



# Best Practices in training of judges and prosecutors

Category of practice: **Innovative Training Methodology**

Type of practice: **Best Practice**

Country: **England and Wales**

**April, 2014**

Title of practice	Small Teams – The Business of Judging
<b>Key features:</b>	<p>The Business of Judging is a two-day residential seminar open to judges in <b>England and Wales</b> (and in some Scottish tribunal jurisdictions) from all jurisdictions and forms part of the Judicial College’s programme of continuing education. It is virtually paperless, with practically nothing to read or prepare. It occupies a total of 13 training hours and judges spend only 2.5 of those in plenary sessions listening to others speak. For the rest of the time they work in small groups of six judges supervised by an experienced course tutor. This means that the seminar involves 20% listening and 80% doing.</p> <p>The seminar comprises four parts.</p> <p>Part one is a module on ‘Judicial Conduct and Ethics’. In small groups, participants are invited to consider and discuss a number of ‘in court’ and ‘out of court’ practical scenarios and how they would deal with them. The scenarios, seven in all, are presented on a DVD, filmed using professional actors.</p> <p>Part two is entitled ‘Assessing Credibility’, making a decision and giving an oral judgment. The assessment of credibility is surely one of the most important judicial skills and is required in most cases, whatever or wherever the jurisdiction. In small groups, the judges watch a DVD showing the conflicting evidence of the complainant and the defendant in an</p>

employment case based on sexual harassment. It is an invented case acted out by professional actors and advocates. It shows the kind of factual dispute that could arise in any jurisdiction – the employment jurisdiction is merely the vehicle and the law is simple. The judges are asked to complete questionnaires indicating the factors that affected their assessment of the witnesses' credibility.

Each judge then gives a short oral judgment lasting about five minutes. This judgment is delivered in the small groups and there is some time for preparation. Each judgment is filmed on micro-disc and all or part of the film is played back within the group. Each judge then receives feedback from the course tutor and the other members of the group on his or her 'performance' and there is a discussion of the learning points that arise.

Part three is entitled 'Managing Judicial Life' and deals with judicial stress and how to cope with it. It includes a video presentation made by an experienced criminal law judge who suffered a nervous breakdown and fully recovered from it.

Part four is called 'Dealing with Unexpected and High Conflict Situations in Court'. In a small group, each judge is asked to conduct a live hearing lasting a few minutes. They will have received a brief summary of the case in advance but do not know what is about to happen. In an attempt to simulate the court or tribunal setting the case is acted out by a professional advocate and a professional actor. The judge's task is to assess, manage and solve the problems that unfold before him or her.

The hearing is filmed and all or part of the film is replayed within the group. The judges receive feedback on their 'performance' from the course tutor and the members of the group. There are six scenarios and each member of the group presides as the judge in a different scenario.

*Institution  
contact details*

Judicial College  
Ministry of Justice , 102 Petty France  
London SW1H 9LJ  
United Kingdom

	<p>Phone: + 44 203 334 0700</p> <p>Fax: + 44 203 334 5485</p> <p>Email: <a href="mailto:magistrates@judiciary.gsi.gov.uk">magistrates@judiciary.gsi.gov.uk</a></p> <p>Website: <a href="http://www.judiciary.gov.uk/training-support/judicial-college">http://www.judiciary.gov.uk/training-support/judicial-college</a></p>
<p><i>Other comments</i></p>	<p>This practice refers only to continuous training, targets a small group of people and is resource-intensive in terms of the number of trainers, advocates and actors required and therefore fairly expensive to deliver. It also may take a long time to prepare, including the filming.</p> <p>Although for the above reasons a full transferability recommendation may not be appropriate, it is considered to be a <b>BEST PRACTICE</b> adequate to improve judicial performance, namely to develop the generic judicial skills of judges by enabling them to <i>practice the skills and learn from each other</i>.</p> <p>This type of seminar is also an excellent vehicle for training scenarios involving unexpected or unusual situations.</p>

Source: Pilot Project - European Judicial Training: "Lot 1 – Study on best practices in training judges and prosecutors", carried out by the European Judicial Training Network (EJTN)