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ARTICLES

The National Survey of Australian Judges: An overview of findings – *Kathy Mack and Sharyn Roach Anleu*

The Magistrates Research Project and the Judicial Research Project of Flinders University have conducted extensive empirical research into the background, careers, attitudes and everyday work of the Australian judiciary. This article describes the development of the National Survey of Australian Judges 2007 and provides an overview of findings on several topics: personal and social characteristics of judges, such as age, gender, family and the professional background which judges bring to their work; factors which affected the decision to become a judge; the skills needed for their work; and attitudes towards work, including areas of satisfaction and dissatisfaction and stress. The findings from this survey have significant value to the judiciary, to the community and for government in developing appropriate policies in areas such as recruitment, selection, appointment, training, education and court management, including issues of work allocation, hours, out of court work, working conditions and expectations.

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A pathway to excellence for a court – Part II: Defining excellence – *Michael Gething*

There is an ongoing and unresolved debate as to how best to measure the performance of a court. There is a risk with a debate focusing on performance measures that we lose sight of the reason why performance measures exist in the first place. Performance measures exist to provide information to internal executives and external stakeholders as to whether an organisation is achieving excellence. In Part I of this article a model was presented as to how an organisation, in particular a court, could go about attaining excellence. The model suggests that an excellent organisation is one that is continually looking, learning, changing and improving towards the concept of excellence that it has defined for itself. The model becomes the pathway on which the organisation travels. Having defined the pathway in Part I, Part II now looks at how a court could go about defining a concept of “excellence” for itself. The analysis used is to develop a concept of excellence for the fictional District Court of Carpentaria. Having developed a concept of excellence, a suite of performance assessment measures is suggested.

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Have we fired the “hired gun”? A critique of expert evidence reform in Australia and the United Kingdom – Mia Louise Livingstone

This article analyses the effectiveness of recent reforms to the reception and usefulness of expert evidence in civil court proceedings in Australia and the United Kingdom. As a basis for assessment, it considers the impetus for recent expert evidence reforms and their intended objectives. Three new expert evidence procedures in key relevant jurisdictions are analysed by exploring the main issues confronting their effective implementation. The first is joint experts appointed by the parties; the second is the concurrent evidence or “hot-tubbing” procedure; and the third encompasses joint conferences and other expert evidence management procedures. The new procedures have certainly made inroads into reforming the “hired gun” expert in at least some cases, some more significant than others. The courts have effectively balanced the often conflicting objectives of reform by adopting the procedures flexibly to address the specific issues associated with expert evidence in each case.

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BOOK REVIEW –

Lessons from the Australian Constitution: An Introduction to the Australian Legal System by Andrew J Cannon

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