

The Judicial Education Curriculum

Developing a framework for
judicial learning

Every judicial education organization has a curriculum - the courses, seminars, resources they provide to judges

What is it that produces, makes available and supports a curriculum that meets the educational needs of judges?

Overall Message:

It means taking a number of steps,
each of which is an essential part of the
process

Appendix A

1. Determining what it is judges need to learn

In common law systems, often done course by course:

- Limited resources for curriculum development
- Assumption about what judges already know
- Some judicial resistance to systematic curriculum planning through such means as observing, identifying competencies

Best approach:

An organized, continuous effort to identify judges' overall education needs, but one that builds gradually, using a number of sources

Obtaining Judicial Input:

NJI:

- Judicial Associates (15-25% of their time)
- Advisory / Planning committees for areas of curriculum and course development
 - E.g. new judges, science, dispute resolution, appellate judges, areas of law
- More informative, useful course evaluations
- Tapping the judicial education network
- Reviewing judges' individual education plans

The DELPHI process

- 40 Judicial volunteers (new, experienced, generalist, specialist, etc.)
- Gathering, feeding back their views
- Gradually building a consensus on what judges should know, be able to do and understand about the context of judging

Appendix B

Non Judicial Input:

NJI:

- Experts in pedagogy, curriculum development
- Social context advisory committee
- Community advisory committees (court level)
- Three pillars approach to planning (judges, academics/researchers, community)

NJI CURRICULUM

Career	New Judges; Longer-serving Judges; Mentoring; Chiefs and Associates; Appellate Judges; Multidisciplinary Education; Retirement Planning
Content	Family Law; Criminal Law; Civil Law; Jury trials; Evidence; Specialized Courses (e.g. Aboriginal Law; Youth Criminal Justice, Science and the Law)
Craft	Judicial Dispute Resolution; Dealing with <i>Charter</i> Issues; The Trial Process; Decision-making; Language and Computer Skills; Modules in Specialized Education (e.g. Credibility Assessment and Legal Reasoning)
Context	Domestic Violence; Disability Issues; Children as Witness, Poverty; Fetal Alcohol Syndrome; The Self-represented Accused

2. Once you know what is needed, How do you build it?

a) The importance of partnerships

- No organization sufficiently resourced or capable of developing the whole curriculum
- Some partners essential:
 - Universities
 - NJI / courts partnerships

Issues:

- Who is an appropriate partner?
- working together to offer whole curriculum, avoiding overlap and duplication

b) Preserving the curriculum

- Identifying, refining and re-offering the best education programming
- Building the permanent curriculum
- Modules project

Appendix C

3. Designing and delivering Education that implements the curriculum and is worth preserving

a) Curriculum Development

Appendix D

b) Course Design

Appendix E

Some Essential Elements:

- Judicial leadership
- Integration of content, skills, context
- Respect for adult education principles
- A mix of teaching formats
- Respect for complexity and nature of judicial role and tailored to judicial learning profile:
 - Independence, confidentiality
 - Desire for balanced education
 - Sceptical, concrete thinkers
 - “I may have to do this next week”
- Finding and working with partners

What does this require?

a) Judicial faculty development programs:

- curriculum, course development
- how to teach these unique adult learners
- how to integrate content, skills and context

Appendix F

b) Time to plan courses, curriculum

c) Methods of involving academics /researchers and the broader community that don't compromise judicial independence

4. Ensuring judges have access to the judicial curriculum

Building acceptance that education is an essential part of the judicial role and that education is a career long task

- a) Policies that protect (guarantee) time for judges to plan and to attend judicial education programs
 - 10-15 days per year (NJJI)

- b) Support to judges as faculty, as developers of curriculum, courses

5. How to ensure individual judges take the education that meets their individual needs

- a) Long-term curriculum planning (calendar)
- b) Mandatory education?
- c) The individual education plan
 - Individual to plan
 - Annual review

One example: Newly appointed judges

- Not one course but a career-long task, with the first four years of particular importance
- 10-15 days per year
- An individual education plan (annual review and revision)
- A trained mentor to assist
- A special, intensive course for new appointments
- A list of presumed education for first 4 years

Appendix G

- End Result: A permanent, preserved curriculum that constantly changes:
- Evaluation and revision
 - Ongoing review of the changing judicial role and the education to support it