

Hartley, Sebastian

From: toby heale
Sent: Friday, 14 February 2020 12:01 PM
To: RulesCommittee
Subject: For Sebastian Hartley

Dear Mr Hartley,

I wish to submit the following for your consideration. It is meant only as a suggestion for your consideration.

Access to civil justice

I believe it can be shown that legal process can be, and is, used as a ploy to thwart justice. The asymmetrical nature of litigants gives opportunities for one party to overpower the other through the use and abuse of process. This can take the form of endless delay or possibly escalating cost and there may be other examples. The intention of the superior party is to make the other party drop out, to terrorize it, or to prevent it coming to court in the first place because the courts would have gained a reputation of being inimical to the interests of the lesser party.

I believe it is critical for New Zealand justice that the courts never lose the reputation of being a fair forum for justice.

And it is fairness that needs to be enhanced.

I would propose that it would be prohibited for a litigant to take advantage of the natural imbalance between it and its opposition. Natural imbalances would be corporations against mortal individuals, wealthy against impoverished, etc.

I hope you find this suggestion has some merit, and if you want me to expand on it, I will do what I can. But I hope my point is clear as it stands.

Yours sincerely,

Toby Heale.