

# From Caernarfon to Caerdydd: Reimagining Justice in Wales 2030

*A Consultation & Discussion paper*

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Cymdeithas y  
Cyfreithwyr  
The Law Society

Reimagining Justice in Wales 2030  
Consultation & Discussion paper

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# EXECUTIVE SUMMARY

## FOREWORD

The following collected discussion papers have been developed by The Law Society Wales Office as both a suite of standalone documents for members and key stakeholders in Wales and as a supporting contribution to the 21<sup>st</sup> Century Justice and Reframing Justice projects being delivered by colleagues in London for members in both England and Wales.

Launched in January 2024, the *Reimagining Justice in Wales Internal Member Consultation* ran for six weeks, with additional responses from external stakeholder organisations collated between March and April 2024. Relevant consultation responses have been integrated into this paper where applicable. Further information on the Reimagining Justice in Wales consultation can be found in the document: *Reimagining Justice in Wales 2030 the consultation*.

The following papers set out a range of ideas, options, and evidence for potential changes that, when taken together, offer a vision for the future of justice in Wales. The overarching aim of *Reimagining Justice in Wales* is to detail, in equal measure, the unique challenges facing the legal sector in Wales over the next decade and the opportunities for growth amidst the wider political context in which long-term underfunding of the legal system across Wales and England has created and magnified numerous issues that need to be rectified and in which the devolution of some parts of the justice system to the Welsh Government is an increasingly likely outcome.

The most promising solutions to the long-standing problems currently facing the justice system in Wales are not groundbreakingly new or especially provocative. While this suite of papers attempts to offer new perspectives on how to reimagine the next decade or so of

justice in Wales, the most fundamental changes required to the legal system in Wales are in many ways already known and are systemic in nature. The scale of the current problems facing the justice system in Wales, coupled with a drive for reform that has lagged behind other professional sectors, mean that in many cases, straightforward system solutions have significant potential to lead to a significant transformation across Wales.

The headline direction of 2030 permits a strong public affairs strategy to mirror the Wales political cycle of the next full Senedd term 2026-2031. This term will be the first full term of under the terms of the Senedd Reform Act 2024 and the first full term of the Senedd following the next UK General election. If at the next general election, as current polls overwhelming indicate, the Labour party forms a majority Government, the 2026-2030 will be the first full Senedd term in which there is political congruence in Westminster and Cardiff Bay for the first time since 2010. It is in this political landscape that the devolution of justice to Wales is likely to become a key policy matter.

The structure of these papers will be arranged with the intent of asking pertinent questions around identified key legal policy issues which, we hope, will be engaged with, and answered by members and key stakeholders and built upon further as we move through this discussion process. These legal policy issues include reform in the areas of access to justice, structure of the courts and legal processes, digital and technological innovation, and potential devolution of justice functions. These papers, whilst detailed, should be viewed as part of a wider discussion initiation, that are open to challenge and further discussion and should certainly not be considered as the final word on any of the areas covered.

## INTRODUCTION

The most significant and overarching issues facing the legal profession in Wales and indeed in England share the same root cause: lack of investment and reform by successive UK Governments since 2010. The rural and dispersed nature of much of Wales, outside of the old industrial South Wales towns and cities, the move to remote working, recruitment and retention challenges, spiralling running costs and a rapidly evolving technological environment all collectively build additional complexity to already pre-existing challenges. The Law Society of England and Wales has repeatedly called upon the UK Government to undertake a fundamental review into the current crisis within the justice system, including a successful legal challenge in the high court regarding legal aid; however, these calls have gone largely unanswered. Whilst the Welsh Government has, during this period, worked to mitigate larger cost issues as best it can, it struggles amid the enormous funding challenges and the fact that policy and funding levers are held outside of their control.

With a separate Government, language, culture, and an evolving distinct jurisdiction built on the over 80 individual pieces of Wales only legislation passed by the Senedd, (Acts of Senedd Cymru) Wales stands unique as a country in the United Kingdom, one perfect for the mapping exercise accomplished by this document. Whilst this paper is unashamedly Wales centric, considerations and recommendations within this paper are applicable to areas of England with similar socio-economic and demographic characteristics to Wales such as the North-East and rural North-West England.

Following a series of seminal reports over the last five years, there now exists a wealth of research and recommendations that have been made regarding many aspects of the future of the legal sector in Wales. These reports include *The Commission on Justice in Wales 2019*, *The Jomati Rapid Review 2019*, *Delivering Justice for Wales 2022*, *the Future of Small*

*Law Firms 2023*, and the recently published recommendations of *The Independent Commission on the Constitutional Future of Wales*, amongst several others. These detailed papers, have until now, sat largely uncollated and without comparison of their recommendations. This paper seeks to evaluate relevant ideas and recommendations from these reports to form a coherent narrative from their conclusions and to offer relevant further recommendations to the issues they address.

In highlighting that many of the proposals, recommendations and conclusions contained within this paper are not original, it is useful to also detail the barriers to change which have prevented proposals for reform so far and what can be done to override them. Systematic reform of the kind presented in this paper is a long-term endeavour involving time periods that exceed electoral cycles. While political and economic circumstances may drive a push towards measurable short term expedient fixes, we must now look more towards building a sustainable, affordable, efficient, and user-friendly system of justice for the people of Wales. This paper is the Law Society contribution towards this goal by seeking to air the issues, put forward possible solutions and to try to establish agreed milestones and measurable aims for the justice sector in Wales up to 2030.

## Key Points

- a. It is widely accepted that the significant issues currently facing the legal profession in Wales originate from the lack of long-term investment by the UK Government.
- b. As a result, both the court estate and legal aid provision in Wales is in a state of advanced dilapidation.
- c. The Ministry of Justice has been unwilling or unable to invest in data gathering or analysis in a specific Welsh context.
- d. There exists little to no contemporary data pertaining to the legal sector in Wales. This alone makes issue identification and solution much more difficult.
- e. Such is the scale of the issues that the most basic of funding (including well planned and implemented infrastructure reform to the legal aid process, courts IT infrastructure and legal education) would result in transformational change across Wales.
- f. Where limited current proposals and recommendations have been developed by the UK Government, the distinct issues facing the Welsh legal sector are almost completely absent from these proposals.
- g. The Law Society believes that the part or full devolution of justice, if implemented and funded appropriately, offers significant potential opportunities to the people of Wales, alongside significant risk if not planned, funded, and implemented in a coherent and timely way.
- h. The Welsh Government has repeatedly called for the devolution of justice functions from UK Government over the current Senedd term (2021-2026). Given this vocal call at a political level, we believe that as a matter of urgency, Welsh Government ought to be undertaking significant political and civil service preparations in readiness for functions being transferred.

- i. Law firms operating in Wales will face a series of external challenges by the end of the decade, which remain, so far uncollated with long term policy solutions. These include specialisation, concerns around the implementation of technology including uptake of AI, and the sustainability of the small, local high street firms.
- j. The Welsh Government is well placed to support the legal sector through increased recognition of its place as a vital and essential sector. Given the potential change in the short-term political dynamic, we believe that The Welsh Government could and should make renewed attempts at working in collaboration with the UK Government around these issues when required.

## PAPER I: REIMAGINING ACCESS TO JUSTICE

### Summary:

This paper reviews the current state of access to justice in Wales, highlighting where services are failing and offering solutions to rectify present issues. Legal aid provision, predicated on supporting those who seek to explore disputes outside of court, and in early stages of cases can be cost effective in terms of advice saved down the line, reducing the court backlog, resolving cases quicker and assisting those who need support. The Nordic model of justice is just one excellent example that provides real systemic alternatives for reform to the justice system in Wales by either UK Government or in the event of devolution of justice to Welsh Government.

Following a prolonged period of underinvestment, legal aid faces numerous well documented challenges, including an ever-growing shortage of solicitors, the unsustainability of firms providing legal aid and an increasing number of court closures. Restrictions on the scope of and eligibility for legal aid has rendered access to justice all-but impossible for Welsh society's most vulnerable, a situation further exacerbated by a difficult geography and an inconsistent and expensive public transport infrastructure.

The current model of predominantly funding legal aid services by funding individual cases, often via fixed fees, will not enable providers to meet the need or demand for legal aid services. These fixed fees assessments rarely consider the geography or context of the area they are assigned. The extensive bureaucracy of the Legal Aid Agency system on each individual case leads to further additional and unnecessary cost.

The Law Society Wales office, having contributed to the Ministry of Justice's review of Criminal legal aid is providing similar support, including running focus groups for the current review of Civil legal aid being undertaken by the UK Government.

## PAPER II: REIMAGINING COURTS IN WALES

### Summary:

This paper establishes a framework for reimagining the court system in Wales, beginning with documenting current failures in the system and highlight international success stories.

a. *Court Backlogs*

The justice system across England and Wales is currently experiencing significant and ever increasing court backlogs and delays in case resolution.

b. *Staffing*

There is a shortage of solicitors, barristers, and judges, alongside court staff. Alongside further challenges to the operation of justice, the issue of staffing increases likelihood of mistakes, lower satisfaction, unmet legal need and compounds additional challenges further.

c. *Criminal Justice System Reform*

Issues to address in this area include overrepresentation of certain groups within the prison population, improving rehabilitation and reintegration programs, and ensuring consistent, fair, and equitable sentencing.

d. *Tribunal reform in Wales: International examples*

As a devolved area of competency, the latest tribunal reform proposals in Wales must address longstanding funding and capacity issues, to both improve outcomes and demonstrate that Welsh Government is able to seek further devolution of justice functions.

e. *Digitalisation and Technology*

The justice system in Wales, is in the process of varying degrees of digital transformation; however, the data necessary to make informed strategic decisions remains very scarce.

f. *Court reform: Examples*

Following the proliferation of accessible technology across various court systems around the world, programmes of reform have emerged designed to equip the judiciary with the most up-to-date modern technology and structures. In many cases, these modern reforms have created an efficient and coherent court process and strengthened access to justice that could offer some solutions for court reform in Wales.

## PAPER III: REIMAGINING JUSTICE IN WALES THROUGH TRANSFORMATIVE TECHNOLOGY

### Summary:

A common historical problem in legal innovation, particularly with smaller firms in Wales is that solicitors have their expertise and experience grounded in solving legal problems, not in procuring or implementing modern technology. The ambition of this paper is to provide examples of transformative legal technology that is easily accessible, applicable understandable, and implementable within the context of the legal sector in Wales.

Areas covered in this paper include:

- a. An improved data set of the current state of technology in the legal sector in Wales, would better provide a more detailed plan for both potential usage and implementation of technology.
- b. Technology alone will not fix the numerous current issues facing the justice system in Wales, but it can allow for the exploration of new forms of working that are more efficient and cost effective than currently undertaken.
- c. There are a series of widely available and easily accessible legal tech tools for use by law firms in Wales.
- d. Where firms in Wales are not using the latest technology, they risk being at a market disadvantage.
- e. The future of data generation, the ability to utilise automation and artificial intelligence to streamline contract analysis, legal research, and administrative work are all areas of technology with which the Law Society could work with the Welsh Government to support firms.

- f. The main reason behind the slow implementation of improved information technology solutions includes funding, a lack of knowledge and understanding of the latest technological innovations and anticipated barriers of cost.
- g. Collaboration between law firms and technology companies could increase, leading to the development of custom legal software, case tools, website client portals and platforms that cater to the specific needs of the legal industry.
- h. The technological improvements required in the legal sector in Wales are basic such as the upgrading of the c operating software and IT hardware across the justice system.

## PAPER IV: MAKING JUSTICE DEVOLUTION WORK

### Summary:

This paper outlines the risks and opportunities of the potential devolution of justice to Wales.

- a. The Welsh Government ought to prepare extensively for the eventuality of justice devolution. The political and civil service infrastructure changes required for Welsh Government to successfully run the justice sector in Wales are enormous.
- b. The UK Government's management of the justice consists of a ministerial department headed by the Secretary of State for Justice and four further ministers.
- c. At end of March 2023 the MOJ group had the second largest headcount of any department in the civil service with a total full-pay workforce of 95,103 people, of which around 65% (62,219 full-time equivalent staff) are employed in His Majesty's Prison and Probation Service (HMPPS).
- d. The annual budget of the MOJ stood at £6.3 billion & £600 million capital expenditure in 2018-19.<sup>1</sup>
- e. There is no data for budget or the capital expenditure of justice in Wales.
- f. With no current responsibility of the same powers, the Welsh Government does not maintain a 'department for justice', nor is there a cabinet role comprising of a minister for justice.

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<sup>1</sup> London: HM Treasury. 2018. pp. 23-24. Retrieved 30 July 2019

- g. There is therefore no ministerial budget, development / delivery plan or civil service staff beyond those who work on what we could term the peripheries of justice under the remit of 'Social Justice'.
- h. The devolution of justice poses immense potential opportunities and risks to the administration of justice in Wales, which need careful consideration.
- i. The Law Society has developed three red lines regarding the devolution of justice.

#### Justice Devolution

- i. *Any devolution of justice functions must be accompanied by an adequate commitment to a rigorous costing exercise followed by full funding from UK Treasury and meaningful intergovernmental collaboration with the legal sector to ensure its success.*
- ii. *The ability of solicitors in Wales and England to practise across the border without any impediment must be maintained without restriction.*
- iii. *The current single regulatory framework for solicitors across Wales and England should be preserved whilst recognising the unique circumstances of Welsh law.*

Furthermore, the Law Society has noted five process recommendations, alongside the above three 'red lines on justice devolution' based on the knowledge and experience of our membership. These are expanded upon in this chapter.

# PAPER V: REIMAGINING THE MODEL

## LAW FIRM OF 2030

### Summary:

This paper documents the necessary support required by law firms over the next decade to ensure that the law firms in Wales thrive and compete domestically and internationally.

- a. As we progress towards the end of the decade, it is useful to identify the support the Welsh Government could administer to law firms operating in Wales.
- b. The CEBR report into SME's provides solid evidence into the issues faced by law firms currently, however more Wales focused data is essential
- c. The Welsh Government is well placed to continue the successes of supporting and strengthening law firms operating in Wales into the future, continuing the successes of the collaboration with the Law Society to deliver the rollout of cyber essentials packages across Wales.
- d. Data regarding the implementation of up-to-date technology in law firms in Wales is sorely needed.
- e. Law firms, must adopt more environmentally sustainable practices over the coming decade, including reduced paper usage, energy-efficient operations, and digital document management.
- f. With the ability for law firms to operate in more jurisdictions, law firms are likely to extend their reach globally, serving clients beyond their traditional geography.
- g. Traditional billing methods should evolve, with law firms offering alternative fee structures such as subscription-based services, flat fees, or performance-based compensation.
- h. A gradual move towards a less centralised workplace with remote work and virtual collaboration may become more ingrained in the workplace.

- i. By actively supporting the establishment of legal practice nearshore service centres in Wales, the Welsh Government should be able to make considerable progress in delivering on at least two of the objectives set out in its Economic Action Plan:
  - i. Facilitating high quality employment, skills development, and fair work
  - ii. Particularly with reference to Legal tech, enabling Wales to become a centre for (legal sector) innovation and entrepreneurship.

## PAPER VI: REIMAGINING THE POTENTIAL OF IMPROVED DATA TO IMPROVE THE WORKING OF THE LEGAL SECTOR IN WALES BY 2030

### Summary:

a) This paper notes that there exists little to no current Wales specific data detailing the full extent of issues and successes across Wales. Without this data it is very difficult to develop fully detailed improvement plans for the legal sector. This lack of data can be clearly seen in the following areas:

- The role and significance of the legal sector in Wales
- The total revenue of the legal sector in Wales
- Breakdown of revenue by practice areas (e.g., corporate law, litigation, intellectual property)

b) Wales market share of major law firms or legal service providers

c) Economic trends and their influence on the demand for legal services.

d) The administrative cost of justice by the UK Government in Wales

e) Personnel with the legal sector, including the division of firm/in-house percentages.

f) Law firms in Wales / turnover and size

g) Practice specifications

h) Data regarding courts, ADR, tribunals

i) Adoption of technology by both the legal sector and firms

j) Cross-border services and Globalization

k) Legal education and training

l) Meaningful data relating to access to justice.

The Welsh and the UK Governments should either separately or collaboratively:

1. Analyse the current available data sets with the aim of identifying areas where existing data is underutilised or where Welsh specific data, that is statistically robust, is completely absent.
2. Use this intelligence to initiate a systematic improvement in data in relation to legal sector in Wales.

# Paper I:

REIMAGINING ACCESS TO JUSTICE  
IN WALES

## 1.1 CIVIL LEGAL AID

The Legal Aid and Advice Act 1949 clearly states its purpose as:

*"To provide legal advice for those of slender means and resources, so that no one would be financially unable to prosecute a just and reasonable claim or defend a legal right".<sup>2</sup>*

The 1949 Act established legal aid as a service funded by the state, under the direction of the Lord Chancellor as responsible Minister. Unlike most other post war welfare state Acts, which were grounded in the principle of universal access (such as the National Health Service), legal aid eligibility remains predicated upon a means and merits test. The inherent flexibility within the criteria set out by the Act around who constitutes a 'just cause' and who does not, has presented successive UK Governments with the irresistible opportunity to progressively restrict eligibility in the name of budgetary savings.

As the provision of legal aid encompasses a series of small services in distinct areas of law, until recently, incremental local cuts were operationally straightforward for UK Government to undertake, difficult to clearly see and as such avoided much national media scrutiny. The cuts effected by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) were made without any provision for alternative sources of advice that are necessary for there to be a fair and equitable access to justice for all.

It is a matter of fact that our current legal aid system is chronically underfunded and understaffed following a prolonged period of underinvestment. In 2022 the justice gap reported that over 15 million people in the UK are living in legal aid deserts, unable to access high quality legal advice and representation.<sup>3</sup> The number of firms in Wales

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<sup>2</sup> Brooke, H. *The History of Legal Aid 1945-2010*. Bach Commission on Access to Justice Appendix 6

<sup>3</sup> <https://www.thejusticegap.com/millions-in-the-uk-in-legal-aid-deserts-a-new-report-finds/>

providing legal aid has fallen by 29 per cent since 2012, whilst the average fall in England is 20 per cent.<sup>4</sup>

This paper builds on the work of the 2021 UK Parliament Justice Select Committee report on the Future of Legal aid with the strong caveat that their work requires reinterpretation to work in a devolved Welsh context.<sup>5</sup> This paper does not propose a plan for the Welsh Government to ‘fill the gap’ on existing UK Government legal aid provision, but rather asks both UK and Welsh Governments to commit to the development of a co-produced, properly costed legal aid programme. However, it is abundantly clear that there remain obligations on the UK Government to work collaboratively with the Welsh Government to restore legal aid provision across Wales to levels that provide real access to justice for all.

Whilst certain previous report recommendations rely on the increased provision of pro bono work and interventions by the third sector to fill the gaps created by UK Government underfunding, it is evident that short term patch fixes, predicated on small scale support networks cannot and should not be a long-term aim in Wales.

