

Rights of Women

Report Of Access To Justice Seminar Held On 15 March 2005

Rights of Women held their seminar entitled "Crisis? What Crisis? The Deepening Crisis In Legal Aid And Its Effect On Access To Justice For Women" on March 15 2005 at the National Council of Voluntary Organisations Headquarters, London.

The morning began with an introduction from the Chair, Emma Scott, Senior Legal Officer at Rights of Women. Emma introduced the three keynote speakers. These were Jayne Hoyle, Chair of the Association of Women Barristers, Evelyne Gilvarry, Director of Law Reform and Representation at the Law Society and Ranjit Kaur, Director of Rights of Women..

The main aim of the seminar was to engage more women's organisations and their service users in discussions about the Government's intentions regarding public funding and the impact of these proposals on access to justice for women. We also wanted the seminar to come up with a strategy for challenging these potentially discriminatory proposals.

Evelyne Gilvarry addressed the seminar first. In relation to domestic violence, she thought that the Government's proposal which will allow the Legal Services Commission to waive the upper disposable income limit for legal representation in civil cases involving domestic violence was an "extremely good move which has the potential to really benefit women who suffer violence at the hands of their partners" The obvious problem being that it is only a discretion which could be interpreted widely or narrowly .How it is interpreted will in turn determine how many women will actually benefit.

Evelyne stated that the Law Society was delighted that the proposal to take into account equity in people's homes had been abandoned which would allow vulnerable people who may have some equity in their homes to still qualify for legal aid. She stated that she was pleased to see the "passporting" rules would be extended, although clarification would obviously be needed about which benefits would come within the new rules.

Evelyne welcomed plans to restructure legal aid in order to place greater emphasis on resolution of disputes outside the courts, as she did not feel that going to court should always be the first option for couples trying to resolve their marital problems. She noted that although the limits for legal help were both increased, the income limit for legal representation had actually been reduced. This would in her opinion have a disproportionate adverse effect on women.

Evelyne spoke about the concerns she had regarding the squeeze on civil legal aid as a result of the growth of expenditure on criminal legal aid. She thought it

would be useful to try and establish a single point of entry to the legal system so that people would be signposted to the correct agency straight away instead of being referred to one agency and then another and another because the first one was not able to deal with the matter. She spoke about a project in East Riding, Yorkshire, where video booths in supermarkets provided access to a solicitor's office, or the possibility of having an access point at the GP's surgery.

Evelynne concluded that justice for women was twofold: an adequate budget for civil legal aid and better methods of getting the advice to those who need it.

Jayne Hoyle spoke next. She reflected on the fact that many women who are refused public funding in family cases or are unable to fund the litigation privately, continue to act in person at a huge social cost.

Jayne expressed particular concern over some of the proposals such as withdrawing the drafting of petitions from the legal aid scope and she did not agree or think it appropriate that stricter controls should be imposed on legal representation in family cases than in other types of work.

It was felt by Jayne that the proposals ignored the realities of much of the conflict that goes on around the issues of family cases such as contact issues and ancillary relief.

Jayne stated that she did not feel that non-litigious mechanisms should be a first or only resort.

Ranjit Kaur was the final speaker. She touched upon the issues by the previous two speakers. She also stated that there was a need to express caution over the new proposals because although there were some positive points contained within the announcement, there were still a number of issues that had not been suitably addressed or needed further clarification, such as a definition of domestic violence and the application of discretion.

Ranjit also spoke about another worrying factor regarding legal aid funding. As a consequence of the lack of funding, many lawyers are giving up legal aid work completely. This means that even when women are able to meet the criteria, there is now a real possibility that they still may not be able to access justice because they are unable to find a lawyer to take on their case.

Following the speakers, participants split into three groups to discuss ideas for a strategy to take the issues identified by the speakers forward.

Workshop Summary

Rights Of Women would try to arrange a meeting with David Lammy MP to discuss our concerns about these proposals and ways in which we and other womens' organisations feel they could be amended or clarified.

It was agreed by all the workshops that a pro forma letter needed to be drafted. and be sent out to all MPs expressing the concerns of women's organisations about the new legal aid proposals.

We would also write a letter to the Law Society Gazette expressing our views and concerns about these proposals.

Rights of Women would prepare a comprehensive list of questions which individual women and women's organisations could use as a basis for their questions to MPs at meetings and forums.

In addition to this, we would urge individual women and women's organisations to try and get their local MP to ask a Parliamentary question in Parliament about the state of the Legal Aid funding and these proposals.

It was felt that a range of different methods could be used to emphasise the impact that these proposals would have on everyday women. For example, asking high profile women journalists to set out real life case studies in their newspaper columns to show the effect of these proposals.

It was put forward that we should attempt to seek a high profile sponsor to support the legal aid campaign in an attempt to gain a larger audience.

All the groups concluded that we needed to ensure that the information from this seminar was taken to as many other women's organisations and networking events as possible to raise awareness and knowledge of the issues and ensure pressure is applied to the relevant parties, in order to change this potentially dangerous situation.

Action taken since the meeting

1. Rights of Women has written to David Lammy M.P. requesting a meeting to discuss the Government's proposals. A response is awaited.
2. Rights of Women has distributed a model letter for submission to M.Ps.
3. We have also written a letter to every M.P. expressing our concerns at the Government's proposals.