

CUMBRIAN LOCAL PRACTICE DIRECTION 1/2025

Advocates' Meetings in Public Law Cases

APPLICATION

1. This Cumbria Local Practice Direction applies to Public Law Family Court Hearings taking place in Cumbria.
2. It is subject to any contrary order made in a specific set of proceedings.

AIM OF THIS CLPD

3. This aim of the Local Practice Direction is to ensure that Advocates' Meetings (AMs) are used effectively and efficiently in Public Law proceedings in Cumbria.

TIMING OF ADVOCATES' MEETINGS

4. AM should be held no less than **3 working days** before the Case Management Hearing (CMH) and the Issues Resolution Hearing (IRH).
5. Only in exceptional circumstances should the AM be held any closer to the relevant hearing. This is to allow sufficient time for (a) an up-to-date Case Summary to be prepared and sent to the Court and (b) for Advocates and parties to have sufficient time to take instructions and give advice with respect to any issues raised at the AM.
6. AMs may take place via MS Teams or other suitable video conferencing service.

FIXING OF THE DATE AND TIME OF THE ADVOCATES' MEETING

7. The date and time for the pre-CMH AM shall be arranged by the child's solicitor as soon as possible after the date of the CMH is known (contained within the allocation order).
8. The other parties have a positive duty to communicate with the child's solicitor as soon as reasonably possible after the Allocation Order has been issued to arrange the pre-CMH AM.
9. Advocates are expected to attend any AM with instructions on the issues set out in the proposed agenda items listed below.
10. The pre-IRH AM shall be agreed and fixed (and set out in the Case Management order) at the hearing at which any IRH is listed. It shall not be specified as 'To be arranged' or 'First Available Date after...' but must be fixed and identified in the relevant Case Management Order so that parties and advocates can diarize conferences etc in preparation for the pre-IRH AM.

ADVOCATES' MEETINGS AND RE-TIMETABLED CASES

11. If a case is re-timetabled administratively, any order uploaded to FPL must include a re-timetabled Advocates' Meeting, the time and date of which must have been agreed and included in the re-timetableing order.
12. Failure to specify the date and time of the re-timetabled Advocates' Meeting in the order may result in (i) the order being returned unapproved via FPL for the details to be added and (ii) difficulties with the Legal Aid Agency with respect to payment for the AM.

ADDITIONAL ADVOCATES MEETING(S)

13. Should a case require an addition AM (i.e. more than 2 in a case) the parties can apply for the same administratively via FPL on a C2. The C2 should give brief reasons for the need for an additional AM and attach a draft order directing a further AM and detailing the date and time of any proposed AM. The Court is generally encouraging of purposeful advocates meetings that are likely to narrow the issues or reduce the use of Court time in the case generally.

AGENDA ITEMS FOR PRE-CMH ADVOCATES' MEETINGS

14. The following items should always be considered at the Pre-CMH Advocates' Meeting:
 - a. **Threshold:**
 - i. Is it agreed?
 - ii. What pleaded items are in dispute?
 - iii. What timetable that should be included in the CMO for finalizing the Threshold?
 - iv. Are there any '[Re A \[2015\] EWFC 11](#)' issues with the threshold as drafted?
 - b. What are the **Placement** issues?
 - c. What are the **Contact** Issues?
 - d. What are the **Evidential** Issues?
 - e. Are there any **Special Measures** required?
 - f. What **Third Party Disclosure** is required (Police, Med Records etc)
 - g. What **Assessments** are going to be undertaken and by when?
 - h. Are there any **Cognitive** or **Capacity** issues?
 - i. Are there allegation of **Domestic Abuse**?
 - j. **Part 25** Applications:
 - i. What expertise?
 - ii. If not already issued, when by?
 - iii. Remit of instruction?
 - iv. Why is it necessary?
 - v. Why does current expertise (eg Social Worker or Guardian) not address the issues?
 - k. What is the draft **Timetable** to IRH. The IRH should be held no later than Week 20.
 - l. Is a Transparency Order ('TO') likely to be required? The parties shall consider, if the court makes a TO, whether the terms of the standard TO are appropriate or require amendment? The standard TO is available at <https://cumbriadfj.info/transparency>.

AGENDA ITEMS FOR PRE-IRH ADVOCATES MEETINGS

15. The following items should always be considered at the Pre-IRH Advocates' Meeting:
- a. **Threshold:**
 - i. is it agreed in principle?
 - ii. What threshold issues remain?
 - iii. Can threshold be resolved at the IRH, including by way of limited evidence/submissions?
 - b. Is there any outstanding evidence?
 - i. If so, why?
 - ii. If so, what?
 - iii. If still necessary, what needs to happen to obtain it?
 - c. What are the remaining **issues** about:
 - i. Placement?
 - ii. Care Plan?
 - iii. Contact?
 - iv. Other?
 - d. Can the issues be **resolved** at the IRH by way of:
 - i. Brief Evidence?
 - ii. Submissions?
 - iii. Preliminary judicial indication?
 - e. Will a **Final Hearing** be required? If so:
 - i. What issues remain for the court to determine?
 - ii. What witnesses will be required?
 - iii. How is each witness relevant to the remaining issues?
 - iv. How long will each witness take?
 - v. What is their availability – in person and by CVP?
 - f. Produced a draft a **Witness Template** if a Final Hearing is required. The witness template must include realistic, issue-focused time estimates for each witness.
 - g. Is a Transparency Order ('TO') likely to be required? The parties shall consider, if the court makes a TO, whether the terms of the standard TO are appropriate or require amendment? The standard TO is available at <https://cumbriadfj.info/transparency>.

MINUTES OF ADVOCATES' MEETINGS

16. Generally, it will be sufficient to include details of the AM within the Case Summary.
17. However, in more complex cases the Court will expect a minute of the AM to be filed. Complex cases include those where there are:
- a. Multiple and differing positions between the parties;
 - b. Multiple unresolved threshold issues or where the principle of threshold in its entirety is in dispute;
 - c. Dispute(s) about the witnesses required at a final hearing;
 - d. Requests to call, in addition the parties, a significant number of witnesses at the final hearing;
 - e. Requests to call more than one expert at the final hearing;

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD1/2025

- f. Issues of both (i) facts determinative of the threshold and (ii) welfare (i.e. composite hearings);
- g. Cases where the suggested estimated length of final hearing exceeds 3 days.

HHJ C Baker

Designated Family Judge for Cumbria

21st July 2025