Our members have expressed the strong view that pro bono should not have to step in to cover shortcomings in the Legal Aid system. To the extent that pro bono services exist, it should not seek to take the place of the Legal Aid system or “undermine” that system by appearing to fill the gap left by the lack of Legal Aid provision.

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<sup>4</sup> <https://www.gov.wales/sites/default/files/publications/2018-07/Submission-to-the-justice-commission-from-law-works.pdf>

<sup>5</sup> <https://committees.parliament.uk/work/531/the-future-of-legal-aid/publications/>

## 1.1.1 Eligibility for Civil Legal Aid in Wales

At inception, 80 per cent of the population of England and Wales was eligible to receive legal aid.<sup>6</sup> This figure has fluctuated in the intervening years, falling to 40 per cent in 1973, before gradually increasing back to 79.1 per cent in 1979.<sup>7</sup> Systematic cuts to legal aid eligibility first introduced in 1986, reduced eligibility to 63 per cent.<sup>8</sup>

In 1996 the contributory levels of qualification were removed, reducing the scheme to bedrock eligibility at income support rates, together with those who had to pay contributions at higher rates for longer periods.<sup>9</sup> By 1997, 7.5% of all those who were offered legal aid were liable for contributions at an annual rate of more than £500.<sup>10</sup> The 2000 implementation of the Funding Code meant that some areas of civil law, which had traditionally been funded, fell out of scope.<sup>11</sup> By 2007 legal aid provision only covered 29% of the population.<sup>12</sup> This rose to 36% in 2009 as a result of economic pressure but has fallen each year since.<sup>13</sup> Much of this further diminution emanated from the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which cut large areas from civil and criminal legal aid overnight, denying legal assistance in previously supported areas of law (family, employment, housing, and debt).<sup>14</sup> The most recent data we could locate is from the Ministry of Justice (2016) and it estimates the eligibility for legal aid at around 25 per cent of the population<sup>15</sup>. It is near impossible to find accurate data post 2016, especially for Wales, with estimates sitting at between 18% and 20% for current eligibility.

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<sup>6</sup> Legal Action Group (1992) *A strategy for justice: Publicly funded legal services in the 1990s*, Ldn: Legal Action Group, p.8

<sup>7</sup> *Ibid*, p 161

<sup>8</sup> <https://www.legalcheek.com/lc-journal-posts/a-brief-history-of-legal-aid/>

<sup>9</sup> RICKMAN, NEIL, et al. "The Reform of Legal Aid in England and Wales." *Fiscal Studies*, vol. 20, no. 3, 1999, pp. 261-86.

<sup>10</sup> <https://sirhenrybrooke.me/2016/07/16/the-history-of-legal-aid-1945-to-2010/>

<sup>11</sup> HC179599, 20 Feb 2008

<sup>12</sup> *ibid*

<sup>13</sup> <https://www.chambersstudent.co.uk/where-to-start/newsletter/legal-aid-cuts-and-reforms/>

<sup>14</sup> *Legal Aid, Sentencing and Punishment of Offenders Act 2012: Chapter 10. (2012). United Kingdom: Stationery Office.*

<sup>15</sup> <https://researchbriefings.files.parliament.uk/documents/CDP-2020-0115/CDP-2020-0115.pdf>

### 1.1.1.1 Civil Legal Aid eligibility criteria

Exactly how the eligibility works is far from clear and very few people in very few types of cases now qualify as being able to receive it. The means test, for civil and family matters, has three different facets (although this does not mean that an applicant will be subject to all three):

- a) Gross income.
- b) Disposable income.
- c) Disposable capital.

If any of the tests are failed, funding is refused. Written evidence supplied to the Justice Committee in 2021 outlined that the current means test results in scenarios such as:

1. You are a pensioner on Guaranteed State Pension Credit but own your own home mortgage free there is a very real possibility that you will not qualify for Legal Help. If the value of the property is over £208,000 then they would be ineligible.<sup>16</sup>
2. If you are in a couple on basic state pension with income of over £1,163 per month then after the partner deduction of £184.46 you are out scope for Legal Help.<sup>17</sup>

Interactive maps and data concerning Wales released by the Law Society show the vanishing availability of legal aid across housing, welfare, education, community care and immigration, by both charities and law firms.<sup>18</sup> Following a long period of real terms cuts by the UK Government to legal aid, alongside a stagnant fees structure, the provision for legal aid is unsurprisingly very low. Wales has incredibly sparse coverage when compared with most of England, with limited collated detail on each provision of legal aid. With third sector

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<sup>16</sup> Justice Committee, *The Future of Legal Aid Third Report of Session 2021–22*. Written evidence from Broudie Jackson Canter

<sup>17</sup> *ibid*

<sup>18</sup> <https://www.lawsociety.org.uk/campaigns/legal-aid-deserts>

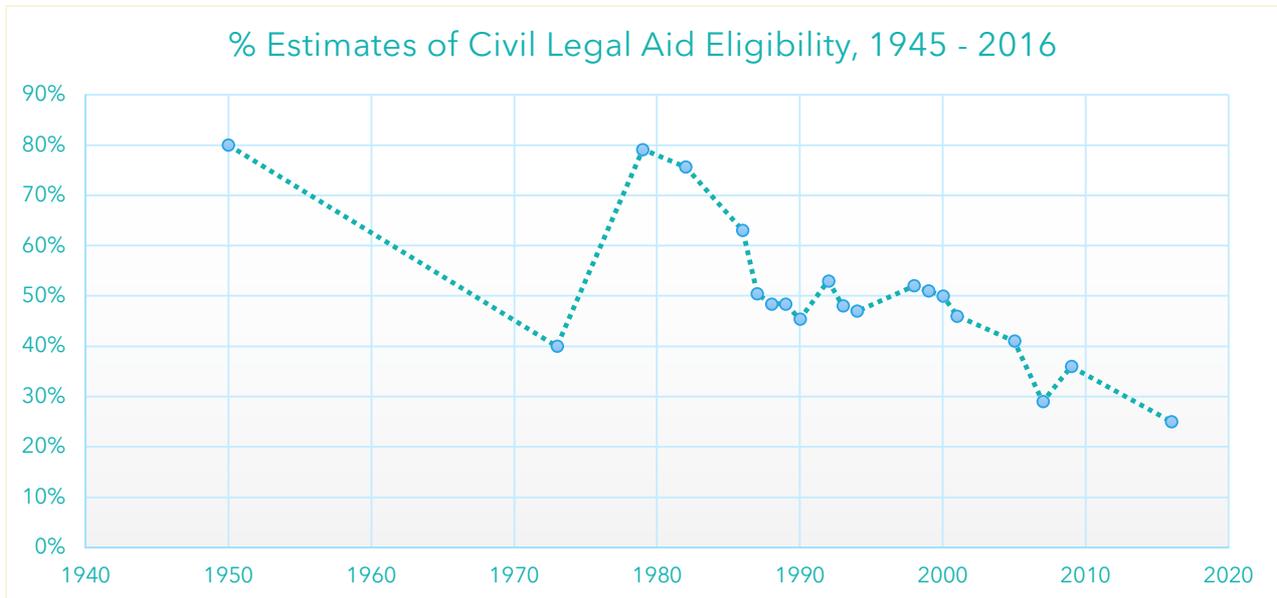
legal advice across Wales, the nature of the advice ranges from helping clients to complete benefits application forms and carrying out a complete benefits review through to support in appealing against decisions and representation at appeals tribunals.

## 1.1.1.2 Estimates of Legal Aid Eligibility

Year	Estimated percentage of the population eligible	Source
1950	80	a
1973	40	a
...		
1979	79.1 / 73.8	b / c
...		
1982	75.6	b
...		
1986	63	g
...		
1987	50.4	b
1988	48.4	b
1989	48.4	b
1990	45.4 / 66.1	b / c
...		
1992	53	d
1993	48	d
1994	47	d
...		
1998	52	e
1999	51	e
2000	50	e
2001	46	e
...		
2005	41	e
...		
2007	29	e
...		
2009	36	h
...		
2016	25	f

**Note:** These estimates are compiled from several different sources and using different estimation methods, so comparisons between years that use different sources should be made with caution. The 1979-1990 figures are estimates for the number of persons eligible rather than household however it is not clear whether all the other estimates are consistent with this.

### 1.1.1.3 Estimates of Legal Aid Eligibility



Sources:

- a)** Legal Action Group (1992) *A strategy for justice: Publicly funded legal services in the 1990s*, London: Legal Action Group, p.8
- b)** Legal Action Group (1992) *A strategy for justice: Publicly funded legal services in the 1990s*, Appendix 1: Extract from a paper by Michael Murphy, London School of Economics, London: Legal Action Group, p.161
- c)** Lord Chancellor's Department (1991) *Review of financial conditions for legal aid, Eligibility for civil legal aid: a consultation paper*, p.85
- d)** Brooke, H. (2017) 'The history of legal aid 1945 - 2010', in Fabian Society, 'The Bach Commission on Access to Justice': Appendix 6, p.11
- e)** HC179599, 20 Feb 2008
- f)** House of Commons Library, *Civil Legal Aid: England & Wales, Scotland and N Ireland compared*, 10 June 2016
- g)** Briggs, J. (2021) 'A brief history of legal aid'. *Legal Cheek*. Available at: <https://www.legalcheek.com/lc-journal-posts/a-brief-history-of-legal-aid/>
- h)** Chabers Student, 'Legal aid cuts and reforms'. 2013. Available at <https://www.chambersstudent.co.uk/where-to-start/newsletter/legal-aid-cuts-and-reforms/>

## 1.1.2 Capacity and sustainability

While the eligibility for legal aid has significantly reduced, the capacity of the state to administer legal aid has also reduced. Reforming the eligibility criteria alone, without reforming the capacity of legal aid would lead to an imbalance. Securing the capacity and sustainability is to resolve delays and pressures within the courts, the recruitment and retention of legal aid providers, the provision for legal aid to support early advice and case preparation, ability to integrate and explore ADR the existence of legal law centres, individuals to conduct the work and the fees paid to solicitors.

The Law Society has called upon the Justice Secretary, to urgently invest £11.3 million into civil legal aid. The last decade has seen a drop of 77% in new legal aid cases, largely due to cuts to areas of legal aid. This is at a time when millions of people are struggling with debt, housing costs and the cost-of-living crisis. Civil legal aid fees have not increased since 1996, representing a real term cut of 49.4% in fees in 2022. Law Society analysis suggests that the number of civil legal aid providers could drop by a third by 2025.

The Law Society is currently participating in the Ministry of Justice's Review of Civil legal Aid, facilitating focus groups with practitioners from across Wales.

## 1.1.3 Legal advice deserts in Wales

There has been a significant reduction in legal aid funding in Wales since 2012 as a direct result of LASPO. Taken together with Wales's challenging demography and geography, this has resulted in a crisis in terms of "advice deserts". These advice deserts have rendered people across large parts of Wales, mainly in areas of rurality or socio-economic disadvantage, unable to access high quality legal advice and representation when they need it. An analysis of the Legal Aid Agency's figures show that Wales has seen a 34% fall in civil legal aid expenditure on solicitor firms and a 69% fall in civil legal aid expenditure on not-for-profit organisations, compared to 23% and 63% respectively in England.<sup>19</sup>

As of 2023 across England and Wales:<sup>20</sup>

- 53m people (90%) do not have access to a local education legal aid provider.
- 49.8m people (84%) do not have access to a local welfare legal aid provider.
- 42m people (71%) do not have access to a local community care legal aid provider.
- 39m people (66%) do not have access to a local immigration and asylum legal aid provider.
- 25.3m people (42%) do not have access to a local legal aid provider for housing advice, a figure that has grown 5% since 2019.

The free legal advice provision that exists tends to be concentrated around the urbanised M4 corridor of in the South of Wales. Advice deserts create obvious geographical barriers as it is difficult to physically access legal services in a large part of rural Wales, with Powys, Pembrokeshire, Carmarthenshire, and Monmouthshire being especially poorly served.

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<sup>19</sup> [https://www.publiclawproject.org.uk/data/resources/293/LASPOA\\_briefing\\_Wales.pdf](https://www.publiclawproject.org.uk/data/resources/293/LASPOA_briefing_Wales.pdf)

<sup>20</sup> <https://www.lawgazette.co.uk/news/laspo-turns-10-legal-aid-deserts-expanding/5115622.article>

## 1.1.4 Civil Legal aid: Early access legal advice in Wales

Under the current civil legal aid framework, providers are not supported to provide early legal advice, which many solicitors have stressed can be crucial to preventing an individual's problems and in preventing the costs of a range of cases from escalating.<sup>21</sup> A 2010 report published by Citizens Advice highlights the importance and the economic case for access to early legal advice. Citizens Advice's 2010 report evidenced that every £1 spent on early advice saved between £2.34 to £8.80, depending on the type of legal issue faced.<sup>22</sup>

The number of legal aid cases where there was available help for people to get the early advice they need dropped from almost a million in 2009/10 to just 130,000 in 2021/22 across the UK.<sup>23</sup> Over the same period the number of people having to go to court without representation trebled and the number of advice agencies and law centres doing this work had fallen by 59%.<sup>24</sup> The evidence received on both social welfare law and private family law show that the current legal aid framework creates barriers that inhibit early legal advice for those that need it. The UK Parliament Justice Committee's publication "*The future of Legal Aid*" details that despite the savings achieved since 2010, the removal of early advice in several areas has rendered the civil legal aid system less cost effective and less efficient.<sup>25</sup>

On 26 March 2021 the UK Government launched the Family Mediation Voucher Scheme that provides a contribution of up to £500 towards the mediation costs for people resolving

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<sup>21</sup> <https://committees.parliament.uk/publications/6979/documents/72829/default/>

<sup>22</sup> Citizens' Advice (July 2010) *Towards a business case for legal aid: Paper to the Legal Services Research Centre's eighth international research conference*; Garden Court Chambers (LEG0044)

<sup>23</sup> <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/a-decade-of-cuts-legal-aid-in-tatters>

<sup>24</sup> *ibid*

<sup>25</sup> House of Commons Library, *Civil Legal Aid: England & Wales, Scotland and N Ireland compared*, 10 June 2016, p. 37

their family law disputes outside of court where appropriate.<sup>26</sup> This scheme was highlighted in the 2021 UK Parliament Justice Committee's Review of Legal Aid, where it welcomed the introduction of the Family Mediation Voucher Scheme as a positive step in reforming family legal aid. The report further believes a much wider expansion of this concept, seeking to promote alternatives to court procedure is a positive step which requires significantly more focus in the coming years. Whilst current solutions to the lack of legal aid often seek to propose 'voucher' style schemes, there is no overall UK Government strategy to address the real issue of targeting strategic early access legal advice. Whilst small scale voucher schemes have been successful to a limited degree and are worth highlighting, they cannot provide or maintain the level of early access support required over the next decade.

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<sup>26</sup> *Ibid*, page 43

## 1.1.5 Dispute Resolution Centre Wales “DRC Wales”

Legal aid support for those who seek to explore disputes outside of court, and in early stages of cases can be cost effective in terms of advice saved down the line, reducing the court backlog and resolving cases quicker. The goal in Wales ought to be early legal advice availability alongside mediation and other forms of dispute resolution, resulting in an increase in the numbers using dispute resolution successfully.

*The Commission on Justice in Wales* made three core recommendations for civil and administrative justice in Wales: co-ordination; rationalisation, and potential solutions for the longer-term, and the Welsh Government has signalled its plans to engage with stakeholders to take forward recommendations of the Commission to co-ordinate and rationalise civil and administrative dispute resolution in Wales.

*The Commission on Justice in Wales* further recommended the establishment of a Dispute Resolution Centre Wales (“DRC Wales”) to meet the needs of Mediation, Evaluation, Adjudication and Arbitration across Wales. As a result of this recommendation The Dispute Resolution Centre Wales, or Canolfan Datrys Anghydfodau Cymru Ltd has recently been established. Whilst an independent entity, DRC Wales draws its inspiration and support from the Law Council of Wales, which has been foundational in convening a group of leading dispute resolution practitioners with a particular interest in promoting dispute resolution in the Welsh context.

The case for the function of DRC Wales is grounded on the particular skill and capacity that the legal sector in Wales has demonstrated to work effectively on a collaborative, cross-

agency basis, and that Alternative Dispute Resolution (ADR) was recognised by the Commission on Justice in Wales as providing quick and cost-effective options for resolving disputes in both private and public law. DRC Wales aims to supervise the principled use and development of dispute resolution in Wales, and oversee the broader landscape, through:

- a. Establishing a Wales Dispute Resolution Pledge (“WDRP”) promoting and encouraging the awareness and use of modern, flexible, creative, and constructive approaches to dispute resolution, and offering an opportunity to demonstrate, to individuals, businesses and other stakeholders, approaches to how disputes can be managed, conducted, and resolved without the need for recourse to the court system.
- b. Encouraging Welsh Government, other public bodies and significant commercial entities operating in Wales, to meaningfully commit to WDRP principles.
- c. Conducting promotion, education and co-ordination activities in a manner that encourages and facilitates a principled approach to dispute resolution and relevant information sharing across relevant sectors in Wales; and
- d. Monitoring the development of the overall dispute resolution landscape as pertains to Wales and providing expert evidence-based advice and commentary, including through submissions to relevant consultation exercises.

Current measures under consideration by the UK Government including the Legal Support Action Plan, only appear to scratch the surface of this problem, particularly in a

Welsh context. Whilst the escalation of costs and complexity in cases poses a financial barrier, the matter is worsened by the fact that the current structure of the fees do not reflect the complexity of the work required for cases, and there is little to no incentive for firms to take on the most difficult cases at an early stage.

## 1.1.6 Fixed fees

The failures of the fixed fees model are directly related to the current issues around recruitment and retention of solicitors to work in this area, and to the lack of future sustainability of the legal aid service. The current fixed fee structure for legal aid does not reflect the complexity of the work required on cases that are not within scope (as shorter cases are not out of scope) across both civil and criminal legal aid. Fees have not seen an increase since 1996, nor have they been subject to reform or regular review to ensure that they offer a fair rate for the work required.

As providers focus on the cases that attract hourly rates, those funded by fixed fee, that are complex in nature, struggle to access lawyers of the necessary experience and expertise. A high volume of work is required to run a solvent business, meaning many firms steer clear of complex cases. As evidence presented to the UK Parliament Justice Committee in the formation of their 2021 paper notes, this forced situation results in preparation and conduct which may be inadequate, and in some instances improper, and often contrasted with the greater attention that solicitors could afford to spend on privately paid cases.

In terms of recruitment, rural areas of Wales where providers are unable to do legal aid work because of an inability to recruit and attract applicants will not be able to recover through market-based procurement. To restabilise the imbalance which exists currently, we believe that targeted UK Government intervention in the form of grant funding alongside

other measures to improve sustainability ought to be utilised where advice deserts exist in Wales.

