FRAMEWORK OF JUDICIAL ABILITIES AND QUALITIES

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INTRODUCTION

This framework of judicial abilities and qualities is intended to identify the knowledge, skills, behaviours and attitudes that the judiciary are expected to demonstrate in performing their judicial role.

The framework provides an essential self-development aid to individuals. It supplements the Judicial Appointments Commission selection criteria, by establishing the standards to which those already performing a judicial role aspire. It also assists those involved in designing judicial education programmes to ensure that the judiciary acquire and develop the skills and knowledge necessary to perform their role to the highest professional standards.

How was the framework developed?
The framework was developed through a comprehensive process involving detailed discussion with more than 500 judges, drawn from the District, Circuit and High Court benches, about the skills, knowledge, and behaviours that they recognise as critical in the performance of their judicial role. It has also been informed by discussions with practitioners who regularly appear before the judiciary and by information about the experiences and views of users, as well as the best international standards of judicial performance. The framework development process included research and testing, followed by modification and refinement. It has been distributed for consultation and comment among the judiciary at all levels, as well as among key interested parties.

The Framework of Judicial Abilities and Qualities has received wide approval as a clear articulation of what judges expect of themselves, what the profession expects of judges, and what the public expects of its judiciary.

What does the framework contain?
The framework is divided into six ‘headline’ abilities and associated qualities as follows:
A  Knowledge and technical skill
B  Communication and authority
C  Decision-making
D  Professionalism and integrity
E  Efficiency
F  Leadership and management

Each section contains a description of the key judicial abilities and associated qualities, and provides examples of how these would be demonstrated in practice. The examples given are generic in that they are expressed in terms of the knowledge, skills, and behaviours that would be demonstrated in any jurisdiction. They are illustrative, not exhaustive. Some jurisdictional contexts may present special challenges in the demonstration of particular abilities and qualities, and others will require a greater emphasis on certain qualities. For example, in the criminal context, demonstrating knowledge and technical skill will include: identifying the ingredients in law of the offence; understanding and applying the law relating to witness measures and evidence; effectively marshalling the law and the evidence in a summing up; and applying the relevant Sentencing Guidelines, legislation, and authorities. In family proceedings, demonstrating communication skills will include, for example, communicating empathically with both adults and children.

Although the abilities and qualities apply to the judicial role at all levels, there might be a greater emphasis on some abilities and qualities at different levels. For example, the senior judiciary may need to demonstrate knowledge and technical skill at a more sophisticated level, together with an ability rapidly to master highly complex legal and factual material. Similarly, although most judicial roles require the demonstration of aspects of leadership and management, certain positions will inevitably involve a heavy emphasis on leadership and management.
A feature of the framework is the integration throughout of the necessary abilities and qualities that ensure fair treatment. This reflects the need for attention to fairness in every aspect of the work of judges and in relation to all those who come before the court, as well as those who work in court.

This framework presents what might be regarded as the core generic judicial abilities and qualities. For the purposes of self-development, and in developing judicial education programmes, individual judges and those responsible for judicial education will reflect on how the abilities and qualities should be demonstrated in different contexts and jurisdictions.

**How should the framework be used in judicial education programmes?**

The starting point in the development of judicial education programmes should be the identification of what the judiciary must know and do successfully to perform their judicial role to the highest professional standards.

The purpose of providing education programmes is to assist the judiciary in acquiring and further developing these critical abilities and qualities.

The next step is determining the objectives of education – identifying the combination of knowledge and skills that will be developed by a programme or module. Following these steps ensures that the learning objectives of any education programme or module will be specifically linked to a relevant judicial ability or quality. The final stage is the specification of learning outcomes – what learners will get out of the programme and what is expected of them as they progress through a programme or module. In this way, we can ensure that education programmes are relevant, that they meet development needs, and that they are effective.

The JSB framework provides a widely accepted and detailed description of what the judiciary need to know and do in performing their roles. Those responsible for the design of judicial education programmes should use the framework as a starting point and as a guide for determining the objectives.
of particular programmes and modules. It will also be helpful in ensuring that education programmes assist the judiciary in developing the full range of critical abilities and qualities so that the judiciary are able to demonstrate not only high levels of knowledge and technical competence, but that they have also developed the behaviours, motivation and values that are essential to professional excellence.

Education programmes should aim to develop: knowledge (what the law is); technical skill (getting what is needed from documents and oral hearings and properly applying that knowledge to the individual case); non-technical skills (such as communication, control of hearings, time management); personal qualities (commitment to fairness, promoting perceptions of fairness, tolerance, sensitivity to difference and particular needs). All of these are integrated to produce ‘professional behaviour’. Professionalism, as opposed to technical competence, represents the highest standards of conduct that the public has a right to expect of judges and to which all judges should aspire.
A Knowledge and technical skill

Core abilities and technical skill

- Sound knowledge of law and its application.
- Sound knowledge of procedure and appropriate application.
- Rapid mastery of unfamiliar areas of law.
Relevant qualities: conscientiousness and commitment to high standards.

