

Justine Hodgman

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 4:27 PM
To: Tracey Nelson
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

FYI

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

From: MCSD Correspondence
Sent: Wednesday, 12 December 2018 4:20 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

Clarifying it with the registrar - let you know ASAP!

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate
Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



PLEASE NOTE - the Magistrates Courts Service Directorate will be closed from Monday 24 December 2018 up to Friday 4 January 2019 (inclusive). These days have been designated court holidays Pursuant to Magistrates Court Practice Direction 2 of 2018.

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 4:11 PM
To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Wahhh can you advise re below?

Justine Hodgman
A/Executive Officer



FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to **carry over to cover today and future proceedings**. Magistrate Morgan asked Police Prosecutions today

Sch 3/6(a)

The media may be unaware of the **Restricted Publication order** as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Justine Hodgman

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 5:07 PM
To: MCSD Correspondence
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

Sch 4/3/3 We cant release any details as confirmed by Magistrate Morgan on the phone just now

From: MCSD Correspondence
Sent: Wednesday, 12 December 2018 5:05 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

[redacted] just in case! ☺

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate
Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



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From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 5:04 PM
To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

Sch 4/3/3 I think we are sorting it now

From: MCSD Correspondence
Sent: Wednesday, 12 December 2018 5:03 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

I'll stick around for a bit just in case - let me know if you need anything from me!!!

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate

Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



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From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 5:00 PM
To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

I don't really think this answers their question in relation to if they can advise re next hearing etc ...

Do you think it would be ok if I called Brett?

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

From: MCSD Correspondence
Sent: Wednesday, 12 December 2018 4:58 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

please see the below

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate
Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



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From: Brett Wilson
Sent: Wednesday, 12 December 2018 4:57 PM
To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

Caroline,

I have confirmed with Magistrate Morgan via telephone this afternoon that the Restricted Publication Order refers to 'any submissions made on any bail hearing'. Magistrate Morgan went onto confirm 'anything heard or correspondence entered into during the closed court remains closed'.

I have also confirmed with Magistrate Morgan this afternoon that the suppression order made yesterday still stands.

I hope this assists.

Regards

Brett Wilson
Acting Senior Registrar
Pine Rivers Magistrates Court
Queensland Courts Service
374 Gympie Road, STRATHPINE QLD 4500
P: (07) 3384 8233
F: (07) 3384 8244
E: brett.wilson@justice.qld.gov.au

From: MCSD Correspondence
Sent: Wednesday, 12 December 2018 4:14 PM
To: Brett Wilson <Brett.Wilson@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

FYI - please see the below - can you please advise - thank you!

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate
Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



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From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 4:11 PM
To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Can you advise re below?

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

From: Tracey Nelson
Sent: Wednesday, 12 December 2018 3:59 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Cc: Media Relations <Media.relations@justice.qld.gov.au>; DLO <DLO@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Hi Justine, the wording of this order is unclear to us as to whether this solely relates to bail or the entire matter. Is there any way this can be confirmed for us?

The main issues media are asking about is re his identity, charges and next court date. We had been advised yesterday that the file was suppressed i.e. no information could be provided.

Appreciate any advice you can get for us.

Kind regards
Tracey Nelson
Principal Media Officer (Mon-Wed)
Communication Services Branch
P: 07 3008 8765 (x96926)

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 3:50 PM
To: DLO <DLO@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

Hi DLO's / Media

Please find the below advice (I learnt that Magistrates Court don't have transcripts through R&T).

Please take into consideration the Restricted Publication order – therefore, please do not disclose any details re bail etc.

12 December 2018



The magistrate also made the following order:

Order Item: RESTRICT PUBLICATION

Condition c

Order: I order that the evidence taken, the information furnished, the representations made by or on behalf of either the grant or refusal of bail or release under section 11A or any part thereof or any of them shall not be published in relation to an indictable offence is held - before the defendant is discharged; or (b) until the end

FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to **carry over to cover today and future proceedings.**

The media may be unaware of the Restricted Publication order as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Justine Hodgman

From: Paul Holmes
Sent: Thursday, 13 December 2018 9:17 AM
To: Jennifer Lang
Cc: Tim Goodwin; Justine Hodgman; Tracey Nelson; Ron McDonald
Subject: RE: URGENT: Pine Rivers Magistrates Court matter - restricted publication order
Attachments: FW: FYI - 20181212_ChiefMag_PineRiv; FW: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

Hi Jenny

Thanks. The media statement was actually settled late yesterday (see attached). This was released around the same time media started naming the defendant, hence my call to you (sorry, I think I assumed you'd seen it by the time I phoned you). Brigita clarified the situation to Ron earlier this morning following your email to the CM last night (unfortunately she hadn't been copied in on the media-related emails yesterday afternoon; she has since been sent a copy of the media statement).

