Workshop on legal drafting skills from July 29 - August 9, 2002 in Hanoi, Vietnam

Seidman, Robert B.

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Boston University
EVALUATION FORM FOR CONSULTANTS

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9 consultants handed in the evaluation form. Below are the statistical as well as the substantive remarks. Comments are typed in font Arial 14, as in this paragraph. Questions not reaching a total of nine means that some respondents have returned the question blank.

Please use this evaluation to provide feedback so that the workshop organizers can improve the learning-by-doing process to equip future workshop participants with legislative theory, methodology and techniques. We would appreciate your comments, criticisms and suggestions for making the learning process more effective. In particular, please make suggestions for improving the learning process in Vietnam.

The questions aim to enable you to grade the relative utility of specific aspects of the workshop as

Very poor: ; poor: ; good: ; very good: ; excellent:

In the section provided for comments, we would appreciate it if you would make suggestions for ways to improve any and all aspects of the workshop. We hope especially that you will consider changes required to facilitate the institutionalization of an on-going legislative drafting learning process in Vietnam.

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Background questions:

1. Did you take the Distance Course in Legislative Drafting for Democratic Social Change by e-mail this year?

   Yes...
   No...9.

   • No, but began the course but quit, as a result of work load/time constraints.
• I got the material, did read some parts of the book and did listen to a few tapes.
• No, but I read the material + target. 2. day workshop for my group.

(If yes, please be sure to fill in the part of this evaluation form relating to that Course, below).

Questions relating to the workshop's contribution to your understanding of legislative theory, methodology, and techniques:

2. Legislative theory and methodology should function as a guide for you to organize the available information in a research report that demonstrates that the bill's details will: a) ensure its effective implementation; and b) help resolve the social problem that the bill addresses. Do you assess the learning-by-doing process for enable you to use the methodology as a guide as

Very poor____; poor____1____; good____3____; very good____5____ excellent____

Comments and suggestions:
• A two week workshop is a little short in order to ensure an understanding of the theory and methodology and to then apply it.
• Within the time limit it is not easy to get both critical and practical knowledge 100 % / but it is a useful step in the learning process.
• The approach is somehow scientific, systematic and very academic in guiding the bill drafters on how, when, why a law has to be drafted. Yet there are other alternative approach in bill drafting depending on who requires a bill to be drafted. Bill may emanate from the affected sector of the society, who may require research report, statistics and public consultations.
• Good way to structure the process. However, - as in most theoretical models there is a risk of "boxing" the process.
• Process could be improved if there were time for some common exercises concerning each step and differing from the subject each group has chosen.
Sometimes the scope of work is rather narrow. Therefore, it can be difficult to comply with all the detailed requirements of the methodology without being repetitive in the research report.

Poor, this was their fault, not the workshop, but here are suggestions:
- Spend more time on “getting to the root cause” and “assessing harms” and getting people to “sell to an audience” in a quick one-sentence summary.
- ROCCIPI was fully understood seems it was seen as a checklist. Better to focus on psychology and motivation - “Why, why, why? No focus on tough cross examination way.

3. For helping you to ground the detailed measures of your bill in the facts of Vietnam’s unique circumstances, would you rate the proposed structure of the research report

Very poor____; poor_1_; good_3_; very good_3_ excellent_1_

Comments and suggestions:
- For Vietnamese drafters this methods/structures are very essential for them to assess whether a new bill is necessary or an amendment to existing law is required.
- Can’t answer as I am Danish
- They came with an ideology and direction of what they were to write and could not break out of their mindset to think in an open-minded way.

4. How would you rate the groups discussion of how to structure your bill’s detailed measures as a way of thinking through how to ensure clarity, unambiguity, accessibility, and usability?

Very poor____; poor_3_; good_3_; very good_3_ excellent____

Comments and suggestions:
- There was a tendency to get on and do it, talking than involve themselves in discussion. This might have been a product of
the time constraints and the need to combine attendance at the workshop with work commitment.

- The workshop group strive hard to follow the manual in coming up with a draft bill.
- Since we had a larger draft bill (bankruptcy) it created a little confusion to apply principles of a general outline, when our focus was limited to certain parts of the larger complex bill.
- There was some lack of understanding that one should try to use all the suggested elements. In my point of view the basic problem was that at least my group – but I think it is general – each group before the workshop had chosen a solution they wanted to work on, and then the group during the workshop took the parts of the methodology that did fit their solution, and didn’t want to care about the other parts. The ideal would be if they only had defined a social problem so the group would be more open to the whole methodology.
- Without getting the underpinnings down correctly, there was no way to get to the details.

