



CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS
CAJO

Report on

**Strengthening the
Judicial Office: A
Judicial Officer
and Judicial
Research Counsel
Workshop**



Approved by the
Management Committee

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About the Programme

Background

Upon the onboarding of Judicial Research Counsel (JRC) and prior to the finalisation and release of the new Civil Proceedings Rules, the Judiciary of the Bahamas reached out to President of the Caribbean Court of Justice (CCJ), The Honourable Mr Justice Adrian Saunders for assistance with providing training to its JRC and Judicial Officers. President Saunders then requested that the Caribbean Court of Justice (CCJ) and the Caribbean Association of Judicial Officers (CAJO) design and execute this training.

The Judiciary of the Bahamas outlined key areas for which it desired training and the CAJO and CCJ were tasked with building and delivering this programme. Thus, the team assigned crafted a five-day programme titled 'Strengthening the Judicial Office' geared toward in-depth coverage of the outlined areas.

Facilitators

The Honourable Mr Justice Peter Jamadar, Chair of the CAJO and Judge of the CCJ, was tasked with leading a team which would develop and execute this programme. The Honourable Mr Justice Gregory Smith, Justice of Appeal of Trinidad and Tobago, Ms Kavita Deochan, Judicial Counsel at the CCJ, and Elron Elahie, Research and Programme Coordinator of the CAJO, comprised the team.

Over a three-month period, the team developed an in-depth and context-appropriate twelve module programme which would be delivered over the course of five days in the Bahamas.

Programme Format & Summary

The programme was run over a period of five days and was designed to employ different methods of learning towards achieving the objectives and outcomes of each module. Each module was designed to ensure that each participant is actively engaged in the learning process and the modules contained built-in activities and assessments to ensure that learning was achieved.

The context for learning was intended to be engaging, interactive, and enjoyable. To get the maximum benefit from this programme, pre-assigned materials had been provided and the expectation was that they would be carefully studied. As well, there were in-course assignments and it was essential that they were completed with diligence in order to derive the full benefits of this programme.

The Programme was structured accordingly:

1. Day One – Modules 1 – 5
2. Day Two – Modules 6 – 9
3. Day Three – Modules 10 – 12
4. Day Four – Assignment Completion and Facilitator Review
5. Day Five – Whole-Group Review and Discussion

Day One consisted of Judges of the Supreme Court and Court of Appeal, Registrars, and the JRC. Day Two consisted of Magistrates and the JRC, and Days 3-5 consisted of the JRC. The 5-day programme is contained in the Appendix of this Report.

Module Evaluation

Evaluation Tool

For each module, Module Evaluation Forms were given to participants. This feedback, both quantitative and qualitative, thus forms the basis of the results and recommendations put forward. These forms asked participants six (6) essential questions towards providing a holistic analysis of the sessions' success and gaps. The first five (5) questions, using a Likert scale ranging from 1 to 5. The scoring took place on the following scale:

- 1 – Poor/not at all
- 2 – Fair/a little
- 3 – Good/some
- 4 – Very good/a lot
- 5 – Excellent

The following shows the areas which were evaluated:

- A. Overall, I thought this session was...
- B. Rate how the session objective(s) were met?
- C. Rate the relevance of the information presented?
- D. Rate the sufficiency of the discussion...
- E. Did you learn anything new from the session?

The sixth and final question (F) on the form asked participants to state whether they would recommend the session to other judicial officers. A section for Comments was also included and so provided qualitative feedback.

A sample of the Session Evaluation Form can be found in the Appendix of this Report.

Method of Analysis

The evaluation forms for each session were collected and separated by module. For each module, the average score for questions A-E was calculated and the responses for question F, tallied. This average scores for each point of evaluation for each module is graphically represented below. Where there are particular nuances and differences in individual scores, the mean score will still be represented but with additional discussion from these differences or nuances.

For question E in which participants were asked if they had learned anything new from the session, the Likert Scale measurement captured how much they learned; with 1 being the lowest measure and 5 being the highest. Where participants provided qualitative feedback, these have been presented. The number of returned forms is as follows: Module 1: 24, Modules 2-5: 23, Module 6: 21, Modules 7-9: 20, Modules 10-12: 9. Modules 1-5 were presented to Judges, Registrars and JRC, Modules 6-9 were presented to Magistrates and JRC, and Modules 10-12 were presented only to JRC.

Module Evaluation Data

Module 1: Roles, Functions, and Responsibilities of Judicial Officers and JRC: Achieving Professional Excellence, Aiding the Delivery of Justice

Objectives:

At the end of this session, participants will be able to:

Describe the roles and expectations of Judges, Registrars, and JRC in the context of their interlocking relationships, with a view to agreeing on coherent and cohesive working relationships.

Respondents (Evaluation Forms Returned): Twenty-four (24)

Highest Score Point: 4.8 (relevance of the information presented)

Lowest Score Point: 4.2 (meeting of session objectives)

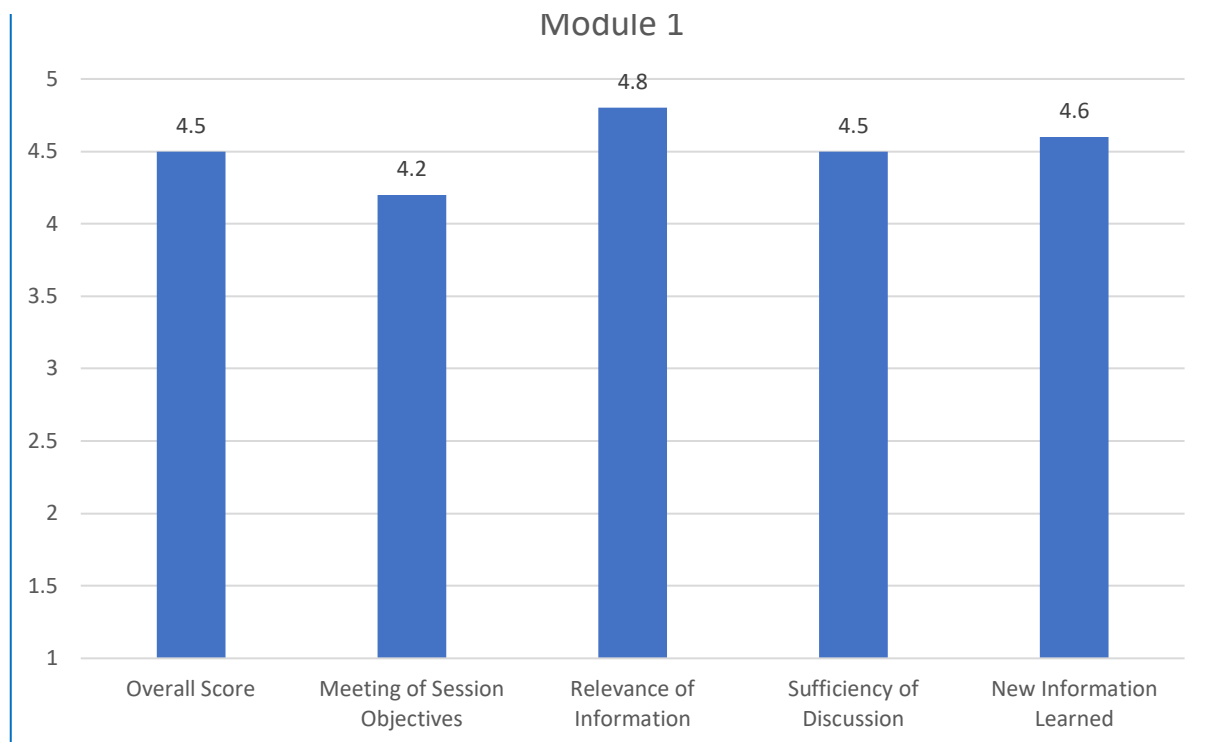


Fig 1: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 1

This module scored an average overall score of 4.5. Across the board, the module was highly rated. All participants stated that they would recommend the session to others. In their qualitative feedback, one participant noted the importance of ‘teaming’ as introduced in the module. Another participant asked that Judges be given more than one day of training, and a third suggested that the JRC Job Description be revised after having done the training.

