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## Educating Judges-Embracing the Responsibility as Learners

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### Abstract

The growth and development of the concept of judicial education is such that it is becoming more readily accepted as a discipline that requires professional training and education to hold oneself as a judicial educator. This reality intersects with the fact that the judges are the focal point of judicial education and have a responsibility to engage as learners in the process. Until the academic world properly develops a curriculum which prepares individuals to become judicial educators as a distinct group of adult educators, it is going to be a requirement that the recipients of judicial education and training embrace a more active role as learners where there is a deficiency in the pedagogy or credentials of those who promote themselves as judicial educators.

### Why do we need Judicial Education?

“Judicial education, both for judicial beginners and for experienced Judges, has been impressively developed over the past forty years or so in the UK.”<sup>2</sup> It has become accepted throughout the Commonwealth that Judicial Education is necessary to ensure that the Judiciary engenders knowledge, skills and attitudes which promotes justice. In this paper, I argue that Judges have a responsibility to embrace continuing professional education and by extension engage as distinct adult learners in order for Judicial education to be effective. Self-directed learning characterizes the Judiciary as a class of learners. “Lawyers, development practitioners, justice experts, and government officials participate in training judges.”<sup>3</sup>

It is critical to Judicial development that Judges learn through experience and continuing professional education. As laws change, the courts are challenged to adjust in interpretation and application of such laws. Further, as social context evolves, the impact of judicial decision making becomes more pronounced and is inextricably linked to change as the acceptance in the

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<sup>2</sup>Lord Neuberger, FA Mann Lecture 2015

<sup>3</sup>Goldbach, Toby S. (2016). "From the Court to the Classroom: Judges' Work in International Judicial Education," *Cornell International Law Journal*: Vol. 49: Iss. 3, Article 3. Available at: <http://scholarship.law.cornell.edu/cilj/vol49/iss3/3>

community for which justice is expected. *R v R*<sup>4</sup> demonstrates this point as the view of the court changed from the position it would have taken many years earlier.

In most societies, there is a presumption that the Judges are all knowing by virtue of the fact that they adjudicate matters when all else fails in the normal regulation of how societies function. We loosely refer to this concept as Rule of Law. Judges are duty bound to uphold the Rule of Law. Judicial education provides Judges with the opportunity to improve their knowledge, skills or social context approaches in their development as individuals sworn to promote justice through their decision making in the courts. Over twenty years ago Armytage (2015) argued “that the principles of adult learning should lie at the foundation for any program of judicial education.”<sup>5</sup>

Judicial Educators are able to guide the process and create the environment through which learning can be facilitated however, it is the learner who has to take advantage of the opportunity afforded to gain the learning which is to occur. Understanding the purpose of judicial education is a significant value for the development of programs and expectations of outcomes which extend beyond the mere creation of the learning environment. It suggests that the judicial educator will be focused on the true beneficiary of the learning that takes place through the facilitation of learning and that should be the users of the courts. The effectiveness of judicial education is not easily measured given the independence of the judiciary and the regard for ensuring that judicial educators and non-judicial officers do not overstep their boundary. While there are activities which consider evaluations, there “is no serious effort whatsoever to evaluate the impact of judicial education and training”<sup>6</sup> This further complicates the position of being able to project with certainty the benefits of judicial education.

Judicial education in most jurisdictions are judge-led. This means that the individual at the helm of education initiatives is a judge. This particular position is based on the expectation that there needs to be an independent judiciary that is able to function unfettered in order uphold the rule of law. It is becoming more evident that while it is essential that judicial education is judge led, judges themselves require specialised training in education to effectively administer and properly plan programs of judicial education and training for the judiciary. It is critical to delivering world class educational programs that those who have responsibility for organizing, planning and executing such, have the expertise in pedagogy and understanding of learning style and how to engage this distinct class of self-directed learners. Judges are a distinct class of self-directed learners, based on a qualitative approach of what this author has observed in judicial education and training programs.

