



CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O NGĀ KŌTI-Ā-ROHE O AOTEAROA
Judge Jan-Marie Doogue

20 December 2011

An Open Letter to Practitioners from Chief District Court Judge Jan-Marie Doogue

Dear Practitioners

Proposed Procedure for earthquake claims in Christchurch District Court

As the Chief Judge of the District Court I have set up a procedure which will "fast-track" claims arising from the Christchurch earthquake. The aim is that these claims can be settled as expeditiously as possible and the people of Christchurch can move on with their lives.

I realize that this is an unusual step, but I believe it is justified by the extent that the people of Christchurch will need prompt access to the civil courts to resolve issues of litigation arising from the earthquakes since 4 September 2010 that, for many, will affect their assets.

To ensure the public can have confidence in its ability to have recourse to the Court, the procedure will readily identify earthquake claims ("EQ claims") and put them on a "fast-track" for their earliest possible resolution. It is important that the civil jurisdiction of the Court is adequately resourced to respond. We have made certain that in instituting such a procedure adequate resources will ensure that any pre-existing claims before the Court will be dealt with no less expeditiously.

The Court has the power to achieve this under the Canterbury Earthquake Recovery Act 2011. The Act gives the Court the discretion to extend or shorten the time appointed by rules of the Court for doing any act or taking any step "as the Court thinks fit if satisfied that it is necessary to do so because of circumstances relating to any Christchurch earthquakes."

With the support of the Christchurch Judges, who have consulted members of the legal profession and representatives of insurers and EQC, I intend to issue a

Practice Note to shorten the timeframe under the District Courts Rules so that EQ claims come before a Judge for disposition within 10 weeks of the service of a claim. The Practice Note shall have the effect from 1 February 2012. A copy of that Practice Note will be made available to the legal profession and can be accessed from the Christchurch registry of the District Court or the Ministry of Justice website www.justice.govt.nz

I also intend to make available sufficient civil Judges, registry staff and civil venues to ensure that the timetable of the procedure is adhered to.



Judge Jan-Marie Doogue
Chief District Court Judge



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Judge Jan-Marie Doogue

Christchurch Civil Practice Note for Earthquake Related Claims (EQ claim)

1. This practice note has effect from 1 February 2012.
2. It applies to any EQ claims filed in the District Courts at Christchurch, Rangiora, Timaru and Ashburton.
3. An EQ claim is one where the subject matter relates to claims between insured persons and their insurers, insured persons and EQC, insurers and EQC or any other claim between persons related to losses or rights arising solely as the result of the earthquakes in Canterbury since 4 September 2010.
4. For an EQ claim the District Court Rules are modified as follows:
 - a. The first page of a Notice of Claim (Form 2) is to be endorsed with the words "This is an EQ claim".
 - b. A Notice of Claim so endorsed is to be immediately referred to a Judge prior to its release for service. The Judge shall confirm the status of the Notice of Claim as an EQ claim. The Judge's decision shall be final.
 - c. Confirmation of a Notice of Claim so endorsed shall be treated as an application for variation of the time for the service of the Notice of Claim, Response, Plaintiff's Information Capsule and Defendant's Information Capsule.
 - d. If the court exercises its discretion under s82 Canterbury Earthquake Recovery Act 2011, the time for service of those documents shall in each case be no more than 10 working days, unless otherwise determined by the Court.
 - e. Upon the filing of a Notice of Pursuit of Claim for an EQ claim the Court (Registrar or Judge) shall immediately allocate either a Short Trial or a Judicial Settlement Conference which date shall be no more than 20 working days from the date of allocation.
 - f. Upon the filing of a Notice of Pursuit of Claim the third party procedure under rr2.18 to 2.26 is suspended until further order of the Court.
 - g. An appropriate order of the Court relating to this timetable shall be served with a Notice of Claim.

5. It is the intention of this Practice Note than an EQ claim shall come before a Judge for disposition no later than 50 working days of the service of a Notice of Claim confirmed as an EQ claim.



Judge J-M Doogue
Chief District Court Judge

16 December 2011