Regulation of the judiciary in Australia

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Introduction

The role of the judiciary as a central part of the justice system is recognised in international instruments [1], by the requirements of the legal system of individual countries [2] and by international organisations such as the World Bank. Regulating the judiciary is an essential part of the fight against corruption in order to protect the rule of law. However, calls for an Australia-wide regulatory body overseeing the judiciary, even at the State level in Australia, have met with considerable resistance[3]. What regulation of the judiciary is there in Australia, what are the proposed changes, and how does this impact on the rule of law and the fight against corruption, in particular judicial corruption? Given that this conference is taking place in Macau, do these developments in Australia provide any information of assistance for the rapidly developing and changing legal structures in place in China?

This report is a brief overview of:

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[1] International Covenant on Civil and Political Rights; Universal Declaration on Human Rights; European Convention on Human Rights.

[2] See, for example, in Australia "The Federal Judiciary in Australia", The Honourable Murray Gleeson, Chief Justice of the High Court of Australia, speech delivered to the Federal Magistrates Conference 2005.

[3] In "National judiciary sparks debate", *The new lawyer*, 3 February 2010, Kate Gibbs notes that the Federal Opposition has called the concept "profoundly antifederal". A good example of the vehemence of the resistance in some quarters can be found in comments by Mr Justice P W Young AO in the Australian Law Journal, which describes the reform as "obviously welcome to centralists" and to "the half dozen large law firms which practise throughout the country", Mr Justice Young adds that it is "not welcome to many other sections of the profession and the community" and goes on to say:

> "The word "regulations" is, or at least was, a good word for socialists. However, in many parts of the Western world, even socialists have seen that deregulation and privatisation may be the way forward. "Regulation" often means increased costs through the employment of more public servants who insist on adherence to strict formulae, KPIs and regulations, but are a little weak on preventing fraud because of ignorance as to how the industry works. …In a country the size of Australia, there are many local factors in any profession or industry which tell against central regulation. Further, whether the pundits like it or not, there is considerable support for the proposition that a profession which has pride in its status is usually the best method of policing the "bad apples". ("Current Issues", (2010) 84 ALJ 143.

- The legislative structure in Australia concerning corruption, and what is considered as corrupt conduct;
- The proposals for reform put forward by the Legal and Constitutional Affairs Reference Committee of the Parliament of Australia for the regulation of the judiciary, including a national complaints body;
- The existing system for regulation of judges upon which those recommendations are largely based, namely the NSW Judicial Commission and the National Judicial College of Australia, a self-regulatory body; and
- I conclude with some general comments about judicial independence and the rule of law in China.

The question posed in session II of our conference is what sort of body should have oversight of corruption issues. There are already ICAC and Ombudsman offices in Australia; the objective of this discussion paper is to review discussion of corruption and the rule of law in the debate over whether a national regulatory body for the whole of the legal profession, including the judiciary, is appropriate.

Fighting Corruption in Australia – the Legislative and Criminal Law Framework

Australia does very well in international indexes such as the Transparency International Bribe Payers Index, but recent events suggest this may not accurately reflect the true situation. Geoffrey Robertson QC[4] pointed out that the absence of Anti-Corruption Commissions means that it is difficult to assess true levels of corruption in countries like Australia. He notes that at a time when Transparency International's Bribe Payer's Index in 2002 listed Australia as the country where companies were least likely to offer bribes to win business, businessmen at the Australian Wheat Board were allegedly paying massive bribes totalling US$225 million to Saddam Hussein as part of the "Oil for Food" scandal. Robertson notes that it would have been

[4] G. Robertson QC "The Media and Judicial Corruption", Global Corruption Report 2007 – Corruption in Judicial Systems, Transparency International 2007.

difficult for the Australian media to expose this without risking a potentially crippling defamation suit because of the lack of a public figure or public interest offence for the exposure of business corruption. To this can be added the news that no prosecution has ever proceeded for any of the matters exposed by the Wheat Board Inquiry.

I shall first pose the question "what is corruption?", as this is the question proposed in session I, and give the answer from an Australian point of view. No single test brings together the different kinds of conduct that may amount to corruption involving an official in the justice system; a definition of "corruption" in s 8 *Independent Commission Against Corruption Act* 1988 (NSW) sets out (at s8(2)) 25 different acts ranging from bribery to conspiracy. Bribery of a public official is perhaps the best example. All Australian jurisdictions have crimes which punish the bribery of public officials including judges[5], jurors, court or prison staff and witnesses[6].

