

NAME OF FILE IN COLLECTION: short title (with any other author) - document type, place/forum - date	TYPE OF DOCUMENT & APPROX LENGTH	TITLE IN DOCUMENT & ORIGINAL FORUM	TOPIC AT A GLANCE	SYNOPSIS	CROSS-REFERENCE TO OTHER PAPERS (see also TABLE OF KEY THEMES & BEST PAPERS ON EACH)
PAPERS BY McELREA ALONE			PAPERS BY McELREA ALONE		
A NZ perspective in old and new rj writings - Chapter in Criminal Punishment & Restorative Justice Past, Present and Future Perspectives, UK - 2006	Book chapter; 8,000 words	TITLE IN DOCUMENT: Restorative Justice - A New Zealand perspective FORUM: David J Cornwell (ed) <i>Criminal Punishment & Restorative Justice: Past, present and future perspectives</i> , Winchester, UK: Waterside, 2006	Old and new writings on NZ rj	Augmenting his London 2002 address to bring together his old and new writings now the Sentencing Act 2002 has commenced, McElrea repeats three distinctive elements of NZ's Family Group Conference ("FGC") model. Illustrating with success stories, he discusses among other things: why rj satisfies victims more; intuitive analogies to families; the paternalism of welfare models of justice; accountability as partnership; the primacy of vindicating the victim, not punishing the perpetrator; rebuttals to alleged unfairness and inequality to defendants; community building; rj in prisons; and why police should not run restorative conferences.	Abridged and augmented version of "NZ perspective on rj - Law conference, London - 20020616"
Accountability in the community - Legal Research Foundation, NZ - 1995	Conference paper; 10,400 words	TITLE IN DOCUMENT: Accountability in the Community: Taking responsibility for offending FORUM: Legal Research Foundation Conference "Re-thinking Criminal Justice: A Conference on New Initiatives in Criminal Justice" Auckland, 12-13 May 1995	Accountability under traditional and rj models	Part I of this paper traces McElrea's realisation that the NZ youth model was restorative and offers an adult version. Part II contrasts accountability for offenders under the two approaches and proposes specific reforms to the existing system. Part III traces the criminal justice paradigm to the rise of the sovereign State, contrasting Māori and Pasifika. Part IV argues our justice system should encourage rather than discourage the acceptance of responsibility by those actually responsible for offending and those best placed to do something constructive about preventing it, culminating in eight proposals.	
Adult rj practice in NZ - Chapter in Restorative Justice and Practices in New Zealand Towards a Restorative Society, NZ - 2007	Book chapter; 15 pages	TITLE IN DOCUMENT: Restorative Justice for Adult Offenders: Practice in New Zealand Today FORUM: Gabrielle Maxwell & James H Liu (eds) <i>Restorative Justice and Practices in New Zealand: Towards a Restorative Society</i> Institute of Policy Studies: Wellington, 2007	Adult rj legislation and programmes; community resolution centres	After touching on NZ's youth justice history, McElrea discusses how restorative conferences operate in the adult criminal justice system, particularly the Sentencing Act 2002 and the Victims' Rights Act 2002, which provide the legal mandate for restorative justice for adults. He turns to some of the schemes that have grown up for providing rj programmes responding to offending by adults, and how rj has impacted on sentencing. He concludes by proposing a more community-based model through community resolution centres. [Synopsis adapted from page 96]	See more on theme "Adult restorative justice in New Zealand 1990-2010" in Table of Key Themes & Best Papers on Each
Announcing speakers on justice - St Aidan's newsletter, Auckland - 2006	Newsletter article; 500 words	TITLE IN DOCUMENT: Questions of Justice FORUM: Draft material for newsletter of St Aidan's church, Auckland	Announcing McElrea and other speakers at church- run seminar	The parish newsletter announces guest speakers: McElrea; Dr (later Prof) Chris Marshall, a scholar of restorative justice; Revd (later Dr) Douglas Mansill, a former prison chaplain who trained NZ's first restorative justice facilitators; and Kim Workman, a former head of the NZ Prison Service since become National Director of Prison Fellowship New Zealand.	
Community & government - Rj conference, Florida - 199811	Conference paper; 4,000 words	TITLE IN DOCUMENT: The Roles of Community and Government FORUM: Second International Conference on Restorative Justice for Juveniles Fort Lauderdale, Florida, USA, 7-9 Nov 1998	Roles of judges, state and community	McElrea opens with the roles judges can play in advancing rj: public speaking, quasi-academic forums, convening conferences; and in the lower courts, referring cases to community justice conference facilitators. McElrea quotes a Court of Appeal judgment that a pre-sentence restorative process may lead to a shorter prison sentence. He considers diversionary sentences under NZ's youth justice legislation and elsewhere using police prosecutorial discretion. State involvement in rj raises complex questions. The paper describes NZ's Te Oritenga model and one under the New South Wales Young Offenders Act 1977, and it proposes Community Justice Centres for adults.	See also "Community & State" and "Judges' role" themes in Table of Key Themes & Best Papers on Each
Community Justice Centres proposal - Own record, NZ - 200604	Reform proposal; 1,100 words	TITLE IN DOCUMENT: Updated proposal for pilot Community Justice Centres in New Zealand FORUM: For own reference	Detailed proposal for Community Justice Centres for civil and criminal matters	McElrea makes his most developed proposal yet for his vision of Community Justice Centres (CJs). CJs would function as a community-based and consensual supplement and partial alternative to the courts, using mediation for civil matters and, where the wrongdoing was admitted, rj for criminal matters. They would operate as a partnership between local and central government, the police, the voluntary sector and various existing agencies.	Later McElrea largely switched to the term "Community Resolution Centres" because CJs had special meaning in USA and elsewhere, as does "community justice"
Criminal law & rj - Lecture notes, AUT University, Auckland - 200809	Lecture notes; 1,000 words	TITLE IN DOCUMENT: Outline of paper on restorative justice and the criminal law FORUM: Unspecified symposium at AUT University's (Auckland University of Technology's) RJ Centre	Note-form intro to law, rj, aims of criminal justice	This three-page outline traces: the concept of law, the law as rule-making, responses to criminal offending, consistency in dealing with offenders, the impact of the adversary system on the criminal law, uniformity as an objective, the criminal law and restorative justice in New Zealand, the criminal law and risk assessment, and a proposal for research at AUT's RJ Centre.	
Culture of peace - UNESCO launch, Wellington - 199909	Conference paper; 2,000 words	TITLE IN DOCUMENT: Keynote Address by Judge Fred McElrea FORUM: UNESCO forum for launching International Year for the Culture of Peace, Te Papa Museum, Wellington, NZ, 14 Sep 1999	Violence and ways to foster peace	McElrea reflects on the literal and metaphorical violence judges see but criticises the media's focus on crime. He sees violence as disrespect, and peace as more than the absence of war and violence. Ways to foster a culture of peace include not only rj but NZ's antinuclear stance, the COOL SCHOOLS peer mediation programme, peace keeping by NZ soldiers, and the welfare state. Rj and its language of reciprocal obligations help nurture peace through community.	See "Peace" theme in Table of Key Themes & Best Papers on Each
Customary values & role of prosecutors - Law conference, South Africa - 20070221	Conference paper; 5,400 words	TITLE: Customary values, restorative justice and the role of prosecutors: a New Zealand perspective FORUM: Restorative Justice and Community Prosecution Conference The Ritz Hotel, Cape Town, South Africa 21-23 Feb 2007	Customary values, rj, and South Africa's "community prosecutions"	McElrea contrasts NZ's youth justice model and Sentencing Act 2002 with its legal professionals' persistent adversarial mindset. He cites the Court of Appeal, and evaluations of rj, before considering Māori and other first peoples. McElrea details his proposal for Community Resolution Centres (renamed because Community Justice Centres has special meaning in South Africa and the US). While NZ lacks South Africa's community prosecution system, and rj is not part of it, he argues it could be. He suggests South African prosecutors take the role police play in NZ conferences.	
