

DRAFT CHANCERY CASE MANAGEMENT DIRECTIONS

NOTE: These directions are extracted from the full Case Management Directions reproduced at Appendix 3 of the Chancery Guide. These may be found at <http://www.justice.gov.uk/Courts/rcj-rolls-building/chancery-division>

Claim No.

IT IS ORDERED that

1. Allocation

(a) Allocation to Multi-Track

() this Claim is allocated to the multi-track.

And

(b) Allocation to Management Track

() This claim is allocated to the following management track:

- (i) Case management by Master and trial by Judge
- (ii) Case management and trial by Judge (full docketing)
- (iii) Case management and trial by Master
- (iv) Case Management by Judge and Master and trial by Judge.

2. Alternative dispute resolution

() This Claim be stayed until [one month] for the parties to try to settle the dispute by alternative dispute resolution or other means. The parties shall notify the Court in writing at the end of that period whether settlement has been reached.

() The parties shall at the same time lodge *either*:

- (a) (if a settlement has been reached) a draft consent Order signed by all parties; *or*
- (b) (if no settlement has been reached)
 - (i) a Statement of agreed directions signed by all parties or (in the absence of agreed directions) Statements of the parties' respective proposed directions;
 - (ii) the parties' Disclosure Reports; and
 - (iii) the parties' Costs Budgets.

3. Trial date

() that the trial of the Claim/issue(s) take place between (date) and (date) ("the trial window").

[Master to fix a 3 month window in accordance with weekly sheet from the Listing Officer].

() that the (party) shall make an appointment to attend on the Listing Officer (The Rolls Building, 7 Rolls Building, Fetter Lane, London EC4A 1NL; Tel. 020 7947 6690; Fax No. 0870 739 5869; email rcjchancery.judgeslisting@hmCourts-service.gsi.gov.uk) to fix a trial date within the trial window, such appointment to be not later than (date)** and give notice of the appointment to all other parties.

** *(Master to insert date in accordance with weekly sheet from the Listing Officer)*

that

- (i) the Claim be entered in the [Trial List][General List], with a listing category of [A][B][C], with a time estimate of days/weeks

- (ii) the trial take place in London (*or* identify venue).

4. Disclosure of documents

() that disclosure is dispensed with.

() that [*party*] disclose the documents on which it relies and at the same time request any specific disclosure that it requires from any other party.

() [that each party shall give disclosure on an issue by issue basis.]

() [that each party disclose any documents which it is reasonable to suppose may contain information which enables that party to advance its own Case or to damage that of any other party, or which leads to an inquiry which has either of those consequences.]

() [that [*party*] give standard disclosure.]

() [*such other order in relation to disclosure as the Court is asked to consider appropriate, including if appropriate in relation to electronic documents*] **Please set out the order proposed**

Notes:

(a) The Court will consider the disclosure reports provided by the parties and decide which of the disclosure options set out in CPR 31.5(7) should apply to this Claim. Proposals put forward by the parties will be taken into account in making that decision.

*(b) **A list of issues**, preferably agreed, should be attached to the draft directions so as to assist the Court in determining any order to be made in relation to disclosure*

5. Inspection of documents

() that any requests for inspection or copies of disclosed documents shall be made within _____ days after service of the list and shall be responded to within [7] days of receipt of the request.

6. Witness Statements

() that each party serve on every other party the witness Statement of the oral evidence which the party serving the Statement intends to rely on in relation to any issues of fact to be decided at the trial, those Statements [and any notices of intention to rely on hearsay evidence] to be exchanged by _____ (*date*)

(Note: The parties should consider the Court's power in CPR 32.2(3))

7(a). Experts: Permission to apply

() that the parties have permission to apply for directions as to expert evidence (if necessary).

7(b). Single expert

() that evidence be given by the report of a single expert in the field of _____ (*define field*) instructed jointly by the parties, on the issue of _____ (*define issue*) [and [*his*][*her*] fees shall be limited to £ _____].

() that if the parties are unable to agree [by _____ (*date*)] who that expert is to be and about the payment of [his][her] fees any party may apply for further directions.

