



The Green Book Announcement from the Chief Justice

Over the past three years, the Commercial Court has become a focal point for innovation in commercial dispute resolution and litigation in the Supreme Court of Victoria. In establishing the Commercial Court, the Supreme Court greatly expanded the resources dedicated to commercial cases. The fundamental feature of the Commercial Court, the management of each case by a specialist judge from initiation to finalisation, has been embraced by litigants and practitioners. Other innovations such as the Commercial Court website, the annual Commercial Court Conference, and the practically oriented Commercial Court Seminar series, have also been important in highlighting issues and challenges to be addressed and in stimulating the exchange of ideas between the judiciary and the profession.

The Commercial Court's ongoing objective is to use flexible procedures to achieve the just and efficient disposition of commercial disputes. In practice this requires judges and practitioners to determine how each matter will be resolved fairly with minimal cost and delay. Of course, each case presents a unique set of issues and circumstances that must be considered and managed at the interlocutory and trial stages. How can alternative dispute resolution procedures best be used? Will procedures such as 'case management conferences' help narrow the issues? How can discovery occur efficiently? How can evidence be most efficiently and effectively adduced at trial? These are just a few of the questions, among many others, that must be addressed in each case to achieve the 'Commercial Court objective'.

The '[Green Book](#)' is the key practice document that guides judges and practitioners in determining these crucial questions. It sets out the purpose of the Commercial Court, the case management issues to be considered, and the practices and procedures that will be deployed to meet the Court's objective.

The Green Book is a product of the ongoing experience of the judiciary and the profession and is not a static document. In 2012, following a thorough review conducted in the latter part of 2011, various amendments will take effect. These amendments, discussed and debated at Commercial Court Users Group meetings, are a direct product of the cumulative experience of practitioners and the specialist Commercial Court judges. The changes reflect a consensus on what works in practice, and at the same time, scope for flexibility, innovation, and initiative is retained.

It is vital that practitioners who are involved in Commercial Court proceedings remain engaged with the Green Book. The specific amendments that have resulted from the recent review are outlined in the attached newsletter. The amendments will be further elucidated and discussed by the Judge in Charge of the Commercial Court, Justice Pagone, at a Commercial Court Seminar on 22 February 2012 (further details are available on the Commercial Court website). This is a free event and I encourage you to attend.

In 2012, with the addition of a fifth commercial list and the implementation of amendments to the Green Book, the Commercial Court will continue to evolve and expand and I look forward to another productive year.

The Green Book can be downloaded from this [link](#).