



GARDEN COURT CHAMBERS' RESPONSE TO CIVIL LEGAL AID: TOWARDS A SUSTAINABLE FUTURE CONSULTATION

This consultation response is submitted by Garden Court Chambers, which is a multi-disciplinary Chambers based in London. It has over 190 barristers (including 29 King's Counsel) and is one of the largest in the country with over 50 years of experience in cases with a human rights context. We are the largest chambers delivering services funded by legal aid. Details are here: [Barristers | Garden Court Chambers | Leading Barristers located in London, UK](#)

Two important areas of our specialism practices are immigration and housing law. Our immigration team has 59 barristers, including nine King's Counsel. We have been ranked as Band 1 in Chambers and Partners UK Bar Guide for 21 years and are top ranked in Legal 500.

Our housing team has 31 members, including three King's Counsel. We have been ranked as Band 1 in Chambers and Partners for 20 years, and are also Band 1 in Legal 500, both for social housing.

Other members of chambers practise in other areas of civil law: public and administrative law, inquests, civil liberties, education, employment, environmental law, Court of Protection, community care and mental health; 34 of our members practise in family law; a third of our members practise in criminal law.

In our practices we act predominantly for individuals or not-for profit organisations. A large part of this work is either legally aided or, in the case of not-for-profit organisations, pro bono or with the benefit of a protective costs order. Some are conducted on conditional fee arrangements.

Although not always "high value" in monetary terms this work is invaluable for the individuals and organisations concerned and can often have wider public interest implications, playing a key role in access to justice often for disadvantaged groups, in ensuring equality before the law and in maintaining the rule of law by holding the executive and other public authorities to account.

Significant cohorts of the clients we represent face barriers in access to justice and effective participation in legal proceedings arising from factors such as physical or mental disability, race and ethnic origin, language, gender, education and social class. Many have a past experience of violence and abuse and are victims or potential victims of serious human rights violations in the UK and/or abroad.



Introduction and Executive Summary

Executive Summary of Responses

We welcome the government's recognition that the provision of civil legal aid services are at a crisis point, and have become unsustainable. We question, however, whether the proposed increases will be sufficient to restore properly funded frontline caseworkers, specialist solicitors and specialist barristers undertaking publicly funded work.

We also question why the proposed increase is limited to the areas of housing and immigration. We agree with the urgent need to inject funds into those areas so as to make them sustainable. However, we consider that other areas of currently publicly funded legal services are at similar crisis points and require equally urgent intervention. We also urge the government to revisit the scope of publicly funded legal services at Schedule 1, Legal Aid, Sentencing and Punishment of Offenders Act 2014 ("LASPO"). It was our view at the time, and we believe that experience has confirmed that view, that removing legal aid from civil legal services in general, and in particular from welfare benefits and employment, was a false economy. Both areas of law are areas where early legal advice, properly funded, can achieve considerable savings, and indeed avoid possible litigation. We point out below that the lack of early money advice can lead to the accrual of rent arrears and increased possession proceedings, leading to increased amounts of homelessness. Restoring publicly funded early legal advice in those areas would reduce litigation, and allow individuals to receive benefits or employment rights to which they were entitled. We also consider that restoring funding to immigration cases, private law family cases, and housing disrepair cases, subject to means and merits, would result in savings (a reduction in litigants in person and unmeritorious litigation) and be socially beneficial.

In terms of counsel's fees, fees for junior counsel in the county court, regardless of call, are currently £63/hr in London, which is less than one third of the guideline hourly rate for the 'reasonable costs' of an in-house paralegal in London¹. Fees for the High Court or Upper Tribunal are £71.55 per hour in London, £67.50/hr outside London. These figures exclude enhancements of up to 50% in the County Court and up to 100% in the High Court/Upper Tribunal. Even if the maximum enhancement is allowed (and we have no figures on the extent or amounts of enhancements allowed), the figures are £94.50 ph (County Court) and £143.10 ph (High Court/Upper Tribunal). The guideline reasonable hourly rate for a solicitor with less than 4 years' experience is £299 – almost five times the current legal aid rate for junior counsel without enhancements and twice the rate of the maximum paid under the maximum enhancements (100% in the High Court/Upper Tribunal).

