

Courtroom Skills: Assessment of Training Quality and Participant Learning

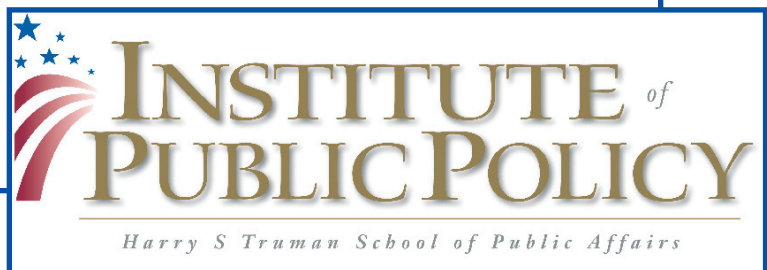
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Overview

The purpose of the Courtroom Skills training was to improve the skills of juvenile officers and Children's Division case workers in the area of court preparation and testimony. The major objectives of the training were for Children's Division employees and juvenile officers to:

- Understand their role in the court process and improve their ability to persuade the judge of their position;
- Understand and work within the timeframes for the judicial process and the Children's Division;
- Prepare for and testify with competence and confidence;
- Grasp basic evidentiary rules and their uses during hearings;
- Knowing how to be responsive to questions and when to elaborate; and
- React positively to cross-examination.

The Courtroom Skills training was a one-day, seven-hour training, held in six locations around the state. While there was only one presenter per location, there were three presenters total, each of whom taught at two locations (see Table 1). All presenters used the same curriculum including the PowerPoint prepared by Mary Kay O'Malley. The first half of the day consisted of education on courtroom terminology and processes. The second half of the day was devoted to mock trials for participants to apply new knowledge. The mock trials were presented in slightly different fashions in each location. In Kansas City, law students served the role of attorneys and provided the questioning and cross examination. Another attorney for the juvenile office assisted in Springfield, while a prosecuting attorney served the same role in Benton.

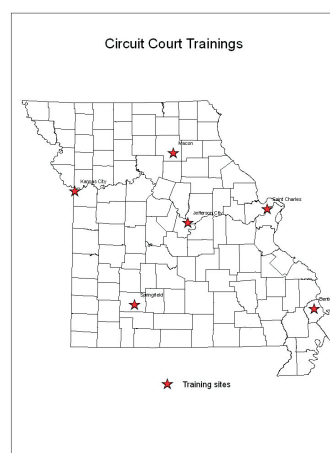
Table 1. Presenter and presenter's title for each location

Presenter	Title	Locations
Mary Kay O'Malley	Director, Child and Family Services Clinic, University of Missouri-Kansas City	Kansas City Springfield
Jeanne Gordon	Attorney for the Juvenile Office, 19 th Circuit	Jefferson City Macon
Carol Bader	Child Protective Services Director, St. Louis County	Benton St. Charles

The evaluation of the Courtroom Skills training combined two methods to assess both the training quality and the learning of the participants. The evaluation of training quality focused on the presentations, speakers, materials, future training options, and the demographic characteristics of the participants. To supplement these ratings, the knowledge level of the participants were measured both before and after the workshop. The technical nature of the training provided an appropriate venue for this approach to measuring learning. The training also offered an opportunity to supplement the participant reaction assessments conducted in previous judicial education settings.

Each participant was asked to complete a brief evaluation on the content and presentation the conclusion of the conference. (The evaluation is presented in Appendix B.) A total of 112 respondents from six locations around the state attended the one day training between March 24 through April 27, 2006. The map below illustrates the location of each Courtroom Skills training.

Figure 1: Courtroom skills training locations



Response rates for the evaluation varied by location. All of the participants attending the training in Jefferson City completed the evaluation form while only 60 percent of those in Macon completed the form. The overall response rate for the evaluation form was 84 percent.



