COUNTERING THE USE OF SLAPPs

TRAINING PROGRAMME

Division for Cooperation on Freedom of Expression

Co-funded by the European Union

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The role and responsibility of the Council of Europe in protecting freedom of expression has been underlined in the "Reykjavik Principles for Democracy", the Reykjavík Declaration – United around our values.

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The Division for Cooperation on Freedom of Expression has developed a range of training programmes designed to strengthen knowledge and capacities of judges, prosecutors, legal professionals, police staff, journalists and media actors, and public servants from relevant public authorities, in key areas: Countering the use of SLAPPs, Safety of Journalists, and Access to Information in the context of Freedom of Expression .

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This Council of Europe Training Programme on Countering the Use of SLAPPs was developed by Council of Europe international experts Flutura Kusari and Peter Noorlander.

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Indicative Agenda

DAY 1

Opening remarks

- Objectives, methodology, and pre-course test knowledge
- Methodology and how to use this curriculum (applicable only for ToT)

Module 1

- Introduction: SLAPPs and human rights

Coffee break

Module 2

- SLAPPs Testimony

Lunch break

Module 3

- The right to freedom of expression and role of media and other public watchdogs

Module 3

- Group work exercise based on ECtHR case law on media freedom and freedom of expression

Reflections – end of first day

DAY 2

Module 4

- European instruments on countering the use of SLAPPs – Presentation

Module 4

- European instruments on countering the use of SLAPPs – Group work exercise

Coffee break

Module 5

- SLAPPs indicators - Presentation

Lunch break

Module 5

- SLAPPs indicators – Group work exercise

Module 6

- Procedural safeguards – Presentation

Module 6

- Procedural safeguards –Group work exercise

Reflections – end of second day

DAY 3

Module 7

- Legal remedies against SLAPPs – Presentation

Module 7

- Legal remedies against SLAPPs –Group work exercise

Coffee break

Module 8

- Support for SLAPPs victims and targets

Module 9

- Documentation of SLAPPs on various platforms

Lunch break

Discussion

- Implementation of European Anti-SLAPP standards at national level

Post-course test knowledge & evaluation

End of the training

Methodology and how to use this curriculum

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INTRODUCTION

This Training Curriculum aims to ensure that judges and other legal professionals can recognise Strategic Lawsuits Against Public Participation (SLAPPs) and apply European standards in dealing with them.

SLAPPs are legal actions that are brought primarily to intimidate, silence, or punish individuals or organisations for exercising their right to free speech, particularly in matters of public interest. These lawsuits are typically filed by corporations, government entities, or wealthy individuals against critics, activists, journalists, or community members who have spoken out on issues such as environmental concerns, corruption, or on human rights issues. The primary objective of a SLAPP is not necessarily to win the lawsuit but to burden the defendant with the cost, time, and stress of having to mount a legal defence, thereby discouraging them and others from continuing their advocacy or criticism.

SLAPPs exploit the legal system to create a so-called "chilling effect" on free speech, deterring others from speaking out due to the fear of litigation. Despite their often-weak legal basis, SLAPPs can be effective because of the financial and emotional toll they impose on defendants. In response, a number of jurisdictions have enacted anti-SLAPP laws, designed to quickly dismiss such lawsuits and protect individuals' rights to participate in public discourse without the threat of retaliatory legal action. These laws aim to preserve the fundamental democratic principle of free expression in matters of public concern.

In recognition of the danger posed by SLAPPs to the right to freedom of expression and the enjoyment of other rights, the Council of Europe Committee of Ministers in 2024 adopted Recommendation CM/Rec(2024)2 on countering the use of strategic lawsuits against public participation (SLAPPs).[1] This Recommendation, which followed an earlier statement from the Human Rights Commissioner, a European Court of Human Rights judgment expressing concern about SLAPPs, and a Resolution and Recommendation from the Parliamentary Assembly urging action on SLAPPs,[2] provides a definition of SLAPPs and recommends states to develop effective legislative and policy frameworks to counter SLAPPs, in particular regarding structural and procedural safeguards, remedies, transparency, support for targets and victims. The Recommendation also urges the development of education, training, and awareness raising programmes.

