

A PRACTICE NOTE TO DEAL WITH A DRAFT CASE MANAGEMENT ORDER PREPARED BY THE FDLJ FOR THE NORTHERN CIRCUIT FOR USE BY JUDGES ON CIRCUIT

The proliferation of email correspondence being sent to judges, often seeking case management or even substantive orders through correspondence has become a real issue which is impeding the efficiency of the Family Justice System in Cheshire and Merseyside.

It is also inconsistent with the Family Procedure Rules.

The situation cannot continue.

Against that backdrop the Family Division Liaison Judge Mr Justice MacDonald has, with the approval of the President of the Family Division, prepared a draft case management order which is designed to prevent that approach to litigation in any individual case and is to be used at the discretion of the allocated judge.

The draft order is set out below.

It is a matter for the allocated judge whether the order is used as a whole or in part or at all.

His Honour Judge Steven Parker

The Designated Family Judge for Cheshire and Merseyside

Practice Note No 6 of 2023

Dated 10th May 2023

THE DRAFT CASE MANAGEMENT ORDER



**In [the High Court of Justice
Family Division] / [Family Court]**

No: _____

IN THE MATTER OF [_____]

The Child: _____ (DOB _____)

BEFORE _____ sitting in private at _____ on _____.

OF THE COURT'S OWN MOTION

IT IS ORDERED THAT:

1. The following directions shall apply with respect to email communication by the parties with the [Judge] / [Family Team] in these proceedings:

- (i) Applications for case management directions / variation of case management directions must be made by way of Form C2 and the relevant fee paid. Any such application that is not issued on the relevant form together with payment of the relevant fee will not be accepted.
- (ii) No party shall email the judge directly, save with the express prior permission of the judge.
- (iii) The solicitors for the parties shall *not* email statements, reports, care plans or other documentary evidence to the [Judge] / [Family Team] but shall file such evidence with the court in accordance with the directions made by the court and in the manner prescribed by Family Procedure Rules 2010.
- (iv) In the rare cases it is necessary for an enquiry to be made of the judge with respect to the conduct of a case, the parties shall agree the question to be put to the Judge before communicating with the [Judge where prior permission has been given] / [Family Team] by email and thereafter one party only shall email the [Judge] / [Family Team] with the agreed question to be determined, together with each party's position.
- (iii) When emailing the [Judge where prior permission has been given] / [Family Team] in accordance with the terms of this order, all parties *must* be copied into the email sent to the court.
- (iv) The parties shall *not* copy the [Judge] / [Family Team] into email communications taking place between the parties concerning the proceedings.

Dated: _____