



Litigation Victoria Update 2011

Working through the latest litigation developments
to enhance your practice and procedure

18 March 2011, Stamford Plaza Melbourne

Program highlights

- Pragmatic focus on the **progress of the *Civil Procedure Act 2010***- hear from the judicial and practice experts
- Learn from leading practitioners about **techniques to manage pre-litigation and disclosure requirements in the *Civil Procedure Act 2010***
- Update on the ***Evidence Act 2008***, including recent cases and an **examination of expert evidence**
- What you should know about the latest **research and developments in the Australian class action regime**
- Understand and explore the issues of **'contracting out' and 'concurrent wrongdoers'** in a practical discussion on **proportionate liability**
- Find out **what is and what isn't admissible in a mediation** (*Forsyth v Sinclair (No 2) [2010] VSCA 195*)

Early bird discount expires 4 February 2011

Speakers

- **Dr. Clifford Pannam QC**, Barrister, Victorian Bar
- **The Honourable Justice Davies**, Supreme Court of Victoria
- **David Levin QC**, Barrister, Victorian Bar
- **David L Bailey**, Barrister, Victorian Bar and Senior Author of LexisNexis' Williams' Civil Procedure Victoria
- **Vince Morabito**, Professor, Monash University
- **Nunzio Lucarelli QC**, Barrister, Victorian Bar
- **James Cyngler**, Barrister, Victorian Bar and Victorian Chair, Institute of Arbitrators and Mediators Australia (IAMA)
- **Michael Heaton QC**, Barrister, Victorian Bar

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Litigation Victoria Update 2011

Working through the latest litigation developments

8:30 **Conference registration**

8:50 **Opening remarks from the Chair**

- Highlighting the structure for the day
- Overview of the impacts of civil procedure reforms on Victorian court system and litigation generally

Dr. Clifford Pannam QC, Barrister, Victorian Bar

9:00 **Examining the *Civil Procedure Act 2010***

The *Civil Procedure Act 2010* came into force on 1 January 2011. This session introduces the rationality behind the Act including:

- Drafting and intention of the Act
- Explaining the overarching objectives and structure of the Act
- Anticipating further directions for civil reforms for Victoria

Associate Justice Zammit, Supreme Court of Victoria

Practical guide

9:30 **Pre-litigation requirements in the *Civil Procedure Act 2010***

Practitioner-focused guidelines on how parties can sufficiently deal with the new rules surrounding these requirements:

- The implications for practitioners, including jurisdictional issues
- Using appropriate strategies in the pre-litigation phase
- Dealing with matters already within the courts systems
- Exploring how the courts will deal with settlements and conflicts that may arise

Michael Heaton QC, Barrister, Victorian Bar

10:30 **Morning tea**

11:00 **Managing the new obligations to the Court under the *Civil Procedure Act 2010***

Comprehending the practical effects of the obligations placed on lawyers, firms, expert witnesses and parties with financial interests in the matters:

- Complying with the requirements for certification
- Developing front-end case preparation and instructions
- Determining the effect of "misleading and deceptive conduct" on matters
- Failing to comply with these obligations- what are the implications?

The Honourable Justice Davies, Supreme Court of Victoria

11:30 **Analysing disclosure and discovery rules under the *Civil Procedure Act 2010***

Monitoring the changes to the law in terms of disclosure and discovery:

- Contrasting the change in focus for mandatory disclosure and the meaning of "critical documents"
- Working with your clients in order to meet these requirements
- Evaluating the latest developments in the Australian Law Reform Commission report into discovery, due in March 2011

David L Bailey, Barrister, Victorian Bar and Senior Author of LexisNexis' Williams' Civil Procedure Victoria

12:15 **Networking lunch for delegates and speakers**

Hot topic

1:15 **Developments in class action litigation**

As class action litigation continues to be one of the few growth areas of litigation, this session will inform and prepare practitioners for this changing landscape:

- Comparing the Federal, Victorian and NSW legislation
- Examining the trends of the class action regime- competing class actions, 'opting out' and the role of litigation funders
- Reviewing the latest case updates including the Brookefield Multiplex and Centro decisions

Professor Vince Morabito, Department of Business Law and Taxation, Monash University



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- 2:15 **Demystifying the admissibility of mediations in courts**
- Grasping the lessons in *Forsyth v Sinclair (No 2) [2010] VSCA 195* – admissibility of mediation comments and offers of settlement
 - Demonstrating the importance of commencing a mediation and maintaining confidentiality
 - Anticipating the impact of the civil reforms on the use of dispute resolution
- James Cyngler**, *Barrister, Victorian Bar and Victorian Chair, Institute of Arbitrators and Mediators Australia (IAMA)*

2:45 **Afternoon tea**

3:00 **Evidence Act 2008 update**

This session will inform practitioners on the development of the legislation, one year since its enactment:

- Preparing expert evidence in compliance with the legislation
- Minimising records management concerns
- Recent cases updates dealing with the new rules
- Exploring the impact of civil justice reforms on the *Evidence Act 2008*

Nunzio Lucarelli QC, *Barrister, Victorian Bar*

3:45 **Overcoming uncertainties in proportionate liability**

- Framing the proportionate liability regime in Victoria
- Advising how proportionate liability affects risk management and contractual arrangements, including ‘contracting out’ terms
- Who is a concurrent wrongdoer? – a discussion of the St George Bank case
- Reviewing developments in case law nationally which will impact practitioners (e.g. - *Aquagenics Pty Ltd v Break O’Day Council [2010] TASFC 3*)

David Levin QC, *Barrister, Victorian Bar*

4:30 **Closing remarks from the Chair**

4:45 **Close of conference**

Who should attend?

- Litigation specialists
- Dispute resolution practice groups
- Arbitration and mediation practitioners
- Partners
- Barristers
- In-house Counsel
- Senior Associates
- Associates
- Legal Officers

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The acknowledged “bible” for practice in the civil courts of Victoria and the preferred choice of the Victorian Supreme and County Courts, *Civil Procedure Victoria* is a “must have” for all practitioners. Subscribers benefit from the insights of expert and highly-respected authors within the Victorian legal community, in-depth analysis of procedure and commentary on the Rules of Court and other core legislation that is at once authoritative and practical, making it the most comprehensive and reliable work of its type.

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Position: _____

Telephone: _____

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Email (required**): _____

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3. 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

C Event Pricing (please tick your selection)

EXAMPLE

<input checked="" type="checkbox"/>	One day conference		\$900 + GST = \$990	\$990
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Advance price (register and pay before 7 January 2011)
or Group Booking Price (per person, available anytime)

Please Select	Options	Qty	Price	Subtotal
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* Early Bird, team discounts and any other discount cannot be taken concurrently TOTAL

Where did you hear about this event? _____

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GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the advanced price per person. Excludes workshop registrations.

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the Litigation Victoria Update 2011 conference papers for \$180 + GST = \$198.00

D Payment details

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