Appendix A - Directions Questionnaire

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| **Case Details** | |
| **Division** | [select division] |
| **Case number** |  |

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| **Title of Proceedings** | |
| **[First] Claimant** | [full name] |
| [Second Claimant] [include number of Claimants (if more than two)] | [#full name #number] |
| **[First] Defendant** | [full name] |
| [Second Defendant] [include number of Defendants (if more than two)] | [#full name #number] |

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| **Filing Details** | |
| **Filed for** | [name of party(ies)] |
| **Legal representative** | [name] |
| **Firm** | [name of firm] |
| **Firm reference** | [reference number] |
| **Contact name** | [name] |
| **Contact telephone** | [telephone] |
| **Contact email** | [email address] |

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| *Please read the* ***Notes*** *section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*  *Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a “best efforts” basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.*  *Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.*  *You should note the date by which this questionnaire must be returned.*  *If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.* | |
| **A: Nature of dispute** | **Notes** | |
| 1. What amount of the claim (and any counterclaim) is in dispute? 2. Are there any non-pecuniary remedies sought which are relevant to how this case should be managed? | *The parties are encouraged to consider the nature of the dispute when providing their answers to the questions below (having regard to the principles of fairness, proportionality and efficiency).* | |
| **B: Settlement** |  | |
| 1. Do you wish there to be a one month stay to attempt to settle the claim by court-annexed mediation? 2. If you answered ‘No’ to question 3, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage. | *If you think that you and the other party may be able to negotiate a settlement, you should answer ‘Yes’ to Q3.*  *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 (“CPR”) Part 36 (Court-annexed Mediation) before completing this section.*  *The Court may order a stay, whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a stay****.* | |
| **C: Pre-trial Applications** |  | |
| 1. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes:    * provide details of all such applications including the Rule or provision pursuant to which each application will be made?    * for each application, set out how the application will assist the Court with its determination of the issues in the proceeding?    * if the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is being made? 2. Are any of the issues in the case suitable for trial as preliminary issues? | *It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications) and the relevant sections of the CPR before completing this section.* | |
| **D: Statements of Case** |  | |
| 1. Do you wish to file any further statements of case (including by way of amendment)? If Yes, please specify? 2. Is any further information about any statement of case required? If yes, please give brief details of what is required. | *The parties are encouraged to read CPR 52 to 54 in relation to amendments to statements of case and requests for further information before completing this section.* | |
| **E: Disclosure of Documents** |  | |
| 1. Approximately how many documents and how many pages of documents do you intend to produce on standard disclosure of documents? 2. By what date can you provide standard disclosure of documents? 3. Have the parties discussed standard disclosure of documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties. 4. Is production of specific documents likely to be required on any issue? If so, please give as much detail as is currently available. 5. Have the parties discussed likely or potential requests for production of specific documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties. | *The parties are encouraged to read Practice Direction 2 (Disclosure) and CPR Part 13 (Disclosure and Inspection of Documents) before completing this section.* | |
| **F: Witnesses of Fact** |  | |
| 1. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial? 2. Do you wish to seek any orders from the Court as to the maximum length or format of any witness statements? If so, please specify. 3. By what date can you serve signed witness statements? | *The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.* | |
| **G: Experts** |  | |
| 1. Do you wish to use expert evidence at the trial? If yes, please specify:    * the discipline of each proposed expert;    * broadly what issue(s) they will likely address which will help to resolve the issues in the proceedings. 2. Do you consider the case suitable for a single joint expert (see Rule 144) or an assessor (see Rule 148) in any field? 3. By what date can you serve signed expert reports? | *The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 17 (Expert and Assessors) before completing this section. In particular, the parties are reminded that CPR 142(1) mandates that expert evidence shall be restricted to that which reasonably is required to resolve the proceedings. Therefore, the Court requires a short explanation of any proposals with regard to expert evidence.* | |
| **H: List of Issues** |  | |
| 1. Have the parties provided the Court with an agreed list of issues that are to be litigated? 2. If there is no agreement between the parties as to the list of issues, have you filed with the Court and served on all other parties a copy of your proposed list of issues? | *The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction ‎2.41. The parties are also encouraged to review Practice Direction ‎2.45, which contains further provisions relating to the list of issues to be provided for the purposes of the initial case management conference.* | |
| **I: Trial** |  | |
| 1. What are your present provisional estimates of the minimum and maximum lengths of the trial? 2. What is the earliest date by which you believe you can be ready for trial? 3. Is this a case in which the fixing of a progress monitoring date and/or pre-trial review is likely to be helpful? 4. Are there likely to be any special requirements at trial (i.e. use of an interpreter for any witness, evidence of a witness by video-link, disability of any witness or party)? 5. What is your present provisional estimate of the volume of the trial hearing bundle? Is this a case where any additional technological requirements (outside of the eCourts Platform capabilities provided by the ADGM Courts) are likely to be required for the hearing bundle? |  | |
| **J: Other** |  | |
| 1. Should the parties exchange cost budgets in accordance with Section C of Practice Direction 9? If yes, when should they be exchanged? 2. Set out any other information you consider will help the judge manage the claim. |  | |
| **K: Directions** |  | |
| 1. You must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form. |  | |

