



Quiz

Case Management in NSW: A Judicial Perspective

1. What are the overriding aims of case management contained in s 56 of the *Civil Procedure Act 2005* (NSW)?
 - a. To bring cases on for hearing as quickly as possible
 - b. Just, quick and efficient
 - c. Effective, efficient and timely
 - d. Thorough preparation of cases, regardless of the time involved
2. Which of the following is most likely to be considered a good reason for an adjournment, having regards to the case management principles espoused by the *Civil Procedure Act*?
 - a. Outstanding items from a return of subpoena that may have a bearing on the outcome of the case, owing to late service of the subpoena
 - b. Legal practitioner's inability to complete submissions on time due to a heavy workload
 - c. Illness of the legal practitioner
 - d. One party has not adequately prepared for trial due to belief that dispute would settle at court-ordered mediation

3. What is a possible consequence of a legal practitioner failing to comply with s 56 of the Act?
 - a. Costs award against the practitioner
 - b. The matter is dismissed by the Court
 - c. The matter is adjourned
 - d. There is a presumption in favour of granting any adjournment sought by the opposing party

4. What is a Calderbank offer?
 - a. An oral offer of settlement made before the start of a trial
 - b. An offer of settlement that sets out in detail a prediction of how the Court will rule on key legal issues
 - c. An offer of settlement that does not comply with the UCPR
 - d. An offer of settlement that complies with the UCPR

5. What is the relevant presumption as to costs following the making of an offer of compromise pursuant to the UCPR?
 - a. There is no presumption; it is a matter for the court's discretion
 - b. Indemnity costs will be payable from the date of the offer
 - c. Party/party costs will be payable from the date of the offer
 - d. Costs will follow the event

Answers:

1. b 2. c 3. a 4. c 5. b