

AIJA AWARD FOR EXCELLENCE IN JUDICIAL ADMINISTRATION 2004

Closing date for nominations

31 July 2004

This Award was instituted to mark the 25th Anniversary of the establishment of the AIJA and is designed to recognize outstanding achievement in the administration of justice within Australia. It is awarded biennially, the first award having been made in 2002.

Interested persons (including courts and other institutions) are invited to submit nominations for the 2004 Award. The closing date for nominations is 31 July 2004.

Further details are on the AIJA Website - www.aija.org.au/award.htm or phone the Secretariat: (03) 9600 1311.

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22nd AIJA ANNUAL CONFERENCE

17-19 September 2004

The Westin Sydney
1 Martin Place, Sydney

'Proportionality — cost-effective justice?'

What resources should the courts devote to resolving disputes? Should the level of resources bear some relationship to the value of the claim? Can that value be assessed solely in economic terms? Should there be greater control over the trial process to ensure that matters are dealt with efficiently? What effect do cost policies have? Do considerations of proportionality have a role to play in the courts' criminal jurisdiction?

Guest Speaker:

Professor Ian Scott, Professor of Law, University of Birmingham, United Kingdom, Senior Editor of the White Book Service and AIJA Life Member

Topics

- Proportionality
- Judicial Control over the trial Process
- Costs Policies
- Diversion Programs in the Criminal Courts - are they effective?
- Alternative Dispute Resolution — When is it more effective?
- Harmonisation of Court Rules
- Non-adversarial proceedings - Family Court of Australia's Children's Cases Pilot Project

Speakers

- Professor Hilary Astor, Law School, University of Sydney, New South Wales
- The Hon Justice Noel Anderson, President, Court of Appeal, Wellington, New Zealand
- His Hon Judge Peter Boshier, Chief Judge, Family Court of New Zealand
- Professor Sue Campbell, Law School, Monash University
- Dr Andrew Cannon, Deputy Chief Magistrate, South Australia
- Professor Arie Freiberg, Dean, Faculty of Law, Monash University, Victoria
- Mr Ian Gray, Chief Magistrate, Victoria
- The Hon Justice Kevin Lindgren, Federal Court of Australia
- Associate Professor Kathy Mack, Law School, Flinders University, South Australia
- The Hon Justice Stephen O'Ryan, Family Court of Australia

A conference program and registration brochure will be sent to all AIJA members shortly. Program updates and registration information will also be available on the AIJA website at www.aija.org.au

2nd AIJA Appellate Judges' Seminar

Over 30 judges from appeals courts in Australia and overseas recently attended the 2nd seminar organised by the AIJA for appellate judges from superior courts. The seminar which took place in Sydney on 29-30 April 2004 was hosted by the New South Wales Court of Appeal. In addition to judges from Australia and New Zealand, other countries represented included Malaysia, Brunei and Vanuatu.

Over two days, participants discussed a range of issues relating to their work, including case management at the appellate level, judgment writing, dealing with unrepresented parties, and the use of extrinsic evidence in appellate cases.

The seminar also featured a session on the interaction between appellate and intermediate courts. The Chief Judge of the New South Wales District Court, His Honour Judge R D Blanch AM, assisted with this session, which focussed on identifying matters of mutual concern and promoting better communication.

The AIJA plans to run a further Appellate Judges' Seminar in 2006. Details will be advised to members and posted on the AIJA website at www.aija.org.au

FORUM ON SELF-REPRESENTED LITIGANTS 17 September 2004, Sydney

The Australian Institute of Judicial Administration and the Federal Court of Australia are jointly hosting a forum on self represented litigants to take place in Sydney on 17 September 2004. The aim of the forum is to bring together courts and tribunals for the purpose of identifying initiatives taken by them in relation to self represented litigants. The forum will to promote an exchange of information on policy and strategies concerning self represented litigants at all stages of the litigation process (including the control of vexatious and serial litigation) and explore the prospect of common future action, policy and strategies with dealing with self represented litigants. It is intended that the forum will focus on the practical aspects of measures being implemented in the courts.

Due to the nature of the event and space constraints, this forum is being conducted on an invitation - only basis. We will be producing a report on the forum and, if it is successful, it may lead to further work in this area.

