



The use of technology in civil proceedings in England & Wales

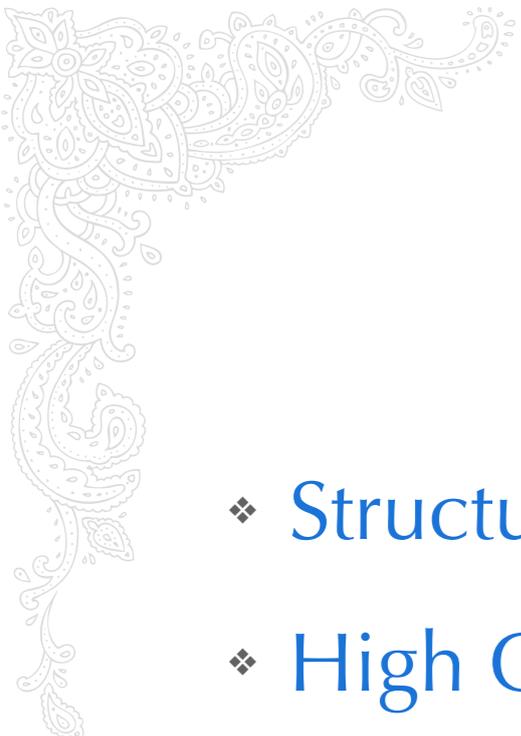
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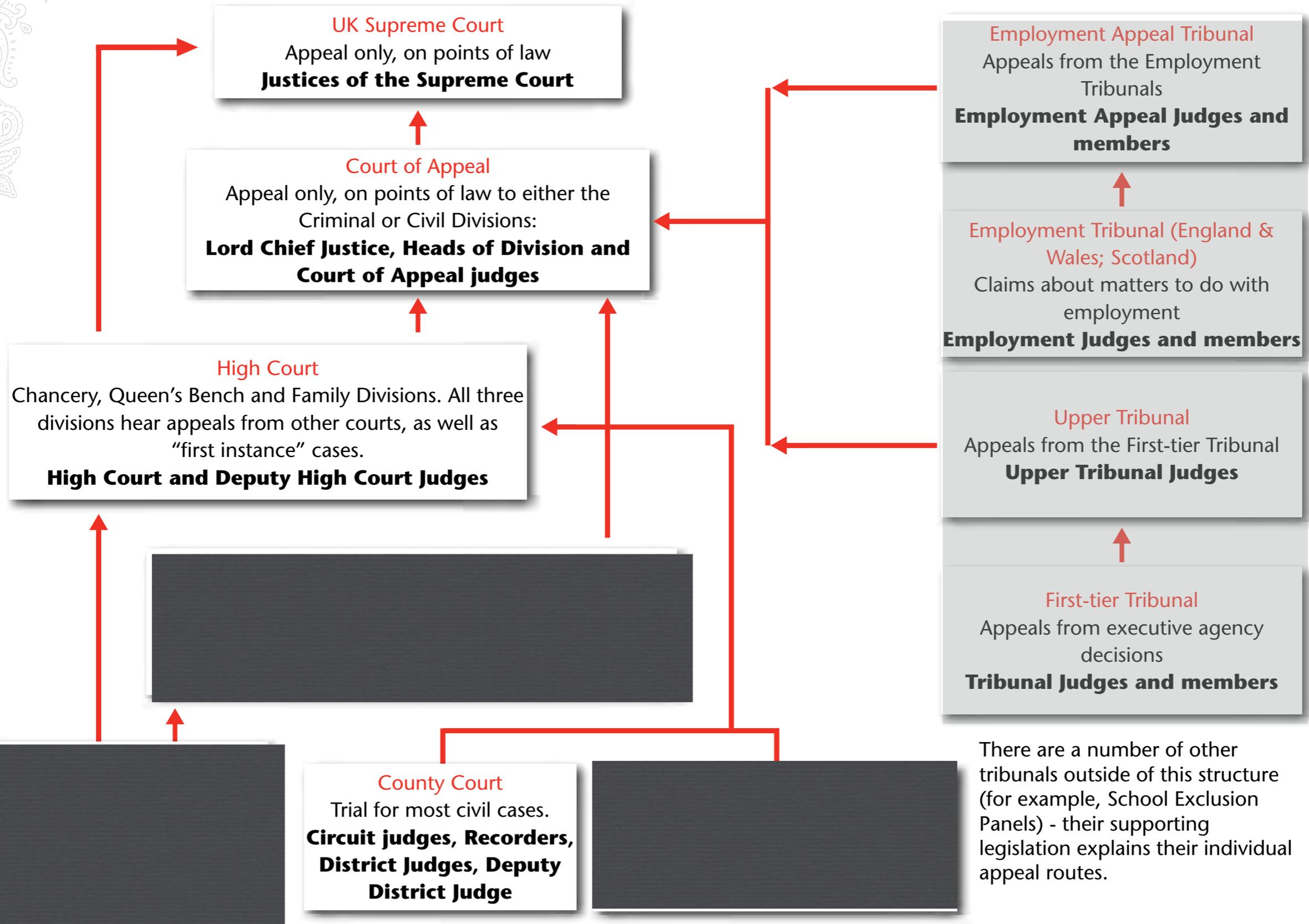
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 - MOJ's proposals (Sept 2016)
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The Structure of the Courts



