New directions in judicial training

Part One

By Hannah Bright

This is the first of two articles exploring ideas for the future of judicial training.

Life-long learning

Reform. Transformation. Change. Judicial office holders (JOHs) are used to hearing these words. But it’s bigger than paperless courtrooms, virtual hearings and the closure of court buildings. Look at the wider picture – are we witnessing the biggest change in the history of human enlightenment since the invention of writing – the death of knowledge and the advent of the ‘information age’?

The time span from the gaining of knowledge to the date when it becomes obsolete (its half-life) is shortening. The acquisition of knowledge at the outset of one’s judicial career, to be updated as new law emerges, is no longer sufficient. We must keep up with the rapidly changing world around us, know our Snapchats from our WhatsApps. Our chatbots from our cloud platforms. We must run to stand still. We need life-long learning.

Bespoke, on-demand training

The individual is no longer the repository of knowledge. Instead, the organisation becomes the repository of information. The judge becomes expert in asking the right questions and accessing answers, to be supported by a Judicial College which provides carefully curated, signposted information and ‘on demand’ training, accessible whenever the need arises.

There’s a revolution in the judiciary too. A significant pool of knowledge and experience is being lost in the ‘silver tsunami’, the wave of ‘baby boomer’ JOHs retiring. We are increasingly diverse, from different racial, gender, cultural, social and legal backgrounds, but also from different learning backgrounds and jurisdictions. ‘One size fits all’ training no longer cuts it. We need bespoke training, tailored to our personal needs.

Coaching and training passports

Should we move from mentoring or appraisal to coaching? More experienced veterans could guide newer JOHs towards their goals, suggest effective strategies, discuss training needs, give support and encouragement and devise a structured programme of improvement and feedback. Coaching could maximise ‘on the job’ learning, mitigate the silver tsunami and provide a bespoke learning environment for each judge.

We could map training pathways and track progress through the creation of training ‘passports’ – a personal record of training needs, opportunities, achievements and courses completed. Such a training passport can be used to track and evidence continuing professional development, develop experiential or ‘on the job’ learning and provide focus for coaching.

Blended learning and flipping the classroom

A mix of e-learning and conventional training methods can maximise resources and tailor the learning method to the material, the aims and objectives, the target audience and the constraints of time and space. Using a mix of training methods is known as ‘blended learning’. Imagine signing up for a training module on autism spectrum conditions, for example. The module might start with a video of an autistic litigant relating their experiences or film of a real or simulated court-room ‘fail’ by a judge. Or there could be a case study or quiz to engage curiosity or identify areas of difficulty.
The ‘input’ stage of training is done by delegates on their own, in a spare moment, at their leisure and as many times as they like. This delivery of content (the material to be learned) could be either by e-learning or reading a paper or watching a video. The next stage, practice and consolidation of learning, can be a short burst of face-to-face learning, focusing on practising skills, role play, group discussion or shared experiences. This is ‘flipping the classroom’: delivering content through independent study and using classroom time for practice. It maximises expensive face-to-face time by focusing on hands-on practice of skills and knowledge, and frees the trainer up to answer questions, check understanding and provide support.

Finally, learning can be embedded through a series of follow-up activities in the workplace, such as quizzes, tests, action plans, self-assessment exercises and peer group discussions through online chat rooms. The online and face-to-face portions should be well integrated into one whole, cohesive module of learning. Such blended learning has been shown to significantly improve outcomes over traditional learning, in part because different learning styles are accommodated.

Sounds expensive? Complicated? Not at all. The key to this type of learning is our new technology. With a judicial laptop or maybe a personal smartphone or tablet, every judge already carries a vast training resource. The potential of tech is huge, provided we recognise that it’s a tool for furthering learning objectives, not an end in itself.

New technologies

With a smartphone or tablet, learning can be handy, anytime, anywhere, flexible and on demand. Micro-modules (short one or two-minute smartphone modules) are a great way to introduce topics, consolidate and reinforce learning or prompt online discussion. Quizzes, tests and chat rooms can be accessed by email. We already have the technology – trainers and learners simply need to be more creative with it.

Ever struggled with your new laptop? The answer may be right there in front of you. YouTube has thousands of instructional videos, teaching everything from pheasant plucking to identifying Peruvian monkey frog mating calls. It contains countless videos on sending an email in Outlook or saving a file to OneDrive. We need not wait to be trained in IT - we can be training ourselves. There are a multitude of podcasts and e-books on relevant topics, turning tedious commutes into learning time (or leisure time, if we prefer). All that’s needed is clear signposting of these resources.

A multiplicity of online training tools is available, from Videoscribe (animated whiteboard videos) to Prezi (a visually stimulating, non-linear alternative to PowerPoint). Classroom polling tools, such as Kahoot.it!, Slido, or PollEverywhere, make use of smartphone technology for quizzes, plenary discussions, group work feedback and statistics in the classroom. Infographics (like Venngage) can deliver simple content attractively online.

The F word

But this all sounds like FUN?! Not nearly serious enough for judicial training, surely? While gravitas is vital in the courtroom or tribunal, why can’t judges have fun while learning? In fact, making training fun improves learning. Fun experiences increase dopamine, endorphins and oxygen in the brain, promoting learning, improving memory and enhancing self-led learning.

