

Chancery Modernisation Review Fixed-end Trial Pilot

Time estimates

The Chancery Modernisation Review report drew attention to the fact that trials in the Chancery Division regularly overrun. As Lord Justice Briggs noted, statistics for trials in 2013 showed that nearly 50% had exceeded their time estimates, on average by almost 50%.

Much more attention must be paid to the accuracy of time estimates and, where appropriate, to their revision. The parties need to consider carefully how long each element of the case is likely to take. **Every time estimate should also take account of the length of time that the judge is likely to require for pre-reading. Where it is thought that it will be appropriate to have an interval between the close of evidence and final submissions, the time estimate should factor this in as well. In practice, it will be vital for the parties to agree a trial timetable at an early a stage as possible and to review it if circumstances change.**

Fixed-ended trial pilot

Lord Justice Briggs recommended that trials in the Chancery Division should generally be fixed-ended. In other words, he proposed that each trial should, save in unexpected circumstances, be required to be completed with the period allocated to it.

Lord Justice Briggs suggested that, in the first instance, there should be a pilot scheme. **The Chancellor has decided that this should begin on 1 May 2014. Any case coming on for trial from that date may be selected for inclusion in the scheme. If it is, it will have to be completed within its time estimate.**

Although it may sometimes be possible to inform the parties significantly in advance of the trial that a case will be conducted on a fixed-length basis, that will not always be so. **Cases may be chosen for the pilot as late as the day before the trial begins.** The parties to ALL cases must therefore prepare for trial in the knowledge that their cases may not be allowed to overrun.

In the circumstances, **the parties to cases listed for trial on or after 1 May 2014 should check their time estimates as a matter of urgency and, should they now be thought to be too short, inform the Court at once.**

It is to be stressed that, as mentioned above (and also in the Chancery Guide), every time estimate must make a realistic allowance for pre-reading by the judge. The time within which a case must be concluded will thus run from the beginning of the judge's pre-reading. Should the period allowed for pre-reading prove inadequate, the time available in Court will be shortened correspondingly.