



# EJTN Handbook on Judicial Training Methodology in Europe



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## PREFACE

This Handbook is a joint effort to summarise the findings on best European practice in judicial training methodology and is an attempt to help colleagues in national training institutions in their work on planning training programmes methodologically. It also aims to advise the trainers on designing and delivering functioning training sessions with a large variety of training methods, thus effectively and efficiently reaching the training goals set.

There has been no exploration of any specific domestic aspects (footnotes are occasionally used to give a brief hint about such aspects), as it was considered rather unhelpful to deal with questions presenting no added value for the vast majority of the judicial trainers and training organisers in the 35 EJTN member institutions. The best practices described can only serve as a useful guideline for others if a particular methodological challenge exists at least in a good number of Member States.

From the beginning of its activities, EJTN has had a broad mandate to train judicial trainers. It was agreed, regardless of different judicial cultures among the EU Member States, that “judicial training” means the training of judges as well as public prosecutors.

There was 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, it was found to be a prerequisite that “judicial training” does not only include legal and judicial knowledge, but also all kinds of (multidisciplinary) knowledge, of the capabilities and skills a good judge and prosecutor needs to possess for the proper execution of their tasks. This broad approach was understood as a natural consequence of the fact that EJTN aims to promote and disseminate modern judicial training methodology, and not solely the content of training programmes or training events.

As regards the trainers’ aspect, there was also a common incentive to understand that category in a broad sense. First and foremost, “trainers” are the lecturers, speakers, practitioners, experts, behavioural teachers, etc. who plan, design and carry out training sessions.

But in view of the very different organisational judicial training structures of the 35 EJTN member institutions, the very important role of training organisers / managers – be it inside or outside the national judicial training institutions – could not be ignored. 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 a thorough knowledge of modern judicial training methodology. Often, both tasks actually overlap.

It has been discovered that the challenges in implementing modern judicial training methodology are – independently of the different judicial and training structures and cultures in the EJTN member institutions – the same everywhere. It emerged that all national judicial training institutions are, for example, facing the difficulty of getting away from mere frontal lectures, and the challenge of instead promoting interactivity and variation in methods. A good judicial trainer with the necessary

didactical skills will see his or her role above all as to facilitate practice-oriented exchanges between the participants and to promote learning by transferring experiences. It will make trainees learn to improve their professional knowledge, capabilities and skills from their own incentive. Accordingly, a good judicial trainer needs to have broad knowledge and experience in implementing a variety of modern training needs.

The proper use of good e-learning tools in suitable learning situations is another challenge where Europe is currently still standing more or less at the starting line.

It is EJTN's firm wish and intention to continue and to further intensify this road towards a long-lasting and coherent strategy, which is pivotal for the development and enhancement of high-quality judicial training in Europe.

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# Chapter 1:

## THE ROLE AND COMPETENCIES OF THE TRAINER IN THE JUDICIARY

*Practice is the hardest part of learning,  
and training is the essence of transformation*

**Ann Voskamp**

This chapter is intended for all those who are interested in training and the sharing of training practices, practitioners involved in training, trainers, training organizers and all decision makers in the field.

The questions that this chapter aims to answer are:

- What is the role of the European Judicial Training Network in fostering cooperation among EU National Training Institutions?
- What is the role of the trainer in the judiciary?
- Which competencies does a practitioner need to act as trainer?
- Are good and promising practices to be found in the handbook?

### **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 purpose of the European Judicial Training Network (EJTN) has been to reflect on training standards and curricula for members of the judiciaries of EU countries, to coordinate judicial training exchanges and joint programmes, and to foster cooperation between EJTN member states' national training institutions. The EJTN works three main areas: its own exchanges and training activities, national activities coordinated by the network, and activities focusing on fostering cooperation in the development of training methodology.

At the European level, several cross-border training institutions directly administer judicial and legal training, for example the Academy of European Law (ERA) in Trier, or the European Centre for Judges and Lawyers in Luxembourg, a branch of the European Institute for Public Administration, the EIPA. However, this is a rather small part of judicial training in Europe overall. The vast majority of training is carried out by the domestic judicial training institutions of the 35 EJTN member institutions (and by some universities). In addition to the EJTN, the European Commission as well as the Council of Europe (CoE)<sup>1</sup> enhance, promote and foster cooperation and networking between the national judicial training institutions.

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<sup>1</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 incorporated into the European Commission for the Efficiency of Justice CEPEJ – and through the Human Rights Education for Legal Professionals (HELP) Network.

The EU Council has stated that the EJTN “is best placed to coordinate, through its members, national training activities and to develop a cross-border training offer for judges and prosecutors”(2014/C 443/04).

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 capabilities, skills and knowledge in a high-quality training setting.

There is another dimension to 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, and 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 been explicitly pointed out by the European Council’s 2010 ambitious Stockholm Programme on “An open and Secure Europe Serving and Protecting Citizens”.<sup>2</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>3</sup> has unequivocally highlighted that the target of “building trust in EU-wide justice” gives a “new dimension to European judicial training”. And the European Parliament’s 2011 Opinion on “Judicial Training in the European Union Member States”<sup>4</sup> follows exactly the same lines. One of the very ambitious, concrete goals of the Stockholm Programme is to have half of all legal professionals (lawyers included) trained in 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 the quality of the judicial trainer automatically comes into play, the trainer naturally being one of the major stakeholders in guaranteeing the quality of judicial training. However, it does not seem to be an exaggeration to state that there are strong doubts that the “traditional” European instruments of cooperation and networking in the field of judicial training such as holding regular intergovernmental conferences, writing law-related and exclusively knowledge-based e-learning tools (not mere e-books), etc. have really enhanced mutual trust among Europe’s legal practitioners on a wide scale.

Consequently, perhaps the most important merit and achievement of the EJTN since its creation in 2000 is that it has, through a number of texts and activities, produced by working parties and topical groups of experts, developed a series of activities which – while 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 relevant 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

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

3 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.

4 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”.



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 auspices of the “Programmes” Working Group, several sub-working groups have produced and still produce very successful interactive training formats on various topics relating to cross-border judicial cooperation in civil, criminal and administrative law (including constitutional law) matters.

These include the former **Sub-Working Group “Training the Trainers”** focused on participant-centred approaches, looking into the role and the competences of the judicial trainer in Europe. At present the **Working Group “Judicial Training Methods”**, that started its mandate in 2015, has kept training methodology as its main goal. Its members are convinced that a modern understanding of the trainer’s role and competencies in handling training methodologies is the direct key to further enhancements and to the building of mutual trust among European judicial practitioners.

## THE ROLE OF THE TRAINER IN THE JUDICIARY

The well-known and generally-accepted principles of adult learning are the path to understanding the judicial trainer’s role.

Rather than confronting or even overburdening merely passive and reactive attendees with a substantial amount of theoretical knowledge, the trainer should *facilitate the professional development of (future) judges and (future) prosecutors in a hands-on, practical way demonstrating the relevance of the issues taught*. This approach is mainly to identify adult learners’ needs to sustainably improve their professional capabilities, skills and knowledge. This is to be understood in a broad way, as it goes well beyond legal and judicial questions.

The recurrent concept of “*Lifelong Learning*” requires of judges and prosecutors to constantly challenge their professional knowledge, skills and behaviour. In the quickly-evolving judicial world, nothing can be taken for granted. Thus, a very important role of judicial trainers is to help participants “*to unlearn and to learn*” again, as *Alvin Toffler* put it (see the full quote at the beginning of Chapter 3).

It is a natural consequence of the aforementioned ideas and concepts that, when selecting trainers, their teaching and didactical abilities should be assessed, and not only their professional background, seniority, publications, etc. A judge or prosecutor with a well-established scientific and professional background is not necessarily a good trainer.

Accordingly, trainers have to be pre-assessed according to the competencies required for actual training in the field of judicial competence. 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 minimize the high uncertainty factor which lies in a random choice of trainer based on information that remains subjective.

Concerning the professional and statutory position of trainers drawn from the judiciary, it is important to alleviate the normal workload. Training is a fundamental instrument for the independence and the autonomy of the judiciary. Well-developed professional skills, capacities and knowledge are essential not only for delivering good and correct rulings, but also for a proper positioning of the judges and prosecutors in society.



## COMPETENCIES

When analysing the competency of a trainer in the judiciary, the background **knowledge, skills, attitudes and values** promoted in the judiciary should be taken into account. A good judicial trainer – be it a practitioner drawn from the judiciary, be it someone drawn from academia or from another discipline or profession – must certainly have 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.

Consequently, a good judicial trainer must first and foremost have **methodological competencies** besides a good knowledge of the subject-matter and a well-coordinated attitude towards the profession.

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 being perceived as artificial and may thus generate criticism from the attendees. But apart from this important particular feature of the judiciary, judges and prosecutors share the specific needs that andragogy has identified for all types of adult learners. Accordingly, a good judicial trainer must have **the methodological, social and psychological competencies**:

- 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 subtly drawing in particularly noncommittal or secluded participants;
- To devise individualized teaching and learning strategies which allow tailor-made training for each and every judge;
- To use a wide variety of interactive, practice-oriented and experiential methods and techniques (discussions, buzz groups, simulations, problem-solving activities, or case studies, etc.);
- To foster and enhance teamwork;
- To enable the trainees to cope effectively with real-life situations;
- To awaken the full potential of each and every attendee;<sup>5</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.** How can we ensure, in the specific setting of a national judicial training institution, that the criteria for the selection of trainers with the best methodological competencies guaranteeing the highest possible quality of training are properly and sustainably implemented? It is likely that **solutions to this question relate to the judicial culture concerned and consequently to the national perspective on recruitment and selection procedures.**

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<sup>5</sup> Thus following the philosophical method of maieutics as developed by Socrates more than 2,000 years ago. As 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.



**Therefore, the present handbook is an opportunity to further share experience among trainers and experts from different schools and institutions.**

*The approach of this Handbook is empiric in nature, i.e. it is focused on European practices in the field.*

Within the “**Study on Best Practices in Training of Judges and Prosecutors**” (LOT 1), a project financed by the EU, a Laboratory of EJTN Experts drafted a definition of best practices in judicial training in Europe. Rather than talking about best practices in the strictest sense, the Laboratory of Experts proposes using the concept of “good or promising practices”, a concept that well suits the approach that can be found in the handbook.

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 understanding 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 features are useful for the **purposes of this Handbook**. It aims to give, in a very hands-on way, practical examples for decision makers, trainers, training organizers, course directors, etc., modern methods of:

- planning,
- training delivery,
- organizing a training event,
- evaluating the 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 topic in question. Simple one-to-one implementation often does not make sense.

As illustrated by the colour chart at the beginning of each chapter, starting with chapter One, there is a chronology involved and this is oriented by the “training lifecycle”.

Thus:

- the needs assessment-based planning of a curriculum (Chapter 2),
- via the modern design of individual training events and sessions (Chapter 3)
- the organizational running of the event (Chapter 4),
- through to the issue of proper evaluation which should also give ideas for future training (Chapter 5),

**This is the professional journey we invite you on.**

# Chapter 2:

## THE PLANNING OF A TRAINING PROGRAMME <sup>6</sup>

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

*Abraham Lincoln*

This chapter is intended for all *decision makers* who are involved in planning for a training school, organization or institution. **Training managers, administrators, organizers** are particularly targeted by the authors. **Trainers and practitioners** could also benefit from this background information but the chapter is not oriented towards their specific tasks.

The questions that this chapter seeks to answer are:

- Why is planning so heavily dependent on the needs of the beneficiaries, judges and prosecutors?
- Is a tailor-made training programme (choice of different training formats) of interest in the planning stage? How do we link the needs identified with the appropriate training format?
- What are the benefits of the training formats described?
- What are the main variables when framing a training curriculum at an institution?

Conducting continuous in-service training programmes for the more than 150,000 acting judges and prosecutors in the currently 28 EU Member States and for future judges and prosecutors is not a goal in itself. An increasing workload, frequent legislative reforms, and the growing complexity of judicial procedures owing to technical (r)evolutions and major social 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 of *planning* and *organizing* a wide range of training activities. They should not only be planned but match the needs of future judges and prosecutors or acting judges and prosecutors. To facilitate learning in adult education in the best way possible relies very much on *planning and training design*.

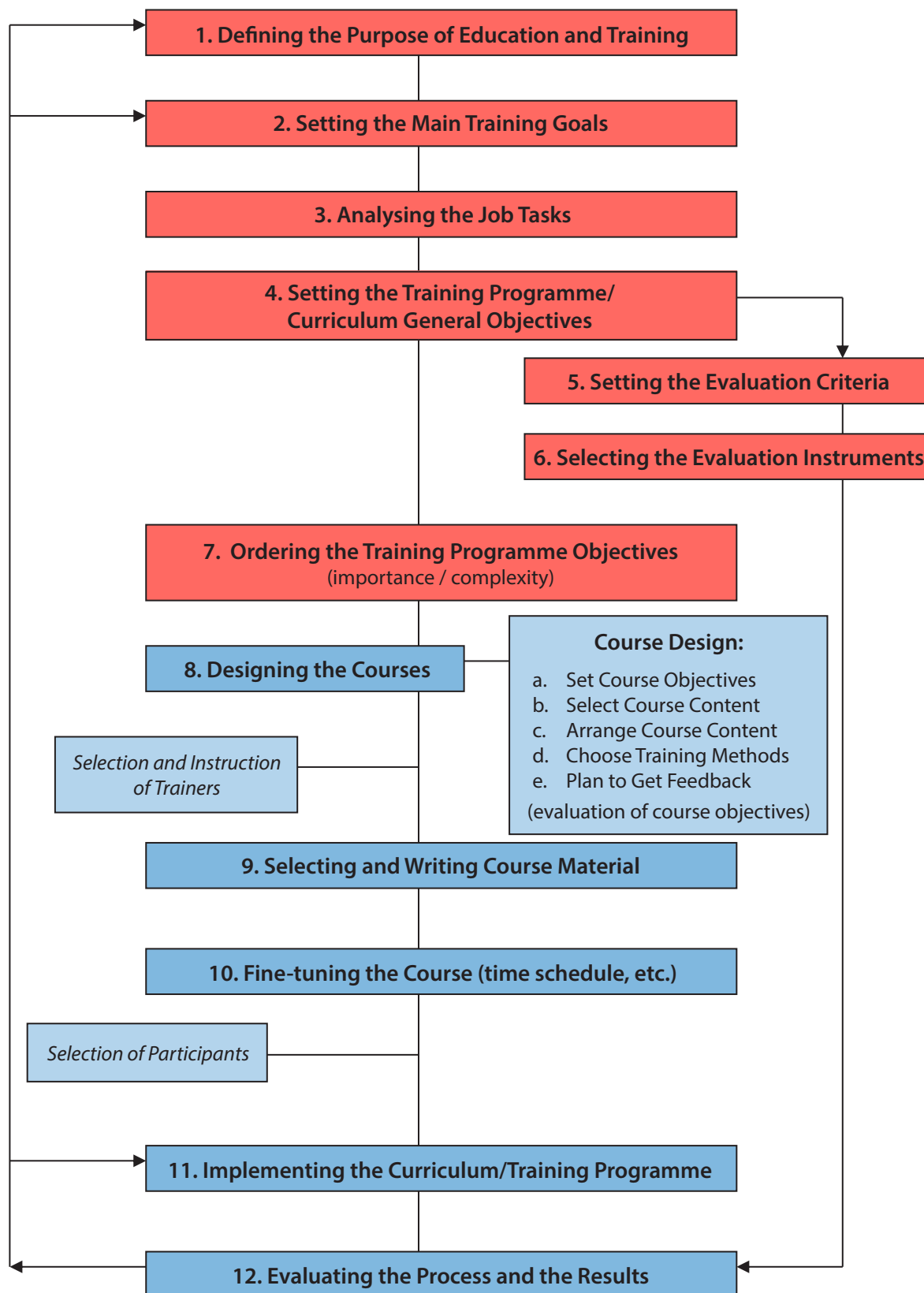
The process of planning in a modern training institution should follow **three principles**:

- **PRINCIPLE ONE:** Any training programme should be needs oriented;
- **PRINCIPLE TWO:** Any training programme should make use of a variety of training formats. The approach should be “tailor-made”<sup>7</sup>
- **PRINCIPLE THREE:** Needs-oriented planning should be incorporated in a general conceptual framework as in the diagram<sup>8</sup> shown below:

<sup>6</sup> The term *Training Programme* is used for *Training Curriculum* as well

<sup>7</sup> A *tailor-made programme* refers to the selection of a training format in accordance with the needs of the participants. At the same time it refers to the content and method chosen in accordance with the trainee group profile.

<sup>8</sup> The chart has a different colour code in each chapter. The colour code refers to the features analyzed in each chapter. Red is the colour that shows which elements are being analyzed and presented in detail for specific purposes.



The twelve stages presented in the chart above have several layers that involve different stakeholders: training administrators, organizers, trainers, or the beneficiaries of the training programme. This is why it will be analysed from different perspectives through the different chapters.

# PRINCIPLE NO. 1.

## ANY TRAINING PROGRAMME SHOULD BE NEEDS ORIENTED.

It is important that planning bodies develop best practices concerning *the major challenges* of the planning process related to needs assessment<sup>9</sup>. These are:

1. continuous needs assessment;
2. consulting relevant stakeholders such as civil society, academia and special interest groups on the benchmarking of curriculum development criteria;
3. an efficient planning process adheres to deadlines;
4. the need for a quick response to urgent training needs.

### I.1. CONTINUOUS NEEDS ASSESSMENT

An important task of any judicial training institution is to detect and meet *the real training needs* of acting judges.

As illustrated by the organizational chart at the beginning of this Chapter in the “training lifecycle”, the planning of an objectives-attaining training programme necessarily requires a prior and thorough needs assessment and analysis undertaken from various angles. This is important because:

- concrete objectives of a training programme can be defined only if the specific judicial setting and background of the potential target group is detected beforehand.
- evaluation criteria for a training programme – or of a specific training event within the training programme – can be properly defined only when realistic training goals – reflecting the true needs of the judges or prosecutors – are set in advance.
- proper evaluation (going beyond mere “happy sheets”) allows conclusions to be drawn about the real training needs of those who have attended a training event.

**ASSESSMENT METHODS.** Thus, a variety of needs assessment methods are recommended, such as:

- [Surveys](#) carried out in the courts and prosecution services;
- [Questionnaires](#) handed out during a training event;
- [Observation and identification](#) of typical tasks within the judiciary and subsequent development of job profiles;
- Regular [career development discussions](#) with chief judges / chief prosecutors in [interviews](#) with judges / prosecutors.

[Surveys and questionnaires](#) are useful tools to obtain an initial understanding of training needs within the judiciary. However, they do not cover the whole picture. A comprehensive and reliable needs assessment and analysis stands or falls by the involvement of those responsible for person-

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<sup>9</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. 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. Furthermore, financial and budgetary issues are scarcely in the sphere of influence of training organizers or trainers, which also justifies the skipping of this topic in a Handbook on “Training the Trainers” best practices.



nel development in judicial administrations and/or in national training institutions, and – even more importantly – in courts and prosecution services.

In fact, judicial administrations and training institutions which first identify the very different potential tasks of judges and prosecutors of all kinds, and which then devise a professional development concept (“job profile”) for each one of these tasks (required knowledge, required capacities, required skills), make a valuable contribution to the assessment of both groups’ and individuals’ training needs alike.

## **I.2. INVOLVEMENT OF THE STAKEHOLDERS AFFECTED IN IDENTIFYING NEEDS**

From a formal standpoint, programme planning in most European, national and regional judicial training institutions falls within the remit of a steering committee, a governing (managing) board, a board of directors, or the like. These bodies decide on a curriculum that is:

- semi-annual,
- annual,
- bi-annual.

They normally comprise members of various levels and specializations of the domestic judiciary, as well as members of ministries or departments of justice and – where such institutions exist – of self-appointed high judicial councils.

**DIFFERENT APPROACHES IN PLANNING.** In the actual planning stage, different schools have different approaches:

1. In some cases, the body merely validates a bundle of training measures devised in advance by a rather small group of training organizing experts and trainers (if there are full-time trainers).
2. There might be the situation that the body’s members also play a decisive and substantial role in the concrete planning of the content and methods of the upcoming curriculum.
3. In some cases, full-time trainers deal with the design and planning training.

**RECOMMENDATIONS FOR THE DECISION-MAKING PROCESS.** Independently of the actual processes of decision-making and taking, the very “justice-centred” composition of the bodies involved risks promoting a certain blindness when it comes to detecting inherent deficiencies of the judicial system and corresponding training needs. So:

- input from civil society
- and academia

can be a particularly fruitful source of reflection as training programme building progresses.

If, in a given domestic setting, it is difficult to institutionalize such a dialogue, then surveys or opinion polls carried out on the quality of justice and the degree of trust which is invested in judges and prosecutors may constitute a valuable indirect source for curriculum planning.

- In addition, professional organizations of judges and prosecutors (based on voluntary membership) can contribute important ideas, especially concerning training on reform concepts (*de legeferenda*) for the judiciary. Their knowledgeable insiders’ viewpoint, but from a position outside the politics and policies of judicial administration(s) – on topics such as judicial self-governance, judicial ethics or disciplinary proceedings – may help to significantly enrich the training offer.

## I.3. USING NEEDS ASSESSMENT DATA AND PLANNING ON TIME

**TIME AS A RESOURCE IN PLANNING.** Planning a coherent, comprehensive and varied training programme necessarily requires a significant amount of time. The training needs identified have to be reconciled with 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 aforementioned competent body, and 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 distance learning – is time consuming. Web-based training tools have to be designed by experts, and usually highly sought-after and very busy speakers or trainers need to be recruited for residential training courses. Furthermore, the call for applications by the appropriate target group is best 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.

## I.4. REACTING TO URGENT TRAINING NEEDS

**WHY SIX MONTHS IN ADVANCE?** The substantial core of a curriculum should be set at least *six months ahead of the first training event* to be carried out, in order to:

- allow the proper launching of the call for applications
- recruit trainers for the training events.

In addition, important legislative reforms and major social developments make the urgent running of “tailor-made” training events – including appropriate web-based tools – an absolute necessity. These needs will often be related to new knowledge, but could also relate to skills development.

**RESOURCES.** The consequence of the aforementioned findings is that any modern judicial training institution should have the foresight to reserve sufficient funds, the necessary human resources, open time slots all year round and the infrastructure capacity for *ad hoc* residential training courses, etc. so as to be able to organize urgent dedicated training events at short notice. In some 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 an especially complex file or a particularly burdensome change process in the institution.





## PRINCIPLE NO. 2: ANY TRAINING PROGRAMME SHOULD USE A VARIETY OF TRAINING FORMATS. THE APPROACH SHOULD BE “TAILOR-MADE”

**TRAINING FORMATS.** A modern judicial training institution employs a range of training formats because of the diversity of needs. These might include:

1. A mixed approach between residential and distance learning;
2. A format specific to induction training for professional newcomers;
3. A format providing a mix of knowledge-based, multi- or interdisciplinary and skills oriented training sessions;
4. A format that accommodates specific training events dealing with practice-oriented and hands-on methods within European law as an integral part of domestic law;
5. A format tailored for management and leadership skills development.

**ASSOCIATED TRAINING PRINCIPLES AND METHODS.** In terms of *the training methods employed by trainers* in any of these formats, it is a fact that there is a longstanding tradition of frontal lectures and little or no interactivity. However, in the last twenty-five years this approach has been substantially modified. Important findings in the area of adult-learning– andragogy – concerning the way adult professionals learn have generated the necessity for a new design of training events and sessions with a high degree of interactivity and variety of methods. This aspect should also be reflected in macro planning as it is based on the needs of the participants and their way of learning.

In accordance with identified 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.

Further examination of possible training formats could be of benefit to any training administrator/organizer/decision maker in general.

### II.1. INDUCTION TRAINING FOR NEWLY-APPOINTED JUDGES OR PROSECUTORS

- The training programme has to reflect the profession.
- Depending on the selection criteria for becoming a judge or a public prosecutor, the training programme could be modular or otherwise.
- If we base our philosophy on the already available knowledge and talent of the trainee judge, this makes a modular training programme possible. It also means that trainees are responsible for writing their own personal talent development plans;
- The fundamental factors to a successful education are:
  - the way in which the programme reflects the profession;
  - the manner in which the programme is tailored to knowledge the participants already have;
  - a stimulating learning environment in classes and at the workplace.

The goal of a stimulating learning environment is primarily that trainees genuinely focuses their attention and energy on learning and not on ‘self-maintenance’. Trainees must feel free and encouraged to indicate what they find difficult and what they want to improve. This requires, inter alia, that the person who supervises trainees is not (continually) assessing them.



**POINTS OF FOCUS.** As is the case for trainee judges and prosecutors, the training needs of newly-appointed judges and prosecutors are partly different from those of more experienced judges and prosecutors. So, that part of the training programme dedicated to needs-oriented induction training will probably contain particular features concerning:

- The content– the training programme has to deal with topics which are vitally important from the very start of professional practice; time can be devoted to the skill of writing drafts and practising court sessions (potentially via simulation), “judgecraft”, ethics and integrity, etc.
- The chosen methods. Creating a network in which the trainee judge can study, reflect and learn in cooperation with others. A specifically needs-oriented training method for this purpose entails pairing the newly-appointed judge or prosecutor with an individual tutor or a peer learning team.

## II.2. LAW-RELATED TRAINING

Training on law-related issues is important and will always remain important for judges and prosecutors. Legal knowledge is indeed at the very core of a judge’s or prosecutor’s day-to-day work. However, keeping abreast of legal matters is essentially a personal task for judges or prosecutors. Judicial reviews in print media, as well as online databases and e-learning tools allow judges and prosecutors to keep themselves informed by self-study. So law-related training should play a significant role in the programme of any judicial training institution. Properly, i.e. interactively, carried out (with case studies, mock trials, facilitated debates, webinar sessions, etc.), this training not only enables newcomers in a complex field of specialization to get an initial understanding of professional practice in their respective fields, but importantly, interactive law-related training gives the judges and prosecutors concerned relevant background information on new statutes and at the same time enhances the personal exchange of professional experiences.

## II.3. MULTIDISCIPLINARY<sup>10</sup> AND INTERDISCIPLINARY<sup>11</sup> APPROACH TO TRAINING

It has always been erroneous to think that judges and prosecutors take their decisions based on a merely juridical reasoning. Application of the law is central to society and is constantly facing social, economic, political and scientific questions and challenges.

### EXAMPLES:

- Criminal judges and prosecutors, custody judges and social security judges are in need of a good basic knowledge of medicine and (forensic) psychiatry.
- Economic and financial crime can only be properly combated if the judge or prosecutor concerned is able to read a balance sheet.
- A civil judge can only understand the intricacies of eBay contracts if he or she is reasonably well-informed on the functioning of the Internet.

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<sup>10</sup> A **multidisciplinary approach** involves drawing appropriately from multiple disciplines to redefine problems outside normal boundaries and reach solutions based on a new understanding of complex situations

<sup>11</sup> The **interdisciplinary approach** combines or involves two or more academic disciplines or fields of study



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

All this makes it an absolute prerequisite to have a decent proportion of multidisciplinary and interdisciplinary training events in the curriculum. A variety of judicial practitioners and non-judicial professionals as trainers or speakers has proven to be particularly fruitful in highlighting the interfaces between the law and other disciplines.

## II.4.INTERACTIVE SKILLS-BASED TRAINING

**NON-JUDICIAL SKILLS.** Besides their legal and non-legal knowledge, practising judges and prosecutors need a wide range of psychological, social and methodological skills to properly fulfil their role, skills summarized by the recently coined word *judgecraft*.<sup>12</sup> Skills-oriented training should be organized for small groups<sup>13</sup> of participants because this will help the judges and prosecutors to:

- better communicate in the workplace;
- make proper public statements in hearings;
- effectively employ their voice in the courtroom;
- deal with the heavy workload by using improved memory capacities as well as stress reduction and health improvement techniques;
- face the media, and their need for information, without fear;
- better assess the reliability of witnesses;
- assume the role of mediator;
- resolve conflicts within the unit; etc.

Interpersonal skills training should thus have a prominent place in any judicial training programme.

## II.5.EUROPEAN LAW TRAINING

European law has submerged domestic laws. Regulations and implemented directives or framework decisions are an integral part of 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 of other systems – including legal language – are pivotal as well.

However, recent surveys have shown that judges and prosecutors are still relatively reluctant to properly apply European law. In view of this phenomenon and in view of the inseparable entwinement of domestic law and European law, the latter should form part of virtually any knowledge-based training for judges and prosecutors.

But in addition to this, the training programme should provide a series of training measures (whether residential or otherwise) specifically dealing with the interfaces between domestic and European law in the various fields of specialization of judges and prosecutors. Practical lessons on

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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 12-14 judges and prosecutors are ideal.

the preliminary ruling procedure should be part of any such training event. Where appropriate, field trips to the CJEU in Luxembourg or to the European Court of Human Rights in Strasbourg, study visits to another EU member state as well as individual or group exchanges can round out the training on offer.

## II.6.MANAGEMENT AND LEADERSHIP TRAINING

The legal education and the initial training of judges and prosecutors are specifically geared to their juridical decision making. However, in the modern judiciary, judges and prosecutors in management positions have to accomplish a wide range of managerial tasks. Regardless of the details, this holds true for all of the 28 EU Member States.

Management tasks may **for example** entail:

- The administration of a budget, promotion of professional development – the “career” – of judges, prosecutors and staff (through structured career-development interviews, regular personnel review, etc.),
- The implementation of profound changes in the structures of a court or a prosecution office, and the like.

This type of task can only be successfully carried out if the court or prosecution office leaders’ knowledge and skills are combined with leadership skills. *The way in which* a leader motivates the members of his or her organization to act towards identified common goals is of vital importance. Training courses on the “soft skills” 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 programme comprises a series of (modular) management and leadership training sessions.



## PRINCIPLE NO. 3 INTEGRATING NEEDS-ORIENTED PLANNING IN A GENERAL CONCEPTUAL FRAMEWORK.

Any training institution should be aware of the conceptual framework of a training programme. *Defining the purpose of training and education in the judiciary* has a lot to do with the country-specific judicial culture, but at the same time includes recent developments all around Europe. Recent studies point out<sup>14</sup> that a good judge is in need of several additional skills besides the traditional mastery of substantive law. Judges and prosecutors need:

- To be exposed to more knowledge about the social context of law and judicial processes,
- Skills related to the activity in the court, to manage courts and staff,
- To interact with the public and the media, using new technologies, judicial ethics, etc.

Therefore, defining the purpose of training and education of judges and prosecutors should be a constant concern because of rapid changes in society and human behaviour, and the needs that are accordingly generated.

**SETTING OVERALL GOALS** is an institutional decision that impacts the entire training activity and the expected results. These will later be seen in courts and prosecutor offices. The process of job analysis further helps in the practical shaping of the different goals to which courses and seminars should aspire.

**CHOOSING THE TRAINING METHODOLOGY.** Only after this stage, involving institutional decision makers and the abovementioned stakeholders, comes the training professional who devises the training course/session, sets specific objectives, chooses the training methods and the appropriate evaluation instruments.

**THE EVALUATION METHODOLOGY.** At the institutional level it should be clear what type of evaluation methodology will be applied, so that the trainers and beneficiaries can coordinate on this aspect too.

However, the core analyses should be performed in accordance with the needs identified within the judiciary.

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<sup>14</sup> C. Thomas, *Judicial Training and Education in Other Jurisdictions*, London, Judicial Studies Board 2006

# 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**

This chapter is intended for **trainers and course designers**. It is nonetheless of benefit to planners and organizers to familiarize themselves with this content.

The questions this chapter intends to answer are:

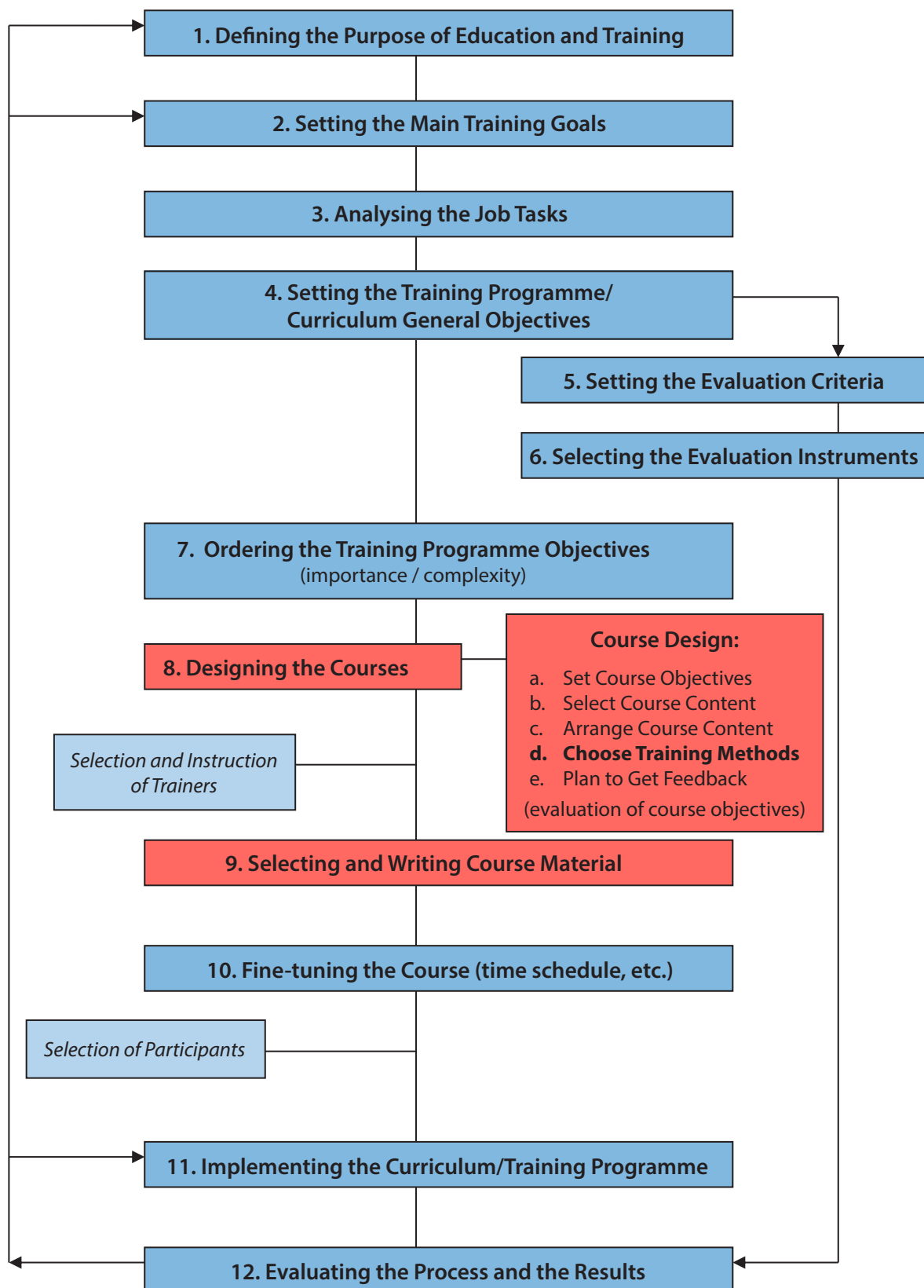
- How do adult professionals learn?
- Which training methods are recommended to be used with adult professionals?
- What are the advantages and disadvantages of combining traditional lectures with other, interactive, training methods?
- What is the procedure for each of the methods described in the chapter?
- Are there any criteria to be adopted when choosing a training method? How do we combine training methods?
- Which range of methods is used for real-life problem solving?

Accordingly, this Chapter gives:

1. An overview of the principles of participatory learning, different adult learning styles, and the principles of andragogy;
2. An in-depth explanation of a variety of training methods particularly suitable for judicial training;
3. Some pointers on training in the workplace;
4. An introduction to technology-based learning;
5. Some specific issues related to initial training.



As the colour code shows, the aspects analysed in this chapter are the ones coloured red, namely course design specifics.



Having set the general training objectives and having planned a needs-oriented curriculum/training programme, the course designers/trainers are given the opportunity to plan the training sessions accordingly.

It is the trainers' and course designers' task **to select the proper training method(s)** for:

- Each training format such as conference, symposium, seminar, workshop, webinar, etc.,
- Each training content with law-related topics, ethics, judges and prosecutors in society, methodological and behavioural capabilities and skills, etc.,
- Each target group in induction training, leadership training, etc.

Proper course design is only possible if the designer is aware of the requirements of adult learning theory.

## I. AN OVERVIEW OF THE PRINCIPLES OF PARTICIPATORY LEARNING, ON DIFFERENT ADULT LEARNING STYLES, ON THE PRINCIPLES OF ANDRAGOGY.

### I.1. A COMPARISON BETWEEN TRADITIONAL AND PARTICIPATORY TRAINING APPROACHES.

- **The traditional approach** in training refers to the transfer of knowledge and expertise from the trainer to the participant as occurs in a classic teaching environment. **The trainer** used to define what particular set of knowledge and expertise the trainee needs to acquire. This approach to training gave the trainer **the power to know everything**, the **trainee** being looked upon **as a passive participant**, metaphorically, as a *container to be filled up* by the trainer. For a long time, education took place as if it were an act of depositing,<sup>15</sup> in which the trainees were the depositories and the teacher or trainer the depositor.
- In contrast, designing training architecture around the learner means designing training activities around the learner's needs and interests, which is a participatory learning approach to training.

**What is a participatory training approach?** A participatory training architecture facilitates 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,
- examining one's values, attitudes and professional orientations,
- "unfreezing" set notions and set patterns of behaviour.

**It is about questioning, rethinking and re-learning.**

Using training methods entailing active participation is an adult education strategy in which participants in the judiciary get involved on the basis of their needs and questions, their reflection and analysis, and their interest in carrying their own professional development process forward.

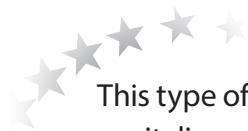
**Characteristics of the participatory methodology.** It is:

1. learner-centred;
2. experience-based;
3. and often open-ended.

The workplace is where results are expected to be seen.

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<sup>15</sup> The banking concept in education was developed by Paolo Freire.



This type of training design and architecture builds confidence in practitioners, as it recognizes and capitalises upon their experience, knowledge and skills. It creates experience-driven opportunities for personal and collective learning.

Thus, participatory training methods encourage people to:

- question what they have always accepted,
- 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 power for independent constructive action in the judiciary.

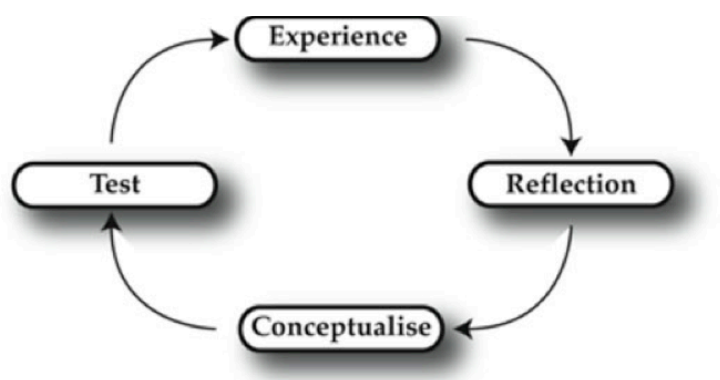
**Good practises are localized.** *It is important to realise that participatory training methods are not just a set of standardized interventions. They function in a certain historical and socio-political context. This explains why in some countries good practices relate to certain training methods,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

## I.2. KOLB'S ADULT LEARNING STYLES MODEL

The educational principles behind the various training methods which will be described should be thoroughly understood in order to apply them efficiently. One theory that provides a good insight into adequacy of training methods was developed by David Kolb. He published his adult learning styles model in 1984.<sup>16</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 hypotheses in future situations, resulting in new experiences.



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

<sup>16</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).



## I.3. PRINCIPLES OF ADULT LEARNING

The theory of adult learning provides inspiring input for 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 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 play, simulations or moot courts, experiential exercises, problem-solving exercises and case studies.
- b. **Learning through observation and reflection** is easily attained through structured observation, feedback, debriefings, structured discussions in small or large groups after each and every interactive activity.
- c. **Learning by forming abstract concepts** might be attained through lectures or presentations combined with brainstorming, snowballing, questioning group work, debates and other forms of interactivity.
- d. **Testing in new situations:** according to the theory, trainees assess whether they solved the problem, identified the main features in a case study, and so on.

Within this continuous and developmental approach, each individual can find the time and tasks to get fully involved. Here are some recommendations for matching learning objectives to training methods and techniques used<sup>17</sup>:

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

<sup>17</sup> The recommendations in the table were developed by Prof. Dr. Otilia Pacurari, trainer, NIM, Bucharest.



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 useful to remember the following **principles** 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 a given 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.***

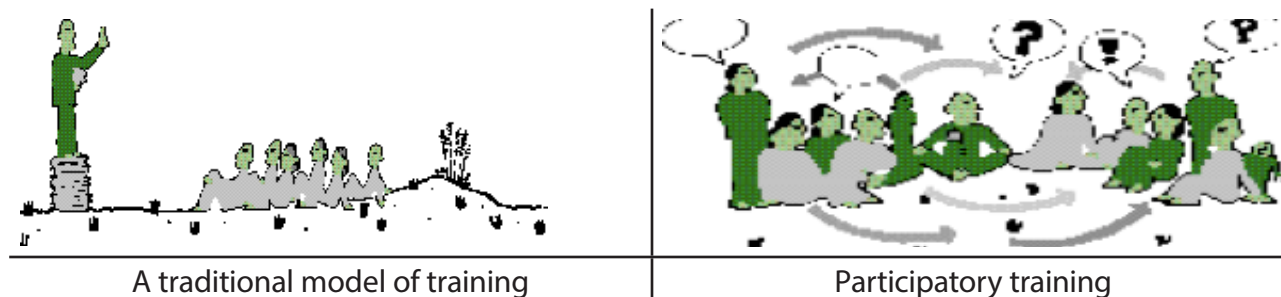
This again relates to making the topic relevant. If participants go back to their workplace after the training event and begin using the new skill immediately, they are likely to continue using it. If there is a gap between the end of the workshop and the first time they try the new skill, they may have forgotten some aspects 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. AN IN-DEPTH EXPLANATION OF A VARIETY OF TRAINING METHODS PARTICULARLY SUITABLE FOR JUDICIAL TRAINING.

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



The training architecture<sup>18</sup> creates opportunities for exchanging experience, questioning, and full participation in practical activities designed for learning purposes. The trainer facilitates training events by using different techniques to galvanise adult participants.

There are methods available to any trainer to motivate individuals and groups of learners within their specific judicial culture. This explains why good practices sometimes cannot be imported and are not necessarily transferable. However, if the knowledge and understanding of the methods is clear, mental design of training architecture can start. In fact this is the main purpose of the chapter: to give backbone to each and every practice that has proven to be successful. It can be viewed in a way as a checklist of training methods.

The most effective training methods as experienced in the judiciary are:

### II.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 interest area. Its main advantage is that trainees are actively involved 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.

**Description of the method.** Participants are invited to generate ideas or solutions to challenging problems. The participants voice ideas as they occur to them. All ideas are noted down on a flipchart by the trainer and are not criticized. Only after all the responses are recorded is there subsequent analysis or categorisation, and a discussion on the appropriateness of the ideas.

<sup>18</sup> The concept of training architecture is used by Prof. Dr. Otilia Pacurari when in training she refers to the way in which participants are organized into pairs and groups to solve a specific problem.



## II.2. SNOWBALLING (PYRAMIDING)

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 galvanise participants. The requirements are a room large enough for small groups to work together and materials for them to capture their ideas (flipcharts, whiteboards, paper). A good facilitator will encourage the group to work collaboratively.

**Description of the method.** Snowballing or pyramiding involves the participants in the following group architecture:

1. the participants work alone;
2. then in pairs;
3. then in groups of four;
4. then in groups of eight.

The tasks for the participants might be to:

- answer a specific question;
- list key words related to a topic;
- agree or disagree with a certain idea.

The trainer invites a representative from each group to present the outcomes of their debates to the other groups by presenting their findings on flipchart sheets.

The **main advantages** of this method are that:

- It promotes a good shared level of analysis of a problem, including listening to the views of other participants and developing the ability 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 from 4 to 40 people. It is quick to organize, and works with almost any topic. Trainees do however need clear instructions. This technique also requires a plenary “feedback” session.

## II.3. ICEBREAKERS

**Description of the method.** Icebreakers are short exercises that could be used at the beginning of a training event to allow trainees to get to know each other before the main work of the event begins.

They also enable the trainer to assess group members at behavioural level. Some icebreakers can be used to separate people who already know each other and encourage the group to mix.

**Characteristics.** Icebreakers:

- make use of the personal or professional background of the participants.
- are not subject related;
- are participant related.

**Examples.**

Frequent questions look into sharing professional and personal interests, hobbies, etc.

- **Silent I.D.** Give each person a piece of paper with instructions to write words or draw pictures that describe themselves without talking. Then they are to pin their paper on their chest, walk around, and look at each other. Pictures are collected and shuffled and participants try to identify to whom each picture belongs.
- **Paired Sharing.** Ask the participants to move around the room and find someone they do not know or who they know the least of anyone else. When everyone is in pairs, the facilitator announces the topic partners can talk about, and a designated amount of time to do so.
- **Who Is It?** People write down something about themselves they think no one knows. The leader reads the slips of paper and others guess whom the person is. It is amazing to see the things some people reveal about themselves.
- **Common Ground.** In small groups, have participants come up with six things they have in common and have them share these with the large group.

## II.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 factor ensuring success in learning, it is recommended to allow 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”).

**When do we use presentations?** 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.

**The main challenges** are:

- The attention span of the audience is a maximum of 20-30 minutes;
- The different learning styles of the audience might affect information transfer;
- The rapport with the audience requires appropriate language and body language;
- The structure of the presentation;
- The visual materials, PowerPoint slides designed following appropriate standards.



## Preparation stage: tips for the trainer

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.

**Work on a clear and logical structure.** There should be:

1. **An introduction,**

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.

2. **A main body,**

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.

3. **A conclusion.**

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.

**The choice of words and style of discourse** ensures 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 no 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.

## Delivery stage: tips for the trainer

Consider the mode of delivery that you are going to employ: What sort of prompts are you going to use? What visual aids might be helpful? Will you 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 their native language, and their familiarity with or the 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. 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.

### **Checklist of 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 any material written on blackboards, whiteboards or on the video projectors visible from all parts of the room?
- Did the trainer make appropriate use of any hand-outs?

Voice, eyes, technology and training materials are all to be prepared in advance and even practised prior to the event.



## Example

The following is an exercise that can be used in a “train the trainer” programme to become skilled in preparing, delivering and practising a good presentation.

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

Instruction for the teams: We will ask you to prepare, with two or three persons, a short lecture of no longer than ten minutes. One of you will give the lecture to your colleagues, but you may also choose to do it together and divide up the tasks.

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 covering 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.
- You could also think of a personal topic that may be of interest to your colleagues, for example one of your favourite hobbies, or your favourite recipe.

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

***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.

**Time:** You will have 60 minutes for preparation.

**Feedback:**

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

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



## II.5.ALTERNATION OF LECTURES AND GROUP WORK

Lectures are useful when new knowledge is introduced to the audience. But learning occurs when participants are actively involved in their own learning process. A technique that delivers results is alternating between a lecture, with or without PowerPoint, and pair or group work.

### Lectures

**Description of the method.** Lectures are structured presentations, aiming at knowledge transfer. Lectures, as a direct training method, represent a valuable and efficient instrument to explain ideas and theories in a short time. Lectures are the most direct training method. They should be used in combination with one or more participative training methods.

**As an advantage,** they could prove very useful in the context of large groups and in combination with other techniques that are more suitable for practical training. In order to transfer specific knowledge to the audience, the speaker controls the entire process, but this does not exclude a persuasive talk that stimulates the audience's involvement.

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

### Group Work

**Description of the method.** Group work can be organized in such a way that two or three people are asked to discuss a particular topic together and then report back to the larger 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 it. They are effective in the early stages of a training course when participants may still be experiencing some uneasiness in talking to their peers.

After the discussion, a selected number of groups can be asked to give feedback 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 the instructions are not clear, they can generate confusion, lack of focus or interest, and provoke boredom.

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 role-play, or discussions on different topics could be conducted through small group work.

**Advantages.** Participants find small group discussions 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.



Some of the **disadvantages** could be mentioned too:

- 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.
- Groups may be 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.

**Tips for the trainer** 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 training needs; this may not always match the arrangement the venue offers. Seating will help determine the relationships between the trainer and the trainees, and among the trainees themselves.

## II.6.DEBATE

**Description of the method.** Debate is a method of formally presenting an argument in a disciplined manner. Though logical consistency, factual accuracy and some degree of emotional appeal to the audience are elements in debating, one side often prevails over the other party by presenting a superior “context” and/or framework of the issue. The outcome of a debate may depend upon consensus or some formal way of reaching a resolution, rather than the objective facts.

In contrast with lectures, debate uses hypothetical questions to ask 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 trainer's standpoint. The hypothetical question only offers trainees a mechanism to process the ideas leading to a conclusion. At the end of each successful debating session, each participant will adopt a standpoint on the issue (either voluntarily or as directed).

**Example.** Debates can be organized in various ways.

Participants in a training programme (initial or continuous) are invited to take on the roles of judges, advocates or prosecutors. Then they could be engaged in a debating session on issues of major importance that will be filtered from these three perspectives.

Debates can also be organized to simply discipline the arguments and instil proper reasoning in initial training. Participants are split into two groups of debaters that will come up with arguments for and against, and through logical consistency and factual accuracy they will frame a standpoint. The debate is didactically important if the trainer is looking at the framing of the concept and logical motivation in the reasoning process.

## II.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.

**Description of the method.** Role play involves 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 perform a task (such as a moot problem) from different perspectives. 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 helps trainees to put in practice what they have learned and to find “proof”: does the theory work as supposed? These techniques have many advantages, as 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.

### **Example:**

Simulation: the substitute trainer

In a team of trainers, the tasks are divided up 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 or she will take over the sessions as a substitute trainer, and is an expert as far as the content is concerned, but has no experience in teaching or training whatsoever. He or she is willing to give the courses but needs advice.

*Assignment:*

Question: How would you advise your colleague?

Training mode: role play with observers.

A feedback session follows.

**Tips for the trainer.** However 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.



## II.8. PRACTICAL DEMONSTRATIONS

This method is particularly suitable in multidisciplinary training to efficiently and sustainably widen the knowledge and the capabilities of the attending judges and/or prosecutors in non-legal or non-judicial matters.

**Description of the method.** In skill-based training when using the demonstration method, the trainer shows the logical step-by-step procedures in doing the job, the principles that apply, and any related information.

Problems do arise where a non-judicial speaker or trainer does not match the target audience, because he or she uses his or her own technical language without further explanations. In contrast, participants will see long-lasting effects 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 or 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 or she assesses the credibility of a child witness.

## II.9. PROBLEM SOLVING: THE SEVEN STEPS OF PROBLEM ANALYSIS

Problem solving could be addressed within a planning framework or it could be a spontaneous reaction or debate taking place when such a situation occurs.

**Description of the method.** This training method is used to identify problems, analyse them and find appropriate ways to resolve 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.

Using an organized **seven steps approach** in analysing a problem or case will make the entire process easier and can increase the learning benefits.

1. **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.
2. **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.
3. **Functional areas.** 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.
4. **Define the judicial context:** frame the significant law, regulations, etc.
5. **Identify the constraints to the problem.** Constraints may limit the solutions available.
6. **Identify all the relevant alternatives.** The list should include all the relevant alternatives that could solve the problem(s) that were identified in step 2.
7. **Select the best alternative.** Evaluate each alternative in light of the available information. If you have carefully taken the previous five steps, a decent solution to the case should be apparent.

## II.10. 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 to 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 casebook, entitled *A Selection of Cases on the Law of Contracts*,<sup>19</sup> a collection of settled cases 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.

**Description of the method.** 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. 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 study architecture.** Case studies are more effective when used in small groups, where the participants, who usually sit or work on their own, or more 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.

**Subjects that can be covered.** 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.

**Tips for the trainer.** 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.

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<sup>19</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).



## II.11. EXPERIENTIAL EXERCISES

This training method can be particularly fruitful in training events focussing on methodological capabilities and skills. In management and leadership training on process and change management, **for example**, it has proven to be by far the most instructive method to make 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.

**Description of the method.** Experiential learning is learning through reflection on doing, which is often contrasted with didactic learning. It focuses on the learning process of the individual who is going through an experience very similar to what happens in real life situations.

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 capabilities and skills. In management and leadership training on process and change management, **for example**, it has proven to be by far the most instructive method to make 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.

## II.12. FEEDBACK

Feedback is essential when using such types of training methods and techniques whereby the participants are actively involved in the learning process.

**Definition.** Feedback is an essential part of education and training programs. It helps learners to become aware of their potential at different stages of training, raise their awareness of strengths and areas for improvement, and identify actions to be taken to improve performance.

Feedback can be treated informally, as in day-to-day encounters between trainers and trainees, between peers or between colleagues, or formally as part of a written assessment.

Any feedback should be:

### **Constructive;**

It is information-specific, issue-focused, and based on observations. It involves both praise and criticism in order to provide sound advice for improvement.

- **Objective;**  
It is fact-based, measurable and observable.

- **Concrete;**  
It relates to a behaviour existing in reality. The trainer does not relate to an abstraction. The observed behaviour is not a matter of interpretation.
- **Specific.**  
It highlights strengths and weaknesses, giving specific examples or explanations.
- **Prompt**  
It should be given immediately or following an agreed timescale.

Feedback should always be two-way communication.

The trainee is the key stakeholder invited to debrief: Let trainees say whether or not they are satisfied, what was significant for them, what they see as the barriers when they are 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.

## II.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 gives a final concluding input.

**Description of the method.** This is an important aspect of group work: debriefing provides a review of the activity, identification of different viewpoints, and an opportunity to share ideas. It is crucial that reporting back reflects the group's views, rather than the view of any spokesperson for the group. The use of a flipchart during group discussions is recommended.

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

Groups should know in advance that there will be a plenary feedback 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 session should stimulate discussions and critical reflections on the coherence of the views expressed and the quality of the evidence.

An important aspect, though, is appropriate usage of the training methods in accordance with the profile of the participants and the objectives or goals sought. The diagram below shows the key features of a training plan.



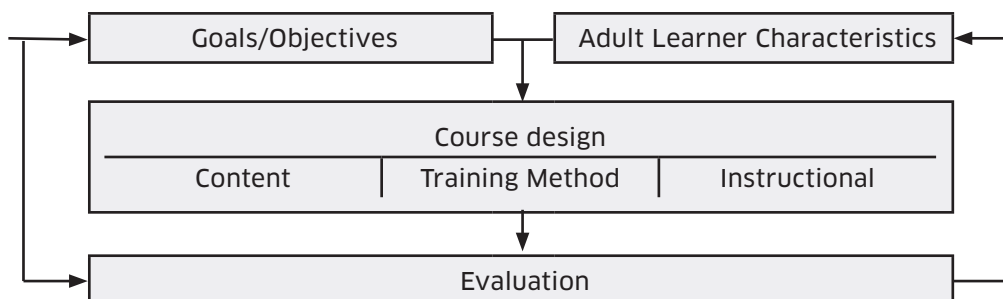


## EXAMPLE: A FRAMEWORK FOR A COURSE DESIGN IN EIGHT STEPS

### 1. Set the course goals.

Answer questions such as:

- '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, attitudes).



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

### 2. Consider learner characteristics and the situation:

- Background and existing knowledge on the subject
- Their motivation to take the course
- Group profile
- Location
- Technical devices
- Logistics

### 3. Select course content

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

### 4. Choose a method and technique for training

Using a wide range of training methods very much depends on the goals of the course and the profile of the adult learners.

### 5. Plan the course. Use the structure: introduction, core, evaluation

When planning the course, the following should be considered:

- **The INTRO**
  - I = Introduce yourself
  - N = Needs, goals/objectives, expectations
  - T = Time (planning)
  - R = Reactions, when attendees ask questions
  - O = Other (logistics, phones, breaks, etc.)
- **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



- **Conclusion**

Feed-back, debriefing and summaries are useful

A follow-up schedule, appointments, etc.

**6. Select and prepare reading and activities (media, devices)**

Think of a combination of textbooks, articles and other media as regards 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. Prepare to receive participant feedback and prepare evaluation tools.**

You want to know whether the participants reached the goals and how they felt about the course. This information is needed 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



## III. TRAINING IN THE WORKPLACE

### III.1. WORKING ENVIRONMENT OF MODERN 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 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 less inequality, of social equity and redistribution, and the limits of available resources, may all create tensions and thus make it more difficult and delicate to ensure the necessary balance in practice.

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 cannot 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 proper understanding of the human and social realities with which the justice system interacts are all requirements for a good judge or 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 within that same judicial system, thereby instigating an entirely self-referential process. Initial and induction training of newcomers should be set at the intersection, so to speak, of the judicial apparatus and “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 gain maximum benefit from comparison, exchange and cooperation between training institutions in different countries in Europe and beyond Europe. Different legal cultures – and not only different legal systems – can and must confront and enrich each other.

*In suitable situations, tailor-made training in the workplace can be a particularly hands-on and resources-efficient method of enhancing judges’ and prosecutors’ professional skills and capabilities. Whereas tutoring or mentoring has been a well-known concept for quite some time, supervision and intervision have traditionally been restricted to socio-psychological professional environments for decades, and have only been introduced into the judiciary of late.*

### III.2. TUTORING OR MENTORING

**Definition.** This method consists of putting an individual trainee together with an experienced and didactically skilled practitioner to learn about professional requirements in a specific field of knowledge, capabilities and skills in a very hands-on way in a peer-to-peer situation. This workplace training method is primarily used in initial training and in induction training.

Mentors maintain a primary responsibility for assisting new judges by familiarizing them with pertinent topics, including the parameters of the judicial mentoring programme, details of closing a law practice, employment procedures and policies, ethical considerations, and tips for living within a judicial community. The mentors' approach must be adjusted to accommodate the different personality types and learning styles of the new judges.

A successful mentoring programme promotes public confidence in the integrity and impartiality of the judiciary.

### III.3. SUPERVISION

Supervision is a specific form of professional counselling taking the form of intervention in 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 prove rather expensive – supervisors are as a rule specifically trained professionals – it cannot be intended to be comprehensive. It is therefore of utmost importance that the three parties concerned properly and accurately identify supervisees' training needs, and then reach a concrete target agreement on the scope, frequency, price and objectives of the intervention.

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

**What is the task of the supervisor?** The supervisor accompanies the supervisee(s) in 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 between the supervisee(s) and third parties, on the other. Thus a situational appraisal is 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 replace the supervisee(s) in contacts with the "outside world" (i.e. outside the supervision system).

From the perspective of the supervisees, the supervisor's goal is to help them detect practicable ways to self-improve their professional capabilities and skills. Success will be checked regularly within the supervision system. In the long term, the goal is to bring about long-term behavioural changes in the supervisee(s), and thus increase their independence from the supervisor.

**Typical methods of supervision** are analytical reflection, topic-focused interactivity by role playing or the like, video analysis, homework, etc.

**Typical forms of supervision** in judicial settings are:

- **Group supervision or team supervision:** A number of supervisees from either several distinct organizations (for example police, prosecution service, and criminal court), or from several units (within the court or within the prosecution service), or from 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 bring about lasting improvement in change management processes and organizational quality management.

- **Case supervision:** This is a particularly useful training method in the workplace when a specific case or unusual situation presents particular challenges which engage a large number of “employees” of a court or a prosecution service (judges, prosecutors and staff) for a length of time.

The target is to open paths to efficient quality management within the particular 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 or her rediscover capacities and skills buried for a long time under his or her daily routine. Supervision in such situations 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.

A significant advantage of this sub-form of supervision is the especially high degree of confidentiality. A judge or prosecutor might bare his or her soul more easily a one-on-one situation than in a group.

### III.4. INTERVISION (PEER SUPERVISION)

**Intervision, also called peer supervision**, is in essence a form of group supervision without a supervisor. The “supervisees” mutually supervise themselves. A target agreement with the employer is not a prerequisite for this form of professional workplace guidance. Intervision is thus much more informal and also less expensive than the forms of supervision described above. One palpable advantage for the trainees is a particularly confidential setting. The intervention group is strictly limited to peers.

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

In practice, forms of intervention are in particular to be found among younger – newly-appointed – judges or prosecutors. Forms of intervention 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 long-standing idiosyncrasies of which an inspecting judge had not been aware.

## IV. USE OF MODERN TECHNOLOGY

Use of modern technology should be a matter of thorough decision-making. The appropriateness of e-learning methods is to be determined bearing in mind the profile of the trainees, the training goals, and the content itself.

**Advantages.** Modern technology is 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.

**Disadvantages.** 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 provide basic information on a given topic. But understanding complex legal concepts and upper courts' jurisprudence on these concepts necessitates interaction between the relevant parties. And it should always be borne in mind that e-learning is somewhat expensive when done properly. Learning 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 are made for regular updates of the content in the web-based tools and the methodology used.

### IV.1. TECHNOLOGY-BASED TRAINING AND BLENDED LEARNING

Technology-based training has 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 the resources are taken into account. But the fact remains that a practical approach to training involves more than online interventions in distance learning.

