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## ARTICLES

### **Reasonable and proportional discovery in the digital paradigm: The role of lawyers and judges in the context of the New Zealand discovery rules** – *David Harvey*

The digital paradigm has revolutionised the nature of discovery and has introduced the words e-discovery or e-disclosure into the legal lexicon. Instead of conflict and posturing, the new discovery processes demand co-operation and consultation between parties in a stage of litigation that is an end-to-end process. This article examines discovery in the digital environment within the context of the New Zealand High Court Rules. It points to the importance of technology in the discovery process and the value that both practitioners and the judiciary understand the various discovery technologies available so that they may be properly deployed in the discovery process. This is critical within the context of what is reasonable and proportionate – a guiding principle on e-discovery. It emphasises that discovery disputes will be of a narrow focus and should rarely occur, but offers some suggestions on how these should be approached. .... 103

### **“A different day in court”: Exploring the place of judicial mediation in Ontario’s alternative dispute resolution landscape** – *Nicole Aylwin and Trevor C W Farrow*

In January 2011, the Ontario Bar Association established a taskforce to explore the question of how judicial dispute resolution could improve access to justice in Ontario. In their recently released final report, the taskforce offers some compelling conclusions. In particular, the report recommends that JDR be formally recognised as part of the alternative dispute resolution options available in Ontario since it would provide litigants the opportunity to receive their “day in court” without the necessity of a costly trial. This article elaborates on the findings of the report and places them within the larger context of current research and Canadian policy developments in access to justice. .... 122

**The system of employment rights dispute in Ireland – *Caroline Bergin-Cross***

We are now faced with a growing divergence and diversity in employment rights disputes that have inspired numerous reviews of the dispute process in Ireland. These formidable challenges raise the question of whether the architecture requires restricting, reorientation or possible disassembly. In this article I propose to draw a comparative examination between the current employment rights dispute mechanism available in Ireland and make recommendations, based upon the alternative dispute resolution model adopted in Northern Ireland, in respect of changes that are required to promote the improvement of industrial relations disputes that is flexible, focused and represents real value in the broader economic and social climate. .... 128