

18 June 2020

COVID-19 COURT PROTOCOLS & GUIDANCE SUMMARY

This document contains a summary of the key information about listing and Court protocols from various guidance documents. This summary should be read with Farrar's Building "Covid-19 Civil Procedure Summary" (18.6.20).

The guidance or protocol *in force* should be reviewed for current and complete guidance as the courts are issuing revised guidance weekly.

Specific steps to be taken by solicitors or counsel that may affect the viability of a hearing are highlighted in **bold**.

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Feedback: Farrar's Building would be delighted to receive feedback on this summary and up-dates on protocols and guidance relevant to Covid-19.

Disclaimer: this summary is not to be relied on as legal advice. The circumstances of each case differ and legal advice specific to the individual case should always be sought.

HMCTS priorities (up-dated weekly)

See www.gov.uk/guidance/hmcts-weekly-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak

SENIOR JUDGES

Message for Circuit and District Judges sitting in Civil and Family from the Lord Chief Justice, Master of the Rolls and President of the Family Division 9.4.20

...

We would encourage all judges and leadership judges to recognise that doing as much as possible remotely does not mean, and cannot mean, trying to do everything remotely. It is important that the listing of cases, which is a matter for judges, takes account of the reality that long hours in front of a screen or on the phone concentrating hard are more tiring than sitting in a court room with all the participants present. That is an experience reported by teachers who gave remote lessons at the end of the term. No judge should be expected to endure abuse on the phone or laptop. That itself may show that some types of cases have been attempted which are not suitable for hearing in some ways remotely.

...

Generally:

- a. If all parties oppose a remotely conducted final hearing, this is a very powerful factor in not proceeding with a remote hearing; if parties agree, or appear to agree, to a remotely conducted final hearing, this should not necessarily be treated as the 'green light' to conduct a hearing in this way;
- b. Where the final hearing is conducted on the basis of submissions only and no evidence, it could be conducted remotely;
- c. Video/Skype hearings are likely to be more effective than telephone. Unless the case is an emergency, court staff should set up the remote hearing.
- d. Parties should be told in plain terms at the start of the hearing that it is a court hearing and they must behave accordingly.

In Civil Cases in particular:

- i. Listing remains a matter for the judge. He or she should not feel under any pressure to list a certain number of remote hearings every day. Video hearings have proved more tiring than ordinary hearings, so lists of about half their usual length may well be appropriate.
- j. The best guide to what should be dealt with over the coming weeks is set out in the Civil Listing Priorities, although of course there will always be some cases outside those categories which are urgent and will need to be heard as a matter of urgency.

k. Particularly careful consideration will need to be given to any remote hearings involving litigants in person, or parties (or witnesses) for whom English is not their first language.

QB LIST, ROYAL COURTS OF JUSTICE, LONDON

Following the COVID-19 outbreak, the Queen's Bench Division Judges Listing Office will be working remotely until further notice. Please do not ring this office. Dedicated team members will be dealing with urgent business only and can be contacted via the email qbjudgeslistingoffice@justice.gov.uk.

Documents submitted by CE-Filing will also be checked.

If Press or Public would like access to the hearing, please e-mail the qbjudgeslistingoffice@justice.gov.uk.

Parties must **file hearing bundles by either CE-filing or by electronic drop box**. Details of the drop box must be e-mailed to qbjudgeslistingoffice@justice.gov.uk, whereupon it will be forwarded to the assigned Judge.

QB MASTERS, ROYAL COURTS OF JUSTICE, LONDON

"Coronavirus – Information for Queen's Bench Division Court Users" Bulletins 1, 2, 3, 4, 5, 6, 7, 8

Coronavirus – Information for QBD Court Users – 18.3.20

Urgent and short applications list suspended from 23 March 2020

Plan to list during July and in the Long Vacation in August and September

Where possible, hearings will be held by telephone or skype. Parties are to arrange the telephone conference and ensure that it is recorded.

For hearings taking place in court, bundles and any hard copy skeleton arguments should continue to be lodged at the ushers' desk in the Bear Garden.

Where it is not possible to lodge a hardcopy bundle, or where a Master is conducting a hearing by telephone or Skype at home, an electronic bundle must be provided at least one day before the hearing.

Court users should continue to E-File as usual but are likely to experience significant delays due to a reduced workforce.

