



IACA Newsletter

Volume 3 Issue 2

October 2016

Important Dates to Remember

- IACA/NACM
Joint Conference
July 9-13, 2017
Washington, DC
USA

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From the President

IACA IS INCREASING, BUT WE WANT MORE

In the last ten years IACA has become a great center of studies about Court Administration. Its conferences are always a success, the Journal is excellent, the Newsletter shares news of good practices around the world. But we still want more. And when I say "we" I mean all the members and not just the Executive Committee or the Executive Board.

How to transform our dreams into reality? That is the question.

The first step is to maintain all the good ideas and procedures that have been developed in the last years. Our members work a lot and, as all of us know, this is a volunteer job, they give part of their free time to IACA.

But we need new leaders. When one association remains idle, in reality it goes back, because the world keeps changing every minute. And this century seems to be changing every half minute, because time goes increasingly faster.

To enhance the association, we need more members and to have more members we need to offer



Vladimir Freitas, IACA President

more activities. We are studying new plans to attract more members.

Thinking about that, we created seven commissions for different groups of interests. They are: *Environmental Sustainability in Courts, Judiciary Budget, Communication between Judiciary and Society, Judicial Architecture & Memory of Judicial Power, Judicial Education, Supporting International Tribunals, Judicial Administration and Crisis Management*. Each commission has one coordinator and all the coordinators have a general coordinator. They are starting their activities and we believe that they will produce very good initiatives.

We have a section in our site for "Good practices in Court Administration" (<http://www.iaca.ws/resources.html>), and

we invite our members to send their rich experiences on the subject. We intend to open an international contest about Court Administration, with good prizes to the winners. It is a good way to find new talents. We created a page in Facebook to increase our relationship with society.

Besides all that, we continue with our Journal and asking for articles. We strongly want our Journal to be the best place of studies about Court Administration. And we are preparing, with all our efforts, the IACA - NACM Joint International Conference, *Excellence on a Global Scale*, in Washington D.C., July, 2017.

These are, in short, the news. Our members can be sure that we are doing our best. Suggestions and volunteers will be always welcome. Let's go together!

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IACA Advisory Council Member

Professor Greg Reinhardt, Executive Director of the Australasian Institute of Judicial Administration

Submitted by Markus Zimmer

Professor Greg Reinhardt is a member of IACA's Advisory Council. Pursuant to the Newsletter Editor's plan, we are featuring occasional Newsletter articles on individual members of the Advisory Council in an effort to have IACA's members and friends become better acquainted with them.

Greg Reinhardt was born in Melbourne, Victoria, Australia in July 1953. In common with non-Indigenous Australians, he has ancestors from a diversity of countries, namely, Germany, England and Scotland.

Greg was educated at primary and secondary school level in the public system. He attended the University of Melbourne where he graduated in Arts and Law (with Honours). He was fortunate enough to secure articles of clerkship at what was then a medium sized Melbourne firm, Ellison Hewison & Whitehead. Articles of clerkship was the traditional way in which a law graduate was admitted to practise in Victoria. Articles involved in effect an apprenticeship to a partner in a law firm. The period of articles is normally 12 months and then the articulated clerk applies for admission to practise. In Victoria, those admitted to practise were, at the time and until recently, admitted as both barristers and solicitors but would normally practise as one or the other. Those admitted to practise today are admitted as Australian lawyers.



Greg worked closely at Ellison Hewison & Whitehead with Mr David Jones in litigation. David Jones became a judge of the County Court of Victoria. Greg developed a practice in commercial litigation particularly in the area of insolvency law and eventually headed up a new department of commercial litigation consisting of four partners and a team of solicitors. By this time, the firm of Ellison Hewison & Whitehead had merged with a smaller Melbourne firm and a large Sydney firm and became Minter Ellison. It is now one of the largest firms in Australia.

Greg became a partner in the firm before he was 30. He enjoyed advocacy and appeared in courts in all jurisdictions particularly in relation to matters such as the seeking of injunctions.

Greg retired from practise in 1991 and became a member of the Faculty of Law at the University of Melbourne where he taught a number of subjects at the undergraduate level including civil procedure and taxation law. He also taught a number subjects at the post-graduate level including medical litigation, insurance-based subjects and advanced civil procedure. He was responsible for developing post-graduate diplomas in

IACA Advisory Council Member

Professor Greg Reinhardt, Executive Director of the Australasian Institute of Judicial Administration

(Continued)

insurance law and building and construction law.

