



**ChBA Seminar**

**Fixed-end Trials or Tribulations? Judicial Training for Deputies**

**Newey J, Birss J and Clare Stanley QC**

**Tuesday 24 November 2015, 5.30pm**

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**NOTE**

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Newey J and Birss J drew the seminar's attention to the Chancellor's recent "Practice Note: Fixed End Trials" and emphasised the following points:

1. All trials in the Chancery Division are now fixed end trials. Therefore, the parties must stick to their time estimates. The time allocated cannot be extended, unless there are exceptional circumstances.
2. Trials with an estimate of 5 days or more will have a Pre-Trial Review. The trial timetable will, in these circumstances, be scrutinised at the PTR, and that will include going through each stage of the trial and, in particular, each witness and deciding how much time to be allocated in terms of Evidence in Chief, Cross Examination, Re-examination etc. It is literally, one hour for this, 15 mins for this etc etc.
3. If there is to be a break between the evidence, and closing submissions, that must be included in the time estimate (together with time for the judge to read any closing submissions).
4. Parties need to have a very clear idea of the time estimate at the First CMC (and, it would appear, should err on the side of caution at that stage – as getting more time at the PTR is likely to be very difficult). The Chief Master said that the Chancery Masters are taking a "robust" approach to time estimates, and that means that the parties need to be able to say at the First CMC long a trial will last, and be able to justify the time estimate. If there is any uncertainty, ie whether expert evidence will be called, then the Masters will set a long-stop date as to when the trial time estimate should "gel".
5. The judges regard this detailed time-tabling as fair to the parties (and other court users), provided everyone knows in advance what the time estimates are, and can therefore stick to them. From the parties' perspective this, of course, means thinking ahead to know how much time is actually needed and then asking for enough time (and hopefully the right amount of time).

**Amanda Tipples QC**