Table 2. Attendance, number of evaluation forms completed, and response rate by location

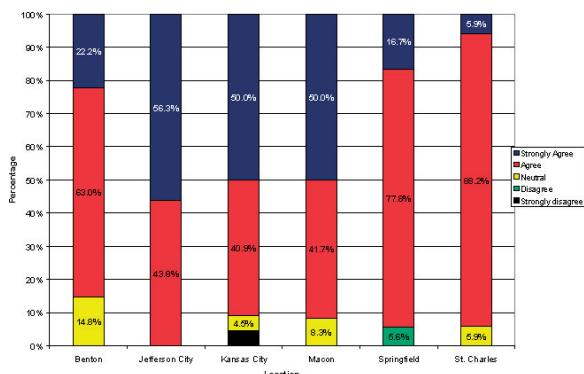
Location	Attended	# Completed	Response Rate
Benton	29	27	93%
Jefferson City	16	16	100%
Kansas City	24	22	91%
Macon	20	12	60%
St. Charles	19	17	89%
Springfield	24	18	75%
Total	132	112	84%

The majority of respondents were Children’s Division employees (79%) with the remaining respondents identified as juvenile officers (16%) or other (5%). Over half of the respondents worked in a multi-county circuit (56%).

Assessment of Training Quality

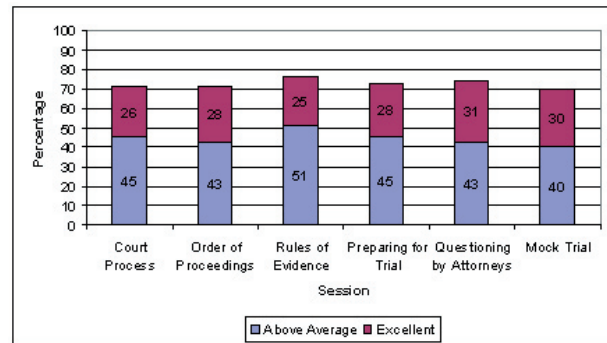
The evaluation assessing the quality of the training began with a series of five questions asked about the possible impact of the workshop on the participant’s professional skill set. Participants had the option of five responses ranging from strongly agree (5) to strongly disagree (1). Twenty-eight percent of respondents agreed or strongly agreed that they possessed limited knowledge of the courtroom skills necessary for the job. The respondents may have started with limited knowledge by their own estimation but at the end of the conference, 91 percent agreed or strongly agreed that they gained knowledge helpful in performing work responsibilities in the courtroom. Additionally, 89 percent of respondents agreed or strongly agreed the Courtroom Skills training was a valuable professional development experience and 91 percent were satisfied with the program overall. The percentage of ratings for each location are presented in Figure 2 below.

Figure 2. “Overall, I was satisfied with this program” percentages by location



The Courtroom Skills training was divided into six presentations and each was separately rated by respondents. Five responses categories were available ranging from excellent (5) to poor (1). Thirty-one percent of respondents rated the session *Questioning by Attorneys* as excellent, followed by the *Mock Trial* (30%) and the *Preparing for Trial* (28%) sessions. The *Rules of Evidence* session had the strongest overall rating with 76 percent of respondents categorizing the section as above average or excellent. The results for each session in the Courtroom Skills training are presented in Figure 3.

Figure 3. Percentage of participants rating each session above average or excellent



There was some variation in the session ratings by location. A higher percentage of respondents rated the *Questioning by Attorneys* section as average in Kansas City (27%) and Springfield (22%) than in other locations around the state. Fifty percent of Jefferson City participants gave the session an excellent rating while only 16 percent of those attending in Springfield did the same. (Ratings for each session by location in the Courtroom Skills training are provided in Appendix A.) By profession, the *Questioning by Attorneys* was rated as above average or excellent by 75 percent of Children’s Division employees while only 66 percent of juvenile officers offered the same rating.

The *Mock Trial* session was fairly well rated in each location but, in Springfield, 17 percent of respondents indicated the session was below average or poor. Ratings for the *Mock Trial* session in Benton, Macon, and St. Charles represented a range of ratings from average to excellent with an even distribution. Jefferson City and Kansas City provided the highest level of support for the session with at least 43% in each location listing the *Mock Trial* component as excellent. Seventy-one percent of Children’s Division employees evaluated the *Mock Trial* as above average or excellent as compared to 55 percent of juvenile officers.

The *Mock Trial* session provided participants with a better understanding of their own strengths and weaknesses when testifying. As one respondent explained the “mock trial and



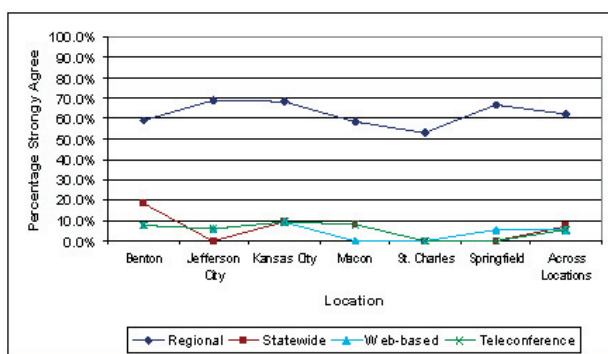
the questions by the others made it very interesting and like real life.” The experience also helped participants see “that others are as nervous as I get on the stand” and that having “more experience in the courtroom” will decrease this discomfort. One respondent stated the workshop demonstrated “how to be professional on the stand and better portray the knowledge related to my job that I possess.”

