

Sir Geoffrey Vos
Master of the Rolls
Civil Justice Council National Forum 2024

Introduction

1. Many thanks, David, for that kind introduction. It is a huge pleasure to welcome so many people to the Civil Justice Council's 2024 National Forum. The theme of this year's Forum is appropriately "Access to Justice: working together".
2. I think the programme and speakers this year should make it the best ever. We have had over 400 registrations, which certainly makes it the largest event in its, now, 13-year history.
3. We are honoured to have three really special guests: First, we have Heidi Alexander MP, Minister of State for Courts and Legal Services in the Ministry of Justice. We are particularly grateful to Minister Alexander for standing in at short notice for the Lord Chancellor Shabana Mahmood MP. I know that Lord Chancellor is sorry not to be here, and I am sure we can all understand why she needs to attend the assisted dying debate in the Commons today.
4. Our second special and honoured guest is Baroness Sue Carr, Lady Chief Justice of England and Wales, who returns to this conference for the second year running. Her presence demonstrates the commitment of the whole judiciary to the improvement of civil justice. She will have travelled here from Plymouth this morning, having delivered the Mayflower lecture last night.
5. Our third, and longest travelled honoured and special guest is Rachel Rossi, who is the Director of the Office for Access to Justice in the U.S. Department of Justice. I had the pleasure of meeting Director Rossi when I visited Washington DC two years ago, and I know that her contribution will be hugely insightful.

The CJC's achievements in the last year

6. I am sure you will forgive me if I introduce the forum by mentioning the CJC's most important achievements of the last year.
7. Before doing so, I want to call out the incredible work of its small staff: Sam Allan, Secretary to the Council, Amy Shaw, Joshua Gammage and Freya Prentice. This has been an incredibly busy year and, without any one of them, we would simply not have got through it.
8. Our council members too are also owed a great debt of thanks. This year we have welcomed John Cuss, Daniel Hoadley, Amrik Kandola, Sue Prince, Laurance Shaw and Elizabeth Smart as new Council members. They have all made significant contributions already.
9. So, what has the CJC achieved? Let me start by highlighting the three reports published in the last month.
10. First, we responded quickly to the last Government's request to look at litigation funding in the light of the UK Supreme Court's controversial decision in *Paccar v. CAT* [2023] UKSC 28, which called into question the validity of a significant number of third-party funding agreements. On 31 October 2024, the CJC working group published its interim report and consultation. The consultation closes on 31 January 2025.

11. Litigation Funding is crucial to both access to justice and the ability of the civil courts to deliver justice. That is why the CJC were pleased to be asked to advise the Lord Chancellor on this issue and why the consultation asks questions about all aspects of funding, except legal aid. Legal aid is important, of course, but raises issues that are rather separate from those our terms of reference address. The CJC is considering available litigation funding options including legal expenses insurance, conditional fee agreements, damages-based agreements, crowdfunding, and pure funding.
12. May I thank co-chairs, Mr Justice Simon Picken and Dr John Sorabji and other group members for their hard work. John is leading the panel session on the subject later this morning.
13. Secondly, the CJC published its report on *The Procedure for Determining Mental Capacity in Civil Proceedings*. The working group, led by Diane Astin and Daniel Clarke, has done truly ground-breaking work here.
14. The truth is that the question of how courts cope with litigants whose mental capacity is in doubt has lurked in the shadows for far too long. This report casts a welcome spotlight on the issue, which causes real disadvantage.
15. The report makes recommendations as to the appropriate procedure within the civil courts for the investigation and determination of issues of litigation capacity. It recommends that proper funding be made available for that process, including the creation of a central fund of last resort. Diane and Daniel are leading a break-out session to discuss the report this afternoon.
16. Thirdly, on 20 November 2024 the CJC published its second report on Pre-Action Protocols. This was the final report in a long running project led by Professor Andrew Higgins, who deserves our great thanks. This report makes detailed recommendations as to pre-action protocols for various different kinds of cases, and the interaction between mediation and PAPs.
17. In addition to these three major reports, the CJC has initiated two very important working groups in two further areas of civil justice that have also been neglected in recent years. Those areas are Civil Enforcement and the Solicitors Act 1974.
18. Our civil enforcement processes are over complex and unwieldy. That was raised so effectively from the floor of this forum last year, encouraging the Council to act. There is an obvious need for rationalisation and modernisation, but it is a subject that has perhaps always been placed in the “too difficult box”.
19. I know that our working group will set out proposals following their call for evidence. Hopefully, their recommendations next year that will lead to improvements in the enforcement landscape for all. HHJ Karen Walden-Smith leads on this project and on the break-out session to discuss it later this morning.
20. The work on the Solicitors Act is also overdue. Its central provisions have, in many respects, not changed since the early 19th century. Several recent cases have highlighted the problems that this outdated legislation is creating for clients and solicitors alike. I am afraid that some of you will have noticed that I have sat on quite a number of those cases!

21. My penultimate mention is of the CJC's costs working group chaired by Mr Justice Robert Miles. It is currently focusing on preparing guideline rates for Counsel's fees and complex commercial work. Once this work is complete, it will turn its attention to a reconsideration of the mechanism to be used when carrying out a detailed review of guideline hourly rates.
22. Finally, in this brief round-up, I want to mention the work of two of the Council's standing working groups. First 'Data'. Information lies at the heart of civil justice. Without reliable data, effective policy making and resource and delivery planning are jeopardised, and so, therefore, are outcomes for individuals. I am therefore particularly grateful to HMCTS this year for working so collaboratively with the data group to map housing possession data. I am hopeful that this spirit of collaboration will continue as the data group progresses its work. Secondly, our standing group looking to the future, will soon publish its report on digital disadvantage.
23. I much look forward to seeing the result of both those work streams. Dan Hoadley is leading the data break-out session shortly, which may serve to highlight the links between them.
24. No speech from me would be complete without a mention of digital justice. This year, the Online Procedure Rules Committee has started its work in earnest with the appointment of a strong sub-committee and a Statutory Instrument promised for the early part of 2025 which will allow the OPRC to get going on the rules for the property/possession platform underpinning the Government's new Renters' Rights Bill.
25. In this forum I should, of course, acknowledge that the OPRC's task in digitally aligning the pre-action space and the post-action digital space follows a recommendation from the earlier Pre-Action Protocols' project report. I know that the OPRC will heed the advice of the CJC, just as the CPRC has been doing for many years before the OPRC was created.
26. Finally, before handing over to Minister Heidi Alexander, I want to reflect, as I did last year, on the statutory remit of the CJC. We are statutorily obliged to:
 - Keep the civil justice system under review;
 - Consider how to make the civil justice system more accessible, fair and efficient, and
 - Advise the Government, the judiciary, and the Rules committees on the development of the civil justice system.
27. Our remit is incredibly broad, but so also is our Civil Justice System. The CJC does its best to reflect that breadth and bring us all together so that our collective endeavours can benefit all.
28. Perhaps some of you are here today at your first forum. You may have come with a specific interest in a single element of today's programme. May I encourage those of you in that category, please, to try to see the connections between the various overlapping strands of our work. Please stay to network with other attendees from sectors that you may not normally experience, but with whom there could certainly be valuable shared endeavour.

29. In that spirit, I conclude by speaking as someone dedicated to the improvement of access to justice. I am heartened by the magnificent attendance here today both in person and online, to see that I am not alone. Many thanks to you all for making the effort to attend.
30. Minister Alexander, you are very welcome here today.