



# **What Constitutes Good Further Training?**

Issue Paper by the Programming Conference of the German Judicial Academy

„One can prove one has a good education  
by the ability to explain the most  
complicated matters in a simple way.“

G e o r g e B e r n a r d S h a w

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## Introduction

In 2013, the German Judicial Academy will be celebrating its 40<sup>th</sup> birthday. Over the years, it has achieved a great deal in the field of supra-regional further training for judges and public prosecutors at its two conference centres in Trier and – as of 1993 – in Wustrau. By the end of 2011, almost 120,000 professionals had participated in more than 3,500 mostly one-week conferences on the most diverse of topics relevant to the judicial system. Most of them were higher-level judicial officers from all jurisdictions, age groups and career levels.

The landscape of judicial advanced training has changed significantly over the past 40 years. Quite apart from technological innovation, the ever more accelerated activities by the legislature in all areas of substantive and procedural law, accompanied by increasing specialisation by those who apply the law, make it more important than ever to offer further training to both beginners and experienced specialists throughout the entire course of their professional careers. Due to the multiplicity of functions performed in the judicial system, enhancing communication and social competence, as well as providing assistance with work organisation and time management, play an ever greater role. Furthermore, a training facility must also respond to developments in the role of executive staff, who today are expected to do much more than simply play a representational role, with the leaders of public authorities now performing primarily managerial functions. Finally, the increasing Europeanization – first of laws, but for the past several years of institutional training structures as well – presents the German Judicial Academy and comparable institutions in neighbouring states with constant new challenges.

These developments have put conference content and learning formats on a significantly broader footing. Today, even many specialist seminars are carried out interactively; judges and public prosecutors do not simply absorb content passively. Rather, they expect to be actively involved by the lecturers. Due to the increasing links between the justice system and other professions, interdisciplinary conferences have simultaneously become one of the major pillars of the further training programme. Also, so-called “soft topics” – such as behavioural and/or psychological topics – today make up an important part of training conferences.

In the field of tension between continuity and continued development of programme design, the German Judicial Academy has always faced its challenges proactively and with a view toward the future. The framework conditions of the further training activities of the German Judicial Academy have consistently been adapted to changed circumstances. In the course of almost four decades of the existence of the German Judicial Academy, the Programming Conference, which reflects the federalist diversity of the German judicial landscape, has taken (and revised) more than 40 resolutions in order to expand on and breathe life into number 2 of the original Administrative Agreement of 12 January 1973 between the Federation and the *Länder* on the German Judicial Academy, which defines the Academy's mission as “providing judges and public prosecutors with further training in their respective areas of expertise and providing them with knowledge and experience of political, social, economic and other scholarly developments.” This collection of resolutions provides rules for all phases of further training management, ranging from the assessment of need to planning the annual programme, to implementation and subsequent evaluation of the individual events.

As far-ranging as the rules anchored in the collection of resolutions are, they represent only selective responses to changes which are considered relevant. The ever more rapid transformation of the further training landscape, however, requires an overall concept that is future-oriented and conclusive. For that reason, in its meeting from 30 May to 1 June 2011 in Wustrau, the Programming Conference of the German Judicial Academy tasked an internal working group with drafting an issue paper on the comprehensive and complex question of “What Constitutes Good Further Training?” for submission to the plenary session for discussion and approval. This paper also has the potential to satisfy the ever growing national and international interest in the approaches and concepts of the German Judicial Academy.

With a perspective directed both inward and outward, this issue paper attempts – by way of chronological study of the identified six determinative tasks of a modern further training facility – to describe the many tried-and-true approaches and map out solutions for the future ongoing modernisation of judicial training at the supra-regional level. Due to the dynamic situation of judicial training, the conclusions of this paper will of course remain provisional. Within a few years, the German Judicial Academy will have to allow a critical examination of whether the 36 theses at the conclusion of this paper have in fact proven to be both up to date and feasible in practice.

*Wiesbaden, June 2012*

The Programming Conference of the German Judicial Academy  
The Director of the German Judicial Academy



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CHAPTER 1

# NEEDS ASSESSMENT



Further training at the German Judicial Academy is not an end in itself; rather, it serves to respond to the training needs of judges and public prosecutors in Germany.

This mission can be best fulfilled only if further training needs are determined beforehand. One way to ascertain this is the feedback provided to the Programming Conference in the questionnaires filled out by participants on the quality and relevance of the Academy's conferences. However, this method reaches only judges and public prosecutors who have already participated in training events at the German Judicial Academy. Obviously, those who have not participated in any further training are not reached. Reasons for lack of participation might be excessive workload or simple lack of interest, but may also include a lack of relevance of the topics addressed in the conferences offered. In order to ensure that the topics are consistent with personal requirements, it is important for all potential participants to be able to communicate their needs.

