

Managing case flow: a word from the top

The Chief Justice has issued a progress report on the case flow management exercise conducted by the Judges in respect of all matters instituted in the Court before January 1 1990.

He said the new system can be distinguished from an earlier Practice Direction exercise and a Rules programme which related to matters commenced after the end of 1989 which is being conducted primarily by the Master.

He said the basic objective was to bring the conduct of civil litigation under constant review by the Court. "When each matter is mentioned information is sought as to who are the solicitors acting for each of the parties involved (as opposed to those who may still appear on the record); who took the last step and when (whether appearing from the Court file or not) and what steps are then to be taken, by whom and when," the Chief Justice said.

"Finally, a date is normally fixed for the matter to be brought back in the callover list so that progress can be further reviewed.

"It must be understood that the procedures have been adopted on a permanent basis.

"It is not intended, for example, that once the initial callover of all matters instituted prior to the end of 1989 has been completed that will be the end of the exercise.

"It is part of the system that all current matters be brought before the Court, either a Judge or the Master, on a regular and fixed basis until it is disposed of one way or the other.

"It is anticipated as time goes by that most matters will be absorbed into the system prescribed by the rules in respect of matters commenced after the end of 1989," he said.

"It appears there may have been some misunderstandings in regard to the categorisation of matters when they come before the Court on a callover.

"It has been customary to regard matters as being concluded, dormant or current.

"Since the regular callover system commenced on 14 August last year, and up to 23 April a total of 1,085 matters have been mentioned, approximately 266 of those were more than once.

"Of the total number of mentions, 109 have been designated concluded, 299 as dormant and 677 as current.

"In respect of those active matters where interlocutory proceedings were under way it has been left to the Court, once the current steps are concluded, to fix a date for further review.

"As a result of working up experience with the new system, occasional anomalies have been found and these have been and will continue to be dealt with on an ad hoc basis," he said. The Chief Justice said some files have slipped through the callover system without having a fresh date for review fixed.

He said as those files are identified an appropriate date will be fixed for further review and relevant practitioners notified.

Satisfactory

"Overall I think it can be said that the system has worked reasonably satisfactorily and I thank all practitioners involved for their co-operation," he said.

"It has been a new experience for all of us both Court and practitioners, but one which was considered to be in the best interests of the parties to civil litigation and I remain firmly of that view.

"I have occasionally heard of "mutterings" within the profession concerning this system and I suggest that if any suggestions are to be made for improvement that they be made in the first instance to the Law Society from whom I will be happy to receive any representations for consideration."

Those were the good old days...

This little number was donated by a local practitioner who found it in the Canberra News of 28/4/71. It is a sentence handed down by a Federal District Court judge in the territory of New Mexico prior to membership of the USA. It bears reflection for those who seek the return of capital punishment...

Jose Manuel Miguel Xavier Gonzales, in a few short weeks it will be spring. The snows of winter will flee away, the ice will vanish and the air will become soft and balmy.

In short, Jose Manuel Miguel Xavier Gonzales, the annual miracle of the year's awakening will come to pass - but you won't be there.

The rivulet will run its purring course to the sea, the timid desert flowers will put forth their tender shoots, the glorious valleys of this imperial domain will blossom with the rose. Still, you won't be here to see.

From every tree-top some wild woods songster will carol his mating song, butterflies will sport in the sunshine, the busy bee will hum happily as it pursues its accustomed vocation, the gentle breeze will tease the tassels of the wild grasses, and all nature, Jose Manuel Miguel Xavier Gonzales, will be glad, but you won't be here to enjoy it.

You won't be here to enjoy it because I command the sheriff or some other officer or officers of this county to lead you out to some remote spot, swing you by the neck from a nodding bough of some sturdy oak, and let you hang until you are dead.

And then, Jose Manuel Miguel Xavier Gonzales, I further command that such officer or officers retire quickly from your dangling corpse, that the vultures may descend from the heavens upon your filthy body, until nothing shall remain but the bare, bleached bones of a cold-blooded, copper coloured, blood thirsty, throat-cutting, bile-eating, sheep-herding, murdering son of a bitch.