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AIJA News

What will 2050's court system look like? Will technological advances merely create the need for new laws or do they present a threat to the rule of law? Does the legal profession still have a future? And if so, what is it? How do "lawyerbots" actually work? And do videolink hearings represent the future of the court system or a breakdown of the division between court and prison?

These are just a few of the questions to be raised at "Forces of Change: Defining Future Justice", the Australasian Institute of Judicial Administration's next conference, May 24-26, at Brisbane's Stamford Plaza Hotel.

The conference aims to conceptualise and visualise the shape of future justice and hold an in-depth conversation on the fundamental principles that underpin our concept of justice but may be challenged in a period of significant change and disruption.

The line-up of speakers contributing is an eclectic mix of judges, academics and tech-experts. It includes the Chief Justice of New Zealand, Dame Sian Elias, the High Court's Justice Michelle Gordon, Justice Helen Winkelmann from NZ's Court of Appeal. Other speakers will include Mr Murray Bruce, formerly with IBM's AI platform "Watson", CSIRO IP expert Mr Rajiv Cabraal, lawyerbot inventors Mr Athol Birtley and Mr Adrian Cartland, and "blockchain" expert Dr Philippa Ryan, from the University of Technology, Sydney

Beginning with a keynote talk on "the world in the year 2050", the conference will feature an opening address on the experience of the use of technology in the legal system in England and Wales, by the Right Hon Lord Thomas of Cwmgiedd, the former Lord Chief Justice of England and Wales. This will be followed by a panel discussion chaired by Radio National's The Law Report presenter Damien Carrick.

Subsequent sessions include: a hands-on introduction to lawyerbots and AI; a look at the new laws that will be required by new technologies; and a survey of the future mental health needs of judicial officers and court staff. To close, a session on "management of change" will challenge participants to identify their own views. Are you an "early adopter"? Or a "maintain the rage"? Come along and join the conversation.

See the program and register at http://www.futurejustice2018.com/

NEW AIJA MEMBERS

The AIJA Council is pleased to welcome the following AIJA Members:

Her Hon Judge Julie Condon, *County Court of Victoria*
Her Hon Judge Tracy Fantin, *District Court of Queensland*
The Hon Justice Bruno Fiannaca, *Supreme Court of Western Australia*
Her Hon Judge Alexandra Harland, *Federal Circuit Court of Australia*
His Hon Judge Anthony Kelly, *Federal Circuit Court of Australia*
Dr Brenda McGivern, *University of Western Australia*
Her Hon Judge Brana Obradovic, *Federal Circuit Court of Australia*
The Hon Justice Jeanene Rodrigues-Smith, *Western Australian Industrial Relations Commission*

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AIJA Life Member Awarded to . . .

The AIJA Council has elected Life Membership of the AIJA to **Ms Jane Reynolds** in recognition of her especially meritorious service to the Institute and to the administration of justice.

Ms Reynolds became a member of Council in October 2007. She became a member of the Education Committee in May 2008, a member of the Board of Management in July 2013, and Education Committee Convenor in July 2013.

Ms Reynolds has provided significant service to the AIJA in her various roles within the AIJA and particularly in coordinating the Non-Adversarial Justice Conference in April 2017.

MAKE A GIFT – SUPPORTING THE AIJA

The Australasian Institute of Judicial Administration (AIJA) is an approved Research Institute for the purposes of the *Income Tax Assessment Act* 1997 (Cwth). In addition to supporting our work, a donation to the Research Fund will facilitate research by the AIJA relating to judicial and court administration. Donations of $2 or more are tax-deductible for Australian tax payers: ABN: 13 063 150 739. Your support will be gratefully received and acknowledged.

Donations can be made on the AIJA website: https://aija.org.au/support-aija-research/

Thank you for your support

INDUCTION AND MENTORING FOR NEWLY APPOINTED JUDICIAL OFFICERS

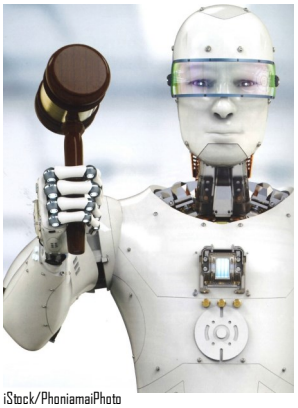
At the October meeting of the AIJA Council, Greg Reinhardt was asked to seek information from all heads of jurisdiction in Australia and New Zealand in relation to current practices regarding induction and mentoring for newly appointed judicial officers.

Information has been sought and obtained. That information has been collated. It is proposed work be undertaken, possibly in conjunction with the National Judicial College of Australia, in relation to standards for induction and mentoring.

AIJA members may be aware of the work that was undertaken by the Hon Bernard Teague AO, former Board and Council member of the AIJA, in relation to judicial mentoring. Details of the Mr Teague's work are to be found in the Journal of Judicial Administration (*JJA*) 18(4) (April 2009) *Towards Better Judicial Mentoring* The Winston Churchill Memorial Trust of Australia.

