

# Timeliness in the Justice System: Ideas and Innovations

Monash University's Australian Centre for Justice Innovation (ACJI) and the Australasian Institute of Judicial Administration (AIJA) invite you to join a group of senior judicial officers, researchers and policy-makers from around Australia and overseas to bring creativity, wisdom and diverse experience to the question of how to improve timeliness in the delivery of justice.



**Opens:** 10:30 am, Friday, 16 May 2014

**Closes:** 4:15 pm, Saturday, 17 May 2014

**Venue:** Monash University Law Chambers  
555 Lonsdale Street  
Melbourne VIC 3000

**RSVP:** Friday, 2 May 2014

**\*\*Places are limited!\*\***

Email completed registration form to  
kathy.jarrett@monash.edu

**Cost:** \$510 (GST incl.)

The issue of **timeliness** is a crucial one for those working in, and interacting with, the justice system. Research has shown that the time taken to deal with a dispute is often the key factor in determining whether or not people consider that the justice system is **just and fair**. In addition, delays and process inefficiencies are costly and a **drain** on disputants and the human and fiscal resources of courts, governments and dispute resolution agencies.

This two-day invited Forum will bring together senior judicial officers, researchers and policy-makers from around Australia and overseas to discuss issues and **innovations** in timeliness and to generate ideas for the implementation of promising innovations.

This Forum is part of a broader '**Timeliness Project**', being undertaken by ACJI, which aims to develop an objective framework for the assessment of timeliness in the justice system, and to assist courts and policy-makers in making decisions and taking action for the **timely resolution** of disputes in the future. The Project has tracked innovation in this area, and this work will play an **important role** in the development of legal and policy innovation **in the future**.

We hope you can participate in this **novel** and **collaborative** Forum and be a part of this important movement towards a more timely, efficient and effective justice system.

*For more information about the 'Timeliness Project' and Forum presenters and sessions, please see the ACJI website:  
<http://www.law.monash.edu.au/centres/acji/>*



## TIMELINESS IN THE JUSTICE SYSTEM: IDEAS AND INNOVATIONS

### FORUM PROGRAM\*

**Friday 16 May 2014**

10:00am – 10:30am	Registration and arrival tea and coffee
10:30am – 11:00am	<b>Welcome and Introduction</b> Professor Peter Cashman, <i>Faculty of Law, University of Sydney</i>
11:00am – 11:30am	<b>Defining Timeliness</b> Professor Tania Sourdin, <i>Director, Australian Centre for Justice Innovation</i>
11:30am – 11:45am	Morning tea
11:45am – 12:30pm	<b>Keynote Address: Innovations in Timeliness</b> Chair: Professor Tania Sourdin, <i>Director, Australian Centre for Justice Innovation</i> Judge Kevin Burke, <i>National Centre for State Courts, USA</i>
12:30pm – 1:15pm	Lunch
1:15pm – 2:30pm	<b>Issues in Timeliness</b> Chair: Emeritus Professor Arie Freiberg, <i>Faculty of Law, Monash University</i> Judge Kevin Burke, <i>National Centre for State Courts, USA</i> Dr Warren Mundy, <i>Presiding Commissioner, Productivity Commission</i> Ms Virginia Wilson, <i>Principal Legal Officer, Courts Tribunals and Justice Policy Branch, Attorney-General's Department</i>
2:30pm – 3:30pm	<b>Innovations in Timeliness – Technology</b> Chair: Ms Nerida Wallace, <i>Principal, Transformation Management Services</i> The Honourable Justice Peter Vickery, <i>Supreme Court of Victoria</i> Mr Simon Cohen, <i>Telecommunications Industry Ombudsman</i> Mr Darin Thompson, <i>Director, Court Reform, Victoria, Canada (via Skype)</i>
3:30pm – 3:45pm	Afternoon tea
3:45pm – 4:45pm	<b>Innovations in Timeliness – Obligations</b> Chair: TBC The Honourable Justice John Dixon, <i>Supreme Court of Victoria</i> Mr Jeremy Gormly SC, <i>Barrister, Denman Chambers, NSW Bar</i> Mr Andrew Bickerdike, <i>CEO, Relationships Australia Victoria</i>
4:45pm – 5:00pm	<b>Wrap-up</b> Professor Tania Sourdin, <i>Director, Australian Centre for Justice Innovation</i>
5:00pm – 6:30pm	Free time
6:30pm onwards	<b>Forum Dinner – RACV Club (**RSVP required - cost included in registration fee**)</b> Level 2, Bayside Rooms 5 & 6 501 Bourke Street, Melbourne

