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GUIDELINES FOR INITIAL TRAINING OF JUDGES AND PROSECUTORS

LEONARDO DA VINCI PARTNERSHIP PROJECT

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Preamble: Objectives of the project & Methodology

The present Guidelines you are about to read are the outcome of a joint venture undertaken by five judicial training institutions within the framework of the Leonardo da Vinci Partnership Project. The partners mentioned here are: the Judicial Training Institute of Belgium, the French National School for the Judiciary, the Romanian National Institute of Magistracy, the Centre for Judicial Studies of Spain and the Justice Academy of Turkey.

In line with the aims of the Leonardo da Vinci Programme, the five partners came together under the coordination of the Turkish Academy of Justice with a view to fostering the culture of cooperation and intensifying the tradition of exchanging knowledge and experience in the field of judicial training. The activities therefore concentrate on the strengthening of mutual learning, cooperative work, trust, enhancing mobility, sharing experience and know-how. The project will thus give individuals the chance to improve their competence, knowledge and skills, as well as broaden cooperation between judicial training institutions.

In an effort to improve quality and enhance attractiveness, the Guidelines will help all the partners, as well as other judicial training bodies, to design their initial training curricula more effectively, paying particular attention to the EU dimension and human rights. Through broad transmission, they will also be useful for other vocational training institutions, providing encouragement to carry out partnership projects in order to prepare joint ventures.

The age of globalization and technology is having considerable impact on the lives of individuals, communities and societies around the world. Within this rapidly evolving process, state legal and justice systems are also witnessing swift changes on an unprecedented scale. States are therefore reflecting upon ways of reforming their justice systems in order to ensure full respect for the rights and freedoms of all their members without discrimination.

The efforts made to achieve this aspiration often result in new laws or amendments of existing ones, amongst other things. As the main players in the judicial area, judges and prosecutors play a significant role in the process. They should be equipped with necessary knowledge in order to keep up with changes and possess the required skills to adapt to new developments. Within this perspective, initial training is turning into a key phase of professional and personal development for judges and prosecutors before beginning their career.

In order to overcome the difficulties of the profession and to prepare judges and prosecutors to perform duly in such a complex field, initial training strategies should be devised in a manner that encompasses a wide range of capacity enhancing courses.

The individual efforts of judicial training institutions sometimes encounter difficulties in achieving the goals and reaching desired results due to the challenges inherent to the nature of training. Thus, the need for cooperation among counterpart institutions is progressively becoming more important across Europe and worldwide.

The increasing necessity for cooperation in the field of initial training was the main rationale for conducting this project. The partners' common belief in the benefits of exchanging experience and knowledge was the starting point for developing these Guidelines reflecting the need for a common approach regarding the main principles of initial training.

The objectives of the project, such as creating an area for sharing experience and knowledge, strengthening mutual learning, cooperation and mobility and internalizing the EU dimension and human rights in training programmes are all supportive outcomes for more intensive European cooperation.

The development of a joint guidance document on initial training will be a tangible step for all judicial training bodies in Europe to establish further cooperation and design more effective initial training programmes for judges and prosecutors.

The partners hope that, in an effort to improve quality and enhance the attractiveness of initial training, the Guidelines will be helpful for them and other judicial training bodies in designing their curricula more effectively, taking into consideration the importance of the European dimension. The partners believe that it might also encourage other vocational training institutions to carry out partnership projects.

Even though initial training systems differ from one another in many ways, the five partners based this project on the idea that there are also many common points to be emphasized. Thus, instead of illustrating a unique type of initial training, they collected and discussed knowledge, experience and ideas from each partner, as well as documents/recommendations elaborated by international bodies (e.g. the European Commission, the European Judicial Training Network, the Consultative Council of European Judges, the European Network of Councils for the Judiciary etc.) in relation to initial training of judges and prosecutors, in order to reach useful and practical conclusions essential to initial training.

The Guidelines are comprised of three titles, divided into chapters. The first title deals with the scope and aims of initial training and the training programme. Under this title, common values and main principles can be found, along with the aims of the initial training programme, as well as the fundamental abilities and skills (competencies) that a judge or prosecutor should acquire during the initial training process.

The second title covers training strategy and methodology. The first chapter addresses general considerations, the second and the third deal with training session design and training methods, respectively, while the last covers the methods of trainee assessment.

The third title addresses the issue of trainers. The first chapter is dedicated to trainer' profile, the second deals with the process of trainer recruitment and the third chapter covers the assessment of trainers and of the training programme.

Each topic in the Guidelines was developed through discussions carried out in the course of meetings organized by the partner institutions.

Initially, partners conducted a survey involving three types of questionnaires addressed to judicial trainees, training institutions and court chiefs respectively. The idea behind this activity was that, the data deriving from the analysis of the questionnaires should serve as a basis for the writing of the Guidelines.

The Guidelines also include a section dedicated to final remarks which is a summary of all the ideas reflected in the three titles of the document.

Finally, information and suggestions stemming from the findings of the questionnaires are also included. The data deriving from the result of the questionnaires has revealed some significant factors to be considered while preparing initial training programmes.

For instance, most of the judicial trainees consider that initial training should have a more

practical approach. Another example is that lectures, as a training method, are considered to be ineffective by most of the judicial trainees. The Guidelines include further examples in relation to strong points and shortcomings of initial training programmes.

As stated previously, the Guidelines are not intended to describe a unique model of initial training. It is the partners' goal that this joint work will be a further step for research and cooperation in order to enhance initial training and contribute to the dissemination of knowledge and experience among judicial training institutions.

Title I: Scope and aims of initial training and the training programme

• Chapter 1: Common values

Judges and prosecutors must demonstrate certain 'values'. These values are regarded as related to judicial ethics. The initial question is: "What are the ethical values desired of judges and prosecutors?" Furthermore, we also have to look to society: "What does society expect from judges and prosecutors?"

Those values which are expected by society in all democratic countries can be considered as 'common values'. When validated, these values become merits.

Referring to the questionnaire which was sent out to judicial trainees and in particular to the question "What key qualities should a good judge/prosecutor have? Describe in a few words the profile of the ideal judge/prosecutor in your own vision", the following four values came out as the most important:

- Independence
- Integrity
- Impartiality
- Loyalty

These values reflect the main ideas concerning the desired profile of judges and prosecutors. Therefore initial training must focus first and foremost on the learning and development of correct behaviour, incorporating these values, as is expected of judges and prosecutors by society.

2. The above mentioned values and qualities suggested by judicial trainees are very much in line with the values described in the reports of the European Network of Councils for the Judiciary (ENCJ) working group on judicial ethics¹.

Therefore, it is recommended that reference be made to these reports – and especially the report of 2009-2010 – as the basis for a brief comment on the 4 common values mentioned previously (also bearing in mind the Bangalore Principles on Judicial Conduct 2002).

3. Notwithstanding that some of these values relate more to the function of a judge than to a prosecutor, the initial training of judges and prosecutors should include the development of all these values since trainees may switch in their professional career from judge to prosecutor or vice versa.

In this respect we can also speak of 'common values'.

¹ ENCJ – Judicial Ethics Report 2008-2009 and Judicial Ethics Report 2009-2010

4. A brief explanation of these common values can be made as follows²:

4.1. Independence means that the judge will apply the law to matters set before him in a specific case, without worrying about pleasing or displeasing any sort of power (executive, legislative, political, hierarchical, economic, the media or public opinion).

A prosecutor works within a hierarchical framework and has to take into account the views of his superiors but he must disregard any other influences.

4.2. Integrity is essential to the proper discharge of judicial office.

A judge and a prosecutor shall ensure that their conduct is beyond reproach in the eyes of a reasonable observer.

Integrity involves two different duties: the duty of probity and the duty of dignity and honour.

The duty of probity implies that the judge and prosecutor must refrain from any improper behaviour, not only behaviour that is contrary to the law.

The duty of dignity and honour means the judge and prosecutor must show respect for individual dignity and act strictly within the framework of the law. Courtesy and intellectual probity will govern relations with all professionals within the judicial system and the parties. Honour also requires that a judge and a prosecutor ensure that they do not jeopardise the public image of the justice system.

4.3. Impartiality on the part of the judge means the absence of any prejudice or preconceived idea in the exercise of his function, i.e. when exercising judgment, as well as in the procedures adopted prior to the delivery of the judgment.

The prosecutor represents society and public interest; therefore he must be impartial in the sense mentioned.

4.4. Loyalty is the value of showing – usually by taking an oath – that one is bound by the rule of law.

Loyalty implies two things: on the one hand the duty to exercise the powers entrusted in one and on the other hand the prohibition to exceed them.

5. It should also be mentioned that other reports from different institutes throughout the world have focused on the same values: e.g. the International Commission of Jurists, Geneva, Switzerland, 2004, in “International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors”, as well as The Canadian Judicial Council, 2004, in “Ethical Principles for Judges”.

- **Chapter 2: Main principles**

Initial training programmes should reflect the above mentioned common values which should be embedded in the main principles of initial training.

With regard to the latter, the recommendations made by the court chief justices and the training institutions responding to the questionnaires which were sent out may be referred to. They were of the opinion that training programmes should focus on knowledge as well as practise.

² ENCJ – Judicial Ethics Report 2009-2010

This view is in line with Opinion n°43 “Appropriate initial and in-service training for judges at national and European levels” of the Consultative Council of European Judges (CCEJ) of the Council of Europe.

1. In view of the diversity of the systems for training judges and prosecutors in Europe⁴, the following recommendations can be made with regard to the main principles for initial training.

1.1. All appointees to judicial posts should have or acquire extensive knowledge of substantive national and international law and procedures before they take up their duties.

1.2. These theoretical and practical programmes should not be limited to techniques in the purely legal fields but should also include training in ethics and other fields relevant to judicial activity, such as management of cases and the administration of courts, information technology, foreign languages, social sciences and alternative dispute resolution (ADR).

1.3. The training should be pluralist in order to guarantee and strengthen the open-mindedness of the judge and prosecutor.

1.4. Depending on the existence and length of previous professional experience, training should be of significant length in order to avoid its being purely a matter of form.

2. Finally, for candidates who have come straight from university, it is important that the initial training period should include substantial periods of practical training⁵.

• Chapter 3: Aims of the training programme

The aims of a training programme should accommodate all the needs identified at training school/institution level. As a general rule, they should target all the competencies of a judge and prosecutor at the initial phase and throughout their career.

Therefore, one of the goals of the initial training period is to expose the future judge and prosecutor to the necessity of constant, dynamic and transforming training, as an instrument for the improvement of standards of professional excellence.

In this sense, the focus of initial training has to be not only theoretical, but also practical. The purpose is not only to increase theoretical knowledge amongst junior judges and prosecutors, but also to teach them how to manage and put into practice the theory acquired previously in order to develop the abilities required.

On the one hand, the goal is to provide them with all the necessary instruments to develop as judges and prosecutors. On the other, they should be given time to reflect upon and debate the role and position of judges and prosecutors within the framework of a democratic State and the Rule of Law.

Additionally, training in European Union instruments should be a component of initial training for judges and prosecutors, reflecting how national and Union legislation interact with and influence their everyday practice.

3 Opinion no 4 of the Consultative Council of European Judges (CCEJ) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels - CCJE (2003) Op. N° 4 - Strasbourg, 27 November 2003; it represents a reference document of the CCEJ for the initial training activity within most of the judicial training institutions

4 Opinion n° 4 of the CCEJ

5 Opinion n° 4 of the CCEJ

In this sense, the Hague Programme and the European Commission stress the importance of incorporating a European component in national training programmes.⁶ In consideration of the above, initial training programmes have to be designed combining the aforementioned scopes by striving to achieve a necessary balance between theory and practice.

Priority Goals

1. Promoting a professional identity and providing the acquisition of necessary skills that are to be exercised in the profession
2. Acknowledging the social, political, professional, economical and cultural environment where the judge/prosecutor performs their tasks
3. Deepening the features of the figure of the judge/prosecutor within the constitutional and legal framework of each country together with the real challenges and problems of the profession they are going to embrace
4. Assuming the functions of judges and prosecutors in accordance with legal principles as well as ethical and deontological values
5. Fostering training in matters related to judicial cooperation in civil and criminal law as a crucial element in the construction of a European judicial area and international cooperation in general

Within this framework the focus of the training programmes should be:

1. Acquiring the necessary skills to write judgments, rulings, indictments, reports, papers, etc, required by the proper duties of a judge/prosecutor
2. Acquiring the relevant communicative skills to act on hearings, sessions and other oral acts
3. Enhancing international cooperation through activities such as exchange programmes, study visits and studying foreign languages etc.
4. Promoting the strategic approach of working in groups for better exchange of experiences among future judges and prosecutors
5. Promoting the professional relationship between the future judge/prosecutor and other Court staff, legal professionals, citizens and members of civil society through specific training activities
6. Using modern technologies in order to perform their functions optimally
7. Managing and controlling stress situations during professional work
8. Training future judges and prosecutors in the techniques and skills involved in the handling of cases⁷

⁶ As the purpose of initial training can be seen in particular as one of giving future professionals a sense of belonging to the same area of law and values (COM 2006- 356 final, Art. 28).

The Communication of the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions of 13 September 2011 (COM (2011) 551 final) also highlights that improving judicial training is essential to build trust in EU-wide justice. European judicial training should be practice oriented to attract the practitioners necessary to the running of justice systems.

⁷ Opinion n° 4 of the CCEJ

9. Raising social awareness by understanding the different subjects that reflect the complexity of life in society⁸
10. Integrating the European legal framework in the curriculum, especially in the EU Member States. This dimension should be present in the training approach and the activities to be developed during the initial training period
11. Developing awareness amongst judges and prosecutors of their role in the active promotion of a European judicial culture

- **Chapter 4: Competencies**

Judges and prosecutors need to be proficient in decision making. This skill requires not only the mastery of legal knowledge and techniques, but also the ability to handle soft skills properly. A balance between different skills will be developed hereunder.

Before taking a glance at the skills that are expected of a judge or prosecutor and that a judicial school must enhance through the initial training programme, it is important to mention that it is recommended to recruit trainees who have strong legal knowledge in addition to human and personal qualities that predispose them to further develop these skills.

Depending on the country, the selection of candidates can be assessed through examinations and competitive examinations based on written or oral tests and qualifications or validation of work experience.

The process of initial training is a vocational training course that distinguishes itself from a university course by using theoretical knowledge to develop the abilities and skills required. Thus, based solely on academic merits, the highest level of legal knowledge does not guarantee that candidates have the required qualities to become a good judge or prosecutor. Without going into detail as to all the qualities necessary to become a good judge/ prosecutor, a candidate should also meet the following criteria: have a balanced personality, a good capacity for discernment, the ability to listen and to interact and a significant working capacity. Although it is more difficult to assess the personal qualities of a candidate than his academic knowledge, one can however suggest different kinds of tests for this purpose: oral interviews, situational exercises, and personality tests etc, which need to be added to the selection board.

Finally, one should distinguish the abilities that are developed during the judicial training from skills that can only be acquired through professional practice. As regards trainees, the wording “capacity” or “ability” should be preferred to “skill”.

Based on the judicial training institutes’ experience and common reflection on this topic, and on the questionnaires addressed to the institutions, 11 core abilities were identified.

1. Knowledge and command of personal ethics and deontological rules

This capacity concerns the moral qualities of the judge or prosecutor and their behaviour in exercising their duties, as well as in the private sphere. It is the behavioural and interpersonal competencies (soft skills) of a judge or prosecutor that maintain respect and confidence in the judicial system. Among the most essential moral qualities are honesty and probity.

⁸ Council of Europe Opinions

Furthermore, the judge or prosecutor shall remain impartial, independent and objective at all times while exercising their duties. They must be able to distance themselves from their personal political, religious and philosophical opinions. They also have to be independent from external pressures. In addition, they must remain accessible and demonstrate respect, courtesy and sensitivity in their relations with litigants and with partners to the judiciary.

Training course programmes should include discussions on ethical rules and behavioural issues concerning public and private life.

2. Ability to analyse and summarise a case or file

This ability is at the heart of the profession of a judge/prosecutor. They must have the intellectual and professional ability to synthesise the circumstances and procedural steps of a case, to analyse the pleas in law and arguments raised by the parties under the applicable law, and to render a decision within a reasonable time.

3. Ability to prepare and conduct investigations, hearings and questioning respectful of adversarial procedures and legal framework

A judge/prosecutor should lead oral proceedings by adopting an adequate position. He must master interview techniques, manage difficult or conflicting situations, adapt to sensitive cases involving vulnerable groups such as minors, the elderly and mentally ill, listen to litigants and explain a decision. They must conduct discussions or hearings in an impartial way and in compliance with the principle of the adversarial parties and applicable procedural rules.

