

*Institute of Judicial Studies*

# **ANNUAL REPORT**

**1 JULY 2008 – 30 JUNE 2009**

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## Foreword by the Chair

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This report gives an account of the activities of the Institute of Judicial Studies for the reporting period 1 July 2008 to 30 June 2009 and indicates what the year ahead has in store.

In November 2008 the Institute held a tenth anniversary dinner to celebrate the achievements of the first ten years and to thank those instrumental in the establishment of the Institute – Rt Hon Sir Thomas Eichelbaum, Rt Hon Sir Ivor Richardson, Rt Hon Thomas Gault, Justice Judith Potter, Justice Ronald Young, Justice Patrick Keene and Richard Moss. All acknowledged the success of the Institute and the significant vision and effort that has, in a relatively short time, taken judicial education in New Zealand from a small ad hoc group of programmes to a comprehensive core curriculum which serves judges throughout their careers.

The year under review has seen the expansion of the Institute's core curriculum. Three new programmes have been developed—*Evidence and Procedure*, *Trends in New Zealand Society* and *Judicial Leadership*—which will now be conducted on a revolving basis. This expansion is expected to continue for a number of years with new programmes being devised that are directed to the core work judges undertake. Work has already begun to develop programmes on *Summing Up* and *Litigants in Person* to be presented in the 2010 programme.

The Institute has also begun to turn its attention to providing courses directed at the continued development of longer serving judges. A judge's career can span more than 20 years and it is essential that judges remain excited and challenged in their work throughout their judicial life. The development of more programmes for that group of judges will expand over the coming years and is one of the Board's priorities. An experimental programme will run in 2010 in which judges will be assisted to reflect on their day to day work and identify opportunities to continue to develop.

The development of programmes within the Institute is judge-led. That has directed the work of the Institute towards active learning programmes because they maximise the learning opportunities and produce better outcomes for participants. These programmes are resource intensive and, as the judicial environment becomes more complex, an on-going challenge for the Board will be to continue to expand its programmes to meet the education needs of judges.

The success of the Institute over this year has been the result of a cooperative effort. It would not be possible for the Institute to offer the range of programmes it does without the support of the members of the judiciary—identified in the body of this report—who each year work tirelessly and creatively on behalf of their judicial colleagues to produce programmes and publications of the highest standards. The judiciary is supported by the Ministry of Justice which has provided ongoing assistance in the administration of the Institute and I am very grateful for that assistance.

Finally, I would especially like to recognise the many and varied demands placed on the Institute's small secretariat by an ambitious core curriculum and the production of written resources. I would like to record my particular appreciation of their work.

**Justice Susan Glazebrook**  
**Chair, Governing Board**

## **Director's Report**

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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 continues to develop programmes which reflect the changing social context in which judges work. The Curriculum Committee has been engaged in the development of programmes for longer serving judges. At the same time, the work of the Institute has continued as usual with the delivery of 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:

- Her Honour Judge C M Shaw, IJS Board and Employment Court Education Committee;
- His Honour Judge J G Adams, Family Court Education Committee;
- Professor Gordon Anderson, Employment Court Education Committee; and
- Professor Mark Henaghan, Youth Court Education Committee.

I would like to make special note of His Honour Judge R J Bollard who, as Principal Environment Judge until his untimely death, provided educational leadership for the Environment Court bench and was a great friend of the Institute.

### **Other Organisations**

I thank the New Zealand Law Society and Auckland District Law Society for their support of the Institute and the Judicial College of Victoria with which we have collaborated on many programmes. I also mention the following organisations within our region with which we have a close and collaborative relationship:

- Australasian Institute for Judicial Administration;
- 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**

The Institute attracts excellent staff; they are professional in their approach, generous in their outlook and able to appreciate the complexities of judicial office. Vivienne McKeivitt joined the Institute in July 2008 as Office Manager and Janine McIntosh joined in September 2008 as Education and Development Advisor to assist with the development of programmes and resources. Tina Pope continues her excellent work on Bench Books. I thank them for their dedicated work over the year and their commitment to the work of the judiciary.

**Richard Moss**  
**Director**

## **Background**

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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 2008 to 30 June 2009;
2. Personnel; and
3. Plan of activities for the period 1 July 2009 to 31 December 2010.

## **Finances 2008/2009**

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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 2008/2009 was \$1,014,962.

*Institute of Judicial Studies*

**Report on Activities  
1 July 2008 – 30 June 2009**

## Areas of Activity

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The work of the Institute falls into four 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; and
4. Publications.