Because SLAPPs are lawsuits, or threats of lawsuits, the judiciary and members of the legal profession play a crucial role in countering them. It is of the utmost importance that they recognise SLAPPs and are able to use legal tools to counter them and to provide remedies to SLAPP victims and targets.

This Curriculum is therefore designed to provide judges and legal professionals with tools and equip them with the skills to identify Strategic Lawsuits Against Public Participation (SLAPPs), and to apply European standards when addressing them.

The Curriculum consists of nine substantive modules:

- **Module 1**: Introduction to Strategic Lawsuits Against Public Participation;
- **Module 2**: SLAPPs testimony;
- **Module 3**: The right to freedom of expression and the role of the media and other public watchdogs;
- **Module 4**: European instruments on countering the use of SLAPPs;
- **Module 5**: SLAPP indicators;
- **Module 6**: Documentation of SLAPPs on various platforms;
- **Module 7**: Procedural safeguards;
- **Module 8**: Legal remedies against SLAPPs;
- **Module 9**: Support measures for SLAPP targets and victims and victims

1. Adopted by the Committee of Ministers on 5 April 2024 at the 1494th meeting of the Ministers' Deputies, available at https://rm.coe.int/0900001680af2805.
2. Time to take action against SLAPPs, Commissioner for Human Rights, 27 October 2020; OOO Memo v. Russia, Application no. 2840/10, 15 March 2022; PACE Resolution 2531 (2024) and Recommendation 2267 (2024), Countering strategic lawsuits against public participation (SLAPPs): an imperative for a democratic society, 25 January 2024.

Training for trainers

For each of these modules, this curriculum provides template PowerPoint presentations for use by trainers, learning exercises and teamwork, hand-outs, and guidance to trainers. In addition to these modules, the curriculum provides guidance to trainers on good practices in conducting training for legal professionals.

Knowledge tests will be conducted twice: a pre-course test, to be taken by course participants at the beginning of the curriculum; and a post-course test, to be taken at the end of the curriculum.

The curriculum is designed to be delivered over a period of two to five days. The exact length of the training will depend on time available. An indication of the length of time required to deliver each module is given at the start of each chapter; but it is up to the trainer to decide on the exact timing.

Key hand-outs

The two main legal instruments discussed in this training must be provided as hand-outs to training participants:

- Council of Europe Recommendation CM/Rec(2024)2 on countering the use of strategic lawsuits against public participation (SLAPPs)
- European Union Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')

METHODOLOGY

The curriculum is designed for face-to-face delivery, which fosters deeper engagement, personal connection, and a richer learning experience. In-person teaching enables real-time feedback, dynamic discussions, and better adaptation to students' needs through non-verbal cues. The social aspect also enhances collaboration and community building. While online delivery is possible, trainers should address its limitations by actively encouraging participation, feedback, and discussion. Videoconferencing tools like break-out rooms, polls, quizzes, and chat functions can help maintain engagement.

This curriculum uses a training methodology that mixes presentations with exercises. It uses case-based learning, simulations and role-playing, collaborative learning, and problem-based learning approaches. It also uses peer-learning, recognizing that training participants are qualified legal professionals, including judges from the highest courts, who bring a significant amount of expertise in various legal fields and who will have a solid understanding of basic concepts of human rights law. It is important that trainers are confident in using these techniques.

Case-based learning involves presenting participants with real or hypothetical legal cases and asking them to apply legal principles and reasoning to resolve the issues presented. Case-based learning mirrors the real-life challenges that legal professionals face, making the learning experience more relevant and practical. It encourages learners to think critically, analyse facts, and explore multiple perspectives before reaching a conclusion. Moreover, it provides opportunities for discussion and debate, allowing learners to deepen their understanding through interaction with peers.

Simulations and role-playing mimic courtroom scenarios or similar settings. Through these scenarios, participants can practise legal skills in a controlled environment. Role-playing allows them to step into the shoes of different legal stakeholders, such as judges, lawyers, or clients, gaining insights into the dynamics of legal processes and the perspectives of others involved.

