

JOURNAL OF CIVIL LITIGATION AND PRACTICE

Volume 3, Number 2

June 2014

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ARTICLES

Project management in legal practices: Practical lessons from the e-Discovery workflow – *Tomoyuki Hachigo*

This article considers the application of project management to legal practices. It discusses how lawyers can benefit from using project management to deliver cost-efficiencies, quality assurance and enhanced communication with stakeholders. Project management is a discipline that is traditionally associated with industries such as construction, engineering, and information technology; however, it is making real inroads into legal practice. Project management can be especially useful when dealing with the complexities of electronic discovery, or “e-Discovery”. This article maps out a standard workflow that can be used to streamline all “e-Discovery” projects, suggesting that the same techniques can be applied to other areas of legal practice. This article argues that the tools of project management can aid lawyers in serving their clients, especially in complex cases. Client demand and competition are also likely to drive the implementation of project management expertise, and this article encourages law firms to embrace greater systematisation of their legal practices. 48

Playing fair: When advocates’ immunity is out of court – *Linda Haller*

Advocates’ immunity provides blanket immunity from all civil liability to Australian lawyers for their work in court as well as some work out of court. While rationales for the immunity once included the need to support the lawyer’s primary duty to the court, the Australian High Court has said the sole rationale for the immunity now is to ensure finality in litigation and protect judicial decision-making from collateral attack. This article explains how there appears to have been a lack of attention to the way in which the test for applying the immunity to out-of-court work developed and describes a “lack of fit” between the rationale and test that appears to be increasing in some parts of Australia. 60

Class action settlement in Australia: A regulatory work in progress? – *Anna Harley*

Class action litigation in Australia is a relatively recent addition to the litigation landscape and a growing phenomenon. In response to the increasing numbers of class action litigation and the fact that no class action case to date has gone to full trial, ASIC released Regulatory Guide 248 in April 2013 as a way of protecting class action members subject to settlement procedures. This article examines the interaction between the courts and class action litigants with respect to settlement procedures and suggests that the introduction of the ASIC oversight is long over-due and equips courts to better manage settlement procedures for the benefit of all stakeholders. 68

Client legal privilege, discovery and Expense Reduction in the information age – *Michael Legg*

Courts, legal practitioners and parties are required to conduct litigation in a manner that minimises cost and delay. At the same time the growth in electronically stored information (ESI) has increased the cost and time needed to conduct discovery, including performing a review to identify privileged documents (a “privilege review”). One response to the volume of ESI is to employ technological solutions. However, the ability to rely on technological solutions in relation to a privilege review is hampered by a concern that an error in the review can result in the waiver of privileged documents. This article suggests that the High Court of Australia’s reasoning in *Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Ltd* [2013] HCA 46 supports a more pragmatic approach to privilege review through a combination of case management powers and a party agreed privilege review process for dealing with inadvertent disclosure of privileged documents. This combination would provide a way of minimising cost and delay while still protecting privilege. 78