

Institute of Judicial Studies

ANNUAL REPORT

1 JULY 2009 – 30 JUNE 2010

Institute of Judicial Studies
Supreme Court Building
46 Ballance Street
PO Box 5216 Lambton Quay
Wellington
New Zealand
www.ijs.govt.nz
TEL (04) 496 3955

Contents

FOREWORD BY THE CHAIR	3
DIRECTOR'S REPORT	4
BACKGROUND	5
FINANCES 2009/2010	5
REPORT ON ACTIVITIES: 1 JULY 2009 – 30 JUNE 2010	6
Areas of Activity	7
Programmes for New Judges	7
Core Skills and Knowledge	8
Specialist Skills and Knowledge	9
Publications	9
GOVERNANCE AND PERSONNEL	10
Governing Board	11
Committees	12
Secretariat	13
Seminar Committees and Faculty	14
REPORT ON EVENTS PLANNED: 1 JULY 2010 – 31 DEC 2011	19
Calendar of Events 1 July 2010 – 31 December 2011	20

Foreword by the Chair

The 2009/10 financial year was a year of significant achievement for the Institute of Judicial Studies.

A key focus was the expansion of the Institute's core curriculum. New programmes were developed—*Summing Up*, *Litigants in Person* and *Trends in New Zealand Society*—which will in future be conducted on a regular basis. Work has already begun on the 2011 calendar to develop programmes on long trials, assessing witnesses, understanding forensic science and understanding cybercrime.

The end of the 2009/2010 year also completes the five year strategic planning cycle. During that cycle the Institute's capacity increased enabling more programmes to be developed and offered annually. One highlight was the development of programmes targeted to the education needs of different groups of judges including new judges, those working in specialist jurisdictions and longer serving judges. This expansion is expected to continue for the next strategic planning cycle.

The Board is formulating a strategic plan for 2010-2015 which includes the development of initiatives to build on achievements of the last five years. The Board will make that available by January 2011. This plan will reflect New Zealand's diverse society, international trends and the changing role of judges and the courts.

The achievements outlined in this report, and in particular the success of the Institute's programmes over the past year, are the result of committed and co-operative effort. I want to acknowledge and thank those judges and lay members who serve on the Board and the Institute's committees and teaching faculties. I would also like to acknowledge Belinda Clark and Liz Sinclair at the Ministry of Justice who have provided ongoing assistance with the administration of the Institute.

Finally, none of this would be possible without the work of the Institute's dedicated professional staff: Richard Moss, Janine McIntosh, Vivienne McKeivitt, Babette Kreyenhop and Tina Pope. My sincere thanks to them all.

Justice Susan Glazebrook
Chair, Governing Board

Director's Report

Over the past year the Institute has continued 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. These judges 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 the following committee members who have retired from the Institute.

- The Honourable Justice Randerson, Governing Board and Higher Courts Education Committee
- The Honourable Justice Joseph Williams, Diversity Education Committee
- His Honour Judge J G Adams, Governing Board
- His Honour Judge J Jackson, Environment Court Education Committee and
- Professor John Hughes, Employment Court Education Committee.

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 note 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:

- the Commonwealth Judicial Education Institute (Canada) and
- the 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. Janine McIntosh (Education and Development Advisor), Vivienne McKevitt (Office Manager) and I have been joined this year by Babette Kreyenhop as our Events Co-ordinator. 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 Institute.

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. This report is presented in three sections:

1. Report on the activities of the Institute for the period 1 July 2009 to 30 June 2010
2. Personnel and
3. Plan of activities for the period 1 July 2010 to 31 December 2011.

Finances 2009/2010

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 2009/2010 was \$918,000.

Institute of Judicial Studies

**Report on Activities
1 July 2009 – 30 June 2010**

Areas of Activity

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

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	Content %	Presentation %
<i>Criminal Jury Trial Judges' Orientation</i> August 2009 Wellington	100	93
<i>Judicial Orientation</i> October 2009 Rotorua	80	84

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. The following programmes were conducted and evaluated in the reporting period.

