

Ebundles, Practicalities and Litigants in person- remote hearings- 27.4.2021



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Practicalities



- 1) **Connectivity: check well before.**
- 2) **Lighting: do a test run**
- 3) **Background**
- 4) **Quiet private room**
- 5) **Make sure the client knows**
- 6) **Ensure no 'rogue' cameras: no one wants to see an observer on his mobile or typing at his laptop.**
- 7) **Communication: Whatsapp or email. Risks of Teams chat...**
- 8) **Mute, mute, mute.**

Practicalities



9) Live evidence:

- No need to ensure your witnesses have a holy book.
- Check what materials they are planning to have: type of 'notes'.
- Lighting of witness' room: Judge will need to assess demeanour. It is important that the Judge can see them close up and clearly.

10) Documents which may need to be signed, for example an undertaking. It may be necessary to scan and send documents.

Ebundles



Guidance from Bar Council April 2020

Courts and Tribunals Judiciary 'General Guidance on pdf bundles'



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Ebundles



- 1) Single pdf, paginated sequentially. Note, where witness statement or affidavit has references to exhibit page numbers, either keep original clear so that it is easy to find that page, or notate the witness statement to show the bundle reference (ie the eBundle page).



Ebundle additions



“If a bundle is to be added to after the file has been transmitted to the judge it should not be assumed the judge will accept it as a complete replacement because he/she may already have started to mark up the original. Inquiries should be made of the judge as to what the judge would like to do about it. Absent a particular direction, a substitute bundle should be made available, but any pages to be added should also be provided separately, in a separate file, as well, with pages appropriately sub-numbered (143.1, 143.2 etc)” ie do not just start again.



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Ebundles



- 2) Searchable (ie word and importantly page number of pdf). Judges do not want to have to scroll through the entire pdf.
- 3) Bookmarks for each sections and hyperlinks on index.
- 4) Dissemination. There is a need for ample time, bearing in mind the limits of CE file. Caution with emailing as an attachment. Use Sharefile, Dropbox etc and send link. Check well in advance of hearing: frequently the Court ignores the email with the link. No USB sticks.

Ebundles

- 5) Need to address specific remote hearing issues:
- Only the documents which are necessary for the hearing.
 - PTR: include only what is necessary.
 - Seek guidance from the trial judge as to how they want it to be organised – it will not necessarily be in the usual hard copy bundle format. For example, frequently the Court will dispense with inclusion of previous orders, etc.
 - In a document-heavy case, address a Core bundle. Do it with care and be ruthless.

Litigants in person

Prospect of a remote hearing may give rise to real problems or asserted problems. How to avoid:

- 1) Make contact well in advance to check they have Teams and have sufficient wifi connectivity. If they assert they do not, check local wifi speeds, cost and timescale of improving it.
- 2) Make contact well in advance as to sufficient capacity to use eBundle, or if not, to have a hard copy of it.

Litigants in person

- 3) Practicalities remind them of the need for a private room with computer and internet access (not to be over-used) for long period of time.
- 4) Be ready to deal with:
 - House not big enough, no privacy. Find out address, get a Zoopla search, virtual tour.
- 5) Ensure you can get documents which arise during the course of the hearing. Even more so in relation to undertakings or injunctions: need to ensure fast ability to adjust wording.