

PD57AD Explained For Litigation Lawyers

PD 57AD governs disclosure in UK litigation, outlining duties for parties and lawyers. It covers the workflow from initial disclosure to the five Models, emphasising cooperation and technology. The guide also addresses common mistakes and variants for less complex claims.

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PRACTICEDIRECTION57AD · A GUIDE FOR UK LAWYERS PD 57AD Explained for Litigation Lawyers Purpose, Duties, Workflow, Cooperation and Technology COMPUTER FORENSICS LAB DISCOVERY. UK

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FULL CHAIN-OF-CUSTODY DOCUMENTATION

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Questions and answers

Does PD 57AD apply to my case?

If the proceedings are in the Business and Property Courts, presumptively yes, subject to the excluded and modified categories in paragraph 1 (own-regime schemes and lists, Part 8, and others); check the current text against your court and list. Outside the B&PCs, CPR 31 and PD 31B govern instead, and the practical disciplines transfer wholesale even though the forms differ.

Is Model D the default?

No. There is no default Model, no entitlement to Extended Disclosure at all, and the court must be persuaded per issue that the Model sought is reasonable and proportionate. A DRD proposing Model D across the board reads as the old culture in new clothes, and courts say so.

What exactly is a known adverse document?

A document the party actually knows about (corporate knowledge running through those with accountability for the events, including departed staff) which contradicts or materially damages its case or supports its opponent's on the issues. It must be disclosed what ever Model applies and what ever any search would have found, and the duty continues to the end of proceedings. It is the regime's most personal duty and the one to educate clients on first.

What if the other side will not cooperate?

Perform your side visibly (serve, propose, exchange data, offer structure), record everything, and escalate cleanly: chase with deadlines, use a Disclosure Guidance Hearing for methodology steers, and put crisp, evidenced disputes before the CMC with the correspondence exhibited. The regime's sanctions run through costs and case management, and they are applied against parties whose files show friction as strategy.

Are we required to use technology-assisted review?

Not in terms, but the DRD requires you to state a position on analytics and TAR, courts have endorsed the technology since Pyrrho, and on a large Model D exercise a refusal will need justifying against the cost of the linear alternative. Decide on measured numbers and record the decision either way; that is the compliant posture which ever answer you reach.

What happens if we get it wrong?

Paragraph 17 provides for correcting failures (further searches, corrected certificates) and paragraph 18 for varying orders as the case develops; done promptly and candidly, correction is routine case management. What attracts sanction is the other pattern: breaches discovered rather than disclosed, cooperation performed rather than done, certificates describing exercises that were not performed. The protective habit is the series' recurring one: write the record as you go, so correction is a document away. cflab. u k · e-discove r y. u k ©2026 Computer Forensics Lab Ltd · cflab.uk · e-discovery.uk · info@cflab.uk · +44 (0)20 7164 6915 Page 20 of 23