### 1.1. Target groups of further training

Training measures at the German Judicial Academy are open to all of Germany's approx. 20,100 judges and approx. 5,200 public prosecutors. These two form non-homogeneous groups whose members have very different interests and professional needs. This is due to the different legal materials they deal with in their everyday professional lives, as well as the professional status of the individuals which varies as well. Beginners in a department (professional novices as well as those who switch departments) have other training interests than those who have already worked in the same department for several years. Professional novices are initially interested in induction courses, while judges and public prosecutors with many years of experience tend to be more interested in specialised or multidisciplinary topics (interdisciplinary events and conferences focusing on behavioural topics). People in leadership positions, of course, are interested in further training modules which impart leadership skills.

Interest in further training is also influenced by age and the associated years of professional experience. In this connection, training at the German Judicial Academy may also serve to maintain and boost motivation, which is a constant necessity in professional life. Every jurist is expected and called upon to be highly motivated in their profession.

### 1.2. Needs assessment including the role of executive staff at the respective authority

A precondition for good further training is to first of all determine what needs exist. This is the responsibility of those who decide which conferences will be offered by the German Judicial Academy – namely the members of the Programming Conference. Training at the German Judicial Academy is planned and organised by the justice administrations of the *Länder* and the Academy's directorial staff. Because the judges, public prosecutors and ministry officials tasked with organising training for the higher judicial and civil service are from different areas of the justice system, they will naturally not be familiar from their own experience with the needs that exist across the board. The work of the justice system is too diverse for this to be possible.

So that further training is nonetheless geared toward need, it is necessary for those responsible for its organisation in the judicial administrations to be aware of what those needs are. In order to achieve this, the justice administrations should make regular needs inquiries. The number and quality of the responses received in those judicial administrations that already practice that policy vary widely. The leaders / managers of each authority must take responsibility here. They are tasked with ensuring that the programme is widely distributed. By way of the constant exchange which takes place among colleagues, court and prosecution office managers have the chance to determine the need for further training. Furthermore, to the extent possible they should be given the responsibility of regularly inquiring about the need for training during personal evaluation meetings with individual staff members, communicating these needs to those responsible for training at the justice administrations, and motivating the judges at their court / public prosecutors in their department to register any requests for further training.

### 1.3. Participant initiatives and ways to register need

It is important to provide all judges and public prosecutors with the opportunity to express their needs to those responsible for training at the judicial administrations. This registration of needs may be made by individual members of staff on their own initiative or by responding to a survey undertaken by those at the judicial administrations who are responsible for further training. Different users will communicate their needs in different ways. While some judges and public prosecutors use modern channels of communication for this as a matter of course, others are more reluctant to do so. The option should therefore be given of using either electronic means (i.e. the homepage of the respective justice ministry / higher appellate court / State judicial academy) or the regular postal service to communicate any wishes in terms of further training. Furthermore, it must be possible for staff to communicate their training needs via the leader of their respective authority (court or prosecution office manager). This possibility should be pointed out regularly. Also, a contact form should be set up on the homepage of the German Judicial Academy, where any further training requests may be registered directly – anonymously if desired.

### 1.4. Orientation to demand

Assessing need makes sense only if further training can be geared to the needs which have been communicated and/or identified. To that end, when the need for a training conference in a certain area of specialism is recognised, it is crucial for the justice administration to notify the Programming Conference of this as early as possible. This is the only way for a conference, for which a need has been established, to be approved and then offered in a timely manner.

### 1.5. Coordination of need within the Programming Conference

The German Judicial Academy maintains a collection of the needs it has registered for new training conferences (collection of topics). This collection is based both on the requests made by conference participants and on the ideas raised by the members of the Programming Conference. The German Judicial Academy should have available on its homepage a regularly updated overview of the topics considered – both those often requested and those newly identified.

It seems expedient for those responsible for further training at the justice administrations to notify the Academy's director of the assessed need at regular intervals if this is of supra-regional interest and in principle could be covered by the German Judicial Academy. This procedure has the advantage of enabling the Academy's director to make an initial assessment of which training measures already exist and which new interests have been registered. The meetings could then be classified in the German Judicial Academy's list as either "need covered" or "new need". This procedure would have the advantage of providing those individuals responsible for further training at the federal and *Länder* levels with feedback as to which training measures should be offered in the future. They would also be able to develop new training conferences by consulting the "new need" list.

Furthermore, the director of the German Judicial Academy could use the above-mentioned information within the scope of Programming Conference meetings to support the introduction or continuation of conferences. After all, pursuant to no. 5 of the Administrative Agreement of 1 March 1993, the director of the German Judicial Academy has the task of supporting and consulting with the host *Länder* in planning and implementing training measures. In practice, the director forwards the updated collection of topics to the members of the Programming Conference in due time before their meetings. In doing so, the director should point out those needs that have been identified as particularly urgent. In this way, the members of the Programming Conference would be in the position to initiate new training measures at an early juncture.



CHAPTER 2

# COMPILATION OF THE ANNUAL PROGRAMME

As set forth in no. 2 of the Administrative Agreement of 1 March 1993 on the German Judicial Academy, the Academy's aim is to serve the purposes of supra-regional further training. Its mission is to provide judges and public prosecutors with training in their respective areas of expertise and to provide them with knowledge and experience of political, social, economic and other scholarly developments. As such, the Judicial Academy has a broad mandate to provide further training. Thus enabled, the Programming Conference of the German Judicial Academy meets twice annually to establish the basic outline of the training programme for the calendar year to come.

