



# INPROL

INTERNATIONAL NETWORK TO  
PROMOTE THE RULE OF LAW

[www.inprol.org](http://www.inprol.org)

# MEASURING THE IMPACT OF JUDICIAL TRAINING

INPROL Consolidated Response (07-005)

With contributions from With contributions from Greg Gisvold, Mira Gur-Arie, Renee Dopplick, Meghan Stewart, Linda Bishai, Sermid Al-Sarraf, Andrea De Maio, Colette Rausch, Ab Currie, Patrick Murphy, William Brunson, Irene-Maria Eich, Carl Baar, Livingston Armytage, Richard messick, Karen Widess



Prepared by Leigh Toomey

## MEASURING THE IMPACT OF JUDICIAL TRAINING INPROL Consolidated Response (07-005)

July 14, 2007

**Submitted by:** [Libor Chlad](#), EUJUST LEX Program, Council of the European Union

**Drafted by:** [Leigh Toomey](#), INPROL Rule of Law Facilitator

### With contributions from:

1. [Greg Gisvold](#), Senior Democracy and Governance Specialist, Chemonics International
2. Mira Gur-Arie, Director, International Judicial Relations, United States Federal Judicial Center
3. [Renee Dopplick](#), Research Assistant, International Network to Promote the Rule of Law
4. [Meghan Stewart](#), Senior Peace Fellow, Public International Law & Policy Group
5. [Linda Bishaj](#), Senior Program Officer, Education Program, United States Institute of Peace
6. [Sermid Al-Sarraf](#), Executive Director, International Institute for the Rule of Law, Iraq
7. [Andrea De Maio](#), Researcher for Peace Building Unit, International Development Law Organization
8. [Colette Rausch](#), Deputy Director, Rule of Law Program, United States Institute of Peace
9. [Ab Currie](#), Principal Researcher, Access to Justice and Legal Aid, Research and Statistics Division, Department of Justice, Canada
10. [Patrick Murphy](#), Senior Rule of Law Advisor, United States Agency for International Development, Russia
11. William Brunson, Director of Special Projects, National Judicial College, United States
12. [Irene-Maria Eich](#), Course Coordinator and Director, Training Unit, Zentrum für Internationale Friedenseinsätze (ZIF)
13. Carl Baar, Professor Emeritus, Department of Political Science, Brock University
14. Livingston Armytage, Director, Centre for Judicial Studies, Australia
15. [Richard Messick](#), Senior Public Sector Specialist and Co-Director, Law and Justice Thematic Group, World Bank
16. Karen Widess, Head of Program Development, International Development Law Organization

The full text of the responses provided by these INPROL members can be found at <http://www.inprol.org/node/1991>. INPROL invites further comment by members.

**Note:** All opinions stated in this consolidated response have been made in a personal capacity and do not necessarily reflect the views of particular organizations. INPROL does not explicitly advocate policies.



INPROL is a project of the United States Institute of Peace with facilitation support from the Center of Excellence for Stability Police Units, the Pearson Peacekeeping Centre, and the Public International Law & Policy Group.

## MEASURING THE IMPACT OF JUDICIAL TRAINING

### Query:

What factors must be taken into consideration when evaluating a judicial training course, particularly in a country emerging from conflict? Are there any performance indicators that can assist in measuring the impact of judicial training? What are the unique challenges involved in evaluating judicial training?

### Response Summary:

Measuring the impact of a judicial training program involves making an assessment of how the training improved the participants' knowledge, skills, attitudes and overall professional competence to administer justice. Given the complex and inherently subjective nature of judicial work, no single performance indicator can accurately measure these changes. Instead, evaluators must carefully select a range of indicators to measure both the outputs and outcomes of the training, relying on both objective and subjective indicators. A thorough assessment of judicial training will include:

- **Baseline Assessment:** Appropriate baseline indicators of judicial performance must be established before the training. In countries emerging from conflict, this baseline will often be quite low and difficult to discern because decisions reached by individual judges or courts may not have been published and language barriers can make it difficult for outside evaluators to gather relevant data. Nonetheless, an initial assessment should identify the weaknesses of the judges to be trained both to design the program and to perform an evaluation at the end of the process.
- **In-Training Evaluations:** Once baselines are established, it is important to gather data on the training as it is taking place. This could include evaluation forms given to participants after units are completed, tests to measure knowledge and retention of the material (although this may be a sensitive subject when dealing with professionals who consider themselves to be at the top of their field), and interviews with key experts who may sit in on or actually conduct the trainings.
- **Post-Training Analysis:** After training is completed – or simultaneously if the trainings are conducted occasionally over a long period of time – external factors such as case processing time or comparative evaluations of written judgments can be the most effective means of assessing the performance of judges.
- **Outputs and Impacts:** It is also important to keep in mind at each stage of the evaluation process the difference between measuring outputs (e.g. numbers of participants, days of sessions, etc) and impacts (such as whether judges have actually become more knowledgeable, improved their rulings, or are acting with greater integrity) which reflects the ultimate goals of the training. The former are easier to measure and speak more to the effectiveness of a project's administration (and is thus also important to track fiscal responsibility in the provider). The latter are far more subjective and must be considered in the context of the myriad factors

beyond individual competence (corruption, lack of resources, lack of political will) that can prevent even the best judges from having an impact on improving the justice system.

- **Best Practices and International Standards:** There are many resources available on design and evaluation of rule of law training generally, some of which are listed [below](#). Moreover, evaluators of judicial training must be familiar with the relevant international standards that impact the work of the judiciary. These standards provide important guidance for assessing judicial performance. Among the most important of these international standards are the [Basic Principles on the Independence of the Judiciary](#), [The Bangalore Principles of Judicial Conduct](#), the [UN Convention against Transnational Organized Crime](#), and the [UN Convention Against Corruption](#). Other relevant standards are found [below](#) in the compilation of resources.

Following is an outline of the key components of a judicial training evaluation program.

#### **Establishing Performance Baselines:**

During periods of conflict, the judicial sector often suffers more than other forms of government administration. Judges are dispersed; those that remain receive little training from the beginning of the conflict; and few gain knowledge of current international standards. In addition, legal (and primary) education is often weak or non-existent; therefore recruiting new judges that are competent to carry out the complex task of issuing consistent, reasoned judgments is a challenge.

A recent evaluation by the International Development Law Organization (IDLO) of its judicial training programs in several developing countries, including the Democratic Republic of the Congo (DRC) (see the compilation of resources section [below](#)) bears this out. In the DRC, the evaluators noted that the effects of war and the resulting inadequacy of court infrastructure and use of obsolete equipment; deficiencies in existing texts and laws; little investment in the justice sector (including payment of a living wage to judges), and a general lack of confidence in the administration of justice prohibited the transfer of learning following extensive training by IDLO. A pre-training assessment should take into account these unique factors and the structure of the justice system itself to ensure that training is effective and can be accurately measured. Key considerations include:

- **Legal System:** Any pre-training assessment must first consider the different attributes of the legal system in question. For example, a judge working in a country, which applies the civil law, requires training in inquisitorial, rather than adversarial, trial procedure. In societies which maintain both a formal justice system and an informal means of resolving disputes, judicial training might need to cover customary systems, at least in a rudimentary way, in order to give judges an understanding of how the systems interact. The evaluation of the training should therefore account for how well the training accounted for these needs.
- **Broad Scope of Judicial Work:** In order to perform effectively, judges need to develop and maintain knowledge and skills in a variety of areas, including legal research, analysis and writing; civil and criminal trial procedure; the rules of evidence, and judicial ethics. In a country emerging from conflict, this may also

require training on subjects such as international human rights, with a focus on due process and fair trial standards; international humanitarian law, and anti-corruption measures.

