



Tender JUST/2012/JUTR/PR/0064/A4 –

Implementation of the Pilot Project – European Judicial Training

Lot 1

*"Study on Best Practices in training
of judges and prosecutors"*

Final report

Funded by the European Union

EUROPEAN COMMISSION

Directorate-General for Justice
Directorate B – Criminal Justice
Unit B.2 – Criminal Law

Contact: Heiko WAGNER

E-mail: just-judicial-training@ec.europa.eu

European Commission
B-1049 Brussels

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FINAL REPORT – Tender JUST/2012/JUTR/PR/0064/A4

Lot 1 “Study on Best Practices in training of judges and prosecutors”

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List of abbreviations

Abbreviation	Description
CADEJ	Cycle Approfondi d'Etudes Judiciare
CCEJ	Consultative Council of European Judges
CEJ	Centro de Estudios Jurídicos – Centre for Legal Studies
CEO	Chief Executive Officer
CGPJ	Consejo General del Poder Judicial – Spanish Judicial School
CMS	Case Management System
CPA	Court Practice Analysis
CSM/ COSMAG	Consiglio Superiore della Magistratura – High Council for the Judiciary
DG JUSTICE	Directorate General Justice
EAW	European Arrest Warrant
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EIPA / IEAP	European Institute of Public Administration / Institut Européen d'Administration Publique
EJN	European Judicial Network
EJTN / REFJ	European Judicial Training Network / Réseau Européen de Formation Judiciaire
ENM	Ecole Nationale de la Magistrature / National School for the Judiciary – France
ERA	Europäische Rechtsakademie / Academy of European Law / l'Académie de Droit Européen
EU / UE	European Union / Union Européenne
EU COM	European Commission
EUROJUST	The European Union's Judicial Cooperation Unit
FS	Fact Sheet

Abbreviation	Description
IFJ/IGO	L'Institut de Formation Judiciaire / Instituut voor Gerechtelijke Opleiding / Judicial Training Institute – Belgium
JOH	Judicial Office Holders
JTI	Judicial Training Institute – Belgium
GCE	Gerechtscoördinator Europees Recht / Court Coordinator European law
GJA	German Judicial Academy
KSSIP	Krajowa Szkoła Sądownictwa i Prokuratury / National School of Judiciary and Public Prosecution – Poland
LMD	Leadership and Management Developement
LMJ	Leadership and Management Judges
MHT	Mental Health Tribunal
MLA	Mutual Legal Assistance
NIJ	National School of the Judiciary – Bulgaria
NIM	National Institute of Magistracy – Romania
NTC	National Training Committee
ROI	Return of Investment
SJC	Supreme Judicial Council
SSM	Scuola Superiore della Magistratura – Italian School for the Judiciary – Italy
SSR	Studiecentrum Rechtspleging / Training and Study Centre for the Judiciary – The Netherlands
TNA	Training Needs Assessment
TQM	Total Quality Management
UP	Unclassified Practice

Executive summary

- 1.1.** In 2012 the Commission opened an invitation to tender for a project designed to investigate **Best Practices** in the training of judges and prosecutors across the European Union. Together with a budgetary allocation, this proposal originated in the European Parliament. Following a competitive tendering process, the European Judicial Training Network (EJTN) was awarded the contract in January 2013.
- 1.2.** The principal aim of the project was to identify by means of an empirical process examples of **Best, Good** and **Promising Practice** in the training of judges and prosecutors across the European Union, thereby promoting a dialogue and further co-operation between judges and prosecutors on issues arising from the project (1.2.1).
- 1.3.** The main work of the project was carried out by a group of seven senior experts, overseen by an internal EJTN Steering Committee and an external EU Commission Steering Committee, the latter composed of members of various European Institutions (1.3.1 and 1.3.3).

Methodology of the study

- 1.4.** The principal methodology adopted by the experts was to draft and circulate a questionnaire inviting all judicial training institutions across the European Union to put forward examples of training practices worthy of consideration and thereafter to analyse the responses and assess the relative merits of each proposal. The experts provided institutions with a training guidance framework to assist in the identification process. The working language of the experts' group was English.
- 1.5.** In addition to delivering the final report containing the findings based on the responses received, the project also required the delivery of a series of fact sheets providing further information about each of the practices identified in the study as best, good, promising or unclassified. The practices described in the fact sheets come from a wide range of Member States with a broad geographical spread (3.3).
- 1.6.** The work of the project was time limited and had to be completed over a 12-month period from inception to delivery.

- 1.7.** The questionnaire was sent to the judicial training institutions of all 28 EU Member States, and to three European training institutions, the Academy of European Law (ERA), the European Institute of Public Administration (EIPA) and EJTN itself. Each responding institution was invited to provide up to 10 examples of practices they wished the experts to consider as either **Best, Good** or **Promising Practices**, grouped in the following categories: training needs’ assessment; innovative training methodology; innovative curricula or training plans; training tools to favour the correct application of EU law and international judicial co-operation; assessment of participants’ performance in training/effect of the training activities. The experts provided a broad definition of each type of practice as an annexe to the questionnaire. Analysis of the responses was reinforced by follow-up questions and some study visits (3.1).
- 1.8.** In total, responses were received from 23 training institutions. The total number of practices put forward for consideration in response to the questionnaire was 157 (3.1.5 – 3.1.7).

Recommendations of the study

- 1.9.** Based on the above analysis, the study makes a number of key recommendations as follows:
- The training guidance framework designed by the study experts should provide the benchmark checklist against which the effectiveness of judicial training programmes in the EU is measured and assessed (9.1.1).
 - Judicial training institutions should actively explore the potential to adapt the identified **Best, Good** and **Promising Practices** to their own training environment, as most practices are highly transferable (9.1.2).
 - Judicial training programmes should (where appropriate) include sufficient opportunities for common training activities between judges and prosecutors and other professionals, both as trainers and participants. (9.1.3)
 - Judicial training programmes should ensure the active participation of judges and prosecutors in the bulk of their training activities. (9.1.3)
 - The European Commission should actively support transnational training in judicial skills and judgecraft (9.1.4).
 - Judicial training institutions should make optimum use of new technologies (9.1.5).

- Judicial training institutions should take maximum advantage of the opportunities for cross-border collaboration in the development of new training methodologies (9.1.6).
- The training needs identified by programme evaluations should be fed directly back into the training cycle. The process of introducing long-term evaluation by judicial training institutions should be expanded, together with mechanisms for cross-border exchange of information on practices (9.1.7).
- The European Commission should encourage, strengthen and support transnational training in EU law as a core priority, taking maximum advantage of the structures and mechanisms already in place enabling the design and delivery of cross-border training programmes (9.1.8).
- Any additional pan-European training activities arising from the above recommendations should continue to be co-ordinated within the EJTN framework, or by EJTN members monitored by EJTN, or by other specialist institutions or universities in close co-operation with the EJTN in order to ensure the necessary co-ordination and to safeguard judicial independence (9.2.6).
- The EJTN will organise a series of follow-up events designed to maximise the impact of the findings of this study. Efforts will be made within the EJTN structures to ensure that trainer exchanges should prioritise direct engagement with those institutions where **Best, Good** and **Promising Practices** have been identified through this study (9.3).
- All documents associated with this study will be published on the EJTN website, and the fact sheets published on the e-justice Portal of the European Commission (9.3).

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Résumé

- 1.1.** En 2012, la Commission a lancé une invitation à soumissionner pour la réalisation d'un projet visant à examiner les **meilleures pratiques** en matière de formation des juges et des procureurs dans l'Union européenne. Cette proposition et l'enveloppe budgétaire qui lui est associée avaient initialement été introduites par le Parlement Européen. Au terme d'une procédure d'appel d'offres concurrentiel, le Réseau Européen de Formation Judiciaire (REFJ) a remporté le marché en janvier 2013 (1.2.1.).
- 1.2.** L'objectif principal de ce projet était de recenser, au moyen d'une approche empirique, des exemples de **pratiques efficaces, exemplaires** ou **prometteuses** en ce qui concerne la formation des juges et des procureurs dans l'Union Européenne, et d'ainsi contribuer à promouvoir le dialogue et la coopération entre les juges et les procureurs dans les domaines couverts par le projet (1.3.1. and 1.3.3.).
- 1.3.** La majeure partie du travail a été réalisée par un groupe de sept experts chevronnés supervisés, au niveau interne, par le Comité de pilotage du REFJ et, au niveau externe, par un comité directeur nommé par la Commission et composé de membres de diverses Institutions Européennes.

Méthodologie de l'étude

- 1.4.** La principale méthodologie adoptée par les experts a consisté à élaborer et à diffuser un questionnaire demandant à toutes les institutions de formation judiciaire de l'Union Européenne de présenter des exemples de pratiques dignes d'intérêt, puis à analyser les réponses en évaluant la valeur de chaque proposition. Les experts avaient fourni aux institutions un cadre d'orientation afin de faciliter le processus d'identification. La langue de travail du groupe d'experts était l'anglais (3.3).
- 1.5.** Outre le rapport final contenant les conclusions tirées des réponses reçues, les prestations à fournir dans le cadre du projet comprenaient également la fourniture d'une série de «feuilles» offrant de plus amples informations sur chaque pratique jugée efficace, exemplaire, prometteuse ou originale. Les pratiques décrites dans les feuilles proviennent d'un grand nombre d'États Membres couvrant une large zone géographique.

- 1.6.** Le projet était limité dans le temps et devait être réalisé dans un délai de 12 mois.
- 1.7.** Le questionnaire a été envoyé aux institutions de formation judiciaire des 28 États membres de l'UE ainsi qu'à trois institutions impliquées dans la formation judiciaire au niveau européen, à savoir l'Académie de Droit Européen (ERA), l'Institut Européen d'Administration Publique (IEAP) et le REFJ lui-même. Chaque institution participante était invitée à fournir jusqu'à dix exemples de pratiques susceptibles d'être jugées **efficaces, exemplaires** ou **prometteuses**, en les classant dans les catégories suivantes: évaluation des besoins de formation, méthode pédagogique innovante, programme ou plan de formation innovant, outils de formation destinés à améliorer l'application du droit de l'Union Européenne et la coopération judiciaire internationale, évaluation des performances des participants/des effets des activités de formation. Une liste de définitions pour chaque type de pratique avait été préparée par les experts et jointe en annexe au questionnaire. Des entretiens complémentaires et quelques visites d'étude ont également été menés en vue d'approfondir l'analyse (3.1).
- 1.8.** Nous avons reçu les réponses de 23 institutions de formation. Le nombre total de pratiques suggérées en réponse à ce questionnaire s'élevait à 157 (3.1.5. – 3.1.7).

Recommandations de l'étude

- 1.9.** Sur la base de l'analyse susmentionnée, l'étude propose un certain nombre de recommandations clés:
- Le cadre d'orientation préparé par les experts devrait servir de référence pour mesurer et évaluer l'efficacité des programmes de formation judiciaire dans l'Union (9.1.1).
 - Les institutions de formation judiciaire devraient activement explorer la possibilité d'adapter les **pratiques efficaces, exemplaires** ou **prometteuses** à leur propre environnement de formation, la plupart de ces pratiques étant facilement transférables (9.1.2).
 - Les programmes de formation judiciaire devraient (lorsque cela s'avère approprié) prévoir un nombre suffisant d'activités de formation communes rassemblant des juges, des procureurs et d'autres

professionnels, aussi bien parmi les formateurs que parmi les participants (9.1.3).

- Les programmes de formation judiciaire devraient garantir une participation active des juges et des procureurs dans la majeure partie des activités (9.1.4).
- La Commission Européenne devrait activement soutenir la formation transnationale en ce qui concerne les compétences judiciaires et l'exercice de la profession de juge (9.1.5).
- Les institutions de formation judiciaire devraient tirer le meilleur parti des nouvelles technologies (9.1.6).
- Les institutions de formation judiciaire devraient profiter au maximum des possibilités de collaboration transfrontalière pour développer de nouvelles méthodologies de formation (9.1.7).
- Les besoins de formation recensés grâce à l'évaluation des programmes devraient être directement réinjectés au début du cycle de formation. La réalisation d'évaluations à long terme par les institutions de formation judiciaire devrait être encouragée, de même que l'utilisation de mécanismes permettant l'échange transfrontalier d'informations sur les pratiques existantes (9.1.8).
- La Commission Européenne devrait se donner comme priorité d'encourager, de renforcer et de soutenir la formation transnationale au droit de l'Union, en profitant au maximum des structures et des mécanismes déjà en place permettant l'élaboration et la mise en œuvre de programmes de formation transfrontaliers (9.2.6).
- Les activités de formation paneuropéennes mises en œuvre sur la base des recommandations ci-dessus doivent continuer à être organisées dans le cadre du REFJ, ou par les membres du Réseau sous sa supervision, ou par des universités et d'autres institutions spécialisées en étroite coopération avec le REFJ afin de garantir la coordination nécessaire et préserver l'indépendance judiciaire (9.3).
- Le REFJ organisera une série d'événements de suivi destinés à maximiser l'impact des conclusions de la présente étude. Des efforts seront entrepris au sein des structures du Réseau afin de privilégier, lors des échanges de formateurs, le contact direct avec les institutions à l'origine des **pratiques efficaces, exemplaires** ou **prometteuses** recensées dans la présente étude (9.3).
- Tous les documents associés à cette étude pourront être consultés sur le site web du REFJ, tandis que les feuillets d'information seront publiés sur le portail e-Justice de la Commission Européenne (9.3).

Part one

Chapter one: background to report

1.1. Background¹

1.1.1. In 2011 the European Parliament published a major study on Judicial Training in the European Union², with special reference to training in the law of the European Union. The report (‘the ERA-EJTN study’)³ was written by the Academy of European Law (ERA) a key provider of such training in Europe for the past 22 years. The study was carried out in co-operation with the EJTN and its members. The report was preceded by a number of further studies that dealt with wide-ranging aspects of European training for judicial office holders.⁴

1.1.2. The main purpose of the ERA – EJTN study was to provide an in-depth, objective analysis of judicial training in the Member States on European Union law (EU law), the law of other Member States and comparative law. Based upon this study, ERA went on, a) to identify the institutions in the European Union currently leading such training; b) to compile an inventory of **Good Practices** in judicial training, which may be shared between jurisdictions, especially with regard to EU law; and c) to make recommendations⁵ about possible solutions to shortcomings identified in the current provision of judicial training at European Union level.

1.1.3. The study was extensive and of high quality. Reflecting upon the wider issues of judicial training not limited to training in EU law, the Commission, guided by the European Parliament, subsequently determined that there was a need for further and more detailed empirical work that could identify more examples of transferable **Good**

¹ In most continental civil law, European countries’ judges and prosecutors are considered to have functions that, though different in practice, are largely judicial in nature. In contrast, in common law European countries a clear distinction is drawn between the respective roles of the two professions. The former are deemed to be judicial officers, the latter are not. However, in a landmark case, the UK Supreme Court has acknowledged that in many circumstances a European prosecutor falls within the common law definition of a judicial office holder: *Assange (Appellant) v The Swedish Prosecution Authority (Respondent)* [2012] UKSC 22. For the purposes of this study, and in acknowledgement of the fact that judges and prosecutors frequently train together in these jurisdictions, we have treated the training provided for judges and prosecutors as methodologically synonymous, i.e. it is ‘judicial office holders’ who are being trained. This maxim also applies in cases where it is ‘lay members’ (i.e. experts who sit on adjudication panels but who are not judges) who are being trained. We have excluded from this study training provided exclusively to prosecutors in common law Europe for the reasons mentioned above.

² Judicial Training in the EU Member States: Study for the European Parliament, 2011.

³ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET\(2011\)453198\(SUM01\)_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198(SUM01)_EN.pdf)

⁴ See List of Background Reports in ANNEXE THREE.

⁵ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET\(2011\)453198\(SUM01\)_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198(SUM01)_EN.pdf)

Practices in the training of judges and prosecutors (where the latter are also judicial office holders).

1.1.4. Building on the ERA – EJTN study, in 2012 the Commission opened an invitation to tender for a Project designed to investigate Good Practices in the training of judges and prosecutors across the European Union.⁶ Following a competitive tendering process, the EJTN was awarded the contract in January 2013.

1.2 Objectives and deliverables of the project

1.2.1. Objectives

In the Commission’s tender document for this Project⁷ the Objectives of the Project were stated to be as follows:

The objective of this Project is to complete a study comprising the following elements:

- To produce a comprehensive definition of what constitutes **Best, (Good and Promising) Practices** in training of judges and prosecutors both in national legal systems and traditions, and also in European Union law and judicial co-operation procedures.
- To provide a guidance framework within which **Best, (Good and Promising) Practices** in these fields can be developed.
- By empirical investigation, to seek out and identify examples of **Best, (Good and Promising) Practices** in these fields from amongst the Member States of the European Union.
- Based upon the findings above, to recommend ways of improving such training, by promoting a dialogue and further co-operation between judges and prosecutors across the European Union.
- To recommend methods for promoting exchanges of **Best, (Good and Promising) Practices** across the European Union.
- To establish processes for the dissemination of **Best, (Good and Promising) Practice** methodology amongst all judicial training providers in the European Union.

⁶ Tender JUST/2012/JUTR/PR/0064/A4 – Implementation of the Pilot Project – European Judicial Training Lot 1 “Study on **Best Practices** in training of judges and prosecutors”.

⁷ Ibid. p.9.

1.2.2. Deliverables

The European Commission set down the Project’s Deliverables as follows:

- **Deliverable 1**

***Definition of the concept of Best Practice** in training of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, taking into account the training needs and local realities of judges and prosecutors.*

- **Deliverable 2**

***Identification of Best Practices** in identifying training needs and in training of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, at local, regional, national or European level, implemented by judicial training structures, or courts, or any other relevant stakeholder including academics in the EU and Croatia; presentation of the identified **Best Practices** in such a way as to highlight the elements that make their transfer desirable and the requirements to proceed to such a transfer, under the form of separate factsheets, in view of easy dissemination notably via the European e-Justice Portal; if possible, collection of training material for dissemination on the European e-Justice Portal.*

- **Deliverable 3**

***Recommendations to improve training** of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, in terms of topics or skills to be covered, of quality of the training delivered and of the attractiveness of the training for the judiciary to ensure increased participation, as well as in terms of promotion of the dialogue and co-operation between EU judges and prosecutors.*

- **Deliverable 4**

***Recommendations for the European Commission and/or the judicial training providers and other relevant stakeholders** regarding how best to hold regular fora as suggested by the European Parliament’s resolution on judicial training of 14 March 2012, “at which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding”.*

- **Deliverable 5**

Recommendations regarding the best ways to disseminate Best Practices and promote exchanges of Best Practices amongst all the judicial training providers at all levels in the EU and Croatia.

1.3 Preliminary preparations for the project: the role of the project steering committee and involvement of EU COM steering committee

1.3.1. Immediately after the contract was signed, the EJTN commenced work on the Project, and a number of building blocks were put into place. A Project Steering Committee was established within the EJTN consisting of the chairs of all EJTN's internal working groups, the Project Chief Executive Officer (CEO) and its core administrator. The main role of the Project Steering Committee has been to monitor the full execution of the Project, through the medium of the Project's seven senior experts, and generally to assist the Project's CEO in the full execution of the Project's aims and objectives.

1.3.2. Alongside this, an 'external' Project Steering Committee was established – the European Commission (EU COM) Steering Committee – whose members include representatives of the European Parliament, of different Directorate Generals of the European Commission, the European Institute of Public Administration (EIPA), the European Union's Judicial Co-operation Unit (EUROJUST) and a representative from the University College London Judicial Institute. The European Commission Steering Committee was set up, a) to monitor the implementation of the project; b) to propose recommendations regarding its execution; and c) to help ensure the dissemination of its results.

1.3.3. The Project Laboratory of senior experts was appointed in February 2013 by the Project Steering Committee from amongst a list of nominations provided by the national training institutions participating in the project. To be eligible for consideration, experts had to have at least eight years of judicial training experience at senior level, be available to attend regular meetings as required by the Project's Steering Committee, and be fluent in the English language. The following seven senior experts were selected on the basis of CVs from a shortlist of 25 applicants: (names listed in alphabetical order).

1. **Cedric Visart de Bocarme** – Public Prosecutor – Federal Prosecution Office of Belgium (National Institute of Justice IGO – IFJ, Belgium)

2. **Jeremy Cooper** – Professor and Tribunal Judge and Director of Tribunal Training (Judicial College, United Kingdom)⁸
3. **Jorge Obach Martinez** – Senior Judge – Barcelona Court of Appeal (Spanish Judicial School, Spain)
4. **Ineke van de Meene** – Senior Course Manager (Training and Study Centre for the Judiciary – SSR, The Netherlands)
5. **Roxana Rizoiu** – Senior Trainer (National Institute of Magistracy – NIM, Romania)
6. **Raffaele Sabato** – Justice – Supreme Court of Cassation (Italian School for the Judiciary, Italy)
7. **Dragomir Yordanov** – Director (National Institute of Justice, Bulgaria)

1.4. The role of the project chief executive officer (CEO)

1.4.1. The Project Chief Executive Officer was responsible for the overall co-ordination of the project and assisted by a dedicated administrator – **Sara Sipos** – EJTN Secretariat.

1.4.2. The Project’s CEO, although not forming part of any of the bodies above or of the Laboratory of Experts, was assigned the roles of, a) drafting the full project’s initial proposal to the European Commission; b) supervising the formal execution of the project with regard to the contractual timetable; c) monitoring the project’s budgetary execution; d) representing the Network in the meetings of both Steering Committees; and e) exercising any other task in relation to the EJTN internal functioning rules.

Chapter two: defining best practice and the framework for achieving best practice

- ***Deliverable 1***

*Definition of the concept of **Best Practice** in training of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, taking into account the training needs and local realities of judges and prosecutors.*

2.1 Defining best practice in judicial training

⁸ See Annexe Two for further explanation of the exact jurisdiction of the Judicial College.

2.1.1. The experts devoted a significant amount of time and discussion in the early weeks of the Project, a) to defining the concept of Good Practice in the context of the training of judges and prosecutors, drawing upon their collective experience of judicial training; and b) developing the **Best Practice** framework.

2.1.2. In the wider world, **Good Practices** are normally only cast in a broad outline. Thus in the production process, recommendations may be given to employees, highlighting the most efficient way to complete their tasks; in the medical profession, or in the management of investments, a physician or a manager may follow Good Practices when deciding about a client's health or money by prudently resorting to pharmaceutical products or investing in a well-diversified portfolio. In these areas, it is self-evident that one may find methods or techniques that have documented outcomes and the ability to replicate themselves as key factors.⁹

2.1.3. In recent years, public agencies have also been adopting **Good Practices** when delivering services related to their field of activity, such as education or welfare services.

2.1.4. In the particular public sector represented by the administration of justice, and of judicial training in particular, there has historically been no general consensus on what constitutes **Good Practices**. We have, therefore, started our quest from a tabula rasa.

2.1.5. Because of the contrasting values that justice seeks to reconcile by resorting to the rule of law (for example the rights of the victim versus those of the accused party; public interest versus private interest), and the need to preserve the independence of the judiciary as a general framework which ensures that the rule of law is effectively applied, it is difficult to define **Good Practices** in areas in which differing legal standards apply.

2.1.6. Judicial training tends to reflect the characteristics of the systems of justice in which judges or prosecutors operate. In addition many countries have no mandatory judicial training, carry out no assessments of participants' performance in training, and fail to monitor the cost-efficiency of training. This means the true indices of what makes a practice '**Best**' are unavailable.

⁹ In the UK the NICE Guidelines on clinical practice provide a good example, but there are many such examples across Europe.

2.1.7. Despite this contentious background, at their preliminary meeting on 27th February 2013 at the EJTN office in Brussels the experts managed to set out their own definition of a Best Practice in the context of judicial training as follows: **A Best Practice is a training programme or strategy having the highest degree of proven effectiveness supported by objective and comprehensive research and evaluation.**

2.1.8. Early on in this Project, the group of experts also decided that, rather than talking exclusively about **Best Practices**, it would be a more fruitful route of enquiry to also investigate examples of **Good Practices**. **A Good Practice is a programme or strategy that has worked within one or more organisation and shows promise of becoming a Best Practice, as it has some objective basis for claiming effectiveness and potential for replication among other organisations.** In reality, in everyday usage the concepts of **Best** and **Good Practices** are often used interchangeably, as they may overlap. In measuring effectiveness, a number of factors must be taken into consideration, including the content and quality of the programme per se, the link between the programme and any preliminary needs analysis, the quality of the trainers, the accessibility of the programme to trainees, and its subsequent impact upon the performance of judges and prosecutors, as appropriately evaluated.

2.1.9. The definition of a **Best** or **Good Practice** in the field of judicial training can be further widened to include, a) its capacity to be effectively transferred to other jurisdictions; b) the extent to which it innovates or refreshes (even inspires) existing, established training practices to enhance the learning experience of judges and prosecutors; c) the capacity of the practice to adapt to the differing cultural, social and economic circumstances in which different judicial systems operate across the European Union; d) the existence of clear evidence that it meets an articulated training need.

2.1.10. Finally, for the purposes of this Project, the experts also explored a third category of practice, which they defined as a **Promising Practice**. **A Promising (sometimes only experimental) Practice in judicial training is a Practice with at least preliminary evidence of effectiveness or for which there is potential for generating data that will be useful in determining its promise to become a Good or Best Practice for transfer to wider, more diverse judicial training environments.**

2.1.11. In identifying a training practice as **Best, Good** or **Promising**, the experts also gave consideration to the general question: Is this practice transferable to jurisdictions in other countries within the European Union? **They decided that an effective practice is an effective practice and is therefore potentially transferable anywhere either fully or in an adapted format, according to the circumstances. They encourage readers of this report to consider the practices that they have identified in this same spirit of enquiry and openness.**

2.1.12. Having adopted the above definitions, the experts offered the following suggestions to all potential respondents to their questionnaire:

- a) Most choices about practices in the area of judicial training are linked to policy issues, usually centred on judicial independence, e.g. no mandatory training and no assessment of participants' performance in training is the rule in many countries, on the basis that this 'preserves judicial independence'. Such trade-offs should be evaluated, so that e.g. cost-effectiveness should not be the only parameter to evaluate effectiveness, since other values (such as the protection of judicial independence) are also at stake; in short, **a Best Practice is not such if it jeopardises judicial independence, but also is not such if, in order to preserve it, it is not cost-effective.**
- b) Since in the area of judicial training there is such a strong connection between practice and public policy, generalisation of behaviours does not necessarily mean that such behaviours are **Good Practices**. In fact, the impossibility of assessing cost-effectiveness may prevent the identification of some generalised practices as being non-effective. Therefore, more sophisticated analyses are necessary to identify acceptable **Good** or **Promising Practices**. In short, when identifying **Good Practices**, breaking loose from generalised behaviours challenges those behaviours in order to add value, and offers the opportunity to introduce a new **Best Practice** in public policy that has not previously been considered.
- c) Attention should be paid to local connotations of the practice, allowing flexibility as to how it is implemented. In short, the practice should be described in as broad a manner as possible, so that it may be adjusted to suit different local conditions.
- d) Analysis should also describe potential vulnerabilities that could lead a practice to fail, e.g. in settings in which financial or management capacities are not available, or in which different values may jeopardise the results.

The analysis should pay attention to economic, geographical and cultural diversities.

- e) Nonetheless, **Good Practices** should be simple, consistent in their components, and capable of standardisation.

2.2 Creating a training guidance framework

2.2.1. Having agreed the definition of what constitutes a **Best, Good** or **Promising Practice** in judicial training, the experts proceeded to design and agree a **Training Guidance Framework** that would provide the broad parameters of the required (or at least expected) content of a full judicial training programme. They use the word 'training' in its broadest sense to include not only teaching but also time for personal learning, self-reflection, and self-tuition.

2.2.2. The experts did not expect participating training bodies to put forward examples of **Best Practice** programmes that covered ALL the content contained in the Framework. They did, however, anticipate that for a programme to be put forward as a **Best Practice** example, it would reflect one or more of the areas contained in the Guidance Framework. In their view the overall contemporary training programme for any national cohort of judges and prosecutors should encompass most, if not all, of the issues covered by the Framework.

2.2.3. As a fundamental premise the experts assert that every good training programme must be based upon an analysis of, a) the training needs of individual judges and prosecutors; and b) the training needs of judges and prosecutors as required by wider society. They also accept that a central element of any good training programme must be an awareness of the necessity of devising training that can be delivered within the resources that are available.

2.2.4. The experts have developed a **Training Guidance Framework** which sets out the core themes and content that in their view should be included in any contemporary training programme for judges and prosecutors as follows:

- ***Need for appropriate methodology***

The emphasis in judicial training should increasingly be upon the use of case studies, small discussion groups, and where appropriate maximising the potential for e-Learning.

- ***Judgcraft***

This major topic seeks to cover a wide range of subjects including case management, judicial conduct and ethics, assessment of credibility, evidence gathering and decision writing, including an analysis of processes leading to decisions such as sentencing theories.

- ***The social context of judging***

This refers to the use of appropriate training to ensure that judges and prosecutors have a high level of awareness about how the differing backgrounds, capacities, needs and expectations of those appearing in courts and tribunals should be reflected in the conduct of judicial proceedings.

- ***Technological skills***

All modern judges and prosecutors should be skilled in the use and application of information technology. This includes good personal computing skills, the ability to access and use research databases, and an understanding of the range and significance of social media.

- ***Training of judges in EU law relevant to their jurisdiction***

This is a core purpose of this Project, which also reflects the aspirations of both the Stockholm Programme Resolution on Judicial Training (17 June 2012)¹⁰ and Articles 81.2 h and 82.1 c of the Treaty on the Functioning of the European Union, created by the Lisbon Treaty.¹¹

- ***Training of judges to deliver the programmes***

As a general principle, judges and prosecutors are best placed to train judges and prosecutors or at least to plan and supervise their training. Judicial training programmes should ensure they are adequately trained for this purpose.

- ***Training of judges in perceptions of 'justice users'***

Judges and prosecutors should be sensitive to how they are perceived by justice users, without compromising their independence. Training programmes that expose judges to the perceptions of justice users in controlled and sensitive ways are to be encouraged.

¹⁰ European Parliament resolution of 17 June 2010 on Judicial training – Stockholm Programme – Official Journal (2011/C 236 E/23).

¹¹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007 - Official Journal 2007/C 306/01.

Chapter three: methodology for the study

- **Deliverable 2**

Identification of Best Practices in identifying training needs and in training of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, at local, regional, national or European level, implemented by judicial training structures, or courts, or any other relevant stakeholder including academics in the EU and Croatia; presentation of the identified **Best Practices** in such a way as to highlight the elements that make their transfer desirable and the requirements to proceed to such a transfer, under the form of separate factsheets, in view of easy dissemination notably via the European e-Justice Portal; if possible, collection of training material for dissemination on the European e-Justice Portal.

3.1 Introduction

3.1.1. Given the time scales and the resources available to execute this project, it was essential to devise a methodology that would prove effective and appropriate to the task. The experts decided that the use of a detailed empirical questionnaire would constitute their primary research method. Once devised and approved by the Commission, the questionnaire¹² would be sent to all the institutions providing training for judges and prosecutors in the European Union. The findings of the questionnaire would also be supplemented where appropriate by information provided to the project from other sources.

3.1.2. At its first meeting, the European Commission Steering Committee issued recommendations with regard to the questionnaire and these were subsequently implemented by the EJTN. The EJTN provided a full list of national training institutions and other European stakeholders in the field of judicial training who might be in a position to contribute to the study.¹³ An initial invitation was sent on behalf of the EJTN to all these organisations, firstly inviting them to participate in the Project, and then inviting them:

- To nominate national contact points which would be responsible for the execution of the project questionnaire on behalf of the institution.
- To provide the names of other experts to assist in the project.

¹² See ANNEXE ONE for a copy of the full Questionnaire.

¹³ See ANNEXE TWO for full list of organisations who participated in the study.

- In due course, to answer the questionnaire that would be circulated to all participants inviting them to put forward examples of **Best, Good** and **Promising** training practices.
- If required, to accept and host study visits.

3.1.3. Following this process, the EJTN established a network of national contact points, and a further pool of junior experts was set up to assist in the preparation of study visits by the senior experts, and where required to investigate further some of the examples identified as potential Best Practices.

3.1.4. In answering the questions, in addition to providing a general description of the identified practice, respondents were encouraged to address a series of issues in relation to the practice. The questions were specifically designed to provide the study with information on the range of factors that collectively would enable the experts to classify the projected practices as **Best, Good** or **Promising** according to their definitions of these practices. These included questions such as: What issues or problems needed to be solved in developing the practice? What need was addressed by the practice? How was this practice adopted, implemented and executed? What conditions had to be in place? What resources (people, time, money etc.) had to be acquired before the practice could be introduced? How much time was needed to implement the practice? Was there any resistance to the introduction of the practice, and if so, how was this tackled? What results have been achieved so far by using the practice? How do you assess the effectiveness of this practice? Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of the practice were also invited.

3.1.5. A total of 157 individual practices were submitted to the project team for consideration as examples of **Best, Good** or **Promising Practices**.

3.1.6. Despite the fact that this wide range of examples was more than adequate to enable the experts to provide a wide-ranging overview of many of the **Best, Good** and **Promising** judicial training practices in the great majority of the European Union countries (as well as in the two other main European stakeholders),¹⁴ some national training institutions nevertheless did not submit any kind of answer to the questionnaire.

¹⁴ See Annexe Two

3.1.7. This constituted the greatest difficulty experienced in the course of the Project. It was, however, entirely a matter for each national training institution to decide whether or not they wished to participate in the Project. The experts fully respected these decisions, whatever may have been the reason (for instance, Cyprus does not have a Judicial Academy or a Judicial Studies Board and the Supreme Court, the entity responsible for the training of judges, carries out only a very limited number of training activities per year, which consequently dilutes the existing expertise available to provide systematic training delivery).

3.1.8. In June and July 2013 the experts – initially working in small teams and following a detailed analysis of the questionnaire responses – identified a core set of possible **Best, Good** or **Promising Practices** worthy of further investigation. The preliminary classifications were then discussed by the experts in a plenary session. In total the experts met as a group on six¹⁵ occasions in various locations and also met in sub-groups as part of the study visits.¹⁶ In addition, much of the further work of the group was achieved, a) via electronic communication, in particular through sub-group work and analysis, although the key strategic discussions, decisions and recommendations all took place in the plenary sessions; and b) by further investigation of organisations identified either in the questionnaire responses or from within the range of expertise of the team in order to clarify and expand our understanding of the issues involved. The experts identified 65 practices which have been summarised into 65 factsheets.

¹⁵ First meeting of the Experts Laboratory: 27 February 2013, Brussels, Belgium
Second meeting of the Experts' Laboratory: 11 June 2013, Brussels, Belgium
Third meeting of the Experts' Laboratory: 24 – 25 June 2013, Brussels, Belgium
Fourth meeting of the Experts' Laboratory: 29 August 2013, Brussels, Belgium
Fifth meeting of the Experts' Laboratory: 19 – 20 November 2013, Sofia, Bulgaria
Sixth meeting of the Experts' Laboratory: 20 January 2014, Barcelona, Spain

¹⁶ Study visit to England: 14-15 October 2013 – Practice: Business of Judging
Study visit to Bulgaria: 19-20 November 2013 – Practice: EU Law and Distance Learning
Study visit to Estonia: 3 December 2013 – Practice: Court Practice Analysis
Study visit to France: 16-18 December 2013 – Practice: Leadership and Management Training

3.2 Categories identified

The six categories of the investigation that the experts have identified (subsequently merged into five: see below at 3.2.4.) are as follows:

3.2.1. Training needs' assessments

Crucial to any good training programme is the need to have in place a systematic, robust and comprehensive process, that a) assesses the training needs of judges and prosecutors; b) ensures those needs are reflected in the training programme; c) regularly reviews and, where necessary, updates the training programme to meet new or developing needs. The senior experts identified relatively few notable or outstanding practices under this heading.

3.2.2. Innovative curricula or training plans in any given particular area

The experts found a number of interesting examples of innovation in the design of judicial training programmes in the course of the study. Of particular note is the extent to which judicial training is increasingly drawing upon other disciplines to strengthen and enrich core programmes, working alongside other professionals (e.g. economists, doctors, psychologists, actors). Training in practical skills, including management of cases and of people and the use of live case reconstructions and simulated role plays is increasingly to the fore in several programmes. A number of examples of **Best Practice** emerged under this category.

3.2.3. Innovative training methodology

The use of innovative training methodology across European judicial training is on the increase, and there are a number of impressive examples of innovation that figure prominently in the study. Of particular note is the increasing use of electronic media, the development of new training styles focused on individual needs. **Best, Good** and **Promising Practices** are plentiful under this category.

3.2.4. Implementation of training tools to favour the correct application of EU law and the implementation of training tools to favour international judicial co-operation

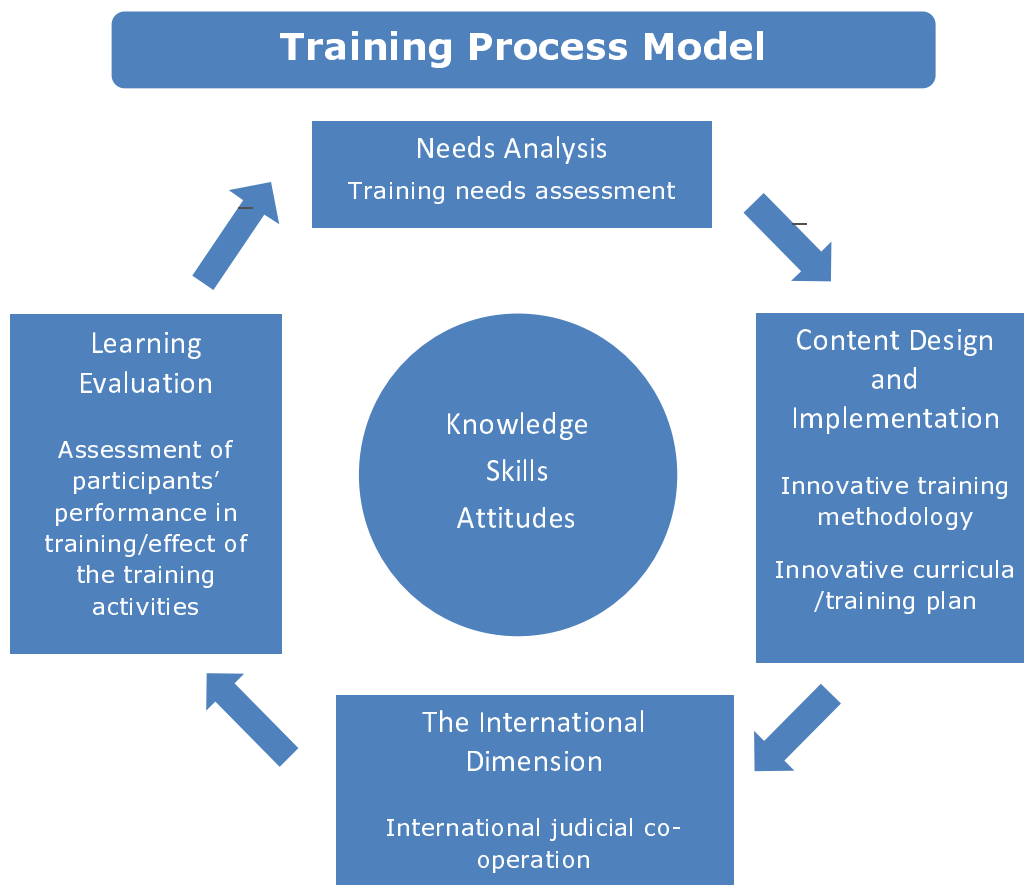
The importance of judicial training on European Union law and international judicial co-operation is widely acknowledged and the judicial training institutions are exploring good and best ways of implementing this. In the questionnaire, applications of EU Law and Training Tools to Favour International Judicial Co-operation were treated as separate categories (see Annexe One). However, once the responses had been received, it became clear that the issues were effectively inseparable, and the distinction was unhelpful from a training methodology perspective. The experts therefore made an early decision *for the purposes of this study* to merge the two categories into one. The **Best, Good** and **Promising Practices** that were presented indicate that both a national approach (using a combination of tools) and international co-operation with other training institutions are probably the most effective ways to provide such training.

3.2.5 Assessment of participants' performance in training/effect of the training activities

This appears to be the area of least activity, according to questionnaire responses. The experts nevertheless identified several areas of Practices under this heading, all of which are worthy of further exploration. The transnational training organisations ERA (the Academy of European Law) and EIPA (the European Institute of Public Administration) are especially strong in their approach to this issue.

3.2.6 Overview of the categories

This diagram of the categories shows how they all complement one another.



3.3 Summary

3.3.1. By this study, the experts have identified a significant number of training practices that they consider to be examples of a **Best Practice**, a **Good Practice** or a **Promising Practice**. They have also concluded that the great majority of the identified **Best** and **Good Practices** are fully transferable within the European Union. As, by their very nature, **Promising Practices** are still at a developmental stage, they decided it would be premature to make any comments on transferability at this stage.

3.3.2. It cannot be stressed enough that the methodology adopted throughout this Project has been an essentially reactive methodology. The project invited national training institutions to provide exemplars of practices that they considered worthy of consideration by the project team. The project team did not proactively seek such examples, as this would have been both impractical in light of the experts' limited resources and it would also have run contrary to the spirit of the study. The availability of follow-up written and telephonic interviews and of study visits, together with the experts' own collective knowledge and expertise provided the experts with the necessary tools to provide the robust analysis that has led to their conclusions. This methodology should be clearly understood by all readers of this report and its conclusions.

3.3.3. In addition to the above practices, the project team found some examples of practices whose most striking characteristic is the fact that they are very widely used and are thus common to a wide range of EU countries. The team was invited to include some or all of such practices within the scope of the study. However, after careful consideration of the question, they decided that it would not be appropriate to include these general practices in this study as it is clearly directed to much more specific and exceptional characteristics, which do not include common usage. They, therefore, decided that unless these practices fall into a **Best, Good** or **Promising** category they should be excluded from the study as being outside the terms of reference.

3.3.4. Finally, it is pleasing to note that the study found examples of **Best, Good** and **Promising Practices** over a wide range of EU countries with a broad geographical spread.

3.3.5. In summary, the project team designated 29 practices as examples of a **Best Practice**, 16 practices as examples of a **Good Practice** and 17 practices as examples of a **Promising Practice**. Three further practices were unclassified [See Fact Sheet UP1, UP2 and UP 3]. Ten practices have been identified under the category Training Needs Assessment, 21 practices under the category Innovative Curricula or Training Plan in any Given Area, 19 practices under the category Innovative Training Methodology, nine practices under the category Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation and five practices under the category Assessment of Participants' Performance in Training/Effect of the Training Activities.

A chart setting out the institutional distribution of these practices is to be found at **Annexe Five**.

3.3.6. The identified **Best, Good** and **Promising Practices** are each described in detail in **Part One** of the report. **Parts Two, Three** and **Four** of the report set out our conclusions and recommendations against the LOT 1 Deliverables 3, 4, and 5.

Fact sheets summarising the key features of each identified Practice have been prepared for each Practice. The fact sheets can be found in Annexes Five and Six.

Chapter four: training needs assessment

4.1 Introduction

4.1.1. Training Needs Assessment (TNA) is the initial stage and perhaps the most critical element of the training cycle that further comprises training objectives, plan and design of the training, implementation and evaluation of the training (see also diagram of Training Process Model at Chapter 3.2.6).

