

Finding Information on Pending Appeal Cases

Abstract: In this article Nadine Fathers focuses on the increased accessibility to information relating to pending appeal cases.

Keywords: courts; case law; appeal cases

In recent years there has been an increase in the number of sources of information available on appeals. The restructuring of some courts and tribunals has resulted in new websites with greater access to information and commercial publishers are also paying more attention to information on appeals. This has coincided with lawyers requiring greater detail as they are required to be more proactive in advising clients on legal developments.

There is now an interest in every stage of the appeal process, from finding out whether an appeal has been lodged to the handing down of the appeal judgment. This article, the first of two, looks at the information available from the main appeal courts and tribunals at the following stages: information prior to a hearing (whether an appeal has been sought or lodged, whether permission to appeal has been granted or refused), details of the appeal (what the grounds of appeal are, tracking the appeal process and locating any available documents) and the judgment (finding advanced notification of the handing down of the judgment and obtaining a copy of the appeal judgment).

A second article for a future issue of *Legal Information Management* will look at what information is available from the appeal tracker functions from commercial publishers.

THE SUPREME COURT

Information prior to a hearing

To find out whether an appeal has been lodged or leave to appeal has been sought, it is necessary to contact the parties directly or apply to the court. The information is not published by the Supreme Court.

PDF lists of requests for permission to appeal are posted on the Supreme Court website under “news and publications”, usually by the third working day of each new month. The following details are published: case name, case ID, the name of the judges granting or refusing permission to appeal and the date permission was



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granted or refused. An oral hearing may be sought by the panel of Justices considering the permission to appeal application, before the decision to grant or refuse the appeal is made. These applications appear as “pending an oral hearing”.

Details of the appeal

Once permission to appeal has been granted, cases appear in “current cases” shortly before the legal term in which the appeal is to be heard. A timetable for hearings in the forthcoming term is loaded after the end of the current term, on the homepage and the document remains on the homepage under “today’s sittings” for the duration of the term. This document is subject to change, but is useful as it may give the first indication of when the case is to be heard.

Within “current cases” you can search for the case using the full case name (e.g. *Flood (Respondent) v Times Newspapers Limited (Appellant)*), of the parties or the case ID. A search using *Flood v Times* or *Flood and Times* will bring no results.

The “full case details” hyperlink includes a brief summary. Within this case summary, the “issue” of the case refers to the grounds of appeal. The “date of issue” refers to the date that the application was lodged with the Supreme Court.

No other documents relating to the Supreme Court case are available until the judgment has been released; however, details of the lower court and names of parties are listed in the details of the case. The facts of the lower court case are summarised under “facts” in the case summary.

Statement of facts and issues can be applied for either by application to the Court and a payment of a fee, or to the parties themselves. If applying to the court, the Registrar will consider the application and decide whether to release the information.

To receive updates on the timetabling of the appeal you will need to check the case details within the

“current cases”. Information will be added under the “appeal” section of the case details including the Justices allocated, the statement of facts and issues and the hearing dates.

If a case settles, the case details are removed from the website.

The Judgment

Once the hearing date has passed, daily manual tracking of the “hand down” date is necessary. Judgments are handed down on a Wednesday.

An email alert can be set up to receive notification of pending judgments and this usually, but not always, is sent on a Thursday preceding the hand-down. If any judgments are to be handed down the following week, these appear on the homepage under “future judgments” towards the bottom right of the screen.

Each Wednesday, on the homepage, PDFs of judgments and case summaries to be handed down that day are posted under “latest judgments” by 10 am.

An email alert can be set up to receive notification of the latest judgments but it is usually sent around midday, after the judgments are available on the Supreme Court homepage.

Copies of judgments previously handed down are available in “decided cases”.

The Communications team at the Supreme Court are very helpful and they are responsible for the website. They can be contacted on the enquiry email listed below.

www.supremecourt.gov.uk/

General enquiries: 020 7960 1500 or 1900 or enquiries@supremecourt.gsi.gov.uk

Other sources

UKSC Blog

www.ukscblog.com

This site, founded by litigation solicitors and barristers, provides case previews on some Supreme Court cases a day or two before the hearing, which include a fairly detailed summary of the lower court judgments and comments on what the appeal to the Supreme Court is about. This site also provides comments on recently handed down judgments and is another source for copies of judgments.

