**IN THE COUNTY COURT/HIGH COURT SITTING AT BIRMINGHAM CASE NUMBER:**

**CASE NAME:**

**COVID-19 CIVIL TRIAL PLAN AND ATTENDANCE SCHEDULE**

**Notes**

* As a result of the COVID-19 pandemic, there are restrictions upon the numbers entering both the court building and individual hearing rooms. The maximum number of participants (excluding the judge and the clerk) allowed in court at any one time varies at between 3 and 8 depending upon the size of the court room. This has put significant pressures on the listing officers and their ability to allocate court rooms for individual trials.
* The expectation is that most trials in the High Court, Business and Property Court and on the Multi-track in the County Court will be either:
  + - Remote - where all participants attend remotely; or
    - Hybrid - where some participants attend in person and some remotely.
* In Fast-track trials with low numbers of participants, a fully attended hearing will usually be accommodated, but it is essential for the listing officer to have an accurate list of all those attending in order for a suitable courtroom to be allocated.
* Where a trial at any level needs to be attended in person (either in whole or in part), consideration must be given to the times any attendee needs to be physically present in the court building so as to stagger the arrival times of trial participants.
* Parties and their advisers (if retained) are expected to cooperate together in completing this form and schedule with the aim of ensuring that proper consideration is given to:
  + - Whether the trial can be Remote in which case the listing team may be able to provide an earlier hearing date; and
    - What actual physical attendance at court is required, keeping such numbers to a minimum and certainly no more than 8 at any one time. This may involve -
      * + Represented parties (when not giving evidence) and instructing solicitors participating remotely,
        + Witnesses (including represented parties), who are unable reasonably to give evidence remotely, only physically attending court for the times that they are required to give their evidence,
        + Where unrepresented parties (and any McKenzie Friends) and/or advocates need to be physically at court for part of the trial they may participate remotely at other times,
        + In trials on the Fast track, identifying and notifying to the court the role of each proposed attendee (e.g. John Smith, interpreter).
* The ultimate decision for the format of the hearing will be for the judge alone but taking into account the parties’ views and proposals as expressed in this document when completed and filed with the listing questionnaires, or in the case of Fast track trials, at least 21 days prior to the trial date.

**Access to the videoconferencing platform for Remote/Hybrid hearings**

1. The court will select the videoconferencing platform to be used from the available options of CVP, Skype for Business or Microsoft Teams. If parties have any reason why one or other platform should not be used, they must indicate so when completing this form.
2. All participants, including those attending court, will require access to a device on which they can view the ‘remote’ part of the hearing. A laptop or iPad is preferable to a smartphone, particularly if the participant is due to give evidence. The use of headphones may reduce the possibility of ‘feedback’ if multiple devices are in use at the hearing. In any event, it is imperative that only one audio speaker and one microphone is in use at any one time in the courtroom.
3. The parties should confirm that all participants will be able to access the chosen videoconferencing platform. Their ability to do so may be affected by internet connectivity and bandwidth issues, particularly if (for example) two people from the same household are accessing the platform simultaneously. It is also important that all participants have the skills necessary to join the hearing, mute themselves when necessary, and re-join the hearing if they are cut off. **For this reason, parties are strongly advised to carry out a ‘trial run’ prior to the hearing, using the chosen videoconferencing platform.**

1. Witnesses giving evidence remotely must have a suitable quiet place from which to do so, where they will be alone and only accompanied by someone authorised by the court e.g. legal representative. It is important to avoid 2 witnesses from the same household giving evidence together.
2. Arrangements will need to be made for witnesses attending remotely to be able to access a paper bundle and where it will not be effective to have the bundle electronically on the same device the witness will be using to give evidence.
3. Particular consideration will need to be given to the arrangements to be made for any of the parties/witnesses, who require the assistance of an interpreter and to ensure that such assistance will be fully effective.

**TRIAL PLAN**

**Format of the hearing**

This hearing is intended to be:

☐ **Remote** (all participants attend remotely) by (*please delete any of the following options that cannot reasonably be used*) CVP */* Skype for Business */* Microsoft Teams

☐ **Hybrid** (some participants attend in person and some remotely) by (*please delete any of the following options that cannot reasonably be used*) CVP */* Skype for Business */* Microsoft Teams

☐ **Fully attended** (Save for Fast track trials with low numbers of participants, parties must explain why a fully attended trial is required and why there is no scope for any remote participation)

There is a dispute about the format of the hearing and the parties’ positions are as follows:

**Remote or Hybrid hearing**

Solicitors’ offices and barristers’ chambers are increasingly providing facilities from which trial personnel can participate in remote hearings. Where a remote or hybrid hearing is proposed by one or both parties, please provide details of any such ‘remote court’ facilities available to the parties. The details should include the type of facilities available and which trial personnel could attend from that location.

☐ The following ‘remote court’ facilities are available:

**Hybrid or Fully Attended Hearing**

Where a Hybrid hearing is proposed by one or both parties, they must liaise and complete the attached schedule of participants on the assumption that the court may direct such a Hybrid hearing.

**Schedule of Participants for Hybrid or Fully Attended Hearings**

**(where IP = in person (physically attending at court) and R = attendance remotely)**

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| **Name and**  **role in the case** | **Day 1**  **AM** | **Day 1**  **PM** | **Day 2**  **AM** | **Day 2**  **PM** | **Day 3**  **AM** | **Day 3**  **PM** | **Day 4**  **AM** | **DAY 4**  **PM** | **DAY 5**  **AM** | **DAY 5**  **PM** |
| *e.g. (please delete)*  *Jenny Smith,*  *Counsel for*  *Claimant* | *IP* | *IP* | *IP* | *IP* | *IP* | *IP* | *IP* | *IP* | *R* | *R* |
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| TOTAL – IPs | *1* | *1* | *1* | *1* | *1* | *1* | *1* | *1* | *0* | *0* |