TOPICS FOR DISCUSSION

The SCJC Secretariat offered the following as possible issues for meetings with colleagues in London, with a view to initiating helpful discussions.

1) What approach did the English courts take to the practicalities of reform in terms of planning, prioritizing and resourcing? What priorities did they select?

2) A single set of rules: uniformity v. specificity of rules: is either preferable or more achievable? Will rules inevitably creep towards specificity as apparent gaps arise? Is it sufficient to aim for harmonisation of procedures and how might this be ensured over time?

3) Accessibility: how can the rules meet the needs (and the growing number) of litigants in person? Is there a tension between the need to support litigants in person in conducting proceedings and the need to prevent unnecessary use of court time and abuse of process?   How best should that be managed?

4) To what extent should simplicity of vocabulary and procedure be pursued in framing rules? How did the English courts arrive at the simple style for the rules and did they have any subsequent issues with this style?

5) Prioritisation of reforms: should procedural reform be fully integrated with costs reform? Is the success of the former dependent on the latter? In implementing the Woolf reforms were there any particular areas where reform had a swift and noticeable impact?

6) What problems might be expected in implementation? Are there any general or particular lessons to be learned from the experience in England and Wales?

7) Monitoring and evaluation. What evaluation has been undertaken to determine if the rules have been a "success"? How are changes to the rules made? Are they timeous?   Are they effective?

8) The rules in use: How does the "overriding objective" actually work in practice? What use has been made of the Presidential Guidance power and how that has been received.

9) Non legislative measures to support reforms. How practical is case management and docketing? What changes to behaviours, training and processes were needed to support case management and docketing? What ICT changes were required? Were there significant changes to court programmes and the way courts were run in general?