4.1.2. Training theory defines the 'need' in several ways but in general it is described as the gap between existing and desired knowledge, skills and abilities, which could be reduced or even eliminated through training.

4.1.3. In order to be successful, all training programmes must begin with a needs assessment. The results of the needs assessment are particularly important for the efficient and effective management of training in terms of:

- Identifying the gaps in knowledge, skills and attitudes of the target group
- Setting priorities in terms of topics, audience, training events, etc.
- Choosing the most appropriate forms, methods, time and place for delivery of training
- Managing (limited) resources
- Facilitating organisational development and planning, etc.

4.1.4. There is a close inter-relation between assessment of training needs and evaluation of training activities. In general, the evaluation of training activities demonstrates to what extent training needs have been successfully addressed by the training activities. At the same time evaluation of training activities helps to identify new/further training needs (see also **Chapter Eight**).

4.1.5. Training needs assessment can be conducted at three different levels:

- Organisational level – a type of assessment that identifies the knowledge, skills and competences needed by the organisation (i.e. the judiciary) as a whole.
- Functional level – a type of assessment that identifies the knowledge, skills and competences needed by the profession (i.e. judge or prosecutor) or by function (civil judge, criminal judge, court president, etc.).
- Individual level – type of assessment that identifies the individual training needs of target group members.

4.2 TNA in judicial training

4.2.1. This study suggests that most (if not all) judicial training institutions carry out regular assessment of the training needs of their target groups. In general, they follow common approaches and methods that could be considered as a standard practice. Besides this, some **Best, Good** and **Promising Practices** have been identified that will be described in more detail in the respective sections below. In general terms the experts found that:

- a) TNA is conducted regularly, usually on an annual basis, as part of the preparation for the next year's training plan or for the purposes of long and medium-term planning.
- b) TNA is a structured process in terms of the timing, stages, procedures and organisations involved. The procedures followed are more or less formal and regulated.
- c) TNA is based on a broad range of sources and methods.

4.2.2. Judicial training institutions generally collect information about the training needs of their target group(s) from a broad range of sources. These include:

- Judges and prosecutors themselves
- Other legal professions related to the judiciary such as lawyers, academics, court staff
- Court Presidents and Chief Prosecutors who play an important role in the process in some countries
- Members of the organisations responsible for the elaboration and/or the approval of training programmes, such as Programme Councils, Academic Committees, etc. as well as other experts
- Institutional stakeholders, such as Ministries of Justice, Councils of the Judiciaries, professional associations of judges and prosecutors, NGOs, universities, etc.
- The Legislature and/or Ministry of Justice as a specific source of information on forthcoming legislative initiatives that might affect the Judiciary
- Analysis of policy and strategic documents at both national and international (EU) level, etc.

4.3 Specific sources and methods for TNA

4.3.1. Judicial training institutions in general collect information about the training needs of their target group(s) using multiple methods, often combining several of them in the process. The procedure followed is generally standardised to secure compatible results throughout the years. The most frequently-used methods are:

- Surveys and questionnaires (both paper and online)
- Focus groups
- Interviews (telephone or in person)
- Formal and informal meetings and consultations
- Satisfaction forms and other feedback information tools from training evaluation

4.3.2. Some interesting examples of specific sources and methods used for TNA have been identified throughout the study.

In Estonia the Supreme Court uses the Court Practice Analysis (CPA) as a specific method for collecting information on TNA.

The primary objective of the CPA is to serve as a tool to encourage uniform application of the law by providing judges with focused, practically oriented, concise analysis of court practice and decision-making in a short time. The CPA aims to identify any systemic problems of consistency in the application of the law by the courts. It is focused primarily on the application of the law via judicial decision-making (both material and procedural), with very limited use of any statistical analysis and no analysis of court management or the administration of justice. It is performed by a small team of legal analysts who form a part of the Supreme Court administration. Their reports are published and disseminated to judges as unbinding sources of information or reference and are used as training materials. The CPA is not used for individual evaluation of judges nor for their performance evaluation or any disciplinary procedure.

The CPA is also used in TNA as an additional source of information to supplement the standard procedures (such as surveys, focus groups, formal and informal consultations with judges and stakeholders) and for cross-checking them. Based on the CPA results, it is decided which of any systemic problems identified could be addressed through training. The topics and training activities selected are subsequently included in the annual training plan. The CPA is also used to cross-check feedback information from

the judges about their training needs. On average between 10-20% of the training topics in different years emerge via the CPA.

CPA is also used as a tool for Training Impact Assessment (see **Chapter Eight at 8.4.2**).

The project team considers the use of the CPA for training needs assessment to be a **Promising Practice [See Fact Sheet No. 1]**.

4.3.3. In **Romania** the National Institute of Magistracy (NIM) uses a combination of sources and methods for TNA as part of a well-structured and regulated procedure. TNA and the elaboration of the annual training plan follow a well-regulated and structured procedure, involving the NIM Scientific Council and the High Council of the Judiciary. Information about the training needs of judges and prosecutors is collected from multiple sources (judicial trainers, courts and prosecutors’ offices, professional associations of magistrates, other legal professionals, training evaluation from previous years, etc.). The range of topics included in the training catalogue is cross-checked with the number of participants’ applications. An online system has recently been put in place containing all current courses available. Judges and prosecutors are invited to mark the requested topics for the next year or to formulate new proposals. The level of demand for every course is recorded. This process allows NIM to identify the most requested courses, and facilitates financial planning.

Before training takes place, participants are also asked to send proposals for topics and questions that are to be debated during the training sessions. The project team considers this multi-faceted TNA process to be an example of **Good Practice [See Fact Sheet No.2]**.

4.4 TNA at the organisational level

TNA at an organisational level assesses the training needs of the judiciary as a whole or of separate parts of it. Examples have been found of judicial training institutions that are currently changing the focus of their TNA from the individual to the organisational level.

4.4.1. In **Belgium**, the Judicial Training Institute (JTI) has developed a 'competences matrix' which has been used to conduct a TNA at an operational level using a gap analysis.

In this gap analysis, court presidents and chief prosecutors were asked to give the JTI an overview of the current state of competences in their court/office. Thereafter the Belgian Ministry of Justice and the High Council of Justice were asked to assess the required competence levels for the judicial staff and the judges. Then, on the basis of these competence standards, JTI will compare the actual competences with the required competences. The results of this gap analysis should show the areas where more training programmes should be created by the JTI. The proposal is to carry out this analysis within the Judicial Training Institute itself for the next four to five years.

4.4.2. The practice has been adopted in order to avoid the reception of 'training wish lists' as has been the case in the past. Another positive aspect is considered to be the involvement of court presidents and chief prosecutors in the process. Changing the focus from the needs of the individual to needs at operational level (courts and prosecution offices), or even at organisational level, is a further positive aspect of this practice. Its implementation is still, however, a work in progress and so the project team considers this to be an example of a **Promising Practice [See Fact Sheet No.3]**.

4.4.3. Another interesting approach to TNA at the organisational level is to be found in the Mental Health Tribunal in the Judicial College (**England only**).¹⁷ In 2012 the Tribunal organised an evaluation of its entire training programme (the jurisdiction includes over 1000 judicial office holders), which involved the use of an online questionnaire and data analysis designed to: a) review the existing training provided to members of the jurisdiction; and b) enhance the content and quality of training to be provided in the future. Although individual training courses were already evaluated in a structured way, the programme leaders wanted to drill further down and create an opportunity to take a wider view of how and what training is provided across the Tribunal.

4.4.4. It was thought that asking trainees themselves about the content, method, location and other aspects of training would provide the most helpful insight into the

¹⁷ The Welsh Mental Health Tribunal falls outside the responsibilities of the Judicial College.

training needs of members and would also generate the most relevant ideas for new training or adaptation of existing training for this group.

4.4.5. The project required a partnership approach between the mental health training judge, internal Judicial College training and evaluation experts and also IT experts in the Ministry of Justice. Consideration was given to the most important areas of training where the project needed to yield information and a draft questionnaire was devised. These included pace, method and level of training, quality of training materials, preferred duration of training, topics and relevance of these to the range and experience level of members. Preferences for post-course evaluation methods were also explored. In order to make the data collection and analysis as easy as possible, the questionnaire was comprised primarily of multiple-choice questions and a small number of questions that allowed free text responses.

4.4.6. The questionnaire generated a total of 544 responses (over 50% of the membership), which were collated by the Ministry of Justice IT team. Judicial College Training Advisers produced a report which outlined the themes and trends of the responses.

4.4.7. It is still too soon to determine the full impact of this full programme evaluation study, and the experts, therefore, describe this as a **Promising Practice [See Fact Sheet No. 4]**. If, however, it emerges in time that the project has had a significant change impact upon the whole design and approach to training methodology in this jurisdiction, it may then merit reclassification as a **Best Practice in Chapter Eight**.

4.4.8. Some judicial training institutions are successful in assessing regional training needs as part of a nationwide training planning process. In **Croatia**, the Judicial Academy has established a TNA mechanism, balancing centralised and decentralised approaches. Because of the specific geographic context of the country, there are differences in the training needs of judges and prosecutors from different regions (e.g. maritime law, is specific to the coastal region, but not inland). For the same reason, five regional training centres have been created under the Judicial Academy.

4.4.9. The Judicial Academy sends TNA questionnaires annually to stakeholders (Ministry of Justice, universities, and members of the Programme Council) as well as to the co-ordinators of the regional training centres (usually a judge and/or prosecutor). The summarised questionnaires are also sent to the Programme Council

of the Academy to decide on the topics to be included in the next year's programme. The practice was adopted two years ago and allows the Academy to respond centrally to regional diversity. As a result training is brought to the users, and most of the training takes place at regional level. It could be considered as a **Promising Practice** [**See Fact Sheet No.5**].

4.5 TNA at the functional level

TNA at the functional level assesses the competences required for the successful performance of professional duties for a specific judicial profession or function. As part of this approach, some of the judicial training institutions consider not only what judges and prosecutors want for themselves but also what kind of justice (and judges/prosecutors) the society needs/wants.

4.5.1. In **Poland** the National School of Judiciary and Public Prosecution (KSSIP) is currently implementing a comprehensive TNA approach based on the creation of competency profiles for judges and prosecutors. These profiles are created separately for judges of different jurisdictions and tasks (criminal law judges, civil law judges, commercial law judges, family law judges, prosecutors dealing with commercial cases, judges/prosecutors as trainers and judges/prosecutors as mentors of trainees). These competency profiles will serve as a basis for a 360° assessment of individual judges and prosecutors using the project tool (see also **Chapter Eight**). The expected outcome is to define the gap between the defined profile and factual competence as the area for training.

The competence profiles comprise both broad, non-legal key competences and professional roles/duties and hard law competences (knowledge in the field of law, of the social and economic environment, etc.). The profiles contain guidelines on expectations of ethical behaviour and attitudes of judges and prosecutors resulting from current legal provisions and practice.

Profiles for judges, prosecutors, trainers and mentors working in the field of commercial law are already prepared. Since the process is still ongoing and tangible results are expected in the near future it can be considered as a **Promising Practice** [**See Fact Sheet No.6**].

4.5.2. Some judicial training institutions use functional TNAs in order to face the challenge of training a target group that is completely new to them.

In **England and Wales** the training of coroners¹⁸ was reassigned from the Ministry of Justice to the Judicial College in 2012. The process coincided with the appointment of a new Chief Coroner and the establishment of a new Coroner Training Committee, the members of which were also involved in the selection of trainers and delivery of training.

The Judicial College used a comprehensive functional TNA in order to assist the newly-appointed management and training bodies. An online questionnaire was developed and all 1300 coroners and coroners' officers were invited to comment on their training needs. Members of previous coroners' training groups developed a list of coroners' skills and responsibilities based on the job descriptions for coroner roles around the country. The target group members were given three weeks to complete the questionnaire. They were also asked to express their willingness to participate in telephone interviews. A final report on coroners' training needs was delivered to the Chief Coroner and the Training Committee that served as a basis for the development of training plans. The project team considers the approach to be an example of a **Best Practice** [See Fact Sheet No.7].

4.6 TNA at the individual level

4.6.1. TNA at the individual level assesses the individual training needs of judges and prosecutors. Some of the judicial training institutions consider individual training needs of judges and prosecutors in the light of the systemic needs. Different sources and methods are used in order to distinguish the objective 'training needs' from their 'training wishes'.

Some other judicial training institutions have successfully designed and implemented tools that consider not only the individual need of judges and prosecutors but the **degree** of the need by assessing previous knowledge and skills.

¹⁸ A **coroner** is a judicial office holder who confirms and certifies the death of an individual within a jurisdiction. A coroner may also conduct or order an investigation into the manner or **cause of death**, and investigate or confirm the identity of an unknown person who has been found dead within the coroner's jurisdiction. Responsibilities may include overseeing the investigation and certification of deaths related to mass disasters that occur within the coroner's jurisdiction. A coroner's office typically maintains death records of those who have died within the coroner's jurisdiction.

4.6.2. The **Academy of European Law** (ERA) has implemented an Evaluation and Impact Assessment system of training that was developed for the workshops implementing training modules¹⁹ in the area of EU family law for the European Commission.

4.6.3. Two to three months before the implementation of each workshop an initial needs assessment questionnaire and a registration form are sent to interested participants. By means of this short questionnaire, the applicants provide an overview of their professional background, their experience in the area of EU law and more concretely in the area of EU family law. The questionnaire also includes questions on why judges registered for the workshop and about what they expect from their participation in the workshop. By evaluating this information, the training organisers are able to assess which applicants are in the training target group and whose training priorities best match the objectives of the programme.

4.6.4. This preliminary TNA assessment has a dual effect on the efficiency of training. On the one hand, it leads to more precise selection of future applicants for training, while at the same time providing a stronger focus on their individual professional training needs.

4.6.5. It also represents a good example of the inter-connection between TNA and Training Evaluation, since it is coupled with a twofold process of immediate and mid-term evaluation of the effect of the training (see also **Chapter Eight**). The project team considers this to be an example of **Best Practice [See Fact Sheet No.8]**.

4.6.6. The **European Institute for Public Administration (EIPA)** has introduced an Individual Learning Needs Analysis system. Once a given topic is identified as a general training need, a training programme is designed to meet the need in question and finally the programme is opened for registration. Two to four weeks before the training, the registered participants are asked to complete a tailor-made questionnaire with a two-fold objective: a) to assess the participants' current level of knowledge and experience on the topic, and b) to inquire about specific issues of interest or concern. Currently, consideration is also being given to making the questionnaires available as online surveys. The practice increases the efficiency of training in many ways: the

¹⁹ https://www.era-comm.eu/EU_Civil_Justice_Training_Modules/kiosk/courses/Family_Law_Module_1_EN/index.html
https://www.era-comm.eu/EU_Civil_Justice_Training_Modules/kiosk/courses/Family_Law_Module_2_EN/index.html

training is fine-tuned to the audience level; practical information and knowledge of immediate interest to the participants is provided; answers to pre-posed questions related to the everyday work of participants are given, and if necessary the programme is adapted in order to meet specific and/or unforeseen individual needs.

It also presents a good example of the inter-connection between a TNA and an Evaluation of Training as it is coupled with a mid-term evaluation of the effect of the training through a web-based survey tool or telephone interviews (see also **Chapter Eight**). The project team considers this to be an example of **Best Practice [See Fact Sheet No.9]**.

4.6.7. Finally, the project team was shown an interesting hybrid form of participatory assessment that takes place in **France**. Trainee judges continuously assess the quality of their initial training and make suggestions and proposals aimed at improving the training system. Its challenge has been to develop a dynamic system allowing the trainees to continuously monitor the implementation of the programmes, assess their impact and share suggestions for improvements to the system under development as well as the forthcoming programmes.

During the evaluation process all pre-service trainees are asked to fill in a detailed questionnaire about the study period of their training at the Ecole National de la Magistrature (ENM). This questionnaire is available online on ENM's website at the end of the eight month study period in Bordeaux.

The questionnaire tends to ask trainees to assess their own improvement and determine whether they have acquired the skills their training should have brought them. Trainees are not compelled to fill out the questionnaire, but the importance of such a questionnaire to help the ENM improve its training curricula/courses is explained to them. It can take up to three hours to complete the questionnaire because of the large number of questions. The answers are of course anonymised. Around 75% of the trainees filled in the questionnaire last year.

4.6.8. The ENM has set up a mechanism for continuous assessment of its in-service curricula. Each class of trainees is divided into small groups of approximately 20 people for workshop activities. In each small group a delegate is elected. The delegates meet with the director of studies, without trainers, once a month to assess and discuss the training and see how to improve it in real time. The director of studies

then drafts a report, which is disseminated among the trainers. So the content or form of the training courses can be amended in the light of the delegates' remarks.

Every year, three or four of the delegates of the small groups engage in a long-term assessment process in co-operation with the director of studies. The task of those delegates is to brainstorm the content of the training courses, the organisation of the curricula and the pedagogy, and then make remarks or proposals to improve the study period at the ENM. They begin their work around three months after the beginning of the study period in the ENM. They do not stop this work at the end of the study period, but work on during the court internship of 10 months which follows the study period. This allows them to assess the content of the study period and the pedagogy of the ENM once they are immersed in the courts and need to use what they have learnt during the study period.

These delegates remain in touch with the director of studies, but also with the other trainees of the class, who can let them know how to improve the training at the ENM.

While carrying out their court internships, the delegates also work with delegates of the next class who are studying at the ENM at the same time. This enables the director of studies to obtain detailed feedback on the study period.

This assessment tool has proven to be very efficient. Trainees generally bring very interesting ideas, which are often integrated in the training curricula. For instance, self-study periods were added to the curriculum last year [**See Fact Sheet No. UP 1**].

Chapter five: innovative curricula or training plan in any given area

5.1 Introduction

5.1.1. Training institutions were invited under this category to describe any **Best, Good** or **Promising Practices** related to innovative curricula or training plans in any given area used by their institution and/or in their country. Under this category the experts were interested in the structure of the training activities, as well as the scope of the Training Programme.

5.1.2. In 2010 the Council of Europe published Recommendation No. 12.²⁰ Article 56 of this Recommendation, states as follows:

Judges should be provided with theoretical and practical initial and in-service training, entirely funded by the state. This should include economic, social and cultural issues related to the exercise of judicial functions.

5.1.3. As a number of the training practices put forward by respondents under this category are consistent with Article 56, the project team decided to group these practices together. The specific questions addressed by respondents that reflected Article 56 requirements included: What is a good way to combine substantive/procedural law training with training on non-legal topics? How can one training activity be combined with another, or sequenced in such a way that positively affects the impact or result of each activity? And how should a curriculum or training plan be designed to suit the practical needs of the judges and prosecutors combined?

5.2 Main themes identified in the area of innovative curricula or training plans

When the team analysed the responses provided by Member States under this category a number of discrete themes emerged that were clustered under the following set of topics:

- Protecting Categories of Training Needs once Identified
- Combining Different Disciplines in the Delivery of the Training of Judges
- Simulations and Role Play Programmes

²⁰ Recommendation CM/Rec(2010)12 of the Committee of Ministers to Member States on judges: independence, efficiency and responsibilities, adopted by the Committee of Ministers on 17th November 2010 at the 1098th meeting of the Ministers' Deputies.

- Leadership and Management Training
- Comprehensive Packages for Delivering Large Scale Training on New Legislative Programmes
- Joint Delivery of Training Programmes with External Parties
- Training of Workplace Mentor

5.3 Protecting categories of training needs once identified

It appears from the present study that there is a widespread consensus on the necessity of training future judges and prosecutors in a way that combines both legal training and non-legal training. One way of achieving this is proactively to generate a greater awareness of the need for a wide diversity of training and the need to allocate an equal percentage of training to each type of activity. This approach may, however, still not provide formal ring-fencing procedures to avoid pre-eminent (or excessive) concentration on legal activities, based on the consensus that judges and prosecutors should be good legal professionals.

In the team's view, more proactive ring-fencing is necessary.

5.3.1. In **Germany** a complex and refined ring-fencing system has been in place since 2002, designed to protect as many of the training areas as possible, once identified via a TNA. The project team commends the German model to other institutions as an example of a **Best Practice [See Fact Sheet No.10]** because it provides a clear approach to the allocation of training resources and serves as a 'declaration of intent' concerning the need to keep a wide diversity of training activities²¹. Without such firm and principled ring-fencing it is only too easy for programme planners to be deflected from their core training mission by competing demands from other vested interests.

5.3.2. Under the German system, following extensive data collection on the perceived training needs of the nation's judges and prosecutors, percentages are allocated to each area of training activity. The German respondent explains the system:

According to a formal resolution by the Programming Conference (i.e. the national training steering committee) adopted in 2002, only 45-50% of our

²¹ A more complete version of both the rationale and the process of the German method were published in 2011 by the German Judicial Academy Programming Conference as an Issue Paper 'What Constitutes Good Further Training?'

The paper can be found on the International Organization for Judicial Training (IOJT) website: <http://www.iojt.org/library/Thesenpapier%20Gute%20Fortbildung%20Englisch%20Druckfreigabeversion.pdf>

courses can be legal specialist conferences, whereas 25-30% must adopt a multi-disciplinary approach (law and medicine, law and Internet, law and ethics, law and religion, etc.), whilst another 25% of the courses should be geared to the improvement of the judges' and prosecutors' behavioural abilities (i.e. psychological, social and methodological capacities, rhetoric, communication, media training, memory training, vocal training, mediation, psychology of testimony etc.).

5.3.3. The justification for this practice is that the programme planners not only take into account as many detected training needs as possible, but also have a system in place to maintain them as protected training categories.

The 'repartition rule' (45%-30%-25%) reflects section 2 of the Administrative Agreement of the Federation and the 16 States of 1 March 1993 on the German Judicial Academy (GJA), which provides that the GJA should not only 'provide judges and public prosecutors with further training in their respective areas of expertise', but also 'with knowledge and experience of political, social, economic and other scholarly developments'. Deciding what disciplines the judiciary should engage with as part of their training is in a permanent state of dialogue, and includes interactive seminars for the improvement of the psychological, social and methodological capacities of the judges and the prosecutors as being of vital importance in a rapidly-changing professional environment.

The German training planners rely upon this framework to a significant degree in framing and protecting the content of their annual programmes.

5.3.4. An alternative approach to this issue is to be found in **England and Wales**, where the national training institution (the Judicial College) publishes as part of its training strategy a statement on the required elements of its training activities as follows:

5.3.5. The Judicial College strategy identifies three main elements for judicial training:

- Substantive law, evidence and procedure and, where appropriate, subject expertise.
- The acquisition and improvement of judicial skills including, where appropriate, leadership and management skills.
- The social context within which judging occurs. Social context includes diversity and equality.

These will be integral to the College’s training programmes.

5.3.6. In the project team’s view, the **England and Wales** approach provides another example of a **Best Practice**, because it is direct, simple and offers a strong guideline and framework for other countries to draft a planned programme of good activities [**See Fact Sheet No.10 – i**].

5.4 Combining different disciplines in the training of judges

This approach to training manifests itself in one of two ways. Firstly, if the adjudicating tribunal contains a mix of judges and other specialists e.g. doctors or accountants, it is clear that the value added by training judges and specialists together is significant. Secondly, even where judges do not sit on panels with specialist members, the project team found examples of training events bringing together judges and external professionals in mutual discussion in a way that clearly enriches the training environment.

5.4.1. The first example of a successful innovative programme adopting this approach is to be found in **Bulgaria**.

In Bulgaria, a generic blended approach towards training is applied across the board in many aspects of judicial training. In the words of the Bulgaria respondent:

It has become clear that the work of the judges and prosecutors cannot be examined separately, as it intermingles with a variety of other professions, legal and non-legal. It was inevitable for this to be reflected in the judicial professional training.

5.4.2. They explained the genesis of this approach as follows:

Originally, at the very beginning of its existence, NIJ (Bulgaria National Institute for Justice) delivered training events for specifically defined target audiences, usually consisting of one specific legal group e.g. only judges, or only court administration, or only prosecutors. Little by little this practice was expanded to include: blended training groups within and outside of the judiciary, blended training teams, blended training formats and blended institutional training within and outside the judiciary, such as:

- ***Blended training groups within and outside the judiciary:***
 - judges
 - prosecutors
 - judicial investigators
 - judicial administration
 - investigating police
 - Ministry of Justice employees
 - bank legal experts
 - media experts/journalists
- ***Blended training teams:***
 - experienced and new trainers
 - Bulgarian trainers and foreign experts
 - judges and prosecutors and investigating police
 - judges and court administration
 - prosecutors and prosecution office administration
 - magistrates and experts (doctors, journalists, financial experts; archaeologists, etc.)
- ***Blended training formats within the same subject:***
 - onsite training
 - distance learning
 - virtual forums
- ***Blended institutional training, in partnership with:***
 - Ministry of Justice (employees of the ministry, jointly with representatives of the judicial system)
 - Ministry of Internal Affairs (investigating police)
 - Academy of the Ministry of Internal Affairs (police)
 - Customs Agency (employees of the agency, jointly with representatives of the judicial system)
 - Consulting firms
 - International Banking Institute of Bulgaria (bank legal experts and representatives of the judicial system)

5.4.3. This approach has proven itself to be very successful, as it is valuable for every target group of participants to be able to see the process from another profession's viewpoint. This allows all the players within and outside of the judicial community to develop an understanding and a higher level of awareness of justice administration as a whole. In the team's view, the Bulgarian approach is proven to be an example of a **Good Practice [See Fact Sheet No.11]**.

5.4.4. The second example of a successful innovative programme adopting this approach is to be found in **England and Wales**, where judges and specialist non-judge members train together in the Social Security and Child Support Tribunal.²² The organisers explain that this programme is particularly useful in that it enables trainers to use case-specific examples from their areas of work, so that realistic and detailed discussion, both legal and subject-specific, can occur. The complex factual matters for which specialist knowledge is required are explained and interpreted by the specialist members (for example, doctors or accountants), while the judges bring their legal knowledge to the case studies, so new law can be explored, discussed and integrated into the specialist issues. Judges and specialist members devise and deliver the training in tandem. The method is used in on-going training for medical and financial members and has been used in induction training for accountants.

5.4.5. Why was this method adopted, and what benefits has it brought to judicial training? The trainers explain that for judges in child support law, where examination of personal and small company accounts is common, the judges may not have sufficient understanding of how accounts operate to keep a focused control of the hearing. Therefore, they decided to design a workshop for judges involving the examination of a complex set of accounts. An accountant was brought into each seminar group to talk the judges through the accounts at the outset, explain the headings and processes and answer questions. In the case discussions that followed, participants were able to ensure that no basic accounting errors flawed the legal aspects of the discussion. This different version of small group training was highly valued, both by the judge delegates and the accountant facilitators, who described their own learning experience as positive. The accountant trainers stressed that by participating in the delivery of training they felt part of a team, both as a group of accountant facilitators and also as a team with the judges.

²² This tribunal adjudicates complex benefit claims (sickness, disability, child support etc.).

5.4.6. So successful was the format that most subsequent training has been based on this format. A course to induct 12 new accountants (to sit on panels as specialist non-judges) was devised and delivered by a judge and an accountant. The judge was able to set out and explain the legal framework, with the accountant able to inject realism into the process by using more problematic financial scenarios than the judge alone would have been able to devise. The questions the accountant delegates posed as to how their forensic skills might be used in particular circumstances could now be answered, and the course was more challenging and of far more practical use than previous induction programmes for accountants.

5.4.7. The on-going training of medical members in medical aspects of tribunal work follows a similar pattern, whereby a doctor and a judge co-facilitate, so that the medical issues may be examined in appropriate depth, but legal aspects can be addressed as they occur in order to prevent any misunderstandings that might otherwise affect or derail the training.

5.4.8. Although the trainers acknowledge that doubling up facilitators may add some cost to the training, they argue that the enhancement of training, and in particular the depth of the training experience, merits the extra cost.

5.4.9. Reflecting on the process, the **England and Wales** respondent wrote as follows:

The apparent success of the format was captured initially in the positive feedback to the practice in the post-event questionnaires. The real effectiveness is thought to be in fostering a greater rapport between the judges and the non-legal members, and a better understanding of and respect for the skills that each professional discipline has and brings to the tribunal. This feeds into good tribunal experiences on both sides of the table, as good teamwork will lead to better outcomes both in terms of the efficiency of hearings and the user experience. This is now considered to be the appropriate way to train where possible, indeed, where different professional disciplines engage in a tribunal hearing together it seems odd now to envisage wholly separate training. That is not to say that there will never be subject-specific areas in which separate professional training may be required, but where that is necessary it will generally be done as a module at an otherwise integrated conference.

5.4.10. In the team's view, the **England and Wales** approach is an example of a **Best Practice [See Fact Sheet No.11 – i]**.

5.4.11. A different manifestation of this theme is to be found in **Italy**, where a training programme has been devised that seeks to extend the initial training of judges to include an in-depth analysis of the social, political and economic context in which the justice system operates.

5.4.12. This practice aims to introduce into the initial training curriculum content that should make young judges and prosecutors better aware of the economic, social, political and cultural context in which their judicial activity will take place. The programme seeks explicitly to reflect the values set down in Article 56 of Recommendation 12 (**see at 5.1.2.**).

5.4.13. The rationale for this approach, which has been incorporated directly into Italian guidelines for initial training, is that it is important to use training to develop economic, social, and cultural awareness amongst the judiciary in an epoch in which, for a number of reasons (e.g. development of media and social media, multiculturalism and multi-ethnicity, economic crises, and rapid developments in biology and medicine), the application of the law cannot be separated from knowledge of social sciences and other related disciplines.

5.4.14. The training practice involves the preparation of materials and organisation of discussions between newly-recruited judges and prosecutors and experts (social scientists such as sociologists, statisticians, journalists and media experts, philosophers of the law). Topics covered include the image and perception of justice and judges in society, the characteristics of social demands on the justice system, political discussions about the reform of justice, the history of the judiciary, the position of disadvantaged groups in society, judicial ethics and so forth. In some sessions, discussions are triggered by showing a film dealing with aspects of justice, which is then analysed with the assistance of a cinema expert.

5.4.15. The practice also includes the organisation of 'externships' for trainees in external agencies active in social areas linked to justice. Such agencies included penitentiaries, the Bank of Italy (i.e. the banking and financial intermediation supervising authority) and the State Attorney's offices (i.e. the agency responsible for representation of the State and some public entities in legal disputes, as well as for the provision of legal advice to such agencies). Externships have also been organised in the clerking and secretarial services of courts and prosecution offices, so that

trainees can gain a grasp of justice from the perspective of those who work with judges and prosecutors.

5.4.16. Appraisal of the programme has been conducted by a combination of detailed feedback questionnaires within the School and some of the co-operating agencies (e.g. the Bank of Italy) have also carried out their own independent assessments.

5.4.17. There was some initial resistance to the introduction of these practices. For example, there were objections to judges and prosecutors spending two weeks within the penitentiary circuit in case it encouraged too much subjectivity in their approach to justice. The programme has, however, received a generally positive response from both the expert trainers and the trainees, who particularly appreciate the fact that the exposure of initial trainees to the 'external world' is systematic rather than occasional. In this way, judges and prosecutors in the early stages of their training can acquire a deeper understanding of the realities of criminal sanctions; of the fiscal crisis, financial governance and banking supervision; of the 'deep' reasons for the inefficiencies of justice, and of the social consequences of multi-culturalism, of multi-ethnicity and of poverty.

5.4.18. In the team's view, this programme is an example of a **Best Practice [See Fact Sheet No.12]**.

5.5 Simulations and role play programmes

5.5.1. Simulated hearings and role play exercises are often used as a part of the curricula and/or training plan for the delivery of training for judges and prosecutors. A range of methods is used to ensure that the 'live experience' of simulated adjudication enhances the skills of participant trainees. As such, simulations and role play exercises fall outside the project's terms of reference as they are increasingly used as a standard training practice.

The responses to the questionnaire did, however, include two examples of simulated hearings (one in **England and Wales** and the other in **Hungary**) that the team finds to be of such originality and effectiveness that they warrant the description of **Best Practice**. Further examples of the creative use of simulations in the context of transnational training are described in **Chapter Seven**.

5.5.2. The first was the Continuation Training by Mock Hearing in the Property Chamber of **England and Wales**. In developing this programme of mock hearing seminars the Property Chamber identified a number of areas of jurisdiction and practice in which training was required. They decided to incorporate the relevant law topics into a scripted mock hearing of an application. Delegates working in groups of five or six were asked to determine the issues raised throughout the hearing in syndicate groups. Each of the topics was then addressed in turn as part of the training event, through the scripted hearing accompanied by small formal presentations and a plenary discussion. As well as addressing issues of law, the mock hearing was scripted to demonstrate issues of case management and the conduct of a hearing, using interactive role play that encourages a great deal of spontaneous intervention.

5.5.3. The continuation training is in the form of a two-day seminar. Delegates at the seminars are a mixture of lawyers, valuers, other property professionals and lay members but they attend the training event in their capacity as judicial office holders. They operate in various panel subjects. There is also a wide range of experience and expertise among delegates. Wishing to avoid subjecting delegates to two days of formal lectures, the training team also wanted to make the training as topical and relevant as possible. The areas of case management, receiving further information, and of specialised law and practice in the context of a tribunal hearing were given special importance in devising the script. This also enabled the trainers to use a variety of training methods, which made the seminar more interesting and enjoyable for delegates.

5.5.4. The mock hearing is scripted by experienced trainers, to ensure that all of the issues are adequately covered. The players are the trainers, supported by two delegate trainees nominated by their peers to sit on the mock tribunal.

5.5.5. Delegates complete a feedback form after each seminar. It was reported to the project team that the feedback was entirely positive. The opportunity to observe and participate in a tribunal dealing with these particular topics, then to discuss the issues in syndicate with other members and receive moderated relevant training, with the added opportunity for plenary discussion, was seen to be highly effective. Delegates also reported that having the opportunity to discuss Best Practice and pool knowledge and experience was extremely beneficial. It also helped members to maintain a degree of consistency. In the team's view this form of training is an example of a **Best Practice** [**See Fact Sheet No. 13**].

5.5.6. The second interesting programme in this category is run by the Academy of Justice in **Hungary**, and consists of an intensive, complex modular five-day training event for the training of court 'secretaries' (assistant judges). Court secretaries have to practise in a court for at least one year to be eligible to apply for a judge's position. During this period of preliminary practice they have to take part in obligatory training sessions organised by the Academy. The main training event is the four times one-week modular training programme, which consists of the following modules: Ethics and Judgecraft, Civil Law, Criminal Law, and a mock trial session. The five-day mock trial session takes place at the Hungarian Academy of Justice, where two training rooms are permanently furnished as courtrooms. The court secretaries who take part in the training work on the basis of a case study. What is probably unique about this mock trial training approach (in addition to its length) is that the participants play all the roles on a rotating basis (e.g. in the case of a criminal procedure the victim, the accused person, witnesses, the defence lawyer, the prosecutor and the judge (panel)). This is a true example of intensive 'learning by doing'. The mock trial sessions are video-recorded, played back to the participants and analysed with the help of the tutor judges and psychologists. At the end of the training each participant receives a DVD containing his or her 'first court trial'.

5.5.7. Mock trial sessions have been regularly used in the past six years as part of the court secretaries' modular training. Over the past years the methodology has been refined. The feedback of junior judges who participated in such mock trials when they were court secretaries indicates that they found it a very good preparation tool to help them handle difficult situations in the courtroom.

5.5.8. The project team agrees with the Hungarian respondent's suggestion that within the specific context of the need to provide an intensive training course that rapidly exposes new trainees who have common training needs to the entire adjudicative process, Hungary provides an example of a **Best Practice [See Fact Sheet No. 14]**.

5.5.9. The third interesting programme in this category is run by the National School for the Judiciary in **France** (ENM). The teaching method is framed around a pair of trainers, consisting of a judge and a psychologist. For chamber hearings, the psychologist will be a specialist in issues relating to children, families or vulnerable people. The sessions concentrate not only on the procedural framework for speaking at a hearing (i.e. the ethical and professional rules), but also on the basic rules of

conducting a verbal examination: the need for objectivity, creating a relationship with the defendant and the parties, listening, ensuring a professional attitude, and concluding the examination. The psychologist will use his or her professional insight to comment on the elements of any infra-verbal behaviour that can interfere with the smooth running of the hearing, and can thereby create unforeseen tensions in the conduct of a hearing.

5.5.10. Each session is filmed in order to enable participants to identify their qualities and weaknesses during the debriefing. Each simulation lasts a full day. The main objective of this teaching sequence is to familiarise the trainee judges with different interview techniques relevant to the conduct of a criminal hearing, making oral requisitions and chairing hearings. In the team's view this form of training is an example of a **Best Practice** [See Fact Sheet No. 15].

5.6 Leadership and management training

5.6.1. Increasingly, judges have to perform leadership and management tasks as part of their daily work in addition to carrying out their judicial functions. A number of jurisdictions have grasped the reality that judges are not necessarily good at management. Indeed some of the skills required of a judge, such as making quick decisions, do not necessarily square with those of a good manager! Because leadership and management training is a relative newcomer to judicial training, most of the examples that we have selected fall into the category of **Promising Practices**. The one exception is the programme in **France** delivered by the National School for the Judiciary (ENM), which the project team believes to be exceptional and a clear example of a **Best Practice** [See Fact Sheet No. 16].

5.6.2. The establishment in **France** of a progressive series of training courses on managerial functions is the result of a decision to upgrade the pre-existing various training modules that were disparate, poorly defined and lacking in any clear relationship to one another. A rationalisation was undertaken in 2008 by ENM, with the aim of creating a complete and comprehensive suite of training activities across a range of interrelated courses. This reflects the fact that the functions of judges in France had evolved significantly over the last 15 years. In relation to the size of the country, France has relatively few judges, and in addition judges play a significant role in running and managing the court systems. Most senior judges are now obliged to

demonstrate specific skills in administration, budget management, change management, and the functions of human resources management, communications, social dialogue and performance evaluation. The ENM has responded to these needs by developing an impressive, complex series of training activities aimed at ensuring that judges are equipped to carry out their management functions effectively. Judges have responded with enthusiasm to the range of management courses on offer. For example, in 2013, 928 judges were (voluntarily) enrolled on judicial management courses, which amounts to 11.5% of the country's serving judges.

5.6.3. French judges are expected to engage in five days of continuous training every year. They select their courses from the training prospectus published annually, covering eight general themes. One theme is Administration of Justice, and includes such topics as the tools of management (including running budgets), change management, human resource and risk management, managing stress, techniques of evaluation, measurements of efficiency, and the interface between judicial and public policy. Courses typically run for three days, although one course runs for 21 days, spread over seven modules. The above suites of courses are available to all French judges on a self-selecting basis.

5.6.4. In addition to the above suite of programmes the ENM offers two further programmes designed for specific managerial purposes. The first programme is a bespoke series of courses designed specifically to assist judges appointed to a particular management post and includes management training for new Secretary Generals, Judges as Departmental Heads within a Jurisdiction, New Heads of Jurisdiction, New Heads of Jurisdiction: One Year Later, and a Training Plan of Heads of Jurisdiction addressed to judges with at least three years of seniority in their role as head of the jurisdiction.

5.6.5. The second programme is the most recent, and was inaugurated three years ago. It is a programme designed to prepare judges interested in future management functions within a judicial entity (department heads, head of jurisdiction etc.) who do not yet hold such positions of responsibility. It consists of a broad training programme dealing with major institutional, administrative and societal issues during a cycle of 10 modules on three days per month. The programme is called the **Cycle Approfondi d'Etudes Judiciare (CADEJ)**. It has a number of unique features:

- The programme is limited to 75 participants per year of whom 60 are judges, and the remaining 15 a mix of professionals working in other areas of the justice system (senior courts administrative staff, members of the gendarmerie, the prison service, and the finance departments).
- The programme lasts a full 12 months and participants attend the course for three consecutive days per month.
- The three-day events consist solely of plenary sessions addressed by a wide range of experts from a number of different disciplines by way of lectures and round table discussions. The topics in 2012 included judicial authority and the state, justice and security, justice and society, change management, financing justice, international justice and so on.
- The approach to all topics is at a high intellectual level and often of a theoretical nature, and debates focus more on broad philosophical ideas, management theory and 'blue sky thinking', than practical analysis. The emphasis is on stimulating big ideas.
- The programme also divides the delegates into small groups who work together throughout the year researching a broad practice issue of a jurisprudential nature (access to justice, budget control, deontological issues etc.), and present their findings to the whole group at the end of the year. The group topics are chosen by the ENM management, and are not selected by the group.

5.6.6. Crucial to such a course is ensuring that the right people attend, and that the selection of these people is carried out via a transparent and fair process. If this were not the case, obvious political sensitivities would emerge, with a possible perception that the leadership and management judges for the future justice system were being pre-selected. These fears have been largely removed by the establishment of a monitoring and selection committee that gathers together the representative bodies of the Judiciary, including representatives of the Higher Council of the Judiciary, the Ministry of Justice, Conference of Chief Justices, Attorneys General, presidents and prosecutors and judicial trade unions.

5.6.7. In the course of the study visit, the team was told that analysis of the evaluation forms on all of these courses has shown a high level of satisfaction. The CADEJ course is still in its infancy, however, so at this stage the team describes it as a **Promising Practice** (within an overall **Best Practice** programme) [**See Fact Sheet No. 16**].

5.6.8. **Finland** has adopted a system of management and leadership training, providing continuous management training every year to all levels of leadership in their organisations. The main target of the management training has been, a) to adapt the leaders to the 'management by results' system operating in the state administration, and b) to strengthen their competences in leadership, personnel management, creating a good work climate etc. In addition, senior judges have also been given training in the competences necessary to lead the application of law by setting the goals for each court with their resident judges, including such matters as case allocation, balancing the workload of judges, the need for uniformity in the handling times of cases and the application of law, and dealing with independence issues.

Two further approaches to leadership training are being developed:

- a) A system of leadership and management coaching and supervision, the overall objective being to create conditions conducive to good workplace culture and well-being. The aim is the creation of an interactive management culture. The specific objective is to develop leadership through inspiring people. Leadership training is also designed to promote good 'network management' between judges and the other professionals with whom they interact in the course of this work. This programme lasts about seven months and consists of six classroom teaching days, plus a number of further days of networked coaching activity.
- b) Mentoring is a key objective of the new management culture of the administration of justice sector. Mentoring in Finland is a goal-oriented way of monitoring a judge's work and professional skills development. The learning method of mentoring is compact, unique and personal. Mentors are aware that they are sometimes dealing with very confidential matters by knowingly and purposefully supporting the development of another human being in his or her career, both professionally and as a person.

In the team's view this example from Finland provides evidence of a **Promising Practice** that can be applied to training judges and prosecutors [**See Fact Sheet No. 17**].

5.6.9. The project team also found other less comprehensive variations of the French approach to the topic of leadership and management in a few other jurisdictions. They can be described as **Promising Practices**, because of the relatively early stage of their development in **Belgium, England and Wales, EIPA** and **The Netherlands**.

5.6.9.1. In **Belgium**, a course and coaching in project management for judges, prosecutors and court staff members has been developed to encourage better co-operation and exchange of information between members of the judiciary and their staff members. After being trained in project management techniques, the participants receive customised coaching in order to specify their objectives and build up their own project management plan. After a few months of practical work on the project management plan, the projects are presented by participants at a forum with a view to the projects becoming new benchmarks for Good Practices. The ultimate aim of this course is to make the justice system more efficient by using better processes and appropriately adapted management tools. The team sees this as another **Promising Practice** [See Fact Sheet No. 17 – i].

