

The European Union's CARDS Programme
for Croatia

REFORM OF JUDICIARY – SUPPORT TO THE CROATIAN TRAINING CENTRE FOR JUDGES

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WOLFGANG RUSCH
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PROJECT SYNOPSIS

Project Title:	Judicial Reform - Support to the Croatian Training Centre for judges
Project starting date:	20 January 2004
Project end date:	19 October 2005
Contract Number:	EuropeAid/115163/C/SV/HR
Country:	Croatia

Wider Objective

- To develop a more efficient, effective and modern operating Croatian judiciary

Specific Objectives

- To strengthen the existing judicial system training structure with respect to its legal and institutional set up, management, operational organisation and human resources
- To develop a self-sustainable training delivery system for judges, prosecutors and other judicial and auxiliary court staff in Croatia, including programme design, curricula development and formulating needs for training infrastructure
- To deliver pilot training courses within the newly established training system and targeting the community of judges, judicial counsellors and judicial trainees, including a train-the-trainers system

Expected results

- Improved legal and institutional set-up for the Judicial Academy, including Advisory Board created
- Operational structure of the Judicial Academy in place, including recruitment of the administrative and training staff
- Education and training strategy for the judicial sector adopted and implementation has started
- Training programmes for both initial and in-service training developed and adopted
- Resource and documentation needs analysis conducted and technical specification for the procurement procedure elaborated
- Curricula for individual courses, including course materials prepared
- A self-sustainable system of local trainers for the delivery of courses put in place and first group of trainers selected and prepared
- First training courses for judges and prosecutors delivered by the project through local trainers

Project Activities

Inception phase

1. Establish project office at the premises of the Judicial Academy and recruit Croatian Project staff
2. Meet judicial institutions and organisations relevant for the project
3. Select two pilot Regional Training Centre s
4. Carry out needs analysis for training facilities and infrastructure for the Judicial Academy and the Regional Training Centre s
5. Conduct first analysis of the Judicial Academy's legal framework, budgetary situation, and internal organisation
6. Analyse the current situation of the judiciary in the field of training
7. Design work plan and schedule for all project activities

Implementation phase

The activities are organised around the interrelated components corresponding to each specific objectives:

Component I:

1. Review legal framework of the Judicial Academy and analyse regulatory requirements for RTOs
2. Analyse and improve Judicial Academy's internal organisational structure
3. Build up Judicial Academy's management capacity
4. Develop public promotion strategy for Judicial Academy and undertake public promotion
5. Develop logistics and implement infrastructure for delivery of training
6. Assist in establishing an Advisory Board

Component II and III

7. Design comprehensive education and training strategy for the judicial sector
8. Assess training needs of judges and prosecutors (and apprentices) through questionnaires and interviews
9. Recruit tutors and train them in teaching skills
10. Prepare tutors and deliver training to judges and prosecutors of the pilot regions

Visibility Activities:

11. Organise Launch Conference
12. Install project website
13. Organise press conferences and promotional events
14. Produce project brochure
15. Organise Closing Conference

Acknowledgement

Our project was a joint venture. Its success depended on the contribution of many institutions and people. Therefore I should like to express my gratitude for the strong support our team received right from the beginning of our work.

We were impressed by the emphasis with which the Minister of Justice, Mrs Škare Ožbolt, has been endorsing the project. Judicial training in general and the Judicial Academy in particular have always been of high priority on her political agenda.

We have been very pleased by the support of the President of the Supreme Court, Mr Hrvatin, who at the beginning of the project, when still working as a judge of the County Court of Zagreb, helped us a lot to establish the Regional Training Centre in Zagreb. We enjoyed excellent cooperation with the President of the County Court Rijeka, Mr Veljko Miškulin, and say thank you at the same time to the Head of Regional Training Centre Zagreb, Mr Đuro Sessa.

We benefited from joint activities with the General State Prosecutor's Office, especially with Mr Dragan Novosel.

We appreciated the important contributions from the Law Faculties of Rijeka and Zagreb. There is no doubt that these institutions and the other law faculties should play a significant role in the training system for judges and prosecutors.

I should like to express my gratitude to the Head of EC Delegation, Monsieur Degert and his team, above all to Marie-Helene Enderlin, our Sector Manager at the EC Delegation, for her understanding and patience with us.

And last but not least I express a big thank you to all members of our Project Team, in particular to judge Martin Ernst our key expert for training, to Lothar Hahn, our expert for management and organisation, to Peter Kolferetz, expert for legal issues, our project manager Jasna Rodeš and to the office assistant Bojana Horgas.

November 2005

Wolfgang Rusch, Team Leader

PRELIMINARY REMARK

In the following report we will present the final results of the Project with a focus on strategic and theoretic deliberations and explanations rather than listing detailed activities (section 1 – 3), point out also the weak points and formulate recommendations for immediate action (section 4) and describe at the end the chronological development of the Project (section 5 and 6) by showing only the major steps. For details we will refer also to the Inception Report and the five Interim Reports, which are available on the Judicial Academy’s website: www.pak.hr with link to “CARDS projekt” and from there to “Project Reports”.

EXECUTIVE SUMMARY

Component I: “Institution and Capacity Building of the Judicial Academy”

List of major achievements within Component I

- New organisational set-up for the Judicial Academy and, correspondingly, new legal framework
- Increase of the number of Academy staff from three to eleven
- Coaching and training of the Judicial Academy’s management and staff in various fields of management and public promotion
- Tailor-made IT based planning tools for accounting, budgeting and event organisation
- New visual identity for the Judicial Academy including logo and website
- Establishment of a fully operational Regional Training Centre in Rijeka and a partly operational Regional Training Centre in Zagreb
- Start of the establishment of Regional Training Centres in Osijek and Varaždin
- Draft legal framework for the interplay between Academy and Regional Training Centres

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- Contribution to the procurement component (ca. 270.000 € for computers, teaching and office equipment, furniture, and books)

Deviation from the Inception Report

- It was not possible to make the Regional Training Centre in Zagreb fully operational.

Recommendations for immediate action

- Budgetary solution for the recruitment of administrative assistants for the Regional Training Centres and compensation for the Heads of Regional Training Centres' additional workload (responsibility: Ministry of Justice)
- Legal basis for the distribution of responsibilities and tasks among Judicial Academy and Regional Training Centres (responsibility: Ministry of Justice)
- Refurbishment of the hall promised by the management of the County Court Zagreb to be used for training purposes of the Judicial Academy (responsibility: County Court Zagreb)
- Recruitment of a criminal judge for the Sector I "Research & Development" and an administrative assistant for the unit "Internal Administration" (responsibility: Judicial Academy)

Component II and III: "Development of Training System and Programmes and Delivery of Pilot Training"

List of major achievements

- Design of a two-pillar training strategy for standard training and specialised training
- Development of a Court-Integrated Training System for standard training, with the Judicial Academy as its focal point and a network of five Regional Training Centres
- Strategy paper on a system for the education of court apprentices
- Training needs analysis and design of a 17-subject training programme for judges and prosecutors
- Development of an interactive and case-related didactic approach for the pilot programme

-
- Recruitment and training of about 80 tutors (judges) for Rijeka, Zagreb, Osijek and Varaždin in the field of modern methodology of teaching
 - Involvement of the Law Faculties of Rijeka and Zagreb in the pilot training programme
 - Development of 17 training modules with substantial teaching materials (print and E-version)
 - Involvement of 43 judges as tutors of the pilot programme
 - Delivery of the pilot training programme through 62 workshops at the two Regional Training Centres for 1047 participants (judges and prosecutors)
 - Publication of the complete teaching/learning materials on the website
 - Evaluation of the workshops

Deviation from the Inception Report

- The number of participants of the pilot training programme exceeded the expected number of 800 by 30%.

Recommendations for immediate action

- Design and publication of the future Judicial Academy's training programme at least for the first quarter of 2006 (responsibility: Judicial Academy)

Visibility activities for the project

Achievements

- Launch Conference in the presence of the President of the Supreme Court, Minister of Justice and the head of EC Delegation
- Leaflet on the project
- Opening of the pilot training programme with full media coverage
- Website of the Project
- Media event on occasion of the opening of the Regional Training Centre Rijeka
- Brochure on the achievements of the project

-
- Closing Conference in the presence of the Prime Minister, President of the Supreme Court, Minister of Justice and the head of EC Delegation

Deviation from the Inception Report

No deviation

Study Tours

Achievements

- Study tour for six participants representing the Judicial Academy, the Regional Training Centres, and the State Prosecutor's Office to the Centro de Estudos Judiciarios (*Centre for Judicial Studies*) in Lisbon
- Study tour for 15 participants representing the Judicial Academy, the Regional Training Centre in Rijeka, the General State Prosecutor's Office, and a selected number of tutors of the pilot training programme

Deviation from the Inception Report

No deviation

Advisory Board

Achievements

- Composition of the Advisory Board of the Judicial Academy and rules of procedure was proposed to the MoJ.

Deviation from the Inception Report

- The establishment of an Advisory Board as a permanent institution and the Board's constitutive session could not be achieved, since the final ministerial decision on competences and composition of the Board is still to be taken

Recommendations for immediate action

- Establish the Advisory Board as an politically neutral, independent institution chaired by the President of the Supreme Court.

1 A COMPREHENSIVE STRATEGY OF TRAINING¹ FOR JUDGES AND PROSECUTORS

Managing justice in the 21st century implies permanent innovation.

In theory, it is easy to agree with this statement. But when it comes to its execution, changing the judiciary turns out to be an ambitious venture of organisational, sociological, and psychological complexity, a process that has to overcome a great deal of resistance within and outside the judicial system. And – to crown it all – judicial reform costs money.

So good reasons to ask, what is the purpose of innovation in the field of judiciary? Why change? Why continuous training for judges and prosecutors? We believe we are expected to present plausible answers to those questions, before we recommend in this report a general strategy of training for judges and prosecutors, a system we have tailored to Croatia's specific situation and successfully tested in the framework of this Project.

But before listing some major reasons why judicial training is urgently needed, we should emphasise firstly that to our estimation the general level of judges' and prosecutors' intellectual capacity, knowledge, and skills is not lower in Croatia than in its neighbouring or in many other Central and Western European countries. Of course, we observed deficiencies, outdated knowledge, narrow-minded thinking, questionable views, and problematic mentality. But on the basis of our experience made with hundreds of judges and prosecutors, who participated in the project's pilot training programme, only this target group we can judge, we could recognise no significant differences in standard between the Croatian judicial staff and their colleagues in EU member states. May be without one exception that might worth mentioning: we generally noticed that the number of excellent judges and prosecutors is relatively small and there is a noteworthy gap between them and the average level. But all things considered, there is no justification for organisations or individuals from abroad to make hypercritical remarks about the situation in Croatia and on the other hand no reason for a Croatian inferiority complex.

However, such a positive view on the status quo must not lead to self-complacency and wrong conclusions. Croatia's judiciary *is* in urgent need of ensuring competences and performance of the judicial staff by updating its knowledge and skills, and this for following reasons:

- Croatia's legal system belongs to the family of continental European law and has its roots in particular in the Austrian-German law. However, this common legal tradition with Western Europe was being interrupted during the second half of the Twentieth Century, when Western Europe has been developing a judiciary based on the principles of democracy, human rights, rule of law, and market economy, whilst Croatia's legislation, its judicial institutions, and the mentality of judicial staff were being shaped by the socialist philosophy of law. But at the end of the Century Croatia came back and started the transition process towards the Western European model of democracy. This reform process has already made significant progress but still needs to be continued and completed.
- Croatia started negotiations to become a member of the EU and integration into the European structures is of highest priority on its political agenda. The integration process requires harmonization of legislation with the *acquis communautaire*, and as a consequence also modification of judicial institutions and procedures. It is out of the

¹ In this Report we distinguish between education and training. The term *education* is used for pre-service preparation of judicial staff (judges, prosecutors, court advisors & prosecutor advisors) covering university studies and the period between university studies and the judicial exam (pravosudni ispit; this exam qualifies to serve as a judge or prosecutor). The term *training* stands for all activities of competency management that aim at ensuring and upgrading knowledge and skills of judicial staff already in service.

question that judges and prosecutors must be prepared for the implementation of the new legal system through intensive training.

In addition to those specific reasons associated with Croatia's history and political future, the following aspects are valid everywhere in Europe:

- States act as competitors on the global market in a similar way as private companies do. In order to become and remain competitive, countries have to make every possible effort to improve quality and economic efficiency of its public sector services. This implicates a permanent process of modernising institutions, enhancing human resources' capacity, and streamlining procedures, in order to meet citizens' and private organisations' needs and demands. Thus life-long learning is a must for the people working not only in the private but also in the public sector.
- Internationalisation, virtualisation (ICT), fragmentation, network society, and speed are terms describing throughout the world revolutionary changes in the society. If the state of Croatia wants to participate in this game, its functional élite, that is to say also the judges and prosecutors must learn to anticipate the development and to respond quickly to new situations.
- And finally, there is an aspect of fundamental importance for any democratic state: reform of judiciary and continuous training are needed to safeguard judicial independence.

The last thesis might astonish, since all over Europe independence of judges has quite often been a welcome excuse to frustrate innovations for years. To a large extent it seemed as if judicial independence and reform of justice stood in contrary to each other. And indeed, if judicial independence were seen as freedom of operation only, it could be brought up against almost every attempt to change procedures or practical working conditions in judiciary.

But in a well-balanced view judicial independence implies not only freedom of operation. Another constitutional and certainly more important prerequisite of independence of judges and prosecutors is their authority. And it is the growing lack of authority that is really undermining the judges' and prosecutors' independent role within a legal system.

How do we understand authority in this context? In a democratic society authority of judges and prosecutors is not identical with formal power delegated by the state. Legitimate authority needs to be based also on the people's acceptance and respect, and the people have the right to expect from judicial staff not only ethic integrity but also up-to-date knowledge and professional skills.

Such an authority is not a gift that lasts forever. Every day it has to be justified through professional performance, over and over again. That means, a life-long process of learning is imperative, in order to retain authority.

Therefore training of judges and prosecutors is much more than a short-term operation to improve judiciary's efficiency. Continuous training is the precondition for an independent judiciary in a democratic state.

1.1 A comprehensive training strategy for Croatia

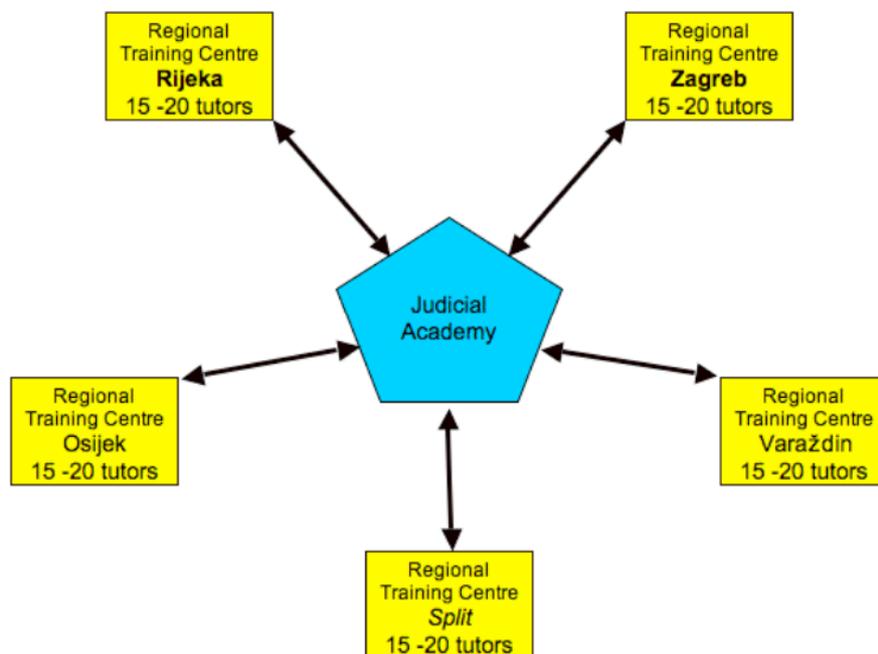
When in February 2004 the Project Team started thinking about a new training system for Croatia's judicial staff, five different but interrelated contextual factors had to be taken into account:

- the country's legal system, culture, tradition, budgetary constraints, institutional arrangements and geographic conditions;
- judges' and prosecutors' professional and social circumstances;

- the Supreme Court’s responsibility for legal education and training;
- the law faculties’ importance for the legal system and the relationship between the academic world and the judiciary.
- the professional and constitutional stakeholder relationships between the Judicial Academy, the Ministry of Justice, and the General State Prosecutor.

1.1.1 Court-Integrated Training System for Standard Training

In order to respond in particular to the first two factors, the “**Court-Integrated Training System**” was created. It is a decentralised system based on the Judicial Academy as its focal point and a network of five Regional Training Centres affiliated to County Courts.



The two Centres in Rijeka and Zagreb were established and equipped in the framework of this Project. In Osijek and Varaždin the Judicial Academy started the setting-up in summer 2005, Split is expected to follow in 2006.

Within this system tasks and functions are distributed as follows:

- The Judicial Academy has the coordinating and supervisory role; designs programmes and curricula; is responsible for the development of training modules; prepares the tutors (trains the trainers).
- Regional Training Centres identify tutors among judges and prosecutors from the respective region and organise the training to be delivered by tutors in workshops for no more than 15 to 20 participants.
- Members of law faculties and/or other highly qualified legal experts in close cooperation with practitioners (judges, prosecutors) design, on behalf of the Judicial Academy,

training modules and elaborate for each module a package of teaching material to be used by the tutors in the Regional Training Centres.

Since October 2004 the “Court-Integrated Training System” has been tested through an extensive pilot training programme carried out at the Regional Training Centres in Zagreb and Rijeka for in total more than 1000 participants.

The pilot test verified the following major logistic² advantages, at which the Project Team had aimed when suggesting the “Court-Integrated Training System”:

- The training system’s decentralised infrastructure structure allows participation in training events without great expenditure of time and money. Approximately 90% of the participants are in the position to reach a Regional Training Centre within one and a half-hour drive, which is one important condition to make personal development, i.e. participation in training, part of judges’ and prosecutors’ regular work.
- The decentralised system makes it possible to train the largest possible number of participants in the shortest possible period of time.

The results of the pilot test justify to state that the “Court-Integrated Training System” is an effective, economic, and high-quality mechanism to upgrade countrywide the standard of judges’ and prosecutors’ **general knowledge and skills**. It is the appropriate tool for what we call **standard training**.

1.1.2 Different approach for Specialised Training

However, with the Court-Integrated Training System the Judicial Academy covers only one, even though the major part of its training activities. This decentralised system has to be complemented in the following cases by a different approach:

- The decentralised structure is suitable only, if the target group of a training event is larger than 75 participants countrywide and/or 15 per region (in case a topic is only of regional interest like maritime law for Split and Rijeka). For smaller target groups the delivery of training at one central location (Zagreb, Valbandon, etc.) is to be taken into account.
- The elaboration of a new training modules (teaching material) through external experts and the preparation of tutors for a workshop takes time. We estimate a preparatory period of at least 6 – 8 weeks. If the Academy has to respond very quickly to a newly arising need, the delivery of training directly through an expert provided by the Academy is more suitable than a system, which is based on the principle of the division of labour and has to involve (prepare) a number of tutors as disseminators.
- Training modules for the Court-Integrated Training System are developed for repeated use over a longer period of time. In this case it is worth the expenditure for their elaboration and the preparation of tutors. If a topic is to be dealt with in a single session only, its delivery directly through the Academy is probably more cost-effective.

Usually, the delivery of training topics of specific relevance like “prosecution of war crimes”, “budget planning for a county court”, or “public promotion in judiciary” would fall under one or more of these cases. Such topics aim at smaller target groups (prosecutors dealing with war crime cases, presidents of county courts, spokespersons of selected county courts), are quite often meant to be presented at one single event only, and sometimes need to be organised as immediate reaction to a particular unexpected situation.

