

The Rules Committee Discussion Paper "Improving Access to Civil Justice"

RUSSELL MCVEAGH'S OVERVIEW OF THE PROPOSALS



The Rules Committee has released a public consultation document on proposals to improve access to justice in civil matters. As with all things justice the proposals are about balancing the scales. The Committee wants these reforms to lead to "speedy" and "inexpensive" court proceedings that are also "just".



The proposals respond to the suggestion litigation is too expensive. The Committee suggests it is not cost-effective to bring a claim worth less than \$100,000 in the District Court.



The proposals are consistent with the Ministry of Justice and Attorney-General's priority to enhance access to justice.



The High Court Rules 2016 and District Court Rules 2014 are under the microscope.



Judges may be given yet stronger case management powers to enforce cheaper processes, time limits and control courtroom procedure.



Keep It Simple Stupid

Simplified procedures may be made available for High Court cases. Parties who want the old procedure may need to prove their case warrants them.



Short form trial procedures could be implemented in the High Court for hearings under four days. The District Court already has such procedures and they apply to relatively simple and short cases.



"Nobody expects the Spanish Inquisition!"

– Monty Python

Our judges may become more like European inquisitorial judges. This would give them a more active role in questioning parties, finding facts and controlling proceedings.



A picture can paint a thousand words

The Committee thinks that greater focus on documentary evidence can save hours of witnesses giving evidence in Court.



Discovery obligations and processes may be simplified or done away with entirely for some claims.



The Rules Committee has not decided its preferred options. It is consulting to get any reforms right.

Consultation ends 1 May 2020

For more information see [here](#).