



ANNUAL REPORT

2012 - 2013

IJS | INSTITUTE OF JUDICIAL STUDIES

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FOREWORD FROM JUSTICE WINKELMANN (CHAIR)

During the reporting period 1 July 2012 to 30 June 2013, the Governing Board and Secretariat have reviewed the Institute's Strategic Plan and made good progress toward the goals identified in that review.

The major focus of the review and the goals agreed in it, has been to refresh and to some extent, re-shape the curriculum to enable the Institute to continue to support judges in the work that they do. The Board agreed to refresh the curriculum to exclude stale or peripheral programmes and to re-focus on core topics for judges. Some programmes have been substantially revised including Judicial Orientation, Judgment Writing, and Te Reo programmes. New programmes have been or are being developed such as Bail, Tikanga and Dealing with Media and Communication.

A secondary focus has been to develop new “delivery mechanisms” so that the Institute can respond more quickly to the judiciaries’ educational needs and also so that judges can access Institute material when they need it in their work. To this end, over the 2012 / 2013 period, the Institute has delivered webinars, recorded seminar content and developed online tools that will soon support a library of connected educational material for judges.

I expect that over the next 18 months we will begin to see the benefits of these changes flowing through in increased access for judges to programmes and programme material, and in new and challenging course content.

The judiciary is well served by the team at the Institute, who not only deliver many high quality programmes on a limited budget, but who also embrace and drive change. I express my sincere thanks to Janine McIntosh (Director), Rhonda Thompson (Education and Development Adviser), Vivienne McKevitt (Office Manager), Babette Kreyenhop (Events Administrator), and Tina Pope (Bench Book Editor). They have worked with spectacular efficiency and purpose in putting the strategic plan into effect. Their professionalism, dedication and cooperative approach have been instrumental to progress for the Institute over the past year.

I also wish to acknowledge the Hon Justice Susan Glazebrook who retired as Chair of the Board in October 2012. On behalf of the Board I thank Justice Glazebrook for the enormous contribution she has made to the development of the Institute and to judicial education. Although no longer on the Board, Justice Glazebrook continues to contribute her time and energy to the Institute, and this year was instrumental in the development of the very successful course, the Constitutional Role of a Judge.

As Chair of the Governing Board I see the enormous effort and creativity that has been harnessed by the Institute through its presenters, many of whom are judges. I thank all judges who have participated as members of education committees, seminar planners, presenters, chairs, bench book editors and participants.

Finally I acknowledge the important contribution of the Ministry of Justice in the administration of the Institute.

Thank you

Hon Justice Helen Winkelmann
(Chair)



DIRECTOR'S COMMENT

The Institute ventured into the 2012/13 year focussed on how to more effectively meet the educational needs of judges. Led by our Board with new Chair, Chief High Court Judge Helen Winkelmann, we came to the end of that year with many new initiatives underway. These have impacted on how, when and what judicial education is offered. At the same time, the Institute continued to successfully deliver a core suite of inter-bench and bench specific programmes.

Highlights for the year included:

1. Development of a new electronic Criminal Jury Trial Bench Book, a model approach that is now being rolled out for all Bench Books
2. Our first webinars
3. A new online booking system for seminars
4. New programmes delivered - Decision Making; Communicating with Children; Communicating with Young People; Poverty
5. Work started on a new curriculum component for Tikanga and Te Reo
6. A review of the Institute's strategic direction.

Justice Susan Glazebrook retired as Chair in October 2012 after serving on the Institute's Board since 2006 and as Chair since February 2007. We thank Justice Glazebrook for her enormous contribution to judicial education and for her commitment to our team.

Office of the IJS

As a team we were very fortunate to have Rhonda Thompson join us as Education and Development Adviser in August 2012. I am indebted to Rhonda, Vivienne McEvitt (Office Manager), Babette Kreyenhop (Office and Events Administrator) and Tina Pope (Bench Book Editor) for the cooperative and generous manner in which they carry out their work. It is their expertise and commitment that enables us to achieve what we do. I thank them all for their outstanding contributions and support.

Committees of the IJS

Many judges participate in committees, teaching faculties and bench book editorial committees. They are central to the Institute's success and I thank them for their support and involvement over this past year.

