

Meeting of the Access to Justice Review Expert Group (7th Meeting)

Held on Friday 15th January 2016 at 13:30-15:00
Council of Ministers' Meeting Room, Cyril Le Marquand House

Attendees

Mr. T. Walker, Chief Officer of Community and Constitutional Affairs (Chair)
Mr. A. Metcalfe, Director of Constitutional Affairs and Justice Policy
Advocate R. MacRae QC, HM Attorney General
Mr. N. Benbow, CEO of the Law Society
Advocate P. Matthews, Judicial Greffier
Mr. M. Ferey, CEO of the Citizens Advice Bureau
Mr. D. Le Marquand, Policy Officer

Apologies: Advocate D. Cadin; Dr. D. Gibaut; Ms. A. King; Advocate J. Speck.

Welcome

1. The Chair welcomed the Group to their seventh meeting and advised that a meeting of the Access to Justice Review Advisory Panel had taken place on 11th January 2016.
2. The Chair confirmed that the minutes for the Expert Group's last meeting on 3rd July 2015 had been uploaded to the Access to Justice Review website.
3. The Group noted that Mr. D. Le Marquand would now be providing executive support to the Review.

Work on principal areas of interest identified in the Interim Report

(a) Legal aid, affordability and the legal profession

4. The Group noted that the Advisory Panel had agreed to hold a further public hearing to include a representative of the Jersey Consumer Council and a UK Barrister who had offered to address the Panel on a Legal Aid Chambers as an alternative Legal Aid model.
5. In the event that the aforementioned Barrister was unable to attend the next public hearing, the Attorney General suggested that he may identify other Barristers who could address the issue of a Legal Aid Chambers if required.
6. The Group noted that the Law Society were on track with their review of the Legal Aid System and were due to conclude in June 2016. Areas still to cover included criminal legal aid, the possible centralisation of the administrative aspect of legal aid and the simplification of legal aid guidelines.
7. The Group noted that the recommendations of the Law Society's review of the Legal Aid system would need to be considered as part of the Advisory Panel's.

Final Report which is due to be presented to the States Assembly by the end of July 2016.

(b) The courts, tribunals, panels and other adjudicatory bodies and alternative dispute resolution / non-judicial redress mechanisms

8. The Group were updated on the Advisory Panel's recent visit to the Royal Court. The Group noted some of the challenges being faced by the Royal Court as outlined in the minutes of the Advisory Panel's meeting on 11th January 2016.
9. The Group noted that the Advisory Panel were due to be visiting the Magistrate's Court on 9th February and the Tribunals on 23rd February which would complete their information gathering visits to the Court estate.
10. The Group received an update on the key outcomes that are being carried forward as a result of the Final Consultation Paper of the Royal Court Rules Review Group, including, notably, the proposed increase in the jurisdiction of the Petty Debts Court.
11. Further to a decision of the Advisory Panel, the Group noted that the Master of the Royal Court would be invited to become a member of the Expert Group in order to assist in further understanding the background of the review's recommendations.
12. The Chief Executive of the Law Society invited comments from the Group regarding his paper on alternative dispute resolution. The Chair noted that this document would need to be published on the Access to Justice website in advance of the next public hearing.
13. The Group expressed surprise at the current low use of Community Mediation, particularly in view of the limited cost of the service and the benefits that can arise. The Group suggested that the use of Community Mediation be looked into further by the Advisory Panel, with the potential aim of raising greater awareness of it as a means of dispute resolution. It was explained that a sustained media campaign was being organised in this regard by the Jersey Legal Information Board, on local radio and in the Jersey Evening Post, to promote greater awareness of the Community Mediation scheme and its benefits.
14. The Attorney General also expressed similar surprise at the low uptake of family mediation. The Group agreed that the costs of family mediation might be considered to see if it would have an impact on the uptake of family mediation.
15. The Group were also informed that the Advisory Panel had agreed to invite the CEO of the Law Society and members of the working group who had assisted in the development of the paper on alternative dispute resolution to the next public hearing.

(c) Information, languages and plain English

16. The Group noted that the Advisory Panel had agreed that a representative of the Jersey Legal Information Board should be invited to join the Expert Group in order that their work in relation to this topic can be better understood.

(d) Simplification and reform of Laws

17. The Group received updates regarding progress on the various laws being considered. The draft legislation covering the Divorce Law is due to be lodged for debate by the States Assembly by the end of 2016. The Review of Administrative Justice is being carried out by Professor Andrew Le Sueur and is due to be completed shortly. The end of 2017 remained the target date for updates to the Criminal Procedure Law. The Group noted that a seminar had taken place, arranged by the Institute of Law with the support of Government, to consider a restatement of Contract Law and that a paper will be produced with options for the Council of Ministers to consider in the first half of 2016.
18. The Group noted that the Legislation Advisory Panel (LAP) would be looking into the proposal to increase the jurisdiction of the Petty Debts Court.

Any other business

19. The Group noted that a joint meeting with the Advisory Panel would be arranged before the final report of the review is submitted to the States Assembly.
20. The Chair confirmed that July 2016 remained the target date for the submission of the review's final report and clarified that the work regarding the implementation of its recommendations would need to continue in the subsequent months.

ENDS