

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 1: Commencement of civil proceedings – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of <i>Notice of claim</i> (District Court Rules 2009, r. 2.10)	up to 10 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing <i>Notice of claim</i> • Filing <i>Notice of claim</i> with the Court • Serving <i>Notice of claim</i> on respondent/defendant • Reporting to client • Default judgement or formal proof – if no response to <i>Notice of claim</i> or <i>Information Capsule</i> • Reporting to and invoicing LSA
Application for mediation or other alternative dispute resolution (District Court Rules 2009, r. 1.7)	up to 1 hour	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparation of application for mediation or other alternative dispute resolution
Mediation or ADR conference	up to 1 times anticipated hearing time (hrs)	For <ul style="list-style-type: none"> • Attendances • Reporting to client • Reporting to and invoicing LSA • Attending mediation
Interlocutory applications (District Court Rules 2009, r. 2.27.5)	up to 2 hours for each application	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing an application to the court for an order requiring the plaintiff to file: <ul style="list-style-type: none"> – a statement of claim, or – an originating application • Serving documents on plaintiff/appellant • Reporting to client • Reporting to and invoicing LSA

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

- Proceedings under the Harassment Act 1997 are started by filing a notice of claim (*r 2.3.2, r 2.10, r 7.5.1(a)(vi)*)

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 1a: Commencement of civil proceedings – respondent or defendant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of response to Notice of claim (District Court Rules 2009, r. 2.12)	up to 6 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and serving response to <i>Notice of claim</i> • Serving documents on plaintiff/appellant • Reporting to client • Reporting to and invoicing LSA
Application for mediation or other alternative dispute resolution (District Court Rules 2009, r. 1.7)	up to 1 hour	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparation of application for mediation or other alternative dispute resolution
Mediation or ADR conference	up to 1 times anticipated hearing time (hrs)	For <ul style="list-style-type: none"> • Attendances • Reporting to client • Reporting to and invoicing LSA • Attending mediation
Interlocutory applications (District Court Rules 2009, r. 1.7, 2.12.2)	up to 2 hours for each application	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing an application to the court for an order requiring the plaintiff to file: <ul style="list-style-type: none"> – a statement of claim, <i>or</i> – an originating application • Serving documents on plaintiff/appellant • Preparation of application for mediation or other alternative dispute resolution (<i>r. 1.7</i>) • Reporting to client • Reporting to and invoicing LSA
Objection to jurisdiction (District Court Rules 2009, r. 2.12.7)	up to 1 hour	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing form HCF G7 stating the respondent/defendant's objection and the grounds for it. • Reporting to client • Reporting to and invoicing LSA

Counterclaim and claims (District Court Rules 2009, r. 2.27, 2.30 & 2.32))	up to 4 hours	For preparing and <ul style="list-style-type: none"> • filing a counterclaim against plaintiff (<i>r. 2.27</i>) • serving claims between defendants (<i>r. 2.30</i>) • filing a response to a claim (<i>r.2.32</i>)
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Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 2: Information capsule – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of information capsule (District Court Rules 2009, r. 2.14)	up to 16 hours	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Preparing an information capsule• Serving information capsule on respondent/defendant• Reporting to client• Reporting to and invoicing LSA

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 2a: Information capsule – respondent or defendant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of information capsule (District Court Rules 2009, r. 2.15)	up to 16 hours	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Preparing an information capsule• Serving information capsule on plaintiff/appellant• Reporting to client• Reporting to and invoicing LSA

