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**Global Issues & Challenges  
in Judicial Education:  
*Leadership and the Educator***

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# **Role of Judicial Educator**

**Judicial educators have a professional responsibility to promote justice  
- not only to promote competence.**

# Overview

1. Background
2. Research project
3. The role of judicial educators
4. A vision for judicial education

# 1. Background

- Legal and judicial education, Australia: 1986
- ‘Educating Judges’, 1996
- ‘Reforming Justice’, 2012
- ‘Judicial Education & Training’, IOJT Journal
- ‘Educating Judges: Revisited’, 2015

# ***‘Educating Judges’***

- Foundations for bounded endeavour, 1963
- Public trust in institutions of justice
- Doctrinal imperative: independence
- Professionalising judging
- Quest for competence and accountability
- Formalise goal and standards
- Legitimise discipline of judicial education

# Structure

- Part A: needs and assessment
- Part B: educational theory and practice
- Part C: model of judicial education, evaluation
- Two questions for future:
  - common and civil traditions
  - collaboration with academe

# ***'Educating Judges'***

*There is a need for a distinctive approach to the continuing education judges. This approach should build on the foundations of adult and professional learning theory. But, more importantly, this approach should accommodate the specific learning needs of judges, and preserve judicial independence.*

*(1996)*

# Argument (1996)

1. Judicial education to build professional competence
2. Competence to improve performance
3. Adult/professional education: facilitating learning
4. Judges as learners > distinctive model:
  - a. Social/doctrinal – selection, role, independence
  - b. Educational - learning needs, preferences, styles
  - c. Professional - successful self-directed learners
5. Beyond technical competence > professional artistry:  
cognition (*substance*), problem-solving (*skills*),  
critically reflective (*outlook*)
6. Policy framework: peer-based and individualised
7. Evaluate success in improving quality of justice



## 2. Current research project

- Objectives
  1. survey global state of judicial education
  2. update developments of past two decades
- Methodology: expert interviews
  - 30 > 40 leading judicial educators ...
  - Developed: Australia, US, Canada, France ...
  - Developing: Chile, Pak, Philippines, India, Nepal ...
  - Experience: 1-40 years
  - Common law, civil system, Sharia

# Research questions

1. Significant recent developments in judicial education
2. Trends in professionalizing practice
3. Evolving goals, curricula, methodologies, approaches
4. Building knowledge - research, evaluation, pedagogy
5. Exchanging knowledge – global, regional networking
6. Information technology - impact and applications
7. Use in official development assistance (foreign aid)
8. Globalisation of judging and judicial education

# Initial findings # 1

1. Broadly established in developed and developing jurisdictions
2. Strong judicial ownership
3. Substantial commonality of needs, resources, tools
4. Common goal to promote technocratic competency
5. Systematisation of standards and practices ongoing
6. Widespread endorsement of pedagogic methodologies
7. Variable application of methodologies in practice

# Initial findings # 2

8. Patchy formalised needs assessment in practice
9. Limited ad hoc curricula-based programming
10. Variety of networks, some experience exchange
11. Significant innovation of IT delivery options
12. Preoccupation with cost-effectiveness  
(efficiency/effectiveness)
13. No systematic research or knowledge-building
14. Minimal ('woeful', 'laughable') evaluation of  
outcomes/results

# Issues: challenges or opportunities?

- Leadership
- Professionalisation
- Identity
- Constituency
- Good practice
- Data
- Collaboration
- Sustainability

# Issues for discussion, debate

- Data: modalities for building knowledge
- Modalities for exchanging experience
- Best practice: principles, standards, curricula?
- Delivery: face-2-face v remote ICT
- Finance and funding sources
- Leadership and the role of judicial educator

# Argument (2015)

**Judicial educators have a professional responsibility to promote justice  
- not only to promote competence.**

# ***'Reforming Justice' (2012)***

- Justice is core to good society and human well being
- Courts are the key agency of state to protect and promote justice
- But courts are often non-responsive:
  - inaccessible, inefficient, incompetent, corrupt, impunity ...
  - reforms blocked by power-holders
  - most people excluded from 'rule of law'
- Aid agencies spend billions to promote 'rule of law' around world
- Results often disappointing, limited impact
- Asian Development Bank 2008: 'under competitive'
- Promoting justice is important but very difficult:
  - Justice failure; reform ineffectiveness
- Current imperative: to revision our role as educators and leaders



# 3. Role of Judicial Educators

- Need or problem is not competence, delay etc
- Technocratic training is not sufficient solution
- Real challenge is leadership:
  - enable courts to perform constitutional role
  - deliver services that respond to needs of people
  - promote access to exercise rights in law
  - develop innovative solutions that link 'judicial education' with 'justice reform'

***Q: Leadership: to what, by whom?***

***Q: How measure results?***

- *training > competence > performance > justice > wellbeing*

# 4. Leadership and Vision in Judicial Education

- *In 1996:*

*There is a need for a distinctive approach to the continuing education judges. This approach should build on the foundations of adult and professional learning theory. But, more importantly, this approach should accommodate the specific learning needs of judges, and preserve judicial independence.*

- *In **2014:***

*There is need for a distinctive **vision** in the continuing education of judges which should build on the foundations of **educational effectiveness**, and **aim to address the justice needs of citizens whom the courts are constitutionally mandated to serve.***