

IAJ – OPENING CEREMONY

Nur-Sultan, Kazakhstan

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President, International Association of Judges

It is my pleasant duty to welcome you all to Nur-Sultan, Kazakhstan for the 62nd Annual Meeting of the IAJ, and on behalf of the delegates and visitors to thank the Kazakhstan host organisation and its organizing partners for the welcome we have received and for the quality of the facilities which have been made available to us to undertake our work.

The meetings of the Central Council and of the Study Commissions are about to start, but there has already been much work done by the Presidency Committee and by each of the four regional groups. The facilities in which we have been able to work has made it possible for much work to be done already and we express our thanks and gratitude to the very many who are making our meetings useful. I was also very pleased to see the presence of so many young students who are available to help and guide us with our very many small requests: their presence is a good reminder to us all that the work we do as Judges will have a lasting impact upon future generations and that we hold office for a short time as custodians of that office for future generations just as those that came before us held office as custodians for us.

The work of the Study Commissions this year is emblematic of the changes in judicial work through different generations. Each Study Commission is looking

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at themes and topics affecting judicial work today in ways that previous generations did not experience. The 1st Study Commission is focusing its work this year on social media and in particular on how Judges should respond to what others put on social media and how Judges themselves, and Courts and court staff, may use or misuse social media. It is a topic that was unknown to previous generations of Judges but which is becoming increasingly important and having great impact upon litigants, upon the authority of court decisions and upon judicial behavior.

The 2nd Study Commission is focusing its work upon a different aspect of something that was not known to previous generations of Judges. It is looking at the increasing role of financiers investing in litigation. Litigation has always involved costs, and has often been seen as involving an economic burden best avoided. Litigants have typically borne the cost of their disputes, although sometimes their lawyers have done so through contingency fees or by bearing the risk of the costs of litigation in the hope of an ultimately favourable outcome. What have emerged in some jurisdiction, however, are financiers willing to finance litigation in the expectation of profit. Some litigation, like some speculative business ventures, have the potential for profit for the prudent investor. The emergence of financing for litigation, and the fact of profitable litigation, has raised many novel questions about how litigation may be financed and what is permissible in doing so.

The 3rd Study Commission looks at an old companion for Judges, the media, but does so in a new and modern context. Its work focuses upon how the integrity of criminal proceedings can be protected, and how courts and Judges may communicate with the media in that context. These issues have frequently been confronted by courts and Judges over time but the new context in which they have emerged present new problems and new challenges. Protecting the

integrity of criminal proceedings has been made significantly more difficult in the context of a modern media with worldwide internet platforms.

The work of the 4th Study Commission is on a topic that has come to have more importance in recent times than it may have had in the past, and has developed modern nuances of its own. Harassment in the workplace might not sound like a novel concept but our awareness of it as an issue has increased in recent times and the perception of what we consider unacceptable harassment has also changed as society expectations and attitudes have changed.

This year we are also having an international meeting with the International Association of Court Administrators. The topic of the International Justice Forum is that of managing the quality of justice and the conference opens an important dialogue for global trends and best practices between court administrators and Judges. This is an important dialogue and a significant development. The needs and dynamics of Judges and those of court administrators are not always in perfect harmony. Sometimes the needs of resource allocation and efficiency put strains upon the quality of justice and the work of Judges. The needs of both need to be understood by both to ensure that Judges may administer justice which is fair, impartial and transparent albeit with a judicious eye to efficiency and cost.

I would like finally to acknowledge and welcome the presence in our gathering of Judges from Kazakhstan. Your association has encouraged you to share some of this occasion with us. The meetings of the IAJ bring together the experience and diversity of Judges from very different jurisdictions with very different histories and very different cultures but with the common commitment to the rule of law and to the independence of the judiciary. We all share many of the same problems although we may reach solutions differently. We come to these meetings to share our knowledge, to learn from each other, and to foster as

best we can the importance to society of the rule of law and of the decisions made by Judges deciding disputes without and without direction or interference from others and without personal gain in the outcome. We are pleased to have the Judges from Kazakhstan with us as we meet to pursue these common goals.