

1.2 The growth of the legal system

The legal system plays a significant and growing role in society as our lives become governed by an increasing number of laws. As our society has become more sophisticated, a greater number of laws have been required. This in turn has resulted in our legal system becoming increasingly more complex. Changes in technology, the way in which we live and the types of relationships we have are all reflected by the law. Society expects the law to reflect its ideas, values and culture, so the law has to evolve to keep up with social changes. Examples of areas where the law has changed to keep pace with changes in society include family matters such as marriage, divorce and civil partnerships, technological developments such as the telephone, computers and the internet, and social developments such as consumer and employment rights.

Due to the growth in the number of laws and the growing complexity of society, most people will now seek some form of legal advice during their lifetime, whether it is to purchase a house, in relation to family issues, to seek advice about debt, a legal claim, or for advice on tax or income issues. This increase in people seeking legal advice has also seen a rise in the number of those providing that advice. For example, in 1970, 30,000 solicitors and barristers were in practice, but by 2000 this had increased to over 100,000. In the same thirty-year period, the number of judges employed in the courts multiplied from under 300 to over 3000. During the second half of the twentieth century, the provision of legal advice became a large industry. Recent turnover in the legal advice sector exceeded eleven billion pounds. This also makes it a substantial economic player and contributor to both industry and the public sector.

As more laws have been created to reflect changing attitudes in society, individuals have become more aware of their rights. We now also expect and demand much more from our legal system. The number of legal cases started has risen. In order to cope with the increased demand, the number of people employed by and involved in the legal system has grown, and it has assumed much greater economic significance.

While the legal system raises substantial sums of money through the collection of fines, it also costs a great deal of public money to run it. The growth of the legal system has, therefore, put a strain on public funds and so it has subsequently been subject to a number of reviews, all of which have attempted to make it more cost-effective, efficient, quicker and easier to use.

The **criminal justice system** accounts for over fifteen billion pounds per year of public spending. The **civil justice system** also has an impact on the public purse because in recent years over fifteen billion pounds has been awarded by way of compensation in civil cases. Many of those civil cases were against public bodies, such as local authorities and hospitals. As the bodies are publicly funded, any money they are ordered by a court to pay as compensation comes, in effect, from public funds.

The increasing number of laws as well as the popularity of legal-themed television programmes, novels and films have also added to the growing public awareness of the legal system. Law is now recognised as being an area of much greater political importance than it once was. Governments now regularly introduce changes affecting the legal system as a response to public concerns. It is now common for the government to produce a new **bill** in the area of criminal justice each year, and there have been recent reforms in the criminal

justice system to increase the speed and fairness of the system while at the same time reducing costs.

Many people have strong views on the legal system and the changes that have taken place over the last few decades; changes such as the reduction of access to the appeal system, the removal of the rights of defendants to remain silent during police interviews without an adverse inference being made, and the reduction of access to **legal aid**. There are many debates about how much public money should be spent on the legal system and how money should be raised to fund it.

One of the main challenges for the legal system in the twenty-first century is how to achieve a balance between the requirements of efficiency, cost control and achieving set targets, and the rights and responsibilities of individuals and society as a whole.

This balancing act is not necessarily new, as the debates about the purpose, role and function of the legal system have been ongoing for many centuries. What has changed recently is the increasing number of laws and the impact of legal regulation on everyday life. This has given the legal system much wider recognition and also caused more debate.