5. Did you find that the review of rules for writing the bill’s detailed sentences helped you to understand how to inform the bill’s users as to Who may, must, or may not do What?

Very poor_1_; poor_1_; good_3_; very good_3_ excellent____

Comments and suggestions (in particular, note rules that did not seem useful for drafting bills in the Vietnamese language):
- Many of the rules did not sit comfortably with the way they have done things in the past and one session on this is simply not enough to influence their entrenched habits.
- Most of the “Role occupants” involvement were identified on those groups dealing with Environment and resources and because of this “multi-sectoral involvement”, participants finds it hard to enumerate all “occupants” characteristics and instead only choose priority sectors, which is biased if a bill to drafted covers a comprehensive integrated social/industrial issues.
- The theory is very good, but the group was to eager to draft many articles in order to solve the problem. In this process, the
group did not seem to pay proper attention to applying the roles of drafting.
- It is hard to say as we only have the English translator.
- Preparation was excellent. Problem was they weren’t listening because they were still busy doing writing of other sections.

6. To facilitate learning how to draft effectively implemented legislation, how do you assess working in small groups on a bill and a research report?

Very poor____; poor____1____; good____4____; very good____3____excellent____1____

Comments and suggestions:
- The group has a better understanding on why a bill has to be supported by a research paper as a supporting document justifying why the need for a bill to be drafted.
- The group was very engaged and discussed the ROCCIPI and other issues intensely. They managed to structure their thinking, but the transformation to the bill was a little hard.
- The group was too big so much time wasted in unfocused discussions.
- The idea is great.

7. To help you to understand how to do a better job on your own group’s task, did you find discussing other groups’ reports on the tasks undertaken (eg writing the difficulty section of the research report, or outlining the bill’s structure) seem

Very poor____; poor____1____; good____5____; very good____2____excellent____1____

Comments and suggestions:
- The individual groups focused, were not only concentrated to the groups task of preparing a bill but the real understanding of the “know how” and “do-how”.
- I think it would be better if the communication between the Seidmans and the groups were better. The introduction given were not fully understood.
- The feedback structure was rather complicated for the group to
comprehend fully. However, a ping-pong discussion with the group, whose work was commented upon, would have been helpful.

- Groups often were defensive about criticism and wouldn't listen to them. Better if they could be rated or hounded... by the other groups to ensure some compliance. Also, the group critiqued should not have been allowed to "defend". The assumption + presumptions of fault should rest on the presenting group.

8. As a way of helping you to learn to assess other groups' bills and reports, as well as to improve your own, did the critique sessions seem

Very poor____; poor__2__; good__1__; very good__6__ excellent____

Comments and suggestions:
- It would benefit from having a period set aside for discussion of the comments. A dialogue back and forth would be of great benefit.
- More time to read the reports and bills. Time to groups comments after the critique.
- Interactions, comments, suggestions, reactions from key persons and consultants are well taken and attended to.
- The idea is very good but I'm not sure how it works in practice.
- The groups were good at criticizing others, just poor in applying the lessons to their work.

9. Overall, how would you assess the workshop's learning-by-doing process?

Very poor____; poor__1__; good__2__; very good__4__ excellent__2__

Comments and suggestions:
- More time should be given to the actual drafting coupled with discussion, even if this is to be at the expense of the plenary session.
- More time to working in groups. Plenary sessions might rather be in the morning instead of the early afternoon.
- Although seemed so short a time, each group gained the idea on the whole process of drafting a bill in a scientific systematic
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approach. Time is short because the group tends to accomplish more on the required research report and coming up with a draft bill.

- It is a great way to get the local people actively involved.
- Very good in principle, but problem with communication to the members of the groups.
- Maybe short exercises with very short criticism (even tough cross examination) to try to force groups to incorporate change and build on the piece by piece. Too much of the actual writing was pushed to the end, and participants shopped listening to other groups or to the general sessions.

Additional questions:

10. As a consultant

a. How did the preliminary meetings with the Seidmans and the key people prepare you for the workshop?

Very poor___; poor_____; good_3__; very good_2__excellent_____  

Comments and suggestions.

- The entire group would have benefited from such a preliminary session so that when the workshop commenced, the principles would be reinforced in their minds.
- Sorry, I came late, wasn't able to attend the first two day days meetings with the Seidmans.
- Less time could have been spend going through the manual and more time on discussing the role of the consultants and the detailed structure of the workshop.
- Good, but we needed some details and definition on our work in the groups and other practical details.
- If you had read the manual, nothing much was added by the preparation. It was, however, useful to get a repetition.
- Did not participate

b. How effectively were you able to use your international experience in the Vietnamese context?