Regards, Paul

From: Jennifer Lang
Sent: Thursday, 13 December 2018 8:01 AM
To: Paul Holmes <Paul.Holmes@justice.qld.gov.au>
Cc: Tim Goodwin <tim.goodwin@justice.qld.gov.au>; Justine Hodgman <Justine.Hodgman@justice.qld.gov.au>; Tracey Nelson <Tracey.Nelson@justice.qld.gov.au>
Subject: RE: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

Hi Paul

Sch 3/10/1(e) has advised that the Ron has settled a press release with the CM is happy with – think this is coming through to me this morning.

The Magistrate closed the court and prohibited publication of evidence submitted in the bail application. Apparently the Chief has provided Ron with a copy of the order.

Upshot is that other than finalising the media release, nothing further for us to do in this matter.

Regards
Jenny

Jennifer Lang
Deputy Director-General
Justice Services
Department of Justice and Attorney-General
P: 07 3239 6051 | Sch 4/3/3 | E: jennifer.lang@justice.qld.gov.au

From: Paul Holmes
Sent: Wednesday, 12 December 2018 5:33 PM
To: Jennifer Lang <Jennifer.Lang@justice.qld.gov.au>
Cc: Tim Goodwin <tim.goodwin@justice.qld.gov.au>; Justine Hodgman <Justine.Hodgman@justice.qld.gov.au>; Tracey Nelson <Tracey.Nelson@justice.qld.gov.au>

Subject: FW: URGENT: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Hi Jenny

As discussed, media outlets are naming the accused in this matter. The naming of the defendant is not referenced in today's non-publication order. We are not aware if specifics were outlined or documented in relation to yesterday's suppression order. Please let us know if the Chief Magistrate's office requires the media unit to provide further information to the media about this.

Regards, Paul

From: Tracey Nelson
Sent: Wednesday, 12 December 2018 5:26 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Cc: Tim Goodwin <tim.goodwin@justice.qld.gov.au>; Paul Holmes <Paul.Holmes@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>
Subject: URGENT: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Hi Justine,

Further to our earlier phone discussion, media are currently reporting the defendant's name. This would appear to be contrary to the intent of the Magistrate's order to suppress the file yesterday.

If the naming of the defendant raises concerns such that the Magistrate wishes to inform the media of the specific intent of his order from yesterday, can you please invite him to provide written clarification which we can distribute to media on his behalf?

If it could be emailed to the Media Relations inbox it will ensure members of our team are aware of it and can send on to media.

Kind regards
Tracey Nelson
Principal Media Officer (Mon-Wed)
Communication Services Branch
P: 07 3008 8765 (x96926)

From: Tracey Nelson
Sent: Wednesday, 12 December 2018 3:59 PM
To: Justice Services Correspondence <JusticeServices.Correspondence@justice.qld.gov.au>
Cc: Media Relations <Media.relations@justice.qld.gov.au>; DLO <DLO@justice.qld.gov.au>
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order
Importance: High

Hi Justine, the wording of this order is unclear to us as to whether this solely relates to bail or the entire matter. Is there any way this can be confirmed for us?

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Appreciate any advice you can get for us.

Kind regards



Tracey Nelson
Principal Media Officer (Mon-Wed)
Communication Services Branch
P: 07 3008 8765 (x96926)

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 3:50 PM
To: DLO <DLO@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

Hi DLO's / Media

Please find the below advice (I learnt that Magistrates Court don't have transcripts through R&T).

Please take into consideration the Restricted Publication order – therefore, please do not disclose any details re bail etc.

12 December 2018

Sch 3/6(a)

The magistrate also made the following order:

Order Item: RESTRICT PUBLICATION Condition c

Order: order that the evidence taken, the information furnished, the representations made by or on behalf of either the grant or refusal of bail or release under section 11A or any part thereof or any of them shall not be published to the public or to witnesses in relation to an indictable offence is held - before the defendant is discharged; or (b) until the end of the trial.

FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to carry over to cover today and future proceedings.

The media may be unaware of the Restricted Publication order as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Justine Hodgman

From: Ron McDonald
Sent: Thursday, 13 December 2018 9:00 AM
To: Paul Holmes
Subject: FW: FYI - 20181212_ChiefMag_PineRiv
Attachments: JAG-4636133-20181212_ChiefMag_PineRiv.DOC

Hi Paul, as requested...

