

A bench and bar forum was held on Monday 29 June at the Auckland District Court. The forum was attended by Judges de Jong, Fleming, McHardy, Manuel, von Keisenberg and Muir. For the first time AVL was organised to allow practitioners in other parts of Auckland to join. The key points from the forum are as follows:

#### **Back-up Hearing Dates**

There are plenty of back-up dates before Christmas. Counsel are encouraged to seek more than one back update to increase the probability of their matter being determined sooner.

#### **Memoranda of Counsel**

A request from the judiciary for counsel to state a summary of orders/directions sought either at the start or end of their submissions.

#### **Urgent Matters**

If a matter requires urgent attention, counsel should indicate this in the subject line along with the next event date.

#### **Reduction of Time for On Notice Applications**

Counsel are reminded that these are to be filed with the registry, rather than the via the e-duty platform to avoid processing difficulties. Remember to use the escalation contact list (available [here](#)) if there are issues. An updated escalation list will be distributed later this week once we have received that from the registry

#### **Teleconferences**

While teleconferences are acknowledged to be convenient and cost effective, the default position is still attendance in person. Lawyers may still make a request to attend by way of telephone in the usual way.

### **Electronic Filing**

The covid-19 level 1 protocols for electronic filing will continue until 24 September, however, counsel are encouraged to return to normal practices now.

### **Section 133 reports**

There is a backlog of five months for section 133 reports. Seven new applications for court approved psychologists are currently being considered.

### **Cross-examination of expert witnesses**

A reminder that cross examination of expert witnesses should be brief and targeted. A lot of unnecessary questions are being asked, especially of psychologists and social workers. Practitioners should avoid asking them to repeat their evidence as the purpose of cross-examination is to challenge the evidence. In relation to accountants, counsel are able to cross-examine them if they are taking a different approach in the present case to a previous case they have worked on.

### **Costs in the Family Court**

Counsel are also reminded to consider taking a collaborative approach on the quantum of costs and file a joint memorandum, if possible. The general rule is that costs fall into the 2B category and counsel should avoid seeking increased or indemnity costs without giving full consideration to whether they are legally justified.

### **Earliest Available Dates**

A rough guide to the next available dates in Auckland Family Court are:

Judicial conference 2 weeks

Directions conference 7 weeks

Settlement conference 4 weeks

Short cause hearings 7 weeks

Half day hearings 10 weeks

Should you have any questions please contact your local FLS representative or [Nazmeen Rasheed](#), [Sharon Chandra](#) or [Louise Reed](#).

## **iJudgements**

Earlier this year an arrangement was put in place for the distribution of judgments from the Family jurisdiction. These are judgments or minutes issued in court by a judge which are permitted to be distributed with an electronic signature. This system is designed to speed up the time it takes to get the judge to sign a minute/judgment and to distribute it. In the first instance the judge's PA sends out the e-authenticated minute/judgment to each of the relevant lawyers who have an email address on the Ministry of Justice address book. The system has in place for the criminal jurisdiction for some time but has only recently been rolled out for the family jurisdiction. This arrangement does not presently include reserve judgments. Each time the judge's PA send an iJudgment by email the body of the email states:

*"This iJudgment eDistribution process is for decision delivery to the Registry, Counsel and Prosecutors only. Any further enquiry about this decision or request for further distribution must be made to the Court Registry"*

**Please do not reply to those emails with any questions** – instead please use your usual email contacts for the registry teams. The judges PAs have been instructed **not** to respond to any email queries sent in response to the emails sent containing signed judgements.

*FLS Auckland central regional representatives  
Nazmeen Rasheed, Louise Reed and Sharon Chandra*