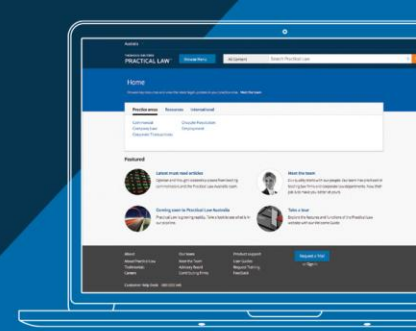


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“

*Our team has created a tiered service of interlinked practice notes, checklists and precedents to assist lawyers, from junior solicitors to senior partners and barristers, in resolving disputes and conducting litigation from start to finish. The service combines clear practical and tactical guidance with distilled legal analysis and access to primary sources.*

”



**Ian Wylie, Head of Dispute Resolution**

### COMING SOON TO DISPUTE RESOLUTION

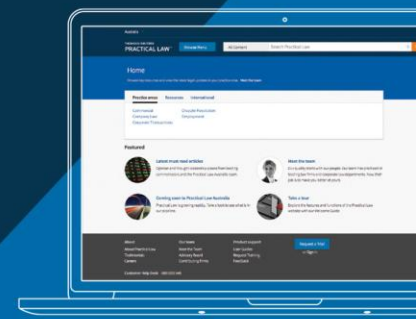
Practical Law is a dynamically evolving service. We plan to develop the following new Dispute Resolution topics (specific resource titles are indicative) by 30 June 2017:

- **Social media issues in litigation**
  - Practice note, Using social media as evidence and for surveillance
  - Practice note, Social media claims, service and jurisdictional issues
  - Checklist, Social media discovery, document retention and privacy issues
  - Checklist, Professional and ethical issues for lawyers using social media
- **Liquidation**
  - Practice note, Voluntary winding up
  - Practice note, Statutory demands
  - Practice note, Creditor winding up applications
  - Practice note, Overview of the liquidation process
  - Checklist, Effect of liquidation on key stakeholders
- **Voluntary Administration**
  - Practice note, Overview of the voluntary administration process

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- Checklist, Effect of voluntary administration on key stakeholders
- **Deeds of Company Arrangement**
  - Practice note, Deeds of Company Arrangement, Purpose, content, administration and effect.
- **Receivership**
  - Practice note, Overview of the receivership process.

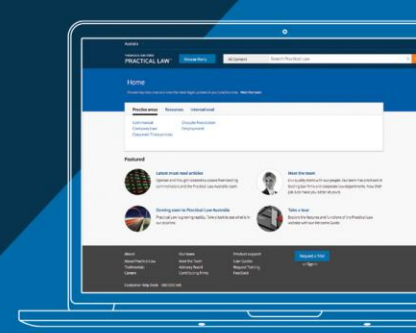
We plan to develop the following additional resources in existing topic areas by 30 June 2017:

- **Australian Judicial System**
  - Checklist, Flowchart
- **ADR and compromise**
  - Toolkit
- **Disclosure**
  - Standard document, Reviewing client documents
  - Standard document, Reviewing opponent's documents
  - Standard document, Reasonable and other searches for documents
- **Evidence**
  - Standard document, Letter to witness about preparing written evidence
  - Standard document, Instructions to expert
- **Judgments, orders and enforcement**
  - Standard document, Letter advising on enforcement
- **Appeals**
  - Standard document, Leave to appeal orders
  - Standard document, Notice of appeal
  - Checklist, Leave to appeal, federal and state comparison table

