

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 62(C)

No. 9 of 2011

APPEAL MANAGEMENT CIVIL APPEAL

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 62.14(2).

2. Appeal Management Directions

- 2.1 The Chief Justice may at any stage after an appeal has been set down designate a single judge of the court, a judge, master or the Chief Registrar to manage an appeal case, and to give such directions in relation to the documents to be produced at the appeal, and the manner in which they are required to be produced and as to other matters incidental to the conduct of the appeal, as appear best adapted to secure the just, expeditious and economical disposal of the appeal.
- 2.2 Before giving any such directions the single judge of the court, a judge, master or the Chief Registrar may consult the Chief Justice, and/or Justices of Appeal who are expected to preside at the hearing of the appeal.
- 2.3 Such directions may be communicated to the parties either on paper or at a hearing and any hearing will, if appropriate, be held before a single Justice of Appeal.
- 2.4 The directions to be given may include appropriate directions as to length of time to be allowed to each party for oral argument. At trial, the opening speech should be succinct. At its conclusion other parties may be invited briefly to amplify their skeleton arguments. In a heavy case the court may in

conjunction with final speeches require written submissions, including the findings of fact for which each party contends.

- 2.5 The Directions given should ensure that documents for use in court should be on A4 size paper where possible, contained in suitably secured bundles, and lodged with the court within the time specified by the relevant rules or practice direction. Each bundle should be paginated, indexed, wholly legible, and arranged chronologically and contained in a ring binder or a lever-arch file. Where documents are copied unnecessarily or bundled incompetently cost will be disallowed. Where documents are skeleton arguments and list of authorities, regard should be had to the practice direction guiding the submission of these documents.
- 2.6 The court is obliged to further the overriding objective by actively managing cases. The court will accordingly exercise its discretion to limit (a) discovery; (b) the length of oral submissions; (c) the issues on which it wishes to be addressed; (e) reading aloud from documents and authorities.
- 2.7 In advance of the hearing parties should use their best endeavours to agree which are the issues or the main issues.
- 2.8 In exceptional cases it is appropriate that a judge be assigned to manage the conduct of an appeal. The request for the assignment of such an appeal management judge is to be made to the court. The request should contain enough information to satisfy the court that such an appointment is appropriate. The decision to appoint an Appeal Management Judge will be made by the Chief Registrar of the court. Counsel will be advised of the outcome of the decision.
- 2.9 The Appeal Management Judge shall conduct such appeal management conferences as are appropriate and hear all applications (within the jurisdiction of a single judge) brought by any party to the appeal.
- 2.10 Appeal management conferences will be held to deal with matters not otherwise governed by the Civil Procedure Rules, including consideration of the order of argument; time allocated for the argument of each party; the date and length of the hearing of the appeal; the issues to be argued;

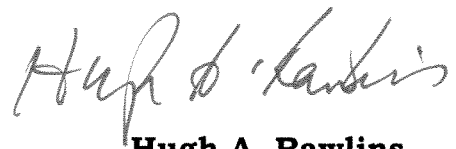
whether settlement of the appeal or issues under appeal is possible; coordination, if necessary, of the scheduling of prehearing applications and similar matters. Such conferences will be conducted in person or by teleconference. In order to ensure efficient administration of the appeal, the results of any decisions made by the Appeal Management Judge on such conference will be communicated as necessary to the bench hearing the appeal, all parties and the court's staff.

- 2.11 Where all parties consent to an order, it may be obtained by filing a notice of application, two copies of the draft order, the consent of the parties, and an affidavit or covering letter containing sufficient information to satisfy the judge that the order is appropriate.
- 2.12 If the order is not on consent, an application is appropriate. Because the application will be heard by the Appeal Management Judge, counsel is first required to obtain a hearing date from the court by contacting the court. After obtaining a date for such an application, the applicant must file a notice of application in accordance with the Civil Procedure Rules and this practice direction.
- 2.13 Such an application may be heard in writing, in person or by teleconference as appropriate.

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