

From: Combar Administrator [<mailto:admin@combar.com>]

Sent: 20 May 2020 10:55

Subject: FW: Commercial Court Remote Hearings update

Dear Members,

We understand, from discussions with the Commercial Court, that as from 1 June 2020 changes are to be introduced in the arrangements for hearings in the Rolls Building.

As from that date there are likely to be four kinds of hearing taking place:

- (i) fully remote hearings with the Judge at home;
- (ii) remote hearings with the Judge in their office or Court in the Rolls Building;
- (iii) hybrid hearings with the Judge and some participants in Court, and some participating remotely;
- (iv) normal physical hearings in which all the participants attend in person.

The decision as to which sort of hearing is appropriate in a given case will be a judicial decision. There are only 13 Courts in the Rolls Building which will be suitable for hybrid or normal physical hearings and so only a limited number of cases will be able to be accommodated in this way. Accordingly, the majority of hearings will probably continue to take place remotely.

In the event that you have a hearing which you consider would be appropriate for either a hybrid or normal physical hearing, in the first place you should arrange for your solicitors to contact the other side. Assuming such a hearing is agreed between both parties, they should then contact Commercial Court listing on a joint basis to propose either a hybrid or normal physical hearing and to enquire as to the arrangements that will be in place should it be possible for the Court to accommodate such a hearing in that case.

The number of people that will be permitted in a single Court at any given time will be limited to ensure social distancing is possible. This means only core teams will be permitted in Court and individuals will be seated some distance apart. Realistically this is likely to affect how teams are able to communicate during the hearing, electronic communication being most likely. Further guidance on this is anticipated.

In addition, hearings in the Rolls Building will have staggered starts to avoid queues forming outside. It would be prudent for solicitors with hearings taking place during this period to make arrangements to view the Courtroom that is intended for the hearing in advance of the hearing taking place.

We will update the COMBAR Guidance Note on Remote Hearings to reflect this development.

Best regards,

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