- **Flexibility in the Face of Reform:** As the legal system develops, so too will the range and complexity of legal matters which judges will encounter in their work. Unlike other areas of rule of law training, such as corrections or police training whose subject matter is relatively static and discrete, a judicial training curriculum must be regularly updated to reflect legal developments at the local, state or provincial, national, regional and international levels in a wide range of legal subjects.
- **Trainers:** A training design must address the supply side as well by selecting trainers that are mutually acceptable to both donors/programmers and the judges to be trained. Failure to do so can influence the effectiveness of the training. Several INPROL members who responded to this query pointed out that judges are, understandably, often unwilling to participate in training unless the trainers have a high level of expertise and can command respect in judicial circles. This may preclude administrative experts who have valuable knowledge about court operations but are not seen by participants as appropriate mentors. The trainer's background and understanding of the cultural, historical or religious context in which training takes place is critical. For example, as one practitioner noted, a trainer with expertise in Sharia Law is likely to be more effective in transferring skills to judges in an Islamic country.

### **Measuring the Training Program Output:**

To evaluate the extent which a judicial training program effectively meets the needs of the participants and the objectives of the trainers, two main factors come into play: evaluation of the process and evaluation of the impact or result. Each may in turn be measured by both objective and subjective criteria. Given the difficulty of measuring many of the components of judicial training, a mix of methods and criteria can help to enhance the reliability of evaluation criteria.

**Process Indicators:** To measure the effectiveness of the training in serving the interests of the participants one can use "*Process Indicators*" to measure elements internal to the project and evaluate whether the training is fulfilling its terms of reference.

- **Quantitative Process Indicators** – First, one can measure the quantitative features of the training – such as the number of judges trained, the number and length of training sessions conducted, the number of materials distributed, the schedule and length of training, etc. Another example would be an indicator measuring judges' participation in training, in terms of whether a specific minimum threshold for attendance was met. These indicators are objective and easily quantified, and usually allow the evaluation question to be answered with a "yes" or "no" response. An evaluator will also want to know whether the training was conducted on schedule and within budget. In that case, the indicators are the date by which the training was to have been completed and the actual cost of the training. An example of a training evaluation checklist is found in the compilation of resources section [below](#).
- **Qualitative Process Indicators** – A qualitative approach to process indicators would be to measure the appropriateness and depth of course content and materials

and appropriateness of and receptivity of course participants to the trainers. For example, evaluators of judicial training commonly ask judges in a survey completed after the training whether they were satisfied with the training and whether they felt that the training made a difference to their knowledge, skills and attitudes (the indicator being the number of affirmative responses). This is sometimes extended to questions on whether the judges intend to make improvements in judicial service delivery as a result of the training. Sample evaluations of judicial training can be found [below](#) in the compilation of resources section. These qualitative process indicators allow evaluators to measure perceptions of the training value and, if necessary, to make appropriate changes in future training sessions.

Course materials should also be reviewed for scope and compatibility with other necessary subjects or priority areas of reform. Questions to ask are:

- Were the materials broad enough to cover the full scope of the judicial enterprise?
- If the materials are broad in scope, was enough time spent to absorb each?
- What other trainings have been given or are planned, and do they dovetail with the particular training being evaluated?
- How does the training correlate with other rule of law initiatives being undertaken in the country or region in question?

**Impact Indicators:** The evaluation of judicial training is not complete until both the *outputs* and the *impacts* of the training have been assessed. Evaluation of the outcomes or impact of judicial training involves consideration of its longer-term effects, particularly the improvement in the way that judges perform their work as a result of the training and how that change contributed to judicial reform. These indicators are known as “*Impact Indicators*” because they measure elements external to the project and how those elements contribute to enhancing the quality of justice.

For example, an evaluator will consider whether there has been a change in judicial performance by looking at factors such as:

- whether there is a higher quality of judgments;
- the number of identified behavioral changes attributed by participants to the training;
- the results of surveys or interviews completed by those who regularly interact with judges and are in a position to offer an impartial review of the change in the judges’ behavior;
- whether there has been a change in judicial performance in crucial areas such as the reduction of impunity and injustice, the administration of justice, judicial independence and accountability, respect for human rights, and equality before the law. Specific metrics for each of these are provided in the “[Metrics Framework for Assessing Conflict Transformation and Stabilization](#)” developed by the United States Institute of Peace.
- whether the change is consistent with international best practices and benchmarks. For example, by comparing behavior with measures used by Transparency International in its Corruption Perceptions Index (whether there have been any reported incidents of judicial corruption, public perceptions of judicial integrity etc).

