



Notice to the Profession

The Judge in Charge of the Personal Injuries and Dust Diseases Lists has authorised the issue of the following notice.

Case Management Pilot for Personal Injuries and Dust Diseases Lists

Applicability

1. This Notice applies to all proceedings in the Personal Injuries List (**PIL**) and Dust Diseases List (**DDL**) and Practice Notes 2 and 3 of 2015 should be read in conjunction with it.

Introduction

2. In line with the Court's commitment to continuously improve its practices and deliver efficiencies in case management in line with the *Civil Procedure Act 2010* (Vic), a pilot program will be conducted from 1 February 2016 to 30 June 2016 to trial a new model for case management of proceedings in the PIL and DDL.
3. The key features of the pilot involve:
 - a. delegation of functions amongst judicial officers;
 - b. a judicial registrar hearing some directions hearings and applications; and
 - c. registry lawyers acting as case managers and points of contact for the profession.

Role of the Judge in Charge

4. The Judge in Charge of the Lists, Her Honour Justice Zammit, will preside over:
 - a. all directions hearings, including final directions, in the DDL;

- b. applications for expedited trial dates in the DDL and PIL;
 - c. final directions hearings in the PIL; and
 - d. complex directions hearings in the PIL.
5. Such matters currently listed in Court 4, 436 Lonsdale St, will be re-allocated to a courtroom in the Trial Building, 210 William St Melbourne. Practitioners are advised to check the Daily Hearing List for the relevant courtroom number as this is subject to change from week to week. The Daily Hearing List can be found on the Court's website at www.supremecourt.vic.gov.au and is available from approximately 4.30pm on the day prior.

Role of the Associate Judge

6. The only change to current procedures involving Associate Justice Ierodionou, the Associate Judge assisting with the management of the Lists, is that applications will be listed on the 1st, 3rd and 4th Fridays of the month only. Special fixtures will be arranged for urgent applications and applications likely to exceed 2 hours.

Role of the Judicial Registrar

7. Judicial Registrar Ware will assist the Judge in Charge and Associate Judge with the management of the Lists, predominantly matters in the PIL.
8. The Judicial Registrar will preside over all directions hearings in the PIL except final directions hearings and will sit in Court 4, 436 Lonsdale St from 9.30am on Fridays.
9. The Judicial Registrar will also hear the following applications in both the PIL and DDL:
- a. extension of time for service of writ;
 - b. substituted service;
 - c. substituted parties upon death or bankruptcy; and

d. leave for solicitor to cease to act.

10. Other applications may be referred to the Judicial Registrar in accordance with the *Supreme Court (General Civil Procedure) Rules 2015 (Rules)*.¹

Role of registry lawyers

11. Registry lawyers provide an additional layer of support to the judicial officers involved in the Lists.

12. In addition to the Associate to the Lists, the lawyers help to ensure matters are adequately prepared in the lead-up to a directions hearing or application.

13. The lawyers triage proceedings, scrutinise proposed minutes of consent orders and flag issues requiring particular judicial management such as pleading deficiencies or evidentiary or procedural gaps.

14. They also act as a point of contact for the profession concerning strategic list management issues.

Post-mediation directions in the PIL

15. From 1 February 2016, standard interlocutory timetable orders in PIL matters will include the requirement for the parties to attend a directions hearing on a set date approximately 2-3 weeks after the date by which the parties are to have attended a mediation. This post-mediation directions hearing (**PMDH**) will be conducted by the Judicial Registrar.

16. At the PMDH, the parties will be required to advise the Judicial Registrar:

- a. whether the court ordered timetable has been complied with;
- b. what issues remain in dispute;
- c. whether it is proposed to seek leave to amend any pleading or join further parties;

¹ See Order 84 of the Rules

- d. whether the initial estimate of the length of the trial requires adjustment;
and
- e. whether the trial date can be maintained.

17. With the introduction of the PMDH and its potential to improve the degree of readiness for trial, final directions hearings will be listed approximately 3 weeks prior to trial instead of the current 4 weeks.

18. This changed procedure does not apply to proceedings in the DDL.

Statement of Issues

19. At a final directions hearing, the Judge in Charge may order the parties to file and serve a joint memorandum, signed by counsel briefed to appear at trial, setting out the legal and factual issues relevant to the determination of the matter upon which the parties are agreed and those which remain in dispute (**Statement of Issues**).

20. If so ordered, the Statement of Issues will generally be required to be filed 7 days prior to trial.

Orders ‘on the papers’

21. Parties seeking consent orders ‘on the papers’ are required to email a signed pdf and a Word version of minutes of orders sought to personal.injuries@supremecourt.vic.gov.au or dust.diseases@supremecourt.vic.gov.au, as the case may be, by 4pm on the Wednesday prior to a directions hearing or application.

22. Minutes received after that time may not be considered in time to avoid a court attendance.

Enquiries/Feedback

23. Enquiries concerning the pilot program and any changed listing arrangements should be directed to personal.injuries@supremecourt.vic.gov.au or dust.diseases@supremecourt.vic.gov.au.

24. The efficacy of the pilot will be kept under review throughout its course.

Feedback concerning these new case management procedures may be directed to
kate.clark@supremecourt.vic.gov.au.

Kate Clark

Deputy Registrar – Common Law

10 February 2016