It is not a merely a question of simply raising fees, but rather making better use of the resources available. The best way of ensuring value of money is to focus on expanding the capacity of those providers who can offer a high-quality service to the public at a relatively low cost and utilising the above recommendations of early access legal aid incorporating methods of alternative dispute resolution. Further innovative ideas such as tax breaks or other incentives for law firms undertaking legal aid work are noted in the fifth paper in this suite, *'Reimagining the Law Firm of 2030'*.

The Law Society would welcome the introduction of a more robust and streamlined system for administering legal aid in Wales, as recommended by *The Commission on Justice in Wales*:

*"The funding for legal aid and for the third sector providing advice and assistance should be brought together in Wales to form a single fund under the strategic direction of an independent body."<sup>27</sup>*

Such a system has the potential to ensure more equitable advice provision across the country and, subject to the fair re-allocation of funds from the MoJ, provide a much-needed economic stimulus to indigenous Welsh firms.<sup>28</sup> Suggestions on how to alleviate the restrictions on legal aid through encouraging more lawyers to provide pro-bono work could fill some<sup>29</sup> gaps in current provision, but it cannot and should not be a long term strategy for the future provision of legal advice in Wales.

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<sup>27</sup> *Thomas Commission*, p.18

<sup>28</sup> <https://www.lawsociety.org.uk/en/campaigns/consultation-responses/making-justice-work-in-wales-law-society-response>

<sup>29</sup> <https://www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html>

## 1.1.7 Third sector advice: Law Centres in Wales

Where barriers to firms providing properly structured legal aid have been created, law centres have traditionally filled the gap to support legal aid. 'Imported' as an idea from the United States, Law Centres have existed since the early 1970s and primarily work within their communities to defend the legal rights of local people.

There were a total of 53 law centres across England and Wales in 1997.<sup>30</sup> Current estimates place the figure at around 43 across England and Wales, concentrated mostly in cities and areas of high-density poverty. In Wales, the Cardiff Law Centre closed in 2014 after having been in operation since 1978. The Deaf Law Centre (Newport) closed in 2014, as did Cardiff Age Concern Welfare Rights Unit.<sup>31</sup> As an exception to this trend the Speakeasy Advice Centre in Cardiff has recently joined the Law Centres Network and become the Speakeasy Law Centre.<sup>32</sup>

A full survey of existing law centres must form the basis of any recommendations and suggestions to the continuation of this type of legal aid. Whilst small scale approaches such as law centres resemble a plaster on a large wound, it cannot be denied that there is a great deal of valuable work that law centres undertake, and the need for there to be accessibility to such centres in disadvantaged socio-economic areas cannot be understated. The potential mechanisms required for law firms to work alongside law centres, to provide quality legal aid assistance and training and opportunities for staff must be explored.

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<sup>30</sup> Brooke, H. 2016. *The History of Legal Aid*. 'Legal Aid'

<sup>31</sup> WS130 Public Law Project: 3

<sup>32</sup> OE038 Warren Palmer: 4

## 1.1.8 Third sector advice in Wales: Funding

It has been exceptionally difficult to establish exactly how much public funding currently goes into the third sector in Wales in respect of third sector advice. In 2019 *The Commission on Justice in Wales*' best estimate was that funding from the Welsh Government, the UK Government, local authorities, Local Health Boards, utilities, grant giving charities, trusts and foundations probably exceeds £20 million per year, but it has not been possible to derive an exact figure due to the range and complexity of funding sources.

Compounding the issue of a lack of data regarding third sector, is that of a lack of a single coordinating funding body. There is no statutory duty on any agency to fund advice services provided by the third sector, except for debt advice, responsibility for which was devolved to the Welsh Government. *The Commission on Justice in Wales* highlighted how clear evidence highlighted the need for a coordinated and transparent approach to funding.

Having reviewed multiple sources of evidence, we believe that funding for legal aid and for the third sector providing advice and assistance should be brought together in Wales to form a single fund under the strategic direction of a newly created independent body.

The largest third sector providers of advocacy and advice in Wales are Citizens Advice and Shelter Cymru which are partly funded by the Welsh Government. Although there are currently 34 independent clinics providing free 'pro bono' legal advice in Wales, demand still outstrips supply. As a result, Welsh Government has reallocated resources from other devolved policy areas on advice services, but this has not succeeded in bridging the gap caused by the cuts to legal aid. If policy was determined and delivered in Wales, there would be overall coordination of the provision of legal aid and advice services to meet the

identified needs of people in Wales. However, with responsibility and resource currently sitting with the UK Government Ministry of Justice we would ask that they move forward, in collaboration with Welsh Government, to establish an independent body for the strategic coordination of resource in Wales.

## 1.1.9 The understanding of legal rights in Wales

One of the biggest barriers to accessing justice, as previously identified by the Welsh Government<sup>33</sup>, is the wider population's knowledge and understanding of their legal rights. It has been repeatedly suggested that there is a lower level of understanding of legal rights in Wales than in England, particularly when the law in England and Wales differs. In conjunction with accessibility issues, such as broadband coverage and digital literacy, a lack of understanding of legal rights will lead to both unmet need and a lack of fluidity when working with the legal system.

Participants of a Welsh Government survey regarding understanding legal rights demonstrated clear examples of confusion about which laws apply in Wales.<sup>34</sup> This included a notice being served in Wales under housing legislation that only applies to England, and a Ministry of Justice Q&A tool that only applied the law as it relates to England, even if you selected that you live in Wales. Accessing justice in the Welsh language was a further issue identified. One legal practitioner said they haven't used Welsh in their legal work for a long time out of fear that court staff would not know how to deal with it and wouldn't produce an appropriately accurate translation.

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<sup>33</sup> <https://research.senedd.wales/research-articles/access-to-justice-in-wales-key-issues-and-challenges/>

<sup>34</sup> *Ibid*

To address the lack of legal understanding, satisfy unmet need and ensure the best use of legal services, there is a clear need for the creation of easily accessed services (including online provision) that can help educate the public about their legal rights, responsibilities, and available legal services. The fourth paper in this suite, *“Caerleon to Caerdydd: Reimagining future justice in Wales through transformative technology”* evaluates many of the ways in which technology can be used on a nationwide basis to start to resolve the issues detailed in this section.

In response to our consultation, many members reiterated the possibility of mediation services assisting in resolving unmet need and access to justice. Members suggested more access to funded mediation services, either before or after issue of proceedings. In terms of housing claims, tenants (particularly tenants of council housing) are encouraged/forced to remain in properties until a possession order is obtained. If more help for tenants was available before the point of a possession order, this would lead to less work for courts.

## 1.2 CRIMINAL LEGAL AID IN WALES

Criminal legal aid faces many of the same challenges as civil legal aid that includes an ever-growing shortage of criminal duty solicitors. The erosion of the level of remuneration received by criminal legal aid solicitors such as the inability to provide pre-charge advice has led to very poor relative earnings and has driven the reduction in the numbers of qualified solicitors who feel able to work in this area. This coupled with the backdrop of increasing court closures, inadequate prison provision and a 3% rise in arrests in the last 12 months in England and Wales has brought the criminal legal aid provision to the crisis point we now face.<sup>35</sup>

### 1.2.1 Eligibility

The adversarial nature of England and Wales' justice system relies upon the existence of a sustainable publicly funded criminal defence profession that can provide a high-quality service to suspects and defendants and deliver upon the concept of a fair trial. Before 2013, all defendants in Crown Court proceedings were eligible for legal aid with the sole purpose of means testing ahead of Crown Court trial was to determine the level of contribution required by the defendant, if any at all. The Legal Aid Transformation (LAT) tranche of reforms in 2013 introduced an upper eligibility threshold for the first time. Any defendant with a disposable household income of £37,500 or more would now be ineligible for legal aid.<sup>36</sup>

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<sup>35</sup> <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022>

<sup>36</sup> <https://www.gov.uk/guidance/criminal-legal-aid-means-testing>

Criminal legal aid providers provide legal services in four main areas:

- Pre-charge advice at the police station
- Legal representation in the magistrates' court
- Litigation and advocacy services in the Crown Court and Higher Courts; and
- Legal advice and advocacy assistance for prisoners

## 1.2.2 Cuts to criminal legal aid in Wales

Numbers of duty solicitors and criminal legal aid firms in Wales continue to fall at an alarming rate - with several police station schemes on the verge of collapse. The number of duty solicitors across England and Wales has already plummeted by 26% since 2017 (1,446 fewer).<sup>37</sup> It is estimated that 618 more duty solicitors could be lost by 2027 (11%). The demise of duty solicitors across England and Wales puts justice in jeopardy, with new data in July 2023 projecting an alarming 37% fall in a decade (2,064 fewer defence solicitors).<sup>38</sup>

## 1.2.3 Amman Valley duty solicitor rota fees

A key illustration of the difficulties faced by law firms in Wales is that of the Amman Valley duty solicitor rota fees. *Amman* highlights both local pricing irregularities and the real terms cut on legal aid rates for solicitors as the UK Government Justice Secretary has rejected the advice of the UK Government's own independent review (the Sir Christopher Bellamy

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<sup>37</sup> <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/perfect-storm-for-criminal-justice-gwent-among-worst-hit>

<sup>38</sup> *Ibid.*

Review) of the crisis in the criminal justice system stating a necessity for a minimum of a 15% increase immediately.

In August 2023, the Legal Aid Agency contacted the four firms who comprise the Amman Valley Duty Solicitor rota to inform them that the fee that they were being paid for police station attendance was being reduced by 24.79%. The decision was taken as Dyfed Powys Police had moved their Custody Suite from Ammanford Police Station to a new purpose-built Bridewell suite at Dafen on the outskirts of Llanelli. The fee for police station attendances at Ammanford was set at £204.64 however, the fee for the old Llanelli police station (that has not been used in many years) was set at just £159.50. The LAA had decided that as Llanelli was the nearest police station to Dafen then the lower fee would be appropriate. This effectively forced the Amman Valley Duty solicitors to operate at a level 40% less than which Sir Christopher Bellamy deemed to be the acceptable minimum level.

Whilst the Law Society were able to highlight and influence to ensure a reversal of this particular ineffective and destructive pay reduction in Amman Valley, many areas across Wales are still battling for the 15% essential increase as highlighted by Sir Christopher Bellamy.

## 1.2.4 In Wales, Crime doesn't pay.

The current unwritten job description for a criminal legal aid lawyer is an offer of poor rates of remuneration compared to nearly any other area of law; frequent unsocial hours; often mentally and emotionally challenging work, for which there is little support. This in collaboration with high demands of regulatory compliance and a "low standing of criminal defence lawyers" in public discourse fuelled by ever increasingly pejorative rhetoric from

UK Government.<sup>39</sup> There simply are not enough criminal legal aid solicitors available because the work is no longer financially sustainable as a career option or a business.

Funding for solicitors operating in the criminal sphere is at an all-time low, there also is a growing imbalance between the ability of criminal defence firms in Wales to recruit and retain staff and that of the Crown Prosecution Service to do the same. The CPS in Wales currently offers higher rates of pay for comparable experience, better pension options and better annual leave options that means that law firms are increasingly unable to compete in the legal jobs market in Wales. It is fundamental to our adversarial justice system that criminal defence services have sufficient resources to provide high-quality representation to suspects and defendants. There is a risk to fairness if lawyers are not willing to take on the most complex cases because of the low rates of pay.

Criminal legal providers in some areas of Wales are struggling because there is not the volume or the quality of the work that there is elsewhere in the UK, even in Wales' most active courts. Studies suggest that providers in Cardiff have suffered disproportionately from changes to criminal legal aid because the city does not have the same amount or type of work as larger cities in England.<sup>40</sup> This reinforces the Law Society's analysis of the LAA Duty Solicitor Scheme data, showing that certain areas of England and Wales were likely to face a severe shortage of criminal duty solicitors in the coming years.<sup>41</sup>

In 2021 as part of ongoing reviews into Criminal Legal Aid, the Independent Review of Criminal Legal Aid chaired by the then Sir Christopher Bellamy put forward conclusions and proposals to the Justice Secretary in 2021, detailing an accelerated package of measures

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<sup>39</sup> *Birmingham Law Society (LEG0024)*

<sup>40</sup> *Dr Roxanna Dehaghani (Senior Lecturer in Law at Cardiff University); Dr Daniel Newman (Senior Lecturer in Law at Cardiff University) (LEG0022)*

<sup>41</sup> *The Law Society, Criminal duty solicitors: a looming crisis, 7 July 2021*

to amend the criminal legal aid fee schemes (the AGFS and the LGFS).<sup>42</sup> The consultation set out a number of proposals relating to how:

- Litigators and advocates are paid for work on unused material
- Advocates are paid for work on paper heavy cases
- Advocates are paid for cracked trials in the Crown Court<sup>43</sup>; and
- Litigators are paid for work on sending cases to the Crown Court.

Sir Christopher Bellamy's current, commissioned by the UK Government notes that, there are clear benefits for the operation of the criminal justice system if more work can be done at an early stage to make progress on a case and fees and rates should be regularly reviewed in line with inflation, otherwise issues themselves grow over time and become harder to address. It is our contention that the UK Government should reform the fee structure to prioritise quality over quantity and to allow criminal defence lawyers in Wales to spend more time on the most difficult cases at the earliest possible stage.

## 1.2.5 Technology and access to justice in Wales

Whilst countless proposals invite review to the technological process of the courts, and seek to rectify legal aid disparities, many note that several parts of the criminal justice system, namely the courts, the police, and the CPS, are already experiencing some benefits from improved technology whilst defence services are being left behind. A joint report titled '*Not remotely fair?*' by Transform Justice, the National Appropriate Adult Network and Fair Trials, published in February 2021, identified the effect of remote legal advice on children and mentally vulnerable people. The findings were based on an online survey conducted with

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<sup>42</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1041116/clar-independent-review-2021-annexes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041116/clar-independent-review-2021-annexes.pdf)

<sup>43</sup> A trial that has been listed for a not guilty hearing on a particular day but does not proceed, either because the defendant pleads guilty to the whole or part of the charge, or an alternative charge, or because the prosecution offer no evidence.

trained appropriate adults, many of whom continued to attend police custody throughout the pandemic. This report recommended a return to in-person advice and assistance for all vulnerable suspects as soon as possible. The report also concludes that further research on the impact of remote legal assistance on suspects, particularly children and vulnerable adults is urgently needed.

## 1.2.6 Welsh Litigants in person

The numbers of people conducting their own cases before the civil courts continues to increase sharply.<sup>44</sup> A multiplicity of factors is driving this position, including a lack of available legal aid for advice or representation, the rural and dispersed nature of much of the Welsh population outside of the South Wales M4 corridor, the impact of court closures and the vulnerable nature of many court users. Many Welsh citizens who need legal advice are not now able to obtain it and the effect has been worst on the most vulnerable and socio-economically disadvantaged groups in society. It should come as little surprise to anyone that evidence indicates that a lack of representation can negatively impact against a person securing the best outcome in their interest.

In addition to the ever-growing number of litigants in person, because of the reforms introduced by LASPO, there has been an increase in the number of “McKenzie Friends”, the proliferation of which combined with the lack of regulation is a matter of real concern.

There is the potential trajectory with Litigants in Person becoming even more so dominant of the expected client market. Private paying clients often feel that they lose an advantage over a Litigant in Person who can profess not to be aware of regulations, requirements etc,

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<sup>44</sup> <https://www.magistrates-association.org.uk/News-and-comments/the-number-of-litigants-in-person-in-crown-court-rising-sharply>

which can lead to frustration especially in the event of a Court's reluctance to consider or enforce costs against a LIP. Firms needing to ensure they are incentivising by way of pricing in the face of an automated process - that competent LIPs should be able to navigate with minimal assistance.

Whilst small scale provisions appear to have been made to support litigants in person, with some online and telephone information services available, some telephone calls to, for example, the Ministry of Justice advice lines for child support and probate services have a charge rate of 55p per minute. Where relevant websites do exist, they often contain endless unclear pages, which one would not be mistaken for thinking are deliberately obfuscated. Simple redesign of websites, without addressing the funding issues amount to a clear example of 'patching' across the issue rather than resolving the issue of litigants in person in the first place. Here, as with unmet need and the wider understanding of legal rights, a redesign of how people in Wales can access information and resources is required.

## 1.2.7 The challenge of legal aid recruitment

The ripple-effect on how Legal Aid is perceived by students and junior lawyers, who have become accustomed to the downward trajectory of Legal Aid availability and may not have practised prior to this becoming a more centralised and urgent problem. As a result of the impact on Legal Aid, this type of practice can often be viewed as an excessive and demanding workload, high-maintenance and troubled clients, and minimal pay representing your level of experience. Even if the financial issues are remedied in the future, there must be consideration for reintroduction to junior lawyers into Legal Aid with incentives especially since some may not have opted to practice in Legal Aid at all in their training years.

## 1.2.8 Criminal legal aid comparison: Scotland

The eligibility criteria for criminal legal aid in Scotland includes a means and merits assessment for initial advice and assistance and for representation in more serious cases. The eligibility 'means' assessment considers whether meeting the expense of a case would mean 'undue' hardship for the accused or their dependants. Merits are assessed on whether it is in the interests of justice for the accused to be legally represented. The Scottish Legal Aid Board administers and grants criminal legal aid the majority of cases (97% in 2017-18).<sup>45</sup> The courts grant criminal legal aid, with eligibility criteria consisting of:

1. Does the defendant have enough income to pay for their defence?
2. Is it in the interests of justice for the defendant to receive legal aid?

In Scotland in 2017-18, 93% of applications for legal aid for advice and assistance and for proceedings in less serious cases were granted, and for more serious offences 92% of applications were granted.<sup>46</sup> From a learning and best practice perspective, it would be useful to understand from the Scottish data, the cost effectiveness in the long term of this plan and investment.

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<sup>45</sup> <https://www.slab.org.uk/app/uploads/2020/12/SLAB-Corporate-Plan-2020-2023-.pdf>

<sup>46</sup> In 2017-18, the Scottish Legal Aid Board spent £74.09 million on criminal legal aid and £49.91 million on civil and children's legal aid. Assisted persons and opponents contributed a further £8.09 million (Scottish Legal Aid Board (2018) Annual Report and Accounts).

## 1.1.10 Criminal legal aid comparison: Northern Ireland and Scotland

The annual expenditure in Scotland for Scotland Civil and family legal aid remained consistently around £60m from 2013/14 to 2021/22, and criminal legal aid at around £5m per annum in the same period.<sup>47</sup> The scope for civil legal aid in Scotland is wider than that in England and Wales and is largely delivered by law firms across Scotland and particularly in rural areas. Despite having slightly smaller per capita expenditure on legal aid than England and Wales, Scotland maintains a greater percentage of the population eligible to receive legal aid.<sup>48</sup>

## 1.2.7 Learning from Nordic models of legal aid and justice

As highlighted by *The Commission on Justice in Wales*, several jurisdictions including the Nordic nations, have a public defender service which provides legal representation in criminal cases. Most of the Nordic public defence schemes are administered by the court and provided almost entirely by private practitioners, not state employed lawyers. The exception being in Finland where public legal aid lawyers as well as private practitioners function as public defenders.

