CASE MANAGEMENT IN NEW ZEALAND COURTS

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Delay

At the turn of the century Dean Roscoe Pound was urging judges, lawyers and court administrators to address problems of delay and maladministration in the courts.[1] The cliché "justice delayed is justice denied" is probably older than Pound's concern but despite being a cliché continues to hold true.

Since Pound's time things have got worse. There has been an ever-increasing demand on court resources. The increase of court business worldwide, in both civil and criminal jurisdictions, exceeds that which would occur simply from population growth. Studies in the USA confirm this.[2]

In New Zealand, there has been a marked increase in the number of court filings, as can be seen from the following table covering the High Court:

	Criminal	*Civil*
1960	407 trials	2203 writs
1970	453 trials	3312 writs
1980	710 trials	3968 writs
1990	901 files received, plus 1138 jury trial files received in the District Court.	7143 originating applications

It must be conceded that civil filings fell after disposal of the flurry of litigation following the sharemarket collapse in 1987. But filings now appear to be on the increase again. It must also be remembered that in New Zealand the replacement of personal injury litigation with the Accident Compensation Scheme led to a significant loss of civil work.

Increasing demands from the public, media and politicians have called for the judges to control the chaos in the courts. Not only has the business of the courts increased but cases coming before the courts have become increasingly complex. There is little empirical evidence to explain why this should be so. In civil cases it is perhaps more readily explicable, given the obvious increase in the complexity of modern business dealings. In crime the reasons are not so

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This article was written during my tenure as Inns of Court Visiting Fellow at the Institute of Advanced Legal Studies, London, and I wish to acknowledge my appreciation of the hospitality and the services made available to me at Lincolns Inn and at the Institute. I also wish to thank Shona Neville for her invaluable secretarial assistance.

1 See Pound's 1906 lecture, "The Causes of Popular Dissatisfaction with the Administration of Justice", reprinted in (1984) 35 FDR 273.

obvious. Many relatively straight-forward criminal cases seemed to be disposed of in a much shorter timeframe 20 or 30 years ago than today. This increased demand on court resources, and in many cases legal aid resources, requires urgent research.

At the same time as the demands on the court system increased, there was an increase in judicial and other resources. However, those increases did not match the increase in the workload. It must also be said that many judges and court administrators were slow to take up the opportunities offered to them by the rapid advances in computer technology.

The consequence of all these factors was that accused and civil litigants faced considerable delays until trial. The general consensus of most commentators in many jurisdictions was that delay had reached unacceptable proportions. Some commentators such as Professor Judith Resnik[3] and Professor Michael Zander[4] suggested that there was no empirical evidence to show delay had reached unacceptable levels. However, in the criminal jurisdiction cases were being stayed because delay was held to be an abuse of process or, in New Zealand, a breach of the Bill of Rights Act 1992.[5] It is unnecessary in my view to provide evidence of the catalogue of complaints regarding delays. Virtually every common law jurisdiction has its share of horror stories as a consequence of delayed litigation. In my own personal experience I have heard an application to strike out a pleading over 40 years old. In the Caribbean I have seen courts where it is not uncommon for cases to take between 10 and 15 years to reach trial. It is also inconceivable to me that so many resources would have been employed in combating unacceptable delay if in fact such delay did not exist. It seems to me it must now be accepted that something has to be done to address what was described in the US as "courts in crisis". It is also pertinent to note the significant increase of alternate means of disposing of civil disputes. First, there was the upsurge in arbitration which has been followed more recently by resort to mediation and other alternate dispute resolution methods. In my view it is a fundamental obligation of the state to provide its citizens with the peaceful means of settling their disputes. This increased use of alternative methods outside the court system suggests to me a court system that was having serious difficulties in coping. Obviously, some parties used alternate methods of dispute resolution for commercial and confidentiality reasons. But that does not explain the full extent of this trend.

Before turning to the judicial and administrative response to this problem, it is proper to address one issue. The crisis facing the courts has resulted in a plethora of reports, frequently produced by court administrators following varying degrees of consultation with the judiciary, the legal profession and the public. A good many of those reports place a large part of the blame for court delay at the door of the legal profession[6] and the suggested remedies often involve

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2 Mahoney et al, *Changing Times in the Trial Court* (1988).

3 Resnik, "Managerial Judges" (1989) 96 Harvard LR 377.

4 Zander, "The Woolf Report: Forwards or Backwards for the New Lord Chancellor?" (1997) 16 CJQ 208.

5 Eg *Martin* v *Tauranga District Court* [1995] 2 NZLR 419.

6 Eg *Access to Justice – Final Report to the Lord Chancellor on the Civil Justice System in England and Wales* (HMSO, London, 1996). The "Wolff Report".

curtailing the right of litigants to advance litigation as they choose within the existing framework of the rules of procedure.[7] The legal profession was frequently painted as incompetent and rapacious. On the other hand, Professor Zander has suggested lawyers are simply too busy to meet the types of timeframes suggested in the *Woolf Report*[8] and other similar reports. That begs the question as to how it is that lawyers manage to meet court imposed deadlines but cannot meet the timeframes laid down by existing rules of court. Having said that, however, the problem is one that has far wider causes than the legal profession. Judges and court administrators are also part of the problem. It seems to me to be unhelpful to blame any particular group for litigation delays. This is especially so when any solution requires an integrated team approach involving the judiciary, court staff, the legal profession, and, where possible, appropriate representatives of user groups.

The Case Management Response

It is perhaps not surprising that United States Courts were among the first to address these problems. In the 1960s Judge Aldisert of the Allegenhy County Court of Common Pleas in Pittsburg, Pennsylvania pioneered techniques to deal with court congestion.[9] That judge was later appointed to the United States Court of Appeals for the third circuit and no doubt influenced federal court thinking as well.

The techniques that evolved had at their core judicial involvement in the management of cases from the date of filing. In the United States these techniques came to be described as Case Flow Management. In its many variations it has now been introduced to a number of other jurisdictions. Some major jurisdictions, such as the United Kingdom, are still grappling with the concept, but, for reasons I will briefly address later, its introduction in the United Kingdom seems inevitable.

The concept of judges being involved in managing the progress of litigation was radical. It was a decided departure from what had occurred previously. What has been described as the "classical view" of the judicial role required judges not to have any involvement or interest in the cases they adjudicate. As Cairns noted:[10]

> Ordinary adversary system notions mandate that the parties initiate and prosecute civil litigation. The plaintiff decides whether to sue and sets up the material facts in the statement of claim. Pleadings define the boundaries of the dispute. When the parties are ready for trial, the court allocates a hearing date, hears the evidence and gives judgment. The court's role is therefore passive. All interlocutory steps are the parties' responsibility. Where a disagreement arises, a party may apply to the court for a ruling. Times are prescribed in the rules of court for interlocutory steps to be completed. Generally, if the plaintiff fails to meet the prescribed time for delivering the statement of claim, or entering the action for trial, the defendant

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7 Ibid at 32-33.