This is 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 refers 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 or social learning).

Blended learning offers the potential to create effective training, to save training institutions both time and money, to make training more engaging and convenient for learners, and to offer learning professionals the chance to innovate. 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 is heavily dependent 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 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 distance-learning courses can make sure that participants receive the same level of judicial knowledge so that during face-to-face meetings they can be more active in practical applications and the exchange of experience.
- Materials and the digital learning environment remain accessible for long-term consultation.
- The course can be carried out autonomously to suit individual schedules.

## IV.2. THE LIVE CASE METHOD

The use of online podcasting and videoconferencing can also ensure a large-scale dissemination of 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 brings the professional community together. Besides this aspect, such training methods offer other possibilities as well, such as connecting a trainer, practitioner, judge or prosecutor from a training institution with a court during oral hearings. This is known as the Live Case Method.

## V. 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 or mentoring, etc. constitute the most widely used methodology for initial and induction training programmes.

### V.1. LEARNING IN GROUPS

As a rule, the principles laid out in this chapter on the modern design of learning in groups apply equally to group learning in initial training. However, the form taken by group learning in initial training shows certain specific features compared to group learning in continuous in-service training.

Given one of the key objectives of initial training is to familiarise trainees with the handling of case files, group learning in initial training must be entirely practice-oriented and interactive in nature.

**Tips for trainers.** *Consequently, role-playing, mock trials and case studies based on “real” cases are particularly appropriate training tools in this instance.*

In addition, 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, a consequence of proper selection of topics will be that each and every learning group member will be actively involved in the process.

**Size of groups.** These findings make it quite clear that group learning in initial training can only be truly effective if the group is small, with 20 trainees at most. Groups of 12 to 18 trainees are preferable.

## V.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 or her induction phase, will be particularly inclined to adopt best practices from seasoned practitioners, with the internalizing of values and skills that otherwise would not be learned from books.

Thus, individual peer-to-peer tutoring or mentoring is a very suitable method for initial and induction training. However, to make such individual internships successful for the practice trainer as well as for the trainee, several rules have to be obeyed:

Not every seasoned practitioner is also a good tutor or mentor. Only those judges and prosecutors who gain a personal benefit from intense professional contact with a young and necessarily inexperienced colleague should be selected. Furthermore, the tutor or mentor must have the didactical skills to motivate and encourage the trainee, i.e. to ensure he/she actively works on files without fearing personal, negative, demoralising feedback, even if mistakes occur, as they inevitably will.

It is also self-evident that a judge or a prosecutor already struggling to handle his or her “normal” workload is not a suitable tutor or mentor. Guiding the trainee over several weeks, or even several months, through the intricacies of procedural rules and matters of judicial administration definitely demands significant investment in time and in reflection. Remuneration for tutoring or mentoring should never be the main incentive for providing this kind of training in the workplace.

And finally, a good tutor or mentor in initial and induction training should have good competencies and capabilities 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 or prosecutor. Hence the final decision about a lifetime appointment might depend, amongst other things, on proper assessment by tutors or mentors during an internship (see below sub III for in-depth explanations of proper performance assessment in initial training).

## V.3.E-LEARNING AND BLENDED LEARNING

Experience from an EJTN Training the Trainers Seminar has shown that well-designed e-learning can be a useful methodological tool in initial training, bringing real added value. However, web-based training can never and should never replace residential learning in groups and peer-to-peer constellations in initial (or induction) training. But good introductory e-learning modules may result in a more homogeneous standard within a group of trainees 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, the proper handling of a case file and conduct rules can be effectively delivered by e-learning tools, if the programme makes proper use of 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 awarded on having successfully taken one stage of the e-learning programme can be made a requirement for the trainee’s continuing with the entire training curriculum.





## V.4. EXTERNSHIPS TO DISCOVER THE OUTSIDE WORLD AS IT RELATES 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 valuable initiative if all European countries provided mandatory training periods at external institutions.<sup>20</sup>

The EJTN has taken an important step towards fostering and enhancing these kinds of externships in foreign countries through its new AIAKOS Programme for young judges and young prosecutors. For the first time in 2013 (during the pilot phase), a large number of trainee judges and prosecutors as well as newly-appointed judges and prosecutors from the EU Member States participated in group exchanges illustrating another country's judicial system. A particular feature of the methodology is that each participant in the AIAKOS Programme is obliged to participate in two one-week sessions, one as a host in the home country, one abroad.

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<sup>20</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 or government) might help to round out the picture. An experience carried out in some countries, 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 inmates' steps from when they enter the penitentiary for the first time, to their reintegration into 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 and the probation court). It also provides important information to young judges and prosecutors to evaluate the impact of their future decisions. All young European judges and prosecutors should be aware of the importance of detention for rehabilitation purposes, in accordance with the case law of the European Court in Strasbourg.



## CONCLUSION

In conclusion, trainers in the judiciary should be fully 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. Although there is no single formula guaranteed to bring success, education and training offer many ingredients to combine. However, for the training course design to be practical and useful, each and every unit of content should be of benefit in fulfilling the needs of the participants, and any combination of methods should match the group profile and group dynamics. Multimodality<sup>21</sup> is a highly recommended training strategy. Combining training methods is the key aspect of training design.

Example:

- brainstorming
- a short lecture
- group work for problem solving
- feedback
- and lecture to summarize results or a debriefing.

This sequence is one possible way to coordinate methods if the content and group size so allow.

The advantage of such a training strategy is that judges and prosecutors are given the opportunity to exchange experience and give input about their expertise as professionals, while there is also time for them to be kept informed about new factors or aspects in the subject area by the expert trainer. A balance should be struck for learning to happen.

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21 In its most basic sense, **multimodality** is a theory of communication and social semiotics. Multimodality describes communication practices in terms of the textual, aural, linguistic, spatial, and visual resources - or modes - used to compose messages. Prof.Dr. Otilia Pacurari uses this concept in her EJTN training sessions to define a training strategy that combines several training methods in an appropriate training architecture for individual and group learning to happen.



## Chapter 4:

# ORGANIZING A TRAINING EVENT

*“The key is not to prioritize what is on your schedule,  
but to schedule your priorities.”*

**Stephen Covey**

This chapter is intended for **training organizers** at a training school, organization or institution. **Administrators, course directors or trainers** could be involved with this role.

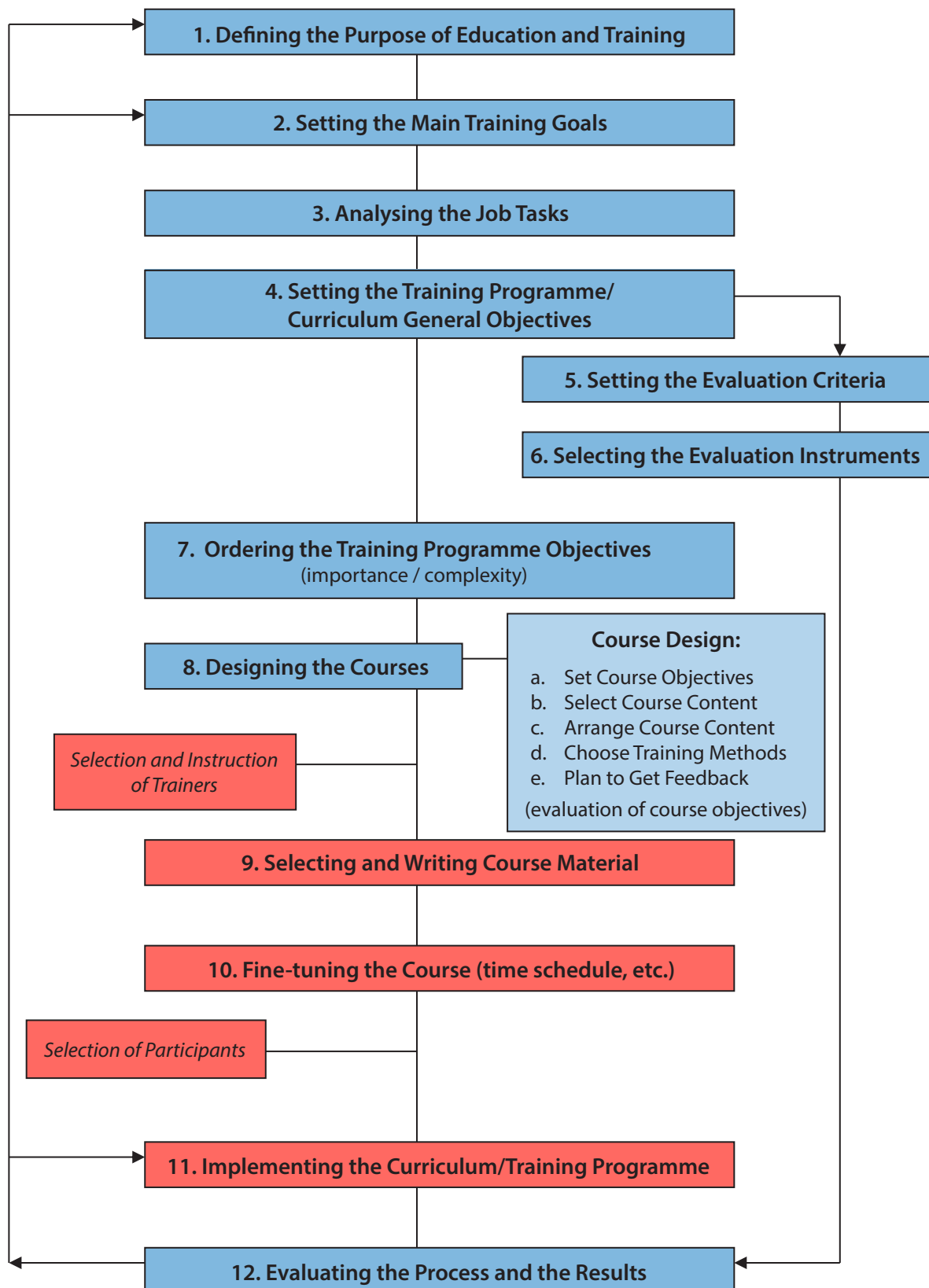
Therefore, the questions that this chapter aims to answer are:

- What are the specific issues related to the preparation phase of a training event such as:
  - How to select and prepare the trainers?
  - How to prepare the training materials?
  - How and when to go public?
- What are the challenges of the implementation phase of a training event?
- How to deal with post-training event activities?

As already mentioned in the introduction to Chapter 3, the various training methods detailed in that chapter can be fully effective in given training scenarios only if:

- the methodology is implemented using suitable trainers,
- the methodology meets and matches the chosen training format (conference, symposium, seminar, workshop, webinar, etc.),
- the training content is practical (law-related topics, ethics, judges and prosecutors in society, methodological and behavioural capacities and skills, etc.),
- and the expectations and capabilities of the target group concerned are taken into account.

The red colour in the chart below shows aspects analysed in this chapter.





## STEPS TO BE FOLLOWED BY TRAINING ORGANIZERS.

Pivotal tasks of the organizer of a training event are to:

- Properly define the *course objectives* in accordance with *the target group*,
- *to decide on the suitable location*
- Decide on the *suitable duration of the training format*.
- Then, the appropriate variety of methods for the specific situation has to be determined. This is what is meant by “fine-tuning the course” in the organizational chart.

However, the training organizer’s tasks do not end here. There are several further steps to be taken.

**Step one:** The organizer, who can be an administrator, a course director or a trainer, should take joint decisions concerning:

- selection,
- preparation,
- dissemination of the training course materials,
- choice of suitable participants,
- choice of a suitable number for the chosen training format.

**There could be at least two situations encountered when organizing a training event:**

- a. If the objectives are being set by the representatives of the training school/organization/institution, the trainers have to be familiarised in advance with the course’s concrete objectives, methodology and – where applicable – materials.

**Example:** *There are situations when it is beneficial to involve the training organizer, trainer, judicial experts, the educationalist, etc. in planning. This example shows the four stages in planning recommended for developing a training agenda for continuous training.*

### **STAGE 1: Forming the development team**

The team should comprise judicial experts, trainers, educationalist and a coordinator (organisation).

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

*Discussion points:*

- The background of the course;
- General objective;
- Connections with other courses;
- Specific target group;
- Basic requirements for the participants;
- 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: Course material development

- Instructions for trainers;
  - Instructions for participants;
  - Course information.
- b. If the trainers themselves set the specific course objectives, training methods and training materials, they should inform the administration and submit all training materials prepared for the fine tuning stage.

**Example:** *When the trainer alone is in charge of the preparation of a training session, the following steps should be followed:*

- Definition of the training session purpose;
- Setting the specific objectives;
- Selection of the training content (what is most important and what can you teach or train in the time you have);
- Decision on how to arrange the content in tune with the level of the trainees and their characteristics;
- Choosing the proper training methods: which mode best fits the goals, how the trainees learn best etc.;
- Developing the proper training materials;
- Think about the introduction, middle and evaluation phase of the training session.

**Step two:** The next important step is the actual implementation of the training event and the *management of “real-time” challenges*. According to the principles of adult learning as described in Chapter 3, the learning environment should be:

- Friendly;
- Pleasant;
- Positive.

These characteristics are important if we want attendees to feel at ease. This aspect includes the type of accommodation offered as well as any extra-curricular cultural activities. It is essential to have the proper (technical) infrastructure permitting all chosen methods to operate fully. In addition to this, the training organizer (hosting institution) should provide proper documentation for the training event, and moderate – in given cases – the training group’s contact with the “outside world”, for instance the media, etc.

**Step three:** The main organizational challenge in the immediate and long-term aftermath of a training event is *evaluation*.

There is the need to assess in a structured manner the strengths and weaknesses of the course. The information collected by means of the evaluation sheets is centralized and interpreted. Chapter 5 is entirely dedicated to these issues as improvement is not possible without a proper evaluation methodology.

When the actual training component is over, the training organizer should initiate an immediate feedback session with all involved in order to avoid mistakes in future.

**Step four:** *The follow-up of a training event* also poses 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 when this is appropriate.



The following in-depth description of good practice in carrying out all the aforementioned tasks in organizing an individual training event follows *a chronological order that will be further analysed from different perspectives*:

- the preparation phase of a training event;
- the actual implementation of the training event;
- the immediate and long-term aftermath of the training event

## THE PREPARATION OF A TRAINING EVENT

### I.1. SELECTION AND PREPARATION OF TRAINERS<sup>22</sup>

***Fine-tuning:** The in-depth explanations in Chapter 3 on particularly suitable training methods for judicial training have also mentioned, where appropriate, appropriate training contents in relation to which a given method can successfully be used. Some methods are particularly effective for teaching law-related topics, and other methods may serve primarily to enhance participants' social, methodological or psychological capabilities and skills. A specific training tool may have proven to be particularly successful with young (trainee or newly-appointed) judges or prosecutors, while another method may require the active involvement of more experienced judges or 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. The training organizer will obviously try to secure the didactically best trainer(s), lecturer(s) and speaker(s), i.e. trainers who are both knowledgeable in the course subject and familiar with modern adult learning requirements, and who seek the highest possible degree of interactivity and variety of methods.

**FIND THE TRAINER:** Ideally, the training organizer knows or even has experience that a specific trainer has already successfully carried out a comparable training event. Proper evaluation of former training events can provide valuable information here. If that is not the case, a thorough pre-assessment of the trainer's knowledge and competence based on objective standards is indispensable. This can include consulting suitable trainers' databases, or using personal contacts in training organizer networks. A selection process with suitable criteria is also an effective procedure if there are several trainers in contention for a certain topic.