The first step is to determine whether the person bribed was carrying out official duties. In *R v McCann* [1998] 2 Qd R 56 a driver in the privatised prison service who smuggled an illegal package into the prison was held not be a public officer within s 87 *Criminal Code* (Qld). Next, there must be a relationship between the bribe and the function, and the question is whether the offeror's intention is to incite the recipient to act improperly. Finally, bribes do not have to be money; they can include sexual favours or gifts claimed to be Christmas presents[7], but meat and drink of small value were exempted by the early English writer Coke[8].

Australia has Ombudsmen at both Commonwealth and State levels who have wide investigative powers. In addition to an Independent Commission Against Corruption (ICAC) several States

[5] See for example *Criminal Code (NT)* s. 93; *Criminal Code*(Qd) s. 120. In most Australian jurisdictions there are statutory offences of bribery but in both New South Wales and Victoria is an offence at common law.
[6] D Lanham, "Fighting International and National Corruption by means of Criminal Law – Australian Perspectives", *Convergence of Legal Systems in the 21st Century, XVIth Congress of the International Academy of Comparative Law*, 2004, pp. 309 – 338 at p. 312.
[7] I gratefully acknowledge the discussion of this issue by David Lanham in "Fighting International and National Corruption by Means of Criminal law – Australian Perspectives", *loc. cit.*, at 309.
[8] Coke, 3 Inst 145. In *Woodward v Maltby* [1959] VR 794 a gift of a book of matches with a message to vote for a candidate written on it was held not to be bribery because its value was so small.

have Boards or Commissions that investigate judicial conduct.

However, one of the main gaps of the law of bribery in Australia has been that it is limited to the bribing of those exercising official functions. This has been in part ameliorated by secret commission offences, but other forms of corrupt conduct relevant to the rule of law are not so easily dealt with, and the introduction of a Judicial Commission in NSW has not led to the setting up of similar organisations on an Australia-wide basis.

The problems caused by a proliferation of anti-corruption bodies is starkly illustrated by *Police Integrity Commission v Shaw* (2006) 66 NSWLR 446. A Supreme Court judge, Justice Shaw (a former NSW Attorney-General) was taken to hospital following a minor car accident. A routine blood sample found his blood alcohol reading was in the high range. Of the two samples taken, one was supposed to be given to Justice Shaw and the other retained for the hospital pending proceedings against Justice Shaw for driving under the influence of alcohol. The hospital blood sample went missing and the Police Integrity Commission commenced an investigation to determine if police officers had misconducted themselves. When evidence obtained during the Commission hearing ascertained Justice Shaw had taken both blood samples with him, Justice Shaw sought orders that the Commission hearings cease because the conduct inquired into was that of a judicial officer, and the Commission's jurisdiction extended only to police officers.

Justice Shaw was successful at first instance, but the judgment was overturned on appeal. The Court of Appeal held that for the purposes of exonerating police conduct, the misconduct of others could be examined. One of the escape clauses that attracted the Court of Appeal was that Justice Shaw had resigned, which meant he was no longer a judicial officer (at [108]), but the Court's decision was essentially that the Commission had power to complete its investigation because the scope of the matter being investigated was within its powers. Whether that was the case in other investigations would depend on the circumstances (at [107]). I note Justice Shaw was never investigated by the ICAC or the Judicial Commission of NSW.

The problems of multiple investigatory bodies in different States was one of many reasons why

there was a perceived need for nationwide legislation on all aspects of legal practice, not only corruption, but to protect the rule of law, was one of the reasons for Senate Standing Committee on Legal and Constitutional Affairs being set up to enquire into Australia's judicial system and the role of judges in 2009. The purpose of this paper is to consider these issues with particular regard to appropriate methods for the identification and prosecution of judicial misconduct or corruption.

A good example of the difficulty in determining what is conduct by a judicial officer amounting to conduct of a corrupt kind may be seen in *Fingleton v R* [2005] HCA 34. Chief Magistrate Fingleton was convicted of an offence against s 119B of the *Criminal Code* (Qld), which prohibits unlawful retaliation against a witness. An alternative charge of attempting to pervert the course of justice was not the subject of a verdict because of the conviction on the primary charge. The appellant was sentenced to a term of imprisonment. An appeal against conviction to the Court of Appeal of the Supreme Court of Queensland was dismissed although the sentence was reduced.

