Jolly good fellows

Paths to social justice law: Fiona Bawdon explains why Justice First Fellows sign up to change the world

The earnings gap

When I started as a legal affairs journalist more than two decades ago, the earnings gap between legal aid lawyers and the rest of the profession was far less extreme than it is now. A highlight of my year would be reporting on the (always gentlemanly, but increasingly fraught) ‘negotiations’ between the Law Society and government over the percentage increase in legal aid fees they could expect that year. How times change. David Locke QC (now a sought-after barrister) was generally regarded as an unexceptional junior minister in the Lord Chancellor’s Department when he was appointed by Tony Blair in 1999. Nevertheless, one of David’s proudest boasts remains that he was the last minister to secure an across-the-board hike in legal aid rates. As is well recorded, every year since then, legal aid rates have been frozen (which equates to a cut in real terms), or gone backwards.

It’s not just the earnings gap. There are other potential disincentives to becoming a social justice lawyer, too. Historically in certain quarters (including some Lord Chancellors), legal aid was seen as what you did early in your career (before progressing to more important stuff), or where duffers who couldn’t cut it in the corporate or privately-paying sector ended up. At the most recent fellowship graduation ceremony, Lady Hale, former president of the Supreme Court, debunked the notion that this work is only for the unambitious or the predictions of a looming skills gap. To date, TLEF has funded over 100 new training posts for solicitors and barristers at firms, chambers, advice agencies, law centres and legal charities across the UK. Only time will tell if this ambitious scheme succeeds in its long-term aim of creating sustainable and rewarding (in all senses) careers in social welfare law, but so far the signs are positive.

Even so, no one ever became a social welfare lawyer for the money or for an easy life. Although it’s still sometimes politically expedient to talk about ‘one profession’, in reality, there has never been a bigger gulf between those who act for (and are themselves) the ‘haves’, and lawyers acting for our society’s ‘have nots’.

With some corporate firms paying newly-qualified solicitors salaries of £140,000, it’s clear what motivates trainees at that end of the spectrum. So, if not cash, what is it that lures able, ambitious, (and student debt-laden), people to an area of law where starting salaries are in the £20,000-bracket, rather than the £100,000? As Ollie, Mark, and Karolina demonstrate, the motivations of social justice lawyers tend to be complex, and often highly personal.

For public law barrister Ollie Persey, it was a foot and mouth outbreak; for social welfare solicitor Mark McDonald Loncke, it was street homelessness; for children’s rights solicitor Karolina Rychlicka, it was the fall of communism.

These are just some of the reasons cited by Justice First Fellows for why they chose a career in social justice law, despite the multiple challenges facing this sector after years of under investment.

Fellowship scheme

The Justice First Fellowship scheme was set up in 2014 by the grant-giving charity Legal Education Foundation as a response to fears that the supply of new entrants into social justice law was drying up. Financially straitened organisations could no longer afford to take on trainees, leading to
second rate. She told the audience that she owed ‘most of my career’ to social welfare law. Although she did admit she was a rarity, by adding: ‘I don’t think many people who have had my career could say that.’

Lady Hale recalled the profession’s excitement in the 1970s at the ‘discovery’ of a whole new area of work: social welfare law. What was new about it, she added, was that it was based on the then novel idea that ‘the law is there for everyone. The law that matters most in every day life is just as important as the law that matters most to government and big business.’

The law of ‘everyday life’

Mark McDonald-Loncke has his own reasons for understanding the importance of the law ‘of everyday life’. It was his first hand experience of the life-changing, even life-saving, impact of expert legal advice which led him to a career in social welfare law. In his former career, he’d had a live-in job, and when his employment suddenly ended, so did his accommodation. With nowhere else to go, Mark found himself street homeless, until he was directed to a legal advisor. He says: ‘The free housing advice I obtained at that time led to my being housed, which saved me from further decline and, to put it simply, even saved my life.’

Mark decided to help others as he had been helped and re-trained as a Citizens Advice case worker, a role he held for over a decade. As time went on, however, and the more he worked with local lawyers, his ambitions broadened, and he wanted to qualify as a solicitor.

Mark became a Justice First Fellow and completed his legal training at Hackney Community Law Centre. Despite his years of experience as a case worker, he doubts he would have succeeded in his aim without the fellowship scheme. He says: ‘There were few opportunities for people from non-conventional backgrounds to train as solicitors, so the scheme gave me the opportunity to expand my skills and qualify.’