Appendix B - Proposed Directions Guidance Note

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| *This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.*  *Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.*  *This guidance note deals with some of the more common procedural steps in the pre-trial timetable, along with the trial itself. In more complex cases, it may be desirable for the Court to issue directions in stages. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the procedural steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the procedural steps in the proceedings.*  *The parties are to submit their proposed directions by the due date using* ***Form CFI 37****.* |

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| **Proposed Order** |
| **Terms of draft Order (delete, amend or supplement as appropriate)** |
| **Applications for Further Information**[[1]](#footnote-1)   1. By no later than 4.00 pm on [ ], the Parties may make any application(s) for further information, in accordance with CPR 54 and Practice Direction 7.   **List of Issues**[[2]](#footnote-2)   1. An updated list of issues is to be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [ ]. |
| **Disclosure – Standard Disclosure, Further or Specific Disclosure and Inspection of Documents**[[3]](#footnote-3) |
| **Standard Disclosure**   1. By no later than 4.00 pm on [ ], each party shall submit to the other, by way of standard disclosure in accordance with CPR 86, all documents upon which it will rely at trial, except for any documents that have already been submitted by a party .   **Further or Specific Disclosure**   1. By no later than 4:00 pm on [ ], the Parties may make any application(s) for further or specific disclosure, in accordance with Practice Direction ‎2.76-2.77. 2. A party giving further or specific disclosure must do so by no later than 4:00 pm on [ ], in accordance with Practice Direction 2.85-2.89, in the form of a Redfern Schedule supported by a disclosure statement. 3. If the requesting party seeks to inspect a document, or part of a document, which the disclosing party claims it has a right or duty to withhold from inspection, the requesting party must complete the relevant part of the disclosing party’s Redfern Schedule and serve it on the disclosing party by no later than 4:00 pm on [ ]. 4. If the disclosing party presses its claim to withhold the document, or part of a document, from inspection, the disclosing party must comply with Practice Direction 2.94 by no later than 4.00 pm on [ ]. 5. The Court will determine any objection to production, without receiving any further submission by any party, by recording its decision in the Redfern Schedule within a timeframe to be determined by the Court. |
| **Witness Statements**[[4]](#footnote-4) |
| 1. Any witness statements of fact in accordance with CPR 94 and Practice Direction 8 are to be ﬁled and served by [both/all] Parties by no later than 4.00 pm on [ ]. 2. Any reply witness statements of fact are to be filed and served by [both/all] Parties by no later than 4.00 pm on [ ]. 3. Unless otherwise ordered, witness statements of fact are to stand as evidence in chief of the witness at trial. |
| **Expert Evidence**[[5]](#footnote-5) |
| 1. In accordance with CPR 142(2), the Court grants its permission for the Parties to file and serve by no later than 4.00 pm on [ ], expert reports which meet the requirements of CPR 141 and Practice Direction 8 in relation to the following issues (the “identified expert issues”):  * [ ] * [ ]  1. Any reply expert reports which deal with the identified expert issues are to be filed and served by no later than 4.00 pm on [ ]. 2. Experts of common disciplines are to meet to discuss (as relevant) the identified expert issues and are to file a joint report by no later than 4.00 pm on [ ] setting out those issues which are agreed and those which are in dispute. 3. The Parties may make any application(s) to add to the list of identified expert issues by no later than 4.00 pm on [ ]. 4. In accordance with CPR 142(2), the Parties may apply to the Court for permission to call an expert by no later than 4.00 pm on [ ]. |
| **Progress Monitoring** |
| 1. The progress monitoring date in this matter is fixed for [ ]. 2. The Parties shall file and serve a procedural compliance statement in the form set out at Appendix C at least 5 clear days before the progress monitoring date. 3. If, upon receipt of the Parties procedural compliance statements, the Court decides to hold a case management conference, it will liaise with the Parties and notify the Parties of the date on which it is to occur. |
| **Hearing Bundle** |
| 1. By no later than 4.00 pm on [ ], the Claimant is to provide the [Defendant/other Parties] with a draft index of the hearing bundle to be used at the hearing. 2. By no later than 4.00 pm on [ ], the [Defendant/other Parties] is to provide the Claimant with its comments in relation to the draft index of the hearing bundle to be used at the hearing. 3. By no later than 4.00 pm on [ ], the Claimant is to file the index of the hearing bundle with the Court. 4. By no later than 4.00 pm on [ ], the Claimant shall confirm that the hearing bundle has been compiled in accordance with the agreed index, has been duly paginated and is available to the Parties through the eCourts Platform. By this direction, the Court grants permission for an additional electronic folder to be added to the hearing bundle for expert reports (and accompanying exhibits). |
| **Pre-Trial Checklist** |
| 1. In accordance with CPR82(2) and Practice Direction 2.56, the Parties shall file and serve the pre-trial checklist by 4.00 pm on [ ]. 2. In accordance with Practice Direction 2.56, at the same time as providing the pre-trial checklist, the Claimant shall provide the Court with an agreed trial timetable; in the event that the timetable is not agreed, any differences of view should be clearly identified. Similarly, proposed directions dealing with any outstanding issues shall be provided to the Court at this time. 3. If the Court decides to hold a pre-trial review in accordance with CPR82(3) and Practice Direction 2.57, it will liaise with the Parties and notify the Parties of the date on which it is to occur. |
| **Papers for Trial** |
| 1. By no later than 4.00 pm on [ ], the Claimant in consultation with the [Defendant/other Parties] shall file and serve an agreed:  * [ ] * [ ]  1. By no later than 4.00 pm on [ ], the Parties are to file and serve skeleton arguments of fact and law. |
| **Trial** |
| 1. The trial of this matter is to take place on a day not before [ ], with a time estimate of [ ] days. The Court and the Parties have indicated a possible potential date for trial as being for [ ] days from [ ]. The Parties are to inform the Court as soon as possible if the provisional date for trial is suitable and, if not, are to liaise with the Court to arrange a listing appointment by telephone. |
| **Closing submissions** |
| 1. By no later than 4.00 pm on [ ], the Parties are to file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs. |
| **Costs budgets** |
| The Parties’ costs budgets are to be filed and served by no later than 4.00 pm on [ ]. |
| **General** |
| 1. Costs in the case. 2. Liberty to apply. |

