

CORONAVIRUS (COVID-19) EDITION

The Costs and Litigation Funding Team would like to assure you that during the current ongoing measures to prevent the spread of COVID-19, whilst we work remotely, it is business as usual at Clarion. We are able to continue to provide our full costs service to you.

The whole team (25 of us now) are well-equipped to work from home and will have full access to email and paper/electronic files, as normal.

Should you want to contact a member of the team, you can contact us by email or by telephone, our contact details can be found [here](#).

The Court's announcement

1. The Lord Chief Justice announced on the 18 March 2020 that telephone and video hearings are now the default position during the coronavirus outbreak and has provided guidance [here](#).
2. Lord Chief Justice announced on the 17 March 2020 that: "The latest guidance from government on how to respond to COVID-19 will clearly have an impact on the operation of all courts in every jurisdiction. It is not realistic to suppose that it will be business as usual in any jurisdiction, but it is of vital importance that the administration of justice does not grind to a halt.

We continue to work closely with others in the justice system, including the Ministry of Justice and HMCTS, to work through the implications of the developing medical position for the operation of the courts. Given the rapidly evolving situation, there is an urgent need to increase the use of telephone and video technology immediately to hold remote hearings where possible.

Emergency legislation is being drafted which is likely to contain clauses that expand the powers in criminal courts to use technology in a wider range of hearings. The Civil Procedure Rules and Family Procedure Rules provide for considerable flexibility. Our immediate aim is to maintain a service to the public, ensure as many hearings in all jurisdictions can proceed and continue to deal with all urgent matters. In all things Judicial Office Holders are advised to liaise with leadership judges and HMCTS."

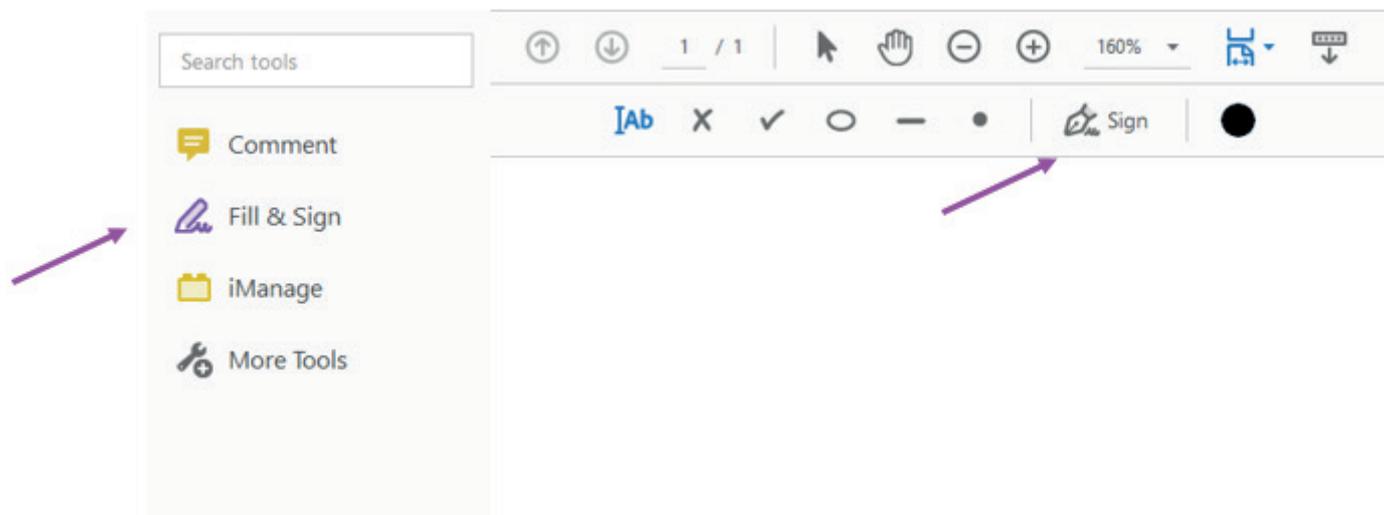
3. Liverpool County Court has released advice to litigants that most trials and hearings will remain listed, however designated civil HHJ Judge Wood QC has agreed that "any fast track or multi track trial can be removed from the list to be relisted after 1st June 2020 at the request of any party". This does not require a consent order or application with fee. Whilst a brief explanation of the reason is necessary, the court will not require medical evidence nor will any request be refused simply because a party wants the matter to proceed. The Court expects trials to proceed only where all parties and witnesses are content for them to do so.

We recommend that you check with the court if you have a trial or hearing listed within the next three months and what their current policy is. There have been instances where hearings in the Business and Property Court have been adjourned, for example one hearing has been adjourned for "two months", with a date TBC. The Judge rescheduled it out of his own initiative as a precaution.

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Signatures

CPR 5.3 provides that “Where any of these Rules or any Practice Direction requires a document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means”. For users of Adobe, documents can be signed by selecting “Fill and Sign” in the bar at the right of the screen then selecting “Sign” at the top of the Screen. This will allow you to add a picture to use as a signature; this could be a scanned version of your signature, or a photo taken on your phone.



Service

The rules for service and limitation are currently unchanged. However, parties may extend dates for compliance with Rules, and limitation amnesties, and it is likely that Courts will allow applications for extensions. Parties should bear this in mind before rejecting requests for extension out of hand. Also, the usual rules for electronic service apply, however it is likely that Courts will look favourably on applications to serve electronically and therefore parties should be sensible about accepting service electronically and only refuse if there is a genuine reason why service by electronic means cannot be accepted. At present, the Courts only accept email filing up to 10 pages, however it may be possible to arrange electronic filing with courts and practitioners should check with individual courts as many have already implemented alternative processes.

For large files, parties can agree to file and serve by other electronic means, for example using Dropbox or any other secure file-sharing software. If service is anticipated over the next three months, it would be wise to put procedures in place now, and to agree them with opponents, to enable the smooth progress of cases.