4. Adaptability and flexibility

The judge/prosecutor should in all circumstances keep things in perspective, adapt to new or unexpected situations and take the most appropriate decision or adopt the most suitable behaviour. They should further be able to cope with changes in working conditions.

5. Human attitude

The judge and prosecutor shall respect people and their dignity at all times. They should discern the proper approach to adopt, showing empathy, compassion, humility or authority fitting the circumstances, so that their administration of the law is perceived as legitimate and fair.

6. Ability to listen

The judge/prosecutor should be able to listen with receptiveness and open mindedness. They should pay attention to the presentation of the facts and legal arguments put forward by the parties and their counsel.

7. Capacity to elicit agreement and conciliation

Closely connected to a good command of deontological and procedural rules, judges and to some extent prosecutors should have the capacity to promote dialogue between parties, aimed at avoiding lengthy and costly judicial proceedings. In many instances (e.g. private law, labour law) both parties and social order would benefit from a consensual agreement, which could be much more effective than a judicial ruling. In most European

judicial systems, judges and prosecutors are indeed encouraged by law to elicit conciliation and reconciliation, particularly in family matters, while ensuring that no one has their rights infringed in the process.

8. Capacity to formalize and explain legal grounds of a decision and to communicate clearly

*“It is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done”*⁹. In other words, a judicial ruling, while sound and appropriately grounded, might lose much of its effectiveness if unclear and/or misunderstood, thus conveying the false assumption that justice has not in fact been done. The ability to make oneself properly understood is in fact consubstantial to the ability to apply the rule of law, settle disputes and resolve conflicts.

9. Awareness of local, national and international environment

Such awareness is a key prerequisite to any judicial function, as judges and prosecutors may ignore neither the societal changes taking place in their environment, nor the consequences of their decisions on their environment. As representatives of public authority, they should be fully aware of social and economic issues, as well as public policies implemented by local, national, intergovernmental and international authorities.

10. Management and organizational skills

Dealing with a judge’s or prosecutor’s workload requires more than legal knowledge, good will and hard work. In an ever changing world, the ability to work with others, as peers, partners or subordinates is of paramount importance, as a courthouse stretches far beyond the Courtroom. A taste for decision-making, self-management skills, a sense of personal responsibility, as well as teamwork, and good interpersonal skills with a capacity to motivate others and initiate improvements in the processes implemented at the workplace are most useful. This is especially true as studies show that many European citizens are dissatisfied with delays in legal proceedings.

11. Commitment, hard work and commitment to improving public confidence in the Judiciary

The expectations placed upon the Judiciary are high, and surveys conducted by the European Commission for the Efficiency of Justice show a fairly good level of confidence held by European citizens in their judicial systems. However, this entrustment may be preserved only through sustained hard work and commitment.

These qualities, closely akin to ethical values and deontological rules may seem natural, but need to be reaffirmed and improved throughout the training curriculum.

Title II: Training strategy and methodology

- **Chapter 1: General considerations**

Section 1: Training with a strategy

The training process has an important practical dimension. It focuses mainly on professional skill development. Training centres on the human component of the educational process. Therefore, accommodating diversity requires a strategy involving more than the simple

9 Lord Chief Justice Hewart - commenting on a decision on the apparent impartiality of justices, in R vs. Sussex Justices, 1924

knowledge of subject and methodology.

In order to determine the direction of training, it is necessary to understand its current position (needs analyses) and the possible avenues through which it can pursue a particular course of action. Generally, a strategic approach deals with at least one of three key questions:

1. “What do we do?”
2. “For whom do we do it?”
3. “How do we excel?”

A strategy is sometimes seen as a road mapping process that starts by evaluating the current situation and how it came about, followed by the definition of goals and objectives (sometimes called ideal state) and then mapping a possible route to attain the objectives.

This is the reason why every training institution should have clearly articulated educational goals. Goals and outcomes are important not only to determine training methodologies, adapted as such to the training needs, but also to show that the training institution shifts from content-centred programmes to outcomes-centred programmes that are concerned with what judicial trainees will be able to do and how they will do it, as well as what they will know on their first day in legal practice.

Initial training institutions should prepare future judges and prosecutors not only for the practice of law, but also for effective and responsible participation in their future profession. This involves more than having strong legal baggage, namely a greater awareness of their role in society and the judicial way of thinking.

Knowledge should be achieved mainly from a practical perspective, by reproducing the conditions in which judges and prosecutors currently develop their activity, in small groups with the professionals involved in the training activity. To this purpose, theoretical and practical training should be alternated with internships in courts, prosecutor’s offices, as well as with other types of internships (e.g. lawyers’ offices, penitentiaries, probation offices, police, civil enforcement offices etc.)

But how can we identify the most appropriate and effective training process for initial training? First of all, in order to make decisions some factors should be taken into account. These are listed as follows:

- the number and status of judicial trainees;
- professional background of judicial trainees;
- subject specific issues;
- the need of interaction in order to exchange knowledge and exercise aptitudes;
- societal priorities;
- the need for create a positive attitude towards the trainees’ future profession;
- anticipated training results.

Whatever the trainer’s choices, these factors give an outline to the trainer’s approach to training.

Section 2: Adult learning

When talking about the status of judicial trainees, one should take into account the fact that they are adult learners. They have already accumulated a variable amount of knowledge and professional experience. They have personal values and shaped personal attitudes.

Therefore, exploring pre-existing knowledge and skills should be of utmost importance, as the future judge and/or prosecutor will easily participate in an exchange of ideas and take part in activities with an immediate practical value but will be reluctant to follow theory with no practise. For long term results, adult learners should be involved in activities that facilitate problem solving, exchange of experience and self-awareness.

As training takes place in view of their future professional life, judicial trainees will be interested in the practical results of their training. If they can see for themselves the relevance of the training their level of interest and involvement will likely increase.

This is the reason why any training strategy (objectives, content selection, training methods, interaction, choice of assessment) should reflect and incorporate good practices in adult learning and be planned only after deep analysis of the training needs.

- **Chapter 2: Training session design**

Section 1: Planning and design

In terms of planning and design, the training session plan is a set of training intentions on paper. *Road mapping* should look into cohesion among all the essential components of the training: the profile of the group, the learning objectives, the training methods, resources and assessment instruments. It is the main document that ensures consistency in training and guarantees a unitary approach to training methodology. It should also ensure *the motivation, level of interest and attractiveness of the activities* (for example methods like role playing, debates or case studies).

The design of the training session plan should include the following steps:

1. **defining the topics** – determining the subject(s) to be discussed, the main issues and possible solutions to be analyzed
2. **defining the training objectives** – specific, measurable, attainable, realistic, timely; at the end of the training session, the judicial trainees have to: “know”, “know how to do it” and “know what attitude is the most appropriate to do it”
3. **describing methods and interaction** – determining how many ideas there should be, along with their content, the most effective methods and techniques applicable to each of the main ideas, the visual means to be used and other types of resources. It is advisable to use debriefing and closing sessions (identifying the most important ideas that need to be reviewed and the techniques to be used throughout the recap session).
4. **assessment** – as a result of both continuous assessment with feedback and short workload and summative assessment, which is external and product based.

Section 2: The role of the trainer

The role of the trainers is more than that of knowledge provider. Any educational process in the adult learning environment implies specific tasks that shape the role of the trainer.

They should:

- identify the training needs of the adult learner;
- determine desirable training outcomes;
- design the training programme and plan the training session;
- select the most appropriate resources and methods;
- conduct training;
- evaluate and analyse the results of training;
- provide constructive input for institutional training policy (main point of contact for the management board of the training institutions to discuss training requirements).

Mapping the route to facilitate learning is the main job of the trainer. The choice of training methodology very much depends on the objectives that a trainer has. At present, there should be a focus on the active participation of the trainees, rather than relying on passively listening to an expert. To use these methods successfully requires the capacity to set up training strategies in accordance with trainee group profile.

Given the fact that people learn in very different ways, initial training should use a diversity of methods throughout the training sessions. The reason is to ensure the efficiency of the process and to keep participants attentive and focused. Therefore, in order to make sure that the largest possible amount of information is being transferred and practical experiences offered, it is best to foresee a combination of training methods and participant interaction.

In terms of training methods, the results of the questionnaires disseminated within the project's activities show that there is an international tendency to be taken into account when pointing out suitable training methods. As there is no good or bad method, method utility and efficiency is highlighted by several factors, such as:

1. training objectives
2. the trainer's style
3. the profile of the group of judges and prosecutors (interests, needs, level of experience)
4. the legal content chosen
5. the judicial or non-judicial skills to be practised

Consequently, there is a repertoire of methods as diverse as can be accommodated by the schools, organizations or institutions.

- **Chapter 3: Training methods**

How to select training methods

Any training method and type of activity used in certain circumstances and adapted to training goal, could prove to be adequate and, consequently, efficient. Without understanding the reasons for choosing a certain type of method/activity and its goals, the results are likely to be unpredictable in the long run.

In a participant-centred training session different perspectives are at work. Therefore, good group management should be considered and training and assessment methods chosen accordingly.

The key stakeholders, the judicial trainees, gave significant answers concerning the most effective training techniques facilitating learning and skills development in the Questionnaires used in the elaboration of the Guidelines. To sum up, representatives of judicial trainees and training institutions pointed out the value of practical activities, small group work and tutorials, mock hearings, case studies, role plays and moot courts, discussions, debates, round tables, research groups, etc. Analyzing the results of the research into these training methods, the following guiding principles can be set out:

1. Learning by concrete experience;
2. Learning by doing;
3. Observation and reflection;
4. Learning by forming abstract concepts;
5. Learning for skill acquisition;
6. Learning for attitude development;
7. Learning through real life and authentic professional experiences.

1. Learning by concrete experience. Role plays, moot courts/mock hearings and demonstrations would be successful training methods to give the trainees concrete tasks to improve specific behavioural skills needed in judicial activities. In order to prepare the climate needed for this type of practical activity, that is to encourage people to speak, get active and open up to the opinions of others, short exercises called **icebreakers** could be used. The scope of these exercises is to help groups that will work together to get to know each other and engage in the training process.

Role-plays involve the allocation of a particular role to a group or sub-group – (for example, prosecutor, defence and court; or police officer, offender, witness and victim). Participants will then be asked to discharge a task (such as a moot problem) from this perspective. The exercise may be presented as a whole at the outset of the problem, or handed out issue by issue as the exercise progresses to try to replicate the notion of a developing situation.

The use of **role play and/or mootings** brings an element of **practical application** to courses. It is a training technique that either demonstrates theory or helps trainees to put what they learned into practice and find 'proof': does the theory work as it is supposed to? These techniques have many advantages: this type of group work involves co-operative group work and collective formulation of strategies. It plays out realistic situations, and brings concepts to life.

But there are certain important qualifications. Trainers should ensure they have addressed the following checklist of issues:

1. Careful briefing is essential. What is the specific task?
2. Realistic time limits are needed: too short, and the group will get frustrated; too long, and the group will become bored
3. Ensure *all* members of the group are involved

4. Encourage division of labour
5. Consider the role of the trainer: this should be to step in as and when required after it is clear that the group knows what is expected of it. Back off... let the group apply its knowledge!
6. Debriefing (or feedback): how will this be done? Is the 'court judgment' (in the case of a moot) the end... or will more detailed comment from a trainer be required?

Feedback is essential when using such types of training methods and techniques in which participants are actively involved in the learning process. Feedback should be constructive, objective, concrete and specific. It should always be a two way communication approach. The trainee is the key stakeholder invited to debrief: let them say if they are satisfied, what was significant for them, what are the barriers when ready to apply what they have learned and how they felt during the role play/moot court. There should also be time for feedback from the trainers. Debriefing is a vital part of the exercise for the trainees to gain most from the exercise. Trainers may focus on the arguments raised and the approach adopted by the 'court', and thereafter (again after emphasising that participants are no longer to be seen as involved in role-play but are now trainees – that is, after taking the trainees 'out of role') upon any issue which appears to have caused difficulty through lack of comprehension or uncertainty in outcome.

Role plays designed as well structured exercises or simulations (more bent on improvisation) strengthen the use of collaborative group work through playing out realistic situations based upon training work.

2. "Learning by doing" (on-the-job training) are internship activities developed in courts and prosecutors' offices under the guidance and authority of a professional judge or prosecutor.

Keeping in mind that training institutions should act as professional schools, not as an extension of university, the initial training internships should be concerned mainly by applied skills and not by gaining theoretical knowledge. To this purpose, it is essential that training activities during internships reproduce, as much as possible, the real conditions in which a judge/prosecutor carries out the profession. On-the-job training deals with actual cases, conducting actual hearings, drafting decisions, rulings and other procedural documents, all under the coordination and supervision of practitioners.

Judicial trainees should be trained how to listen, ensure a hearing, demand evidence, understand the psychology of different types of litigants, establish the objectives of expert testimony and afterwards interpret the conclusions of such testimony, draft a decision or any other court act, easily analyze a file and easily interact with other colleagues, partners, professionals etc.

3. Observation and reflection. This approach is recommended if there is a need to integrate different perspectives on problem solving issues. **Structured discussions** about the experiences of the judges and prosecutors when searching for solutions to case studies could enlarge individual experiences and improve the decision making process. Debates, round tables or research groups would enhance professional communication. And if the scope of the training activity is to increase the effectiveness of communication, it is recommended that methodology is process based and that debates, pair work, group activities and problem solving are used and connected to observations and reflection.

In contrast with lectures, the **debate** uses hypothetical questions to ask the judicial trainees to draw conclusions through their own reasoning process. The aims are to stimulate thinking, reasoning and debating. There is no correct answer from the standpoint of the trainer. The hypothetical question only offers the trainees a mechanism to process the ideas leading to a conclusion. At the end of each successful debate session each participant will adopt a standpoint on the issue (either on a voluntary basis or by appointment).

A **case study** is the presentation of a specific incident, or scenario, with relevant background information, that is analysed in detail with a view to the identification of a solution. It creates the opportunity to understand and apply principles and rules to a real or imaginary scenario. Case studies do not usually provide clear-cut answers. They are intended to raise questions and allow participants to work through the decision-making process to find their preferred solutions.

A case study can occupy a session unit within a training event or can be undertaken on an extended basis, being worked through as the training progresses (e.g. fully analysing a case from beginning to end with request for participation from trainees in different phases).

4. Learning by forming abstract concepts. When the trainees are provided with a new theory/procedure/regulation suitable to solve a case study, short lectures with the visual support of a power point or other types of technologies and/or with small group discussions could be used. Therefore, if the main objective is knowledge transfer, methodology will be centred on content and the procedures to be used could be: lectures, discussions, exercises, readings etc.

Lectures are structured presentations, aiming at transferring knowledge. As an advantage, lectures represent, as a direct training method, a valuable and efficient instrument to explain ideas and theories in a short time unit. It could also prove very useful in the context of large groups and in combination with other teaching techniques. In order to transfer specific knowledge to the audience, the lecturer controls the entire process, but this doesn't exclude a persuasive speech stimulating the involvement of participants.

This method can have certain disadvantages when not applied correctly, such as one-way communication, passive role of participants, low level of absorption and, as a result, the artificial assimilation of knowledge.

5. To acquire skills, it is recommended that the future judges and prosecutors should be trained through a methodology that relies on 65% doing and only 25% seeing and 10% hearing¹⁰. So, if the main aim of the training activity is the development of skills to apply knowledge, methodology should centre on practise and brainstorming, interactive lecturing, case studies, role plays, moot courts, interactive exercises and problem solving exercises.

Problem solving is a training method used to identify problems, analyze them and find suitable ways to correct them. The manner in which solving problems can be approached varies from one problem to another. It could be applied within working groups or in the framework of informal discussions. Solving problems could be addressed within a planned framework or could be a spontaneous reaction/debate taking place when such a situation occurs.

¹⁰ Adapted from The National Training Laboratories, Bethel Journals, 2006

6. To formulate appropriate attitudes and values, small groups are highly effective. They facilitate an adjustment of values and attitudes in the course of the exchange of ideas and experiences. Small groups can create a supportive social environment that is appreciated by individuals.

Group work could be a significant part of the training: it is perhaps better to suggest that formal presentations should complement a group activity, rather than the other way around. Therefore, a case study, a mock hearing, role-play or discussions on different topics could be done by using small group work. Group discussion is vital in the formulation of appropriate attitudes and values. It is the best way of obtaining the ideas and experience of each group member. Participants find small-group discussion rewarding when:

1. They have a chance to contribute.
2. They are clear about the *purpose* of the discussion and prepared for it.
3. The atmosphere is friendly and they are at ease emotionally.
4. They have good leadership.
5. They feel the learning is relevant.