**REALITY DEMONSTRATES:** However, reality demonstrates that the selection process might nevertheless – despite all best intentions – prove to be erratic and based on “trial and error”. There is indeed no guarantee that an expert in the field is at also a didactically convincing presenter and communicator. Each and every training organizer can recall situations where a trainer turned out to be a sitting “talking head” with no interaction at all with the trainees and thus necessarily with no adaptation to the trainees' perspective, with trainees merely forming a kind of “silent crowd”.

**TO AVOID THIS:** In order to avoid, or at least minimize, such mistakes, judicial training organizers should:

- Design a proper selection procedure based on a set of specific criteria;
- Design and implement a trainer training course ;
- Establish preparatory meetings between the organizer, course director (if any), trainer, etc.

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<sup>22</sup> This depends on the training format. There might also be speakers or lecturers.

**THE TASK OF THE ORGANIZER IS** to adequately prepare trainers, lecturers and facilitators by giving methodological guidance. In an ideal scenario, a preparatory meeting with the training organizer, the session director and the trainer(s) takes place before the event. They make clear the structure of content, training methodology and determine the general targets of the whole training event. Within the scope of that concept, the trainers then have to set training objectives for their specific sessions. If there are systemic obstacles to such a meeting, each trainer should in any event be asked in writing to fix specific training objectives to answer questions such as:

Which skills should be improved at the end of the training session and to what extent?

How is the transfer of the newly-learned skills to the workplace ensured? Etc.

*The recurrent tendency to overburden an individual training session with content can be tackled by the training organizer's guidance on the importance of sufficient breaks. **If all stakeholders are aware of the results expected in learning, the objectives can easily be set and the methods selected.***

### I.1.1. A CASE STUDY

Generally the person who has planned the training session, the specific objectives, content, proper methods and carried out fine tuning with the institution/school/organization representatives is **the TRAINER**. This is the ideal scenario. However, if they are embedded in a judicial training institution and thus in charge of planning details for a large number of training events, they will not be present at all while the specific event is being run.

#### SO, WHAT CAN BE DONE?

It is the task of the training organizer to select one or more session representatives (course directors, administrative staff, etc.) who will serve as liaison between the participant group on the one hand, and the trainers, the training organizer or the hosting institution, on the other. Thus, this role is not merely "ceremonial". *Quite the opposite*: apart from introducing the trainer, leading the discussions and keeping to the timetable, this representative will make all the named stakeholders – and especially the trainers and the trainees – feel comfortable in the training setting, and he or she will be the first contact point for everyone whenever there are organizational challenges or unforeseen difficulties to tackle.

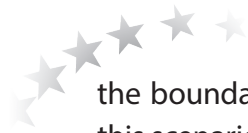
### I.1.2. The profile of a training organizer

The organizer can be a session director or school representative and plays an important role in the implementation of the training process. Therefore, he or she should:

- be a good communicator;
- have a positive attitude;
- have experience/expertise;
- be a good facilitator;
- be aware of the evaluation tools and their application.

Ideally, the session director/school representative is an expert or at least knowledgeable in the training event topic(s).

**Key Findings.** In appropriate 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 or lecturer are indeed blurred. In this scenario, both the trainers themselves and the session director should be involved in the selection and preparation of training materials.

## I.2. TRAINING MATERIAL PREPARATION

is crucial for interactive activities carried out by trainers under participatory training methods.

### I.2.1. Types of materials.

Some training methods as described in Chapter 3 require a particularly thorough training material preparation phase. Examples:

- the hand-outs;
- the PowerPoints;
- the case for mock trials (simulated hearings and role play exercises);
- case studies;
- experiential exercises (e.g. on a specific change process in a court).
- observation sheets;

#### Key findings:

The trainers should devise *scenarios* which are didactically sound and instructive, and reflect real life. Any artificial setting will make it more difficult to achieve the objectives set. In some situations, future participants can be asked for suitable real cases.

In any given situation, the second important challenge while preparing the training materials is to decide the extent to which information on the case is divulged to the various “players”. Divulging only “filtered” information can prove to be especially instructive.

The PowerPoints should be designed for the participants. They should be simple, with no more than 50 words per slide.

The hand-outs should be designed in such a way that they do not confuse the participants, and the correct number photocopied.

**Purposes:** Independently of the aforementioned 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. For instance:

- Materials may have a preparatory purpose only, i.e. to bring all the trainees to roughly the same level of knowledge or 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 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 in time selected for distributing training materials largely depends on the individual didactical purposes. In addition to this, certain web-based learning forms such as webinars neces-



sitate prior time investment by the trainees, who have to familiarise themselves with specific communication and learning techniques.

### The training organizer's tasks

1. In any given situation where materials are to be sent out in advance, it is the training organizer's task to ensure participants are given comprehensive information in good time, and that they are aware of the importance of the materials in proper preparation for the training event.
2. Often, it will be a good solution to make the training materials accessible on the website of the hosting institution.
3. In some cases, web-based participants' forums (or fora) can be set up before the actual training event to allow training materials to be distributed. This of course must be done while respecting the authors' copyright. It is the training organizer's task to obtain the relevant written consent for publication of their materials.

### 1.2.2. Going Public

Once:

- the training objectives
- the right number of participants
- the training event duration
- and location

are fixed, *it is time to go public and launch the call for applications.*

**Key Finding.** This can be done in parallel with the *conceptual fine-tuning of the course*. As judges and prosecutors are typically very busy people with a huge workload, it is of utmost importance that *the call for applications takes place with due notice.*

Some institutions prepare their annual programme one year in advance and publish their programme the summer before. Other than in response to urgent training needs, the best time is no later than six months and in the very latest three months ahead of the event, so that applicants can arrange the event dates in their work calendar.

#### How to design a good call for applications?

The content of a suitable *call for applications* indicates:

1. the target group;
2. the training *goals*;
3. the training *methods*;
4. *the learning level*, to avoid under- or over-qualified judges or prosecutors attending.

If the training concept is based on a particularly high level of interactivity entailing the attendees' readiness to open their souls and their minds, this should be explicitly mentioned in the call for applications.

5. an appropriate *deadline*.

The deadline should not be less than **eight weeks before** the training event.



## Tips for the organizers

If need be, *the call for applications* should mention any preliminary personal investment required of the trainee (for example reading or even drafting a text), and – for longer events – the estimated amount of working time it will take. Indeed, participation by inadequately informed trainees is not only onerous for those individuals. Experience shows that just one dissatisfied participant can in extreme cases spoil the whole training event<sup>23</sup> If you want to avoid such situations, ask applicants to write a short *letter of motivation* for the application.

## Dissemination procedures

One of the *training organizer's responsibilities* is to assure free and complete dissemination within the relevant branches of the judiciary, and to monitor the process to prevent or remedy any malfunctions.<sup>24</sup>

Technically, calls for applications are launched electronically, either by e-mail or using a specific web-based tool (intranet) for registration.

**Key finding.** In some countries the training organizer has the task of giving the home courts and/or prosecution offices guidelines and advice on the proper selection of their applicants. It is indeed part of good competency management within the court or the prosecution service to select only motivated applicants for whom practical training is a fitting component of their carrier development.<sup>25</sup>

## I.3. SELECTION OF PARTICIPANTS

### I.3.1. The selection of participants should be criteria based.

Two criteria and sub-criteria are listed as examples below, but the school/institution/organization is responsible for setting the most relevant criteria for participant selection.

### Examples:

**CRITERION 1.** The selection principle should be to take judges or prosecutors who match the course requirements. Indeed, even if the number of applicants equals (or falls short of) the number of vacant places, it is preferable to leave a place vacant than to invite an inappropriate applicant. It is no great insight to say that the smaller a group of participants is, the better suited it is to tailored approaches and the highest degree of interactivity.

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23 A number of EU Member States have introduced mandatory training for acting judges and prosecutors. Others are currently discussing its introduction. 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 ignored in the context of proper calls for applications that anyone who attends a training event against his or her will runs a real risk of being a problematic trainee.

24 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 a significant 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 participated in the survey, its results seem to be fairly representative. Reasons for being not sufficiently informed might include technical obstacles. However, sometimes court leaders' or prosecution office leaders' negative attitude towards judicial training also plays a role in this lack of information.

25 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.

**CRITERION 2.** The second criterion should be the degree to which an applicant's participation is driven by the requirements of urgent duties. Good competency management by applicants' home courts or prosecution offices will help to detect true training needs, for example a judge's need for specialization. In addition to this, individual motivations given by applicants can help to make the selection process more transparent.

### I.3.2. The letter of invitation

Once the selection is made and the participant list finalized, the training organizer sends out the invitations. Invitations are sent by e-mail or an intranet tool, *preferably no later than four to six weeks ahead of the training event*.

The letter of invitation should contain:

1. the detailed agenda;
2. the list of participants;
3. information about travel, accommodation, etc.

**Tips for the training organizer.** A real challenge for training organizers and for rejected applicants are trainees who cancel their participation at the last minute without good reason or who fail to appear without the slightest notice.

Explicit guidance in the invitation letter as to the importance of adhering to the application and web-based mechanisms which allow the registration of reserve applicants at short notice may help to reduce but not eradicate the problem. In some cases, a formal complaint about the applicant's misbehaviour may have to be sent to the home court or prosecution office.

## THE IMPLEMENTATION PHASE OF A TRAINING PROGRAM

### II.1. FIRST IMPRESSIONS COUNT!

In running a training event remember that *"first impressions count"*. Indeed, even in a webinar with no direct personal contact, the host's welcoming remarks are of vital importance. First and foremost, the training organizer has to create a convivial atmosphere within the group from the outset to the greatest extent possible.

*For example the organizer can:*

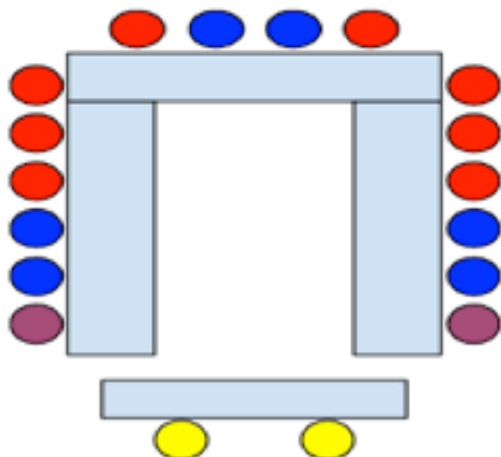
- organize an informal first gathering before the beginning of the actual agenda (preferably with something to eat and to drink at hand);
- hand-out of name tags for each person;
- instigate a first round of personal introduction to help "break the ice" among a group of rather high-ranking and successful adult persons who, quite naturally, did not know each other personally before the training event.

Additionally, accommodation should obviously be suitable, regardless of whether it is internal (training centres offering full board) or external.



## II.2. THE LEARNING ENVIRONMENT

**Best practice.** In some countries, best practice means that the initial phase, creating a good learning environment, is also in the hands of the trainer. Therefore, the training organizer and the trainer have a common goal in the support given to participants for them to overcome barriers arising when facing a new, unknown experience.



Spacious, medium-sized and small training rooms with comfortable furniture providing an open and welcoming atmosphere will contribute to the success of training sessions of different types and applying different methodologies, from conference speeches to workshops in small groups.

School desks should be avoided, as they might enhance a tendency to mere frontal lecturing.

An arrangement of tables in the typical horseshoe shape (a “U” shape) may greatly contribute to promoting interaction. If group tables are preferred, the plectrum shape seems to be particularly suitable. All these infrastructure issues must be kept in mind by the training organizer during the preliminary planning phase.

## II.3.EQUIPMENT

Modern interactive training using a variety of methods as laid out in Chapter 3 evidently requires modern technical equipment.

*This means for example:*

- LCD projectors,
- laptops with Internet access,
- video cameras, smart boards,
- meta-plan equipment,
- audio technology,
- interpreting technology including soundproof booths,
- flip-charts, etc.

### Tips for organizers:

1. **Communication:** It is the training organizer’s task to keep technical equipment functional and up-to-date. In addition to this, where training includes videotaping and video analysis there has to be constant contact between the trainer, the session director or training organizer and technical staff to avoid, and if necessary resolve, problem situations.

2. *The webmaster*: In the case of a virtual or web-based training session, the infrastructure challenges are evidently substantial. Each webinar participant has to have suitable technical equipment allowing them not only to listen to the host and to receive (and in some cases to download) all the relevant information in real-time, but also to make active, real-time contributions by speaking or appropriate uploads.

From an organizational perspective, this particular technical complexity makes the involvement of a permanent stand-by webmaster indispensable.

## II.4.CULTURAL EVENTS

Adult learners strive to have the most comfortable learning environment possible. Judges and prosecutors are habitually successful and busy people. To make their learning process successful and sustainable, to exchange their professional experiences and socialize freely, they should be placed in a well-organized setting. The training organizer, session director and trainers bear responsibility for creating a truly supportive “atmosphere” among participants.

In addition to this, a cultural programme – if possible in the specific organizational setting – perfectly complements the learning phases. So the need for variety is not only a prerequisite for the training methods themselves, but also for running the training event as a whole. This is all the more important the longer a training event lasts.

## II.5.THE TRAINING EVENT AND “THE OUTSIDE WORLD”

It is sometimes held that the judiciary is an insular world. However, this has never been true, and such a claim is more erroneous now than ever in our highly mediatised societies. Judges and prosecutors often have to solve contentious issues with an impact going way beyond mere legal or judicial questions. This is why a good training organizer is initially open-minded when it comes to connecting representatives of the “external” world and the attendees at a specific training event.

This is entirely feasible when considering the involvement of professionals closely related to judges and prosecutors: private lawyers, corrections officers, ministry officials and the like.<sup>26</sup> In more complex cases, however, it is also the training organizer’s important task to protect the training group against any interference from outside which might put the training goals at risk.

## II.6.OFFICIAL DOCUMENTS

The participation in a training event in any role:

- trainer,
- training organizer,
- session director
- or attendee

should be properly documented. It is the training organizer’s task to produce certificates of attendance with all the relevant data about the training event. The training organizer and the session director jointly have to supervise whether each attendee has actually been present throughout the training event.

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<sup>26</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.



**Certificates.** Lists for certifying presence in each learning session by a signature sheet might be a helpful tool in that respect. If necessary, the issuing of a certificate of attendance should be refused. Of course, participation in a training event is documented in a lasting way if a copy of the certificate of attendance is added to the personnel record of the trainee in question. Ideally, the training organizer will arrange to send copies to the bodies in charge of keeping personnel records.<sup>27</sup>

Should that not be possible for technical reasons, the training organizer should in any event remind trainees of the importance of having copies of certificates of attendance added to their personnel records on their own initiative. *The fact of having the certificates of attendance added to personnel records serves statistical purposes, but it is above all an aspect of proper career development and competency management within the judicial administrations concerned.* In many EJTN member states, a judge's or a prosecutor's willingness to actively train peers and to be trained is nowadays – quite rightly – an important factor in career advancement considerations.

## III. AFTER THE TRAINING EVENT

### III.1. TASKS FOR THE TRAINING ORGANIZER

Evaluation is usually documenting any training event follow-up. 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. There should be:

1. A *debriefing session* immediately afterwards will help to strike a first balance of what has been good and what could have been better in the organization of the event.
2. To ensure the long-term success of the training delivered, accessible documentation of the training materials and the training event's results (2),
3. The enhancement of participants' networks (3) seems to be valuable.

#### III.1.1.DEBRIEFING

In addition to the written evaluation of content and organizational aspects, a debriefing in immediate after a specific training event may help provide relevant feedback on organizational issues.

