



**Synopsis of Civil Justice Council Meeting
Friday 25th January 2019**

ADR

Elisabeth Laing J has recently been appointed as the Chair of the CJC Judicial ADR Liaison Committee, taking over from Sarah Asplin J. The committee will be a sub-committee of the Judges' Council and its first meeting is planned to be held in February once membership has been agreed.

The CJC ADR and Civil Justice Report was officially published on the 4th December 2018 and was very well received. Thanks, was given to the Working Group for all the hard work in bringing the Report together.

The Council received updates from its Working Groups;

Vulnerable Witnesses

The Working Group has agreed to draft some initial proposals ahead of the next CJC meeting in April 2019 before it goes out to wider consultation.

ASBI

The Working Group reported that there has been a lot of work in the county court regarding ASBI. There will also be a data collection pilot held in a few regional courts to gain a better understanding of the number of injunctions and numbers of breaches.

The Working Group feels that 50% of the guidance on ASBI is not appropriate and does not work. The Working Group agreed to have a paper for the next CJC meeting and is planning to finish their report in the summer of 2019.

LIPs

The Working Group updated council members regarding the 'CJC Seventh National Forum on Access to Justice for those without means' which was held on the 7th December 2018 in London and attended by over two hundred delegates. The Council agreed it had been a great success and thanked the Working Group and CJC Secretary for all their hard work.

Clinical Negligence

Due to there being further issues to discuss between the different representative groups, the proposed mediation on costs is planned for 21st March 2019. Thanks, were given to all those involved.

Boundary disputes

The Working Group are still awaiting a response from the MOJ on the proposals. Following which, these will be published on the website and circulated to advice agencies and interested stakeholders. MOJ agreed to raise this with its colleagues.

Low Value PI Claims

The Working Group will meet with members of the MOJ Whiplash team to discuss the report further in February 2019 in enable for the Government to take their report forward. Thanks, were given to all those involved.

LASPO Post Implementation Review Part one (Civil Legal Aid Reforms)

The Working Group stated the proposed modelling session to better understand the 'justice journey' has not yet been scheduled, although it was agreed that this would be held before next Aprils meeting

The submission drafted to the review will be published soon, following some additional comments from certain CJC members, and after the MOJ team have sought further clarification on a few points.

Update from Ministry of Justice (MOJ)

The representative from the MOJ gave an update on: the preparation for the whiplash/small claims limit reforms for April 2020; the call for evidence on the discount rate, closing on 30 January; the consultation on fixed recoverable costs; the Post Implementation Reports (PIRs) on Parts 1 (legal aid) and 2 (civil litigation funding and costs) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and the way forward on legal support and legal aid, all of which should be published shortly – the MoJ remained very grateful for the Council's contributions to both PIR; the Guardianship (Missing Persons) Act 2017 which should come into force in July 2019; the new paper regarding the Justice Select Committee's forthcoming inquiry into access to justice implication of HMCTS reform (including for the digitally excluded) – submissions were invited by 11 March.

Date of next meeting – Friday 12th April 2019