



**Réseau Européen de Formation Judiciaire
European Judicial Training Network**

WORKING GROUP “PROGRAMMES”

Sub-Working Group Training of Trainers



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PRESENTATION AND OBJECTIVES

The European Judicial Training Network (Working Group “Programmes”) has decided to set up a subgroup to develop guidelines in the matter of training of trainers.

The subgroup will have to provide general indications to support individual national Training Institutions plan their training activities for the Judiciary.

The following topics to be considered and developed have been identified:

- Selection of trainers
- Selection of contents
- Training methods

With regard to each of the above topics, concrete proposals have been developed to identify, in compliance with the specifics of individual legal systems, the general principles underlying such fundamental activities, prelude to the development of any training programme.

The ensuing document, should it be validated by the Network’s General Assembly, is an initial general proposal, liable to be further developed, also with regard to the specific training requirements of each specific topic.

COMPOSITION OF THE SUBGROUP

The conveners/coordinators of the group are: **Luisa Napolitano e Claudio Galoppi** (Ninth Commission of the Superior Council of the Judiciary (CSM) – Italy)

The members of the different countries are:

- . **Gema Espisona Conde (Escuela Judicial – Spain)**
- . **Ana Victoria Revuelta Iglesias (Escuela Judicial – Spain)**
- . **Igor Gayarre Conde (Centro de Estudios Juridicos – Spain)**
- . **Mercedes de la Serna (Centro de Estudios Juridicos – Spain)**
- . **Nathalie Glime (SSR – The Netherlands)**
- . **Solvita Kalnina (Latvian Judicial Training Center – Latvia)**
- . **Sylvie Castermans (Ecole Nationale de la Magistrature – France)**
- . **Jorma Hirvonen (Ministry of Justice – Finland)**
- . **Jaroslav Opravil (Czech Judicial Academy – Czech Republic)**
- . **Constanze Kren (Ministry of Justice – Austria)**



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1. SELECTION OF TRAINERS

Its specific objective is to create a list of experts that can be consulted by individual national training institutions and EJTN to identify trainers to be used in the training activities at a national and European level. A distinction has to be made between legal professionals acting as teachers (judges, public prosecutors, lawyers, officials, etc.) and university professors.

With regard to magistrates, in particular, individual national training institutions should carry out a pre-selection with a view to identifying the names of the experts to be transmitted to EJTN. National selections should be carried out by keeping in mind that trainers should have:

- a) technical skills deriving from an in-depth knowledge of the subject matter (for example civil law or criminal law) both at a theoretical and practical level, acquired by having worked as a judge or prosecutor for at least five years and having performed scientific activities;
- b) an in-depth knowledge of the profiles of European legislation and comparative law concerning the subject matter the trainer is specialised in;
- c) perfect knowledge of one of the two official languages (English and/or French);
- d) aptitude for teaching activities that can be gathered, for example, from the individual's capacity to establish rapports with his/her colleagues, his/her knowledge of teaching methods and past teaching experience;
- e) organisation skills.

The selection of magistrates could take place at a national level by having individual training institutions organise calls for individual magistrates.

A possible call could be as follows:

NATIONAL TRAINING INSTITUTION – EJTN.

The.....(national training institution) in collaboration with EJTN

Given that magistrates available to carry out training activities at a European level, by taking part in teaching activities and seminars organised and/or sponsored both by (national training institution) and EJTN have to be selected;

Given that trainers have to meet the following requirements:

- an in-depth practical and theoretical knowledge of a given subject matter;
- having worked as judges or prosecutors for at least five years;
- specific technical, cultural and organisational skills, as well as teaching skills that can be gathered from past experience and suitable scientific work;



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- an in-depth knowledge of profiles of European legislation and comparative law with regard to the subject matter the trainer is specialised in;
- perfect knowledge of one of the two official languages (English and/or French);