Collaborative learning uses group work and peer-to-peer learning to allow participants to share knowledge, challenge each other's thinking, and develop solutions together. For legal professionals, working in teams to solve legal problems can mirror the collaborative nature of legal practice, where working with colleagues and experts is often necessary. This approach not only enhances learning outcomes but also fosters a sense of community and support among participants. Trainers should however be vigilant that everyone participates in group work.

The following pages summarize the teaching techniques used in this curriculum, along with tips on effectively utilizing each one.

Small group discussions

Group discussion is one of the best ways to share ideas and experiences within the group. It requires participants to apply and validate newly acquired knowledge, making the training more rewarding and new concepts are more likely to be retained and applied in practice. Small group discussions are more conducive to getting every participant to be engaged and involved than discussions in a large group, where some participants are almost inevitably not involved.

However, group work can present challenges. Poorly managed discussions can lead to frustration and disengagement. This is why careful preparation and awareness of discussion techniques are essential to ensure that all trainees benefit fully from the experience. Key steps for effective small group discussion include the following:

- To form groups, have participants count off to form the number of groups you need. For instance, if there are twenty trainees and you want five groups of four people, have them count sequentially up to five (1-2-3-4), with the next person starting back at 1. Each person will end up with a number between 1 and 4. Remind them to remember their number and pay attention to others with the same number.
- Provide clear instructions to the group, such as "All 1's, please move to this corner of the room; all 2's, please move to the other end of the room with your chairs..." This ensures that each group is seated face to face and positioned away from the others.
- If possible, instruct some groups to move outside the training room for their small group work, saying, "Please find a spot where you can sit in a circle, select a speaker, and wait for me—I'll join you shortly."
- Instruct the groups to first select a speaker among themselves. This person may take notes and should be ready to present their group's views to the larger group later.
- Distribute the written task to each group or announce the topic for discussion. Specify how long the groups have to complete their discussion. Make sure you are clearly heard.
- Allow the groups a few minutes to settle in, choose their speaker, and start thinking about the topic. Then, move from one group to the next, offering guidance. Encourage the group to choose a speaker based on willingness rather than by assigning the role.
- Begin by asking each group who their speaker is. If they haven't chosen one yet, wait for them to do so. Then ask if anything on the paper needs clarification or if there's anything about the discussion topic that needs further explanation. Address these queries quickly to allow sufficient time for discussion.
- During your rounds, focus on answering questions and providing the clarifications requested by the groups. Avoid offering examples or suggestions that might influence their thinking. Work efficiently, ensuring you do not spend too much time with one group at the expense of others.
- Emphasise that the speaker's role is to convey the group's discussion to the larger group, not to share their own views unless they align with the group's. They should feel free to present any dissenting opinions.

During the reporting-back from the small groups to the main group, ensure that each speaker is listened to attentively by the larger group. Particularly when all groups have the same topic, encourage speakers to build on what has already been said rather than repeat it. As the facilitator, carefully listen to all contributions and gently guide speakers to avoid unnecessary repetition.

This curriculum uses the 'small group discussion' method frequently. The trainer should ensure that the groups are not always formed of the same people.

Large group discussion

Under the guidance of the trainer, participants answer questions and share their opinions within the group. This interactive method may appear simple at first glance, but it can present challenges. To effectively use this method, the following points are important:

- insofar as time allows, ensure that everyone who raises their hand has the opportunity to speak—no one should be overlooked
- gently prevent any participant from dominating the discussion
- listen carefully to each speaker and, when necessary, rephrase their statements to ensure that everyone, including the facilitator, understands
- avoid repeating each speaker's words, as research shows this can cause trainees to tune out the speaker and wait for the facilitator's repetition
- resist the urge to comment after each speaker
- discourage participants from simply stating their opinions without engaging with or listening to previous speakers
- redirect the conversation if it strays off-topic
- subtly address any participants who are not listening or who are talking among themselves, either by gently approaching them or catching their attention discreetly

The trainer should maintain an open and welcoming demeanour throughout the discussion, smiling and accepting all opinions expressed. This approach will encourage participation and help those who are hesitant to speak feel more comfortable contributing.

Presentations

PowerPoint presentations are an appropriate learning tool when used in the context of other, more interactive, teaching methods. Presentations allow complex legal concepts and information to be presented in a clear, structured manner, making it easier for learners to follow and understand key points. Visual aids such as charts, diagrams, and case summaries can help reinforce learning and provide a visual reference that complements verbal explanations.