Towards the end of 1996 Greg was asked to assume the role of Executive Director of the Australian (now Australasian) Institute of Judicial Administration (AIJA) and he commenced in that role early in 1997. The AIJA is a research and educational institute associated with Monash University. It is

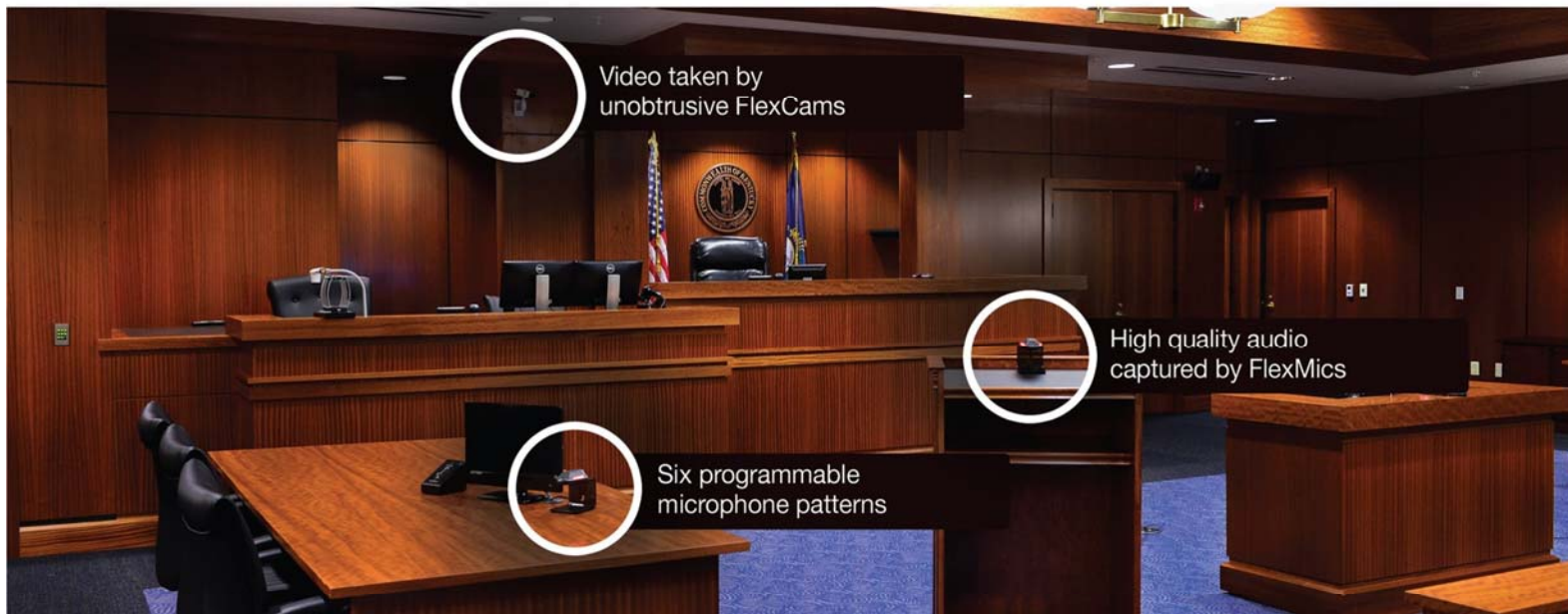
funded by the Law, Crime and Community Safety Council (LCCSC) and also from subscription income from its membership.

The principal objectives of the Institute include research into judicial administration and the development and conduct of educational programmes for judicial officers, court administrators and members of the legal profession in relation to court administration and judicial systems.

The AIJA has approximately 700 members, including judges, magistrates, tribunal members, court administrators, legal practitioners, academic lawyers, court librarians, and others with an interest in judicial administration. The AIJA is **not** an



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IACA Advisory Council Member

Professor Greg Reinhardt, Executive Director of the Australasian Institute of Judicial Administration

(Continued)

organisation only for judicial officers.

The Institute has published widely in matters of judicial administration and associated subjects including areas such as case management, cultural awareness, judicial ethics, technology and the courts, complex criminal trials and cross-vesting legislation, to name a few.

In the area of education, the Institute runs a number of regular activities in the area of judicial education including programmes for court administrators, court librarians, magistrates and judges that are run either each year or biennially. It has also been involved in developing courses in relation to a number of specialised areas including gender awareness programmes, courses relating to cultural awareness, court technology and case management.

