

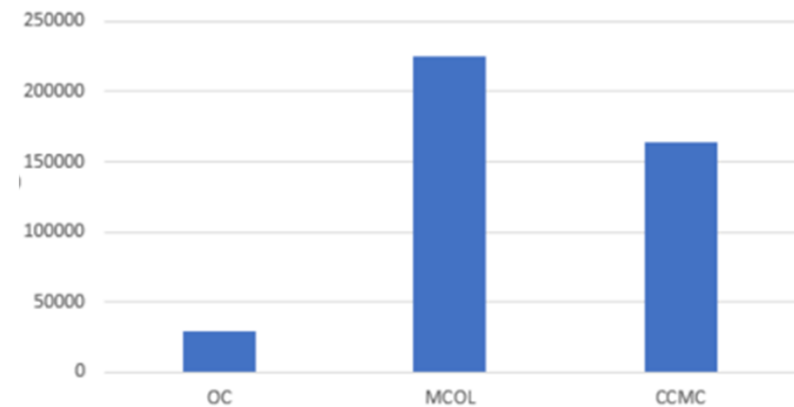
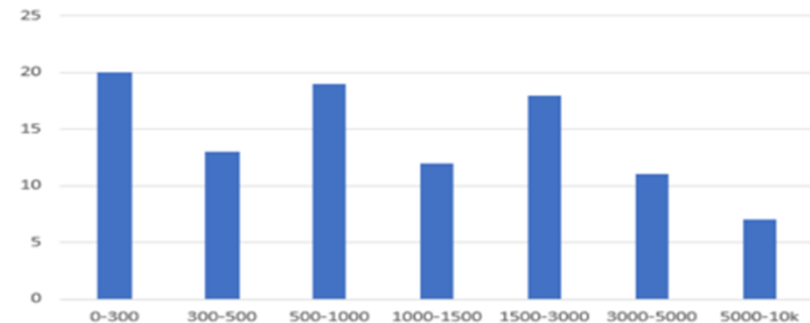
## MASS Annual Conference 2018

With online courts on the horizon and potentially more LiPs will the courts cope and what will it mean in practice?

## The online court and LiPs

Online courts have arrived (PD 51R para.2)

- LiPs have issued 28,709 claims since 26.3.18:
- 52% of claims are under £1,000 and the largest single category is under £300
- Compare to MCOL: same period 225,149 claims issued
  - 59% under £1,000
  - Largest category is £500 - £1,000
- Compare to paper issue: same period 164,217 issued
  - 41% under £1,000
- Largest single category is £1,500-£3,000



- LiPs: CCSR annex 4 July 2016 for full hearings (ie final determinations) on small samples:
  - 59% of SCT cases (20% MT and 14% FT)
  - 44% of cases dealt with by DJs involved at least one LiP (over all judges 39% involved LiPs)

## Will we cope?

- F(volume, judges, alternatives)
- Volume:
  - Who knows?
  - More? Are lots of claims filtered out by lawyers?
  - Same? Fewer? How claims come to be litigated: (advertising/cold calls) v (spontaneous)
  - Will litigants claim without lawyers to act for them?
  - SCT/OC: limited costs shifting
  - CET:
  - It is obvious however that there are serious Access to Justice issues for those with genuine but modest personal injury claims in a proposal which would remove over 90% of Road Traffic Accident (“RTA”), Employers Liability (“EL”) and Public Liability (“PL”) claims from a FT with fixed costs recovery to an SCT with minimal costs recovery, and thereby cause many claimants to be self-represented when bringing claims against parties backed by insurers who are able to engage the services of experienced lawyers.
  - the principal purpose of this response is to address the potential implications of the proposed change for the courts which have to deal with them, particularly in terms of judicial and court staff resources

## Judges:

- JAC: 17/18: 7: HC 25/17; CJ 117/104; DJ 101/96
- Adrian Jack Times 8.3.18: CJs 30/88 DJs
- More judicial time needed: directions/interim orders/at trial (2-4 x)/more appeals

- Alternatives

- Portal?

- Damages matrix so incentive to settle?

- In any event likely that fewer will settle

- Online court (CPR PD 51R – PI excluded)

- Consider also: fewer courts

What will it mean in practice?

The big question.....