



MINISTRY OF  
JUSTICE  
*Tāhū o te Ture*

# Innovation on the frontline





# FOREWORD

## FROM THE MINISTER OF JUSTICE

New Zealand has one of the finest and most trusted justice systems in the world. This reflects the people who work in the system, who think big, and who work together to put ideas into practice.

I am very impressed by the scope and breadth of innovation that is happening across the justice sector as outlined in this booklet. It shows that we have a lot to learn from each other. We must keep building on what works, improving effectiveness across the sector while delivering the services New Zealanders want and need.

I am especially keen for us to modernise the court system. We're never going to get anywhere if we stay in the past, and this means getting out of our comfort zone and trying new approaches. By using better technology, we can deliver more efficient and effective court services and improve service quality.

The Government and Ministry of Justice are committed to supporting the people who work at the frontline, because this is where some of the best ideas come from. Frontline staff play an important role in identifying and introducing initiatives that will help bring our courts into the 21st century, and help victims of crime and those using the court to access justice more efficiently and effectively.

I would like to acknowledge the hard work and dedication of ministry staff and the judiciary for the initiatives in this booklet, and for their excellent contribution to making our justice system world-class.

Finally, I'd like to recognise my colleague, the Hon Chester Borrows, Minister for Courts, for the change he's leading in the courts space. Minister Borrows' focus on modernising courts and enhancing access to court services is certainly bolstered by the initiatives outlined in this booklet, and I look forward to seeing future ideas and results.

A handwritten signature in blue ink, reading "Judith Collins". The signature is fluid and cursive, with a long, sweeping underline.

Hon Judith Collins  
Minister of Justice



# INTRODUCTION

## FROM THE MINISTRY OF JUSTICE CHIEF EXECUTIVE

To some, the court system may seem to belong to a bygone era – its language arcane, its customs derived from centuries of precedent.

Yet in reality New Zealand's courts and tribunals are vibrant places, where the spirit of innovation is truly to the fore. While there is much more that needs to be done, this booklet recognises that a lot is happening now.

This publication looks at some of the ways in which we're adapting and innovating to better serve the needs of our changing society.

Much of this innovation is being driven from the frontline – by court staff, judges and other court users who see ways in which our courts might function better.

At the Ministry of Justice, we operate on the principle that those on the frontline usually have the best insights into how things are going – the examples outlined in this publication reflect the truth behind that principle.

I'm eager to foster a culture that lets people experiment with new approaches.

The benefits of doing this can be seen on the following pages.

Those on the frontline have seen potential in new electronic forms of communication and have used available resources to begin realising those benefits. They found ways to ensure judges' time is used as productively as possible. They have seen ways to better protect the vulnerable users of our services – the victims and others who may feel at risk – and support them so that their truth can be told in court.

And of course, in many instances, when an idea has been generated and tried at a local level – if the desired result is achieved – the idea is then shared with other courts and in other regions.

As a New Zealander, I'm especially proud to note the number of instances where people have applied the old 'No. 8 Wire' mentality and re-purposed existing facilities, equipment or time. This truly is the epitome of the classic Kiwi approach and our teams have shown it in spades. I have been particularly impressed by the numerous occasions where staff and

judges have proactively joined forces to improve the performance of our courts.

Finally, an important note. What follows is merely a sampling of the innovation and clever thinking that is being applied in our courts and tribunals. I would like to update this document in the future, so please tell me about other approaches that are not captured on these pages.

I hope that this document will encourage the sharing of ideas, the testing of approaches and the promotion of innovation. Because at the end of the day, it is only through your innovation that we can improve the way we run courts and tribunals and better meet the needs of society and the users of our services.

A handwritten signature in blue ink that reads "Andrew Bridgman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Bridgman  
Chief Executive | Secretary for Justice

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# PEOPLE-CENTRED JUSTICE SERVICES

People typically come into contact with the justice system when something has gone wrong – when they're vulnerable, stressed or angry.

Ministry of Justice staff are a major influence on how people experience the justice system. Our staff make it easy for them to deal with us – so that they can deal with their issue and get on with their lives.

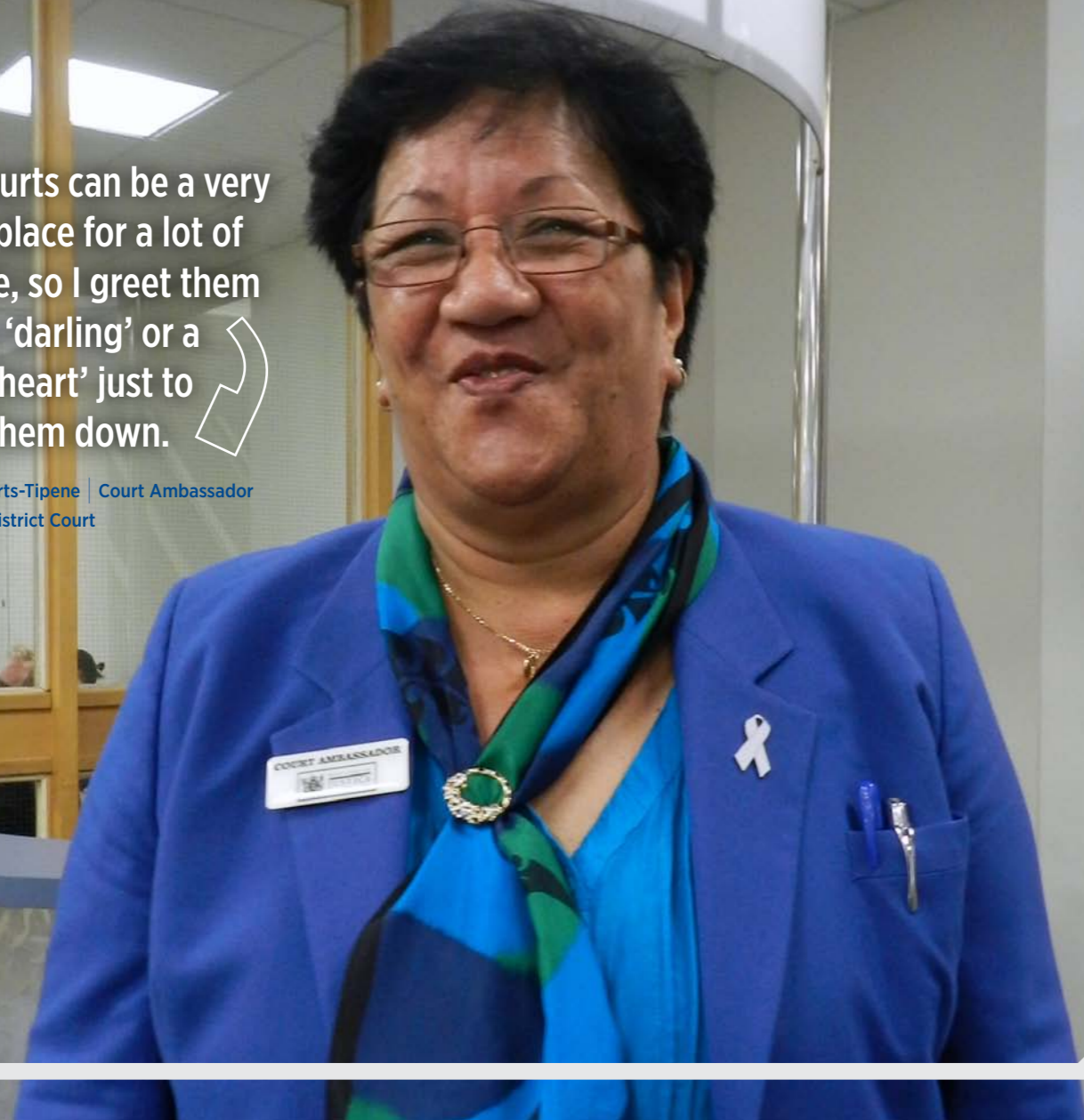
The following stories illustrate instances where staff have gone out of their way to help people, by providing information or by introducing new ways of doing things, to make people feel safe.