² Advantages regarding content and didactic of the training programme see below sections 2.2 to 2.4

In general one can say, the Court-Integrated Training System is not the optimal approach, if a training programme has the objective to improve **specialist knowledge and skills** of judges and prosecutors with particular tasks and functions. A training programme with this objective we call **specialised training**.

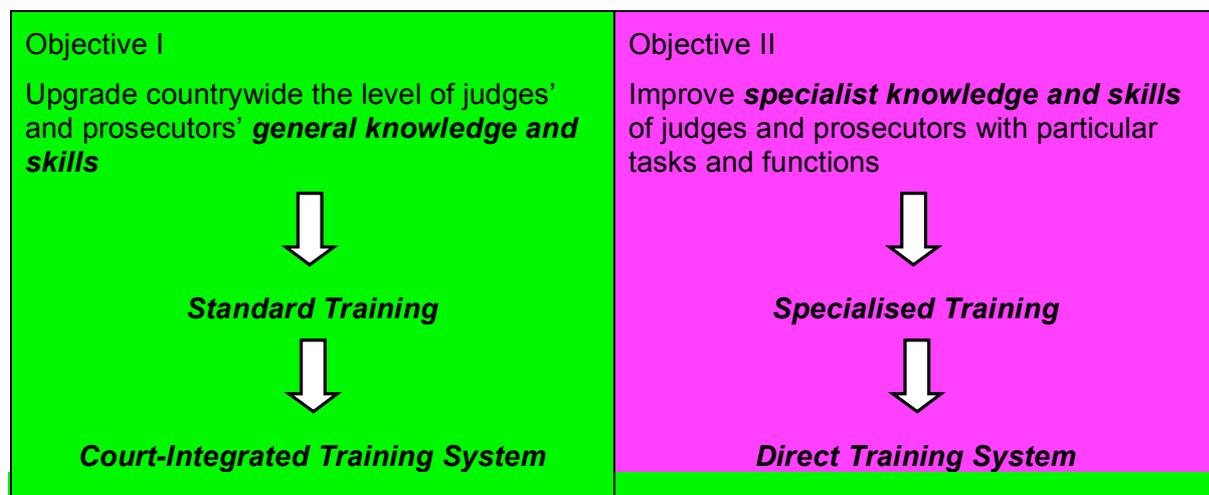
Specialised Training should be provided through a direct training system that could be briefly outlined as follows:

- Training is organised at one central location without involvement of Regional Training Centres (except when premises of a Training Centre are used as the “central location”).
- The Judicial Academy identifies or provides trainers (e.g. law professors, international experts, judges, prosecutors, members of the Academy), who teach on the basis of a training module developed by themselves.
- Usually it is only the Academy that is responsible for all technical and logistic matters.

With the direct training system the Judicial Academy has also a mechanism to organise training sessions not only in the form of a workshop (15 – 20 participants) but also a seminar (20 – 40 participants) or conference (up to 100 or more participants).

1.1.3 Two-pillar training strategy

As a result, the Judicial Academy has got a two-pillar training strategy at its disposal covering two basic categories of training objectives:



Both systems of training organisation were tested during the Project. The Court-Integrated Training System has been checked through the Project's pilot training programme and proved to be best for standard training, whilst during the same period the Academy has successfully carried out several specialised training events by using the organisational and logistic tools of the direct training system.

So we can come to the conclusion that the two-pillar training strategy forms a flexible tool to meet the whole variety of requirements regarding content, didactic and logistic of judicial training in Croatia. It constitutes a solid basis for a well functioning judiciary, a judiciary that enjoys the people's respect and reputation and as a result the necessary authority for its important public task

1.2 The responsibility of the Supreme Court for training

The Supreme Court represents Croatia's judiciary on its highest level. It is not only the highest instance in the sequence of courts but has also executive administrative tasks within the judicial system. To the latter ones belongs its legally imposed responsibility for the personal development, i.e. training of judges.

With the establishment of the Judicial Academy legislator and Government provided the Supreme Court with an appropriate tool for executing its task to ensure professional education and training of judges. The Judicial Academy acting as "service-rendering enterprise" is committed to develop and deliver its training programme in coordination, close cooperation, and in the end on behalf of the Supreme Court.

As to the active involvement of the Supreme Court the Project Team sees three major areas of power:

- Firstly the President of the Supreme Court should play a predominant role in the Judicial Academy's Advisory Board³.
- Furthermore the Supreme Court needs to be involved in the Academy's regular training needs analysis and should have a weighty word when the training programme (standard and specialised training) is to be designed.
- Finally judges of the Supreme Court could bring in their excellent knowledge either as experts for the development of training modules, as tutors within the Court-Integrated System, or as trainers of a topic within the specialised training programme.

In general the project team would like to emphasise that smoothly functioning relationship between the Supreme Court and the Judicial Academy is "conditio sine qua non" for Academy's success as Croatia's judicial training institution.

1.3 The law faculties' importance for training of judges and prosecutors

The use of the intellectual and didactic capacity of Croatia's law faculties will be indispensable for a well functioning training system of judges and prosecutors in Croatia.

It might astonish that we feel compelled to emphasise something, which actually should be a sheer matter of course. But in Croatia the situation is different.

When we started to discuss with judges the Court-Integrated Training System and explained to them its core element, namely the close cooperation of Croatian law professors and judges acting as tutors, we saw ourselves like talking to a brick wall. Many judges vehemently rejected any kind of involvement of academics. It would be inappropriate to repeat in this report details of those highly emotional disputes. The only rational argument we learned was that academics and their teaching would have no connection at all to the legal practice and reality of life.

On the part of academics we encountered a similar aversion to their colleagues on the bench. Quite a few influential professors thought it absolutely impossible to qualify legal practitioners for the job of a tutor. They denied that any legal practitioner had the competence to train judges and prosecutors on a legal subject. And, as to the style of the debate, we had to realise that scholars' argumentation was similarly emotional as judges' statements were.

These meetings indicated one of the most serious deficiencies of Croatia's legal system, a problem, the resolution of which is at least as central as any institutional or legislative reform: the lack of a permanent and institutionalised communication process between the academic world and the judiciary.

³ see below section 3.3

It was neither the task of this Project to identify this phenomenon as such, nor to analyse its roots. So this report is not the place to go into its details. But as we showed above, we came across it and it had a direct impact on our work, and so we tried, of course within the bounds of our possibilities, to make a small contribution to its solution.

Therefore, in the following section we have to explain at least very briefly, why the lack of communication between judiciary and scholarship is fundamental problem.

1.3.1 The gulf between scholarship and judicial practice in Croatia

In Western European countries there is an institutionalised lively discourse between academics and judiciary. Medium for that is a large number of weekly or monthly law journals, some of them are general law reviews, most of them specializing in a particular area of law, such as administrative law, family law, criminal law, nature conservation law, etc. In those journals judges from courts of all instances publish their decisions, if they consider them to be of general interest, and both, practitioners and academics respond, writing either criticizing or welcoming comments on the result and/or reasons of the respective judgement.

Everybody working within the judiciary needs to read regularly at least one or two of such journals in order to be up to date on the current state of law. And every junior professor needs to write contributions to this transparent debate on court practice, if he/she strives for a successful academic career.

So, professors' role as researchers is to observe critically the legal practice; analyse and comment single decisions of courts of all instances; realise tendencies and developments of court practice; identify lack of harmonisation of jurisprudence; demand changes of judicial practice and amendments of legislation; in general, be the driving forces for a public debate on the work of the judiciary. Doing so, the world of scholarship is part of the legal every-day practice and contributing directly to the development of law in the country.

There is another phenomenon that shows the close linkage between legal theory and practice in Western European countries, that is the fact that many professors serve as a part-time judge, whilst judges, on the other hand, teach at law faculties as part-time professors.

In Croatia such a professional interplay between the world of scholarship and the judiciary does hardly exist.

There are no professors working as a part-time judge and only a tiny amount of judges is involved in academic teaching.

Court decisions are not being published in legal journals, at least not on a scale, which is worth mentioning, and when they are published, without ratio decidendi, which makes the publication in practice worthless for any critical review. As a consequence scholars are neither in the position to observe judicial practice on an in-depth scientific level nor used to publishing critical comments on court decisions. The effect on the content of academic teaching at Croatian law faculties is obvious: students are complaining about the lack of practice-orientation of academic teaching and its emphasis on abstract theory of law.

Given this situation, a neutral observer from outside is wondering how a legal system can further develop without the intellectual exchange between these two players of the legal community.

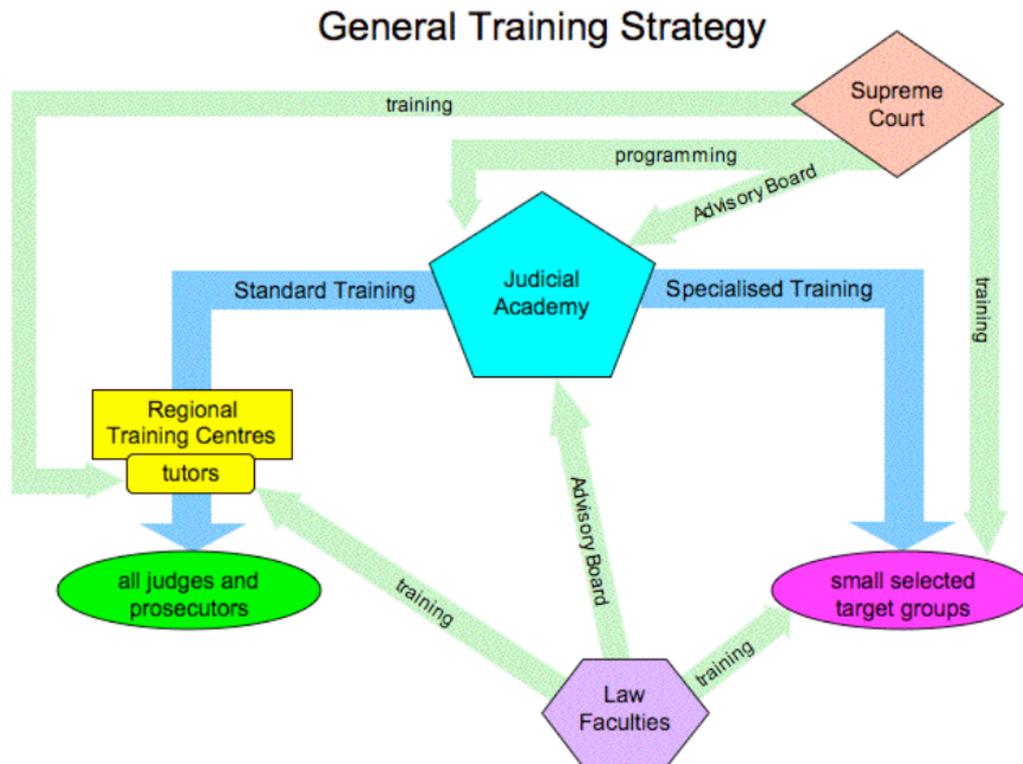
1.3.2 The need to involve the law faculties in judicial training

As far as the training strategy for judges and prosecutors is concerned, we saw three major reasons, why to involve members of law faculties in the Project and why we think their involvement needs to be continued.

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- Firstly a very simple, practical argument: No country could afford to leave any kind of available expertise, know-how, valuable human resources “unexploited”, when establishing a system of judicial training.
 - Furthermore, the involvement of members of law faculties offers the opportunity to bridge the aforementioned gulf between scholarship and judicial practice in Croatia. The Project Team hopes that the participation of 19 academics in development of the project’s pilot programme and preparation of tutors⁴ could function as an ice-breaker for a more intensive discourse between the academic world and judiciary. Such a dialogue would guarantee that academics’ high level of knowledge, their different, sometimes broader view on legal problems, and the latest results of legal research become integrated in practical application of law.
 - At the same time regular communication between the two parties widens academics’ view on legal problems by learning from judges’ and prosecutors’ every-day experience and being confronted with practical difficulties of the social reality. This could finally – as a side effect – also contribute to a more practice-oriented content of teaching at law faculties.

In practice we recommend a threefold role of the law faculties within the training system for judges and prosecutors:

- Law faculties are represented in the Judicial Academy’s Advisory Board and contribute here especially to training needs assessment and programming.
- Law faculties provide the Academy with legal experts, who develop training modules and teaching material and train tutors for the standard training programme.
- Members of the law faculties also deliver specialised training to selected target groups (hold workshops, seminars, give presentations at conferences).



1.4 Excursus: education of apprentices

In order to outline a comprehensive strategy of education and training for the Judicial Academy the Project Team elaborated also some elements of a system for education of court apprentices (sudski vježbenici). These elements were laid down in a strategy paper and submitted to the Ministry of Justice, Ministry of European Integration and EC Delegation (see below Annex 01). They became the basis for the Terms of Reference of a Phare Project on this matter that is expected to start in 2006.

We recommend a two-year apprenticeship that consists of two components running in tandem to each other.

Component I comprises a fixed programme of 8 different practical stages (training on the job through a mentor). The range of stages covers the whole judicial system (courts, prosecutor's office, lawyer's office) and the programme of stages is obligatory throughout the country.

Component II accompanies the practical stages by weekly seminars aiming at completing apprentices' legal knowledge in areas relevant for judicial practice. The content of the seminars corresponds synchronously to the practical stages.

The system should be implemented by the Judicial Academy together with the Regional Training Centres by using the Court-Integrated Training System as the organisational basis.

2 THE PILOT TRAINING PROGRAMME AND ITS DIDACTIC PRINCIPLES

In this section we describe the principles of methodology and contents of the pilot training programme. With its implementation we pursued two purposes:

1. to set up, test and evaluate the Court-integrated Training System with all its institutional and human resources components
2. to cover the most urgent training needs of the target group in the pilot region.

The programme has been carried out in the time between October 2004 and October 2005. It comprised 17 legal subjects⁵ delivered in 62 workshops for a total of 1047 participants coming from the two pilot regions Rijeka/Pula and Zagreb. The number of participants exceeded the expected 800⁶ by 30%⁷.

2.1 Design of the programme

In order to design the programme we established a Training Needs Evaluation Committee representing the Regional Training Centres, General State Prosecutor's Office, Judicial Academy and Project Team. For its work the Committee agreed on the following guidelines:

- Of highest importance for the selection of a topic is its immediate practical relevance.
- The topics have to be defined and sized in a way that they can be dealt with either in a half-day, one-day, or two-day session.
- Topics in the field of EU Law and the European Convention of Human Rights are obligatory.
- The rest of the programme should reflect the result of a questioning of judges and prosecutors.

A Training Needs Analysis was carried out in May, June and July 2004 in order to design a pilot training programme tailored to the practical needs of judges and prosecutors. About 290 questionnaires were sent to judges and prosecutors in the pilot regions of Zagreb and Rijeka, and - as a special target group - to those judges, who were recruited and in May 2004 trained to act as tutors. In total 212 questionnaires (73%) were sent back (138 from judges, 44 from prosecutors, 30 from tutors).

On the basis of the guidelines and results of the questioning⁸ the Evaluation Committee selected 17 topics. Five of them were fixed and their implementation scheduled for the period of October to December 2004. The rest of the list was only drafted, since the Committee pursued a flexible method and wanted to retain the opportunity to reconsider the other topics, when experience made during the implementation of the first three training modules gave cause for amendments of the programme. The Committee continued this approach till the end of the project, taking the final decisions on the topics only for a period of the next three months to come.

2.2 Didactic approach

The 17 legal subjects of the pilot training have been delivered in half-day (three-hour) or all day (six-hour) sessions, only EU Law was presented as a two-day module.

⁵ see table in Annex 2 of this Report

⁶ see Inception Report, 2.2.2.4, p.26

⁷ for detailed data of the pilot training programme see Annex 03 of this Report.

⁸ see Interim Report I, 2.3.1, p.27

We deliberately avoided to use the word seminar for the training sessions but called them "workshops" in order to underline the three basic elements of our didactic approach:

1. We are convinced that legal education in general, but in particular continuous training for judges and prosecutors, should as far as possible be **case-related**. Therefore in our workshops either court decisions or facts and circumstances of a "constructed" hypothetical file covered all or at least most of the legal problems that were to be dealt with. Participants had the opportunity to learn the application of law "by doing", that is to say by solving these cases.
2. When working in a group participants' **active participation** in discussions is elementary for the process of learning. Modern methodology of teaching, and in particular modern adult education avoids as much as possible ex-cathedra lecturing but takes advantage of the scientific findings that adults most successfully learn by exchanging information, experiences and opinions within the group of learners. We tried to explain to the tutors that every professional communication among judges and prosecutors is a process of learning. Therefore tutors were urged to see themselves in the role of a moderator and facilitator of a communication process rather than lecturer of their colleagues.
3. Consequently, if discussion among participants is the core element of a didactic approach the optimal size of a learning group should not exceed the number of **20 participants**.

For each subject a package of teaching/learning materials was elaborated called "Tutor's Manual" and "Participant's Manual".

Manuals contain, in addition to the collection of cases – which for the tutors are completed by proposed solutions – a minutely detailed plan and schedule of the workshop; a brief introduction to the subject matter visualised through a Power Point presentation; a collection of relevant legal texts; excerpts of textbooks, commentaries and articles in legal journals as background information to the respective topic; handouts, questionnaires, tests. The material is structured in a way that tutors can use it for their preparation without additional instruction.

In average a Tutor's Manual contains about 120 pages, Participant's Manual as a subset of it about 80 pages.

Participants and tutors receive the manual as both printed version and electronic file on CD. Manuals are also available on the website for downloading (www.pak.hr with link to CARDS project).

The training materials developed in the framework of this project are meant to build the nucleus of Judicial Academy's future collection of training modules that have to be continuously updated and expanded. This "electronic library" will be at Regional Training Centres' disposal. Every Centre can select those modules, which it needs for its specific regional training requirements, and put them together to its quarterly/half-year training programme.

2.3 Legal and pedagogic expertise

Nineteen Croatian legal experts, almost all of them members of the law faculties of either Rijeka or Zagreb, played a key role in the project. They developed the training materials for the pilot programme, assisted by twelve colleagues from a EU member state, who brought in the international and EU perspective of the respective legal field. As far as possible also tutors were included in the preparation phase of a training module.

In completion to the legal expertise, a Croatian teaching expert contributed to each workshop of the training programme. She raised the awareness of the importance of didactic aspects for successful adult education and made modern methodology of teaching integrate part of both preparation of tutors and development of training modules.

For each training module a small team of 3-4 experts was formed. Their excellent performance was the heart of the pilot training programme's success. Starting from discussions on - quite often - highest scientific level, every single team created an absolutely practice-related training module. The style of collaboration was helpful and considerate. The contribution of the EU experts, most of them esteemed members of the international scholarly community with – at the same time – working experience as a part-time judges or prosecutor, proved to be very useful, but of course, the final responsibility for content and structure of the training materials laid with the Croatian partners.

The EU experts expressed a high regard for their Croatian counterparts, pointing up not only their colleagues' sound expertise in the field of Croatian law but also their good knowledge of other European countries' legal systems. And the Croatian professors particularly enjoyed information about typical problems other countries have, when applying EU legislation in practice. We, as observers of this teamwork, witnessed how either side benefited and learned from each other, collaborating as absolutely equal partners.

2.4 Legal practitioners act as tutors

At each pilot location (Rijeka and Zagreb) a group of more than 20 judges declared themselves willing to act as tutors within the pilot training programme. In May/June 2004 they were prepared for their future tasks through a five-day seminar on "Introduction to Modern Methodology of Teaching" that was followed up by a one-day workshop later in 2005.

The training of tutors in Osijek and Varaždin on methodological aspects of teaching started in September 2005.

In addition to this general training of teaching methodology every tutor, when selected for a specific workshop, was not only introduced to the legal subject matter of the respective training module. Her or his preparation included also an individual guidance to the pedagogical aspects of her/his task. For this purpose tutors met with the Croatian teaching expert of the Project a few days before they had to hold their workshop. At those meetings the expert explained the tutor's role as a moderator and facilitator of an interactive communication process and gave practical advice how to activate as many participants as possible. She observed the tutors during the workshops and gave a feedback to them on their pedagogic performance.

