



JUDICIAL MENTORING TOOLKIT

November 2018



**FEDERAL COURT
OF AUSTRALIA**





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Toolkits are evolving and changes may be made in future versions. For the latest version of the Toolkits refer to the website - <http://www.fedcourt.gov.au/pjsi/resources/toolkits>

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstances.

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PJSI Toolkits

Introduction

The Pacific Judicial Strengthening Initiative (PJSI) was launched in June 2016 in support of developing more accessible, just, efficient and responsive court services in Pacific Island Countries (PICs). These activities follow on from the Pacific Judicial Development Program (PJDP) and endeavour to build fairer societies across the Pacific.

Toolkits

PJSI aims to continue ongoing development of courts in the region beyond the toolkits already launched under PJDP. These toolkits provide support to partner courts to help aid implementation of their development activities at a local level, by providing information and practical guidance.

Toolkits produced to date include:

- Access to Justice Assessment Toolkit
- Toolkit for Public Information Projects
- Enabling Rights & Unrepresented Litigants Toolkit
- Judges' Orientation Toolkit
- Trainer's Toolkit: Designing, Delivering and Evaluating Training Programs
- Toolkit for Review of Guidance on Judicial Conduct
- Family Violence/Youth Justice Workshop Toolkit
- Time Goals Toolkit
- Reducing Backlog and Delay Toolkit
- Judicial Decision-making Toolkit
- Toolkit for Building Procedures to Handle Complaints about Judicial Conduct
- Annual Court Reporting Toolkit
- Project Management Toolkit
- National Judicial Development Committee Toolkit
- Human Rights Toolkit
- Gender and Family Violence Toolkit
- Judicial Orientation Session Planning Toolkit
- Efficiency Toolkit
- **Judicial Mentoring Toolkit**

These toolkits are designed to support change by promoting the local use, management, ownership and sustainability of judicial development in PICs across the region. By developing and making available these resources, PJSI aims to build local capacity to enable partner courts to address local needs and reduce reliance on external donor and adviser support.

PJSI is now adding to the collection with this new toolkit: **Judicial Mentoring Toolkit**. This toolkit aims to support and reinforce the judicial education programmes available to new judges around the Pacific under the PJSI, through a quick introduction to the art and science of judging and an established mentoring program with experienced Judges.

Use and Support

These toolkits are available online for the use of partner courts. We hope that partner courts will use these toolkits as/when required. Should you need any additional assistance, please contact us at:

pjsi@fedcourt.gov.au

Your feedback

We also invite partner courts to provide feedback and suggestions for continual improvement.

Dr. Livingston Armytage

Technical Director, Pacific Judicial Strengthening Initiative, November 2018

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1. Introduction

Judicial mentoring is where a senior experienced Judge, with the agreement of a new Judge, takes an active interest in the professional development of the new Judge.

The word “mentor” is Greek in origin. Mentor was the trusted friend of Odysseus. When Odysseus went to fight the Trojan War he left his son in the care and direction of Mentor. And so a “mentor” became a trusted advisor, a teacher and a friend.

The idea behind mentoring here is to support the new Judge so as to quickly introduce them to the art and science of judging. This help and support from experienced Judges is the essence of the mentoring relationship.

Judges on appointment do not immediately become experienced fully functioning judicial officers. Like any professional starting a new position, they need help and support from experienced colleagues. The need for help and support is especially important in the Pacific Islands. Often judges in the Pacific Islands work in isolation, and without the support that Judges in more populous countries may take for granted.

If used as intended, the **Judicial Mentoring Toolkit** can give Pacific Island Judges a significant boost *especially* in the first six months of their judicial life. This toolkit will also support and reinforce the judicial education programmes available to new judges around the Pacific.

2. Attributes of a Mentor Judge

What are mentor Judges, what attributes do they need and what should they do?

A mentor Judge has a number of functions. The mentor Judge needs particular skills and characteristics to be effective. Defining the roles necessary for an effective mentor Judge identifies the skills and characteristics required of that Judge.

