



**Celia Kitzinger** @KitzingerCelia

Mar 2 · 20 tweets · [KitzingerCelia/status/1499090112382214145](https://twitter.com/KitzingerCelia/status/1499090112382214145)

Another thread about problems with open justice in the Court of Protection

On 2nd March 2022, five public observers watched a hearing about kidney donation before Arbuthnot, J.

I think there were journalists there too.

We tweeted + blogged.

But so much went wrong today.



## What went wrong with open justice in the Court of Protection on 2<sup>nd</sup> March 2022

The Arbuthnot J hearing was initially 'secret'.

It didn't appear anywhere in the lists: Not RCJ. Not under "Court of Protection" in CourtServe. Not even under "Liverpool" in CourtServe.

It was added to CourtServe after I personally phoned court staff and asked for a listing.

When I checked the listing there was no contact information - so how could you email to ask to observe?

I asked for it to be added.

An hour later (shortly before the hearing began) it was.

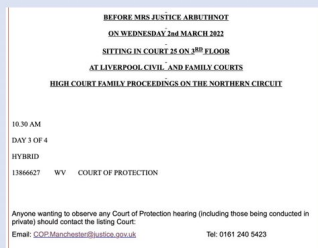
By that time I'd forwarded 4 emails from would-be observers to the judge's clerk.

Once the email for access was publicly listed, I thought the problem would be solved.

It wasn't.

Staff didn't know what to do when asked by a member of the public for access to this hearing.

## 1. Court staff in Manchester unable to provide access to Arbuthnot J



- Email address for access to hearing is given as Manchester (regional hub)
- Gill Loomes-Quinn (co-director of Open Justice COP) emailed day before to ask for link.
- "This is not a COP Manchester case," said court staff. No link received.
- Gill received link from judge's clerk, from whom I'd also received it since this hearing hadn't been listed in CourtServe at all by the morning of the day it started.
- There were 5 observers. All 5 were only able to obtain the link after I emailed the judge's clerk to ask her to send the link to them
- If there were other would-be observers, they didn't think to contact me, wouldn't know how to contact the judge's clerk, and they didn't get access
- This is not open justice.

Yesterday, this hearing began 15 mins earlier than listed

I was told by email (+ checked my email in nick of time).

Other public observers were not informed. I emailed those I was in contact with.

[@TheOrganOgress](#) missed the beginning

Not public.



**Is a kidney transplant in his best interests?**

By Bonnie Venter, 1st-4th March 2022 UPDATE: The judgment in this case is now published: Manchester University NHS Foundation Trust v WV [2022] EWCOP 9 (08 March 2022) I'm watching a four-day...

<https://openjusticecourtofprotection.org/2022/03/01/is-a-kidney-transplant-in-his-best-in...>

So the fact there were public observers, and we tweeted and blogged is good, of course, but simply to celebrate that as an achievement of open justice in the Court of Protection conceals the huge amount of work I did to make this possible against the odds. It should be easier.

I asked to observe a 1 hr hearing today 9.30am, before the Arbuthnot J hearing was due to start.


Court staff never actioned my email

It's really hard to get access to 9.30am hearings.

It's an admin issue, not deliberate obstruction.

But the effect on open justice is the same.

## 2. I couldn't get access to Poole J



Start Time	Case Details
9:30 AM	13068205 - RE: EDS - PTR - IN PUBLIC WITH REPORTING RESTRICTIONS - TELEPHONE

Previous blog posts featuring Poole, J  
[Capacity for sex and marriage](#)  
[Should life-sustaining treatment be continued?](#)  
[When Expert Evidence Fails](#)  
[Deprivation of Liberty at an Urgent Hearing](#)  
[Accountability for the rape of a vulnerable woman](#)


- 1<sup>st</sup> email requesting access sent (both to local court & Leeds regional hub), 17.22pm 1 March 2022
- No response so 2<sup>nd</sup> email sent 9.09am on 2<sup>nd</sup> March
- Phoned Leeds hub twice (9.10am & 9.20am) – rang unanswered
- Reply from Leeds court staff: 9.52am today:  
*"Unfortunately the Court wasn't able to process your request in time for the hearing today. The Court apologises for any inconvenience caused."*
- Apology from judge via his clerk saying he was unaware of my request until after the hearing as it came in late from the court office. (Also provided helpful info about final hearing in the case.)
- This is not open justice.

And then there are the daily cause lists for the Court of Protection....

Nearly half ( $18/39 = 46\%$ ) of today's Court of Protection hearings in CourtServe (including Arbuthnot J's hearing) are 'hidden'.

