



Report from the High Court 2015

The Year in Review

I am pleased to present a short report on events of note during 2015 in the High Court of New Zealand - Te Kōti Matua o Aotearoa.

Hon Justice Geoffrey Venning
Chief High Court Judge – Te Kaiwhakawā Matua
17 May 2016

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Overview

In 2015 caseloads before the Court remained steady. Cases managed under the Christchurch Earthquake List have now reached a stage where they settle at a very high rate. The High Court continues to sit in 18 locations; however a change to how cases filed in circuit courts are case managed is underway. The Christchurch registry now manages cases filed in Invercargill and Dunedin, and cases filed in Palmerston North are now managed by the Wellington registry. During the year, a memorandum was signed between the Ministry of Justice and Department of Corrections by which Corrections agreed to provide pre-sentence reports within 15 working days of plea or verdict. This allows the Court to schedule sentencing hearings more promptly.

The judicial complement and their responsibilities

As at 31 December 2015 the complement comprised 39 judges and seven associate judges. The equivalent figures for December 2014 were 37 judges and seven associate judges.

The allocation of the judges amongst the common rooms changed during the year. By year end Auckland had 25 judges (24 in the previous year), Wellington nine judges (9) and Christchurch five (four). There was no change to the allocation of associate judges between common rooms.

During the year:

- Six judges left the Court. There were four retirements: Ronald Young J in March and MacKenzie J and Andrews J in September. In March Goddard J retired to lead the UK Independent Inquiry into Child Sexual Abuse. Winkelmann J took up her appointment to the Court of Appeal in June and Kós J was appointed to that Court in September.
- Seven new judges were sworn in: Hinton J in January, Nation J in February, Davidson J in June, Edwards J in August, Clark J in September, Palmer J in October and Davison J in December.
- The complements in the home courts changed during the year. A fifth judge was appointed to Christchurch in June. This is a tangible response to the Court's commitment to deal promptly with cases arising from the earthquakes. Two judges changed common rooms. Whata J moved from Christchurch to Auckland at the start of the year and Ellis J moved from Auckland to Wellington in June.
- The holder of the office of Chief Judge changed during the year. Winkelmann J's appointment to the Court of Appeal was announced in March and Venning J took up the role as Chief Judge on 1 June.

List judges assist the Chief Judge by overseeing the workload in their circuit and providing advice and counsel on matters of policy for the Court. The list judges in 2015 were:

- Venning J (Auckland civil) until June when Heath J took over the role.
- Lang J (Auckland criminal).
- Brewer J (Waikato/Bay of Plenty liaison).
- Heath J (Whangarei, New Plymouth and Gisborne liaison) until June when Thomas J took over the role.
- Dobson J (Wellington/Central civil).
- Simon France J (Wellington/Central criminal).
- David Gendall J (Christchurch/Southern civil).
- Mander J (Christchurch/Southern criminal).
- Associate Judge Jeremy Doogue (liaison judge for associate judge work).

The case management list judges in 2015 were:

- Christchurch earthquake list: Wylie and Kós JJ. Kós J stepped down in September upon his appointment to the Court of Appeal and Wylie J stepped down at year-end. Judge Osborne took up the role in December and will be joined by Gendall J in 2016.
- Auckland leaky buildings list: Fogarty and Faire JJ and Associate Judge Bell.
- Commercial list (Auckland and Wellington): Winkelmann J/Venning J (supervising judge), Heath, Courtney, Asher, Clifford and Gilbert JJ. MacKenzie J was a commercial list judge before his retirement in September.
- Auckland appeals lists: Katz and Woodhouse JJ (civil) and Woolford J (criminal).
- Auckland summary judgments and caveats: Faire J.
- Judicial review lists: Ellis J/Peters J (Auckland) and Collins J (Wellington).
- Probate lists: MacKenzie J/Mallon J (Wellington), Faire J (Auckland) and Dunningham J (Christchurch).
- Marine and Coastal Area (Takutai Moana) Act matters: Mallon J.

Three High Court judges sit on the Rules Committee¹: Venning J, Asher J (chair) and Gilbert J. Simon France J chairs a subcommittee of the Rules Committee which is charged with developing and overseeing the Criminal Procedure Rules 2012. Venning J is a member of that subcommittee.

Judges took a more active role in the oversight of probate work carried out by registrars exercising quasi-judicial powers. During the year MacKenzie, Mallon, Faire and Dunningham JJ carried out this function.

¹ A statutory committee set up under s 51B Judicature Act 1908 charged with regulating the practice and procedure of the higher court. See

www.courtsofnz.govt.nz/about/system/rules_committee/About/?searchterm=Rules%20Committee

Workload

A representation of the Court, its complement and business as at 31 December 2015 is attached as [Appendix 1](#).

Judgment timeliness

The court's judgment timeliness statistics remain at similar levels to last year. The standard of 90% of judgments delivered within three months of the hearing or last submissions, was met.