That said, it is extremely difficult to determine exactly what constitutes improved performance, given the inherent subjectivity of assessing the quality of judgments rendered by judges. It is also difficult to isolate the impact of training on judicial reform

and the rule of law, particularly if it involves just a single training course. It is therefore considered best practice to use a combination of indicators to obtain the most accurate results possible.

**Quantitative Impact Indicators** -- The data used to measure the impact of judicial training can be obtained in a number of ways, including:

- Comparison of the results of the pre-training needs assessment and any examinations conducted post-training (particularly in legal systems where judicial promotion depends on taking an examination, which presumably ensures that the training participants attempt to provide the best answers possible);
- Answers given in questionnaires completed by the judges after the training; and
- Judicial management data such as court statistics.

Depending on the specific topic of the training delivered, evaluators can also examine case statistics to see if there has been any discernible change between the pre and post-training periods. This would include statistics on conviction rates; the number of new cases each year and the number of case disposals; case processing time; the number of appeals and the percentage of successful appeals, as well as the number and nature of complaints against the judiciary and their outcomes. This type of measurement can be used to complement (and perhaps contradict) the subjective reporting intrinsic in surveys or questionnaires completed by trainees themselves. However, the accuracy of this method depends upon reliable data being regularly compiled and available from court administrators. This may rarely be the case in a country emerging from conflict, but will be vital to develop if international efforts are to be sustainable.

**Qualitative Impact Indicators** -- Experience in evaluating judicial training has yielded a number of possible subjective methods, which can be used by evaluators to measure the impact of the training. These include:

- Surveys (self, peer and external).
- Interviews with training participants. Depending on the number of judges in the training, evaluators can undertake a sampling set of interviews of participants, asking them whether and how they are using the training. Examples of questionnaires used in this type of survey can be found [below](#) in the compilation of resources section of this consolidated response.
- Key informant interviews. Evaluators can also conduct what is known as “key informant interviews” of court users which, depending on the type of legal system, might include members of the public, court employees and clerks, notaries, lawyers and other judges who did not participate in the training. These individuals often have the unique opportunity to observe and offer valuable insights regarding actual changes in judges’ ability, decorum, behavior and skills. A combination of asking the participants themselves and a control group in a position to interact with judges can provide useful data.
- Appellate review. If the jurisdiction has a reasonably sophisticated appellate structure, a survey and/or interviews with higher court judges or a review of higher

court statistics can produce data about the improvement of lower court decisions and whether there has been a reduction in the number of decisions overturned. If the judges who participated in the training are members of the highest national court, or the appellate courts do not exist or produce irregular data, this will not be a suitable method of measuring the impact of judicial training.

- Observation and appraisal of judicial performance by experts. The experts (either lawyers or judges with no connection to those trained) consider matters such as the awareness and enforcement by trained judges of time limits for accused persons to be brought before a court; whether the trained judges properly apply rules and standards for assessing whether evidence has been illegally obtained, and whether the trained judges ensure that the human rights of those charged with a crime are fully respected (the right to counsel etc).
- Focus groups. Another method of measuring impact, albeit a less reliable one, is to ask select members of civil society, community representatives and public interest groups about their impressions of the performance of the judiciary after the training and their confidence in the integrity of the judicial system. The criteria used to measure satisfaction with judicial services would include the degree to which the judge in question protects human rights, the judge's accessibility, openness, efficiency, transparency and conduct. It may not, however, be easy to select appropriate representatives from these groups, nor to satisfy statistical validity in how that selection was made. This method is also highly subjective in that the responses of those surveyed may reflect their own biases.

#### **Other Challenges of Evaluating Judicial Training:**

Evaluators of judicial training will also face a number of methodological and other challenges.

