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Please

With the compliments of
the Solicitor-General

~~cc Mr Ingham~~

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Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
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ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

20 January, 1983

The Rt. Hon. William Whitelaw, CH, MC, MP,
Home Secretary,
Home Office,
50 Queen Anne's Gate,
London, SW1.

Dear Willie,

I am sorry that you were so surprised at the idea of a Press Conference. The purpose was to further exactly what was in everyone's mind, i.e. to ensure that the legal press got it right instead of blowing it up in the wrong shape. Officials kept in touch with the Press Office at No. 10. And I still think that it would have been the best way of avoiding the dangers we all fear. However in view of your reaction and the mood of the meeting I thought it best to drop the idea, and immediately, and I hope you will feel that was right.

But it still leaves the question of how we deal with the Press bearing in mind that the best way to ensure the worst coverage is to decline to give them information - nearly all of which they will be able to get in a few days anyway once we start implementing the Scheme.

I propose therefore to agree with officials the answers that can be given to the most likely questions and also to make myself available to any legal correspondents who want to ask me questions, both so that they will not think we are trying to hide anything and so that I can take personal responsibility for what is said.

But L.C.D. officials have advised me that in their view it would be helpful if they have a document which they can hand over to those who ask for information. I think this is good advice, for I think it must be good that they do have an accurate account.

... As we must now work at speed officials have prepared such a document and I enclose a copy herewith. I shall not use it unless I hear that you are agreeable to my doing so. If you favour the idea but would like any alterations please let me know and I will get on with it.

I am copying this to the Prime Minister, Lord Chancellor, Chief Secretary and Sir Robert Armstrong.

Yours ever
Jim

CONFIDENTIAL

DRAFT:

INTERIM PAYMENTS IN CIVIL LEGAL AID

The Solicitor General, Sir Ian Percival, today announced a scheme to provide payments on account to be made this financial year in civil legal aid cases where the legal aid certificate was issued before 1st April 1981.

2. Further discussions are to be held about longer term arrangements for payments on account in association with consideration of ways of improving control of the cost of legal aid in civil cases. The Solicitor General will be personally responsible for the further discussions and associated work.

3. The Solicitor General said the arrangements would not add to public expenditure but represented a recognition by the Government that improvements in the present arrangements for payment in civil legal aid cases were desirable. Payment at present is not made until a case has been concluded and the costs have been thoroughly certified under the present arrangements. This can mean that where cases take more than two years to settle no payments are received by solicitors or counsel in the meantime. 'I can think of no other members of the workforce who work on such a basis' said Sir Ian. 'It is, whatever else, a positive disincentive to new firms wishing to establish themselves particularly in areas of deprivation like the Inner Cities if they can only do so on the basis of an extended overdraft while substantial fees are being earned but remain unpaid. Lawyers acting in private litigation can and do ask for payment in advance; that course is not open under present legal aid arrangements and that unfairness is what I hope we can begin to put right;' said Sir Ian.

4. The scheme announced today would be on a 'one-off basis'. Counsel can claim up to 30% of fees earned and solicitors £300 for High Court non-matrimonial cases and £150 for all matrimonial cases and all other county court cases provided work on each case had been done to at least the value claimed. Claims are to be made to The Law Society by 18th February, 1983.

Home 1881
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Civil Legal Aid

20 JAN 1983

