

New directions in judicial training

PART TWO

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



'Please turn your smart phones **on**'. It's not often training starts with those words. But training is changing.

Training and learning are different. It's obvious of course, but a lot of training misses that point. You can have training without learning (unfortunately!) and you can have learning without training.

Take traditional judicial training; trainer at the front, delegates around tables or in lines, watching a Powerpoint presentation. That presentation may be an hour long. The slides are frequently wordy and sometimes illegible. There may be practical exercises, if you're lucky. The quality of the training depends on the talent of the trainer and facilitators. Everyone gets the same; 'one size fits all'. Consequently, some don't get the training they need, while others get training they don't need. It's expensive and difficult to schedule. But the biggest problem is training fade. Studies show that just a week later, only 10% is retained. Training has not resulted in effective learning.

Now think about a mistake you've made at work. What did you learn from making that mistake? How likely are you to make that same mistake in the future? We learn a lot from our mistakes at work. This is learning without training. One established model of adult learning holds that 70% of an adult's work-related learning takes place 'on the job'. A further 20% of learning is done in a social context, with and from others, and a paltry 10% takes place in formal 'training' environments. But in a high-risk environment, like an operating theatre or a courtroom, learning from mistakes is not straightforward. It's not just the embarrassment of publicly getting something wrong, but the potentially devastating consequences of an error which dictate that certain professions can't rely on 'on the job' training. The airline industry deployed flight simulators decades ago for precisely this reason.

'Micro-fails' are opportunities to make small-scale mistakes, from which one can learn without the consequences of making a mistake on the job. They are enormously valuable in training judicial office holders. We don't have flight simulators, but the Judicial College does use live courtroom simulations. Anyone who has done the excellent 'Business of Judging' or 'Judge as Communicator' courses will have participated in roleplays with actors from the Geese Theatre. The feedback from these simulations is that they offer the opportunity to rehearse behaviours and best practice in highly realistic circumstances, offering both 'judge' in the hot seat and observers a chance to learn from experience.

New technologies can exploit the value of micro-fails. Augmented reality ("AR") and mixed reality are where virtual imagery or information is added to or mixed with the real world. If that makes no sense to you, have a look at this [Ikea advert](#) on YouTube. Virtual reality ("VR") is total immersion in a virtual world, usually using a head set. These mediated reality tools have the potential to make simulation exercises in training easier, cheaper and more effective in the future. AR is already used in medical, surgery, emergency services and combat training. There are AR historical re-enactments, architectural walk throughs and crime reconstructions. Juries may be invited to visit virtual crime scenes in the near future. It is already possible to augment the reality of existing training material, such as pages in a text book. Imagine pointing your smartphone at a text book on tort law and seeing the snail in the bottle of ginger beer. Wouldn't that make *Donoghue v Stephenson* even more memorable? What about being able to experience someone wielding a knife in the courtroom, without actually having to live through it? Mediated reality training has the potential to take learners to career-defining moments before they happen. It gives hands-on training and the opportunity to make mistakes in private, without the risks or regrets, to enable judges to understand the potential consequences of their actions and decisions.



In reality, you won't see VR at a training event near you soon. But it's useful to remember our failures and maximise learning from micro-fails. So, next time you make a mistake, view it as a learning opportunity, a chance to record what you have learned, and be willing to share it to enhance others' learning. Who knows? Perhaps there might even be a virtual you, making the same virtual mistake in a virtual courtroom, used in training the judges of the future.