

# JOURNAL OF JUDICIAL ADMINISTRATION

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## ARTICLES

**Enhancing our self-perception: 360-degree feedback for judicial officers**  
– *Hon Marilyn Warren AC*

Relative isolation is one of the characteristics and challenges of judicial practice. In this article, Chief Justice Warren identifies the systemic factors that contribute to a lack of feedback received by judicial officers about how they perform their role. To address this need in judicial professional development, her Honour, as chair of the Judicial College of Victoria, outlines a Court Craft program developed by the College that incorporates the use of a “360-degree feedback” model. Her Honour draws on her own experience of the program to elaborate on its success as a valuable learning experience and as one of developing judicial best practice. ....

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**Public opinion, media, judges and the discourse of time** – *Dr Pamela D Schulz and Dr Andrew J Cannon*

News stories and their headlines, collated and analysed by Schulz, have clearly identified a significant continuing discourse of time which is being used to critique the work of courts and judges and influence policy decisions. This article suggests that time discourse is a very powerful influencer in public perception transmission and suggests ways in which authorities can identify and modify responses direct to the community. A corpus of sentencing remarks randomly sourced in Australia from various criminal courts’ websites since 2008 indicates judicial officers appear unaware of the need to reframe discursive presentations for the community. Sentences appear offender-focused rather than driven by the need for community reassurance. The authors provide a multidisciplinary approach using communication and legal perspectives. This unique collaboration, looking into time and its challenges for authorities which are reliant on public confidence (and funding) provides evidence that the discourse of time and its construction is used as a major evaluative measure of those authorities. Sentencing presentations thus may be considered in light of these findings. ....

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**Therapeutic jurisprudence initiatives in Australia and New Zealand and the overseas experience** – *Dr Michael S King*

Problem-solving courts, Indigenous sentencing courts and court diversion programs have become an established part of the legal landscape in Australia. Australian court programs have been influenced by similar programs in the United States, Canada and the United Kingdom. A key underlying premise of these programs is that courts have a role in facilitating offenders addressing underlying issues. The concepts and practices of therapeutic jurisprudence and restorative justice have significantly influenced the development of court and legal practice associated with these programs. Research has found that these programs produce positive outcomes including, in the case of some programs, reduced recidivism. Ultimately the most significant effect of these programs may be their serving as a conduit for therapeutic jurisprudence and restorative justice principles to be applied more generally within the legal system. ....

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**Everyday work in the magistrates courts: Time and tasks** – *Kathy Mack, Sharyn Roach Anleu and Anne Wallace*

Using interviews, surveys and observation studies, this article analyses the types of cases, location of work, important judicial and non-judicial functions and sources of satisfaction and dissatisfaction with magistrates' work. It includes a very detailed analysis of magistrates' typical work days, describing the actual amounts of time magistrates report spending on a range of tasks and activities which are part of their everyday work. While magistrates' work is dominated by high volumes of in-court work on criminal cases, there is also considerable unpredictability about the exact nature of work demands on any given day, though there are consistent patterns over time. The impact of court location and size on the nature of the work and its organisation is especially important in several respects. .... 34

**When discovery and technology meet: The pre-discovery conference** – *Michael Legg and Nicholas Turner*

The increasing volume and complexity of discovery of electronically stored information (ESI) has given rise to attempts to manage the discovery process to minimise cost and delay while still allowing parties access to evidence needed for their case. An important tool for managing electronic discovery is the pre-discovery conference. This article draws on United States experience with the pre-discovery conference to inform Australian practice. The article examines the topics that should be discussed and resolved at a pre-discovery conference, including: preservation of ESI, scope of discovery, format of ESI, search strategies and privilege review. However, the pre-discovery conference requires more than just checking off topics on a list. To be effective the conference requires a fundamental reorientation of the adversarial system through adopting cooperation and transparency in the discovery planning process. .... 54