



## SUPREME COURT PRACTICE NOTE SC CL 1

### Supreme Court Common Law Division – General Civil List

#### Commencement

1. This Practice Note was issued on 10 September 2026 and commences on 10 September 2026.

#### Definitions

2. In this Practice Note:

**commencement date** means the day on which an originating process is filed

**CPA** means the *Civil Procedure Act 2005*

**directions date** means a date 3 months from the commencement date

**existing matters** are matters where the originating process is filed before 10 September 2026

**JCM** means Judicial Case Management

**first JCM review date** means the first available date after one year from the commencement date, unless brought forward by order of the Court

**Registrar** means the Registrar, Common Law Case Management

**JCM hearing** means a judicial case management hearing

**UCPR** means the *Uniform Civil Procedure Rules 2005*

#### Purpose and application

3. This Practice Note, consistent with sections 56 and 57 of the CPA and rule 2.1 of the UCPR, has as its primary objective the prompt disposition of proceedings in the Common Law Division.
4. To achieve this objective, and conform with national benchmarks, these JCM procedures will apply to all new proceedings in the Common Law Division, General Civil List.

5. These procedures do not apply to matters in the following excepted lists:
  - (a) the professional negligence list;
  - (b) the possession list;
  - (c) the administrative law list;
  - (d) the institutional abuse list;
  - (e) the defamation list; and
  - (f) the representative action list.
6. Matters in the above excepted lists will continue to be case managed by the Judge allocated to manage those lists in accordance with any other relevant Practice Notes.

## **Background**

7. The Court is committed to ensuring the timely disposition of all matters within the General Civil List of the Common Law Division. It aims to reduce the time during which matters are case managed following their commencement.
8. This Practice Note seeks to ensure that matters are listed for directions and judicial case management at fixed points in the lifecycle of a matter and that a hearing date is promptly allocated to them at the first JCM hearing. The allocation of a hearing date on a known listing aims to encourage certainty and promptitude in the preparation and hearing of matters.
9. The Court recognises that some matters will be unable to be listed for hearing in accordance with this Practice Note, owing to a variety of factors. However, it expects that those cases will be limited.

## **Existing matters**

10. Existing matters within the General Civil List will be managed by the Registrar in accordance with paragraphs 12-14 and 20-29 of this Practice Note.
11. The Registrar will actively manage each matter with a view to referring the matter for JCM at the first available opportunity, but in any event within three months of the next directions hearing.

## **Short matters**

12. Unless the Court otherwise orders, matters that, in the Court's assessment, have an estimated hearing length of less than five days will continue to be case managed by the Registrar.

13. Where the Court determines that the hearing length of a matter is less than five days, the first JCM review date, and all subsequent case management hearings, will be conducted by the Registrar who will, subject to all necessary and appropriate adaptations, apply the JCM hearing procedure.
14. Ordinarily, matters managed by the Registrar in accordance with paragraph 12 of this Practice Note that are not ready to be allocated a hearing date at one year from the commencement date will be referred for JCM.

### **Default matters**

15. Proceedings that may be dealt with by entry of a default judgment are not allocated a directions date on filing. Instead, the matter will proceed administratively until:
  - (a) default judgment is entered, or
  - (b) the matter is discontinued, or
  - (c) consent orders are made, or
  - (d) a defence is filed, or
  - (e) notice of appearance is filed, or
  - (f) the proceedings are dismissed under r 12.8 of the UCPR.
16. Where a defence or a notice of appearance is filed, the matter will be listed for directions before the Registrar.
17. Proceedings subject to dismissal under r 12.8 of the UCPR will be notified of the Court's intention to dismiss the matter. Should a party object to the dismissal, the matter will be listed for a Show Cause hearing before the Registrar on the last Friday of each sitting month.

### **Claims in contract and debt**

18. Each defendant is to file and serve on the plaintiff, within 28 days of service of the plaintiff's evidentiary statement, a statement of issues in dispute. The statement of issues in dispute is to set out, concisely, those facts which the defendant intends to establish in respect of each issue in dispute, including the evidence that is to be led.
19. A plaintiff is to file and serve on each party, within 14 days of service of the statement of issues in dispute, a statement identifying which of those issues and facts set out by the defendant are agreed or not.