We wish to thank the following committee members who have retired from the Institute:

- Justice Susan Glazebrook, Governing Board (Chair) and Higher Courts Committee
- Justice Christine French, Governing Board and Higher Courts Committee
- David Goddard QC, Governing Board
- Justice White, Higher Courts Committee
- Judge Susan Thomas, District Court Committee
- Principal Family Court Judge Boshier, Family Court Committee
- Judge I Malosi, Diversity Committee

Other Organisations

Finally, thank you to the people involved with the many organisations we continue to work with including the New Zealand Law Society; the Judicial College of Victoria; Australasian Institute for Judicial Administration; Judicial Commission of New South Wales; National Judicial College of Australia; the Commonwealth Judicial Education Institute and National Judicial Institute (Canada).

Janine McIntosh
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 judges.

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 2012 to 30 June 2013
2. Governance and Personnel
3. Plan of activities for the period 1 July 2013 to 31 December 2013.

FINANCIALS

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, programmes and publications in 2012/2013 was \$945,000.

GOVERNANCE

The IJS Board meets 3 times a year and consists of at least one member from each of the benches plus 2 academics and an education expert. The current members of the Board are:

The Honourable Justice Heath (nominee for Chief Justice)
The Honourable Justice Winkelmann, Chief High Court Judge, Chair
The Honourable Justice Stevens, Court of Appeal
The Honourable Justice Kós, High Court
The Honourable Justice J Williams, High Court
Her Honour Judge J-M Doogue, Chief District Court Judge
His Honour Judge S J O'Driscoll, District Court
His Honour Judge C Coxhead, Maori Land Court
Mr Robert Pigou, (nominee for Secretary for Justice)
Professor Mark Henaghan (Academic)
Associate Professor Winnie Laban (Academic)
Paul Radich (Legal Profession)

HIGHLIGHTS FROM 2012 - 2013



LIGHTS, CAMERA, ACTION!

IJS recently filmed a new DVD for use in our Evidence and Procedure seminars. The DVD features a domestic violence scenario and raises a number of thorny evidence issues for seminar participants to grapple with in the future.

Sergeant Mike Higbie, from the Royal New Zealand Police College, gives evidence as the camera focusses in on counsel.

POVERTY IN NEW ZEALAND

Powerful, sobering and concerning were some of the words used to describe the information presented at the “Trends in NZ – Poverty” seminar in March.

Around 19 Judges attended the two day seminar and many commented that the seminar had given them a greater awareness of poverty in their communities and the impetus to look for more creative ways to find just solutions.



CRIMINAL PROCEDURE CHANGES

Updates on the Criminal Procedure Act 2011 were held around New Zealand and lead by (left to right) Megan Anderson – Senior Advisor CPA Implementation for the Ministry of Justice, Judge Davidson and Judge O'Driscoll.



HIGHLIGHTS FROM 2012 - 2013

VISIT TO THE MARAE

Judges headed to the Far North in April for the annual IJS marae visit.

Held at the Ngati Manu marae in Karetu, the visit gave 15 Judges the opportunity to live and breath Maori culture and custom.

Said one Judge: “It was one of the best experiences to have as a New Zealander and as a Judge”.



Ngā Puhi Kaumātua Wiremu Wiremu shows Judges where the Tiriti O Waitangi was signed.



Attendees at the Assessing Witnesses seminar

TRUTH AND LIES

The year got off to a flying start with our Assessing Witnesses seminar. The highlight of the seminar was Professor Aldert Vrij, world expert on lie detection, who was beamed in via Skype. A participant commented that Aldert “caused a major rethink about factors previously thought to be ‘reliable’ and ‘credible’.”