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 3: Pre-hearing matters

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<p>Preparation of <i>Notice of discontinuance</i> (plaintiff) (District Court Rules 2009, r. 2.17.1)</p>	up to 2 hours	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing a <i>Notice of discontinuance</i> • Reporting to client • Reporting to and invoicing LSA
<p>Preparation of <i>Notice of pursuit of claim</i> (plaintiff) (District Court Rules 2009, r. 2.17.2)</p>	up to 2 hours	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing a <i>Notice of pursuit of claim</i> • Serving the <i>Notice of pursuit of claim</i> on each respondent/defendant and filing the documents • Reporting to client • Reporting to and invoicing LSA
<p>Preparation of <i>Third party notice</i> (respondent) (District Court Rules 2009, r. 2.18 – 2.20)</p>	up to 6 hours	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing a <i>Third party notice</i> • Serving the <i>Third party notice</i> and associated documentation on third party or parties • Reporting to client • Reporting to and invoicing LSA
<p>Interlocutory applications (District Court Rules 2009, r. 2.21 – 2.24)</p>	up to 2 hours	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing an application: <ul style="list-style-type: none"> – for leave to apply for the following – to enter a judgment (r. 2.21.1(a)) – for the allocation of a hearing date (r. 2.21.1(b)) – to set aside a notice (r. 2.24.1) • Serving documents on respondent/defendant/third party • Reporting to client • Reporting to and invoicing LSA
<p>Preparation of <i>Reply to response from respondent</i> (plaintiff) (District Court Rules 2009, r. 2.35.1)</p>	up to 3 hours	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing a <i>Reply</i> • Serving <i>Reply</i> on respondent and any other party

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 4: Short trial

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for hearing (District Court Rules 2009, r. 2.44 – 2.45)	up to 1.5 times anticipated hearing time (hrs)	For <ul style="list-style-type: none">• Reviewing file• Preparing amendment to grant (if expecting to exceed guideline hours)• Preparing oral evidence• Preparing statements of evidence• Preparing cross examination• Preparing submissions• Reporting to client• Reporting to and invoicing LSA
Review of decision to allocate short trial (District Court Rules 2009, r. 2.46)	up to 2 hours	For <ul style="list-style-type: none">• Preparing application• Preparing oral submissions if required
Hearing	Actual hours	For <ul style="list-style-type: none">• Attending short trial hearing• Making oral submissions in support of application for review

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 5: Judicial conferences

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Settlement and Direction conference (District Court Rules 2009, r.2.47 & r.2.48)	up to 1.5 times anticipated conference time (hrs)	For <ul style="list-style-type: none">• Reviewing file• Preparing submissions• Reporting to client• Reporting to and invoicing LSA
Interlocutory applications (District Court Rules 2009, r.2.49.4)	up to 2 hours	For <ul style="list-style-type: none">• Application for summary judgment• Pre-trial disclosure for simplified trial• Interrogatories• Discovery• Inspection or testing of property• Any other interlocutory relief or order <p>(Directions conference only - District Court Rules 2009, r.2.49.4)</p>
Hearing	Actual hours	For attending conferences.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

Step 6: Simplified trial

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for hearing (District Court Rules 2009, r. 2.52))	up to 1.5 times anticipated hearing time (hrs)	For <ul style="list-style-type: none"> • Reviewing file • Preparing amendment to grant (if expecting to exceed guideline hours) • Preparing oral evidence • Preparing statements of evidence • Preparing cross examination • Preparing submissions • Reporting to client • Reporting to and invoicing LSA
Interlocutory applications (District Court Rules 2009, r.2.51.6))	up to 2 hours	For <ul style="list-style-type: none"> • Application for an order to disclose particular documents (<i>r.2.51.3</i>) • Application for mediation or ADR • Objection to jurisdiction • Application for summary judgment • Leave to extend time for interlocutory applications • Application for strike-out, stay, dismissal or indemnity costs • Directions as to service • Leave to serve documents outside of New Zealand • Any other interlocutory application allowed by the Judge
Hearing	Actual hours	For attending hearing.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing

Other Civil Proceedings

November 2009

Steps for full trial in the District Court and the High Court

Step 7: Commencement of full trial (High Court only) – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of Statement of claim (District Court Rules 2009, r. 2.7 and r 2.12.2(a))	up to 10 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing: <ul style="list-style-type: none"> – Application for leave to file a <i>Statement of claim</i> (see granting notes) – <i>Statement of claim</i> – Notice of proceeding – Affidavits in support • Serving documents on respondent/defendant • Reporting to client • Reporting to and invoicing LSA
Preparation of Originating application (District Court Rules 2009, r. 2.7 and r 2.12.2(b))	up to 10 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing: <ul style="list-style-type: none"> – Application for leave to file an <i>Originating application</i> (see granting notes) – <i>Originating application</i> – Notice of proceeding – Affidavits in support • Serving documents on respondent/defendant • Reporting to client • Reporting to and invoicing LSA
Interim injunctions	up to 2 hours	For drafting and filing interim injunctions.
Hearing	Actual hours	For attending hearing.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.
- The guidelines hours for additional factors in step 1 are:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Application for summary judgment	up to 2 hours	For the preparation of a summary judgment application.

