

Institute of Judicial Studies

ANNUAL REPORT

1 JULY 2005 – 30 JUNE 2006

Institute of Judicial Studies

**Annual Report
1 July 2005 – 30 June 2006**

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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 2005 to 30 June 2006 and indicates what the year ahead has in store.

During the reporting period the Governing Board and Secretariat have been engaged in advancing the developments identified in the Institute's Strategic Plan for the period 2006 to 2010. The Strategic Plan in turn builds on the recommendations of Justice Robert Sharpe, of the Court of Appeal of Ontario, who completed an independent review of all aspects of the Institute's activities in 2004.

The major focus of the Board's work has been the development of a curriculum of programmes that cater to the needs of judges throughout their careers. The Board has approved a core curriculum that will provide the basis for much of the development work within the Institute over the next period.

In this endeavour, which has involved original research as well as an investigation of best practices in comparable jurisdictions, we are fortunate to have developed strong relationships with overseas judicial education institutions and we are now in a position to work and learn with them in making these advances. Our efforts in this regard ensure that developments in judicial education in New Zealand will keep pace with international developments and with the changes that are occurring in the wider legal environment and the community.

As Chair of the Governing Board I see the enormous effort and creativity that has been harnessed by the Institute of Judicial Studies. I take this opportunity to congratulate all the members of committees, the presenters and editors and the Secretariat for this achievement. We also recognise the important contribution of the Ministry of Justice in the administration of the Institute.

I make special mention of our Executive Director, Richard Moss, whose dedication, enthusiasm and commitment to excellence are pivotal to the consistently high standard of the Institute's programme.

**The Honourable Justice Potter,
Chair, Governing Board**

Director's Report

The past year has been very satisfying for the Secretariat. We have taken pleasure in working with the Governing Board and Education Committees who chart the programme of education each year. The chairs and members of those committees are the backbone of the Institute and I thank them for their support and involvement over this past year.

We have also gained great satisfaction from assisting and supporting the large number of judges who participate in:

- Committees who plan seminars
- Teaching faculties
- Working groups who develop best practice materials and other seminar materials
- Editorial committees for bench books.

The thoughtfulness, creativity and talent of these judges are appreciated.

The Secretariat has principally been involved this year with advancing the nine opportunities for development of the Institute identified by the Governing Board, which are to:

1. Identify the learning needs of judges defined by:
 - Career including new, mid career and end of career judges
 - Jurisdiction including family, criminal, youth, civil, appellate judges
 - Responsibility including Heads of Bench and Admin Judges.
2. Identify changes to the judicial role that will affect education needs in the next 5 to 10 years
3. Develop a curriculum of programmes that meets the needs of the different groups of judges identified above
4. Provide systems of support, including mentoring, to enable judges to identify and satisfy their individual learning needs
5. Provide programmes that touch on the work of each jurisdiction which enable judges to operate effectively in the social and cultural diversity of New Zealand
6. Develop partnerships with organisations in the provision of programmes that supplement the Inter-Bench Seminar and equip judges to engage with complex developments in the law and or deal with cases that require specialist knowledge such as developments in science and internationalism
7. Co-operate in the international developments in judicial education by:
 - Strengthening relationships with international judicial training institutions to ensure that the Institute is developing

in line with international best practice

- Developing policy for contributing to judicial education in developing jurisdictions.
8. Increase the capacity of the Institute through: recruitment and restructuring; secondment of experts and judges; and continuing to build relationships with local organisations that can co-operate in the provision of programmes
 9. Investigate training technologies and match the elements of a curriculum to the technology that provides the most effective and efficient method of delivering it.

Plans for the period ahead herald an exciting future for the Institute. There will be an expansion of the Institute's programmes and activities and a refinement of practices which will further stimulate and strengthen our work. International relationships have been established which will enable our work to develop on a par with international best practice.

Retirements

This report identifies those who are involved in work with the Institute at 30 June 2006. This year we have farewellled a number of judges who have retired from work with the Institute. The following retired from committees:

- The Rt Honourable Justice Sir Kenneth Keith, Cultural Education Committee, Higher Courts Education Committee
- Her Honour Judge S Kenderdine, Cultural Education Committee
- The Honourable Justice McGrath, IJS Governing Board.

His Honour Judge D F G Sheppard retired as the editor of the Environment Court Bench Book; the Honourable Justice Randerson retired from the Judgment Writing faculty and His Honour Judge J L Rota retired from Marae Visits.