Please let us know as soon as possible if a hearing is likely to be vacated or a representative cannot attend through illness/self isolation.

If you consider that a hearing is not urgent please liaise with your opponent to see if agreement can be reached for it to be adjourned, and if so, let QBML know as soon as possible.

If any party wishes a hearing to be by telephone or Skype, please apply for permission by email direct to the Master before whom the hearing is listed, copied to the Master's clerk.

By issuing claims and applications electronically, there should be no limitation issues, even if we have to close the remaining Action Department counter.

QB Masters - Electronic hearing bundles

If an electronic bundle is ordered or requested by the court the bundle **must** be prepared as follows and be suitable for use with Adobe Acrobat Reader:

1. The document **must** be a **single** PDF.
2. The document **must** be numbered in ascending order regardless of whether multiple documents have been combined together (the original page numbers of the document will be ignored and just the bundle page number will be referred to).
3. Index pages and authorities **must** be numbered as part of the single PDF document (they are not to be skipped; they are part of the single PDF and must be numbered).
4. The default display view size of all pages **must always be 100%**.
5. Texts on all pages **must be selectable** to facilitate comments and highlights to be imposed on the texts.
6. **The bookmarks must be labelled** indicating what document they are referring to (**best to have the same name or title as the actual document**) and also display the relevant page numbers.
7. The resolution on the electronic bundle **must** be reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another.
8. **The index page must be hyperlinked** to the pages or documents they refer to.

Bulletin 2, 25.3.20

Fees office is closed. Users should use CE-file where you can pay by PBA or credit card
Foreign process section and children's funds section are closed.

All hearings will be by telephone or skype. Professional representatives will be required to set up telephone conferences and ensure that they are recorded, as has previously been the case. Masters will instigate Skype hearings and invite you to join the conference. You will be informed by the Master or by listing clerks how the hearing is to take place, and please let us know as soon as possible if there are any difficulties (see Communications with the Court below).

Our court staff have been unable to keep electronic filings up to date as a result of depletion of staff during the present crisis. Please therefore do not rely on electronic filing alone to ensure that a document reaches the Master for a hearing.

Please email with information and all documents relating to a forthcoming hearing directly to the Master. All Masters' email addresses, as well as those of their clerks and key Action Department staff are in Annex B.

As far as possible please send one email with all information and documents for a hearing.

Do not include skeleton arguments in the electronic hearing bundle but email them separately.

Interim applications

Interim applications Court is closed to the public.

Where immediate action is required from the court, otherwise a situation will become irreversible, should continue to be sent by professional court users via CE-file

In all cases where the application cannot be sent via CE-File the electronic bundle:

- a. must be a single PDF not exceeding 20mb in size;
- b. must be numbered in ascending order regardless of whether multiple documents have been combined together (the original page numbers of the document will be ignored and just the bundle page number will be referred to)
- c. Index pages and authorities must be numbered as part of the single PDF document (they are not to be skipped; they are part of the single PDF and must be numbered).
- d. The default display view size of all pages must always be 100%.
- e. Texts on all pages must be selectable to facilitate comments and highlights to be imposed on the texts
- f. The bookmarks must be labelled indicating what document they are referring to (it is best to have the same name or title as the actual document) and also display the relevant page numbers.
- g. The resolution on the electronic bundle must be reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another.
- h. The index page must be hyperlinked to the pages or documents it refers to.

Bulletin 8, effective from 15.6.20

All hearings will continue to be conducted remotely unless the Master considers that a hearing should be held with legal representatives and parties present, in which case, at the Master's discretion, a hearing will be listed in the Master's Chambers or in a court room.

If a party considers that there are good reasons why a hearing should not be held remotely they should contact the QB Masters Listing Section QBMastersListing@Justice.gov.uk at least 7 days before the hearing and provide reasons.

The parties must notify the court at least 7 days before the hearing whether more than two persons will be attending a hearing, so that a court room can be booked if required. Parties must also inform the List Office regarding the number of attendees.

Documents and skeleton arguments to be relied on at a hearing must continue to be sent electronically even where a hearing takes place with attendance in person, in accordance with the guidelines for electronic bundles.

From 15 June 2020 Masters' Clerks will be responsible for organising remote hearings with Parties via Microsoft Teams, Skype & Telephone on Office 365. Parties will be contacted by a Masters Clerk who will facilitate the hearing arrangements and provide hearing directions on behalf of their respective Master.

