TEXT 1

MPs: People can't access legal aid, lawyers can't afford to do it

Summary

The article examines the crisis of legal aid in England and Wales. Many people earn too much to qualify but not enough to afford a lawyer, leaving some defendants to represent themselves even when facing imprisonment. Meanwhile, low fees and heavy bureaucracy discourage lawyers from providing legal aid, creating shortages and "legal aid deserts". A Parliamentary Committee calls for broader eligibility, higher fees and better administration to restore effective access to justice.

Commentary *(I used some of the ideas I heard during the orals)*

Key question: **can justice be equal when people cannot afford to defend their rights?** It shows that the **legal aid crisis affects both litigants seeking assistance** and the **professionals responsible for providing it.**

- Three main ideas emerge from the text.

→ **access to justice must be effective.** Having the right to go to court is insufficient if people lack the legal knowledge or professional assistance needed to present their case.

→ **the "justice gap" reveals a serious social inequality.** Employment does not necessarily provide financial security. Without affordable assistance, individuals may abandon legitimate claims or r epresnt themselves pro se , leaving their rights unenforced or poorly defended. Financial barriers can thus turn existing social inequalities into inequalities before the law.

→ **protecting clients requires a sustainable legal profession.** Low legal aid fees discourage lawyers from accepting cases and younger professionals from entering the sector. The resulting shortages and legal aid deserts create geographical inequalities as well as financial ones. Improving eligibility alone would therefore be insufficient without adequate funding for providers.

- **Solutions ?**

→ Reform must address both **eligibility** and the **availability** of legal services.

The article mentions several **obvious solutions** such as raising financial thresholds to help more people qualify, giving lawyers (barristers and solicitors) adequate remuneration or simplifying administrative procedures.

Online advice could improve access in some areas, although vulnerable clients may still need face-to-face support and it does not solve the problem of representation before the court

Other solutions could be considered but never totally satisfactory :

- **develop the pro bono system** (already exiting in the UK but no ethical obligation to provide a minumum number of hours) ?
- **Swith to a 'no win no fee' system in civil cases**
- I**mpose a number of mandatory legal aid cases** to lawyers and solicitors ?

→ However , is it not a **transfer of responsibility** from he government to the lawyers or litigants ? Let's not forget the **roots** of the problem in question → the **drastic cuts in the budget of justice** and more particularly in legal aid funding **by the British government** (less money + less areas of the law covered by LA)

→ **Access to justice is a fundamental right** so it should be treated as such and maybe **Legal Aid** should be considered **as an essential public service**. Its value extends beyond individual cases: it helps maintain confidence in the justice system. When people believe that their rights can only be defended if they have money, trust in equality before the law is weakened.

- **Comparison with France** . System described in article quite similar to the French *aide juridictionnelle* . The state pays (totally or partly) the fees of *avocats* using an established index for each type of case . If the system is rather beneficial to litigants , lawyers have been protesting against the low remuneration and lack of transparency in the payments of the fees → Many lawyers do not accept clients on legal aid