



INSTITUTE OF JUDICIAL STUDIES (IJS)

PROSPECTUS 2016

IJS has developed an overall curriculum of judicial education which guides the Institute's course development. The role of IJS for the judiciary is to both inform and inspire the intellect, and to inculcate and develop skills and good judge craft. The courses cater for new, established and senior level judges, and must also address bench-specific and specialist court education needs. Therefore the curriculum is comprised of four broad areas:

1. The role of the judge
2. Context of judicial function
3. Skills and judge craft
4. Renewal

The role of the judge involves broadly three categories – induction; the role of the judge generally; and special functions, courts and delivery. Courses include induction programmes which have skills and judge craft as part of their content; programmes covering judicial conduct and ethics; annual seminars for the different benches and jurisdictions; and mentoring programmes.

Context of judicial function covers both social and legal context. Social context includes core programmes on Te Reo, Tikanga, Marae visit, Open Justice & the Media, and Family Violence. Legal context includes substantive law updates and common room sessions on new and or complex areas of law, as changing legal rules are part of the context in which the career judge operates.

Skills and judge craft includes management skills (such as courtroom management and communication and case and time management), evaluative skills and delivery skills. Core evaluative skills programmes include Evidence and Procedure; Decision Making; and Bail and Risk Assessment. Core delivery skills include Oral Judgments, Judgment Writing and Summing Up.

Renewal is aimed at reinvigorating and harnessing the previous experience of established and senior level judges.

IJS courses are developed and delivered with input from both subject area experts and judges; judges participate as seminar leaders, facilitators, learners and experienced contributors. Courses are interactive and include discussion, practice sessions, scenarios, videos and analytical frameworks.

We look forward to seeing you at some of the IJS seminars listed below in 2016.

Booking Information

Bookings are made online using the Seminar Booking System in JAX. When you have completed your online booking a confirmation email is sent to you and your PA/Associate confirming the seminars you have applied for. After the cut-off date, (for District Court and High Court judges only), your applications are sent to your Heads of Bench for their approval. You will be notified some time after that of which seminars you have/have not been approved to attend.

Please note that we organise attendance at the bench specific updates, common room sessions and orientations directly through the Heads of Benches and Roster Managers.

Travel Information

IJS pays all travel and overnight expenses when a Judge is from out of town. IJS uses Corporate Cabs wherever possible. Judges attending IJS seminars do not qualify for daily allowance rates.

IJS seminars commence at 9.30 am on the first day to allow most Judges to travel to the seminar in the morning. There may be circumstances where this is not possible or reasonable, e.g. when there are no flights available; consideration for winter travel conditions or exceptionally early flights. These circumstances can be considered on a case by case basis.

IJS adheres to the Ministry's guidelines where possible. Meal costs can be viewed as reasonable when they fall within the following ranges:

- Breakfast (negotiated cost provided at the venue)
- Lunch (negotiated cost provided at the venue)
- Evening meal is **\$30-45 per person**, alcohol is not covered.

We ask you to be mindful of this going forward. (If dining outside the venue, please submit a reimbursement form with receipt to IJS after the event).

Evaluating Seminars

Evaluations for IJS seminars are done online and sent to you via email. Your evaluation feedback is important so we can continue to develop and improve our seminar programme for quality and fit for purpose.

Open Justice & the Media

Dealing with the media often poses difficult issues for judges. This one day seminar focuses on these issues to educate and assist judges as they negotiate what has been described as the “media minefield.” Issues covered will include:

- Managing suppression
- Access to court records
- Social media and judges
- Processing applications for coverage under the In-Court Media Guidelines
- Establishing systems and procedures before the start of a trial attracting media interest
- Procedures to increase the likelihood of accurate reporting
- When to limit pictorial coverage of proceedings
- Media issues arising before and after trial
- Controlling media outside the courtroom
- Young persons and the media
- A Judge’s armoury when the media transgress
- Report to the Chief Justice on Media in Courts

The goal is to improve both the relationship between the judges and the media and the quality of court reporting.

→ 19 February 2016, Auckland

Te Reo Wānanga for Proficient Speakers

He rumaki reo Māori tēnei wānanga. Ko te whāinga kia whai wā ngā ākonga ki te whakapakari i tōna reo Māori, kia hōhonu ake, kia whakaniko ake, kia Māori ake.