5.6.9.2. In **England and Wales**, the Judicial College is in the process of developing a leadership and management development (LMD) programme for judges in all jurisdictions who have leadership and management responsibilities (Leadership and Management Judges: LMJs). Following consultation with a large number of senior judges, judicial human resources and external bodies, the first programme was launched in 2014. Each programme will last for approximately four months and is expected to run twice a year. With a capacity for 25 judges per programme, the programme is fully funded by the Judicial College and priority for places will be given to those judges who have been recently appointed to leadership or management roles. Newly-appointed LMJs will be required to complete all three modules of the programme within one year, whilst existing LMJs may attend any modules of the programme. The modules are as follows:

- Module 1: Understanding your Organisation, Communicating and Working with other Organisations
- Module 2: People Management
- Module 3: Managing Yourself as Leader

The emphasis of the programme is on practical learning and the application of key leadership and management skills and attributes. Full use will be made of online resources and internal (both judicial and training) expertise to ensure optimum relevance of materials and cost efficiency. The programme will comprise:

- A one-day face-to-face workshop to launch each of the three modules

- A number of work-based and online activities for each module to complement and apply what is learned in the workshop
- A trained mentor will be offered to each newly-appointed judicial leader/manager for up to 12 months. This mentor will be a judge with recognised leadership/management ability

The team considers this to be a **Promising Practice [See Fact Sheet No. 17 – ii]**.

Plans are underway for an online programme designed for judges who aspire to a leadership or management role in the future. The aim of the programme will be to provide information about the nature of such roles and the skills and qualities required. It will also provide an opportunity for judges to reflect on their own readiness, skills and development plans for such leadership or management roles.

5.6.9.3. **EIPA** has developed training programmes which combine EU law topics with topics related to the organisation and management of justice institutions (courts and public prosecutor offices). According to the respondent, the programme is composed of a series of seminars related to the introduction of Total Quality Management (TQM) into the judiciary and is designed for court presidents, chief prosecutors and heads of administration. With the overall objective of introducing TQM into the courts and public prosecutor services, the participants review the situation in their institutions, including how the work of their institutions is perceived by their 'client', the press, politicians, etc., and whether there is a need for improvements to current procedures and practices. These programmes are divided into different levels (i) awareness-raising; (ii) specific TQM (self-assessment tools and how to use them); (iii) how to plan and implement plans for improvement; (iv) how to ensure continuous TQM improvements. The team also considers this to be an example of a **Promising Practice [See Fact Sheet No. 17 –iii]**.

5.6.9.4. In the course of the past few years, the Training and Study Centre for the Judiciary (SSR) in the **Netherlands** has developed a comprehensive curriculum of leadership and management development programmes, both for the Dutch courts and the public prosecution service. This was at the request of, and in close consultation and co-operation with, the Council for the Judiciary and the Board of Procurators General. Previously, management and leadership training programmes took place within the Dutch judiciary and prosecution service on an ad hoc basis and without any involvement on the part of SSR.

Nowadays, there is a complete set of training programmes in place for different target groups at different levels within the Dutch judiciary. An important added value of the involvement of SSR is that SSR – being the national and only training institution of the judiciary in the Netherlands – can bring in their expert knowledge of judicial organisation in the Netherlands and their knowledge of how to set up training curricula for this specific target group. External trainers are involved for certain specific topics, but the overall design of the programmes lies with SSR.

The programmes are aimed at various management levels within the court system and the prosecution service: board members and high level managers from courts and central supporting organisations of the Dutch court system; heads of court departments (chambers); heads of teams (both in courts and in prosecutors' offices); heads of operational affairs (within the prosecution service); as well as at future or potential presidents of court and board members and future heads of departments.

The training programmes focus on 'hard' management and leadership skills (such as financial management), but the skills to develop personal leadership – and thus personal development – also form an important part of the curriculum. Personal leadership is already firmly embedded in the new initial training programme for judges. This includes peer group consultation and personal coaching (both by colleague judges and external coaches).

An important notion behind the leadership and management training programmes is the idea of 'collectivity' and co-operative identity. In addition to the importance of the training programme for the individual members, the programmes aim to strengthen judicial organisation while developing a common and shared ambition, vision and set of principles. 'Collectivity' also means that the training methods used underline the importance of sharing knowledge and the power of learning from one's colleagues. As the programmes are still being evaluated, the team also considers them to be examples of a **Promising Practice** [See Fact Sheet No. 17 –iv].

5.7 Comprehensive packages for delivering large-scale training on new legislative programmes

5.7.1. When confronted with large-scale legislative changes or significant evolution in case-law or when a new important international treaty starts to apply in a jurisdiction, training institutions have to find a way to train large categories of people quickly and

effectively on these matters. This training has to take place in a timely, uniform way and must also be cost-effective.

5.7.2. One common response to this challenge is to offer a combination of conferences and modern tools for disseminating the information, for example via the Internet. A good example of this approach is to be found in **Romania**, where it has been necessary to retrain the entire judiciary in four new Codes: the Civil Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code. This approach began in 2011 with the creation by NIM of a continuous training programme. This major training challenge had to be organised in such a way as to follow a logical order, via a structured training strategy with clear steps and stages.

5.7.3. Bearing in mind the fact that the new provisions contained huge volumes of information that had to reach every judge and prosecutor, and also taking into consideration the importance of finding the right learning process, NIM drafted a unitary, centralised strategy. The first step was to identify trainers who were able to deliver seminars on the new Codes. Once established, the network of trainers organised concentric circles of decentralised seminars that were continuously enlarged. The training curricula were continuously updated. National conferences were organised at centralised level, with online broadcasts and video recordings delivered at decentralised seminars for all judges across Romania.

5.7.4. Training materials were simultaneously developed and enlarged, based upon the lecturers' presentations and the debates that took place during the conferences. The debates were transcribed by NIM staff and included in handbooks that – with each lecturer's permission – were published on the NIM's website. e-Learning modules for the new Codes have also been developed. In addition, NIM also organised 'train the trainer' activities. These trainers were then used in seminars also organised by the NIM that resulted in more than 1,000 judges and prosecutors engaging in training activities at decentralised level.

5.7.5. Taking into account the results so far (the high number of judges and prosecutors familiarised with the new Codes, the training carried out by both judges and prosecutors and by other legal professionals) and the general availability of the information gathered in these programmes, the team were of the opinion that this a **Best Practice [See Fact Sheet No. 18 and No. 25]**.

5.7.6. Another solution to a similar challenge was found in **France**, where the ENM have adopted a system of multi-dimensional support of a legislative reform that may involve a significant number of judges. In France, it appears that some legislative changes have required an immediate application, thus resulting in the need to quickly train a large number of judges. The ENM established a mechanism that combined a face-to-face approach with an e-Learning method.

5.7.7. The activities are organised around four main themes:

- The establishment of national continuous training in Paris, opened to a large number of judges and to the partners of the judicial institution affected by the reform, preceded by detailed information addressed to the heads of the Court on the nature of this session.
- The design of an e-Learning course on the reform, uploaded onto ENM's Intranet and made accessible to all judges and clerks of France at the time of the adoption of the reform.
- Development of paper documentation and a CD-ROM including fact sheets.
- The organisation of follow-up decentralised continuous training courses, i.e. in the nine courts of appeal where the ENM's regional training coordinators carry out their duties.

5.7.8 According to the information provided by the ENM:

Judges were very pleased with the combination of various training tools available to them. All e-Learning users have commented upon the importance and richness of this training tool, which is accessible at any time, as the training time frame was particularly tight.

The training helped to raise the awareness of judges on how they are perceived by users of the justice system. Representatives of users affected by the reforms were invited to observe training sessions.

5.7.9. Taking into account the multi-faceted organisation of these complex training programmes and their effective application in the French system, the team believes that this constitutes a **Best Practice** [**See Fact Sheet No. 18 – i**].

5.7.10. Another way of addressing the same need is presented by **ERA**, which at intervals organises large-scale series of seminars in the Member States aimed at raising the national judiciary's awareness of a major new piece of legislation at EU level.

5.7.11. This approach was designed to tackle the training of judges after the adoption of a major EU legislative change, which may assign a new role to that of the national judge. This practice is used in an international environment and allows a rapid and better implementation of the new legislation, which is intended to develop a harmonised interpretation of these rules throughout the European Union.

ERA comment:

For example, this practice was implemented by ERA immediately after the adoption of the EC Regulation 1/2003 introducing the new Competition Law regime across the EU. Even before the entry into force of the new regulation in May 2004, ERA started offering basic training for the judiciary in various Member States. A kind of standardised programme was drafted and adapted to the specific needs of each judiciary. ERA has continued this large-scale training since then, although the focus has recently shifted from basic training to more advanced or sectorial training. Basic training on this topic has now been replaced by a basic stand-alone e-Learning course on the ERA website and available to everyone, in particular national judges.²³

5.7.12 The specificity of this approach lies essentially in the international environment in which the ERA operates and the large-scale series of seminars which were co-founded by the European Commission's Directorate General for Competition and the commitment of 14 EU Member States. As a result, some 30 national training seminars have been organised for the judiciary **of Bulgaria, Croatia, the Czech Republic, Finland, Germany, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden** and the **United Kingdom** since 2005. The team concurs with the opinion of the ERA that this is a **Good Practice [See Fact Sheet No. 18 – ii]**.

5.8 Joint delivery of training programmes with external partners

5.8.1. There are some areas of expertise that are closely connected with practical issues in the daily work of judges and prosecutors and which are not best presented by legal practitioners. Such areas include forensic sciences and communication skills. Forensic professionals may be better placed to teach topics related to their domain. Expanding on this idea, some schools presented their experiences of collaboration with external partners, for example, the local Opera House or Institute of Forensic Research.

²³ <http://www.era-comm.eu/elearning/comp/index.php>

5.8.2. An example of such co-operation comes from **Portugal**. The Centre for Judicial Studies (CEJ) has recently included in its annual plan of activities for continuous training an innovative initiative on the topic of 'Image and voice, rhetoric and argumentation'.

5.8.3. The Portuguese respondent to the Project described the value of the course as follows:

As leading figures in judicial hearings and audiences that are usually open to the public, judges and prosecutors should improve the way they communicate with the other participating parties in any judicial activity. In fact, while expressing themselves orally in the court room – a public space – judges are also playing an important role in making justice more understandable to ordinary citizens.

5.8.4. A partnership agreement has been signed between the CEJ and the São Carlos National Theatre (the Opera House in Lisbon) for this particular event. The course takes place in its auditorium and on the stage. The trainers are professors at the High College of Theatre.

5.8.5. The feedback from the participants on this experience-based course indicates a very good level of satisfaction and a very positive evaluation.

5.8.6. In the team's opinion, the Portuguese collaboration with the Opera House is a good example in this category. The experience-based courses led by respected professionals outside the area of justice are a good tool for improving the skills of the legal profession and it is an appropriate method for training adults. Taking into account the fact that the CEJ have not presented consolidated results to date, the team believes that this is a **Promising Practice** that is worthy of further development and study [**See Fact Sheet No. 19**].

5.8.7. Another area of training that needs to be developed together with specialists from outside the strictly legal domain is that of forensic practice. The training offered in **Poland** on the 'medico-legal and forensic aspects of the acquisition and use of biological traces of evidence' provides a well-organised example of co-operation between prosecutors and forensic scientists. According to our respondent:

Contemporary lawsuits are often informed by legal experts' opinions. In addition to the traditional expertise that has operated for years in criminal proceedings (e.g. fingerprint or toxicological expertise), new forms of expertise have recently appeared in criminal proceedings such as DNA analysis, although this has not been applied before on a large scale. On the one hand, this new training activity explains and clarifies the capacity of new methods of expertise, but on the other hand it also discusses the most problematic practical issues of proper communication between the experts and their clients. These issues are discussed in the context of frequent inquiries and decisions regarding the admission of an expert's evidence as well as the interpretation of expert application made by all participants in the judicial proceeding.

5.8.8. The training activity is targeted at criminal judges and public prosecutors in the form of seminar sessions. In Poland, there have been many situations where the professional participants in the hearing have not been able to apply their expertise appropriately. In response to this problem, a seminar series has been devised in order to enhance the quality of future criminal proceedings. The seminars aim to provide criminal judges and public prosecutors with a systematic knowledge of the evidential value of biological traces and promote the wider use of such methods of expertise in criminal proceedings. The basic subject matter of the seminar and key problems have been designed in consultation with expert witnesses.

5.8.9. Training activities are divided into four modules covering a range of issues, including forensic biology, forensic toxicology, the science of genetics, science in criminology, science and forensic medicine, and using evidence of biological traces in criminal proceedings. The specificity of this practice is that emphasis is placed on communication between the judge and the prosecutor on the one hand and between the judge and the expert on the other, as well as on the errors and difficulties in the assessments. Communication and understanding information is the key driver.

5.8.10. The activities take place at the premises of the National School of Judiciary and Public Prosecution in Poland (KSSIP) and consist of four sessions, each lasting two days. The courses involve experienced prosecutors and forensic specialists, criminology experts from the Institute of Forensic Research in Cracow, a major research institution in Poland. The lecturers are very experienced in conducting professional training for the judiciary. According to the Polish respondent:

This training activity is very popular, as demonstrated in numerous official writings and demands for repeat sessions. Therefore, reserve lists of new participants are regularly created. Due to the fact that training is expensive, the KSSIP do not have the financial capacity to operate more than one edition of this training annually.

The team considers this to be an example of a **Best Practice** [See Fact Sheet No. 20].

5.9 Training workplace mentors

Providing newly-trained judges and prosecutors with workplace mentors is fairly common across the European Union. We offer some examples of different approaches to this practice.

5.9.1. In **Bulgaria**, during the compulsory training phase, junior judges and junior prosecutors are exposed to both theory and practice, as provided to them by acting judges or trainers. This practice provides the junior judges with valuable, practical knowledge and skills, assists their smooth transition into the judicial system and delivers on-going monitoring of the young judge’s professional development. Ultimately, it contributes to the judiciary being refreshed by the advent of younger, skilled professionals.

5.9.2. In the course of their nine months of training at the Bulgarian training institution (NIJ), the junior judges sit interim tests and participate in mock trials. When they begin their active professional work, they still need the expert guidance of a mentor to facilitate their integration into the judiciary and provide them with practical tools to handle their day-to-day obligations. NIJ is mandated by law to follow up the performance of its graduates during their first two years within the judiciary. The mentors are trained by NIJ and periodically meet together to exchange Good Practices on how to keep the performance of the junior judges and prosecutors in line with the initial training received at NIJ.

5.9.3. This system also provides NIJ with feedback information about the adequacy of the initial training programme (content, organisation, etc.) when faced with the demands of real life. The mentors are also involved in the evaluation of junior judges and prosecutors, which is carried out by the Supreme Judicial Council (SJC). The mentors submit reports to the NIJ on a quarterly basis detailing their activities as a

mentor, the cases they have examined, events attended, observations on the mentee's performance etc. The NIJ Initial Training Department places all data received in the personal file of each junior magistrate and submits it to SJC.

5.9.4. In the **Netherlands**, the initial training programme for judges and prosecutors is a 'dual-training programme' i.e. trainees work at a court or prosecutors' office and only come to the training centre at regular intervals for short training courses. This means that an important part of the actual training takes place at the workplace itself. This 'learning by doing' is carefully guided by a team of workplace trainers and mentors who are judges and prosecutors who use part of their working hours to act as trainers/mentors to a number of trainees.

5.9.5. The workplace trainers and mentors play a crucial role. They instruct, train, coach and guide the trainee, and provide feedback on their performance. It is, therefore, important that they themselves are well-trained and well-equipped to carry out this role. To this end, SSR has developed a varied programme of courses and other activities for these workplace trainers and mentors aimed both at beginners and those with more experience. The programme includes coaching, peer consultation sessions and master classes. In addition, in 2012 a digital handbook for workplace trainers and mentors was published. SSR regularly organises a Day of the Workplace event for these workplace trainers and mentors, which enables them to share experiences and strengthen their networks.

5.9.6. Similar initiatives exist in other countries of the European Union but the team offers the examples above as templates of **Good Practice** in the area [**See Fact Sheet No. 21 and 21 – i**].

Chapter six: innovative training methodology

6.1 Introduction

Within this category, the project team was looking for **Best, Good** and **Promising** innovative training methodologies that most effectively demonstrate successful learning outcomes and asking the question: under which circumstances and for which target groups?

Note on face-to-face training

Whereas face-to-face training is no longer the exclusive format for judicial training in Europe – e-Learning and other distance learning formats are now widely used – it still remains the principal method used to stimulate learning experiences in the judiciary. Therefore, the methodology for this type of training is of paramount importance.

Amongst the different principles the team adopted when identifying **Best, Good** and **Promising Practices** in this area, the experts noted that:

- Improving face-to face teaching and learning is a response to the need to promote more interactive learning in a profession in which training and self-training are perceived as a necessity.
- New face-to-face training methodologies are most likely to assist judges in discussing not only the law, but also judgecraft and helping them to learn management skills.
- Face-to-face methods are especially necessary in areas in which distance learning methods are less effective and in which interaction is needed at a fairly high level of interpersonal contact (e.g. sentencing, confidential expertise such as in investigation techniques, train-the-trainer strategies).

6.2 Using modern technology-based tools for training

From the answers received, the team identified several training methods using these tools:

- Online training or e-Learning
- Blended training (a combination of distance learning and face-to-face learning)
- Using an Extranet and discussion forum in a distance learning portal

- Extensive use of online podcasting and video-conferencing
- The ‘Live Case’ teaching method.

6.2.1. Use of online training or e-Learning

6.2.1.1. The use of online training or e-Learning is becoming increasingly important to the development of judicial training in Europe. Financial constraints are making it more and more difficult in most countries to maintain the customary level of traditional face-to-face training initiatives that involve high travel and accommodation costs. e-Learning is more cost effective, as it makes it easier for judges to reconcile their professional duties with attendance at training sessions. In addition, the unified design of online training initiatives, if well done, can ensure a high standard of content that repeated local initiatives cannot always ensure. Standardisation also makes it easier to plan e-Learning initiatives.

The benefits of e-Learning are now well established, and include the following:

- It enables a large number of people simultaneously to follow the same training session.
- It allows judges and prosecutors to retrieve training materials digitally at a time that suits them, without disrupting their daily work.
- It avoids time-consuming travel that causes unnecessary fatigue.
- It allows financial savings on travel, meals, and accommodation.
- It allows for the rapid organisation of training programmes, thereby avoiding a heavy organisational structure.

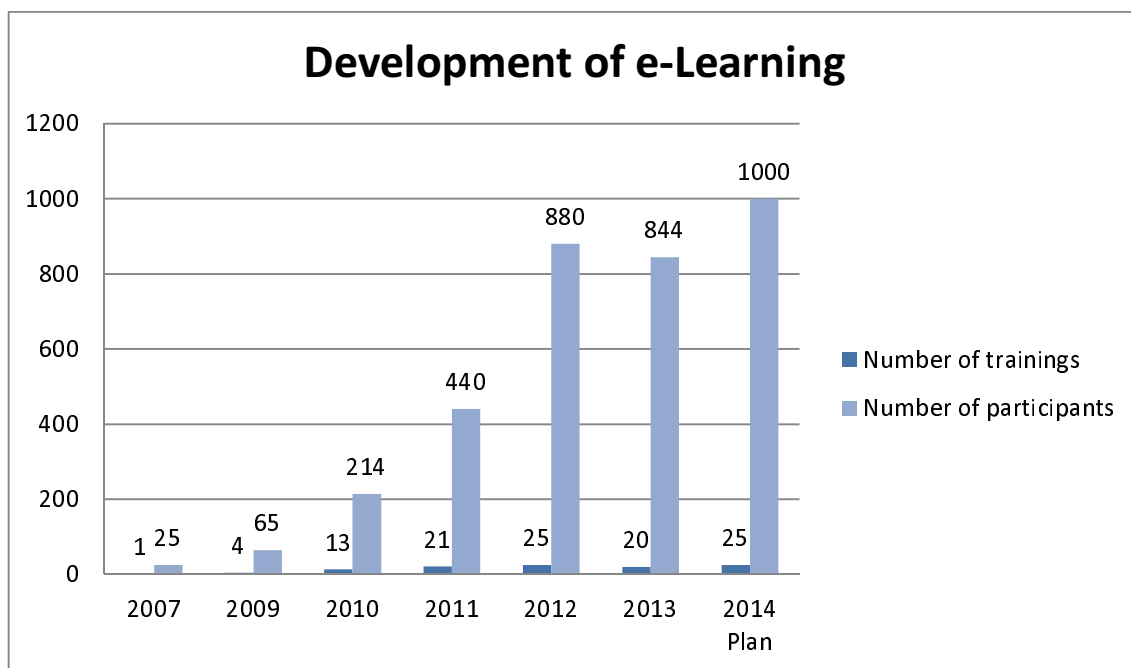
6.2.1.2. In **Bulgaria**, since 2009 the National Institute of Justice (NIJ) has been providing e-Learning through its Distance Learning Portal and Discussion Forum, in addition to its Extranet²⁴. The distance learning courses usually last three to four months. During that time the participants are in online contact with one another and with the trainers. They can access the information from any convenient location, allowing them to better manage the time they are willing to dedicate to training and exercise more control over the learning process. Courses usually contain reading materials, presentations, case studies and short video clips. Assignments and tests are given by the trainers and submitted by the participants exclusively online.

²⁴ The first pilot e-Learning course was delivered by NIJ in 2007 under a twinning project with the Judicial School of Spain, using the Distance Learning platform of the latter. See point 6.2.3.1 for a presentation of the Extranet.

6.2.1.3. The Discussion Forum is an integral part of the distance learning training and provides for discussion of topical questions referring to the subject matter of the course. Where necessary, the Forum may be used as the place for further discussion of the case studies and practical examples dealt with in the training modules. Active participation in the Discussion Forum during the training is among the criteria for the award of the Certificate of Completion. The practice was initially combined with a meeting of the participants and the trainers at the beginning and end of the training, but this has been suspended for financial reasons.

6.2.1.4. Cost-effectiveness is one of the main advantages of this practice and it is estimated that, once established, it costs three to four times less than face-to-face training. The Distance Learning Portal and Discussion Forum are both based on open-source free software (currently Moodle 2.6). Two full-time IT staff members are in charge of the adaptation, providing regular software upgrades and maintaining the whole system, including the Extranet. The only other costs are those incurred by the development and delivery of the training courses, which are comparable with those for face-to-face training sessions. The latter are in fact much more expensive because of the additional costs for transportation and accommodation of participants and trainers.

6.2.1.5. Distance learning is rapidly gaining popularity among Bulgarian judges and prosecutors and currently between 12 and 15 % of their training is delivered online. The number of training courses and participants has been growing steadily over the years:



One Bulgarian judge who has taken several such e-Learning courses reported as follows:

I took part in e-Learning, once on the topic of Waste Management, and the next one was about Environment Impact Assessments. Both were very interesting and helpful. With each of them you can learn everything you need to know about the subject without leaving the office. This kind of learning saves time and efforts, and there is another very special benefit – you can directly ask the teacher questions on which you are especially interested and get the most useful answers which are possible in practice. So, in general it is a great idea. I know that many of my colleagues have used such training on various matters that are of interest to them.

Another judge who has taken six such courses also reported positively:

Some of the courses have online discussions which are used by judges to standardise practice through exchange of ideas. We appreciate the ease with which we can ask course tutors questions by e-mail. Judges outside the capital have found it useful as they do not have to travel to the National Institute of Justice in Sofia.

The team has concluded that this provides an example of a **Best Practice** [**See Fact Sheet No. 22**].

6.2.2. Blended training

6.2.2.1. Blended training, i.e. the combination of distance learning and face-to-face learning, also combines the advantages of both methodologies, by assigning to e-Learning those phases of training programmes that mostly rely on theoretical or practical learning rather than inter-personal contact, and by leaving to face-to-face teaching and learning (which can be scheduled before or after the e-Learning phase) the promotion of more interactive activities, even if an efficient e-Learning course is also a course which notably uses an interactive training methodology. The development of information technology and telecommunications now makes it possible, in most countries of the EU, to use these new instruments of communication, provided that computer networks and telecommunication are sufficiently developed and available to judges and that users are familiar with their use. Several benefits can be identified in such use.

6.2.2.2. **Netherlands** and **Spain** are both strong exponents of the use of blended e-Learning whereby face-to-face and e-Learning are seamlessly interwoven. In the **Netherlands** a blended course consists of a self-study component and a face-to-face meeting of a maximum of one day, sometimes of only a few hours. The self-study component of the course is accessible via 'the digital learning environment'. The digital module is made up of several lessons, e.g. preparatory assignments, self-assessment quizzes, short web lectures with or without self-test questions, materials to read before the face-to-face meeting, background information materials, and a forum also provides the possibility of raising in advance questions that can be answered at the meeting. It also indicates to learners how much time the self-study component should normally take. The group meeting takes place afterwards and can be national, regional or local, or at a specific court or prosecutor's office.

6.2.2.3. In **Spain**, the Spanish Judicial School has developed blended e-Learning courses, particularly in the area of European law. This practice was begun in 2004 and different courses have been developed in the areas of co-operation in civil and criminal matters and in competition law. Some of these courses have benefitted from EU action grants which have provided the funds in order to conduct the courses not only in Spanish, but also in English and French and thus open them to judges and prosecutors from other EU Member States.

6.2.2.4. Courses are always structured as follows. First, participants take part in an e-Learning course that usually lasts for approximately eight weeks. Group or individual assignments must be completed by a given deadline and interactivity is encouraged through online fora. Those participants that successfully complete this course are then invited to attend a short two-day seminar in order to further develop their acquired knowledge and evaluate their learning process. Attending the seminar is an incentive for completing the online course and also allows participants that have interacted online to meet in person. Because participants have previously followed the online course the seminar can be much more focused on the practical problems that judges and prosecutors face in their work.

6.2.2.5. The Spanish Judicial School has re-used the online courses several times and up-dated and expanded them, very often on the initiative of former participants who have also used the e-tools in order to react to new legislation or case law developments. These courses have played a major role in the creation of a network of judges who specialise in EU law and who are regularly consulted by other judges.

6.2.2.6. The benefits of these practices are:

- They ensure that the participants have the same and sufficient level of knowledge before the face-to-face meeting.
- During the training, the participants can focus on the more practical application of knowledge exercises and the exchange of experience.
- It makes the contact between the trainer and the participants more effective.
- The materials and the digital learning environment remain accessible whenever the participant wants to consult them, before and after the course.
- Flexibility: part of the course is carried out at a time and location that suits the participant.

6.2.2.7. In the team's view, the practices in both the Netherlands and Spain are examples of a **Best Practice** [See Fact Sheet No. 23 and 23 – i] in blended learning that can be used across Europe, wherever there is a functioning digital environment which is easily accessible for the participants and the additional hardware with the potential for listening to and watching audio/visual materials. The main advantage is that participants are well prepared for the face-to-face training that will improve their active participation and will enable them to better retain the content of the training.

6.2.3. Use of the Extranet and discussion forum in a distance learning portal

6.2.3.1. In **Bulgaria**, since 2009 the National Institute of Justice (NIJ) has been using an **Extranet** in addition to its Distance Learning Portal and Discussion Forum²⁵. It plays a supporting role in the training process. The judicial environment in Bulgaria is in perpetual gradual development. Within this environment, the practice meets the need to provide a reliable source of information that is regularly updated, and can be easily accessed and consulted.

6.2.3.2. This professional virtual space was created in 2007-2009 as part of EU-funded projects. Initially it was designed as a communication tool to serve the judiciary in matters relating to European law. It has been further upgraded to serve as a platform for exchange of information between the network of EU law co-ordinators in the courts. Currently NIJ is uploading a great variety of training and information materials for professional use by judges and prosecutors who are registered as users.

6.2.3.3. Since 2012 this professional virtual space has also been opened to trainee judges and prosecutors. All practical training materials (court decisions, assignments and exercises used during their 9-month initial training at the NIJ) are uploaded onto the Extranet and the participants can consult them from anywhere. Additionally, in 2013 under an EU-funded project the NIJ has purchased e-books for trainee judges to assist them in the learning process during their initial training²⁶.

6.2.3.4. The team has concluded that this provides an example of a **Promising Practice** as it has potential but requires a significant investment in order to make available and maintain the necessary information [**See Fact Sheet No. 24**].

6.2.4. Extensive use of online podcasting and video-conferencing

6.2.4.1. **Romania** makes extensive use of online podcasting and placing records and transcripts on the Internet. This practice has been described in **Chapter Five** at 5.7. It provides an example of a **Best Practice** [**See Fact Sheet No. 25**] which can be applied anywhere, if the technical equipment is available. It has achieved its

²⁵ See 6.2.1.2 for a presentation of the Distance Learning Portal and Discussion Forum.

²⁶ Approximately 30,000 euros for the development and upgrade of the Extranet and approximately 18,000 euros for 70 e-books.

objectives of quickly reaching a wide audience at a low cost. It also ensures a uniform quality of training by renowned and highly-skilled teachers.

6.2.4.2. In **Portugal**, a large number of continuous training activities are now delivered to participants using the video-conferencing system, especially when dealing with topics on the approach to new legal instruments under scrutiny for discussion and debate. This practice allows interaction from different points of reception to the 'home event', and it is often combined with a special e-mail box, where participants may send questions and remarks and await a live reply. The benefits of this practice for users are that it:

- Avoids major transport costs and saves time.
- Reaches its audience either live or at a time of the user's choosing and is located in several places at the same time.
- Allows the simultaneous attendance of participants, making it much larger than the capacity of a standard training event.
- Allows exchanges between trainers and target audience.

It is, therefore, an example of a **Good Practice** that can be used everywhere if there is sufficiently widespread and efficient video-conferencing equipment. It reaches a large public audience at low cost combined with high quality and flexibility of use. It also helps to provide uniform training and quality through selected trainers [**See Fact Sheet No. 26**].

6.2.5. The 'live case' method

6.2.5.1. The 'live case' method is a hybrid between learning from a guest teacher (e.g. a judge at court) and learning from a case study (via a teacher in a training institution). It involves dealing with a case in 'real time' by way of a virtual connection, via video-conference, between a training institution and a court, during an oral hearing. The team found a well-developed example of this method which they consider to be an example of a **Best Practice** in **Spain** [**See Fact Sheet No. 27**].

6.2.5.2. This method involves participation in the relevant court proceedings from its inception in the courthouse to its end. The Spanish Judicial School enters into a

partnership with a court, thus allowing the proceedings to be followed by trainees via video-conference until the conclusion of the case.

6.2.5.3. Before the training, it is essential to hold a planning session between the teacher at the school and the guest teacher in court, in order to select the case or cases to be dealt with in a 'real time' session, as well as to develop key decision points which fit with the pedagogical objectives. They may include for example, interlocutory discussions with the judge or the trainee giving their own decision live to camera in the training institution at the same time as the judge in court.

6.2.5.4. To ensure that trainees are able to contribute meaningfully to the process, they need to prepare for the 'real time' session in advance by reading the materials from the proceedings and other materials. At the end of the 'real time' session, a general discussion is held between students, teacher or judge via a video-conference, focusing on questions previously provided to the students with the pre-course materials. For this practice, a widespread use of technology is required.

6.3 Note on training the trainers: a selection methodology

6.3.1. Judicial training agencies at national and European level all seek to ensure that training is delivered to a consistently high standard by qualified and experienced trainers. This is especially the case when training is addressed to persons who are entering the judicial or prosecutorial profession. Solid foundations for trainers in this area require an awareness of accepted adult learning principles, as well as good presentation and communication skills. As the project team did not specifically seek examples of 'train the trainer' programmes in the questionnaire, they do not have examples of practices to put forward under this category. The study suggested, however, that there are a number of standard teaching methodologies aimed at training trainers, all inspired by adult learning principles such as 'learning by doing' and 'case study' techniques. Specific 'train the trainers' programmes are also widely used to match initial training provided by workplace-based mentors when they form part of the training team. Setting up a network of mentors and trainers allows training agencies to build a qualified training support team that is readily accessible to trainees when needed, even outside formally planned training initiatives. However, it is clear from the analysis that there is a particular need to train trainers in the provision of IT-assisted out-of-the workplace training guidance.

6.3.2. The team received from **Romania** an example of a holistic model for the selection, training, evaluation and development of trainers which they consider to be a **Good Practice [See Fact Sheet No. 28]**. The NIM reported that its trainers are selected mainly from the judiciary, as well as from academia and experts. There are 3 categories of trainers: full-time trainers, part-time trainers and co-ordinators of internships. All NIM trainers are included in a list of trainers that is approved both by the NIM's Scientific Council and by the High Council of Magistracy. The list is public. The training staff is recruited for both initial and continuous training by means of a public competition.

6.3.3. Trainers are annually assessed based on specific methodologies adapted for each type of training. The annual assessment of trainers and co-ordinators of internships is conducted according to four sources of assessment:

- a) The self-evaluation filled in by the trainer/co-ordinator of internships
- b) The assessment made by the person responsible for the particular field of study
- c) The feedback forms filled in by participants in the training events
- d) The assessment made by the NIM's specialist in educational sciences.

NIM believes that the quality of the training provided depends entirely on the trainers used. A document regulating the recruitment, assessment and possible termination of the role of trainers - the Statute of the NIM Training Staff – has been adopted by the NIM's Scientific Council and subsequently by the High Council of Magistracy.

6.3.4. In the first stage of the appointment procedure, the trainer selection commission evaluates the application file submitted. After this evaluation, the selection commission categorises it as 'recommendable' or 'not recommendable'. Only the candidates that are categorised as 'recommendable' are eligible to move onto the next stage. During the second eliminatory stage, the commission examines the candidates by means of an interview, following detailed criteria which include the ability to communicate and to interact when working with adults; in-depth specialised knowledge; the ability to research various sources, both in the Romanian language and in other commonly-used foreign languages; the ability to plan and organise; knowledge of didactical skills; and the ability to co-operate, contribute and integrate within a team. After the interview, the selection commission classifies the candidates, giving marks from 1 to 10 for each of the criteria indicated above. Only the candidates who get the minimum grade of 8 qualify for the next stage. At the third stage of the

selection procedure, the candidates perform as a trainer in a demonstration seminar sequence in front of a group of trainees. This is followed by a further interview of the best candidates. It is a very rigorous process.

6.3.5. Once recruited, an end-to-end policy also governs the ongoing evaluation of a trainer's performance. All evaluations are recorded on NIM's central database. The database offers a centralised view of the quality of training provided by NIM, an individual assessment of each trainer (global, per year or per seminar). Having a Statute of the NIM training staff allows NIM to have a clear, objective, predictable selection procedure. Rights, obligations and situations when the trainer's position can be terminated are also clearly determined. The database that keeps the evaluation records allows NIM to use a unitary evaluation process to further improve the quality of the training it offers and the trainer's abilities.

6.4 Complementary decentralised training to reflect local training needs and issues

The project team found several interesting examples of practices under this heading.

6.4.1. Every year in **Bulgaria**, the Bulgarian National Institute of Justice (NIJ) provides the district courts, administrative courts and district prosecution offices with the opportunity to apply for pre-defined grants by NIJ, in order to organise regional training initiatives on specific topics of relevant regional interest. The budget is regionally managed and the expenditure incurred is subsequently reviewed and approved by NIJ. This practice contributes to the maintenance of a balance between training demand and supply. Centralised training cannot guarantee the annual participation of all the judges in the country. Some courts and prosecution offices have local or regional training needs that are of interest only to a limited number of participants.

6.4.2. In **Romania**, decentralised seminars are organised and directly co-ordinated by the NIM, at the level of the courts of appeal and the prosecutor's offices, allowing every judge and prosecutor either to participate or to be informed of the new provisions. The network of NIM trainers used for the decentralised seminars is continuously being enlarged.

6.4.3. In **France**, one of the main focuses of the national training programme is the organisation of training courses on key reforms in the context of decentralised

continuous training, i.e. in the nine courts of appeal where the National School for the Judiciary (ENM) and regional training coordinators carry out their duties.

The project team considers all the above examples to be **Good Practices** [See **Fact Sheets No. 29, 29 – i and 29 – ii**].

6.4.4. In **Italy**, the Italian School for the Judiciary (SSM), as a successor to the Italian High Council for the Judiciary, within the context of decentralised training uses a network of local trainers who are competent to address training needs in European law and who organise training activities in the various judicial districts. This process satisfies many training needs that cannot be addressed at a central level. It also provides databases, data collection and indexes of case law of the European Court of Justice (ECJ) and the European Court of Human Rights (ECHR).

The team has concluded that this provides an example of a **Best Practice** [See **Fact Sheet No. 38**].

6.5 Special methodologies devised to facilitate learning in different types of groups

6.5.1. Large teams: the snowball technique

A practice being used by the Judicial College in **England and Wales** is the Snowball Technique. The method has been designed to enable large groups to distil complex thinking or collaborate to identify a common set of options or ideas. The shape of the exercise and the time taken depends on the number of people involved: e.g. for a group of 24 one may start with four groups of six participants. The four groups discuss the topic and identify their thoughts on the subject and, after a period of time, dependent on the complexity of the subject (anything from 20 – 40 minutes), the groups of six join together to form two groups of 12, who will collaborate for 15 – 30 minutes to share their ideas and come up with a collective view. The final stage sees the two groups of 12 joining together, for up to 20 minutes, to identify the common themes and/or a collective set of ideas. The final set of ideas is then reviewed in plenary.

All stages of the exercise take place in one large room. Initially groups sit around tables, or gather around flip charts. As the groups expand, the participants find their

own ways of gathering together and collecting their ideas. They are facilitated by one or two people who act as timekeepers and manage the various stages of the exercise. This method has been adopted as a means of consolidating learning or to encourage collaboration in the development of new ideas. The methodology has been employed to encourage creativity, shared learning and to produce high energy during the session (e.g. to enable a group of judicial tutors to begin the design of a new, cross-jurisdictional training course, with a group of senior judges to support them in identifying the core leadership skills required for their role and to begin the process of designing a job description). The exercise is highly cost-effective as the participants in the group do the work themselves, with the aid of one or two facilitators. The requirements are a room large enough for the groups to work together and materials for them to capture their ideas (flip charts, white boards, paper and pens). A good facilitator will encourage the group to work collaboratively.

According to its designers, the method has been successfully used as a means of consolidating learning or to encourage collaboration in the development of new ideas. The methodology has been employed to encourage creativity, shared learning and to produce high energy during the session.

The main advantage of this method is that:

- It promotes a good shared level of analysis of a problem, including listening to the views of other participants and developing the capacity to summarise the views expressed to achieve a common vision.
- It asks participants to demonstrate creativity and imagination by creating a framework for dynamic discussion.
- It promotes a better recall of information due to the active participation that demands the attention of all participants.

In the team's view this is an example of a **Best Practice** [**See Fact Sheet No. 30**].

6.5.2. Small teams: the use of shared opinion writing, filming and other forms of interactive feedback

The method is to bring together a small number of people in a team in order to promote an exchange of experience and knowledge between participants.

6.5.2.1. The Netherlands: small learning teams

The Dutch Training and Study Centre for the Judiciary (SSR) has introduced a methodology of small 'learning teams' in a pilot training course on writing civil decisions. The 'traditional' course during the initial training programme on writing civil decisions lasted four days. This was mostly a theoretical course. After the course, the trainees returned to their workplace at the civil section of a court, where they were supposed to put the theory into practice. In this set-up, there was little connection between the theory and practice at the workplace, which was felt as a deficiency. This confirmed the adage (attributed to Karl Marx)²⁷ that "theory without practice is sterile; practice without theory is blind".

The 'learning teams', upon which this new methodology is based, consist of a small number of participants (maximum six) with a similar level of knowledge and experience but organised regionally. After a national theoretical two-day course on writing civil verdicts, the regional teams each have five sessions, which take place every two weeks. In these sessions, the participants work together with a trainer on practical assignments, based on real cases.

For the development of this new methodology, a project group was formed, consisting of SSR staff (a seconded civil law judge, a course manager, an educational scientist) and a court clerk (legal supporting staff member, who assists judges in writing verdicts). This group held consultations with participants of the 'traditional' course. Also, it was decided to 'test' this methodology in a pilot. The pilot started with a kick-off meeting to brief the participants in the pilot training, the trainers in the course as well as the workplace trainer/mentors. This meeting was important as it was necessary to brief everybody about the set-up of the new methodology and the (learning) philosophy behind it, and to get the commitment of all involved.

From the evaluation it became clear that the main advantages of this method are:

- Colleagues learn together and reflect on how to draft good, analytically-sound and well-motivated decisions.
- The workplace trainer/mentor of the trainees is also involved in the learning team sessions.

²⁷ "Practice without theory is blind. Theory without practice is sterile. Theory becomes a material force as soon as it is absorbed by the masses." (Marx, *Contribution to the Critique of Hegel's Philosophy of Law*, Jan. 1844, MECW, Vol. 3, p. 182)

- The methodology provides a better connection between the education/training at the workplace and at the training centre, due to the fact that the workplace trainers/mentors and the trainers of the course co-operate in the learning teams.
- This in turn simulates a dynamic learning environment, where trainees are actively involved in their learning process. Moreover, the learning teams provide a safe and accessible learning environment. Learning from their own mistakes, from mistakes made by their colleague-trainees, and practising together in a safe environment works well.
- The regional approach worked very well by enabling and stimulating participants to contact each other in between course meetings and afterwards with questions.

Based on the positive results that were obtained with using this methodology, SSR has adopted it in their new initial training programme for judges that started in 2014.

Because the presented practice has only been used in a pilot setting, the team has concluded that this provides an example of a **Promising Practice** [See **Fact Sheet No. 31**].

6.5.2.2. Estonia: opinion writing

In **Estonia**, the methodology requires an introductory seminar in a relatively small group (10 participants) led by an experienced and well-respected judge. An individual feedback phase then follows.

In this phase, each participant is invited to send in one reasoned judgment which will then be forwarded to two readers: other judges or academics with high level reasoning skills for their critique. The judgment is one that has already become final and the critique is double-blind: the readers do not know whose opinion they are reading, and the judge does not know who the readers are.

The reader's feedback will focus on the legal reasoning and the argumentation in the judgment, not on whether the reader agrees with the final outcome or not.

The main advantage of the method is:

- To promote the active participation of each and allow the reader to complete the exercise individually.
- To allow the reader to contrast his/her opinion and experience with that of others, if different.
- To share the knowledge and experience of others and benefit from the lessons of specialist individuals.

The team concluded that this provides an example of a **Good Practice [See Fact Sheet No. 32]**.

6.5.2.3. England and Wales: the business of judging

The 'business of judging' training is a two-day residential seminar open to judges from all jurisdictions which forms part of the Judicial College programme of continuing education. It is virtually paperless with almost nothing to read or prepare. It occupies a total of 13 training hours and judges spend only 2.5 of those in plenary sessions listening to others. For the rest of the time, they work in small groups of six judges supervised by an experienced course tutor. This means that the seminar involves 20% listening and 80% doing. It is divided into four parts:

- **Part 1:** is a module on judicial conduct and ethics. In small groups, the judges are invited to consider and discuss a number of 'in court' and 'out of the court' practical scenarios and how they would deal with them. The scenarios can be on film or on paper. Both approaches are used.
- **Part 2:** is entitled Assessing Credibility: making a decision and giving an oral judgment. The assessment of credibility is surely one of the most important judicial skills and is required in most cases, whatever or wherever the jurisdiction. In small groups, the judges watch a DVD showing the conflicting evidence of the complainant and the defendant in an employment case based on alleged sexual harassment. The judges are asked to complete questionnaires indicating the factors that affected their assessment of the witnesses' credibility. Each judge then gives a short oral judgment, of about five minutes. The judgment is delivered in the small groups and there is some time for preparation. Each judgment is filmed on a micro-disc and all or part of the film is projected within the group. Each judge then receives feedback from

the course tutor and the other members of the group on his or her 'performance' and there is a discussion on the learning points that arose.