Module 2: Civil Case Flow Management from Filing to Disposal: Judicial Officers' Roles and Responsibilities

Objectives:

At the end of this session, participants will be able to:

1. Explain the ideology, objective(s), and values for caseflow management in the Bahamas,
2. Identify and describe the milestones and essential intervening events/sub-events in the management of a case from filing to disposal (with reference to the relevant Rules - Overriding Objective, Case Management, Pre-Trial, and Hearing),
3. Identify the relevant rules that facilitate caseflow management, and
4. In the context of the relevant Rules, map process flowcharts for caseflow management in the Bahamas.

Respondents (Evaluation Forms Returned): Twenty-three (23)

Highest Score Point: 4.5 (new information learned)

Lowest Score Point: 4.3 (sufficiency of discussion)

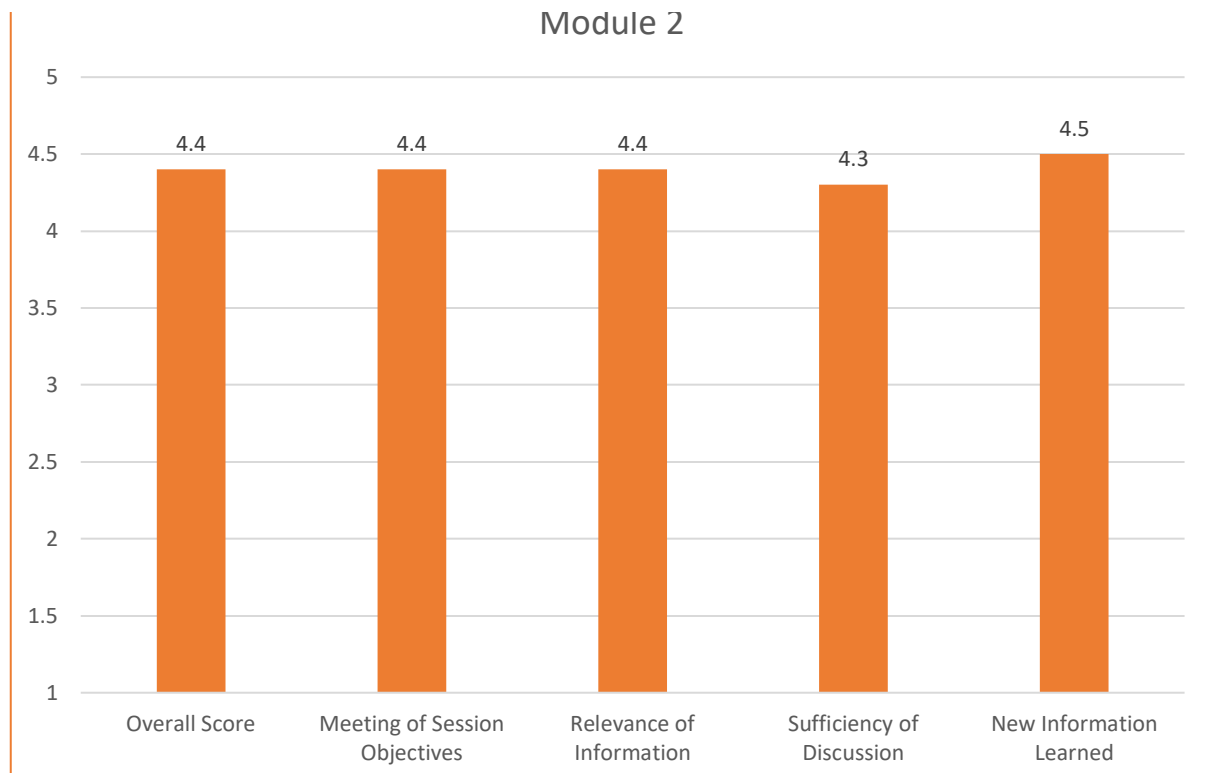


Fig 2: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 2

This module received an overall average score of 4.4 with the points of evaluation receiving generally high scores (between 4 and 5).

Module 3: Case Management from Filing to Disposal: Judicial Officers' Roles and Responsibilities

Objectives:

Objectives: At the end of this session, participants will be able to:

1. Explain how to effectively and efficiently manage a case from filing to disposal, and
2. Prepare a checklist to facilitate case management.

Respondents (Evaluation Forms Returned): Twenty-three (23)

Highest Score Point: 4.6 (overall score)

Lowest Score Point: 4.5 (relevance of information)

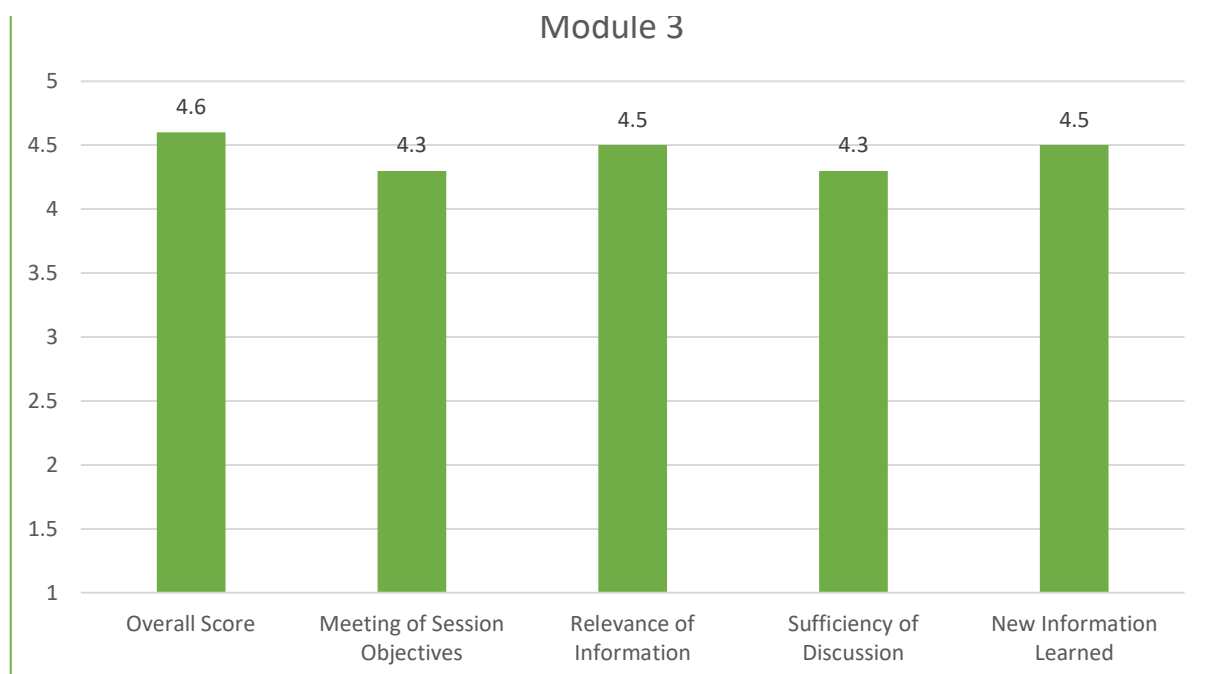


Fig 3: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 3

This module's highest score was 4.6 which was also its overall score. Like previous modules, generally high scores (between 4 and 5) were given to this module. All respondents noted that they would recommend this session to others.

