

NOTICE

Upcoming FRC hearings in the Financial Remedies Court

The transition to remote hearings

The current national public health emergency requires all financial remedy cases to be heard remotely unless personal attendance is absolutely unavoidable in the interests of fairness and justice. For hearings to be effective the court must be satisfied that there is an appropriate HCMTS approved method by which the remote hearing is to take place and that it has adequate judicial resources. To enable appropriate arrangements to be put into place by the parties and the court, a number of cases listed to be heard in the Financial Remedies Court have been adjourned in the period leading up to Easter.

All cases on or after 13th April 2020 currently remain listed to be heard remotely subject to appropriate technology being confirmed to be available and resources being identified. However, future listing arrangements must necessarily remain subject to review.

I wish to make it clear that all orders made in the absence of the parties are subject to liberty to apply. In cases where the parties are or have been notified that the hearing has been adjourned, and the parties have already agreed and are able to set up an HMCTS approved method of remote hearing, the court will do its best to accommodate this, although parties are reminded that the court's capacity to accommodate any remote hearings listed up to and including Easter is limited. The court will prioritise First Appointments, urgent cases and those involving vulnerable parties.

- 1 In all cases the parties must seek to agree a method of remote attendance and shall send an agreed electronic document setting out the proposals for such attendance to the court (FRCBirmingham@Justice.gov.uk) marked for the urgent attention of the judge due to hear the case or HHJ Rowland. Where a hearing has been adjourned this request shall be made under the liberty to apply provisions. The document shall include a contact telephone number and email address for a legal representative for each party and of any litigant in person, what arrangements are in place for each party and their legal representatives, if any, to attend remotely and the dates of availability.
- 2 The current methods available for remote hearings are
 - a. Meet Me
 - b. BT Conference Call
 - c. Skype for Business.

Please note that other applications such as Zoom, Lifesize and Teams are not currently approved for remote use by HMCTS. In the event further applications or technology become available the parties will be notified.

- 3 So far as possible in consultation with the hearing centre and subject to the availability of judicial resources, the case will be allocated to a judge (the allocated trial judge if the matter is listed for final hearing) and an urgent remote directions hearing with the parties' legal representatives may be set up (sometimes on the same day) with the intention of confirming when and how the case may proceed.

- 4 Electronic bundles are essential for any such hearings to proceed. Paper bundles will not be accepted until further order.
- 5 If it is contended that personal attendance is required by one or more parties in the interests of justice an application must be made explaining fully the reasons for such attendance. In the context of financial remedies the circumstances justifying personal attendance are likely to be very unusual.

Paper hearings and Alternative Dispute Resolution

To reduce the pressure on the available resources at this unprecedented time parties are reminded pursuant to the guidance of Mr Justice Mostyn dated 17th March 2020 parties should adopt the accelerated procedure where practicable or they may request a paper hearing in First Appointments and extensions of time may be sought for such purpose.

Parties should consider making use of private FDRs, arbitration and other non-court based methods for dispute resolution in so far as practicable. Pursuant to FPR 2010 r3.3(1) the court must consider in all proceedings whether non-court dispute resolution is appropriate and may exercise its powers pursuant to FPR 2010 r3.4(1) to adjourn proceedings (i) to enable the parties to obtain information and advice about, and consider using, non-court dispute resolution or (ii) where the parties agree, to enable non-court dispute resolution to take place.

Where parties consider that any hearing listed after Easter is not likely to be effective and/or seek to adjourn for the purposes of enquiring into or engaging in ADR they are encouraged to make any such application promptly (FRCBirmingham@Justice.gov.uk) to assist the court in allocating available judicial resources to hear contested cases remotely over the coming weeks.

HHJ Rowland

Lead Judge, West Midlands Financial Remedies Court

23rd March 2020