



Judicial Conference of Australia

**Media release by the President
of the Judicial Conference of Australia
30 October 2018**

**Judicial association says analysis of
Federal Court's work is fundamentally flawed**

“The Judicial Conference of Australia (JCA) endorses the response of the Chief Justice of the Federal Court to the article by Aaron Patrick in the *Australian Financial Review* on 26 October 2018, the President of the JCA, Justice Judith Kelly said today.

“As that response accurately and succinctly points out, the analysis in the Patrick article is fundamentally flawed,” she said. “The “statistics” cited fail to account for, among other things:

- the state of the lists in the various registries and the amount of time available immediately after matters were heard in which to write judgments;
- the length and complexity of the matters heard and determined by individual judges during the limited time period over which the “statistics” were compiled for the article;
- the amount of time spent by individual judges case-managing matters which settle either before trial or part-heard and the clearance rate as a result of settlements;
- the work done by Federal Court judges sitting from time to time in other jurisdictions and other non-judicial work performed by individual judges (for example on committees, on Law Reform Commissions, and in judicial education in our region); or
- the appellate work of the court in which all judges participate, but which not all judges participated in equally in the limited period covered by the analysis in terms of either number of appeals or complexity of cases heard on appeal.”

Justice Kelly said that, as the Federal Court had pointed out in its response, the Court's work is not homogeneous and of a repetitive character. It conducts a wide variety of work, including in areas of significant specialisation.

“It is neither meaningful nor helpful to compare the work of individual judges, and to purport to judge their productivity, by such simplistic methods of analysis as average number of words or paragraphs per day without taking any account of these qualitative and quantitative factors,” Justice Kelly said.

The Judicial Conference of Australia is the professional association of judges and magistrates in Australia.

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The President of the JCA is not available for broadcast or television interviews on this matter.