PRACTICE DIRECTION NUMBER 11 OF 2012

SUPREME COURT OF QUEENSLAND

SUPERVISED CASE LIST

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1. Practice Direction No 6 of 2000 is hereby repealed.

2. This Practice Direction is intended to –
   (a) provide some explanation of the nature and function of supervision of cases on the Supervised Case List;
   (b) inform parties (and particularly their legal advisers) of what is expected of them in the course of supervision of such cases.

3. To the extent that it is consistent with the just determination of cases, supervision seeks to maximise the efficient utilisation of time allocated to the hearing of cases on the List. In particular, it seeks:
   (a) to ensure that, at the trial, the parties focus on matters which are genuinely in issue in the case;
   (b) to minimise time spent at trial proving matters which are not genuinely in issue;
   (c) otherwise to ensure that evidence at trial is presented as efficiently as is consistent with a fair hearing of the case;
   (d) to ensure that the prospects of settlement, whether of the whole case, or some issue or issues in the case, have been fully explored before dates are allocated for the trial of the matter;
   (e) to ensure that a case is fully prepared, or at least sufficiently prepared, before trial dates are allocated to it;
   (f) otherwise to minimise the risk of an adjournment of the trial.

4. Supervision also seeks to ensure that a case is prepared for trial as efficiently as is possible; and to the extent consistent with a just hearing, that the cost of litigation is reduced.

5. The value of consistency in the supervision of cases is recognised. However, it is also recognised that different cases come onto the List at different stages of their preparation, and with different needs.

6. Parties to a case on the Supervised Case List are particularly referred to the following:-
   (a) rule 5 of the UCPR;
   (b) part 4 of chapter 9 of the UCPR (ADR processes);
   (c) part 5 of chapter 9 (offers to settle);
   (d) PD 10 of 2011 (Use of Technology for the efficient management of documents during litigation);

(e) Guidelines for the management of documents in litigation (D M Guidelines – copy attached);
(f) Guidelines for Joint Conferences of Expert Witnesses (Expert Conference Guidelines – copy attached).

Listing

7. The bases on which a matter will be placed on the Supervised Case List are –
   (a) a party estimates that the trial or hearing will take more than five days; or
   (b) a case (or group of cases) is identified as imposing a greater than normal demand on resources because of considerations such as length of time, complexity of issues, or multiplicity of parties.

8. Groups of cases may be listed if they have sufficient common or other features which make this desirable.

9. Where in a Request for Trial Date, a party estimates that the length of the trial will exceed five days, the registry will refer the case to the Supervised Case List Manager (*SCL Manager*).

10. A party may at any time make a request to the SCL Manager for a matter to be placed on the Supervised Case List.

11. A Judge may at any time order that a matter be placed on the Supervised Case List. The Judge's Associate is to advise the SCL Manager of the order.

12. In any of these cases, the parties should complete the questionnaire found at attachment three to this Practice Direction, and deliver it to the SCL Manager. When that is done, the SCL Manager will assign the matter to a Judge (*Supervising Judge*) managing cases on the Supervised Case List, and advise that Judge's Associate (*Associate*) accordingly.

13. The Associate will then arrange a time when the matter will come before the Supervising Judge (either to determine that the matter be placed on the List, or for initial review).

14. It is expected that parties who are legally represented will, at any review, be represented by a lawyer who has the conduct of the case. Often this will be the barrister who is to have the conduct of the trial. However, it may be a lawyer with substantial litigation experience, who is in a position to make decisions at the review about the future conduct of the litigation.

15. When a matter first comes before a Supervising Judge, the following will usually be considered:-
   (a) whether at that stage, directions should be made varying the operation of the UCPR provisions for disclosure (for example, to give effect to a document plan, or to facilitate the application of the D M Guidelines), governing

arrangements for the management of documents, or for the trial to be conducted as an eTrial;[1]

(b) whether directions should be made for the undertaking of alternative dispute resolution procedures (*ADR*) at that stage; and if not, at what stage ADR should occur.

Reviews: subject matter

16. Reviews will usually deal with the following matters (in a sequence appropriate for the individual case):-
    (a) parties;
    (b) pleadings, including particulars;
    (c) disclosure;
    (d) ADR;
    (e) whether any issue should be determined before the trial of other issues (early determination of an issue);
    (f) expert evidence;
    (g) trial arrangements (including trial plans, ways of giving evidence, and proof of documents);
    (h) the date for any further review.

17. At an early stage, the parties should address the question whether all appropriate parties have been joined in the action. The attention of the parties is particularly drawn to the provisions of the *Civil Liability Act 2003* (Qld), for a case involving an apportionable claim.

18. At an early stage, the parties should identify and attempt to resolve any challenge relating to the adequacy of the pleading of another party, and any difficulty relating to particulars.

19. Where the parties have not agreed on a document plan pursuant to Part 4 of PD 10 of 2011 before the matter is placed on the Supervised Case List, they are to proceed in accordance with the D M Guidelines. Any necessary directions are to be sought from the Supervising Judge at a review. Where the parties have agreed on a document plan pursuant to Part 4 of PD 10 of 2011 before the matter is placed on the Supervised Case List, they may nevertheless be directed to proceed in accordance with the D M Guidelines.

20. Parties are expected to attempt to reach agreement about whether and when they should engage in ADR; the form of ADR; and arrangements for undertaking ADR. They should inform the Supervising Judge of any agreement reached; or explain why no agreement has been reached. This should occur by no later than the second review. In the course of ADR, the parties, if they are unable to resolve the action, should attempt to resolve individual issues.

21. Where a party considers that early determination of an issue is appropriate, it should so advise the other parties, and inform the Supervising Judge at the next review.

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[1] See P D 10 of 2011 and the D M Guidelines.

22. Once a party recognises that it is likely that expert evidence will be required in respect of an issue in the case, that party should notify all other parties of the area of expertise. The Supervising Judge should also be informed at the next review.

23. The parties should attempt to reach agreement, and if necessary seek directions, about the following matters in relation to expert evidence:-
    (a) whether it is appropriate to appoint a joint expert in respect of one or more of the issues in the case, and if so, the arrangements for the appointment of such an expert (relevant considerations include whether the evidence primarily involves compilation and/or calculation; the value of the issue to which the evidence relates; and the resources of the parties);
    (b) steps to be taken under the Expert Conference Guidelines.

24. Where directions are made for experts to prepare a joint report, they should usually include a direction that an expert is not to give evidence which is materially different from any view expressed by the expert in a joint report, without the leave of the Court. A party proposing to apply for leave should give notice forthwith to all other parties, together with an explanation of the reason for the application; and should inform the Associate of the application.

