

APPENDIX B

Case Management Information Sheet - Circuit Commercial Courts

[Title of Case]

This information sheet must be filed with Circuit Commercial Listing at least 7 days before the Case Management Conference, and copies served on all other parties: see paragraph 7.7 of the Circuit Commercial (Mercantile) Courts Practice Direction.

Party filing:

Solicitors:

Advocate(s) for trial:

Date:

Substance of case

1. What in about 20 words maximum is the case about? Please provide a separate concise list of issues in a complex case.

Shorter or Flexible Trial Scheme

2. Is this case suitable for the Shorter or Flexible Trial Scheme (if not already issued in that Scheme)?

Parties

3. Are all parties still effective?
4. Do you intend to add any further party?

Statements of case

5. Do you intend to amend your statement of case?
6. Do you require any "further information" - see CPR 18?

Disclosure

7. What level of disclosure is appropriate and is that agreed?
8. By what date can you give the disclosure proposed?
9. If standard disclosure is proposed, please specify why it is necessary and proportionate.

10. By what date can you give the disclosure proposed?
11. Do you contend that to search for any type of document falling within CPR 31.6(b) would be unreasonable within CPR 31.7(2); if so, what type and on what grounds?
12. Is any specific disclosure required - CPR 31.12? If so, please specify.
13. Do you wish the Court to deal with such specific disclosure at the CMC?

Admissions

14. Can you make any additional admissions?

Preliminary issues

12. Are any issues suitable for trial as preliminary issues? If yes, which?

Witnesses of fact

13. On how many witnesses of fact do you intend to rely at the trial (subject to the court's direction)?
14. Please name them, or explain why you do not.
15. Which of them will be called to give oral evidence?
16. When can you serve their witness statements?
17. Will any require an interpreter?

Expert evidence

18. Are there issues requiring expert evidence?
19. If yes, what issues?
20. Might a single joint expert be suitable on any issues (see CPR 35.7)?
21. What experts do you intend (subject to the court's direction) to call? Please give the number, their names and expertise.
22. By what date can you serve signed expert reports?
23. Should there be meetings of experts of like disciplines, of all disciplines? Should this be before or after the exchange of reports?
24. Which experts, if any, do you intend not to call at the trial?
25. Will any require an interpreter?

Trial

26. What are the advocates' present estimates of the length of the trial?
27. What is the earliest date that you think the case can be ready for trial?
28. Where should the trial be held?
29. Is a Pre-Trial Review advisable?

A.D.R.

30. Might some form of Alternative Dispute Resolution (including ENE) assist to resolve the dispute or some part of it?
31. Has this been considered with the client?
32. Has this been considered with the other parties?
33. Do you want the case to be stayed pending A.D.R. or other means of settlement - CPR 26.4; or any other directions relating to A.D.R.?

Other applications

34. What applications, if any, not covered above, will you be making at the conference?

Costs

35. Have you filed and exchanged your costs budget?

[Signature of party/solicitor]

APPENDIX C

Case No:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
[DISTRICT REGISTRY]
[] CIRCUIT COMMERCIAL COURT
[HIS] [HER] HONOUR JUDGE [] [QC]
sitting as a Judge of the High Court

Hearing date: []

BETWEEN:

Claimant

and

Defendant

ORDER

UPON the Case Management Conference in this matter
AND UPON HEARING [] for the Claimant and [] for the Defendant

Statements of Case

1. The Claimant has permission to amend the Particulars of Claim in the form produced to the Court. Any such Amended Particulars of Claim shall be filed and served by [*].
2. The Defendant has permission to serve an Amended Defence [and Counterclaim] in the form produced to the Court [consequential upon the Amended Particulars of Claim]. Any such Amended Defence [and Counterclaim] shall be filed and served by [*].
3. [The Claimant has permission to file and serve an Amended Reply [and Defence to Counterclaim] in the form produced to the Court [consequential upon the Amended Defence] [and Counterclaim]. Any such Amended Reply [and Defence to Counterclaim] shall be filed and served by [*].]
4. The costs of, and occasioned by, the amendments to the [*] shall be paid by [*] in any event, such costs to be assessed on the standard basis by way of detailed assessment if not agreed.
5. The [*] shall file and serve Replies to the Request for Further Information or Clarification made by the [*] on [date] in relation to the [statement of case] by [*].

Consolidation/Joint management and trial of cases

6. This action is to be consolidated/managed and tried with action number []. The lead action shall be []. From the date of this Order all directions in the lead action shall apply to both actions, unless otherwise stated.

List of Issues

7. The List of Issues annexed to this Order has been [agreed by the parties] [approved by the Court]. [The List shall be kept updated by the parties and cross-referenced to the statements of case.]
8. [The parties shall by [date] agree and file with the Court a [comprehensive] list of issues. In the event that they are unable to agree, each party shall file its own proposed list of issues by that date.]

