



# UNJUST KINGDOM

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This report reveals public attitudes towards the British legal systems and the professionals working within it. Over 2,000 members of the public across the UK were surveyed, and these findings are contrasted with further views gathered from over 500 of the most experienced legal professionals in the country.

Hodge Jones & Allen are campaigning to raise awareness of the barriers to justice and issues surrounding public interaction with the legal system in the UK.

Our report highlights the severity of the problems the justice system is facing in 2015.

We want to put these issues firmly on the public, media and government agendas and force people to acknowledge the reality and gravity of the problem and ultimately spur innovation and change.

**What are your views?**

**Join in the debate at using #HJAInnovation**

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# UNJUST

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## FOREWORD

**By Shauneen Lambe**

Executive Director, Just for Kids Law

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I am grateful for the opportunity to introduce this report. Justice for all is something I have always felt incredibly passionate about, and I am delighted to support Hodge Jones & Allen in their continued drive to push boundaries and innovate in the fight to maintain access.

Before founding the children's charity Just for Kids Law, I worked as a legal aid lawyer representing vulnerable children and young people in criminal courts. It was there that I came to realise that an entire section of society was often being overlooked, misunderstood or let down by the judicial process. It was my goal to ensure that young people's problems were recognised, that their voices were heard, and that decisive action was taken to improve their situation. This report does just that. It is centred on listening to the voice of the British public as a whole, understanding their concerns around the justice system and using this as a springboard for real change.

In my line of work, I encounter people on a daily basis who have been denied access to services to which they have a legal right, often as they are unaware or

misinformed. The fact that 73% of those asked believe that the general public has little understanding of how the legal process works is a statistic that therefore stands out to me personally.

At the root of the problem for many people, particularly children and teenagers, is the complexity of legal terminology. When the language of the court is described to be like listening to 'posh words' or 'a foreign language', it is evident that a barrier has been created between the ordinary person and the legal process. In putting together our website for the Youth Justice Legal Centre, we enlisted the help of governmental digital support to decode our terminology so that those without a law degree could navigate their way around it.

This is not about dumbing down, but opening up. Increasing understanding and spreading information is a powerful way to ensure that justice is served. It is my hope that the call for better education within this report is heard. It is our job as legal professionals to ensure

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that the law is not an elitist institution, but a necessary service, open to all who need it.

The UK justice system has often been hailed as a bastion of greatness: the foundation for many other systems all over the world. Of course, in many ways this is historically correct. There is much to be proud of, although there is also much to improve. As a practising lawyer in multiple jurisdictions, I have seen the holes that do exist and the ways in which many people today are unfortunately being let down. We cannot continue to ride on the reputation of greatness and lofty ideals.

We need to begin the process of change now and it is through listening to the perceptions of the people who we are meant to serve that this process can truly begin.

**Shauneen Lambe**

# UNJUST

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## INTRODUCTION

By Patrick Allen

Managing Partner, Hodge Jones & Allen

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Last year, for our *Innovation in Law Report 2014*, we set out to understand and uncover the realities of living in a post-Jackson world for those working in the legal profession. With our 2015 report, we wanted to open the debate more widely; continuing to examine the issues around justice in the UK today but reflecting the experience of the general public.

What has become clear through this research is the severity of the challenges that the justice system faces in 2015, with public trust shattered and a growing reality that legal services are out of reach for the ordinary person. Things are getting worse. The government took another step in the wrong direction last week by announcing a rise in the small claims limit. This will put thousands of injured claimants at the mercy of experienced insurance company claims handlers. Cutting off claimants from legal advice will inevitably mean that claims do not proceed or are compromised below their true value. The astonishing rise in court fees in the last 12 months seems designed to keep people out of the courts.

Many of the statistics are deeply concerning and reflect the cynicism expressed by the legal professionals surveyed last year. It is our hope, however, that by acknowledging the gravity of the situation, we can put these issues on the public, media and governmental agenda and find the momentum for change.

In looking for a solution, it becomes clear there are no easy options. Providing legal advice comes at a cost, this we cannot deny. The delivery and quality of services cannot be compromised. After all, you would not expect a brain surgeon to operate out of the back of a car or be replaced with an individual with little training and qualifications. We should not expect this from our legal system either.

UK law and procedure is complex and those who train for years to navigate it also need the technology and resources to service it and deliver solutions. The courts have been starved of funds for much needed IT systems. However both the government and the legal profession must do more to support and educate the public. We must seek ways to ensure that those who need to access to the system can do so effectively.

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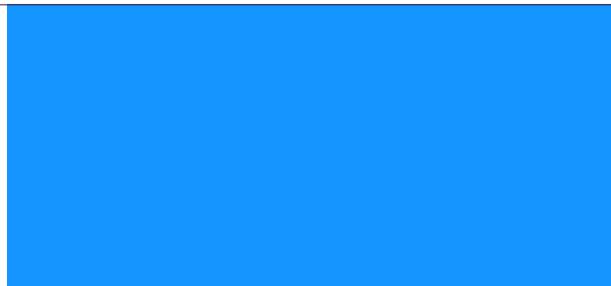
In my forty year career, I have seen the legal system change and adapt. Innovation has taken place in other countries, under other jurisdictions. We may have to look elsewhere in the world – to countries like the Netherlands (who have a comprehensive legal aid scheme) – to ensure that justice is served to all in spite of economic constraints.

Despite the seriousness of the current situation, this report gives us reason to be hopeful. In *Innovation in Law 2014*, I expressed dismay that 69% of legal professionals would not recommend the law as a career. What we have uncovered with this new research is that, despite their mistrust and shaken faith in the system, 71% of the respondents agreed that they would be proud if a child or a young relative aspired to work within the legal profession. I was fortunate enough to have received a free education, so was able to study and train in the legal profession without a mountain of debt on qualification. Ambitious young people of today deserve the same opportunity to have their potential realised. Free or subsidised further education is an investment for the country which will produce benefits and returns in future years.

At Hodge Jones & Allen, we have always believed that the legal system should be fair and transparent and that everyone – regardless of age, education, wealth, gender or geography – should have access to the justice they deserve. A fully functioning civil justice system accessible by all is the sign of healthy, modern democracy.

However, access to the system that we were so proud of has recently become restricted to the very wealthy, the government and corporations. I urge my peers in the legal sector, the government and the general public to get involved in the debate about how we find and apply resources to reverse this trend and bring the public back into our legal system.

Patrick Allen



# UNTT UST

## KEY FINDINGS

### **Trust and transparency in the legal system are incredibly low**

The general public has lost faith in the justice system, with only 24% believing it to be 'fair and transparent' and less than half of all respondents affirming that they trust those working in the legal profession. This is felt most acutely in Scotland and the North East where only 15% of people agree with the statement 'the justice system is fair and transparent'. The justice system appears to the general public as a bewildering place - 73% of people believe that ordinary people have little understanding of how the legal process works, while 81% regard the justice system to be intimidating to the general public. This is echoed by legal professionals, 87% of whom also perceive this to be the case.

