

## Judges

### General description

The initial training for judges is compulsory for any person that is aiming to become a judge. Once the trainee judges are given the green light by the selection committee, entrants to the initial judicial programme will complete an intake at the court where they will work. Here, The length of the programme will be determined in consultation with SSR

In consultation with SSR, the length of the programme will be determined (at least one year and three months, at most four years, depending on knowledge and experience) and the work-training environments will be selected in which the trainee judge will work first. When a judge trainee has completed the training, he or she will be appointed as an 'allround' judge, which means they can work in any department of the court (civil, administrative, criminal, family law etc).

The training of judge trainees is provided by the courts, in collaboration with SSR. Most of the training is done in the work-training environment, where judge trainees will be coached by practical trainers, who will guide them and give them feedback. Furthermore, on one day a week, under the supervision of a core trainer at SSR, attention will be paid to the learning process and to the courses the judge trainees take. The [statutory](#) can be found on the website of the Council of the Judiciary.

A new group of judge trainees starts every three months. A maximum of 130 judge trainees per year enter the programme. In 2021, 83 judge trainees successfully accomplished their training. At the end of 2021 248 judge trainees were in training.

### Access to the initial training

Candidates for the training programme must be graduated as a master in law and have completed a specific package of courses in preparation of a profession in litigation or the judiciary. Also, they have to have at least two years of relevant legal experience outside the judiciary. The selection of the candidates is done by the national selection commission for judges (LSR) in cooperation with the courts. The selection procedure consists of six steps. First, there is a letter selection. For every vacancy, five letters will be selected by the administrator or president of the court and a member secretary of the LSR. This process is guided by a score form. Subsequently, the assessment firm LTP will carry out an analytical test. Components of this test are verbal reasoning skills, critical thinking skills and abstract thinking skills. These tests, which have been assessed by the Dutch Committee of Tests and Testing (COTAN) or a similar institution, determine whether a candidate performs above average in terms of analytical skills and that they are demonstrably free of cultural prejudices. Components of the analytical tests are verbal reasoning skills, critical thinking skills and abstract thinking skills.

After the candidates have passed the analytical tests, the courts nominate them for an interview. The courts are then sent the application form and two references for each of the candidates. The candidates are invited by the court for an interview during pre-planned meetings of the local selection committee and the management board. After the interview, no more than three candidates per vacancy may continue with the procedure and proceed with the assessment. At the assessment centre, a university graduate in psychology will have a structured interview with the candidate and the candidate will be tested with personality questionnaires (including a dilemma test), discussion simulation and role playing. The test assesses whether the candidate has the competencies required for being a judge, or has the potential to develop them during the training course.

Subsequently, the candidates will go to the final interviews. These interviews are performed by the national selection committee. The candidates will have three final interviews with different interviewers on three topics. Afterwards, the results of these interviews are deliberated by all interviewers. The committee is instructed in terms of interviewing techniques and interpreting the assessment report. After the final interviews have been conducted, the candidates who have been given the green light are presented to the courts. The courts decide which candidate (or candidates) they wish to appoint and they pass this information on to LSR. Nominations for remaining 'green light candidates' are put forward to the other courts (if possible).

### Format and content of the initial training

In the preliminary phase, the trainee judge will take part in a work-training team in the jurisdiction in question, in which the trainee judge will develop his/her own direction and competencies, transcending the boundaries of the work-training environments. At the end of the preliminary phase, the trainee judge will complete a self-evaluation and a personal learning plan.

Subsequently, the main phase of the programme will commence (minimum of one year, maximum of three years and nine months). The main phase will be completed within two or three work-training environments within the court, depending on the length of the programme and the personal learning plan. In this regard, it is possible to switch between courts and appellate bodies. Supervision will be provided by practical trainers. Furthermore, on one day a week, under the supervision of a core trainer, attention will be paid to the learning process, the portfolio and the learning plan, as well as to research projects and the competencies that transcend the work-training environments. The supervision provided by the practical and core trainers focuses purely on learning, not assessment. The trainee judge will also complete the following internships: society, European/international, courts/appellate bodies and a brief/extended internship at the Public Prosecution Service if a criminal-oriented work-training environment is selected. Every three months, the core trainer, the practical trainer and the trainee judge will assess and update the personal learning plan. Upon completion of each work-training environment, a transfer evaluation will take place with the trainee judge, the core trainer and the practical trainer.

An international internship is compulsory for judge trainees. This internship varies in length from participation in the EJTN-programme of AIAKOS to an internship of a year in Strassbourg at the European Court of Human Rights. Furthermore, the course 'The European Judge' is part of the programme for judge trainees. During the work-training environments, judge trainees will attend courses that relate to European law, for example European civil or administrative law.