There are a number of other tribunals outside of this structure (for example, School Exclusion Panels) - their supporting legislation explains their individual appeal routes.



Cambridge County Court



**Mayor & City of London
County Court**



**Kingston Upon Thames
County Court**

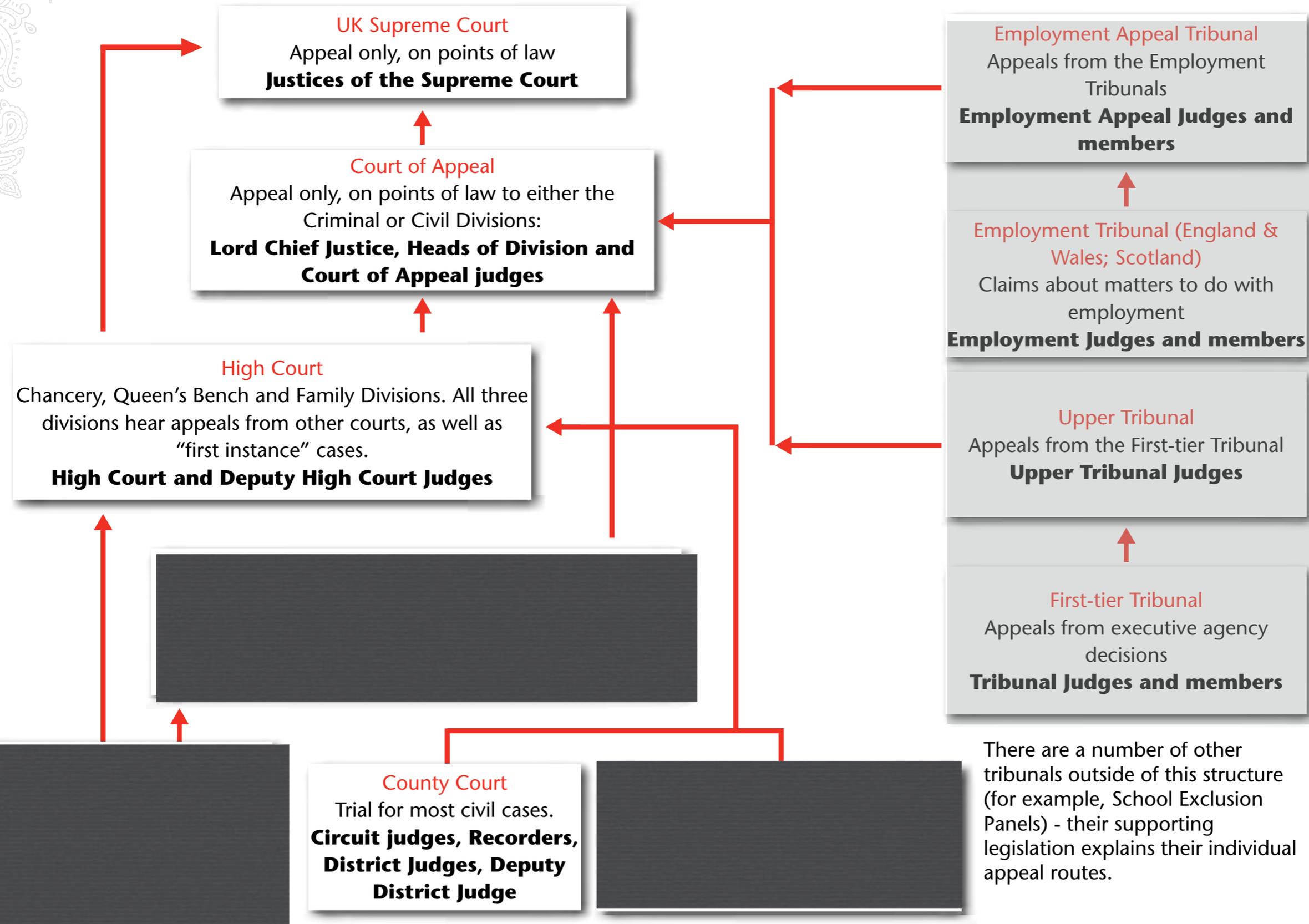


Birmingham Civil & Family Justice Centre

