

Civil Justice Council Review of Pre-action Protocols - Preliminary Survey

Sunday, December 20, 2020

148

Total Responses

Date Created: Friday, June 12, 2020

Complete Responses: 120

Q3: Are you responding on behalf of your organisation?

Answered: 141 Skipped: 7

ANSWER CHOICES	RESPONSES	
Yes	44.68%	63
No	55.32%	78
TOTAL		141

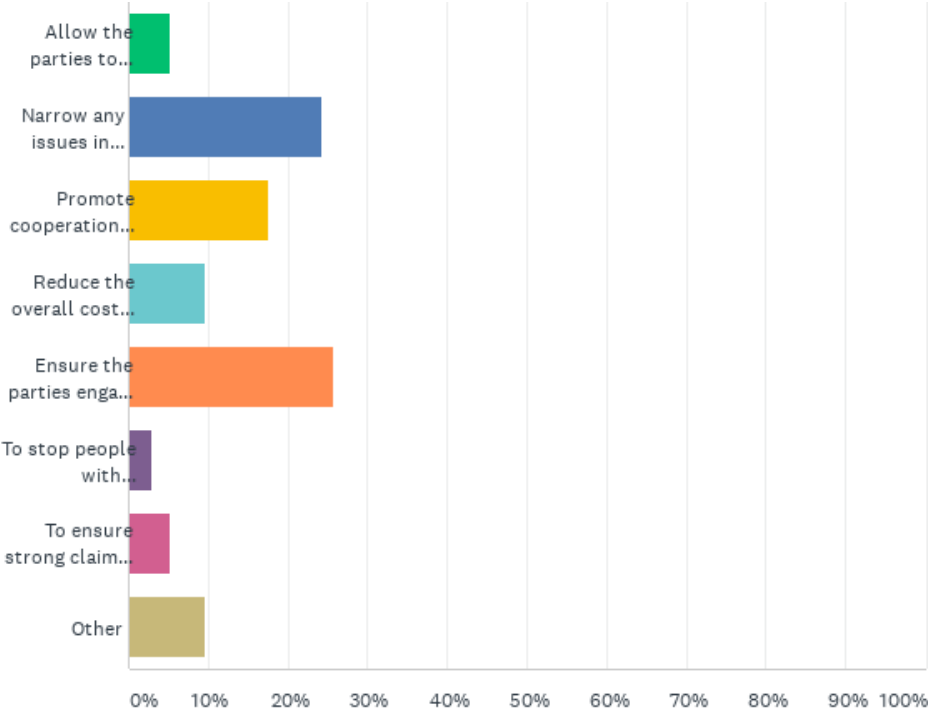
Q6: What do you think the primary purpose of PAPs are?

Answered: 136 Skipped: 12

ANSWER CHOICES	RESPONSES	
Allow the parties to confirm there is a legal dispute between them	5.15%	7
Narrow any issues in dispute between the parties	24.26%	33
Promote cooperation between the parties	17.65%	24
Reduce the overall costs of resolving the dispute	9.56%	13
Ensure the parties engage in appropriate alternative dispute resolution (ADR) methods to try to settle their dispute before going to court	25.74%	35
To stop people with unmeritorious claims from going to court	2.94%	4
To ensure strong claims are paid/settled without the need for litigation	5.15%	7
Other	9.56%	13
TOTAL		136

Q6: What do you think the primary purpose of PAPs are?

Answered: 136 Skipped: 12



Q7: What do you think the subsidiary purposes of PAPs are?

Answered: 134 Skipped: 14

ANSWER CHOICES	RESPONSES	
Allow the parties to confirm there is a legal dispute between them	30.60%	41
Narrow any issues in dispute between the parties	56.72%	76
Promote an atmosphere of cooperation between the parties	52.24%	70
Reduce the overall costs of resolving the dispute	55.22%	74
Ensure the parties engage in appropriate alternative dispute resolution (ADR) to try to resolve their dispute before going to court	39.55%	53
To stop potential unmeritorious claims from going to court	50.75%	68
To ensure strong claims are paid/settled without the need to go to court	49.25%	66
Other (please specify)	26.12%	35
Total Respondents: 134		

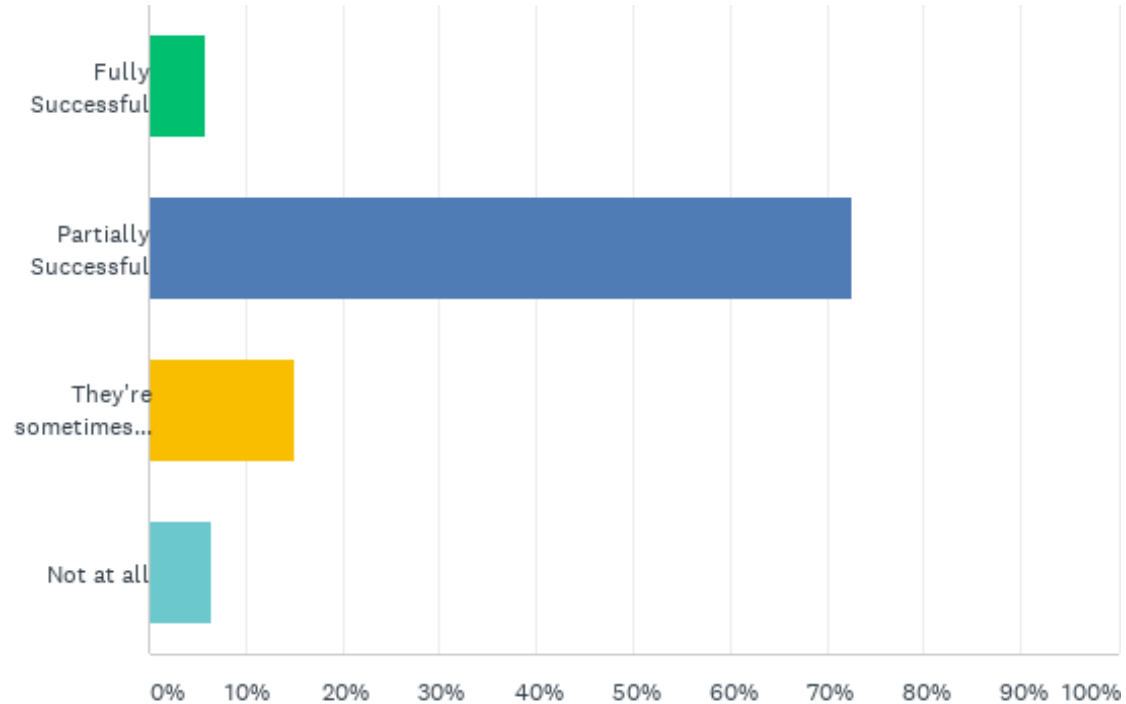
Q8: To what extent do you think PAPs have achieved these objectives?