A Good Mentor Judge Needs:

To be a good listener

The mentor Judge will need to ensure that they are available to the new Judge, and listens and reacts to the new Judge's experiences.

To be a guide

This involves both reactive and proactive action. The mentor Judge must ensure they are available so that there are regular structured meetings between the mentor Judge and the new Judge. The mentor Judge must be available when need arises for the new Judge. Such a guide does not tell the new Judge what to do. She/he offers suggestions as to how to approach, how to analyse and how to research a problem. The mentor Judge points the new Judge in the right direction, but does not direct an appropriate outcome.

To be a supporter

The new Judge will need all the support they can get when they start their new position. They will be anxious about their knowledge and performance. The mentor Judge will need to be a reliable, supportive encourager for the new Judge - someone the new Judge knows they can rely upon.

To be a role model

The mentor Judge will need to have high respect within the judiciary and will need to show the new Judge the highest standard of judging. The new Judge should sit with the mentor Judge as soon as can be arranged following the swearing-in of the new Judge. The mentor Judge will illustrate the attributes of a senior respected Judge.

To provide feedback

Other than appellate judgments, Judges rarely know how they are seen by others. The mentor Judge, by reviewing the new Judge's decisions (after delivery) can provide important feedback. The feedback must be straightforward, honest, specific and constructive. It should identify what has been done well and what can be improved.

To be a facilitator

There will be much about the court administrative arrangements the new Judge will not know. The mentor Judge will need to ensure the necessary relevant information is provided to the new Judge. This will include the relevant arrangements with the Government Department responsible for supporting the new Judge.

To be a confidant in all things

The essence of a mentor system is confidentiality. What is discussed between the mentor Judge and the new Judge is confidential to them. The mentor Judge is not free to discuss any matters relating to the new Judge unless the new Judge expressly consents. Anything less than this standard of confidentiality will undermine the integrity of the relationship. Most importantly, mentoring is not a way for the head of court (or the Chief Justice) to keep tabs on how a new Judge is working out.

The new Judge/mentor Judge contact should wherever possible be in person. Where it cannot be, then the Judges will be able to keep in touch by telephone, email or Skype. The more personal the contact, the more the mentor relationship will be enhanced.

3. Mentor Selection

The head of bench, or the Chief Justice, will need to select a mentor Judge for a new Judge. The new Judge should be consulted. She/he may have views on who might be suitable or unsuitable as a mentor for them. This toolkit sets out (see **Section 2**) the important attributes of a mentor Judge: a good listener, a guide, a supporter, a facilitator, a confidant and above all, a role model. These will be the attributes those selecting the mentor Judge will look for.

A mentor will generally be a highly respected and experienced Judge with patience and empathy, with experience in the new Judge's jurisdiction.

The mentor Judge should, if possible, be selected before the new Judge is sworn in.

Where the mentor Judge is to be chosen from outside of the new Judge's country, then it will be important if at all possible, for the mentor Judge to be familiar with the culture, language and courts of the new Judge's country (see **Sections 7.1-7.4**).

4. Mentor Training

Ideally there will be a formal training day for mentor Judges around the Pacific. However, currently this is unlikely to be possible. The mentor Judge will therefore have to prepare themselves with the aid of this toolkit and any further background material they may wish to read.

We suggest the mentor considers the following before the mentor relationship begins:

- a) Read and understand the toolkit;
- b) Read and understand the checklists provided;
- c) Identify what the mentor Judge considers should be in the mentoring plan including: topics for discussion, meeting arrangements, programme for short and long term sitting by new Judge, and the new Judge's needs;
- d) Research the administrative requirements for the new Judge and ensure court administrators understand their obligations;
- e) Consider how confidentiality can be maintained; and
- f) Consider how the mentor Judge will arrange her/his sitting obligations to accommodate the new Judge's needs.

5. The Mentor Programme

5.1 Introduction

The mentor programme will have three parts:

1. The mentor Judge supporting the new Judge in the necessary administrative arrangements consequent upon appointment;
2. The new Judge sitting with a variety of Judges shortly after appointment; and
3. The programme of support and help between the mentor and new Judge for the first six months after appointment.