Some of the disadvantages should also be mentioned:

1. People know how to talk to others but not *with* others – some talk too much, others too little; trainees dominate or are dominated; get off the point; talk around the point; repeat themselves; etc
2. Groups may dismiss certain ideas and accept others without giving logical arguments.
3. Groups may become personality-centred rather than task-centred.
4. The group is given too many tasks in the allotted time.
5. The group leader is insufficiently prepared or misunderstands the function of leader – the leader's authority may be seen as overwhelming.

One of the most important rules about group work is probably getting the seating right. It is necessary to arrange seating and equipment according to the training needs that often do not benefit from the arrangement the venue offers. Seating will help determine the relationship between trainer and trainees, and among the trainees themselves.

7. To enhance the power of authentic, real life experiences visits to stakeholders at national level can be organized, along with **study visits** at national (police, prisons, social services, etc.) and international level, followed by discussions, reflection and practise, inter-active workshops based on single or multiple topics with practical cases/questions for debate, that have been prepared in advance, and occasional mixed training sessions for judges/prosecutors/lawyers (only after establishing the purposes and expected results of such sessions). At the same time, **films** could be used (**cine forum** - purpose made films, videos of hearings)

To stimulate self-awareness, self-study and continuous professional development, mentoring should be encouraged, as well as the organization of temporary meetings with senior judges and prosecutors – to allow the exchange of experience.

Cine forum activities

The inclusion of “cine forum” activities in the curricula of law faculties and professional schools has showed high potential in achieving initial training goals. The combination of picture viewing, previously chosen according to training objectives and open debate afterwards, is a suitable training method for interaction between participants and the trainer responsible for the activity.

It encourages the analysis of issues with a legal and social aspect from a perspective that transcends the pure positivism of the legal system. Therefore, it is advisable to plan the organization of several cine forum sessions, under expert direction, thus making debate and reflection about current socio-legal matters easier.

Study Visits

The initial training curriculum should include the development of a feeling of belonging to the profession, by organizing training activities with other institutions that are relevant to the judicial system – e.g. police offices, lawyer’s offices, penitentiaries etc.

The main purpose of these visits is to offer a complement to the training process and to place the future judge or prosecutor in specific problematic institutional contexts, due to their human and social implications, and directly related to the development of their functions. This activity allows knowledge of the institution’s working process, existing problems and the work of other professionals with whom they need to collaborate in the future.

At the same time, these external activities focus on putting the future judge or prosecutor in contact with social realities, allowing first hand knowledge, without intermediaries, in order to reach the goal of social discovery that has to govern the initial training period. Another objective of these activities is to encourage dialogue among the legal players with whom the judge and prosecutor should connect.

• Chapter 4: Methods of Trainee Assessment

Assessing future judges and prosecutors is a demanding task, that ought to be carried out with great caution with the aim of evaluating the candidates not only on their command of legal issues, rules and procedures, but also on their personal values, goals and ability to perform their judicial duties optimally.

As has already been pointed out in Title I Chapter 4 of the Guidelines, candidates applying for the profession of judge and prosecutor should be recruited according to certain criteria that constitute a form of assessment even before being given a chance to follow a curriculum in a judicial training institution.

Once admitted to a judicial training institution, trainees should be assessed in a formative way, so as to evaluate their legal knowledge and professional skills, but also on their ability to internalize values that constitute the very core of their legitimacy as future judges and prosecutors.

As their curriculum evolves in the form of Court internships, trainees need to be assessed in a slightly different way, as the aim of the assessment will move on from the aforementioned topics to the evaluation of their growing mastery of professional competencies.

Finally, training institutions may organize a final exam, often used solely to rank the

trainees upon reaching the end of their curriculum for reasons that may be related to their future assignments or appointments

We shall consider these points in turn:

1. Evaluation of candidates prior to admission to a judicial institution
2. Assessment of trainees in the course of their training in the school
3. Assessment of trainee performance in the course of Court/prosecutors office internships
4. Final assessment

Section 1: Evaluation of candidates prior to their admission to a judicial training institution

Careful consideration is to be given to the selection of the best possible candidates. The selection procedure of candidates could focus on a very good knowledge of law, legal issues and legal procedures, as well as on good personal qualities. This may be done in a variety of ways in accordance with legislation existing in different Member States.

Different methods of evaluating the candidates in a judicial training institution or a training programme:

- A. Assessment of legal knowledge

Various methods may be employed and combined for increased efficiency. A competitive entrance examination with written and oral tests of proficiency on various subjects related to law, statutes, regulations, case-law and related fields is widely used and has proven well suited to the selection process of judges and prosecutors.

Alternatively, recruitment mainly based on the high quality of applicants' academic performance is also conceivable, although skills evaluated by universities may not be entirely identical to those expected of a judge or a prosecutor. Exercising the profession of judge/prosecutor implies not only theoretical legal knowledge, but also handling a large amount of cases or dealing with parties in the Courtroom. It also implies a high sense of responsibility.

The best option could in fact be a combination of several methods, including a competitive entrance exam on theoretical knowledge, the resolution of practical cases, oral questioning to evaluate the applicant's ability to reason properly on legal matters, and previous academic or professional experience.

- B. Assessment of personal qualities

Once again, there is no such thing as a uniform recipe to get a glimpse of a candidate's personal qualities. Many judicial schools have now included psychological tests in the recruitment process. While this new inclusion in the recruitment process still raises questions and sometimes opposition amongst members of the Judiciary, others see it as a reliable way to avoid recruiting candidates whose personal psychological disposition would make them unfit to hold a judicial position. If one might indeed question the necessity of resorting to a psychologist to determine whether an applicant poses such a risk, an in-depth interview about the candidate's motivations and purposes might be sufficient when carried out by seasoned and highly skilled evaluators (e.g. mixed commissions composed of psychologists, educationalists, academics, experienced judges/prosecutors,

representatives of judicial training institutions etc.).

Section 2: Assessment of trainees in the course of the study period of their initial training

In this section, we shall start by defining two different kinds of assessment that are *formative assessment*, and *summative assessment*.

- Formative assessment

According to educational experts, formative assessment is a form of continuous evaluation aimed at helping the trainer and the trainee to improve the efficiency of the training process. The issue here is not to test the trainee's knowledge and skills at a definite time in the training programme; the purpose of formative assessment is to ensure the adequacy of training methods to the aims previously defined. It is an evaluation that aims at supporting and tutoring the trainees in their increasing grasp and command of the professional skills listed above in these Guidelines.

- Summative assessment

Summative assessment, on the other hand is aimed at putting trainees under the external conditions of an exam. It is related to grades, and/or ranking of trainees and may or may not imply direct consequences, such as dismissal from the judicial training institution or training programme.

- Rationale for the two kinds of assessment

If a judicial training school's objective is to prepare its trainees to internalize skills, rules of conduct and deontological values, formative assessment could be favoured over the summative one.

If a judicial training school's objective is to regularly put subject trainees to examinations in order to check their level of applied judicial knowledge that is seen as a token for a highly selective assessment procedure, then summative assessment could be favoured.

Overall, if trainee judges/prosecutors are recruited at a high enough level of legal knowledge and undergo due assessment of their personal qualities and skills, too much summative evaluation does not seem to make much sense, and may carry a risk of hampering the learning process by putting too much pressure on the trainees and shifting focus from the acquisition of judicial skills and professional "know how" to periodic tests and the fear of failing them. At such a late stage of their studying life, formative assessment seems to better serve their apprenticeship as future judges and prosecutors.

However, so as to verify the acquisition of professional techniques as well as abilities deemed indispensable to a proper exercise of their profession (see above in the section on abilities and skills), some kind of summative assessment may still be justified and useful, for at least three reasons:

1. when used with caution and in moderation, it might be a strong incentive for hard work and may help keep trainees concentrated and dedicated to their own training;
2. it might help trainers evaluate the level of performance of the trainees in a comparative way;
3. it is a convenient way to rank trainees, should such a ranking be necessary at one stage or another of the training process.

Whatever the choices and orientations of training institutions, their common purpose is to use all available educational tools to ensure the efficiency of the training process.

Section 3: Assessment of trainees in the course of internships

In most judicial training curricula, the period of studies within the judicial institute is followed/ combined with a compulsory practical internship with a court/prosecution office to complete the trainees learning process under the supervision of judges and/or prosecutors and in connection with the training institution, (wherever such an institution exists). In some countries, there is no such study period, and internships constitute the only training format.

While the school period may have concentrated on applied judicial skills, the judicial internship with a court/prosecutor's office will allow assessment not only of the capacity to implement these skills in real professional life, but also the attitudes and general behaviour of the future judge or prosecutor.

These judges or prosecutors chosen as supervisors, tutors or mentors, will have to assess trainees placed under their responsibility on their abilities to put their judicial skills into practice.

Several forms of assessment can be implemented in the course of the judicial internship training period. Depending on the training institution, trainees can be assessed by themselves - self-assessment – or/and by mentors/tutors in a continuous assessment process or by external examiners with “tests” or examinations in a summative assessment process.

To ensure the objectivity of trainee assessment, judicial schools may create evaluation tools with specific criteria to allow equal treatment of all trainees, regardless of any personal issues.

The combination of different types of assessment throughout the training course has proven to be efficient.

Self-assessment is a method that could be used throughout the training process. Trainees are invited to assess themselves according to pre-established criteria. This is particularly well adapted to the internship period in court. The final stage in this assessment is a discussion between the trainee and his or her mentor/tutor. The added value relies on feedback that is given by the mentor/tutor in order to improve the knowledge and skills of the trainees in workplace situations.

More frequently trainee assessment during the internship with a court or prosecutor's office consists of a formative assessment carried out by the mentor/tutor who regularly exchanges with the trainees on the acquired skills, the skills still needed to be worked on and the progress that still needs to be made.

In addition to formative assessment, independent or external examiners could assess skill acquisition during the internship or at the end of the training programme. In some cases, summative assessment by external examiners may be considered to be more objective and more distinctive than the assessment carried out by mentors/tutors. In the case of formative assessment by mentors/tutors, the risk of obtaining similar grades, due to the closeness of the trainees and their tutors, should be reduced by establishing strict evaluation criteria and implementing methodologies and the supervision of the assessment process.

On the other hand, the ability to make progress, listen to professional advice, question oneself, improve performance, and take initiatives, can be better assessed by mentors/tutors than by external examiners.

It is nevertheless highly advisable that these elements should also be taken into consideration in order to evaluate the ability to hold judicial positions and as a way to rank trainees, should such a ranking be deemed necessary at this stage of their training.

Section 4: Final assessment

At the end of the initial training programme, trainees may go through a phase of final assessment to determine that they are able to start a career as a judge/prosecutor in the judiciary. The final assessment is usually based on all the intermediate assessments carried out during the study period and the internship with a court/prosecutor's office. A final written and/or oral examination could follow.

Each school determines the weight given to the different grades throughout the training process. Grades obtained during the recruitment examination are in most cases not considered in the final assessment stage.

The final examination may consist of professional written examinations, such as the drafting of a judicial decision, the resolution of practical cases and/or an oral examination which may also take different forms: assessment of legal knowledge and applied judicial know-how acquired during the training process, discussion on the experience acquired during the internship with a court/prosecutor's office, the role of the judge/prosecutor, or ethical and deontological rules etc.

Failure to pass the various stages of assessment may imply an obligation for the trainee to repeat one or several phases of the training process, or may even imply their dismissal from the judiciary, especially in cases where the trainee has shown behaviour that is incompatible with the judicial profession.

Title III: Trainers

Chapter 1: Trainer profile

Section 1: Professional background

As has been pointed out in the previous chapters, the process of initial training is a vocational one, focusing on the development of abilities and skills rather than on theoretical knowledge. As a result, trainers should have both theoretical knowledge and practical skills.

In this regard, training institutions have to identify their institutional and trainees' needs before creating their pool of trainers. Although this mainly consists of practitioners, the expertise of academics, other legal professionals and specialists might be required (e.g. university professors, lawyers, law enforcement officers, psychologists, communication experts, forensic experts, IT experts, foreign language experts, clerks etc.).

Judges and prosecutors are generally the backbone of the training staff. Because they are working in their judicial capacity, they have the opportunity to observe real life cases and share them with the trainees in the class. Since they are the senior peers of the trainees, their presence and contribution is considered valuable.

Retired judges and prosecutors are also valuable members of the pool of trainers. They have the advantage of great experience that they built throughout their careers. Generally

they comprise a small portion of the trainer pool where only the prominent and willing retired judges and prosecutors are appointed as trainers.

Members of law enforcement units: Level of interaction varies but in Europe there is a common practice of close cooperation between law enforcement forces and prosecutor's offices. They have to work in harmony and conformity. Trainers from law enforcement units can give valuable insight from the perspective of the law enforcer.

Forensic experts: The support of forensic experts can be vital when solving a case for the prosecutor or judge. Trainees will learn to use and benefit from forensic sciences.

Lawyers are not regular members of the training staff. Mostly, they are selected because of their expertise on a particular subject matter. However, interaction with a trainer from an advocacy background can be fruitful when trainees benefit from a different perspective.

Psychologists and communication experts, IT and foreign language experts, university professors and clerks are also required to complete the different training needs and bring their own expertise.

Section 2: Competencies

It is the responsibility of the training institution to guarantee the level of quality that is required of the trainers. In this respect all trainers need to have specific competencies. These competencies could be categorized under two main groups:

1. Content related knowledge
2. Training skills

1. Content related knowledge

In-depth knowledge of the subject matter both from a theoretical and practical perspective is expected of the trainer of the judicial training institute. This includes the content appropriate to their teaching specialty and its relevant applications, global knowledge of the whole judicial system, application of the information in their training field to real-life situations and understanding the ways in which their training area connects to the broader curriculum.

Trainers should also know the ways in which learning takes place, and the appropriate levels of intellectual, physical, social, and emotional development of the trainees.

Another aspect is to be able to understand group dynamics and to adapt training techniques accordingly.

Trainers should know the specific uses of technology which are of interest to their discipline and should also understand how technological developments affect it.

2. Training skills

Trainers should demonstrate effective adult training management, apply appropriate training and assessment methodology, technological skills, personal qualities, ethics and deontology.

Effective adult training management implies taking responsibility for the progress of the trainees, as well as organizing and motivating trainees to act in ways that meet the needs of both the individual trainee and the group as a whole, maximizing efficiency by managing the available resources, promoting teamwork, planning, communicating, focusing on results, evaluating progress and making constant adjustments.

Appropriate training and assessment methods

Trainers should use a variety of methods in order to engage judicial trainees in active learning opportunities that promote the development of critical thinking, logical reasoning, problem solving and encourage them to assume responsibility in decision making (see Title II, Chapters 1 – 3 of the Guidelines).

In terms of assessment, a variety of methods could be used. Moreover, the importance of implementing assessment strategies and involving trainees in self-assessment activities should be pointed out, enabling them to become aware of their strengths and needs and to encourage them to set personal goals (see Title II, Chapter 4 of the Guidelines).

Technological skills

Trainers should have a good command of technology to maximize the efficiency of the training process (both in the planning and in the training stage). The updating of their knowledge in using technology is essential for their performance.

Personal Qualities, Ethics and Deontology

Trainers should meet high ethical standards and maintain a clear distinction between personal opinions, beliefs and professional ethics, by keeping the needs of judicial trainees at the center of professional thought and action and treating them as individuals.

At the same time they should be able to work in a team and to coordinate their activities with other trainers, respecting the rules established by the institution.

Chapter 2: Recruitment of Trainers

The identification and definition of the strategic directions to be followed in recruitment within each judicial training institution should start from the evaluation of the basic prerequisites of the profession of a judge/prosecutor in the different national legal systems. Therefore, the procedure applied in the selection and recruitment of trainers varies among judicial training institutions. Regardless of how it is conducted, the recruitment procedure should be objective, transparent, flexible and based upon merit. The procedure should be described in regulations in order to ensure the implementation of these criteria.

The recruitment procedure should be performed by a selection board consisting of members from different fields of expertise such as practitioners, academics and other representatives of the training institutions.

Gender sensitive and non-discriminatory policies should be taken into account during the selection and recruitment process.

Section 1: Selection criteria

In order to maintain objectivity and guarantee the required level of quality, the following criteria could be taken into account during the recruitment process:

Professional Experience

It is common practice that judicial training institutions usually expect a relevant level of experience when selecting and recruiting trainers. This approach can be regarded as a useful method for recruiting the practitioners who constitute the largest part of the trainers. When it comes to selecting other experts such as academics, the number of publications and type of research should also be relevant.