2004 Education Programmes & Events

- Child Witnesses - Best Practice for Courts, 30 July 2004 (Sydney)
- Forum on Self Represented Litigants, 17 September 2004 (Sydney)
- 22nd AIJA Annual Conference, 17-19 September 2004 (Sydney)

*For further information contact the AIJA Secretariat
Tel: (03) 9600 1311, Fax: (03) 9606 0366 or Email Kathy.Jarrett@law.monash.edu.au*

Second Biennial meeting of Commonwealth Judicial Educators St Lucia

30 November - 3 December 2003

The Commonwealth Judicial Education Institute (CJEI) was founded in 1988 to:

- provide support and linkage among existing Commonwealth judicial education bodies;
- encourage the sharing of information, human and fiscal resources inter-nationally and inter-regionally;
- maintain linkages with American judicial education bodies to share information and resources;
- encourage the establishment of new national and regional judicial education bodies in the Commonwealth;
- develop programmes and teaching tools for the use of all;
- deliver judicial education programmes at the invitation of the Chief Justice in partnership with national judicial education bodies;
- organize study tours of justice systems and judicial education processes;
- encourage interaction among judges and jurisdictions;
- provide sustainable infrastructure for judicial education.



L to R Mr Phillip Harvey, Professor Greg Reinhardt and The Hon Justice Jacob at the Reception

Headquartered at Dalhousie Law School in Halifax, Nova Scotia, Canada, its work is carried out throughout the world in co-operation with local and regional judges' and magistrates' associations and bodies. The Executive Director, Greg Reinhardt, represents the AIJA on the CJEI Advisory Board.

CJEI's 2nd biennial conference was hosted and organized with the assistance of the Judicial Education Institute of the Eastern Caribbean Supreme Court, in St Lucia.

Some 30 judicial educators attended the conference, including representatives from Australia, Bahamas, Barbados, Belize, Canada, Cayman Islands, United Kingdom, Ghana, India, South Africa, Trinidad &

Tobago, Uganda, Zambia, United States, Netherlands Antilles

The conference was structured around a keynote address, followed by small group concurrent workshops. The keynote sessions and speakers were:

- "Judicial Education to Support Judicial Reform" by Ms. Maria Dakolia, Chief Counsel in the World Bank's Legal and Judicial Reform Practice Group in the Legal Department, Washington, DC.
- "Judicial Education Needs from an African Perspective" by The Honourable Judge Johann Kriegler, Constitutional Court of South Africa.
- "Judicial Education Needs from an Asian Perspective" by The Honourable Mr. Justice K.G. Balakrishnan, Supreme Court of India, chaired by me.
- "Judicial Education Needs from a Caribbean Perspective" by The Honourable Chief Justice Anthony Smellie, Cayman Islands.

The concurrent workshop discussion topics included curriculum development, interactive learning, social context training, teaching tools and teaching plans, performance evaluation, judicial accountability, mediation and reform of rules and court administration. One particular point of interest was the general consensus that social context training should ideally not be dealt with as a discreet topic but rather built into appropriate sessions in any judicial education programme.

Delegates were entertained by the Governor General of St Lucia, Dame Pearlette Louisy and Justice Adrian Saunders, a Judge of the Eastern Caribbean Court. During the conference, there was a meeting chaired by Judge Flatters for those interested in the teaching of ADR.

The conference provided an excellent opportunity to meet with a wide range of judicial educators from different backgrounds and will provide a valuable source of information and ideas for the AIJA's work in this area.

AIJA COMMITTEES

The AIJA has 3 Standing Committees:

Communications and Membership Committee

Ms Megan Greenwood, Convenor

The Committee aims to promote the utility of the Institute to its existing members and potential members.

Education Committee

The Hon Justice John Byrne, Convenor

The Committee aims to develop proposals for educational activities to be undertaken by the AIJA and to make recommendations to Council for as to the AIJA's policy in relation to its educational activities.

Project & Research Committee

The Hon Justice Bob Nicholson AM, Convenor

The Project and Research Committee aims to develop proposals for advanced AIJA research into matters of judicial administration and supervise research projects conducted by the Institute.

Ad hoc and Project Advisory Committees

The AIJA has a number of Committees that work on special areas of interest to the AIJA. These include our Indigenous Cultural Awareness Committee convened by Judge Mary Ann Yeats and the Tribunals Committee, convened by Ms Anne Coghlan, Deputy President - General, Victorian Civil & Administration Tribunal.