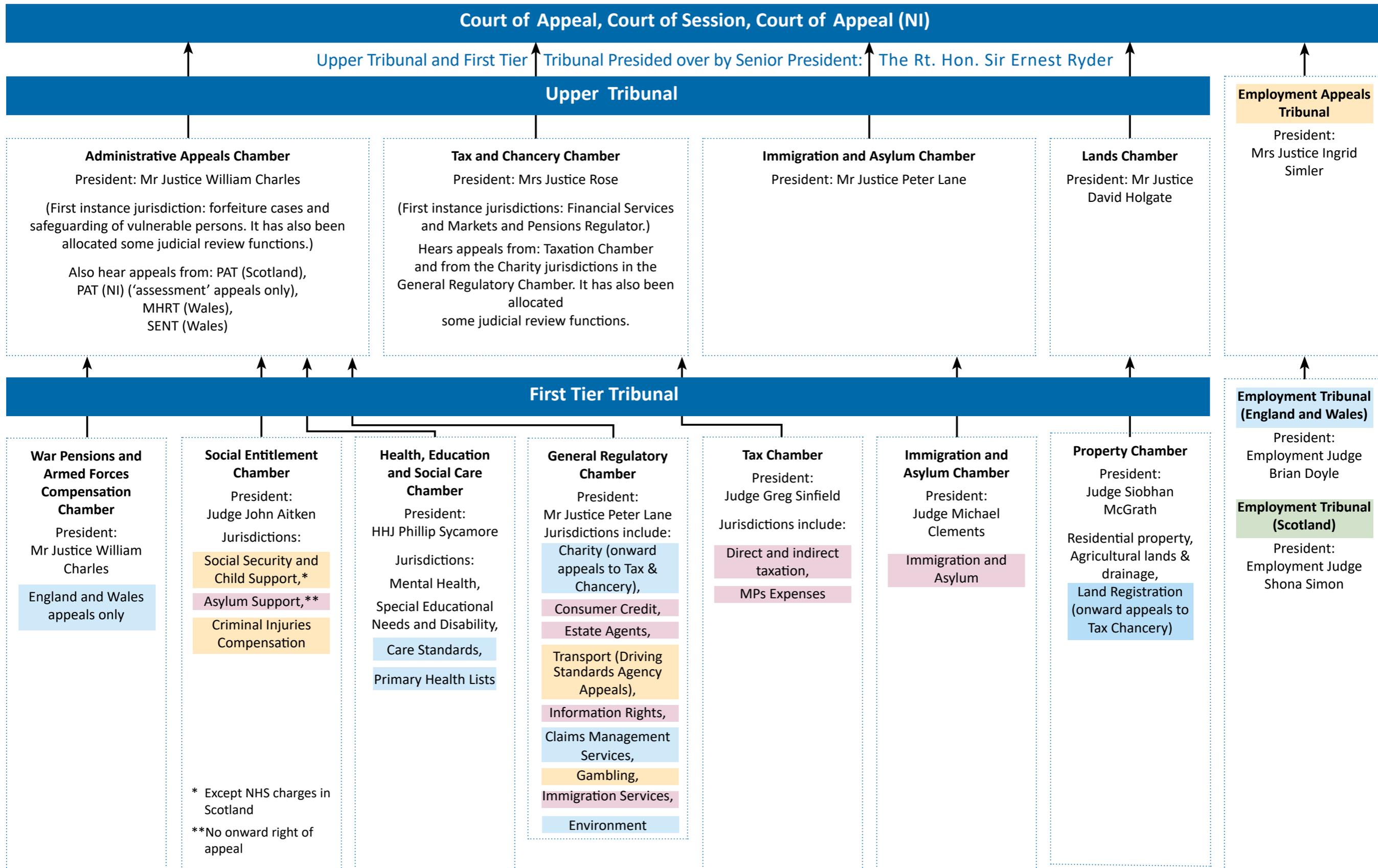


Manchester Civil Justice Centre

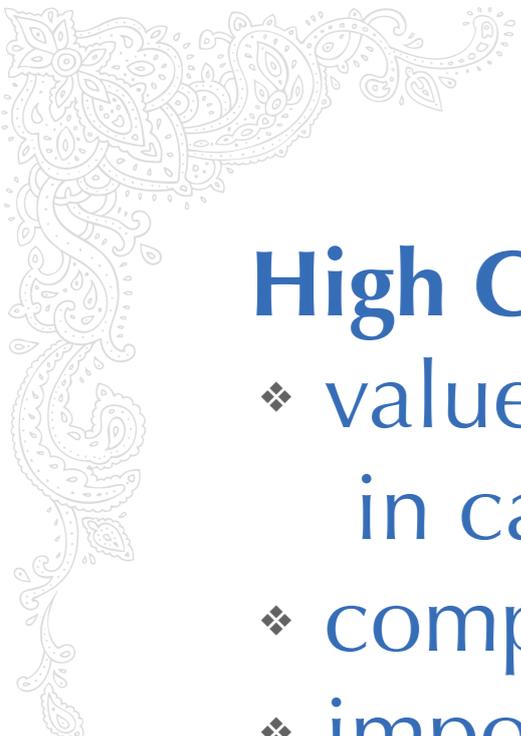
The Structure of the Courts



There are a number of other tribunals outside of this structure (for example, School Exclusion Panels) - their supporting legislation explains their individual appeal routes.