What had the Chief Magistrate done? Australia is a very large country and parts of it are very desolate, and unpopular places for magistrates to work. The Chief Magistrate got into arguments with her colleagues about this, and there were proceedings, in the course of which she sent an email to a witness (another magistrate) warning him not to support her opponent in the litigation. After she was convicted, and her appeal dismissed, she obtained leave to appeal and the conviction was set aside by the High Court, who held she had immunity from criminal prosecution under the Queensland Magistrates Court Act for anything done in the course of her judicial or her administrative functions.

In the course of the application for leave to appeal, McHugh J said[9] :

"It would be hard to imagine a stronger case of a miscarriage of justice in the particular circumstances of the case".

[9] Quotation taken from "Swimming Upstream Against Spite", *Sydney Morning Herald*, 2 February 2005.

Despite the High Court quashing the conviction, Chief Magistrate Fingleton's career was destroyed and by the time her appeal was heard she had served out her sentence.

Having noted these general comments concerning the nature of corrupt conduct, I now set out a brief overview of the Senate Standing Committee's Inquiry.

The Terms of Reference for the Senate Standing Committee on Legal and Constitutional Affairs Inquiry

The Terms of Reference for the Inquiry may be summarised as follows:

(a) There is consideration given to the procedures for appointment and method of termination of judges.

(b) There is consideration as to the desirability of a compulsory retirement age, the merit of full-time, part time or other arrangements for judges.

(c) Jurisdictional issues, such as the relationship between the Federal and State judicial system a re considered.

(d) There is consideration of a judicial complaints handling system being established on a national basis.

The issue of how judges should be appointed, investigated and (if necessary) removed are central to the issue of judicial independence and the fight against corruption. These rights are closely guarded by the States of Australia. The 7 December 2009 report on Australia's judicial system and the role of judges[10] has been careful to distinguish between a national judicial system and the

[10] http://www.aph.gov.au/senate/committee/legcon_ctte/judicial_system/report/index.htm. For a list of the recommendations see http://www.aph.gov.au/senate/committee/legcon_ctte/judicial_system/report/b01.htm.

establishment of any national court system, in order to deflect criticism by States jealous of their individual jurisdictional powers (demarcation issues are a constant feature of federated countries such as Australia). The Committee has noted that existing legislation limits the scope to implement a national judiciary because State and Territory judges cannot act in a Federal capacity (although Federal Court judges can, and do, sit in State courts).

The section of the report which is of most interest to people attending this seminar, namely recommendations for the setting up of a national body to consider complaints (Chapter 7) recommends a body similar in set-up to the Judicial Commission of NSW, the State in which I am a judge, so I shall give a brief overview of our Judicial Commission and the manner in which complaints (i.e. allegations of corrupt conduct involving judges) would be handled.

The most sensitive issue has been the balancing of judicial independence with the need for regulation of judicial misconduct. Any reforms that are implemented are likely to reflect the status quo rather than introduce anti-corruption provisions of the kind seen in Chinese law, such as five-year terms for chief judges, early retirement ages and strict penalties for socialising with lawyers.

Current regulation of judges in New South Wales

1. A regulated judiciary and a system for dealing with complaints

The Judicial Commission was set up by the NSW Government as part of a series of legislative reforms on 18 November 1986. These included the introduction of a Director of Public Prosecutions, the abolition of the office of Clerk of the Peace and the handing over of control to the Courts for the listing of criminal cases. These reforms followed the acquittals of Justice Murphy and also, more importantly, the convictions of Justice Angelo Vasta (Supreme Court of Queensland) and Murray Farquhar. Murray Farquhar was appointed as a Magistrate in 1962 and was Chief Stipendiary Magistrate between 1971 and 1977. His conviction in 1985 related to his corrupt influence in a fraud case brought against the Head of Australian Rugby League, Kevin

Humphreys.

The New South Wales Judicial Commission is modelled on the Californian Commission on Judicial Performance. Judges resisted the first draft of the Commission's structure on the basis that it removed the traditional role of empowerment in removing a judicial officer. When a series of complaints were made about a judicial officer (Justice Bruce of the Supreme Court of NSW), the weaknesses of this parliamentary system became apparent. Although Justice Bruce was accused of gross neglect of his duties, rather than corruption, the sheer difficulty of a joint sitting of the Houses of Parliament and of the procedures to follow indicated the very real problems that this cumbersome procedure required.