In designing the annual programme, the Programming Conference is above all obligated to identify training areas that correspond to current needs, and this is the basis upon which topics are selected. As a result of this, all suggestions for topics are measured against the actual need (cf. above, chapter 1). In order to ensure a feasible overall concept – i.e. a balanced annual programme – the following framework conditions are to be taken into account in submitting suggestions for training topics.

### 2.1. Specialist legal conferences, behavioural and interdisciplinary conferences

In the interests of a balanced programme, in addition to specialist legal conferences the annual programme also contains interdisciplinary conferences as well as training to impart social competences. Because each conference on a specialist legal topic is geared toward a limited circle of practitioners, it is in the interests of achieving a broad variety of conferences for all judicial officials to place a major focus (ca. 45%) on these in the annual programme. Four out of ten specialist legal conferences at the Academy are to cover the fields of civil and criminal law, and two out of ten should focus on specialty jurisdictions. Thirty percent of the events are to address interdisciplinary topics, while conferences to impart social competence (behavioural conferences) are to comprise 25% (resolution 1.1 adopted by the Programming Conference of the German Judicial Academy).

### 2.2. Introductory and advanced-level conferences

Especially with regard to specialty topics, it is important to ensure that there is a balance between introductory and advanced-level conferences. Particularly for complex areas of the law, introductory conferences offer valuable assistance in facilitating an insight into unfamiliar topics. This is particularly true for topics which are not or only marginally addressed during legal studies.

However, to facilitate an exchange of experiences among the *Länder* and enhance knowledge already gained, advanced-level conferences should be offered as well. The programmes of the introductory and advanced-level conferences should be coordinated in terms of content in such a way that participation in the two events independently of one another is possible and useful.

A modular design (i.e. precondition for participation in an advanced-level conference is previous participation in the introductory conference) should be used sparingly; this also applies to interdisciplinary and behavioural conferences. As a

rule, not all participants in an introductory conference wish to or are able to participate in the advanced-level conference as well; therefore, the danger exists that some of these conferences will not have enough participants. Modular design should thus be utilised only if this is didactically necessary.

### 2.3. Further training for individuals in leadership positions

Individuals in leadership positions (court or prosecution office managers) often deal with new issues and tasks for which they are not completely prepared based only on their study of law. Conferences for people in leadership positions provide assistance and the opportunity to exchange experiences throughout and among the *Länder*. Because further training for leaders is focused at the *Länder* level, however, not significantly more than the previously offered approx. 5% of the conferences of the German Judicial Academy should serve to provide further training to individuals in leadership positions. Furthermore, these should, to the extent possible, be designed as repeat, extension and supplementary conferences to complement the respective *Land's* own further training programme for court and prosecution office leaders.

### 2.4. Conferences on European law

Another important building block is the array of conferences dealing with European law. Due to the increasing significance of European law, it is necessary to offer a wide range of conferences in this field. First of all, these include introductory conferences on the topic. However, more specific conferences that deal with the interface between national law and European law are of particular importance. Language courses round out this range of conferences.

### 2.5. New events

If these framework conditions are complied with, many of the events offered will satisfy a need for training and must therefore be offered annually or at least biannually in the future. However, it should also be taken into account that judges and public prosecutors will have access to conferences offered by the Judicial Academy for approximately 35 years. In order to secure a continuous willingness to receive training, and thus a desire to embrace lifelong learning, it is crucial to not only supplement the specific conferences with current content, but also to continually expand the annual programme with new events. In 2011, 9% of conferences were new; for 2012, that figure has risen to almost 16%. In 2013, more than 18% of the conferences will be new. This development should be continued.

## 2.6. Autumn Academy

Because of the workload associated with voting on resolutions, the conference recommendations of the *Länder* must be submitted approx. 12 months before the annual programme begins, and the meetings of the Programming Conference are correspondingly scheduled six to nine months in advance of that: this means that the programme must offer sufficient space for meetings which can respond to the latest needs in the field of further training (cf. resolution 2.2 of the Programming Conference of the German Judicial Academy on organizing so-called “Autumn Academy” conferences). Such needs have to be recognised even in cases where this was not foreseeable at the time of the last Programming Conference. Not only the current relevance of the respective topic is decisive: a pressing need for such training which cannot be deferred until the next annual programme must have been established in several *Länder*.

## 2.7. Length of conferences

The length of a conference depends upon the topics to be addressed as well as didactic considerations. Overall, it should be taken into account that judges and public prosecutors increasingly prefer shorter meetings. Shorter meetings also promote the compatibility of professional and family life, and are preferable in view of high workloads. At the same time, however, the length of the meeting must also be proportionate to the time it takes to travel to the conference venue. For that reason, as a general rule, one- or two-day conferences are not feasible (cf. resolution 2.1 of the Programming Conference of the German Judicial Academy). For all conferences, it is important to use the available time efficiently. This will enable the participants to return home on the last day of the conference, for example.

