

Note to the Profession

Supervised Case List

Introduction

On 30 June 2010 Justice Daubney retired from managing the Supervised Case List.

The volume of cases on the List has grown to the point where the Court needs two judges to manage it in future. Justice Applegarth and Justice Peter Lyons have taken over its administration.

Justice Daubney will continue to manage some matters on the List with which he has had a substantial involvement. The balance of existing matters on the List will be allocated between Justice Applegarth and Justice Peter Lyons. New matters will be allocated turn about to Justice Applegarth and Justice Peter Lyons by the Supervised Case List Manager.

Once a matter is allocated to either Justice Applegarth or Justice Peter Lyons it will generally stay under his supervision unless special circumstances warrant it being allocated to the other judge or another judge.

Justice Applegarth and Justice Peter Lyons intend that there be a consistent approach to the conduct of all matters on the Supervised Case List. The purpose of this note is to identify both the general principles that will inform their approach and the administrative arrangements after 1 July 2010.

Subject to specific directions to the contrary, matters will continue to be subject to Practice Direction No 6 of 2000.

Early identification of real issues in dispute

The conduct of the Supervised Case List will be in accordance with the Philosophy of Civil Litigation, as stated in Rule 5: “the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense.”

Parties will be required to identify at an early stage in litigation the real issues in dispute. Legal representatives with responsibility for the conduct of the litigation and the conduct of any trial should be in a position to inform the Court of the real issues, and the witnesses and documents they intend to rely upon to prove or disprove particular matters in dispute.

Documents and litigation

Parties and their legal representatives are encouraged to adopt a proportionate and efficient approach to the management of both paper and electronic documents in proceedings.

Parties are encouraged to seek directions pursuant to UCPR 223 or 224, or directions under the Court’s general direction-making power that will:

- defer disclosure until the real issues in dispute are identified
- provide for the early identification and exchange of critical documents, being a limited number of documents that are likely to be tendered at any trial and are likely to have a decisive effect on the resolution of the matter.
- reflect a practical, cost-effective and proportionate Document Plan that the parties have agreed or endeavoured to agree.

Expert evidence

Parties and their legal advisers should endeavour to agree directions in relation to the appointment of expert witnesses, and in cases in which there is more than one expert witness, for the experts to confer and produce a joint report. Parties should also agree directions concerning the giving of expert evidence at trial, including directions for expert evidence to be given concurrently or consecutively in appropriate cases.

Requests to be placed on the Supervised Case List

Requests for matters to be placed on the Supervised Case List should be directed to the Supervised List Manager (email: supcasemanager@justice.qld.gov.au). This communication should list names and contact details, including email addresses, of the legal representatives of all parties, and of any party that is self-represented.

Joint reports and reviews

The practice will be continued of requiring parties to submit a joint report concerning the status of a matter and how it is intended to progress the matter to resolution.

Joint reports should be lodged by email with both the Supervised List Manager (email: supcasemanager@justice.qld.gov.au) and the Associate to the Judge with management of the matter.

Parties are encouraged to agree directions for the further conduct of matters so as to avoid the cost associated with unnecessary reviews.

Requests for matters to be listed for further review should be directed by email to both the Supervised List Manager (email: supcasemanager@justice.qld.gov.au) and the Associate to the Judge with management of the matter, and copied to other parties.

Matters will be listed for review at an appropriate date, typically at 9.15 am or 4.30 pm.

Given the typical volume of court documents on a Supervised Case file at a typical review the Judge reviewing the matter will have reference only to the most recent orders made and any joint report. If the legal representatives for a party wish the Judge to refer to any other documents at the review then either copies of the same should be handed to the Court at the review or (in the case of voluminous documents) identified to the Judges' Associate by name and court document index number well in advance of the review so that the document can be located and brought to Court.

The purpose of a typical review is to make directions for the efficient future conduct of a matter. Reviews are not the occasion for protracted disputes.

Supervised Case hearing days

Reviews that cannot be conveniently listed at 9.15 am or 4.30 pm will be listed before the judges in charge of the Supervised Case List on the following dates:

Applegarth J

23 July 2010
3 September 2010
8 October 2010
12 November 2010
10 December 2010

P Lyons J

6 August 2010
27 August 2010
1 October 2010
29 October 2010
3 December 2010

Draft orders and settling orders

Draft orders are to be submitted prior to or at reviews.

After orders are made the parties are to arrange for an electronic copy of the orders that were made to be submitted by email in a Word document attachment sent to the Associate of the Judge who made the order. Once the order is settled, the Judge's Associate will transmit it to the Supervised Case Manager for the purpose of the order being formally taken out and placed on the file.

Management of the List and contact details

The Supervised Case Manager is responsible to the Senior Judge Administrator and the Judges in charge of the Supervised Case List for the management of the Supervised Case List.

The Manager may be contacted by email: supcasemanager@justice.qld.gov.au or by telephone on 3247 4317.

The Associate to Justice Applegarth may be contacted by email: associate.applegarthj@courts.qld.gov.au or by telephone on 3247 9216.

The Associate to Justice Peter Lyons may be contacted by email: associateplyonsj@courts.qld.gov.au or by telephone on 3247 4291.

Justice Peter Applegarth

Justice Peter Lyons

July 2010