



Submissions on Work of the County Court

The Forum of Complex Injury Solicitors (FOCIS) is a group of pre-eminent solicitors who specialise in acting for seriously injured people in personal injury and clinical negligence claims.

The objectives of FOCIS are to: -

- promote the highest standards of representation for claimants with life-changing injuries
- increase understanding in the wider community of issues which arise for those who suffer serious injury
- use members' expertise to promote debate and improvements to the law and legal process
- share knowledge and information among members of the Forum

Membership of FOCIS is intended to be at the most senior level of the profession. The only formal requirement is that members are recognised by their peers as having achieved a pre-eminence in one or more specialist types of serious injury claims. We currently have 25 members, including members from England, Scotland, Wales and Northern Ireland. Eight of the past presidents of the Association of Personal Injury Lawyers (APIL) are members or Emeritus members of FOCIS.

It is a very disappointing picture in the courts of England and Wales and getting worse.

The time from issue to first hearing of multi and fast track claims, (from £10,001 upwards) has risen from 59.4 weeks in 2019 to 79.9 in 2023.

According to performance data for both the Civil National Business Centre and its predecessor the County Court Money Claims Centre, the number of working days taken to issue a new court claim grew from May to August of 2023 from 37 to 40.

The County Court is underfunded with inadequate resources both in terms of IT, administrative support and buildings. There is considerable sympathy with the staff who are under resourced and working in offices and courts that are antiquated and in the main, unfit for purpose. There are heating issues; lifts out of service for weeks as well as leaking buildings.

The transfer of work from the County Court Money Claims Centre to the Civil National Business Centre has seen delays only increase. It is taking months for claims to be issued with no ability to find out just how long each claim will take to be issued and subsequently transferred to the managing court.

There are delays dealing with applications arising before issue or transfer and delays transferring actions to the local courts. It is impossible to advise clients on the likely progress of the claim and its duration. The period from receipt of an application to an order being typed rose from 61 to 82 working days. This means that wherever an application has to be made in a case, one is looking at up to four month delays for each event. In some cases multiple applications are required, which can extend the total wait time to in excess of one year. These delays make both case management and budgeting the case very challenging for litigants, insurers and the law firms themselves. Any applications that are needed during the case lead to yet further delays as does the production of orders after hearings.

FOCIS members work on complex injury claims all around the country and see that each court has its own manner of dealing with electronic filing of applications so that from court to court and case to case one has no certainty of process let alone duration.

The introduction of e-filing during the pandemic was a welcome addition to the service where previously one was limited to the individual IT capabilities of a local court or even judge but has not been brought up to date. Whilst law firms are routinely transferring large bundles between clients, counsel and experts, the court system is inadequate. The limit is 10mb and/or 20 pages, which is largely impractical. Most bundles are bigger than that which causes members to send more emails than necessary.

Members have had issues with applications being cancelled without their knowledge because correspondence from the court, purportedly sent using the e-filing system, has not been received.

There remains a lack of consistency as to when hearings may proceed on CVP and where in person is necessary. FOCIS members and their counsel offer specialist representation to clients around the country, many of whom are vulnerable and have sustained life-changing injuries. Considerable costs are saved by remote hearings; particularly of interim hearings of applications. Yet, the policy of courts varies considerably reflecting differing approaches to the nature, time or subject matter of the application as well as individual judiciary preference. In the 21st century where the use of telephone and video calling is now part of everyday life, the courts should be adopting this completely wherever possible.

Forum of Complex Injury Solicitors

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