

FEBRUARY 2023.



Judicial
College of
Victoria

12 months of learning.

THE JUDICIAL COLLEGE OF VICTORIA
2023 EDUCATION PROSPECTUS.

**Stimulate
your thinking.**

**Build
your knowledge.**

**Develop
your courtcraft.**

**The Judicial College of Victoria's 2023 calendar
will help you engage with emerging legal issues
and expand your core judicial skills.**

Learning delivered your way.

We have curated a diverse suite of events throughout 2023. With full day, half day and twilight options, our sessions will suit both new appointees and seasoned judicial officers alike.

This year, we are delighted to offer in-person events at our vibrant new learning space. When appropriate we will also continue to offer hybrid and online options for our twilight sessions.

Our focus for 2023.

Integrated jury directions in sexual offence trials, affirmative consent, stalking, and stealthing are some of the emerging issues that will be the focus of twilight events in 2023.

We have complemented twilight sessions with training on other important topics around self-represented litigants, the intimate terrorism of family violence and ground rules hearings.

On an individual note, judicial wellbeing remains a focus for 2023. The College has developed a new session on vicarious trauma, burnout and recovery to support you at all stages of your career.

We are also:

- committed to supporting the implementation of the *Review of Sexual Harassment in Victorian Courts* through our ‘Courts as workplaces’ training events
- collaborating with courts and tribunals to identify education needs arising from the *Review of Recruitment and Working Arrangements of Staff Working in a Primary Relationship with Judicial Officers*.

2023 calendar highlights

Modern statutory interpretation with the Hon. Patrick Keane AC KC.

22 March – see page 12

Back to Country on Barkindji, Latji Latji, Mutthi Mutthi, Ngintait, and Ngiyampaa lands.

5-7 October – see page 26

Mental health, drug dependency & the law series.

14 September, 3 October & 16 November – see page 25

You can register for all events on our website: judicialcollege.vic.edu.au/events

Please visit our website often for up-to-date information.

A moment of thanks.

We are grateful for the input of our Board, faculties, steering committees and expert judicial sponsors in the design and delivery of our events.

We would also like to acknowledge the experts and organisations with whom we continue to collaborate to ensure our events are evidence-based and reflect best practice.

A final note.

The College collaborates with the jurisdictions on a limited number of events that relate to a particular jurisdiction. These are added to the calendar throughout the year.

You can find out more about these specialist events as they become available on our website: judicialcollege.vic.edu.au/events

16 February 2023

TWILIGHT

Understanding the subtleties of stalking.



Stalking is a common feature of family violence cases – but the risks and impacts of the behaviour are not limited to these cases alone.

In this twilight event, you will enhance your understanding of the complexities of stalking behaviour with clinical and forensic psychologist **Professor Troy McEwan**.

Drawing on her research and the work of the Victorian Law Reform Commission, Professor McEwan will explain:

- what stalking is – and what it isn't
- the profile and presentation of people who stalk
- the impact of stalking on victims
- how to conceptualise risk in stalking matters
- how to manage the complexities of stalking, including options for sentencing and referral pathways.

Speaker:



Professor Troy McEwan

CENTRE FOR FORENSIC
BEHAVIOURAL SCIENCE,
SWINBURNE UNIVERSITY

Chair:



The Hon. Jennifer Coate AO

VICTORIAN LAW REFORM
COMMISSIONER

From February 2023

FULL AND HALF DAY

Courts as workplaces: **PREVENTING SEXUAL HARASSMENT.**



Explore what can be done to promote appropriate standards of behaviour and build a safe and respectful working culture in the courts.

Several questions have emerged in recent reports about sexual harassment in court environments.

This session is an opportunity for you to discuss these questions – and the experience of inappropriate behaviours – with your judicial colleagues.

Sessions are tailored to your jurisdiction and include:

- a panel discussion with judicial officers
- scenario-based conversations.

This training serves as the foundation for the **Courts as workplaces: Bystander training** session.

In part two of the Courts as workplaces training, you will:

- discuss the expectations of a judicial officer when responding to both perpetrators and complainants of sexual harassment
- learn how to promote a culture where sexual harassment and other inappropriate behaviours are prevented.

2023 DATES

21 February 2023

Preventing sexual harassment & Bystander training.

Coroners Court of Victoria

24 February 2023

Preventing sexual harassment & Bystander training.

County Court of Victoria

3 March 2023

Preventing sexual harassment.

Supreme Court of Victoria

31 March 2023

Bystander training.

Supreme Court of Victoria

7 March 2023

TWILIGHT

Courts as workplaces:

PREVENTING JUDICIAL BULLYING.



Robust exchanges between judicial officers and lawyers in the courtroom are common. There are complex dynamics in this unique workplace. But when does a response overstep the mark and become ‘judicial bullying’?

If judicial officers fail to maintain the standards expected of them, confidence in the courts and VCAT is undermined, and the system of justice is impacted.

Developed in conjunction with the Judicial Commission of Victoria, this introductory session will explore:

- the Commission’s recent consultation on this issue, including development of a judicial conduct guideline
- the experiences and perceptions of judicial conduct
- what isn’t – and what is – judicial bullying
- the causes and impacts of judicial bullying
- how to promote a positive culture and support the wellbeing of all court users, including judicial officers and their staff.

14 March 2023

FULL DAY

Judicial wellbeing for associate justices.



In this highly interactive workshop, associate justices of the Supreme Court will explore the concept of wellbeing. You will discuss how to manage the day-to-day stressors that arise in a busy court practice and identify structural and systemic matters affecting judicial wellbeing within your Division.

Working in small groups, you will also:

- design potential solutions to your identified issues
- present and discuss your ideas with the extended group
- identify next steps for implementing preventative – and responsive – measures.

Facilitators:



Sally Ryan
PSYCHOLOGIST



Carly Schrever
PSYCHOLOGIST

From March 2023

TWILIGHT

First Nations twilights.



The First Nations twilight series returns in 2023 with four new sessions.

This series is presented in partnership with the Judicial Officers' Aboriginal Cultural Awareness Committee (JOACAC), chaired by **Justice Jane Dixon** and **Magistrate Rose Falla**.

15 March 2023

Aboriginal Community Justice Reports.

Get a first-hand account of the benefits of Aboriginal Community Justice Reports – and the challenges that go with their creation.

Speakers:

- Judge Scott Johns, County Court of Victoria
- Representatives from the Victorian Aboriginal Legal Service

29 March 2023

Cross-over kids.

Learn about cross-over kids in this discussion that explains how children from the child protection system become involved in the criminal justice system.

Speakers:

- Magistrate Jennifer Bowles, Children’s Court of Victoria
- Magistrate Jelena Popovic, Magistrates’ Court of Victoria

30 August

Yoorrook: A conversation with the Commissioners.

Join barrister, Julie Buxton, as she moderates a discussion with Yoorrook Commissioners after their second and third rounds of hearings.

Speakers:

- Julie Buxton, Barrister
- Yoorrook Commissioners

Date TBC

Celebrating Koori specialist courts and tribunals.

Join this final session to hear a panel discussion on the variety of services and supports available to Aboriginal and Torres Strait Islander peoples in the justice system.

Speakers:

- Judge Scott Johns, County Court of Victoria
- Magistrate Rose Falla, Magistrates’ Court of Victoria
- Elders or Respected Persons sitting in Koori Court
- Koori staff from Court Services Victoria

17 March & 1 August 2023

FULL DAY

Authoritative and effective courtroom communication.



Effectively managing a courtroom may be a challenge. But it is a skill that can be learned and will assist you to appropriately establish your authority.

Join coaches **Simon Wood** and **Angela Twigg** as they share with you the fundamentals of courtcraft.

You will walk away with the skills to establish authority, deal with challenging behaviours and engage in meaningful ways in the courts.

Over one full day, you will:

- enhance your verbal and non-verbal communication skills
- learn strategies for keeping calm in stressful situations
- reflect on how you want to be perceived in your courtroom
- put your new skills into practice
- receive feedback to develop your own personal style.

Facilitators:



Simon Wood

DIRECTOR AND FOUNDER,
SEEDLING CTS



Angela Twigg

SENIOR ASSOCIATE CONSULTANT,
SEEDLING CTS

22 March 2023

TWILIGHT

Modern statutory interpretation.



Knowing how to interpret and apply statutes is essential for all judicial officers.

Join former High Court judge, **the Hon. Patrick Keane AC KC**, as he unpacks the principles and challenges of the modern approach to statutory interpretation.

In this twilight session, he will explain:

- the guiding principles of statutory interpretation
- the application of *stare decisis* and statutory precedent, through an examination of the High Court of Australia's reasoning in *Aubrey v The Queen* (2017) 260 CLR 305 (per the majority Kiefel CJ, Keane, Nettle and Edelman JJ)
- how to find meaning in the text
- how to use extrinsic materials
- how to resolve ambiguity in statute.

Speaker:



The Hon. Patrick Keane AC KC

FORMER JUSTICE OF THE
HIGH COURT OF AUSTRALIA

Chair:



**The Hon. Justice
Karin Emerton**

PRESIDENT OF THE COURT
OF APPEAL OF VICTORIA

From March 2023

FULL DAY

Inside prisons.



An escorted tour of Victorian prisons gives judicial officers an opportunity for new perspectives on the reality of a term of imprisonment.

Through these visits to metropolitan and regional prisons, you will:

- expand your understanding of prisons and the prison industry
- explore issues related to sentence management, rehabilitation programs and family contact arrangements
- be exposed to different perspectives on custodial settings.

Tours run for a full day, involve visits to two prisons, and are suitable for judicial officers sitting in crime.

These sessions are capped at 20 judicial officers per visit. Expressions of interest will open in 2023.

March 2023

Melbourne metropolitan prisons tour

August 2023

Barwon region prisons tour

28 April 2023

FULL DAY

Managing high-conflict behaviours.



What are some of the best ways to manage challenging courtroom interactions – and respond to high-conflict behaviours?

Join renowned conflict resolution expert Professor Tania Sourdin as she answers this question through insights on communication, neuroscience and the typologies of high-conflict personalities.

Through skills-based exercises, you will learn how to respond effectively to high-conflict behaviours in the court or tribunal room – including from self-represented litigants.

All the while you will be supported by trained coaches.

Speakers:



Professor Tania Sourdin

DEAN AND HEAD OF SCHOOL,
NEWCASTLE LAW SCHOOL,
THE UNIVERSITY OF NEWCASTLE



Simon Wood

DIRECTOR AND FOUNDER,
SEEDLING CTS

9 May 2023

HALF DAY

Understanding ground rules and intermediaries.



**When should you conduct a ground rules hearing?
How should it be done? And what is the role of an intermediary?**

Ground rules hearings are designed to ensure fair treatment of vulnerable witnesses, namely children and adults with cognitive impairments.

In this half-day, interactive session, you will learn how to conduct ground rules hearings – with and without intermediaries.

Led by experienced judicial officers, you will explore:

- when and how to conduct a ground rules hearing
- the ground rules process – both with and without an intermediary
- when and how to intervene when ground rules are not followed, or the question is improper under s.41 of the *Evidence Act 2008*.

23 May 2023

TWILIGHT

Vicarious trauma, burnout and recovery.



Research has confirmed that vicarious trauma and burnout are occupational risks of judicial office.

It is important that you understand the risks and signs of these serious – and not uncommon – experiences.

In this interactive twilight seminar, you will learn all about vicarious trauma and burnout. You will unpack how each can arise in judicial work – and what you can do about it.

You will also explore:

- how to recognise early warning signs of vicarious trauma and burnout
- evidence-based strategies for managing the impact.

25 May 2023

HALF DAY

Judicial ethics and public confidence.



Judicial officers face constantly evolving expectations to maintain exemplary behaviour in both their professional and private lives.

In this half-day session, you will deepen your understanding of the ethical principles required for all who hold judicial office and grapple with ‘the grey areas’ between proper and improper conduct.

You will explore the issues through scenarios grounded in the contemporary challenges that confront members of the judiciary.

You will also cover:

- judicial independence and how to recognise conflicts of interest
- impartiality and equality – and the human biases that can affect your decision-making
- integrity and propriety – and how to separate your public role and private life
- how to maintain competence and diligence in your role.

9 June 2023

FULL DAY

Managing the complexity of self-represented litigants.



In some instances your interactions with self-represented litigants can be complicated by their impaired legal capacity, mental health issues or a range of communication difficulties.

In this full-day session, you will explore how to navigate these challenges – ensuring that access to justice is achieved.

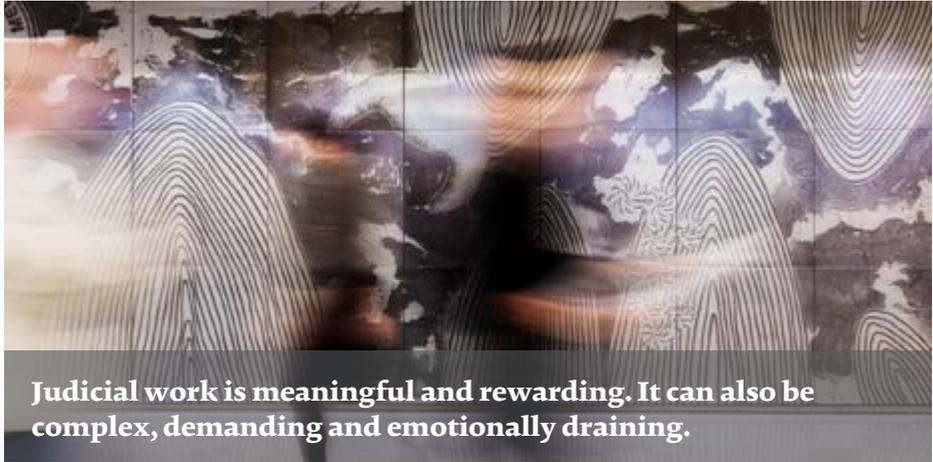
You will cover:

- the different typologies of self-represented litigants
- the relationship between stress, emotion and courtroom behaviour
- skills and strategies to respond to unexpected challenges
- how to ensure procedural fairness.

Friday 16 June & 27 October 2023

FULL DAY

Balancing the demands of judicial life.



In this full-day event for recent appointees, you will explore the human dimension of judging – and how to take up the judicial role with optimism and confidence.

This is a cross-jurisdictional and collaborative event. Participate in facilitated conversations with your judicial colleagues to:

- learn about the known pressure points in judicial work
- explore opportunities for growth and fulfilment
- walk away with a personal wellbeing plan to support you in your judicial career.

TWILIGHT DISCUSSIONS

Optional facilitated discussions will follow later in the year.

These twilight sessions follow an open and informal structure so you can raise topics of interest and share experiences on the human dimension of judging.

Your facilitators will support you with relevant theories from psychology.

Facilitators:



Sally Ryan

PSYCHOLOGIST



Carly Schrever

PSYCHOLOGIST

23 June 2023

FULL DAY

Working with diverse communities and interpreters.



Intercultural communication skills can mitigate the challenges that people from diverse backgrounds experience.

In this workshop, you will explore the concept of cultural competence in a tribunal setting. You will also learn culturally responsive strategies to help you work effectively with people from diverse backgrounds.

You will explore:

- the concept of culture
- practical skills for adopting a culturally responsive approach
- unconscious bias
- how to work with interpreters.

This event is for VCAT members only.

Facilitator:



Monica Rivas

THE SOCIAL POLICY GROUP

18 July 2023

TWILIGHT

Integrated jury directions in sexual offence trials.



Research shows that integrated directions promote jury comprehension – and reduce the time taken to reach a decision.

But the Victorian Law Reform Commission's report on *Improving the Justice System Response to Sexual Offences* showed that integrated directions are not used as often as they could be.

In collaboration with the County Court, the College is developing new integrated jury directions for sexual offence trials – and delivering training to encourage their use.

In this introductory seminar, you will learn:

- the difference between traditional and integrated directions
- the benefits of integrated directions
- how to adapt model-integrated directions.

25 July 2023

HALF DAY

Your trauma-informed court.



Trauma can affect how people communicate in the courtroom – and their ability to comply with directions and orders of the court.

It is well understood that many people appearing before courts and tribunals have been impacted by trauma.

By becoming trauma-informed, you can better manage the effects of trauma in your court or tribunal room.

In this experiential, skills-based program, you will:

- enhance your understanding of trauma – and how it presents in your court room
- learn skills and techniques for working with trauma-affected parties to balance procedural fairness with sensitivity
- be supported in your learning by facilitators who are experts in trauma and trauma-informed practice.

Facilitators:



Abbey Newman

FAMILY VIOLENCE SOCIAL WORKER



Merrin Wake

BLUE KNOT FOUNDATION

10-11 August 2023

TWO FULL DAYS

Mastering the art of judgment writing.



Do you feel burdened by the number of judgments you have to write? Are your judgments and rulings getting longer and more complex?

Learn how to step off the judicial writing treadmill – and liberate time to focus on other aspects of the judicial role.

In this two-day experiential workshop, you will participate in lectures, group work and individual practice to hone your judgment writing skills.

You will get the chance to apply structural and organisational principles provided by legal writing experts.

And you will walk away knowing:

- how to write clearly, concisely, and efficiently
- how to use narrative structure and voice
- frameworks for writing and structuring judgments.

Faculty led by:



The Hon. Kim Hargrave

SUPREME COURT OF VICTORIA

22 August 2023

TWILIGHT

Affirmative consent and stealthing.



Legislative reforms arising from the Victorian Law Reform Commission's 2021 report on *Improving the Justice System Response to Sexual Offences* will come into effect in 2023.

This seminar is your opportunity to learn about some of these significant reforms. Expert presenters will take you through:

- the onus of proof – and what constitutes consent in sexual offence matters
- the offence and act of ‘stealthing’ – i.e. the removal, non-use or tampering of a condom without the other person’s consent.

12 September 2023

FULL DAY

Delivering oral decisions effectively.



Are you drowning in reserve judgments? Or are you over-reliant on the written word?

In this skills-based program, you will learn to deliver oral reasons with competence and confidence.

You will cover:

- when to use an oral decision
- techniques for preparation and delivery
- the requirements of an oral decision – including introductions, structure and tailoring to your audience.

You will practise delivering oral decisions under the guidance of experienced facilitators.

14 September, 3 October & 16 November 2023

TWILIGHT SERIES

Mental health, drug dependency and the law series.



In this series, you will build your knowledge of mental illness and drug dependency.

You will learn about the range of supports and resources available to help you confidently respond in cases involving these issues.

You will also explore:

- the nature of mental illness and its diagnosis
- drug dependency and dual diagnosis
- access to treatment options and forensic mental health services
- the Assessment and Referral Court at the Magistrates' Court of Victoria
- sentencing options
- considerations for young people, women and First Nations peoples involved in the criminal justice system.

5-7 October 2023

3 FULL DAYS

Back to Country.



After a three-year hiatus, we are pleased to resume our highly regarded **‘Back to Country’** program.

You will leave with a renewed appreciation for Aboriginal community, history, culture – and connection with Country.

Activities include:

- an overnight visit to the sacred UNESCO World Heritage Site of Lake Mungo
- visits to important contemporary places of healing and culture
- conversations with Community about the challenges they face – and how they are meeting those challenges head-on.

All the while, you will be in the company of local Elders and respected persons, as well as judges from New South Wales and Victoria.

10 October 2023

FULL DAY

The intimate terrorism of family violence.



In this full-day program, you will explore the dynamics of family violence and how to assess and respond to risk in your courtroom.

You will deepen your understanding of:

- the dynamics of coercive control
- risk assessment for family violence
- ways to appropriately communicate with people who use violence
- trauma – and how to use a trauma-informed approach in your courtroom.

30 October 2023

LUNCHTIME WEBINAR

Emotion in judging.



In this interactive event, **Professor Maroney** will share the findings of her research with the US judiciary on the use and role of emotion in the everyday work of judges.

She will cover:

- the complex and sophisticated ways judges manage emotion in their work
- suggestions for how to consciously manage your emotions to benefit your wellbeing – and inform your reasoning process.

Speaker:



Professor Terry Maroney
VANDERBILT UNIVERSITY, USA

Facilitator:



Carly Schrever
PSYCHOLOGIST

14 & 28 November 2023

TWO FULL DAYS

Judicial monitoring skills: **MOTIVATIONAL INTERVIEWING.**



The skill of motivational interviewing is vital to all judicial monitoring hearings.

In this interactive program, you will explore the skills used by judicial officers to encourage change in individuals and promote positive behaviours.

You will also cover:

- the theory and core skills of motivational interviewing
- how to work with the behaviour change process
- how to work with resistance
- methods to identify, elicit and reinforce a person’s desire and capacity for change
- how to provide effective feedback.

This two-day event is relevant to judicial officers sitting in crime and in specialist courts.

Speaker:



Helen Mentha
MENTHA CONSULTING

2023

EXPRESSION OF INTEREST

360 degree feedback.



Receive meaningful feedback on your performance. And gain practical insights to grow and develop as a judicial officer.

The 360-degree survey was first developed by the College in 2006 and has been refreshed and refined over years.

It enables you to receive confidential and formalised feedback from your peers – including advocates who appear before you, and non-judicial colleagues.

You will complete the 360-degree survey with support from organisational psychologist **Maryanne Mooney**.

You can personalise the survey to the specific strengths – and challenges – you face in your role. You will receive practical insights that you can use to grow in your role.

The 360-degree feedback survey is available for judicial officers with at least three years' experience, via an expression of interest process.

Expressions of interest can be emailed to education@judicialcollege.vic.edu.au

Speaker:



Maryanne Mooney

ORGANISATIONAL
PSYCHOLOGIST

NOTES

