

# JOURNAL OF JUDICIAL ADMINISTRATION

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## ARTICLES

### **Court governance: The challenge of change** – *Tin Bunjevac*

This article argues that overworked and overburdened individual judges are not in an effective position to initiate meaningful and systematic improvements in the quality of the administration of justice without a supporting judicial institution that would assist the courts in achieving a greater degree of organisational quality, efficiency, responsiveness and integration. The article provides a comparative overview of the Australian, Irish, Canadian, English and Dutch models of court governance. It is argued that the proposed Judicial Council of Victoria should be modelled on the Dutch Judicial Council, because it is the only institution that has a broad and unambiguous mandate to improve the quality of the administration of justice, while at the same time expanding the independence, self-responsibility and accountability of the courts in the areas of judicial administration, management, human resources and finances. The author argues strongly against any models of governance that would maintain internal administrative separation between judges and court administrators in the courts. Ultimately, it is argued that fully integrated and autonomous court management – supported by a judicial council – would lead to greater institutional responsiveness of the courts and improvements in judicial management, innovation, case management and quality of justice. .... 201

### **Queensland's self-representation services: A model for other courts and tribunals** – *Tony Woodyatt, Allira Thompson and Elizabeth Pendlebury*

The Senate Legal and Constitutional Affairs References Committee report, Access to Justice, has recently recommended that further research be undertaken into self-represented litigants. The self-representation service established by Queensland Public Interest Law Clearing House Incorporated (QPILCH) has now been operating for three years. It provides a useful model for meeting the needs of such litigants and has begun to accumulate data that will assist in understanding them in a systematic way. The QPILCH Self Representation Service provides discrete task assistance throughout the conduct of a litigant's court proceedings rather than one-off assistance at the court door. The outcome of such an approach is that self-represented litigants are entering the courtroom better organised and prepared and with a clearer idea of court procedures, possible outcomes and compliance. This article describes the model developed by QPILCH and suggests a way forward in relation to work already undertaken. .... 225

### **Does case management undermine the rule of law in the pursuit of access to justice?** – *Les Arthur*

Improving access to justice is the common goal of modern reforms to the civil justice system. Case management is the method initiated by the judiciary and law reform bodies to control the conduct of civil proceedings to ensure that the overriding objective of enhancing access to justice is achieved. The question posed by this article is, do the principal features of case management undermine the rule of law? The procedural philosophy underlying case management requires judges to ration the procedural devices

which traditionally have been available to parties. Such rationing will sometimes impede the ability of a party to acquire facts to support a case or prevent a party from presenting an arguable case. This article argues that the principled rationing of procedural processes is essential to achieve effective access to justice without derogating from the procedural fairness which is fundamental to the rule of law, and that settlement is complementary to adjudication and the rule of law. ....	240
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