Answered: 139 Skipped: 9

ANSWER CHOICES	RESPONSES	
Fully Successful	5.76%	8
Partially Successful	72.66%	101
They're sometimes counterproductive	15.11%	21
Not at all	6.47%	9
TOTAL		139

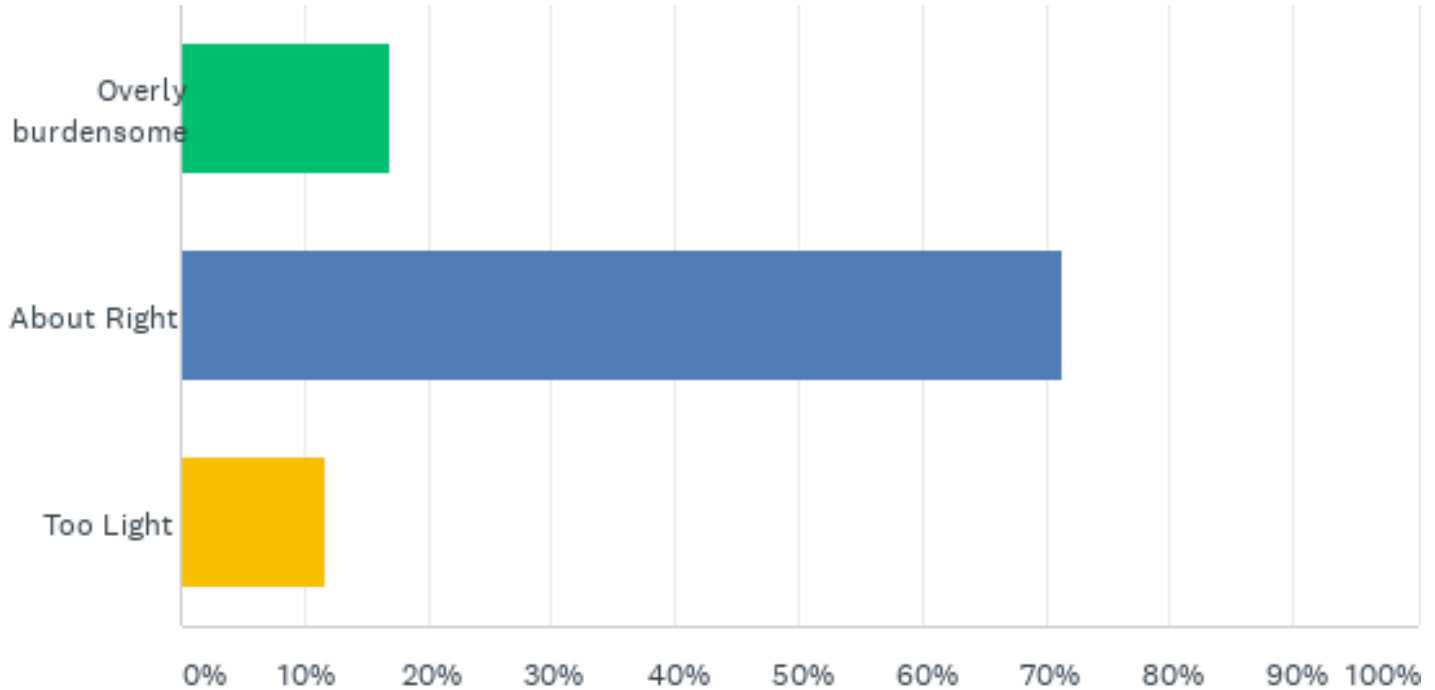
Q8: To what extent do you think PAPs have achieved these objectives?

Answered: 139 Skipped: 9



Q10: How burdensome are the requirements of PAPs?

Answered: 136 Skipped: 12



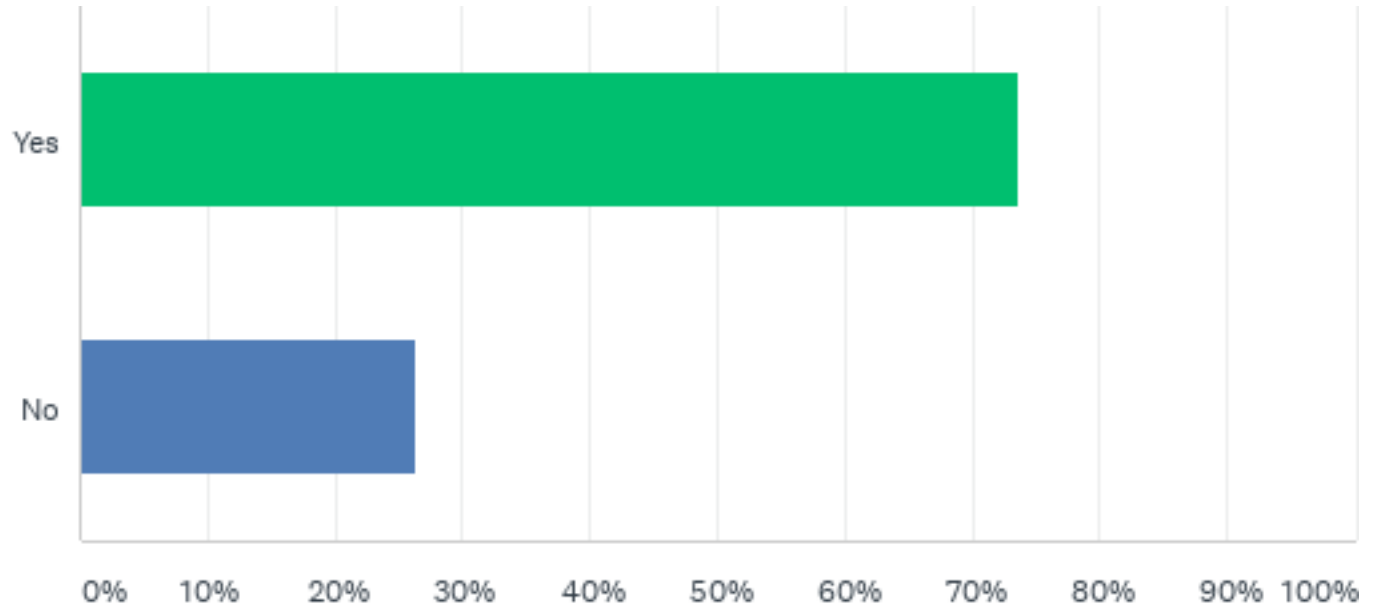
Q10: How burdensome are the requirements of PAPs?

Answered: 136 Skipped: 12

ANSWER CHOICES	RESPONSES	
Overly burdensome	16.91%	23
About Right	71.32%	97
Too Light	11.76%	16
TOTAL		136

Q12: Is there enough time to comply with PAP requirements, taking into account limitation periods?

Answered: 133 Skipped: 15



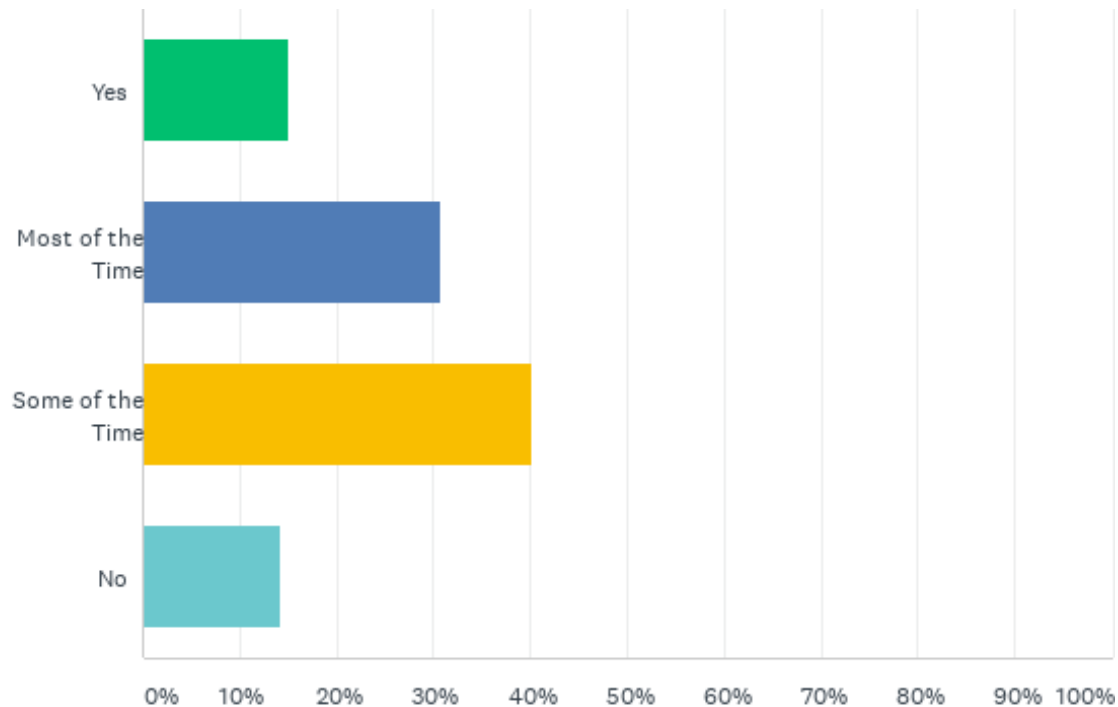
Q12: Is there enough time to comply with PAP requirements, taking into account limitation periods?

