

Institute of Judicial Studies

ANNUAL REPORT

1 JULY 2007 – 30 JUNE 2008

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Foreword by the Chair

This report gives an account of the activities of the Institute of Judicial Studies for the reporting period 1 July 2007 to 30 June 2008 and indicates what the year ahead has in store.

On 1 July 2008 the Institute of Judicial Studies celebrated 10 years of delivering education programmes to judges. The Institute was an initiative of the judiciary established on 1 July 1998, at a time when many members of the public and the profession took the view that newly appointed judicial officers entered work on the bench fully equipped with the skills that they needed. The judiciary itself responsibly indicated that this was not the case and worked with the then Department for Courts to establish a permanent educational resource for judges that recognised that professional development was a significant element in judicial performance.

That resource has developed today into a thriving organisation delivering a core curriculum of programmes to keep judges up-to-date with changes in the law and the social context in which they work and to maintain the skills needed in this changing environment. Judicial officers have enthusiastically embraced these educational opportunities. The establishment of the Institute has enabled judicial practices to develop with input from judges from all courts and all benches. This inter-bench dialogue has been a significant ingredient in the success of the Institute.

The year under review has seen the consolidation of the orientation programmes available to new judges and an expansion of the core curriculum delivered to all judicial officers. Recently the Governing Board has turned its attention to the needs of longer serving judges, who may have a career of 20 years. It has recognised that the education needs that arise later in a career are different and unique. The development of programmes for that group of judges is one of the Board's priorities over the coming year. The other priorities are to provide judges with the tools to deal with the increasingly diverse society they serve and a Te Reo tuition strategy that will enable judges to develop language skills relevant to the courtroom and appropriate to the status of Te Reo Māori as an official language of New Zealand.

An ongoing challenge for the Board is to continue to meet the needs expressed by judges. Although the number of programmes continues to grow, applications for those programmes continue to outstrip the resources available to deliver them. Each year it becomes increasingly difficult to initiate new developments, and a focus for the Board is to explore ways to increase the education opportunities for judges.

I take this opportunity at the 10 year anniversary of the Institute to acknowledge the two Board Chairs who led the development of judicial education for most of those 10 years. They are The Hon Justice Tom Gault and the Hon Justice Judith Potter. Their contribution has led to the creation of a thriving organisation that is supported and appreciated by the entire judiciary. Significant also has

been the input of many judges, often behind the scenes, who have shouldered responsibility for the Institute's programmes and publications. I would also like to acknowledge the vital role of the Institute's Director, Richard Moss, and the staff members who have supported him over the years. The success of the Institute has also been the result of a cooperative effort supported by the Institute's staff and the Ministry of Justice, who have provided ongoing assistance in the administration of the Institute.

Justice Susan Glazebrook
Chair, Governing Board

Director's Report

Over the past year the Institute has continued the work to implement the core curriculum, which now involves around 30 programmes conducted on a rotating basis. The Diversity Committee has begun work to develop programmes which reflect the changing social context in which judges work. At the same time, the Curriculum Committee has been engaged in investigating programmes for longer serving judges and reviewing orientation programmes for new judges. Along with these developments, the work of the Institute has continued as usual with the programme of inter-bench seminars and specialist seminars for each bench.

During the year I have worked alongside many judges who have planned and presented seminars and developed materials for publication. They are noted in this report. They are the backbone of the Institute and I wish to record my thanks and appreciation to all who have made the year a success.

Retirements

We wish to thank and farewell a number of committee members who have retired from work with the Institute.

The following retired from committee work:

- Brendan Brown QC, IJS Governing Board;
- His Honour Judge J G Adams, Chair of the Family Court Education Committee; and
- Professor Paul Roth, Employment Court Education Committee.

The following retired as faculty members:

- The Hon Justice Harrison, Judicial Orientation Programme; and
- The Hon Justice Fogarty, Oral Judgments Workshop.

Other Organisations

I thank the New Zealand Law Society and Auckland District Law Society for their support of the Institute, and the following organisations within our region with which we have a close and collaborative relationship:

- Australasian Institute for Judicial Administration;
- Judicial College of Victoria;
- Judicial Commission of New South Wales; and
- National Judicial College of Australia.

Further afield, we are grateful for the co-operation of:

- Canadian Institute for the Administration of Justice (Canada);
- Commonwealth Judicial Education Institute (Canada); and
- National Judicial Institute (Canada).

