt fed by the ever present threat of reviewing its arms-length relationship with government. LAG would argue that the LSC's present 'non-departmental public body' status should continue, but its commissioners should be more proactive in articulating the needs of the end users of the legal aid system. Also, they should be louder in making the argument that legal aid is essential in defending the rule of law. A good starting point would be to take a more robust public line with government around cost drivers and the legal aid budget.

### The future

From its early years, LAG championed the breaking down of barriers to accessing legal advice. This included recognising the importance of paralegals as essential to the fabric of legal services provision. The forthcoming Legal Services Act is likely to further open up the market to non-law firm organisations. With the necessary safeguards on independence and quality standards in place, this is a move LAG welcomes as it will provide further gateways to accessing legal rights.

What could not be predicted 35 years ago was the availability of electronic information. Despite some arguments to the contrary, society in general is also better educated than it was. For many clients, therefore, basic advice increasingly does not need to be mediated directly by a lawyer or paralegal service such as Citizens Advice.

LAG and advice providers will need to

continue to ensure that the public is educated on its legal rights through the wide availability of accessible legal information. The main policy question we now face is how best to concentrate resources to pick up where these information services are not enough to protect people's legal rights.

It is in answering this question that most difficulties arise, particularly given the government's clear agenda of controlling the expenditure on legal services. Some savings have been made by taking areas of work out of legal aid, most notably personal injury claims. Market-led solutions to fill gaps in provision are likely to increase, such as services backed by the insurance industry.

However, this cannot be the whole solution as it would risk excluding large numbers of the poorest people from the legal system whose legal needs do not fit the commoditised market-based solutions. For this reason, LAG will continue to monitor the provision of legal services, and attempt to highlight geographical and legal issue-based gaps in services to the public. We will also pursue our agenda of involving the end user in planning legal services by calling on the government to establish an independent national forum for users and a statutory obligation for the user's views to be considered when making policy.

Despite increased prosperity in the past 35 years, relative levels of poverty remain high, and so, for many, legal rights can still only be enforced through a service mainly paid for by the state. LAG will therefore continue to campaign for equal access to legal services.

With LAG's impending 'middle age', and only partial success over the years on our policy agenda, there could be a sense of disillusionment within the organisation, but our view of legal services continues to be optimistic at heart. We still believe that the law can help to achieve both social justice and progress. A belief, we think, worth sticking to whatever your age.