Answered: 133 Skipped: 15

ANSWER CHOICES	RESPONSES	
Yes	73.68%	98
No	26.32%	35
TOTAL		133

Q13: Do you believe PAPs help resolve disputes at proportionate cost?

Answered: 127 Skipped: 21



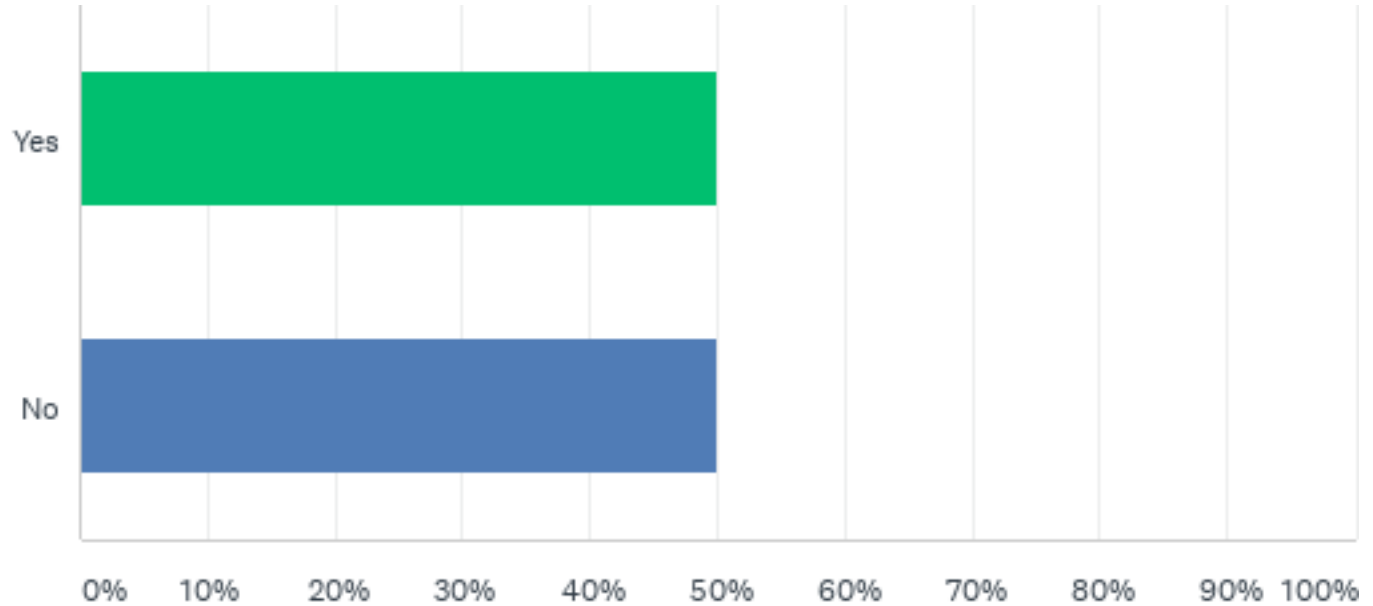
Q13: Do you believe PAPs help resolve disputes at proportionate cost?

Answered: 127 Skipped: 21

ANSWER CHOICES	RESPONSES	
Yes	14.96%	19
Most of the Time	30.71%	39
Some of the Time	40.16%	51
No	14.17%	18
TOTAL		127

would have been avoided had the claim been directly issued in court.

Answered: 122 Skipped: 26



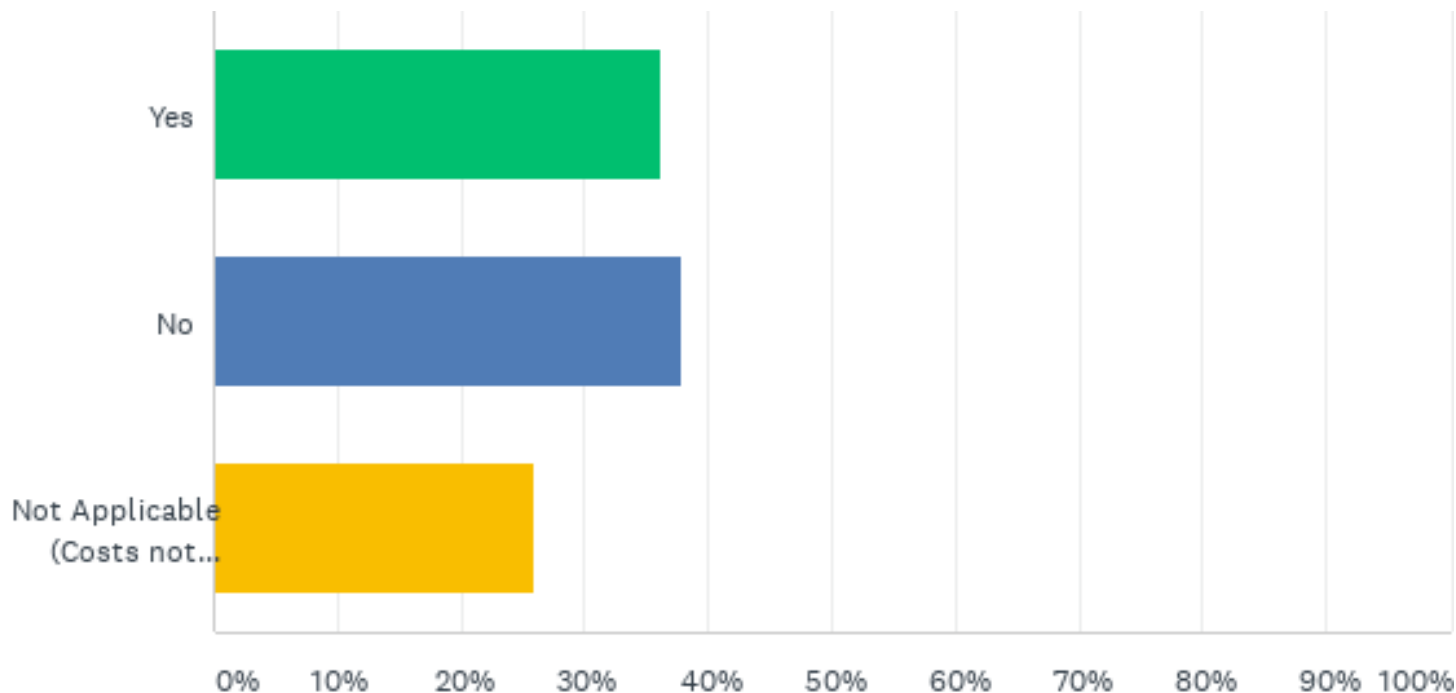
would have been avoided had the claim been directly issued in court.

Answered: 122 Skipped: 26

ANSWER CHOICES	RESPONSES	
Yes	50.00%	61
No	50.00%	61
TOTAL		122

Q15: Where costs are recoverable for complying with PAPs, do the costs fairly reflect the amount of work involved?