The final story focuses on the people who use our services from a different angle – lawyers – but again, is about making people feel comfortable in an environment that is initially foreign and often difficult to navigate.

# Court Assistance

The courts can be a very scary place for a lot of people, so I greet them with a 'darling' or a 'sweetheart' just to calm them down.

Molly Roberts-Tipene | Court Ambassador  
Auckland District Court



## Welcome to our world

Molly Roberts-Tipene scans the vast foyer of the Auckland District Court with a practised eye.

It's early on a weekday and groups of people are already starting to stream up the long escalator, destined for one of the building's 15 criminal court rooms. Around 600 people a day enter this building and most will fall under the watchful gaze of Molly or one of her fellow court ambassadors.

This voluntary role was introduced in 2010 – after being suggested by court staff as a way to make the court more welcoming and to help people find their way. The volunteers are former staff, parents of staff, and law students wanting to see the courts in action.

'I used to work in the court system as a registrar,' Molly explains. 'In that role I saw how people in court for the first time were often fidgety and scared – sometimes even in tears.'

The closest comparison for the role Molly and her fellow court ambassadors fill is probably the triage nurses in a hospital emergency department – assessing the needs of people as they arrive and helping to ensure that those with the most immediate or serious need quickly get the help or information they need.

Two years after first volunteering for the role, Molly's enthusiasm shows no sign of abating. 'I love it to bits – you meet all sorts of people and you have some really good conversations with them.'

The model has now spread to a number of other courts.

Whangarei appointed its first court ambassador in July 2012. He's Ian Cumming, a former court crier with 17 years' experience in setting up courtrooms and looking after juries.

'People really can find the courts confusing and they have so many questions – which courtroom or counter do I go to, where do I pay a fine, where's the jury room,' Ian Cumming says.

'In this role I get to assist up to 60 people a day, which helps the flow of cases through the court. It works really well and takes a lot of weight off the counter staff,' he explains.



Ian Cumming helps point the way

Karol Hadlow (left) – a lawyer funded by the Ministry of Justice to provide legal aid – checks in with Molly several times each day





# Family pack

‘A lot of people think obtaining a Family Court order is like McDonald’s – you just walk in and pick what you want from the menu.’

Mary-Alice Watts – who works in the Family Court in Christchurch – has seen more incomplete and invalid applications than she cares to count.

‘These are important orders – things like parenting orders, or domestic violence protection orders – but filling in the applications can be tricky.’

‘It’s not a tick-the-box application, so we prefer to speak to the applicants face-to-face.’

To make things easier, in late 2012 Mary-Alice and her colleagues compiled information packs which explain the steps in successfully filing for the types of orders people seek most often.

‘We wanted to make it easier for people, and this information empowers them,’ she says.

‘We strongly encourage applicants to have a face-to-face conversation with us – because it’s important they get it right the first time and put their best foot forward. Once they file an application they become part of the court process,

so we want that application to be properly prepared.’

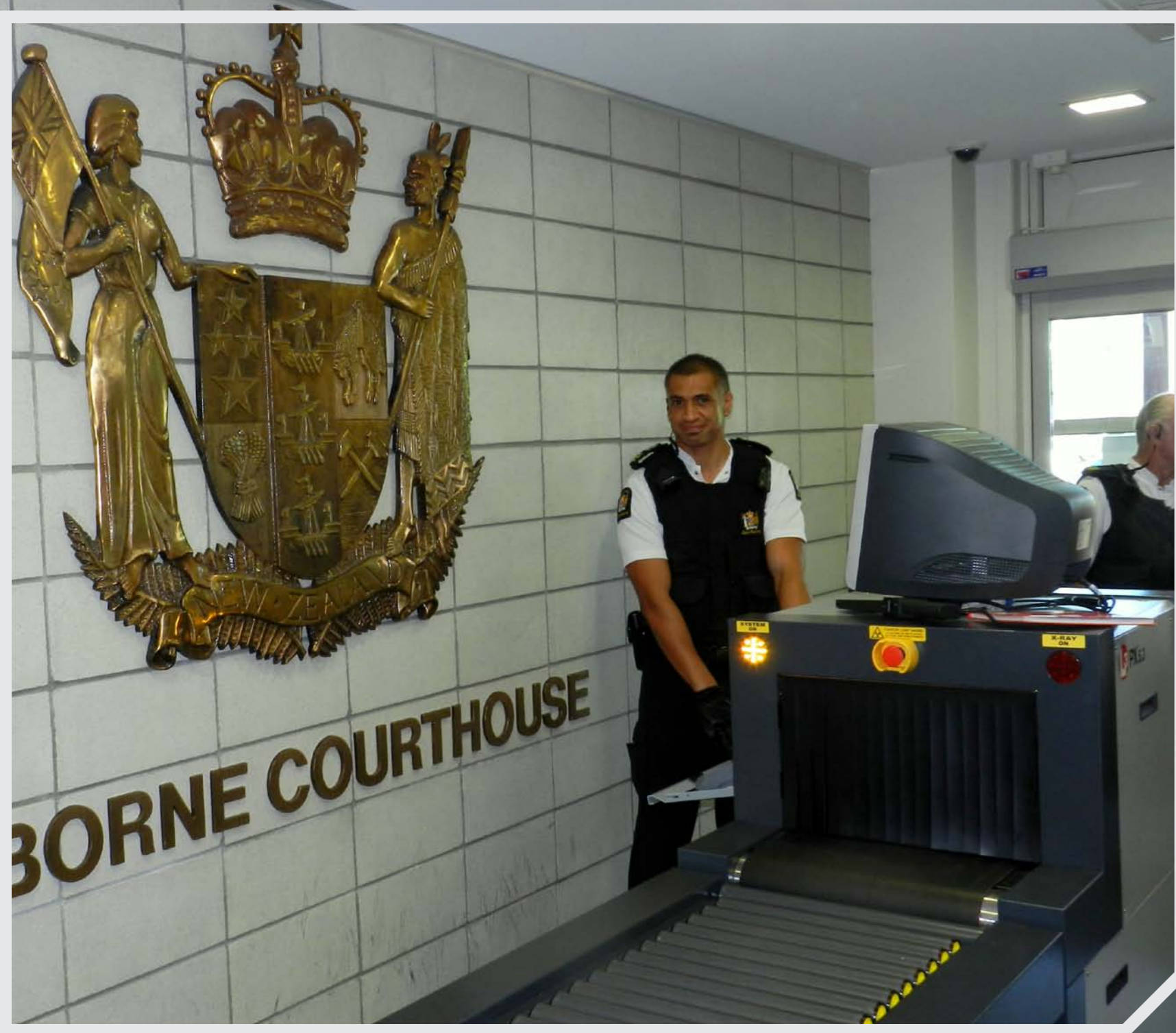
‘When we meet with people we personalise the pack to match their circumstances, and walk them through the application itself and the resources that support them in completing it.’

‘When it comes to legal processes, most people don’t think they can do it, so telling them they can actually do it is a powerful thing.’

As well as the packs, they also created specific application forms for the most common court orders – replacing the more generic existing application forms.

‘We broke the applications we received down into categories, which makes the forms more plain English.’

‘Being able to assist people through what can be a difficult process is pleasing. We have a really strong customer focus and providing them with this resource and our personal interaction is making a real difference.’



## Safety first

Our courts are places of safety – despite sometimes having to cater for some very dangerous people.

Even on occasions when a victim or sensitive witness must be in the same room as the accused – such as when giving testimony – steps are taken to protect them.

Vance Kapene heads the team that supports the Dunedin District and High Courts. About three years ago he suggested a new approach to screening witnesses who might feel intimidated or be unable to testify if confronted with the defendant.

It's standard practice that young children testify on video or via video link, but normally older witnesses and victims, such as young teenagers, testify in open court. Vance's idea was to screen the witness off but show their picture to the court via video monitors.

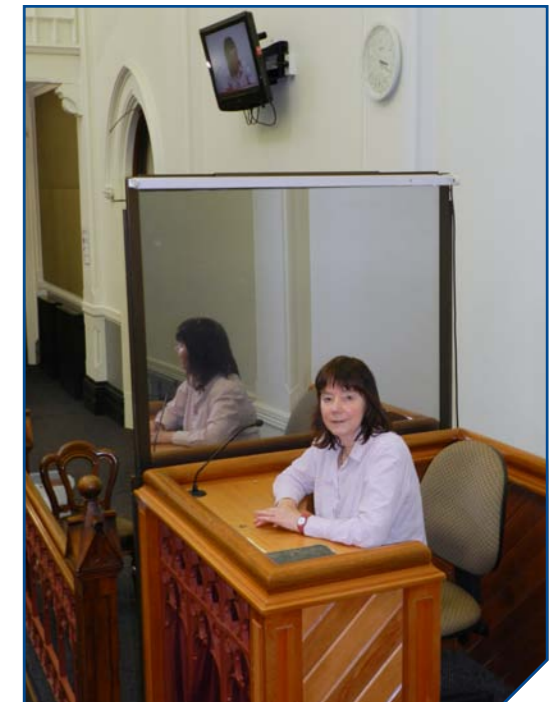
A quick trip to Dick Smith Electronics later, the video system was up and running.

'In this way the requirements of the court are met but the witness feels confident in saying what they saw,' explains Rhonda Taylor – one of the team who worked with Vance to get the system up and running.

The new screen has helped in a variety of sensitive cases – including being used for sexual assault victims, witnesses who have suffered long-running abuse or young teens testifying that they had witnessed violent or sexual incidents.

'Many of the people who give witness testimony this way say they're very pleased that they didn't have to confront the defendant face-to-face,' Rhonda says. 'It's satisfying to hear that because in many instances their testimony is essential in the court being able to reach its verdict.'

Other courthouses around the country have their own safety protocols – covering issues such as screening for weapons, appropriate levels of surveillance and the paths people follow on their way through the building. For example, it's common to have separate entrances and sometimes separate waiting rooms for victims and alleged offenders – so that sensitive witnesses and victims do not have to confront those accused of crimes against them.





# For the victims

## Tia Wilkie has heard more than her fair share of heartbreaking stories.

Each year, for the past 13 years, Tia has helped up to 800 people. Around half of these people are victims of domestic abuse. One in four is the victim of sexual abuse.

Yet when you meet Tia there's no sign of her years as a victim advisor in the Nelson Court having wearied or jaded her. She is a strong, compassionate person – a source of wisdom and reassurance, who truly enjoys helping guide the victims of crime through the court process in the least traumatic way possible.

How does she – and the other victim advisors employed by the Ministry of Justice in courts across the country – keep such a positive attitude? 'You just remember,' she says, 'this is their story, and I am here to help them tell that story, but it is not my story.'

Tia came well qualified for the role, having worked as a registered nurse and a registered counsellor. Her keen mind also allowed Tia to think up – and make real – a very clever innovation.

Transcripts of court hearings used to be the domain of court reporters. But in recent years teams of staff outside the courtroom have used an electronic system to listen to court proceedings. They take turns transcribing and can pause and wind back to check any difficult words.

But that wasn't Tia's innovation.

What she did think of was how useful it would be if she could access that live feed of audio from the courtroom – and how that would enable her to better serve the victims she's there for.

'Listening live means I can instantly contact the victims if I hear something in court that indicates they need my support or guidance,' Tia explains.

'It's from the judge's mouth to your ear, as opposed to having to wait for the paperwork to be processed through to me.

'It means we can start doing what's needed instantly and not, for example, wait a couple of weeks for sentencing notes to come out.'

Tia now listens in to sentencing if the victim is absent and to parts of the trial. The victim is usually present in court during the trial with a support person, but Tia says being able to hear what's happening as it happens allows her to provide support where it's needed.

'Essentially I'm there to help the victim by explaining what the court process is, what's happening at this stage of the process, and to check that they are connected to the appropriate social agencies – for example, Rape Crisis.'

Tia also has to help people with the terminology they're likely to hear in court: 'the legal stuff, medical phrases such as the proper names for body parts, and in some cases coarse language, which is alien to some people.'

Two weeks before a trial, Tia also offers victims a walkthrough of the court building, which enables them to feel more comfortable in the surroundings of the court. That walkthrough doubles as a chance to meet with the other people involved in the case, such as the police officers in charge and the prosecutor.

'I'm not there to counsel the victims, or to coach them in any way. My job is to help make sure the victim can tell their story, their way.'

Tia's bright idea didn't go unnoticed by colleagues Kim Beri and Lisa Vaile. Their roles centre on making the Family Court in Nelson work efficiently. When they saw Tia in action they realised that listening in to cases would allow them to begin the paperwork and processes ordered by the judges straight away instead of waiting for written documents.

'I'll give you an example,' Kim Beri offers. 'Just recently I heard – in real time – a judge direct for counselling to be offered and for mediation to be arranged for one person.'

'If we'd waited on the paperwork, it might have been seven days before those directions were acted upon. But because we were able to get on with it as soon as we knew they were required, we had both in place the same day.'

'This really does help to speed the process, which is beneficial to everyone. It means we can hit the ground running in responding to instructions and requirements made during the court process,' Kim says.



Kim Beri – listening can make a real difference



## Show and tell

Staff at the Environment Court in Auckland found a clever way to make their court and its processes more welcoming to junior lawyers who were entering the field of environmental law.

Their idea was a moot court competition between teams of junior lawyers from eight local law firms.

Team leader Gemma Carlyon says the debut of this competition in 2012 gave young lawyers a feel for the court, its language and protocols, and the chance to appear before a judge – with retired Environment Court Judge Whiting presiding over the final.

‘Generally it’s only the senior lawyers who speak in court, so this was an opportunity for the junior lawyers to argue a real point of law in an actual courtroom in front of their peers and senior environmental lawyers,’ she says.

The Environment Court in Wellington also recently played host to a further initiative to make the court and its processes more welcoming. This event was a mock hearing – with a real judge and commissioners, but all other parts played by court staff. The audience for this event included local government, community and residents groups.

# WORKING TOGETHER TO DELIVER JUSTICE SERVICES

The scope of the Ministry of Justice is huge. Our work ranges from administering the court system, to providing policy advice on the law, to supporting victims of crime, to negotiating Treaty of Waitangi settlements on behalf of the Crown.

This scope means that we come into regular contact with a range of different partners and stakeholders.

The relationships we build with our partners and stakeholders – the judiciary, lawyers, and sector agencies – provide opportunities to improve the justice system. The following stories highlight the ways in which Ministry of Justice staff have developed relationships to deliver faster, more effective justice services to our customers.

In some cases these relationships have been internal – connecting the dots between different areas of our business in order to produce efficiencies. In other cases we've worked with sector agencies, local councils and others to innovate and improve justice services.



## On the frontline

Nick Murray wasn't long in his role managing the historic Wairoa District Court when he got a short, sharp reminder about the importance of safety.

Nick and his colleagues found themselves witnessing a gun battle in the street immediately outside the court – with rival gangs taking shots at one another from just 50 metres apart.

Court was in session at the time, and carried on sitting throughout the 10 minute shoot-out – during which one gang member was shot dead. 'The judge was not going to let the gangs win by forcing justice to grind to a halt,' he recalls.

Luckily Nick was made of stern stuff – 20 years in the New Zealand Army had seen to that.

Things settled down of course, but the shoot-out was neither the first nor the last lethal incident involving the rival gangs.

'Sometimes people try to hide things to get them into the building – we've found machetes and even an assault rifle stashed in the garden nearest the building.'

