

Meetings of the Access to Justice Review Expert Group

held on 16th January, 9th February, 16th March and 30th March 2017
in the Meeting Room, 9th Floor, Cyril Le Marquand House, St Helier,
and in the Vibert Room, Morier House, St Helier (*9th February meeting only*)

Attendees

Mr T. Walker, Department for Community and Constitutional Affairs (Chair)
Mr D. Le Marquand, Department for Community and Constitutional Affairs
Mr R. MacRae QC, Attorney General (*for 3 meetings*)
Mr M. Temple QC, Solicitor General (*for 1 meeting*)
Dr D. Dixon, Law Officers' Department
Mr P. Matthews, Judicial Greffe
Mr M. Ferey, Citizens Advice Jersey
Advocate R. Colley, Jersey Consumer Council
Ms A. King, Jersey Consumer Council
Advocate J. Speck, Law Society of Jersey (*for 1 meeting*)
Advocate D. Cadin, Bâtonnier (*for 3 meetings*)
Mr N. Benbow, Law Society of Jersey

Note: the above attendees were present at all 4 meetings, unless otherwise noted above.

Welcome

1. The Chairman welcomed the Group to the meetings and apologies were duly noted.

Review of the Legal Aid Scheme

2. The Group noted a decision of the Law Society made on 8th December 2016 that discussions with government and other stakeholders should be advanced during the first half of 2017 regarding revisions to the Legal Aid Scheme ('the Scheme'). The Access to Justice Review was considered to provide a suitable structure for these discussions, with detailed considerations being made within the Expert Group, in advance of consultation on a revised Scheme, including Public Hearings with the Advisory Panel. It was hoped that the overall review process would be completed by July 2017.

Consideration of the Legal Aid Scheme

3. The Group considered a number of aspects of the Scheme, including: financial criteria (income, asset and contribution thresholds), criminal law (alternatives to the tour de role system, including re-allocation of existing public funds), civil and private family law matters (including children's, divorce, medical negligence and personal injury matters), the legal aid office (including the duty advocate and lawyer schemes) and other general aspects of the Scheme. Whilst reserving respective formal positions, the Group engaged in discussions which considered each dimension of the scheme, whether supported through public resources or through the legal profession, and comparisons were made with legal aid schemes elsewhere in the British Isles, particularly Guernsey, the Isle of Man and England & Wales.

Advisory Panel

4. The Group noted that a meeting of the Advisory Panel had been held on 24th March 2017 in order for officers to brief the Panel on this series of Expert Group discussions and to consider future Public Hearings.

Revised Legal Aid Scheme

5. A draft revised Scheme was prepared as a result of the Expert Group discussions, which the Law Society would consult upon during April and May. This was expected to involve initial consultation with members of the Law Society, followed by a more general public consultation and focussed consultation with Government, Judiciary, Law Officers, Citizens Advice Jersey and Consumer Council. Alongside this period of consultation, the Expert Group would meet again during May and June 2017 in order to consider any further matters arising, review the responses received and discuss any further revisions to the Scheme which may arise from the consultation.

Public Hearing

6. The Group noted that a Public Hearing would be held by the Advisory Panel as part of the public consultation (likely to be scheduled in May), in order that the proposed Scheme could be considered by the Panel and evidence taken from relevant interested parties.

ENDS

4th April 2017