



The Australasian Institute of
Judicial Administration Incorporated



Non-Adversarial Justice: Implications for the Legal System and Society Conference

Announcement and Call for Papers

4-7 May 2010

Hilton on the Park
192 Wellington Parade East Melbourne, Victoria, Australia

Presented by the
**Australasian Institute of Judicial Administration and
Monash University Faculty of Law**

The Australasian Institute of Judicial Administration and Monash University Faculty of Law are pleased to present the conference "Non-Adversarial Justice: Implications for the Legal System and Society".

The emergence of non-adversarial justice in common law systems is arguably the most significant and wide-ranging development in legal systems internationally in the past thirty years. Determinative justice models are changing methods as common law lawyers and civil code lawyers compare notes. There is a desire to make lawyer controlled adversary processes more user friendly.

The conference seeks to explore the theory and practical application of these approaches by courts, the legal profession and their implications for the role of law and government in society and legal education and the relationship between these approaches in theory and practice.

Keynote speakers include:

- ▲ Professor Erhard **Blankenburg**, Emeritus Professor of Sociology of Law, Vrije Universiteit Amsterdam, Netherlands
- ▲ Professor John **Braithwaite**, Australian Research Council Federation Fellow and Founder of RegNet (the Regulatory Institutions Network) at the Australian National University
- ▲ Dr Andrew **Cannon**, Adjunct Professor of Law at Muenster University, Associate Professor of Law at Flinders University and Deputy Chief Magistrate of South Australia
- ▲ Professor Susan **Daicoff**, Professor of Law, Florida Coastal School of Law; USA
- ▲ Professor Arie **Freiberg**, Dean, Faculty of Law, Monash University; Australia
- ▲ Dr Michael **King**, Senior Lecturer, Faculty of Law, Monash University, Australia
- ▲ The Hon Judge Hugh **Landerkin** QC, Provincial Court of Alberta, Calgary, and Adjunct Professor, Peace and Conflict Division, Royal Roads University, Victoria, Canada
- ▲ Professor Carrie **Menkel-Meadow**, Georgetown University Law Center, Washington DC, USA
- ▲ Professor Peter **Murray**, Braucher Visiting Professor of Law, Harvard Law School, USA
- ▲ Professor Dr Jur Rolf **Stuerner**, University of Freiburg, Germany
- ▲ Professor David **Wexler**, Distinguished Research Professor of Law, Rogers College of Law, Professor of Law & Director, International Network on Therapeutic Jurisprudence, University of Puerto Rico
- ▲ Professor Bruce **Winick**, Professor of Law and Professor of Psychiatry and Behavioural Sciences at the University of Miami

Topics relevant to the Conference have been identified and are to be found overleaf.

Those interested in presenting a paper at the Conference are asked to contact:

Arie.Freiberg@law.monash.edu.au or Michael.King@law.monash.edu.au

Closing date for papers is 4 December 2009

The dedicated website for the Conference is:

Expressions of interest can be sent to: najc10@amp.com.au

SUGGESTED TOPICS

Concepts of Non-Adversarial Justice

Therapeutic Jurisprudence

Restorative Justice

Appropriate Dispute Resolution

- Conciliation
- Expert appraisal
- Mediation
- Judge led mediation
- Negotiation
- Jurisdictions
 - Civil law/class actions
 - Criminal law
 - Family law
 - Industrial law
 - Tribunals

Preventative Law

Collaborative Law

Creative Problem Solving

Holistic Law

Problem Solving Courts

- Drug courts
- Mental health courts
- Community courts
- Family violence courts
- Peer/youth courts

Diversion Programs

Indigenous Courts

Managerial Justice: Non-adversarial and Judicial Control

- Fact finding and issue identification
- Court management of expert evidence
- Case management

Administrative Decision-making/tribunals

- Inquisitorial/administrative approaches
- Coroners courts
- Royal commissions/inquiries

Civil/European Legal Approaches

Truth and reconciliation Commissions

Apology and Forgiveness

Implications for the Courts

- Pre-action protocols
- Judges
- Counsel
- Administrators

Implications for the Legal Profession

Implications for Victims

Implications for Legal Education