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Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\* MERGEFORMAT }

{ IF { MERGEFIELD TK\_PICLIENINFO\_tkCLIENTMINOR } = "Yes" "{ MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDTITLE } { MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDFORE } { MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDSURN } { MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDADDR }" "{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 } { MERGEFIELD CALCULATION\_ADDRESS }" }

Dear { IF { MERGEFIELD TK\_PICLIENINFO\_tkCLIENTMINOR } = "Yes" "{ MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDTITLE } { MERGEFIELD TK\_PICLIENINFO\_TK\_LITFRNDSURN }" "{ IF { MERGEFIELD TK\_PICLIENINFO\_tk\_SALUTATION } = "" "{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }" "{ MERGEFIELD TK\_PICLIENINFO\_tk\_SALUTATION }" }" }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

I write to confirm that the court has now arranged a hearing date for your case against the Defendant and to provide information about the arrangements for that hearing.

The hearing will take place on { MERGEFIELD TK\_PICOURTDETS\_tkTRIALDATE \@ "d" \\*ordinal } { MERGEFIELD TK\_PICOURTDETS\_tkTRIALDATE \@ "MMMM yyyy" } at { MERGEFIELD TK\_PICOURTDETS\_tkCIVILCRT\_name }.

I would be most grateful if you could confirm you can attend and also let your witnesses know of the trial date.

The case is due to commence at { MERGEFIELD TK\_PICOURTDETS\_tkHEARINGTIM } on the above date although in practice it may be necessary for the hearing to begin later in the day, depending upon other work the court has to deal with on that occasion.

Please would you be at court for say 9.15am that morning to allow sufficient time for a full review of the case before the hearing begins.

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I have arranged for you to be represented by a barrister ('Counsel') at the hearing. My role has been to fully investigate and prepare your case for the final hearing whilst Counsel's role is to present the case at court.

Counsel can, as my firm has done, enter a conditional fee agreement with you so that Counsel is also acting on a 'no win – no fee' basis. Very often, when we have entered such an agreement, Counsel will agree to enter an agreement with you in the same terms. However as that will involve Counsel running the risk of being unpaid in the absence of a success under the terms of the agreement, it is right to let Counsel look at the papers (on the basis there will be no charge for doing just this) to decide whether Counsel is prepared to enter a conditional fee agreement. I should know Counsel's views on this in the near future and will report further once I hear.

I will by the hearing have completed my work on the case. Although I or one of my colleagues will be at court just in case any further matters do arise, at that stage I shall leave Counsel to deal with them at the hearing.

You are of course aware of the issues that have emerged as the case has gone through all the preparatory stages. The purpose of this final hearing is for the judge after reading each party's case, considering the documents and hearing the evidence, to reach a decision on the matters in dispute.

### **What happens at the Trial**

On the day, please attend the Court and ensure that you and your witnesses are in smart dress. You will need to sign in with the Usher who will direct you to the correct area. Your barrister will come and find you and at the present moment I will also be attending, although depending on my other work commitments, this position may alter. If this occurs I will let you know as soon as I can, but can assure you that the barrister will be fully conversant with your case and will take care of you on the day.

When you are called into the courtroom, you will be shown to the witness box or table where a copy of the bundle will be placed. I remind you that the court room is a public forum and accordingly members of the public or press are able to attend and make a public record, save for in exceptional circumstances.

You will then be asked to take the oath. This means you have to swear to tell the truth on the holy book of your religion. If you prefer you can "affirm", that is to promise to tell the truth.

It may be helpful if I briefly summarise the procedure the court hearing will follow.

- (1) Counsel will tell the judge about the general background to the case. The judge will probably be familiar with the matter from a review of the papers relating to the case, which have already been filed at court.
- (2) You, followed by any witnesses you rely on, will give evidence. The judge may read your written statement or may ask you to give evidence confirming that statement. The Defendant's Counsel will then have the opportunity of putting any questions. This can be difficult, but the best advice I can give you is to answer the questions as honestly and as clearly as you can and try not to give very long answers. Try also to make some eye contact with the Judge if you can and if you feel that you need a comfort break when

giving evidence, just ask your barrister. If you don't know the answer, simply say 'I am sorry, I do not know' rather than saying think is the right answer as you may inadvertently prejudice yourself.

- (3) The Defendant and any witnesses relied on by the Defendant will similarly give evidence and your Counsel will put any questions.
- (4) Each party's Counsel will address the judge, stressing the main points each party relies on and dealing with any points of law.
- (5) The judge will decide the case, giving full reasons for the decision.

Sometimes judges reserve their decision to a later date but I will chase this for you and advise as soon as the judgement is available if this occurs. Generally you will receive a judgement on the same day.

I hope this usefully explains what will happen on the day and if you require any further information with regard to the trial date or the trial, please do not hesitate to contact me.

In the meantime, I will continue my work on the claim and liaise with the Defendant Solicitors to produce the trial bundles and forward them to the relevant parties and to you once they are completed.

It is of course, still possible for the parties to negotiate a settlement even on the day of the hearing. Accordingly I do not rule out that possibility even at this late stage.

A complete bundle of documents relating to the case, including relevant statements and the summaries of each party's case, has now been prepared and filed at court, and I enclose a bundle for your information. Please bring the bundle of documents to court with you so that you have it to refer to if necessary during the discussions with your barrister.

Finally, for the moment, I shall be grateful if you could confirm that you and your witnesses will attend the hearing.

Yours sincerely

**{ MERGFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }**  
**{ MERGFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }**