

Letter on 'Justice for All'

In 1968 Francis Bennion had the following letter published in a legal journal. The exact date and the name of the journal are not known.

'Mr Geoffrey Bindman accuses me of invention in saying that the authors of *Justice for All* propose to place the local legal centres under the control of a state board on which representatives of the profession would be in a small minority. The relevant passage in *Justice for All* runs as follows:

"The centre would, we think, be managed by a staff responsible to an executive, itself under the supervision of a national management committee. This committee would consist of staff members drawn from the centres and representatives of the Bar Council, the Law Society, the Lord Chancellor's legal aid and advisory committee and the CABS. The university law schools should be represented and, perhaps, other bodies such as the Consumers' Council. It would be important also to include some persons who could speak for the clients themselves. The national management committee might therefore have some fifteen members. This committee would have the responsibility for laying down the general guide lines of policy, and publishing an annual report."

There would thus be seven different categories of member on the national management committee, and possibly others as well. Only two of these categories can be described as representatives of the profession. How therefore on a committee of fifteen can the representatives of the profession be otherwise than in a small minority?

Justice for All goes on to deal with the financing of the local legal centres in these words:

"The cost should in principle, and in the long run, be borne by the Government, although it may be that in the experimental stages foundation money could make a contribution."

The national management committee is therefore to have the spending of money provided entirely, or almost entirely, by the Government. Statutory authority would be needed for this. In what way is it wrong to describe such a national management committee as a state board? How can Mr Bindman possibly say that "no such proposal appears in the report"?

The news from Mr Silkin that the Labour lawyers are now having second thoughts is, of course, very welcome. If each local legal centre were run by a separate charitable trust mainly comprised of lawyers this would come much nearer to the admirable pattern of the American neighbourhood law firms. If the Government provided finance, along with others, to these charities and attached no strings - all would be well.

Yours faithfully,

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Light is thrown on the above letter by the following extract from a speech by Lord Lester of Herne Hill¹

‘Almost 30 years ago I was privileged to work with the Lord Chancellor’s former pupil master, the wise and compassionate Morris Finer QC, and Professor Michael Zander and Geoffrey Bindman, when we wrote a Society of Labour Lawyers’ report, *Justice for All*. In it, we examined the problems of the unmet need for legal services and the various factors contributing to the failure of the urban poor to obtain equal access to justice. We pointed out that the legal aid scheme had been grafted upon the traditional structure of the legal profession and had therefore been shaped and restricted by the limits of that structure. Those limits may mean, for example, that there is only one firm of solicitors in a particular working-class neighbourhood which is open only during working hours, which discourages unprofitable work and whose solicitors know much about conveyancing and little about social security. Within such a system the legal aid scheme works fairly well; but the legal profession is simply not organised to provide a social service in areas of special need.

Instead of recommending a vast increase in legal aid, our alternative strategy was, and remains, comparatively inexpensive and cost-effective: a community legal service of legal centres and legally-supported CABs in the heart of areas of special need, staffed by properly paid, full-time qualified lawyers, open in the evenings as well as during the day, giving expert advice on the special legal problems of local residents and, where necessary, referring cases to social workers or private lawyers. Such centres would be independent of government, and would provide a means of protecting the weak against the abuse of government or private power. They would not undermine the independence of the legal profession, nor would they erode its private structure. They would supplement the services already given by lawyers in areas where legal services are not adequately provided.’

¹ HL Deb 9 December 1997, col 53.