Key: United Kingdom Great Britain England and Wales England only Scotland only



High Court : County Court

High Court:

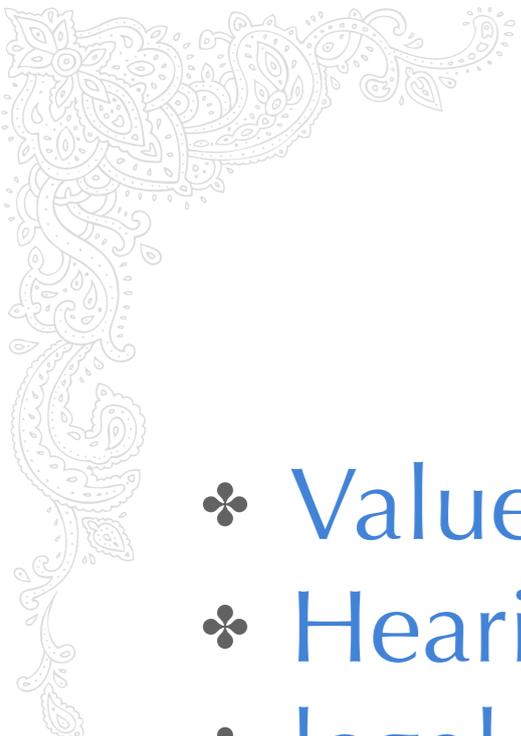
- ❖ value of the claim is more than £100,000 (£50,000 in case of Personal Injury claim).
- ❖ complexity of the facts or legal issues.
- ❖ importance of the outcome to the public in general.

