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COLUMNIST OF THE YEAR

Free legal aid system is aiding and abetting cons

LAST week, a Dublin man with over 100 previous convictions, including many for violent crimes, was given a partially suspended sentence because the judge heard he was making efforts to turn his life around and decided he deserved a second chance.

In the same week, a woman with an 'appalling' record of almost 140 previous convictions got a fully suspended sentence for shoplifting because the judge was 'impressed' with her efforts to deal with her addiction problems.

I'm going to go out on a limb here and speculate that both of these defendants, and the countless others with previous convictions running into three figures who turn up in our courts on a weekly basis, were on free legal aid. In other words, you are the one who is funding these criminals as they take their sweet time deciding whether or not they're really cut out for a life of crime.

And unless they are totally incompetent criminals, chances are they have all notched up a string of acquittals after court hearings as well as their tally of convictions. So it's very likely that someone with 140 convictions will have been prosecuted on up to 200 occasions.

Suckers

And each of these prosecutions will have involved multiple court appearances by free legal aid lawyers. Every single court appearance is billed separately and it's all on your dime.

According to a recent review by the Law Society, in those rare cases where a person pays privately for their defence, it takes an average of 133 days to complete the case.

But where you're paying the bill, and the solicitors and barristers can charge per appearance, for some inexplicable reason the average duration of the case is 313 days. Baffling, eh?

At present solicitors in the District Court get €240 for the first appearance, and €60 for each appearance after that. No incentive there at all, is there, to string

out a case over almost a year of repeat court attendances?

And just in case the system wasn't already ripe for abuse, one solicitor recently made a presentation to colleagues titled 'A Crash Course on Legal Aid Applications in the District Court', advising on how to 'maximise' the financial potential of the taxpayer-funded criminal legal aid system.

According to the solicitor who made the presentation, 'if your client has a number of new charges before the court, let's say two matters, and both are assigned in the same solicitor's name, that solicitor will only receive one payment as the matters are for the same client on the same day.'

However, he says, if there's a second solicitor in the same firm on the legal aid panel, then you can 'maximise the legal aid by assigning each prosecution in a different solicitor's name'.

When contacted by the Irish Daily Mail about this advice, the



Paul together: Mescal, left, with girlfriend Gracie Abrams and Macca

PAUL McCartney has been talking about his meetings with Paul Mescal ahead of the Kildare man's portrayal of the singer in the forthcoming series of Beatles biopics. Not only did the actor learn to play the guitar left-handed, but he's also been taking lessons from the legendary musician himself. Paul told the BBC: 'He came into this office and I thought, "Well, I'll show him how to do Blackbird". So I picked up the guitar and started playing - and he played along exactly! I think he knew it better than I did... so, yeah, I thought, "I'll just leave you to it".'

Having the man who wrote it admit that there's nothing he can teach you about playing a Beatles song is surely an accolade that very few professional musicians, never mind an actor-turned-musician, can boast.

Praise doesn't come much higher.

solicitor admitted he never expected his presentation to come to the attention of the poor suckers paying these 'maximised' charges, that 'my understanding was that it was an internal document', and he didn't realise 'it was going to be publicised'. But, he said, 'it was a practice that was very prevalent in Dublin'.

Miserable

So it's hard to blame Justice Minister Jim O'Callaghan for attempting to curtail this 'maximising' culture by offering a flat fee for each case, rather than paying solicitors for every court appearance.

That's why thousands of cases have been disrupted over the past few weeks, as solicitors protest against the new proposals.

They're insisting that they'll be practically reduced to penury if they have to accept a miserable €455 per client, and are no longer able to string a minor District Court offence out over multiple

adjournments and 313 days.

At the weekend, it was reported that Mr O'Callaghan is proposing a compromise by offering to increase the rate to €582, but is determined to stick to his plan for a flat fee.

As most legal aid recipients tend to stay with the same solicitors throughout their crime sprees, that means your average client with 100-plus convictions will earn that firm almost €60,000 in fees under the new system - which just raises the question of what, exactly, they've been earning for these recidivist clients up to now.

It's clear the entire legal aid system needs an overhaul, because everybody involved seems to be milking the unfortunate taxpayer on an industrial scale.

Take that woman with almost 140 shoplifting convictions, for example. Not only are you forking out for each of her court appearances, but the cost of the goods she has made a career of pilfering is also borne by those

law-abiding customers who are dumb enough to pay for their shopping. But if she knew that at least part of her legal fees would be clawed back from social welfare, for example, she might have made efforts to address her 'addiction problems' a tad earlier. As matters stand, there's no incentive for these people to turn their lives around, no matter what yarns are spun in court to gullible judges.

Everyone has a constitutional right to a defence. They don't, however, have a constitutional right to a totally free defence and there's certainly a strong argument for capping the number of prosecutions that are entirely funded by free legal aid.

Convictions

Most people shouldn't need more than three convictions to persuade them to pursue a different career path or curb a behavioural tendency, and it is difficult to understand how any court could be persuaded that someone with 100-plus convictions is suddenly likely to mend their ways.

They have clearly long since learned there's no real downside to repeated criminality - even if they're caught, a suspended sentence is likely and the taxpayer is picking up the tab anyway.

By the time someone has notched up ten convictions on free legal aid, they are obviously gaming the system and it is profoundly unfair to keep sticking the public with the cost of their life choices.

If Mr O'Callaghan is to make a serious attempt to tackle the ballooning cost of free legal aid, then the flat fee should be part of a suite of measures that also involves recouping legal costs from repeat offenders.

I suspect that their efforts to change their ways might suddenly become a lot more effective if they, and not the taxpayers, were the ones being hit in the pocket.

Donaldson's disturbing lessons

WHEN he gave sex education classes to Sunday school children, it seems Jeffrey Donaldson advised couples to go out dating in groups so that 'the wicked sin of sexual temptation would be lessened'. At a time when he was sexually abusing and raping two young girls, and also making sneaky visits to gay saunas in London, Donaldson was warning youngsters off all carnal pleasures. Among his

more bizarre suggestions for avoiding temptation was that couples out for a drive should keep a Bible beside the handbrake at all times, so that they could read it together to subdue any impure impulses. I'd say that'd be a bit of a turn-off, alright, although given that Donaldson, right, has never been more than a couple of feet away from his Bible at all times, it clearly had the opposite effect on him.



TDs should reflect on this irony

HAVING voted to remove the mandatory three-day reflection period for abortion earlier this month, the Government is now seeking an extended period of committee stage scrutiny of the proposed legislation. Because of significant levels of opposition within both Government parties to the move, TDs are now demanding extra time to consider the planned changes, apparently fearing a backlash from constituents if it appears

to be railroaded through the Oireachtas. It's been reported that submissions may be sought, witnesses may be heard and even public hearings may take place to ensure the proposals are properly considered and the final decision is, as one TD put it, 'carefully thought out'. So our politicians require extra time to think over a new law to deny women extra time to think over a life-changing decision. Truly, irony is lost on the dim of wit.