

# **Handbook on Judicial Training Methodology in Europe**

**Guidelines Issued by EJTN's Sub-Working Group  
"Training the Trainers"**

## PREFACE

In European Judicial Training Network's 2011 – 2014 period of activities, the Working Group "Programmes" implemented a Sub-Working Group "Training the Trainers" ("the SWG") with the mission to promote and to disseminate modern judicial training methodology in the European Union (EU).

### I. Composition

After a short period of organizational findings, the SWG was composed of the following EJTN member states:

- Italy (Convener),
- Finland,
- Germany,
- Latvia,
- The Netherlands, and
- Romania.

During the SGW activities, the members were represented by the following judicial training experts:

- **Italy (Convener):**

Starting in 2011, by **Mr Justice Raffaele Sabato** (afterwards member of the Board of Directors of the new Italian School for the Magistracy [SSM]) and **Mr Judge Gianluca Grasso** (both from the [then] IX<sup>th</sup> Commission of the Italian High Council of the Magistracy [CSM]);

Starting November 2012, also by **Ms Judge Giovanna Ichino**, and starting January 2014 additionally by **Mr Justice Giacomo Fumu**, both members of the Board of Directors of the Italian School for the Magistracy (SSM);

- **Finland:**

By **Mr Jorma Hirvonen**, Head of Personnel Training within the Finnish Ministry of Justice;

- **Germany:**

By **Mr Prosecutor Rainer Hornung**, Director of the German Judicial Academy (DRA / GJA).

- **Latvia:**

By **Ms Solvita Kalniņa-Caune**, Executive Director of the Latvian Judicial Training Centre (LTMC / LJTC);

- **The Netherlands:**

By **Ms Nathalie Glime**, Senior Training Manager within the International Department of the Dutch Training and Study Centre for the Judiciary (SSR);

- **Romania:**

By **Ms Professor Otilia Pacurari**, Adult Learning Expert within the Romanian National Institute for Magistracy (NIM);

## **II. Mandate**

From the beginning of its activities, the SWG has had a broad mandate “to train judicial trainers”:

It was agreed, independently of different judicial cultures among the (then) 27 EJTN member states, that “judicial training” means the training of judges as well as the training of public prosecutors.

After some discussions, there was also a common understanding that “judicial training” comprises initial training for future judges and prosecutors, induction training for newly-appointed judges and prosecutors, and continuous in-service training for acting (experienced) judges and prosecutors.

Finally, the SWG members found it to be a prerequisite that “judicial training” does not only include legal and judicial knowledge (and especially not just knowledge on European law), but rather all kinds of (multidisciplinary) knowledge, of capacities and of skills a good judge and / or prosecutor needs to possess for the proper execution of his / her tasks. This broad approach was understood as a natural consequence of the fact that the SWG’s mandate was

to promote and to disseminate modern judicial training *methodology*, and not the *content* of training programmes / events.

Concerning the perspective of the addressees (the target group) of the SWG's activities – “trainers” – there also was a common incentive to understand that category in a broad sense. First and foremost, “trainers” are of course the lecturers, speakers, seasoned practitioners, experts, behavioural teachers, etc. who plan, design and carry out training sessions.

But in view of the very different organizational judicial training structures of the (now) 28 EJTN member states, the very important role of the training organizers / managers – be it inside or outside the national judicial training institutions – could not be blinded out. These persons' responsibility for the proper conceptual planning of a comprehensive training programme over a certain period of time, and for the organization of individual training events necessarily implies the need for good knowledge in modern judicial training methodology. Often, both tasks do actually overlap.

### **III. “Training the Trainers” Seminars Planned, Designed and Carried Out by the SWG**

As a consequence of the broad mandate as set out sub II, the six 1.5-days seminars the SWG planned, designed and carried out between 2011 and 2013 were targeted at “trainers themselves”, as well as at training organizers / managers. Some were predominantly or even exclusively geared to one or the other of these categories. But they all had in common that, in content, they were entirely focused on the promotion and dissemination of modern judicial training methodology, and that the applied methodology during the events was as interactive as possible, with plenty of facilitated debates, workshops, buzz groups, etc.

The SWG developed a well-working method of three rotating workshops, making each and every person of the up to 35 participants per seminar (who came from all the EJTN member states) work interactively on three distinct sub-topics within the main topic in groups of ten to twelve persons at maximum.

From 2011 to 2013, the following six seminars have been carried out with a total of nearly 160 participants (from all EJTN member states):

- Rome, November 14<sup>th</sup> and 15<sup>th</sup>, 2011, on “**Methodologies and brainstorming in the framework of judicial training**”;
- Bucharest, December 6<sup>th</sup> and 7<sup>th</sup>, 2011, on “**Competences of the trainers**”;

- Rome, June 19<sup>th</sup> and 20<sup>th</sup>, 2012, on **“Planning, designing and carrying out training sessions”**;
- Riga, September 24<sup>th</sup> and 25<sup>th</sup>, 2012, on **“Training needs, process and results”**;
- Trier, July 9<sup>th</sup> and 10<sup>th</sup>, 2013, on **“Specialised modules on continuous training”**; and
- Scandicci / Florence, October 22<sup>nd</sup> and 23<sup>rd</sup>, 2013, on **“Initial training”**.<sup>1</sup>

For 2014, the last year of its mandate, the SWG has decided to dedicate its two 1.5-days seminars to various aspects of peer-to-peer judicial training at the working place. The chosen topics and provisional titles are:

- **“Professional development through supervision and intervision”**; and
- **“Methodology for tutors, mentors and trainers in practice”**.<sup>2</sup>

As the chronological development of the eight topics shows, the SWG has understood the need for a long-lasting strategy concerning the promotion of modern judicial methodology. Basic introductory seminars on a specific issue had their follow-up with specialised modules, and new fields (initial training), as well as alternative methods (training at the working place) were and are tackled.

The SWG has also discovered during its mandate, perhaps not surprisingly, that the challenges in implementing modern judicial training methodology are – independently of often rather different judicial and training structures and cultures in the EJTN member states – all the same everywhere. The interactive exchanges in the numerous workshops have shown that all national judicial training institutions are for example faced with the difficulty to get away from mere frontal lectures, and with the challenge to promote instead interactivity and alternation in methods. A good judicial trainer with the necessary didactical skills will see his / her role above all in the facilitation of practice-oriented exchanges between the participants and in the promotion of learning by transferring experiences. He / she will make the trainees learn to improve their professional knowledge, capacities and skills from their own incentive. Accordingly, a good judicial trainer needs to have a broad knowledge and experience in implementing a variety of modern training needs.

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<sup>1</sup> The agendas of all six seminars are reproduced in Annexes 1 to 6.

<sup>2</sup> See the draft agendas in Annexes 7 and 8.

The proper use of good e-learning tools (which have to be much more than a mere electronic textbook) in suitable learning situations is another challenge where EJTN Europe is currently standing still more or less at the beginning.

It is the outgoing SWG members' firm wish and intention to continue and to further intensify this road towards a long-lasting and coherent strategy in the new EJTN period from 2014 – 2017, as the concept of "Training the Trainers" is pivotal for the development and enhancement of high-quality judicial training in Europe.

#### **IV. Purpose of this Handbook**

This Handbook is a joint effort of all current SWG members to summarize our findings on best European practice in judicial training methodology matters. We have tried to compile, in a logical order respecting the eternal "cycle of life of judicial training", the most important results, findings and outcomes of the six aforementioned EJTN "Training the Trainers" seminars from 2011 to 2013. Furthermore, we have added the SWG members' expertise and experiences in the respective fields.

We have abstained from entering too much into the discussion of national specificities (sometimes, footnotes give a short hint on these specificities), as we deemed it to be rather unfruitful to deal with questions presenting no added value for the vast majority of the judicial trainers and training organizers / managers in the now 28 EJTN member states. Indeed, discovered best practices can only serve as a useful guideline for others if a particular methodological challenge exists at least in a good number of member states.

The SWG understands this Handbook as its lasting "legacy" for the upcoming EJTN structure which will tackle issues of judicial training methodology. But first and foremost, this Handbook is an attempt to help our colleagues in the national training institutions in their work to plan methodologically sound training programmes, as well as an attempt to advice the trainers employed by the named training institutions to design and carry out well-functioning training sessions with an important variety of training methods, thus effectively and efficiently reaching the set training goals. If the esteemed reader discovers in these guidelines some interesting and practicable ideas for the future planning, designing and carrying-out of judicial training programmes and events, we will happily acknowledge that our goals have been attained.

EJTN Sub-Working Group "Training the Trainers" (2011 – 2014)

Brussels, in April 2014

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## GLOSSARY<sup>3</sup>

<b>Academia</b>	To be understood in its wide scope meaning the community of scholars and students in higher education and research
<b>Agenda</b>	The programme of an individual training event / course
<b>Blended Learning</b>	A combination of residential and web-based training events within a curriculum / training programme
<b>Continuous training</b>	Training for acting judges and / or acting prosecutors (= in-service training)
<b>Court</b>	Irrespective of the denomination (court, council, tribunal, etc.), a public authority which adjudicates legal disputes between parties and thus carries out justice in civil, criminal and public law matters in the EJTN member states
<b>Curriculum</b>	A series of interrelated training events for (future) judges and / or (future) prosecutors (= training programme)
<b>Induction training</b>	Specific in-service training for newly-appointed judges and / or prosecutors
<b>Initial training</b>	Post-university training phase for future judges and / or prosecutors
<b>In-service training</b>	See continuous training
<b>Judge</b>	Irrespective of the mode of appointment / election and irrespective of the denomination (justice, judge, investigating judge, magistrate, etc.), a judicial office-holder who contributes to adjudicating justice in a court

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<sup>3</sup> In view of the different traditions and the diverse terminology in the 28 EJTN member states, these definitions are not necessarily imperative. They have been chosen – with a preference for functional descriptions – for the sake of uniformity, and no prejudice to any given system and its traditions is intended.

<b>Judiciary</b>	Irrespective of different traditions in Common Law and Civil Law countries, the court and public prosecution system in a given EJT member state
<b>Lawyer</b>	To be understood in its narrow scope as a professional acting as legal counsel (e.g. advocate, public defender)
<b>National Training Institution</b>	Irrespective of the organizational form (ministry, public law authority, foundation, etc.) and irrespective of the denomination (school, academy, institute, college, centre), any member state institution dedicated to the carrying-out of initial and / or continuous training for (future) judges and / or (future) prosecutors
<b>(Public) prosecutor</b>	Irrespective of the legal status (civil servant, lawyer, etc.) and irrespective of an adversarial or inquisitorial prosecution system, a legal representative of a state service who investigates criminal cases together with the police, takes the decision between indictment and dismissal, and represents the state in a criminal trial
<b>Prosecution office / service</b>	Irrespective of the denomination and irrespective of the organizational form, a national public authority in charge of investigating and prosecuting criminal cases
<b>Seminar</b>	Residential training course
<b>Session Director</b>	Leader of a Training Course being the chain-link between the host / organizer and the participants
<b>Training course</b>	Irrespective of a residential or e-learning format, an individual training measure for a specific participants' group of (future) judges / prosecutors (= training event)
<b>Training event</b>	See above training course
<b>Training programme</b>	See above curriculum
<b>Training session</b>	A self-contained part of a training course / event
<b>Webinar</b>	Training course in a virtual (online) environment

## Chapter 1: Judicial Training Methodology and the Role of the Judicial Trainer in Europe

*“Tell me and I forget. Teach me and I remember. Involve me and I learn.”*

Benjamin Franklin

### I. The European Judicial Training Network (EJTN): Fostering Cooperation between EU National Training Institutions and Sharing Training Practices

Since its establishment as private legal entity (non-profit organization) under Belgian law in 2003, the European Judicial Training Network (EJTN) had as its mission to reflect on training standards and curricula for the members of the judiciaries of the EU countries, to coordinate judicial training exchanges and joint programmes, and to foster cooperation between EJTN member states’ national training institutions.

At the European level, several cross-border training institutions directly administer judicial and legal training, for example the European Law Academy ERA in Trier, or the European Centre for Judges and Lawyers in Luxembourg, an antenna of the European Institute for Public Administration EIPA. However, this is a rather small part of the judicial training in Europe. The vast majority of the training is carried out by the national judicial training institutions of the 28 EJTN member states (and by some universities). Aside the EJTN, the Commission of the EU as well as the Council of Europe (CoE)<sup>4</sup> enhance, promote and foster the cooperation and networking between the national judicial training institutions.

The traditional target of this networking on various levels is to foster synergies between activities occurring in different countries, to share training practices, and thus to provide a framework for judges and prosecutors – and their trainers – to create joint projects. The vision is to enable judges and prosecutors from different legal, linguistic and cultural backgrounds to acquire capacities, skills and knowledge in a high-quality training setting.

There is another new dimension of the cooperation, however, that has become increasingly important during the last two decades: EU law instruments on the mutual recognition of judicial decisions in civil and commercial matters, as well as the framework decision on the European Arrest Warrant are clear indicators that the future of the European judiciaries is to form one European area of justice and freedom based on mutual trust. This has now been explicitly pointed out by the European Council’s 2010 ambitious Stockholm Programme on

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<sup>4</sup> In the field of networking on the judicial and legal level, the CoE acts for example through the Consultative Council of European Judges CCJE, the Consultative Council of European Prosecutors CCPE, the Lisbon Network – nowadays integrated into the European Commission for the Efficiency of Justice CEPEJ –, and through the Human Rights Education for Legal Professionals (HELP) Network.

“An open and Secure Europe Serving and Protecting Citizens”.<sup>5</sup> It is made clear in the Stockholm Programme that mutual trust between the member states is an indispensable prerequisite for the creation of such an open space. The European Commission’s 2011 Communication on the Action Plan implementing the Stockholm Programme<sup>6</sup> has unequivocally highlighted that the target of “building trust in EU-wide justice” gives a “new dimension to European judicial training”. And European Parliament’s 2011 Opinion on “Judicial Training in the European Union Member States”<sup>7</sup> goes exactly along the same lines. One of the very ambitious concrete goals of the Stockholm is to have half of all legal professionals (lawyers included) trained on European law by 2020.

If it is thus agreed that judicial training is a pivotal factor for the implementation of a common European area of justice and freedom based on mutual trust, then automatically the quality of the judicial trainer comes into play, the trainer naturally being one of the major stakeholders guaranteeing the quality of judicial training. However, it does not seem to be an exaggeration to state that it can be strongly doubted if the “traditional” European instruments of cooperation and networking in the field of judicial training – holding regular intergovernmental conferences; writing law-related and exclusively knowledge-based e-learning tools (rather mere e-books); etc. – have really enhanced mutual trust among Europe’s legal practitioners on a wide scale.

It is thus perhaps the most important merit and achievement of the EJTN since its creation in 2000 that it has, through a number of texts and activities, elaborated by Working parties and topical groups of experts, developed a series of activities which – all by respecting the “independence” of training from partisan politics, and the principle of the subsidiarity of European institutions vis-à-vis a self-organizing network of the concerned national stakeholders in the field – put the focus entirely on fostering and promoting mutual trust among judicial practitioners – including trainers – in the member states. The various individual and group exchange programmes for judges, prosecutors and judicial trainers in which thousands of participants from all the 28 countries have in the meantime participated are a success story.

And under the roof of the Working Group “Programmes”, several sub-working groups have elaborated and still elaborate very successful interactive training formats on various topics of cross-border judicial cooperation in civil, criminal and administrative law (including

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<sup>5</sup> European Council (2010), *The Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*, EC (2010/C 115/1), Brussels.

<sup>6</sup> European Commission (2011), *Communication for the Commission to the Council and the European Parliament on “Building trust in EU-wide justice: A new dimension to European judicial training”*, COM (2011) 511 final, Brussels.

<sup>7</sup> European Parliament – Directorate-General for Internal Affairs (2011), *Judicial Training in the European Union Member States*, PE 453.198, Brussels. See also CCJE’s Opinion no. 4, para. 16. It explicitly states that judicial training is a “matter of public interest”.

constitutional law) matters. One comparably new pillar stone, however, has been the implementation of the Sub-Working Group “Training the Trainers” which entirely focuses on the person, the role and the competences of the judicial trainer (within the broad concept as described in the Preface). So the SWG’s focus has been and still is in essence on training methodology, and not on content. Its members are convinced that a modern understanding of the trainer’s role and of his / her competences is a direct key to the further enhancement of mutual trust among European judicial practitioners.

## **II. The Role of the Judicial Trainer**

Well-known and nowadays generally-accepted principles of adult learning (andragogy; see in-depth Chapter 3 sub I and II) lead the path to a proper understanding of a judicial trainer’s role: Rather than to confront or even overburden merely receiving and reactive attendees with an important amount of his / her own theoretical knowledge, the trainer has to facilitate the (future) judge and / or (future) prosecutor – in a very hands-on and practical way demonstrating the relevance of the taught issues – to detect his / her own ways to sustainably improve his / her professional capacities, skills and knowledge. This is to be understood in a broad way going well beyond legal and judicial questions (for details see Chapter 2 sub II).

The recurrent concept of “Lifelong Learning” requires of a good judge / prosecutor that he / she constantly challenges his / her professional knowledge, behaviour, attitudes and values. In the quickly-evolving judicial world, nothing can be taken for granted. Thus, it is a very important role of the judicial trainer to help the participants “to unlearn and to learn”, to put it in the words of *Alvin Toffler* (see the total quote at the beginning of Chapter 3).

It is a natural consequence of the afore-mentioned ideas and concepts that, as for selection of trainers, his / her teaching and didactical abilities should be assessed, and not his seniority, publications, etc. A “good” judge or a “good” prosecutor, i.e. a judge or prosecutor having a well-established scientific background, is not necessarily a good trainer, far from that. Accordingly, trainers have to be pre-assessed according to the required competences (see *infra* sub III). It has to be admitted that a proper pre-assessment cannot totally exclude the risk of finding suitable trainers through “trial and error”, but it can very certainly minimize the high factor of uncertainty which lies in a random trainer’s choice based on invalid information.

Concerning the professional and statutory position of trainers drawn from the judiciary, it is important to assure the alleviation from normal workload. Training is not a mere hobby, but, amongst others, a fundamental instrument for the independence and the autonomy of the judiciary. Well-developed professional skills, capacities and knowledge are essential not

only for a good and correct ruling, but also for a proper positioning of the judge / prosecutor in the society.

### III. The Competences of a Good Judicial Trainer

One competence of a good judicial trainer – be it a practitioner drawn from the judiciary, be it someone drawn from the academia or from another discipline / profession – is certainly having at least a basic knowledge of how judges and prosecutors are “functioning and thinking”, i.e. he / she must know their professional ethical standards and values. Without properly integrating a training session in this specific judicial setting – independence, high degree of professionalism, obligation of reserve and confidentiality –, a trainer’s message risks to be perceived as artificial and to thus foster criticism by the attendees. But apart from this – important – particularity of the judiciary, judges and prosecutors share the specific needs that andragogy had identified for all types of adult learners. Accordingly, a good judicial trainer must have the methodological, social and psychological competences:

- To interact with judges and prosecutors as capable and self-directed persons;
- To create a pleasant and positive learning environment in which the trainees feel that they are the protagonists;
- To actively involve trainees as much as possible, including the subtle activation of particularly noncommittal or secluded participants;
- To conceive individualized teaching and learning strategies which allow tailor-made training for each and every judge;
- To use an important variety of interactive, practice-oriented and experiential methods and techniques (discussions, buzz groups, simulations, problem-solving activities, or case methods, etc.);
- To foster and enhance teamwork;
- To enable the trainees to cope effectively with real-life situations;
- To wake the full potential of each and every attendee;<sup>8</sup>
- To give well-focused and constructive feedback allowing an immediate reaction; and
- To boost trainees’ motivation by way of internal stimuli (for example desire for increased job satisfaction, self-esteem).

However, the core question remains: It has to be detected how it can be assured, in the specific setting of a national judicial training institution, that the mentioned criteria for the selection of trainers with the best methodological competences guaranteeing the highest possible quality of the training are properly and sustainably implemented. The approach of

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<sup>8</sup> Following thus the philosophical method of maieutic already promoted by *Socrates* more than 2,000 years ago. Like for a midwife helping to give birth to a child, the trainer’s task is to facilitate the bringing forth of ideas from the mind of a trainee by a series of pertinent questions or other incentives.

this Handbook is by nature empiric, i.e. it is focused on best, good and promising European practices in that field.

#### **IV. Best, Good and Promising Practices**

Within the “Study on Best Practices in Training of Judges and Prosecutors” (LOT 1) – a project financed by the EU – a Laboratory of Experts of the EJTN has drafted a definition of best practices in judicial training in Europe. The work is in progress.

Rather than talking about best practices *stricto sensu*, the Laboratory of Experts proposes to use the concept of “good or promising practices”. In this sense one includes in the notion of “best practice” in judicial training what may currently be described as a “good or promising practice”, that is a practice in judicial training with at least preliminary evidence of effectiveness or for which there is potential for generating data that will be useful in determining its promise to become a “best practice” for transfer to wider, more diverse judicial training environments.

The above definition includes two sub-concepts: evidence-based “best, good or promising practices” and experimental “good or promising practices”. Both concepts will be relevant for the research of the EJTN’s Experts Lab; in particular, experimental and promising practices could be put forward for further analysis as a step toward becoming examples of “best practices”.

The definition of a “good or promising practice” in the field of judicial training includes:

1. Its capacity to be effectively transferred to other jurisdictions;
2. The extent to which it innovates or refreshes (even inspires) existing, established training practices to enhance the learning experience of judges and prosecutors;
3. The capacity of the practice to adapt to the differing cultural, social, economic and religious circumstances in which different judicial systems operate across the EU; this goes along with the understanding of another country’s approaches and solutions not as a threat to one’s own system, but as a true “added value”;
4. The existence of clear evidence that it meets an articulated training need.

These definitions can be useful for the purposes of this Handbook. Its main focus, however, is to give, in a very hands-on way, practical examples for training organizers as well as trainers / speakers / lecturers themselves as to modern methods of proper planning and

carrying-out of judicial training events. It is also to be noted that a prerequisite for the proper implementation of another country's best practices in one's own system are prior internal discussions and tailor-made training on the respective topic. The simple one-to-one implementation often does not make sense.

