1st EXPERT MEETING on European judicial training

<u>24 November 2010 – 9.00 – 17.00</u> Minutes

Participants

COM: Margaret TUITE, Amélie LECLERCQ, Marie DIEDERICHS.

Experts: Domenico AIROMA (IT) - Prosecutor

Eimar BROWN (IR) - Barrister Frank ELS (DE) - Prosecutor

Elsa de GARCIA-MALTRAS (EJTN and CEPEJ)

Joanna GREGULA (PL) - Notary Wolfgang HEUSEL (ERA) Tomasz KRAMER (EIPA)

Anthony MANWARING (FR) - Judge

Janis NEIMANIS (LV) – Administrative judge

1. Objectives

 To provide input to COM's work regarding learning practices, methodologies and development of a common strategy on European judicial training.

2. Points discussed:

a) Tour de table on European judicial training

• Domenico Airoma (IT)

Best results can be obtained through training of trainers (idea of creating group of trainers; programme to strengthen capacities of prosecutors in each court; disseminate knowledge in each court). EU law & jurisprudence are seen as something distant: one solution is marketing of EU institutions and organisations such as EUROJUST. It should be stressed as a way to make daily work easier. Exchange of experiences is important as well as best practices; study visits, seminars, stages; twinning with candidate countries; exchange of mentalities. It is also important to act as a European prosecutor, not an Italian prosecutor.

• Eimar Brown (IE)

On training - in IE, Kings' Inn has monopoly on training barristers. In addition to academic background then courses are professional (skills such as drafting, advocacy). Not particularly on EU aspects but could be expended. Some are specialised in EU law not the others. EAW High Court overwhelmed. In IE there is no formal training on how to be a judge.

• Frank Els (DE)

As for training, the education includes European law, private law but EPO or enforcement of civil decisions are not in the normal field of Education.

• Elsa Garcia Maltras (CEPEJ / EJTN)

Main issues in EJTN:

- training of trainers methodologies are being discussed
- linguistic training modules developed by schools and shared
- exchange programme

Main issues: what way to measure the impact? What general framework of evaluation of EU policies?

• Janis Neimanis (LV)

Regarding training in LV, out of EJTN, local possibilities are being used for training:

- Association of Supreme Court judges; exchange programme in Vienna this year. This programme does not cover the lower courts judges.
- Regional centre of Competition in HU: seminar in Competition law
- cooperation with DE: lecturers coming from DE; one month exchange in Germany for barrister

Issues: nothing for prosecutors; problem of languages; problem of evaluation of the results of these actions.

• Anthony Manwaring (FR)

Regarding training in FR, ENM has 50 years of experience and considers that judicial training is very specific and address how to be a judge: what does it mean, what is expected from you. Issues raised: too many levels in the structure; taking into account judicial independence; some countries do not have the habit of organising training for judges & prosecutors; assessing judicial training – no short term solutions; training on foreign language; time: two weeks off for stage implies organisational hurdles in court.

• Wolfgang Heusel (ERA)

ERA was founded in1992 to answer to the single market legislation, with the support of the European Parliament. ERA organises120 training activities each year on EU law, but also annual European conferences. It is member of EJTN. ERA developed a proposal for ES presidency regarding a plan for contents of European judicial training. ERA can adapt its statutes to support this initiative.

• Thomas Kramer (EIPA)

For EIPA and more especially its European centre for judges and lawyers in Luxembourg it has European activities but also in the Balkans. It covers legal aspects, but also quality of administration of justice.

• Joanna Gregula (PL)

There is a new programme of European network of notaries and a new group on training issues. In 2011 pilot seminars will develop in Rome & Vienna. And in 2012 activities will be extended to other MS. They identified good practices in FR, IT, AT

b) Debate on European judicial training

As an added value for European judicial training, it is important to work on the issue of trust, increased juridical security for citizens but also for practitioners. On this topic, there is an ongoing survey on satisfaction of citizens (CEPEJ).

On exchanges: Organising such exchanges for lawyers would remain difficult, because of their numbers and varied ways of practice.

On common training for prosecutors and lawyers: what kind of relations? What contact points? It should be borne in mind that there could be a problem for citizens if a judge trains attorneys. If common training for prosecutors and judges in Common law countries, it would be also necessary in such a case that defence lawyers are present to avoid unfair advantage.

