Case Management Conference

Once the parties have filed their Directions Questionnaires, the Court will list a Case Management Conference (CMC) or a Costs and Case Management Conference (CCMC) (if the claim is to be costs managed).

The CMC or CCMC is usually an in-person hearing at which the Court will set the directions as to the way the claim is to be conducted and the future timetable up to and including trial.

If costs are to be managed by the Court as part of the claim, they are normally dealt with at the same hearing.

There are different approaches to CMCs and CCMCs depending on which Court your claim is in, so it's worth reviewing the individual guides to ensure you comply with the guidance for your Court.

At the CMC/CCMC the Court will attempt to understand, and where possible, identify the main issues in dispute between the parties, and see if they can reduce any of these issues prior to trial, in an attempt to reduce the length of the trial. The Court also has certain management powers to order how the case will be conducted through to trial and to set a timetable up to trial.

The Court will usually ask the parties to prepare and if possible, agree certain documents between them before attending the CMC. The Court will also set a deadline for when these documents need to be provided, normally a few days before the CMC. These will often include:

• A bundle of documents

If the Court has not provided any directions as to who is to prepare a bundle of documents for the CMC, the parties should seek to agree a bundle. If a bundle cannot be agreed, then a single bundle should still be prepared, but should include all documents required by both parties. They can then notify the Court which documents could not be agreed.

• A case summary

This is a short statement agreed by both parties setting out the basic nature of the claim and current state of the proceedings.

• List of issues

Again, if possible, this is agreed between the parties and is a document intended to aid the Court in setting out what issues are still in dispute between the parties.

• Draft directions

This is a timetable setting out the steps to be taken by the parties after the CMC, and up to an including trial. Again, where possible, it should be agreed between the parties prior to the CMC.

• Costs budgets and costs discussion reports

In cases where costs are also being managed by the Court, the parties usually have to provide costs budgets (Precedent H) 21 days before the CMC. Costs discussion reports (Precedent R) are normally required seven days before the CMC, and provide the Court with an idea of where costs are agreed between the parties and where the parties are still in dispute.

THE HEARING

At the CMC/CCMC hearing, the parties will each make their own representations on those issues which still remain in dispute between the parties. If the parties are unable to agree, the Court will make its own ruling.

The Court will then consider costs management and will hear from both parties as to their costs budget. Again, where the parties cannot agree costs, the Court will make its own ruling.

COSTS OF THE CMC/CCMC

Normally, the Court will order that the parties' costs of preparing for and attending the CMC/CCMC will be 'in the case'. This means that whoever is the ultimate successful party at trial will normally be entitled to recover their costs from their opponent.

However, if the Court determines that one party has behaved unreasonably whilst preparing for the CMC (i.e by not engaging with their opponent or unreasonably refusing to agree the bundle, case summary, list of issues), then the Court may make an alternative costs order.

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The lawyers have incomparable client service skills. They are very clear and always make sure they understand the picture, even if it is a complicated one.

CHAMBERS AND PARTNERS 2022