

Before [XXXXX] on [DATE];

UPON the court taking notice of the COVID 19 (Coronavirus) pandemic and the measures being taken in response and the Protocol regarding remote hearings issued on 20 March 2020 ("the Protocol") a copy of which can be found at <https://www.judiciary.uk/wp-content/uploads/2020/03/Civil-court-guidance-on-how-to-conduct-remote-hearings.pdf> ;

AND UPON the parties being referred to the Guidance for the Conduct of Remote Costs Hearings a copy of which can be found at <https://www.associationofcostslawyers.co.uk>;

AND UPON the court having considered matters on the papers;

AND UPON it being recorded that the court expects the parties to do their utmost to cooperate with each other in all things and lodge consent orders wherever possible;

AND UPON the parties being reminded of the HMCTS Email Guidance referred to in CPR PD 5B which provides that the total size of an email, including attachments, must not exceed 10 megabytes;

AND WITHOUT A HEARING AND ON THE COURT'S OWN INITIATIVE;

IT IS ORDERED THAT:

1. The parties should consider this Order carefully and, if they object to any part of the order, make an application to the court to vary the order. If both parties object to any part of this order, they should file a consent order reflecting that agreement for the court to consider.

[For Detailed Assessments and Oral Reviews from Provisional Assessments

2. Not less than 3 business days before the detailed assessment hearing is to take place, the receiving party must electronically file: -
 - a. An electronic copy of the bill in an editable format (for old-style paper bills, this should be in Microsoft Word (.doc or .docx); for e-Bills, this should be in Microsoft Excel (.xls or .xlsx);

- b. A composite Points of Dispute and Replies document as a single .pdf document;
 - c. Their papers in support of the bill (“the eBundle”);
 - d. An electronic bundle of offers made to settle the detailed assessment proceedings (“the Offers Bundle”);
 - e. The advocates’: -
 - i. Email addresses to which the invitation for the video hearing may be sent ;
 - ii. telephone numbers on which they confirm they can be reached by the court on the day of the hearing; and
 - iii. Stating in what capacity (e.g. counsel, solicitor, Cost Lawyer, party, etc.) they are attending.
3. The documents referred to above will be deemed filed when the receiving party emails to the court at [email address] a link to an online data room containing those documents. The advocates’ details identified above should be included in the body of the email to the court. The email to the court must contain the claim number, the name of the case and the date and time of the hearing in the subject line.
4. The electronic copy of the bill should not include any supporting documentation (such as disbursement vouchers).
5. The eBundle should comprise a single .pdf file which includes an index. If paginated, page numbers must match the ‘electronic’ page number of the .pdf file.

6. The use of hyperlinks and/or bookmarks where possible is encouraged to allow for easy navigation around the bundle. The receiving party is also encouraged to make the eBundle “readable” such that key word searches can be performed (where possible).

7. The eBundle should be organised as follows: -
 - a. Any skeleton arguments;

 - b. Extracts of any authorities upon which either party wishes to rely;

 - c. A core case documents to include: -
 - i. Pre-action letter of claim and letter of response;
 - ii. Statements of case (to include schedules and counter schedules of loss);
 - iii. Court Orders;
 - iv. Key disclosure;
 - v. Witness statements (relevant to the main action, and not witness statements in support of any interlocutory applications); and
 - vi. All disclosed experts’ reports (to include experts’ joint statements)arranged in chronological order.

 - d. Precedent Q (if the case was subject to a Costs Management Order);

 - e. The receiving party’s last approved Costs Budget;

 - f. All other documents in support of the bill identified in CPR 47PD13.12. In the case of an oral review from a provisional assessment, such documents should be limited to documents in respect of those points of dispute which are under review. Wherever possible, documents should be prepared in the order in

which those documents will likely be considered by the court, on the assumption that the points of dispute will be taken in turn.

8. The identity of the documents referred to at **paragraph 7(a)-(e)** inclusive should be agreed between the parties. At the same time as filing the eBundle at court, the receiving party must serve by email upon the paying party, or otherwise make available to the paying party at an online data room, a copy of the eBundle, save that the documents referred to at **paragraph 7(f)** above may be excluded. For the avoidance of doubt, pagination of the served eBundle should match the court's eBundle for ease of reference during the hearing.
9. It is a matter for the receiving party which documents they choose to include in respect of the direction at **paragraph 7(f) above**. It should be borne in mind that the Judge will not have access to any documents not included within the eBundle and so it must be complete.
10. At the detailed assessment hearing, the receiving party's advocate should be prepared to direct the Judge to the relevant page numbers of documents in the eBundle when dealing with each point of dispute.
11. The Offers bundle should comprise a single .pdf file. If paginated, page numbers must match the 'electronic' page number of the .pdf file. The file should require a password to open. The password should not be communicated to the court until such time as the assessment has concluded and the court is entitled to see the offers. The receiving party's advocate must be in a position to provide the password to the court at the conclusion of the hearing.]