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<sup>4</sup>[1991] UKHL 12

<sup>5</sup>Armytage, Livingston. (2015). Education Judges – Where to From Here?, Disp. Resol., Available at: <http://scholarship.law.missouri.edu/jdr/vol2015/iss1/10>

<sup>6</sup>See supra note 4, at 171

## Knowledge, Skills and Attitudes

Workshops, seminars, conferences and online courses typically comprise judicial education and training programs. These arenas provide an opportunity for judges to exchange ideas, reflectively discuss and critically analyse concepts which should improve their ability to deliver justice in the courts. Independence of judiciary is a necessity for an orderly society. Understanding the role of the Judiciary is imperative in its exercise of power<sup>7</sup>.

In order to ensure that judges are able to effectively perform in their role, they must have knowledge. In the common law tradition the criteria for becoming judges is based on having the pre-requisite legal qualifications and experience which it is verified such persons have prior to appointment to the bench. In the evolution of the judiciary where “judge-made law”<sup>8</sup> happens this in itself cannot occur without knowledge and skill.

People from different backgrounds or cultures do approach learning differently because of their inherent biases and existence which produces varying realities. However, the internationalisation which creates an accepted standard helps to bridge this gap that may exist with the various backgrounds or cultures. This supports the position that there is a need for an accepted standard by which persons who are judicial educators must adhere in order to have the recognition that they are experts trained to perform in this role. Different people have different learning styles such as auditory, visual or kinaesthetic.

There is a need for most people to embrace learning from people of different backgrounds<sup>9</sup>. There ought to be inclusion of the diversity in curriculum so as to avoid globalization of education becoming neo-colonialism.<sup>10</sup> The curriculum of judicial education institutes vary from jurisdiction to jurisdiction primarily based on the Training Needs Analysis conducted. However,

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<sup>7</sup>Chief Justice Sir Salamo Injia, Kt, GCL – “Judicial Development of Administrative Law in Papua New Guinea”, Third Underlying Law Conference. 27 November 2017. If the three arms of government do not address their respective tasks properly, then tensions between the Executive (with its administration) and the Courts will creep in and destabilize good governance. We have seen this happening in other common law jurisdictions and there is no place for that sort of tension in this country. The tension in some of the most developed common law jurisdictions is a reminder to us all that we in this country should cherish the public respect for judicial independence in this country and repay that respect and trust by discharging our judicial function in developing case law on administrative law in accordance with law, by carefully treading those lines that separate the Executive or administrative function from the judicial function.

<sup>8</sup>Gennaioli, Nicola and Shleifer Andrei. (2007). “The Evolution of Common Law”, *Journal of Political Economy*, vol. 115, no.1

<sup>9</sup>Stone, N. (2006). Conceptualising intercultural effectiveness for university teaching. *Journal of Studies in International Education*, 10(4), 334–356. Retrieved from <http://dx.doi.org/10.1177/1028315306287634>

<sup>10</sup>Altbach, P. (2007). Globalization and the university: Realities in an unequal world. In J. J. F. Forest & P. G. Altbach (Eds.), *International handbook of higher education* (pp. 121-139). Netherlands: Springer. Copyright 2006. Kluwer Academic Publishers, Dordrecht.

as the curriculum is developed to meet the needs of the judges the argument that judges have the responsibility to embrace education remains.

Knowing what one does not know is an impeccable trait which is elusive to many. Judges are no exception in this regard and so being able to accept that no one is omnipotent and all individuals at some point in their judicial careers require knowledge enhancement or training is an invaluable requirement for competent judges. What is the benefit of having significant knowledge if one cannot apply that knowledge? The leap from being a lawyer to judge is such that the training as you grow model is generally adopted. While there are structures in various commonwealth jurisdictions with regard to judicial orientation and courses that address transition to the bench, in addition to having knowledge based learning there is a requirement that includes skills based learning as well as attitudes or contextual training.

Educators have come to accept that being a great teacher is not as much about the teacher as it is about the learner and their ability to grasp what is being taught. The focus is then about the learner and understanding the learning style of the learner that maximises that learner's ability to learn. It is therefore helpful for judicial educators to conduct assessments of judges to determine their learning styles and adapt programs to suit that.

