

Guidance HC/2012/1 (issued 17 January 2012)

**Guidance to Hearing Chairs –
Conduct of Directions Hearings by telephone (or video) conference**

A telephone conference offers the prospect of significant cost savings over a face to face meeting but it raises certain challenges and is not right for every procedural hearing. Having regard for the good practice as set out in Practice Direction 23A of the Civil Procedure Rules, the Committee recommends the following points to be taken into consideration when deciding whether to hold a Directions Hearing by means of telephone conference:-

- A hearing by telephone conference should not take place where more than four Dispute Parties would be participating (for this purpose where two or more parties are represented by the same person, they are to be treated as one party).
- A hearing by telephone conference may not be suitable unless all the Parties are legally represented.
- No Party, or representative of a Party, should attend before the Hearing Chair in person while the telephone conference is taking place unless every other Dispute Party has agreed that he may do so.

When conducting a Directions Hearing by means of telephone conference:-

- Each participant should be required to remain on the telephone after being called by the operator setting up the telephone conference. The Hearing Chair should check that this requirement is made clear by the Secretary in advance of the hearing.
- Each Dispute Party should be required to designate an individual who will lead on its behalf throughout the telephone conference, inviting supporting colleagues to contribute as appropriate. The Hearing Chair should check that this requirement is made clear by the Secretary in advance of the hearing.
- When all intending participants have joined the telephone conference, the designated lead representative for each Party should introduce any supporting colleagues.
- If the use of a 'speakerphone' by any participant causes the Hearing Chair or any other Party any difficulty in hearing what is said, the Hearing Chair may require that participant to use a hand held telephone.
- Participants should be required to re-introduce themselves every time they speak.

If the facility is conveniently available, a Directions Hearing might usefully be held by means of video-conferencing provided all participants can be gathered in two locations.