

# Is our justice system on the brink of collapse?

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The barristers' strike may be over for now, and the courts are processing hearings and trials again. However the huge pressures on the criminal justice system have not gone away, according to many experts and commentators in the profession.

The strike action was halted earlier this month after 57% of members of the Criminal Bar Association voted to accept the government's offer of a 15% pay rise. However, they warn that their action is simply 'suspended' and that future strike action could not be ruled out if barristers felt that progress has not been made in fixing many of the issues affecting our justice system.. One of the biggest problems is the huge backlog of cases which are still to go through the courts. Many involve suspects who were originally charged as far back as 2018 and 2019. This was an issue before the pandemic, but court closures during Covid lockdowns and social distancing rules meant that it grew by tens of thousands. It currently stands at 60,000 crown court trials and 350,000 in the magistrates' courts.

Part of the issue is a lack of physical capacity. Since the coalition government came to power in 2010, 162 of the 323 magistrates courts in England and Wales have shut. However, the President of the Law Society, Lubna Shuja says the bigger issue is a lack of personnel in terms of barristers, judges and court staff. She said: "There will be no criminal justice system without more investment. It's as simple as that. It will collapse. What we are finding is that some trials are now being listed for 2024, and if cases are not being dealt with quickly and efficiently, justice is not being done, is being denied, is taking far too long. It can give criminals confidence, potentially, it can embolden them, it can make them think it's gonna be ages before I get to court. Nobody's going to deal with my case. It's not good for society."

Furthermore, legal experts are also claiming there is a brewing crisis in access to legal aid for those who find themselves arrested. Free legal advice is an entitlement in custody. If someone is charged and faces the courts, it is then means-tested in line with income and other factors. However, many defence solicitors say that numbers in their profession are shrinking at an alarming rate. The number of firms offering criminal legal aid services has almost halved since 2015. A dwindling number of law graduates are moving into criminal practice, citing comparatively low rates of pay (a junior barrister can often end up earning less than minimum wage, factoring in their working hours) and the growing pressures on the profession.

Solicitor Richard Atkinson, Deputy vice President of the Law Society, claims that in some areas of the country people in custody are either waiting several hours for legal advice, or police may sometimes have to try to proceed with trying to charge suspects without a formal interview. It is all due to a lack of firms offering such services, he said: "For example: we have a duty solicitor scheme covering a huge geographic area in North Devon and now on that scheme, we have just one law firm. That one firm has one duty solicitor, 24 hours a day, 365 days a year, and that's a position that's spreading across the country.. People will be denied the right to legal advice. So we might see more people being charged who are innocent as a result of an inability to access lawyers."

Approximately 70% of legal aid applications in both civil and criminal cases are granted to people from ethnic minority backgrounds. The Runnymede Trust is a think tank which promotes race equality and says legal aid must remain readily available in order to protect fundamental democratic rights. Their spokesperson Dr Halima Begum said: "Black and minority ethnic people who come from socio-economically disadvantaged backgrounds do not have access to the law without legal aid, because actually the law is only accessible to those that can afford it. So it's a fundamental principle of our democracy that legal aid is retained and sustained.."

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