All of these will be discussed in greater detail below. Depending on whether the new Judge sits in a large or small jurisdiction, these three parts will have a different focus.

When a new Judge starts work, they will be understandably anxious about the new position. Judging is a very public position. When things go wrong with a Judge the public know. How will Judges handle this pressure?

A system of mentoring by senior Judges is designed to make the transition to a Judge as stress-free as possible. It aims to ensure all the administrative arrangements necessary for a new position taken care of, and it aims to ensure that new Judges are as well prepared as possible for their new public function through the guidance of a senior experienced Judge. This toolkit considers each of the three parts in turn.

5.2 Administrative Arrangements

As with the transition to any new position, the appointment of a new Judge involves a number of administrative arrangements. It is the mentor Judge's function to ensure these administrative tasks are efficiently performed to help with a smooth transition to the new position.

The mentor Judge will first need to identify what help there is for the initial administrative arrangements. Is there a bench book available to the new Judge which includes administrative arrangements? Does the local Court Registrar have the relevant administrative information for the new Judge, or is the new Judge effectively left to her or his own devices? Whatever the situation in the new Judge's jurisdiction, the mentor Judge will have an important role to ensure the administrative introduction of the new Judge covers all that is necessary.

Before Swearing-In

The mentor Judge will need to check (typically with the Court Registrar) to see the appointment process has been properly arranged. This will include ensuring the relevant swearing in has been arranged and the relevant warrant signed with a copy to the Judge and the Court Registrar.

The mentor Judge should discuss with the new Judge what court clothing is appropriate for day to day court sittings.

The mentor Judge should discuss the Judge's salary and ensure the Court Registrar (or other relevant person) has the necessary information (including the Judge's bank account number), so that the

Judge's salary commences at the correct date. The mentor Judge should discuss any systems of travel/accommodation payments and ensure the new Judge has written material explaining the claim system.

The mentor Judge should ensure the new Judge is introduced to all the court staff in the courts in which the Judge will sit. The mentor Judge could undertake these introductions personally or in a circuit court ensure the Court Registrar does so.

The mentor Judge will need to ensure the new Judge is shown her/his office/chambers (if any). The mentor Judge should ensure the new Judge is told what office supplies/equipment the Judge is provided with and how to obtain further supplies. The mentor Judge should ensure the new Judge is aware of what typing support is available and how to obtain that resource.

The mentor Judge should ensure the new Judge is shown the Law Library (if any) available at her/his Court, given any legal resources including bench books and given electronic resources allocated to Judges in her/his jurisdiction. Where training in the use of these resources is required, the mentor Judge should ensure such training is provided.

The new Judge should be introduced to any other Judges in her/his location. Ensuring supportive fellow Judges will significantly help the new Judge's introduction to the new position.

After Swearing-In

The mentor Judge should arrange for the new Judge to visit any local prisons and mental health institutes, and any other organisations that the Judge will have regular contact with.

The mentor Judge should discuss with the Judge responsible for rostering the new Judge to ensure, as far as possible, a measured introduction to the new work at least over the first six months.

The mentor Judge should, if possible, arrange for the new Judge to sit with a variety of other judges with her/his jurisdiction in the first three weeks after swearing in.

The mentor Judge should discuss or arrange for a discussion with a suitable person what particular security arrangements (if any) there are for Judges in her/his jurisdiction. This ideally should include home security and security at court.

The mentor Judge should meet with the Court Registrar and ensure that all relevant administrative arrangements (see above) which are the responsibility of the court have been carried out.

5.3 Sitting with Other Judges

The second part of a mentor system involves the new Judge sitting with a variety of Judges within their jurisdiction (assuming this is possible). In the first few weeks of a new Judge's judicial life (if the Judge is to sit full time, or if not, appropriately adjusted) the new Judge should sit with several judges if this is possible.

When the new Judge sits with these Judges, she/he will not participate in any decision making but will be sufficiently close to "the action" to appreciate and understand what is happening. The new Judge is to listen and observe. After court each day the sitting Judge and the new Judge should discuss the day's events.

