

Developing an Effective Skills- Based Course: Delivering an Oral Judgment



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Audience Needs

Judges need to learn how to:

- make decisions and deliver them
- manage the trial process leading to their decisions



Canadian courses:

- Judgment Writing
- The Writing Process
- Oral Judgments
- Communicating in the Courtroom
- Managing the Trial Process
- Credibility



Demonstration: How we teach a judicial skill

The course on Oral Judgments



Why is it an important Skill?

- Helps judges manage a heavy workload, especially in our busy criminal courts
- Allows judges to speak directly to the parties
- Oral judgments can be more effective than written judgments



Learning Objectives

- Participants will be able to deliver an effective oral judgment
- An effective oral judgment will be:
 - clear
 - concise
 - reasoned



Sub-skills

Participants will be able to:

- deliver an effective introduction
- organize the evidence effectively
- make reasoned findings of fact and credibility (accused persons should know why they were convicted)
- Give a judgment that shows respect for the audience



Measurable Criteria of an Effective Introduction

- Identifies the parties
- Identifies the charge or the claim
- Identifies the issue or issues (the questions the court has to decide)
- Foreshadows or explains the structure of the judgment



A related oral skill:

Participants will be able to:

- respond to difficult situations that arise without notice in the courtroom



The Program

Timed Agenda

- 1 ½ to 2 day program
- judges unlikely to take more time away from their work schedules



The Program:

Instructional Methods - The Skills Training Cycle

- lectures
 - set out the principles and the criteria for skill performance
 - aided by Power Point presentations (seeing and hearing)
- video demonstrations (“show” as well as “tell”)
- participants perform the skills
- participants receive feedback and critique



The Program: Faculty

- Judges (3)
- Writing instructors (2 or 3)
- Communications expert (1)



The Program: Participants

- enrollment limited
- maximum 30



The Program: Binder of Materials

- handouts of Power Point presentations
- memo on how to give constructive feedback
- problem fact situations



Lecture Component of the Program

Five lectures

- 2 longer lectures (1 hour each)
- 3 shorter lectures (30 minutes each)
- interspersed throughout the 2 days



The longer lectures (2)

1. **Principles of an effective oral judgment**
 - includes video demonstrations of two oral judgments, one good, one bad

2. **Sufficiency of reasons**
 - standard for reasoned decisions
 - critical issue for us because of recent Supreme Court of Canada decisions
 - talk includes 10 sufficiency problems: concrete examples from cases



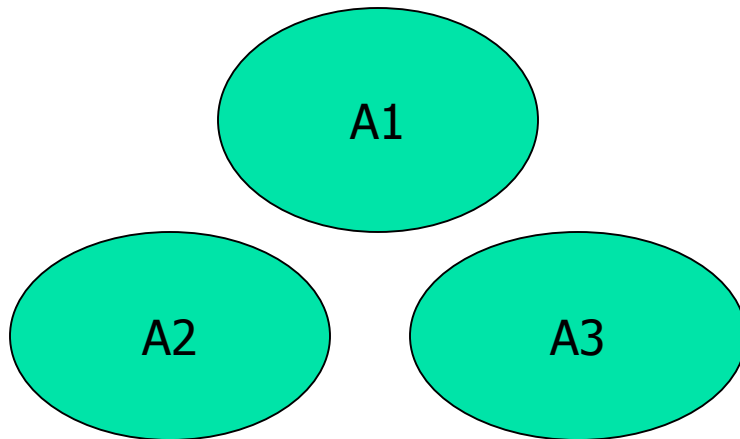
The shorter lectures (3)

1. Elements of good communication
2. Strategies for giving oral judgments: risks and rewards
3. Wrap up: lessons learned



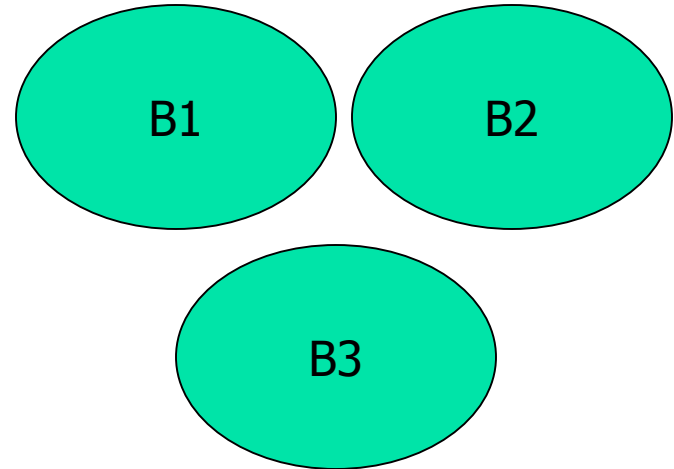
Participant Performance

Group A



5 per sub-group

Group B



5 per sub-group



Day 1: Group A

Group A gets a problem fact situation:

- simple case suited to an oral decision
- could include video of part of the trial



Day 1: Group A

- Participants given 1 ½ hours to review the fact situation and get ready to give an oral judgment
- Each participant gives an oral judgment (no longer than 8 minutes), which is videotaped



Day 1: Group A

- Group A breaks out into three subgroups, each with one or two instructors
- Each participant's videotaped oral judgment is played for the group
- Participants receive feedback from faculty and colleagues
- Feedback from colleagues important: see how others do it; no one right answer



Day 1: Group B

Communicating in the moment exercises

- Participants respond to difficult situations acted out by faculty
- Each participant receives feedback from faculty and colleagues



Day 1: Group B

Participants work through structure of an oral judgment:

- prepare a point-form outline of an oral judgment
- receive feedback on their outline



Day 2: Switch to other lesson

- Group B: oral judgment
- Group A: communicating in the moment exercises and preparing outline of oral judgment



Option: Add Another Skill to the Program

Translating Credibility Findings Into Oral Judgments

- add Power Point lecture on credibility
- modify fact situation/video to require participants to make reasoned credibility findings



Evaluation of the Course

- Detailed evaluation form
- Participants asked to evaluate each component of the course
- Evaluations used to revise the agenda for future courses