



CJC Council Meeting

20 October 2017

The Council welcomed Jo Hickman and Gareth Hughes, the new Solicitor and Business Members. Chris Warner announced his resignation.

Mr Justice Coulson introduced himself as the new Deputy of Civil Justice (designated) and Deputy Chair of the Civil Justice Council.

The Council was addressed by the **Association of Litigation Funders** on proposed amendments to the Association's code. It was agreed that the Council did not have a formal standing oversight role of litigation funding. The Chairman confirmed that he would write to the ALF with the Council's full response.

The Council received a presentation from HMCTS on **Assisted Digital** – a project aiming to modernise and digitise 100% of services within 6 years.

The Council received reports from its **working groups**:

- ADR – the report had been published and widely commented on and would be followed by a workshop in February 2018. Written submissions had been invited.
- Before the Event Insurance. The report was praised for being a very comprehensive document which was brought before the meeting for members' comments. The report was to serve as an information study. The Chairman requested an executive summary to highlight the key points arising and requiring further consideration.
- The Litigants in Person (LiPs) group would be hosting the next National LIP Forum on the 8th Dec 2017 which would be the main annual event to bring together all the current activity in supporting LiPs. Much of the event would cross-cut with the reform programme. Council members were encouraged to attend.
- The Boundary Disputes group was due to meet with the RICS and their joint working party that day to discuss an agreed set of recommendations following the earlier drafting of a protocol. The hope was to finalise this by January 2018.
- The Chairman sought to defer on Property Disputes until the next meeting and to ask Siobhan McGrath to present the position to the Council then.

- The Council's work on Clinical Negligence Fixed Recoverable Costs had been announced by the government, and a working group would be established following discussions between the Department of Health, Ministry of Justice and CJC. The Terms of Reference were being finalised, as was the group membership with the expected completion date being September 2018. This work would likely impact on the 2018-2019 budget.

The representative from the **Ministry of Justice** provided an update on current issues. The Permanent Secretary announced that the Council would undertake work on the costs of clinical negligence cases. It was hoped that the Post Legislative Memorandum (PLM) for the Post implementation review of LASPO (part 1) would be published and an announcement was expected shortly. A Call for Evidence had opened for Holiday Sickness Claims and the handling of low value personal injury claims more widely (closing on 10 November) and an email had been circulated to the Council concerning cold-calling and the role of claims management companies.

The Council was updated on **developments in civil justice** of note including the MasterCard case outcome, litigation on DBAs and the Merricks decision.

The Council also briefly discussed the recent response to the Consultation paper on **Tackling Unfair Practices in the Leasehold Market** and the need to ensure a careful balance kept between responding to issues of social justice and remaining within the Council's remit.

The council was updated on **recruitment** matters. Rachael Mulheron would be stepping down in April 2018 after three terms. Andrew Parker and William Wood had been reappointed. The recruitment of a Welsh member would run in tandem with the other vacancies in Spring 2018.

The date of the next meeting will be Friday 26th January 2018 at 10.30am.