Other matters relating to reviews

25. Parties are expected to confer at least one week before any review, to attempt to agree about directions to be sought at the upcoming review.

26. Where parties reach agreement about the directions to be made, they are to provide, by email, a copy of the agreed directions to the Associate. If the Supervising Judge is prepared to do so, such directions may be made without a formal hearing.

27. If the parties are unable to agree about directions, each party is to provide to the Associate, by email, a copy of that party's draft of the directions sought.

28. Directions will usually nominate dates by which directions are to be complied with.

29. Once a matter has been assigned to a Supervising Judge, communications about the supervision of the matter are to be made to the Judge's Associate, usually by email, with a copy sent to all other parties.

30. Reviews will generally be limited to the determination of directions, involving only limited disputes. Applications for interlocutory relief and other substantial interlocutory disputes will not be determined at a review. Such matters may be determined by the Supervising Judge on a day allocated in the Court calendar for matters on the List, by arrangement made at a review, or with the Associate. Otherwise, such matters might be dealt with in the same way as in other civil litigation (for example, in the Applications List).

Trial

31. Once a matter is placed on the Supervised Case List, it will not be allocated trial dates unless a request for trial date is subsequently filed, or a Judge otherwise orders.

32. Before a request for trial date is filed for a matter on the Supervised Case List, each party is to inform the Supervising Judge at a review that:-
    (a) it has given recent consideration to whether any additional parties should be joined to the action;
    (b) it has given recent consideration to the question whether its pleadings properly reflect the case to be presented at the trial;
    (c) it has given recent consideration to the question whether it maintains any challenge to the pleadings or particulars of any other party;
    (d) it has recently reviewed the pleadings to identify the issues in respect of which it proposes to adduce evidence, and has considered whether it is in a position to do so;
    (e) the results of these considerations; and
    (f) it has considered whether it will make an offer to settle under the rules.

33. Before a request for trial date is filed for a matter on the Supervised Case List, the parties should seek directions in relation to the following matters:-
    (a) the preparation of a trial bundle (see the D M Guidelines);
    (b) the identification of documents in the trial bundle, which are to be admitted without objection;
    (c) the identification of any document in the trial bundle, containing a statement which is to be admitted as evidence of the truth of the statement;
    (d) the delivery by a party to all other parties of a list identifying all other documents which that party intends to rely on at the trial;
    (e) whether the evidence of some or all of the witnesses is to be given orally or in some other form;
    (f) the preparation and exchange of schedules of objections to evidence, including the brief identification of grounds of objection, and responses;
    (g) the conduct of the trial, whether in whole or part, electronically;
    (h) the preparation of a trial plan (including the identify of the witnesses to be called, the order in which they are likely to be called, and an estimate of the time required for the evidence of each witness).

34. Once a matter on the List has been allocated trial dates, the parties should seek to make arrangements through the Associate to the Judge before whom the matter is listed, no later than 21 days before the commencement of the trial, about the following matters:-
    (a) the provision to the Judge of working copies of pleadings and other documents (including joint reports and any other reports of experts), any schedules of objections to evidence, and a trial plan;
    (b) where relevant, the conduct of the trial electronically;
    (c) the manner in which expert evidence will be heard (for example, whether experts dealing with a particular issue will give evidence in the ordinary course of the presentation of the case of each party; or successively by area of expertise, or concurrently);

(d) whether any other special arrangements are required for any part of the case (for example, evidence by telephone or video link – where a party anticipates that there may be a need for such facilities, the SCL Manager should be notified at the earliest opportunity, and no less than 21 days before the hearing date);
(e) arrangements for the exchange and delivery of written submissions and copies of authorities.

35. A case may be removed from the Supervised Case List by order of a Judge at any time. Otherwise, a case may be removed from the List by the SCL manager where:-
(a) the proceeding (including any appeal) has been finally determined;
(b) the whole of the proceeding (including any counterclaim) has been determined.

Contact details

SCL Manager: supcasemanager@justice.qld.gov.au

Current Associates: associate.PLyonsJ@courts.qld.gov.au;
associate.BoddiceJ@courts.qld.gov.au .

Paul de Jersey
Chief Justice
18 May 2012

Management of Documents during Litigation
Guidelines for Practitioners in Supervised Cases

1. Introduction

1.1 These Guidelines apply to all cases on the Supervised Case List, subject to Court order.

1.2 These Guidelines are to be applied in a manner that gives effect to Rule 5(1) of the *Uniform Civil Procedure Rules*, namely to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense.

1.3 These Guidelines are based upon the experience that:

(a) in most civil proceedings, the issues are determined by reference to a small number of critical documents;

(b) in many civil proceedings, large volumes of documents are retrieved and reviewed at great cost resulting in delay and over-disclosure;

(c) this problem is exacerbated by the increasing volume of electronic documents and the costs of retrieving and reviewing them;

(d) the early, cost-effective resolution of disputes by settlement may be achieved by the early exchange of critical documents; and

(e) unnecessary costs and undue burdens are imposed on litigants, non-parties and the community by inappropriate practices in relation to documents in litigation.

2. General guidelines and directions

2.1 Practitioners and litigants are expected to adopt a proportionate and efficient approach to the management of both paper and electronic documents at all stages of proceedings.

2.2 Documents must be managed efficiently to minimize the cost of litigation to both the Court and to litigants.

2.3 Parties must address and plan document management as early as possible in litigation.

2.4 Parties must endeavour to exchange documents in a usable, searchable format or in the format in which the documents are ordinarily maintained to enable the party receiving the documents to have the same ability to access, search, review and display the documents as the party producing them.

3. Deferral of disclosure obligations until a Document Plan is agreed and approved

3.1 Subject to an order to the contrary, a party is not required to give disclosure under rules 214 or 216 of the *Uniform Civil Procedure Rules* until ordered by the Court.

3.2 Parties should give active consideration at an early stage for an order pursuant to rule 224 that the party be relieved, or relieved to a specified extent, of the duty of disclosure.

4. Early development of a Document Plan

4.1 Parties should develop at an early stage a Document Plan that will address the management of documents at all stages of the proceedings. These stages include the exchange of critical documents soon after pleadings close, the subsequent provision of further documents pursuant to disclosure obligations or a specific court order, and the management of documents for the purpose of resolution of the proceedings at trial or by alternative dispute resolution.

4.2 The Document Plan should be appropriate to the circumstances of the specific case.

4.3 The fact that the parties have embarked upon disclosure before the matter is placed on the Supervised Case List does not remove the need for a Document Plan. In such cases, a Document Plan will be required to ensure the timely provision of any further documents, and the identification, from amongst the documents that have been disclosed, of a limited number of documents that will be referred to by witnesses in their evidence, be the subject of cross-examination and probably constitute the "trial bundle".