The detection of Europe's best, good and promising practices in the field of judicial training methodology will be done by mostly focussing – in Chapters 2 to 5 – on continuous in-service training for acting judges and / or prosecutors.

Chapter 6 will then tackle the methodological specificities of initial training for future judges and / or future prosecutors (and also of induction training for newly-appointed judges and / or prosecutors).

As will be illustrated by colour charts at the beginning of each one of Chapters 2 to 5,<sup>9</sup> their (chrono)logical order is oriented on the "cycle of life of training" from the need's assessment-based planning of a curriculum (Chapter 2), via the modern design of individual training events and sessions (Chapter 3) and the organizational carrying-out of the event (Chapter 4), through to the issue of proper evaluation which should also give ideas for future training (Chapter 5).

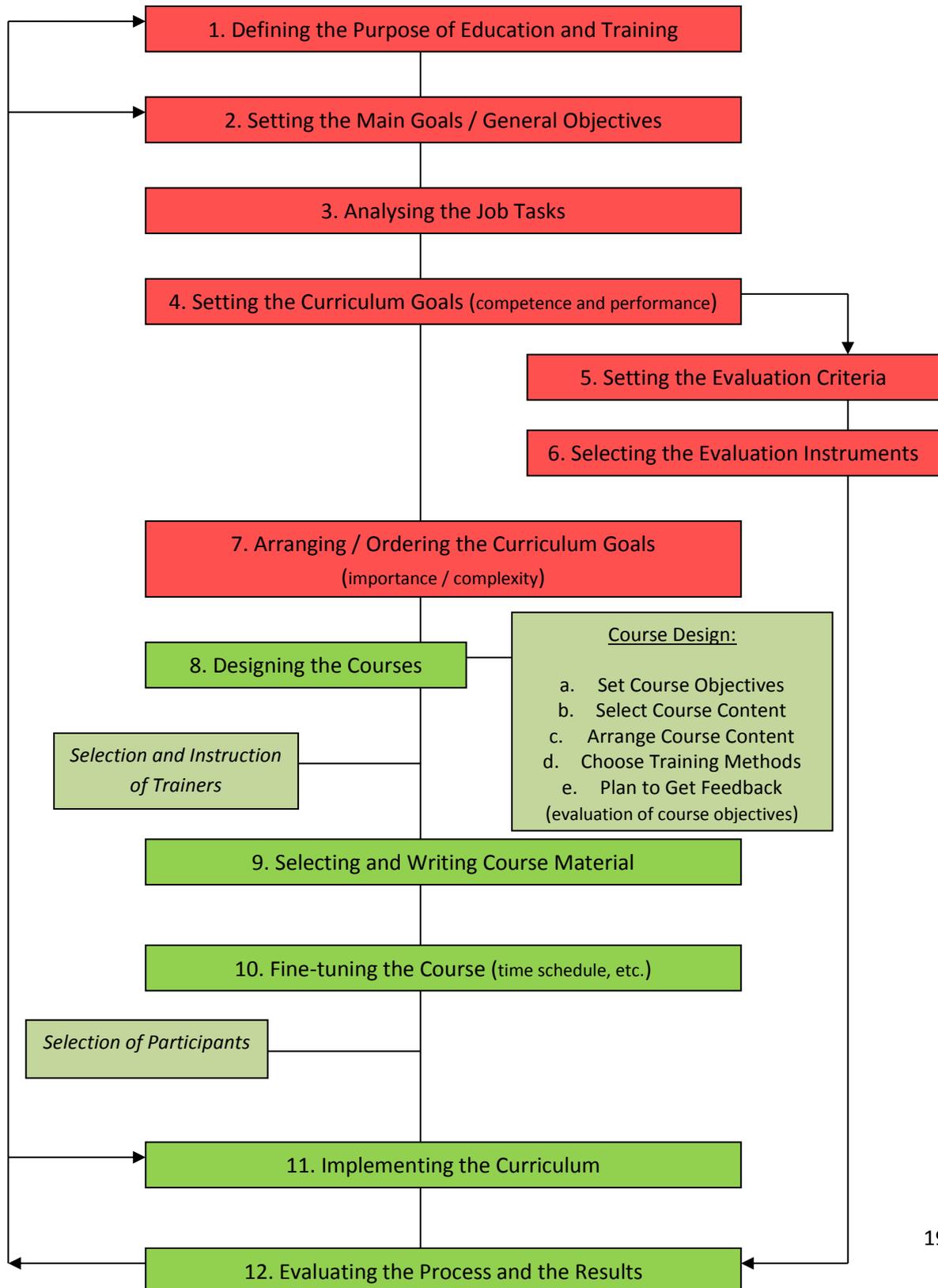
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<sup>9</sup> The steps relevant for the respective chapter will be highlighted in light red.

## Chapter 2: Planning a Needs' Oriented Training Programme / Curriculum

*"Give me six hours to chop down a tree, and I will spend the first four sharpening the axe."*

Abraham Lincoln



Carrying out continuous in-service training programmes for the more than 150,000 acting judges and prosecutors in the currently 28 EU Member States is not a goal in itself. An increasing workload, frequent legislative reforms, and the growing complexity of judicial procedures due to technical (r)evolutions and due to important societal changes make the catchword of “Lifelong Learning” a matter of course for all members of the judicial body. Regional, national and European judicial training institutions have the important responsibility to plan and organize a wide range of training activities which respect the true needs of acting judges and/or prosecutors, and which facilitate adult learning in the best way possible.

Modern judicial training institutions have a “grand strategy” including rules and best practices concerning the proceedings of planning a needs’ oriented training programme, on the one hand (I.), and including a concept for a varied and at the same time “tailor-made” approach concerning training contents and methods, on the other (II.).

## **I. Proceedings**

It is important that the planning bodies develop principles / best practices concerning all the major challenges of the planning proceedings. These are mainly a thorough and constant needs’ assessment (1), the avoidance of mere “judicial inbreeding” by associating civil society, the academia and concerned special interest groups to the benchmarking of curriculum development criteria (2), and an efficient planning process which respects at the same time requirements of punctuality (3) and the need for highest reactivity to urgent training needs (4).<sup>10</sup>

### **1. Needs’ Assessment as Pivotal Starting Point of a Well-Targeted Curriculum**

A vitally important task of any judicial training institution is to detect and to respect the real training needs of acting judges and prosecutors of any age, of any rank in the “hierarchy”<sup>11</sup>, and of any degree of specialization.

As illustrated by the organizational chart at the beginning of this Chapter on the “cycle of life of training” – and more specifically by the fields highlighted in red print –, the planning

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<sup>10</sup> Financial / budgetary issues (speakers’ fees, reimbursement of travel expenses, etc.) are left out on purpose, even though they are of course of vital importance for proper curriculum building. Indeed, these factors depend so much on the respective domestic setting that it seems virtually impossible to establish common European standards. The sponsoring by public or private donors – widespread in some parts of Europe – and the latter’s potential impact on training contents further add to the complexity. Anyway, financial and budgetary issues are scarcely in the sphere of influence of training organizers / trainers, which also justifies the skipping of this topic in a referenced Handbook on “Training the Trainers” best practices.

<sup>11</sup> This term is used without prejudice to judicial independence.

of an objectives-attaining and thus pertinent curriculum / training programme necessarily requires a prior and thorough needs' assessment and analysis from diverse angles. In other words: It is logically only possible to define the concrete objectives of a curriculum if the specific judicial setting and background of the potential target group is detected beforehand. Additionally, the criteria for the subsequent evaluation of a training programme – or of a specific training event within the training programme – can only be properly defined when realistic training goals – reflecting the true needs of the judges and / or prosecutors – are set in advance. And finally, proper evaluation (going beyond mere “happy sheets”) allows drawing conclusions on the real training needs of those who have attended a training event.

Recurrent methods of needs' assessment and analysis are:

- Questionnaires handed out during a training event;
- Surveys carried out in the courts and in the prosecution services;
- Identification of typical tasks within the judiciary and subsequent development of job profiles;
- Regular career development talks of chief judges / chief prosecutors with “their” judges / prosecutors, including a strategy for the advancement in the given judicial environment and thus a training plan for future needs.

The first two methods – both demanding an active investment of the actual or potential trainee from his / her own initiative – are good tools to get a first grip on the training needs within the judiciary. However, they do not cover the whole picture. A comprehensive and reliable needs' assessment and analysis stands and falls with the involvement of those responsible for personnel development in the judicial administrations and / or in the national training institutions, and – even more important – in the courts and prosecution services.

Indeed, judicial administrations / training institutions which first identify the very different potential tasks of judges and prosecutors of all kinds and which then conceive a professional development concept (“job profile”) for each one of these tasks (required knowledge, required capacities, required skills), make a precious contribution to the assessment of groups' as well as individuals' training needs.

Additionally, a good chief judge or chief prosecutor will implement a system of competence management for all his / her “subordinates” which includes the detection and promotion of concrete training needs as one important part of regular and structured carrier development talks. Concrete target agreements should be concluded with each and every judge / prosecutor within the organization, and an institutional follow-up should serve to regularly check the state of implementation of the set targets.

## **2. Involvement of Civil Society / Academia / Special Interest Groups in the Planning Process**

From a formal standpoint, programme planning in most European, national and regional judicial training institutions falls within the competency of a steering committee, a governing (managing) board, a board of directors, or the like. These bodies decide on a curriculum, be it semi-annual, annual, or biannual. They normally comprise members of various levels and specializations of the domestic judiciary, as well as members of ministries / departments of justice and – if institutionally foreseen – of self-elected high judicial councils. In some cases, the body merely validates a bundle of training measures conceived in advance by a rather small group of training organizing experts, whereas in other constellations, the competent body's members also play a decisive and substantial role in the concrete planning of the content and of the methods of the upcoming curriculum. But independently of the concrete processes of decision-making and taking, the very “justice-centred” composition of the concerned bodies / entities risks to promote a certain blindness when it comes down to detecting inherent deficiencies of the judicial system and corresponding training needs. So input from the “outside” world – civil society and especially the academia – can be a particularly fruitful source of reflections during the programme building. According to the respective national setting, it may, however, be difficult to institutionalize such a dialogue. In this case, surveys / opinion polls carried out on the quality of justice and on the degree of trust which is invested in judges and / or prosecutors may constitute a valuable indirect source for the curriculum planning.

In addition to this, professional organizations of judges and / or prosecutors (based on voluntary membership) can bring in important ideas, especially concerning the training on reform concepts (*de lege ferenda*) for the judiciary. Their knowledgeable insiders' glimpses, but from outside the politics and policies within the judicial administration(s) – on topics such as judicial self-governance, judicial ethics or disciplinary proceedings – may help to significantly enrich the training offer.

## **3. Respecting the Time Requirements: Planning on Time**

Planning a coherent, comprehensive and varied training programme / curriculum necessarily requires an important amount of time. The detected real training needs have to be reconciled with the financial and infrastructural realities, i.e. choices have to be made, specific topics and target groups of training events (be it residential courses or webinars or merely individual e-learning sessions) have to be defined, the content of the curriculum has to be adopted by the afore-mentioned competent body, timeslots for each and every training event have to be allocated.

The curriculum should be finalized within a reasonable period ahead of the first training event, as detailed planning of specific training events – be it in the form of residential or distant learning – is a time-consuming effort. Web-based training tools – which are indeed much more than just a mere electronic textbook (see in-depth Chapter 3) – have to be conceived by experts, customarily highly demanded and very busy speakers / trainers have to be recruited for residential training courses. Furthermore, the call for applications by the suitable target group should best be launched no later than four or five months ahead of the training session, as judges and prosecutors tend to have a very tight time schedule with court hearings often fixed several months in advance.

#### **4. Reacting to Urgent Training Needs**

As shown sub point 3., the substantial core of a curriculum should stand at least six months ahead of the first training event to be carried out, in order to allow the proper recruitment of good speakers / trainers for the individual training event, as well as punctual calls for applications. But on the other hand, important legislative reforms and important societal developments make the urgent carrying-out of “tailor-made” training events – including adapted web-based tools – an absolute necessity. These needs will often be related to new knowledge, but could also concern skills-building.

The consequence of the afore-mentioned findings is that any modern judicial training institution should have the foresight to reserve sufficient funds, the necessary human resources, open timeslots in all seasons and infrastructural capacities for *ad hoc* residential training courses, etc. to be able to organize urgent dedicated training measures with short notice. In suitable cases, it might even be best to send a trainers’ team to a specific court or prosecution office to offer truly tailor-made hands-on training on the handling of a specifically complex file or on a particularly burdensome change process in the institution.

## **II. Contents and Methods**

Howsoever important efficient and effective curriculum planning structures are it is a matter of course that needs’ oriented contents and modern methods in judicial training are even more important. A modern judicial training institution employs an important range of training methods mixing residential and distant learning (1), conceives dedicated induction training for professional newcomers (2), and provides a sound mix of knowledge-based, multi-/interdisciplinary and skills’ oriented behavioural training sessions (3 to 5), as well as specific training events dealing in a practice-oriented and hands-on way with the specificities of European law as integrative part of domestic law (6), and finally tailor-made training tools on management and leadership skills for senior judges and prosecutors (7).

## **1. Variety of Methods / Formats**

In judicial training, there is a longstanding tradition – based on the traditional university law education – of frontal lectures without interactivity. This pedagogy-based “classical” approach has, however, been substantially modified and changed during the last twenty to twenty-five years. Important findings on adult-learning principles – andragogy – concerning the *micro level*, i.e. the designing of individual training events and sessions with a high degree of interactivity and alternation of methods (see in-depth Chapter 3 sub I and II), should also have a reflection on the *macro level*, i.e. in the needs’ oriented curriculum planning. In accordance with the detected training needs which might vary considerably among the different professional groups in one and the same judiciary, the national judicial training institution should provide – within one programme – different formats of training events, such as conferences, symposia, seminars, workshops, webinars, e-learning tools, exchanges, etc.

## **2. Induction Training for Newly-Appointed Judges / Prosecutors**

As is the case for trainee judges and prosecutors, the training needs of newly-appointed judges and prosecutors are partially different from the ones of more experienced judges and prosecutors. So the (part of the) curriculum dedicated to need’s oriented induction training will show particularities concerning content – the training programme has to deal with topics which are vitally important from the very start of the professional exercise, such as how to handle a file properly, ethical questions (including the contact with the advocacy), witness assessment, etc. –, as well concerning the chosen methods. A specifically needs’ oriented training method for this purpose is pairing the newly-appointed judge / prosecutor with an individual tutor (learning by peers; see in-depth Chapter 6).

## **3. Law-Related Training**

Training on law-related issues is still important and will always remain important for judges and prosecutors. Legal knowledge is indeed at the very core of a judge’s or a prosecutor’s day-to-day work. However, it is indeed essentially a judge’s / a prosecutor’s personal task to keep himself/herself up-to-date in legal matters. Judicial reviews in paper print, as well as online databases and e-learning tools allow the judges / prosecutors to keep themselves informed by self-study. So law-related training should play a non-negligible role in the programme of a judicial training institution. Properly, i.e. interactively carried out (with case studies, mock trials, facilitated debates, webinar sessions, etc.), this training not only allows newcomers in a complex field of specialization to get a first grip on the professional practice in the respective field. But above all, interactive law-related training can give the concerned judges and prosecutors relevant background information on new statutes and at the same time enhance the personal exchange of professional experiences.

#### **4. Multidisciplinary / Interdisciplinary Training**

It has always been erroneous to think that judges and prosecutors take their decisions based on a merely legal / juridical reasoning. Quite to the contrary: The applying of the law stands in the very midst of society and is constantly faced with societal, economic, political and scientific questions and challenges. For example, criminal judges and prosecutors, guardianship judges and social security judges are in need of a good basic knowledge in medicine and (forensic) psychiatry. Economic and financial crime fighting can only be properly done if the concerned judge / prosecutor is able to read a balance sheet. A civil judge can only understand the intricacies of eBay contracts if he / she is basically informed on the functioning of the Internet.

Proper and unbiased communication in the courtroom in modern multicultural societies necessitates training of judges / prosecutors on religious and cultural backgrounds as well as on typical decision-making processes to allow them to avoid prejudice and misunderstandings. Sometimes, there might be an apparent conflict between the legally sound and the ethically imposed decision. So judges and prosecutors must be regularly trained on rules of ethical conduct.

All this makes it an absolute prerequisite to have a fair share of multidisciplinary and interdisciplinary training events in the curriculum. The alternation of judicial practitioners and non-judicial professionals as speakers / trainers has proven to be particularly fruitful to highlight the interfaces of the law and other disciplines.

#### **5. Interactive Skills' Training: Teaching "Judgecraft"**

Aside their (legal and non-legal) knowledge, good judges and prosecutors have to have a wide range of psychological, social and methodological skills to properly fulfil their tasks, skills which have been recently summarized by the word "judgecraft".<sup>12</sup> Genuinely interactive skills' training with small participants' groups<sup>13</sup> will help the judges / prosecutors: to better communicate at the workplace; to make proper public statements in hearings; to effectively employ their voice in the courtroom; to deal with the heavy workload by using improved memory capacities as well as stress reduction and health improvement techniques; to face the media and their need for information without fear; to better assess the reliability of witnesses; to assume tasks as a mediator; to resolve conflicts within the unit; etc. Interactive skills' training should thus have a prominent place in any judicial training programme.

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<sup>12</sup> Some even use the word "prosecutorial craft" to describe the prosecutors' specific skills.

<sup>13</sup> From a didactical standpoint, groups with a maximum of 12 judges and / or prosecutors are ideal. Bigger groups necessitate at least two trainers and should be separated into sub-groups.

## **6. European Law Training**

European law – and especially EU law – has literally submerged domestic laws. Regulations and implemented directives or framework decisions are an integrative part of the national law in virtually any field. Any domestic judge needs to understand the preliminary ruling procedure under Art. 267 TFEU, and the specific interpretation principles of EU law. Applying the rules of mutual legal assistance in cross-border civil or criminal matters and acquiring knowledge on other systems – including legal language – are pivotal as well. However, recent surveys have shown that there is still a relative reluctance among judges and prosecutors to properly apply European law. In view of this phenomenon and in view of the indissoluble entwinement of domestic law and European law, the latter should be part of virtually any knowledge-based training for judges and prosecutors. But in addition to this, the training curriculum should provide a series of training measures (be it distant or residential) specifically dedicated to the interfaces of domestic and European law in the various fields of specialization of judges and prosecutors. Practical lessons on the preliminary ruling procedure should be part of any such training event. In appropriate cases, field trips to the CJEU in Luxembourg or to the European Court of Human Rights in Strasbourg, study visits in another EU member state as well as individual or group exchanges round out the training offer.

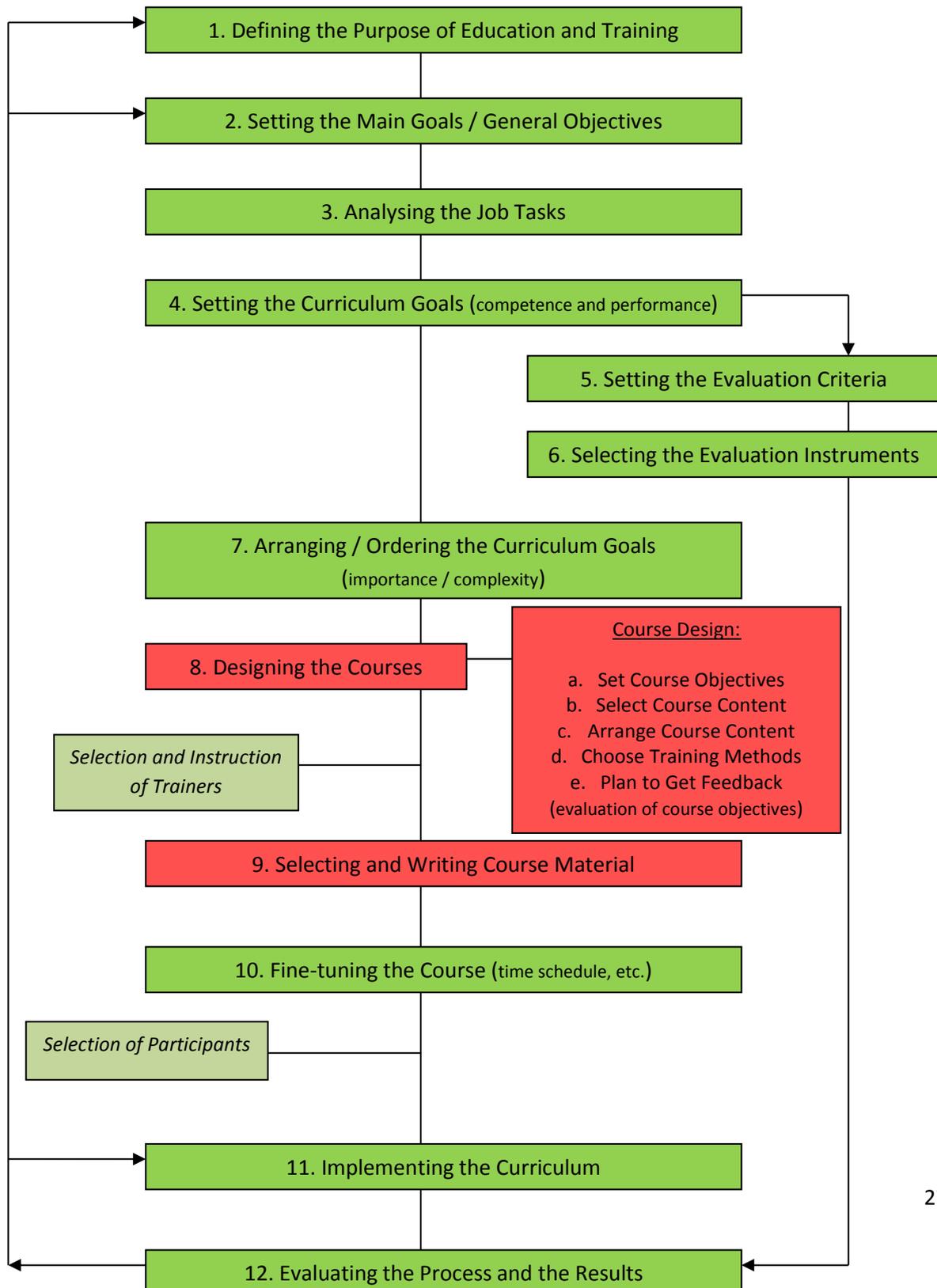
## **7. Management and Leadership Training**

The legal education and the initial training of judges and prosecutors are specifically geared to their juridical decision-making and taking. However, in nowadays modern judiciary, senior judges and senior prosecutors – and all the more chief judges and chief prosecutors – have to accomplish an important range of managerial tasks, either by carrying them out themselves or by influencing people within the “organization” to act towards the organization’s common goals. Independently of the details, this is a valid finding for all the 28 EU member states. Management tasks may for example be the administration of a budget, the promotion of the professional development – the “carrier” – of judges / prosecutors / staff (by structured carrier-development interviews, by regular personnel review, etc.), the implementation of profound changes in the structures of a court or a prosecution office, and the like. These tasks can only be successfully carried out if the court or prosecution office leaders’ management knowledge and skills are accompanied by leadership skills. It is of vital importance *how* a leader motivates the members of his / her organization to act towards the detected common goals. Training courses on the “soft factors” of change management and project management are essential for this purpose. A court or prosecution office leader should also be trained in the proper handling of relevant IT tools, as well as on the development of working methods. Consequently, a good judicial training curriculum comprises a series of (modular) management and leadership trainings.

