

Assessment of Need

As the cost of [education] programs increases, the importance of needs assessments increases.¹

[Needs assessment has been described as] a difficult process surrounded by fuzzy thinking on the one hand, and the most persistent shibboleth in the rhetoric of adult education program planning on the other.²

Judges' reasons for participation in continuing professional education revolve around a complex set of needs and may vary based on personal and professional characteristics.³

Once the need for judicial education is accepted, it is important to assess the nature of that need in order to define the rationale for any program of judicial education. Needs assessment plays a foundational role in the development of judicial education: it provides a means of accountability for any educational intervention, and a procedure for defining objectives, content and direction.⁴ The study of reasons for participation in continuing education discloses the nature of learners' perceptions of need which is a fundamental, although incomplete, component of any educational needs assessment.

This chapter reports on the findings of empirical research and analyses the reasons of judges and tribunal members for participating in continuing education. These reasons are compared with those of lawyers, other professionals and adult learners at large. In essence, the study finds that there are distinctive reasons for judges' participation in continuing education relating to

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- 1 Brackhaus B, "Needs Assessment in Adult Education: Its Problems and Prospects," *Adult Education Quarterly*, 1984, 34, 233–239, 237.
 - 2 Pennington FC, "Needs Assessment: concepts, Models, and Characteristics," in Pennington FC (Ed) *New Directions for Continuing Education* (No 7): *Assessing Educational Needs of Adults*, San Francisco: Jossey-Bass, 1980, 1–13, 1.
 - 3 Catlin DW, *The Relationship Between Selected Characteristics Of Judges And Their Reasons For Participation In Continuing Professional Education*, unpublished doctoral dissertation, Michigan State University, 1981, (hereafter: Catlin, *thesis*), 119; see also, Catlin DW, "An Empirical Study of Judges' Reasons for Participation in Continuing Professional Education," *The Justice System Journal*, 1982, 7/2, (hereafter: Catlin, *Justice System Journal*), 236–256.
 - 4 An earlier version of this chapter has been published in *University of New South Wales Law Journal*, 1993, 16, 536–584.

professional competence, collegial interaction and professional perspective. These reasons distinguish judicial learners from the considerably broader personal-development purposes of adult learners, on the one hand, and the career-development purposes of professionals on the other. It will be argued that the development of competence is distinctively seen by judges as a reward unto itself, which is reinforced by a perception of public duty, job security, and an absence of any promotional prospects. In this sense, judicial education is seen as a dedicated means of continually enhancing competence, and epitomizes the process of judicial professionalization discussed in Chapter 1.

These empirical findings have particular implications for judicial educators. First, they extend existing theoretical work by identifying three additional characteristics which affect the perception of need and thereby participation in continuing judicial education. These characteristics are “prior education” (or qualification), “position” (rank and/or nature of judicial duties), and “situation” (location and size of court). Second, analysis of these findings provides an important conceptual means to structure judges’ needs in a manner which is amenable to an educational response. By defining the nature of the need for judicial education in terms of “content”, “level of application”, and “manner of delivery,” it is possible to develop educational services for judges which operate within a sound policy-based and curricular framework.⁵ Finally, the data from these empirical findings serve as the benchmark of need against which educational effort can subsequently be evaluated in terms of its efficiency and effectiveness.⁶

Rationale for Assessing Needs

Assessment of the need for judicial education, and the selection of an appropriate methodology for discerning the nature of this need, is of critical importance in determining the foundations of any program of continuing judicial education.

The credibility of any program of judicial education depends, at least in part, on demonstrating that this assessment of needs has been undertaken in a way which has validity and reliability. This credibility depends on the methodology of the process (in terms of its research efficacy), its appropriateness (in terms of its acceptability within the judiciary), and its utility (in terms of the relevance, practicality and value of its findings). Accordingly, this study reviews the literature of needs analysis in order to discern the general criteria from which a methodology can be selected which is appropriate for judicial

5 The nature of this framework is the subject of detailed discussion in Chapter 7.

6 The evaluation of judicial education is discussed in detail in Chapter 8.