Best Practices in training of judges and prosecutors

Category of practice: **Training Needs Assessment (TNA)**

Type of practice: **Promising Practice**

Country: **Estonia**

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Title of practice	Court Practice Analysis
Key features:	Court Practice Analysis in **Estonia** is a process of studying court decisions (and if necessary, other court-related documents) in all their relevant aspects, in order to identify problems in the uniform application of the law by courts. In the course of such research, one or more analysts (staff members of the Supreme Court Administration) ascertain the scope of problems that may exist in the application of legal norms. The results of this analysis, along with the conclusions drawn on how courts apply certain legal statements and how they construe them, is presented in a written document, which is published and disseminated to judges as an unbinding source of information or reference and are used as training materials. This mechanism aims at assessing systemic problems of application of the law and it is not used for evaluation purposes. Although the primary objective of the Court Practice Analysis is to act as a tool towards a more uniform application of the law, while providing judges with a focused, practically-oriented and concise analysis of court practices, it is also used as a complementary source for collecting information on training needs.

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Other comments	Although every training institution for the judiciary in the EU has implemented its own system to assess training needs, some particularly interesting ideas were gathered while carrying out the current study. The interest of this Estonian Court Practice Analysis, which is qualified as a **PROMISING PRACTICE**, is that it may be also used as a tool for assessing the impact of training. For this purpose, all available sources of information are used and assessment is integrated within the overall needs assessment, as while identifying the impact of the previous training it can also be ascertained what is still missing and where any additional required training should focus. It is argued that a change in case law in an area on which information was provided by a re-analysis carried out in the same field following training, constitutes a good indicator of the impact of training. The above system may complement other tools and methods that may be currently in use and matches the Kirkpatrick Level 4. Court Practice Analysis documents may also be used as training materials. The system may have some impact on the design and delivery phases of the training process, as the analysis units may provide support on the identification of trainers. It is argued that an analyst who is preparing analytical materials in a given field may be suited to introduce the topic for judges during lectures, seminars or round tables.