



# JUDICIAL TRAINING

GOING EXPERIENTIAL

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# PHILIPPINE JUDICIAL ACADEMY

- **A COMPONENT OF THE SUPREME COURT OF THE PHILIPPINES**
- **TRAINING SCHOOL FOR JUSTICES, JUDGES, COURT PERSONNEL, LAWYERS & ASPIRANTS TO JUDICIAL POSTS**

## BOARD OF TRUSTEES

CHAIRPERSON **Chief Justice**

VICE-CHAIRPERSON **Senior Associate Justice**

MEMBERS **Different Levels of the Judiciary**

# JUSTICE REFORM INITIATIVES SUPPORT (JURIS) PROJECT



NATIONAL JUDICIAL  
INSTITUTE OF  
CANADA



PHILJA

## JUDICIAL EDUCATION ENHANCEMENT

Capacity building of PHILJA to design and implement experience-based training for judges.

# TRADITIONAL JUDICIAL EDUCATION

- **Training is characterized by a series of lectures on a wide scope of subject matters in a given field of law**
- **Learning is generally through a process of passive reception that is subject-focused and teacher-driven**
- **“Teachers” are mostly senior legal practitioners or justices of the Court of Appeals or Supreme Court**
- **“Teachers” fly in to conduct their lectures and fly out immediately after**

# FROM PEDAGOGY TO ANDRAGOGY

- Training topics are task oriented and problem focused chosen from a process of active query by learners
- Through reflective and “laboratory” activities, learners are asked to relate the topics to their own experiences
- Training now requires skilled facilitators
- Learning is enhanced by learner’s own expertise and knowledge on the subject matter.
- Training goes beyond the classroom to include mentoring sessions in the court rooms
- Trainers come from the community (academe, practitioners, stakeholders, etc.)

# TRAINING...



- that engages the learner *intellectually, physically & emotionally.....* by stimulating the senses and eliciting personal responses to real life situations

