



SYNOPSIS OF MEETING

Thursday 30 April 2015

Present: Master of the Rolls (Chairman), Lord Justice Richards (Deputy Chairman), Craig Budsworth, Alistair Kinley, Rachael Mulheron, Rebecca Scott, Beth Silver, Matthew Smerdon, Peter Smith, John Spencer, Chris Warner, William Wood QC, Peter Farr and Andrea Dowsett (minutes)

Observers: Heather Emmerson, Robert Khan and Andy Caton

- The chairman reported that Martin Saunders had resigned from the Council and thanked him and Peter Smith (at his last meeting) for their work for the CJC.
- The minutes of the April meeting were approved as an accurate record.
- The triennial review was still with the Government for final approval, and had been delayed because of the *purdah* period around the General Election.
- The diversity plan was approved for use in the forthcoming recruitment round. The meeting considered, but did not reach a conclusion on, further work that might be undertaken by the Costs Committee in monitoring the costs rules and making recommendations on them.
- The business plan for 2015/16 was approved with some minor corrections; an objective relating to collective actions had been included.
- The 2013/14 Annual Report was also approved for publication.
- Phase 1 of the work of the working group on damages-based agreement (addressing identified issues with the existing regulations) had now been completed over six meetings of discussion, analysis and drafting. That part of the report had been circulated to the CJC. Phase 2 – on additional areas that could be reformed - would start (and it was hoped be completed) at the next meeting on 12 May for the purposes of circulation to the July meeting of the CJC. The final report would be published at a convenient time after the General Election – and it was hoped would be fed into the work programme for the new Government.
- There were a number of developments to report around the work of Asplin J's judicial coordination group on Litigants In Persons, including:
 - i. Liaison with the Judicial College on judicial training resources.
 - ii. The imminent publication of joint guidance by the professions for practitioners appearing against litigants in person.

- The ODR advisory group was meeting for the first time that afternoon since the publication of its report in February 2015. The exact role that the advisory group was to play from now on would need to await developments with the HMCTS reform programme.
- It was felt that, with hindsight, the 'Impact of Jackson' group had been given too broad a remit and the CJC should have given it a clearer steer on its priorities and timetable. Concern had been expressed by the Executive Committee about the breadth and contents of the draft report. The CJC discussed whether it was still sensible to tackle the transitional provisions element of the draft report; did concerns relate to lack of clarity or the results of the way in which the transitional provisions were working? The meeting also discussed whether the CJC should recommend the extension of QOCS in other areas. AK agreed to revise the report further for the July 2015 meeting. Concern was expressed at the lack of evidence on the degree and ways in which the reforms had had an impact on those wishing to bring a meritorious claim. Any further event in the area should be put back to Spring 2016. An event held then might look at results of work on costs budgeting, as well as topics such as proportionality and court fees.
- It was agreed that Siobhan McGrath (President of the Property Chamber of the First-tier Tribunal) should be asked to chair a new group on property disputes. The Secretariat would report back on the membership and scope of the group's work in July 2015.
- The CJC welcomed the proposal on closer collaboration with the LSE to support civil justice research. It was agreed that the CJC should spend £3,000 on an LSE doctoral student to take forward work on a draft survey of court users and practitioners.
- The meeting noted consultation response on *Court fees: enhanced charging* (www.judiciary.gov.uk/publications/response-to-ministry-of-justice-consultation-further-reforms-to-court-fees/).
- The meeting considered a draft response that had been circulated to the consultation on an *Insurance Fraud Taskforce*. It was agreed that a further draft would be circulated for comment.
- There had been a strong field of applications for the three vacancies for membership of the CJC.
- The next meeting would take place on 23 July 2015.

There was a brief report of an Access to Justice round table discussion held by the Equality & Human Rights Commission, on the impact of the LASPO Act 2013 on people with protected characteristics (as defined by the Equality Act 2010).