Disclosure

9. The form of disclosure to be given by the parties is as follows:
10. The parties shall give such disclosure by [*]; Inspection on 48 hours' notice shall be completed by [*]. [The parties shall identify and discuss prior to disclosure those categories of documents which they expect to see in other parties' Lists of Documents.]
11. The parties shall exchange an Electronic Documents Questionnaire by [*]. In the case of difficulty or disagreement, the matter shall be referred to the Court for further directions at the earliest practicable date.]
12. The [Claimant] [Defendant] [shall give Specific Disclosure of the documents or classes of documents set out [below] [in the schedule attached to this Order]] [shall carry out a search for the documents set out [below] [in the Schedule annexed to this Order] [in accordance with the following directions: (*)].
13. Disclosure of all such documents or classes of documents [of any documents located as a result of the search] shall be given by [*]; and Inspection on 48 hours' notice shall be completed by [*]

Witnesses

13. Signed statements of witnesses of fact and hearsay notices when required by CPR 33.2, shall be exchanged not later than [*]. [A summary of the evidence of the following witness, namely [*] shall be served by [*].]
14. Unless otherwise ordered, the witness statements shall stand as the evidence in chief of the witnesses at trial.
15. [The evidence of [*] shall be given by video link at [*] [date or period]. [The Claimant/Defendant shall be responsible for making the necessary arrangements; but the costs thereof will be in the discretion of the Court.]

Experts

Experts called by each party

16. Each party shall have permission to adduce expert evidence as follows:
 - (1) [Number]
 - (2) [Expertise]

17. [Issue(s) to be covered]Signed reports of experts shall be exchanged [sequentially as follows: by the Claimant's expert by [*] and by the Defendant's expert by [*]] [simultaneously by [*].]
18. Experts of like disciplines shall by []:
 - (1) Hold discussions pursuant to CPR 35.12(3) for the purposes of identifying the issues, if any, between them and, where possible, reaching agreement on those issues (or at least narrowing them); and
 - (2) Prepare a joint written statement pursuant to CPR 35.12(3), by [*] stating:
 - (a) That they have met and discussed the expert issues;
 - (b) The issue(s) on which they agree;
 - (c) The issues on which they disagree; and
 - (d) A brief summary of the reasons for their disagreement.
19. [The parties may serve short supplemental experts' reports, to be exchanged [sequentially] [simultaneously] by not later than [*]]
20. If the experts' reports cannot be agreed, the parties shall be at liberty to call expert witnesses at the trial, limited to those experts whose reports have been exchanged under this order.
21. [The experts referred to above shall given their evidence concurrently in accordance with para. 11 of CPD35 In order to assists the Court, both parties shall file with the Court and provide to the experts not later than [] clear days before the trial, an agreed agenda consisting of a list of the issues still in dispute between the experts, in a logical order. Such an agenda will be subject to revision by the Court.]

[or

Single Joint Expert

22. The parties shall have permission to adduce expert evidence in the following field(s) of expertise in the form of a written report by a single joint expert pursuant to CPR 35.7:
 - (1) [Expertise]
 - (2) [Issue(s) to be covered].
23. The parties shall identify and shall if possible give joint instruction to the single joint expert by [*]. In the case of difficulty or disagreement, the matter shall be referred to the Court for directions at the earliest practicable date.
24. The report of the single joint expert shall be produced by [*].
25. Any questions to the expert shall be put to him by [*] and answered by [*].
26. Any party may apply not later than [*] for an order that the expert witness shall give oral evidence at the trial.]

ADR

27. The parties shall engage in ADR procedures as follows:

- (1) On or before [*] the parties shall exchange lists of 3 neutral individuals who are available to conduct ADR procedures in this case prior to [*]. Each party may [in addition] [in the alternative] provide a list identifying the constitution of one or more panels of neutral individuals who are available to conduct ADR procedures in this case prior to [*].
- (2) On or before [*] the parties shall in good faith endeavour to agree a neutral individual or panel from the lists so exchanged and provided.
- (3) Failing such agreement by [*] the parties shall either agree a short list of 3, or shall send to the Court their own lists (limited to 3), so as to enable the Court to select a neutral individual or panel; and all parties shall be bound by that selection.
- (4) The parties shall take such serious steps as they may be advised to resolve their disputes by ADR procedures before the neutral individual or panel so chosen by no later than [*].
- (5) If the case is not finally settled, the parties shall inform the Court by letter prior to [disclosure of documents/exchange of witness statements/exchange of experts' reports] what steps towards ADR have been taken and (without prejudice to matters of privilege) why such steps have failed. If the parties have failed to initiate ADR procedures the Case Management Conference shall be restored for further consideration of the case.

or

28. "In the period [] to [] the parties shall take such steps as they may be advised to try to settle the dispute by ADR or other means."

or

29. The case shall be stayed from [*] until [*] so as to enable the parties try to settle the dispute by Alternative Dispute Resolution or by other means.
30. The Claimant/Defendant shall notify the court of the outcome of ADR (i.e. whether or not the case has settled) as soon it is known but in any event by no later than 7 days after [the conclusion of the ADR] [date by reference to end of ADR window].

