

A concept which the new English rules plainly bring to the fore is proportionality: an overriding objective of the new rules being to ensure that a case is dealt with proportionately, having regard to the amount involved, the importance of the case, the financial positions of the parties, etc. The saving of cost is high on the agenda.

An assumption engrained in the legal system is that lawyers' fees would be moderate, and that legal redress is available to everyone. The Rule of Law applies to all – it is not the exclusive privilege of those who can afford to pay. And yet how often does the incidence of legal costs over-shadow everything else, so that, at the end of the day, the parties are no longer fighting for the primary issues which led to the litigation, but who foots the bill. This is a blight on the legal system which some of the papers in this volume seek to address.

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