8 Ibid at 213.

9 Aldisert, "A Metropolitan Court Conquers Its Backlog" (1968) 51 Judicature 247.

10 Cairns, "Managing Civil Litigation: An Australian Adaption of American Experience"

> has a ground for applying to the court to have the action struck out for the want of prosecution. Similarly, if the defendant fails to enter an appearance or deliver a defence within the time allowed, the plaintiff may enter a default judgment. This system leaves the pace of the conduct of civil cases to the parties. Sanctions in the rules should ensure the parties care for their respective interest. It is becoming clear that the assumption that the parties will prosecute litigation expeditiously is unfounded.

By the 1980's United States Federal Courts had adopted case management. Some commentators saw this new system as a threat to judicial impartiality. It was said that in the course of managing a case a judge may come into possession of information that would not properly be admissible at trial. It was also argued that in an attempt to bring about earlier resolution of cases, judges would exceed their normally impartial role to enter the arena and bulldoze through a settlement. The principal proponent of this view was Professor Judith Resnik.[11] In a strong response, Steven Flanders dismissed Resnik's article as follows: [12]

> In a turgid and tendentious piece of writing that is riddled with errors in both its logic and its scholarship, she appears to assert that "a classical view of the judicial role" has been replaced by a new set of norms that encourages judges to intrude erratically during pre-trial preparation and post-trial (or post-decree) implementation.

One must sympathise with Flander's views as Resnik's article is replete with references to the classic view of the goddess of justice, complete with sword, scales and blindfold, Daumier prints and an iconography of justice. However, as Flanders points out, there is a much more fundamental flaw to Resnik's reasoning. She bases her conclusion on two hypothetical cases. One involves significant post trial implementation of orders by the court. The hypothetical involved the court requiring the state to improve conditions in a prison. Continued failure to do so culminated in the Governor being cited for contempt. Resnik criticises the judge in her hypothetical because the judge lost her impartiality in enforcing the judgment. The difficulty is that in any case where there are substantial problems in post-judgment enforcement the judge will appear to be on the side of the enforcing party. This is inevitable when all the judge is doing is enforcing an unappealed judgment. The other point is that, as Flanders points out,[13] such cases represent a minuscule number of the cases coming before the courts. They could hardly said to be representative.

Resnik's other example relates to a standard product liability case. The hypothetical judge, who could only be described as extremely proactive, is criticised by Resnik for his almost fervent attempts to obtain settlement. Again, as Flanders points out, Resnik provides no empirical evidence to show that judicial case management operates in the way her hypothetical describes. Flanders asserts judges do not act in the manner described in the by Resnik. My

(1994) 13 CJQ 50.

11 Supra n 3.

12 Flanders, "Blind Umpires – A Response to Professor Resnik" (1984) 35 Hastings LJ 505.

own observations of US federal and state courts and conversations with Judges Sentelle of the Washington Federal Court of Appeal, Jackson of the Federal DC Circuit, Senior Judges Wallace and Kelleher and Judge Davies of the Eighth Federal Circuit and Judge Alhalt of the Seventh Judicial Circuit of Maryland confirmed Flander's contention that case management does not involve judges acting in the manner of Resnik's hypothetical judge.

No doubt there are judges that get too involved and transgress against impartiality in their attempts to effect settlement, but that is hardly new, nor could it be blamed on case management. Such judges have always existed. One extreme example can be found in Professor A. Leo Levin's review of Harry D. Nims *Pre-Trial*.[14] Professor Levin excerpted the following astonishing colloquy:

> from the transcript of a conference in an actual case bought by a housewife to recover for injuries sustained when a bus in which she was a passenger crashed into a truck. Hospital records and doctors bills having been submitted, counsel for the plaintiff stated the suit was for $7,500. He then was asked by the Court to leave. Brief discussion of how the accident occurred is followed by:
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> "Mr Weeks: (for the truck owners) We will rest on the statement that we were struck from the rear. I will only offer a nominal sum - $100.
>
> Mr Justice McNally: Will you increase your offer?
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> Mr Weeks: I will offer $200.
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> Mr Justice McNally: Make it $250.
>
> Mr Justice McNally: I have reviewed the medical record, and I think the case is worth $3000. There is no question some one or both are liable.
>
> Mr Cole: (for the bus company) I am disposed to follow your Honour's recommendation in this matter.
>
> Mr Justice McNally: I will talk to Mr Brandt, (Attorney to the Plaintiff). The attorney for both defendants steps outside. Mr Brandt re-enters.

As Flanders notes:[15]

> "[A]n auction process like this apparently in the absence of any showing of liability, will disturb Professor Resnik, or any of us, whether or not the Judge in question was actually likely to be the trial Judge in the case (the judge in this case was not). It disturbed Professor Levin in 1951. If Resnik believes that the settlement conference is misused in the Federal Courts today in a way similar to the Nims' case,... she should offer a basis of that belief before constructing a model to be used as a starting point for an attack on all pre trial judicial case management.

Judges such as Mr Justice McNally will always be with us and Resnik provides no evidence to suggest their numbers have increased as a consequence of case management.

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13 Ibid at 509.

14 Levin, Book Review of H. Nims, *Pre-Trial* (1951) 37 lowa L Rev 136.

15 Supra n 12 at 512.

As has already been noted the essential element of case management is that the court controls the pace of litigation. Usually this control is exercised by judicial officers, but in some jurisdictions it is carried out by legally qualified and specially trained clerks or registrars (e.g. Western Australia).

There are two main forms of case flow management. Many jurisdictions adapt them to their own requirements but essentially these are no more than variations on the two main methods. The first method is that pioneered and adopted by the US Federal Courts. This is a system of individual list, or, as it is known in the United States "individual dockets". Under this system a case is allocated to a judge on filing. From there to disposition the case is the responsibility of that judge. He will deal with the management of the file, in association with court staff, and all pre-trial or interlocutory hearings. In the US Federal Courts, most trials, civil and criminal, are heard by a judge and jury so the allocation of criminal cases in the same way presents no particular problems. This method has now been adopted in a number of US state courts, the Australian Federal Court in the Melbourne and Sydney registries, and is being piloted in Christchurch.