Very poor __ ; poor_1__ ; good_2__ ; very good_3__ excellent_ 2

Comments and suggestions.

- It was subject to two factors: The lack of time over all and the failure of the keyperson/translator to attend the sessions consistently.
- Somehow, unique compared to the Philippines and other underdeveloped and developing countries. Very challenging, but there is a need for reform.
- Experience from China/Hong Kong often ended up being more relevant than Danish experience.
- It was not used directly, but was of course the background for a lot of the comments which I made in the group.
- A few short “lecturing” sessions on key issues might have been helpful.

c. Regarding translation and the use of interpreters, how would you rate your ability to communicate your ideas with the group?

Very poor____; poor_____; good_3__; very good_5__excellent_____  

Comments and suggestions.

- When the interpreter was present.
- Fair in terms of verbal communication and the actual literal translation but a hard time to translate and edit the Vietnamese versions in English, particular in the correct usage of words, phrases as if leads to diversified meanings. One single word in any legal document when used inappropriately would be a subject for litigation, what important of all is that the Vietnamese versions are in order.
- Generally we had good interpreters, but sometimes Ann and Bob “borrowed” our interpreter when they went around. This made it impossible to work meaningfully in periods of the workshop.
- Very good, when taking into account that I couldn’t get the whole discussion translated.
- I .... translators to serve as buffers and explainants even more
than they did.

d. If you experienced any difficulties with your group in your role as a consultant that you would like to bring to the attention of the workshop organizers and the Seidmans, please describe them below.

- The absence of people in the group on a consistent basis made it difficult to know what, if any contribution was being made.
- First that I would like to know, is whether the Vietnamese participants particularly in our group still needs a consultant to assist them. I don't think there was a formal group discussion initiated in our group where the consultants ideas was given time. Or perhaps they assumed they know what they are doing since the issues are concerned with the Vietnamese internal policy.
- Good cooperation with key person understanding (familiar with the manual was essential). A couple of extra persons familiar with the process beforehand would be helpful, in a big group like ours.
- See above concerning a close definition of my role. It would be helpful to specify the tasks of the consultant in respect of the problem solving methodology.
- It is not a good idea to have the senior consultant participate in only half of the workshop.
- They had a set agenda for their bill that conflicted with the workshop objectives.

11. Evaluation meetings.

a. Please comment on the usefulness of the meetings. If you raised any issues, did you feel that they were dealt with adequately? Please suggest any ways to improve the evaluation sessions.

- Very helpful, but it would be better perhaps if each participating group would be given respective lots to raise issues and not a free for all discussions to give time to the concern of each group.
- Generally good, but more effect could be spend on making sure what the structure of the workshop was and what
consultants should ensue was done.

- Useful, and the suggestion I made was dealt with adequately.
- The meetings worked well. However, key persons should be encouraged more to attend. The usefulness of the meeting diminished considerably due to the absence of key person.
- These meetings were helpful.
- OK. Both of the Seidmans were extremely helpful in working with my group and with me!

b. Can you suggest other ways of structuring an on-going evaluation system to enable you to contribute to improving the workshop?

- Nothing more (same as above)
- Not enough time


a. Did you read the Manual before or during the workshop?
   - Yes, all of it...4.....
   - Yes, some of it...5..
   - No, none of it......

Comments or suggestions for improving the Manual.

- The manual is nearly perfect, clear and effective to follow, but it requires a drafter to take time to read, study and assimilate all the chapters contents.
- A very good manual
- The language is at times very academic and theoretical. A shorter version focusing on the practical process might be useful.
- More social science and behaviorism, ideas or search for value and vision, or creative solutions/win win alternatives.

13. Workshop organization.

a. Did you have any problems with the time schedule. This includes the breakdown of the day into report-backs, plenary session and group discussion in the afternoon. If so, please list them below.
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• Sometimes the plenary sessions was too long, particularly when participants were anxious to continue with their drafting work.
• The workshop is designed as a learning and doing process, but the working group find it hard to cope up with the time to prepare the research report and drafting bill. Manual and other procedures should have been given a time first for the participants to understand.
• No
• Often more time for group work could have been useful. Especially the first day the lecture could have been shorter in order for the groups to get actively involved earlier.
• Plenary session should be in the morning. After lunch is almost the worst time if you want the attention of the participants.
• No
• No
• I was all fast and furious and tiring, but I am not sure what the solution is.

b. Was the location of the workshop convenient? If not, do you have any suggestions about a better location and why.
• Very convenient and comfortable.
• Yes
• Very convenient
• Yes
• Good location
• Ok
• Excellent location
• Excellent
• Very convenient

c. Do you feel that you were well prepared for the workshop by the organizers? During the workshop, did you feel adequately informed about what was going on or any changes that were made?
• At times there was some confusion because the participants did not understand what was expected of them. More attention
should be given to ensuring they understand the program for each day.