But despite on-going resentment between the rival gangs, the court has remained safe since that fateful day.

Keeping the peace requires a lot of clever planning. Members of the respective gangs are called to court at different session times and each charge sheet contains a special notation if the defendant is a known gang member or associate.

Keeping the public safe hasn't stopped Nick from finding other clever solutions – including an improved way to ensure money ordered as reparation finds its way swiftly to the victim.

'Reparation is quite frequently part of sentencing these days, for example in offences such as property damage, domestic violence and theft,' Nick explains.

'The problem was locating the victim, as documents like charge sheets include personal details for the accused, but not the victim.'

Nick worked with local police to introduce a simple change – the arresting officers put their badge number on each charge sheet. 'That way, if reparations are ordered I can go straight to the arresting officer and ask them where the victim lives.'

'It sounds simple, but that one small change has saved a lot of time and effort tracking the victims down, as the arresting officer almost always remembers the victim's address, or has it recorded in their notebook.'

The end result is reparation making its way more quickly to the person it should rightfully be with. And all thanks to Nick's commitment to looking out for the interests – and safety – of court users.



# This land is your land

‘A quarter of the land in the Whangarei region is Māori land – and some blocks of this land have up to a thousand owners.’

The speaker, Jared Pitman, from the Māori Land Court in Whangarei, pauses on that point – allowing the resulting complexity to speak for itself.

The Māori Land Court is responsible for ‘administering’ Māori land; it maintains ownership records, considers applications to use that land, and enables the public to access historic documents relating to the land.

‘A typical application will be someone who is part owner in a block of Māori land wanting to build a house there,’ Jared adds. ‘That can be a long, drawn-out process – taking two or three years. But at the moment new applications are on average only taking nine months.’

What’s changed is a pilot project that sees staff from the court working with the Whangarei District Council to identify viable uses for blocks of Māori land – based on factors such as soil quality, drainage and potential exposure to flooding.

‘In the past some applications, which were approved by the court, ended up being resubmitted because the proposed land use was not acceptable to the council. For example the location where an applicant proposes building their house might be in a flood zone, so the council will decline to issue a consent for the house to be built there.’

Collaboration between the court and the council has produced overlays that can be superimposed on satellite images of the land in question – colour coded to show suitable places to build – enabling anyone preparing an application to match land-use to soil quality.

‘This makes the Land Court’s orders more meaningful. There’s a huge benefit by reducing the number of times applications have to go back to court.’

Jared says the success of the pilot in Whangarei also shows satellites aren’t the only ones with a deep knowledge of the land.

‘It was interesting that a lot of the intergenerational knowledge held by older Māori was verified by these scientific overlays. So the satellite soil analysis says ‘Location A’ is best for planting, and what do you know, that’s exactly where generations ago the elders used to plant.

‘They knew their land.’

# So near and yet so far

The first defendant of the day in the Hamilton District Court shifts uneasily in his seat as the judge prepares to pass sentence on him.

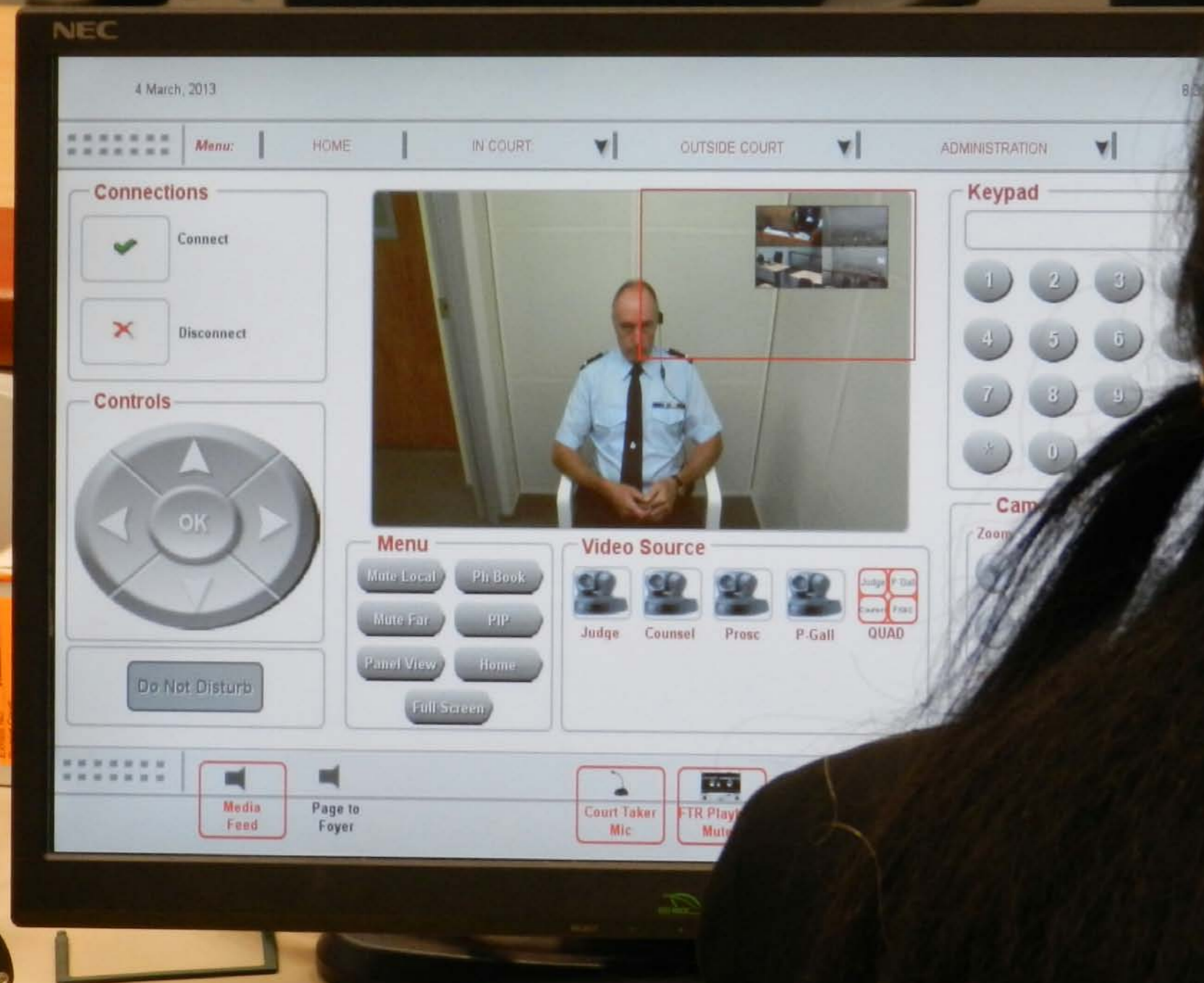
Six months' prison.

The defendant lets out a gruff oath under his breath – but when asked by the judge to repeat it, he coyly responds: 'I don't have anything to say'. Then, with his time in court at an end, he disappears.

Not that he was ever really there at all – for this defendant is the first of many today to appear in court by audio visual link (AVL).

Thirty seconds later the screen, which had switched to blackness, flickers back to life with a fresh defendant in the hot seat.

Today that seat is at Waikeria Prison, a 40 minute drive from the court. On other days the AVL link has been used for court appearances from defendants at prisons in other centres – including Mt Eden, Paremoremo and Christchurch Prison.



Glenda Buchanan, who manages the flow of cases through Hamilton District Court, played a key role in developing this new use for AVL in court appearances.

'Traditionally a court appearance for prisoners and remand inmates means being woken hours before sunrise, being searched, then a van ride to court alongside other inmates under police and prison guard escort. After a long day in the court cells the prisoner is driven back to prison, searched again, then re-admitted to prison – generally ending up in a different cell or with different cellmates.

'We started in 2012 by using the AVL hook-up for administrative appearances – things like setting dates for future court appearances, or working out issues relating to the court process.