It may be said that there are judges that resist judicial education and training and see no need for it at all. Certainly, they would have been in good company fifty years ago when most judges at that time would have shared similar sentiments. Fortunately for the progression of the judiciary and the benefit of the court users who seek justice, this is not the case in as large a number as it would have been historically.

At the transition point from the bar to the bench, a judge does not have all the "knowledge, experience and skills" required to be the best as a judicial officer<sup>11</sup>. It is this recognition by judiciaries in the Commonwealth that drives the point that in order for Judges to become proficient and achieve excellence in the craft of judging they must embrace judicial education and training. While Judicial Educators have the responsibility to create the environment for which judicial education and training programs can be facilitated through leadership, ultimately it is the judges who are the learners that control whether learning will take place.

Skills training plays a major role in developing judges to properly perform their duties in judging. Having conducted Training Needs Assessments (TNAs) it becomes apparent when there is a need for Knowledge, Skills or Social Context training. Moreover, Court User Surveys are insightful in providing information from litigants on the effectiveness of judges insofar as their

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<sup>11</sup>Russell, Mary R. (2015). "Towards a New Paradigm of Judicial Education", J. Disp. Resol. Available at: <http://scholarship.law.missouri.edu/jdr/vol2015/iss1/6>

perception on whether justice is done. Principles of judicial education are arguably generic in description and skills training demonstrates this even more clearly<sup>12</sup>.

Social context is a powerful mechanism which informs on society and the judiciary. Ensuring that sufficient training is delivered to the judiciary so as to prepare judges to be able to properly apply law within the realities of their jurisdictions is paramount. This is especially noticeable in countries where rule of law is a challenge in maintaining. Wallace<sup>13</sup> argues that judicial experience is a great benefit to educating judges. This author has not seen quantitative studies to validate such a claim, however, qualitatively one may deduce such a view. Ultimately, the position being argued in this paper suggests that regardless of the facilitator of the education, the judge who is the learner has the responsibility to transform the experience from the information, skills or contextual training into a workable and pragmatic benefit to improving justice in his or her court.

## Evaluation

The true evaluative efforts of judicial education has been an elusive concept that lacks quantitative analyses. This is buttressed by the doctrine of independence of judiciary which sets apart any notion of evaluation by outsiders or to a lesser extent insiders (i.e. judicial officers) in how a Judge performs or functions. Historically, as long as the judge acquits himself or herself to a standard that is above what can be noticeably be seen as incompetent or as long as the judge does not fall into misbehaviour in office, there is likely nothing to be evaluated in a manner that ordinary professions are scrutinized. Armytage submits:

“a more rigorous evaluation of our endeavours must be implemented to improve our practice, and to critically assess the measurable impact that judges’ learning is having towards creating a more just society”<sup>14</sup>.

A simple internet search as well as a more rigid academic search provides evidence that there is a dearth of material on evaluation of judicial education and training programs globally. Ironically, the research conducted that has produced knowledge in judicial education has been described as “erratic”<sup>15</sup>. The question of whether we are investing in judicial education with no clearly defined understanding of the true impact does challenge the logic of sensible decision making.

There is a need for sustained quantitative analyses on the efficacy of judicial education and training programs. Further, the evaluation that should be conducted albeit by an independent judiciary needs to be such that it is clearly identifiable and measurable with the corresponding

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<sup>12</sup>Wallace, J.C. (2003). “Globalization of Judicial Education”, Yale J.Int’l L. Available at: <http://digitalcommons.yale.edu/yjil/vol28/iss2/8>

<sup>13</sup>Wallace, J.C. (2000). “Judicial Education and Training in Asia and the Pacific, 21 Mich. J. Intl’l. 849. Available at: <http://repository.law.umich.edu/.jil/vol21/iss4/2>

<sup>14</sup>See *supra* note 4, at 173

<sup>15</sup>See *supra* note 4, at 170

impact being improvement in justice. If this cannot be measured then arguably taxpayers money is being wasted on a concept that qualitatively is fantastic but quantitatively has no basis for a conclusion that warrants continued support.

