

Reflections on the Judicial Function

02 – 04 October 2019 | Adelaide, SA

This two and a half day residential program is developed specifically for experienced judges and magistrates. It provides an opportunity for judicial officers to reflect and share with colleagues their approaches to their work through the exploration of contemporary themes.

Day One: Judicial independence and the rule of law under threat.

Day one will focus on how the judiciary could and should respond to significant pressures and attacks on the core principles of judicial independence and the rule of law. This issue is approached by considering the response of the German judiciary to the rise of Nazism in Germany and the response of the South African judiciary to the apartheid regime. Discussion will focus on the standard against which we should measure the judiciary's response.

The final part of the day will consider the American approach to judicial independence, in light of President Trump's approach to the role of the United States Supreme Court and of the federal judiciary.

REGISTER NOW

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Program fee: \$3300 incl GST. This includes \$1,000 to cover the cost of accommodation for three nights and two dinners.

For further information, please email:
njca@anu.edu.au

Day Two: The Sciences.

The morning session will provide an insight into rapid developments in the neurosciences and where current Australian research is heading. It will shed light on the impact of these developments on US law and consider the potential impact on Australian law and judging in cases where lay and expert evidence is called about human behaviours including impulsivity and their causes and potential consequences on parties, practitioners and judges themselves. Cases will be explored where these challenges have unfolded.

The afternoon session considers the implications of developments in information technology. Topics include artificial intelligence and decision-making; and cyber security and failures. Presentations will outline current technological capability and practices and implications of the changes from a legal perspective.

Day Three (morning session only)

Session One: The Judges Book Club.

What can judges and magistrates learn, through literature that might influence how they discharge the judicial function and how they themselves are affected by the performance of the judicial function? Participants will be invited to share a favourite piece of their own (non-legal) reading. They will learn what reading has inspired colleagues, and will be asked to read something that is unfamiliar. And like every decent book club, there will be a freshly baked cake to eat while doing a lot of "off topic" chatting.

Session Two: Looking to the Future.

Where judging has begun to respond to science's ability to describe, create and change the genetic identities of living things, and the role of judges in society's choices about scientific developments. After an introduction to gene technology, the current and future landscape created by the intersection of law and science and the disruption of classic ideas of law and traditional values by technology will be explored.

PRESENTERS AND SESSION CHAIRS

Day One, Session One:

Dr Steven Welch, *Senior Lecturer in Modern German History, University of Melbourne*

Dr Murray Wesson, *Senior Lecturer, School of Law, University of Western Australia*

Professor Rosalind Dixon, *Faculty of Law, University of New South Wales*

The Honourable John Doyle AC QC, *formerly Supreme Court of South Australia (retd.)*

Justice Stephen Gageler AC, *High Court of Australia*

Day Two, Session One:

Professor Glenda Halliday, *NHMRC Senior Principal Research Fellow, The University of Sydney School of Medicine*

Dr Karen O'Connor, *University of Technology Sydney Law Health Centre*

Judge Nancy Gertner, *Senior Fellow in Law and Applied Science, Harvard University Law School*

Distinguished Professor Isabel Karpin, *University of Technology Law Health Justice Centre*

Justice Monika Schmidt, *Supreme Court of New South Wales*

Day Two, Session Two:

Associate Professor Lyria Bennett Moses, *Faculty of Law, University of New South Wales*

Professor Richard Buckland, *School of Computing Science and Engineering, University of New South Wales*

Justice Stephen Gageler AC, *High Court of Australia*

Day Three, Session One:

Magistrate Martin Flynn, *Magistrates Court of Western Australia*

Associate Professor Karinne Ludlow, *Monash Law*

Day Three, Session Two:

Justice Ann Ainslie-Wallace, *Family Court of Australia*

Judge Frank Gucciardo, *County Court of Victoria*

Justice Stephen Gageler AC, *High Court of Australia*

The Honourable John Doyle AC QC, *formerly Supreme Court of South Australia (retd.)*

Justice Monika Schmidt, *Supreme Court of New South Wales*

Magistrate Martin Flynn, *Magistrates Court of Western Australia*

Program Planning Committee

Justice Stephen Gageler AC (Chair); *High Court of Australia*

Justice Ann Ainslie-Wallace; *Family Court of Australia*

The Hon. John Doyle AC QC; *formerly Supreme Court of South Australia (retd.)*

Justice Monika Schmidt; *Supreme Court of New South Wales*

Judge Frank Gucciardo; *County Court of Victoria*

Magistrate Martin Flynn; *Magistrates Court of Western Australia*

Ms Lillian Lesueur; *National Judicial College of Australia*

Testimonials

Eighty three percent of participants who attended the 2017 program rated it as excellent.

..."it is rewarding to be challenged intellectually in areas where I don't often venture"...

..."The world is constantly evolving as evidenced from the presentations during the conference. The legal profession and the judiciary ought to learn from the experiences of the past and be open minded and optimistic about the present and about the future"...