

Institute of Judicial Studies

ANNUAL REPORT

1 JULY 2006 – 30 JUNE 2007

Institute of Judicial Studies

**Annual Report
1 July 2006 – 30 June 2007**

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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 2006 to 30 June 2007 and indicates what the year ahead has in store.

I take up the office of Chair at a time when the Governing Board and Secretariat have been steadily advancing the implementation of a core curriculum of education for judges. The core curriculum involves the delivery of a larger number of programmes and an increase in the breadth of topics covered. The major focus of developments to date has been to provide for the needs of judges in the first 5 years of their judicial career. Now that this goal has been achieved, the Board will be turning its attention to the education needs of mid career and end career judges.

An ongoing challenge for the Board is to continue to be innovative and effective within the resources that are available. Each year it becomes increasingly difficult to initiate new developments. In the coming year, the Board will be looking for ways to increase the education opportunities for judges.

I take this opportunity to acknowledge my predecessor the Hon Justice Judith Potter who retired as Chair of the Board in February 2007 after serving on the Institute's Board since 1998 and as Chair since 2002. Justice Potter made an enormous contribution to the Institute of Judicial Studies and to judicial education. She has overseen an era in which judicial education has become an accepted and established part of judicial life. During that period there were many challenges and her foresight, initiative and commitment were invaluable.

This report also tells the story of a co-operative effort by a significant body of judges who participate in the leadership of the Institute and its programmes and publications. Together they have been responsible for the Institute's success during the past year and their contributions are greatly appreciated. Thanks are also due to the Ministry of Justice who have provided ongoing assistance in the administration of the Institute.

**Justice Susan Glazebrook
Chair, Governing Board**

Director's Report

The past year has been very satisfying for the Secretariat. The focus of the year has been to advance the core curriculum of training for judges. The core curriculum is aimed at the broad range of skills involved in the performance of the judicial role, as well as the needs of judges who work in specialist jurisdictions.

The advancement of the core curriculum has been marked by a significant increase in the Institute's programming and consequential increase in the ongoing work of the Institute's Governing Board and Education Committees. The members of those committees are the backbone of the Institute and I thank them for their support and involvement over this past year.

I also thank the large number of judges who participate in the activities of the Institute in planning and presenting seminars and in working and developing materials for publication.

Retirements

This report identifies those who are involved in work with the Institute at 30 June 2007. This year we wish to thank and farewell a number of judges who have retired from work with the Institute.

The following retired from committee work:

- The Honourable Justice O'Regan, IJS Governing Board
- The Honourable Justice Potter, IJS Governing Board, Higher Courts Education Committee
- Dr Rajen Prasad, IJS Governing Board.

The following retired from Bench Book editorial committees:

- The Honourable Justice William Young, Criminal Jury Trials Bench Book
- His Honour Judge I B Thomas, District Court Bench Book
- Her Honour Judge J E Maze, District Court Bench Book.

The following retired as faculty members:

- Her Honour Judge D F Clarkson, Therapeutic Interventions and Settlement Conferences
- Her Honour Judge A E Gaskell, Judgment Writing
- His Honour Judge J L Rota, Marae Visits
- His Honour Judge D G Mather, Settlement Conferences
- Her Honour Judge S J Fleming, Judicial Orientation.

Other Organisations

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

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

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

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

Secretariat

This year has seen a number of changes in the Secretariat. Lyn Smith, who has been with the Institute for seven years, departed for a new challenge with the Ministry of Defence. Lyn's professionalism and integrity engendered respect in all those who came in contact with her. I thank her replacements, Kimber Yule and our Administration Clerk, Steven Bishop, for their support and for the warm and generous manner in which they conduct the business of the Institute. Tina Pope, in her work with editorial committees and the publication of bench books, shows the same qualities and I thank her also.

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 2006 to 30 June 2007
2. Personnel
3. Plan of activities for the period 1 July 2007 to 31 December 2008.

Finances 2006/2007

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 publication of bench books in 2006/2007 was \$1,034,000.