They are wrongly listed and do not appear on the Court of Protection list.

## 3. There are 18 'hidden' hearings that should have been on COP list and weren't.



Court of Protection	COP list on CourtServe 2 <sup>nd</sup> March 2022
<a href="#">Derby Daily</a>	02/03/22
<a href="#">First Avenue House Daily</a>	02/03/22
<a href="#">Guildford Daily</a>	02/03/22
<a href="#">Leicester Daily</a>	02/03/22
<a href="#">Manchester Daily</a>	02/03/22
<a href="#">Newcastle Daily</a>	02/03/22
<a href="#">Preston Daily</a>	02/03/22
<a href="#">Stoke-on-Trent Daily</a>	02/03/22
<a href="#">Teesside Daily</a>	02/03/22
<a href="#">York Daily</a>	02/03/22

Do you see Birmingham on this list?

These are the publicly available hearings (outside the RCJ) for Wednesday 2<sup>nd</sup> March 2022, as published in CourtServe (at 08.20am that day)

When you click on the live links, windows open with more than one hearing in some towns (e.g. there are 6 in Newcastle)

In total, there are 21 hearings listed on the COP list today.


But there should be 39.

It's incredibly labour-intensive to find COP hearings if they're not listed under the COP tab but scattered throughout CourtServe.

It took me more than 2 hours to locate the 18 'hidden' hearings for today.


It involves opening multiple windows + scanning multiple lists.

- Eighteen COP hearings are wrongly listed under other tabs (names of towns/cities or names of judges) for the Wednesday 2<sup>nd</sup> March 2022 lists
- For example, under "Birmingham", there are dozens of windows that open to reveal scores of hearings before different judges
- I opened every single window and scrolled down through every list + found 2 COP hearings in Birmingham
- I did this for every town and city in CourtServe and found 18 COP hearings not included under the COP tab.
- These hearings are hard to find. We call them 'hidden' hearings.
- Members of the public (and journalists) are unlikely to find them.
- This isn't open justice.



These are the windows I had to scroll through to find the Birmingham COP hearings.

It took me more than 2 hours to find 18 hearings that should have been readily accessible under the COP heading.




I know listings are not something people get excited about. It's tedious admin. But it's crucial to open justice.

Unless the Court of Protection list is done properly, hearings are simply 'hidden' (or even 'secret').

Like these 2 in Birmingham today.


## Two 'hidden' hearings in Birmingham, 2<sup>nd</sup> March 2022



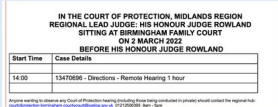
1. Look - Birmingham is not on the Court of Protection list

Court of Protection	Date
Derby Daily	02/03/22
First Avenue House Daily	02/03/22
Guldford Daily	02/03/22
Leicester Daily	02/03/22
Manchester Daily	02/03/22
Newcastle Daily	02/03/22
Preston Daily	02/03/22
Stoke-on-Trent Daily	02/03/22
Teeside Daily	02/03/22
York Daily	02/03/22

2. But here's one COP hearing in Birmingham



3. And here's another



4. There's nothing publicly listed in Birmingham on the Court of Protection list today. These 2 COP hearings are deep down within the Birmingham listings. This isn't open justice.

Here's a hidden hearing in Caernarfon. Please [@HMCTsgovuk](#) read this thread, and weep, and then can we work together to do something about it, in the interests of open justice.

[illegible]

No, I haven't finished yet. I badly want to get the attention of the COP to solve this - on a systemic basis, not over and over again on a one-off "sorry, here's what went wrong with this one" way.

See how pervasive this is. How can we fix it?

It impedes open justice.

# Two hidden hearings in Chester, 2<sup>nd</sup> March 2022

1. Look! Chester is not on the Court of Protection list

2. But here are two Court of Protection hearings in Chester

3. I found them wrongly listed under "Chester"

4. There's nothing listed in Chester on the Court of Protection list today. This hearing is only visible if you click through the Daily Case lists for Chester. This isn't open justice.