Trial

31. The trial of this action shall commence on [], with a time estimate [] days.

Or

32. Each party shall by [*] apply to the Court for a trial date. Such a date to be not before [] and not after [].
33. [The date fixed shall be provisional until payment of the trial fee. The trial fee shall be paid no later than [].]
34. The progress monitoring date is [*]. Each party shall notify the court in writing by that date (with a copy to all other parties) of the progress of the case, including -
 - (1) Whether the directions have been complied with in all respects;
 - (2) If any directions are outstanding, which of them and why; and
 - (3) Whether a further case management conference or a pre-trial review is required.
35. There will be a pre-trial review on [*].

36. Pre-Trial Checklists are to be filed no later than 7 days before the date fixed for the PTR.
37. If the parties consider that the PTR is not necessary they shall inform the Court not less than [3] clear days in advance stating why it is not necessary and enclosing any agreed further directions in relation to the trial. The Judge dealing with the PTR will consider this and inform the parties as soon as practicable thereafter whether the PTR is to go ahead or not and/or make any further appropriate directions in writing.]
38. Trial bundles, including a core bundle, must be agreed, prepared and delivered to counsel not less than 14 days before the trial date, and to the court not less than 7 days before the trial date. The trial bundle shall be in fully functioning, indexed and paginated lever arch files each containing no more than 250 pages. [A core bundle must be provided where the files exceed 5 in number.] Each file shall state the name of the case and (in large figures) its volume number on the spine and on the inside of the front of the file. Files with 4 as opposed to 2 rings shall not be used.
39. The following documents [*] shall be provided to the court electronically as a Word attachment, as well as in hard copy:
 - (1) Skeleton arguments shall be served on all other parties, and lodged with the Court by e-mail to the following addresses:
 - (a) To [] Listing Section at:
 - (b) To the Judge if he has permitted the use of his own e-mail address.
 - (2) By the Claimant, not later than [*] pm [*] clear days before the start of the trial [hearing];
 - (3) By each of the Defendants, not later than [*] pm [*] clear days before the start of the trial [hearing];
 - (4) The parties shall also provide to the Court not later than [*] pm [*] clear days before the start of the trial [hearing]:
 - (a) a chronology;
 - (b) a dramatis personae;
 - (c) an agreed reading list; and

(d) a composite bundle of the authorities referred to in the skeleton arguments. Costs

40. Costs in the case [or otherwise].
41. [The Court has made a Costs Management Order in this case, [and has approved the parties' costs budgets as revised by the Court. The parties shall file and exchange their revised budgets with 7 days of this Order] [and records the parties' agreement to each other's budget]

DATED this day of

APPENDIX D

Pre-trial Check List - Circuit Commercial Courts

[Title of Case]

Where a Pre-trial Review has been ordered, this check list must be filed with Mercantile Listing not less than 7 days before the Pre-trial Review, and copies served on all other parties. Where a Pre-trial Review has not been ordered, it must be filed and served not less than 6 weeks before the trial date . See paragraph 8.2 of the Mercantile Courts Practice Direction.

- a. Trial Date:
- b. Whether Pre-trial Review ordered:
- c. Date of Review:
- d. Party lodging:
- e. Solicitors:
- f. Advocate(s) for trial:
- g. Date lodged:

[Note: this checklist should normally be completed with the involvement of the advocate(s) instructed for trial.]

1. Have all the directions made to date been carried out?
2. If not, what remains to be carried out? When will it be carried out?
3. Do you intend to take any further steps regarding:
 - (i) statements of case?
 - (ii) disclosure?
 - (iii) witnesses and witness statements?
 - (iv) experts and expert reports?If yes in any case, what and by when?
4. Will the preparation of trial bundles be completed not later than 3 weeks before the date fixed for trial? If not, what is the position?
5. What witnesses of fact do you intend to call?
6. (Where directions for expert evidence have been given) what experts do you intend to call?
7. Is any interpreter needed: for whom?
8. If a Pre-trial Review has not been ordered, do you think one would be useful?
9. What are the advocate(s)' confirmed estimates of the minimum and maximum lengths of the trial? A confirmed estimate signed by the advocate(s) and dated must be attached.
10. (i) Might some form of alternative dispute resolution now assist?
 - (ii) Has the question been considered with the client?
 - (iii) Has the question been explored with the other parties to the case?

[Signature of party/solicitor]