

PRACTICAL LAW AUSTRALIA, DISPUTE RESOLUTION

This is a list of resources planned for inclusion in the launch of the Dispute Resolution service of Practical Law Australia in 2017 as at 30 January 2017.

Practical Law is a dynamically evolving service. We may add to, remove and change the documents and resources in the content plan to meet the needs of our subscribers, customer feedback and publishing processes.

This document is for information purposes only and does not have contractual or other legal effect.

- **Australian Judicial System**
 - Practice note: Australian judicial system
 - Glossary term: Comity
 - Glossary term: Inferior court
 - Glossary term: Intermediate court
 - Glossary Term: Superior court

- **Federal Jurisdiction and legislation, time limits and immunities**
 - Practice note: Construing federal legislation
 - Practice note: Crown and foreign state immunities
 - Practice note: Federal jurisdiction, the cross vesting scheme and conflicts of law
 - Practice note: Limitation of actions
 - Glossary term: Ejusdem generis
 - Glossary term: Expression unius exclusion alterius
 - Glossary term: Generalia specialibus non derogant
 - Glossary term: In rem proceeding
 - Glossary term: Ultra vires

- **Federal Court claims: overview and pre-action**
 - Practice note: Common Federal Court actions
 - Practice note: Federal court claims overview
 - Practice note: Pre-action conduct
 - Glossary term: Amicus curiae

- **Commencement: originating process, pleadings and service**
 - Practice note: Originating process, pleadings, amendment and Anshun estoppel
 - Practice note: Service, appearance and extradition
 - Standard document: Particulars request

(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 note: Anton Piller, Mareva and anti-suit injunctions
 - Practice note: Contribution and proportionate liability
 - Practice note: Damages in competition and consumer claims
 - Practice note: Damages in contract and tort
 - Practice note: Damages in shareholder claims under corporations law
 - Practice note: Equitable declarations, estoppel and unjust enrichment
 - Practice note: Equitable remedies to recover money
 - Practice note: Equitable rectification
 - Practice note: Injunctions: general principles
 - Practice note: Injunctions: special cases and undertakings
 - Practice note: Relief in regulatory proceedings
 - Practice note: Rescission
 - Practice note: Specific performance
 - Practice note: State and territory proportionate liability regimes
 - Standard document: Freezing orders
 - Standard document: Search orders
 - Toolkit: Injunctions
 - Toolkit: Relief
 - Glossary term: Pari passu
 - Glossary term: Quantum meruit
 - Glossary term: Writ of prohibition
 - Glossary term: Writ of mandamus
 - Glossary term: Writ of certiorari

- **ADR and compromise**
 - Practice note: ADR processes: conciliation, neutral evaluation, expert determination and court referrals.
 - Practice note: Commercial arbitration: overview
 - Practice note: Commercial arbitration: conduct and enforcement
 - Practice note: Calderbank offers
 - Practice note: Mediation: principles
 - Practice note: Mediation: preparation and conduct
 - Practice note: Offers of compromise
 - Practice note: Settlement agreements: principles and preparation
 - Practice note: Settlement agreements: enforcement
 - Checklist: Checklist to assist with analysis of best and worst case scenarios for mediation
 - Checklist: Table distinguishing Calderbank offers and offers of compromise
 - Checklist: Flowchart: statutory regime applicable to offers of compromise
 - Standard document: ADR Policy
 - Standard document: Mediation agreement

- Standard document: Settlement agreement
- Standard document: Settlement deed
- Checklist: Drafting a settlement agreement or deed: checklist
- Glossary term: Amiable compositeur
- Glossary term: Ad hoc arbitration
- Glossary term: Calderbank offer
- Glossary term: Curial law
- Glossary term: Ex aequo et bono
- Glossary term: Institutional arbitration
- Glossary term: Lex arbitri
- Glossary term: Lex causa

(See also Costs topic resources)

- **Costs**

- Practice note: Costs: assessment and enforcement
- Practice note: Costs: solicitor and client agreements
- Practice note: Costs: third parties and special cases
- Practice note: Security for costs
- Toolkit: Security for costs
- Standard document: Security for costs: Application for security for costs
- Standard document: Security for costs: Draft order
- Standard document: Security for costs: Lawyer's affidavit to support application
- Standard document: Security for costs: Letter requesting financial information
- Standard document: Security for costs: Letter requesting security for costs
- Standard document: Security for costs: Notice to produce financial material
- Standard document: Security for costs: 'Without prejudice' letter
- Checklist: Costs: common terms and orders
- Checklist: Costs: general principles
- Checklist: Security for costs checklist

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

- **Case management**

- Practice note: Case management principles
- Practice note: Federal Court National Practice Area procedures
- Practice note: Overview of Federal Court docket system and general case management procedures
- Practice note: Procedural fairness

(See also Interim applications, Evidence and Trial practice topics resources)

