



PRACTICE DIRECTION ISSUED IN ORDER TO CLARIFY THE CORRECT PROCEDURE FOR CORRESPONDING WITH AND IN ADDRESSING THE STAFF OF THE COURTS OF THE BRITISH OVERSEAS TERRITORY OF THE FALKLAND ISLANDS

Introduction

1. It has been noticed that there is some uncertainty and confusion amongst many people as to how to correspond with the Law Courts of the Falkland Islands, and how to address court staff.
2. In turn it is acknowledged that the courts have previously adopted an inconsistent approach in the way that they have corresponded with others such as parties to proceedings. For instance, one party might be sent correspondence addressed to them using only their first name whilst the other party may have been addressed by title or surname. There is clearly a risk that such a practice might give rise to the perception of familiarity and therefore bias or favouritism to one side over another.
3. Whilst it is recognised that the Falkland Islands, as a small community, does adopt a first name culture in many areas of life, it is inappropriate that this should be carried into formal court proceedings.
4. There has also been a practice of lawyers, witnesses and litigants seeking to communicate directly with the judiciary about cases in order to raise issues and provide information. Although this may have been done in the past with the most innocent of motives, this practice clearly runs the risk of giving rise to the perception that the judiciary may be being provided with inadmissible information or engaging in inappropriate communication.
5. Despite previous informal requests and directions it is of concern to note that some of those regularly involved in the communicating with the Court in an official capacity continue to use inappropriate and informal forms of address. As a result this formal Practice Direction is now issued.
6. In addition there is a continuing practice of parties copying to the court emails which are sent between the parties themselves. This is not appropriate as it may result in the court being made aware of information which it should not be privy to. If a party has a concern in relation to a case they should contact the court directly in writing. If a party seeks to raise an issue with the court which relates to the conduct of the case they should do so by seeking directions in proper form or seeking a court hearing, with service of such application upon the other parties and the court in accordance with the relevant rules.
7. There is no need for the court to be copied in to all correspondence between parties; the court does not wish to see irrelevant email trails. Any email correspondence should only contain matters of relevance to the court.
8. This practice direction relates to correspondence relating to court proceedings and other court business and is not intended to cover the perfectly legitimate communication with the courts and judiciary on matters which are entirely personal.

This Practice Direction comes into force with immediate effect.

Practice Direction

The following procedure is to be adopted in relation to communications relating to court proceedings:

1. Communications relating to court proceedings should not be addressed directly to the judiciary, unless the judge has specifically directed otherwise (such as where he or she has directed that skeleton arguments be sent to his personal email in matters of urgency).
2. All communications relating to court proceedings and court matters should be addressed to the Court Administrator (or in the absence of the Court Administrator, or where requested otherwise, to the Court Assistant) and will be sent using styles (eg. Dear Mr Attorney General) or titles and surnames. First names are not to be used.