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#### ADDITIONAL DISPUTE RESOLUTION TOPICS PLANNED FOR 2017

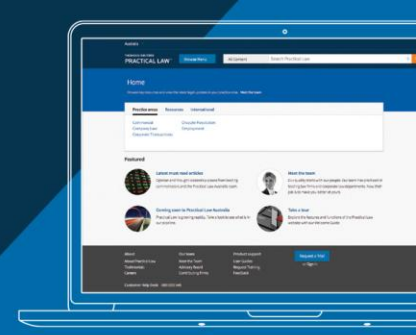
- **Misleading conduct claims**
  - Practice note, Misleading conduct
  - Standard document, Misleading conduct claim
  - Checklist, Dos and don'ts
  - Practice note, Deceit and fraud
- **Unconscionable conduct claims**
  - Practice note, Unconscionable conduct
  - Standard document, Unconscionable conduct claim
- **Commercial contract claims**
  - Practice note, Commercial contract claims
  - Practice note, Assigning claims and causes of action
  - Standard document, Commercial contract claim
- **Litigation for in-house counsel**
  - Standard document, In-house litigation
  - Checklist, Press releases
  - Standard document, Case summary for the business
  - Standard document, Litigation costs forecast for the business
  - Standard document, Freedom of information request
- **Bankruptcy**
- **Corporate Insolvency** additional resources
- **Regulatory investigations**
- **Dispute resolution strategy**
- **Lawyers' professional responsibilities**

We welcome customer feedback on the development of Practical Law Australia. Should you have comments or suggestions, please contact me at [ian.wylie@tr.com](mailto:ian.wylie@tr.com).

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## DISPUTE RESOLUTION COVERAGE AS OF 1 MAY 2017

### Australian Judicial System

- Practice notes
  - Australian judicial system
- Checklists
  - State and territory Supreme Court procedure, comparative table

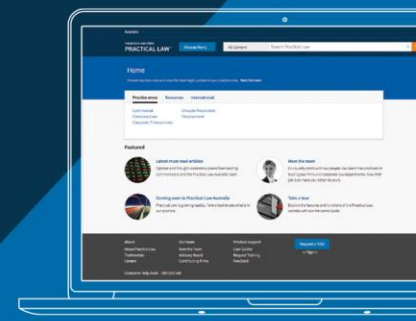
### Federal Jurisdiction and legislation, time limits and immunities

- Practice notes
  - Construing federal legislation
  - Crown and foreign state immunities
  - Federal jurisdiction, the cross vesting scheme and conflicts of law
  - Limitation of actions
- Standard documents
  - Letter to potential applicant advising on limitation
  - Letter to potential respondent advising on limitation
  - Application to transfer proceedings between Federal Court registries
  - Affidavit to support Federal Court transfer application
- Checklists
  - Limitation periods for common actions

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#### Federal Court claims, overview and pre-action

- Practice notes
  - Common Federal Court actions
  - Federal court claims overview
  - Pre-action conduct
- Standard documents
  - Letter to applicant client giving overview of the litigation process
  - Letter to respondent client giving overview of the litigation process
  - Letter before claim for breach of contract
  - Letter before claim for negligence or breach of duty
- Checklists
  - Commencing legal proceedings
  - Insurance issues in litigation

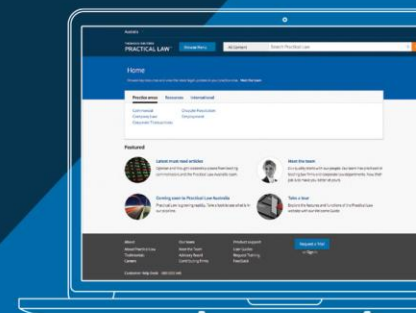
#### Commencement, originating process, pleadings and service

- Practice notes
  - Originating process, pleadings, amendment and Anshun estoppel
  - Service, appearance and extradition
- Standard documents
  - Particulars request
  - Britts' pleading precedents, contract claims
  - Britts' pleading precedents, defences to contract claims
  - Britts' pleading precedents, tort claims
  - Britts' pleading precedents, defences to tort claims
  - Britts' pleading precedents, miscellaneous claims
  - Britts' pleading precedents, miscellaneous defences
  - Britts' pleading precedents, cross-claims, replies to defences, defences to cross-claims

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(See also Federal Jurisdiction and legislation, time limits and immunities, Federal Court claims, overview and pre-action, Relief, Interim applications and Costs topics resources)