## Chapter 3: Modern Training Methods and Design

“The illiterate of the 21<sup>st</sup> century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn.”

Alvin Toffler



Having set the training objectives and having subsequently planned a needs' oriented curriculum as laid down in Chapter 2 is (only) halfway to successful judicial training. It is now the courses' designers' important task to select the proper training method(s) for each training format (conference, symposium, seminar, workshop, webinar, etc.), for each training content (law-related topics, ethics, judges and prosecutors in the society, methodological and behavioural capacities and skills, etc.), and for each target group (induction training, leadership training, etc.).

Proper course designing is only possible if the designer is aware of the requirements of adult learning theory. Accordingly, this Chapter begins with an overview on the principles of participatory learning, on different adult learning styles, and on the principles of andragogy (I). In a second step, a variety of training methods particularly suitable for judicial training will be explained in-depth (II). Some indications on training at the workplace (III) and on technology-based learning (IV) will round out the picture.

## **I. From Traditional Knowledge Transfer Training Towards Participatory Training Methods**

The traditional meaning of training referred to the transfer of knowledge and expertise from trainer to participant. The trainer used to define what particular set of knowledge and expertise the trainee needs to acquire. This approach to training allows the trainer the power to know everything, the trainee being looked upon, metaphorically, as a *container to be filled up* by the trainer.

For a long time education was performed like an act of depositing, in which the trainees were the depositories and the teacher / trainer the depositor. Instead of designing a training architecture around the learner the trainer "made deposits" which the participants patiently received.

### **1. Advantages of Participatory Learning**

A participatory training architecture would facilitate growth and individual discovery. It is aimed not just at "knowing more" but at putting judicial knowledge at work. A participatory training architecture builds upon one's critical thinking, on examining one's values, attitudes and professional orientations, on "unfreezing" a set notions and a set of patterns of behaviour. It is about questioning, rethinking and re-learning.

Using training methods for active participation is an adult education strategy in which the participants in the judiciary get involved on basis of their needs and questions, their

reflection and analysis, and their interest to carry their own professional developmental process forward.

The methodology is learner-centred, experience-based and often open-ended. Workplace is where results are expected.

This type of training design / architecture generates confidence-building among practitioners; as it recognizes and builds upon their experience, knowledge and skills. It creates experiential opportunities for personal and collective learning.

Thus, participatory training methods encourage people to question what they have always accepted, to critically examine their own experiences in courts and prosecutor's offices, to derive insights through judicial analysis. This process of releasing people's critical faculties enables them to discover their latent powers for autonomous constructive action in the judiciary.

It is important to realise that participatory training methods are not just a set of standardized interventions. They function in a certain historical, socio-political context. This is the reason why in some countries good practices relate to certain training methods while in other countries they relate to other training methods.

## **2. Kolb's Adult Learning Styles Model**

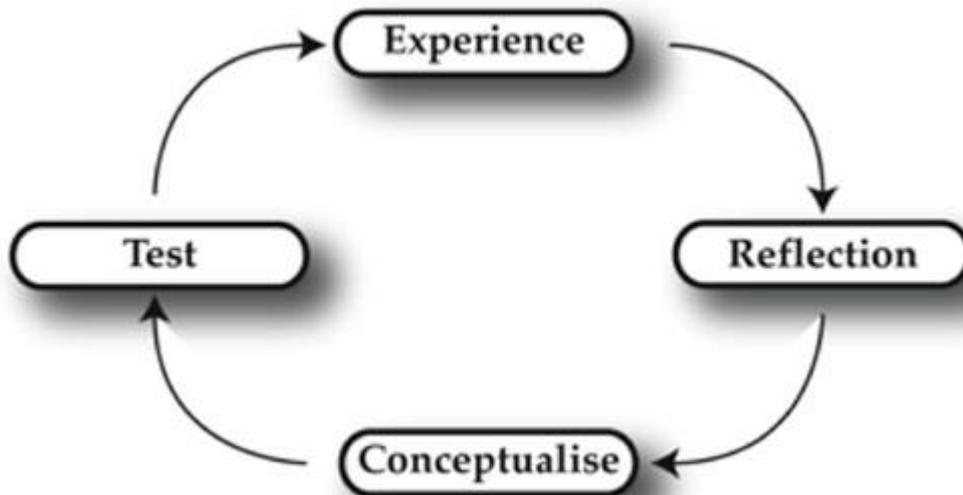
The educational principles behind the various training methods which will be described sub II should be well understood in order to apply them efficiently. One of the theories that give a good insight on the adequacy of the training methods belongs to David Kolb. He published his adult learning styles model in 1984.<sup>14</sup> The main message behind the theory is:

*"Learning is the process whereby knowledge is created through the transformation of experience."*

Effective learning in his view is seen when a person progresses through a cycle of four stages: of (1) having a concrete experience followed by (2) observation of and reflection on that experience which leads to (3) the formation of abstract concepts (analysis) and generalizations (conclusions) which are then (4) used to test hypothesis in future situations, resulting in new experiences.

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<sup>14</sup> Kolb, D. A. (1984) *Experiential Learning*, Englewood Cliffs, N.J.: Prentice Hall (1984). See also Kolb, D. A. and Fry, R., *Towards an Applied Theory of Experiential Learning*, in: *Theories of Group Process*, C. Cooper (ed.), London: John Wiley (1975).



In Kolb's view learning is an integrated process. Each stage is mutually supportive of and feeding into the next. It is possible to enter the cycle at any stage and follow it through its logical sequence, suitable for the profession. However, effective learning occurs only when a learner is able to execute all four stages of the model. Therefore, no one stage of the cycle is effective as a learning procedure on its own.

### 3. Principles of Adult Learning

The theory of adult learning gives an inspiring input for the trainers, since different types of learning could be enhanced by different training methods. If the training architecture is trainee-oriented, it is advisable to think about the training methods from this perspective.

A minimal orientation on topic could be as follows:

- a) **Learning by concrete experience** could be attained by using role plays, simulations / moot courts, experiential exercises, problem solving exercises, case studies.
- b) **Learning through observation and reflection** is easily attained through structured observation, feedback, debriefings, structured discussions in small groups or in large groups after each and every interactive activity.
- c) **Learning by forming abstract concepts** might be attained through lectures / presentations associated with brainstorming, snowballing, questioning group work, debates and other forms of interactivity.
- d) **Testing in new situations:** according to theory trainees assess if they solved the problem, identified the main features in a case study, so on.

Within this continuous approach that is developmental each individual can find the time and task to get involved at full capacity. In order to match the learning objectives to the training methods and techniques used there are some recommendations:

<b>Nr.</b>	<b>LEARNING OBJECTIVES</b>	<b>ADULT LEARNING PROCESSES</b>	<b>TRAINING METHODS</b>
<b>1.</b>	<b><i>Knowledge</i></b>	<b><i>Multiple perspectives</i></b>	<b><i>Brainstorming; Interactive lecture; Individual study; Group work; small groups and pairs; E-learning</i></b>
<b>2.</b>	<b><i>Understanding</i></b>	<b><i>Using previous knowledge to integrate new knowledge</i></b>	<b><i>Exercises; Snowballing; Group work: small groups and pairs; Discussions/debates; Questioning; Blended learning</i></b>
<b>3.</b>	<b><i>Application</i></b>	<b><i>Problem solving</i></b>	<b><i>Case study; Role play; moot courts; Problem solving experiential exercises</i></b>
<b>4.</b>	<b><i>Analyses</i></b>	<b><i>Organizing ideas in new contexts</i></b>	<b><i>Case analyses; Simulations; Debates</i></b>
<b>5.</b>	<b><i>Synthesis</i></b>	<b><i>Critical reflections to generate new ideas</i></b>	<b><i>Work group; Individual or group projects</i></b>
<b>6.</b>	<b><i>Evaluation</i></b>	<b><i>Self-orientation</i></b>	<b><i>Self-assessment; Work; Independent study projects</i></b>

The main idea is that adults learn best when they fully participate in the training. This may seem obvious, but *attending* a training event does not mean *participating* in it. Participatory

training design means that everyone is involved and active. It is good to remember the following guidelines when delivering training to adults.

- *Adults need to know why they need to learn something.*

Get to know the context that your trainees are working in. Understand the difficulties they face in their daily work. Link the new skills to these difficulties. If participants do not understand why they need to learn this new skill, they will probably not use it after the training.

- *Adults need to learn by using their own experiences.*

Encourage each participant to offer his or her own experiences during the training. Adults need to see the relevance of training. Using actual experiences that could apply to several other participants makes the learning more relevant.

- *Adults approach learning as problem-solving.*

Emphasise the real world. Concentrate on applying the course content to help solve actual problems that the participants are facing.

- *Adults learn best when the topic is of immediate value.*

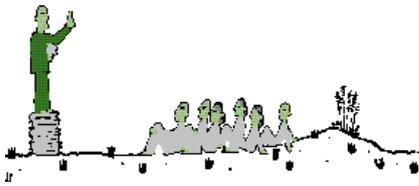
This again relates to making the topic relevant. If participants go back to their work place after the training event, and begin using the new skill immediately, they are likely to continue using it. If there is a gap between the end of the workshop and the first time they try the new skill, they may have forgotten some things and will find it more difficult to continue with it.

- *Adult learning is an active process of reflection and discussion.*

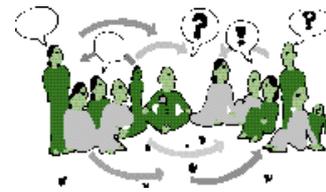
Give participants time to reflect on new concepts and link them to their own experience. The process of talking about and discussing ideas helps people to clarify what they think or feel about something. Discussing ideas as a group exposes everyone to new ways of thinking.

## **II. Participatory Training Methods In-Depth**

As the name suggests, participatory training involves people actively *participating* in the training event.



A traditional model of training



Participatory training

The training architecture creates opportunities for exchange of experience, questioning, full participation in practical activities designed for learning purposes. The trainer facilitates the training events by using different techniques to activate the adult participants.

There are methods available to any trainer to motivate individuals and groups of learners within their specific judicial culture. This is why, good practices sometimes cannot be imported, are not transferable. But if the knowledge and understanding of the methods is clear, mental design and training architecture can start. In fact this is the main purpose of the chapter: to give backbone to all and every practices that proved to be successful. In a way it can be approached as a checklist of training methods.

## 1. Brainstorming

Brainstorming is the name of a method that can be used when a group of professionals need to generate ideas around a specific area of interest. Its main advantage is that the trainees are activated from the beginning of the training session. Using rules which remove inhibitions, people are able to think freely and move into new areas of thought. They are invited to generate ideas or solutions to challenging problems. The participants voice ideas as they occur to them. All the ideas are noted down on a flip-chart by the trainer and are not criticized. Only after the responses are recorded, there is a subsequent analysis / categorising, and a discussion on the appropriateness of the ideas.

## 2. Snowballing

This method has been adopted as a means of consolidating learning or to encourage collaboration in the development of new ideas. The method can be employed to encourage creativity, share learning and activate the participants. The requirements are a room large enough for the small groups to work together and materials for them to capture their ideas (flipcharts, white boards, paper). A good facilitator will encourage the group to work collaboratively.

This method has been designed to facilitate work with complex ideas, which, by nature, often is the case in judicial training. It might start with a task to be solved in pairs. Then, two

pairs share their ideas and sum them up. The group of four joins another group of four and they discuss about their two main ideas on the problem to solve and again reduce them to one. The two groups of eight participants, if the large group is of 16, exchange their common understanding on the issue under discussion. The final set of ideas is being evaluated in the plenary. The trainer could be the time keeper and final discussion facilitator.

The main advantage of this method is that:

- It promotes a good shared level of analysis of a problem, including listening to the views of other participants and developing the capacity to summarize the views expressed to achieve a common vision.
- It asks participants to demonstrate creativity and imagination by creating a framework for dynamic discussion.

Snowballing breaks down large groups into smaller groups and all trainees have the chance to speak. The technique works with audiences of 4 – 40. It is organised very quickly, and works with almost any topic. But trainees need clear instructions. This technique also requires a plenary “feedback” session.

### **3. Icebreakers**

Icebreakers are exercises limited in time that could be used at the beginning of a training event in order to facilitate for the trainees a process of getting to know each other before the main work of the training begins. They also enable the trainer to assess the members of the group at behavioural level. Some icebreakers can be used to split apart those who already know each other and encourage the group to mix. The topics of the icebreakers usually refer to the personal or professional background of the participants. They are not subject-related; they are participant related. Frequent questions look into sharing professional and personal interest, hobbies, etc.

### **4. Presentations**

Presentations combined with group work are two training methods in judicial education that facilitate new knowledge acquisition. Considering that participation is an important feature to ensure the success in learning, there is recommended to set an adequate time for group or individual discussions immediately after the presentations, both to allow uncertainties or confusions to be clarified, and also to guard against any danger of “mere didactic” teaching (i.e. “spoon-feeding”). Presentations can be used in a variety of situations and for a variety of tasks:

- Input from a leading practitioner to underline practicality issues;
- Input from panel members to open up a comparative or interdisciplinary approach to the topic under discussion;
- Short presentations from groups on allocated tasks, thus allowing identification of contrasting or novel approaches to a topic.

The scope of presentations is not the content itself but the setting up of a platform for discussions and exchange of views on new topics that needs informational input. Challenges are:

- The attention span of the audience is of a maximum of 20 minutes;
- The different learning styles of the audience might affect the information transfer;
- The rapport with the audience should be done professionally through appropriate language and body language;
- The structure of the presentation should be thoroughly designed;
- The visual support, the power point designed according to appropriate norms.

#### a) Preparation and Content

- No matter how short the presentation, it **should be public-oriented**. It is important to start by working out what the audience is interested in and / or expects from the presenter. The composition of the audience will determine how formal or informal a presentation should be.
- **Have a clear and logical structure**. There should be an introduction, a main body and a conclusion. In the introduction, you should tell the audience what you are going to be talking about, perhaps posing a question that you intend to answer. In the main body, you should expand on your topic, breaking down the discussion into a number of sub-topics that follow logically from one another. Finally, what you say in conclusion will depend on exactly what you are setting out to achieve. If you are simply describing something, then a summary of the main points should suffice. If you are trying to make a case for something, on the other hand, then a restatement of your main argument, or answering the question that you posed at the outset, might be more appropriate. The structure should be signaled to the audience.
- In any oral presentation, **the choice of words and style of discourse** ensures the message transfer. You might want to say, for example, “The first point I want to make is [...]”, “In this section I am going to talk about [...]”, “In conclusion [...]”. Similarly, pauses between points, or gestures, such as holding up one finger for your first point, two for your second, and so on, can help emphasize important links.

- It is very important to **get the timing right** because other people may be relying on you talking for a particular length of time and no more or less. In fact, you should probably aim for your presentation to be marginally shorter than the allotted time because it is quite likely that, on the day, you will embroider or depart from your prepared speech to some extent.

## **b) Delivery**

There is to be considered the mode of delivery that you are going to employ: What sort of prompts is one going to use? What visual aids might be helpful? Will one be sitting or standing? What kind of gestures should a trainer use?

Consider the speed, volume, enunciation and tone of voice.

- Getting your speed right is not only important for ensuring that you stick to your time limit. If you speak too quickly, the audience will not be able to keep up with you; if you are too slow you are likely to bore them. Nevertheless, the appropriate speed will vary depending upon, for example, whether or not your listeners are expecting to take notes, whether they are listening to a speech in their native language, and the familiarity or complexity of the issues you are talking about.
- The appropriate volume will vary depending upon the size of the room you are speaking in and how good its acoustics are; it is always worth asking the audience whether they can actually hear you. If you cannot make yourself heard without shouting, you should ask to use a microphone, otherwise your voice will sound strained.
- Also be aware of the tone of your voice. When people are giving presentations (particularly if they are reading from a text), they often sound much more monotonous (and hence more boring) than they do when having an everyday conversation, when in order to keep your audience's attention it is probably necessary to sound more animated and to use greater vocal variety than you would normally.

## **c) Checklist for the Skills Needed to be a Good Presenter**

- Could the speaker be heard from the back of the room?
- Was eye contact continually used to involve the audience?
- Were audio-visual aids used appropriately?
- Was material written on blackboards, white board or on the video projectors visible from all parts of the room?
- Did the trainer make appropriate use of any hand-outs?

## **5. Alternation of Lectures and Group Work**

### **a) Lectures**

Lectures are structured presentations, aiming at transferring knowledge. As an advantage, lectures represent, as a direct training method, a valuable and efficient instrument in order to explain ideas and theories in a short time unit. They could also prove very useful in the context of large groups and in combination with other techniques more suitable for practical training. In order to transfer the specific knowledge to the audience, the lecturer controls the entire process, but this does not exclude a persuasive speech stimulating the implication of participants. This method can have certain disadvantages when it is 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. Lectures are the most directive training method. They should be used in combination with one or several participative training method.

### **b) Group Work**

It is perhaps better to suggest that lectures should complement a group activity, rather than the other way around. Therefore, a case study, a simulation or a role-play, discussions on different topics could be done by using small group work. Participants find small-group discussion rewarding when:

- They have a chance to contribute;
- They are clear about the purpose of the discussion and prepared for it;
- The atmosphere is friendly and they are at ease emotionally;
- They have good leadership;
- They feel the learning is relevant.

There could be mentioned some of the disadvantages as well:

- 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.
- Groups may dismiss certain ideas and accept others without giving logical arguments.
- Groups may become personality-centred rather than task-centred.
- The group is given too many tasks in the allotted time.
- 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 the seating and the equipment according to the training needs that often does not benefit from the arrangement the venue offers. Seating will help determine the relationships between the trainer and the trainees, and among the trainees themselves.

One example of effective group work is organized **project teams**. They are of a small number of participants (habitually about five). Their level of knowledge and experience is similar. The learning groups are involved in **project work** on a long term bases. The learning philosophy behind facilitates: colleagues learning together and reflecting on specific judiciary decision making processes; practical learning at work place when instructions clear; learning from individual and peer mistakes.

### **c) Small Groups at Work**

Small groups sometimes called *buzz groups* are made of two or three people who are asked to discuss a particular topic together and then report back to the large group. It is usually enough to ask the participants to discuss the topic with the person next to them. Small groups should be given a clear topic to address and allowed a short amount of time to discuss. They are effective in the early stages of a training course when participants may still be experiencing uneasiness in talking to their peers.

After the discussion, a selected number of groups can be asked to give feed back to the whole group so that views can be shared and, where appropriate, this may be recorded on a flipchart. Instructions are very important. They lead the discussions. If not clear, they can generate confusion, lack of focus, interest and generate boredom.

## **6. Debate**

In contrast with lectures, the debate uses hypothetical questions to ask the trainees in the judiciary to draw conclusions through their own reasoning process. The aims are to stimulate thinking and reasoning. 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 voluntary bases or by appointment).

## **7. Simulated Hearings and Role Play Exercises**

These are widely used as a means of delivering training for judges and prosecutors. A range of methods are used to ensure that the “live experience” of simulated adjudication enhances the skills of participant trainees. 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 different perspective. The use of role play and / or mooting brings an element of practical application to courses. It is a training technique that either demonstrates the theory or that helps the trainees to put in practice what they learned and to find “proof”: Does the theory work as supposed? 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 notifications to make. Trainers should ensure they have addressed the following checklist of issues:

- Individual tasks should be specific;
- Careful debriefing is essential;
- Realistic time limits are needed;
- Tasks should be designed to involve all participants even if as observers;
- The division of tasks should be fair;
- The role of the trainer should be clarified.

## **8. Practical Demonstrations**

This method is particularly suitable in multidisciplinary trainings to efficiently and sustainably widen the knowledge and the capacities of the attending judges and / or prosecutors in non-legal / non-judicial matters. Problems do arise where a non-judicial speaker or trainer does not meet the target group, because he / she uses his / her own technical language without further explanations. In contrast, the participants will have a long-lasting training effect when an architect illustrates typical technical deficiencies of a building to civil judges by using a model house, when a forensic psychiatrist practically demonstrates to criminal judges and / or prosecutors how he / she carries out tests on the question of potential insanity of a defendant, or when a psychologist exemplifies to family or criminal judges how he / she assesses the credibility of a child witness.

## **9. Problem Solving: The Seven Steps of Problem Analysis**

This training method is used to identify problems, analyse them and find the 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 in a planning framework or it could be a spontaneous reaction / debate taking place when such a situation occurs. Using an organized seven steps' approach in analysing a problem / case will make the entire process easier and can increase the learning benefits.

