



Rule 82

## Appendix D - Pre-Trial Checklist

Case Details	
Division	[select division]
Case Number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

Trial Details	
Trial date	[include start and end date of trial]
Counsel appearing at trial	[include name and chambers (as appropriate)]
Counsel instructed by	[include name of firm (as appropriate)]



Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the lead up to, and during the trial of this matter.

All questions must be answered by a party. A failure by a party to answer a question may be considered by the Court when it deals with the questions of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this checklist must be returned.

<b>A: Procedural compliance / future directions</b>	<b>Notes</b>
<ol style="list-style-type: none"><li>1. Have you previously completed a procedural compliance statement in this matter?</li><li>2. If no, or if there is any material change to the answers previously provided, please address here.</li><li>3. Are any further directions required to prepare this case for trial?</li><li>4. If yes, you must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.</li></ol>	<p><i>The procedural compliance statement is found at Appendix B to Practice Direction 5.</i></p>
<b>B: Witnesses</b>	
<ol style="list-style-type: none"><li>5. Which witnesses of fact do you intend to call to give evidence on your behalf at trial?</li><li>6. Are all witnesses of fact available to attend the hearing in person? If not, please specify with reasons.</li><li>7. Which witnesses of fact from the other parties do you intend to cross-examine at trial?</li></ol>	<p><i>It is important for the Court and the other parties to know whether you intend to call all witnesses of fact in respect of which you have submitted a witness statement. Similarly, it is important for the Court and the other parties to know what witness of fact you intend to cross-examine at trial. Each party is also responsible for confirming the availability of its witnesses of fact to attend the trial in person.</i></p>



<b>C: Experts</b>	
<p>8. Please provide the following information for any expert evidence you intend to rely on at trial:</p> <p>(a) Name.</p> <p>(b) Field of Expertise.</p> <p>(c) Whether the expert is (i) a party-appointed expert, (ii) a single joint expert, (iii) an assessor.</p> <p>(d) Whether permission has been given for use of written expert evidence?</p> <p>(e) Whether permission has been given for oral evidence?</p> <p>9. If permission has been granted for oral evidence, are the experts available to attend the hearing in person? If not, please specify with reasons.</p> <p>10. If applicable, has there been a discussion between experts of common discipline and have they filed a joint expert report?</p> <p>11. How is it intended to deal with the expert evidence at trial?</p>	<p><i>You are reminded that you may not use an expert's report or have your expert give oral evidence unless the Court has given permission (CPR 142(2)). If you do not have permission, you must make an application.</i></p> <p><i>If permission has been granted for expert evidence to be given at trial, the parties ought to consider how that expert evidence is best dealt with at the trial. For example:</i></p> <ul style="list-style-type: none"><li><i>• The order and/or manner in which the experts should be called to give evidence?<sup>14</sup></i></li><li><i>• Should one party call all of its expert evidence, followed by each other party calling all of its expert evidence?</i></li><li><i>• Should one party call its expert in a particular discipline, followed by the other parties calling their experts in that discipline?</i></li></ul>
<b>D: Special arrangements</b>	
<p>12. Are there any special facilities or arrangements needed at Court for any of the witnesses of fact, experts or parties, or for the trial itself (e.g. anyone with a disability, use of an interpreter, evidence by video-link, real-time transcript)?</p> <p>13. Please confirm that appropriate arrangements have been made and whether any directions are required in relation to these matters.</p>	

<sup>14</sup> Amended 25 February 2019.



<b>E: Trial Bundle</b>	
<p>14. What is the likely volume of documents for the trial bundle?</p> <p>15. Are any additional technological requirements (outside of the e-platform hearing bundle capabilities provided by the ADGM Courts) required for the trial? If yes, please specify.</p>	
<b>F: The Trial</b>	
<p>16. What is the confirmed estimate of the time needed for the trial? Is this consistent with the dates allocated for the trial?</p> <p>17. Should the trial proceed on a chess-clock basis?</p> <p>18. What is the recommended reading time for the Judge?</p> <p>19. You must attempt to agree a proposed trial timetable with all other parties. Whether agreed or not, a draft of the proposed trial timetable must accompany this form.</p>	<p><i>The trial timetable should (as applicable) deal with the following matters:</i></p> <ul style="list-style-type: none"> <li>• <i>opening submissions;</i></li> <li>• <i>sequence of oral evidence; (for example, whether all the factual evidence should be called before the expert evidence);</i></li> <li>• <i>timetabling of oral evidence making allowances for evidence-in-chief, cross-examination and re-examination;</i></li> <li>• <i>the manner in which expert evidence is to be presented or dealt with at trial;</i></li> <li>• <i>closing submissions.</i></li> </ul> <p><i>If there is any day within the trial period that a witness of fact or expert is not available to give oral evidence, this should be noted in the trial timetable (with reasons).</i></p>
<b>G: Costs' budgets</b>	
<p>20. Do you wish to submit a revised costs' budget in accordance with Section C of Practice Direction 9?</p>	<p><i>The parties are encouraged to use the pre-trial review process as an opportunity to review their respective costs' budgets.</i></p>
<b>H: Other</b>	
<p>21. Set out any other information which you consider will help the Judge manage the claim.</p>	



## Signature

**Signature of legal representative**

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**Signature of party if not legally represented**

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**Capacity (if not legal representative or party)**

[e.g. authorised officer]

**Date of signature**

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## Notice to filing party

Your answers to these questions may be considered by the Court when it deals with the questions of costs: see ADGM Court Procedure Rules Part 24 and Practice Direction 9.