GUIDANCE ON ATTENDANCE AT COURT

1. I consider that our local family Court is fortunate to have advocates who are able to fiercely advocate their clients' positions in the Courtroom, whilst maintaining amicable relationships outside of it. It is a practice that ensures collaboration and agreement, if possible, whilst ensuring that matters that require judicial determination are properly but efficiently raised.

2. Whilst that process usually involves a high level of professionalism, there are a number of matters that need to be underlined.

Ensuring your tribunal has the relevant documents

3. Please ensure that all case summaries/additional documentation is provided to the Court in good time. I appreciate how difficult it is to produce case summaries in time for hearings, when you have been in a hearing all day. However:
    a) Advocates must be briefed well in advance of any hearing to ensure that a proper case summary can be prepared. In acknowledgement of the strains of work, I only require case summaries to be filed by 4pm on the day before the hearing. Except in urgent applications, it is not good enough for advocates to be briefed so late that they practically are having to prepare documents for the Court late in the evening or early in the morning.
    b) Anything filed after 4pm on the day before the hearing, including late case summaries, must be sent to the Judge direct. Given the busy lists, a Judge can not be expected to trawl through a portal looking for documents that may exist but have not been included in a Court bundle. For your information, if a document is uploaded to the Public Law Portal, a Judge is not notified that it has been. There have been many occasions when documents have been missed because the Judge simply did not know they exist.

Accommodation

4. The judiciary understand how busy practitioners are, and how difficult it can sometimes be to manage attendance at multiple cases, particularly if cases are in a continuous list.

5. However, if you have multiple cases before different Judges, you or your clerk/admin must contact listing the day before the hearing (once the lists have been published) to seek accommodation. Judges must not be contacted directly. The magic of the listing team is only possible because they are aware of the difficulties around attendance. One failure to seek accommodation in a list has a knock-on effect to all of the other cases in a Judges list.

6. If, having sought accommodation, something then unexpectedly goes wrong on the day (client attends late, other case time estimate over runs etc), then please ensure that you keep the Court clerk of the impacted Court informed. There have been a number of recent examples where a Court has been left waiting, unable to find an advocate, only to then later find out that they have attended in a case in front of another Judge.

7. I have a received a high number of complaints from judges and clerks with regard to advocates not being able to be located for hearings. This is slowing up the court list and causing considerable stress for the clerks.

Checking in for your hearing

8. There has been recent concern expressed to me from Judges and clerks that advocates are not checking in with the Court. This has historically been an issue. Advocates must check in with the Court that they are in front of, at least 15 minutes before the hearing is being called

on. If the case is in a continuous list, that means that the advocates must check in with the Court clerk no later than 10.15am.

Being available

9. The court clerks are at the heart of operations in family court hearings. Their burden is very significant in the absence of usher support, a situation which is unlikely to change given the continually reducing staff numbers. They should not have to seek out advocates in the canteen. They will not be doing so. You must listen to the tannoy and check your emails.

Canteen

10. I have received a number of complaints in respect of noise in the canteen. No doubt that noise is impacting upon advocates' ability to hear tannoys when they are put out. It is your responsibility to ensure you are in an environment whereby tannoys can be heard. If a case can is not called on because an advocate has not heard a tannoy properly put out, then there may be consequences in respect of FAS recitals.

11. I am aware that there has been a recent issue in respect of conversations being overheard in the canteen. The canteen is not a private space. The division between the public seating area and the advocates' seating area is limited in so far as noise reduction is concerned. We all appreciate that you like to socialise with each other in the canteen, that a lot of discussion takes place in there which resolves issues, with draft orders being prepared. The judges are very grateful for the pragmatism and hard work that goes into resolving such a high number of cases. We place a lot of trust, rightly so, in our local advocates ability to produce clear and agreed case management directions. It is one of the particular strengths of our local solicitors and Bar and allows us to work efficiently. However, I would ask you to consider the confidentiality of some of the issues you are discussing in the public area of that canteen and whether you are in ear shot of lay parties.

12. You must proceed on the basis that conversations had on the advocates side are likely to be heard on the public side. If sensitive and private conversations are needed then please use the secure advocates canteen, or the robing room. The robing room is not just for criminal practitioners.

Wellbeing

13. Please be kind. We are all struggling with the demands of the family justice system. One of the first victims of overwhelming stress is civility. A recent incident has been drawn to my attention where a professional has felt that other professionals/advocates have been speaking about them in negative terms in a public space. I do not ask you to all agree. But please be mindful that any criticism should be constructive and that overhearing comments made about oneself may negatively impact upon emotional well-being. I suggest that if there is real and strong criticism being expressed between advocates/clients, then that would suggest attendance within a private conference room is appropriate.

14. I have invited the judiciary to be vigilant against inappropriate language and tone being used in the Court room, including during cross examination. My experience at the Bar was that the most effective cross-examination was that of the reasonable enquiry. Whilst robust challenge is a necessary part of the process, the need to ensure that Court users are not being emotionally negatively impacted during proceedings applies to all; advocates, professionals and the judiciary.

HHJ Murray

Designated Family Judge for Cleveland and South Durham

August 2025