



Judicial
College of
Victoria

Framework of Judicial Abilities and Qualities for Victorian Judicial Officers

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The Judicial College of Victoria (JCV) is grateful to the Judicial Studies Board of England and Wales for granting permission to the JCV to adapt its Framework of Judicial Abilities and Qualities published in 2008

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INTRODUCTION

This Framework of Judicial Abilities and Qualities identifies the knowledge, skills, behaviours and attitudes that the Victorian judiciary are expected to demonstrate in performing their judicial role. The framework aims to provide an essential self-development aid to individuals by clearly articulating the standards to which those performing a judicial role aspire.

It also aims to assist the Judicial College of Victoria, and other providers of judicial education and professional development, to design and deliver programs and associated resources to ensure the judiciary acquire and develop the skills and knowledge necessary to perform their role to the highest professional standards.

HOW WAS THE FRAMEWORK DEVELOPED?

The Judicial Studies Board of England and Wales developed their Framework through a comprehensive process involving detailed consultations with the judiciary and with practitioners about the skills, knowledge and behaviours that are seen as critical in the performance of the judicial role. It was also informed by the best international standards of judicial performance.

The Board of the Judicial College of Victoria considers that the JSB's Framework of Judicial Abilities and Qualities applies equally to Victorian judicial officers (which, for purposes of the *Judicial College of Victoria Act 2001* includes all VCAT members), and has adopted it as a clear articulation of what Victorian judicial officers expect of themselves, what the Victorian legal profession expects of judicial officers, and what the Victorian community expects of its judiciary.

WHAT DOES THE FRAMEWORK CONTAIN?

The framework is divided into five ‘headline’ abilities and associated qualities as follows:

- A Knowledge and technical skill
- B Communication and authority
- C Decision making
- D Professionalism and integrity
- E Efficiency
- F Leadership and management

Each section contains a description of the key judicial abilities, and provides examples of how the abilities and associated qualities would be demonstrated in practice in all Victorian jurisdictions (Supreme, County and Magistrates’ Courts and the Victorian Civil and Administrative Tribunal).

The examples provided are generic and expressed in terms of the knowledge, skills and abilities that apply in any jurisdiction. The examples given of necessary knowledge, skills and behaviours are intended to be illustrative – they are not exhaustive.

Some jurisdictions may present special challenges in the demonstration of particular qualities and abilities, and others will require a greater emphasis on certain qualities. For example, in the criminal context demonstrating knowledge and technical skill will include: identifying the ingredients in law of the offence; understanding and applying the law relating to witness measures and evidence; effectively marshalling the law and the evidence in a summing up; and applying the relevant legislation and authorities.

INTRODUCTION (continued)

Similarly, in certain proceedings demonstrating communication skills will include, for example, communicating empathically with adults and children, with people with cognitive and physical impairments, and with those from diverse ethnic and cultural groups.

The Framework presents core generic judicial qualities and abilities. For the purposes of self-development and in the development of judicial education and professional development programs, individual judicial officers and judicial education providers will reflect on how the abilities and qualities might be demonstrated in practice in different contexts and jurisdictions.

A feature of the Framework is the integration throughout of the necessary abilities and qualities that ensure fair treatment. This reflects the obligations imposed by the Victorian Charter of Human Rights and Responsibilities and the need for attention to fairness in every aspect of judicial work in relation to all those who come before the court or tribunal, as well as those who work in the court or tribunal.

HOW SHOULD THE FRAMEWORK BE USED?

The Framework provides a widely accepted and detailed description of what Victorian judicial officers need to know and do in performing their roles. It provides a guide to newly-appointed and experienced judges to the full range of critical abilities and qualities. The judiciary should be aiming to demonstrate not only that they have achieved high levels of knowledge and technical competence, but that they have also developed the behaviours, motivation and values that are essential to professional excellence.

The Framework covers:

- Knowledge (what the law is);
- Technical Skill (getting what is needed from documents and oral hearings and properly applying that knowledge to the individual case);
- Non-technical Skills (such as communication, control of hearings, time management);
- Personal Qualities (a commitment to fairness, promoting perceptions of fairness, tolerance, sensitivity to difference and particular needs).

All of these are integrated to produce ‘professional behaviour’. Professionalism, as opposed to technical competence, represents the highest standards of conduct that the Victorian community has a right to expect of its judiciary and to which all Victorian judicial officers should aspire.