In its simplest form cases are randomly allocated in the order of filing to the judges available in that registry. Obviously, this can create problems. Certain classes of cases are known to be more complex and require more interlocutory and trial time than other classes of cases. Even within a given class of case some will take an inordinate amount of time. One solution to this is a system of weighting. A factoring figure is arrived at by considering complexity and likely length of a given type of case. The allocation then takes into account this weighting factor. However to satisfactorily weight cases is notoriously difficult. This is illustrated by the fact that some US federal circuits have four categories of cases for weighting purposes and some state courts up to 42 factors. My own view is that the simplest solution to this problem is to retain power in the executive or senior judge for a court or circuit to transfer between lists. If it is felt that this could result in favouritism the power could be granted to an allocating committee of judges.

The other system of case management is based on the master calendar method familiar to all New Zealand litigation lawyers. Cases are not allocated to a judge on filing but are set down in front of an available judge when the praecipe is filed. Grafted onto that is court control of the pace of litigation. In other words from filing the court controls and orders all steps in the proceedings, usually by means of conferences.

Fundamental to both systems of case flow management is the setting of a conference at a fixed period after a certain event. In some jurisdictions this is a period after a statement of defence has been filed. In other jurisdictions it is a set period after the statement of claim is filed. This latter method has been criticised by some commentators on the basis of the large proportion of cases that settle. It is said that a great deal of time is wasted and expense unnecessarily incurred on proceedings that do not proceed to trial. On the other hand one of the fundamentals of case flow management is to allow the court to better understand and control all its workload and this must include all files. The possibility of the file, where a statement of defence is not filed in the timeframe allowed by the rules, later bursting into life is all too real. And whether or not a statement of defence has been filed is no real indicator of whether a case will settle. It may be

said that some judges and lawyers have an instinctive feel for what cases are likely to settle, but there is no sure method of ascertaining this and management of all files is therefore essential.

One thing that research has made clear is that the earlier there is judicial intervention in a case the earlier it is disposed of. The recent *Rand Report*[16] in the United States also concluded that the earlier a firm trial date is fixed disposition is speeded up even further. Essential to this is the importance of a trial date being kept. In my view the integrity of any case management system depends heavily on this. For that reason, except in the most exceptional circumstances, the word "adjournment" (or "continuance" in the US) does not appear in the case management dictionary.

The essential purpose of a first conference is to find the real issues in dispute between the parties, timetable future interlocutory steps, and explore whether settlement is a possibility or whether some alternate means of dispute resolution would assist the parties. In most systems a further conference is held a set time after the first conference where issues will be further defined, a check is made that the timetable has been complied with (requisite enforcement orders being made where it has not), settlement is frequently explored further and in the absence of that a firm trial date is set.

There is considerable debate about which case management method is the most effective. There appears to be no empirical evidence to show that one system is more effective than another. However it is of some significance that many United States state court systems have determined to adopt the federal court individual docket system. Indeed, one of the largest state court systems, that of California, (which I understand to be in a state of some disarray), has opted to move from a master calendar system to an individual docket.

The master calendar system has the advantage that the trial judge will not normally be involved in interlocutory and pre-trial hearings, thus assuaging Resnik's concern of loss of impartiality. But her concerns are irrelevant in many United States jurisdictions, and all Australian and New Zealand jurisdictions where special magistrates, administrative judges or masters deal with the overwhelming proportion of pre-trial conference and interlocutory applications. Any problems encountered because a judge has been involved in a settlement conference is addressed in New Zealand by the provisions of Rule 442(b) of the High Court Rules.

In my view the individual list system has decided advantages. In an age when accountability is so important, it obviously makes judges more openly accountable for their workload. One criticism is that the system cannot make slow judges faster. This is true of any management system. The best it can do is alleviate the problem. But the advantage of the individual list is that all judges must, inevitably, be more familiar with cases that have been allocated to them since filing. That familiarity must surely make any judge better informed by the commencement of trial than could possibly be the case under a master calendar system. In the United States a list of a judge's outstanding files and reserved judgments over six months old are published. I have been informed by US federal

[16] JS Kakalif et al, *Just, Speedy and Inexpensive? An Evaluation of Judicial Case Management under the Civil Justice Reform Act* (1990). The *"Rand Report"*.

judges that the peer group pressure of such a list has a significant effect on working pace and methods.

While the jury is still out on the comparison there does appear to be an increasing move towards individual lists. Apparently that is not the intention for the United Kingdom under the recommendations in the *Woolf Report*, but individual lists already operate in the Patent Court, the Official Referees' lists and I believe some Commercial List Cases.

New Zealand Developments

Case management in New Zealand is a relatively recent development. The impetus for the introduction of case management techniques to New Zealand undoubtedly came from the enthusiasm of Justice Tompkins. As a consequence of his enthusiasm, and with the support of the Chief Justice and the Department of Justice, an American expert, Maureen Solomon, visited New Zealand. Workshops were held at different locations that featured representatives of both the High Court and District Court, the department and the profession. From these visits there arose an awareness that case management could assist with the problems of delay in New Zealand courts. It could also assist in the better management of judges' time, perhaps the most valuable court resource of all.

As a result of these initiatives the National Caseflow Management Committee was created. This committee was chaired by Tompkins J and included representatives of both benches, the profession, the legal services board and the department (now the Department of Courts) at both head office and local level. The committee's main aim has been to investigate the potential for case management and to promote pilot schemes. It has also been responsible for developing and recommending a number of individual caseflow standards. These standards were the result of a great deal of investigation and consultation. The recommended standards were based on the following principles:[17]

(a) It is more important to set appropriate standards rather than consider what was currently achievable. The standards set should be those that were desirable from the community's point of view rather than those which were achievable with the currently available resources.

(b) The court will manage all cases in consultation with the parties, from the filing of the first document involving a court's jurisdiction through to final disposal.

(c) Caseflow standards controlling the timeliness of cases should measure from the filing of the first document invoking the court's jurisdiction through to final disposition, regardless of the court in which the first document is filed.

(d) Final disposition of a case should be the date of sentence where a conviction has been entered or the date of judgment, dismissal, settlement or discontinuance in other cases.

(e) Case flow standards for adjudication of punishable offences, whether in the first instance or on appeal, should recognise where the accused or defendant is in custody and where s/he is not.

(f) Graduated scales of disposition of cases will be adopted as case flow standards for particular jurisdictions where appropriate. A graduated scale regulates

[17] Pigou, *Report of Caseflow Standards for New Zealand Courts*, 28 August 1997.

the disposition of cases on the basis of the percentage over time.

