

# JOURNAL OF CIVIL LITIGATION AND PRACTICE

Volume 6, Number 2

August 2017

## EDITORIAL

<b>New Zealand Lawyer-Litigants to be Treated Regarding Costs Just Like Other Unrepresented Litigants</b> .....	55
<b>Miiko Kumar: General Editor</b> .....	56

## ARTICLE

### **The Alluring Promises of Technology-assisted Review – *Elijah Pear***

Pre-trial discovery and disclosure are not what they used to be. Electronically sorted information is expected to grow exponentially, and the costs of manually reviewing these documents will only increase. Technology-assisted review (TAR) holds unquestionable potential as a means of coping with unmanageable data sets. Proponents contend that it will replace the unreliability and inefficiency of manually reviewing electronically stored information. While the promise of TAR is alluring, many questions remain for New Zealand corporations and law firms: Who is responsible for understanding this technology? When will a court approve it? What is required for its implementation? Why has it not been universally accepted in New Zealand? This article explores the “who”, “when”, “what” and “why” of TAR. It argues that legal practitioners responsible for civil discovery must stay ahead and remain technologically competent. The courts can be expected to take a more informed and proactive approach in granting the implementation of this technology. Litigants are encouraged to adopt a more co-operative framework around discovery and disclosure. As technology evolves, they must understand nuances and make informed decisions on its implementation. These considerations reflect the wider theme of reasonableness and proportionality. Change is not immediate. The solution to acceptance of this technology is a generational one, and it will radically transform the nature of how legal services are provided. ....

.....	57
-------	----

## CASE NOTES

<b>Mandatory Interlocutory Injunctions: <i>Sino Iron Pty Ltd v Mineralogy Pty Ltd</i> – <i>James O’Hara</i></b> .....	79
<b>Advocate’s Immunity after <i>Attwells and Kendirjian</i> – <i>Matthew Barry</i></b> .....	84