Institute of Judicial Studies

**Report on Activities
1 July 2006 – 30 June 2007**

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 individual benches
4. Publications
5. Assistance to tribunals and quasi-judicial officers
6. Assistance to 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:

Average result:

Programme	Relevance %	Increased Awareness %	Presentation %
Jury Trial Judges Orientation July 2006 Wellington	97	97	97
Judicial Orientation November 2006 Rotorua	87	87	87
Judicial Orientation May 2007 Nelson	90	90	94
Youth Court Judges Orientation June 2007 Wellington	94	92	93

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 2006 Wellington	94	94	94
Appellate Judgment Writing August 2006 Wellington	100	83	86
High Court Mentoring August 2006 Auckland	84	81	74
Therapeutic Interventions September 2006 Wellington	94	90	93
Te Reo Intensive October 2006 Wellington	87	96	97
Marae Visit October 2006 Wellington	N/A	N/A	N/A
Settlement Conferences February 2007 Auckland	85	81	84
Oral Judgments April 2007 Wellington	92	88	91
Judicial Method June 2007 Wellington	99	81	93

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 Update July 2006 Interim Measures	93	78	87
High Court Update November 2006 / February 2007 Interpretation Issues	96	84	93
Family Court Update February 2007 Discussions with Children	92	81	84
District Court Update March 2007 Damages & Equitable Remedies	88	91	93
Māori Land Court June 2007 Te Reo Wananga	97	94	97
Māori Land Court June 2007 Judges Education Workshop	96	86	93
Environment Court Update June 2007 Evidence Act 2006	89	91	83

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 new editions of the following bench books were published:

- Youth Court Bench Book (3rd edition)
- Family Court Bench Book (4th edition).

The following bench books were also updated:

- District Court Bench Book
- Environment Court Bench Book
- Family Court Bench Book
- Criminal Jury Trials Bench Book.

Currently in draft form is the:

- Māori Land Court Bench Book.

Assistance to Tribunals and Quasi-Judicial Officers

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

- Disputes Tribunal Education Committee
- Tenancy Tribunal Education Committee
- Environment Court Commissioners
- Chief Coroner.

Assistance to Conference Programmes

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

- Higher Courts Conference
- Youth Court Conference
- Criminal Jury Trial Judges' Conference.

Institute of Judicial Studies

Governance and Personnel

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 2007 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 Brendan Brown QC
9. Professor Paul Rishworth
10. Professor Marilyn Waring
11. Her Honour Judge C M Shaw.

Committees

Education Committees

Six Education Committees manage the education programmes, one for each bench. A Diversity Education Committee advises on education related to diversity issues.

The members of the Education Committees as at 30 June 2007 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 Paul Roth.

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, **Chair**

Her Honour Judge A E Somerville

Her Honour Judge M N E O'Dwyer

Mr 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 P Whitehead

His Honour Judge C J Harding

Her Honour Judge J A McMeeken

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

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.

Secretariat

Richard Moss

Director

Kimber Yule

**Programme and Office
Manager**

Steven Bishop

**Administration Support and
Event 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 2007 are:

Programme Organising Committees

Communicating with Children & Young Persons

His Honour Judge P Whitehead

Her Honour Judge R H Riddell.

Courtroom Management / Communication in Court

The Honourable Justice Stevens

Her Honour Judge A E Somerville.

Criminal Appeal Division Judgment Writing

The Honourable Justice O'Regan

The Honourable Justice Randerson.

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 Harrison

His Honour Judge J A Walker

Her Honour Judge I M Malosi.

Law & Society

The Honourable Justice Potter

His Honour Judge J G Adams.

Marae Visits

His Honour Judge L M Bidois

His Honour Judge H M Taumaunu.

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 Trials Judges

His Honour Judge P W Cooper

His Honour Judge B Davidson

His Honour Judge S J O'Driscoll.

Orientation to the Family Violence Court

His Honour Chief Judge R J Johnson

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

His Honour Judge S A Thorburn.

Orientation to the Youth Court

His Honour Judge A J Becroft

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.