### **Listings: directions date and first JCM review date**

20. Any matter commenced by way of summons will be listed for directions before the Registrar on the next available date.

21. Matters commenced by statement of claim will be given two dates upon allocation to the General Civil List.
22. The first date is the directions date. On that date, the directions hearing will be conducted by the Registrar. The matter will be case managed by the Registrar in accordance with this Practice Note and/or any other relevant Practice Notes. By this date, the Court expects the statement of claim to have been served and any defence to have been filed and served.
23. The second date is the first JCM review date. The first JCM review date, and any subsequent JCM hearing, will be before a Judge of the Court appointed to manage the General Civil List.

### **The first directions date**

24. The Registrar sits each weekday at 9:00am to hear the Directions List. Urgent referrals to the Duty judge will be considered first, followed by consent orders and then the balance of the list will be called through.
25. Not later than five working days prior to the first directions date, the parties must, copying in all parties, provide via email to the Registrar at [sc.commonlawregistrar@justice.nsw.gov.au](mailto:sc.commonlawregistrar@justice.nsw.gov.au), any proposed case management orders which are agreed to by all parties (clearly marked as such and signed), together with the case details, next listing date, and a brief explanatory note (limited to no more than one page) about the orders. Where parties disagree, the parties' proposed orders must still be provided by this date. All proposed orders *must* be provided to the Registrar as a Word document.
26. Unless self-representing, each party must appear and be represented by a practitioner who is familiar with the proceedings (including the issues in dispute) and who can fully assist the Court with the making of all necessary case management orders.
27. At the directions hearing (and any subsequent directions hearing, to the extent necessary), orders or directions will be made with a view to the just, quick and cheap disposal of the proceedings. The orders or directions may relate to:
  - (a) considering whether the proceedings would more appropriately be heard in the District Court and if so making a consent order accordingly;
  - (b) dealing with any issue arising out of the selected venue;
  - (c) pleadings, including orders to ensure that any amendments to existing pleadings are promptly made;
  - (d) evidence including the service of evidentiary statements, expert evidence and whether a single expert should be appointed;
  - (e) requiring the prompt completion of interlocutory steps such as discovery, interrogatories and views;

- (f) considering whether any form of alternative dispute resolution should be ordered;
  - (g) requiring that a party, or all parties, serve and/or file a schedule of damages and/or a statement of issues in dispute;
  - (h) in personal injury actions where the plaintiff suffered injury in the course of their employment and the employer is not a party to the proceedings, determining whether, in view of any defence filed by a defendant (or otherwise), the plaintiff intends to join the employer to proceedings;
  - (i) determining whether the matter should be referred for immediate judicial case management; and
  - (j) ensuring the prompt and efficient preparation of the matter by all parties prior to the allocated JCM review date.
28. In matters that are case managed by the Registrar, unless the Court otherwise orders:
- (a) any application for interlocutory relief must be accompanied by all evidence in support, together with an outline of submissions limited to no more than five pages;
  - (b) the first return date for that notice of motion will be for directions only and orders will be made for any respondent/s to the application to file and serve evidence and an outline of submissions limited to no more than five pages;
  - (c) no application for interlocutory relief will be fixed for hearing until each party to the application has served all evidence and an outline of submissions; and
  - (d) the content and form of the submissions must comply with the requirements of r 51.36(1), with the exception of r 51.36(1)(b), of the UCPR.
29. Any application for interlocutory relief will be fixed for hearing on a date to ensure the prompt disposition of the application consistent with the overall objectives of this Practice Note and the progress of the matter towards JCM and the first JCM review date.

### **JCM hearing procedure**

30. All proceedings subject to these JCM procedures will be case managed by the Judge appointed to manage the General Civil List with the aim of promptly resolving the real issues in dispute between the parties. The list is administered in Court on a designated Friday each month, and at such further times as required. The list will typically commence at 9:00am, however, this commencement time may change. Practitioners should always check the daily court lists prior to attendance at Court.
31. Unless self-representing, each party must appear and be represented by a practitioner who is familiar with the proceedings (including the issues in dispute) and who can fully assist the Court with the making of all necessary case management orders.