The process for sitting with other Judges and experiences different areas of judicial work is explained in greater detail below.

- The new Judge and the mentor Judge should discuss and agree on the particular judicial work the new Judge wants to observe with the variety of sitting Judges. The mentor Judge should ensure the arranged sittings reflect this agreement.
- The mentor Judge should send written instructions to all Judges the new Judge is to sit with. The instructions should include the programme of sitting that has been arranged. The instructions should set out for the new Judge and the sitting Judge the process described below.
- The new Judge should sit with a variety of Judges so that the new Judge sees a variety of judicial styles.

For each Judge the new Judge sits with, the following process should be observed:

- The new Judge and the sitting Judge should meet before court and discuss the cases for the day, and the sitting Judge should identify any particular points for the new Judge to look for.
- The new Judge and the sitting Judge should agree where the new Judge will sit in court. The best position for the new Judge is on the bench sitting beside the sitting Judge.
- Assuming the new Judge sits on the bench with the sitting Judge, the sitting Judge should announce to those in Court that although the new Judge will be sitting on the bench the new Judge will not be participating in any decisions in the Court.
- At suitable times, the sitting Judge should explain (discreetly) to the new Judge what is happening in court and why. Otherwise the new Judge should listen and observe.
- At any break in the court day and at the end of the day the sitting Judge and the new Judge should fully review and discuss the work of the day. The principle should be no question is foolish.
- The new Judge should as a result of discussion with the sitting Judge identify areas where further knowledge/instruction may be needed.
- At the end of each week of this initial programme, the mentor Judge and the new Judge should review the programme and decide if any change in the following week's programme is required.

As the new Judge's confidence grows, it can be appropriate for the new Judge to take over the court from the sitting Judge. Care should be taken that the work to be done by the new Judge is appropriate. At the end of the new Judge's sitting, the day should be reviewed by both Judges.

5.4 Support and Help from the Mentor Judge

The third and final aspect of mentoring is the work done between the mentor Judge and the new Judge relating directly to the new Judge's work. There are three stages to this final aspect of mentoring:

1. The **identification of training needs** by the new Judge and the mentor Judge;
2. The **identification of relevant information** by the mentor Judge for the new Judge; and
3. The **development of a learning plan** which includes the information from the above with goals, priorities and time frames.

Both the new Judge and the mentor Judge will together develop the above stages. They will cover the first six months of the life of a new Judge. The mentor Judge will be responsible for ensuring that this stage of the mentoring programme is completed. To do so effectively, the mentor Judge will need to be familiar with any orientation programme the new Judge has or is to attend.

5.4.1 Identification of Training Needs by Mentor Judge

As soon as possible after the announcement of the new Judge's appointment, the new Judge and mentor Judge should meet to identify the new Judge's training needs. **Annex 2** provides a list of issues that may arise in the criminal and civil jurisdictions (it may need to be amended to reflect particular issues in each jurisdiction). This list can be used by the new Judge and mentor Judge to develop a plan which identifies the needs of the new Judge. Further, the new Judge in consultation with the mentor Judge will need to identify what requires immediate attention and what can wait.

Finally, the Judges will need to identify how these learning needs and priorities will be addressed. In particular, the Judges may agree that over the following six months their regular meetings will address (in priority) particular learning needs at particular meetings.

5.4.2 Identification of Relevant Information by the Mentor Judge

There will be considerable material relevant to a new Judge which the new Judge is unaware of. It will be the mentor Judge's responsibility to introduce the new Judge to this material. **Annex 4** identifies this information (each mentor Judge may identify additional information).

The following is a brief summary of some of these issues:

(a) Judicial Ethics

Some judiciaries (for example New Zealand and Australia) have developed guideline booklets for Judges on judicial ethics. If the court in which the new Judge is to sit does not have such a guideline, the New Zealand or Australian guides can be accessed on the relevant electronic site. Further, **Annex 1** is a summary of the Bangalore Principles, an international guide to judicial ethics. The mentor Judge and the new Judge will need to discuss the relevant ethical principles.

