



Gambler sues bookies for £2m loss

A compulsive gambler who lost more than £2m, has begun legal action against bookmaker William Hill.



Graham Calvert is suing William Hill for £2m

Greyhound trainer Graham Calvert, 28, from Houghton-le-Spring, near Sunderland, claims the company failed in their "duty of care".

He claims he was allowed to place bets after asking the company to close his account under a self-exclusion scheme.

William Hill denies any wrongdoing and says it cannot be held legally liable for Mr Calvert's losses.

At the High Court the firm was accused of manipulating his gambling disorder to gain as much revenue as possible.

Anneliese Day, representing Mr Calvert, told Mr Justice Briggs on Wednesday that William Hill should be held liable because it failed to operate its own self-exclusion policy.

Civil Courts

By the end of this topic, you should be able to (AO1):

- Describe the jurisdiction of the High and the County Courts.
- Explain what the track system is, and how it operates
- Explain the routes of appeal and the civil appellate courts.

You should also be able to discuss (AO2):

- The advantages and disadvantages of the tracks
- Whether using the courts to resolve disputes is effective.
- Whether the Woolf reforms have been effective in reforming the civil law.

Past Questions on this area:

- (a) Describe the jurisdiction of **both** the High Court **and** the County Court in civil cases including the track system. [18]
- (b) Discuss the advantages **and** disadvantages of the small claims track. [12]

- (a) Describe the system of appeals in criminal cases [18]
- (b) Discuss the problems of solving civil disputes in the courts. [12]

End of Unit Planning

Use the structure below, to plan a response to the following past question:

- (a) Describe the jurisdiction of both the High Court and the County Court in civil cases including the track system. [18]

Introduction:	
Main:	
Conclusion:	

Introduction:

Do you know the difference between **civil** and **criminal** law?

Using **all** your learning from this year (and a couple of hints from the board!) complete the table below to illustrate the key terminology in this area.

	Criminal	Civil
What do we call the people that the case is between?		
How are cases written?		
Who brings the case?		
What will happen if this person wins?		
Who is the burden of proof on?		
What is the standard of proof required?		
What is the purpose of the 'punishment'?		

Applying the Law

Look at the four problems below and decide which type of case you would recommend is brought...

- **All** of you need to establish whether these are civil; criminal; **or** both.
- **Some** of you will also be able to explain why you have concluded that.



Peter has an argument with John and punches him in the face.	Sarah plays her music very loud late into the night. Her neighbours want to get her to stop.	Victoria takes a bottle of wine from the supermarket and does not pay for it.
Decision:	Decision:	Decision:
Reason	Reason	Reason
James dives into a shallow lake with no warning signs and breaks his neck	Natalie is late for work. She drives over the speed limit and knocks a cyclist off their bike.	David damages his neighbour's hedge by urinating on it over a year.
Decision:	Decision:	Decision:
Reason	Reason	Reason

Jurisdiction of the Civil courts



There are two main courts of **first instance**:

_____ Or _____

In **any** civil dispute, these will be the last place that the case will end up, and only about ____% of cases which are begun end in a completed trial! Most of them will be settled outside of court through other options:

Arbitration Mitigation Conciliation

Exam Tip: You need to show good knowledge and understanding of the main types of cases. This means that you will need to give some details for each court and division

County Court	High Court – 3 divisions
Contract Tort Recovery of land Partnerships Trusts Inheritance claims up to £30,000 Personal Injury claims for up to £50,000	Queen's Bench Division Contract & tort claims over £50,000 Some multi-track cases over £25,000 Judicial Review Specialist courts: Admiralty; commercial; technology; construction
	Family Court Family matters e.g. adoption, custody etc. under the <u>Children Act 1989</u>
Small Claims Court Claims of up to £5,000 (we will return to this later)	Chancery Court Insolvency Mortgages Intellectual Property Trust property disputes Copyright and patents Probate disputes

Applying the Law: Which court?