### *Material that must be provided to the Court*

32. Not later than five working days prior to the first JCM review date, the parties must serve and, copying in all parties, provide via email to the Chambers of the Judge appointed to manage the General Civil List:
- (a) a copy of the current version of the pleading upon which they rely (including any cross-claims) and a one-page summary of the nature of the proceedings, the relief sought, and any defence raised; and
  - (b) any proposed consent orders which are agreed to by all parties (clearly marked as such), together with any other relevant material. Where parties disagree, the parties' proposed orders must still be provided by this date. All proposed orders *must* be provided to Chambers as a Word document.

### *Expectations of the Court*

33. The Court expects that parties will engage in meaningful discussions to narrow any issues in dispute – including about any proposed orders – prior to the JCM review date and any subsequent JCM hearing. It is also expected that parties and their lawyers will co-operate with the Court and amongst themselves to promptly identify the real issues in dispute and resolve, where possible, those issues efficiently throughout the case management process.
34. Each party must be ready to accept a hearing date at the first JCM review date and is expected to have obtained all relevant availabilities and to assist the Court with an estimated hearing length.
35. The Court also expects that practitioners:
- (a) will carefully review the case as early as practicable for the purpose of informing the Court of its suitability for mediation and other forms of alternative dispute resolution under Part 20 of the UCPR;
  - (b) genuinely attempt to reach agreement about any slippage in a timetable without the need for intervention of the Court; and
  - (c) only seek Court intervention in relation to timetabling when, for good reason, agreement has proven to be impossible.

### *Usual orders*

36. On the first JCM review date and any subsequent JCM hearing, orders or directions will be made with a view to the just, quick and cheap disposal of the proceedings. The orders or directions may relate to:
- (a) the filing of amended pleadings, including particulars under rule 15.12 of the UCPR;
  - (b) the filing of cross-claims;

- (c) the identification of any outstanding interlocutory issues;
  - (d) the service and/or filing of affidavits or statements of evidence by a specified date or dates (to the extent such evidence has not already been filed pursuant to orders of the registrar at the directions hearing);
  - (e) the service and/or filing of expert evidence by a specified date or dates;
  - (f) the provision of copies of documents;
  - (g) the filing of a statement of agreed issues;
  - (h) the filing of lists of documents, either generally or with respect to specific matters;
  - (i) the making of admissions, pursuant to a notice to admit facts or otherwise;
  - (j) the preparation of a Scott Schedule and/or a schedule of damages;
  - (k) the holding of conferences of experts, including with a view to providing joint reports and/or agendas for use whilst concurrently giving evidence at trial; and
  - (l) the preparation of a provisional trial plan.
37. Ordinarily, the Court will make orders about particular matters (including those listed above) in a standard form. The Court *requires* the use of the standard form or, where necessary and appropriate, an adaptation thereof. The *Standard Form Case Management Orders* are contained in Annexure A.
38. At any second (or subsequent) JCM hearing, the parties must confirm that they have complied with all orders made at any previous JCM hearing. If they have not, they must propose orders to remedy all non-compliance and confirm by their proposed orders that the making of them will have that effect. Either way, the Court expects that the orders submitted by the parties will contain the appropriate readiness notation contained in Annexure A.

### *Evidence*

39. With the exception of evidence in support of interlocutory applications, timetables for case preparation should include provision for the service of evidence on the other parties but *not* filing it with the Court. Evidence to be relied upon at trial will only be filed with the Court at the time provided for in the Usual Order for Hearing in Annexure B, or as otherwise ordered.
40. Evidence to be relied upon in support of interlocutory applications is to be served on the other parties and filed with the Court.
41. Unless the Court otherwise orders, the Court Book is to be in hard copy and electronic form and compliant with the form of Court Book prescribed by Annexure B.