Civil

Applications for summary judgment continue to drop, a reflection of a more buoyant economy and the amendment to the District Court Rules to permit summary judgment as of right in that jurisdiction. There has been a general reduction in the number of trials held which can be attributed in part to lower filings in recent years. The clearance rate² for the two biggest categories of work - general proceedings and insolvency are 101% and 102% - reflecting that the Court is disposing of more work than is coming in as filings in those areas.

Contrary to recent trends, average and median time to trial for general proceedings trial adjudications increased last year. This is a result of the focus on disposing of old files. These files included 10 very old cases (over seven years in one instance). Coupled with a relatively small number of cases heard at trial, this has caused the 12-month rolling median and average times to increase. As shown in [Appendix 2](#), the average disposal time for general proceedings disposed of by trial increased by 157 days (from 513 days to 650). The expectation is that average and median age to trial will return to a more consistent level once the effect of disposing of these very old cases is spent.

Application of the 2012 amendment to High Court Rules³ has reduced churn and led to increased cooperation between counsel. Case management judges continue to focus on compliance with timetables, identification of issues, and minimising the number of conferences.

The Earthquake List in Christchurch is functioning well. In common with all lists, judges provide active case management and, in particular, identify precedential cases for early hearing. Precedential cases provide other litigants with certainty about the law and enable them to settle their cases. In the Earthquake List complex technical reports are required to address the extent of property and land damage. Active case management is important to ensure these reports are provided as soon as possible in an environment where there is great demand for expert assessment.

² Clearance is calculated by the number of disposals in a given period as a percentage of the new business that came into the court in the same period. When the clearance rate is equal to 100% disposals are keeping up with new business; when the clearance rate is above 100% disposals are exceeding new business; and when the clearance rate is less than 100% disposals are not keeping up with new business.

³ Rule 7.6, High Court Amendment Rules (No 2) 2012 (SR 2012/409)

Filings peaked for the Earthquake List in mid-2013. In 2015 over 90% of the cases which disposed, were settled. Toward the end of 2015, the number of those settlements accelerated. Two thirds of the earthquake cases which disposed in the calendar year, disposed in the last 6 months of that period.

In relation to hearings for earthquake cases, the available judge resource in Christchurch has risen 25% with the appointment of the fifth judge. In addition to local judges, judges from elsewhere in the country are brought in as required to hear matters as part of the national roster. The scheduling of cases in the list increased to a 300% loading. Despite the high loadings, no cases were adjourned for lack of a judge as a careful assessment has been made of settlement patterns. Analysis of litigant behaviour carried out in 2010 and subsequent experience has showed that civil cases generally settle “in the shadow of the trial”, following the delivery of precedential cases or better understanding of the facts in the instant case. Provision of hearing dates assists in the settlement of cases and by causing parties to focus on the issues.

Criminal

At 31 December 2015, there were 149 cases on hand compared to 139 at the same time last year. The current trend is that fewer cases are going to trial. Sentence indications are having an impact and guilty pleas occur in about one third of disposals. Reduced new business from mid-2013 meant there were fewer cases ready for trial during 2015. Only 14 cases commenced prior to the Criminal Procedure Act 2011 remain to be heard. Appeals numbers have remained steady.

The statutory protocol regime

In last year’s report, the statutory protocol regime under the Criminal Procedure Act 2011 was discussed. Certain offences (protocol cases) must be reviewed by a High Court judge to determine if they are to be heard in the High Court.⁴ Protocol offences include serious sexual, violence and drug offending. The full list of offences can be found in the Court of Trial Protocol.⁵

In the last report, concerns were expressed about operation of the statutory procedure, prior to a decision being made by a High Court judge, for identifying and processing protocol cases, and the age of protocol cases at disposal compared to category 4 (High Court-only) cases.

During 2015 the Ministry of Justice carried out a number of audits. The audits suggest that crown solicitors and District Court registry staff are identifying and processing these cases in accordance with the legislation. The cases which are not meeting Criminal Procedure Act timelines are generally large or complex cases. Such cases can have multiple defendants or a

⁴ Sections 66 - 68 of the Criminal Procedure Act 2011.

⁵ Courts of New Zealand “Court of Trial Protocol” <http://www.courtsofnz.govt.nz/business/criminal-procedure-act/court-of-trial-protocol/?searchterm=court%20of%20trial%20protocol>.

large number of charges, or both. There is also an in-built statutory delay in the Criminal Procedure Act for protocol cases.⁶

Revision of the Court of Trial Protocol

Each year Parliament enacts new offences, so the Court of Trial Protocol is regularly reviewed to ensure new offences are included as necessary. It was revised and re-issued with a start date of 1 February 2015 to include offences from the Financial Markets Conduct Act 2013. There were also minor wording changes to clarify some existing criteria. Lang and Brewer JJ along with Judge B Davidson form the committee which advises the Chief District Court Judge and the Chief High Court Judge about protocol matters.