On the criteria to participate to European judicial training, the main criteria should be the one already used: open programme on a 1st come 1st served basis.

On continuous training: how much time each country is prepared to leave to its judges for training?

One recommendation could be made that Member States decide to give national targets of time dedicated to training per year, and that participation in training is one of the evaluation criteria.

On case law - is important not to forget the importance of principles.

On priorities: Priority should be given to trainers for participation in European level activities,. This would enable the creation networks of trainers as a useful tool to increase mutual knowledge.

On co-funding: The short limit of time to respond to calls is on issue that COM is aware of and currently works on.

On added value of study visits to European institutions There is a problem of knowledge of European Institutions, and therefore a need to visit ECJ, and maybe OLAF & EUROJUST. Visits to European Court of Justice should include one explanation of preliminary ruling procedures and visit of court.

c) Identification of common issues and specificities to all legal professions

Common context

- Timing constraints
- Don't think they need EU law in every day practice
- Know how to learn by themselves
- Law studies, learning methodologies
- Work mostly in national context
- Need to understand other legal systems

Common needs

- Awareness raising on training
- Common updates on EU instruments
- Training on available information tools (access to information / case law / database)
- Common standards and best practices
- Improve professionalism, capacity building
- Right to fair trial, fundamental rights
- Themes: e.g. crime, family law, substantive law; procedure in front ECJ

Specificities

- National legal system and specific procedures
- Linguistic knowledge
- Regulated professions or not
- Systems and procedural rules

d) Learning behaviours & training methodologies

The importance of the target group: If trainers have to deal with random target groups, it is possible to send documents (or even e-learning tool), but there is no guarantee that they will have done the preparatory work. It is also possible to give specific tasks to sub-groups.

Use of video and simulations: It happens to be a useful tool to learn about oneself, but has to be well prepared and structured. It could be applied to trainers too.

Need of training by peers and also input by training specialists? There is a need of training specialists in addition to judges & prosecutors. But one should be aware that our target group is

composed by independent learners too, not always interested by methodology. To have more practitioners involved in training their peers, it would be interesting to support them by training specialists

As a first step, training the trainers should be focused on methodology. A minimum knowledge on how to deliver a training session is indeed crucial. It should be bare in mind that there are no formal judicial schools in some MS and it must also be taken into account, how to find the trainers in these countries?

Choice of methodologies: Best practices could be disseminated through e-justice Portal as well as part of an annex to the communication (guidelines / illustration / template for good practices). It could also be disseminated through EJTN, CNUE, and CCBE...

SOLVIT is a good example for a good way to present real stories as illustration of good practices. The experts were asked to provide by the end of the year their view on key steps to build an interactive training session (bullet points). After collecting and compilation of these views by COM, a single document will be sent back to the experts for their feedback.

What criteria to determine a best practice?

- Establish quality insurance standard: internal document to use as a benchmarks for quality in project management process
- Evaluation: questionnaires to participants & trainers(e.g. calling back participants few weeks after the training to have another feedback.)
- Using the criteria of avoided infringement procedure was not judged as a good criteria
- Final examination at the end of sessions as well as a certificate

e) Use of new technologies in training

Definition of e-learning?

There is a need of a European definition of the notion of e-learning, since it is more than a presentation online and should be interactive to a certain extent (no need of a permanent trainer on the other side. It was suggested that COM write a definition that could be commented upon by the experts.

What about virtual communities?

It can include libraries, online questionnaires, possibility to ask questions and to upload contributions. It is a good way to develop training material.

Useful tool?

Learning path can be easier with IT tools. But the investment is important before producing anything and it does not achieve all the goals. It is not a useful tool to develop mutual trust. However it is interesting since it minimises the linguistic issue and constitutes an easier way to assess impact of training. Another asset is regarding time constraints.

Criteria for good e-learning project?

It is too new a technology to know what such criteria should be but it wouldn't be that different from a classic training session.

The discussion showed a general preference for blended learning

3. Actions to be taken

- **COM:** <u>beginning of December 2010 minute of the meeting and electronic version of documents submitted as well as a list of email addresses</u>
- Experts: by mid January, feedback on topics of reflection and key steps to develop an interactive training session
- **COM**: by the end of January 2010, will address to experts a synthesis of contributions regarding key steps and provide experts with a 1st definition of e-learning and will share the analysis of answers to consultation
- **Next meeting** should be scheduled in February to share with the experts the result of the consultation