Given that magistrates interested in participating have to submit their application by the date of (date), attaching their CV and any other type of documents that can show the requested skills ;

Given that the (national training institution) expressly reserves to interview the magistrates that submit a valid application;

Given that the applications, the attached documents and reports on the interviews of the magistrates selected by the (national training institution) shall be transmitted to EJTN, so that the assessment falling under its competence can be made;

HEREIN DECIDES

to invite the magistrates concerned, having the aforesaid qualifications, to submit by the date of (date) a declaration of availability to perform training activities at a European level, organised and/or sponsored by (national training institution) and/or EJTN, accompanied by a curriculum vitae and any other document that can show their specific competence to carry out the job, with the warning that any documents that are not submitted at the same time as the application, and in any case by the scheduled deadline, shall not be taken into consideration.

The various national training institutions, once the applications have been collected, could then interview the applicants, or in any case the applicants with the best curricula for the post to be filled. The aforesaid interview serves the purpose of assessing the professional and linguistic skills of the candidate, as well as checking the candidate's actual interest in carrying out the activity of trainer.

After the said interviews, the national training institutions shall identify the magistrates selected for the training.

The said appointment is in any case subject to the opinion of EJTN, in particular to make sure that the selection of the individual trainers has been carried out in compliance with the terms set forth in the call.

With regard to lawyers or other professionals, a dialogue with the representative bodies of the respective categories should be established. And the said dialogue should be handled by the individual national training institutions, as the latter shall ensure that the same criteria applied to magistrates (judges and prosecutors) will also be applied with regard to the selection of these trainers.

Lastly, with regard to university professors, their selection at a national level should be carried out through a dialogue with the Universities in the different countries, here again in compliance with the same criteria.



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2. SELECTION OF CONTENTS

With a view to developing a common training activity at a European level, first, the training needs have to be put together using the following method:

- a periodic questionnaire should be regularly put to all the magistrates by the individual national training institutions on the possible contents of future training activities at a European level. A questionnaire, for example, could be handed out, each year, before planning and organising national and common training activities.

In respect of the above, we propose the following draft questionnaire, as an example for training in the criminal sector:

Q U E S T I O N N A I R E

NAME:
SURNAME:
CURRENT OFFICE:
FUNCTIONS:
FAX:
E- MAIL ADDRESS:

Training needs

a) Subject matters on which training initiatives should be developed:

- criminal law
- criminal procedure law
- other

b) Methods considered particularly appropriate for training initiatives:

- congress method (based on presentations by “experts” and a debate with participants, if any);
- seminar method (based on group work coordinated by a chairperson, with the contribution of diversified professional experiences and with the intervention of experts who are not members of the Judiciary, coming from the world of lawyers, universities, society and institutions);
- mixed method (based on an introductory presentation by an “expert” followed by group work for an in-depth study of the topic;



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- launching in “real time” of initiatives to update on new legislation and case-law;
- e-learning;
- other methods

Suggestions

- identification, on a yearly basis, by national trainers, of training needs at a national level, collected both by the decentralised Training Network (if there is one) and through direct contact with colleagues;

- assessment of the outcome of the training provided both at a national and European level, to be accomplished by improving the assessment method already used by the Network and Member States, resorting for the said purpose to an expert in the study of tests and assessment techniques.

As an example, here is a draft assessment that could be used for the above purpose and which is normally adopted by the Italian Superior Council of the Judiciary (CSM):

MONITORING OF THE TRAINING ACTIVITY

ASSESSMENT OF THE COURSE

On the subject matter: (title)

Name and Surname of participant _____

Functions _____

The collection of assessments on the training activities aims at improving the quality of courses and their consistency with the needs of participants.

For this reason, you are kindly requested to return this assessment form, duly filled in, at the end of the course.

Thanking you for your collaboration, we invite you to indicate to what extent each aspect of the course indicated below has characterised the part of the Course carried out so far.