County Court

- ❖ Claims \leq £100,000 (£50,000 in case of Personal Injury claims).
- ❖ Certain claims mentioned in statute.

County Court Money Claims Centre(CCMCC)

Allocation to track: Small Claims/Fast Track/Multi Track



Small Claims Track

- ❖ Value \leq £10,000 or \leq £1,000 for personal injury
- ❖ Hearings will be conducted “informally”;
- ❖ legal representative not necessary;
- ❖ Trials to last no more than one day;
- ❖ Standard directions (no need for substantial pre-hearing preparation/case management conference;
- ❖ no rules of evidence;
- ❖ Low fixed recoverable costs for Claimant;
- ❖ Costs generally not recoverable for Defendant;



Fast Track Claims

- ❖ Claims with value £10,001 to £25,000
- ❖ Trials to last no more than one day
- ❖ Standard directions (no need for substantial pre-hearing preparation/case management conference)
- ❖ Court timetable – aim to conclude within 30 weeks
- ❖ Expert evidence limited to reports
- ❖ Fairly strict rules regarding evidence
- ❖ Some costs are fixed (future costs will be fixed)
- ❖ Costs recoverable by both sides (PI exception)
- ❖ Claims generally heard in the county courts



Multi-Track Claims

- ❖ All other claims
- ❖ Typically complex and/or high value matters
- ❖ Court lays down timetable- directions tailored to suit each case
- ❖ Strict rules regarding evidence
- ❖ Costs budgeting
- ❖ Costs generally recoverable (PI exception)
- ❖ Heard in county courts or the High Court



Three Divisions: (i) Chancery, (ii) Queen's Bench (iii) Family Division

Business and Property Courts (B&PCs)

High Court (also some County Courts also have jurisdiction) B&PCs encompasses:

- ❖ Commercial Court (Queen's Bench Division)
- ❖ The Admiralty Court (Queen's Bench Division)
- ❖ the Technology and Construction Court (Queen's Bench Division)
- ❖ the Circuit Commercial Courts (Queen's Bench Division)
- ❖ the Financial List (Queen's Bench Division (Commercial Court)/Chancery Division)
- ❖ the Business List (which includes the Financial Services and Regulatory sub-list and the Pensions sub-list) (Chancery Division)
- ❖ the Competition List (Chancery Division)
- ❖ the Insolvency and Companies List (Chancery Division)
- ❖ the Intellectual Property List (which includes the Patents Court and Intellectual Property Enterprise Court) (Chancery Division)
- ❖ the Property, Trusts and Probate List (Chancery Division)
- ❖ the Revenue List (Chancery Division)



Fixed costs reform-Jackson LJ's 2017 report

- ❖ Fixed recoverable costs for all claims up to £25,000
- ❖ New “intermediate track” streamlined procedure and fixed costs:
 - ❖ monetary relief claims
 - ❖ modest complexity
 - ❖ valued up to £100,000
- ❖ the extension of the existing Aarhus convention based scheme of capped costs in certain judicial review claims to all judicial review claims



<https://www.judiciary.gov.uk/publications/review-of-civil-litigation-costs-supplemental-report-fixed-recoverable-costs/>

Reports by Lord Justice Briggs



Civil Courts Structure Review: Interim Report

by Lord Justice Briggs

December 2015

Comments on this report may be sent
to: ccsr@judiciary.net



Civil Courts Structure Review: Final Report

by Lord Justice Briggs

July 2016

Executive Summary: Briggs LJ's Final Report

The Final report recommends:

- ❖ creation of an Online court,
- ❖ Litigation without lawyers?
- ❖ Use of 'case officers/lawyer' to assist judges
- ❖ Automated Triage System:
 - (i) articulate claim and upload key documents and evidence;
 - (ii) a ADR/conciliation stage, handled by a case officer;
 - (iii) The determination stage by the judge
- ❖ The County Court as the default court for the enforcement of civil judgments and orders
- ❖ Removal of financial limits on trust, estates and probate work in the County Courts
- ❖ value threshold -to the High Court to be increased to £250,000 initially, then £500,000 (no distinction for personal injuries claim.



