

INSTRUCTIONS TO INTERVIEWERS

Thank you for agreeing to help with this book project and agreeing to interview a judge. The following are guidelines to help you know what it is we are looking for and to keep a degree of consistency in the chapters. If you have any questions please contact one of the editors David Lowe D.Lowe@ljmu.ac.uk or Dilip Das dilipkd@aol.com

Main Aim of the Interviews (and the Book): Suggested guidelines for interviewers.

We have listed a number of topics that should be covered in the interview. Please try to cover the topics mentioned below acknowledging that the conduct and flow of the interview will dictate this. Also, feel free to add, elaborate, follow up as you see fit and necessary to clarify points, expand on ideas, or pursue an insight offered.

All the topical areas should be asked, but the specific questions listed below for each topic area are suggestions. Interviews have their own dynamics. Follow them down their most fruitful avenues, using questions which cover the topic and fit the interview. Since each of you will be interviewing justices or judges from different world legal systems, the list and sequence of questions may be adjusted in any case.

The wording of questions is, of course your own. In follow-up questions, try to get specific examples or details of generalizations made. (Examples are **probably** among the most useful pieces of information to readers.)

General Themes to be covered in the interview

The main goal of the interviews is to present the views and interpretations of legal developments and current issues in the criminal law and procedural field by experienced justices and judges. What do they see happening in the criminal courts and legal profession in their countries and internationally, and, how do they evaluate or interpret developments?

There are many interpretations of legal issues by scholars and policy makers who are not

justices or judges, or from outside the organization. What we would like to have are interpretations from within the organization and by the individuals making the judicial decisions. We are also seeking is to build personal profiles of the judges interviewed: Their career, background, influences that shaped their personality, their successes, failures, joys, temptations and frustrations in their career, in their job.

We are looking to obtain responses on the general themes of:

1. What do justices and judges see happening in criminal law and procedure?
2. What are the issues they consider important?
3. What changes do they see as successes or failures, what as likely lasting futures or passing fads?

The reason for the interviews is that justices and judges do not get time to write and reflect on their experiences, views, opinions and perspectives. We are requesting researchers like you to record their views and make them meaningful contributions to our understanding of criminal law and procedural problems of today. This may involve the interviewer going beyond simple questions and answers to allow the interviewer to analyze and reflect on the issues discussed. The interviewer needs also to bear in mind the core elements of the personal profile of the interviewee should also be brought out.

Role of the Interviewer

The basic goal of the interviews is to capture the views of the justices or judges, not those of the interviewers. Your role should not be to be too critical or interpret what they meant to say, but to write as accurately as possible what they told you. When we said above, 'reflect', we hope you reflect on what the official said, not on what your views are of the issues discussed. It is the judges' views, based on their career, experience and thinking, that we are

interested in. We know what scholars think about legal issues, but we know less what the people who do the judging think about and how they evaluate trends, developments and issues in criminal justice. That is the important goal.

Having said that, by not being too critical, we do not mean to suggest that you should not challenge and draw out what it is that the justices or judges tell you. We do not want the official rhetoric that high level people sometimes fall back on during interviews; we want their personal views and thinking. If you have the sense that you are getting the formal language, see if you can get the justices or judges to go beyond that and push them for their own views. The basic reason for doing the interviews in the first place is our firm belief that justices and judges know a lot; it is that knowledge and their judgments of the legal issues that we are after.

What to do before the interview.

Get a sense of how much time you are likely to have and what questions you can get to during that time. In no interview will you be able to ask all the questions you want. And, when you write up the interview, you will have space for about 6-8,000 words. Choose your priorities. The top priorities for us are the reflections by the judges or justices interviewed on changes experienced and the interrelations of theory and practice as well as the insights into the person. These are high priorities for the book.

Topic areas which should be covered in the interview

Section 1: Career

Q1. Tell us a little bit about your career? (Try and include here the length of service as a judge, organizations worked in, movements, specializations, etc.)

Q2. As your career as a judge has developed what has surprised you?

Q3. Has your work as a judge proved as interesting or rewarding as you thought it would when you first started?

Section 2: Personal judicial philosophy

Q1. What do you think should be the role of the judiciary in society?

