

**National Judicial Institute**  
**“Ten Principles” of Effective Judicial Education**

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**INTRODUCTION**

Since its foundation in 1988, NJI has grown and learned about how to do judicial education well. Its work is fully oriented to the particular needs of judges. The NJI has been an essential partner to the judiciary in building a well-coordinated framework of high-quality judicial education in Canada. The Institute is -- indisputably -- the centre of excellence for judicial education in Canada. It endeavours to implement best principles in institutional organization, program design and program delivery.

The following “Ten Principles” summarize the guiding principles by which the NJI does its work.

These principles should be set in the context of NJI’s commitment to systematic and ongoing curriculum development and renewal as we have implemented “The Canadian Judicial Learning Network (CJLN)” in the period 1999-2004, at each stage with judicial leadership and involvement. This project was designed to address several issues which were generally agreed to face judicial education in Canada in 1999: a lack of coordination and an absence of resources to plan and develop systematic judicial education programming. Results of the CJLN, which are evident in the current profile of the NJI, include:

- development of an overall set of learning objectives for judges;
- establishment of a curricula to guide the development of programming that ensures that over time, judges have access to the full range of education in each area;
- enhanced collaboration between organizations which provide judicial education programming to enable them to determine together how, and by whom, the various parts of the curricula are offered;
- a means by which judges can assess their learning needs and develop individualized plans to meet them and to reinforce the view that continuing judicial education is an essential element of an ongoing judicial career;
- an integrated plan for the best use of technology and pedagogical methodology in the delivery of judicial education;
- a sustainable approach to the integration of social context; and
- the ability to evaluate the effectiveness of this approach.

In particular, it may be noted that:

- NJI has organized a curriculum built around the anchor points of the judicial career, the craft of judging, substantive law, social context, distance education and contemporary issues.

- We have adopted a cyclical planning model for NJI seminars to ensure that over time all components of the curriculum are available to judges.
- We monitor and preserve our 'best learning sessions' as modules of education which are packaged as learning objectives, learning activities, key faculty members and learning materials. These modules are made available to courts across the country as a means of making the best of NJI available and enhancing efficiency and cost effectiveness for local courts.
- We attempt to schedule courses well ahead of time to ensure that a full array of programming is available over time and permitting judges to plan the courses they will take well in advance.
- We have developed a planning tool for judges (the Individual Education Plan) which is designed to help judges with identifying their learning interests and crafting a personal program of education over a 2-3 year horizon.

With this in mind, the following principles have been distilled from our experience in planning and delivering judicial education in Canada. They are also used in planning our international judicial education.

**TEN PRINCIPLES OF JUDICIAL EDUCATION**  
**NATIONAL JUDICIAL INSTITUTE**  
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**1. Judicial leadership and control of design, development and delivery of judicial education.**

- Judicial education must be offered under conditions of institutional independence.
- In Canada and in the operations of the NJI, this is achieved through independence from government in the development and delivery of education programs; judicial control of any organizations that assume a leadership role in this area; no private-sector funding or influence over the design and content of judicial education; and an arms-length relationship with government in the methods of funding judicial education organizations without avoiding accountability for the appropriate expenditure of the funds made available.

**2. Active support and involvement of nationally recognized and well respected judicial leaders in judicial education initiatives.**

- Successful education for judges requires the commitment of Chief Justices and Chief Judges, the involvement of respected judicial leaders in each court in program planning and delivery, and close coordination with judicial education committees.
- It is essential that there is close communication and collaboration with all judges responsible for judicial education to ensure the necessary support to ensure delivery and sustainability.

**3. A “Three Dimensional” approach to judicial education to ensure that it addresses substantive law, skills development and social context.**

- Judicial education is a forum for judges to address each aspect of their role. As such it must extend beyond consideration of principles of substantive law, important as they are. It must also assist judges to develop the skills they need to perform the wide range of tasks they are called upon to perform.
- It is also necessary that it assists judges increase their understanding of the social context affecting judgment to ensure that the constitutional value of equality before and equal benefit of the law is upheld.
- In this regard, it is necessary to make view social context integration broadly. It is not simply a matter of adding one body or one topic to a committee, program or panel once in awhile. Integration can only be accomplished when appropriate social context perspectives and issues are regularly sought out, identified and included in a systematic way at all stages of the planning and delivery of all judicial education. To achieve integration requires attention to organizational structure and support, who plans, how topics are chosen and conceptualized, what learning objectives are identified, the process by which

programs are developed and the faculty and resources chosen in support of program development and delivery.

**4. Involvement of “Three Pillars” (judges, academics/researchers and community-based experts or practitioners) in all phases of design and delivery of judicial education.**

- While judges must take a leadership role in the content and curriculum of judicial education, the quality and credibility of programming is enhanced by the involvement of academics and community members in program planning and delivery.
- Having a broadly representative planning group and faculty members helps to ensure appropriate understanding of issues, high quality content and widespread credibility of programming.