Why should there be evaluation of judicial education programs? In order to make a proper determination of what type of education and training programs are needed, evaluation of existing programs tremendously helps in forming a reasonable opinion. There is a school of thought that proffers “that there is a need for a well-structured, CLE-oriented, and university-based education for judges and judicial officers”<sup>16</sup>. This author does not necessarily subscribe to that particular view, however, this paper will not address the rationale for such position. Interestingly, the argument presented by Buhai (2011) is supported by the following:

“(i) improve access to justice, (ii) increase the timeliness and quality of justice, (iii) enhance public confidence, (iv) establish an efficient, effective and credible complaints system, and (v) enhance coordination and collaboration throughout the criminal justice system.”<sup>17</sup>

Evaluation may also determine that judges are distinct adult learners. If judges are distinct adult learners then the argument put forward by Buhai (2011) that judges can be “better prepared” for their role as judges through commencing a training program which “starts in law school”<sup>18</sup>, is flawed because it undermines the existing process through which judges are selected based on maturity and experience for which formal education does not currently exist from transition at the bar to the bench.

The response of “the community’s concerns” with reference to the judiciary is an output that is measurable and relates to how successful a judicial education program is<sup>19</sup>. This qualitative approach to making a determination on the efficacy of a program’s success has its limitations. Qualitative research covers areas of research which are not easy to measure and for which there is a need to develop an understanding of the matter as is applicable in program evaluation of judicial education and training.

When dealing with qualitative data it is important to avoid “anecdotalism”<sup>20</sup>. Qualitative research methods are not numerical and so the potential to introduce subjectivity into the analyses is possible if not properly managed. Qualitative methods allows those evaluating the program to

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<sup>16</sup>Buhai, Sande L. (2011). “The Role of Law Schools in Education Judges to Increase Access to Justice, 24 Pac. McGeorge Global Bus. & Dev. L.J. 161

<sup>17</sup>U.N. Office on Drugs and Crime, Strengthening Judicial Integrity and Capacity in Nigeria: Progress Report #2, 6 (2003), available at [http://unodc.org/documents/nigeria/publications/Other\\_publications/Strengthening\\_Judicial\\_Integrity\\_and\\_Capacity\\_Nigeria\\_progress\\_Report\\_2.pdf](http://unodc.org/documents/nigeria/publications/Other_publications/Strengthening_Judicial_Integrity_and_Capacity_Nigeria_progress_Report_2.pdf)

<sup>18</sup>See supra note 15, at 199

<sup>19</sup>Speech by Judge Sandra Oxner in 2006, Judicial Education as a Foundation for Judicial Reform: A Framework and An Evaluation Analysis, Islamabad, Pakistan

<sup>20</sup>Kuckartz, U. (2014). Qualitative text analysis: a guide to methods, practice and using software. Los Angeles, Sage.



“simplify data” without compromising the integrity of the data<sup>21</sup>. A further limitation of qualitative methods and data is that it may not include “contextual sensitivities” with emphasis more aligned into understanding views of people<sup>22</sup>.

Behavioural change which is an expectation as an output from judicial education and training programs, particularly when one examines how to improve access to justice, is more problematic in measuring in an instant manner. Change related to instruction and/or learning through judicial education and training may often take extended periods to see meaningful and measurable results. It is in this reality that there is a significant opportunity for quantitative research to address the effectiveness of judicial education programs across a broad spectrum of subject areas. Hudzik (1991) provided a comprehensive view on Judicial Education Needs Assessment and Program Evaluation in the Judicial Education Reference, Information and Technical Transfer Project. The demand for proper evaluation of judicial education programs exists. It is insufficient to do qualitative analysis and examine surveys of post-program training as a conclusive evaluative technique. The impact of the training programs are not normally seen immediately and therefore the measurement of its success needs to occur at a point in time in which one can ascertain the behavioural change and resultant improvement in justice.

The general presumption of the human being’s right to a fair trial which is a foundation of human rights is a measurable indicator. Just as if humanity makes the investment in human rights<sup>23</sup>, if judiciaries around the globe invests resources in evaluations of their judicial education and training programs, their programs will be successful. While this paper does not address the future of judicial education as an academic discipline, it should be noted that evaluation of existing judicial education and training programs can be a significant contributor to the development of this discipline. Revision of existing programs to determine how ‘systems’ can be enhanced and enriched similarly to the proposition that by reviewing laws relating to benefit sharing with respect to land in Papua New Guinea this would improve ‘accountability, governance and transparency by responsible institutions’.<sup>24</sup> Along with evaluation, monitoring is vital to judicial education<sup>25</sup>. Applying these two aspects of the process that will usually start with the design of a program in a closed loop system of training is a tremendous asset to its effectiveness.