### *Re-listing of matters and applications*

42. Unless the Court otherwise orders, any application in a matter that is subject to JCM should be made to the Judge appointed to manage the General Civil List by filing a notice of motion and affidavit/s in support. Any such notice of motion should be returnable, for directions only, in the next JCM list following the filing of the motion.
43. A copy of any notice of motion and all affidavit/s in support, together with an outline of submissions limited to no more than five pages must be served and provided to the Chambers of Judge appointed to manage the General Civil List on the day it is filed with the Court. The content and form of the submissions must comply with the requirements of r 51.36(1), with the exception of r 51.36(1)(b), of the UCPR.
44. Urgent applications and applications to exercise liberty to apply may be made at any time by arrangement with the Judge appointed to manage the General Civil List.

**The Hon. A S Bell AC**

Chief Justice of New South Wales

10 September 2026

#### **Related Information:**

Practice Note SC CL 5 Supreme Court Common Law Division – General Case Management List

Practice Note SC CL 6 Supreme Court Common Law Division – Possession List

Practice Note SC Gen 1 Supreme Court – Application of Practice Notes

Practice Note SC Gen 6 Supreme Court – Mediation

*Supreme Court Rules 1970*

*Civil Procedure Act 2005*

*Uniform Civil Procedure Rules 2005*

#### **Amendment History:**

10 September 2026: This Practice Note replaces former Practice Note SC CL 1 which was issued on 18 May 2020.

18 May 2020: This Practice Note replaces former Practice Note SC CL 1 which was issued on 8 May 2018.

8 May 2018: This Practice Note replaces former Practice Note SC CL 1 which was issued on 17 August 2005.

17 August 2005: Practice Note SC CL 1 was issued and commenced on 17 August 2005.

## **ANNEXURE A**

### **STANDARD FORM CASE MANAGEMENT ORDERS**

#### **Listing orders**

1. List the matter for hearing commencing [date] for [length of hearing].

#### **The Usual Order for Hearing**

2. The Usual Order for Hearing in Annexure B to Practice Note SC CL 1 is made.

#### **Mediation and court annexed mediation**

3. Order that the parties engage in a mediation by [date], with such mediation to be conducted in accordance with Part 4 of *the Civil Procedure Act 2005* (NSW) and rules 20.1-20.7 of the *Uniform Civil Procedure Rules 2005* (NSW).
4. Order the parties fix the date and time of such mediation and the appointment of the mediator by [date], 4pm.
5. Direct that by [date], 5pm, the parties approach the Listing Clerk of the Supreme Court via [sc.listings@justice.nsw.gov.au](mailto:sc.listings@justice.nsw.gov.au) to secure a court-annexed mediation, with such mediation to occur before [date]. Parties are to have an agreed range of dates available when approaching the Listing Clerk.

#### **Schedule of damages**

6. Order the plaintiff serve a schedule of loss and damage, in Scott Schedule and Word document form, at least 20 working days prior to the hearing containing a summary of, and the amounts claimed for each, head of damage.
7. Order the defendant/s respond to that schedule (and, in that schedule), at least 10 working days prior to the hearing, noting agreement or disagreement on the heads of damage or the amount claimed. Where there is disagreement, the defendant/s must indicate the basis of the disagreement and state what amount, if any, it considers appropriate and why.
8. Order the plaintiff to file and serve the final schedule of loss and damage at least 7 working days prior to the hearing.

## Conclaves

9. Order that the parties agree upon composition of conclaves as well as organise dates for those conclaves to occur, by **[date]**, 5pm.
10. Order that letters of instruction (including material to be provided) to those expert conclaves, be exchanged by **[date]**, 5pm, and agreed upon by **[date]**, 5pm.
11. Order that experts are to confer and engage in conclaves by **[date]**, 5pm, with joint reports to be provided within 72 hours of the conclave occurring.

## Readiness notation

12. Note that each party has confirmed that they have complied with all earlier JCM orders, has served all evidentiary statements and expert evidence upon which they rely and their readiness for the hearing; **OR**
13. Note that each party has, subject to these orders, confirmed that they have served all evidentiary statements and expert evidence upon which they rely and their readiness for the hearing.

## Evidence

14. Order the plaintiff to serve all evidentiary statements, expert liability and medical and quantum evidence by **[date]**, 5pm.
15. Order the defendant to serve all evidentiary statements, expert liability and medical and quantum evidence by **[date]**, 5pm.