### **Lack of wealth and increased court fees are severely limiting access to justice**

A large majority of people (67%) feel that wealth is now a more important factor in accessing justice than it has previously been, with 63% of people believing that professional legal advice is not affordable for all. This can be at least partially attributed to recent changes in the law: two thirds of respondents (66%) feel that changes to court fees are making it harder for people to bring cases to court, and legal professionals feel this even more strongly (79%). In addition, more than half of

the public (54%) believe that the introduction of fees in employment tribunals obstruct access to justice, as do a clear majority of legal professionals (59%).

### **A modernised system, yet with accessible channels for all is needed - technology is not the sole answer**

The public has demonstrated that it is not content with how the system currently operates. 71% of people across the UK agree with the statement 'the justice system requires faster modernisation' and are actually far more critical of preserving traditions than those working within the profession. For example, only 17% of legal professionals believe that tradition comes at the expense of an efficient system, in comparison to half of the public. Whether access to technology itself necessarily makes the system more accessible is less certain. 63% of people believe that moving to a solely digital process of communication and hearings would risk isolating some sections of society from justice. In the rush towards digitalisation, there is a concern the most vulnerable might be left behind.

### **The public have a clear thirst for better education around the system**

Achieving an improved understanding of the system through better education was a popular idea, regardless

of education or background; 75% of people with a degree agreed they had a thirst for legal knowledge, as did 71% of people without further education – a finding that is unsurprising given self-representation is on the increase. 69% of respondents affirmed that an understanding of the law and the legal process should be taught in primary and secondary schools. This view was also backed by the legal profession, 72% of whom agreed that the law should form a component of young people’s education. Over three quarters (76%) of people believe improved access to, and general understanding of, the legal sector could be achieved through simplified technical language.

### **Legal professionals even more alarmed than the public by the state of the current system**

In many cases, legal professionals - including lawyers, barristers and judges - are more alarmed about the state of the justice system than the public. Comparing the data from the general public, with the data gathered from those within the legal profession, a trend clearly emerges: legal professionals often answer more negatively to questions around the most pressing issues (including accessibility, importance of wealth, impact of recent policy developments). This suggests that those with the greatest knowledge of how the system functions are also those with the most significant concerns over its

efficacy. Interestingly, and sadly, this cynicism is not just rooted in the present day, but stretches into the future. Although a majority of the public (71%) agree that they would be proud if a child or a young relative aspired to work within the legal profession, only 16% of legal professionals would recommend a career in the sector.

### **Race, religion and income are critical in public perceptions of the justice system**

Broadly speaking, more affluent members of the public feel more informed about the legal system and are more trusting of those who work within it. 55% of those owning three or more cars in their household answered yes to the statement ‘if I was faced with a legal situation I would know who to contact/what to do’ compared to 35% that owned none. Similarly, those that have been on a foreign holiday in the last three years felt more trusting of legal professionals than those who had not – 41% versus only 31%. Race and religion also affects perceptions of the justice system, with only 28% of the black community, 17% of the Sikh community and 20% of the Muslims surveyed believing that they could trust legal professionals – in comparison to the national average of 37%.

# ACCESS TO JUSTICE

- Who believes they have it?
- What is the impact of wealth and social background?
- Whose responsibility is it to maintain access?

**63%**

of the public do not believe that professional legal advice is an affordable option for ordinary people

Further to this, **56%**



of people think that the introduction of fees in employment tribunals has obstructed access to justice



The British public are weary of the changes imposed on the courts by the government

**66%**



think changes to court fees are making it harder for people to bring cases to court

# 24%

## Less than a quarter of respondents believe that the justice system is 'fair and transparent'

### Trust and transparency in the legal system is incredibly low



# 81%

of the public regard the justice system to be intimidating



# 87%

of legal professionals also perceive this to be the case

## Who is accountable?



# 79%

of the public feel the government is responsible for maintaining justice for all



only 

# 17%

of legal professionals feel reform should be conducted by Parliament rather than the judiciary

## Lack of wealth is a barrier to justice

### Is it more so than it used to be?



# 67%

of people across the UK think so



# 75%

rising to 75% when those who answered 'don't know' are excluded



# 87%

of those working in the legal sector agree

### There is a common perception that the justice system is accessible only to the privileged few



# 54%

of people agree that the justice system is not accessible to all members of the public



# 83%

of professionals in the legal sector deem this to be the case

# CHAPTER ONE

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## ACCESS TO JUSTICE

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The debate around the accessibility of the justice system has intensified in recent years, largely due to government changes to court fees and the introduction of cuts to legal aid funding for certain types of cases (including many housing, employment and clinical negligence cases). When the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) was implemented in April 2013, the amount of publicly funded civil cases fell dramatically – by 46%.

Though trends have now levelled out, civil legal aid budgets are still low, at around one-third of pre-LASPO levels, while workloads in civil representation stand at around two-thirds of what they were before the Act was implemented.