(g) Case flow standards are designed to strike a balance between allowing sufficient time for all parties to exercise their procedural rights, while minimising delays in final disposition, however arising.

The actual caseflow standards recommended by the committee are set out in the Appendix to this article.

The first principle set out above is the one that attracted most discussion and a certain degree of controversy within the committee. Some felt it was wrong to set standards that would be thought to be reasonable from the point of view of users of the system (the litigants) rather than the judges and the lawyers. It was argued that by setting such standards expectations would be created that could not be achieved. However, it seems to me that all such a view would achieve is the entrenchment of existing timeframes which have been found to be unacceptable. Given that the purpose of case management is to reduce delay and better manage the judicial resource for the benefit of the users any standards set must be those deemed reasonable from the users' perspective. Otherwise there seems to be little point in setting standards. It is then important to meet the standards by the use of case management, but if this cannot be achieved it must strengthen the argument for additional resources. If a combination of existing resources and case management, or any other system designed to reduce delay, do not allow courts to dispose of cases within a timeframe considered reasonable by judges, lawyers, politicians and users then additional resources must be provided.

It is important to note that these recommendations still require approval from the Courts Executive Council. There is also the important caveat that matching resource initiatives are required before the bulk of the recommendations become achievable. Without such additional resources it is unlikely that the recommendations can be realised.

The National Caseflow Management Committee has sanctioned four major pilots. The first was a pilot for High Court civil cases in the Auckland and Napier registries which commenced on 1 May 1994. The second was a civil pilot in the Auckland District Court that commenced on1 September 1995. The third was a criminal initiative, described as Status Hearings, which commenced in the Auckland District Court in October 1995. Finally, a Christchurch High Court civil pilot commenced on 1 January 1998.

Civil Pilots

All three civil pilots are subject to practice notes. The Auckland, Napier and Christchurch practice notes are conveniently contained in one volume published by the Department of Courts.[18] The Auckland and Napier High Court pilots and the Auckland District Court civil pilot are both based on a master calendar system. Although there are some differences they are sufficiently similar not to require individual explanation.

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[18] *Case Management Pilots in the High Court*, Practice Note dated 6 November 1997 incorporating amendments dated 29 March 1995 and 19 January 1996.

Under the Auckland and Napier pilot cases are assigned to a track on filing. There are four tracks: immediate, swift, standard and assigned. The immediate track covers matters which receive a hearing date on filing such as creditors' petitions in bankruptcy, company winding up, summary judgment and originating applications. The swift track is for civil appeals, family court appeals, cases stated, applications for review and cases with limited factual or legal issues where the parties consent to it being assigned to a swift track. The assigned track is for cases which require greater judicial management taking into account the following criteria:

1 Likely trial over five days.
2 Three or more represented parties.
3 Three or more causes of action.
4 Extensive interlocutories.
5 The amount at issue.
6 Complex factual or legal issues.
7 Public interest.
8 Overseas witnesses.
9 Any other relevant considerations.

All other cases are assigned to the standard track.

The timelines for the various tracks are as follows:[19]

Immediate	**Swift**	**Standard**	**Assigned**
First Call	*Initial Conference*	*Directions Conference*	*Directions Conference*
up to one week	after 14 days	week 13	week 13
Second Call	*Directions Conferences*	*Evaluation Conference*	*Other Conference*
(optional) up to week 9	(optional) week 4	up to week 38	as required
Hearing	*Evaluation Conference*	*Pre Trial Conference*	
up to to week 11	(optional) up to week 20	(optional) up to week 46	
Judgment	*Hearing*	*Trial*	*Trial*
	up to week 26	up to week 52	up to week 78
	Judgment	*Judgment*	*Judgment*

The Christchurch pilot is significantly different. The first major difference is that it is the first time individual lists have been applied in New Zealand. On filing the case is assigned to the judge on a random basis. The second difference is that there is no assigned track as in Auckland. It was felt that as cases are assigned to individual judges in any event there was no need to have any special track for cases that required greater management. It will be for the individual judge to determine the amount of management any particular case needs. A further difference is that the first conference in the Christchurch takes place after seven weeks and the second is after 15 weeks. This compares to Auckland's 13 and 38 weeks respectively for standard track cases. The Christchurch timelines are as follows:[20]

Immediate	**Interim injunctions**	**Other Swift Track Cases**	**Standard**
First call	*First Call*	*First Call*	*Initial Timetable Conference*
up to week 5	up to week 2	up to week 5 (if allocated a date of filing), or if an Initial Conference, week 4	week 4
Second Call	*Hearing*	*Directions and Evaluation Conferences*	*Directions Conference*
(optional) up to week 9	up to week 6	as required	week 15
Hearing	*Judgment*	*Hearing*	*Evaluation Conference and Pre-Trial Conferences*
up to week 11		up to week 11 for originating applications, up to week 26 for balance of cases	as required
Judgment		*Judgment*	*Trial*
			up to week 52
			Judgment

[19] Ibid at p5.
[20] Ibid at p21.

The reason for these differences was that overseas research shows the earlier the judicial intervention, the greater the reduction of delay. The final significant difference is that the Christchurch pilot involves a team approach. That team consists of the judge, the master, the judge's associate and a member of the court staff assigned to the team.

Under both schemes the purpose of the first two conferences is much the same. However, a comparison of the Appendices found in the Practice Note[21] show that in Auckland a great deal more is sought to be accomplished in the first conference than in Christchurch. What is sought to be achieved by a combination of the first two conferences is essentially the same under both schemes. The difference is that under the Christchurch scheme the second conference is concluded after 15 weeks and under the Auckland scheme after 38 weeks. It is likely, however, that there will be no significant differences as to the content of the conferences conducted under either pilot.

Another difference is that there has been an attempt made to introduce a greater degree of flexibility into the Christchurch pilot. This was a deliberate attempt to meet some of the criticisms of the Auckland pilot by practitioners. An example of this is that the initial conference in Christchurch is being carried out by tele-conference that avoids the need for counsel and the parties to attend. Practitioners, especially those outside Christchurch, have welcomed this but whether the conferences prove to be as effective as those conducted under the slightly more rigid Auckland scheme remains to be seen.

Under the Christchurch scheme it is intended that at the initial conference the master will indicate to the parties the first available trial month in front of the assigned judge. All timetable orders will be based on trial taking place in that month. The precise trial date will be confirmed at the second conference. The effect of this will be that the parties will be advised of the month of trial within seven weeks of filing and given a precise trial date within 15 weeks. One must always expect there to be last minute settlements and a reserve list of shorter one or two day cases can be utilised to take up these gaps. Undoubtedly these cases will be heard within the standard timeframe.