A list of the names and contact email addresses for each of the Queen's Bench Masters Clerks is included at the bottom of this notice, this list will be subject to change when normal working practices resume at the RCJ.

HMCTS has introduced a Document Upload Centre, (DUC). This is an optional facility and can be accessed by invitation by a Clerk, who will require an e-mail address for login. If you wish to use this, email the Master's clerk to request an invitation.

There is a link to guidance on how to use the DUC within the bulletin.

Master Fontaine & Master Cook guidance

Master Fontaine & Master Cook have provided their own guidance:-

- Hearings before Senior Master Fontaine during the Covid 19 Disruption
- Hearings before Master Cook in the Queen's Bench Division: Covid 19 Disruption

BIRMINGHAM (also see Midlands)

Civil Protocols – 6 April 2020, revised 18.5.20

Multi-track trials will be considered individually by a judge. How they are to be heard will be considered by the Court and the parties at the Pre Trial Review. If no Pre Trial Review has been listed, or the parties do not apply for one, the Court will list a 1 hour hearing approximately 14 days before the date of the trial to consider such matters. If requested by the parties, the Court will be prepared to conduct a Neutral Evaluation/FDR exercise at the Pre Trial Review.

Fast track and small claim trials listed up to and including 29th May 2020 have been vacated. The Court is considering representations of parties for how the vacated hearings should be heard with a view to relisting after 1st June 2020.

Fast Track trials in the list from 1st June 2020 to be conducted by video.

- **The Court will contact parties by telephone 7 days prior to the trial to confirm effectiveness and suitability for a video hearing, take down contact details.**
- **Trial bundle to be delivered to the Court no later than 5 days before the trial date in both hard copy and electronic form.**
- **Instructions for video call to be provided by the Court and/or video provider.**

Small claims may be stayed or vacated. If the Court is able to try the case remotely parties will be contacted.

It is proposed to begin remote hearings of Stage 3 assessments and other types of case which do not involve hearing oral evidence as soon as possible.

If settled, send a copy of draft consent order, Court will deal with it as quickly as possible.

Consider whether applications are necessary at the current time.

Applications are usually dealt with by BT Meet Me.

If a case is listed for an audio or video hearing, you will be asked to provide the relevant contact details or make the necessary arrangements.

The Business and Property Courts Guidance for Bundles is adopted.

Guidance for Emailed Core Bundles – March 2020

Documents should be limited to what is necessary. The aim is to limit the pages of the core bundle to 50. In no circumstances are there to be more than 100 pages in a core bundle.

Example core bundle for a CCMC:

- (i) The agreed case summary
- (ii) Any pleadings necessary for the purposes of the CCMC
- (iii) Any previous orders relevant to the issues which the Judge will be asked to decide
- (iv) If costs budgeting is an issue, the budgets and the budget discussion reports
- (v) If any applications are being dealt with, copies of the application and the witness statements in support and against
- (vi) Any other key documents (it is only exceptionally that correspondence between solicitors will be necessary).

Skeleton arguments do not form part of the core bundle and may be sent separately;

Be ready to email other documents to the judge.

Bundle should be agreed and paginated.

CHESHIRE AND MERSEYSIDE

Civil Update 2.4.20

Chester, Birkenhead, St Helens and Crewe are staffed Courts capable of supporting remote hearings. Liverpool is an open court with capability for face to face hearings and remote hearings.

In Liverpool, permission for a 90 day extension will be provided for in standard directions, notwithstanding CPR 51ZA.

Stage 3s will continue by telephone using BT Conferencing or BT Meetme.

Liverpool - Please consider whether a trial might be appropriate on skype – e.g. where there is limited evidence or factual dispute.

However, unless the court can be assured as to:

- **The suitability of the trial for video;**
 - **Access to the bundle;**
 - **The reliability of the technology,**
- then it is unlikely that a Skype trial will be approved.**

CUMBRIA AND LANCASHIRE

General Direction 27.3.20

CCMCs, applications, allocation/directions, stage 3, approval hearings other than infant approvals, will take place by telephone

Infant approvals will take place on paper unless parties apply for a telephone or remote hearing

HUMBER – HULL AND GRIMSBY

Guidance 3.4.20

Grimsby is closed

Each judge has a designated member of staff set out in an appendix to the document – queries should be addressed to the designated staff member using hull.cmb.dm@justice.gov.uk

All remote hearings to be conducted by either telephone, normally using BT Meetme, or Skype for Business.

