
Editorial

"Strangled By Its Own Success"

We are always gratified by success, but there are disadvantages in too much success. The London Commercial Court, for example, is in danger of drowning beneath a flood of litigants, most of them coming from abroad because they appreciate the quality of services the court offers. As the Master of the Rolls said: "the court was being strangled by its own success". So reform is in the air. A working party of judges and practitioners has issued a report telling us what must be done.

Reform is not too popular a word, but it is being heard in other places than the Courts of Justice. Round the corner in Chancery Lane the Law Society has issued a Discussion Paper on "Lawyers and the Courts: Time for Some Changes". Of course, the ideas of Law Reform put forward by the Law Society do not necessarily agree with ideas in other quarters. They are concerned as much with rights of audience as with other issues, but there is at least lip

service to the needs of the consumers of legal services.

1986 has thus started with two reform proposals in this country, and on the other side of the Atlantic the New Year has also been marked by movements towards reform. The common law in the USA and the common law in England are, like the Colonel's daughter and Judy O'Grady "sisters under their skins", and it is not surprising to find each system looking towards reform at the same time. But the comparison must not be pressed too closely: the objects of reform in the USA are different in detail from the aims over here. For instance, a group of 24 trade and professional organisations, ranging from the Air Transport Association to the American Institute of Architects, has formed the American Tort Reform Association. Its targets for reform include the contingent fee system and excessive punitive damages. It wants to end "litigation pollution" and return to "a rational, logical justice system where plaintiffs receive awards because they prove someone has been negligent and harmed them". This is not very far away from the Master of the Rolls' reference to a "clarion call to get back to basics".