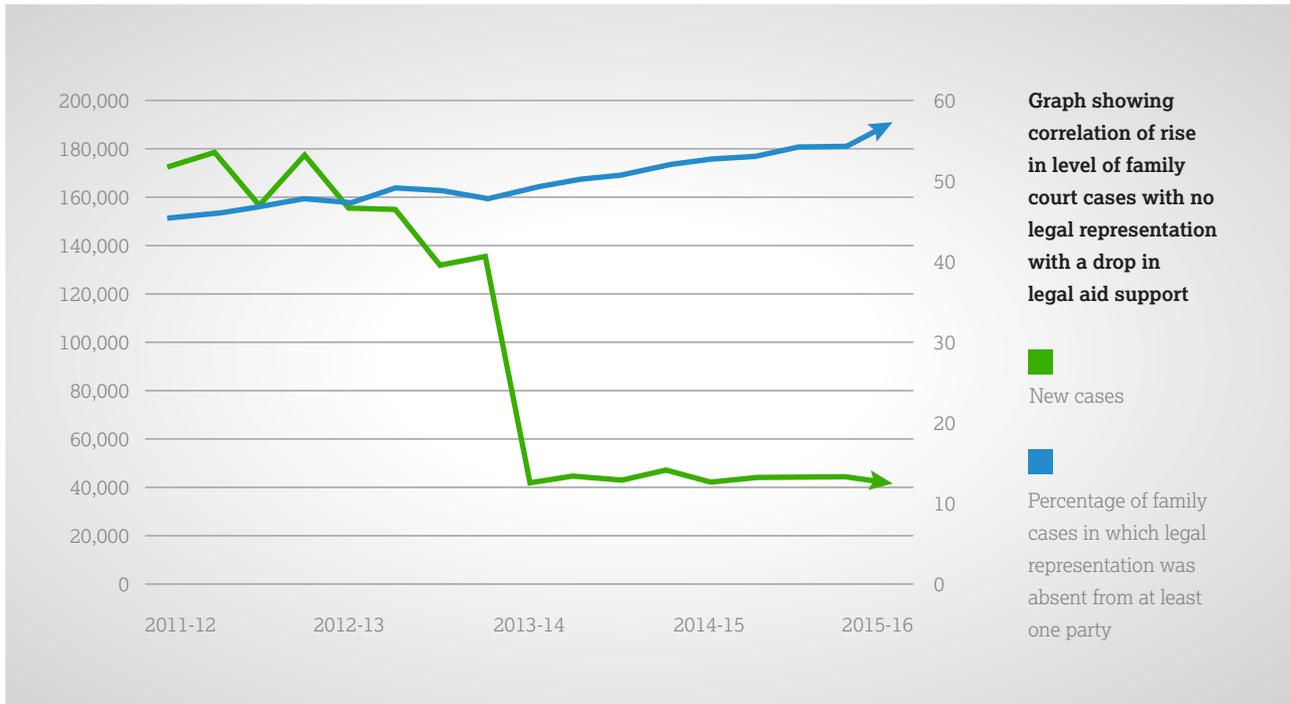
In Hodge Jones & Allen's *Innovation in Law Report 2014*, numerous legal professionals expressed their concern around the accessibility and fairness of the UK legal system. Since the report was published these fears have been compounded by further changes and

developments, such as a new round of proposed court fees that would see maximum fee for money claims rise from £10,000 to £20,000.

In order to compensate for the heavy cost of bringing cases to court, the number of litigants in person – those who self-represent – has also risen dramatically. Following cuts to legal aid, in the family courts alone there have been nearly 18,519 cases (30%) in which legal representation was absent from at least one party.

In addition the recent Comprehensive Spending Review, delivered by the Chancellor of the Exchequer in November 2015, made no reference to legal aid and offered no alternative funding solutions in lieu of this.

In this first section of *Unjust Kingdom*, the voices of the general public and their views on the accessibility of the UK justice system are compared and contrasted to the 2014 report's findings, both in light of these changes and more widely.



Nationwide, less than a quarter of the general public (24%) regard the justice system to be 'fair and transparent'.

This is felt most strongly in Scotland and the North East where figures are lowest of all; only 15% of people in the region agree with the statement 'the justice system is fair and transparent'. This perceived lack of fairness is bolstered by the fact that a majority of people believe the current system to be accessible only to the privileged few. Of those surveyed, more than half (54%) agreed that the justice system is not accessible to all members of the public. Interestingly, this opinion is far more widely held within the legal sector itself, with a staggering 84% of professionals believing that justice is not accessible to all.

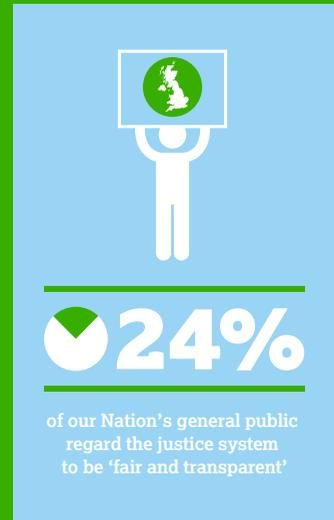
Wealth as a factor, or barrier, in accessing justice is a prevalent view. 63% of those asked do not believe that professional legal advice is an affordable option for ordinary people. This notion seems to have intensified in light of recent changes as 67% of the public agree that 'wealth is a more important factor in accessing justice than it used to be'. Within the legal profession, the figure is even higher with 87% of those working in the sector believing this to be the case.

***Wealth is a more important factor in accessing justice than it used to be***

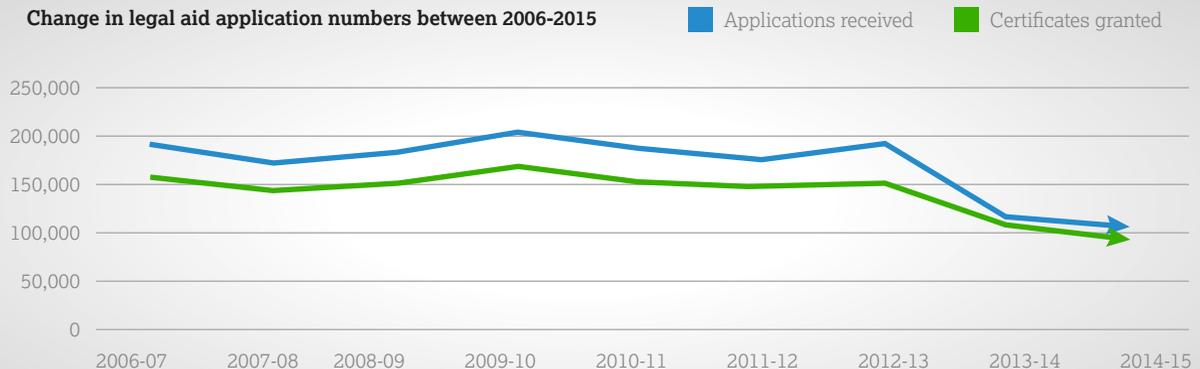
## The public have an overwhelming sense of injustice...

It is difficult to attribute this opinion entirely to recent policy changes, but there is a clear indication that the British public are weary of the changes imposed on the courts by government.

Two thirds of respondents (66%) feel that changes to court fees are making it harder for people to bring cases to court. Further to this, professionals who work in the sector and see the impact of these