From: Ron McDonald
Sent: Wednesday, 12 December 2018 5:31 PM
To: Justine Hodgman <Justine.Hodgman@justice.qld.gov.au>
Subject: FW: FYI - 20181212_ChiefMag_PineRiv

Hi Justine

My apologies, I meant to have you on this cc as well...

Regards

Ron

From: Ron McDonald
Sent: Wednesday, 12 December 2018 4:49 PM
To: Roger McCarthy <Roger.McCarthy@justice.qld.gov.au>
Cc: Paul Holmes <Paul.Holmes@justice.qld.gov.au>; Tim Goodwin <tim.goodwin@justice.qld.gov.au>
Subject: FYI - 20181212_ChiefMag_PineRiv

Hi again team

FYI - Here is the Chief Mag's response to a string of questions from the Courier-Mail about the Pine Rivers Mags Court being closed to media for a matter over the past two days...

Regards

Ron



Ron McDonald
Principal Media Officer
Communication Services Branch, Corporate Services
Department of Justice and Attorney-General
P: 07 3247 4436 (x74436) E: ron.mcdonald@justice.qld.gov.au

Inquiry received: Wednesday 12 December 2018

Journalist: Alex Utting

Organisation: Courier-Mail

Deadline: ASAP

Subject: Issues with Magistrate Morgan closing Pine Rivers court

Inquiry: I just was hoping you could please pass these questions onto Chief Justice Ray Rinaudo for me in relation to the closed court matter of Sch 3/6(a) held in the Pine Rivers Magistrates Court in front of Magistrate Trevor Morgan today.

In the hearing Mr Morgan found the media did not have standing to make an application to be present in a closed court proceedings.

He closed the court under s 70 of the Justices Act 1886 which states a magistrate can make an order to close the court in the interests of public morality.

Both these things are very unusual according to media lawyers and my anecdotal experience and are strongly against the principles of open justice.

There was no risk of the media identifying the child victim, the child was not going to give evidence or be in court and she is not related to the defendant.

Could you please ask Mr Rinaudo if he thinks this is an acceptable reason for the court to be closed?

Does he support the decision made to close the court today by Mr Morgan?

Would he call for any amendments to this section given it appears to be an outdated justification for closing a court?

Does he think what happened has a risk to affect principles of open justice?

Do he think the public have the right to know about a case that is strongly in the public interest?

Do you have any other context you could provide about this provision?

"Is the chief magistrate looking into what happened at Pine Rivers court today or this case?"

Is it likely to be reviewed?

Category: 4

Please attribute to Chief Magistrate Ray Rinaudo:

The Magistrate clearly articulated his reasons to those in the courtroom before closing the court this morning.

As he said, there are cases which are exceptional, and he deemed this to be one.

Again, as the Magistrate said, he needed to be sensitive to the victim's interest, which in this case is very significant.

He also said it was important to take into account the interests of the administration of justice in ensuring that the proceedings proceed according to the fundamental principle of fairness and the application of the rule of law.

It appears the Magistrate has had consideration of all relevant factors and made orders including orders pursuant to S12 of the Bail Act and Section 14A of the Magistrates Courts Act, as is routinely done.

The public does have a right to know about a case that is strongly in the public interest but that must always be subject to other overriding considerations to be determined in each case by the Court.

The matter will be heard in open court, at some level, at the appropriate time as determined by the courts process.

ENDS



Justine Hodgman

From: Ron McDonald
Sent: Thursday, 13 December 2018 9:10 AM
To: Paul Holmes
Subject: FW: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

From: Brigita Cunnington
Sent: Thursday, 13 December 2018 7:33 AM
To: Ron McDonald <Ron.McDonald@justice.qld.gov.au>
Subject: FW: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

Hi Ron
FYI below. Are you able to send the media release through?
Thanks
Brigita

Brigita Cunnington
Executive Director/Principal Registrar
Magistrates Courts Service
Queensland Courts Service
P: (07) 323 96077
M: Sch 4/3/3
E: Brigita.Cunnington@justice.qld.gov.au

From: Chief Magistrate Rinaudo
Sent: Wednesday, 12 December 2018 8:04 PM
To: Jennifer Lang <Jennifer.Lang@justice.qld.gov.au>
Cc: Brigita Cunnington <Brigita.Cunnington@justice.qld.gov.au>; Justine Hodgman <Justine.Hodgman@justice.qld.gov.au>
Subject: Re: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

Jenny, Sch 4/3/3 Sch 3/10/1(e) Brigita should have received a copy of press release settled by Ron McDonald. I was very happy with it. He closed the court and prohibited evidence submitted in the Bail application. I provided Ron with a copy of the order.