Module 4: Setting Performance Standards for the Efficient, Effective, and Timely Disposal of Matters

Objectives:

At the end of this session, participants will be able to:

1. Explain how to effectively and efficiently manage a case from filing to disposal, and
2. Prepare a checklist to facilitate case management.

Respondents (Evaluation Forms Returned): Twenty-three (23)

Highest Score Point: 4.5 (overall score and sufficiency of discussion)

Lowest Score Point: 4.3 (meeting of objectives)

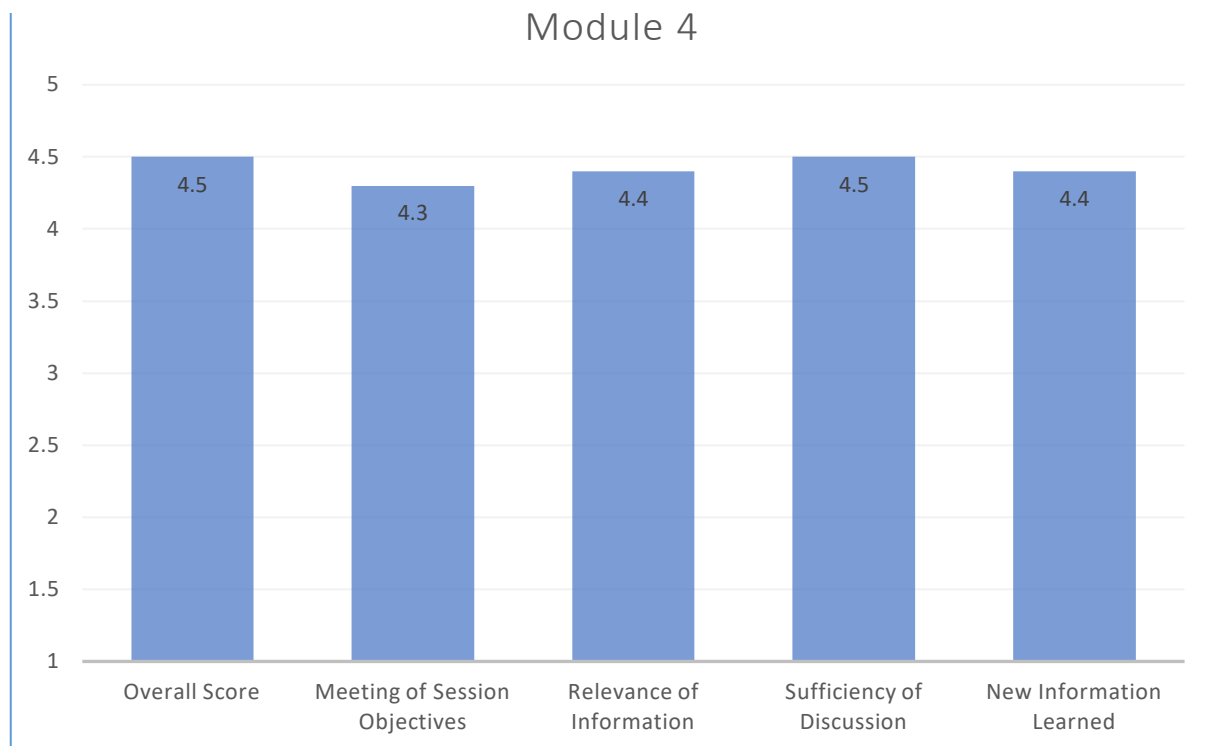


Fig 4: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 4

The average overall score for this session was 4.5 and all other points of evaluation scored above 4. All respondents stated that they would recommend this session to others.

Module 5: Legal Argumentation: Exploring Huhn’s Five Modes

Objectives:

At the end of this session, participants will be able to:
Explain and apply Huhn’s 5 modes of legal argumentation.

Respondents (Evaluation Forms Returned): Twenty-three (23)

Highest Score Point: 4.6 (relevance of the information presented)

Lowest Score Point: 4.2 (sufficiency of discussion)

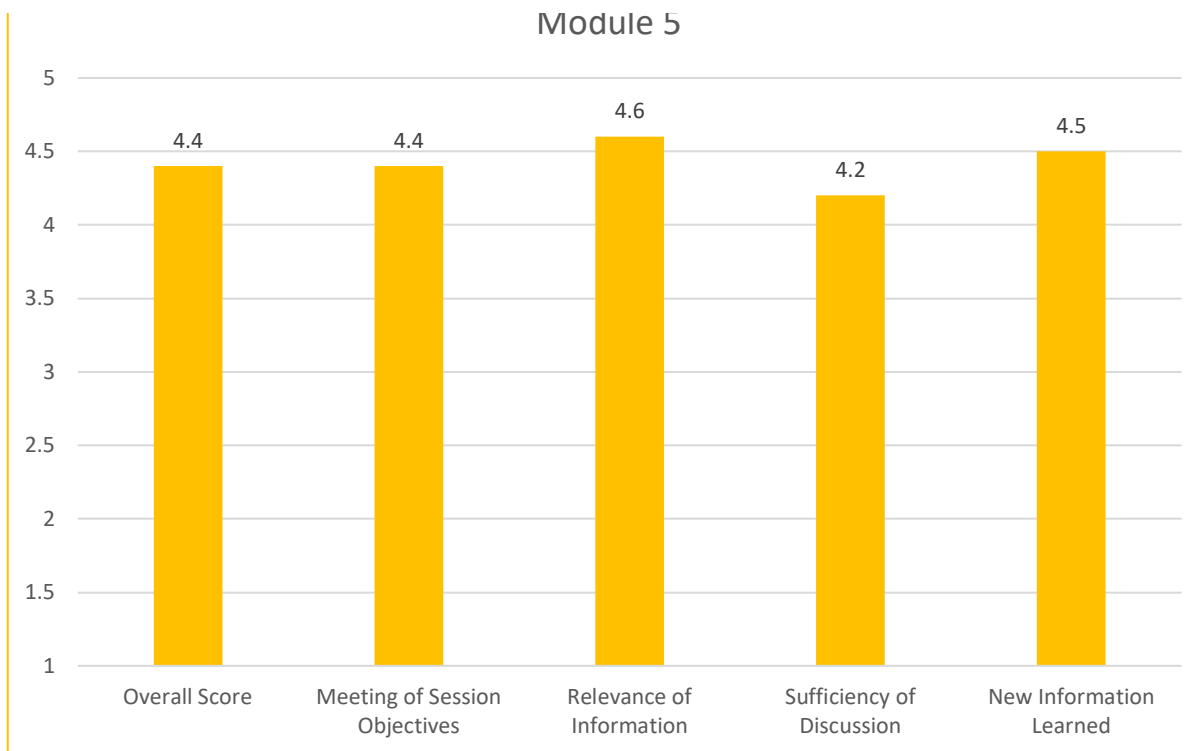


Fig 5: Graph showing average scores for questions A-E of the Session Evaluation Form – Module 5

This module received an average overall score of 4.4 with relevance of information scoring the highest in the evaluation criteria (4.6). All other points of evaluation received a score above 4. One participant noted that they thought this was an “excellent” session and asked that more time be dedicated to Judges to receive this type of training.