Seniority

In some countries seniority plays an important role in the judiciary. Senior members of the judiciary or legal profession are usually considered as highly experienced and knowledgeable.

Specialization

Specialization in the subject matter, according to training needs, is generally a required competency for a trainer. It is a fact that only a specialized trainer could provide a realistic, updated and complete input in a specific training field in which future judges and prosecutors will be called to perform professionally.

Training skills

The ability to train others in the subject matter should be considered as an indicator in the recruitment process.

Training future judges and prosecutors should not be limited to facilitating the assimilation of legal knowledge and techniques. It should also imply the development of the necessary non-judicial skills. Thus, trainers should facilitate active learning and, as a consequence, provide judicial trainees with a pluralistic training which guarantees an open perspective of the profession.

Last but not least, moral integrity, which implies compliance with the rules of the profession in which they operate, good reputation and ethical values, experience in training, fluency in a foreign language, command of ICT¹¹ skills and a high level of communication skills, knowledge of the evaluation of judges' and prosecutors' professional training needs and knowledge of the evaluation of professional training activities are important additional criteria for the recruitment of trainers.

Section 2: Types of recruitment

Taking into consideration the categories of trainers existing in each judicial training institution, there could be three main types of recruitment: recruitment of full time trainers, recruitment of part time trainers and recruitment of occasional trainers.

Full time trainers are the permanent staff of the judicial training institution. They can be appointed generally for a limited period of time and sometimes permanently. Experts in educational science and training coordinators can be given as an example of this kind of recruitment.

The advantages of having full time trainers may consist, first of all, in the creation of a common "consciousness" of the judicial training institution in which they develop their activity, being fully involved in achieving its objectives. Furthermore, a body of full time trainers may bring the advantage of unifying the training methods used, as well as the training materials to be used and the assessment methodologies of the judicial trainees. In this process, the exchange of experience among full time trainers could be of high value for the institution.

A disadvantage might be their temporarily limited contact with the practice proper.

Part time trainers spend only a certain amount of their time in the judicial training institution. The maximum or minimum time of work is generally set by the training institution. They are responsible for their original duty. An alleviation of cases for part time trainers is an important issue where the trainer has some relief of workload and

¹¹ Information and Communication Technology

focuses on the training process.

Occasional recruitment of trainers is another type of recruitment. This approach gives maximum flexibility to the judicial training institution as it can choose the trainer among experts for the required expertise. Sometimes trainers are hired only for a specific training programme and for a limited time.

Section 3: Train the trainers (ToT)¹²

Since trainers have different backgrounds and come from different branches of the judicial system they should be specially trained by adult educational experts to acquire or strengthen training skills. This training is generally called Train the Trainers Programme (ToT) and it is organized by most judicial training schools and institutions, as well as by international bodies/organizations having responsibilities in this field. By doing this, the judicial schools and institutions improve the quality of trainers and guarantee a harmonized approach to content, methodology and assessment of the training provided.

Training trainers can also be employed as a tool to maintain transparency and objectivity in the recruitment and assessment of trainers.

As an overall objective, training trainers is a process that facilitates the increase of the required number of qualified trainers.

The training of trainers should be compulsory for newly recruited trainers but should also be organised on-demand and on a regular basis. In addition, training should be mandatory for trainers who do not meet the required results.

To ensure the accuracy of the training of trainers, an analysis of the training needs should be performed in advance.

Chapter 3: Assessment of trainers and training programmes

Section 1: Assessment of trainers

The assessment of trainers has to be considered as part of the assessment of the initial training programme.

As a previous remark, it should be pointed out that no one method is accurate, nor should only one assessment system be applied. A combination of methods is advisable.

In fact, different training institutions and schools use a variety of methods at the same time, to get a global assessment report, which is as accurate as possible, and valuable both for institution management staff and in the planning of initial training programmes and the taking of decisions concerning their implementation. Therefore, the assessment process should be a system of quality and a way of measuring the initial training activities developed by the training institution.

The assessment process aims at analyzing to what extent the professional standards and general duties required by the training institution have been fulfilled by its training staff during the initial training programme. It generally follows an institutional methodology, depending on the specifics of each training school.

Focusing on the main contributors to the assessment process, the following methods could be used when evaluating trainers:

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- feedback provided by the judicial trainees and their representatives, in their capacity as direct beneficiaries of the initial training activity, placed in an adequate position to assess the performance of their trainers from a critical point of view;
- feedback provided by the management staff of the training institution, responsible for the whole process and called upon to take important decisions concerning the activities of the initial training programme; experts/other specialists involved in the assessment process and invited to evaluate trainer performance from a technical/administrative point of view; and, where applicable, discipline heads;
- self-assessment carried out by trainers themselves, at the end of the training programme;
- evaluation carried out by a specialist in training and adult educational sciences, where the case may be, in terms of training techniques.

The use of all these sources in trainer assessment might represent a guarantee for a 360° perspective of the efficiency of trainer activity, as well as for objectiveness in the entire process itself. For instance, even though the assessment given by the direct beneficiaries – the judicial trainees – is of utmost importance and relevance, when provided by a representative sample, one can not ignore the fact that it might be subjective in certain circumstances, since judicial trainees often have the tendency to make involuntary confusions between “wishes” and “needs” in terms of professional training. Neither, the point of view of the training institution management staff is sufficient when it comes to completing the assessment process, as their input mainly concerns technical/administrative aspects.

Questionnaires or evaluation sheets – filled in by the judicial trainees

One of the most common assessment systems (used in all the training institutions represented in the project) regards the use of questionnaires or evaluation sheets, filled in by the judicial trainees participating in the initial training programme.

From this perspective, a huge amount of information obtained through questionnaires about the curricula and activities of the initial training programme has to be analysed.

The questionnaires (although different from the questionnaires used for continuous training) should contain relevant data about the level of satisfaction and quality conveyed to the programme’s trainees. The purpose of the analysis of the questionnaires is to provide a global vision and other important aspects of the evaluation of the curricula and initial training activities.

An analysis of the global evaluation of the programme is fundamental for the management of the training institutions. Since trainees are considered as the final beneficiaries, their feedback is valuable.

This model also allows focusing on each training activity and trainer separately, obtaining the assessment and measurement of the trainers’ performance and other aspects of a specific course.

Concerning the assessment of trainers, it is carried out by the trainees. They are expected to complete the assessment sheets, generally at the end of the initial training programme.

These surveys, one for each trainer and one for each of the topics taught, have to show

the perception of the trainees with regards a series of items (variables) observed during the training sessions.

The criteria according to which such an evaluation can be carried out may concern, amongst others, to what extent the trainer complied with curricula and planned training session content, the relevance of information provided, the usefulness of training methods and training materials used, feedback from the trainer and its regularity, trainer attitude and general behaviour towards the judicial trainees, the assessment issues etc.

When initial training is being conducted in small groups, a representative sample of respondents to the assessment questionnaires (at least 2/3) is essential in order to give relevant feedback.

Depending on the evaluation results, centralized at institutional level and interpreted following internal methodologies, the judicial training institution may decide, according to its own internal regulations, on the action to be taken.

As maintaining an efficient body of trainers is one of the main objectives of each judicial training institution, the non-respecting of all professional norms of conduct or from training methodology set forth by the initial training strategy, could lead in some cases, to the loss of the status of trainer. In other cases, attending trainer training sessions may prove to be an adequate remedy.

Assessment by the representatives of the judicial trainees

In some training institutions, regular meetings between judicial trainee representatives and the initial training management staff are organized on a regular basis, in order to assess course development and the activity of the different trainers. These considerations are of high value for institution staff. They should however be compared and completed with the results of the other assessment methods, to get a final picture of the trainers' work and their performance in the training programme.

In addition, some trainee representatives elected by their colleagues may be members of the academic board, entitled to give opinions concerning their training activities.

The assessment of trainers by the training institution staff, experts/other specialists and discipline heads may be related to the following criteria:

- a) professional ethics (this implies the way in which the professional rules and specific quality requirements of the institution are followed by the trainer)
- b) compliance with the decisions made by the training institution regarding initial training
- c) involvement in the assessment process at institutional level
- d) application of training methodology in accordance with the training strategies of the institution
- e) participation in training of trainer sessions or other activities organized by the institution

The self-assessment carried out by the trainers themselves reflects to what extent an evaluated trainer considers that they have achieved the objectives of the initial training programme at the end of the training process, as well as their capacity for constructive self-criticism. Combined with the other sources, this approach offers a global view of the performance of the trainer and represents a good indicator for the institution as to

whether they need to be involved in trainer training sessions or to discuss certain aspects with a specialist in educational sciences in order to improve their activity as a trainer.

The assessment by a specialist in educational sciences concerns the performance of the trainers in terms of the adequacy of the training methods and techniques used. In this regard the following evaluation criteria could be used:

1. compliance with initial training methodology in order to meet the defined objectives
2. compliance with the recommendations of the academic board of the judicial training institution concerning the evaluation of the trainees
3. planning and organization of training sessions
4. quality of training materials
5. group dynamics (relation and communication skills)

Section 2: Assessment of the training programme

Definition and main characteristics

A training programme evaluation may be conducted at several stages during its lifetime. Each of these stages raises different questions to be answered by the evaluators, and correspondingly different evaluation approaches are needed. Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman, in their book *Evaluation: A Systematic Approach* suggest the following kinds of assessment, which may be appropriate at different stages:

1. *Assessment of the need for the programme*
2. *Assessment of programme design*
3. *Assessment of how the programme is being implemented (i.e., is it being implemented according to plan?)*
4. *Assessment of the programme's impact or effectiveness*
5. *Assessment of the programme's cost and efficiency*

Assessing needs

A needs assessment examines the target group that the training programme is being designed for, to see whether the need as conceptualised in the programme actually exist; and if so, how it might best be dealt with. This includes identifying and diagnosing the actual problem the training programme is trying to address, who or what is affected by the problem, how widespread the problem is, and what the measurable effects that are caused by the problem are.

The important task of a training programme evaluator is thus to:

1. Construct a precise definition of what the problem is. Evaluators need to first identify the need.
2. Secondly, assess the extent of the problem. Having clearly identified what the problem is, evaluators need to then assess the extent of the problem. They need to answer the 'where' and 'how big' questions. Evaluators need to work out where the problem is located and how big it is.

3. Thirdly, define and identify the target of interventions and accurately describe the nature of the service needs of that population. It is important to know what/who the target population is/are – it might be individuals, groups, communities, etc.

Assessing the programme theory

Training programme theory, also known as a logic model is an assumption, implicit in the way the programme is designed, about how the programme's actions are supposed to achieve the outcomes it intends. This 'logic model' is often not stated explicitly by the trainers who run programmes, but is simply assumed, and so an evaluator will need to draw out from the programme staff exactly how the training programme is supposed to achieve its aims and assess whether this logic is plausible. Developing a logic model can also build common understanding amongst programme staff and stakeholders about what the programme is actually supposed to do and how it is supposed to do it, which is often lacking.

Assessing implementation

Process analysis looks beyond the theory of what the programme is supposed to do and instead evaluates how the programme is being implemented. This evaluation determines whether the components identified as critical to the success of the training programme are being implemented. The evaluation determines whether target populations are being reached, people are receiving the intended services, staff are adequately qualified, etc. Process evaluation is an ongoing process in which repeated measures may be used to evaluate whether the programme is being implemented effectively.

Assessing effectiveness

The impact evaluation determines the effects of the programme. This involves trying to measure whether the programme has achieved its intended outcomes. This can involve using statistical techniques in order to measure the effect of the programme and to find causal relationship between the programme and the various outcomes.

Assessing efficiency

Finally, cost-benefit or cost-effectiveness analysis assesses the efficiency of a programme. Evaluators outline the benefits and cost of the programme for comparison. An efficient programme has a lower cost-benefit ratio.

PRACTICAL TOOLS

- **On training methodology – writing a case study**
- **On assessment methodology – assessment of the training programme**
- **Writing a case study**

Writing a case study is difficult and time consuming. One needs to be sure of how and when to make use of this method.

What does one need to know before starting to draft a case study?

1. Who is the audience? Judges, prosecutors, court staff, experienced participants or beginners?
2. The objectives of the training:
 - a. Which level of knowledge should the participants acquire?
 - b. Which level of skills should the participants acquire?
 - c. The purpose is changing the participants' behaviour or attitudes?
3. Why choose a case study:
 - a. For interactive teaching: to start a dialogue with the participants
 - b. To use it throughout the training process as a guidance to apply theory
 - c. To check if the participants acquired the level of knowledge and skills at the end of the training or a part of the training

The Audience:

Depending on the background of the participants, one should use a scenario that is familiar to them and that is relevant for their work. The factual situation must be correctly and sufficiently detailed.

The Objectives:

The case study should contain enough concrete elements that allow participants to discuss the case at their level of knowledge. The questions and points of discussion should relate to the contents of the training session. If change of behaviour or attitude is the aim of the case study, one should be aware that mere theory is often not sufficient: a role play or a moot court might be a better way to bring the theory to life.

Reason for choice:

- a. if the purpose is starting a dialogue:
 1. a short scenario would be enough
 2. it is not necessary to split up the group in small groups; participants could be invited to react spontaneously on an individual basis or in small 'buzz groups'
 3. questions or discussion points will be short and simple: aiming to provoke an immediate reaction from participants
- b. if the purpose is using it throughout the training process:

1. a scenario would be needed, covering all elements of the presentation. One can decide whether to use one scenario that covers it all OR to use, for a start, a set of facts, adding new elements related to the subject during the training session
 2. participants could work in small groups
 3. questions or discussion points would allow the participants to reflect on the theory. The concepts should be brought to life.
- c. at the end of training:
1. one needs to have questions or discussion points that allow participants to apply the theory. If one aims at a change of values/ attitude, questions that invite open discussion could be used.
 2. participants could work in small groups. If one needs to ensure the level of knowledge of each participant, the case study will become a test and should either be made on an individual basis or should allow the identification of the contribution of each trainee to the results of the work of a group.

There are three main types of case studies that can be used in the judicial training context:

1. Case studies that depict real situations, cases or hearings which can provide 'real' outcomes that can be compared with proposed solutions.
2. Those that are fictional and in which the author has created the issues in order to open up problems for discussion and solution.
3. Those that are a combination of the above, in which the author has taken a real life situation, made it anonymous to protect confidentiality and used it to provide substantial issues for discussion and solution.

The third option can provide the most effective case study as it can enable the author to focus on particular issues that the learning outcomes for the course or the sessions seek to address. Such a case study can be updated to maintain its currency as law; procedure or issues change over time. Whereas a fictional case study cannot have a real solution, it can be used to heighten awareness, pose potential issues of law, case management and create a useful context for discussion of possible solutions, courses of action or difficulties.

The format of the case study may be either:

1. a hypothetical scenario for discussion by the group
2. a set of case papers that provide trainees with the kind of material and evidence they would normally work on in their jurisdiction, with authentic forms, standard letters and file covers
3. a video or DVD to be watched or stopped at appropriate moments for discussion, questions posed or issues raised

When working on a case study in small groups there are certain group and time management issues to take into account such as:

1. Groups need enough time.
2. Groups should be given the opportunity to debrief: have nominated persons report the findings of the small groups to the group. If the process is too long and becomes

unattractive for the participants to listen to the same story too many times, the presenters should only add new elements and not repeat what has already been said.

3. All small groups participants should contribute to the discussion. If they don't, the trainer could try to stimulate the silent participants to become more active. But the trainer should not take over the discussion.
4. 3 or 4 participants could be the recommended number of participants in small group case studies.

Case studies are more effective when used in small groups, as participants can learn from each other's experiences and analytical approaches and thereby reflect upon their own approach. They can also be used with larger groups. One method, similar to the Socratic method of case teaching, enables the whole group, managed by a facilitator, to participate and thereby exchange views and contribute to the acquisition of knowledge and skills.

Case studies can cover a wide range of subjects: substantive law, procedural issues, case management, managing behaviour, fair treatment or a mixture of these. They may take the form of a short hypothetical scenario, a problem, a role-play, or use materials that would normally constitute papers for a hearing.

It is important when proposing to use case studies that the content should be designed to achieve clearly defined aims and learning outcomes.

Discussion of a prescribed topic implies that the group is asked to discuss a given topic within a given timescale (usually no more than 60 minutes), and report back with the help of a spokesperson. When discussing a case study - groups may be asked to discuss realistic scenarios involving no more than 3 main points based upon an earlier presentation in which the key issues have been highlighted. Again, it is usual for groups to be asked to report back in plenary.

