

## MEETING OF THE ACCESS TO JUSTICE REVIEW EXPERT GROUP

(6<sup>th</sup> Meeting)

Held on Friday 3<sup>rd</sup> July 2015 at 1:30pm-2:30pm

Council of Ministers Meeting Room, Cyril Le Marquand House

### Attendees

Mr. T. Walker (Chair)

Mr A. Metcalfe

Mr R. MacRae, Attorney General

Advocate V. Dempsey, Law Officers' Department

Mr. M. Ferey, Citizens Advice Bureau

Advocate D. Cadin, Bâtonnier

Ms K. Slack

Apologies: Advocate P. Matthews - Deputy Judicial Greffier; Advocate J Speck – President, Law Society of Jersey; Mr D. Gibaut – Statistics Department; Advocate D. Gilbert – Acting Bâtonnier; Mr N. Benbow – CEO, Law Society of Jersey; Ms A. King - Jersey Consumer Council.

### *Welcome*

1. The Chair welcomed the Group to the sixth meeting and advised that a meeting of the Access to Justice Advisory Panel had taken place on 29<sup>th</sup> June 2015.

### *Work on principal areas of interest identified in the Interim Report*

#### *a. Legal aid, affordability and the legal profession*

2. It was noted that the Chair of the Advisory Panel had written to the President of the Law Society of Jersey, noting the positive involvement of the Law Society in the Access to Justice Review and welcoming the comprehensive review of the legal aid scheme that is to be carried out by the Society. The Law Society is due to send out a survey to its members which will then be reviewed by the Committee. It is hoped that the review of the legal aid scheme will be completed by June 2016 at the latest. It was noted that the views of the judiciary had not yet been sought, but as it was agreed that their views are important in understanding how legal aid is working in practice, this will be considered by the Law Society.
3. The Advisory Panel are due to hold a public hearing on the afternoon of 29<sup>th</sup> September and would like to invite the President of the Law Society and the Bâtonnier to provide them with an update on the progress and process of the legal aid review. The Panel will also invite the Consumer Council to attend the public hearing, in addition to a UK Barrister who had offered to address the Panel on the work of Legal Aid Chambers as an alternative legal aid model.
4. The Group recalled that the Bailiff has established a Royal Court Rules Review Group and noted that, as a result of the work that has been done, a recommendations paper has been prepared with a further consultation to take place in September. It was noted that the Bailiff has established a second workstream to examine family proceedings. The

Chair of the Advisory Panel has agreed to meet with the Bailiff to discuss these workstreams.

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

5. The Group was advised that the Advisory Panel had recently visited the Family Court and noted that, whilst acknowledging the important work of the Family Court, there were concerns over the limited facilities that are available to the Court, which raised issues of security and privacy for all court users. The Panel had found it very beneficial to obtain an insight into the work of the Family Court and the issues they face and intend to undertake similar visits to other courts such as the Magistrate's Court, Royal Court and Tribunals.
6. The Group noted that the CEO of the Law Society had agreed to convene a group to consider how the use of mediation could be increased. The Group felt that mediation has a potentially key role to play in improving outcomes, particularly in family law cases. The Advisory Panel may wish to invite the group looking at mediation to attend the public hearing in September.

*c. Information, languages and plain English*

7. The Group noted that the Jersey Legal Information Board continues to provide English translations of Jersey French language legislation on the Jersey Law website ([www.jerseylaw.je](http://www.jerseylaw.je)) and are considering future initiatives around access to legal information. It was noted that the Jersey Law website is being redesigned, but that the content will largely stay the same. The Group also noted that the two Connétables who sit on the Access to Justice Advisory Panel are due to raise at a meeting of the Comité des Connétables the issue of the Parish websites linking to legal information on the States website ([www.gov.je](http://www.gov.je)), Citizens Advice Bureau website ([www.cab.org.je](http://www.cab.org.je)) and the Jersey Law website.

*d. Simplification and reform of Laws*

8. The Group noted that the Jersey Law Commission is expected to complete its review of divorce law by the end of July 2015, whilst its review of administrative justice is ongoing.

*Further submission received*

9. It was noted that a further submission had been received and uploaded onto <http://www.gov.je/CrimeJustice/AccessToJusticeReview/Pages/WrittenCommentsReceived.aspx>

*Preliminary draft Second Interim Report*

10. It was noted that the deadline for the completion of the review had been extended by 12 months to give sufficient time for a number of workstreams to be completed, including sufficient time for the Law Society time to complete their review of the legal aid scheme. The final report is now due by the end of 2016. The Advisory Panel would meet to consider a final draft of the Second Interim Report, having received comments from the

Expert Group, so that the Report can be provided to the Chief Minister in order that it can be presented to the Assembly before the end of July.

*Way forward and next steps*

11. The Expert Group will reconvene after the public meeting on 29<sup>th</sup> September.

ENDS