- **Part 3:** is about managing judicial life and deals with judicial stress and how to cope with it. It includes a video presentation made by an experienced criminal law judge who suffered a nervous breakdown and fully recovered from it.
- **Part 4:** is called 'Dealing with Unexpected and High Conflict Situations in a Hearing'. In the small groups, each judge is asked to conduct a live hearing of a few minutes. They will have received a brief summary of the case in advance but do not know what is about to happen. In an attempt to simulate the court or tribunal, the case is played out by a professional advocate and a professional actor. The judge's task is to assess, manage and solve the many unexpected problems that unfold before him or her. They may be based in the jurisdiction with which the judge is familiar or a different one. The point of the exercise is dealing with the unexpected and the difficult. The hearing is filmed and all or part of the film may be replayed within the group. The judges receive feedback on their performance from the course tutor and the members of the group.

The main advantages of this method are that:

- The method is paperless: judges learn essentially by doing.
- Judges learn from each other.
- Judges participate actively and collectively in their training.
- Judges can develop common generic skills e.g. fair treatment, authority in court, decisiveness, independence, impartiality and integrity by being trained together, in whatever jurisdiction they mainly sit.

In the team's view this is an example of a **Best Practice**. It should, however, be noted that this seminar is fairly expensive to deliver because significant resources are involved in the course delivery [**See Fact Sheet No. 33**].

6.5.2.4. Spain: using stories to present ethical problems

A practice in Spain also reflects the potential of using video-recording to present realistic problems involving ethical questions using stories of real life cases. In this practice video presentations are coupled with the idea of writing short stories.

This activity helps participants to identify for themselves answers that are needed to ethical questions. It is also intended to make them aware of the resources they have already used to engage with ethical choices in their own lives and which can be applied to ethical dilemmas in the judicial activity.

After reading selected short stories giving rise to moral dilemmas, participants are encouraged to ask themselves 'What would I have done in this situation?', or 'How could the problem have been avoided?'

The methodology of the activity is co-operative and participatory. A trainer, a practising judge and trainee judges are involved in the drafting of the short stories. The stories are deliberately short, but they present complex situations in which the relationship between an individual and society at large is at stake. Importantly, the revealed scenarios are not covered by any law. The activity is performed by small groups of six to eight participants supervised by a trainer of the School. The trainer invites trainees to evaluate the case from the perspective of a judge in that situation. Discussions of problems begin in small groups followed by a large group discussion of the main conclusions.

This practice may be regarded as a **Good Practice [See Fact Sheet No. 34]**, since the method is participatory and enables trainees to think over core issues. Reading the stories is stimulating and enjoyable and encourages motivation. Trainees understand that the social reality in which they are going to work may pose problems which cannot be solved exclusively through legal criteria.

6.6 Close monitoring of communication skills

Initiatives have been taken in several countries to promote communication and train judges specifically to improve their performance. This concerns communication both with the parties at the hearing and with the media. Such specialised training can be

very useful and give positive results. However, this requires using specialised people such as psychologists and the courses can only address a limited number of people.

6.6.1. Estonia: self-reflection on communication skills

This training methodology is used for training on communication and hearing management skills. The training consists of three stages: an introductory seminar, one-to-one feedback sessions and a follow-up seminar. The number of participants is usually five and the trainer group consists of a communication specialist and a specialist on procedural law.

At the introductory seminar, the participants discuss effective communication and hearing management strategies that they use. Then each participant is visited by a trainer to observe and videotape a court hearing conducted by the participant and to give immediate feedback to the participant. Before the follow-up seminar, the video-recordings are made available to the rest of the training group to allow them to learn from their fellow judges' best practices.

At the follow-up seminar, the participants view and discuss the most significant practices and formulate conclusions and recommendations for their own further development.

The main advantage of this method is that:

- It responds to the need for individualised training on effective hearing management and professional communication.
- The training is relevant to the needs of each participating judge and there is close interaction between trainer and judge.
- The method facilitates learning that takes into account the judge's time constraints.
- Judges are very interested in how their style of conducting their official business comes across to others in the courtroom, however, most feel that asking litigants for feedback would be highly inappropriate.

The team finds this to be an example of a **Best Practice** that improves the quality of justice. The participant is facing his or her own challenges and benefits from individual coaching [**See Fact Sheet No. 35**].

6.6.2. Media communication

Judges are increasingly called upon to communicate with the public, as are members of the prosecutor's office. Many jurisdictions have spokesperson judges who must communicate with the public about specific cases, on law or on the administration of justice. This requires that these judges are familiar with how the press operates, can master media tools and acquire practical experience.

6.6.2.1. Germany: interactive and multi-layer media training

The German Judicial Academy offers annually three to four interactive four-to-five day media training events for a maximum of 25 attendees (spokespersons of courts and prosecution offices) per course. Customarily, there are at least two media trainers present (often journalists), and the attendees are put into 'rotating' thematic working groups of 8-12 persons at maximum (meaning that at the end of the course, everyone will have actively dealt with each topic). Videotaping and individual feedback ensure that both strong and weaker points are revealed for analysis and discussion within the group.

Examples of interactive group topics include:

- Giving a TV or radio interview
- Making a TV statement
- Profiling a new court leader
- Informing the public while safeguarding data protection rights
- Learning to cope with aggressive counterparts.

The main advantage of this method is that:

- It is practice-oriented and provides multi-layer media training focusing on typical media communication patterns, enriched with objective feedback. This allows the attendees to develop their own communication strategy and to have more confidence in front of the camera or in a press conference.
- It gives judges the confidence to directly face media professionals in various settings.

This provides an example of a **Good Practice [See Fact Sheet No. 36]**

Chapter seven: implementation of training tools to favour the correct application of EU law and international judicial co-operation

7.1 Introduction

For EU law to be effective, it has to be applied properly in practice. [...] Legal practitioners must have a good knowledge of EU law in order to correctly apply European law all over the European Union. And given the diversity of national legal traditions and systems, this requires, first of all, well-informed and well-trained legal practitioners in all our Member States. With this in mind, in 2011, the European Commission set the objective of training 700.000 legal practitioners – half of all those in the EU – in European law or the law of another Member State, by 2020.²⁸

European judicial training is a main priority for the European Commission and the European Parliament.²⁹ The findings of the 2011 study on Judicial Training in the European Union Member States³⁰ concluded: ‘there is a high level of awareness of the relevance of EU law’. It is widely accepted that national judges and prosecutors need to be trained in EU law; knowledge of EU law and skills to apply this field of law are essential to perform their role as EU judges and EU prosecutors. More recently, the Menu for Justice Project³¹ also discussed EU law training for the judiciary.

²⁸ Report on European Judicial Training 2011, European Commission DG Justice 2013. In similar terms: Report on European Judicial Training 2012, European Commission DG Justice 2013.

²⁹ http://ec.europa.eu/justice/criminal/european-judicial-training/index_en.htm

³⁰ ERA/EJTN study “Judicial training in the European Union Member States”, 2011, p. 5. (<http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=60091>)

³¹ Daniela Piana, Philip Langbroek a.o. (eds), “Legal education and judicial training in Europe. The menu for justice project report”, Eleven International Publishing, 2013.

7.1.1. It is interesting and encouraging to see that many of the **Best, Good** and **Promising Practices** identified in this study encompass the recommendations of both studies.³² They also reflect to a large extent the principles laid down in Opinion No. 9 of the Consultative Council of European Judges (2006).³³

7.2 Main themes identified in the area of training tools on EU law and international judicial co-operation

7.2.1. This study under LOT 1 of the pilot project on European Judicial Training concentrates on Best Practices generally, across the whole field of training judges and prosecutors in the European Union. Two sections in the questionnaire, however, were dedicated specifically to gathering examples of **Best, Good** and **Promising Practices** in tools for training activities on EU law and international judicial co-operation. This suggests that different tools may be more appropriate for training in EU law and international judicial co-operation than the tools that are used in 'domestic law' training activities. The answers to the questionnaire show that a number of specific training activities and methodologies are being used in relation to these topics.

From the answers received, the team identified several **Best, Good** and **Promising Practices** in the training tools used in EU law and international judicial co-operation:

- A comprehensive, multi-faceted approach for training in EU law and international judicial co-operation.
- Use of e-Learning/blended learning.
- Involvement of key national figures from European institutions to raise awareness and knowledge of EU law.
- Combining training on EU law/international judicial co-operation and legal language training.
- Joint training of judges and prosecutors from neighbouring countries/regions, reflecting the existing 'operational co-operation'.

³² Some of the main recommendations of the ERA/EJTN study include: make language training available; decentralised locations (in the country itself); regional activities with neighbouring regions in other countries; practical, active forms of training, such as case studies linked to daily work practice; comprehensive training programmes (not single, unconnected subjects); e-Learning and blended learning – just in time, used to provide basic knowledge. Recommendations of the Menu for Justice project regarding EU law training (p. 257, 292): judicial training [on EU law] has to be more practical and less theoretical: it could be very useful to organise seminars focused on problems that judges face during their day-to-day work; Updates on development of EU law and ECHR case law should be included as a systematic part of the regular in-service training programmes; exchange between national and European/international courts should be facilitated (also judges of international courts visiting national court judges).

³³ www.summitofhighcourts.com/2013/docs/standarts/CCJE9.doc

- 'Learning by doing' to increase knowledge and skills on EU law or domestic law of other (Member) states.
- Development of EU law training materials at the pan-European level for subsequent incorporation at the national level.
- Ensuring visibility of EU law content of domestic law.

7.2.2. The EJTN exchange programmes

7.2.2.1 The EJTN flagship programme, the Exchange Programme (both in its standard format and the new AIAKOS format) has not been included in the Best Practices Fact Sheet Files, primarily because it is now accepted as common practice within the EU. The EJTN has been granted the full monopoly in relation to its planning and execution by all the training institutions of all EU Member States. In other words, the Exchange Programme should be seen as a collective asset common to all EU Member States that is regularly adapted and updated following a critical analysis of its development within the EJTN Exchange Programme Working Group.

7.2.2.2. However, it is necessary that this report makes a short reference to this programme as the Exchange Programme is able to foster direct contacts and the exchange of views and experiences between judges, prosecutors and trainers from different European Union countries. It also contributes to the improvement of language skills and greater practical knowledge of other EU judicial legal systems and/or of EU law, as well as of fundamental rights standards and the tools of judicial co-operation in civil and criminal matters. Therefore, it has made a decisive contribution to the enhancement of mutual trust and the build-up of a common European judicial culture and can be used in the future as part of the dissemination and sharing of our identified **Best, Good** and **Promising Practices**, either through trainer exchanges or through direct discussion between judges on their training experiences.

7.2.2.3. The Standard Programme consists of:

- a) **Short-term exchanges in the national courts of the EU member states:**
Short-term exchanges for judges (including administrative judges) and prosecutors are organised in the courts/prosecutors' offices/training institutions of the participating States either as individual or as group exchanges. In individual exchanges, the visiting judge/prosecutor shadows a counterpart

(tutor) in their daily practice in a court/prosecution office of the host country. Along with acquiring a close insight into the functioning of the host judicial system, he or she can directly observe how proceedings/files are handled. They usually require proficient knowledge of the language of the host country. Group exchanges allow for several judges and prosecutors from different countries to undertake their exchanges at the same time, thus increasing the 'cross-fertilisation' aspect of the experience. Group exchanges are usually organised in a common language other than that of the hosting country. This makes the judicial systems of countries that have less widely-known languages accessible for participants from different geographical areas. As a counterbalance, limited recourse to interpreting (for example, in order to attend court hearings) is offered. In order to allow wider access to the Exchange Programme to European judges and prosecutors, specific efforts have been made to increase the number of group exchanges. In addition, some other exchanges involve judicial trainers and staff of training institutions who are hosted by a foreign judicial training institution and thereby become familiar with other training activities and methodologies, pedagogical tools and **Best Practices**.

- b) **Long-term exchanges in European Courts:** Long-term exchanges for judges (including administrative judges) and prosecutors are organised at the Court of Justice of the European Union and the European Court of Human Rights. Selected participants are assigned to the Cabinet of a member of the Court (ECJ), to the Registry or to the Research division (ECHR) depending on the participants' profiles and the knowledge and unique skills that are specifically required and detailed by the hosting institutions. They actively take part in the institution's tasks during an extensive training period, thus acquiring a unique and in-depth knowledge of the institution's' working procedures and decisions, as well as of community law and case law or fundamental rights standards.
- c) **Long-term exchanges at the European Union's Judicial Co-operation Unit (EUROJUST):** In line with the Exchange Programme's objective of enlarging the number of countries that benefit from these exchanges, long-term training periods for practising judges and prosecutors from the Member States are organised at EUROJUST. The selected participants are integrated into the various national desks and actively take part in the host institution's activities, thus providing them with in-depth knowledge of EUROJUST's role and working procedures. They are also involved in judicial co-operation in criminal matters between EU countries. Trainees also get acquainted with the Case Management System (CMS) which is the main tool used to monitor the number of cases currently opened and the state of proceedings.
- d) **Study visits:** Short-term visits for several groups of judges (including administrative judges) and prosecutors from different European Union Member

States are organised in bodies such as the ECHR, the ECJ and EUROJUST. The study visits focus on providing an overview of the functioning of these Europe-wide bodies and provide a platform for the exchange of experiences, information sharing and professional networking. The discussions and meetings contribute to the creation of links between judges and prosecutors and their peers and constitute a crucial platform in fostering mutual understanding and trust and the feeling of belonging to a common judicial culture.

- e) **The initial training exchange scheme**, better known as the **AIAKOS Project**, is addressed to future and newly-appointed judges and prosecutors and consists of two-week exchanges (one week abroad and one week at home with foreign trainees) for groups of judicial trainees (judges/prosecutors undergoing initial training accompanied by their trainers) to other European initial training schools (or courts, whenever the concept of a judicial school does not exist in the hosting country). The visiting trainees are expected to take part in the same training sessions as their hosting counterparts although additional joint training activities with an accent on the European dimension are expected to be organised. However, in order to match the requirements of each one of the hosts' training concepts – such as the existence or not of an initial judicial training phase, existence or not of a national training institution, initial training being provided only in Courts etc. – the design of the programme for the week abroad will vary considerably from country to country, although all will match the requirements and goals of the exchange programme as a whole. Each one of them comprises, to a greater or lesser extent, sessions on the judicial system of the hosting country, seminars or workshops on EU Law, study visits to courts and other judicial institutions.

7.3. Best, good and promising practices in the implementation of training tools to favour the correct application of EU law and international judicial co-operation

7.3.1. A comprehensive, multi-faceted approach for training in EU law and international judicial co-operation

7.3.1.1. A number of judicial training institutions indicated that training in EU law is more effective when it consists of more than just training activities on EU law. Rather, they use a variety of tools to ensure that judges and prosecutors obtain the knowledge, skills and resources they need to apply EU law properly.

The answer provided by the National Institute of Justice from **Bulgaria** presents a good overview of the tools that are being used. The model used in Bulgaria resembles the model that was introduced by the Eurinfra project in the **Netherlands** in 2002. [See Fact Sheets No. 24 and 37].

7.3.1.2. In general, four components can be discerned, as follows:

- Transfer of knowledge via training, including blended-learning and e-Learning
 - Access to EU law via electronic means
 - Continual networking (real and virtual)
 - Use of e-Learning / Blended Learning directly in EU Law Training.
-
- ***Transfer of knowledge via training, including blended-learning and e-Learning***

A number of respondents stated that the training activities on EU law and international judicial co-operation ideally form a coherent programme. E-Learning can be used for the transfer of basic knowledge of EU law and classroom meetings can then be used to study practical cases.

7.3.1.3. During their study visit to **Bulgaria** National Institute of Justice (NIJ) in November 2013, the project team was informed about the evolution of training on EU law and international judicial co-operation at the NIJ from the pre-accession period until the current day. It became clear that at the NIJ the focus in EU law training has shifted considerably. Before 2007, the main aim of EU law training was to raise awareness about EU law amongst judges and prosecutors by organising training activities on basic EU law for all judges and prosecutors. Furthermore, attention was paid to providing access to information. Nowadays, training on EU law and international judicial co-operation instruments is integrated in courses on domestic substantive law (e.g. family law, civil law, criminal law). The main focus of the training activities is to enable judges and prosecutors to apply EU law and its instruments in their (daily) practice, as part of the national law [See Fact Sheet No. 24].

7.3.1.4. Quite a high number of respondents mentioned that EU law is increasingly not taught as a subject on its own, but forms an integral part of the training courses on national law. For example, the respondent from **Latvia** reported that:

When the seminars on EU law were advertised as EU law seminars almost no participants applied, so in the end we had to cancel them. Then we incorporated EU law parts into the topics of national legislation with reference to either directives or regulations, in this way creating a holistic and comprehensive approach.

7.3.1.5. At the **German** Judicial Academy, a training course on EU law does not focus on EU law ‘just for the sake of being EU law’. The courses ‘show how EU law and domestic law are inextricably entwined concerning substantive law as well as procedural law’. The Judicial Academy in **Croatia** mentioned that ‘the participants respond better to workshops/seminars where EU law is integrated in courses on national law’.

- ***Access to EU law via electronic means***

7.3.1.6. The second component presented in the Bulgarian practice, and which forms part of the Eurinfra model in the **Netherlands**, consists of complementing training activities on EU law and international judicial co-operation with the provision of access to resources and up-to-date information on these topics. This is done through the use of a (secure) digital platform. Examples of such access to EU law via electronic means were also presented by the **Czech Republic** and **Portugal**.

7.3.1.7. In **Portugal**, there is a direct link with the training activities organised by the training institution Center for Judiciary Studies (CEJ):

Along with the documentation delivered to participants in any continuous training action dealing with legal issues, CEJ organises a special folder gathering all EU legal instruments that are in any way connected with that same topic. [...] The folder is prepared by our EU law trainer, and it is available online, like all other training materials concerning the same activity, in an open area of the CEJ web site. [**See Fact Sheet No. UP 2**].

- ***Continual networking (real and virtual)***

7.3.1.8. The third component in the **Bulgarian** practice and of the Dutch Eurinfra model is the existence of a specific network of EU law contact points within courts and/or prosecutor’s offices to provide information on EU law, as well as to facilitate the sharing of information on EU law amongst judges and prosecutors themselves.

7.3.1.9. The first network of this kind was established in the **Netherlands**, as part of the Eurinfra project, in 2002. The Dutch network of court co-ordinators for European law was designed to put the knowledge of European law within the judiciary to better use by improving co-operation between the members of the judiciary. To achieve this, the court co-ordinators were given the task of improving provision of information and internal co-ordination within their own courts and maintaining contacts with other courts on the subject of European law. Currently, with ongoing digitalisation and the growth of social media, along with the expansion of European law within the national jurisdictions, the court-co-ordinators and their network are reconsidering their methods and potential for performing their tasks effectively. The team considered this to be an example of **Best Practice [See Fact Sheet No. 37]**.

7.3.1.10. The NIJ in **Bulgaria** established a 'judge co-ordinators' network on EU law in 2009. Among them are civil, commercial, administrative and criminal judges who act as key reference points in the main Bulgarian courts. They have access to additional information resources and can be consulted by their colleagues with regard to finding specific information or applying EU law. The judge co-ordinators also maintain professional contact with the NIJ. [**See Fact Sheet No. 24**].

7.3.1.11. The Gaius project in **Italy**³⁴ provides another example. Within the context of decentralised training, the Italian School for the Judiciary, as the successor to the Italian High Council for the Judiciary uses a network of local trainers who are competent to address training needs in European law and to organise training activities in the several judicial districts. In each judicial district, one or two specialised contact points are appointed and integrated into the network of local trainers. They have the task of satisfying the training needs in European law (both EU and ECHR law) that cannot be addressed at central level. The system also provides databases, data collection and indexes of case law of the ECJ and ECHR. The European Gaius trainers also organise training activities in the various judicial districts that have the same training needs and ensure they integrate European law perspectives into all other training sessions. In embryo, this network is a subnet of the European training networks, of which the EJTN is the most important. This practice is to be regarded as a **Best Practice [See Fact Sheet No. 38]**, in the wake of the European Parliament Stockholm Programme Resolution on Judicial Training (17 June 2012) which favours integrations of national networks and European networks.

³⁴ <http://www.csm.it/gaius/pagesEN/presentation.html>

7.3.1.12. Following the pattern established by the Dutch and Italian networks, in 2012 the National Institute of Magistracy (NIM) in **Romania** created **EuRoQuod** – the Romanian national network of court co-ordinators in the field of European Union Law. The goal was to improve knowledge of European law within the Romanian judiciary and to improve the accessibility of European law information resources using web technology. EuRoQuod is now a functional network comprising 43 court co-ordinators, most of them very active, and has a very useful website, containing three sections: one dedicated to the network, another to preliminary requests and a third dedicated to specific areas that raise questions in the court's case law. In its first year of operation, the NIM has already organised four conferences dedicated to the training of EuRoQuod members. The fourth EuRoQuod conference was broadcast online in English, making it accessible to the Dutch and Italian magistrates and creating a connection between the three networks. Moreover, the trainers were members of the Eurinfra, Gaius and EuRoQuod networks. The other members that followed the discussion online had the opportunity to use an online chatroom in order to actively participate in the debates and could also connect with the conference participants via Skype. [**See Fact Sheet No. UP 3**].

7.3.1.13. In **Poland**, the National School of Judiciary and Public Prosecution is currently establishing a pool of judges and prosecutors to become 'consultants' at their court or prosecutor's office, who will serve as a source of information and as a consulting point for their colleagues on issues connected to the application of EU law.

7.3.1.14. From other sources³⁵ the project team learned that several other countries have a network of EU law contact points or experts in place within the judiciary or are in the course of establishing one: **Belgium, Czech Republic, Denmark, and Spain**. These networks are often linked in one way or another to the national training institution for the judiciary.

7.3.1.15. In the team's view, the approach of taking a comprehensive, multi-faceted approach for training in EU law and international judicial co-operation is a uniformly Good Practice in European Judicial Training and does not therefore warrant the

³⁵ Report, papers and presentations of the Conference Europe "Inter-Connected" (The Hague, 23-25 September 2012) can be found at: www.rechtspraak.nl/Organisatie/CBb/AgendaRooster/Europe-Inter-connected/Pages/default.aspx. More information on the various networks can also be found in the Compilation of briefing notes for the Workshop on Judicial Training at the European Parliament on 28 November 2013 (www.europarl.europa.eu/document/activities/cont/201311/20131126ATT74944/20131126ATT74944EN.pdf)

creation of individual fact sheets. It seems to be most effective when all three components described above are in place. In some countries only one or two of the components are in place, and the training institutions could strengthen their training in EU law by adopting the additional components of the model.

7.3.2. Use of e-Learning/blended learning in EU law training

Many practices that have been developed as tools to encourage the correct application of EU law and international judicial co-operation include the use of IT and electronic means, such as search engines, databases, Moodle platforms and the Internet. In many instances, the terms 'e-Learning' and 'blended-learning' are applied when these means are used in training activities, either in stand-alone activities (e-Learning) or in combination with a face-to-face training activity (blended-learning).

In relation to EU law and international judicial co-operation, we found some specific uses of e-Learning and blended-learning tools.

7.3.2.1. **ERA** briefly mentioned, as part of the practice described in para. 5.7.11, that they introduced basic stand-alone e-Learning courses following the adoption of major EU legislative changes which assign a new role to the national judge. The courses are available on the ERA website. These stand-alone e-Learning courses have replaced the basic seminars that formed part of the systematic and rapid large scale training for national judiciaries on new EU law and legislation.

7.3.2.2. The Judicial School of **Spain** uses e-Learning and blended learning in both initial and continuous training on EU law. In initial training, the school recently set up its training programme on EU law through e-Learning and blended learning activities.³⁶ For continuous training, the school has been organising blended-learning courses since 2004, in particular in the area of European law. The approach is detailed above at 6.2.2.3.

7.3.2.3. The team recommends this practice, as well as the ERA example (see para. 5.7.11) as a **Best Practice [See Fact Sheet No. 23]**.

³⁶ See: Plan Docente de Formación Inicial. 65ª Promoción de la Carrera Judicial. Curso 2013-2015, p. 8 (<http://www.poderjudicial.es/stfils/CGPJ/ESCUELA%20JUDICIAL/FORMACIÓN%20INICIAL/PLANES%20DE%20FORMACIÓN/DOCUMENTOS/CGPJ/20131021%20Plan%20Docente%2065%20Promoción.pdf>)

7.3.3. Combining training on EU law/international judicial co-operation and legal language training

A number of respondents to the questionnaire presented examples of practices in which training on EU law and international co-operation instruments, along with training on the legal system of other EU Member States, takes place in combination with training in legal terminology – mostly English/French. In some cases, an internship or study visit abroad also forms part of the training programme. The courses are designed and led by legal experts and (legal) language experts. In some of the examples, the participants are judges and/or prosecutors from different EU Member States. In one presented practice, the participation is limited to judges and prosecutors from a specific region.

7.3.3.1. This **Good Practice** seems to have its origin in **Spain**. The **EJTN** has been implementing its Linguistics project since 2010, based on a model provided by the Spanish Judicial School. The EJTN project 'Language training on the vocabulary of judicial co-operation in criminal and in civil matters' consists of one week of very interactive training seminars that combine legal training and English or French language training.

7.3.3.2. The Spanish Judicial School continues to organise this kind of combined training, for instance through its project 'Driving judicial performance in the European area of justice: mutual assistance in civil and criminal matters that produces results', with EU financial support.

Each course within this training programme starts with a theoretical phase conducted by a judge and a linguist, which includes practical exercises. Then, the participants follow a one-week internship in courts in France and England. The final phase consists of a linguistic immersion phase, aimed at reinforcing and consolidating the knowledge acquired in the previous phases. The team considers this programme as a **Good Practice** [See Fact Sheet No. 39].

7.3.3.3. Other judicial training institutions have introduced the methodology in their legal training programmes. The National Institute of Magistracy of **Romania** indicated in one of its answers to the questionnaire that it has worked with this methodology since 2011:

The seminars are organised in the form of moot court sessions. [...] Each training seminar is followed by a linguistic component – a training module about the meaning and content of the terms frequently used in the field of judicial co-operation in criminal matters.

The practical approach of the seminars combined with the linguistic component has, in the Romanian experience, improved the understanding of how the judicial co-operation instruments actually work in practice.

7.3.4. Judges and prosecutors from neighbouring countries/regions are trained together in EU law, reflecting the existing ‘operational co-operation’

7.3.4.1 The Hungarian Academy of Justice presented the experts with the example of a co-operation project of the Visegrad Countries coordinated by the Hungarian Ministry of Public Administration and Justice called “Language training for judges and prosecutors”. The seminars run as part of this project focus on the development of English language skills in criminal justice terminology on the part of criminal judges and prosecutors in the Czech Republic, Hungary, Poland and Croatia, in order to facilitate international judicial co-operation in criminal cases. **[See Fact Sheet No. 39 -i].**

7.3.4.2. This project is an example of the active co-operation in the field of judicial training that has been set up by the four countries that form the Visegrad group **Czech Republic, Hungary, Poland and Slovakia**. For several years now, the national judicial training institutions in these countries have organised training events on EU law and international judicial co-operation instruments. These training activities include the project on language training that was mentioned above, and also a project dedicated to EU law training for junior judges. Some of the projects are organised in co-operation with other training institutions, e.g. from Germany, and with ERA.

7.3.4.3. This regional co-operation is an added value in terms of sustainability. As noted by **ERA**:

[...] there are a series of more frequently occurring problems, considering that travel, work and living in border areas require co-operation among authorities and other legal professionals on a constant basis. Consequently, the case examples focused on real life situations and while the skills learned in relation to the application of EU law can be of use in any transnational case,

professional communication was established among the participating judges and prosecutors facing similar challenges in daily practice.

The Polish respondent added:

The mentioned institutions of our region believe that due to historical reasons, geographical closeness and similar experience with EU integration we share the same needs of development of judges and prosecutors profiles in the area of European judicial co-operation. [...] This co-operation not only allows participation in the training events and an opportunity to gain new knowledge and abilities, but is a perfect tool to create mutual understanding between judges and prosecutors from the region, tightening their mutual relations. It is a perfect networking tool.

7.3.4.4. Despite the added value of a truly pan-European approach applied to training activities, it is obvious that in order to address specific issues that sometimes only target a small number of countries (mainly due to their geographical proximity or long-established close links) some specific tools have historically been implemented within the EU that focus on close bilateral or regional co-operation. Other examples of regional cooperation in the area of judicial training can be found between the BENELUX countries, Portugal and Spain, Spain and France, and the Baltic States.

7.3.5. 'Learning by Doing'

Earlier in this report (see **Chapter Six**) the project team noted that training in small groups while using interactive and real time training methods is an effective way of transferring knowledge and skills. The active involvement of participants increases the retention rate of training, whatever the topic. The respondents to the questionnaire have given some quite original examples of **Best** and **Promising Practices** using the method of 'learning by doing' in EU law training and training on foreign legal systems.

The examples take different forms and shapes. However, the common feature is that the participants contribute actively in the execution and/or preparation of the training activity, for instance by producing materials, submitting case studies, giving presentations, participating in role plays and acting as moderators.

7.3.5.1. A first example of a **Best Practice** in 'learning by doing' is the **EJTN** Themis competition for future judges and prosecutors from different EU Member States. In this debating competition on international co-operation in criminal and civil matters,

Articles 5 and 6 of the ECHR, and on judicial ethics and deontology, the participants have to prepare a written paper, give an oral presentation of the paper, including Q & A, and discuss it with the jury. In the finals, there is a debate with other participants.

Through these assignments, the project aims to develop abilities related to the future profession of the participants, such as communication skills, debating abilities, critical and analytical thinking, logical reasoning and proper legal writing 'in a foreign language'.

The Themis competition has proven itself as a **Best Practice** [See Fact Sheet No. 40].

7.3.5.2. A second example of a **Best Practice** in 'learning by doing' is the **EJTN's** Project Criminal Justice I - International Judicial Co-operation in Criminal Matters – 'European Arrest Warrant (EAW) and Mutual Legal Assistance (MLA) simulations', initially conceived by the Centre for Judiciary Studies (CEJ) from Portugal. It consists of a series of training seminars involving either two or three different EU countries. Each seminar intends to recreate as accurately as possible a true environment of judicial co-operation in criminal matters between European Judicial Network (EJN) representatives.

7.3.5.3. In the first stage, participants are gathered in national groups in order to examine the progress of cases inspired from actual or fictional facts. Each group is asked to suggest the use of legal tools for judicial co-operation. They are then expressly asked to issue the international requests for co-operation to the other countries participating in the seminar that they deem to be adequate and fill in the appropriate forms (normally, European Arrest Warrants (EAW), Letters Rogatory, mutual recognition certificates etc.).

7.3.5.4. In the second stage, still in national groups, participants examine the requests made by the other national groups in the seminar which were addressed to their country. For each of these, they are asked to produce a decision according to the applicable EU and national laws.

7.3.5.5. In the third stage, participants merge in mixed international groups in order to explain, and have explained to them, the grounds for the national decisions made on the international requests that were initially issued. They are also informed of any

particularities in relation to the execution of those requests in the other Member States. This process sometimes takes place simultaneously in two different Member States, via video-conferencing.

Finally, and on the basis of the answers provided (again in national groups), participants are asked to find the best solution for their own cases. The course is rounded off by two lectures on related issues.

7.3.5.6. This training model serves to give participants practice in drafting and executing international co-operation requests on EAW, freezing orders or common MLA demands; and on how to apply and use EJM and EUROJUST (while simulating their roles). It provides them with the theoretical background about what they were asked to do; and finally, it provides them with an international forum for discussion on the above related issues. It is considered by the team a **Best Practice [See Fact Sheet No. 41]**.

7.3.5.7. A third example of a practice that uses the 'learning by doing' methodology was presented in **Germany** by the German Judicial Academy (GJA). The German Judicial Academy and the Justice Academy of Turkey organised a one-week seminar on cross-border domestic violence, in which four mock trials took place. The interesting approach that was taken was that the participating judges from Germany and Turkey themselves had to prepare and deliver the presentations at the seminars. Moreover, the four mock trials were based exclusively on materials prepared beforehand by the participants from both countries. And all roles in the mock trials were played by the attendees. Thus, rather than 'consuming the training seminar', the participants 'produced' the seminar themselves. The participants underlined that 'one had learned more about the other country's judicial system and legal culture than would have been possible with three weeks of theoretical lectures'. As the GJA indicated, it must be noted that this approach requires 'considerably more personal investment (by the trainers) than organising a 'classical' seminar'. It is also of great importance to select truly motivated participants. As this type of seminar was first launched in 2012, the team can so far only call it a **Promising Practice [See Fact Sheet No. 42]**.

7.3.6. Development of EU law training materials at the pan-European level for subsequent incorporation at the national level

7.3.6.1. **ERA**, the Academy for European Law, presented an interesting methodology for training on EU law. Rather than organising a number of workshops on EU law and cross-border topics, they developed a set of training modules that are made available to any party or institution interested in the provision of judicial training. Recently, ERA developed training modules on cross-border divorce and maintenance, on parental responsibility in a cross-border context and on EU environmental law.³⁷

The training modules are constructed as a trainer's pack:

[...] with information and guidelines on how to organise a workshop implementing the module, a proposed workshop programme and recommendations on methodology, an introductory e-Learning course, a list of background materials for the training recipients, examples of former trainers' PowerPoint presentations, case studies with their suggested solutions and a national section, providing information on legislation, jurisprudence and representative publications on the application of European family law in 28 Member States. Each training module may be implemented through workshops of a suggested 2.5 day duration, providing attendees with an in-depth analysis of the applicable EU legislative instruments and their interaction with international and national provisions. [...] Face-to-face presentations are combined with practical exercises and interactive sessions and IT-supported training is promoted.

7.3.6.2. This approach aims to be more cost-effective than the 'traditional' workshop approach, since time and efforts are invested in the creation of high-quality training material that is both comprehensive and structured in a flexible way in order to be reusable by any interested institution and organisation. Moreover, the training modules are conceived in such a way as to address different training needs and for use in both international and national training contexts.

7.3.6.3. The training modules are available free of charge to any interested training provider. They have been used by the Judicial Academy of the Land of North Rhine-Westphalia and the Bulgarian National Institute of Justice. Parts of the civil justice modules were used in seminars organised by the Judicial Academy of the Slovak

³⁷ The methodology was invented by the European Commission and ERA took part in the implementation. Everything was fully funded by the EU. In 2013 ERA applied for an action grant, in co-operation with other EJTN members, for a project with a similar methodology on civil justice instruments.

Republic together with ERA, by the Judicial Training Centre and the Supreme Court of Slovenia and by the Romanian National Institute for Magistracy (NIM). Therefore, the team considers this practice to be a **Good Practice [See Fact Sheet No. 43]**.

7.3.6.4. On a pan-European scale, the development of the training modules requires a considerable investment of time and money. In 2013, for the implementation of a new project on EU civil justice law, ERA secured the partnership of national judicial actors from eight Member States and project teams were set up, including training managers, researchers and e-Learning managers, who co-operated with numerous national experts. ERA received financial support from the European Commission for the development of the training modules, and, they stated that without this support it would not have been possible to proceed with such a project.

7.3.7. Visibility of EU law content in domestic law training is ensured

Due to its unique nature, EU law is not always visible in domestic law. Judges and prosecutors are not aware that an increasing number of their national legal provisions are 'coloured' by EU law. In order to raise this awareness, it is **Good Practice** to indicate to what extent EU law is incorporated in domestic law training.

7.3.7.1. An example of how to do this was provided by the Dutch Training and Study Centre for the Judiciary in the **Netherlands** (SSR). When EU law is dealt with in a course, even to a minor extent, the image of an EU flag is placed at the course description in the digital course catalogue.

This simple yet effective practice can be easily adopted by other judicial training institutions. The team, therefore, considers it to be a **Good Practice [See Fact Sheet No. 44]**.

Chapter eight: assessment of participants' performance in training and the effect of the training activities

8.1 Introduction

Assessing participants' performance in training and the effect of training activities in general is extremely important for the proper management of training. This assessment assists in understanding whether the training objectives have been achieved; whether the training needs initially identified were properly addressed by course development and delivery; whether the target group of the respective training is satisfied by it; to what extent new knowledge and/or skills have been acquired; whether resources invested in training are used in an efficient manner; and what new training needs and gaps are identified after the delivery of the training.

There is a close interrelation between the assessment of training needs and evaluation of *training activities*. In general, the evaluation of training activities demonstrates to what extent the training needs have been successfully addressed by the training activities. At the same time, evaluation of training activities helps to identify new or further training needs. The two categories represent key elements of the whole training circle of training needs assessment – planning – delivery – evaluation (see also **Chapter Four**).

There are several models for measuring the effect of training activities. Perhaps the most popular is the training evaluation model developed by Donald Kirkpatrick. He divides training evaluation³⁸ into four graduated levels that essentially measure:

1. **Reaction** of trainees - what they thought and felt about the training?
2. **Learning** – the resulting increase in knowledge or capability
3. **Behaviour** - extent of behaviour and capability improvement and implementation/application
4. **Results** – the effects on the business or environment resulting from the trainee's performance

The Kirkpatrick model also identifies particular tools and methods that are appropriate for the respective level of evaluation and its objective:

³⁸ Implementing the Four Levels: A Practical Guide for Effective Evaluation of Training Programs by James D. Kirkpatrick and Donald L. Kirkpatrick (1 Oct 2007).

The Kirkpatrick Model

Level	Evaluation type (what is measured)	Evaluation description and characteristics	Examples of evaluation tools and methods	Relevance and practicability
1	Reaction	Reaction evaluation is how the delegates felt about the training or learning experience.	'Happy sheets', feedback forms. Verbal reaction, post-training surveys or questionnaires.	Quick and very easy to obtain. Not expensive to gather or to analyse.
2	Learning	Learning evaluation is the measurement of the increase in knowledge – before and after.	Typically, assessments or tests before and after the training. Interview or observation can also be used.	Relatively simple to set up; clear-cut for quantifiable skills. Less easy for complex learning.
3	Behaviour	Behaviour evaluation measures the extent to which learning is applied when back in the job.	Observation and interviews over time are required to assess change, relevance of change, and sustainability of change.	Measurement of behaviour change typically requires co-operation and skill of line managers.
4	Results	Results evaluation is the effect on the business or environment by the trainee.	Measures are already in place via normal management systems and reporting – the challenge is to relate to the trainee.	Individually not difficult; unlike whole organisation. Process must attribute clear accountabilities.

Source: <http://www.businessballs.com/kirkpatricklearningevaluationmodel.htm>

8.2 Evaluation of judicial training

In the evaluation of judicial training there are several specific issues related to judicial power which must be considered, the most important of them being judicial independence.

In its opinion 4/2003³⁹ the Consultative Council of European Judges (CCEJ) highlights the importance of the assessment of programmes and methods for the continuous improvement of judicial training. However, the CCEJ warns that the evaluation of the performance of participants in judicial training initiatives raises more questions. A clear distinction should be made between the evaluation of participants in initial training (where it exists) and in continuous training. The first is deemed appropriate where initial training is part of the selection and appointment procedure. The second, however, is considered inappropriate if it affects career development. In that respect CCEJ recommends that 'in principle, participation in judges' training initiatives should not be subject to qualitative assessment'.

In light of the above, it is clear that assessment of participants' performance in training or of the effect of the training activities can be a very sensitive topic – at least in some countries. This is why it should be properly conducted and used only for the purposes of assessing the effectiveness of training. In general, great care must be taken to ensure that evaluation of training activities (and training needs assessment, because of their inter-connection) are not inappropriately used (by unauthorised persons or institutions) to evaluate and assess the performance of judges (and prosecutors, where applicable). This especially concerns tests that are used in some countries either as a self-evaluation method or as a tool to measure individual or group progress in training. In general, all the methods, tools and practices used in judicial training evaluation must take into account judicial independence.

8.3 Judicial training: Kirkpatrick's levels 1 and 2 evaluation

Based on the questionnaire responses, the experts concluded that most, if not all, judicial training institutions perform regular evaluation of participants' performance in training and of the effect of training activities as a standard practice. The tools and methods commonly used, such as feedback forms and participant satisfaction questionnaires (both paper or web-based), tests, formal and informal consultations

³⁹ CCJE (2003) Op. N° 4, available at http://www.coe.int/t/dghl/co-operation/ccje/textes/Avis_en.asp

with judges and prosecutors, etc. cover in general Levels 1 and 2 (satisfaction and knowledge) of Kirkpatrick's 4-level evaluation model. There are some interesting methods that have been identified:

8.3.1. In **Belgium**, the Judicial Training Institute (JTI) appoints a rapporteur amongst the participants, especially in long (several day) training sessions with several trainers and a large number of participants. The task of the rapporteur is to summarise participants' opinions on the content and quality of the training session during the training, and to prepare a draft report. At the end of the training session the draft report is submitted to the participants for approval and then sent to the JTI. This is considered to be a **Best Practice** on how to receive summarised feedback information from participants about the quality of the training in real time and to enable them to formulate suggestions on how to improve it [**See Fact Sheet No. 45**].

8.3.2. In the **Netherlands**, the Training Centre for the Judiciary (SSR) requires participants in the two-year leadership programme to make a final presentation including policy advice, to the Council of the Judiciary that commissioned the training programme. In this presentation they have to 'illustrate and demonstrate' what they have learned during the course. The delivery of certificates of achievement is conducted by the participants themselves, accompanied by a short speech about the performance and the progress of the other. It assesses and demonstrates the increased knowledge and skills of the participants. Since this method is relatively recent and is applied only for one particular training programme it is considered to be a **Promising Practice**. The nature of this assessment motivates the participants to achieve better performance and in addition contributes to an increase in public confidence in the training of the Dutch judiciary [**See Fact Sheet No. 46**].

8.4 Judicial training: Kirkpatrick's levels 3 and 4 evaluation

In their responses to the questionnaire, only a few of the judicial training institutions referred to evaluation tools and methods that entirely or partially cover Kirkpatrick's Levels 3 and 4 (behaviour and environment), and which are either in existence or being developed and tested. Some of them are also used as tools for training needs assessment.

In **Germany** The Judicial Academy and some of the Länder (Provinces) have recently used long-term success questionnaires (follow-up questionnaires) in order to assess

the long-term learning success, possible behaviour changes of participants towards training and the possible (positive) results these changes might have for the respective courts and prosecution offices. Especially for modular training courses, some German Provinces have developed specific questionnaires that are handed out to participants midway through the training year, and which ask concrete questions on the long-lasting effect of the previous modules held 3-6 months previously. Similar questionnaires are under development for training at national level. This method generally covers Kirkpatrick's Levels 3 and 4, seems to have been successfully implemented in several German Provinces and is about to be expanded at national level, so it is considered as a **Promising Practice [See Fact Sheet No. 47]**.

The **Academy of European Law (ERA)** has implemented an Evaluation and Impact Assessment system of training that was developed for the workshops implementing training modules in the area of EU family law for the European Commission.