Ollie Persey’s choice of career as a barrister at Public Law Project was also shaped by events close to home. His dad, a pig farmer, became the lead claimant in a judicial review into the 2001 foot and mouth outbreak, which devastated his local community. The legal battle to win a public inquiry was ultimately lost, but seeing how the law could be used to hold the state to account gave Ollie an appetite for public law, which he has been satiating ever since. He studied jurisprudence and an interest in legal aid or becoming a public interest lawyer—before going to New York for his LLM. He found himself among kindred spirits in NYC, which also gave him the chance to work in a legal clinic on civil rights litigation with ACLU. He says: ‘The legal clinical ethos is hardwired into the US legal profession. The activist culture there is infectious.’ When he returned from the US, Ollie set up the UK version of Yale Law School’s Re:Law conference (short for Rebellious Lawyering), in the hope of infecting other lawyers with the activist bug. (The first Re:Law in 2016 sold out within minutes and, four years on, the event continues to bring together lawyers who are passionate about social justice).

Ollie is not alone in being influenced by a combination of early personal experience and inspiration from the US. The same is true for Belfast-based Emma-Rose Duffy. Age seven, she was faced with the prospect of giving evidence in court and, although she wasn’t called on in the end, the experience left its mark. ‘I will never forget the distress I felt at the thought of it. I promised myself I would do anything I could to try and prevent any other child feeling the same.’

During her legal studies, Emma-Rose had a trip to Los Angeles, where she observed proceedings at a purpose-built, child-sensitive courthouse. With its brightly coloured walls, play areas, and teddies which were given to children to hold in court, it was a ‘complete contrast to the facilities we have for children in Northern Ireland’. Importantly, it opened her eyes to how a justice system could be built around children, rather than adults.

Emma-Rose is now a solicitor at the Children’s Law Centre Northern Ireland, working with a team of like-minded colleagues. She says: ‘Children are the most vulnerable group within our society. They need protection; they need people to fight for them, as the Children’s Law Centre does on a daily basis. I feel very honoured to now be able to say that I am part of that.’

Political motivations

For Karolina Rychlicka, solicitor at Just for Kids Law, the motivation for her career was more political than personal. The upheaval and transformation her home country of Poland went through in the 1990s had a galvanising effect on her: ‘I remember feeling something remarkable was happening and the collective sense of freedom and hope. As the extent of crimes committed by the communist regime was revealed, people turned to courts to remedy those wrongs. Seeing the determination of victims and their lawyers inspired me to study law.’

Karolina was not just the first in her family to go to university, but the first in her Polish village, which makes her nothing if not a trailblazer. However, even those following family footsteps into social justice law may find it an uphill struggle.

Siobhan Taylor-Ward is a Justice First Fellow and now solicitor at Merseyside Law Centre. Her father is a law centre lawyer, so while her chosen career isn’t a great surprise, the level of determination she needed to get there may be.

Siobhan started her part-time GDL when her second child was six months (which would be enough for many of us), but at different times she juggled these studies (and later her LPC), with working as a benefits adviser, as a Hillsborough case officer (full time), plus studying for and passing her level 2 Immigration and Asylum Accreditation (which was a condition of taking a job as an asylum case worker). She says the Hillsborough work was ‘harrowing’ but (as someone from Merseyside) ‘it was the best experience I could have imagined’. ‘The day of the inquest verdicts will always be one of the most memorable of my life,’ she says.

The financial pressure of funding the course was intense and her schedule relentless: ‘I remember regularly being up until 3am so that I could get my work and revision done, having had to complete my day job and parenting duties before I could start studying.’

Despite such extraordinary commitment, she knew there was no guaranteed job at the end. Siobhan says: ‘I wanted to get the highest grades I could, as I was worried that as a woman over 30 with children, a mobility impairment and a House accent I might struggle to obtain a training contract.’

In 2020, Siobhan was named Legal Aid Newcomer of the Year at the LALY awards. It’s hard not to be awed by the likes of Siobhan and the other Justice First Fellows, who devote their heart and soul, years of study and sacrifice, and rack up thousands of pounds of debt, not to secure a life of privilege and affluence for themselves, but in the hope of earning a modest salary helping others secure a life of basic human dignity.

As someone whose own life was transformed by legal advice, Mark says of his chosen career: ‘The work is hard. You will have setbacks and think you are going to fail, but keep going: you will help many, people; you will change lives. Your work will be meaningful and will give your life meaning.’

How many corporate lawyers can say that?

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