The concept of eligibility for criminal cases here is predicated upon non-means tested basis consistent with the view that the right to a defence (innocent until proven guilty). Where defendants are found guilty however, they may then be liable to repay defence costs, usually subject to their means.

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<sup>47</sup> <https://www.statista.com/statistics/1101924/legal-aid-spending-in-scotland/>

<sup>48</sup> Evans, M (2018) Rethinking Legal Aid: An Independent Strategic Review.

In line with the recommendations of the Commission on Justice in Wales, we think there are significant benefits to:

*“[T]he typical approaches of the Nordic nations accords better with creating a fair and just society in Wales and that a system based on those approaches with legal aid administered by the courts is one that is better suited to assisting those accused of crime”.*

The provision of legal aid available at the point of arrest in the rural and post-industrial areas of Wales ought to be secured through adequate facilities and recompense for practicing criminal solicitors. Adopting the principles and practices of the Nordic models concerning legal representation in court in non-trivial cases could greatly reduce the current backlog and ease issues around access to justice.

## 1.2.9 Conclusion

Following a prolonged period of underinvestment, legal aid faces numerous well documented challenges, including an ever-growing shortage of solicitors, the unsustainability of firms providing criminal defence, an increasing number of court closures, and inadequate prison provision. Restrictions on the scope of and eligibility for legal aid has rendered justice all-but inaccessible for Welsh society's most vulnerable. Even when legal aid is available in principle, any lawyer who attends to one's case will be underpaid, overburdened, and undervalued.

Many have argued that the structure of legal aid does not have much longer before breaking down completely. As *the Legal Cheek* states, ambiguity surrounds only what will give first: the sector, its lawyers, or the vulnerable people whom the system was designed to serve.<sup>49</sup> Member suggestions for improvements to current arrangements include the creation of a contribution based system, through to the utilisation of wholesale systems used in other successful jurisdictions.

The focus of civil legal aid, including the provision of advice by the third sector, should be, as the Bach Commission identified, to encourage early dispute resolution across a broad range of legal issues and to prevent further distress and cost. Meanwhile a fair criminal justice system needs to be predicated on the ability of those to have fair access to justice without impediment. If financial barriers are preventing those from doing so, then it is essential that the state steps in to address those barriers. Coordination, particularly of funding, based on assessed need, is also necessary in order to avoid 'advice deserts', whether in terms of subject or geography. Whilst a mixed economy of legal aid, third sector,

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<sup>49</sup> <https://www.legalcheek.com/lc-journal-posts/a-brief-history-of-legal-aid/>

and independent provision of information and advice is necessary to meet the need, overreliance cannot be placed on non-state services.

**Paper II:**  
REIMAGINING COURTS IN WALES

## 2.1 Dysfunctionality in Welsh Courts

Our courts in Wales are plagued by a myriad of deficiencies, further exacerbated by a lack of clear overall strategic direction, budget allocation or ambition for change. New figures published 14 December on the Crown Court backlogs show they have grown over the last quarter to 66,547, an increase of 3% on the previous quarter and the highest Crown Court outstanding caseload on record. The gap between spiralling numbers waiting in the queue and the UK government's own unambitious target of reducing the Crown Court backlog to 53,000 by March 2025 continues to widen.

Outstanding cases, where individuals have been remanded in custody for more than two years, have also risen to 1,063. This is a 932% increase in three years - a record-breaking peak. The criminal justice system is withering at the root due to decades of underinvestment and the government's failure to tackle the crisis. Delays in the courts are being compounded by a chronic shortage of lawyers and judges, overrun prisons and courts in disrepair. The increase in the number of people on remand for long periods awaiting trial is extremely concerning.<sup>50</sup>

Whether the administration of the justice system is devolved to Wales in the future or not, there are a plethora of issues which require immediate thought and coordinated action to resolve.

The most basic infrastructural requirements of the courts in Wales have been ignored for a considerable period of time, technological innovations have been proposed and subsequently shelved, and the process of justice now stands with unacceptable delays as the norm rather than the exception across nearly all Welsh courts. One source of inefficiency

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<sup>50</sup> <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/record-numbers-waiting-years-for-trial>

arises from what many members term the “continuing tyranny of paper”, coupled with the use of obsolete and inadequate IT software and hardware. Many are unable to access justice due to the combination of the excessive costs and the procedure of the civil courts, which makes litigation without lawyers impracticable. Where investment in provision for civil justice has been implemented, much of it has been centralised within specific London boroughs.<sup>51</sup> Criminal courts are swamped by a 63,000-case backlog and have been under unsustainable pressure for many years. In almost all instances, these issues are still getting worse not better. The most recent audit of the efficiency of the criminal justice system in England and Wales, conducted by the NAO in 2016, found a system failing on a number of levels, noting:

*“Delays are getting worse...the complexity of cases has increased...waiting time for a Crown Court hearing has increased by 35%...since September 2013...Two-thirds of cases still do not progress as planned, creating unnecessary costs. Trials that collapse or are delayed create costs for all the participants, including the CPS, witnesses and HMCTS. In 2014-15, the CPS spent £21.5 million on preparing cases that were not heard in court...”*<sup>52</sup>

The Justice Select Committee of the House of Commons, concurred highlighting that:

*“The criminal justice system is bedevilled by long standing poor performance including delays and inefficiencies, and costs are...shunted from one part of the system to another”. An ineffective and inefficient system of criminal courts comes with several*

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<sup>51</sup> Lord Justice Briggs, July 2016. “Civil Courts Structure Review: Final Report” p.68 and p.73

<sup>52</sup> Ministry of Justice, 2016 Efficiency in the criminal justice system HC 852 SESSION 2015-16, p.7

*negative societal consequences, including low levels of public confidence in their functioning, higher crime, and damage to the rule of law.*<sup>53</sup>

Between 2010 and 2019, over half the courts across England and Wales were closed. There does not appear to exist a plan for the reopening or rebuilding the capacity provided by these closed courts across England and Wales, nor does there seem to exist a restructuring plan for how to use existing court infrastructure to account for the closures.

## 2.2 Court infrastructure

Broken heating, antiquated sewage systems, mould, asbestos, and leaking roofs are among some of the unacceptable conditions encountered by solicitors in courts in England and Wales every day. A survey by the Law Society has found around two-thirds (64%) of respondents had experienced delays in cases being heard within the past 12 months, owing to the physical state of the courts, contributing to an ever growing and substantial backlog of cases. Over 30% of respondents did not feel physically safe while attending court and 28% told us the courts were “not at all fit” for purpose. Other problems identified by solicitors included lack of private spaces for client consultations, broken air conditioning, lack of drinking water or other refreshments, poor and outdated technology, broken lifts and other accessibility problems, particularly affecting clients, and advocates with disabilities.<sup>54</sup>

As part of an overdue strategic improvement and modernisation programme, technology can drive improved efficiency, sustainability, and increased satisfaction in our courts. However, a lack of a coordinated and strategic improvement programme results in situations where low cost, untested software is rolled out, that then doesn’t integrate with existing

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<sup>53</sup> *Ibid*, p.5

<sup>54</sup> *The New Statesman* (£) and *UK Daily News*

systems, consequently driving increased delays and costs. Much of the HMCTS court reform programme was paused during the pandemic, but the completion dates remain unchanged. We strongly believe that these time scales should be adjusted, so that they are realistic and achievable.

*The Commission on Justice in Wales* reiterated the concerns of relying on technology as a panacea for the courts system, noting that there is a disproportionately high percentage of individuals who are court users, who are mentally ill or have an acquired brain injury, people with substance misuse problems, people in poverty, people who are homeless, those whose first language is not English or Welsh, and those who experience multiple disadvantages and who were born into a cycle of deprivation. Nine out of ten clients receiving assistance in court in Cardiff need help with technology, underlining the point that technology can provide some but not the entire solution.

HMCTS plans to implement all remaining civil, family and tribunal services by March 2024, with plans explicitly to:

- Deliver remaining services in online civil money claims, civil enforcement, bulk claims, and damages.
- Reform tribunals for employment, immigration and social security and child support.
- Integrate its new scheduling and listing tool with each of the reformed civil, family and tribunal case management systems.
- Continue to develop the Video Hearing Service.

The following projects are paused:

- Digital reform work on adoption and possession
- Work on Special Tribunals (except Criminal Injuries Compensation Tribunal)

## 2.3 Court infrastructure in Wales

The availability of specific Welsh data regarding courts is poor and this makes it difficult to pinpoint the exact evidence-based needs of Wales. However, there is publicly available data on crown court closures across England and Wales, in the form of an automated data report that is published every day by 'Court\_Stats', an online data project noting the daily crown court closures in Wales. From August 2023 to September 2023, the highest number of court closures fluctuated between 114 and 149. 149 of the 498 courts represents 30% of all possible crown courts closed. On the 29<sup>th</sup> of August, half of the crown courts (11 of the 22) in Wales were not sitting. It is of course vital to highlight that existing courts are but a shadow of the former estate with over half the courts across England and Wales being closed between 2010 and 2019. This situation is as unsustainable as it is unacceptable.

## 2.4 Worsening case backlogs

The Crown Courts in England and Wales ended 2022 with chronic and near-record backlogs, despite more than a year of attempts to speed up justice. In October 2022, there were 63,121 cases in the courts backlog. In August 2023 the UK Government announced it will continue not to cap judicial sitting days. It has also committed to invest in modernisation and repair work on court buildings. There were 61,737 outstanding serious-crime cases, the highest recorded year-end figure so far, although down from a peak in the autumn.<sup>55</sup> New data released in April 2023 shows that problems in the criminal justice system are in some instances deteriorating further.<sup>56</sup> From February 2022 to February 2023 there was a

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<sup>55</sup> <https://www.bbc.co.uk/news/uk-64586483> (2023)

<sup>56</sup> <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/government-set-to-miss-target-to-reduce-courts-backlog>

6% increase in the Crown Court backlog of outstanding cases, despite a 1% fall from January - February this year. The continuing lack of progress to reduce the backlog makes it unlikely the government will achieve its target of cutting the number of cases waiting to come to court to 53,000 by March 2025.

Significant travel times, due to geography and inadequate public transport infrastructure across Wales, means that arriving at a hearing on time is challenging for many. Some contributors explained that these issues have a disproportionate impact on those on low income. These issues are once again exacerbated by the lack of available lawyers and judges.

The Law Society have long highlighted the need to invest in our crumbling courtrooms and maximise the number of days judges can sit. Although the announcement is a small step in the right direction, the latest figures show that the backlogs of outstanding cases in the magistrates' court and Crown Court continue to get worse causing unacceptable delays.

The Law Society has taken the current position that there needs to be urgent investment to tackle the chronic lack of personnel. Ensuring there are enough judges, court staff and lawyers to do the work must be a priority.

## 2.5 The shortage of solicitors and judges

The Crown courts are struggling to find enough judges and lawyers to deal with the backlog of cases. Many attribute this to the 25% cut in funding to the justice system since 2010-11 which has "dulled the position's allure". The shortage of solicitors and barristers in Wales similarly constraints crown courts as they try to grapple with the number of cases waiting to be heard. Whilst the UK government has noted that "*Our independent judiciary is the cornerstone of the rule of law and effective remuneration is important in attracting and retaining*

*high calibre judges.*” Many note that their words have not been substantiated with measurable action.

A 2018 report noted “unprecedented” judicial recruitment problems were because of pay, pensions and conditions. Whilst recruitment and retention within the legal sector in Wales is nothing new, many firms highlight the increasing levels of staff turnover, difficulty in re-training staff, and maintaining staff wellbeing as key issues affecting their business post Covid-19 and the move to remote working. The move to remote working has changed the market; firms in places such as London and Bristol are able to offer higher salaries than Welsh firms, without the need for relocation.

The Criminal Bar association have relayed a similar message, detailing that:

*“Too many lawyers have drifted away from criminal work, because they can earn a better living elsewhere”,* leaving, the Criminal Bar Association says, *“a shortage of defence counsel - and prosecutors. The levels of pay have dropped and the working conditions of the judges have really changed quite dramatically with judges hearing more cases in court buildings which are in a poor condition, with falling masonry and broken toilets. Why would you want to do it?”*

Caroline Goodwin QC, chair of the Criminal Bar Association.

## 2.6 Overcoming hurdles to resolution

The criminal justice system comprises of a series of bodies each involved in the administration of the criminal law of England and Wales, with specific responsibilities and with the courts completely independent of other bodies. This chapter will not detail each aspect of

the complexity of the criminal justice system but will highlight the areas in which the reduction of this complexity through strategic reform can aid the justice system.

Given the persistent nature of the problems in the courts, it is unsurprising that there have been numerous attempts at reforming the system over recent decades. One such notable report into reform is that of the *'Future Proofing Justice'* by the Social Market Foundation in June 2022.

In a 2021 preliminary interview roundtable event with legal academics and practitioners, researchers concerning court reform, a participant noted that:

*"I've seen four different attempts over the last twenty-five years to fundamentally re-engineer the criminal justice system. And they've all ended up as efficiency projects with minor, incremental gains not...addressing the systemic problems".*

Prior to the current court modernisation programme, the two most recent and prominent efforts to improve the efficacy and efficiency of the criminal courts were those by Sir Robin Auld (published in 2001) and Sir Brian Leveson (published in in 2015). In 2001, Sir Robin Auld published his review of the functioning of the criminal courts system in England and Wales. The report set out an extensive indictment of the court system at the time:

*"The criminal justice system...[has]...complexities in every corner of it. The consequence is damage to justice, efficiency, and effectiveness of the system and to the public's confidence in it... The 'system', a legacy of centuries of piecemeal change, is a mix of autonomous national and local bodies attempting to collaborate and consult with each other through a network of committees at different levels. There is no over-all direction; there are no over-all lines of management or accountability; there is, instead, co-ordination of variable quality, and cross-reporting..."*

Reform of the scale required is no simple matter. Legislative hurdles to reform are compounded by the complexity of the organisation of the two court systems. Where reform plans have lent heavily on technological innovation, caution must be taken to ensure that an over-reliance of technology as a silver bullet 'patch-up' does not take precedent over long term reform and investment. As Sir Brian Leveson has argued, the fundamental problem with the criminal courts in England and Wales is that:

*"Our conduct of criminal trials was designed in the 19th Century with many changes and reforms bolted on, especially over the last 30 years".*

*"...we shouldn't fool ourselves that dropping hearings into Zoom is a shift in paradigm. I don't think working from the kitchen table is a new model. You've still got the same people involved, the same delays, the same complex process...".*

Other modernisation efforts, such as the introduction of an online court for low-value civil claims, have also fallen behind the original ambitions. The legislation establishing the procedure committee for the online court was only recently passed by parliament, despite the original proposal being made by Lord Briggs in 2016. This leaves us with an ambitious appetite to posit a model of reform which has not yet been tried.

As with the previous chapter, this chapter does not seek to propose suggestions for the Welsh Government to mitigate the highlighted issues. A stronger approach is to co-produce a plan to fix the courts in an innovative and sustainable way if they are given the devolved powers to do so and, in the interim, to continue to work on an inter-governmental basis to put forward to case for reform and investment of the court system in Wales. Again, the requirements for the UK Government to both resolve the issues they have responsibility for and to work in collaboration with the Welsh Government remain.

## 2.7 Tribunal Reform

One area in which the Welsh Government holds devolved authority and is seeking to reform ailments in the justice sector is with the reform of the tribunal system. The Welsh Government has established a tribunal reform programme to reform the devolved tribunals and to create a First-tier Tribunal for Wales divided into chambers and an Appeal Tribunal for Wales. Drawing upon the Law Commission's review and a consultation between 16 December 2020 to 19 March 2021, the white paper found that the current legislation relating to the devolved tribunals is unfit for purpose and that a unified tribunal service should be created.

The white paper proposes 53 recommendations which it notes *"together with further analysis makes up a blueprint for a modern, unified and coherent structure for tribunals in Wales."* This paper is supported by an integrated impact assessment, which provides a summary of the impacts of the proposals. The proposals will be developed further alongside the legislation that will be required to implement reform. The Law Society has submitted evidence in response to the White Paper agreeing with the paragraph 37(a), namely a First-Tier Tribunal for Wales and with 37(b), the proposed Appeal Tribunal for Wales. The Law Society further agrees with the proposals for the appointing authority for members of the new tribunals, and members of the Appeal Tribunal for Wales to be appointed by the Welsh Ministers with the concurrence of the President of Welsh Tribunals. The Law Society likewise supports the formation of a proposed statutory body as a Welsh Government Sponsored Body non-ministerial department in accordance with the recommendations of the Law Commission and the Thomas Report, which followed detailed consideration of the matter.

## 2.8 Youth justice

As with other areas of justice in Wales, there has been little or no systematic research to date that has explored the significance of UK devolution for youth justice policy and practice. Youth justice cuts across education, social services, health, and justice and is the perfect illustration of the 'jagged edge' of devolution. Despite justice itself being a UK Government reserved power, there are decisions and investment Welsh Government make in devolved areas (such as health and education) that impact the lives of children and young people in contact with the youth justice system in Wales.

Various iterations of previous Welsh Labour Senedd election manifestos contain distinctive policy approach towards children and young people. The devolution of Youth Justice would, in principle, enable the Welsh Government to forge its own policy in respect to justice provisions. The Welsh Government has commissioned Dr Jonathan Evans, recently retired Professor of Youth Justice Policy, and Practice at the University of South Wales, to lead an informal review of the current Youth Justice system in Wales, considering the opportunities that arise from devolution and to assess what the next practical steps towards devolution might be. Dr Evans is being supported in his work by the Wales Youth Justice Academic Advisory Group consisting of academics and those with practitioner experience across Wales.

Member responses to the *Reimagining Justice in Wales* consultation have highlighted for a desire to see that youth justice in Wales be dealt with via a tribunal rather than a court setting, as they are more informal. A tribunal could look in more depth at the reasons behind the offending such as education, welfare, poverty and health. The Education Tribunal for Wales deals with the needs of children and gives a voice to the child. The

tribunal has expert panel members which include a Judge, a psychologist and a specialist member. The tribunal can afford more time to the individual cases.

# Paper III:

REIMAGINING TRANSFORMATIVE  
TECHNOLOGY

### 3.0 Caernarfon to Caerdydd: Reimagining justice in Wales through transformative technology

A common historical problem in legal innovation, particularly in smaller firms in Wales is that solicitors have their expertise and experience grounded in solving legal problems, not in implementing the latest technologies. The ambition of this paper is to provide examples of transformative legal technology that is easily accessible, applicable, understandable, and implementable within the context of the legal sector in Wales.

This paper further demonstrates how successful jurisdictions globally have used technological solutions to improve efficiency, access, and sustainability. In presenting these transformational initiatives from across the globe, this paper notes that reforms may not be applicable for a direct 1:1 mapping but understands the core features of available alternatives offer an array of solutions for the future of the justice sector in Wales.

