



JUDICIARY OF
ENGLAND AND WALES

28 September 2020

**Notice from the Judges in Charge of the Commercial Court
and the London Circuit Commercial Court**

We write to raise an issue regarding the noticeable increase in both courts in the number of applications and trials for which inaccurate reading and hearing time estimates have been provided.

This is an issue which previous judges in charge have raised; it has again become a real concern. The lists are always very busy and judges have very limited time available. Inaccurate time estimates adversely impact the ability of judges to deal efficiently and fairly with listed business - both as regards the case in question and other court users' cases. They are unfair on those litigants who do provide accurate time estimates.

We would therefore like to highlight the following points:

- Pre-reading:
 - Estimates need to assume that: (i) the judge is not familiar with the case and (ii) this reading will allow them to gain an understanding of the issues. Facts and arguments cannot be absorbed at a "skim read" pace.
 - A generic listing of skeletons, pleadings, lists of issues, and all the witness statements is almost never helpful and wastes time.
- Hearing time estimates:
 - A realistic approach needs to be taken to what is to be covered in the hearing time, the pace at which documents/authorities can be taken and the time needed for oral argument on the issues raised.
 - There is a particular problem concerning applications that are estimated for half a day. Half a day is strictly 2.5 hours **inclusive of a judgment and costs arguments (Guide paragraph F10.6)**.
 - Submissions in a half day hearing therefore need to be capable of being completed within 1.5 - (maximum) 2 hours.
 - Because of the number of inaccurate half day estimates, where any hearing is sought to be listed for half a day:
 - A written confirmation of the robustness of this estimate (including pre-reading and time needed for judgment and consequentials) will now be required from counsel instructed.
 - Inaccurate hearing estimates may result in a case being stood out of the list and relisted for a realistic time estimate with no expedition of the relisting. There may also be costs consequences.

Mrs Justice Cockerill
Judge in Charge of the Commercial Court

HHJ Pelling QC
Judge in Charge of the
London Circuit Commercial Court