Change in legal aid application numbers between 2006-2015

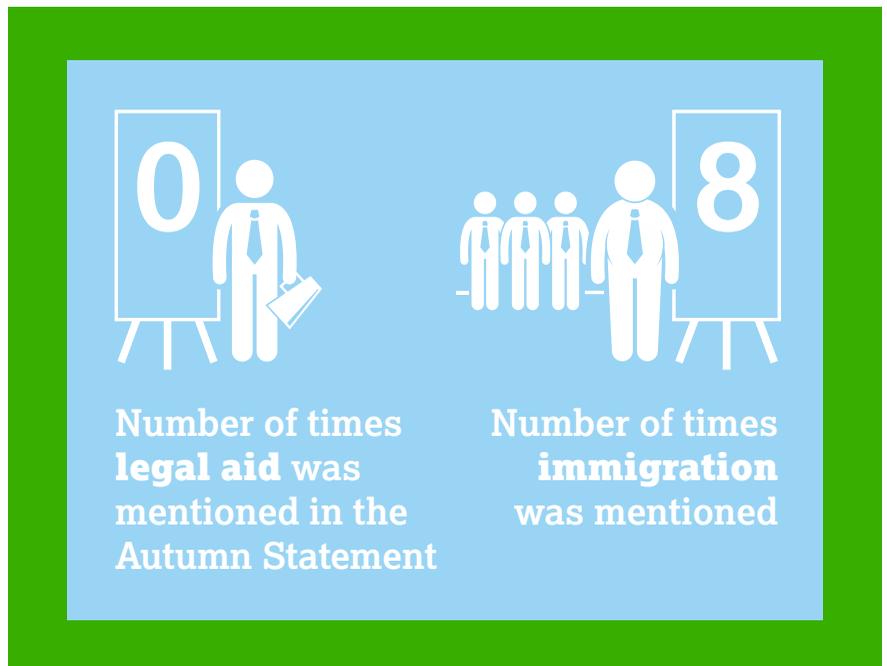


## ...it is the responsibility of government to maintain justice for all

changes on a day-to-day basis have an significant belief (79%) that the wider public is increasingly finding it difficult to bring cases to court. More than half of the public (54%) think that the introduction of fees in employment tribunals obstructs access to justice but, once again, legal professionals feel this more strongly (59%).

The public have an overwhelming sense of injustice, but who ultimately holds accountability is less clearly perceived.

Interestingly, there is a widespread feeling amongst the British public that it is the responsibility of government to maintain justice for all. When asked, 79% of people affirmed that the government is responsible. When legal professionals were asked the same question, however only 17% of legal professionals felt that any review of the justice system, such as the Jackson Reforms, should be conducted by Parliament rather than the judiciary.



## What do you think?

## Share your opinion using #HJAInnovation





# TRUST TRANSPARENCY AND REPRESENTATION

- How clear and transparent is the system?
- Do people trust those working within it?
- Are those who serve in the legal system accurately representative of the UK population?

**73%**

of people believe that the general public has little understanding of how the legal process works



**49%**

of people regard disabled people to be under-represented in the legal sector



**34%**

of people consider women to be under-represented



**31%**

of people consider ethnic minorities to be under-represented

**75%**

of respondents regard the justice system to be intimidating to the general public

**87%**

of legal professionals believe this to be the case



# 76%

(rising to 81% when those that answered 'don't know' are excluded)



of people believe that a reasonable solution to improve access to and general understanding of the legal sector would be to **simplify the technical language used by legal professionals**



People in Northern Ireland felt most strongly that this would help

# 94%



although even in the region with the lowest average overall (North East) the numbers of people agreeing were high

# 68%

Only **43%** answered in the affirmative when asked the question:



'If I was faced with a legal situation I would know who to contact/what to do'

In terms of knowing what to do when faced with a situation requiring legal guidance, a person's sex, age and economic circumstance proved to have legal impacts on their answers

**47%** of men agreed that they would know what to do

but only **39%** of women felt the same

**56%** of those aged over 65 agreed they would know what to do

and only **26%** of those aged 18-24 thought so

## Broadly, more affluent respondents felt more informed



**55%** of those that had three or more cars in their household would know what to do



**45%** of those who had been on a foreign holiday in the last three years would know what to do



**51%** of those that own their home outright would know what to do



With regards to the level of trust the general public feel towards those working in the legal profession, there were many variances surrounding **geography, age, economic circumstance and race**

Nationally 37% of respondents felt that they could trust those working in the legal profession

Scotland

**32%**

North East

**29%**

Yorkshire & Humberside

**36%**

West Midlands

**35%**

London

**34%**

South West

**34%**

Northern Ireland

**32%**

all had levels of trust below the national average



Trust was highest amongst the oldest respondents

**40%**

of those aged over 65 claimed to trust legal professionals, as opposed to **31%** of those aged 18-24



Ethnicity and religion proved key influencers

**28%**

of black respondents said they trusted legal professionals, along with only 20% of Muslims and 17% of the Sikhs surveyed

## CHAPTER TWO

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# TRUST, TRANSPARENCY AND REPRESENTATION

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A primary concern of Lord Neuberger, President of the Supreme Court, is that one of the long-term impacts of the changes to the provision of legal aid would be a loss of faith in the whole justice system – a fractured divide between legal professionals and the general public.

Given the highly technical and complex nature of the UK legal system, maintaining transparency and understanding between ordinary people and those working within the profession poses certain challenges. These challenges are compounded by the long-standing concern that the legal profession has traditionally been dominated by white men from privileged social backgrounds. It is encouraging that recent Law Society statistics have revealed positive trends towards a more equal and diverse profession. Three-fifths of all trainee solicitors commencing in 2014 were women, as were over half (57.2%) of all associates in the same year.

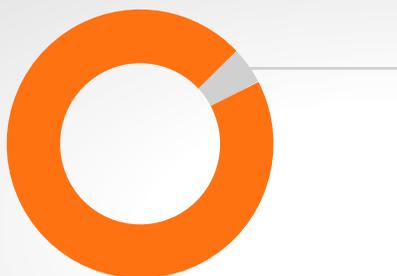
Yet despite these gains, inequalities remain within the sector. In 2014, Black Asian Minority Ethnic (BAME) groups made up only 13.8% of solicitors with practicing certificates and only 5.1% of all partners.

Salary comparisons reveal a similar divide: *The Law Society's PC Holder Survey 2013* identified the median salary for white males to be £60,000 compared to £45,000 for BAME males. For white females, the median salary was £42,500, with BAME females receiving the least at £40,500.

HJA's *Innovation in Law Report 2014* asked legal professionals if they felt different demographic groups were over- or under-represented within the legal and judicial system in the UK. In this chapter, we examine the extent of the general public's understanding of, and trust in, the UK legal system, plus its view of whether the legal profession is truly representative of the population as a whole.

### Latest data shows...

Number of UK judiciary staff, of all levels, from BME backgrounds



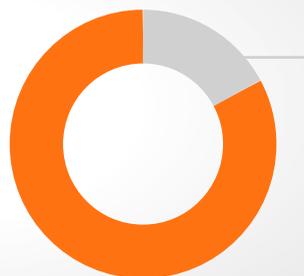
**Number of BME staff across the judiciary is 6%**

Eight out of 38 Court of Appeal judges are women (21%)

In April 2014 the number was seven (18%)

**The number of High Court judges who are women remains at 21 out of 106 (20%)**

Number of High Court judges who are women



Fewer than half of British people (37%) feel that they can trust those working in the legal profession.

Minority communities in particular, both ethnic and religious minorities, have shown the lowest levels of trust towards legal professionals. Only 28% of black respondents felt that they could trust those in the sector, along with just 20% of Muslims and 17% of the Sikhs surveyed.

