

# JOURNAL OF JUDICIAL ADMINISTRATION

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## ARTICLES

### **Independent Courts Governance in Victoria: Origins and Ideas from the United States** – *Donald Speagle*

Following the Commonwealth and South Australia, in 2014 Victoria became the third Australian jurisdiction to adopt a model of independent courts governance. Analysis of the intellectual history of that idea in Australia, and in Victoria in particular, demonstrates that the dominant influence was the model of self-governance of the federal courts in the United States. The objectives of self-governance in the United States federal court system were managerial – that is, to make court administration more effective and efficient – as much as, if not more than, constitutional – to enhance the independence of the judiciary. In addition, the reforms of court governance there were designed to ensure an integrated approach to the administration of the judicial branch as a whole. Despite the influence of the United States’ approach in the earlier movement for independent courts governance in Victoria, the current Victorian legislation does not reflect these ideas. .... 157

### **Haply a Minority’s Voice May Do Some Good: Diversity at the United States Supreme Court** – *Craig Westergard*

Diversity improves decision-making and substantive outcomes. This finding has been demonstrated by numerous studies and its logical appeal is intuitive, since additional voices serve to increase the availability of information. Despite the clear benefits of diversity, the legal profession remains one of the nation’s least diverse. Far from leading the way on this front, the United States Supreme Court is emblematic of the law’s problems, and it generally lags behind. This article analyses the Supreme Court’s decision-making before and after the appointments of Justice Louis Brandeis (the first Jewish member of the Court), Justice Thurgood Marshall (the first African American) and Justice Sandra Day O’Connor (the first female). It shows that the presence of a single, previously unrepresented group necessarily improves decision-making because it increases consideration of minority viewpoints. As such, the Supreme Court, Congress, government agencies, law firms, businesses and law schools in the United States and elsewhere should make increased efforts to promote diversity, and this article outlines several concrete steps the legal community might take to do so. .... 174

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