



INSTITUTE
OF
JUDICIAL
STUDIES
*Te Kura Kaiwhakawā
kia tika kia pono*

INSTITUTE OF JUDICIAL STUDIES (IJS) PROSPECTUS 2020

The Institute of Judicial Studies (IJS) is the education arm of the judiciary, delivering programmes and seminars to support judges throughout their careers. The role of IJS is to inform and inspire the judiciary and to develop skills and good judge craft.

The curriculum

IJS has developed a curriculum of judicial education which guides its programme development. The programmes provide for judges at every career stage. They address bench-specific and specialist court education needs.

The curriculum integrates four key areas of judicial education:

1. The role of the judge
2. The context of the judicial function
3. Skills and judge craft
4. Renewal and resilience.

The role of the judge covers three categories: induction; the role of the judge generally; and special functions, courts and delivery. Courses include induction programmes which have skills and judge craft as part of their content, and programmes covering judicial conduct and ethics. In addition, there are annual seminars for specific benches and jurisdictions, and mentoring programmes.

Context of judicial function encompasses both the social and legal context of being a judge in Aotearoa New Zealand. The social context curriculum includes core programmes such as te reo Māori and tikanga (including the IJS noho marae), diversity, open justice and the media, family violence and managing sexual violence trials. The legal context curriculum is delivered through substantive law updates and common room sessions on new or complex areas of law.

Skills and judge craft provides a focus on management skills (such as courtroom management and communication), evaluative skills (evidence and procedure, decision making, bail and risk assessment) and delivery skills (oral judgments and judgment writing).

Renewal and resilience supports judges to judge “well.” It encompasses leadership, mentoring, managing workload and mental and physical wellbeing. It is aimed at re-invigorating judges, as well as harnessing the experience of longer-serving judges on managing this challenging role.



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Programme Choices for 2020

Te reo wānanga for proficient speakers

He rumaki reo Māori tēnei wānanga. Ko te whāinga kia whai wā ngā ākonga ki te whakapakari i tōna reo Māori, kia hōhonu ake, kia whakaniko ake, kia Māori ake.

Te reo training is an important aspect of the IJS curriculum. This wānanga intensive is taught in rumaki (immersion) style and is aimed at speakers with an intermediate to advanced level of proficiency. It is expected that te reo Māori will be the only language spoken during the wānanga. The wānanga also encompasses aspects of tikanga and kawa and is led by an experienced faculty of kaiako (teachers). The objective of the wānanga is to strengthen the depth, quality and fluency of your te reo.

→ February 2020

Marae visit

The marae visit is an unrivalled opportunity to better understand tikanga, a key focus of IJS's curriculum, and to foster collegiality with fellow judges. It offers a unique opportunity to explore Māori culture and life on the marae, where there is a clear expression of tikanga Māori. You will be formally welcomed onto the marae where kaumātua will present aspects of tikanga and explain the significance of land and history. You will be guided by judicial colleagues throughout your stay. Past attendees have described the visit as inspirational and valuable, and as having made a deep impact on them personally and professionally.

→ March 2020

Family violence in criminal cases

The aim of this seminar is to consider best practice, guided by current understanding of family violence dynamics, family violence risk factors and the measures that support victim safety. Experts from a range of disciplines and backgrounds will present current research on family violence, with a focus on the new offence of strangulation or suffocation and sentencing for family violence offences. You will have the opportunity to apply this knowledge to various scenarios and discuss the issues that arise.

→ March 2020

Communicating with vulnerable witnesses and defendants

This seminar looks at measures to address communication vulnerability in the trial setting. You will learn more about how to identify communication vulnerability and the strategies that courts have adopted to meet the needs of vulnerable witnesses and defendants. Expert academics, speech therapists and judicial presenters will work with you to identify and consider issues with current practice, using a range of scenarios. You will receive practical suggestions to get 'best evidence' from vulnerable witnesses and defendants within the current legislative and common law boundaries.

→ 2-3 April 2020



Transformative justice

This seminar provides judges with the opportunity to explore the many issues that arise in sentencing from both legal and practical perspectives. You will examine in detail the sentence of imprisonment (and what it means for the offender), the parole system, opportunities for therapeutic interventions, and reintegration back into society.

→ **May 2020**

Judgment writing

Simplify, streamline and strengthen your judgments under the guidance of a panel of experts. The presenters, a mix of professional writers and judges from the Senior Courts and the District Court, will outline the architecture of a robust judgment and the principles of good writing as they are applied to judgments. They will then guide you through re-writing one of your own judgments so that you can apply the principles presented at the seminar and reinforce your understanding of this key aspect of judge craft.