Small claims and fast track trials up to 17.04.20 vacated. Hearings after 20.04.20 remain on the list subject to review. Parties asked to narrow issues and ascertain whether matters can be re-listed via paper hearing or (fast track trials only) video link.

Short hearings:

- **For all hearings directed to be on telephone, one party must file a small electronic bundle by midday on the before the hearing. If not, the hearing may be adjourned.**
- Infant approvals adjourned until attendance in person is possible
- Protected party approval hearings to be heard by telephone
- Stage 3 hearings to be dealt with on papers if all parties agree, otherwise dealt with over phone

CCMCs:

- To be heard by telephone until further notice.
- **Documents must be filed in electronic format according to directions. If not, hearings may be vacated.**
- **In addition, the claimant must file an e-bundle comprising of the pleading and any other documents (e.g. medical reports) that the court will need when considering what directions to make and issues of proportionality**

Parties may vary timetables by up to 56 days so long as this doesn't imperil a hearing date

If the trial date cannot be met, the court is to be notified with a proposed new timetable, trial window and agreed availability within the trial window

Multi track cases will be listed for a hearing on the phone to decide whether they can be heard remotely.

Filing e-bundles:

- Only documents that are necessary for the proper conduct of the hearing;
- Send by email a single paginated e-bundle to enquiries.kingstonuponhull.countycourt@justice.gov.uk
- The subject title of the email must contain all of this information:
 - i. Case number;
 - ii. Case name (shortest comprehensible version);
 - iii. Hearing date;
 - iv. Judge Name (if known)
 - v. The words in capitals "REMOTE HEARING"
- The body of the email should, where possible, include the names, email addresses and descriptions (for example "Claimant's Counsel") of the persons attending the remote hearing.

MANCHESTER

Northern Circuit Guidance to Civil Practitioners practising in the Manchester Civil Justice Centre during the Covid-19 Pandemic 15.5.20

This guidance is lengthy (64 pages) & includes appendices & reference materials

Court orders must be read with care. Orders trump guidance.

All interim applications, CCMCs, PTRs shall be conducted by telephone, skype, BT MeetMe or some other mutually convenient method.

Parties are to use best endeavours to agree a mechanism to allow trials listed to proceed by video hearing or telephone hearing, including on a partly remote basis, with judge and legal representatives in court, others joining remotely

Parties are encouraged to agree how a trial should proceed, whether remotely, partly remotely or in open court.

Par. 10.1 lists factors that would be taken into account in deciding whether a remote hearing is appropriate and what how it should proceed.

A trial involving legal complexity or the need to examine real evidence or a trial which involves more than a handful of witnesses might not be suitable for a remote hearing, but eminently suited a partly remote hearing.

BT MeetMe to be used for telephone hearings

Video hearings will be conducted by Skype for Business

Bundles:

Lawyers are encouraged to read and comply with Re TPS (*Counsel to be retained in time to advise on bundle contents. See Appendix below*)

“The viability of remote hearings requires the use of a properly prepared bundle of documents. It is essential that the parties comply with the court’s directions in this regard. Failure to do so may well result in the court refusing to hear the case in a remote hearing.”

- **No more than 7 and no fewer than 3 days before the hearing is to take place the claimant/appellant shall send an email to the court at manchestercivil@justice.gov.uk copied to the other party and (if provided) to the Judge’s email address a reading list with time estimate for reading, a link to the electronic hearing bundle and electronic authorities bundle**
- **Skeleton arguments, if ordered or appropriate, should be included in the electronic bundle**
- **Detailed guidance on the format of the electronic bundle and authorities bundle is set out in paragraph 16**
- **If a longer bundle is required, the court should be asked to vary the order**

“It is recognised that judgement calls will sometimes have to be made as to what to include. Practitioners should be reassured that they are unlikely to be criticised for excluding a particular document if there was a reasonable basis for doing so. If it turns out that a document is required, it can be circulated or shared on screen”

Clinical Negligence and Serious Personal Injury Protocol

On each working day, one of our CNSPI District Judges will be available to deal with urgent matters by email and to consider listing urgent matters remotely.