Anything else let me know.

Regards.

Ray Rinaudo.

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From: Jennifer Lang <jennifer.lang@justice.qld.gov.au>
Sent: Wednesday, December 12, 2018 5:58 pm
To: Chief Magistrate Rinaudo
Cc: Brigita Cunnington; Justine Hodgman
Subject: FW: URGENT: Pine Rivers Magistrates Court matter - restricted publication order

Hi Judge

Sch 3/10/1(e)

Kind regards
Jenny

Jennifer Lang
Deputy Director-General
Justice Services
Department of Justice and Attorney-General
P: 07 3239 6051 | M: Sch 4/3/3 | E: jennifer.lang@justice.qld.gov.au

Justine Hodgman

From: MCSD Correspondence
Sent: Thursday, 20 December 2018 10:23 AM
To: Justice Services Correspondence
Cc: Brigita Cunnington; cmoffice
Subject: FW: Sch 3/6(a) Pine Rivers Magistrates Court

Importance: High

Categories: Emma onnit

Good morning

Please see the below enquiry from Media Relations directly to the Pine Rivers Magistrates Court - when we were last dealing with providing information for this matter Justine advised that she would provide the information to them rather than the court providing it directly - are you still happy for this to occur?

Please see the below information regarding their enquiries:



The court file is still suppressed.

Information will not be provided to anyone except the parties and their legal representatives.

The matter is still a closed court, and as confirmed last week this will continue while this matter is at Pine Rivers and it will be up to the magistrate as to whether that is lifted.

Thank you!

Caroline Boast
Executive Officer
Magistrates Courts Service Directorate
Queensland Courts Service
P: (07) 30062581 (x12581)
E: caroline.boast@justice.qld.gov.au



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From: Adelle Rynne
Sent: Thursday, 20 December 2018 9:32 AM
To: Brett Wilson <Brett.Wilson@justice.qld.gov.au>
Cc: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>; Media Relations

<Media.relations@justice.qld.gov.au>

Subject: RE: Sch 3/6(a) - Pine Rivers Magistrates Court

Thanks for the heads up Brett. Appreciate it. We will manage the inquiries as best as we can here but I still assume the file is still suppressed so we won't be able to say much. Also will the court be open to media for this hearing (or is it still closed) and will the defendant be present for the hearing? If he is granted bail there will no doubt be quite a media scrum when he emerges from court.

Cheers



Adelle Rynne

Principal Media Officer (Wed-Fri)

Media Relations I Communication Services Branch

Department of Justice and Attorney-General

State Law Building I 50 Ann Street Brisbane QLD

P: 07 3227 6170 (x76170) E: adelle.rynnne@justice.qld.gov.au



Proudly working with White Ribbon to create a safer workplace
Australia's campaign to stop violence against women

From: Brett Wilson

Sent: Thursday, 20 December 2018 9:25 AM

To: MCSD Correspondence <MCSD.Correspondence@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>

Subject: Sch 3/6(a) Pine Rivers Magistrates Court

Good Morning,

I just wanted to let you know that defence have brought the abovementioned matter on today for a Bail Application. It was assumed that we may have some media presence here again today and it seems that we do.

You may get an influx of enquiries again today in regards to the abovementioned matter.

Regards
Brett

Brett Wilson

A/ Senior Registrar

Pine Rivers Magistrates Court

Queensland Courts Service

374 Gympie Road, STRATHPINE QLD 4500

P: (07) 3384 8240

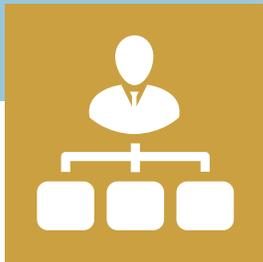
F: (07) 3384 8244

E: brett.wilson@justice.qld.gov.au



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Managing the Case & Court Process

Directs docket and courtroom operations by planning and coordinating schedules, managing case processing timelines, and facilitating information exchange between parties in a case, court staff, and other stakeholders.

What do respected judges say?

