



CASE
MANAGEMENT
CONFERENCE

COMMERCIAL COURT'S BACKGROUND

- Established on 3rd October 2015
- Jurisdiction falls within the Intermediate Court
- Aims to deal with commercial cases efficiently by giving priority when hearing dates are required
- Mediation is highly encouraged
- Introduction of Case Management Conference



Case Management Conference

What is a CMC?





Case Management Conference

- It is a discussion on how to handle the case and disputes or settle the matter.
- The court will usually exercise its broad case management powers to direct how the case should be conducted going forward, including making the first order for directions and setting a timetable for necessary steps up to trial.
- Attended by the Judge/Registrar, the lawyers and or the parties (Plaintiff & Defendant).
- It can occur at different stages of the proceeding – including before or after the summons for directions stage.
- Generally CMCs are fixed 6 weeks after the pleadings have closed.
- A CMC is distinguished from a PTC in that apart from narrowing down issues and working towards settlement the CMC will also monitor the progress of the case and key events leading up to trial.

Case Study

- Plaintiff Babu Lawa Sdn Bhd has filed an action against the defendant Supreme Beauty Limited for import of goods that they claimed to be unsatisfactory.
- The value of the claim is \$275,350.00.
- The writ and statement of claim was filed on 2nd January 2018.
- The defence was filed on 6th February 2018.
- Pleading closed on 6th March 2018.
- CMC was fixed on 1st May 2018.

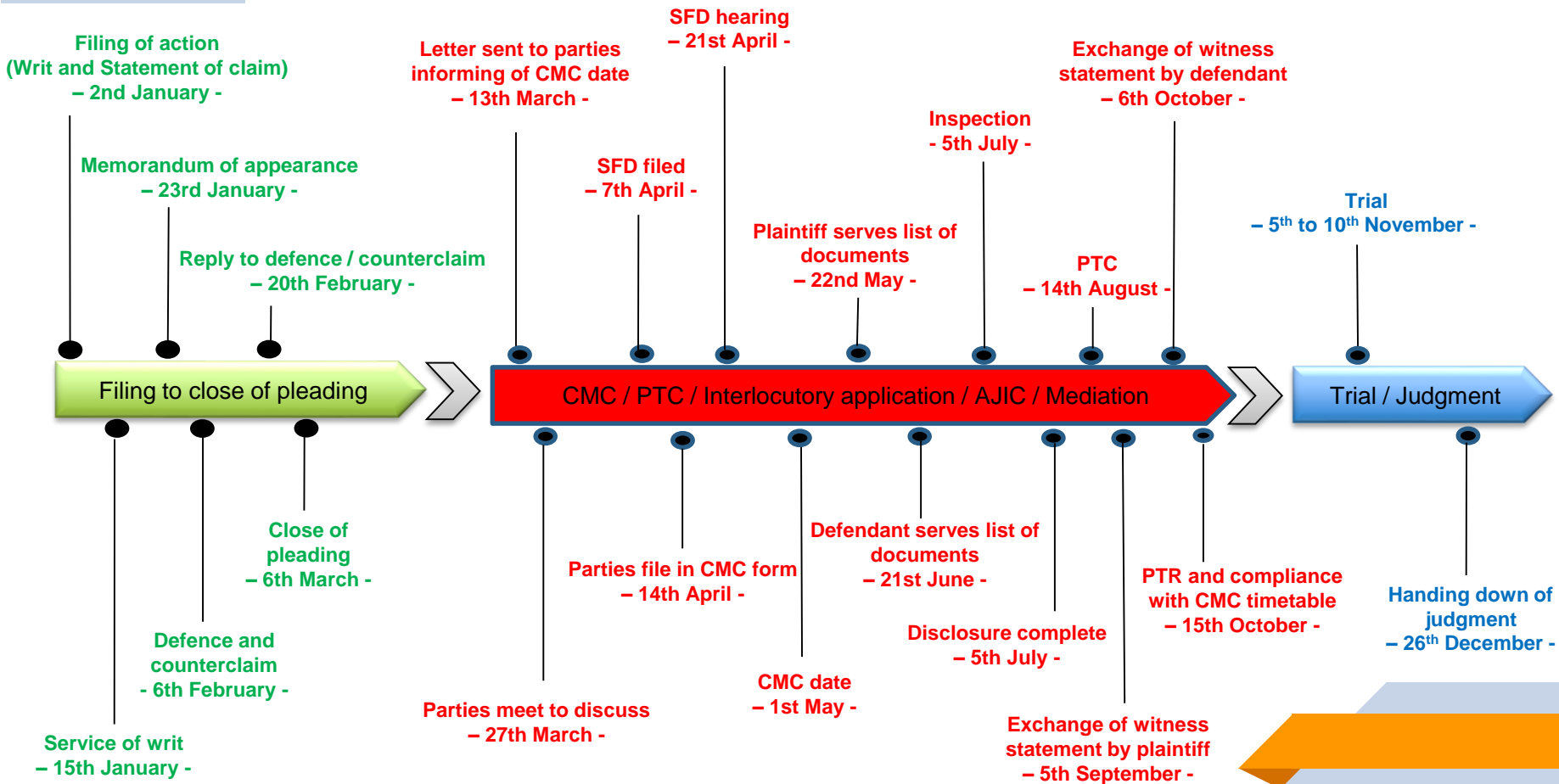
Initial CMC between parties

- The following video attempts to demonstrate the initial meeting between Plaintiff and Defendant in order to complete the CMC form together before submitting a single CMC form to court via JCMS.
- Parties ought to offer full disclosure and work towards agreeing to:
 - Narrowing factual or legal disputes
 - Agreeing on timelines
 - Discussing matters to assist in managing the case more efficiently and effectively

CMC hearing in Court

- The CMC is heard before a registrar unless the matter is highly complex or technical then the CMC will be heard before the trial judge.
- The Judge or Registrar will go through the CMC form with parties
- Particular attention will be given to stipulated timelines either under the Supreme Court Rules or directions given by the Court.
- At the conclusion of the CMC parties will be made aware of how the 'timetable' that must adhere to.
- The following video demonstrates the CMC hearing.

Timetable



Points to note

- Generally there will be only one CMC hearing unless necessary, any further issue on directions will be dealt with through pre-trial conferences.
- Parties will be informed of the PTR date and trial dates at the conclusion of the CMC.
- Parties have to comply with the 'timetable' and should factor in any interlocutory applications and appeals that must be heard before the trial. Any failure to adhere to the 'timetable' may result in cost sanctions.
- Parties must adhere to practice and procedure found in the commercial court guideline (PD 1 of 2018).



Any questions?