

Managing Complex Cases

COAT CONFERENCE - 2012

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Deputy President – Domestic Building List

8 June 2012

**FAIR, EFFICIENT JUSTICE
FOR ALL VICTORIANS**



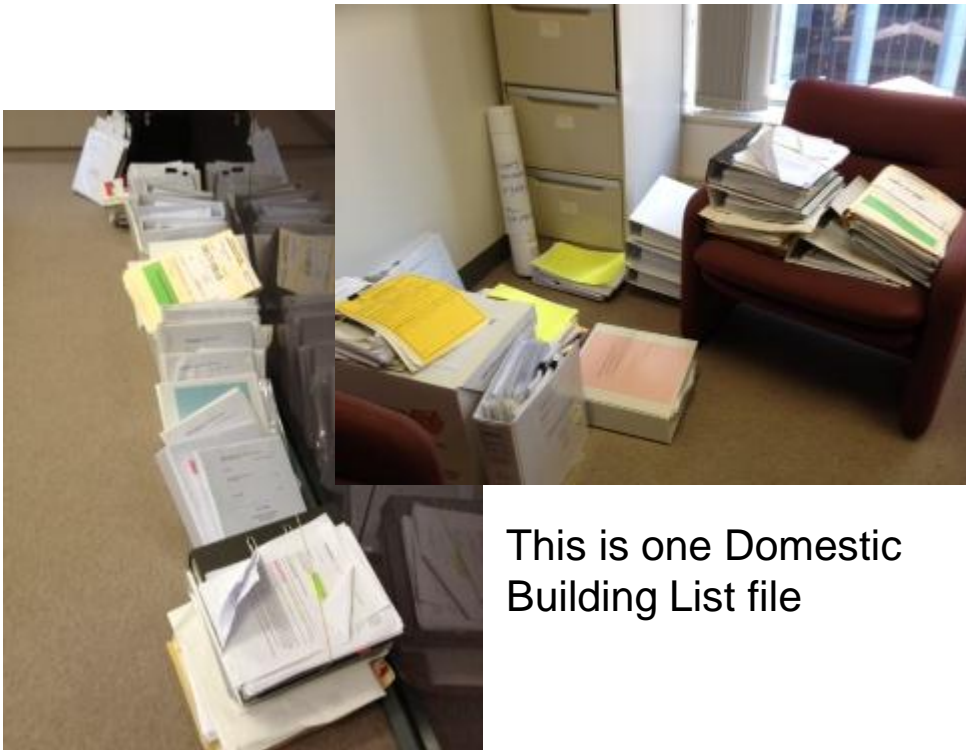
Complex cases in the Domestic Building, Retail Tenancies and Real Property Lists

Complex Claims where:

- (i) the amount claimed is more than \$100,000; or
- (ii) the application raises complex matters of fact or law.

- Directions hearing – 4 weeks
- Consistent case management, member resources permitting
- Compulsory conference
- Conclave of experts then compulsory conference

The file arrives



This is one Domestic Building List file



A liquor inquiry file – Occupational & Business Regulation List

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Preparing for the hearing

- Read pleadings/allegations
 - Identify the relief or remedy sought (if possible)
- Prepare chronology
 - Identify issues and cross reference pleadings/witness statements/tribunal book to chronology
- Read expert reports and any joint report
- Identify the issues

Organising the file



Colour coded tagging of documents

Before hearing

Abbreviations to identify documents e.g.

- POC = Points of Claim
- POD = Points of Defence
- C/C = Counterclaim
- POD C/C = Points of Defence to Counterclaim
- WS JS = Witness Statement John Smith
- WSR JS = Witness Statement in Reply J Smith

During hearing

Colour code documents referred to by each party, and highlight in complementary coloured highlighter

Handy bits and pieces



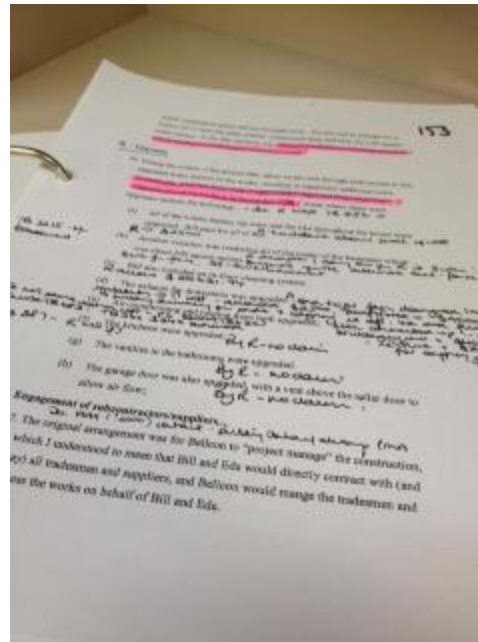
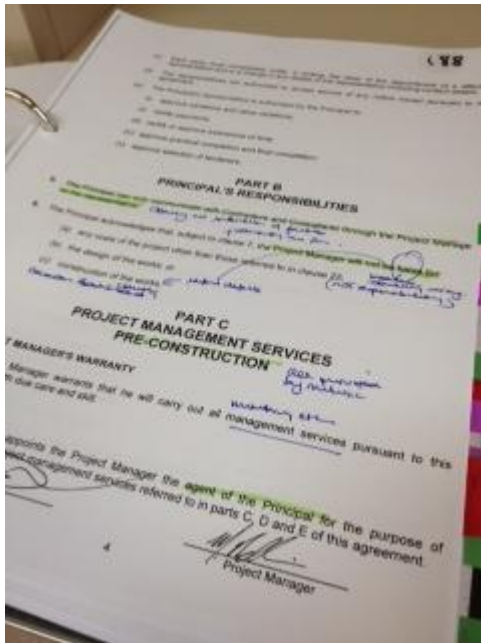
Named pencil case containing:

- Coloured flags
- Coloured markers
- Gel pens for note taking
- Biro for note to self in notebook
- Paper clips
- Calculator
- Memo pads – medium and small
- Elastic bands

Day 1

- settlement talk (emphasising s109, cost benefit analysis, proportionality),
- housekeeping (sitting times, time out to do something else, lay days, organising a view, order in which witnesses to be called, submissions) ,
- more ADR (who's available? how to arrange for it to happen quickly),
- giving parties time to talk - how long with frequent check ups
- openings (from all parties)
- dealing with evidence (tendering documents), organising exhibits

Note taking



- note taking – where?
- memory joggers
- note taking with and without transcript
- Noting the time (for cross-referencing to transcript)
- notes to self

Stumbling blocks

- Checking the hearing room is suitable
- missing documents
- '27,000' page tribunal books, un-paginated
- objections
- difficult counsel
- clearing the hearing room
- prolixity

After the evidence is finished

Final submissions

- When?
- written or oral?
- spare copies
- limit length
- the sum, or relief or remedy being sought must be clear

Writing time

- notes at the end of each hearing day
- writing time as soon as possible after the hearing