Module 6: Writing Legal Opinions: The General Principles

Objectives:

At the end of this session, participants will be able to explain at least five basic principles which affect clarity in writing such as:

- coherence;
- macro/micro organisation;
- the concepts of attentive, comfortable and smart;
- truisms in writing, and
- writing for a judicial officer.

Respondents (Evaluation Forms Returned): Twenty-one (21)

Highest Score Point: 4.4 (relevance of the information presented)

Lowest Score Point: 4.2 (overall score, meeting of objectives, sufficiency of discussion)

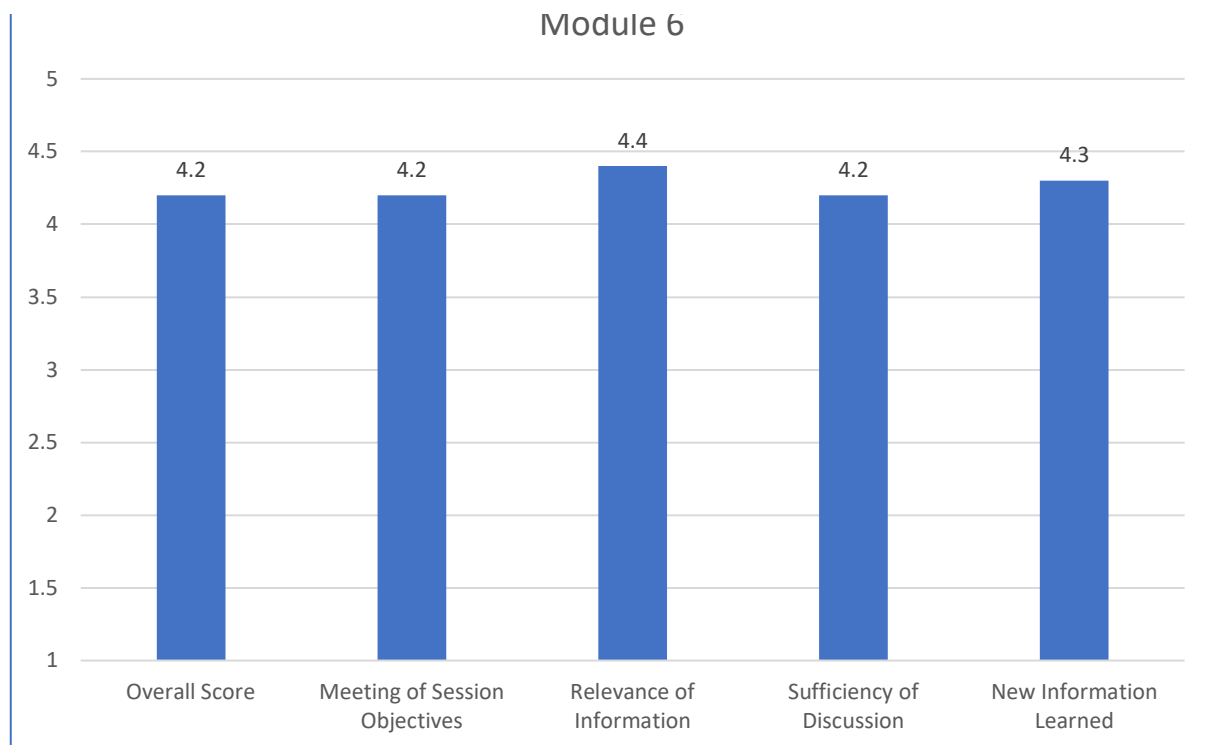


Fig 6: Graph showing average scores for questions A-D of the Module Evaluation Form – Module 6

The average overall score for this module was 4.2, with the highest score point being 4.4 for the relevance of information. All other points of evaluation scored above 4. Participants also noted that the session was very informative, useful, and timely with a few calling for more time to have more engaged discussion.

Module 7: Writing Legal Opinions: An Issue Driven Approach – Introductions and Beyond

Objectives:

At the end of this session, participants will be able to explain:

- how to craft a good introduction;
- how to create effective introductions of issues;
- how to organise and balance an opinion;
- how to avoid defaults, and
- different methods of organising discussions of fact.

Respondents (Evaluation Forms Returned): Twenty (20)

Highest Score Point: 4.4 (new information learned)

Lowest Score Point: 4.1 (sufficiency of discussion)

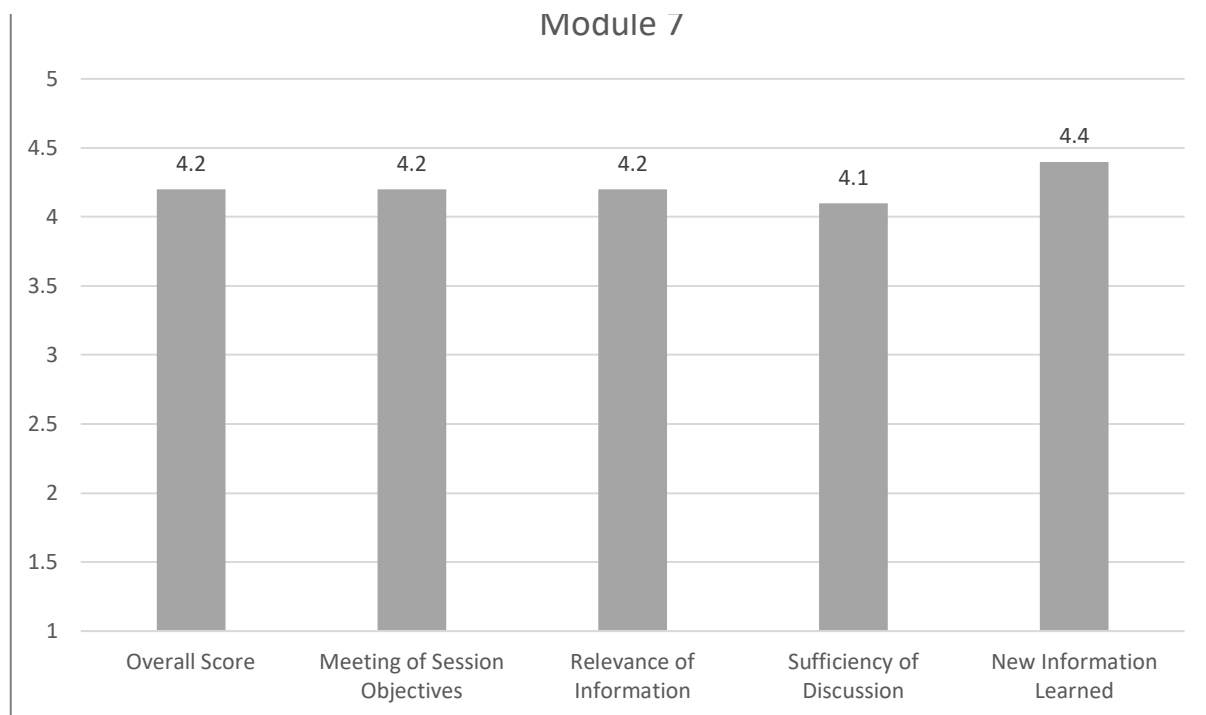


Fig 7: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 7

The average overall score for this session was 4.2, with new information learned being the highest scored point of evaluation. Sufficiency of discussion was the lowest score point but still above 4. All respondents stated that they would recommend this session to others.