Comments from the conference evaluations reinforced the ratings by participants. Several participants acknowledged that having insights on the types of questions and tactics attorneys might use when questioning a witness would increase their courtroom skills. Others cited tips on preparing for a trial and having a broader understanding of the courtroom process as beneficial aspects of the training.

Both the materials provided to the training participants and the speakers were highly rated. A little over 83 percent of respondents categorized the materials for the training as above average or excellent. Respondents were equally generous in their praise for the speakers across the sites with 90 percent rating the presentations as above average or excellent.

In a testament to the success of the Courtroom Skills training, many respondents indicated a preference for additional training on the topic. A “more extensive mock trial” and additional information on testifying were topics to be considered for future programming. Other possible topics for future workshops or training included written service agreements, community resources, and writing better court reports. As one participant explained technical topics “like this one” are helpful in that “I will be able to apply what I learned.”

Figure 4. Strongly agree ratings for training options by location and percentage



As for future training formats, regional programs were the most strongly favored (62%). The preference for regional training programs by location are presented in the table below. Approximately 29 percent of respondents “somewhat favor” a statewide program while only 11 to 18 percent rate distance learning via video teleconference or web-based workshops in the same manner. A little over 44 percent of respondents

“somewhat” or “strongly” oppose distance learning via video teleconference.

Assessment of Learning

Each participant was asked to complete a pre-test upon arrival at the conference and a post-test prior to departure. The purpose of the testing was to determine if the information base of participants was improved as a result of the training. Questions for the test were developed after reviewing curriculum from the presenter. The questions were then modified following the review of Mary Brennell, Office of State Courts Administrator, and Mary Kay O’Malley. The pre- and post-test were identical and contained a total of ten true / false questions and two multiple choice questions. The questions aligned with the goals of the conference and focused on evidentiary procedures, hearsay rules, and the role of a child welfare worker in a courtroom proceeding (see Appendix C).

A total of 117 individuals completed the pre-test while 116 people completed the post-test. The overall completion rate for the pre- and the post-test remained similar across locations with the exception of Macon where there was a marked decline in the number of participants completing the post-test.

Table 3: Attendance, pre- and post-tests completed, and response rate by location

Location	Attended	Number Completed (Response Rate)	
		Pre-test	Post-test
Benton	29	24 (82%)	25 (86%)
Jefferson City	16	16 (100%)	15 (93%)
Kansas City	24	20 (83%)	23 (95%)
Macon	20	16 (80%)	12 (60%)
St. Charles	19	18 (94%)	19 (100%)
Springfield	24	23 (95%)	22 (91%)
Total	132	117 (88%)	116 (87%)

True / False Questions

The true / false questions provided participants with an opportunity to demonstrate knowledge related to testifying in court and of the legal issues surrounding child welfare cases. Results from the ten true / false questions can be categorized as stable, improved, and no improvement.

Stability in the answers between the pre- and post-test occurred when a large number of participants answered the question correctly in the first test. When asked if a person testifying in court should wait to hear a judge’s ruling before answering if an attorney makes an objection, 96 percent of participants responded correctly in the pre-test. The same percentage of participants answered this question correctly in the post-test. The high percentage of individuals answering



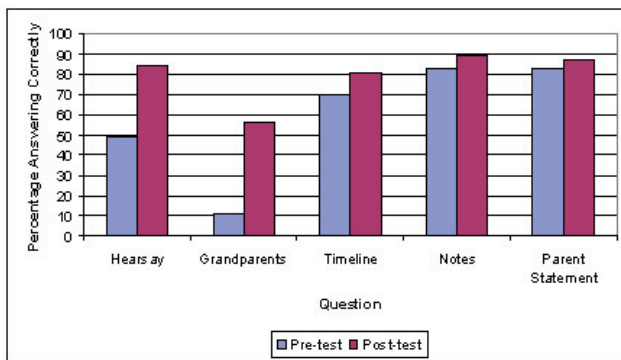
the question correctly in the pre-test left little room for improvement in the post-test.