The effectiveness of PowerPoint lies in its integration with interactive methods. For instance, after presenting key information, trainers can encourage group discussions, case studies, or role-playing exercises to deepen understanding and promote critical thinking. This approach prevents passive learning and engages participants actively, making the learning experience more dynamic. PowerPoints can also be used following group discussions or group brainstorming sessions, to galvanise what has been said or to demonstrate links between participants' contributions and external resources such as ECtHR judgments.

Brainstorming

Brainstorming can be used to spark discussion following a presentation. Participants are encouraged to share ideas, which are written on a flip chart without any discussion or rejection, with the trainer's role at this stage limited to listing ideas and preventing premature debate. Once all responses are noted, discussion, analysis, and categorisation of the ideas can follow as appropriate.

To ensure a smooth brainstorming session, the following steps can be taken:

- outline the rules of the exercise and set a time limit
- ask trainees to generate and save their ideas
- use a flip chart or interactive white-board to record ideas
- clearly explain the question to be discussed
- hang full sheets on the wall
- continue until new ideas stop emerging
- summarise and wrap up the ideas

If discussion is slow to take off, or gets stuck, the trainer can encourage contributions by:

- suggesting a few of their own ideas (whilst taking care not to pre-empt discussion by being seen to give "the right answer")
- clearly identifying the problem and ensuring quick, accurate writing
- ensuring that no ideas are dismissed or undermined
- asking the right questions
- managing time effectively and ensuring all ideas are recorded accurately without slowing the process

Opinion poll

An opinion poll exercise stimulates lively discussions, allowing participants to explore various aspects of legal regulations and their application to real-world situations. The core of this exercise is identifying a proposition: a statement that reflects a logical conclusion related to a specific situation, incident, or observation. For instance, consider a poem expressing disappointment over a failed assassination attempt on a head of state perceived by some as a brutal dictator. The proposition might be that the author of the poem should be convicted for praising a crime or criminal.

To conduct this exercise, trainers should follow these steps:

1. Write the proposition on a flip chart, concealing it behind a few pages until the appropriate time. To easily locate the page, place a colourful sticker on its side.
2. Select five spots around the room with ample space for participants to stand. Label each spot with one of the following: "I Completely Agree," "I Agree," "I am Undecided," "I Disagree," and "I Completely Disagree." Prepare the room during a break before the exercise, ensuring the walls aren't damaged when hanging the labels.
3. Gather the group in the open area of the U-shaped seating arrangement, facing the flip chart. Stand next to the chart and give the following instructions:
   - In a few minutes, I'll read a proposition aloud, and you'll be able to read it simultaneously. Carefully consider the proposition and decide where you stand. If you completely agree, stand in front of the "I Completely Agree" sign, and so on.
   - Once everyone has chosen their spot, I'll ask those willing to explain why they are standing there. Be prepared to justify your position and listen closely as others explain theirs.
   - Any questions? If not, I'll reveal the proposition. Please ensure the room remains quiet so everyone can hear the reasoning behind each participant's choice.

After everyone has spoken, or at least a few people from each group have shared their views, you can ask if anyone wishes to change their position based on what they've heard. If someone changes their spot, allow them to explain their new reasoning. This moment is an opportunity to discuss how listening to different perspectives can lead to changing one's stance, and how this is a sign of open-mindedness rather than a lack of conviction.

Key considerations for the opinion poll exercise:

- ensure that the proposition is clearly and correctly worded to encourage a distribution of participants across the five positions. A proposition that is too obvious will prevent meaningful discussion.
- place the flip chart where it is visible to all participants, regardless of their position in the room
- only reveal and read the proposition after giving instructions to ensure participants are focused on listening to you.
- when asking for volunteers to speak, start with the group with the fewest members
- allow participants to respond to each other's statements and change their positions if they wish, but maintain control of the flow to ensure everyone has a chance to participate.
- conclude the exercise with a summary that highlights the diversity of reasons behind similar positions, reinforcing the importance of understanding different perspectives.