The current complex and rapidly evolving technological environment in which solicitors are currently operating adds to the already substantial set of issues being faced. Artificial intelligence is not going to replace the role of a lawyer in the short to medium term, however lawyers who are not embracing modern technological innovations are likely to become less sustainable and competitive over time. AI powered automation of routine tasks such as clause-based contract automation, drafting based on smart templates, workflow management with digital signing, electronic storing and database searching are all technologies that firms large and small should be looking to implement as part of their business development processes. However, technology cannot be a mere sticking plaster for existing issues. Alongside these opportunities also stands the risks now emerging from digital and online threats.

## 3.1 Where are we in Wales?

If we could quantify the 'technological aptitude' of the legal sector in Wales in different areas, on a scale from 1-10, what scores would we award to our Court IT infrastructure in Wales, the ability of firms to use eBilling, digital negotiation or contract automation, or the number of online ADR options and e-courts in remote areas of Wales?

This is a difficult question to answer, not least because we do not have the necessary data available to properly evaluate the benefits and limitations of current technology in Wales, but also because the technological benchmarks from other jurisdictions often elude us. Where small scale local understanding of data does exist, it has not yet been collated. We have no largescale data regarding basic information such as the IT operating system used in various magistrate courts in Wales, what investments in hardware are scheduled over the next 3 years, the use of digital screens and remote witnesses in crown courts or the digital platforms are available for people to complete ADR online (ODR).

In Autumn 2023, the CEBR published their report on behalf of the Law Society outlining an 'Overview of support available to SMEs in the legal sector'. The report investigates the key challenges faced by small and medium-sized enterprises (SMEs) in the legal sector and the policy recommendations required to address them. Broadly, the most prominent challenges currently facing legal SMEs concern recruitment and retention, rising operational and financial costs, investment in technology and innovation, the downturn in the housing market, changing client expectations, and regulation and compliance.

Many of the medium to large firms interviewed noted they were investing heavily in the latest technology and IT software to gain a competitive edge on their rivals. Several noted

they had brought in external consultants to identify the most useful and efficient technology for their practice. However, this is posing more of a challenge for small legal firms. With less resources at their disposal, identifying the most useful technology can be tough and choosing the wrong setup is costly.

This is a policy area where the Law Society and governmental bodies could provide guidance and assurance on the latest technology and software available to legal SMEs, and the implications it has for their business. This would help high-street firms and other small legal SMEs navigate these challenging, and unprecedented times. Some firms have already started to address these concerns of technology, paving the way for others to do so.

## 3.2 Direct engagement issues

Responses to our *Reimagining Justice in Wales* Survey highlighted an overwhelming series of particular technological issues, the overall themes of which concerned implementation, a lack of strategy, a lack of cross-nexus working and rushed initiatives which haven't taken practical application into effect. Most common was the lack of document management systems present in the court. Many members had endured negative experiences with the current LEAP system.

One member highlighted that *"The introduction of technological advances appear to be trial runs - my view is that the HMCTS Portal (in respect of Family cases) was launched prematurely, and still appears to be operated in a guinea pig manner"*. Examples include:

- a. Correspondence to the Court not being permitted on the portal, however receiving auto-responses despite this urging you to file documents on the portal when the email falls out of this category.
- b. Communicating with HMCTS services that always have a long turnaround with generic errors, e.g. system shutdown and maintenance, inability to upload documents, error codes etc.
- c. 'Over-streamlining' - sometimes a refused Order or directions handed down that differ from what was sought, however the portal does not elaborate save for 3-4 words which may not help practitioners who are looking to persuade the Court to consider a direction.
- d. Documentation not being encapsulated appropriately and therefore the majority of papers falling under 'other' (i.e Statement of Service, Schedule of Costs via N260, Undertakings).

Another member highlighted the issues with delays in the online court systems, borne from a lack of preparation regarding listings, CVP preparation and with little to no system to update waiting parties regarding a delay. Whilst issues such as file size limit uploads may appear trivial in comparison with some issues mentioned in this paper, their impact is massive on particular members as vocalised in our consultation.

## 3.2 Supporting Welsh legal business practices

Alongside the potential for technology to improve the ease and efficiency of daily systemic legal process, there also exists a myriad of ways in which technology can aid law firms in their wider commercial practice. In this arena, it is important that the Welsh Government examines, where possible, mechanisms for working in concert with the UK Government to adequately provide the necessary business and technological support to the legal sector in Wales.

As reported in 2019 by Jomati consultants in their *Legal Sector in Wales – A Rapid Review*, according to research undertaken by the Legal Services Board, a mere 8% of legal service providers across England and Wales provided online services to their clients, with this number almost certainly being significantly lower in Wales. In relation to both solicitors and barristers' chambers specifically, that figure is currently just 6%. Considering these exceptionally low percentages across the entire English and Welsh legal community, it is not surprising that, despite having scoured the websites of countless Wales-based legal practices, Jomati were (in 2019) unable to uncover examples of Wales-based legal practices who offer legal services online. Jomati consultants arrived at the conclusion that if online legal services are offered by Wales-based legal practices, then little is being done to draw consumers' attention to them, even though such services would be a clear source

of differentiation within the Welsh legal marketplace. It is important to note that the Jomati review was conducted prior to the Covid 19 pandemic and the mass movement to online and remote working and digital services for clients and staff. With the emergence and ongoing development of Wales only laws pertaining to housing, transport, health, and other devolved matters it is vital that Welsh firms can provide strong services to clients via a digital pathway if they are to remain sustainable in the coming years.

### 3.3 Delivering a digital service

To strike the perfect balance between the level of technological support law firms in Wales can provide and the type of service clients in Wales want to receive it is crucial to first review the current abilities and limitations of the available technological solutions. The future growth of data generation and the ability to research, collate and evaluate data at much more detailed rates will allow firms to leverage data analytics to make informed decisions about case strategies, clients' needs and business operations. Developments will permit law firms to utilize automation and artificial intelligence to streamline their repetitive tasks such as document review, contract analysis, legal research, and administrative work. In many instances, this will increase efficiency, allow for time to be spent on more complex legal matters and client services. With the inexorable move towards the automation of routine tasks, and the ease of technology to speed research, the Welsh law firm of the future will be able to focus on providing an improved client experience. This could resemble the development of real-time case updates, and personalised legal services, delivered through dashboards alongside more transparent pricing models. In case resolution, predictive analytics could be used to anticipate legal trends and outcomes, aiding in client counseling. Of course, the most obvious forms of digital legal services such as document signing, online

mediation and counselling and non-contentious legal work can all be digitalised if there is collaborative and joined up thinking and implementation by UK Government.

There remains however, many risks associated with the use of AI and through using poorly procured and badly designed, insecure technology. As digital operations increase, law firms will need to prioritise embedding much improved cybersecurity within their firms to protect sensitive client and case information. Just as the Welsh Government continues to invest in the provision of Cyber Essentials for law firms of Wales to raise knowledge and operational standards, a core component focus in future support of the sector must be on AI, cyber security, and digital literacy. Firms must be supported by the Welsh Government and in partnership with tech firms in both the procurement and implementation of AI, to understand the full potential and understand the risks as the technology evolves.

### 3.4 Collaboration with tech companies

As the need for modern technology increases, collaboration between law firms and those technology companies that can provide and explain the uses of technology will increase. No longer can this simply be a purchaser/provider contractual arrangement. When given a clear brief, with identified outcomes desired from law firms, good technology solutions providers can become integral parts of a law firm through the development of custom legal software, tools, and platforms that cater to the specific needs of the legal industry. In lieu of an adoption of the British Columbia online triage website model by the UK Government, it may be that law firms themselves, in conjunction with already established tech companies, wishing to offer an online legal triage to aid unmet need and provide legal solutions to currently existing problems. In this instance it would be useful if Welsh Government were to look to scope the establishment of a mechanism to work with both law firms and tech

companies to develop bespoke Welsh solutions to identified problems. Similarly, it would be desirable if, Welsh Government sought to establish a best practice procurement guide and/or a legal IT ‘Kite Mark’ to help ensure firms in Wales are procuring from a position of strength and not overpaying for their digital services due to lack of knowledge and understanding. We have evidence of several incidents where contracted tech companies have over charged member firms for elementary IT services, packaged with unnecessary or expensive add-on options. In this instance it would be useful for the Welsh Government to outline an ‘*Essentials package of technology*’ comprised of device operating software, device hardware, cloud and hosting services, digital programmes, and software to curtail unnecessary add-ons.

### 3.5 Government assistance though tax relief

Whilst tax relief has been highlighted as a possible encouragement for firm engagement with legal aid, the introduction of a new tax relief scheme that provides SMEs with tax relief for investments could potentially significantly improve firm’s own processes or adopting new technology. An example of this would be the reintroduction of an *improved ‘Help to Grow: Digital’* UK Government scheme or a comparable policy. The scheme offered vouchers worth up to £5,000 for a 50% discount on new digital software in addition to free technology support and advice for SMEs. However, it was cancelled due to lower than expected take up. Re-introducing the scheme with reduced regulation regarding the software could boost uptake of such a scheme and significantly help legal SMEs adopt the latest technology.

### 3.6 Legal tech solutions:

There is a considerable amount of technology available on the market, and innovations can be hard to follow and can offer completing products. Creating an easy-to-use legal tech

stack can be achieved through a system known as layering technology, where plug-in solutions are deployed that enhance the experience and productivity of legal users by complimenting existing tools. Usually, these are relatively lightweight tech solutions that support legal users in the Office stack (Word & SharePoint) and other key systems. These add-ons focus on completing legal tasks and processes quicker and to a higher standard whilst keeping the user in their familiar native environment. Below are seven legal techs which are 'stackable' which can be brought in to resolve common legal issues.

### 3.6.1 Automation: From documentation to due diligence

Many legal processes are ripe for automation, and there are several emerging tools that will enable law firms to automate many different tasks in the near future, bringing increased speed and productivity and potentially lower overheads. Below are a series of different automated legal processes. Many low complexity legal tasks can be automated through using robotics e.g. (Microsoft Power Automate or UI Path) including the work of legal drafting. The advent of large language models like Open AI's ChatGPT enables us to integrate more intelligent automation around drafting, with initial drafts being produced by machines after a human provides factual prompts. However, a strong caveat must be noted here that almost all of these AI automated tasks (as with any drafts) will always require experienced human editing.

- **AI legal assistants**

AI assistants can automate legal tasks like research and document review. These usually take the form of an AI chatbot, like ChatGPT for lawyers.

- **Contract review and analysis**

AI contract tools can automate time-consuming processes like contract review and analysis.

- **Automated workflows**

No-code automation platforms can streamline manual processes, improving tasks like inquiry handling and triage.

- **Automated risk and compliance**

This type of legal automation can assist businesses when tackling risk and compliance. It can quickly identify these risks and highlight them to the relevant stakeholders.

- **Knowledge management.**

Legal automation can automate research processes, compiling and delivering knowledge and precedents to busy legal teams.

- **eDiscovery**

Discovery, as a process has historically been largely manual in nature. The rise of eDiscovery occurred as technology evolved that could automate many of the processes involved in discovery, and as the landscape of work changed so that most of the data and information that needed to be collected, produced, and reviewed become electronic. In eDiscovery, data sampling and statistical analysis require new resources in the form of data analysts.

Below are a list of legal-tech services that could adopted by law firms of scale in Wales.

- **Automation Example: Pactum (AI-based Negotiation System)**

Pactum is an AI-based system that helps global companies to automatically offer personalized, commercial negotiations on a massive scale.

- **Automation Example: HUGO.legal**

HUGO.legal is a digital platform that helps lawyers and law firms work more efficiently by automating repetitive tasks and providing easy access to relevant legal information. The platform includes several features, such as a virtual assistant, a document management system, a client portal, and a knowledge base.

Given that at present, 40% of paper divorce application forms in England and Wales are returned because they are incorrectly completed, the further use of AI to aid those and similar types of applications could be extremely fruitful. The development of a universal system of digital applications, supported by AI can help ensure the right information is given at the right time and significantly improve upon the current situation.

### 3.6.2 Project management

The implementation of technology in project management is both simple and often overlooked. Microsoft's Office 365 suite, which is procured and used by many clients and law firms, has significant untapped potential and several features which are rarely fully explored and utilised by law firms in Wales. Taking advantage of the current digital tools on offer would allow law firms to focus on improving their project management capabilities to improve communication and collaboration in projects. Whether using portfolio of templates, sharing best practices and external advice, or maximising collaboration across legal teams, a centralised system works to best create adoption and a reliable search and difficulty to visualise and control updates. 'Cloud-based solutions' that are initially well

known across the technology and IT sector, are now commonly being applied by many law firms. Services such as Google Drive, DropBox, or intranets have been vital for firms to store and communicate crucial information/documents efficiently.

### **Contract Lifecycle Management Platform Example: Avokaado**

Avokaado is an all-in-one contract lifecycle management platform that helps legal and business teams manage, create, and collaborate on documents from one single platform at every stage of the document lifecycle: clause-based contract automation, drafting based on smart templates, workflow management with digital signing and electronic storing. Put simply the “Google Docs for legal documents” utilising templates and AI automation. International firms outside of Estonia (such as Norwegian SANDs) have begun implementing this tech stack, applying Avokaado’s digital legal solution to improve the contract drafting process internally, but also as a self-service offering to existing and potential new clients.

### **3.6.3 Data collection**

It is reputed that Sir Francis Bacon coined the phrase ‘*Knowledge is power*’ and it follows that high quality data collection and utilisation is a valuable tool often underutilised by law firms. Becoming a data driven law firm means utilising data taken from client interactions to build future relations with clients. This starts with the regular processes of finding and onboarding clients and capturing the right data at the right position in the journey. It continues with the use of such data for controlling and predicting workload, costs of solving problems and predictions on the outcome.

Metadata can similarly be used to identify trends, for example helping to both predict and automate the construction of contracts. Many contracts are drafted in the legal

departments, then modified by employees and then (in some cases) collected, but not always digitalised or centrally organised. Googols of valuable data are lost to companies every day.

### 3.6.4 Legal front door and workflow

The legal business landscape in Wales is constantly evolving, with demands for swifter resolutions, more transparent processes, and efficiency at every turn. In-house counsels are not exempt from these expectations. Enter the “legal front door” concept - a strategic solution designed to streamline legal inquiries, offering more control, clarity, and coordination. The legal front door is the centralised intake process for any legal question or request from the business. This includes anything contracts-related, such as sales agreements and vendor agreements to legal requests without direct contract involvement – such as product and marketing compliance review, open-source license reviews, or invention and IP disclosures. A legal front door system is necessary for in-house counsel teams who deal with these kinds of queries from different departments because it ensures a structured, organised, and efficient response system.

#### **Example: LEGID**

LEGID is a legal marketplace application and website that seeks to bring legal consultations from legal experts to the market. Initial submissions and questions are ‘free’ followed by comparative offers and resolutions. The platform offers a wide range of legal services that can be accessed 24/7 from anywhere in the world. LEGID offers legal experts the freedom to provide on-demand, online consultations without restrictions of time or geography, with verification to ensure lawyers receive requests that fit their area of expertise. Invoicing and KYC is fully automated.

A second example of the British Columbian Legal Triage Systems, an online 'one-stop-shop' legal triage, detailed later in this paper.

### 3.6.5 Cyber Security

Businesses across all sectors, including the legal sector are increasingly being targeted by cybercriminals. With an increasing number of technology solutions, more integrations, and people working from a variety of locations and networks, it is inevitable that we will all experience increased cyber risk in the decade to come. Therefore, cyber security must be at the forefront of any legal tech initiatives. This might involve working with IT security standards such as ISO, preventive cybersecurity measures, or investing in even better surveillance and encryption tools.

#### ***Example: Cyber Essentials***

Cyber Essentials is a UK and Welsh government-backed, industry-supported scheme to help organisations protect themselves against common online threats. The Law Society has convened Welsh Government funding for over 30% of current eligible firms in Wales to assist them in achieving Cyber Essentials accreditation.

### 3.6.6 Legal research

In the pursuit of reducing labour intensive work, modern legal research and knowledge platforms can be used to build effective and robust legal research tools. These resemble both web browser plugins and individual websites.

### **Example: Extendlaw - Legal Research and Knowledge Management Platform**

#### **(Estonian)**

ExtendLaw turns a web browser into a hyper-augmented legal research and knowledge management tool for (currently) Estonian and EU law. Users can easily find and bookmark key legal provisions, add contextual notes and thoughts, perform advanced searches, and more. The platform also includes a powerful collaboration tool that makes it easy for users to share their research with colleagues and clients.

## **3.7 Learning to create leading legal: Estonia**

The above stated examples of products and services from leading legal tech companies such as HUGO.legal, pactum, Extendlaw, LEGID and Avokaado are all Estonian legal tech companies. Estonia is highlighted as a likely comparison to Wales as an economy of scale. In choosing this selection of companies two ideas are presented. The first is the ability of a small nation state (population 1.33 million 2021) to become the leading European creator of “tech unicorns” (a privately held startup company with a value of over \$1 billion) per capita through government support and secondly, the ability of innovative law firms in a relatively small jurisdiction without additional funding to integrate legal technology.

Much of the success of legal tech in Estonia rests in decisions made by the Estonian government. Estonia is globally recognized for its e-residency program, which allows foreign entrepreneurs and businesses to open companies in the country without having to physically move there. This has enabled legal tech startups from across the world to access Estonian talent and resources, enabling the legal tech scene to gain more momentum. In addition, the government has implemented supportive policies such as tax exemptions for startups, access to venture capital funding, and various other incentives. Finally, Estonia’s

government focused on creating an education system that would support the high-tech, high-skill, high-wage economy it wanted to build. This has enabled the development of the tech sector, and within that, legal tech, which has been further helped by Estonia's talented and dynamic workforce. Wales can achieve some semblance of similar success if there is the political will and cross sector buy in.

## 3.8 Transformational technology in the court

Following the proliferation of accessible technology across various court systems around the world, programmes of reform have emerged designed to equip the judiciary with the most up-to-date modern technology and structures. In many cases, these modern reforms have created an efficient and coherent court process and strengthened access to justice.

To disseminate the most effective examples for how to integrate technology into a modern court system, this discussion paper and accompanying consultation will interrogate each of the most significant instances of tech reform in courts to posit previously unapproached examples into a list of realistic court reform actions.

Examples of significant court reform to be integrated:

- The Canadian model of a triage systems to manage caseload and offer alternative dispute resolution
- The incorporation of information and communication technology as part of the process of Chinese judicial reform and the success of China's tech-led courts
- Denmark's restructuring of management and administration tasks relying on a collaboration between courts

- Court reform in Croatia to ease a growing 10-year backlog and a reform programme.
- Switzerland's evaluation of the judicial systems (conducted between 2020 - 2022)

A particular area of focus for the review of technology is in the ways in which each of these nations have sought to divided its transformation of large-scale justice. With reform examples such as the Chinese division into three categories:

- Readable - the transmission information from the legal process to citizens
- Writeable - a transformation of technology in the communication of members of the public and courts infrastructure
- Executable - the process of implementing technology into day-to-day tasks, removing obstacles, and creating new processes

The different features can be summarised below:

### 3.9.1 Reform Stage 1: 'Readable'

Where the transmission of information is one-sided, simplified access to information was created through the launch of three official websites, '*Chinese Judicial Process Information Online*', '*Chinese Judgments Online*', and '*Chinese Enforcement Process Information Online*'. The main purpose of these online facilities is to deliver up-to-date, easily understood information, to increase transparency in the judicial process and provide easy access for the public. This initial transformation has proven to be a very fruitful reform.<sup>57</sup>

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<sup>57</sup> Up until February 2016, People's courts nationwide have published over 1.5 million judgments, 3.5 million pieces of information about the defendant in the enforcement procedure, and live broadcasted 130 thousands of judicial hearings through the above mentioned websites, according to the Annual Working Report of SPC 2015.