Draft submission on Sentencing Bill - Legislative submission, NZ - 200109	Submissions; 1,100 words	TITLE IN DOCUMENT: Draft Submission on Sentencing Bill from a Restorative Justice Perspective FORUM: Submission on draft legislation	Submission on Sentencing Bill 2001	This draft submission on what became the Sentencing Act 2002 with important rj content shows a judge giving input into the legislative process. The two pages pinpoint his agreement with, or suggested improvements to, particular clauses. He notes at the outset some more fundamental input from the Chief District Court Judge which came too late in the process to incorporate.	See "Victims" theme in Table of Key Themes & Best Papers on Each
Education, discipline and rj - Legal Research Foundation, NZ - 1996	Conference paper; 3,400 words	TITLE IN DOCUMENT: Paper for Legal Research Foundation on Education, Discipline and Restorative Justice FORUM: Legal Research Foundation, NZ	School expulsions: traditional model and restorative alternative	McElrea notes the relative ease of expelling pupils from school and lack of appeal structure, and contemplates rj as an alternative approach. He compares school discipline procedures with adversarial and punitive legal procedures and considers how it might help to adopt a rj approach in "school community conferences". He floats many "what if" scenarios.	See "Education" theme in Table of Key Themes & Best Papers on Each

Experiential learning - Kristen School address, Auckland - 20001117	Address to school; 2,500 words	TITLE: Address of Judge Fred McElrea to Senior School Prizegiving FORUM: Kristen School, Auckland	Experience of encounter in rj, with stories	Distinguishing book learning from experiential, McElrea describes rj as relying on the experience of encounter. He notes the adversarial-punitive system relies on power, control and domination, then contrasts three stories of young people dealt with to the benefit of all by rj; and relates rj to the school's motto of Vision, Integrity and Love.	Though delivered at a school, this paper does not concern rj as a disciplinary approach. For Education, see that theme in the Table of Key Themes & Best Papers on Each
Impact of Prof Zehr's visit - Stimulus newsletter, Auckland - c. 1994	Newsletter article; 800 words	TITLE IN DOCUMENT: An assessment of the impact of Howard Zehr's Visit to New Zealand, June 1994 FORUM: <i>Stimulus</i> , newsletter of Laidlaw College, Henderson, Auckland	Visit to NZ of rj pioneer Howard Zehr	McElrea predicts that the recent visit of the quiet Mennonite "prophet" of justice and international rj pioneer Prof Howard Zehr will be a milestone in the history of NZ justice, which was largely unbroken since the arrival of British law. He quotes parts of Zehr's message, including spiritual elements, and reports that Zehr's meetings brought "healing justice" alive.	Zehr's huge corpus is drawn on heavily in McElrea's papers. See here by Zehr himself "Journey to belonging by Prof Howard Zehr - Conference, Massey University, NZ - 20000424"
Intent of law behind Family Group Conferences - Conference of NZ Youth Court Assoc, Auckland - 19940225	Synopsis; 9,500 words	TITLE IN DOCUMENT: The Intent Of The Children, Young Persons, And Their Families Act 1989 -- Restorative Justice? FORUM: Youth Justice Conference of the New Zealand Youth Court Association (Auckland) Inc, Feb 1994	Ways in which FGCs are/are not novel	McElrea describes NZ's Family Group Conference system. This "new" system fits rj as Howard Zehr, Tony Marshall and Dan van Ness describe it. The practice of youth justice is restorative; the legislation, only partly so. The new system did not come from academic studies but relates to the traditional Māori "whanau conference". Restorative aspects find analogues in Canada, the US, UK and Austria. McElrea traces rj's origins in ancient Hebrew, Maori, Japanese and Canadian societies and how centralised Western States lost this integrative approach. He identifies unique features and three overarching changes.	This is best paper on the theme "Discovering New Zealand Family Group Conferences as restorative justice"
Internal report on UK study trip - Ditchley and London, UK - 200007	Report; 1,700 words	TITLE IN DOCUMENT: Restorative Justice: England visit 21-28 June 2000 FORUM: Report to Chief District Court Judge Young and Principal Youth Court Judge Carruthers	Full report of UK study trip	This brief report to the Chief District Court Judge and Principal Youth Court Judge about a UK trip touches on potential use of rj in prisons, schools, and police disciplinary/complaint procedures. McElrea relays results, including from the Canberra RISE programme and a survey of victims' wishes. He repeats a theme of the traditional Western court system's inadequacy for dealing with victims' interests, and notes the support highly placed judges have given to rj overseas.	For shorter and personal account see "Reflections after UK study trip - Ditchley and London - 200006"
Internal report USA trip - Report to Chief District Court Judge, NZ - 200510	Report; 1,200 words	TITLE IN DOCUMENT: Auckland District Court 9 October 2005 FORUM: Report to Chief District Court Judge Russell Johnson	Report (redacted) on US conferences and NZ losing initiative	McElrea briefly reports to the Chief District Court Judge on conferences he addressed at Fresno Pacific University, California, and Minneapolis, Minnesota. He sees value in viewing rj as part of mediation. While no US state has legislation like NZ's Children, Young Persons and Their Families Act 1989, McElrea reports "we are losing the initiative in the next step": to move much civil and criminal work from the courts to community-based centres, so courts become a backstop and venue for the more intractable conflicts. The report has been redacted.	
Interpreting NZ statistics on post-rj recidivism - Interview, Radio NZ - 20050214	Interview; 1,300 words	TITLE IN DOCUMENT: Newtzel News: RNZ "Checkpoint" Tuesday 14 February 2005 FORUM: RNZ: National. "Checkpoint"	Interpreting NZ statistics on recidivism after rj	In this transcript of an interview on Radio NZ's drive-time <i>Checkpoint</i> programme, McElrea argues that a Ministry of Justice study on rj shows bigger benefits to recidivism than claimed, but that in any event the main purpose of rj is to help victims.	For more, see theme "Evidence & statistics on rj" in Table of Key Themes & Best Papers on Each
Intro to rj for Caribbean - International Criminal Bar Conference, Bahamas - 200105	Conference paper; 2,900 words	TITLE: Restoring Justice: Address by Judge FWM (Fred) McElrea FORUM: Law Forum 2001 Organisation of Commonwealth Caribbean Bar Associations' Fourth Conference 24-26 May 2001 Nassau, Bahamas	Analysis of rj versus adversarial-punitive system, and objections to rj	McElrea outlines rj and its differences from the English-derived adversarial-punitive model. Advantages include treatment of victims, more imaginative outcomes, more reconciliation and healing, a wider concept of responsibility, adhering to conference outcomes, empowering primary stakeholders and being community-based. He tackles the main objection to rj: unfairness and inequity to offenders. McElrea compares the two systems' treatment of victims and offenders, and strengthening of communities, drawing some parallels between the South Pacific and Caribbean.	