The following may be included:

- Consent Orders bringing claims to a conclusion where a hearing has been listed;
- Consent Orders extending Court timetables or the time for compliance with directions where a hearing has been listed;
- Consent Orders inviting the Court to vacate hearings and, in particular, CCMCs;
- Ex parte applications where the Order sought is urgent;
- Requests for short, urgent applications to be listed as a matter of urgency.

If CCMCs can be dealt with on paper or with a short hearing, this arrangement should be used.

All applications/ requests / Consent Orders should be marked “URGENT – CNSPI” and sent to CNSPIMcr@judiciary.net and should be accompanied by any required permission for the Court staff to take the applicable Court fee, along with all information and evidence which the judge will require to deal with the matter.

Covid-19 the Next Steps in Dealing with Civil Litigation 03.06.2020

7 Courts are to be opened at the CJC, 3 for civil and 4 for family.

Decisions for Wigan and Stockport are expected soon.

Generally speaking (and subject to any exception for urgent matters and subject to the possibility that more court space will become available) the backlog of fast track and multi-track cases will not be dealt with until the courts return to a business-as-usual footing. It may be possible to deal with some of the small claims backlog in August

Orders directed at SCT and FT trials have been issued. They must be read and followed.

Fast Track orders:

- Parties are to communicate to try to reach agreement about the best way forward
- If there is agreement, the court must be notified. If no agreement, the competing positions must be put before the court. This must be done within 7 days of service of the order, as below:
- If parties agree that the trial can be held in open court (or as a hybrid trial) the info in par. 3(a) of the order must be given and “Agreed open court information” put in the subject line
- If parties agree that the trial can be held in remotely the info in par. 3(b) of the order must be given and “Agreed remote information” put in the subject line
- If the parties agree that the matter has to be vacated, par. 4 applies, subject line says “Consent to Vacate”
- If the parties don’t agree, para. 5 applies, subject line says “Suitability submission”
- Para. 7 and 8 deal with bundles. Reasons are required for bundles over 250 pages.

It is important that emails comply with the requirements set out in the order. They must be sent to manchestercivil@justice.gov.uk with the case number, name of the case and date of the hearing in the subject line. The subject line of the email should also contain the key words required by the order (see above). Failure to comply will mean that your email will take longer to process and it may well mean that important information does not reach the Judge before a decision is made.

Separate orders have been issued for small claims track trials:

a. where both sides are represented, the default position will be the small claims trials will be heard remotely and generally listed before full-time District Judges.

b. Where at least one party is unrepresented, the matter will be triaged by a full-time District Judge with a view to identifying cases that can be heard in open Court, cases that need to be re-listed and cases that might be determined on paper.

A short skeleton argument may save time spent on closing submissions and help to draw attention to key points. If written arguments would be of assistance, they should be included in the electronic bundle (see para.8(c)(iii) of the order). If there is a skeleton argument it would be sensible to draw attention to it in the succinct reading list directed at para.8(a).

Cases will be managed robustly

MIDLANDS (also see Birmingham)**Midlands Civil COVID-19 Initiatives 31.03.20**

Includes Birmingham, Nottinghamshire, Derbyshire and Lincolnshire, Leicester and Northampton, Black Country and Warwickshire, Staffordshire and West Mercia, Herefordshire and Worcestershire

Each area has one or more duty judges, who support staff, triage work and deal with urgent ‘in person’ cases. Other judges are undertaking remote hearings.

Judges are triaging cases and relisting where appropriate.

Paper determinations and written representations being encouraged

Midlands Civil COVID-19 Listing Policies 1.4.20

Complex applications and CCMCs being undertaken by phone. More applications and short work can be done on paper.

There is an appetite for using skype more for small claims.

No courts yet attempting skype FT/MT trials. Skype will be tried first for trials with less contested oral evidence.

In some areas cases area being left in the list to try and get them to settle, to be adjourned a few days before.

NORTH AND WEST YORKSHIRE

DCJ Guidance 23 March 2020

No face to face small claims until medically safe to do so

Parties in small claims to be asked whether to proceed by paper, remotely or for adjournment

Fast tracks and multi-tracks, parties will be given the option of remote hearing, face to face hearing or adjournment. Suitability will be considered by a judge.