Module 8: The Why, What, and How of Research for Effective Opinion Writing and Case Preparation

Objectives:

At the end of this session, participants will be able to:

- 1 Explain and apply an issue-driven research methodology,
2. Identify at least five effective research tools, and
3. Apply effective research tools and methodologies to develop Bahamian jurisprudence.

Respondents (Evaluation Forms Returned): Twenty (20)

Highest Score Point: 4.4 (new information learned)

Lowest Score Point: 4.2 (overall score, meeting of objectives, relevance of information)

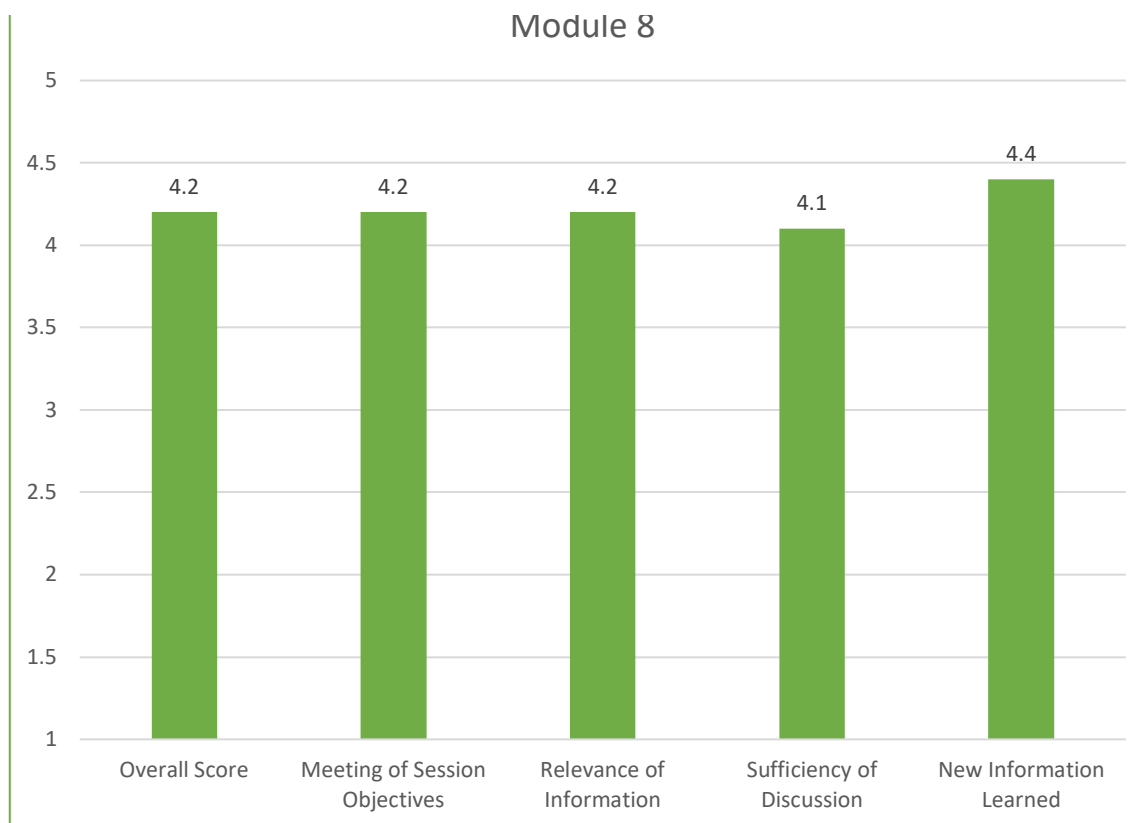


Fig 8: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 8

This module received an average overall score of 4.2, with new information being the highest scored evaluation point at 4.4. All participants stated that they would recommend this session to others. One participant noted that this session was “wonderful” stating that they “appreciated the use of up-to-date material that kept the presentation light and the audience focused and interested.”

Module 9: Statutory Interpretation: The Construction of Statutes

Objective: At the end of this session, participants will be able to:
Explain and apply, using a case study, five principles of statutory interpretation.

Respondents (Evaluation Forms Returned): Twenty (20)

Highest Score Point: 4.5 (overall score)

Lowest Score Point: 4.1 (sufficiency of discussion)

