CHAIR



Hon Raynor Asher KC, Richmond Chambers, Auckland

Raynor graduated BA LLB Hons in 1972 and obtained an LLM in the US where he studied as a Harkness Fellow. He was a partner in a firm, and in 1986 commenced practice as a barrister sole, being appointed Queens Counsel in 1992. From 1996 – 1998 he was President of the New Zealand Bar Association and has been made a life member. Raynor was President of the Auckland District Law Society between 2002 and 2003 and Vice-President of the New Zealand Law Society from 2003 – 2005. He was President of the New Zealand Legal Research Foundation and is an Honorary Fellow. Raynor was appointed to the High Court Bench in 2005 and to the Court of Appeal in 2016. He has been a Commercial List judge, Chair of the Rules Committee and Chair of the Media and Courts Committee. In addition to carrying out his practice, Raynor is currently Chair of the New Zealand Media Council and a member of the Vanuatu, Cook Islands, Samoan, and Pitcairn Islands Courts of Appeal.

PRESENTERS



Warren Pyke, Barrister, Chancery Chambers, Auckland

Warren commenced practice in 1990 in Wellington, working as a solicitor in general litigation practice until 1994, after which he practised as a barrister sole with a general litigation practice, appearing frequently in the Court of Appeal over the past 20 years. Warren has appeared on six occasions in full hearings before the Supreme Court.



Garry Williams, Barrister, Richmond Chambers, Auckland

Garry is a barrister in specialising in commercial litigation, contentious intellectual property matters and media law.

The statements and conclusions contained in this presentation are those of the author(s) only and not those of the New Zealand Law Society. This presentation 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.

CONTENTS

1.	INTRODUCTION AND SCOPE OF PAPER	1
	THE COURT OF APPEAL (CIVIL) RULES 2005	
2.	DOES AN APPEAL LIE FROM THE HIGH COURT DECISION?	5
3.	IS LEAVE REQUIRED AND IF SO WHAT HAS TO BE SATISFIED?	7
	CRITERIA FOR INTERLOCUTORY APPEALS	7
4.	TIME LIMITS AND INTERIM STAYS	9
	THE NECESSITY AND IMPORTANCE OF SEALING THE JUDGMENT UNDER APPEAL STAY OF EXECUTION LEAVE TO APPEAL. TIMING OF RESPONSE TO LEAVE APPLICATION AND FILING OF CROSS-APPEALS WHEN APPELLANT	9 10
	IS OUT OF TIME OR REQUIRES LEAVE	
5.		
6.		
υ.	ADVISING ON AND COMPLETING GROUNDS OF APPEAL	
	APPEARANCE OF RESPONDENT AND SUPPORTING THE JUDGMENT ON ALTERNATIVE GROUNDS	
	SECURITY FOR COSTS	
7.		
	CASE ON APPEAL	
8.	LIST OF ISSUES AND CHRONOLOGY	21
9.	SELECTION OF GROUNDS OF APPEAL	23
	NATURE OF JUDGMENT APPEALED FROM: CONSTRAINTS ON SCOPE OF APPEAL	23
	FINDINGS AS TO CREDIBILITY AND RELIABILITY OF WITNESSES	
	FINDINGS AS TO A WITNESS'S STATE OF MIND	
	FINDINGS OF FACT	
	DECISIONS INVOLVING THE EXERCISE OF A DISCRETION	28
	ISSUES OF LAW – NEW POINTS	29
10). FRESH/UPDATING EVIDENCE	31
11		33
12	2. THE WRITTEN SYNOPSIS OF ARGUMENT ON APPEAL	35
13	3. ORAL ARGUMENT	39
	QUESTIONS FROM THE BENCH	39
	REPLY BY APPELLANT	
1 4	POWERPOINTS	
14	. FUWENEUNIS	4.)