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<sup>21</sup>Atieno, Ochieng Pamela (2009). An Analysis of the Strengths and Limitation of Qualitative and Quantitative Research Paradigms. *Problems of Education in the 21<sup>st</sup> Century*, Vol. 13-18

<sup>22</sup>Silverman, D, (2010). *Qualitative research*. London. Sage.

<sup>23</sup>Dingake, Oagile Key. (2000). Protection of Human Rights in Africa. 10 *Transnat'l L. & Contemp. Probs.* 371

<sup>24</sup>Polume-Kiele, Hitelai. (2014). The Governance of Natural Resources: Issues affecting better management of revenues and distribution of benefits in Papua New Guinea, *International Journal of Rural Law and Policy*, Special Edition 1, 1-7

<sup>25</sup>Bhattarai, Ananda Mohan. (2009). Judicial Education in Nepal: Achievement and Challenges, 3 *NJA L.J.* 149-158

Interestingly, unlike most professions, the judiciary generally is independent in making determinations with respect to its competencies<sup>26</sup>

## Judicial Arrogance

Judicial arrogance is a reality that exists in judiciaries globally. It becomes more noticeable in some individuals who are consumed with the trappings of being on the bench. Interestingly, at the Commonwealth Judicial Education Institute for which this author is a Fellow, one of the courses taught addresses dealing with Judicial Arrogance.

One may argue that the greatest challenge to the learner being able to learn is the learner himself or herself. Such an argument is founded on the reality that the ignorance and/or arrogance of the learner is such that it precludes the ability of the learner to facilitate learning taking place. As such, it is essential for learners to embrace learning without a bias of arrogance or predetermined opinions of the efficacy of the judicial education and training program to be delivered. For many in the non-judicial and non-legal world, there is an assumption that judges know everything. Such a misguided perception sometimes creeps into the judiciary thus inculcating persons into a belief that potentially limits the learning ability of the learner who in this instance may be judges.

Through judicial education institutes, the judiciary is able to provide training in ‘knowledge and skills’.<sup>27</sup> Consequently, as more judiciaries recognise the importance and need for judicial education for judges and judicial officers, the barriers erected by judicial arrogance will be unequivocally removed. The extent to which global surveys have been done with judicial officers which outline their perceptions of judicial education is not clear. Further, the fact that there are limited academic institutions for which persons can study to become judicial educators is an indicator of the inherent level of arrogance that persists in the need for judicial education as an academic practice or for continuing professional development for judges. This remains an area for which a study can be done to determine the need for academic institutions to develop curriculum for judicial education as a distinct component of adult education.

Being a judge suggests being able to make decisions without being arrogant<sup>28</sup>. Court user surveys are useful tools to inform on the perception of judicial arrogance. A good judicial education orientation program should include a module on judicial arrogance to assist new judges in tempering their enthusiasm as being the bastion of justice in the court with recognition of their duty to administer their judicial functions in an unbiased and fair manner that includes professionalism as expected by the public for whose purpose in interacting with them is pursuit of justice.

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<sup>26</sup>See supra note 25, at 150

<sup>27</sup>Injia, Sir Salamo. (2011). The Underlying Law Act 2000, Lawasia J. 1, 1-14

<sup>28</sup>Nadeau, Justice Joseph P. (2000). What it means to be a judge. 39 Judges J. 34



Tensions exist between the accountability and independence of the judiciary in the context of professionalism<sup>29</sup>. In between this tension is the tipping point of arrogance. It is judicial education and training that will aid judges to avoid arrogance. Further it is judicial training that will professionalise the judiciary<sup>30</sup>. One area of judicial arrogance that has an opportunity for being addressed and corrected through judicial education and training is the degree to which views and biases impact on LGBT issues. In countries, where the law prohibits such relationships this position is potentially even more pronounced. Judicial Education and training programs which create awareness and sensitisation to delicate subjects are extremely helpful to eliminating arrogance which is a barrier to justice. Such knowledge by the judiciary improve access to justice for the ‘LGBT people and their families’ and other groups of people including minorities and vulnerable court users in how they are treated by the courts<sup>31</sup>.