It is also clear that wealth is perceived by the public to be an important factor in accessing the legal system. Those that have been on a foreign holiday in the last three years, for example, felt more trusting (41%) towards legal professionals than those that had not (31%).

The scepticism felt towards those working within the sector is also reflected in the notion that those who serve are not actually representative of the UK. Only a quarter (25%) of all respondents felt that they could relate to those in the legal profession.

Representation was most clearly an issue regarding the disabled – those with a disability were considered to be the most underrepresented both by the general public (49%) and the legal professionals themselves (68%). Despite tangible improvements in representation having been made within the legal sector, it remains the case that 39% of all women surveyed felt that they are still under-represented in the profession. This perception of

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gender inequality is felt more strongly by the public than by the legal profession itself, though many in the 2014 survey did state that women were under-represented within the community of barristers and the judiciary.

Given these concerns over lack of representation, it is perhaps unsurprising that 81% of respondents regard the justice system to be intimidating to the general public. Legal professionals agreed with this in even greater numbers (87%).

This perceived intimidation could be attributed to the fact that an overwhelming majority of people (73%) believe the general public to have little understanding of how the legal process works. When faced with a complex situation that could require legal guidance, the majority of people are unsure that they would know how to respond; less than half answered in the affirmative to the question 'if I were faced with a legal situation I would know who to contact/what to do'.

## Solicitors Regulation Authority 2014

**69%** of senior partners or equivalent are males

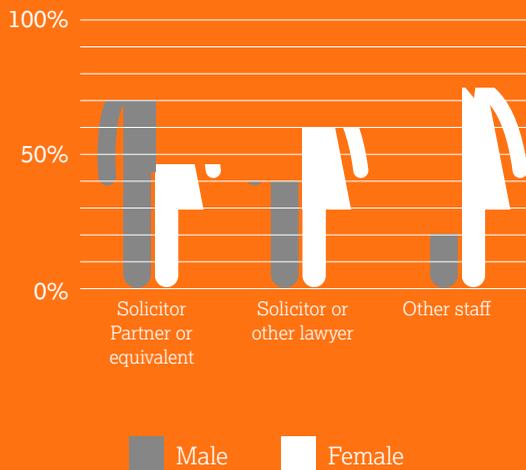
**77%** of 'other staff' are females

**15%** of solicitors or 'other lawyers' are from black or ethnic minority backgrounds

**97%** are heterosexual

**62%** of solicitor partners are state educated

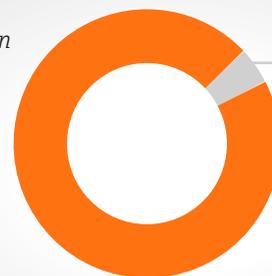
**31%** of partners were privately educated



Despite improvement, women still face a glass ceiling when looking to progress into senior positions

Once again, economic circumstance continues to play a defining role in determining public attitude. While 55% of those living within a household that owned three or more cars would know what to do when faced with a legal situation, only 35% of those that had none would feel equally informed and empowered. Similarly 51% of homeowners would know what to do as opposed to only 36% of those that rent. Interestingly, age has also proved to be a key factor, with 56% of those aged over 65 agreeing that they would know what to do, contrasted with only 26% of those aged 18-24. This suggests that young people in the UK feel particularly far removed from the current legal system.

Representation of LGBT community in UK solicitor firms



3%

Heterosexual    LGBT

**What do you think?**

**Share your opinion using #HJAInnovation**





# CHAPTER THREE

# EDUCATION UNDERSTANDING AND ASPIRATION

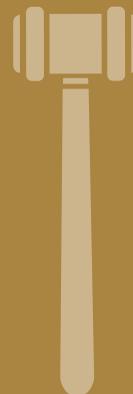
- Do people understand the system?
- How does education impact public access to justice?
- Who aspires to work in the legal profession?

It is clear that the general public has an appetite for a greater understanding of the law and the mechanics of the justice system



**71%**

of people surveyed believe that better education about the legal system would result in better access to **justice for ordinary people**



this figure rises to

**79%**

when those who answered 'don't know' are excluded



**69%**  
of the public



believe that an understanding of the law and the legal process should be taught in primary and secondary schools

**79%**  
of over-65s agreed

and

**71%**  
of lawyers agreed



that law should form a component of young people's education

Interestingly, regardless of concerns surrounding the accessibility of the legal profession there is a general public respect for the profession as a whole

**71%**

of people would be proud if a child or young relative aspired to work in the legal profession



but



**16%**

of legal professionals themselves would recommend a career in the sector

**23%**

of total respondents perceived balancing a legal career with family life to be easy



**25%**  
of men and



**21%**  
of women



agree that 'it is easy to combine family life and working in the legal sector'

**50%**  
of people earning



and

**45%**  
of people earning



but only

**34%**  
of people earning



believe the same

believed the legal profession to be accessible to anyone, regardless of factors like race or ethnicity

of people earning



**Age = greater optimism**

**54%**

of those aged over 65 believe the profession to be fully accessible to all



**but only**

**39%**

of those aged 18-24 think the same

# CHAPTER THREE

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## EDUCATION, UNDERSTANDING AND ASPIRATION

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Education on both the law and the legal process is not widely available to the public today. Statistics from the Joint Council for Qualifications reveal that only 1.3% of pupils took Law at A Level in 2015 (a figure that has actually decreased from 1.4% the previous year). Though there has been a rise of over 50% in the number of people graduating from universities in England and Wales since the start of the century, we have seen that the general public's understanding of the legal system remains very low. Education is set to become an

increasing priority given the rising numbers of those who are facing the prospect of representing themselves in court; in the first quarter of 2014 alone, 80% of all private family law cases had at least one party that was not represented by a professional.

In this chapter of the report, we examine the impact of education on access to justice and the varying perceptions of entering the profession itself.

# We would need far fewer laws if we helped people understand them in the first place

In a 2014 survey for Citizenship Foundation however, **“60% [of teachers surveyed] disagreed (17% ‘strongly’) that this government has strengthened the citizenship curriculum”**

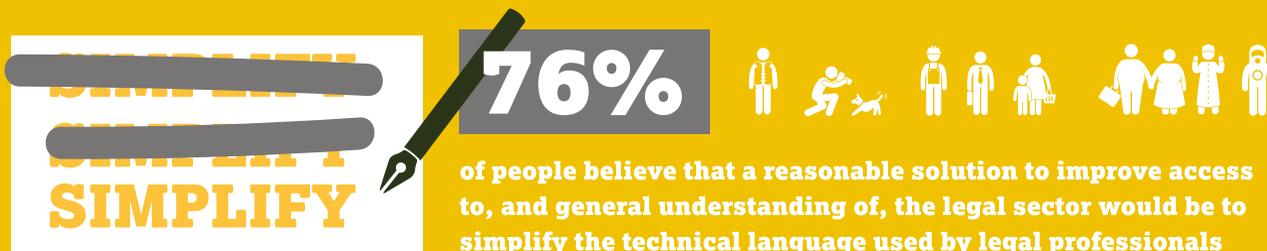
According to the government’s guidance, citizenship education should help pupils: **“develop a sound knowledge and understanding of the role of law and the justice system in our society and how laws are shaped and enforced”**

The public believe there is a pervasive lack of understanding among the UK population of how the legal system works and how best to access it in times of need.

