

Practice Note DC (Civil) No. 13

Amendments to Case Management

This Practice Note is issued under Sections 56 to 62 of the Civil Procedure Act 2005. It applies to all matters in the Sydney Civil List. Commencing 1 September, 2008:

1. All cases in the case managed list, with the exception of defamation and child care cases, will be listed for pre-trial conference 2 months after the filing of the statement of claim.
2. No case may be entered into the Commercial, Construction or Professional Negligence lists before the pre-trial conference.
3. An application may be made at the pre-trial conference for a case to be placed in one of the specialist lists. Any application must be supported by an affidavit setting out the reasons for entering a case in the list. The Court will carefully consider each application, even if both parties consent. Any application to enter one of these lists after the pre-trial conference should be made to the Civil List Judge by notice of motion.
4. Cases will generally not be put into specialist lists for case management unless they are of a significant value and/or complexity so as to require detailed management. Cases concerning a claim of less than \$150,000 and cases which do not require specialist case management will not usually be listed in the Commercial List or the Construction List. The majority of cases will be managed in the General List.
5. All cases, except for those which for good reason cannot be heard within 12 months of commencement, will be required to take a hearing date within a period between 8 and 11 months from commencement. Cases will still be able to take a hearing date from a pre-trial conference.
6. The Court, until further notice, will no longer have a Property Relationship and Family Provision Act list. These cases will be managed in the General List.

7. Cases in the General List will be required to take a hearing date at the status conference as set out above even though there are still some matters to be completed before the hearing. Appropriate orders will be made.
8. When parties attend a status conference they must have details of the availability of their client, witnesses and counsel together with an estimate of the length of the case to allow a hearing date to be fixed.
9. If a party does not comply with orders and, as a consequence, the hearing date is in jeopardy then the other party must immediately approach the Court by way of notice of motion to have this matter dealt with. Costs orders will be made including costs orders against practitioners where applicable.
10. Motions relating to case management should be so endorsed and will be placed in a special motions list and dealt with urgently by the Judicial Registrar or the Civil List Judge.
11. Hearing dates will not be adjourned except in unusual circumstances. The failure to comply with Court orders will normally not be a reason for adjournment. Parties who breach orders may be restricted in the evidence which they can rely on at the hearing.
12. Any cases, except those which have a genuine need for an additional time for preparation, will be subject to an enquiry as to why they have not been prepared for hearing, orders will be made for their further preparation and costs orders will be made. Some of those costs orders may be made against members of the profession.
13. In cases not ready to proceed to a hearing the party responsible will have to show cause why the proceedings or cross claim should not be dismissed or the defence struck out.
14. Cases in which parties have failed to comply with Court orders will be referred to the Civil List Judge at an early time.
15. The Court requires proper representation at all appearances before the Court. Parties should be represented by the solicitor on the record or the solicitor with carriage of the proceedings or by counsel. Cases should not be mentioned by consent unless they

are settled or ready for a hearing date. If parties are represented by an agent that agent should have full instructions to deal with any questions asked by the Court. If there is no proper representation the case will either be stood down or stood over to another day to allow proper representation at the cost of the party not properly represented and usually such costs will be payable by that party's legal representative.

The following parts of current Practice Notes are suspended until further notice:

Practice Note 2:	2.1
Practice Note 3:	4.1
Practice Note 4:	Totally.

The Hon. Justice R.O.Blanch A.M.
Chief Judge
20th August 2008