



10 DOWNING STREET

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Prime Minister

I find it hard to understand  
the Solicitor-General's letter to  
you. (dv 23/12/82)

But I have drafted the  
attached - I hope I have  
not missed the point.

MUS 23/12

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01-405 7641 Extn

ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

23 December, 1982

The Rt. Hon. Margaret Thatcher, MP,  
Prime Minister,  
10 Downing Street,  
London, SW1.

*Dear Prime Minister,*

INTERIM PAYMENTS IN CIVIL LEGAL AID

I am writing about this because it looks as though I am now too late to see you about it, but I do need a steer on it from you please before next Tuesday if you can possibly manage it.

I think that what I am trying to do is important both in itself and for the good it can do for relations between the Government and the profession. So I was more than grateful to you for keeping it alive last Thursday and have been very busy ever since seeking the way of meeting the conditions I must meet if I am to go on with it.

In fact I think that I have made substantial progress in more ways than one since Thursday, but there is only one aspect on which I need to trouble you.

What I have to do is to find an acceptable link between the payments on account now authorised in principle and the review of the overall cost of legal aid, including, in particular, the fees paid to the lawyers in civil legal aid, which is called for by colleagues.

Neither LCD nor I, nor the Bar nor the Law Society are averse to such a review. On the contrary all welcome it because all have things they want reviewed. My problem is to put forward sufficiently specific proposals in the time available and my thinking is as follows. Three things seem to me to be clear.

First, I cannot think that anyone wants any review by persons from outside. It would be far too slow. What we need to do is to get straight down to work with the profession, reviewing and looking for solutions at the same time.

/Secondly

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- 2 -

Secondly, there is not sufficient time for me to work out and put before Cabinet a detailed scheme for an internal review. Indeed I think it would be dishonest as well as unproductive to try to do so.

But, thirdly, colleagues clearly require something more than just assurances that all will be examined carefully.

So I have looked for a middle course and the answer seems to me to be in building on the way in which we have handled the matter so far.

I first approached Quintin on this because of course legal aid comes under him. He said he was fully in favour, that I must make the running and that he would give me his full support. And he has been marvellous. He has given me an entirely free hand - and so has the A.G.

So I have just got on with the job, and in so doing have evolved a working system which cuts right across all recognised civil service methods but has worked well and quickly.

On the one hand I have had the advantage of regular direct contact with the Chairman of the Bar and the President of the Law Society - and I have lost count of the number of times I have seen them on this separately or together in recent weeks. On the other hand I have had the benefit of working directly with officials from LCD as well as our own - and indeed with officials of the Law Society and Bar too. In the result we have packed a great deal into ten weeks or so.

My suggestion is that all of us should go straight on working together in the same pragmatic way, and at one and the same time implementing the first stage and getting straight down to identifying the subjects to be reviewed, reviewing and seeking agreement on them, all as part and parcel of a move to a continuing scheme for interim payments concurrent with overall improvements in the methods and control of the remuneration of lawyers for legal aid work and, I would think, of all other costs of legal aid as well.

If you thought that that makes sense, and as part of the required package specifically made me responsible for implementing it, my neck would be, so to speak, "on the block". It would be up to me to ensure that good progress was made and such a course could give colleagues the assurance they need that something different and urgent really was going to be done.

/I think





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LONDON, WC2A 2LL

- 3 -

I think that if I were given that task it would be fairly time consuming for at least the first three months because I really would want to get it under way just as quickly as possible and I think that substantial personal involvement in the early stages would be important. But I do not think the A.G. would object to that.

Re-reading so far, I fear it might be thought that I am simply putting myself forward for the job, but of course I do not mean that. I do think it important that the exercise is headed up by a senior Minister and one outside the big spending departments, but that does not mean that it has to be me personally or the S.G. You could, for instance, make an ad hoc appointment of someone to do the job in such a way as would give him both more clout and more time (e.g. as PMG?). But of course those are matters for you not me and I return to my theme.

In a nutshell I think that we should build on the system evolved in the last two months, with a senior Minister in charge, with his head on the block so to speak as a guarantee of the performance required, and I am willing to continue with it and have my head on the block if you wish. My present intention is therefore that the proposals which I must make in my paper for 'H', for meeting the conditions set by Cabinet, will be along those lines. But as that does involve ministerial responsibility, and in the context of a very novel type of operation, I felt that I should tell you now and ask for your guidance - in principle rather than detail - before I go any further.

As to timing, Judy and I are due to go on holiday on Tuesday. I have therefore got my plans for the 'H' paper well advanced. In my absence officials will keep in touch with me by Telex and telephone and we shall be able to complete our part in good time. But if you have any views, and particularly if you wish me not to proceed on the above lines and to look for another way, it would be very helpful indeed if we could have a word before I leave on Tuesday morning.

We shall be at the farm (023 383 321) until Sunday 26th and then at the flat in London (583 2939) until leaving and I shall be in Chambers (405 3118) on Monday 27th so I can be reached on one or other of those numbers if you wish to speak to me - or would of course come to see you if you wished.

*I have told Quinlan I am writing on these lines but as it is simply by way of telling you of the way things are shaping, and asking for a steer I am not copying it to anyone.*

*Yours ever*  
*Judy*



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