Secretariat

This year has seen a number of changes in the Secretariat. Melanie Comber and Vivienne McKeivitt have joined our office and I thank them for their contribution to the work of the Institute and their generous support of the judiciary.

Tina Pope continues to lead the work on Bench Books, including working with bench book committees and final editing prior to publication. Tina's work continues to be of the highest standard.

Richard Moss
Director

Background

The Institute of Judicial Studies is the professional development arm of the New Zealand judiciary. Its purpose is to enhance the quality of justice by developing and co-ordinating education programmes and publications for judicial officers.

The Institute is established by a Memorandum of Understanding with the Ministry of Justice.

The Memorandum of Understanding requires the Institute to report on its activities annually to the Ministry of Justice. This report is presented in three sections:

1. Report on the activities of the Institute for the period 1 July 2007 to 30 June 2008;
2. Personnel; and
3. Plan of activities for the period 1 July 2008 to 31 December 2009.

Finances 2007/2008

The Ministry of Justice maintains the financial accounts of the Institute and expenditure is audited within the annual audit of the Ministry. The Institute's expenditure for operations, conduct of programmes and publications in 2007/2008 was \$1,047,868.

Institute of Judicial Studies

**Report on Activities
1 July 2007 – 30 June 2008**

Areas of Activity

The work of the Institute falls into six broad areas of activity:

1. Programmes for new judges;
2. Programmes focused on core judicial skills and knowledge, for judges from all benches;
3. Programmes focused on specialist skills and knowledge, for judges from individual benches;
4. Publications;
5. Assistance to other benches; and
6. Assistance with conference programmes.

Programmes for New Judges

These programmes provide training for new judges in their general and specialist jurisdictions. In the reporting period, the following programmes were conducted and evaluated:

Programme	Average result:		
	Relevance %	Increased Awareness %	Presentation %
Criminal Jury Trial Judges Orientation July 2007 Wellington	95	94	94
Orientation to Family Violence Court August 2007 Wellington	84	77	81
Judicial Orientation October 2007 Rotorua	94	88	96
Civil Orientation February 2008 Auckland	87	88	91
Summary Jurisdiction – List Management March 2008 Wellington	93	79	90
Judicial Orientation April 2008 Nelson	86	85	90
Youth Court Judges Orientation June 2008 Wellington	96	90	96

Core Skills and Knowledge

These programmes focus on judicial skills and knowledge central to the judicial function and are conducted for judges from all benches. In the reporting period, the following programmes were conducted and evaluated:

Average result:

Programme	Relevance %	Increased Awareness %	Presentation %
Judgment Writing August 2007 Wellington	90	94	90
Appellate Judgment Writing August 2007 Wellington	90	83	88
Ethics and Obligation in Judicial Decision Making September 2007 Auckland	90	93	94
Te Reo Intensive October 2007 Wellington	94	98	100
Marae Visit November 2007 Wellington	91	90	98
Communication & Courtroom Management March 2008 Auckland	96	Not evaluated	96
Oral Judgments May 2008 Wellington	93	91	95
Retirement Planning June 2008 Auckland	83	83	86

Specialist Skills and Knowledge

These programmes focus on developments in the law, jurisprudence and disciplines associated with the work of specialist benches. In the reporting period, the following programmes were conducted and evaluated:

Average result:

Programme	Relevance %	Increased Awareness %	Presentation %
High Court/District Court Seminar EVIDENCE ACT 2006 July 2007 Auckland, Hamilton, Wellington and Christchurch	97	93	89
High Court Seminar VOLUNTARY ADMINISTRATION/CRIMINAL PROCEDURE BILL November 2007 Auckland and Wellington	93	93	94
Māori Land Court Seminar UPDATE ON THE LAW November 2007 Wellington	97	89	89
District Court Seminar RISK ASSESSMENT AND RISK MANAGEMENT May & June 2008 Auckland, Hamilton, Wellington and Christchurch	88	84	87
Māori Land Court Seminar UPDATE ON THE LAW June 2008 Wellington	86	86	86
Māori Land Court Wananga TE REO MĀORI June 2008 Wellington	97	97	100

Publications

Up-to-date information for judicial officers is provided in bench books, which are published in paper and electronic formats.

During the reporting period the first edition of the Māori Land Court Bench Book was published.

The following bench books were updated:

- Criminal Jury Trials Bench Book;
- Family Court Bench Book; and
- Youth Court Bench Book.

Assistance to Other Benches

During the reporting period the Institute has assisted the work and programming for:

- Disputes Tribunal Education Committee;
- Environment Court Commissioners; and
- Chief Coroner.

Assistance with Conference Programmes

During the reporting period the Institute has assisted education committees in the development of the:

- Higher Courts Conference;
- District Court Triennial Conference; and
- Family Court Conference.

Institute of Judicial Studies

**Governance and Personnel
1 July 2007 – 30 June 2008**

Governing Board

The membership of the Governing Board of the Institute of Judicial Studies comprises:

1. The Chief Justice or nominee
2. The President of the Court of Appeal or nominee
3. The Chief High Court Judge or nominee
4. One Judge from the High Court
5. The Chief District Court Judge or nominee
6. Two Judges from the District Court and Specialist Jurisdictions
7. The Secretary for Justice, or nominee
8. One senior law practitioner
9. One academic
10. One member of the community
11. Co-opted members, if any

The members of the Governing Board, corresponding to the above designations, as at 30 June 2008 are:

1. The Right Honourable Dame Sian Elias, Chief Justice
2. The Honourable Justice Glazebrook, **Chair**
3. The Honourable Justice Randerson, Chief High Court Judge
4. The Honourable Justice Rodney Hansen
5. His Honour Judge R J Johnson, Chief District Court Judge
6. His Honour Judge J G Adams
Her Honour Judge S T A Milroy
7. Ms Liz Sinclair
8. Mr David Goddard QC
9. Professor Paul Rishworth
10. Professor Marilyn Waring
11. Her Honour Judge C M Shaw

Committees

Seven Education Committees manage the education programmes, one for each bench. A Diversity Education Committee advises on education related to diversity issues and a Curriculum Committee advises on the Institute's curriculum.

The members of the Education Committees as at 30 June 2008 are:

Higher Courts Education Committee

The Right Honourable Dame Sian Elias, Chief Justice
The Honourable Justice Glazebrook
The Honourable Justice Randerson, Chief High Court Judge
The Honourable Justice Rodney Hansen
The Honourable Justice Heath, **Chair**
The Honourable Justice Fogarty
Associate Judge Gendall
Professor Campbell McLachlan QC

Employment Court Education Committee

His Honour Judge G L Colgan, Chief Employment Court Judge, **Chair**
Her Honour Judge C M Shaw
Professor Gordon Anderson

District Court Education Committee

His Honour Judge R J Johnson, Chief District Court Judge
His Honour Judge A J Becroft, Principal Youth Court Judge
His Honour Judge P A Moran
His Honour Judge S J O'Driscoll, **Chair**
Her Honour Judge S E Thomas
Professor Warren Brookbanks

Family Court Education Committee

His Honour Judge P F Boshier, Principal Family Court Judge
His Honour Judge J G Adams
Her Honour Judge A E Somerville
Her Honour Judge M N E O'Dwyer, **Chair**
Associate Professor John Caldwell

Environment Court Education Committee

His Honour Judge R J Bollard, Principal Environment Judge, **Chair**
His Honour Judge J R Jackson
Commissioner R M Dunlop
Professor Ken Palmer

Youth Court Education Committee

His Honour Judge A J Becroft, Principal Youth Court Judge, **Chair**
His Honour Judge C J Harding
Her Honour Judge J A McMeeken
His Honour Judge A J Fitzgerald
Professor Mark Henaghan

Māori Land Court Education Committee

His Honour Judge W W Isaac, Deputy Chief Judge, Māori Land Court, **Chair**
Her Honour Judge S T A Milroy
His Honour Judge C T Coxhead
Ms Jacinta Ruru

Diversity Education Committee

The Honourable Justice Clifford
His Honour Judge J V Williams, Chief Judge, Māori Land Court
His Honour Judge P A Moran
Her Honour Judge D C Clark
Her Honour Judge S T A Milroy, **Chair**
Her Honour Judge I M Malosi
Her Honour Judge L Tremewan

Curriculum Committee

The Honourable Justice Rodney Hansen
His Honour Judge J G Adams
Her Honour Judge S T A Milroy

Secretariat

Richard Moss	Director
Vivienne McKeivitt	Office Manager
Melanie Comber	Events Co-ordinator
Tina Pope	Publications

Seminar Committees and Faculty

The Institute draws on a diverse faculty, including members of the judiciary, the legal profession, other professional disciplines and academia.

Judges with responsibility for programmes at 30 June 2008 are:

Programme Organising Committees

Communication and Courtroom Management

The Honourable Justice Stevens
Her Honour Judge A E Somerville

Criminal Appeal Division Judgment Writing

The Honourable Justice O'Regan
The Honourable Justice Randerson

Evidence and Procedure

The Honourable Justice Winkelmann
Her Honour Judge N J Mathers

Judgment Writing

The Honourable Justice Keane
Her Honour Judge J M Doogue
His Honour Judge P A Moran

Judicial Method

The Honourable Justice Heath
His Honour Judge C J Harding

Judicial Orientation

The Honourable Justice Lang
His Honour Judge J A Walker
Her Honour Judge I M Malosi

Marae Visits

His Honour Judge L M Bidois
His Honour Judge H M Taumaunu

Oral Judgments

The Honourable Justice Harrison
His Honour Judge P A Moran

Orientation to the Civil Jurisdiction

His Honour Judge C J Doherty
His Honour Judge C J Harding
Her Honour Judge J Kelly
Her Honour Judge N J Mathers

Orientation for Criminal Jury Trial Judges

His Honour Judge P W Cooper
His Honour Judge B Davidson
His Honour Judge S J O'Driscoll

Orientation to the Family Court

His Honour Judge P F Boshier, Principal Family Court Judge
Her Honour Judge M N E O'Dwyer

Orientation to the Family Violence Court

His Honour Judge R J Johnson, Chief District Court Judge
His Honour Judge D G Mather
His Honour Judge A P Walsh

Orientation to the Summary List Court

His Honour Judge B Davidson
Her Honour Judge B M Mackintosh

Orientation to the Youth Court

His Honour Judge A J Becroft, Principal Youth Court Judge
His Honour Judge C J Harding

Retirement Planning

The Honourable Justice Miller
His Honour Judge P von Dadelszen

Settlement Conferences

His Honour Judge J G Adams
His Honour Judge C P Somerville
His Honour Judge C J Doherty

Te Reo Intensive

His Honour Judge H M Taumaunu

Therapeutic Interventions

His Honour Judge J A Walker
Her Honour Judge J A McMeeken

Judicial Faculty Members

The Rt Honourable Dame Sian Elias, Chief Justice
The Honourable Justice William Young, President, Court of Appeal
The Honourable Justice Chambers
The Honourable Justice O'Regan
The Honourable Justice Randerson, Chief High Court Judge
The Honourable Justice Harrison
The Honourable Justice Heath
The Honourable Justice Keane
The Honourable Justice Miller
The Honourable Justice Simon France
His Honour Judge R J Johnson, Chief District Court Judge
His Honour Judge J V Williams, Chief Māori Land Court Judge
His Honour Judge P F Boshier, Principal Family Court Judge
His Honour Judge A J Becroft, Principal Youth Court Judge
His Honour Judge P A Moran
His Honour Judge G F Ellis
His Honour Judge M Abbott
His Honour Judge J P Doogue
His Honour Judge J A Walker
His Honour Judge P W Cooper
Her Honour Judge J F Moss
His Honour Judge C J Harding
His Honour Judge A P Walsh

His Honour Judge D G Mather
His Honour Judge C J Doherty
Her Honour Judge N J Mathers
His Honour Judge L M Bidois
Her Honour Judge I M Malosi
His Honour Judge B Davidson
Her Honour Judge B M Mackintosh
His Honour Judge S J O'Driscoll
Her Honour Judge J M Kelly
His Honour Judge H M Taumaunu
Her Honour Judge E Smith
His Honour Judge D Ambler
His Honour Judge R L Watson

Other Faculty Members

Professor Ed Berry
Inspector Ged Byers
Michael Chamberlain
Hera Clark
Efeso Collins
Joan Costello
Jane Drumm
Dr Russell Durrant
Brian Gardner
Trish Green
Superintendent Wallace Haumaha
Heather Henare
Michele Hine
David Howden
Helen Jones
Joanna Kalowski
Professor Douglas Lind
Miriam Long