→ **June 2020**

Evidence and procedure

At the heart of a judge's work are the tasks of analysing evidential issues, applying the law to those issues and giving reasoned decisions. This interactive two-day workshop is an opportunity to identify and deal with evidential issues that routinely arise during trials. You will work through examples to apply the law, grapple with difficult issues posed by these examples and determine relevance and appropriate responses to a range of courtroom situations.

→ **June 2020**

One day te reo wānanga for Judges

The wānanga is an opportunity for judges to develop their competency in te reo Māori. Judges who have completed the beginner and/or advanced beginner online courses may find this programme beneficial. Participants will be streamed into three separate groups – beginner, advanced beginner and intermediate level, depending on their level of competency in te reo. You will learn in a comfortable collegial environment where a key objective is to develop your confidence to use some te reo Māori in the courtroom.

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Open justice and the media

This one-day seminar explores what “open justice” in our courts means. An expert and experienced team of judges, and media experts will lead you through sessions providing practical advice and tools to assist your daily work when balancing competing interests and managing the interaction between media and the courts.

You will learn about and consider a range of issues including:

- The role of the media in an era of technological change;
- Open justice and the role of the Ministry and Registry staff;
- Challenges of court reporting for journalists;
- Access to court documents and applications for in-court media coverage;
- Approaches to managing tensions between open justice, fair trial rights and the administration of justice.

→ July 2020

Diversity

As New Zealand society and courtrooms become more diverse, judges need new tools and skills to navigate the changing landscape. At the core of getting to grips with the increasing diversity of our courtrooms is your duty to ensure that every person who appears in your court has equal access to a fair trial, where evidence is assessed impartially and without prejudice.

Judges need the opportunity to discuss and reflect on the challenges they face in this area. This seminar provides a forum in which you can safely assess and build your intercultural competence by developing greater awareness and understanding of different communities’ sensitivities, cross-cultural experiences and communication issues in court. You will be supported by experts in this field, with a focus on three or four specific communities.

→ October 2020

Tikanga

Judges must have an understanding of formal Māori protocols, whether to use this knowledge in the courtroom or outside it. Judges also need a basic awareness of tikanga as law, both procedural and substantive, and where it is contained in statutory directives and as part of the wider New Zealand common law. This seminar combines an introduction to both in the inviting environment of Te Puea Memorial Marae.

Under the leadership of tikanga experts who have high standing within Te Ao Māori, and senior judges experienced in dealing with tikanga as law, you will develop a basic grasp of procedural and substantive tikanga alongside a safe awareness of the limits of that knowledge, and an understanding of when and how to seek help.

→ October 2020



Decision making

We are very fortunate to have Kimberly Papillon return to lead this seminar in 2020. Kimberly is an international expert in the field of legal and judicial decision making and will explore the neuroscience and psychology of decision making in the courts. Over two days she will:

- pinpoint the areas where decisions are made by judges and where cases can be affected by implicit preferences and unconscious processes and subtleties
- use neuroscience to explore how decisions in criminal and civil court can be affected by implicit bias
- show how the brain reacts while making judgments of competence and character
- demonstrate how communication methods affect the public's trust and confidence in the courts
- use research in neuroscience and psychology to show how unconscious processes can be changed.

Sessions include exercises, tools and specific strategies for increasing equity in decision making. Participants will explore new methods for reaching the goal of equitable decision making in the courts.

→ **November 2020**

Judicial intensive

All new judges complete our intensive programme which is designed to help with the transition to life on the bench. Senior judges lead presentations and discussions on aspects of court craft with an emphasis on the skills that judges are called upon to apply immediately, including judicial conduct, social context issues, courtroom management, judgment delivery, bail, sentencing and dealing with media. The programme is an opportunity to enjoy the friendship of new colleagues and benefit from the experience of senior colleagues. Your Head of Bench will make arrangements for your attendance and the scheduling of your roster.

→ **November 2020**

Bench-specific seminars

A series of one-day seminars will be conducted regionally to update judges on topics relevant to the work of each bench. No application is required. Your Head of Bench will oversee arrangements for your attendance and the scheduling of your roster. In 2020, seminars will be conducted for:

- District Court Updates
- Senior Courts Updates
- Family Court Updates
- Youth Court Updates
- Māori Land Court Updates
- Environment Court Updates



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Attending New Zealand Law Society Continuing Legal Education courses

New Zealand Law Society Continuing Legal Education (CLE) welcomes the attendance of judges free of charge at all CLE programmes. The only exception is a charge for any attendance at a dinner included in a two-day conference. For further information about available programmes please refer to www.lawyerseducation.co.nz

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