

# Will the last solicitor standing please turn out the lights?

The profession's failure to present a united front in opposition to Jackson will have far-reaching consequences, says **Richard Barr**

**Y**our new car is due for delivery on 1 April. It does not arrive. When you ring to find out what happened, the dealer is apologetic but says it will not be with you until 2 April.

In the meantime, your partner was to have a hip replacement operation – paid for privately because, as we all know, solicitors have far more money than sense – but the operation was cancelled because the surgeon was ill.

I can now reveal that these irritations will soon be a thing of the past, thanks to... solicitors.

The suppliers of goods and services will, if a new pilot plan is completed successfully, have to supply the car or carry out the operation completely without payment if they fail, even by a day, to fulfil their obligations.

Outrageous and impossible? Not a bit.

Most solicitors involved in civil litigation are now familiar with CPR 3.14. In case there are a few outposts on the Norfolk coast that have yet to receive the news, it said: "Unless the court otherwise orders, any party which fails to file a budget despite being required to do so will be treated as having filed a budget comprising only the applicable court fees."

Savour those words while I disclose a cunning plan on the part of the government.

As is widely known, our

profession is generally incapable of speaking with one voice. Anyone who has ever been in a legal partnership will know that eight partners means eight conflicting points of view. Multiply that by all the solicitors in the country and you have tens of thousands of views – about every topic.

And the government knows this. A secret think tank (code named, with great originality, STT) has concluded that, while rats are good subjects for biological engineering, solicitors are ideal for social engineering because, whatever is done to them, they are incapable of mounting united opposition to it.

The STT wants to impose draconian sanctions on providers of goods and services who fall short of perfection and has rolled out its plans under the innocuous code name Jackson.

A mole burrowing under the STT premises was able to download some snatches of its discussions. Unfortunately, I do not have a full transcript, but the following phrases were heard: "Solicitors are a pain in the [inaudible] side... Never did any government any good... Need to get rid of them... Ok let's stuff them then."

And so they did, exploiting the fact that these days solicitors are under such pressure that inevitably some, or even all of

them, will slip up and miss a deadline or fail to fill in a form.

In the reforms introduced post-Jackson, several 'heffalump traps' were set for the unwary, i.e. most of us.

Our mole provides an explanation for this as he burrows further under the STT premises and hears: "What we need to do, chaps, is set them impossible deadlines, and then give them something to do that they find difficult."

Easy. Create a dense form that looks like an excel spreadsheet (budget precedent H). Give it lots of columns and rows with little indication of what should go where, make it mandatory, deny solicitors their fees if they fail to fill it in on time then stand back.

Very soon, solicitors were tumbling into these traps and begging for relief from sanctions (instantly denied by the Court of Appeal).

The result? Solicitors who are late by even a day have to run the case free (no matter how large or complicated it is) or face being sued by their clients.

And what did we all do? We shouted a bit that it was not fair and just accepted the new rules.

The STT is now turning its sights on others. Hospitals that do not meet their targets will not be paid at all but will still be required to provide a service. Train companies will be compelled to refund the entire

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**And what did we all do? We shouted a bit that it was not fair and just accepted the new rules**

fare to all passengers if a train is a minute late. And you will get your groceries free if you have to wait at the supermarket checkout for more than five minutes.

All of this will have happened because of sacrifices made by solicitors. The public should at least be grateful, and it is hoped that a memorial to the last solicitor standing will be erected on the spare plinth in Trafalgar Square. **SJ**



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