The Judicial Commission comprises six official members and four appointed members. The four appointed members are appointed by the Governor of New South Wales on the recommendation of the New South Wales Attorney General. The Commission is not only responsible for hearing judicial misconduct complaints, but also fills an important education function. The number of complaints varies between 20 and 30 per annum, although one year 55 complaints were made[11]. The Conduct Commission has only reported to Parliament twice, once in relation to a magistrate, Magistrate McDougall, and once in relation to Justice Bruce. Both judges resigned. In the case of Justice Bruce, he was simply dilatory in writing judgments.

The Judicial Commission's Annual Report for 2009 noted 55 new reports against judicial officers, with 10 carried forward from the previous year, a total of 65 complaints. Of these:

- 43 were summarily dismissed;
- 2 were withdrawn;
- 4 were referred to the relevant Chief Judge for counselling of the judicial officer concerned; and
- 16 were pending.

[11] See 84 ALJ 103 for a review of these statistics.

40% of all complainants were litigants in person, and 22% related to apprehended violence orders. These are orders made by the Local Court, usually in circumstances where there has been an allegation of assault by a spouse or a neighbour. The Australian Law Journal commented that many of these complaints seemed to be made a cheap alternative to an appeal.[12]

For a variety of reasons – the age at which judges are appointed, the salary and status level, and low general levels of corruption in Australia, no judge in NSW has ever been charged with an offence relevant to corruption, so any discussion of what would be done if there was a claim of judicial corruption is largely academic. However, if there were such a claim, there is a useful analogy for prosecution and sentencing arising from the prosecution (in New South Wales) of a retired Federal Court judge, Marcus Einfeld, who made a false statement to avoid paying a speeding fine was sentenced to three years imprisonment with a minimum two year non-parole period[13]. In the sentencing judgment (*R v Einfeld* [2009] NSWSC 119), James J said at [183]:

> [183] As has often been said, each of the offences of perjury and perverting the course of justice strikes at the heart of the administration of justice. These offences are often referred to as offences against public justice. In sentencing for these offences there is a special need to give effect to the purposes of sentencing of general deterrence and denunciation, as well as the other purposes stated in s 3A of the *Crimes (Sentencing Procedure) Act*. Any lawyer, and especially a lawyer who has been a barrister and a judge, who commits such an offence is to be sentenced on the basis that he would have been fully aware of the gravity of his conduct. If an offence of this kind is committed after a primary offence, whether or not the primary offence is a public justice offence, in an attempt to escape conviction for the primary offence, then some separate effective punishment should generally be imposed for the public justice offence. In the case of perjury a full time custodial sentence should be imposed, unless there are very special circumstances. There is no such principle in the case of perverting the course of justice as

[12] (2010) 84 ALJ 145.
[13] See "Ex-judge Marcus Einfeld jailed for speeding fine perjury", *The Australian*, 20 March 2009.

> offences of perverting the course of justice can vary greatly in their degree of seriousness. Nevertheless, in sentencing for an offence of perverting the course of justice it is necessary to have regard to the principles I have stated. In sentencing for both offences, as in the case of sentencing for offences generally, persuasive subjective considerations should not be permitted to cause inadequate weight to be given to the objective facts of the offending

In addition to the lengthy sentence, Einfeld was stripped of his honorary titles and his name taken off the roll of lawyers (his superannuation pension, however, was not taken away, nor was the superannuation pension of a senior Crown Prosecutor, Patrick Power, taken away when he was convicted and sentenced to six months imprisonment for possession of child pornography in 2007).

Only one judge in Australia has ever been removed from office for misconduct[14]. In 1989 Justice Angelo Vasta was removed from the Supreme Court of Queensland following findings that he had given false answers to a Royal Commission investigating a number of financial transactions involving relatives of his. This had little or nothing to do with his activities as a judge. The only other occasion when parliament considered removal of a judge occurred when a joint sitting of the Houses of Parliament in NSW decided not to remove Justice Vince Bruce from office; his problem was chronic dilatoriness in writing judgments, not corrupt conduct[15].