General themes from judicial interviews, focus groups, and surveys

Respected judges described several characteristics as contributing to an ability to productively and efficiently manage the case and court process. In particular, they emphasized the importance of effective time management. This includes efforts to promote punctuality, adhere to prescribed schedules, and reinforce deadlines with litigants, attorneys, and other court stakeholders. This also means managing one's own time and workload effectively, despite multiple demands and competing priorities. Respected judges described how they used technological solutions to save time, such as by using Dragon Speak software to add information directly into the case management system. Effective time management was also defined as being prepared for court. Judges described their efforts to develop management strategies in advance of court hearings (e.g., general guidelines and if-then contingency plans for handling assigned case types efficiently). In some assignments, judges emphasized the amount of time they devoted to reviewing case files as important to being knowledgeable about the details of each case being heard.⁵³ In addition, the hours a judge is physically present in the courthouse was also discussed as an important factor. Judges commended peers who make themselves accessible to court community stakeholders to address court-related issues as they emerge.

Respected judges also described the value of organizational skills that support effective case, docket, courtroom, and jury management. Many judges follow intensive process and docket management protocols. This requires them to juggle many moving parts. When coordinating schedules and courtroom

operations between multiple court stakeholders for a hearing, for example, judges may need to consider whether and how to permit media access, if additional security is needed, the timing and logistics of jail transfers, and the availability of parties and program team members. Judges also described case monitoring activities as helpful in keeping track of the status of each case and its progress toward resolution. Some described creative uses of available technologies (e.g., case management systems, Excel workbooks, or Outlook calendars) for this purpose. Case management conferences with parties also helped to ensure that all stakeholders have access to pertinent information. In that way, parties and the court can anticipate and address challenges to prevent or minimize case processing delays. Judges described a careful, deliberative approach to court calendaring compatible with the scheduling needs of others and that ensures realistic scheduling estimates for each case based on their anticipated complexity. Judges observed that parties often underestimate the time they will need to address issues, so a good judge will set a realistic schedule and enforce deadlines. Some assignments may need to devote a substantial portion of their call to managing scheduling issues and defining deadlines. Judges emphasized that these and other effective case and docket management practices are essential to facilitate meaningful hearings and timely case processing.

There was a clear tension between timely dispositions, on one hand, and fairness, on the other. In a sense, a fair court process is a timely one. Judges recognized the need to be decisive and move cases, but this was

described as the result of diligent case preparation and the use of effective courtroom management strategies. Good judges guide cases to disposition as efficiently as possible, but first ensure that each case is heard properly and decided fairly (see *Critical Thinking; Building Respect & Understanding*).

Variations by assignment type or experience level

Time management was described as an essential skill across all assignment types. Some assignments, however, require greater organizational skills related to status monitoring, case management, and courtroom management. A judge in a bond court, for example, may focus more strictly on time management to maintain the flow of cases. In these and in high-volume calls where many judges often are assigned at the start of their careers, efficient courtroom management was described as very important, especially in dockets with self-represented litigants. Similar considerations arise for jury management. For jury trials, judges may need to prepare extensively for individual cases and coordinate a detailed plan with court personnel to ensure fluid courtroom operations (e.g., compile and review jury instructions to make sure there are no errors; schedule the jury's time efficiently to eliminate long waiting periods). One judge described cases in some assignments as "transaction-oriented," in which the judge may sit and rule on case-related issues in court (e.g., criminal, bond court). Other assignments were described as more project-oriented, requiring the judge to keep up-to-date on the details of the individual and the case through personal notes and other case documentation (e.g., child protection, problem-solving court).

Judges explained that chief or presiding judges may implement an assignment rotation strategically to develop new judges' skills in this area. Several judges mentioned that an initial assignment in traffic court is a "great lesson" in court management and "the best initiation" to court and calendar management that a

new judge can have. Such assignments teach how to work proactively with court personnel to manage a large volume of cases.

What do respected judges do?

Respected judges offered the following examples of helpful strategies and illustrative behaviors when discussing this element of judicial excellence.

- Work predictable hours at the courthouse to be accessible to court staff and other stakeholders when needed to answer questions or address issues.
- Start and conclude the docket on time.
- Take breaks as needed to keep courtroom participants fresh (e.g., regular breaks for jurors).
- Focus communication on information relevant to the day's hearing. Judges who are more verbose or who are unprepared or disorganized may find it difficult to keep the call moving.
- Keep cases moving by ruling from the bench when possible and by ruling promptly when a written order is required.
- Give parties reasonable time to prepare, but schedule end dates to keep continuances short and set deadlines that are agreed upon by parties.
- Manage deadlines realistically (i.e., one at a time rather than setting them all at once so the next approaching deadline fits the case).
- Post upcoming trial settings on a website to remind attorneys of the schedule.
- Use case management conferences and other hearings with attorneys and litigants to monitor and discuss case progression and compliance with judicial order(s).

