

CJRS 11/2008

**Subcommittee on Draft Subsidiary Legislation
Relating to the Civil Justice Reform**

**Response to Issues Raised at the
Subcommittee Meeting on 26 March 2008**

Purpose

On behalf of the Judiciary, the Judiciary Administration presents this paper, which sets out the Judiciary's response to the issues raised at the Subcommittee meeting on 26.3.2008.

Background

2. At the meeting on 26.3.2008, Members expressed the view that there should be sufficient time for the Judiciary and the legal profession to undertake the necessary training for the implementation of the Civil Justice Reform ("CJR"). The Judiciary Administration was requested to revert on -

- (a) the Judiciary's plans for training programmes to prepare Judges and Judicial Officers ("JJOs") and support staff for the implementation of CJR; and
- (b) the feasibility of implementing the legislative amendments by phases.

Judiciary's Training Plans

3. Preparation for the training of JJOs and support staff has already commenced.

Training for JJOs

4. As the Chief Justice mentioned in his speech for the opening of the legal year in 2008, starting from late 2008 to early 2009, the Judiciary will be conducting training for JJOs at all levels of court. It is

expected that judges from all levels of court (ranging from those in the Court of Final Appeal to the most junior judicial officer) will be attending a training course, consisting of two lectures on the main reform areas of CJR and three half-day small class interactive sessions. Planning for the course, which will be conducted by judges, is well in hand. Training materials are being developed. Very substantial resources, including judicial time, will be involved in operating the course.

Training for Support Staff

5. A separate training programme will be run for the support staff. Some 430 support staff, including all directorate officers, section heads of Registries and Court Services at all levels of courts, Judges' and Masters' Clerks and ushers, as well as officers working at the Resource Centre for Unrepresented Litigants, Registries, Listing Offices and Account Offices of the High Court, District Court and the Lands Tribunal, would receive the necessary training. The training programme would run from late 2008 to early 2009, and involve a lecture on the main reform areas of CJR for all support staff and about 40 small-class training sessions for different groups of staff. The courses would be conducted by JJOs and senior support staff. Operational and training manuals are being developed for staff reference. Specifically, staff at the Resource Centre would be equipped with the updated information to respond to frequently asked questions raised by unrepresented litigants.

Preparing the Legal Profession for CJR

6. In 2007, the Judiciary informed the two legal professional bodies of its plan to implement CJR in 2009. In his speech for the opening of the Legal Year Opening in January 2008, the Chief Justice stated that the target date to bring the relevant legislation into force was 2.4.2009.

7. The Judiciary understands that both branches of the legal profession are making preparations for the implementation of CJR. We understand that the Bar Association has good plans in hand to provide the necessary training courses for their members. We also understand that the Law Society has started planning for the training programmes for solicitors, particularly litigation lawyers. Attendance at these courses would be accredited points under the Law Society's Continuous Professional Development ("CPD") programme. JJOs would be

prepared to be speakers at some of these training programmes. In fact, seminars on the major changes under CJR have already been held from time to time with JJOs' participation as speakers.

8. Moreover, some of the proposed changes, e.g. paper disposal of interlocutory applications before Masters, provisional taxation on papers, are already being tried out on a consensual basis. In suitable cases, Masters would alert practitioners to certain changes of practice under CJR.

Feasibility of Phased Implementation

9. Many of the proposed changes in CJR are inter-related. The Judiciary is of the view that in order to achieve the overall objectives of CJR, the legislative amendments should be implemented as an integrated package at the same time. It would be highly undesirable to implement them by phases. In the previous rounds of consultation, the Judiciary has not received any suggestion at all for phased implementation from either of the legal professions or indeed from any other person or body. To do so may well create uncertainty and confusion, and affect the training plans already in place.

Conclusion

10. The Judiciary fully recognizes that sufficient training for JJOs, support staff and legal practitioners will be critical for the successful implementation of the CJR. As set out above, the Judiciary has comprehensive plans for training programmes for JJOs and support staff. Both the Bar and the Law Society have confirmed they have training programmes in the pipeline, and have indicated their readiness for the implementation of CJR in April 2009. With the above training programmes in place, the Judiciary believes that JJOs and support staff as well as the legal profession will be ready for implementation of CJR by the target date of 2.4.2009 when the relevant legislation will hopefully be brought into force.

Judiciary Administration
April 2008