

“Judicial Education and the Art of Judging”-2014 University of Missouri Symposium Publication

Last fall, the University of Missouri Center for the Study of Dispute Resolution convened an international symposium entitled “Judicial Education and the Art of Judging: From Myth to Methodology.” Panelists included judges, academics and judicial education experts from the United States, Canada and Australia.

The symposium arose out of the recognition that although there is a large and ever-increasing body of literature on matters relating to judicial appointments, judicial independence, judicial policy making and the like, there is an extremely limited amount of information on how someone learns to be a judge. The conventional wisdom in the common law world holds that judges arrive on the bench already equipped with all the skills necessary to manage a courtroom and dispense justice fully, fairly and rapidly. However, many judges have written about the difficulties they have had adjusting to the demands of the bench, and social scientists have identified a demonstrable link between judicial education and judicial performance. As a result, it is vitally important to identify and improve on best practices in judicial education.

The symposium sought to improve the understanding of judicial education by considering three related issues: (1) what it means to be a judge and what it is about judging that is different than other sorts of decision-making; (2) what the goal of judicial education is or should be; and (3) how judges can and should be educated. While most of the discussion took place within the context of common law legal systems, much of the material is of equal relevance to civil law systems.

Articles from this symposium are freely available here. The table of contents shows below.

Judicial Education and Regulatory Capture: Does the Current System of Educating Judges Promote a Well-Functioning Judiciary and Adequately Serve the Public Interest? S.I. Strong

What Judges Want and Need: User-Friendly Foundations for Effective Judicial Education Federal Circuit, Judge Duane Benton and Jennifer A.L. Sheldon-

Sherman

Judicial Bias: The Ongoing Challenge, Kathleen Mahoney

International Arbitration, Judicial Education, and Legal Elites, Catherine A. Rogers

Towards a New Paradigm of Judicial Education, Chief Justice Mary R. Russell

Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges S.I. Strong

Judging as Judgment: Tying Judicial Education to Adjudication Theory, Robert G. Bone

Of Judges, Law, and the River: Tacit Knowledge and the Judicial Role, Chad M. Oldfather

Educating Judges—Where to From Here?, Livingston Armytage

Judicial Education: Pedagogy for a Change, T. Brettel Dawson