4.4 The Document Plan should have as its objective the practical and cost-effective retrieval, review, exchange and use of documents according to a plan that satisfies the principle of proportionality (see section 7 below). It should facilitate the just and expeditious resolution of the real issues in the proceeding at a minimum of expense.

4.5 The Document Plan should be developed during the course of a proceeding. The initial plan should be short and simple, and address the kind of basic issues noted in **Appendix A.** Practitioners should note that Appendix A is indicative only and provided for the assistance of litigants. It does not replace practitioners' obligation to advise parties of parties' obligations to provide disclosure.

4.6 Parties are required to confer and agree about a Document Plan before submitting it to the Court for approval.

4.7 Where the parties are unable to agree a Document Plan after taking reasonable steps to resolve their differences, they may apply, by arrangement with a Supervised Case List Judge, for an appropriate order.

4.8 The Court may, in appropriate circumstances, order that the costs associated with the retrieval, review and disclosure of documents not agreed by the parties be borne by the requesting party. [This suggestion is to address the potential question of what are 'additional' documents.]

4.9 The Court will approve a Document Plan if it satisfies the principle of proportionality, and is likely to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense.

5. The use of approved forms for presenting and exchanging documents

5.1 The use of approved forms for presenting and exchanging documents (including the alternative UCPR Form 19, and the eTrial Document Management Spreadsheet template) is encouraged. Examples of these forms are available on the Court web-site www.courts.qld.gov.au

5.2 Reference should be made to PD 10 of 2011 (Use of Technology for the efficient management of documents during litigation).

6. Options for Consideration by Parties

6.1 Parties are encouraged to seek directions in relation to documents that suit the circumstances of the case. Depending on the circumstances, the parties may agree, or the Court may order, one or more of a variety of options for the management of documents. These include:

- the exchange of critical documents;
- Fast Track Orders;
- the exchange of documents to be relied upon, supplemented by additional requested documents; and
- the exchange of documents limited to certain categories of documents or orders that exclude certain categories of documents.

7. Principle of Proportionality

7.1 The parties must ensure that all steps in relation to documents are proportionate having regard to:

(a) the nature and complexity of the proceedings;

(b) the amount at stake or the relief sought;

(c) the real issues in dispute;

(d) the stage the proceedings have reached;

(e) the volume of potentially relevant documents;

(f) the ease with which documents may be retrieved or reviewed;

(g) the time and costs associated with the proposed steps; and

(h) the likely outcome or benefits to be derived by taking the proposed steps and the extent to which these are likely to have a significant impact on the outcome of the proceedings.

8. Reasonable searches

8.1 In undertaking searches for documents, including for the purpose of making disclosure pursuant to Chapter 7 of the *Uniform Civil Procedure Rules*, or in compliance with a direction of the Court in relation to documents, a party must undertake reasonable searches bearing in mind the principle of proportionality.

8.2 Parties are required to inform each other about the extent of searches that they propose to undertake or have undertaken for the purpose of making disclosure pursuant to Chapter 7 of the *Uniform Civil Procedure Rules*, or in compliance with a direction of the Court in relation to documents, and to verify the searches that they have undertaken in a statement ("disclosure statement").

8.3 Where a party has not searched for a category or class of document on the grounds that to do so would be unreasonable, it must state this in its disclosure statement and identify the category or class of document, with an explanation.

8.4 The factors relevant in deciding the reasonableness of a search include the

(a) number of documents involved and their location;

(b) nature and complexity of the proceedings;

(c) ease and expense of retrieval of any particular document;

(d) significance of any document, which is likely to be located during the search, in the ultimate resolution of the case.

8.5 As a general rule, the parties should discuss any issues that may arise regarding searches for documents and the preservation of documents **before** undertaking searches. The parties should confer about and agree the extent of searches to be undertaken. The matter should be referred to the Court for directions only if:

(a) the parties are unable to resolve a difference of substance;

(b) the circumstances justify the legal costs involved in seeking a judicial resolution of their differences; and

(c) the referral of the disagreement to the Court is warranted as a proper use of judicial resources and the legal costs involved

8.6 The extent of the search which must be made will depend upon the circumstances of the case. The parties should bear in mind the overriding principle of proportionality. It may, for example, be reasonable to decide not to search for documents coming into existence before some particular date, or to limit the search to documents in some particular place or places, or to documents falling into particular categories.

8.7 Further guidance in relation to reasonable search appears in **Appendix B.**

9. Exchange of Critical Documents

9.1 The following process is directed to the early identification and exchange of critical documents, with a view to facilitating the early resolution of matters.

9.2 Critical documents are those documents in the possession or under the control of a party after a reasonable search and that are likely to be tendered at trial and to have a decisive effect on the resolution of the matter. They include documents that are either supportive or adverse to a party's case.

9.3 Subject to contrary directions, critical documents should be exchanged on a date to be fixed shortly after the close of pleadings.

9.4 The number of such documents to be exchanged should be limited to a number stated in the direction.

9.5 At the time critical documents are exchanged a party should provide a statement that:

- sets out the extent of the search that has been undertaken to locate critical documents;
- draws attention to any particular limitations on the extent of the search which were adopted for proportionality reasons and give the reasons why the limitations were adopted, e.g. the difficulty or expense that a search not subject to those limitations would have entailed or the marginal relevance of categories of documents omitted from the search;
- certifies that documents that are considered to be adverse to the party's case and that have been located by the search, or which are otherwise known to (and are in the possession or control of) the party, have been included.

9.6 If a party seeks to supplement the critical documents, whether by a formal process of disclosure or otherwise, then a case for this should be made out. This should include, amongst other things, an estimate of the likely cost of locating, assembling, reviewing and providing such additional documents.

9.7 Parties should only be put to these costs if a case is made out for such a course. In a particular case the Court may direct that the costs associated with locating, assembling, reviewing and providing such additional documents be paid for by the requesting party. The Court may order that the requesting party pay those costs in any event.

9.8 The parties may agree, or the Court may direct, that the matter will proceed to trial on the basis of the critical documents, or the critical documents supplemented by a limited number of specified documents, and that these will constitute the "trial bundle".

10. Fast Track Directions

10.1 A particular case may warrant a direction similar to the Fast Track Discovery Direction in the Federal Court. A form of direction based on that direction is contained within **Appendix C**. These and other forms of draft directions are intended to be adapted to suit the circumstances of the case.

11. The exchange of documents to be relied upon, supplemented by additional requested documents

11.1 Parties may develop a Document Plan that adopts a procedure by which, within a time ordered by the Court, each party submits to the other parties a list of the documents upon which it intends to rely at trial, and within a further specified time, a party may submit a request for the party to produce additional specified documents.