## 2.8. Coordination of the conference proposals made by the members of the Programming Conference

Compliance with the above-mentioned criteria and appropriate modification in the case of pressing needs presupposes a high willingness to coordinate on the part of the members of the Programming Conference. This is possible only if the *Länder* base their conference proposals on the above-mentioned principles and forward their proposals to the other *Länder* for coordination at an early stage. The *Land* with the chairmanship is thus called upon to request conference proposals from the *Länder* far enough in advance. Only in this way can there be a discussion among the *Länder* prior to the first annual meeting of the Programming Conference in the case of substantive overlap. In order to allow all *Länder* to engage in a substantive evaluation, conference proposals must contain, in addition to a description of the content, other vital information about the event. In addition to the costs involved, these include the evaluations of the last conference as well as the number of participants in previous conferences.

Based on the Administrative Agreement, however, responsibility for complying with the above-mentioned framework conditions lies with the Programming Conference. Therefore, prior coordination among individual judicial administrations cannot replace the necessary discussions in the plenary session, which should always be encouraged. This is even more the case because the judicial administrations, due to the varying number of conferences to be organised, are not in a position to pass final judgment on whether the annual programme generally covers the expressed needs. A discus-

sion in the Programming Conference presupposes that there are adequate alternative suggestions for the design of the annual programme. As such, the judicial administrations are tasked with submitting one or two substitute proposals consistent with the number of conference sessions submitted. This is what creates sufficient opportunity for discussion and subsequent selection among the various topics for actually designing the annual programme according to current need.

## 2.9. Weighting of the various aspects while taking current need into account

In view of the various work areas of judges and public prosecutors and of the working world which is constantly changing, the German Judicial Academy will be successful in offering good further training only if all of the above-mentioned aspects are considered in designing the annual programme. Indeed, these constitute a guide for the *Länder* in submitting conference proposals, as well as an initial statement of the goal in compiling the overall concept of the annual programme. With regard to weighting in each specific case, compliance with all of the above-mentioned framework conditions in light of current need is to be consistently reviewed within the framework of the Programming Conference.







CHAPTER 3

# ADMINISTRATION OF PARTICIPANTS

Further training conferences find acceptance when the content of the conference is convincing and interesting, and when the realistic chance exists of being chosen to be a participant if the need for further training actually exists. If people know that this chance is very slight, those wanting further training will focus primarily on alternative course offerings, which might then possibly lead to them having no interest in participating over the long term. Fair and balanced distribution of spaces for participants must thus be a key goal for the judicial administrations which send them.

### 3.1. Quotas for the *Länder*

The German Judicial Academy has limited capacity. The individual judicial administrations therefore have various space contingents at their disposal. Distribution of those who have registered interest consistent with these various space contingents is among the major tasks of management of participants and does not always lead to satisfactory results.

In Germany, there are approx. 20,100 judges and approx. 5,200 public prosecutors. The German Judicial Academy in Trier and Wustrau has (only) approx. 4,900 spaces available annually. It goes without saying that the result of this is that not every interested person will be able to gain access to one or even more than one meeting every year. This is particularly clear in the case of meetings that generate a high level of interest. The relationship between potential applicants and spaces for participants becomes even more critical if there are active efforts to open up meeting of the German Judicial Academy for guest participants from abroad.

In the interests of fair distribution of spaces, the *Länder* are allocated a fixed number of participant spaces based upon the Königstein formula [translator's note: key used to determine the contribution of each *Land* in jointly financed projects]. The Königstein formula is based upon tax collection rates and population numbers. The result is, for example, that the Land of Bremen cannot send any participants to meeting types b) and c), and the Land of Saarland cannot send any participants to meeting types c) and d). Justice administrations have so far not been able to give priority in allocating freed-up spaces to the small *Länder* who have none or only a few spaces. However, this would be desirable because the large *Länder* are also able to ensure further training by offering their own events. Smaller *Länder* should advertise all meetings independently of the distribution key so that they are able to distribute freed-up spaces in good time.

In terms of further training for judges and public prosecutors, it would be beneficial to guarantee that, within the scope of the Academy's capacity, judges and public prosecutors from all *Länder* have the opportunity to participate in the programme of the German Judicial Academy.

### 3.2. Participants

The great advantage of further training events at the German Judicial Academy is that judges and public prosecutors from throughout Germany are able to meet and talk with one another; these joint events which require physical attendance (as opposed to e-learning) may thus also contribute to uniformity of law in our federal system.

One question which arises is whether and to what extent the possibility of networking provided by the conferences at the German Judicial Academy should be reserved for these professions, or whether it would also be a good idea to expand the circle of participants.

No. 2 of the Administrative Agreement of 1 March 1993 determines that the meetings of the German Judicial Academy serve the supra-regional further training of public prosecutors and judges from all branches of jurisdiction. Resolution 5.3 of the German Judicial Academy's Programming Conference further provides that in exceptional cases, staff members of the higher judicial service who are not judges or public prosecutors may participate in the meetings to the extent that a connection exists between their work and the respective event. That assessment is made by the respective justice administration sending participants to the meetings. This sometimes leads to uncertainty, especially for meetings on criminal law that are of interest to assistant public prosecutors at local courts, and for behavioural conferences as well. Opening the meetings to interested parties from the higher judicial and civil service or to assistant public prosecutors at local court level is particularly recommendable when the given topic is relevant to the respective professional group.

