Judicial Education – Indispensable for Successful Judicial Reform

Sir Dennis Byron
Sandra E. Oxner, O.C.
At the end of the Session Participants will be able to explain:

A. Why judicial education is necessary for successful and sustainable judicial reform

B. How judicial education can be best used to achieve successful and sustainable judicial reform

C. Changes in Judicial Education necessary to support a changing judicial function.
It’s a Matter of Definition

What are the Objectives of Judicial Education
To improve the quality of Justice Delivery

What are the Objectives of Judicial Reform
To improve the quality of Justice Delivery

JUSTICE EDUCATION = JUDICIAL REFORM

Results in Public Confidence
Education and Reform

The World is changing, and judges need to adapt and change
gender sensitivity
technologies to support the judicial function
Artificial intelligence

Some areas of concern for judicial response:
❖ Sexual violence;
❖ Money laundering and organized crime
❖ Human trafficking
❖ Human rights

Need to resolve disputes in specialized areas of law
Aviation
crypto - currency
intellectual property
Revised Treaty of Chaguaramas

Adaptations to new methodologies to increase output and
satisfy public

Judges:
workload has grown without commensurate increase in number
of judges

New Judges
Becoming a judge requires learning new skills
Customize training for needs of individual judge

The Judiciary
Introduction of modernized systems requiring behavioral
changes
Duty to develop judicial education bodies

- Need Organized, Systematic and ongoing training for judges and support staff with ancillary development and review of judicial codes of ethics
- Use network of judicial Education bodies
  - Each jurisdiction
  - Regional response
    - CAJO
    - Caribbean Academy of Law
    - CJEI
  - Growing involvement of CCJ in administration
Behavioural Change for judicial excellence

Adoption and implementation of measurable performance standards for the institution and for individual judges
Narrow the Gap...
Best Practice Principles of Judicial Education to Support an Improved Judiciary
Volunteers / Finance
Needs Assessment
National Standards
Articulated Objectives of Judicial Education

I Impartiality
C Competency
E Efficiency
E Effectiveness

= Community Confidence in the Judiciary
Programming Objectives
Session Objectives
Evaluations
Programme Development Process

1. Identify Learning Needs
2. Write Learning Objectives
3. Determine Learning Content
4. Design Learning Activities
5. Deliver
6. Evaluate
Interactive Presentation of Materials

• Intellectually interesting
• Attention holding
• Use of scientific adult education methods
Learning Pyramid

Lecture: 5%
Reading: 10%
Audio-Visual: 20%
Demonstration: 30%
Discussion Group: 50%
Practice by Doing: 75%
Teach Others/Immediate Use of Learning: 90%

Average Retention Rate
Research

• For programme committee
• For programmes
• Look to the future
Criteria for Judicial Appointment
Definition of algorithm
Title of Session: Judicial Education: Indispensable for Successful Judicial Reform

Session Chairperson: The Hon Mr Justice Jaap Sap

Session Panellists:
The Rt Hon Sir Dennis Byron - Former President of the CCJ
The Hon Justice Sandra Oxner - Commonwealth Judicial Education Institute, Canada

Objectives of Session:
1. Why judicial education is necessary for successful and sustainable reform?
2. How judicial education can be used to achieve judicial reform?

Key points from presentations:

The Rt Hon Sir Dennis Byron:
1. The objectives of judicial education and the objectives of judicial reform are the same. This objective is to improve the quality of justice delivery.

2. The workload of judges has increased with an equal increase of new judges who are required to learn practical and academic skills. In order to achieve an improved standard of judicial performance behavioural change is needed among members of the judiciary.

3. This behavioural change could be stimulated through customised training for judges; each judge is different. The training must include areas where judges are required to adapt and change such as, gender sensitivity, artificial intelligence, and technologies that support the judicial function. Other areas of concern for judicial response are: sex violence, money laundering, organized crime, human trafficking and human rights. The general challenge is that judges can’t specialize in all topics. Thus, there is a need to identify and implement new methods to increase judicial output and satisfy the public.

4. Duty to develop judicial education bodies – To develop judicial values, there is a need for organised, systematic and ongoing training for judges. There is also a need for support with ancillary developments and a review of judicial codes of ethics. In addition, networks of judicial education bodies such as CAJO and the Caribbean Academy of Law could be further utilised to assist with this growth and coupled with the growing involvement of the CCJ in administration. When it comes to judicial excellence, the most important issue is the adaption and implementation of measurable performance standards for the institute and for individual judges.

5. The RT. Hon Sir Dennis Byron closed with the following remarks: “Who we are accountable to is less important than what we are accountable for.”
The Hon Mme Justice Sandra Oxner:

1. The objective of judicial education is to narrow the gap between judiciary as it is and the ideal judiciary.

2. The best practice principles of judicial education is to support and improve the judiciary.

3. Judicial education functions largely on the efforts of volunteers since money cannot be taken from just any source. The limited financial resources of the judiciary must be used creatively because it is always inadequate.

4. The best form of education is face-to-face, thus collegial meetings are the best to broaden horizons. The judges may have areas of interest that they want to study and this should be considered. However, the people, members of the public care if the Judges are doing justice so, the question becomes, should the people be asked what they think judges should study to improve the judicial education.

5. Articulated objectives of judicial education: judges should be impartial, competent, efficient and effective after judicial education. Judicial education should look at the weaknesses within the system and implement competency training.

6. Programming objectives- The objective is to evaluate on whether they have specific objectives that they want achieve and whether they have specific outcomes to those objectives.

7. Program development process
   The Hon Justice Sandra Oxner introduced the following Program Development Process:

   Identify learning needs – write learning objectives – determine learning content – design learning activity – deliver – evaluate

8. Interactive presentation of materials - Everyone learns differently so make sure that the audience’s attention can be held. Make sure that the material is intellectually interesting. Importantly, Judges don’t get courses in education methods so they learn methods through experiences. This, in turn, causes attitudes to change which are followed by behavioural changes. The learning pyramid show the percentage of success of different learning types. It is considered controversial.

9. Algorithms - They have been used to predict the outcomes of cases. The concern is that it might cause civil trials to disappear. However, it doesn’t change the great need for education to produce great judges.
Questions and Responses:

**Question:** Why is the learning pyramid controversial?

**Response: The Hon Justice Sandra Oxner** - The pyramid is not accurate. In her view, the pyramid is still perfect. It is a method of using the different ways in which persons relate in the education part of learning. It is, also, a way to revitalize adult learning from the outside norm.

**Comment: The Hon Madam Justice Shona Griffith, Belize** - Not everyone has the same capacities or inclinations in learning.

**Comment: The Hon Mr Justice Jaap Sap** - Learning is not only by viewing or lecturing; it is about participating as well. A judge hears what he has to say and says his decision. Success is not in the process but in the outcome of the process.

**Question: The Hon Mme Justice Nancy Flatters** - Should algorithms be used for cases or evolving to constitutional use and can it replace the decision of a judge and let the human element be removed?

**Response: The Hon Justice Sandra Oxner** - In the case about the functional MRI, the MRI was only created for access but it was used to sentence in the case. It was used in a biased manner.

**Comment: The Rt. Hon Sir Dennis Byron** - The world is changing and affecting our judiciary. In five years, it might become an indispensable resource.

**Comment: The Hon Mr Justice Shiraz Aziz (Judge representing the Chief Justice of the Turks & Caicos Islands)** - Turks and Caicos has a 30-page report on the use of algorithms. What is put into the system is what comes out of the system. Judges can be biased which creates a fight on access of information.