The e-learning approach and visualisation techniques in the judicial area

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Abstract. Online courses, webinars and other digital media open up a wide range of convenient, cost-effective training options for law professionals. Myriad combinations of technology, platforms, content and classrooms are nowadays possible. In particular, the e-learning approach can be considered as a tailored-made mean that aims to meet the needs of a specific target group, at the same time, reach the majority of stakeholders, and ensure the continuity of the acquired abilities and skills. The positive result of this approach depends largely on the way the content is presented. Thus, the visual design of materials and the way the content is structured and displayed are important elements when designing the e-learning modules. The article tries to point out how visual techniques interact with e-learning legal programmes, specifically focusing on legal practitioners (judges, prosecutors and lawyers).

Keywords. E-learning programme, Visual law, Judicial training

1. Introduction

In the digital era the e-learning approach can be considered as a tailored-made means of aiming at both reaching the majority of stakeholders and meeting the needs of specific target groups so as to ensure the continuity of acquired abilities and skills.

In particular, in the judicial area the e-learning approach is deemed to be an effective solution for enhancing legal knowledge for legal practitioners, with priority being given to judges, prosecutors and lawyers. A list of practically oriented e-learning programmes as tools for distance self-learning and as advanced training means for high levels of knowledge in the field of EU law is available for the specific target group of judges and prosecutors[1]. After describing the European judicial training policy the article examines how visual techniques interact with e-learning programmes, specifically focusing on the benefits that the legal practitioners should obtain from visually attractive e-learning programmes.

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[1] A list of training materials on different legal topics (criminal law, human rights, environmental law) is available at the European Justice portal, section "Judicial training": https://e-justice.europa.eu/content_training_material-252-en.do

2. The e-learning approach in the judicial area.
The European judicial training policy

The Amsterdam Treaty[2] for the creation of an "area of freedom, security and justice" has chosen judicial training as the basis for improving judicial cooperation and fairly accurate application of EU Law. Thus, European judicial training is of the utmost importance for legal practitioners in terms of improving their competence in the development of the European legislative framework and ensuring that law is correctly and uniformly applied in the EU. Trust and understanding within legal practitioners constitute a concrete step towards ensuring citizens' and companies' rights, enhancing mutual trust among Member States, judges, prosecutors and EU citizens.

European judicial training is implemented at national and EU levels, according to a 2011 strategy expiring in 2020: a new strategy on judicial training in the EU will be updated in 2020-2025[3]. As for the actual 2011 strategy, the European Commission published a Communication on "Building trust in EU-wide justice, a new dimension to European judicial training"[4] in September 2011. The objective of this Communication is to give a new and common dimension to European judicial training so as to enable an increasing number of legal practitioners to access high-quality and consistent training in EU law. The Communication points out the need to give a strong impetus to the strategic framework for cooperation in education and training involving all stakeholders.

At operative level there are many transnational organizations, network exchanges and research projects dedicated to judicial training, as well as international documents providing indications for the implementation of judicial training.

Particular mention should be made of the activity of the European Judicial Training Network (EJTN)[5]. The network plays a crucial role as a "hub" for the implementation of policies with regard to the judicial profession, connecting national and European institutions to establish training policies and standards and coordinate national judicial academies. The mandate is to build up a genuine European area of justice and to promote knowledge of legal systems in order to enhance understanding, trust and cooperation between legal practitioners within EU Member States. The EJTN's results and activities have been praised by the Council Conclusions "Training of

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[2] https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_of_amsterdam_en.pdf

[3] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Judicial training strategy 2020-2025, Sep. 2018, https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247_en

[4] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 13 September. 2011, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=EN.

[5] The European Judicial Training Network (EJTN), http://www.ejtn.eu/About-us/.

legal practitioners: an essential tool to consolidate the EU acquis" (2014/C 443/04)[6].

As a matter of fact, the EJTN invests in developing various e-tools in order to broaden the reach of judicial training opportunities as well as to provide necessary resources to those managing judicial training programmes and content. These include various online platforms, an online programme application system, e-learning and blended learning courses, podcasts and webinars and a collection of virtual resources[7].

Furthermore, in June 2016 the EJTN adopted nine judicial training principles[8] with a double objective: a) building up the core base for the legal practitioners to manage their training needs, and b) creating a framework for training providers to plan and deliver tailored-made training for specific target legal groups.