JPs' conference - Conference of Justices of the Peace, Greymouth - 20060304	Conference paper; 3,000 words	TITLE: Notes for address to JPs' conference, Greymouth FORUM: Conference of Justices of the Peace, Greymouth, New Zealand	State of rj in 2006	McElrea contrasts rj with the adversarial model. He canvasses the main objection by lawyers, based on fairness to different defendants, and likens rj to grassroots democracy. He mentions rj in the Sentencing Act 2002, Victims' Rights Act 2002 and Corrections Act 2004 and quotes from a resource management case which used rj: <i>Auckland City Council v Shaw</i> . He questions possible understatement of positive results and refers to Project Restore, a community provider of rj in sexual abuse cases. Surprising cross-party political support for rj is noted.	For the case cited, see DC Judge McElrea's sentencing notes: "Akl City Council v Shaw - NZDC (McElrea DCJ) - 20060302"
Judges' role in creative conferencing - Judges' workshop, Wellington - 19981030	Conference paper; 2,600 words	TITLE: The Judge's role in Creative Conferencing in Youth Justice FORUM: Youth Justice in Focus Conference, Judges' Workshop, 30 Oct 1998, Wellington	Judges' role respecting or improving conference results	McElrea says many Family Group Conference are unimaginative; and involvement by the Children Young Persons and Their Families Service, uneven. Judges have been rightly rejecting the plans of (court-directed) conferences where victims are absent, family attendance inadequate or attention to schooling insufficient, or sometimes where the plan lacked substance, and ordering fresh conferencing. However, judges' main role is to facilitate and support the service, surrendering substantive power to the FGC. McElrea offers eight ways to do so.	See "Judges' role" theme in Table of Key Themes & Best Papers on Each
Law & rj - Lecture notes, AUT University, Auckland - 200104	Lecture notes; 2,300 words	TITLE IN DOCUMENT: Restorative Justice and the Law FORUM: AUT (Auckland University of Technology) University lecture	Note-form outline of rj in NZ youth and adult criminal justice	These full notes for a lecture set out: (1) a brief overview of the NZ legal system; (2) different models of justice (adversary and inquisitorial; justice; welfare; rj); (3) criminal justice; (4) rj in the adult system: legislation; (5) rj in the youth court and its three distinctive elements; (6) the Family Group Conference; (7) restorative aspects of the youth justice process; and (8) rj overseas – some brief comments.	
Lawyers challenged to reduce reliance on prisons - Acquitalk legal newsletter, NZ - 200907	Newsletter article; 3,100	TITLE IN DOCUMENT: Article for Criminal Bar Association newsletter Acquitalk on restorative justice FORUM: Criminal Bar Association newsletter <i>Acquitalk</i>	Challenging lawyers to apply section 9 Victims' Rights Act 2002	This paper asks how lawyers can reduce NZ's reliance on prisons, one of the highest in the Western world. It details the principle in s9 of the Victims' Rights Act 2002 to "encourage" the holding of a rj meeting between victim and offender "to resolve issues relating to the offence" – and challenges lawyers to apply this. It cites international evidence for the effectiveness of rj, and, using case examples, explains how rj can serve accountability, deterrence, protection of the public and the interests of victims.	NB Totally separate from speech to Criminal Bar Association "Personal view to lawyers [redacted] - Criminal Bar address - 201012"
Let justice flow like a river - Church address, Auckland District Law Society - 199702	Church address; 2,500 words	TITLE IN DOCUMENT: Address to the Auckland District Law Society's Annual Church Service on 3 Feb 1997 FORUM: ADLS church service annual; re-presented in <i>New Zealand Law Journal</i>	Secular versus biblical views of justice	Marking the 150th year of a parish opposite the High Court at Auckland, McElrea contrasts for a Christian audience a secular and a biblical view of justice. He asks: If we really take our Christianity seriously, what is it that should differentiate us from other lawyers?	This adapted version later appeared as <i>New Zealand Law Journal</i> 1997 (11) pp 404-408
Long view of modern rj history - Conference, Prison Fellowship, Auckland - 200605	Conference paper; 5,500 words	TITLE IN DOCUMENT: Restorative justice – the long view FORUM: Prison Fellowship conference "Beyond Retribution: Advancing the law and order debate" Silverstream, New Zealand May 2006	Rediscovery and spread of rj across countries and fields since 1970	McElrea traces rj in the US, Canada and NZ post 1970 and historically in Pasifika, Māori and other societies. He contrasts state-dominated justice's emphasis on deterrence, denunciation and reform. International collaborations on restorative initiatives outside criminal justice are noted, including: schools, industrial relations, prisons, churches, international peacekeeping, trade practices regulation, ethnic reconciliation, and disciplinary bodies of the armed forces and police. McElrea adduces international statistics on rj and plots the way ahead for rj in NZ, including adult Community Justice Conferences.	10% shorter version of "NZ Model of Family Group Conferences - Penal conference, Ontario - 199803", with also shorter appendix (A new attitude to pleading) and shorter synopsis

Meditative Tradition & rj - Conference , Queensland - 200205	Conference paper; 2,700 words	TITLE IN DOCUMENT: Christian Meditation – another peaceful revolution FORUM: Second Australasian Christian Legal Convention Bond University, Gold Coast, Queensland, May 2002	Christian meditation as a peaceful revolution like rj	<i>Note: the title is correct: meditation, not mediation.</i> McErea discusses Christian meditation's long history and recent revival. While not replacing other forms of prayer, or organised religion, it may yet make a quiet revolution, like the peaceful revolution of rj. Both concern peacemaking; both are modern with ancient roots; grace has a role in each; both work by experience, not doctrine; both relate to ordinary people, not professionals; and both are international.	
New dimensions of sentencing - Seminar, NZ Law Society - 200303	Seminar; 15,800 words	TITLE IN DOCUMENT: Sentencing - The new dimensions FORUM: New Zealand Law Society travelling seminar	Rj in new wave of sentencing legislation	These are McErea's chapters from a joint seminar, in turn supplementing earlier guidance on the Sentencing Act 2002 and Parole Act 2002. McErea explores new dimensions under those Acts and the Victims Rights Act 2002 which require all involved in criminal justice to reevaluate sentencing, parole, and victims' rights. McErea tackles: Principles of rj; purposes (including punishment) and principles of sentencing; court procedures for dealing with rj; taking into account agreements to make amends; otherwise dealing with offenders; incorporating rj outcomes in formal sentences; counsel's role in rj cases, and the District Courts' rj pilot.	Much longer and more formal than "Sentencing Act 2002 rj section by section - Seminar, Auckland District Law Society - 20020902" but does not subsume it
NZ experience of rj legislation - Rj conference, Fresno & Minnesota - 2005	Conference paper; 10,100 words	TITLE IN DOCUMENT: 11th Annual Rj Conference at Fresno Pacific University, California AND 5th Annual Conference of the Association for Conflict Resolution at Minneapolis, Minnesota FORUM: same TITLE IN DOCUMENT: The New Zealand Model of Family Group Conferences	Adult and youth rj legislation in NZ	This lecture compares and contrasts NZ's two distinct types of rj legislation. The Children, Young Persons and their Families Act 1989 introduced the Family Group Conference ("FGC") as central to the whole youth justice regime. The Sentencing Act 2002, Parole Act 2002, and Victims' Rights Act 2002, all applying to adults, acknowledged and encouraged rj initiatives that had been occurring without legislative backing since being instigated by McErea and others in 1994. FGCs are mandatory, while adult conferences require the agreement of both victim and offender.	