Lewis has been hit by a car and wants to bring a claim worth £37,000 for injuries sustained

Sam is divorcing Mark, and as she is a famous writer, she has an estate worth over £250,000

Sebastian wishes to challenge the decision of the local council that a railway line can be built through his garden.

The Track System

When you put in a civil claim, the **court** will allocate you to one of the following three tracks and the main base of the decision is the financial basis of the claim. However, the cases complexity and importance can also have an impact. Generally speaking, the County Court will hear all claims except those over _____ or which are very complex!

To ensure you are put on the right track, and go to the right court, when you put your claim in you will fill in an **allocation questionnaire** which will help the judge to decide.

What is the allocation questionnaire?

The court may delay the case if the parties agree to ADR (_____)

Small Claims

- This deals with cases worth less than **£5,000**. [*or £1,000 for PI claims*]
- Heard in the _____ Court, by a district judge who will wear a suit rather than a gown
- Judge more actively involved: An inquisitorial approach rather than the standard adversarial.
- Meant to be cheap, simple mechanism for solving small disputes.
- 60% of hearings take less than 30 minutes.
- Costs are limited.
- Parties are encouraged to represent themselves without lawyers. [**no** state funding for legal representation is available – no costs recoverable!]
- You have to pay a fee, based upon the amount you wish to claim, but this is returned if you win!
- The other party has 21 days from the complaint being lodged to reply. [*What happens if they don't?*]

Stretch and Challenge yourself!

There is now a quicker, online way to claim amounts of money owed worth up to £100,000. Have a look at the two links below and summarise when and how a claim can be made online.

www.moneyclaim.gov.uk

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/ManagingDebt/Makingacourtclaimformoney/DG_195688



When and how a claim can be made online:

Fast track

- This deals with cases worth between **£5,000 & £25,000** [PI from **£1,000 - £50,000**]
- Heard in the _____ Court, by a circuit judge.
- The trial should take place no longer than _____ weeks after start of the timetable.
- The number of expert witnesses is limited [normally: _____], and the hearing is limited to ___ day.
- A strict timetable for management, disclosure etc. is set.
- There are also fixed costs for the trial itself (*Although not for all the work done outside of the trial!*) This has been criticised by Lord Woolf, who wanted it limited to £2,500 for **total costs**
- Typical timetable:

Disclosure	4wk
Exchange witness states.	10wks
Exchange expert repts.	14wks
Hearing	30wks

Multi-track

- These are dealt with in the _____ Court or the _____ Court.
 - Deals with cases worth over **£25,000** or PI worth over **£50,000**
- [Generally: if less than £50,000, then the _____ court, if for over £50,000 in the _____ court.]
- They are normally presided over by circuit judge.
 - Court set timetable and directions, **but** it will only set the trial date as soon as it practicable to do so, and not automatically as with other tracks.
 - It allows **individual** case management and directions, suitable to the case at hand.

Evaluating the Track System.