The training principles represent key statements on the nature of judicial training, the importance of initial training, the right to regular continuous training and the integral nature of training in daily work. They also consider the dominion of national training institutions concerning the content and delivery of training, indicate who should deliver training, and stress the need for modern training techniques as well as for funding and supporting authorities' commitments.

The EJTN encourages the judicial training institutions of the European Union to use these principles as a foundation and source of inspiration, but also as a common framework guiding their judicial training activities. Along this line these principles were adopted by the European Network of Councils for the Judiciary (ENCJ)[9], which brings together the Judicial Councils of the 28 Member States of the European Union. Therefore, the judicial training principles constitute both the common base and the perspective uniting all judicial schools of the EU, regardless of the diversity of legal systems and training modes of legal practitioners in Europe.

Another important step towards the requirement for and relevance of common standards for judicial training is the Declaration of the International Organization for Judicial Training (IOJT) adopted on 8th November 2017[10]. With its 129 institutions from 79 countries, the IOJT forms the largest

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[6] The Conclusions state that, at EU level, the Network "is best placed to coordinate, through its members, national training activities and to develop a cross-border training offer for judges and prosecutors; it has received increasing co-funding support from the European Union over the past years": https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1211(01)&from=EN

[7] A complete list of courses is available at http://www.ejtn.eu/PageFiles/9777/EJTN-Calendar%20of%20activities%202019-WEB-v2-EN.pdf. For early-career judges a list of e-courses is available at: http://www.ejtn.eu/Initial-Training/.

[8] Judicial Training Principles, European Judicial Training Network, General Assembly, 9 – 10 June 2016, Amsterdam, http://www.ejtn.eu/PageFiles/15004/Judicial%20Training%20Principles_EN.pdf

[9] The European Network of Councils for the Judiciary (ENCJ), https://www.encj.eu/.

[10] Declaration on Judicial Training Principles, http://www.iojt.org/~/media/Microsites/Files/IOJT/Microsite/2017-Principles.ashx.

network of judicial training institutions in the world. It is the only worldwide organization that federates regional initiatives and at present is the most representative forum for the community of judicial training schools. The Declaration follows several other important texts that establish standards in justice. Some examples are the Bangalore Principles of Judicial Conduct compiled in 2002 by a meeting of chief justices now known as the Judicial Integrity Group[11], the Universal Charter of the Judge elaborated by the International Association of Judges[12], and the Declaration on Social Justice for a Fair Globalisation of the International Labour Organization[13]. The unanimous adoption of the Declaration by the General Assembly, which is the broadest body of the IOJT, shows that the text is highly representative in the field of judicial training. As a soft law norm its purpose is to guide and advice with all the legitimacy of the judicial training schools that make up the IOJT, but without establishing binding legal obligations. The Declaration is divided into four parts addressing the different dimensions of judicial training[14].

More specifically, and for the purpose of this paper, both the EJTN principles and the IOJT Declaration strengthen the relevance of ICT in the development and enhancement of e-learning programmes. In particular, EJTN principle no. 7 focuses on the primacy of active and modern educational techniques in judicial training. On the side of IOJT, its Declaration, in principle no. 10, states that "judicial training should reflect best practices in professional and adult training programme design. It should be practical, employing a wide range of up-to-date methodologies".

Following such principles and recommendations, judicial training should cover and make use of a wide range of methodologies and a variety of up-to-date training formats with a tailor-made approach; it should be organized with maximum utilization of new technologies, online e-learning programmes and electronic media. The use of modern technologies is also essential for ensuring wider access to information within legal practitioners, reducing the cost of training itself and increasing the efficiency and general

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[11] https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf. A short history of their development is available at: https://www.judicialintegritygroup.org/the-bangalore-principles-of-judicial-conduct.

[12] The text was adopted on 17 November 1999 and updated on 14 November 2017, https://www.domstol.dk/om/otherlanguages/english/publications/Publications/The%20universal%20charter%20of%20the%20jugde.pdf.