Greg continues as Executive Director of the AIJA. He has organised a number of

conferences in that role including, most recently, a Symposium: Challenges of Social Media for Courts & Tribunals, Improving Court Practice in Family Violence Cases and (in August 2016) the Indigenous Justice Conference. Details of AIJA educational programmes and research are to be found on the AIJA website at: <http://www.aija.org.au/>

Outside the law, Greg is interested in a number of activities. He is a great follower of horse racing and has owned thoroughbred race horses which have had some success. He has two King Charles Cavalier Spaniels (a male and a female). He is a keen reader in relation to current affairs and history with occasional novels. He has a very significant interest in music and particularly opera and has attended a number of Opera Houses around the world.

Greg is extremely interested in travel and has travelled extensively in most parts of the world.

Greg is editor of the *Journal of Judicial Administration*. He has also edited the *Australian Insurance Law Bulletin*. He has written a column for the *Law Institute Journal*, the official Journal for Victorian solicitors, for over 20 years.

A Call For Your Feedback: Seeking your Comments on Caseflow Management Success!

Submitted by Janet Cornell

**Former/Retired Court Administrator,
Court Consultant, Past President of
NACM, Member of IACA**

Courts exist to resolve disputes (cases) that are brought to them. Caseflow management has been described as the series of court processes and actions to move cases from filing to final disposition. Caseflow management is typically accomplished by court supervision of cases and the use of certain activities and protocols to help cases move from initial court filing to final closure and conclusion.¹

Implementing caseflow management practices and improvements necessarily involves help from three sectors: those who work in the courts (judges and court staff at all levels); those agencies with whom we interact to process cases filed at the court (our justice partners and stakeholders, for example, prosecutors, attorneys, and other agencies); and those who use the courts (the public and the litigants).



In preparation for an upcoming article, I am interested in *YOUR* ideas - your tips for success - as experienced court leaders, on how to be successful in dealing with these three sectors (judges/court staff, partners/stakeholders, and the public/court users) in implementing caseflow management practices in your court.

Please share your comments and tips. Write/contact me at jcornellaz@cox.net (Phoenix, AZ, US). *Thank you!*

¹"Caseflow and Workflow Management," NACM CORE Competency. Available at <http://nacmcore.org/competency/caseflow-and-workflow/>

Thank You 2016 European Conference Sponsors!

Submitted by Alice Rose Thatch

IACA Vice President, Corporate Sponsorship

I take great pleasure by thanking so many Sponsors for their generous support of the recent 2016 IACA European Conference held in Den Haag, The Netherlands 18 – 20 May. Each Conference, we at IACA can count on the same loyal companies and many new companies seeking to sponsor our great work. Sponsorships help IACA and our Journal 'IJCA' work towards our goal to promote improved court management and administration in all countries. What better way to reach that goal to improve the administration of justice by advancing modern standards of performance and efficiency in how courts operate and serve their clientele then by showcasing the work and services of our Sponsors. The collaboration between IACA and the IACA and IJCA Sponsors fosters the professionalism and collegiality among those who serve in court systems throughout the world that we strive for.

Sponsorships support the work of IJCA by helping to promote an effective communications vehicle for the international exchange of experiences, ideas and information on court management, and contribute to improving the administration of justice in all countries. Your Sponsorships help us to meet our mission and reach our goals.



After more than six years as of reaching out to Sponsors who in turn reach back to work with me to provide support for the IACA Conferences, I take this opportunity once again to say Thank You. Thank You to each and every one of you who touched my life in such positive ways and touched the lives of so many IACA people. Thank You for caring about our work and supporting our goals and our mission. I hope to remain a colleague and friend with each of you as I continue my work to help improve justice worldwide. I encourage you all to remain members of IACA. I encourage each of you to become involved with IJCA by signing up to the mailing list. You are all an important part of IACA and IJCA.

Thank You 2016 European Sponsors:

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Thank You 2016 European Conference Sponsors!

(Continued)

You all helped make this an amazing conference. My best wishes for a successful future to all of you.

Sincerely, or as I like to say,

Later,

Alice Rose

News from the Regions

Court Management Institute: Contributions to Developing Modern Court Administration in Ukraine

**Submitted by Nataliia Chumak,
President, Court Management Institute**

Efficiency and quality of performance of any organization depends, first of all, on the qualifications and professionalism of its employees. An important prerequisite is also efficient management of human and material resources.