As has been noted, services in Wales are often not optimised for the Welsh Audience. One of the biggest barriers to accessing justice identified by the Welsh Government<sup>58</sup> is the wider population's knowledge and understanding of their legal rights. It has often been suggested that there is a lower level of understanding of legal rights in Wales than in England, particularly when the law in England and Wales is different. Participants of a survey held by the Welsh Government to best understand the ability of those to understand legal rights shared examples of confusion about which laws apply in Wales.<sup>59</sup> This included a notice being served in Wales under housing legislation that only applies to England, and a Ministry of Justice Q&A tool that only applied the law as it relates to England, even when one selects that they live in Wales. Accessing justice in the Welsh language was a further issue identified.

To address the lack of legal understanding, meet unmet need and ensure the best use of court services, the creation of easily accessed services educate the public about their legal rights, responsibilities, and available legal services through targeted awareness campaigns appears the logical next step.

### 3.9.2 Reform Stage 2: 'Writable'

The second stage of the holistic technological implementation across the justice system is the process of ensuring that the communication and interaction between users and providers is available on a large scale. The logical step here is to produce platforms which provides a wide range of services allowing present or prospective litigants to contact lawyers and judges for updates on specific procedures, receiving consultation, and making

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<sup>58</sup> <https://research.senedd.wales/research-articles/access-to-justice-in-wales-key-issues-and-challenges/>

<sup>59</sup> <https://research.senedd.wales/research-articles/access-to-justice-in-wales-key-issues-and-challenges/>

complaints.<sup>60</sup> A practical example of the ease of a services platform is the structure utilised by the online triage system and ADR in British Columbia and Victoria Canada.

The Civil Resolution Tribunal (CRT) system in British Columbia in Canada offers a highly successful model of an online platform of access 'triage first' civil dispute resolution. It operates by recommending a series of alternative methods of dispute resolution at different stages of the process. Established in 2012 as a voluntary dispute resolution mechanism for small claims and disputes involving condominium property, it was made the mandatory forum for resolving disputes in British Columbia in 2015. The approach of British Columbia is further strengthened by the province's strong record of funding and prioritisation of alternative dispute resolution in lieu of more formal court process.

The CRT is made up of several steps, all accessible remotely.

- Prior to submitting a claim, a claimant can use the *Solutions Explorer* (triage), which uses the "guided pathways" to help someone make informed choices about how to resolve their "civil legal problem".
- Once a claim is filed, all parties are given an opportunity to negotiate directly with one another. If the negotiation fails, the next step is the "facilitation phase".
- The "facilitation phase" is undertaken by an expert facilitator who aims to find a mutually satisfactory resolution to as many of the issues under dispute as possible. Where it succeeds, tribunal adjudicators can ensure the agreement is legally binding. If the facilitation fails, the final stage is adjudication.

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<sup>60</sup> <http://www.gzcourt.gov.cn/12368/>

The expert facilitator helps prepare the parties for adjudication, supporting the parties to organise their respective cases. Tribunal adjudicators are qualified lawyers experienced in small claims (and condominium) disputes. Each party's case is presented in written form. Any required hearings are conducted remotely, using video or telephone conferencing. A binding decision is subsequently issued by the tribunal adjudicator after due consideration.

There are many attractions to an all-in-one triage resource for cases and recommending forms of resolution, combined with extensive funding of alternative dispute resolution for Wales. At once both resolving the current court backlog, meeting unmet need, and reducing the burden on courts. We believe that the Welsh and UK Governments both ought to commit to considering the different stages of the CRT system and seek to work together in collaboration to ascertain whether this system could be implemented in stages as a cost-effective method of resolving many of the issues present in the legal system in Wales. In this instance, Wales is a useful microcosm and of a scalable size for testing such a system. Utilising AI and case learning automation would be able to detect key issues and phrases in the case and pose further questions, suitable for the facilitation and agreement phases.

The use of an online dispute resolution system, encompassing the above features and including modern methods of ADR for civil legal aid cases in Wales would significantly aid the backlog and sort cases into their easiest method of resolution, speeding up the process and reducing pressure on the courts. A one-stop-shop legal services site would also be an effective method of ascertaining the best procedure for legal process and the stages for claiming the legal aid necessary for each individual case.

Members in Wales have expressed further suggestions for the successful implementation of such an alternative dispute resolution model. One suggestion is that of financial remedy - the ability for parties to attend straight at an FDR provided that they are able to evidence

there is sufficient disclosure exchanged for offers to have already been exchanged unsuccessfully. A second is a propagation of more 'without prejudice' FDAs if the Judge feels they are in a position to comment at an earlier stage, provided they are not seated at the FDR.

Similarly, one member suggested that such a system ought to incorporate (where suitable) more enquiries as to assets in a particular case, therefore removing the need for some preliminary directions such as property particulars and mortgage raising capacity for example, if there is no capital.

### 3.9.3 Reform Stage 3: 'Executable'

The final leg of any three-stage modernisation of legal technology is the integration of ICT into the daily operation of justice. Varied examples of courtroom procedure with the stated aim of creating what it termed an 'intelligent court system'. The aim was to digitalise day to day practices, making services more effective and efficient. Included within this transformation was increased integrated management of data across all judicial activities, improved HR and management processes, and more efficient administration.<sup>61</sup>

Below are illustrated examples of each of the three methods of technology working in tandem. Overall, model one focuses on the potential of the e-court on case-management in addition to traditional resolution, whereas model two attempts to develop an e-court system as a separate, alternative means to traditional resolution.

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<sup>61</sup> Working Plan of The Annual Working Report of SPC 2015, and The Reform Outline of People's Court in the 4th 5-Year Plan (2014-2018).

### 3.9.4. Model 1 – e-court in Jilin Province<sup>62</sup>

Upon the launch of the 'intelligent court system' in 2014, Jilin People's High Court initiated the 'Jilin E-Court Website' in 2015. The main idea of Jilin's attempt is to move as many offline activities up to the online space as possible. Currently, services provided by the system include opening a proceeding, making judicial payment, being served of electronic documents, making complaints, filing petitions, submission, and exchange of evidence, 'cloud conference', online hearings, online mediation, online enforcement, and online judicial auction. The merits of online adjudication will facilitate litigants, lawyers as well as judges, as it substantially lowers the barriers which discourage people from going to the courtroom. The central idea is to 'let information do the leg work in the cloud'.

### 3.9.5. Model 2 – e-commercial court in Zhejiang Province<sup>63</sup>

In April 2015, as the other limb of the pilot project, Zhejiang High People's Court initiated the establishment of an e-court system in four selected lower courts for disputes relating specifically to e-commerce. The launch of the new e-commercial court proved to be popular and was welcomed by the public.

The e-commercial court didn't merely aim at moving some steps in a traditional lawsuit to the online space to secure a higher degree of proficiency and expediency; rather, it was designed to provide a one-stop case resolution process where no offline activities would even be needed from the opening of a proceeding until a judgment is finally enforced. All steps could be finished upon a series of mouse clicks within a short period of time. This

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<sup>62</sup> Alison (Lu) Xu (2017) *Chinese judicial justice on the cloud: a future call or a Pandora's box? An analysis of the 'intelligent court system' of China*, *Information & Communications Technology Law*, 26:1,

<sup>63</sup> *ibid*

hugely ambitious public policy development is only possible and successful due to the strong, long term commercial collaboration between Zhejiang High People's Court and with the Alibaba Group Holding Ltd, the e-commerce giant in China that delivers services similar to those provided by Apple, Microsoft, Google and Meta in the UK.

New technology presents a promising picture as to how the conventional operation of a judicial system can be radically reshaped for the 21<sup>st</sup> Century. Tempting as it might be, a thorough and well-grounded analysis should be conducted prior to any over-hasty moves being adopted. Insofar as the 'intelligent court system' in China is concerned, the development of these processes has identified an array of issues that need to be resolved if the advantages of online case resolution are to be achieved.

Despite the cautious approach to ensuring technology is not bolted onto a failing system, there obviously remains a deeply important role of technology in the future development of the court system in Wales. It is useful to note the areas in which the Welsh and UK Government could work together to implement currently available technological solutions to well-rehearsed issues in the current system.

### 3.10 Collaboration with Tech Companies to deliver for Wales:

As demonstrated with the Estonian and Chinese examples, any governmental plan for redesigning, reshaping, and improving the justice system in Wales, ought to consider a much more commercially focused and integrated relationship with a wide array of technology companies. This closer relationship would allow for the development of customised solutions and software for the court alongside developing software for firms and those utilising in house legal services. Furthermore, we believe that AI-powered legal

research tools and document automation platforms to assist law firms in the completion of their cases and to assist judges and lawyers in decision-making ought to be explored in Wales.

Safe, secure, and available video and telephone calling systems to enable remote processes must be facilitated in each court. This technology is already widely used throughout society in the form of applications such as Teams, Zoom, Skype and FaceTime. This would allow for rapid development of virtual hearings for suitable remand cases, reduce requirement for defendants to travel unnecessarily for very short hearings, and for improved and user-friendly video facilities for witnesses to give evidence without having to travel to court. Developing the technology in this way will also allow police officers to give evidence direct to courts, more often and more reliably than is the case currently and will offer both flexibility and efficiency, saving police officers and witnesses time waiting for court slots.

### 3.10.1 Digital Case Management

Once a significantly more coherent and improved set of technological solutions has been implemented across the justice system in Wales, the next step would be the development and implementation of a universal digital case management system to handle case documents, filings, and scheduling electronically in all courts. This would create cohesion between all legal service users and staff, improved efficiency, and less error than the current disjointed and piecemeal system.

Courts ought to be further equipped with technology for electronic evidence presentation, digital exhibits, and remote participation such as video conferencing capabilities for remote

hearings and virtual attendance. Online capabilities to aid remote dispute resolution should be extended through all courts presents.

A concept of digital triage such as that of the British Columbia Model to establish the best method of perusing a legal claim for people, or defending a legal right, would also be allow parties to resolve disputes without the need for physical presence. Modern technology within triage systems, integrates chatbots or AI-assisted services to guide users through the ODR process. Promote the use of mediation, arbitration, and other ADR methods to resolve disputes outside of court, reducing caseloads and costs.

### 3.10.1 Virtual presence

The well documented geographical barriers in Wales can be overcome to some extent by utilising technology. Initial advice and assistance can be given via video calling, and the model of joining up remote communities to established centres of legal expertise via video conferencing. This access should not be treated as an all-encompassing solution; complex casework and certain categories of client will often still need some face-to-face interaction.

Developing virtual hearings for suitable remand cases, will reduce the requirement for defendants to travel for a potentially a very short hearing, allow for better video witness testimony and help people give evidence without having to travel to court. Developing virtual hearing technology to allow police officers to give evidence direct to courts, more often and more reliably will offer both flexibility and efficiency, saving police officers and witnesses time waiting for court slots.

### 3.11 Threats of modern technology:

Every case has two sides, so alongside the noted fact that technology can offer the solution to many current issues facing the legal system it is also important to highlight the drawbacks of an over reliance on technology and the risks that increased utilisation poses. A common threat is the ability of fraud to be conducted through digital means, remote communication enabling undue influence, coercion, and undue cases of lasting powers of attorney online. For many a preference for face-to-face contact both in court and at practices will remain, regardless of technological innovation. Not only do some ascribe in person service as a higher quality and more personal process, but many will identify that face-to-face contact limits fraud, undue influence, and coercion. Implementation of technology cannot form a substitute for in person processes when requested.

### 3.12 Conclusion

Without a considerably improved data set and subsequent analysis of the current state of technology in the legal sector in Wales, it is very difficult to provide a more detailed plan for both potential usage and implementation. UK and Welsh Governments should, as a matter of urgency look to conduct a joined-up, collaborative review of past, current, and potential future utilisation of current and emerging technologies in the legal system in Wales. In the interim, it is certainly the case that what is required as a bare minimum in Wales is a far more fundamental level of support from UK Government, such as the upgrading of the current basic software and hardware across the justice system. The recommendations for reimagining the legal system in Wales through better, more thoughtful, and increased implementation of technology contained in this document

remain vital to ensuring that the justice system becomes fit for purpose. Technology alone will not fix the numerous current issues facing the justice system in Wales, but it can allow for the exploration of new forms of working, more efficient, and effective than is currently facilitated.

**Paper IV:**  
MAKING DEVOLUTION WORK

## 4.0 The Potential Devolution of Justice

The prospect of the devolution of full or partial justice powers from the UK Government to Welsh Government has remained a topic of ongoing debate for several years. Mick Antoniw MS, the current Counsel General for Wales, has publicly stated that he believes the '*door will be open*' for the UK Government to devolve responsibility for justice if there is a Labour victory at the next General Election. The former First Minister of Wales, Mark Drakeford shared similar sentiment noting that the prospect for the devolution of justice was a matter of '*when, not if*' with expressed interest in overseeing the devolution of the probation service. Shortly after being appointed First Minister, Drakeford expressed a wish "to take a practical approach to devolution of the criminal justice system", by focusing on the devolution of the youth justice system, probation service and new powers in relation to women offenders.<sup>64</sup> Dame Vera Baird KC has been appointed to take on a role as an Independent Expert Adviser to the Welsh Government on Justice Devolution.

The December 2022 Brown Commission suggests responsibility for probation and youth justice ought to be the first functions of the justice system devolved to Wales, should Labour win the next general election<sup>65</sup>, though the Brown Commission does not go as far as to match the Welsh Government's vote in March of 2022, calling for the devolution of policing.<sup>66</sup> A review of the Welsh justice system published in 2019 by the Commission on Justice in Wales, recommended that control of policing and justice in Wales should be devolved to the Senedd, and that a new Welsh jurisdiction should be created.<sup>67</sup> commission has two broad objectives.

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<sup>64</sup> <https://research.senedd.wales/research-articles/devolution-of-criminal-justice-to-wales-will-it-actually-happen/>

<sup>65</sup> <https://labour.org.uk/wp-content/uploads/2022/12/Commission-on-the-UKs-Future.pdf>, p. 15

<sup>66</sup> <https://www.gov.wales/written-statement-preparing-devolution-justice>, April 2023

<sup>67</sup> <https://www.instituteforgovernment.org.uk/article/explainer/criminal-justice-and-devolution>

The case for the devolution of justice must be predicated upon the idea that justice in Wales would be run more effectively, efficiently and with far greater levels of reform and innovation than it has currently been the case across England and Wales. If the case for devolution is to be made upon the grounds that the administration and priorities of the Welsh Government justice agenda are to be different from that of the UK government, then planning, staffing, and appointments at a political and civil service level must reflect the difficult task of creating a justice system fit for the future.

## 4.1 The history of devolution

A unique aspect of the devolution settlement is the general reservation to Westminster of the single legal jurisdiction of England and Wales. This means that the Senedd can make laws in devolved areas, but that these are part of the general law of both England and Wales.<sup>68</sup> The fundamental issues lie in the split between the two legislatures over responsibility for justice on the one hand and social care, health, education, environment, planning and economic development policies on the other. There are further complications that arise from an inability, in a Wales context, to allocate spending in a coordinated manner, a lack of accountability, a level of complexity which is wasteful for resources, a failure to develop and implement a coherent set of overall policies and a lack of innovation directed to the needs of the people of Wales.

The Senedd does have several powers that heavily intersect with the operation of the justice system. These include powers over tribunals, mental health and substance misuse services (both in the community and in prisons), education for prisoners, skills training relating to the rehabilitation of offenders, and the provision of housing to offenders being resettled in

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the community.<sup>69</sup> Wales has significantly fewer justice powers than Northern Ireland and Scotland with the responsibility for the police, courts, prisons and probation in Wales rests with the UK parliament and government.

The natural next step would be devolution of the justice system in Wales. The leading example are the devolved Welsh Tribunals, as listed in Section 59(1) of the Wales Act 2017. Namely the Agricultural Land Tribunal for Wales, the Mental Health Review Tribunal for Wales, the Residential Property Tribunal for Wales, the Education Tribunal for Wales, the Registered Schools Inspectors Appeal Tribunal and the Registered Nursery Education Inspectors Appeal Tribunal, the Adjudication Panel for Wales and the Welsh Language Tribunal.

The Welsh Government is currently attempting a partial implementation of the reforms suggested by The Thomas Commission that fall within their current powers, such as the establishment of the Law Council of Wales and allocating the oversight of justice matters to a specific Senedd committee, as well as seeking negotiations with UK ministers on the recommendations that require the cooperation of UK Government. It is important to note that while there are several risks associated with the potential devolution of justice, there are also significant identifiable benefits, such as tailoring policies to local needs, fostering a sense of autonomy, and promoting cultural and linguistic diversity. The successful management of these risks requires careful planning and preparation, effective governance, and ongoing evaluation of the devolution process.

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<sup>69</sup> <https://www.instituteforgovernment.org.uk/article/explainer/criminal-justice-and-devolution>

## 4.2 Wales Act 2017: Reserved Powers Model

The reserved powers model sets out the UK reserved powers that the Senedd are not permitted to apply an Act of Senedd to change. These are set out in the [Wales Act 2017](#).

### **Powers not devolved**

Schedule 7A - Reserved Matters

The following subject headings are listed in the new Schedule 7A which contains all the matters that are reserved to the UK Parliament.

#### **Part 2 – Specific Reservations**

##### **Head L – Justice**

Section L1 – The legal profession, legal services, and claims management services

Section L2 – Legal aid

Section L3 – Coroners

Section L4 – Arbitration

Section L5 – Mental capacity

Section L6 – Personal data

Section L7 – Information rights

Section L8 – Public sector information

Section L9 – Public records

Section L10 – Compensation for persons affected by crime and miscarriages of justice

Section L11 – Prisons and offender management

Section L12 – Family relationships and children

Section L13 – Gender recognition

Section L14 – Registration of births, deaths, and places of worship

## 4.3 The Current Law Society position on Justice Devolution

The Law Society, based on the deliberations of its National Board for Wales, and in consultation with both our Board and associated other internal committees and wider membership, supports, at the level of principle, the future devolution of some justice functions from UK Government to Welsh Government, as recommended by the Commission on Justice in Wales. Alongside the broader picture of presenting a meaningful and discernible positive difference to our members' The Law Society believes the following tests must be met before this current support in principle can become unqualified support:

- 1. Any devolution of justice functions must be accompanied by an adequate commitment to a rigorous costing exercise followed by full and fair funding from UK Treasury and meaningful intergovernmental collaboration with the legal sector to ensure its success.*
- 2. The ability of solicitors in Wales and England to practise across the border without any impediment must be maintained without restriction.*
- 3. The current single regulatory framework for solicitors across Wales and England should be preserved whilst recognising the unique circumstances of Welsh law.*

Furthermore, the Law Society has noted five recommendations for the process of devolution, alongside the above three 'red lines' on devolution based on the knowledge and experience of our membership.

