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JUDICIAL
ACADEMY



REPUBLIC OF SERBIA

MINISTRY OF
JUSTICE

EUROPEAN UNION'S SUPPORT TO THE JUDICIAL ACADEMY

STUDY VISIT REPORT
THE MENTORING IN
THE NETHERLANDS AND SPAIN

Annex 13 to 2nd Progress Report



Study Visit report

**THE MENTORING
IN
THE NETHERLANDS AND SPAIN**

Group Report : Jorge Obach (Key Expert 2) and Eva Pérez (Junior Expert)

1.INTRODUCTION

1.1 Context

The study visits programme is part of Component 3 (Improving functioning of the new structures within new competences of the JA “) of Project European Union’s Support to the Judicial Academy of Serbia.

Activities under result Component 3 will be focused mostly on : Support to JA in introducing standardized and objective criteria for mentors election;Enabling their work to be subjected to a more frequent evaluation; Enabling mentors supervision of the work of students more intensively; Strengthening JA cooperation with similar EU and regional training institutions; and Developing internal IT system/data base to track and evaluate mentor performance.

Study visits are planned to be organized to selected countries to provide concrete short term knowledge while networking will have more long lasting effects on JA functioning and improvement potentials.

Knowledge and best practice exchange and sharing , both in the sense of EU legislation as well as skills and techniques, on regional and international level, are highly important in modern and dynamic society as is today. Study visits usually provide participants with new approaches and ideas and help to examine possible changes to one’s own procedures and approaches.

1.2 Objectives of the study visit

The reason for choosing SSR in The Netherlands and Escuela Judicial in Spain is because they are successful models of mentorships programs that are well recognized in European training institutions and they will be used an example and valuable resource for designing and delivering study visits both for mentors and staff.

The model practiced in The Netherlands is an excellent example of well-developed EU mentorship system that might be applicable to Serbia. It is also a decentralized model where mentors perform their duties in court and prosecutors’office. Comparing the size of the countries , number of judges and public prosecutors and regional approach the model has the most similarities with the Serbian one. The advantage of further assessing this model , particularly details of its mechanisms and adopt/fine tune that best practice for Serbian improvements. Also Serbia has a well-established relationship with the Netherland training institution and it is expected that they will receive their Serbian peers with enthusiasm and readily provide information which will enable the Serbian JA to implement improvements.

The Spanish model is a much more complex and significantly more different than the Serbian one, but since it is one of the oldest judicial training institutions in Europe ,procedures for evaluation of mentors work are well developed and comprehensive enough so they could be used to present best practices example and role model. Some examples of evaluation questionnaires and supervising mechanisms in Spain could be useful in improving Serbian practices. Spanish academy is also tightly connected to their High Judicial Council (CGPJ) and with this regard it would be highly interesting for Serbian counterparts to analyze relationship and data exchange among these two institutions in perspective of evaluation of mentors work and success/failure impact on their carrier path , as well as performance statistic.

Basic principles in both Study visits :

-Gain commitment to change

- Choose the right people
- Include the range of decision makers
- Create mix of skills and experience
- Hold intensive daily meetings

2. STUDY VISIT' PARTICIPANTS

	List of participants	
1	Branislava Apostolovic	President of the Program Council
2	Gordana Ajnspiler Popovic	Member of the Program Council
3	Nebojsa Djuricic	Judge, Second basic court
4	Natalija Bobot	President, First basic court
5	Natasa Albijanac	Judge, Higher court in Belgrade
6	Tanja Pavlovic Nedeljkovic	Judge, Appellate court in Kragujevac
7	Svetlana Tomic Jokic	Judge, Appellate court in Novi Sad
8	Mirjana Pekovic	Basic Public Prosecutor's office
9	Vesna Miljus	Judge, Higher court in Belgrade
10	Igor Milovanov	Head of the monitoring and evaluation department
11	Svetlana Aleksic	Judge, Higher court in Belgrade
12	Radomir Milojevic	Training Coordinator, EU Support to the Judicial Academy
13	Jorge Obach	Key Expert, EU Support to the Judicial Academy
14	Eva Perez	Junior Expert for mentoring system, EU Support to the JA
15	Milanka Ljubojevic	Milanka Ljubojevic Interpreter (English – Serbian v.v.)