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(A = A lot; B = Quite a lot; C = a little; D = not at all)

	<u>ANSWERS</u>				<u>CORRECTIONS</u>					
	A	B	C	D	A	B	C	D		
I SECTION: Expectations, aims and objectives										
1 Consistency of questions addressed with objectives of the course	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Effectiveness of activities carried out vis à vis declared aims of the course	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Consistency of activities, subject matters and contents of the course with your expectations	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Organisation of the course	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II SECTION: Informative contents										
5. Importance of the subject matter for your daily work activities	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Contribution of experience obtained from the course to understanding and solving corresponding problems	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Thoroughness of the questions addressed by the course in relation to its length and/or declared aims	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Appropriateness of teaching material and documents used	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III SECTION: Group work (if any)										
9. Effectiveness of coordination	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Individual participation in discussions of the group	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Appropriateness of adopted working method	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Stimulus to further study	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV SECTION Character of the course										
13 With regard to your expectations you consider the course:										
a) Informative/introductory		<input type="checkbox"/>								



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b) follow-up (broadened knowledge)



With regard to the questions that follow please write your answers in the lines provided and if needed on other sheets to be attached to this form.

14. Favourable aspects of the course

15. Unfavourable aspects of the course

16. Suggestions to improve the quality of similar courses in the future

a) from an organisational point of view

b) from a methodological-didactic point of view

c) from a content point of view



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17. Proposals for future training activities (Courses, Seminars, Reports) and three areas of topics to be addressed (specify)

All the assessments acquired using the above method can be collected and entered in a data bank. The information is accessible and interchangeable and can be directly accessed by individual national training institutions and EJTN.

The contents of an European common training activity should in any case be selected keeping in mind the following fundamental requirements:

- a) in-depth study of the institutions of substantive and procedural law;
- b) study of new case-law and legislation identified with regard to individual topics;
 - knowledge of the case-law of the European Court of Human Rights and Community law;
- c) dissemination of a culture of efficiency by magistrates when performing their office. In this sector training initiatives will have to be developed aimed at teaching management systems of the judicial activity that best meet the need for a timely and effective judicial response;
- d) when planning the training activity a cultural separation between judges and public prosecutors has to be avoided, and occasions for exchanges and common learning have to be ensured;
- e) the common European training has to focus on the ethical aspect with specific reference to:
 - the awareness of the role of judges when regulating ever more sensitive and interdependent interests;
 - the condition of the real independence of judges from the parties has to be ensured;
 - the duty of transparency and loyalty when performing office;
 - the ethic nucleus of impartiality.

3. TEACHING METHODS

The choice of this method depends on various elements: the type and aim of training, the type and quality of its recipients, the resources (human, material, logistical, financial and time) available.

In this perspective the following teaching methods are considered:



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- the “traditional relation” (so-called frontal method). This relation is the basic module when “teaching” aims in the strict sense are pursued (i.e. in case of contributions aiming at explaining extralegal topics) or when legislative or jurisprudential new developments are to be disseminated, or when the subject dealt with has theoretic aspects which are considerably demanding;
- the “training method”, consisting in presenting a practical case to the meeting’s participants who are urged to work out a possible solution. The use of this method involves, in principle, the setting up of working groups for it to be more effective;
- the “simulation of trials”; this training method aims at reconstructing typical working situations of the parties in a trial (judge, public prosecutor, defendants, private parties, witnesses) and to test the reaction of each of them faced with given situations. The simulation allows therefore a debate on the various possibilities of construing substantive and procedural rules and on the various operational practices used in judicial offices. The simulations could be recorded and then examined by trainers and/or participants in the simulation;
- the “guided debate” aimed at focusing on interpretation experiences and approaches or protocols which could be shared by homogenous realities. In this case the rapporteur, who is assigned the task of studying in depth a single subject, just concisely sets out (for about 10 minutes) specific issues – generally 8/10 – among the most controversial, without pretending to be exhaustive . He then incites participants to speak in a rapid and informal way, on each single point and then moves on the subsequent point.
- the “self-training workshops”. In this case, small working groups, led by an expert methodologist and a training and organisation expert, analyse individual sectors of legal and professional experience, with the aim at working out standards and guidance to handle criticalities. The name of “workshop” attributed to this kind of courses, indicates in a direct way, on the one hand their experimental nature, and on the other hand, that their principal aim is to encourage the participants’ initiative capacities, a thinking of their legal experience and especially a production of new learning.

