

Returning to Life Before Covid-19: Addressing the Backlog of Trials

Whilst we do not yet know when we will be able to list the various trials which have required to be adjourned as a result of the pandemic, we are anxious to ensure that the backlog is addressed as quickly as possible, when circumstances allow. To that end, we will be inviting you in due course to address your minds, with your colleagues, to the appropriate length of hearing for each such trial, bearing in mind the following matters:

- a) The overriding objective (FPR 2010 rule1.1), including the need to deal with each case justly, in a manner which is proportionate to the nature, importance and complexity of the issues, and allotting to each case an appropriate share of the court's resources;
- b) Consideration should be given to an advocates' meeting in all but the most straightforward of cases, to take stock as to the parties' current positions. It is open to the parties to submit an order by consent providing for such meetings, if an order is required, and whilst we cannot bind each individual judge to approve such an order, neither do we envisage that it will create any difficulty;
- c) The parties should attempt to narrow the issues, and to identify precisely what evidence is required to address those issues which remain in dispute, and are central to the court's determination; a long list of witnesses proffered on a 'scattergun' approach is unlikely to be approved;
- d) We envisage that all trials for the time being will have clear starts, and there is thus no need to factor in the impact of other matters being in the list;
- e) In the majority of cases, we would expect there to be a PHR prior to listing to check the parties' positions and witness availability;
- f) Any welfare disposal with a time estimate in excess of 5 days will require exceptional justification.

HHJ Sybil Thomas, DFJ for Birmingham

HHJ Hilary Watson, DFJ for Coventry and Warwickshire

HHJ Sally Dowding, DFJ for Wolverhampton and Telford