NZ Model of Family Group Conferences - Penal conference, Ontario - 199803	Conference paper; 9,700 words	FORUM: Kingston, Ontario: International Symposium "Beyond Prisons": Best Practices Along the Criminal Justice Process TITLE IN DOCUMENT: Restorative Justice: A New Zealand perspective	Many aspects of pre- and post-adjudication Family Group Conferences in NZ	McErea backgrounds the NZ youth model of family group conferences (FGC). Topics include: the FGC pre- and post-adjudication; youth offending rates and reduced use of custodial outcomes and courts; a new approach to pleading; resources and morale; rj in schools; FGCs and police; urging against the exclusion of serious crime; and applicability to adults.	10% longer version published in <i>European Journal of Criminal Policy and Research</i> 6 (1998) 527-543
NZ perspective on rj - Law conference, London - 20020616	Conference paper; 8,300 words	FORUM: Modernising Criminal Justice Conference - New World Challenges London, 16-20 Jun 2002	Multiple advantages of rj in NZ experience	Noting topical UK and European Union references, and the imminent commencement of NZ's Sentencing Act 2002, McErea repeats three distinctive elements of New Zealand's Family Group Conference ("FGC") model for youth. Illustrating with success stories, he discusses among other things: freeing up from professionalisation; why rj satisfies victims more; intuitive analogies to families; the paternalism of welfare models of justice; accountability as partnership; vindicating the victim rather than primarily punishing the perpetrator; rebuttals to alleged unfairness and inequality to defendants; community building; rj in prisons; and why police should not run restorative conferences.	Later abridged and augmented as book chapter: "A NZ perspective in old and new rj writings - Chapter in Criminal Punishment & Restorative Justice Past, Present and Future Perspectives, UK - 2006"
One judge's role in developing rj - Report [redacted] to judicial group, NZ - 200307	Partial career summary; 1,500 words	TITLE IN DOCUMENT: Document prepared at request of group of other judges FORUM: same	Rj in McErea's career 1990-2003 (redacted)	Judge McErea summarises his work from 1990 till 2003 in training and public education about rj in NZ and overseas. He covers: his publications; being rj liaison judge and co-founder of Massey University's Centre for Justice and Peace Development; promoting rj in schools; and advocating adult Community Justice Centres. McErea acknowledges other judges who have promoted rj. The summary has been redacted.	
Partners or adversaries - Peace conference, Massey University, Auckland - 2000424	Conference paper; 3,700 words	TITLE IN DOCUMENT: "JUST PEACE? Peace Making and Peace Building for the New Millennium" FORUM: Just Peace international conference held at Massey University, Albany, New Zealand 24-28 Apr 2000	Rj as response to professionalised adversarial system, not to retribution	McErea's keynote connects peace making and peace building. He sees disrespect at the heart of violence. He says criminal justice should centre on vindicating victims rather than punishing perpetrators. McErea believes the problem with traditional justice is not retribution but the professionalised two-party adversary system. He suggests rj is a democratic, partnership model and the adversary system an autocratic, dominator model. Noting some government support, McErea proposes adult Community Justice Centres for civil and criminal matters.	See "Peace" theme in Table of Key Themes & Best Papers on Each
Peacemaking through rj - LEADR [Lawyers Engaged in Alternative Dispute Resolution] conference, Perth - 199705	Conference paper; 5,400 words	TITLE IN DOCUMENT: Restorative Justice - A Peace Making Process FORUM: LEADR International Conference Perth, Australia May 1997	Models of rj and parallels with ADR	McErea compares and contrasts rj with Alternative Dispute Resolution (ADR). He describes the NZ youth justice model, sentencing circles in Canada and Britain's Victim Offender Reconciliation Programme. Parallels with ADR include: Reduced role of the state, enhanced role of the community, negotiated outcomes, the role of lawyers, greater convenience and their historical antecedents in peacemaking. McErea asks whether ADR could adopt community involvement aspects of fuller rj models when the conflict has wider ramifications, and he floats Commercial Community Conferences.	
Personal view to lawyers [redacted] - Criminal Bar address - 201012	Address to lawyers; 1,200 words	TITLE IN DOCUMENT: Notes for address to Criminal Bar Association 2nd Dec 2010 FORUM: Address to Criminal Bar Association, NZ	Personal view of law and rj to criminal bar [redacted]	This speech offers a personal view of the importance of rj for developing NZ law. It notes: criticism of the law for its treatment of victims; populism in sentencing; calls for tougher penalties in the name of victims; how rj can be win-win for victims and offenders; the NZ higher courts' treatment of restorative purposes of sentencing in the Sentencing Act 2002, especially in <i>R v Hessel</i> ; and the risk of shrinking judges' discretion in sentencing.	NB Totally separate from the article in Criminal Bar Association newsletter "Lawyers challenged to reduce reliance on prisons - Acquitalk - 200907"
Procedural revolution from courts to rj - Chapter in Civilising Criminal Justice an International Restorative Agenda for Penal Reform, UK - 2013	Book chapter; 12,200	TITLE IN DOCUMENT: Restorative justice as a procedural revolution: some lessons from the adversary system FORUM: D Cornwell, J Blad, M Wright (eds) <i>Civilising Criminal Justice: An International Restorative Agenda for Penal Reform</i> , Waterside 2013	Detailed comparative analysis of rj and adversary system; adversary history	McErea recasts rj as a procedural revolution, not an opposite of retribution. Drawing on ground-breaking work by Yale University's John Langbein, McErea traces the haphazard development by 1800 of modern adversary criminal trial, and aspects of sentencing. He contrasts this with earlier forms – especially the altercation trial, where defendants spoke and lawyers played very little role – and with rj. Unlike Langbein, McErea criticises the European inquisitorial approach as another two-party State-versus-defendant model. McErea tabulates and analyses weaknesses of adversary trial and corresponding strengths of rj.	See also the much earlier conference paper it was based on: "Procedural revolution from courts to rj - Law conference, Winchester - 20071010"
Procedural revolution from courts to rj - Law conference, Winchester - 20071010	Conference paper; 10,500 words	TITLE IN DOCUMENT: Restorative justice as a procedural revolution: some lessons from the adversary system FORUM: Fourth International Winchester Restorative Justice Conference, 10 Oct 2007	"Accidental" history of adversary trial and its weaknesses	McErea recasts rj as a procedural revolution, not an opposite of retribution. Drawing on ground-breaking work by Yale University's John Langbein, McErea traces the haphazard development by 1800 of modern adversary criminal trial, and aspects of sentencing. He contrasts this with earlier forms – especially the altercation trial, where defendants spoke and lawyers played very little role – and with rj. Unlike Langbein, McErea criticises the European inquisitorial approach as another two-party State-versus-defendant model. McErea tabulates and analyses weaknesses of adversary trial and corresponding strengths of rj.	Much later became edited chapter (and with abstract added) in <i>Civilising Criminal Justice: An International Restorative Agenda for Penal Reform</i> , Waterside 2013, D Cornwell, J Blad, M Wright (eds)
Rape, 10 years' 'progress' - Conference, Wellington - 199603	Conference paper; 3,900 words	TITLE IN DOCUMENT: Address to inter-disciplinary conference RAPE: Ten Years' Progress? FORUM: Inter-disciplinary conference "RAPE: Ten Years' Progress?" Wellington Mar 1996	Adapting rj to address low conviction rate for rape	Having presided over rape trials, McErea asks the relevance of rj to rape. Currently, very many rapists are never convicted, and harsher penalties for the few who are disincentivise guilty pleas and taking responsibility. This jars with the presumption of innocence. McErea calls to remove the right to put the prosecution to the proof. He addresses the continental European inquisitorial system before detailing a comprehensive approach to systemic sexual abuse in the Canadian First Nation community of Hollow Waters, Manitoba, with thoughts on applying that approach in NZ.	See also "Sexual abuse and rj - Conference, Australia-NZ Assoc Treatment of Sexual Abusers, Auckland - 200404"

Reflections after UK study trip - Ditchley and London - 200006	Personal reflections; 800 words	TITLE: Reflections for New Zealand after UK visit (Oxford, Ditchley, London) June 2000 FORUM: same	Sketched reflections on UK study trip	Based on a study trip to the UK, McElrea reflects in bullet points on changes needed to NZ's youth rj programme and mentions a few signposts of where rj is up to internationally, including its reception by some politicians and lawyers.	For more formal account see : "Internal report on UK study trip - Ditchley and London, UK - 200007"
Relationships in rj - Chapter in Relational Justice Repairing the Breach, UK - 1994	Book chapter; 4,200 words	TITLE IN DOCUMENT: Justice in the Community: The New Zealand Experience FORUM: Jonathan Burnside and Nicola Baker (eds) <i>Relational justice: repairing the breach</i> Winchester, UK: Waterside Press c 1994	Relationships under restorative justice and adversarial-punitive system	In his main statement of rj as relational justice, McElrea contrasts damage to relationships under the traditional criminal justice system with NZ's youth justice model of family group conferences, involving responsible reconciliation. He considers destructive and constructive shame, the latter depending on people attending who matter to the offender. Although for young people family relationships are most relevant, McElrea addresses the relationships that would apply to an adult version of the youth model.	