Answered: 116 Skipped: 32



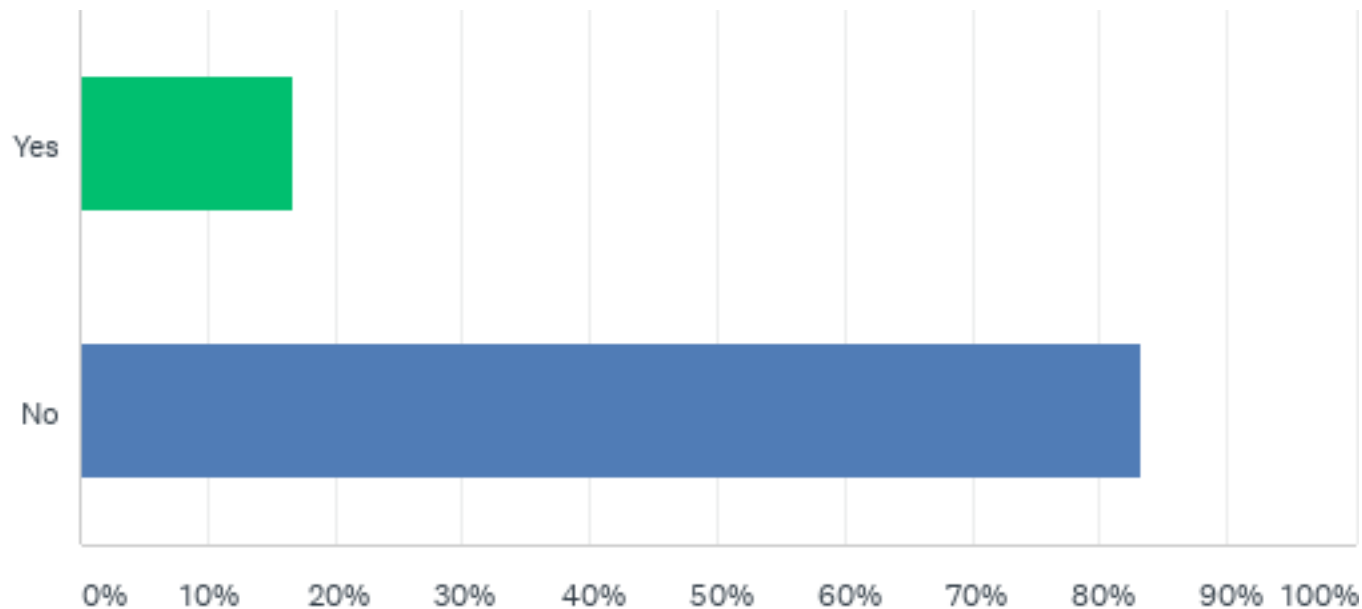
Q15: Where costs are recoverable for complying with PAPs, do the costs fairly reflect the amount of work involved?

Answered: 116 Skipped: 32

ANSWER CHOICES	RESPONSES	
Yes	36.21%	42
No	37.93%	44
Not Applicable (Costs not Recoverable)	25.86%	30
TOTAL		116

Q16: If you are reliant on legal aid to cover compliance with PAPs does this cover the cost of the work ?

Answered: 54 Skipped: 94



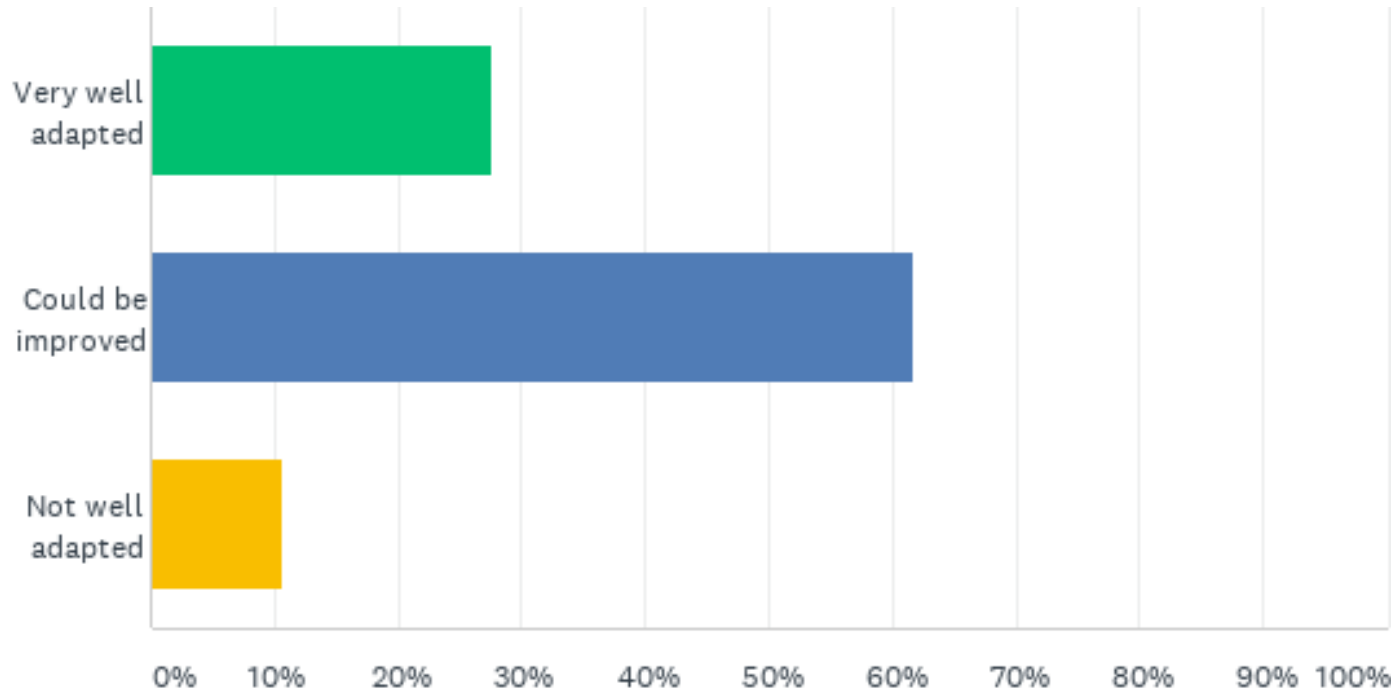
Q16: If you are reliant on legal aid to cover compliance with PAPs does this cover the cost of the work ?

Answered: 54 Skipped: 94

ANSWER CHOICES	RESPONSES	
Yes	16.67%	9
No	83.33%	45
TOTAL		54

Q17: To what extent do you believe that PAPs are well adapted to the key issues in the litigation to which they relate?

