

# DISTRICT COURT OF QUEENSLAND

## PRACTICE DIRECTION NO 2 OF 2002

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### CIVIL JURY TRIALS

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#### Reading of pleadings

1. It has been the custom to read the pleadings to the jury at the commencement of a trial, often as part of the opening address of counsel for the plaintiff. The requirements of the Uniform Civil Procedure Rules for the inclusion in pleadings of matters of considerable detail, for example in relation to quantum, mean that continuing that practice may unnecessarily confuse jurors rather than assist them. Accordingly, subject to any contrary direction of a Trial Judge, that practice should no longer be followed.
2. The following alternative approach is now to be adopted:
  - (a) Counsel for the plaintiff, in opening, will read aloud a statement, agreed between the parties, setting out:
    - (i) the essential facts necessary to establish the plaintiff's claim,
    - (ii) the essential facts necessary to establish any defence relied on by the defendant,
    - (iii) details of all admitted facts, and
    - (iv) the issues in question for resolution by the jury.
  - (b) The statement should not contain the ultimate questions for the jury to answer: their formulation should be left until after the conclusion of the evidence.
  - (c) The agreed statement must be submitted to the Trial Judge at least three working days prior to the commencement of the trial. If no agreement has been reached, then each party should submit a draft of the statement, to the Trial Judge, three working days prior to trial commencement, so that the Trial Judge will have the opportunity to resolve the areas of disagreement in advance of the trial.

- (d) In cases where the pleadings are clear, simple and non contentious, they may still, with the agreement of the Trial Judge, be read to the jury, and preparation of the above statement dispensed with.

### **Presentation of evidence**

- 3.
  - (a) Close attention should be given by counsel to the way in which evidence, especially documentary evidence, is prepared for presentation to the jury. The beneficial use of visualisers, for example, should not be overlooked. At pre-trial hearings, counsel should take the opportunity to raise with the Trial Judge the use of technical aids
  - (b) Counsel are also encouraged, where appropriate, to have a folder of exhibits available for each juror at the beginning of the trial. In many cases there should be agreement between counsel that at least certain documents could be placed before the jury in that way. If necessary, a warning could be given by the Trial Judge that some or all of the documents should not be looked at until such time as evidence about them were led. Where such a folder is not used, it would often be desirable that copies of documents be available to be provided to the jurors, at the time of tendering of the original.
- 4. Counsel are encouraged, when the identity of the Trial Judge is known, to seek to list such matters for mention, no less than three days prior to the commencement of the trial. The Civil List Manager in the Registry should be approached to indicate the name of the judge who will be conducting the trial.

**Chief Judge P.M. Wolfe**  
10 April 2002