- **Subjective Nature of Judicial Practice:** Many aspects of judicial practice are subject to multiple interpretations, such as whether a judge has correctly interpreted a code or case law or assessed the credibility of a witness during a trial. Subjective interpretations of performance should be tempered with more objective statistical criteria to gain a more accurate picture of performance.
- **Judicial Independence:** There are concerns that efforts to assess the impact of judicial training may undermine or threaten judicial independence. For example, a judge who issued an unpopular ruling may face allegations of incompetence, as evidenced by a negative assessment of his or her judicial performance. To some extent, this is unavoidable as judges require training, and evaluation is a critical part of that process. Where possible, results of an evaluation should only be made available to participants and their supervisors, rather than to the public or other branches of government. Some countries have established judicial training programs under the auspices of an independent national judicial training center to ensure critical evaluations while maintaining judicial independence.
- **External Factors:** External factors such as ongoing conflict, widespread corruption or years of neglect in reforming the legal system often minimize the impact of an otherwise successful training program, particularly in a country striving to emerge from conflict. It is usually impossible to isolate the impact of training and to show a



direct cause-and-effect relationship between the training and the change in behavior of participants. If changes do occur in the performance of judges, they may be the result of a cumulative effect of training, discussions with colleagues, exposure to new ideas in the media and ongoing evolution of personal views and positions. Nevertheless, an evaluation which indicates that a judicial training course *contributed* toward positive changes is still a worthwhile outcome for any program.

- **Long-term Nature of Judicial Reform:** The behavioral change that is the basis for sustainable judicial reform takes time to register an impact. While mileposts along the way are necessary, the impact of a judicial reform project may not be measured in time frames of a year or two. Rule of law professionals should not be tempted to concentrate solely on quantifiable outputs (such as the provision of legal textbooks and materials) at the expense of qualitative measures taken to improve judicial performance over the long term.

As this Consolidated Response indicates, judicial training is one of the most difficult forms of training to evaluate. INPROL would welcome further comment by members on their experience in designing an evaluation process and selecting performance indicators to assess judicial training, particularly in countries transitioning from war to peace.

---

## Compilation of Resources:

*This Consolidated Response draws from many of the following resources, which are useful reference tools for policing practitioners. All listed documents with a hyperlink are uploaded to the INPROL Digital Library.*

### GENERAL LITERATURE ON EVALUATION

- [“USAID Tips: Performance Monitoring and Evaluation: Conducting a Participatory Evaluation”](#), United States Agency for International Development, 1996.
- [“USAID Tips: Performance Monitoring and Evaluation: Conducting Key Informant Interviews”](#), United States Agency for International Development, 1996.
- [“Metrics Framework for Assessing Conflict Transformation and Stabilization”](#), July 2007, United States Institute of Peace.

### RESOURCES ON JUDICIAL TRAINING

#### Selected International Standards

- [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#) (1949)
- [The Geneva Conventions](#) (1949)
- [Convention relating to the Status of Refugees](#) (1951)
- [United Nations Basic Principles on the Independence of the Judiciary](#) (1985)
- [United Nations Convention against Transnational Organized Crime](#) (2000)

- [The Bangalore Principles of Judicial Conduct](#) (2002)
- [United Nations Convention Against Corruption](#) (2003)

### Best Practices

- [“Training: Judicial Education/Adult Education Project \(JEAEP\)”](#), Judicial Education Reference, Information and Technical Transfer (JERITT) Project, 1992 (This resource contains examples of participant questionnaires and training evaluation checklists).
- [“Devising Measures to Evaluate Judicial Reform”](#), Livingston Armytage, May 1998 (available at <http://www.educatingjudges.com>) (This Consolidated Response relies extensively on this source of information and INPROL extends its thanks and acknowledgment to the author).
- [“USAID Latin America: Judicial Training and Justice Reform”](#), United States Agency for International Development, 1998.
- [“Diagnosing Judicial Performance: Toward a Tool to Help Guide Judicial Reform Programs”](#), Linn Hammergren, World Bank (draft paper), 2002.
- [“Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers”](#), International Bar Association and Office of the United Nations High Commissioner for Human Rights, 2003.
- [“Evaluating Judicial Education Organizations: What Can and Should be Measured?”](#), Commonwealth Judicial Education Institute, 2004.
- [“The Quality of the Training of Magistrates and Common European Standards for Judicial Training”](#), Seventh Plenary Meeting of the Lisbon Network, 2005.
- [“United Nations Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law”](#), United Nations Department of Peacekeeping Operations, 2006.