¹ [Solicitors' guideline hourly rates - GOV.UK](https://www.gov.uk/guidance/solicitors-guideline-hourly-rates)



The reason for this shocking disparity is simple and obvious. The hourly rates for counsel's work in all areas have not increased since 1996, and were cut in LASPO, constituting a real-terms reduction of over 49% over that 27 year period.

We believe that the 10% increase will not alleviate the risk to sustainability in the sector and suggest that the increase should be more – we have in mind the recent announcement of a 25% increase for counsel conducting work for the Attorney General/the Crown. Counsel's publicly funded fees should have parity with those conducting work for public authorities.

We also consider that there should be provision for a review every two years as has been committed to in respect of the increases to the Attorney General's Panel rates. We respond to the questions below. We have omitted questions that are not directly within our expertise and experience.

Additional points not addressed by Questions

In addition, we believe, and had submitted in response to previous consultations including the *Call for Evidence: Civil Legal Aid Review*, that the means test for eligibility for legal aid is too low and should be revised upwards². Again, we make the point that funding early advice is an overall public saving. Individuals who are not eligible for legal aid are more likely to bring litigation as litigants in person.

We consider that Regulation 5A Civil Legal Aid (Remuneration) Regulations 2013 should be repealed. The restriction was introduced for political reasons and still, even after its amendment by the Civil Legal Aid (Remuneration) (Amendment) Regulations 2015, has a chilling effect on citizens bringing meritorious claims. It places additional pressures on providers who must shoulder the risk of not being paid at all where a claim that meets the merits threshold is nevertheless refused permission to apply for judicial review. As a large percentage of work done by legal aid firms is judicial review, the removal of this unnecessary risk to providers is an obvious step that would go some way towards increasing the stability and viability of work in this field in accordance with the aims of this consultation. Judicial review claims funded by legal aid are subject to the merits test at Regs 53 – 56 Civil Legal Aid (Merits Criteria) Regulations 2013. We consider that the merits criteria provide sufficient protection against unmeritorious claims, and that the additional provision that providers will not be paid if permission is not granted rarely occurs, but has the effect of deterring providers from issuing judicial review, even if the merits criteria are satisfied.

We repeat that we welcome the government's intention to take steps to address the crisis in legal aid services. This is a welcome change from the attitude of previous governments. We hope that this consultation is the beginning, and not the only step, of substantive resources made available for publicly funded services, including resources directed towards the not-for-profit sector and advice sector.

² See Garden Court's Response to the Call for Evidence: Civil Legal Aid Review, 25 February 2024 at [Garden Court Chambers responds to call for evidence: Civil Legal Aid Review | Garden Court Chambers](#)



Response to Questions

Question 1: do you agree with our principles for setting fee levels within civil legal aid?

Although there is nothing wrong with the principles proposed, it is worth emphasising how far we currently are from a 'sustainable housing and immigration legal aid market'. We repeat the point above that the principles applicable to legal aid fees should encompass areas of civil publicly funded work wider than housing and immigration.

We suggest that the second principle should be amended so that it reads as follows "Ensure high quality provision is available *and ensure that it is available from when and where it is first required* for those who are eligible and encourage early resolution where appropriate" [proposed amendment in italics]. We consider that this amendment underlines the significance and economy of early legal advice being available, so as to prevent or reduce litigation. This is necessary because:

- There has been an overall reduction of 35% in housing legal aid providers over the 12 years since LASPO;
- 12.45 million people are living in legal aid deserts with 184 out of 348 authorities lacking a single legal aid provider in the area of housing law;
- The consequences of removing employment and welfare benefits advice from the scope of legal aid has had a knock-on effect for the housing legal aid sector, as rent arrears accrue, without early advice to resolve those arrears, or appeal any adverse decision within a short time period, the risk of homelessness is far higher and the work of preventing homelessness, by defending claims for possession, likely to be more substantial and costly.

