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ARTICLES

Helping those who help themselves: Evaluating QPILCH's Self Representation Service – *Jeff Giddings*, *Blake McKimmie*, *Cate Banks* and *Tamara Butler*

This article reports on an evaluation of the Self Representation Service (SRS) provided by the Queensland Public Interest Law Clearing House (QPILCH). The evaluation was commenced in 2012 and continued until early 2014. It involved surveys of judges, their associates and registry staff from the Queensland Supreme Court, Court of Appeal, District Court and the Queensland Civil and Administrative Tribunal. The evaluation team also surveyed users of the SRS, paying particular attention to their experiences of the service from a stress and coping perspective. The article explains the nature and purposes of the evaluation project and considers the contexts within which self-represented litigants seek to conduct their own legal work. It then reports on and analyses the data collected as part of the evaluation and details recommendations in relation to the promotion and operation of the SRS as well as for the conduct of future research. 135

Jurors' consideration of inadmissible evidence: A motivational explanation – *Diane Sivasubramaniam*, *Bianca Klettke*, *Jonathan Clough*, *Regina Schuller* and *Kristie Oleyar*

Procedural justice research suggests that, as decision makers in a trial, jurors may be unwilling to disregard inadmissible evidence if they believe it will lead to a just outcome. In an experimental study, three hypotheses were tested: participants reading trial evidence while assuming the role of a juror (rather than observer) would report stronger motivations to protect the community; motivations to protect the community would be associated with higher conviction rates; and participants would be more likely to follow judicial instructions to disregard inadmissible evidence when they assumed an observer (rather than juror) role. Findings indicated that participants were more likely to convict the defendant when they experienced higher motivations to protect the community, reinforcing the importance of studying juror motivations. However, results revealed a complex pattern of factors affecting juror motivations as well as verdict decisions. Results are discussed in terms of the effectiveness of the curative instruction, and key directions for future research. 154

When coroners care too much: Therapeutic jurisprudence and suicide findings – *Belinda Carpenter*, *Gordon Tait*, *Nigel Stobbs* and *Michael Barnes*

In common law countries such as England and Australia, violent and otherwise unnatural deaths are investigated by coroners who make findings as to the "manner of death". This includes determining whether the deceased person intentionally caused their own death. Previous research has suggested that coroners are reluctant to reach such determinations, citing the stigma of suicide and a need for sensitivity to grieving and traumatised families. Based on interviews with both English and Australian coroners, this article explores whether an "ethic of care" evident in English and Australian coronial suicide determinations, can be understood as an application of the "practices and techniques" of

therapeutic jurisprudence. Based on the ways in which coroners position the law as a potential therapeutic agent, we investigate how they understand their role and position as legal actors, and the effects of their decision-making in the context of suspected suicides. 172

NSW costs assessment review – *Steve Shaw*

On 3 March 2013, the Chief Justice of New South Wales' Review of the Costs Assessment Scheme (the Review) released a draft copy of the review findings. The system of assessing legal costs in New South Wales had been thoroughly reformed in 1994, and the Review, initiated in 2011, canvassed the entire operation of the reformed scheme. The Review provided wide ranging recommendations to further reform costs assessment. If the Parliament of New South Wales adopts those recommendations as promulgated, the costs assessment regime will operate as a much more expeditious process. One result of those changes will be the abandonment of the core rationale for the original 1994 Reforms; that winning litigants should recover all the moneys they have reasonably spent on the conduct of their litigation. Additionally, if the Chief Justice had accepted the recommendations in their entirety the New South Wales Costs Assessment Scheme would have moved firmly away from the "user pays" approach it currently adopts, and the economic burden of costs assessment would be increasingly shifted onto the Supreme Court, and thus the taxpayer. In his response to the recommendations published on 21 May 2014, the Chief Justice decided against adopting the proposed changes to the costs structure of the scheme and has recommended keeping the current funding model. Nonetheless, it appears that the Costs Assessment Scheme will be required to do more without being able to charge more. This article puts the Review in context and explores the ramifications of its key recommendations. 184

BOOK REVIEW

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