Over three quarters (76%) of people believe that a reasonable approach to improving access to, and general understanding of, the legal sector would be to simplify the technical language used by legal professionals. Arguably, however, promoting understanding through better education is an easily implementable solution. When asked whether better education in legal issues would result in better access to justice for ordinary people, 71% of people surveyed agreed that it would.

This thirst for legal knowledge was a common sentiment regardless of the respondent’s own educational background: 75% of people with a degree agreed, as did 71% of people without further education.

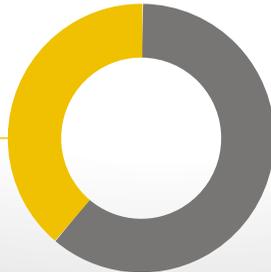
In considering ways in which this educational programme could be implemented, there is widespread agreement (69%) that an understanding of the law and the legal process should be taught in primary and secondary schools. Of the legal professionals interviewed in HJA’s *Innovation in Law Report 2014*, 72% agreed that the law should form a component of young people’s education.



Teachers who disagreed that this government has strengthened the citizenship curriculum

40% Agreed

60% Disagreed



It is clear that the general public has an appetite for a greater understanding of the law and the mechanics of the justice system



of people surveyed believe that better education about the legal system would result in better access to justice for ordinary people



This thirst for legal knowledge was a common sentiment regardless of the respondent's own educational background



75%

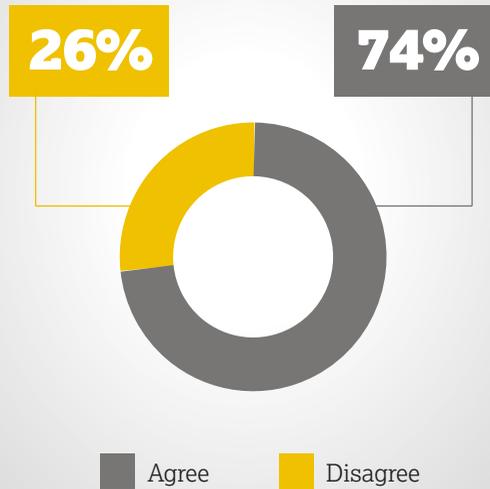
of people with a degree believed this to be the case



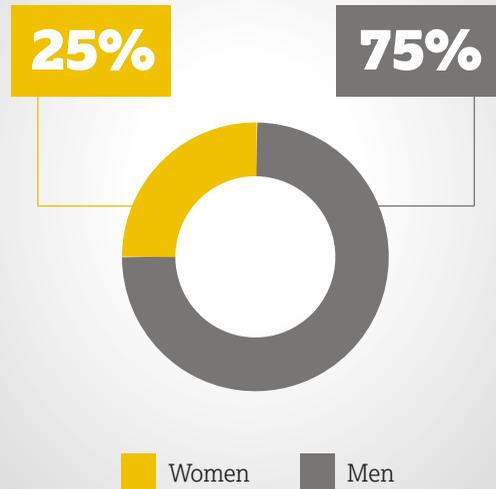
71%

of people without further education agreed

**Number of women who would be proud if a child or relative aspired to work in the legal profession**



**Representation of women across the UK justice system**



A lack of education does not appear to be the only barrier preventing people from accessing the legal system. Economic circumstance is a significant factor for those individuals considering embarking on a legal career. Over three quarters of those surveyed (78%) regarded the cost of professional legal training to be prohibitive for ordinary people. Legal professionals agreed that embarking upon a career in law, specifically the cost of training to be a barrister, is obstructed by the cost of training (70%).

Interestingly, regardless of the concerns surrounding the accessibility of the legal profession, 71% of people would be proud if a child or a young relative aspired to work within it, indicating a general respect for the profession as a whole. This is in stark contrast to the views of those who already work within it. When asked the same question, a worrying 16% said they would recommend a career in the sector.

**What do you think?**

**Share your opinion using #HJAInnovation**





## CHAPTER FOUR

# TECHNOLOGY AND INNOVATION

- Is there an appetite for modernisation?
- Will technology help or hinder?
- How can the sector innovate?

The public are generally favourable to the introduction of technology into the legal system, specifically the electronic communication of legal documents and the holding of virtual trials



**64%**

agreed the electronic communication of documents would make the process simpler for ordinary people to access

**58%**

agreed that holding virtual/remote trials in certain cases would be a good thing and

**69%**

believed that the ability to resolve small claims issues online would make dealing with these issues easier for ordinary people

# There is also a clear awareness that technology alone is not the solution



rising to

This position was most pronounced among

compared to

**63%**

**72%**

**77%**

**52%**

of people believed that moving to a solely digital process of communication and hearings would risk isolating some sections of society from justice

when those who 'didn't know' were removed

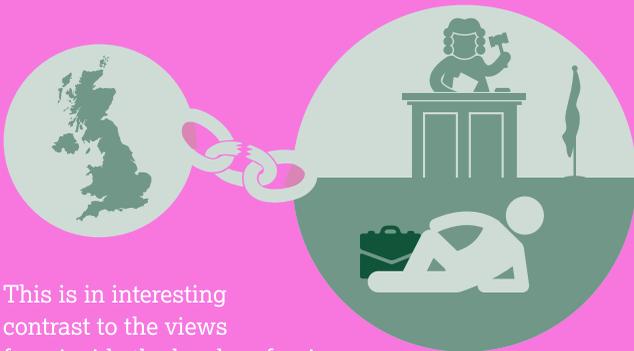
of people over 65

of 35-44 year olds



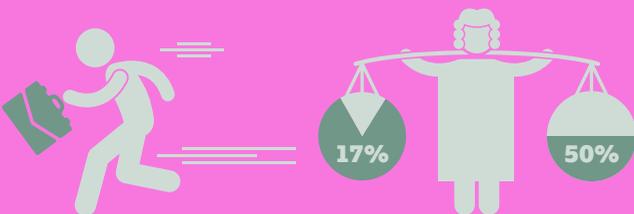
Nationally, **50%** of people agreed that the justice system has retained tradition at the expense of efficiency

Whilst the majority of people believe the justice system requires modernisation, most people also appreciate the risks inherent with introducing more technology to do so



This is an interesting contrast to the views from inside the legal profession

Here people are largely in favour of tradition and have less of a concern about the impact of retention - only 17% believe that tradition is at the expense of an efficient system



**56%**

claim they could foresee potential data security concerns with digitisation of the system

## CHAPTER FOUR

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# TECHNOLOGY AND INNOVATION

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The role of IT and technological innovation in law has been widely debated in recent years, spearheaded in part by Professor Richard Susskind, the IT Adviser to the Lord Chief Justice of England and Wales. The justice system is not traditionally associated with technology and modernisation but Susskind points to the enormous potential of virtual courts, as well as electronic presentation of evidence, and paper-free administration. Those in favour of technological advancements, particularly in the court system, argue that costly, paper-based and cumbersome processes should be replaced by a set of streamlined systems less prone to error and ultimately more accessible to all.

Recently the government appears to have also subscribed to this view, announcing that £700 million

will be spent on the digitalisation of the court system. This has propelled the issue of modernisation into the spotlight like never before; the courts are set to move from a paper-based to an online system, purportedly saving £200 million a year from 2019-20.

Last year's *Innovation in Law 2014* report demonstrated that legal professionals see the benefits involved in improving the technological processes of the court system in particular, though many were reticent to let go of tradition altogether.

In this final section, the perceived requirement and impacts of technology and modernisation are examined by of the general public.

According to a report from charity Victim Support:

## **“With a backlog of over 54,000 cases in the Crown Court, the system is reaching crisis point”**

In 2015, 86% of households in Great Britain (22.5 million) had internet access, up from 57% in 2006.

But the 14% of society without, is arguably the most vulnerable. We cannot let them get left out in the cold...

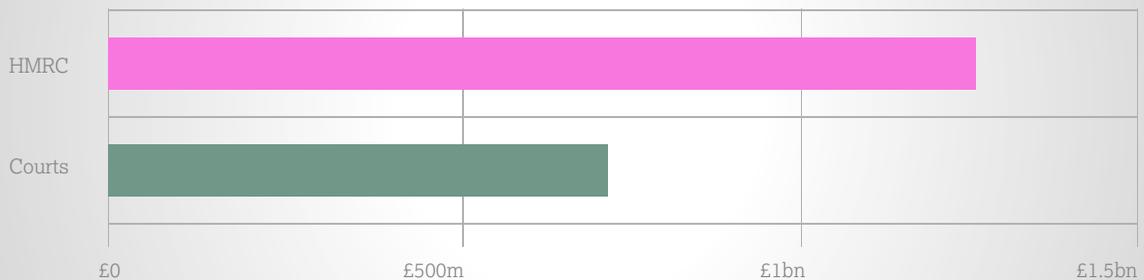
The public have a clear appetite for a modernised legal system and have demonstrated that they are not content with how the system currently operates.

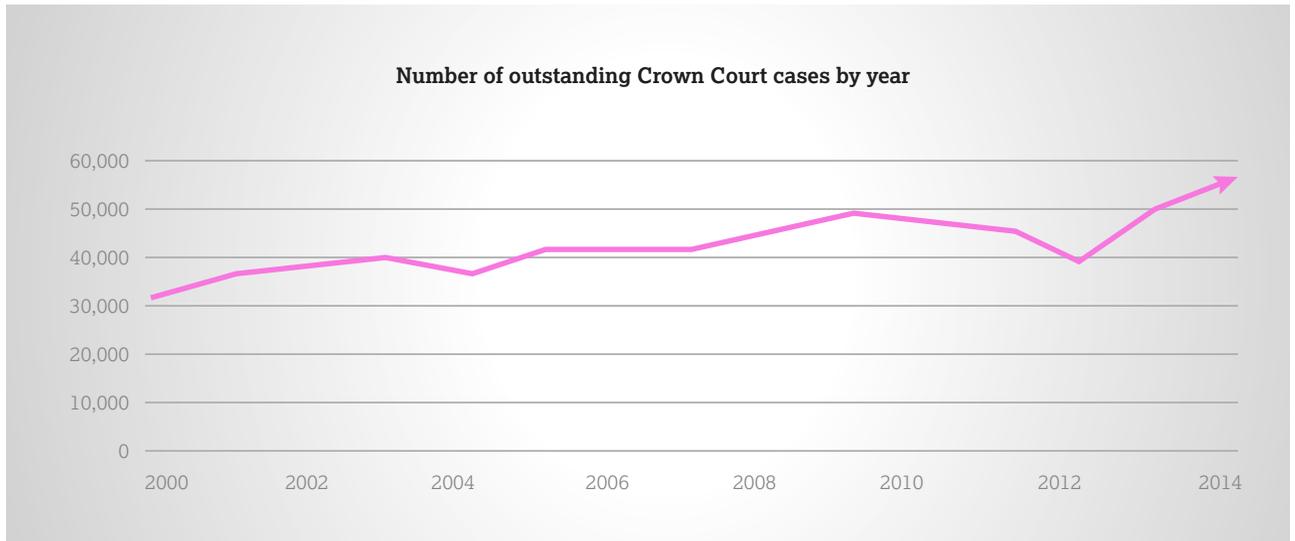
Of those surveyed, 71% of respondents across the UK agreed with the statement ‘the justice system requires faster modernisation’. Moreover, half of all respondents affirmed that the justice system has retained tradition at the expense of efficiency. This is not a view shared by the legal community who are largely in favour of

tradition. Only 17% of legal professionals believe that modernisation comes at the expense of an efficient system.

When it comes to the introduction of technology into the legal system, the public are generally in favour. 72% of respondents agreed that the electronic communication of documents would make the process simpler, with over half agreeing that holding virtual/remote trials in certain cases would be a positive development.

**Amount to be spent on digitalisation of public services**





Whether access to technology itself necessarily makes the system more accessible is less certain. 63% of people believed that moving to a solely digital process of communication and hearings would risk isolating some sections of society from justice. This position was most pronounced among the over 65s, 77% of whom agreed. A further 65% felt that a wholesale move to a purely digital justice system raises concerns around data security.

**What do you think?**

**Share your opinion using #HJAInnovation**







# REGIONAL SNAPSHOT

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**We asked people across the whole of the UK for their views on the justice system and analysed the full regional breakdown of results in order to identify differences between regions.**

Though there were no consistently clear regional divides (between North and South, for example), some interesting results did emerge from our analysis.

Scepticism around the fairness of the system is felt most strongly in the North East and Scotland, where only 15% of people regard the legal system to be 'fair and transparent'. Those surveyed in the North East repeatedly demonstrated their lack of faith in the system, with the lowest percentage of people (29%) feeling that they can trust legal professionals, and the lowest number (34%) expressing that they feel 'confident they

would know what to do in a situation requiring legal assistance'.