11.2 A form of direction is contained within **Appendix C**.

12. The exchange of documents that are limited to certain categories or orders that exclude certain categories of documents

12.1 Requiring parties to exchange or to disclose formally all the documents that are "directly relevant" to an allegation in issue in the pleadings (UCPR 211(1)) may not be appropriate in the circumstances of a particular case.

12.2 In some cases it may be appropriate to order limitations on the documents to be exchanged or disclosed by reference to categories of documents. This may be by reference to the categories of documents that are to be exchanged or disclosed, or by providing that certain categories of documents are not to be exchanged or disclosed.

12.3 In developing appropriate Document Plans and draft directions in this regard parties should have regard to the principle of proportionality, and the costs associated with the retrieval, review and exchange of documents in certain categories, particularly electronic documents.

13. Document Plans and Management that will facilitate eTrials

13.1 Parties are encouraged to adopt Document Plans that will facilitate the conduct of a trial, if appropriate, as an eTrial. An e-Trial is an electronic trial that is conducted using computer hardware and software within the courtroom that allows all documentary evidence to be viewed in electronic form by the Court and by those parties involved in the trial. The format in which the documents will generally be viewed is as full text-searchable, multi-page PDF files.

13.2 Further information about eTrials appears in Practice Direction 10 of 2011, and can be obtained from the eTrials registrar via e-mail at etrials@courts.qld.gov.au

13.3 The fact that a proceeding has been conducted for a substantial period without court supervision, with disclosure of documents being undertaken in accordance with the rules in hard copy format, does not preclude the matter being conducted as an eTrial if such a course will save costs and time in preparation for trial and the conduct of a trial.

13.4 If possible, the parties should use and adapt court approved forms that facilitate the exchange of documents in a form that will facilitate a proceeding being conducted as an eTrial. In particular, the "trial bundle" should be available in a form that facilitates a proceeding being conducted as an eTrial.

14. Trial Bundle

14.1 The number of documents to be included in a "trial bundle" should be limited, and subject to a suitable direction that ensures that the bundle consists only of a limited number of documents to which reference will be made by witnesses, and to which the trial judge will be required to have reference in order to determine the real issues in the proceedings.

14.2 The trial bundle should typically only consist of "critical documents". Documents should only be included in the trial bundle if a legal representative for a party with responsibility for the presentation of the evidence at the trial believes on reasonable grounds that the document is likely to be referred to in the evidence of a witness, or that its inclusion is otherwise necessary to enable the real issues in the proceedings to be determined at trial.

14.3 During the course of a proceeding, the parties should be attentive to the need to ensure that the trial bundle is limited in its volume and organized in a form that assists the efficient presentation of evidence at trial.

14.4 During the course of proceedings, each party should nominate in a suitable form the documents that it proposes for inclusion in the trial bundle (e.g. asterisks beside a limited number of documents appearing in a document list, the maximum number being specified in the Document Plan or direction).

14.5 Trial bundles should be arranged in a form that facilitates reference to them both at trial and in preparation for trial (e.g. in the preparation of witness summaries, witness statements and other documents) so that the documents being referred to are readily identifiable and able to be located in the trial bundle. In particular, they should be indexed and paginated.

15. Commitment to Confer and Agree

15.1 The parties to cases in the Supervised Case List are expected to adopt a practical and cost-effective approach to the management of documents.

15.2 This includes the development of Document Plans and the resolution of points of difference without the need for resolution of differences by the Court unless this is clearly necessary.

15.3 Parties are expected to confer (in person, by telephone or video-link) and agree matters in relation to document management. Discussions can be conducted on a "without prejudice" basis, if necessary.

15.4 Parties should refrain from lengthy, argumentative, evidence-making correspondence. Judicial resources in the Supervised Case List for resolving disputes over documents are limited.

15.5 If the parties cannot agree, despite reasonable efforts, a Document Plan and suitable directions for the management of documents, then their areas of difference should be succinctly summarized in a joint report to the Supervised Case List Manager, together with a request that the matter be listed for review or resolved "on the papers".

15.6 The Court may apply sanctions, including adverse costs orders, against parties who act unreasonably in their conduct of litigation or breach their implied undertaking to the Court and to the other parties to proceed in an expeditious way.

15.7 Parties who reach agreement about Document Plans and suitable directions for the management of documents may submit the same to the Supervised Cast List Manager together with a request that the order be made "on the papers".

Appendix A: Document Plans

The following are examples of the types of issues which should be considered in developing a Document Plan. An indicative Document Plan is also provided. The Document Plan is not intended to be prescriptive and is simply an example of how a Document Plan may look.

1. Scope of initial exchange of documents

1.1 The parties should agree on the scope of documents to be exchanged at the current stage of proceedings, and have regard to:

(a) the importance of limiting the scope of the exchange of documents as far as practicable in order to minimise the time and costs associated with the identification, collection, processing, analysis, review and exchange of documents;

(b) the Court's view that it is inefficient and inappropriate to require the production of more documents than are necessary for the fair conduct of the case;

(c) options such as:

- the exchange of critical documents;
- Fast Track Orders;
- the exchange of documents to be relied upon, supplemented by additional requested documents;
- the exchange of documents limited to certain categories of documents or orders that exclude certain categories of documents.

2. Strategies for conducting a reasonable search

2.1 The parties should consider the factors set out in section 8 and Appendix B of these Guidelines and agree upon:

(a) the strategies they will use for conducting a reasonable search to locate documents; and

(b) any sources and/or categories of documents that are to be excluded from such a search.

3. Management of Electronic Documents

3.1 The parties should consider the potential for documents to be managed as Electronic Documents and agree upon a strategy for the identification, collection, processing, analysis, review and exchange of Electronic Documents.

3.2 In most cases, the efficient and cost effective management of documents at all stages of litigation may be enhanced by utilising the alternative UCPR Form 19 (LINK). Presentation and exchange of documents in this format can enable litigants to cost effectively keep control over documents in proceedings and enable any Court hearing to be conducted as an electronic trial. For further assistance, please refer to the 'Guidelines to Completion of Form 19 List of Documents' (LINK)

3.3 Reference should be made to Practice Direction 10 of 2011 (Use of technology for the efficient management of documents in litigation);

4. Preservation of Electronic Documents

4.1 The parties should agree upon a strategy to ensure that electronic documents which are potentially disclosable are preserved in their original format.

5. Estimated Costs of implementing the Document Plan

5.1 The parties should agree on a Document Plan, which may be recorded in the format of Schedules, or in some other concise form.