## Notice of motion order

16. Order the plaintiff/defendant to file and serve any notice of motion with all evidence in support, by \_\_\_\_\_ 5pm. Any notice of motion filed pursuant to this order is listed for directions only on \_\_\_\_\_ before \_\_\_\_\_.
17. If a notice of motion is filed in accordance with the above order:
  - (1) order the plaintiff/defendant to serve all evidence by \_\_\_\_\_, 5pm.
  - (2) order the plaintiff/defendant to serve any evidence in reply together with an outline of submissions in support of the orders sought on the notice of motion, by \_\_\_\_\_, 5pm.
  - (3) order the plaintiff/defendant to serve an outline of submissions by \_\_\_\_\_, 5pm.

### **Annexure B – the usual order for hearing**

1. Unless the Court orders otherwise:
  - (1) expert evidence is to be given concurrently.
  - (2) experts in their respective areas of expertise to confer and engage in a conclave not more than 56 days before the hearing and are to provide to the parties a joint report on matters agreed or disagreed setting out the reasons for their disagreement within 48 hours of the conclave occurring.
2. The parties must discuss and as far as possible agree on any objections to evidence, including expert evidence. A joint schedule of disputed objections is to be filed no later than 7 working days before the hearing.
3. The parties are to file and serve a final joint memorandum of issues and facts which are agreed and those which are disputed together with a chronology signed by counsel no later than 10 working days before the hearing.
4. The parties are to file and serve written opening submissions, of no more than 15 pages, no later than 10 working days before the hearing. The content and form must comply with the requirements of r 51.36(1), with the exception of r 51.36(1)(b), of the UCPR.
5. Order that the parties discuss and where possible agree upon a trial plan at least 20 working days prior to the hearing. Where agreement cannot be reached, a competing trial plan should be prepared at least 10 working days to the hearing. Copies of the agreed trial plan, or the competing trial plans, must be filed and served no later than 7 working days before the hearing.
6. In personal injury matters, unless the Court orders otherwise, the parties must prepare a schedule of damages in accordance with the standard case management orders.
7. Order the plaintiff file and serve a Plaintiff's Court Book (clearly marked as such, and where the court book involves multiple volumes sequentially numbered), in hard copy and in electronic form by no later than 15 working days before the hearing, containing:
  - (1) the current version of all pleadings;
  - (2) the opening submissions of each party;
  - (3) the agreed trial plan or the competing trial plans;
  - (4) the final schedule of damages;
  - (5) the joint memoranda of issues and facts (Practice Note SC CL 1, Annexure B(3));

- (6) all evidentiary statements upon which they rely;
- (7) all joint reports;
- (8) all expert reports upon which they rely; and

The Plaintiff's Court Book must contain an index, be paginated and copied double sided. The electronic form of the Court Book must have identical content and pagination to the hard copy court book, be single PDF document that is bookmarked, indexed (with hyperlinks to each entry), fully text-searchable, and consecutively paginated, with each page numbered to correspond with the display numbers in the PDF.

8. Order the defendant/s to file and serve a Defendant/s Court Book (clearly marked as such, and where the court book involves multiple volumes sequentially numbered), in hard copy and in electronic no later than 10 working days before the hearing, containing:

- (1) all evidentiary statements upon which they rely;
- (2) all expert reports upon which they rely; and

The Defendant/s Court Book (whose purpose is to supplement, not duplicate, the Plaintiff's Court Book) must contain an index, be paginated and copied double sided. The electronic form of the Court Book must have identical content and pagination to the hard copy court book, be single PDF document that is bookmarked, indexed (with hyperlinks to each entry), fully text-searchable, and consecutively paginated, with each page numbered to correspond with the display numbers in the PDF.

9. Where evidence has been ordered to be provided by audio visual link, by 4pm at least one clear working day before a witness is to give evidence by audio visual link, the party calling that witness is to send an email to the Associate to the judge appointed to hear the matter confirming that:

- (1) the witness has an electronic or hard copy court book; and
- (2) the witness can readily access and navigate documents within the court book; and
- (3) the internet connection and AVL link for the witness has been tested and works; and
- (4) if relevant, setting out what arrangements have been made to enable documents not in the court book to be shown to a witness during cross-examination.