

Mr Justice Holgate's tips for advocates

1. To help remote hearings go smoothly and not take up more time than normal, the judges need to be able to make best use of pre-reading time (typically on the Monday of the week in which the hearing takes place). For that we would welcome succinct skeletons cross-referenced to key passages in the bundle and accompanied by an agreed, focused list of essential reading (eg. pages and paras).
2. Bundles need to be limited to material which really is essential for the legal argument on both sides. By way of example, we do not normally need to be given the whole of the NPPF, or a development plan, or (where relevant) proofs of evidence or closing submissions at an inquiry. The inclusion of peripheral material make navigability more difficult. The requirement in the Protocol for a core bundle is crucial. In many cases a really well-chosen, agreed core bundle (or what Robert Carnwath once called a micro bundle) may be all that is really needed.
3. Bundles of authorities should be confined to essential material and need not duplicate decisions in the ICLR casebook.
4. It is essential that a bundle has a good index, a single set of numerical, continuous pagination and hyperlinks. Sophisticated pagination does not work.
5. If parties follow the protocols this will also help judges when they come to prepare reserved judgments.
6. The need for the court to make best use of its resources in the interests of all users is now all the more critical. Parties and their advisers are expected to keep under the review the merits of their cases and grounds of challenge. Points which do not have worthwhile merit really should be abandoned as far in advance of the hearing as possible and the time estimate reduced if appropriate. If a Defendant considers that there should be a submission to judgment then the other parties and the court should be notified at the earliest opportunity. Co-Defendants and Interested Parties should then quickly indicate whether they consider that the decision should nonetheless be defended. A claimant who wishes to withdraw a claim should likewise do so well in advance of the hearing. If this good practice (which is already set out in the Administrative Court Guide) is followed, then it is more likely that the court will be able to redeploy judicial resources to other cases and avoid waiting times increasing unduly. If there is a dispute on costs which the parties cannot resolve, then generally that may be decided by the court on brief paper submissions applying well-established principles.