It would be beneficial for the further training of judges and public prosecutors if suitable conferences of the German Judicial Academy were opened up to ministerial officials of the justice departments (higher service) and assistant public prosecutors at local court level who work in the respective field, so that a dialogue could be enabled between the justice ministries and assistant public prosecutors at local court level. This open access should be made clear in the meeting descriptions.

### 3.3. Criteria for selection of participants

The programme of the German Judicial Academy distinguishes itself in the variety of topics addressed in the further training conferences offered. Some conferences have less demand and may be filled only with effort; other courses are so popular that need will continue to exist for several years.

In selecting participants, only professional need is to be taken into account; this can be gleaned from the following criteria:

- Does the interested party belong to the target group addressed by the conference description?
- Has the interested party been recently transferred to a department for which he/she has not yet been adequately prepared? The same applies to beginners in the profession.
- In conferences focusing on exchanges of experience, does the interested party have relevant prior skills that enable such exchanges in the first place?

- Does the need for further training arise from the fact that the interested party is burdened with working in several different departments?
- Has the interested party already attended other identical or similar courses at the German Judicial Academy in prior years? This assessment is designed to ensure that all judges and public prosecutors are given the chance to participate in German Judicial Academy courses.

One consequence of reviewing the need to take part in a conference might be that those less in demand will not fill up. Of course, that possibility must be accepted. The justice administrations sending the participants are particularly called upon to take the above-mentioned criteria seriously and not to send participants who clearly do not fulfil the criteria of professional need simply because they are interested in fulfilling their own quotas.

### 3.4. Involvement of staff councils

For organisational reasons, implementation of conferences advertised nationwide requires significant preparation time. This means that the interested parties must register their interest in participating in a conference at a very early date. Spontaneous decisions by interested parties to register for a conference at short notice, for example because they have transferred to another department, represents a major challenge, both for the justice administrations who wish to send participants and for those organising the conference. They both have a great deal of organisational work: the justice administrations sending participants must generally inform the organising justice administrations of the names of participants at the latest eight weeks before the beginning of the conference, so that those organising the event are able to invite registered participants in plenty of time before the conference begins and to provide them with relevant information about the conference (resolution 4.1 of the Programming Conference of the German Judicial Academy).

In some *Länder*, this timeframe is narrowed even more by the legislation governing staff councils. Some of those rules provide that the selection of participants in measures of professional further training is subject to approval when there are more applicants than available spaces. This approval procedure is subject to deadlines. Therefore, this approval requirement leads to time delays of two weeks in terms of registration with the organising justice administrations.

Particular difficulties occur when not enough participants register upon the first advertisement at the beginning of the year, so that the respective conference must be re-advertised. Because interested parties must comply with their own standard procedures, a re-advertisement takes an average of at least two weeks. If, as a result of the re-advertisement, more interested parties register in the end than participant spaces are available, the timeframe in some *Länder* narrows even more because, as already stated, staff councils are to be involved in such cases.

In those *Länder* where the staff councils are to be heard in advance of selecting participants, one solution could be to have registrations generally forwarded to the organising *Länder* with the reservation that it is subject to approval by the staff councils. At least in the cases where it is necessary to re-advertise a course, it should be considered whether a (prior) hearing of the staff councils may be dispensed with in order not to significantly impede the registration procedure or even to make participation at short notice impossible.

### 3.5. Introductory and advanced-level conferences

Some conference content must be divided into more than one module. It must be clear both to interested parties and the justice administrations that with their participation in introductory conferences, they generally also obligate themselves to participating in the advanced-level conference. Management of participants is particularly challenging when conferences are divided into introductory and advanced-level modules in cases where the conferences take place in different years and the interested parties fail to mention the necessary information regarding the introductory session when they register for the advanced-level part. In order to facilitate management of participants, it is desirable for the introductory and advanced-level conferences to be held in the same year, even if this means having the interested parties attend two courses in one year.

If the introductory and advanced-level conferences are held in different years, it should be ensured that with their registration, interested parties state that they have participated in the introductory session or, due to comparable background experience, they are in a position of being able to profit from and themselves enrich the advanced-level conference. It will be easier to administer participants if the description of the advanced-level conferences mandatorily includes the course number of the relevant introductory conference offered in prior years.

Registration for the introductory conference should simultaneously include registration for the advanced-level module; both conferences should be carried out within a narrow timeframe; and in registering for the advanced-level session, it should be mandatory for the justice administration sending the participants to provide information with regard to the introductory conference (or otherwise acquired comparable competence).

### 3.6. Invitations

The judges and public prosecutors selected for participation in the conferences are currently invited in writing by the organising justice administrations. These invitations include detailed information on the conference (including where necessary on the substantive content) and therefore contribute in advance to the success of the event.

Care should be taken to ensure that the invitations are generally forwarded to the participants at least six weeks in advance of the event. Pursuant to resolution 4.2, section 1 of the Programming Conference of the German Judicial Academy, this should be done either in paper form or via e-mail.