Resolving conflict from a 'New Testament' perspective - Conference, Melbourne - 200102	Conference paper; 3,200 words	TITLE IN DOCUMENT: A Christian Approach to Conflict Resolution FORUM: Australasian Christian Legal Convention Melbourne, 1-4 Feb 2001	Mediation and rj as Christian approach to conflict resolution	This address considers mediation and restorative justice as a New Testament or Christian approach to conflict resolution because: (1) it rejects legalism and formalism in favour of the personal encounter and engagement of those directly affected; (2) it allows place for grace; (3) it expresses other Christian values, or enables them to be expressed; (4) it uses a partnership model rather than a dominator model; and (5) Christians are called on to avoid revenge, thus leaving judgment to God.	A version appeared in <i>Reality</i> magazine http://www.reality.org.nz/articles/49/49-mcelrea.php
Resource Management Act & rj - Environmental law conference, NZ - 200407	Conference paper; 8,100 words	TITLE IN DOCUMENT: The role of restorative justice in RMA prosecutions FORUM: Salmon Lecture 2004 to the Resource Management Law Association	Current and potential use of rj in RMA prosecutions	Drawing on Environment Court experience but speaking personally, McElrea discusses current and potential use of rj in Resource Management Act prosecutions. He addresses what rj is and is not, its relationship to four mega trends, and how it can mend inadequacies of sentencing, especially by vindicating victims. Using actual case examples, McElrea explains how to set up a rj conference and the benefits of: sentencing purposes being already met by the rj conference; more imaginative outcomes; and more discharges with or without conviction. He floats using conferences for diversion.	See theme "Environmental/ resource management law and rj" in Table of Key Themes & Best Papers on Each
Restorative corrections - International Corrections & Prisons Assoc conference, Amsterdam - 200210	Conference paper; 4,400 words	TITLE IN DOCUMENT: Restorative Corrections? FORUM: Fourth Annual Conference of International Corrections and Prisons Association, Amsterdam, Oct 2002	Rj as part of societal mega trends	McElrea describes restorative justice as part of four wider transitions: (1) recognition of victims' rights, and criminal justice as more than a two-party process of State versus Defendant; (2) the democratisation of process and empowering the community; (3) holistic approaches to problems, including spiritual and emotional values to be expressed, especially where indigenous peoples are involved; and (4) a move from procedural justice towards substantive justice.	
Rethinking punishment - District Court Judges' conference - 199404	Conference paper; 8,600 words	TITLE IN DOCUMENT: Restorative Justice -- The New Zealand Youth Court: A Model for Development in Other Courts? FORUM: National Conference of District Court Judges Rotorua, New Zealand 6-9 Apr 1994	Failed traditional theories of punishment; youth and adult rj	McElrea tells judges the "big three" theories of punishment – retribution, deterrence and reformation – and their add-ons try to rationalise a dysfunctional status quo. The NZ Youth Court offers a much better model, basically rj. McElrea sets out its mechanics, testimonials and overarching elements. He traces how Western States lost this ancient, integrative approach. He proposes an adult adaptation: Community Group Conferences (CGCs). McElrea dissects challenges to rj. He stresses accountability and shows CGCs would reduce the need for courts and prisons, but warns of using them solely to save money.	Later appeared in 1994 <i>Journal of Judicial Administration</i> 4(1): 33 and in <i>Public Sector</i> 17(3), published by NZ Institute of Public Administration; similar appeared in <i>Restorative Justice: International Perspectives</i> ed by B Galaway and J Hudson, Monsey, NY: Criminal Justice Press 1996
Role changes from court to Family Group Conferences - Legal Research Foundation, NZ - 1993	Occasional publication; 6,300 words	TITLE IN DOCUMENT: A New Model of Justice FORUM: Legal Research Foundation publication of four papers	Rj flips roles of participants in justice	McElrea portrays the novelty of FGCs through the altered roles from the old system of court, judge, family, victim, police and experts. Having contrasted the adversary system with the new consensus model (which includes indigenous elements) and shown the whole through the eyes of the young offender, he notes in conclusion that restorative justice has almost exactly flipped the hierarchy of roles: the new model turns the old one "on its head".	
Roles of state & community - Lecture notes, AUT University, Auckland - 200808	Lecture notes; 300 words	TITLE IN DOCUMENT: The Roles of State & Community in Justice FORUM: AUT (Auckland University of Technology) lecture	Note-form outline of roles of state & community in criminal justice	This two-page outline for a lecture sets out the State's dominant role in justice and the peripheral role for community, enlarged by restorative justice. It proposes other community structures and asks how far justice is a public matter.	
Sentencing Act 2002 rj section by section - Seminar, Auckland District Law Society - 20020902	Seminar; 2,900 words	TITLE IN DOCUMENT: Address To Auckland District Law Society Sentencing Seminar FORUM: Auckland District Law Society Sentencing Seminar Sep 2002 Crowne Plaza, Auckland	Factoring rj into sentencing under Sentencing Act 2002	Addressing lawyers on the new Sentencing Act 2002, McElrea touches on resulting changes to District Court procedure before backgrounding rj in NZ including pilot schemes. He then considers section by section how rj can now be factored into sentencing.	Much shorter and less formal than "New dimensions of sentencing - Seminar, NZ Law Society - 200303" but more focused on the Sentencing Act
Sexual abuse and rj - Conference, Australia-NZ Assoc Treatment of Sexual Abusers, Auckland - 200404	Conference paper; 5,900 words	TITLE IN DOCUMENT: Restorative Justice and Sexual Abuse – a New Zealand Perspective FORUM: Symposium of the Australian & New Zealand Association for the Treatment of Sexual Abusers, Auckland, New Zealand 17 Apr 2004	Suitability of rj to sexual abuse and domestic violence cases	McElrea places rj within four international mega trends and identifies seven key rj values. Remarks follow on the exclusion of sexual abuse cases from government-funded rj schemes, power imbalance, Youth Court lessons, adult court sentences, the primacy of vindicating the victim, and private versus public justice. He proposes one Community Justice Centre in each main centre would specialise in sexual and domestic violence, tailoring process for confidentiality and victim-initiated rather than offender-driven conferences.	See also "Rape, 10 years' 'progress' - Conference, Wellington - 199603"
Some thoughts on RMA (environmental) prosecutions - Butterworth's Resource Management Bulletin, NZ - 2007	Journal article; 3,700 words	TITLE IN DOCUMENT: Some thoughts on RMA prosecutions FORUM: Butterworth's Resource Management Bulletin	Rj in RMA sentencing	Having discussed case management, pleading, proof of previous convictions, committal proceedings for breach of an enforcement order and costs, McElrea considers rj as one of seven points on sentencing under the Resource Management Act 1991.	Edited version of address to Environment Court Judges' Conference at Taupo, 18-20 Aug 2007. See theme "Environmental/ resource management law and rj" in Table of Key Themes & Best Papers on Each
Table of adversary justice & rj - Tonga - 200410	Table & outline; 800 words	TITLE IN DOCUMENT: Characteristics of restorative justice as compared with western criminal justice FORUM: Own notes	Comparative table and NZ rj basics	McElrea, who sat on the Supreme Court of Tonga, tabulates 13 comparisons between traditional and restorative justice and summarises a few features of the NZ legal system. The features are not developed in the text.	For development of the comparisons see "Procedural revolution from courts to rj - Chapter in Civilising Criminal Justice An International Restorative Agenda for Penal Reform, UK - 2012"
Te Oritenga rj group & church - St Giles' address, Auckland - 199709	Church service address; 1,500 words	TITLE IN DOCUMENT: Address for St Giles day service, parish of St Giles Mt Roskill FORUM: St Giles' Day service, parish of St Giles, Mt Roskill, Auckland	NZ rj stalling	McElrea discusses peace and justice, and the work of Revd Doug Mansill's Te Oritenga rj group for adults as recognised by Auckland District Court judges. Other countries cannot understand why NZ has progressed so little from the revolutionary foundations of the Children, Young Persons and Their Families Act 1989. "But there has to be a better way than we are doing with adults. We cannot just keep on trying more of the same when it does not work and creates so much misery."	
