JOURNAL OF JUDICIAL ADMINISTRATION

Volume 31, Number 1

2021

ARTICLES

Judicial and Lawyer Interventions in Trials of Child Sexual Assault – *Natalie Martschuk, Martine B Powell, Jane Goodman-Delahunty, Simone Thackray and Nina Westera*

This article presents the results of a study that evaluated the extent to which judges and lawyers intervene during questioning of child and adult complainants in child sexual assault (CSA) cases. Transcripts of the evidence of 120 CSA complainants were analysed according to the frequency and nature of interventions, such as raising issues with the question form, question manner, question content, complainant care, legal procedure or rules. Judges most commonly intervened during cross-examination and to a lesser extent during evidence-in-chief. There was no evidence that judges and prosecutors intervened more frequently with children than with adults. The most common basis for intervention was the question form, but the number of interventions was very low considering the prevalence of complex questions asked by the defence. Less than 1% of the interventions were based on question content. 3

Development of a Measurement Tool for Courtroom Legal Actor Contributions: A Delphi Study Consulting the Experts – *Rhondda Waterworth*

This article describes the development of a qualitative measurement tool – the Legal Actor Contributions Scale (LACS) – designed to measure legal actor contributions (primarily magistrates) in courtroom interactions from a therapeutic perspective. The measure was refined using a Delphi study to collect advice from research participants who are experts in the field of therapeutic change and magistrates' therapeutic contributions (court craft). Despite adverse research conditions, the LACS measure was successfully developed into a refined form, presented in the article. This measurement scale will be useful for therapeutic and problem-solving court outcomes research, for magistrate court craft self-development, and in mainstreaming the therapeutic jurisprudence movement. 17

"What Is the Court to Do with All of This Data?" Empirical Evidence, COVID-19 and the Law – *Scott Currie*

The COVID-19 pandemic continues to test Commonwealth legal systems around the globe. It is a crisis that requires empirically grounded solutions. The cases born from governments' pandemic measures emphasise the courts' general reticence and shortcomings when issues involve technical considerations. These include: a lack of structure for considering empirical matters; limited avenues for empirical engagement beyond expert witnesses; narrow use of judicial notice; and continued reluctance to develop competencies in the natural or social sciences. This article considers how COVID-19-related cases illustrate these concerns, as well as prior cases outside a "crisis" context. Solutions are also proposed. 26

BOOK REVIEW

The Judge, the Judiciary and the Court: Individual, Collegial and Judicial Dynamics in Australia, edited by Gabrielle Appleby and Andrew Lynch – *Reviewed by Dr Andrew Cannon AM* 42