Stability in the number of correct responses between the pre- and post-test was also evident when respondents were asked if an individual should answer questions not fully understood when testifying in court. Ninety-five percent of respondents answered this question correctly in the pre-test while 96 percent answered correctly in the post-test.

Another question showing no change between the pre- and post-test dealt with the use of head movements (shake or nod) as an acceptable form of response when testifying in court. In the pre-test, all participants responded correctly to the question (100%). In the post-test, the number of individuals responding correctly decreased to 99 percent. Essentially, two individuals answered the question incorrectly in the post-test. These two participants may have been in a hurry to complete the post-test assessment or may have read the question incorrectly.

There was improvement, although slight in some cases, in five of the true / false questions. The percentage of correct responses for the pre- and post-test for these five questions are presented in Figure 4. The question with the greatest improvement related to allowing hearsay in a child welfare case. A roughly equal number of respondents answered the question correctly (50%) as incorrectly (49%) in the pre-test. By the post-test, the number of respondents who answered the question correctly increased to 84%.

Figure 5: Percentage of correct responses for the pre- and post-test by question



Respondents also showed significant improvement in determining if grandparents are the only relatives who have a right to intervene in a juvenile court case. In the pre-test 11 percent of respondents answered the question correctly while in the post-test the percentage with the correct answer increased to 56 percent. There is still much room for improvement on this measure but 52 individuals did demonstrate learning on the role of grandparents in a child welfare case.

Respondents showed slight improvement for three other true / false questions. The percentage of respondents who knew a chronological timeline should be available to the court increased from 70 percent to 81 percent. When asked if an individual testifying should take notes to the stand because no one else will get to read the notes, 83 percent answered correctly in the pre-test. The percent answering correctly in the post-test rose to 89. Finally, statements made by parents to Children’s Division social workers were correctly identified as an exception to hearsay rules by 83 percent of respondents in the pre-test. Eighty-seven percent correctly answered the question in the post-test.

As a general trend, participants demonstrated sustained or improved knowledge from the pre-test to the post-test, however, there were a few cases in which the number of correct answers decreased. In the pre-test, participants were asked whether or not it is important to provide an opinion on a case when testifying in court and 86 percent answered correctly. In the post-test, however, the number of individuals answering correctly decreased to 67 percent. This question illustrates some level of confusion on the part of participants regarding the role of personal opinions when testifying in court. This confusion seemed especially evident in the Jefferson City location where 15 individuals answered correctly in the pre-test and only two did so in the post-test. To a lesser degree, the Benton location also indicates confusion on the statement of opinion when testifying. The changes in responses by location are presented in the table below.

Table 4: Pre- and post-test responses by location

Location	Pre-test		Post-test	
	Correct	Incorrect	Correct	Incorrect
Benton	20	1	16	9
Jefferson City	15	1	2	12
Kansas City	13	6	19	4
Macon	14	1	9	3
St. Charles	17	1	13	6
Springfield	22	1	19	3
Total	101	11	78	37

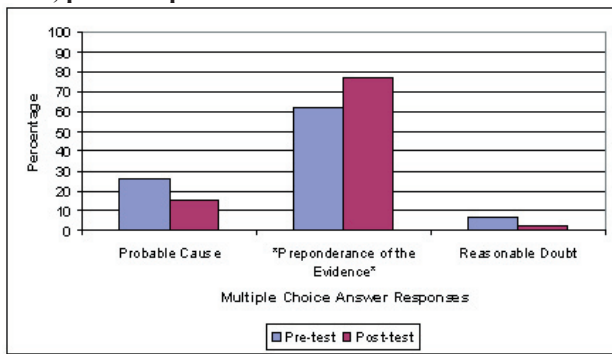
To a lesser degree, a decrease in correct answers occurred on the question related to the original author of an agency report being present in court for a report to be admitted. The number of respondents answering correctly decreased from 23 percent to 20 percent in the post-test. While only three individuals switched to the incorrect answer in the post-test, a majority of individuals continued to have the wrong response between the two phases of the test. The number of people who consistently answered this question incorrectly illustrates a need for more education on this issue.