Why do we attach such a great value to the involvement of legal practitioners as tutors within the Court - Integrated Training System?

- The simplest reason is a matter of arithmetic. We have got
 - a decentralised training system with training sessions at five different locations at the same time;
 - a target group of countrywide about 2500 judges and prosecutors, who are expected to participate regularly in training, with in average two training sessions per person and year as an ultimate goal;
 - an interactive didactic approach, which demands small learning groups of no more than 20 participants;

Given these conditions, a group of ca. 100 part-time trainers is needed to meet the staff requirements. It would be impossible to cover this training programme for example through members of the law faculties, who already see themselves overburdened, and they do rightly so. Such a large number of trainers can be found only by using the resource of legal practitioners, whilst the contribution of the law faculties is necessarily restricted to the elaboration of the training modules and the preparation (training) of the tutors, who act as "multipliers".

But apart from this more formal and quantitative aspect there are also good reasons of more principle nature. When we formulated for the Court-Integrated Training System "judges train

judges”, or better to say “practitioners train practitioners”, we expected from this rule the following positive effects:

- Through the involvement of practitioners as tutors it becomes clear that training sessions are a forum for communication **among judges and prosecutors**. This makes access to training events easier and underlines the interactive approach.
- Tutors do not only deliver training but also contribute to developing training materials and sample cases. Both activities ensure practical relevance of the content of the training.
- Thanks to the teaching job and the cooperation with the academics the tutors will over the years form a group judges and prosecutors within the judiciary with profound professional knowledge and deeper understanding of legal problems.

2.5 Delivery of training at the Regional Training Centres

Regional Training Centres form the operational basis of the system. In 2004 two Centres were established at the County Courts of Rijeka and Zagreb as pilot locations. The Courts provided with premises whilst the project added large IT equipment, furniture and books.

Regional Training Centres have the task to

- recruit tutors;
- assess the specific training needs of the region and design half-year training programme;
- organise regular training events.

Initially it was planned to complete the network of Regional Training Centres after the end of this Project. However, due to the very successful test of the system and in respond to the strongly articulated demands from the other regions of the country the Judicial Academy started already in July 2005 the process of setting-up two more Regional Training Centres in Osijek and Varaždin. As fifth location Split will follow in 2006.

Participants of the pilot training programme were invited by the Heads of Regional Training Centres in Rijeka and Zagreb respectively.

The total of 1047 participants was almost equally distributed to Rijeka (496) and Zagreb (551)⁹. Participants came from municipal, county and commercial courts, with significant predominance of women (79%) and the younger generation (53% of the participants were court advisors and apprentices). In criminal law subjects the proportion of prosecutors among participants was about 25%, which corresponds roughly to the ratio of the total number of prosecutors to the total number of judges in Croatia. The number of 43 tutors was involved in the delivery of training at 62 workshops with an average number of 17 participants per workshop.

According to the evaluation sheets filled by every participant at the end of a workshop the training programme met with almost hundred per cent appreciation regarding the content and didactic approach of the workshop as well as the tutors' performance.

⁹ for more detailed statistic data see below Annex 03

3 JUDICIAL ACADEMY AND THE REGIONAL TRAINING CENTRES - THE INSTITUTIONAL FRAMEWORK FOR TRAINING

The infrastructure for the judicial training system consists of the Judicial Academy located in Zagreb and the five Regional Training Centres in Rijeka (fully operational), Zagreb (partly operational), Osijek and Varaždin (in process of being set-up) and Split (being planned).

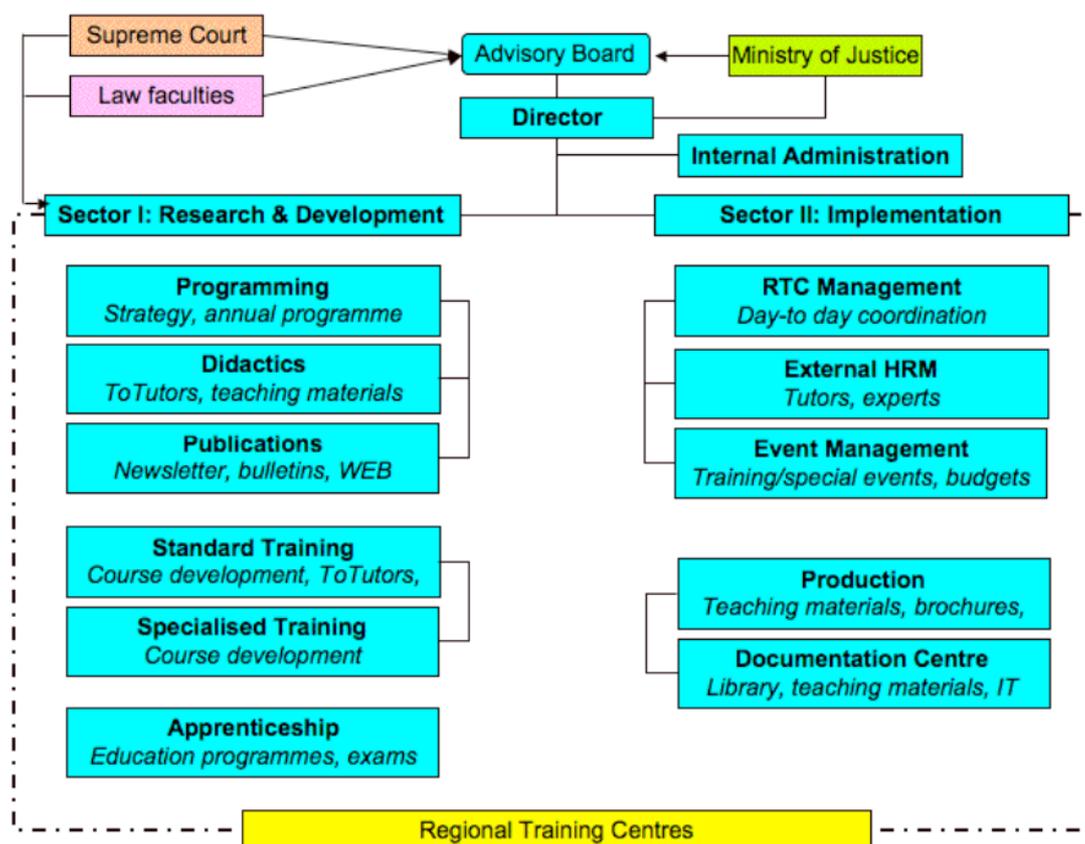
3.1 Judicial Academy

In February 2004, when the institution building part of the project started, a small group of two legally trained persons plus secretary formed the staff of the Judicial Academy.

Till October 2005 the team grew up to eleven members, with Štefica Štaznik as Director, judge Željko Pajalić as Deputy Director and Head of Research & Development Sector and Maja Fuchs as Head of Implementation Sector.

Rented premises provide with well-equipped facilities and, at least for the time being, sufficient office space,.

The new staff was recruited in line with Academy's new organisational set-up (see chart below) proposed by the Project Team.



The budget of the Ministry of Judges provides with 18 posts for the Judicial Academy. We consider this number sufficient for the next two years to come on the condition that the decentralised Court-Integrated Training System will cover the largest part of the Academy's training activities and an extra budget line will cover the staff for the Regional Training Centres.

Coaching and training of management and staff in human resources management, budget and finance, accounting, event planning, general management techniques, and other relevant fields helped to enhance the Judicial Academy's management capacity¹⁰.

The training was completed by introducing to IT based planning tools for accounting, budgeting, and event organisation, which the Project Team tailored to the Academy's specific needs.

The two project components in the field of public promotion resulted in creation of various elements of Academy's visual identity including logo;



design and installation of a new website (www.pak.hr); training in basic fields of communication and public promotion; training on media relations including practical simulation of different media situations: press conference, media interviews, participation in TV specials.

The project team revised the legal framework of the Judicial Academy and drafted amendments for a governmental and various ministerial regulations on the internal structure and organisation of the Ministry of Justice that were adopted in 2005.

The institution building part of the project was completed by a procurement component. The two pilot Regional Training Centres and the Judicial Academy benefited from an amount of ca. 270.000 € for computers, teaching and office equipment, furniture, and books.

Sustainability

At the end of any institution building programme the question of the institution's sustainability is the all-overriding issue. A critical assessment of the final result of this Project gives cause for cautious optimism. Our positive view is based on the following four major facts:

- The implementation of the pilot training programme aroused a great interest for training on the part of presidents of courts, judges, prosecutors, court advisors, and apprentices. They will force the political decision-makers as well as the Judicial Academy to ensure continuation. This argument might sound paradox, but is true: The best support to the Academy and the strongest incentive to good performance is the demanding pressure put on the Academy by its "clients".
- The general training strategy with its three core elements
 - decentralisation,
 - deployment of judges and prosecutors as tutors,
 - involvement of the law faculties,
 is strongly supported by many people in both judicial and academic world.
- The Judicial Academy could significantly improve its quantitative and qualitative capacity, last but not least proven by a number of activities carried out on its own during the last four months of the Project, which were the development and delivery of training modules on intellectual property law and family law, the start of establishing the Regional Training Centres in Osijek and Varaždin, and the organisation of media events in Rijeka and Varaždin¹¹.
- The British project "Capacity Building Support to Judicial Academy"¹² that started in July 2005 will contribute to strengthening the existing judicial training structure by improving knowledge and skills of the Judicial Academy's management and staff in the field of

¹⁰ for details see below list of project activities , section 5.

¹¹ See below section 5.

¹² See below section 5.2.1, Implementation Phase V

human resources management and management policy development, and at upgrading teaching skills of tutors.

However, two areas of risks have to be pointed out:

- The staff situation will not be satisfactory, before the rest of the 18 positions of the staff table will be filled, two of the seven vacancies with highest priority, namely the position of a criminal judge within the Sector I “Research & Development” and the position “Internal Administration”. The latter one would – at least to some extent - provide the Director with means urgently necessary to cope with her two full-time jobs, which are the Director of the Judicial Academy and on top of it the position of the “Head of the Directorate for Cooperation with the European Court of Human Rights”. We are convinced, the Director, although being a hard worker, full of energy, creativity and very dedicated to her job, will not be able to run two offices in parallel without necessary organisational infrastructure and adequate management tools that have to be provided by the Ministry.
- In August 2005 first activities of the CARDS 2003 Twinning Project “Education and Training of Prosecutors” were expected to begin. The twinning project was planned as a continuation of this CARDS 2001 Project in order to further develop the Judicial Academy and its newly created training infrastructure by establishing two more Regional Training Centres, developing further training modules with focus on criminal law subjects, and integrating the specific training needs of prosecutors in the work of the Judicial Academy. Till the end of this Project the new twinning project did not start yet.

3.2 Regional Training Centres

The Regional Training Centre in Rijeka was fully operational in June and is functioning smoothly.

Zagreb is running somehow on a case-by-case basis. However, the hall, which the management of the Court had promised to provide for training purposes at the beginning of the Project, is also used as a courtroom. Furthermore, the refurbishment of this hall, which the court management had announced, did not start before the end of the Project, and so the equipment and books procured for this Centre are still waiting for their use¹³.

As already reported above, Osijek, Split and Varaždin will follow in 2006.

The Project Team examined the legal requirements for the involvement of as Regional Training Centres. The analysis led to the conclusion that the relevant legislation, i.e. Judiciary Act (Law on Courts) and the Book of Rules for Courts of the Republic of Croatia, does not conflict with the establishment of a decentralised training mechanism. As a result the Judicial Academy, the County Court, to which a RTC is affiliated, and the Ministry of Justice would be authorised to implement and run the Court Integrated Training System without immediate legislative measures.

In a medium-term perspective it might be considered to create a legal basis for it by mentioning the system briefly in the Judiciary Act and through a more (but not too) detailed subsidiary (either ministerial or governmental) regulation.

However, as immediate solution, i.e. at least for the rest of 2005 and the year 2006, legislative activities would be not only unnecessary but also inappropriate for two major reasons:

1. A solution is needed as from November 2005, but legislative procedures are bureaucratic and time-consuming, in particular when different, partly conflicting interests might be involved and need to be reconciled.

¹³ For details see below section 5.1

2. The Court-Integrated Training System, although thoroughly tested through the CARDS 2001 project's pilot programme, has still to pass its final practice test by operating the complete system of five RTCs without external (e.g. EU funded) technical assistance and/or financial support. Therefore the system should pass through another probationary period of at least one complete budget year, before final and detailed conclusions would be drawn on legislative level.

Nevertheless, for a transition period of one or two years a written clarification is needed, how the three main players of the system, the Judicial Academy, the Regional Training Centres, and the Ministry of Justice should interact and how responsibilities, rights and duties are distributed among them. We proposed as a very pragmatic approach a **document of understanding**¹⁴ agreed and signed by the three parties, the Ministry of Justice, the Judicial Academy and the group of County Courts. Such a document would form on the one hand a valid and legitimate institutional basis for the cooperation of the three partners, but on the other hand also provide with the possibility to respond quickly and flexibly, if experiences during the following one or two years show that the system needs to be adjusted.

As to the staff requirements, a Regional Training Centre can be run by a judge acting on a part-time basis as Head of Regional Training Centre supported by a full-time Administrative Assistant. The additional workload for the management of a County Court running a RTC, in particular for the Head of Regional Training Centre, has to be compensated somehow. We proposed to the Ministry of Justice the allocation of an extra post of a full-time court advisor to those courts.

3.3 Advisory Board for the Judicial Academy

The aim of the Advisory Board is to provide the Judicial Academy with support from top representatives of the judicial system, law faculties, and other representatives of national and international organisations engaged in establishing the rule of law and developing the legal system in Croatia

According to the project team's proposal the task of the Board is to give senior level advice to the Judicial Academy on the design and implementation of judicial training. In this context, the Board would contribute to a high-quality performance of the Academy by bringing in external perspective on matters of training needs analysis, programming, identifying Croatian and international experts, and developing training modules.

On the other side, the Advisory Board should also lobby for the Judicial Academy within the judicial community and furthermore within the civil society in general and promote the importance of judicial training as a basic requirement for a state where the rule of law is maintained.

The Advisory Board's political neutrality and independence must be beyond any shadow of a doubt. This is absolutely imperative if the Judicial Academy wants to be accepted by the **whole judiciary** and the public at large. Any attempt of political influence would be counterproductive.

The Project Team proposed Draft Rules of Procedure¹⁵ containing a description of the Board's composition and its members' tasks and competences. It is in the nature of things that the President of the Supreme Court be the chairperson, in order to comply with the Supreme Court's legal responsibility for judicial training and at the same time underline the Judicial Academy's position as an institution that has to be at the service of Croatia's independent judiciary.

¹⁴ See Annex 04 to this Report,

¹⁵ see Annex 05 to this Report "

For more than one year the matter Advisory Board was on the Project's agenda¹⁶. It was repeatedly discussed at Steering Committee and PIU meetings and the Director of the Judicial Academy raised the question also at her meetings with the Minister. However, at the end of the Project the ministerial decision on the competences and composition of the Advisory Board was still pending and therefore the Advisory Board could not be convened.

¹⁶ for details see below section 7.3 of this Report

4 COMMENTS AND RECOMMENDATIONS

At the end of the 18-month technical assistance project the Project Team cannot present a perfect judicial training system run by a complete institution. By nature many issues we could only suggest, some areas are still unfinished.

In this section we are listing some recommendations important for the Judicial Academy's and the training system's development, focussing on those urgent matters that need to be addressed without further delay, that is to say within the next three months to come.

Regional Training Centres - institutional basis and staffing

The Court-Integrated Training System and with that the whole training strategy depends on the well functioning network of Regional Training Centres. Without the good will of the management of the County Courts of Rijeka and Zagreb and a lot of additional work done by the Heads of the Training Centres the successful implementation of the new system would not have been possible. On the part of the Centres and their responsible management everything was done as a voluntary contribution without being formally obliged to that.

But now the already established Regional Training Centres as well as the new ones are fairly waiting for clarification of their status and at least minimal provision of staff for their job – not only in return for their outstanding support of the Judicial Academy so far. We therefore recommend the Ministry of Justice

- to find a budgetary solution for the recruitment of administrative assistants for the Regional Training Centres and compensation for the Heads of Regional Training Centres' additional workload;
- to create by end of 2005 an institutional basis for the distribution of responsibilities and tasks among Judicial Academy and Regional Training Centres and Ministry of Justice through a document of understanding signed by the three parties involved.

Regional Training Centre Zagreb

It is more than unsatisfactory that because of the still uncertain situation of the Regional Training Centre Zagreb computers, books and other equipment to the value of more than 70.000 € cannot be used almost one year after the delivery. Clearly defined conditions for the use of the promised hall for training purposes and the start of the announced refurbishment are the requirements for a fully operational Centre. We therefore advise the management of the County Court Zagreb strongly

- to start immediately the refurbishment of the hall promised by the management of the County Court Zagreb to be used for training purposes of the Judicial Academy.

Advisory Board

The success of Judicial Academy totally depends on its reputation and acceptance on the part of the influential institutions and personalities of the judicial system and the "legal community" in its wider sense. Without their support the Judicial Academy will be lost.

In particular the contribution of the Supreme Court and the Law faculties is vital for the future of the newly established training system. The Advisory Board constitutes the forum, through which those institutions could be integrated in the reform project "judicial training". Our final meetings with various potential members of the Advisory Board confirmed their readiness and willingness to cooperate with the Academy. Any further delay of the establishment of the Board would be a fatal failure to the Judicial Academy's detriment. We therefore recommend the Ministry of Justice

-
- to establish latest by end of 2005 the Advisory Board as an politically neutral, independent institution chaired by the President of the Supreme Court.

Judicial Academy's staffing

Seven posts of the Judicial Academy's staff table are still vacant. Two of them should be filled as soon as possible, that are the position of a criminal judge for the Sector I "Research & Development" and the position Director's Assistant for the unit "Internal Administration". The latter position is a key element in a modern management concept to relieve the Director from procedural and administrative work and enable her to concentrate her efforts upon real management functions rather than wasting energies on desk officer's tasks. Even if such a position has not been usual in Croatian administration so far, Croatian law does in any case not exclude it. We therefore recommend the judicial Academy

- to start immediately the procedures for the recruitment of a criminal judge for the Sector I "Research & Development" and an administrative assistant for the unit "Internal Administration"

Judicial Academy's training programme for 2006

The management of the Judicial Academy together with the Project Team defined the principles for the Judicial Academy's future programming and designed a draft training programme for 2006¹⁷. But ill end of November 2005 no programme was published. We therefore recommend the Judicial Academy

- to finish and publish the Judicial Academy's training programme at least for the first quarter of 2006 by end of 2005.

¹⁷ see below section 6.3.1, Implementation Phase V, and Interim Report V, 2.2.1, p. 17 f.

