



Informing Progress - Shaping the Future

FOIL UPDATE

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The problem of late and multiple adjournment of trials

An opportunity to improve court listing

FOIL has received numerous complaints from members at current listing practice across the country, which is resulting in frequent late adjournment of trials, often at the last minute. Data collated by the Fraud SFT has shown that in some courts 50% of listed trials are adjourned. It is not uncommon for trials to be adjourned three or four times.

Considerable costs are incurred on both sides in wasted counsels' fees and setting aside the arrangements for the hearing and undertaking the work again when the trial is re-listed.

FOIL members understand that to operate at an effective level courts will always list more hearings than will actually be heard, but there are serious concerns that at present the balance is tipped too far towards over-listing, resulting in very significant levels of wasted costs. In part it appears that the problem arises through the listing of trials which in fact are not ready for hearing, resulting in one of the parties seeking a late adjournment.

With a view to improving the position, FOIL has written to all Designated Civil Judges across the country identifying the problem and asking for a review of listing practice. Some courts have already introduced measures to reduce the problem.

One simple suggestion from FOIL members is for a telephone conference to be arranged with the Listing Officer a week before the trial to clarify whether it is likely to go ahead. A late adjournment at the request of one of the parties after that conference could then be raised when the award of costs is being considered. Alternatively, a simple form might be used to be completed by the parties a week before the trial, to the same effect.

To address the problem of multiple adjournments, some courts have adopted a system under which trials adjourned from a floating list are then listed as a fixture that cannot be vacated.

In response to the letter, FOIL is receiving requests from DCJ for further information. Obviously the more clearly FOIL can set out the scale of the problem, the more likely it is that action will be considered.

If you have had experience of late and/or multiple adjournment of trials, particularly where it has occurred frequently in a particular court centre, please let us know on info@foil.org.uk.

We are particularly keen to hear of your experiences in:

Manchester Civil Justice Centre, Wigan and Stockport

Leeds and Bradford

Winchester Combined Court and Hampshire

Sussex, Surrey and Kent

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