Multiple Choice Questions

Two multiple choice questions were included in the skills assessment to provide a different view of learning by expanding the response categories and allowing for greater variation between the pre- and post-tests. In the question on the evidentiary burden for hotline calls, the number of respondents who chose the correct answer increased from the pre-test to the post-test (see Figure 6). In the pre-test, 62 percent of respondents chose this response from a possible three choices. In the post-test, the number responding correctly increased to 77 percent. Even with the increase in the percentage of individuals answering this question correctly in the post-test, 15 percent still felt probable cause was the evidentiary burden for hotline calls following the courtroom skills training.

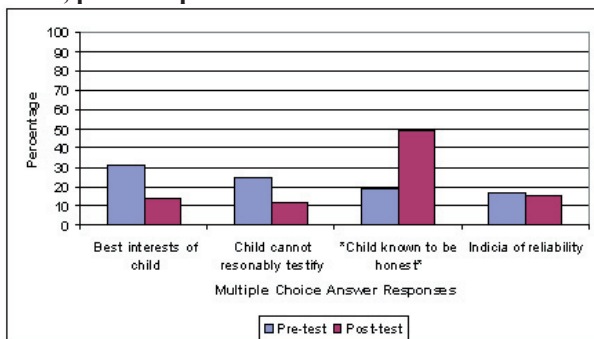
Figure 6: Knowledge of evidentiary burden for hotline calls, pre- and post-test



Note: * indicates the correct answer for this question.

The second multiple choice question explored which factor an attorney for the juvenile office does not have to prove to get a child hearsay victim’s statements into evidence. The most common (and incorrect) answer in the pre-test was “case involves the best interests of the child” with 31 percent of respondents (see Figure 7). Comparatively, only 19 percent of respondents correctly chose the “child is known to be honest and tell the truth.” Respondents were more likely to chose the correct answer in the post-test (49 percent) but the majority of respondents were still incorrect.

Figure 7: When child hearsay statements can be used in court, pre- and post-test



Note: * indicates the correct answer for this question.

Conclusion & Recommendations

Overall, participants demonstrated some level of learning between the pre- and post-test of the assessment instrument. While the gains may not have been as significant as anticipated, there are several possible reasons for this outcome. True / false questions can be tricky to interpret if a respondent is under time pressure. Additionally, the dichotomous nature of the true / false responses leaves little room for the incremental improvement that may result from multiple choice questions. Further, there was inadequate time to develop and test the questions in the assessment prior to the start of the regional training. As a result of the lack of testing before administration, poorly worded or phrased questions in the learning assessment may have caused confusion for the respondents. If skills assessments are used in the future, the instrument should be developed with greater input from all of the presenters and the questions should be tested for clarity with an audience similar to the potential participants.

The skills assessment measures change in a the groups’ factual knowledge on the material presented. One of the greatest strengths of the Courtroom Skills training, according to the participants, however, was the ability to practice “hands on” skills in the mock trial scenario. The lack of performance levels for each individual prior to attending the training makes the learning from this mock trial scenario difficult to gauge for improvements. The transfer of factual knowledge was an important piece of the Courtroom Skills training but improving an individuals ability to prepare prior to testimony and appear on the witness stand with greater ease may be the most valuable elements of the training.



Appendix A: Session Ratings by Location

How would you rate each of the following sessions? (5=excellent, 1=poor)

