

**Appearing for the Plaintiff (2nd edition), by J. L. Williams**

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Reviewed By Ted Hill<sup>[\*]</sup>

This short manual is part of the Procedure Series published by Butterworths, Wellington.

As the title suggests, this book focuses on only one half of the field of civil litigation. Insofar as this is a 'how to' book, those appearing for defendants should go elsewhere for guidance.

This book closely follows the progress of two hypothetical claims in the District Court of New Zealand; one a collection and one a small personal injury claim. This entails a liquidated claim and a claim which involves the assessment of damages. It follows both actions into the alternative outcomes of formal proof (proof where a claim is undefended), settlement and trial. This structure allows a practitioner to easily eliminate reading that does not apply to the case at hand. Only the first 17 pages of the book are exclusively text. The remainder is devoted to forms, completed in accordance with the progress of each hypothetical case. Given the subject, these examples are naturally better suited as instructional materials than text in any event.

This book contains fundamental procedural instructions, motivational tips as well as an organizational and tactical perspective. In places, as the following quote indicates, it tends to state the obvious, even to a novice; "For counsel to be effective, they must be organized. There is great scope for confusion in court." Other advice is more trenchant; for instance, that which deals with the use of a proof checklist before and during trial to ensure that no element or ingredient of a cause of action is not covered by evidence. The book is too brief (139 pages) and too one sided to be a primary text in a civil litigation course. However, it would be an ideal supplementary text, particularly in a professional training course. It would also be a useful book for practitioners in smaller firms who find themselves with an occasional claim in Magistrates Court. Those with a steady diet of Magistrate Court claims are probably too familiar with procedures to benefit from the procedural instructions but may benefit from organizational tips such as "maintaining momentum" and "time-tabling". In these respects, the book is not unlike a continuing legal education refresher course on the subject.

For those outside New Zealand, the procedural aspects of the book would mainly be of interest for comparative purposes and only to bored academics. Australia and other larger countries have similar publications written for another specific set of rules and practice. For some in the Pacific Islands where no procedural journals exist this book could serve as a rough guide to civil procedure in their own jurisdictions.

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