[13] International Labour Organisation, 29 November 1985 and updated in 2008, https://www.ilo.org/global/about-the-ilo/mission-and-objectives/WCMS_371208/lang--en/index.htm

[14] The first part emphasizes the essential role of judicial training in the rule of law, judicial independence and the protection of fundamental rights. The second part refers to the governance of judicial training institutes, varying considerably from one country to another, and the third part address the place of training in the professional life of members of the judges, prosecutors and legal practitioners, stressing that training is not only a right but also a responsibility for the latter, and that they must enjoy the benefit of both pre-service and in-service training. Finally, the fourth part is dedicated to the "content" and "methodology" of training. It states that judicial training should not be limited to the law but must also cover non-legal knowledge, skills, social context, values and ethics, which means that it should mainly be dispensed by peers using specific and modern techniques.

dissemination of such programmes.

In this context the paper empathises the need of adding visual techniques to legal e-learning programmes: this could be one of the best ways of enhancing the learning experience for an expert target group such as the judges, prosecutors and lawyers. The application of visual law techniques to e-learning programmes could encourage the participation of large numbers of legal practitioners in practice-oriented e-learning courses on EU legislation as the building block for creating a European judicial culture and enhancing mutual trust and cooperation between Member States.

3. Visual law techniques for a better application and understanding of law

When information is visually presented efficient human capabilities develop to perceive and process data (Kapler & Wright, 2005). The power of visualization lies in the fact that the human brain has the potential to identify images and other visuals very quickly[15]. Not only does this simplify the learning process but it could also support legal learners to understand the concepts more clearly, reinforcing cognition.

Visual elements can take different forms: images, charts, maps, infographics, videos, pull-quotes, memes, diagrams or annotations, and can help legal learners to clarify connections among content elements. In particular, in the law domain, visual law techniques can facilitate learning by:

- drawing attention to a specific legal content element
- suggesting analogies between new content and familiar legal knowledge
- supporting the understanding of concepts
- motivating legal learners by creating visually attractive materials that are more interesting and make it easier to increase knowledge relating to specific legal topics
- supporting a practically oriented e-learning programmes structure.

The visual approach should be considered a plus factor, especially in a legal environment where practically oriented skills are an important element of training; the use of videos and interactive simulations should be considered as a valid alternative or additional to practical exercises offered in training facilities. The results concern not only immediacy of communication of new legal content (legislation and updated case law, legal scholarship) but also saving of time in the legal practitioners daily work. The more they learn on a visually attractive course the more they can enjoy and improve their knowledge in an easy manner. The result of such approach should lead judges, prosecutors and lawyers to achieve an e-learning course's goal in a more focused, clear and intuitive manner. The process of enhancing satisfaction by improving usability, accessibility and pleasure in their

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[15] Visual representations create the advantage of expanding human decisions with a large amount of information given all at once.

interaction with e-learning programmes should represent the key element which underlines the importance of applying visual techniques in the context of legal e-learning courses.

Furthermore, visual techniques in legal e-learning programmes can also play an important role in overcoming language barriers. The European Parliament Study "Judicial Training in the European Union Member States" of 2011[16] contains a detailed recommendation on widening access to training (Section 2.4.4.) and in particular on providing more language training and multilingual training. In fact, one of the most significant obstacles to participation in continuous judicial training is language barriers because of a lack of linguistic skills. According to this study, 88% of judges and prosecutors are able to understand and speak another EU language in addition to their principal working language: more specifically, 81% indicated English, 40% French, 17% German and 10% Spanish (see Section 5 of the study)[17]. Thus, English should be considered the leading candidate to be the common language in e-learning courses for judges and prosecutors. However, only 17% of judges and prosecutors who declared that they spoke a second language affirmed that they spoke English proficiently as a foreign language, whilst most of EU e-learning programmes require advanced knowledge of English.

In this regard visual law techniques can overcome linguistic barriers by offering an effective alternative way to show and explain legal content regardless of the language in which the training activity is offered. The conversion of legal content into images, charts, concept maps, infographics, videos, pull-quotes, memes, diagrams or annotations should lead to a common and uniform lesson learned more clearly, even if it is not deployed in the mother tongue language. Visual law techniques should also positively affect the process of measuring the impact of judicial training. This is extensively described in a publication produced by the International Network to Promote the Rule of Law (INPROL)[18] entitled "Measuring the Impact of Judicial Training: INPROL Consolidated Response (07/005)"[19] and published on 14th July 2007.