Figure 1: The Court Process

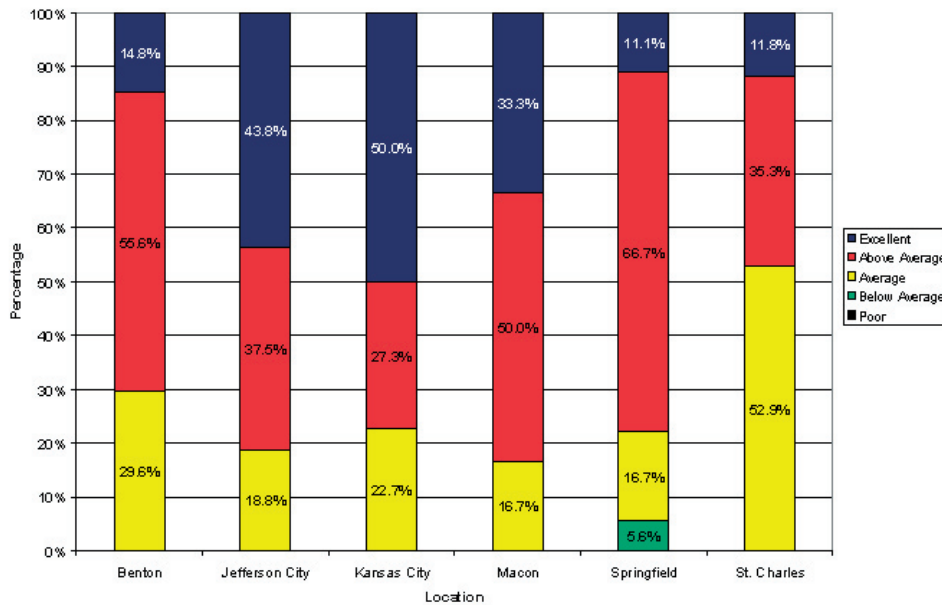


Figure 2: Order of Proceedings, Time frames, Objectives of Court Hearings

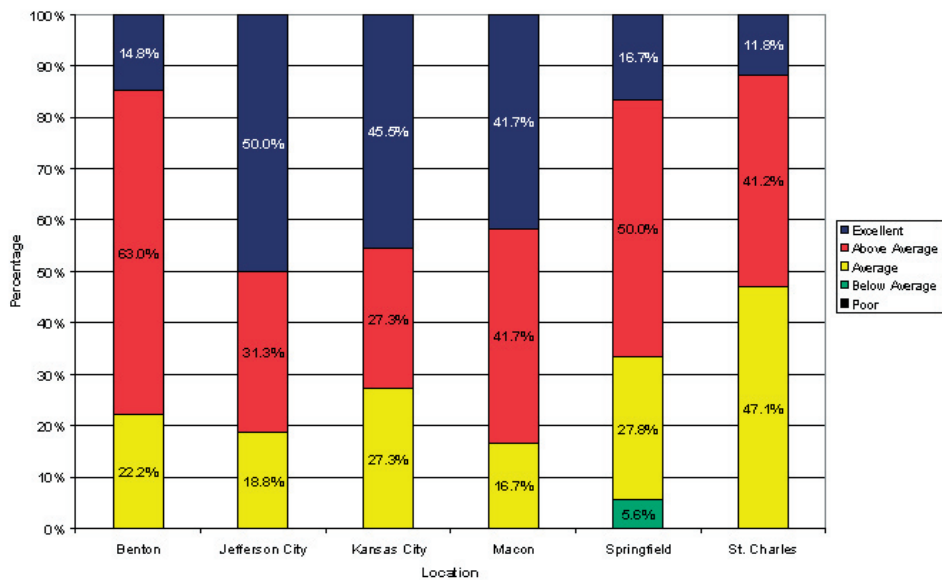


Figure 3. Rules of Evidence