Overall, we doubt that the proposed fee increases will be sufficient to ensure sustainability.

Housing

While we are not primarily concerned with the remuneration of solicitors' work, we are concerned overall with the sustainability of publicly funded housing legal representation and advice, both because we recognise the public good in such a service and because the publicly funded housing bar cannot exist without a sustainable base of properly resourced frontline caseworkers with sufficient resources to instruct us. In the last five years, the number of Civil Legal Aid providers has reduced by 19%³. Overall, since LASPO, there has been a 35% decrease in the number of housing and debt legal aid firms, a higher decrease than the overall decrease of 22% for all civil legal aid firms⁴.

³ *Implications of Research on the Sustainability of Civil Legal Aid*, Frontier Economics & Law Society, 17 September 2024.

⁴ *Review of Civil Legal Aid Data Publication Series: Housing & Debt Deep Dive*



While all geographical areas have been impacted, there has been a particularly severe impact on certain parts of England and Wales, resulting in 'legal aid deserts'. 12.45 million people are currently living in legal aid deserts, with 184 out of 348 local authorities lacking a single legal aid provider in the area of housing law⁵. Bearing in mind that 10% of all rental properties in the UK are estimated to present a 'category 1 hazard'⁶, meaning conditions posing a significant risk to the occupants' health and safety, this means that a vast section of the population is living in dangerous accommodation without the means to get independent advice about what can be done about it.

Moreover, in addition to the reduction in the overall volume of legal aid provision (and number of providers), LASPO took a number of matters out of scope, which has knock-on consequences for the housing legal aid sector. Two of the most straightforward examples are employment and welfare benefits. A poll by Shelter in 2022 found that 24% of tenants in the private rented sector are behind with the rent⁷. Before LASPO, those people would, subject to means, have been eligible for advice on employment law and/or welfare benefits, the two most likely causes of any financial difficulties. Although the Consultation document rightly refers to the assistance offered by HLPAS, this is limited to advice at court – i.e. some months after the rent arrears have arisen.

Not only is prevention better than cure, but there is a problem of delay being potentially fatal to any solution. In employment law, claims must be brought within strict deadlines of less than 3 months, and social security decisions have even shorter timelines for formal appeals, meaning that without early advice the problem sometimes simply cannot be fixed, rent arrears will stand and landlords will have no motivation but to render tenants homeless. Advising the client on the day of their court hearing for re-possession of their home about legal steps they could have taken before the landlord sought to evict them, but now cannot, is significantly less value for money to the tax-payer: the risk of homelessness is far higher and the work needed to prevent it through housing litigation likely to be more substantial and costly.

Immigration

While we welcome the proposed fee increase we remain concerned that it will not be enough to maintain stability in the sector. Our barristers have experienced the reduction in the number of quality immigration legal aid providers since the 2010-2013 cuts and structural changes to legal aid which resulted in the collapse of Refugee and Migrant Justice and the Immigration Advisory Service, as well as the departure from the legal aid sector of numerous quality firms. The sector is now narrow and shallow.

⁵ [Legal Aid Deserts in the UK: An Access to Justice Crisis - Junior Lawyers Against Poverty](#)

⁶ <https://www.hja.net/expert-comments/opinion/housing-help/uk-rented-housing-disrepair-issues-report-2023>

⁷ [14,000 renters face eviction as living costs soar - Shelter England](#)



It is at the very least unclear whether a 10% increase, after 17 years of stagnation, followed by cuts, followed by 12 years of further stagnation, will be sufficient to begin to reverse this trend.

One of our King's Counsel commented that despite working in the sector for almost 20 years and having extensive contacts in the field, when he has a client whom he needs to refer for legally aided immigration advice he finds it virtually impossible to place them. Nobody ever has capacity to take them. That experience is echoed by others and strongly suggests that it must be the case that some clients are simply going unrepresented.