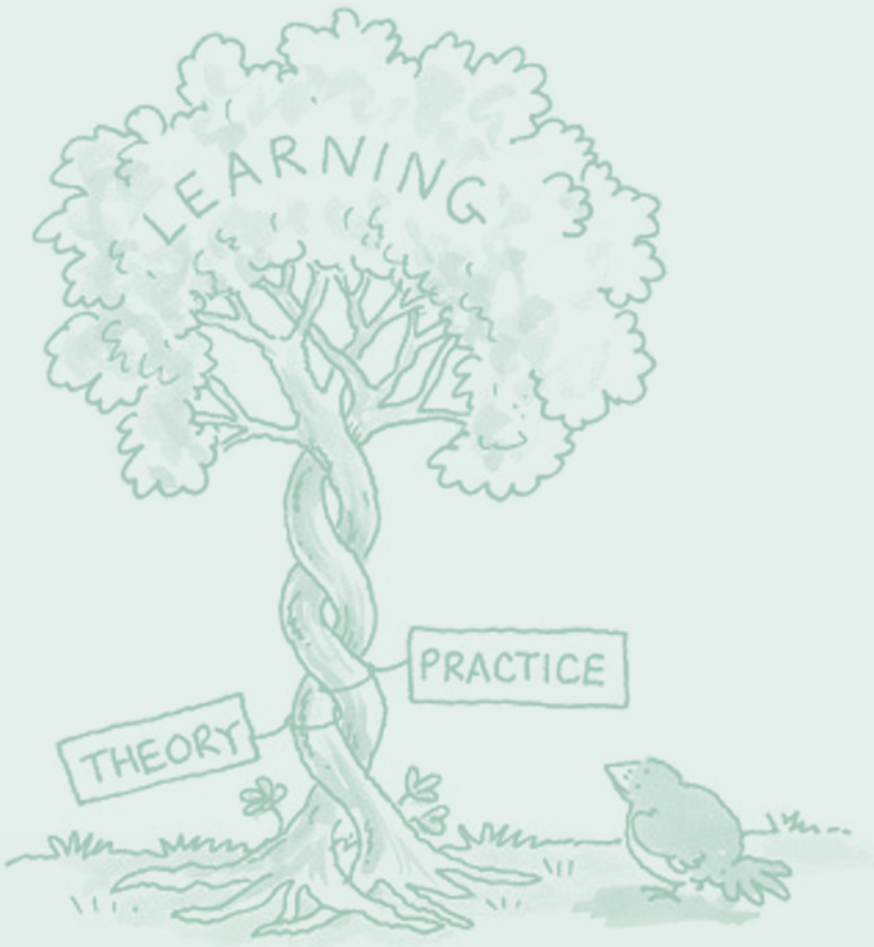
### 3.7. Substitute participants

For some courses, there are many more registrations than there are spaces available. Those interested parties who were not selected are registered as substitute participants by the sending justice administration, so that if a space becomes free, they may be contacted without delay. In this way, the justice administrations are generally successful in rapidly filling freed-up spaces, although this requires significant organisational work.

The topic of substitute participants always becomes relevant when specific justice administrations do not exhaust the contingent available to them, or when interested parties selected for the conference later cancel their participation. Usually, cancellations occur only after the participants have been selected and the interested party has already been sent an invitation.

However, participation in the conference is possible for substitute participants only if they have kept the dates for the event free based upon the information previously received. Due to the high volume of conference days, usually only few dates can be kept free, so that no substitutions can be made. This problem is further exacerbated by the fact that many applicants register for multiple courses in the hope that this will increase their chances of garnering a space.

The invitation makes it clear to the participants that, in view of the huge administrative effort involved in the organisation of a conference, cancellations are generally unacceptable. Unavoidable cancellations must be made without delay. Those needing to cancel should not wait until they have been selected to participate. Substitute participants must be informed of freed-up spaces early enough so that it is still possible for them to take part.



CHAPTER 4

# CONCEPTUAL DESIGN OF AN INDIVIDUAL CONFERENCE



The conceptual design of a training conference is of crucial significance in terms of ensuring good quality. Procedures will naturally vary because this task is the responsibility of those in the justice administrations who are in charge of further training. Nonetheless, there are many criteria that play a role for all participants in planning and that are open to general consideration. In addition to the substantive concept, which requires individual decisions for every conference, these include the questions of who should serve as lecturers, how the event is to be divided up in terms of time, which forms of learning should be used, how the learning process of the participants can be enhanced, and in what form accompanying materials or learning programmes can and should be made available. All of these questions must in principle be answered against the background of ensuring that the event in question will be successful in the long term. In the following, several general considerations are discussed which could be of significance for the planning decisions to be made.

#### 4.1. Forms of learning for events requiring physical attendance

Pursuant to resolution 3.1 of the Programming Conference of the German Judicial Academy, “a variety of teaching methods shall be employed as part of the programme of each conference. Aside from lectures – as part of which modern presentation technology shall be used where possible – speakers shall be encouraged to incorporate work in small groups, panel discussions, debate, field trips and role play into the conference. The lecture may be divided into several blocks, each with a subsequent discussion.”

