



COVID-19 Briefing: The Changing Face of Litigation

The COVID-19 outbreak has now affected all aspects of life in the UK.

Many who are in the middle of litigation or who are involved in a situation that may end up in Court are concerned about the impact that the crisis is having on the Court's capacity to hear their case.

This can be particularly concerning for those whose finances are currently dependent on the successful resolution of a claim.

It is vital, therefore, to understand the current situation in the Courts and to know how to come to a resolution while the Courts remain affected by the lockdown.

CHANGES TO THE COURTS

The coronavirus pandemic has changed almost every sphere of life and the Court Service is no different. The traditional image of a bustling Court room is gone, for the time being at least.

Although, on 10th May, the Government announced some changes to the way that the lockdown will be handled in England, this is very unlikely to change the way that Court hearings will be dealt with.

A MORE COLLABORATIVE APPROACH

The two sides of Personal Injury claims have started working more closely to make cases easier to process with the Association of British Insurers COVID-19 Personal Injury Protocol which provides a limited extension to some time limits for bringing claims and an agreement to act collaboratively and even provide a reporting mechanism for any parties who do not.

Fraser Dawbarns is a signatory to that Protocol. The Association of Personal Injury Lawyers and the Federation of Insurance Lawyers (APIL/FOIL) have also been working together to ease the claim process.

TIME EXTENSIONS

So what changes have happened in the Court system? Firstly, the Civil Procedure Rules have for some time stated the parties can agree to extend any date in an order to do something such as serve a witness statement by up to 28 days without the Court's approval as long the extension doesn't affect a trial date or trial window.

Shortly after lockdown was imposed, the 28 days was extended to 56 days, subject to the same restriction regarding trial dates.

Civil

Commercial

Conveyancing

Family

Probate

REMOTE HEARINGS

As stated above, the Court scene for hearings has changed. On 26 March 2020, HM Courts and Tribunal Service issued a Protocol Regarding Remote Hearings, the second version of this document.

The Protocol sets the landscape for remote hearings moving forwards to be conducted by telephone, conference call, video meeting or even Skype.

Interim hearings have been dealt with by telephone for a number of years but trials have usually been face to face unless there is a very good reason why not.

This new Protocol suggests that remote hearings are to become the norm and face to face hearings in a court room the exception unless there is a good reason why personal attendance is required.

A NEW NORMAL?

It was made very clear to the writer at a hearing before a Circuit Judge on 7 May 2020, that remote hearings were likely to continue for some time after lockdown has ended and not just for brief hearings or low value claims but for higher value claims lasting longer than one day's Court time.

Given the previous closure of some County Courts and the likely further closures in the future, Remote Hearings may well become the norm.

CONTACT US FOR MORE INFORMATION ON THIS OR ANY OTHER LEGAL MATTER

For advice in relation to pursuing a legal claim while the courts are in lockdown during the COVID-19 crisis or for information on any other legal matter, please do not hesitate to contact the team at Fraser Dawbarns LLP.

PEACE OF MIND THROUGH DIFFICULT TIMES

In uncertain times, the only thing we can say for certain is that nothing will stay the same for long.

It is entirely possible, therefore, that new legislation will have been introduced which will mean that all or part of this briefing no longer reflects the current law.

Because of this, we ask you to consider that, although correct at time of printing, information in this sheet may no longer be up to date and it is always best practice to consult with a lawyer about anything contained in this briefing.

Although our office doors are closed, our lawyers are still available to help answer any of your questions about this or any other legal concern you have.

Please contact Fraser Dawbarns directly for up-to-date information on your specific circumstances.

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- [Child Contact and the Coronavirus Lockdown](#)
- [The Three Month Ban on Evicting Tenants](#)
- [Commercial Tenancies and Rights of Forfeiture](#)
- [Making a Will While Under Lockdown](#)
- [Commercial LPAs - Risk Management in Uncertain Times](#)
- [Recovering Debts While Under Lockdown](#)

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