

THE LAG COMMITTEE IS ALIVE

There is still time to nominate candidates for the next election to the LAG committee. Not surprisingly, we are always short of provincials and practising solicitors. Indeed most of the committee's co-optive powers are used to fill these two gaps.

Membership of the committee involves a monthly meeting held at the LAG office on the second Wednesday of every month starting at 5 pm and finishing between 7 pm and 7.30 pm. The city and time of the meeting were chosen for the convenience of both provincial and London members of the committee. We are aware that the present late start would exclude members living very long distances from London, since they would miss their last trains home, but if someone living at such a distance were elected the time of the meeting would no doubt be altered.

LAG committee members work hard. There is a high attendance at committee meetings. In addition there are papers to read, and sometimes to write, actions to be taken on the committee's decisions, and occasionally other meetings to attend.

If you feel you could contribute to LAG's deliberations please don't be modest about putting yourself up for election. Nominations have to be signed by a LAG member. The official closing date as announced in the October *Bulletin* is 17 November, but nominations up to 20 November will be accepted.

28a MISCELLANEA FROM THE LAG OFFICE

GO WEST, YOUNG PERSON

Should lawyers throughout the land be organising benefits for the impoverished articulated clerks of North Wales? This question is provoked by study of a register of solicitors who employ graduate articulated clerks, published recently by the University Careers Advisory Service. The register gives details of the average starting salaries for graduate clerks in different parts of the country, based on estimates made by some local law societies. (Only nine societies volunteered information, others remained silent though whether from ignorance, disbelief or shame we don't know.)

Not unnaturally the City of Westminster comes out top with an estimated starting salary of £1750, or £2000 with Part IIs. Chester, a city of great beauty and apparent affluence, ties in bottom place with North Wales — starting salaries range from £12 to £22 a week. Devon, which offers a starting salary of £26 a week rising to £35 during the last six months of articles, seems the best buy as it offers the bonus of pleasant living conditions. Leeds is the only major provincial city to reveal itself, declaring a starting salary of £20 a week or £25 with Part IIs. This we can reveal is great progress. A colleague articulated there some six years ago started on a salary of £8 a week with the promise of an increase to "whatever he was worth" after six months. On the due date although relieved not to receive a salary cut he was still mortified to be awarded an extra 50p.

EXPENSIVE IDENTIFICATION PROCEDURES

A consequence of the Attorney General's new guidelines on identification evidence which we (and others) had not foreseen is that they will lead to waste of time and money in unnecessarily long drawn out committal hearings. The guidelines (summarised at Oct 76 *Bulletin* 235) say that section 1 committals should not be used in cases where identification is at issue; instead, witnesses as to identification will be called to give oral evidence at the committal proceedings. This means that committals will have to take place under s7, with the consequence

that the bench will have to consider *all* the evidence in the case — not merely the identification evidence — even if the defence agree that a prima facie case has been disclosed (where, for example, there is also an alleged oral confession). All of the prosecution statements must be read, and all exhibits inspected and their labels signed by the chairman of the bench.

Identification is often at issue where there are multiple defendants — affray, and multi-handed assaults and rapes, for instance. The waste of time and money here, could be immense. In an identification case that has come to our notice, the proceedings have had to be adjourned for three months so as to enable the same bench to continue hearing the case, and legal aid fees are likely to total around £800.

The remedy is simple: a procedure for committal on hearing only the identification evidence, where the defence would otherwise have agreed to a section 1 committal. But it needs an Act, and Parliamentary time-tables are if anything more overcrowded than those of magistrates' courts.

LAG'S FIFTH BIRTHDAY

The LAG office has been too busy looking forward to remember to look back. But a friend of LAG has reminded us that 18 November is the fifth anniversary of the meeting which launched LAG. Those who were not there or who could not get into the room ("the attendance of over 70 people very much exceeded what had been anticipated and there were unfortunately those who could not even get inside the meeting", a report said afterwards) might like to be reminded of how LAG started.

The spark was a letter signed by two solicitors, Andrew Phillips and Cyril Glasser, and one academic, Richard White, and printed in the *New Law Journal*, the *Law Society's Gazette* and the *Solicitor's Journal*. The letter pointed to the frenetic activity happening on the legal services front — new legal advice centres popping up all over the country, ideas for duty solicitor schemes, and one (yes, one — North Kensington) new law centre. It suggested, in effect, that some kind of co-ordinator and information exchange might be necessary so as to save people from re-inventing the wheel daily all over the country. Those interested were asked to write in — and they did, over 100 of them, and when called to a meeting most of them came. Not just from London, but

from Manchester, Birmingham, Cardiff, Blackpool, East Anglia, the West Country and even Edinburgh.

Those at the meeting were demanding reform, change of one kind or another. But mainly they wanted information. And for the next year anyone who paid £1 (50p for students) received every two months a fairly chatty (by present standards) bulletin, starting as a roneoed circular but finishing the year looking a bit like a real magazine. We chronicled the progress of the Legal Advice and Assistance Bill, the planning of new law centres in Lambeth, Camden, Hillingdon, Wandsworth, Islington, Brent, Paddington & Manchester; the launch of the first duty solicitor scheme (in Bristol); the first CAB rota schemes (in Bolton and Holborn); and many other landmarks.

