



Pacific Judicial
Integrity Program

Advanced Judicial Officers' Fraud and Corruption Online Course

Decision Making Session

Kathleen M. Salii, Presiding Justice of the Trial Division

Palau Supreme Court



**FEDERAL COURT
OF AUSTRALIA**



Papua New Guinea
Centre for Judicial Excellence

Decision Making

- Where are you
- Where are you going
- Best way to get there



Outline

- 1. Issue**
- 2. Rule**
- 3. Analysis**
- 4. Conclusion**

Bias

- **Unconscious** Bias
 - Time pressure to render decision
 - Privilege of Power
- **Apprehended** Bias
 - If it appears to a reasonable observer that a judge is unable to decide the matter impartially



Objections at Trial

- Evidentiary
- Types of Questions
- Foundational

- Know your attorneys
- Most foreseeable bases for objections have been addressed pre-trial

Ex tempore

- “out of the moment”
- Rendering a ruling or decision “from the bench”
- Immediately or shortly after a case is heard



Oral vs Written Decision

1. Audience
2. Purpose of the decision

Conclusion

Decision, including reasons, which are:

- Comprehensible
- Concise
- Convincing
- Complete



PJIP



Conclusion

Judicial officers are privileged to be entrusted by the public.

Particularly in fraud and corruption cases, decisions should reflect highest standard of performance, professionalism and ethics.

If we don't know where we are going, we will end up going every which way.

In crafting rulings or decisions throughout a complex corruption and fraud case, keeping in mind the goal of issuing clear, concise decisions benefits everyone. That can be achieved when you have a roadmap/
checklist/template/outline.

Ke Kmal Mesulang.