

From: "Croucher, Paul"
Subject: FW: LFJB
Date: 26 March 2020 at 16:41:23 GMT
Dear Members,

Please see the below message from Her Honour Judge Black.
Could you please circulate this as widely as possible?

“As you can imagine the situation in the courts is fairly chaotic as we try to get to grips with the evolving situation. But I thought it would be helpful to update you all.

I am acting DFJ in the absence of HHJ Levey

The first priority of the court is to try and continue running as many hearings and trials as are possible
These will need to be heard remotely in view of the current government restrictions and a hearing in court would only take place in exceptional circumstances .

To deal with imminent hearings – ie those taking place in the next 3 weeks emails are being sent to the applicants in all forthcoming trials by the Portsmouth list office (which manages all public law work for the county and private law work for Portsmouth) and by the court offices in the other courts in Hampshire/IOW as below.

I have been asked by the trial judge xxxx to contact you as the lead party in the trial of x v x commencing on the xx and ask whether it is likely to be effective /settle. In the event that it remains contested then you should be in contact with all other parties to discuss and work out how the hearing can continue. It will not good enough to just say that it cannot. There needs to have been active consideration as to whether telephone, skype, video conferencing, or any other remote facilities such as zoom can be used and an explanation about why that would or would not ensure that a hearing can take place.. You (copied in to all other parties) should then be in direct contact with the judge by email and set out what the proposals are, so that the judge can

make the decision about whether, and if so how, the trial should go ahead. The list office can then be informed by the judge about the decision that has been made.

The list office is also getting in touch with the lead party in respect of any other court hearing and decisions will then be taken on a case by case basis about how /should they proceed. Active consideration will need to be given by the parties not only to how the remote hearing can take place or whether the hearing can be dealt with on paper with a consent order/ short submissions on disputed points.

There is guidance from the President/ MacDonald J about working remotely. In addition, I have seen the FLBA papers about working using zoom and skype. Already this week there have been a number of telephone hearings with varying degrees of success. Other judges have successfully dealt with cases using a mixture or combination of telephone, skype and zoom very successfully. There are difficulties at the moment with the judge's laptops using zoom, although it certainly does look the most impressive of all the solutions and may well be the preferred route. In particular it solves a lot of the problems that would arise when interpreters or support for vulnerable parties are involved. I suggest you look into that and other platforms.

For CJ directions lists they will need to be moved away from block bookings at 1030 to fixed time (which might also mean a move of the date by a day or so) at 1-hour intervals and the list office are working on that as well.

There are also discussions about how urgent work will be undertaken e.g. injunctions, epos etc. Those seeking urgent orders / orders on short notice should when issuing the application set out how they propose the hearing should be conducted. The relevant contact details should be provided for all anticipated participants. These will then go through the usual gatekeeping

exercises and decisions will be made about when and how the application will be heard.

So , especially in respect of hearings coming up this week/ beginning of next week it would be helpful if those involved could get ahead of the game and give active thought about how the hearing can proceed and to email the court/judge once the parties have agreed a way forward.

Priority will obviously be given to urgent work and therefore I would ask you to consider whether issuing any application at this stage is a real priority. The court and the court office remain open, but is not fully staffed and the IT support is limited to those working in the court building. Many of our court staff are now self-isolating and we are operating already at below skeleton levels.

Please when issuing any application give consideration about how the remote hearing can be managed i.e. telephone, skype zoom etc. Please indicate your preferred method when issuing together with the contact details of the other parties/representatives

At the moment the parents seem to become excluded from the hearings. For some admin hearings it maybe that this maybe just about acceptable – if the parents agree but as a general principle this cannot be right, and arrangements must be made so that they can be included if at all possible.

Finally, in any order following a hearing, I am told, that if the details of your attendance/timings etc are recorded together with any bolt ons that this will alleviate the need for a judge to sign your fas form

I will update you further as necessary,

Stay safe and well

HHJ Black”