**Court of Protection**

Case Details	Date/Time
<b>Derby Daily</b>	02/03/22
<b>First Avenue House Daily</b>	02/03/22
<b>Guliford Daily</b>	02/03/22
<b>Leicester Daily</b>	02/03/22
<b>Manchester Daily</b>	02/03/22
<b>Newcastle Daily</b>	02/03/22
<b>Preston Daily</b>	02/03/22
<b>Stoke-on-Trent Daily</b>	02/03/22
<b>Teeside Daily</b>	02/03/22
<b>York Daily</b>	02/03/22

**In the Chester County Court**  
**Wednesday 2 March 2022**  
**Before District Judge Sanderson in Hearing Room 1**

Start Time	Case Details
10:00 AM	Hearing Time
10:00 AM	12:00 PM, "COP" - 60 Minutes HEARINGS RECORDED BY Teams
10:45 AM	Hearing Time
11:00 AM	12:00 PM, "COP" - 60 Minutes HEARINGS RECORDED BY Teams

Case hearings are open to anyone connected to the case.

Case parties are a fundamental principle in our courts and tribunals system and will continue to be as we embrace the use of audio and video technology.

Requests from the media and others, including legal bloggers in the family jurisdiction, should be made to Chester, Civil Justice Centre and not directly to the court or to the court's website.

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The court may exclude observers where necessary to secure the proper administration of justice.



I know this is boring. I do this boring task (with help from [@DocCMartin](#) + [@GillLoomesQuinn](#)) for every single day.

It's the only way to know where and when COP hearings are being held.

Scouring lists like this shouldn't be necessary.

Please [@HMCTSGovuk](#) can you fix this?

### A 'hidden' hearing in Exeter, 2<sup>nd</sup> March 2022

1. Look! Exeter is not on the Court of Protection list

Court of Protection		
Derby Daily		02/03/22
First Avenue House Daily		02/03/22
Guildford Daily		02/03/22
Leicester Daily		02/03/22
Manchester Daily		02/03/22
Newcastle Daily		02/03/22
Preston Daily		02/03/22
Stoke-on-Trent Daily		02/03/22
Teesside Daily		02/03/22
York Daily		02/03/22

2. But here is a Court of Protection hearing in Exeter

In The County Court and The Family Court at Exeter		
Case Number	Case Details	Hearing Type
1200 PM	1200 PM	Family Proceedings

3. I found it wrongly listed under Exeter

Exeter		
Case Number	Case Details	Hearing Type
1200 PM	1200 PM	Family Proceedings

4. There's nothing listed in Exeter on the Court of Protection list today. This hearing is only visible if you click through the Daily Cause lists for Exeter. This isn't open justice.

Here's a hidden hearing in Leeds. It can't be beyond the powers of Court of Protection administrators to put all the COP hearings together under a single heading so we can find them easily. Can it?

### A 'hidden' hearing in Leeds, 2<sup>nd</sup> March 2022

1. Look! Leeds is not on the Court of Protection list

Court of Protection		
Derby Daily		02/03/22
First Avenue House Daily		02/03/22
Guildford Daily		02/03/22
Leicester Daily		02/03/22
Manchester Daily		02/03/22
Newcastle Daily		02/03/22
Preston Daily		02/03/22
Stoke-on-Trent Daily		02/03/22
Teesside Daily		02/03/22
York Daily		02/03/22

2. But here is a Court of Protection hearing in Leeds

In The County Court and The Family Court at Leeds		
Case Number	Case Details	Hearing Type
1200 PM	1200 PM	Family Proceedings

3. Look at all the windows I had to open and scroll down through dozens of entries to find these two COP hearings

Leeds		
Case Number	Case Details	Hearing Type
1200 PM	1200 PM	Family Proceedings

4. There's nothing listed in Leeds on the Court of Protection list today. This hearing is only visible if you click through the Daily Cause lists for Leeds. This isn't open justice.

Here's a twist on the problem of hidden hearings. There are two COP hearings in Leicester today. One is listed under COP. One isn't.

## A hidden hearing in Leicester on 2<sup>nd</sup> March 2022

1. Oh look! Leicester is in the Court of Protection list! Clicking on the tab reveals one hearing.

Court of Protection	
Derby Daily	02/03/22
First Avenue House Daily	02/03/22
Guildford Daily	02/03/22
Leicester Daily	02/03/22
Manchester Daily	02/03/22
Newcastle Daily	02/03/22
Preston Daily	02/03/22
Stoke-on-Trent Daily	02/03/22
Teesside Daily	02/03/22
York Daily	02/03/22

2. But actually there are TWO hearings in Leicester.

3. The 2pm one isn't in the COP list. The 10am one is. How does this happen??

**In The County Court and The Family Court at Lancaster**  
**Before District Judge McJure sitting in Hearing Room 2**  
**Wednesday 2 March 2022**