Appendix C - Procedural Compliance Statement

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| **Case Details** | |
| **Division** | [select division] |
| **Case number** |  |

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| --- | --- |
| **Title of Proceedings** | |
| **[First] Claimant** | [full name] |
| [Second Claimant] [include number of Claimants (if more than two)] | [#full name #number] |
| **[First] Defendant** | [full name] |
| [Second Defendant] [include number of Defendants (if more than two)] | [#full name #number] |

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| **Filing Details** | |
| **Filed for** | [name of party(ies)] |
| **Legal representative** | [name] |
| **Firm** | [name of firm] |
| **Firm reference** | [reference number] |
| **Contact name** | [name] |
| **Contact telephone** | [telephone] |
| **Contact email** | [email address] |

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| *This form must be completed by each party and filed with the Registry (with a copy to all other parties) at least 5 clear days before the progress monitoring date.*  *The Court may direct that a case management conference be convened if, in the Court’s view, the information provided in the procedural compliance statement by any party reasonably requires such action.* |

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| **Procedural compliance questions** |
| 1. As at the date of signing this form, have you complied with the pre-trial timetable in all respects? 2. If you have not complied, in what respects have you not complied and why? 3. Will you be ready for a trial commencing on the fixed trial date (or, where applicable, on the provisional trial dates) specified in the pre-trial timetable? 4. If you will not be ready, why will you not be ready and have you made an application to the Court for a change to the timetable? |

| **Signature** |
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| **Signature of legal representative** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Signature of party if not  legally represented** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Capacity (if not legal representative or party)** | [e.g. authorised officer] |
| **Date of signature** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

| **Notice to filing party** |
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Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.

**Rule 82**

Appendix D - Pre-Trial Checklist

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| **Case Details** | |
| **Division** | [select division] |
| **Case Number** |  |

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| --- | --- |
| **Title of Proceedings** | |
| **[First] Claimant** | [full name] |
| [Second Claimant] [include number of Claimants (if more than two)] | [#full name #number] |
| **[First] Defendant** | [full name] |
| [Second Defendant] [include number of Defendants (if more than two)] | [#full name #number] |

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| **Filing Details** | |
| **Filed for** | [name of party(ies)] |
| **Legal representative** | [name] |
| **Firm** | [name of firm] |
| **Firm reference** | [reference number] |
| **Contact name** | [name] |
| **Contact telephone** | [telephone] |
| **Contact email** | [email address] |

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| --- | --- |
| **Trial Details** | |
| **Trial date** | [include start and end date of trial] |
| **Counsel appearing at trial** | [include name and chambers (as appropriate)] |
| **Counsel instructed by** | [include name of firm (as appropriate)] |

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| *Please read the* ***Notes*** *section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the lead up to, and during the trial of this matter.*  *All questions must be answered by a party. A failure by a party to answer a question may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.*  *Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.*  *You should note the date by which this checklist must be returned.* |

