

## PRESENTERS



### **Andrew Beck, Barrister, Greytown**

Andrew Beck is a member of the Wellington bar, practising chiefly in civil and commercial litigation. He is currently Convenor of the NZLS Civil Litigation and Tribunals Committee, and one of the Law Society representatives on the Rules Committee. Andrew is the author of several books including *McGechan on Procedure and Principles of Civil Procedure* and is a regular contributor to legal journals. He is also the editor of the *Procedure Reports of New Zealand*.



### **Judge Brooke Gibson, District Court, Auckland**

Judge Gibson was appointed to the District Court in 2010 to sit at Auckland. He is a member of the Rules Committee and a member of the District Court sub-committee tasked with reviewing the District Court Rules 2009, which review has led to the new rules. Judge Gibson is currently the Chairman of the Civil Committee of the District Court. As a practitioner he had extensive experience in civil litigation at all levels and was a lecturer in civil procedure at the law Faculty at Victoria University, Wellington.



### **Judge Paul Kellar, District Court, Christchurch**

Judge Kellar graduated from the University of Canterbury in 1977. He became a partner in the Christchurch firm of Harper Pascoe (later to merge and become Anthony Harper) in 1984 before commencing practice at the Independent Bar in 1997. Judge Kellar was appointed a District Court Judge on 5 April 2007 where he holds a jury warrant, civil designation and (as from 29 July 2009) a warrant as an Alternate Judge of the Environment Court initially in Dunedin and (as from October 2011) his home town of Christchurch. Judge Kellar is part of the sub-committee formulating a review of the District Courts Rules and is a member of the Rules Committee.



### **David Neutze, Brookfields, Auckland**

David specialises in the area of commercial litigation and dispute resolution. He acts primarily for national and multi-national corporates as well as local government and public organisations. David has advised on a wide range of commercial, construction, contract & tort, insurance, employment law, banking and finance, insolvency and administrative law disputes. He has appeared in the District Court, High Court, Court of Appeal and Supreme Court as lead counsel. David was on the sub-committee of practitioners and judges which reviewed the District Court Rules and provided recommendations which lead to the current proposed amendments.

*The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

Cover and text stocks used in this publication are from Forestry Stewardship Council certified mills, manufactured under the environmentally responsible paper manufactured environmental management system ISO 14001, using pulp from well managed forests and other controlled sources.

# CONTENTS

<b>1. INTRODUCTION</b> .....	<b>1</b>
<b>2. SCHEME OF DISTRICT COURT PROCEDURE</b> .....	<b>3</b>
<b>3. OUTLINE OF THE RULES</b> .....	<b>5</b>
QUESTIONS .....	6
<b>4. THE CASE MANAGEMENT PROCESS</b> .....	<b>7</b>
DISTRICT COURT RULES 2014, RULES 7.1 - 7.11 .....	7
<i>Case Management generally</i> .....	11
<i>First case management conference</i> .....	11
<i>Second case management conference</i> .....	12
<i>Judicial settlement conferences</i> .....	14
QUESTIONS .....	14
<b>5. MODES OF TRIAL</b> .....	<b>15</b>
DISTRICT COURT RULES 2014, RULES 10.1 - 10.8.....	15
<i>Modes of trial</i> .....	18
<i>Short trials</i> .....	18
<i>Simplified trials</i> .....	19
<i>Full trials</i> .....	19
<i>Changing mode of trial</i> .....	19
QUESTIONS .....	20
<b>6. COMMENCEMENT OF PROCEEDINGS</b> .....	<b>21</b>
DISTRICT COURTS RULES 2014, RULES 5.1, 5.28, 8.4 .....	21
<i>General rules for commencement</i> .....	22
<i>Exceptions to the rule</i> .....	22
<i>Disclosure of documents</i> .....	23
<i>Place of commencement</i> .....	23
QUESTIONS .....	24
<b>7. SUMMARY JUDGMENT</b> .....	<b>25</b>
DISTRICT COURT RULES 2014, PART 12 .....	25
<i>District Court Summary Judgment</i> .....	28
QUESTIONS .....	29
<b>8. DISCLOSURE OF DOCUMENTS</b> .....	<b>31</b>
DISTRICT COURT RULES 2014, RULES 8.5 - 8.12 .....	31
<i>District Court discovery</i> .....	32
QUESTIONS .....	33
<b>9. TRANSITIONAL PROVISIONS</b> .....	<b>35</b>
DISTRICT COURT RULES 2014 .....	35
<i>Dealing with transitions</i> .....	39
<i>Proceedings under 1992 rules</i> .....	39
<i>Proceedings under 2009 rules</i> .....	39
QUESTIONS .....	40
<b>10. APPENDIX 1</b> .....	<b>41</b>
<b>11. APPENDIX 2</b> .....	<b>45</b>