Resource person

The 'resource person' method is an engaging approach that helps participants develop empathy, consider diverse perspectives, and highlight positive role models. A resource person is typically defined as an individual with relevant knowledge, experience, skills, or expertise to provide guidance, deliver talks, or offer firsthand information on a specific subject. This could be a respected media professional who has been through a SLAPP or a judge from the European Court of Human Rights.

Trainers should follow several key steps when inviting a resource person to contribute to the training:

1. Ensure the selected individual has a strong reputation, deep knowledge in the relevant area, and effective communication skills.
2. Inform the resource person about the subject matter and the types of questions they may receive from trainees. It is advisable to meet with the resource person to discuss the goals, subject matter, and the trainees' level of knowledge. Clearly communicate expectations, such as motivating the trainees, highlighting challenges.
3. The resource person should start with a clear framework to help trainees understand the subject. They should provide necessary details and clarify any professional jargon used during their presentation.

When inviting a resource person, trainers should be mindful of the following considerations:

- The facilitator should be present during the session and intervene only if the discussion veers off-topic. For instance, during Q&A sessions, discussions might stray beyond the exercise's purpose. In such cases, the trainer should encourage the group to refocus on the training module's topic.
- The resource person should not attempt to impose their opinions on the trainees. The facilitator should remind everyone that the goal is not to reach consensus, but to increase awareness of different perspectives.
- Before the session begins, discuss ground rules with trainees, such as listening to others, keeping mobile phones silent, and respecting differing viewpoints.

Case study

A case study involves presenting a specific incident or scenario, along with relevant background information, for detailed analysis with the goal of identifying a solution. This method allows participants to understand and apply principles and rules to real or hypothetical situations. Case studies often don't provide clear-cut answers but are meant to raise questions, guiding trainees through the decision-making process to arrive at their own solutions. A case study can be used as a standalone session or can be integrated throughout a training program, revisited as the course progresses.

This curriculum provides several case studies so trainers will not need to develop their own.

Key considerations when conducting a case study exercise include:

- use small groups for case studies to encourage peer learning and reflection on personal approaches. In larger groups, a facilitator should manage discussions to ensure all participants engage and contribute
- allowing sufficient time for group discussions
- provide opportunities for groups to debrief, with rapporteurs reporting their findings to the larger group
- inform groups in advance to appoint a rapporteur
- ensure all participants contribute to discussions, intervening if necessary to encourage quieter participants
- participants should be strongly encouraged to apply newly-taught points of law or methods of analysis, not fall back on 'old' methods
- the trainer should only step in when necessary and allow trainees to apply their knowledge without taking over the discussion
- make sure that the room and materials (e.g., whiteboards, flipcharts) are adequate for the planned activities

TEN TIPS FOR SUCCESSFUL TRAINING

Adult learning and teaching professionals

Adult learning, and in particular teaching of professionals, is very different from teaching at a school or university level. Participants in this course are professionals who have already accumulated a lot of knowledge and experience, and will be interested in practical results and knowledge that can be applied immediately. Trainers should emphasise this whenever they can.

Trainers need to recognise that the highly educated professionals who are likely to participate in this course are not receptive to imposed teaching or anything that is perceived as 'forced re-education'. The main teaching strategy is to recognise pre-existing knowledge and skills, and use that as the basis on which to build further knowledge and skills. Furthermore, trainers need to be sensitive that experienced legal professionals will want to understand the legal principles and approaches behind concepts that may be 'novel' to them. They may also want to engage in discussion as to why domestic legal and judicial practices may need to be changed. Trainers should be ready to engage with these discussions, being sensitive to participants' current knowledge and experience whilst taking care to point out the primacy of European Convention on Human Rights, the status of judgments of the European Court of Human Rights, and areas where international human rights law has moved on from pre-existing knowledge that participants may have. For example, there may be a new line of judgments from the European Court of Human Rights that participants are not yet aware of which may require them to change a particular practice or decide particular legal points differently. The key is in teaching whilst avoiding being (perceived as) patronising.