Numerous studies of conditions of the operations of Ukrainian courts have shown the existence of gaps in the system of initial and ongoing training of court staff.

However, the most important target group capable of making an actual impact on improving court performance is court administrators – court officials who have managerial powers.

In view of this, it is vital to train and provide methodological support to the operations of court administrators, which is aimed at their obtaining a set of knowledge, skills and abilities and which would facilitate efficient court management.

Position of chief of staff is one of the youngest court professions in our state, and the process of its development and forming as a key administrative position in court is at initial stage.

At the same time, court administrator is a key actor in the structure of court management who is charged with administrative workload and via whom interaction between court staff and judges is performed.



Traditionally, courts have been perceived as institutions where justice is rendered, therefore, little attention was paid to administrative issues there. However, together with the growing need for more efficient management in response to challenges of the time, the need for specially trained professional administrators who would have knowledge in court procedures, on the one hand, and in modern management techniques, on the other, was arising.

These professional court administrators may bring courts the competence they have traditionally lacked. Today, our court administrators perform most of the following functions:

- court budget drafting and management
- human resources management
- case management and caseload management
- court infrastructure management

In Ukraine, professional court administration is also called forth by growing understanding of the role of court administrator in such fundamental issues as:

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Court Management Institute: Contributions to Developing Modern Court Administration in Ukraine

(Continued)

- promoting independence of the judiciary
- preserving resources of the judiciary
- increasing the level of public trust in court

A broad range of powers of court administrators and numerous tasks entrusted to them require knowledge in various areas and certain managerial experience. Higher educational institutions do not have a specialized academic course on court management yet.

Training qualified lawyers is based on studying legislative framework and developing the ability to apply law. However, such lawyers lack ability to make prompt decisions which are required in day-to-day operations of court.

In such a way, the main task of court administrator is court management with the help of relevant decision-making methods, techniques and procedures.

The need to develop additional training programs for professional development of court administrators is based on the following conclusions.

Without doubt, court staff have to understand that their work must be aimed at achieving a single goal – efficient administration of justice and providing quality court services.

The basis of efficient administration is court manager with managerial knowledge and a

clear idea of the essence of all processes at any stage of case disposition in a court instance.

Court administrator must be well familiarized with essential components of court and be able to ensure efficient interaction of all services, quickly respond to changes in legislation or rules regulating court procedures, introduction of new technology and, of course, meet public expectations.

Taking into account that court users' opinion about court is mainly formed in the course of their direct communication with its staff, the way to increasing the authority of Ukrainian courts is through increasing the quality of court services. Because positive experience of citizens in the result of their application to court strengthens trust in the judiciary.

In such a way, one of the most important things in professional activity of court staff is not only the level of professional competence, but also communication skills, ability to make positive impression, overcome negative emotions and resolve conflicts.

High professional level of court staff member together with relevant motivation and knowledge of psychology will facilitate building a constructive dialogue between courts and community, and impacting confidence and trust in the judiciary not less than results of adjudication of a case.

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(Continued)

Results of surveys of court staff have also confirmed the need for continuous attention to the issue of ongoing training and professional development of court staff. *

Today, in Ukraine, the issue of professional development of court administrators and court staff are addressed through such major areas:

- training courses, including distance-learning courses, established by the National School of Judges of Ukraine for court staff
- ongoing training programs created with the help of non-governmental national and international projects and civil society organizations
- conducting specialized workshops and providing methodological support upon the initiative and with the support of the State Judicial Administration of Ukraine; and
- local workshops and trainings for staff of a specific court organized upon the initiative and with the efforts of court staff



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Herewith, court staff have strong demand for getting new knowledge and skills – both in order to increase their professional level and to develop emotional intellect, communication skills, conflict management skills, strategic planning skills, leadership skills, etc.

To meet the need for quality professional training of court administrators a really innovative for our judiciary Project was launched and successfully implemented in 2013, 2015 and 2016 with joint efforts of the

State Judicial Administration in partnership with the National School of Judges of Ukraine and support of the USAID FAIR Justice Project with the participation of Michigan State University (USA).

This is the Court Administration Certificate Program of Michigan State University adjusted to national realities and developed to be taught by an international team of trainers which included Michigan State University faculty – renowned specialists in the field of court administration, scientists



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and researchers – and acting court administrators of Ukraine.