Keeping the Criminal Procedure Rules under review

Monitoring the Criminal Procedure Rules 2012 (Criminal Rules) is done by a subcommittee of the Rules Committee. The members are the Chief High Court Judge, Simon France J (chair), Judge Davidson, David Jones QC, Charlotte Brook, Mark Harborow, Lynn Hughes and Megan Anderson. Work before that subcommittee included a pilot of a simpler and shorter Case Management Memorandum⁷ in Christchurch and consideration of the timeframe for the filing of formal statements. The subcommittee also reviewed existing Practice Notes aiming to convert as many as possible to criminal rules, so as to reduce the number of rule sources to which practitioners must go. It is intended to incorporate the 2014 Sentencing Practice Note into the Criminal Rules.

Criminal appellate jurisdiction

The Criminal Procedure Act 2011 was expected to have an impact on the High Court's workload because it raised the jury trial threshold and changed the method of jury trial election.⁸ This change was expected to affect the appellate case loads of both the High Court (which deals with appeals from judge-alone trials) and the Court of Appeal (which deals with appeals from jury trials). It was expected there would be a significant move by defendants to elect judge-alone trials. By year-end there was little change in the number of conviction appeals to the High Court. This may change and is being kept under review.

For selected statistics and commentary on work before the Court see [Appendix 2](#) to this report.

⁶ A protocol case will be at least 14 weeks old before a High Court judge directs it is to be heard in the High Court. Those weeks are made up of the 12 weeks required by statutory timeframes for early case management and a further two weeks during which a District Court judge considers whether or not to make a recommendation and for the High Court judge to make the final decision.

⁷ Section 55 of the Criminal Procedure Act 2011.

⁸ Under the Criminal Procedure Act, where the offence is "electable", only the defendant may determine whether the case is heard as a jury trial. Previously the prosecutor could also determine the case be heard by a jury by laying a charge in such a manner to require that.

Practice and procedure

Centralisation of case management

The High Court sits in 18 locations in New Zealand. Following the centralisation of case management of Whangarei files in Auckland⁹ a change to how cases are managed in other circuit court registries began in 2015. In November a staged movement to centralisation of most North Island and all South Island circuit case management commenced. All files from Palmerston North are now case managed in the Wellington registry and all files from Invercargill and Dunedin are case managed in Christchurch. The transition went smoothly. It is intended that during 2016 centralisation of case management from the balance of courts (except Whangarei and those in the Waikato-Bay of Plenty) will occur in these two centres.

More timely sentencing dates

In July the Ministry of Justice and the Department of Corrections entered a Memorandum of Understanding under which Corrections agreed to provide pre-sentence reports to the Court within 15 working days of conviction. As a result sentencing hearings can be scheduled five to 15 days earlier than previously. The new time limit does not apply to the preparation of preventive detention reports which continue to take about six weeks.

New electronic document protocol and practice note

During the year the higher courts finalised a joint civil electronic document protocol for the use of common electronic bundles applicable to all higher courts. The purpose of the protocol is to enable any common electronic bundle used in the High Court to form the basis of the case on appeal in higher courts in the event of an appeal.¹⁰ Amendments to the Practice Note to accompany it are in train.

⁹ The Auckland registry began to case manage Whangarei files in May 2014, following a 12 month pilot.

¹⁰ Higher Courts Electronic Document Protocol, December 2015

<http://www.courtsofnz.govt.nz/business/practice-directions-1/supreme-court-court-of-appeal-high-court>

Making the work of the Court more understandable and accessible

The High Court bench agreed in 2012 that it should work to better reflect New Zealand's two founding cultures and its modern multicultural society.

Many judges undertook a 14-week Institute of Judicial Studies¹¹ common room-delivered programme developing Te Reo and tikanga knowledge. The higher courts have agreed to include a Te Reo reference to the Court in documents and judgments. This will require a technical amendment to the judgment template along with a Rules change. The change is expected to occur in 2016.

The High Court raised with the New Zealand Law Society whether counsel might assist the Court by ascertaining the appropriate formal name to be used for clients and parties of Asian descent. In December the Law Society issued a practice briefing for counsel encouraging counsel to check with clients and witnesses to ascertain the formal name by which they wish to be referred and to advise the Court accordingly.¹²

Resources and rules for litigants and other court participants

In consultation with the judiciary, the Ministry of Justice began to develop web-based resources for unrepresented litigants in the criminal jurisdiction. This follows on from work it completed in 2014 to provide a web-based resource for unrepresented litigants in the civil jurisdiction *Representing yourself in the High Court*¹³, which is well used.

The review by judges and the Ministry of resources and information that jurors receive from receipt of the jury summons until after the verdict is given continued.

The issue of how best to deal with statements of claim that are obviously abusive or vexatious has been referred to the Rules Committee. In December the committee sought comments on its proposed rule change to refer such a claim to a judge before it is served on the other party. The judge may then decide to strike out or stay the statement of claim or make other appropriate orders. The committee envisages that this procedure would be exercised sparingly and only in clear cases.

The Rules Committee's review of access to court documents rules continues.