LAG ended 1972 with a membership of over 500 and a grant from the Nuffield Foundation to launch a monthly journal specifically aimed at informing and educating practising solicitors in "poverty law" — a term we have never liked, but it is a convenient shorthand for "law and practice affecting poor people and those living in deprived areas." The first monthly *LAG Bulletin* appeared in February 1973. Since then, LAG has remained consistent in its purpose — perhaps remarkably so for an organisation dedicated to reform. Disputes have not, heaven be praised, rent the committee or the staff. The *Bulletin* has remained our primary concern and we have tried to improve and refine its coverage of the law and to provide accurate, informed comment on the legal system. We have added courses to our repertoire, and they in turn have added thousands (of pounds) to our revenue — much needed, as we seem to escape looming deficits by a hairsbreadth every six months or so. On the public front, there are few tangible achievements to notch up: LAG came into being at the launch of the £25 scheme (which, you will remember, was hailed as the scheme that would solve at a stroke, aided by a number of liaison officers, the whole question of the unmet need for legal services) and has existed during a period of financial stringency. So we could not have expected many institutional reforms. But what is very noticeable over five years is the change in attitude in both the Establishment and the legal profession at large. Lawyers' work is beginning (just beginning) to be seen no longer simply as commerce, trusts, wills, matrimonial dispositions and a bit of crime for the specialist, but as a skilled service to all citizens on all questions of law. To put it another way: the Supplementary Benefit Act is as much "law" as any

Finance Act.

POLICE TUNE

Mr R A James, the newly appointed Receiver for the Metropolitan Police District, will find he has another duty besides acting as the accounting officer of the Metropolitan Police. He will also be the paymaster for the Inner London magistrates' courts.

This surprising pairing of functions (which was news to the Metropolitan Police PR department when we telephoned them) dates back over a century. In fact the office of receiver is older than the Metropolitan Police itself, originating in 1792. In that year the habit acquired by certain justices of pocketing fines and fees payable to the court, regarding them as a useful source of personal revenue, prompted Parliament to pass the Middlesex and Surrey Justices Act. This removed the temptation by appointing a receiver for the courts. In 1829 the Metropolitan Police Act provided for a receiver for the Metropolitan Police District and the two offices were combined in 1839 by the Metropolitan Police Courts Act.

The police receiver is responsible not only for providing such things as buildings and books for courts but also for paying the salaries of court clerks. This mixture of functions was not unexceptionable, perhaps, in an age when the official name for magistrates' courts was still "police courts". But as recently as 1964 Parliament considered, and duly passed, an Administration of Justice Act which perpetuates this anomalous dual role. Not one of the MPs who spoke in the second reading debate even raised the question of whether this offended against that well known rule of natural justice — the rule relating to the payment of pipers.

Fortunately for Mr James he does not have to audit the accounts of the courts whose staff he pays — that is done by officials appointed by the Lord Chancellor acting as Home Office agents. If he had this task he would find that in two of the courts there is some difficulty in balancing the books. We hasten to add that the reason for this is not the same as it was in 1792.

TRIBUTE TO THE LONG-SUFFERING

Those unfortunate individuals who pass long hours in DHSS offices waiting to be seen should take heart. The Department is not unaware of their plight. Volume 1 of the new "Law relating to social security and family allowances" is titled "the statues".

News

Short sharp shock

A more sparing use of imprisonment through shorter sentences could be one way of achieving improvements in prisons, said the Lord Chancellor addressing the annual general meeting of the Magistrates' Association on 15 October. He urged magistrates to give more careful thought to the length of sentences they imposed and to consider giving shorter sentences. The view is now widely held, he said, that the worst part of a prison sentence is the first few days. Therein lies the deterrent effect. He then explained what he meant by a short sentence. Fourteen days was certainly a reasonable floor level, and one month not at all inappropriate or too short to make any impact.

Moving on to community service orders, he reminded magistrates that they were intended primarily as an alternative sentence for people they would otherwise have considered sending to prison. He welcomed the increasing use of the community service order — 5000 were made in the twelve months from 1 April 1975 — describing

them as one of the most imaginative alternatives to custody in Europe.

The views expressed by the Lord Chancellor are very much in line with those put forward in the annual report of the Howard League for Penal Reform and the report of the Newham Alternatives Project (see Publications section in this issue).

NCCL training kits

The National Council for Civil Liberties has produced two kits for training people to act as representatives in cases brought under the Sex Discrimination and Equal Pay Acts, one dealing with an industrial tribunal hearing, the other with a county court. Each includes a video tape of a mock tribunal or court, full background notes for speakers, and a set of specimen documents. The video tapes are ½-inch high density tape and run for 50 or 60 minutes.

Kits can be hired from Inter-Action, 14 Talacre Road, London NW5 (01-267 1422). £15, or £10 for women's groups and voluntary organisations. Inter-Action may be able to hire out video equipment to groups in London.