Each AIJA Research Project also has a Project Advisory Committee to supervise and guide its work. Current Project Advisory Committees include:

Court Governance

The Hon Justice Robert Nicholson AO, Convenor

Jury Charges

The Hon Justice Geoff Eames, Convenor

Legal Theasurus

The Hon Justice Trevor Olsson AO, Convenor

AIJA ASSISTS WITH ADR PROGRAMS FOR PACIFIC JUDICIARY

The role of ADR in relation to courts is receiving increasing attention in countries in the Pacific region and the AIJA has been pleased to assist in two recent initiatives in this regard.

AIJA Executive Director, Professor Greg Reinhardt, together with past AIJA President, Justice Murray Kellam, presented and facilitated at a seminar held in Nadi, Fiji, between 19-21 April 2004 for the Chief Justices of the South Pacific. The seminar was convened by Judge Enoka Puni of the Pacific Judicial Education Programme and discussed general issues in relation to ADR and the courts as well as court-annexed mediation.

Following the NADI seminar, the AIJA has been requested to assist with a seminar on ADR for judicial officers and others involved in the judicial system of Samoa on 14-16 June 2004. Greg Reinhardt will speak and facilitate at that event, with Dr Greg Lyons of the Victorian Civil and Administrative Tribunal.



AIJA Executive Director, Professor Greg Reinhardt, with ADR seminar participants in Nadi

Criminal Court Statistics

Criminal Courts, Australia (4513.0)

On 25 February 2004, the ABS released *Criminal Courts, Australia 2002-03*. The publication provides a picture of the characteristics of defendants dealt with by Australia's higher Criminal Courts, including information on the offences and sentence types associated with those defendants. Magistrates' Criminal Courts data are also available on an experimental basis.

Of the 16,643 finalised Higher Criminal Court defendants in 2002-03, almost 90% were finalised by adjudication (proven guilty or acquitted).

Copies of all publications can be ordered by contacting the ABS National Information and Referral Service on 1300 135 070.

Conference examines Legal & Policy Implications of Courtroom Technology

It is sometimes suggested that the increasing use of technology in the courtroom is having an effect on the nature of trials. However, information about the consequences of the use of technology often derives largely from anecdote or personal experience.

Courtroom 21, the US experimental courtroom technology project, costed a conference earlier this year, designed to address some of the legal and policy issues around the use of technology in the courtroom, focussing particularly on the fundamental fairness of its use. Although concentrating on the United States, the conference also included perspectives from Australia, Britain, the European Union, Canada and Singapore.

The conference took place on 13-14 February 2003 at Courtroom 21, located at William and Mary Law School law school located at that university in Williamsburg, Virginia. Courtroom 21 is a joint project of the law school and the National Center for State Courts ('NCSC'). The conference was co-sponsored by the William & Mary Institute of Bill of Rights Law, the American Bar Association's Judicial Division, Federal Litigation, and Criminal Justice Divisions, assisted by the US Federal Judicial Center.

By way of introduction, the conference began with reports about the current state of use of technology in the courtroom from around the world. The Australian report was presented by AIJA Deputy Executive Director, Anne Wallace, and co-written with Dr Ros McDonald, Senior Lecturer and Moot Coordinator, Queensland University of Technology Law School.

The following conference sessions included papers on the following topics:

- ◆ *The Psychological Impact of Courtroom Technology*
- ◆ *The Potential Use of Courtroom Technology in Terrorism Trials*
- ◆ *The Impact of Courtroom Technology on People with Disabilities*
- ◆ *A High-Tech Trial Lawyer's Perspective*
- ◆ *Learning Through Screens: Effectiveness and Costs –The Impact of Rights and Technology on Public Access to Audio Visual Recordings of Court Proceedings: A Comparative Study of Common Law Jurisdictions*
- ◆ *Courtroom Technology and Alternative Dispute Resolution*
- ◆ *Law School Education in the 21st Century: Adding Technology Instruction to the Curriculum*

There were also two general discussion sessions focused around issues relating to the use of technology in the courtroom. These included whether high tech courtrooms:

- ◆ Improve the administration of justice?
- ◆ To what extent, if at all, do they disadvantage some parties, counsel or others?
- ◆ What are the collateral consequences of high technology litigation?
- ◆ Are technology augmented litigation and high technology courtrooms consistent with traditional humanistic goals?
- ◆ Where 'cybercourts' are the way of the future, or whether there the preferable view is that the physical courtroom should remain the centerpiece for the administration of justice, with technology used to extend the boundaries of the courtroom, but not to replace it?