Their work on behalf of the Institute over many years has been appreciated.

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:

- The Australian Institute for Judicial Administration
- The Judicial Commission of New South Wales
- The National Judicial College of Australia
- The Victorian Judicial College.

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

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

Secretariat

I am again indebted to the Institute's Programme and Office Manager, Lyn Smith. Her professionalism and integrity engender respect in all those who come in contact with the Institute. I thank Tanya Shennan and Natasha Simpson 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 for her contribution.

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 2005 to 30 June 2006
2. Personnel
3. Plan of activities for the period 1 July 2006 to 31 December 2007.

Finances 2005/2006

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 2005/2006 was \$1,098,586.

Institute of Judicial Studies

**Report on Activities
1 July 2005 - 30 June 2006**

Areas of Activity

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

- Programmes for new Judges
- Programmes focused on core judicial skills and knowledge, for judges from all benches
- Programmes focused on specialist skills and knowledge, for individual benches
- Publications
- Assistance to tribunals and quasi-judicial officers
- Assistance to conference programmes
- Assistance to developing jurisdictions.

Programmes for new Judges

Orientation programmes for new judges in specialist jurisdictions were greatly expanded. In the reporting period, the following programmes were conducted and evaluated:

Average result:

Programme	Relevance %	Increased Awareness %	Presentation %
Orientation September 2005 Rotorua	90	89	90
Jury Trial Judges Orientation September 2005 Wellington	90	89	86
Family Court Judges Orientation April 2006 Wellington	89	79	87
Civil Jurisdiction Orientation June 2006 Auckland	96	90	94
Youth Court Judges Orientation June 2006 Wellington	98	93	96

Core Skills and Knowledge

These programmes are focused 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 2005 Wellington	93	93	93
Te Reo Intensive October 2005 Wellington	96	97	97
Therapeutic Interventions October 2005 Auckland	84	80	84
Basic Accounting February 2006 Auckland	93	96	99
Litigation Accounting February 2006 Auckland	96	96	97
Judgment Writing May 2006 Wellington	91	90	91

Specialist Skills and Knowledge

These programmes are focused 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 2005 International Law	73	87	87
District Court Update July 2005 Media Guidelines	87	80	83
Youth Court Update August 2005 Current Issues	93	90	94
High Court Update November 2005 Mental Health Issues	90	89	91
High/District Court Update November 2005 Contractual Remedies	85	80	79
High Court Update March 2006 Homicide Issues	94	83	89
Māori Land Court Update April 2006 Trusts/Governance/Standards/Valuation Lending	90	71	78
Environment Court Update May 2006 Tribunal Issues	93	98	97
Māori Land Court Wananga June 2006	96	90	96

Publications

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

During the reporting period the following bench books were updated:

- Youth Court Bench Book (1)
- District Court Bench Book (2)
- Environment Court Bench Book (2)
- Criminal Jury Trials Bench Book (2nd edition).

Currently in draft form are the:

- Māori Land Court Bench Book
- Family Court Bench Book (2nd Edition).

Assistance to Tribunals and Quasi-Judicial Officers

During the reporting period the Institute has assisted the work of:

- The Disputes Tribunal Education Committee and with programmes developed by the Committee
- The work of the Tenancy Tribunal Education Committee and with programmes developed by the Committee
- The Parole Board Education Committee
- The Parole Review Panel with the development of a programme on *Decision Writing*
- The Environment Court Commissioners with the development of a programme on *Decision Writing*.

Assistance to Conference Programmes

During the reporting period the Institute has assisted the:

- Development of the Higher Courts Conference
- Development of the District Court Triennial Conference.

Assistance to Developing Jurisdictions

The Director participated in a joint NZAid/AUSAid expert group working to review and plan judicial education and development in the Pacific.

Judges from Pacific Island nations attended the Judgment Writing Programme and the Judicial Orientation Programme.

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 his or her nominee
2. The President of the Court of Appeal, or his or her nominee
3. One judge from the High Court
4. The Chief District Court Judge, or his or her nominee
5. One judge from the District Court
6. One judge from a Specialist Jurisdiction
7. The Secretary for Justice, or his or her nominee
8. One senior law practitioner
9. One academic
10. One member of the community
11. Co-opted members.