This wānanga intensive will be taught in a rumaki/immersion style, aimed at those who are at an intermediate to an advanced level of proficiency. The wānanga will also encompass aspects of Tikanga and kawa. The wānanga will be led by an experienced faculty of kaiako/teachers. The objective of the wānanga is to strengthen the depth, quality and fluency of the participants.

→ 22-26 February 2016, Picton

Marae Visit

An important focus of the curriculum is the development of judicial awareness and skill in the area of Tikanga and Te Reo. The marae visit is a unique opportunity to explore Māori culture and life on the marae where there is a clear expression of Tikanga Māori. You will be formally welcomed onto the marae where kaumātua will present aspects of Tikanga and explain the significance of land and history. You will be guided by judicial colleagues as you participate, with the local people, in the life of the marae. Past attendees have described the visit as “brilliant” and commented that they have learned a huge amount. The marae visit is an unrivalled opportunity to get to know Tikanga better and also to foster collegiality with judicial colleagues.

→ 10-13 March 2016, Rotorua

Sentencing & Sentencing Options

This course (running twice in 2016) covers the content, structure, and delivery style of sentencing. You will learn how to best deal with issues including tensions between efficient despatch of list court sentencing and s31 Sentencing Act requirement to give reasons and when to adjourn to call for reports and consider restorative justice. You will also look at options for reparation, deferral of the date of imprisonment, drink driving, minimum period of imprisonment, community detention and victim impact statements.

→ 6 May 2016, Auckland and 12 October 2016, Wellington

Bail & Risk Assessment

There are many factors to be considered in relation to bail and the associated risk. Central is the Bail Act 2000, whether the defendant is bailable as of right and whether there is just cause for detention. This course (running twice in 2016) will cover the law and leading cases on just cause, as well as give you practical experience of key factors that help us in assessing risk.

→ 13 May 2016 and 7 November 2016, Wellington

Judgment Writing

This seminar offers the chance to improve your judgment writing skills. Guided by an experienced faculty drawn from the High and District Courts, together with a panel of professional writers, you will consider the architecture of a robust judgment, and the principles of good writing as applied to judgments. Both theory and practice will be considered. You will learn to simplify, streamline and strengthen your judgments. During the workshop the faculty will guide you through a re-write of at least one of your own judgments to apply and reinforce the principles and skills presented.

→ 25-27 May 2016, Wellington

Evidence & Procedure

The two day workshops (running twice in 2016) are an opportunity for you to identify and deal with evidential issues that routinely arise in the course of a trial. The seminars will strengthen judicial skills in analysing evidential issues, applying the law to those issues and giving reasoned decisions. The material covered is at the core of the Judge's work. The seminars are highly interactive and participants will work through simulated examples to apply the law and grapple with the difficult issues posed by them. You will work with scenarios to determine relevance and appropriate responses to a range of courtroom situations.

The seminars will afford participants the opportunity to discuss evidence issues with a leading academic and evidence expert who was involved in the Law Commission's reform project. The faculty judges running the sessions are drawn from every bench allowing participants to benefit from a variety of perspectives.

→ 27-28 June 2016 and 30 June – 1 July 2016, Auckland

Challenge and change: the continuing evolution of the New Zealand Judiciary

Guided by a panel of some of New Zealand's best legal historians you will journey through the history and development of the New Zealand judiciary and the part it has played in our constitution. You will be able to consider and debate times of change or crisis in New Zealand and the role the judiciary played. You will hear about structural and procedural change as it has affected the judiciary, as context for the structural and procedural issues that continue to be debated amongst us.

→ 7-8 July 2016, Wellington

Decision Making

We are very fortunate to have Kimberly Papillon again in person to lead this seminar in 2016. Kimberly is an international expert in the field of legal and judicial decision making and will explore with you the neuroscience and psychology of decision making in the courts. Over two days she will:

- pinpoint the areas where decisions are made by judges and where cases can be affected by implicit preferences and unconscious processes and subtleties;
- use neuroscience to explore how decisions in criminal and civil court can be affected by implicit bias;
- show how the brain reacts while making judgments of

- competence and character;
- demonstrate how communication methods affect the public's trust and confidence in the courts; and
- use research in neuroscience and psychology to show how unconscious processes can be changed.

Overall sessions will include exercises, tools and specific strategies for increasing equity in decision making. Participants will explore new methods for reaching the goal of equitable decision making in the courts.

