Friday 17 April 2026

Meeting Opening: Welcome and apologies

The Chair formally opened the meeting, welcoming all attendees, including regular council members, guest speakers, and new participants.

Register of Interests and Minutes

Members were encouraged to contact the Secretariat with any updates to the register of interests. The minutes from the previous meeting were approved.

Updates on Council's Current Work

Costs Working Group
The Costs group was set up to review guidelines relating to Counsel's fees, and set a new top rate for complex commercial work.

The council welcomed Nick Bacon who was attending on behalf of Robert Miles. The group are on track to produce a final report in line with their established timetable.
The report contains two main areas: whether there should be a new Guideline Hourly Rate for complex cases, and whether a Guideline Hourly Rate should be introduced for Barristers. Given ongoing CJC work, September was suggested as a reasonable time to launch the consultation.

The most challenging part of the report has been gathering data, and so the forthcoming consultation will be key for doing this. There was further discssuion of the historic difficulties in gathering data for GHRs. Routes proposed included case data on complex cases from Manchester and Birmingham, judicial training, and obtaining data from defendants.

Council members were encouraged to assist, where possible, with engagement with costs judges, Masters and High Court judges. An update will be returned to Council in July.

National Forum
Council heard an update on the National Forum, and the importance of not duplicating discussions that are happening elsewhere.

Workshop areas were proposed in:

- Technology and AI in ADR;
- the Online Procedure Rule Committee and digitised justice; and
- Renters' Rights Act

There was some discussion about the benefits of limiting the first session to ADR instead of AI more broadly. It was agreed that the sessions should be grounded in practical situations and showing how users can engage with ADR. For similar reasons it was suggested that the session might explicitly engage with ADR providers and public-sector ombuds.

The Renters Rights session received praise for timeliness, and it was confirmed that the Renters Rights portal would have launched by 13 November.

The Secretariat are considering the use of QR codes to support engagement during the Forum.

Council confirmed agreement to proceed with the three workshop themes outlined above, and to permit Garfield, LawFairy and PinqDR to demonstrate. Members were invited to provide feedback on keynote speakers to the Secretariat.

Updates on New Work

ADR Working Group
This working group has been set up to review the role of non-determinative Alternative Dispute Resolution (ADR) within the civil justice system of England and Wales. Council discussed the draft Terms of Reference for this working group. It was noted that the ToRs should explicitly address new technologies and AI. ADR will need to be integrated with digital pathways, including CE File and/or its successors.

Emerging difficulties in the group's work include how the ways ADR meetings are recorded, confidentiality, and experimental uses of AI to frame negotiations, offers and counter-offers.

The group will also take account of current confusion in the landscape for users, and attempt to simplify the process.

John Merriman was recommended as a potential working group member.

Track Limits Review
An update was given on the working group's first meeting, in which it had been agreed that membership should expand to include High Court representation, an HMCTS member (observer basis) and specialist data expertise alongside a broad range of Council input.

The review will need to be future proof: both in terms of bearing in mind the planned digitalisation of courts, and by being more flexible/nuanced than citing numerical thresholds between tracks.

It was noted that comparable cases are treated differently across regions, which is not transparent to court users and has implications for representation and costs. Data will firstly help to demonstrate, and so to address, these inconsistencies; secondly better data will help align case types with appropriate judicial deployment.

Enforcement
Council heard an update from the enforcement working group, including digitisation efforts around warrants of control, and ongoing HMCTS work.

It was confirmed that some recommendations from the 2025 CJC Enforcement report had been implemented. Mainly this includes forthcoming changes to the Taking Control of Goods procedure, including clarifications on notice, fees and charging structure. These overhauls were described as a significant milestone.

Experts
The CJC discussed the possibility of a working group to update the *2014 Guidance on the Instruction of Experts in Civil Claims*. The suggestion is being made to due to practical issues caused by current procedural rules, including page limits on expert reports and increasing use of AI in expert drafting.

Council discussed whether revised guidance may sit more appropriately with the MR/CPRC framework rather than being issued directly by the CJC.

Council were asked to establish a working group on experts, draft Terms of Reference for the group, and bring proposals for ratification in July.

Updates on Council's Other Work

Futures Group
Council were invited to offer feedback on the Futures group Terms of Reference. Members suggested more future proofing and explicit reference to AI.

The ToRs were approved subject to further out-of-committee input, returning formally in July.

Solicitors Act
It was noted that the Working Group's consultation on Part 3 of the 1974 Solicitors Act had been published the previous day. This consultation was described as a significant milestone following extensive work.

Responses were encouraged by 16 July.

Use of AI for the Preparation of Court Documents
The working group reported a high volume of responses to the consultation that will close with an extended deadline of 20th April. Early analysis of the responses included contention around the use of AI by litigants in person and experts.

Updates on Other Work

HMCTS

Council heard an update from HMCTS. They are monitoring significant uptick in claims (particularly the new category of intermediate track) and their effect of timelines. HMCTS are taking steps to plan for this including scheduling an additional 7000 sitting days for civil courts compared to the previous year.

Council also heard an update on digitalisation, which is progressing well in response to user feedback. The CAFs rollout is on pause while HMCTS read and decide how to act on feedback. Significant portions of County Court work remain dependent on paper.

HMCTs were encouraged to continue their important work of digitalisation.

MoJ

Council heard an update on MoJ policy developments. Mediation pilots, including CARM (Civil Automatic Referral to Mediation), and OCMC-linked mediation pilot ("bent metal" / PD51), are both under evaluation.

MoD also reported that the Whiplash reform Post-Implementation Review would soon be published, and that there was ongoing work in managing the high volume of cases in traffic enforcement and fines.

Concerns were raised about the low number of housing disrepair cases brought under legal aid. The number of cases may increase as the framework expands, but MoJ also expressed the hope that disputes will be resolved earlier without requiring full legal representation in every case. MoJ reported that Awaab's Law is being implemented in phases.

An issue was raised regarding public access to transcripts, and it was asked that this be raised formally in writing.

CPRC

Council heard an update on recent CPRC developments. These include the publication of March minutes referencing CJC workstreams, clarification of CPR/OPR interaction, establishment of an AI standing working group, and a new working group led by Pepperall J on transitional provisions.

There was some discussion of the legal aid data breach regarding which work was ongoing.

The government are not proceeding with recommendations about mental capacity and legal aid due to funding constraints but may revisit in future.

Legal Aid

This item allowed for further discussion of the ongoing recovery of Legal Aid Agency (LAA) systems following the cyber-attack in May 2025. While progress has been made, the position remains challenging for providers.

In addition the sector is facing challenges from backlogs and delays, financial strain, staff losses, and increased amounts of non-chargeable (administrative) work in light of the cyberattack.

The MoJ continues to work closely with the LAA to stabilise systems and understand the full extent of disruption.

AOB

Council were thanked in advance for their timely engagement with the volume of post-meeting questions and tasks that would follow the meeting.

Members were alerted to an upcoming Society of Socialist Lawyers event to be held the following week, focused on the theme of a “pro-worker AI strategy”.

The Chair flagged the next meeting location in Birmingham and the meeting was closed.