

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 62(D)

No. 10 of 2011

SKELETON ARGUMENTS AND LIST OF AUTHORITIES

This Practice Direction is made pursuant to Rule 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 62 of the Rules.

1. Introduction

- 1.1 This Practice Direction supplements Rule 62.11.
- 1.2 Skeleton arguments and lists of authorities must be lodged in support of/in opposition to every application or appeal. A skeleton argument should be concise and succinct. It should at the same time be comprehensive, in that, it should state all the points which a legal practitioner intends to take and summarise the argument on each of those points. A point not taken or an argument not advanced in a party's skeleton argument may not be pursued at the hearing of the application or appeal without the leave of the court.
- 1.3 The appellant's skeleton argument should commence with a brief statement of the nature of the proceedings below; a similarly brief statement of the facts material to the resolution of the issues which are said to arise on the appeal; and a concise statement of those issues. The skeleton argument should then outline the points which the appellant intends to take and a brief statement of the appellant's argument on each of those points.
- 1.6 Skeleton arguments should not normally exceed 10 pages in the case of an appeal on law and 15 pages in the case of an appeal on fact, printed on A4 paper. Legal practitioners should not, however, assume that longer cases justify proportionately longer skeleton arguments; and, in the case of interlocutory and shorter final appeals, it should normally be possible to do

justice to the relevant points in a skeleton argument of considerably less than 10 pages.

1.7 A skeleton argument must contain: -

(a) a numbered list of the points which the legal practitioner wishes to make. These should both define and confine the areas of controversy. Each point should be stated as concisely as the nature of the case allows.

(b) in respect of each authority cited -

(i) the proposition of law that the authority demonstrates; and

(ii) the parts of the authority (identified by page or paragraph references) that support the proposition.

(c) if more than one authority is cited in support of a given proposition, a brief statement as to the reasons for taking that course. The statement should not materially add to the length of the skeleton argument but should be sufficient to demonstrate, in the context of the argument -

(i) the relevance of the authority or authorities to that argument; and

(ii) that the citation is necessary for a proper presentation of that argument.

(d) Copies of the authorities cited, annexed to the list of authorities. Each authority should be tabbed (either numerical or alphabetical), and the index of the authorities should indicate the tab where the authority is reproduced.

1.8 In the case of points of law, the skeleton argument should state the point and cite the principal authority or authorities in support, with references to the particular page(s) where the principle concerned is enunciated.

- 1.9 In the case of questions of fact, the skeleton argument should state briefly the basis on which it is contended that the court can interfere with the finding of fact concerned, with cross-references to the passages in the transcript or notes of evidence which bear on the point.
- 1.10 The skeleton argument must be accompanied, by a written chronology of relevant events cross-referenced to the case bundle or the appeal bundle. The chronology must be a separate document so that it may easily be consulted in conjunction with other papers.
- 1.11 A total of six sets of skeleton argument and list of authorities must be filed in support of/opposing every application or appeal.
- 1.12 Where a legal practitioner intends to use skeleton arguments previously used in these proceedings, notice of that fact must be given within the time specified in Rules 62.11(1), (2) and (3) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000.
- 1.13 Litigants in person are not obliged to send to the court skeleton arguments in support of their applications and appeals, but are strongly encouraged to do so. If they do, they should try to comply with the directions given herein. Many litigants in person find that setting out the arguments which they wish to raise in court in advance can be of great assistance when, at a hearing, the court asks the them to explain what their case is about.

2. Consequences of Non-Compliance

- 2.1 Where a legal practitioner fails to comply with this Practice Direction in any respect he or she will be required to account for the failure to the court and, in the absence of a good and sufficient explanation, the party in default may be penalised in costs.

3. Effective Date

- 3.1 This Practice Direction will come into effect on the 1st day of October 2011 and will be applicable to all claims whenever issued.

Dated this 7th day of September 2011.



Hugh A. Rawlins
Chief Justice