() that unless the parties agree in writing or the Court orders otherwise, the fees and expenses of the single expert shall be paid to [him][her] by the parties equally.

() that each party give [his][her] instructions to the single expert by _____ (*date*).

() that the report of the single expert be filed and served by [him][her] on the parties by _____ (*date*).

() that no party may recover from another party more than £ _____ for the fees and expenses of the expert.

() that the evidence of the expert be given at the trial by [written report][oral evidence] of the expert.

7(c). Separate experts

() that each party has permission to adduce [oral] expert evidence in the field of _____ (*specify*) to address issues relating to _____ (*specify*) at an estimated cost of £ _____ (*specify*) [limited to _____ expert(s) [per party][on each side].

() (*where practicable*) that the experts shall be _____ (*specify name*)
And _____ (*specify name*)

() that the experts shall, before they exchange their reports, discuss and narrow the issues between them

() that the experts' reports shall be exchanged by _____ (*date*).

() that the experts shall hold a further discussion for the purpose of:
(a) identifying and further narrowing the issues, if any, remaining between them;
and
(b) where possible, reaching agreement on those issues.

() that the experts shall by _____ [*specify date after discussion*] prepare and file a Statement for the Court showing:

- (a) those issues on which they are agreed; and
- (b) those issues on which they disagree and a summary of their reasons for disagreeing.

() No party shall be entitled to recover by way of costs from any other party more than £ _____ for the fees or expenses of an expert.

*Note: to assist the Court in determining what order should be made in relation to expert evidence, the parties should attach a **list of issues**, preferably agreed.*

8. Definition and reduction of issues.

() that by (date) the parties list and discuss the issues in the Claim [including the experts' reports and Statements] and attempt to define and narrow the issues [including those issues the subject of discussion by the experts].

9. Trial bundle and skeleton arguments.

() that not earlier than 7 days or later than 3 days before the date fixed for trial the Claimant shall file with the Chancery Listing Office a trial bundle for the use of the Judge, in accordance with Appendix 6 of the Chancery Guide.

() that skeleton arguments and chronologies shall be filed not less than 2 clear days before the date fixed for trial, in accordance with Appendix 7 of the Chancery Guide.

10. Settlement

() that if the Claim or part of the Claim is settled the parties must immediately inform the Court, whether or not it is then possible to file a draft Consent Order to give effect to the settlement.

11. [Case and] Costs Management

() [*where budgets have been agreed*] the parties having agreed and filed budgets, the Court makes a Case and Costs Management Order which records that agreement.

() [*where budgets have been filed and exchanged but have not been agreed in whole or in part*] that there be a [Case and] Costs Management Conference before the Master in Hearing Room...First Floor, The Rolls Building, 7 Rolls Building, Fetter Lane, London EC4A 1NL

on (date) at o'clock (of hours/minutes duration).

() [*where a Case and Costs Management Conference is ordered*] at least 5 working days before the [Case and] Costs Management Conference the Claimant must file with the Court, and send copies to all other parties, the following documents:

(a) a Case summary and list of issues,

(b) a one page summary of Precedent H of all parties' budgets to enable the Court to undertake comparison of the budgets, in the form set out below*

() (*Set out any other proposed directions with regard to budgets*)

() that there be a Case [and Costs] Management Conference before the Master in Hearing Room...First Floor, The Rolls Building, 7 Rolls Building, Fetter Lane, London EC4A 1NL

(Note: If budgets are not agreed the Court may direct a Case and Costs Management Conference)

12. Extending time limits for procedural steps by agreement, without reference to the court.

The parties may, where CPR rule 2.11 applies, agree to extend any time period to which the proceedings may be subject for a period or periods of up to 28 days in total

without reference to the court, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the court in writing of the expiry date of any such extension.

13. Costs

() that the costs of this application be [costs in the Case][]

***Form of summary of of Precedent H**

PHASE	CLAIMANT	1ST DEF	2ND DEF	3RD DEF	TOTAL
Pre-action					
Issue/pleadings					
CMC					
Disclosure					
Witness Statements					
Experts' reports					
PTR					
Trial preparation					
Trial					
ADR					
Contingencies					
TOTAL					