'It's now being successfully used in other situations – entering pleas, arraignments, bail applications. We've had expert witnesses testify using AVL from Australia and from the United States – normally you would have to fly those witnesses to New Zealand, so that saved a lot of time and money. It really is proving very useful, so we'll try anything once.

'For those prisoners an appearance in court – which used to mean spending most of the day in our court cells – can now be done from prison and takes less than an hour.

'It's a two-way video and audio link, so not only can the court see and hear the defendant but also the defendant can see and hear the court – with a split screen showing the judge and other key court personnel.

'The adoption of this new technology reduces demands on court resources and space. A couple of years back it was getting to the point where the cells in Hamilton District Court weren't big enough, and there were often five people to a cell. We've had no problems with cell capacity since AVL.

... the cells weren't big enough ... we've had no problems with cell capacity since AVL

'It also saves Corrections and police resources, as they're responsible for providing security when inmates are transported anywhere, including the courts.

'Police are now running one less van a day between Waikeria Prison and our court,' Glenda Buchanan adds.

Lawyers have also been given access to the AVL link. They can book time to 'virtually' meet with their clients – with the lawyer in a private room at the court and their client on video link from prison.





# Save it for the judge

It's common for a certain hush to fall over courtrooms in the final five minutes before the judge's arrival. Court staff, lawyers and the police – who just minutes before were cheerfully sharing stories and information about the day's cases – fall silent as they sit head-down checking, then re-checking, their paperwork.

This 'final pre-flight check' can be seen daily in many courtrooms the length and breadth of New Zealand. It happens because there are only so many hours in a day, and the teams who work in our courts recognise that it's important not to waste the judge's time. That same fundamental truth is driving a number of initiatives aimed at ensuring judges can focus their time on activities that keep cases moving through the courts.

## Community magistrates

A number of courts are now using community magistrates to deal with processes which would traditionally require the attention of a judge.

One approach, first developed in the Waikato five years ago, is for community magistrates to deal with overnight arrests and scheduled guilty pleas in what is called a 'list court'. This court can also consider arrests made up to 3pm on the day the court sits, sparing some arrestees a night in police cells.

This approach was adopted by the Auckland District Court three years ago. Each morning a community magistrate there deals with up to 30 overnight arrests, plus any people scheduled to enter a guilty plea that day.

The court works very efficiently – a succession of defendants taking the stand for a few minutes each on a variety of charges – breaching bail conditions, assault, driving with excess blood alcohol, driving while disqualified.

A guilty plea sees the person sentenced on the spot by the magistrate. A not guilty plea sees the magistrate schedule the defendant's journey to the next part of the court process.

Community magistrates are respected members of the community – many of them former lawyers – who are selected by a panel chaired by the Chief District Court Judge.

## Registrars

A number of courts are testing the use of registrars – highly trained Ministry of Justice staff – to handle parts of the process that have traditionally been overseen by judges.

In the Christchurch Youth Court, registrars Corrine Godber and Bobbie Bradley now oversee pre-trial hearings.

At these hearings a judge would normally determine whether the matter should proceed to trial, and whether the parties to the case are ready to proceed. The judge will let them know if there are any other processes they need to complete – such as expert witness statements or affidavits – before the trial occurs.



This is largely about process, and can become time consuming if hearings need to be rescheduled or delayed while the paperwork is lined up.

‘Around 2008, there was an increasing number of cases coming before the court, and that was slowing the process further down the track,’ Bobbie Bradley, a registrar for the past seven years, explains. ‘I analysed the trends to look at which cases required judges, and which could be progressed by the registrar.’

‘Every defended hearing now goes through the registrars for the pre-trial meetings where we ensure they have done the preparatory work required before a trial can proceed.’

‘It’s really about filtering the cases, and anything requiring a decision still goes to a judge.’

The registrar hearings cover areas such as disclosure, negotiations around the amending of charges, and whether the police wish to proceed with the charges.

They’re testing a similar approach in the Christchurch Family Court, where registrars have been empowered to handle judicial conferences, which traditionally required time with a judge.

Demand for these conferences reached a point where a new referral for a judicial conference would take between three and nine months to get before the judge. Now clever thinking staff have created a situation where that delay could soon be a matter of days, not months.

The approach being trialled in Christchurch sees the registrar convening the conference with the parties and their lawyers. The registrar assesses the state of the parties in terms of their readiness to go to a hearing. They can help in numerous ways – such as directing them to file affidavits, or recommending if any specialist reports are required (which they can recommend to the judge, who then instructs that those reports be prepared).



Registrars Corrine Godber and Bobbie Bradley

## Phased start times

Waitakere District Court is a busy court. On any given day 80 people may need to see a registrar, 50 a community magistrate, and 100 a judge.

In 2010 Louise Holloway – whose job it is to keep cases flowing through that court – noticed a hitch. In many instances an appearance before a community magistrate will require the defendant to see the judge the same day. But with judges, magistrates and registrars all starting at the same time, it wasn’t uncommon for judges to be stuck early in the day waiting for cases to be passed to them.

‘When all three started at the same time, we would have queues out on the street,’ she recalls.

Louise sums her solution up as ‘same-day service with a guilty plea’. The start times for hearings have been staggered, with registrars starting at 8.30am, community magistrates at 9.30am, and judges at 10.00am.

‘By the time judges start many of the offenders arrested overnight have already been seen by a community magistrate and are ready to be seen by the judge.’

‘This creates a better flow of work through the system, and ensures judges have sufficient work for the early part of the day,’ Louise says. ‘Most importantly it’s faster for the public and the benefit to the customer is the main thing.’



## Working late

Manukau District Court is one of New Zealand’s busiest courts, and recent renovations have seen court space at a premium. In this instance, it was the judges who proposed extending their sitting hours for sentencing, as a way of addressing the pressure on reduced court spaces.

Courts normally sat between 11.45am and 5pm, but now one set sits from 8.30am–1.30pm and another from 2–7pm. Phil Clarke, who’s responsible for the flow of cases through the court, says this should basically double the throughput of the courts, from 15 cases a day to 30.



# Let's move in together

The Disputes Tribunal and the Tenancy Tribunal had shared offices in central Christchurch for many years. But post-earthquake they found themselves looking for new premises – with suitable buildings in very short supply.

The most promising site – on an industrial park a stone's throw from Christchurch Airport – had one problem; it was too large. Which might have been a deal-breaker, but for a very timely suggestion from John Greene, an adjudicator for the Tenancy Tribunal.

John also works part-time in a similar role for Dispute Resolution Services (DRS) – a private sector mediator. He recognised the similar functions and needs of both organisations – including the fact that DRS was also looking for new premises.

'That's where the genesis of the idea was, where the seed was sown,' he recalls. 'I just mentioned it merely as a spark, and other people ran with the idea.'

And so, in an unprecedented arrangement, the Tenancy Tribunal and the Disputes Tribunal – with all of their support staff – are now co-habiting with DRS.

'It's turned out brilliantly and in my view, this is the way government departments should work,' John says. 'Adjudicators are increasingly working across jurisdictions.'

'For example, sometimes an adjudicator has to postpone a hearing because they recognise one of the parties to the case. Normally that would see the hearing adjourned to a different day. But now we can just pop down the hall and ask if anyone can fill in.'

Prior to relocating to the shared space the wait for a new hearing had grown to several months. New hearings can now normally be scheduled within a month or so. And an urgent matter – like a stay to stop eviction – can be dealt with immediately, not several days later.

# MODERN JUSTICE SERVICES

The Ministry of Justice is working to provide a 21st century justice system. Part of this is about modernising service delivery and improving the quality and speed of services for the customer.

As you will see from the following stories, we have made big gains from simply adopting modern business practices such as internet-based services and other technologies. In most cases, technology has not only provided a means to deliver our services more effectively, but to deliver them in a way that suits our staff, the judiciary and our customers.