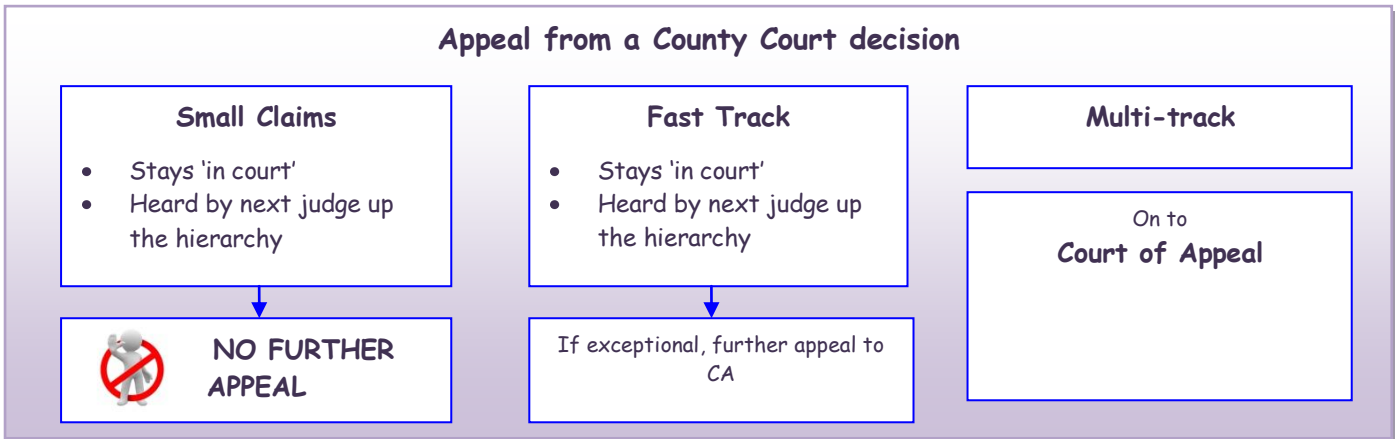
For each track, can you identify the cons of that approach to solving civil disputes?

- A** Consider the alternative
- C** Explain why it is an issue
- E** Identify one problem for each

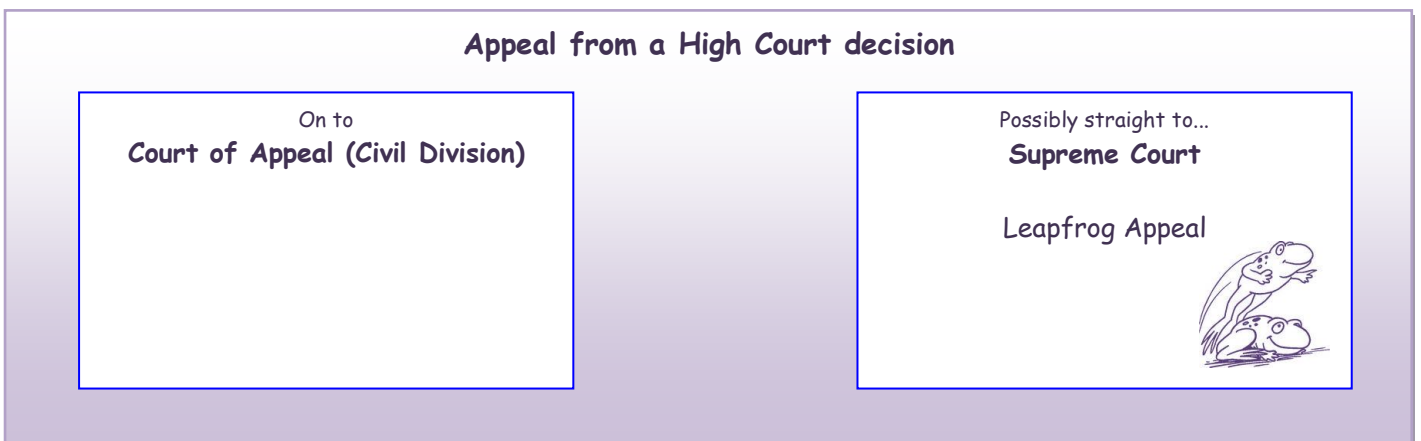
Track	Problem	Reason	Alternative

But I don't agree with that!

Can I appeal?



Which judge would it move up to in each case?



A further Appeal...
To the Supreme Court

Or a reference to...
Court of Justice of the European Union

Key Terms

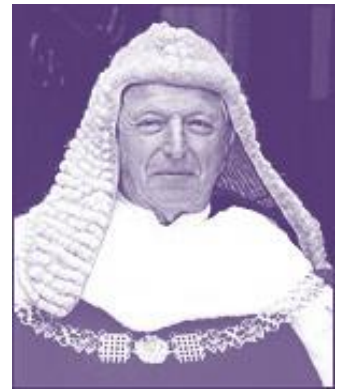
Leave -

Point of law -

Point of fact -

Point of law of general importance -

Woolf Reforms



The track system and a few other changes came about as the result of the **Access to Justice Act 1999**, which came about because of the report of Lord Woolf, published in 1995. He aimed to modernise the system and make it more accessible to those using it.