(b) Disqualification

A judge may be disqualified from sitting on a particular case for a variety of reasons. This is typically because the Judge has some form of personal interest in the case to be heard. The mentor Judge and the new Judge will need to thoroughly discuss the circumstances under which a Judge may be disqualified from hearing a case and the appropriate process leading up to a decision by the Judge as to whether disqualification is appropriate. The mentor Judge will need to be familiar with any local judicial disqualification decisions and other decisions from common law countries.

There are particular problems in applying established principles of judicial disqualification in small country jurisdictions. Often there will be no other judge available to hear a case if the local Judge disqualifies him or herself. The mentor Judge will need to discuss alternative strategies to deal with such difficulties.

(c) Contempt of Court

This is an area of concern and difficulty for new Judges. Mentor Judges will need to discuss with new Judge's techniques for dealing with disruptive persons in Court. The mentor Judges will need to identify the circumstances under which judicial deafness and blindness are called for. The mentor Judge will need to identify and discuss a process for dealing with a disruptive person where judicial intervention is required. The mentor Judge will need to identify any relevant statutory provision which applies in the new Judge's jurisdiction.

(d) Bench Books and Research Tools

Bench books especially in some Pacific Islands can be particularly valuable for the new Judge. The mentor Judge should introduce the new Judge to the Bench Book. Further the mentor Judge should identify relevant research materials available for the new Judge. Many Pacific jurisdictions have modest and some no physical law libraries. However, there are significant electronic legal resources available. The mentor Judge should assist the new Judge to access these electronic resources (including the Pacific electronic resource www.PacII.org).

(e) Court Craft and in Court Administration

The mentor Judge should discuss with the new Judge what style and approach the new Judge wishes to take in Court. The new Judge may not have had significant court experience and so understanding the need for Court craft will be important. Such basic information for example, as a lawyer/litigant standing when speaking to a Judge, bowing to those gathered in Court when entering or leaving Court, and ensuring the Court runs in a calm courteous atmosphere is important. The mentor Judge can significantly reduce the new Judge's anxiety by discussing the process for calling and hearing criminal and civil cases so that the new Judge is familiar with in court administration.

(f) Decision making templates

Annexures 5, 6, 7, and 8 are templates for bail decisions, sentencing remarks, a defended criminal case and a civil case. They are designed to give new Judges a structure for some of the basic decision making of a Judge. The mentor Judge should be familiar with these templates. The new Judge should be encouraged to use the templates early in their judicial career. If the templates are followed by the new Judge, then they will have a structure for their decisions which provide for a logical step by step process to reach a rational decision. The mentor Judge will need to be familiar with the templates and how they work.

The templates will ensure all of the factors relevant to each template category are considered by the new Judge. The use of such templates is not compulsory. However, if the new Judge does not wish to use the templates, the mentor Judge should encourage the new Judge to develop their own structure which covers all relevant factors, has a logical sequence and can be used on each occasion a decision and reasoning is required.

5.4.3 Development of Learning Plan

Once the new Judge and the mentor Judge have agreed on what the new Judge's learning needs are, they will need to agree on priorities. The new and mentor Judges should ask the question – "What

does the mentor Judge need to know and understand now?” – and “What is less urgent?” The answer to those questions should help the Judges agree on a priority list.

The next stage is to develop a timetable for meetings between the two judges to allow them to discuss the topics identified in the learning needs assessment as well as providing time for the Judges to discuss the day to day work of the new Judge. This should include a regular review of decisions of the new Judge.

The programme prepared by the Judges will need to:

- Identify the particular learning goals;
- Identify the priorities;
- Identify the relevant time frame;
- Provide for meeting times for in court work review;
- Provide for meeting times for learning needs discussion;
- Provide for meeting times for discussion of administrative needs; and
- Provide for sitting time for the new Judge with other sitting Judges including review.

This programme should be reduced to writing by the mentor Judge and agreed to by the new Judge.