Application for leave

- Rule 2.7 requires the plaintiff to submit an application for leave to:
 - file a statement of claim and proceed to a full trial under the High Court Rules applying to the statement of claim procedure (HCR 5.25-5.35)
 - file an originating application and proceed to a full trial under the High Court Rules applying to the originating application procedure.
- An application for leave is *not* required to start the following proceedings by way of a statement of claim (r 2.9):
 - Admiralty
 - Arbitral awards
 - Defamation

Other Civil Proceedings

November 2009

Steps for full trial

Step 7a: Commencement of full trial – respondent or defendant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of <i>Statement of Defence</i>	up to 6 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing and filing: <ul style="list-style-type: none"> – Statement of defence (notice of opposition for summary judgment) – Affidavits in reply • Serving documents on plaintiff or appellant • Reporting to client • Reporting to and invoicing LSA
Interim injunctions	up to 4 hours	For drafting and filing interim injunctions.
Hearing	Actual hours	For attending hearing.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.
- The guidelines hours for additional factors in step 1a are:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Additional factors	up to 2 hours	For additional factors involved in the preparation to defend a summary judgment application.

Other Civil Proceedings

November 2009

Steps for full trial

Step 8a: Pre-trial matters – immediate track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of documents - <i>plaintiff</i>	up to 9 hours	For <ul style="list-style-type: none"> Preparation of affidavits or written or oral statements of evidence to be used at hearing Preparation of lists of issues and authorities and documents for common bundle of documents All other relevant document preparation Pre-hearing/trial exchange of documents.
Preparation of documents – <i>respondent</i>	up to 6 hours	For <ul style="list-style-type: none"> Preparation of affidavits or written or oral statements of evidence to be used at hearing Preparation of lists of issues and authorities and documents for common bundle of documents All other relevant document preparation Pre-hearing/trial exchange of documents.
Pre-trial matters	up to 3 hours	For <ul style="list-style-type: none"> Taking instructions, attending the client Identifying legal and factual issues Preparation associated with call ups Reporting to client Reporting to and invoicing LSA
Discovery	up to 6 hours	For <ul style="list-style-type: none"> requesting and reviewing discovery preparing discovery for other party.
Further discovery	up to 2 hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
Interlocutory applications	up to 2 hours preparation for each application	See granting notes page 20 for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
Hearing	Actual hours	For attending call ups, discovery and other hearings.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.

- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.

Other Civil Proceedings

November 2009

Steps for full trial

Step 8b: Pre-trial matters – swift track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of documents - <i>plaintiff</i>	up to 9 hours	For <ul style="list-style-type: none"> • Preparation of affidavits or written or oral statements of evidence to be used at hearing • Preparation of lists of issues and authorities and documents for common bundle of documents • All other relevant document preparation • Pre-hearing/trial exchange of documents.
Preparation of documents – <i>respondent</i>	up to 6 hours	For <ul style="list-style-type: none"> • Preparation of affidavits or written or oral statements of evidence to be used at hearing • Preparation of lists of issues and authorities and documents for common bundle of documents • All other relevant document preparation • Pre-hearing/trial exchange of documents.
Pre-trial matters	up to 6 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparation associated with call ups and conferences • Reporting to client • Reporting to and invoicing LSA
Discovery	up to 6 hours	For <ul style="list-style-type: none"> • requesting and reviewing discovery • preparing discovery for other party.
Further discovery	up to 2 hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
Interlocutory applications	up to 2 hours preparation for each application	See granting notes page 20 for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
Interrogatories	up to 5 hours	For preparing and reviewing interrogatory questions and answers.
Hearing	Actual hours	For attending: <ul style="list-style-type: none"> • call ups • discovery • directions, timetabling and evaluation conferences • other hearings as required.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]

- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required

Other Civil Proceedings

November 2009

Steps for full trial

Step 8c: Pre-trial matters – standard and assigned track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of documents - <i>plaintiff</i>	up to 9 hours	For <ul style="list-style-type: none"> Preparation of affidavits or written or oral statements of evidence to be used at hearing Preparation of lists of issues and authorities and documents for common bundle of documents All other relevant document preparation Pre-hearing/trial exchange of documents.
Preparation of documents – <i>respondent</i>	up to 6 hours	For <ul style="list-style-type: none"> Preparation of affidavits or written or oral statements of evidence to be used at hearing Preparation of lists of issues and authorities and documents for common bundle of documents All other relevant document preparation Pre-hearing/trial exchange of documents.
Pre-trial matters	up to 8 hours	For <ul style="list-style-type: none"> Taking instructions, attending the client Identifying legal and factual issues Preparation of Memorandum of issues for pre-trial/evaluation conferences Preparation associated with initial, directions, evaluation and pre-trial conferences Reporting to client Reporting to and invoicing LSA
Discovery	up to 8 hours	For <ul style="list-style-type: none"> requesting and reviewing discovery preparing discovery for other party.
Further discovery	up to 2 hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
Interlocutory applications	up to 2 hours preparation for each application	See granting notes page 20 for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
Interrogatories	up to 5 hours	For preparing and reviewing interrogatory questions and answers.
Hearing	Actual hours	For attending: <ul style="list-style-type: none"> initial, directions, evaluation and pre-trial conferences other hearings as required.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]

- Civil Legal Aid Tax Invoice (*LSA Form 20*)

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.
- Examples of possible interlocutory applications include:
 - Application for further and better discovery
 - Application for better particulars of a claim
 - Application to strike out
 - Application for summary judgment
 - Application to dismiss claim for want of prosecution (i.e. the other party has not progressed their claim)
 - Application to file an amended statement of claim
 - Application for trial date
 - Application for security for costs (unlikely against legally-aided person)
 - Application to join a 3rd party out of time
 - Application to separate trials
 - Application for a change of venue
 - Application to transfer to another jurisdiction (e.g. from District Court to High Court)
 - Application to appoint a particular expert.

Other Civil Proceedings

November 2009

Steps for full trial

Step 9a: Hearing/trial – immediate track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	up to 4.5 hours	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Preparation associated with the hearing• Receive and consider judgment• Seal judgment• Agreed bundle of documents• Reporting to client• Reporting to and invoicing LSA
Hearing	Actual hours	For attending trial.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)
- Court fixture notice
- Copy of judgment

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.

Other Civil Proceedings

November 2009

Steps for full trial

Step 9b: Hearing/trial – swift track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	up to 9 hours	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Pre-hearing exchange of documents• Preparation associated with the hearing• Receive and consider judgment• Seal judgment• Agreed bundle of documents• Reporting to client• Reporting to and invoicing LSA
Hearing	Actual hours	For attending trial.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)
- Court fixture notice
- Copy of judgment

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.

Other Civil Proceedings

November 2009

Steps for full trial

Step 9c: Hearing/trial – standard and assigned tracks

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	up to 36 hours	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Exchange of witness briefs• Preparation associated with the hearing• Receive and consider judgment• Seal judgment• Agreed bundle of documents• Reporting to client• Reporting to and invoicing LSA
Hearing	Actual hours	For attending trial.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)
- Court fixture notice
- Copy of judgment

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- An additional 4 hours is available for attempts to resolve the matter by referral to settlement conference or Alternative Dispute Resolution (ADR).
- Actual hearing time will be paid for attendances at settlement conferences.
- **Prior approval** by the Agency is required.

Other Civil Proceedings

November 2009

Steps for full trial

Step 10: Appeal from District Court to High Court

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	Estimate (by amendment)	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues• Preparation associated with the appeal• Receive and consider judgment• Seal judgment• Agreed bundle of documents• Reporting to client• Reporting to and invoicing LSA
Hearing	Actual hours	For attending appeal hearing.

Documentation Requirements

- Application for Civil Legal Aid (*LSA Form 5*) [s12 Legal Services Act 2000]
- Civil Legal Aid Amendment to Grant (*LSA Form 19*) [s24 Legal Services Act 2000]
- Civil Legal Aid Tax Invoice (*LSA Form 20*)
- Copy of the decisions appealed against
- Court fixture notice
- Copy of judgment
- Grounds of the appeal

Granting Notes

- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed maximum grant), correspondence and invoicing.
- The guideline hours will be set by a Specialist Adviser.