→ **21-22 July 2016, Auckland**

Leadership

This seminar is relevant for all judges as leadership skills and attributes are required throughout a judicial career. For example judges need leadership skills for case and courtroom management, in deciding cases and in representing the courts before other government bodies and the public.

During this seminar you will explore what it means to be an effective leader in a judicial context, how you can manage yourself as a leader and develop your leadership style.

You will develop your capacity to build collegiality, to create and maintain a productive working atmosphere and team by engaging, motivating, communicating and influencing to get the best from individuals, groups and organisations. You will look at ways to deal with change and getting others on board with change.

→ **4-5 August 2016, Wellington**

Family Violence

In this seminar, experts from a range of disciplines and backgrounds will present the current research about the dynamics of family violence, including its impact on children and the significance of various "red flags" as predictors of worsening offending. A number of practical exercises will give the participants experience in applying this knowledge to the decisions required of judges – including bail, disposition and sentencing. A session on the rules of evidence that have particular importance in such cases will also include helpful interactive examples. The aim of the seminar is to educate about best practice given the current understanding about what assists victim safety and prevents recurrence of the violence.

→ **1-2 September 2016, Auckland**

Courtroom Management & Communications

This seminar will provide an opportunity to practice communication skills relevant to the unique environment of the courtroom. The programme will identify your current presentation style and provide constructive tailored feedback on the elements of a good presentation, vocal and body language dynamics, clarity and

IJS staff

The Institute of Judicial Studies (IJS) is the education arm of the judiciary. We run annual programmes and seminars to assist judges throughout their careers with their day-to-day roles.

Our core team is:

- Janine McIntosh,
- Leanne Templer,
- Raewyn Montgomery,
- Babette Kreyenhop and
- Tina Pope.

Our office is located in the historic High Court building beside and expanding into the Supreme Court in Wellington.



from left: Janine McIntosh, Tina Pope, Babette Kreyenhop, Raewyn Montgomery, Leanne Templer

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managing your courtroom demeanour in the courtroom in stressful situations. It will also provide assistance with the growing number of unrepresented litigants appearing in the courts which present unique challenges.

→ 29-30 September 2016, Auckland

Tikanga

A focus of the curriculum is the development of judicial awareness and skill in Te Reo and Tikanga. Tikanga training is therefore an important aspect of the curriculum going forward. Judges need to develop a basic grasp of formal Māori protocols, whether employed in the Courtroom or outside it. Judges also need to develop a basic awareness of Tikanga as law, both procedural and substantive, and whether contained in statutory directives or as part of the wider New Zealand common law. This seminar will be led by Tikanga experts of high standing within the Māori community who will be assisted by judges experienced in dealing with Tikanga as law. The seminar will be held at the Te Paea Marae which provides not just a cultural “fit” for this seminar, but also a warm and collegial atmosphere for learning.

Judges completing this seminar will have developed 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.

→ 26-28 October 2016, Auckland

Judicial Intensive

All new judges complete our Intensive programme which is designed to help with the transition to life on the Bench. Senior judges lead presentations and discussions on aspects of court craft with a particular emphasis on the crafts that judges are called upon to apply immediately. Coverage includes judicial conduct, social context issues, courtroom management, judgment delivery, bail, sentencing and dealing with media. The programme is an opportunity to enjoy the friendship of new colleagues and benefit from the experience of senior colleagues. Your Head of Bench will make arrangements for your attendance and the scheduling of your roster.

→ 13-18 November 2016, Nelson

Bench Specific Seminars

A series of one day seminars will be conducted regionally to update judges on topics relevant to the work of each bench. No application is required to attend. Your Head of Bench will make arrangements for your attendance and the scheduling of your roster. In 2016, seminars are planned as follows:

- Higher Courts **Updates** (2 x 1 day)
- Māori Land Court **Update** (2 x 1 day)
- Family Court **Update** (1 day)
- District Court **Updates** (2 x 1 day)
- Environment Court **Update** (1 day)
- Civil Judges **Update** (1 day)

- Criminal Jury Trial Judges **Orientation** (2 days)
- Family Court **Orientation** (2 days)
- Youth Court **Orientation** (2 days)

Attending NZLS CLE courses

NZLS CLE welcomes the attendance of judges free of charge at all CLE programmes. The only exception is a charge for any attendance at a dinner included in a two day conference. For further information about available programmes please go to www.lawyerseducation.co.nz