Ministry
of Justice



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

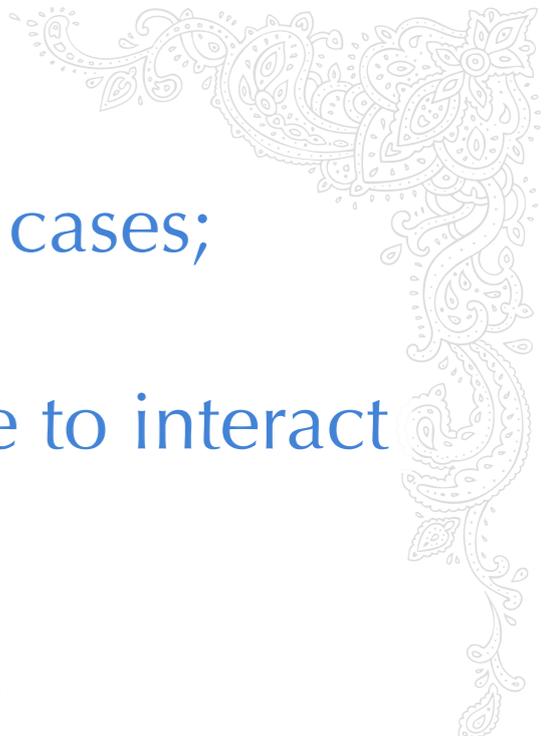


SENIOR PRESIDENT
OF TRIBUNALS

Transforming Our Justice System

By the Lord Chancellor, the Lord Chief Justice
and the Senior President of Tribunals

September 2016



The MoJ's proposals included:

- ❖ the creation of an online court for more straightforward cases;
- ❖ ambition to have a single online system for *all* cases;
- ❖ the provision of assisted digital services for those unable to interact with the court online;
- ❖ greater use of case officers to free up judicial time;
- ❖ the extension of the fixed recoverable costs regime; and
- ❖ more encouragement for parties to resolve disputes outside of court.

The Civil Justice Council identified areas that need to be addressed:

- ❖ increasing public education;
- ❖ availability of legal advice;
- ❖ improving publicly funded legal assistance
- ❖ the impact of court fees

Stated it was critical that pilots were undertaken

The current use of technology

- some examples

- ❖ Electronic filing and communications
- ❖ Interlocutory hearings by telephone
- ❖ Video Conferencing-e.g. cross examination of witnesses via video-link
- ❖ Civil Court Digital Case System
- ❖ E-disclosure & Predictive Coding - see *Pyrrho Investments v MWB Property* [2016] EWHC 256 and *Brown v BCA Trading Ltd* [2016] EWHC 1464
- ❖ Cloud based case management provided by parties: e.g Opus2Magnum

Electronic filing & Communications



Money Claim Online

Version: [v7.3.20710] [HMCTS Home](#) | [User Guide](#)

CPR PD 5B

Communicate with the court by email and file specified document by way of attaching those document to an email to the court:

Money Claim Online: CPR PD 7E

Claim Production Centre: CPR PD 7C

Welcome to Money Claim Online

- ▶ Money Claim Online (MCOL) is HM Courts & Tribunals Service Internet based service for claimants and defendants.
- ▶ Money Claim Online is a convenient and secure way of making or responding to a money claim on the internet.

IMPORTANT: YOU MUST READ THIS BEFORE TRYING TO CONTACT THE HELPDESK:

Before you begin using the Money Claim Online Service please make sure you familiarise yourself with the following information:

- ▶ [MCOL User Guide for Claimants](#)

IT IS IMPORTANT TO NOTE THAT YOU CANNOT ISSUE A CLAIM ON THIS SITE IF YOU WISH TO RECEIVE HELP WITH FEES AND NOT ALL TYPES OF CLAIM CAN BE ISSUED ON MCOL. IF YOU MAKE AN ERROR UPON ISSUE OF THE CLAIM YOU WILL NOT BE ELIGIBLE FOR A REFUND OF THE COURT FEE

- ▶ When you have registered with the MCOL website please make a note of the 12 digit User ID and your password. Without this, we may be unable to retrieve the details of your MCOL account so you may not be able to access your accounts in the future.