**i. Evolution not revolution**

The Law Society asks that any devolution of justice functions take place as part of a planned and incremental process built on the principle of evolution, rather than a sudden devolutionary spasm. This viewpoint is based on the pragmatic understanding of both current and future financial and human resource capacity of the Senedd, Civil Service and Welsh Government.

**ii. Full generational costing and sequencing**

The Law society asks that the costing and sequencing of any future plan for the devolution of justice is built for a 'generation', not just the immediate period following devolution. Whilst a fully funded justice system is a prerequisite, it is important that funding is allocated and sequenced appropriately.

**iii. Aligning policy implementation and resources**

The Law society asks that the Welsh Government works through Business Wales and its Ministry of Economy to build the business capacity and sustainability of the legal sector in Wales, identifying areas which will require additional support before, during and after the devolution of further justice functions.

**iv. Apprenticeships and legal sector recognition**

There are currently serious issues regarding access to justice across Wales, with legal deserts and significant issues in both recruitment and retention experienced by many of our members. The Law Society strongly believes that the implementation of a level 7, degree equivalent, legal apprenticeship (as is already available in England) is a Welsh Government policy decision that is vital to the transformation and sustainability of the legal sector in Wales – particularly when

looked at in the context of further devolution of justice functions. It will also be of importance that the Welsh Government recognise, in meaningful ways, that the legal sector is a significant economic driver within the Welsh economy. If justice functions are to be further devolved, it will be vital that Welsh Government recognises that the legal sector will need to be prioritised for support to ensure this devolution is a success.

**v. 'Distinct' not 'separate' jurisdiction.**

The Law Society strongly believes that any moves towards a separate jurisdiction carries great risk. Our paper clarifying the current operation of justice in Wales as a distinct jurisdiction is outlined in the annex: "*A Distinct Jurisdiction*". This paper outlines the current operational reality of there being distinct English and Welsh laws and states the case for the maintenance of the England and Wales jurisdiction whilst recognising that within it sits a clearly distinct element.

## 4.4 Ensuring any justice devolution is robust and strategic

The potential for devolution of powers over justice functions brings strong requirements upon the Welsh Government to fulfil necessary criteria to facilitate a successful process. In short, there is a long way to go for the Welsh Government to research, plan, articulate and lead the co-production of an innovative and sustainable future model for justice in Wales.

Any steps to take on additional justice functions need to be carefully considered with close collaboration with the legal sector in Wales for each and every function area. This

has not happened so far and until this takes place there is a risk the Welsh Government will not be prepared.

The UK Government's management apparatus of justice currently consists of a ministerial department headed by the Secretary of State for Justice and Lord Chancellor (a combined position). There are four further ministers comprising the Ministry of Justice, the Minister of State for Victims and Sentencing, the Minister of State for Prisons, Parole and Probation, the Parliamentary Under-Secretary of State for Courts and Legal Services and the Parliamentary Under-Secretary of State for Justice. As of the end of March 2023 the MOJ group had the second largest headcount of any department in the civil service with a total full-pay workforce of 95,103 people, of which around 65% (62,219 full-time equivalent staff) are employed in His Majesty's Prison and Probation Service (HMPPS), a slight decrease from 64,168 FTE HM Prison staff in November 2023.<sup>70 71</sup>

Date	Organisation name	Organisation type	Payroll	Payroll	Payroll	Payroll	Payroll	Payroll	Payroll
			staff; AO/AA; Headcount	staff; EO; Headcount	staff; SEO/HEO; Headcount	staff; Grade 6/7; Headcount	staff; SCS; Headcount	staff; Other, unknown, unspecified; Headcount	staff; Total; Headcount
03/2023	Ministry of Justice	Ministerial Department	315	835	3,731	2,055	165	48	7,149
03/2023	Criminal Injuries Compensation Authority	Executive Agency	135	90	96	15	2	0	338
03/2023	HM Courts and Tribunals Service	Executive Agency	9,473	2,784	2,817	743	74	8	15,899
03/2023	Legal Aid Agency	Executive Agency	435	344	299	98	10	0	1,186
03/2023	HM Prison and Probation Service	Executive Agency	28,833	7,043	7,473	939	89	21,654	66,031
03/2023	The Office of the Public Guardian	Executive Agency	1,021	431	180	23	3	0	1,658
03/2023	Children and Family Court	Non-Departmental Public Body	0	0	0	0	0	2,243	2,243
03/2023	Criminal Cases Review Commission	Non-Departmental Public Body	0	0	0	0	0	101	101
03/2023	Judicial Appointments Commission	Non-Departmental Public Body	3	24	58	12	1	1	99
03/2023	Legal Services Board	Non-Departmental Public Body	0	0	0	0	0	39	39
03/2023	Parole Board	Non-Departmental Public Body	12	128	50	11	1	0	202
03/2023	Youth Justice Board for England and Wales	Non-Departmental Public Body	3	17	45	31	3	0	99
03/2023	Independent Monitoring Authority	Non-Departmental Public Body	9	7	18	15	4	6	59

The annual budget of stood at £6.3 billion & £0.6 billion capital expenditure in 2018-19.<sup>72</sup>

In comparison, given that justice is not a currently devolved matter, there does not currently exist a Welsh Government Department for Justice, nor is there a Minister for

<sup>70</sup> See Annex: Fig. 1. MOJ Headcount Payroll Staff Data March 2023 and Fig. 2. MOJ Headcount Payroll Data, Full time equivalent March 2023

<sup>71</sup> <https://www.nao.org.uk/wp-content/uploads/2023/01/ministry-of-justice-departmental-overview-2021-22.pdf>

<sup>72</sup> London: HM Treasury. 2018. pp. 23-24. Retrieved 30 July 2019

Justice cabinet level role. There is therefore no associated departmental budget within the main expenditure groups of the overall Welsh Government budget. Without these it is incredibly difficult for the small team of people who make up the Justice Policy Division within Welsh Government to invest or plan, with any great rigour, for the eventuality of justice being devolved. Any devolution of justice, whether full or sequential, would require a minister, a budget, and the creation of a justice department to tackle the immense planning and execution required to ensure the successful implementation of a policy and powers change of this magnitude.

The Ministry of Justice has, in total, around 77,000 staff of which around 19,000 we understand are directly involved in administering justice across England and Wales. In examining these figures and the scale of the responsibility and functions required for the successful devolution of justice we believe a civil service staff of around 0.15% of the current 77,000 Ministry of Justice staff figure (around 100 civil service staff) is a reasonable starting point for a devolved Ministry of Justice Department. In the preparation, and planning stages that we find ourselves in as part of the prelude to justice devolution, a significant increase in civil service staff capacity remains a matter of urgency.

Prior to any devolution of the key aspects of justice, it will be necessary to have a coherent, costed, co-produced plan in place for the sequencing of devolution in line with the above highlighted concerns. We agree with the recommendations made by the Thomas Commission that the Welsh Government ought to begin by disaggregating spending on justice in future budgets. This improved transparency would allow for better alignment of justice policy and spending with social, health, education, and economic development policies in Wales.

## 4.5 Models of devolution: Sequential devolution

The Law Society believes that a planned and incremental approach towards any justice devolution appears to pose the least amount of risk from a capacity, funding, procedural, and political viewpoint. As already noted by the 2022 Brown Commission, a sensible starting point for devolution would be youth justice and probation. If these functions transition smoothly and show measurable improvements, then they could be followed by devolution of policing, with the criminal law and criminal court recovery and legal aid to follow.

## 4.6 Devolution of Youth Justice

Various iterations of previous Welsh Labour Senedd election manifestos contain distinctive policy approach towards children and young people. The devolution of Youth Justice would, in principle, enable the Welsh Government to forge its own policy in respect to justice provisions. The Welsh Government has commissioned Dr Jonathan Evans, recently retired Professor of Youth Justice Policy, and Practice at the University of South Wales, to lead an informal review of the current Youth Justice system in Wales, considering the opportunities that arise from devolution and to assess what the next practical steps towards devolution might be. Dr Evans is being supported in his work by the Wales Youth Justice Academic Advisory Group consisting of academics and those with practitioner experience across Wales.

## 4.7 Potential devolution of the probation service

Like that of Youth Justice, the devolution of the probation service is seen by a political majority in Wales as a sensible next step. This is also under informal review by the current Welsh Government.

The Welsh Government has sought to take forward a focussed piece of research on the practical steps needed to make the devolution of probation a reality. This will complement the work that is being taken forward by the Probation Development Group, a group of academics and those with operational probation experience, under the auspices of the Welsh Centre for Crime and Social Justice, on exploring best practice in relation to probation and reducing reoffending and identifying some of the potential opportunities arising from devolution of probation in Wales.

Several reports have detailed the perceived benefits of devolving the administration of the probation service in Wales to the Welsh Government from the UK Government. These include:

1. The Welsh Government having the ability to create a probation system that addresses the specific needs and challenges of the Welsh population, considering cultural, social, and economic factors.
2. Devolution could allow the Welsh Government to be directly accountable to the people of Wales for the management and outcomes of the probation service, leading to more responsive governance including facilitating better integration of probation services with other devolved policy areas, such as health and social services, promoting a more holistic approach to rehabilitation.

3. The Welsh Government could make decisions quickly and efficiently, without the need for coordination and approval from a distant central government.
4. There is the potential for more innovative approaches to probation to be developed, as the Welsh Government can pilot new strategies and programs that may better suit the Welsh context.
5. The Welsh Government can allocate resources based on the specific needs of Wales, potentially leading to more efficient utilisation of funds and services.
6. The Welsh Government can collaborate more closely with Welsh police forces, social services, and other local agencies to ensure effective coordination in managing offenders.

## 4.8 Staffing requirements

In the event of the devolution of additional justice functions, Wales we need to recruit Judges via a Welsh recruitment process. Currently tribunal Judges are appointed by either the Lord Chancellor or the First Minister, as part of the reform, it is understood that new Judges will be appointed by the First Minister. Recruitment of Judges is currently through the Judicial Appointments Committee, it is understood that this function will be brought in-house by the Wales Tribunal Unit. These issues need to be resolved prior to any reform or additional justice functions being taken on.

## 4.9 Devolution explained

In the event of the devolution of additional justice functions, and especially public buy-in, our members have expressed the desire to see greater communications. As one response stated in our consultation: “[In the event of devolution] there will need to be there

explanations as to what is becoming devolved, what this will mean for laypersons, the likely benefits and impact that is hoped for, a trajectory plan, and logistical expectations such as persons required to fulfil these objectives and how long the results are expected to take.”

# Paper V:

REIMAGINING THE MODEL LAW  
FIRM OF 2030

## 5.1 Reimagining the law firm of 2030

As we progress towards the end of the decade and begin to examine the future policy and operational direction of the legal sector in Wales, it is useful to identify the support that both Welsh Government and UK Government are able, if so minded, to provide to improve the strength and sustainability of Law Firms operating in Wales, alongside the self-development of firms many will wish to undertake.

The lack of data concerning the legal sector in Wales has been a significant obstacle in the construction of these papers and has made the task of demonstrating where exactly targeted support would be most impactful extremely difficult. However, given the knowledge of current political, financial, technological, and societal issues all impacting the legal sector in Wales to some degree currently, we can make educated assumptions as to what the future may require.

## 5.2 An overview of current challenges

In Autumn 2023, the CEBR published their report on behalf of the Law Society outlining an 'Overview of support available to SMEs in the legal sector'. The report investigates the key challenges faced by small and medium-sized enterprises (SMEs) in the legal sector and the policy recommendations required to address them. Broadly, the most prominent challenges currently facing legal SMEs concern recruitment and retention, rising operational and financial costs, investment in technology and innovation, the downturn in the housing market, changing client expectations, and regulation and compliance. This paper outlines the following topics identifying where both the United Kingdom and Welsh Governments could work together to support firms in:

1. Business models, strategy, and technology
2. Clients and Services
3. People, teams, and recruitment
4. Office function and hybrid working

This chapter does not intend to instruct law firms in how to conduct their future commercial operations and business planning, but to demonstrate the potential risks and opportunities that will impact on the operation of law firms in Wales, drawing on relevant examples where applicable.

Responses to our consultation detailed the following issues:

- Ineffective IT and data management/storage systems in courts
- Challenges of hybrid working and succession planning / transparency of opportunities available
- Adapting to modern technology, ensuring practitioners are competent with evolving platforms.
- Potential utilisation of AI
- A decrease in sole practitioners and small firms
- Recruitment and retention of workforce
- Access to practitioners
- The loss of talent to overwhelming number of England based firms
- Dilapidated Court estate with a lack of investment in Wales
- Staff wellbeing, mental health and cost of occupational health support
- Cost of maintaining premises in light of increases to utility costs
- Areas where the broadband provision remains poor/slow or non-existent
- Inflation affecting overheads and salaries, and revenue not keeping up or even within our control.

- Constant, ill-thought out legal reform.
- Barely operational HMCTS portals

Issues for the future concerned:

- Will clients use AI to answer queries rather than paying for legal advice?
- Will solicitors use AI to answer queries, saving time but not knowing whether the answer generated is accurate?
- Will more of the court processes become automated, dispensing with the need for some of the legal services currently provided?
- Legal expenses insurance change. Offshoring. Autonomous vehicles.
- Appropriate IT equipment, use of automation where appropriate, use of AI to replace some of our current processes
- Utilising the opportunity of selling services on virtual platforms to expand reach into new markets outside of Wales
- New training pathways or apprenticeships – support training in Wales

### 5.2.1. Recruitment and retention

Our consultation highlighted retention and training of legal talent in Wales as one of the most prominent issues. Out of the SME 20 interviews conducted, challenges surrounding recruitment and retention were highlighted as being the most prominent issue facing legal SMEs, quoted by 17 SMEs. Partners emphasised concerns with junior staff lacking sufficient soft skills for the workplace, and apprehensions over changing generational attitudes. The number of law students graduating each year has increased by 32.1% between 2006 and 2021, demonstrating a large pool of capable junior staff. Despite this, several partners identified a lack of soft skills required for a professional environment amongst

new junior staff. Several partners highlighted that recruitment had become particularly difficult within the mid-senior level and specialist positions. Consequently, some firms have increased their investment in employee wellbeing packages to improve staff retention. Many cited that firms are forced to offer higher wages to attract talent, increasing wage cost pressures at a time when operational costs are already high.

Responses to the Reimagining Consultation highlighted how the retention of legal talent is directly linked to the issue of legal deserts.

### 5.2.2. Operational costs

Those challenges born from operational and financial costs were the second most cited challenge, with issues of energy costs, the cost-of-living crisis, and interest rate hikes noted. Tied to this issue, partners mentioned concerns over Professional Indemnity Insurance (PII) premiums increasing sharply despite a lack of claims being made – “The cost of PII has been, frankly, out of control the last few years.” (A survey participant from Wales, less than £1m turnover). One firm contributed this to the reduced number of companies now offering PII.

### 5.2.3. Technology

Many of the medium to large firms interviewed noted they were investing heavily in the latest technology and IT software to gain a competitive edge on their rivals. Several noted they had brought in external consultants to identify the most useful and efficient technology for their practice. However, this is posing more challenging for small legal firms. With less resources at their disposal, identifying the most useful technology can be tough and choosing the wrong setup is costly. Here it is useful to refer to paper iii in this suite, Reimagining Technology in Wales, which details the role of the Law Society and

possible UK and Welsh Government support on technology in full.

#### 5.2.4. Client demands and expectations

An additional concern raised was over what some participants termed “changing client expectations.” Trends in this category include downward pressure on fees, demands for quicker turnarounds, and delayed payments. The downturn in the housing market has weakened demand for conveyancing, amongst other legal services, negatively impacting the revenue of legal SMEs. This comes at a time when operational costs have risen because of wage pressures and an energy crisis. The clients of legal SMEs are facing the same operational and financial cost pressures burdening the legal industry. This represents a new challenge for legal SMEs, as historically, legal services pricing has outpaced headline inflation, indicating law firms have generally been successful in passing costs onto clients.

### 5.3 Supporting Law firms

The UK is an international hub of lawtech and a global innovator, but Wales faces competition from across the world in areas which are already investing heavily in lawtech in comparison to here. Many of the law firms working in this space in Wales are small and medium-sized, which means they often do not have the resources their larger counterparts can draw upon to invest in modern technologies and drive productivity. The Welsh Government, ideally in collaboration with the UK Government should look towards developing a grant scheme to support SME law firms with the costs of adopting productivity boosting lawtech. This could be modelled on tech schemes such as

Singapore's Tech-celerate for Law scheme, whereby Singapore law firms can receive up to 80% funding support with Tech-celerate for Law. Launched by the Law Society of Singapore, in partnership with Ministry of Law, Enterprise Singapore and Info-Communications Media Development Authority (IMDA), this scheme empowers SLPs to focus on delivering enhanced legal services, strengthening their capabilities and increasing their competitiveness in the global landscape.

## 5.4 Digital and green

As we move towards 2030, there will be considerable political and economic drivers for law firms in Wales to become more environmentally sustainable in their practice and operation, including reduced paper usage, energy-efficient operations, and digital document management. Such aspirations fit succinctly with the wider green ambitions of the Welsh Government plan and those wider calls for modernization of court process. We believe that the initiative must be taken by firms in Wales towards the transition to paperless and environmentally friendly methods of working but that any governmental support available would speed up and improve the quality of the changes implemented.

## 5.5 People: Clients and staff of the future

### 5.5.1. Geography of clients

Advances in technology will increase the ability for law firms to operate in multiple jurisdictions (e.g. India, Switzerland, Liechtenstein). Law firms in Wales over the next decade will be need to take advantage of these pan jurisdictional opportunities to extend their reach globally to serve new clients beyond the boundaries of Wales if they wish to

remain competitive. We believe that the sector in Wales and Welsh Government ought to look at methods of collaborative working to jointly seek out international partnership opportunities within these jurisdictions.

## 5.5.2. People, offices, and teams

Following the COVID-19 pandemic, there has been significant changes in previously accepted normal patterns of work, with an accelerated move towards a less centralised office workplace with large increases in remote working and virtual collaboration. The likelihood is that this pattern will become more and not less ingrained in future working patterns and that this flexibility will be demanded by potential employees. Given this contextual environment, it is possible that Virtual law offices could emerge, with lawyers and staff working from various locations and using virtual reality (VR) and augmented reality (AR) technologies for training, meetings, and discussions.

