

Rachael Levene

### **ACCESS TO JUSTICE: WHO PAYS THE PRICE?**

'Money is the root of all evil' - but could it also be the root of all justice? As with so many complaints made about British institutions, for example education and hospitals, more cash seems the obvious solution. It is where to find this resource that remains the case to be decided.

It is widely agreed that justice should be made more accessible to more types of people. A person should not need to be in dire poverty or from the aristocracy in order to litigate confidently. The meaning of justice should no longer rest on such a paradox; there should be unscrupulous access to fairness. So how can we equate justice with equality?

Since the introduction of the welfare state in 1945 Britain can boast a provision of free healthcare for all citizens. Despite current criticisms and a significant trend towards private healthcare, the concept of the national health service remains an ideal. It seems reasonable to consider such a provision for litigation. However, whilst taxation is accepted as a means of funding the NHS, probably because of the high probability of every person needing treatment during their lifetime, taxing the population for legal services that many of them will never use is unfair and would be widely unpopular. Nevertheless, free legal advice appears a reasonable concept - but who pays?

Thankfully we have the German economic crisis of 1923 to remind us that printing more bank notes is not the answer. Increased taxation has also been dismissed. Voluntary

legal work could solve many problems and as Lord Irvine said when speaking of the Pro Bono Unit (the bar's free advice scheme for people unable to qualify for legal aid or afford lawyers' fees), "The unit is a refreshing antidote to negative images of the profession". Furthermore, it should not be forgotten that on November 4th the College of Law in Central London opens a free legal advice clinic.

The clinic is to be run by students who are still training. At the peak of their intellectual abilities and fresh from the lecture hall, surely these people will be able to advise well, perhaps even better than many solicitors. Also, with the huge competition for jobs after university, this experience could be invaluable to young lawyers. Thus the moral duty of giving up time to work for the Pro Bono Unit could become an expectation of every young lawyer.

However justice requires more than being simply advised on how to obtain it. Free Representation Units should be encouraged and are again ideal training ground for young lawyers. One fear could be that standards within our courts may drop as successful representation is often related to experience. In order maintain these standards, highly paid lawyers should be expected to give up more of their time than their lower paid counterparts. The number of days of free work could be calculated according to lawyers' average yearly earnings with a minimum contribution of one day for those in the lowest paid bracket.

Additionally, 'fat cat lawyers' could also contribute through a government levy on their fees to fund technology reform - a new approach to justice that will save time and public money. In our world of rapid technological change the traditional piles of papers are now threatened by computers. A recent trial at Southwark Crown Court piloting the

use of computers has used document scanners and computers which provide instant access to the transcription of everything said in court and a faster way of looking through the evidence. In this trial the technology is thought to save at least a day a week. Of course much time would need to be invested in such a technological reform as lawyers would need to learn how to use the equipment. During this period the computers would be made increasingly faster and by the time the computers are up and running they will be far more powerful than those that we consider modern today. Such ever increasing efficiency may allow Mr Blair to finally fulfil his wish and halve the time between arrest and sentence.

In order to apply this service in all courts, a huge investment would be needed to fund the technology. However, if millionaires are prepared to donate some of their fortunes to helping bright children, surely there exist some generous benefactors who would be prepared to help society at large by allowing the justice system to join the computer age.

Once this is accomplished, the greater efficiency of the Court Service would save significant costs. These finances could then be allocated to ensure that justice is available for everyone. The title 'legal aid' should be changed to stop people associating free legal help with being poor. Besides, it would no longer be just for the poor as everyone would be entitled to legal care. In order to prevent the exploitation of this service with very petty cases, each case would need to be examined in something similar to committal proceedings in the Magistrate's Court.

Like the public, lawyers should not be able to exploit government funds and strict guidelines should be enforced to ensure that these finances are not taken advantage of. It seems inevitable that the rich may prefer to take out 'legal insurance' with the belief

'you get what you pay for' and in this way QCs such as Graham Aaronson may never have to charge what is deemed a reasonable rate. However if the rich were to segregate themselves it would only leave more money for the ordinary person who cannot afford to support the 'million-a-year club'.

Overall, I think it is a duty of the government towards its citizens that the justice system should be made more accessible. The law is vital in protecting the individual and upholding society. When grievances occur the individual should be able to receive help from the legal profession. More free advice and representation and greater efficiency within the courts should, beyond reasonable doubt, see Britain into the twenty-first century.