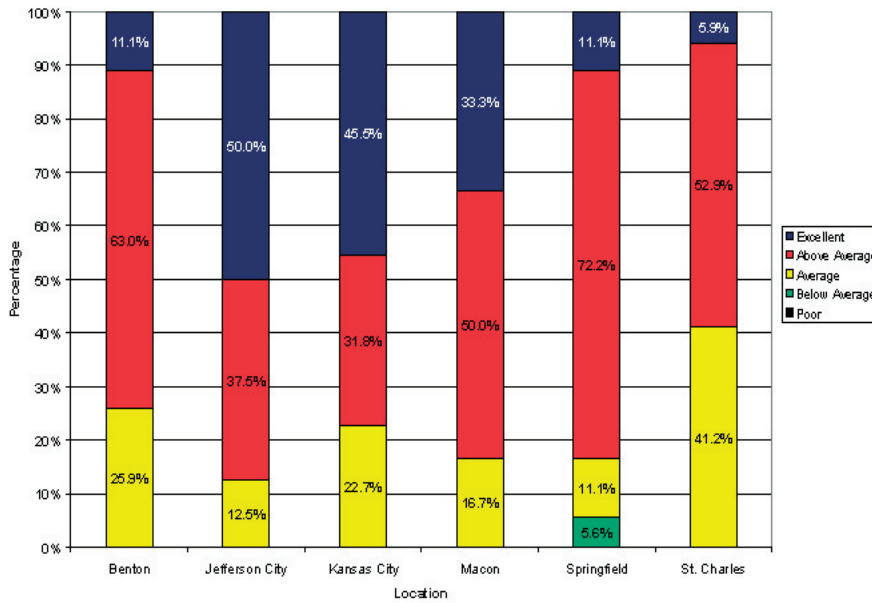


Figure 4. Preparing for Trial

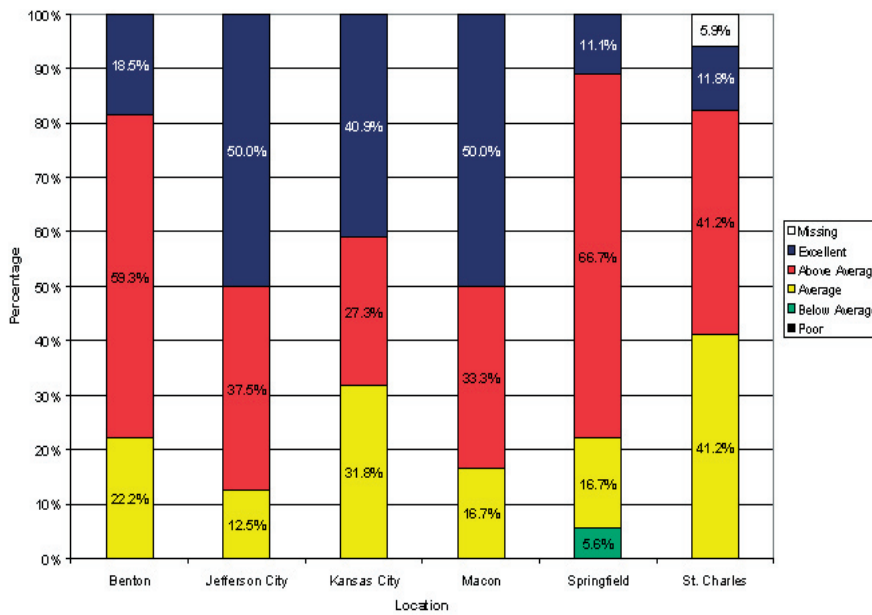


Figure 5. Questioning by Attorneys

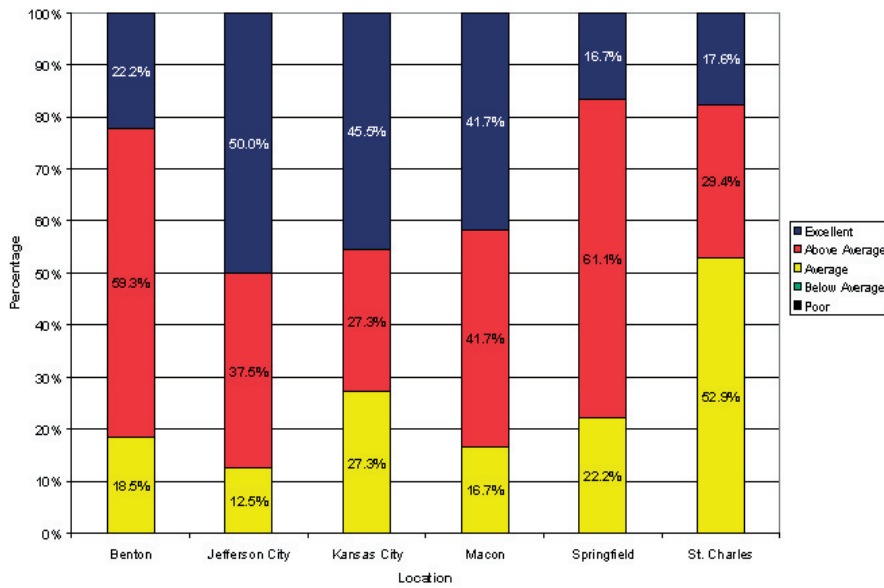
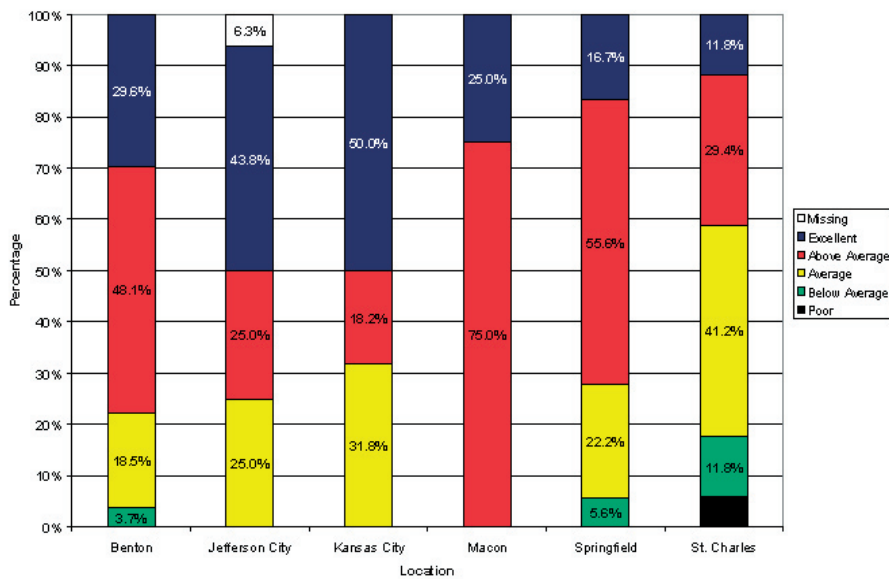