- a) *Read the case thoroughly.* To understand fully what is happening in a case, it is necessary to read the case carefully and thoroughly. Making notes is a plus.
- b) *Define the central issue.* Many cases will involve several issues or problems. Identify the most important problems and separate them from the less important issues. After identifying what appears to be a major underlying issue, examine related problems in the functional areas (for example marketing, finance, personnel, and so on). Functional area problems may help you identify deep-rooted problems that are the responsibility of top management.
- c) *Define the judicial context:* frame the law, regulations, etc. that count.
- d) *Identify the constraints to the problem.* The constraints may limit the solutions available.
- e) *Identify all the relevant alternatives.* The list should all the relevant alternatives that could solve the problem(s) that were identified in step 2.
- f) *Select the best alternative.* Evaluate each alternative in light of the available information. If you have carefully taken the proceeding five steps, a good solution to the case should be apparent.

## 10. The Case Method and Case Studies

It is easy to get confused between the Case Study method and the Case Method, particularly as it applies to legal education. The Case Method in legal education was invented by Christopher Columbus Langdell, Dean of Harvard Law School from 1870 – 1895. Langdell conceived of a way to systematize and simplify legal education by focusing on previous case law that furthered the principles or doctrines of subsets of the law. To that end, Langdell wrote the first case book, entitled *A Selection of Cases on the Law of Contracts*,<sup>15</sup> a collection of settled case law that met his threshold of shedding light on the current state of contract law. Students read the cases and came prepared to analyse them during Socratic question-and-answer sessions in class.

Case studies provide readers with an overview of the main issue, background on the setting, the people involved, and the events that led to the problem or decision at hand. Cases are used to illustrate a particular set of learning objectives, and (as in real life) rarely are there exact answers to the dilemma at hand.

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<sup>15</sup> Langdell, C.C., *A Selection of Cases on the Law of Contracts with References and Citations...Prepared for Use as a Text-Book in Harvard Law School*, Boston: Little Brown (1870).

At present, the case study method consists of 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, regulations 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 one session within a training event or can be undertaken on an extended basis, being worked through as the training progresses.

Case studies are more effective when used in small groups, where the participants, who usually sit or work on their own or rarely with another judge, 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. Case studies can cover a wide range of subjects: substantive law, procedural and evidential 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. Be aware that an unreal atmosphere and lack of background detail may encourage impractical decisions.

## **11. Experiential Exercises**

Experiential learning is learning through reflection on doing, which is often contrasted with the didactic learning. It focuses on the learning process of the individual. For this type of approach there are some requirements to consider:

- The learner should be willing to be actively involved in the experience.
- The learner should be able to reflect on the experience.
- The learner should possess and use analytical skills to conceptualize the experience.
- And the learner should possess decision making and problem solving skills in order to use the new ideas gained from the experience.

This training method can be particularly fruitful in training events focussing on methodological capacities and skills. In management and leadership trainings on process

and change management, for example, it has proven to be by far the most instructive method to make the participants go through the experience of a real case scenario, i.e. to accompany a concrete change process in a given court or in a given prosecution office.

## **12. Feedback**

Feedback is essential when using such type of training methods and techniques in which the participants are actively involved in the learning process. The feedback should be constructive, objective, concrete and specific. The feedback should always be a two way communication approach.

The trainee is the key stakeholder invited to debrief: Let him / her tell if he / she is satisfied, what was significant for them, which 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.

## **13. Debriefing**

Any procedure that involves group work should be finalized with a debriefing. The trainer provides opportunities for groups to report-back to others and then for himself to give a final conclusive input. This is an important aspect of group work: it allows review of the activity, identification of different viewpoints, and an opportunity to share ideas. It is crucial that the reporting-back reflects the group's views, rather than the view of the spokesperson for the group. The use of a flipchart during group deliberations is recommendable.

There are two important steps to take in order to ensure that debriefing attains its purpose:

- Groups should know in advance that there will be a plenary report-back session, and that each group should appoint a "rapporteur" whose job it will be to report within a given time on the group's conclusions.
- Once reporting-back has taken place, the trainer leading the plenary should stimulate discussions and critical reflections on the coherence of the views and the quality of the evidence.

## **III. Training at the Workplace**

In suitable situations, tailor-made training at the workplace can be a particularly hands-on and resources-efficient method of enhancing judges' / prosecutors' professional skills and capacities. Whereas tutoring / mentoring is a well-known concept for quite a long time,

supervision and intervention have traditionally been reserved to socio-psychological professional environments for decades, and have only found their entrance into the judiciary rather lately.

### **1. Tutoring / Mentoring**

This method consists of bringing together an individual trainee with an experienced and didactically skilled practitioner to learn the professional requirements in a specific field of knowledge, capacities and skills in a very hands-on way in a peer-to-peer situation. As this workplace training method is above all used in initial training and in induction training, it will be dealt with in-depth in Chapter 6 (sub II 2).

### **2. Supervision**

Supervision is a specific form of professional counselling in the form of intervention at the workplace. It brings together three parties: the employer, the supervisor and the supervisee(s). The goal is to sustainably improve the professional capacities and skills of the supervisee(s), be it entire organizations, groups or individuals. As supervision might turn out to be rather expensive – supervisors are as a rule specifically trained professionals –, it cannot have the vocation to be comprehensive. So it is of utmost importance that the three concerned parties properly and accurately detect the supervisees' training needs, and then conclude a concrete target agreement on the scope, the frequency, the price and the objectives of the intervention.

The employer's task regularly ends with the conclusion of the target agreement. He / she might later on participate in the assessment / the evaluation of the supervision, but this will be rather difficult in a judicial setting, as, firstly, confidentiality is a preeminent feature of a functioning supervision, and as, secondly, judicial independence of the supervisee(s) should never be at stake.

The supervisor accompanies the supervisee(s) in the day-to-day professional work in order to detect role dynamics as well as potential dysfunctions among the supervisees, on the one hand, and in the relations of the supervisee(s) with third persons, on the other. So a situational appraisal is at the starting point. A trust-oriented, authentic and emphatic approach by the supervisor will help to "break the ice". Confidentiality is guaranteed, and the supervisor will in particular never act as a replacer of the supervisee(s) in the contacts with the "outside world" (i.e. outside the supervision system). Typical methods of supervision are analytical reflections, systemic therapies, topic-focused interactivity by role plays or the like, video analysis, homework, etc.

From the perspective of the supervisee(s), the supervisor's goal is to help him / her / them to detect practicable ways to self-improve his / her / their professional capacities and skills. The success will be controlled regularly within the supervision system. In the long term, the goal is to make the behaviour changes of the supervisee(s) sustainable and thus to promote their independence from the supervisor.

Typical forms of supervision in judicial settings are:

- **Group supervision or team supervision:** A number of supervisees of either several distinct organizations (for example police, prosecution service, and criminal court), or of several units (within the court or within the prosecution service), or of one unit (within the court or prosecution office) reflect on the experiences and problems in their common professional environment.

The target here is very often to sustainably improve processes of change management and of organizational quality management.

- **Case supervision:** This is a particularly useful training method at the workplace when a specific case or file out of the common presents particular challenges which bind an important number of "employees" of a court or a prosecution service (judges, prosecutors and staff) for quite an important time.

The target is to open paths to an efficient quality management within the concrete setting of the case, which could then serve as a model for future comparable cases.

- **Individual supervision:** This specific form of face-to-face supervision is especially useful when the goal is to put a judge or prosecutor "in difficulties" (for whatever reasons these difficulties have occurred) back on track by making him / her rediscover capacities and skills buried for a long time in his / her everyday routine. Here, the supervision is often called "coaching", but as this enigmatic term has no clear-cut and uniform scientific meaning, it is preferable to use the notion of individual supervision.

An important advantage of this sub-form of supervision is the especially high degree of confidentiality. A judge / prosecutor might disclose his / her soul much easier in a face-to-face situation than in a group.

### 3. Intervision

Intervision, also called peer supervision, is in essence a form of group supervision without supervisor. The "supervisees" mutually supervise themselves. A target agreement with the

employer is not a prerequisite for this form of professional counselling at the workplace. Intervision is thus much less formal and also less expensive than all described forms of supervision. So a palpable advantage for the trainees is a particularly confidential setting. The intervision group is indeed strictly reserved to peers.

Another advantage of intervision – at least in a judicial setting – is the strictly voluntary character of the counselling. Whereas in the private sector, there are situations where intervision is simply required by the employer, the most a chief judge or a prosecutor can do is to incentivize intervision by explaining its beneficial effects.

In practice, forms of intervision are in particular to be found among younger – newly-appointed – judges or prosecutors. Forms of intervision are, where applicable, also part of peer-to-peer appraisal mechanisms for performance reports. But experience shows that experienced judges or prosecutors can also largely benefit from peer supervision. Inspecting for example the way an experienced colleague conducts a hearing might help to eradicate personal particularities the inspecting judge had not been aware of for long years.

#### **IV. Use of Modern Technology**

Modern technology nowadays offers an important tool that should be fully exploited. Knowledge, understanding of knowledge and applications could be fruitfully transferred through e-learning methods. A face-to-face approach would definitely work on skill and behaviour development but it is cost-effective to employ e-learning modules for new knowledge transfer.

It is to be noted, however, that the learning potential of e-learning in a judicial setting is limited even when it is restricted to new knowledge transfer. Web-based information can above all give basic information on a given topic. But understanding complex legal concepts and upper courts' jurisprudence on these concepts necessitates interaction between the concerned persons. And it has to be always borne in mind that e-learning is rather expensive when done properly. The didactical tools have to be prepared, and a follow-up after the e-learning phase has to be organized. The knowledge transferred will only be accurate if institutional provisions for a regular update of the content in the web-based tools and the used methodology are made.

##### **1. Technology-Based Training and Blended Learning**

Technology-based training emerged as an alternative to instructor-led training. The major advantage that this approach to learning offers is the number of people that can be

instructed. E-learning is also more cost-effective, as it allows judges to combine their duties with the continuous learning process.

The benefits of e-learning are at present well established if taken into account the resources. But there is still a certainty in the fact that a practical approach to training involves more than the online interventions in distance learning.

This is the reason why blended learning is highly resourceful in training. There are many definitions of blended learning, yet no single accepted definition. One of the common definitions of blended learning is referring to structured opportunities to learn, which use more than one learning or training method, inside or outside the classroom. This definition includes:

- Different methods to facilitate learning (lecture, discussion, guided practice, reading, games, case study, simulation);
- Different delivery methods (live classroom or computer mediated);
- Different scheduling (synchronous or asynchronous);
- Different levels of guidance (individual, instructor or expert led, or group / social learning).

Blended learning offers the potential to create effective training, to save time and money for the training institutions, to make training more engaging and convenient for learners, and to offer learning professionals the chance to innovate. The supporters of blending learning underline the opportunity for data collection and customization of instruction and assessment as two major benefits of this approach.

But we should not forget that blended learning has a strong dependence on the technical resources with which the blended learning experience is delivered. These tools need to be reliable, easy to use, and up to date for the use of the Internet to have a meaningful impact on the learning experience.

The main advantages of this combination of training methods in the judiciary are the following:

- Facilitators of the distance learning courses can make sure that the participants get the same level of judicial knowledge so that during the face-to-face meetings they can be more active in the practical applications and in the exchange of experience.
- The materials and the digital learning environment remain accessible for a long term consultation.
- The course can be carried out autonomously in accordance with individualized schedules.

## **2. The Live Case Method**

The use of online podcasting and videoconferencing can also ensure a large scaled information if the technical equipment is available. Judges and prosecutors from the whole country could connect and get clarifications on issues of high interest. Videoconferencing puts the professional community together. Besides this approach the training method offers other possibilities as well, such as connecting a trainer, a practitioner, judge or prosecutor from a training institution with a court during oral hearings. This is the so-called Live Case Method.

## **V. Conclusion**

In conclusion, trainers in the judiciary should be well equipped with the ability to use any of the training methods presented and above all to work on their training architecture in a professional way. If there is no recipe, education and training offers a lot of ingredients to combine.



As already mentioned in the introduction to Chapter 3, the various training methods detailed in that chapter can only be fully effective in given training scenarios when, firstly, the methodology is “transported” by suitable trainers, and when, secondly, the methodology meets and matches the chosen training format (conference, symposium, seminar, workshop, webinar, etc.), the concrete training content (law-related topics, ethics, judges and prosecutors in the society, methodological and behavioural capacities and skills, etc.), and the expectations and capacities of the respective target group.

It is thus a pivotal task of the organizer of an individual training event to properly define the course’s objectives in accordance with the target group, and to decide on the suitable location for and the suitable duration of the training format. Then the suitable alternation of methods in the given case has to be fixed, the suitable trainers and the session director have to be selected and prepared accordingly. This is what is meant by “fine-tuning the course” in the organizational chart on page 49.

However, the training organizer’s tasks do not end here. Once the session director and the trainers are found, joint decisions have to be taken as to the selection, preparation and dissemination of the training course’s materials. Suitable participants in a suitable number for the chosen training format have to be selected and instructed. They have to be made familiar in advance with the course’s concrete objectives, methodology and – where applicable – materials.

The next important step is the actual implementation of the training event (the “real-time” challenges). According to the principles of adult learning as described in Chapter 3 sub I 3, the learning environment has to be friendly, pleasant and positive to make the attendees feel at ease. This includes questions of accommodation and of a potential cultural by-programme. And it is essential to have proper (technical) infrastructure permitting the full realization of all chosen methods. In addition to this, it is the training organizer’s (hosting institution’s) task to provide for the proper documentation of the training event, and to moderate – in given cases – the contact of the training group with the “outside world” (media, etc.).

The main organizational challenge in the immediate and long-term aftermath of a training event is of course a proper evaluation assessing in a structured approach the strong and the weaker points of the course. Chapter 5 is entirely dedicated to these questions. But a training organizer has other important tasks to accomplish when the actual training phase is over: An immediate feedback session with all involved persons can help to avoid mistakes in the future. The follow-up of a training event poses also questions as to the proper publication of suitable results (training materials) of the training course, and as to the enhancement and promotion of participants’ networks in suitable cases.

The following in-depth description of good practices in the organizational realization of all the aforementioned tasks in organizing an individual training event takes a chronological order from the preparation phase (I) via the actual implementation of the training event (II) through to the immediate and long-term aftermaths of the training event (III).

## **I. Organizational Tasks in Preparation of the Training Event**

### **1. Selection and Preparation of Trainer(s) / Lecturer(s) / Speaker(s) in View of the Set Objectives and the Chosen Methodology**

The in-depth explanations in Chapter 3 sub II on particularly suitable training methods for judicial training have also mentioned, where appropriate, fitting training contents in relation to which the respective method can successfully be used. Some methods are specifically fruitful for teaching law-related topics, and other methods may serve above all to enhance the participants' social, methodological or psychological capacities and skills. A specific training tool will have proven to be particularly successful with young (trainee or newly-appointed) judges / prosecutors, another method requires the active involvement of more experienced judges / prosecutors.

Once the conceptual fine-tuning of a training event is finished, the important and difficult next step is to find the best possible trainer(s) to make it a success. It is a matter of course that the training organizer will try to get the didactically best trainer(s) / lecturer(s) / speaker(s), i.e. trainers which are at the same time knowledgeable in the course's subject and familiar with modern adult learning requirements and seek for the highest possible degree of interactivity and alternation of methods (see already Chapter 1 above sub II and III).<sup>16</sup>

In the best scenario, the training organizer knows or even has experienced that a specific trainer has already successfully carried out a comparable training event. Proper evaluation of former training events can give valuable information here. If that is not the case, a thorough pre-assessment of the trainer's knowledge and competences based on objectivized standards is indispensable. This can include consulting suitable trainers' databases and using personal contacts in training organizers' networks.

However, reality shows that the selection process might nevertheless – in spite of all good efforts made – emerge to be erratic and based on the principle of "trial and error". There is indeed no such rule that an expert in his / her field is at the same time a didactically convincing presenter and communicator. Each and every training organizer can tell "horror scenarios" where a top-ranking trainer / lecturer / speaker turned out to be a sitting "talking

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<sup>16</sup> In the ideal case they will be able to do this without having to deal with budgetary constraints.

head” with no interaction at all with the trainees and thus necessarily with no adaptation to the trainees’ horizon (the latter forming a kind of “silent crowd”). This finding is all the more valid in the judiciary, as legal education at universities still largely tends to make knowledge prevail over skills, i.e. despite all good efforts the university studies are still mostly organized in a lecture-oriented way.

In order to avoid or at least to minimize the afore-mentioned mistakes, judicial training organizers should design and implement “training the trainers” courses (see already supra Chapters 2). But it seems to be impossible to reach all potential trainers by this specific training. The organizer of an individual training event has thus the task to adequately prepare the trainers / lecturers / speakers by giving methodological hints. In an ideal scenario, a preparatory meeting with the training organizer, the session director (see infra sub 2) and the trainer(s) takes place before the event, and the training organizer comes to that meeting with a written didactical outline defining the general targets of the whole training event. Within the scope of that concept, the trainers then have to set out training goals for their specific sessions. If there are systemic hindrances for such a meeting, each trainer should in any way be asked in writing to fix a specific training goal – Which exact participants’ skills should be improved at the end of the training session to which extent? How do I assure the transfer of the newly-learned skills to the workplace? Etc. The recurrent tendency to overburden an individual training session with content can be tackled by the training organizer’s hint on the importance of sufficient breaks.

## **2. Choice of Session Director(s) / Facilitator(s)**

As a rule, the person(s) who has / have planned the detailed contents and methods of a specific training event either will be at the same time the trainer(s) / lecturer(s) / speaker(s), which is of course the ideal scenario, or quite to the contrary – if they are embedded in a judicial training institution and thus in charge of detail-planning an important number of training events – they will not be present at all during the carrying-out of the specific event. That is why one very important task of a training organizer is to select one or several session directors who will serve as chain-link between the participants’ group on the one hand, and the trainers, the training organizer / the hosting institution, on the other. Thus, his / her role is not at all merely “ceremonial”. Quite to the contrary: Apart from introducing the trainer(s) / lecturer(s) / speaker(s), leading the discussions and keeping the timetable, he / she will make all the named stakeholders – and especially the trainer(s) and the trainees – feel comfortable in the training setting, and he / she will be the first contact point for everyone whenever there are organizational challenges or unforeseen difficulties to tackle. The session director also plays an important role in the evaluation process (for details see Chapter 5 infra). A good session director is communicative, he / she has poise and a certain amount of experience. In an ideal scenario, the session director is an expert or at least rather knowledgeable in the training event’s topic(s).

In adequate cases, the role of a session director can switch to the task of a real facilitator, i.e. a person who helps the attendees to define their common objectives and – without taking a particular position in the discussion – helps them to plan how to achieve their goals. Here, the boundaries between session director, facilitator and trainer / lecturer are indeed floating. In this scenario, not only the trainers themselves, but also the session director should be involved in the selection and preparation of training materials.

### **3. Selection, Preparation and Availability of Training Materials**

Some training methods as described in Chapter 3 sub II necessitate a particularly thorough training materials' preparation phase. This is for example the case for mock trials (simulated hearings and role play exercises), for case studies and for experiential exercises (e.g. on a specific change process in a court): The trainers have to conceive scenarios which are at the same time didactically sound and instructive and reflecting true life. Any artificial setting will make it more difficult to attain the set objectives. In given cases, the future participants can be asked for suitable real cases.

In the named situation the second important challenge while preparing the training materials is to decide in how far information on the case is divulged to the various "players". Divulging only "filtered" information can prove to be especially instructive.

Independently of the afore-mentioned specific methods, it can generally be stated that the handing-out of training materials can serve different purposes in accordance with the specific training setting and with the chosen methodology: Materials can have a mere preparatory purpose, i.e. to bring all the trainees to roughly the same level of knowledge / skills at the beginning of the training event, or to make them familiar with the specific training event's setting, i.e. in both cases to make the group more homogeneous.

Other materials will help the attendees to discover and to solve problems during the course of a training session. A third type of training materials summarizes the findings of a training session and is thus best given out at the very end. So the point of time in distributing training materials largely depends on the individual didactical purposes. In addition to this, certain web-based learning forms such as webinars necessitate an in-advance investment by the trainees who have to make themselves familiar with the specific communication and learning techniques.

In the named situations where materials are to be sent out in advance, it is the training organizer's task to care for the in-time and comprehensive information of the participants and to raise their awareness for the importance of the materials for the proper preparation for the training event. Often, it will be a good solution to make the training materials

accessible on the website of the hosting institution. In given cases, web-based participants' forums (or: fora) can already be implemented before the actual training event to allow a proper exchange of training materials (see also infra sub III 3). But this has of course to be done all by respecting the authors' copyrights. It is the training organizer's task to gather the concerned persons' written consent to the publishing of their materials (see also below sub III 2).

#### **4. Call for Applications**

Once the target group matching the set training objectives and, correspondingly, the suitable number of participants' places, the training event's duration and location are fixed, it is time to go public and launch the call for applications. This can be done in parallel to the conceptual fine-tuning of the course as described sub 1 to 3. As judges and prosecutors typically are very busy people with a huge workload, it is of utmost importance that the call for applications can take place in due time, best no later than six months and in the very latest three months ahead of the event, so that the applicants can arrange the event's dates with their agenda on the workplace. A suitable call for applications properly indicates the teaching methods, the learning goals and the learning level to avoid the participation of under-challenged as well as over-challenged judges or prosecutors. If the training concept is based on a particularly high level of interactivity involving the attendees' readiness to open their souls and their minds, this should be explicitly mentioned in the call for applications.

In given cases, the call for applications should mention the need for a preliminary personal investment of the trainee (for example reading or even drafting a text), and – concerning longer-lasting events – the estimated amount of working time which has to be invested. Indeed, the participation of an “improper” (not sufficiently informed) trainee is not only cumbersome for the concerned person. Experience shows that just one dissatisfied participant can in extreme cases spoil the whole training event!<sup>17</sup>

An efficient means for avoiding this kind of situation might be to ask all applicants (and / or their superiors) to give a short motivation for the application. However, the cases where this is suitable should be carefully selected to avoid factual demotivation of otherwise interested applicants as well as an administrative overburdening of the training organizer.

