

Antippa Lawyers

since 1961

OBLIGATIONS DURING YOUR COURT PROCEEDINGS

The Civil Procedure Act, 2010

You have a paramount duty to the court to abide by the following over-arching obligations during your civil proceedings.



FINANCIAL SETTLEMENTS

17. You must act honestly at all times.
18. What you want:
 - 18.1 cannot be frivolous; or
 - 18.2 cannot be vexatious; or
 - 18.3 cannot be an abuse of process; or
 - 18.4 must have a proper basis on the factual and legal material available to you at the time
19. You must reasonably believe that any court step you take is necessary to facilitate the resolution or determination of the proceeding.
20. You must co-operate with the other parties and with the court.
21. Your conduct must not be:
 - 21.1 misleading or deceptive; or
 - 21.2 likely to mislead or deceive.
22. You must try to resolve the dispute by agreement or mediation, if
 - 22.1 it is in the interests of justice to do so; or
 - 22.2 if allowed by the Court.
23. If you cannot agree to resolve the dispute, then you must try to —
 - 23.1 resolve any issues in dispute; and
 - 23.2 narrow the scope of the remaining issues in dispute —if —
 - 23.3 it is in the interests of justice to do so; or
 - 23.4 if allowed by the Court.

24. The more you ask us to do, the higher will be the legal costs and disbursements. You should ensure that the costs are reasonable and proportionate to —

24.1 the complexity or importance of the issues in dispute; and

24.2 the amount in dispute.

25. So that the Court will act promptly, you must —

25.1 act promptly; and

25.2 minimise delay.

26. You must disclose, to each party:

26.1 All relevant documents that are, or have been, in your possession, custody or control;

26.2 You must disclose all documents as soon as you are aware of the existence of the document;

26.3 You do not need to disclose any document which is protected, such as, due to privilege.

26.4 Your duty to disclose documents continues whilst your proceedings continue.



FURTHER READING

<http://www.antippa.com.au>

Antippa Lawyers
Room 3, Level 5, 2 Collins Street,
Melbourne Vic
(03) 9650 2115
lawyers@antippa.com.au
www.antippa.com.au

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