<b>Start Time</b>	<b>Case Details</b>
10:00 AM	1312356 MATTERS IN PRIVATE - COP (PAPER HEARING)
12:00 PM	1P100878 Re A Minor - URGENT DIRECTIONS (BY TELEPHONE)
2:00 PM	1384004 MATTERS IN PRIVATE - COP (ONPAPER)
3:00 PM	802001580 DUNCAN – BAL - DIRECTIONS (2P)
3:30 PM	1E1000073 FREEMAN – VAL – PROHIBITION/ORDER OF DEGREE AND PDP
3:40 PM	222001988 PATEL – PATEL - DIRECTIONS (BY TELEPHONE)

4. I found the hidden hearing wrongly listed under "Leicester."

Her Honour Judge Jackson	02/03/22
<b>Leicester</b>	
Daily Magistrates	02/03/22
Daily Magistrates	01/03/22
Daily DJs	02/03/22
Daily DJs	01/03/22
Daily CJs	02/03/22
Daily CJs	02/03/22
Daily CJs	01/03/22
<b>Lincoln</b>	

5. So just because there's an entry in the COP list for a particular county court DOESN'T MEAN that the entry includes all the hearings in the court. I still have to spend time poring through the lists for that court too, for the ones that haven't been listed. It's time-consuming. It's tedious. It should be unnecessary. This isn't open justice.

Sometimes Tier 3 judges (the most senior in the COP) hear cases in county courts outside London.

When they hear cases in London, the Royal Courts of Justice list them and they are (usually) easy to access.

When they hear cases elsewhere, they're often hidden or secret.

## Liverpool – A hidden hearing before a Tier 3 judge

1. Look!  
Liverpool is not  
on the Court of  
Protection list

Court of Protection	
Derby Daily	02/03/22
First Avenue House Daily	02/03/22
Guildford Daily	02/03/22
Leicester Daily	02/03/22
Manchester Daily	02/03/22
Newcastle Daily	02/03/22
Preston Daily	02/03/22
Stoke-on-Trent Daily	02/03/22
Teesside Daily	02/03/22
York Daily	02/03/22

2. But here's a Court of Protection hearing in Liverpool.

[Open link to view file](#)  
**REPORT MISJUDICE ABUSE/NOTICE**  
**ON WRIT/INVESTIGATIVE HEARING**  
**SETTING IN COURT 21 ON 7/27/2018**  
**ALL INVOLVED CIVIL AND FAMILY COURTS**  
**HIGH COURT FAMILY PROTECTION ON THE NORTHERN CIRCUIT**  
  
 10:30 AM  
 DAY 7 OF 4  
 HYBRID  
 1386607 NY COURT OF PROTECTION

3. It's only in CourtServe at all because I phoned the court and ASKED them to add it.

4. I asked for it to go into the Court of Protection list. But it didn't. It went under "Liverpool" and then the judge's name..

5. I also know that court staff at the email address provided were not able to support access to the hearing.

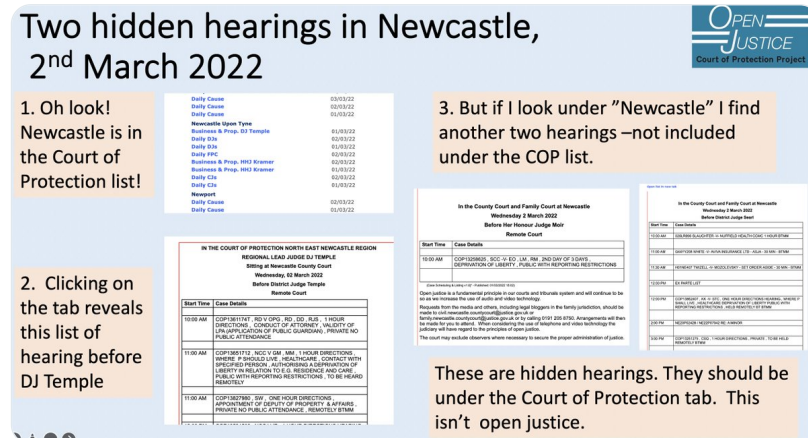
Daily CJ & Recorder	01/03/22
<b>Liverpool</b>	
Darby Cause	03/03/22
Darby Family	03/03/22
Family	03/03/22
Hia Honour Judge Wood QC	03/03/22
Hia Honour Judge Wood QC	03/03/22
Hia Honour Judge Caldwell	03/03/22
Mrs Justice Arden	03/03/22
Mrs Justice Arden	03/03/22
Business & Prof. Hqs. Central	03/03/22
Hia Honour Judge Rylands	03/03/22
Hia Honour Judge Rylands	03/03/22
District Judge Lewis	03/03/22
Hia Honour Judge Bond	03/03/22
District Judge Baldwin	03/03/22
Judge (C name)	03/03/22
Judge (C name)	03/03/22
Judge (C name)	03/03/22
Hia Honour Judge Gregory	03/03/22
Hia Honour Judge Gregory	03/03/22
<b>Liverpool</b>	
Daily Cause	04/03/22