A good call for applications also contains an adequate deadline. In order to allow a suitably scrutinized selection process – in some countries this also includes the (rather time-

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<sup>17</sup> A number of EU member states have introduced mandatory training for acting judges and prosecutors. Others currently discuss the introduction of such a principle. A different approach is to guarantee a “right to training”. This Handbook geared to training practitioners is not the right place to discuss the pros and cons of mandatory in-service training in-depth. However, it should not be totally blanked out in the context of proper calls for applications that anyone who attends a training event against his / her will bears all the risks to be a problematic trainee.

consuming) active involvement of a self-elected and autonomous judicial council – and the sending-out of invitations in due time, the deadline should not end later than eight weeks ahead of the training event.

Technically, calls for applications are nowadays nearly always launched in an electronic way, either by e-mail or by using a specific web-based tool (intranet) for registration. It is one of the training organizer's responsibilities to assure the free and complete dissemination in the concerned branches of the judiciary, and to monitor the process to prevent or repair any malfunctions.<sup>18</sup> This includes the training organizer's task to give the sending courts and / or prosecution offices guidelines / advice as to the proper selection of applicants. It is indeed part of a good competence management within the court or the prosecution service to select only motivated applicants for which the concrete training event is a fitting corner stone in their carrier development.<sup>19</sup>

## **5. Choice and Invitation of Participants**

A needs' oriented specific training event will quite frequently count more applicants than free places. This can be the case for residential training courses as well as for webinars. The training organizer then has the complex and sensitive task to choose the final participants. To avoid too heterogeneous groups and specifically phenomena of over- or under-challenges, the overriding selection principle should be to only take judges and / or prosecutors which perfectly fit in the target group. Indeed, even if the number of applicants matches (or falls short of) the number of vacant places, it is preferable to leave a place vacant than to invite an inappropriate applicant. It does not need particular sophistication to state that the smaller a participants' group is, the more it is suitable for tailor-made approaches and for the highest degree of interactivity (see Chapter 3 above).

The second overriding criterion should be the degree to which an applicant's participation is necessitated by urgent duties' requirements. Good competence management by the sending court / prosecution office (see already above sub 1) will help to detect the true training needs, for example a judge's need for specialization. In addition to this, individual

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<sup>18</sup> A recent comprehensive field study on judicial training carried out jointly by the European Law Academy Trier (ERA) and the EJTN for the European Parliament (European Parliament – Directorate-General for Internal Affairs [2011], *Judicial Training in the European Union Member States*, PE 453.198, Brussels) has shown that an important percentage of judges and prosecutors feel that they are not comprehensively and regularly informed on existing training offers. As more than 6,000 judges and prosecutors from all the (then) 27 EU member states have participated in the survey, its results seem to be rather representative. Reasons for being not sufficiently informed might be based on technical hindrances. However, sometimes court leaders' or prosecution office leaders' negative attitude towards judicial training also plays a role for this lack of information.

<sup>19</sup> Institutionalized regular career development talks between the court leader / prosecution office leader and each individual judge / prosecutor (which exist in several EJTN member states) may help a great deal to detect the real training needs.

motivations given by the applicants can help to make the selection process more transparent. Valid sub-criteria for the choice of the final participants are gender equality, a suitable age mixture (in adequate cases where this does not bear the risk to have either over-challenged or under-challenged trainees), and considerations of fair and equal treatment (For how long has an applicant not been invited to a training event? etc.).

Once the selection made and the participants' list established, the training organizer sends out the invitations, typically by e-mail or some intranet tool, and preferably no later than four to six weeks ahead of the training event. It is a matter of course that, in addition to the detailed agenda and the participants' list, the invitation contains all the necessary information on travelling, accommodation, etc.

A real nuisance for training organizers as well as for non-chosen applicants are invited trainees who cancel their participation in the last minute without no valid cause or who do not appear without even the slightest notice. Explicit hints in the invitation letter as to the importance of one's sticking to the application and web-based mechanisms which allow the short term registration of reserve applicants may help to reduce, but not to eradicate the problem. In given cases, it can be inevitable to send a formal invoice on the applicant's misbehaviour to the sending court / prosecution office.

## **II. Actual Training Event's Framework: The Implementation Phase**

### **1. Proper Welcoming of Guests**

In carrying-out training (as in many other domains) it is the proverbial very "first impression that counts". Indeed, even in a webinar with no direct personal contact, the host's welcoming remarks are of vital importance for "setting the tone".

First and foremost, the training organizer (and / or the session director) has the vitally important task to create in the best way possible the aforementioned familiar atmosphere within the group from the very first contacts. An informal first gathering before the beginning of the actual agenda (best with something to eat and to drink at hand) including the handing-out of name tags for each and every involved person and a first round of personal presentations will beneficially contribute to "break the ice" among a group of rather high-ranking and successful adult persons who, quite regularly, did not know each other personally before the training event. This is even more relevant for guests from foreign countries with a different cultural background.

Additionally, it is a matter of course that accommodation should be adequate independently of internal (full accommodation training centres) or external solutions.

## **2. Suitable Hosting Institution's Infrastructure**

It should be a matter of course that the hosting institution's training infrastructure matches as much as possible modern standards. Spacious, medium-sized and small training rooms with comfortable furniture providing an open and welcoming atmosphere will largely contribute to render training sessions of different categories and of different methodology – from conference speeches to workshops in small groups – successful. School desks should by and large be avoided, as they might enhance a tendency to mere frontal lecturing, which should be avoided (see Chapter 3). An arrangement of tables in the typical horseshoe shape (also called “U” shape) may greatly contribute to promote interaction. If group tables are preferred, the plectra-shape seems to be particularly suitable. All these infrastructural issues have already to be kept in mind by the training organizer during the preliminary planning phase.

It is a matter of course that modern interactive training with constant alternation of methods as laid out in Chapter 3 necessitates modern technical equipment: This means for example LCD projectors, laptops with Internet access, video cameras, smart boards, meta-plan equipment, sound technique, translation technique including soundproof booths, flipcharts, etc. It is the training organizer's task to keep the technical equipment functional and up-to-date. In addition to this, in the case of training including videotaping and video analysis there has to be constant contact between the trainer, the session director and the technical personnel to avoid and – if necessary resolve – problem situations.

In the case of a virtual – web-based – training, the infrastructural challenges are as a matter of course particularly important. Each participant of a webinar has to have the suitable technical equipment allowing him / her not only to listen to the host and to get (and in given cases to download) all the relevant information in real-time, but also to make active real-time contributions by oral statements and adequate uploads. From an organizational perspective, this particular technical complexity makes the involvement of a permanent stand-by webmaster indispensable.

## **3. Cultural Programme**

It has already been underlined that adult learners strive to have the most comfortable learning environment possible. Judges and prosecutors are habitually successful and busy “matter-of-fact” people. To make their learning process successful and sustainable, but also to make them exchange freely their professional experiences and socialize, they should be put in a rather sophisticated setting. The training organizer, the session director and the

trainers bear the responsibility to create a real supporting “classroom atmosphere” among the participants.

In addition to this, a high-level cultural (framework) programme with, for example, social dinners, wine tastings, concerts, readings, guided sightseeing tours and the like – if possible in the specific organizational setting – perfectly complements the actual learning phases during the sessions. So the need for alternation is not only a prerequisite for the training methods themselves, but also for the carrying-out of the training event as a whole. This is all the more important the longer a training event lasts.

#### **4. The Host / Training Organizer as Chain-Link Between the Participants’ Group and the “External” World: Media Contact, etc.**

It is sometimes held that the judiciary is a world which is secluded in itself. However, this has never been true and is more erroneous than ever nowadays in our highly mediatized societies. Judges and prosecutors are positioned in the midst of society. They often have to solve highly-disputed issues with an impact going way beyond merely legal or judicial questions. This is why as good training organizer is initially open-minded when it comes down to brokering contacts between representatives of the “external” world and the people invested in a specific training event.

This is easily feasible when the question is about the involvement of professionals closely related to judges and / or prosecutors: private lawyers, corrections officers, ministry officials and the like.<sup>20</sup> In more complex cases, however, it is also the training organizer’s important task to protect the training group against any infringement from outside which might put the training goals at risk. The following three recurrent examples might illustrate the difficulty of the task to reconcile all the interests:

Quite naturally, judicial training events dealing, for example, with topics such as doping in sport, the drug problem in a modern society, or fighting against political extremism / terrorism will generate a genuine interest in the public and in particular in the media. It is then the training organizer’s task to reconcile the legitimate interests of the trainers and of the trainees – namely to have a protected and private learning environment – on the one hand, with the equally legitimate interests of the media to be informed.

In other cases, namely when the training event’s topic presents a political interest (in the largest sense of the word), non-profit organizations holding a stake in the topic and other special interest groups will show an interest to attend (parts of) a training event. Here again the training organizer has the important task to broker solutions which duly consider the

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<sup>20</sup> Here, the training organizer will just have to decide in the individual case if the non-judge’s or non-prosecutor’s participation is beneficial for the training event.

respective interests at stake. It is a matter of course that he /she has to thoroughly scrutinize the very nature of the demanding organization / group and especially its particular ways of promoting its views. Solutions (compromises) can only be found with the involvement of all stakeholders.

A specifically delicate situation arises when external behavioural psychologists (often university researchers) want to benefit from the fact that a non-negligible number of motivated judges and / or prosecutors are united on one spot to carry out an attitude survey. It is in these cases the hosting institution's / the training organizer's task to decide and, if a positive decision is taken, to announce the carrying-out of the survey in due time ahead of the training event. He /she also has to make it perfectly clear to the psychologists as well as to the participants' group that the survey has to be strictly voluntary, confidential and anonymous.

## **5. Documentation of Participation**

The participation in a training event as trainer / lecturer, session director or attendee should be duly documented. It is the training organizer's task to establish certificates of attendance with all the relevant data on the training event. The training organizer and the session director jointly have to supervise whether each attendee has really been present during the whole training event. Lists for certifying the presence in each learning session by one's own signature might be a helpful tool in that respect. If necessary, the handing-out of a certificate of attendance should be refused.

Of course, the participation in a training event is only really documented in a lasting way if a copy of the certificate of attendance is added to the personnel records of the respective trainee. In an ideal scenario, the training organizer will himself / herself provide for the sending of the copies to the body / bodies in charge of keeping the personnel records.<sup>21</sup>

Should that not be possible for technical reasons, the training organizer should in any way remind the trainees of the importance to have copies of the certificates of attendance added to their personnel records on their own initiative. The fact of having the certificates of attendance added to the personnel records serves on the one hand statistical purposes, but it is above all an element of proper career development and competence management within the concerned judicial administrations (see on this topic already supra Chapter 2 sub I 1). In many EJTN member states, as judge's or a prosecutor's willingness to actively train

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<sup>21</sup> Depending on the particularities of the judicial system in each member state, the personnel records might be kept by the ministry of justice, by a superior court (or superior prosecution service), or by a self-elected judicial council. Of course, a web-based human resources' management software (as many of the judicial administrations in the EJTN member states have nowadays) can largely facilitate things concerning the documentation of a judge's or a prosecutor's training activities.

peers and to be trained is nowadays – justly – an important factor in carrier advancement considerations.

### **III. The Organizational Follow-Up of a Training Event**

The most important task in the organizational follow-up of a specific training event is of course its thorough evaluation. Chapter 5 of this Handbook will deal in-depth with this issue. However, independently of evaluation, the tasks the organizer of a training event has to accomplish do not end with the final training session. A debriefing session (1) in the immediate follow-up will help to strike a first balance of what has been good and what could have been better in the organization of the event. To make the success of the training a long-lasting one, an accessible documentation of the training materials and the training event's results (2), as well as the enhancement of participants' networks (3) seem to be valuable tools.

#### **1. Debriefing: Feedback Sessions of Those Involved on Potential Future Improvements**

In addition to written evaluation on content aspects and organizational aspects (see in-depth below Chapter 5), a debriefing in the immediate aftermaths of a specific training event may help to have a precious feedback on organizational issues by all involved stakeholders, and this with still fresh memories. It has indeed been shown throughout this chapter, that training content and methodology, on the one hand, and implementation-related training organization questions are inextricably entwined. So in an ideal scenario, the trainer(s), the session director and the training organizer (if he / she is part of the hosting institution) will convene in an informal confidential meeting and open-mindedly scrutinize the good aspects of the freshly-concluded training event as well as potential for further organizational improvement. Questions as to the proper definition of the target group in the call for applications, as to the adequacy of the classroom and the technical equipment, as to the quality of the cultural programme, as to time management etc. might be raised in this debriefing.

In addition to this, it is useful that the training organizer / the hosting institution extends the evaluation questionnaires to organizational issues. He / she can combine content and organizational questions in one and the same questionnaire. It can, however, also be beneficial to hand out separate questionnaires to the trainees in which they can freely comment – independently of the evaluation of the content of the training event – on organizational and infrastructural questions.

And thirdly, a thorough written report by the session director on the strong aspects of the training event as well as on the weaker ones will help to make improvements when

carrying-out a comparable training event in the future. This written report has the advantage that the session director is not under the immediate impression of the event itself anymore and can thus comment things from a certain distance (in time and in space).

## **2. Accessible Documentation**

A good training event quite naturally produces results which can be of a professional interest not only for the participants, but also for a wider range of judges and / or prosecutors. The collected materials can be documented in paper print in the (publicly accessible) library of the concerned training institution.<sup>22</sup> As an alternative, CDs or DVDs might be burned and then distributed (or sold). But the solution which seems to be more and more preferred is the electronic publishing of the training materials on the website of the training institution.

However, important legal and technical challenges have to be tackled when creating such an electronic library: The first step is to select the suitable materials. It would indeed constitute an “overkill” just to publish all the materials gathered. And a significant number of documents will anyway not be of any relevance or help for readers from the outside. The second – important – step is to respect the authors’ copyrights (see already above sub I. 5.).<sup>23</sup> A third challenge is to prevent abusive access to the electronic materials by non-jurists. It might crystallize as necessary to have recourse to logins and passwords. The fourth point is the training organizer’s task to regularly actualize the electronic library, i.e. not only to add new materials, but also to delete outdated documents. And finally, in-depth thoughts should be invested in the proper promotion and dissemination of particularly suitable training materials in the courts and the prosecution offices, in order to make the materials accessible to non-participants.<sup>24</sup> In an ideal scenario, the course materials will initiate internal discussions in a court or prosecution office as to the usefulness of the materials for the organization and as to developing new practices based on the incentives given by the materials.

## **3. Enhancement of Participants’ Networks**

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<sup>22</sup> Depending on the organizational, human resources and financial settings of the training institution, the collected materials might even be published in a real handbook with uniform layout. Some EU member states have quite impressive and comprehensive documentations of former training events in their national training institutions’ libraries.

<sup>23</sup> From an organizational standpoint, it can be helpful to ask the trainers / lecturers / speakers for their written consent already during the first contact prior to the training event. That does of course not mean that the training organizer contracts an obligation to publish the materials afterwards.

<sup>24</sup> The authors of this handbook could not, however, detect best practices as to the systematic promotion / dissemination of suitable training materials among all concerned judicial practitioners. Of course, the ways of communication differ considerably in the EJTN member states. That makes the development of best practices in this field rather difficult.

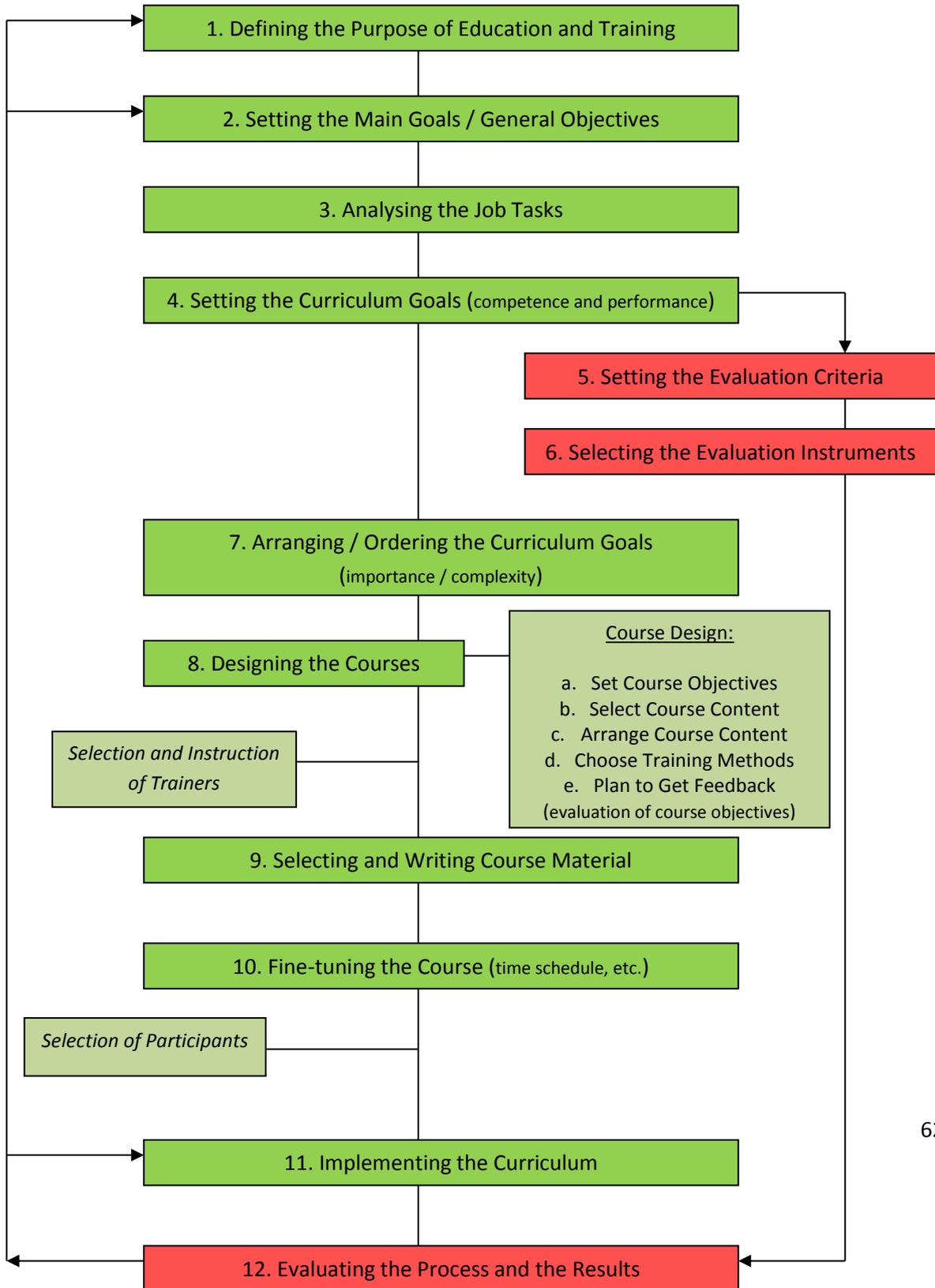
In given cases, attendees of a singular or modular training event will be interested in maintaining a sustainable network after the last official training session. This is for example of particular relevance where the participants have worked on real-case scenarios in durable change management processes. A natural reaction of the participants in these cases is to exchange their service e-mail addresses. However, this might only lead to more or less sporadic and erratic contacts of the networkers. If the technical conditions are met, it can be very useful to implement web-based participants' forums where they can chat in real-time and where they can upload relevant materials for the benefit of the other networkers.

Experience has shown, however, that the average judge or prosecutor rather shows a reluctance to actively and regularly participate in such forums. So it is necessary from the training organizer's standpoint to verify in advance if really a specific attendees' group is worth the complex effort to implement an electronic forum. A facilitator should be chosen to channel the exchanges and to make a suggestion as to the closure of the forum when it has proven to be inactive for a significant period.

## Chapter 5: Evaluation Landmarks

*"An investment in knowledge pays the best interest."*

Benjamin Franklin



As the organizational chart on page 62 as well as the in-depth explanations in Chapters 2 (sub I) and 4 (sub I 1 and sub III 1 + 3) have shown, the thorough evaluation and assessment of judicial training programmes and events is not at all just a cumbersome finger exercise. Quite to the contrary: Evaluation is highly important in the training cycle to detect whether the initially set training objectives (on the macro curriculum level and on the micro training course level) have been met fully, partially or not at all. At the same time, proper training evaluation and assessment looking at the immediate aftermath of the training as well as the long-term effects gives a precious feedback as to existing training needs.

Within the last decades there have been large theoretical and methodological developments within the field of evaluation, but at the same time there are fundamental problems faced in this field because evaluation is not a discipline that has been developed by practitioners. The concept of evaluation has a wide range of definitions. But, in the everyday practice the theory about assessment and evaluation is meaningful only if something is being done with the results obtained by the trainees, trainers and the training institution. If there is no follow-up, no improvement, evaluation is sterile and useless.

When framing an institutional evaluation process, the central engine is not the concept about evaluation, but the professionals who design, apply and use its results. Therefore, beyond theory, a set of principles would be crucial to use as guidelines in order to accommodate the different national views, institutional aims and final outcomes for the judicial systems. As any national training institution is delivering training for judges and / or prosecutors, thus learned law university graduates, the set of basic assumptions should be given by the principles of adult education. At the same time, a needs' oriented approach allows our training institutions to be closer to practice and practitioners in the judiciary.

This is the reason why the perspective given in this chapter attempts to look into an evaluation process that can be tailored according to the features of the different judicial cultures, country specific context, individual and institutional needs, having as common ground the adult professional in the judiciary. In other words, the chapter intends to give an orientation on how to set up an evaluation methodology.

One of the definitions of evaluation states that it is: a systematic, rigorous, and meticulous application of scientific methods to assess the design, implementation, improvement, or outcomes of a training programme. It is a resource-intensive process, requiring specific resources, such as, expertise, time, manpower and a budget. The right estimation of all these factors gives data when setting up a certain evaluation methodology.

