

1 CIVIL CASES

Prior to these lessons you should have read and précised Part C of ILEX 'The Legal Environment'.

PRECIS NOTES WILL BE CHECKED

2 In this lesson...

- Check your mobile is switched off
- Take notes
- Feel free to ask questions – but raise your hand first

3

A court case should be seen as a last resort

Courts are expensive - courts & lawyers fees

Negotiation

Even if you win - other side may not be able to pay

Complicated cases take time and cost a lot.

4 The Courts

The two courts which hear civil cases are:

- The County Court
- The High Court

The court a case will be heard in will depend on the seriousness of the case and the amount of money involved.

5

- (1) How to issue a claim ...
- (2) How to defend a claim ...
- (3) List the value of a claim in relation to the Court it is usually tried in.

6 Allocation of Cases

Following the new Civil Procedure Rules, a three-track system was introduced.

The tracks are:

1. The small claims track
2. The fast track
3. The multi-track

7 County Court

What types of cases can be tried in the County Court?

The County Court can try small claims, fast track and multi-track cases.

Claimants and defendants will usually be represented by a solicitor (or even a barrister) and the winner of a case may claim costs.



8 Small Claims

- For claims worth less than £5000
- Quicker, cheaper and simpler than using the main County Court
- Parties are encouraged to represent themselves to keep costs to a minimum

List the advantages and the disadvantages of small claims ...



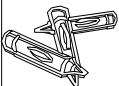
9 Fast Track Cases

- Used for claims worth between £5000 and £15000

- Strict timetable is set by the judge

- Hearing is limited to one day only, with usually only one expert witness allowed.

Why was the fast track idea brought in?
What improvements have resulted?



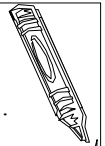
10 Multi-track Cases

For claims worth more than £15,000...
...or which raise difficult points of law.

The judge will “manage” the case and set timetables according to the needs of the case.

Which court(s) would a multi-track case be heard in?

Can you give an example of a point of law?

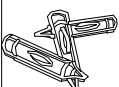


11 High Court

This court has the power to hear any civil case.

It has three divisions, each of which specialises in hearing certain types of case...

- Queen’s Bench Division
- Chancery Division
- Family Division

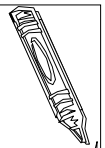


12 Appellate Courts

The main appellate courts are:

- The Divisional Courts
- The Court of Appeal
- The House of Lords

What are the two main functions of the Queen’s Bench Divisional Court?



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Court of Appeal (Civil Division)

Mainly hears appeals from all three divisions of the High Court, the County Court (for multi-track cases) and some tribunals.

Permission to appeal is required, either from the lower court where the decision was made or from the Court of Appeal.



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House of Lords

This is the final court of appeal in our legal system (though if the case involves EU Law it could be sent there), hearing appeals from the C of A, the Divisional Courts and occasionally the High Court.

It is very difficult to get permission to appeal to the House of Lords – the Law Lords hear about 50 cases per year involving civil law.



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Appeal Routes in Civil Cases

All students should, in pairs, produce a flow-chart showing the appeal routes from both the County Court and the High Court.

Be prepared to explain your flow-chart to the class!

