

Programs

Every program offered as part of the Curriculum should address one or more of the above mentioned aspects of the judicial role.

The programs comprising the curriculum are –

Module One The Law

- 1.1 Updates on the Law
- 1.2 Statutory Interpretation

Module Two Judicial Management

- 2.1 Pre-trial Management for Civil Cases
- 2.2 Pre-trial Management for Criminal Cases
- 2.3 Settlement Conferences
- 2.4 Mediation and Alternative Dispute Resolution
- 2.5 Managing a Hearing in a Civil Matter
- 2.6 Managing a Criminal Trial
- 2.7 Dealing with a Jury
- 2.8 Communication in Court
- 2.9 Litigants in Person
- 2.10 Children in Court
- 2.11 Vulnerable Witnesses in Court
- 2.12 Dealing with Victims of Crime
- 2.13 Therapeutic Jurisprudence
- 2.14 Interpreters in Court
- 2.15 Working with Others in the Court System
- 2.16 Judicial Officers Administrative Functions
- 2.17 Inquests
- 2.18 Managing the Work of Appellate Courts
- 2.19 Managing a Court as Head of Jurisdiction

Module Three Decision Making

- 3.1 Principles and Practice of Decision Making
- 3.2 Evaluating Evidence, Decisions on Credibility
- 3.3 Preparing and Delivering Oral Judgments
- 3.4 Preparing Written Judgments
- 3.5 Preparing Judgments in an Appellate Court
- 3.6 Sentencing
- 3.7 Written Reasons for Sentence
- 3.8 Oral Sentencing, Sentencing for Minor Offences
- 3.9 Sentencing Young Offenders
- 3.10 Litigation Accounting
- 3.11 Assessment of Damages

Module Four Judicial Conduct

- 4.1 Judicial Independence; Role of Judicial Officer
- 4.2 Judicial Conduct and Ethical Issues

Module Five Social Contexts

- 5.1 Equality and Diversity
- 5.2 Australia's Indigenous People
- 5.3 Disability and Impairment
- 5.4 Family and Domestic Violence

Module Six Developments in Knowledge and Issues of Public Policy

- 6.1 New Areas of Knowledge and Advances in Knowledge in Existing Areas
- 6.2 Issues of Public Policy

Module Seven Information and other Technology

- 7.1 Basic Training in Computer Use
- 7.2 Technology in the Court Room
- 7.3 Computers as a Research and Management Tool

Module Eight Health and Well-Being

- 8.1 Time Management
- 8.2 Managing One's Health and Well-Being
- 8.3 Retirement Planning

A full description of the Programs in the Curriculum is available in the paper "A Curriculum for Professional Development for Australian Judicial Officers - January 2007" available on the NJCA's website www.njca.com.au

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National Judicial College
of Australia

A Curriculum for
Professional
Development
for Australian
Judicial Officers

A Curriculum for Professional Development for Australian Judicial Officers

Background

In 2005 the National Judicial College of Australia began the development of a National Curriculum for Professional Development for Australian Judicial Officers. The decision to develop a curriculum of this kind arose because of the perceived need to establish a framework to give some structure and balance to the various professional development activities for judicial officers being held throughout Australia.

The curriculum is intended to be a document to which all bodies providing professional development for judicial officers, including courts, might refer to set priorities, to identify areas for new programs and to avoid duplication of effort. It is not meant to be prescriptive.

This curriculum is not

- a curriculum for training persons to become judicial officers. The curriculum assumes that knowledge of the law and those skills which are required for appointment as a judicial officer.
- a listing of all the programs a judicial officer should undertake in his/her time on the bench. Various programs will not be appropriate or valuable for a particular judicial officer. The curriculum is a listing of all programs that should desirably be available to all Australian judicial officers from the various providers of judicial professional development.

In developing the Curriculum the National Judicial College of Australia sought comments from all courts in Australia, the Judicial Conference of Australia, the Australian Association of Magistrates, the Australian Institute of Judicial Administration, the Judicial Commission of NSW and the Judicial College of Victoria.

The Judicial Role

All judicial officers should have the opportunity, throughout their judicial career, to undertake a range of professional development activities which will help them perform their judicial role. The programs which together make up this professional development curriculum should help judicial officers to perform their judicial role by –

1. Maintaining their knowledge and mastery of the law

At the very centre of a judicial officer's work is the need to know and apply the law, both substantive and procedural. This includes the interpretation of statutes and the application of the laws of evidence. Professional development activities can help judicial officers to keep up to date with changes and developments in the law and to refresh and deepen their knowledge and understanding of it.

2. Managing efficiently the cases before them, the court room and their own work

Judicial officers have a management role in three situations. They need to manage the cases before the court over which they preside, the court room itself, and their other work outside the courtroom. Judicial officers not only preside over trials and decide cases. For some, an aspect of their management of cases is the encouragement of the resolution of disputes between the parties by alternative means. Judicial officers influence dispute resolution in various ways and, in doing so, exercise a specific role.

3. Making decisions and giving reasons for decision, both written and oral

Judicial officers make decisions in all aspects of their work. Decisions are made in and out of court. At the core of a judicial officer's work is the making of decisions and the exercise of judgment. Usually a judicial officer must give reasons for the decision. Professional development activities should help judicial officers to deliver oral judgments and write well-composed judgments. Part of the judicial role is also to give directions to juries. Although this does not involve the judicial officer in making a decision, it requires the judicial officer to give the jury the guidance necessary to make a correct decision. The judicial role also involves the sentencing of offenders.

In this aspect judicial officers must make decisions in order to sentence correctly.

4. Applying appropriate standards of judicial conduct

Judicial officers, whilst performing their role and in their private lives, encounter situations which require them to consider how they should conduct themselves and which may involve ethical issues raising questions in regard to appropriate judicial conduct.

5. Understanding the relationship between the judiciary and society and changes in society

The judicial system performs a central role in society. Whilst judicial officers act independently they are conscious of the social contexts of the matters that come before them. Professional development activities which deal with social context issues alert judicial officers to the diversity within the community which is reflected in matters before the courts. Although professional development programs will sometimes specifically deal with social context issues, usually these issues will be dealt with pervasively in programs dealing with other topics.

6. Keeping abreast of developments in knowledge and issues of public policy that impact on the law

There are many developments in knowledge in various aspects of life which impact on the law and the work of the courts. There are also various public policy issues which arise and can be of relevance to judicial officers as they perform their judicial role.

7. Using information and other technology, in and outside the courtroom, to assist with judicial work

Judicial officers need to be familiar, in general terms, with what technologies can do and their limitations.

8. Maintaining health and wellbeing

Judicial officers perform their work under considerable pressure. They need to maintain their physical and mental health. Doing so helps them perform their role more efficiently and effectively.