The aim of this Response is to offer a framework for the topic of measuring the impact of training courses for judges, including whether the judges have actually become more knowledgeable and improved their professional competence. Evaluating whether a judicial training programme effectively addresses the needs of participants involves two main factors: evaluation of training activities and assessment of the impact or result of such activities. Each of these elements may be measured using both objective and subjective criteria. According to the Consolidated Response the difficulty of measuring

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[16] The Study was elaborated by Directorate General for Internal Polices Department C: Citizens' Rights and Constitutional Affairs, http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf

[17] http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf, p. 6 and following.

[18] https://www.inprol.org/.

[19] https://www.inprol.org/system/files_force/publications/%5Bsite-date-yyyy%5D/measuring_the_impact_of_judicial_training.pdf?download=1

many of the activities of judicial training has led to the adoption of a large number of different criteria to improve the reliability and usefulness of evaluation. In more detail, "process indicators" measure elements internal to training activities and evaluate whether training is fulfilling its goal and the needs of participants. For example, such indicators can measure the quantitative features of training: the number of judges trained, the number of training activities conducted, the number of materials distributed, the schedule and length of training, and so on.

From a qualitative point of view process indicators would indicate the degree of suitability and substance of training course content and materials and the openness of course participants to trainers.

The evaluation of judicial training is completed when evaluation of impacts or results is at stake. Such evaluation particularly involves the improvement of judges, prosecutors and lawyers daily activities as a result of training, thus contributing to enhancing the quality of justice. In this context visual techniques applied to the building up of legal e-learning courses should be perceived and considered as one of the key elements in measuring the impact of judicial training in the daily activity.

3.1. Some experiences towards the use of visual law techniques

There are many free or paid for[20] online courses dedicated to judges, prosecutors and legal practitioners offered by different organizations. Particular mention should be made of the online courses developed by the European Programme for Human Rights Education for Legal Professionals, "HELP in the 28"[21], of the Council of Europe and the Council of Europe's Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC). HELP is the only European network of national training institutions for judges, prosecutors and lawyers in the 47 Member States of the Council of Europe. The network is made up of representatives from National Training Institutions for Judges and Prosecutors (NTIs) and Bar Associations (BAs) of the 47 Member States. A wide range of courses and other training resources can be accessed online, for free, in English and, increasingly, in the national languages of the Council of Europe countries.

The HELP methodology fits in with the busy schedules of judges, prosecutors and legal practitioners. The curricula have been made by experts to meet participants' specific training needs and learning paces. Each curriculum displays both mandatory resources and optional additional resources to cover different levels of knowledge and interest.

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[20] A specific mention should be given to the Academy of European Law (ERA) which offers training in European law to lawyers, judges, barristers, solicitors, in-house counsel and academics. E-courses are all on charge, https://era-comm.eu/moodle/course/index.php?categoryid=48

[21] For more information about the EU-CoE HELP in the EU project, https://www.coe.int/en/web/help/help-in-the-eu.

The content is displayed utilizing visual tools to communicate to the target groups to which the course is addressed. Mind maps, concepts maps and process diagrams support learners with clarifying connections among content elements. Mind maps are also used to visualize, to organize ideas and to illustrate connections among concepts and cause-effect relationships, Storyboards, screen-sharing tools and whiteboards allowing instant visual communication are also used in the HELP courses, providing high-quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff, are also targeted by HELP. Thanks to HELP courses legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR).
In particular, the HELP course on "Data Protection and Privacy Rights" offers a comprehensive curriculum, which covers in an interactive way the key concepts, the legal framework of the Council of Europe and the EU, and the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union *(Fig. 1)*.
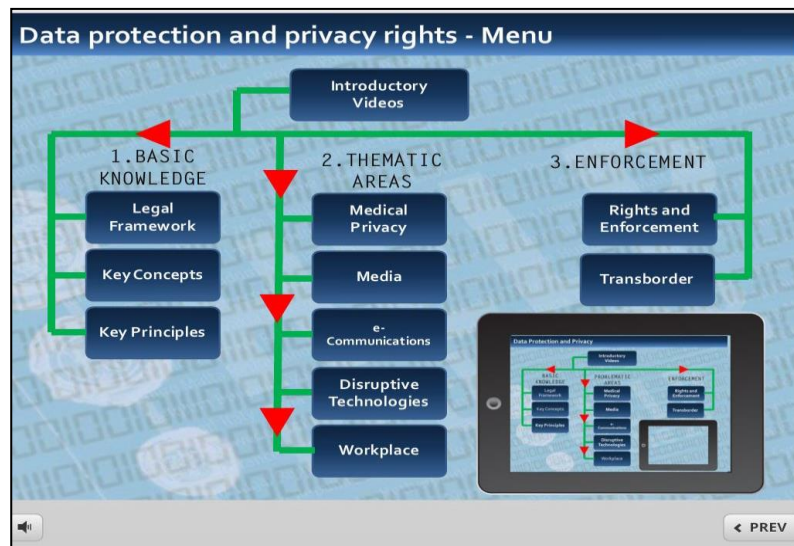