### Related INPROL Materials

- [INPROL Consolidated Response on Judicial Independence and Financial Disclosure](#), May 2007.
- [INPROL Discussion Forum on National Legal Training Centers](#), June 2007.
- [INPROL Consolidated Response on Planning and Evaluating Corrections Training](#), September 2007.

### EXAMPLES OF EVALUATION TOOLS

- [Judicial Training Needs Assessment](#)
- [Sample Judicial Training Course](#) (in Spanish)
- [Potential Topics of Judicial Training](#)
- [Evaluation of a Judicial Training Course](#)
- [Evaluation of Judicial Training Courses Developed by the IDLO](#) (This resource includes examples of evaluation questionnaires. The evaluation covers 6 country programs (e.g. Democratic Republic of the Congo, from p.26 of Volume II).

### USEFUL INTERNET RESOURCES

- American Bar Association (CEELI Judicial Reform Index) ([http://www.abanet.org/rol/publications/judicial\\_reform\\_index.shtml](http://www.abanet.org/rol/publications/judicial_reform_index.shtml))
- Canadian Judicial Council (<http://www.cjc-ccm.gc.ca>)

- Centre for Judicial Studies (Australia) (<http://www.educatingjudges.com>)
- Commonwealth Judicial Education Institute (<http://cjei.org>)
- Federal Judicial Center (United States) (<http://www.fjc.gov>)
- École Nationale de la Magistrature (France) (<http://www.enm.justice.fr>)
- European Judicial Training Network (<http://www.ejtn.net>)
- International Development Law Organization (<http://www.idlo.int>)
- Judicial Education Reference, Information and Technical Transfer (JERITT) Project (<http://jeritt.msu.edu>)
- Justice Studies Center of the Americas (<http://www.cejamericas.org>)
- Lisbon Network (part of the legal cooperation program of the Council of Europe) ([http://www.coe.int/t/dg1/legalcooperation/judicialprofessions/lisbon/default\\_en.asp](http://www.coe.int/t/dg1/legalcooperation/judicialprofessions/lisbon/default_en.asp))
- National Association of State Judicial Educators (United States) (<http://nasje.org>)
- National Judicial College (United States) (<http://www.judges.org>)
- National Judicial Institute (Canada) (<http://www.nji.ca/nji/index.cfm>)
- Transparency International (<http://www.transparency.org>)
- United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (<http://www.unafei.or.jp/english/index.htm>)
- United Nations Interregional Crime and Justice Research Institute (<http://www.unicri.it>)
- United Nations Office on Drugs and Crime (<http://www.unodc.org>)
- World Bank (<http://www.worldbank.org>)

See also:

[http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTINST/0,,contentMDK:20756999~menuPK:1990189~pagePK:210058~piPK:210062~theSitePK:1974062,0\\_0.html](http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTINST/0,,contentMDK:20756999~menuPK:1990189~pagePK:210058~piPK:210062~theSitePK:1974062,0_0.html)

**Note: All opinions stated in this consolidated reply have been made in a personal capacity and do not necessarily reflect the views of particular organizations. INPROL does not explicitly advocate policies.**

#### **Information:**

*New Queries:* To send a new query, please send an email to [inprol@inprol.org](mailto:inprol@inprol.org).

*Documents:* To submit a document to INPROL, please login to INPROL and visit <http://www.inprol.org/uploadcontent> or send an email (with the document attached) to [inprol@inprol.org](mailto:inprol@inprol.org).