## Saturday 17 May 2014

9:15am – 9:30am Arrival tea and coffee

9:30am – 10:15am **Keynote Address**

Chair: TBA

The Honourable Chief Justice Wayne Martin, *Supreme Court of Western Australia*

10:15am – 11:15am **Innovations in Timeliness: Latest Ideas in Case Management**

Chair: TBA

His Honour Judge Ian Gray, *State Coroner, Coroner's Court of Victoria*

Mr Philip Kellow, *Registrar, Administrative Appeals Tribunal*

Ms Nerida Wallace, *Principal, Transformation Management Services*

11:15am – 11:30am Morning tea

11:30am – 12:45pm **Innovations in Timeliness: Changing Processes**

Chair: Professor Tania Sourdin, *Director, Australian Centre for Justice Innovation*

The Honourable Ray Finkelstein QC, *Retired Justice, Federal Court of Australia*

His Honour Judge Greg Keating, *President, NSW Workers Compensation Commission*

His Honour Judge Philip Misso, *County Court of Victoria*

12:45pm - 1:30pm Lunch

1:30pm – 3:00pm **Innovations in Timeliness: Resourcing and Organisation**

Chair: Ms Lesley Coleman, *Director, Lewis & Coleman Consulting and Adjunct Senior Research Fellow, Australian Centre for Justice Innovation*

Mr Saul Holt SC, *Former Chief Counsel, Victoria Legal Aid*

Ms Nerida Wallace, *Principal, Transformation Management Services*

Mr David Ware, *CEO, Supreme Court of Victoria*

3:00pm – 3:45pm **Future Directions**

The Honourable Chief Justice Wayne Martin, *Supreme Court of WA*

Professor Tania Sourdin, *Director, Australian Centre for Justice Innovation*

3:45pm – 4:00pm **Closing Remarks**

The Honourable Robert Clark MP, *Attorney-General, State of Victoria*



## TIMELINESS IN THE JUSTICE SYSTEM: IDEAS AND INNOVATIONS

### PRESENTERS AND PANELLISTS

#### Keynote Address – Friday, 16 May 2014

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#### Judge Kevin Burke

*Minnesota District Court, past Board member of the National Centre for State Courts, and past President of the American Judges Association*



Judge Kevin Burke is a District Judge in Hennepin County, Minnesota. He is one of the most recognised leaders within the American judiciary. Judge Burke was elected for four terms as Chief Judge and three terms as Assistant Chief Judge. During this time he instituted social science studies – and reforms improving – procedural fairness. From 1991–1996 he served as the Chair of the Conference of Chief Judges. He chaired the State Board of Public Defense, and was a leader in the effort to improve and expand the state’s public defender system.

Judge Burke has been named one of the 100 most influential lawyers in the history of Minnesota by Law & Politics magazine. In 1996 he was named a Toll Fellow. The Toll Fellowship identifies emerging state leaders from all three branches of government. In 1997 he received the Director’s Community Leadership Award from the Federal Bureau of Investigation. In 2002 the National Center for State Courts awarded him the Distinguished Service Award. In 2003 he was selected as the William H. Rehnquist Award recipient by the National Center for State Courts. The Rehnquist Award is presented annually to a state judge who exemplifies the highest level of judicial excellence, integrity, fairness and professional ethics. He was awarded Public Official of the Year by Governing Magazine in 2004. In 2005 the Minnesota Chapter of the American Board of Trial Advocates named him Trial Judge of the Year. The American Bar Association named him Judicial Educator of the Year in 2010.

Judge Burke teaches at the University of Minnesota and University of St. Thomas law schools. For many years he served on the faculty of the University of Minnesota Humphrey Institute’s Reflective Leadership Program. He has been a speaker in 38 states as well as Abu Dhabi, Canada, Egypt, Mexico, China, India and Ireland regarding improvement in judicial administration and court leadership.

