

Questionnaire “C” on the role of training institutions as regards in-service training of judges and prosecutors

I. Please indicate the measures taken with a view to enabling judges and prosecutors to exercise their right to in-service training (for example, days of leave for that purpose, etc.);

There is no exact amount of days for in-service training for judges and prosecutors every year. The right to continuous training is made sure by trying to provide enough seminars on the national and regional level.

Since 1973, the *Deutsche Richterakademie* (German Judicial Academy) has been working to promote cross-regional further training of judges from all branches of jurisdiction, as well as for public prosecutors. The objective of the Academy is to provide further training for judges and public prosecutors in their specialist areas, as well as making them aware of political, social, economic and academic developments.

II. Is in-service training of judges and prosecutors compulsory or optional?

Until now, participation in these programs of continuing education has been voluntary, with the exception of training programs for newly appointed junior judges and prosecutors. Compulsory participation for judges appointed for life would be considered contradictory to judicial independence.

III. If in-service training is not compulsory as a general rule, please specify if there are areas /and/or subject matters in which in-service training is nevertheless compulsory; If so, please give details:

Some of the Länder have introduced compulsory seminars for junior judges and prosecutors. These seminars are limited to the time prior to appointment for life. Their aim is not so much to maintain and enlarge professional knowledge and expertise but rather to enable participants to acquire the standard skills necessary for working as a judge or prosecutor. Within the *Laender*, different sets of seminars are offered for junior judges and for prosecutors. According to the structure and syllabus of these seminars, the following subjects are often dealt with:

Organisation of the courts, co-operation within the courts and their panels, dealing with litigants, work techniques, planning of trials, understanding of the role and the office of a judge, psychological aspects of communicating with litigants and lawyers, ascertaining the facts, examining witnesses, weighing the evidence, discovering and handling conflicts, handling of a trial, time management, management of work flow, techniques of speech etc. So far, individual performance in these seminars is not being evaluated.

IV. Is the judge or prosecutor free to choose the training actions in which he/she wishes to participate? Does he/she have to justify his/her choice? Is it possible for the judicial hierarchy and/or the training institution to oppose to the wish expressed by the judge or the prosecutor concerned and for what reason?

The judge or prosecutor is free to choose the training actions. Every year, the programme of the German Judicial Academy and further programmes of the regional in-service training of the *Laender* is distributed to every judge and prosecutor in Germany to inform them way in advance about all seminars. It is not required that judges or prosecutor justify their choices, but in case there are not enough places, the selection of the participants might take into consideration the fact that they get in-service training in or close to the field they are working in. There are no other reasons to oppose the wish expresses by the judge or the prosecutor. Attendance at such events - mostly held for one week - is voluntary and free of charge. Most judges endeavour to attend seminars of this kind. However, the justice department responsible must authorise attendance.

V. Please identify the committees and / or trainers that develop in-service training programmes and the authority that approves planning:

The outline of the programme offered by both centres of the German Judicial Academy is established by the programme conference, at which the Federation and each *Land* are represented with one vote each. This programme conference takes place twice a year to plan the activities for the following year. Before these conferences, all the *Laender* and the Federation are making detailed suggestions and a concrete planing of seminars they propose to hold. The judges' and public prosecutors' professional associations play an advisory role. The costs are divided equally between the German Federation and the constituent states, with the latter's contribution calculated on the basis of the revenue of the *Land* in question. Programme organisation in accordance with the specifics of the programme conference is assigned to the judicial administration systems of the Federation

and the *Laender*, with the support of the Director of the Academy, who heads the administration and who reports to the programme conference on the course of events and how they were received.

VI. Please give the following statistics: number of activities per year (if possible, please specify the average duration of activities); number of training hours offered per year per magistrate; budgetary resources;

Every year, there are between 135 to 140 seminars at the German Judicial Academy. 4,327 judges and prosecutors participated in courses of the German Judicial Academy in the year 2003 (no specification per target group).

The average duration of activities is 6 to 7 days.

There are additional in-service training programmes in each of the 16 *Laender* in Germany; therefore it is not possible to give an exact number of training hours offered per year and per magistrate.

The German Judicial Academy is an institution financed jointly by the Federation and the *Länder*. The Academy has no legal personality; the centre in Trier is subject to the budget regulations of Rhineland-Palatinate, the centre in Wustrau to those of Brandenburg. Nevertheless there exists a joint budget committee for the Academy.

The costs are equally divided between the German Federation and the *Länder*, with the contribution of the latter calculated on the basis of the size and income of the Land in question.

The running expenses amounted to €3,088,000 in the year 2003 (not including travelling costs of the participants); the regional training of the *Laender* is not included in this number.