Figure 6. Mock Trial



Appendix B: Training Quality Assessment

1. How would you rate the following items? *(Please circle the best possible response for each of the following questions.)*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Prior to this program I had limited knowledge of courtroom skills.	5	4	3	2	1
I gained knowledge that will be helpful in performing my work responsibilities.	5	4	3	2	1
The program was a valuable professional development experience.	5	4	3	2	1
Overall, I was satisfied with this program.	5	4	3	2	1

2. How would you rate each of the following sessions?

	Excellent	Above Average	Average	Below Average	Poor
The Court Process	5	4	3	2	1
Order of Proceedings, Time frames, Objectives of Court Hearings	5	4	3	2	1
Rules of Evidence	5	4	3	2	1
Preparing for Trial	5	4	3	2	1
Questioning by Attorneys	5	4	3	2	1
Mock Trial	5	4	3	2	1

3. How would you rate each of the following?

	Excellent	Above Average	Average	Below Average	Poor
Speaker	5	4	3	2	1
Materials	5	4	3	2	1
Mock trial	5	4	3	2	1

4. What do you consider the most valuable knowledge gained over the course of this program?

5. What did you wish you could have learned more about during this program?

6. For future programs, what topics would be most helpful in performing your job?



7. Which type of training do you most prefer?*(Please circle the most appropriate response for each.)*

	Strongly Favor	Somewhat Favor	Neither Favor nor Oppose	Somewhat Oppose	Strongly Oppose
Regional program (such as this)	5	4	3	2	1
Statewide program (one location serving 100 + people)	5	4	3	2	1
Web-based workshops	5	4	3	2	1
Distance learning via video teleconference	5	4	3	2	1

8. Are there other training settings / arrangements that you prefer? If so, please describe below:**9. Do you work in a single county or multi-county circuit? (Please circle.)**

- Single county circuit
- Multi-county circuit
- I work with multiple circuit courts

10. What is your profession? (Please circle.)

- Children's Division personnel
- Juvenile Officer/Deputy Juvenile Officer
- Other (please specify _____)

11. In which judicial circuit are you currently employed? (Optional)**12. If you have any additional information or comments that you would like to provide, please do so in the space provided below.**

Appendix C: Assessment of Participant Learning

TEST KEY Courtroom Skills for Good Child Welfare Practice Knowledge of the Court System

Please circle the best answer for each of the following statements.

When testifying in court . . .	True	False
it is important to provide your opinion on the case.	T	F
you should not answer questions you do not fully understand.	T	F
wait to hear a judge's ruling before answering if an attorney makes an objection.	T	F
it is acceptable to shake or nod your head as a response to a question as long as the everyone see you do so.	T	F
you should prepare any notes you want to take to the stand because no one else will get to read your notes.	T	F
In a child welfare case . . .		
hearsay, or repeating a statement made out of court, is not allowed	T	F
the original author of an agency report must be present in court for the report to be admitted	T	F
a chronological timeline should be available to the court for all proceedings	T	F
parents statements to the Division social worker are hearsay and will be difficult to get into evidence at the trial.	T	F
grandparents are the only relatives who have a right to intervene in a juvenile court case.	T	F

The evidentiary burden for hotline calls is . . .

- 1) probable cause
- 2) preponderance of the evidence
- 3) reasonable doubt

Which factor does the attorney for the juvenile office not have to prove to get child hearsay victims statements into evidence:

- 1) Case involves best interests of child
- 2) Child cannot be reasonably expected to testify
- 3) Child is known to be honest and tell the truth
- 4) The statements have an indicia of reliability



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