Monday 16th February 2026

**ATTENDANCE LIST**

**Members in attendance**

1. Master of the Rolls
2. Lady Justice Cockerill
3. Kate Pasfield
4. HHJ Karen Walden-Smith
5. Sue Prince
6. Elizabeth Smart
7. John Sorabji
8. Amik Kandola
9. John Cuss
10. Larry Shaw
11. Steven Jarman
12. DJ Kevin Harper
13. Rebecca Hilsenrath
14. Rosemary Rand*****
15. Emily Wickens*****
16. Elizabeth Smart
17. Natalie Byrom

**Observers**

18. Timothy Sawyer*****
19. Naomi Creutzfeldt
20. Jane Portas
21. Nigel Teasdale
22. Andrew Brookes

**Apologies**

23. Owain Rhys James

**Secretariat**

24. Claire Lantsbury
25. Rachel Tocknell
26. Freya Prentice
27. Sushma Rahman

*Denotes remote attendance

**MEETING OPENING**

Council consented to the meeting being recorded for minuting purposes. The recording will be deleted after the minutes are approved.

| Speaker | Discussion Points | Actions | Members Responsible | Useful Links/Contacts |
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| **Item 1 – Meeting opening and Vision for the CJC** | | | | |
| MR | - Welcomed members, invited introductions, and set out his vision for the CJC, stressing the need for prioritisation<br>**-** Identified the Futures and Data groups as requiring re-evaluation in light of future priorities and reflected on recent successes, including litigation funding (**JS**, **SP**), digital disadvantage (**SP**, **LS**), and enforcement (**KWS**), as well as ongoing workstreams such as AI in court documents, the Solicitors Act, and costs reform.<br>- Emphasised that civil justice is at a critical point of change, with developments such as OPRC rule-making in pre-action and online spaces, increased use of AI by litigants likely to drive higher case volumes, and the growing importance of digitisation.<br>- Observed that the concept of justice is evolving from this historical position, moving beyond access for the wealthy to serving the wider population seeking to vindicate their rights.<br>- Noted that the CJC must prioritise its work in line with its statutory direction under section 6 of the Civil Procedure Act 1997, focusing on accessibility, fairness, and efficiency.<br>- Welcomed the expertise of new members. | | | |
| **Item 2 – Statutory Remit and Work Prioritisation Criteria** | | | | |
| MR | Invited comment on the statutory remit and work prioritisation criteria. | | | |
| SC | Underlined the importance of considering the CJC's statutory remit and prioritisation criteria during the discussion. | | | |
| **Item 3 – Review of Standing Groups** | | | | |

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| MR | Stated that ExCo has been extremely valuable and should remain unchanged, thanked ExCo members for their contributions, and noted that the CJC membership has recently been refreshed and there will opportunities for new members to participate in ExCo in due course. | | | |
| NB | Spoke to the Data group's work, thanking HMCTS colleagues for their work on the 2024 possession data return, and highlighting challenges around data storage, access, and the lack of searchable or published claimant data. | | | |
| MR | Led a discussion on the Data group, expressing support for retaining it under **NB's** leadership. Noted the age and limitations of the HMCTS data previously gathered, the importance of data in shaping understanding of the digitised justice system, and concerns about the development of separate digital platforms. | | | |
| SP, NC, JP, FH | Emphasised the fundamental importance of data to future work, including AI development, continuity of data collection efforts, understanding societal risks, improving access to justice through prevention, and the public-interest potential of claimant data, including mapping trends and predicting impacts. | | | |
| NB | Confirmed that the original Data group terms of reference (ToR) remain broadly relevant but should be reviewed, noting prior work on HMCTS-held data and, and stressing that improved upstream data can reduce pressure on the justice system. | | | |
| MR | Concluded that the Data group should be retained, but that its Terms of Reference should be reviewed to reflect developments in the Digital Justice System and online dispute resolution, with **NB** to propose revisions at the next meeting. | Revise Data group ToRs for April meeting | **NB**<br>Secretariat support | |
| SJ | Noted that a statutory instrument extending claimant data publication is expected. | | | |
| RH | observed that the AJC has already undertaken strategic prioritisation work in this area. | | | |
| MR | Turned to the Futures group, welcoming its report on digital disadvantage. Stressed that rapid technological change (including AI, quantum computing, robotics, and digital agents) requires deeper technical thinking about impacts on civil justice and access to justice, and proposed that the group needs refreshed membership and ToRs. | | | |