¹¹ The Institute of Judicial Studies (IJS) is the professional development arm of the New Zealand judiciary and provides education programmes and resources for the judiciary. See www.ijs.govt.nz/home.asp

¹² Practice briefing: Correctly addressing parties, counsel and witnesses of Asian descent www.lawsociety.org.nz/practice-resources/practice-briefings/Correctly-addressing-parties-of-Asian-descent-Dec-2015.pdf

¹³ Ministry of Justice "Representing yourself in the High Court of New Zealand" <http://www.justice.govt.nz/courts/high-court/self-represented-litigants>

Decisions

The Court publishes all its decisions online except for those where there are court-ordered suppressions or statutory prohibitions against publication. The main database is Judicial Decisions Online.¹⁴ Decisions likely to be of particular interest to the public are also made available for 90 days on the Decisions of Public Interest part of the Courts of New Zealand website.¹⁵

In June, along with the other higher courts, the Court began to tweet notification of its decisions of public interest. The courts' twitter feed @CourtsOfNZ has been popular. By year-end there were over 860 followers and some 60 judgments of the Court had been tweeted.

Another way that the public can get notification of decisions of public interest is to subscribe to judicial notifications at www.courtsfnz.govt.nz/@@subscribe. There are over 1200 subscribers to this service provided via the Courts of NZ website.

Working with the profession

The Chief Judge addressed the NZ Bar Association on access to justice at their annual conference in August. Along with the list judges, he continues to hold meetings with the local bar in the home courts. No significant matters of concern were raised in these meetings last year.

In October the Chief Judge and Wylie J took part in a seminar with Christchurch practitioners on the operation of the earthquake list.

Prior to the introduction of centralised case management of files from Palmerston North, Dunedin and Invercargill, the relevant list judge travelled to affected circuit courts to meet with the profession and, along with court officials, explain how case management would occur.

Judges actively participate in profession-led education. Requests for assistance in judging moots and taking part in seminars became so frequent in Auckland that an informal "roster" was set up to share to these requests among the judges.

Media matters

The final report of the committee charged with reviewing the use of in-court media coverage by Chief Justice was issued during the year. New in-court media guidelines will be issued in 2016.

¹⁴ Ministry of Justice "Judicial Decisions Online" <https://forms.justice.govt.nz/jdo/Introduction.jsp>

¹⁵ Courts of New Zealand "Judicial Decisions of Public Interest" <https://www.courtsfnz.govt.nz/from/decisions/judgments>

Web posts this year

The High Court continued to post materials about the Court and its practice and procedure during the year. A full list can be found at [Appendix 3](#).

Property and security

The High Court at Auckland is one of the largest courthouses in the country with 29 judges and 16 courtrooms. During 2015 a further modern judges' chambers was completed and work commenced on another jury-capable courtroom in space previously occupied by the Law Society's law library.

Accommodation and access to courtrooms in Christchurch is tight following the appointment of a fifth judge. Work continues on the new courthouse that will form part of the government's Justice and Emergency Service Precinct bounded by Lichfield, Durham, Tuam and Colombo Streets. The High Court will continue to have four courtrooms and access to other courtroom and hearing spaces within the wider courthouse. The courts expect to be operating from the new courthouse by mid-2017. The cost of the whole Precinct is \$300m. A webcam of the site can be found [here](#).¹⁶

In 2012 the Dunedin courthouse was found to be seismically affected and court business has since been carried out from temporary facilities in High Street and John Wickliffe House. In December Cabinet announced the provision of \$15m to bring the historic building up to 60 – 70% new building standard. Appointment of the main contractor is expected by mid-late 2016. The work is expected to take two years to complete.

There has been no progress on the provision of courtroom and chambers facilities for the High Court in Tauranga. There is a particular need for jury trial facilities. In 2015 the Court began to hear short (5 day or less) criminal trials in Tauranga but only if the District Court schedule allowed this. In the meantime, Tauranga criminal matters continue to be heard mainly in Rotorua. Courtroom availability is often tight in Rotorua. As the Rotorua court hears criminal matters arising from a populous area, it regularly has the second highest number of criminal trials on hand in New Zealand.

Protection of the security of those attending courthouses is an important feature of access to justice. In 2015 the Chief Justice wrote to the Secretary for Justice noting that there was not full time scanning of those entering the Auckland and Wellington courthouses. Late in 2015 the Ministry began permanent full time screening in Auckland. In Wellington scanning now occurs for all criminal trials and on occasion for civil matters where security concerns have been raised. Some property changes are required to create a single public entrance to the Wellington court and funding needs to be sought to provide permanent full time scanning in that location.

¹⁶ Justice and Emergency Precinct webcam <http://www.snowgrass.co.nz/cust/justiceprecinct/>

Looking ahead to 2016

The expected passage of the Judicature Modernisation Bill will see changes to how the High Court manages its work. The resulting Act will require the Court to establish a commercial panel. Work is underway to review the appropriate criteria for inclusion of proceedings in the commercial list and to consider the form of the panel to hear these cases. Panel members will continue to do the full range of High Court work as there is insufficient work of a commercial nature to warrant panel members working exclusively on commercial cases. It is also important for the development of individual judges that they hear cases across all aspects of the Court's jurisdiction.