Judicial Faculty Members

The Honourable Justice Anderson
The Honourable Justice William Young, President, Court of Appeal
The Honourable Justice Randerson, Chief High Court Judge
The Honourable Justice Panckhurst
The Honourable Justice Wild
The Honourable Justice Harrison
The Honourable Justice Heath
The Honourable Justice Keane
The Honourable Justice Fogarty
The Honourable Justice Miller
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
Her Honour Judge A E Gaskell
Her Honour Judge D F Clarkson
His Honour Judge R L Watson
His Honour Judge P A Moran
His Honour Judge C J Thompson
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 D G Mather
His Honour Judge C J Doherty
Her Honour Judge S J Fleming
His Honour Judge L J Newhook
His Honour Judge L M Bidois
Her Honour Judge I M Malosi
His Honour Judge S J O'Driscoll
His Honour Judge H M Taumaunu
His Honour Judge D Ambler.

Other Faculty Members

Trish Allen

Professor Ed Berry

Professor John Burrows

John Caldwell

Bruce Cooper

Joan Costello

Simon Cunliffe

Dr Peter Devonshire

Dr Kate Diesfeld

Dr Russell Durrant

Jenny Hutt

James Johnston

Joy Liddicoat

Ian MacEwan

Associate Professor Elisabeth McDonald

Karen McLaughlan

Juliet Monaghan

Ivan Ravlich

Professor James Raymond

Margot Schwass

Dr Jane Stafford

Dr Nicola Taylor

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.

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.

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.

Youth Court Bench Book

His Honour Judge P Whitehead

His Honour Judge C J Harding.

Institute of Judicial Studies

**Report on Events Planned
1 July 2007 – 31 December 2008**

Calendar of Events – 1 July 2007 – 31 December 2008

FINANCIAL YEAR: 1 JULY 2007 TO 30 JUNE 2008	
JULY 2007	
6, 9, 13, 27 July	High Court / District Court Update 4 x 1 day seminars
30 - 31 July	Criminal Jury Trial Judges' Orientation 2 day seminar
AUGUST 2007	
6 - 10 August	Judgment Writing Workshop 5 day seminar
13 - 15 August	Criminal Appeal Division Judgment Writing 3 day seminar
22 - 24 August	Family Violence Court Orientation 3 day seminar
SEPTEMBER 2007	
5, 6, 7, 10, 18, 19 September	District Court Update 6 x 1 day seminars
20 - 21	Law & Society 2 day seminar
OCTOBER 2007	
15 - 19 October	Orientation Programme 5 day seminar
24 - 26 October	Te Reo Intensive 3 day seminar
NOVEMBER 2007	
2, 23 November	High Court Update 2 x 1 day seminars
9 - 11 November	Marae Visit 3 day seminar

FEBRUARY 2008	
11 - 13 February	Civil Orientation 3 day seminar
19 - 21 February	Māori Land Court Wananga 3 day seminar
22, 29 February	High Court Update 2 x 1 day seminars
MARCH 2008	
13 - 14 March	Courtroom Management 2 day seminar
28 March	District Court Summary Court Orientation 1 day seminar
APRIL 2008	
11 April	Environment Court Update 1 day seminar
14 - 18 April	Orientation Programme 5 day seminar
28 April	Māori Land Court Update 1 day seminar
MAY 2008	
5, 16, 23, 30 May	District Court Update 4 x 1 day seminars
8 - 9 May	Oral Judgments 2 day seminar
JUNE 2008	
13 June	Retirement Planning 1 day seminar
23 - 25 June	Youth Court Orientation 3 day seminar

CALENDAR YEAR: 1 JULY 2008 TO 31 DEC 2008	
JULY 2008	
24 - 25 July	Therapeutic Interventions 2 day seminar
AUGUST 2008	
1, 4, 11, 18 August	Youth Court Update 4 x 1 day seminars
14 - 15 August	Evidence & Procedure 2 day seminar
21 - 22 August	Criminal Jury Trial Judges' Orientation 2 day seminar
SEPTEMBER 2008	
1, 12, 19, 26 September	District Court Update 4 x 1 day seminars
4 - 5 September	Law & Society 2 day seminar
OCTOBER 2008	
3 October	Māori Land Court Update 1 day seminar
3, 10 October	High Court Update 2 x 1 day seminars
13 - 17 October	Orientation Programme 5 day seminar
29 - 31 October	Te Reo Intensive 3 day seminar