PERSONNEL

Education Committees

We have 7 education committees, one from each bench, which assist in the management of the education programmes. A Diversity Education Committee advises on education related to diversity issues and a Curriculum Committee advises on IJS's curriculum. The members of the Education Committees are:

Higher Courts:

Dame Sian Elias, Chief Justice
Justice Helen Winkelmann, Chief High Court Judge
Justice Paul Heath, Chair
Justice Stephen Kós
Justice Lyn Stevens
Associate Judge Osborne
Professor Campbell McLachlan QC

District Court:

Judge Jan-Marie Doogue, Chief District Court Judge
Judge Andrew Becroft, Principal Youth Court Judge
Judge Stephen O'Driscoll, Chair
Judge Alison Sinclair
Judge Barbara Morris
Judge David Ruth
Judge Maree MacKenzie
Judge David Saunders
Judge Keith de Ridder
Judge David Wilson
Professor Warren Brookbanks

Family Court:

Judge Laurence Ryan, Principal Family Court Judge
Judge Maree MacKenzie
Judge Rosemary Riddell, Chair
Judge Stephen Coyle
Judge Alayne Wills
Associate Professor John Caldwell

Youth Court:

Judge Andrew Becroft, Principal Youth Court Judge, Chair
Judge Chris Harding
Judge Jane McMeeken
Judge Anthony Fitzgerald
Dr Alison Cleland

Māori Land Court:

Chief Judge Issac, Chair
Judge Caren Fox
Judge Stephanie Milroy
Judge Craig Coxhead
Ms Jacinta Ruru

Environment Court:

Judge Newhook, Act Principal Environment Judge, Chair
Judge Jane Borthwick
Judge Melanie Harland
Commissioners A Leijnen and K Edmonds
Harry Johnson

Employment Court:

Judge Colgan, Chief Employment Court Judge Chair
Judge C Inglis

Diversity:

Justice Rebecca Ellis
Judge Denise Clark
Judge Stephanie Milroy, Chair
Judge Lisa Tremewan
Judge Craig Coxhead

PROGRAMME FACULTIES

The judges are part of the faculty which assists with the content and running of each of our programmes. The current members of each faculty are:

Programme

Faculty

Decision Making:

Justice Susan Glazebrook
Justice Robert Dobson

Communication with Children & Young People:

Judge Anthony Walsh
Judge John Strettel

Assessing Witnesses:

Justice Susan Glazebrook
Justice Venning
Judge Emma Smith

Evidence and Procedure:

Justice Wild
Justice Robert Dobson
Judge Stephen Harrop

Trends in NZ Society - Poverty:

Judge Lisa Tremewan
Judge Denise Clark

Judgment Writing:

Justice Patrick Keane
Judge Arthur Tompkins
Judge Carrie Wainwright

Judicial Orientation:

Justice Patricia Courtney
Judge Ida Malosi
Judge John Walker

Unrepresented Litigants

Justice Jill Mallon
Judge Stephen O'Driscoll
Judge Emma Smith

Marae Visit

Judge Denise Clark
Judge Louis Bidois
Judge Heemi Taumaunu

Criminal Jury Trial Judges Orientation:

Judge Bruce Davidson
Judge Stephen O'Driscoll

Solution Focused Judging:

Judge John Walker
Judge Jane McMeeken
Judge Anthony Fitzgerald

Te Reo Intensive:

Judge Heemi Taumaunu

Understanding Cybercrime:

Judge David Harvey

BENCH BOOK EDITORS

The bench books are an on-line tool which assist judges with their day-to-day court work. They are regularly updated by IJS in association with the editors. The current editors of these books are as follows:

Criminal Jury Trial:

Justice Graham Lang
Justice Mark Woolford
Judge Tom Ingram

District Court:

Judge Stephen O'Driscoll

Youth Court:

Judge Chris Harding
Judge Anthony Fitzgerald

Family Court:

Judge Maree MacKenzie

Māori Land Court:

Judge Stephanie Milroy
Judge Layne Harvey

Environment Court:

Judge Craig Thompson

IJS OFFICE

The IJS office is a small team consisting of a Director, Education & Development Adviser, Office Manager, Office & Events Administrator and Publications Consultant. These positions are currently held by:

Janine McIntosh, Director

Rhonda Thompson, Education & Development Adviser

Vivienne McKevitt, Office Manager

Babette Kreyenhop, Office & Events Administrator

Tina Pope, Publications

PROGRAMMES PLANNED 30 JUNE 2013 - 1 DECEMBER 2014

During this timeframe IJS will be delivering the following programmes:

DECISION MAKING

4-5 July 2013

An opportunity to draw on material from psychology, neurology and social sciences to explore the process of decision-making, including conscious and unconscious bias.