To ensure maximum impact it is crucial that trainers follow the training methodology outlined in this curriculum, focusing in particular on the interactive, experiential and peer-learning elements. Trainers should not 'just' focus on lecturing; they should take equal care to guide interactive elements. Common mistakes are for a trainer to 'sit back' during group work, not engage in group discussions or suggestions, or not to recognise or be willing to engage in discussions that may challenge some of the teaching. It is precisely in these moments that participants are most open to learning and trainers should capitalise on this. The hand-outs in this curriculum aim to equip trainers with the tools to engage with participants and respond to their questions, for example by referring to case-law of the European Court of Human Rights or to specific elements of soft law around SLAPPs.

Build on pre-existing knowledge

The objective of the training is to train legal professionals to counter SLAPPS by effectively implementing European and international standards on freedom of expression. To achieve this, it is important to gauge the participants' existing knowledge base. Trainers should assess what the participants already know about human rights law, the right to freedom of expression, and the European Convention on Human Rights, and identify knowledge that can be built on as well as any gaps or areas that require further development. This approach reinforces prior knowledge and empowers participants to confidently and competently handle cases and situations where freedom of expression is at stake, in accordance with European and international legal standards.

Avoid lengthy lectures

To provide concise and valuable information to participants, traditional lectures should be avoided, as they often rely on lengthy monologues that limit engagement. Instead, trainers should focus on speaking less and listening more, using open-ended questions to encourage participants to think critically and engage deeply with the material.

While this curriculum does envisage the use of PowerPoint presentations, trainers should build in frequent stops to ask for feedback or questions, and ensure that they still have the participants' full attention. It is important to allow ample time for questions and contributions, both during and at the end of any presentations. The

trainer should from time to time ask questions such as, "Is this clear?"; "Do you have any questions regarding [the topic presented on a particular slide]?"; or similar. Longer feedback and discussion can be elicited by asking questions such as, "How does what I just presented compare with your current practice?". Another technique to elicit participation, especially when participants are quiet, is to break participants into small groups at the end of a presentation and ask them to discuss their feedback.

Link topics with current practice

One of the best ways to get participants' attention is to link the concepts being presented with everyday practice. For example, when SLAPP indicators are discussed, there may be a recent or well-known case in the country that has numerous SLAPP characteristics. That would be an ideal link to make in order to get participants to realise the relevance of the curriculum. To this end it is always useful to make sure that the trainer is up-to-date on current practices in the country concerned. When the trainer is not aware of current cases, the trainer can instead ask participants: "Are there any recent cases that share these characteristics?" As an added bonus, that adds an element of interactivity.

Align with participant's motivation

Participants are likely to have their own motivations for wanting to take part in the curriculum. For some it may be as straightforward as it being a requirement for their continuing professional development (in many countries, lawyers are required to do a certain number of hours of training); but others may have particular reasons. It can be useful to find out what those reasons are and then to come back to these reasons throughout the course, ensuring that participants remain motivated. As professionals are generally internally motivated and autonomous, their motivation will remain high when they feel that their views are sought and there is enough flexibility in the training approach of trainers to allow their active participation.

Make it enjoyable

Professional training and learning should be enjoyable. When participants are engaged and having fun, they are more likely to retain information, participate actively, and apply what they've learned in real-world situations. Enjoyable training sessions create a positive atmosphere that reduces stress, fosters creativity, and encourages collaboration. This leads to a more dynamic learning environment where professionals feel motivated to learn and grow.

To ensure that training sessions are enjoyable, here are some tips and techniques:

- interactivity: incorporate icebreakers, group discussions, and hands-on exercises that encourage active participation and keep energy levels high
- variety: use a mix of teaching methods, such as presentations, videos, case studies, and role-playing, to cater to different learning styles and prevent monotony
- real-world applications: connect the material to real-life scenarios relevant to the participants' work, making the content more meaningful and interesting
- humour: contrary to popular belief, legal professionals and even judges have a sense of humour. Appeal to it! That does not mean you have to do a stand-up comedy routine, but occasionally use light and appropriate humour, which can make the learning experience more enjoyable and memorable.
- comfort: ensure that the physical environment is conducive to learning, with comfortable seating, good lighting, and snacks or refreshments to keep participants relaxed and focused.

Have good ice-breakers

Icebreakers are effective short exercises that can be given to trainees at the start of a training session to help them feel more comfortable and quickly get acquainted with one another before starting the main activities. These exercises also allow trainers to familiarise themselves with the group.

