

Legal life changers

The Justice First Fellowship scheme is using law to change the world, says **Fiona Bawdon**

At the Legal Education Foundation's (TLEF's) February 2018 Justice First Fellowship (JFF) conference when the 20 newly appointed trainee solicitor and barrister fellows stood up to introduce themselves, two spoke of their personal experience of homelessness. Around half of those applying to the fellowship scheme in 2017 came from families where their parents had not been to university; a quarter of applicants had received free school meals; around half were from ethnic minorities.

The 2017 intake was the scheme's fourth and largest. Earlier cohorts have included at least one teenage mum; and the first woman from a Roma background to qualify as a solicitor, Denisa Gannon. In an interview with *The Guardian* earlier this year, Denisa said it was the discrimination she faced in her native Czech Republic and when she arrived in the UK to work as a cleaner, which inspired her to become a social welfare lawyer. 'I didn't know my rights and couldn't speak good English, so I couldn't stand up for myself.'

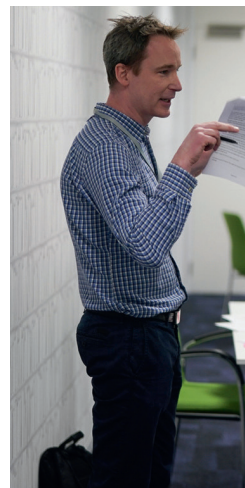
Funding

The fellowship scheme was launched by the grant-giving charity TLEF in 2014 as an imaginative and pragmatic response to the LASPO reforms. TLEF could also see that funding pressures on legal aid firms and advice agencies were making it increasingly difficult for people to get expert help for problems with things like welfare benefits, debt, housing, immigration, or employment. Another important aim of the scheme was to increase social mobility and diversity among those working in the social welfare law sector.

The fellowship took inspiration from similar schemes launched in the US in the 1980s. In the decades since, Equal Justice Works and the Skadden Foundation have funded hundreds and hundreds of young public interest lawyers, and being a fellow is a badge of prestige in an area of law often seen as a career backwater. Of its 820 fellows, the Skadden Foundation claims 90% have stayed in the not-for-profit sector; 11 have gone on to become judges; 14 are Supreme Court clerks; and 17 have founded non-profit organisations.



Justice fellow Denisa Gannon with Guy Beringer, chair of TLEF trustees



“The financial difficulties of legal aid firms are increasingly filtering down to those at the most junior end of the profession”

TLEF has no lesser ambitions for the JFF scheme. It aims to create not just social welfare lawyers but lawyers who are confident and entrepreneurial enough to become future leaders of the profession. To this end, alongside their legal training, fellows are giving additional training in skills such as evaluating data, IT, communications, business planning, and fund-raising. Each fellow also has responsibility for their own access to justice project, which can range from outreach sessions for domestic violence victims, to creating a model to increase a law centre's use of legal expenses insurance. Being a Justice First Fellow is not for the fainthearted—but experience suggests it is succeeding in attracting a diverse range of candidates.

In recent years, legal aid—which historically was one of the most diverse areas of the profession—has become more and more elitist. In 2015, *Legal Action Magazine* (which I then edited) ran a cover story with the heading: 'Legal aid lawyer wanted: must have own silver spoon.' It was only slightly tongue in cheek.

Back in 2013, the senior partner of a leading specialist legal aid firm (himself an immigrant) bemoaned the fact they were only able to recruit well-heeled candidates. 'We see now that the only people who can afford to come to legal aid work are those

with mummy and daddy standing behind them. I'm the product of the welfare state. My parents would never have been able to support me through law school. So, it's not a surprise when some of the most promising candidates who we would like to recruit have said: 'Look, I can't afford to turn down that City job.' Those maxed out on £60k of student loans feel the need to take more lucrative work. It's heart breaking.'

Campaigning

When it was launched more than a decade ago, the campaigning group Young Legal Aid Lawyers (YLAL) made increasing social mobility and diversity within the sector one of its core objectives (in a display of remarkable prescience). It is an issue which YLAL has researched and campaigned on ever since. Its most recent report (*Social Mobility in a Time of Austerity*; March 2018) repeated concerns that 'the legal aid profession is becoming less and less representative of the people it serves: those without means.'