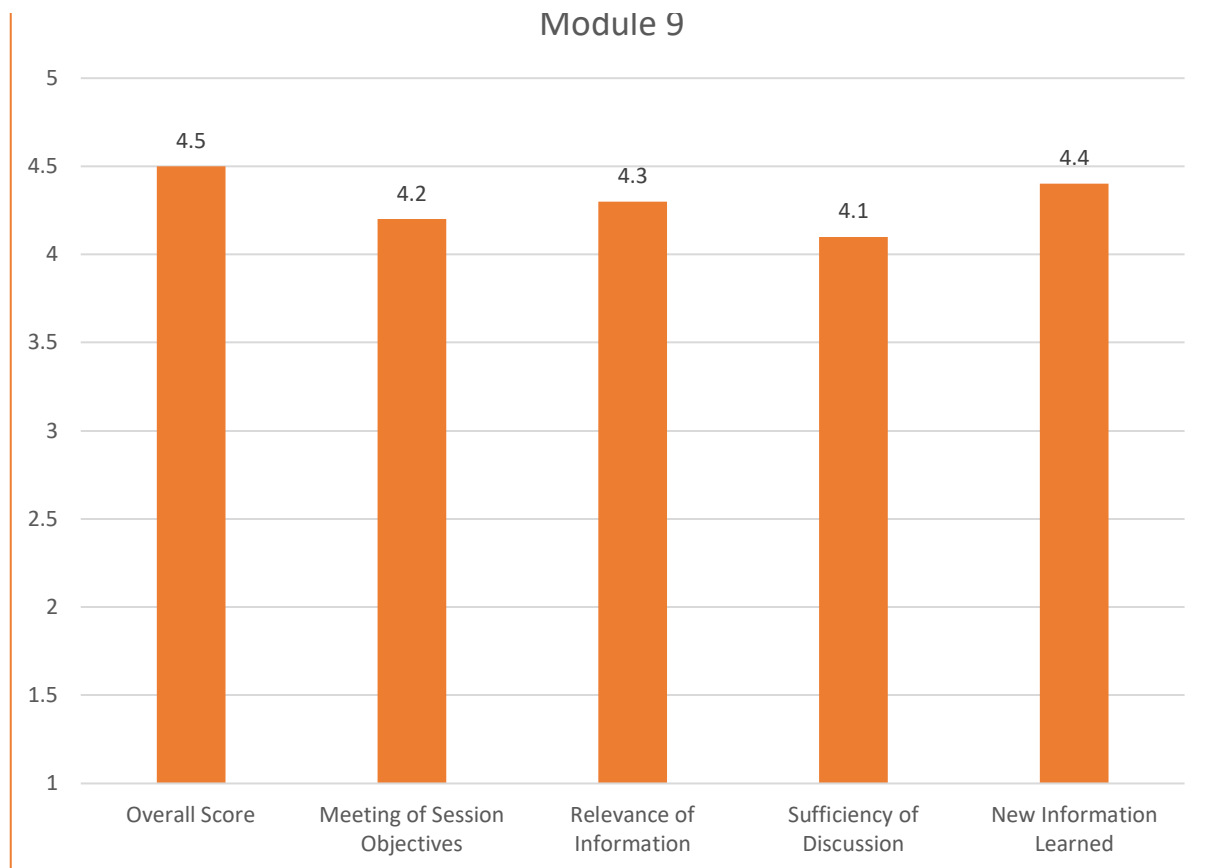


Fig 9: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 9

This module received an average overall score of 4.5 which was also its highest scoring point of evaluation. Sufficiency of discussion received 4.1, the module's lowest score, but still above a score of 4. Respondents, in their qualitative feedback, asked for more time for the session to engage discussion.

Module 10: Writing Legal Opinions: Review of Macro Organisation

Objectives:

At the end of this session participants will be able to:
Identify at least three basic principles of clear writing

Respondents (Evaluation Forms Returned): Nine (9)

Highest Score Point: 4.8 (overall score)

Lowest Score Point: 4.7 (all other areas)

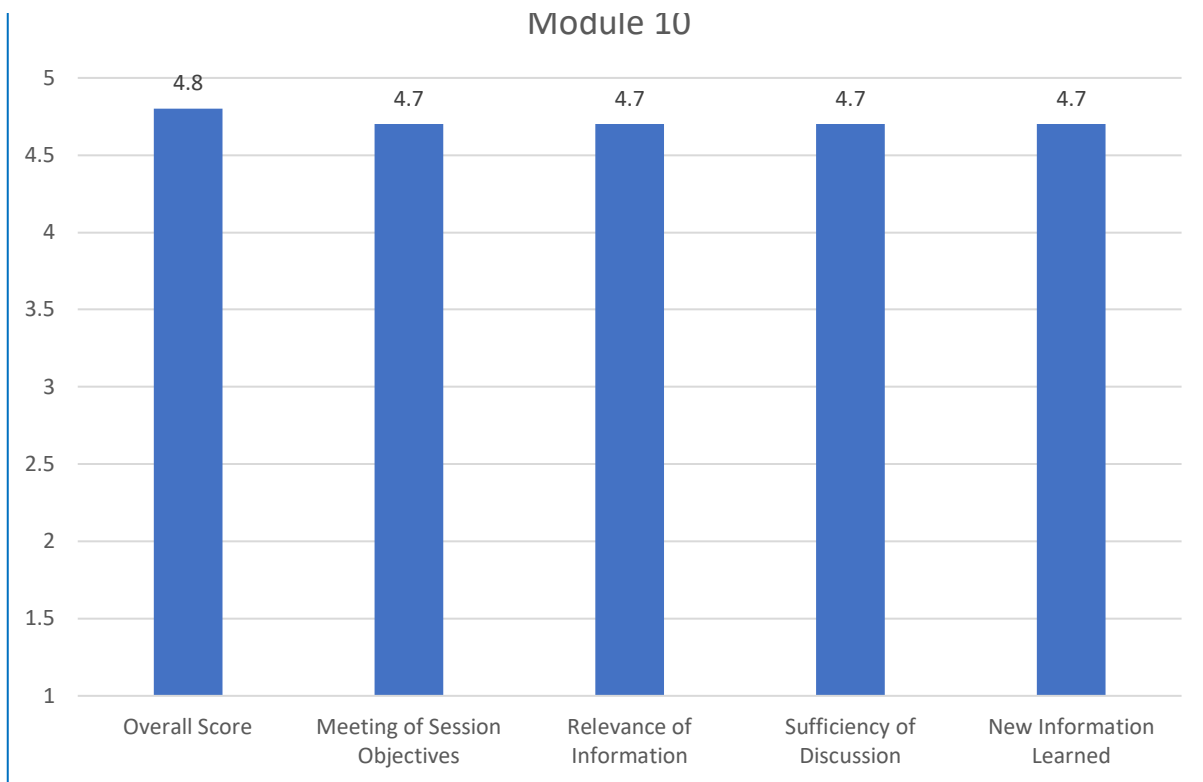


Fig 10: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 10

This module had an average overall score of 4.8 which was also its highest score point. Notably, this was the highest scoring module as its lowest score point was 4.7. All respondents stated that they would recommend this session.

Module 11: Writing Legal Opinions: Micro Organisation

Objectives:

At the end of this session, participants will be able to:

1. Identify at least three common principles that build clarity in writing paragraphs, sentences and clauses, yet maintain individual style, flow and rhythm, and
2. Identify at least three common defaults in writing styles and be able to remedy them.

Respondents (Evaluation Forms Returned): Nine (9)

Highest Score Point: 4.5 (overall score, relevance of information, new information learned)

Lowest Score Point: 4.4 (all other areas)

