#### **PRESENTERS**

## Judge Colin Doherty, Christchurch District Court

Judge Doherty was appointed to the District Court in 1997 and sits in Christchurch. He is the chairperson of the Civil Committee of the District Court, the civil liaison judge for the District Courts Southern Region, a member of the Rules Committee, a faculty member of the Institute of Judicial Studies Judicial Settlement Conference (JSC) Workshop programme and has presented papers on JSC in Australia, Canada and Spain.

# **Judge Tom Ingram, Tauranga District Court**

Judge Ingram was appointed to the District Court in January 2005 and practised as a solicitor before becoming a barrister sole in 1980. He has extensive experience in civil litigation at all levels, and has participated in numerous mediations and arbitrations as mediator, arbitrator, umpire and counsel.

### Judge Rod Joyce QC, Auckland District Court

Judge Joyce QC was appointed to the District Court in 1993. He took silk in 1985, after practising as a barrister sole from 1975. He is presently a member of the Rules Committee, a lecturer in civil procedure at the Faculty of Law, University of Auckland, and a Consulting Editor for *Brookers District Courts Procedure*. He was civil liaison judge, District Courts Northern Region from 1994 to 2008.

### Simon Judd, Barrister, Auckland

Simon is an Auckland barrister with 14 years experience practising civil litigation. He worked in law firms in Auckland and London and as an in-house lawyer for one of the large accounting firms in London before commencing practice as a barrister sole in November 2003. He has represented a wide range of clients in relation to civil disputes of all kinds in the mainstream courts and in specialist tribunals.

#### Dean Russ, Fletcher Vautier Moore, Nelson

Dean graduated from Otago University in 1991 and returned to his home city of Christchurch where he undertook a wide range of civil and commercial litigation. Dean made the move to Nelson in early 2008 and now heads up the litigation team at Fletcher Vautier Moore.

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.

# **CONTENTS**

1.	INTRODUCTION	1
	PHILOSOPHY AND OBJECTIVES	1
2.	THE SCHEME OF THE RULES	3
	THIRD AND SUBSEQUENT PARTIES, COUNTERCLAIMS AND CLAIMS BETWEEN DEFENDANTS	6
	Default	6
	Pre-filing settlement	6
	FILING	6
	Interlocutories	6
	CLAIM ALLOCATION	7
	SHORT TRIAL	9
	JUDICIAL SETTLEMENT CONFERENCE	9
	DIRECTIONS CONFERENCE.	9
	SUMMARY JUDGMENT	10
	SIMPLIFIED TRIAL	10
	FULL TRIAL	10
	CONSEQUENCES OF THE CHANGES.	11
3.	FREQUENTLY ASKED QUESTIONS	13
A]	PPENDIX 1: DISTRICT COURT RULES 2009	17
	TITLE, CONTENTS AND PART 1 PRELIMINARY PROVISIONS (PP 1-26)	19
	PART 2 GENERAL PROCEDURE FOR CIVIL CLAIMS WHERE NO OTHER PROCEDURE PROVIDED (PP 37-69	
	· · · · · · · · · · · · · · · · · · ·	/
Al	PPENDIX 2: CASE STUDY	79
<b>A</b> ]	PPENDIX 3: LETTER OF ADVICE	81
<b>A</b> ]	PPENDIX 4: LETTER OF ENGAGEMENT	85
<b>A</b> ]	PPENDIX 5: DISTRICT COURT RULES 2009 FORMS	89
	FORM 2: NOTICE OF CLAIM (PP 11-15)	91
	FORM 3: RESPONSE BY DEFENDANT (PP 7-14)	
	FORM 4: PLAINTIFF'S INFORMATION CAPSULE (PP 6-14)	
	FORM 5: DEFENDANT'S INFORMATION CAPSULE (PP 6-15)	
	FORM 6: NOTICE OF PURSUIT OF CLAIM (PP 8-9).	
	FORM 6A: APPLICATION FOR JUDGMENT (PP 5-9).	