

# Hearing All That Is Expressed: Analysing Audio Records of Complainant Evidence in Adult Acquaintance Rape Trials

*Speaker: Professor Elisabeth McDonald*

*University of Canterbury, School of Law*

*Chair: Associate Professor Julia Quilter*

*University of Wollongong, School of Law*



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## FREE SEMINAR

**THURSDAY 16<sup>TH</sup> MAY: 4.00PM – 6.00PM**

**ROOM 104, BUILDING 41**

**UNIVERSITY OF WOLLONGONG**

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## ABSTRACT

This seminar will describe the use of audio recordings and court records to analyse the questioning of complainants and use of real rape schema in acquaintance rape trials in the New Zealand Royal Society funded research project: “Rape myths as barriers to fair trial process”. Elisabeth will outline the process of selecting and accessing of cases and the unique contribution of audio records to the analytic process. The focus will be on the impact of lines of questioning (usually cross-examination but not invariably) on the complainant’s ability to speak. This information (when does a complainant break down or is unable to answer) is not usually available to researchers who only access the Notes of Evidence as this level of detail is not recorded on the transcript. Elisabeth will share preliminary findings as to what types of interaction is most likely to result in this kind of impact, as well as talk about what has been learnt about judicial interaction during complainant evidence.



## SPEAKER BIO

Elisabeth McDonald has established teaching and research interests in legal issues related to criminal law, criminal justice, the law of evidence, gender and sexuality. She has particular expertise with regard to the evidential and procedural rules relating to the prosecution of sexual offences. She was awarded a Marsden grant for the research project “Rape myths as barriers to fair trial process”, and is currently working on related research funded by the New Zealand Law Foundation and the Borrin Foundation. She was part of the Law Foundation funded research project which culminated in the publication of *From “Real Rape” to Real Justice* (VUP, Wellington, 2011), a work providing important background to the Law Commission project on alternative trial processes in sexual cases.



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Elisabeth is also widely published in the area of evidence, and has been a regular consultant to the Law Commission in this area, as well as many others. Currently a Professor of Law at University of Canterbury, Elisabeth has been co-Convenor of the Women’s Consultative Committee of the New Zealand Law Society, a Board member of the Intersex Trust of Aotearoa New Zealand, a committee member of the Wellington Women Lawyers Association and organiser of the 1993 Suffrage Centennial Women in the Law Conference. In 2014 she edited a special issue of the VUWLR, honouring the first woman law graduate from Victoria University. She was a co-Convenor and co-editor of the Law Foundation funded *Feminist Judgments Project Aotearoa* (Hart, 2017) and a member of the NZLS Working Group on Harassment. In June 2018 she was made a Member of the New Zealand Order of Merit for Services to Law and Education.