**5. Training and support for judges and other faculty members in the roles they undertake as educators. This allows us to implement the principle of judicial peer education.**

- Our work at NJI is premised on the concept of judicial leadership of judicial education. This Judicial Peer Education Model (and the resulting high quality of judicial education) can only be sustained by assisting judges to continually acquire and enhance the skills they need to be good educators.
- NJI offers a comprehensive process of “faculty development” which teaches these skills and informs judges about the range of tools and resources available to them. Through this process, we bring judges (and other faculty members) together to learn how to do judicial education well.

**6. Maintenance by NJI of a comprehensive curriculum of judicial education which, responsive to judicial learning needs, builds on previous programming, and addresses phases of the judicial career. The curriculum as a whole and individual programming proceeds on the basis of needs assessment.**

- Effective judicial education addresses judicial learning needs in program content, design, and delivery.
- Programs need to be credible from the point of view of judges and non-judges suggesting that advice should be sought from a range of sources in settling on topics and approaches.

**7. Local development, customization and adaptation of curriculum to ensure that programs match with and will be effective in their delivery environment.**

- Judges shape education for their own contexts which vary by region of the country, past learning experiences and availability of local resources. As such, programs need to be responsive to their delivery environments. The source material for a program can originate as a local initiative, from a module of

education or from a 'national' program. Programs can have different emphases: e.g., content, skill, context.

- Accordingly NJI emphasises the need for 'local tailoring' and adaptation of programming to ensure that local needs are met. NJI that involves judges in the courts to whom the seminars will be offered in planning and delivery.
- This element also fosters judicial ownership and ambassadorship for the program which assists in overcoming resistance to education.

#### **8. Implementation of principles of good education design: programs are designed specifically for judges, recognizing the complexity of the judicial role and the particular tasks and duties undertaken by judges.**

- Program design principles emphasize the development of a delivery plan which requires that setting clear learning objectives, logical sequencing of activities, appropriate deployment of varied learning formats, choice of appropriate instructors and matching with learning resources.
- Judicial education must always be developed in a manner that understands and respects the role of judges and the complexity of the issues they face.
- Similarly, emphasis should be placed on practical programming focused on judicial tasks, relevant to cases facing judges in their daily work and responsive to the complexity of the judicial role
- This principle should also be interpreted to ensure that program design is congruent with the judicial reasoning process and the need to preserve judicial independence. As such, programs should be non-prescriptive and take care to present a wide range of perspectives in order to allow judges to make their own assessment of the material presented.
- In practical terms, much care should also be taken to attend to detailed planning of each session including a detailed timed agenda and close collaboration with instructors in planning the content; selection of appropriate varied learning formats (lecture, exercises, small groups etc); integration and careful sequencing of components related to substantive law, skills and social context; development of appropriate problems, questions or scenarios for discussion; and identification or creation of supporting resources.

#### **9. Implementation of adult learning principles encouraging active learning modalities and recognition of the particular learning profile of judges as adult learners.**

- Judicial education must be crafted in a way that is responsive to the profile and learning preferences of judges who are adult learners engaging in education related to their professional roles and responsibilities.
- Adult learners generally have a great deal of first hand experience; Are sensitive and proud; Have decisions to make and problems to solve; Have an established emotional framework of attitudes and values; Are afraid of failing, damaging self-esteem; Need relaxation, variety and sociability; Respond to involvement and positive reinforcement; Can change and learn. Judges are

particular adult learners who have concerns about confidentiality; want what they hear to relate directly to the work that they do; tend to be concrete-thinkers who are problem-solvers; are highly motivated learners but not necessarily for traditional reasons; unlike many adult learners, are people who have succeeded in their chosen profession, and are used to giving out “advice” rather than receiving it; and judges are also tend to be skeptical by training and instinct and have been used to being taught by other judges and to being taught in a professional lexicon.

- Adult learning principles require that programs engage participants experience. Elements of an adult learning approach include:
  - capitalizing on learners’ experiences as a resource;
  - permitting learners to reflect on that experience;
  - connecting learning to the experiences and tasks of learners;
  - allowing learners to explore and progress at their own level with the subject matter;
  - providing a variety of learning methods or formats which are linked to learning objectives; and
  - building adequate feedback opportunities into program delivery.

**10. Evaluation of all programs for effectiveness with feedback used to improve subsequent program delivery. Best programs are then modularized and made available for redelivery.**

- Thinking early in the planning stages about ‘what will count as success’ (and how it might be ‘measured’) assists in setting objectives and shaping the program design.
- Designing an evaluation process allows assessment of whether the objectives were met and provides feedback that can be used to adjust that program or future efforts.
- Modules of education, which have been fully designed and tested, provide efficient way at minimal marginal cost of disseminating judicial education to a broad group of judges beyond the initial group to whom the course was offered.