

Judicial Education in Victoria

Chief Justice Marilyn Warren

The History

The Judicial College of Victoria (JCV) was established by the *Judicial College of Victoria Act 2001* and commenced operations just over ten years ago in 2002. The College was established by the former government with few resources. Over the decade, the JCV, under the management of the CEO Lyn Slade, has developed into a leading judicial education institution. It provides seminars, workshops, court craft, publications and JOIN.

The Continuing Professional Development Scheme

The JCV delivers a Continuing Professional Development Scheme for Victorian judicial officers, conducting over 40 programmes each year to enhance the skills and knowledge of judicial officers. The *Courts Legislation Amendment (Judicial Education and Other Matters) Act 2007* gave the heads of the four Victorian jurisdictions the power to direct their respective judicial officers to participate in professional development activities.

In 2007, the Council of Chief Justices of Australia and New Zealand, and then later, the Council of Judges of the Supreme Court of Victoria, adopted a Continuing Professional Development Protocol requiring a minimum of five days judicial education per judicial officer per year.

The 'Ten Hour Minimum' Standard

Continuing Professional Development (CPD) Protocols were also approved in December 2007 by the judicial JCV Board Members in their dual capacity as members of the Board and as heads of their respective jurisdictions. Under the JCV's CPD Protocols judges are expected to participate in at least 10 hours of judicial education each year.

Training and Resources on the Substantive Law

The JCV has developed jurisdictionally specific programmes and materials on changes to Victorian substantive law. For example, judges have the valuable opportunity to participate in programmes on criminal trial practice, jury directions, sentencing, sexual assault, family violence and civil procedure. The JCV is also at the cutting edge of emerging issues such as escalating rates of mental illness and disability, social networking, and new technologies.

The JCV provides electronic resources specifically for Victorian judicial officers. The principal resource is JOIN (Judicial Officers Information Network).

JOIN provides quick access to the following material:

- JCV Bench Books
- Legislation collections
- Online textbooks and journals
- Practice notes and practice directions
- Information about and registration for upcoming JCV programmes
- Papers from past JCV programmes

The JCV Bench Books summarise the relevant law on topics such as:

- Jury directions in criminal and civil trials
- Sentencing law and procedure
- Civil and criminal procedure
- Uniform evidence law
- Family violence and personal safety intervention orders
- Suppression orders
- Bail
- Coronial proceedings

The Bench Books are kept up to date by JCV researchers and are overseen by cross-jurisdictional judicial editorial committees.

Skills Training

Court Craft

The JCV has pioneered a world-first 360-degree feedback survey for judicial officers, which has gained national and international attention. This program provides judicial officers with insights into how they are perceived when carrying out their role and what their strengths and weaknesses are, identifying areas for further development. Since its inception in 2006, many Victorian judicial officers, including heads of jurisdiction, have undertaken a 360-degree feedback survey.

Peers are nominated by the participating judge, and can include fellow judges, immediate personal staff, counsel who regularly appear before them and lawyers who instruct in cases. The anonymous online feedback is relied upon to structure the 'Communication in the Courtroom Workshop'. Here, judicial officers practice skills in an interactive simulated courtroom environment, to develop and enhance skills based on needs identified through the survey.

The program allows confidential and constructive feedback from multiple sources, rather than using a top-down model. The program does not evaluate a judicial officer's expertise, decisions or productivity.

The implementation of the program has been described by Chief Justice Warren as "both a delicate and very successful process". Increasing numbers of judicial officers are participating each year, and similar 360-degree feedback surveys have been introduced by the National Judicial College of Australia and the Judicial Commission of New South Wales.

The program's success is attributed to heads of jurisdiction participation, judicial contribution to program design and strict confidentiality.

Collaboration with the academy

One of the principles guiding the work of the College is to ensure judicial officers develop and lead judicial education and professional development, with input from academics and members of the wider community. This supports an independent judiciary and reflective judicial practice.

Collaboration with academia has built the JCV's academic status and has introduced more intellectual rigour into its programs. The Board of the JCV has made a positive strategic decision to strengthen collaborative ties with academia to further enhance and deepen educational experiences and opportunities for judges. This is a recognition that parties to such arrangements have the possibility of achieving together what neither could achieve alone.

The College's recent experience suggests the benefits of such arrangements, if carefully managed, can outweigh the risks.

The 'Constitutional Role of the Judge' and 'Judicial Discretion in Private Law' programs are products of collaboration between the JCV and the University of Melbourne Law School.

The 'Constitutional Role of the Judge' program, chaired by Chief Justice Warren, provided an opportunity for judicial participants to consider current developments in the role of the judiciary as the third arm of government and its relationships with the executive and the legislature.

Importantly, as a collaboration, the program was able to draw together eminent speakers on constitutional law from both within the judiciary and academia, including former and current Chief Justices, judges of the High Court, Federal Court, Court of Appeal, State Supreme Court and from overseas, as well as academics of international repute.

The collaborative nature of the program allowed penetrating analysis of important issues in a manner that was enhanced by the diversity of the contributions.

Plans for future collaboration

Longer Serving Judges and Judicial Leadership

The College recognises that judges need continuing legal education and professional development, and that the particular needs of judicial officers vary at different career stages.

The College delivers programs which explore, reflect on and develop the judicial role. Programs aim to assist participants to develop practical strategies and techniques to enhance leadership, teamwork, organisational change, getting the best from people and dealing with some of the challenging situations and dilemmas that arise for those in positions exercising leadership in a judicial environment.

The concept of judicial leadership, particularly as it is informed by the experiences of longer serving judicial officers, forms part of the 'Enriching the Role and Career of Longer Serving Judicial Officers Program'. For many judges one of the unique and challenging aspects of their role is that they may occupy it for decades. Focusing on the experiences of longer serving judicial

officers produces valuable knowledge and wisdom about the role of the judge and the wider judicial system. It also provides deeper insight about the qualities and skills required and challenges faced by those judicial officers who take up formal and informal leadership roles.

This program identifies and considers systemic issues such as:

- the role of 'feedback' and how to 'work with it';
- most commonly identified judicial 'challenges';
- developing an understanding of the intersection between judicial leadership and 'managing' and 'being managed' in the legal system; and the potential contribution of longer serving and retired judicial officers.

The program enables participants to identify and think about the complex skills required of judicial officers, not just in the courtroom, but in the variety of roles (including in 'non-judicial' aspects of the work) that need to be taken up in order for courts and the legal system to function effectively.