5.2 Each party should exchange with the other parties their best preliminary estimate of the cost associated with implementing the Document Plan.

6. Document Management Protocol

6.1 The parties should agree on a Document Management Protocol as referred to in Practice Direction 10 of 2011 (Use of technology for the efficient management of documents in litigation).

7. Areas of disagreement

7.1 The parties should record the issues on which they have been unable to reach agreement and the reasons for their disagreement.

Document Plan for X -v- Y (No 0001/11)

1. Relief from disclosure

The parties agree that an order be sought from the Supreme Court pursuant to rule 224 of the *UCPR* that they be relieved of the duty of disclosure except to the extent set out in this Document Plan until further order of the Court. This will be a consent order prepared by the Plaintiff.

The parties agree that electronic documents that are potentially disclosable will be preserved in their original native format.

2. Exchange of critical documents

The parties agree that the critical documents in this matter will be exchanged within 14 days of delivery of the Reply. The critical documents are those documents in the possession or control of a party that have been located after a reasonable search and are likely to be tendered at trial and have a decisive effect on the resolution of the matter. They are to include documents that either support or are adverse to a party's case. At this stage, the parties agree that maximum of [50] documents will be produced as the critical documents.

3. Reasonable searches

The parties agree that searches for relevant documents (including the critical documents) will be conducted by searches in the following locations:

(a) the relevant sale/purchase file of X for each party;

(b) the computer hard drive and Outlook folders (including emails and documents held in electronic form) for:

(i) A

(ii) B

(iii) C

(iv) D

(v) E

(c) the files containing board minutes, reports or memoranda relevant to the sale/purchase of X and attempts to locate alternative product;

(d) the files containing any attempt to locate alternative product.

The parties agree that there is no request on either party, at this stage, to undertake the following:

(a) restore deleted emails from backup files or to otherwise search back up files; and

(b) search records evidencing payment of invoices.

4. Disclosure Statement

The parties agree that at the same time as provision of the critical documents, they will provide a Disclosure Statement that sets out the searches that have been undertaken to locate the critical and other relevant documents. The Disclosure Statement is to be signed by the clients and will:

(a) set out the extent of the searches that were undertaken to locate critical and other relevant documents;

(b) draw attention to any particular limitations on the extent of the search that may have been adopted for proportionality reasons as set out in the Supervised Case List Guidelines and give reasons for such limitation;

(c) certify that documents that are considered to be adverse to a party's case and have been located by the search, have been included in the critical documents or any further disclosure.

5. Form of presenting, exchanging documents

The parties agree to use the alternative schedule in UCPR Form 19 (LINK) as the default Document Management Protocol.

6. Supplementary disclosure

Upon the provision of the critical documents, the parties agree that if there is any dispute about the documents provided or a need for further documentation, then a letter from such requesting party will be sent to the other party within 14 days of receiving the critical documents. The receiving party will respond within 7 days. The parties agree that if there is still a dispute between the parties as to the further disclosure of documents, the matter is to be referred to the Court for determination but that the issues for determination are to be limited to the matters identified in the correspondence.

The parties agree that the basis for seeking additional documents is that the requesting party can demonstrate that the additional documents are required to assist in the early resolution of the matter or will have a decisive effect on the resolution of the matter.

7. Early resolution bundle

Attached to this document plan is a schedule. The parties agree that they will identify in the schedule those documents that they consider should be part of an agreed bundle for the early resolution of this matter. This schedule will be updated throughout the course of the action as it will serve as the template for the trial bundle if the matter does not settle. Initially the parties agree to concentrate on those documents that they consider necessary to resolve this matter promptly. Hence, the documents may be those that will say assist a mediator. The plaintiff has already completed the documents that it considers should be part of the early resolution bundle at this stage in the action and the defendant agrees that upon the provision of the defence, it will supplement this list with further documents that it considers necessary. The parties agree that only those documents that are likely to be beneficial in attempting to resolve this case and will have a decisive effect upon the resolution of the matter will be included in the bundle. Hence, it is likely that most of the documents on the schedule will be those identified by the parties as critical documents. The parties agree that the documents in the schedule will be limited to 30.

The parties agree that if the matter does not resolve by [date X], they will exchange any objections to any documents listed in the schedule within 14 days of [date X]. If there is any dispute about the objections, the issue is to be raised at the next supervised case list review before the Court so that a process can be determined to deal with the objections. No further objections can be raised on the listed documents outside this agreed process, without the leave of the Court.

Early Resolution Bundle Schedule

No.	Document	Date
1	Contract between X and Y	00.00.00
2	Letter from X to Y	00.00.00
3	Letter from Y to X	00.00.00
4	Report of ABC	00.00.00

Appendix B: Reasonable Search and Disclosure Statements

1. Electronic documents

1.1 The duty of disclosure under the rules extends to electronic documents: see UCPR 211 and the definition of "document" in the *Acts Interpretation Act, 1954* (Qld) s 36. These may include e-mail and other electronic communications, word processed documents, PDFs and other computer created documents and databases. In addition to documents that are accessible from computer systems and other electronic devices and media, documents may be stored on servers and back-up systems and include electronic documents that users may understand have been 'deleted'.

1.2 The existence of electronic documents impacts upon the extent of the reasonable search for the purposes of disclosure. The factors that may be relevant in deciding the reasonableness of a search for electronic documents include (but are not limited to) the:

(a) number of documents involved and their location;

(b) nature and complexity of proceedings;

(c) ease and expense of retrieval of any particular document. This includes the:

(i) accessibility of electronic documents or data including e-mail communications on computer systems, servers, back-up systems and other electronic devices or media that may contain such documents, taking into account alterations or developments in hardware or software systems used by the disclosing party and/or available to enable access to such documents;

(ii) location of relevant electronic documents, data, computer systems, servers, back-up systems and other electronic devices or media that may contain such documents;

(iii) likelihood of locating relevant data;

(iv) cost of recovering any electronic documents;

(v) cost of disclosing and providing inspection of any relevant electronic documents; and

(vi) likelihood that electronic documents will be materially altered in the course of recovery, disclosure or inspection; and

(d) significance of any document which is likely to be located during the search in the resolution of the case.

1.3 It may be reasonable to search some or all of the parties' electronic storage systems. In some circumstances, it may be reasonable to search for electronic documents by means of keyword searches (agreed as far as possible between the parties) even where a full review of each and every document would be unreasonable. There may be other forms of electronic search that may be appropriate in particular circumstances.

2. Disclosure statements

2.1 In making directions for the provision of documents at various stages of proceedings, the Court requires parties to undertake reasonable searches for documents of the kind to be exchanged or disclosed.