5.4.4 Review of Mentor Programme

After the first few weeks of sitting in other courts or in the new Judge’s own court, the mentor and new Judge should undertake a review of the agreed programme. Adjustments may well be needed to the programme. Such a review should be undertaken at least every two weeks to see if the programme is meeting the learning needs of the new Judge. If it is not changes should be made. Again it is vital that the Judge’s diary ahead specific meetings for specific purposes. The mentor Judge will need to ensure these meetings take place and if for any reason cancelled, an alternative date is arranged.

6. Some Guidance for Mentor Judges

As this toolkit has noted, the function of the mentor Judge is to guide and advise but not direct. However, there will be times when the new Judge contacts the mentor Judge with a problem that requires an immediate answer. In such a situation the best solution may be to give the answer. But the “answer” should never be a direction as to how decide a particular case or even part of a particular case.

Sometimes a procedural problem will arise where the mentor Judge considers she/he can give a “directive” answer. Giving such direct answers should be rare. If they are not, the new Judge may become reliant upon the mentor for a decision. This is the antithesis of a useful mentor relationship.

Where the new Judge has an issue to discuss these questions for the mentor Judge can be useful:

- (a) What are the facts? Check that the new Judge has obtained all the relevant facts;
- (b) Exactly what is the issue – having the new Judge expressly identify (often in writing) exactly what the issue is she/he is concerned about can help with the solution;
- (c) What is the new Judge’s tentative view and why?;
- (d) What are the alternative views, and why?;
- (e) Can the mentor Judge identify any other possibilities and if so what are the arguments for and against?; and
- (f) A review of the strengths and weaknesses of all alternatives will typically point to a particular solution.

Here the mentor Judge gives the new Judge a structure for organising their thoughts, identifying the real issues and marshaling the competing arguments. In the end it is the new Judge who reaches the conclusion about the problem.

Where the new Judge and the mentor Judge identify a lack of knowledge or practice in particular areas of judging, the mentor Judge can develop practice scenarios for the new Judge. For example, if the concern is sentencing the mentor Judge can prepare a set of facts, relevant sentencing submissions and relevant reports for the new Judge to prepare sentencing remarks. The prepared remarks can then be discussed.

7. Mentor Programme – Small Jurisdictions

7.1 Introduction

The essence of the mentor programme should be maintained irrespective of the size of the new Judge's jurisdiction. However, in small jurisdictions adjustments will be required.

In some smaller jurisdictions it will not be possible for a local experienced Judge to be a mentor. Often there will be no such person. Typically the courts will not sit each day and so the Judges will not sit full time. Sometimes they will sit no more than once per month. New Judges in these smaller jurisdictions will especially need the help and support of a mentor Judge. In many of these small jurisdictions, the Judges are on their own. Judicial isolation means increased mentor support is called for.

Chief Justices in these jurisdictions may wish to extend the mentor system beyond the standard six months to accommodate the fact that their courts may not sit every day or every week.

7.2 Who Can Be a Mentor in a Small Jurisdiction?

The ideal mentor is a senior, experienced Judge within the same court level and country as the new Judge. Every effort should be made to identify such a person in each jurisdiction.

Where such a Judge is not available, there may be three alternatives:

1. A Judge within the same country as the new Judge, but a higher level court than the new Judge;
2. A retired (but active) Judge from the same country and jurisdiction or a higher court; and
3. A Judge or a retired Judge from a country other than the new Judge's, but preferably with some connection to the new Judge's country.

A Judge from a Senior Court within the Jurisdiction

There are definite and obvious advantages in choosing a mentor Judge who works within the same country as the new Judge. Such a mentor Judge will know the court system and the rules, practice and substantive law practiced in the new Judge's court.

The disadvantage is that such a mentor Judge might sit on appeals from the new Judge. If such a mentor Judge is appointed then the mentor Judge may feel she/he cannot sit on any appeal from the new Judge while acting as the mentor Judge. Given that a mentor relationship involves high levels of trust and the likely development of personal relationship, hearing such appeals may undermine that relationship. The Judges should follow the standard mentor programme.

