

## OBJECTIVES AND METHODS

### COURT OF APPEAL, REPUBLIC OF BOTSWANA

- I. **OBJECTIVE:** Improve and refine legal analysis, research and writing skills.

**METHODS:**

1. Read critically the heads of argument (appellate briefs) and record in assigned cases, selected to provide a broad range of experience in increasingly complex matters.
2. Frame and analyze the issues on appeal, develop a research strategy, research the issues, and prepare a summary in assigned cases.
3. Discuss and defend analysis of assigned cases with the justice.
4. Perform assigned supplementary research and draft special memoranda/summaries for the justice on a broad range of selected issues.
5. Prepare preliminary drafts of opinions in assigned cases.

- II. **OBJECTIVE:** Gain insight into appellate jurisdiction and procedure in the Court of Appeal in context and practice.

**METHODS:**

1. Consider the Court's jurisdiction of each case.
2. Receive introduction to the procedural rules of the Court.
3. Receive introduction to the organization of the Court, including the role of the judge president.
4. Receive introduction to case administration, including the initiation of appeal, the filing of heads of argument, the filing of the record, the establishment of the case docket, the assignment of cases to panels, the scheduling of hearings, the judges' conferences, the drafting and approval of opinions.

- III. **OBJECTIVE:** Develop deeper understanding of the adversary system, the building of the appeal record, and the roles of justice, clerk, and advocate.

**METHODS:**

1. Receive orientation concerning judicial qualifications, selection, retention, ethics, disqualification, and discipline.
2. Analyze or critically observe effective lawyering, including preservation of a complete record for appeal, drafting of heads of argument and presentation of argument at hearing.
3. Observe critically the ethical behavior of counsel.
4. Observe critically and discuss with justices their personal judicial philosophies and approach to decision-making.
5. Observe critically, discuss and compare the role of the judge and justice in the judicial process and the perception of justices of their role, as feasible.
6. Observe critically and discuss the role of the law clerk (extern) in the judicial process and the perception of law clerks of their role.
7. Evaluate critically the fairness and efficiency of the adversary system.

- IV. **OBJECTIVE:** Develop insight into the judicial decision-making process.

**METHODS:**

1. Research, draft and revise summaries of assigned cases.
2. Discuss assigned cases, issues and conclusions with the justice.
3. Attend and observe critically the hearings of assigned and other cases.
4. Prepare preliminary drafts of assigned cases and orders, and review and discuss with the justice.
5. Consider critically and discuss in daily journals and weekly seminars the applied jurisprudence which has been observed.
6. Evaluate critically the technical competence, fairness and equality

of the judicial decision-making process in light of the needs and aspirations of our society.