

### **3.2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the outcomes of the Access to Justice Review: [9742]**

Will the Chief Minister advise Members what tangible outcomes have come from the Access to Justice Review and, in particular, what assistance is being given to litigants in person as a result of the review?

#### **Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

The third interim report of the Access to Justice Review was presented to Members on 1st August this year. So far the review has covered a broad range of topics all of which are relevant to improving access to justice and has served as an important examination of these areas. The review has identified positive examples of work already being undertaken to improve access to justice, for example, by the Citizens Advice Bureau and the Jersey Legal Information Board. A simultaneous piece of work to review the rules of the Royal Court has also been undertaken and a review of administrative justice has produced a consultation paper with a final report due soon. The review has highlighted the benefits of mediation as an alternative means of resolving disputes and encourage those bodies who offer mediation to further promote their services to Islanders. The initial trend is encouraging with an increase in the take up of mediation services, particularly community mediation, which is offered by the Jersey Citizens Advice. The review's advisory panel has been made aware of some challenges that face litigants in person, for example, in obtaining court transcripts and has also sought reassurance as to how a litigant in person is supported when appearing in court. The review is ongoing and now has a focus on legal aid, affordability and the legal profession.

#### **3.2.1 Deputy M.R. Higgins:**

I thank the Minister for the answer. With regard to litigants in person, one of the biggest problems that they face is equality of arms. For example, if they are in litigation with a government department the government department is supported by Crown Advocates or the Law Officers and the litigant in person has to rely on their own means. Therefore there is a total imbalance in the scales of justice. What can the Assistant Minister tell us about how they are going to deal with this inequality of arms?

#### **Senator P.F. Routier:**

If a litigant in person chooses to represent themselves within the court I am aware that the courts themselves, across all of the courts, do help to do their best to ensure that the litigant in person is able to put their case effectively. I know that the judges do go out of their way to ensure that they do hear the evidence that is required. So I have been reassured by that fact when I have spoken to the judges.

#### **3.2.2 Deputy M.R. Higgins:**

One of the problems that litigants in person face is not only the fact that they have to stand in the court themselves and argue their case, although sometimes there is an *amicus curiae*, one of the main problems is the compilation of the evidence and preparing all the papers that need to be put before the court. What assistance is going to be given in that way? For example, is there any way of the court providing some paralegal assistance or the state to do that so that there is this balance between the state and the individual?

#### **Senator P.F. Routier:**

One of the things I have been really encouraged by in carrying out this review is the use of mediation, trying to avoid going to court. We have been encouraged that a number of people are following that course right now. With regard to additional support being given to somebody who does use the court process, I believe that is something which we can include within our

review as a suggestion, but if the Deputy would like to make a representation to our panel I would be very welcome to hear those views.

### **3.2.3 Deputy M.R. Higgins:**

I thank the Assistant Minister for his invitation, I will. On this particular issue I feel very strongly about it because there are many people who have been let down by the legal system. I am afraid the legal aid system ...

#### **The Bailiff:**

Question.

### **Deputy M.R. Higgins:**

Sorry, a question.

#### **The Bailiff:**

Not a speech.

### **Deputy M.R. Higgins:**

I am trying to put it in context here. So many people are suffering because the legal aid system is not helping them. Can I ask the Assistant Minister what is being done about the legal aid system itself and giving people proper access to it?

### **Senator P.F. Routier:**

As the Deputy will be aware from the most recent interim report, which was published, the review of legal aid is ongoing. We are having discussions with the Law Society about how they are progressing with their own review and we will be awaiting the outcome of those discussions.

### **3.2.4 Deputy M.R. Higgins:**

Can the Assistant Minister tell us when the Law Society review will be finished because it could take years? People are being failed by the system.

### **Senator P.F. Routier:**

We have had some initial thoughts from the legal profession and we are due to have more meetings with them in the next month or so. It is anticipated that our work will be finished in July of this coming year and within that there will be the proposals on the legal aid.