Answered: 123 Skipped: 25



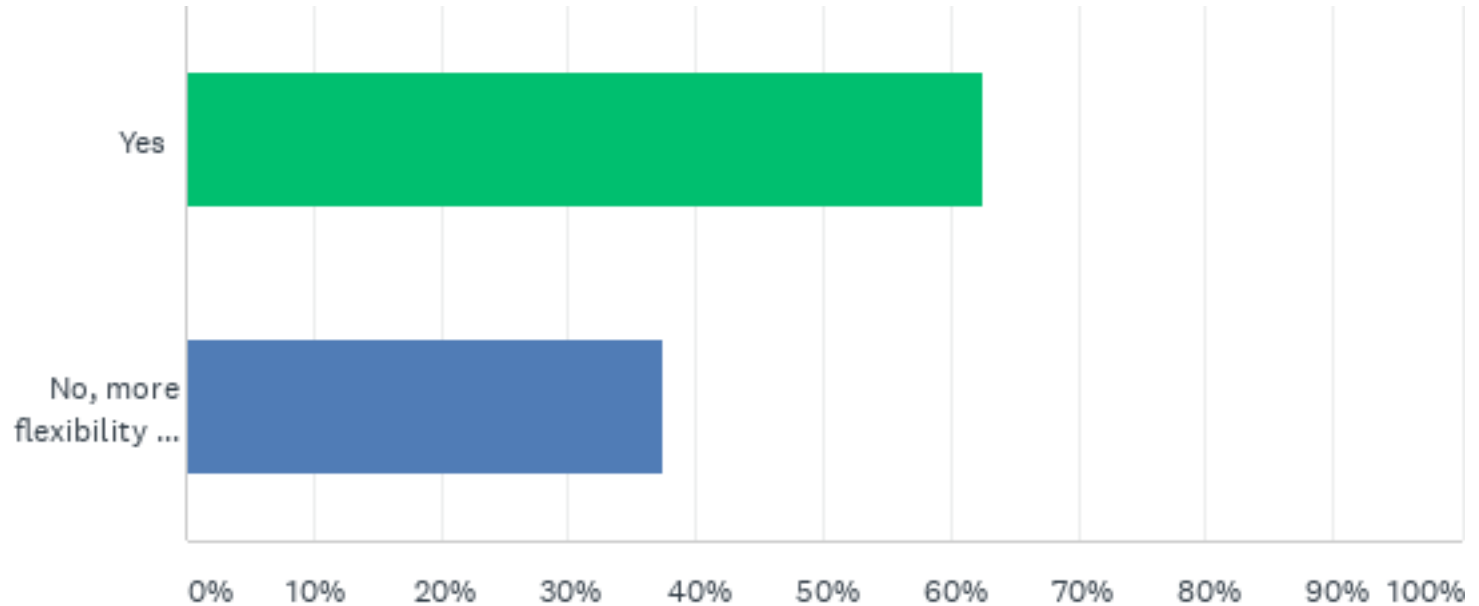
Q17: To what extent do you believe that PAPs are well adapted to the key issues in the litigation to which they relate?

Answered: 123 Skipped: 25

ANSWER CHOICES	RESPONSES	
Very well adapted	27.64%	34
Could be improved	61.79%	76
Not well adapted	10.57%	13
TOTAL		123

Q18: Are PAPs sufficiently flexible to meet the needs of the prospective parties?

Answered: 120 Skipped: 28



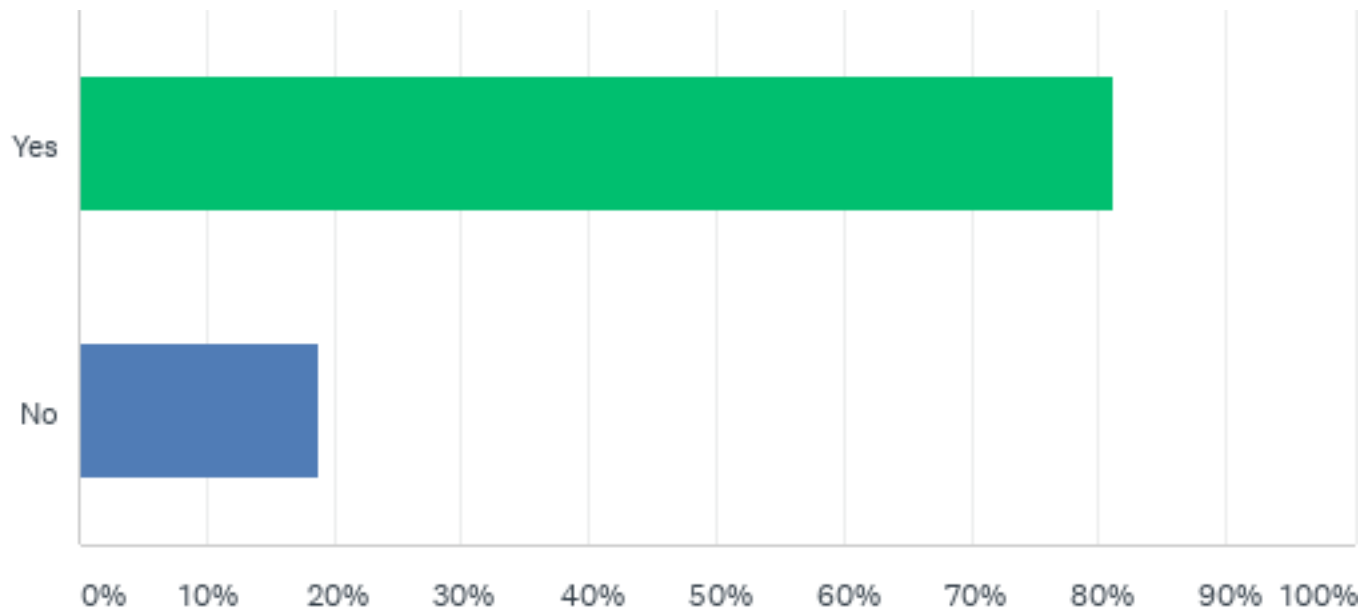
Q18: Are PAPs sufficiently flexible to meet the needs of the prospective parties?

Answered: 120 Skipped: 28

ANSWER CHOICES	RESPONSES	
Yes	62.50%	75
No, more flexibility is needed	37.50%	45
TOTAL		120

Q19: Are PAPs clear in the obligations they impose (and do not impose)?

Answered: 122 Skipped: 26



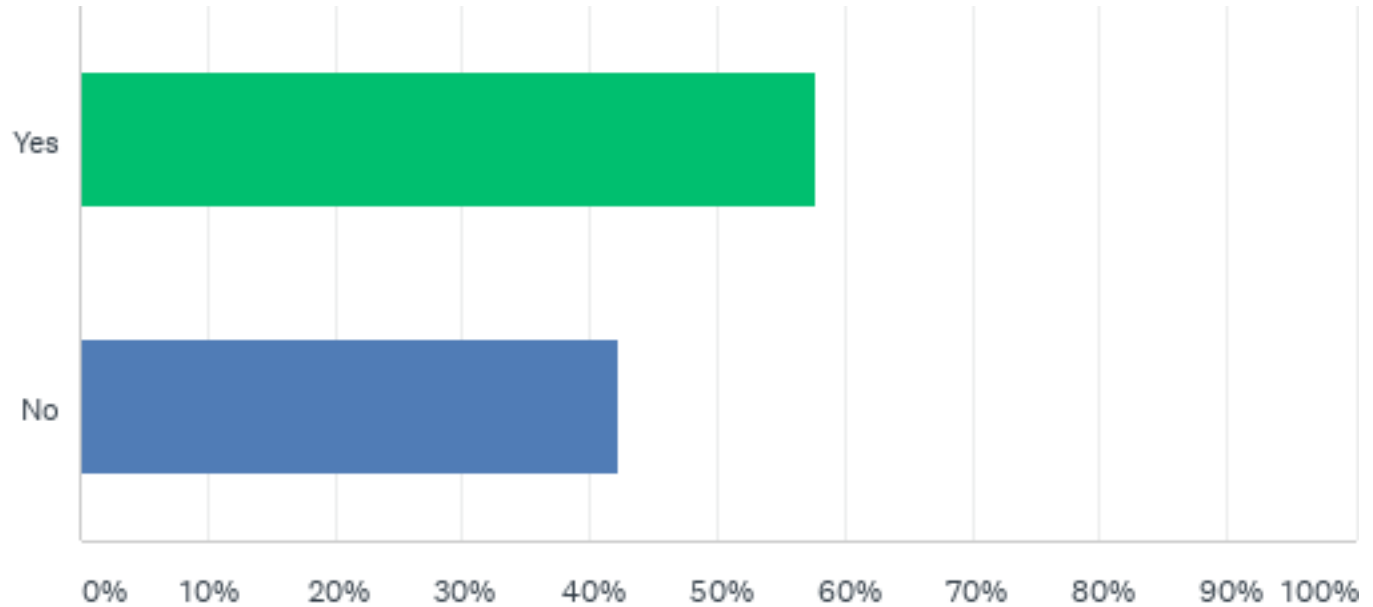
Q19: Are PAPs clear in the obligations they impose (and do not impose)?