Judge Burke has authored numerous articles, and is the co-author of two American Judges Association White Papers, ‘Procedural Fairness: A Key Ingredient in Public Satisfaction’ and ‘Minding the Court: Enhancing the Decision-Making Process’. He presently serves on the Board of the Institute for the Reform of the American Legal System. He is a past Board member of the National Center for State Courts and the American Judicature Society.

**The Honourable Chief Justice Wayne Martin AC**

*Supreme Court of Western Australia*



The Honourable Wayne Martin QC was admitted to legal practice in Western Australia in 1977. In 1984 he became Senior Litigation Partner with Keall Brinsden in Perth and then in 1988 joined the Independent Bar. In 1993 he was appointed Queen's Counsel. Between October 1996 and October 2002 he was a Member of the Law Reform Commission, and from 1997 to 2001 served as its Chairman. From 2001–2003 he took on the role of counsel assisting the HIH Royal Commission in Sydney.

In 2006, he became the 13<sup>th</sup> Chief Justice of the Supreme Court of Western Australia. In 2012, the Chief Justice was recognised nationally when he was appointed a Companion in the General Division of the Order of Australia 'for eminent service to the judiciary and to the law, particularly as Chief Justice of the Supreme Court of Western Australia, to legal reform and education, and to the community'. The Chief Justice holds many positions as Chairman or Patron and is also the Lieutenant Governor of Western Australia.

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**Other Presenters, Panellists and Chairs (alphabetical order)\***

**Dr Andrew Bickerdike**

*CEO, Relationships Australia Victoria*



Dr Andrew Bickerdike is CEO of Relationships Australia Victoria (RAV) and Deputy President of Relationships Australia National. He holds tertiary qualifications in both economics and psychology and a Doctorate in dispute resolution. Andrew has experience and specialist training in individual, marital and family therapy, and family dispute resolution and has practised as a mediator and family dispute resolution practitioner for over 20 years.

Andrew has a particular interest in research and evaluation and has initiated and implemented many research projects examining the efficacy of family services programs, and in particular mediation services, in a naturalistic setting. He is an Industry Partner in three current large Australian Research Council Linkage research projects. Collectively these research activities have attracted national and international interest and have influenced the design of models of practice. Andrew is a former member of the National Alternative Dispute Resolution Advisory Council (NADRAC), a member of the National Advisory Board of the Family Law Section of the Law Council of Australia and a member of the Civil Justice Evidence Base Working Group.

## **Professor Peter Cashman**

*Faculty of Law, University of Sydney*



Professor Peter Cashman is a barrister and Professor of Law (Social Justice) at the University of Sydney.

Peter was formerly Commissioner in charge of the civil justice review with the Victorian Law Reform Commission; Commissioner jointly in charge of the reference on class actions with the Australian Law Reform Commission; founding Director of the Public Interest Advocacy Centre; founder and senior partner of the firm Cashman & Partners, which merged with the Melbourne firm Maurice Blackburn & Co to form the national firm Maurice Blackburn Cashman (now Maurice Blackburn Pty Ltd); Governor of the American Trial Lawyers' Association (now the American

Association for Justice); and National President of the Australian Plaintiff Lawyers' Association (now the Australian Lawyers Alliance).

Peter holds a degree in law and a diploma in criminology from the University of Melbourne and a Master of Laws degree and a PhD from the University of London. He has practised law in the United Kingdom, the United States of America and Australia.

## **The Hon. Mr Robert Clark MP**

*Attorney-General, State of Victoria*



Robert Clark is the Member for Box Hill and is also the Attorney-General, Minister for Finance and Minister for Industrial Relations in the Victorian government.

Robert Clark was first elected to Parliament in 1988 and has been Member for Box Hill since 1992. From 1992 to 1999 he served as Parliamentary Secretary to the Victorian Treasurer, Alan Stockdale.

From October 1999 until September 2001, he was Shadow Minister for Planning (including Major Projects) and Shadow Minister for WorkCover, from September 2001 to August 2002 was Shadow Treasurer, Shadow Minister for Finance and Shadow Minister for WorkCover and from August 2002 to November 2002 was Shadow Minister for Finance, Shadow Assistant Treasurer, Shadow Minister for WorkCover and Shadow Minister for Gaming. From November 2002 until December 2006 he was Shadow Treasurer.

