



Synopsis of Civil Justice Council Meeting

Friday 25th October 2019

ASBIs

The Chair of the working group set out the timetable for the completion of the ASBI work and aims to have the final draft report ready for members to see at the April 2020 meeting.

Access to Justice and LASPO Part 1

The National Forum on Access to Justice is planned for 6th December 2019, but the CJC Regional Workshop in Newcastle has had to be postponed into the new year in order to find a suitable date for all concerned.

Discussions have been held with the Law Society on the increased contribution the profession might make towards Public Legal Education.

The Attorney General is scheduled to visit the National Pro Bono Centre as part of planned activities to mark National Pro Bono Week, which is the week of 4 November 2019.

The next joint CJC/MOJ meeting on the LASPO Part 1 Action Plan. LIPEG (the engagement group within the HMCTS Reform Programme that is focused on access to justice for those without means) has continued to engage regularly with HMCTS teams across a great many subjects.

Clinical Negligence

The report on Fixed Recoverable Costs in Low Value Clinical Negligence Claims was published on 14 October 2019. So far, there had been a low-key response from the press and reporting had been quite balanced.

It is now for the Department of Health and Social Care (DHSC) to take the lead on next steps, although MOJ are liaising with DHSC and continue to work closely with them. It is expected that a government consultation will follow.

Low Value PI Claims

Work is still ongoing in this area. There has been considerable overlap between whiplash reform and the content and recommendations of the working group's report.

ADR

The Judicial ADR Liaison Committee held a successful first meeting. The Committee shared initial ideas and gave reactions to the recommendations from the, now concluded, working group's report. The Committee are tracking the many developments currently taking place in this space, e.g. opt-out mediation in money claims online, in whiplash reform mediation is not seeming likely, but instead paper early neutral evaluation by personal injury specialists.

Vulnerable Witnesses

The consultation on vulnerable witnesses closed two weeks ago. It was clear from the responses that the working group should seek further judicial involvement and guidance on the mandatory rule that prevents cross-examination of an alleged victim by an alleged perpetrator. The working group need to think about this very carefully as there are implications to consider, such as who would conduct questioning.

Update from Ministry of Justice (MOJ)

The MOJ updated the Council on the following topics:

Damages-Based Agreements, Fixed Recoverable Costs, Domestic Abuse Bill, Whiplash/Smalls Claims Limit and Electronic Execution of Documents.

Date of next meeting - 31 January 2020