

## LEGAL AID – COLLECTING INFORMATION ON THOSE YOU TURN AWAY

Alison Harvey 8 March 2013

It is one thing to say “I spent ages last week trying to find a lawyer for someone” and quite another to say “I spent 9 ½ hours and made 120 phone calls. I spoke to 50 lawyers, of which 40 had no capacity and 10 said it was not the type of case they deal with. Whatever initiatives are set up to help those who will not get legal aid from 1 April, they will be sticking plasters over gaping wounds unless they are also used to collect information about those not getting help. It needs to be simple or people will not do it. There are going to be lots of attempts but to get you started here is a suggestion.

Record From: *[name and firm]*

Reference: *[A unique identifier than allows you to identify this case]*

Consent to record details appended.

Date

Time spent

How person came to you *[e.g. client herself phoned office, referred by local church group, give name, etc.]*

Date of referral *[when you first were referred the case]*

Case type: *[e.g. domestic violence, EEA national – as much detail as you can manage but a little is better than nothing]*

History of legal representation if any:

Why you could not take the case on:

With whom you got in touch:

Last known situation of person with date *[record date]*: *[record situation of client – e.g. has no representation, has pro bono representation from, is paying for representation from]*

Provide any updates with dates.

See overleaf for an example

It is better to fill in some bits than none – if you cannot fill in all no worries.

**Name** Fred Harvey

**Case Reference:** CLawCentreSolicitorsFH17

Time spent 40 minutes (20 minutes with child, 10 minutes talking to B solicitors, 10 minutes talking to DSolicitors)

Called in at office in person 6 May 2013. Got our name because had phoned BSolicitors considered asylum claim said failed merits test, (CW4 provided and she was assisted to complete it, has copy) could not help with Article 8 claim and suggested she try us.

**Case type:** From Mauritius. Discretionary leave to 17 ½. Now facing removal. Asylum Claim held by Bsolicitors to fail merits test. Good Article 8 case.

**History of legal representation if any:** Represented by IAS in initial application (IAS now closed)

**Why you could not take the case on:** Brief review suggested asylum case indeed fails merits test for legal aid. At limit of pro bono capacity. In any event, she is in care of local authority consider they should be paying for legal representation. Law Centre does not do private work, cannot assist.

With whom you got in touch: Local authority to explain need to pay privately. They said not their policy to pay where fails merits for asylum. Explained that does not cover Article 8. They said considered return in best interests so not going to pay to fight it. Called BSolicitors re judicial review of local authority refusal to pay for lawyer, who said no capacity. Called DSolicitors – they agree to take on case as judicial review.

Last known situation of person with date: 20 July 2013 – Local authority caved at pre-action protocol letter and agreed to pay for legal representation. Now client of Esolicitors

4 August 2013 – Appeal has been heard, ooutcome awaited.