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ARTICLES

Reflections on judgment writing – Hon John Doyle AC

Chief Justice Doyle, recently retired from office, provides insights into the difficult process of judgement writing. He considers this topic under several headings including: the utility of ex tempore reasons; length of reasons; style in which reasons are written; the questionable need for separate concurring judgements at appellate level; and the delegation of judgement writing to associates. He concludes with the observation that, after 17 years as a judge, judgement writing can be frustrating but is nonetheless satisfying. 63

Dealing with querulous litigants – part one – Judge Roderick Joyce QC and William Fotherby

This article – the first of two on this theme – looks at how best to cope with the excessively and obsessively litigious. This discussion will be within the framework of current procedural rules. Part two, to appear in a later volume of this journal, will look at how the rules of procedure and litigation practice might be amended to accommodate better this fragment of the litigant farrago. After briefly looking at some psychiatric literature, the article offers some practical guidance for lawyers, court staff and judicial officers on how necessary interactions can be managed without, it is to be hoped, fuelling further a litigant’s querulous mission. It also discusses how the court’s inherent jurisdiction to prevent the abuse of its own process, summary procedures and the law surrounding McKenzie friends can be appropriately used. While the focus is mostly on the New Zealand jurisdiction, the discussion is broad enough to be of use within all common-law jurisdictions. 66

Justice and efficiency – the Federal Court Case Management Handbook – *BC Cairns*

This article examines the Federal Court Case Management Handbook, published in 2011. Given that lawyers are directly bound by the overarching objective of justice and efficiency in the Federal Court of Australia Act 1976 (Cth), the Handbook makes significant recommendations about how lawyers can discharge their obligations. The effectiveness of the Federal Court’s case management system depends on the court being in a position to give realistic pre-trial directions. Without derogating from their obligations to their clients, lawyers must assist the court in advancing proper case management. The Handbook discusses how these dual obligations may be satisfied. The court’s procedural powers and discretions, and their corresponding limits, are increasingly important. 74

Case appraisal and neutral evaluation: The creation of objective standards for negotiating settlement of protracted civil disputes – *Mark J Rankin*

This article argues that the establishment of an objective standard is essential in negotiating settlement of protracted civil disputes. As the alternative dispute resolution processes of neutral evaluation and case appraisal may provide such an objective standard, in theory these processes are most conducive to settlement of such disputes. This determination assumes that the evaluation or appraisal is sufficiently predictive of likely adjudicated outcome. The article assesses the extent to which the processes of neutral evaluation and case appraisal currently operating in the ACT, Queensland, Tasmania and Victoria meet this predictive quality standard. 91