The Bill also introduces statutory requirements for the promulgation of a policy on extra-judicial activities and advice of the number of outstanding judgments. At present the Court relies on the *Guidelines for Judicial Conduct* to guide judges on extra-judicial activities.¹⁷ A protocol for higher courts judges is to be created to develop these matters further. The High Court's judgment delivery expectations, inquiry process and reports of recent judgment timeliness are currently reported on the Courts of New Zealand website.¹⁸ This material will need to be re-orientated to meet statutory requirements.

Wi-fi is to be available in the courtrooms and public areas of the Auckland and Wellington High Court buildings for the use by counsel and self represented litigants. The provision of wi-fi in Christchurch awaits the move into the new precinct.

The 2016 version of the In-Court Media Guidelines provide witnesses with greater protection over a range of matters such as whether or not to consent to filming, protecting those under 18, restricting close ups to heads and shoulders, and extending protection to victims reading their impact statements.

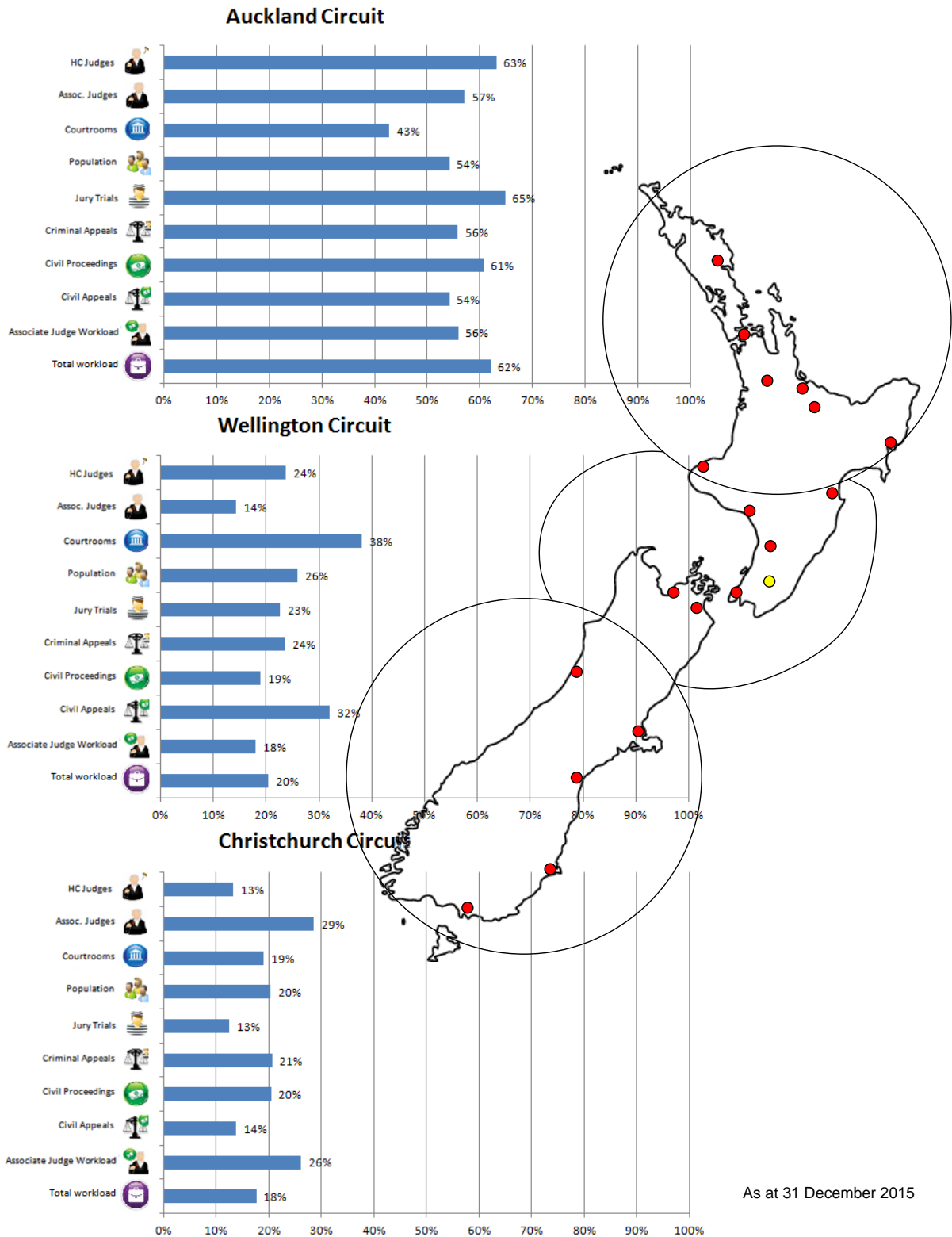
¹⁷ Guidelines for Judicial Conduct, last reviewed 2013

<http://www.courtsofnz.govt.nz/business/guidelines/guidelines-for-judicial-conduct>

