

District Court Process Simplified

In a welcome change, from 1 July 2014, new District Court Rules come into force. These will drastically change the way District Court civil proceedings are to be managed. The change will align the District Court process more closely to the High Court Rules, but will retain several differences that have proven successful under the District Court Rules 2009.

There will be a significant change to form of pleadings, abandoning the District Court forms introduced under the 2009 Rules. Parties will now be required to file and serve pleadings in the same way as under the High Court Rules. It is intended that this will reduce the time between the commencement of proceedings and the eventual hearing. For lawyers at least, this will also make the process of responding to pleadings clearer.

The 2014 Rules adopt a requirement to file and serve with the statement of claim a list of documents relied upon. Unlike the High Court Rules initial disclosure, there is no requirement to actually provide the documents referred to – just the list. The actual documents must be provided within five working days of the defendant requesting them.

The existing forms of trial (short, simplified and full) will be retained, as will judicial settlement conferences. These have been a popular aspect of the 2009 Rules, keeping the parties focused on the key issues.

The first case management conference will determine whether the matter goes to a short trial or a judicial settlement conference. If the judicial settlement conference is unsuccessful, then other procedural matters will be dealt with, including full discovery. There will be a presumption in favour of tailored discovery, which, if done properly, should reduce the documents to be assessed.

Summary judgment will be available as of right up until 10 working days after the statement of defence is filed. The numerous "drop dead dates" available under the 2009 District Court Rules disappear, although judgment by default will be available if the defendant fails to file a statement of defence. It is perhaps a pity that some of the default dates have disappeared, as has the requirement to provide early willsay statements. These were useful in focusing the parties on the issues at hand, and did lead to some early settlements – although sometimes the documents provided paid lip service to the process only, and there was little bite in the 2009 Rules to enforce non-compliance (particularly when cost issues were taken into account). Retaining judicial settlement conferences is likely to go some way towards dealing with this issue.

What happens to proceedings that are already underway depends on how far the proceedings are through the process. Sometimes the 2009 Rules will continue to apply, while at other times a combination of the 2009 and 2014 Rules will apply.

Further reform is also likely. The Judicature Modernisation Bill is currently before Parliament. It is expected that this will increase the maximum jurisdiction of the District Court from \$200,000 to \$350,000.

These changes should make the District Court process simpler, quicker and more cost-effective if there is a trial.

If you wish to know more about this change, please contact Anderson Lloyd's [specialist litigation team](#).