

Note: Allocation to management tracks

The Chancery Modernisation Review report contained proposals for cases in the Chancery Division in London to be allocated to one of four management tracks:

- Case management by Master (or Registrar) and trial by Judge
- Full docketing to a particular Judge, so that the Judge deals with all case management and the trial
- Case management and trial by Master (or Registrar)
- (On a pilot basis) a partnership management arrangement under which the prospective trial Judge works with a specified Master (or Registrar).

These proposals are to be implemented with effect from January 2015. Three Judges (David Richards, Mann and Arnold JJ) have been nominated by the Chancellor to supervise the triage process.

Most track allocation will be undertaken by Masters and Registrars, especially at case management conferences. It will also, however, be open to a Judge to allocate a case at a hearing before him/her, and a supervising Judge will be able to make an allocation decision if the parties request that. The supervising Judges will also be available to be consulted by Masters and Registrars as needed.

Decisions as to full docketing to Judges will be made by full-time Masters, Registrars and Judges. Any decision that a case should be given full docketing will be passed to the Chancellor for final approval. Assuming that the Chancellor endorses the decision, he will nominate the particular Judge.

A Judge to whom a docketed case is assigned will consider whether partnership management would be desirable.

The following factors are to be taken as pointing towards full docketing to a Judge:

- (a) The heaviest claims where the trial is estimated to last 15 days or more and there is the potential for reducing the length of the trial process by active case management by the trial Judge;
- (b) Claims involving numerous pre-trial applications which have been or will in any event be required to be dealt with by a Judge;
- (c) Claims where there will be particular advantage in pre-trial applications being heard by the trial judge;
- (d) Claims which by their subject matter require the specialist knowledge of a specialist Judge such as the more complex IP claims, and those commercial claims whose subject matter is highly involved or technical such as sophisticated types of commercial instrument or securitisation, complex trust claims and some large multi-jurisdiction trust and estate claims;
- (e) Cases that are subject to a Group Litigation Order and other substantial group claims requiring active case management by a Judge assigned to try them;
- (f) Urgent claims requiring expedition and determination by a Judge within weeks or a few months;
- (g) Claims where one or more parties are litigants in person and it is considered that full docketing would (i) best serve the needs of the parties and (ii) be consistent with the efficient administration of justice.