



**Criminal Legal Aid Review: The  
Law Society's Judicial Review –  
YLAL Statement**

1. This week, the High Court is reviewing the Ministry of Justice's ("MoJ") failure to implement the findings of the independent review of criminal legal aid. The action has been brought by the Law Society of England and Wales. It will be heard over the next three days, with the judgment on Thursday 14 December.
2. YLAL welcomes the Law Society's challenge. We remain bitterly disappointed at the failure of the government to implement that 'bare minimum' recommended by the independent review of criminal legal aid ('CLAIR'). 'Minimum' justice is not something which any government should aspire to, yet it remains the case that this government is unwilling to provide even that.
3. The independent review of criminal legal aid was chaired by Sir Christopher Bellamy KC and reported its findings in 2021. The findings of the review made clear the scale of the crisis in criminal legal aid, and the impact this was having on the criminal justice system at large. One of the central recommendations of the report, published in 2021, was that solicitors' and barristers' fees should be increased by a 'bare minimum' of 15%.
4. The government published its response to the review in March 2022. It chose to ignore the 'bare minimum' recommendations made and proposed an increase to solicitors' fees set instead at 9% with a further 2% increase due in 2024. This represents a real terms cut to legal aid rates. That the MoJ failed to meet this 'bare minimum' recommended speaks volumes about the priorities of this government.
5. In the submissions we made to CLAIR we foregrounded the need for significant investment and structural reform to our criminal justice system. We raised our concerns about the impact which the systemic underfunding of our justice system has had upon junior lawyers, in particular, with these being the most vulnerable to exploitation, both in terms of the stage of their career, and financial stability.
6. The recommendations made to the government to address the crisis in recruitment and retention have been largely ignored. We note the knock on effect this has in terms of our appetite to engage with on-going government consultations, like the Civil Legal Aid review.
7. The reality is that since the publication of the findings of CLAIR the situation in criminal legal aid has only worsened. The criminal legal aid system is now

beyond breaking point and the criminal justice system as a whole is literally crumbling. It is simply not sustainable to be a criminal legal aid practitioner. We expressed solidarity with the strike action taken by barristers in 2022 – which was regrettable but necessary – as we now recognise calls made for solicitors to come together and unionise. This is not just a problem for lawyers. This harms the entire criminal justice system, which is on its knees. The Crown Court case backlog reached a record high in June 2023 of 64,709.

8. We support applying alternative forms of pressure on the government and welcome the case being made by the Law Society. We urge the government to see sense and take the action necessary to bring the criminal legal aid system off life support. We will be following coverage of the hearing closely.

### **Young Legal Aid Lawyers**

**13 December 2023**

[www.younglegalaidlawyers.org](http://www.younglegalaidlawyers.org)

[ylalinfo@gmail.com](mailto:ylalinfo@gmail.com)

[@YLALawyers](#)

### **About Young Legal Aid Lawyers**

Young Legal Aid Lawyers (YLAL) was formed in 2005 and has over 4,200 members. We are a group of lawyers committed to practising in those areas of law, both criminal and civil, which have traditionally been publicly funded. YLAL's members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.

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