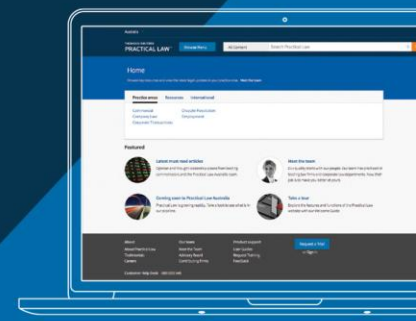
### Relief

- Practice notes
  - Overview, Relief in court proceedings
  - Anton Piller, Mareva and anti-suit injunctions
  - Contribution and proportionate liability
  - Damages in competition and consumer claims
  - Damages in contract and tort
  - Damages in shareholder claims under corporations law
  - Equitable declarations, estoppel and unjust enrichment
  - Equitable remedies to recover money
  - Equitable rectification
  - Injunctions, general principles
  - Injunctions, special cases and undertakings
  - Relief in regulatory proceedings
  - Rescission
  - Specific performance
  - State and territory proportionate liability regimes
- Standard documents
  - Freezing orders
  - Search orders
- Toolkits
  - Injunctions
  - Relief

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#### ADR and compromise

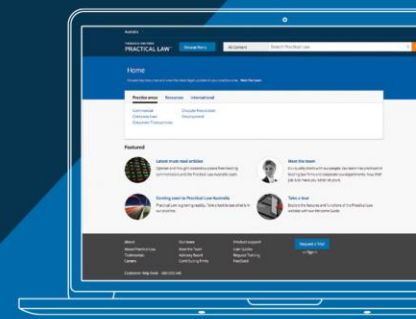
- Practice notes
  - ADR processes, conciliation, neutral evaluation, expert determination and court referrals
  - Commercial arbitration, overview
  - Commercial arbitration, conduct and enforcement
  - Calderbank offers
  - Mediation, principles
  - Mediation, preparation and conduct
  - Offers of compromise
  - Settlement agreements, principles and preparation
  - Settlement agreements, enforcement
- Checklists
  - Analysis of best and worst case scenarios for mediation
  - Table distinguishing Calderbank offers and offers of compromise
  - Flowchart, statutory regime applicable to offers of compromise
  - Drafting a settlement agreement or deed, checklist
- Standard documents
  - ADR Policy
  - Mediation agreement
  - Settlement agreement
  - Settlement deed
- Standard clauses
  - Mediation clause
  - Arbitration agreement

(See also Costs topic resources)

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#### Costs

- Practice notes
  - Costs, assessment and enforcement
  - Costs, general principles
  - Costs, solicitor and client agreements
  - Costs, third parties and special cases
  - Security for costs
- Checklists
  - Costs, common terms and orders
  - Security for costs
- Standard documents
  - Security for costs, Application for security for costs
  - Security for costs, Draft order
  - Security for costs, Lawyer's affidavit to support application
  - Security for costs, Letter requesting financial information
  - Security for costs, Letter requesting security for costs
  - Security for costs, Notice to produce financial material
  - Security for costs, 'Without prejudice' letter
- Toolkits
  - Security for costs

(See also Interim applications and ADR and compromise topics resources)

#### Case management

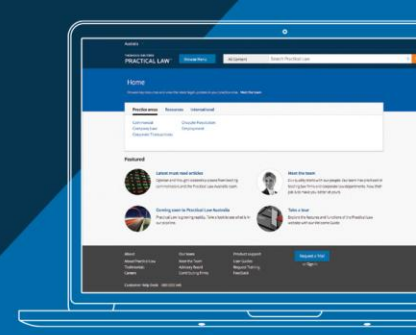
- Practice notes
  - Case management principles
  - Federal Court National Practice Area procedures



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- Overview of Federal Court docket system and general case management procedures
  - Procedural fairness
  - Standard documents
    - First directions or case management hearing, draft orders
- (See also Interim applications, Evidence and Trial practice topics resources)