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| NB | Outlined potential future directions for the Futures group, including horizon-scanning, quarterly updates, agenda-setting around key technological risks and opportunities (such as AI-generated evidence and chatbots driving demand). | | | |
| MR | Clarified that the Futures group's role should be to alert the civil justice system to technologies that will materially affect delivery of civil justice, accessibility, and efficiency, focusing on practical applications (such as digital assistants) rather than highly technical debates, and called for volunteers to form a more active, forward-looking group. | | | |
| KSW, JC, LS, FR | Supported the proposed direction, with **JC** noting potential overlap with AI-related rule-making work for litigants in person; **LS** and **FR** highlighted longstanding challenges with Futures group membership. | | | |
| MR | Agreed that the Futures group should be reformed and restarted, with **SP** and **LS** forming the nucleus, revised ToR to be drafted, and options explored for horizon-scanning support (including through academic connections), with proposals to be brought back to the CJC in April. | Revised Futures group ToRs for April meeting | **SP** and **ES**<br>Secretariat support | |
| **Item 4 – Future Work Suggestions** | | | | |
| MR | Introduced the agenda, stating he would run through the **seven proposed future work areas** and summarise the key issues and questions for the Council, noting that not all items were necessarily best progressed by the CJC. | | | |
| MR | (Experts / EWIs) the topic is important but difficult; the Council had previously produced guidance. MR noted that a short piece revising guidance may be possible, but queried whether it is properly within the Council's role and invited discussion. | | | |
| MR | (Small claims) described the proposal as engaging and likely to attract public interest, and invited discussion. | | | |
| SJ | (Track limits) said a review of track limits interacts with multiple issues and would be beneficial; a **holistic review** could be delivered by **secondary legislation** and could achieve tangible impacts. **SJ** also queried whether the **High Court/County Court boundary** should be included. | | | |
| MR | Asked why this work should not be delivered by the **CPRC**. | | | |
| SJ | Said that the CJC has historically undertaken this work (including prior reviews), and that given the potential impact the CJC is the appropriately neutral body to take the work forward. | | | |

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| | Raised a strategic point on impact and deliverability: legislation is currently difficult to secure; the CJC should be clear on intended outcomes and what is realistically deliverable. | | | |
| NB | Expressed concern at reports and recommendations that are not adopted by government. | | | |
| MR | Agreed with **NB's** point about the risk of producing reports that do not lead to implementation. | | | |
| FH | Supported exploring track limits, noting that this is very relevant to the issues raised in the correspondence received from a court user/member of the public. | | | |
| KH, NT, JC | **KH** referred to the LCJ's remarks on redesigning the court system, observing that small claims raises substantial issues and may require legislation; **NT** supported a holistic review; **JC** highlighted the access-to-justice gap in small claims and appetite for a more in depth review rather than only adjusting thresholds. | | | |
| AB | Noted that the impacts of recent case law on ADR (including *Churchill* and related developments) are still relatively new and merit review. | | | |
| SP | Supported a mediation/ADR review, suggesting learning from international approaches (e.g., Australia, Singapore) and linking to wider systemic change. | | | |
| SJ | Noted that MoJ/HMCTS are currently reviewing **CARM** (Civil Automatic Referral to Mediation), with expected completion by **Summer 2026**. | | | |
| LS | Referenced correspondence from a member of the public and emphasised the importance of the CJC's inclusion work; suggested that improving inclusion could bring more users into the system and may shift thinking on thresholds/cut-offs. | | | |
| AK, JS, NB | Noted that the ADR proposal was developed with awareness of the MoJ/HMCTS CARM review and a desire to enable change without primary legislation; however, if a strong case can be made for a Mediation Act, it should be pursued. **JS** agreed with **AK** and **NB**, and advocated a twin-track approach (not solely primary legislation), focusing on ADR more broadly. | | | |
| JS | (Expert witnesses) said that historically the CJC took on this guidance for expedience. Explained it has not been reviewed since 2014 (previous practice was to review every five years) and agreed to consider next steps and report back to the CJC. | Return to a future CJC meeting with a proposal for next steps on | **JS**<br>Secretariat support | |