Thoughts about study trip - North America - 1995	Personal reflections; 500 words	TITLE IN DOCUMENT: Thoughts overall about North America, as at 10 Oct 1995 FORUM: Own notes	Notes on North America visit	This is a single page of notes made during a trip to North America to address rj conferences. McElrea mentions the most thoroughgoing form of rj, sentencing circles, and also the Australian model and the renown of NZ Family Group Conferences model for youth.	

Towards a less aggressive culture - Graduation address, Waikato University, NZ - 20010509	Speech at graduation; 2,200 words	TITLE IN DOCUMENT: Towards a Less Aggressive Culture FORUM: Waikato University graduation, Hamilton, NZ	Challenging schools for frequent exclusions and offering improvements	Having often seen offenders with a broken education, McElrea compares excluding pupils from school with society's ultimate exclusion: imprisonment. He asks why exclusions have risen, especially since new rules in 1999. McElrea does not see appeal rights as a full solution. Floating further parallels with violence in society, he urges less adversarial, more communitarian and restorative ways of addressing conflict – one way graduating teachers can advance a less aggressive culture.	
Twenty years of rj in NZ - Journal of Commonwealth Criminal Law - 2011	Journal article; 5,100 words	TITLE IN DOCUMENT: 20 years of restorative justice in New Zealand – reflections of a judicial participant FORUM: Journal of Commonwealth Criminal Law 2011 [now defunct]	Rj in NZ for youth and adults 1990-2010	McElrea finds lessons for Commonwealth criminal jurisdictions in NZ's experience 1990–2010. He details family group conference innovations of value for adults. Adult rj was not legislated but run ad hoc, where judges were willing to adjourn for a conference and community groups available to offer them. A government pilot programme followed and sentencing became codified, incorporating restorative principles. McElrea weighs the merits of being voluntary for the offender. If not made obligatory, rj for adults could still thrive in community justice centres and change the common law criminal landscape.	
Victims' rights submissions - Submission to Parliamentary Cttee, NZ - 20070329	Submissions; 900 words	TITLE IN DOCUMENT: Notes of Judge FWM McElrea for submission on 29 March 2007 FORUM: Parliamentary Committee (Justice and Electoral Reform) Enquiring into Victims' Rights	Victims under new legislation and old procedure	McElrea submits that our rights-based, two-party, adversary system deserves victims. He notes poor adherence to section 9 of the Victims' Rights Act 2002, which obliges judges and others to encourage meetings between victims and offenders. Restorative and victim-oriented sections of the Sentencing Act 2002, too, have run ahead of practice. McElrea urges radical change towards rj, which he suggests be run by iwi in appropriate cases as a way of giving Māori more accommodating justice without separate courts.	See also "Victims' needs and rights, co-written at AUT RJ Centre - Submission to Ministry of Justice, NZ - 20100318" under theme "Victims" in Table of Key Themes & Best Papers on Each
Visit to Northern Ireland - International Corrections & Prisons Assoc newsletter - 199905	Newsletter article; 700 words	TITLE IN DOCUMENT: Contribution to the May/June ICPA Newsletter "A peep into Northern Ireland" FORUM: International Corrections and Prisons Association	Lessons from and for Northern Ireland	This third-person account summarises McElrea's visit to Northern Ireland, where he shared New Zealand's experience of rj for youth and learned from the local experience. Notably the Greater Shankill Alternatives group in Belfast selects young people with a long history of offending and community disruption and seeks to engage them, their families and the community in addressing that pattern of behaviour rather than specific incidents.	
Why rj works - Rj conference, Florida - 199811	Conference paper; 3,100 words	TITLE IN DOCUMENT: Restorative Process and Outcome: Emerging Theories of Restorative Interventions FORUM: Second International Conference on Restorative Justice for Juveniles Fort Lauderdale, Florida, 7-9 Nov 1998	Eight reasons rj works	McElrea offers eight answers to "Why do I think rj works?" They are: because it is inclusive and respectful; because it is not dominated by professionals; because it is much more satisfying to victims; because it is the way most families work and so we readily understand it; because it acknowledges the whole person; because it lacks the paternalism of welfare models of youth justice; because it does not presuppose a monolithic and all-knowing State; and because it is positive and hopeful in its outlook.	
Win-win solutions to school conflict - Education law conference, Sydney - 199707	Conference paper; 5,400 words	TITLE IN DOCUMENT: Contemporary Issues in Education Law: Strategies for Best Practice "Win-Win" Solutions to School Conflict FORUM: Contemporary Issues in Education Law: Strategies for Best Practice Sydney, Australia, 7-9 Jul 1997	Comparing school conflict, and responses, to offending and criminal justice	McElrea correlates truancy and troubled school careers with offending in youth and adulthood. He surveys rates and long-term costs of truancy, suspensions, and expulsions. He compares school expulsion procedures to adversarial adult justice, and suggests restorative School Community Conferences modelled on Family Group Conferences. An appeal authority could have a place but would still be adversarial, not win-win.	See "Education" theme in Table of Key Themes & Best Papers on Each
Youth Court in NZ New Model of Justice - Seminar, Cambridge University - 19931020	Seminar paper; 8,800 words	TITLE IN DOCUMENT: The Youth Court In New Zealand: Is This A New Model Of Justice? FORUM: Institute of Criminology, University of Cambridge	Ancient and novel features in NZ Family Group Conference law and practice	This seminar to the Institute of Criminology at Cambridge University analyses the world-leading Children, Young Persons and Their Families Act 1989, which introduced Family Group Conferences in NZ. McElrea sets out the structural features and participants' experience, elements found in other systems including Māori, how ancient systems ceded to the adversarial-punitive model, ways the NZ model is new and the need to amend the Act to explicitly recognize "restorative" functions as perceived by participants.	See also "Origins & overseas" theme in Table of Key Themes & Best Papers on Each
Youth Court Judges discussion qq - Youth Court Judges Conference, Auckland - 19950316	Lecture notes; 500 words	TITLE IN DOCUMENT: Restorative justice issues. Judge FWM McElrea questions for discussion FORUM: Youth Court Judges' National Conference 1995, 16-18 Mar 1995	Provoking reflection by Youth Court judges on their rj practice	McElrea asks what the judges think rj is, and what is distinctive about the Youth Court model. In 13 subquestions and with references to sections of the Children, Young Persons, and Their Families Act 1989 he probes whether he and other judges are reinforcing or undermining rj, before noting interest in the model domestically and overseas.	
Youth justice in NZ - Article in NZ Herald - 199706	Press article; 500 words	TITLER IN DOCUMENT: Column for New Zealand Herald's feature article on Youth Justice FORUM: New Zealand Herald	Op-ed on youth justice in NZ	McElrea summarises the role and importance of the Youth Court. He praises the part played by Family Group Conferences in most cases that come to the Court and many that are diverted from it entirely.	