**This should be done by all stakeholders involved, while memories are still fresh.**

It has been shown throughout this chapter, *that training content and methodology and implementation-related training organization questions* are inextricably entwined. So in an ideal scenario, the trainers, the session director and the training organizer will meet and open-mindedly scrutinize the positive aspects of the recently-concluded training event as well as the potential for further improvements from their own point of view.

#### **Aspects to be discussed:**

- Were the objectives of the training activity achieved?
- Were the various training methods appropriate?

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<sup>27</sup> Depending on the particularities of the judicial system in each member state, personnel records might be kept by the Ministry of Justice, by a superior court (or superior prosecution service), or by a self-appointed judicial council. Of course, web-based human resources management software (as many of the judicial administrations in the EJTN member states have nowadays) can largely facilitate matters concerning the documentation of a judge's or a prosecutor's training activities.

- What about the participants? Did the participants match the selected trainee profile? (learning level & anticipated knowledge and skills )
- What about time management?
- How was the learning process and in particular the relationship between the trainer and the participants?
- How can we evaluate the organisation of the event regarding the suitability of the classroom, the technical equipment, etc.

### III.1.2.THE EVALUATION QUESTIONNAIRE.

In addition to this, it is useful if the training organizer extends the evaluation questionnaires to organizational issues. Content and organizational questions can be combined in the same questionnaire. It might be beneficial to hand out separate questionnaires to trainees so that they can freely comment – independently from the evaluation of the content of the training event – on organizational and infrastructure questions.

### III.1.3.THE REPORT.

A written report by the session director/training organizer/trainer on the strengths of the training event as well as its weaknesses will help make improvements when conducting a comparable training event in the future.

*A written report has the advantage that it brings perspective to the comments because of distance (in time and in space).*

### III.1.4.CIRCULATING THE RESULTS

A good training event produces results which can be of a professional interest not only to the participants, but also to a wider range of judges or prosecutors. The materials collected can be documented in printed format in the (publicly accessible) library of the training institution concerned.<sup>28</sup> As an alternative, CDs or DVDs might be burned and then distributed (or sold).

However, the solution which seems to be increasingly preferred is **electronic publication of training materials on the website of the training institution.**

#### The electronic library

Significant legal and technical challenges have to be tackled when creating an electronic library. A number of these challenges are listed below.

**CHALLENGE ONE.** The first challenge is to select suitable materials. It would indeed constitute “overkill” just to publish all the material gathered, and a significant number of documents will not in any event be of any relevance or help for readers from the outside.

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<sup>28</sup> Depending on the organizational, human resources and financial situation of the training institution, the materials collected might even be published in a real handbook with uniform layout. Some EU Member States have quite impressive and comprehensive documentation on previous training events in their national training institutions’ libraries.





**CHALLENGE TWO:** The second and important aspect is to make sure that authors' copyrights are respected.<sup>29</sup>

**CHALLENGE THREE:** A third challenge is to prevent improper access to electronic materials by non-jurists. It might prove necessary to make use of logins and passwords.

**CHALLENGE FOUR:** The fourth point is the training organizer's task of regularly updating the electronic library, i.e. not only to add new material, but also to delete outdated documents.

**CHALLENGE FIVE:** And finally, in-depth thought should be given to the proper promotion and dissemination of particularly suitable training material in courts and prosecution offices, in order to make materials accessible to non-participants.<sup>30</sup> In an ideal scenario, course materials will initiate internal discussions in a court or prosecution office as to the usefulness of the materials to the organization, and as to developing new practices prompted by the material.

### III.1.5.NETWORKING IN THE PROFESSIONAL COMMUNITY

**Exchange of e-mail addresses.** In some cases, attendees of a singular or modular training event will be interested in maintaining a longer term network after the last official training session. This is, for example, of particular relevance where participants have worked on real-case scenarios in lasting change management processes. A natural reaction of the participants in these cases is to exchange their work e-mail addresses. However, this might only lead to sporadic and erratic contact between the networkers.

**Web-based forums.** 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 is rather reluctant to actively and regularly participate in such forums. So from the training organizer's standpoint, it is necessary to check in advance if a given group of attendees actually warrants the complex effort of implementing an electronic forum.

**The role of the facilitator.** A facilitator should be chosen to channel exchanges and to suggest closing the forum when it has proven to be inactive for a significant period.

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29 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.

30 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.



# Chapter 5:

## EVALUATION LANDMARKS

*“An investment in knowledge pays the best interest.”*

*Benjamin Franklin*

This chapter is divided into two sections. **Section One** presents the main aspects of evaluation that can be applied to both initial and continuous training events. **Section Two** deals with the more specific issues of assessment and evaluation of initial training.

The chapter is intended for:

- Decision makers in training;
- Educationalists;
- Trainers for initial and continuous training;
- Facilitators.

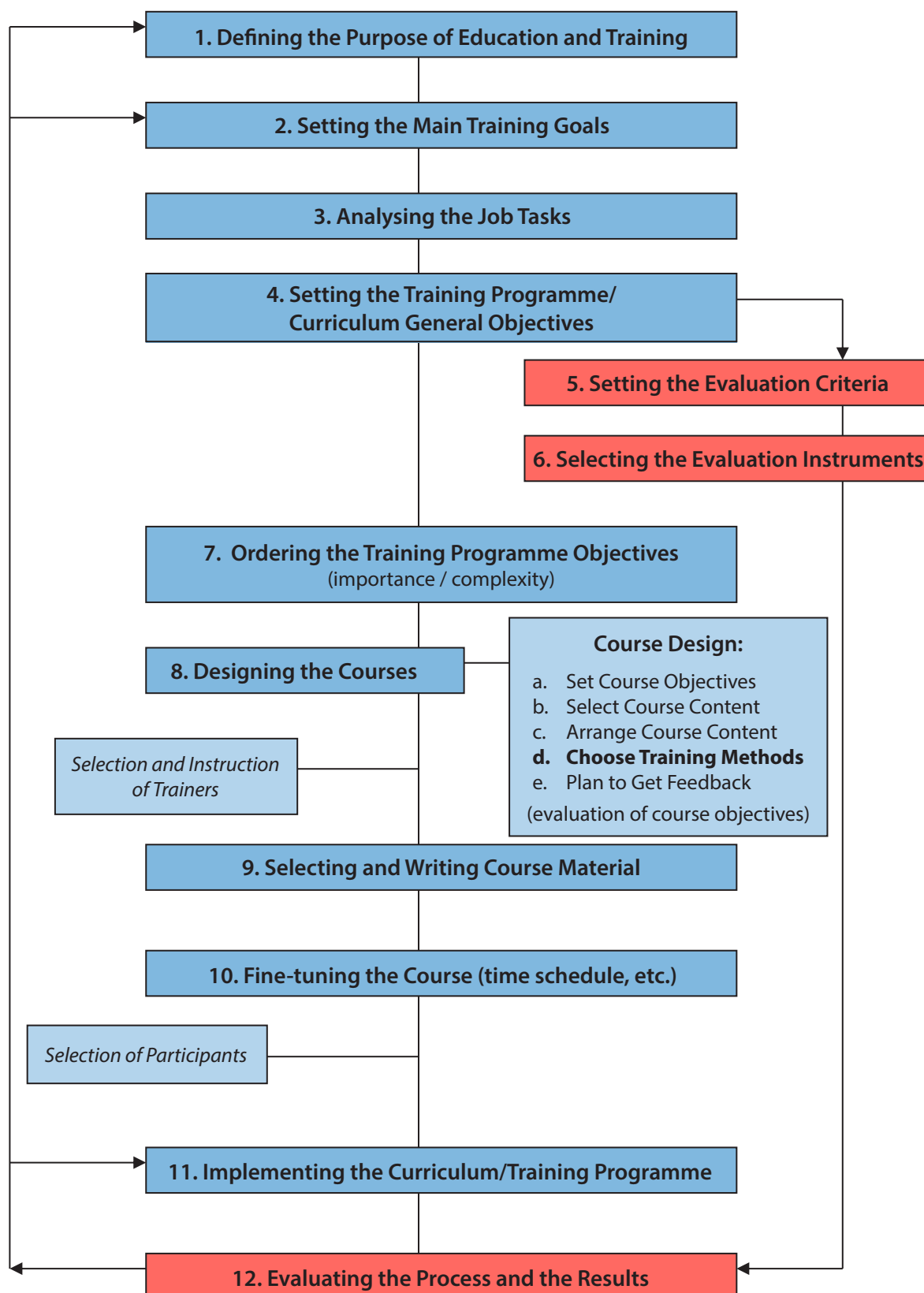
The questions that the chapter aims to answer are:

- *What is the overall purpose of evaluation?*
- *Is the Kirkpatrick Model an instrument to enhance an institution's training capability?*
- *What applies specifically to each level of the model in terms of its application?*
- *Which evaluation instruments could be used in initial and continuous training?*
- *What applies specifically to assessment and evaluation in initial training?*

Do we invest in training or not? Evaluation can tell us, in different ways and at different times.



The red colour in the chart below shows the aspects analysed in this chapter.



## SECTION ONE

**The overall purpose of evaluation.** The evaluation and assessment of judicial training programmes and events is not just an inconvenient typing exercise. Quite the opposite: evaluation is highly important in the training cycle to detect whether the training objectives initially set (at the macro curriculum level and at the micro training course level) have been met and to what degree:

- fully,
- partially,
- not at all.

At the same time, proper training evaluation and assessment looking at the immediate impact of the training as well as the long-term effects provides a beneficial washback effect and information about future training needs.

**Behind the theory.** Within recent decades, the field of evaluation has seen substantial theoretical and methodological developments, but at the same time fundamental problems are being faced because evaluation is not a discipline that has been developed by practitioners. The concept of evaluation has a wide range of definitions. However, in everyday practice, the theory of 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 and no improvement, evaluation is sterile and useless.

When framing an institutional evaluation process, the central driver is not the concept of evaluation, but the professionals who design, apply and use evaluation results. Therefore, beyond theory, a set of principles is crucial for use as guidelines to accommodate the different national views, institutional aims and final outcomes for judicial systems. As any national training institution is delivering training for judges and/or prosecutors, and hence for learned law university graduates, the basic assumptions should be taken from 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.

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

Evaluation as a resource-intensive process. 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. Proper estimates of all these factors gives data when setting up a particular 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 of why the process of evaluation is important, how should it be organized, and what should be assessed and evaluated.

**Key Findings.** *The exchange of experience that was organized for EJTN members between 2011 and 2013 brought to light differences in recruitment procedures, in initial and continuous training structures, and in institutional organizations. However, the same challenges, similar visions, common values and*



*an excellent individual capacity for exchanging diverse experiences were behind those differences. In this light, 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, this chapter aims to provide some landmarks on how to set up an institutional assessment and evaluation methodology underpinned by a theoretical model.*

## **I.1. FRAMING THE CONCEPT OF EVALUATION FOR A PARTICIPANT-CENTRED ENVIRONMENT**

The theory of proper training evaluation is still largely based upon the exhaustive research carried out by Donald L. Kirkpatrick. His model, originally created in 1959 and last revised in 1994<sup>31</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 to assessing whether the training objectives set have been sustainably reached.

Furthermore, the model is flexible enough to be purposefully used and effectively adapted to design an evaluation methodology in any judicial training institution. It consequently helps trainers and training coordinators to measure the effectiveness of the training delivered in an objective way. Good results are to be expected if a given country's specific needs are identified beforehand.

**Kirkpatrick's evaluation model is based on four levels.**

**The four levels are:**

1. reaction,
2. learning,
3. behaviour,
4. results.

By analysing each of these four levels, a thorough understanding can be gained of how effective the training was, i.e. if it met the objectives and goals set, and how it can be improved in the future.

### **Level 1 of Kirkpatrick's Model**

**Level 1 examines participants' reaction to the training process: judges and prosecutors or law graduates, future judges and prosecutors.**

Reaction evaluation is about the participant's perception of the training experience, i.e. their level of satisfaction.

**What do we measure?**

We measure how participants reacted to the training. Obviously, as described in Chapter 4, training organizers and trainers endeavour to:

- plan a valuable training experience;
- facilitate a learning-oriented environment;
- have effective options for knowledge-based topics and skill-based activities;
- have useful materials;

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<sup>31</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.

- mix presentations and interactive approaches;
- provide an appropriate training venue.

When measuring participants' reactions, data is being collected, oriented towards all the indicators that reflect institutional training standards in a given national setting.

Regarding **the concept of standards**, the fundamental features of quality training should be taken into account:

- appropriateness,
- effectiveness,
- utility, etc.

**Key Point.** *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.*

### Characteristics of participant-centred evaluation

1. 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.
2. If the participant is not in the centre of the training process, the natural consequence is that the reaction-based level of the evaluation process is not considered when setting up a methodology for a future training event.
3. The involvement of participants is recommended though, because the training paradigm has changed, and in adult learning the targets are workplace-oriented and competency-based.

**Key Finding.** If training events are not customized to the needs and interests of trainees, good training content and delivery might fail to result.

### Setting up a reaction-based evaluation questionnaire

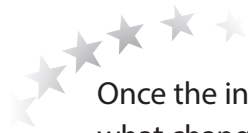
If there is a need to assess participants' satisfaction level a set of relevant questions should be designed in accordance with the type of information needed.

**Some examples** are listed 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?

**Evaluation instruments.** Next, the means by which these reactions will be measured and the most effective evaluation instruments should be identified. To do this, use can be made of:

- satisfaction surveys;
- questionnaires;
- watching trainees' body language during the training;
- verbal feedback by asking trainees directly about their experience.



Once the information has been collected, it should be thoroughly analysed. Then, decisions about what changes could be made, based on your trainees' feedback and suggestions made. Otherwise the evaluation serves no purpose.

## Level 2 of Kirkpatrick's Model

**Level 2 considers the evaluation of the learning process.**

This type of measurement is found primarily in national training organizations where there is an initial training programme, although of course, continuous in-service training programmes and events can also have their learning process evaluated. *Knowledge, skills and behaviour* can be assessed depending on the scope and aims of the teaching-learning design.

### WHAT IS ASSESSMENT?

*Assessment* is the process of gathering data. More specifically, assessment is the way trainers gather data about their training and their participants' learning.<sup>32</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.

### WHAT IS EVALUATION?

*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.

## Level 3 of Kirkpatrick's Model

**Level 3 examines the behaviour evaluation in the workplace.**

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 citizens themselves. Therefore, the transfer of competency from the training institution to workplace activities can be compared if needed.

At this level, evaluation concerns the extent to which trainees have changed their behaviour, based on the training they received. It is important to realize that changes in behaviour can occur only if the conditions are favourable. For instance, if the evaluation methodology fails to analyse the trainees' satisfaction level, or the learning proper, and the target is to examine the former graduates' behaviour as a group, it might seem that behaviour has not changed.

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 beneficial to examine levels 1 and 2 to determine the starting point of their training process and then their working environment to check whether their workplace environment is conducive to applying the targeted professional behaviour. Applied values and professional behaviour are dependent on the prevailing human and professional conditions in courts and prosecution offices.

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<sup>32</sup> See Hanna, G., Dettmer, P., *Assessment for Effective Teaching*, Toronto, ON: Pearson Education, Inc. (2004).

The best ways to measure behaviour are:

1. to conduct observations;
2. to conduct interviews over time.