Answered: 122 Skipped: 26

ANSWER CHOICES	RESPONSES	
Yes	81.15%	99
No	18.85%	23
TOTAL		122

Q20: Are PAPs clear as to the sanctions that can be imposed for breaching them?

Answered: 123 Skipped: 25



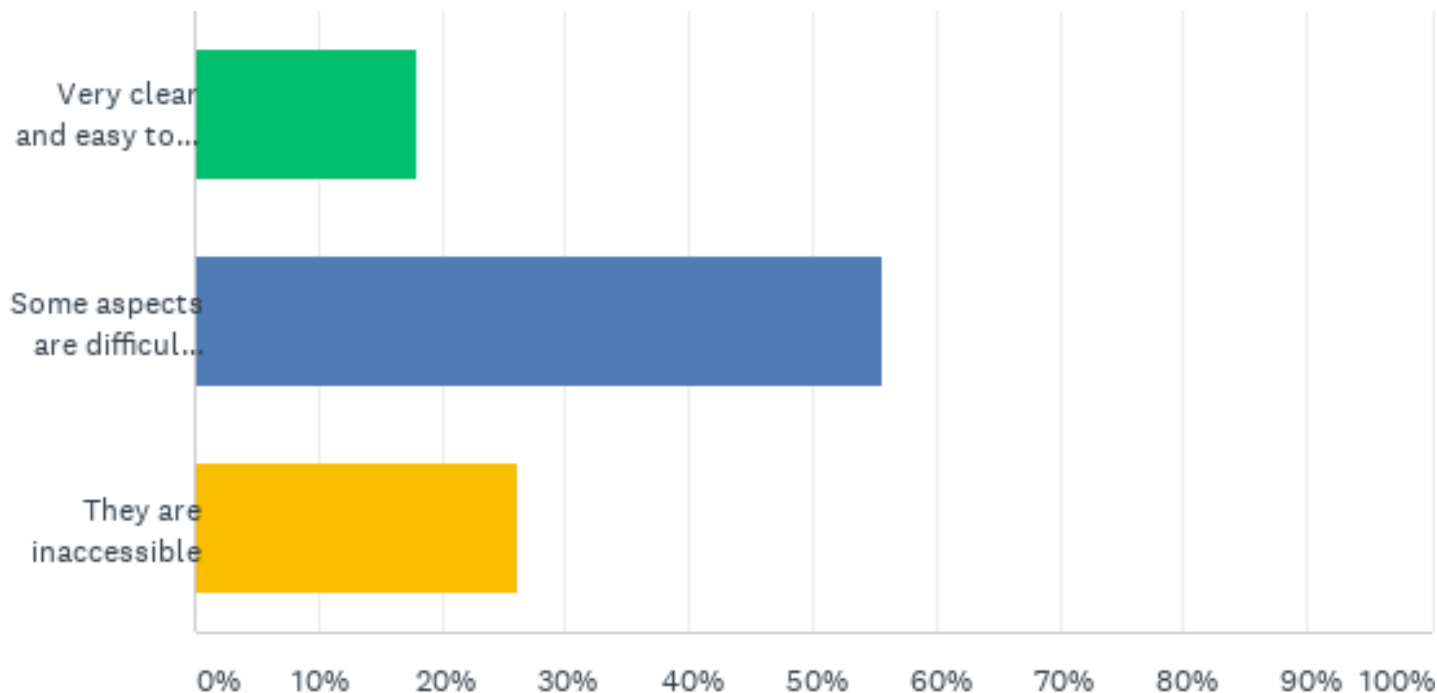
Q20: Are PAPs clear as to the sanctions that can be imposed for breaching them?

Answered: 123 Skipped: 25

ANSWER CHOICES	RESPONSES	
Yes	57.72%	71
No	42.28%	52
TOTAL		123

Q21: To what extent do you consider PAPs to be comprehensible to litigants in person?

Answered: 122 Skipped: 26



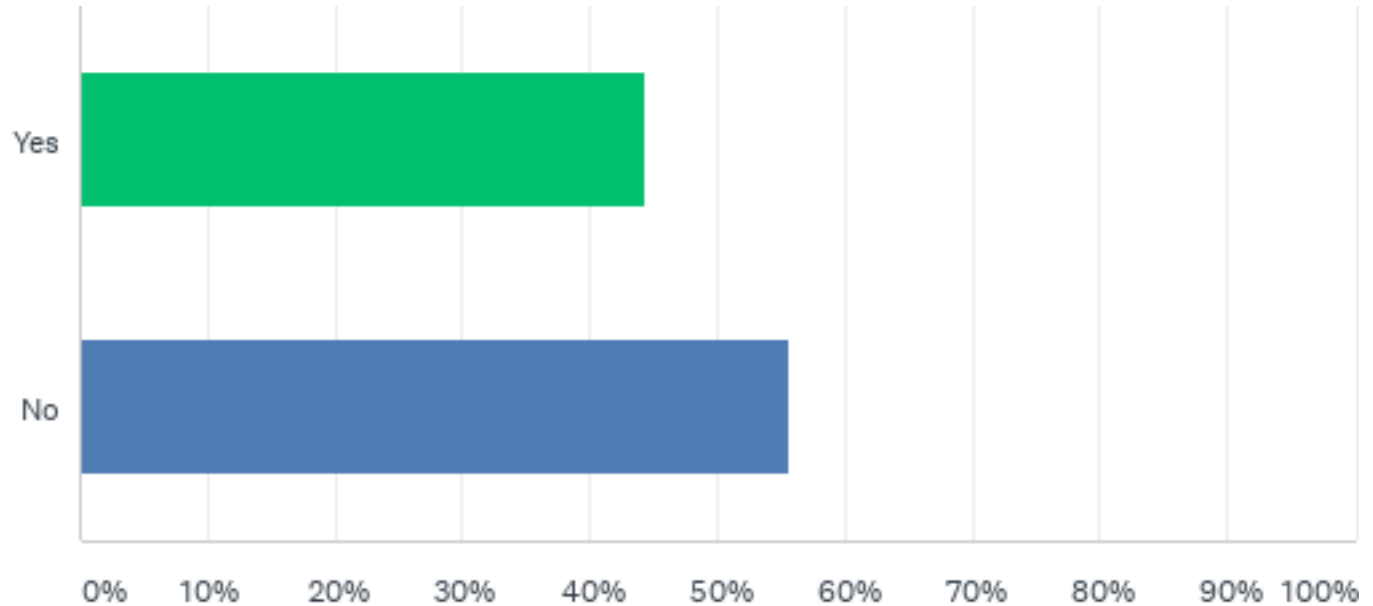
Q21: To what extent do you consider PAPs to be comprehensible to litigants in person?

Answered: 122 Skipped: 26

ANSWER CHOICES	RESPONSES	
Very clear and easy to read	18.03%	22
Some aspects are difficult to understand	55.74%	68
They are inaccessible	26.23%	32
TOTAL		122

Q22: Do you believe PAPs are easy to locate for litigants in person?