### Interim Applications

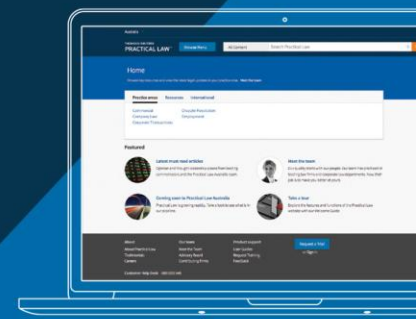
- Practice notes
  - Adjournment and extension applications
  - Amendment applications
  - Bias applications
  - Conflicts of interest and duty
  - Contempt
  - Default judgment, stay and vexatious proceedings
  - Interlocutory applications, practice and procedure
  - Particulars applications
  - Parties to proceedings
  - Separating and consolidating issues and hearings
  - Strike out applications
  - Summary judgment applications
  - Transfer applications
- Toolkits
  - Interlocutory applications

(See also, for example, Costs topic, Security for costs documents and Federal jurisdiction topic, transfer application documents)

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### Disclosure

- Practice notes
    - Discovery applications and notices
    - Discovery, consequences of non-disclosure
    - Discovery involving third parties
    - Discovery, standard and electronic
    - Freedom of information (FOI) requests
    - Freedom of information (FOI), reviews and appeals
    - Interrogatories
    - Subpoenas
  - Checklists
    - Table of document retention obligations
    - FOI applications flowcharts
    - FOI applications, Table of exempt and conditionally exempt documents
    - Subpoenas, Practical tips
  - Standard documents
    - Discovery confidentiality regime
    - Discovery orders
    - Letter to litigation client on disclosure obligations
    - Litigation hold notice
  - Toolkits
    - Document disclosure toolkit
- (See also Privileges and confidentiality topic resources)

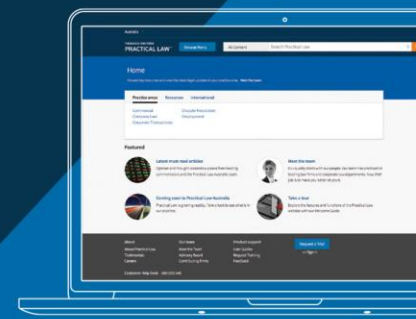
### Privileges and Confidentiality

- Practice notes
  - Confidentiality and access to court documents

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- How legal professional privilege applies to special cases
- Legal professional privilege
- Without prejudice and other privileges
- Checklists
  - Preserving privilege in practice
- Standard documents
  - Interim confidentiality orders and undertakings to preserve confidentiality pre-trial
  - Suppression and non-publication orders on trial, Identity in federal prosecution
  - Suppression and non-publication orders on trial, Agreed facts
  - Suppression and non-publication orders on trial, Confidential documents
  - Suppression and non-publication orders on and post-trial, Interim general non-publication order
- Toolkits
  - Confidentiality orders and undertakings, suppression and non-publication orders

(See also Disclosure topic resources)

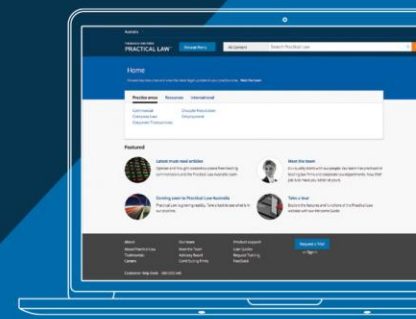
### Evidence

- Practice notes
  - Overview, Evidence in court proceedings
  - Admissions
  - Annexures and exhibits
  - Business records and other exceptions to the hearsay rule
  - Credibility and character evidence
  - Discretionary and mandatory exclusion of evidence
  - Evidence of contracts and other documents
  - Evidence of foreign law

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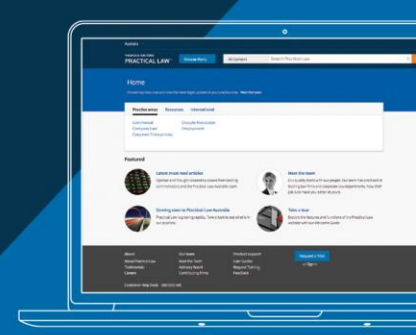


