



JUDICIARY OF
ENGLAND AND WALES

St Helens - re-opening for 'long' civil¹ hearings

Note To Solicitors / Counsel

St Helens will be re-commencing hearing of Fast Track trials in the week commencing 6th July 2020². Certain suitable small claims trials may also be listed.

The Court cannot list matters on a back-to-back basis, because that would increase unnecessarily the numbers present in the building, to unacceptable levels. It is therefore important that the time which is available to hear Fast Track trials is used for trials which are to proceed. Accordingly, until further notice, St Helens will adopt the following plan.

Notice will be sent to parties that their case has been warned for a period (initially of a week). There will be listed a pre-trial review and fixtures-listing hearing (PTRFLH) approximately a week ahead of the warned period. This will be conducted by phone, with the Court making the call, and the advocates for **all** the warned trials will be required to attend.

The purpose of that hearing is for trials which are going to settle, to do so then rather than on the morning of trial (or otherwise at a time which means that their listed time is wasted); and for realistic estimated length of hearing to be provided; and for issues to be narrowed where possible. The following rules will apply:

1. The trial bundle must have been supplied to the Court: this will enable the judge to have a realistic idea as to the issues, and the number of witnesses & volume of documents;
2. Counsel who are instructed for the trial **must** be instructed for pre-trial review and fixtures-listing hearing. Counsel **must** be in possession of the trial bundle. This should enable counsel to realistically assess the strength/weakness of cases, and to advise clients and otherwise deal accordingly.

¹ 'Long' family cases will be listed as fixtures in the usual way

² ...unless there is a change in lock-down regulation, or other matters intervene

3. The parties must **personally** be available for the purposes of negotiation before and during the pre-trial review and fixtures-listing hearing, by telephone. They will not join the conference - but must be able to receive advice and give instructions.
4. The judge who is hearing the pre-trial review and fixtures-listing hearing will not engage in mediation, but can consider/approve any consent orders which may be agreed.

The Court will at this hearing fix a time and date for the trial to take place during the warned period. Counsel must therefore have availability for themselves and all witnesses.

Once listed a trial will only be vacated for truly exceptional reasons. Trial judges will robustly keep to time estimates, and parties can expect cross examination and submissions to be 'guillotined' to avoid over-run.

Attached is the current draft order which gives effect to the above.

As with all matters in the current climate, these arrangements are subject to risk of sudden change.

District Judges Gray, Simister, Hugman & Cuddy

St Helens

Tuesday, 24 March 2020

Listing for trial and PTRFLH Order:

1. This matter is warned as liable to be tried in the period [date] ('the warned period'). This will be an attended trial taking place at St Helens Courthouse, Corporation Street, St. Helens, Merseyside WA10 1SZ. Covid-19 safe-behaviour will be required. Counsel, parties and witnesses will be required to attend in person at the Courthouse.
2. A pre-trial review and fixtures-listing hearing will take place on [date and time] by Bt MeetMe, estimated length of hearing 2 hours. This will be a hearing which counsel for all Fast Track trials listed in the above period must attend. The Court will make the call.
3. Solicitors for the Claimant must supply to the Court the details of counsel for each party, by email, by not later than 4.00pm no later than two working days before the hearing. Any trial where the contact detail has not been supplied will not be fixed;
4. The email advising the court of contact telephone numbers must state in the title the case number and the date of the pre-trial review and fixtures-listing hearing.
5. The purpose of the hearing is to:
 - a. ensure that matters which are going to settle do so at this hearing, and **not** on the day of trial;
 - b. to ensure that realistic estimated length of hearing (including the giving of judgment) can be agreed: once fixed those will be listed on a 'fixed end' basis - over-run will not be permitted;
 - c. to allow the Court to fix the dates of trials, having regard to the fact that in the Covid-19 situation the Court cannot bulk list matters
6. The following rules apply:
 - a. The trial bundle must have been supplied to the Court by no later than two working days before the pre-trial review and fixtures-listing hearing. (Note that only paper bundles may be used). Any matter where the bundle has not been supplied will not be fixed, and may be struck out;
 - b. Counsel who are instructed for the trial **must** be instructed for pre-trial review and fixtures-listing hearing. Counsel must be in possession of the trial bundle;

- c. The parties must personally be available for the purposes of negotiation before and during the pre-trial review and fixtures-listing hearing, by telephone. (Where a party is corporate, or insurance-backed, a person with authority to make decisions must be available.) Although it is not intended that parties should themselves be brought into the pre-trial review and fixtures-listing hearing, it is expected that counsel should work together to limit issues, and reach settlement if at all possible: therefore clients must be available to give instructions.
 - d. The judge who is hearing the pre-trial review and fixtures-listing hearing will not engage in mediation: that judge will be hearing some of the trials and cannot therefore express any view as to terms of settlement.
 - e. However, the judge dealing with the pre-trial review and fixtures-listing hearing will be available to approve any consent orders which may be agreed.
 - f. The Court will at this hearing fix a time and date for the trial to take place during the warned period. Counsel must therefore have availability for themselves and all witnesses.
 - g. Counsel must draw to the Court's attention any special requirements for the trial eg the proposed use of video, need for translators.
 - h. Note that more cases are warned as liable for trial than may be capable of being tried in the warned period: some matters may not therefore be fixed in the warned period and may be adjourned to a future date to be fixed.
7. At the conclusion of the hearing, the diary of trials for the warned period should be considered final: matters will not be vacated save for exceptional reasons. Although the Court will endeavour to send out a listing order, the parties will be deemed notified of the Court hearing date by their participation in this hearing. Civil Procedure Rules 28.6(2) is amended or dis-applied accordingly.
 8. This order has been made in the absence of the parties: any party affected by it may apply within 7 days of service of this order, for it to be varied or set aside.