Stage 3s and disposals to be done remotely by phone or skype.

Infant approvals to be done on remotely or on paper provided all necessary documents are filed

Guidance about remote hearings:

- To be held by phone, skype, btmeetme or some other mutually convenient method
- Telephone conferencing: arrangements for the remote hearing shall (unless otherwise agreed in writing between the parties) be made by the Claimant or, if the Claimant is a litigant in person the first named represented party. In the case of BT MeetMe or Skype arrangements shall be made by the Court
- **No less than 3 days before the hearing is to take place the parties shall send to the court at hearings.leeds.countycourt@justice.gov.uk:**
 - **An agreed focussed reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents attached to the email as separate attachments each document referred to in the reading list or where appropriate relevant extracts from such documents. The total length of the attachments when printed shall not exceed 100 pages**
 - **The parties should prepare the focussed reading list and attachments on the basis that the Judge may have no previous knowledge of the case and may not have access to the court file**

Civil Update 6.4.20

Skipton CC suspended, Leeds open court, all other courts staffed.

Most if not all interim hearings to be conducted remotely. Parties are to be consulted on the choice of BT conferencing, BT Meet Me, Skype.

MT trials to be conducted on paper or remotely by any of the three methods above. Court will conduct face to face hearings in a very limited class of case.

Fast track trials can take place remotely with parties' agreement.

Courts will attempt some small claims trials remotely.

Stage 3s will either be conducted on paper or by remote hearing

Appropriate e-bundles are essential. Currently the District Judges in Leeds are directing that the following are required before a remote hearing:

- a. A hyperlinked paginated electronic court bundle which shall be limited to those documents essential for the court to determine the issue on that day. The bundle may have to be split (or "zipped") if the bundle exceeds email attachment file sizes.***
- b. A single agreed case summary and a list of issues to be determined; and***
- c. A draft order in word format;***
- d. In the case of a CCMC or any application to amend a cost budget, a copy of the relevant Precedent H(s) in an editable excel format***
- e. Any costs schedule to be relied upon;***
- f. A skeleton arguments or written submissions which shall be limited to 6 single pages of typed, double spaced, font size 12, Times New Roman or equivalent A composite bundle of any authorities relied upon***

Just under half of DJs are working from home without access to a court file. They must be sent the necessary documents.

If the Judge consents, it may be more helpful to send the ebundle direct to the Judge's email account to avoid limitations surrounding size of data.

Court staff at Leeds and Bradford are only dealing with telephone enquiries from 10am – 2pm. Email is the preferred method.

Civil Update 22.5.20

From 8 June 2020, one face to face court per day will be listed, increasing to two face to face courts per day. Position to be reviewed on 29 June 2020

Leeds Combined Court Centre has capacity for 6 – 9 people. The court will enquire how many people are likely to be needed in the court room.

Robing rooms and conference rooms will be closed, so counsel may wish to ensure that a remote conference has been held before going to court

Where safety means a face to face hearing cannot take place, a remote hearing will be offered. If this is not possible it may be adjourned.

It may be possible to request a short remote hearing before the trial Judge to consider the various options and decide which mode of trial is safest and fairest.

Conflicting advice regarding bundling in the previous two guidance documents should be resolved by following “General Guidance on PDF Bundles” – Mr Justice Mann, judiciary.uk website

Do not forget to include the bundle index in the numbered pages otherwise the page number in the PDF file and the number you have allocated to the document will not match. There is a maximum size for attached files (in aggregate) to be sent to justice.uk address of 36Mb. If the ebundle is bigger than that you can always ask if you can send it direct to the Judge where the limit is 150Mb.

NORTHUMBRIA AND DURHAM

Guidance Civil Cases 25.3.20

Small claims and fast tracks from 14 April 2020 onwards will be kept under review

Short hearings (stage 3 and approvals) will be conducted by phone

- **Where reasonably practicable, one party (usually the Applicant/Claimant) shall file a small electronic bundle [e bundle] by midday on the day before the hearing.**
- **The judge before whom the case has been listed shall be informed at the same time (by email) that such a bundle has been filed.**
- **If no e bundle is filed in accordance with 2.3 above, the Hearing may have to be adjourned.**
- In the event that there are technical difficulties in recording the hearing, where deemed necessary, the legal representatives shall agree a note of the Hearing/Judgment.
- If a party or parties consider that a telephone hearing is not appropriate or practicable (for whatever reason) a letter or email should be sent to the court at least 2 clear days before the Hearing giving reasons why such is the case. The court will then make an appropriate order.