- Expert opinion evidence practice
  - Hearsay
  - Judgment and conviction evidence
  - Lay witness evidence practice
  - Opinion evidence
  - Overseas witness evidence
  - Preparing factual evidence
  - Proof and inferences
  - Relevance
  - Standards of proof
  - Survey evidence
  - Tendency and coincidence evidence
  - Video-link evidence
- Checklists
    - Expert compliance and admissibility basic guide
    - Expert document management and protection basic guide
    - Expert oral evidence basic guide
    - Flowchart, admissibility of evidence overview
    - Flowchart, admissions
    - Flowchart, admissions as exception to the hearsay and opinion rules in civil proceedings
    - Flowchart, admissions as exception to the hearsay and opinion rules in criminal proceedings
    - Flowchart, client legal privilege
    - Flowchart, coincidence evidence
    - Flowchart, credibility evidence
    - Flowchart, hearsay in civil proceedings
    - Flowchart, hearsay in criminal proceedings
    - Flowchart, hearsay overview
    - Flowchart, opinion evidence overview
    - Flowchart, opinion evidence
    - Flowchart, picture identification evidence
    - Flowchart, privilege against self-incrimination
    - Flowchart, tendency evidence
    - Flowchart, visual identification evidence

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(See also Trial practice standard documents, Privileges and confidentiality topic and Disclosure standard documents)

#### Trial practice

- Practice notes
  - Civil trial practice
  - Preparing lay witnesses for trial
  - Trial applications
  - Document management in hearings
- Standard documents
  - Objections to expert evidence
  - Objections to written evidence
  - Letter to witness about giving evidence at trial
- Toolkits
  - Civil trial practice

(See also Evidence, Privileges and confidentiality and Disclosure topics resources)

#### Judgments, orders and enforcement

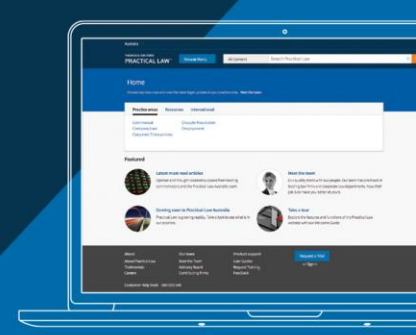
- Practice notes
  - Entry and enforcement of judgments and orders
  - Registration of, staying and setting aside domestic and foreign judgments
  - Varying, setting aside and staying judgments and orders

(See also Interim applications, Costs and Appeals topics resources)

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### Appeals

- Practice notes
  - Appeals, principles
  - Appeals, practice and procedure
  - Leave to appeal, principles, practice and procedure
  - Appeals from non-judicial bodies, overview
- Checklists
  - Appeals, timeline

(See also Judgments, orders and enforcement and Interim applications topics resources)

### State and territory litigation practice

- Practice notes
  - Australian Capital Territory court practice and procedure
  - New South Wales Supreme Court practice and procedure
  - Northern Territory court practice and procedure
  - Queensland court practice and procedure
  - South Australian court practice and procedure
  - Tasmanian court practice and procedure
  - Victorian Civil and Administrative Tribunal (VCAT) practice and procedure
  - Victorian Magistrates Court practice and procedure
  - Victorian Supreme Court practice and procedure
  - Western Australian court practice and procedure

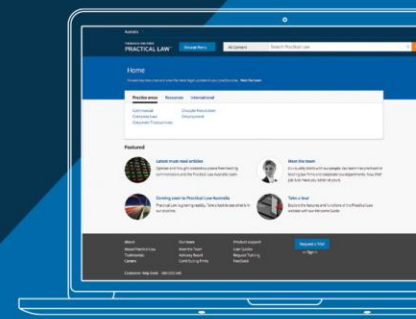
### Representative proceedings

- Practice notes
  - Overview, Class actions in Australia
  - Litigation funding

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(See also Privileges and confidentiality, Relief, Interim applications, Disclosure and Costs topics resources)

#### Insolvency

- Practice notes
  - Pre-pack arrangements in corporate insolvency