Figure 1. "HELP in the 28" course on "Data Protection and Privacy Rights"

Another interesting example within the HELP initiative is the course on "International Cooperation in Criminal Matters". This online course explores fundamental principles of international judicial cooperation and a range of legal frameworks and legal instruments for such cooperation applied under a general consideration for human rights issues. The course deals with this topic in a practical way by using presentations, interactive screens, knowledge checks and case studies *(Fig. 2).*
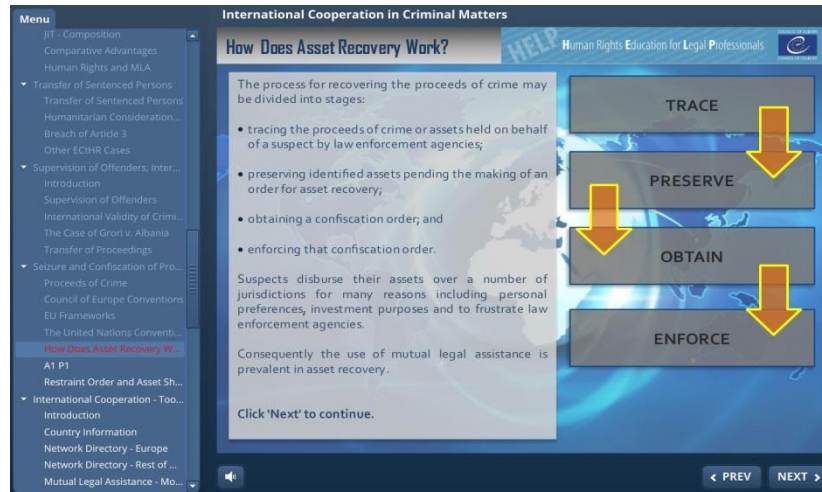
Figure 2. "HELP in the 28" course on "International Cooperation in Criminal Matters"

Furthermore, special mention should be made of the e-learning platform created within the European project "INtroduction of the data protection reFORM to the judicial system" (INFORM)[22]. This aims to provide a comprehensive and multidisciplinary understanding of the EU General Data Protection Regulation (GDPR) and of Directive 2016/680 through the development of high-quality training materials, and the deployment of an e-learning programme[23] addressed to three different target groups (judges, lawyers and court staff) *(Fig. 3).* The objectives of the e-learning platform are to both increase the capacity of the target groups by using graphs conceptual maps and case studies, and to contribute to linguistic skills building among INFORM target groups. For each target group 8 modules have been designed using visual techniques. Moreover, users evaluate their acquired knowledge by answering some questions (multiple-choice/free text), which have been designed based on practical cases and presented through video stories.

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[22] For more information on the analytical activities of the INFORM project, http://informproject.eu

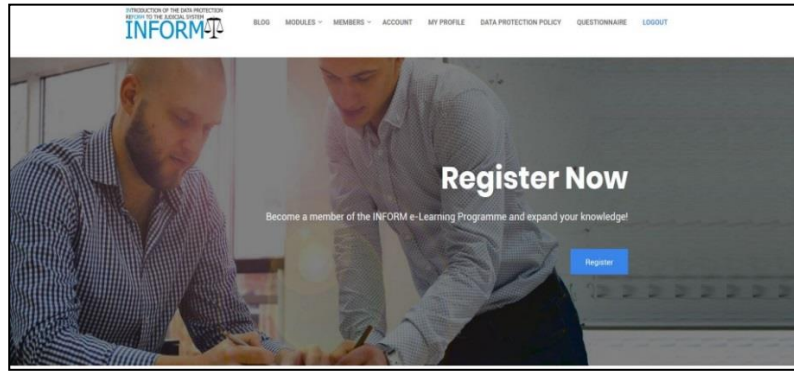[23] INFORM eLearning platform, https://www.elearning-informproject.eu/

