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## Legal aid reform prompts further protest from top judges

£350m cut to legal aid judged a 'false economy' and block to swift justice for most vulnerable

Owen Bowcott, legal affairs correspondent  
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Sir Nicholas Wall, head of the family division, at the Royal Courts of Justice, above, criticises plans to curb public funding for private family law. Photograph: Graham Turner for the Guardian

Two more senior judges have publicly joined the chorus of those urging the government to rethink proposals to restrict [legal aid](#), branding the plans a false economy and impediment to swift justice.

Lord Wilson, the newest appointment to the supreme court, gave a stark warning during a speech on [family law](#), saying the cuts would mean further delays and extra costs for the courts.

In a separate speech, Sir Nicholas Wall, president of the family division, expressed anxiety that some of the most vulnerable people in society would be left without representation due to legislation – the legal aid, sentencing and punishment of offenders bill – now going through the Lords.

Their comments follow those of three other supreme justices – Lord Hope, Lady Hale and Lord Dyson – who last month signalled concern about the effect of government proposals to save £350m a year by reducing the availability of legal aid.

This week Lady Hale reinforced her advice. She told the Law Centres Federation annual conference that it was not "the proper role of any judge to attack government policy", but that "it was the proper role of the judges to warn the government of the consequences of the particular choices they make in pursuit of their policies".

She explained: "If the government of the day decides that the right solution to a massive budget deficit is massive cuts in public spending, that is a matter for them to decide and her majesty's loyal opposition to oppose if they see fit. The role of ... loyal judges is to decide the resulting disputes according to law."

But regarding judges' warnings about the consequences of government policies, she added: "In the case of legal aid cuts there is no shortage of warnings, because those consequences are on several different levels."

It is highly unusual for so many senior judges to speak out so publicly about controversial legislation which is still going through parliament.

Lord Wilson, an experienced family law specialist, told a meeting arranged by the group Collaborative Family Law: "The government's proposed withdrawal of public funding of legal advice, even for parties who have no chance of being able to purchase it for themselves, is, at a superficial level, entirely understandable given the present economic emergency.

"But it would actually be a false economy. Without legal advice more private family disputes would end up in court; without legal representation the hearings of them would take longer; and without assistant legal navigators the trial judges would more often be blown off course so there would be more appeals.

"Applications for financial relief in which the parties' net assets total £100,000, all usually tied up in a house, are far more difficult for a judge to resolve than those in which they total £10m ... I publicly join the chorus of so many others with intimate knowledge of the family justice system who are urging the government to think again."

Wall, who is also head of family justice for England and Wales, told a meeting at the Bar Council: "It is a matter of considerable anxiety to me that the government proposes to take nearly all private law family work out of the scope of public funding. Family lawyers represent some of the most vulnerable people in society, and often do so at times of great stress.

"We are already seeing a radical increase in litigants-in-person, and the stringent criteria for representation in cases of domestic abuse make me concerned that the system will be unable to do swift justice in a large number of cases."

Both judges, Wilson and Wall, expressed strong support for alternative forms of mediation and dispute resolution that avoided the use of the courts.

But Wilson added: "There will always be a residue of such disputes which can be resolved only in court." Collaborative family law, he said, was a recent introduction from the US which had helped many people avoid resorting to expensive court hearings.

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