There are essentially three types of **group discussion**:

1. directed-teaching discussion group – there is one correct answer to the discussion, and the aim is to arrive at the correct answer
2. the non-directed discussion group – trainers and trainees know there is no one correct answer, and the aim is to open up discussion and explore the topic through getting participants to interact in the group in a positive and constructive way
3. the seminar-type discussion – there is no hitherto accepted correct answer, and discussion will attempt to get some constructive conclusions which may lead to some collective decision from the competing alternatives available

The so called **buzz groups** are small groups - two or three people - who are asked to discuss a particular topic and then report back to the large group. They are by nature informal, need clear instructions and five minutes maximum or until the buzz of the conversation has died out.

Conducting a **“report back” plenary session of the group (debriefing)** – The group sessions provide an opportunity for small groups to report-back to others. This is an important aspect of group work: it allows reviewing the activity, identifying different viewpoints and sharing ideas. It is important to ensure that the reporting-back accurately

reflects the group's views, rather than the views of the spokesperson for the group. Use of a flipchart during group deliberations will avoid this danger as long as what is being recorded is indeed the group conclusion.

➤ **Assessment of the training programme**

It is important to ensure that the instruments (for example, tests, questionnaires, etc) used in program evaluation are as reliable, valid and sensitive as possible. According to Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman (*Evaluation: A Systematic Approach* - 2004, p. 222), a measure that is poorly chosen or poorly conceived can completely undermine the worth of an impact assessment by producing misleading estimates. Only if outcome measures are valid, reliable and appropriately sensitive can impact assessments be regarded as credible'.

Regarding the instruments used in programme evaluation, the participant countries use different types of questions in the process of data collection for needs analyses or assessment (in its various purposes). The description below encompasses the five main types of questions used when setting up a questionnaire.

One type of question is the **classification question**. This type of inquiry is meant to bring in information about general knowledge and facts, and measures reactions. It is used to collect data about age, sex, level of specialization, etc. It is a structured type of question and can be given a limited number of answers. Example: *Please indicate the 5 most important purposes of group briefings.* Put a 1 against the most important statement, a 2 against the next most important and so on.

- a. Gives information on the attaining of objectives
- b. Facilitates the reception of feedback
- c. Discusses school/institution issues
- d. Discusses job issues
- e. Others - please describe

There are advantages and disadvantages when using these types of questions.

Advantages: Quick and easy to complete
 Easy to analyse

Disadvantages: Hard to design
 Forces choice, may cause bias

Another type of question, **the open ended question**, is very resourceful because it brings information about more complex issues. The respondent is free to give any answer. The length of the answer is not limited either. *Examples:*

- Describe what you would do if...
- What do you think about the new proposal on...?
- What information should be included in...?

In terms of advantages and disadvantages, the following should be mentioned:

Advantages: Gives no hints to the answers

Allows free expression of attitudes

No bias

Easy to design

Disadvantages: Difficult to analyse

Requires a strong marking scheme

Semantic differential questions refer to the fact that the respondent is asked to assess something on a seven point scale. Other number scales can be used. The purpose of these types of questions is to assess skills, behaviour, and to measure reactions. An example is presented below:

Example: Please assess the skills of the trainer, by circling the appropriate rating:

1. Strong control of group dynamics 1 2 3 4 5 6 7
2. Listened well 1 2 3 4 5 6 7 did not listen
3. Showed flexibility during the seminar 1 2 3 4 5 6 7 did not show flexibility

As *advantages*, it allows a structural range of responses *and it is* easy to analyse. The main *disadvantage* is the subjective judgement on the rating scale

One of the frequently used types of questions is **the Likert type of question**. In this approach, the respondent is asked to indicate their views against a rating which is clearly specified. The purpose is mainly to assess certain skills and attitudes from the reactions of the participants at a training course, for instance. As an example, the following issue has been chosen: *Please indicate your views on the new disciplinary procedure, by ticking the appropriate box:*

Easy to understand strongly agree/ agree/ not sure/ disagree/ strongly disagree

Will improve discipline

Correlated with the participants needs

There are advantages and disadvantages to be considered too:

Advantages: Allows a structured range of responses

Specifies the meaning of the scale

Disadvantages: Constraint response

Can cause bias

There is common agreement about the fact that there are certain constraints when developing a questionnaire for data collection. The list below contains the most important features that should be taken into account irrespective of the purpose, structure or target group selected when dealing with questionnaire design.

DO / DO NOT perspectives:

1. Keep questionnaires as short as possible;
2. Use simple language;
3. Avoid questions that rely on memory;

4. Avoid ambiguous questions;
5. Avoid using emotive words (do you feel...?);
6. Avoid multiple questions (do you think the company need more and better training?);
7. Avoid double negatives (please indicate whether you agree or disagree with the following statement);
8. Avoid presuming questions (how many training session plans have you prepared?) this should be preceded by a filter question – have you prepared any training session plans?
9. Questions should always be able to stand alone;
10. Avoid hypothetical questions (probe experience) pay attention to details (instructions for completing the questionnaire).

This approach can provide efficient framing within the process of needs analyses and data collection for the different purposes of assessment that we have in our vocational schools or training institutions.

Reliability

The reliability of a measurement instrument is the 'extent to which the measure produces the same results when used repeatedly to measure the same thing' (Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman - *Evaluation: A Systematic Approach* - 2004, p. 218). The more reliable a measure is, the greater its statistical power and the more credible its findings. If a measuring instrument is unreliable, it may dilute and obscure the real effects of a programme, and the programme will 'appear to be less effective than it actually is' (Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman - *Evaluation: A Systematic Approach* - 2004, p. 219). Hence, it is important to ensure the evaluation is as reliable as possible.

Validity

The validity of a measurement instrument is 'the extent to which it measures what it is intended to measure' (Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman - *Evaluation: A Systematic Approach* - 2004, p. 219). This concept can be difficult to accurately measure: in general use in evaluations, an instrument may be deemed valid if accepted as valid by the stakeholders (stakeholders may include, for example, funders, programme administrators, etc.).

Sensitivity

The principal purpose of the evaluation process is to measure whether the programme has an effect on the problem it seeks to address; hence, the measurement instrument must be sensitive enough to discern these potential changes (Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman - *Evaluation: A Systematic Approach* - 2004). A measurement instrument may be insensitive if it contains items measuring outcomes which the programme couldn't possibly effect, or if the instrument was originally developed for applications to individuals (for example standardised psychological measures) rather than to a group setting (Peter H. Rossi, Mark W. Lipsey and Howard E. Freeman - *Evaluation: A Systematic Approach* - 2004). These factors may result in 'noise' which may obscure any effect the programme may have had.

Only measures which adequately achieve the benchmarks of reliability, validity and sensitivity can be said to be credible evaluations. It is the duty of evaluators to produce credible evaluations, as their findings may have far reaching effects. A discreditable evaluation which is unable to show that a programme is achieving its purpose when it is in fact creating positive change may cause the programme to lose its funding undeservedly.

Utilization of evaluation results

There are three conventional uses of evaluation results: **persuasive utilization**, **direct (instrumental) utilization**, and **conceptual utilization**. **Persuasive utilization** is the enlistment of evaluation results in an effort to persuade an audience to either support an agenda or oppose it. Unless the ‘persuader’ is the same person that ran the evaluation, this form of utilization is not of much interest to evaluators as they often cannot foresee possible future efforts of persuasion.

Direct (instrumental) utilization

Evaluators often tailor their evaluations to produce results that can have a direct influence in the improvement of the structure, or on the process, of a training programme. For example, the evaluation of a novel educational intervention may produce results that indicate no improvement in judges/prosecutors’ behaviour. This may be due to the intervention not having a sound theoretical background, or it may be that the intervention is not run according to the way it was created to run. The results of the evaluation would hopefully lead to the creators of the intervention going back to the drawing board and re-creating the core structure of the intervention, or even changing the implementation processes.

Conceptual utilization

But even if evaluation results do not have a direct influence on the re-shaping of a programme, they may still be used to make people aware with regard to the issues at stake. Going back to the example of an evaluation of a novel educational intervention, the results can also be used to inform trainers and participants (judicial trainees, judges, prosecutors) about the different barriers that may influence their learning difficulties. A number of studies of these barriers may then be initiated by this new information.

Variables affecting utilization

There are five conditions that seem to affect the utility of evaluation results, namely *relevance*, *communication between the evaluators and the users of the results*, *information processing by the users*, *the plausibility of the results*, as well as *the level of involvement or advocacy of the users*.

FINAL REMARKS

Judges and prosecutors have a particularly important role both nationwide and within the framework of the European Union. The overall perspective of the present Guidelines was given by the above stated assumption and by certain values that we put together while working in each country such as openness, togetherness and respect for diversity.

Along the two years of networking under the scope and aims of the project, we managed to reflect on our commonalities and depict the features and specific training practises that could be viewed as opportunities in each of our countries and probably Europe wide, as well. Although the initial training programmes in the five represented countries have specific characteristics, the present Guidelines succeeded to mirror all those lines of action, ideas, concepts that might accommodate the training process in the different countries.

Looking into the scope and aims of the initial training programme, discussing with clarity about common values, principles, getting to an agreement on concepts such as competencies were not the easiest of the endeavours. Each of the training institution presented its training strategy and methodology so that in the end we could depict some general considerations, aspects of the training session design, the rationale of the training methods and trainee assessment tools. We even managed to design the trainer profile, describe various methods of recruitment, and look into the technicalities of the assessment both of the trainers and of the training programme.

We had lessons learnt, and maybe one of the most important was the fact that, when it comes to ensure the rights of the citizens in Europe, the demand for quality should start from the way in which judges and prosecutors are being trained. Similar needs lead to similar training processes if we look attentively into the requirements of the human factor and the technological factor. These two engines bring about innovation in training methodologies, new training structures and specific ways to judicial skill development.

ANNEX¹

QUESTIONNAIRE – TRAINING INSTITUTIONS

1. Which are the key personal and professional skills of a judge and/or prosecutor that your institution strategically aims to train through the curriculum? List them at random.

2. Tick the boxes below if applicable in the recruitment of the future judges and prosecutors:
 - judicial knowledge;
 - logical reasoning and critical thinking;
 - the ability to solve judicial study cases;
 - non-judicial skills and personal qualities;
 - others, list them.

3. Please estimate the percentage of each aspect evaluated in the recruitment process:
 - a. judicial knowledge (%);
 - b. judicial practical skills (%);
 - c. non-judicial skills (%);
 - d. others (%). Please specify.....

4. Are there any strategic documents implemented within your institution/ legal system on the profile of the “ideal” judge/prosecutor?

Yes	
No	

If negative, do you intend to implement such a document in the future?

Yes	
No	

5. How is the initial training organized within your institution (circle letter or add figures):
 - a. compulsory;
 - b. optional;
 - c. it has a duration of ();
 - d. the academic instruction lasts ();
 - e. the practical activities in courts and prosecutors offices, etc, last ().

6. The curriculum consists of:
 - a. Subjects based on judicial knowledge in a percentage of _____;
 - b. Subjects based on judicial skill acquisition in a percentage of _____;
 - c. Subjects based on non - judicial skill acquisition (communication, psychology, etc.) in a percentage of _____.

7. Which are the training methods and techniques used (tick all of them, if needed):

- a. case study;
- b. role play and simulations;
- c. discussions and debates;
- d. groupwork and pairwork;
- e. lectures;
- f. others (specify _____).

Which are the most effective, in your opinion? _____

8. Which are the methods applied in the internship programme?

9. How do you assess and evaluate?

a. The trainees

Describe shortly

b. The training programme

Describe shortly

c. The trainers

Describe shortly

d. Others

Describe shortly

10. The trainers in initial training are:

- a. judges and prosecutors (%);
- b. other specialists (%);
- c. theoreticians (university level professors, researchers, etc.) (%).

11. What's the percentage of :

- a. full-time trainers (%);
- b. Part-time trainers (%).

12. List some of the criteria according to which they are recruited and the way in which they are recruited or appointed.

13. Do you provide training for trainers?

Yes	
No	

If yes, how often? _____

14. Do you provide training for the tutors of internship tutors?

Yes	
No	

If yes, how often? _____

15. List the main national and international institutions that are involved in the process of initial professional training.

National level:	
International level:	

16. Is your institution autotonomus according to the national law in the design and implementation of the initial training process?

Yes	
No	

If no, who is involved in the process? _____

QUESTIONNAIRE – TRAINING INSTITUTIONS - SYNTHESIS

1. Which are the key personal and professional skills of a judge and/or prosecutor that your institution strategically aims to train through the curriculum? List them at random.

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
Judicial and functional knowledge Professional skills (such as communication, decisiveness etc.) Attitudes (such as integrity, motivation etc.)	Knowledge and command of personal ethics & deontological rules Ability to analyse and summarize a case and a file Ability to identify, abide by and enforce a procedural framework Adaptability Discerning the proper attitude fitting the circumstances (authority, humility...) Proficiency in interpersonal relations Ability to prepare and conduct hearings/questioning respectful of adversarial procedures Capacity to elicit agreement and conciliation Aptitude to make decisions that are sensible, legal, enforceable and adapted to their context Capacity to formalize and explain legal grounds of a decision Knowledge and understanding of the national and international environment Teamwork skills Management and organisational skills	The initial training programmes of the NIM should help future magistrates: 1. To be able to think independently in legal matters. 2. To recognize the interpersonal factors that may impede a fair trial (even though they possess good knowledge). 3. To understand the Romanian society , the community in which they live, to be able to appreciate and accept the supremacy of law in society, to feel engaged in restoring public confidence in justice. 4. To demonstrate moral integrity , to have the capacity and courage to improve the inner-organizational social environment in which they are conducting their work. 5. To communicate clearly and logically and to be receptive to information that could enhance their message. 6. To be credible, trustworthy . 7. To be efficient in the management of their own duties and to contribute to the improvement of the administration of the court. Also, the initial training programmes should seek to develop the mental qualities that meet the requirements of the profession of magistrate, derived, in their turn, from the present needs of the Romanian legal system: 1. Independent/ critical thinking (manifested in professional, legal matters; in understanding the role of the magistrate; in understanding the Romanian society and in self-knowledge). 2. Cognitive and moral consistency/integrity , a personal quality which allows the magistrate to avoid any kind of influence on the process by which he or she seeks/ accepts evidence and deliberates, 3. Social awareness and commitment 4. Predisposition to hard work and continuous professional learning; authenticity and intrinsic motivation of professional activities 5. Clear and logical communication, responsiveness to any information which could improve the message; self-control , (the so-called "judicial temperament") 6. Conscientiousness, diligence, respect for colleagues, self-management skills.		Professional knowledge and skills -17,65 % Ethics and Deontology -17,65 % Personal development (attitude, behaviour) -11,76 % Ensuring impartiality -11,76 % Cultural and social sensitivity -11,76 % Familiarization with working environment -5,88 % Knowledge in related areas - 5,88 % Practice skills -5,88 % Foreign language skills - 5,88 % Research and academic skills - 5,88 %

2. Tick the boxes below if applicable in the recruitment of the future judges and prosecutors:

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
judicial knowledge	yes	yes	yes	CEJ – yes / EJ - yes	30 %
logical reasoning and critical thinking	yes	yes	yes	EJ - yes	25 %
the ability to solve judicial study cases	yes	-	-	EJ - yes	20 %
non-judicial skills and personal qualities	yes	yes	yes	EJ - yes	25 %
others, list them	-	-	-	-	-

3. Please estimate the percentage of each aspect evaluated in the recruitment process:

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
judicial knowledge	40 %	10 % (legal knowledge included)	75 %	CEJ – 100% / EJ – 70 %	61,25 %
judicial practical skills	30 %	-	-	EJ – 20 %	30 %
non-judicial skills	30 %	65 %	25 %	EJ – 10 %	8,75 %
others	-	25 %	-	-	-

4. Are there any strategic documents implemented within your institution/legal system on the profile of the “ideal” judge/prosecutor?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
Yes		Yes	Yes	CEJ – yes / EJ - yes	28,5 %
No	No	-	-	-	71,5 %

If negative, do you intend to implement such a document in the future?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
Yes	-	-	-		20 %
No	No	-	-		80 %

5. How is the initial training organized within your insitution (circle letter or add figures):

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTJN training institutions (other than partners)
compulsory	yes	yes	yes	CEJ – yes / EJ - yes	100 %
optional	-	-	-	-	-
it has a duration of	18 months (prosecutors) / 3 years (judges)	31 months	2 years	CEJ – 8 months EJ – 2 years	6 weeks/12 months/24 days/2 years
the academic instruction lasts	-	7 months	1 year	CEJ – 4 months EJ – 1 year	8 months
the practical activities in courts and prosecutors offices, etc, last	-	20 months	1 year	CEJ – 4 months EJ – 1 year	6 months 18 months