2. An educated public

The second part of judicial accountability is the question of public accountability, sometimes referred to as justice "being seen to be done". For this reason, the NSW Judicial Commission

[14] Duncan Kerr SC MP, "The Removal of Federal Judges: Quis custodio custodis [sic]?", 30 June 2005, http://duncankerr.com/opinion_pieces . Mr Kerr gave other examples of conduct which appear to have concerned him, such as the conduct of Justice Shaw, the conduct of Judge Ian Dodd of the District Court (who fell asleep in court on a regular basis due to a health problem) and the conduct of a magistrate who failed to file tax returns. This falls well short of the "unprecedented number of instances in which federal judges have been accused of misbehaviour and other serious acts of misconduct" complained of by Judge Harry T Edwards in "regulating Judicial Misconduct and Divining 'Good Behaviour' for Federal Judges" (1988 – 9) 87 Mich L Rev 765.
[15] E Waugh, "A Question of Capacity: The Case of Justice Bruce" (1988) 9 *Public Law Quarterly* No. 4.

also has a significant educative function, which relates not only to helping judges keep up with the law but with public accountability. The Judicial Commission maintains statistics on sentencing to assist judges to determine penalties in accordance with general sentencing trends. In the 2009 report, the Commission noted an increase of 37% in use of this facility. These statistics are also available to the legal profession, and are often tendered by the prosecutor. This is an important guarantee of consistency in sentencing, and it has been noted that the number of appeals in sentencing matters is dropping.

This fills an important educative function for the public as well as for judges. Claims that judges are too lenient, or too tough, in their sentencing can quickly be answered by reference to these statistics and to the monographs on sentencing the Judicial Commission publishes[16]. Concerns in the media that NSW judges were being 'soft' on violent crime[17] have now been answered by cross-jurisdictional studies showing that across Australia and international jurisdictions NSW had the highest statutory maximum penalty available for sexual assault (i.e. life imprisonment) and the equal second highest for robbery (25 years) and break and enter/burglary offences (25 years) and, in addition, a higher rate of imprisonment (170 per 100,000) than the Australian average (156), England (137), Canada (129) and New Zealand (168)[18].

The Judicial Commission also holds conferences, seminars and training sessions for newly appointed officers as well as publishing a number of papers. Attendance at voluntary judicial conferences for judges is 86%.

The annual reports for the Judicial Commission and other information can be obtained from its website at www.judcom.nsw.gov.au.

[16] See, for example, "Full-time imprisonment in New South Wales and Other Jurisdictions – A National and International Comparison", Judicial Commission of NSW, Monograph 29 – February 2007,ISBN 9780731356164 (pbk.).
[17] For a discussion of these criticisms see A M Gleeson, "Out of Touch or Out of Reach?" (2005) 7 (3) *The Judicial Review* 241 at 245. This judicial journal is also published by the Judicial Commission.
[18] JCA Monograph 29 – February 2007, *loc. cit.*, p. 2.

Why is this educative function so important? The answer is that public accountability and public scrutiny of sentencing and judgments is the best guarantee of transparency. The availability of judgments on the Caselaw website is another guarantee of open justice.

3. An independent media

The third part of judicial accountability and the rule of law is the role of an independent and vigorous media who will investigate any allegation of misconduct involving judicial officers. As Wikipedia points out, the circumstances leading to the conviction of Chief Magistrate Murray Farquhar in 1985 (he was sentenced to 4 years imprisonment) was the *Four Corners* documentary which revealed his extensive contacts with organised crime.

Self Regulation: The National Judicial College of Australia

I shall also briefly note a successful example of self-regulation by judges in Australia.

The National Judicial College of Australia was established in May 2002 as an independent entity, incorporated as a company limited by guarantee. It is funded by contributions from the Commonwealth and some State and Territory governments. The Constitution of the College provides for control by the judiciary with outside representation. The Council is comprised of four judicial members, a member nominated by the Commonwealth Attorney General, and a member nominated by participating State and Territory Attorneys General.

The National Judicial College performs an important role in the education of judges, with particular emphasis on judicial writing and interaction with visiting judges from other countries such as China. In 2009 a delegation from the Supreme Court of China spent a week meeting judges and attending discussions around Australia.

The existence of the National Judicial College is a good example of self-regulation by judges.

Concluding Remarks: Some comparisons with China

In my opinion, China's judicial corruption issues, like corruption generally, arise principally from the financial inequalities inherent in a fast-developing economy. I consider there are strong parallels with the development of the English judicial system during the Industrial Revolution[19].