WRITTEN OR CO-WRITTEN BY OTHER AUTHORS

Adult rj case law by Yael Shy - Student thesis, Auckland - 2006	Student paper; 7,400 words	TITLE IN DOCUMENT: Restorative Justice Jurisprudence In New Zealand (1998-2005) FORUM: Work of postgraduate fellow	Jurisprudence from 100 NZ cases of court-referred rj	Yael Shy interned as a visiting US fellow for both Judge McElrea and Judge Stan Thorburn in 2005. Building on a lecture by Judge Thorburn in China, this academic paper examines 100 cases of court-referred rj in the High Court and District Courts 2002–2005, most (notably not the landmark Court of Appeal ruling in R v Clotworthy 1998) under the Sentencing Act 2002. Shy pinpoints issues judges face in taking rj into account when sentencing, and the jurisprudence that has emerged.	
Benefits to defendants in environmental prosecutions by Deborah Clapshaw - Butterworth's Resource Management Bulletin - 2009	Conference paper; 1,800 words	TITLE IN DOCUMENT: Restorative Justice in Resource Management Prosecutions – a Facilitator's Perspective FORUM: Resource Management Bulletin September 2009	Benefits of rj to defendants in Resource Management prosecutions	As a rj facilitator in resource management prosecutions, and previously a resource management litigator, Clapshaw considers the benefits to defendants of rj. Rj offers opportunities to: (a) consider the appropriate charges to remain before the Court; (b) hear the concerns of victims in a proper forum and start rebuilding the relationship with the prosecuting authority and victims; (c) agree steps the defendant must take to restore its reputation; (d) tailor a solution to the effects of the offending; and (e) agree the overall outcome plan to go before the sentencing judge.	For McElrea's own related writings, see theme "Environmental/ resource management law and rj" in Table of Key Themes & Best Papers on Each
Journey to belonging by Prof Howard Zehr - Conference, Massey University, NZ - 20000424	Conference paper; 4,300 words	TITLE IN DOCUMENT: Journey to Belonging FORUM: Conference: Just Peace? Peace making and peacebuilding for the New Millennium, Massey University, Albany, New Zealand, 24-28 Apr 2000	Victims' and offenders' quests for belonging and other values	Prof Zehr delicately compares offenders' and victims' journeys from alienation toward both identity and belonging. There are healthy and unhealthy ways to achieve autonomy, order and relatedness and thus meaning – qualities which trauma disrupts. Zehr traces humiliation and, at length, shame (and their opposites, honor and respect) in: causing offending behavior, how offenders experience justice, the trauma of victimization and how victims experience justice. He argues victims need vindication more than revenge, and that restorative justice meets some similar needs for reciprocity as retributive justice tries to – but productively.	

WRITTEN OR CO-WRITTEN BY OTHER AUTHORS

Making peace or doing justice by Dr (later Prof) Nigel Biggar - Chapter in Burying the Past Making Peace and Doing Justice after Civil Conflict, USA - 2001	Book chapter; 7,000 words	TITLE IN DOCUMENT: Making Peace or Doing Justice: Must We Choose? FORUM: From book Dr Biggar edited: <i>Burying the Past: Making Peace and Doing Justice After Civil Conflict</i> Georgetown University Press: Washington DC 2003	Justice as vindicating victim, not punishing perpetrator	Referring to the civil conflicts in Northern Ireland and South Africa, Biggar argues the tension between the moral demands of justice and the political requirements of peace is exaggerated and neither country simply traded justice away for peace. He negotiates the dilemma between peace as deliberate forgetting and a justice that risks bringing war back to life. He argues justice is <i>primarily</i> not about punishing the perpetrator, but about vindicating the victims (words McElrea often quotes), both direct and indirect. Biggar concludes that thinking of criminal justice primarily in terms, not of retribution, but of vindicating victims, relaxes the tension between it and the politics of making peace.
Prison-based rj by McElrea & Katounas - International Corrections & Prisons Assoc, UK - 200112	Newsletter article; 2,000 words	TITLE IN DOCUMENT: Restorative justice in prisons – a New Zealand experience FORUM: International Corrections and Prisons Association newsletter	Ex-inmate's view as rj facilitator, and NZ prison chaplains	Ex-inmate Katounas describes her conversion to rj as an offender participant then facilitator and encouraging prisoners to take part in post-sentence rj. Katounas mentions 15 post-sentence conferences for serious offences, 14 successful. McElrea commends the Whakatika restorative pilot and Katounas. He backgrounds adult rj in NZ, praises trailblazer Rev Doug Mansill and suggests appropriately trained prison chaplains act, secularly, as facilitators. McElrea recommends every prison have the services of a rj facilitator.
Rj in NZ courts 1995-2005 by Judge Stan Thorburn - Conference, Shenzhen, China - 200507	Conference paper; 6,500 words	TITLE IN DOCUMENT: Observing the Application of Restorative Justice in Courts of New Zealand (a brief survey of cases over 10 years) FORUM: International Symposium on Latest Developments In International Criminal Justice Reform Shenzhen City People's Republic of China 19-20 Aug 2005	Observations on serious cases pre and post Sentencing Act 2002	In an avowedly unscientific survey, Judge Thorburn traces outcomes and reasoning of some 15 more serious cases (mainly leading to imprisonment) where courts applied principles aligning with restorative justice, both before and since restorative justice gained statutory acknowledgement in the Sentencing Act 2002. The Judge bullet-points observations on each case, beginning with the sole Court of Appeal decision, <i>R v Clotworthy</i> , which articulated the need for a balance under the Criminal Justice Act 1985 between the then purposes of sentencing. The 2002 Act recognised the pre-Act judicial balancing had been legitimate and generated more explicit reasoning on restorative principles.
Rj values and standards by Dr (later Prof) Chris Marshall - RJ Network, NZ - 200306	Policy document; 2,400 words	TITLE IN DOCUMENT: Restorative Justice Values And Processes Adopted By The Restorative Justice Network FORUM: Restorative Justice Network (New Zealand)	How to apply restorative justice values as best practice	The document, mainly written by leading NZ rj scholar Chris Marshall, stresses that rj processes must embody rj values. Stating the values is the best way to state good practice. After a general introduction to rj, Dr Marshall details the values and specifies what does and does not constitute applying those values. The statement was adopted by the Ministry of Justice in 2004 as part of its Best Practice standards.
Survey of 17 adult conferences by Yael Shy - Student paper, Auckland - 2006	Informal survey results; 11,400 words	TITLE IN DOCUMENT: Following Up On Restorative Justice: A Report To The New Zealand Chief District Court Judge FORUM: Work of postgraduate fellow	Follow-up survey of 17 conferences in Auckland	Yael Shy interned as a visiting US fellow for both Judge McElrea and Judge Stan Thorburn in 2005. This informal qualitative assessment surveys the effects of rj conferences on participants in the months and years after. Shy states that although the cohort was small (17 conferences) and not necessarily scientifically representative, the responses of the participants are fairly consistent and may shed insight into the long-term benefits of rj and areas requiring further attention.
Te Kōti Rangatahi, The Rangatahi Court, Best practice - Court publication - 20150701	Court publication; 6,600 words	TITLE IN DOCUMENT: Te Kōti Rangatahi The Rangatahi Court FORUM: Official publication of Te Kōti Rangatahi, The Rangatahi Court	Background and operating protocols of the Rangatahi Court	This official publication by the Rangatahi Court (Te Kōti Rangatahi) sets out the background to the Court including its origins, jurisdiction, evaluation and international framework before detailing its operating protocols.
Turning the tide in the courts by Chief District Court Judge Russell Johnson - Rj conference, Wellington - 201003	Conference paper; 4,200 words	TITLE IN DOCUMENT: Restorative Justice: Turning the Tide in the Courts FORUM: National Restorative Justice Practitioners' Conference 26-27 Mar 2010 Wellington	Judges re-taking adult rj initiative	Chief District Court Judge Russell Johnson reflects why rj outside the youth system is languishing. He endorses McElrea's call for judicial championing of rj, while saying the legislature has already done its part with the Sentencing Act 2002 and the Victims' Rights Act 2002. He stresses the need to explicitly define rj as including the victim, calls for a change of attitude and practice and promises actions of his own.