As part of the individual list pilot in Christchurch, all cases for the five years immediately prior to commencement of the pilot were integrated into the system. This took a great deal of time and effort on the part of the court staff and the master. It will also no doubt have the effect of initially causing a longer time to trial than is hoped to be achieved under the terms of the pilot. However, it is hoped that by promoting settlement conferences in front of the master, and by the judges being proactive, that backlog can be quickly reduced. The Auckland pilot did not integrate back cases into the system and this will create some difficulties in comparing the two pilots. It was felt in Christchurch that for the system to be credible it had to recognise that there were cases already in existence and it would be wrong for new cases in the pilot to effectively jump the queue. This had an immediate effect of introducing a large number of cases into the system at once with obvious consequences on the time to trial in the individual judge's diary. Once this artificial bulge is taken care of, it is hoped that 90 per

[21] Ibid at pp16, 17, 28-32.

cent of cases will be disposed of within nine months of filing, and 100 per cent within 12 months.

Criminal Pilot

The status hearing is the only major criminal initiative undertaken by the National Caseflow Management Committee. One of the reasons for this is that there is a certain overlap with the operation of the Criminal Practice Committee.

Status hearings arose from problems experienced in the Auckland District Court with the disposal of summary defended cases. The extent of that problem is clearly revealed in the following table.[22]

District Court Auckland - August '94 to January '95

Results of Criminal Prosecution Not Guilty Hearings

Total Set Down for Hearing	*Warrant ToArrest*	*Guilty Plea*	*No Evidence*	*Adjourned Prosecution Offered*	*Adjourned Defence*	*Total that did not Proceed*	*% Total that did not Proceed*
2635	9.7%	29.5%	11.6%	8%	21.2%	2018	76.5%

The final percentage figure ignores cases where a defendant failed to appear. Therefore, more than three quarters of all defended cases did not proceed because of a guilty plea or the prosecution offering no evidence. The wasted time for judges, lawyers and witnesses is self evident as is the wasted preparation time. The problem was how to make the most efficient use of available judicial time for the benefit of the community. The pilot scheme began in the Auckland District Court on 3 October 1995. Its benefits can be seen from the following table covering the period 3 October 1995 to 1 August 1996:[23]

1	Cases disposed of (guilty & withdrawn)	2455
2	Cases proceeding to hearing	906
3	Sum of both	3361
4	1 as % of 3	73%

The table shows that 2,455 cases which previously would have been set down as fixtures have been disposed of without sitting time for trial being allocated. So whereas previously 75 per cent of cases where not guilty pleas were entered

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[22] Unpublished paper by Judge Buckton prepared for the National Caseflow Management Committee. The information and statistics on status hearings on this article are largely drawn from this source, and I am grateful to Judge Buckton for permission to use his paper in this manner. Judge Buckton was responsible for the concept of status hearings.

[23] Ibid at p2.

did not proceed, now 73 per cent of cases are being disposed of by status hearings. As Judge Buckton noted in his paper:[24]

> [T]he Police and the public have benefited most. Anecdotally, the average number of witnesses summoned for each defended fixture is 3. Thus 7,365 people (2455 cases x 3 witnesses), have not had to reorganise their affairs in order to attend the court or a defended hearing.

Status hearings are held in public and in front of the media. Their success, as with all case management techniques, depends on co-operation between bench, counsel, prosecution and court staff.

Essential to the success of status hearings appears to be the giving of a sentence indication. The sentence indication is given a different name by many: namely, plea bargaining. This is an area fraught with difficulty as the worst excesses of plea bargaining in US state courts illustrates. The sentence indication was introduced because representatives of the legal profession saw it as central to the success of the status hearing system. But its introduction took into account well known concerns with sentence indications. There are many legitimate reasons for concern about the practice. The most overriding criticism is that it may lead to an absence of accountability, separation of powers and possible abuse. Even if this does not occur it may give the appearance of it. Other relevant criticisms have been expressed as follows:[25]

1. The fact that the disposition of the matter by guilty plea after negotiation means that there is no opportunity to canvas the full facts of the case, so that the deterrent aspect of the criminal law is therefore not given full effect.
2. The fact that leniency is shown for co-operation of plea rather than for remorse on the part of the accused.
3. If an accused has her "day in court" and officials have acted fairly then respect for the law is heightened.
4. The entering into plea negotiations may lead to a conflict of interest on the part of the prosecutor who must act objectively.
5. Plea negotiations can result in the greater disparity in sentence between co-offenders one of who may have contested charges where another may have accepted an early plea on the basis of an officially sanctioned sentence indication. Plea bargaining or sentence indications are unlikely to be entertained in cases of high publicity or notoriety. Consequently, as it is only in the cases of low visibility that the prosecution will be prepared to bargain, the integrity of the entire approach is bought into question.
6. The fact that negotiations are entered into with the Judge clearly undermines the fundamental principle that the business of the court should be conducted in public and by an independent judiciary. Such result can only serve to weaken pubic confidence in the administration of justice.
7. The possibility that the involvement of the judiciary may lead to the erosion of the cardinal feature of the adversarial system namely, the presumption of innocence.

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[24] Ibid at p3.

[25] Unpublished paper by Nicola Crutchly, Deputy Solicitor-General, prepared for the

In *R* v *Reece*[26] the Court of Appeal described the indication of a sentence as very unusual and continued:

> It is one that we strongly deprecate in the absence of any settled guidelines covering plea bargaining involving a Judge. There is obvious scope for manipulation and erosion of public confidence in the administration of justice if this is seen to be done in the course of informal and unstructured discussions between counsel and the trial judge.

In including a sentence indication process in status hearings it was necessary to ensure that such valid concerns and criticisms were addressed. To this end the following specific guidelines were drawn up and set out in Judge Buckton's paper:[27]

Guidelines for Sentence Indications

1 A sentence indication will be given only if asked for by the defendant.

2 An indication will not be given unless the Judge has the police summary of facts and a list of previous convictions and, where appropriate, a Victim Impact Report.

3 The defence cannot be compelled to disclose anything, but can give the Judge such material as it wishes.

4 The Judge is not bound by the indication if, after it is given, fresh evidence shows that the Indication is inappropriate.

5 The indication will be limited to the type of sentence which the Judge thinks appropriate, that is, imprisonment, periodic detention, community service or an essentially rehabilitative sentence such as community programme or supervision.

