

Oral Decision-Making Judicial Education Program for Judicial Officers

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Trial court judges, hearing officers, magistrates and other judicial officers make oral rulings and issue oral decisions far more often than they issue written decisions in courtrooms across the country. Judicial officers rule on evidentiary issues, resolve points of disagreement between parties or counsel in the courtroom, announce criminal sentences, decide small claims actions or make oral decisions as to whether domestic violence protective orders will issue, and in countless other hearings, commonly decide and announce directly from the bench. Yet, surprisingly, judicial education programs in the U.S. have paid relatively little attention to the manner in which such decisions are communicated to the parties and the rest of the judicial audience. Unable to find an oral decision education program in the U.S. the presenters went to the Canadian Justice Institute which has developed and presented such a program for new judges in their new judge orientation programs. Borrowing from that program, we developed what may be the first U.S. oral decision-making program for judges in 2013 for the Vermont Judicial College. Attached is the handout version of the Power Point presentation.

Combining judicial and communication field expertise, the presenters developed a highly interactive two-day program. Presentations on how to make appellate-proof oral decisions, understanding and incorporating the components of procedural fairness into oral decisions as well as communication theory and practice were provided. Pertinent courtroom video clips were used for demonstration purposes. The presenters organized role-play sessions and structured break out groups during which separate groups developed templates for oral decisions for various types of cases. A former newspaper reporter "covered" a role-played and videotaped bail hearing and then read to the audience his story about the hearing. At the end of the first day, the presenters replayed the video of that bail hearing and facilitated a discussion about how that hearing could have been conducted differently considering the lessons learned during the day. The second day, individual judges who were able to bring videotaped recordings of themselves in court participated in one-on-one consultation sessions with the presenters on demeanor, appearance and communication skills.

Participant learning objectives:

Participants will be able to:

1. Craft legally sound and appellate-proof oral decisions
2. Incorporate the essential components of procedural fairness into oral rulings
3. Create well-structured oral decisions
4. Deliver oral decisions effectively
5. Develop templates for specific types of oral decisions

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