Graduates of this unique program were 120 court administrators from all over the country who, during an intensive two-week course, have obtained knowledge in the following areas:

- **leadership;**
- **purposes and responsibilities of courts;**
- **strategic planning;**
- **resources, budget and financing;**
- **caseload management;**
- **information technology management;**
- **essential components of courts;**

- **HR management, motivation, practical training and development; and**
- **court and community communications.**

Participants who have successfully completed the training and developed capstone projects received certificates on the status of participant of a Court Administration Certificate Program of Michigan State University Court and a right to continue training in this University and get a Master of Science degree in judicial administration.

Later, most graduates have implemented their capstone projects in courts in practice.



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The Program has shaped new leaders oriented at changes not only in their courts, but also in the whole judiciary of Ukraine.

Moreover, the 2013 graduates participated in the capacity of trainers in the subsequent rounds of the Program in 2015-2016. In such a way, thanks to cooperation with the Project, a community of professionals with the high level of professional competence who have also obtained skills in the field of teaching and training was formed. We felt a great potential in ourselves aimed at developing and teaching training programs for court staff and introducing certain professional standards in the field of court administration.

This circumstance has become a powerful impulse to further join efforts of a team of professional court administrators-leaders in the field in order to establish a new non-

governmental civil society organization "COURT MANAGEMENT INSTITUTE".

Our professional association is very young; it has existed for half a year and unites several dozens of court administrators from all over Ukraine. But new participants are joining us all the time.

The major aim of our organization is institutionalizing court administration in Ukraine and implementing a complex system of court administration training at the national level with a real perspective of establishing a school of court administrators.

As of today, the members of our team have:

- successfully participated as trainers in the Third Round of Court Administration Certificate Program of Michigan State University for court administrators of Ukraine which took place in March-June 2016;
- actively participated in developing and supporting as trainers-mentors distance-learning courses on "Court Administration" and "Communications in Court Operation" which were delivered by the National School of Judges of Ukraine in May-July 2016;
- developed their own modules in the training program for court staff on "Improving access to court for people with disabilities" which had been implemented by a Charitable Foundation "Law and Democracy" with the support



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of the USAID FAIR Justice Project during January-June 2016;

- developed and conducted original trainings on topical issues of court administration (leadership, building efficient team, motivation, court performance evaluation system, program management, etc.) for various target audiences of court staff of Ukraine; and
- raised awareness among teenagers and students – our participants have developed programs of court visits in a form of quests and series of trainings on legal issues for children summer camps.



Another task which our team has set for ourselves is to develop, implement and disseminate progressive ideas in the field of court management and create efficient court administration model with uniform approaches and professional standards.

To achieve this goal we, first of all, learn– we participate in scientific conferences and trainings on professional growth, study international best practices and invite counterparts to share positive experience.





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Personal communication with colleagues from Georgia in February 2016 and Moldova in May 2016 was interesting and perspective. We now study successful models of improving the operations of courts and activity of professional associations of court staff in these countries. We are currently



actively working on the possibility of making exchange visits with our counterparts-court administrators from these countries.

A real boost to inspiration and afflatus was the participation of our representatives in the Regional Conference of the International Association for Court Administration (IACA) which took place in the Hague on May 18-20, 2016. We came back home full of new ideas and projects. Invitation to become IACA member has become support which can hardly be overestimated.

Thanks to international best practices we learned new for us notions such as “court excellence”, “professional standards of court administration”, “criteria of court performance”, and we could not keep aside from such important areas of justice.

Recently, members of our organization have joined into a working group on developing



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professional standards for court staff. Since adopted at the national level requirements for court administrators and their competences will help institutionalize court

administration. Besides, the mentioned standards will become a basis of determining requirements to competences of graduates of higher educational institutions. We are going



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to present this project already in early fall.

This is all I would like to tell you about the level, status, possibilities and perspectives of professional growth in the field of court administration in Ukraine under present conditions. About the development of profession of court manager in our country. About the contribution of our project which gathered together young and perspective court administrators – people not indifferent and committed to their work, with deep understanding of demands of the time and their role in building effective court – in civil society organization “COURT MANAGEMENT INSTITUTE”.

Because the ultimate goal of our activity is improving national judicial proceedings, increasing the level of public trust in courts of Ukraine and ensuring the rule of law principles.