"REALITY"  
TRAINING

# EXPERIENCE-BASED TRAINING

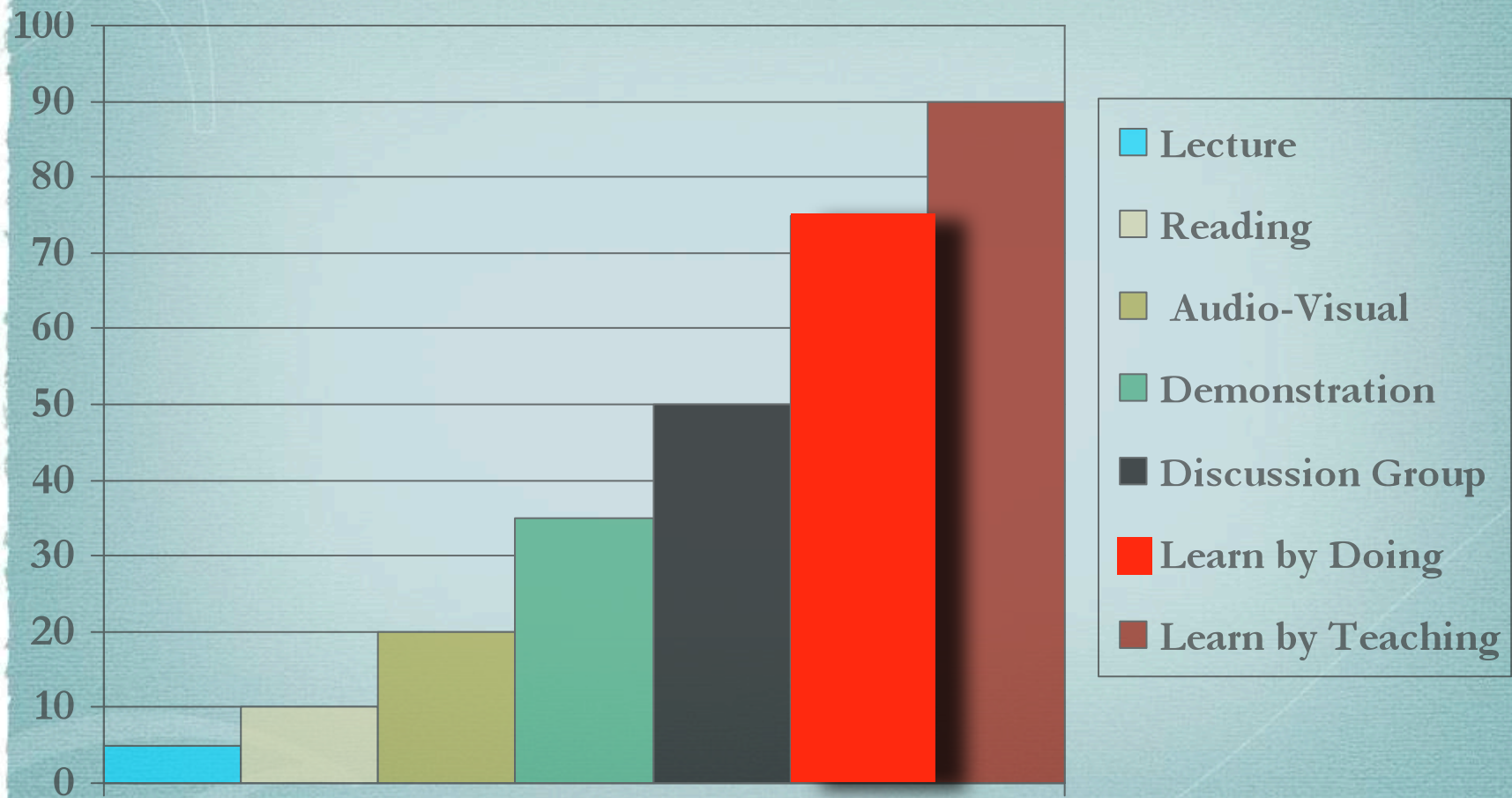


*“ I hear and I forget, I see  
and I remember, I do and  
I understand”*

**John Dewey**

Father of  
Experiential Education

# LEARNER'S RETENTION



## **People generally remember...**

10% of what they read

20% of what they hear

30% of what they see

50% of what they hear and see

70% of what they say and write

90% of what they do

**DALE'S CONE OF EXPERIENCE**

# Judges as Adult Learners



- ★ Have a great deal of first hand experience
- ★ At home with problems, decision-making
- ★ Prefer giving advice rather than receiving one
- ★ Have established attitudes and values
- ★ Sensitive, like to be in control, are adverse to criticisms & do not want to 'fail' in public
- ★ Good in 'filtering' a great deal of information presented to them; are analytical

# Learning Activities



Capitalize on learners' experiences as a resource for learning

Permit learners to reflect on their experience and connect them to the new learning

Allow learners to explore the subject matter at their own liking (thus, a learner-centered model of education - empowering the learner)

# Learning Activities



- to **share** their experiences
- to **reflect** on their experience
- to **appreciate on conceptual basis**  
the subject the law and principles
- to **apply & try out** the learning  
immediately

ASKING LEARNERS IF  
THEY HAVE SIMILAR OR  
RELATED EXPERIENCES

ASKING LEARNERS FOR  
THEIR REACTIONS,  
COMMENTS & OPINIONS

EVALUATING,  
ASSESSING OR ASKING  
QUESTIONS

CONTEXTUALIZING  
SITUATIONS

# share

## IP TRAINING:

SMALL GROUP  
DISCUSSIONS (IN DYADS,  
TRIADS OR LARGER GROUPS) ON  
IP ISSUES ENCOUNTERED  
IN PAST CASES

ASKING PARTICIPANTS TO  
EXPRESS THEIR CONCERNS  
ON IP ENFORCEMENT

TESTIMONIALS OF IP  
OWNERS (trademark, music  
copyright, patents)

CREATING A SITUATION  
AND TAKING THE  
LEARNERS INTO THE  
EXPERIENCE

PRESENTING A VARIETY  
OF VIEWS, OPINIONS &  
PERSPECTIVES

ASKING LEARNERS TO  
DECIDE OR TAKE A  
STAND ON THE ISSUES  
PRESENTED

# reflect

## IP TRAINING:

CASE STUDIES ON  
TRADEMARK, COPYRIGHT  
& PATENT INFRINGEMENT  
SCENARIOS IN SMALL  
GROUPS

### Use:

- Films
- Stories
- Simulations or scripted role-play
- Field experience
- Self-tests
- Demonstration/ Modeling
- Debates by experts
- Guest speakers
- Present a case study

# appreciate

## IP TRAINING:

DISTILL CONCEPTS &  
RULES TO IDENTIFY  
PARAMETERS AND  
BOUNDARIES

DEVELOP ANALYTICAL  
TOOLS & FRAMEWORKS

COMPARE APPLICATIONS OF  
CONCEPTS & RULES ACROSS  
JURISDICTIONS

SURVEY OF  
JURISPRUDENCE ON  
SPECIFIC TOPICS (NOVELTY,  
INVENTIVE STEP, COLORABLE  
IMITATION, UNFAIR COMPETITION)

DEMONSTRATIONS OF  
PATENTED INVENTIONS

SHORT EXERCISES applying  
the jurisprudence

USE:

- Flipcharting
- Lectures
- Evaluate 'submissions of counsel' on legal issues (video or live)
- Idea Panels
- Reading/writing:
  - Benchbooks,
  - journal articles
  - readings)
- Tests

DISCUSS HYPOTHETICAL &  
“WHAT IF” SITUATIONS

PROVIDE OPPORTUNITIES TO  
TRY OUT LEARNING  
(PROBLEMS TO BE SOLVED  
OR ISSUES FOR RESOLUTION)

COACHING AND  
MENTORING

DEVISE A POST-  
TRAINING ACTION PLAN

## apply IP TRAINING:

MOCK TRIALS (APPLICATION  
OF WARRANTS)

SHORT EXERCISES ON  
SPECIFIC TOPICS  
(DISTINCTIVENESS OF MARKS,  
COLORABLE IMITATION,  
ORIGINALITY REQUIREMENT OF  
COPYRIGHT)

■ **Use:**

- Structured small group discussions (dyads, triads, or larger)
- Reflective papers or journals
- Asking learners to discuss class session with other people
- Rhetorical questions
- Panel debates

# SHARE EXPERIENCE

CONNECTING TO THE PAST



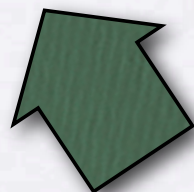
# REFLECT

MAKING SENSE  
OF EXPERIENCE



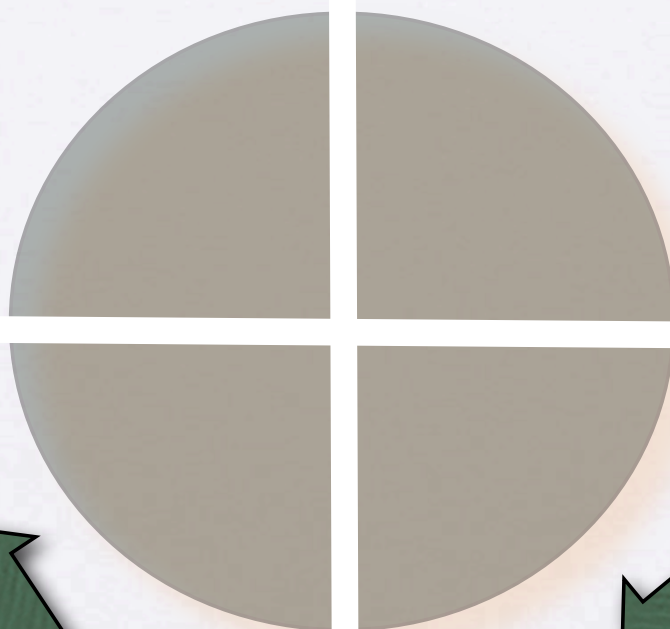
# APPRECIATE

FINDING TOOLS & MODELS



# APPLY

TESTING NEW  
LEARNING



# Training Methodologies

## **Short Lectures**

Not more than 30 minutes of delivery of content

## **Structured Discussions**

Small group discussions aimed toward specific learning objectives and sharing between groups in plenary.

## **Panel Discussions**

Briefing sharing by a variety of trainers, guests or participants (instead of a single presenter)

## **Games, Exercises**

Activities to solve problems, resolve issues, answer questions, etcd..

## **Readings**

Individual reading of participant materials during a structured time frame.

# Training Methodology

## **Case Study**

Written scenarios or situations for participants to assess and make judgments or recommendations.

## **Role Play, Demonstrations “fishbowl presentation”**

Re-enactment of a specific situation by the participants who are provided with made-up role descriptions.

## **Simulation/Mock Trial**

Elaborate description of a situation which contains carefully programmed decision points and is evaluated or experienced by participants.