From December 2006 until August 2007, he was Shadow Minister for Information and Communication Technology, until November 2009 was the Shadow Minister for Energy and Resources and Shadow Minister for Industrial Relations, and until November 2010 was the Shadow Attorney-General. From November 2009 until November 2010, he was also the Shadow Minister for Finance.

Before entering Parliament, Robert Clark was a solicitor practicing in commercial, financial and labour law.

## **Mr Simon Cohen**

*Telecommunications Industry Ombudsman*



Mr Simon Cohen is the Telecommunications Industry Ombudsman for Australia. His office deals with complaints about mobile, landline and internet telephone services.

Prior to this appointment, Simon was the Victorian Public Transport Ombudsman from February 2008 to June 2010. He has worked in complaints investigation and resolution or related areas for more than 15 years.

Other previous appointments include: Assistant Ombudsman (Police) and lawyer at the NSW Ombudsman; Conference Registrar at the Commonwealth Administrative Appeals Tribunal; and Investigation Team Manager and lawyer at the NSW Health Care Complaints Commission. Simon has a First Class Honours degree in Law from the University of Queensland.

## **Ms Lesley Coleman**

*Director, Lewis & Coleman Consulting; Adjunct Senior Research Fellow, ACJI*



Since 1988, Lesley has consulted mainly in the areas of public policy development and evaluation, program evaluation, strategic and business planning and management, organisation review, governance and community organisation amalgamations. Her work generally involves community or stakeholder consultation, the analysis of both quantitative and qualitative data, reporting and change management.

Lesley's projects range from simple workshops to major organisation reviews, Australia-wide program evaluations and case study projects. Her public and community sector clients have included justice, family and youth services, employment, education, health, housing, women's issues, multicultural and equity, disability, Indigenous issues, self-help groups, environment, transport, land use planning and local government. Her experience with justice innovation includes evaluations of Victorian government ADR programs. Lesley is a member of LEADR and an accredited mediator.

Lesley holds Bachelor of Arts and Master of Business Administration degrees from Monash (Clayton). She is an adjunct Senior Research Fellow at the Australian Centre for Justice Innovation where she works on evaluation projects and participates in training role-plays. Lesley is also highly experienced in training program design and delivery and the production of corporate and training videos. She is an accomplished freelance actor.

### **The Hon. Justice John Dixon**

*Supreme Court of Victoria*



The Honourable Justice John Dixon was first admitted to legal practice in Queensland in 1977. He was called to the Victorian Bar in 1981, initially practising in criminal law. Later, he practised in commercial and equity matters, particularly property, insurance, and land contamination cases. He was appointed senior counsel in 2007.

In 2010, he was appointed to the Supreme Court of Victoria, assigned to the Common Law Division. He has managed trial preparation for Black Saturday bushfire class actions, the Beechworth fire that settled on day one, and the Murrundindi fire that has yet to come on for trial. He is the judge in charge of the Major Torts List.

### **The Hon. Ray Finkelstein QC**

*Victorian Bar, former Justice of the Federal Court of Australia*



Ray Finkelstein graduated in law in 1970 and was admitted to practice in 1971. Between 1971 and 1975 he worked in Melbourne as a solicitor and also as a tutor at Monash University. He was called to the Bar in 1975, specialising in equity, commercial and corporate law. He was appointed Queen's Counsel in 1986. Thereafter he concentrated on appellate work often acting for State and Federal Governments and their instrumentalities. He was acting Solicitor General for the State of Victoria during 1992.

He was appointed a judge of the Federal Court in 1997 and held additional appointments as Deputy President of the Australian Competition Tribunal and the Copyright Tribunal of Australia. In December 2008 he was appointed President of the Australian Competition Tribunal. He retired as a judge of the Federal Court and President of the Competition Tribunal on 30 June 2011 and has returned to private practice at the Victorian Bar. In 2011 he was appointed Adjunct Professor in the Law Faculty at Monash University. During 2011/2012 at the appointment of the Commonwealth Government he was Chair of the Independent Inquiry into Aspects of the Media.