¹⁸ High Court judgment delivery expectations, inquiry process and recent judgment timeliness, www.courtsofnz.govt.nz/from/decisions/high-court-judgment-delivery-expectations-inquiry-process-and-recent-judgment-timeliness

Appendix 1 – High Court at a glance

Breakdown of workload and factors affecting workload by circuit



Appendix 2 - Selected workload figures for the year ended 31 December 2015

For the full range of statistics see the Annual Statistics on the Courts of New Zealand website.¹⁹

Selected workload figures for the year ended 31 December 2015

Summary of new business and disposals for the year ended 31 December 2015

	Criminal trials ²⁰	Civil proceedings ²¹	Criminal appeals	Civil appeals
New work				
2015	196	2510	1119	320
2014 ²²	173	2549	1150	323
Disposals				
2015	136	2456	1170	300
2014	160	2543	1178	313
Disposals by trial adjudication				
2015		316		
2014		361		
Disposals by non trial adjudication				
2015		628		
2014		669		

2015 was the third year “nature of claim” data was collected for new general proceedings. Ultimately this will provide a dataset for the Ministry to provide richer information about how various types of civil proceedings, such as natural disaster, building defect and estate litigation and so on, behave.

Top seven “nature of claim” categories for matters filed between 1 January 2013 and 31 December 2015

Nature of Claim type	Number of claims	% of total
Debt recovery	562	13%
Natural disasters (Chch EQ)	452	11%
Contractual disputes	438	10%
Other	237	6%
Estate litigation	228	5%
Building defects – leaky bldgs	222	5%
Other trust litigation	203	5%

¹⁹ Courts of New Zealand “Annual Statistics for the High Court” (December 2015)

<http://www.courtsofnz.govt.nz/from/statistics/annual-statistics/latest-december-2015/high-court>

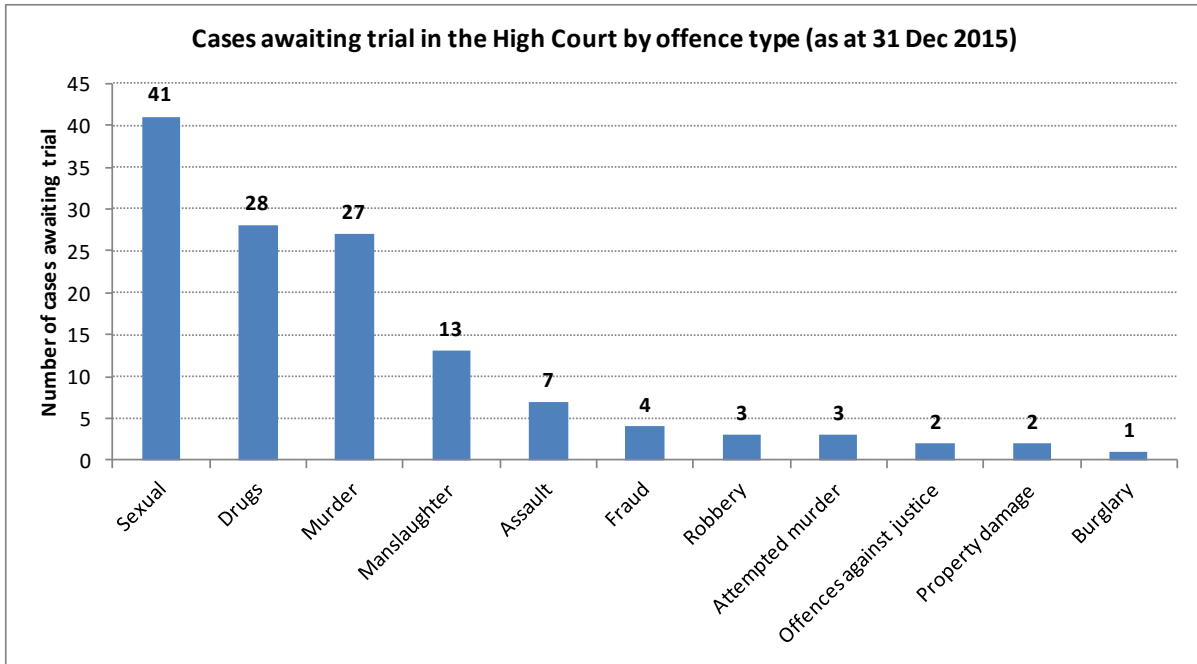
²⁰ Includes New Trials plus Retrials directed (New Business definition from the Courts of NZ website).

²¹ ‘Civil proceedings’ includes general proceedings, originating applications and judicial reviews.

²² The 2014 figures presented here differ from those presented in this report last year. This is because the Ministry continues to revise its figures for 12 months. Changes can occur following late data entry or error correction.

A year on year comparison shows claims arising from “events” such as the global financial crisis-related work and the Christchurch earthquakes, dominated work coming into the court in 2013 and 2014. This changed in 2015 when the top claim was Contractual Disputes. At 141 claims, this is similar to the numbers filed in 2013 (144) and 2014 (153). Over that same period debt recovery has dropped to 111 claims from a high of 242 claims, and earthquake work has dropped from 201 claims to 58 claims.

The makeup of trials in the criminal jurisdiction at year-end

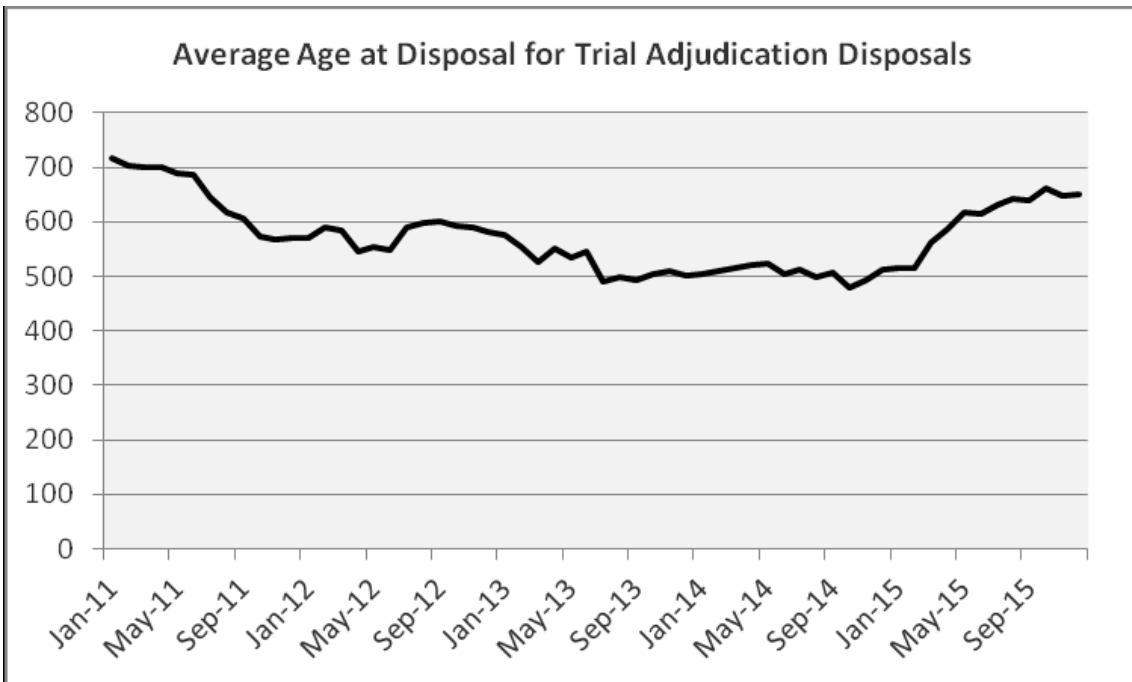
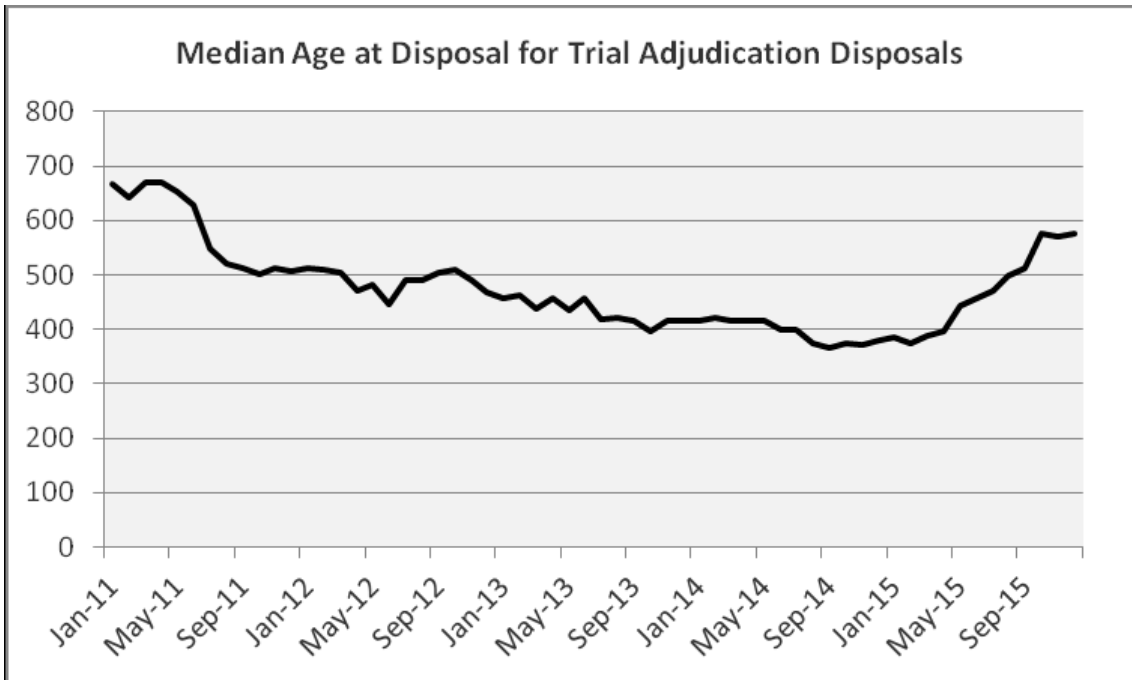


The bar graph is a snapshot of the criminal caseload at year-end. Thirty two percent of cases on hand were High Court-only or category 4 cases comprising murder, manslaughter, and attempted murder offences. The remaining 68 per cent were cases directed to be heard in the High Court either under the Court of Trial Protocol, or as middle-band cases under the Summary Proceedings Act. Sexual offending trials form the largest number of such cases; approximately two thirds of the sexual offending cases are for offences against children.

Time to trial for general proceedings

Time to trial for general proceedings trial adjudications has increased markedly in 2015. The difference has been caused in part by the disposal of some very aged cases. The graphs below show:

- The median age at disposal has risen by 195 days from 381 days in December 2014 to 576 days in December 2015;
- The average age has risen 137 days from 513 days to 650 days over the same period.



Performance standards

The Court's judgment timeliness statistics have remained steady for a number of years. The standard of 90% of judgments delivered within three months of hearing or last submissions, was met.

Judgment timeliness statistics for the 12 months ending 31 December 2015

	Time from hearing to judgment delivery	Number of cases	Percentage
Civil	1 Month or less	1475	77.9%
	3 Months or less	1749	92.3%
	6 Months or less	1872	98.8%
	9 Months or less	1891	99.8%
	12 Months or less	1894	100%
Criminal	Time from Hearing to judgment delivery	Number of Cases	Percentage
	1 Month or less	1394	96.5%
	3 Months or less	1437	99.5%
	6 Months or less	1443	99.9%
	9 Months or less	1443	99.9%
	12 Months or less	1445	100%

Civil clearance rate

Clearance rate (target of 100% or higher)

	General proceedings	Originating applications	Judicial review	Civil appeals	Insolvency proceedings
2015	101%	96%	82%	94%	102%
2014	98%	99%	93%	94%	100%

The clearance rate is set at 100% or higher. Clearance rates for general proceedings and insolvency proceedings have slightly improved in the 2015 year, with general proceedings now above the targeted performance rate.

The clearance rate for judicial reviews has fallen from 93% to 82%, due to a combination of the increase in the number of new business and a drop off in the number of disposals of judicial reviews. New judicial review filings rose at the end of the year after falling steadily during the first 10 months of the year. Civil appeals were cleared at the same rate as in 2014, while the clearance rate for originating applications has slightly fallen.

Waiting time to trial

Waiting time to trial (target of 80% or higher)

	General proceedings – Short Cause	General proceedings – Long Cause	Originating applications	Judicial review	Civil appeals
Performance Standard	12 Months	18 Months	6 Months	6 Months	6 Months
2015	89%	95%	72%	56%	81%
2014	90%	87%	73%	79%	84%

Waiting time to trial measures the length of time that cases have spent within the court system from the time that the case was certified capable of being readied for hearing until the date of the scheduled substantive hearing for cases which have a scheduled date of hearing.

Long cause general proceeding cases now reach trial within 18 months 95% of the time, an improvement over 87% of the time in 2014. The standard for waiting time for trial for judicial reviews is 80% of cases heard within 6 months. This year 56% were heard in that timeframe compared to 79% in the previous year. The reasons for this change are being investigated. The waiting time to trial for short cause general proceedings, civil appeals and originating has showed little change over the previous 12 months.

Criminal performance standards

The Court has discontinued reporting against earlier criminal performance standards as the achievement of the standards was not sufficiently within the control of the Court.

Appendix 3 – Press releases and reports from the High Court

1. *Court of Trial Protocol* - January 2015
www.courtsofnz.govt.nz/business/criminal-procedure-act/court-of-trial-protocol/2015-go5071.pdf
2. *High Court Rules: The Effectiveness of the 2011 and 2012 discovery and case management reforms*, - Winkelmann J, Chief High Court Judge and Asher J, Chair, Rules Committee - February 2015
www.courtsofnz.govt.nz/about/system/rules_committee/report-feb-2015/report-to-the-profession/?searchterm=effectiveness
3. *Brief update to the profession*, Winkelmann J - 3 March 2015
www.courtsofnz.govt.nz/from/announcements/announcements/150303Updateforprofession.pdf
4. *In-Court media review draft report released* - 10 March 2015

[Media In-Court Review Panel release their draft report to the Chief Justice](#)
5. *Annual public report*, Winkelmann J - 13 May 2015
www.courtsofnz.govt.nz/from/judicial-reports/2014_HighCourtAnnualReview.pdf
6. *Christchurch Earthquake Litigation List Report*, Venning J – 27 November 2015
www.courtsofnz.govt.nz/business/high-court-lists/earthquake-list-christchurch/150930EarthquakeLitigationListReport.pdf