3. DAY 1 : MONDAY 14 TH OF NOVEMBER 2016, SSR (UTRECH)

3.1 Programme

09.45 hrs	Arrival at SSR, Uniceflaan 1, Utrecht
10.00 hrs	Welcome and introduction to SSR Mrs. Rosa Jansen, <i>Chair of the Board of Directors of SSR</i>
11.00 hrs	Development of Initial training of Judges and Prosecutors in the Netherlands, from "RAIO" to "RIO" / "OIO" Mrs. Ineke van de Meene, <i>senior course manager SSR International</i>
11.30 hrs	The Initial training programme for judges Mrs. Karima Kaddouri, <i>co-ordinator of the RIO programme</i>
12.30 – 13.30 hrs	LUNCH at SSR cafeteria
13.30 hrs	Initial training programme for prosecutors Mrs. Mirjam Cosijn, <i>co-ordinator of the OIO programme</i>
14.15 hrs	Assessment of trainees within the RIO programme Mrs. Karin van Uem and Mr. Mark Heisen, <i>assessment advisors</i>
15.15 hrs	Break
15.30 hrs	The Rio Portal Mr. Joost van der Borg, <i>IT specialist</i>

3.2 Contents

Ms. Rosa Jansen spoke about SSR and initial training of Judges . She remarked that the trust citizens place in the judicial system will be strengthened if judges have a depth and diversity of knowledge which extend beyond the technical field of law to areas of important social concern , as well as courtroom and personal skills and understanding enabling them to manage cases and deal with all persons involved appropriately and sensitively . Training is in short essential for the objective , impartial and competent performance of judicial functions , and to protect judges from inappropriate influences according with opinion no 4 of the Consultative Council of European Judges.

Ms. Van de Meene spoke about the development of initial training of Judges and Prosecutors before 1 January 2014 (RAIO) and since 1 January 2014 (RIO). According to the RAIO programme, the SSR had the same programs for judges and prosecutors. The star would be the same for both and then you would have to choose . If you wanted to become a prosecutor, you would take a 10 month advanced course at the prosecutor office. If you wanted to become a

judge, you would choose a 10 month advanced course at either the criminal, civil or administrative section of the court.. According with RIO Programme, candidats to a postion of a judge or prosecutor, must have a law degree. But now to admitted to the initial training, you have to have at least two years of prior work experience, so in fact the external traineeship from the end of the old study programe was recolated to the beginning.

Ms. Kaddouri spoke about the initial training programme. The idea is to use existing knowledge and talent as the basis for the programme and create with that a stimulating learning environment. Everybody is different, so everybody needs a flexible programme (tailor made training). Another point is that the programme has to reflect the profession of the judge as an independent profession in so far as possible. That means that trainees are given a high level of responsability and control over what they learn and how they learn it. The trainer will function as a coach and the court will be the educational institute.

Once the students are given the green light by the selection committee, entrants to the initial judicial programme will complete an intake at the court were they will work. Here, in consultation with SSR, the length of the programme will be determined (at least one year and three months, at most four years, depending on knowledge and experience) and the work training environment will be selected in which the trainee judge will work first

Mrs Van Uem and Mr Heisen spoke about assessment of trainees within the RIO programme. The first interim assessment occurs at the end of the first nine months of the programme and will focus on the question of whether the trainee judge fundamentally possesses the competencies to be a judge or prosecutor, and whether they display sufficient development. Second interim assessment in the individual programme which last three years or more, will follow around half way through the remaining duration of the programme; trainees will be assessed against the predetermined final attainment levels, and /or whether their development indicates that they will be sufficiently able to succeed in those final attainment levels in the remaining duration of the programme. Supplementary assessment : if required , the boards of examiners may decide to recommend a subsequent additional assessment , not indicated in the personal learning plan submitted to the court board. Final assessment: in all cases, the programme will conclude with a final assessment; it will assess whether or not the trainee satisfies all of the final attainment levels.

Mr Van der Borg spoke about The RIO portal and his implementation. He told that 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.