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6. The curriculum consists of:

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTJN training institutions (other than partners)
Subjects based on judicial knowledge in a percentage of	40 %	15 %	20 %	CEJ – 70 % EJ – 70 %	52,4 %
Subjects based on judicial skill acquisition in a percentage of	30 %	50 %	70 %	CEJ – 20 % EJ – 20 %	35,8 %
Subjects based on non - judicial skill acquisition (communication, psychology, etc.) in a percentage of	30 %	35 %	10 %	CEJ – 10 % EJ – 10 %	11,8 %

7. Which are the training methods and techniques used (tick all of them, if needed):

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTJ training institutions (other than partners)
case study	yes	yes	yes	yes	25 %
role play and simulations	yes	yes	yes	yes	21,4 %
discussions and debates	yes	yes	yes	yes	25 %
groupwork and pairwork	yes	yes	yes	yes	21,4 %
lectures	yes	yes	yes	yes	17,9 %
others	Conferences, institutional visits, internships	Internships offering opportunities for trainees to deal with actual cases, conduct actual hearings, draft decisions & rulings, all under the authority of a professional judge/ prosecutor – „learning by doing” internships => formative assessments (during internships)	extracurricular conferences, round tables, institutional visits	CEJ – cineforum, institutional visits EJ – institutional visits	Homework and cineforum

Which are the most effective, in your opinion? _____

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTJ training institutions (other than partners)
case study, role play and simulations, discussions and debates, internships	Court internships after due theoretical preparation, internships.	case studies, discussions and debates, internships	CEJ & EJ: case study, role play and simulations, internships	Case study 57,14 % Role play and simulation 14,28 % Discussion and debates 14,28 % Group work 14,28 %

8. Which are the methods applied in the internship programme? _____

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
case study, role play and simulations, discussions and debates, groupwork and pairwork, lectures	Internships are implemented in various State services or institutions, in France and abroad, and most of all in French Justice Courts. The ENM implements a method of „formative evaluation”, helping trainees deal with cases & issues of a judge/prosecutor’s daily routine, tutoring them and monitoring their work and duties With the notable exception of bearing the final responsibility of decisions and rulings made in Court, trainees are requested to carry out most judicial tasks performed by their professional mentors in Court, under their supervision and with their counsel and support.	Modular program, both on- job training and academic in-put through interactive, participatory activities.	CEJ – Trainees perform the regular prosecutor duties under the supervision of a senior prosecutor (tutor) EJ – The trainees act as judges under the supervision of tutors	Case study – 20 % Discussions – 20 % Practice-oriented studies – 20 % Reports/briefs – 20 % Supervision – 20 %

9. How do you assess and evaluate?

a. The trainees

Describe shortly

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
By the tutors (once in the case of the training which has a duration of 18 months (for prosecutors); twice in the case of the training which has a duration of three years (for judges))	Through a continuous formative evaluation process, aimed at helping them improve their proficiency and professional competences as judges and prosecutors. Besides, at three different stages of their 31 months training, trainees will be formally assessed, graded and, eventually ranked.	both through formative assessment and external, summative exams	CEJ – Trainers’ report on their participation, exams and tutors’ report on the internship period EJ – 1. theoretical exam, 2. global continuous evaluation, 3. evaluation questionnaire and evaluation of several resolutions and judgements drafted by the trainee	Oral exam/interview 41,67 % Written exam 41,67 % Reports 8,33 % Evaluation of high court judges 8,33 %

b. The training programme

Describe shortly

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
By participants, trainers and working group of experts	Through closing meetings chaired by trainers in charge of the implementation of the pedagogical programme in all its aspects. Eight such meetings are programmed in each one of the following topics: Ethics and deontology Reaching and formalizing a decision in a civil case Reaching and formalizing a decision in a criminal case The International dimension of Justice Court administration and partnerships Judicial communication Corporate and economic life Judicial environment	through annual questionnaires and statistics	CEJ – Trainees'questionnaires EJ – The training programme is submitted to the pedagogical commission and to the General Council of the Judiciary. The training team and the Director evaluate the results of the training programme. The trainees can also evaluate the different activities of the training programm by means of a questionnaire	Questionnaire 66,6 % Feedback sheets 33,3 %

c. The trainers

Describe shortly

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
By participants and working group of experts	Assessment according to general guidelines implemented for all members of the Judiciary	through questionnaires filled in by the auditors, the head of departments, the specialist in educational sciences	CEJ – Trainees'questionnaires EJ – part time trainers are evaluated by the trainees and by the Board of trainers after each activity. Full-time trainers re evaluated by the Director and te General Council of the Judiciary and also by the trainees at the end of the academic year	Questionnaire Feedback evaluation forms

d. Others

Describe shortly

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
	Guest speakers and lecturers are assessed by trainers attending their conferences and reliance on trainees feedback when filling out questionnaires on their training.	-	EJ – The university (University Autonomia de Barcelona) provides a questionnaire to be implemented at the end of the year and the results are submitted to the General Council of the Judiciary	-

10. The trainers in initial training are:

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
judges and prosecutors	50 %	75 %	75 %	CEJ – 78, 5 % EJ – 80 %	84,1 %
other specialists	45 %	15 %	15 %	CEJ – 16, 5 % EJ - 0 %	5,1 %
theoreticians (university level professors, researchers, etc.)	5 %	10 %	10 %	CEJ – 5 % EJ – 20 %	10,6 %

11. What's the percentage of :

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
full-time trainers	-	66 %	5,5 %	CEJ – 0 % EJ – 80 %	11,5 %
part-time trainers	100 %	33 %	94,5 %	CEJ – 100 % EJ – 20 %	88,5 %

12. List some of the criteria according to which they are recruited and the way in which they are recruited or appointed.

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
<p>Knowledge and professional and didactical skills Appointed by the Judicial Training Institute, assisted by working group of experts</p>	<p>Level of professional proficiency and acceptance of increased workload in addition to undiminished responsibilities and tasks inherent to their positions in Courts. Many have a previous experience as Court mentors for trainees. A motivation written statement and résumé , and an interview will help in the recruiting process.</p>	<p>Expertise in the field of the training Skills in adult learning methodology Availability to cooperate in the development of materials and join the activities of the department The ability to get informed from different sources in different foreign languages</p>	<p>CEJ – most of them are recruited by public competition among prosecutors. Criteria: experience in the correspondent topics and previous training experience EJ – Recruited by the Plenary Assembly of the General Council for the Judiciary. It's an open competition for judges, prosecutors, clerks, state lawyers, university professors. Criteria: law degree, specific knowledge of the subject, training skills, years of experience, merits, honours and additional achievements</p>	<p>Working experience in the field (court, pros.office) 35,29 % Academic knowledge 17,65 % Teaching ability/experience 17,65 % Professional knowledge 5,88 % To be trainee trainers 5,88 % Moral and professional quality 5,88 %</p>

13. Do you provide training for trainers?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY + EJTN training institutions (other than partners)
Yes	yes	yes	yes	EJ - yes	71,5 %
No	-	-	-	CEJ - no	28,5 %

If yes, how often? _____

BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
2 days/ year (non compulsory)	One five-day course is compulsory for all newcomers upon appointment at the ENM. Other courses are optional. Training for trainers is also available in the form of a ten day curriculum offered to foreign trainers.	Immediately after recrutement and on a regular basis afterwards	EJ – two times per year	Annually 60 % Irregular 40 %

14. Do you provide training for the tutors of internship tutors?

	BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
Yes	yes	yes	yes	CEJ – yes EJ – yes	71,5 %
No	-	-	-		28,5 %

If yes, how often? _____

BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
2 days/ year (non compulsory)	Once a year	Immediately after recrutement and on a regular basis afterwards	CEJ – once a year EJ – once a year	Annually 42,8 %

15. List the main national and international institutions that are involved in the process of initial professional training.

	BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
National level	Federal Public Services Police Prison administration	National School for Clerks of Court Police schools College of Media studies Supreme Courts & Constitutional High Council Local Courts & Courts of appeal Ministry of Justice and other Ministries, State agencies Unions, associations, private companies	Superior Council of Magistracy Courts Prosecutors' Offices Ministry of Justice National School for Clerks Romanian Union of Bars Police Departments Non-governmental organizations Notary Offices Ministry of Foreign Affairs	CEJ – General Prosecutor's Office Penitentiary Administration Judicial Police Ministry of Justice EJ – General Council for the Judiciary Pedagogical Commission: the Director, the Studies Director, a senior judge belonging to each jurisdiction, a representative of each professional association "Consejo Rector" steering board	Ministry of Justice 26,67 % National Court Administrations 13,3 % Council of Judiciary 13,3 % District Courts 13,3 % Prosecution offices 13,3 % Penitentiary Administr. 6,67 % Judicial Police 6,67 %
International level	Members of the EJTN European Commission	EJTN- Brussels ECHR-Strasbourg ECJ-Luxembourg European Union-Brussels Training institutes and training authorities throughout Europe Various lecturers & speakers, many of them from Common Law countries	European Judicial Training Network European Court of Human Rights Court of Justice of the European Union Training institutions from abroad	CEJ - EJTN	EJTN 42,8 % ERA 14,29 % European Ins. For Pub. Adm 14,29 % SEND 14,29 %

16. Is your institution autotonomus according to the national law in the design and implementation of the initial training process?

	BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
Yes	yes	yes	yes	CEJ – yes	83,5 %
No	-	-	-	EJ – no	16,5 %

If no, who is involved in the process? _____

BELGIUM	FRANCE	ROMANIA	SPANIA	TURKEY + EJTN training institutions (other than partners)
	Under the High authority of the Minstry of Justice	Submitted for approval to the Superior Council of Magistracy	EJ – The General Council of the Judiciary	Council of Judiciary

QUESTIONNAIRE - JUDICIAL TRAINEES

The present Questionnaire refers to the entire initial training programme

1. What key qualities should a good judge/prosecutor have? Describe in a few words the profile of the ideal judge/prosecutor in your own vision.

2. In your opinion, to what extent the initial training programme focuses on the development of competences and abilities specific to the profession of judge/prosecutor, in order to facilitate the integration into the profession?

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.

3. Do you acknowledge and understand the role and importance of your initial professional training from the perspective of the specific duties you have in the society you live in?

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.

4. In your opinion, to what extent the initial training curriculum is well and realistically structured, in order to ensure an efficient integration into the profession?

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.

Arguments:

5. In your opinion, to what extent the initial training programme meet your expectations for professional development?

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.
- e. Arguments:

6. In your opinion, which are the domains of learning that should be more emphasized during training, give percentages from 1 to 100:

- a. the judicial knowledge;
- b. the development of practical judicial abilities;
- c. personal development;
- d. ethics;
- e. others (Please specify _____).

7. In your opinion, to what extent the international dimension is integrated into the initial training programme?

- f. very little extent;
- g. small extent;
- h. largely;
- i. very much extent.

8. In your opinion, to what extent the following training techniques facilitate learning and skill development (percentages from 1 to 100):

- a. case studies;
- b. role plays and simulations;
- c. discussions and debates;
- d. lectures;
- e. group work and pair work.

9. In your opinion, to what extent the training programme encourages teamwork?

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.

Arguments:

10. In your opinion, to what extent your trainers (according to the training areas) apply the same evaluation criteria? – *non-applicable for Belgium*

- a. very little extent;
- b. small extent;
- c. largely;
- d. very much extent.

Which criteria are being used?

11. In your opinion, it it/would it be useful to organize activities at national and international level to facilitate the understanding of the cultural and judicial similarities and differences worldwide?

Yes	
No	

If yes, what kind of activities do you think of?

QUESTIONNAIRE - JUDICIAL TRAINEES - SYNTHESIS

The present Questionnaire refers to the entire initial training programme ¹

1. What key qualities should a good judge/prosecutor have? Describe in a few words the profile of the ideal judge/prosecutor in your own vision.

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
<p><u>Have judicial knowledge</u> - have excellent legal competencies (4/9) - be receptive to international and European case-law (1/9)</p> <p><u>Have general knowledge</u> - have wide interests in other disciplines such as ethics, history, psychology, sociology, politics, economy and technology (2/9) - have knowledge of the social realities and of the social developments, national and international (2/9) - have knowledge of the human nature, psychological insight (2/9)</p> <p><u>Have special knowledge</u> - be attentive to oral and written language (1/9) - be good as a communicator (1/9)</p> <p><u>Strive to learn</u> - constant strive for professional and personal development (3/9) - be eager to learn and take regular refresher courses (1/9)</p> <p><u>Have a good work management</u> - be able to take swift decisions (2/9) - be able to achieve a balance between quality and quantity (1/9) - be a good time-manager and organizer (1/9) - be mobile and creative (1/9) - be able to work as a team (1/9)</p> <p><u>Develop special psychological attitudes</u> - be able to function under stress where necessary (2/9) - be a good listener (2/9) - be motivated and committed (2/9) - be able to think independently (1/9) - stay calm and friendly (1/9) - have respect for all the parties (1/9) - be involved but other ways also keep a distance (1/9) - be neutral, impartial, objective (1/9) - remain humble notwithstanding the powers attributed (1/9) - be decisively (1/9)</p> <p><u>Have an adequate personality</u> - have empathy, emotional intelligence (4/9) - have integrity (3/9) - be righteous, have sense of justice (2/9) - be intelligent (1/9) - have common sense (1/9) - have an open mind (1/9) - have goodwill (1/9)</p>	<p>Impartiality: 100%</p> <p>Humanity (dignity & ability to listen): 100%</p> <p>Legal Competence: 66%</p> <p>Independence: 66%</p> <p>Objectivity: 33% Integrity: 33%</p> <p>Loyalty: 33% Distance: 33% Self-questioning: 33%</p>	<p>Equilibrium – 53,3% Professionalism – 40% Ability to work hard – 20% Patience – 20% Solid legal knowledge – 20% Intelligence – 13,3% Honesty – 13, 3% A good connoisseur of social realities – 13,3% A good communicator – 13,3% Awareness of belonging to the profession – 13,3% Critical thinking – 6,6% Good listener – 6,6% Responsibility – 6,6% Impartiality – 6,6% Punctuality – 6,6% Serious – 6,6% Independent – 6,6% Solid general education/ knowledge – 6,6% Persuasive – 6,6% Honour – 6,6% Rational – 6,6% Well defined/strong personality – 6,6% Self confidence – 6,6% Organized – 6,6% Stress resistant – 6,6% Spontaneous – 6,6% Adaptability – 6,6%</p>	<p>-ability to handle a high workload – 15 % - honesty, integrity, rigor 12 % - respect and empathy – 12 % -impartiality and objectivity – 10 % - legal knowledge – 10 % -humility – 7 % -involvement in public service – 5 % -knowledge of/ involvement in social context – 5 % - prudence – 5 % -responsibility – 5 % - passion for the job – 3 % - other – 10 %</p>	<p>Key qualities: 16,94 % Judicial knowledge 13,71 % Social skills 12,9 % Adaptation skills (to new developments) 11,29 % Communication skills 7, 26 % Intellectual 8,87 % Research skills 8,87 % Analytical thinking 6,45 % Ethical knowledge 5,65 % Management skills 5, 65 % Empathy skills 2,42 % Other (International judicial knowledge)</p> <p>Profile of the ideal judge/prosecutor: 20,57 % Impartial 17,73 % Honest 13,47 % Determined and hard working 12,06 % Fair 12,06 % Self- confident and consistent 10,64 % Independent 9,93 % Objective and unprejudiced 3,55 % Other (1,42 % Command of foreign language, 2,13 % Financial independency)</p>

Remark: All the trainees have answered this as one question, they have made no difference between the key qualities and the ideal profile.

¹ Given the fact that the sample of respondents from France was not representative from the point of view of the initial training programme applicable (as the ENM curricula has been recently revised), partners appreciated as non-relevant the answers offered to some of the questions addressed in this questionnaire.