The members of the Governing Board, corresponding to the above designations, as at 30 June 2006 are:

1. The Honourable Justice Potter, **Chair**
2. The Honourable Justice O'Regan
3. The Honourable Justice Rodney Hansen
4. His Honour Judge R J Johnson, Chief District Court Judge
5. His Honour Judge J G Adams
6. Her Honour Judge S T A Milroy
7. Ms Liz Sinclair
8. Mr Brendan Brown QC
9. Professor Michael Taggart
10. Dr Rajen Prasad
11. The Honourable Justice Randerson, Chief High Court Judge and Her Honour Judge C M Shaw.

Committees

Education Committees

Six Education Committees manage the education programmes for each bench. A Cultural Education Committee and a Gender Equity Consulting Group advise on education related to cultural and gender issues.

The membership of the Education Committees as at 30 June 2006 comprises:

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 Potter

The Honourable Justice Rodney Hansen

The Honourable Justice Heath, **Chair**

Associate Judge Gendall

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

Her Honour Judge J E Maze

His Honour Judge S J O'Driscoll, **Chair**

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

Environment Court Education Committee

His Honour Judge R J Bollard, Principal Environment Judge, **Chair**

His Honour Judge J R Jackson

Commissioner R M Dunlop

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

Māori Land Court Education Committee

His Honour Judge J V Williams, Chief Judge, Māori Land Court,
Chair

His Honour Judge W W Isaac, Deputy Chief Judge, Maori Land
Court

Cultural Education Committee

His Honour Judge J V Williams, Chief Judge, Māori Land Court,
Chair

His Honour Judge W W Isaac, Deputy Chief Judge, Māori Land
Court

Gender Equity Consulting Group

Her Honour Judge C M Shaw, **Chair**

Her Honour Judge D F Clarkson

Secretariat

Richard Moss	Director
Lyn Smith	Programme and Office Manager
Tanya Shennan	Event Co-ordinator
Natasha Simpson	Administration Assistant
Tina Pope	Publications

The Institute has four full time staff. The Director is Richard Moss BA, LLB. Richard's experience is in judicial education and also tribunal work and legal education, having been the National Director of the Institute of Professional Legal Studies and a Disputes Tribunal Referee.

Lyn Smith is the Institute's Programme and Office Manager. Lyn has significant experience in administration and in managing events and contractors.

Tanya Shennan BSc is the Institute's Event Co-ordinator. Tanya majored in biology at Victoria University completing her degree in 2002. Prior to working with the Institute Tanya was a Lending Services Co-ordinator at the Upper Hutt City Library.

Natasha Simpson is the Institute's Administration Assistant. Natasha has completed a Certificate of Administration and prior to working with the Institute was employed at IRD.

Tina Pope LLB works on contract on the publication of bench books. She has also undertaken this work on behalf of nine Pacific Island nations. Tina has experience in legal policy, programme development, writing and editing.

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 were:

Judgment Writing

The Honourable Justice Randerson, Chief High Court Judge

The Honourable Justice Keane

Her Honour Judge A E Gaskell

His Honour Judge PA Moran

Orientation

The Honourable Justice Harrison

His Honour Judge J A Walker

Her Honour Judge S J Fleming

Therapeutic Interventions

Her Honour Judge D F Clarkson

His Honour Judge J A Walker

Settlement Conferences

Her Honour Judge D F Clarkson

His Honour Judge J G Adams

His Honour Judge C P Somerville

His Honour Judge D G Mather

His Honour Judge C J Doherty

Te Reo Intensive

His Honour Judge J V Williams, Chief Judge, Maori Land Court

Marae Visits

His Honour Judge L M Bidois

His Honour Judge H M Taumaunu

New Zealand Judicial Faculty Members

The Right Honourable Dame Sian Elias, Chief Justice

The Honourable Justice Tipping

The Honourable Justice Anderson

The Honourable Justice William Young

The Honourable Justice Hammond

The Honourable Justice Ellen France

The Honourable Justice Williams

The Honourable Justice Gendall

The Honourable Justice Harrison

The Honourable Justice Keane

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 D J Carruthers

His Honour Judge P von Dadelszen

Her Honour Judge A E Gaskell

His Honour Judge R L Watson

His Honour Judge G F Ellis

His Honour Judge C J Thompson

His Honour Judge J A Walker

His Honour Judge P W Cooper

His Honour Judge L J Ryan

His Honour Judge C J Harding

His Honour Judge C J Doherty

Her Honour Judge N J Mathers

Her Honour Judge A E Somerville

Her Honour Judge J E Maze

Her Honour Judge I M Malosi

Her Honour Judge M N E O'Dwyer

His Honour Judge S J O'Driscoll

Her Honour Judge J M Kelly

His Honour Judge D F G Sheppard

Non – New Zealand Judicial Faculty Members

Neil Billington

Associate Professor Warren Brookbanks

Treasa Dunworth

Dr Allen Fraser

Claudia Geiringer

Jean Hammon

Mereana Hond

Ruakere Hond

Charles James

James Johnston

Philip McCarthy

Professor Campbell McLachlan

Karen McLaughlan

Gary McLoughlin

Dr John Newman

Magistrate Yelena Popovic

Professor James Raymond

Margot Schwass

Don Stafford

Dr Jane Stafford

Dr Rees Tapsell

Jane Westaway

Purere Winterburn

Dr Warren Young

Bench Book Editors

Editors of Bench Books at 30 June 2006 are:

Criminal Jury Trials Bench Book

The Honourable Justice William Young

His Honour Judge P A Moran

District Court Bench Book

His Honour Judge I B Thomas

Her Honour Judge J E Maze

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 2006 – 31 December 2007**

Calendar of Events – 1 July 2006 – 31 December 2007

FINANCIAL YEAR: 1 JULY 2006 TO 30 JUNE 2007	
JULY 2006	
14, 28 July	High Court Update 2 x 1 day seminars
31 July – 1 August	Jury Judges Orientation 2 day seminar
AUGUST 2006	
8 – 11 August	Judgment Writing Workshop 4 day seminar
14 – 18 August	Appellate Judgment Writing 5 day seminar
18 August	High Court Mentoring 1 day seminar
25 August	Māori Land Court Update 1 day seminar
SEPTEMBER 2006	
14 – 15 September	Therapeutic Interventions 2 day seminar
OCTOBER 2006	
11 – 13 October	Māori Land Court Wananga 5 day seminar
18 – 20 October	Te Reo Intensive 3 day seminar
27 – 29 October	Marae Visit 3 day seminar
NOVEMBER 2006	
3, 10 November	High Court Update 2 x 1 day seminar
13 – 17 November	Orientation Programme 5 day seminar

FEBRUARY 2007	
7 – 9 February	Settlement Conference Workshop 3 day seminar
19 – 20, 27 – 28 February	Family Court Update 2 x 2 day seminars
MARCH 2007	
2, 16 March	High Court Update 2 x 1 day seminars
12, 30 March	District Court Update 2 x 1 day seminars
APRIL 2007	
2 – 3 April	Oral Judgments 2 day seminar
18 – 20 April	Māori Land Court Wananga 5 day seminar
MAY 2007	
2 – 4 May	Civil Jurisdiction Orientation 2 day seminar
7 May	Environment Court Update 1 day seminar
7 – 11 May	Orientation Programme 5 day seminar
18 May	Māori Land Court Update 1 day seminar
JUNE 2007	
11 – 13 June	Youth Court Orientation 3 day seminar
15 June	Judicial Method 1 day seminar
21 – 22 June	Māori Land Court Orientation 2 day seminar

CALENDAR YEAR: 1 JULY 2007 TO 31 DEC 2007	
JULY 2007	
6, 9, 13, 27 July	High Court/District Court Update 4 x 1 day seminars
30 – 31 July	Jury Judges Orientation 2 day seminar
AUGUST 2007	
7 – 10 August	Judgment Writing Workshop 4 day seminar
13 – 15 August	Appellate Judgment Writing 3 day seminar
23 – 24 August	Communicating with Children and Young People 2 day seminar
SEPTEMBER 2007	
3 September	Retirement Planning 1 day seminar
14 September	Māori Land Court Update 1 day seminar
20 – 21 September	Law and Society 2 day seminar
27 – 28 September	Courtroom Management 2 day seminar
OCTOBER 2007	
1 – 3 October	Heads of Bench Training 3 day seminar
8, 12 October	Family Court Update 2 x 1 day seminars
15 – 19 October	Orientation Programme 5 day seminar
24 – 26 October	Te Reo Intensive 3 day seminar
NOVEMBER 2007	
29 October, 2, 12, 16 November	District Court Update 4 x 1 day seminars
2, 23 November	High Court Update 2 x 1 day seminars
9 – 11 November	Marae Visit 3 day seminar