2.2 Parties are required to inform each other about the extent of searches that they propose to undertake or have undertaken, and to verify the searches that they have undertaken in a statement ("Disclosure Statement").

2.3 The Disclosure Statement should:

(a) expressly state that the disclosing party believes the extent of the search to have been reasonable in all the circumstances; and

(b) in setting out the extent of the search draw attention to any particular limitations on the extent of the search which were adopted for proportionality reasons and give the reasons why the limitations were adopted, eg the difficulty or expense that a search not subject to those limitations would have entailed or the marginal relevance of categories of documents omitted from the search.

2.4 The details given in the Disclosure Statement about the person making the statement must include his or her name and address and the office or position he or she holds in the disclosing party or the basis upon which he or she makes the statement on behalf of the party.

2.5 If the party has a legal representative, the legal representative must endeavour to ensure that the person making the disclosure statement understands the duty to disclose documents in accordance with the Court's order or the Court's rules.

2.6 If the disclosing party wishes to claim that it has a right or duty to withhold a document, or part of a document, the party must state in writing:

(a) that it has such a right or duty; and

(b) the grounds on which it claims that right or duty.

2.7 The statement referred to in paragraph 6 above should normally be included in the disclosure statement and must indicate the document, or part of a document, to which the claim relates.

2.8 An insurer may sign a disclosure statement on behalf of a party where the insurer has the conduct of proceedings brought wholly or partially by or against that party.

The form of the Disclosure Statement to be adapted in the circumstances of the case is:

"*I, the above named [plaintiff] [or defendant] [If party making disclosure is a company, firm or other organisation identify here who the person making the disclosure statement is and why he or she is the appropriate person to make it] state that I have [or have caused to be] carried out a reasonable and proportionate search to locate all the documents which I am [or my employer is] required to disclose under*

the order made by the court on day of . I did not search for:

(1) documents predating ……,

(2) documents located elsewhere than ……,

(3) documents in categories other than ……,

(4) electronic documents

I carried out a search for electronic documents contained on or created by the following:

[list what was searched and extent of search]

I did not search for:

(1) documents created before ……,

(2) documents contained on or created by the Plaintiff's/Defendant's PCs/portable data storage media/databases/servers/back-up tapes/off-site storage/mobile phones/laptops/notebooks/handheld devices/PDA devices (vary or delete as appropriate),

(3) documents contained on or created by the Plaintiff's/ Defendant's mail files/document files/calendar files/spreadsheet files/graphic and presentation files/web-based applications (vary or delete as appropriate),

(4) documents other than by reference to the following keyword(s)/concepts… (delete if your search was not confined to specific keywords or concepts).

I certify that I understand the duty to disclose documents under the order made by the court on day of and after undertaking a reasonable search for those documents and to the best of my knowledge I have carried out that duty. I certify that the list above is a complete list of all documents which are or have been in the possession or control and which I am [or my employer is] obliged under the said order to disclose."

Appendix C: Possible Document Directions to be adapted to the circumstances of the case

General Directions

1. The parties are directed to adopt a proportionate and efficient approach to the management of both paper and electronic documents in proceedings.

2. Subject to an order to the contrary, a party is not required to give disclosure under rules 214 or 216 of the *Uniform Civil Procedure Rules* until ordered by the court.

3. By …….201….the parties confer and agree directions in relation to documents, including, if appropriate, directions that will:

   (a) provide for the early identification and exchange of critical documents, being a limited number of documents that are likely to be tendered at any trial and are likely to have a decisive effect on the resolution of the matter;

   (b) require each party to inform the other parties in a concise written statement of the extent of the searches for documents that they propose to undertake, or have undertaken.

   (c) defer disclosure until the real issues in dispute are identified;

   (d) limit disclosure to specified documents or classes of documents;

   (e) reflect a practical, cost-effective and proportionate Document Plan that the parties have agreed or endeavoured to agree;

   (f) facilitate any trial being conducted in accordance with the Supreme Court's e-trial program.

4. By ..... 20.… the parties shall provide to both the Supervised Case List Manager (email: supcasemanager@justice.qld.gov.au) and the Associate to Justice …. (email: associate……j@courts.qld.gov.au) a Document Plan and proposed directions in relation to documents.

Exchange of Critical Documents

1. By…..201… the parties are to exchange "critical documents" being those documents in the possession or under the control of the party after a reasonable search and that are likely to be tendered at trial and to have a decisive effect on the resolution of the matter. They include documents that are either supportive or adverse to a party's case.

2. The number of such documents to be exchanged by each party should not exceed ……

3. At the time critical documents are exchanged a party shall provide a statement that:

- sets out the extent of the search that has been undertaken to locate critical documents;
- draws attention to any particular limitations on the extent of the search which were adopted for proportionality reasons and give the reasons why the limitations were adopted, e.g. the difficulty or expense that a search not subject to those limitations would have entailed or the marginal relevance of categories of documents omitted from the search;
- certifies that documents that are considered to be adverse to the party's case and that have been located by the search, or which are otherwise known to the party, have been included.
- is based on the form of Disclosure Statement contained in Appendix B in the Guidelines for the Management of Documents during Litigation in the Supervised Case List.

Fast Track Directions

1. Limited disclosure of documents

1.1 Except where expanded or limited by a judge, disclosure if ordered in these proceedings will be confined to documents in the following categories:

(a) documents on which a party intends to rely; and

(b) documents that have significant probative value adverse to a party's case.

2. Reasonable search effort

2.1 Disclosure must be provided in accordance with the following:

(a) Parties must provide disclosure of any document within the limited disclosure categories mentioned in paragraph 1 that a party knows of at the time the order is made, or that the party becomes aware of at a later point in the pre-trial or trial process, or that the party discovers in the course of a proportionate search of the party's documents and records.

(b) A 'proportionate search' is a search undertaken by a party in which the party endeavours to locate disclosable documents, while bearing in mind that the cost of the search should not be excessive having regard to the nature and complexity of issues raised by the case, including the type of relief sought and the quantum of the claim.

(c) A party giving disclosure must, if requested to do so by another party, provide a brief description of the steps the party has taken to conduct a proportionate search to locate disclosable documents.

3. Additional disclosure

3.1 A party may require additional disclosure in relation to discrete issues, such as the quantification of damages. In that event the judge may make a separate order for that purpose. The order may include a requirement that disclosure be given by inspection alone."

4. The exchange of documents to be relied upon, supplemented by additional requested documents

4.1 By ..... the [applicant] shall submit to the [respondent] a list of the documents upon which it intends to rely at trial [in relation to the issue of .....]

4.2 By ..... the [respondent] may submit to the [applicant] a request to produce documents [in relation to the issue of .....] ("a Request to Produce").

