



## Online Procedure Rule Committee

Minutes of meeting 26 June at 2.15pm

### Members in attendance

- Sir Geoffrey Vos, Master of the Rolls (MR)
- Sir Andrew McFarlane, President of the Family Division (PFD)
- Sir Keith Lindblom, Senior President of Tribunals (SPT)
- Sarah Stephens (SS)
- Brett Dixon (BD)
- Gerard Boyers (GB)

### Guest speakers

- Professor Dame Hazel Genn (HG)
- Jason Latham, HMCTS (JL)
- The Lord Chancellor (LC)

### Non-members in attendance

- Sarah Rose, MoJ
- Harriet Ainsworth-Smith, MoJ
- Helen Timpson, MoJ
- Paula Waldron, MoJ
- Sam Allan, Judicial Office
- Lord Justice Birss
- Lord Justice Baker
- Mrs Justice Joanna Smith
- Nick Lee, Judicial Office
- Bee Ezete, Judicial Office
- Matthew Roberts, MoJ - Secretariat
- Carl Poole, MoJ
- Vimbai Dzimwasha, MoJ

### Apologies

- No apologies, all members in attendance.

### Item 1: Welcome, Apologies and Introductory Remarks

1. The Chair outlined the scope of the OPRC and its objectives. He explained that a key question for the Committee will be how to provide structure and governance for a digital dispute resolution (DR) environment that will provide better access to justice. The justice system has a number of architectural challenges, including that many users find it difficult to identify their legal problem.
2. The Chair explained that rules in the digital space will differ from those developed for analogue court proceedings through the Civil Procedure Rule Committee, Family Procedure Rule Committee and the Tribunal Procedure Committee. The OPRC will develop rules to provide governance to ensure data is collected, controlled, protected and shared appropriately. Another key area for the Committee to explore is the prevalence of online provision in the early legal advice space, such as through Citizens Advice Bureau and AdviceNow. It will be important to collaborate with these organisations rather than re-invent the wheel. The committee's aim should be to provide an element of coherence and attempted integration so we can provide and improve access to justice.
3. The Chair then set out the importance of liaison with the legal profession, who will continue to provide advice to those in the future system. The committee will need to work through its sub-committees to provide leadership and structures to support the vast community of DR providers on this journey towards a digital justice system and to provide coherence to the online space.

### Item 2: OPRC Member Introductions

4. The members introduced themselves and gave some background to their involvement in the OPRC.

### Lord Chancellor introduction



5. The Lord Chancellor joined the meeting to express his sincere gratitude for the expertise being contributed to this important venture. He added the OPRC's work will transform the extent to which people can access justice and resolve issues which would otherwise be unresolved. The LC finished by stating the OPRC is comprised of pioneers, and this is a historic day.

**Item 3: Guest Speaker-Professor Dame Hazel Genn**

6. HG presented on the barriers to justice, and the challenges and opportunities presented by technology to improve access to justice. HG explained that access to justice is about ensuring people are aware of their rights, are equipped to avoid legal problems occurring, and are able to deal with a problem if it does occur. Users need to be able to access redress and effectively engage in justice processes.
7. Key barriers to accessing justice include: the complexity of legal issues, the paper heavy nature of the system and cost of advice. The loss of legal aid caused an influx of LIPs in family courts, and the plethora of private DR processes alongside the formal justice system only compounds confusion.
8. AI and digitisation present step changes, we need to understand their potential and the challenges of incorporating tech into the justice system.
9. HG explained the interconnected nature of many legal problems. Unresolved legal problems can spiral and cause stress and crisis, loss of employment, housing evictions and family breakdown. The impact is not just the individual suffering caused. Unresolved legal problems create pressure on other areas of the state causing significant downstream costs.
10. People want early, affordable informed advice, determination and DR processes that are easy to use, cheap, quick, authoritative and feel fair. Individuals don't want a process they want to be saved and get on with life.
11. We must examine the levels of capability amongst users of the justice system. Legal problems are disproportionately experienced by those with low levels of capability.
12. Technology can speed up the process, simplify, congregate parties without physical presence, facilitate the resolution of disputes and configurate digital decision making.

**Action- HG suggested OPRC reflect on the following questions:**

- **Will an integrated DJS improve access to justice?**
- **Do we have data for this, and if we don't, can we capture it as quickly as possible?**
- **How do we improve case transfer between DR services and HMCTS?**
- **How do we breach the legal capability gap and provide 'ahead of time info' to avoid problems?**

**Item 4: HMCTS-Jason Latham**

13. JL presented on reform delivery and the opportunities for online rules. He set out the progress made so far with the HMCTS Reform Programme including: free WiFi in all court and tribunal buildings, video tech in 70% of court and tribunal rooms, digital listing tools used routinely across courts handling 50k cases a week, 6 fully reformed online services, all supported by 5 centralised admin centres which handle initial receipt and processing of cases.



14. JL then provided a summary of change within the Civil, Family & Tribunal services including online money claims, divorce online and the employment tribunal and the improvements to user experience and performance that they have delivered.
15. JL said from an HMCTS perspective there are 3 key opportunities for the OPRC to delivering a better user experience of the justice system 1) identifying classes of cases and procedures that can go online to push digitisation 2) setting standards for pre-court DR and tribunals 3) regulating how pre-action dispute portal tools will work to feed into the wider justice system.

**Item 5: Digital Justice System (DJS)-Harriet Ainsworth-Smith and Sarah Rose**

16. HAS presented the policy work that is underway to develop the DJS. She explained the challenge is how we can communicate the DJS vision to stakeholders and users – advice sector, litigants, legal services, DR providers and others.
17. The OPRC provides a framework for the DJS. It is important that the policy development and OPRC work effectively together. She explained the policy focus is on the user experience, and there are numerous research pieces that highlight the challenges of the current system: people have different needs and complexities, users struggle to know what is authoritative information and how to transfer from online to offline provision and that various parts of the DJS exist but how do we connect them and collaborate with the public and private sector to realise this vision?
18. SR explained MoJ approach to timelines. The first few meetings of the OPRC will focus on inducting OPRC Committee members, agreeing ways of working and ensuring committee members have the same understanding of the landscape. The committee should then focus on developing a work programme. This will inform an affirmative SI, which is needed to implement any rules the OPRC wishes to develop.

**Item 6: Decision points and views**

19. The MR outlined the proposal for 4 sub-committees on data, governance, technology and liaison.
20. The data sub-committee will consider the data produced by the DJS.
21. The governance sub-committee will consider rules in terms of what the system and standards need to deliver.
22. Careful thought is needed on how to make appointments to the sub-committees and this should be discussed at the next meeting.

**Actions:**

- **Members to contact the Secretariat if they would like to propose an agenda item for the next OPRC meeting.**
- **Members to begin to reflect on the questions Professor Dame Hazel Green proposed in this meeting.**
- **Members to consider approach to sub-committees and feed back at next meeting.**