To begin using the Money Claim Online Service you are required to register for an account with the UK Government Gateway.

Notices

- ▶ If you are having problems logging in, please click [MCOL User Guide for Claimants](#) for assistance and refer to the annex on the final page.
- ▶ The Money Claim Online Helpdesk can be contacted on 0300 123 1057 / 01604 619402. It does experience a high volume of calls so you may wish to consider emailing your query to ccbc@hmcts.gsi.gov.uk.

Login

If you have already registered and enrolled with MCOL then please click below to login.

Login >

Register as an Individual

You should register as an Individual if:

- ▶ You wish to make a claim against someone who owes you money.
- ▶ You wish to respond to a claim that has been made against you.

Register >

Register as an Organisation

You should register as an Organisation if:

- ▶ You are a Solicitor and wish to register as a user of the MCOL service.
- ▶ You are an Organisation that wishes to issue or respond online.

Register >

Rolls Building Jurisdictions CE-File system

- ❖ CPR PD 51O: CE-File electronic system: mandatory filing save:
 - claims by litigants in person;
 - parties wishing to apply for remission of fees;
 - filing of notice of appointment by a floating charge holder in insolvency proceedings (which should be filed with rule 3.20 of the IR 2016);
 - issuing of contentious probate claims.
- ❖ CE-File system enables parties:
 - ❖ Start and/or continue proceedings electronically;
 - ❖ Pay online using CE-File for court documents and receive electronic receipts;
 - ❖ Take subsequent steps in the proceedings electronically;
 - ❖ 'convert' proceedings into e-proceedings.

- Create Filing
- Filings ▶
- Public Search ▶
- Create Office Copy Request

i Information

- Case number format for filing on an existing case: AA-YYYY-000000

Create Filing 

Court Selection ▼

Court*	<input type="text" value="Select a Court"/>	
	<input type="text" value="Select a Court"/>	
Filing Category*	<input type="text"/>	

- High Court of Justice - Business and Property Courts**
- Admiralty Court (QBD)
 - Business List (ChD)
 - Chancery Appeals (ChD)
 - Commercial Court (QBD)
 - Competition List (ChD)
 - Financial List (ChD/QBD)
 - Insolvency & Company List (ChD)
 - Intellectual Property List (ChD)

C-Track®, developed by Thomson Reuters

Next Steps/Key aim in Civil Courts

- ❖ All cases to be started online;
- ❖ New simplified procedural code to promote settlement and deal with online procedure;
- ❖ Automate and digitise all civil money claims by 2020;
- ❖ Some cases to be dealt with entirely online;
- ❖ Options to extend fixed recoverable costs;

Online Court Pilot Schemes:

(1) **CPR PD 51R:** Online Court Pilot for many claims in the County Court :

- 7 Aug 2017-30 Nov 2019
- operating on an invitation-only basis (likely to change)
- intended to replace the services of the MCOL
- limited to claims \leq £10,000 (including interest)
- For use by unrepresented parties

(2) **CPR PD 51S:** 'County Court Online Pilot' filing and issuing CCMC online at the CCMCC

- ❖ 12 Sept 2017-30 Nov 2019
- ❖ legal representatives able to issue a claim online and receive a sealed claim form in a matter of minutes;
- ❖ operating on an invitation-only basis.



Pub. April 12, 1807, by R. Ackermann.

Being nervous and cross examined by Mr. Garrow .

Repository of Arts 101, Strand





Opus2Magnum Case Management System

<http://mktg.opus2.com/acton/fs/blocks/showLandingPage/a/4028/p/p-004a/t/page/fm/3?sid=TV2:vyk2C2vvF>

Any Questions?

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