My general view, based on having sat in on civil and criminal trials in a number of the major cities in China and spent long periods of time talking to judicial colleagues there over the last six years, is that there has been a lot of uninformed criticism of the Chinese legal system, and a failure to recognise the enormous progress China has made. It is not possible to do justice to this enormous topic in this brief seminar paper, so I shall instead simply set out the policy recommendations of Professor Randall Peerenboom[20]. Peerenboom first notes the problems for judges in achieving judicial independence and then sets out the following 4 recommendations:

1. Recruitment and promotion of judges based on merit, with continuing legal education. The establishment of judicial colleges and an entry examination for judges have been in place since the beginning of this decade;
2. Adequate court funding and judicial salaries (to which I would add the suggestion that courts receive independent rather than municipal or state budget-based funding);

[19] This can be demonstrated by the following statistics. The population of England and Wales tripled from the early 1500s; between 1770 and 1830 it increased from 7 to nearly 14 million, most of the increase being absorbed into the urban population. Prosecutions escalated, as did death sentences. The death sentence was already widely used; between 1530 and 1630 75,000 people are thought to have been executed (P Jenkins, "From gallows to prison? The execution rate in early modern England", *Criminal Justice History* 7 (1986), 52). In his incisive attack on the mediocrity of English judges, VAC Gatrell points out that 50% of the judges appointed in the late 18th and 19th century were failed or former politicians, appointed for political reasons or, in some cases, as a reward for involvement in corrupt activities. These "hanging kinds of men", between 1770 and 1830, condemned approximately 35,000 people to death in England and Wales; about 7,000 were hanged but the remainder were sent to prison hulks or transported: V A C Gatrell, "The Hanging Tree", Oxford University Press, 1994, p. 7 and Appendix 2. Gattrell (at p. 20) notes that something had to be done, or the land would be covered in gallows. The abrupt end of these mass scale hangings following the changes to Parliament effected by the 1832 *Reform Act* was what led to modern English justice. Gatrell adds, however, that "judges never escaped their time-honoured role in radical satire as bloodthirsty enemies of the poor" (p.504) or charges of corrupt dealings with the government. The average age of circuit judges in 1825 was 65 and in addition to poor health and ignorance they were often bad-tempered bullies (at p. 508).

[20] R Peerenboom & S Balme (eds), " Judicial Independence in China" Cambridge University Press, 2010 at p. 92.

3. Replacement of the case acceptance system and greater case management (to which I would add revision of the April1 2007 regulation reducing court fees – court fees should be increased, with a provision for persons who cannot afford them to apply for them to be waived);
4. Strengthening accountability, including more prosecutions and heavier penalties. This is clearly occurring, as the life imprisonment sentence handed down to former Supreme Court Vice President Huang Songyou[21] has been confirmed on appeal. In Shenzhen, long sentences (including a life sentence for Pei Hongquan, deputy chief judge of the Shenzhen District Court)[22], were handed down for taking bribes from auction houses for properties involved in bankruptcies in their court; Pei Hongquan took more than 3.7 million yuan. The corruption trials in Chongqing netted an ex-judge, who committed suicide[23]. On 8 January 2010 the Supreme Court opened a hotline for anonymous tips about corrupt judges and there were 139 complaints (including 25 prosecutions) by the end of February.

I would like to add one small point. In "Regulating Judicial Misconduct and Divining 'Good Behaviour' for Federal Judges"[24], Judge Harry T Edwards concludes that judicial self-regulation, over matters that do not involve impeachable or criminal offences, are a vital part of promoting 'good behaviour' for judges. The combined tasks of the Judicial Commission and the NJCA of informing and educating, as well as disciplining, judges is an important part of this process. Judges in China could, using organisations such as the China Women Judges as a base, organise their own informal self-regulating body, which would promote an exchange of ideas and discussions between courts all over China in the same way that the NJCA does in Australia. The study of "model judges" like Chen Yanping[25], the "Three Supremes" campaign, the 三个一

[21] "China Vows to Clean Up Judiciary After Conviction of Supreme Court Vice President", Xinhua, March 11, 2010.
[22] Vincent Yang, "Case Study – Judicial Corruption and Professionalism" outlines the arrest of the five judges. Pei Hongquan was given life imprisonment: "former Judge Given Life Imprisonment for Graft Charges", Xinhua, January 5, 2008.
[23] CBS News, "Ex-Judge Facing Corruption Charges Commits Suicide in Central China", 30 November 2009.
[24] *Loc. cit.*, at 796.
[25] 周永康在会见陈燕萍同志先进事迹报告团成员时强调 ;向陈燕萍同志学习 扎根基层执法

family values campaign (Nanshan Local Court) and other judicial reform programmes are individual projects which might have a wider, and longer, impact in a self-regulatory structure.

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