

SPEAKERS



Associate Judge John Faire, Auckland High Court

Judge Faire was a litigation partner with the Hamilton law firm Stace Hammond Grace & Partners for 25 years until May 1996. He practised principally in the area of civil litigation. Appointed a Master of the High Court in May 1996, he is now an Associate Judge of the High Court. In that role he has responsibility for personal and corporate insolvency cases and all interlocutory aspects of civil proceedings in the High Court. That includes presiding over settlement conferences pursuant to r 442 of the High Court Rules. He was, for five years, a part-time senior lecturer in the Business Management Faculty of Waikato University and is a past examiner for the New Zealand Society of Accountants in Commercial Law.



Judge Tom Ingram, District Court, Tauranga

Judge Ingram, appointed to the District Court in January 2005, 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.



Helen Rice, Partner, Heaney & Co, Auckland

At the vanguard of the mediation tidal wave, Helen has honed her negotiation skills in a forum that is now an integral part of all court proceedings. A partner at Heaney and Co specialising in litigation, Helen has witnessed and participated in the refinement of the JSC process acquiring an essential skill base fundamental to all civil litigators.

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 related upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

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PREFACE

New District Court Rules are timetabled to come into force on 1 November 2009. Summary Judgment will largely disappear. The first call for all but the most simple of civil cases in the District Court will be a Judicial Settlement Conference.

At present, far more cases are concluded in Judicial Settlement Conferences than are heard and determined by a Judge in the District Court. When the new rules come into force, approximately 70% of District Court civil cases are expected to reach a conclusion at or before the allocated Judicial Settlement Conference. There will be restrictions on time to conduct those cases which continue to a hearing. Witness actions will inevitably decline.

From 1 November 2009 the essential skill set for civil litigation practitioners will necessarily include the skills required to successfully conduct Judicial Settlement Conferences. In the meantime, a high percentage of cases in both the District Court and the High Court are dealt with by means of Judicial Settlement Conferences. Skilful counsel offer their fortunate clients many advantages in any forum, and the Judicial Settlement Conference is no exception to that rule.

This booklet is intended to assist with the identification of the requisite skills, and to illustrate the parameters within which skilful counsel can influence outcomes. It is also intended to offer a penetrating multi-faceted approach - or 360° perspective - of the dynamics of Judicial Settlement Conference process as it currently operating in both the District Court and the High Court.

Judge TR Ingram