Papers from the conference will be published in William & Mary Institute of Bill of Rights Journal later in the year. For further information see <http://web.wm.edu/law/ibr/borj.shtml>

COURTS FOR THE 21ST CENTURY: PUBLIC ACCESS, PRIVACY AND SECURITY

As courts move towards systems of electronic filing, concerns about electronic access to court documents have emerged. A recent Queensland Conference *Courts for the 21st Century: Public Access, Privacy and Security*, organised by the Queensland Supreme Court and Queensland University of Technology in Brisbane on 6 November, 2003, examined issues of public access and privacy in relation to electronic court records. It included presentations from the USA and Australia, focussing on the development of appropriate access policies.

Copies of the conference proceedings can be accessed on the QUT website at www.qut.edu.au/about/past.jsp#courts

Looking for an AIJA Publication, an AIJA conference, or research material on judicial administration?

Try our Website:
<http://www.aija.org.au>

A number of AIJA publications are now available free to download from the AIJA web site. They include:

- AIJA News
- Copies of conference papers
- Executive summaries of our research publications.

It is also possible to order publications on-line

... www.aija.org.au/publications.htm.

Details of our education programmes are also available on-line.

- Program & registration details for upcoming conferences and seminars
- Past conferences, seminars and workshops

... www.aija.org.au/programmes.htm

We are also building an on-line information service, to provide electronic access to research materials in judicial administration. Recent topics added include:

- Self represented Litigants
- Jury Management
- The Use of Technology in Civil Litigation - Court rules, practice directions etc.

... www.aija.org.au/infoserv.htm

3rd Annual Australasian Jury Research Conference

Friday 19 November 2004
Law School
University of Melbourne

*For further information contact: Dr David Tait,
University of Canberra
Email: David.Tait@canberra.edu.au*

AIJA MEMBERSHIP

AIJA Membership is open to judges, magistrates, members of tribunals, practitioners, graduates in law or jurisprudence, researchers in law reform and related agencies, court administrators, law librarians, and others with an interest in judicial administration.

In each edition of AIJA News we publish a list of our most recent members. This appears below. Members received free copies of the AIJA research publications, AIJA News, our Annual Report and advance notice of AIJA courses, conferences and seminars and discount registration rates.

If you are interested in becoming a member of the Institute, or would like further information, please contact the AIJA Secretariat (Tel: (03) 9600 1311 Fax: (03) 9606 0366.

NEW MEMBERS

Ms Julie Bail, Migration Review Tribunal, New South Wales
The Hon A N J Blain, Deputy President, Australian Industrial Relations Commission, Western Australia
Mr John Constanzo, Magistrate, Queensland
Her Hon Judge Crisford, District Court of Western Australia
Mr Nigel Dunlop, Barrister, NEW ZEALAND
His Hon Judge Eaton, District Court of Western Australia
Dr Christine Eastwood, Queensland University of Technology
Ms Claudia Elliott, President, Film & Literature Board of Review, New Zealand
Mr Mark Kearney, Sydney
Dr Margaret Kelly, Macquarie University
Mr Douglas Humphreys, Registrar, Administrative Appeals Tribunal, New South Wales
His Hon Judge R A Mazza, District Court of Western Australia
Ms Helen McEnery, Articled Clerk, Queensland
The Hon Justice P D McMurdo, Supreme Court of Queensland
Mr James Peters SC, Barrister, Melbourne
The Hon Justice C Staff, Deputy President, Industrial Relations Commission of NSW
The Hon Justice R L Simmonds, Supreme Court of Western Australia

MEMBERSHIP INVOICES

AIJA membership is based on the financial year. Members will receive invoices for 2004-2005 membership in July 2004. Prompt payment will ensure that you continue to receive copies of all out mail-outs.

*If you have any queries about your membership fees, call Heather Sevald at the AIJA Secretariat on (03) 9600 1311
Email: Heather.Sevald@law.monash.edu.au*