Figure 3. Registration website for the INFORM eLearning platform
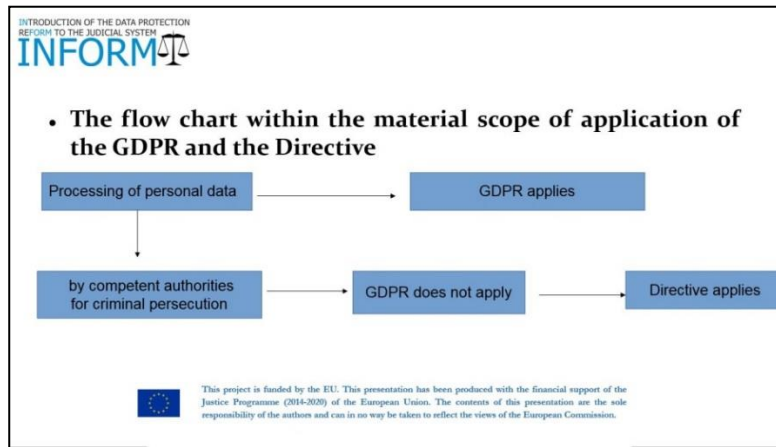

Figure 4. Screenshot of a module addressed to legal practitioners
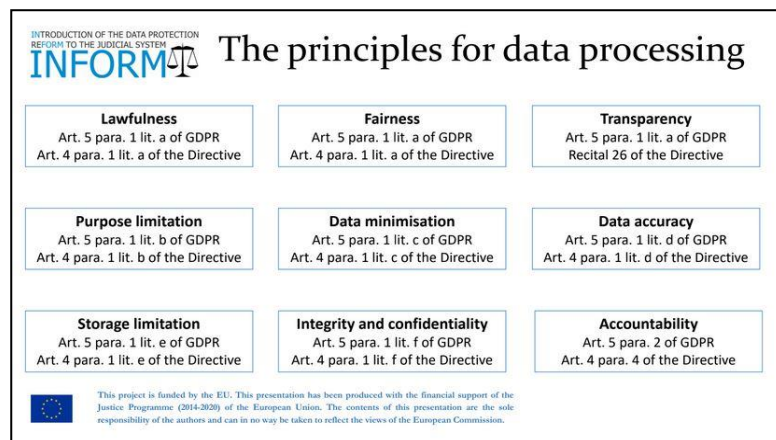

Figure 5. Screenshot of a module addressed to judges, prosecutors and legal practitioners

4. Conclusions: the way forward

The traditional approach of e-learning platforms based on learning management systems has allowed education to become accessible to a broader group of people (Vega et al., 2018). However, expert target groups can also benefit from this approach. In the legal domain, and in particular in the judicial area, the importance of judicial training through e-learning tools

is crucial. It represents the interests of a large number of European judges, prosecutors and judicial trainers across Europe in various training fields such as EU civil, criminal and commercial law, linguistics and societal issues.

The design of an interactive e-learning platform making use of dynamic media and technologies as cognitive tools is very welcome, especially for judges, prosecutors and lawyers target group, who needs to answer and solve ever-increasing new legal questions. Visualisation is a promising technique for supporting the development of e-learning tools and contributing to reach this special category of learners, yet much work is still to be done. The content and design of the existing e-learning programmes dedicated to legal practitioners are still grounded on a text-based approach to learning and rarely include visualization elements that would allow quicker and clearer understanding of legal content.

The hope is that the institutions/organizations which are in charge of judicial training will become aware of the value of visual law techniques in e-learning programmes and encourage the use of powerful visualization techniques in the creation of training modules so as to enhance the efficacy and usability of such e-learning courses.

In this direction, it is possible to enhance advanced learning, balancing visual skills development with increasing legal knowledge: this approach could improve the quality of training activities, help ensure coherent and consistent application of law across countries, and ensure mutual trust in cross-border judicial proceedings. A first step towards this approach is to verify the effectiveness of visualisation through empirical studies. These data could firstly support the request for additional funding in this type of initiative or, in any case, make these approaches more scientifically based. This opens up a promising area of investigation to verify the correct balance between traditional methodologies and the use of visualisation to better satisfy the training needs of legal practitioners.

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