



# Best Practices in training of judges and prosecutors

Category of practice: **Innovative Curricula or Training Plan in any Given Area**

Type of practice: **Best Practice**

Country: **France**

**April, 2014**

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| Title of practice    | Close Monitoring of Communication Skills, through the Use of Simulation   |
| <i>Key features:</i> | <p>The main objective of the following teaching sequence found in <b>France</b> is to familiarise trainee judges and prosecutors with different interview techniques that are relevant to the conduct of criminal hearings, oral requisitions or charring hearings.</p> <p>This practice achieves two specific purposes:</p> <ul style="list-style-type: none"> <li>▪ To prepare the trainee not only to chair the criminal hearing but also to lead interviews. This requires specific skills (e.g. on how to lead a debate).</li> </ul> <p>This specificity lies, of course, in both the nature of the litigation (family issues, childhood in danger, measures to protect vulnerable people) and in the more intimate character of the chamber hearing.</p> <ul style="list-style-type: none"> <li>▪ To work on the procedural aspects of the interview or public hearing, under the supervision of a judge and also on the behaviour of the magistrate (listening skills, adaptability, positioning, ability to raise a statement, opening the debate, closing of an interview, prevention of incidents, clarification of remarks) in respect of ethical and professional rules.</li> </ul> <p>Each simulation's sequence is performed in small groups under the supervision of a judge and a psychologist who specialises in issues relating to childhood in danger, family issues or vulnerable people. Trainer judges may belong to the permanent teaching staff of the school but also may be invited guests. Psychologists are occasional speakers or fee-paid associate teachers.</p> |

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|   | <p>During the simulation, the trainee is expected to work not only on the procedural framework of speaking at the hearing with regard to ethical and professional rules, but also on the basic rules of interviewing: objectivity, creating a relationship with the defendant and the parties, listening, ensuring a professional attitude, preventing an incident and concluding the interview.</p> <p>In order to enable each participant to perform adequately, these simulations last a full day for the chamber hearings and 2/3 days for criminal hearings.</p> <p>Each sequence is filmed to enable the auditor to subsequently identify the qualities and weaknesses of his/her performance during a 'debriefing' phase.</p> <p>The psychologist uses his or her insight to comment on the elements of non-verbal behaviour that can interfere with the smooth running of the hearing.</p> |
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| <p><i>Other comments</i></p>              | <p>The use of mock trials is already a training practice in use in the great majority of national training institutions within the EU.</p> <p>Nevertheless, although quite time consuming both in preparation and delivery the described mechanism is a <b>BEST PRACTICE</b>.</p> <p>It is easily transferable as it only requires the logistical resources referred to above.</p>   |

Source: Pilot Project - European Judicial Training: "Lot 1 – Study on best practices in training judges and prosecutors", carried out by the European Judicial Training Network (EJTN)