Retired Judge within the new Judge's Country

The advantages of such a mentor Judge include those listed above. Further, the retired mentor Judge could have been from either the new Judge's court or a superior court. The concerns about conflict mentioned in above would not arise with a retired Judge. The other advantage is that the retired mentor Judge is likely to be able to have personal contact with the new Judge (as opposed to a mentor Judge who is from another country, as below).

The disadvantages include: the inability of the mentor retired Judge to sit in court with the new Judge and show appropriate judicial conduct, and depending on the time of retirement there may be concern about the retired Judge's understanding of current substantive and procedural law. Preference should therefore be given to a recently retired Judge assuming other necessary attributes of a mentor Judge are present. The Judges should follow the standard mentor programme.

Out of Country Mentor Judge

If no in-country Judge (retired or sitting) is available or none are suitable mentor Judges, then consideration should be given to appointing a suitable sitting or recently retired Judge of another country. If the appointment of such a mentor Judge is being considered and the Judge is a sitting Judge, then the permission of the Chief Justice of the proposed mentor Judge should be sought for the appointment. If the mentor Judge is retired, it will be courteous to let the Chief Justice of the country of the retiree know about the impending appointment. The standard mentor programme will require some adjustment as follows.

7.3 Some Guidance about the Appointment and Functioning of an Out of Country Mentor Judge

If possible the overseas mentor Judge should be known to the new Judge. The overseas mentor Judge should, if possible be familiar with the culture, language and legal system of the new Judge's country. Generally in-person contact will not be possible for the mentor Judge and the new Judge. However with Skype and other electronic support, close contact should be able to be maintained.

The ideal arrangement would involve the mentor Judge travelling to the new Judge's country for an initial meeting. Financial constraints may mean this is not possible but the new Judge's Government may be able to fund such an arrangement. Should such a visit be possible, the Judges should set an agenda to be covered ahead of time.

The agenda could include:

- Ethical issues and judge disqualification;
- The new judge's short-term sitting programme;
- Identification of an administration officer responsible for judicial administration arrangements; and
- The information necessary to complete a mentoring plan.

Such remote mentoring will require much of the mentor Judge. They will need to be familiar with the procedures and peculiarities of the law in the new Judge's jurisdiction. The advantage of out of country mentor Judges includes a broad range of potential mentor Judges to choose from, insight into other jurisdictions and how they solve the many universal legal problems.

7.4 Mentor Programme in Small Jurisdictions with an Out of Country Judge

The mentor Judge and the new Judge will together need to design a particular mentor programme which suits both their needs as soon as possible after the initial meeting.

The programme will need to consider the following issues:

- Administrative Support: Unlike the in-country mentor, the out-of-country mentor is unlikely to have the depth of understanding enjoyed by an in country mentor. The out of country mentor Judge will need to identify a court registrar, or member of the relevant Government Department (Justice or Courts) who has the relevant information and who can inform the new Judge about the administrative arrangements for her/his appointment. The mentor Judge's position will be to ensure that identified person provides all relevant information to the mentor Judge;
- Daily review of the new Judge's work at the initial stage after appointment is unlikely to be possible. It is however vital there be pre-arranged contact between the two Judges. When the new Judge begins sitting in court a review of the work every two weeks or every month should occur. The Judges should consider a pre-sitting review of the cases to be heard and a post-sitting review of the cases dealt with;
- Regular pre-programmed contact to discuss more general judicial issues, for example: ethics, court conduct, and difficult litigant behavior should be provided for;
- The overseas mentor Judge will need to be available for urgent and regular contact with the new Judge. A reliable system of contact between the Judges will need to be established. For example, the mentor Judge might check emails every lunchtime and after court adjourns for the day to identify any urgent request;
- The development of practice scenarios can be especially useful with remote mentoring. The new Judge and the mentor Judge will need to identify where practice is needed. The mentor Judge can develop the practice scenarios based on the areas where practice is needed. After the new Judge has completed the exercise the new and mentor Judge can discuss; and
- The relevant Chief Justice may wish to oversee this programme, not as a check on the new Judge's progress, but as a way of ensuring the mentor programme is being carried out.