His central idea was to enable cases to be dealt with **justly**.
 [this is the first rule of the CPR]

So, what was wrong with the old system?

Well, firstly, there were two sets of rules: one for each court! These needed the claimant to fill out a **writ**. This was a written claim, but it had to fit into very prescriptive categories (*pigs knocking down walls was allowed!*).

If it didn't fit, you couldn't claim!

Task: Explain why each of these was a problem under the old law. [There are some hints underneath!]

Problem	Why?	Problem	Why?
Too expensive		Endless delays	
Unfair out of court settlements		Encouraged an adversarial process	
Need for a lawyer		All evidence given verbally.	

Time limits routinely ignored and no way to enforce them.

One case for £2,000.... the final bill was over £69,000

40% of the time, at least one side in the dispute had costs worth more than the claim

The rules of the courts were so different and complicated it was very difficult for someone to represent themselves.

61 months for personal injury and medical negligence cases were worse

What changes did the Civil Procedure Rules & Access to Justice Act 1999 implement?

Woolf's report was published in 1996, and it outlined these criticisms. As a result of this, the government published the **rules**.

The emphasis on these rules is avoiding litigation through pre-trial settlements and to deal with cases **justly**

These rules are simpler/more complicated than the previous rules.

There is a focus on the **plain english** meaning, rather than using ancient, outdated terms. *e.g. 'writ' became 'claim form'; 'plaintiff' became 'claimant'.*

Woolf's main reforms:

There were over 303 recommendations...

- Greater promotion of ADR
- Pre-action protocols which encourage the exchange of documents & evidence before the trial.
- Judges more responsible for case management
- Common Civil Procedure rules for the high and county courts.
- three track system
- time limits on cases – if one side delays, they may have to pay the other's costs!

What do you think: Did the reforms work?

Costs?	
Complexity?	
Delay?	

Evaluation of the civil court system.

What are the **disadvantages** of using the court system to solve civil disputes?

Use your understanding of the system and its operation so far, summarise **four** of the reasons why this may not be the most appropriate way to resolve private disputes.

Disadvantage	Evidence &/or explanation	However...

Revision Questions.

Problem Questions

Sarah has bought a DVD player costing £70 from a local electrical superstore. The DVD player has never worked properly, but the store has refused to replace it or to refund the purchase price to Sarah. She wishes to claim against the store.

Advise her as to which court to start the case in and how she should go about this. Also explain to her the way in which the case will be dealt with if the store defends it and there is a court hearing.

Thomas has been badly injured at work and alleges that the injuries were the result of his employer's failure to take proper safety precautions. He has been advised that his claim is likely to be worth £200,000.

Advise him as to which court or courts could hear his case.

General Questions

1. What is the burden of proof in civil cases?
2. What is the name of Lord Woolf's final report on the civil justice system and when did the recommendations come into effect?
3. What is the overriding objective contained in the first rule of the Civil Procedure Rules?
4. Is the cost of bringing legal proceedings relevant in deciding how to deal with that case justly?
5. What is the name of the document used to commence civil proceedings?
6. A claimant wishes to bring action for £26,000 compensation for head injuries, which court would normally hear the trial?
7. What happens if a party fails to comply with the pre-action protocol?
8. Who is in charge of managing the cases?
9. Name the three tracks for the purposes of case management?
10. You have paid £4000 for a disastrous package holiday. Which track is it likely to be allocated to and why?
11. What are the key features of:
 - a) Small claims track
 - b) Fast track
 - c) Multi track
12. Name the three divisions of the High Court and give an example of the cases they hear.
13. Define the term 'jurisdiction'
14. What is the jurisdiction of the High Court and the County Court.