## Programmes for New Judges

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

Average result:

<b>Programme</b>	<b>Relevance %</b>	<b>Increased Awareness %</b>	<b>Presentation %</b>
<b><i>Criminal Jury Trial Judges Orientation</i></b> August 2008 Wellington	92	92	92
<b><i>Judicial Orientation</i></b> October 2008 Rotorua	87	86	90

## 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:

<b>Programme</b>	<b>Relevance %</b>	<b>Increased Awareness %</b>	<b>Presentation %</b>
<b><i>Therapeutic Interventions</i></b> July 2008 Wellington	88	86	90
<b><i>Ethics and Obligation in Judicial Decision Making</i></b> September 2008 Auckland	90	93	96
<b><i>Logic and Reasoning in Judicial Decision Making</i></b> September 2008 Auckland	81	90	98
<b><i>Te Reo Intensive</i></b> October 2008 Wellington	93	93	99
<b><i>Settlement Conferences</i></b> February 2009 Auckland	94	87	91
<b><i>Litigation Accounting</i></b> March 2008 Auckland	87	91	97
<b><i>Evidence and Procedure</i></b> March and April 2009 Auckland and Wellington	97	89	89
<b><i>Trends in New Zealand Society: Violence</i></b> April 2009 Auckland	87	83	84
<b><i>Oral Judgments</i></b> May 2009 Auckland and Wellington	91	90	91
<b><i>Marae Visit</i></b> May 2009 Ranui	Not evaluated	Not evaluated	Not evaluated
<b><i>Judicial Leadership</i></b> June 2009 Wellington	90	91	94
<b><i>Retirement Planning</i></b> June 2009 Auckland	83	88	91

## 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:

<b>Programme</b>	<b>Relevance %</b>	<b>Increased Awareness %</b>	<b>Presentation %</b>
<b>High Court Seminar</b> <b><i>Appeals and Reviews from Specialist Tribunals and Courts</i></b> July 2008 Auckland and Wellington	94	87	88
<b>District Court Seminar</b> <b><i>Mental Health Issues in the Criminal Courts</i></b> September 2008 Auckland, Hamilton, Wellington and Christchurch	90	88	88
<b>High Court Seminar</b> <b><i>Issues in Contract Interpretation</i></b> October 2008 Auckland and Wellington	96	94	94
<b>Youth Court Seminar</b> <b><i>Current Issues in the Conduct of the Youth Court</i></b> October and November 2008 Auckland, Hamilton, Wellington and Christchurch	92	88	89
<b>Māori Land Court Seminar</b> <b><i>Update on the Law</i></b> November 2008 Wellington	96	89	89
<b>Environment Court Seminar</b> <b><i>Enhancing Efficiency in the Environment Court</i></b> April 2009 Wellington	90	83	79
<b>High Court Seminar</b> <b><i>Private International Law</i></b> May 2009 Auckland and Wellington	79	90	94
<b>Māori Land Court Wananga</b> <b><i>Te Reo Māori</i></b> June 2009 Wellington	96	97	97

## **Publications**

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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 Higher Courts Chambers Book was published.

The following bench books were updated:

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

*Institute of Judicial Studies*

**Governance and Personnel  
1 July 2008 – 30 June 2009**

## **Governing Board**

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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 2009 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

## **Committees**

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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 2009 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**  
His Honour Judge B S Travis  
Mr John Hughes

### **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  
Her Honour Judge A E Somerville  
Her Honour Judge M N E O'Dwyer, **Chair**  
His Honour Judge R J Russell  
Associate Professor John Caldwell

### **Environment Court Education Committee**

His Honour Judge C J Thompson, 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

Dr Alison Cleland

### **Māori Land Court Education Committee**

His Honour Judge W W Isaac, 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

The Honourable J V Williams

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**

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Richard Moss	<b>Director</b>
Janine McIntosh	<b>Education and Development Advisor</b>
Vivienne McKeivitt	<b>Office Manager</b>
Tina Pope	<b>Publications</b>

## **Seminar Committees and Faculty**

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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 2009 are:

### **Programme Organising Committees**

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#### **Communication in the Courtroom**

The Honourable Justice Stevens  
Her Honour Judge A E Somerville

#### **Complex and Multi Accused Trials**

The Honourable Justice Courtney  
His Honour Judge G A Rea

#### **Evidence and Procedure**

The Honourable Justice Winkelmann  
Her Honour Judge N J Mathers

#### **Fact Finding**

The Honourable Justice Glazebrook  
The Honourable Justice Venning  
His Honour Judge F W M McElrea

#### **Judgment Writing**

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

### **Judicial Leadership**

His Honour Judge J A Walker

### **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

### **Litigants in Person**

The Honourable Justice Heath  
Her Honour Judge E Smith

### **Marae Visits**

Her Honour Judge D C Clark  
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 N J Mathers  
Her Honour Judge J Kelly

### **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

### **Settlement Conferences**

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

### **Summing Up**

The Honourable Justice Chambers  
The Honourable Justice Heath  
His Honour Judge P W Cooper

### **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**

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The Honourable Justice William Young, President, Court of Appeal

