

Donald CHIASSON,

Legal and Education Director, International Cooperation Group at the National Judicial Institute of Canada, Judicial Education for Economic Growth Project sponsored by the Department of Foreign Affairs, Trade and Development Canada

Дональд ЧІАССОН,

директор з юридичних та освітніх питань, Група міжнародного співробітництва Національного суддівського інституту Канади, Міністерство закордонних справ, торгівлі та розвитку Канади

INTERNATIONAL EXPERIENCE – JUDICIAL EDUCATION **ОСВІТА СУДДІВ – МІЖНАРОДНИЙ ДОСВІД**

Thank you very much. So I'm hoping to be as brief as I possibly can. A steam judges, officials, judicial trainers and colleges I bring greetings and congratulations from the National Judicial Institute of Canada to the National School of Judges on its three years anniversary, you've made great progress in those three years and I thank rector Onishchuk for asking need a speak here today. NJI has worked on and off with the judiciary and judicial training institutes and Ukraine since about 2005, when we worked with the prêt a cessionary organization to the National School of Judges.

Judicial education we see as very unique process. It deals with very unique skills. Judges have to have skills that are different than the skills the lawyers have. They need some of the same skills, but judging is unique and the skills that they need are unique. And judicial education institutes have been created around the world. Some of these institutes are very new but none of them are very old. This isn't they an institutional issue that goals back in many years. Originally judges just train themselves, they got trained on the job, they talk to each other, they gave lectures at certainly the way it happening in Canada and I think it happened that way in many other countries. So these institutes are not large and they relatively new, they very specialized. There is little rhythm about how specifically to train judges or how specifically to develop judicial training institutes and that's in contrast for instance to academia or universities where there is great volumes of material which's written about how to do and where to do it. So we see it as very appropriate that there be a linkage between the National Judicial Institute of Canada and the National School

of Judges of Ukraine and we also command the other linkages that the National School will has with other judiciaries.

NSJU and NJI are similar organizations because they have similar mandates to provide effective judicial education nationwide. Canada is very committed to sharing its experience that we've gain in Canada and also that we've gain internationally with the NSJU.

But this is a two ways street. Canadian judges and others who come here to Ukraine are eager to get involved; they eager to understand Ukraine, the judges of Ukraine, how the judiciary is organized and how judicial training is organized. So this is benefit, a great benefit to us at the National Judicial Institute of Canada and the judges we work with. The National Judicial Institute of Canada is a not for profit organization chaired by the chief justice of Canada and we're very much judge-led and I'll talk a bit more about judges in this talk, but our judge-led, judges do all the education practically and they've run the institution and we do extensive work with judiciaries around the world. There's been a lot of talk here about methodology, different kinds of methodology. Traditionally, I think it's fair to say lecture has been the traditional method and that's what we used in the National Judicial Institute of Canada for many years. We just actually had a twenty fifth anniversary above three weeks ago in Ottawa and for the first ten, maybe fifteen years of that time all we did was lectures – that was all we did, but as everyone in this room is acknowledged and just to see an anchor talked about at some length a recent experience shows that there are more effective methods for training, principally interactive adult learning methodology. Now that methodology is very-very good, but it cannot totally supplant lecture method and also it's difficult to put on compared the lectures. So it has to be used in a targeted way.

The National Judicial Institute of Canada, as I said, moved from lecture to interactive methodology about fifteen years ago and this was an historical change for us. It required a lot of adjustment and we faced many challenges and as we were began to work here recently in the last couple of years with the School what we saw was some of challenges that the School was facing right now or exactly similar to some of the challenges that we face at the National Judicial Institute of Canada. So we're pleased to be here we're pleased to that the School is embraced this new methodology and is adapting it to Ukrainian realities, because it's someone said not all things work in all places the same way and we have to be very coldness in that.

At the National Judicial Institute of Canada we see three main components for effective judicial education. One is teaching and learning so the judges acquire skills, the unique skills that judges need to have to do the job. And again just to see an anchor spoke to this at some lines.

Courtroom management for one what is, for instance, a newly appointed, a young judge do when all of a sudden two parties in front of him or her start yelling at each other and ignoring the court, what are the steps? How do you control that? That a unique kind of skill that a judge needs. There are others: communication, decision-making, judgment writing and I can go on. The second prong of this is knowledge. Judges need to know actually the law, procedures that they have to apply. They have to know how to apply them well in real life situations that they face.

And the third prong is social context, social awareness of the context within which the decision of the judge is making his place. How do others perceive what's going on in the courtroom? Do the litigants feel that they've actually been heard by the court, their positions take in account of what do they want, and what do they lost the case. And we see this last point is very important to make of justice system that ordinary people will see as fair and just. And after all that's a common denominator I think throughout the world, at least everywhere I've worked. That is something that all justice systems strive for.

