



**THE RULES COMMITTEE**  
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**Addendum to minutes of Rules Committee meeting held on 13 June 2011**

As the discussion on the review of the District Court Rules was curtailed at the meeting due to time constraints, this addendum completes the presentation by Judge Joyce QC on the topic.

It has always been recognised by the Rules Committee that the true impact of the new rules cannot be measured until there has been a sufficient experience of their overall efficacy in getting claims satisfactorily resolved in a prompt, efficient and economic way. The available statistics show that the claim/response/capsule exchange process appears to be achieving the objectives of the rules. Of 17,670 claims filed and disposed of as of mid-June, 12,108 (69%) had judgment entered by default and 4,429 (25.1%) had not been pursued. There may also be some statistical contamination as when the new rules came into force it was not in green fields. Cases under the old process were to be disposed of under the existing rules and there is still a significant number in that category. Coupling that with the hiatus as parties came to grips with the new rules, can explain why, even now, the fate of a statistically useful number of cases that have been pursued - and thus have engaged the courthouse process - is still awaited. It is at the notice of pursuit stage that the effectiveness of the pre-pursuit process (*in bringing cases to the courthouse with their issues and evidence exposed*) is put to the test. Anecdotally (*and relying in this*

*respect on the reports of judges)* pursued cases that go to short trial are being disposed of with little or no further interlocutory fuss and 'non-short' cases that do not settle at a JSC are likewise being heard with little further fuss: and with, in all this, hearing times being very substantially reduced. If, once there has been a meaningful experience of the entirety of the process, the anecdotal experience is confirmed then the new rules will be achieving their avowed purposes.