6 If the indication is not accepted no record of it will be kept on file to come before the trial or sentencing Judge.

7 Sentencing Judges will not be told by Counsel of the Judge's indication, and if told will ignore the indication.

As Judge Buckton noted in his paper:[28]

> In fact sentence indication has become an important part of status hearings but the consultation with all parties, Police, victims and defendant is essential. In very few cases are sentences imposed which do not have the approval of the Police and victims. The defendant must agree because sentence is imposed only if the indication is accepted.

An essential part of status hearings and the sentence indication, as with all sentencing on a guilty plea, is the sentence discount. It is now accepted that

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National Caseflow Management Committee, 4 February 1998.

26 Unreported decision of the Court of Appeal, 22 May 1995, CA 17/95.

27 Supra n 22 at p7.

28 Ibid at p8.

what would otherwise be an appropriate sentence usually should be reduced where a defendant pleads guilty.[29] The Chief Justice said in a practice note on Criminal Jury Trials (7 December 1995):

> The discount for a plea of guilty is always a matter for the sentencing judge's discretion. Subject to that discretion, as a general principle the discount will diminish after the first appearance, and diminish after the first callover.

The figures demonstrate what a tremendous success the Status Hearing Pilot in Auckland was. Despite concerns, especially in relation to sentence indications, there have been no significant criticisms from practitioners involved in the courts where the pilot operated. The scheme is no longer considered a pilot and is progressively being implemented in other District Court regions throughout New Zealand.

The Effect of Case Management

Will case management reduce delay, save costs and better manage court time? Quite frankly it is too early to make any definitive assessment in that regard. It is clear from the *Rand Report*[30] in the United States that early judicial intervention does decrease delay and early judicial intervention coupled with a firm trial date decreases delay significantly. My own experience indicates that the single most significant factor in reducing delay in both the civil and criminal jurisdiction is the allocation of an early fixture date that the legal profession understands will not be abandoned except in the most extreme circumstances. This can cause problems where there is a lack of cooperation on one side or another, but central to the success of the managerial judge is that he must be open to approaches from disgruntled parties who are confronted by difficulties or delaying tactics by the other side.

Whether or not case management will decrease cost is more open to question. The *Rand Report* concludes that although case management reduces delay there is no significant saving in legal expenses. I must confess I find this somewhat difficult to understand because if the same case can be disposed of within nine months as opposed to three years it is hard to see why the legal fees should be greater. To do otherwise is to suggest that lawyers charge less when cases are simply left to drift along on a tide of litigant hope and lawyer inactivity. That I find hard to accept. There has also been some criticism in the United States of the methodology used in the *Rand Report*. Critics conclude that although case management will dispose of cases earlier it will not reduce costs because costs are a matter entirely between lawyer and client. That in itself of course begs an important question. *Rand*, and commentators such as Professor Zander, appear to argue on the basis that the only cost to the litigant is the fee paid to the lawyer. This seems to me simplistic because clearly in any form of litigation there are significant additional costs. Whether this is the psychological cost of delayed litigation in the family area, holding costs for major corporate litigants, or simply

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[29] See *Hall's Sentencing* I.7.3.

[30] Supra n 16.

the cost of having staff tied up answering lawyers' questions and assisting the lawyers, it is still a significant cost. It is apparent that there has been no research done into the cost of litigation to litigants other than what is paid to the lawyers but it seems to me simplistic to suggest that the only significant costs in litigation are legal fees. One awaits with interest any research into this area.

Statutory Reform in the United States

In the United States the Federal Government has become directly involved in reform of court procedure. The Civil Justice Reform Act 1990 (known as the "Biden Bill" after its sponsor, Senator Joseph R. Biden Jr) is designed to address the concern that litigants in both complex and routine cases encounter "excessive" transaction costs and delays. When the Bill first came before Congress it required the Chief Judge for each Federal Circuit to form an advisory group comprising representatives of the bench, the bar and the public. This group would be required to draw up a management plan for the circuit to ensure that delay and cost were both reduced. The initial draft of the Bill also contained mandatory provisions relating to the setting of early firm trial dates and a requirement that litigants, as well as their lawyers, sign all requests for adjournments. During its passage through Congress the Bill was watered down considerably. The mandatory aspects were removed and the circuit management groups were confined to selected circuits on a pilot basis. One commentator considers that in its final form the Act represents a compromise that was achieved only after intensive lobbying by the federal judiciary.[31] But while the judges retained their rule-making powers, the legislation nevertheless exposed the courts to new levels of outside scrutiny. As Plotnikoff notes:[32]

> The judge's rule making powers are reserved; the Judicial Conference is charged with implementing effective cost and delay reduction programmes by its rule revision process in the future, whether or not these turn out to be the "principles and guidelines" enshrined in the Act. This is the heart of the matter. The Federal Judiciary has been handed a timetable in which to deal with programmes which remain ill defined. A "failure" in the future may invite further Congressional intervention. It remains to be seen whether the Judges have won the battle but lose the war.

Comments made by Geoff Hoon, the Parliamentary Secretary to the Lord Chancellor's Department, at a Seminar on Improving Civil Justice held in London on the 27th of February 1998, indicate that similar legislative initiatives will be taken in the United Kingdom.

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31 Plotnikoff, "Case Management as Social Policy: Civil Case Management Legislation in the United States" (1991) 10 CJQ 230.

32 Ibid at 244.

Conclusion

It seems to me inevitable that if New Zealand judges, court staff and the profession cannot satisfactorily control delay they will face the intervention of central government in what are largely the procedural concerns of the court. It is my view that the major players are in the best position to properly manage their own affairs. One thing is clear: management cannot consist of the old idea of simply leaving it to the parties' advisors to progress at a pace that suits them. What is essential is that the judges, the profession and the court retain effective control of the court's own procedure.

It is clearly still too early to predict how successful case management techniques will be in New Zealand. The criminal status hearings have been outstandingly successful. There are some limited statistics available relating to the Auckland/Napier civil pilot but of course none for Christchurch. The Auckland/Napier figures show that the period between filing and setting down has been dramatically reduced from 39 weeks to 22 weeks as an average and from 39 to 18 weeks as a median.[33] The period from setting down to fixture has increased marginally from 22 weeks to 26 weeks as an average and 25 to 28 weeks as a median. But the most dramatic improvement is from filing to disposition. Prior to the pilot the average period from filing to disposition was 78 weeks and as a median 68 weeks. Post the pilot this was 24 weeks as an average and 36 weeks as a median. The increase from setting down to fixture may well be explained by the necessity to give priority to criminal matters in the Auckland High Court and one could realistically expect that period to improve dramatically as well. A survey of lawyers who had cases within the pilot in Auckland and in registries outside of the pilot is also revealing. Fifty-one per cent reported increased cost to clients because of more meetings. These were generally attributed to conferences and associated preparations. The same studies show that lawyers in the pilot areas were more likely to report cases recently completed by settlement or discontinued prior to hearing than in the non pilot areas. Perhaps the most significant statistic showed that in the pilot registry only 29 per cent of lawyers surveyed believed there had been unnecessary delay in their last completed case. In stark contrast, 55 per cent of lawyers who completed cases in non-pilot registries reported that they had experienced unnecessary delays in relation to their last completed case.