It is an attempt to go beyond the assimilation of knowledge and, in general, information transmitted by others, as in the case of traditional training modules. Although these workshops are organised in different way, owing to the peculiar tasks performed by participants (civil, criminal, juvenile judges and public prosecutors), they have some elements in common:

a) not placing the participants in a passive attitude faced with high themes stimulating passionate discussions with limited repercussions with regard to training, but engaging them on specific themes which are strictly linked to their working experience to be studied (starting from specific cases already settled and therefore from the analysis of case files) - directing research (generally supported by a study



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and analysis instrument, a sort of questionnaire on the basis of which the information on abstract and concrete methods, from data processing to representation of problems, up to decision and assessment of its results) are separated and analysed in three stages: analysis of the existing situation, identification of criticalities, working out of possible solutions;

b) using the instrument of working group and operational gathering of centralised and decentralised training;

c) having recourse to a training scientist.

- e- learning method: the advantages of e-learning can be summed up by the following points:
 - Facilitates the personalized training for each participant;
 - Allows a better adaptation to the learning rhythm of each judge;
 - Facilitates activities among groups geographically dispersed;
 - Permits access to training activities by a larger number of judges;
 - Gives more flexibility in relation to temporal and spatial limitation;
 - Offers new access to information sources;
 - Increases the assessment and evaluation instruments of the activity.

These advantages are especially important in relation to international training activities, allowing the participation of judges from different countries in activities that can last several months. That are more easily reached through real interaction between the participants and the teachers.

We can use the followings methodological tools:

Virtual Community

These are communities organized in virtual environments that allow their members to access, share, co-generate and construct knowledge on the basis of their relations and communicative exchange between them. We are talking about knowledge management techniques of the organizations that can arise from the e-learning courses where the participants wish to extend the contacts network after the course is finished.

Tutorials in the E-learning Courses Environment

These are programmed activities within the e-learning courses aimed at facilitating participants' learning and motivating them to go on with the courses. The tutors can be the authors of contents or not, but they must always be experts in the subject matter of the study and dominate the communication and interaction techniques of the e-learning courses.

Themes – Modules of the Programs of the Academic Courses.



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The contents of a course (that are taught during the course) can be structured in thematic blocks equivalent to the structure of the subject matter itself. These blocks are generally called **modules**, and each module covers a series of **learning subjects and units** with own sense, unitary and complete, and that, once determined subject is studied, should produce in the participant satisfaction due to the acquired knowledge.

Each theme comprises contents to be learned (texts, graphics, schemes, procedures, competences) but it can also include certain didactic resources such as exercises, practice and evaluation that would help learning of the contents related to such theme. As for the modules, the course plans can provide that each participant chooses which modules he/she wishes to take in a certain period, favoring thereby the flexibility of studies.

All the above teaching methods are equally valuable and suitable to ensure satisfactory results in training for magistrates. The choice of one or the other of these techniques depends on the peculiarity and content of each single course.

A concise review of methodological instruments must include the theme of the evolution of communications methods.

The problem is actually to enlarge, especially in meetings having a practical approach or full of interventions extralegal knowledge, the use of support instruments (power point presentations, tracings and slides) which enable a direct contact with the audience and highlight the key concepts to be presented to participants.

Audio-visual filming and its subsequent distribution to decentralised trainers or applicants, especially with regard to training meetings having a practical approach, is particularly important.

Coordinated by CSM



With the contributions of

