



JUDICIARY OF
ENGLAND AND WALES

MR JUSTICE HAYDEN
VICE PRESIDENT OF THE COURT OF PROTECTION

Dear all,

Striving to achieve a transparent process in the Court of Protection, whilst sitting “remotely”, remains an important objective. It has not been necessary to revisit my earlier guidance and I am very conscious of the “guidance overload” that everybody has been suffering.

I should like to make a small practical suggestion to improve access to the business of the Court when press or other members of the public join a virtual hearing. Whilst the judge and the lawyers will have read the papers and be able to move quickly to engage with the identified issues, those who are present as observers will often find it initially difficult fully to grasp what the case is about. I think it would be helpful, for a variety of reasons, if the applicant’s advocate began the case with a short opening helping to place the identified issues in some context.

This is my usual practice when sitting in court and it remains just as important in our present circumstances. Now that so many of us have become used to the technology of the various video platforms, it is time to focus on how both the advocate and the judge may improve the process for the litigants and for others “joining” the hearing.

In addition to the above, I would again strongly endorse the guidance on Advocacy in Remote Hearings prepared by Vikram Sachdeva QC.

11th May 2020

May 2020