Julie Jopson

# The need for speed

Napier-based Family Court Judge Peter Callinicos flicks open a browser window and logs in to a secure server. Seconds later a string of files is visible – applications for urgent court orders from across the country. Judge Callinicos selects one, assigns it to himself, then sets to work helping out someone living hundreds of kilometres away. This is ‘eDuty’ at work.

Initially devised in Hamilton, eDuty gathers together urgent applications for orders that need a judge’s signature, and allows judges anywhere to sign-in and process some applications to ensure that efficiency continues to be a priority.

Traditionally those applications would be given to a local judge for their appraisal and signature, which might not happen until the end of the day if the judge is busy with cases.

‘When it comes to urgent Family Court orders, time is of the essence,’ says Julie Jopson, who is responsible for ensuring cases progress through the Family Court in Hamilton.

‘These are things like protection orders, warrants to uplift children, and orders to prevent children being taken out of the country, so they need to be progressed as swiftly as possible.’

Julie is part of a team that revised the operational processes and devised an electronic solution using existing tools.

‘Under the old system a wait of around six hours was fairly typical. But with eDuty having the order processed in an hour is common, and we’ve managed to get some in as little as 15 minutes.’

eDuty also simplifies the judge’s task by having pre-written options for the most common responses, although a judge can of course choose to write their own pieces.

At present up to two judges are formally rostered to eDuty each day, but from time to time non-rostered judges might also join the group. An auditor monitors the proceedings filed to ensure that the quality of the documents meet a high standard before being presented to the judges for a decision.

Another plus, according to Julie, is that it’s eliminated transcription errors. ‘Judges used to fill these in by hand, and to be honest that’s often a bit like doctors’ writing. But with eDuty the judges type their bits in, so there’s no more guesswork over judges’ writing.’

The system’s worked so well in fact that it’s now being rolled out nationwide.



Hamilton-based Judge Noel Cocurullo led the eDuty design team, and together with Joy Pearce, Waikato Judicial Resources Manager, instigated the overall concept.

Ra Greensill, Senior Regional ICT Officer, assisted Judge Cocurullo to develop the templates required and created the impressive eDuty platform that we see today.

‘This is a really great collaboration among some very committed Ministry of Justice staff,’ Judge Cocurullo says.

‘It was the classic No. 8 wire approach. Let’s take the existing resources and put them together in a way that creates some good strong benefits for the court process, the Ministry and most of all, the public.

‘It gives judges greater efficiency and delivers quickly and more efficiently to the public. I’m yet to find a judge who, after using it, doesn’t say it’s a really good thing.

‘Those in the community who are vulnerable are less vulnerable because they get their decisions that much more quickly,’ Judge Cocurullo says.



Over in Napier, Judge Peter Callinicos is full of praise for the eDuty approach – and he’s even added a few tricks of his own.

A successful lawyer before being appointed to the bench in 2002, Judge Callinicos is constantly looking for innovations and has even produced a ring binder – in which he has collated the most useful reference material for new judges to use in district court summary matters.

‘Innovation is about being brave enough not to be knocked over by people, and there are knockers in all areas of life,’ Judge Callinicos observes.

‘It’s mostly about enhancing, rather than about creating things from scratch.’

As if to illustrate this point by example, he flips open an eDuty application and starts filling in fields – using prepared blocks of text which he has developed and can access with just a few keystrokes.



A single Environment Court case can require more documents for each judge than all of the boxes pictured. Or the same information can be loaded on a tablet, like that being held by Rachell Staunton

# Going digital

Rachell Staunton has a secret weapon for teaching judges to feel comfortable using tablet technology.

'Angry Birds,' Rachell explains with a smile. It seems even our most esteemed legal minds can't resist flinging cartoon birds at evil green pigs – the main activity in the best-selling tablet app.

Rachell heads up the team supporting the Environment Court in the Central Region – which extends from Taupo down to Nelson. It's a 'circuit court' – which means it meets in different venues within that region, so handling the huge amounts of paperwork required for each case can be a major logistical challenge for judges and staff alike.

'Ironically, the Environment Court uses huge amounts of paper,' she explains, up to 20 ring-binders per judge for a single case. So when Judge Laurie Newhook suggested sharing those documents electronically, Rachell and her team rallied to the cry.

'You can't walk on a plane with 20 ringbinders, so providing that information electronically makes a lot of sense. We could definitely save time and money by producing less paperwork.'

The result is a project that has seen the Environment Court – and the Waitangi Tribunal – testing the use of iPads for certain cases. Evidence is scanned and provided to the judges in an electronic form which they can annotate with their comments and notes. Parties to the case can even submit forms electronically.

In some instances, cases before the Environment Court will have up to forty parties making submissions. This new approach provides a portable and easily searchable repository for evidence, reference documents, planning documents and related decisions.

'If we adopt this approach more widely the potential exists to allow lawyers to access documents in a similar fashion.'

A trial of the new system began in September 2012, and it has been used without incident for two Environment Court cases and one Waitangi Tribunal hearing. Participants in that trial are now being surveyed before any decisions are made on longer-term use of the approach.

Similar thinking from the judiciary in the Court of Appeal has also seen electronic documents tested in their Wellington court.

This court considers appeals against the decisions of earlier courts, which can require huge amounts of paperwork for each judge. In Wellington alone the court runs through more than 80 reams of paper a fortnight.

Electronic casebooks were tested at two appeal hearings. The casebooks contained transcripts of earlier hearings, which related to the appeal, sentencing notes, a summary of the facts and submissions from the parties to the appeal. Each document was easily searchable, and notes could be added on-screen.

Work is now underway to determine how this approach might be used more widely throughout the Court of Appeal.



# The Christchurch shuffle

Courtroom 1 in the Christchurch courts building looks like no court you've ever seen before.

It still has the basic framework of a court – the dock, the benches for lawyers, the witness stand. Raised benches for the judge and their supporting staff still dominate one end of the room. Except each of these spaces is now filled with desks, covered in PC terminals or festooned with post-it notes.

Welcome to post-earthquake Christchurch. While the courtroom itself remains structurally sound, large parts of the building were rendered unusable – including the offices for the staff needed to run court sessions. The decision was made to move court hearings elsewhere, and move staff into the courtroom.

Among the residents of the repurposed Courtroom 1 are Ryan Wood and Kelly Campbell-Mears – who recently designed an innovation to simplify the handling of defendants who are being held in prison custody.

Returning an inmate to prison requires a warrant from the court, and traditionally Ryan and Kelly produced those by hand and physically gave them to the guards on the vehicles returning the inmates at the end of the court day.

The problem was those warrants sometimes got lost, or were rejected because of something as simple as a typo.

Ryan and Kelly have now implemented a system where the warrants are sent electronically to prisons, with a paper copy following.

'The prisons say this has been a huge benefit for them, and has made the re-admission process much quicker,' she says.

*Staff occupying Courtroom 1 have since returned to the High and District Court complex in Durham Street*

# Information sharing

The Coronial Services Unit (CSU) is the go-to expert when it comes to getting information about deaths in New Zealand – but their head of operations in Christchurch, Glenn Dobson, is keen to share the load.

For that reason, he's pioneered a cloud-based approach to information sharing, which empowers a range of agencies to directly access certain information.

The Coronial Services National Initial Investigation Office (NIIO) works 24/7 to handle the 48 hours following death. A rostered duty coroner determines whether further investigation into the cause of death is needed, decides whether a post mortem is required and considers the preliminary results if one is done, and, ultimately, decides when to release the body back to the family.

More than 500 deaths are referred to the duty coroner each month, and each year around 3,500 cases need further investigation.

Glenn says NIIO quickly became the repository for huge amounts of information.

'From NIIO, it is decided which mortuary a body should go to – and that isn't always the closest one. The mortuary is chosen based on the nature of the investigations required, the staff rostered on at any given time and the rating of the mortuary. As an example, over recent years all infant post mortems have been done by one particular pathologist.

