

Inquiry Seminar 29-30 November 2016
Accountability and Reparations: The Civil Justice System

AGENDA

DAY 1: Tuesday 29 November 2016

Session 1: Introduction to the civil justice system

1000 Welcome by Chair

1005 Opening comments by Facilitator

1010 Open discussion with claimant stakeholders on access to justice for victims and Survivors:

To include: legal representation: funding, costs and proportionality; barriers to bringing a claim

1110 Break

Session 2: Introduction to the civil justice system

1125 Welcome by Chair

1130 Opening comments by Facilitator

1135 Open discussion with defendant stakeholders on civil litigation:

To include: insurance provision; defending claims; the interaction between defendant institutions and insurers; costs and proportionality;

1230 Lunch

Session 3: Civil litigation - key issues

1330 Welcome by Chair

1335 Opening comments by Facilitator

1340 Open discussion with both claimant and defendant stakeholders on limitation

To include: limitation as a barrier and a defence in civil litigation; proposals for reform

1440 Break

Session 4: Civil litigation - key issues

1455 Open discussion with both claimant and defendant stakeholders on civil litigation

To include: the nature of the adversarial system; the spectrum of both claimant and defendant approaches to bringing/defending claims; identifying the correct defendant/insurer; disclosure; investigating the claim; legal issues and defences; the use of single or joint experts; early offers of settlement; settlement without admissions; and apologies

1625 Chair's concluding remarks

1630 Close

DAY 2: Wednesday 30 November 2016

Session 1: Reparation and accountability for victims and survivors

1000 Welcome by Chair

1005 Opening comments by Facilitator

1010 Open discussion with claimant and defendant stakeholders on compensation

To include: causation of injury; quantification of damages; provision for treatment; payment options

1110 Break

Session 2: Reparation and accountability for victims and survivors

1125 Welcome by Chair

1130 Opening comments by Facilitator

1135 Open discussion with claimant and defendant stakeholders on other types of accountability and reparation

To include: acknowledgment of abuse; accountability within the civil justice system; admissions of institutional liability; the value of apologies; face-to-face meetings; learning lessons and preventing recurrence; access to wider support

1230 Lunch

Session 3: Possible reforms

1330 Welcome by Chair

1335 Opening comments by Facilitator

1340 Open discussion with claimant and defendant stakeholders on possible reforms to civil litigation

To include: pre-action protocol; guiding principles; duty of candour; ADR; specialist judges; increased judicial powers and sanctions; support

1455 Break

Session 4: Possible reforms

1510 Open discussion with claimant and defendant stakeholders on a redress scheme

To include: advantages and disadvantages; investigation and assessment process; tariffs; comparative models; funding; legal representation

1625 Chair's concluding remarks

1630 Close