[Applications for the court to certify an amount payable from a child or protected party's damages pursuant to CPR 46.4(4)...

12. Not less than 3 business days before the hearing is to take place, the applicant must electronically file: -

- a. An electronic copy of the bill in an editable format (for old-style paper bills, this should be in Microsoft Word (.doc or .docx); for e-Bills, this should be in Microsoft Excel (.xls or .xlsx);
 - b. Any documents in support of the application (“the eBundle”);
 - c. The advocates’: -
 - i. Email addresses to which the invitation for the video hearing may be sent ;
 - ii. telephone numbers on which they confirm they can be reached by the court on the day of the hearing; and
 - iii. Stating in what capacity (e.g. counsel, solicitor, Cost Lawyer, party, etc.) they are attending.
13. The documents referred to above will be deemed filed when the applicant emails to the court at [email address] a link to an online data room containing the bill and the eBundle. The advocates’ details identified above should be included in the body of the email to the court. The email to the court must contain the claim number, the name of the case and the date and time of the hearing in the subject line.
14. The eBundle should comprise a single .pdf file which includes an index. If paginated, page numbers must match the ‘electronic’ page number of the .pdf file.
15. The use of hyperlinks and/or bookmarks where possible is encouraged to allow for easy navigation around the bundle. The receiving party is also encouraged to make the eBundle “readable” such that key word searches can be performed (where possible).
16. The eBundle should comprise the documents required by CPR 21PD11, plus any other supporting documents upon which the applicant relies.
17. In addition, the eBundle should include a copy of the Certificate of Suitability of a Litigation Friend, or any Order appointing a deputy.]

18. Unless otherwise ordered, the court will make arrangements for the hearing by way of email invitation to a video meeting to the email addresses provided for the advocates in accordance with paragraph 2(e)/12(c) above.
19. All participants must ensure, in advance, that that they have installed and/or tested their ability to participate in the hearing.
20. If any party has not received the invitation by 12 noon on the preceding day, they should contact the relevant court office urgently citing the case name and date of hearing.
21. If there is an unavoidable change in the representative it is for that party to make arrangements for any alteration in the invitation email in good time for any hearing. The parties are reminded that administrative support in the courts is greatly reduced now in this time of national crisis and late amendments will not always be able to be accommodated in time and may result in a hearing occurring in the absence of a party or being adjourned with potential cost consequences.
22. In all remote hearing cases the parties must recognise that the hearings may not commence at the appointed time and/or conclude in the time estimate and must make themselves available well beyond the time allotted to allow for such contingencies which may include technical difficulties or cases running over. Legal representatives are reminded that it will not be appropriate for them to expect to be able to conduct multiple hearings in proximity of time as a consequence of these matters and costs orders may be made against them if they are unable to attend as required.
23. The court will retain responsibility for recording the hearing in accordance with The Protocol.
24. If the paying party successfully invokes the Pamplin procedure codified in 47PD 13.13, and if the receiving party elects to disclose the document, the court will

“share” that document with the parties on the screen. Where that process is inadequate or inconvenient, the Judge will direct how the document(s) shall be disclosed.

25. If, for any reason, a short adjournment is granted (e.g. to take instructions or undertake calculations etc.), then the Judge will leave the hearing. **NB: If the hearing is being recorded via Skype for Business/Teams, the hearing will continue to be recorded unless the Judge stops recording, irrespective of whether the Judge remains in the hearing or temporarily leaves the hearing. If the parties do not wish the recording to continue, they should ask the Judge to stop the recording.** The Judge will direct how and when the hearing will be reconvened.
26. Parties are encouraged mute their microphones when not speaking to prevent distracting background noise.
27. Because this order has been made without a hearing a party may apply to set it aside or to vary its terms. Such an application:
 - a. may be made by email to [email address];
 - b. must be made within 7 days of service of this order and be copied to all parties;
 - c. must include the claim number, the name of the case, the date of the listed hearing and the words “APPLICATION TO VARY” in uppercase letters in the subject line of the email;
 - d. must attach a draft of the order the court is invited to make;
 - e. must set out in the body of the email on what grounds the proposed order is sought;
 - f. will be dealt with on paper without a hearing.

Dated