

Book Review: Access to Justice for Disadvantaged Communities by Marjorie Mayo, Gerald Koessler, Matthew Scott, Imogen Slater

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*The basic human right of access to justice for all has come under threat through wider processes of restructuring, with an increasingly market-led approach to the provision of welfare. **Graham de Barra** recommends the book to students interested in public policy, law, sociology and access to justice. The insights provided by the study of qualitative interviews make this book a unique read from beginning to end.*

Access to Justice for Disadvantaged Communities. Marjorie Mayo, Gerald Koessler, Matthew Scott, Imogen Slater. Policy Press. 2014.

Find this book: 

There are currently 46.5 million people living below the poverty line in the United States of America. In Britain the number is 13 million, or 1-in-5. The wellbeing and livelihood of the poor is dependent on services such as basic forms of welfare and housing. Certain policies and laws have been enacted to protect marginalised people but these are only effective if advice and information is accessible. In a justice system where accessing all legal services costs money, the law becomes elitist and favours those with money over those without. Communities of people would risk being denied rights resulting in further exclusion and this would create systemic inequality and grave violations of human rights.

Access to Justice for Disadvantaged Communities explores the market-led approach to free legal services of the UK and how the service has evolved historically. Under the existing approach, Law Centres must compete for government aid and devote a portion of their resources to managing the centre like a business. The authors present the following question for readers: has the modernisation of public services had a positive or negative effect on the ability of lawyers to provide free legal services? Marjorie Mayo and co-authors research the topic intricately and with great precision. The book is divided into different themes with each chapter focusing on a particular issue. The authors interview different Law Centres in the United Kingdom and they use the unique and expert perspectives of lawyers to reinforce each argument. This helps the reader understand the difficulties and successes of the current paradigm.

Access to justice for all is a core component of human rights in democratic societies. This is illuminated by numerous international treaties including the preamble to the International Covenant on Civil and Political Rights, where it states, "equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". The treaty does not advance a particular model for making societies realise these goals, so why has a competitive market-led system become the dominating paradigm in providing free legal services in the US and UK today? And what effect has it had on the notion of justice that international law provides?

Lawyers or law students reading this book may possess little knowledge in business management; however it is likely that they do have a strong interest in access of justice for all. Surely, business is not the motivation for seeking a career in human rights law or for anyone working in a Law Centre, which I wondered as I read with scepticism the book's glossary, with terms including "New Public Management" and "Best Value". Why, then, should this book interest us?

From the opening pages the authors make it abundantly clear that legal services and business are inseparable given the existing neoliberal climate. Understanding the effects of policy on the work of Law Centres is important.

Idealists like your reviewer would be mistaken to dismiss the realities of providing free legal services and are made to realise with this book that operating a business is a necessary component for facilitating public services. This book is a fair and balanced critique of this system.

The argument for a market-led approach in providing free legal services is outlined by the authors: with cost-saving initiatives introduced as a consequence of austerity, governments incentivise Law Centres to work more efficiently in order to attain necessary funding. This was introduced with the Carter reforms in 2007 where lawyers are paid per case rather than per hour and Centres must devote a portion of their resources to securing grants which are competed for by other Centres providing the same service. The primary benefit to this approach is monetary savings to the ex-chequer. On the surface this seems like a sensible political agenda. Savings benefit everyone and they make for a compelling argument to the average voter around election time.

However there are certain principles that are absolute for Law Centres operating under any circumstances. According to the Law Centres Federation, a Law Centre should “answer to committees of local people. They assist vulnerable people when they suffer injustice, educate people about their rights and tackle local problems”. Some would argue that public service modernisation has negatively affected professional ethical standards because these goals cannot be realistically fulfilled with harsh cost-savings initiatives.

Through detailed interviews the book considers whether such strategies strengthen or weaken Law Centres. It is clear from the passion in which the interviewees speak that despite financial cuts there is a commitment to making justice accessible to all. This is illuminated by the inspiring high-number of volunteers and young law graduates dedicating their lives to help those in need. These experiences offer a glimmer of hope that despite rigorous financial savings under the current regime, the ethos of Law Centres perseveres.

As a recent law graduate who is interested in working in such an environment, the book helped to expand my knowledge of Law Centres. The qualitative interviews give a human touch and unique insight into access to justice. The perspectives of those both providing and availing of the service helped me to understand the situation better. Admittedly, for someone with a keener eye for quantitative data than I, this book may not be suitable. The book is divided by themes rather than a more linear structure and there are no statistics or diagrams. This may cause heart ache for the economists among us. However, this is not the intent of the authors, who aim to write about moral, legal and political concepts instead of a utilitarian equation of adding up the costs and benefits of every model to deduct a single correct answer. Rather, they explain the principles and values of Law Centres in the words of the workers and service users, and investigate the pros and cons of the current system in realising these goals.

This book should be read by anyone with an interest in public policy, law, sociology and access to justice. The insights provided by the study of qualitative interviews make this book a unique read and an enjoyable one from beginning to end.

Graham de Barra holds a LL.M in international human rights law from the Irish Centre of Human Rights, Galway and a B.A in philosophy from the University College Cork. Graham has been involved in international advocacy and law reform through various endeavours including his role as secretary to the board of directors of Students for Sensible Drug Policy and founder of UCC Drug Awareness and Reform. Graham begins an internship in the Council of Europe in Strasbourg, France in March 2015.

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