

MANAGEMENT OF UNASSIGNED TRIALS

Summary: This Circular outlines the manner in which the Court deals with trials that remain unassigned at the trial starting date.

1. Background

The District Court operates an extensive trial list. Each year, around 800 civil and criminal trials are listed in Perth of which approximately 500 proceed.

The vast majority of the Court's most expensive resource, judicial time, is consumed in conducting trials.

The challenge in listing trials is to achieve the optimum balance in ensuring sufficient trials are listed to maximise the use of judicial time while not overlisting to the extent that listed trials are not reached. Unreached trials result in additional costs and delay and cause great disappointment to the parties involved as they have waited a long time for their trial date. Further, from the Court's perspective, unreached trials represent a lost opportunity to finalise a matter.

Despite its best endeavours, there are however occasions where the Court is faced with the situation that the number of trials proceeding exceeds the number of judges available.

2. Objective

The object of this procedure is to ensure, as far as possible, unassigned trials are allocated to a judge and to minimise the number of trials that are marked as unreached.

3. Scope

This procedure applies to all criminal trials listed in the Perth metropolitan area. Trials listed at regional circuit sittings are subject to the flexi-list procedure developed to meet the specific needs of circuit cases.

4. Procedure

In order to assist in the management of judicial rostering, the Court adopts listing blocks of one-week duration and these blocks ordinarily commence on a Monday. Consequently, most trials are scheduled to commence on Mondays and these procedures are prepared with that in mind. However, the procedure applies, with appropriate adjustment, to all trials that are potential unreached trials.

1. Each Thursday, the Court Listing Coordinator prepares for the Chief Judge a schedule of trials listed in the following week together with recommendations, and reasons, as to the priority in which those matters are to be allocated a trial judge.
2. Following receipt of the Listing Coordinator's recommendations, the Chief Judge at her discretion is to assign judges to trials. Note that due to movement in the trial list, this process may continue until Friday afternoon, or later.
3. In the event there are trials proceeding for which no judge is available, the Court Listing Coordinator is to advise the respective parties their trial is unassigned.
4. Due to constant movement in the trial list, it is the Court's expectation that unassigned trials will be reached at the scheduled start time or very soon thereafter. Therefore, parties and other participants to unassigned trials must attend the court and be ready to commence the trial at the scheduled start time, usually 10am.
5. Counsel are to contact the Court Listing Coordinator prior to 9.30am on the first scheduled trial day in order to ascertain if the trial has been assigned and if it has, in which courtroom it will be held.
6. In the event the trial remains unassigned, the case will be listed for mention in the General Duties Court at not before 11.30am. In this event,
 - It is not necessary for the accused to report to the Detention Facility until defence counsel is notified to do so; and
 - Counsel are to provide the Court Listing Coordinator with contact numbers and remain on standby.
7. In the event a judge becomes available before 11.30am to take an unassigned trial, the Chief Judge will assign the next priority unassigned trial to that judge, and so on until all unassigned trials are catered for. The Listing Coordinator will contact counsel and advise the trial start time and venue.
8. Where trials remain unassigned at the 11.30am mention, the Court will adjourn the matter for further mention at 2.15pm that day and make any orders deemed appropriate.
9. In the event trials remain unassigned at the 2.15pm mention, in addition to any other orders the Court may make, the Court may adjourn the matter for further mention at 10am the following day in the General Duties List.
10. If the matter cannot be reached a new listing will be given.

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