It is obviously too soon to ascertain the full impact of case management in the New Zealand courts. However, I am personally confident of its success. Perhaps the informal case management of criminal jury trials in the High Court and criminal appeals where appellants were in custody carried out in the South Island circuit over the last twelve months is the best illustration of what can be achieved. Quite clearly what is important in the criminal area is the time from arrest to trial. In the South Island those cases that were High Court trials or were middle band cases kept in the High Court were managed from arrest to trial. The first step was to advise the judge responsible for the criminal lists in the South Island of arrests. A telephone conference was immediately convened with counsel and they were advised of an available trial date. If they considered the date was too early their problems were discussed at that time. The whole process of the

[33] Department for Courts, *Report on Case Management Outputs*.

litigation from arrest to depositions to trial was focused on meeting the trial date. This obviously involved a great deal of co-operation from the District Court in meeting the depositions date pre-committal. As a consequence of this process the vast majority of High Court criminal trials in the South Island during the last twelve months were disposed of within six months of arrest.

Perhaps a classic and stark example of what can be achieved is the Caledonian Bottle Store shooting in Christchurch. This was a case that involved five accused and considerable pre-trial arguments. There were some difficulties with discovery. The criminal list judge made it clear that his door was open to hear complaints from defence counsel in relation to discovery and ESR evidence. The Crown were fully co-operative. As a consequence the trial took place five and a half months from arrest.

In the area of sentence appeals where accused are in custody, court staff in all the courts were required to advise the criminal list judge immediately upon receiving an appeal. These are listed for hearing within seven days of the receipt of the appeal, even if this involved a hearing in Christchurch as opposed to the circuit court. The only exception was when the appellant agreed to an adjournment to a circuit court. As a consequence the vast bulk of criminal appeals against sentence where an accused was in custody took place within seven days of the appeal being lodged.

Caseflow management is here to stay. It still has its detractors; there are still those who cling to the fond belief that the pace of litigation should be set by the parties. Whether they like it or not those days have gone. Some of the illustrations just given clearly show what can be achieved. But it can only be achieved by the co-operation of the bench, the profession, the court staff and the users of the court system. In my view it is clearly in the users' best interests that their cases be disposed of as quickly as possible. If the courts and the profession do not reach agreement on how to achieve this and succeed in their aims, I have little doubt that central government will impose standards upon them.

Appendix

Caseflow Standards

The National Caseflow Management Committee recommend the following individual caseflow standards:

1 *High Court Appeals: Criminal, against conviction.*
The standard for the hearing of appeals when the appellant is in custody is 4 weeks from the date the appeal is lodged.
The caseflow standards established by the Chief Justice's Practice Note dated 10 December 1992 be amended as follows:
a time allowed for points on appeal to be filed and served, 1 week;
b time to date of hearing from date of notice, 1 week.
The standard for the hearing of appeals when the appellant is not in custody is 8 weeks from the date the appeal is lodged.
The corresponding standards for the processing of appeals in the District Court is:
a when the appellant is in custody, all appeals are to be typed back and certified by the appropriate Judge within 2 weeks.

b when the appellant is not in custody, all appeals are to be typed back and certified by the appropriate Judge within 3 weeks.

2 *High Court Appeals; Criminal, against sentence.*
The standard for the hearing of appeals against sentence when the appellant is in custody is 4 weeks from the date the appeal is lodged where the custodial sentence at issue is 13 weeks or over, and the standard is 2 weeks where the custodial sentence at issue is less than 13 weeks.
The standard for the hearing of appeals when the appellant is not in custody is 6 weeks from the date the appeal is lodged.
The corresponding standards for the processing of appeals in the District Court is:

a when the appellant is in custody and the sentence at issue is 13 weeks or over, all appeals are to be typed back and certified by the appropriate Judge within 2 weeks;
b when the appellant is in custody and the sentence at issue is less than 13 weeks, all appeals are to be typed back and certified by the appropriate Judge with 3 working days;
c when the appellant is not in custody, all appeals are to be typed back and certified by the appropriate Judge within 3 weeks.

3 *High Court Appeals; Civil, Family and Tribunal*
The time standard for the disposition of Civil, Family and Tribunal appeals is: 75% of civil appeals will be heard within 13 weeks of filing the application for leave to appeal or the notice of appeal whichever is the first, 90% will be heard within 19 weeks of filing, and 100% will be heard within 26 weeks of filing.
The corresponding standards for the processing of appeals (transcription of evidence and certification by the appropriate Judge) in the District and Family Courts, and various Tribunals is 4 weeks.

4 *High Court; Criminal Jury Trials*
90% of High Court criminal jury trials will be disposed of within 39 weeks from the date of charge and 100% will be disposed of within 52 weeks from the date of charge.
In all cases the period to the commencement of a re-trial, from the date a re-trial is ordered, be a maximum of 13 weeks.
The Practice Note caseflow standards replace CCC caseflow standard.
Practice Note Standards:

a 100% of trials will commence within 18 weeks of committal where there are no pre-trial matters.
b 100% of trials will commence within 22 weeks of committal where a second callover is necessary.
c The period between committal until first callover is a maximum period of 7 weeks.
d Depositions shall be available no later than 2 weeks after the committal date.
e Middle band classification information to be received from both parties within 3 weeks from committal.
f Decision by the Court to be made within 1 week of receiving the information in the High Court, and within 4 weeks of committal.
g The draft indictment must be available not less than 1 week prior to the callover.

5 *High Court; Criminal Sentencing*
The High Court Jury Trial Practice Note be amended to provide a specific time standard for sentencing.
90% of sentences will be delivered within 3 weeks from the date of conviction, 98% within 4 weeks from the date of conviction, and 100% within 5 weeks from the date of conviction.

6 *High Court Civil; Bankruptcy, Winding Up, & Summary Judgment*
The current Practice Note standards be adopted for all High Court Bankruptcy, Winding Up and Summary Judgments:
a First call up to week 5.
b Second call (optional) up to week 9.
c Hearing up to week 11.
d Judgment.