Therefore, any institution dealing with the training of judges and prosecutors, in initial or continuous training or both should have a broad understanding about why the process of

evaluation is important, how should it be organized and what should be assessed and evaluated.

The exchange of experience that was organized for the EJTN members between 2011 and 2013 surfaced differences in the recruitment procedures, in the initial and continuous training structure, and in the institutional organization. But behind them, there were the same challenges, similar visions, common values and an excellent individual capacity to exchange diverse experiences.

Under these premises, among other important issues, assessment and evaluation were also extensively discussed. Underlying the value given to each experience and good practices existent in the judiciary, the present chapter would give some landmarks on how to set up an institutional assessment and evaluation methodology with a theoretical model behind.

## **I. Kirkpatrick's Model**

The theory of proper training evaluation is still largely based upon the exhaustive researches carried out by Donald L. Kirkpatrick. His model originally created in 1959 and last revised in 1994<sup>25</sup> promotes a self-regulatory mechanism through feedback from the different beneficiaries of the evaluation; its main merits are that it does not stop at the mere (first) reaction level, i.e. that it takes into account further levels which are important when it comes down to assess whether the set training objectives have been sustainably reached. Furthermore, the model is sufficiently flexible that it can be purposefully used and effectively adapted in order to design an evaluation methodology in any judicial training institution. Thus, it helps trainers and training coordinators to measure the effectiveness of the training delivered in an objective way. Good results could be expected if a given country's specific needs are beforehand identified.

Kirkpatrick's evaluation model is based on four levels: It is reaction-based, learning-oriented, behaviour-oriented, and results-based. By analysing each of these four levels, one can gain a thorough understanding of how effective the training was, i.e. if it has met the set objectives and goals, and how it can be improved in the future.

### **1. Reaction (Level 1 of Kirkpatrick's Model)**

Level 1 is looking into the reaction of the participants to the training process: judges and prosecutors or law graduates, future judges and prosecutors. The reaction evaluation is

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<sup>25</sup> The model was first published in a series of articles in 1959 in the *Journal of American Society of Training Directors*. An integral publication of Kirkpatrick's decades-long researches happened for the first time in 1994 under the title *Evaluating training programs: The four levels*, San Francisco: Berrett-Koehler.

about the participant perception about the training experience, i.e. about their level of satisfaction.

It measures how the participants reacted to the training. Obviously, as laid out in Chapter 4, the training organizers work hard:

- To plan a valuable training experience;
- To facilitate a learning-oriented environment;
- To have effective options for knowledge-based topics and skill-based activities;
- To have useful materials;
- To mix presentations and interactive approaches; and
- To provide an appropriate training venue.

When measuring the participant reaction, the information collected is being oriented towards all these indicators that reflect the institutional training standards in a given national setting. When coming to the concept of standards, there should be taken into account the fundamental features of quality training: appropriateness, effectiveness, utility, etc. This illustrates once again how crucial it is to develop a clear evaluation concept from the very beginning of planning a needs' oriented training programme.

Although the reaction level of the evaluation process might be labelled as subjective, the information collected is crucial in a participant-centred approach to training. If the participant is not in the centre of the training process, the natural consequence would be that the reaction-based level of the evaluation process is not considered when setting up a methodology for a future training event. The involvement of participants is recommendable though, as the training paradigm has changed, and in adult learning the targets are workplace-oriented and competency-based.

If the training events are not customized according to the needs and interests of the trainees, a good training content and delivery can fail. If there is the need to assess the level of satisfaction of the participants there should be designed a set of relevant questions in accordance with the type of information needed. There are listed some examples below:

- Did the trainees feel that the training was worth their time?
- Did they think that it was successful?
- What were the strengths of the training, what about the weaknesses?
- Did they like the venue?
- Did they find the practical activities useful?
- Was the presentation style effective?
- Did the training session accommodate their personal learning style?
- Was the content properly chosen?

Next, there should be identified the modality by which these reactions will be measured, which would be the most effective evaluation instruments. To do this, there can be used satisfaction surveys or questionnaires; however, there is also the possibility to watch the trainees' body language during the training, and get verbal feedback by asking trainees directly about their experience.

Once the information gathered, it should be thoroughly analysed. Then, decisions about what changes could be made, based on your trainees' feedback and suggestions are to be taken.

## **2. Learning (Level 2 of Kirkpatrick's Model)**

Level 2 takes into consideration the evaluation of the learning process. It is a type of measurement that can be found primarily in the national training organizations where there is an initial training programme (see in-depth Chapter 6). But of course, continuous in-service training programmes and events can also be the object of an evaluation of the learning process. Knowledge, skills and behaviour can be assessed depending on the scope and aims of the teaching-learning design.

*Assessment* is the process of gathering data. More specifically, assessment is the ways trainers gather data about their training and their participants' learning.<sup>26</sup> The data provide a picture of a range of activities using different forms of assessment such as: pre-tests, observations, and examinations.

Once these data are gathered, there can be evaluated the participants' performance. *Evaluation*, therefore, draws on one's judgment to determine the overall value of an outcome based on the assessment data. It is in the decision-making process then, where we design ways to improve the recognized weaknesses, gaps, or deficiencies.

The various types of assessment will be described in-depth in Chapter 6, as they are first and foremost constantly-used tools in initial training evaluation.

Concerning continuous in-service training, assessment measures are useful in order to find out if and how the adult participants are learning and if the training methods are effectively providing the intended messages. The trainer should develop a range of assessments strategies to match all aspects of their training plans. The selection of appropriate assessments methods should also match the course and the overall programme objectives.

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<sup>26</sup> See Hanna, G., Dettmer, P., *Assessment for Effective Teaching*, Toronto, ON: Pearson Education, Inc. (2004).

### **3. Behaviour (Level 3 of Kirkpatrick's Model)**

Level 3 is looking into the behaviour evaluation at workplace. After having implemented an initial training programme or a continuous training curriculum or event, it is useful for the training institution to find out whether the training programme met the needs of the recently appointed judges and prosecutors and of the citizens themselves. Therefore, the transfer of competency from the training institution to the workplace activities can be approached if needed.

At this level, it is evaluated how far the trainees have changed their behaviour, based on the training they received. It is important to realize that the change in behaviour can occur only if the conditions are favourable. For instance, if the evaluation methodology did not take into analyses the level of satisfaction of the trainees, or the learning proper, and the target is to look into the former graduates' behaviour as a group, there might seem that no behaviour change happened.

Therefore, it might be assumed that the trainees have not learned anything and that the training was ineffective. However, just because behaviour has not changed up to a certain moment, it does not mean that trainees have not learned anything. It is good to look into level 1 and 2 to determine the starting point of their training process and then at their working environment to check whether the features of their workplace permit the application of the targeted professional behaviour. Applied values and professional behaviour is dependent on the human and professional conditions offered in courts and at the prosecution offices.

It can be challenging to measure behaviour effectively. This is a longer-term activity that should take place months after the initial training. Using questionnaires there could be assessed whether the trainees put any of their learning to use, if the trainees are able to talk about their new knowledge, skills, or attitudes to other people, if the trainees are aware of any change in their behaviour, so on.

One of the best ways to measure behaviour is to conduct observations and interviews over time.

### **4. Results (Level 4 of Kirkpatrick's Model)**

Level 4 is about result evaluation, i.e. in the judicial context on the one hand the evaluation of the effect that the work of the judges and prosecutors has on the citizens and on the functioning of the courts and prosecution offices. But the sustainable result of an in-service training programme or singular event can also be measured by highlighting the changes and

amendments which have occurred in a given court or prosecution office subsequently to the training delivery.

So at this level, there are analysed the final results of the training. This includes outcomes that are determined to be good for the judges and prosecutors, or for the bottom line. The information collected is about the effect of what the (trainee, newly appointed or seasoned) judges and prosecutors which have been trained do at workplace. It is a rather long term assessment, when and if it is needed.

Of all the levels, measuring the final results of the training is likely to be the most costly and time consuming. The biggest challenges are identifying which outcomes, benefits, or final results are most closely linked to the training programme, and coming up with an effective way to measure these outcomes over the long term.

Here are some outcomes to consider, depending on the objectives of your training:

- Better behaviour in the contact with colleagues and third parties;
- Better communication ways and structures within the organization;
- Higher quality activities.

In continuous training results are to be measured only if the benefits are clear and important to obtain. For instance, when there is a major change in terms of legal regulations the assessment of results is as important as the one of behaviour.

## **II. Considerations on the Usefulness of Kirkpatrick's Model for the Evaluation of Judicial Training Events**

Although Kirkpatrick's Four-Level Training Evaluation Model is popular and widely used, there are a number of considerations that need to be taken into account when using the model. One issue is that it can be time-consuming and expensive to use levels 3 or 4 of the model, so it might not be practical for all training institutions and situations. This is especially the case for organizations that do not have a dedicated training programme (see in-depth above Chapter 2) and consequently an evaluation methodology to include these types of procedures in an organized way.

In a similar way, it can be expensive and resource intensive to use resources in order to collect data with the only purpose of evaluating the behaviour and programme results. These types of interventions should be used mainly when the judicial context needs information for a change or when other types of strategic assessments show that behaviour

should be assessed to see whether the values of the judges and prosecutors, maybe the European values are reflected in the professional behaviour.

Most importantly, the schools / training institutions change in many ways and at a high speed. Behaviours and results change depending on these, as well as on training. For instance, the common goals of the judges and prosecutors in Europe from the perspective of the common values might bring in a change that could be assessed in each country.

Kirkpatrick’s model is great for trying to evaluate training in a "scientific" way. This is why it is useful only if it is considered as the model to shape an evaluation methodology with the specific objectives and results in the design of it.

This grid illustrates the basic Kirkpatrick structure at a glance:

<b>Level</b>	<b>WHAT is being measured?</b>	<b>WHY?</b>	<b>HOW?</b>
<b>1</b>	<p><b>Reaction</b> The reaction evaluation is about the perception of the judges and prosecutors about the training process.</p>	<p>The degree of participant satisfaction gives information about the bonding between the trainer and the trainee, about the content management, adequacy to the level of trainee readiness, so on. It gives a lot of information about the trainees since their reaction show what they value individually.</p>	<p>Using: Questionnaires. Feedback forms. Verbal reactions.</p>
<b>2</b>	<p><b>Learning</b> The evaluation of learning is a central process in initial training. It should be well structured to get the right measurement of what happened from input to output context-wise.</p>	<p>Adult learning is about individual development and change. Knowledge, skills and behaviour are under consideration when designing the training process. Learning in initial training should be checked and tested to prove that training is adapted to the needs of the judicial system and individuals.</p>	<p>Tests before and after the training. Interviews. Self-assessment hand-outs. Observation sheets.</p>

<b>3</b>	<b>Behaviour</b> Behaviour evaluation looks into the competency transfer from the learning environment to the workplace environment.	Although the principles of adult education direct training, it is useful to re-visit the training process (content and method) at the moment when the former trainees are active at the workplace. The information obtained could be used to re-shape the initial training programme and adjust the courses offered for the continuous training of the judges and prosecutors.	Observation and interview over time are required to assess change, relevance of change, and sustainability of change.
<b>4</b>	<b>Results</b> The evaluation of the results measures the effect on the job or environment by the trainee.	The way in which the work and activity of the judges and prosecutor's is being perceived at the court and prosecutor's office level is an evaluation that takes into account different views at the level of everyday professional life.	Management reports The evaluation of the judges and prosecutors (after 1/2/3 years of activity proper)

This theoretical framework could be pretty useful for the design of an evaluation methodology as each training institution needs to keep up with a set of standards and is interested in the quality measurement of the training programme.

The evaluation methodology can be four-layered or simply looking into the level of satisfaction of the participant judge or prosecutor. In any circumstances, though, the way in which the evaluation instruments are being constructed and administered is decisive.

An effective evaluation kit should be made of:

1. Questionnaires (assessing the training needs; assessing the training process; assessing the results of training; assessing the trainer);
2. Feedback forms;
3. Interviews;
4. Observation sheets;
5. Self-assessment instruments.

### 1. Questionnaires

They are used to collect data about the trainer, the trainees, the particular training event, and so on.

This is the most commonly used evaluation method. Every institution has its own "evaluation form" the function of which is generally to be used to immediately evaluate an action, mostly measuring the degree of satisfaction in relation to: achievement of individual learning goals / expectations, materials, organization, facilities, session director, lecturer's / facilitator's competency, training techniques, strong and weak points of the action, recommendations.

From the point of view of the content, the questionnaire may be used for the aim of general evaluation by checking to see if the training goals have been met and measuring the learning (if applicable).

Questionnaires may be directed to the trainees, to the lecturers / facilitators, and to the session director.

The questionnaire reserved for the second and third category of professionals should be focused more on specific outcomes rather than the generic one delivered to the participants. For example, the lecturers / facilitators should be requested to answer questions about: relations with the training institution (person responsible for the action, administrative staff, medium and senior management); equipment and technical means available (facilities, computer, mail, library); communication between trainers; adopted training methods; materials; achievement of the training goals; achievement of learning; quality of trainees' participation (active or passive participation, starting knowledge level, interaction among trainees and with the trainers).

The training organizer and / or the session director should be requested to report whether or not the action has met the objectives, lessons were learned and follow-up actions took place.

From the point of view of the structural plan, the questionnaire may be designed with open questions, multiple choice questions, closed questions (only "yes" or "no" answers allowed).

More information can be obtained through open questions. It should be taken in consideration that opinions may vary and unexpected answers may be given. The useful analysis of open answers requires time, resources and expertise. Open questions should be reserved for the questionnaires directed to trainers and facilitators and directed to measuring learning (i.e. the efficiency of the training in improving the knowledge of the participants).

If there is the need to classify, there should be framed classification questions about age, sex, level of readiness, specialization.

To test knowledge, facts, measure of reactions, there are structured questions.

(E.g.: Please put 1 against the most important and 5 against the less important of the following statements; the statements are being conceived for assessment purposes.)

If more input is needed, open-ended questions are used. The participants are free to give any answer.

(E.g.: What information should be included in...?)

To assess skills, behaviours, measure reactions, a 7 or 9 point scale can be used.

(E.g.: Please assess the skills of the trainer, by circling the appropriate rating:

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

To assess skills, attitudes, the Likert type of questions<sup>27</sup> can also be used.

(E.g.: 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.)

In order to obtain good results, there are a set of recommendations:

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 words that express feelings (Do you feel..?);
6. Avoid multiple questions (Do you think the judges 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?

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<sup>27</sup> See on the principle and the usefulness of Likert's type questions and scales for example: Malhotra, N.K., *Marketing Research*, Prentice-Hall: Upper Saddle River/NJ (1999).

9. Questions should always be able to stand alone;
10. Avoid hypothetical questions (probe experience);
11. Pay attention to details (instructions for completing the questionnaire).

## **2. Feedback Forms**

An effective feedback is usually verbal and it takes place as soon as the training event is over or as soon as the individual learning process needs it for improvement.

A feedback form can also be used if there is time constraint. The feedback form is criteria based. The criteria are set by the training provider or the trainer himself in order to improve the training and meet the needs of the trainees. At the end of each training day there can be used a simple feedback form using statements such as: two issues that you need to know more about, something that needs further clarification, something that you want to apply, something that was not relevant, etc.

## **3. Interviews**

Structured, semi-structured or unstructured interviews may be conducted after the training has taken place. They may be realised face-to-face or by phone. The method is particularly useful when the aim is to gather detailed information on complex or new issues. The evaluator should be trained to perform interviews. The target group should be limited (a sub-group representative of the training event's attendees). Basic equipment (like a voice recorder) is needed. The analysis of the answers requires time and resources. Interviews are useful whenever there is an assessment within a recruitment procedure. The recruitment of any candidate mainly relies on interviews. As a first step, the interviewers need to make sure what is the training institution looking for, which is the profile envisioned.

Structure: Typically interviews are for 30 or 60 minutes. The key is that the interviewer should be controlling the conversation. A good interview should feel like a (guided) conversation, however the candidate should be doing most of the talking. The interview questions should only be job-specific.

An interview can be useful at each of the four levels of an evaluation methodology. The questionnaire though is easier to use as it is less time consuming.

## **4. Observation Sheet**

An observation sheet is a document used in making recordings for the purpose of analysis. Observation sheets are of many varieties. They could be in the form of a questionnaire with questions to be answered or a checklist in which one has to confirm the presence or

absence or a certain feature. Observation sheets can be effectively used along the learning process both in initial and in the continuous training of the judges and prosecutors. It has to be designed as peer to peer observation.

The impact of training on the life of the courts and the quality of justice may be the subject of an assessment led by people of equal status and rank. The “external eye” is of utmost importance in order to check on the improvement of practice, recurrent problems, serious and continuing errors and positive and negative quality indicators. A peer-to-peer mission may be launched when broad training actions involving large part of the judiciary have been realised in a given period of time (e.g. one year) on best practice, procedural law or new laws / procedures.

The evaluation by a group of expert assessors should be focused on the main learning outcomes of the training (i.e. on the process – open and transparent proceedings, guarantee of the right of defence, independence and impartiality, good organisation of the proceedings, effectiveness, activeness, publicity, flexibility and on the treatment of the party and the public). It should be organized in such a way that reflection and self-reflection bring added value to the individual learning process.

## **5. Self-Assessment Forms**

Self-assessment can be effective or on the contrary, it can block the individual learning process. It can be an instrument used to evaluate the training process and to look into the assessment of the learner or the trainer himself / herself. Trainees, representative of the whole group of participants, may be requested to elaborate on the training experience, on its impact on the judicial activity and the learning outcomes with specific reference to professional practice.

A special form of self-evaluation is the "training diary". In long-lasting training experience (especially during initial training or self-training laboratory) the trainees may be requested to keep a diary in which the training experiences, the new knowledge acquired, the good and bad points, personal observations and reflections are noted.

It should be kept in mind that to analyse the information gathered through the diaries and self-evaluation reports will require time and resources.

## **III. Final Recommendations**

Setting up an evaluation methodology is a matter of knowledge and vision, getting to clear-cut results is about management and resources.

The training organizers might need to employ not only trainers and trainees in the evaluation process, but also experts, external to their organization. The choice is strategic and linked to the type of information that needs to be analysed and interpreted.

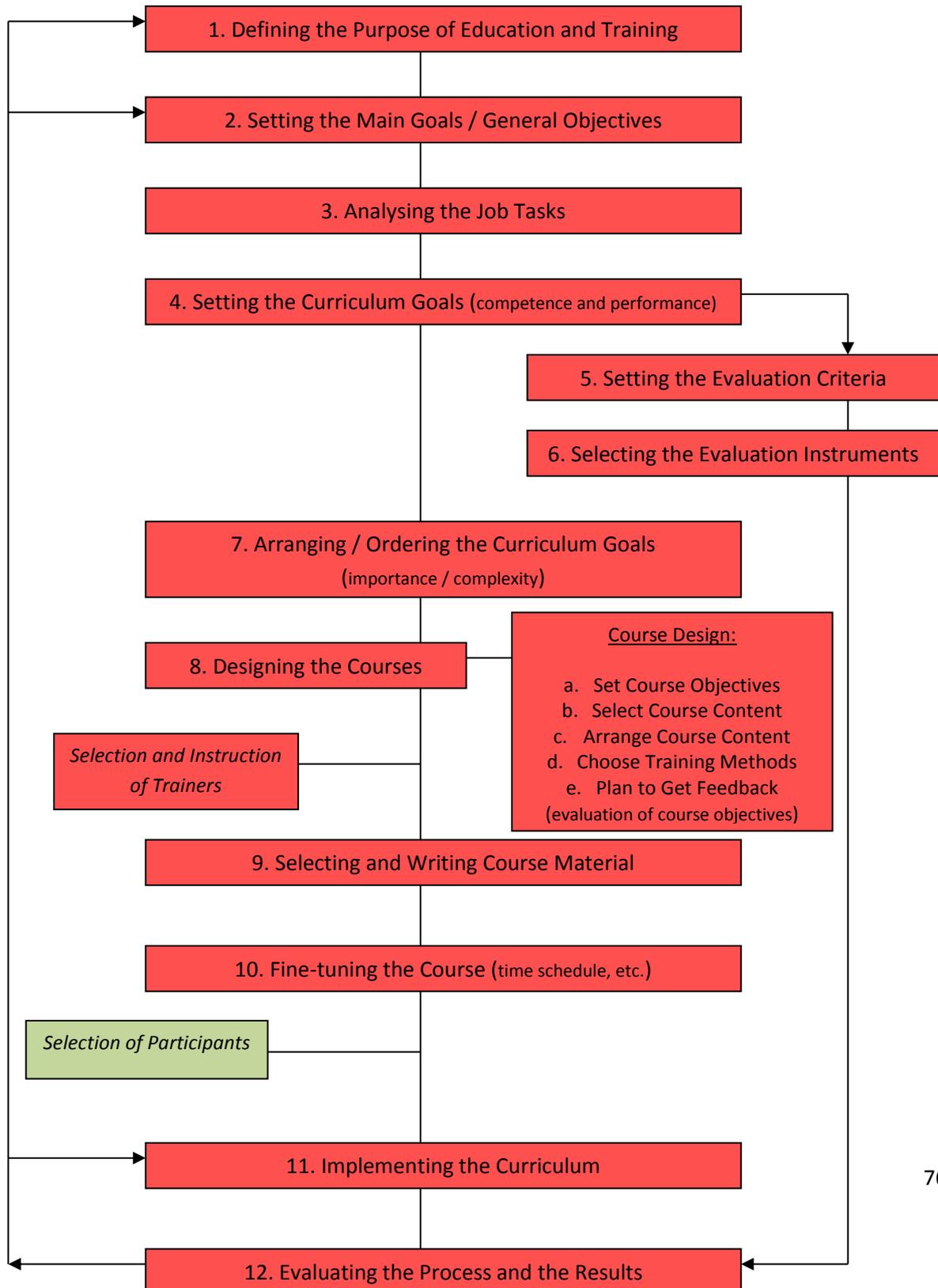
The proper collection and analysis of the gathered data and information is most important because there are measures to be taken accordingly. Therefore, whatever actions are being taken, principles like transparency and equal chances, values like mutual respect should be guiding the whole methodological approach in evaluation.