Before the implementation of each workshop an initial needs' assessment questionnaire is sent, together with the registration form, to interested participants who are requested to provide an overview of their professional background, their experience in the training topic and their motivation for taking part in the training. This approach enables a more precise selection of applicants for the training event and a clearer focus on their real professional needs.

In order to assess the implementation workshops efficiently, a twofold process is introduced. All participants are asked to complete a detailed evaluation questionnaire immediately after the end of the workshop, focusing more on the quality of the workshop itself. Questions on the seminar content and methodology, the training materials provided and the quality of the trainers' contributions are also included in these evaluation forms. Besides this immediate feedback, a mid-term evaluation with an assessment of the results and impact of the workshop in the longer term is sent to participants. By using various incentives, an average response rate of 90% for the immediate evaluation and 50% for the mid-term evaluation is achieved.

This combined evaluation method generally covers Kirkpatrick's Levels 1, 2 and 3 and is also a good example of the inter-connection between TNA and training evaluation. For these reasons it should be considered as a **Best Practice [See Fact Sheet No. 8 and 48]**.

The European Centre for Judges and Lawyers of the **European Institute for Public Administration (EIPA)** has also introduced a post-training evaluation in addition to the standard Kirkpatrick Levels 1 and 2 evaluation. Its objective is three-fold: a) to assess the extent to which participants have had the opportunity to use the knowledge acquired during the training event; b) to assess the extent to which the acquired knowledge has helped participants to perform their work more efficiently; and c) to assess whether in hindsight the training event could be improved.

The post-training evaluation normally takes place two to four months after the training event and is mostly carried out via a web-based survey tool. Where the number of participants is relatively low, telephone interviews are used instead of questionnaires in order to achieve a more in-depth exchange.

In addition to its primary reason – to control and improve the quality of training – this method is also used to identify current and potential future training needs and to develop new training services.

Since the described evaluation method generally covers Kirkpatrick's Level 3 and is also a good example of the interconnection between TNA and Evaluation of Training, it is considered to be a **Best Practice** [**See Fact Sheet No. 49**].

There are two other examples of methods that are still under development and/or testing that are interesting to be mentioned and further followed:

8.4.1. **In Poland** the National School of Judiciary and Public Prosecution carries out an assessment of the effect of the training activities using the standard Kirkpatrick Level 1 and 2 tools and methods. A new evaluation system, closely connected to the competence profile under **Chapter Four** and based on a 360° assessment of the individual judge or prosecutor, has been developed as a pilot project. Since this process is ongoing and the results are expected in 2014 it is considered to be a **Promising Practice** that requires further attention [**See**

Fact Sheet No. 6].

8.4.2. In **Estonia** the Supreme Court is testing the Court Practice Analysis (CPA) described in Chapter Four also as a tool to assess the impact of judicial training over the change in judicial performance, especially concerning changes in court practice which is the core of judicial activity. It complements the standard Kirkpatrick Level 1 and 2 tools and methods that are currently used. Three examples have been given that illustrate the potential of CPA as a long-term impact evaluation tool.

- A CPA on compensation for non-patrimonial damage was conducted and published in 2007. In the following two years three training sessions were delivered and one legal article was published on the topic. In 2009 a second CPA was conducted. It was found that in several decisions judges referred directly to the first 2007 CPA. It was concluded that the first analysis and the training conducted had had a direct impact on judges' performance and court practice. A third CPA on the same topic is planned for 2014.
- In 2014 the Supreme Court is preparing to conduct a second CPA on Tort Law, following the first one conducted in 2008. One of the aspects of this research will be to assess whether and how the intensive training delivered in the meantime on the same topic has affected changes in court practice.
- In 2014 the Supreme Court is preparing to conduct a second CPA on violations of administrative procedure, following the first one conducted in 2013. One of the aspects of this research will be to assess whether and how the training delivered in the meantime on the same topic has affected changes in court practice.

This method of repeated CPAs appears to perform Kirkpatrick's Level 4 evaluation. Since the process is ongoing and some results are to be expected in 2014, this approach is considered to be a **Promising Practice** that requires further attention [**See Fact Sheet No. 1**].

Part two

Chapter nine: general conclusions and recommendations

9.1 Conclusions and recommendations under deliverable 3

Recommendations to improve the training of judges and prosecutors in national legal systems and traditions as well as in European Union law and judicial co-operation procedures, in terms of the topics or skills to be covered, the quality of the training delivered and the attractiveness of the training for the judiciary to ensure increased participation, as well as in terms of the promotion of dialogue and co-operation between EU judges and prosecutors.

The main finding of this study is that notwithstanding the severe financial crises and budgetary restraints that are currently affecting all the judicial training institutions operating in the European Union, the project team has discovered a significant number of training programmes that are examples of **Best, Good** or **Promising Practices**. Judicial training for judges and prosecutors is generally in a healthy state.

Although there remain pockets of the geographical EU from which (for whatever reason) no particular examples of **Best Practice** have emerged, the spread of **Best, Good** and **Promising Practices** is nevertheless good and widespread across most of Europe. This conclusion has emerged sui generis, as the team decided not to seek artificially to establish an equal spread of practices to satisfy any perceived political imperatives. In any event, it must again be stressed that the study was primarily reactive (with some proactive follow-up through study visits: see **Chapter Three 3.1.6**).

9.1.1. Best practice definition

Conclusion: The first conclusion of the study is that the **Training Guidance Framework** which the project team devised as the template for analysis provides an effective source of guidance and provides the broad parameters for the required (or at least expected) content of any full contemporary judicial training programme for judges and prosecutors. The Framework should be seen as a living and developing document capable of adaptation to changing circumstances. The team were nevertheless unable to find any examples of **Best Practice** that were not rooted firmly within the parameters of this **Training Guidance Framework**.

Recommendation:

1. The project team recommends that the **Training Guidance Framework** used in this study should be used by judicial training institutions as a checklist when assessing the content and overall orientation of their training programmes.
2. The project team recommends that the **Training Guidance Framework** should be subject to regular scrutiny and where necessary refined and updated to reflect developments in judicial training needs and requirements.

9.1.2. Transferability

Conclusion: The second conclusion relates to transferability, which includes in particular the transfer of practices between civil and common law jurisdictions. The study has found little basis for the oft-held assumption that these systems are sufficiently different for there to be little to share between one another in the field of training. Its findings suggest the opposite.

Recommendation: In light of the high level of transferability of training practices identified by the study, judicial training institutions should actively explore the potential to adapt the **Best, Good** and **Promising Practices** identified in this Report to their own training environment.

9.1.3. Need for judicial training to engage with wider society

Conclusion: The third conclusion of the study is that many, if not most, of the best contemporary judicial training practices are very eclectic in the range of professional inputs they include in their training programme. This reinforces the reality that judging does not take place in a vacuum exclusively within the ivory towers of the court or hearing room. The best judicial systems are run by judges who understand the economic, social and moral complexities of the world in which their adjudications take place. The best training practices provide judges with the oxygen of engagement with the wider society through trainers, placements and so forth, in order to fuel this understanding.

Recommendation:

1. Judicial training programmes should include sufficient opportunities for common activities between judges and prosecutors and other professionals, both as trainers and participants. The team accepts, however, that the joint

training of judges, prosecutors and lawyers may be controversial in some countries in relation to some topics.

2. Judicial training programmes for judges and prosecutors should include the development of legal skills and a wide range of non-legal skills, thus ensuring a greater openness towards modern society.

9.1.4. Need for interactivity

Conclusion: The fourth conclusion of the study is that the most effective training is that which engages the participants directly in the process. The best training is interactive. Judges generally learn best by doing. The report has highlighted a wide range of inspiring and creative methods that have been devised and constantly refreshed by resourceful training design and delivery, including face-to-face and distance learning techniques. Judicial training is increasingly oriented to the practicalities of judging by the use of case studies, mock trials and simulations as a central part of training activities. But there is also an increasing focus on personalised training and learning by doing, including the use of video to film the performance of judges and prosecutors and to provide feedback.

Recommendation:

1. Judicial training programmes should ensure the active participation of judges and prosecutors in the bulk of their training activities.
2. The environment in which participative training for judges and prosecutors takes place must be made sufficiently safe and secure to enable participants to exchange views and experiences through free expression and to learn from one another, without external monitoring or interference.

9.1.5. Judicial skills and judgecraft

Conclusion: The fifth conclusion of the study is that the emergence of a greater interest in training in judicial skills and judgecraft (as compared to substantive laws and procedures) is significant and likely to become of greater importance in the coming years. This area of training is particularly well-suited to crossing national boundaries.

Recommendation: In recognition of its developing importance the European Commission should support transnational training in judicial skills and judgecraft as much as possible in line with its competences⁴⁰.

9.1.6. New tools and methodologies

Conclusion: The sixth conclusion of the study is that the use of multi-faceted training methods that seek to integrate a wide variety of training tools into one programme is on the increase, and provides the best long-term framework for training judges in the modern world. In the multi-faceted approach, electronic media and information technology play an important role. The Internet, Moodle platforms, and e-Learning are used in a number of **Best, Good** and **Promising Practices**. These tools seem to be particularly effective in transnational training activities. By the use of these tools, it is possible rapidly to pick up on a wide range of sources that also provide a cost-effective way of organising and using cross-border contacts to disseminate and provide access to materials and information.

Recommendation:

1. Judicial training institutions should make optimum use of new technologies, taking particular note of **Best Practice** examples that emerge from this study.
2. Judicial training institutions should take maximum advantage of the opportunities for cross-border collaboration in the development of these new methodologies.

9.1.7. Training needs assessment and evaluation

Conclusion: The seventh conclusion of the study is that there is a close interrelation between the assessment of training needs and the evaluation of training activities. Most judicial training institutions use standard feedback forms after each training event to test the satisfaction and new knowledge/know-how of participants.⁴¹ Some **Good Practices** have been identified in that area. However, very few judicial training institutions have introduced or are planning to introduce evaluation systems and methods that aim to assess how much of the new knowledge/know-how acquired

⁴⁰ The Commission's competence in relation to judicial training is limited to providing 'support' and does not extend to the provision of actual training (Articles 81 II h, 82 I c TFEU).

⁴¹ Kirkpatrick's Levels 1 and 2 Evaluation

throughout the training is used by judges in the longer term,⁴² or how it impacts upon the performance of the judicial system more generally.⁴³ Some **Good Practices** have, however, been identified. The process of introducing long-term evaluation by judicial training institutions should be encouraged and supported, together with mechanisms for the exchange of **Best, Good and Promising Practices**.

Recommendation:

1. When using the TNA process, individual needs should be balanced with systemic and functional needs.
2. The results of training programme evaluations must be fed back into the training cycle, in order to positively link training needs with training provision.
3. The evaluation of participants and training events should be followed up more closely.
4. The process of introducing long-term evaluation by judicial training institutions is to be encouraged and supported, together with mechanisms for cross-border exchange of information on practices.

9.1.8. Training in European Union law

Conclusion: The eighth conclusion of the study is, a) that more and more judicial training institutions are integrating training in EU law into their core national programme, and b) that judicial training on EU law and procedure is most effective when it is practice-oriented. Also, co-operation between judicial training institutions is on the increase.

There is clear evidence that training in EU law can be made more effective when embedded in a multi-faceted approach consisting of training activities, access to information and networking opportunities, both locally (through EU contact points), nationally (using colleagues with expertise in EU law) and at European level. Training activities on EU law should wherever possible be integrated into training activities related to national law, rather than via separate events. EU law-based training activities should ideally be offered as part of comprehensive programmes, not as one-off events, and should be made relevant to the daily work practice of judges and prosecutors. Practice-oriented and active forms of training, using real and fictitious

⁴² Kirkpatrick's Level 3 Evaluation

⁴³ Kirkpatrick's Level 4 Evaluation

cases, are the most effective. Combining foreign (legal) language training and training on EU law has also proven to be an effective approach to improve the required language skills.

Notwithstanding this **Best Practice** of integrating EU law training into national law training activities, training materials for this kind of training activities can be developed at a pan-European level. The flexibility of these training modules allows for adoption at national level.

Recommendations:

- a) Considering the ever-increasing amount and importance of EU law, judicial training institutions should continue to adapt their training programmes, activities and methodologies to the European environment.
- b) Exchanges between members of the judiciary and between those involved in the design and delivery of EU law training should be encouraged as an important source of information and inspiration and should be actively facilitated.
- c) When judicial training institutions plan their training programmes in EU law, they should take particular account of the need for programmes to be integrated in national law training and practice-oriented.
- d) In recognition of its central importance, the European Commission should encourage transnational training in EU law as a core priority.

9.1.9 Value of cross-border training

Conclusion: The ninth conclusion of the study is that there is significant value in approaching judicial training on some issues via consortia that cross national boundaries. Chapter Seven provides particular examples of such cross-national operations, and the success of the EJTN itself underscores the value of such an approach.

Recommendation: Judicial training institutions should make maximum use of the benefits of structures and mechanisms in place to design and deliver cross-border training programmes and other initiatives.

Part three

9.2 Recommendations under deliverable 4

Recommendations for the European Commission and/or the judicial training providers and other relevant stakeholders regarding how best to hold regular fora as suggested by the European Parliament's resolution on judicial training of 14 March 2012, "at which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding".

9.2.1. The EJTN⁴⁴ wonders if, while making this suggestion to the European Commission, the Parliament was not basing this proposal upon a judicial training scenario that no longer matches the reality. The judicial training environment, at both national and international level and in relation to the areas of European Law, foreign EU legal systems, judicial co-operation and linguistics has changed dramatically since 2011. At the same time, better information on what is being developed in these particular areas has become fully accessible to policy decision-makers to an unprecedented degree.

9.2.2. The EJTN and EU Commission's most recent statistics demonstrate that a considerable effort has been made at national level to increase the number of judicial training events where those areas are being addressed and the number of participating judges and prosecutors. Such a reality brings entirely within reach the numeric objectives set out by the European Commission in its most recent Communication on Judicial Training, at least where the training of the members of the judiciary is concerned.

9.2.3. Similarly, besides the Standard Exchange Programme and the new AIAKOS Exchange Programme, the EJTN now offers a wide portfolio of 48 international training activities that will be developed in 24 different Member States in 2014. The targeted international audience will be reaching, if not surpassing, a figure close to 3,000. When international attendance at other bilateral or multilateral activities organised by the EJTN members is added to those included in the EJTN standard catalogue, then the figure in 2012 exceeded 4,350. This does not include the national attendance at

⁴⁴ The text and recommendations on Deliverables 4 and 5 were drafted by the EJTN internal Steering Committee to the project.

those last training events or figures relating to those who participated in the Exchange Programme and benefited from international contact while hosting foreign EU colleagues (approximately 700).

9.2.4. Therefore, the EJTN believes that there is already under development a wide series of events on which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding. This, therefore, fully meets the European Parliament's objectives.

9.2.5. As a consequence (and the EJTN still endorses the expansion of these training possibilities if financial resources are made available for this purpose) it also emphasises that in order to assure the necessary co-ordination and safeguard the required judicial independence on training, any additional events targeting the above goals (and as typical training events) should continue to be organised either within the EJTN overall framework or by the EJTN members under the latter's coordination.

9.2.6. Any questions relating to the contribution and involvement in this process of the other European judicial stakeholders concerned with judicial training are dealt with in LOT 4 of the current Tender Contract and the project team respectfully refers the Commission to the conclusions of that particular project.

Conclusion:

- a) The EJTN considers that a wide series of events (*on which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding*), are already being offered or currently under development, therefore fully meeting the European Parliament's objectives.
- b) Although the EJTN still supports an increase in these training activities, this study also emphasises that, a) to ensure the necessary co-ordination; and b) to safeguard the required judicial independence on training, any additional activities which target the above goals through typical training events should continue to be organised either within the EJTN overall framework, or by EJTN members under the latter's co-ordination, or by other specialist institutions or universities in close co-operation with the EJTN.

Part four

9.3 Recommendations under deliverable 5

*Recommendations regarding the best ways to disseminate **Best Practices** and promote exchanges of **Best Practices** between all the judicial training providers at all levels in the EU.*

The EJTN proposes adopting a dissemination strategy based on the following pillars:

1. After their approval, all documents submitted to the European Commission as a result of the execution of the study – overall report and recommendations and compilation of the **Best, Good** and **Promising Practices** fact sheets – will be published on the EJTN website.
2. A special reference to this publication will be made in the ‘news’ section of the EJTN website.
3. In order for such practices to be used as a source of inspiration for other legal professions when applying training techniques to their members, the EJTN also strongly advocates the publication of the submitted **Best, Good** and **Promising Practices** fact sheets in the e-justice Portal of the European Commission, (eventually translated into the several official languages of the European Union), along with an express reference to the EJTN and its members’ commitment and availability to provide any further information in relation to these practices whenever so required.
4. A general overview of the results of the study will be submitted to the EJTN General Assembly in June 2014.
5. Shortly thereafter, a meeting of all Directors of Training amongst the EJTN members will be organised with the goal of building upon the contents of all the information gathered to date. This meeting will address separately the review of the practices identified in each one of the areas targeted by the study – a) training needs assessment, b) innovative curricula or training plan, c) innovative training methodology, d) implementation of training tools to favour the correct application of EU Law and international co-operation, e) assessment of participants’ performance in training and f) effect of training activities on professional performance.
6. Simultaneously (but now operating at a lower level), the EJTN sub-Working Group Trainers of Working Group Programmes will proceed to the analysis of the practices directly concerned with the delivery of training in order to define the best way to proceed with their diffusion among the European judicial trainer community. Along with the use of other tools, this will most probably require seminars to be organised under the supervision of this sub-working

group with a view to further analysis and dissemination of the Report’s main findings. This will include analysis of why the identified practices were put into place, how they work and what results they have achieved – together with an indication of the operational and logistical requirements for their transferability to other national training environments.

7. At the same time, the EJTN Working Group Exchange Programme will be invited by the EJTN Secretary General to issue a recommendation so that all future trainers’ exchanges organised within the EJTN Standard Exchange Programme, and executed in the Member States where such **Best, Good** and **Promising Practices** have been identified, shall partially focus on how they work and wherever possible allow foreign trainers to have direct contact with their live execution.

Part five

ANNEXE ONE:	Questionnaire
ANNEXE TWO:	Table of responses
ANNEXE THREE:	List of background reports
ANNEXE FOUR:	Progress table
ANNEXE FIVE:	Chart of Best, Good and Promising Practices
ANNEXE SIX:	Fact sheets

Annexe one: questionnaire

QUESTIONNAIRE

“Study on Best Practices in Training of Judges and Prosecutors”

PLEASE READ THE INTRODUCTIONS BEFORE COMPLETING
THE QUESTIONNAIRE

**PLEASE REMEMBER THAT THE DEADLINE FOR SUBMITTING THE ANSWERS TO
THE QUESTIONNAIRE IS 1 JUNE 2013**



With the support of
the European Union



PART ONE: PRACTICAL INFORMATION

Name of the organisation: ...

Name of the contact person for this study: ...

E-mail address: ...

In this questionnaire, we ask you to provide us with a description of **Best, Good** or **Promising Practices** in **six** categories:

- 1) Training needs' assessment;
- 2) Innovative training methodology;
- 3) Innovative curricula or training plan in any given particular area;
- 4) Implementation of training tools to favour the correct application of EU law;
- 5) Implementation of training tools to favour international judicial co-operation;
- 6) Assessment of participants' performance in training/effect of the training activities.

We are interested in practices at national AND at regional and local level; e.g. practices used for training and learning at local/regional courts and prosecutors offices.

We kindly request you to provide, if appropriate, at least one Best, Good or Promising Practice for each category, where you believe the practice falls within the above definitions. Should you wish to include any other Best Practices under the same category, please feel free to do so. However, you should not send in more than ten selected practices in total, and we are interested in quality, not quantity.

It is possible that a practice fits more than just one category. For instance, you may have an innovative methodology for training on international judicial co-operation. This practice can be presented under both Categories 1 and 4. If this is the case, we ask you to present the practice in just one category, while indicating that it also applies to the other category.

For each Best, Good or Promising Practice, we would like to know:

- a) What the practice consists of;
- b) Why the practice was adopted;
- c) How the practice was adopted, implemented and executed;
- d) What results have been achieved so far.

Your answers to this questionnaire will be analysed by the team of experts presented above. When filling in the questionnaire, we urge you to bear in mind that the members of this team may not be aware of certain specific characteristics of your legal

"Study on Best Practices in training of judges and prosecutors"

system and the system of judicial training in your country and institution. Therefore, we ask you to be as clear as possible when describing the identified practices. Moreover, for each practice there is room to provide any additional background information that is needed to understand the local connotations of the practice.

In addition to the Best, Good or Promising Practices, this study also covers the issue of how you identify and assess the training needs of the judiciary. You will find a further question on this topic at the end of the questionnaire.

We would appreciate it if you could provide the information on your identified practices in English. However, answers provided in your local language will be translated into English and studied by the team of experts. Please feel free also to add, as annexes to your answers, any pertinent documents, even if written in your own language.

PART TWO: QUESTIONNAIRE ON BEST PRACTICES

Where an identified 'best' practice is better described as a 'good' or 'promising' practice, please state.

Category 1: Training needs assessment

Please describe any Best Practices you may have while identifying the training needs of judges and prosecutors, both in the field of initial and permanent education – if applicable – and how this is assessed by your institution.

Under this category we are looking for Best Practices that concern the identification or assessment of training needs of judges and prosecutors. E.g.: who identifies the needs and how often is this done? What needs are identified: of the individual magistrate, of the courts/prosecutors offices, of the national courts system/prosecution service, of society as a whole? What tools are used to identify or assess the training needs?

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 1.1 Please give a short and concrete description of the practice. (max. 250 words)
- 1.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 1.3 How was this practice adopted, implemented and executed? (max. 300 words)
*E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?
Was there any resistance to the introduction of the practice, and if so, how did you tackle this?*
- 1.4 What results have been achieved so far by using this practice? (max. 300 words)
What makes this practice a Best, Good or Promising Practice? How did/do you assess the effectiveness of this practice?
- 1.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this practice. (max. 300 words)

Category 2: Innovative curricula or training plan in any given particular area

Please describe any (max. two) Best, Good or Promising Practices related to innovative curricula or training plan in any given particular area used by your institution and/or in your country. For the members who provide both initial and continuous education: please, state clearly whether the practice concerns initial training or continuous education.

Under this category we are looking for Best Practices that concern the structure of the training activities, as well as the scope of the training programme. E.g. how can individual training activities be combined or sequenced in such a way that it positively affects the impact or result of each activity? Or, what is a Good way to combine substantive/procedural law training with training on non-legal topics? Or, how should a curriculum or training plan be designed to suit the practical needs of the judges and prosecutors?

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 2.1 Please give a short and concrete description of the practice. (max. 250 words)
- 2.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 2.3 How was this practice adopted, implemented and executed? (max. 300 words)
*E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?
Was there any resistance to the introduction of the practice, and if so, how did you tackle this?*
- 2.4 What results have been achieved so far by using this practice? (max. 300 words)
What makes this practice a Best, Good or Promising Practice? How did/do you assess the effectiveness of this practice?
- 2.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this practice. (max. 300 words)

Category 3: Innovative training methodology

Please describe any (max. two) Best, Good or Promising Practices related to innovative training methodologies used by your institution and/or in your country.

For the members who provide both initial and continuous education: please, state clearly whether the practice concerns initial training or continuous education.

In judicial training a wide range of training methodologies is being used: centralised programmes/decentralised programmes; face-to-face training, blended learning training and web-based training; lectures, seminars, workshops, individual assignments; class-room learning and learning at the workplace; integrated programmes for judges/prosecutors; bespoke programmes for individual courts/prosecutor offices; streamed programmes per judicial rank, etc.

Under this category we are looking for Best Practices that indicate what works Best, in what circumstances and for which target groups. Bear in mind that using simulations, case studies or workshops is not considered a Best Practice but any innovative approach while conducting any of those may be.

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 3.1 Please give a short and concrete description of the practice. (max. 250 words)
- 3.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 3.3 How was this practice adopted, implemented and executed? (max. 300 words)
*E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?
Was there any resistance to the introduction of the practice, and if so, how did you tackle this?*
- 3.4 What results have been achieved so far by using this Best, Good or Promising Practice? (max. 300 words)
What makes this practice a Best Practice? How did/do you assess the effectiveness of this as a Best Practice?
- 3.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this practice. (max. 300 words)

Category 4: Implementation of training tools to favour the correct application of EU law

Please describe any (max. two) Best, Good or Promising Practices related to the implementation of tools to favour the correct application of EU law in the training of judges and prosecutors by your institution and/or in your country.

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For the members who provide both initial and continuous education: please, state clearly whether the practice concerns initial training or continuous education.

Under this category we are looking for Best Practices that concern ways to improve the training on EU law for judges and prosecutors. E.g. is it Best to integrate EU law in courses on national law, or should EU law be taught in separate training activities? How can judges and prosecutors be made (more) aware that EU law is part of their national law? How can EU law training be made practical and of "everyday use" for the judges and prosecutors?

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 4.1 Please give a short and concrete description of the practice. (max. 250 words)
- 4.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 4.3 How was this practice adopted, implemented and executed? (max. 300 words)
*E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?
Was there any resistance to the introduction of the practice, and if so, how did you tackle this?*
- 4.4 What results have been achieved so far by using this practice? (max. 300 words)
What makes this practice a Best Practice? How did/do you assess the effectiveness of this Best Practice?
- 4.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this Best Practice. (max. 300 words)

Category 5: Implementation of training tools to favour international judicial co-operation

Please describe any (max. two) Best, Good or Promising Practices related to the implementation of tools to favour international judicial co-operation in the training of judges and prosecutors by your institution and/or in your country

For the members who provide both initial and continuous education: please, state clearly whether the practice concerns initial training or continuous education.

Under this category we are looking for Best Practices that concern ways to improve the training on international judicial co-operation, both in civil and criminal matters,

for judges and prosecutors. E.g. how can training on international judicial co-operation be made practical and of “everyday use” for the judges and prosecutors?

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 5.1 Please give a short and concrete description of the practice. (max. 250 words)
- 5.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 5.3 How was this practice adopted, implemented and executed? (max. 300 words)
E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?

Was there any resistance to the introduction of the practice, and if so, how did you tackle this?
- 5.4 What results have been achieved so far by using this Best Practice? (max. 300 words)
What makes this practice a Best Practice? How did/do you assess the effectiveness of this Best Practice?
- 5.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this Best Practice. (max. 300 words)

Category 6: Assessment of participants’ performance in training / effect of the training activities

Please describe any (max. two) Best, Good or Promising Practices related to the assessment of participants’ performance in training/effect of the training activities used by your institution and/or in your country.

For the members who provide both initial and continuous education: please, state clearly whether the practice concerns initial training or continuous education.

Under this category we are looking for Best Practices that concern ways to assess the impact of training activities on the daily work performance of judges and prosecutors. E.g. what tools can be used in this assessment (questionnaires, assessment at the workplace?). When should the assessment take place and by whom? (How) are the results of the assessment used in the improvement of the training? (How) are results of the assessment used in the evaluation of the magistrate?

For the description of (each of) the Best Practice(s), please use the format below.

Title of the Best Practice:

- 6.1 Please give a short and concrete description of the practice. (max. 250 words)
- 6.2 Why was this practice adopted? (max. 250 words)
What issues or problems needed to be solved? What need was addressed by this practice?
- 6.3 How was this practice adopted, implemented and executed? (max. 300 words)
E.g.: What conditions had to be in place and what resources (people, time, money) had to be acquired before the practice could be introduced? How much time was needed to implement the practice?

Was there any resistance to the introduction of the practice, and if so, how did you tackle this?
- 6.4 What results have been achieved so far by using this Best Practice? (max. 300 words)
What makes this practice a Best Practice? How did/do you assess the effectiveness of this Best Practice?
- 6.5 Additional remarks on the economic, geographical and/or cultural context that affect the adoption and implementation of this Best Practice. (max. 300 words)

Annexe two: table of responses*Table of responses received*

RESPONSES RECEIVED	
COUNTRY/ORG.	NATIONAL TRAINING INSTITUTE
1. Austria	Ministry of Justice
2. Belgium	Judicial Training Institute (IGO - IFJ)
3. Bulgaria	National Institute of Justice (NIJ)
4. Croatia	Judicial Academy
5. Czech Republic	Judicial Academy
6. Estonia	The Supreme Court of Estonia
7. Finland	Ministry of Justice
8. France	National School for the Judiciary (ENM)
9. Germany	Federal Ministry of Justice
10. Hungary	Judicial Academy Office of the Prosecutor General
11. Italy	Italian School for the Judiciary (SSM)
12. Latvia	Judicial Training Centre
13. Poland	National School of Judiciary and Public Prosecution (KSSIP)
14. Portugal	Center for Judiciary Studies (CEJ – Portugal)
15. Romania	National Institute of Magistracy (NIM)
16. Slovenia	Ministry of Justice
17. Spain	Center of Legal Studies (CEJ – Spain) Spanish Judicial School (CGPJ)
18. Sweden	Swedish Courts of Administration
19. The Netherlands	Training and Study Center for the Judiciary (SSR)
20. United Kingdom (England and Wales)	Judicial College [training responsibilities also extend to certain reserved tribunals in Scotland and Northern Ireland].

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1. EIPA	European Institute of Public Administration
2. EJTN	European Judicial Training Network
3. ERA	Academy of European Law

NO RESPONSE	
COUNTRY	INSTITUTE
1. Cyprus	Supreme Court of Cyprus
2. Denmark	Danish Courts of Administration
3. Greece	National School of Judges
4. Ireland	Judicial Studies Institute
5. Lithuania	National Courts of Administration
6. Luxembourg	Ministry of Justice
7. Malta	Judicial Studies Committee
8. Slovakia	Judicial Academy

Annexe three: list of background reports

- Consultative Council of European Judges (CCJE), opinion no. 4
http://www.coe.int/t/dghl/co-operation/capacitybuilding/source/ccje%282003%29op4_en.pdf
- Consultative Council of European Judges (CCJE), Questionnaire on judges' training and Questionnaire on the conduct, ethics and responsibility of judges
http://www.coe.int/t/dghl/co-operation/ccje/textes/Travaux4_en.asp
- European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors, Analysis of the answers to three questionnaires addressed by the bureau to the members of the Network
http://www.coe.int/t/dghl/co-operation/cepej/Lisbon/Analyse_en.pdf
 - Questionnaire "A" on the structural and functional features of training institutions of judges and prosecutors
http://www.coe.int/t/dghl/co-operation/lisbonnetwork/questionnaires/questionA_en.asp
 - Questionnaire "B" on the role of training institutions in recruitment and initial training of judges and prosecutors
http://www.coe.int/t/dghl/co-operation/lisbonnetwork/questionnaires/questionB_en.asp
- Questionnaire "C" on the role of training institutions as regards in-service training of judges and prosecutors
http://www.coe.int/t/dghl/co-operation/lisbonnetwork/questionnaires/questionC_en.asp
- European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors, Minimum Corpus of the Council of Europe standards (Lisbon Network)
http://www.coe.int/t/dghl/co-operation/lisbonnetwork/rapports/RL-BU_2008_2MinimumCorpus_en.pdf.
- European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors, General Report (6th Meeting)
http://www.coe.int/t/dghl/co-operation/lisbonnetwork/rapports/Rapport-Sabato_en.pdf
- The Menu for Justice Project Report - Daniela Piana (Editor), Philip Langbroek (Editor), Tomas Berkmanas (Editor), Ole Hammerslev (Editor), Otilia Pacurari (Editor), 2013

- MFJ, Minutes Report of the Workshop 'Building Blocks for legal and judicial training' programme and list of speakers available at:
<https://www.academicprojects.eu/menuforjustice/default.aspx>
- Danish Red Cross, *Good Practices in response to trafficking in human beings*, 2005, at:
[http://www.ungift.org/docs/ungift/pdf/knowledge/1088_drk_human_manual_w eb%20\(2\).pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/1088_drk_human_manual_w eb%20(2).pdf)
- European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors, the specific methodologies to increasingly take into consideration the corpus of the Council of Europe law in judicial training institutions and to integrate them in the initial and in-service training programmes:
http://www.coe.int/t/dghl/co-operation/cepej/Lisbon/Expert_reports/RL-RAP_2007_1_en.pdf
- European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors, the quality of the training of magistrates and common European standards for judicial training:
http://www.coe.int/t/dghl/co-operation/cepej/Lisbon/Expert_reports/Rapport-Selegan_en.pdf
- Thomas, C., *Review of Judicial Training and Education in Other Jurisdictions*, 2006, http://www.ucl.ac.uk/laws/judicial-institute/docs/Judicial_Training_Report.pdf
- Consejo General del Poder Judicial, White paper on the ongoing training of judges, 2007, <http://www.iojt.org/library/Libro%20blanco-ing.pdf>
- Armytage, L., 'Training of Judges: Reflections on Principle and International Practice', *European Journal of Legal Education*, vol. 2, no. 1, 2005, pp. 21-38, at: <http://www.gsdr.org/go/display&type=Document&id=4700>
- International Network to Promote the Rule Of Law, Consolidated Response to a Query posted by Libor Chlad, EUJUST LEX Program, Council of the European Union, regarding conducting and evaluating judicial training,
<http://inprol.org/publications/measuring-the-impact-of-judicial-training> and
<http://inprol.org/sites/default/files/publications/2011/cr07005.pdf>
- Study on the amendment of the Council Decision 2005/681/JHA setting up CEPOL activity: http://ec.europa.eu/dgs/home-affairs/pdf/policies/police_co-operation/cepol_final_report_100512.pdf
- European Commission (2011), Report on European Judicial Training, available at:

http://ec.europa.eu/justice/criminal/files/report_on_european_judicial_training_2011_en.pdf

- European Commission (2012) report on European Judicial Training, available at:
http://ec.europa.eu/justice/criminal/files/european_judicial_training_annual_report_2012.pdf
- Judicial Training in the EU Member States: Study for the European Parliament, 2011. Available at:
<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>
- Compilation of briefing notes for the Workshop on Judicial Training at the European Parliament on 28 November 2013:
www.europarl.europa.eu/document/activities/cont/201311/20131126ATT74944/20131126ATT74944EN.pdf

Annexe four: progress table

DATE 2013		ACTIVITY	PROGRESS STATE
FEBRUARY	1 Feb	Signature of the contract	COMPLETED
	20 Feb	Kick off meeting with EU COM/desk officer	COMPLETED
		List of junior/senior experts /contact points are submitted	COMPLETED
	27 Feb	First meeting of the Experts' Laboratory at the EJTN	COMPLETED
MARCH		Concept of training Best Practices is settled	COMPLETED
	12 Mar	Inception note is submitted to the EU COM	COMPLETED
		Laboratory of experts start the draft of the questionnaire	COMPLETED
APRIL	29 Apr	First meeting of the EU COM Steering Committee	COMPLETED
MAY		Questionnaire is concluded and sent to contact points	COMPLETED
JUNE		Contact points start answering the questionnaire	COMPLETED
		Translations begin to take place	COMPLETED
	11 Jun	Second meeting of the Experts' Laboratory at the EJTN	COMPLETED
		Assessment phase begins	COMPLETED
JULY	10 Jul	Project Steering Committee meeting at the EJTN	COMPLETED
		Contact points conclude answering the questionnaire	COMPLETED
		Translations are concluded	COMPLETED
	24-25 Jul	Third meeting of the Experts' Laboratory at the EJTN	COMPLETED
		Assessment phase continues	COMPLETED
	26 Jul	Progress meeting with EU COM / desk officer	COMPLETED
	31 Jul	Interim report is submitted to the EU COM	COMPLETED
AUGUST	29 Aug	Fourth meeting of the Experts' Laboratory	COMPLETED
SEPTEMBER	10 Sep	Second Progress meeting with EU COM / desk officer	COMPLETED
		Assessment phase concludes	COMPLETED
OCTOBER	14-15 Oct	Study visit – England – Business of judging	COMPLETED

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		First selection of Best Practices take place	COMPLETED
NOVEMBER	8 Nov	Second meeting of the EU COM Steering Committee	COMPLETED
	19-20 Nov	Fifth meeting of the Experts' Laboratory Study visit – Bulgaria – EU Law and Distance Learning	COMPLETED
		Second selection of Best Practices take place	COMPLETED
		Recommendations starts to be drafted	COMPLETED
DECEMBER	3 Dec	Study visit – Estonia – Court Practice Analysis	COMPLETED
		Draft Final report starts to be drafted	COMPLETED
	16-18 Dec	Study visit – France – Management Training	COMPLETED
		Final list of Best Practices is concluded	COMPLETED
	31 Dec	Draft Final report is concluded	COMPLETED

2014		ACTIVITY	PROGRESS STATE
JANUARY	15 Jan	Second Project Steering Committee meeting at the EJTN	COMPLETED
	20 Jan	Sixth (final) meeting of the Experts Laboratory - Barcelona	COMPLETED
		Final recommendations are concluded	COMPLETED
		Fact sheets are concluded	COMPLETED
FEBRUARY	5 Feb	Third Project Steering Committee meeting at the EJTN	COMPLETED
	7 Feb	Draft Final report is submitted to the EU COM	COMPLETED

Annexe five: chart of best, good and promising practices

Fact sheet number	Title of practice	Type of practice	Country/Institute
Category: Training Needs Assessment (TNA)			
1	Court Practice Analysis	Promising Practice	Estonia
2	Structured Procedure to Determine Training Needs	Good Practice	Romania
3	Training Gap Analysis	Promising Practice	Belgium
4	Mental Health Tribunal Whole Programme Assessment	Promising Practice	England and Wales
5	Assessing Regional Training Needs	Promising Practice	Croatia
6	Creating Competency Profiles for Judges and Prosecutors	Promising Practice	Poland
7	Training of Coroners	Best Practice	England and Wales
8	Training Needs, Evaluation and Impact Assessment	Best Practice	Academy of European Law (ERA)
9	Individual Learning Need Assessment	Best Practice	European Institute For Public Administration (EIPA)
UP 1	Participatory Assessment	Unclassified Practice ⁴⁵	France
Category: Innovative Curricula or Training Plan in any Given Area			
10 10 - i	Planning a Comprehensive and Needs-orientated Annual Training Curriculum	Best Practice	Germany England and Wales
11 11 - i	Delivery of Training to Judges and Prosecutors in conjunction with Other Professions	Good Practice (BG) Best Practice (E&W)	Bulgaria England and Wales
12	Combining Different Disciplines in the Delivery of Training for Judges and Prosecutors	Best Practice	Italy
13	Simulated Mock Tribunals and Role Play Programmes	Best Practice	England and Wales
14	Simulated Mock Tribunals	Best Practice	Hungary

⁴⁵ 'UP refers to **Unclassified Practice**. In the course of the study a number of practices were brought to the experts' attention which were of interest, but did not in the view of the experts warrant a special classification sui generis. These we now describe as 'UPs'

Fact sheet number	Title of practice	Type of practice	Country/Institute
15	Close Monitoring of Communication Skills, through the use of Simulation	Best Practice	France
16	Leadership and Management Training	Best Practice (FR) Promising Practice	France
17 17 - i 17 - ii 17 - iii 17 - iv	Leadership and Management Training	Promising Practice	Finland Belgium England and Wales EIPA The Netherlands
18 18 - i 18 - ii	A Comprehensive Package to Deliver Large-Scale Training on new Legal Instruments	Best Practice (RO, FR) Good Practice(ERA)	Romania France Academy of European Law (ERA)
19	Joint Delivery of Training Programmes in Unusual Partnerships	Promising Practice	Portugal
20	Joint Delivery of Training Programmes with External Research Institute	Best Practice	Poland
21 21 - i	Court Mentors	Good Practice	Bulgaria The Netherlands
Category: Innovative Training Methodology			
22	Comprehensive Online e-Learning Strategy	Best Practice	Bulgaria
23 23 - i	Blended e-Learning	Best Practice	The Netherlands Spain
24	Comprehensive, Multi-Faceted Approach for Training in EU-Law	Promising Practice	Bulgaria
25	Recording, Broadcasting, Online Podcasting, Recording and Transcription of Training Activities and their Availability on the Internet	Best Practice	Romania
26	E-boxes and Video-conferencing	Good Practice	Portugal
27	Real Case Study, Developed in Real Time, through the Use of Video-conferencing	Best Practice	Spain

Fact sheet number	Title of practice	Type of practice	Country/Institute
28	Recruitment of Trainers and Evaluation of Trainers Performance	Good Practice	Romania
29 29 - i 29 - ii	Organisation of Decentralised Training to Reflect Local Training Needs and Issues	Good Practice	Bulgaria Romania France
30	Learning in Large Teams – The Snowball Methodology	Best Practice	England and Wales
31	Small teams – Decision Writing	Promising Practice	The Netherlands
32	Self-reflection on Decision Writing	Good Practice	Estonia
33	Small teams – The Business of Judging	Best Practice	England and Wales
34	The Judge in Society: Deontology, Ethics and Relations with the Media	Good Practice	Spain
35	Self-reflection in Communication Skills	Best Practice	Estonia
36	Media communication – Interactive and Multi-layer Media Training	Good Practice	Germany
Category: Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation			
UP 2	Access to EU Law via Electronic Means	Unclassified Practice	Portugal
37	Comprehensive, Multi-Faceted Approach for Training in EU-Law and International Judicial Co-operation (Eurinfra model)	Best Practice	The Netherlands
38	GAIUS	Best Practice	Italy
39 39 - i	Combining Training on EU Law and International Co-operation with Legal Language Training	Good Practice	Spain Hungary (Poland, Czech Republic, Slovakia)
UP 3	Continual Networking (Real and Virtual)	Unclassified Practice	Romania
40	THEMIS	Best Practice	European Judicial Training Network (EJTN)
41	Criminal Justice I – International Judicial Cooperation in Criminal Matters – 'EAW and MLA Simulations'	Best Practice	European Judicial Training Network (EJTN)

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Fact sheet number	Title of practice	Type of practice	Country/Institute
42	'Learn by doing' while Increasing Knowledge of Judicial Co-operation and the Domestic Law of other EU Member States	Promising Practice	Germany
43	Development of EU Law Training Materials at the Pan-European Level for Subsequent Incorporation at the National Level	Good Practice	Academy of European Law (ERA)
44	Ensuring Visibility of EU Law Content in Domestic Law Courses	Good Practice	The Netherlands
Category: Assessment of Participants' Performance in training and the Effect of the Training Activities			
45	The Rapporteur	Best Practice	Belgium
46	'Show What you have Learned'	Promising Practice	The Netherlands
47	Long-term Assessment of Training Activities	Promising Practice	Germany
48	Evaluation and Impact Assessment System	Best Practice	Academy of European Law (ERA)
49	Post-training Evaluation	Best Practice	European Institute For Public Administration (EIPA)

Annexe six: fact sheets*Promising, Good and Best Practices*

Fact sheet number	Title of practice	Country/Institute
Category: Training Needs Assessment (TNA)		
1	Court Practice Analysis	Estonia
2	Structured Procedure to Determine Training Needs	Romania
3	Training Gap Analysis	Belgium
4	Mental Health Tribunal Whole Programme Assessment	England and Wales
5	Assessing Regional Training Needs	Croatia
6	Creating Competency Profiles for Judges and Prosecutors	Poland
7	Training of Coroners	England and Wales
8	Training Needs, Evaluation and Impact Assessment	Academy of European Law (ERA)
9	Individual Learning Need Assessment	European Institute for Public Administration (EIPA)
UP 1⁴⁶	Participatory Assessment	France
Category: Innovative Curricula or Training Plan in any Given Area		
10 10 i	Planning a Comprehensive and Needs-orientated Annual Training Curriculum	Germany England and Wales
11 11 i	Delivery of Training to Judges and Prosecutors in conjunction with Other Professions	Bulgaria England and Wales
12	Combining Different Disciplines in the Delivery of Training for Judges and Prosecutors	Italy
13	Simulated Mock Tribunals and Role Play Programmes	England and Wales
14	Simulated Mock Tribunals	Hungary
15	Close Monitoring of Communication Skills, through the Use of Simulation	France
16	Leadership and Management Training	France

