



Judicial Skills Training

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Legal Skills Defined

- cognitive or intellectual
(e.g. legal analysis)
- verbal (e.g. oral advocacy)
- written (e.g. drafting)
- often have sub-skills
(e.g. questioning skill is a component of cross-examination)



Legal Skills: Transferable

- An ability that can be transferred to many new tasks
- Skill application may adapt to the task

SKILL

Writing, Writing a Judgment

TASK

Writing a Judgment in an Injunction case



Judicial Skills

- Legal analysis, reasoning
- Listening
- Questioning
- Note-taking
- Making verbal rulings (e.g. on procedure, evidence)

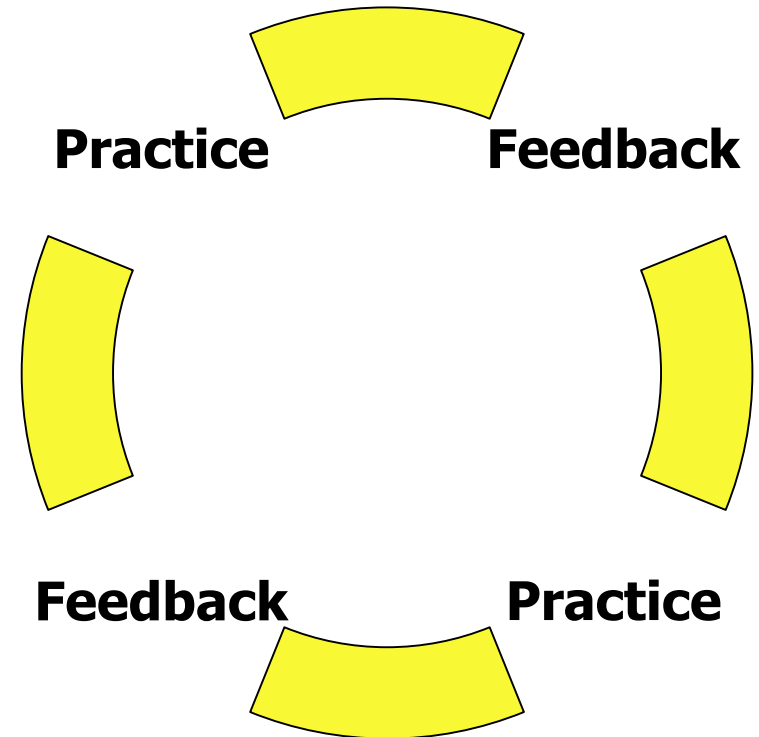


Judicial Skills cont'd

- Organizing information
- Researching
- Writing judgments
- Delivering oral judgments
- Delivering jury instructions

The Skills Training Cycle

1. Describe criteria
2. Demonstrate effective performance
3. Discuss demonstration, criteria
4. Practice
5. Feedback





Integrating several skills

Example: Judgment writing

- A strong lead
- Framing an issue
- Finding a fact
- Summarizing the law
- etc.



Integrating several skills

- For each smaller skill, use the Skills Training Cycle with a case study
- Provide new case study
- Ask participants to write a complete judgment, integrating all skills
- Give feedback, using the criteria



Instructional Design Checklist

1. Review audience needs
2. Write learning objectives
3. Select instructional methods
4. Describe participant activities



Instructional Design Checklist

5. Create a timed agenda
6. Describe participant preparation
7. Identify resources needed
8. Revise learning objectives



After the design

9. Deliver the lesson plan
10. Evaluate – participants; on-the-job; self-assessment; external assessment
11. Re-design, using the checklist



Learning Objective

A statement of what the learner will be able to do as a result of the instruction.

Contains: performance, conditions and criteria for performance

- When presented with an oral argument, the judge will be able to identify all arguments which are illogical.



Why does the Skills Training Cycle work?

1. Used in thousands of hours of skill training for attorneys, mediators, arbitrators, administrative tribunals and judges.
2. Lectures about skills don't work.
3. Demonstrations alone don't work.
4. We are teaching adults.

Adult Education Reasons: Knowles

	Pedagogy	Andragogy
Learner	Dependent	Toward independence Self-directing
Learner's experience	Of little worth	Rich resource
Readiness	What society expects you to learn	What you need to know
Orientation	Acquire subject matter	Personal and performance centered

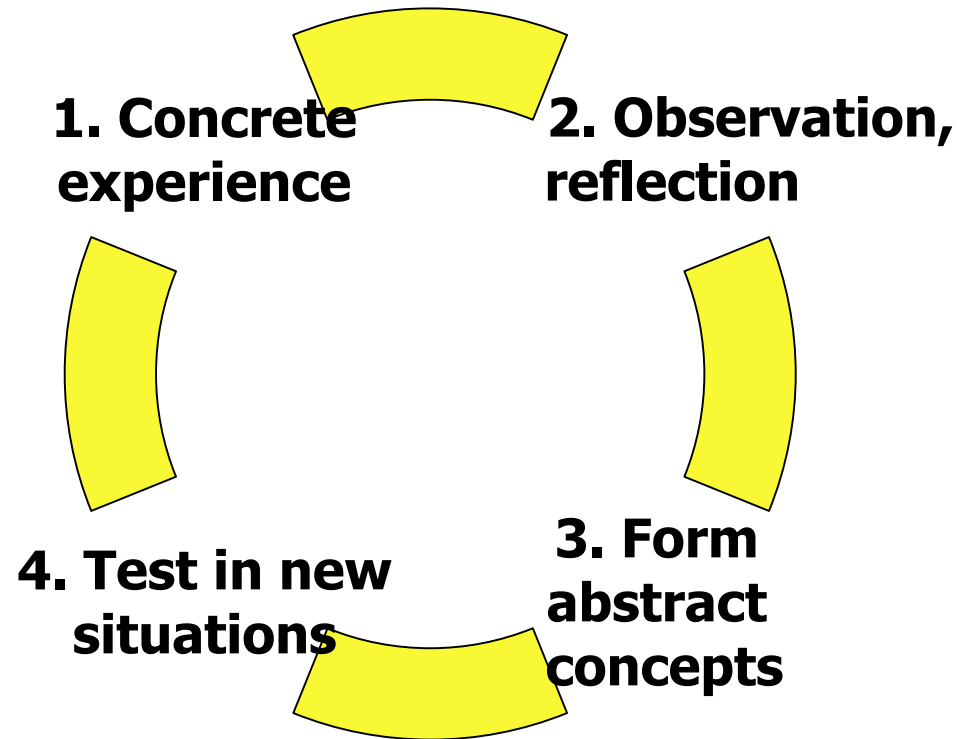


Adult Education Reasons

“ I hear and I forget, I see and I remember, I do and I understand”
- John Dewey

Experiential learning theory

Adult Education Reasons: Lewin and Kolb





Adult Education Reasons: Race – Four Processes

1. Wanting to learn: motivation
2. Learning by doing
3. Feedback
4. Digesting: make sense, gain ownership



Adult Education Reasons

- A safe, non-threatening environment (Carl Rogers)
- Capacity for "*reflection-in-action*" (Donald Schon): a "defining characteristic of professional practice."



The Skills Training Cycle Again

1. Describe criteria
 - Safe, reference concrete experience
 - Immediate need

2. Demonstrate effective performance
 - Observation, reflection
 - Modelling
 - Connects to job



The Skills Training Cycle Again

3. Discuss the demonstration, criteria
 - Form abstract concept; see theory
 - Personalize (exceptions)
4. Practice
5. Feedback
 - Learn by doing
 - Test in new situations
 - Reflection in action