Examples of how abilities would be demonstrated

- Undertakes necessary preparatory work.
- Properly applies appropriate legal principles to issues before the court.
- Appropriately conducts proceedings in accordance with current procedural rules.
- Identifies critical issues.
- Rapidly absorbs and analyses complex and competing factual and legal material.
- Clarifies uncertainty.
- Weighs relevant issues and matters of law to formulate reasoned and coherent decisions.
- Concentrates for long periods.
- Stays up to date with changes to law and procedure.
- Broadens and extends knowledge.
B COMMUNICATION AND AUTHORITY

Core abilities and technical skill

- Establishes and maintains authority of the court.
- Manages hearing to enable fair and timely disposal.
- Communicates effectively.
Relevant qualities: firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline.

Examples of how abilities would be demonstrated

- Controls court proceedings through fair and effective management and intervention.
- Maintains fair-minded discipline in court and in chambers.
- Appropriately deals with parties, witnesses, victims, representatives, the public, press and court staff.
- Communicates effectively orally and in writing.
- Is careful in use of language.
- Displays sensitivity to specific communication needs for reasons of language or disability.
- Adopts approach with unrepresented parties that ensures own and party’s understanding by explanation and checking.
- Demonstrates active listening.
- Defuses volatile situations with firmness.
- Remains calm and authoritative despite inappropriate or provocative behaviour.
- Drafts clear, reasoned decisions with appropriate concision.
- Always explains the decision and gives reasons.
C Decision-making

Core abilities and technical skill

- Sound judgement.

- Appropriate exercise of discretion.
Relevant qualities: decisiveness, confidence, moral courage, independence, impartiality.

Examples of how abilities would be demonstrated

- Objectively and impartially evaluates evidence.
- Properly weighs sufficiency and quality of evidence.
- Makes firm, confident decisions.
- Relies on own judgement.
- Reaches reasoned decision based on relevant law and findings of fact.
- Makes timely and appropriate procedural decisions.
- Makes firm and clear interlocutory judgments.
- Treats those involved even-handedly.
- Makes unpopular decisions when necessary.
- Produces well-structured reasoned judgments with appropriate concision.
D Professionalism and Integrity

Core abilities and technical skill

- Maintains independence and authority of the court.
- Maintains personal independence and integrity.
- Promotes highest standards of behaviour in court.
Relevant qualities: sense of ethics, patience, tolerance, consideration for others, personal responsibility.

Examples of how abilities would be demonstrated

• Recognises and discloses potential conflicts of interest.

• Behaves with dignity and professionalism.

• Is fair to all participants in proceedings, attending properly to any particular needs.

• Remains detached and manages own reactions and emotions.

• Treats all people attending, appearing or working in court with respect and dignity.

• Respects and complies with the law.

• Avoids use or words or conduct that might give rise to the perception of bias.

• Remains and appears impartial between parties whether individuals, professionals or public bodies.
E  EFFICIENCY

Core abilities and technical skill

- Manages hearings to facilitate fair and timely disposal.
- Actively manages cases to promote efficient and just conclusion of business.
Relevant qualities: commitment to public service, commitment to efficient administration, self-discipline.

Examples of how abilities would be demonstrated

- Works at appropriate pace.
- Adopts proactive approach focusing on key issues.
- Manages case using most efficient approach and procedures.
- Exercises discretion in course of proceedings to ensure efficient use of time.
- Establishes and enforces realistic time estimates.
- Promptly discharges administrative responsibilities.
- Works cooperatively with judicial colleagues and court staff.
- Handles heavy workload.
- Prioritises effectively.
- Is punctual.
- Delivers judgments promptly.
- Uses information technology effectively.
F LEADERSHIP AND MANAGEMENT

Core abilities and technical skill

- Strategically plans and organises.
- Manages change.
- Supports and develops talent.
- Manages quality standards.
- Encourages and facilitates teamwork.
Relevant qualities: responsibility, imagination, integrity, fairness, commitment to efficient administration.

Examples of how abilities would be demonstrated

- Strategically manages resources and deployment.
- Works in partnership with judicial colleagues and the administration to achieve objectives.
- Uses initiative creatively to solve problems.
- Appropriately deals with performance issues.
- Identifies and responds to development needs.
- Is approachable and supportive.
- Sensitively deals with colleagues’ personal matters.
- Effectively manages meetings and encourages contribution.