



## GUIDANCE FOR PRACTITIONERS:

# CASE MANAGEMENT OPTIONS IN FEDERAL COURT MATTERS

The Federal Court Central Practice Note, part of the Federal Court's National Court Framework (NCF), provides that the overarching purpose of case management within the docket system is to facilitate the just resolution of disputes according to law as quickly, inexpensively and efficiently as possible. Parties and their lawyers are required to co-operate with the Court and each other to achieve this overarching purpose and identify the real issues in dispute early in the proceedings.<sup>1</sup>

This co-operation requires (and the Court expects) that the parties and their lawyers think about the best way to run their cases in accordance with the overarching purpose.<sup>2</sup> This includes considering the most efficient method of resolution.<sup>3</sup>

The way in which a particular case is managed by the Court will be tailored to the nature of the case and the parties to the matter. The Court expects that parties will give consideration to the best options for case management of the specific proceedings and discuss these with the other party as appropriate.<sup>4</sup>

In this respect the Central Practice Note states that:

*7.4. While the Court will manage the issues in dispute, the proceeding is always the parties' proceeding. In everything they do, the parties should approach their role as the primary actors responsible for identifying the issues in dispute and in ascertaining the most efficient, including cost efficient, method of its resolution.<sup>5</sup>*

The Central Practice Note provides that the Court will make available, and encourage parties to use any technology available within the Court, or appropriate external technology suggested by the parties, that may make the management or hearing of cases, trials and alternative dispute resolution processes more efficient or useful. These include video link and audio link arrangements.<sup>6</sup> The Court will approach suggestions

from the parties about the use of technology in proceedings with an open mind, having regard to the needs of the parties and the nature of each case.<sup>7</sup>

## Telephone conferences

There may be instances where parties, in ascertaining the most efficient method of resolving the dispute in issue, consider that certain interlocutory issues may be most efficiently dealt with by way of telephone conference with a judge or registrar.

The NCF allows for telephone conferences with judicial officers or registrars in Federal Court matters, at the discretion of the Court, as one of a number of tools which the Court may apply flexibly in case management to fit the circumstances of the case at hand.

The NCF Practice Notes provide for the increased utilisation of technology including, amongst other tools, the use of telephone conferences, video link and hearing arrangements that may make the management of a case more efficient.

In addition to telephone conferences presided over by a judge, the NCF recognises that registrars may be utilised in case management matters generally, including in relation to telephone conferences. The Central Practice Note provides:

*9.3 Where appropriate, the ADR skills of registrars will be drawn on by the Court to help parties resolve issues (whether substantive or procedural) at the earliest and most effective stage of the proceeding and the Court will utilise its technology and innovative meeting arrangements to help to conduct ADR processes in an efficient and cost-effective manner.*

*12.4 Court registrars may be utilised, where appropriate, to assist in case management and to facilitate a co-operative dialogue between the parties.<sup>8</sup>*



Other Practice Notes also make reference to registrars being appointed to a particular proceeding to assist the judge or judges and the parties in the proceeding.<sup>9</sup> The reference to registrars assisting in such cases may include, where appropriate, for a registrar to facilitate, coordinate, manage and hold telephone conferences between the parties. This will be most appropriate where the matter to be decided is procedural. For example, this may include the registrar attending a telephone conference with the parties to arrange for

a matter to be listed or to develop a timetable for the next steps in a matter.

If parties agree that that a telephone conference would be useful in a particular matter, a request can be made to the Court, for example, by way of an email, the contents of which has been agreed by all parties, to the docket judge's associate. The request will be considered in light of circumstances of the case and with regard to the practice of the particular docket judge.

## Endnotes

- 1 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 7.2.
- 2 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 7.3.
- 3 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 7.4.
- 4 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 8.5-8.6, 8.9.
- 5 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 7.4.
- 6 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1), 8.2.
- 7 Federal Court of Australia, Technology and the Court Practice Note (GPN-TECH) 2.6.
- 8 Federal Court of Australia, Central Practice Note: National Court Framework and Case Management (CPN-1).
- 9 Federal Court of Australia, Class Actions Practice Note (GPN-CA).