*Study “IMPROVING COURT ADMINISTRATION IN UKRAINE AND INTRODUCING A PROFESSION OF COURT ADMINISTRATOR” – results of court staff surveys (September-October 2015). Kyiv International Institute of Sociology with the support of the USAID FAIR Justice Project in cooperation with the State Judicial Administration of Ukraine

News from the Regions

IJCA Symposium: Challenges of Social Media for Courts and Tribunals

Submitted by Dr. Marilyn Bromberg¹
Senior Lecturer
School of Law, Fremantle
University of Notre Dame Australia

I. INTRODUCTION

Social media has had a major impact upon the courts. For example, it has affected how journalists convey information from the courtroom, the directions given to jurors and how the courts provide information to the public. Consequently, it's important that appropriate training regarding social media is provided to judicial officers and tribunal members.

Such training was recently provided in Australia. Professor Greg Reinhardt, Ms Liz Porter and Ms Delwyn Gillan from The Australasian Institute of Judicial Administration Inc. and Mr Chris Roper AM from the Judicial Conference of Australia organised 'A Symposium: Challenges of Social Media for Courts & Tribunals' on 26 and 27 May 2016 in Melbourne, Australia ("Symposium"). Judicial officers and tribunal members, lawyers, academics and journalists from Australia, New Zealand, Singapore, Fiji and Papua New Guinea attended the Symposium.

This article will discuss some of the main points that speakers made at the Symposium. It is not meant to be exhaustive.² When this article refers to judicial officers, the term includes tribunal members. Further, a short definition of social media is: 'any type of social interaction using technology (primarily



the Internet, but also including modern smartphone and PDA innovations) with some combination of words, photos, video and/or audio'.³ It is also 'a series of technological innovations used for communication and for doing business'.⁴

II. THE FIRST DAY AT THE SYMPOSIUM

One of the sessions on the first day at the Symposium was titled 'When Judicial Officers and Tribunal Members (and their Families) Personally use Social Media - the Potential Benefits and Risks'. In this session Mr Josh Bornstein from Maurice Blackburn Solicitors, Victoria, Australia stated that he is highly active on social media. He spoke about someone who stole his identity. The fraudster wrote a highly malicious and defamatory article in an online newspaper and used Mr Bornstein's name. The fraudster also created a Twitter account in Mr Bornstein's name and wrote similarly malicious and defamatory tweets.

Another session on the first day of the Symposium was titled 'When Courts and

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IACA Symposium: Challenges of Social Media for Courts and Tribunals

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Tribunals Use Social Media - the Potential Benefits and Risks'. Professor George Williams AO from The University of New South Wales stated that social media is a direct form of communication on a mass scale. He also mentioned the posts that people newly admitted to the judiciary make on social media - it is important to consider whether any action should be taken about them. Dr Alysia Blackham from The University of Melbourne stressed that although judicial officers face many challenges from using social media, they can also receive many benefits. She further stated that courts can use social media to counteract incorrect media coverage and social media can enhance the public's engagement with the courts.

Ms Denise Healy from the Family and Federal Circuit Courts of Australia spoke about the Family Court of Australia's Twitter page. She said that the Family Court of Australia was a relatively early adopter of social media - it created its Twitter account about four years ago. She added that the Family Court created its Twitter account to correct facts that the media report incorrectly; however, the Family Court now tweets for additional reasons, such as providing information to lawyers and self-represented litigants.

III. THE SECOND DAY AT THE SYMPOSIUM

The first session on the second day of the Symposium was 'When Social Media is Used

to Analyse and Comment upon the Work of the Courts and Tribunals'. The Hon Justice Greg Garde AO, the President of the Victorian Civil and Administrative Tribunal, raised the question of whether courts need a social media coordinator. A social media coordinator can use programs such as Hootsuite to see whether the public is writing contemptuous or malicious comments about the courts or judicial officers on social media, among other tasks.

Senator the Hon George Brandis QC spoke during the next session: 'Symposium: Social Media and Courts & Tribunals - A View from Government'. He stated that social media poses a unique challenge to law enforcement due to its anonymity. He suggested creating a unique criminal code offence for maliciously attacking the judiciary on social media.

The next session at the Symposium was 'When Social Media is Used Maliciously or Contemptuously to Denigrate, Threaten or Cyberstalk Judicial Officers or Tribunal Members: the Issues Involved, Can Judicial Officers and Tribunal Members be Protected, and the Potential for Government Response'. Ms Denise Healy from The Family Court of Australia stated that some aggrieved litigants made negative comments about The Family Court of Australia on social media. She added that they also made many negative comments about family consultants.