Victims' needs and rights, co-written at AUT RJ Centre - Submission to Ministry of Justice, NZ - 20100318	Submission; 11 pages	TITLE IN DOCUMENT: Submission by AUT Restorative Justice Centre to Ministry of Justice, Wellington FORUM: Response to Ministry of Justice "Focus on Victims of Crime" consultation document	Making victims' "justice needs" and related obligations central	With considerable input by McElrea the Restorative Justice Centre at Auckland's AUT University switches the focus from rights to victims' "justice needs", and to obligations, as more basic. Victims' main right is to have their needs assessed and met. They need vindication, empowerment, information and truth-telling. The submission proposes a Victims' Services Centre and a Code of Practice. The needs of victims of sexual and domestic abuse and of offences by children and young persons are considered separately. Rj offers far greater relevance than the consultation has recognised.

CASES		CASES		
Auckland City Council v Shaw - NZ District Court (McElrea DCJ) - 20060302	Case; 21 pages	TITLE IN DOCUMENT: [Court's title page] FORUM: District Court at Auckland	Resource Management Act case featuring successful first public rj conference	McElrea DCJ sentences a man who cut down a tree without resource consent, then claimed to be the victim. The parties initiated a public rj conference (apparently NZ's first) and the court ensured an experienced facilitator. McElrea DCJ says the successful conference accorded with local residents' interest and the democratic way district plans are created. The Judge largely adopts the conference's recommendations. Imprisonment would normally be necessary to punish, deter and denounce such serious offending with previous convictions, but an \$80,000 fine, enforcement order on safeguarding a replacement tree and order for community work planting trees achieve these and other sentencing objectives.
Dikoko v Mokhatla case and summary - Constitutional Court of South Africa - 20060803	Case; 81 pages incl. media summary	TITLE IN DOCUMENT: [Court's title page] FORUM: Constitutional Court of South Africa	Potentially extending rj principles to defamation	Notably this case raises potentially extending restorative justice to defamation, especially at paras 69 and 114-121. The Constitutional Court dismissed an appeal on liability and quantum for defamation. One judge, Sachs J, proposes at length developing the law of defamation to encourage apology, with the goal of reparation rather than punishment. He holds that this approach would accord more with the constitutional value of ubuntu-botho, which is consonant with the notion of restorative justice, whose elements he identifies as encounter, reparation, reintegration and participation. Mokgoro J also mentions rj positively. However, the Court held the issue did not squarely arise.
R v Buttar - NZ District Court (McElrea DCJ) - 20070914	Case; 8,700 words	TITLE IN DOCUMENT: [Court's title page] FORUM: District Court at Auckland	Wounding with intent to cause grievous bodily harm; reduced jail term	McElrea DCJ sentenced four members of the Sikh community to wounding a fifth with intent to cause grievous bodily harm. The Judge noted the results of a traditional Sikh conference or punchayati and took into account a subsequent restorative justice conference. The victim had accepted the offenders' agreement from the restorative conference to each pay \$10,000 and do 250 hours' community service and attend religious counselling and no longer feared his attackers. Although the victim was opposed to a jail term, McElrea DCJ imposed prison sentences discounted by 50 percent, with no minimum term. The Judge called the circumstances highly unusual.

See also "Victims' rights submissions - Submission to Parliamentary Cttee, NZ - 20070329" under theme "Victims" in Table of Key Themes & Best Papers on Each

See also the unsuccessful appeal: "R v Buttar, Court of Appeal - NZ Court of Appeal - 20080226"

R v Buttar, Court of Appeal - NZ Court of Appeal - 20080226	Case; 7 pages	TITLE IN DOCUMENT: [Court's title page] FORUM: New Zealand Court of Appeal	Upholding District Court decision informed by rj	The Court of Appeal dismissed the defendants' appeal against their sentencing to imprisonment by McElrea DCJ in the District Court. The Court considered the defendants fortunate to have received a 50 percent discount in total, partly for the restorative justice conference outcomes, which the sentence incorporated.	See also the decision appealed from: "R v Buttar - NZ District Court (McElrea DCJ) - 20070914"
R v Sami - NZ District Court (McElrea DCJ) - 20051014	Case; 3,200 words	TITLE IN DOCUMENT: [Court's title page] FORUM: District Court at Auckland	Assault with intent to rob; jail could worsen risk to public	In this case of assault with intent to rob, McElrea DCJ sentenced Sami to 200 hours' community work, 12 months' supervision and \$150 reparation instead of imprisonment, partly because a restorative justice conference achieved some of the accountability sought by section 7 of the Sentencing Act 2002. The Judge noted the victim's positive report of the conference and restorative justice statistics indicating the public might be put more at risk by a jail term.	
State v Maluleke - High Court of South Africa - 20060613	Case; 8 pages	TITLE IN DOCUMENT: [Court's title page] FORUM: High Court of South Africa/RB (Transvaal Provincial Division)	Murder; customary law and rj	Maluleke was convicted of murdering an intruder. Owing to many unusual mitigating factors, the Court would not have sentenced her to (unsuspended) imprisonment anyway, but it took the willingness, and indeed need, of the victim's mother to dialogue with the accused as a chance to apply customary law and restorative justice principles. It imposed a sentence of eight years, suspended for three years, on condition Maluleke apologise according to custom within a month. The Court discussed restorative justice and customary law at length.	
Van der Walt v ABSA Bank - High Court of South Africa - 20061017	Case; 3,300 words	TITLE IN DOCUMENT: [Court's title page] FORUM: High Court of South Africa Transvaal Provincial Division	Rj principles in defamation	A bank employee circulated outside privileged scope a cautionary notice against fraud mistakenly including the applicant's car dealership. The dealership lost credit lines as a result. The Court applied the minority judgments from <i>Dikoko v Mokhatla</i> . It ordered a simple, practical retraction and apology, even though these could not constitutionally be backed with a threat of imprisonment. The remedy accorded with the spirit of indigenous values, restorative justice, restoration of dignity and respect in keeping with values of South Africa's constitution and restoration of commercial relationship.	Applied minority judgments from "Dikoko v Mokhatla case and summary - Constitutional Court of South Africa - 20060803"

INDEXES TO MATERIAL ELSEWHERE			INDEXES TO MATERIAL ELSEWHERE		
Contents of rj diskette - Samoa - 2004	Index; 700 words	TITLE IN DOCUMENT: Contents of restorative justice papers on diskette given to Attorney-General's office in Samoa, 2004 FORUM: For Attorney-General of Samoa	Index to diskette given to Attorney-General of Samoa	This is a short list of contents of a diskette that McElrea gave to the Attorney-General of Samoa.	
Index of bulky publications at VUW - Victoria University of Wellington - c. 2004	Index; 2,300 words	TITLE IN DOCUMENT: Index of Judge McElrea's More Bulky Restorative Justice Material at Victoria University of Wellington Restorative Justice Centre FORUM: Not applicable	Index of McElrea's bulkier library at Victoria University of Wellington	Index of about 90 bulkier publications belonging to McElrea, almost all by other authors and so not in Napier Library online collection of McElrea's papers. The items are held by Victoria University of Wellington. Inquire through restorativejustice@vuw.ac.nz .	
Index of hard copy library at VUW - Victoria University of Wellington - c. 2007	Index; 8,100 words	TITLE IN DOCUMENT: Index of Materials Belonging to FWM McElrea Held at Victoria University of Wellington Restorative Justice Centre FORUM: Not applicable	Index to hard copies held at Victoria University of Wellington	This index covers the eight volumes of hard copy materials belonging to Fred McElrea held at Victoria University of Wellington Restorative Justice Centre. Most are not by McElrea. Inquire through restorativejustice@vuw.ac.nz .	