

Client seeks a consultation with a solicitor where an initial assessment will be made as to the merits of the case, funding, etc.

Pre-Action Protocol: this stage is to show that you have acted reasonably before issuing. The other side is then informed of a solution or options to prevent the claim progressing. For example, a Letter Before Action

Offers for settlement (Part 36) may provide a tactical and economic advantage

The Claimant starts proceedings by sending a claim form to the Court with a fee. At this stage a Particulars of Claim will also be produced

The Court will then issue the claim by dating and sealing the form

Acknowledgment of Service has to be submitted by the Defendant within 14 days of the Claim being issued

The Defence needs to be submitted within 28 days of the Claim being issued. If you pass the deadline the Claimant can apply for a judgement in default

The Court encourages a settlement before the trial by offering a free telephone mediation service

The Defendant may wish to admit or deny the claim

Allocation questionnaires will then be sent out to both parties, which will need to be completed and returned to the Court. The Court will then allocate one of three tracks:-

Small Claims – for claims under £5,000 concerning no complex points of law

Fast Track Claims – for claims between £5,000-£25,000. Trial to last no more than a day

Multi-Track Claims – for claims £25,000+ or more complex claims

The parties may be invited for a Case Management Conference in front of a district judge. The Judge will then provide directions as to how the case will continue, such as deadlines

Before the trial can commence:

- A comprehensive list of all documents is to be Disclosed by each party;
- Witness Statements exchanged simultaneously;
- Experts such as doctors will be instructed if the need arises;
- Any Applications will need to be sent to the Court

After the parties have both put forward their cases, the witnesses will be called. Each party then has the opportunity to cross-examine the witnesses. Both parties will then summarise their arguments and a judgement will be made