

**Friday 29 October 2010**

**Session 12 - Expert Evidence**

Justice Peter McClellan Supreme Court of NSW (invited)

Expert evidence is often crucial in litigation and expensive to obtain. This session will look at moves to use single experts in civil proceedings, assessing expert evidence and the role and duties of experts.

**Session 13a - Sentencing**

Professor Arie Freiberg Monash University (invited)

Justice Terry Buddin (Supreme Court of NSW)

Whilst the principles of sentencing are reasonably well understood, their application in each case is a fine one. The presenters endeavour to provide guidance on general principles of sentencing and the exercise of judicial discretion.

**Session 13b Case management**

Justice Michael Barker (Federal Court of Australia )

This session will look at the role of judges dealing with busy application lists, the identification of cases requiring management and the referral of cases for alternative dispute resolution.

**About the program**

The National Judicial Orientation Program has been presented every year since 1994. The program has been developed by a steering committee of experienced judges, drawn from courts throughout Australia.

The primary objective of the program is to assist newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills, knowledge and attitudes necessary for effective judging.

The program is designed to offer insights into the role and responsibilities of a member of the judiciary, provide the opportunity for new appointees to benefit from the knowledge and experience of senior judges who attend the program as speakers, and allow an exchange of ideas and experiences among participants.

The Program is a residential program starting Sunday evening with a familiarisation session and ending on Friday. Prior to the program participants are asked to read some pre-reading material. Many of the sessions are interactive, relying on discussion by participants of practical case scenarios.



**Registration**

Preliminary Registration by Phone Fax Email or Mail

Phone: 02 6125 6655

Fax: 02 6125 6651

Email: njop@njca.anu.edu.au

Mail: The Director,  
National Judicial College of Australia  
PO Box 8102, ANU, ACT 2601

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Title: \_\_\_\_\_

Court: \_\_\_\_\_

Telephone: (work): \_\_\_\_\_

Email: \_\_\_\_\_

[www.njca.com.au](http://www.njca.com.au)

**National Judicial College of Australia**

**National Judicial  
Orientation Program**

**24 to 29 October 2010**

**Fremantle**



The program is a joint presentation of the National Judicial College of Australia, the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration (and with the support of the Judicial College of Victoria).

# Program

## Sunday 24 October 2010

### Official Welcome

### Session 1 - Familiarisation

#### Welcome dinner

## Monday 25 October 2010

### Session 2 - Judicial conduct in and out of court

Chief Justice Wayne Martin (Supreme Court of WA)  
Justice Debra Mullins (Supreme Court of QLD)

This session is intended to identify ethical issues, conflicts of interest and disqualification and to provide guidance in dealing with them. There are no specific answers to many of the questions which arise in this session; rather the session is intended to look at options for dealing with the problems raised.

### Session 3 - Maintaining psychological & physical health

Chief Judge Michael Rozenes (County Court VIC), Professor Trevor Waring (Psychologist, Newcastle University NSW)  
Ms Karen Inge (Dietitian VIC)

Judges are confronted with numerous demands on a daily basis - through the hearing of cases, administrative duties and the giving of judgments. The psychological and physical health of any person will impact upon their work and their productivity. This session is designed to reinforce ideas which may assist them to maintain physical and psychological well-being in a busy schedule.

## Tuesday 26 October 2010

### Session 4 - Assessing the Credibility of Witnesses

When should a judge believe a witness? Credibility can be the decisive question in many trials. This session is designed

to provide participants with assistance in relation to forming judgments on the credibility of witnesses. The session is led by a psychologist who has specialised in the assessment of the credibility of witnesses and a commentary will be provided by an experienced trial judge.

### Session 5 - Court room control and communication

Mr David and Ms Annie McCubbin (COUP Relationship and Communication Consultants NSW), Judge Geoff Muecke (District Court SA)

The aim of this session is to provide judges with the skills required to maximise their effectiveness in communicating with those who come into their courtroom. These skills are based on the 'theatrical' techniques and behavioural studies performers use when engaging strongly with their audiences.

### Session 6 - Court Craft – The trial from hell

Justice John Byrne (Supreme Court of QLD) and Justice Debra Mullins (Supreme Court of QLD)

Every judge will at some stage experience the "trial from hell". This session is concerned with trial management. It is designed to identify the problems which can arise in a trial and to suggest ways in which they may be dealt with. Judicial control of proceedings will be emphasized and contempt in the face of the court will be considered.

## Wednesday 27 October 2010

### Session 7 - Judgment Writing

The Hon Tom Wodak (County Court Vic rtd) and Justice Linda Dessau (Family Court of Australia)

This session is designed to introduce judges to the skill of good judgment writing. There will be a brief introduction to basic pointers on judgment writing and participants will work in smaller groups on the analysis of specific judgments and matters of particular concern to them.

## Thursday 28 October 2010

### Session 8 - Unconscious judicial prejudice

The Hon Keith Mason AC QC (Professorial Fellow UNSW)

This session will explore the impact of unconscious prejudice upon judicial decision-making in law and fact.

### Session 8 - Interpreters

This session will focus on the work of interpreters in the court room. It will firstly describe the intricacies of language and its importance in the adversarial courtroom. It will then describe the complexities of the interpreting process and the difficulties encountered by interpreters in achieving accuracy of interpretation. It will conclude by providing tips on how to help interpreters perform their work to the best of their skill and ability.

### Session 9 - Cultural barriers in the court room

Ms Maria Dimopoulos (Myriad Consultants VIC)

The public has come to expect that judges will be sensitive to diversity within the community and many litigants confront cultural difficulties in accessing the justice system. In this session an experienced facilitator leads to discussion by participants on cultural, racial and gender differences in the community.

### Session 10 - Litigants in Person

Chief Judge Terry Worthington (District Court SA) Professor Paul Mullen (Psychiatrist, Monash University VIC)

This session is intended to identify legal and practical issues which commonly confront judicial officers in dealing with litigants in person and to suggest strategies for dealing with them. The session will also consider abnormal and querulous litigants from a psychiatric perspective.