Embracing learning indicates a degree of humility and recognition that there is a need. Judicial arrogance cannot coexist with judicial humility. In this vein, as judges take advantage of the learning opportunities that are offered through judicial education institutes or other continuing professional development networks and platforms which include lectures, case studies and discussions, online training, and other types of presentations (this list is not exhaustive), the predisposition to arrogance that may exist can be quashed.

The significance of accepting that this is an inhibitor to learning for judges should not be diminished. Notwithstanding this reality, as those in judicial education accept that their role includes being able to guide and assist judges embrace learning such obstacles to learning may be overcome.

## E-Learning

Online learning is a key component of the education process today. Given that judges are categorised as self-directed learners, online learning fits in as it is also a self-directed facility. Through collaboration and discussion with colleagues and/or instructors learning is engendered<sup>32</sup>. It also provides flexibility which is important for judges given their time demands.

There are several important characteristics of online learning as outlined by Ke and Xie (2009). These include:

“Social interaction and collaboration with peers

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<sup>29</sup>Oberoi, Geeta. (2011). Why Aiming for Professionalization through the Judicial Education Discourse, 5 NJA L.J. 189-214

<sup>30</sup>See supra note 29, at 213

<sup>31</sup>Brower, Todd. (2017). What Judges need to know: Schemas, Implicit Bias, and Empirical Research on LGBT Parenting and Demographics, 7 DePaul J. Women Gender & L. 1-58

<sup>32</sup>Milheim, K. L. (2011). The Role of Adult Education Philosophy in Facilitating the Online Classroom. *Adult Learning*, 22(2), 24-31. Available at: <http://ezproxy.lib.ryerson.ca/login?url=http://search.ebsco.com/login.aspx?direct=true&db=eric&AN=EJ926220&site=ehost-live>

Connecting new knowledge to past experience

Immediacy in application

A climate of self-reflection

Self-regulated learning”<sup>33</sup>

Engaging adult learners such as judges requires creativity. Through normal legal education, understanding how to think as a judge is not taught<sup>34</sup>. Filling this gap is what judicial education and training facilitates. With a busy court calendar, the online training modules provide an easy avenue for judicial officers to become knowledgeable on a variety of subjects.

In many countries technology may not be as sophisticated as first world or developed jurisdictions, however, as telecommunications infrastructure materialise, online learning platforms can be established to produce judicial education and training programs. In this regard, according to Armytage (2013) judicial educators are “agents of leadership and change”<sup>35</sup>. If we accept this argument that they are change and leadership agents then it follows that judicial educators have a professional responsibility to influence the judiciary to some outcome which should be aligned with the intent of the judiciary in the proper administration of justice. Is online education providing the opportunity for this leadership and change? In this author’s view, it creates an avenue that otherwise is slowly being accepted in the Caribbean and Pacific Islands given the cost effectiveness and efficiency with which its impact is felt.

A distinct adult learner who is self-directed typifies the description for judges. In order for judicial education to be effective, the engagement by judges of self-directed learning using online platforms is important where possible.

## Conclusion

It is anticipated that judges will continually learn<sup>36</sup>. Collaborative learning by judges is necessary<sup>37</sup>. Education of judges is no longer a matter that requires validation<sup>38</sup>. However, in

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<sup>33</sup>Ke, F., & Xie, K. (2009). Toward Deep Learning for Adult Students in Online Courses. *Internet And Higher Education*, 12(3-4), 136-145. Available at: <http://ezproxy.lib.ryerson.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ861741&site=ehost-live>.

<sup>34</sup> See supra note 2

<sup>35</sup>Armytage, Livingston. (2013), Judicial Education As an Agent of Leadership and Change, IOJT Available at <http://www.iojt-dc2013.org/~media/Microsites/Files/IOJT/11042013-Leadership-for-Judicial-Educators-other.ashx>.