⁴⁶ 'UP refers to **Unclassified Practice**. In the course of the study a number of practices were brought to the experts' attention which were of interest, but did not in the view of the experts warrant a special classification sui generis. These we now describe as UPs'

Fact sheet number	Title of practice	Country/Institute
17 17 i 17 ii 17 iii 17 iv	Leadership and Management Training	Finland Belgium England and Wales EIPA The Netherlands
18 18 i 18 ii	A Comprehensive Package to Deliver Large-Scale Training on New Legal Instruments	Romania France Academy of European Law (ERA)
19	Joint Delivery of Training Programmes in Unusual Partnerships	Portugal
20	Joint Delivery of Training Programmes with External Research Institute	Poland
21 21 i	Court Mentors	Bulgaria The Netherlands
Category: Innovative Training Methodology		
22	Comprehensive Online e-Learning Strategy	Bulgaria
23 23 i	Blended e-Learning	The Netherlands Spain
24	Comprehensive, Multi-Faceted Approach for Training in EU Law	Bulgaria
25	Recording, Broadcasting, Online Podcasting, Recording and Transcription of Training Activities and their Availability on the Internet	Romania
26	E-boxes and Video-conferencing	Portugal
27	Real Case Study, Developed in Real Time, through the Use of Video-conferencing	Spain
28	Recruitment of Trainers and Evaluation of Trainers Performance	Romania
29 29 i 29 ii	Organisation of Decentralised Training to Reflect Local Training Needs and Issues	Bulgaria Romania France
30	Learning in Large Teams – The Snowball Methodology	England and Wales
31	Small Teams – Decision Writing	The Netherlands
32	Self-reflection on Decision Writing	Estonia
33	Small Teams – The Business of Judging	England and Wales
34	The Judge in Society: Deontology, Ethics and Relations with the Media	Spain

Fact sheet number	Title of practice	Country/Institute
35	Self-reflection in Communication Skills	Estonia
36	Media Communication – Interactive and Multi-layer Media Training	Germany
Category: Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation		
UP 2	Access to EU Law via Electronic Means	Portugal
37	Comprehensive, Multi-Faceted Approach for Training in EU Law and International Judicial Co-operation (Eurinfra model)	The Netherlands
38	GAIUS	Italy
39 39-i	Combining Training on EU Law and International Co-operation with Legal Language Training	Spain Hungary (Poland, Czech Republic, Slovakia)
UP 3	Continual Networking (Real and Virtual)	Romania
40	THEMIS	European Judicial Training Network (EJTN)
41	Criminal Justice I – International Judicial Cooperation in Criminal Matters – ‘EAW and MLA Simulations’	European Judicial Training Network (EJTN)
42	‘Learn by doing’ while Increasing Knowledge of Judicial Co-operation and the Domestic Law of other EU Member States	Germany
43	Development of EU Law Training Materials at the Pan-European Level for Subsequent Incorporation at the National Level	Academy of European Law (ERA)
44	Ensuring Visibility of EU Law Content in Domestic Law Courses	The Netherlands
Category: Assessment of Participants’ Performance in training and the Effect of the Training Activities		
45	The Rapporteur	Belgium
46	‘Show what you have Learned’	The Netherlands
47	Long-term Assessment of Training Activities	Germany
48	Evaluation and Impact Assessment System	Academy of European Law (ERA)
49	Post-training Evaluation	European Institute for Public Administration (EIPA)

Fact Sheet No. 1

Fact Sheet number	1
Title of practice	Court Practice Analysis
Category of practice	Training Needs Assessment (TNA)
Country	ESTONIA
Type of practice	PROMISING PRACTICE
Key features	<p>Court Practice Analysis in Estonia is a process of studying court decisions (and if necessary, other court-related documents) in all their relevant aspects, in order to identify problems in the uniform application of the law by courts.</p> <p>In the course of such research, one or more analysts (staff members of the Supreme Court Administration) ascertain the scope of problems that may exist in the application of legal norms.</p> <p>The results of this analysis, along with the conclusions drawn on how courts apply certain legal statements and how they construe them, is presented in a written document, which is published and disseminated to judges as an unbinding source of information or reference and are used as training materials.</p> <p>This mechanism aims at assessing systemic problems of application of the law and it is not used for evaluation or disciplinary purposes.</p> <p>Although the primary objective of the Court Practice Analysis is to act as a tool towards a more uniform application of the law, while providing judges with a focused, practically-oriented and concise analysis of court practices, it is also used as a complementary source for collecting information on training needs.</p>
Institution contact details	<p>Supreme Court of Estonia 17 Lossi St 50093, Tartu Estonia Phone: + 372 7 309 002 Fax: + 372 7 309 003 Email: info@riigikohus.ee Website: http://www.nc.ee</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study. The interest of this Estonian Court Practice Analysis, which is qualified as a PROMISING PRACTICE, is that it may be also used as a tool for assessing the impact of training.</p> <p>For this purpose, all available sources of information are used and assessment is integrated within the overall needs assessment, as while identifying the impact of the previous training it can also be</p>

	<p>ascertained what is still missing and where any additional required training should focus.</p> <p>It is argued that a change in case law in an area on which information was provided by a re-analysis carried out in the same field following training, constitutes a good indicator of the impact of training. The above system may complement other tools and methods that may be currently in use and matches the Kirkpatrick Level 4.</p> <p>Court Practice Analysis documents may also be used as training materials. The system may have some impact on the design and delivery phases of the training process, as the analysis units may provide support on the identification of trainers. It is argued that an analyst who is preparing analytical materials in a given field may be suited to introduce the topic for judges during lectures, seminars or round tables.</p>
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Fact Sheet No. 2

Fact Sheet number	2
Title of practice	Structured Procedure to Determine Training Needs
Category of practice	Training Needs Assessment (TNA)
Country	ROMANIA
Type of practice	GOOD PRACTICE
Key features	<p>Information about the training needs of judges and prosecutors in Romania is collected, combining multiple sources of information (judicial trainers, courts, prosecutors' offices, professional associations of magistrates, other legal professionals, and the results of the evaluation of training carried out in previous years, etc.).</p> <p>The topics on the list included in the training catalogue of a given year are also cross-checked with the number of participant's applications.</p> <p>Recently an online system has been put into place in order to facilitate this, and judges and prosecutors are invited to mark the requested topics for the next year or to formulate new proposals. This enables every course to receive a given 'rate of demand' which highlights the most requested courses and also facilitates financial planning.</p> <p>This data constitutes the basis for a training needs analysis and subsequent elaboration of the annual training plan, involving the national training institute and the High Council of the Judiciary.</p>
Institution contact details	<p>National Institute of Magistracy (NIM) Bd. Regina Elisabeta nr. 53, Sector 5 050019, Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study.</p> <p>The practice described above could be considered as a GOOD PRACTICE.</p>

Fact Sheet No. 3

Fact Sheet Number	3
Title of practice	Training Gap Analysis
Category of practice	Training Needs Assessment (TNA)
Country	BELGIUM
Type of practice	PROMISING PRACTICE
Key features	<p>In Belgium, the Judicial Training Institute has developed a competences' matrix for use in training needs assessment at the operational level.</p> <p>Initially, the views of court presidents and chief prosecutors were gathered in relation to the current and future competences of judges, prosecutors and court staff working in their courts or offices.</p> <p>Subsequently the Belgian Ministry of Justice and the High Council of Justice were asked to assess those expected competency levels. Then, on the basis of these competence standards, the Judicial Training Institute compared the current competences with the required competences. The result of this analysis might reveal a gap which would determine in what particular fields training should be focused.</p> <p>The plan envisages that such analysis should be carried out during the next four-to-five years.</p>
Institution contact details	<p>Judicial Training Institute (IGO/IFJ) Avenue Louise 54 1050 Brussels Belgium Phone: + 32 2 518 49 49 Fax: + 32 2 518 49 79 E-mail: info@igo-ifj.be Website: http://www.igo-ifj.be</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study.</p> <p>This could be considered as a PROMISING PRACTICE that deserves a close follow-up.</p> <p>It has also been noted that the positive aspects of this practice relate to the higher level of involvement of the Presidents of the Courts and of the Chief Prosecutors in the process of assessing training needs which are now being placed at an organisational (courts and prosecution offices) systemic level.</p>

Fact Sheet No. 4

Fact Sheet Number	4
Title of practice	Mental Health Tribunal Whole Programme Assessment
Category of practice	Training Needs Assessment (TNA)
Country	ENGLAND
Type of practice	PROMISING PRACTICE
Key features	<p>The Mental Health Tribunal (MHT) in England (Wales has its own mental health tribunal) offers an annual choice-based programme of training events to its Judicial Office Holders ('JOHs'), covering a range of relevant topics. All JOHs are required to attend two days training every year. MHT's training programme is regularly reviewed by its National Training Committee (NTC), and its contents are modified to enable new topics to be addressed. Detailed evaluation of each training event is appropriate and is carried out with the aid of an online questionnaire that is completed by attending JOHs. This single-course evaluation of all sessions (and of the extent to which the objectives of the individual course have been achieved) is then analysed by the NTC.</p> <p>It was, however, recognised that this routine and event-focused feedback process, although an essential element of quality assurance and an important means of facilitating feedback to the NTC, provided too little information about the successful of the <i>overall</i> programme in meeting members' needs, and what changes, if any, might be needed to address any shortfalls in style and substance in the current programme and the approach to training.</p> <p>As a consequence, in 2012 the Mental Health Tribunal organised an evaluation of its entire training programme (the jurisdiction includes over 1000 judicial office holders). This involved the use of an online questionnaire and data analysis designed a) to review the existing training provided to members of the jurisdiction and, b) to enhance the content and quality of training to be provided in the future. Although individual training courses were already evaluated in a structured way, the programme leaders wanted to drill further down and create an opportunity to take a wider view of how and what training is provided across the Tribunal.</p> <p>Some questions addressed practical matters; others questions addressed JOHs' preferred course formats (e.g. whether training events should be offered to all members of MHT or whether some courses should be targeted at specific specialist member groups); and other questions addressed issues such as the style, pace, level, balance, and perceived quality of the overall programme.</p>
Institution contact details	Judicial College Ministry of Justice, 102 Petty France London SW1H 9LJ United Kingdom

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	Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college
Other comments	The questionnaire produced an excellent response, and as a result of the findings the Tribunal training team are in the process of adjusting aspects of the whole programme to reflect the views of their members. This is therefore still to be considered as a PROMISING PRACTICE.

Fact Sheet No. 5

Fact Sheet Number	5
Title of practice	Assessing Regional Training Needs
Category of practice	Training Needs Assessment (TNA)
Country	CROATIA
Type of practice	PROMISING PRACTICE
Key Features	<p>Due to the specific geographical context of the country, the Judicial Academy in Croatia has created five regional training centres favouring, in some situations, a decentralised training approach. As there are differences in the training needs of judges and prosecutors from different regions (e.g. Maritime Law, which is specific to the coastal regions), the Judicial Academy has introduced a training needs assessment mechanism intended to provide a solution to that problem, while balancing the purely decentralised training approach with a nationally-coherent centralisation of the planning of such training.</p> <p>Training needs assessment questionnaires are sent annually to stakeholders (Ministry of Justice, universities and members of the Programme council) as well as to the co-ordinators of the regional training centres (usually a judge and/or prosecutor).</p> <p>The summarised answers to these questionnaires are sent to the Programme's Council of the Academy empowered to decide on the topics to be included in the programme for the following year.</p>
Institution contact details	<p>Judicial Academy of Croatia Ulica grada Vukovara 49 10000 Zagreb Croatia Phone: + 385 1 371 4540 Fax: + 385 1 371 4549 E-mail: pravosudna.akademija@pravosudje.hr Website: http://www.pak.hr</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study. Due to the specialities of each national system the full transfer of this practice is not likely to be possible.</p> <p>This PROMISING PRACTICE was adopted two years ago and enables a centralised response to an acute regional diversity.</p>

Fact Sheet No. 6

Fact Sheet number	6
Title of practice	Creating Competency Profiles for Judges and Prosecutors
Category of practice	Training Needs Assessment (TNA)
Country	POLAND
Type of practice	PROMISING PRACTICE
Key features	<p>A comprehensive training needs assessment based on the creation of competency profiles for judges and prosecutors is currently being implemented in Poland.</p> <p>These profiles are created by a group of experts composed of judges and prosecutors from courts of different levels and jurisdictions and university teachers and will address judges and prosecutors working in different jurisdictions or performing specific tasks (e.g. criminal law judges, civil law judges, commercial law judges, family law judges, prosecutors, prosecutors dealing with commercial cases, judge/prosecutor trainers and judge/prosecutor mentors of trainees).</p> <p>These profiles are to comprise both 'soft key competences' and professional roles/duties as well the 'hard competences' (e.g. knowledge in the field of law) meaning that, for instance, guidelines will also be established on expected ethical behaviour and attitudes of judges and prosecutors resulting from current legal provision and expected daily practice.</p> <p>As each judge and prosecutor is individually assessed by an inspector – a judge or prosecutor with higher seniority normally working in a higher instance court – the system will enable an effective comparison of the actual competences of each judge with the competences contained in the general personal profile, thus giving important indications on the areas where training should be focused.</p> <p>At present, only profiles for judges, prosecutors, trainers and mentors working in the field of commercial law have been completed.</p>
Institution contact details	<p>National School of Judiciary and Public Prosecution (KSSIP) Ul. Krakowskie przedmiescie 62 20-076 Lublin Poland Phone.: + 48 81 440 87 10 Fax: + 48 81 440 87 11 E-mail: sekretariat@kssip.gov.pl Website: http://www.kssip.gov.pl</p>
Other comments	Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some

	<p>particularly interesting ideas were gathered while carrying out the current study.</p> <p>This recently implemented Polish system also aims to serve as a basis for a new evaluation scheme based on the same 360° degree assessment of each individual judge and prosecutor.</p> <p>Therefore, this practice may become an interesting example of the interconnection between training needs assessment and evaluation of training. However, as the process is still ongoing and tangible results are only expected in the future, it could be considered as a PROMISING PRACTICE which deserves to be closely monitored.</p>
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Fact Sheet No. 7

Fact Sheet number	7
Title of practice	Training of Coroners
Category of practice	Training Needs Assessment (TNA)
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>Following the reassignment of the training of coroners in England and Wales from the Ministry of Justice to the Judicial College in 2012 – a process coinciding with the appointment of a new Chief Coroner and the establishment of a new Coroner Training Committee (whose members were also supposed to be involved in the selection of trainers and delivery of training) – the Judicial College proceeded with a comprehensive functional training needs assessment in order to assist the newly-appointed management and training bodies.</p> <p>An online questionnaire was developed and all 1,300 coroners and coroners' officers were invited to comment on their training needs.</p> <p>Members of the previous coroners' training groups were assigned the task of developing it. A list of coroners' skills and responsibilities was elaborated based on the job advertisements for coroner roles around the country. Three weeks were given to the target group members to complete the questionnaire. They were also asked to express their willingness to participate in telephone interviews.</p> <p>On the basis of the data gathered, a final report on coroners' training needs was delivered to the Chief Coroner and the Training Committee, serving as a basis for the development of training plans.</p>
Institution contact details	<p>Judicial College Ministry of Justice, 102 Petty France London SW1H 9LJ United Kingdom Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study.</p> <p>However, the practice described above could be considered as a BEST PRACTICE whenever the required approach demands the training institution to respond quickly and effectively to a recently awarded competence in a new area of training.</p>

Fact Sheet No. 8

Fact Sheet number	8
Title of practice	Training Needs, Evaluation and Impact Assessment
Category of practice	Training Needs Assessment (TNA)
Institute	ACADEMY OF EUROPEAN LAW (ERA)
Type of practice	BEST PRACTICE
Key features	<p>This Evaluation and Impact Assessment System was specially designed to evaluate the outcome of the workshops organised to implement the training modules in the area of EU family law for the European Commission.</p> <p>Two to three months before the implementation of each workshop, an <i>initial needs assessment questionnaire</i> is sent, together with the registration form, to interested (or registered) participants. Through this short questionnaire the applicants provide an overview of their professional background and their experience in the area of EU law in general, and, more concretely, in the area of EU family law.</p> <p>Questions are intended to investigate the reasons why judges and prosecutors have registered to participate, along with their training expectations when attending the workshops.</p> <p>Through the evaluation of this data, training organisers are able to gather important information on the professional profile of the applicants, their level of knowledge of the topics involved and, consequently, to define whose training priorities will best match the objectives of the programme.</p> <p>This preliminary training need assessment has a potential double effect on the efficiency of training in the areas of selection of registered applicants and the definition of applicants' individual training needs.</p>
Institution contact details	<p>Academy of European Law (ERA) Metzer Allee, 4 54295 Trier Germany Phone: + 49 651 93737-0 Fax: + 49 651 93737-773 E-mail: info@era.int Website: http://www.era.int</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study.</p> <p>The mechanism described above represents a good example of the interconnection between training needs assessment and evaluation</p>

	of training, since it has been built as a twofold process of immediate and mid-term evaluation of the effect of the training ⁴⁷ . It can be considered as a BEST PRACTICE .
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⁴⁷ See Fact Sheet No. 48.

Fact Sheet No. 9

Fact Sheet number	9
Title of practice	Individual Learning Need Assessment
Category of practice	Training Needs Assessment (TNA)
Institute	EUROPEAN INSTITUTE FOR PUBLIC ADMINISTRATION (EIPA)
Type of practice	BEST PRACTICE
Key features	<p>This system may be considered as part of an Individual Learning Need Assessment.</p> <p>Once a given topic is identified as matching a general training need and a training programme is designed to meet that need, the programme is opened for the registration of participants. Two-to-four weeks before the training starts the registered participants are asked to complete a <i>tailor-made questionnaire</i> with a two-fold objective:</p> <ul style="list-style-type: none"> ▪ To assess the participants' current level of knowledge and experience on the topic ▪ To investigate specific issues of their interest/concern. <p>If proper feedback is given on the answers provided in the above questionnaire, the practice will be adequate to increase the efficiency of training in several ways:</p> <ul style="list-style-type: none"> ▪ Training becomes fine-tuned to the audience's average level of knowledge of the subject ▪ The initial training plan may be redesigned in order to meet specific and/or unforeseen individual needs ▪ Practical information of immediate interest to the participants is provided and ▪ Individualised answers to pre-asked questions relating to the daily work of participants may also be given.
Institution contact details	<p>European Institute for Public Administration (EIPA) 2 Circuit de la Foire Internationale 1347, Luxembourg Luxembourg Phone: + 352 426 230-1 Fax: + 352 426 237 Email: info-lux@eipa.eu Website: http://www.eipa.nl/en/antenna/Luxembourg</p>
Other comments	<p>Although every training institution for the judiciary in the EU has implemented its own system to access training needs, some particularly interesting ideas were gathered while carrying out the current study.</p>

	<p>EIPA has argued that this method also represents a good example of the interconnection between training needs assessment and evaluation of training since it is coupled with a mid-term evaluation on the effects of training through the use of a web-based survey tool or direct telephone interviews. Currently, EIPA is considering the possibility to have these questionnaires available as online surveys.</p> <p>It can be considered as a BEST PRACTICE.</p>
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Fact Sheet UP 1

Fact Sheet number	UP 1⁴⁸
Title of practice	Participatory Assessment
Category of practice	Training Needs Assessment (TNA)
Country	FRANCE
Key features	<p>In France, trainee judges continuously assess the quality of their initial training and make suggestions and proposals aimed at improving the training system.</p> <p>Every pre-service trainee is asked to fill in a detailed questionnaire about the study period of his or her training at the ENM. This questionnaire is available online on ENM's website at the end of the 8-month-long study period in Bordeaux.</p> <p>The questionnaire asks trainees to self-assess their improvement and to determine whether they have acquired the skills their training should have brought them. Trainees are not obliged to fill out the questionnaire, but it is explained to them that the questionnaire is important to help the ENM improve its training curricula/courses. It can take up to 3 hours to answer the questionnaire because of the large number of questions. The answers are of course anonymised. Around 75% of the trainees filled in the questionnaire last year.</p> <p>The ENM has set up a mechanism of continuous assessment of its in-service curricula. Each class of trainees is divided into small groups of approximately 20 people for workshop activities. In each small group a delegate is elected. The delegates meet with the director of studies, without trainers, once a month to assess and discuss the training and see how to improve it in real time. The director of studies then drafts a report, which is disseminated among the trainers. Therefore, it is possible to amend the content or form of the training courses by taking into consideration the remarks of the delegates.</p> <p>Each year, three or four of the delegates of the small groups engage in a long-term assessment process in co-operation with the director of studies. The task of these delegates is to brainstorm on the content of the training courses, the organisation of the curricula and the pedagogy, and then make remarks or proposals to improve the study period at the ENM. They begin their work around three months after the beginning of the study period in the ENM. They do not stop this work at the end of the study period, but work on during the court internship of 10 months which follows the study period. Thus they can assess the content of the study period and the pedagogy of the ENM once they are immersed in courts and need to use what they have learnt during the study period.</p>

⁴⁸ 'UP refers to **Unclassified Practice**. In the course of the study a number of practices were brought to the experts' attention which were of interest, but did not in the view of the experts warrant a special classification sui generis. We now describe these as 'UPs'

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	<p>These delegates remain in touch with the director of studies and also with the other trainees in the class, who can let them know how to improve training at the ENM.</p> <p>While they are carrying out their court internships, these delegates also work with the delegates of the next class who are studying at the ENM at the same time. It enables the direction of studies to obtain detailed feedback on the study period.</p> <p>This assessment tool has proved to be very efficient. Trainees generally bring very interesting ideas, which are often integrated into the training curricula. For instance, self-study periods were added to the curriculum last year.</p>
<p>Institution contact details</p>	<p>National School for the Magistracy (ENM) 8, Rue de Chanoinesse 75004 Paris France Phone: + 33 1 44 41 88 20 Fax: + 33 1 44 41 88 21 Email: enm-info-di@justice.fr Website: http://www.enm-justice.fr</p>

Fact Sheet No. 10

Fact Sheet number	10
Title of practice	Planning a Comprehensive and Needs-orientated Annual Training Curriculum
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	GERMANY
Type of practice	BEST PRACTICE
Key features	<p>In Germany, section 2 of the Administrative Agreement of the Federation and the 16 States of 1 March 1993 on the German Judicial Academy states that judges and public prosecutors should be provided with further training in their respective areas of expertise, but also 'with knowledge and experience of political, social, economic and other scholarly developments'. This regulation defines fixed percentages in relation to the different fields of training.</p> <p>Accordingly, only 45-50% of the courses can be allocated to strictly legal issues conferences, some 25-30% of the annual events should adopt a multi-disciplinary approach (e.g. law and medicine, law and internet, law and ethics, law and religion, etc.) while the remaining should be geared towards the improvement of other soft skills.</p> <p>The justification for this practice is that the programme planners should not only take into account as many detected training needs as possible, but also have a system in place to maintain them as protected training categories.</p>
Institution contact details	<p>German Judicial Academy Trier Conference Centre (Institute of the Federal State of Rhineland-Palatinate) Berliner Allee 7 54295 Trier, Germany Phone: + 49 65 1 93 61 119 Fax: + 49 65 1 30 02 10 E-mail: trier@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p> <p>Wustrau Conference Centre (Institute of the Federal State of Brandenburg) Am Schloss 1 16818 Wustrau, Germany Phone: + 49 33 92 5 8 97 333 Fax: + 49 33 92 5 8 97 202 Email: wustrau@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p>

Other comments	It is now widely recognised across Europe that adequate training of judges and prosecutors should not rely only on <i>hard skills</i> (legal and purely judicial topics) but that it should also focus on <i>soft skills</i> (multidisciplinary approaches, other areas of knowledge, ethics, rhetoric, communication, media training, memory training, vocal training, mediation, psychology of the testimony and so on). The BEST PRACTICE mentioned above reflects a good example of how such an approach should be followed.
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Fact Sheet No. 10 – i

Fact Sheet number	10 – i
Title of practice	Planning a Comprehensive and Needs-orientated Annual Training Curriculum
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>The Judicial College of England and Wales states publicly, in its Strategy Document, that its training activities will be organised based on three main elements for judicial training:</p> <ul style="list-style-type: none"> ▪ Substantive law, evidence and procedure and, where appropriate, subject expertise; ▪ The acquisition and improvement of judicial skills including, where appropriate, leadership and management skills; ▪ The social context within which judging occurs.
Institution contact details	<p>Judicial College Ministry of Justice , 102 Petty France London SW1H 9LJ United Kingdom Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
Other comments	<p>It is now widely recognised across Europe that adequate training of judges and prosecutors should not rely only on <i>hard skills</i> (legal and purely judicial topics) but that it should also focus on the <i>soft skills</i> (multidisciplinary approaches, other areas of knowledge, ethics, rhetoric, communication, media training, memory training, vocal training, mediation, psychology of the testimony and so on). The BEST PRACTICE mentioned above (10 – i) provide good examples of how such an approach should be adopted.</p>

Fact Sheet No. 11

Fact Sheet number	11
Title of practice	Delivery of Training to Judges and Prosecutors in Conjunction with Other Professions
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	BULGARIA
Type of practice	GOOD PRACTICE
Key features	<p>Whenever it becomes clear that the work of judges and prosecutors cannot be examined separately, as it may intermingle with a variety of other professions, both legal and non-legal, some training institutions highlight the added value of the training provided to a combined audience.</p> <p>It is claimed that this approach is very successful, based on the added value for each target group of participants who are able to see how a given process develops from another profession's viewpoint. This enables all the players within and outside the judicial field to demonstrate understanding and a higher level of awareness towards the justice administration as a whole.</p> <p>In Bulgaria, a generic blended approach towards training is applied across the board in many aspects of judicial training. Training activities have been expanded to include: blended training groups within and outside the judiciary, blended training teams, blended training formats and blended institutional trainings within and outside the judiciary. The blended training groups are composed of various professionals and may include: judges, prosecutors, judicial investigators, judicial administration, investigating police, Ministry of Justice employees, bank legal experts, media experts/journalists.</p> <p>This approach has proven to be very successful, as it is valuable for every target group of participants to be able to see the process from another profession's viewpoint. This allows all the players within and outside the judicial community to develop an understanding and a higher level of awareness of the justice administration as a whole.</p>
Institution contact details	<p>National Institute of Justice (NIJ) 14 EkzarhYossif Str. BG 1301 Sofia Bulgaria Phone: + 359 2 9359 100 Fax.: + 359 2 9359 101 Email: nij@nij.bg Website: http://www.nij.bg</p>
Other comments	<p>Training institutions may wish to consider the transferability of the system described above, which can be qualified as a GOOD PRACTICE, in particular circumstances if they are empowered to organise training events addressed to other professions other than their own or in partnership with other national institutions.</p>

Fact Sheet No. 11 - i

Fact Sheet number	11 – i
Title of practice	Delivery of Training to Judges and Prosecutors in Conjunction with Other Professions
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>Whenever it becomes clear that the work of judges and prosecutors cannot be examined separately, as it may intermingle with a variety of other professions, both legal and non-legal, some training institutions highlight the added value of the training provided to a combined audience.</p> <p>It is claimed that this approach is very successful, based on the added value for each target group of participants who are able to see how a given process develops from another profession's viewpoint. This enables all the players within and outside the judicial field to demonstrate understanding and a higher level of awareness towards the justice administration as a whole.</p> <p>In England and Wales, at the Judicial College judges and specialist non-judge members (medical and financial specialists) train together in the Social Security and Child Support Tribunal, while also delivering training in tandem. This enables the training providers to use case-specific examples from these areas of work, so that a realistic and detailed discussion, both legal and subject-specific, can occur.</p> <p>The complex factual matters for which specialist knowledge is required may be explained and interpreted by the specialist members, while the judges bring their legal knowledge to the case studies, so new law can be explored, discussed and integrated into the specialist issues.</p> <p>The real effectiveness is thought to be in fostering a greater rapport between judges and the non-legal members, and a better understanding of and respect for the skills that each professional discipline has and brings to the tribunal. This feeds into good tribunal experiences on both sides of the table, as good teamwork will lead to better outcomes, both in terms of the efficiency of hearings and the user experience. This is now considered to be the appropriate way to train where possible, indeed, where different professional disciplines engage in a tribunal hearing together it seems odd now to envisage wholly separate training.</p>
Institution contact details	Judicial College Ministry of Justice , 102 Petty France London SW1H 9LJ, United Kingdom

	Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college
Other comments	Training institutions may wish to consider the transferability of the system described above, which can be qualified as a BEST PRACTICE , in particular circumstances if they are empowered to organise training events addressed to other professions other than their own or in partnership with other national institutions.

Fact Sheet No. 12

Fact Sheet number	12
Title of practice	Combining Different Disciplines in the Delivery of Training for Judges and Prosecutors
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	ITALY
Type of practice	BEST PRACTICE
Key features	<p>In Italy, a training programme has been devised that seeks to extend the initial training of judges to include an in-depth analysis of the social, political and economic context in which the justice system operates. This practice aims to introduce into the initial training curriculum content that should make young judges and prosecutors better aware of the economic, social, political and cultural context in which their judicial activity will take place.</p> <p>The rationale for this approach, which has been incorporated directly into Italian guidelines for initial training, is that it is important to use training to develop economic, social, and cultural awareness amongst the judiciary in an epoch in which for a number of reasons (e.g. development of media and social media, multiculturalism and multi-ethnicity, economic crises, and rapid developments in biology and medicine), the application of the law cannot be separated from knowledge of social sciences and other related disciplines.</p>
Institution contact details	<p>Italian School for the Judiciary (SSM) Via Tronto n 2 00198 Rome Italy Phone: + 39 685271204 Fax: + 39 685271270 Email: segreteria@scuolamagistratura.it Website: http://www.scuolamagistratura.it</p>
Other comments	<p>The immersion of trainees, during initial training, in institutions outside the judicial system for a given period of time is considered to be a BEST PRACTICE if the national training schedule and the established training priorities so permit.</p> <p>The programme seeks explicitly to reflect the values set down in Article 56 of Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to Member States on judges: independence, efficiency and responsibilities</p>

Fact Sheet No. 13

Fact Sheet number	13
Title of practice	Simulated Mock Tribunals and Role Play Programmes
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>In their recent series of continuous training seminars, the Property Chamber in England and Wales identified a number of areas of jurisdiction and practice in which training was required. It was decided to incorporate the relevant law topics into a scripted mock hearing of an application.</p> <p>Delegates working in groups of five or six were asked to determine the issues at large in syndicate groups. Each of the topics was then addressed in turn as part of the training event through scripted hearing accompanied by small formal presentations and plenary discussion. As well as addressing issues of law, the mock hearing was scripted to demonstrate issues of case management and conduct of a hearing, using interactive role play involving a great deal of spontaneous intervention. The 'players' were the trainers, supported by two delegates who were nominated to sit on the mock tribunal.</p> <p>The training was in the form of a two-day seminar (12.5 hours in total).</p> <p>Wishing to avoid subjecting participants to two days of formal lectures, the training team also wanted to make the training as topical and relevant as possible. The opportunity to view the areas of case management, law and practice in the context of a tribunal hearing and then receive instruction and information made the learning outcomes more relevant. It also enabled the trainers to use a variety of training methods, which made the seminar more interesting and enjoyable for delegates.</p>
Institution contact details	<p>Judicial College Ministry of Justice, 102 Petty France London SW1H 9LJ United Kingdom Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
Other comments	<p>The use of mock trials is already a training practice in use in the great majority of national training institutions within the EU. The BEST PRACTICE detailed above is used as an example of how legal topics may be addressed within this interactive context.</p>

Fact Sheet No. 14

Fact Sheet number	14
Title of practice	Simulated Mock Tribunals
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	HUNGARY
Type of practice	BEST PRACTICE
Key features	<p>In Hungary, court secretaries (assistant judges) have to practise at a court for at least one year in order to be eligible to apply for an effective judge's position.</p> <p>During the court secretary's period of practice they have to take part in mandatory training organised by the Judicial Academy, including mock trial sessions.</p> <p>This particular module lasts for one week. The mock trial takes place at the Hungarian Academy of Justice where two training rooms are permanently furnished as courtrooms.</p> <p>The court secretaries who take part in the training work on the basis of a case study and play all the roles: e.g. in the case of a criminal procedure the victim, the accused person, witnesses, the defence lawyer, the prosecutor and the judge (panel).</p> <p>The mock trial sessions are video-recorded and played back to the participants for analysis with the help of tutor judges and psychologists. At the end of the training each participant receives a DVD containing his/her 'first court trial'.</p>
Institution contact details	<p>National Office for the Judiciary (Hungarian Academy of Justice) Postal address: 1363 Pf.: 24 Budapest, Visiting address: Szalay u. 16 1055 Budapest Hungary Phone: + 36 1 354-4100 Fax: + 36 1 312-4453 Email: obh@obh.birosag.hu Website: http://www.birosag.hu/obh</p>
Other comments	<p>The use of mock trials is already a training practice in use in the great majority of the national training institutions within the EU.</p> <p>Although there may be other ways to achieve a similar result, the described mechanism prepares the trainee well for leading court hearings. Because of its particular characteristics and the way it involves trainees in every aspect of the simulation, we consider this to be a BEST PRACTICE.</p> <p>This practice is transferable but it would be more lifelike if proper training rooms (furnished as courtrooms) were available at the training centres.</p>

Fact Sheet No. 15

Fact Sheet number	15
Title of practice	Close Monitoring of Communication Skills, through the Use of Simulation
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	FRANCE
Type of practice	BEST PRACTICE
Key features	<p>The main objective of the following teaching sequence found in France is to familiarise trainee judges and prosecutors with different interview techniques that are relevant to the conduct of criminal hearings, oral requisitions or chairing hearings.</p> <p>This practice achieves two specific purposes:</p> <ul style="list-style-type: none"> ▪ To prepare the trainee not only to chair the criminal hearing but also to lead interviews. This requires specific skills (e.g. on how to lead a debate). <p>This specificity lies, of course, in both the nature of the litigation (family issues, childhood in danger, measures to protect vulnerable people) and in the more intimate character of the chamber hearing.</p> <ul style="list-style-type: none"> ▪ To work on the procedural aspects of the interview or public hearing, under the supervision of a judge and also on the behaviour of the magistrate (listening skills, adaptability, positioning, ability to raise a statement, opening the debate, closing of an interview, prevention of incidents, clarification of remarks) in respect of ethical and professional rules. <p>Each simulation's sequence is performed in small groups under the supervision of a judge and a psychologist who specialises in issues relating to childhood in danger, family issues or vulnerable people. Trainer judges may belong to the permanent teaching staff of the school but also may be invited guests. Psychologists are occasional speakers or fee-paid associate teachers.</p> <p>During the simulation, the trainee is expected to work not only on the procedural framework of speaking at the hearing with regard to ethical and professional rules, but also on the basic rules of interviewing: objectivity, creating a relationship with the defendant and the parties, listening, ensuring a professional attitude, preventing an incident and concluding the interview.</p> <p>In order to enable each participant to perform adequately, these simulations last a full day for the chamber hearings and 2/3 days for criminal hearings.</p> <p>Each sequence is filmed to enable the auditor to subsequently identify the qualities and weaknesses of his/her performance during a 'debriefing' phase.</p> <p>The psychologist uses his or her insight to comment on the elements</p>

	of non-verbal behaviour that can interfere with the smooth running of the hearing.
Institution contact details	National School for the Magistracy (ENM) 8, Rue de Chanoinesse 75004 Paris France Phone: + 33 1 44 41 88 20 Fax: + 33 1 44 41 88 21 Email: enm-info-di@justice.fr Website: http://www.enm-justice.fr
Other comments	The use of mock trials is already a training practice in use in the great majority of national training institutions within the EU. Nevertheless, although quite time consuming both in preparation and delivery the described mechanism is a BEST PRACTICE . It is easily transferable as it only requires the logistical resources referred to above.

Fact Sheet No. 16

Fact Sheet number	16
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	FRANCE
Type of practice	BEST PRACTICE (plus CADEJ as a PROMISING PRACTICE)
Key features	<p>Judges in France are expected to engage in five days of continuous training every year. They select their courses from the training prospectus published annually, covering eight general themes. One theme is <i>Administration of Justice</i>, and includes such topics as the tools of management (including running budgets), change management, human resources and risk management, managing stress, techniques of evaluation, measurements of efficiency, and the interface between judicial and public policy. Courses typically run for three days, although one course runs for 21 days, spread over seven modules.</p> <p>These courses are available to all French judges on a self-selecting basis. In addition the ENM offers further programmes designed for specific managerial purposes. The first programme is a bespoke series of courses designed to assist judges appointed to a particular management post and includes management training for <i>New Secretary Generals, Judges as Departmental Heads within a Jurisdiction, New Heads of Jurisdiction, New Heads of Jurisdiction: One Year Later</i>, and a <i>Training Plan of Heads of Jurisdiction</i> (addressed to judges with at least three years of seniority in their role as head of the jurisdiction).</p> <p>More recently, ENM has introduced a further programme designed to prepare judges interested in future management functions within a judicial entity (department heads, head of jurisdiction etc.) but who are not yet in such positions of responsibility. It consists of a broad training programme dealing with major institutional, administrative and societal issues during a cycle of 10 modules of three days per month. The programme is called the Cycle Approfondi d'Etudes Judiciaires (CADEJ). A unique feature of this course is that in addition to judges it is attended by a small number of trainee leaders and managers from other professions, for example the prison service and the gendarmerie.</p>
Institution contact details	<p>National School for the Magistracy (ENM) 8, Rue de Chanoinesse 75004 Paris France Phone: + 33 1 44 41 88 20 Fax: + 33 1 44 41 88 21 Email: enm-info-di@justice.fr Website: http://www.enm-justice.fr</p>

Other comments	The approach above constitutes a BEST PRACTICE , although its transferability will require significant prioritisation of resources in national training institutions. The new CADEJ course for those aspiring to future leadership and management positions is a PROMISING PRACTICE in its early stages of development.
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Fact Sheet No. 17

Fact Sheet number	17
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	FINLAND
Type of practice	PROMISING PRACTICE
Key features	<p>Finland has adopted a system of management and leadership training, providing continuous management training every year to all levels of leadership in their organisations. The main target of the management training has been to adapt the leaders to the 'management by results' system operating in the state administration, and to strengthen their competences in leadership, personnel management, creating a good work climate etc.</p> <p>In addition, senior judges have also been given training in the competences necessary to lead the application of law by setting the goals for each court with their resident judges, including such matters as case allocation, balancing the workload of judges, the need for uniformity in the handling times of cases and the application of law, and dealing with independence issues.</p>
Institution contact details	<p>Ministry of Justice Postal address: Po Box 25 00023 Valtioneuvosto Visiting address: Eteläesplanadi 10 Helsinki Finland Phone: + 358 2951 6001 Fax: + 358 9 1606 7730 E-mail: oikeusministerio@om.fi Website: http://www.oikeusministerio.fi</p>
Other comments	This programme is a PROMISING PRACTICE in a state of responsive development. We are likely to see exponential growth in such activities in the coming years.

Fact Sheet No. 17 – i

Fact Sheet number	17 – i
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	BELGIUM
Type of practice	PROMISING PRACTICE
Key features	In Belgium , a course and coaching in project management for judges, prosecutors and court staff members has been developed to encourage better co-operation and exchange of information between members of the judiciary and their staff members. After being trained in project management techniques, the participants receive customised coaching in order to specify their objectives and to build up their own project management plan. After a few months of practice work on the project management plan, the projects are presented by participants at a forum, with a view to becoming new benchmarks for Good Practices . The ultimate aim of this course is to make the justice system more efficient by using better processes and appropriately adapted management tools.
Institution contact details	Judicial Training Institute (IGO/IFJ) Avenue Louise 54 1050 Brussels Belgium Phone: + 32 2 518 49 49 Fax: + 32 2 518 49 79 E-mail: info@igo-ifj.be Website: http://www.igo-ifj.be
Other comments	The Belgian practice is a PROMISING PRACTICE in a state of responsive development. We are likely to see exponential growth in such activities in the coming years.

Fact Sheet No. 17 - ii

Fact Sheet number	17 – ii
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	ENGLAND and WALES
Type of practice	PROMISING PRACTICE
Key features	<p>In England and Wales, the Judicial College is in the process of developing a leadership and management development programme for judges in all jurisdictions who have leadership and management responsibilities (Leadership and Management Judges: LMJs). Following consultation with a large number of senior judges, judicial human resources and external bodies, the first programme was launched in 2014. Each programme will last for approximately four months and is expected to run twice a year. With a capacity for 25 judges per programme, priority for places will be given to those judges who have been recently appointed to leadership or management roles. The programme contains modules on topics such as "Understanding your Organisation, Communicating and Working with other Organisations; People Management; and Managing Yourself as Leader".</p> <p>The emphasis of the programme is on practical learning and the application of key leadership and management skills and attributes. Full use will be made of online resources and internal expertise (both judicial and training) to ensure optimum relevance of materials and cost efficiency.</p>
Institution contact details	<p>Judicial College Ministry of Justice , 102 Petty France London SW1H 9LJ United Kingdom Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
Other comments	This programme is a PROMISING PRACTICE in a state of responsive development. We are likely to see exponential growth in such activities in the coming years.

Fact Sheet No. 17 - iii

Fact Sheet number	17 – iii
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	EIPA
Type of practice	PROMISING PRACTICE
Key features	<p>EIPA has developed training programmes which combine EU law topics with topics related to the organisation and management of justice institutions (courts and public prosecutor offices). The programme is composed of a series of seminars related to the introduction of Total Quality Management (TQM) into the judiciary. They are designed for court presidents, chief prosecutors and heads of administration.</p> <p>Having as an overall objective the introduction of TQM into the courts and public prosecutor services, the participants review the situation in their institutions, including how the work of their institution is perceived by their 'client', the press, politicians, etc., and whether there is a need for improvements to current procedures and practices. These programmes are divided into different levels (i) awareness-raising; (ii) specific TQM (self-assessment tools and how to use them); (iii) how to plan and implement plans for improvement; (iv) how to ensure continuous TQM improvements.</p>
Institution contact details	<p>European Institute for Public Administration (EIPA) 2 Circuit de la Foire Internationale 1347, Luxembourg Luxembourg Phone: + 352 426 230-1 Fax: +352 426 237 Email: info-lux@eipa.eu Website: http://www.eipa.nl/en/antenna/Luxembourg</p>
Other comments	This programme is PROMISING PRACTICE in a state of responsive development. We are likely to see exponential growth in such activities in the coming years.