- Use case management tools such as monthly planning charts and trial readiness checklists to aid in scheduling and case monitoring.
- Triage cases or prioritize the order in which cases are heard to make the docket run smoothly (e.g., hear jail transfer cases first in coordination with law enforcement; hear cases which typically require more time, such as sovereign citizen cases, last).
- Talk with court personnel to better understand what practices they employ to represent the court and ultimately to understand how these practices may impact your cases. In some cases, personnel working alongside judges on the docket may have helpful input about challenging management issues or insights about how the call could be improved. For example, talk to the jury commissioner to better understand the jury selection and orientation processes. Information sharing efforts may identify common concerns about the process and serve as an opportunity to exchange ideas about potential improvements.
- Establish, with input from key personnel, a set of coordinated protocols for courtroom operations (e.g., working with the clerk to streamline the order of cases on the docket) and contingency plans for special circumstances (e.g., taking someone off the floor) so the team can function as a unit in responding to those situations.
- Review available court metrics to determine whether cases are moving within prescribed timeframes and, if not, promptly explore and address reasons behind delay.

Respected judges described how they sought out practical procedural tutorials for developing case management skills. They valued educational experiences that, for example, provided a walk-through of best practices for handling specific issues (e.g., how to pick a jury, how to handle high profile cases), offered videotaped examples of do's and don'ts in the courtroom, built in time for practice (e.g., with scenario-based learning activities), and offered practical support tools for future use (e.g., decision aids, bench cards, and reusable templates).

Commentary

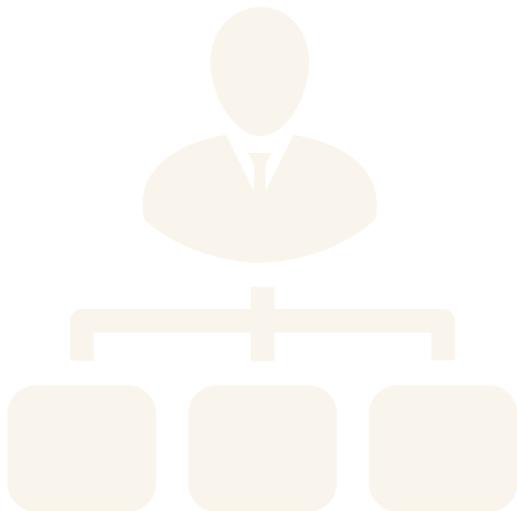
Constitutional protections and state laws require timely and conclusive resolution of legal matters.⁵⁴ This is reflected in trial court performance standards that call for compliance with “recognized guidelines for timely case processing while, at the same time, keeping current with [the] incoming caseload.”⁵⁵ This poses a challenge for judges expected to manage heavy caseloads of increasingly complex cases with limited time and resources. Judges must balance timeliness and efficiency against quality to provide speedy access to justice.

Given limited budgets and resource constraints, state court leaders have promoted more efficient and effective case management solutions. In the civil context, for example, the Conference of Chief Justices recognized that courts must be more active in their approach to case and court management to fairly and efficiently administer justice.⁵⁶ Strategies include implementing case-disposition time standards and leveraging innovations in court technology to track cases. This promotes setting realistic, meaningful, and productive schedules to move cases forward.⁵⁷ Executing these and other often sophisticated process management practices requires teams of court stakeholders to work together, often with the leadership of a knowledgeable judge.⁵⁸

Judicial education programs are widely available to educate judges about best practices in case, docket, courtroom, and jury management. But to process cases most efficiently, judges must understand how to control distractions in an unpredictable work environment. Judges may use a comprehensive case-flow management system most productively if they are clear about their judicial priorities and can focus their attention accordingly.⁵⁹ Focusing attention is important. Although lay beliefs about multitasking suggest it is a skill that allows people to get more done, research demonstrates otherwise: Multitaskers show impaired performance and their rapid attention-switching appears to result from lower self-control (see also *Self-Knowledge & Self-Control*).⁶⁰

Excellence in this element may facilitate excellence in other areas.⁶¹ Productivity skills may enable individual judges to contribute more as a citizen of the court community (e.g., in committee work, mentoring colleagues, pilot testing new initiatives), for example, without reducing the quality or timeliness of work on essential duties (e.g., see *Engagement*).