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

## Level 4 of Kirkpatrick's Model

**Level 4 is about results evaluation, i.e. in the judicial context, an evaluation of the effect that the work of judges and prosecutors has on citizens and on the functioning of the courts and prosecution offices.**

But the lasting impact of an in-service training programme or single event can also be measured by highlighting the changes and amendments which have occurred in a given court or prosecution office subsequent to training delivery.

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

Of all the levels, measuring the final results of 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.

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

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

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

## Advantages and disadvantages

When coming to the application of a concrete model there are advantages and disadvantages to be considered. **In terms of disadvantages** 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.

- It can be time-consuming.
- It can be expensive to use levels 3 or 4 of the model.





This is especially the case for organizations that do not have a dedicated training programme and consequently lack an evaluation methodology to include these types of procedures in an organized way.

Similarly, it can be expensive and resource intensive to use resources to collect data for the sole purpose of evaluating 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 judges and prosecutors, and possibly European values, are reflected in professional behaviour.

**In terms of advantages**, most importantly, schools and training institutions change in many ways and at a high speed. Behaviours and results alter as a consequence of such changes, as well as of training. For instance, the common goals of the judges and prosecutors in Europe from the perspective of 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 a model to devise an evaluation methodology with specific objectives and results built in.

This grid illustrates the basic Kirkpatrick<sup>33</sup> structure at a glance:

Level	WHAT is being measured?	WHY?	HOW?
1	<b>Reaction</b> Reaction evaluation is about the perception of judges and prosecutors about the training process.	The degree of participant satisfaction provides information about the bond between the trainer and the trainee, about content management, suitability to the level of trainee readiness, so on.  It gives a great deal of information about trainees since their reactions show what they value individually.	Using:  Questionnaires.  Feedback forms.  Verbal reactions.
2	<b>Learning</b> Evaluation of learning is a central process in initial training. It should be well structured to obtain proper measurement of what happened from input to output context-wise.	Adult learning is about individual development and change. Knowledge, skills and behaviour are considered 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.	Tests before and after the training.  Interviews.  Self-assessment hand-outs.  Observation sheets.
3	<b>Behaviour</b> Behaviour evaluation looks into 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 redesign the initial training programme and adjust the courses offered for continuous training of judges and prosecutors.	Observation and interviews over time are required to assess change, relevance of change, and sustainability of change.
4	<b>Results</b> Evaluation of results measures the effect on the job or environment by the trainee.	The way in which the work and activity of the judges and prosecutors is perceived at the court and prosecutor's office is an evaluation that takes into account different views at the level of everyday professional life.	Management reports  Evaluation of judges and prosecutors (after 1/2/3 years of activity proper)

<sup>33</sup> The information in the table was adapted and used for didactic purposes by Otilia Pacurari in the EJTN training sessions on evaluation.

This theoretical framework could be useful when designing an evaluation methodology as each training institution needs to adhere to a set of standards and is interested in the quality measurement of training programmes.

The evaluation methodology can be four-layered or simply examine the satisfaction level of participating judges or prosecutors. In any event, though, the way in which the evaluation instruments are constructed and administered is decisive.

The four levels represent a sequence of ways to evaluate training programmes. As you move from one level to the next, the process becomes more difficult and time consuming. But it also provides more valuable information. Building this chain of evidence is very important. A chain of evidence consists of data and information that sequentially connect the four levels and show the contribution learning has made<sup>34</sup>.

## I.2. THE EVALUATION KIT

An effective evaluation kit should comprise the following **instruments**:

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

### 1. Questionnaires

This is the most commonly used evaluation method. Every institution has its own “**evaluation form**”, generally used to immediately evaluate an event, mostly measuring the degree of satisfaction in relation to achievement of individual learning goals/expectations, materials, organization, facilities, session director, lecturer’s/facilitator’s competence, training techniques, strong and weak points of the event, and recommendations.

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

As regards the content, the questionnaire may be used for general evaluation by checking to see if the training goals have been met and measuring the learning (if applicable).

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<sup>34</sup> A new model based on the Kirkpatrick model presented above, is the Phillips\* ROI methodology. The Phillips ROI methodology has reaction on level 1 and learning at level 2. Dr. Phillips called Level 3 Application (Kirkpatrick calls it Behavior) and level 4 is called Business Impact (Kirkpatrick calls it Results). The Phillips ROI methodology also adds a fifth level: ROI (Return on Investment). ROI is a financial metric, representing the ultimate measure of project success. ROI compares the monetary benefits of the business impact measures to the costs of the project. Did the project payoff? \*\* The development of objectives and the development of evaluation plans such as the collection of data are also, as in the Kirkpatrick model, crucial to evaluating an activity. The difference between the two models is to isolate the effects of the project, to convert data to monetary value and to calculate the return on investment. While this information is very interesting to stakeholders, the analyses of data collection are time consuming and specialists are needed if it is to be done properly. ROI studies are conducted selectively, usually involving 5-10% of the project.

**Dr. Jack Phillips**, Chairman at the ROI Institute. His expertise in measurement and evaluation is based on more than 27 years of corporate experience in the aerospace, textile, metals, construction materials, and banking industries. Dr. Phillips has served as training and development manager, as senior human resource officer, as president of a regional bank, and as management professor at a major state university. This background led Dr. Phillips to develop the ROI Methodology, based on the original Kirkpatrick four level model.

\* for more information [www.roiinstitute.net](http://www.roiinstitute.net)



**The target Group.** Questionnaires may be intended for:

- trainees,
- lecturers/facilitators,
- the session director.

Questionnaires intended for the second and third category of professionals should be focused more on specific outcomes rather than use the generic questions for participants.

### Examples

1. The lecturers/facilitators should be requested to answer questions about relationships with the training institution (person responsible for the event, administrative staff, middle and senior management); equipment and technical resources available (facilities, computer, email, library); communication between trainers; training methods used; materials; achievement of training goals; achievement of learning; quality of trainees' participation (active or passive participation, starting knowledge level, interaction between trainees and with the trainers).
2. The training organizer and/or the session director should be requested to report whether or not the event met its objectives, whether lessons were learned, and any follow-up action taken.

### The design of a questionnaire

From the structural point of view, a questionnaire may be designed with:

- open questions,
- multiple choice questions,
- closed questions (only "yes" or "no" answers allowed).

**Open-questions.** More information can be obtained through open questions. Take into consideration that opinions may vary and unexpected answers may be given. Useful analysis of open answers requires time, resources and expertise. Open questions should be reserved for questionnaires aimed at trainers and facilitators and intended to measure learning (i.e. the effectiveness of the training in improving participants' knowledge).

If categorisation is needed, there should be categorisation questions about age, sex, level of readiness, specialization.

**Structured questions.** Structured questions test knowledge or facts, and measure reactions.

E.g.: Please put 1 against the most important and 5 against the least important of the following statements; the statements being designed for assessment purposes.

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

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

**Scale.** 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.

**Likert-type questions.** To assess skills and attitudes, Likert-type questions<sup>35</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.

## RECOMMENDATIONS.

To obtain best results, recommendations are to:

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?
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

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 are time constraints. Feedback forms are 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 trainees.

At the end of each training day, a simple feedback form can be used 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

There are several types of interviews:

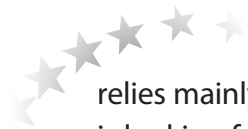
- structured
- semi-structured
- unstructured interviews.

They may be conducted after the training has taken place. They may be conducted face-to-face or by phone. This method is particularly useful when the aim is to gather detailed information on complex or new issues.

**The evaluator.** The evaluator should be trained to conduct 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. Analysis of answers requires time and resources. Interviews are useful whenever there is an assessment within a recruitment procedure. The recruitment of any candidate

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<sup>35</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).



relies mainly on interviews. As a first step, interviewers need to check what the training institution is looking for, the target profile.

**The structure of the interview:** 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. Questionnaires, though, are easier to use as they are less time consuming.

## 4. Observation Sheet

An observation sheet is a document used in making recordings for the purpose of analysis.

**Types of observation sheets.** Observation sheets can be:

- in the form of a questionnaire
- a checklist in which one has to confirm the presence or absence of certain features.

**Peer-to-peer observation.** Observation sheets can be effectively used during the learning process in both initial and continuous training of judges and prosecutors. *It should be designed as peer-to-peer observation.*

The impact of training on the life of the courts and the quality of justice may be assessed 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 exercise* may be launched when broad training events involving a large part of the judiciary have been conducted in a given period of time (e.g. one year) on best practice, procedural law or new laws/procedures.

Evaluation by a group of expert assessors should focus 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, proper organisation of 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 can block the individual learning process.

**WHAT IS SELF-ASSESSMENT?** An instrument used to evaluate the training process and examine assessment of the learner or the trainer himself or herself. Trainees, representative of the whole group of participants, may be requested to elaborate on the training experience, on its impact on judicial work and learning outcomes with specific reference to professional practice.

**THE TRAINING DIARY.** A special form of self-evaluation is the „training diary“. In longer training situations (especially during initial training or self-training laboratory) trainees may be requested to keep a diary in which training experiences, new knowledge acquired, good and bad points, personal observations and reflections are noted.

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

### Final Recommendations

1. Setting up an evaluation methodology is a matter of knowledge and vision; getting clear-cut results is about management and resources.
2. 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.
3. Proper collection and analysis of the data and information gathered is most important because there are measures to be taken accordingly. Therefore, whatever actions are being taken, principles such as transparency and equal opportunity, and values such as mutual respect should be guiding the whole methodological approach in evaluation.
4. The management of any training institution will coordinate the establishment of evaluation objectives, levels of intervention, evaluation methods, resources and measures to be taken.
5. At the same time, a common vision of the chosen evaluation methodology need to be shared at the training institution level since assessment and evaluation should be connected to practice and the practitioners.



## SECTION TWO

### II.1. SPECIFIC ASPECTS FOR INITIAL TRAINING ASSESSMENT AND EVALUATION

It has already been shown in Section One that “Level 2” of Kirkpatrick’s Evaluation Model on “Learning” is particularly suitable for initial training evaluation purposes. It is certainly important to measure what future judges and/or prosecutors have learned:

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

Initial training has a major practical component; therefore, to assess a competency-based learning.

When referring to competency-based learning we examine trainees’:

KNOWLEDGE	SKILLS	ATTITUDES AND VALUES (BEHAVIOR)
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When planning training sessions or a whole training programme, the trainer should be clear about the set of specific learning objectives, that derive from the decision about what new/in-depth knowledge, professional abilities or behaviour (values and attitudes) are to be modelled.

Consequently, to measure learning in initial training programmes:

- Firstly, identify what should be evaluated: knowledge, skills, or attitudes. It is often helpful to measure these areas both before and after training.
- Therefore, before training begins, trainees should take an initial test to determine their knowledge, skill levels, and attitudes.
- Once training is finished, conduct a final test to measure what they have learned, or measure learning with interviews or verbal assessments.



## II.2. TYPES OF ASSESSMENT

All this shows the particular importance of suitable *types of assessment* in 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 fundamental rights away.

It is much more difficult to assess quality and ethical conduct and compliance with the requirements that make him or her a good judge or a good prosecutor. Different types of assessment might be suitable for different kinds of training content.

There are two types of assessment:

- Continuous;
- Summative.


**Continuous Assessment** is the educational policy in which participants are examined continuously over most of the duration of their education, the results of which are taken into account after leaving the institution. It takes place over a period of time. In other words, one will be assessed right through the learning process and not only after the learning process. Continuous assessment can track the improvement of the learner, and more support and guidance can be given. The learner will thus have more opportunities to improve.

**Main characteristics:**

- It is comprehensive;
- It is cumulative;
- **It is diagnostic;**
- **It is formative;**
- It is guidance-oriented;
- It is systematic in nature.

**Five ways continuous assessment can assist the learning process:**

1. **An increased sense of inclusiveness.** Continuous assessment provides the learner with a constant stream of opportunities to prove their mastery of material and sends the message that everyone can succeed if given enough time and practice. This reduces the anxiety and finality around testing and heightens the emphasis on the learning itself.
2. **Higher learning standards for all.** In a system of continuous assessment, advanced learners can progress through material at their own pace and remain engaged by pursuing more challenging work as they pass out of the basics.
3. **Clarified purpose of assessment.** The problem with administering assessments only once in a while is that the primary aim is to compare learners and this does not lead to developmental processes.
4. **Increased self-awareness** for learners who, through continuous assessment, come to understand their proficiencies and knowledge gaps. Time and self-awareness — understanding of how one feels, thinks, and learns — is one of the most significant factors in professional and personal success. The more continuously we assess learners, the more knowledge they can gain about themselves.



**5. Capacity to uncover interdisciplinary/multidisciplinary relationships between subject domains and concepts.** Continuous assessment allows the trainer to refine the understanding of the content by including interdisciplinary or multidisciplinary references.

The list of assessment practices used within continuous assessment includes:

1. Diagnostic assessment
2. Formative assessment
3. Self-assessment
4. Peer assessment

## 1) 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 methods could lead to effective process-based approaches.

## 2) Formative Assessment

Formative assessment provides feedback and information during the training process, while learning is taking place. 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 training methods' effectiveness.

The 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.

## 3) Self-assessment<sup>36</sup>

Self-assessment requires the participants in the learning process to reflect on their own work and judge how well they have performed in relation to the assessment criteria. It is an opportunity to identify what constitutes a good or poor piece of work. Some degree of the learner involvement in the development and comprehension of assessment criteria is therefore an important component of self-assessment<sup>1</sup>.

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<sup>36</sup> Boud, D. *Enhancing Learning Through Self-Assessment*. (1995). London. Routledge Falmer.

## Which is the key to self- assessment?

Developing reflective skills provides the learner with the ability to consider their own performance and to identify their strengths, weaknesses, and areas that require improvement. This awareness can then be used to influence their future work.

## 4) Peer assessment

Peer assessment invites the learner to take responsibility in the assessment of the work of their peers against a set of assessment criteria. In this way, they are engaged in providing feedback to their peers. Acting as assessors is a good opportunity to gain better understanding of the assessment criteria. It can also transfer some ownership of the assessment process, potentially increasing learners' motivation and engagement. This makes peer assessment an important component of the learning process, not just a means of measuring performance.

**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 that might take place through completion of 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 examines learning progress in the future judges or prosecutors.*

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.

Each of the types of summative assessment ought to be carried out with a lot of preparation in advance since no evaluation works if it is not well structured and well targeted. The reliability and validity of the summative tests should be accurate, otherwise the effects might be to decrease interest in professional development in the long run.



Therefore, assessment is an integral part of the training process, as it determines whether or not the goals of education are being met. Assessment affects many decisions, including interventions to meet instructional needs, curriculum design, and so on. Well-designed assessment can encourage active learning, especially when the assessment delivery is innovative and engaging. Peer and self-assessment, for instance, can foster a number of skills, such as reflection, critical thinking and self-awareness – as well as giving students insight into the assessment process.

At the end of the day, taking some time to think about why, what and how you're going to assess adult learners is a worthwhile investment of time.

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# GLOSSARY<sup>37</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 training programme
<b>Continuous training</b>	Training for acting judges and 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>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
<b>Judiciary</b>	Irrespective of different traditions in Common Law and Civil Law countries, the court and public prosecution system in a given EJTN 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

37 In view of the different traditions and the diverse terminology in the 35 EJTN member institutions, 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.



**Session Director**

Leader of a Training Course being the chain-link between the host / organizer and the participants

**Training course**

Irrespective of a residential or e-learning format, an individual training measure for a specific participants' group of (future) judges / prosecutors (= training event)

**Training event**

See above training course

**Training programme**

See above curriculum

**Training session**

A self-contained part of a training course / event

**Webinar**

Training course in a virtual (online) environment