## **Testimonials**

Presentation by stakeholders, interviews with participants

# Multiple Intelligence

**LINGUISTIC** - readings, case studies

**LOGICAL** - case studies, exercises, mock trials

**VISUAL** - diagrams, pictures, graphs, visual aids

**BODILY** - mock trials, fishbowl presentations

**MUSICAL** - music & rhythm

**NATURALISTIC** - outdoor activities

**INTERPERSONAL** - discussions, role plays

**INTRAPERSONAL** - readings, individual exercises

# 3D Approach

## Knowledge acquisition

lectures, readings, demonstrations, case studies

## Skills Development

role plays, mock trial, exercises

## Attitude exploration

lectures, testimonials, case studies, role plays, mock trial, exercises

# A Vision Towards Sustained Learning (Stages of Learning)



## TRAINING INTERVENTION



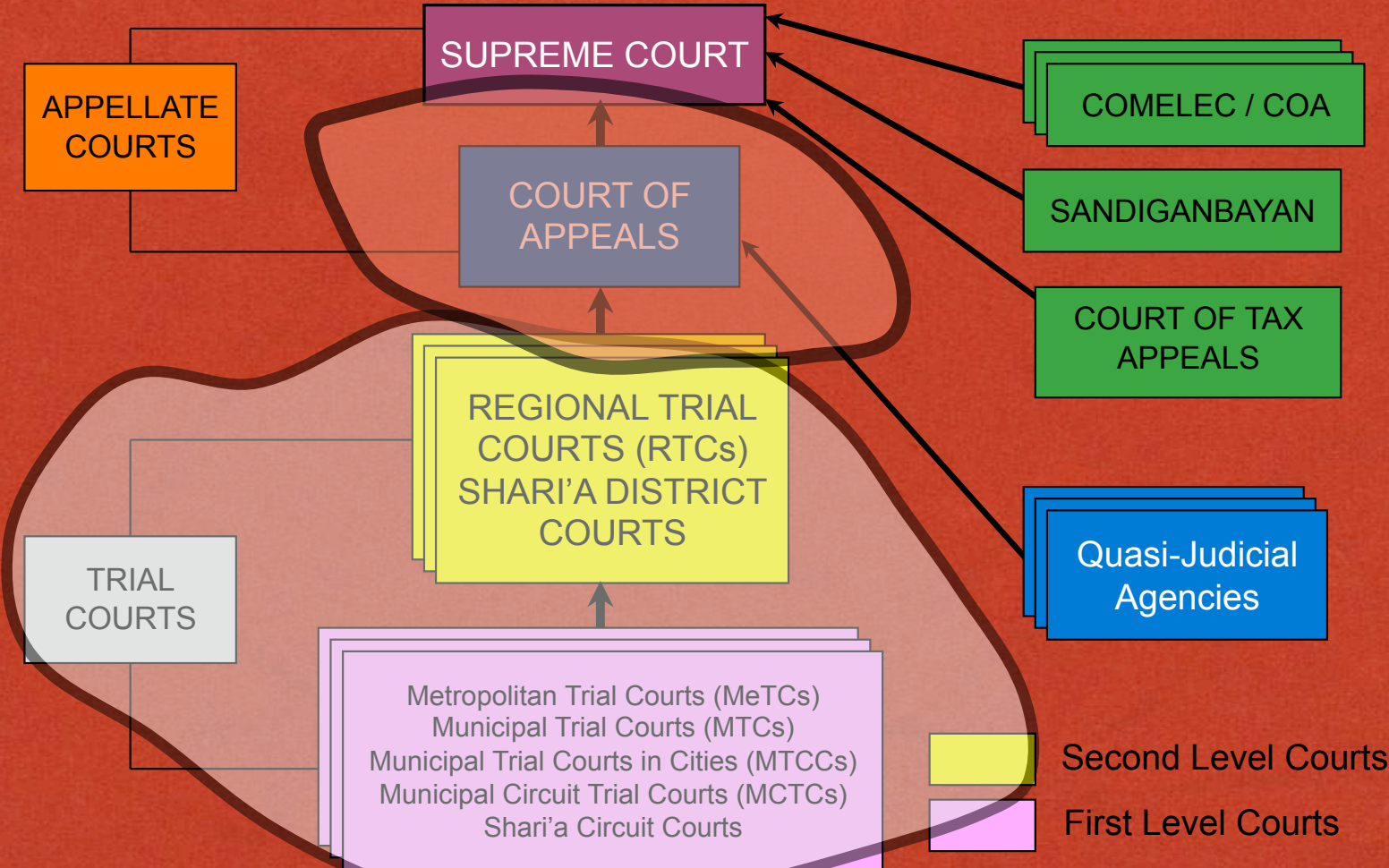
\* Coaching 101 – An Introduction to the Skills of Coaching, William Howatt, PhD

# Trainers from the Community

**The academe and other experts in the community (including the private sector) are invited as resource persons to enhance the quality of the program and provide a more in-depth understanding and comprehensive discussion of topics.**

For the IP training for judges, the faculty of trainers include technical experts, patent owners, artists, composers, inventors as well as investigators and law enforcers.

# THE HIERARCHY OF THE COURTS IN THE PHILIPPINES



The image features a large, rectangular area filled with a vibrant red color that has a visible, slightly grainy texture, resembling a brushstroke or a textured paper. This red area is centered on a plain white background. In the middle of the red area, the words "THANK YOU" are written in a clean, white, sans-serif font. The text is centered both horizontally and vertically within the red field.

THANK YOU