Multi-tracks

- The parties are at liberty to extend, by consent, any step in the timetable up to a maximum of 90 days (as opposed to the present limit of 28 days).
- If the extension of time, as agreed by the parties does not adversely affect the Trial date, the court does not need to be notified.
- **If the Trial date cannot be met because of an agreed extension of time or because of any other difficulty related to, or arising from COVID-19, if the parties agree, a letter shall be sent to the court, with a draft order attached:**
 - **Proposing a new timetable as appropriate**
 - **Proposing a new Trial window**
 - **Providing agreed availability within the Trial window**

- If the trial date cannot be met and a draft order cannot be submitted in accordance with 3.3 above, the parties are at liberty to agree a stay and to notify the court accordingly.
- In default of agreement in relation to any of the above, the 'applying' party must request a telephone hearing, by letter or email, with a time estimate indicating whether such hearing is urgent and providing an e bundle in advance of the hearing.

NOTTINGHAM, DERBYSHIRE & LINCOLNSHIRE

Nottingham, Derby, Lincoln Civil Work Protocol v1 10-4-20

Default for hearings is by telephone, this will be kept under review

Hearings that can be done remotely will take place. If not they will be adjourned.

A face to face hearing will only take place if urgent and directed by an onsite duty judge.

Nottingham County Court is an open Court.

Please do not try to contact staff to find out what is happening with your case

Small claims have been adjourned to lists being created in September/October

Fast track trials are remaining in lists as usual. Judges will be looking at having suitable fast track trials by skype

Multi-track trials remain in the list as usual. Appropriate candidates have been selected for skype hearings.

- Where a case is not going to settle, there are problems with expert availability and/or questions as to whether the case is capable of being heard by Skype, the parties may apply for a "Covid PTR". There will be no fee for any such application which will be put before a judge who is likely to want a telephone hearing. At that hearing consideration will be given to adjourning the trial, or whether it can be conducted remotely.

Remote hearings:

- Judges are at home without court files.
- **To assist a judge undertaking a remote hearing parties are requested to co-operate to identify key essential documents for the hearing and to send these to the court by email for onward transmission to the judge. Such a "skeleton bundle" may comprise a case summary tailored to the issues for the hearing and extracted documents needed by the judge. Such a skeleton bundle should be sent in pdf format if possible EXCEPT that any draft Order should be in Word format for ready editing by the judge.**
- The default position is that hearings will be via BT MeetMe – the judge will phone the parties.
- **Please be available from 5 minutes before the listed time for the hearing until 30 minutes after. Experience is teaching us that remote hearings take longer and can over-run. Do not telephone or email the court if you are waiting to be connected within the above window.**
- **Parties will need to provide a contact telephone number for use of the judge. This must be a direct telephone number. Switchboard numbers are not acceptable: BT MeetMe requires the call recipient to identify themselves for immediate joining to the hearing, any significant delay and the call is automatically ended.**

Nottingham Law Society Bulletin 27.03.20

The initial adjourned lists, commencing July/August, will deal first with possession applications. Other cases will come into the lists after that, perhaps starting with small claims.

It is acceptable to send documents to a judge before the hearing or during.

Nottingham Law Society Bulletin No.3 11.05.20

The Court is likely to move to holding remote hearings, using Skype for Business in the first instance (pending the introduction of CVP), and subject to careful case management.

Stage 3 hearings:

The recommended practice is for the parties to (i) submit an electronic bundle excluding the Part B form; and (ii) hold the Part B form in a separate PDF, attached to an e-mail, which can be sent directly to the Judge at the conclusion of the hearing.

SOUTH YORKSHIRE

South Yorkshire Covid-19 Civil Work Protocol v1 7-4-20

Sheffield and Doncaster are open Courts

Phones are open from 10am – 4pm, but it may be necessary in future to have phone lines open only from 10am until 2pm

Hearings will be considered by any feasible remote means including:

- BT telephone conferencing;
- BT MeetMe
- Skype for business

Telephone hearings

- For BT Conference Calls, Csols or applicant have the obligation to arrange the call
- BT MeetMe, the judge will call out; Phone numbers must be provided in advance;
- Skype for business will be preferred where evidence is to be taken.