VII. Please specify and describe the in-service training methods (seminars, workshops, traditional lectures, distance learning, audiovisuals);

In the 140 different seminars that take place every year at the German Judicial Academy, teachers use all kind of training methods, from traditional lectures to workshops. Since there are about 700 teachers participating in the seminars every year, the methods they chose are various.

VIII. Please give details about the training environment (dedicated structures, court buildings, conference centres in hotels and the like);

Each centre has a separate building including facilities for 40 guests. The centre in Trier is owned by the *Land* Rhineland-Palatinate, the centre in Wustrau by the Land Brandenburg; both have been made available without payment being demanded. The use of these buildings has irrevocably been granted for the purpose of running a training centre.

The Conference Centres are equipped with all the technical furnishings of a modern seminar provider. For the use of contemporary educational methods in conveying and processing knowledge, in addition to state-of-the-art technical equipment, there are rooms available for work in small groups and role-playing exercises. A small library is available which can be used for independent study; for current information, an assortment of regional and national daily newspapers are available in the large break room.

IX. What are the contents of training initiatives (role of cultural and social themes; role of ancillary sciences; management techniques);

Continuing education programs on the federal, state and regional level can basically be divided in four areas: law, skills, organisation and IT, general topics.

Traditionally, continuing education has had its emphasis on technical fields of substantive and of procedural law, taking into account both an exchange of experience as well as new developments. Therefore, a large number of seminars still deals with these either more general or rather specialized fields of the law. The variety of seminars is huge. Examples may be „new developments in the law of contract“, „insurance law“, „trials in traffic accident cases“, „introduction to tax law“, „recent decisions of the European Court of Justice“, „appeals in civil proceedings“ etc.

The second group of seminars concerns the improvement of professional skills and the way in which judges and prosecutors conduct their work. This may cover fields like „Rhetoric skills“, „examining witnesses“, „relations to advocates“, „organising criminal trials“, „video examinations“, „courts and court experts“, „courts and the media“ et cetera, but also more self-reflective areas like „organising one’s work flow“ or „stress management“.

A large group of seminars deals with organisation and information technology.

In all judicial administrations there is an ongoing development of modern information technology - not only in general office computer programs for the court staff, but also in the development and introduction of very special programs; for example, registration and management of trials, the land registry, the company registry et cetera. This process of re-structuring the organisation of the courts necessitates a substantial volume of further training for all personnel of the courts (and the prosecution). Seminars on information technology and re-organisation concern not only training in new programs but also fields like the interaction of judges with other court staff, internal mediation, setting goals in the process of re-organisation, „corporate identity“ within the courts, staff development plans et cetera.

Continuing education seminars of the fourth group concern general interests, such as the role of the justice system between the years 1933 and 1945 as well as later in the German Democratic Republic, developments in society, legal and ethical problems of cloning, of the Internet et cetera.

X. What are the contents and the modalities of training to support change of functions?

Within the large number of seminars that deals with more general or rather specialized fields of the law, a lot of these seminars are offered to judges and prosecutors who have recently changed functions. For example the seminars “Introduction in tax law”, “Introduction in family law” or “Introduction in white collar crime”, to mention just a few of these courses, offer a good support to beginners in new fields.

XI. How is the assessment of programmes and methods done (questionnaires, interviews)?

The assessment of programmes and methods is done by questionnaires filled out by the trainees. These questionnaires are the basis for the decision of the programme conference, if a course should be offered again.

XII. What are the modalities of the evaluation of trainers?

For every single event, the trainees have to fill out a questionnaire to give immediate feedback. This short term evaluation is done for each programme.

For some events, especially those concerning organisation and communication skills , a second questionnaire is sent to the trainees after a certain time, often after 6 months. This is done in order to see whether or not the training session was helpful for daily work. The results of these short and medium term evaluations are then used for the annual programme conference, at which the planning for future events is made. Due to this procedure, it is made sure that the evaluation of the training programmes, completed by the trainees, is taken into consideration for further planning.

XIII. What is the impact of participation to training on participants' career?

There is no direct impact of participation to training on participants' career. But it is widely acknowledged that participation to training is an important criteria concerning the rule for grading performance of judges and prosecutors. Therefore, it is one of the criteria that are taken into consideration for a promotion.

XIV. Is there for each judge and prosecutor a file describing the in-service actions in which he/she participated?

Each participant can get a certification which describes the training programme and will be taken to his personal file.

XV. Are judges and public prosecutors offered individual training programmes concerning their personal professional development?

No. But since there is a large amount of seminars they can choose, judges and public prosecutors can organise their individual training programmes according to their personal professional development themselves.