

## Hartley, Sebastian

---

**From:**  
**Sent:** Sunday, 26 April 2020 9:04 AM  
**To:** RulesCommittee  
**Subject:** Civil access to justice

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Rules Committee Followup

Our firm is one of the few regularly to practise in civil legal aid and we see people falling through the cracks all the time. It is difficult to establish financial eligibility and there is much potentially non-chargeable work and a delay to establish prospects of success, when you won't have that much information at the outset. The system could be made more flexible by allowing grants of up to ten hours to try to resolve cases or to present cases properly for further funding.

On the subject of the civil process itself, there should be the ability to present a problem in the District Court (even for cases in High Court jurisdiction) without pleadings and for a meaningful case management conference, which could incorporate trying to find settlement (as a privileged component), presided over by a Judge, to clarify what is in dispute and for pleadings then to be directed on issues which are not solved. Cases may then be transferred to the High Court if that is the proper place. No costs or filing fees should come into it, until after that conference. The conference should occur within a month of presenting the problem. That may triage the cases and directions could then be given for urgent situations, preserving records etc.

Steven Zindel

ZINDELS  
Barristers & Solicitors  
NELSON