

Synopsis of Judicial ADR Liaison Committee meeting held on 16 October 2020

The matters arising discussed were:

- Outstanding actions from previous meetings were covered.
- It was agreed that the start of a new approach was positive. MoJ updated that there is a limit to what can be done in the short term and that ADR was one of the long-term solutions.
- The Lawtech Delivery Panel ('the LDP') is working on an online ADR platform for SMEs. The Committee agreed that, bearing in mind this Committee's terms of reference, the annual report should ask the MR or the LCJ to contact the group directly to see if a member of this Committee could be invited to join the LDP.
- Covid recovery was discussed.

Updates from sub-committees:

Extra-judicial landscape:

- The sub-committee have discussed their next focus and considered that it would be useful to do a gap analysis.
- It is not clear what would happen to the EU Consumer ADR Regulation after Brexit. An update on the position will be looked into.

Education of the professions and others

- The sub-committee decided to focus on the education of undergraduates and postgraduates. There was a lack of consistency in what was available. It was suggested that this might be good time for the Committee to consider making proposals, such as sponsoring an essay competition for students.
- The Committee discussed this at some length. Some members were enthusiastic. The eventual consensus, however, was that it might be difficult for the Committee to sponsor an essay competition or a moot, as the Committee did not have the necessary resources, and it might not be consistent with the Committee's terms of reference.
- The Committee noted that the ICC runs a mediation moot in February, the Worshipful Company of Arbitrators does something similar once a year, and CEDR runs a negotiation competition for universities.

Awareness and encouragement

- The sub-committee continues its thinking on how best to focus on SMEs.

Education of judges

- A brief description of the work of the Judicial College in its induction and refresher courses was given.

Rule changes

- The sub-committee had no written report and had not met since July.
- An update was given about the Ontario Mandatory Mediation Scheme from the chair of Mandatory Mediation Committee.
- The sub-committee would ask for a steer on the direction of its future work in due course.
- After the meeting, the report of the All-party Parliamentary Group for Alternative Dispute Resolution ('the APPG') was sent to the Committee. That refers to the mediation regimes in India and Singapore. It was suggested that this sub-committee consider investigating the arrangements for mediation in those jurisdictions.

- MoJ's memorandum of understanding ('MoU') with India might be a way of finding out more.
- Mediation in Lancashire, Birkenhead and Liverpool was also raised as was a scheme in Birmingham for small claims which involved mediation.
- The opt-in pilot for mediation in online money claims was discussed. The limit was £500. The rate of those opting out was consistently 65-70% which led to fewer people mediating than the original way of doing things. The insight team had done a paper on it.
- In the pilot in Manchester judges were checking to see if cases should be referred again to mediation. There was an event in November for the public, at which there was a slot on the small claims mediation service.
- The message has gone out to DJs that there is now some capacity in the Small Claims Mediation Scheme; it had increased by up by 40% and the mediators had more support. The percentage of litigants who wanted an appointment and got one had increased to about 70% from about 30-40%.
- MoJ are not planning mandatory mediation.

Annual Report:

- The Committee was reminded of its terms of reference and that any suggestions for the annual report must be framed with those in mind.
- The deadline for any suggestions was 30 October 2020.