Fast track and multi-track cases will be triaged on a case by case basis

Electronic material:

- Documents are to be in electronic form and limited to that which is necessary
- Parties to follow guidance in this video: <https://st-philips.com/creating-and-using-electronic-hearing-bundles/>
- Attachments not to be over 25Megabytes
- Extracts from documents are acceptable

- Directions in orders will make provision for the preparation of bundles and appropriate address for filing. N.B:
 - Electronic documents **must be delivered to the Court and to the other parties by not later than 2.00pm on the last business day before the hearing. It may not be possible to consider material delivered after that time. The materials to the Court must be delivered in accordance with the directions below.**

WESTERN CIRCUIT - DEVON AND CORNWALL

Civil Response to Coronavirus 26.03.20

Small claims and fast tracks up 10.04.2020 were vacated

Parties in small claims invited to consent to determination without a hearing and asked for representations as to hearing format

Parties in FT trials asked to consider whether remote trial is possible

Non-urgent applications including CCMC vacated unless agreed that they can be accommodated by remote hearing

Trials in May and if necessary June will be reviewed month by month

WESTERN CIRCUIT

Western Circuit Protocol to apply to fast track and multi-track cases listed in from 1st June – 1st October 2020 18.5.20

Barnstaple, Basingstoke, Bath, Bodmin, Bournemouth, Bristol, Cheltenham, Exeter, Gloucester, Isle of Wight, Plymouth, Portsmouth, Salisbury, Southampton, Swindon, Taunton, Torquay, Truro, Weston-Super-Mare, Weymouth, Winchester, Yeovil

Those cases where a response is received in accordance with the protocol are likely to achieve earlier attention/priority listing given the pressures on court staff/ court lists.

E-bundles or paper bundles should be sent to the relevant court **by 2pm three days before the hearing**. Wherever e-bundles are being constructed, the guide at <https://st-philips.com/creatingand-using-electronic-hearing-bundles/> may be of use.

Protocol

The **civil clerks** of Chambers shall, as a matter of urgency, **identify all fast track and multitrack trials** listed between 1st June – 1st October 2020 in which that Chambers has a booking for counsel.

2. They will:

a. (In so far as Counsel has not been allocated as yet by name) **identify Counsel** to be allocated to that case;

b. **Contact Counsel** so allocated and inform him/her of the potential hearing;

c. **Contact, or ask Counsel to contact, the instructing solicitor** and enquire as to the current status of that potential hearing.

3. If the case is still effectively allocated Counsel **shall request that the Instructing Solicitor consider**, again as a matter of urgency, the practicalities of the hearing proceeding remotely, including with the other party/parties, using the checklist annexed to this protocol.

4. As soon as practicable the parties (preferably jointly), either through instructed solicitor(s) or through allocated counsel's clerk(s), shall inform the Court by e-mail of the results of the enquiry. Specifically the Court should be informed ;

a. If it is agreed by all parties that the case cannot properly proceed to a remote hearing together with very brief reasons why not ;

b. If it is agreed by all parties that the case can properly proceed to a remote hearing together with an indication of whether it can proceed by telephone and/or Skype for Business/Teams and/or Cloud Video Platform (a method of remote video hearing administered by the Court in which a person simply requires a device with internet access) and/or some other medium agreed by the parties;

c. If there is disagreement as to whether the case can properly proceed to a remote hearing, also briefly setting out the reasons behind each party's view (the Court may then arrange a short telephone hearing to determine the issue).

Appendix: Checklist

The following should be considered

1. The ability of the parties, legal representatives and witnesses, to participate in a remote hearing bearing in mind

(a) the need for suitable equipment (phone, computer etc) and reliable Wifi;

(b) the need for a suitable quiet space (which can be used without interruption)

(c) the need to access any bundle (or part of a bundle)

(d) the need to give/take instructions

2. A realistic time estimate for the hearing if conducted remotely

3. The ability to produce, file and share an e-bundle (or if not possible, a paper bundle)

4. Telephone contact details and, if possible, e-mail for any party, representative or witness (if the hearing is to proceed by remote hearing and the Court does not have full details of those attending by 2pm three days before the hearing the case may be removed from the list)