There is one particular learning strategy which maximizes the fun. It also simply and easily engages and motivates learners, improves retention, enhances problem solving, offers experiential learning, builds in real life obstacles (such as time pressure, complexity and miscommunication), enables safe fails, gives immediate reinforcement and feedback and motivates learners to teach themselves, inciting them to devise and revise their actions until they arrive at the best possible answer. This tool is ‘gamification’. While it sounds frivolous, it’s a very serious matter in the world of training. A report by the Federation of American Scientists found that certain ‘serious games’ increased task completion by 300%, improved retention by 90%, increased participants’ confidence in the field by 20%, conceptual knowledge by 20% and factual knowledge by 10%.

Even more fun!

So what is it? Ever tried the language learning app Duo Lingo? ‘Gamification’ uses features drawn from games (board games, card games or video games) within training. That doesn’t mean you’ll be asked to blast aliens or click on lines of luridly coloured fruit. Picture this: At the start of a training module on vulnerable witnesses, the trainer tells you there will be a short quiz at the end to see how much you have absorbed from the training. How do you react? You might groan, but it’s clear that even such a simple ploy will significantly increase your engagement and motivation to learn, your enthusiasm and retention of the information. It will reinforce the learning content and provide you and the trainer with instant feedback on the efficacy of the training. That’s ‘gamification’. It doesn’t have to look like a game or lack gravitas. It just means spicing up learning with the introduction of elements of reward, time pressure, collaboration or competition, random chance or other features of games.
Around the UK in 55 days
By Ernest Ryder
On 16 May 2018, I began my tour of the UK to speak to judicial office holders about reform. Accompanied by note-taking members of my team from the judicial office and our reform consultants (Passepartout being engaged in other duties), I have met judges and members from around the UK to obtain comments, ideas and details of any concerns, and to answer questions arising out of the reform proposals set out in the recently released Judicial Ways of Working 2022 documents.

Rather than a £20,000 wager, the stake in this tour (and the mirroring tour that has taken place within the courts) has been the success of the HMCTS £1bn reform programme, which includes over 50 projects aimed at changing and improving the court and tribunal services by introducing new technology and modern ways of working. Like Phileas Fogg’s belief that a rail improvement in India would increase the efficiency of worldwide travel, I believe that these new technologies and systems will improve the efficiency and effectiveness of our justice system. Whilst efficiency is an important driver, that is clearly not the only consideration. We need to consider whether the changes will improve access to justice, reinforce the rule of law and fortify our judiciary. Reform is not meant to change justice. It is meant to ensure that justice can continued to be administered by us in the future in a way that meets the needs of our users. And as members of the judiciary, you are in an excellent position to provide insight into how best this can be achieved.

During my tour I did not meet with the kind of scrapes that befell Mr Fogg, but there were a few difficulties, including a circuitous wander around Reading attempting to locate the tribunal building, and a poor WiFi connection that cut off my live streaming event part-way through. Notwithstanding these small challenges, undertaking the tour has been a hugely positive experience. I have been impressed by the number of you who attended the meetings, as I am well-aware of how difficult it is for you to take time out of your already pressing schedules. I would like to say a specific thank you to all of the Regional Judges and Presidents who helped to host the meetings and participated in the discussions. It was hugely helpful to be able to gain from you a sense of the attitudes to reform that have been expressed by those under your leadership (and the refreshments that you offered were also much appreciated!). I would also like to thank the operations managers and buildings managers, whose incredible support made the smooth-running of the meetings possible.

The feedback everyone provided during the reform meetings, and in well over 1000 survey returns (including those submitted by associations, chambers and tribunals), are now being analysed, to provide data both jurisdictionally, and cross-jurisdictionally between the courts and the tribunals. The next step is for the reports that result from that analysis to be considered by the Judicial Engagement Group and the Tribunals Judicial Executive Board, and discussed by the Reform Change Network on 23 July 2018, which includes in its membership all of the judicial office holders who are specifically involved in reform projects.

Over the coming weeks, there will be a detailed consideration of the feedback on a tribunal by tribunal basis, so we can start to plan for the future. As I have emphasised before, there will not be a ‘one size fits all’ solution for reforming the tribunals. However, I do expect that cross-jurisdictional themes will emerge and there will be areas in which there can be common elements. The strength of the reform programme is that it allows for the new technologies and systems that are being developed to be tailored to the requirements of each jurisdiction. Your input into what is needed for the tribunals in which you sit will be invaluable when the requirements of specific jurisdictions are being considered.

Where gamification really comes into its own is soft skills training, where learning is virtually impossible without practice. The military and medical professions both use serious games for developing teamwork, leadership, ability to work under pressure, emotional intelligence, communication, self-control, negotiation and conflict resolution skills. Given the intellectual, time, communication and other pressures for a JOH, gamification has huge potential in our lifelong learning and development.

I hope this article has prompted you to think about your own learning, where it might take you and what you might want. I also hope it has laid some groundwork for learning to become more tailored to you, the learner, and above all, more fun. Game on!

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