A. KNOWLEDGE AND TECHNICAL SKILLS

RELEVANT QUALITIES

Conscientiousness, Commitment to high standards

CORE ABILITIES AND TECHNICAL SKILL

Sound knowledge of law and its application

Sound knowledge of procedure and appropriate application

EXAMPLES OF HOW ABILITIES WOULD BE DEMONSTRATED

Controls court proceedings through fair and effective management and intervention

Undertakes necessary preparatory work

Properly applies appropriate legal principles to issues before the court/tribunal

Appropriately conducts proceedings in accordance with current procedural rules

Logically identifies critical issues

Absorbs and analyses complex and competing factual and legal material

Clarifies uncertainty

Weights relevant issues and matters of law to formulate reasoned and coherent decisions

Concentrates for long periods

Stays up to date with changes to law and procedure

Broadens and extends knowledge

B. COMMUNICATION AND AUTHORITY

RELEVANT QUALITIES

Firmness without arrogance, Courtesy, Patience, Tolerance, Fairness, Sensitivity, Compassion, Self-discipline

CORE ABILITIES AND TECHNICAL SKILL

Establishes and maintains authority of the court

Manages hearing to enable fair and timely disposal

Communicates effectively

HOW ABILITIES DEMONSTRATED IN ALL COURT/TRIBUNAL PROCEEDINGS

Controls court proceedings through fair and effective management and intervention

Maintains fair-minded discipline in court and in chambers

Appropriately deals with parties, witnesses, victims, representatives, the public, press and court/tribunal staff

Communicates effectively orally and in writing

Is careful in use of language

Displays sensitivity to specific communication needs for reasons of language or disability

Adopts approach with unrepresented parties that ensures own and party's understanding by explanation and checking

Demonstrates active listening

Defuses volatile situations with firmness

Remains calm and authoritative despite inappropriate or provocative behaviour

Drafts clear, reasoned decisions with appropriate concision

Always explains the decision and gives reasons

C. DECISION MAKING

RELEVANT QUALITIES

Decisiveness, Confidence, Moral courage,
Independence, Impartiality

CORE ABILITIES AND TECHNICAL SKILL

Sound judgement

Appropriate exercise of discretion

HOW ABILITIES DEMONSTRATED IN ALL COURT/TRIBUNAL PROCEEDINGS

Objectively and impartially evaluates evidence

Properly weighs sufficiency and quality of evidence

Makes firm, confident decisions

Relies on own judgement

Reaches reasoned decision based on relevant law and findings of fact

Makes timely and appropriate procedural decisions

Makes firm and clear interlocutory judgments

Promulgates decisions with appropriate expedition

Treats those involved even-handedly

Takes and maintains unpopular decisions when necessary

Produces well-structured judgments that are clear, reasoned and appropriately concise

D. PROFESSIONALISM AND INTEGRITY

RELEVANT QUALITIES

Capacity to handle stress and isolation of judicial role,
Sense of ethics, Patience, Honesty, Tolerance, Consideration
for others, Personal responsibility

CORE ABILITIES AND TECHNICAL SKILL

Maintains independence and authority of the court

Maintains personal independence and integrity

Personal discipline

Promotes highest standards of behaviour in court

HOW ABILITIES DEMONSTRATED IN ALL COURT/TRIBUNAL PROCEEDINGS

Recognises and discloses potential conflicts of interest

Behaves with dignity and professionalism

Is scrupulously fair to all participants in proceedings, attending properly to any particular needs

Remains detached and manages own reactions and emotions

Treats all people attending, appearing or working in court with respect and dignity

Respects and complies with the law

Avoids any perception of bias by avoiding use of words or conduct that might give rise to the perception of an absence of impartiality

Remains and appears impartial between parties whether individuals, professionals or public bodies.

Promulgates decisions with appropriate expedition

E. EFFICIENCY

RELEVANT QUALITIES

Commitment to public service,
Commitment to efficient administration, Self-discipline

CORE ABILITIES AND TECHNICAL SKILL

Manages hearings to facilitate fair and timely disposal

Actively manages cases to promote efficient and just
conclusion of business

HOW ABILITIES DEMONSTRATED IN ALL COURT/TRIBUNAL PROCEEDINGS

Works at appropriate pace

Adopts proactive approach focusing on key issues

Manages cases using most efficient approach and procedures

Exercises discretion in course of proceedings to ensure efficient use of time

Establishes and enforces realistic time estimates

Promptly discharges administrative responsibilities

Works cooperatively with judicial colleagues and court/tribunal staff

Handles heavy workload

Prioritises effectively

Is punctual

Delivers judgments promptly

Uses information technology effectively

F. LEADERSHIP AND MANAGEMENT

RELEVANT QUALITIES

Responsibility, Imagination,
Commitment to efficient administration

CORE ABILITIES AND TECHNICAL SKILL

Strategically plans and organises

Manages change

Supports and develops talent

Manages quality standards

Encourages and facilitates teamwork

HOW ABILITIES DEMONSTRATED IN ALL COURT/TRIBUNAL PROCEEDINGS

Strategically manages resources [and deployment]

Appropriately deals with performance issues

Identifies and responds to training needs

Sensitively deals with colleagues' personal matters

Uses initiative creatively to solve problems

Works in partnership with judicial colleagues and the administration to achieve objectives

Effectively manages meetings and encourages contribution

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