

# Directions questionnaire (Fast track and Multi-track)

In the	Claim No.
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To be completed by, or on behalf of,

who is [1<sup>st</sup>][2<sup>nd</sup>][3<sup>rd</sup>][ ][Claimant][Defendant][Part 20 claimant] in this claim

You should note the date by which this questionnaire must be returned and the name of the court it should be returned to since this may be different from the court where the proceedings were issued.

If you have settled this claim (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.

If the claim is not settled, a judge will allocate it to an appropriate case management track. To help the judge choose the most just and cost-effective track, you must now complete the directions questionnaire.

You should write the claim number on any other documents you send with your directions questionnaire. Please ensure they are firmly attached to it.

## A Settlement

Notes

Under the Civil Procedure Rules parties should make every effort to settle their case before the hearing. This could be by discussion or negotiation (such as a roundtable meeting or settlement conference) or by a more formal process such as mediation. The court will want to know what steps have been taken. Settling the case early can save costs, including court hearing fees.

### For legal representatives only

I confirm that I have explained to my client the need to try to settle; the options available; and the possibility of costs sanctions if they refuse to try to settle.

☐ I confirm

### For all

Your answers to these questions may be considered by the court when it deals with the questions of costs: see Civil Procedure Rules Part 44.

1. Given that the rules require you to try to settle the claim before the hearing, do you want to attempt to settle at this stage?
2. If Yes, do you want a one month stay?
3. If you answered 'No' to question 1, please state below the reasons why you consider it inappropriate to try to settle the claim at this stage.

☐ Yes ☐ No

☐ Yes ☐ No

Reasons:

The court may order a stay, whether or not all the other parties to the claim agree. Even if you are requesting a stay, you must still complete the rest of the questionnaire. More information about mediation, the fees charged and a directory of mediation providers is available online from [www.civilmediation.justice.gov.uk](http://www.civilmediation.justice.gov.uk). This service provides members of the public and businesses with contact details for national civil and commercial mediation providers, all of whom are accredited by the Civil Mediation Council.

## B Court

### B1. (High Court only)

The claim has been issued in the High Court. Do you consider it should remain there?

☐ Yes

☐ No

If Yes, in which Division/List?

If No, in which County Court hearing centre would you prefer the case to be heard?

### B2. Trial (all cases)

Is there any reason why your claim needs to be heard at a court or hearing centre?

☐ Yes

☐ No

If Yes, say which court and why?

## Notes

High Court cases are usually heard at the Royal Courts of Justice or certain Civil Trial Centres. Fast or multi-track trials may be dealt with at a Civil Trial Centre or at the court where the claim is proceeding.

## C Pre-action protocols

You are expected to comply fully with the relevant pre-action protocol.

Have you done so?

☐ Yes

☐ No

If you have not complied, or have only partially complied, please explain why.

Before any claim is started, the court expects you to have complied with the relevant pre-action protocol, and to have exchanged information and documents relevant to the claim to assist in settling it. To find out which protocol is relevant to your claim see: [www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/menus/protocol.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/menus/protocol.htm)

## D Case management information

### D1. Applications

Have you made any application(s) in this claim?

☐ Yes

☐ No

If Yes, what for? (e.g. summary judgment, add another party).

### D1. Applications

It is important for the court to know if you have already made any applications in the claim (or are about to issue one), what they are for and when they will be heard. The outcome of the applications may affect the case management directions the court gives.

For hearing on

### D2. Track

If you have indicated in the proposed directions a track attached which would not be the normal track for the claim, please give brief reasons below for your choice.

### D2. Track

The basic guide by which claims are normally allocated to a track is the amount in dispute, although other factors such as the complexity of the case will also be considered. Leaflet **EX305 – The Fast Track and the Multi-track**, explains this in greater detail.

## D Case management information (continued)

Notes

### D3. Disclosure of electronic documents (multi-track cases only)

If you are proposing that the claim be allocated to the multi-track:

1. Have you reached agreement, either using the Electronic Documents Questionnaire in Practice Direction 31B or otherwise, about the scope and extent of disclosure of electronic documents on each side? ☐ Yes ☐ No
2. If No, is such agreement likely? ☐ Yes ☐ No
3. If there is no agreement and no agreement is likely, what are the issues about disclosure of electronic documents which the court needs to address, and should they be dealt with at the Case Management Conference or at a separate hearing?

### D4. Disclosure of non-electronic documents (all cases)

What directions are proposed for disclosure?

#### For all multi-track cases, except personal injury.

Have you filed and served a disclosure report (Form N263) (see Civil Procedure Rules Part 31). ☐ Yes ☐ No

Have you agreed a proposal in relation to disclosure that meets the overriding objective? ☐ Yes ☐ No

If Yes, please ensure this is contained within the proposed directions attached and specify the draft order number.

## E Experts

Do you wish to use expert evidence at the trial or final hearing? ☐ Yes ☐ No

Have you already copied any experts' report(s) to the other party(ies)? ☐ None yet obtained  
☐ Yes ☐ No

Do you consider the case suitable for a single joint expert in any field? ☐ Yes ☐ No

There is no presumption that expert evidence is necessary, or that each party will be entitled to their own expert(s). Therefore, the court requires a short explanation of your proposals with regard to expert evidence.

## E Experts (continued)

Notes

Please list any single joint experts you propose to use and any other experts you wish to rely on. Identify single joint experts with the initials 'SJ' after their name(s). Please provide justification of your proposal and an estimate of costs.

Expert's name	Field of expertise (e.g. orthopaedic surgeon, surveyor, engineer)	Justification for expert and estimate of costs

## F Witnesses

Which witnesses of fact do you intend to call at the trial or final hearing including, if appropriate, yourself?

Witness name	Witness to which facts

## G Trial or Final Hearing

How long do you estimate the trial or final hearing will take?

☐ less than one day

Hrs

☐ one day

☐ more than one day

State number of days

Give the best estimate you can of the time that the court will need to decide this case. If, later you have any reason to shorten or lengthen this estimate you should let the court know immediately.

Are there any days within the next 12 months when you, an expert or an essential witness will not be able to attend court for trial or final hearing?

You should only enter those dates when you, your expert(s) or essential witnesses will not be available to attend court because of holiday or other commitments.

If Yes, please give details

Name	Dates not available

You should notify the court immediately if any of these dates change.

## H Costs

Notes

### Do not complete this section if:

- 1) you do not have a legal representative acting for you
- 2) the case is subject to fixed costs

If your claim is likely to be allocated to the Multi-Track form Precedent H must be filed at in accordance with CPR 3.13.

I confirm Precedent H is attached. ☐

## I Other information

Do you intend to make any applications in the future?

☐ Yes

☐ No

If Yes, what for?

In the space below, set out any other information you consider will help the judge to manage the claim.

## J Directions

Notes

You must attempt to agree proposed directions with all other parties. **Whether agreed or not a draft of the order for directions which you seek must accompany this form.**

All proposed directions for multi-track cases must be based on the directions at [www.justice.gov.uk/courts/procedure-rules/civil](http://www.justice.gov.uk/courts/procedure-rules/civil)

All proposed directions for fast track cases must be based on CPR Part 28.

### Signature

Date

/

[Legal Representative for the ]<sup>[1<sup>st</sup>]</sup><sup>[2<sup>nd</sup>]</sup><sup>[3<sup>rd</sup>]</sup>  
[Claimant][Defendant][Part 20 claimant]

Please enter your name, reference number and full postal address including details of telephone, DX, fax or e-mail

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