

Bristol Chancery Users' Group

Tuesday April 2022 @ 4:30 pm

Bristol Civil and Family Justice Centre, Redcliff Street

Court Room 12

Members Present

His Honour Judge Paul Matthews

Chairman

Mr Richard Ascroft

Mr Jeremy Bamford

Stephanie Bishop

Mr Leslie Blohm QC

Ms Kate Harrington

Ms Cara Hough

Mr Jamie Howarth

Mr Chris Preston

The Honourable Mr Justice Zacaroli

His Honour Judge Russen QC

District Judges Wendy Brown, Markland, Taylor, Wales, Woodburn

In Attendance

Becky Lee

Civil Delivery Manager

Anne Steel

Chancery Clerk

Apologies

Mr Christopher Jones, Mr James Forsyth, Mr Peter Williams, Mr Jay Jagasia, Mr Mark Cullingford

Introductions

HHJ Matthews welcomed the group, and introduced The Hon Mr Justice Zacaroli and HHJ Russen; each member then confirmed their names and where they were from (Chambers/solicitors firm/judges) and introduced additional court staff who were present (Becky Lee, Anne Steel)

Minutes of the last meeting

HHJ M apologised for putting the wrong date of the meeting on the agenda – not noticed until after sent out.

No amendments required – minutes recorded as an accurate record of the meeting.

Matters Arising

HHJ Matthews apologised for not sending out practice note on interim injunctions in time for the meeting – this will be sent out for the next meeting. He raised the question if it was still required as injunctions tend to be listed pretty quickly; the discussion can be postponed.

Action: practice note to be circulated to group

Matter 2: re BPC And Chancery judges: we now have 4 days of sitting times allocated to BPC judges per week instead of the 3 referred to in the minutes as DJ Markland is also taking chancery cases. Other judges, e.g. Wendy Brown can also do BPC work. DJs will do BPC short trials – as per practice directions they can now deal with most matters, e.g. grant injunctions

Re: the dedicated BPC website: HHJ Russen confirmed that content had been submitted. Justice Zacaroli confirmed that the content was being reviewed and that the regions are part of that.

Re the event for new supervising judge Zacaroli, this had not yet been arranged, but there were a couple of possibilities for June: 1. A meeting of the insolvency group, 2 a talk on the mediation schemes.

Membership of the Bristol Chancery User Group

The group were invited to put forward any suggestions for new members to join. No suggestions were made.

Statistics

HHJ Matthews referred to the statistics previously distributed to the group, comparing Chancery cases issued to date with the previous year.

The number of High Court cases was up in 2021 (219) compared to 2020 (170) – healthy but not unexpected as Covid had a greater impact on 2020.

1st 3 months of 2022 show a total of 74 chancery cases compared to 47 in 2020.

A new row has been added to include chancery appeals, most being heard by Mr Justice Zacaroli. There were 7 appeals submitted in November and December 2021 and 3 more so far in 2022.

Bankruptcy petitions were up slightly, winding up petitions (always a small number) about same, admin petitions also at a similar level.

Trial waiting time from CCMC: there was a big variation in 2021. Generally, 3-day trials can be listed fairly quickly if needed.

Applications: there were 9 emergency injunctions in 2021, whereas there had already been 6 so far this year. DJ + CJ applications were at about the same level.

View from group expressed: pleased at how quickly emergency injunctions were being dealt with – thanks given to HHJ Matthews.

Lead times from issue to trial

Listing times for DJs: there is now protected time for DJ chancery work. Admin staff have been keeping a record of listing times and there are still problems: applications taking 4 months to be heard, which is too, though most were within 3 months. Times were coming down in February. Ideally short applications (less than 1 hr) should be listed within 1 month, 2-hr applications within 2 months; trials will require longer so to be expected that listing times are longer.

Group to email HHJ Matthews if matters taking too long to list to assist argument for employing additional judges. HHJ M also asked if there was a case for time being put aside for urgent listings.

Leslie Blohm: a colleague had emailed him to say there can be a long delay, with the perception that it can be quicker if claims issued in London

Chris Preston responded: the default position amongst many solicitors is that claims will be issued in London

The group agreed that the ideal listing time for a CCMC is 2-3 months which is the current listing time in Bristol

HHJ Russen: the mindset of issuing in London may change with cases there being bumped to CC – have to have high threshold cases there for them to remain in the High Court; masters in London are now transferring more cases to the local courts, including Bristol.

Jeremy Bamford: the use of remote hearings favours staying in London.

Mr Justice Zacaroli asked about the lead time in London: are CCMCs listed any more quickly there? It seems not.

BPC and Chancery Judges at the Bristol CJC

HHJ Matthews – resident chancery judge,

HHJ Russen – resident TCC judge

Mr Justice Zacaroli as supervising judge

Mr Justice Cotter has now left so Bristol is down a s9 Circuit Judge – it is hoped that this will be remedied shortly

District bench: there are now 5 BPC district judges, with 4 Business and Property Court ticketed.

BPC Specialist Team Changes

Anne Steel has replaced Amy Smallcombe as Chancery clerk

Eddie Hunt remains the Specialist Team leader reporting to Becky Lee.

Jane Pawsey has left to work for Inland Revenue, Becky Lee is acting delivery manager.

Sally Boniface, Aleysha Davidge (Multi-Track), Matilda Wilde (Insolvency), Thomas Head (Appeals) and Debbie Greenwood (TCC) remain on the team.

Staffing in Bristol CJC: update

HHJ Matthews handed over to Becky Lee to give an update

A rolling recruitment programme has been put in place to address the problems of ongoing vacancies at the Bristol CJC. Bristol CJC is still understaffed, with there being a long process to recruit new staff. The digital reform means there will be a significant drop in number of staff required – next steps will take place in June and then September – affecting morale of staff. Despite these 2 factors, a good performance was being maintained.

List Assist would be introduced as a new system for listing cases from May to streamline listing processes nationwide. Will need to confirm if it is for High Court AND County Court. (*Since confirmed that this is for both High and County Court matters– Anne Steel*)

Cara Hough: what are the new reforms? Response: this mainly affects CC work as everything will be moved online and be fully automated, being dealt with at central offices; Specialist is unlikely to be affected.

HHJ M added: a staff member still needs to action and accept/reject docs uploaded to CE-File – input needed from staff in the office due to some documents needing to be made confidential/documents being filed on incorrect case no., etc. There is still an automated response sent as soon as a document is received but that doesn't mean it has been accepted.

Impact of HMCTS Reform programme

See point above.

Draft Chancery Guide 2022

A document of 212 pages was sent out – we have until 25 April to respond, and this should preferably be a collective response

PBM felt it was important for the regional voice to be heard as this was an attempt to reach out to the regions. JB and CP volunteered to be part of a group to discuss with PBM to put together comments which could be circulated to the group. It could then be submitted as this group's response.

JB made 1 comment: the use of remote hearings is unclear – are they here to stay? – this is not reflected in the guide.

Action: remote meeting to be set up for the 3 to discuss. Other members to pass comments to them.

Any other business

None raised

Date of next meeting

This will be arranged once Mr Justice Zacaroli's sitting times in Bristol in the autumn term confirmed – likely to be November

Meeting closed: 17:28