The National Center for State Courts published the *Model Time Standards for State Trial Courts in 2011* and maintains a database on *Case Processing Time Standards by state* at www.ncsc.org/cpts.



Endnotes

⁵³ This excludes bond court and other dockets for which case files are generally not available for advance review.

⁵⁴ The Sixth Amendment of the United States Constitution and many state laws guarantee the right to a speedy trial in criminal proceedings. U. S. CONST. amend. VI. A number of states also have speedy trial statutes or rules. See, e.g., Cal. Penal Code §1382 (2016); 725 ILL. COMP. STAT. § 5/103-5; Mass. Crim. P. R. 36(b). Similarly, federal and state rules of civil procedure contain provisions that require consideration of timely resolution in rule construction. FED. R. CIV. P. 1; 735 ILL. COMP. STAT. § 5/1-106 (stating that the Illinois Code of Civil Procedure should be “liberally construed, to the end that controversies may be speedily and finally determined according to the substantive rights of the parties”); ARIZ. R. CIV. P. 1.

⁵⁵ TRIAL COURT PERFORMANCE STANDARDS WITH COMMENTARY, CASE PROCESSING 2.1 (U. S. Bureau of Just. Assistance 1997).

⁵⁶ See CONFERENCE OF CHIEF JUSTICES CIVIL JUSTICE IMPROVEMENT COMMITTEE, CALL TO ACTION: ACHIEVING CIVIL JUSTICE FOR ALL 12 (2016) (Formally adopted by the Conference of Chief Justices by Resolution 7, 2016).

⁵⁷ See DAVID STEELMAN, JOHN GOERDT & JAMES MCMILLAN, CASEFLOW MANAGEMENT: THE HEART OF COURT MANAGEMENT IN THE NEW MILLENNIUM (2000), <http://ncsc.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/1498/rec/2>; RICHARD VAN DUIZEND, DAVID STEELMAN & LEE SUSKIN, MODEL TIME STANDARDS FOR STATE TRIAL COURTS (2011), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1836>. See also NATIONAL CENTER FOR STATE COURTS, CASEFLOW MANAGEMENT RESOURCE GUIDE, <http://www.ncsc.org/Topics/Court-Management/Caseflow-Management/Resource-Guide.aspx> (last visited July 6, 2017).

⁵⁸ For example, jury trials require extensive coordination between parties, experts and witnesses, court stakeholders, and citizens to ensure that everyone’s time is used efficiently to provide for a speedy trial and positive juror experience. The judge is a figurehead for that process. For more information about effective jury management practices, see NATIONAL CENTER FOR STATE COURTS, CENTER FOR JURY STUDIES, www.ncsc-jury-studies.org (last visited July 6, 2017).

⁵⁹ Maura Thomas, *Time management training doesn’t work*, HARVARD BUS. REV. (2015), <https://hbr.org/2015/04/time-management-training-doesnt-work>.

⁶⁰ See Eyal Ophir, Clifford Nass & Anthony Wagner, *Cognitive Control in Media Multitaskers*, 106 PROC. NAT’L ACAD. SCIEN. 15583 (2009).

⁶¹ See, e.g., Adam Rapp, Daniel Bachrach & Tammy Rapp, *The Influence of Time Management Skill on the Curvilinear Relationship Between Organizational Citizenship Behavior and Task Performance*, 98 J. APPLIED PSYCHOL. 668 (2013).

Daniel Darbshire

From: Tracey Nelson
Sent: Wednesday, 12 December 2018 3:59 PM
To: Justice Services Correspondence
Cc: Media Relations; DLO
Subject: RE: Pine Rivers Magistrates Court matter - restricted publication order

Importance: High

Hi Justine, the wording of this order is unclear to us as to whether this solely relates to bail or the entire matter. Is there any way this can be confirmed for us?

The main issues media are asking about is re his identity, charges and next court date. We had been advised yesterday that the file was suppressed i.e. no information could be provided.

Appreciate any advice you can get for us.

Kind regards
Tracey Nelson
Principal Media Officer (Mon-Wed)
Communication Services Branch
P: 07 3008 8765 (x96926)

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 3:50 PM
To: DLO <DLO@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

Hi DLO's / Media

Please find the below advice (I learnt that Magistrates Court don't have transcripts through R&T).

Please take into consideration the **Restricted Publication order** – therefore, please do not disclose any details re bail etc.