International Framework for Court Excellence

Dr Liz Richardson continues to develop a number of initiatives in relation to the International Framework for Court Excellence (IFCE). The current July IFCE newsletter is available on the website: http://www.courtexcellence.com/news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AIJA ORATION

The adaptability of the law to change

The Honourable Chief Justice Susan Kiefel AC

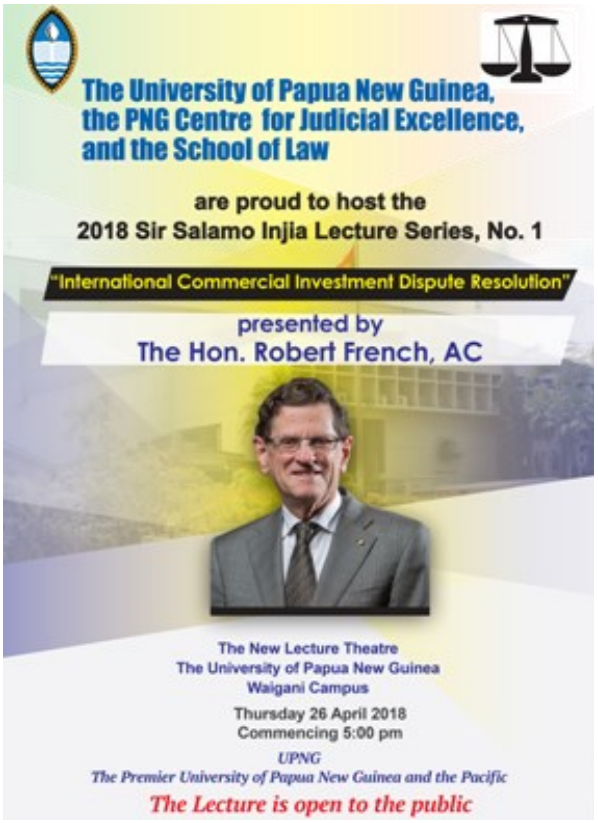
Thursday 24 May 5.15 for 5.30 pm *Followed by refreshments*

To register please visit http://www.futurejustice2018.com/

Extracted from Banco Court lectures 2018

This year's oration opens the Australasian Institute of Judicial Administration conference *Forces of Change-Defining Future Justice*. A central theme of the conference will be conceptualisation of future justice and conversation on the fundamental principles which must be adapted in a period of significant change and disruption. The conference will discuss such drivers for change as emergent technologies, consumerism, big data, socio-economic influences and changes in legal practice amongst others. Courts will not be immunised from change and must plan for judicial and court administration in this context. There will be opportunities. There will also be challenges and maybe threats to fundamental principles which underpin the core of justice. Courts and tribunals need to be ready to shape policy and future justice, identifying those bedrock principles which must be preserved and translated into this new environment. *Forces of Change-Defining Future Justice* will continue the conversation on procedural justice and access in a rapidly changing world.

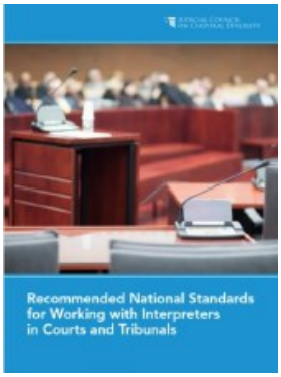
Justice Kiefel's oration 'The adaptability of the law to change' will discuss the extent to which judge-made law can accommodate changes in, or the needs of, society; it will survey views about the role of the courts in this regard over time; whether certainty in the law operates as a limit to change; and where such change is contemplated what values inform developments in the law.



Hellenic Australian Lawyers Association

HAL International Legal Conference, 9-12 July 2018, Rhodes, Greece

Registrations now open Website: https://hal.asn.au/Rhodes-Conference/



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Arts & Social Sciences
School of Humanities & Languages

8th Free Annual Legal Interpreting Symposium, 2018

Proudly hosted by the School of Humanities & Languages (Interpreting & Translation Program) and the Faculty of Law

Register on: https://www.eventbrite.com.au/e/8th-annual-legal-interpreting-symposium-2018-tickets-44350740258

SURVEY ON LEGAL REASONING IN COMMERCIAL DISPUTES

Those with experience serving as judges or arbitrators in national or international commercial disputes are invited to complete an anonymous electronic survey that is part of an international empirical research project entitled "Survey on Legal Reasoning in Commercial Disputes" (IRB #2010449C). The survey is being conducted by Professor S.I. Strong, a specialist in international and comparative dispute resolution and a senior faculty member at the Center for the Study of Dispute Resolution at the University of Missouri School of Law (see http://law.missouri.edu/faculty/directory/strongs.html).

The research is the first large-scale, international empirical study to focus on the process of legal reasoning and is intended to improve our understanding of how judges and arbitrators resolve complex commercial disputes in both national and international settings by exploring potential differences between (1) judicial and arbitral decision-making; (2) national and international decision-making; and (3) common law and civil law decision-making. The study will not only help parties make more informed choices about where and how to resolve their legal disputes, it will also assist judges and arbitrators in carrying out their duties by improving counsel's understanding about how to best to craft and present legal arguments and submissions.