Rex Maidment
Mark Manhire
Clair Matena
Associate Professor Elisabeth McDonald
Margaret McGregor
Karen McLaughlan
Ken McMaster
Juliet Monaghan
Gareth Morgan
Assistant Commissioner Grant Nicholls
John Palairet
Ivan Ravlich
Professor James Raymond
Inspector Tony Reilly
Margot Schwass
Professor Peter Spiller
Dr Jane Stafford
Gael Surgenor
Helen Takitimu
Ronji Tanielu
Superintendent Grahame Thomas
Fauimaono Tuisasau
Inspector Rob Veale
Charles Waldegrave
Jane Westaway
Purere Winterburn

Bench Book Editors

Criminal Jury Trials Bench Book

The Honourable Justice Simon France

The Honourable Justice Hammond

The Honourable Justice Gendall

His Honour Judge P A Moran

Higher Courts Chambers Book

The Honourable Justice Chisholm

The Honourable Justice Mackenzie

The Honourable Justice Allen

District Court Bench Book

His Honour Judge M A Crosbie

His Honour Judge K B de Ridder

Family Court Bench Book

His Honour Judge D G Mather

Her Honour Judge J J Moran

Youth Court Bench Book

His Honour Judge C J Harding

His Honour Judge A J Fitzgerald

Environment Court Bench Book

His Honour Judge C J Thompson

Māori Land Court Bench Book

Her Honour Judge S T A Milroy

His Honour Judge L Harvey

Institute of Judicial Studies

**Report on Events Planned
1 July 2008 – 31 December 2009**

1 JULY 2008 TO 31 DECEMBER 2009	
JULY 2008	
11, 18 July	High Court Seminars 2 x 1 day seminars
24 - 25 July	Therapeutic Intervention 2 day seminar
AUGUST 2008	
28 - 29 August	Criminal Jury Trial Judges Orientation 2 day seminar
SEPTEMBER 2008	
1, 12, 19, 26 September	District Court Seminars 4 x 1 day seminars
4 - 5 September	Ethics and Obligation in Judicial Decision Making 2 day seminar
15 - 16 September	Logic and Legal Reasoning in Judicial Decision Making 2 day seminar
OCTOBER 2008	
3, 10 October	High Court Seminar 2 x 1 day seminars
3 October	Māori Land Court Seminar 1 day seminar
6 October and 7, 14, 28 November	Youth Court Seminars 1 day seminar
13 - 17 October	Orientation Programme 5 day seminar
29 - 31 October	Te Reo Intensive 3 day seminar
DECEMBER 2008	
22 December	Associate Judges Seminar 1 day seminar

FEBRUARY 2009	
11 - 13 February	Civil Orientation 3 day seminar
18 - 20 February	Settlement Conferences Workshop 2 day seminar
MARCH 2009	
4 March	Basic Accounting 1 day seminar
5 - 6 March	Litigation Accounting 2 day seminar
12 - 13 March	Evidence and Procedure 2 day seminar
APRIL 2009	
2 - 3 April	Trends in New Zealand Society – Violence and Social Change 2 day seminar
23 - 24 April	Evidence and Procedure 2 day seminar
24 April	Environment Court Seminar 1 day seminar
MAY 2009	
1 May	Summary Jurisdiction Orientation 1 day seminar
4 – 5, 7 - 8 May	Oral Judgments 2 x 2 day seminars
14 - 17 May	Marae Visit 4 day seminar
22, 29 May	High Court Seminar 2 x 1 day seminars
JUNE 2009	
12 June	Retirement Planning 1 day seminar
22 - 24 June	Youth Court Orientation 3 day seminar
JULY 2009	
2 - 3 July	Evidence and Procedure 2 day seminar

AUGUST 2009	
3 - 7 August	Judgment Writing 4 day seminar
19 August	Environment Court Seminar 1 day seminar
27 - 28 August	Criminal Jury Trial Orientation 2 day seminar
SEPTEMBER 2009	
10 -11 September	Ethics & Obligation in Judicial Decision Making 2 day seminar
OCTOBER 2009	
2, 9 October	High Court Seminar 2 x 1 day seminars
12 - 16 October	Judicial Orientation 2 day seminar
28 - 30 October	Te Reo Intensive 3 day seminar