The Honourable Justice Glazebrook

The Honourable Justice Chambers

The Honourable Justice Arnold

The Honourable Justice Ellen France

The Honourable Justice Baragwanath

The Honourable Justice Randerson, Chief High Court Judge

The Honourable Justice Heath

The Honourable Justice Keane

The Honourable Justice Fogarty

The Honourable Justice Miller  
The Honourable Justice Winkelmann  
The Honourable Justice Lang  
The Honourable Justice Clifford  
The Honourable Justice Stevens  
His Honour Judge R J Johnson, Chief District 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 J A Walker  
His Honour Judge P W Cooper  
His Honour Judge J G Adams  
His Honour Judge C J Harding  
His Honour Judge C P Somerville  
His Honour Judge C J Doherty  
His Honour Judge A J Fitzgerald  
Her Honour Judge J A McMeekin  
Her Honour Judge N J Mathers  
Her Honour Judge D C Clark  
His Honour Judge L M Bidois  
Her Honour Judge I M Malosi  
His Honour Judge B Davidson  
His Honour Judge S J O'Driscoll  
His Honour Judge H M Taumaunu  
His Honour Judge P Recordon  
His Honour Judge C T Coxhead

#### Other Faculty Members

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Dame Margaret Bazely  
Professor Ed Berry  
Professor Warren Brookbanks  
Alexander Brown  
Michael Chamberlain

Joan Costello  
Prof David Fergusson  
Mayor Meng Foon  
Dr Grant Galpin  
David Goddard QC  
Maggie Harper  
Dr Ihi Heke  
Ruakere Hond  
Charles James  
James Johnston  
Peter Johnston  
Dr Ian Lambie  
Professor Douglas Lind  
Elma Maua  
Clair Matena  
Peter McCormick  
Associate Professor Elisabeth McDonald  
Ian MacEwan  
Professor Campbell McLachlan QC  
Professor David McLauchlan  
Karen McLaughlan  
Gary McLoughlin  
Ken McMaster  
Dr Apirana Mahuika  
Mataanuku Mahuika  
Gareth Morgan  
Dennis O'Reilly  
John Palairt  
Professor Richie Poulton  
Hinemutu Reid  
Jeremy Rose  
Associate Professor Michael Rowe  
Jane Schaverien  
Dr Sandy Simpson

Dr Monty Soutar  
Dr Donna Swift  
Vic Tamati  
Dr Nicola Taylor  
Dr Nick Wilson  
Purere Winterburn

## Bench Book Editors

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### **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 Allan

### **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 2009 – 31 December 2010**

Calendar of Events: 1 July 2009 – 31 December 2010

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<b>1 JULY 2009 – 31 DECEMBER 2009</b>	
<b>JULY 2009</b>	
2 - 3 July	Evidence and Procedure 2 day seminar
<b>AUGUST 2009</b>	
4 - 7 August	Judgment Writing 4 day seminar
27 - 28 August	Criminal Jury Trial Judges Orientation 2 day seminar
<b>SEPTEMBER 2009</b>	
3 - 4 September	Ethics and Obligation in Judicial Decision Making 2 day seminar
10 - 11 September	Logic and Reasoning in Judicial Decision Making 2 day seminar
<b>OCTOBER 2009</b>	
3, 9 October	High Court Seminar 2 x 1 day seminars
14 - 16 October	Orientation Programme 3 day seminar
28 - 30 October	Te Reo Intensive 3 day seminar

<b>1 JANUARY 2010 – 31 DECEMBER 2010</b>	
<b>FEBRUARY 2010</b>	
11 - 14 February	Marae Visit 4 day programme
22, 26 February	Family Court Seminar 2 x 1 day seminars
<b>MARCH 2010</b>	
11 - 12 March	Seminar for Longer Serving Judges 2 day seminar
18 – 19 March	Summing Up 2 day seminar
<b>APRIL 2010</b>	
15 - 16 April	Trends in New Zealand Society – Violence 2 day seminar
23 April	Environment Court Seminar 1 day seminar
29 - 30 April	Oral Judgments 2 day seminar
<b>MAY 2010</b>	
3, 7, 14, May and 18 June	District Court Seminar 4 x 1 day seminars
7, 14 May	High Court Seminar 2 x 1 day seminars
<b>JUNE 2010</b>	
10 - 11 June	Summing Up 2 day seminar
<b>JULY 2010</b>	
1 - 2 July	Evidence and Procedure 2 day seminar
19 - 20 July	Litigants in Person 2 day seminar
22 - 23 July	Litigants in Person 2 day seminar

<b>AUGUST 2010</b>	
4 - 6 August	Settlement Conferences 3 day seminar
23, 27 August, 4, 17 September	District Court Seminar 4 x 1 day seminars
<b>OCTOBER 2010</b>	
1, 8 October	High Court Seminar 2 x 1 day seminars
14 - 15 October	Communication in the Courtroom 2 day seminar
27 - 29 October	Te Reo Intensive 3 day seminar