

Midlands Civil COVID-19 Listing Policies

1. As noted, Midlands DCJ areas range very widely: some unitary large and open with several CJs and DJs, others geographically spread with staffed hubs but distant (or no) open Courts, some with a few Judges in Civil part-time. Yet there are several similarities.
2. Urgent cases which require hearing (under Coulson LJ's first list) are being listed now by remote hearing, or if not practicable (e.g. the very few urgent trials) in person. However, that is problematic where Courts are not 'open' or if 'open' are distant (e.g. Nuneaton). If hearing is coming up (e.g. a committal where telephone hearing was ineffective) an 'in person' hearing at 'Open' Court can be planned but breach arrests are very challenging.
3. ASBIs: are a consistent problem. We agree they can be granted by phone and the return date can be by written submission and then phone if the Defendant's number is known/given with creative service e.g. text or social media or post given lockdown. Otherwise, return date should be in person and maybe longer off with liberty to apply.
4. Possessions / Enforcement: Possessions/warrants are automatically stayed until late June. Depending on Court, some are re-listing in August, others FOD in September. There is also appetite for staying oral exams / bailiff enforcement for similar reasons.
5. Applications: All areas are undertaking more complex application hearings etc including CCMCs, PTRs etc by phone even in areas where CCMCs used to be in person. E-bundle directions are common but vary slightly by area. We agree there can also be more 'paper consideration' of applications (and also some short work) using CPR 3.3.
6. Small Claims: are being encouraged for 'paper consideration' by inviting agreement to that (e.g. by adjourning off hearings and giving parties the option to agree that, remote hearing or waiting). There is also appetite for using telephone or Skype more for SCs. If not practicable, in person SC hearings are being adjourned for 3-6 months (see below).
7. (Non-Urgent) FT/MT Trials: Whilst we accept trials are possible by Skype, none of us are yet attempting them. We and parties/advocates are still getting to grips with Skype at breakneck speed and indeed firefighting with admin issues and staff / Judge numbers. Skype will be tried first for trials with less contested oral evidence. However, at present, FT/MT trials are mostly adjourned, but with differences in both from, and until, when.
 - a. Some areas have already adjourned trials up to Easter to triage. Others are leaving trials in the list until a few days before to see if they settle (and this appears to happen). On this basis most areas will consider adjourning trials one week ahead (subject to trying Skype trials in appropriate cases as suggested).
 - b. Re-listing varies more widely because it depends on judicial and Court resources. The biggest centre is looking at June/July, others at August, some September because of uncertainty over lockdown and resurgence of possession cases. We consider this is not too wide a wide variation and one size does not fit all.
8. Appeals: These are being listed based on urgency as per Coulson LJ's lists, but we agree if more urgent they can sometimes be dealt with by Skype or telephone. **01/04/20**