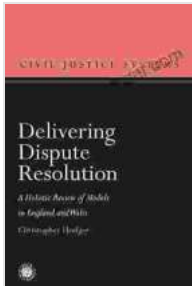


# Holistic Review of Models in England and Wales Civil Justice Systems



## Delivering Dispute Resolution: A Holistic Review of Models in England and Wales (Civil Justice Systems)

★★★★☆ 4 out of 5

Language : English  
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The civil justice systems in England and Wales are based on the adversarial system, in which two parties present their cases to a judge or jury, who then makes a decision. There are a number of different models of civil justice, each with its own strengths and weaknesses.

### The Traditional Model

The traditional model of civil justice is the most common model in England and Wales. In this model, the parties are represented by lawyers, who present their cases to a judge or jury. The judge or jury then makes a decision based on the evidence presented.

The traditional model has a number of strengths. It is a well-established system that is familiar to both lawyers and judges. It also provides a high

level of due process, as the parties have the opportunity to present their cases fully and to cross-examine each other's witnesses.

However, the traditional model also has a number of weaknesses. It can be slow and expensive, and it can be difficult for parties who are not represented by lawyers to navigate the system. Additionally, the adversarial nature of the system can lead to conflict and acrimony between the parties.

### **The Small Claims Track**

The small claims track is a simplified procedure for resolving small claims. In this model, the parties are not represented by lawyers, and the proceedings are conducted in a less formal setting. The small claims track is designed to be faster and less expensive than the traditional model.

The small claims track has a number of strengths. It is a relatively quick and inexpensive way to resolve small claims. It is also less formal than the traditional model, which can make it more accessible for parties who are not represented by lawyers.

However, the small claims track also has a number of weaknesses. It is not suitable for all types of claims, and the parties have less opportunity to present their cases fully than they would in the traditional model. Additionally, the small claims track is not binding on the parties, so they can still appeal the decision to a higher court.

### **The Mediation Model**

The mediation model is a form of alternative dispute resolution in which the parties meet with a neutral mediator to try to reach a settlement. The

mediator does not make a decision for the parties, but instead helps them to communicate and negotiate with each other.

The mediation model has a number of strengths. It is a relatively quick and inexpensive way to resolve disputes. It is also less adversarial than the traditional model, which can help to preserve relationships between the parties.

However, the mediation model also has a number of weaknesses. It is not suitable for all types of disputes, and it can be difficult to get parties to agree to mediate. Additionally, mediation is not binding on the parties, so they can still appeal the decision to a higher court.

### **The Hybrid Model**

The hybrid model is a combination of the traditional model and the mediation model. In this model, the parties first attempt to mediate their dispute. If mediation is unsuccessful, the parties can then proceed to a traditional trial.

The hybrid model has a number of strengths. It offers the parties the opportunity to try to resolve their dispute through mediation, which can be a quicker and less expensive process than going to trial. If mediation is unsuccessful, the parties can still go to trial, which gives them the opportunity to have their case decided by a judge or jury.

However, the hybrid model also has a number of weaknesses. It can be more expensive than the traditional model, as the parties will have to pay for both mediation and a trial. Additionally, the hybrid model can be more

time-consuming than the traditional model, as the parties will have to go through both mediation and a trial.

## **Recommendations for Improvement**

The civil justice systems in England and Wales are constantly evolving. In recent years, there have been a number of reforms to the system, including the of the small claims track and the mediation model. However, there is still room for improvement.

One of the most important areas for improvement is access to justice. The civil justice system should be accessible to all, regardless of their financial means or their ability to represent themselves. There are a number of ways to improve access to justice, such as providing more legal aid, simplifying the court procedures, and making it easier for parties to represent themselves.

Another area for improvement is the cost of litigation. The civil justice system should be affordable for all, regardless of their financial means. There are a number of ways to reduce the cost of litigation, such as reducing court fees, simplifying the court procedures, and making it easier for parties to represent themselves.

Finally, the civil justice system should be efficient and effective. The system should be able to resolve disputes quickly and fairly. There are a number of ways to improve the efficiency and effectiveness of the system, such as streamlining the court procedures, using technology to improve case management, and training judges and lawyers in alternative dispute resolution techniques.

The civil justice systems in England and Wales are complex and ever-changing. There are a number of different models of civil justice, each with its own strengths and weaknesses. It is important to understand the different models available in Free Download to choose the one that is best suited to the individual case.

There is still room for improvement in the civil justice systems in England and Wales. By making the system more accessible, affordable, efficient, and effective, we can ensure that everyone has access to justice.



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