

17 December 2013

Thomas Cleary
Clerk to the Rules Committee
Auckland High Court
PO Box 60
Auckland 1010

By email: Thomas.Cleary@justice.govt.nz

Dear Thomas

Reform of the District Court Rules 2009 – consultation

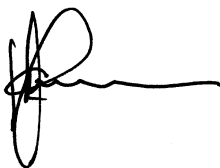
The New Zealand Law Society (Law Society) appreciates the opportunity to comment on the Rules Committee's consultation paper *Reform of the District Court Rules 2009: Draft District Court Rules*, released in early November. The consultation paper is the final stage in the review of the District Court Rules 2009, and follows extensive consultation with the profession.

The paper was circulated to the Law Society's Civil Litigation and Tribunals Committee for consideration, and no concerns were raised. This is consistent with the relatively low turnout at the consultation meetings held around the country in November, which can be taken to indicate there is general approval of the draft Rules. The Civil Litigation and Tribunals Committee endorses the statement in the recent article (*LawTalk* 830, 25 October 2013 at p27) that "... the best features of the 2009 Rules have been retained while other aspects have been amended to address the concerns of the profession and other stakeholders." Accordingly, the Law Society supports the proposed draft Rules.

We also note that following the consultation meetings, draft Rules 12.4(2) and (3) regarding summary judgment may be amended (as suggested by Judge Thomas in her memo of 22 November 2013 to the Rules Committee). The Law Society is supportive of that amendment, for the reasons set out in Judge Thomas' memo.

If you wish to discuss these matters further, please contact the Civil Litigation and Tribunals Committee convenor, Andrew Beck, through the committee secretary, Rhyn Visser (phone (04) 463 2962 or email rhyn.visser@lawsociety.org.nz).

Yours sincerely



Chris Moore
President