

Meeting of the Access to Justice Review Expert Group (8th Meeting)

Held on Friday 18th March 2016 at 14:00-15:30
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
Ms. S. Du Feu, Programme Director, JLIB
Advocate D. Cadin, Bâtonnier
Mr. M. Ferey, CEO of the Citizens Advice Bureau
Ms. A. King, Executive Officer, Jersey Consumer Council
Mr. D. Le Marquand, Policy Officer

Welcome

1. The Chair welcomed the Group to their 8th meeting and advised that the Advisory Panel would be holding a public hearing with the Chair and Executive Officer of the Jersey Consumer Council on Monday 21st March.
2. The Chair invited comments from Members regarding the Minutes of the meeting held on 15th January which had been previously circulated. No further comments were received and the Chair confirmed that the Minutes would therefore be published on the Access to Justice Review website.
3. The Chair welcomed Ms. S. Du Feu, Programme Director for the Jersey Legal Information Board (JLIB), as a member of the Group. Ms Du Feu would be updating the Group on JLIB's work in relation to information, languages and plain English.

Work on principal areas of interest identified in the Interim Report

(a) Legal aid, affordability and the legal profession

4. The CEO of the Law Society confirmed that work on the Review of Legal Aid was continuing to progress well. The Review was currently looking at criminal and civil legal aid and was exploring the possibility of establishing a centralised legal aid office for administration purposes. Issues around the cost of this office were also being considered.
5. The CEO of the Law Society observed that it was likely that a recommendation would be made to simplify the legal aid guidelines which, the Group concurred, were overly complex.

6. The CEO informed the Group that there was no reason at the current time to deviate from the agreed timeline. The CEO further informed the Group that, in undertaking the Review, the Law Society had engaged widely on a broad range of issues.

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

7. The Director of Constitutional Affairs and Justice Policy updated the Group on the recent work of the Advisory Panel which had included visits to the Magistrate's Court and the Tribunal Service.
8. In addition to the public hearing on Monday 21st March, a further public hearing would be held in the coming months in order to cover, for example, the Review of Mediation.
9. The Group noted that there was no further update available regarding the final report of the Royal Court Rules Review Group.
10. The Group were informed by the Programme Director for JLIB that promotional activity for family mediation would be combined with the existing publicity campaign around community mediation. The campaign for community mediation was in place for 19 weeks on the radio and the full year in the Jersey Evening Post. The JEP campaign would now also include family mediation.
11. The CEO of Jersey Citizens Advice informed the Group that the publicity campaign had resulted in progress with regard to public awareness of community mediation. As a consequence, it was likely that a greater number of community mediations would occur in 2016 than in any previous year.

(c) Information, languages and plain English

12. The Programme Director for JLIB informed the Group that the presentation of laws on the JLIB website was currently being reviewed. In addition, JLIB would be linking amendments to laws back to the explanatory note of the original law.
13. The Group were further advised that Jersey Citizens Advice would be updating and simplifying their legal aid notes.
14. The Group noted that some of the most regularly referenced French written laws were in the process of being translated into English.
15. The Group were advised that the Master of the Royal Court was in the process of simplifying explanatory notes on litigation and was establishing a glossary of Court terms.

16. The JLIB Programme Director updated the Group on the Court video project and highlighted that a trial period is due to be undertaken in the Royal Court (Court No.1 and the Family Court). In addition, a separate Advocate's room is being included in order to allow individuals to talk privately with their Advocate via video link if necessary. The Group noted that this facility would be of value on occasions where an individual was unable to travel to Jersey in order to be present in Court and, where necessary / appropriate, would also allow witnesses to give evidence without attending Court.
17. The creation of a short video explaining court processes was also being considered. Should this idea come to fruition, the Group were informed that the video(s) would be included on the Jersey Legal Information Board and Citizens Advice websites.

(d) Simplification and reform of Laws

18. The Director of Constitutional Affairs and Justice Policy informed the Group that the Jersey Law Commission's Review of Administrative Justice was now at the final drafting stage. Work in relation to the Divorce Law was ongoing and the Law Society were currently being consulted. There was no further update on the work regarding Contract Law – a paper was being prepared for consideration by the Council of Ministers.
19. The Group noted that the Bail Law was now with the Law Draftsman and the Criminal Procedure Law would be submitted to the Law Draftsman in six stages.

Any other business

20. The Bâtonnier suggested that a means be established by which the legal profession, and members of the public, could provide feedback on matters related to Access to Justice once the Review had completed its formal work. The Group agreed that this suggestion should be considered further and comments / suggestions were invited.