7 *High Court Civil; Originating Applications and Interim Injunctions*
The current Practice Note standards be adopted for all High Court Originating Applications:
a First call up to week 5.
b Second call (optional) up to week 9.
c Hearing up to week 11.
d Judgment.
The case type categories for Bankruptcy, Winding Up, & Summary Judgment, and Originating Applications be joined for the purpose of measuring performance against caseflow standards.
The following separate standards are adopted in relation to interim injunctions:
a First call up to week 2;
b Hearing up to week 6.

8 *High Court Civil; All other proceedings*
75% of High Court civil cases will be disposed of within 52 weeks from the date of filing of Claim, 90% will be disposed of within 65 weeks from the date of filing of Claim, and 100% will be disposed of within 78 weeks from date of filing of Claim.

9 *High Court; Judgment Delivery*
75% of judgments should be delivered within 3 weeks from the end of the hearing or the date submissions close which ever is later, 90% of judgments should be delivered within 5 weeks, and 100% of judgments should be delivered within 13 weeks.

10 *District Court; Criminal Jury Trials*
90% of District Court criminal jury trials will be disposed of within 39 weeks from the date of charge and 100% will be disposed of within 52 weeks from the date of charge.
In all cases the period to the commencement of a re-trial, from the date a re-trial is ordered, be a maximum of 13 weeks.
The Practice Note caseflow standards replace the CCC caseflow standard.
Practice Note Standards:
a 100% of trials will commence within 18 weeks of committal where there are no pre-trial matters.
b 100% of trials will commence within 22 weeks of committal where a second callover is necessary.
c The period between committal until first callover is a maximum period of 7 weeks.

d Depositions shall be available no later than 2 weeks after the committal date.
e The draft indictment must be available not less than 1 week prior to the callover.
f Where the case has been transferred from the High to the District Court as a middle band case, the time limit in this Practice Note shall be extended by 4 weeks.

The District Court Jury Trial Practice Note be amended to include:
In all cases the period from date of charge to date of committal shall be a maximum of 12 weeks.

11 *District Court; Criminal Sentencing, Jury Trials*
The High Court Jury Trial Practice Note be amended to provide a specific time standard for sentencing.
90% of sentences will be delivered within 3 weeks from the date of conviction, 98% within 4 weeks from the date of conviction, and 100% within 5 weeks from the date of conviction.
The following caseflow standards (from the date of charge):
Where the case is defended:
a 3 weeks to plea.
b A further 13 weeks to hearing.
c A further 3 weeks to sentence (where applicable).
Where the case is undefended:
a 3 weeks to plea.
b A further 3 weeks to sentence (where applicable).

13 *District Court; Criminal, Minor Offences*
The current CCC standards to be adopted as the appropriate caseflow standards covering the disposition of minor offences, ie:
Disposition (including sentence) within 13 weeks from filing, where a hearing is not requested.
Disposition (including sentence) within 20 weeks from filing where a hearing is requested..

14. *District Court Civil; Summary Judgment*
The High Court case management Practice Note standards be adopted in the District Court, ie:
a First call up to week 5
b Second call (optional) up to week 9.
c Hearing up to week 11.
d Judgment.

15 *District Court Civil; Originating Applications and Interim Injunctions*
The High Court case management Practice Note standards be adopted in the District Court, ie:
a First call up to week 5
b Second call (optional) up to week 9.
c Hearing up to week 11.
d Judgment.
The case type categories for Bankruptcy, Winding Up, & Summary Judgment, and Originating Applications be joined for the purpose of measuring performance against caseflow standards.
The following separate standards be adopted in relation to interim injunctions:
a First call up to week 2.
b Hearing up to week 6.

16 *District Court Civil; All other Proceedings*
75% of District Court civil cases will be disposed of within 52 weeks from the date of filing of Claim, 90% will be disposed of within 65 weeks from the date of filing of Claim, and 95% will be disposed of within 78 weeks from date of filing of Claim.

17 *District Court; Judgment Delivery*
75% of judgments should be delivered within 3 weeks from the end of the hearing or the date submissions close which ever is later, 90% of judgments should be delivered within 5 weeks, and 100% of judgments should be delivered within 13 weeks.

18 *Youth Court; CYP & TF Offences*
The 3 week standards for undefended hearings be maintained, but that where a report from CYP & TF Service is required, the standard be set at 6 weeks.
The 8 week standard for defended hearings be accepted.
Where a charge is laid indictably the time standard from date of charge to date of hearing be set at 12 weeks.

19 *Disputes Tribunal*
95% of Disputes Tribunal cases will be disposed of within 13 weeks of the date of filing 98% within 15 weeks, and 100% within 18 weeks of filing.

20 *Family Court; Dissolution of Marriage*
Where an Application is filed and served, and is undefended or no appearance is sought by the Respondent, an order will be made by the Registrar within 6 weeks of filing.
Where a Joint Application is filed and no appearance sought, an order will be made by the Registrar within 1 week of filing.
Where an Application is filed, and the applicants do not consent to the order being made in absentia, a hearing date before a Judge shall be set within 6 weeks of filing.

21 *Family Court; Guardianship, Custody and Access*
Counselling, from the date of filing the application for counselling, will be completed within 10 weeks.
The mediation conference will be available within 6 weeks of direction;
All section 29A reports will be available within 8 weeks from the date the report is requested;
All applications for Interim Orders will be disposed of within 4 weeks of filing;
All simple track cases will be concluded within 33 weeks from filing the application.

22 *Family Court; Matrimonial Property and Domestic Actions*
All standard track cases will be disposed of within 26 weeks of filing.
All complex track cases will be disposed of within 39 weeks of filing.

23 *Family Court; CYP & TF Act*
All cases will be disposed of within 60 days of filing the application.

24 *Family Court; Child Support Act*
All cases will be disposed of within 13 weeks of filing.

25 *Family Court; Adoption*
All cases will have an interim order made within 13 weeks from the time of filing.*

* The interim order is the final court action. The interim order automatically becomes a final order one month after the interim order is made.

26 *Family Court; Domestic Violence*
In any case where an application to vary or discharge, or a notice of defence or of intention to appear is filed, or if a hearing is directed by a Judge, registrar to allocate a hearing within 42 days.
All on notice applications will be disposed of within 13 weeks from the filing of the Notice of Objection.

27 *Family Court; Protection of Personal and Property Rights Act*
All undefended cases will be disposed of within 13 weeks of filing;
All defended cases will be disposed of within 26 weeks of filing.

28 *Family Court; Family Protection and Testamentary Promises*
All cases will be disposed of within 26 weeks of the date of filing.