Mr John-Paul Cashen from Macpherson Kelley Lawyers spoke about how it's possible

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to learn the identity of people who post malicious comments anonymously on social media. He stated that these people may leave identifying markers on social media that enable people to find them, such as their IP address, their email address and their suburb.

III. CONCLUSION

The Symposium was a wonderful event. A variety of people from the Australasian legal world met to think carefully about important issues involving social media and the judiciary. The Symposium had a wonderful synergy that resulted in some very innovative ideas. Many new and important questions that need careful thought were raised at the Symposium, such as whether the *Guide to Judicial Conduct* should be amended to include social media, whether courts should have staff who solely work on social media

and how many friends judicial officers should have on social media. Social media and the judiciary is an area that is ripe for more research and will no doubt grow in significance as time passes and more judicial officers use it.

¹Dr Marilyn Bromberg, PhD, LLB (Dist), BBA (Hon), Grad Cert University Teaching, is a Senior Lecturer at The University of Notre Dame Australia (Fremantle Campus) and a Partner at Dr Bromberg Legal. The author thanks Professor Greg Reinhardt and Chris Roper AM for their feedback on this article.

²For a more detailed discussion of the issues that were discussed at the Symposium, please see the Issues Paper that the author of this article wrote which was provided to all the attendees of the Symposium:

Marilyn Bromberg-Krawitz, *Issues Paper for a Symposium Challenges of Social Media for Courts and Tribunals* (May 2016)

www.aija.org.au/Social%20Media%20Sym%2016/Papers/Krawitz.pdf

³Jan L Jacobowitz & Danielle Singer, 'Symposium: Social Media and the Law: Article: The Social Media Frontier: Exploring a New Mandate for Competence in the Practice of Law' 68 (2014) *University of Miami Law Review* 445, 454.

⁴Judge Judith Gibson, 'Social Media and the "Electronic" New World of Judges', 7(2) (2016) *International Journal for Judicial Administration* 3.

For a detailed explanation of social media, please see: Marilyn Krawitz, *An Examination of Social Media's Impact upon the Courts in Australia* (PhD (Law) Thesis, Murdoch University, 2014) 11 - 15.



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News from the Regions

New Standards for Working with Interpreters in Australian Courts and Tribunals

Submitted by Muhammad Y. Gamal
Court Interpreting Educator, Researcher
and Practitioner

In a bid to increase the professional performance of court interpreters in Australia, the Judicial Council on Cultural Diversity (JCCD) embarked on a new drive: National Standards for Working with Interpreters in Courts and Tribunals. The draft was released for public consultation in June-July 2016.

This groundbreaking drive aims at providing minimum and optimal standards for the practice of court interpreting. It provides standards for judicial officers, legal practitioners as well as for interpreters. The draft document addresses some Australian-specific needs such as dealing with Indigenous languages as well as other needs particularly interpreting in rare languages (languages for which there are no accredited interpreters in Australia). The standards, when introduced, would ensure that interpreters achieve their full potential and ultimately that justice is better served. The main focus is on adequate working conditions for the interpreter. For example, it calls on court administration to recognize how mentally-tiring interpreting is and suggests optimal standards such as adequate breaks, use of technology and better physical space for the interpreter rather than sitting next to the defendant/victim and team interpreting. It also calls for better remunerations for court interpreters.



The National Standards are currently in the process of being publicly debated in Sydney and Melbourne and are expected to come into effect in early 2017.

However, the National Standards face some hurdles the negotiations of which are critical not only to their endorsement by the legal profession and the judiciary but also to their full application.

For instance, the issue of briefing court interpreters is not given sufficient attention so the legal profession and the judiciary appreciate the reasons why interpreters insist on being adequately briefed prior to trials and hearings. Although briefing interpreters was mentioned it stopped short of suggesting concrete steps for interpreters to be sufficiently briefed. The standards suggest a password-protected portal for interpreters to access relevant information, and although it is useful it does not emphasize the significance of briefing so the legal profession endorses the 'habit of briefing interpreters'. Without adequate briefing interpreters embark on a wasteful puzzle-solving exercise where their energy should be focused on meaning and translating.

News from the Regions

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(Continued)

Another vexing issue is regional dialects, particularly in languages such as Arabic, Chinese and to some extent Serbo-Croatian, where regional variation could undermine the quality of interpreting. For example, most Arabic court interpreters in Australia would face serious challenges interpreting for Arabic speakers from North Africa. Interpreter accreditation in Australia is language-based and does not test for dialects.

