

Navigating Civil Hearings in the Midst of COVID-19: A Barrister's Experience of the Remote Courts

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Topics to discuss:

- Priority County Court hearings
- Is a hearing suitable to be conducted remotely?
- Technology
- What should you check before your hearing?
- Conducting remote hearings
- Tips and experience
- Are remote hearings the future?
- Question and Answer session

County Court hearings

Priority 1 hearings: work that must be done

- Committals.
- Freezing orders.
- Injunctions (inc. anti-social behaviour/harassment injunctions).
- Applications to stay enforcement of existing possession orders.
- Productions of persons in custody following Power of Arrest detentions.
- Applications to displace under s29 of MHA.
- Homelessness applications.
- Enforcement work that does not involve bailiffs.
- Any applications in cases listed for trial in the next three months.
- Any applications where there is a substantial hearing listed in the next month.
- All multi-track hearings where parties agree that it is urgent.
- Appeals in these instances.

County Court hearings

Priority 2 hearings: work that could be done

- Infant and protected party approvals.
- CPR 21 approvals.
- Applications for interim payments in MT/PI/Clin Neg.
- Stage 3 assessment of damages.
- Enforcement of trading contracts.
- Applications or hearings pursuant to the Insolvency Act 1986 which concern the survival of a business or the solvency of a business or an individual.
- Applications for summary judgment for a specified sum.
- Applications to set aside judgment in default.
- Application for security of costs.
- Small claims and fast track trials where the parties agree it is urgent.
- Appeals in these cases.

Assessing whether matters are suitable for remote hearings

Factors to take into account:

- The nature of the hearing.
- The urgency of the matter to be addressed at the hearing.
- The number of parties participating.
- Whether some or all of the parties have access to the necessary technology.
- Whether expert evidence is necessary - many microbiologists are unavailable at the moment, for obvious reasons, as are many medical doctors.
- Are your experts abroad?
- Is the other side a foreign insurer, for example?

Technology

- Skype for Business
 - Usually invited to join the hearing by the Court
 - Issues for Mac users
- Microsoft Teams
- Zoom
 - Have separate meeting rooms
 - Security concerns
- Cloud Video Platform (CVP)
 - Not yet available in civil hearings
- BTMeetMe/Telephone conference
 - Check who will be making the call!

What should you check before your hearing?

- Have you tried out the technology in advance?
 - Microphones/Video
 - Backgrounds
 - Add-ons via invitation
- Witnesses:
 - Can they use the technology?
 - Do they have access to it?
 - Oath?
- Can you narrow any issues between the parties before the hearing?

Conducting remote hearings

Hearing bundles

- Keep bundles short.
- Filing bundles.

Case management

- PD51ZA.
- Stays.
- Expert evidence.

Tips and experience

- Email and whatsapp for instructions.
- Joining the hearing.
- Make sure you have a decent electronic bundle!
- Do not assume the Judge has the court file!

Are remote hearings the future?



Question and Answer Session



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