'Mortuary rosters, storage capacity, any special scientific or cultural requirements that apply at individual mortuaries – that information is kept centrally by NIIO.

'It's a heavily paper-based system, and we're frequently contacted by people in the regions seeking information about specific mortuaries, which cases are assigned to which coroner, and so on,' Glenn explains.

'We have now moved to a cloud-based approach, so that coroners, CSU staff and mortuaries can access that information directly.'

The system went live in April 2013. Police inquest officers will be included shortly.







# Home work

There aren't many babies who can say that when they take a nap their mum gets busy dissolving marriages. But William Osborne of Christchurch is one such baby.

When Family Court Registrar Clare Osborne went on 12-18 months maternity leave, her colleagues wished her the very best and braced themselves to cover her workload.

The Christchurch-based team was under pressure as it sought to catch up with a backlog of work created by the Christchurch earthquakes - and losing a valued team member like Clare made that task more difficult.

Fortunately, six months after the birth of baby William, Clare felt the urge to do some work, and her colleagues welcomed that idea.

'I started working from home part-time,' Clare explains.

'It doesn't take much in the way of resources really. I have my laptop and a courier drops off work for me each morning and picks it up at the end of each day.'

Every day Clare's colleagues drop documents into a specially labelled box, which she can use her skills as a registrar to progress.

Andrew Tulloch, team leader for the Family Court in Christchurch, says Clare's work-from-home has helped his team stay up to date with their workload. 'Most importantly it gives Clare a work-life balance that works for everyone involved.'

It gives Clare a work-life balance that works for everyone involved

# ACCESSIBLE JUSTICE SERVICES

The Ministry of Justice is working to give people faster, easier access to justice services. We're redesigning our services to deliver better results to the public, such as reducing crime, improving public safety and improving support to victims.

We're also redesigning our courts to suit the needs of our customers and the community, so that people can access justice services when they need to and in a way that makes them feel comfortable.

The following stories provide examples of how we're redesigning our services and courts, through the commitment of staff, the involvement of the judiciary and the buy-in of stakeholders.

Specifically, the unfortunate events in Christchurch have resulted in new ways of working out of new facilities and using facilities in different ways, providing on-going and improved service to the people of Canterbury.



Judge Ema Aitken

# Kicking the habit

Judges Ema Aitken and Lisa Tremewan had seen enough. The same faces appearing before their courts again and again, clearly caught in a cycle of offending, which in many cases was driven by drug or alcohol dependency.

About three years ago the judges started to consult widely with all potential stakeholders, including Ministry of Justice staff in Auckland, to advocate for a specialist court to address repeat offending by people who are dependent on alcohol or drugs. Late last year their vision became a reality, with the Minister of Justice funding a \$2 million pilot.

The pilot sees the formation of two special Alcohol and Other Drug Treatment Courts – one in Auckland, the other in Waitakere – each of which will handle up to 50 offenders per year.

‘Simply locking up these people or waving the big stick doesn’t work,’ Judge Aitken explains. ‘Generally they’ve tried and failed to quit drugs and alcohol in the past. What’s different with this approach is that we can use the authority of the court to get someone into treatment, and hopefully keep them there.’

To be eligible for treatment by the court the offender must be alcohol or drug dependent, have a history of offending, be facing fresh charges punishable by no more than three years in prison, and have signalled that they are willing to admit guilt.

‘This isn’t a soft option. The law still applies, and these people will still get sentenced for their crimes.’

‘A judge’s sentencing is allowed to take into account any efforts the offender has made to rehabilitate or to make amends. So the choice for people being considered for this programme is be sentenced now, or delay the sentencing, address their alcohol and drug problems, and then when they are sentenced, the effort they put in there can be taken into account.’

The Alcohol and Other Drug Treatment Court programme can last 12 to 18 months and include residential treatment or community-based treatment. The key point is that each treatment plan is designed to meet individual needs, so each plan will be different.

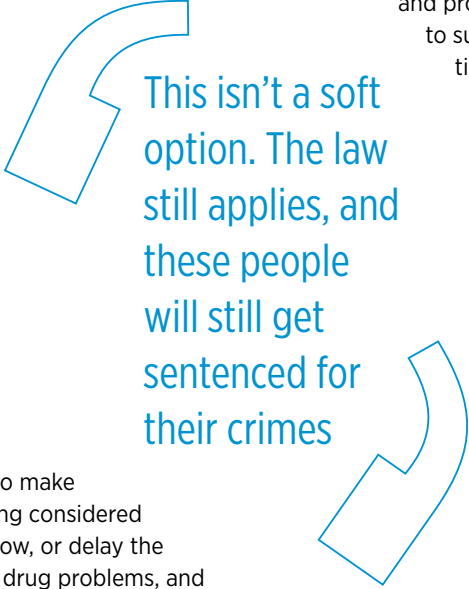
‘Effectively I’m saying to them: “OK, you say you’re serious about your addiction and you say you want to do something about it, I’m going to give you a chance”. Basically I’m offering them a simple choice: prison or treatment for their addictions.’

At the beginning participants are seen by the court every week or two – to closely monitor their commitment and progress. They must also comply when ordered to submit to random drug test – often several times a week – and can be required to wear an alcohol-detecting ankle bracelet. If the person stops complying with the programme the judge will move to sentencing.

There’s a lot of work going on behind the scenes to help steer these offenders away from the addictive behaviours that drive their offending. Each week the court convenes several hours before the first offender appears, so that the judge can strategise with defence, police prosecutors and expert advisors.

While the concept of an adult Alcohol and Other Drug Treatment Court programme is new to New Zealand, it’s been used in the United States for many years, and Judge Aitken says the evidence for its effectiveness is strong.

‘It’s also very cost-effective, given the high costs people in this group create not only for justice but also for health and welfare. Overseas research indicates that you can save \$27 for every dollar you put in.’



**This isn’t a soft option. The law still applies, and these people will still get sentenced for their crimes**

The special Alcohol and Other Drug Treatment Courts began sitting late last year as part of the five-year pilot. After three months, around a quarter of the 100 possible places before these courts had been filled.

‘There’s a lot of variety in there – from middle-aged alcoholics to teenage meth users,’ Judge Aitken explains. ‘Only one of those participants has a job and only three are female.’

Establishing the court was achieved by judges and staff from the courts working closely with relevant stakeholders, including residential drug treatment programmes ‘Higher Ground’ and ‘Odyssey House’, the Salvation Army and the Ministry of Health.

The approach will be reviewed at various stages of its five-year pilot.



# Pasifika Court

The girl, in her early teens, nervously surveys the meeting house, in the grounds of a Pacific Community Centre. It is her first appearance before the Youth Court, but her older brother is no stranger to the process and he receives a shout-out from the judge.

'How many times did you appear in my court?' Judge Ida Malosi – the first female Pacific Island judge – asks the older brother, 'Twenty?'

'Twenty-one,' the older boy replies.

'Well let's make sure your sister doesn't follow in your footsteps,' Judge Malosi responds.

This is the Pasifika Court, a new approach being trialled across two Auckland venues. The idea began two and a half years ago, with Judge Malosi voicing her vision for getting youth back to their cultural values.

The court now sits in Manukau and Avondale once every fortnight, seeing eight to 10 young people in a full day's session.

The law is the same but the courtroom is markedly different, with the judge flanked by a group of elders from the different Pacific Island communities.

Those in the courtroom all have their chance to speak – the family, the young person, the relevant elder. Most notably, the judge speaks directly to each of these participants in the process – recognising the key role they play in the young offender choosing their path for life.

'In this court, you don't have to speak English,' Judge Malosi explains to the defendant. 'You can wear your culture proudly, as long as you do things to make your culture proud.'

*Note: some identifying features have been changed*



## Street life

Judge Susan Thomas admits to a degree of uncertainty when she first heard about the concept of special courts to target the factors causing offending by homeless people.