Q2. What should be their job, functions and responsibilities? What should be left to others?

Q3. What organizational arrangements work and which do not?

Q4. What policies on relations with the community, with political groups, with other criminal justice organizations work well? What hampers cooperation with other agencies and groups?

Q5. How difficult is it for judges to relate to the living and social conditions of those from economically deprived backgrounds who appear before them?

Q6. How can a judge develop empathy for those from the lower rungs of the social division in society from which they can derive a degree of understanding why that person before them did what is alleged?

Q7. How should the criminal legal system in your country be performing? What should be the preferred priorities and strategies; hard edged crime control, prevention, services, order work, what mix for which types of problems, etc.?

Section 3: Problems and successes experienced

Q1. In your experience what policies or programs have worked well and which have not? And can you speculate for what reasons?

Q2. What would you consider to be the greatest problem facing the criminal courts at this time?

Q3. What problems in courts do you find is the most difficult to deal with?

Q4. What would be easy to change? Internal problems (culture of the organization, managerial deficiencies, allegations of corruption or gender related problems, etc.) or externally generated problems (resources, community support, etc.)? Is anything easy?

Section 4: Theory and Practice

Q1. What should be the relationship between theory and practice?

Q2. What can practitioners learn from theory, and what theory builders from practitioners?

Q3. What is the relationship right now? Does it exist? Does it work?

Q4. What holds collaboration or interactions back?

Q5. What kind of research, in what form, on what questions would you find most useful for practice? If not very useful, what could or should theory builders do to make their products more useful to you?

Q6. Where do you find theory based information? Where do you look? What journals, books, publications, reports?

Q7. Does the judiciary carry supplementary research outside the research required with pending cases? If so, what are the areas, issues or questions of law researched?

Section 5: Transnational relations

Q1. Have you been affected by, and how, in the work of your organization by developments outside the country (human rights demands, universal codes of ethics, practical interactions with judges or justices from other countries, personal experiences outside the country, new crime threats, etc.)?

Q2. Have those interactions been beneficial or harmful? What kind of external international influences are beneficial and which ones less so?

Q3. How have developments post the terrorist attack in the USA on September 11 2001 affected your work?

Section 6: General assessments

Q1. Are you basically satisfied or dissatisfied with developments in criminal law and criminal procedure in your system?

Q2. What are the most likely developments you see happening and which would you like to see happening?

Q3. What is most needed now to improve the system?

After the interview

1. Please write a short introduction to the actual interview. The introduction should:
 - a. Summarize the highlights of the justices or judges' careers, some of this information you can get from the interview and other parts from published sources or vitae.
 - b. Briefly describe the basic structure of the **legal system** in your country. You have to be the judge of how much an informed reader is likely to know about the country and how much should be explained.
 - c. Describe, briefly, the interview itself. Where, when, how pleasant or not, etc.
2. You should, if at all possible, tape record the interview. For publication, edit the interview to bring out the most important discussion and answers. Chances are you will have much more information than we will have space for your interview in the proposed book.
3. Write a short conclusion on your impression of the interview. What the major themes were, how well the views expressed accord with known literature, but do not be overly critical on this point, please. Again, keep it brief.
4. Write a glossary of terms or events mentioned in the interview a reader might not be familiar with, for example, if interview is with a **German judge** and the '**Rechtstaat**' is mentioned, describe very briefly what that is, or, if interviewing an **American judge** and the **Miranda Warning** is mentioned, describe what the warning is. Just select the most likely items non-experienced readers might not know.

5. We have had two basic styles in writing up interviews. Both are acceptable, but we prefer the second style. One style is to simply transcribe the interviews - questions asked, answers given. The second style, which requires more work, is to write short statements about the topic of a question and then insert long excerpts from the interviews. The main point is to have the voice and views of the judge being interviewed, not your own.

6. Send the completed interviews to the editors.

Including the introduction, conclusion and glossary of terms, the total word length of the interview should be about 6-8,000 words.

Finally, each interview will be a book chapter which should be useable to teach students in a university class/professional institute or as a book, it should be a source of knowledge and information to readers interested in legal systems including judges, lawyers, prosecutors and related professionals.