He showed us Moodle platform; it means that a course is a space on a Moodle site where trainers can add learning materials for their students. A trainer may have more than one course and a course may include more than one trainer and more than one group of students. A course can display its materials in a number of ways or 'formats' for example in weekly sections or (named) topic sections. You can show all the sections at once or just reveal one at a time.



4. DAY 2 : TUESDAY 15 NOVEMBER 2016. SSR AND DISTRICT COURT (UTRECH)

4.1 Programme

Venue morning: Beatrixgebouw, Jaarbeursplein, Utrecht
Venue afternoon: District Court Utrecht, Vrouwe Justitiaplein 1, Utrecht

09.45 hrs Introduction to role of practical trainers in initial judicial training in the Netherlands – partial viewing of documentary film “The Verdict”
Mrs. Ineke van de Meene, *senior course manager SSR International*

10.15 hrs Training of practical trainers in the RIO programme
Mrs. Nicole van de Sande, *course manager RIO programme*

11.15 hrs Wrap up of the morning, remaining questions
Mrs. Ineke van de Meene, *senior course manager SSR International*

12.00 hrs Lunch break – free time in city centre Utrecht

Afternoon

14.00 hrs	Meeting with Mrs. Vivienne van Amstel, senior judge and practical trainer (RIO programme) at the District Court Midden Nederland and with Mrs. Tessa Dopheide, trainee judge at the District Court Midden Nederland
Approx. 16 hrs	End of programme

4.2 Contents

Mrs Van de Meene and Mrs Van de Sande spoke about the role of mentor or trainer. Now teaching and assessment are kept as separate as possible. There are two types of trainers : practical mentors are the colleague judges that will help the trainee-judge prepare court sessions , work and how to write a verdict, etc. The main mentor will spend their time with the students talking about what are the judges; traditional and magisterial competences and what does „judgcraft“ ,ema. The mentor should focus fully on the role of coaching and developing the trainee judge. The practical mentor and main mentor do provide input for assessment : they are required to complete a number of feedback forms and evaluation forms every three months for the digital portfolio and issuing approval of the contents of the portfolio. The latter is necessary to ensure that the portfolio represents the trainee judge as comprehensively as possible. Each assessment will be carried out by an assessment committee based on the digital portfolio, which the trainee judge can use throughout his/her entire programme to maintain a record of her/his development. At the end of the programme , the trainee judge must comply with all final terms with regard to the five themes : preparing, court session, court session, verdicts and decision, magistracy , professionalization, policy and cooperation, communication and interview

Mrs. Van Amstel spoke about the learning climate in which the worlds of training and work are not separate. She told us that an important part of the actual training takes place at the workplace itself. The learning by doing is carefully guided by a team of workplace trainers and mentors who are judges and prosecutors. During part of their working hours they act as mentors to a number of trainees. The workplace trainers and mentors play a crucial role. They instruct and train, coach, guide the trainee, and provide feedback on their performance. She shared with us her experiences as a mentor in Utrecht.



5. DAY 3 : WEDNESDAY 16 NOVEMBER 2016. ESCUELA JUDICIAL (BARCELONA)

5.1 Programme

- 10.00 h Welcome and introduction
 D. Jorge Jiménez Martín
 Director of Recruitment and Initial Training at Judiciary School
- 10.15 h Visit to the Judiciary School premises
 Montserrat Romeu Puig
 Head of Unit in External and Institutional Relations
- 10.45 h Recruitment and Initial Training
 D. Jorge Jiménez Martín
 Director of Recruitment and Initial Training at Judiciary School

- 11.30 h Coffe Break
(Hall 2nd Floor)
- 12.00 h The Mentorship. The role of the Mentor
D. Jorge Jiménez Martín
- 13.30 h Lunch at Judiciary School cantine.
- 15.00 h The continuous training of Judges
Ms. Nuria Alonso
Profesor Civil Law Judiciary School, Senior Judge
- 16.00 h End of the day

5.2 Contents

Mr. Jiménez specified that the Spanish Judicial School for the Judiciary depends on the General Council of the Judiciary. As a constitutional body, the General Council received, the responsibility for the selection and training of judges. The school has two locations, one in Barcelona for initial training, international programmes and direction, and one in Madrid for continuous training. The selection process currently consists of three exercises, one written and two orals. The average preparation time is of more than four years after the university law degree. The initial training for those who have passed the public competition entry exams consists of two phases: the first one is a theoretical/practical phase of 9 months in the venue of Barcelona and the second consists of internships in jurisdiction (9 months). A special feature of the Judicial School is to have a team of full-time trainers (judges, jurists or university professors). Many outside collaborators, such as judges, lawyers and experts intervene in the School throughout the year.