So these are the three components that we stress at the National Judicial Institute of Canada and again interactive methodology, just to say a word or two about that. I told you we moved about fifteen years ago to this and the reason we did that was we began to look at these studies about adult education and this applies well to judges and we think this is something that travels over cultures, you know, it's sort of works in all the cultures that we've worked in. If you just give a lecture to someone you can expect that all retain about five percent of what's been talked on average. That's what the study show. If you do the lecture with audiovisual aids you can expect that all retain about twenty percent, but if you do your training using interactive methods what the study show is that you can expect learners to retain about seventy-five percent of what's been talked. And that means learners will have to work with the material that they have in front of them, some of the methods of doing that have been discussed already and demonstrate actually demonstrate mastery of the skill that you're teaching and they're learning, because judicial education is time consuming, it's very expensive and it only make sense at the National Judicial Institute of Canada we said when we saw this, it only makes sense for us that we have judges who walk out of this training, they go back to their courtrooms next week and they're able to remember and apply seventy-five percent of what was been talked rather than five percent. And as I said, we did lectures and before this that was what we did. We found the most senior judge we could and we did lectures. I'm just going to say a couple of words about the project, the Canadian Government, is of course the donor for this project, then our partners are the High

Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine and two pilot courts in Ivano-Frankivsk and Odesa, there is us and there is also another partner who is not here today – the Office of Federal Judicial Affairs in Canada. We stress cooperation with other donors. This is been referred to a couple of times we had excellent cooperation with the Fair Project and done so things together and we're looking forward to cooperating with a Council of Europe Project as that moves on.

There're three main components of this project. One, non-surprisingly, is to develop courses in curriculum for judicial and candidate education, especially interactive type curriculum. The second is institution of strengthening to assist the School and the High Qualification Commission of Judges of Ukraine to be the best institutions that they can be the faster and support excellent judicial education for judges and for candidates. And the third part of the Project run by the Office of Federal Judicial Affairs in Canada is piloting judicial pretrial settlement in cases with economic aspects to them in the courts that I've mentioned. And as I've said a couple of things I think, there is the economic focus to everything we do. This was the base upon this Project was founded.

So our Project has a focus on practical training for judges and students. We a focus on training trainers, training judges and also training stuff at the School to acquire the skills of being trainers, because of course as we were in Canada, we have many judges with sterling excellent skills as judges, as jurists, but the skill of training is a very-very different skill and we all know that. And we also plan to build the capacity of School to support practical education for judges of Canada it's through our strategic and action planning affords.

We should develop about fourteen courses and the course of this whole project. Some of them a few days long someone least we think will be about two weeks long. We've piloted generic land law course – an interactive course, a few weeks ago in Lviv. That seemed to be a success, everybody liked it. We're doing other things like courtroom management, statutory interpretation and one that we see as very important is developing which developed and are continuing to refine a course impart teaching skills on judges and stuff at the School. And this is very important because this is what perpetuates interactive learning methodology and we would see this is a course that we would repeat again and again and again and implicit «we» – I don't mean the National Judicial Institute instituary, but this the Project and the trainers from the School and the judges who are doing this. We also in the meets of developing newly appointed judges which we see as having application also for candidate judges. This is very much of skills course to teach these younger aspiring judges things that

they need to know like the handle the situations that they have to face, evidence, ethics, courtroom management, but doing this in the context of applying important procedures and laws that these judges also have to know what they have to do in the courtrooms. In the future we're gonna continue develop courses, we're coming to create videos to support those courses shortly and in a couple months we'll be here doing that. We think developing training manuals is very important, so that we can capture of what's been done and future trainers and students can take advantage of that because the time sure flies and new people would become involved and it's very important to catalogue everything that you do so it can be used again and again and again.

We working with the School and with the Fair Project are going disport distance learning they'll be study toward to Canada to observe training, our judiciary and organization of judicial education in Canada.

We did some good work on strategic planning along with the partners in Fair and the School developed what I think is an excellent strategic plan, a good blueprint with an import amendments done by rector Onishchuk and we'll go on to support that over the rest of the life of the project. But strategic planning takes time: moving an organization as large as the National School of Judges of Ukraine cannot be done over night. Often people see strategic planning as having five years for rising to it. So we've proposed and are working on something that we call action planning. And this is something that has a shorter term for rising can be done a year or two and the idea here is to show countable progress in the near term while these big changes are being worked on and we made this suggestion from the National Judicial Institute of Canada as a result of our experience that I've mentioned we are at some point in situation very similar to what the National School of Judges of Ukraine is now I think. And there were some things we learned out of that and we suggested seem to make some sense and we're working on this, this is well. And we've done this kind of work overseas too with other training institutions.

So there are several points in that action planning I told you developing a new course for newly appointed judges and candidates, organizational strengthening, training for judges and training management skills for staff, increasing judicial involvement and we congratulate you and all the movement you've made on this, you've created the court need of judicial council – that's terrific and the agreements you signed today between the courts and the Council of Judges and the School, my congratulations. Judges we feel need to be involved very closely with the judicial training institutes and these are good advances.

Distance education and facilities helping the School make the best use of the facilities it has or could have. And the finale part of the Project is

this pretrial settlement part. This is been done by our system organization, Federal Judicial Affairs with administrative and civil courts in Ivano-Frankivsk and Odesa. Mr. Samsin said in his talk I think this was seen and so far has a great success we think it is, it's very good. I think we'll go on and develop more around this and develop training at the School for judges in this area.

So the overall goal of our Project is to assist the School and the High Qualification Commission of Judges of Ukraine to be excellent institutions which can delivery administrate support for excellent judicial and candidates education and their abide to support Ukraine and its ongoing effort to develop Rule of Law and a justice system that's admired by all Ukrainians.

There's been many accomplishments today I've mentioned some of them so it just remains to say to the School congratulations on your first three years. You've met many challenges and you've reasoned to them and you've achieved clear measurable result.

Thank you.