There are many ways to do ice-breaker exercises and the trainer should be sensitive to what may be appropriate in a particular cultural or professional setting, and how much time there is. Here are three suggested ones, designed to be relevant, engaging, and respectful of the experience and professionalism of the participants:

- "Legal landmarks": ask participants to speak, for no more than two minutes, about a landmark case or pivotal moment in their legal career. This could be a case that challenged them, taught them something valuable, or significantly influenced their professional path. This icebreaker not only helps participants get to know each other but also allows them to share their expertise and experiences, fostering mutual respect and understanding.
- "Common ground": divide the group into small teams of 3-4 people and ask them to discover three things they all have in common, professional or otherwise. These could be hobbies, places they have visited, or life experiences. At the end, each team shares their commonalities with the larger group. This exercise builds camaraderie by highlighting connections that may not be immediately apparent, helping participants see each other as more than just colleagues.
- "Case Study Swap": Ask each participant to think of a challenging legal case they've worked on recently. They should summarise the case (keeping client confidentiality intact) and present a key question or issue that arose during the case. After sharing, participants can briefly discuss how they might have approached the issue differently or share insights.

Be an effective facilitator

To be an effective facilitator in discussions, trainers must have a range of skills including listening, summarising, observing, clarifying, and managing differences. These skills are underpinned by personal qualities such as balance, self-confidence, assertiveness, openness, flexibility, positivity, and consistency. While trainers should avoid unnecessary intervention or imposing their views, they should occasionally share their perspectives to enrich the discussion, ensuring mutual respect and clear understanding by reframing key points.

Key suggestions for effective facilitation include:

- maintain a positive demeanour
- convey enthusiasm, ensuring that trainees understand the value of thinking, exploring, creativity, and collaboration as integral parts of the learning process
- provide clear and concise instructions, and observe participants as you do so; repeat instructions if necessary
- ask open-ended questions
- summarise discussions regularly
- keep discussions focused and stick to time
- read and interpret body language
- genuinely listen to participants, even during breaks
- connect different points of the discussion
- when sharing your own views, do so without disrupting the flow of discussion among participants

Be open to questions and to being challenged

Trainers should be open to questions and challenges because this fosters a more dynamic and engaging learning environment. Participants bring a wealth of experience and knowledge, which can enhance discussions and lead to deeper understanding when their input is welcomed. By being open to questions, trainers encourage critical thinking and active participation, helping learners to better grasp complex concepts and apply them in real-world situations.

Being receptive to challenges also demonstrates a trainer's confidence and flexibility, showing that they value diverse perspectives and are willing to consider alternative viewpoints. This openness builds trust and respect between the trainer and participants, creating a collaborative atmosphere where learners feel comfortable exploring ideas and contributing to discussions. Ultimately, this approach enhances the overall effectiveness of the training, leading to more meaningful learning outcomes.

Unusual but effective training settings

Professional training settings outside the traditional classroom environment offer great opportunities for more dynamic and engaging learning experiences. For example, conducting training on-site at a workplace allows participants to immediately apply what they have learned to their actual tasks, bridging the gap between theory and practice. This can deepen understanding and improve retention as learners see the direct impact of their training. Outdoor or retreat-style settings provide a relaxed atmosphere that can reduce stress and encourage open communication. These environments are particularly effective for interactive training, where the informal setting fosters creativity and collaboration. Additionally, these settings often incorporate physical activities that can enhance bonding and provide a refreshing break from the usual routine. It has been shown that exercise, in particular walking, can stimulate thought, especially in green settings. If time and settings allow, you might consider the following as a combination of exercise and training:

- at the start of the day, take the group for a walk. This can also be a great ice breaker. This can be in nature, or if the training takes place in a town with a historic centre, take a walk through the town. You can also take the group for a walk after lunch or at the end of a day.
- When asking participants to divide into duos or small groups, instead of sitting at a table you might ask them to go outdoors or take a short walk.

However, trainers should always be mindful of participants' abilities and ensure that all participants can take part in an exercise. For example, wheelchair-bound participants are unlikely to be able to join a walk. Not all disabilities are visible and trainers should be careful in dealing with this.