4.3 A Request to Produce shall contain:

(a) (i) a description of each requested document sufficient to identify it, or

(ii) a description in sufficient detail (including subject matter) of a narrow and specific requested category of documents that are reasonably believed to exist (in the case of documents maintained in electronic form, the requesting party shall be required to identify specific files, search terms, individuals or other means of searching for such documents in an efficient and economical manner);

(b) a statement as to how the documents requested are relevant to the case and material to its outcome; and

(c) (i) a statement that the documents requested are not in the possession or control of the requesting party or a statement of the reasons why it would be unreasonably burdensome for the requesting party to produce such documents, and

(ii) a statement of the reasons why the requesting party assumes the documents requested are in the possession or control of another party.

4.4 By ..... 201…. the [applicant/the party to whom the Request to Produce is addressed] shall produce for inspection by the [respondent] the documents requested that are in its possession or control as to which it makes no objection.

4.5 If the [applicant/the party to whom the Request to Produce is addressed] has an objection to some or all of the documents requested, it shall state the objection in writing to the [other party] by ..... 201…. The reasons for such objection may be a failure to satisfy the requirements of paragraph 3 herein or any of the following reasons:

(a) lack of sufficient relevance to the case or materiality to its outcome;

(b) the likely time, cost and inconvenience involved in locating, reviewing and disclosing the documents or classes of documents is disproportionate in the circumstances;

(c) the relative importance of the issue to which the documents or classes of documents relate;

(d) the probable effect on the outcome of the proceeding of disclosing or not disclosing the documents or classes of documents;

(e) the loss or destruction of the document, with such loss or destruction to have been shown with reasonable likelihood to have occurred;

(f) privilege;

(g) the documents are not reasonably necessary to enable the Court to decide the issue to which the documents relate;

(h) there is another reasonably simple and inexpensive way of proving the matter to which the documents relate, including an admission by the party making the objection and the terms of the proposed admission;

(i) any other sufficient reason as to why the production of the documents is not required to facilitate the just and expeditious resolution of the real issues in the proceeding at a minimum of expense;

4.6 Upon the receipt of any such objection the parties shall consult with each other with a view to resolving the objection.

4.7 Either party may by ..... 201…. apply to the Court to rule on the objection and to make appropriate directions for:

(a) the documents to be provided;

(b) the documents not to be provided;

(c) such further or other directions, including the making of admissions, the answering of interrogatories, oral examinations or the provision of witness summaries, statements or affidavits, as are appropriate to facilitate the resolution of the issue to which the documents relate.

Supervised Case List Guidelines for Joint Conferences of Expert Witnesses

1. Introduction

1.1 The objective of these guidelines is to facilitate compliance with any directions of the Court given pursuant to the UCPR in relation to the preparation of joint reports by experts.

2. Objectives

2.1 The objectives of such directions include the following:

- the just, quick and cost effective disposal of the proceedings;
- the identification and narrowing of issues in the proceedings by discussion between the experts;
- the consequential shortening of the trial and enhanced prospects of settlement;
- apprising the Court of the issues for determination;
- requiring experts to state their position on issues, thereby enhancing certainty as to how the expert evidence will come out at the trial. (The joint report may, if necessary, be used in cross-examination of a participating expert called at the trial who seeks to depart from what was agreed); and
- reducing the need for experts to attend court to give evidence.

3. Preparation

3.1 Prior to the preparation of any joint report, the experts should confer. Before the experts confer, the parties should agree on the following matters:

- the experts to attend;
- the questions to be answered; and
- the materials to be placed before the experts.

3.2 The experts to attend should be those specified in the Court's order. If none are so specified, the parties should arrange for experts to attend who have expertise pertinent to the questions to be asked. Generally, separate conferences should be held between experts in different specialities in relation to different issues arising in the case.

3.3 The questions to be answered should be those specified by the Court or those agreed by the parties as relevant.

3.4 The questions to be answered should be framed to resolve an issue or issues identified as being in dispute on the pleadings. If possible, questions should be capable of being answered Yes or No, or (if not) by a very brief response.

3.5 The materials to be provided to each of the participating experts should include:

- these guidelines;
- an agreed chronology, if appropriate;
- the pleadings;

- relevant witness statements or, preferably, a joint statement of the assumptions to be made by the experts, including any competing assumptions to be made by them in the alternative (which should be specified clearly as such);
- copies of all expert opinions already exchanged or disclosed between the parties and all other expert opinions and reports upon which a party intends to rely; and
- such records and other documents as may be agreed between the parties or ordered by the Court.

3.6 The participating experts should each be provided, in advance, with the questions and materials referred to in paragraphs 7.

4. Convening a conference

4.1 Subject to any directions given by the Court concerning the range of dates for the convening of the conference, the experts should communicate amongst themselves to fix a mutually convenient date, time and place for the conference.

4.2 Unless otherwise ordered by the Court, neither a party to the proceeding nor the party's legal representatives is to be present at, or participate in, the conference.

4.3 The conference should take the form of a personal meeting. Where appropriate, the experts should exchange relevant communications pre-conference. Alternatively the participants may choose to hold the conference by teleconference, videolink or similar means if a personal meeting is not practicable.

4.4 The experts should be given a reasonable opportunity to prepare for the conference by ensuring that before the conference the experts have:

- an opportunity to seek further directions under paragraph 34 concerning any question put to them, and
- access to any additional materials which the parties are able to provide and which the experts consider to be relevant.

4.5 In order to enable the experts to have a reasonable opportunity to prepare for the occasion, the conference should ordinarily not take place until the expiration of at least 14 days following the provision of the materials referred to in paragraph 7.

5. The role of experts at a conference

5.1 The experts should provide their respective opinions in response to the questions asked based on the witness statements or assumptions provided. Where alternative assumptions are provided the experts should provide their respective opinions on the alternative assumptions.

5.2 The experts may specify in their report other questions which they believe it would be useful for them to consider.

5.3 An expert witness must exercise an independent, professional judgment in relation to such a conference and joint report, and must not act on any instruction or request to withhold or avoid agreement. An expert should not assume the role of advocate for any party during the discussions at the joint conference. If, for any reason, an expert is unable to reach agreement with the other experts on any matter, that expert should be free to express disagreement with the other experts.

5.4 The experts should accept as fact the matters stated in witness statements or assumptions submitted to them. It is not their role to decide any disputed question of fact or the credibility of any witness. Where there are competing assumptions to be made in the alternative, alternative answers may have to be provided to a question or questions, specifying which of the assumptions are adopted for each answer.

6. Conduct of the conference

6.1 The conference should be conducted in a manner which is flexible, free from undue complexity (as far as is practicable) and fair to all parties.