SOLUTION-FOCUSED JUDGING

11-12 July 2013

Focus on the developing area of non-adversarial justice and, particularly, on how solution-focused approaches can be incorporated into the work of mainstream courts. Consider lessons learned in specialist solution-focused courts that may inform your understanding of solution-focused judging, particularly in the area of judicial interaction with participants in the court process.

UNREPRESENTED LITIGANTS

1-2 August 2013

Assist judges to respond to the growing number of unrepresented litigants appearing in the courts and the unique challenges to judges endeavoring to ensure procedural fairness while maintaining order, efficiency and independence.

MENTORING PROGRAMME

16 August 2013

A workshop developed to teach judges how to assist other judges in their daily tasks. Areas to be covered are the role of mentor; the responsibilities and commitment required; and the characteristics of an effective mentor.

CONSTITUTIONAL ROLE AND FUNCTIONS OF A JUDGE

12 –13 September 2013

Reflect on the judicial role, its place in the maintenance of constitutional democracy and its relationship with the other branches of government. Inquire into the obligations and duties of judges and the extent and limitation of their powers. Consider separation of powers, judicial independence, judicial ethics and the protection of human rights.

TE REO INTENSIVE

4 & 5-7 November 2013

A workshop in te reo Māori encompassing aspects of tikanga.

JUDICIAL ORIENTATION PROGRAMME

26-29 November 2013

New judges from all benches cover topics including judicial conduct, social context issues, courtroom management, judicial method and sentencing.

ASSESSING WITNESSES

20–21 February 2014

Focus on assessments of reliability and credibility of witnesses and a review of current research on these topics. Consider approaches and techniques that can be used to assess reliability and credibility, and directions to juries and yourself when assessing witnesses.

MARAE VISIT

27 February - 2 March 2014

An opportunity to explore Māori culture and life. The marae setting provides an environment for a clear expression of tikanga Māori. Kaumātua will present aspects of tikanga and explain the significance of land and history.

TRENDS IN NZ SOCIETY – POVERTY

13–14 March 2014

The objective is to enhance judges' understanding of poverty and how it impacts on the judicial role, as well as understanding how judicial decisions impact on those living in poverty.

DECISION MAKING

27-28 March 2014

An opportunity to draw on material from psychology, neurology and social sciences to explore the process of decision-making, including conscious and unconscious bias.

MEDIA FOR JUDGES

9 May 2014

How to use the media to get the judicial voice across so people can understand.

EVIDENCE AND PROCEDURE

29-30 May & 26-27 June 2013 (Auckland)

An opportunity to identify and deal with evidential issues that routinely arise in the course of a trial and determine relevance and appropriate responses to a range of courtroom situations.



UNREPRESENTED LITIGANTS

3-4 July 2014

Assist judges to respond to the growing number of unrepresented litigants appearing in the courts and the unique challenges to judges endeavoring to ensure procedural fairness while maintaining order, efficiency and independence.

JUDGMENT WRITING

30-31 July & 1 August 2014

Consider the architecture of a judgment and the principles of good judgment writing. Learn to simplify and streamline judgment writing techniques.

CONSTITUTIONAL ROLE AND FUNCTIONS OF A JUDGE

4-5 September 2014

Reflect on the judicial role, its place in the maintenance of constitutional democracy and its relationship with the other branches of government. Inquire into the obligations and duties of judges and the extent and limitation of their powers. Consider separation of powers, judicial independence, judicial ethics and the protection of human rights.

TIKANGA

11-12 September 2014

Develop a basic grasp of procedural and substantive tikanga alongside an awareness of the limits of that knowledge, and an understanding of when and how to seek help.

TE REO INTENSIVE

4 & 5-7 November 2014

A workshop in te reo Māori encompassing aspects of tikanga.

JUDICIAL ORIENTATION PROGRAMME

18-21 November 2014

New judges from all benches cover topics including judicial conduct, social context issues, courtroom management, judicial method and sentencing.