Fact Sheet No. 17 - iv

Fact Sheet number	17 – iv
Title of practice	Leadership and Management Training
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	THE NETHERLANDS
Type of practice	PROMISING PRACTICE
Key features	<p>The Training and Study Center for the Judiciary (SSR) in the Netherlands has developed a comprehensive curriculum of leadership and management development programmes, both for the Dutch courts and the public prosecution service. This was done upon the request of, and in close consultation and co-operation with, the Council for the Judiciary and the Board of Procurators General.</p> <p>Previously, management and leadership training programmes took place within the Dutch judiciary and prosecution service on an ad hoc basis and without any involvement of SSR. Nowadays, there is a complete set of training programmes in place, for different target groups at different levels within the Dutch judiciary. An important added value of the involvement of SSR is that SSR – being the national and only training institution of the judiciary in the Netherlands – can bring in their expert knowledge of judicial organisation in the Netherlands and their knowledge on how to set up training curricula for this specific target group. External trainers are involved for certain specific topics, but the overall design of the programmes lies with SSR.</p> <p>The programmes are aimed at board members and high-level managers from courts and central supporting organisations of the Dutch court system; heads of court departments ("chambers"); heads of teams (both in courts and in prosecutors' offices); heads of operational affairs (within the prosecution service); future or potential presidents of court and board members; and future heads of departments.</p> <p>The training programmes not only focus on 'hard' management and leadership skills (such as financial management), skills in personal leadership – and thus personal development – also form an important part of the curriculum. Personal leadership is already firmly embedded in the new initial training programme for judges. This includes, for instance, peer group consultation and personal coaching (both by colleague judges and external coaches).</p> <p>An important notion behind the leadership and management training programmes is the idea of 'collectivity' and co-operative identity. In addition to the importance of the training programme for the individual members, the programmes aim to strengthen judicial organisation and to develop a common and shared ambition, vision and set of principles. 'Collectivity' also means that the training methods used underline the importance of sharing knowledge and the power of learning from colleagues.</p>

Institution contact details	Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl
Other comments	This programme is a PROMISING PRACTICE that is currently being evaluated.

Fact Sheet No. 18

Fact Sheet number	18
Title of practice	A Comprehensive Package to Deliver Large-Scale Training on New Legal Instruments
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country / Institute	ROMANIA
Type of practice	BEST PRACTICE
Key features	<p>Whenever confronted with large-scale legislative changes or the introduction of an important new legal tool in any area of law, training institutions are faced with the need to immediately target a large number of members of the judiciary in order to provide them with adequate training in those matters.</p> <p>This training should follow a careful planning procedure, reflect a comprehensive training strategy, should be executed as far as possible under the same training conditions, and, taking into account the scale of the training, should be as cost-effective as possible.</p> <p>Romania was faced with the need to retrain the entire judiciary in four new Codes: the Civil Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code. To this end, the NIM drafted a unitary, centralised strategy that included 1) identification of the trainers; 2) the organisation of decentralised seminars; 3) the continuous updating of training curricula; 4) the organisation of national conferences at centralised level, with online broadcasts and video recordings delivered at decentralised seminars for all judges across Romania.</p> <p>Simultaneously, training materials were developed and enlarged, as well as e-Learning modules for the new Codes. In addition, NIM also organised 'train the trainers' activities.</p>
Institution contact details	<p>National Institute of Magistracy Bd. Regina Elisabeta nr. 53, Sector 5 050019, Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
Other comments	The above example is a BEST PRACTICE to tackle this kind of challenge. It is presented irrespective of the area of law to which it may apply. It is easily transferable and should be adopted whenever possible.

Fact Sheet No. 18 - i

Fact Sheet number	18 – i
Title of practice	A Comprehensive Package to Deliver Large-Scale Training on New Legal Instruments
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country / Institute	FRANCE
Type of practice	BEST PRACTICE
Key features	<p>Whenever confronted with large-scale legislative changes or the introduction of an important new legal tool in any area of law, training institutions are faced with the need to immediately target a large number of members of the judiciary in order to provide them with adequate training in those matters.</p> <p>This training should follow a careful planning procedure, reflect a comprehensive training strategy, should be executed as far as possible under the same training conditions, and, taking into account the scale of the training, should be as cost-effective as possible.</p> <p>In France, this issue has been tackled through the organisation of several activities of continuous training that took place in Paris and at the nine courts of appeal (all over the country) where ENM has regional training co-ordinators. This plan was complemented by the design of an e-Learning course on legal reform uploaded on ENM's intranet and accessible to all judges and clerks of France at the time of the adoption of the reform. It further included the development of documentation made available both on paper and on a CD-ROM.</p>
Institution contact details	<p>National School for the Magistracy (ENM) 8, Rue de Chanoinesse 75004 Paris France Phone: + 33 1 44 41 88 20 Fax: + 33 1 44 41 88 21 Email: enm-info-di@justice.fr Website: http://www.enm-justice.fr</p>
Other comments	The above example is a BEST PRACTICE to tackle this kind of challenge. It is presented irrespective of the area of law to which it may apply. It is easily transferable and should be adopted whenever possible.

Fact Sheet No. 18 – ii

Fact Sheet number	18 – ii
Title of practice	A Comprehensive Package to Deliver Large-Scale Training on New Legal Instruments
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country / Institute	ACADEMY OF EUROPEAN LAW (ERA)
Type of practice	GOOD PRACTICE
Key features	<p>Whenever confronted with large-scale legislative changes or the introduction of an important new legal tool in any area of law, training institutions are faced with the need to immediately target a large number of members of the judiciary in order to provide them with adequate training in those matters.</p> <p>This training should follow a careful planning procedure, reflect a comprehensive training strategy, should be executed as far as possible under the same training conditions, and, taking into account the scale of the training, should be as cost-effective as possible.</p> <p>At intervals, the Academy of European Law (ERA) organises large-scale series of seminars in the Member States aimed at raising awareness among the national judiciary of a major new piece of legislation at EU level. This approach was designed to tackle the training of judges after the adoption of a major EU legislative change, which may assign a new role to that of the national judge. This practice is used in an international environment and allows a rapid and better implementation of the new legislation, intended to develop a harmonised interpretation of these rules throughout the European Union.</p> <p>This practice was implemented by ERA immediately after the adoption of EC Regulation 1/2003 introducing the new Competition Law regime across the EU. Even before this new regulation entered into force in May 2004, ERA started offering basic training for the judiciary in various Member States. A kind of standardised programme was drafted and adapted to the specific needs of each judiciary.</p> <p>ERA has continued this large-scale training since then, although the focus has recently shifted from basic training to more advanced or sectorial training; basic training can and at times is provided through e-Learning activities.</p>
Institution contact details	Academy of European Law (ERA) Metzer Allee, 4 54295 Trier Germany Phone: + 49 651 93737-0

	Fax: + 49 651 93737-773 E-mail: info@era.int Website: http://www.era.int
Other comments	The above example is a GOOD PRACTICE to tackle this kind of challenge. It is easily transferable and should be adopted whenever possible.

Fact Sheet No. 19

Fact Sheet number	19
Title of practice	Joint Delivery of Training Programmes in Unusual Partnerships
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	PORTUGAL
Type of practice	PROMISING PRACTICE
Key features	The annual plan of activities for continuous training in Portugal has recently included an innovative initiative on the topic of 'Image and voice, rhetoric and argumentation', as it was considered that judges and prosecutors should improve the way they communicate with the other participants in any judicial activity. While expressing themselves orally in the court room – a public space – magistrates also play an important role in making justice more understandable to ordinary citizens. In its early stages, this programme works with teachers of rhetoric and university professors, in an event designed and implemented under the framework of a partnership agreement signed between CEJ and the São Carlos National Theatre (the Opera House in Lisbon). It takes place in the theatre's auditorium.
Institution contact details	Centre for Judicial Studies (CEJ) Largo do Limoeiro 1149-048 Lisbon Portugal Phone: + 351 21 884 56 00 Fax: + 351 21 884 56 04 E-mail: cej@mail.cej.mj.pt Website: www.cej.mj.pt
Other comments	The training programme mentioned above constitutes an interesting PROMISING PRACTICE which may be easily transferable.

Fact Sheet No. 20

Fact Sheet number	20
Title of practice	Joint Delivery of Training Programmes with External Research Institute
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	POLAND
Type of practice	BEST PRACTICE
Key features	<p>Although the practice of producing training programmes in areas of knowledge other than the purely legal field is well-known across the EU, they are normally organised in partnership with universities or other institutes specialised in the identified topics. In Poland the Polish Judicial Academy provided an example of a comprehensive course on Medical-legal and forensic aspects of the acquisition and use of biological traces of evidence, applied in continuous training and comprising four modules of two days' seminar sessions (64 hours in total).</p> <p>The programme consists of activities that involve experienced prosecutors and forensic specialists, criminology experts from the Institute of Forensic Research in Cracow. The lecturers are very experienced in conducting professional training for the judiciary in the four areas targeted by the modules: forensic biology, forensic toxicology, genetic science in the criminology science and forensic medicine and evidence of biological trace in criminal proceedings.</p> <p>The activity aims to explain and clarify the capacity of new methods of expertise and to discuss the most problematic practical issues of proper communication between the expert and their customers. These issues are discussed with a focus on frequent inquiries and decisions of the admission of an expert's evidence as well as the interpretation of expert application made by all participants of the judicial proceeding.</p> <p>The seminar has been designed to enhance future criminal proceedings, aiming to provide judges and public prosecutors with a systematic knowledge of the evidential value of biological traces and to promote the wider use of these methods of expertise in criminal proceedings. Its focus is upon communication of difficult topics in plain language.</p>
Institution contact details	<p>National School of Judiciary and Public Prosecution (KSSIP) Ul. Krakowskie przedmieście 62 20-076 Lublin, Poland Phone.: + 48 81 440 87 10 Fax: + 48 81 440 87 11 E-mail: sekretariat@kssip.gov.pl Website: http://www.kssip.gov.pl</p>
Other comments	<p>This particular training programme was considered a BEST PRACTICE and its transferability, with the necessary adaptations to each national training environment and its available training schedule, is recommended.</p>

Fact Sheet No. 21

Fact Sheet number	21
Title of practice	Court Mentors
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	BULGARIA
Type of practice	GOOD PRACTICE
Key features	<p>The use of workplace mentors and trainers is a standard common practice in most EU countries. It allows a smooth transition of the trainee judge or public prosecutor into the judicial system and places particular emphasis on the practical side of the training, provided on an individualised basis.</p> <p>The mentor is normally a highly experienced judge or prosecutor with good pedagogical skills.</p> <p>Workplace training and mentoring aims to maintain the level of effective governance and to create opportunities and conditions for tacit, experience-based knowledge as well as an appropriate ground for discussion on performance and effectiveness.</p> <p>In Bulgaria, this practice is found after the completion of the term of mandatory training at the training centre.</p> <p>When the junior judges begin their active professional work, they still need the expert guidance of a mentor to facilitate their integration into the judiciary and provide them with practical tools to handle their day-to-day obligations. NIJ is mandated by law to follow-up the performance of its graduates during their first two years within the judiciary. The mentors are trained by NIJ and periodically meet together to exchange Good Practices as to how to keep the performance of junior judges and prosecutors in line with the initial training they have received at NIJ.</p> <p>This system provides NIJ with feedback about how the initial training programme, (content, organisation, etc.) meets the requirements of practice. The mentors are also involved in the evaluation of junior judges carried out by the Supreme Judicial Council (SCJ).</p>
Institution contact details	<p>National Institute of Justice (NIJ) 14 EkzarhYossif Str 1301 Sofia Bulgaria Phone: + 359 2 9359 100 Fax.: + 359 2 9359 101 Email: nij@nij.bg Website: http://www.nij.bg</p>
Other comments	<p>This is a GOOD PRACTICE that can serve as a model for refreshing to a greater or lesser extent the systems of workplace trainers and mentors that are in place in most EU Member States for the training of judges and prosecutors.</p>

Fact Sheet No. 21 - i

Fact Sheet number	21 – i
Title of practice	Court Mentors
Category of practice	Innovative Curricula or Training Plan in any Given Area
Country	THE NETHERLANDS
Type of practice	GOOD PRACTICE
Key features	<p>The use of workplace mentors and trainers is a standard common practice in most EU countries. It allows a smooth transition of the trainee judge or public prosecutor into the judicial system and places particular emphasis on the practical side of the training, provided on an individualised basis.</p> <p>The mentor is normally a highly experienced judge or prosecutor with good pedagogical skills.</p> <p>In the Netherlands, the initial training programme for judges and prosecutors is a 'dual-training programme' i.e. trainees work at a court or prosecutor's office and only come to the training centre at regular intervals for short training courses. This means that an important part of the actual training takes place at the workplace itself. This 'learning by doing' is carefully guided by a team of workplace trainers and mentors who are judges and prosecutors. During part of their working hours they act as trainers/mentors to a number of trainees.</p> <p>The workplace trainers and mentors play a crucial role. They instruct and train, coach, guide the trainee, and provide feedback on their performance. It is, therefore, important that they themselves are well-trained and well-equipped to carry out this role. To this end, SSR has developed a varied programme of courses and other activities for these workplace trainers and mentors, both for beginners and for more experienced workplace trainers and mentors. It includes coaching and peer-consultation sessions and master classes. In addition, in 2012 a digital handbook for workplace trainers and mentors was published. SSR regularly organises a Day of the Workplace event for these workplace trainers and mentors, which enables them to share experiences and strengthen their networks.</p>
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015, 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>
Other comments	<p>This is a GOOD PRACTICE that can serve as a model for refreshing to a greater or lesser extent the systems of workplace trainers and mentors that are in place in most EU Member States for the training of judges and prosecutors.</p>

Fact Sheet No. 22

Fact Sheet number	22
Title of practice	Comprehensive Online e-Learning Strategy
Category of practice	Innovative Training Methodology
Country	BULGARIA
Type of practice	BEST PRACTICE
Key features	<p>In Bulgaria a judicial and legal environment that is characterised by constant change, the need for a reliable, up-to-date and easily-accessible source of information led the Bulgarian Academy to establish two web-based information tools – the Extranet and the Discussion forum.</p> <p>Since their creation in 2009, these tools have been widely used. Both play a supporting role in the training process and have proven to be cost-effective, because they were built upon an open code training system.</p> <p>The Extranet was designed as a communication tool to serve magistrates when issues arise in the area of European law. After registering with the system, every magistrate can use the resources on the Extranet, including practical training materials (court decisions, assignments and exercises, used during their 9-month training at the NIJ).</p> <p>The Discussion Forum was created together with the Distance Learning Portal and integrates an overall distance learning strategy on training.</p> <p>It encourages discussion of topical questions on any subject relating to future or completed courses. Previous active participation in the discussion forum during training activities is a criterion for the award of a Certificate of Completion.</p> <p>Distance learning courses usually take three to four months to complete. During this time, participants have online contact with one another, can access the information from any convenient location and better manage the time they are willing to dedicate to training, while exercising overall control over the learning process.</p> <p>To complement all of the above, the NIJ is planning to purchase e-books with financial support from the EU.</p>
Institution contact details	<p>National Institute of Justice (NIJ) 14 EkzarhYossif Str. BG 1301 Sofia Bulgaria Phone: + 359 2 9359 100 Fax.: + 359 2 9359 101 Email: nij@nij.bg Website: http://www.nij.bg</p>

Other comments	<p>The above-described practice has demonstrated a very high level of efficiency as it has brought a variety of added value to the training, besides being cost- effective.</p> <p>It may be considered a BEST PRACTICE to be adopted wherever possible.</p>
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Fact Sheet No. 23

Fact Sheet number	23
Title of practice	Blended e-Learning
Category of practice	Innovative Training Methodology
Country	THE NETHERLANDS
Type of practice	BEST PRACTICE
Key features	<p>In the Netherlands a blended e-Learning course consists of a self-study component and a face-to-face meeting that normally lasts one day.</p> <p>The self-study part of the course is accessible to participants via the Digital Learning Environment of the training institution. This digital module consists of several 'lessons' (e.g. preparatory assignments, self-assessment quizzes, short lectures, possibly with self-testing questions, materials to be read before the face-to-face meeting, background information either on paper or in an audio/video support and a forum where questions are asked in order to be answered during the face-to-face meeting).</p> <p>This practice has a number of advantages. It ensures that participants will have the same average level of knowledge on the topic before the face-to-face meeting. While participants gather the more theoretical knowledge 'at their own pace', the trainer can focus during the face-to-face meeting on the more practical application of that knowledge through the use of exercises and the stimulation of discussions on the exchange of experiences. This considerably enhances the effectiveness of the contacts between trainer and participants.</p> <p>Materials for the digital learning environment will remain accessible for a standard period of two years for the subsequent use of participants.</p> <p>The practice enhances the flexibility for participants of the training in terms of time management, as part of the course is done only when and where participants are available. Moreover, as various kinds of learning activities are introduced, these are always suitable for a range of different learning styles.</p> <p>Travel time is reduced, as part of the course can be done at home or at the workplace (but it does not necessarily reduce the time required for learning).</p>
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015, 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>

Other comments	<p>Such a BEST PRACTICE may imply considerable expense in its preparation. Nevertheless, since the majority of materials produced can be used in following years, the initial cost may be considered a good investment.</p> <p>The experience only requires the availability of very basic IT tools which should be familiar to every European judge or prosecutor. It offers very specialised and detailed content, something that is less easy to achieve in a normal face-to-face training activity.</p> <p>The methodology has been successful so far, as it combines online learning and face-to-face sessions. The latter allows a more in-depth approach to some subjects, along with answering questions and, most importantly, sharing personal experiences.</p>
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Fact Sheet No. 23 - i

Fact Sheet number	23 – i
Title of practice	Blended e-Learning
Category of practice	Innovative Training Methodology
Country	SPAIN
Type of practice	BEST PRACTICE
Key features	<p>In Spain since 2004, the Spanish Judicial School has been organising continuous training courses on specific areas of European Law using the 'blended e-Learning' tool, notably with the support of EU grants. These courses have two different phases: the first phase is completed through an online campus which lasts for eight weeks. All participants who successfully complete the first phase are granted access to the second phase, which consists of a two day face-to-face meeting at the Judicial School. Each online module contains a practical presentation of the subject and any related documents. It is also possible to participate in a forum to debate the practical or theoretical issues. Finally, participants are required to complete exercises both individually and within a group.</p> <p>The objectives of this system are to:</p> <ul style="list-style-type: none"> ▪ Create learning materials that may be enhanced each year due to the outcome of the interaction between staff (tutors) and participants. ▪ Allow each participant to manage at his/her own discretion the time that is required for learning. ▪ Allow for reorganising and use of these materials, both at the initial and in continuous training. ▪ Manage large and small groups. ▪ Create public and private dialogues between staff and participants. ▪ Build a flexible structure capable of adapting itself to different situations and people. ▪
Institution contact details	<p>Spanish Judicial School Carretera de Vallvidrera, 43-45 08017 Barcelona Spain Phone: + 34 93 4067300 Fax: + 34 93 406 91 64 Email: escuela.judicial@cgpj.es Website: http://www.poderjudicial.es/cgpj</p>
Other comments	Such a BEST PRACTICE may involve considerable expense in its preparation and for the translation of materials if the course is

	<p>offered in several languages.</p> <p>Nevertheless, since the majority of materials produced can be used in following years, the initial cost may be considered a good investment.</p> <p>The experience only requires the availability of very basic IT tools which should be familiar to every European judge or prosecutor. It may allow the participation of people from different countries, thus enriching the training experience. It offers very specialised and detailed content, something that is less easy to achieve in a normal face-to-face training activity.</p> <p>The methodology has been successful so far, as it combines online learning and face-to-face sessions. The latter allows a more in-depth approach to some subjects, along with answering questions and, most importantly, sharing personal experiences.</p> <p>At the present moment, a large number of judges and prosecutors from different EU member States are taking part in the Spanish online programmes on European Law.</p>
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Fact Sheet No. 24

Fact Sheet number	24
Title of practice	Comprehensive, Multi-Faceted Approach for Training in EU Law
Category of practice	Innovative Training Methodology
Country	BULGARIA
Type of practice	PROMISING PRACTICE
Key features	<p>In Bulgaria, the National Institute of Justice (NIJ) has implemented a variety of tools that contribute to the proper application of EU law by the Bulgarian magistrates. One of the tools is the use of the Extranet and Discussion Forum in a Distance Learning Portal.</p> <p>Since 2009, the NIJ has been using an Extranet in addition to its Distance Learning Portal and Discussion Forum. It plays a supporting role in the training process, as it meets the need to provide a reliable source of information that is regularly updated, and can be easily accessed and consulted.</p> <p>This professional virtual space was created in 2007-2009, under EU-funded projects. Initially it was designed as a communication tool to serve the judiciary in matters relating to European law. It has been further upgraded to serve as a platform for the exchange of information in the network of EU law co-ordinators in the courts. Currently, the NIJ is uploading a great variety of training and information materials for professional use by judges and prosecutors who are registered as users.</p> <p>Since 2012 this professional virtual space has also been opened to trainee judges and prosecutors. All practical training materials (court decisions, assignments and exercises used during their 9-month initial training at the NIJ) are uploaded onto the Extranet and participants can consult them from any location. Additionally, in 2013 under an EU-funded project the NIJ has purchased e-books for trainee judges in order to assist them in the learning process during their initial training.</p> <p>In addition, the NIJ provides updated information in the form of various electronic resources via its web page. The same line of activities includes e-publications on EU law addressed to all magistrates. A specific sub-page within the NIJ website dedicated to the European Arrest Warrant was developed to cover a variety of practical issues pertaining to its proper application. The information is updated on an ongoing basis with current cases studies and other examples from the European Court of Justice.</p>
Institution contact details	National Institute of Justice (NIJ) 14 EkzarhYossif Str BG 1301 Sofia Bulgaria

	Phone: + 359 2 9359 100 Fax.: + 359 2 9359 101 Email: nij@nij.bg Website: http://www.nij.bg
Other comments	<p>This practice is a PROMISING PRACTICE as it has potential but requires a significant investment to make available and maintain the necessary information.</p> <p>The tools mentioned form part of the Best Practice described in chapter 7 and fact sheets 37: "A comprehensive, multi-faceted approach for training in EU law and international judicial co-operation."</p> <p>The other tools that are in place at the NIJ are: 1) EU Law as an integral part of national law training programmes at the NIJ; 2); and 3) a national network of EU law coordinators.</p> <p>Since 2011, EU law is not distinguished as a separate discipline, but is permanently integrated as a module within national law training at the NIJ, e.g., 'Application of the Family Code in tune with the acting EU legislation', 'Order for payment proceeding – legal framework according to the Civil Procedure Code and the EU Law', etc.</p> <p>Moreover, the NIJ has established an EU law co-ordinators network. This includes civil, commercial, administrative and criminal law judges who act as key reference points in the main Bulgarian courts. They have access to additional information resources and can be consulted by their colleagues for specific information or advice on the application of EU law. The judge co-ordinators also maintain professional contact with the National Institute.</p> <p>The application of this practice contributes to maintaining the general awareness of Bulgarian magistrates on the application of the various legal instruments of EU law.</p>

Fact Sheet No. 25

Fact Sheet number	25
Title of practice	Recording, Broadcasting, Online Podcasting, Recording and Transcription of Training Activities and their Availability on the Internet
Category of practice	Innovative Training Methodology
Country	ROMANIA
Type of practice	BEST PRACTICE
Key features	<p>In Romania, the practice consists of both recorded and live broadcasts (using an e-streaming system) of training activities and, at a later stage, making these recordings available on the training institute's website, where they can be accessed by anyone interested in the topic.</p> <p>The above is also complemented by handbooks containing the transcriptions of the oral presentations made during the training activities. These are also available on the training institute's website (e-handbooks) for free downloading.</p> <p>This system of <i>distance learning</i> was put into practice in order to reach as many judges and prosecutors as possible with a minimum of cost while maintaining the best possible quality and uniformity of training.</p>
Institution contact details	<p>National Institute of Magistracy Bd. Regina Elisabeta nr. 53, Sector 5 050019, Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
Other comments	<p>This practice is linked to the practices presented under "<i>Comprehensive package to deliver large scale training on new legislative practice</i>" (FS 18).</p> <p>It is a BEST PRACTICE, easily transferable and can be put into practice if resources are available.</p>

Fact Sheet No. 26

Fact Sheet number	26
Title of practice	E-boxes and Video-conferencing
Category of practice	Innovative Training Methodology
Country	PORTUGAL
Type of practice	GOOD PRACTICE
Key features	<p>In Portugal in order to avoid unnecessary travel costs for interested participants who work a long way from the training venue, and also to allow a larger number of people to benefit from them, a considerable number of training activities included in the annual ongoing training programme are now delivered via video-conferencing.</p> <p>This tool is mainly used when training topics relate to the study and implementation of new legal instruments, as these normally attract a large number of participants.</p> <p>If adequate technology is available (the reception points require adequate technical capacity, though this is not usually a problem as training normally takes place at the regional courts), the tool may also allow interaction with the different reception points and the event venue.</p> <p>Linked for this purpose, the tool is also often combined with a special e-mail box, to which participants may send questions and remarks that, in a large number of cases, have real-time feedback.</p>
Institution contact details	<p>Centre for Judiciary Studies (CEJ) Largo do Limoeiro 1149-048 Lisbon Portugal Phone: + 351 21 884 56 00 Fax: + 351 21 884 56 04 E-mail: cej@mail.cej.mj.pt Website: www.cej.mj.pt</p>
Other comments	A GOOD PRACTICE , easily transferable, of the use of distance learning tools applied to continuous training.

Fact Sheet No. 27

Fact Sheet number	27
Title of practice	Real Case Study, Developed in Real Time, through the Use of Video-conferencing
Category of practice	Innovative Training Methodology
Country	SPAIN
Type of practice	BEST PRACTICE
Key features	<p>In Spain, this live teaching method may be considered a hybrid system that benefits from the use of a guest teacher or trainer (in this case, the Judge at the Court) during the discussion of a case study directed by the teacher or trainer at the training centre.</p> <p>The specificity relates to the fact that the case study is nothing more than a real case being developed in real time at a local court.</p> <p>Trainees at the training centre are given access to the court hearing via video-conferencing between the school and the Court. A significant amount of preparation takes place before the hearing occurs.</p> <p>At the end of the court session, a general discussion is held between trainees, the 'guest teacher' and the school's trainer, also via video-conference, focusing on the substantive and procedural questions raised by the case.</p>
Institution contact details	<p>Spanish Judicial School Carretera de Vallvidrera, 43-45 08017 Barcelona Spain Phone: + 34 93 4067300 Fax: +34 93 406 91 64 Email: escuela.judicial@cgpj.es Website: http://www.poderjudicial.es/cgpj</p>
Others comments	<p>Although it is used only in the initial training phase and targets only a small group, this possibility may be considered as a BEST PRACTICE. It requires careful planning and preparation, not only in the choice of case but also on the key points to be discussed after the hearing, taking into account the pedagogical objectives that were set. Training institutions may like to try this training methodology if the required technical resources are available and if the live transmission of a court hearing is allowed by their own procedural rules.</p>

Fact Sheet No. 28

Fact Sheet number	28
Title of practice	Recruitment of Trainers and Evaluation of Trainers Performance
Category of practice	Innovative Training Methodology
Country	ROMANIA
Type of practice	GOOD PRACTICE
Key features	<p>In Romania, training staff are recruited through an open competition procedure overseen by a commission of three members (including one of the NIM Directors and a NIM trainer specialised in educational sciences) who are appointed by the Scientific Council of the School.</p> <p>In stage one the commission evaluates the applications and shortlists suitable candidates. Competences cover seniority, qualifications, professional experience in the field required, scientific publications etc.</p> <p>In stage two there is a personal interview where the commission assesses communication skills and ability to interact with adults, in-depth specialised knowledge and reasoning abilities, ability to undertake research through the use of multiple sources and linguistic abilities etc.</p> <p>After this interview, the commission grades each candidate using a scale from 1 to 10 and only the candidates achieving the minimum grade of 8 qualify for the following stage.</p> <p>In the third stage, candidates perform in a demonstration seminar before a judicial group or a demonstration seminar within the continuous training programme. Their performance is assessed according to criteria such as demonstrated practical abilities and attitudes, logical sequencing of the presentation, adaptability to various training methods in relation to the training objectives and the group profile, compliance with the principles of adult training, logic and clarity in the specialised field, use of appropriate learning resources, time management etc.</p> <p>Candidates applying for the position of internship co-ordinators are evaluated for a trial period of one month.</p> <p>At the end of this procedure the commission reclassifies the candidates using the same scale from 1 to 10. Those achieving a grade of 8 or higher are recommended for recruitment to the Scientific Council.</p> <p>This Council then selects the candidates to be submitted for approval to the High Council of Magistracy. However, candidates applying for the position of full-time trainer can only be appointed after an additional interview with the members of the Scientific Council.</p> <p>After their appointment, trainers are annually assessed on the basis</p>

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	<p>of specific methodologies adapted for each type of training. The annual assessment of trainers and co-ordinators of internships is based on the procedures and criteria set up by the <i>Statute of the NIM training staff</i>, according to <i>four assessment sources</i>: the self-evaluation filled in by the trainer/co-ordinator of internships, an assessment made by the person responsible for the particular field of study, the evaluation forms filled in by the participants in the training events and the assessment made by the NIM's specialist in educational sciences.</p> <p>Each individual overall annual evaluation is submitted for approval to the Scientific Council. If the results of this evaluation process bring changes to the network of the NIM's training staff, they are submitted to the High Council of Magistracy for approval.</p> <p>NIM keeps all evaluation details on a database as, after each seminar, NIM's staff input all the information gathered from comments made by participants in the evaluation forms.</p> <p>This database offers a centralised overview of the quality of the training provided by NIM, an individual assessment of each trainer (global, per year or per seminar) and the topics that each one of them has presented.</p>
<p>Institution contact details</p>	<p>National Institute of Magistracy (NIM) Bd. Regina Elisabeta nr. 53, Sector 5 050019 Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
<p>Other comments</p>	<p>This GOOD PRACTICE provides a clear, objective and predictable selection and evaluation procedure for trainers and provides an objective answer to questions such as: 'how one can identify and recruit the best people in the system?', 'how can one evaluate the quality of a potential trainer?', 'what are the criteria one should observe when selecting a new trainer?' and 'what should the selection procedure consist of?' It is presented here as a source of inspiration for other national training institutions.</p>

Fact Sheet No. 29

Fact Sheet number	29
Title of practice	Organisation of Decentralised Training to Reflect Local Training Needs and Issues
Category of practice	Innovative Training Methodology
Country	BULGARIA
Type of practice	GOOD PRACTICE
Key features	<p>With this practice, national training centres and judicial academies aim to provide a solution to local training needs and issues and/or to make face-to-face training more accessible to judges and prosecutors working in regions that are some distance from the central training body (thus reducing the logistical costs while targeting a potentially higher number of participants).</p> <p>The normal approach is to have these decentralised activities included in the annual training plan of the national training centre as part of a global national strategy. However, the existence is recognised of locally organised independent training at the discretion of local services or courts.</p> <p>Bulgaria has presented an interesting mixed example of both systems. Every year, the Academy provides the opportunity for the district courts, administrative courts and district prosecution offices to apply for the Academy's pre-defined grants to facilitate the organisation of regional training on specific topics of general or local interest. If approved, this budget is regionally managed and the expenditure incurred is subsequently reviewed and approved by the Academy.</p> <p>Applicants submit a draft budget within the pre-set deadline. They also either choose a topic from the Institute's overall curriculum or suggest a new one, if there is a particular regional training need. If the proposal is accepted and if the Academy has already developed the subject in one of its training activities, it makes its own training materials available. If this is not the case, the Academy provides assistance in identifying or recommending potential trainers and establishing the necessary contact between the latter and the applicant. The logistics and all other details relevant to the organisation of the venue are the responsibility of the applicant.</p> <p>This practice contributes to maintaining the balance between training demand and supply, as every Bulgarian magistrate has the right to attend three training courses of their own choice per year and the Academy in Sofia cannot cope with such a large number of potential participants on its premises.</p>
Institution contact details	National Institute of Justice (NIJ) 14 EkzarhYossif Str BG 1301 Sofia

	<p>Bulgaria Phone: + 359 2 9359 100 Fax.: + 359 2 9359 101 Email: nij@nij.bg Website: http://www.nij.bg</p>
Other comments	<p>The organisation of these decentralised training activities is a well-known standard GOOD PRACTICE that is applied in most EU training institutions.</p> <p>The Bulgarian example described above, although not transferable in itself, may be applied as an idea for a hypothetical improvement in existing schemes in countries that have an identical legal framework that allows local courts or prosecution services to undertake training activities on behalf of or under the supervision of the national training centres.</p>

Fact Sheet No. 29 - i

Fact Sheet number	29 – i
Title of practice	Organisation of Decentralised Training to Reflect Local Training Needs and Issues
Category of practice	Innovative Training Methodology
Country	ROMANIA
Type of practice	GOOD PRACTICE
Key features	<p>With this practice, national training centres and judicial academies aim to provide a solution to local training needs and issues and/or to make face-to-face training more accessible to judges and prosecutors working in regions that are some distance from the central training body (thus reducing the logistical costs while targeting a potentially higher number of participants).</p> <p>The normal approach is to have these decentralised activities included in the annual training plan of the national training centre as part of a global national strategy. However, the existence is recognised of locally organised independent training at the discretion of local services or courts.</p> <p>In Romania, decentralised seminars formed an important part of the training package to deliver large-scale training on new legal instruments. The decentralised seminars were organised and directly co-ordinated by the NIM, at the level of the courts of appeal and the prosecutor's offices. (See also fact sheet 18.)</p>
Institution contact details	<p>National Institute of Magistracy (NIM) Bd. Regina Elisabeta nr. 53, Sector 5 050019, Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
Other comments	The organisation of these decentralised training activities is a well-known standard GOOD PRACTICE that is applied in most EU training institutions.

Fact Sheet No. 29 - ii

Fact Sheet number	29 – ii
Title of practice	Organisation of Decentralised Training to Reflect Local Training Needs and Issues
Category of practice	Innovative Training Methodology
Country	FRANCE
Type of practice	GOOD PRACTICE
Key features	<p>With this practice, national training centres and judicial academies aim to provide a solution to local training needs and issues and/or to make face-to-face training more accessible to judges and prosecutors working in regions that are some distance from the central training body (thus reducing the logistical costs while targeting a potentially higher number of participants).</p> <p>The normal approach is to have these decentralised activities included in the annual training plan of the national training centre as part of a global national strategy. However, the existence is recognised of locally organised independent training at the discretion of local services or courts.</p> <p>In France, one of the main focuses of the national training programme is the organisation of training courses on key reforms in the context of decentralised continuous training, i.e. in the nine courts of appeal where the National School for the Judiciary (ENM) and regional training coordinators carry out their duties. (See also fact sheet 18.)</p>
Institution contact details	<p>National School for the Magistracy (ENM) 8, Rue de Chanoinesse 75004 Paris France Phone: + 33 1 44 41 88 20 Fax: + 33 1 44 41 88 21 Email: enm-info-di@justice.fr Website: http://www.enm-justice.fr</p>
Other comments	The organisation of these decentralised training activities is a well-known standard GOOD PRACTICE that is applied in most EU training institutions.

Fact Sheet No. 30

Fact Sheet number	30
Title of practice	Learning in Large Teams – The Snowball Methodology
Category of practice	Innovative Training Methodology
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>This practice becomes increasingly used in England and Wales training programmes that involve larger groups. The form of the exercise and time taken will depend on the number of people involved.</p> <p>The methodology was designed to enable large groups to distil complex thinking or to collaborate to identify a common set of options or ideas. It has been adopted as a means of consolidating learning or to encourage collaboration in the development of new ideas, thus encouraging creativity and shared learning.</p> <p>The essential criteria are that the topics and the outcomes of the exercise need to be relevant to the groups. This way they can appreciate their role in making the exercise a success. The required time will depend on the size of the group and the complexity of the issues.</p> <p>As an example, for a group of 24 people, one would start with four groups of six participants. The four groups would discuss the topic and identify their thoughts on the subject.</p> <p>After 20-40 minutes (depending on the complexity of the subject), the four groups of six join together to form two groups of 12 and they collaborate for 15-30 minutes to share their ideas and come up with a collective view.</p> <p>The final stage sees the two groups of 12 joining together for up to 20 minutes to identify the common themes and/or a collective set of ideas. The final set of ideas is then reviewed in plenary.</p> <p>All stages of the exercise take place in one large room. Initially groups sit around tables, or gather around flip charts. As the groups expand, the participants find their own ways of gathering together and collecting their ideas. They are facilitated by one or two people who act as timekeepers and manage the various stages of the exercise.</p> <p>A good facilitator will encourage the group to work collaboratively and will direct the three or four stages of the exercise and keep time. The participants will self-facilitate within their groups.</p>
Institution contact details	Judicial College Ministry of Justice , 102 Petty France London SW1H 9LJ United Kingdom

	<p>Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
Other comments	<p>The exercise is also very cost-effective, as the participants in the group do the work themselves, with the aid of one or two facilitators. The logistical requirements are small – a room large enough for the groups to work together and materials for them to capture their ideas (flip charts, white boards, paper and pens).</p> <p>This methodology is easily transferable, may be applied to continuous or initial training alike and it may be considered a BEST PRACTICE.</p>

Fact Sheet No. 31

Fact Sheet number	31
Title of practice	Small Teams – Decision Writing
Category of practice	Innovative Training Methodology
Country	THE NETHERLANDS
Type of practice	PROMISING PRACTICE
Key features	<p>This practice used in the Netherlands applies to the initial training phase and targets the writing of final decisions in the civil area.</p> <p>Teams are formed consisting of a small number of participants, with a similar level of knowledge and experience. After a general theoretical two-day-course on writing civil verdicts, each team has five sessions at regional or local level, held every two weeks. In these sessions, they work together with a trainer on practical assignments based on real cases. This encourages a collective learning experience on how to draft a good, analytically sound and well-motivated verdict.</p> <p>The trainees' workplace mentor is also involved in the learning team sessions.</p>
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>
Other comments	<p>This PROMISING PRACTICE is of particular interest for countries with systems involving an initial training that relies exclusively on mentors in the courts, or that are organised on a dual basis in the initial training phase. This means that the trainee is placed at the court but simultaneously attends several common training sessions at the central or regional training centre.</p> <p>In this case, the above methodology provides a good connection between education/training at the workplace and at the training centre, due to the fact that the workplace mentors and course trainers work together in the learning teams.</p> <p>However, the methodology of working in small learning teams with a safe learning environment with a focus on learning from each other rather than from a trainer can be adopted in any system of initial training, as well as in continuous training activities.</p> <p>The adoption of such procedures required the setting-up of a project group consisting of SSR staff (a seconded civil law judge, a course manager and an educational scientist) and a court clerk.</p>

Fact Sheet No. 32

Fact Sheet number	32
Title of practice	Self-reflection on Decision Writing
Category of practice	Innovative Training Methodology
Country	ESTONIA
Type of practice	GOOD PRACTICE
Key features	<p>This training methodology addresses the need for training on judicial opinion writing with individual feedback to the participants, in order to facilitate their actual learning of the skill.</p> <p>In Estonia, when applied to continuous training, the methodology comprises two stages:</p> <p>Firstly, an introductory seminar is held for a relatively small group of participants, led by an experienced judge and focusing on the techniques and legal requirements of writing final judicial decisions.</p> <p>Secondly, in the feedback phase, each participant is invited to send one reasoned final judgment to two readers – other judges or academics with high-level reasoning skills – for their appreciation.</p> <p>This appreciation is double-blind – the readers do not know whose opinion they are reading and the author does not know who the readers were when they receive the feedback.</p> <p>The readers' feedback focuses on the legal reasoning and argumentation found in the judgment, not on whether the reader agrees with the final outcome or not.</p>
Institution contact details	<p>Supreme Court of Estonia 17 Lossi St, 50093 Tartu Estonia Phone: + 372 7 309 002 Fax: + 372 7 309 003 Email: info@riigikohus.ee Website: http://www.nc.ee</p>
Other comments	<p>The double-blind evaluation scheme for written documents has only been used by training institutions for preliminary or final exams.</p> <p>During initial training, trainers (at the judicial academies) and mentors (at courts), who provide the feedback on the written simulations of legal opinions or final decisions issued by the trainees, are usually aware of who has written them. It may also be argued that such a system allows a better interaction between trainee and trainer while facilitating the latter's task (this task can only be performed properly if the qualities and deficiencies of the person requiring training are known in advance).</p> <p>However, the above GOOD PRACTICE may be an interesting experiment in the area of continuous training.</p>

Fact Sheet No. 33

Fact Sheet number	33
Title of practice	Small Teams – The Business of Judging
Category of practice	Innovative Training Methodology
Country	ENGLAND and WALES
Type of practice	BEST PRACTICE
Key features	<p>The Business of Judging is a two-day residential seminar open to judges in England and Wales (and in some Scottish tribunal jurisdictions) from all jurisdictions and forms part of the Judicial College's programme of continuing education. It is virtually paperless, with practically nothing to read or prepare. It occupies a total of 13 training hours and judges spend only 2.5 of those in plenary sessions listening to others speak. For the rest of the time they work in small groups of six judges supervised by an experienced course tutor. This means that the seminar involves 20% listening and 80% doing.</p> <p>The seminar comprises four parts.</p> <p>Part one is a module on 'Judicial Conduct and Ethics'. In small groups, participants are invited to consider and discuss a number of 'in court' and 'out of court' practical scenarios and how they would deal with them. The scenarios, seven in all, are presented on a DVD, filmed using professional actors.</p> <p>Part two is entitled 'Assessing Credibility', making a decision and giving an oral judgment. The assessment of credibility is surely one of the most important judicial skills and is required in most cases, whatever or wherever the jurisdiction. In small groups, the judges watch a DVD showing the conflicting evidence of the complainant and the defendant in an employment case based on sexual harassment. It is an invented case acted out by professional actors and advocates. It shows the kind of factual dispute that could arise in any jurisdiction – the employment jurisdiction is merely the vehicle and the law is simple. The judges are asked to complete questionnaires indicating the factors that affected their assessment of the witnesses' credibility.</p> <p>Each judge then gives a short oral judgment lasting about five minutes. This judgment is delivered in the small groups and there is some time for preparation. Each judgment is filmed on micro-disc and all or part of the film is played back within the group. Each judge then receives feedback from the course tutor and the other members of the group on his or her 'performance' and there is a discussion of the learning points that arise.</p> <p>Part three is entitled 'Managing Judicial Life' and deals with judicial stress and how to cope with it. It includes a video presentation made by an experienced criminal law judge who suffered a nervous breakdown and fully recovered from it.</p>

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	<p>Part four is called 'Dealing with Unexpected and High Conflict Situations in Court'. In a small group, each judge is asked to conduct a live hearing lasting a few minutes. They will have received a brief summary of the case in advance but do not know what is about to happen. In an attempt to simulate the court or tribunal setting the case is acted out by a professional advocate and a professional actor. The judge's task is to assess, manage and solve the problems that unfold before him or her.</p> <p>The hearing is filmed and all or part of the film is replayed within the group. The judges receive feedback on their 'performance' from the course tutor and the members of the group. There are six scenarios and each member of the group presides as the judge in a different scenario.</p>
<p>Institution contact details</p>	<p>Judicial College Ministry of Justice , 102 Petty France London SW1H 9LJ United Kingdom Phone: + 44 203 334 0700 Fax: + 44 203 334 5485 Email: magistrates@judiciary.gsi.gov.uk Website: http://www.judiciary.gov.uk/training-support/judicial-college</p>
<p>Other comments</p>	<p>This practice refers only to continuous training, targets a small group of people and is resource-intensive in terms of the number of trainers, advocates and actors required and therefore fairly expensive to deliver. It also may take a long time to prepare, including the filming.</p> <p>Although for the above reasons a full transferability recommendation may not be appropriate, it is considered to be a BEST PRACTICE adequate to improve judicial performance, namely to develop the generic judicial skills of judges by enabling them to <i>practice the skills and learn from each other</i>.</p> <p>This type of seminar is also an excellent vehicle for training scenarios involving unexpected or unusual situations.</p>