### Termination of the initial training and qualification process

Assessment in the new initial judge/justice programme has been devised on the basis of trainee judges' taking responsibility for their own programme and on there being a stimulating learning atmosphere, and also the support of training input from courts themselves and supervision provided by the core trainer.

Candidates will be assessed by a board of examiners on the basis of an interview and a portfolio which trainees are responsible for compiling themselves.

The portfolio must include a number of compulsory pieces of evidence and another part of it can be filled as the candidate chooses to. A stimulating learning

atmosphere requires a programme to take place in a secure setting and the assessment to enable trainee judges to develop as well as possible and build on their talents. We stick to this basis as much as possible by keeping teaching and assessment as separated as possible and making assessment transparent and objective. This allows the trainer to focus fully on the role of coaching and developing the trainee judge.

The practical trainer and core trainer do provide input for assessment: they are required to complete a number of feedback forms and evaluation forms every three months for the portfolio and issuing approval of the contents of the portfolio. In order for the system of assessment to be transparent and objective, it has clear assessment criteria, a clear procedure and as much consistent reliability amongst assessors as possible. This necessitates training of assessors and guidance from a specialist expert from SSR. This also benefits the quality of the assessment. Furthermore, the programme structure also ensures that candidates are not assessed more than is conducive to assessment from a legal perspective. The system described here – which combines fixed assessment times and supplementary assessment on request – meets that objective. The assessment system therefore has trainee-focused flexibility wherever possible and also supports didactic innovations in competency development.

The first interim assessment occurs at the end of the first twelve months of the programme - i.e. following nine months of training experience in a work-training environment (after the three-month preliminary phase). This assessment will focus on the question of whether the trainee judge fundamentally possesses the competencies needed to be a judge, and whether the trainee displays sufficient development. If the individual's programme lasts three years or more, a second interim assessment will follow around half way through the remaining duration of the programme. If required, the board of examiners may decide to recommend a subsequent additional assessment, not indicated in the personal learning plan submitted to the court board. In all cases, the programme will conclude with a final assessment to examine whether the trainee judge is able to function independently as a new judge. It will assess whether or not the trainee judge satisfies all of the final attainment levels. The above system ensures that candidates are not assessed more than they need to be, which supports the use of assessment as a legal instrument. This helps maintain a division between training and assessment. It also has benefits for a stimulating learning atmosphere, for the desired degree of flexibility and the programme's appeal.

This programme does not include any purely legal knowledge tests. That is because such tests would not tally with the basic assumption that trainee judges themselves are responsible for their own course, and possessing adequate legal knowledge is obviously a major part of that. The programme is structured on the assumption that trainees on the programme hold the necessary legal knowledge – or will acquire it at the start of each work-training environment. The assessed final attainment levels also include legal knowledge, which has to be demonstrated within the practical work carried out. It should therefore be emphasised that trainee judges must ensure that their level of legal knowledge is not a factor which will obstruct their progress in the programme as a whole.

## **Prosecutors**

### **General description**

The initial training for prosecutors is compulsory for any person that is aiming to become a public prosecutor. Once the trainee prosecutors are given the green light by the selection committee, entrants to the initial judicial programme will complete an intake at the court where they will work.

In consultation with SSR, the length of the programme will be determined (at least one year and six months, at most four years, depending on knowledge and experience) and the work-training environments will be selected in which the trainee prosecutors will work first. When a prosecutor trainee has completed the training, he/she will be appointed as an public prosecutor.

The training of prosecutor trainees is provided by the districts, in collaboration with SSR. Most of the training is done in the work-training environment, where prosecutors trainees will be coached by practical trainers, who will guide them and give them feedback. Furthermore, on one day a week, under the supervision of a core trainer at SSR, attention will be paid to the learning process and to the courses the prosecutor trainees take.

A new group of prosecutor trainees starts twice a year, two groups in october and two groups in april. A maximum of 48 - 54 prosecutors trainees per year enter the programme. In 2021, 34 prosecutor trainees successfully accomplished their training. At the end of 2021 117 judge trainees were in training.

### **Access to the initial training**

Candidates for the training programme must of course be graduated as a master in law and have completed a specific package of courses in preparation of a profession in litigation or the judiciary. Also, they have to have at least two years of relevant legal experience outside the judiciary. The selection of the candidates is executed firstly at a local basis (the districts), than a national committee will select a few people and the candidates will have to do an assessment and at last the local district will select the best ones.

So first, there is a letter selection. Subsequently, the assessment firm LTP will carry out an analytical test. Components of this test are verbal reasoning skills, critical thinking skills and abstract thinking skills. These tests, which have been assessed by the Dutch Committee of Tests and Testing (COTAN) or a similar institution, determine whether a candidate performs above average in terms of analytical skills and that they are demonstrably free of cultural prejudices.

Components of the analytical tests are verbal reasoning skills, critical thinking skills and abstract thinking skills.

After the candidates have passed the analytical tests, the districts nominate them for an interview. The districts are then sent the application form and two references for each of the candidates. The assessment centre, a university graduate in psychology will have a structured interview with the candidate and the candidate will be tested with personality questionnaires (including a dilemma test), discussion simulation and role playing. The test assesses whether the candidate has the competencies required for being a prosecutor, or has the potential to develop them during the training course.

Subsequently, the candidates will go to the final interviews. These interviews are performed by the national selection committee. Afterwards, the results of these interviews are deliberated by all interviewers. The committee is instructed in terms of interviewing techniques and interpreting the assessment report.

After the final interviews have been conducted, the candidates who have been given the green light are presented to the districts. The districts decide which candidate (or candidates) they wish to appoint. Nominations for remaining 'green light candidates' are put forward to the other districts (if possible).

### **Format and content of the initial training**

In the Introduction Period, the trainee prosecutor will take part in a work-training team in the district in question, in which the trainee will develop his/her own direction and competencies, transcending the boundaries of the work-training environments. At the end of the preliminary phase, the trainee prosecutor will have to do an assessment of competence to obtain the meeting proficiency certificate. The basic skills and basic knowledge must have been shown in a simulation court, before being allowed to appear in court as a prosecutor. If they don't succeed, there is 1 extra chance but if one doesn't pass it, then he'll have to leave the entire program.

Subsequently, the main phase of the programme will commence (minimum of 15 months, maximum of 45 months). The main phase will be completed within several work-training environments, depending on the length of the programme and the personal learning plan. There will be time in the prosecutor's office dealing with simple cases, a time where the trainee works as an legal assistant, as a deputy advocate, as prosecutor but with serious cases and as a judge. There is also an external internship possible. Upon completion of each work-training environment, a transfer evaluation will take place with the trainee prosecutor, the core trainer and their manager from that environment.

Supervision will be provided by practical trainers. Furthermore, on one day a week, under the supervision of a core trainer, attention will be paid to the learning process, the portfolio and the learning plan, as well as to research projects and the competencies that transcend the work-training environments. The supervision provided by the practical and core trainers focuses purely on learning, not assessment.

An international internship is a possibility for prosecutors trainees. This internship varies in length from participation in the EJTN-programme of AIAKOS.

### **Termination of the initial training and qualification process**

Assessment on the new initial prosecutors programme has been devised on the basis of trainee prosecutors taking responsibility for their own programme and on there being a stimulating learning atmosphere, and also the support of training input from districts themselves and supervision provided by the core trainer. Candidates will be assessed by a board of examiners on the basis of an interview and a portfolio which trainees are responsible for compiling themselves. The portfolio must include a number of compulsory pieces of evidence and another part of it can be filled as the candidate chooses to. A stimulating learning atmosphere requires a programme to take place in a secure setting and the assessment to enable trainee prosecutors to develop as well as possible and build on their talents. We stick to this basis as much as possible by keeping teaching and assessment as separated as possible and making assessment transparent and objective. This allows the trainer to focus fully on the role of coaching and developing the trainee prosecutor. The practical trainer and core trainer do provide input for assessment: they are required to complete a number of feedback forms and evaluation forms every few months for the portfolio and issuing approval of the contents of the portfolio. In order for the system of assessment to be transparent and objective, it must have clear assessment criteria, a clear procedure and as much consistent reliability amongst assessors as possible. This necessitates training of assessors and guidance from a specialist expert from SSR. This also benefits the quality of the assessment. Furthermore, the programme structure also ensures that candidates are not assessed more than is conducive to assessment from a legal perspective. The system described here – which combines fixed assessment times and supplementary assessment on request – meets that objective. The assessment system therefore has trainee-focused flexibility wherever possible and also supports didactic innovations in competency development.

After the assessment of competence at the end of the introduction period, there is a sitting skill test and a key witness test. The trainee will schedule these assessments when he thinks he is ready. These assessments, the input from each team manager and the evaluation of the portfolio together will be the result of the total program.

This programme does not include any purely legal knowledge tests. That is because such tests would not tally with the basic assumption that trainee prosecutors themselves are responsible for their own course, and possessing adequate legal knowledge is obviously a major part of that. The programme is structured on the assumption that trainees on the programme hold the necessary legal knowledge – or will acquire it at the start of each work-training environment. The assessed final attainment levels also include legal knowledge, which has to be demonstrated within the practical work carried out. It should therefore be emphasised that trainee prosecutors must ensure that their level of legal knowledge is not a factor which will obstruct their progress in the programme as a whole.

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