- **Interim Applications**

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

- **Disclosure**

- Practice note: Discovery applications and notices
- Practice note: Discovery: consequences of non-disclosure
- Practice note: Discovery involving third parties
- Practice note: Discovery: standard and electronic
- Practice note: Freedom of information (FOI) requests
- Practice note: Freedom of information (FOI): reviews and appeals
- Practice note: Interrogatories
- Practice note: Subpoenas
- Toolkit: Document disclosure toolkit
- Standard document: Discovery confidentiality regime
- Standard document: Discovery orders
- Checklist: Table of document retention obligations
- Checklist: FOI applications flowcharts
- Checklist: FOI applications: Table of exempt and conditionally exempt documents
- Checklist: Subpoenas: Practical tips

(See also Privileges and confidentiality topic resources)

- **Privileges and Confidentiality**

- Practice note: Confidentiality and access to court documents
- Practice note: How legal professional privilege applies to special cases
- Practice note: Legal professional privilege
- Practice note: Without prejudice and other privileges
- Toolkit: Confidentiality orders and undertakings, suppression and non-publication orders

- Standard document: Interim confidentiality orders and undertakings to preserve confidentiality pre-trial
- Standard document: Suppression and non-publication orders on trial: Identity in federal prosecution
- Standard document: Suppression and non-publication orders on trial: Agreed facts
- Standard document: Suppression and non-publication orders on trial: Confidential documents
- Standard document: Suppression and non-publication orders on and post-trial: Interim general non-publication order

(See also Disclosure topic resources)

- **Evidence**

- Practice note: Admissions
- Practice note: Annexures and exhibits
- Practice note: Business records and other exceptions to the hearsay rule
- Practice note: Credibility and character evidence
- Practice note: Discretionary and mandatory exclusion of evidence
- Practice note: Evidence of contracts and other documents
- Practice note: Evidence of foreign law
- Practice note: Expert opinion evidence practice
- Practice note: Hearsay
- Practice note: Judgment and conviction evidence
- Practice note: Judicial processes for taking evidence from an overseas witness
- Practice note: Lay witness evidence practice
- Practice note: Opinion evidence
- Practice note: Overseas witness evidence
- Practice note: Preparing factual evidence
- Practice note: Proof and inferences
- Practice note: Relevance
- Practice note: Standards of proof
- Practice note: Survey evidence
- Practice note: Tendency and coincidence evidence
- Practice note: Video-link evidence
- Checklist: Expert compliance and admissibility basic guide
- Checklist: Expert document management and protection basic guide
- Checklist: Expert oral evidence basic guide
- Checklist: Flowchart: admissibility of evidence overview
- Checklist: Flowchart: admissions
- Checklist: Flowchart: admissions as exception to the hearsay and opinion rules in civil proceedings

- Checklist: Flowchart: admissions as exception to the hearsay and opinion rules in criminal proceedings
- Checklist: Flowchart: client legal privilege
- Checklist: Flowchart: coincidence evidence
- Checklist: Flowchart: credibility evidence
- Checklist: Flowchart: hearsay in civil proceedings
- Checklist: Flowchart: hearsay in criminal proceedings
- Checklist: Flowchart: hearsay overview
- Checklist: Flowchart: opinion evidence overview
- Checklist: Flowchart: opinion evidence
- Checklist: Flowchart: picture identification evidence
- Checklist: Flowchart: privilege against self-incrimination
- Checklist: Flowchart: tendency evidence
- Checklist: Flowchart: visual identification evidence
- Glossary term: Prima facie
- Glossary term: Rebuttable presumption
- Glossary term: Viva voce

(See also Trial practice, Privileges and confidentiality and Disclosure topics resources)

- **Trial practice**

- Practice note: Civil trial practice
- Practice note: Preparing lay witnesses for trial
- Practice note: Trial applications
- Standard document: Objections to expert evidence
- Standard document: Objections to written evidence
- Glossary Term: Dramatis Personae

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

- **Judgments, orders and enforcement**

- Practice note: Entry and enforcement of judgments and orders
- Practice note: Registration of, staying and setting aside domestic and foreign judgments
- Practice note: Varying, setting aside and staying judgments and orders
- Glossary term: Ex tempore
- Glossary term: Nunc pro tunc

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

- **Appeals**

- Practice Note: Appeals: principles

- Practice note: Appeals: practice and procedure
- Practice note: Leave to appeal: principles, practice and procedure
- Checklist: Appeals: timeline
- Practice Note: Appeals from non-judicial bodies: overview
- Glossary term: Hearing de novo
- Glossary term: Stricto sensu

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

- **Representative proceedings**

- Practice note: Representative proceedings: overview
- Practice note: Litigation funding
- Glossary term: Maintenance
- Glossary term: Champerty

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

- **State and territory litigation practice**

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

- **Insolvency**

- Pre-pack insolvencies: overview

FURTHER DISPUTE RESOLUTION DOCUMENTS AND TOPICS SCHEDULED FOR 2017

(Subject to change)

- Additional Standard documents, Checklists, Glossary terms and Toolkits for launch topics above

Practice notes, Standard documents, Checklists, Glossary terms and Toolkits in relation to the following currently proposed topics:

- **Insolvency**
- **Misleading conduct claims**
- **Unconscionable conduct claims**
- **Commercial contract claims**
- **Representative proceedings**
- **Regulatory investigations**
- **Dispute resolution strategy**
- **Lawyers' professional responsibilities**
- **In-house counsel**

30 January 2017