

Dear All

This email is sent to be distributed to all civil judges to give guidance on how we should be dealing with our lists going forward.

Many of us are apprehensive about skype and telephone hearings which a few days ago we simply didn't contemplate. Many who have tried them have been surprised and are working hard to make them work. Around the SE there are a lot of remote hearings taking place at all levels and they are working reasonably well. A better system of skype is being trialed in Kent and East Anglia and it is hoped will be rolled out shortly to everyone.

While many of us are not comfortable yet with remote hearings, it is very important to do what we can to keep the judicial system functioning. The senior judiciary have said that they expect as many cases as possible to be heard remotely. There are bound to be teething problems but we do our best.

Where it becomes apparent during a hearing that it simply isn't going to work – whether for technical reasons, because of difficulties handling documents because a party becomes uncontrollable or for some other reason – the judge should say so and adjourn.

Sarah Venn is very happy to speak to anyone about skype or BT Meet Me and to help any of us who needs help.

The position about civil hearings in the lists for the future should now be as follows:

1. As many civil cases should be heard as possible – whether or not they are urgent.
2. Apart from cases which are urgent and cannot be heard remotely, all cases should be heard remotely.
3. Each DJ should go through their own lists for the following 2 weeks (ie next week and after Easter start with) on a rolling basis to identify specific reasons why a particular case is only suitable for a hearing in person and those cases where a DJ at the court needs to look at the file in order to decide this. Alternatively, work out a rota for someone to do this at their court.
4. All cases in the lists should be triaged by the DJ listed to hear them, to see which cases are not suitable for remote hearing (including any SCs and FTs already listed outside a block booking).
5. All the judges will discuss how to deal with the bulk of SC and FT cases and how to establish which ones are suitable for remote hearing.
6. As a rule of thumb, any civil hearing that lasts more than, say, 90 minutes is unlikely to be suitable for a telephone hearing, although any DJ who is willing to take on a longer case may do, but only if they agree. We will have to see how we get on with skype hearing length. Longer cases should remain in the list as short remote hearings for further directions so that an assessment can take place of how and when they might be heard. Sarah Venn is doing a longer hearing next week.
7. The transfer of hearings to remote hearings is likely to lead to a need for spacing those listed further apart. The DJ triaging needs to take this into account in his/her directions. How many can be listed remotely will also need to take account likely delays in connections and setting them up.
8. The parties are going to be ordered to file documents (limited those really needed for the hearing) electronically and Sarah's draft order (attached) deals with this. Other hearings may take place in a court using paper files, but everyone should take care when handling paper files..
9. Where there are gaps, because of cases being taken out, other cases taken out since this crisis arose should, where possible, be listed to fill those gaps.
10. CJ work should be listed remotely in consultation with Judge Venn, Judge Simpkins, Judge Brown and (where appropriate) Judges Evans-Gordon and Judge Sullivan.