<sup>36</sup>See supra note 25, at 157

<sup>37</sup>Underwood, The Hon Justice Peter. (2007). Educating Judges – What Do We Need, 3 High Ct. Q. Rev.133-138

<sup>38</sup>Gleeson, The Hon Justice Murray. (1999). The Future of Judicial Education, 11 Judicial Officers Bulletin 1

order for the learning to take place the judge must want to learn and do what is necessary to facilitate the learning.

The transition from a teacher centred to learning centred focus is not simple<sup>39</sup>. Judicial educators continue to examine methodologies and systems to improve the delivery of programs for the judiciary<sup>40</sup>. Education must reflect judicial needs to assure effective use of resources<sup>41</sup>. Hansen argues that continuing education for the judiciary is a necessity<sup>42</sup>. Transformation to a competent judge from lawyer does not happen miraculously<sup>43</sup>.

Whilst it is expected that judges should embrace learning through accessing judicial education and training programs it is also recognized that the process of judicial learning is not simplistic<sup>44</sup>. Judicial education and reform are matters for local judiciaries<sup>45</sup>. Hence, responsibility lies with each judiciary to provide, facilitate, engage and utilise judicial education and training programs for its judges.

Judicial education has reached the point of maturity where the discussion is on ‘modalities’ and implementation approach<sup>46</sup>. The type of education and training required for judicial officers vary depending on the point of their career they are in<sup>47</sup>. Judges use distinctive skills which were not applied while they were practicing lawyers<sup>48</sup>. These skills are developed and honed through the refinement process of judicial education and training.

Judges should examine new methods of delivery of judicial education and training as time progresses and more instant access to material becomes available. It may be that in the next few years the use of smart phones for dissemination of training material becomes an acceptable form

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<sup>39</sup>Lee, Wei Ching, Chen, Victor Der-Thanq and Wang, Li Wi. (2017). A review of research on teacher efficacy beliefs in the learning-centred pedagogy context: Themes, trends and issues, *Asia Pacific Educ. Rev.* 18:559-572. Available at <https://doi.org/10.1007/s12564-017-9501-x>.

<sup>40</sup>Benton, Duane and Sheldon-Sherman, Jennifer A.L. (2015). *What Judges Want and Need: User-Friendly Foundations for Effective Judicial Education*, *J. Disp. Resol. Iss.* 1.3 Available at: <https://scholarship.law.missouri.edu/jdr/vol2015/iss1/3>.

<sup>41</sup>See supra note 39

<sup>42</sup>Hansen, Conner T. (1968). The Continuing Education Program of the Wisconsin Judiciary, *52 Marq. L. Rev.* 240 Available at: <http://scholarship.law.marquette.edu/mulr/vol52/iss2/3>.

<sup>43</sup>See supra note 41

<sup>44</sup>See supra note 35

<sup>45</sup>Honourable Justice Mr. Adrian Saunders, President of the Caribbean Court of Justice (2012). The Role of the Court of Appeal in Developing and Preserving and Independent and Just Society, Second Distinguished Jurist Lecture Available at: <http://www.ttlawcourts.org/jeibooks/books/djl2012.pdf>.

<sup>46</sup>Ronsin, Xavier. (2016). *The principles of judicial training: towards international recognition?*, *IOJT, Iss.* 5. 11-18.

<sup>47</sup>Penrod, Earl G. (2006). *Judicial Education in Indiana: An Overview and a Proposal for Change*, *40 Val. U. L. Rev.* 409. Available at: <http://scholar.valpo.edu/vulr/vol40/iss2/7>.

<sup>48</sup>Simon, Stephen and Poritsky, Bertrand. (1987). *Judicial Trial Skills Training*, *37 J. Legal Educ.* 428, available at [http://scholarship.law.umn.edu/faculty\\_articles/473](http://scholarship.law.umn.edu/faculty_articles/473).

of information sharing in groups using platforms such as WhatsApp. The reality is that technological advances will bring greater opportunity for training and those judges who are keen to learn will be the beneficiaries which should result in improved justice for users of their courts.