5 CHRONOLOGY OF PROJECT PROGRESS IN COMPONENT I “INSTITUTION BUILDING AND CAPACITY BUILDING”

5.1 Legal framework, institutional, and organisational matters of Judicial Academy and Regional Training Centres

5.1.1 Major activities and outputs

Inception Phase (February – April 2004)

- The Project Team undertook a first analysis of the Judicial Academy’s outputs so far, its internal organisational structure, facilities, budgetary situation, and legal framework. It became obvious that at that time the Judicial Academy¹⁸ formed at most a nucleus of a future training institution that required a new organisational structure, which was completely different from what was initially foreseen on paper. Accordingly, modifications of its legal basis turned out to be unavoidable. But even more burning was the problem of understaffing. In February 2004 the staff of the Academy consisted of an Interim Director, a Legal Assistant, and a Secretary.
Sweeping changes are needed
- The Ministry of Justice, the Presidents of the County Courts of Rijeka and Zagreb, and the Judicial Academy accepted the Project Team’s proposal to establish two Regional Training Centres¹⁹ at the County Courts of Rijeka and Zagreb for the implementation of the pilot training programme.
Regional Training Centres
- As a contribution to the 300.000 € procurement component of the Project (separate supply tender procedure under EC Delegation’s responsibility) the Project Team analysed the basic needs for the Judicial Academy’s and the two Regional Training Centres’ training facilities and infrastructure. We drafted a procurement list and technical specification for IT and electronic equipment, furniture, teaching equipment and legal literature.
Equipment for 300.000 €

Implementation Phase I (April – September 2004)

- In September 2004 the Project Team demanded forcefully a serious attempt of the Ministry of Justice to intensify its efforts to contribute to the establishment of the Judicial Academy²⁰. The reason for our emphatic appeal was the fact that as to the quantity of staff the situation had not improved since February (still no more than two legally trained persons plus secretary). In the meantime the position of the Director had been filled for a period of six weeks but was vacant again; a newly employed Legal Advisor left after two weeks; the former Interim Director returned to the Ministry of Justice. In the Interim Report I²¹ we commented the situation saying “...under the given circumstances the Academy is on the verge of loosing its credibility”. Moreover, the Judicial Academy’s premises (four offices and a small meeting room) did by far not provide with adequate space for a training institution that boasts a staff table of 18 posts; not to mention the need of rooms for the Project Team. We recommended to increase instantly the number of staff by a minimum
*The Judicial Academy is facing a critical period:
- no staff!
- no adequate facilities!*

¹⁸ at that time still called “Centar za usavršavanje sudaca i drugih pravosudnih dužnosnika”, in English “Centre for Professional Training of Judges and Other Judicial Officials”, but renamed “Pravosudna Akademija” – “Judicial Academy” through Government Regulation of 12 March 2004; see Inception Report, 1.2.2 p. 12

¹⁹ initially called Regional Training Offices, later on request of the JA renamed “Centres”

²⁰ see Interim Report I, 1.1, p. 12 ff.

²¹ see section 1.1.3, p. 13

four additional employees plus Director and to rent additional office space, which was available in the same building.

- A Project's strategy paper on the new organisational structure suggested to distribute the Academy's duties to a management unit and two sectors, one for research and development of training modules, and the other one for implementation of training²². The paper includes an organisation chart; defines comprehensively tasks and responsibilities of the staff; provides with detailed job descriptions; and proposes a priority list recommending the order in which the process of recruitment till end of 2004 should go on.
Organisation chart and job descriptions
- A paper on Regional Training Centres describes their complementary organisational structure and defines tasks and functions of their staff, with focus on interfaces between Academy and Regional Training Centres. The paper includes also detailed job descriptions of the two positions proposed for the Centres.
RTC organisation
- The Project Team analysed all laws and subordinated legislation that could be relevant for the Judicial Academy²³. We came to the conclusion that the establishment and further development of the Judicial Academy, as well as a solution for the compensation of tutors' additional work do not require amendments of laws (acts of parliament), but subsidiary regulations such as the Governmental Regulation on the Inner Structure of the Ministry of Justice and the Ministerial Regulation on the Internal Organisation of the Ministry of Justice ("Systematisation") needed to be adjusted to the new development of the Academy. Draft amendments of both regulations were submitted to the Ministry of Justice.
Legal framework reviewed and amendments drafted

Implementation Phase II (September – December 2004)

- Since 01 October 2004 the Judicial Academy has got a Director. She holds the rank of an Assistant Minister and is also – beside her responsibility for the Academy – Head of the Directorate for Cooperation with the European Court of Human Rights. In addition, two junior staff were recruited.
New Director!
- After months of uncertainty the ministry finally decided to extend (ex-budget) the rent in the actual building for 2 more floors. Now the Academy enjoys space of ca. 330 m² in total comprising 10 offices with at maximum 17 work places and a meeting room. This set-up will be sufficient throughout 2005 but is expected to need another extension towards end of 2006.
More office space!
- The new Director was familiarised with the new organisational structure and its managerial principles. In conformity with them she set about recruitment activities. However, the procedure for the recruitment of two new staff could not be finished, since the Ministry's approval of the new systematisation was still pending.
New organisational structure operational!
- The Project Expert "Management" evaluated the working conditions and legal obligations, to which the Academy has to obey for its day-to-day operations. Apart from the typical hierarchical structure of the Croatian administrative system in general, which might be bypassed by a different in-house approach, he identified other shortcomings – especially in connection with the procurement and treasury procedures – that needed to be addressed in cooperation with the Ministry of Justice. We decided to develop and propose for the Academy a comprehensive tailor-made budget and finance management system.
New finance management system is needed
- Several meetings took place in the Ministry of the Justice to explain the draft regulations on internal organisational structure of the Judicial Academy elaborated by the Project

²² see Interim report I, 1.3.1.2, p.16 ff.

²³ see Interim Report I, 1.2, p.14 ff.

team. Although no objections were expressed on the part of the Ministry and rapid handling of the matter promised the final approval was still pending till the end of the Implementation Phase II.

- The procurement procedure for the Judicial Academy and the Regional Training Offices was continued. Thanks to enormous efforts made and support given by the responsible Sector Manager at the EC *Equipment contracted* Delegation numerous difficulties could be overcome and finally more than 265.000 € out of the provided 300.000 € could be contracted²⁴.

Implementation Phase III (December 2004 – March 2005)

- Team Leader and Project Expert “Management” have been in a permanent communication process with management and staff of the Academy on the practical application of tasks and responsibilities along the new organisational structure. Distribution of tasks and duties to both existing and new staff followed the definitions of the *Organisational structure is appropriate to JA’s needs* new organisational setup. The evaluation of the structure showed that it meets with the requirements of a modern non-hierarchical management system.
- The staff situation improved significantly. Two new employees had started their jobs, furthermore a judge of a County Court was expected to start his job as Head of *Consolidation of staff situation* Development Sector immediately after settling the final transfer formalities. The recruitment procedure including interviews for two more candidates (Head of Implementation Sector, RTC Management, Administration of External Human Resources, Event Planning) had started.
- The Project Expert “Management” reviewed in detail Judicial Academy’s budget and financial management system including general forecast of activities for budgetary planning and accounting. He drafted a *IT based finance management system* computer based operational and financial planning and control mechanism (spreadsheet applications with automation of functions and logic) tailored to the Academy’s specific needs as a training institution²⁵.
- The Government of the Republic of Croatia adopted on 23 December 2004 the amendments of the Regulation on the Inner Structure of the Ministry of Justice, Administration and Self Government (18 March 2003) - Uredba o unutarnjem ustrojstvu *Governmental and ministerial regulation in place* Ministarstva pravosuđa (Narodne novine 35/2004) – as they were proposed by the Project Team as the legal basis for the Academy’s new organisational structure. The Ministry of Justice approved the Regulation on Changes and Amendments of the Regulation on the Internal Organisation of the Ministry of Justice (March 2004 “Systematisation”) - Pravilnik o izmjenama i dopunama pravilnika o unutarnjem redu Ministarstva pravosuđa, uprave i lokalne samouprave – with only one minor modification.
- Legal requirements on financial procedures were reviewed and mitigation proposed.
- A legal basis for establishing and running Regional Training Centres as an integrated part of the judicial training system was drafted including detailed job descriptions in form of “systematisation” and submitted to the management of the Judicial Academy²⁶.
- The Project Team was involved in acquisition and preparation of three new projects *Academy’s first steps towards sustainability* offered by EU, British Foreign Office and US Embassy to the Judicial Academy. However, the Academy’s management and staff contributed considerably to planning and development of the new projects. The Project Team’s role was mainly to ensure that the new activities

²⁴ see Interim Report II, 1.7, p. 14 f.

²⁵ see Interim Report III, 1.1.4, p. 13 ff.

²⁶ see Interim Report III, 1.2, p.16

comply with the standards set in the course of this Project, namely the strategy for the Academy's institutional development and the newly implemented training system²⁷.

- The procurement procedure for the Judicial Academy and the Regional Training Centres was almost finished. Items were so far provided. Some details needed to be arranged with suppliers as some equipment was not compliant with the expected performance as well as certificates for EU origin were pending. The installation of almost all items was accomplished in Rijeka, whilst items for the Centre in Zagreb could not be put in place, since the management of the court was planning extensive refurbishment and asked for postponing the installation. A part of the deliverables (furniture) for the Academy had to be stored away until the institution will be moved to its final premises.

*New equipment
only partly installed*

Implementation Phase IV (March – June 2005)

- The Head of Development Sector (judge from County Court Zagreb) was seconded to the Academy. Furthermore, the recruitment procedure for two more key positions (Head of Implementation Sector and Head of a Department within the Implementation Sector) was successfully finished; the selected candidates were expected to start their jobs beginning of July. The Director of the Judicial Academy is now in the position to fully apply the systematic as foreseen in the Organisational Structure²⁸.
- The IT based tool "General Forecast & Budgeting" tailored by the Project Expert Management to Judicial Academy's specific needs was finished. It is flexibly to be used for a single events detailed financial analysis and expense forecast with to the point fine-tuned parameter settings - to general / overall planning of an annual budget based on average parameter values. A plan versus actual comparison is possible, which also allows entering the de-facto costs incurred for an event and provides comparison with the forecast resulting form this budgeting tool²⁹.
- The Regional Training Centre in Rijeka was completely equipped and so became fully operational. The Interim Report comments the situation as follows: "The RTC Rijeka ... is effectively run by the Head of RTC and the President of the hosting County Court. Cooperation with RTC Rijeka and project Team/JA could hardly be better."³⁰
- The Regional Training Centre in Zagreb provides with the possibility of delivering training, but the technical facilities could not made operational, since the refurbishment of the premises, which the court management had promised, did not start. Therefore all the procured equipment (IT, furniture, and books) had to remain stored somewhere at a safe place waiting for its use.
- Earlier than expected the Judicial Academy started establishing Regional Training Centres in Varaždin and Osijek. Initially, the set-up of two more centres was planned and scheduled for end of 2005. However, in May 2005 first meetings of JA Management with Presidents of various courts and management of prosecutors' offices in Varaždin and Osijek had shown in either region a great interest in starting the Court-Integrated Training Programme without further delay. In Osijek the law faculty not only offered contribution to the development of training modules for the Judicial Academy, but also promised to let the Training Centre, at least for a transitional period of time, use faculty premises for the Academy's training activities. In

*New staff for
the Academy*

*Finance management
tool finished*

Rijeka runs!

*Zagreb is still in a
temporary state*

*Varaždin and Osijek set up
Regional Training Centres
earlier than planned*

²⁷ see Interim report III, 1.1.6, p. 15 f.

²⁸ see Interim Report IV, 1.1.1, p. 16 ff.

²⁹ see Interim Report IV, 1.1.2, p. 17

³⁰ see section 1.1.3, p. 17

June 2005 the RTC Varaždin had its “unofficial opening” in the presence of the Minister of Justice with a two-day pilot training module on EU Law.

- The draft regulations on Regional Training Centres, elaborated and proposed by the Project Team, were intensively discussed with the Academy’s management and the President of the County Court Rijeka and his Deputy, who is at the same time Head of the Regional Training Centre. The counterparts from Rijeka fully agreed with the draft, in particular confirmed that it is in line with existing Croatian legislation³¹, whilst the management of the Judicial Academy asked for review of the proposed distribution of competences between the Regional Training Centres and the Academy.

Distribution of competences under discussion

Implementation Phase V (June - October 2005)

- The recruitment of the Head of Development Sector, Head of Implementation Sector, and Head of Department RTC and Event Planning proved to be an important step towards sustainability of the Academy. They became the backbone of the organisation. Thanks to their professionalism and admirable commitment the first crisis of the Academy could be overcome, when in August/September 2005 three members of staff left the Judicial Academy, among them the one, who had worked for the longest period of time with it. At the beginning of October two new junior staff were recruited on the basis of a short-term contract. Shortly before the end of the Project a state prosecutor joined the Judicial Academy responsible for the development of standard and specialised training modules. The Project Team emphasised that two more positions need to be filled without further delay, in order to make the Judicial Academy fully operational and independent of support from outside. It concerns the position of a judge within the Development Sector and a candidate with economic/business background for the position of Head of Assistant Unit³².
- The Judicial Academy submitted its budget for 2006 to the Ministry of Justice. The IT based tool prepared by the Project Expert “Management” for purpose of costing / budgeting of Judicial Academy’s activities incl. preparation and delivery of Court-Integrated Training System, Seminars and Conferences was applied for assessing the resources required to finance the programme of 2006.
- The delivery of the last two workshops at the premises of the County Court Zagreb showed that the Regional Training Centre there is somehow operational on a case-by-case basis. However, the hall, which the management of the Court had promised to provide for training purposes at the beginning of the project, is also used as a courtroom. Furthermore, the announced refurbishment of this hall had not started before the end of the Project, and so the equipment and books are still waiting for its use. The issue was raised and intensively discussed at two Steering Committee meetings, but the Head of Regional Training Centre Zagreb could not present a satisfactory solution, particularly as the position of the president of the County court has been vacant for a longer period of time. The problem was still unsolved, when the Project ended.

Ups and downs of the staff situation

Two more posts to be filled very soon!

Budget for 2006

Regional Training Centre in Zagreb not fully working!

³¹ see Interim Report IV, 1.2.1, p. 19

³² see Interim Report V, 1.1.1, p. 12

- As a result of a thorough discussion process with the management of the Judicial Academy the Project Team modified its proposal on the distribution of responsibilities between the Judicial Academy and the Regional Training Centres³³ and recommended as the appropriate legal basis for the interplay of the institutions involved the form of a memorandum of understanding (“*sporazum*”) agreed and signed by the three parties, the Ministry of Justice, the Judicial Academy, and the respective County Court would form on the one hand a valid and legitimate institutional basis for the cooperation of the three partners, but on the other hand also provide with the possibility to react quickly and flexibly, if experiences during the next one or two years show that the system (and/or its legal basis) needs to be adjusted.
Flexible legal basis needed for Regional Training Centres!
- Team Leader and Project Expert “Management” have been in a permanent communication process with the Judicial Academy’s management on the practical application of the new organisational structure. Reasons for modifying the existing structure could not be recognised.
- In numerous discussions with the Academy’s management and staff the computer based operational and financial planning and control mechanism developed by the Project Expert “Management” was revised and perfected.

5.1.2 Deviation from the overall work plan of the Inception Report

It was not possible to establish a fully operational Regional Training Centre in Zagreb. The management of the County Court was not in the position to keep its promise to place premises to Judicial Academy’s / Regional Training Centre’s exclusive disposal. The hall offered to the Judicial Academy is also being used as a courtroom. Due to its double function, the largest part of IT equipment, furniture, and books, procured for the purposes of a Regional Training Centre, could not be put into the hall but had to be stored at a safe place, where it is waiting for its use.

5.2 Judicial Academy’s capacity building

5.2.1 Major activities and outputs

Throughout the whole Project management and staff of the Judicial Academy and Project Team saw themselves as colleagues within one organisation, jointly and equally responsible for the development of the Judicial Academy as Croatia’s judicial training institution. Our day-to-day teamwork was based on trust, openness, transparency and helpfulness and we learned from each other by exchanging our different views and experiences. This was in our judgement Implementation Phase IV and V the most effective contribution to the Project’s capacity building component.

Implementation Phase I (April – September 2004)

- The Project Expert “Management” investigated into the Academy’s internal structure and prepared a human resources training module tailored to the actual needs of the Judicial Academy’s situation. He trained the two members of the Academy, who were joined by a few members of the Ministry of Justice and Ministry of European Integration, in this field and elaborated a Manual on Human Resources Management that deals with the basics of this subject and provides with practical recommendations and instructions for day-to-day operation.
Training on Human Resources Management

³³ see Interim Report V, 1.2.1, p. 13 f.

- Two staff available for training in comparison to a planned target of 18 was too low percentage to achieve sustainable results. Therefore, following the EU Project Monitors' proposal to "postpone activities under Component 1 related to training of the Judicial Academy staff until the new Director of the Judicial Academy will be appointed and at least 4 additional employees engaged", we decided to carry out the components on General Management Techniques earliest in December 2004 and Financial Management in 2005.

Capacity building activities had to be postponed for lack of staff

Instead of this, the short-term management expert's mission focussed on solving the Academy's organisational and staffing problems and involved intensively the Deputy Director in the work of the Project Team on these matters.

Implementation Phase II (September – December 2004)

- Capacity building activities focussed on introducing the newly appointed Director to the organisational structure and its application and coaching her in various fields of general management. The Project Team together with the Judicial Academy's management decided to carry out training activities for the staff no earlier than in 2005, when a larger number of staff would benefit from this training. Otherwise the expenditure of the expert's input could not have been justified.

Still: no staff – no training!

Implementation Phase III (December 2004 – March 2005)

- Since January 2005 three members of the Judicial Academy's staff were delegated to the Project Team one after the other, each for a period of 2-3 months, in order to get familiar not only with the implementation of the training system but also with our managerial approach in general. This involvement in the Project's every day work turned out to be a successful way to absorb consultancy services provided by the Project Team.

Direct involvement of JA staff in Project work
- The Project Expert "Management" started the first introduction of Judicial Academy's staff to a systematic approach of forecasting activities and events, monthly/yearly budgetary planning, and budget control. He presented his draft of an IT based budget and financial management system, in order to make the responsible persons known with this tool and at the same time evaluate and perfect it and adjust it to Judicial Academy's practical requirements.

Introduction to financial management
- In a permanent discussion process with the staff of the Judicial Academy and Regional Training Centres in charge the principles of organising training have been reviewed and more efficient tools developed. In connection with the preparation of the donors conference (see below 4.3.1, Implementation Phase IV) the methodology of planning annual training programmes was discussed.

Coaching: how to plan and organise training

Implementation Phase IV (March – June 2005)

- The Project Expert Management held a series of half-day workshops for management and Staff of the Judicial Academy on event planning, budget and finance, accounting system, and project cycle management.
- The IT based Accounting and Budgeted Control system was presented in detail to and reasoned with Judicial Academy's relevant staff. They understood the requirements and gained awareness on the needs for a tidy approach in detailing costs, centralising filing and entering data on a regular basis. Also Judicial Academy's IT expert has received introduction to the logic and programming, who will be important for providing technical support on questions arising during the initial application phase.

Coaching: accounting and budget control

Implementation Phase V (June - October 2005)

- The Project Expert Management had numerous meetings with The Judicial Academy's management and staff on various aspects of modern management techniques with focus on human resources and financial management and budgeting. He finished a comprehensive "Manual on Human Resources, Financial, and General Management" that provides with recommendations and instructions for practical use by Judicial Academy's staff. The complete volume includes dozens of templates for event planning, logistics, and a large variety of other business activities.
Voluminous Operations Manual
- In July the bilateral British project "Capacity Building Support to Judicial Academy" started. The project, which was proposed and designed by the Project Team, mainly aims at strengthening the existing judicial training structure by improving knowledge and skills of the Judicial Academy's management and staff in the field of human resources management and management policy development, and at upgrading teaching skills of tutors. It benefits from financing of £ 100.155 from the GOF programme of the UK and is being managed under the responsibility of the British Embassy in Zagreb. The British project is meant to be a completion of this Project and contributes to the development of a sustainable Judicial Academy through technical assistance, training/coaching activities, and study tours to the UK.
New capacity building project

5.2.2 Deviation from the overall work plan of the Inception Report

Training of Judicial Academy's staff was initially scheduled for the beginning of the project but we had to be postpone it to 2005, when a sufficient number of staff was in place.

5.3 Logistics for preparation and delivery of training

5.3.1 Major activities and outputs

Implementation Phase II – V (September 2004 – October 2005)

- A comprehensive computer based system of training logistics for the preparation and delivery of training workshops in Regional Training Offices was drafted. The system covers all preparatory and coordinating work of the Judicial Academy as well as the activities of the Regional Training Offices and the interplay of the two institutions. Standardised work plans for course development and office plans and schedules with precisely defined deadlines are in use. The system and its standardised procedures for the conduct of a training session has been permanently evaluated and modified.
IT based logistics

5.3.2 Deviation from the overall work plan of the Inception Report

No deviation

5.4 Public Promotion

5.4.1 Major activities and outputs

Implementation Phase I (April – September 2004)³⁴

- The international Project Expert “Public Promotion” carried out a communication needs assessment. She introduced Judicial Academy’s management and staff to basic fields of communication and public promotion and drafted together with them a public promotion strategy and a yearly plan of activities for the Academy. She also elaborated a manual on public promotion covering visual identity topics and management of basic public promotion activities. The manual is tailored to the specific communication needs of the Academy, with a practical approach of every public promotion activity described.
Needs assessment – training - strategy - manual
- The activities regarding the Academy’s visual identity were conducted in parallel with the communication assessment. The Croatian project Expert “Public Promotion” created a logo, which was approved by the Ministry of Justice. Logo design was discussed on several meetings with Project team and Academy’s management. Using the new logo she also designed templates for stationery (brochures, teaching material, letter heads and other documents).
Judicial Academy’s visual identity
- Based on the new visual identity the website of the Judicial Academy was redesigned. The Judicial Academy applied for the Ministry’s approval of an independent website with a link to the Ministry’s website rather than having Academy’s publication integrated in the Ministry’s website and system. In case of Ministry’s positive decision Academy and the Project could create and run a joint website (see also below 5.1.1, Implementation Phase I).
Website

Implementation Phase II (September – December 2004)

- After Ministry’s approval of an independent website the Academy continued the work on its content and design with support from the Project Team. The new logo was used only for the Project’s training material but not for the complete documents of the Academy, because the Academy’s management wanted to clarify legal concerns regarding copyright.
Website approved - logo partly used

Implementation Phase IV (March – June 2005)

- Judicial Academy’s website is fully operational. Copyright reservations regarding the new logo could be cleared up. It is now in use for all documents of the Academy.
- The Judicial Academy successfully prepared and organised a media event, for the first time without any support from the Project Team, on the occasion of the delivery of the first workshop at the future Regional Training Centre of Varaždin. The event took place in the presence of the Minister of Justice and enjoyed a good coverage by local TV, radio, and newspapers.
Media event

5.4.2 Deviation from the overall work plan of the Inception Report

No deviation

³⁴ see Interim Report I, 1.5.1, p. 20 f.

6 CHRONOLOGY OF PROJECT PROGRESS IN COMPONENT II “DEVELOPMENT OF TRAINING SYSTEM AND PROGRAMMES AND DELIVERY OF PILOT TRAINING”

6.1 General Education and Training Strategy

6.1.1 Major activities and outputs

Inception Phase (February – April 2004)

- At the end of the Inception Phase the Project Team proposed some “Basic elements of a new education and training strategy”. These elements were the result of an intense communication and discussion process with the Minister of Justice, the management and staff of the Judicial Academy, presidents and judges of the pilot courts in Rijeka and Zagreb, and representatives of other judicial institutions and organisations, which we met during the Inception Phase. In a rough outline we described the training strategy as a decentralised mechanism, which we called “Court-Integrated Training System”, with the Judicial Academy as its focal point and a network of Regional Training Centres, where judges and prosecutors from the regions (“tutors”) deliver the training.³⁵

The Court-Integrated Training System was born.
- Two pilot locations were identified for the establishment of Regional Training Centres: the County Court Rijeka covering both the Rijeka district as well as the district of the County Court Pula, and the County Court Zagreb covering the City and the surrounding area of Croatia’s capital.
- Right from the beginning the Project Team pointed to the fact that the involvement of legal practitioners (judges and prosecutors) as part-time tutors requires a way to compensate their additional workload. We considered a fair solution of this problem to be a “conditio sine qua non” for a successful implementation of the Court-Integrated Training System³⁶. The matter was discussed with the Minister of Justice.

Compensation for tutors’ work needed!

Implementation Phase I (April – September 2004)

- The Project Team elaborated a comprehensive training strategy for judges and prosecutors. It was presented to and discussed with the Minister of Justice, the Deans and other members of the Law Faculties of Zagreb and Rijeka, numerous judges and prosecutors, and representatives of the Croatian Bar Association. The strategy paper³⁷ emphasises the responsibility of the Supreme Court and the law faculties for the judicial training. It distinguishes between standard training, which aims at improving judiciary’s general level of knowledge and skills, and specialised training for smaller specialised target groups. Standard training is to be implemented through the decentralised Court-Integrated Training System, whilst specialised training should be delivered directly by the Judicial Academy. As infrastructure for the standard training we proposed a network of five Regional Training Centres: the pilot locations Zagreb and Rijeka, and in addition Osijek, Split and Varaždin, the latter ones to be established in 2005/2006.

*Two-pillar strategy:
- standard training
- specialised training*

5 Regional Training Centres

³⁵ see Inception Report, 2.2.2.1, p. 22 ff.

³⁶ see Inception Report, 2.2.2.2, p. 25

³⁷ see Interim Report I, 2.1.1.1, p.22 f.

- A strategy paper on the education of court apprentices (sudski vježbenici)³⁸ was elaborated, recommending a system of apprenticeship that consists of two components, which run in tandem to each other. Component I comprises a fixed two-year programme of practical education, whilst component II accompanies the practical stages by regular seminars on practice-related topics with a focus on procedural law. The paper was discussed with the Minister of Justice and the Sector Manager of the European Delegation.

Dual system of apprenticeship

Implementation Phase II (September – December 2004)

- The training strategy had to prove its practicability during the first 12 workshops of the pilot training programme. The practice test showed in principle the system's organisational and logistic feasibility but also the weak points that had to be improved.
- Even more important was the positive result of the first evaluation of the methodological key element of the Court-Integrated Training System, namely the distribution of responsibilities between and the cooperation of the legal experts, the tutors, and the teaching expert. The Project's legal experts (members of the Law Faculties of Rijeka and Zagreb supported by experts from an EU member state) were mainly responsible for content and structure of the training modules, whilst the tutors not only delivered the respective training module at their Regional Training Centre but also contributed to the content of the training modules during their preparatory meetings with the legal experts. Finally, the involvement of the Project's teaching expert (educationalist of the University of Rijeka) in the process of developing training materials and preparing the workshops ensured modern didactic approaches.
- The participants expressed in substantial questionnaires their satisfaction regarding both the practical and logistic issues of the system as well as the content of the workshops and the performance of the tutors.
- The still unsolved problem of compensation for tutors' additional work was repeatedly raised during the Implementation Phase II. It turned out to become more and more difficult to find judges, who were willing to volunteer as tutors without any kind of reward for their demanding job. We presented two possible solutions, both of them being in accordance with the existing Croatian legislation: either extra payment or release of regular workload. Due to the fact that a positive decision of the Ministry of Justice could not be achieved during the Implementation Phase II, we stated in the Interim Report II ³⁹that "the whole Court-Integrated Training System would be at stake, if this matter could not be solved without further delay".

Smooth cooperation of academics and legal practitioners

Serious problem: still no compensation for tutors' additional work!

Implementation Phase III (December 2004 – March 2005)

- After implementation of half of the pilot training programme (29 workshops on 8 different subjects for in total 501 participants) the Project Team together with the management of the Judicial Academy did a thorough evaluation of the comprehensive training strategy, in particular the Court-Integrated Training System⁴⁰. The result showed that well functioning teamwork of various institutions and organisations with different conceptions of themselves is possible, and that reservations and prejudices on each side could be overcome by practical action. All players in the field, Judicial Academy, Regional Training Centres, academics, and tutors, had accepted their role. Participants appreciated the easy access to training events, due to the proximity of the Regional Training Centres to the places where they work and live, and the small number of no more than 20 participants per workshop, which allows active participation.

The Court-Integrated Training System passed its crucial test.

³⁸ see Interim Report I, 2.1.1.2, p.23 f.

³⁹ see section 2, p. 17

⁴⁰ see Interim Report III, 2. P. 20 f.

- As to the compensation of tutors' work, joint efforts of the Judicial Academy and the Project Team were finally crowned with success. The Minister agreed with our proposal⁴¹ on an extra payment that is – with respect to its level - adequate to tutors' additional burden of work and orientated to their regular income.
Extra payment for tutors approved!

Implementation Phase IV (March – June 2005)

- The general training strategy was continuously evaluated, organisational and logistic issues were permanently improved. The feedback from various parties, not only from those directly involved (participants, tutors, Heads of Regional Training Centres, Presidents of Courts, management and staff of the JA, Croatian and EU experts), but also from people from outside, e.g. participants at the Donors' Meeting, showed that the general strategy, with the Court-Integrated Training System as its keystone, is considered to be appropriate at least for the next five years to come. The system proved its aptitude not only by implementing the Project's pilot programme. It verified its feasibility also when being used for training activities carried out by the Judicial Academy on its own, without direct involvement of the Project Team⁴². These independent training activities of the Academy presented the first practical confirmation of the training system's self-sustainability.
The training system is appropriate and sustainable.

Implementation Phase V (June - October 2005)

- Another remarkable step towards sustainability of the training system was the Judicial Academy's start to establish three more Regional Training Centres in Osijek, Split and Varaždin. First contacts of the Judicial Academy's management with the Presidents of the respective County Courts had showed that there was a strong interest on the part of the court presidents and judges of the respective regions to start immediately with preparatory work, in order to set up the Training Centre without further delay. In August 2005 judges from the Osijek and Varaždin region were identified, who are willing to act as tutors. The Academy delivered already training at the new locations by using tutors from Zagreb.
Osijek, Split and Varaždin complete the network of RTCs

6.1.2 Deviation from the overall work plan of the Inception Report

No deviation

6.2 Recruitment of tutors and training in “Modern methodology of teaching and presentation”

6.2.1 Major activities and outputs

Implementation Phase I (April – September 2004)

- The management of the County Courts in Rijeka and Zagreb succeeded in arousing unexpectedly high interest among judges for the job of a tutor within the pilot training programme. In Zagreb 30 judges (most of them from the County Court, but also judges from the Supreme, High Commercial, Commercial, and Municipal Court) and 25 judges in Rijeka (representing County, Commercial and Municipal Courts in Rijeka and Pula) participated in May/June in a five-day seminar on “Modern methodology of
55 judges trained in modern methodology of teaching

⁴¹ see Interim Report III, 2., p. 21

⁴² see Interim Report IV, 2.1.1, p. 26 f.

teaching and presentation”⁴³. The Croatian teaching expert together with a British colleague held the two seminars. At the end of the seminars almost all of the participants declared themselves willing to take on the task of a tutor for the pilot training programme.

- A manual on modern methodology of teaching in Croatian language (“Uvodni seminar u suvremenim tehnikama poučavanja”) was produced by the teaching experts and handed out to the tutors at a follow-up meeting in July. At this meeting the future tasks of tutors and their involvement in the implementation of the pilot training programme was intensely discussed.

Implementation Phase II - V (September 2004 – October 2005)

- Every tutor, when selected for a specific workshop, was not only introduced to the legal subject matter of the respective training module. Her or his preparation included also an individual guidance to the pedagogical aspects of her/his task. For this purpose tutors met with the Croatian teaching expert of the Project a few days before they had to hold their workshop. At these meetings the expert explained the tutor’s role as a moderator and facilitator of an interactive communication process and gave practical advice how to activate as many participants as possible. She observed the tutors during the workshops and gave a feedback to them on their pedagogic performance.

Individual preparation and coaching of tutors

Implementation Phase V (June - October 2005)

- At the end of the pilot training programme a follow-up meeting of the tutors took place in Zagreb and Rijeka. Tutors exchanged their experiences made during the workshops. They received advice from the Croatian teaching expert how to deal with specific difficult pedagogic situations and discussed, in which fields of teaching methodology further training is needed. The tutors unanimously appreciated the pedagogic training and asked for continuation.
- In September 2005 the Croatian teaching expert trained in a two-day seminar newly recruited tutors in Osijek (16 participants) and Varaždin (12 participants) in basics of modern teaching methodology and practice.

Tutors ask for more pedagogic training

New tutors

6.2.2 Deviation from the overall work plan of the Inception Report

No deviation

6.3 Training needs assessment and programming

6.3.1 Activities and outputs

Implementation Phase I (April – September 2004)

- In May/June 2004 the Project Team carried out a Training Needs Analysis, in order to make sure that the Project’s pilot training programme meets the practical needs and demands of judges and prosecutors⁴⁴. About 290 questionnaires were sent to judges and prosecutors in the pilot regions of Zagreb and Rijeka, and - as a special target group – to those judges, who were recruited and trained to act as tutors within the Court-Integrated Training System. In total 212 questionnaires (73%) were sent back (138 from judges, 44 from prosecutors, 30 from tutors). As a completion of the written information the Project’s Key Expert “Judicial Training” had also numerous interviews with judges and prosecutors.

Tailor-made pilot programme 17 different subjects

⁴³ see Interim Report I, 2.2, p. 26

⁴⁴ see Interim Report I, 2.3, p. 27 ff.

- A Training Needs Evaluation Committee (TNEC) was established representing the two Regional Training Centres, the General State Prosecutor's office, the Judicial Academy and the Project team. The TNEC evaluated the questionnaires and selected a list of 17 training modules, all of them focussing on very practical legal subjects, the first five of them were fixed and their implementation scheduled for the period of October to December 2004. The Committee agreed to reconsider the rest of the list on the basis of the experiences made during the implementation of the first three training modules.

Implementation Phase II (September – December 2004)

- The TNEC analysed at its 2nd meeting the results of the first workshops. Based on the Training Needs Analysis carried out in May/June 2004 and the comments and suggestions received from participants of the workshops, the TNEC revised the list of 17 topics⁴⁵ and defined the next 5 legal subjects to be delivered till May 2005. It decided to identify the five final training modules no earlier than at the next meeting, which was scheduled for March 2005, in order to be able to respond flexibly to newly arising training needs.

Flexible approach of programming

Implementation Phase III (December 2004 – March 2005)

- In response to suggestions of Croatian legal experts and tutors the TNEC modified at its 3rd meeting the list of topics agreed upon at its last meeting and selected the topics for training modules 11 - 15⁴⁶. The final decision on the last two topics was left to be settled on at the following meeting in June 2005.

Implementation Phase IV (March – June 2005)

- For organisational reasons one of the topics initially scheduled for May 2005 had to be postponed. Furthermore, the TNEC decided on the last two topics.
- In April 2005 a meeting of international organisations that provide or support training for judges and prosecutors in Croatia took place at the premises of the Judicial Academy. 16 participants representing 13 international and Croatian organisations and institutions had accepted JA's invitation⁴⁷. Major purpose of the meeting was to exchange experiences about the delivery of judicial training in the past and inform each other on intended or possible activities in the future, in order to coordinate efforts and avoid duplicating or overlapping of programmes. The Judicial Academy introduced to its programme for 2005 and received useful information for its further Training Needs Assessment and programming.

Donors' meeting contributed also to JA's programming

Implementation Phase V (June - October 2005)

- In several meetings the management of the Judicial Academy together with the Team Leader and the Key Expert "Judicial Training" discussed the experiences made during the implementation of the pilot training programme, defined the principles for the Judicial Academy's future programming, and finally designed a draft training programme for 2006⁴⁸. Taking into account JA's administrative/logistic capacity and its budgetary restrictions we estimated that in the best case a maximum number of 2400 judges and prosecutors could be trained at the five Regional Training Centres, and proposed a programme consisting of 14 different subjects, 10 out of them to be selected and repeated from the programme for 2005, whilst 4 modules should be newly developed for 2006. In addition to the standard training programme the Judicial Academy will have a

Draft programme for 2006: 2400 participants?

⁴⁵ see Interim Report II, 2.2.1, p. 18

⁴⁶ see Interim Report III, 2.2.1, p. 21 f.

⁴⁷ see Interim Report IV, 2.2.1, p. 28

⁴⁸ see Interim Report V, 2.2.1, p. 17 f.

limited capacity for specialised training events, to be organised centrally and directly by the JA for smaller target groups on a case-by-case basis.

6.3.2 Deviation from the overall work plan of the Inception Report

No deviation

6.4 Implementation of the pilot training programme

6.4.1 Activities and outputs

The pilot training programme consisted of 17 different training modules. Development and implementation of each training module included the following major activities carried out over a period of 3-4 months:

<i>Activity</i>	<i>Persons involved</i>
Identification and recruitment of the EU legal expert and the Croatian expert(s);	Team Leader (TL), Key Expert “Judicial Training” (KET), Management of the JA
Preparation of the experts by introducing them to the <ul style="list-style-type: none"> • Court-Integrated Training System in general; • overall objective of the pilot programme; • specific objective of the respective training module; • general didactic approach of the pilot programme and its consequence for content and structure of a training package 	TL, KET
Selection of 4 tutors for the delivery of the training module	TL, KET, Heads of Regional Training Offices, JA Management
Elaboration of the training materials	EU and Croatian expert(s)
Preparation of tutors: introduction to the legal subject matter and pedagogic aspects	EU and Croatian legal expert(s), teaching expert
Logistics: invitation of participants; design, layout, printing of the training materials; organisation of the workshops	Project Manager, Office Assistant, Heads of Regional Training Offices, JA staff
Delivery of the training module	Tutors,
Evaluation of the training module	TL, KET, Croatian legal expert(s), teaching expert

Implementation Phase II – V (September 2004 – October 2005)

In the time between October 2004 and October 2005 **62 workshops on 17 different legal subjects** took place at the Regional Centres of Rijeka and Zagreb with in total **1047 participants**.

6.4.2 Deviation from the overall work plan of the Inception Report

The number of participants of the pilot programme exceeded the expected number of 800 by 30%.

7 CHRONOLOGY OF PROJECT PROGRESS IN VARIOUS AREAS

7.1 Visibility activities for the Project

7.1.1 Activities and outputs

Implementation Phase I (April – September 2004)

- The Launch Conference took place in May 2004 in the presence of the Minister of Justice, Ms Vesna Škare-Ožbolt, and Mr Jacques Wunenburger, Head of Delegation of the European Commission. More than 150 participants representing Croatian Judiciary, Ministries, Law Faculties, NGOs, as well as international organisations and Embassies accepted our invitation. The event enjoyed very good media coverage by several TV stations, radio programmes and print media. The Conference ended with a reception.
Minister and Head of EC Delegation open the Project
- The Croatian Project Expert “Public Promotion” started to design both a website and leaflet for the Project. We decided to postpone the finalization of the Project’s website and wait for the final decision from the Ministry of Justice whether or not the Academy and the Project may install a joint website with a system and design that is independent and different from the Ministry’s website (see also above 3.4.1, Implementation Phase I).
Joint website?

Implementation Phase II (September – December 2004)

- The leaflet (English and Croatian version) on the Project was printed and for the first time distributed in October 2004 on the occasion of the first workshop of the pilot training programme.
- In October 2004 the Minister of Justice, Mrs Vesna Škare-Ožbolt, and the Head of the EC Delegation, Jaques Wunenberger, opened the pilot training programme at the County Court Zagreb and gave on this occasion a press conference. The event was covered by several TV/radio stations and newspapers.
Media cover opening of the pilot programme
- The Ministry of Justice agreed with a joint Project/Academy website. The Project Team continued its activities in this field clarifying budgetary and technical (soft-ware) matters and completing design and content.

Implementation Phase IV (March – June 2005)

- Since 02 April 2005 the joint Project/Academy website is online (<http://www.pak.hr>). Among others the Project section informs about the general training strategy, the Court-Integrated Training System, and the schedule of the pilot programme. All Project Reports are published and the complete training material of the pilot programme is available for downloading.
Training material on the website!
- In June 2005 the President of the County Court Rijeka Mr. Veljko Miškulin, Ms. Štefica Stažnik, Head of the Judicial Academy of Croatia, and Ms. Marie-Hélène Enderlin, Sector Manager of the Delegation of the European Commission to the Republic of Croatia, presented the fully operational Regional Training Centre in Rijeka to the regional media. The Judicial Academy supported by the Project Team had prepared a media folder to provide journalists with profound background information on the new judicial training system. 3 TV stations and 5 newspapers covered the event.
Media event at the RTC Rijeka

Implementation Phase V (June – October 2005)

- A 16-page brochure informing on the achievements of the Project was produced *Brochure* (published also on www.pak.hr with link to CARDS projekt). It was distributed for the first time during the annual conference of judges from Istria (29-30 September 2005 on Brijuni), where the Team Leader gave a presentation on the Court-Integrated Training System.
- On 12 October 2005 the Closing Conference took place in the Historic City Hall of Zagreb in the presence of dr. sc. Ivo Sanader, Prime Minister of the Republic of Croatia Branko Hrvatin, President of the Supreme Court of the Republic of Croatia Vesna Škare-Ožbolt, Minister of Justice, Vincent Degert, Head of the Delegation of the European Commission to the Republic of Croatia, and prof. dr. Siniša Tatalović, Envoy of the President of the Republic of Croatia. The Conference had ca. 200 Participants and was covered by several TV/radio stations and newspapers. *Prime Minister speaks at Closing Conference*

7.1.2 Deviation from the overall work plan of the Inception Report

No deviation

7.2 Study Tours

7.2.1 Activities and outputs

Implementation Phase IV (March – June 2005)

- A delegation of six members, representing the Judicial Academy, the Regional Training Centres, and the State Prosecutor's Office⁴⁹, visited the Centro de Estudos Judiciais (*Centre for Judicial Studies*) in Lisbon in May 2005. The programme was designed by the Team Leader in close cooperation with the Centro and included visits of *Study Tour to Lisbon* Higher Council of the Bench (*Conselho Superior da Magistratura*), First Instance Criminal Court (*Tribunal da Boa-Hora*), Supreme Court (*Supremo Tribunal de Justiça*), Prosecutor's Office (*Procuradoria Geral da República*) and several meetings with members of the Centro. The visits allowed an insight into Portugal's judicial system and the education and training of judges and prosecutors.

Implementation Phase V (June – October 2005)

- In September 2005 the second study tour took place. Hosting institution was the Ministry of Justice of the Land of Berlin (*Senatsverwaltung für Justiz*). The group of 15 participants was formed by representatives of the Judicial Academy, the RTC in Rijeka, the General State Prosecutor's Office, and a selected number of tutors of the pilot training programme. The Key Expert Judicial Training had prepared the programme that focussed, following the main goals of the project, on an insight in Germany's system of further education and regular training of judges and prosecutors⁵⁰. *Study Tour to Berlin*

7.2.2 Deviation from the overall work plan of the Inception Report

No deviation

⁴⁹ see Interim Report IV 4.1, p. 33

⁵⁰ see Interim Report V, p. 23

7.3 Advisory Board

7.3.1 Activities and outputs

Implementation Phase III (December 2004 – March 2005)

- The Project Team drafted a strategy paper on composition, tasks and functions of the Advisory Board and drafted rules of procedures for it. The documents were submitted to the Director of the Judicial Academy and the EC Delegation for further discussion. In March 2005 the Director of the Judicial Academy had an informal preparatory meeting with some of the proposed future members of the Board. She made her proposal on the Board's composition conditional upon further discussions on this matter with the Minister and other stakeholders to be involved.

Strategy paper and rules of procedure submitted

Implementation Phase IV (March – June 2005)

- The Project Team emphasised the urgency of the matter “Advisory Board” at various meetings with the Judicial Academy's management as well as at PIU meetings. The Director of the Judicial Academy discussed this issue with the Minister of Justice, who reserved the competence for the final decision on the Advisory Board's composition for herself. During the period of the Implementation Phase IV no decision was taken.

No decision on composition

Implementation Phase V (June – October 2005)

- As a result of further discussions with the Director of the Judicial Academy the Project Team modified the rules of procedure for the Advisory Board and submitted the revised version to the JA's management. The matter Advisory Board was repeatedly discussed at PIU meetings and the Director raised the question also at her meetings with the Minister. However, at the end of the Project the ministerial decision on the composition of the Advisory Board was still pending.

Advisory Board not in place!

7.3.2 Deviation from the overall work plan of the Inception Report

The establishment of an Advisory Board as a permanent institution and the Board's constitutive session could not be achieved, since the final ministerial decision on competences and composition of the Board is still to be taken.

7.4 Project Management

Steering Committee

In the time between April 2004 and October 2005 the Steering Committee representing the
 Supreme Court,
 Ministry of Justice,
 Ministry of European Integration,
 General State Prosecutor's Office,
 County Court in Rijeka,
 County Court in Zagreb,
 County Court in Varaždin (only last meeting),
 County Court in Osijek (only last meeting),
 County Court in Split (only last meeting),
 Judicial Academy,

EC Delegation,
and the Project Team
had six meetings. It discussed and decided on the general strategy of the Project and approved the Inception Report and the five Interim Reports (see agendas and minutes published on www.pak.hr with link to CARDS project).

Project Implementation Unit (PIU)

The PIU represented the
Ministry of Justice,
Ministry of European Integration,
EC Delegation,
Judicial Academy,
and the Project Team.

PIU meetings took place on a monthly basis (14 meetings) and had a twofold task. Firstly it was the forum where the Project Team together with the management of the Judicial Academy informed the other members about all achievements and planned steps of the Project in order to ensure absolute transparency. Furthermore, the PIU discussed the Project's strategic issues as well as guidelines for their implementation (see agendas and minutes published on www.pak.hr with link to CARDS project).

Project Task Force

At the beginning of the Project the Task Force was established on request of the Project Team and brought together once a week the Management of the Judicial Academy (during the first 6 months of the Project the complete staff of the Academy) and all members of the Project Team, as far as present in Croatia. The Project Task Force discussed at its 47 meetings all details relevant for the Project. It was the round-table for creative brainstorming, concrete planning, detailed scheduling and self-critical evaluation (see agendas and minutes published on www.pak.hr with link to CARDS project).

In addition to the formalised meetings of the Project Task Force Project Team and management and staff of the Judicial Academy were in permanent daily contact and saw themselves as one team commonly responsible for managing the implementation of the Project.

Elements of an Education System for Court Apprentices

***Annex 01
to the***

Final Report

**CARDS Project “Reform of the Judiciary - Support to the Judicial Academy of Croatia”
(EuropeAid/115163/C/SV/HR)**



Draft elements of a court-integrated education system for court apprentices (sudski vježbenici)

Proposed by Wolfgang Rusch, Team Leader

1 General objectives of a new system of court apprenticeship

The general objectives of a modernised system of court apprenticeship (sudsko vježbeništvo) are

- to familiarise apprentices with practical techniques and skills needed for performing their duties as judges or prosecutors satisfactorily,
- to widen and deepen apprentices' legal knowledge, in particular in the fields of procedural law, law of enforcement and other areas related to court practice,
- to ensure throughout the country an equal standard of professionalism of all, who passed the judiciary exam (“pravosudni ispit”).

2 Fundamental principles of a new system of court apprenticeship

In order to achieve these objectives it is recommended to build the new system of court apprenticeship on the following three fundamental principles:

- The new concept of apprenticeship is based on Croatia's own legal culture and tradition.
- The new system is standardised nationwide.
- The new system is regionally operated and centrally coordinated.

1. The introduction of the new concept should be based on Croatia's own legal culture and tradition.

The Law on Courts of Justice sets the legal framework for the current situation. In accordance with art. 49 and 50 the formal requirements for the access to the position of a judge are

- university degree in law,
- judiciary exam (“pravosudni ispit”⁵¹), and
- practical work experience in legal professions.

Systematic interpretation of art. 78 of the Law on Courts of Justice allows the conclusion that for candidates for the office of a judge the judiciary exam should be preferably preceded by a period of preparation as a judicial apprentice (“pravosudni vježbenik”). But para. 1 of art. 50 also provides for the possibility to take the bench without any specific theoretic and practical preparation for judgeship, since candidates with practical work experience in other legal positions (attorneys, prosecutors, etc.) may also fulfil the requirements for appointment as judge.

In accordance with para. 3 of art. 78 of the Law on Courts of Justice length and conditions of the judicial apprenticeship as well as the requirements of the judiciary exam “shall be regulated by law” and para.1 of art. 50 of the Law on the Courts of Justice says implicitly that a duration of at least two years is required.

Thus, concerning the apprenticeship, the law regulates the following two fundamental elements:

- A second exam is required for law graduates to become a judge;
- This exam is normally preceded by a two-year apprenticeship organised within the court system.

It is recommended that the new system of apprenticeship be based on these fundamental elements.

2. The new system is standardised nationwide.

Neither organisation nor content of the programme for the current system apprenticeship, nor the requirements of the judiciary exam are addressed by statutory regulations. This is the major reason, why there are so many different approaches at Croatian courts to organise an appropriate apprenticeship. At some courts Presidents endeavour to find colleagues who are willing to take on the task of introducing apprentices in judicial practice, but there are also places, where apprentices have to fend completely for themselves. A countrywide uniform system does not exist.

However, the disadvantages caused by the lack of uniformity are obvious. Without a countrywide standardised system of apprenticeship it is impossible to ensure an equal quality standard, every judge is up to. And an equal quality standard requires one uniform programme and curriculum, effective supervision and control, and evaluation of performance.

3. The system is regionally operated and centrally coordinated.

It is in the nature of the case that a system of introduction of apprentices in their future practical work as a judge or prosecutor can be operated only by a regional infrastructure. The place, where apprentices work, is the court or the prosecutor’s

⁵¹ In some English documents this term is also translated as “bar examination”; we prefer “judiciary exam” since this exam is not only a requirement for access to the bar but also to the bench and to the position of a prosecutor.

office in the region and logically the education of future judicial staff has to be considered to be a responsible task of every court and prosecutor's office.

However, a central institution is needed to coordinate the activities of regional authorities. This institutional framework has to ensure that throughout the country content and methodology of apprentices' education is in compliance with the same professional quality standard.

Furthermore only a centrally operating coordinating mechanism guarantees that the demands for the final judiciary exam reflect, what has been included before in the programme of apprenticeship.

3 General structure of a dual system of apprenticeship

On the basis of the three fundamental principles described above, we recommend a system of apprenticeship that consists of two components running in tandem to each other. Component I comprises a fixed programme of practical stages, component II accompanies the practical stages by regular seminars on practice-related topics with a focus on procedural law. The new approach should be coordinated by the Judicial Academy whilst Regional Training Offices, which are currently in the process of being established as the institutional infrastructure for the Court-Integrated Training System for judges and prosecutors, should get the responsibility also for the organisation of apprenticeship.

1. Structure and content of practical stages

The practical education is organised as "training on the job". Each apprentice is assigned to an experienced judge or prosecutor whose role is that of a professional mentor.

The two-year apprenticeship is made up of different periods at different locations in order to familiarise the apprentice with the whole judicial system. The sequence of the 'stages' is laid down in the first place according to didactic principles, but also takes into account organisational aspects. The scope of the apprentice's practical work is prescribed in a standardised programme, which is obligatory all over the country (e.g. writing an expert opinion on cases, drafting verdicts and judgments, possibly conducting single hearings or parts of a hearing).

Who should act as a mentor of an apprentice? Usually it is the role of each professional to transfer his/her working skills and experience to young professionals and practitioners. But in order to ensure a high quality of the education, only judges/prosecutors with a several years' working experience should be entrusted as a mentor. To ease their burden preparatory training for perspective mentors may be an advantage. It is the responsibility of the mentor to introduce the apprentice to "practical secrets", which means to show and explain the flow of work within the respective institution (e.g. court), to explain and exercise the practical application of the law by giving the apprentice tasks (e.g. writing an expert opinion, drafting judgements) which can be subject to evaluation and therefore give an impression of the professional abilities of the apprentice.

At the end of each stage the apprentice's performance is to be evaluated, the evaluation certificate to be sent to the Judicial Academy that is in charge of

coordinating the apprenticeship and the final exam (see below for the institutional set up).

2. Structure and content of weekly seminars

A programme of obligatory seminars will accompany apprentices' practical work and complete their knowledge in areas relevant for judicial practice. The topics of the seminar programme correspond synchronously to the requirements of the practical stage running in parallel. Countrywide obligatory curricula are proposed by the Judicial Academy and approved by the Supreme Court and Ministry of Justice. Seminars should be delivered once a week and organised by the Regional Training Offices. Tutors in charge are recruited from judicial staff (judges, prosecutors). In the course of the seminars apprentices' will be regularly evaluated through a number of tests. It is to be considered, whether and how the results of the tests should have an impact on the result of the final judiciary exam (see below).

3. Details of the programme for the apprenticeship

In the following we suggest two different options how to design a two-year programme. We prefer option I that includes a practical stage with a law firm as well as an elective stage with an administrative organisation or an organisation of the private sector. This option ensures that judges and prosecutors had the opportunity to gain during their education insight not only in the core areas of judiciary but also in all relevant fields of legal profession in its widest sense. Judges' and prosecutors' familiarity with conditions and problems of work of a law firm makes communication and cooperation between the two pillars of the judicial system easier and would definitely contribute to expediting proceedings. And it is also an advantage if judges and prosecutors have at least some basic experience how public administration or a private enterprise function.

Option I offers also the opportunity to think about a comprehensive solution, i.e. including also the education of lawyers in one single system of apprenticeship, as the judicial systems of Austria and Germany do. This might be in the long term the best solution, but requires a longer and very complex communication process between all the different parties and interest groups involved. Therefore such "optimal" solution should not be strived for, if it delayed the process. Of highest priority is the urgent need of a prompt reform of education of judges and prosecutors.

Dual System of Apprenticeship (option I)		
Month from Entry	Component I: Practical Stages	Component II: Seminar Programme
1 - 3	Municipal court - civil cases -	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Technique of writing judgements in a civil case ➤ Introduction to IT system of the court ➤ Civil Procedure Law ➤ Viva voce examination of witnesses
4 – 6	Municipal court - criminal cases -	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Technique of writing judgements in a criminal case ➤ Criminal Procedure Law ➤ Consideration of the evidence including evaluation of expert opinions
7 - 9	Commercial court	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Law of Enforcement of Civil Judgement ➤ Company Law ➤ Bankruptcy Law ➤ Law on shipping and maritime navigation
10 – 12	Public prosecutor’s office	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Methodology of case preparation and presentation ➤ General investigative issues for prosecutors ➤ Economic cross border crimes (money laundering), cyber crimes
13 – 18	Law firm	<p style="text-align: center;">One week Introductory “Crash”Course (run by Bar Ass./Lawyer)</p> <ul style="list-style-type: none"> ➤ Business administration ➤ Rhetoric
19- 21	<p style="text-align: center;">Elective Stage</p> <ul style="list-style-type: none"> • Administrative court • Administrative body • Administrative or legal institution abroad • Chamber of Commerce • Private company 	Preparatory seminars on special examination matters
22 – 23	Supreme Court, High Commercial Court, County court (civil cases)	Leading cases of the European Court of Justice and the European Court of First Instance
24	Judiciary exam	

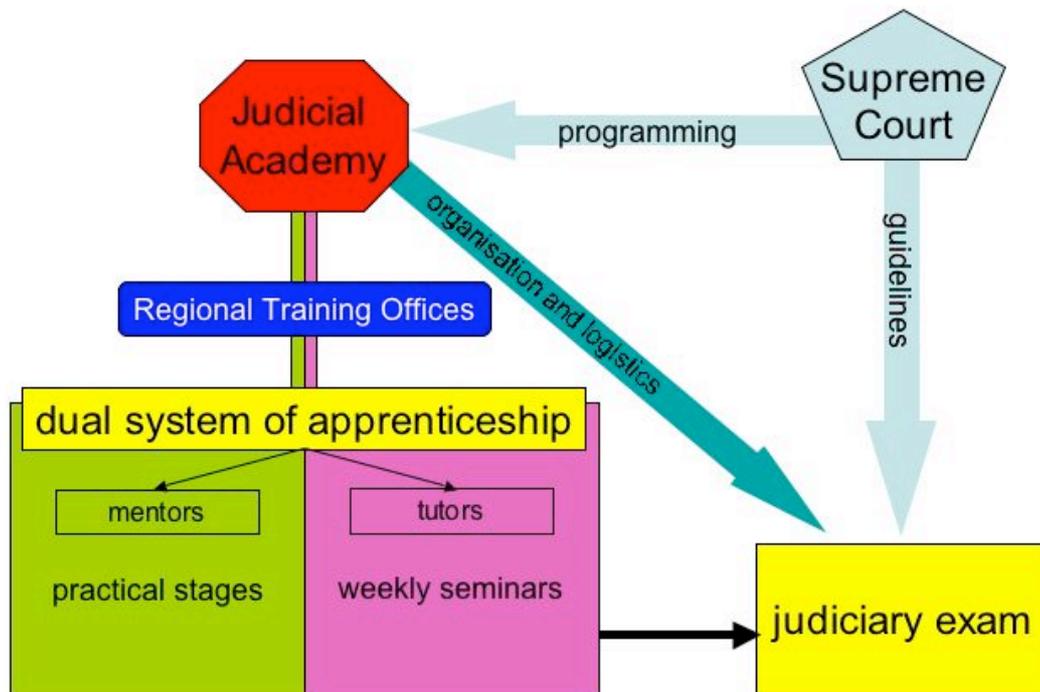
Option II, as shown in the table below, is the second best solution. It is suggested in case a quick implementation of the reform is considered to be possible only, if exclusively state authorities are involved in the process. This is a political question that requires some careful thought. A stepwise strategy would also be possible, starting with the second option but bearing in mind that the system could/should be later perfected by adding the two stages of the private sector.

Dual System of Apprenticeship (option II)		
Month from Entry	Component I: Practical Stages	Component II: Seminar Programme
1 – 4	Municipal/County Court - civil cases -	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Technique of writing judgements in a civil case ➤ Introduction to IT system of the court ➤ Civil Procedure Law ➤ Viva voce examination of witnesses
5 – 8	Municipal/County Court - criminal cases -	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Technique of writing judgements in a criminal case ➤ Criminal Procedure Law ➤ Consideration of the evidence including evaluation of expert opinions
9 – 12	Commercial court	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Law of Enforcement of Civil Judgement ➤ Company Law ➤ Bankruptcy Law ➤ Law on shipping and maritime navigation
13 – 16	Public prosecutor’s office	<p style="text-align: center;">One week introductory “crash” course</p> <ul style="list-style-type: none"> ➤ Methodology of case preparation and presentation ➤ General investigative issues for prosecutors ➤ Economic cross border crimes (money laundering), cyber crimes
17 - 20	Elective Stage Repetition of one of above mentioned stages to specialise with view on preferred future field of activity	Preparatory seminars on special examination matters
21 - 23	Supreme Court High Commercial Court	Leading cases of the European Court of Justice and the European Court of First Instance
24	Judiciary exam	

4. Institutional Grounding

The system of apprenticeship follows the same organisational principle as the Court-Integrated Training System, which was developed in the framework of this CARDS Project for the standard training of judges and prosecutors and currently being tested through a pilot training programme.

Accordingly, Regional Training Offices established at County Courts will function as the implementation units of the system, whilst the Judicial Academy is the coordinating mechanism that works, as far as the content of programme of education and judiciary exam is concerned, under the supervision of the Supreme Court. The labour division between these institutions could be shown and described as follows:



- Regional Training Offices
 - organise practical stages, i.e.
 - identify in cooperation with president of courts and heads of prosecutors' offices mentors for the different stages
 - distribute apprentices to the different stages
 - supervise apprentices' performance
 - report apprentices' performance to the Judicial Academy
 - organise the seminar programme, i.e.
 - identify tutors for the seminars
 - arrange the seminar sessions
 - report the results of the apprentices' examinations to the Judicial Academy
- Judicial Academy
 - proposes programmes of seminars and practical stages
 - prepares tutors
 - ensures equal quality standard of education of apprentices through the development of curricula for the seminar programme including course material and manuals for both, tutors and apprentices

- organises the judiciary exam⁵².
- The Supreme Court approves by mutual consent with the Ministry of Justice the proposals of the Judicial Academy for
 - the programme of seminars and practical stages
 - the content of the judiciary exam
 - the appointment of the examiners
 - the rules for content and procedure of the judiciary exam.
 - organises the judiciary exam.

5. Single Aspects

A **bonus system** for university law graduates should be established in order to select the best candidates when there are more applicants for the apprenticeship than positions available. For those on the waiting list, temporary jobs dealing with legal matters may help to save and intensify legal knowledge until they can begin their apprenticeship.

Offering **additional professional qualifications** which can be gained in addition to the regular programme by attending special seminars may help apprentices to specialise. Where participants obtain certificates on these special matters, their keen interest in these certain legal fields will be noted. The certificates confirm special professional qualification, e.g. for the work as a judge in a commercial court with knowledge of the competencies of a company's executive body, or as a criminal court judge with offences against intellectual property, or bankruptcy cases, where it is imperative to be able to understand the central aspects of trade and solvency. Ultimately, this will lead to a more efficiently operating judiciary. Such special seminars could deal with the following topics:

- War crimes
- Accounting
- Forensic psychology
- Methodology of interrogation
- Rhetoric
- IT Law/ internet trade
- Intellectual property law
- Consumer protection
- Draft agreement (company law, labour law)
- Corruption, corruption prevention
- Law on competition, in particular with foreign trade aspects
- Confiscation of property (organised crime)

⁵² The content of the final judiciary exam must be a reflection of what has been taught during the official apprenticeship programme. Therefore the JA is the most appropriate institution to handle the organisation of the final exam in its entirety.

6. Impact of apprentices' performance on their final judiciary exam

It needs to be discussed, whether or not, and to what extent the performance of the apprentices put up during the whole period of 24 months should have an impact on the result of the final judiciary exam.

We recommend that a third of the final result of the judiciary exam should be calculated on the basis of the results of the continuous evaluation during the apprenticeship for the following two major reasons:

- Apprentices take the practical stages and the seminars more seriously, if the tests and regular performance records are already part of the final exam.
- Ongoing evaluation over a period of 24 months gives a detailed impression of the quality and the quantity of the candidate's professional output. It shows his/her ability to solve practical problems and cope with pressure.

7. Legal framework

The legislator has stipulated that judicial apprenticeship and judiciary exam be regulated by law. We recommend one comprehensive law that includes at least the following topics (to start with ministerial regulations or directives on the basis of the existing laws could be used instead):

Overall responsibility for the judicial apprenticeship and the judiciary exam lies with the Judicial Academy

Selection and appointment of candidates;

Competence to decide on the number of apprentices to be appointed in a certain period and region

Power over selection and appointment

Appointment procedure

Selection criteria;

General training objectives of the apprenticeship;

Structure and duration of the judicial apprenticeship;

Delegation of responsibility for deciding on programme and curriculum of the apprenticeship and supervising the system in general (e.g. Supreme Court);

Responsibility for organising and supervising implementation of the apprenticeship at the level of the courts;

Recruitment of and reward for mentors and trainers;

General requirements of the judiciary exam;

Responsibility to administer the judiciary exam (e.g. Supreme Court);

Determination of content and specific requirements of the exam;

Recruitment and appointment of examiners;

Practical organisation of written and oral exams

27/07/2004

Table on the Pilot Training Programme

***Annex 02
to the***

Final Report

Pilot Training programme								
<i>delivered at the Regional Training Centres in Rijeka and Zagreb (October 2004 – October 2005)</i>								
<i>subject</i>	<i>target group judges/prosecutors</i>	<i>Croatian experts</i>	<i>tutors</i>	<i>hours per workshop</i>	<i>number of workshops</i>	<i>participants</i>	<i>delivery</i>	
1	<i>Service of Documents in Civil Procedure</i>	<i>j</i>	Prof. Dr. Eduard Kunštek, Law Faculty of Rijeka	Nataša Citković, Municipal Court Rijeka, Vlado Skorup, County Court Rijeka, Gordana Filipović, Renata Šantek, Ines Smoljan, County Court Zagreb	3	4	56	11.-14. 10. 04
2	<i>European Convention of Human Rights</i>	<i>j, p</i>	Prof. Dr. Miomir Matulović, Law Faculty of Rijeka	Iztok Krbec, County Court Pula, Milena Vukelić Margan, County Court Rijeka, Domagoj Maričić, Ministry of Justice	6	4	69	03.02- 11.03. 05
3	<i>Cost Orders in Civil Procedure</i>	<i>j</i>	Prof. Dr. Jasnica Garašić, Law Faculty of Zagreb	Larisa Crnković, Tajana Polić, Municipal Court Rijeka, Jasna Klarić, Mirjana Magud, Željko Pajalić, County Court Zagreb	6	4	74	30.11.- 03.12. 04
4	<i>Protection of Witnesses in Criminal Procedure</i>	<i>j, p</i>	Prof. Dr. Ksenija Turković, Law Faculty of Zagreb	Sandra Juranović, Municipal Court Rijeka, Srebrenka Šantić, County Court Rijeka	3	4	62	09.-14. 12. 04
5	<i>Evidence in Criminal Proceedings</i>	<i>j</i>	Prof. Dr. Zlata Đurđević, Law Faculty of Zagreb	Dina Brusić, County Court Rijeka, Saša Cvijetić, Municipal Court Rijeka,	6	2	27	21.-22. 01. 05
6	<i>Technique of Writing Civil Law Judgments</i>	<i>j</i>	Prof. Dr. Eduard Kunštek, Prof. Dr. Petar Simonetti, Law Faculty of Rijeka	Dragan Katić, Filka Pejković, County Court Rijeka, Gordana Filipović, Željko Pajalić, County Court Zagreb	6	4	81	01.-04. 02. 05
7	<i>Enforcement on Immovable Property</i>	<i>j</i>	Prof. Dr. Mihajlo Dika, Prof. Dr. Jasnica Garašić, Law Faculty of Zagreb, Prof. Eduard Kunštek, Law Faculty of Rijeka	Nela Radičević, Municipal Court Rijeka, Vlado Skorup, County Court Rijeka, Slavica Garac, Municipal Court Zagreb, Đuro Sessa, County Court Zagreb	3	4	55	01.-04. 03. 05
8	<i>Termination of Employment Contracts</i>	<i>j</i>	mr. sc. Viktor Gotovac, Law Faculty of Zagreb	Dubravka Butković, Ivan Vučemil, County Court Rijeka, Iris Gović, Slavko Pavković, Municipal Court Zagreb, Darko Milković, County Court Zagreb	6	4	74	15.-18. 03. 05
9	<i>Introduction to EU Law</i>	<i>j</i>	Prof. Dr. Tamara Čapeta, Prof. Dr. Siniša Rodin, Law Faculty of Zagreb	Buljan, Katarina, Supreme Court, Lana Peto Kujundžić, County Court Zagreb, Larisa Crnković, Municipal Court Rijeka, Marina Veljak, Commercial Court Rijeka	12	2	30	07-15 Apr 05

	<i>subject</i>	<i>target group judges/pro-secutors</i>	<i>Croatian experts</i>	<i>tutors</i>	<i>hours per workshop</i>	<i>number of workshops</i>	<i>participants</i>	<i>delivery</i>
10	<i>Preparation and Conduct of Main Hearings in Civil Procedure</i>	<i>j</i>	Mladen Sučević, lawyer	Dražen Jakovina, Slavko Pavković, Municipal Court Zagreb, Kristina Saganić, Marina Veljak, Commercial Court Rijeka	6	4	68	26.-29. 04. 05
11	<i>Detention – Grounds and Procedure</i>	<i>j, p</i>	Prof. Dr. Zlata Đurđević, Law Faculty of Zagreb	Sandra Juranović, Municipal Court Rijeka, Iztok Krbec, County Court Pula, Željko Horvatović, Rajka Tomerlin Almer, County Court Zagreb	3	4	50	31.03.- 03.06. 05
12	<i>Criminal abuse of economic power</i>	<i>j, p</i>	Prof. Dr. Petar Novoselec, Prof., Dr. Ksenija Turković, Law Faculty of Zagreb	Damir Krpan, County Court Pula, Srebrenka Šantić, County Court Rijeka, Koraljka Bumči, Municipal Court Zagreb, Sanja Katušić Jergović, County Court Velika Gorica	6	3	47	19.05- 17.06. 05
13	<i>Transfer and Legal Passing of Ownership</i>	<i>j</i>	Prof. Dr. Igor Gliha, Ass. Prof. Marko Baretić, Ass. Prof. Hano Ernst, Ass. Prof. Saša Nikšić, Law Faculty of Zagreb	Dragan Katić, Ivan Vučemil, County Court Rijeka, Dražen Jakovina, Željko Živković, Municipal Court Zagreb,	6	4	60	07.-10.06. 05
14	<i>Interrogation Techniques and Psychological Aspects of Main Hearing</i>	<i>j, p</i>	Prof. Dr. Marina Ajduković, Prof. Dr. Zlata Đurđević, Law Faculty of Zagreb	Saša Cvijetić, Sandra Juranović, Municipal Court Rijeka, Miljenko Kurobasa, Commercial Court Rijeka, Branka Hriberski, Lana Peto Kujundžić, County Court Zagreb	6	4	80	21.-24.06. 05
15	<i>Ovrha – Osiguranje tražbine</i>	<i>j</i>	Prof. Dr. Eduard Kunštek, Law Faculty of Rijeka	Nela Radičević, Municipal Court Rijeka, Vlado Skorup, County Court Rijeka Slavica Garac Municipal Court Zagreb, Đuro Sessa, County Court Zagreb	3	4	79	04.-07.07. 05
16	<i>Preparation and conduct of main hearings in criminal procedure</i>	<i>j</i>	Prof. Dr. Berislav Pavišić, Law Faculty of Rijeka	Saša Cvijetić, Municipal Court Rijeka, Iztok Krbec, Županijski sud u Puli, Koraljka Bumči, Općinski sud u Zagrebu, Renata Miličević, Županijski sud u Zagrebu	6	2	36	04.-07.10. 05
17	<i>Extradition and International Assistance in Criminal Law Matters</i>	<i>j, p</i>	Prof. Dr. Davor Krapac, Law Faculty of Zagreb	Sandra Juranović, Municipal Court Rijeka, Srebrenka Šantić, County Court Rijeka Krešimir Devčić, Mirjana Rigljan, County Court Zagreb	6	4	57	04.-07.10. 05
Total no. of workshops:								62
Total no. of participants:								1047

Statistics on the Pilot Training Programme

***Annex 03
to the***

Final Report



Statistical overview of the participation in the Pilot Training programme

October 2004 – October 2005

17 subjects / 62 workshops

Total number of participants: 1047

1. REGIONAL TRAINING CENTRE RIJEKA

Total number of participants at RTC Rijeka: 496⁵³

1.1. Courts within the jurisdiction of the County Court Pula

Total number of participants from jurisdiction Pula: 111

County Court PULA:

Judges	13
Court advisers	5
Apprentices (judges)	2
Total	20

1.1.1. Municipal Courts

Municipal Court BUJE

Judges	4
Court advisers	5
Apprentices (judges)	7
Total	16

Municipal Court BUZET

Judges	3
Court advisers	3
Apprentices (judges)	4
Total	10

⁵³ 19 out of the total of 496 cannot be related to a specific court/prosecutors' office since participants did not give this information.

Municipal Court LABIN

Judges	1
Court advisers	2
Apprentices (judges)	
Total	3

Municipal Court PAZIN

Judges	4
Court advisers	11
Apprentices (judges)	1
Total	16

Municipal Court POREČ

Judges	16
Court advisers	6
Apprentices (judges)	4
Total	26

Municipal Court PULA

Judges	13
Court advisers	2
Apprentices (judges)	1
Total	16

Municipal Court ROVINJ

Judges	3
Court advisers	
Apprentices (judges)	
Total	3

1.1.2. Commercial Courts**Commercial Court BUZET**

Judges	1
Court advisers	
Apprentices (judges)	
Total	1

1.2. Courts within the jurisdiction of the County Court Rijeka

Total number of participants from jurisdiction Rijeka: **341**⁵⁴

County Court RIJEKA:

Judges	10
Court advisers	10
Apprentices (judges)	7
Total	27

⁵⁴ 20 out of the total of 341 cannot be related to a specific court/prosecutors' office since participants did not give this information.

1.2.1. Municipal Courts**Municipal Court CRIKVENICA**

Judges	11
Court advisers	15
Apprentices (judges)	3
Total	29

Municipal Court ČABAR

Judges	7
Court advisers	
Apprentices (judges)	
Total	7

Municipal Court DELNICE

Judges	3
Court advisers	1
Apprentices (judges)	
Total	4

Municipal Court KRK

Judges	4
Court advisers	
Apprentices (judges)	
Total	4

Municipal Court MALI LOŠINJ

Judges	
Court advisers	5
Apprentices (judges)	1
Total	6

Municipal Court OPATIJA

Judges	15
Court advisers	7
Apprentices (judges)	
Total	22

Municipal Court RAB

Judges	10
Court advisers	4
Apprentices (judges)	
Total	14

Municipal Court RIJEKA

Judges	83
Court advisers	50
Apprentices (judges)	22
Total	155

Municipal Court VRBOVSKO

Judges	7
Court advisers	
Apprentices (judges)	
Total	7

1.2.2. Commercial Courts**Commercial Court RIJEKA**

Judges	17
Court advisers	28
Apprentices (judges)	1
Total	46

1.3. Public Prosecutors

Total number of prosecutors at the RTC Rijeka: **44**

County Prosecutors' office RIJEKA

Public prosecutors	
Deputy public prosecutors	3
Apprentices(public prosecutors)	
Total	3

Municipal Prosecutors' office DELNICE

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office RIJEKA

Public prosecutors	
Deputy public prosecutors	26
Apprentices(public prosecutors)	12
Total	38

Municipal Prosecutors' office SPLIT

Public prosecutors	
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	2

2. REGIONAL CENTRE ZAGREB

Total number of participants at RTC Zagreb: **551**

2.1. Courts within the jurisdiction of the County Court Velika Gorica

Total number of participants from jurisdiction Velika Gorica: **150**

County Court VELIKA GORICA:

Judges	6
Court advisers	13
Apprentices (judges)	
Total	19

2.1.1. Municipal Courts**Municipal Court VELIKA GORICA**

Judges	12
Court advisers	6
Apprentices (judges)	
Total	18

Municipal Court DUGO SELO

Judges	5
Court advisers	6
Apprentices (judges)	
Total	11

Municipal Court IVANIĆ GRAD

Judges	15
Court advisers	
Apprentices (judges)	
Total	15

Municipal Court JASTREBARSKO

Judges	10
Court advisers	6
Apprentices (judges)	
Total	16

Municipal Court SAMOBOR

Judges	20
Court advisers	15
Apprentices (judges)	1
Total	36

Municipal Court Sv.IVAN ZELINA

Judges	4
Court advisers	1
Apprentices (judges)	
Total	5

Municipal Court VRBOVEC

Judges	8
Court advisers	8
Apprentices (judges)	1
Total	17

Municipal Court ZAPREŠIĆ

Judges	10
Court advisers	1
Apprentices (judges)	2
Total	13

2.2. Courts within the jurisdiction of the County Zagreb

Total number of participants at RTC Zagreb: **329**

2.2.1. County Court ZAGREB:

Judges	11
Court advisers	89
Apprentices (judges)	
Total	100

2.2.2. Municipal Courts**Municipal Court ZAGREB**

Judges	75
Court advisers	136
Apprentices (judges)	
Total	211

Municipal Court SESVETE

Judges	9
Court advisers	6
Apprentices (judges)	
Total	15

2.2.3. COMMERCIAL COURTS**Commercial Court ZAGREB**

Judges	3
Court advisers	
Apprentices (judges)	
Total	3

2.3. Public Prosecutors

Total number of prosecutors at the RTC Zagreb: **72**

General State Public Prosecutor's Office (Zagreb)

Public prosecutors	20
Deputy public prosecutors	
Apprentices(public prosecutors)	
Total	20

County Prosecutors' office ČAKOVEC

Public prosecutors	
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	2

County Prosecutors' office KARLOVAC

Public prosecutors	1
Deputy public prosecutors	
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office KOPRIVNICA

Public prosecutors	1
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	2

County Prosecutors' office SAMOBOR

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office SPLIT

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office ŠIBENIK

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office VARAŽDIN

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office VELIKA GORICA

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

County Prosecutors' office VUKOVAR

Public prosecutors	1
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	2

County Prosecutors' office ZAGREB

Public prosecutors	
Deputy public prosecutors	12
Apprentices(public prosecutors)	
Total	12

County Prosecutors' office ZLATAR

Public prosecutors	
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	2

Municipal Prosecutors' office BELI MANASTIR

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office DONJA STUBICA

Public prosecutors	1
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	2

Municipal Prosecutors' office DUBROVNIK

Public prosecutors	1
Deputy public prosecutors	
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office ĐURĐEVAC

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office JASTREBARSKO

Public prosecutors	1
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	2

Municipal Prosecutors' office KARLOVAC

Public prosecutors	1
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	3

Municipal Prosecutors' office KUTINA

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office Court OSIJEK

Public prosecutors	1
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	3

Municipal Prosecutors' office SAMOBOR

Public prosecutors	2
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	3

Municipal Prosecutors' office SISAK

Public prosecutors	1
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	2

Municipal Prosecutors' office VELIKA GORICA

Public prosecutors	1
Deputy public prosecutors	
Apprentices(public prosecutors)	1
Total	2

Municipal Prosecutors' office ZABOK

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

Municipal Prosecutors' office ZAGREB

Public prosecutors	
Deputy public prosecutors	2
Apprentices(public prosecutors)	
Total	2

Municipal Prosecutors' office ZLATAR

Public prosecutors	
Deputy public prosecutors	1
Apprentices(public prosecutors)	
Total	1

USKOK

Public prosecutors	1
Deputy public prosecutors	
Apprentices(public prosecutors)	
Total	1

Strategy paper on the
**Institutional basis for the cooperation between the Regional
Training Centres and the Judicial Academy**

***Annex 04
to the***

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Institutional basis for the cooperation between the Regional Training Centres and the Judicial Academy

Proposed by the Judicial Academy and the CARDS 2001 Project Team
(05 October 2005)

1. Introduction

The Judicial Academy (JA) with support of the CARDS 2001 project “Reform of Judiciary – Support to the Judicial Academy of Croatia” developed a new comprehensive strategy for professional training of judges and prosecutors in Croatia. The strategy is built on institutionalised cooperation between the Academy and the judicial practice represented by five Regional Training Centres (RTCs) affiliated to the County Courts of Osijek, Rijeka, Split, Varaždin, and Zagreb.

The RTCs in Rijeka and Zagreb were set up in 2004/2005 within the framework of the CARDS 2001 project. They proved their operational capacity during a pilot training programme that was carried out in 2004/2005 for in total more than 1000 participants (judges and prosecutors). In the second half of 2005 first activities started to establish also RTCs in Osijek, Split, and Varaždin. They are expected to become fully operational in 2006.

In the following the Judicial Academy together with the CARDS 2001 Project Team proposes an institutional basis for the cooperation between the Regional Training Centres and the Judicial Academy that clarifies the operative status of the RTCs and the distribution of responsibilities between the three players of the system, i.e. the Judicial Academy, the County Courts that host a RTC, and the Ministry of Justice.

2. The Court-Integrated Training System

For continuous professional training of judges and prosecutors the “Court-Integrated Training System” was created, which takes into account Croatia’s legal culture and tradition, economic/budgetary possibilities, geographic conditions, and judges’ and prosecutors professional and social situation. It is a decentralised system based on

- the Judicial Academy as its focal point,
- a network of five Regional Training Centres affiliated to County Courts, and the
- law faculties as supportive providers of external expertise.

Within this system tasks and functions are distributed as follows:

- The Judicial Academy
 - has the coordinating and supervisory role;
 - designs training programmes and curricula;
 - is responsible for the development of training modules;
 - prepares the tutors (trains the trainers).
- The Regional Training Centres
 - identify tutors among judges and prosecutors from the respective region;
 - assess the specific training needs of the judges and prosecutors from the respective region and design half-year training programmes;
 - organise the trainings to be delivered by the tutors.
- Members of law faculties and/or other highly qualified legal experts in close cooperation with practitioners (judges, prosecutors) design, on behalf of the Judicial Academy, training modules and elaborate for each module a package of teaching material – which need to follow established quality standards - to be used by the tutors in the Regional Training Centres.

Since October 2004 the “Court-Integrated Training System” has been tested through an extensive pilot training programme carried out at the Regional Training Centres in Zagreb and Rijeka for in total more than 1000 participants (judges and prosecutors).

The pilot test verified three major advantages of the “Court-Integrated Training System”:

- The training system’s decentralised infrastructure allows participation in training events without unnecessary expenditure of time and money and thus offers the opportunity to make personal development a part of judges’ and prosecutors’ routine work.
- It allows training the largest possible number of participants in the shortest possible period of time.
- The decentralised structure also increases regional authorities’ (e.g. presidents of courts’) sense of their personal responsibility for the judiciary’s professional quality standards. It promotes the regions in a competitive situation, which gives additional incentive to achievement and intensifies the efforts to run a sustainable system of training.

The results of the pilot test justify to state that the “Court-Integrated Training System” has proven its adequacy, meeting the requirements of an effective, economic, and high-quality mechanism for the continuous development of judges’ and prosecutors’ professional knowledge and skills.

When the five RTCs are fully operational, the system will have the capacity to organise approx. 120 all-day workshops for a total of 2400 participants per year.

3. Legal background for the installation of RTCs

A legal analysis was carried out in order to examine the legal requirements for the final implementation of the Court-Integrated Training System and the involvement of courts within this system as Regional Training Centres. The analysis led to the conclusion that the relevant legislation, i.e. **Judiciary Act** (Law on Courts) and the **Book of Rules for Courts** of the Republic of Croatia, does not conflict with the establishment of such a decentralised training mechanism (for detailed explanation see Annex II to this paper “Legal Opinion”). As a result the Judicial Academy, the County Court, to which a RTC is affiliated, and the Ministry

of Justice would be authorised to implement and run the Court Integrated Training System without legislative measures.

4. Institutional Basis

Even though the implementation of the Court-Integrated Training System does not require amendments of the existing legal framework, in a medium-term perspective it might be considered to create a legal basis for it by mentioning the system briefly in the Judiciary Act and through a more (but not too) detailed subsidiary (either ministerial or governmental) regulation. However, as immediate solution, i.e. at least for the rest of 2005 and the year 2006, legislative activities would be not only unnecessary but also inappropriate for two major reasons:

3. A solution is needed as from November 2005, but legislative procedures are bureaucratic and time-consuming, in particular when different, partly conflicting interests might be involved and need to be reconciled.
4. The Court-Integrated Training System, although thoroughly tested through the CARDS 2001 project's pilot programme, has still to pass its final practice test by operating the complete system of five RTCs without external (e.g. EU funded) technical assistance and/or financial support. Therefore the system should pass through another probationary period of at least one complete budget year, before final and detailed conclusions would be drawn on legislative level. The purpose of such a probationary period is not to test **whether or not** the Court-Integrated Training System should be established, but **how** to organise and administer it in the most efficient and economic way.

Nevertheless, even for a transition period of one or two years a written clarification is needed, how the three main players of the system, the Judicial Academy, the Regional Training Centres, and the Ministry of Justice should interact and how responsibilities, rights and duties are distributed among them.

As appropriate solution we recommend a very pragmatic approach, namely that the Court-Integrated Training System be institutionalized on the basis of consensus between the players involved. All necessary details should be written down in a document of understanding (sporazum) agreed and signed by the three parties, the Ministry of Justice, the Judicial Academy and the respective County Court. Such a document forms on the one hand a valid and legitimate institutional basis for the cooperation of the three partners, but on the other hand also provides with the possibility to respond quickly and flexibly, if experiences during the next one or two years show that the system could or needs to be adjusted.

5. Principles of Distribution of Responsibilities

The document of understanding needs to deal with the following **key issues**:

5.1. Staff of RTCs

The RTC is established as a permanent institution within the administration of the respective Country Court and shall co-operate closely with the Judicial Academy, other RTCs and the prosecutors' offices.

Head of the RTC will be one well respected and experienced judge appointed by the President of the County Court by mutual consent with the Judicial Academy. The President of the County Court decides if and how his/her regular workload as a judge should be adjusted to the additional tasks as Head of the RTC. For the administrative tasks of the RTC

the Judicial Academy provides with an administrative assistant located at the respective County Court.

The additional workload for the Court has to be compensated. Therefore it is proposed to the Ministry of Justice to allocate in addition an extra post of a full-time court advisor to each County Court running a RTC in order to compensate the switch of manpower to the new activities.

5.2. Premises and equipment of RTCs

The premises of the office are within the buildings of the County Court and are equipped with office furniture, computers and a library. In this regard the Ministry of Justice will be proposed to set up a protocol (Ministerial Decision/odlinka with the inventory list attached) of handing over the equipment based on the procurement list of the Cards Project for the County Courts Rijeka and Zagreb. The responsibility for maintenance of equipment will be with the Judicial Academy executed by the Regional Training Centres. This is practically reasoned by the geographical distance and the fact that the remote execution of such responsibilities is de facto impossible for the Judicial Academy.

On the other hand the County Court has the right and duty to use the equipment only and exclusively for the activities of the RTC incl. WEB and library services to judges, prosecutors and court advisors. This includes the care of the professional development of judges, judicial advisers, judicial trainees and other judicial officials or employees following the Judiciary Act. In fact the use of the RTC facilities like computers, internet access and library for the professional development of the judges and employees of the court gives an advantage in raising the level of awareness and competence for those county courts running a RTC. This implies a factual compensation for the burden of running the RTC, like the provision of premises (that by the way are always rare in court buildings) and the disposal of court staff.

5.3. Budgetary issues

The operating expenses for the premises - like heating, electricity, cleaning and WEB/communication - are under the responsibility of the RTC and have to be covered by the budget of the County Court. Therefore it will be necessary that the Ministry of Justice adds adequate funds to the budget of those County Courts that are running a Regional Training Centre. A specified amount should be included in the annual plan of costs for the court as an extra budget. For the year 2005 no specific funds were allocated for this purpose. The conception of the County Court budgets for 2006 and the following years must include the estimated budget lines for the RTC premises based on the experience made during pilot phase the year 2005.

The implementation of training measures within CITS includes the a.m. coverage of operating expenses through the budget of the JA. This means in practice that running costs for maintenance of equipment and material like paper, pens, print production of training materials and catering for trainees are to be provided by the JA. As well costs for the compensation of tutors shall be allocated by the Ministry of Justice to the yearly budget of the JA in line with the annual training plan, who will effect the individual payment based on reports and in line with the training calendar.

The draft budget of the JA for 2006 already includes the estimated costs for the 2006 CITS program.

6. Draft document of understanding (sporazum)

Based on the strategic considerations explained above the following draft document of understanding was elaborated:

Document of Understanding on the Distribution of Responsibilities and Tasks for the Implementation of the Court-Integrated Training System (Draft)

The Judicial Academy represented by the Director/Assistant Minister ..., the County Courts Rijeka, Zagreb, Split, Osijek and Varazdin represented by the Presidents ... and the Ministry of Justice of the Republic of Croatia represented by ... agree on the following principles including the Appendix:

I. General Rules and Introduction

- 1) The Ministry of Justice of the Republic of Croatia (MoJ) has decided to adopt a decentralised training system for judges and prosecutors, following the logic of the “Court integrated Training System” (CITS), which is described in detail in the appendix to this agreement.
- 2) The Judicial Academy (JA) will lead the system from a general strategy and content management point of view on behalf of the educative obligations of the MoJ.
- 3) Regional Training Centres (RTC) shall be established at the County Courts of Rijeka, Zagreb, Split, Osijek and Varazdin, which will organise and deliver trainings within the Judicial System to judges, prosecutors, court advisors and apprentices. The areas to be covered by the respective RTC are defined in the appendix to this agreement.
- 4) The RTC is established as a permanent institution within the administration of the respective Country Court. Head of the RTC will be one well respected and experienced judge appointed by the President of the County Court by mutual consent with the Judicial Academy. The President of the County Court decides if and how his/her regular workload as a judge should be adjusted to the additional tasks of the RTC. For the administrative tasks of the RTC the Judicial Academy provides with an administrative assistant located at the respective County Court.

II. Cooperation between the JA and the RTC

- 5) Both parties shall use their best efforts and mutually agree in order to jointly achieve the targets stipulated by this agreement.
- 6) RTC and JA maintain continuous feedback and communication on the requirements of the Court Integrated Training System.
- 7) Training needs assessment (TNA) shall be developed and carried out jointly for defining forthcoming training requirements and priorities for both, tentative annual/budgetary plans and detailed/half yearly training programmes.
- 8) Design of training programmes shall be mutually agreed – in the scope of an annual framework programme proposed - based on half yearly programming intervals, due at least three months before the next semester, starting in January and July of a respective year.
- 9) JA and RTC jointly work and decide on the recruitment of (new) tutors and their selection for specific topics. As a principle tutors will be selected from judges and prosecutors working in the region of the respective RTC.

III. Tasks and Obligations of the JA

- 10) The JA is responsible for the general education strategy and development of training focus and content of the Court Integrated Training System.
- 11) The JA co-ordinates the activities of all Regional Training Centres on TNA, programming and training matters.
- 12) The JA is responsible for providing training contents through development and update of curricula and training materials according to the upfront agreed half year training programme.
- 13) The JA performs qualification and continuous training of tutors.
- 14) The JA maintains service contracts with tutors on a per event basis.
- 15) The JA shall provide to the RTC:
 - a) General support for programming and coordination of the RTC training schedule;
 - b) Publishing of the agreed training programme;
 - c) Submission of up to date training materials in electronic form;
 - d) Delivery of specialized JA training events in the RTC premises;
 - e) Provision of advice to RTC staff in administrative matters;
 - f) Access to and training on JA internal management tools and templates;
 - g) Access to the central databases of the JA up-to-date information and data
- 16) The JA organises RTC/JA meetings for general review of activities on a quarterly basis.
- 17) As far as during its start up phase a RTC is not yet in the position to fulfil its tasks and obligations completely, the JA substitutes these obligations on a case by case basis.

IV. Tasks and Obligations of the RTC

- 18) The core task of the RTC is the local delivery of the CITS and other events such as specialised trainings and conferences.
- 19) The RTC maintains the regional training calendar, a pool of tutors and related administrative matters.
 - a) The RTCs ensure announcement of and invitation to training events in due time.
 - b) All training material used by the RTC follows the visibility policy guidelines of the JA.
- 20) The RTC shall provide its judges and prosecutors being tutors to the JA and to other RTCs upon request.
- 21) The RTC shall inform the Court Presidents about the involvement and workload of tutors recruited from respective courts in the training programmes on a regular basis through approval for each tutors assignment. Same is applicable for the regional Heads of Prosecutors' offices.

- 22) The RTC shall provide for premises that consist of a (multifunctional) training room for min. 20 participants as well as space for a library room that shall be available to court staff and prosecutors for retrieval of electronic and printed information.
- 23) Training Certificates will be issued by the RTC and bear the letterhead of the Judicial Academy.
- 24) The obligations of the RTC vis-à-vis the Judicial Academy are:
- a) Provision of results of the regional Training Needs Analysis carried out, applying the agreed TNA methodology;
 - b) Proposals for half year programming, based on TNA results;
 - c) Support in the identification of new trainers and tutors;
 - d) Maintaining a regional database of tutors/trainers and participants and transfer related data to the central JA database;
 - e) Maintain a regional database of external service providers (interpretation, accommodation, catering etc.) and provide such data to the central JA database
 - f) Administer JA requests for certified trainers and tutors on employment for JA and/or other RTCs;
 - g) Feedback from and evaluation of all training events incl. data entry into a central evaluation and monitoring system;
 - h) Contribution to other central JA databases, allowing up-to-date information sharing with the JA and other RTCs;
 - i) Submit quarterly reports about the activities of the RTC to the JA and other RTCs;

V. Budget and Finance

- 25) Equipment for the RTC according to the plan of equipment for the Pilot Courts will be provided by the Ministry of Justice. The responsibility for maintenance of equipment will be with the JA executed by the RTC.
- 26) Operating expenses for the premises including cleaning, electricity, heating, and WEB/communication are to be provided by the RTC and will be allocated by the Ministry of Justice to the yearly budget of the County Court.
- 27) Running costs for maintenance of equipment and material like paper, pens, print production of training materials and catering for trainees are to be provided by the JA.
- 28) Costs for the compensation of tutors will be allocated by the Ministry of Justice to the yearly budget of the JA in line with the annual training plan, who will effect the individual payment based on reports and in line with the training calendar.

Zagreb, October 2005

Judicial Academy	County Court Zagreb	County Court Osijek
.....
County Court Rijeka	County Court Split	County Court Varaždin
.....
	Ministry of Justice	
	

Description of the Court-Integrated Training System

Appendix to the “Document of Understanding on the Distribution of Responsibilities and Tasks for the Implementation of the Court-Integrated Training System

1 Introduction

The “Court-Integrated Training System” is the mechanism for the implementation of the Judicial Academy’s standard training programme for judges and prosecutors. The system takes into account Croatia’s legal culture and tradition, economic/budgetary possibilities, geographic conditions, and judges’ and prosecutors’ professional and social situation.

It is a decentralised system based on the Judicial Academy as its focal point, and a network of five Regional Training Centres affiliated to the County Courts of Osijek, Rijeka, Split, Varaždin, and Zagreb. The system supports itself on close cooperation with the law faculties that provide with external expertise.

2 Distribution of tasks and functions

Within this system tasks and functions are distributed as follows:

- The Judicial Academy
 - has the coordinating and supervisory role;
 - designs training programmes and curricula;
 - is responsible for the development of training modules;
 - prepares the tutors (trains the trainers).
- The Regional Training Centres
 - identify tutors among judges and prosecutors from the respective region;
 - assess the specific training needs of the judges and prosecutors from the respective region and design half-year training programmes;
 - organise the training to be delivered by the tutors.
- Members of law faculties and/or other highly qualified legal experts in close cooperation with practitioners (judges, prosecutors)
 - design, on behalf of the Judicial Academy, training modules;
 - elaborate for each module a package of teaching material– which need to follow established quality standards - to be used by the tutors in the Regional Training Centres.

3 Areas covered by the RTCs and expected total capacity

The areas to be covered by the respective RTC are defined as follows:

RTC Osijek covers the Županije of Osijek,(to be completed)

RTC Rijeka covers the Županije of Istra, Primorsko-Goranska.....(to be completed)

RTC Split covers the Županije of.....(to be completed)

RTC Varaždin covers the Županije of.....(to be completed)

RTC Zagreb covers the City of Zagreb and the Županije of.....(to be completed)

Judicial Academy Advisory Board

RULES OF PROCEDURE (Draft)

***Annex 05
to the***

Final Report



Judicial Academy Advisory Board

RULES OF PROCEDURE (revised draft, 03/10/2005)

A. General Dispositions

1. The aim of the Judicial Academy Advisory Board is to capture support and senior level advice from representatives of the judicial system, academics, and other representatives of national and international organisations engaged in establishing the rule of law and development of the legal system in Croatia.

2. The task of the Board is to advise the Judicial Academy on the design and implementation of judicial training systems in research and practical development. In this context, the Board will pay particular attention to bring in external perspective on matters of planning and development for the Judicial Academy.

B. Members of the Board

3. The Advisory Board consists of 14 permanent members and 6- 8 co-opted non-voting members.

4. The (up to) 16 permanent members entitled to vote are:

- President of the Supreme Court (chair person)
- General State Prosecutor
- Presidents of the (5) County Courts, where the Regional Training Offices are located
- President of the Administrative Court
- President of the High Misdemeanour Court
- President of the High Commercial Court
- Secretary of State of the Ministry of Justice
- Director of the Judicial Academy
- Deans of the (4) law faculties of the Croatian Universities

5. The 6- 8 co-opted non-voting members can be co-opted at the suggestion of the Judicial Academy by the permanent members for a limited period of time, two years at maximum.

Co-opted non-voting members can be:

- Two judges from different branches of judiciary
- A prosecutor
- Representative of the Bar Association
- Representative of a judicial training institution abroad (“twin institution”)
- Representative of the EC-Delegation
- Team Leader(s) of ongoing project(s) contributing to development and delivery of judicial training in HR

6. Representation (proxy) of voting members is possible.

7. The functions of the Board members shall not be remunerated. Travel and subsistence expenses for meetings of the Board, or any working party set up within the Board, shall be covered by the Judicial Academy in accordance with its administrative rules and regulations. Subject to prior approval, travel and subsistence expenses for preparing opinions or advice may be also covered by the Judicial Academy.

C. Activities of the Advisory Board

8. The Advisory Board will perform the following activities:

- considers half-yearly activity plan and programme of the Judicial Academy and gives opinion on it to the Academy’s management; (half-yearly programmes are drafted by the Programme Council that consists of the Director of the Academy and four further members of the Advisory Board to be appointed for a period of two years by the Advisory Board);
- considers reports on the implementation of training programmes and submits proposals to the Management of the Academy for improvement of the Academy's work;
- appoints ad hoc expert working bodies for implementation of particular programmes;
- contributes to the presentation and affirmation of the Academy’s activities on national and international level;
- holds a yearly meeting with the media (TV, radio, print media);
- provides contribution to the working conditions of the Academy;
- performs other tasks to improve the Academy's work.

D. Chairperson and Vice-Chairperson

9. The President of the Supreme Court will be the Chairperson of the board and will have the following responsibilities:

- Chairing the meetings of the Board;
- Formal representation of the Board in relationships with the Ministry of Justice, European Commission and other bodies;
- Formal representation of the Board in the yearly meeting with the media.

10. The General State Prosecutor will be the Vice-Chairperson of the Board.

E. Organisational Support

11. The Board will be supported for the secretarial work from the Judicial Academy. The Judicial Academy shall provide for financial and administrative support to the Board, ensuring that its independence is fully guaranteed.
12. The Judicial Academy has the task to organise the meetings of the Board.
13. The regular venue for the meetings will be the premises of the Judicial Academy in Zagreb.

F. Meetings of the Board

14. The Board shall meet an average of two times a year in the 1. and 3. quarter of the year.
15. Extraordinary meetings take place if requested by five voting members or the Director of the Judicial Academy.
16. The Board will be chaired by the Chairperson or the Vice-Chairperson. In case of absence of the Chairperson and the Vice-Chairperson the Board will be chaired the eldest present voting member.
17. The Board may take decisions only when at least half of the members plus 1 are present.
18. Decisions of the Board will be taken by absolute majority of the voting members present.
19. Decisions of the Board can only be taken when the Director of the Judicial Academy or a representative is present.
20. All meetings will be convened at least one month in advance, the date of the meeting and agenda to be communicated to the members at that time. Shorter notice may be given when there are urgent matters to discuss. The urgency will be decided by the Chairperson and/or the Director of the Judicial Academy.
21. The agenda of the forthcoming meeting will be conceived by the Director of the Judicial Academy who is as well responsible for the preparation of decisions by elaborating papers for discussion.
22. The agenda of the forthcoming meeting shall be communicated to all members minimum 15 days in advance. Any member may request that a specific item is included in the agenda of a forthcoming meeting. Proposals to the agenda may be submitted to the Judicial Academy in writing no later than 5 days before the meeting.
23. Minutes of meetings will be drafted by the Judicial Academy, under the responsibility of the Chairperson and, once approved at the following meeting, are signed by her/him.

G. Programme Council

24. Half-yearly programmes of the Judicial Academy are drafted by the Programme Council that consists of the Director of the Academy and four further members of the Advisory Board.

25. The members of the council are to be appointed by a 2/3 majority of the Advisory Board for a period of up to two years. Re-election is possible.

26. Programme Council members can be permanent members and co-opted non-voting members.

H. Confidentiality and Conflict of Interest

27. The Board shall deliberate freely and in total independence. The members shall hold a clearly stated independent position and shall not represent scientific, industrial, political party or any other organisations or sectoral interests.

28. The deliberations of the Board are confidential.

29. Members of the Board will abstain from discussions on a topic on which they have a conflict of interest. Should an agenda item arise where a conflict of interest exists, which would be prejudicial to their independence, they will inform the Chairperson.