Ms. Alonso spoke about continuous training judges in Spain. The aim of ongoing training is to provide refresher courses and new legal knowledge , to ensure that members of the Judicial Service are constantly up to date technically . It also attempts to provide the crucial knowledge of reality expected from those who decide on legal disputes among their fellow citizens, disputes which necessarily stem from society. General structures is a three day courses that focus on a specific issue. The system is supplemented with seminars , involving a smaller number of participants, and with specific activities deriving from agreements signed with various institutions. Directors of courses or seminars , usually members of the Judicial Service, are appointed by the Judiciary Council. The have complete freedom to choose their speakers and to structure the contents of their courses or seminars . The current training system is voluntary.



6. DAY 4 :THURSDAY 17 NOVEMBER 2016 .ESCUELA JUDICIAL (BARCELONA)

6.1 Programme

- 10.00 h Judicial Training Methods
 D. Ramón Casas Vallés
 Profesor Civil Law Judiciary School. University of Barcelona
- 11.30 h Coffe break
 (Hall 2nd Floor)
- 12.00 h Las prácticas tuteladas. Aspectos organizativos
 D. Eduardo Ferrer Miranda
 D. Cesar Moreno Juez
 Secretary Office of Mentoring
- 13.30 h Lunch at Judiciary School cantine

15.00 h	Outside internships as a part of Initial Training D. Andreu Estela Barnet <i>Head of Unit in External and Institutional Relations</i>
16.00 h	End of the day

6.2 Contents

Mr. Casas spoke about the methodologies used at Judiciary School of Spain. He highlighted the „Real Time Parallel use of case method videoconferencing case in real life : this is a hybrid between a guest teacher (a Judge at Court) and a teaching case (a Teacher at School) dealing with a „case in real time“, making a virtual connection, via videoconference , between School and Court for a time of oral hearing. Previously at that virtual connection it's essential a planning session between teacher's school and the guest teacher to selecting the case for a real time session and developing key decision points which fit with the pedagogical objectives. Then, for students to be able to meaningfully contribute to the live case discussion, students need to prepare for the real session in advance by reading the materials from lawsuit o case and others materials. Further , the teacher's school prepare a short one-page introduction to the live teaching case. At the end of real session a general discussion should be held between students , guest teacher and teacher's school, via videoconference , focused on questions provided to the students with the pre-course materials, and, specifically, provided directly

Mr. Ferrer and Mr. Moreno spoke about the mentoring Mentorship in **Spain** must follow a programme yearly adopted by the High Council for the Judiciary (at the proposal of the Judicial School) or the Public Prosecutor's Council, (at the proposal of the Center for Legal Studies). The only legal limitation is that the duration cannot be inferior to four months (judges). For this generation (2016-2017), the envisaged mentorship will last 6 months and a half. For prosecutors the total duration of the mentorship is 17 weeks.

The judges' initial training programme for this course (2016-2017) includes periods in a civil court (12 weeks), in an investigating magistrate's office (18 weeks) in a family chamber (4 weeks) and also a short stay in the court of appeal. Complementary stays and activities are also possible. Related to mentorship a distinction has to be made between the mentors assigned to each one of the trainees on one side, and the "coordinator" mentors on the other side. The "coordinator" mentor is a judge who cares of the organizational aspects of mentorship in a specific geographical area. He is appointed by the governing body of the court where he is going to operate, on the proposal of the Judicial School. He/she is the contact point between the Judicial School and the "on the field" mentor. Both, the "on the job" mentor and the "coordinator" mentor, have responsibility in the trainee's evaluation.

