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To All Local Faculties and Bar Associations

Direct dial number: **0131 240 2060**

Your ref:

Please quote the department above and
our reference: LM/JG

15 November 2007

Dear Madam/Sir,

REFORM OF SUMMARY CRIMINAL LEGAL ASSISTANCE – CONSULTATION PAPER

As you are aware, a series of joint information seminars is currently being held by the Scottish Government, the Crown Office, and the Board to discuss the forthcoming summary justice reforms, and the current consultation paper on the reform of summary criminal legal assistance. At a number of these seminars, we have been asked to provide further details of any costing work carried out in relation to the proposals contained in the consultation paper.

The costing work carried out by the Board to underpin the legal aid proposals, agreed by Ministers and set out the consultation paper, was based on a number of key assumptions and projections provided by the Scottish Government. The Scottish Government has now published these assumptions and has written to the President of the Glasgow Bar Association with these details. The President of the GBA has confirmed that he is content for this to be copied to local faculties, so a copy of the letter dated 9 November 2007 from Roma Menlowe, Deputy Director, Criminal Procedure Division is attached.

I have also attached a note which sets out a range of costings using the proposed fees as set out in the consultation document, based on the various assumptions. As you will see these provide a range of possible financial outcomes. Actual outcomes will depend on a range of factors.

Clearly the significant changes being proposed for the summary justice system will take some time to fully implement and bed down. These and the proposed legal aid changes are likely to encourage changes in defence agents' practices and approach. It is also likely that the reforms will affect firms differently depending on their current business model and approach. However, we recognise that this modelling is also subject to a wide range of variables.

We have also tried to model what may happen if the summary justice reforms are introduced but no changes are made to legal aid. Again this is fairly problematical but suggests to us that the cost of legal aid would reduce as a result of fewer cases and some degree of earlier resolution of cases.

It is clear from the modelling work which we have carried out that estimating the impact on the legal aid fund is difficult and subject to many variables including Crown Office and defence agent practices and the approach accused persons will take. I recognise the difficulties which individual practitioners will encounter in trying to assess the likely impact on their businesses. Therefore, I hope you find the attached costing work is helpful to you and your colleagues to enable responses to the consultation to be as informed as possible so that these in turn provide helpful input to inform the Cabinet Secretary's decision on the legal aid reforms. We have tried to model the likely impacts on firms by applying the assumptions to sample firms with differing mixes of summary criminal legal assistance business.

If it would be helpful to your members we can run their firm's figures against our model (and assumptions). If anyone would like to make use of this they should email, phone or write to Iain Shaw (Shawia@slab.org.uk – 0131 240 2087). They will need to provide us with details of their legal aid firm code. We will do our best to produce their figures very quickly.

We would be more than happy to discuss these further with you and your colleagues.

Yours sincerely

A handwritten signature in black ink that reads "Lindsay Montgomery". The signature is written in a cursive, flowing style.

Lindsay Montgomery
Chief Executive