

## **Legal Services Commission and professional independence**

Sir,

I write in support of John Cooper QC [p. 512, *ante*]. I would express myself far more strongly than he does about the work of the Legal Services Commission (LSC), though they can argue that they are only carrying out their statutory duty as they understand it to be. The real fault lies with those who created the LSC, and those (including leading members of the legal profession) who allowed it to be created.

Back in the 1960s, when my book *Professional Ethics: the consultant professions and their code* [Link] was published, it would have been unthinkable for the executive power of the state to claim the stranglehold it has since captured over the freedom of lawyers to practise and other basic aspects of the judicial power.

I do not share Mr Cooper's view that the fault lies in the name 'criminal legal aid'. It goes much deeper than that. There is widespread failure to understand the importance of independent professions to national wellbeing, as underlined in my book. There is mistaken acceptance of the philosophy of 'he who pays the piper calls the tune'. The fact that the executive is called on to finance legal aid does not entitle it to encroach on the independence of the expert professionals who actually provide the service.

Adequate state-financed civil and criminal legal aid is needed because without it many citizens are deprived of access to justice. That potent fact should stiffen the sinews of the leaders of our profession and induce them to resist at long last those who would deprive citizens of this human right.

*Francis Bennion*