



Subjective Thoughts on Cultural Considerations on CPD Evaluation

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Importance

We all presume that continuing judicial education is valuable if presented well. However, the “if” is significant. Without evaluation of the educational experience, we cannot be sure it was worthwhile. Livingston Armytage describes education evaluation as “making informed judgments on the overall value of a learning program and whether or not the program accomplished what it set out.”² Evaluation helps the program administrator to decide whether to repeat the program, how to improve it, and in particular which presenters to invite again. If a program has been presented through outside financial assistance, the funder may require evaluation reports. Positive evaluation results may be crucial to secure future funding. Finally, program designers and presenters deserve praise for their successes and need constructive criticism for their mistakes.

Methods

In continuing professional development (CPD) programming, a frequently used model is Kirkpatrick’s Four Levels of Evaluation: Reaction, Learning, Behavior, and Results. Level One, Reaction Evaluation, is the most familiar to us. Usually, it is the form we get at the end of a course or IOJT event, asking us to tick off

¹ The views expressed in this article are solely those of the author. They do not represent positions of Blue Law International, the Justice Administration & Law Enforcement Assistance project, the Judicial Education & Development Institute of Iraq, the International Narcotics & Law Enforcement agency of the US Department of State, the Higher Judicial Council of Iraq, or The National Judicial College of the United States. This article is based on a longer piece published in the International Bar Association’s Academic & Professional Development News in September 2007.

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² Armytage, L, *Educating Judges Towards a New Model of Continuing Judicial Learning.*, Chapter 8, Educational Evaluation, .page 184.

little boxes, often on a 5 point scale, to solicit our immediate reaction to a course or event. Often there is also a place in which we can write specific comments.

- Oral comments are also Level One
- Written form at end of course
- Immediate reaction to the educational experience
- Usually includes questions about what other courses and topics the learner wants

Level Two, Learning Evaluation, tries to measure what knowledge or skills we have acquired. This can be done through a test at the end or afterwards through a test or post-course evaluation asking the participants what they retain months.

- Test or post-course evaluation to determine knowledge retention at the end of the course or days or months afterwards
- Measures what knowledge or skills they acquired and kept
- Culturally sensitive because adults do not like to be tested
- Assesses what more needs to be learned

Level Three, Behavior Evaluation, assesses whether there have been any behavioral changes as a result of the education program.

- Done by observation or interviewing
- Difficult to do because judges do not like to be watched
- Valuable because assess what more needs to be learned

Finally, Level Four, Results Evaluation tries to identify whether the education generated change in the recipients' organization.

- Tries to identify whether the education generated change in the learners' organization
- Analyze written decisions, number of appeals, amount of time needed to decide
- Requires base to compare before and after

This presentation is not intended as an overview on evaluation. There are many much more comprehensive and scholarly works on this topic, some listed in the references at the end. Rather this is a subjective, anecdotal discussion of cultural attitudes observed while teaching or administering continuing professional development programs around the world that can make Level One Reaction Evaluation difficult or skew its results. In the United States, we take for granted the participants' right to comment critically on a course or presenters, especially if they have paid a fee. However, that is not a universal concept accepted world wide, particularly when judges are teachers or participants.

Written vs. Oral Feedback

Level One evaluations are usually written. Sadly, people are more likely to take time to complain than to praise. A captive audience taking a required course will invariably be more critical of presenters, materials, and learning environment than a voluntary group.

Getting participants to return the form can be very difficult. After a disappointing program, the audience is sometimes too demoralized to stay later to fill out a form; they have already wasted part of their time. Oral feedback is more immediate. Sometimes you can take remedial action before a course ends. Note that oral feedback is the most helpful way to identify an ineffective learning environment issues, such as facility too hot or too cold, chairs uncomfortable, tea breaks late, food inadequate, sound system not strong enough, or audio visual aids not visible at a distance. Although these sound superficial, if not cured immediately, they can have a negative effect on even the best educational event.

