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## PREFACE

Every year we are bombarded with commentaries on the legal profession with law firms being rated often, in terms of profitability or by reference to client, competitor or other surveys. While these commentaries provide certain perspectives on how we as lawyers may be performing they cannot, and to be fair they generally do not purport to, provide the entire picture of the work undertaken by lawyers around the world and the vital role the profession plays in supporting one of the central pillars of any democratic constitution.

The structure of a nation's constitution and the degree to which the powers comprised within the executive, judicial and legislative branches are separate and independent is a useful indicator of the approach taken by that constitution to values such as political and individual freedoms and human rights – although essential to that measure is the extent to which the members of each branch, particularly the legal and judicial, strive to maintain their independence and to play a fundamental role in preserving a true separation of powers.

It can be all too easy for today's "high flying" commercial lawyers, sitting in their modern, air-conditioned offices, working on transactions or disputes worth \$ billions, and strategising on securing the next profitable instruction to maintain their firm's status in the directories, to forget that they are part of that profession and subject to the duties and responsibilities this creates. However, the legal systems in which they operate are the same systems that are responsible for preserving essential human rights and for keeping the other sources of power within the constitution in check. It is as much in their interest, as it is for lawyers more directly involved in cases where human rights and liberties are being threatened, to ensure that their legal system operates with integrity and efficiently, and that access to justice is readily available and preserved for the benefit of all and not just those with the right political connections or the finances to afford it.

In preparing this year's edition of *Global Legal Insights – Litigation and Dispute Resolution* we sought comments from contributors on the costs and funding of litigation. The rapid growth of the litigation funding industry, following the relaxation of medieval principles such as *Maintenance* and *Champerty*, reflects a need within society to provide better access to justice. However, the provision of such services needs to be monitored to ensure that users still obtain independent advice and benefit from the proceeds of any successful claim.

Next year we will consider in further detail how different legal systems operate to preserve their independence and promote diversity within the administration of justice.

I do hope that you enjoy reading (or at least dipping in and out of) the book and I would like once again to pay my thanks to all those who have contributed and worked very hard to secure its publication. As always, I welcome any feedback that you may have on this *Global Legal Insight*.

Michael Madden  
Winston & Strawn London LLP