Answered: 117 Skipped: 31



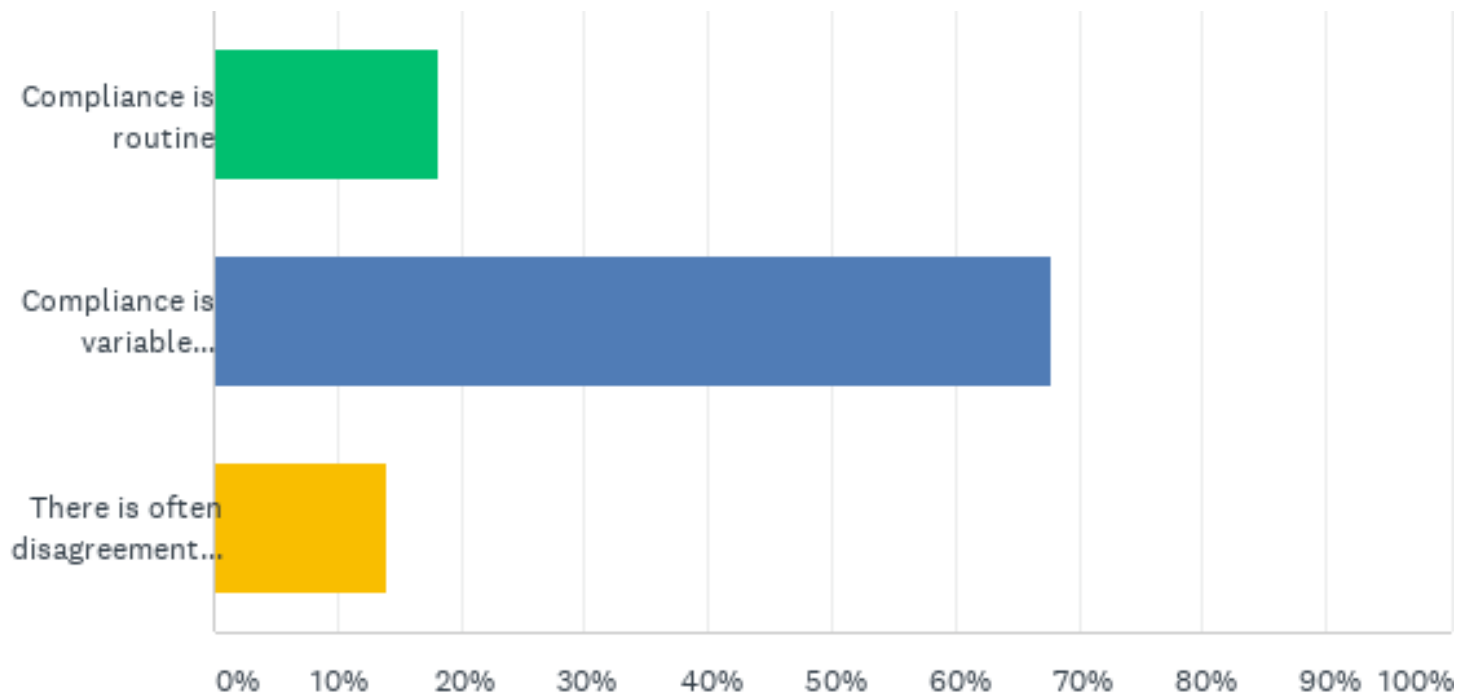
Q22: Do you believe PAPs are easy to locate for litigants in person?

Answered: 117 Skipped: 31

ANSWER CHOICES	RESPONSES	
Yes	44.44%	52
No	55.56%	65
TOTAL		117

Q23: Do you believe prospective parties comply appropriately with PAPs?

Answered: 121 Skipped: 27



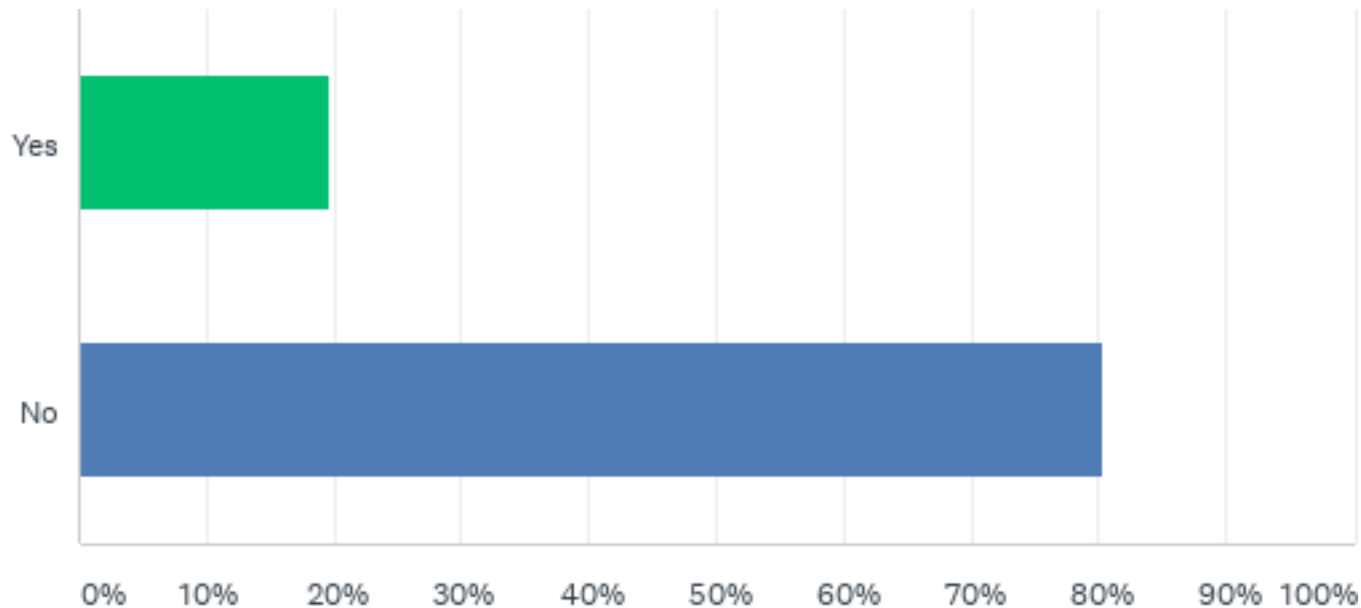
Q23: Do you believe prospective parties comply appropriately with PAPs?

Answered: 121 Skipped: 27

ANSWER CHOICES	RESPONSES	
Compliance is routine	18.18%	22
Compliance is variable depending on the identity of the parties & whether they are represented	67.77%	82
There is often disagreement between the parties about whether they have complied	14.05%	17
TOTAL		121

Do you believe courts deal consistently with non-compliance with PAPs when making case management directions or imposing costs orders?

Answered: 107 Skipped: 41



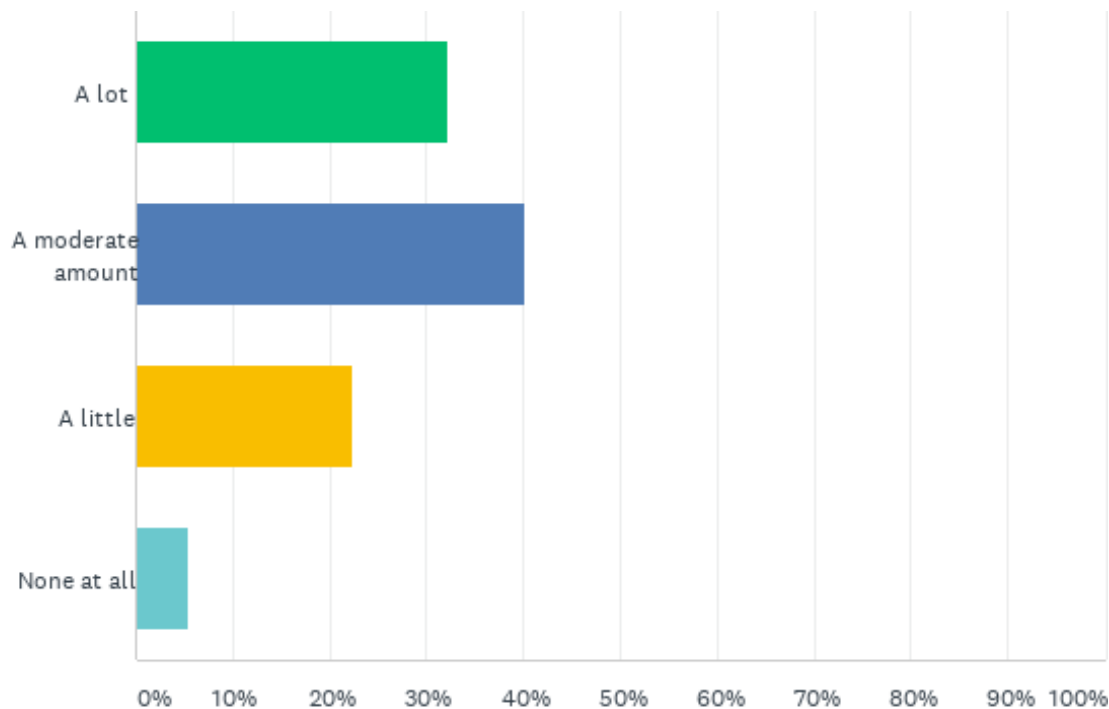
Do you believe courts deal consistently with non-compliance with PAPs when making case management directions or imposing costs orders?