If you have experience as a judge or arbitrator in commercial disputes and would like to participate in this survey, please click https://www.surveymonkey.com/r/commercial-dispute-strong or paste this e-address into your browser.

The survey should take approximately twenty minutes to complete, and participation is entirely anonymous. The survey will remain open until 11:59 p.m. Central Daylight Time (CDT) on **May 1 2018**

If you have any questions about this project, you can contact Professor Strong at +1-573-882- 2465 or strongsi@missouri.edu If you have any questions about your rights as a research subject, you can call the University of Missouri Campus Institutional Review Board at +1-573-882-9585.

Please feel free to forward this message to anyone who you believe might be interested in participating in this survey.

Call to Action from Australian linguistics organisations seeks review and reform of legal handling of covert recordings used as evidence in criminal trials

On 8 Dec 2017, a letter was received by Professor Greg Reinhardt, Executive Director of the AIJA, from the Australian Linguistics Society (ALS) and the Applied Linguistics Association of Australia (ALAA).

The letter called for review and reform of the legal handling of covert recordings used as evidence in criminal trials, pointing to actual and potential injustice arising from substantial problems in four main areas:

- translation of covert recordings in languages other than standard Australian English;
- transcription of indistinct English in covert recordings;
- attribution of utterances in covert recordings to particular speakers;
- use of 'enhanced' versions of poor-quality covert recordings.

An attached article outlined how these problems have arisen, explained how they can cause injustice, and suggested how they might be solved.

The letter then suggested AIJA might create a reference committee of senior figures in law and law enforcement to liaise with a similar group recently formed within the linguistics organisations; and plan a workshop for both groups to discuss the issues.

The actual text of the letter, is available at https://forensictranscription.com.au/call-to-action/

Fraser, H. (in press for May 2018). 'Thirty years is long enough: It's time to create a process that ensures covert recordings used as evidence in court are interpreted reliably and fairly'. Journal of Judicial Administration.

Call for participation in research examining judicial views on perpetrator interventions

Dr Kate Fitz-Gibbon is currently leading a two-year research project examining the use, influence and management of perpetrator interventions in sentencing of recidivist and high -risk domestic violence offenders across Australia. The research is funded by the *Australian National Research Organisation for Women's Safety* and aims to better understand how perpetrator interventions – including intervention orders and men's behavioural change programs, are used in the sentencing of domestic violence offenders.

The Australasian Institute of Judicial Administration is a partner on this project.

For this research we are conducting interviews with judicial officers, magistrates and legal stakeholders across Australia to gain an insight into experiences with, and current views of perpetrator interventions. We are interested in better understanding how perpetrator interventions arise in your practice, your views on the effectiveness of perpetrator interventions and/or needs for future reform.

The AIJA would like to encourage all members to consider participating in an interview.

Interviews will be conducted in April via phone and will be approximately 20 minutes in duration. Participation in this research is kept confidential. All participants will be referred to by a pseudonym in any resulting research reports and publications.

If you are willing to participate in this research please contact Dr Kate Fitz-Gibbon via email kate.fitzgibbon@Monash.edu or via phone (03) 9905 2616 to set up an interview time.

Dr Fitz-Gibbon's professional profile can be viewed at:
http://profiles.arts.monash.edu.au/kate-fitzgibbon/

Further information about our project is available at:
http://artsonline.monash.edu.au/gender-and-family-violence/perpetrator-interventions/

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Anthony Gray. - Contempt and the Constitution – Part II. 27(2) (2018) Journal of Judicial Administration 55-73

Part I of this article considered the existing common law of contempt in light of the implied freedom of political communication, concluding there were real doubts about current contempt law given this constitutional freedom. In Part II another constitutional aspect of contempt law is considered – the question of reform to contempt law, and constitutional limits on such proposals, particularly Chapter III of the Constitution.

John Anderson and Nicola Ross. – A Restorative City for New South Wales- Could Newcastle be a Model? 27(2) (2018) Journal of Judicial Administration 74-91

There is growing evidence that the experiences of restorative cities around the world, such as Hull UK, Oakland US and Whanganui New Zealand, have been positive for their citizenry. In implementing interdisciplinary restorative practices and restorative justice measures across a range of systems including education, justice, child welfare and health, restorative cities have achieved transformational change in the culture and social fabric of their communities. The focus has been on viewing children and youth (being amongst the most vulnerable in these communities) as potential future community leaders. This article examines the evidence for restorative practice through vignettes of the existing models and experiences of international restorative cities before considering the suitability of Newcastle, New South Wales as a candidate for a restorative city. Lessons learned from these cities may advance the current process of urban renewal in Newcastle through developing strategies for social, cultural and economic change to address enduring forms of harm and pockets of disadvantage. A blueprint is devised for Newcastle to move towards being a restorative city.

The *Journal of Judicial Administration* is published quarterly and is a leading forum for the discussion of contemporary issues impacting on judicial administration. For more information call 1300 304 195 or email: lta.service@thomsonreuters.com.