COURT OF APPEAL: CASE TRACKER FOR CIVIL APPEALS

Information prior to a hearing

To find out whether an appeal has been made or leave to appeal has been sought, it is necessary to call the registry.

Once the application to appeal has been made, a case number is allocated and a “summary case details” page opened on the Case Tracker for Civil Appeals. Before

permission to appeal has been granted, the entries under “type” and “appeal/application” will both read “permission to appeal” and an estimated time frame for the hearing will be added to the “hearing status”.

Additional information is located under “case results” and at this stage, will include any letters sent to the applicant or his solicitor, requesting bundles and other documents, under the sub-section “tracking information”. There may be additional information under the sub-section “track your case” such as, “Current Status: Awaiting bundles and/or documents from applicant/applicant’s solicitors”. The information is not updated daily, but the date it was last updated is helpfully listed at the foot of the page.

The entry under “type” will change to “appeal” and the information under “appeal/application” will list the name of the Justice granting the appeal, the division of the court and the date it was granted.

If the appeal has been refused, this will be listed under “case results”. Alternatively call 020 7947 6879.

The grounds for appeal are not available to the general public but it is possible to request the information from the court.

Details of the appeal

The Case Tracker does not include any court filings relating to the appeal, but it is updated to reflect the case’s progress. This can be monitored by searching daily on the case number, full name of the case, or one of the parties.

Once the date of the hearing has been finalised, the “hearing status” will change to “fixed on” and give the date of the hearing.

“Tracking information” lists any useful additional information such as the date the bundles were approved; application referred to the Justices; case passed to associate for order to be drawn; case renewed to oral hearing (if applicable).

The Judgment

“Tracking information” states whether the judgment is reserved or final. Once the final judgment has been given, it is necessary to search for the judgment; this may be available immediately or there may be a short delay.

Judgments are not available on the Case Tracker website but can be located on Bailii and other commercial sites. On Bailii and Westlaw, the case reference (e.g. C5/2010/2842) can be used to locate the judgment.

http://casetracker.justice.gov.uk/listing_calendar/

Registry: 020 7947 6533 or civilappeals.registry@hmcts.gsi.gov.uk

TRIBUNALS

There are a number of tribunals available on the Ministry of Justice website and these are structured in a similar way. The main examples given are the Upper Tax and Chancery Tribunal and the Employment Appeals Tribunal.

Upper Tax and Chancery Tribunal

Information prior to a hearing

The PDF of forthcoming Upper Tribunal Tax and Chancery Hearings is located on the Ministry of Justice website under “guidance”, “courts and tribunals”, and then “upper tribunals”. The information is collated by reference number and date of receipt in chronological order. The most recent additions at the end of the document include the reference number, the applicant, the respondent and the date of receipt only. For any other information prior to the hearing, it is necessary to contact the parties directly or apply to the court.

Details of the appeal

The PDF is updated periodically to include the date of the hearing and the “type of hearing”. The latest hearing dates are available approximately six months in advance.

The Judgment

“Outcomes and reasons” include whether the appeal has been allowed or withdrawn or dismissed. Once a decision has been made, the date of the decision is added to the PDF.

Decisions from 2003 onwards are available in PDF on the Ministry of Justice website. The Tax and Chancery Upper Tribunal page includes a quick link to the decisions. The list of judgments, with PDF links, is under “search for decisions”, although this page is a chronological list of decisions, rather than a set of searchable fields.

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/tax-and-chancery-upper-tribunal/index.htm>

Telephone: 020 7612 9700 or financeandtaxappeals@hmcts.gsi.gov.uk

Employment Appeals Tribunal

Information prior to a hearing

The Employment Appeals Tribunal information is available via the Ministry of Justice website under “guidance” and “tribunals”. Select the “upper tribunals” and under “other tribunals” the Employment Appeals Tribunal appears as “Employment Appeals”.

Very little information on forthcoming appeals is available, the first published information is the cause list. It is necessary to contact the parties directly or apply to the court for any information other than the cause list or a copy of the judgment.

The cause list (<http://www.employmentappeals.gov.uk/public/causelist.aspx>) details appeal cases to be heard for the following week and is available from the Friday of the week before an appeal is to be heard. The list is updated if there are any changes, so it is advisable to check the cause list daily.