Programme	Content %	Presentation %
<i>Evidence and Procedure</i> July 2009 Auckland	96	94
<i>Judgment Writing</i> August 2009 Wellington	90	90
<i>Logic and Reasoning in Judicial Decision-Making</i> September 2009 Wellington	92	98
<i>Ethics and Obligation in Judicial Decision-Making</i> September 2009 Auckland	90	90
<i>Te Reo Intensive</i> October 2009 Wellington	98	96
<i>Marae Visit</i> February 2010 Rotorua	90	100
<i>Longer Serving Judges</i> March 2010 Wellington	62	70
<i>Summing Up</i> March and June 2010 Auckland and Wellington	95	89
<i>Trends in New Zealand Society: Violence</i> April 2010 Wellington	70	76
<i>Oral Judgments</i> April 2010 Wellington	90	90

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.

Programme	Content %	Presentation %
High Court Seminar <i>Remedies</i> October 2009 Auckland and Wellington	92	88
Family Court Seminar <i>Issues in Contract Interpretation</i> February 2010 Auckland and Wellington	79	77
District Court Seminar <i>Sentencing and Police Evidential Interviewing</i> May and June 2010 Auckland, Hamilton, Wellington and Christchurch	80	80
Higher Courts Seminar <i>Trusts</i> May 2010 Auckland and Wellington	84	90

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 book were published:

- *District Court Bench Book*
- *Family Court Bench Book.*

The following bench books were updated:

- *Criminal Jury Trials Bench Book*
- *Higher Courts Chambers Book.*

Institute of Judicial Studies

**Governance and Personnel
1 July 2009 – 30 June 2010**

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 2009 are:

1. The Honourable Justice Heath
2. The Honourable Justice Glazebrook, **Chair**
3. The Honourable Justice Winkelmann, 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 S J O'Driscoll
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

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 2010 are:

Higher Courts Education Committee

The Right Honourable Dame Sian Elias, Chief Justice
The Honourable Justice Glazebrook
The Honourable Justice Winkelmann, 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
Associate Professor W C Hodge

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**
Her Honour Judge J E Borthwick
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

Her Honour Judge C Fox, Deputy Chief Judge, Māori Land Court

Her Honour Judge S T A Milroy

His Honour Judge C T Coxhead, **Chair**

Ms Jacinta Ruru

Diversity Education Committee

The Honourable Justice Clifford

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

His Honour Judge C T Coxhead

Curriculum Committee

The Honourable Justice Rodney Hansen

Her Honour Judge S T A Milroy

Secretariat

Richard Moss

Director

Janine McIntosh

**Education and Development
Advisor**

Vivienne McKevitt

Office Manager

Babette Kreyenhop

Events Co-ordinator

Tina Pope

Publications

Committees and Faculty

Programme Organising Committees

Assessing Witnesses

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

Communication in the Courtroom

The Honourable Justice Stevens
Her Honour Judge A E Somerville

Evidence and Procedure

The Honourable Justice O'Regan
The Honourable Justice Winkelmann, Chief High Court Judge

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 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

Long Trials

The Honourable Justice Courtney
His Honour Judge C S Blackie

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
His Honour Judge I G Mill

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

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

Solution Focused Judging

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

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

Understanding Cybercrime

His Honour Judge D J Harvey

Understanding Forensic Science

The Honourable Justice Wylie

His Honour Judge R Wade

Judicial Faculty Members

The Honourable Justice William Young, President

The Honourable Justice Glazebrook

The Honourable Justice Hammond

The Honourable Justice Chambers

The Honourable Justice Ellen France

The Honourable Justice Winkelmann, Chief High Court Judge

The Honourable Justice Harrison

The Honourable Justice Heath

The Honourable Justice Keane

The Honourable Justice Miller

The Honourable Justice Asher

The Honourable Justice Lang

The Honourable Justice Clifford

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 J A Walker

His Honour Judge P W Cooper

His Honour Judge C J Harding

His Honour Judge C J Doherty

His Honour Judge I G Mill

Her Honour Judge S J Fleming

Her Honour Judge N J Mathers

Her Honour Judge D C Clark

His Honour Judge L M Bidois
His Honour Judge B Davidson
His Honour Judge S J O'Driscoll
Her Honour Judge J J Moran
His Honour Judge H M Taumaunu
His Honour Judge M L Rogers
His Honour Judge S J Coyle