Answered: 107 Skipped: 41

ANSWER CHOICES	RESPONSES	
Yes	19.63%	21
No	80.37%	86
TOTAL		107

efficient case management if litigation is necessary (eg through the narrowing of issues in dispute)?

Answered: 112 Skipped: 36



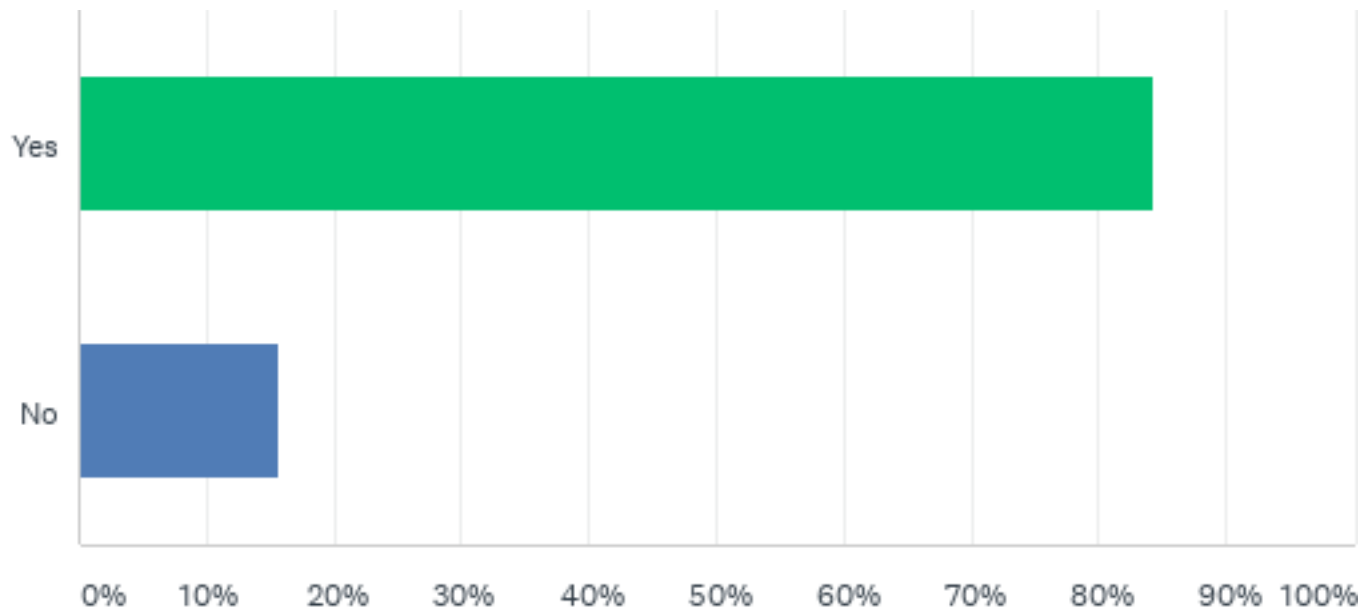
efficient case management if litigation is necessary (eg through the narrowing of issues in dispute)?

Answered: 112 Skipped: 36

ANSWER CHOICES	RESPONSES	
A lot	32.14%	36
A moderate amount	40.18%	45
A little	22.32%	25
None at all	5.36%	6
TOTAL		112

Q29: Would it be desirable to incorporate PAPs into the steps built into online dispute resolution portals?

Answered: 76 Skipped: 72



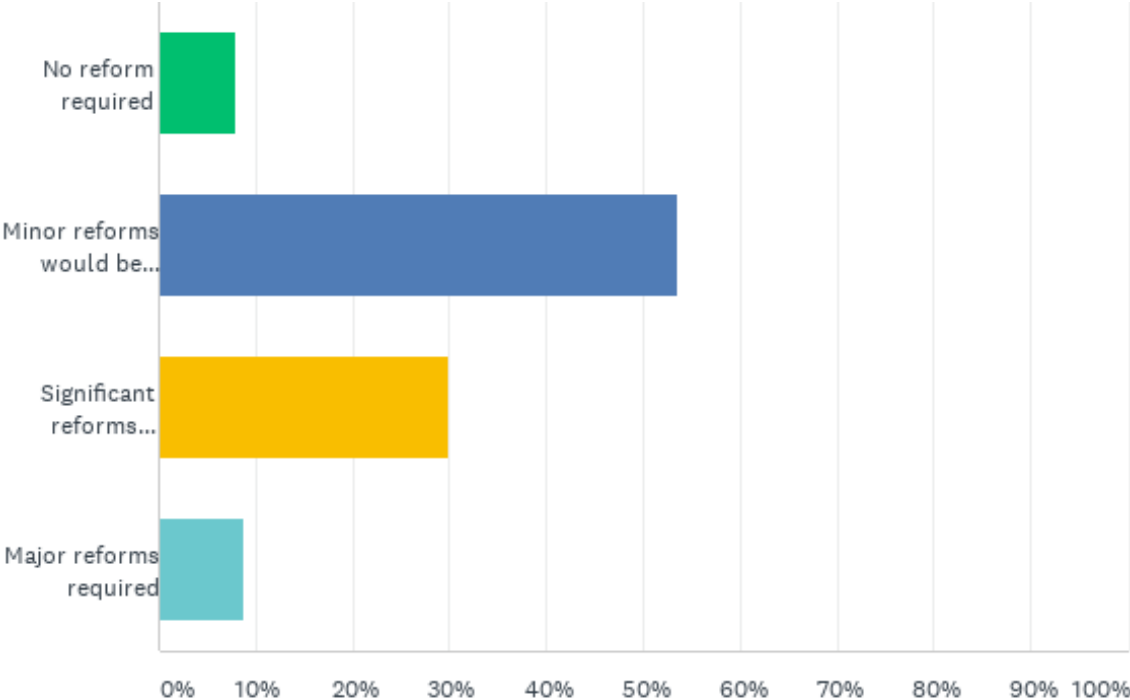
Q29: Would it be desirable to incorporate PAPs into the steps built into online dispute resolution portals?

Answered: 76 Skipped: 72

ANSWER CHOICES	RESPONSES	
Yes	84.21%	64
No	15.79%	12
TOTAL		76

Q30: Do you believe PAPs require reform?

Answered: 114 Skipped: 34



Q30: Do you believe PAPs require reform?

Answered: 114 Skipped: 34

ANSWER CHOICES	RESPONSES	
No reform required	7.89%	9
Minor reforms would be desirable	53.51%	61
Significant reforms required	29.82%	34
Major reforms required	8.77%	10
TOTAL		114