6.2 The participating experts may appoint one of their number as a chairperson. If one of them so requests and the parties agree or the Court orders, some other person may be appointed to act as chairperson.

6.3 Secretarial or administrative assistance should be provided by the parties if so requested by the experts.

6.4 One of the participating experts, or a secretarial assistant, should be appointed to make a note at the conference of matters agreed, matters not agreed and reasons for disagreement.

6.5 The conference may be adjourned and reconvened as may be thought necessary by those participating.

7. Joint report

7.1 The report should specify matters agreed and matters not agreed. In relation to matters not agreed the report should briefly state the reasons for disagreement.

7.2 The joint report should be signed by all participating experts as soon as practicable after the conference.

7.3 Prior to signing a joint report, the participating experts should not seek advice or guidance from the parties or their legal representatives except as provided for in these guidelines.

7.4 The report of the joint conference should be composed by the experts and not the representatives of the parties. The report should be set out in numbered paragraphs. Each issue should be canvassed separately and divided into the following sections:

- statement of agreed opinion;

- statement of matters not agreed between experts with short reasons why agreement has not been reached;
- statement in respect of which no opinions could be given e.g. issues involving credibility of testimony;
- any suggestion by the participating experts as to any other matter which they believe could usefully be submitted to them for their opinion; and
- disclosure of any circumstances by reason of which an expert may be unable to give impartial consideration to the matter.

7.5 The joint report, when signed by all participating experts, should be delivered to the legal representatives for each party or where a party is not legally represented to the party. A copy should then be filed in the Court by the plaintiff.

7.6 Once the joint report has been signed, no further information may be submitted to any of the participating experts by any of the parties except with the leave of the Court.

8. Role of legal representatives

8.1 Legal representatives who are approached for advice or guidance by a participating expert should respond jointly and not individually, unless authorised to do so by the legal representatives for all other parties with an interest in the conference. Where a response is provided by one or some only of the legal representatives, the response should be in writing, and a copy provided forthwith to the other legal representatives and any other participating experts.

8.2 Such advice or guidance may be provided by:

- responding to any questions in relation to the legal process applicable to the case;
- identifying relevant documents;
- providing further materials on request; and
- correcting any misapprehensions of fact or any misunderstanding concerning the questions to be considered in the conference process.

8.3 The legal representatives of the parties should perform any other role the Court may direct.

9. Provision of information

9.1 The legal representatives of the parties should inform the associate of the Judge who directed the conference of the date of a conference when arranged, the names of the participating experts and the questions submitted.

9.2 Subject to the *Uniform Civil Procedure Rules* and the rules of evidence, the joint report provided to the Court, or that information provided to the Court concerning a Conference, will be tendered into evidence at any trial of the proceeding.

10. Further directions

10.1 An expert directed to confer may request the legal representatives of the parties for further directions. Where the parties' legal representatives are unable to agree on those further directions, a party may apply to the Court for further directions in relation to the directed conference.

SCL Questionnaire

supcasemanager@justice.qld.gov.au

_____v_____
_____

No._____of_____

1. What is your current best estimate of the length of a trial of this case (or group)?:
___1 – 5 days ___ 5 – 10 days ___ 10 – 20 days
___ more than 20 days

2. What is your current best estimate of how much money is at issue?:
___ $250,000 - $500,000 ___ $500,000 - $1,000,000
___ $1,000,000 - $5,000,000 ___ $5,000,000 - $10,000,000
___ $10,000,000 +

3. What category best describes this case (select no more than two)?:-
___ construction dispute ___ contract dispute
___ fraud/misrepresentation (including Trade Practices Act)
___ money claim ___ negligence ___ personal injury
___ professional negligence __ estate claim ___ other (describe briefly)___

4. Identify two key issues to the resolution of the dispute:
___ basis of calculation of damages ___ construction of contract
___ credibility ___ differences in expert opinion
___ quantum of damages ___ none is applicable

5. (a) What has been done to date to resolve this dispute short of trial?:
___ settlement conference ___ mediation ___ case appraisal
(b) Should a:-
___ settlement conference ___ mediation ___ case appraisal
be:- ___ now ___ later ___ not at all

6. Is the case fully constituted? ie:
All parties to be joined are joined: ___ Yes ___ No
The pleadings are closed: ___ Yes ___ No
Notices claiming contribution are filed and served: ___ Yes ___ No
Third party pleadings completed. ___ Yes ___ No
There is no known intention to amend: ___ Yes ___ No
There are no outstanding requests for particulars: ___ Yes ___ No

7. Has consideration been given to making an offer of settlement pursuant to the rules?:

___ Yes ___ No

8. Has consideration been given to applying for summary judgment under rule 292 or 293?:
___ Yes ___ No

9. (a) Is disclosure completed?:
___ Yes ___ No
(b) If yes, has a document plan been agreed upon, pursuant to Part 4 of PD 10 of 2011? Attach a copy.
(c) Is it intended to pursue non-party disclosure?:
___ Yes ___ No ___ Uncertain

10. Should the trial be conducted electronically?
___ Yes ___ No
11. Is the case one where there are numerous separate contentious items? If so, should there be a direction in terms of the schedule in terms of standard form order number 8 in Appendix B to PD 6 of 2000?:
___ Yes ___ No

12. Is the case or any aspect of it suitable for referral to a special referee pursuant to rule 501?:
___ Yes ___ Uncertain
___ No ___ Have not considered it

13. Is the case or any aspect of it suitable for an order for a separate decision on a question or questions pursuant to rule 483?:
___ Yes ___ No
___ Uncertain ___ Have not considered it

14. (a) Is a notice to admit pursuant to rule 189 contemplated?:
___ Yes ___ No

- OR -

(b) been given?:
___ Yes ___ No

15. (a) Will there be any opinion (expert) evidence (including from a party)?:
___ Yes ___ No
(b) If yes, should the court consider appointing an expert pursuant to rule 425?:
___ Yes ___ No
___ Uncertain ___ Have not considered it
(c) Should there be directions in terms of short form orders 11-13?:
___ Yes ___ No

16. Should there be provisions for witness statements to go to the parties prior to the trial in the form of standard form order number 22?:
___ Yes ___ No

17. Should each party provide to the other(s) a written outline of contentious issues and identify relevant authorities and statutory provisions?:
___ Yes ___ No

18. Is the matter ready for trial?:
___ Yes ___ No
If no, when will it be ready for trial?:
.....
.....
.....
.....
.....
.....

The parties agree that the information contained in the Questionnaire is accurate.

Signed on behalf of the Plaintiff:

Date:

Signed on behalf of the Defendant:

Date:

Etc.