##### a) Diversity of didactic methods

Conceivable forms of learning for a conference requiring physical attendance include:

- Lecture
- Discussion/exchange of experiences
- Panel discussion
- Working alone
- Working with partner(s)
- Group work
- Case study
- Role play/simulation/games
- Practical exercises/training
- Field trips
- Film
- Coaching
- Workshops

The standard form of learning at the German Judicial Academy is the lecture; this is why no more details are provided about it in the programme other than naming the title of the lecture. In addition, however, other forms of learning are used in many courses at the German Judicial Academy, as shown by the overview in Annex 6 which was compiled based upon the evaluation of the programmes from 2011. It can be assumed that not all cases of the use of group work, practical exercises and discussion portions are expressly mentioned in the programme, meaning that the portion of these elements is likely higher.

A substantive analysis of those conferences where alternative methods of learning have been used shows that these are largely behavioural and/or interdisciplinary events. In contrast, at conferences focusing on legal issues, the above-mentioned forms of learning in addition to the lecture are used much more seldom, at least based upon the content described in the course programmes.

But didactic diversity is every bit as important for specialist legal conferences as it is for the other types of events. This is the only way to make participants more active and thereby enhance learning success. To promote a participant-oriented didactic approach, legal lectures should, if possible, not be significantly longer than 20 to 30 minutes. In general, phases of repetition and deeper exploration of a topic should follow. Ideally, input sequences are followed first by a discussion phase and then an exercise portion which deals with related cases. Because it can often be difficult to keep input phases very short in the case of legal topics, prolonging that phase should at least put to use various media (film, flip chart, index cards, etc). The use of PowerPoint presentations is generally desirable in terms of visualisation and structure. However, good use of this medium requires not showing too many slides and not overloading these with detailed content; this is because visualisation in the final analysis serves only as a support, but cannot and should not replace a substantive lecture. Furthermore, it should always be kept in mind that a change in medium also fosters the learning process. For example, portions of lectures may be loosened up or even dispensed with in favour of group conversations. At the end of this type of learning unit, which consists of up to three elements (input, discussion, exercise), there is an evaluation phase which rounds out the block and represents a transition – following a short break – to the next unit. The means of learning utilised should be as varied as possible in the various phases of the learning unit in order to achieve a better level of learning success. This also applies to the overall structure of the lecture (introduction phase – processing phase – evaluation phase). As an introduction, for example, topic requests may be collected on index cards; later in the evaluation phase, the treatment of these topics can be reviewed. This method may also be used to inquire about previous experience.

## b) Inspiring active participation

In selecting the didactic methods, special emphasis should be placed on inspiring active participation. Often, this can succeed by simple means, for example by asking participants to provide a summary at the end of a learning unit, as well as visualising the contributions with index cards or a flip chart. Another method easy to implement which inspires active participation is discussion, which should always be encouraged if it does not happen automatically. Another good idea is to point out firmly planned discussion segments in the programme. In this context, however, the usual number of 35 or 40 participants in German Judicial Academy conferences might present an obstacle. In groups that large, not all people will be heard due to time constraints. Also, some arguments one wants to make might be already brought forth by other participants, which means that not everyone will have the chance to actively participate. A good idea in such cases is to have discussions and case studies carried out in smaller groups, the results of which can be summarised at the end in a plenary session.

### c) Support for lecturers and speakers

In addition to a diversity of methods and inspiring active participation, the use of tandem speakers and lecturers is desirable. If this does not appear to be possible for financial reasons, it should at least be ensured when selecting conference chairs that they have the aptitude and willingness to provide support to the speakers / lecturers – for example by leading discussion groups. Also, resolution 3.2 of the German Judicial Academy's Programming Conference provides among other things that the course leader should "provide assistance to the speakers for each of the conference sessions (introduction, farewell, breaks and moderation where necessary)".

### d) Breaks

The need for a break following a learning unit of approx. 45 minutes has already been mentioned briefly above. The ability to concentrate is significantly reduced after that period of time. Lecturers should be reminded that short breaks are necessary to achieve the desired success in learning and should therefore not be cancelled. This goal can be achieved easily by interrupting the session briefly, for example to open the windows for fresh air.

Overall, a project-by-project procedure should be utilised with regard to the proposals for improvement made above. Selected conferences should be scrutinised with regard to the above-mentioned matters and reworked. Insights gained can then be used for future conferences.

## 4.2. „Learning how to learn“

The catch phrase "learning how to learn" stands for the necessity of not only imparting content to learners; rather, participants also need to learn how to learn and process this content as quickly and sustainably as possible.

At the German Judicial Academy, the courses titled "Brainpower in Everyday Judicial Life – Reading Faster – Working More Effectively – Retaining More" and "Memory and Concentration Training – Enhancing your Mental Competence" address these issues. However, the aspect of "learning how to learn" should play a role in the teaching methods used at other conferences as well. In the final analysis, this aspect should be considered in selecting speakers and lecturers. These should be familiar with didactic approaches that lead to a rapid and sustainable understanding of the content to be imparted. Therefore, "learning how to learn" must also play a role in the qualifications of speakers and lecturers.