- Yes
- Not so well, I have to depend gathering information on what’s going and what to do next from my group mates. So with some other administrative concern.
- No
- Clearer communication about organizational matters could have been helpful.
- Preparation of the workshop could be improved if the consultants before the workshop received material concerning the society, legal structure and the relevant laws for the relevant group.
- Yes
- Yes, quite well prepared
- Yes

Comments and suggestions on the organization of the workshop.

- Consultants should be given advance information on what our specific roles are (sort of TOR) for this workshop. We should have been provided with the English versions of whatever references we need (eg. Existing related laws, proposed bills, related to our groups concerns.
- Include more social scientists and “constituents” in with the groups, to bring in a greater sense of reality and public input.

14. Evaluate the key-person’s work in assisting your group’s members to draft their research report and bill.

Very poor____; poor____; good_2_; very good_6__excellent_1__

Comments and suggestions for improvement:

- He was very good but at times absented himself when it was necessary to be there.
- Job well done. But formal working groups discussion should be initiated by key person giving time for consultants to each, suggest and comments of what they are up to.
- The education of the key person could be improved which
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would improve the communication between the Seidman and the participants both concerning the methodology but also concerning the practical way of conducting the workshop, including information from the 5. o’clock evaluations.

- She often felt constrained because she was younger than other group members but was in the position because of her good English.

15. Assess the translation process:

Very poor 1; poor 3; good ____; very good 5; excellent ____

Comments and suggestions for improvement:

- Except for the written translations from Vietnamese to English where editing is necessary, communication started well and ends well.
- When they were there it was excellent.

16. If you participated in the Distance Course,

a. Were you assigned to work with a particular group?
   Yes...2...
   No......

b. Did you maintain e-mail communication with the group members? Please describe.
   - No, I tried but did not get any response.
   - Yes, even during the workshop they e-mailed me.

c. Please evaluate and comment specifically on the usefulness of:

i. The recorded tapes for the A and B streams:

Very poor ____; poor ____; good ____; very good ____; excellent ____

Comments and suggestions for improvement:

ii. The A and B study guides:
Very poor __ ; poor _____; good_____; very good_____; excellent_____

Comments and suggestions for improvement:
• The organization of the chapters is a bit out of synch with the central drafting process, in my view, and some of the examples are too based on US experience.

iii. The Manual:

Very poor__ ; poor____ ; good___ ; very good_2___ excellent_____ 

Comments and suggestions for improvement:
• Short, pragmatic version would be helpful.

iv. The group’s editor’s comments on the group’s draft research report and bill:

Very poor____; poor____; good__ 1 __; very good______excellent____

Comments and suggestions for improvement:

v. The bulletin board <ld2group-listbu.edu> discussions:

Very poor____; poor_____; good____; very good_____excellent____

Comments and suggestions for improvement:

vi. The Distance Course, as a way of learning legislative drafting theory, methods and techniques, compared to this two week workshop:

Very poor____; poor____; good____; very good____excellent____

Comments and suggestions for improvement:

vii. Please make detailed suggestions for improving the Distance Course as a way of strengthening drafting capacity in Vietnam:
22. Because use of e-mail seems crucial to the functioning of the Distance Course, please answer the following questions on your internet access.

i. How did you access the web:
   At home..........
   At work..........
   At an internet cafe....
   Other..............

ii. Did you experience any difficulty using email to work on the Distance Course?
   Yes....
   No.....

iii. If yes,
   Describe the difficulties:
   How did these affect your ability to participate in the course?

Thank you for helping us with this evaluation. Please use the space below to include any other thoughts that you wish to share with us about the workshop.

- This is a suggestion: There should be a week for the Vietnamese participants during which the Seidmans should explain the theory and methodology of drafting. There should then be a period of say 4 or 5 weeks during which the participants would be using their resources from the office etc. to collect information and data in relation to their social problem and bill. They would then return for a week and a half, with consultants to actually draft their research report and bill. The remaining half a week should be devoted to a critical review and discussions of the reports and bills. This would therefore mean it is a three week course overall.