Likewise, the Standards call for simultaneous interpreting in hearings and trials which is another professional hurdle as the courts are neither logistically nor practically prepared for this mode of interpreting.

While the National Standards call on the legal profession to moderate their speech pattern, speed and terminology, it is another hurdle to get the legal profession to accommodate such standard, as daily experience shows.

Team interpreting is another overdue issue the National Standards examine and invite the court system to consider. However, this poses another problem since the courts rely on an outside agency to organize and supply interpreters for the courts. Unlike other countries where the courts have their own panels of interpreters, this outside agency does not play any part in the selection, training or matching of individual interpreters to work in teams.

In the absence of mandatory specialist

training in court interpreting for all practitioners and the lack of a regulated court interpreting profession, the National Standards may face some time and resistance before they are fully endorsed by the court system.

In Australia, court interpreting is practiced by anyone who holds a qualification in interpreting with or without knowledge of or



News from the Regions

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(Continued)

experience in the court's system. Lack of certification in court interpreting in Australia remains a mystery despite the resources, the existing infrastructure for the profession and the academic expertise in the country. Similarly, Australia has not been able to capitalize on the progress achieved by organizing the profession of legal interpreting and translating by bringing practitioners, trainers and researchers under one roof through a national conference, association or a certification system.

The introduction of optimal working conditions depends largely on the courts system but also on the practitioners and the way they are trained and regularly developed through well-designed and sustained professional development programs that cater specifically for their needs.

Community interpreting in Australia, including interpreting in the legal field, has covered a great deal of professional ground

over the past forty years. However, there remains a gap between policy, pedagogy and practice. It is hoped that the new standards will close the gap by getting the interpreting profession, academia and the judiciary to work closely to ensuring access and procedural fairness for people with limited or no English proficiency.

Bio Note:

Muhammad Y Gamal is a court interpreting educator, researcher and practitioner. His qualifications in translation studies were gained in Egypt, Australia and the United States. He has more than 30-year experience interpreting at all courts in Australia. Some of the trials he interpreted received nationwide coverage. Dr Gamal is a senior Arabic diplomatic interpreter and an academic. His research interests include: professional training of court interpreters, establishing court-interpreting programs in the Arab world, counter- terrorism studies, legal translation, forensic linguistics and police interpreting.

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Memories from The Hague

IACA European Regional Conference

May, 2016



Memories from The Hague

IACA European Regional Conference

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2017 IACA-NACM JOINT CONFERENCE Washington, D.C. Update

Submitted by Norman Meyer

IACA Vice President, North America

It is now less than a year until IACA's next international conference (our 8th!). On July 9-13, 2017, we will partner with the National Association for Court Management for an outstanding educational program in a truly world-class city. Your IACA representatives (Vladimir Freitas, Cathy Hiuser, Sheryl Loesch, and Norman Meyer) have been working hard with NACM on conference planning to ensure a great experience for the expected 750 attendees. A "Request for Proposals and Articles" will be sent out soon, soliciting speakers for the conference education program and writers for the International Journal of Court Administration on topics related to our theme of "Excellence on a Global Scale." We encourage everyone to submit proposals to share your expertise and knowledge with fellow



members at the conference and in our journal. Specific information about registering for the educational program, booking a room at the hotel, etc., should be announced next March. So, mark your calendars now and plan on attending!



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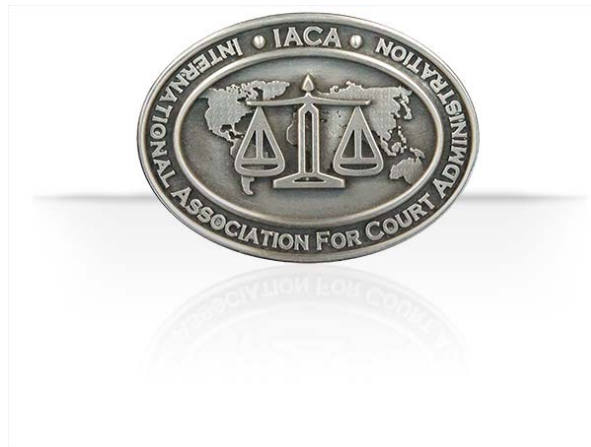
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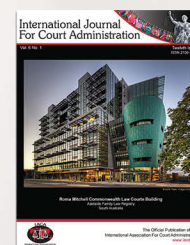
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