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| | | expert witness guidance | | |
| RR, MR | Raised the MoJ proposal relating to tracked claims, noting HMCTS support and likely immediacy of impact; **MR** noted linkage with data issues and that **NB** should be involved. | | | |
| NB, MR | **NB** noted there is a potential issue about ownership and permissible use of expert reports once filed; **MR** asked **JS** to take this under advisement as part of his consideration of next steps on expert witnesses. | | | |
| MR, SP, LS | (Inclusion) **MR** indicated the matter should sit with the OPRC for now. **SPr** and **LS** agreed, with **SPr** advocating a watching brief and maintaining contact with **Dr Sarah Stephens,** the Lay Advice Member of the OPRC, in relation to the digital inclusion framework. | Watching brief. | **SP** and **LS** | |
| KWS | (Enforcement) summarised two strands: (1) a shorter-term revision of a financial statement/form to improve court communications; and (2) the longer-term principal recommendation of a single unified digital enforcement court, which would require substantial work, expertise, and likely primary legislation. | | | |
| JS | Government interest exists but other areas of priority precede it; MoJ focus is currently on narrower items (e.g., Taking Control of Goods updates, claimant data on the register of fines, and bailiff regulation). | | | |
| SC, KWS RR, SC | Proposed bringing together workstreams (MoJ, HMCTS, CPRC, etc.) to plan a route towards the principal recommendation over a multi-year period, potentially through a multi-jurisdictional working group; **RR** indicated contentment from HMCTS perspective. **KWS** and **SC** undertook to develop proposals. | | | |
| MR, CL | Confirmed clear appetite for an ADR/mediation working group, **CL** indicated any substantive start would likely be after Summer 2026; the Chair should be considered by ExCo, with interested members to meet and develop ToR. **MR** urged keeping scope reasonably confined, with regulation of ADR and ADR in the digital space identified as key. | | | |
| MR, NB, JS, KWS | **MR** stated that civil work in the Magistrates' Courts should be shelved for the time being. **SJ** summarised the Minister's correspondence and noted the challenged posed by current data, with MoJ planning a short exercise to improve understanding and return to the issue in around | | | |

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| | 12 months. **NB**, **JS**, and **KWS** raised related data, transparency, and bulk-processing concerns; **MR** asked that MoJ share its outputs when available and that **KWS** and **JS** narrow potential CJC concerns for reconsideration in the Autumn. | | | |
| MR | **Summarised actions with regard to all furture work suggestions.** | | | |
| | **Small claims (public engagement / user correspondence)** | Write back to member of public. | Secretariat | |
| | **Holistic review of track limits (including High Court/County Court boundary): Council agreed to move forward with this work.** | Form to be circulated to members for volunteers. | Secretariat | |
| | **Enforcement: Council agreed a limited, achievable working group on the short-term strand (financial statement/form revision).** | Convene working group and draft form. | **KWS**<br>Secretariat support | |
| | **ADR / Mediation: Council agreed to move forwards with this work, with plans to begin in earnest in the Autumn, following the MoJ's review of CARM.** | Form to be circulated to members for volunteers. | Secretariat | |
| SJ | Requested meeting with CJC Secretariat to clarify the status of past CJC recommendations to the MoJ. | Meeting to be arranged. | Secretariat | |
| **Item 7 – Recommendation Tracking** | | | | |
| CL | Introduced dashboard for tracking CJC recommendations and invited comments and feedback from members on the dashboard itself, as well as which past CJC reports to prioritise including in the recommendations tracking report. | Comments expected out of committee. | Members<br>Secretariat | |
| **Item 8 – Meeting Outside of London** | | | | |
| MR | Invited comments on holding meetings outside London and thanked members who had offered venues. | | | |

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| LS | Stated that she had nothing further to add beyond the invitation details shared with Council and confirmed that the university would be pleased to host a future meeting. | | | |
| SP, NT, LS | Suggested Exeter as a future venue, noting developing work on rural justice, and proposed that Exeter be considered for a subsequent meeting as well as Wales; **NT** expressed strong support for **LS's** proposal. | | | |
| NB | Indicated flexibility on location and suggested that meetings could be supported by a programme of related activities, noting government funding constraints and proposing strategic alignment with local growth plans to engage stakeholders involved in local development. | | | |
| FP | Observed that arrangements for regional engagement are improving but emphasised the need for member input, feedback, and local support contacts, given resourcing constraints. | | | |
| RH | Confirmed willingness to travel but stressed that regional visits should not be tokenistic, noting the additional work required outside major cities and the importance of linking visits to existing workstreams. | | | |
| MR | Proposed Birmingham as the next meeting location, with further discussion to follow on future venues. | July meeting to be arranged in Birmingham. | **LS**<br>Secretariat support | |
| **Item 9 - AOB** | | | | |
| MR | Goodbye and thanks expressed to FP on 2.5 years with the CJC Secretariat. | | | |