



## Wellbeing Protocol

### COURT LISTING

1. Listed trials or other substantial hearings should ordinarily not take place before 10am or 10:30 according to local practice and the court day should ordinarily end no later than 4.30 pm.
2. If the court intends to sit either later or earlier, then it should only expect to do so in exceptional circumstances. Enquiry must be made as to whether and to what extent this is consistent with practitioners' commitments.
3. Shorter non-trial hearings may be listed by the courts with a view to being concluded by 10, in order to assist counsel's availability.

### BREAKS

4. Trials involve intense concentration, and there should be breaks, in addition to lunch breaks. Courts should not ordinarily sit for longer than 1.5 hours without a break.
5. Lunch breaks are a necessity. The Court should rise for a full hour at lunch time, ideally between 1 and 2. Significant variations should not be made by the Judge without warning, nor without good reason.
6. Lunch breaks should be used for lunch. The length of the lunch time adjournment should be adjusted upwards from one hour to accommodate any additional work required over that period, so as to allow advocates sufficient time to have a break as well as undertake such work.
7. For trials lasting longer than one day sensible time markings should be provided for the second and subsequent days to allow for any conferences or work that needs to be undertaken relating to the trial before it commences so that it does not have to be done outside of the ordinary work hours.

8. When listing or adjourning a case every effort will be made to accommodate prior commitments, where possible, in order that practitioners do not spend time on cases they are then unable to attend, and defendants are able to retain continuity of counsel.
9. The courts will, where the interests of justice permit, make allowances for advocates to deal with other matters by video link or other remote means to maximise efficiency in trial counsel being present.

#### OUT OF COURT WORKING HOURS

10. Advocates work is not limited to that undertaken in the court room. Sufficient time should be allowed for advocates to complete work requested/directed by the Court and hearings should be given appropriate time markings to accommodate this without the advocate having to work for excessive amounts of time outside of the ordinary work hours.
11. Enquiries should be made with the advocate in question regarding how long such work will realistically take in order that their other commitments and input from third parties (if required) can be accommodated. Unrealistic orders cannot be appropriately complied with, and therefore will not be. Where a barrister takes the view that they cannot realistically comply with an order, they remain under a duty to inform the court of that fact in good time.

#### EMAILS

12. Emails should ideally only be sent during work hours. Where that is not possible advocates may send their emails when it is convenient to them. However, there is no need to read or respond to an email after 6pm or before 9am, nor at weekends. This includes emails received from the Court/Judges.
13. There should be no expectation of a response if an advocate is on leave.
14. Email recipients are encouraged not to "reply all" unless necessary.

#### RESPECT

15. All court users are entitled to be treated by all concerned with courtesy and respect. Verbal aggression is a form of abuse and should never be justified. Criminal barristers are entitled to be treated with that same courtesy and respect.