The management of any training institution will coordinate the establishment of the evaluation objectives, of levels of intervention, of methods of evaluation, of resources and of measures to be taken. At the same time, sharing a common vision at the level of the training institution in terms of the chosen evaluation methodology is a necessity since assessment and evaluation should be connected to practise and the practitioners.

## Chapter 6: Initial and Induction Training – Specific Success-Oriented Features

*“Training is everything. The peach was once a bitter almond; cauliflower is nothing but cabbage with a college education.”*

Mark Twain



## **I. Proper Curriculum Design**

Even though training content and training methods are in principle two different issues, and even though this Handbook is specifically geared to methodological questions, a proper description of existing methodological differences between initial and induction training, on the one hand, and continuous in-service training, on the other, can only be made if, beforehand, the very scope of the training of future and / or newly-appointed judges or prosecutors is properly defined.

### **1. Working Environment of Nowadays Judges and Prosecutors**

The job of a judge or prosecutor is nowadays more difficult than ever in our countries. Not only because the set of the rules of law that the courts are required to apply is becoming more technically complex, and social relations that are established increasingly demand the intervention of justice; but also because in our democratic and open societies the multiple and often conflicting rights and expectations that demand to be recognized and guaranteed, the growing public influence of individuals and social groups, the need for social order and safety, the expectations of non-discrimination and of less inequalities, of social equity and redistribution, the limits of available resources, may create tensions and thus make it more difficult and delicate to ensure in practice the necessary balances.

That is why initial training of future judges and prosecutors – as well as induction training for newly-appointed judges and prosecutors – is, today more than ever, a crucial and difficult task, which can neither be fulfilled through the mere transmission of legal concepts nor only through mechanical repetition of habits and practices in the judicial apparatus. It requires the ability to understand the environment in which judges and prosecutors operate. Competence, ethical conduct, respect for judicial independence, impartiality, reservation and properly understanding the human and social realities with which justice interacts are requirements for a good judge / prosecutor.

All this explains why it is preferable that the initial and the induction training of judges and prosecutors is not the exclusive task of internal structures of the same judicial system, as that would mean to instigate a kind of entirely self-referential process: Initial and induction training of newcomers should be set at the intersection, so to speak, of the judicial apparatus and the "external" society.

It is obvious that this training in all its aspects (and not only in the strictly legal aspect relating to the areas of international and European law) can benefit to the maximum extent of comparison, exchange and cooperation between training institutions in different countries in Europe and beyond Europe. The different legal cultures – and not only the different legal systems – can and must confront and enrich each other.

## **2. Necessary Contents of Initial and Induction Training**

Judicial training must be considered as a “key tool” for the establishment of a common legal culture in Europe and must increase the national judges’ and prosecutors’ awareness, i.e. to make them act as European judges / prosecutors. Foreign legal language courses during the initial training may serve to enhance the understanding for other judicial systems.

Additionally, ethics and deontology, i.e. proper professional conduct, is an important topic for the training of future and newly-appointed judges and prosecutors. Professional standards, including requirements of confidentiality and data protection, need to be studied and discussed, particularly through cases. The trainees have to learn how to deal with the media, with lawyers and with the parties.

However, as already mentioned in Chapter 2 sub II 2, the enhancement and promotion of the basic competences for the judicial tasks must be at the very core of initial and of induction training: Attendees must learn how to handle a case file from the file entrance and registration to its final disposal, how to properly question a juvenile or a vulnerable witness (i.e. avoiding the creation, with one’s own questions, of false memories), how to assess the reliability and credibility of witnesses, etc.

The procurement of basic scientific knowledge which a judge or prosecutor needs for the adequate performance of his / her judicial tasks rounds out the picture. This may include fields such as forensic psychiatry, psychology, ballistics, genetics, informatics, etc.

## **II. Methodology: Modern Training Design in Initial Training**

Lectures, group work, seminars, mock and moot trials, case law analysis, interviews, e-learning, courses, practical internships with face-to-face tutoring / mentoring, etc. constitute the most widely used methodology for initial and induction training programmes.

### **1. Learning Forms in Groups**

As a rule, the principles laid out in Chapter 3 on the modern design of learning in groups (sub II) apply *mutatis mutandis* to group learning in initial training. However, there are some specific features of group learning forms in initial training compared to group learning in continuous in-service training. As one of the essential objectives of initial training is to make the trainees familiar with the handling of case files, group learning in initial training must be by nature entirely practice-oriented and interactive. Thus, role plays, mock trials and case studies based on “real” files are particularly suitable training tools here.

In addition to this, it can be very beneficial to require the trainees to prepare short presentations for their peers, especially on chosen procedural topics. In an ideal scenario, as a consequence of proper selection of the topics each and every learning group member will be actively involved in the process.

These findings make it quite clear that group learning in initial training can only be truly efficient if the group size is rather small. 20 trainees should be the maximum size. Groups of 12 to 18 trainees are even preferable.

## **2. Tutoring / Mentoring**

A future judge or prosecutor going through the initial training programme as well as a newly-appointed judge or prosecutor in his / her induction phase will be particularly inclined to adopt best practices from seasoned practitioners, with the internalizing of values and skills that otherwise he/she would not learn from books. Thus, individual peer-to-peer tutoring / mentoring is a very suitable method for initial and for induction training. But to make such an individual internship successful for the practice trainer as well as for the trainee, several rules have to be obeyed:

Not every seasoned practitioner is at the same time a good tutor / mentor. Should only be selected those judges and prosecutors who take an own personal benefit from the intense professional contact with a young and forcibly unexperienced colleague. Furthermore, the tutor / mentor must have the didactical skills to motivate and to encourage the trainee, i.e. to make him / her actively work on files without having to fear a personal negative demotivating feedback, even if – unavoidably! – a mistakes occurs.

It is also a matter of course that a judge or a prosecutor already in trouble concerning the handling of his / her “normal” workload is not a suitable tutor / mentor. Guiding the trainee during a period of several weeks or even several months through the intricacies of procedural rules and of matters of judicial administration necessitates indeed an important investment in time and in reflection. Remuneration for this tutoring / mentoring should never be the main incentive to carry out this kind of training at the workplace.

And finally, a good tutor / mentor in initial and induction training should have good competences and capacities in objectively assessing the performance of the trainee in a written report at the end of the internship, as these reports will be – where applicable – an important part of the overall evaluation of the performances of the future judge / prosecutor. So the final decision about the lifetime appointment might depend, amongst others, on the proper assessment by a tutors / mentor during an internship (see infra sub III for in-depth explanations on good performance assessment in initial training).

### **3. E-Learning and Blended Learning**

Experience from an EJTN Training the Trainers Seminar from October 2013 in Scandicci (see the agenda infra in Annex 6) has shown that well-conceived e-learning may be a proper methodological tool in initial training bringing a real added value. However, web-based training can and should never replace residential learning in groups and in peer-to-peer constellations in initial (or induction) training. But good introductory e-learning modules may allow assuring a more homogeneous standard among a trainees' group before the actual group training starts. The concept is then in reality one of blended learning, as web-based learning and residential learning interlace.

In practice, basic information on procedural rules, on the proper handling of a case file and on conduct rules can be effectively furnished by e-learning tools, if the programme properly uses the advantages of modern technological content management systems. Tests and exercises (multiple choice; track & drop; cloze) with self-assessment mechanisms may round out the picture. If perceived as useful, certificates on having gone successfully through one stage of the e-learning programme can be made a requirement for the trainee's continuation in the whole training curriculum.

### **4. Externships to Get to Know the Outside World Related in Some Extent to the Judiciary**

It is equally important that a judge / prosecutor gets to know the organization, the judicial environment and the way of working of other practitioners, who cooperate with the judicial authorities. It would be a good initiative if all the European countries would provide mandatory training periods at external institutions.<sup>28</sup>

The EJTN has made an important step to foster and enhance these kinds of externships in foreign countries by its new AIAKOS Programme for young judges and young prosecutors. For the first time in 2013 (during the pilot phase), an important number of trainee judges and prosecutors as well as newly-appointed judges and prosecutors from virtually all 27 EU

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<sup>28</sup> This might include a future judge's externship in a prosecutor's office, and vice versa. Externships with other legal professionals (private lawyers; notaries; private enterprises' legal departments; administration) might help to round out the picture. An experience which is carried out in some countries, the externship in penitentiaries, suggests that it be offered not only to young trainees, but also to the entire judiciary. The goal is to make the prison environment known, by having trainees follow the inmate's steps from when he / she enters the penitentiary for the first time, to the phase in which he / she reintegrates society. The purpose is to understand the role different professionals have when operating in the executive phase, i.e., the post-sentence phase (this involves the director of the training institution, the prison service, the educators, the probation court). It also gives important elements to the young judge / prosecutor to evaluate the impact of his / her future decisions. All young European judges / prosecutors should be aware of the importance of detention for rehabilitation purposes, in accordance with the case law of the European Court in Strasbourg.

member states have participated in group exchanges illustrating another country's judicial system. The methodological particularity is that each participant in the AIAKOS Programme is bound to participate in two one-week sessions, one as a host in one's home country, one abroad.

### **III. Evaluation**

#### **3. Specificities of Initial Training**

It has already been shown in Chapter 5 (sub I 2) that "Level 2" of Kirkpatrick's Evaluation Model (on "Learning") is particularly suitable for initial training evaluation purposes. It is indeed important to measure what the future judges and / or prosecutors have learned:

- From the exposure to new judicial knowledge;
- In the process of developing skills, judicial and non-judicial;
- In the interactions organized to model the professional behaviour.

Initial training has a major practical component; therefore, to assess a competency-based learning will look into more than theory. When planning the training sessions or a whole training programme, the trainer should be clear about the set of specific learning objectives, to establish if new knowledge, professional abilities or behaviour are being modelled. Consequently, to measure learning in initial training programmes, firstly there is to be identified what should be evaluated: knowledge, skills, or attitudes. It is often helpful to measure these areas both before and after training. So, before training begins, test your trainees to determine their knowledge, skill levels, and attitudes. Once training is finished, test your trainees a second time to measure what they have learned, or measure learning with interviews or verbal assessments.

All this shows the particular importance of suitable types of assessment (assessment as an evaluation method already having been defined in Chapter 5 sub I 2) for initial training. Indeed, the assessment of trainees needs to be particularly effective to be able to exclude all those persons who have been found not only unprepared and insensitive to the need to continuously update their disciplinary, procedural and experiential knowledge, but also temperamentally and ethically unfit to perform delicate tasks that the state confers upon them, such as the responsibility given to judge the behaviour of another human being, to restrict a person's personal freedom and to take a person's the fundamental rights away. It is much more difficult to assess the quality and ethical conduct and compliance with the requirements that make him / her a good judge or a good prosecutor. Different types of assessment might be suitable for different kinds of training content.

## **4. Types of Assessment**

There are three types of assessment: diagnostic, formative, and summative. Although all three are generally referred to simply as assessment, there are distinct differences between the three.

### **a) Diagnostic Assessment**

Diagnostic assessment can help identify your participants' current knowledge of a subject, their skill sets and to clarify misconceptions before training takes place.

Knowing the participants' strengths and weaknesses can help the trainers to better plan the training content and training methodology.

Types of diagnostic assessments are:

- Pre-tests on content and abilities;
- Assessment and self-assessment to identify skills and behaviour;
- Interviews for individualized understanding of the learning needs.

These ways could lead to effective process-based approaches.

### **b) Formative Assessment**

Formative assessment provides feedback and information during the training process, while learning is taking place, and while learning is occurring. Formative assessment measures progress but it can also assess the progress of the trainer. A primary focus of formative assessment is to identify areas that may need improvement. These assessments act as motivators to the participants' learning progress and to determine the training methods effectiveness.

Types of formative assessment are:

- Observations during in-class activities;
- Exercises as review for exams and class discussions;
- Reflection journals that are reviewed periodically during the semester;
- Question and answer sessions, both planned and informal;
- In-class activities where the future judges and prosecutors informally present their results;
- Participant feedback collected by periodically answering specific question about the instruction and their self-evaluation of performance and progress.

### **c) Summative Assessment**

Summative assessment takes place after the learning has been completed and provides information that sums up the learning process. No more formal learning is taking place at this stage, other than incidental learning which might take place through the completion of the assignments.

Rubrics, often developed around a set of standards or expectations, can be used for summative assessment. Rubrics can be given to the future judges and prosecutors before they begin working on a particular project so they know what is expected of them for each criterion.

Grades are an outcome of the summative assessment. Formative assessment is not always graded since it looks into the progress of the future judge and prosecutor learning.

Summative assessment is product-oriented and assesses the final product, while formative assessment focuses on the process toward completing the product. Once the activity is completed, no further revisions can be made. If the participants are allowed to make revisions, the assessment becomes formative, as they can take advantage of the opportunity to improve.

Summative assessment is more product-oriented and assesses the final product, whereas formative assessment focuses on the process toward completing the product.

Types of summative assessment are:

- Examinations;
- Projects (project phases submitted at various completion points could be formatively assessed);
- Portfolios (a set of work that has been done by the future judges and prosecutors and that could also have been assessed during its development as a formative assessment);
- Participant evaluation of the course (training effectiveness);
- Trainer self-evaluation.

The long-lasting results of an initial training programme might then be measured one year after the training programme was finished.

## ANNEXES

### Annex 1: Seminar “Methodologies and brainstorming in the framework of judicial training” (Rome, November 14<sup>th</sup> and 15<sup>th</sup>, 2011)



Réseau Européen de Formation Judiciaire



European Judicial Training Network

### Training the trainers' Forum

### Meeting “Methodologies and brainstorming in the framework of judicial training”

Ergife Palace Hotel, Via Aurelia, 619 - 00165 Rome – Italy  
Rome, 14<sup>th</sup> – 15<sup>th</sup> November 2011

#### Monday, November 14<sup>th</sup>, 2011

09h00	Opening of the meeting
09h15 – 10h15	Introduction (by CSM/EJTN) illustrating the aim of the meeting and the composition of each workshop. Illustration of the expected outcomes by the plenaries and indications on how the outcomes of the workshops shall meet the topics to be dealt. The two plenaries will concern:
ROOM TARRAGONA	- 1 <sup>st</sup> : Learning strategies  - 2 <sup>nd</sup> : Strengthening the TT Forum
10h30 – 12h45	First session of workshops:  ROOM TARRAGONA: 1 <sup>st</sup> workshop: Communication skills (oral/written);  ROOM MILETO: 2 <sup>nd</sup> workshop: Assessment/evaluation in addition to the illustration of national best practices in judicial training;

ROOM HAMA: 3<sup>rd</sup> workshop: Teaching law-related topics;

ROOM SABRATHA: 4<sup>th</sup> workshop: Planning and organising seminars for trainers themselves.

12h50 – 14h00	<i>Lunch (organized)</i>
14h00 – 15h15	Second session of workshops
15h15 – 15h45	<i>Coffee Break</i>
15h45 – 17h00	Third session of workshops
17h00	Suspension of the meeting

### **Tuesday, November 15<sup>th</sup>, 2011**

09h00 – 10h30	Rendition of the results of the workshops (by each of the 4 rapporteurs)
10h30 – 11h00	Plenary:  1 <sup>st</sup> : Structured lecture on good trainers' training and learning practices and with reference to the workshops' outcomes
11h00 – 11h30	<i>Coffee Break</i>
11h30 – 11h50	2 <sup>nd</sup> : Presentation on the TT Forum and ideas for further improvement and better use
11h50 – 12h45	Discussion on concrete proposals as to the future improvement of trainers' training and on the structure of the Final Conference, which will be held in Bucharest (NIM), on 6 <sup>th</sup> and 7 <sup>th</sup> December 2011.
12h45 – 12h55	Conclusions
13h00	Closing of the meeting



***With the support of the European Union***

**Annex 2:  
Seminar “Competences of the trainers”  
(Bucharest, December 6<sup>th</sup> and 7<sup>th</sup>, 2011)**



**Réseau Européen de Formation Judiciaire**



**European Judicial Training Network**

**Training the Trainers’ Forum – Training the Trainers Conference  
“Competencies of the trainers”**

National Institute for the Magistracy, Bd. Regina Elisabeta, Nr. 53 Sector 5, Bucharest –  
Romania

*6<sup>th</sup> and 7<sup>th</sup> December 2011*

**Tuesday, December 6<sup>th</sup>, 2011**

09h30 – 09h45	Opening and welcome of the participants by <b>Ms. Octavia Spineanu Matei</b> , Director of the National Institute for the Magistracy and by <b>Ms. Benedetta Vermiglio</b> , Training Projects Manager at EJTN.
	Illustration of the aims of the meeting and the composition of the three workshops.
09h45 – 10h30	<i>Round table: “In which fields and why has your country / your national training institution changed its judicial training programme in the last 10 to 15 years?”</i>
10h30 – 10.45	<i>Coffee break and splitting of the three groups in three different rooms</i>
10h45 – 12h15	First session of workshops (length 90 minutes):
<i>ROOM N. 1:</i>	1 <sup>st</sup> workshop: E-Learning and blended learning Trainer: <b>Ms. Ruxandra Ana</b> , Judge and trainer – National Institute for the Magistracy, Romania

<i>ROOM N. 2:</i>	2 <sup>nd</sup> workshop: Alternative methods of training (coaching, supervising, on job training) Trainer: <b>Ms. Otilia Pacurari</b> , Trainer at the National Institute for the Magistracy, Romania
<i>ROOM N. 3:</i>	3 <sup>rd</sup> workshop: Inventory of the skills requested for judicial trainers Trainer: <b>Ms. Wiebke Dettmers</b> , Member of the Department for Legal Education and Judicial Training within the German Federal Ministry of Justice
12.30 – 14h00	<i>Lunch (organized)</i>
14h00 – 15h30	Second session of workshops (length 90 minutes)
15h30 – 15h45	<i>Coffee Break</i>
15h45 – 17h15	Third session of workshops (length 90 minutes)
17h15	Suspension of the meeting

### **Wednesday, December 7<sup>th</sup>, 2011**

09h30 – 10h30	Rendition of the results of the workshops by each of the three rapporteurs (20 minutes each)
10h30 – 11h30	Identification and highlights of the skills of a trainer <b>Ms. Otilia Pacurari</b> , Trainer at the National Institute for the Magistracy, Romania
11h30 – 11h45	<i>Coffee Break</i>
11h45 – 12h30	Illustration of the outcomes of the questionnaire launched on the TT actions and presentation of the EJTN Training the Trainers Forum <b>Ms. Benedetta Vermiglio</b> , Training Projects Manager at EJTN
12h30 – 13h00	Final debate
13h00	Closing of the meeting

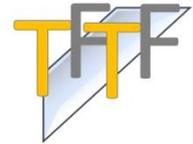


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**Annex 3:**  
**Seminar “Planning, designing and carrying out training sessions” (Rome, June 19<sup>th</sup> and 20<sup>th</sup>, 2012)**



**European Judicial Training Network**



**TT – 1<sup>st</sup> Seminar**

**“Planning, designing and carrying out training sessions”**

Italian Council for the Judiciary / Consiglio Superiore della Magistratura (CSM)  
Piazza Indipendenza N. 6, 00185 Rome – Italy

**AGENDA**

**Tuesday, June 19<sup>th</sup>, 2012**

- |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09h00 – 09h15 | Welcome and introduction by <b>Mr. Franco Cassano</b> , President of the IX <sup>th</sup> Commission of the CSM, and by <b>Ms. Benedetta Vermiglio</b> , Training Project Manager at EJTN                                                                                                                                                                                                                                                                                                                                           |
| 09h15 – 09h45 | Illustration of the aim of the meeting, of the expected outcomes, of the composition of the three workshops, and of the plenaries. Topics of the workshops: <ul style="list-style-type: none"><li>• How to select contents, setting objectives and planning; Moderator: <b>Mr. Rainer Hornung</b>; Prosecutor and Trainer at the German Judicial Academy;</li><li>• Presentation skills and participatory methods; Moderator: <b>Ms. Otilia Pacurari</b>, Trainer at the National Institute of the Magistracy of Romania;</li></ul> |

- Interaction, confrontation and motivation; Moderator: **Mr. Gianluca Grasso**, Secretary Magistrate at the Italian Council for the Judiciary.