The Judgment

A browse list of recent judgments handed down in last month is available on the Employment Appeals site. A

search database is also available and judgments can be located by using:

(a) A partial EAT reference, for UKEAT.0268/10 enter 268/10, or

(b) party names, these can be entered in either search box, but it best to include the surname only and not the full name.

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/index.htm>

Other Tribunal sites on the Ministry of Justice website

Administrative Appeals

A link to pending cases can be found at the bottom of the “decisions” page of the Administrative Appeals site. The information provided includes the permission to appeal date, date of hearing or approximate date of hearing.

Immigration and Asylum

Decisions are available on the Immigration and Asylum page under “decisions” and there are links to the Upper Tribunal (Immigration and Asylum Chamber) UTIAC Reported Determinations Database and the Tribunal Archive Database.

The UTIAC Reported Determinations Database can be browsed via three different links. The full list is via the most recent determinations link and lists decisions from 2000–2011. There is also a search screen available.

Lands Chamber

Decisions appealed to the Court of Appeal, which includes only those cases where the appeal has already been granted or refused, are available on the Lands Chamber page under “decisions”. The forthcoming decisions PDF in the same format as the Upper Tax Tribunal PDF is available, but is in reverse chronological order. The date the PDF was last updated is also given.

The “decisions” database includes a search screen and a browsable option below it. There is also an option to browse the most recent decisions.

EUROPEAN COURT OF JUSTICE

Although technically not an appeal court, the UK courts may seek clarification from the European Court and appeal cases can be held up in the UK until a decision is made in the European Court of Justice. It may be beneficial to track such cases.

Information prior to a hearing

To find out whether an appeal has been made or leave to appeal has been sought, use the “numerical access” link at http://curia.europa.eu/jcms/jcms/Jo2_7045/ which lists every case brought before the three courts of the European Union. The cases are listed by case number from

1953 to the present. (The Court of Justice cases are in two lists, pre- and post-1989). Once you have accessed one of these lists, you can search using the Ctrl + F function on the case number or the name of one of the parties.

Details of the appeal

The grounds of the appeal are published in the Official Journal C Series reference. This can be accessed via the “application (OJ)” link on each case entry within the numerical access list.

The Judicial Calendar (http://curia.europa.eu/jcms/jcms/Jo2_17661) under “case law” gives advance warning of hearings to be heard over the next four weeks. The reference number links through to a list of available documents such as the application, the Advocate-General’s opinion and the judgment.

The latter is issued before the judgment and can be considered by the Court. The Court is not bound to follow the Opinion, although statistical analysis of the

judgments suggest the Court and the AG reach the same conclusion in about 80 % of cases.

If a case is removed from the register, it will be stated on the numerical access page beside the case number.

The Judgment

The Judicial Calendar gives advanced warning of the judgment date and the full transcript of the judgment is usually available on the website within hours of being handed down. The judgment is often delivered several months after the release of the Advocate-General’s Opinion and the whole process of referring a case to the Court of Justice can be very protracted, often lasting well over a year.

<http://curia.europa.eu/>

General switchboard: (352) 4303-1 or ECJ.Registry@curia.europa.eu Ask for the Registry

The press office is very helpful and can be contacted by Telephone. + 352 4303 3355/3366 or Fax + 352 4303 2731

Biography

Nadine Fathers is Deputy Library Manager at City law firm Berwin Leighton Paisner LLP. She set up the firm’s Litigation and Dispute Resolution Library in 2008 and specialises in research for this department.

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CHECKLIST

Boris and the Pandas: a Blue Print for a Brilliant Intranet

Top Tips on What Seems to Work!

Abstract: Jackie Fishleigh summarises some tried and tested methods that can turn an intranet into an invaluable business tool. This article provides a number of top tips for engaging users and maintaining their interest and attention for the benefit of their working community. The article, which draws heavily on recently published material by Martin White and *Interact Intranet*, aims to be informative and entertaining!

Keywords: intranets; law firms

I. NAME IT

This may sound like style over substance but there is strong evidence that giving your intranet an actual name rather than just leaving it as “the intranet” makes a

significant positive impact towards its success. So call it “The Hub” or christen it “Boris”. Believe me both of these are real examples, but don’t keep it generic. Something appropriate to your firm’s culture will do the