YLAL points out that while trainee solicitors must be paid at least the minimum wage, at £12,000 the minimum pupillage award falls significantly below this. A third of respondents to its survey said their biggest challenge was being underpaid. The financial difficulties of legal aid firms are increasingly filtering down to those at the most junior end of the profession, it warns. YLAL concludes: 'Problems with debt are compounded by low earnings, particularly while training or as a paralegal, and the need to complete unpaid work, mini pupillages and internships.'

Off limits

Jobs previously regarded as entry level are now off limits to those without experience; but who, apart from the well off, can afford to work for free for weeks or months on end? The group also identifies other bars to those from modest backgrounds working



Matthew Smerdon, TLEF chief executive addressing the 2017 cohort of fellows

in legal aid. Whereas commercial firms routinely cover the cost of their trainees' Legal Practice Course (averaging £11,000), only five out of 88 respondents to YLAL's survey had their fees covered by their employer. It is a bleak picture.

Funding

TLEF Justice First Fellowship is not a panacea, but with more than 50 fellows now in post at leading social welfare organisations across the UK, it is not a drop in the ocean either. The scheme has been designed to try to mitigate

some of the greatest hurdles to diversity and mobility. Host organisations receive a grant of around £80,000 to cover each fellow's salary and all associated supervision and management costs. 'It was essential to us and to host organisations that all the costs were covered during the two-year training period,' says TLEF chief executive Matthew Smerdon. Salaries are set by hosts according to their own internal wage structures, but are all above the living wage for the area. Candidates are not asked for details of unpaid work, to try to avoid discriminating against those who have had to earn while studying.

What it does not do, however, is cover the cost of the LPC (or equivalent), which may still act as a deterrent to some. This is partly for pragmatic reasons - TLEF has limited resources and decided when designing the scheme that these could be used most effectively by focusing on the training contract stage of qualification - and partly because the US experience was that this is the stage when the difficulties of establishing a career in social justice law are most intense. Not a level playing field, but one that is less tilted against those of modest means.

A key feature of the scheme is that fellows are regularly brought together, along with their hosts, to network and share experiences. The aim is to ensure they feel part of a

movement of like-minded lawyers.

No one goes into to social welfare law to earn a large salary. However, a battle weary sector is being given a shot in the arm by the arrival of a group of highly motivated and energetic new entrants, who understand their own worth and the value of the work they do.

The impact of the fellowship has been boosted by the forging of close links with YLAL, a longer established and impressively dynamic organisation. As a result—and thanks to student-led initiatives like RebLaw UK (short for 'rebellious lawyering')—newer entrants are an increasingly confident force within the legal aid profession, with their own distinct voice. Four fellows sit on the YLAL committee, and they have just organised their first joint conference ('The fight for social justice: young lawyers making change'), which was upbeat and well attended. The keynote speaker was the veteran human rights lawyer Louise Christian, who although retired from her firm, remains as undaunted as ever. She urged her young audience to 'use the law to change the world—it can be done. If your cause is just, you can get there.' **NLU**

Fiona Bawdon is a freelance journalist & head of communications at the Legal Education Foundation (www.thelegaleducationfoundation.org).



The Breast Cancer Research Trust

President – Dame Vera Lynn DBE, LLD, Mmus

The treatment and management of breast cancer has been revolutionised in the last 41 years since I became President of the Breast Cancer Research Trust. The death rate has fallen by 30% in the UK and many patients now experience a personal cure. This in the main has been due to unremitting and time consuming research not only into new drugs and ways of diagnosing, assessing and treating patients but into the basic causes of breast cancer itself.

It gives me great pleasure to state that to date, we have raised over five million pounds, which has enabled us to support forty major research centres throughout the United Kingdom. The Breast Cancer Research Trust is a charity dedicated to funding clinically based laboratory project research, undertaken in recognised cancer centres or research institutions in the UK, directly aimed at improving the prevention, early diagnosis and treatment of breast cancer. 100% of all donations go towards this vital research as the Trust is run on a purely voluntary basis.

By helping us, you are giving aid and hope to all women who develop this particular cancer.

Vera Lynn

BCRT

T: 01243 583143

E: BCRTrust@btinternet.com

W: www.breastcancerresearchtrust.org.uk

Registered Charity No. 272214