09h45 – 10h45 Adult learning theory; **Ms. Marie-Elisabeth Boulnois**, Trainer at the National School for the Judiciary of France

10h45 – 11h00 *Coffee break*

11h00 – 12h30 First session of workshops (90 min)

12h30 – 14h00 *Lunch*

14h00 – 15h30 Second session of workshops (90 min)

15h30 – 17h00 Third session of workshops (90 min)

*Suspension of the meeting*

### **Wednesday, June 20<sup>th</sup>, 2012**

09h00 – 10h00 Plenary session: rendition of the outcomes of the three workshops

10h00 – 11h00 Professional time management in training sessions; **Mr. Nicola Russo**, Judge at the Court of Naples, Italy

11h00 – 11h15 Coffee break

11h15 – 12h45 Debate “What we have learnt? What should a trainer know?” **Mr. Rainer Hornung**, Prosecutor and Trainer at the German Judicial Academy

12h45 Closing of the meeting



*With the support of the European Union*

**Annex 4:  
Seminar “Training needs, process and results”  
(Riga, September 24<sup>th</sup> and 25<sup>th</sup>, 2012)**



**European Judicial Training Network**



**TT – 2<sup>nd</sup> Seminar**

**“Training needs, process and results”**

September 24<sup>th</sup> and 25<sup>th</sup>, 2013, Riga, Mārstaļu iela 19,  
Latvian Judicial Training Centre

**AGENDA**

**Monday, September 24<sup>th</sup>, 2012**

- |               |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.00 – 09.20 | Welcome by <b>Ms. Solvita Kalniņa-Caune</b> , Executive Director of the LJTC, and by <b>Ms. Benedetta Vermiglio</b> , Training Project Manager at EJTN.                                                                                                                                                                                                                                                                   |
| 09.20 – 10.20 | “Adult learning principles guiding training organisers”, <b>Ms. Tatjana Koke</b> , PhD in Adult Education                                                                                                                                                                                                                                                                                                                 |
| 10.20 – 10.40 | <i>Coffee break</i> and split into groups                                                                                                                                                                                                                                                                                                                                                                                 |
| 10.40 – 12.10 | First set of workshops (90 min)<br><br>1 <sup>st</sup> workshop: “Training needs of diverse participants / stakeholders” (Coordinated by <b>Ms. Nathalie Glime</b> );<br>2 <sup>nd</sup> workshop: “Process of the training event: quality and methodology” (Coordinated by <b>Ms. Aija Tuna</b> );<br>3 <sup>rd</sup> workshop: “Evaluation and assessment of the results” (Coordinated by <b>Ms. Otilia Pacurari</b> ). |

12.15 – 13.30	<i>Lunch</i>
13.30 – 15.00	Second set of workshops (90 min)
15.00 – 15.20	<i>Coffee break</i>
15.20 – 16.50	Third set of workshops (90 min)
17.00	Suspension of the works
19:00	<i>Dinner at a restaurant</i>

**Tuesday, September 25<sup>th</sup>, 2012**

09.00 – 10.00	Plenary session on the “Technical tools/software programmes used at the training institutions to administer training process, evaluation, etc.”; <b>Ms. Solvita Kalniņa-Caune, LJTC</b>
10.00 – 10.20	Coffee break
10.20 – 11.50	Plenary session on “Successful Training”. What competencies a successful training organizer should have, any additional training or other support needed to perform better? <b>Mr. Rainer Hornung, German Judicial Academy</b>
11:50 – 12:30	Summary and Conclusions: What is next?

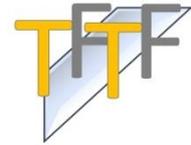


***With the support of the European Union***

**Annex 5:**  
**Seminar “Specialised modules on continuous training”**  
**(Trier, July 9<sup>th</sup> and 10<sup>th</sup>, 2013)**



**European Judicial Training Network**



**TT – 1<sup>st</sup> Seminar**  
**“Specialised modules on continuous training”**  
July 9<sup>th</sup> – 10<sup>th</sup>, 2013,  
German Judicial Academy, TRIER – Germany

**Tuesday, July 9<sup>th</sup>, 2013**

09.15 – 09.25	Welcome / opening by hosting institution and EJTN
09.25 – 10.15	Informative plenaries presentation; introduction to workshops
10.15 – 10.30	Splitting in three groups
	Three Workshops (90 minutes each – rotation methods). Topics:
	<ul style="list-style-type: none"><li>• Interactivity in specialist legal conferences: How to use participatory methods in teaching hard juridical topics? <b>Ms. Otilia Pacurari</b>;</li><li>• Training sessions on leadership: How to train court and prosecution office leaders? And what to teach? <b>Mr. Jorma Hirvonen and Mr. Rainer Hornung</b>;</li><li>• Creating a positive learning environment and dealing with “difficult” attendees in training sessions: How to integrate the very communicative “know-it-all” participants and the ostentatiously bored listener? How to bridle the intentional “trouble maker”? <b>Ms. Aija Tuna</b>.</li></ul>
10.30 – 12.00	1 <sup>st</sup> session
12.00 – 13.00	<i>Lunch</i>
13.30 – 15.00	2 <sup>nd</sup> session

15.00 – 15.15	<i>Coffee break</i>
15.15 – 16.45	3 <sup>rd</sup> session
16.45	Suspension of the works
19.30	<i>Dinner at a restaurant</i>

### **Wednesday July 10<sup>th</sup> 2013**

09.00 – 10.00	Rendition of the outcomes of the workshops (by the three rapporteurs)
10.00 – 11.00	The efficient planning of an individual training session; <b><i>Ms Aija Tuna</i></b> <ul style="list-style-type: none"> <li>• Efficient training material selection</li> <li>• Time management: The less you select, the more messages you get through!</li> <li>• Effectively using the given “training field” (infrastructure, human resources, etc.)</li> </ul>
11.00 – 11.15	<i>Coffee break</i>
11.15 – 12.30	Guided round-table discussion on detecting further specific training needs of trainers / lecturers; <b><i>Ms. Gabriella Muscolo</i></b>
12.30	Closing remarks and end of the seminar

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***With the support of the European Union***

**Annex 6:  
Seminar “Initial training”  
(Scandicci / Florence, October 22<sup>nd</sup> and 23<sup>rd</sup>, 2013)**



**European Judicial Training Network**



**TT – 2<sup>nd</sup> Seminar  
“Initial training”  
October 22<sup>nd</sup> and 23<sup>rd</sup>, 2013**

Italian School for the Magistracy  
Via di Castel Pulci, Scandicci – Florence – Italy

**Tuesday, October 22<sup>nd</sup>, 2013**

- |               |                                                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.15 – 09.30 | Welcome and opening of the seminar by <b>Mr. Valerio Onida</b> , President of the Italian School of the Magistracy, and <b>Ms. Benedetta Vermiglio</b> , EJTN                                                                                                                                            |
| 09.30 – 09.50 | New expectations of the initial training system in Italy – Presentation <b>Mr. Valerio Onida</b>                                                                                                                                                                                                         |
| 09.50 – 10.20 | Questions raised from the questionnaires’ analysis – origins, goals and recruitment procedure of the initial training, contents and methods, organization and evaluation – Presentation <b>Ms. Giovanna Ichino</b>                                                                                       |
| 10.20 – 11.20 | What could the profile of a newly appointed European judge and public prosecutor look like? Aa profile for a tailor-made programme, future challenges<br><b>Ms. Otilia Parurari</b> facilitates debate – <b>Ms. Nathalie Glime</b>                                                                       |
| 11.20 – 11.35 | <i>Coffee break</i>                                                                                                                                                                                                                                                                                      |
| 11.35 – 13.05 | Splitting in three groups – First set of workshops<br><br>1 <sup>st</sup> workshop – Ethics and deontology – <b>Mr. Gradus Vrieze</b><br>2 <sup>nd</sup> workshop – Choice of methodology – <b>Mr. Michael Stauss</b><br>3 <sup>rd</sup> workshop – Recruitment, assessment – <b>Ms. Otilia Pacurari</b> |

13.05 – 14.00	<i>Lunch (organised)</i>
14.00 – 15.30	Second set of workshops
15.30 – 15.45	<i>Coffee break</i>
15.45 – 17.15	Third set of workshops
17.15	Suspension of the works

**Wednesday October 23<sup>rd</sup> 2013**

09.15 – 10.30	How to include e-learning in the initial training? – Presentation <b>Mr. Michael Stauss and Ms. Astrid Hopma</b>
10.30 – 11.15	Summaries of the workshops and rendition of the outcomes (by three rapporteurs)
11.15 – 11.30	<i>Coffee break</i>
11.30 – 12.45	Towards a common understanding of the professional competencies of European judges and prosecutors – Presentation and discussion <b>Mr. Raffaele Sabato</b>
12.45 – 13.15	Closing remarks

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***With the support of the European Union***

**Annex 7:**  
**Seminar “Professional development through supervision and intervision”**  
**(Bucharest, May 22<sup>nd</sup> and 23<sup>rd</sup>, 2014)**



**European Judicial Training Network**



**TT – 1<sup>st</sup> Seminar**

**“Professional development through supervision and intervision”**

Bucharest, 22<sup>nd</sup> – 23<sup>rd</sup> May 2014, National Institute for the Magistracy (RO)

Seminar’s general objectives:

- *To clarify the concepts of supervision and intervision;*
- *To exchange experience from the community of practise in the field of supervision and intervision;*
- *To identify ways of assessment to increase performance in the judiciary;*
- *To analyse the benefits of supervision and intervision as compared to mentoring.*

**Draft Agenda**

**Thursday, May 22<sup>nd</sup>, 2014**

- |               |                                                                                                                                                                                                                                                                                                                                                                        |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09.30 – 09.45 | Opening session: Welcome and opening of the seminar by representative of the hosting country (NIM) and by EJTN                                                                                                                                                                                                                                                         |
| 09.45 – 10.45 | Framing the concepts of Supervision and Intersession. Presentation of the three workshops: <ul style="list-style-type: none"><li>- A. Supervision; 20 min (<b>Ms. Arita Featherstone</b>)</li><li>- B. Intersession; 20 min (<b>Mr. Rainer Hornung</b>)</li><li>- C. Motivation for training processes at the workplace; 20 min (<b>Ms. Otilia Pacurari</b>)</li></ul> |

10.45 – 11.00	<i>Coffee break</i>
11.00 – 12.30	First session of the three workshops (rotating system among the participants to the workshops will apply)
12.30 – 14.00	<i>Lunch (organised within NIM's premises)</i>
14.00 – 15.30	Second session of workshops
15.30 – 15.45	<i>Coffee break</i>
15.45 – 17.00	Third session of workshops
17.00	Suspension of the works

**Friday, May 23<sup>rd</sup>, 2014**

09.30 – 10.45	Takeaway: The participants from all three workshop groups discuss the outcomes of the three sessions and decide on what is to be taken away (three workshop leaders)
10.45 – 11.00	<i>Coffee break</i>
11.00 – 12.00	Pathways to better professional performance and to institutional benefits through training at the workplace: supervision, intervision, mentoring <b>(Ms. Dinny Schambergen)</b>
12.00 – 12.30	Evaluation of the seminar and closing remarks

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**Annex 8:**  
**Seminar “Methodology for Tutors, Mentors and Trainers in Practice”**  
**(Amsterdam, September 18<sup>th</sup> and 19<sup>th</sup>, 2014)**



**European Judicial Training Network**



**TT – 1<sup>st</sup> Seminar (Draft Programme)**

**“Methodology for tutors, mentors and trainers in practice”**

18-19 September, 2014,  
Utrecht – The Netherlands

This seminar is open for judges and public prosecutor who are operative (or will be operative) as a *practical trainer* within a court or public prosecution office within the framework of the initial and the induction training of future and newly-appointed judges and public prosecutors. The seminar is also open for those responsible for these kinds of training and for preparing learning activities for practical trainers in the national institutions.

**Thursday, September 18<sup>th</sup>, 2014**

09.15 – 09.30	Welcome / opening by hosting institution (SSR) and EJTN
09.30 – 10.30	Framework for tutors, mentors and trainers in practice (interactive presentation) Introduction: Who are the tutors, mentors? The role and task of tutors and mentors during the learning process. Dual learning. Learning in practice / learning at the court: the learning environment. The learning styles of the trainees and the tutors & mentors. Uniformity and vulnerability: closing session by a video: The Power of Vulnerability (2’15’’).
10.30 – 11.00	Profile of a tutor (key competences)
11.00 – 11.15	<i>Coffee break</i>

11.15 – 12.00	Presentation of the workshops and splitting in three groups Topics: - A. Coaching methods - B. Learning styles - C. Giving and receiving feedback
12.00 – 13.30	<i>Lunch</i>
13.30 – 15.00	First workshops' sessions
15.00 – 15.30	<i>Coffee break</i>
15.30 – 17.00	Second workshops' sessions
19.30	<i>Dinner</i>

**Friday, September 19<sup>th</sup>, 2014**

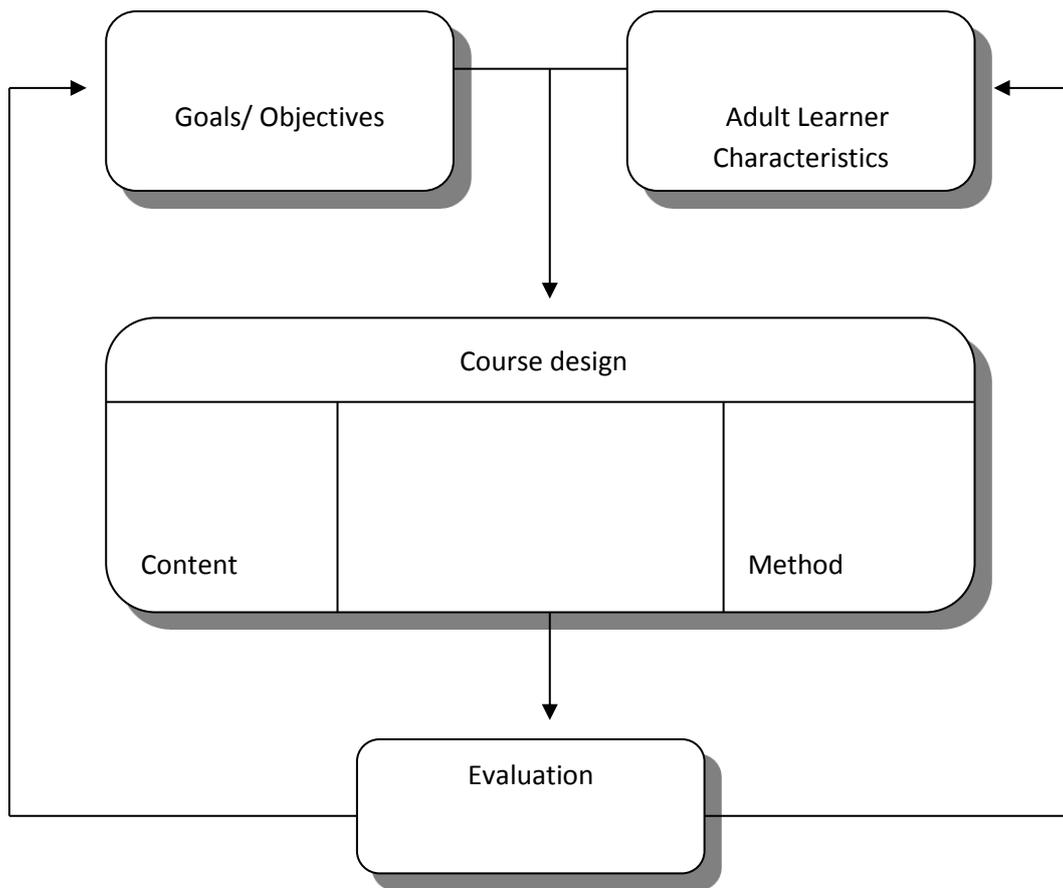
09.15 – 10.45	Third workshops' sessions
10.45 – 11.15	<i>Coffee break</i>
11.15 – 12.15	Buzz groups (participants from all three workshop groups discuss the outcomes of the three sessions)
12.15 – 12.30	Take-away ("Inspiring Flash")
12.30	Closing remarks and end of the seminar

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## Annex 9: A First Model for Course Design



## Preparing a course

1. Set the course goals
2. Consider the learner characteristics and the situation
3. Select course content
4. Choose a method and technique for training
5. Plan the course. Use the structure: introduction, core, evaluation
6. Select and prepare readings and activities (media, devices)
7. Write the course material and assignments
8. Prepare to get participant feedback

### 1. Set the course goals / general objectives

Ask the questions:

'How should the participants be different when they finish this course?' (Attitude);

'What should they know or be able to do after this course?' (Knowledge and skills).

Describe the goals in terms of behaviour (use verbs!).

### 2. Consider the adult learner characteristics and the specific situation

*Adult learner characteristics:*

- Background and pre-knowledge on the subject
- Their motivation to take the course
- Group profile

*Situation:*

- Location
- Technical devices
- Logistics

### 3. Select the course content

Make sure the most important topics are included. Make the balance: there must be sufficient content to make the course challenging and not so much content that you will have to rush from one topic to the other.

#### **4. Choose the training methods**

There is a wide range of training methods described below but their utility very much depends on the goals of the course and the profile of the adult learners.

#### **5. Plan the course**

When planning the course, there should be considered the following:

##### **a. The INTRO**

- I = Introduce yourself
- N = Necessity, goals, expectations
- T = Time (planning)
- R = Reactions, when can attendees ask questions
- O = other (logistics, phones, breaks, etc.)

##### **b. Core**

- Present the course content according to the selected training methods
- Get the participants involved
- Let them apply the knowledge
- Check-up, evaluate the learning process

##### **c. Conclusion**

- Feed-back, debriefing and summaries are useful
- A follow-up planning, appointments, etc.

#### **6. Select and prepare readings and activities (media, tools)**

Think of a combination of textbooks, articles and other media as to reading material.

#### **7. Write the course material and assignments**

Work out everything you need during the course: sheets, notes, hand-outs, abstracts, assignments, answers to assignments, appendixes, etc.

## **8. Finally, compose the agenda of the course**

The curriculum formally communicates your expectations, grading procedures, and assignments. It may take many forms, but the following elements are often included:

- Your name, title, office number, office telephone, office hours, and where to leave messages
- Course by number, section, title, meeting days and times and location
- Prerequisite(s) for the course
- Description of the course
- Course goals or objectives
- Required purchases: text and supplies
- Space for names and telephone numbers of at least two classmates
- Due dates for major assignments; place, date, time of final exam (in case of initial training)
- Grading standards and criteria (in case of initial training)
- Policy regarding academic honesty
- Policy regarding attendance
- Policy regarding late assignments
- Topics to be covered in sequence with dates
- Reading assignments and dates due

## **9. Prepare to get participant feedback**

You want to know whether the participants have reached the goals and how they felt about the course. This is the information you need for revision. The following indicators can help collect information:

- Exams or quizzes
- Observe participants' faces and body language
- Monitor participation and attendance
- Monitor frequency of out-of-class discussion or use of office hours
- Monitor assignment completion
- Analyze the learners' papers/journals
- Examine course evaluations
- Ask attendees directly

## **10. Design the evaluation tools**

## **Annex 10: A Second Model for Course Design**

**There would be 4 steps in getting a course designed.**

### **STAGE 1: Forming a developmental team**

The team should be made of: judicial experts, trainers, educationalist, coordinator (organisation).

### **STAGE 2 : Performing as a team for course agenda development**

Discussing about

- The background of the course
- General objectives
- Connections with other courses
- Specific target group
- Basic requirements for the attendees
- Content selection
- Specific objectives ( knowledge, skill, attitude/values)
- Agenda set-up
- Investment (study time)

### **STAGE 3: Developing the course material as a team**

- training materials
- Assignments (correct answers)
- E-learning materials (if included)
- Feedback forms, observation sheets
- Assessment forms

### **STAGE 4: Training the trainers and learners**

- Instructions for trainers
- Instructions for attendees
- Course information material.

## **Annex 11: Preparing an Individual Training Session**

### **1. Background information: Preparing a Training Session**

In preparing a training session, the following steps are important to follow:

- Define the purpose of the training session;
- Set the specific objectives;
- Select the content of the training ( what is most important and what can you teach / train about in the time you have);
- Decide how you will arrange the content and be in tune with the level of the trainees and their characteristics;
- Choose instructional modes / the proper training methods: which mode fits the goals at best, in what way the trainees learn best etc.;
- Develop the proper training materials;
- Think about the introduction, middle and evaluation phase of your training session.

### **2. The case: the substitute trainer**

**Situation:** In a team of trainers the tasks are divided for the next year. Unfortunately, one of the trainers cannot come to the training centre for several months. Happily, a new colleague is found. He / she will take over the sessions as a substitute trainer. He is an expert as far as the content is concerned, but has no experience in teaching / training whatsoever. He is willing to give the courses but needs advice.

### **3. Assignment:**

Question: How would you advise your colleague?

Training mode: role play with observers.

A feedback session follows.

## **Annex 12: How to Handle Disturbing Behaviour**

### **1. Background information: How to handle disturbing behaviour**

Possible reasons for disturbing behaviour:

- *Problems with motivation.* What is the motivation of the (young) adult learner?
- *The level of the training does not correspond to the level of the trainee.* The participants may not be interested because the level of the training is too low for him / her, so he / she is bored and looking for distraction. It is also possible that the level is too high or too specific, so he / she cannot keep up and starts doing other things.
- *The training is boring because there is not enough variation in instruction modes.* Is there enough variation in the training methods used, so the trainee is not bored by the repetition of ever the same structure?
- *The trainer shows lack of interest in his own behaviour.* The attitude of the trainer is of much influence on his or her trainees.
- *Group work and roles in the group.* In group processes, people take on special roles. For example, when the group is too serious, we often see that one person is starting to make jokes or take over other disturbing.

### **2. The situation: disturbing behaviour**

One of the trainers has some trainees who do not participate in the course. As time passes, more and more they are getting a disturbing behaviour.

### **3. Assignment:**

Question: What do you advise your colleague to do?

Training mode: a discussion among colleagues

A Feedback session follows.

## **Annex 13: An Exercise in Micro-teaching: Giving a Presentation**

### **4. Goals:**

- Experiment with applying the model of didactical analysis in preparing and performing a mini-course.
- Practise presentation skills, work with educational devices.
- Get structured feedback on your presentation skills.

### **5. Instruction:**

#### *Teams*

We will ask you to prepare with two or three persons a short lecture with a maximum of ten minutes. One of you will give the lecture to your colleagues, but you may also choose to do it together and divide the tasks.

#### *Content / Topics*

In giving a presentation you must have a topic to talk about. Given the very short time (10 minutes), you need a simple topic, short, well structured, suitable for finishing in 10 minutes.

- You could use a topic from your vocational practice, for example the construction of a written verdict, the sequence of the criminal law-chain etc. etc.
- You can also think of a topic from your private life that may be interesting for your colleagues, for example one of your favorite hobbies or your favorite recipe.

Choose a topic you feel comfortable with!!

In both situations it is important to choose a topic that is not too complicated so that it is really possible to make your point clear in 10 minutes.

#### *Course design*

Use the 8-step approach from the course material! (See above Annex 8)

The instructional mode to use is lecturing.

Make sure you use at least one of the following devices:

- Whiteboard
- Flipchart
- Overhead and sheets
- Hand-outs.

#### **6. Time:**

You will have 60 minutes for preparation.

#### **7. Feedback:**

After you have performed you will get feedback on the way you were able to:

- Keep up with the characteristics of your attendees
- Structure your lecture
- Use the media supplies.