Immigration problems, like housing problems, cannot usually be ignored or delayed. Our counsel are aware of anecdotal reports of individuals who are eligible for legal aid but, when unable to obtain representation because of capacity problems, instruct private firms by borrowing exorbitant sums from 'loan sharks'. The quality of representation received by those individuals from non-specialist high street firms can be very low indeed, and far below the level of service they would have received for free if they had had the legal aid representation they are entitled to. The fees, on the other hand, can be very high indeed. There is a possibility that the number of people unable to access legal aid is being disguised by the fact that those who would otherwise be unrepresented are going into enormous debt instead. This appears to particularly be the case for immigration matters that are no longer in scope, and we recommend that those immigration matters taken out of scope by LASPO be returned to within scope.

Question 2: Do you agree that we should increase the fees paid for Housing and Immigration work?

We do agree that a fee increase is necessary. We repeat that we do not consider that the level of increase proposed will address the crisis of sustainability in the housing and immigration sector, and that the increase should be applied to other areas of publicly funded civil legal services.

Housing

In terms of counsel's fees, fees for junior counsel in the county court, regardless of call, are currently £63/hr in London, which is less than one third of the guideline hourly rate for the 'reasonable costs' of an in-house paralegal in London⁸. Fees for the High Court or Upper Tribunal are £71.55 per hour in London, £67.50/hr outside London. These figures exclude enhancements of up to 50% in the County Court and up to 100% in the High Court/Upper Tribunal.

⁸ [Solicitors' guideline hourly rates - GOV.UK](https://www.gov.uk/guidance/solicitors-guideline-hourly-rates)



Even if the maximum enhancement is allowed (and we have no figures on the extent or amounts of enhancements allowed), the figures are £94.50 ph (County Court) and £143.10 ph (High Court/Upper Tribunal) The guideline reasonable hourly rate for a solicitor with less than 4 years' experience is £299 – almost five times the current legal aid rate for junior counsel without enhancements and twice the rate of the maximum paid under the maximum enhancements (100% in the High Court/Upper Tribunal).

The reason for this shocking disparity is simple and obvious. The hourly rates for counsel's work in all areas have not increased since 1996, and were cut in LASPO, constituting a real-terms reduction of over 49% over that 27 year period.

We note the government's recent decision to increase by 25% the rates for counsel conducting work for the Crown⁹. The proposed increase for legal aid barristers and solicitors is only 10%, and it is hard to see any rationale for the discrepancy between these simultaneous changes. This discrepancy is grossly unfair and deeply disappointing. We do not understand how there can be any difference in principle in remuneration for those who choose to work for public institutions and those who choose to work for individuals who are in receipt of public funds. The case for parity is obvious.

We understand that funding for legal aid is not unlimited. However, to consider legal aid spending as a simple budget item of expenditure is unscientific. As has always been the case, and has been shown through multiple studies, public money spent on legal aid represents public money saved elsewhere. It is worth considering two specific examples: homelessness and disrepair.

First, in October 2022, Birmingham City Council was spending £2.1m monthly (over £25m annually) on temporary accommodation for homeless households¹⁰. The amount increased to £2.2 million (£26.4 million annually) in September 2024 with over 5,000 households in temporary accommodation¹¹. Had each of those households had access to free legal advice and representation in relation to the possibility of remaining in their last settled accommodation and so not needing accommodation secured under homelessness functions, the saving to the public purse could have been enormous.

Similarly, in April 2024, there were 198 people in hospital beds in England who had been in hospital longer than two weeks, and were ready to be discharged, but remained in hospital owing to homelessness or inadequate housing¹².

⁹ [Attorney General's civil panel counsel: practical information - GOV.UK](#)

¹⁰ Birmingham City Council Temporary Accommodation Strategy 2023-2028, June 2023

¹¹ [Proposals approved to boost the supply of temporary accommodation in Birmingham | Birmingham City Council](#)

¹² <https://www.england.nhs.uk/statistics/statistical-work-areas/discharge-delays-acute-data/>



The average hospital stay costs roughly £586 per day, per person¹³. Legal advice could have prevented homelessness and/or resolved the inadequate housing conditions.

