



Synopsis of Civil Justice Council meeting held on

27 July 2018

Lord Justice Hamblen presented on the work taking place on the civil justice implications of Brexit, with a legal committee leading on the work. He would continue to update the Council on further developments.

There was also a presentation by **Dr Catrina Denvir** who provided an overview and recommendations from her recently published Assisted Digital report.

The Council was updated on the further work being done on **Anti-Social Behaviour Injunctions**. There had been an initial meeting of the working group where they had set out membership, next steps and the timetable. They wanted to ensure the working party could bring a wealth of experience to considerations through a wide spectrum of people involved.

The Council also discussed the creation of a new working group on **Vulnerable Witnesses** arising from the Independent Inquiry into Child Sexual Abuse (IICSA) interim report published on the 25th April 2018 and its recommendation that the Ministry of Justice provided victims and survivors of child sexual abuse in civil court cases the same protections as vulnerable witnesses in criminal court cases. A preliminary meeting was held on the 13th July 2018 between the CJC and MOJ to discuss initial steps.

The Council received updates from its **Working Groups**:

- ADR - drafting was well-advanced and the report was expected by the October 2018 meeting.
- On LIPs, Sir Robin Knowles asked the Council to see Dr Catrina Denvir's report as a contribution which should be combined with others, including the JUSTICE report, to come to a fuller appreciation of this developing scene. The National Forum would be held on the 7th December and would be a larger forum with more broader participation than ever. There would also be a regional LIP workshop in Exeter on the 29th November 2018. Finally, there would be a meeting between the CJC and MOJ to meet the team dealing with LASPO pt. 1.
- Clinical Negligence - there had been two meetings of the wider group and two meetings of core group which had been constructive. More meetings would be held in September and October. They had collected more data on costs and

Professor Paul Fenn would provide further analysis on that. Andrew Parker was hopeful to report by December 2018 with an update for the October 2018 meeting

- Boundary disputes – a report and guidance note had been produced. The latter would be used alongside the protocol drafted by the Property Litigation Association and Royal Institute of Chartered Surveyors document which provided consumers with bespoke remedies including mediation and details on potential fees. Once finalised these would be sent to ministers at the MOJ and then circulated to a wide range of bodies such as advice centres, professional bodies and the Land Registry.
- Property disputes - a full update would be provided to the Council at the October meeting.
- Nicola Critchley provided an update on Holiday sickness/lower value PI claims saying that the working group was now in its second stage of the process looking at personal injury cases with a value of less than £25k and how to push through meritorious claims. Significant work was underway and the last meeting had been held on the 16th July 2018. A draft would be ready for the October meeting.

The representative from the **Ministry of Justice** gave his thanks for the ongoing work in personal injury claims. He also updated on the Civil Liability Bill which had completed its passage in the House of Lords and was due to enter the Commons in September 2018. He also announced that the implementation of the small claims limit increase would be in April 2020. The MOJ was scheduled to complete its Post Implementation Reviews of LASPO by the end of the year including a meeting with members of the CJC on Part 1 (legal aid).

The Council discussed the **LASPO Part 2 (civil litigation funding and costs)Post Implementation Review**. The CJC's event on the 29th June 2018 had been a success and provided many valuable insights. The secretariat had drafted a response to the online MOJ survey.

The secretariat had also prepared a response to the **consultation** on Part 39 of The Civil Procedure Rules, Open Justice, for which the deadline was the 23rd August 2018.

The date of the next meeting would be Friday 26th October 2018