

Meeting of the Access to Justice Review Advisory Panel

Held on Monday 11th January 2016
at 14:00 in the 9th Floor Meeting Room, Cyril Le Marquand House, St Helier

Attendees

Senator P.F. Routier M.B.E. (Chair)
Connétable J. Gallichan
Connétable D.W. Mezbourian

Apologies: Deputy M. Tadier and Deputy J.A. Hilton

Also in attendance: Mr T. Walker, Mr A. Metcalfe and Mr D. Le Marquand

Welcome

1. The Chairman welcomed Mr D. Le Marquand, Policy Officer, who would now be providing executive support to the Panel.
2. The Panel agreed the Minutes of the meeting held on 29th June 2015 and requested that these be uploaded to the Access to Justice Review website.

Work on principal areas of interest identified in the Interim Report

(a) Legal aid, affordability and the legal profession

3. The Panel held a discussion on their public hearing with the President of the Law Society, CEO of the Law Society and the Bâtonnier. The Panel noted that the Law Society are making progress with their review of the Legal Aid system and expect to complete their work by June 2016. The Panel agreed that they would need to consider the outcome of the Law Society's review as part of the final report which is due to be presented to the States Assembly by the end of July 2016.
4. The Panel agreed that a further public hearing should be held with representatives of the Jersey Consumer Council. The Panel further agreed that a UK Barrister who had previously offered to address the Panel on the work of Legal Aid Chambers as an alternative Legal Aid model should also be invited to that public hearing. Given the likely interest of the Law Society in this matter, the Panel decided that a representative of the Law Society should be invited to attend this public hearing. The Policy Officer was mandated to make the arrangements for the public hearing and was asked to aim for the hearing to take place before the end of February 2016.

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

5. The Panel reflected on their interesting and useful visit to the Royal Court, where they were received by the Bailiff, Deputy Bailiff, the Bailiff's Judicial Secretary and the Chief Usher. The Panel toured the facilities including Court Number 2, the States Chamber, witness and jury rooms, the Royal Court, holding cells and the Old Library.
6. The Panel noted the difficulties presented by the constraints of the facilities currently available, which included instances of poor acoustics, restricted space, close proximity of dock and jury, the need for continual assembling and disassembling for temporary use as a court depending on room availability, a shortage of witness facilities and break-out rooms, and the constraints arising from heritage listed status.
7. The Panel also recalled the plans to trial the use of video link equipment in Court Number 2 and the desire to possibly make use of Piquet House for additional court space in order to ease the difficulties in scheduling.
8. The Panel noted that subsequent discussions during their visit included the challenges of finding court dates for civil cases (noting that children law cases were given some priority and that sentencing hearings were also dealt with expeditiously). Concerns were also raised concerning future resources in the context of the financial pressures arising from the proposed additional investment in health and education within the Medium Term Financial Plan.
9. The Panel requested an update as to whether any further work had been undertaken regarding the potential use of Piquet House as additional court space. The Panel were informed that Jersey Property Holdings were working to find a long term, flexible solution for the needs of the Judicial Greffe. The Panel noted that discussions are ongoing between Jersey Property Holdings and the Judicial Greffe in order to identify possible options and solutions.
10. The Panel noted that further visits were scheduled to the Magistrate's Court (09 February) and the Tribunals (23 February). The Panel agreed that their overall opinion on the access to justice aspects of court services in Jersey could be considered at the conclusion of these visits.
11. The Panel formerly received the Final Consultation Paper of the Royal Court Rules Review Group. The Panel welcomed the recommendations of the review and wished to give further consideration to the recommendations on mediation, the costs of litigation and lawyer / client costs. The Panel agreed that the Master of the Royal Court should 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 Panel noted that a paper had been received from the CEO of the Law Society on 11th January 2016 regarding alternative dispute resolution and this would be circulated to members shortly. The Panel agreed that the CEO and members of the working group responsible for the development of the paper should be invited to the next public hearing.

(c) Information, languages and plain English

13. The Panel 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.
14. The Panel also recalled the previous recommendation of the Comité des Connétables that all parish websites should have a link to the Jersey Legal Information Board website.

(d) Simplification and reform of Laws

15. The Panel noted that 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 Panel would receive an update regarding the Criminal Procedure Law at their meeting in March. The Panel also 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. A paper will be produced with options for the Council of Ministers to consider in the first half of 2016.
16. The Panel noted that the Legislation Advisory Panel (LAP) would be looking into the proposal to increase the jurisdiction of the Petty Debts Court. The Panel requested that they be updated at their next meeting, by which time the LAP would have held an initial discussion on the topic.

Further submissions received

17. The Panel were informed that no further submissions had been received.

Any other business

18. The Panel requested that liaison take place with the Statistics Unit in order to ascertain whether relevant questions regarding Access to Justice might be included in future questionnaires for the Jersey Annual Social Survey.
19. The Panel agreed that a joint meeting between the Advisory Panel and Expert Group should be arranged before the final report of the Review is submitted to the States Assembly.

ENDS