

---

# Book Review

---

## ETHICAL RESOLUTION OF CIVIL DISPUTES: SOUTH AUSTRALIAN THEORY AND PRACTICE

Reviewed by Roderick Joyce QSO KC

*Ethical Resolution of Civil Disputes: South Australian Theory and Practice* (2<sup>nd</sup> ed), by Margaret Castles, Anne Hewitt and Stacey Henderson, Lawbook Co, 2023: ISBN: 9780455247274.

This reviewer taught Civil Procedure in a leading law school for over 20 years, was a member of a national in its jurisdiction court rules committee for over 10 years and, as a judge, discharged national civil case management responsibilities at District Court level for almost the entirety of his twenty and more years on the bench.

He dearly wishes that he had then been blessed with a practical, well organised and laid out, very readable book such as that now reviewed.

It is self-described as a text that “engages in a practical and critical analysis of the way courts operate, and focuses on fairness, the exercise of discretion, and the ethical use of court process to achieve effective and affordable outcomes for clients”.

To speak of affordability of civil litigation, many would say, is to descend into the cavern of oxymoron, but this book and its content make a solid effort to enable those who conscientiously read it and set out to apply what it teaches in real world practice, to ameliorate to a marked degree the perils of cost, delay and risk of injustice.

The authors explore a wide range of avenues in pursuit of a well-conceived and developed endeavour to provide an in depth yet versatile navigational instrument for those embarking on the at times heavy seas of litigation and ADR alternatives.

Throughout, as the book’s title foreshadows, there is a focus on fair play.

There have been countless endeavours to simplify litigation. I know of none that has been tremendously successful. May be the development of artificial intelligence will, over time, lead us to better ways of achieving dispute resolution – at least offer relief that is significant from the drudgery of fact collection and analysis that is still a significant, and costly in time and thus money, obstacle. Likewise when it comes to making such as good and faithful use of relevant case law.

In the meantime the authors here have produced a work that stands out from others in the degree to which it focuses on offering ways in which disputes can be reduced to their essentials and so ease the way to earlier and better informed resolutions.

Much and clever use is made of illustrative factual scenarios, step by step process advancement to logical goals, excellent diagrams, and plain English explanations.

A wide range of topics is covered – far more than space permits mention of here: that range includes ways and means of achieving dispute resolution without litigation, starting and advancing proceedings, sound pleadings advice and aid, road maps for discovery, getting the facts, privilege, interlocutory applications, trial preparation, comparison of jurisdictions, and ethical issues – to name but a few.

It really is a case of “you name it, the book has it”.

Highly commended as a very worthwhile addition to the bookshelf of law students and practitioners.

Roderick Joyce, QSO, KC