Monitoring

Your own reaction to a course is also valuable. Try to always have someone from the presenting organization in the audience. Sometimes having a monitor in the audience can be crucial to put written comments in context. Your monitor may know about some interaction that soured the audience or simply disagree with them based on broader background knowledge.

Cultural Attitudes

In the United States where freedom of speech is basic right, a professional audience assumes it has the prerogative to comment on course content, speakers' presentations, written materials, and learning environment. In a culture in which people are very respectful or kind, this may make them hesitant to say or write down anything negative. In a culture that is very protocol driven, it is even harder for audience members to convey negative reactions to a program and perhaps impossible for them to do anything but praise their superiors. This is often the case when judges speak, especially to other judges. Former students are also very loathe to criticize their law professors or mentors. In a dictatorship, participants are afraid to criticize or complain. In a racist or sexist society, minority and female speakers may receive undeserved criticism.

There are particular complications to getting accurate Level One evaluations at courses in developing countries that are funded or have foreign presenters. It is even more likely in these situations that audience members will not want to say anything negative. If a foreign speaker travels to their country, they are honored and would feel they were bad hosts to criticize. In some developing countries, the CPD course paid for by a foreign funder may be the only CPD available.

Even if a course does not meet their needs, the audience does not want funding to be cut off. In non-democratic countries, there may even be some concern that the government will get access to written comments, positive or negative,

If a delegation is funded to attend a program abroad, they are usually so happy to be there, they will not voice criticism. They want to be sent again or be sure that the program is repeated for their colleagues. If a foreign audience rates a speaker low, it was probably seriously flawed, unless there was cultural dissonance, such as making derogatory comments about local ethics or violating the participants' cultural mores in some way, like dressing immodestly by their standards.

Improving Candid Responses

The simplest way to increase feedback is to give the audience plenty of time to fill out your form. In a multi-day course, give them daily forms; that way they can write them up during breaks. Provide time at the end so the final segments are not neglected. However, making time to fill out the evaluation form is not a solution in and of itself.

An effective way to increase candor on evaluation forms is to assure the audience that their comments are anonymous. It is better to have a box into which they can put their forms so that there is no possibility to know who wrote what. In countries where respect for elders restricts critical comments, leave presenters' names off the forms and ask for reaction by course segment.

Make sure participants understand that the organizers need their comments in order to make the next iteration of the course even better, and that the presenters need them to improve their performance. Emphasize that although you welcome constructive criticism, the well-received speakers deserve positive feedback for their efforts.

Conclusion

And remember, most programs are very good! My most frustrating experience with a Level One evaluation form was many years ago on the island of Maui in Hawaii after one of the best courses I have ever designed and administered.. I had worked very hard to organize a serious course despite the fact that we were meeting in a resort. We offered 20 hours of programming that qualified for credit in jurisdictions with mandatory continuing legal education requirements. The presenters, all volunteers who paid their own travel expenses, all prepared seriously and submitted substantial course materials. It was wonderful course, but we received fewer evaluation forms than usual. On one form, there was absolutely nothing except this comment:

“For a fee this high, I think a luau³ should have been included!”

For detailed information on assessment and evaluation, study:

Armytage, Livingston. *Educating Judges Towards a New Model of Continuing Judicial Learning.*, Chapter 8, Educational Evaluation. The Hague/Boston/London: Kluwer Law International. (1996)

Conner, Maureen. Conducting Impact Evaluation for Judicial Branch Education. JERRIT Monograph Eleven. East Lansing, MI: Judicial Education Reference and Technical Transfer (JERITT) Project (2002)

Hudzik, John K. *Judicial Education Needs Assessment and Program Evaluation.* JERRIT Monograph One. East Lansing, MI: Judicial Education Reference and Technical Transfer (JERITT) Project (1991)

Kirkpatrick, Donald L. *Evaluating Training Programs: The Four Levels.* 2nd Ed. San Francisco: Barrett-Koehler (1998).

Renner, Peter. *The Art of Teaching Adults.* Vancouver, Canada: PFR Associates (2005)

³ A traditional Hawaiian feast, with guest wearing flowers around their necks and hula dancing as entertainment.