So homelessness, much of which can be prevented by timely and effective legal advice and representation, is extremely costly.

Second, disrepair issues cost the tax payer a substantial amount in health spending. The Building Research Establishment estimated annual costs to the NHS of £355m attributable to category one hazards in homes¹⁴. The previous government's commitment to Awaab's Law¹⁵, and the current government's application of Awaab's Law to the private rented sector¹⁶ is welcome. However, housing practitioners have consistently argued since the tragic death of Awaab Ishak that enforcement of housing conditions requires publicly funded legal services.

Immigration

All the evidence shows that the remuneration for legal aid work requires an urgent and substantial increase to reverse years of chronic and acute underinvestment, without which the lack of a functioning system for accessible legal advice will continue to cost far more indirectly than can be saved by not funding it properly.

The current situation is that, according to the academic research of Dr Jo Wilding, in England and Wales at least 57% of new asylum applicants are unable to access legal aid funding. She has calculated that in 2023-24 the legal aid deficit in the same region (i.e. the number of people entitled to immigration legal aid but not receiving it) was 77,729¹⁷.

There is also a real issue with training because historically so many immigration lawyers were trained by Immigration Advisory Service and Refugee and Migrant Justice, both of which collapsed following the amendments to the contract system after 2010. Previously many lawyers would move from RMJ and IAS to other firms taking their expertise with them. The result is that there are far fewer lawyers trained in this exceptionally complex and constantly evolving field, and the rates of pay are too low for it to be profitable for firms to train them. Dr Wilding describes the recruitment and retention difficulties in the sector as *"an existential threat" to immigration and asylum organisations across the United Kingdom. The sector will require significant investment and time before it can be made sustainable.*"

¹³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7045184/>

¹⁴ https://bregroup.com/documents/d/bre-group/bre_cost-of-poor-housing-tenure-analysis-2023-pdf

¹⁵ Landlord & Tenant Act 1985, s.10A inserted by Social Housing (Regulation) Act 2023.

¹⁶ Renters' Rights Bill 2025.

¹⁷ Information provided by Dr Jo Wilding from her forthcoming report on legal aid in the Immigration sector, which will update the findings she made in her 2022 Report *'No Access to Justice*



Question 3: Do you agree that fees for housing and immigration work should be increased to a minimum hourly rate of £65.36/£69.30 (outside London/inside London)? If the fee is already above this rate do you agree that rates should be increased by 10%?

We repeat our responses to Questions 1 and 2 that, although an increase in principle is welcome, we do not consider that the proposed increase is sufficient to address the crisis of sustainability. We note that the figure reached is taken from a detailed survey of family and housing providers, and then applied to data from just two immigration providers. This is less than 1% of the provider base. We also note that the rationale given for the figures chosen (see Annex A) is that they would permit 75% of firms to make a profit. Given the extraordinary problems in the market as it currently stands, we have real concerns about the sustainability of a fee that presupposes it will lead to 25% of firms in a vastly under-served sector making a loss. The figure is, on the logic of the consultation, by definition too low.

We do not address in any detail the proposals around solicitors' fee increases. In respect of counsel's fees at Schedule 2, Civil Legal Aid (Remuneration) Regulations 2013, the proposed rates at Annex B are generally a 10% increase. We repeat the general point that we do not consider a 10% increase to be sufficient to reverse the crisis of sustainability.

We note that the Bar Council's *Response to the Review of Civil Legal Aid – Call for Evidence*¹⁸ noted that poor remuneration and unhelpful, time consuming and unnecessary administration had led legal aid barristers increasingly to diversify their practices away from legal aid work, that legal aid fees had eroded by 23% between 2013 – 2023, and 30% if CPI inflation is applied. The Bar Council further noted that the low rates and fixed fees impacted both the retention of barristers, but also the recruitment of barristers into legal aid work. 25% of respondents surveyed in 2018 had stopped doing legal aid and 48% did less legal aid than previously. These figures accord with our own experience. Colleagues have left the Bar altogether rather than continue with legal aid practices. Other colleagues have moved away from publicly funded practices towards private funding.