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| **A: Procedural compliance / future directions** | **Notes** |
| 1. Have you previously completed a procedural compliance statement in this matter? 2. If no, or if there is any material change to the answers previously provided, please address here. 3. Are any further directions required to prepare this case for trial? 4. If yes, you must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form. | *The procedural compliance statement is found at Appendix C to Practice Direction 2.* |
| **B: Witnesses** |  |
| 1. Which witnesses of fact do you intend to call to give evidence on your behalf at trial? 2. Are all witnesses of fact available to attend the hearing in person? If not, please specify with reasons. 3. Which witnesses of fact from the other parties do you intend to cross-examine at trial? | *It is important for the Court and the other parties to know whether you intend to call all witnesses of fact in respect of which you have submitted a witness statement. Similarly, it is important for the Court and the other parties to know what witness of fact you intend to cross-examine at trial. Each party is also responsible for confirming the availability of its witnesses of fact to attend the trial in person.* |
| **C: Experts** |  |
| 1. Please provide the following information for any expert evidence you intend to rely on at trial:    1. Name.    2. Field of Expertise.    3. Whether the expert is (i) a party-appointed expert, (ii) a single joint expert, (iii) an assessor.    4. Whether permission has been given for use of written expert evidence?    5. Whether permission has been given for oral evidence? 2. If permission has been granted for oral evidence, are the experts available to attend the hearing in person? If not, please specify with reasons. 3. If applicable, has there been a discussion between experts of common discipline and have they filed a joint expert report? 4. How is it intended to deal with the expert evidence at trial? | *You are reminded that you may not use an expert’s report or have your expert give oral evidence unless the Court has given permission (CPR 142(2)). If you do not have permission, you must make an application.*  *If permission has been granted for expert evidence to be given at trial, the parties ought to consider how that expert evidence is best dealt with at the trial. For example:*   * *The order and/or manner in which the experts should be called to give evidence.* * *Should one party call all of its expert evidence, followed by each other party calling all of its expert evidence?* * *Should one party call its expert in a particular discipline, followed by the other parties calling their experts in that discipline?* |
| **D: Special arrangements** |  |
| 1. Are there any special facilities or arrangements needed at Court for any of the witnesses of fact, experts or parties, or for the trial itself (e.g. anyone with a disability, use of an interpreter, evidence by video-link, real-time transcript)? 2. Please confirm that appropriate arrangements have been made and whether any directions are required in relation to these matters. |  |
| **E: Trial Bundle** |  |
| 1. What is the likely volume of documents for the trial bundle? 2. Are any additional technological requirements (outside of the eCourts Platform hearing bundle capabilities provided by the Court) required for the trial? If yes, please specify. |  |
| **F: The Trial** |  |
| 1. What is the confirmed estimate of the time needed for the trial? Is this consistent with the dates allocated for the trial? 2. Should the trial proceed on a chess-clock basis? 3. What is the recommended reading time for the Judge? 4. You must attempt to agree a proposed trial timetable with all other parties. Whether agreed or not, a draft of the proposed trial timetable must accompany this form. | *The trial timetable should (as applicable) deal with the following matters:*   * *opening submissions;* * *sequence of oral evidence; (for example, whether all the factual evidence should be called before the expert evidence);* * *timetabling of oral evidence making allowances for evidence-in-chief, cross-examination and re-examination;* * *the manner in which expert evidence is to be presented or dealt with at trial;* * *closing submissions.*   *If there is any day within the trial period that a witness of fact or expert is not available to give oral evidence, this should be noted in the trial timetable (with reasons).* |
| **G: Costs’ budgets** |  |
| 1. Do you wish to submit a revised costs’ budget in accordance with Section C of Practice Direction 9? | *The parties are encouraged to use the pre-trial review process as an opportunity to review (as applicable) their respective costs’ budgets.* |
| **H: Other** |  |
| 1. Set out any other information which you consider will help the Judge manage the claim. |  |

| **Signature** |
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| **Signature of legal representative** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Signature of party if not  legally represented** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Capacity (if not legal representative or party)** | [e.g. authorised officer] |
| **Date of signature** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

| **Notice to filing party** |
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Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.

1. In relation to applications for further information, the parties are encouraged to read CPR 54 and Practice Direction 7. [↑](#footnote-ref-1)
2. The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions. [↑](#footnote-ref-2)
3. In relation to disclosure and inspection of documents, the Parties are encouraged to read Practice Direction 2 and Part 13 of CPR. [↑](#footnote-ref-3)
4. In relation to witness statements of fact, the Parties are encouraged to read Practice Direction 8 and Part 14 of the CPR. [↑](#footnote-ref-4)
5. In relation to expert evidence, the parties are encouraged to read Practice Direction 8 and Part 17 of the CPR. [↑](#footnote-ref-5)