6. It's very disturbing to find that hearings before High Court judges outside of London are 'hidden' like this. If they were on RCJ lists (as usual for High Court judges they'd be easily accessible. This isn't open justice.



I've said in COP User Group meetings (repeatedly) "Please can you ensure that all the COP hearings for your region appear in the COP listings so we don't have to trawl through 100s of listings under names of cities/judges). I don't think judges/lawyers get why it's so important.

## Two hidden hearings in Newcastle, 2<sup>nd</sup> March 2022



**1. Oh look! Newcastle is in the Court of Protection list!**

**2. Clicking on the tab reveals this list of hearing before DJ Temple**

**3. But if I look under "Newcastle" I find another two hearings –not included under the COP list.**

**These are hidden hearings. They should be under the Court of Protection tab. This isn't open justice.**

**OPEN JUSTICE**  
Court of Protection Project

It goes on and on and on.

Trawling CourtServe for Court of Protection hearings is a mind-numbingly boring process.

The COP list should be comprehensive and cover all the hearings. [@HMCTSGovuk](#)

But on 2nd March 2020 46% (18/39) were hidden.

Here's one in Plymouth.

## A hidden hearing in Plymouth, 2 March 2022

**1. Look! Plymouth is not in the Court of Protection list today. Does this mean there's no COP hearings in Plymouth? Oh, no!**

**2. Here's a Court of Protection hearing in Plymouth**

**3. This Court of Protection hearing was not in the Court of Protection list. It was in a list of hearings in Plymouth. This made it hard to find. We expect to be able to look at the Court of Protection list and know what is happening – not have to trawl through all the lists for other courts. This is a hidden hearing. This is not open justice.**

**OPEN JUSTICE**  
Court of Protection Project

Dear [@HMCTsgovuk](#) I would like to support you in ensuring that the COP list in CourtServe is comprehensive. It currently omits between a third and a half of all COP hearings - like this one in Port Talbot today. How can I help please? It's so important for open justice.

[illegible]

I hope the length of this thread conveys some idea of what it takes me, day in, day out, to access information about Court of Protection hearings from CourtServe. It shouldn't be this hard. Hearings shouldn't be hidden. How can we improve the COP list [@HMCTSGovuk](#)

# Four hidden hearings in St Helens, 2<sup>nd</sup> March 2022

1. Look! St Helens is not on the Court of Protection list . Do you think this means there are no COP hearings in St Helens?

**Court of Protection**

Derby Daily	02/03/22
First Avenue House Daily	02/03/22
Guildford Daily	02/03/22
Leicester Daily	02/03/22
Manchester Daily	02/03/22
Newcastle Daily	02/03/22
Preston Daily	02/03/22
Stoke-on-Trent Daily	02/03/22
Teesside Daily	02/03/22
York Daily	02/03/22

3. But you only find out about them by navigating to “St Helens” and opening all these windows to see what’s there.

**St Helens**


03 Helmsley Court B	03/03/22
03 Helmsley Court B	03/03/22
St Helens	
St Helens	12/03/22
St Helens	10/03/22
St Helens	09/03/22
St Helens	08/03/22
St Helens	07/03/22
St Helens	06/03/22
St Helens	05/03/22
St Helens	04/03/22
St Helens	03/03/22
St Helens	02/03/22
St Helens	01/03/22
St Helens	01/03/22

2. Actually there are 4 COP hearings in St Helens

In the Wirralshire County Court  
Hearings by Video  
Before District Judge Grogan  
Client 2

Start Time	Case Details
	COP
10:00 AM	LOP/PROTECT/AN/ABUSE
11:00 AM	COP (INTERVIEW)
11:00 AM	COP (INTERVIEW)
12:00 PM	COP (INTERVIEW)
2:00 PM	COP (INTERVIEW)

4. The Court of Protection list should cover ALL Court of Protection hearings. Those that aren’t included on the list are ‘hidden’ hearings. It’s very hard to find them. This is not open justice.



Open Justice  
Court of Protection Project

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