

Meeting of the Access to Justice Review Advisory Panel

held on Monday 17th March 2014
at 14:00 in the Concord Room, 4th Floor, Cyril Le Marquand House, St Helier

Attendees

Senator P.F. Routier, M.B.E. (Chair)
Senator L.J. Farnham
Connétable J. Gallichan of St. Mary
Deputy M. Tadier of St. Brelade
Deputy J.H. Young of St. Brelade

Also in attendance: Mr T. Walker, Chief Minister's Department.

Welcome

1. The Chairman welcomed the members to the Panel and thanked them for agreeing to be nominated to participate in this important review.

Terms of Reference

2. The Terms of Reference for the review, as agreed by the States Assembly on 21 January 2014, were noted (P.158/2013 refers). The Panel confirmed its understanding that this review formed part of the Chief Minister's overall responsibility within the executive branch of government for justice policy and resources, as clarified by the States Assembly on 25 September 2013 (P.92/2013 refers). It was also confirmed that a number of other work-streams were being progressed in parallel by the Chief Minister, including the commitment to bring forward a green paper during the first half of 2014 on the possible establishment of a judicial services commission (written answer provided to Deputy Le Hérissier on 19 November 2013 refers), responding to the proposition entitled *Law Officers' Department and Members of The Law Society of Jersey: Revised Disciplinary Process* as agreed by the States Assembly on 4 February 2014 (P.152/2013 refers) and updating the Extradition (Jersey) Law 2004 (Ministerial Decision MD-C-2014-0028 refers). These other work-streams would each be progressed in their own way and the Panel would focus on the Access to Justice Review.

Advisory Panel

3. The establishment of the Panel as outlined in the Terms of Reference was noted.

Expert Group

4. The Panel was advised that the first meeting of the Expert Group was scheduled for 28 March. Decisions taken by the Panel regarding the preferred approach to the next 6 months would be discussed with the Group and any salient points fed back to the Panel. The Panel considered that the Group would add most value if all participants had the necessary expertise from either the legal services or consumer perspective, whilst noting the need to avoid any unnecessary perceived conflicts of interest.

Transparency

5. The Panel decided that it was content for its own work, and for the review in general, to be conducted as openly and transparently as possible. The Panel agreed that a dedicated web

page should be established as part of the gov.je web site in order to publish minutes of meetings, calls for evidence, evidence submitted by interested parties etc.

Royal Court Rules Review Group

6. The establishment by the Bailiff of a *Royal Court Rules Review Group* under the Chairmanship of the Deputy Bailiff was noted. The Panel considered that undertaking a review of Royal Court procedures, the recoverability of costs by successful litigants, and making life for a litigant as manageable as possible, was a positive step towards identifying changes that would improve access to justice and the working of the Royal Court. The Panel discussed the need to ensure that the public and legal profession were provided with sufficient clarity regarding the broader scope of the Access to Justice Review and the helpful work-stream to be undertaken by the *Royal Court Rule Review Group* in order to identify and implement technical changes that would improve access to justice. The Chairman would continue to liaise with the Deputy Bailiff.

Call for Evidence

7. The Panel agreed that the first stage of the review should be a Call for Evidence in order to build an evidence base regarding the problems that people feel may exist at present. It was noted that evidence would be sought regarding the justice system in general and that the review cannot deal with specific cases or allegations. A proposed Call for Evidence document would be prepared by officers for consideration and would be issued in the coming weeks. The Panel also decided that there should be an opportunity for interested parties to attend a Public Hearing with the Advisory Panel in order to expand upon points made in written submissions. One or more Public Hearings would be scheduled for the period after the call for written evidence had closed.

Interim Report

8. The Panel noted the need to provide an Interim Report to Chief Minister and States Assembly within six months. It was considered that the aim should be for the Chief Minister to be in a position to present an Interim Report to the States Assembly in July.

Any Other Business

9. It was understood that the Law Society of Jersey was holding a meeting later in March in order to receive the report of the Legal Aid Guidelines Working Group and it was agreed that the Law Society might be asked to provide an update following their meeting.

Date of Next Meeting

10. The Panel noted that its next meeting would be 8 May 2014.

ENDS

24 March 2014