12 December 2018

Sch 3/6(a)

The magistrate also made the following order:

Order Item: RESTRICT PUBLICATION Condition

Order: I order that the evidence taken, the information furnished, the representations made by or on behalf of either the grant or refusal of bail or release under section 11A or any part thereof or any of them shall not be published to the media or witnesses in relation to an indictable offence is held - before the defendant is discharged; or (b) until the end of the trial.

FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to **carry over to cover today and future proceedings**

The media may be unaware of the **Restricted Publication order** as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Daniel Darbshire

From: DLO
Sent: Wednesday, 12 December 2018 2:07 PM
To: Justice Services Correspondence
Subject: FW: URGENT re: Magistrate's decision to close Pine Rivers Court

Hi Justine,

The AG's would like an urgent transcript for a matter in Pine Rivers Courthouse today where Magistrate Morgan didn't allow the media in the courtroom. The matter is related to the 26 year old taking the young girl from Kmart recently.

Is it possible to get the audio of the hearing urgently, or at least some sort of briefing to the AG's ASAP in relation to the reasons the Magistrate didn't allow the media in the courtroom.

Thank you,

Anders Berquier

Senior Departmental Liaison Officer
Office of the Director-General
Department of Justice and Attorney-General
Ph: 07 3719 7419

From: Emma McBryde [mailto:Emma.McBryde@ministerial.qld.gov.au]
Sent: Wednesday, 12 December 2018 1:54 PM
To: DLO <DLO@justice.qld.gov.au>
Subject: URGENT re: Magistrate's decision to close Pine Rivers Court

Hi,

Could I please get a transcript urgently of Magistrate Morgan explaining his decision to close the Pine Rivers Court to media and their legal representatives at a matter this afternoon regarding a 26-year-old charged with indecently treating a child under 12?

DJAG Media and our office have had enquiries in relation to the decision and we'd prefer to rely upon why the Magistrate said he closed the court, rather than the journalists' retelling of what he said.

Thank you,
Emma



Emma McBryde
Senior media advisor
Office of the Hon. Yvette D'Ath MP
Attorney-General and Minister for Justice
Leader of the House
P 07 3719 7414 Sch 4/3/3
1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

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Please consider the environment before printing this email.

Daniel Darbshire

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 3:50 PM
To: DLO; Media Relations
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

Hi DLO's / Media

Please find the below advice (I learnt that Magistrates Court don't have transcripts through R&T).

Please take into consideration the **Restricted Publication order** – therefore, please do not disclose any details re bail etc.

12 December 2018

Sch 3/6(a)
The magistrate also made the following order:

Order Item: RESTRICT PUBLICATION Condition

Order: I order that the evidence taken, the information furnished, the representations made by or on behalf of either the grant or refusal of bail or release under section 11A or any part thereof or any of them shall not be published to the public or any witnesses in relation to an indictable offence is held - before the defendant is discharged; or (b) until the end of the trial.

FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to **carry over to cover today and future proceedings**. Magistrate Morgan

The media may be unaware of the **Restricted Publication order** as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Mehtap Komuksu

Subject: FW: RTI from Channel 7 (Alison Sandy)

From: Justice Services Correspondence
Sent: Wednesday, 12 December 2018 3:50 PM
To: DLO <DLO@justice.qld.gov.au>; Media Relations <Media.relations@justice.qld.gov.au>
Subject: FW: Pine Rivers Magistrates Court matter - restricted publication order

Hi DLO's / Media

Please find the below advice (I learnt that Magistrates Court don't have transcripts through R&T).

Please take into consideration the Restricted Publication order – therefore, please do not disclose any details re bail etc.

12 December 2018

Sch 3/6(a)

The

magistrate also made the following order:

Order Item: RESTRICT PUBLICATION

Condition of Other Item

Order: I order that the evidence taken, the information furnished, the representations made by or on behalf of either party or the reasons given by the court for the grant or refusal of bail or release under section 11A or any part thereof or any of them shall not be published by any means (a) if an examination of witnesses in relation to an indictable offence is held - before the defendant is discharged; or (b) until the end of the date of committal to a higher court.

FURTHER - the registrar confirmed that the closed court order from yesterday (11 December 2018) is to carry over to cover today and future proceedings. Magistrate Morgan

The media may be unaware of the Restricted Publication order as it was ordered during a closed court.

The JAG media unit has contacted the courthouse regarding the wording of the restricted publication order - I assume this is to advise media outlets.

Justine Hodgman
A/Executive Officer
Office of the Deputy Director-General, Justice Services
Department of Justice and Attorney-General
Ph: 32396988

Regards

Ron