But a middle-aged homeless man, who frequently appeared before Judge Thomas as a defendant in the Wellington District Court, sparked a change of heart.

‘It was clear that this man, who was in his 50s, was an intelligent and articulate man who had made some bad life decisions,’ Judge Thomas recalls.

Initially his offences were relatively minor, but when his offending began to escalate there was no option but to remand him in custody.

‘While in custody it became clear that he was in excruciating pain due to severe dental decay, to the extent where he wasn’t going to be able to do anything to curb his dependence on alcohol and break the pattern of offending without first addressing that health issue and ensuring he was in stable accommodation.

‘In situations like that you realise what a waste of a life homelessness can be, and with such huge costs to society. There is no point sentencing someone to supervision or community work if they don’t know where they are going to sleep that night or any night in the future. They are not able to give priority to their sentence and the cycle of breaching court orders and reoffending continues.’

Judge Thomas met with a number of agencies who regularly work with the homeless and began the push for a special court to address offending by some of the estimated 100 or more homeless people in Wellington.

That was the genesis of the Special Circumstances Court – established in Wellington in 2012.

It was modelled on a similar court which was being piloted in Auckland. But in the absence of funding for a second pilot, Judge Thomas quickly realised it would need to be done within existing resources.

‘There’s no way we could have done this without the time and expertise volunteered by groups like the Downtown City Mission, the Salvation Army, and the local district health board,’ Judge Thomas says. ‘The assistance of Leah Davison, a lawyer with the Public Defence Service who is duty lawyer to the court, is invaluable. She draws on her legal expertise as well as experience gained in a former career as a probation officer.’

Flash forward to the present day, and the Special Circumstances Court sits once a month. It is open to referrals from judges, lawyers and the defendants themselves.

Judges can refer any defendant who meets the criteria for the Special Circumstances Court. These are people who live in the margins of society, sleeping rough or with no fixed abode, with alcohol and drug addiction common to many.

Being homeless means that someone has no stable accommodation. It covers not only those living on the street but also those described as ‘couch surfers’.

These are people who have committed crimes at the lower-to-middle end of the spectrum – low level assaults, shoplifting, disorderly behaviour, unlawfully on property, car crime, and burglary – often in search of money to buy drugs or alcohol. The most serious matters such as those involving sexual offences or serious violence are not considered by this innovative new court.

It's still a courtroom, not a social service – the law is still applied and sentences are handed down. But creating support around people in this category can help to break their seemingly never-ending cycles of offending. The Police are very supportive of the court.

'This isn't a quick fix, but we're already seeing some very positive progress,' Judge Thomas says. 'Just recently two of the participants with longstanding addictions have gone into long-term residential treatment, and one man who was literally living in a ditch has moved into a flat. He has chronic health problems, but he now looks so much better that it's unbelievable.'

Major Lee Edney of the Salvation Army plays a pivotal role in the Special Circumstances Court. He coordinates the cases that appear there, and links the court with agencies that seek to address the defendants' needs, including the underlying causes of their offending: health agencies, shelters, the public defence service of the Ministry of Justice and the city councils and police. 'We're working collaboratively with community agencies and that's meeting with less resistance from our clients, who in many instances are starting to buy into what's happening,' said Major Edney.

Creating support around people in this category can help to break their seemingly never-ending cycles of offending

'Lack of accommodation and drug addiction, including alcohol, are consistently the main issues. Their criminal offending is related to their addictions and is often done to feed their addictions. It's about getting buy-in from them that they want to change.

'It's rewarding to see the way in which many of these clients have come to trust the agencies more, when they realise that the agency does care and that the court is trying to assist them. Suddenly it's clicked, somebody actually cares and they really do want to help.

'It's absolutely fantastic, it's made such a difference to so many people already. It fixes so many so-called "little things" that are, in fact, huge things.

'Many of these people are isolated, and in some cases are now starting to reconnect with their families.'



Major Lee Edney (Coordinator) with Leah Davison (Public Defender for the Ministry of Justice and duty lawyer to the court) and Alan Norman (Downtown Community Mission)



# Doing it for the kids

‘I’ve seen a lot of change in these young people – to the point where they can stand up, look you in the eye and tell you who they are, and what their whakapapa is.’

The speaker is Hamilton Youth Court Judge Denise Clark. Her subject – New Zealand’s nine Rangatahi Courts, which focus on offending by young Māori.

‘The law’s the same, the basic process is the same, but Rangatahi Courts allow communities to be more actively involved in helping young offenders reconnect with their culture.’

In a Rangatahi Court, the defendants appear before the judge on a marae – with hapū and iwi in attendance. Judges speak directly to the young offender and their family, and challenge them to live up to the expectations of their community.

‘They’re accountable not only to the usual court process, but also to the kuia and kaumatua and to everyone involved in the marae,’ Judge Clark says.

‘This creates a different environment which hopefully helps young people to reconnect by finding out who they are and where they’re from.’

‘Families have a real opportunity to speak and be heard in a Rangatahi Court. There’s a real sense of engagement, which I think is reflected in the way more family members are now coming to court to support their young people,’ Judge Clark says.

She knows how important it is to get it right – especially in instances where a young offender may be teetering on the brink of a life of crime.

‘These young people are speaking to a judge and their own marae elders. Some have reached a crossroads, and we’re there to point them in the right direction.’





# Change of venue

Damage to the main courts building in Christchurch saw court hearings held in a number of non-traditional venues around the city – including a local tennis club, the Wigram Air Force Museum and a community theatre.

Chief among these alternate venues are a meeting room at Riccarton racecourse, and one on Ngā Hau e Whā National Marae, both of which now regularly host district court hearings.

Charlie Win, who's responsible for the smooth running of the Marae Court, goes to great lengths to ensure that people using the court are treated appropriately and fairly. That includes obtaining an extra prefab building on the site – for use as a parents' room by visitors to the court.

'Normally defendants' children sit outside the courtroom or even in the courtroom with the family,' Charlie explains. 'We felt a real need to give them distance from the court process, so we were very pleased when we successfully gained access to a portacom on the site for use as a parents' room.'

Charlie says having a place where the families can look after their kids is making a positive difference. 'It's a small thing, but small things can mean a lot when families are going through stressful times.'

*The Marae Court has since returned to the main courts building in Christchurch*



# Working smarter

Scheduling Family Court hearings for the four courts in the Auckland region could sometimes be a logistical nightmare. Some cases run long – up to 10 days – and in smaller venues such as Waitakere and North Shore, a single case could tie up the facilities, causing delays for other cases.

Staff thought it would make sense to move longer hearings – expected to last longer than a day – to Auckland city, which has four family courtrooms.

An earlier attempt had been made at a similar approach around five years ago, but the second attempt in May 2010 was the one that took.

Yvonne Khoo – who oversees the scheduling of cases – says it's halved the wait for a defended hearing in the Manukau Family Court.

'When we started doing this three years ago the typical wait for a new hearing which would require a day or two in court was around the six-month mark,' she says. 'Now more than two-thirds of those cases are happening within a month, so we really feel we've made a positive difference' she says.

Staff in the Family Court for the Wellington region also saw sense in centralising some functions.

Their initiative may have single-handedly made Wellington city the divorce capital of New Zealand – as it's now the place where all applications for the dissolution of marriages from Upper Hutt, Lower Hutt, Porirua, Masterton and Wellington are processed.

Applications are filed in the person's local court, then sent to Wellington for processing. Each application is considered, processed, the parties are advised of the outcome and then the documents are sent back to the local court.

Beverley Duncan-Hurley from the Wellington court says having someone who specialises in processing these documents ensures they are consistently high quality without creating any extra delay.

'We're recognised as being good at this,' Beverley says. 'During the earthquake, we had people flying up from Christchurch to file their applications here because we could process them more quickly.'





MINISTRY OF  
**JUSTICE**  
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