In this reimagined future, law firms will continue to emphasise diversity and inclusion, recognising the benefits of a wide range of perspectives in problem-solving and decision-making. Where necessary, training will be undertaken to understand previously unrecognised difficulties and those new difficulties brought about through remote working. As courts move towards better processes which support those with mental health and learning difficulties, law firms themselves must also strive to better understand and cater for these needs.

Many posit that a move away from the high-street nature of practice will be a key feature of the movement of business in the 2020s. As SRA data demonstrates, across England and Wales, over the 12 months to end of June 2023, 413 firms have opened, and in the 12

months to end of April 2023, 563 firms have closed. Of those that have closed, 19.5% are due to mergers or amalgamations. A peak in firm closures is witnessed around the renewals period each year. The accompanying consultation alongside this paper will seek to best understand the core reasons behind these closures.

### 5.6.3 Routes to practice

The number of legal graduates in law across England and Wales for the 2021-22 academic year reached a record high 18,927. Whilst not all these will go on to pursue the SQE, this remains a considerable annual cohort of graduates. However, in a Welsh context, the Jomati Rapid Review research undertaken in 2019 concluded that “the Welsh legal education sector is overwhelmingly geared towards the exportation of talent.”

The use of full apprenticeships (level 7) in the England has so far been highly successful as noted by the SRA and CiLEx - with pass grades for the SQE higher than average for apprentices than that of traditional students. The Law Society strongly believes that the implementation of a level 7, degree equivalent, apprenticeship (as is available in England) is a policy decision that is vital to the transformation and sustainability of the legal sector in Wales - particularly when looked at in the context of further devolution of justice functions.

The introduction of a Level 7 legal apprenticeship qualification in Wales would bring several benefits to both aspiring legal professionals and the broader legal sector. Here are some of the advantages:

1. Diverse Pathways to Legal Careers: A Level 7 legal apprenticeship would offer an alternative pathway to aspiring lawyers, allowing them to pursue a legal career

without the need for a traditional university degree. This diversification of entry routes can attract a more varied pool of talent to the legal profession, including individuals who may not have considered it due to financial constraints or other barriers.

2. **Cost-Effective Education:** Apprenticeships are typically funded by employers or through Government grants, reducing the financial burden on individuals compared to traditional university degrees. This would make a legal career more accessible to a wider range of students, increasing socioeconomic diversity within the legal sector.
3. **Practical Skills Development:** Legal apprenticeships emphasise practical skills and on-the-job training. This approach ensures that apprentices gain real-world experience and can apply their knowledge directly to legal practice. It aligns education with industry needs and encourages the development of highly skilled legal professionals.
4. **Employability:** Apprenticeships often lead to immediate employment with the sponsoring law firm or legal organisation. As apprentices gain valuable work experience during their training, they are well-positioned to secure a permanent position upon completion. This enhances employability prospects and helps bridge the gap between education and the workforce.
5. **Reduced Student Debt:** Traditional university education often results in significant student loan debt. Legal apprenticeships, being funded by Government or employers, allow individuals to avoid accumulating substantial debt while still obtaining a high-level qualification. This financial relief can significantly improve the overall well-being and long term life chances of apprentices.
6. **Customised Learning:** Legal apprenticeships can be tailored to specific areas of law or practice, allowing apprentices to specialise early in their careers. This

customisation ensures that apprentices receive focused training that aligns with their career aspirations and the needs of their employers from the outset.

7. Contributing to the Welsh Legal Workforce: Introducing a Level 7 legal apprenticeship qualification in Wales can help address the shortage of qualified legal professionals in several Welsh regions where there are already 'legal deserts'. This, in turn, can support the growth and development of the legal sector in Wales.
8. Supporting Lifelong Learning: Apprenticeships can be part of a broader approach to lifelong learning in the legal sector. Professionals who have completed their apprenticeships may continue to upskill and specialise throughout their careers, ensuring a dynamic and adaptable legal workforce.

Recognising the importance of legal apprenticeships as routes of qualification the Law Council of Wales has established a working group, tasked with discussing apprenticeships, with meeting representatives of large firms, in-house, NHS and CILEX. This group seeks to advocate for the creation of level 7 apprenticeships and will discuss the format and content relevant to the practice of law in Wales and we look forward to seeing the results and conclusions from this work.

At the beginning of May 2022, the Level 3 (Paralegal) and Level 5 (Advanced Paralegal) apprenticeships accredited by CILEX were approved by Welsh Government and added to the Wales Apprenticeship Framework. There are just two Higher Education providers accredited by CILEX that being Cardiff & Vale College and Coleg Sir Gar in partnership with University of Wales Trinity St David. On 23rd June 2023, University of Wales Trinity St David launched their Legal Academy in Swansea through which delivers:

- Level 3 and 5 legal apprenticeships accredited by CILEX
- Level 6/7 top up to FILEX and SQE level

- Cyber apprenticeships for regulated businesses.
- Business apprenticeships for regulated businesses.

To match the rate of the development of legal tech in the market, providers of apprenticeships should investigate the potential for changing or adapting the current legal apprenticeship training curriculum to reflect the technological advancements within the legal sector. This would help to ensure apprenticeships prepare and train apprentices for utilising the latest technology used by legal services. It would also provide more incentive for legal SMEs to take on apprentices, given the enhanced skillset they would bring to the business.

In 2022 the UK government offered a £1,000 financial incentive to businesses for each apprentice hired. However, in the same year only 1.5% of the UK's active employers decided to take on apprentices. The UK government could explore options to provide more incentive for both legal SMEs and students to be involved in apprenticeship schemes whilst seeking to understand why the percentage of apprenticeship uptakes was so low. Providing more financial support, such as increased funding to boost apprentice wages, would decrease the burden on legal SMEs of taking on apprentices. In addition, it would increase the attractiveness of taking up apprenticeships to students and improve apprentice retention.

In response to our consultation and these proposals, calls from our members to resolve the recruitment and retention challenges in Wales continue to grow. Suggestions from members to resolve the exportation of Welsh legal talent include:

- a) Welsh incentives early on as to studying, i.e. additional bursaries to remain practising in Wales for 5 years post-qual (although clearly there would be contractual and moral ramifications to consider).
- b) Where possible, attempt to match incentives such as salaries, bonus schemes and responsibility for the same roles.
- c) Larger firms with more security to consider minor 'bases' and drop-ins throughout smaller locations, even as a desk space to attend once a week.
- d) Ability to offer travel but around Wales and Welsh Courts.
- e) Considering benefits of marketing in more local/regional magazines etc. Older demographic in small locations may often turn to generic firms on the street as they are known locally, hastening demand for additions.

## 5.7 Nearshore service center (SC) investments

Research completed by the Jomati Consultants LLP in 2019, concluded that there was a range of positive evidence to suggest that Cardiff has previously come remarkably close to being successful in attracting multiple large-scale nearshore service centre (SC) inward investments. Today, several UK cities now play host to such SCs, including Birmingham, Leeds, Liverpool, Manchester, Newcastle-Upon-Tyne, and – notably – Belfast. Many law firms' SCs initially launched with the main aim of delivering low-cost centralised "back office" support for law firms, covering functions such as accounts, HR, IT, and marketing. To a large extent, this remains one of their core functions at many law firm SCs.

Given these findings, and in light of the efforts by Cardiff and Swansea universities to redirect their law courses towards legal practice innovation, we believe there is now a realistic prospect of future large-scale nearshore SC investments occurring in Cardiff. We suggest that the Welsh Government should recognise that law firm SC nearshore jobs are

a desirable source of employment for the country: such roles are often relatively well paid, whether by reference to local market conditions or task-specific market norms. They also increasingly offer highly skilled work, both in terms of support personnel and legal services.

By actively supporting the establishment of legal practice SCs in Wales, the Welsh Government should be able to make considerable progress in delivering on at least two of the objectives set out in its Economic Action Plan:

- i. Facilitating high quality employment, skills development, and fair work
- ii. Particularly with reference to LegalTech, enabling Wales to become a centre for (legal sector) innovation and entrepreneurship.

## 5.8 Supporting Law Firms:

Support procured and administered by the Law Society and fully funded by the Welsh Government in the shape of the current program of Cyber essential grants have been a resounding success with take-up of almost 30% of eligible firms, with a strong geographical distribution across the entirety of Wales. The continuation and development of funded initiatives such as this will significantly support the legal sector in Wales in improving its knowledge and understanding of IT procurement and implementation. Reports such as that of the Jomati Rapid review of the legal sector in Wales have noted that historically:

*“Welsh legal practice leaders are generally hostile or indifferent to Welsh Government interventions within their sector.”*

This indifference to governmental support is something that we are working hard to change, and we are increasingly seeing a shift in both attitudes and behaviour in this regard. There remains a significant amount of work for the Law Society to undertake to educate and stimulate our members towards a far greater understanding of the business scenarios where Welsh Government support might be something that significantly enhances the sustainability, efficiency and therefore profitability of their firms.

# **PAPER VI:**

**REIMAGINING THE POTENTIAL OF  
IMPROVED DATA OF THE LEGAL  
SECTOR IN WALES**

## 6.1 A Comprehensive review of Legal Data in Wales

To fully comprehend the scale of the legal system in Wales including areas of potential decline and necessary improvement, one must fully understand the successes and failures of the current operational arrangements. To gain this understanding there is a requirement for there to be rich and accurate data and, crucially, the resource to interrogate it, both of which are not currently readily available in Wales. The most complete and up-to-date data review of the legal sector in Wales, undertaken by Jomati in 2019 needs to be updated, four years later following the Covid-19 pandemic and the changes to the practice of law in Wales.

Across the board, data from of a series of areas, from economic trends and their influence on the demand for legal services to the cost of civil legal aid in Wales, per annum, is at best uncollated and unreviewed, and at worst undocumented. Whilst the topic issues are well known in Wales, the full extent of these issues are not yet fully understood. In some instances, such as remote hearings and the experience of claimants who represent themselves, policy is being made in the dark.

The history of failing to deliver successful long term systematic transformational change to date, exists largely due to the underdeveloped state of civil and criminal justice policy research, resulting in a lack of rigorously evidence-based reforms. Further attempts at reform will fall short too if this “knowledge gap” is not filled with an extensive and robust evidence base.

## 6.2 The utility of data

Rigorous and up-to-date data would allow us to fully ground our eventual recommendations in fact, targeting the exact issues present in each of the papers in the Reimagining justice series. An important note is that the data requested must not just be a 'one-off' snapshot but rather a continued attempt to keep all statistics and data up to date and accessible. For reasons of data protection, the SRA has been unable to provide detailed, area-by-area, breakdown regarding the provision of those legal specialisms by the solicitors' sector. With that caveat in place, below is a list of the identified contemporary data required in Wales as a matter of urgency.

The Welsh and the UK Governments should either separately or collaboratively

1. Analyse the current available data sets with the aim of identifying areas where existing data is underutilised or where Welsh specific data, that is statistically robust, is completely absent.
2. Use this intelligence to initiate a systematic improvement in data in relation to legal sector in Wales

The below list identifies certain key areas in which we do not have accurate up-to-date data

### 1. The role of the legal sector in Wales

- a. The total revenue of the legal sector in Wales
- b. Growth rates and trends in revenue 2015-2025 in Wales
- c. Breakdown of revenue by practice areas (e.g., corporate law, litigation, IP)
- d. Wales market share of major law firms or legal service providers
- e. Economic trends and their influence on the demand for legal services.

## 2. Solicitors and Law firms

- a. The number of solicitors practicing in Wales, per annum
- b. The number of law firms with headquarters in Wales, per annum
- c. The number of law firm offices in Wales, per annum
- d. The number of branch offices in Wales that belong to law firms based in England, per annum
- e. The geographical distribution of where each of those law firm offices are based,
- f. The percentage split between local authority areas (Cardiff, Swansea, etc) divided into regions.
- g. The percentage split between regions in Wales (North, mid, Southwest, etc)
- h. The geography and concentration of Welsh-headquartered law firms.
- i. Total number of lawyers, paralegals, and support staff, per annum
- j. Trends in employment numbers and changes over time, per annum
- k. Data on gender, ethnic, and demographic diversity within the legal workforce, per annum

## 3. Areas of practice

- a. Percentage of firms in each practice Area (Civil litigation, Criminal Justice, Employment etc), per annum
- b. Breakdown of legal services offered by law firms (e.g., transactional, advisory, litigation).
- c. Data on the most active practice areas in terms of caseload or revenue.
- d. Emerging areas of law (e.g., technology law, environmental law) compared with previous years
- e. Percentage comparison of specialisms with English firms
- f. Geographical distribution of areas of practice

#### **4. Firm turnover and size**

- a. The total annual revenues generated by English and Welsh Law firms per annum (with the Wales based law firm percentage)
- b. The revenues of law firms compared (<£100,000, >=£100,000 and £500,000)
- c. Legal market firm size breakdown by employee numbers per annum and trends  
(A total of 43% of all Welsh firms employ 10 solicitors or less)
- d. Ownership models, percentages, and changes over time

#### **5. Adoption of technology**

- a. Adoption rates of legal technology solutions (e.g., AI, legal research tools, document management)
- b. Investment in legal tech startups and innovative projects.
- c. Impact of technology on legal service delivery and client interactions.
- d. Software / hardware used in Wales (e.g. use windows 7 or 8, or 10,)

#### **6. Clients**

- a. Types of clients served (individuals, corporations, government entities)
- b. Geographic distribution of clients.
- c. Client feedback and satisfaction levels.

#### **7. Cross-Border Services and Globalization**

- a. Data on international legal services and cross-border transactions.
- b. Top countries for legal outsourcing and collaboration.

#### **8. Legal Education and Training**

- a. Data on law school enrolment and graduation rates.

- b. Qualifications and certifications required for legal professionals.
- c. Ongoing professional development trends.

## 9. Access to justice

- a. Trends in access to legal representation for different socioeconomic groups.

## 10. Civil Legal aid

- a. The eligibility percentage for civil legal aid for those living in Wales
- b. The cost of civil legal aid in Wales, per annum 2015 - 2025
- c. The percentage of those of legal aid deserts in Wales for each area of civil legal aid
- d. The number of civil legal aid cases, per annum 2015-2025
- e. The number of civil legal aid cases in receipt of 'early advice', 2015 - 2025
- f. The number of Third Sector advice providers including Law Centres
- g. Pro bono services as market share

## 11. Criminal legal aid

- a. Percentage of population eligible for criminal legal aid
- b. The percentage of recipients of pre-charge advice at police stations
- c. The percentage of trials where criminal legal aid representation was used
- d. How many crown courts offer litigation and advocacy services as part of legal aid
- e. How many prisoners accessed legal aid provisions 2015-2025
- f. Budget expenditure on Criminal legal aid Wales 2015-2025
- g. The criminal legal aid fee schemes, including average salaries and grades in Wales
- h. Litigants in person and McKenzie Friends, 2015 - 2025
- i. Number of Duty solicitors in Wales, in each area

## 12. Courts

- a. Court infrastructure budget, 2015 - 2025
- b. The current backlog, compared to annual reports 2015-2025
- c. Number of courts in Wales 2015 - 2025 in each section (magistrate, county, crown)
- d. Number of courts utilising digital technology
- e. Tribunal / courts reform
- f. Youth justice statistics in Wales, convictions

## 13. Current challenges facing the legal sector

- a. Challenges facing the accessibility of Welsh law
- b. Challenges facing criminal and legal aid
- c. Criminal and Legal aid / alternative models for access to justice

Annex:

Fig. 1. MOJ Headcount Payroll Staff Data March 2023

Date	Organisation name	Organisation type	Payroll staff; AO/AA; Headcount	Payroll staff; EO; Headcount	Payroll staff; SEO/HEO; Headcount	Payroll staff; Grade 6/7; Headcount	Payroll staff; SCS; Headcount	Payroll staff; Other, unknown, unspecified; Headcount	Payroll staff; Total; Headcount
03/2023	Ministry of Justice	Ministerial Department	315	835	3,731	2,055	165	48	7,149
03/2023	Criminal Injuries Compensation Authority	Executive Agency	135	90	96	15	2	0	338
03/2023	HM Courts and Tribunals Service	Executive Agency	9,473	2,784	2,817	743	74	8	15,899
03/2023	Legal Aid Agency	Executive Agency	435	344	299	98	10	0	1,186
03/2023	HM Prison and Probation Service	Executive Agency	28,833	7,043	7,473	939	89	21,654	66,031
03/2023	The Office of the Public Guardian	Executive Agency	1,021	431	180	23	3	0	1,658
03/2023	Children and Family Court	Non-Departmental Public Body	0	0	0	0	0	2,243	2,243
03/2023	Criminal Cases Review Commission	Non-Departmental Public Body	0	0	0	0	0	101	101
03/2023	Judicial Appointments Commission	Non-Departmental Public Body	3	24	58	12	1	1	99
03/2023	Legal Services Board	Non-Departmental Public Body	0	0	0	0	0	39	39
03/2023	Parole Board	Non-Departmental Public Body	12	128	50	11	1	0	202
03/2023	Youth Justice Board for England and Wales	Non-Departmental Public Body	3	17	45	31	3	0	99
03/2023	Independent Monitoring Authority	Non-Departmental Public Body	9	7	18	15	4	6	59

Fig. 2. MOJ Headcount Payroll Data, Full time equivalent March 2023

Date	Organisation name	Organisation type	Payroll staff; AO/AA; Full-time equivalent	Payroll staff; EO; Full-time equivalent	Payroll staff; SEO/HEO; Full-time equivalent	Payroll staff; Grade 6/7; Full-time equivalent	Payroll staff; SCS; Full-time equivalent	Payroll staff; Other, unknown, unspecified; Full-time equivalent	Payroll staff; Total; Full-time equivalent
03/2023	Ministry of Justice	Ministerial Department	298	811	3,645	2,006	161	45	6,966
03/2023	Criminal Injuries Compensation Authority	Executive Agency	123	85	93	11	2	0	313
03/2023	HM Courts and Tribunals Service	Executive Agency	8,271	2,633	2,664	722	73	8	14,371
03/2023	Legal Aid Agency	Executive Agency	391	321	288	97	9	0	1,106
03/2023	HM Prison and Probation Service	Executive Agency	27,211	6,726	7,147	920	88	20,128	62,219
03/2023	The Office of the Public Guardian	Executive Agency	929	411	171	23	3	0	1,537
03/2023	Children and Family Court	Non-Departmental Public Body	0	0	0	0	0	2,038	2,038
03/2023	Criminal Cases Review Commission	Non-Departmental Public Body	0	0	0	0	0	94	94
03/2023	Judicial Appointments Commission	Non-Departmental Public Body	3	24	56	12	1	0	95
03/2023	Legal Services Board	Non-Departmental Public Body	0	0	0	0	0	35	35
03/2023	Parole Board	Non-Departmental Public Body	12	126	49	10	1	0	198
03/2023	Youth Justice Board for England and Wales	Non-Departmental Public Body	3	17	44	31	3	0	97
03/2023	Independent Monitoring Authority	Non-Departmental Public Body	9	7	17	15	4	0	51