

from: The Hon. Mr. Justice Michael Davies



ROYAL COURTS OF JUSTICE
STRAND, LONDON, WC2A 2LL

30 March 1988.

Dear Sirs,

As Judge in Charge of the Lists, I have since the beginning of this year been reviewing many cases as they are set down in the Queen's Bench Division non-Jury List.

These include medical negligence cases and I have been disturbed to find that in a random sample the average time from cause of action to setting down has been just over 7 years and as most of these cases require a fixed date an average of something like 8½ years is elapsing between the cause of action and trial. This seems to me to be very unjust to Plaintiffs and also to doctors and others who are accused of negligence. Also, I suspect that the lay persons involved erroneously often think that a large part of the delay is due to the courts.

I understand that medical negligence cases are often difficult to prepare but I do not believe that delays need to be as long as they often are.

In these circumstances, I was so impressed to read the dates in the above mentioned case that I thought it only fair to send this congratulatory note.

They appear to be:

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| Cause of action | June 1986 |
| Writ | 5 November 1987 |
| Order for Directions | 29 February 1988 |
| Set Down | 24 March 1988 |

I see no reason why most of these cases should take more than 17 months before the writ is issued no more than 21 months from cause of action to setting down. Indeed this could be improved upon but, if I may say so, you have done so much better than the vast majority of these cases.

No doubt the Defendants Solicitors have also been co-operative and I am sending a copy of this letter to them.

Furthermore, I am letting the Clerk of the Lists have a copy. If there is an application for a fixture, please remind him of it: you deserve Rolls Royce treatment.

Yours truly,

Judge in Charge of the Lists.

Messrs. Fhylton-Potts,
7, Cheval Place, London, S.W.7.

Copies to:

Messrs. Bircham & Co.,
1 Dean Farrer Street, London, SW1H 0DY

Clerk of the Lists.