It is our view that the increase in all fees – including counsel's fees – should be in excess of 10% and, at the very least, calculated to achieve parity with the Attorney General's rates for payment of counsel, including the recent 25% increase.

We also note that, despite the recommendation of the Law Society, the consultation paper does not include provision for a review. In our view there should be provision for a review every two years as has been committed to in respect of the increases to the Attorney General's Panel rates.

¹⁸ [Bar Council response on the review of civil legal aid](#)



This is necessary because: (i) experience shows that irrespective of the level of crisis in the legal aid sector rates of payment will rarely be revisited absent an express commitment; (ii) it remains to be seen, as noted above, whether the proposed increases will prove adequate. In the absence of a review the minimum future-proofing required would be for an annual increase in fees in line with inflation.

The view of solicitors with whom we work is that the new rates for solicitors, while a welcome increase given there has been no increase for decades, would not actually permit solicitors of more than two years' experience to undertake controlled work without the firm making a loss on that work, given the costs of overheads and salaries sufficient to attract people capable of doing this highly complex and specialist work. This shows that in reality, even after the proposed increase, we are some considerable way from the market being "sustainable".

Question 6: do you agree that increases to immigration should be implemented first?

We agree that immigration legal aid is in a state of acute crisis and that fees must be raised as a matter of urgency. Subject to determining whether it may be possible to increase housing fees at the same time we concur with the proposal.

Questions 9 and 10: should we remove or reduce limits to the number of Controller Work Matters where the client does not attend the provider's office to make an application for Controlled Work? Thinking about the limit on Controlled Work applications that can be delivered remotely, in what ways does this affect your ability to deliver face-to-face and remote advice, based on client need? If there were a removal or reduction in these limits, do you anticipate that in the areas in which you provide legal aid help and advice, your firm or organisation would provide more or less advice remotely or not change the overall percentages for provision of remote advice? RoCLA evidence included feedback that providers are best placed to determine when clients need face-to-face advice, and where remote advice is appropriate. However there is a risk that providers may move towards remote advice provision in a way that leaves clients who need face-to-face with difficulty finding a provider. When ensuring greater flexibility to provide remote advice, what measures or safeguards would help ensure that clients are not turned down or de-prioritised, because they require face-to-face?

These questions on the provision of remote advice apply to solicitors and Not for Profit providers, and not to counsel. Personally we are committed to holding conferences with our clients either remotely, or in person, depending on the client's needs and preferences.

As far as provision of remote or face-to-face advice by solicitors or Not for Profit providers is concerned, our experience is that remote work can be invaluable, for example in mitigating the impact of legal aid deserts (see above). It can be a powerful tool in increasing efficiency and access. However, there are two risks in particular which must be borne in mind.



First, there are groups and communities for whom remote communication is more difficult, including familiarity with written English, information technology and so forth. The provision of legal advice should never put these groups and individuals at a disadvantage.

Second, the basic starting point should be that providers are best placed to make the decisions about how to serve their clients. Generally speaking there is no substitute for their knowledge of their communities, the needs of individual clients, and their capacity to provide the best possible service in any given case.

The suggestion that solicitors will opt for ways of working that may not serve clients simply to make money is singularly unlikely and demonstrably irrational: any solicitor trying to make money would not be working in the legal aid housing sector in the first place, as studies have shown that breakeven is the best case scenario in that sector¹⁹.

We are aware of solicitors we have worked with in the immigration field having real difficulties in taking instructions from particularly vulnerable people remotely. This can be because of mental health problems or language difficulties or a combination of the two. The issues can be especially extreme where a person is detained in a prison and there are very significant delays in securing in-person visits.

Research conducted into the provision of legal services during the Covid-19 pandemic, when services moved from face-to-face to remote, confirms our experiences. Researchers noted firstly that “technological innovation can play an important role in facilitating the targeting of advice and support towards the different population groups that now comprise the client base”. One particular beneficial effect of remote provision was its accessibility for survivors of domestic abuse. However, there is a digital divide and “importantly, those people falling into the groups who have been traditionally served by the advice sector, are likely to be in the greatest need, but in practice may be left entirely without support due to the shift away from face-to-face legal assistance, and a lack of access to resources that would enable them to access these services digitally”²⁰.

We are anxious that any loosening of the restrictions referred to would be without prejudice to the ability of any solicitor to obtain an in-person appointment as and when he or she considered that necessary or appropriate.

¹⁹ *Implications of Research on the Sustainability of Civil Legal Aid*, Frontier Economics & Law Society, 17 September 2024.

²⁰ *Vulnerability, legal need and technology in England and Wales*, Newman, Mant & Gordon, International Journal of Discrimination & the Law 2021, Vol 21(3) 230 – 251.



Additional comment on administrative matters

We also bring the following administrative matters that arise when dealing with the Legal Aid Agency's CCMS platform, and in relation to CLR cases, to the attention of the Ministry of Justice. We note that the Bar Council's *Response to the Review of Civil Legal Aid – Call for Evidence*²¹ gave, as the second reason for barristers withdrawing from legal aid work, unhelpful, time consuming and unnecessary administration. We hope that the points below will be considered in order to reduce that burden, and retain and recruit barristers into legal aid practice.

CCMS platform

For us to claim a payment on account, upload a Family Advocacy Scheme (FAS) claim or submit a final bill on CCMS, the solicitors need to allocate funds for each counsel on CCMS. This means that unless the solicitors allocate funds on CCMS we cannot make a claim for Counsel's fees. A lot of solicitor firms do not allocate funds to counsel on CCMS unless they are chased multiple times. This creates an added layer of administration for Chambers. Prior to CCMS where there was a paper type certificate, once there were funds available on the funding certificate, we could apply for payments on account or submit a FAS claim without the solicitor's input.

For civil certificated cases (excluding cases that fall within the FAS scheme), the individual fees claimed by counsel must be billed on a line-by-line basis within CCMS, therefore duplicating the billing process on both our internal Case Management System and CCMS. When billing on a line-by-line basis, we have to choose court level, barrister level, VAT, barrister name etc. on each entry. We have already logged in to bill for a particular barrister so if we were able to enter this information once, it would be a benefit and save time. Additionally, for FAS cases, CCMS can accommodate upload of Counsel's billing and therefore does not require the need for line-by-line billing on CCMS. Extending this across to the other civil certificated cases would assist Chambers' administration immensely.

When a case plan has been agreed and an uplift approved, we still have to provide justification for the enhancement on Counsel's fees, it would save time if we did not need to provide this again as already approved within the case plan.

It would be helpful for CCMS to show standard certificate information within Chambers/Counsel's log in, such as date of issue of funding certificate, scope, discharge date, etc. At present CCMS shows only the funds allocated to Counsel and any payments to Counsel.

²¹ [Bar Council response on the review of civil legal aid](#)



Where cases have been registered High Costs and counsel are assigned to a case, we should be allowed to claim Payments On Account whilst the case plan is being agreed. At present, counsel has to wait for Case Plan Stages to be agreed, cost limits to be extended and funds allocated to counsel. The current process means that POAs cannot be claimed until Case Plan Stages and extension to funding is approved and agreed. This can take several months, if not years to resolve due to the back and forth with Solicitors and LAA.

CLR Cases

We are reliant on solicitor firms to submit their claims to the LAA to include Counsel's fees for CLR cases. Payments are made to the solicitors' firms and they in turn make payment to counsel. Chambers has no way of checking if and when a firm is paid as the cases/matters do not have a LAA reference. If a firm does not make payment to counsel or closes down, then counsel is unable to obtain payment.