Other Faculty Members

Professor Ed Berry
Andrew Butler
Associate Professor John Caldwell
Sam Chapman
Joan Costello
Associate Professor Jeremy Finn
Dr Jennifer Garvey-Berger
Detective Inspector Ross Grantham
Professor Geoff Hall
Dr Bronwen Innes
Dr Keith Johnston
Professor Douglas Lind
Clair Matena
Associate Professor Elisabeth McDonald
Jessica Palmer
Professor Nicola Peart
Dr Devon Polaschek
Dr John Pratt
Donna Provoost
Dr Jan Pryor
Margot Schwass
Ray Smith
Jane Stafford
Ana Tapiata
Anna Tutton
Professor Peter Watts
Jane Westaway

Nina Westera
Dr Nick Wilson
Purere Winterburn
Kim Workman
Dr Warren Young

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 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 2010 – 31 December 2011**

Calendar of Events: 1 July 2010 – 31 December 2011

1 JULY 2010 – 31 DECEMBER 2010	
JULY 2010	
1 – 2 July	Evidence and Procedure 2-day seminar
19 – 20 and 21 – 22 July	Litigants in Person 2 x 2-day seminars
28 July	Māori Land Court Seminar 1-day seminar
30 July	District Court List Court Orientation 1-day seminar
AUGUST 2010	
4 – 6 August	Settlement Conferences 3-day seminar
19 – 20 August	Criminal Jury Trial Judges' Orientation 2-day seminar
23, 27 August and 3, 17 September	District Court Seminar 4 x 1-day seminars
OCTOBER 2010	
2, 8 October	High Court Seminar 2 x 1-day seminars
14 – 15 October	Communication and Courtroom Management 2-day seminar
20 – 22 October	Orientation Programme 3-day seminar
27 – 29 October	Te Reo Intensive 3-day seminar
NOVEMBER 2010	
12 and 19 November	District Court Seminar (Civil Jurisdiction) 2 x 1-day seminars
23 – 26 November	Māori Land Court Te Reo Wānanga 4-day seminar

1 JANUARY 2011 – 31 DECEMBER 2011	
FEBRUARY 2011	
10 – 11 February	Assessing Witnesses 2-day programme
15 – 16 February	Youth Court Judges' Orientation Programme 2-day programme
21 – 22 February	Family Court Judges' Orientation Programme 2-day programme
24 – 27 February	Marae Visit 4-day programme
MARCH 2011	
4 March	Understanding Forensic Science 1-day seminar
10 – 11 March	Trends in New Zealand Society – When Justice Fails 2-day seminar
18 March	Understanding Cybercrime 1-day seminar
25 March	Solution-Focused Judging 1-day seminar
APRIL 2011	
7 – 8 April	Training for Judicial Educators 2-day seminar
MAY 2011	
2, 6 May and 3, 10 June	District Court Seminar 4 x 1-day seminars
12 – 13 May	Oral Judgments 2-day seminar
20, 27 May	Higher Courts Seminar 2 x 1-day seminars
JUNE 2011	
23 – 24 June	Summing Up 2-day seminar
27 June	District Court List Court Orientation 1-day seminar

JULY 2011	
7 – 8 July	Evidence and Procedure 2-day seminar
14 – 15 and 21 – 22 July	Litigants in Person 2 x 2-day seminars
25, 29 July and 1, 12 August	Youth Court Update 4 x 1-day seminars
AUGUST 2011	
18 – 19 August	Criminal Jury Trial Judges' Orientation 2-day seminar
25 – 26 August	Judgment Writing Refresher 2-day seminar
SEPTEMBER 2011	
2, 5, 23, 30 September	District Court Seminar 4 x 1-day seminars
15 – 16 September	Long Trials 2-day seminar
OCTOBER 2011	
7, 14 October	High Court Seminar 2 x 1-day seminars
26 – 28 October	Te Reo Intensive 3-day seminar
NOVEMBER 2011	
14 – 18 November	Judicial Orientation 5-day seminar