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ARTICLES

Is Australia Ready for AI on the Bench? – *Ilana Bolingford, Mirko Bagaric, Melissa Bull, Dan Hunter and Nigel Stobbs*

The rapidly accelerating integration of artificial intelligence (AI) into our lives will soon affect courtrooms and other legal environments in Australia. However, critical threshold issues for a smooth integration of AI into court environments remain unexamined, including the psychological and attitudinal-readiness of the judiciary to work with algorithmic tools. This distinct gap in the literature means that we do not yet know: whether Australian judges understand AI; whether they trust it; whether they appreciate its potentials and risks or what might influence their attitudes; whether they are aware of the differences between automated and augmented decision-making; and what accountability and oversight mechanisms will be required. This article considers the likely barriers and risks to a successful integration of AI into the work of judges in Australia, based on research and experience in other jurisdictions – particularly the United States, where algorithms already play a significant role in facilitating judicial decision-making.

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The Rehabilitative Ideal and the Realism of Drug Court Success – *Amanda Clarke*

Drug courts were developed in the United States in the late-1980s as a response to the perceived ineffectiveness of traditional criminal justice responses to drug-related problems. Over the past 20 years drug courts have begun to emerge across the world. In Australia, the model was first adopted in New South Wales in 1999 and continues to gain popularity in most States. Drug court program evaluations routinely focus on recidivism rates as a key indicator of performance; however, this measure does not consider any other components that can result in a successful drug court outcome. This article presents the methodology and analysis of research that sought to determine what other elements of the drug court process are linked to the successful completion of a drug court program. A documentary analysis was conducted of the operation and outcomes of Australian drug courts and thematic analysis of naturalistic observation data from drug court proceedings. The research conclusively identified one overarching theme – “the rehabilitative ideal” – and how it is linked to drug court success. In this vein, the article discusses a number of recommendations on how drug courts can be informed by evidence of best practice to enhance outcomes.

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Allowing for Participants in Royal Commissions: A Scoping Review – *Dave McDonald, Jenae Carpenter and Natalia Hanley*

This article examines Royal Commissions on the basis of participant experiences. Comprising individuals or groups whose experiences and insights are central to the work of a Royal Commission, they may appear due to their status as victims of crime, and/or in a professional or witness capacity. As a growing number of Royal Commissions have sought to emphasise participant experiences of harm, it is important to understand how individuals

engage with and experience them. Barriers impacting participants in traditional criminal justice processes have been well documented, and participation in Royal Commissions has been a matter of emerging interest academically. However, these domains have not yet overlapped. This article seeks to address this oversight by drawing out in more explicit detail what is and is not known about barriers to participation in Royal Commissions. Examination of participant experiences can provide useful lessons for future inquiries; it may foster greater confidence among affected communities and thereby augment an inquiry's public legitimacy.

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