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ARTICLES

Understanding the Legal Information Experience of Non-lawyers: Lessons from the Family Law Context – *Jonathan Crowe, Rachael Field, Lisa Toohey, Helen Partridge and Lynn McAllister*

Parties to legal disputes, now more than ever before, are able to access information about the law. This article reports on an empirical study of experiences in relation to accessing legal information in a family law context. A thematic analysis of qualitative interviews with people who rang the Australian Federal Government’s Family Relationships Advice Line indicated five key issues: first, parties struggle with the complexity of the information experience; secondly, parties have difficulty in assessing the credibility and reliability of sources of information and the information provided; thirdly, parties indicate clear source preferences; fourthly, parties have difficulty applying the information retrieved from various sources to their individual situation; and, finally, parties tend to use language that is no longer reflected in family law legislation or practice. These findings are discussed and analysed with reference to the specific voice of the study participants. The findings should assist government agencies, family dispute resolution providers and others to improve the ways legal information and advice on post-separation issues is provided. The findings are also applicable to other contexts of legal information provision. 137

“No One Gets Closure In the End”: Non-adversarial Justice and Practitioner Insights into the Role of Emotion in Medical Negligence Mediation – *Tina Popa*

Non-adversarial approaches to justice that are grounded in therapeutic jurisprudence and restorative justice are based on the notion that expression of emotion is valuable for court users and involves recognition that legal decisions affect the emotional and psychological wellbeing of those court users. In medical negligence, expression of emotion and apologies may be particularly valuable to injured disputants. This article explores emotion and apologies in medical negligence mediation by drawing on interviews with 24 senior tort lawyers. The analysis of the data shows that emotion is an important part of medical negligence mediation, yet the lack of attendance and participation by doctors hinders the ability of parties to address non-legal needs. The participants valued the use of apologies in medical negligence mediation but did not explore the opportunity that mediation may offer parties to obtain emotional closure. The article recommends the introduction of mandatory attendance by doctors at mediation and the use of restorative conferencing as key reforms to address the emotional needs of parties and benefit health care more broadly. 148

Video Links in Youth Justice Proceedings: When Rights and Convenience Collide – *Tamara Walsh*

The use of audio-visual links in courtrooms is a cost-effective alternative to face-to-face court appearances. Appearance by video link is becoming increasingly common around the world, yet there have been few evaluations of the use of audio-visual links

in courtrooms. Particular issues arise with respect to the use of audio-visual links where the accused person is a child – indeed it is often concluded that “virtual courts” are not appropriate for vulnerable defendants, including children and young people. Despite this, in many Australian States and Territories audio-visual links are used extensively in youth justice proceedings. This article considers the findings of a 2016 scoping study in which a focus group was conducted with eight lawyers in Brisbane who represent children and young people who have received criminal charges. Consistent with the existing literature, participants expressed serious misgivings regarding the use of audio-visual links in youth justice proceedings. They doubted that their young clients could follow the proceedings when they appeared by video link, and felt that their capacity to provide adequate support to their clients, both legal and emotional, was compromised. The trend towards “people-less” courts appears to be inevitable. This article considers what best practice in this area might look like, and how the use of technology in the courtroom can be regulated to protect children’s access to justice rights. 161

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