### **Emeritus Professor Arie Freiberg**

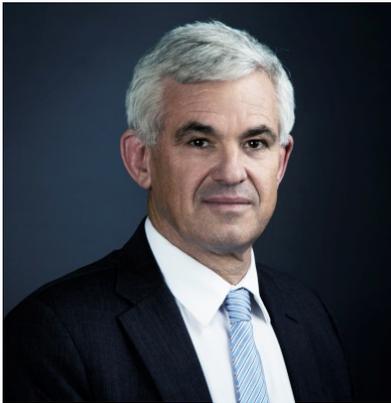
*Faculty of Law, Monash University*



Emeritus Arie Freiberg was Dean of the Faculty of Law at Monash University between 2004 and 2012. Previously, he was Dean of the Faculty of Arts at the University of Melbourne in 2003. He was appointed to the Foundation Chair of Criminology at the University of Melbourne in January 1991, where he served as Head of the Department of Criminology between January 1992 and June 2002. In 2013 he was appointed an Emeritus Professor of Monash University.

## **Mr Jeremy Gormley SC**

*Barrister, Denman Chambers, NSW Bar*



Mr Jeremy Gormly SC was the Chairman of NADRAC, the National ADR Advisory Council from 2011 to 13, which advised the Commonwealth Attorney-General on ADR issues. He has been a long-serving member of NSW Bar Council and was a board member of the Legal Profession Admission Board. He was the Chair of the NSW Bar Association Common Law Committee, Professional Conduct Committee, and many other committees.

Jeremy is a practising barrister and was appointed Senior Counsel in 2002. His principal areas of practice as a barrister are in professional negligence and acting as counsel assisting in inquiries. He has been counsel assisting in numerous inquiries including the CAA Seaview Royal Commission, the Thredbo Landslide Inquiry, the Andrew Mallard wrongful murder conviction (Western Australia), the McGurk tapes inquiry, the ICAC Lobbying Inquiry and the Police Integrity Commission Inquiry into aspects of the NSW Crimes Commission.

As part of his work as a barrister, Jeremy is actively practising as a mediator. He was appointed on a joint federal ministerial commission to mediate the long-outstanding *HMAS Voyager-Melbourne* claims to conclusion by mediation.

## **His Honour Judge Ian Gray**

*State Coroner of Victoria*



Ian Gray completed his Bachelor of Laws at Monash University and was subsequently admitted to the bar of the High Court of Australia, and the Supreme Courts of Victoria and the Northern Territory. Early in his career he worked in private practice, working as a solicitor in a Community Legal Service, for three years with the Victorian Aboriginal Legal Service, then as a Barrister specialising in Criminal defence work.

Between 1987 and 1990 Ian was the Principal Legal Advisor for the Northern Land Council in Darwin and in 1990 he was appointed as a magistrate in the Northern Territory. In 1992 he was appointed as the Chief Magistrate in that State and was a member of the National Council for Aboriginal Reconciliation between 1995 and 1997.

In 1998 Ian returned to the Victorian Bar where he practised in criminal law, administrative law and employment law. During this period he also worked as a mediator in the native title area. In 2000 Ian was appointed as the head of the Land & Property Unit of the United Nations Transitional Administration in East Timor and continues to be involved with the justice sector in that country. In March 2001 Ian was appointed as the Chief Magistrate of the Magistrates' Court of Victoria, and led 114 magistrates covering 52 court locations throughout the State.

In October 2012, he was appointed as a County Court Judge and State Coroner and commenced in those roles on 29 November 2012.

## **Mr Saul Holt SC**

*Former Chief Counsel, Victoria Legal Aid*



Mr Saul Holt completed a Bachelor of Laws and Bachelor of Arts from Auckland University in 1998. In 2006 he completed a Masters in Public Law at Auckland University, graduating with First Class Honours. In 2012 Saul was appointed Senior Counsel and a Victorian Law Reform Commissioner.

Between 1998 and 2006, Saul was a Crown Prosecutor in New Zealand and was appointed Senior Crown Counsel in 2005. He appeared in jury trials, criminal appeals and public law litigation. Between 2008 and 2009, he was contracted to the Victorian Department of Justice where he was primarily responsible for the Trial and Appeal Chapters of the *Criminal Procedure Act 2009* (Vic).

Between 2009 and 2013, Saul was Director of Criminal Law at Victoria Legal Aid (VLA) and then VLA's first Chief Counsel leading a specialist team of 22 in-house barristers in civil, family and criminal law. As part of these roles, he was a member of the Criminal Justice System Steering Committee, the Jury Directions Advisory Group and the Criminal Offences Advisory Group – all of which were directed at modernising and simplifying Victoria's criminal justice system. Saul is now practising at the Bar in Queensland and Victoria.

