

First Case Management Conference Questionnaire

In the County Court/ High Court
Queens's Bench Division

Technology and Construction Court

Claim No.

Last date for filing
with court office

To

Please read the notes on page five before completing the questionnaire.

Please note the date by which it must be returned and the name of the court it should be returned to since this may be different from the court where proceedings were issued.

If you have settled this case (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.

A Settlement

Do you wish there to be a stay to attempt to settle the case by negotiations or by any other form of alternative dispute resolution?

Yes

No

If yes, at what stage and for how long?

If no, please give reasons.

B Transfer

If you think your case is suitable for a transfer to another court or track, say which:

Court: Chancery Division/Queen's Bench Division/another TCC Court/Commercial Court/County Court
Track: Small claims/fast track

Please give brief reasons for your choice:

C Pre-Action protocols

Have you complied with any pre-action protocol applicable to your claim?

None applicable to this claim Yes No

If Yes, please say which protocol:

If No, please explain to what extent and for what reason it has not been complied with:

D Applications

If you have not already sent the court an application for summary judgment, do you intend to do so?

Yes No

If you have not already issued a claim in the case against someone not yet a party, do you intend to apply for the court's permission to do so?

Yes No

Have you any other applications to make?

Yes No

In any such case, if Yes, please give details:

E Witnesses of fact

So far as you know at this stage, what witnesses of fact do you intend to call at the hearing?

Witness name	Witness to which facts

F Experts' evidence

Do you wish to use expert evidence at the hearing?

Yes No

Have you already copied any experts' report(s) to the other party(ies)?

None Yes No
obtained
as yet

Please list the experts whose evidence you think you will use:

Expert's Name	Field of expertise (eg. architect, mechanical engineer)

Will you and the other party use the same expert(s)?

Yes No

If No, please explain why not:

Should any, and if so what, inspections, samples, experiments or calculations by experts be directed?

Yes No

Do you want your expert(s) to give evidence orally at the hearing or trial?

Yes No

If Yes, give the reasons why you think oral evidence is necessary:

G Location of trial

Is there any reason why your case needs to be heard at a particular court?

Yes No

If Yes, give reasons (eg. particular facilities required, convenience of witnesses, etc.)

and specify the court:

H Representation and estimate of hearing/trial time

Do you expect to be represented by a solicitor or counsel at the hearing/trial?

No Solicitor Counsel

How long do you estimate it will take to put your case to the court at the hearing/trial?

days hours minutes

How long do you estimate for the whole of the trial, excluding judgment?

days hours minutes

If there are days when you, your representative, expert or an essential witness will not be able to attend court, give details:

Name	Dates not available

I Costs (only relates to costs incurred by legal representatives)

What is your estimate of your costs incurred to date, excluding disbursements, VAT and court fees?

£

What do you estimate your overall costs are likely to be, excluding disbursements, VAT and court fees?

£

J Other Information

Have you attached documents you wish the judge to take into account when considering what directions to make?

Yes No

Have they been served on the other parties?

Yes No

If Yes, say when

Have the other parties agreed their content?

Yes No

Have you attached a list of the directions you think appropriate for the management of your case on the case management directions form?

Yes No

Are they agreed with the other parties?

Yes No

Are there any other facts which might affect the timetable the court will set? If so, please state

Signed

Date

[Counsel][Solicitor][for the][Claimant][Defendant]

Notes for completing this Questionnaire

- If the case is not settled, a judge must give directions for its management. To help the judge give the most just and cost-effective directions, you must now complete the attached questionnaire.
- If you fail to return the questionnaire by the date given, the judge may make an order which leads to your claim or defence being struck out, or hold a case management conference without it. If there is a case management conference the judge may order any party who has not filed their questionnaire to pay, immediately, the costs of that hearing.
- If you wish to make an application, for example, for special directions, for summary judgment on the grounds that the other party has no reasonable chance of success in their claim or defence, or for permission to add another party to the claim, you should send it and any required fee with the completed questionnaire. If a hearing is fixed for your application, it may also be used as a case management conference.
- Any other documents you wish the judge to take into account should be filed with the questionnaire. But you must confirm that the documents have been sent to the other party, or parties, saying when they would have received them and whether they agreed their contents.
- Use a separate sheet if you need more space for your answers marking clearly which section the information refers to. Write the case number on it, sign and date it and attach it securely to the questionnaire.
- The letters below refer to the sections of the questionnaire and tell you what information is needed.

A Settlement

If you think that you and the other party may be able to negotiate a settlement you should tick the 'Yes' box. The court may order a stay, whether or not all the other parties to the case agree. Where a stay is granted it will be for an initial period which the judge will specify.

B Transfer

C Pre-action protocols

For certain kinds of claim, there are protocols which set out what ought to be done before court proceedings are issued. As at April 1999 there are protocols for clinical negligence and personal injury claims.

D Applications

If you intend to apply for summary judgment or for permission to add another party to the claim or make any application you should, if you have not already done so, file an application with your completed questionnaire.

E Witnesses of fact

Remember to include yourself, if you will be giving evidence; but not experts, who should be included in section E.

F Experts' evidence

Oral or written expert evidence will only be allowed at the trial with the court's permission. The judge will decide what permission it seems appropriate to give.

G Location of trial

H Representation and estimate of hearing time