2. In your opinion, to what extent the initial training programme focuses on the development of competences and abilities specific to the profession of judge/prosecutor, in order to facilitate the integration into the profession?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	0 %	0 %	13,3 %	10 %	12,05 %
b. small extent	11,11 %	0 %	26,6 %	10 %	65,06 %
c. largely	55,55 %	66%	53,3 %	55 %	18,07 %
d. very much extent	33,33 %	33 %	6,6 %	20 %	4,82 %

3. Do you acknowledge and understand the role and importance of your initial professional training from the perspective of the specific duties you have in the society you live in?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	0 %	0 %	0 %	0 %	10,75 %
b. small extent	0 %	0 %	0 %	5 %	30,82 %
c. largely	77,77 %	33 %	60 %	55 %	39,76 %
d. very much extent	22, 22%	66%	40 %	30 %	18,67 %

4. In your opinion, to what extent the initial training curriculum is well and realistically structured, in order to ensure an efficient integration into the profession?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	0 %	0 %	6,6 %;	0 %	13,25 %
b. small extent	11,11 %	0 %	26,6 %	15 %	61,45 %
c. largely	66,66 %	100 %	66,6 %	70 %	20,48 %
d. very much extent	22,22 %	0 %	0 %	15 %	4,82 %

Arguments:

ARGUMENTS	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	-		- the curricula does not include useful disciplines, on non-judicial abilities		10 % Bad time planning/scheduling 17,5 % Inappropriate balance between and responsibility
b. small extent	- there are too many local differences according to where you receive your training, to speak of a true "structure".		- some of the disciplines included in the curricula are not useful; - the initial training should focus some more on the personal development of the future magistrate, on the development of specific abilities and skills; - excessive theorization.	- the theoretical formation period is too long	20 % Ineffective internship programming 40 % Ineffective internship Insufficient practice skills development opportunity 10 % Low-level quality trainers 2,5 % Other (Lack of staff)
c. largely	- the initial training curriculum often varies depending on the district (arrondissement) and local needs / practices - the trainee get the chance not only to know the different aspects of the profession, but also to witness the various players who help and support the judicial system, such as police, victim assistance, prison, notary public	Duration of training process (31 months), good mix of theory & practice. Internship in law firm is too long (6 months)	- the initial training should focus on the development of the specific abilities according to the psychological profile of the ideal magistrate; -inappropriate proportion of disciplines between the two years of study; - excessive focusing on certain disciplines; - the initial training should have an even more practical character; - increasing the hours of study allocated to certain disciplines (like legal medicine, forensics, judicial psychology) is required.	- the formation is complete - the formation is practical - the formation provides fundamental basis of professional practice - the formation is incomplete	
d. very much extent	- the initial training curriculum has a good balance between the real practice of the judicial functions and the moments that theory is given, with wide approach of both aspects - the theory is always related to the period of the internship that is followed		-		

5. In your opinion, to what extent the initial training programme meet your expectations for professional development?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	0 %	0 %	13,3 %	0 %	10,85 %
b. small extent	0 %	0 %	20 %	5 %	50,6 %
c. largely	66,66 %	66 %	66,6 %	75 %	37,35 %
d. very much extent	33,33 %	33 %	0 %	15 %	1,2 %

Arguments:

ARGUMENTS	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	-		- the curricula does not include useful disciplines, on non-judicial abilities and some of the disciplines included in the curricula are not useful; - the initial training should have an even more practical character and competition spirit and "grade hunting" must be encouraged no longer.		44,12 % High theoretical aspects and unsatisfactory practice dimension 23,53 % Ineffective internship 14,71 % Responsibility given for trainees is not enough 17,64 %
b. small extent	-		-		Other (% 8,82 Ineffective supervision in internship % 8,82 Physical problems in internship)
c. largely	- there are many courses in different fields of law and they focus on the phase of the training you are in at a particular point	Excellent quality of the training; a very good preparation of the first appointment.	- increasing the hours of study allocated to certain disciplines is required; - some disciplines included in the curricula are not useful; - the initial training programme is well structured and proportioned and the initial training trainers are excellent professionals, the only aspect that should be improved being the way in which they assess (subjectivity affects the assessment process in certain cases); - certain disciplines, like Ethics, are rigid and non-realistically discussed during classes.	- the formation teaches the trainee how to face real cases - the formation makes the trainee integrate the judicial structure - the formation provides various examples of professional practice - other	
d. very much extent	- the programme gives a profound knowledge of both the tasks of a judge and a prosecutor, so that the trainees will be prepared when they are appointed and can be immediate operational .This is due to the progressive way the trainees learn the multiple tasks of magistrates and to the possibility given to take part in specialised courses		-		

6. In your opinion, which are the domains of learning that should be more emphasized during training, give percentages from 1 to 100:

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. the judicial knowledge	22,86 %	10 %	37,5 %	23,88 %	26,75 %
b. the development of practical judicial abilities	48,75 %	20 %	60 %	41,11 %	41,45 %
c. personal development	36,25 %	25 %	30 %	18,33 %	15,65 %
d. ethics	18,12 %	22,5 %	33,5 %	12,78 %	16,15 %
e. others	22,50 %	-	12,5 %	2,77 %	0 %

Remark : there is a difference in the way the trainees understood this question. Some have given a total of 100 % for all the items together, others have given a percentage up to 100 per item.

7. In your opinion, to what extent the international dimension is integrated into the initial training programme?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	22,22 %	33 %	7,69 %	15 %	32,53 %
b. small extent	55,55 %	66 %	46,15 %	50 %	46,99 %
c. largely	11,11 %	0 %	30,76 %	30 %	15,66 %
d. very much extent	11,11 %	0 %	15,38 %	5 %	4,82 %

8. In your opinion, to what extent the following training techniques facilitate learning and skill development (percentages from 1 to 100):

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. case studies	52,22 %	50 %	49,23 %	33,33 %	30,80 %
b. role plays and simulations	40,55 %	45 %	35 %	33,33 %	17,50 %
c. discussions and debates	36,42 %	35 %	38,46 %	12,78 %	21,20 %
d. lectures	31,85 %	10 %	19,58 %	11,11 %	15,40 %
e. group work and pair work	33,75 %	20 %	23,12 %	11,67 %	15,10 %

9. In your opinion, to what extent the training programme encourages teamwork?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	44,44 %	0 %	40 %	0 %	31,22 %
b. small extent	44,44 %	0 %	46,6 %	35 %	47,50 %
c. largely	11,11 %	100 %	0 %	55 %	21,28 %
d. very much extent	0 %	0 %	13,3 %	10 %	0 %

Arguments:

ARGUMENTS	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	-		- the initial training programme does not encourage teamwork so much, since the work of a judge/prosecutor is mainly individual; - teamwork is encouraged only when preparing mock-trials; - teamwork is not encouraged, since the judicial trainees are extremely focused on obtaining good grades and an excellent position in the final ranking and competition spirit is "very present", so that they don't communicate very well.	- the formation teaches the importance of teamwork in the prosecutor's office – 20 % -the formation makes realise the assistance that partners could provide – a5 % - other – 5 %	100% There is not enough activity that create opportunities for teamwork
b. small extent	- the residential seminars create close ties between the trainees, but each trainee evolves individually according to the expectations of his trainers		- teamwork is encouraged only when preparing mock-trials; - teamwork is not encouraged, since the judicial trainees are extremely focused on obtaining good grades and an excellent position in the final ranking and competition spirit is "very present".		
c. largely	- the residential seminars develop a team spirit, so that afterwards professional contacts between the trainees do remain	It is noted however that in the real professional life, there is not necessarily as much teamwork as during the training period.	-		
d. very much extent	-		- reducing the number of judicial trainees per group would be extremely useful in this regard (there are 17 or 18 judicial trainees/per group at the moment).		

10. In your opinion, to what extent your trainers (according to the training areas) apply the same evaluation criteria? – *non-applicable for Belgium*

	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent	66 %	13,3 %	5 %	4,82 %
b. small extent	33 %	73,3 %	20 %	48,19 %
c. largely	0 %	6,6 %	55 %	46,99 %
d. very much extent	0 %	6,6 %	0 %	0 %

Which criteria are being used?

ARGUMENTS	FRANCE	ROMANIA	SPAIN	TURKEY
a. very little extent		- the initial training programme does not encourage teamwork so much, since the work of a judge/prosecutor is mainly individual; - teamwork is encouraged only when preparing mock-trials; - teamwork is not encouraged, since the judicial trainees are extremely focused on obtaining good grades and an excellent position in the final ranking and competition spirit is "very present", so that they don't communicate very well.	-compliance with professional practice – 19 % - no answers – 19 %	-
b. small extent		- the evaluation criteria are different from one discipline to another, from one trainer to another; - trainers are not always 100% objective in the evaluation process - legal knowledge, involvement, initiative etc.; - there are cases where the teaching techniques are not unitary, so that there can't be a unitary evaluation process.		-
c. largely		-		-
d. very much extent		the ones indicated in the continuous evaluation form		-

11. In your opinion, it it/would it be useful to organize activities at national and international level to facilitate the understanding of the cultural and judicial similarities and differences worldwide?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
YES	66,66 %	100 %	86,6%	95 %	84,34 %
NO	33,33 %	-	13,3%	5 %	15,66 %

If yes, what kind of activities do you think of?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
YES	- exchange programs (short obligatory exchanges between foreign courts) : 100 % - seminars : 16,66 % - internships : 16,66 % - visits to international courts : 16,66 % - on national level courses about foreign law and comparative studies : 16,66 % - some kind of forum between different countries to brainstorm : 16,66 %	Multinational seminars, court hearings	Exchange programmes – 61,5% Competitions – 30,7% Others: Conferences – 7,6% Study visits – 7,6% Seminars – 7,6% Traineeships – 7,6% Round tables – 7,6%	- international exchanges – 43 % -international meetings and shared lectures – 15 % -practical formation about judicial international cooperation (organizations, networks, tools) – 15 % -comparison of a case resolution depending on national proceedings and laws – 15 % -other – 12 %	33,33 % Study visits 31,25 % Exchange programmes and abroad internship 10,42 % Comparative law studies and examples of best practices 14,58 % International symposiums, seminars, conferences ... 10,42 % Other (6,25 % Language courses, 4,17 % Translation)
NO	-		-	-	-

QUESTIONNAIRE - COURT CHIEF JUSTICES

1. Recruiting Trainee Judges/Prosecutors and Judges/Prosecutors

- Are you satisfied with the way trainee Judges/Prosecutors and Judges/Prosecutors are being recruited today?

YES NO (please circle one)

WHY?

- How, in your opinion, may the recruiting process be improved?

2. Newly appointed Judges/Prosecutors

- Would you deem newly appointed Judges/Prosecutors' technical abilities & training satisfactory?

YES NO (please circle one)

WHY?

- What sort of technical deficiencies have you most often observed ?
- Would you rate young judges/prosecutors' training in the field of ethics & deontology as adequate and sufficient?

YES NO (please circle one)

WHY?

- In your opinion, are newly appointed Judges/Prosecutors sufficiently trained in the fields of European & International Law and international cooperation?

YES NO (please circle one)

WHY ?

- Would you say that Initial training of Judges/Prosecutors should be improved? In which ways?

YES NO

WHY ?

- Have you got any suggestion or comments on the topic of Initial training of Judges/Prosecutors?

QUESTIONNAIRE - COURT CHIEF JUSTICES - SYNTHESIS

1) How would you qualify newly appointed Judges/Prosecutors' technical abilities?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
Very good	60 %	62,5 %	42,1 %	15 %	16,66 %
Good	20 %	37,5 %	57,9 %	77 %	50 %
Satisfactory	20 %	-	-	8 %	33,33 %
Unsatisfactory	0 %	-	-	-	-

2) What strong points and shortcomings have you most often observed ?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
Strong points	<ul style="list-style-type: none"> - The technical skills, the technique 30 % - A high level off practical training (sessions, write judgements) 30 % - A high level off theoretical training 30 % - Trained in the special skills needed by specialised judges (e.g. judge in a juvenile court) 20 % - Increase of the basic legal education 10 % - Positive attitude to work 10 % - Sense of teamwork 10 % - Intelligent behaviour 10 % - Open for residential training 10 % 	<ul style="list-style-type: none"> - Technical knowledge: 75%* - Motivation, sense of responsibilities: 37%* - Adaptability : 6%* - shortcomings:.. - knowledge of the judicial insitution and the judicial culture: 43%* - Multiple cases management : 31%* - Spirit of partnership : 18%* - Knowledge of the socioeconomic environment : 12%* - insufficient detection of personality issues: 6%* 	<ul style="list-style-type: none"> - solid legal knowledge – 36,84%; - solid EU Law & ECHR knowledge – 5,26%; - stress resistance – 5,26%; - excellent legal reasoning – 5,26%; - involvement – 5,26% - enthusiasm – 5,26%; - openness to modern technology and techniques – 5,26%. 	<ul style="list-style-type: none"> high level of theoretical legal knowledge - 50 % hope and involvement in their office - 20 % ability to handle a high workload - 20 % good control of softwares - 10 % 	<ul style="list-style-type: none"> - Changes in laws are followed closely 28,57 % - Intellectual capacity 28,57 % - Adaptation to new legal developments 14,29 % - Adaptation to technical and technological innovations 14,29 % - Social skills 14,29 %
Shortcomings	<ul style="list-style-type: none"> - Too little experience 'on the field' (due to the large number of theoretical training), more practical training needed 20 % - Communication 10 % - IT skills 10 % - Teambuilding 10 % - Strength to work hard 10 % - See the essence 10 % - Obligingness 10 % - Psycho-social skills (stress resistance, teamwork, work up a high case-load, acting organization focused) 10 % 	-	<ul style="list-style-type: none"> - difficulties regarding time management and prioritization – 36,84%; - slow rhythm, adaptability deficiencies in circumstances of high workload – 31,57%; - insufficient practical abilities – 21,05%; - low level of general interest manifested towards the activities developed within court/prosecutor' office – 15,78%; - excessive theorization – 15,78%; - communication deficiencies – 10,52%; - conflict management difficulties – 10,52%; - lack of integrated perspective over social life – 5,26%. 	<ul style="list-style-type: none"> lack of formation in public speeches - 35 % lack of practical formation - 30 % difficulties to give reasoning judgements - 15 % other - 20 % 	<ul style="list-style-type: none"> - Difficulties in putting theory into practice 25 % - Attitude and behavior problems resulting from professional privilege 16,66 % - Lack of self-confidence 16,66 % - Lack of interest/attention to the field 8,33 % - Focusing on promotion 8,33 % - Lack of professional knowledge 8,33 % - Lack of empathy 8,33 % - Starting the carrier at very young ages 8,33 %

3) Would you rate young judges/prosecutors' training in the field of ethics & deontology as adequate ?

Yes No

Why?

	BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
Yes	70 %	87,5 %	94,4%	92 %	50 %
No	30 %	12,5 %	5,55%	8 %	50 %

4) Do you have suggestions to make as to how to improve initial training?

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
<ul style="list-style-type: none"> - Some of the trainings should be given at the start of the program, especially the practical trainings and later on the theoretical trainings 20 % - A better balance between internship and trainings 10 % - By limiting the number of the specialized courses and seminars 10 % - A minimum attendance at the office/ service 10 % - Simulation of real cases (pleadings, services, sessions) 10 % - A training of six months is too long 10 % - Writing of dissertations 10 % - More emphasis on the 'human' qualities 10 % - An emphasis on the location (of the judge/prosecutor – acknowledging thier position) in the whole of the judiciary 10 % - Decentralisation of the training 10 % 	<ul style="list-style-type: none"> - Development of training on judicial culture, judicial management and judicial accounting 31% - Development of internships with public administration partners: 12 % - spécial training to develop teamwork: 6% - Insterships in the court of appointment to know the socioeconomic context: 6% - A revised balance between theoretical trainig ans court internships: 6% - availability of „survival kits” including templates and models in cases management: 6% 	<ul style="list-style-type: none"> - focusing mainly on the development of practical abilities – 52,63%; - focusing on the development of non-legal abilities related to the profession, as well – 5,55%; - time management activities – 5,55%; - reducing the number of exams during initial training – 5,55%. 	<ul style="list-style-type: none"> -more time / more emphasis on preactical formation – 33 % -more simulations and case studies during the theoretical formation – 19 % -mixing theoretical and practical formation – 11 % - more time / more emphasis in teaching specific law areas – 7 % - more time / more emphasis in criminal law teaching – 7 % - more emphasis given to practical abilities in the trainees' evaluation – 7 % - other – 11 % - no answer – 4 % 	<ul style="list-style-type: none"> - Opportunities for developing sense of responsibility should incre 28,57 % - Practical dimensions should be improved in courses 21,42 % - European law should be taught more 14,29 % - Foreign language skills should be more encouraged 14,29 % - Abroad opportunities should be increased 14,29 % - Internship period should be longer 7,14 % - Others: more interactive activities, new responsibilities for candidates

5) In your view, what aspects of initial training need to be improved?