## **His Honour Judge Greg Keating**

*President, NSW Workers Compensation Commission*



His Honour Judge Greg Keating was admitted as a solicitor in November 1980. He has practised extensively in personal injury litigation. He was Managing Partner of McCellands Lawyers until its amalgamation with Slater and Gordon in August 2007. From 1992 to 2007 he was a member of the Law Society Personal Injury Committee. He was one of the first lawyers to be accredited by the Law Society as a Specialist Personal Injury Practitioner in 1993.

His Honour was a director of the NSW WorkCover Authority from 1998 to 2007. He has held honorary appointments to the Cancer Council of New South Wales and to the Paraplegic and Quadriplegic Association. From 1996 to 1999 he was an Acting District Court Judge. He is committee member of the Council of Australasian Tribunals. On 6 November 2007, His Honour was sworn in as a Judge of the District Court of New South Wales and as President of the Workers Compensation Commission of New South Wales.

## **Mr Philip Kellow**

*Registrar, Administrative Appeals Tribunal*



Mr Philip Kellow commenced as Registrar of the Administrative Appeals Tribunal in July 2010. In recent years, the Tribunal has refined procedures for managing particular areas of its jurisdiction and introduced arrangements for the conduct of cases concerning the National Disability Insurance Scheme. In May 2011, the Tribunal adopted an e-Services Strategy that will guide it to a suite of integrated online services, including an electronic lodgement system. An online search facility was introduced in early 2013.

Philip was previously Deputy Registrar of the Federal Court for 11 years. In that role, he was responsible for various aspects of the Court's management and administration. He was involved in a range of initiatives to enhance the

management and operations of the Court, including initiatives relating to new technology and active case management.

### **His Honour Judge Philip Misso**

*County Court of Victoria*



His Honour Judge Misso attended Monash University in Melbourne in 1973. He obtained the degrees of Bachelor of Jurisprudence and Bachelor of Laws, which were conferred in 1977. His Honour signed the Bar Roll on 2 April 1979 which entitled him to practise exclusively as a Barrister in both State and Federal Courts. His Honour practised as a Barrister for twenty eight and a half years before he was appointed a Judge of the County Court of Victoria on 11 December 2007.

In the latter part of his Honour's practice as a Barrister he practised almost exclusively in the common law jurisdiction. He appeared in a wide variety of common law negligence claims arising out of medical negligence, workplace accidents, transport accidents, public liability claims, professional negligence claims and general tortious claims. In his earlier years at the Bar, His Honour practised in the areas of family law, administrative law, industrial law and criminal law.

Since his appointment his Honour has been appointed the judge in charge of the Family Property Division which requires him to supervise day facto partner property claims and testator's family maintenance claims. His Honour has also been appointed the Chairman of the County Court rules committee which requires his Honour to organise for the drafting of rules relevant to Court practice and procedure. His Honour has conducted about 180 settlement conferences since September 2008 and is presently the Judge largely responsible for the development of alternative dispute resolution in the County Court. Since his appointment his Honour has heard trials in the civil division of the County Court across a broad range of civil disputes.

### **Dr Warren Mundy**

*Commissioner, Productivity Commission*



Dr Warren Mundy is a Commissioner of the Productivity Commission. Since his initial appointment as an Associate Commissioner in 2009, he has worked on a range of studies and inquiries including being the Presiding Commissioner on the Commission's studies into Local Government as a Regulator and Regulator Engagement with Small Business. He is the Presiding Commissioner on the Commission's current inquiry into Access to Civil Justice and is also currently working on the Commission's inquiry into Public Infrastructure.

Warren is a Fellow of the Royal Aeronautical Society of London and the Australian Institute of Company Directors. He is also an Adjunct Professor in the School of Aviation at the University of New South Wales and a member of the University's Aviation Industry Advisory Committee. Since February 2014, he has been a Director of the Sydney Desalination Plant. He also provides advice to a number of Australian airports on pricing, regulatory and environmental issues.

His PhD is in economics from King's College Cambridge where he was a Commonwealth Scholar. He has an honours degree in statistics from UNSW, a Masters of Environmental Law (Hons) from ANU and post-graduate qualifications in corporate finance and corporate governance.

## **Professor Tania Sourdin**

*Director, Australian Centre for Justice Innovation, Monash University*



Professor Tania Sourdin is the Foundation Chair and Director of the Australian Centre for Justice Innovation (ACJI) at Monash University. Tania has previously been the Director of the Conflict Resolution Centre at La Trobe University and Co-Director of the Alternative Dispute Resolution (ADR) program at the University of Queensland. She is an active mediator, conciliator and adjudicator and is a member of a number of tribunals and panels.

Tania wrote the National Mediator Accreditation Standards and has led national research projects and produced important recommendations for court and nonadversarial justice reform. She has conducted research into conflict resolution and disputant perceptions in eight courts and four independent conflict schemes and currently has a number of evaluation projects in this area.

Tania has worked across Australia and in New Zealand, Hong Kong, Canada, the United States, the UK, the United Arab Emirates and the Pacific. As well, she is the author of several books (including *Alternative Dispute Resolution* 4<sup>th</sup> edition [Thomson Reuters]) and numerous articles and papers and has published and presented widely on a range of topics including commercial dispute resolution, mediation, conflict resolution, complaints management, case management, collaborative lawyering, judicial dispute resolution, high conflict disputants and organisational change.

## **Mr Darin Thompson**

*Director, Court Reform, Victoria, Canada*



Dr Darin Thompson is a lawyer with the Ministry of Justice in British Columbia, Canada. He currently serves as the Acting Legal Officer for the BC Civil Resolution Tribunal, a fully online tribunal that will begin operations in 2014, handling small claims and condominium disputes.

Darin frequently speaks at conferences on the subjects of justice reform, dispute resolution system design and technology. He has helped to initiate multiple projects using online dispute resolution (ODR) and is a member of the Canadian delegation to the United Nations Working Group on ODR. In 2014 and 2015, Darin will be co-instructing new Legal Information Technology courses at two law schools.

Darin sits on the board of the Justice Education Society, a Vancouver-based organisation that carries out public legal education and information activities, justice reform and capacity-building programs in British Columbia and in several jurisdictions outside Canada. Darin has BA and JD degrees from the University of Victoria and an LLM from the University of Edinburgh.

## **The Hon. Justice Peter Vickery**

*Supreme Court of Victoria*



Justice Vickery studied law at the University of Melbourne, graduating in 1972. He subsequently graduated from the University of London with a Master of Laws degree. His Honour undertook articles between 1972 - 1973, and was admitted to practice in Victoria on 1st August 1973.

He signed the role of Counsel of the Victorian Bar in 1978, having read in the chambers of Mr. M.E.J. Black (formerly Chief Justice, Federal Court of Australia). He was in continuous practice as a barrister from 1978 and was appointed Queen's Counsel in December 1995. In 30 years at the Victorian Bar His Honour developed a wide ranging practice in trial and appellate jurisdictions, in all areas of commercial and administrative law, engineering and construction law, planning and environmental law, human rights, international law and trade law.

In the course of his practice as a silk, Justice Vickery was briefed in a number of major cases in the field of engineering and construction. His Honour was appointed as a Justice of the Supreme Court of Victoria in 2008.

Justice Vickery readily appreciated that, in the light of rapid advances in technology, and the nature of disputes on technical matters which are likely to come before the Court, a new approach was required. In mid-2008 he conceived of a project called the "TEC Project" to draw together under one management regime the three strands of related disputes in the areas of technology, engineering and construction. The focus of the TEC Project was to produce a state-of-the-art approach to Technical, Engineering and Construction dispute resolution and case management which will achieve both practical and efficient working outcomes within a tolerable budget.

The Project drew upon and adapted some of the most successful and innovative practices applied in other jurisdictions, such as the Technology and Construction Court (TCC) of the United Kingdom; the High Court of the United Kingdom; and the Court of Appeal of Rome ("Corte di Appello di Roma"). Other elements are the product of the Project's own work in developing procedures which are uniquely suitable to local conditions and available resources.

The TEC List became a reality. On 26 March 2009, the Council of Judges of the Supreme Court approved the new rules. The new List commenced operation on 19 June 2009, with Justice Vickery becoming the first Judge-in-Charge, Technology, Engineering and Construction List, or the TEC List as it has come to be known, a position which he retains to this day.

In December 2010, in recognition of the urgent needs of the Court and the legal profession to manage the ever increasing pressures caused by large volumes of documents in commercial civil litigation, his Honour set about drawing up the specifications for what has now become known as the "RedCrest" electronic case management system. Under the Judge's direction, a working prototype was completed by April 2011 and in September 2011 an online pilot was launched for use in the TEC List. The pilot has proved to be a success. It now has over 350 users, who are principally members of the legal profession who practise in the List. It is planned to further develop and enhance the RedCrest system and roll it out to the rest of the Supreme Court of Victoria. Funding has been secured for the first phase of this project for the Commercial Court and development is presently proceeding.

In October 2012, his Honour published an article in the Journal of Judicial Administration on the subject of management of documents in large volume cases entitled "*Managing the paper: Taming the Leviathan*" (October 10, 2012, Volume 22 Part 2).

## **Ms Nerida Wallace**

*Principal, Transformation Management Services*



Nerida Wallace is principal of Transformation Management Services, a legal consultancy specialising in dispute system design in compensation schemes, tribunals and courts.

Together with her partner Michael Hall, actuarial firms and economists, Nerida has brought new approaches to the design of 'embedded tribunals' and compensation courts in Australia and New Zealand encapsulated in over 30 consultancies. This work has delivered change management, leveraged IT data analysis, research and evaluation. The Productivity Commission has referenced

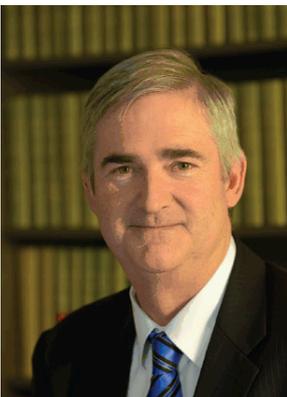
Transformation's work that addressed high legal costs with new mediation models.

Transformation has also undertaken a number of Magistrates' court reviews, working with the Magistrates Court of Victoria ADR committee and the Dispute settlement Centre of Victoria to establish successful court-annexed mediation systems. Most recently for the NSW Government, Transformation revisited a detailed review of the Motor Accidents Authority disputes system and for the WA Government undertook a review of penalties in the oil, gas and mining industries. Transformation advises the Accident Conciliation Service in Victoria helping to significantly reduce delays in the last 12 months.

Nerida occasionally mediates complex disputes and provides strategic advice to a range of clients often involving litigation avoidance, government regulation and industry reform. In her personal capacity, Nerida has been a long standing member of the LIV on the Accident Compensation and Future Focus committees receiving a President's award in 2012. Transformation also has an IT arm developing video search technology and in 2012 let its building in the Melbourne CBD to now operate as a virtual consulting firm.

## **Mr David Ware**

*Chief Executive Officer, Supreme Court of Victoria*



Mr David Ware has been the Chief Executive Officer of the Supreme Court since September 2010. A qualified lawyer, he has worked across a range of roles in Victorian public administration, with a particular focus on strategy, planning, policy and development. In his previous roles, he worked in the Departments of Justice, Health, Human Services and Premier & Cabinet and held appointments as a Director of the Sentencing Advisory Council and as a member of the Council of the Victorian Institute for Forensic Mental Health.

**Ms Virginia Wilson**

*Principal Legal Officer, Commonwealth Attorney-General's Department*



Virginia Wilson is a Principal Legal Officer with the Commonwealth Attorney-General's Department. She joined the Department in 2010 and works in the Courts, Tribunals and Justice Policy area, which provides advice to the Attorney-General on the development and reform of the civil justice system, including in relation to formal justice systems and informal justice. Virginia's team also has policy responsibility for issues relating to the federal courts—the High Court, the Federal Court, the Family Court and the Federal Circuit Court—as well as the Administrative Appeals Tribunal, covering jurisdiction, resourcing and appointments. Virginia's responsibilities also include building the framework for an evidence base across the civil justice system.

Before taking up her current position, Virginia played a key role in developing Australia's intercountry adoption policy and the National Apology for Forced Adoptions. Prior to joining Attorney-General's Department, Virginia worked on environmental legal policy issues at the Commonwealth Department of the Environment. She has also worked on environmental policy reform for the UK government.

Virginia has degrees in Arts and Law from the Australian National University. She has been admitted as a solicitor of the Supreme Court of New South Wales, Federal Court and High Court of Australia.