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ARTICLES

Solving human problems or deciding cases? Judicial innovation in New York and its relevance to Australia: Part II – *Andrew Phelan*

Over the past decade, hundreds of experimental courts have sprung up across the United States, testing new solutions to problems like addiction, domestic violence, child neglect and quality-of-life crime. These “problem-solving courts” include specialised drug courts, domestic violence courts, community courts, family treatment courts, mental health courts, gun courts and others. While each of these initiatives targets a different problem, they all use the authority of courts in new ways – to improve outcomes for victims, communities and defendants. In the process, they all seek to shift the focus of courts from simply processing cases to achieving tangible results like safer streets and stronger families. Part I of this article, published in the November 2003 part of the journal, described the environment in which judicial innovation has occurred in New York and examined problem-solving drug courts. Part II explores how the problem-solving approach has developed in family, domestic violence, youth and community courts; while Part III, to be published in the May 2004 part of the journal, considers the relevance of these courts to Australia.137

Courts using their own experts – *Andrew Cannon*

This article reviews precedents for the use by Australian and some other common law courts of their own experts and then briefly explains the approach in Germany, The Netherlands and France where expert evidence is brought before the court by court-appointed experts. The experience of the South Australian Magistrates Court (Civil Division), a common law court which has been using court-appointed experts since 1992, is discussed and issues concerning the selection, training and proper role of experts are explored. The efficiency gains are briefly discussed.....182

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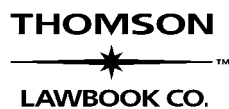
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