Related criteria's selection and training mentors, Mr Moreno told us that candidates to mentors follow a training organized by the Judicial School. Nowadays an e-learning course for mentors is available. Its content is: Structure of the mentorship, profiles (mentor, trainee), evaluation, and possible incidents that might occur during the mentorship. Their appointment is based on seniority, on their participation in the training course for mentors (which is a condition) and on the assessments of the trainees.

Mr. Estela spoke about the internship outside the judiciary . This is necessary because the role of the judges in present-day society has become more and more complex. They are

requested not only to know the law but also to be aware of the social context in which the problem that they are bound to solve emerges and of the consequences that their decision will entail. The current program comprises the follows internships outside the judiciary: European Institutions (ECHR Strasbourg and The European Court of Justice in Luxemburg) for 5 days; A penitentiary institution for 3 days; Police Station for 3 days; Drug rehabilitation center for 1 day;

At the end of internship trainees should meet, with the presence of the person of the Judicial School responsible for the internship or stay, so that they can share experiences obtained during this activity. Also an evaluation of the internship should be done by the trainees through a questionnaire that they have to fulfill at the completion of the stay. Finally, the responsible persons of both institutions should evaluate the outcome of the stay so that they can improve it for the next generation.



7. DAY 5 : FRIDAY 18 NOVEMBER 2016 . BASIS COURT (BARCELONA)

7.1 Programme

- 10.00 h Visit to the premises Barcelona' basis Courts

- 10.30 h Meeting with Ms.Mercedes Caso, Judge Dean of Barcelona

11.00 h Roundtable with Mentors (Ms. Francisco González Maillo and Mr. Roberto García Cenicerós) and new judges (Mr. Luis Delgado and Ms. Patricia Brotons) in the workplace

13.00 h End of programme

7.2 Contents

Ms. Brotons, Mr. Maíllo , Mr. García and Mr. Delgado shared with all participants their experiences as a mentors and trainees. For the new judges the time of mentorship it's too short and claimed for a new design with more time in.

Ms. Caso spoke about the evaluation and said that the end of the period with each one of the different mentors, the trainee has to fulfill an evaluation form on the way the mentor has carried out his task, following a questionnaire delivered by the Judicial School. Also, the feedback is enhanced by the participation in the Internet forum created by the Judicial School for each generation. In it, trainees raise questions and express doubts on the cases they are dealing with. The rest of the trainees and also the mentors participate in the debate.

Related to evaluation, each one of the mentors has to fulfill an evaluation form of the performance of the trainee which has to be sent to the “coordinator” mentor and also to the responsible of the mentorship in the Judicial School. The “coordinator” mentor will submit to the governing body of the court where the trainee has worked, a report on the implementation of the training objectives. On this basis and taking into account other information that it might have collected, the governing body of the court will assess the mentees working in its jurisdiction. The evaluation of the mentorship is done by the Judicial School on the bases of the following elements: - Assessment of the governing body of the court where the trainee has worked - Reports of the “practical” mentors,- Trainee’s observations included in the questionnaires that he has to fulfill- Report of the “coordinator” mentor on the participation of the trainee in the different training activities organized by the Judicial School during this period- Participation of the trainee in the Internet forum. Before the final mark, which is decided by the whole board of fulltime teachers of the Judicial School, the opinion of the teachers of the trainee in the first face to face initial training period can be taken into account. This final mark of the mentorship will only be a 10% of the final mark; the other 40% is the evaluation of the face to face period in the Judicial School; and the other 50% corresponds to the entrance competitive examination.



8.EVALUATION OF VISITS

The study visit participants were given a questionnaire to complete in order to evaluate the success of the visits

9. CONCLUSION

The main goal of these study visits, Utrecht and Barcelona, was for the participants to get acquainted with the mentorship systems of Spain and the Netherlands as excellent examples of a well-developed EU mentorship system that might be applicable to Serbia.

With the workshops the participants had an opportunity to share their impressions about the new findings. Participants also had a chance to discuss the work of the mentors and the judiciary schools they visit.

All participants considered available forms of cooperation and agreed that further sharing of knowledge and experiences would contribute to the development of mentorships in JA Serbia, considering whether some of those examples can be used at J

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This project is implemented by
a consortium led by the British Council