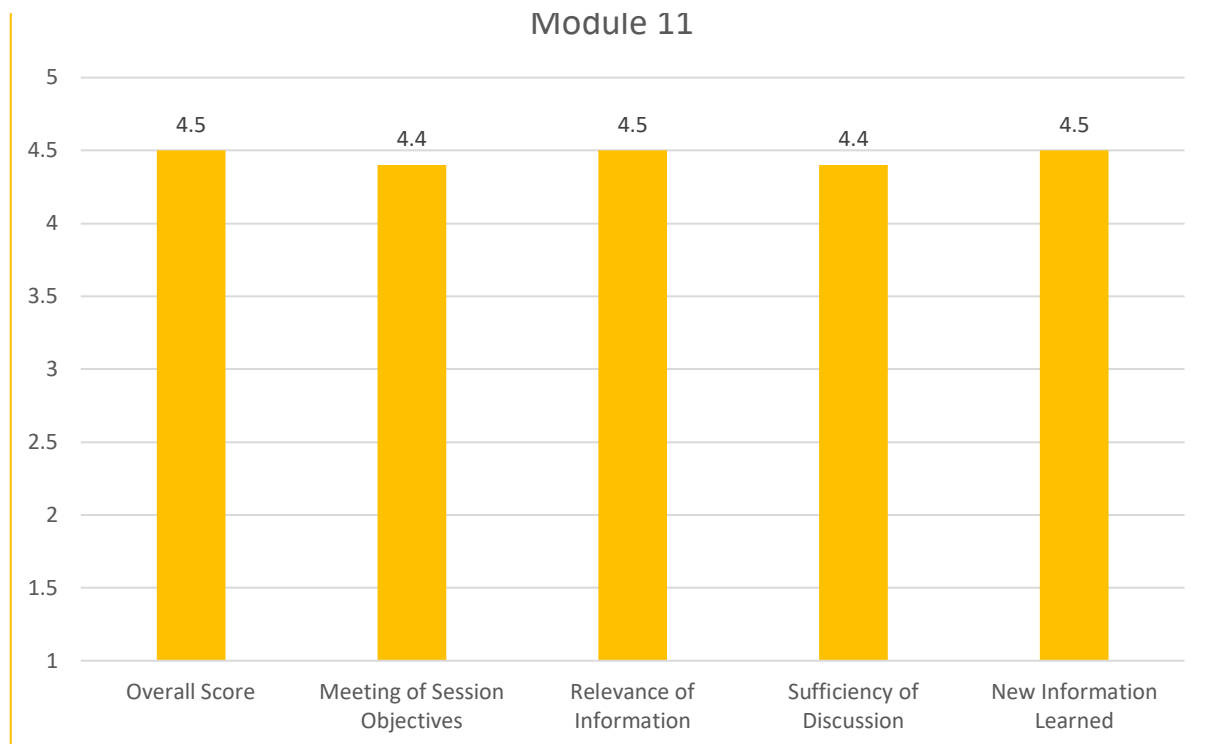


Fig 10: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 11

This module had an average overall score of 4.5 which was also its highest score point and the score for two other points of evaluation. All respondents stated that they would recommend this session.

Module 12: Preparing Case Briefs and Core Bundle for Case Hearings and Timely Judgment Delivery

Objectives:

At the end of this session, participants will be able to:

Apply a three-step approach to preparing case briefs and core bundles at the CMC, Hearing, and Judgment Writing stages of the proceedings.

Respondents (Evaluation Forms Returned): Nine (9)

Highest Score Point: 4.7 (meeting of objectives, relevance of information)

Lowest Score Point: 4.6 (all other areas)

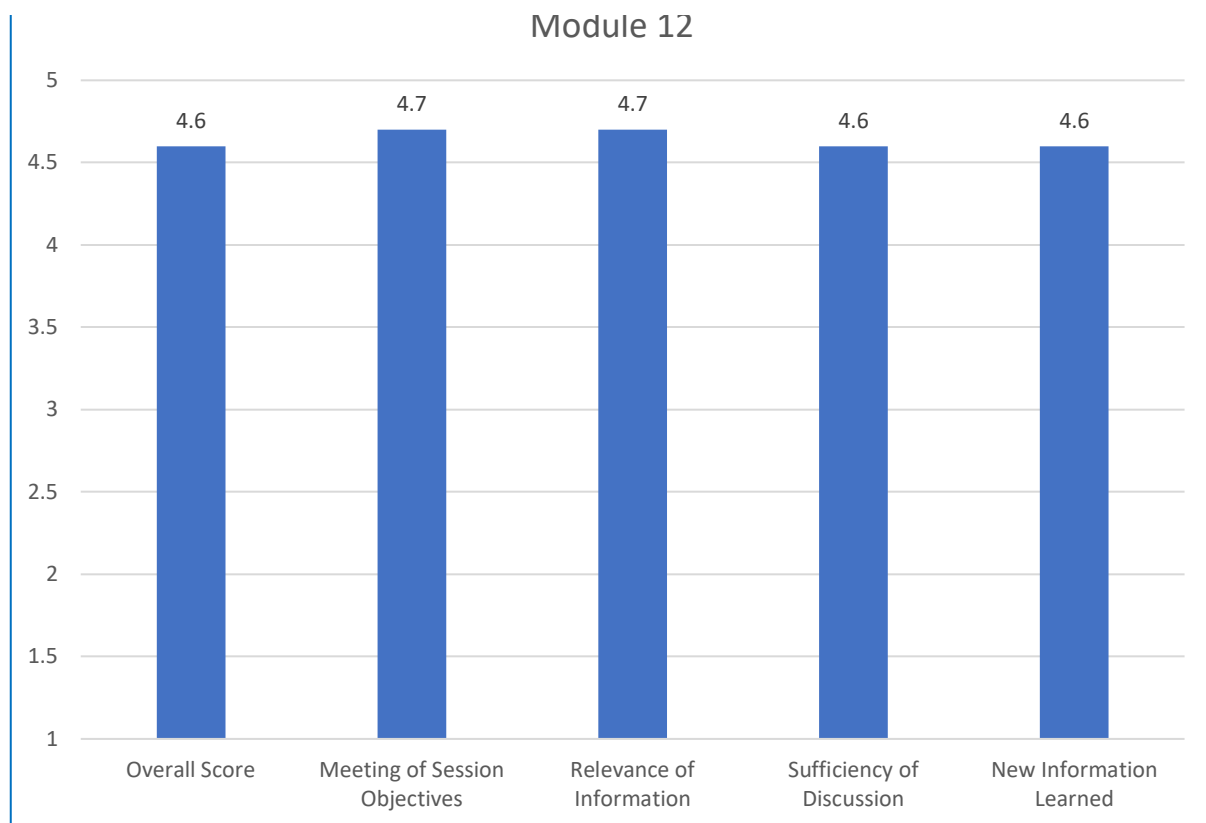


Fig 10: Graph showing average scores for questions A-E of the Module Evaluation Form – Module 12

This module had an average overall score of 4.6 which was also the score for three other points of evaluation. Its highest score point was 4.7 for meeting the session objectives and relevance of information. This session was well received and reported as being useful in subsequent sessions. All respondents stated that they would recommend this session.

Conclusion

Based on the evaluation of the feedback received, the five-day Programme was impactful and the material, delivery, and relationships built resonated with the participants. It is worth noting that on the fifth day, an impromptu session on Mental Health Awareness was done on request by the JRC. This session garnered guided discussion on the difference between mental health, self-care, and mental illness, taking care of mental health, recognising symptoms of mental illness, and creating safe workspaces. JRC, in their informal feedback, valued this session and thought it a necessary part of their training.

Participants also benefitted from activities, throughout the programme, that were tailored to different learning styles and which incorporated multiple aspects of cognitive learning. The model adopted was focused on adult education through 'learning by doing'. Quizzes, art, and music were used to engage learning and foster relationship-building, and this created a holistic learning environment.

On Day 5, peer-reviewed evaluations of written assignments were undertaken. The process led to demonstrated learning through doing on the part of all JRC. Participant involvement and critique was focused and insightful. Further, also on Day 5, a facilitated de-brief was undertaken by the presenters. Feedback from the JRC supported the module evaluations. In addition, JRC reported significant knowledge transfer and awareness of emerging behavioural changes as a result of the programme.

The programme ended with the Chief Justice of the Bahamas, The Honourable Mr Justice Brian Moree and the Chair of the Bahamas Judicial Education Institute, The Honourable Mr Justice Ian Winder, presenting certificates to all JRC.

The facilitators are of the view that there has been effective learning in all targeted areas. However, this learning needs to be reinforced and consolidated by the immediate implementation of newly learnt techniques, approaches and behaviours in the discharge of daily job functions.

