

SHORTER TRIAL SCHEME

- ▶ The Shorter Trials Pilot Scheme (STS) was introduced on 1 October 2015 for claims brought in the Rolls Building Courts.
- ▶ The STS is suitable for cases which do not require extensive disclosure, witness or expert evidence.
- ▶ It is hoped that the STS will provide an attractive option for litigants by facilitating quicker and cheaper proceedings which should last little over a year from the issue of proceedings to the decision.

What's it about?

The STS came into force on 1 October 2015 and was introduced to minimise costs and improve efficiency in litigation. Aimed at straightforward cases, it is unsuitable for fraud cases, multi issue or multi-party cases or those which require extensive expert / witness evidence or disclosure. As Birss J stated "*comprehensive disclosure and a full, oral trial is often unnecessary for justice to be achieved.*"

Some of the main provisions are as follows:

- ▶ **Pre-action conduct:** The pre-action protocols do not apply and the requirements of pre-action conduct are limited in scope.
- ▶ **Statements of case:** There are restrictions on the time periods for service of pleadings and limits on their length.
- ▶ **Case Management Conference:** The Claimant must aim to fix the Case Management Conference approximately 12 weeks after acknowledgment of service.
- ▶ **Disclosure:** Disclosure is significantly reduced and is limited to documents relied upon and documents specifically requested by the other party.
- ▶ **Expert / Witness Evidence:** The scope and length of expert and witness evidence is restricted. Where oral expert evidence is required, it will be limited to identified issues.
- ▶ **Trial:** There will be an assigned judge for each case. Trials must last no longer than four days and judgments will be handed down within 6 weeks of trial.

The Claimant does not need the Defendant's agreement to adopt the STS, but it must notify the Defendant of its intention to 'opt in' in its letter of claim. The Defendant may apply for a court order to 'transfer out' of the STS on grounds of unsuitability.

Why does it matter?

The fact that the STS is not suitable for multi-party cases or those which require extensive expert evidence means that the STS may be unsuited to many traditional construction disputes. That said, it may enable parties to bring (or defend) straightforward claims more economically. Additionally, where technical evidence can be focused on a limited area, the STS could provide a halfway house between adjudication and full blown litigation, providing a streamlined and cost-effective process for settling disputes.

Now what?

For now, the STS is merely a pilot scheme. Depending on its uptake and success, it may be introduced permanently or incorporated into the Civil Procedure Rules. However, it remains to be seen whether there is an appetite for such a scheme, particularly in construction disputes.

The team at Addleshaw Goddard LLP will be happy to discuss the above with you. Please contact Joe Wilkinson or Robin Jack.

Who to contact

JOE WILKINSON

Partner

0113 209 2332

07775 586366



ROBIN JACK

Managing Associate

0161 934 6780

07590 003426



10-6550831-1

addleshawgoddard.com

Doha, Dubai, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo*

*a formal alliance with Hashidate Law Office

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