Fact Sheet No. 34

Fact Sheet number	34
Title of practice	The Judge in Society: Deontology, Ethics and Relations with the Media
Category of practice	Innovative Training Methodology
Country	SPAIN
Type of practice	GOOD PRACTICE
Key features	<p>This practice applies in Spain to initial training and the methodology used calls for the co-operation and active participation of each participant.</p> <p>It is divided into two parts.</p> <p>The first part focuses on the analysis of deontology and judicial ethics. A set of short stories is used giving descriptions of different behaviours hypothetically adopted by judges and prosecutors when facing several typical situations of daily life.</p> <p>Students are asked to identify the deontological principle involved in the behaviour and to deduce its principal characteristics. The activity is performed by small groups of 6-8 participants supervised by a professor of the school. Each activity concludes with an exposition of conclusions and broad debate.</p> <p>The second part deals with the judge in society and focuses on his/her relationship with the media. Direct presentations with discussions are used in a round table format with acting judges, press officers at the courts and journalists experienced in justice matters. It focuses on issues such as the exercise of freedom of information and the right of free expression. The application of ethical codes at national and European level is analysed, along with the national and European case law (ECJ and ECHR) issued in this area.</p> <p>In addition, a Moodle platform is used to provide discussion forums involving speakers and students.</p>
Institution contact details	<p>Spanish Judicial School Carretera de Vallvidrera, 43-45 08017 Barcelona Spain Phone: + 34 93 4067300 Fax: + 34 93 406 91 64 Email: escuela.judicial@cgpj.es Website: http://www.poderjudicial.es/cgpj</p>
Other comments	<p>The evaluation made by the Spanish School of this GOOD PRACTICE is very positive, emphasising its interactive component.</p> <p>With regard to the first part of the activity, the drafts of the</p>

	<p>suggested stories are of great importance. These should be concise and short but sufficiently complex in relation to the problems raised, in order to stimulate discussion. The methodology can also be used for developing arguing skills whenever participants are asked to take opposite stances on the behaviour described.</p> <p>In the second part, the training activity tackles the problems that arise between judges and prosecutors and the media. For example, it aims to raise awareness of the role of the journalist and of how to provide information related to judicial matters in respect of their legal obligations.</p>
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Fact Sheet No. 35

Fact Sheet number	35
Title of practice	Self-reflection in Communication Skills
Category of practice	Innovative Training Methodology
Country	ESTONIA
Type of practice	BEST PRACTICE
Key features	<p>This training methodology is used in Estonia for training on communication and hearing management skills.</p> <p>The training format consists of three stages: an introductory seminar, a one-on-one feedback session and a follow-up seminar.</p> <p>The number of participants is quite low, usually five. The trainer group consists of a communications' specialist and a specialist in procedural law.</p> <p>At the introductory seminar, participants discuss effective communication and what hearing management strategies they use.</p> <p>Then each participant is visited by the trainers, who observe and videotape a court hearing conducted by the participant and then give immediate feedback on his/her performance.</p> <p>Before the follow-up seminar, video recordings are made available to the rest of the training group to give them an opportunity to learn from their fellow judges' best practices.</p> <p>At the follow-up seminar, participants view and discuss the most significant practices and formulate conclusions and recommendations for their own further development.</p>
Institution contact details	<p>Supreme Court of Estonia 17 Lossi St, 50093 Tartu Estonia Phone: + 372 7 309 002 Fax: + 372 7 309 003 Email: info@riigikohus.ee Website: http://www.nc.ee</p>
Other comments	<p>This individualised training approach consists of a BEST PRACTICE which is easily transferable in itself, although the scheme may collide with national legal rules in relation to the filming of live court hearings and the rights of the participants in the process.</p> <p>This methodology was adopted to respond to the need for individualised training on effective hearing management and professional communications skills, as one may expect judges and prosecutors to be very interested in how their style of conducting official business comes across to others in the courtroom. The</p>

	<p>gathering of other forms of feedback on such matters would certainly be highly inappropriate.</p> <p>Such training is relevant to the needs of each participating judge, enabling a close interaction between trainers and magistrates. In addition, this training methodology offers an indispensable relative discreetness that is much appreciated. It does not only allow for individual differences to be taken into account and individual problems to be addressed, but it also provides a great deal of good information for a training needs assessment process.</p>
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Fact Sheet No. 36

Fact Sheet number	36
Title of practice	Media Communication – Interactive and Multi-layer Media Training
Category of practice	Innovative Training Methodology
Country	GERMANY
Type of practice	GOOD PRACTICE
Key features	<p>In Germany, interactive media training sessions are organised which last four-to-five days. Usually, there are at least two media trainers present (often journalists) and the attendees are allocated to 'rotating' thematic working groups of a maximum of 8 to 12 people (meaning that at the end of the course, everyone will have actively dealt with each topic).</p> <p>Videotaping and individual feedback highlight strong points as well as errors or deficiencies. Typical interactive working group topics are 'Giving a TV or radio interview,' 'Making a TV statement', 'Making a press statement', 'Portraying a new court leader', 'Informing the public while safeguarding data protection rights', 'Learning to cope with aggressive counterparts', etc.</p>
Institution contact details	<p>German Judicial Academy Trier Conference Centre (Institute of the Federal State of Rhineland-Palatinate) Berliner Allee 7, 54295 Trier, Germany Phone: + 49 65 1 93 61 119 Fax: + 49 65 1 30 02 10 E-mail: trier@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p> <p>Wustrau Conference Centre (Institute of the Federal State of Brandenburg) Am Schloss 1, D-16818 Wustrau, Germany Phone: + 49 33 92 5 8 97 333, Fax: + 49 33 92 5 8 97 202 Email: wustrau@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p>
Other comments	For media training, the concept of <i>learning by doing</i> is increasingly becoming more relevant than most of the other 'soft skills'. Often, judges and prosecutors are not the most natural communicators and an awkward public performance in this domain is regrettably rather often seen in practice. In addition, judges and prosecutors often deal with very sensitive and delicate matters. Any form of data protection needs to be reconciled with the legitimate information needs of the

	<p>general public. Practice-oriented and multi-layer media training focusing on typical patterns and enriched with objective feedback enables the attendees to get some kind of routine and to feel more confident in front of the camera or at a press conference.</p> <p>This GOOD PRACTICE, established to tackle certain problems, has a good effectiveness rate but is rather expensive because of the logistical resources it involves. It can target only a small group of participants at one time and is especially aimed at magistrates who perform the role of spokesperson for courts and prosecution offices.</p>
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Fact Sheet UP 2

Fact Sheet number	UP 2⁴⁹
Title of practice	Access to EU Law via Electronic Means
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	PORTUGAL
Key features	<p>In Portugal the judicial training centre directly links training activities to providing access to EU law via electronic means.</p> <p>Along with the documentation delivered to participants in any continuous training action on legal issues, the training centre also puts together a special folder gathering all EU legal instruments that are in any way connected with that same topic.</p> <p>The folder is prepared by an EU law trainer. Along with all other training materials on this activity, it is available online in an open area of the training centre's website.</p>
Institution contact details	<p>Centre for Judicial Studies (CEJ) Largo do Limoeiro 1149-048 Lisbon Portugal Phone: + 351 21 884 56 00 Fax: + 351 21 884 56 04 E-mail: cej@mail.cej.mj.pt Website: www.cej.mj.pt</p>
Other comments	This practice forms part of the overall practice of <i>"A Comprehensive, Multi-Faceted Approach for Training in EU Law and International Judicial Co-operation"</i> .

⁴⁹ 'UP' refers to **Unclassified Practice**. In the course of the study, a number of practices were brought to the experts' attention which were of interest, but which in the view of the experts did not warrant a special classification sui generis. We now describe these as 'UPs'

Fact Sheet No. 37

Fact Sheet number	37
Title of practice	Comprehensive, Multi-Faceted Approach for Training in EU Law and International Judicial Co-operation (Eurinfra model)
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	THE NETHERLANDS
Type of practice	BEST PRACTICE
Key features	<p>The Eurinfra project in the Netherlands was introduced in 2002. It consisted of three sub-projects, with the following objectives:</p> <ul style="list-style-type: none"> ▪ Improving the accessibility of European law information resources using web technology; ▪ Improving knowledge of European law amongst the Dutch judiciary; ▪ Setting up and maintaining a network of court co-ordinators for European law (hereinafter GCE). <p>The realisation of these objectives is interdependent: improved access to legal resources can be better utilised if the judiciary has a broader and more in-depth knowledge of European law. At the same time, an organisational basis is necessary. The network of court co-ordinators for European law is designed to put the knowledge of European law within the judiciary to better use by improving co-operation between the members of the judiciary.</p> <p>To achieve this, court co-ordinators have been given the task of improving the information and internal co-ordination within their own courts, and maintaining contacts with other courts on the subject of European law.</p> <p>The Eurinfra project was completed in December 2004, but this does not mean that the activities undertaken within the framework of this project were also terminated as of that date. On the contrary, the three pillars of the project have achieved a permanent status and will be reinforced with new activities.</p> <p><i>Source:</i></p> <p>http://www.rechtspraak.nl/English/Publications/Documents/Eurinfra_EN_FR.pdf</p> <p>Currently, the GCE network is reconsidering its tasks and the way the network as a whole and the individual GCEs can operate best in order to help the Dutch judiciary understand and apply EU law and instruments and assist with ongoing digitalisation and the growth of social media – as well as with the expansion of European law within the national jurisdictions.</p> <p>The Eurinfra project has proven to be a transferable practice, both as</p>

	a whole – the three-component model – and in its parts.
Available direct internet link	http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>
Other comments	<p>The BEST PRACTICE described here is similar to others that can already be found in other EU countries – Bulgaria, Romania (EUROQUOD – fact sheet UP 3 and Italy (GAIUS – fact sheet 38) for example – using the same philosophy and purpose. The Dutch experience is highlighted here because it was the first to be implemented.</p> <p>Although transferable, and recommended, at the moment of its implementation, it will be important to define its tasks properly with respect to other existing contact points or networks – e.g. the European Judicial Network (in criminal matters) and the European Judicial Network in Civil and Commercial Matters.</p>

Fact Sheet No. 38

Fact Sheet number	38
Title of practice	GAIUS
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	ITALY
Type of practice	BEST PRACTICE
Key features	<p>Within the wider context of decentralised training, this system relies in Italy on a network of local trainers who specialise in several areas of European law and who are also competent to organise training activities in several judicial districts and satisfy those training needs.</p> <p>Their task also includes the implementation of databases and data collection and indexes of case law of the ECJ and the ECHR. This network is integrated in the decentralised training structures that are now part of the Italian School for the Judiciary.</p> <p>The full European GAIUS project of the Italian CSM aims to achieve three different types of results. The first is to increase the number of centralised and decentralised courses on European law; the second is to provide specific training for judges who exercise jurisdiction in areas connected with European law; and the third involves the creation (as part of the COSMAG website) of a web page (electronic Gaius) capable of providing quick and easy access to past and ongoing training courses, teaching materials and national and European legislation.</p>
Institution contact details	<p>Italian School for the Judiciary (SSM) Via Tronto n 2 00198 Rome Italy Phone: + 39 685271204 Fax: + 39 685271270 Email: segreteria@scuolamagistratura.it Website: http://www.scuolamagistratura.it</p>
Other comments	<p>This BEST PRACTICE is similar to others that can already be found in other EU countries – Bulgaria, Romania (EUROQUOD) and The Netherlands (EURINFRA) are good examples – using the same philosophy and with an identical purpose.</p> <p>Although transferable, and recommended, the operability of this practice may collide with particularities linked to the specific judicial organisation of a given Member State, which is an area out of the range of the competences of the national training academies. Besides, at the moment of its implementation, it will be important to define its tasks properly with respect to those of other existing contact points or networks – e.g. the European Judicial Network (in criminal matters) and the European Judicial Network in Civil and Commercial Matters.</p>

Fact Sheet No. 39

Fact Sheet number	39
Title of practice	Combining Training on EU Law and International Co-operation with Legal Language Training
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	SPAIN
Type of practice	GOOD PRACTICE
Key features	<p>The combination in Spain of training on EU-law and international co-operation was introduced by the Spanish Judicial School several years ago.</p> <p>Currently, the School is undertaking the project 'Driving judicial performance in the European area of justice: mutual assistance in civil and criminal matters that produces results', with EU financial support.</p> <p>This course comprises three phases:</p> <ul style="list-style-type: none"> ▪ <i>A theoretical phase</i>, led by a judge and a linguist that includes training in language terminology and discourse (French and English), training on the legal systems of France and England and on EU law (including substantive and procedural law, judicial co-operation instruments and the corresponding jurisprudence of the ECJ). Practical and theoretical training is combined as participants carry out practical exercises, such as presenting arguments on proceedings or simulations of hearings based on the French and British systems. ▪ <i>A one-week internship</i> in a court in France or England in order to acquire first-hand knowledge of the functioning of the local institutions and of the legal systems which have been studied in the previous stage. Judges from the host countries act as tutors to the participants in this practical phase. ▪ <i>A linguistic immersion phase</i> aimed at reinforcing and consolidating the knowledge acquired in the previous phases. <p>As a follow-up, a secured internet forum is available to course participants, in order to allow them to keep in contact with each other and continue to exchange their experiences.</p> <p>This course forms part of the national continuous training programme, although participants from the various EU member States are admitted.</p> <p>This model inspired the EJTN's Linguistic Project Series, aimed at improving the participants' linguistics skills (oral and written), mastering specialised vocabulary related to judicial co-operation in criminal and civil matters (in order to facilitate direct contacts and communication between judicial authorities and enhance mutual</p>

	<p>trust).</p> <p>By developing the linguistic skills of legal practitioners within the target groups, the project familiarises the participants with the various legal instruments in the field of judicial co-operation in criminal matters in Europe as well as with the online tools available on the web.</p> <p>The EJTN seminars consist of a one-week face-to-face course taking place in an international environment addressed either at the criminal area or at the civil area. The course combines theoretical and practical sessions, directed in partnership by a legal and a linguistic expert, focusing on selected legal issues and the four basic language skills: reading, writing, speaking, and listening, in terms of legal terminology.</p>
Available direct intercet link	http://www.ejtn.eu/en/Resources/EJTN-recommended-training-curricula/
Institution contact details	<p>Spanish Judicial School Carretera de Vallvidrera, 43-45 08017 Barcelona Spain Phone: + 34 93 4067300 Fax: + 34 93 406 91 64 Email: escuela.judicial@cgpj.es Website: http://www.poderjudicial.es/cgpj</p> <p>European Judicial Training Network (EJTN) Rue du Commerce 123 1000 Brussels Belgium Phone: + 32 2 280 22 42 Fax: + 32 2 280 22 36 Email: ejtn@ejtn.eu Website: http://www.ejtn.eu</p>
Other comments	<p>This GOOD PRACTICE is currently being applied in continuous training but is perfectly suitable for initial training.</p> <p>The Spanish scheme involves a higher financial cost due to the internship mechanism foreseen in the module, but it may still be suitable and affordable if enhanced co-operation or a better understanding of the legal system of another country is required.</p> <p>Furthermore, as a result of the previously-mentioned EJTN project, two handbooks containing the majority of the exercises offered in the seminars are available, thus making the transferability of the practice considerably easier. This tool constitutes a common EU asset and is available to every single EJTN member.</p>

Fact Sheet No. 39 - i

Fact Sheet number	39 – i
Title of practice	Judges and Prosecutors from Neighbouring Countries/Regions are Trained Together in EU Law (and Language), Reflecting the Existing 'Operational Co-operation'
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	HUNGARY (POLAND, CZECH REPUBLIC, SLOVAKIA)
Type of practice	GOOD PRACTICE
Key features	<p>The judicial training institutions of Visegrad group countries (V4) have established a firm regional co-operation, consisting of organising training activities on judicial co-operation in Europe. The institutions participating in the co-operation are: the National School of Judiciary and Public Prosecution of Poland; the Judicial Academy of the Czech Republic; the Judicial Academy of the Slovak Republic; the Judicial Academy of the Republic of Hungary appointed within the National Office for the Judiciary in Hungary and the Office of the General Prosecutor of the Republic of Hungary.</p> <p>These institutions believe that historical reasons, their geographical closeness, and their similar experiences with EU integration mean they share the same needs in the training of judges and prosecutors in the area of European judicial co-operation. In the last three years, various training events have been organised.</p> <p>One example is the project developed by the judicial training institutions of three of the Visegrad countries (Czech Republic, Hungary, and Poland) and Croatia, called 'Language Training for Judges and Prosecutors'. The project is coordinated by the Hungarian Ministry of Public Administration and Justice and is financially supported by the European Commission.</p> <p>The project aims at improving the legal, professional and English-language knowledge and skills of the participating criminal judges and prosecutors. The language training focuses on the legal terminology of general European Union law and Union legal acts, and especially on the legal terminology used in the field of judicial co-operation in criminal matters. The practice is applied in continuous training.</p> <p>Another example is a series of training seminars on the following topics: "Judicial co-operation in criminal matters in EU, specifically within V4 Group", "Evidences in criminal proceedings. Progress in Forensic Science. Role and importance of examination of Crime Science", "Remedies for breach of EU law", "Exchanging criminal records and taking into account of convictions in the EU", "Acquisition and admissibility of foreign evidence in the EU: from mutual assistance to mutual recognition", "Extradition and surrender: EAW", "Professional ethics of the judge and prosecutor", " Fight against corruption", and "Judicial co-operation in criminal matters – European and regional".</p>

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	<p>At each event, every partner can appoint 10 participants, judges or prosecutors. The trainers are invited from the countries of origin of the co-operation's partnership. The training events (apart from the travel costs) are financed by the hosting institutions. The working languages are English and the language of the hosting institution.</p> <p>Besides these training events, the project has resulted in the creation of a pool of experts in the region in this area of law. Moreover, it has proven to be a perfect tool to create mutual understanding among judges and prosecutors from the region, tightening their mutual relations and networks.</p>
Institution contact details	<p>National Office for the Judiciary (Hungarian Academy of Justice) Postal address: 1363 Pf.: 24 Budapest, Visiting address: Szalay u. 16 1055 Budapest Hungary Phone: + 36 1 354-4100 Fax: + 36 1 312-4453 Email: obh@obh.birosag.hu Website: http://www.birosag.hu/obh</p>
Other comments	<p>This practice is applied for training events for continuous training. It is transferable, especially when structures for regional co-operation already exist.</p>

Fact Sheet UP 3

Fact Sheet number	UP 3⁵⁰
Title of practice	Continual Networking (Real and Virtual)
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	ROMANIA
Key features	<p>Following the pattern established by the Dutch and Italian networks, in 2012 the National Institute of Magistracy (NIM) in Romania created EuRoQuod – the Romanian national network of court co-ordinators in the field of European Union law. The goal was to improve knowledge of European law within the Romanian judiciary and acknowledge the accessibility of European law information resources using web technology. EuRoQuod is now a functional network composed of 43 court co-ordinators, most of them very active, and with a very useful website containing three sections: one dedicated to the network, another for preliminary requests and a section dedicated to specific areas that raise questions in the court's case law. Within its first year of operation, the NIM has already organised four conferences dedicated to the training of EuRoQuod members. The fourth EuRoQuod conference was broadcast online in English and was thus accessible to Dutch and Italian magistrates, creating a connection between the three networks. Moreover, the trainers were members of the Eurinfra, Gaius and EuRoQuod networks. The other members that followed the discussion online had an opportunity to use an online chatroom in order to participate actively in the debates and they could connect with conference participants via Skype.</p>
Institution contact details	<p>National Institute of Magistracy (NIM) Bd. Regina Elisabeta nr. 53, Sector 5 050019, Bucharest Romania Phone: + 40 021 310 21 10 Fax.: + 40 021 311 02 34 E-mail: office@inm-lex.ro Website: http://www.inm-lex.ro</p>
Other comments	This practice forms part of the overall practice of " <i>A Comprehensive, Multi-Faceted Approach for Training in EU Law and International Judicial Co-operation.</i> "

⁵⁰ 'UP refers to **Unclassified Practice**. In the course of the study a number of practices were brought to the experts' attention which were of interest, but did not in the view of the experts warrant a special classification sui generis. We now describe these as 'UPs'

Fact Sheet No. 40

Fact Sheet number	40
Title of practice	THEMIS
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Institute	EUROPEAN JUDICIAL TRAINING NETWORK (EJTN)
Type of practice	BEST PRACTICE
Key features	<p>The THEMIS competition was created by NIM Romania and CEJ Portugal in 2006 and was absorbed in the EJTN framework in 2010.</p> <p>It is aimed at judges and public prosecutors' trainees, grouped in national teams of three people. A person is considered to be a trainee if he or she is so regarded under its national law and if he or she has not attended initial training activities for more than two years. Any country where the concept of 'trainee' does not exist may participate with a team composed of magistrates (judges and/or public prosecutors) who, at the date of the beginning of the competition, are in their first year of service, such year commencing with the date when they first took up their appointment as a judge or public prosecutor, irrespective of whether or not they are in the same employment at the time. The current format of the competition is as follows:</p> <p>THEMIS comprises 2 different stages: the semi-finals and a Grand Final. The 4 semi-final stages allow a maximum of 11 teams each, with the winners and runners-up of each category competing in the Grand Final.</p> <p>When registering for the semi-finals, participant teams select a topic that falls under one of the four thematic categories of the competition. Each one of the four semi-finals addresses one of the categories. These are: a) International Co-operation in Criminal Matters; b) International Judicial Co-operation in Civil Matters; c) Interpretation and Application of Articles 5 or 6 of the ECHR and d) Magistrates' Ethics and Deontology.</p> <p>Each team prepares a written paper on any subject that falls within the category selected for their semi-final. This is sent to all jurors (3 per topic) with the necessary anticipation.</p> <p>During the semi-final, each participating team has a maximum of thirty minutes to make an oral presentation of its paper. This presentation involves all team members and any audio-visual technology may be used.</p> <p>Immediately after this presentation, another participant team (chosen randomly) is entitled to ask three questions to the presenting team. After these answers, the jury starts a discussion with the team about the contents of the paper and the oral presentation, lasting another 30 minutes. Each team member must play a broadly equal part in the discussion.</p>

In each of the semi-finals, the jury selects a team as category winner and another as a category runner-up. Both teams selected in this way will move on to the Grand Final, which comprises eight teams in total.

The Jury of the Grand Final is composed of 5 jurors and the thematic category to be addressed during the event is chosen randomly from the four indicated above.

During the final, each finalist is asked to prepare a written report on a common legal practical question that is given to them, by the jury, immediately after the opening ceremony of the grand final. This written report must be finished and delivered to THEMIS organisers by a given deadline.

Each team is required to take part in a debate, in front of the Jury, with another participant team where each is asked to take opposite stances on a given case study or topic. This is provided to them two weeks before the final. Each pair of teams will debate a different case.

At the end of each working day and according to the timetable set by the organisers, every team prepares and hands to the jury an observation file concerning each of the debates in which the team has not participated during that day. This file should contain constructive feedback, the team's opinion on the approach taken by the debating teams and any other constructive comments they wish to make.

The Jury assesses the participants' overall performance in the written report, the debate and the observation files according to the following criteria (where appropriate):

- Originality
- Reference to the relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights
- European Union standards in the field of ethics and deontology of judges and prosecutors
- In-depth analysis of the latest European debates on both ethics and EU Law
- Anticipation of future solutions
- Critical thinking
- Communication skills
- Clarity, attractiveness and persuasiveness of oral skills and consistency.

The Jury then declares one of the competing teams to be the THEMIS winner.

The project aims to develop abilities related to the future profession of the participants, such as communication skills, debating abilities, critical and analytical thinking, logical reasoning and proper legal writing.

The event also aims to further develop the professional contacts, experiences and relationships between entry-level trainees and their

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	teaching staff. The event gives a unique opportunity to trainees to discuss their own ideas on the chosen subjects with well-known experts in an international forum.
Available direct internet link	http://www.ejtn.eu/en/About/THEMIS11/
Institution contact details	European Judicial Training Network (EJTN) Rue du Commerce 123 1000 Brussels Belgium Phone: + 32 2 280 22 42 Fax: + 32 2 280 22 36 Email: ejtn@ejtn.eu Website: http://www.ejtn.eu
Other comments	<p>The model of the semi-final, as described above, has remained practically unchanged since its creation. In the end it consists of a seminar constructed in reverse.</p> <p>In this case, it is up to the participants to select and present the subjects they want to deal with (although these must be chosen from a restricted number of generic pre-selected ones), while it is up to the experts (the jurors) to lead the follow-up discussion highlighting the main elements of the presentation.</p> <p>This BEST PRACTICE is ideally transferable to national level either in the form of a national pre-competition related to the EJTN THEMIS competition (national heats) or may be applied to any other area of training where the trainees' presentation and argumentation skills need to be developed.</p>

Fact Sheet No. 41

Fact Sheet number	41
Title of practice	Criminal Justice I – International Judicial Cooperation in Criminal Matters – ‘EAW and MLA Simulations’
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Institute	EUROPEAN JUDICIAL TRAINING NETWORK (EJTN)
Type of practice	BEST PRACTICE
Key features	<p>The EJTN Project Criminal Justice I - International Judicial Co-operation in Criminal Matters -“European Arrest Warrants and MLA (Mutual Legal Assistance) simulations” was initially conceived by the Centre for Judiciary Studies from Portugal and consists of a series of training seminars, each involving two or three different EU countries.</p> <p>These seminars aim to recreate as accurately as possible a realistic environment of judicial co-operation in criminal matters between the participating Member States, counting on the presence of EUROJUST and EJN (European Judicial Network) representatives.</p> <p>In the first stage, participants are gathered in national groups in order to examine the progress of cases based upon actual or fictional facts, each one of them suggesting the use of judicial co-operation legal tools. They are then asked to issue international requests for co-operation to the other countries participating in the seminar that they would regard as appropriate; this is done by filling in the relevant forms (normally, European Arrest Warrants, Letters Rogatory, mutual recognition certificates etc.).</p> <p>In the second stage, still in national groups, participants examine the requests made by the other national groups in the seminar which were addressed to their country. They are requested to produce, in relation to each of them, a decision according to the applicable EU and national laws.</p> <p>In the third stage, participants merge into internationally mixed groups to explain and understand the grounds for the national decisions made on the international requests initially issued. They are also informed of any unusual aspects in relation to the execution of those requests in the other Member States. This sometimes takes place simultaneously in two different Member States, via video-conferencing.</p> <p>Finally, on the basis of the answers provided (in national groups again), participants are asked to find the best solution for their own cases.</p> <p>The course is rounded off by two lectures on related issues.</p> <p>This training model serves the following main purposes: it assists participants in drafting and executing international co-operation requests on EAW, MR Freezing orders or common MLAs demands; in how to apply and use EJN and EUROJUST (while simulating their</p>

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	roles); provides them the theoretical background to the requests and, finally, it provides them with an international forum for discussion on the above related issues.
Available direct internet link	http://www.ejtn.eu/en/About/Criminal-Justice-Project/
Institution contact details	European Judicial Training Network (EJTN) Rue du Commerce 16 B 1000 Brussels Belgium Phone: + 32 2 280 22 42 Fax: + 32 2 280 22 36 Email: ejtn@ejtn.eu Website: http://www.ejtn.eu
Other comments	The mechanism undoubtedly consists of a BEST PRACTICE , although it may only apply in an international environment.

Fact Sheet No. 42

Fact Sheet number	42
Title of practice	'Learning by doing' while Increasing Knowledge of Judicial Co-operation and the Domestic Law of other EU Member States
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	GERMANY
Type of practice	PROMISING PRACTICE
Key features	<p>In 2012, Germany's Judicial Academy and the Justice Academy of Turkey jointly organised a one-week seminar on domestic violence for 25 German and 18 Turkish criminal and family judges as well as public prosecutors.</p> <p>The seminar was focused on two fictitious cross-border cases of domestic violence. The seminar's presentations were exclusively delivered by the attendees themselves. These lasted a maximum of 30 minutes and focused on the basic principles of the applicable respective domestic laws in the field and on the most important national rules on mutual legal assistance in family and in criminal matters. After these presentations, a considerable amount of time was given for discussion.</p> <p>During the seminar, four mock trials took place: one in a Turkish family court, one in a German family court, one in a Turkish criminal court and one in a German criminal court. All roles in the mock trials were played by the attendees of the seminar. The trials were based on briefs, bills of indictment, etc. which had been prepared beforehand by the attendees and communicated to the other nation's attendees.</p> <p>In feedback on the event, participants were unanimous that they had learned more about each country's judicial system and legal culture than they would have done in three weeks of theoretical lectures. And all the 'actors' in the mock trials said that it had been great fun.</p>
Institution contact details	<p>German Judicial Academy Trier Conference Centre (Institute of the Federal State of Rhineland-Palatinate) Berliner Allee 7 D-54295 Trier, Germany Phone: + 49 65 1 93 61 119 Fax: + 49 65 1 30 02 10 E-mail: trier@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p> <p>Wustrau Conference Centre (Institute of the Federal State of Brandenburg) Am Schloss 1,</p>

	<p>D-16818 Wustrau, Germany Phone: + 49 33 92 5 8 97 333 Fax: + 49 33 92 5 8 97 202 Email: wustrau@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p>
<p>Other comments</p>	<p>Although applied between an EU country and a non-EU country this PROMISING PRACTICE can be perfectly adapted to the EU environment. It is also easily transferable and the variants and subjects that may be targeted in such seminars are endless.</p> <p>However, the authors have drawn attention to the fact that organising such an event obviously requires a considerably higher investment in staff and logistics than a 'classical' seminar.</p> <p>In addition, they remarked that its success also depends on the selection of motivated participants.</p>

Fact Sheet No. 43

Fact Sheet number	43
Title of practice	Development of EU Law Training Materials at the Pan-European Level for Subsequent Incorporation at the National Level
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Institute	ACADEMY OF EUROPEAN LAW (ERA)
Type of practice	GOOD PRACTICE
Key features	<p>ERA has been developing two sets of stand-alone training modules: on EU legislative instruments for cross-border co-operation in civil matters and on EU environmental law.</p> <p>The methodology was devised by the European Commission and ERA took part in its implementation, all fully funded by the EU. In 2013, in co-operation with other EJTN members, ERA applied for an action grant for a project with a similar methodology on civil justice instruments.</p> <p>The training modules are structured as a 'training package' to be published and made available for future use by any training institution interested in the provision of judicial training in these areas of European law.</p> <p>The training modules on civil law topics consist of a trainer's pack with information and guidelines on how to organise a workshop to implement the module, a proposed workshop programme and recommendations on methodology, an introductory e-Learning course, a list of background materials for the training recipients, examples of former trainers' PowerPoint presentations, case studies with their suggested solutions as well as a national section providing information on legislation, jurisprudence and representative publications on the application of European family law in 26 Member States.</p> <p>Each training module may be implemented through workshops with a suggested duration of 2.5 days. These face-to-face presentations are combined with practical exercises and interactive sessions possibly IT-supported.</p> <p>In order to offer existing training modules in the EU official languages, a translation company was engaged. This company required two months to finalise the versions of the training materials and set up of the e-Learning courses.</p> <p>A similar organisation has been arranged for the training module project on EU environmental law.</p> <p>In 2013, for the implementation of a new project on EU civil justice law, ERA secured the partnership of national judicial actors from eight Member States and received an EU grant. Furthermore, 9 external</p>

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	<p>experts were engaged for the development of the training materials, to be more specific, the materials that will be used for the workshop exercises and the contents of the e-Learning courses. 34 national experts will be involved in the preparation of each training module pertaining to each national section.</p> <p>In order to assess the efficiency of the materials, ERA has planned to organise 10 implementation workshops during a nine-month period; to test the two modules in different contexts (pan-European and regional); to apply various language regimes and target different groups (judges and/or lawyers in private practice).</p>
Available direct internet link	<p>https://www.era-comm.eu/EU_Civil_Justice_Training_Modules/index_.html</p> <p>https://www.era.int/cgi-bin/cms?_SID=e2757a345521a62f1e434f7307f1841c1894d26d00277219702342&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=124138</p>
Institution contact details	<p>Academy of European Law (ERA) Metzer Allee 4 D-54295 Trier Germany Phone: + 49 651 93737-0 Fax: + 49 651 93737-773 E-mail: info@era.int Website: https://www.era.int</p>
Other comments	<p>These two projects on EU civil justice and environmental law have been developed and financed under a framework contract with the European Commission's DG JUST and DG ENV. They enabled co-operation with high-level experts on the production of materials, the creation of online tools such as the e-Learning course and the national sections and the translation of the training material into more languages. Without this financial support, it would not be possible to proceed with the development of further training modules.</p> <p>The crucial elements for the success of this practice are the comprehensiveness and flexibility of the training materials produced. Although they are not tailored to the specific needs of a certain group of judges, the training modules contain a variety of elements that support training providers, ranging from ready-to-use case studies to recommendations on methodology and proposals on the programme for the workshops.</p> <p>The training modules are meant for continuous training. In this form, the practice has limited transferability – only at the pan-European level. However, where appropriate, judicial training institutions could adopt the idea of producing trainers' packs at national level for training at local or regional level.</p> <p>It constitutes a GOOD PRACTICE but due to its wide scope, it may only be put into place either by a European training stakeholder or by a consortium of national training centres.</p>

	This requirement also emphasises a most desirable decentralised planning of training activities that gathers the best expertise provided by a large number of Member States, in order to assure its European added value.
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Fact Sheet No. 44

Fact Sheet number	44
Title of practice	Ensuring Visibility of EU Law Content in Domestic Law Courses
Category of practice	Implementation of Training Tools to Favour the Correct Application of EU Law and International Judicial Co-operation
Country	THE NETHERLANDS
Type of practice	GOOD PRACTICE
Key features	<p>In the Netherlands the Dutch Training and Study Centre for the Judiciary (SSR) integrates European law as much as possible into its regular courses on (national) law topics.</p> <p>This approach raises the awareness of Dutch judges and prosecutors of the fact that European law is national law. However, the inclusion of European law in national law courses made European law somewhat 'invisible'.</p> <p>Therefore, in order to indicate that European law forms part of a certain course, in SSR's digital course catalogue, an EU flag is included at the top of the course description.</p> <p>As a result of this practice, the visibility of European law in the curriculum of SSR has increased. Moreover, it also has increased awareness amongst SSR course managers that wherever appropriate, European law has to be included in the courses they develop and revise.</p>
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>
Other comments	<p>This GOOD PRACTICE is extremely easy to adopt and its transferability makes it highly recommended.</p> <p>According to the SSR experience, the introduction of the practice was fairly simple, although its material implementation was more difficult and time-consuming.</p> <p>In order to implement it, for all continuous education courses the SSR course managers and their (external) pool of trainers had to assess the extent to which European law formed a part.</p> <p>In 2011 the amount of courses in continuous education was 531, so it has taken substantial time and effort to make the necessary assessments, in particular for the courses where the inclusion of European law was not so obvious.</p>

	<p>At times there was some doubt as to whether a flag should be placed in the course description, as it could be argued that almost all national law is influenced to a larger or smaller extent by European law. That has caused some resistance but also stimulated some interesting discussions on the specific relations between national law and European law.</p>
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Fact Sheet No. 45

Fact Sheet number	45
Title of practice	The Rapporteur
Category of practice	Assessment of Participants' Performance in Training and the Effect of the Training Activities
Country	BELGIUM
Type of practice	BEST PRACTICE
Key features	<p>In Belgium a rapporteur is appointed amongst the participants especially in long (several day) training sessions with several presenters/trainers and a large number of participants.</p> <p>The task of the rapporteur is to summarise participants' opinions on the content and quality of the training session and to prepare a draft report.</p> <p>At the end of the training session the draft report is submitted to the participants for approval and then sent to the Judicial Training Institute.</p>
Institution contact details	<p>Judicial Training Institute (IGO/IFJ) Avenue Louise 54 1050 Brussels Belgium Phone.: + 32 2 518 49 49 Fax: + 32 2 518 49 79 E-mail: info@igo-ifj.be Website: http://www.igo-ifj.be</p>
Other comments	<p>The described method performs level 1 of the Kirkpatrick training evaluation model. It also enables the receipt of real time summarised feedback information from participants about the quality of the training, along with suggestions on how to improve it.</p> <p>It may be considered a BEST PRACTICE that other training institutions may like to follow in conjunction with their own training evaluation schemes.</p>

Fact Sheet No. 46

Fact Sheet number	46
Title of practice	'Show What you have Learned'
Category of practice	Assessment of Participants' Performance in Training and the Effect of the Training Activities
Country	THE NETHERLANDS
Type of practice	PROMISING PRACTICE
Key features	<p>In the Netherlands participants in a two-year high-level leadership programme were required to make a final presentation at the end of the training programme.</p> <p>In this presentation they were required to 'illustrate and demonstrate' what they learned during the course, enabling them to reflect and make a self-assessment on whether they had achieved the learning goals. Furthermore, it also inspired them to go beyond a dry and factual presentation of what they did during the training thus transforming the presentation – as a final assignment – into a kind of policy seminar for the Council of the Judiciary on leadership issues.</p> <p>In addition, the presentation of certificates of achievement was made by the participants themselves accompanied by a short speech about the performance and progress of another colleague.</p> <p>This method made it possible to assess and demonstrate the increased knowledge and skills of the participants.</p>
Institution contact details	<p>Training and Study Centre for the Judiciary (SSR) Postal address: Postbus 5015 3502 JA Utrecht Visiting address: Uniceflaan 1 3527 WX Utrecht Phone: + 31 88 361 3212 E-mail: ssr.international@ssr.nl Website: http://www.ssr.nl</p>
Other comments	<p>The described method performs Level 2 of Kirkpatrick's training evaluation model. Since it is a rather recent evaluation system and has only been applied once, in a particular training activity, it should be rated as a PROMISING PRACTICE.</p> <p>However, the idea may constitute a source of inspiration for evaluating the training provided to judges and prosecutors working in higher level courts.</p>

Fact Sheet No. 47

Fact Sheet number	47
Title of practice	Long-term Assessment of Training Activities
Category of practice	Assessment of Participants' Performance in Training and the Effect of the Training Activities
Country	GERMANY
Type of practice	PROMISING PRACTICE
Key features	<p>In Germany, some German States have developed specific questionnaires to assess long-term learning success – e.g. the positive results of training on the attendee's professional skills and its consequences on the functioning of their court or prosecutor service.</p> <p>Applied to modular training courses, this practice anticipates that during the second module participants are asked some very specific questions on the long-lasting effect of the competences developed during the first module which was held some months before regarding: a) long-term learning success, b) any changes in the professional behaviour of the participants and c) a possible positive result these changes might have had for the respective courts or prosecution offices.</p> <p>A comparable scheme is currently under consideration for implementation in seminars or a series of seminars at national level.</p>
Institution contact details	<p>German Judicial Academy Trier Conference Centre (Institute of the Federal State of Rhineland-Palatinate) Berliner Allee 7 D-54295 Trier, Germany Phone: + 49 65 1 93 61 119 Fax: + 49 65 1 30 02 10 E-mail: trier@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p> <p>Wustrau Conference Centre (Institute of the Federal State of Brandenburg) Am Schloss 1 D-16818 Wustrau, Germany Phone: + 49 33 92 5 8 97 333 Fax: + 49 33 92 5 8 97 202 Email: wustrau@deutsche-richterakademie.de Website: http://www.deutsche-richterakademie.de</p>
Other comments	The practice described complements other standard tools and methods currently in use (and refers to Levels 1 and 2 of Kirkpatrick's training evaluation model). The mechanism above generally covers Kirkpatrick's Levels 3 and 4. It seems to have been successfully implemented in several German States and is about to

	<p>be expanded to full national level.</p> <p>It is considered to be a PROMISING PRACTICE. It has good transferability and is highly recommended whenever training is delivered in several modules at relatively long intervals.</p>
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Fact Sheet No. 48

Fact Sheet number	48
Title of practice	Evaluation and Impact Assessment System
Category of practice	Assessment of Participants' Performance in Training and the Effect of the Training Activities
Institute	ACADEMY OF EUROPEAN LAW (ERA)
Type of practice	BEST PRACTICE
Key features	<p>ERA uses this mechanism as part of the evaluation⁵¹ and impact assessment system for training workshops that implement training modules in the area of EU family law for the European Commission.</p> <p>In order to assess if the implemented workshops were developed efficiently, a twofold process has been introduced:</p> <p>Immediately after the end of the workshop, all participants are asked to complete a detailed <i>evaluation questionnaire</i>, aimed at the quality of the workshop itself. Questions on the seminar content and methodology, the training materials provided and the quality of the trainers' contributions are also included in these evaluation forms.</p> <p>In addition to this immediate feedback, a <i>mid-term evaluation</i> process involving an assessment of the results and impact of the workshop in the longer term is also sent to participants. With a reminder by the workshop organiser before the end of the workshop and a small souvenir as a "thank you" for filling in the initial evaluation form, it was possible to collect the replies from approximately 90% of participants. The feedback received through the mid-term evaluation forms was lower, about 50%, but nevertheless indicative of the impact of the workshop.</p>
Institution contact details	<p>Academy of European Law (ERA) Metzer Allee 4 D-54295 Trier Germany Phone: + 49 651 93737-0 Fax: + 49 651 93737-773 E-mail: info@era.int Website: https://www.era.int</p>
Other comments	<p>The combined evaluation method described performs levels 1, 2 and 3 of Kirkpatrick's training evaluation model.</p> <p>In conjunction with Fact Sheet No.8, it also represents a good example of the inter-connection between training needs assessment and evaluation of training and can be considered as a BEST PRACTICE whose transferability is recommended.</p>

⁵¹ See Fact Sheet No. 8 for the training needs assessment part of this practice.

Fact Sheet No. 49

Fact Sheet number	49
Title of practice	Post-training Evaluation
Category of practice	Assessment of Participants' Performance in Training and the Effect of the Training Activities
Institute	EUROPEAN INSTITUTE FOR PUBLIC ADMINISTRATION (EIPA)
Type of practice	BEST PRACTICE
Key features	<p>For EIPA the objective of this post-training evaluation is three-fold. It sets out to simultaneously assess:</p> <ul style="list-style-type: none"> • The extent to which participants had the opportunity to use the knowledge/know-how acquired during the training event • The extent to which the acquired knowledge/know-how helped them to perform their daily work more efficiently • Whether the training event attended could be improved. <p>This post-training evaluation normally takes place two-to-four months after the training event and is mostly carried out via a web-based survey tool. In case the number of answers obtained this way remains below the required standard, telephone interviews are used in order to achieve more in-depth feedback.</p> <p>In addition to its main goal – to control and improve the quality of training – this method is also used to identify current and potential future training needs and develop new training services.</p>
Institution contact details	<p>European Institute for Public Administration (EIPA) 2 Circuit de la Foire Internationale 1347, Luxembourg Luxembourg Phone: + 352 426 230-1 Fax: + 352 426 237 Email: info-lux@eipa.eu Website: http://www.eipa.nl/en/antenna/Luxembourg</p>
Other comments	<p>The above system completes the mechanism described under Training Needs Assessment and has been introduced as a post-training evaluation practice.</p> <p>It performs Level 3 of Kirkpatrick's training evaluation model. It is also a good example of the inter-connection between training needs assessment⁵² and training evaluation. It can be considered as a BEST PRACTICE and transferability is recommended.</p>

⁵² See Fact Sheet No. 9.

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