Appendices

Appendix 1 – Programme Structure

DAY ONE (Judges, Registrars, and JRC)

7:45 a.m. – 8:15 a.m.	Registration
8:15 a.m. – 8:20 a.m.	Safety Announcement
8:20 a.m. – 8:25 a.m.	Welcome and Announcements
8:25 a.m. – 8:35 a.m.	Greetings Objectives of Training/Mapping the Programme
8:35 a.m. – 9:05 a.m.	Group Exercise – Building Trust, Falling through your Fears
9:05 a.m. – 10:20 a.m.	Session 1 – Roles, Functions, and Responsibilities of Judicial Officers and JRC: Achieving Professional Excellence, Aiding the Delivery of Justice Justice Peter Jamadar Justice Gregory Smith Kavita Deochan
10:20 a.m. – 11:35 a.m.	Session 2 – Civil Case Flow Management from Filing to Disposal: Judicial Officers’ Roles and Responsibilities Justice Peter Jamadar Justice Gregory Smith Ms Kavita Deochan
11:35 a.m. – 11:45 a.m.	BREAK
11:45 a.m. – 1:00 a.m.	Session 3 – Case Management from Filing to Disposal: Judicial Officers’ Roles and Responsibilities Justice Peter Jamadar Justice Gregory Smith Kavita Deochan
1:00 p.m. – 2:00 p.m.	LUNCH
2:00 p.m. – 2:45 p.m.	Session 4 – Setting Performance Standards for the Efficient, Effective, and Timely Disposal of Matters [Standard & Complex] Justice Peter Jamadar Kavita Deochan
2:45 p.m. – 3:45 p.m.	Session 5 – Legal Argumentation: Exploring Huhn’s Five Modes Justice Peter Jamadar Elron Elahie

3:45 p.m. – 4:15 p.m.	Group Activity – Legal Argumentation: Interrogating McEwan Justice Peter Jamadar Kavita Deochan Elron Elahie
4:15 p.m. – 4:30 p.m.	Assignment Explanation Re-write ONE argument in McEwan, using as many of Huhn’s 5 modes in no more than one page, Times, 12, singled space
4:30 p.m. - 4:45 p.m.	Closing Remarks

DAY TWO (Magistrates and JRC)

7:45 a.m. – 8:15 a.m.	Registration
8:15 a.m. – 8:30 a.m.	Icebreaker
8:30 a.m. – 10:00 a.m.	Session 1 – Writing Legal Opinions: The General Principles Justice Gregory Smith Elron Elahie
10:00 a.m. – 11:00 a.m.	Session 2 – Writing Legal Opinions – An Issue Driven Approach – Beyond Introductions Justice Gregory Smith Elron Elahie
11:00 a.m. – 11:10 a.m.	BREAK
11:10 a.m. – 12:15 p.m.	Session 3 – Writing Legal Opinions – An Issue Driven Approach – Beyond Introductions Justice Gregory Smith Elron Elahie
12:15 p.m. – 1:15 p.m.	LUNCH
1:15 p.m. – 2:30 p.m.	Session 4 – The Why, What, and How of Research for Effective Opinion Writing and Case Preparation Kavita Deochan Elron Elahie
2:30 p.m. – 3:45 p.m.	Session 5 – Statutory Interpretation: The Construction of Statutes Justice Peter Jamadar Elron Elahie
3:45 p.m. – 3:50 p.m.	Closing Remarks

DAY THREE

7:45 a.m. – 8:15 a.m.	Registration
8:15 a.m. – 8:30 a.m.	Group Exercise Create an artistic representation of an image of yourself as a JRC
8:30 a.m. – 8:35 a.m.	MILLY Exercise
8:35 a.m. – 9:35 a.m.	Session 1 – Writing Legal Opinions: Review of Macro Organisation Justice Gregory Smith Kavita Deochan
9:35 a.m. – 10:55 a.m.	Session 2 – Writing Legal Opinions: Micro Organisation Justice Gregory Smith Kavita Deochan
10:55 a.m. – 11:05 a.m.	BREAK
11:05 a.m. – 12:20 p.m.	Session 3 – Writing Legal Opinions: Micro Organisation Justice Gregory Smith Kavita Deochan
12:20 a.m. – 1:20 p.m.	LUNCH
1:20 p.m. – 2:00 p.m.	Group Activity – A Collaborative Method for Decision Making – Learning to Work Together
2:00 p.m. – 3:15 p.m.	Session 4 – Preparing Case Briefs and Core Bundle for Case Hearings and Timely Judgment Delivery Ms Kavita Deochan The Hon Mr Justice Peter Jamadar
3:15 p.m. – 4:00 p.m.	Activity Using a selected judgment, re-write the introduction in not more than 200 words, using an issue driven approach and the macro-organizational techniques explained on Day 2.
4:00 p.m. – 4:15 p.m.	Assignment Explanation Participant Opinion Writing Exercise – 1. In pairs/groups, participants will be given case bundles and be asked to write the pre-hearing case brief (which includes an introduction) with an opinion of not more than 1500 words, not inclusive of references, (3 pages) using the information, organisational, research and analytical methods shared in the programme. 2. Identify, in not more than one page, the documents you would include as the core bundle, and

	3. Prepare a summary, of not more than one page, of the process they engaged to complete the assignment from start to finish, detailing the steps they took in chronological order.
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DAY FOUR

JRC to complete assignment – submit by 12:00 p.m. (electronically) Facilitators to review
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DAY FIVE

7:45 a.m. – 8:15 a.m.	Registration
8:15 a.m. – 8:30 a.m.	Group Exercise: De-stressing
8:30 a.m. – 9:30 a.m.	Session 1 – Participant Opinion Writing Peer & Facilitator Review Exercise
9:30 a.m. – 9:40 a.m.	Mental Relaxation Exercise
9:40 a.m. – 10:40 a.m.	Session 2 – Participant Opinion Writing Peer & Facilitator Review Exercise
10:40 a.m. – 10:50 a.m.	Mental Relaxation Exercise
10:50 a.m. – 11:50 a.m.	Session 3 – Participant Opinion Writing Peer & Facilitator Review Exercise
11:50 a.m. – 12:50 p.m.	LUNCH
12:50 p.m. – 1:50 p.m.	Session 4 – Participant Opinion Writing Peer & Facilitator Review Exercise
1:50 p.m. – 3:00 p.m.	Group Activity – In two groups, create an artistic representation of how you view yourselves as JRCs after having done the training
3:00 p.m. – 3:30 p.m.	Reflections
3:30 p.m. – 3:50 p.m.	Closing Remarks and Distribution of JRC Certificates of Participation
3:50 p.m. – 4:00 p.m.	Vote of Thanks and Wrap-Up

Appendix 2 – Session Evaluation Form Sample



Strengthening the Judicial Office

Module Evaluation

Session Title:	
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Please circle the number that best describes your response:

1	2	3	4	5
<i>Poor/not at all</i>	<i>Fair/A little</i>	<i>Good/some</i>	<i>Very good/a lot</i>	<i>Excellent</i>

- | | | | | | |
|---|------------|---|---|-----------|---|
| A. Overall, I thought this session was... | 1 | 2 | 3 | 4 | 5 |
| B. Rate how the session objectives were met? | 1 | 2 | 3 | 4 | 5 |
| C. Rate the relevance the information presented? | 1 | 2 | 3 | 4 | 5 |
| D. Rate the sufficiency of the discussion | 1 | 2 | 3 | 4 | 5 |
| E. Did you learn anything new from the session? | 1 | 2 | 3 | 4 | 5 |
| F. Would you recommend this session to other judicial officers? | YES | | | NO | |

OTHER COMMENTS:
