

The Challenge of Civil Justice Reform: Effective Court Management of Litigation

*Adrian Zuckerman**

The Civil Justice Reform has culminated in important rule changes to the Rules of the High Court and to the Rule of the District Court. Although the general framework of civil litigation remains largely the same, the new rules radically change the way in which the litigation process is managed. It is now for the court to determine the intensity and pace of the litigation process by imposing on the parties case management adapted to the needs of the particular case. The court's case management task is guided by the underlying objectives. These make it plain that the courts must not only decide cases in accordance with the law and the true facts but also by the use of proportionate court and party resources and with reasonable expedition. The new rules introduce thereby a three-dimensional concept of justice, in which efficiency and expedition are as important as the correctness of the outcome. However, court management will achieve the underlying objectives only if parties comply with case management deadlines. In this regard, the Hong Kong rules are better designed to secure timely compliance than their English counterpart and are, therefore, more likely to achieve the intended objectives.

* Professor of Civil Procedure, University of Oxford; Fellow of University College, Oxford; Honorary Professor, School of Law, City University of Hong Kong.