The results were largely balanced across the board, with widespread distrust and a prevailing belief that wealth is a barrier to justice. Even amongst those surveyed in Wales, who expressed the greatest degree of trust in legal professionals (46%), this still equates to less than 1 in 2 people.

It is both interesting and important to consider that despite the technical differences between the different regional legal systems, for example between the English, Scottish and Northern Irish systems, perception of legal professionals and access to justice as a whole remains largely similar across the entirety of the United Kingdom.

Scotland has the lowest percentage of people who feel the legal system is fair and transparent (15%)

Those in the North East felt the least confident that they would know what to do in a situation requiring local assistance – only 34%

Northern Ireland has the highest percentage of people who feel that the justice system is not accessible to all members of the public (70%)

People in Hull feel most strongly that an understanding of the law and the legal process should be taught in primary and secondary schools (87%)

Those in Sheffield feel the least confident that they would know what to do in a situation requiring legal assistance – only 30% answered positively

Wales feels the most trust in legal professionals, but there are still less than 1 in 2 people that do (46%)

Oxford is the city where people feel most strongly that moving to a solely digital process of legal communication and virtual court dealings would risk isolating sections of society from justice

Those in Plymouth are the least concerned with modernisation of the legal system – less than half (46%) feel it needs to modernise faster

Brighton is the highest ranked English city for the belief that simplifying technical legal language used would improve access for ordinary people (86%)

# WHAT NEXT?

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## INNOVATION IN PRACTICE

Hodge Jones & Allen believe in thinking differently and doing differently – this campaign is part of our commitment to practicing what we preach.

Our report highlights the severity of challenges the justice system is facing in 2015. We hope that the contents of this report propel these important issues into the spotlight and ensure that these issues are firmly on the public, media and government agendas.

Collectively acknowledging the gravity of the problem is an important first step. It is only once we have done this that we can start to have meaningful conversation about the best ways to bring about positive change.

Last year we started the Innovation debate with the launch of our first report Innovation in Law 2014. This year we have been inspired and motivated by the views of the public. Ultimately the issues in this report can be boiled down to two core issues – money and education.

There is no magic bullet to solve the problem. However, HJA will be contributing to the solution by committing to three points of action immediately:

**1. Launching a government petition**, calling to put a review of the legal aid budget back on the agenda. We are appealing for people to sign the petition at

[petition.parliament.uk](http://petition.parliament.uk). (Petition entitled “re open the debate surrounding the restriction of legal aid provisions” – initiated by Patrick Allen.)

**2. Establishing an HJA education scheme** to promote the justice system through schools, youth and community groups. We are calling for other legal professionals to feel encouraged to do the same and help us to roll this out across the UK. To get involved (either as a lawyer or a teacher/ group leader/youth worker) email [futurejustice@hja.net](mailto:futurejustice@hja.net)

**3. Re-igniting the HJA Fightback** against Government proposals to raise the small claims limit. First initiated when changes were proposed in 1990, we will continue this campaign with a renewed vigour, campaigning for the rights of ordinary citizens to receive full and proper compensation from those that have injured them through negligence.

We have always believed that the system should be fair and transparent and that everyone – regardless of age, education, wealth, gender or geography – should have access to the justice they deserve. We will continue to drive the wider innovation agenda in our attempt to make this a reality.

# SOURCES

*Trends in the solicitors' profession Annual Statistics Report 2014*, The Law Society (April 2015)

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*Diversity in the legal profession: Workforce data for solicitors' firms 2013/14*, Solicitors Regulation Authority (May 2014)

Robert Buckland QC MP, comments made to the Citizenship Foundation regarding the provision of legal education to students

Proposal on the provision of court and tribunal estate in England and Wales, Ministry of Justice and HM Courts & Tribunals Service (08/10/2015)

Statistical bulletin: *Internet Access – Households and Individuals 2015*, Office for National Statistics (06/08/2015)

*Waiting for Justice: how victims of crime are waiting longer than ever for criminal trials*, Polly Rossetti of Victim Support (June 2015)

*Results 2015*, Joint Council for Qualifications (13/08/2015)

*Justice - Eighth Report: Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012* (04/03/2015)

*Constitution Committee - Twenty-Fifth Report, Judicial Appointments* (07/03/2012)

*In Professions We Trust: Fostering virtuous practitioners in teaching, law and medicine*, Respublica (July 2015)

*Robotics to revolutionise the legal sector*, Manju Manglani, Managing Partner, (14/09/2015)

Spending Review and Autumn Statement 2015 (25/11/2015)

# METHODOLOGY

Populus conducted research for Hodge Jones & Allen in order to examine the general public's attitudes towards the justice system and the legal profession. In total, 2101 people were surveyed using an online Populus poll in October 2015. Those surveyed made up a representative demographic of the UK, with people polled across twelve regions, ranging from ages 18 – 65+, incomes ranging from up to £7,000 to over £55,000 and a range of ethnicities.

This data was then compared and contrasted to data compiled by Ipsos Mori for Hodge Jones & Allen's

*Innovation in Law Report 2014*. Between 18th June and 16th August 2014, 508 solicitors and barristers were surveyed as to their attitudes towards the future of the legal profession. In total, 17,1187 legal professionals were emailed inviting them to take part in the survey, covering those from a range of specialisms within the profession. Two follow up emails were then sent to all contact to encourage them to take part in the survey.

Figures from this survey have been rounded up or down to the nearest percentage and therefore they may not in all circumstances add up to 100%.

# ABOUT HJA

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**Patrick Allen, Managing Partner of Hodge Jones & Allen, founded the practice in 1977 with the intention of creating a law firm that served every corner of society, and where client service meant excellent care and support.**

Those are still the principles that guide us today. We passionately believe that everyone who is subject to the law should have access to the law. Our award-winning expertise in civil liberties, criminal law, medical negligence, housing and personal injury, not to mention our large family law team and our knowledge of wealth protection through wills and trusts, makes Hodge Jones & Allen one of the most pre-eminent law firms in the UK today. The firm achieves high ratings in many of its areas of practice and has led many high profile cases including representing Magdalene Laundry victims, the

father of Stephen Lawrence and families in the Snatch Land Rover cases. The firm and its lawyers have been short-listed in 17 national legal awards in the past two years.

Patrick Allen allied this philosophical goal with leading-edge financial and management practice, resulting in the practice growing in each of the last 37 years, with employees now numbering over 210. Our focus on technology and innovation to drive the delivery and control the costs of legal services is designed to ensure Hodge Jones & Allen continues to be at the forefront of the legal services industry. The rapid changes now embracing the legal sector will have an impact on all law firms. Despite these changes, clients can be sure that Hodge Jones & Allen will always put their interests first and fight for what is right.

# CONTACT

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