BELGIUM	FRANCE	ROMANIA	SPAIN	TURKEY
<p>- IT and communication training (courses by internet) 30 %</p> <p>- Teambuilding/ team spirit 20 %</p> <p>- Modesty (of the trainees) 10 %</p>	<p>- knowledge of judicial institutions and judicial habits & methods: 56%</p> <p>- knowledge of the local socioeconomic issues: 12%</p> <p>- teamwork spirit : 18%</p> <p>- management methodology of multiple cases: 24%</p>	<p>- growth of practical character of the initial training programme is required – 26,31%;</p> <p>- testing of specific abilities – 5,55%;</p> <p>- logical legal reasoning sessions included in the initial training programme – 5,55%;</p> <p>- quality of trainers – 5,55%;</p> <p>- contents of the initial training curricula – 5,55%;</p> <p>- communication sessions – 5,55%.</p>	<p>-more time / more emphasis on preactical formation – 33 %</p> <p>-more simulations and case studies during the theoretical formation – 19 %</p> <p>-mixing theoretical and practical formation – 11 %</p> <p>- more time / more emphasis in teaching specific law areas – 7 %</p> <p>- more time / more emphasis in criminal law teaching – 7 %</p> <p>- more emphasis given to practical abilities in the trainees' evaluation – 7 %</p> <p>- other – 11 %</p> <p>- no answer – 4 %</p>	<p>- Practice skill focused courses should be increased in Academy 29,41%</p> <p>- Effectiveness of internship and supervision during internships should be increased 23,53 %</p> <p>- Assistant judge role should be given to trainees during internship 23,53 %</p> <p>- The case-law of ECtHR should be analysed more in courses 11,76 %</p> <p>- The number of personal development courses should be increased 5,88 %</p> <p>- A period during internship should be spent abroad 5,88 %</p>

QUESTIONNAIRE – NO. ADDRESSEES & RESPONDENTS / PARTNER

BELGIUM		
	Addressees	Respondents
Judicial Trainees Questionnaire	33	9
Court Chiefs Questionnaire	24	10
FRANCE		
	Addressees	Respondents
Judicial Trainees Questionnaire	150	3
Court chiefs Questionnaire	45	17
ROMANIA		
	Addressees	Respondents
Judicial Trainees Questionnaire	170	15
Court chiefs Questionnaire	40	19
SPAIN		
	Addressees	Respondents
Judicial Trainees Questionnaire	138	20
Court chiefs Questionnaire	67	13
TURKEY		
	Addressees	Respondents
Judicial Trainees Questionnaire	110	83
Court chiefs Questionnaire	15	6
Training Institutions	29	7

ANNEX 2



ASSESSMENT SYSTEM OF JUDICIAL TRAINEES IN BELGIUM

After passing the tests, judicial trainees in Belgium enter immediately into a traineeship at the prosecutor's office.

The period of traineeship at the Prosecutors Office last for the group of future prosecutors 18 months. Within this period of traineeship, trainees attend on an ad-hoc basis a package of obligatory courses spread over the 18 months at IGO-IFJ. During the traineeship period, a tutor is allocated to each trainee. Tutors are senior prosecutors who have been nominated by the courts to give guidance to the judicial trainees during the traineeship. Their role is fundamental in the assessment of the trainees.

The assessment system in Belgium is partly based on self-assessment, partly on discussions between the 2 parties followed by reporting by the tutor to an Evaluation Commission. Judicial trainees are requested to assess themselves after 3 months of internship. They are requested to fill out an assessment form which gives an overview of the acquired knowledge, competences and skills, and to indicate their strengths and weaknesses on which basis they will establish an action plan for the future. Three months later, a discussion takes place between the trainee and his tutor in order to evaluate the progress made. This results in an intermediate report written by the tutor in cooperation with the trainee. At the end of the traineeship, a final report is drafted by the coach who is submitted to the Evaluation Commission. This Commission drafts a written advice to the Minister of Justice which he/she will take into consideration in her decision to nominate a trainee for a prosecutor's position. In Belgium, a successful internship does not guarantee being nominated as prosecutor or judge. Trainees have to apply to vacancies which will be published by the Minister. In this process, they are competing with others, such as magistrates who have been nominated already. The Belgian assessment system does not result in a ranking.

The courses which trainees have to attend during their traineeship period are not subject to any assessment system.

The method of assessment applied to judicial trainees who have chosen to become a judge (after 11 months of traineeship at the prosecutor's office all trainees have to decide whether they want to become prosecutor or judge) is similar to the one described here above for the prosecutors. Since the length of the traineeship period for judges is 36 months (of which 15 months at the prosecutor's office, followed by 15 months at a court and in between an period of 6 months training in an external institute), the only difference is that there are 2 moments of self-assessment and 2 reports written by their 2 coaches (one in the prosecution office and one in court) which are submitted to the Evaluation Commission who drafts a written advise to the Minister.



NATIONAL SCHOOL FOR THE JUDICIARY (ENM), FRANCE

ASSESSMENT OF JUDICIAL TRAINEES

General principles:

While undergoing training at the School, future judges and prosecutors are to demonstrate their skills and abilities before being appointed as members of the judiciary.

The assessment of judicial trainees in France is two-folded:

- a “formative” assessment conducted by trainers/mentors/tutors, who give their opinion on the trainee’s ability to become a judge or a prosecutor;
- a “summative” assessment conducted by external examiners at three different stages of the internship period and give notes allowing to rank trainees at the end of the initial training process.

Formative and summative assessments are essentially addressing the acquisition by the trainee of the 13 fundamental skills defined by the School to become a judge or a prosecutor¹.

An individual pedagogical evaluation booklet is completed for each trainee by all trainers/tutors throughout the training period, including academic and internship phases.

Assessment during the the school period:

At the end of the study period, trainees shall take three written examinations:

- Civil professional techniques (6h)
- Criminal professional techniques (6h)
- Transversal subjects (6h)

Assessment during the internship period within courts and tribunals

During their judicial internship in courts or tribunals, trainees are assessed by a regional training coordinator in the following real life situations:

- Presiding a criminal hearing (half day)
- Presenting prosecution submissions in a criminal hearing (half day)
- Holding a civil hearing in chambers (half day)

¹ Identifying, grasping and applying ethical rules; Analysing and summarizing a situation or a case; identifying, respecting and enforcing a procedural framework, adapting, adopting a position of authority or humility to fit the circumstances; knowing how to manage relations, listening and debating; preparing and conducting hearings or questioning in accordance with adversarial procedures; eliciting agreement and conciliating; making a sensible, enforceable decision that is adapted to its context, based on the law and the facts; justifying, formalizing and explaining a decision; taking account of the national and international institutional environment; working in a team; organizing, managing and innovating.

Final Assessment:

At the end of the 31-month initial training, an overall assessment is carried out by an independent jury chaired by a senior judge of the Court of cassation. Their final decision is based on the review of all mid-term assessments undergone during the studying and internship periods and on the written and oral final examination, comprised of:

- Interview with a jury (40min) (*judicial case file + ethics case study + exchange with the jury*)
- Drafting of a civil decision (6h)
- Drafting of submissions in a criminal trial (6h)
- Language test

In addition, the board of examiners takes into consideration opinions expressed by trainers at different times of the initial training process.

The jury may turn down a trainee, request that court internship is repeated, or limit their access to some particular functions.

The final examination results in a ranking of trainees in order of merit. Accordingly, new graduates may choose their upcoming position from a list proposed annually by the Ministry for Justice. The training is completed by a 6-month preparatory period.



NATIONAL INSTITUTE OF MAGISTRACY, ROMANIA

ASSESSMENT OF JUDICIAL TRAINEES

General considerations

For judicial trainees, there is a grading of the extent in which they assimilate knowledge, capacity to develop legal reasoning, professional inquisitiveness, assiduity, punctuality, oral participation in debates, results of the internship terms, as well as results of the final examinations. Therefore, it is likely to assess the extent to which each judicial trainee is able to assimilate knowledge and develop necessary individual abilities and skills. A score of judicial trainees is developed based on these assessments and the results they obtain in the graduation examination, which will then be used in their appointment to the appropriate positions following NIM graduation.

1. Assessment in the school period

Assessment **of judicial trainees in the first year** is performed as follows: for each of the mandatory subject matters included in the academic curriculum they receive a grade corresponding to the formative assessment and a grade corresponding to the summative assessment. Both types of assessment (formative and summative) are being carried out by the trainers of the NIM.

The grade given to a judicial trainee at the end of the first academic year for each subject matter represents the average of the two grades referred to above.

The final grade of the first academic year is composed of the average of the grades obtained for each subject matter.

Based and depending on the averages thereof and the number of judge and prosecutor positions set in a Decision by the Plenum of the Superior Council of Magistracy, judicial trainees graduating the first year must opt to get trained either as a judge or prosecutor, in the second year of training.

2. Assessment during the internship period with courts and prosecutor's offices

The activity of the judicial trainees during **the second academic year** is organized according to the internship programme, with courts and prosecutor's offices attached to these courts, as well as with other institutions, under the guidance of the internship **tutors** – judges and prosecutors who are part of the Institute's training staff, assigned by the Superior Council of Magistracy following the proposal of the NIM's Scientific Board.

During the second year, judicial trainees continue their training within the NIM (in the form of mainly practical modules provided by the NIM's syllabi) alongside with the internship, in compliance with the initial training programmes. The activity of the second year trainees is recorded in an **internship notebook** which comprises all the practical working accomplished in the referred period, in compliance with the structure approved

by the Academic Board and the Scientific Council at the beginning of each year and it is **continuously assessed** by the internship tutors and by the NIM trainers, according to the training programme.

The internship programme for the second year of training is developed based on the following elements:

- The courts and the prosecutor's offices attached to the courts have a distinct configuration in terms of their activity;
- In their capacity of NIM training staff, the internship tutors must guide, supervise and continuously assess the activity of judicial trainees;
- Training modules organized during the second year supplements knowledge and skills acquired in the first year.

Judicial trainees have **mainly practical examinations** at the end of each stage of internship. The training staff evaluates their activity by awarding marks and ratings, in an **individual evaluation chart**.

Consequently, judicial trainees in the second year are assessed as follows: throughout the year, they must sit for examinations at the end of each stage in their internship programme, as well as at the end of each module.

Second year judicial trainees receive a separate grade for the **continuous/formative assessment** of their activity throughout the internship period. This is a grade composed of the evaluation by the corresponding internship tutor (according to the allocation above mentioned) and the assessment of the internship notebook. The evaluation of the internship notebooks is conducted by a committee made up of the internship tutors representatives and the academic chairs.

Both types of assessment (formative and summative) for the second year judicial trainees are carried out by the trainers of the NIM.

The mark granted to the judicial trainees at the end of the second academic year represents the average of the marks obtained in the tests and continuous appraisal of the probation referred above, according to the initial training programme.

3. Final Assessment

At the end of the initial training period, judicial trainees take a **graduation exam** verifying theoretical and practical knowledge and skills specific to the profession of judge or prosecutor.

Assessment is carried out by a commission composed of NIM trainers, tutors and magistrates (in service judges and prosecutors).

Graduates of the National Institute of Magistracy are **assigned to positions of junior judges and prosecutors by the SCM**, based on their general average grade - the arithmetic mean between the final grade for the two years of study and that of the graduation exam.

Junior judges and prosecutors have the obligation to pass a **capacity exam** after a probation period of one year length. The capacity exam assesses theoretical and practical knowledge through written and oral examinations. Successful junior judges and prosecutors become senior judges and prosecutors and they are appointed as such by the President of the country.



CEJ INITIAL TRAINING

ASSESSMENT OF JUDICIAL TRAINEES

ASSESSMENT OF TRAINEES

I Course on the CEJ

- Two written exams (theoretical and practical)

Object: main matters study on the course.

Four hours each

Grades 0-10

Each exam represents 75% of the final grade of the course

- Oral participation on classes

Grades. 0-10

This grade represents 25% of the final grade of the course.

II Internship period on the Courts

50% of the final score of the Initial Training Programme The assessment is made according to the document “Proposal of Final Assessment”, elaborated by the Coordinator of tutors Criteria:

- **Unfit**

When the performance of the trainee has been totally unsatisfying and unadequate

- **Suitable:**

Adequate: The minimum objectives have been fulfilled but the performance was susceptible of improvement

Satisfying: The minimum objectives have been fulfilled and the performance can be considered optimal

Very satisfying: The minimum objectives have been effectively fulfilled and the performance of the trainee deserves a special mention for its quality, effort and dedication on the different entrusted tasks

The final score is composed by the grade of the initial training course and the score got on the national exam taken before the Initial Training period. This is a promotion list.



JUSTICE ACADEMY OF TURKEY (JAT), TURKEY

ASSESSMENT OF JUDICIAL TRAINEES

After successfully finishing the written and oral exam procedures, the trainees are accepted in the system and immediately start their traineeship. The process of training mainly comprised of four phases:

- Internship (introductory) in the courts and prosecution offices, 3 months
- Preparatory training in the Justice Academy, 3 months
- Internship in the courts and prosecution offices, 14 months
- Final training in the Justice Academy, 4 months

During their training period in the courts and prosecution offices, each trainee is supervised by a mentor which is a senior and experienced judge or prosecutor. These mentors are also responsible for the assessment of the trainees. During the training period in the Academy the trainees, supervision is performed by the Coordinator Judges which is appointed in the Academy for training purposes. The assessment of trainees during the Academy training period is performed by the Administration of the Academy via Coordinator Judges and trainers.

1. Assessment during the internship in the courts and prosecution offices

Trainees spend their 3 months of training period among different branches of the judicial offices. During that time the trainee is supposed to learn the dynamics and the working rules of the judicial offices. This general internship can be considered as an introductory phase and takes place in the Prosecution offices and nearly all types of courts. At that time the trainee is supervised and assessed by a mentor. The assessment much of a formative one. There is a standardized form to be filled.

After the preparatory training in the Academy, the trainees are expected to choose either to be a judge or a prosecutor. In the second phase of the internship in the courts and prosecution offices, trainee judges and prosecutors are expected to further improve their knowledge and skills during the specific court internships. During that part of the training, each trainee is expected to fulfil a variety of duties such as filing indictments, preparing investigation reports, writing decisions, attending trials etc. Mentors evaluate the quality of the work made by trainees and prepare the assessment form.

2. Assessment during the training in the Justice Academy

The most important way of assessment employed by the Academy is the “Final Exam” which takes place at the end of the training. Besides that, there are a variety of assessment types implemented by trainers and Coordinator Judges. Each trainee is obliged to attend a moot court and perform in a fictional case in which their performance is assessed by the trainer. Trainees are also expected to make presentations and prepare papers about legal issues and show their skills. Coordinator Judges are responsible for the overall assessment of the trainees.

3. Final Assessment

After finishing the two year training period, trainees must pass the final exam in order to be accepted as a judge or a prosecutor. The final exam is supposed to evaluate both the theoretical and practical knowledge and skills that is expected from a competent judge or a prosecutor during their daily work. The questions in the final exam are mostly fictional cases that the trainee shall prove his/her practical skills.

The final exam is organized by the Justice Academy however it is supervised and assessed by an independent board of trainers which are also senior judges and members of the High Courts.

Trainees who passed the grade 70 out of 100 are accepted as judge or a prosecutor by the High Council of Judges and Prosecutors and appointed to the vacant positions.

GLOSSARY

Ability - the quality of being able to achieve or accomplish something by practising especially at work place

Capacity - the power to do, experience or understand something

Competencies - a set of individual performance behaviours based on knowledge, skill, ability and attitudes

Curriculum - all the planned learning for which the training school or institution is responsible

Feedback – a process in which the effect of an action is returned to modify the next action. A two-way flow, feedback is inherent to all interactions, whether human-to-human, human-to-machine, or machine-to-machine. In an organizational context, feedback is the information sent to an entity (individual or a group) about its prior behaviour so that the entity may adjust its current and future behaviour to achieve the desired result. Feedback occurs when an environment reacts to an action or behaviour.

Guidelines - a statement or other indicator of policy or procedure by which to determine a course of action

Formative assessment - is a range of formal and informal assessment procedures employed by a trainer during the learning process in order to improve participant attainment. It involves qualitative feedback for both trainer and participant on the details of content and performance. It is contrasted with the summative assessment which seeks to monitor the educational outcomes.

Initial training - the basic specialized training period of a judge or prosecutor

Learning by doing - learning by practical experience

Skill - coming from one's knowledge to do something well

Soft skills - personal attributes that enhance an individual's interactions, job performance and career prospects. Unlike hard skills, which are about a person's skill set and ability to perform a certain type of task or activity, soft skills relate to a person's ability to interact effectively with co-workers and are broadly applicable both in and outside the workplace.

Summative assessment - is used to assess learning. It summarizes the understanding of a group of concepts, skills at a particular time. It always comes at the end of a training unit, period of time or an entire training course.

Training institution - an institution that gives practical vocational instruction/provides training in a profession or vocation

Training programme - a programme designed for training in specific skills

Value - important and lasting beliefs or ideals shared by the members of a culture. Values have a major influence on a person's behaviour and attitude

