

Submission by Deputy Andrew Green MBE

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Senator Paul Routier MBE
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June 17th 2014

Dear Paul

Re: Access to Justice

I refer to our recent discussion regarding the Access to Justice Review you are currently undertaking. I would like to ask you to consider reviewing the aspect of legal aid, which often occurs when relationships break down and access to legal aid puts one party in the relationship put in a much stronger position than the other. I have many examples, but I will layout just one for your consideration.

A couple who are separating, one of the partners (1) has a very small income from a part time job and therefore is entitled to legal aid. The other partner (2) continues in their normal fulltime job and therefore is not entitle to legal aid. At the end of the process, partner 1 has no or a very small bill to pay, whilst partner 2 has a bill on the occasion I know of in access of £90,000. The point I am trying to make is there is no incentive for partner 1 to settle. In fact, very often, in particularly with bitter separations the claims and counter claims are often vexatious and result in the partner 2 having to defend themselves. Very often needing to prove their position, or counter an accusation, and every time they do that of course, their legal bill goes up and partner 1's bill remains as it was, nil or very low. There is no incentive for partner 1 to settle fairly or quickly.

My understanding of the legal system is there ought to be equality of arms and the equality should go beyond that of both having capable solicitors or advocates. The financial aspect for both parties must also be somewhat similar.

This is rather difficult to put into writing and explain and as such, I would be more than happy to meet with you and your panel to explain my comments further.

Yours sincerely

Deputy Andrew Green MBE
Minister for Housing