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Senior judge calls time on conferences

By John Hyde » The senior Chancery judge has said he wants case management conferences to take less time amid fears the courts are being clogged with budget disputes.

Sir Terence Etherton, chancellor of the High Court, said judges were ‘perplexed’ as to why parties are failing to agree budgets.

Under the Jackson reforms, which came into effect in April last year, both parties in multi-track cases must prepare and file a costs budget before the first case management conference (CMC), with the court stepping in if they cannot agree.

Etherton said the average time for

CMCs across England and Wales is 90 minutes, and he told last week’s Commercial Litigation Association conference that he wants this to fall. ‘It is far in excess of what it was thought would be the case when the Jackson report was filed,’ he said. ‘It was thought in the vast majority of cases people would agree their costs budgets.’

‘We are all slightly perplexed as to why people are not being more reasonable or agreeing budgets. This a matter of concern to [litigants] and the judges.’

Francesca Kaye, immediate past-president of the London Solicitors Litigation Association, said con-



Sir Terence Etherton: ‘perplexed’

ferences can no longer be treated as a ‘rubber-stamping exercise’. She added: ‘We need to find ways of ensuring judges have the judicial time, resources and training to enable them to actively case manage and participate in cost budgeting in a meaningful way.’

Etherton also told litigators that they must justify the issuing of proceedings in London rather than their local courts. He said London is seen by some firms as a ‘soft touch’ from costs judges – and that some firms prefer to be paid at London rates.