



**SIR GEOFFREY VOS, MASTER OF THE ROLLS**

**CIVIL JUSTICE COUNCIL NATIONAL FORUM**

**FRIDAY 17<sup>TH</sup> NOVEMBER**

Good morning, everybody. Thank you, HHJ Karen Walden-Smith, for that introduction. It is a great pleasure to welcome all of you to the Civil Justice Council's 2023 National Forum. As Karen has told you, we have a hugely topical theme this year: "Improving Access to Justice in a cost-of-living crisis". We have a star-studded cast throughout the day: we have both our new Lady Chief Justice, Lady Sue Carr, and the Lord Chancellor, Alex Chalk MP KC.

I am conscious that I represent the "same old" constituency, so I know you will not want to hear too much from me.

The great thing about this National Forum is how it goes from strength to strength, with greater and greater numbers of attendees every year. Although it is not always the case that civil justice is always the most popular show in town, it is very nice to be able to break the mould for at least one day each year.

The CJC's real strength lies in bringing people and perspectives together, so it really is great to see some old friends and some new faces.

This year's Forum follows the format of much of the CJC's work. Today we are showcasing legal technology and funding issues affecting access to justice, hearing about housing disrepair, debt, and the other real issues that face those caught in the cost-of-living crisis. We can look forward later to hearing Dame Clare Moriarty, CEO of the Citizen's Advice Bureau, give her keynote this afternoon.

In the very few minutes left to me, I want to highlight three things about the work of the Civil Justice Council this year.

First, of all, we have worked hard this year to bring the Council back to full strength, filling vacancies and bringing on board some new influential voices.

Secondly, as a council, we have re-focused on our statutory functions contained in section 6(4) of the Civil Procedure Act 1997.

It is sometimes useful to highlight those functions:

Keeping the civil justice system under review;

Considering how to make the civil justice system more accessible, fair and efficient;

Referring proposals for changes in the civil justice system to the Lord Chancellor and the Civil Procedure Rule Committee.

All of you will know of my determination to improve access to justice by creating a digital justice system. That system should allow the millions of people facing legal problems in our society to vindicate their legal rights by accessing both legal services and dispute resolution services online without needing to initiate civil, family or tribunal claims in every case. Of course, the crucial ability to go to court will remain, and HMCTS' development of Online Civil Money Claims and Damages Online are well advanced.

The key to the way we see digital justice now is in the integration between the existing online portals, the existing mediation services, the existing advice sites and legal advice. The Online Procedure Rule Committee (OPRC) is working hard on that and the Lady Chief Justice, the Lord Chancellor and I will all say more about that at its launch on Monday.

Before Monday, however, I want you all to be in no doubt that the CJC has helped shape that work, and I hope will continue to do so.

Two quick, concrete, examples of that: the CJC's 2015 report *Online Dispute Resolution for Low Value Claims* and the CJC's 2021 interim PAP report, which said that the OPRC could be given responsibility for the digital pre-action space, now reflected in section 24 of the Judicial Review and Courts Act 2022.

Let me just mention five quick aspects of our current work at the Civil Justice Council.

First, the Final Report of the Costs Review published by the CJC in May 2023. I want to thank the Deputy Head of Civil Justice, Lord Justice Birss, and his working group on what is a ground-breaking report. I am announcing today that I endorse all the recommendations and will be proceeding immediately to the implementation phase.

As is recommended, the 2021 Guideline Hourly Rates will be uplifted for inflation from 1 January 2024 in accordance with the Services Producer Price Index. I will establish, as the report suggests, a further working group to examine the methodology underpinning Guideline Hourly Rates.

As regards costs budgeting, I accept - "one size does not necessarily fit all". I am today asking the Civil Procedure Rules Committee to take forward the suggestions contained in the Costs review to pilot what the Costs review suggests.

Secondly, the Councils Report on PAPs was published in August this year. We knew that pre-action was a big topic when that work began. But Professor Andrew Higgins and his team have demonstrated just how much more attention that topic merits. I know there will be further work to come in that regard.

Thirdly, the work we are doing on the ways in which mental capacity is considered in the civil justice system. This work goes right to the heart of what the CJC is all about. An area of law with fewer direct financial imperatives driving development and where, as a system, we serve the most vulnerable in society. This work arose from a direct approach to the CJC. We received a letter highlighting the issue and responded. The report will break new ground.

Fourthly, our new data group led by Dr Natalie Byrom. I've already explained how we are refocusing on our statutory purposes. This group does that: it focuses on the long-term blight of the civil justice system, namely a lack of reliable data. Those of you familiar with Natalie's work will understand that we have high hopes for that.

Finally, we have our important Futures group led by Professor Richard Susskind. That group is engaged in making sure that those of us focusing on the creation of a digital justice system are right up to date with the latest innovations. They are looking at the

ways in which technological innovations like Web-3 technology, AI, automated decision making, and quantum computing will affect the delivery of civil justice in the future.

I hope that, following a number of recent cases, the CJC may also be able to do some work on the future on the Solicitors Act 1974, which really requires a generational look.<sup>1</sup>

Furthermore, the Council is following with interest the Government's next moves after the *PACCAR Inc. v Competition Appeal Tribunal judgement* from the Supreme Court.<sup>2</sup> Historically the CJC has been early to realise that funding can be a really serious access to justice issue.

To conclude, civil justice is vitally important to the society that we all serve. That is evidenced by the 370 people here online and in-person. We must not allow civil justice to become the poor relation of the justice system.

The launch of the OPRC and the digital justice system provides an exciting opportunity to revitalise access to justice.

I much look forward to hearing from the Lady Chief Justice and, in a few minutes, from the Lord Chancellor.

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<sup>1</sup> Belsner v CAM Legal Services Ltd [2022] EWCA Civ 1387; Karatysz v SGI Legal LLP [2022] EWCA Civ 1388; Rabot v Briggs [2023] EWCA Civ 19.

<sup>2</sup> [2023] UKSC 28