### 4.3. Selection and instruction of speakers / lecturers

Speakers and lecturers are selected independently by those responsible for further training in the organising judicial administrations. Both the professional and pedagogical skills of the speakers play the key role in this selection. The teaching methods employed by lecturers will incorporate skills and experiences in the following areas

- Particularities of adult learners
- Selection, structure and didactic preparation of content
- Structuring and methods of teaching
- Visualisation and use of media
- Conduct as the lecturer; dealing with participants.

The evaluation forms from prior events play a major role in selection. One criticism in this regard is that, due to frequent changes in some cases in terms of the persons responsible for further training, speakers and lecturers who have already worked for the German Judicial Academy on several occasions are often not personally known to the organisers of the next conference. Therefore, it is not always possible to estimate their pedagogical skills. And even if basic teaching skills are taken into account in selecting lecturers / speakers, the problem arises that these cannot generally be assumed for speakers from the justice sector – although based upon the evaluation of the programmes from 2011, these constitute about 60% of the lecturers. It would therefore be advisable to offer didactic instruction for this group. One possibility would be for this qualification programme to begin during the “Autumn Academy” (see Chapter 2.6. above) and then be included in the annual programme. Furthermore, the individual justice administrations could offer relevant instruction for the lecturers they employ. At the very least, however, it would seem expedient to publish guidelines on modern teaching methods on the German Judicial Academy’s homepage, to which the lecturers selected could be referred.

### 4.4. E-Learning / Blended Learning

E-learning encompasses every form of learning which utilises electronic or digital media for the presentation and distribution of learning materials and/or for the support of interpersonal communication. One example of this is the use of WBTs (Web-based training). Blended learning combines the advantages of events requiring physical attendance and e-learning, for example in that the courses are prepared and followed up by means of electronic media.

Advantages of e- and blended learning include:

- The path to learning can be individually tailored; for example, learning units may be skipped, the speed, time, duration and location may be determined by the user, and learning sequences may be repeated as needed.
- Successes in learning can be evaluated without having third parties learn of the review or the result.
- Learning programmes can make systematic use of various teaching methods.

These are contrasted by the following disadvantages:

- With regard to flexibility of each specific learning unit, every learning programme has its limits and may be either unsuitable or barely suitable for the needs of the learner.
- Interaction with other participants, and therefore exchanges of experiences, are not possible.
- Learning programmes presuppose a good level of self-motivation.

Especially taking into account the above-mentioned disadvantages, pure e-learning can be considered by the German Judicial Academy only with strict limitations. Encountering one another and mutual exchange are motivational factors that should not be underestimated. However, it should be evaluated whether the justice administrations should jointly acquire e-learning programmes on suitable topics and put them onto the German Judicial Academy's homepage.

For specialist conferences on legal issues, the use of blended learning would make sense, for example, if learning, reading and informational materials for newly-developed courses were to be made available for access on an educational platform for the purposes of preparation and follow-up. Following the conference, this platform could serve to foster exchanges among the participants and with the speakers, for example in a forum. The establishment of this kind of forum for suitable events is expressly welcomed in resolution 3.3 of the Programming Conference. Furthermore, course materials may be put on the educational platform both before and after the event (containing more detailed information and, if necessary, made into teaching materials by experts), thus also making them accessible online. For example, resolution 1.2 of the Programming Conference of the German Judicial Academy expressly states the following with regard to introductory conferences for department newcomers and transferees: "To the extent required, a self-learning phase shall precede such courses to ensure that the training provided in the attendance phase is more advanced than basic training." In distributing conference materials, it should be ensured that the lecturer's copyright remains intact. In terms of the use of blended learning, it is also important overall that an analysis of acceptance by the participants be carried out; in this way, unnecessary costs for unused learning and informational aids can be avoided.



CHAPTER 5

# **ORGANISATION OF AN INDIVIDUAL CONFERENCE**

Although the success of a training event for judges and public prosecutors naturally depends primarily upon a convincing substantive and conceptual design (see Chapter 4 above), the role of adequate organisation should not be underestimated. The overall impression that the speakers, the conference chair, and above all the participants have of their further training measure, as well as – and this is even more important – the long-term success of the learning process are strongly influenced by the following factors: a) professionalism in organising the course (selection and role of the conference chair, instructions for speakers, timely and adequate provision of preparatory information, preparation of the conference venue and media, etc.); b) the suitability of the overall framework (accommodation in a suitable venue, design of an interesting accompanying cultural programme, a variety of recreational activities, inclusion of foreign guests, media representatives, etc.); and c) appropriate follow-up (concluding conversation with the conference chair, creating participant networks, if appropriate with the use of online forums, etc.). In other words, a successful training event is characterised not only by the competent imparting of professionally relevant knowledge and skills, but also by the guarantee of an organisational “level of comfort” that is as high as possible. Many of the organisational aspects addressed in this chapter and the theses expressed in this regard might seem obvious to readers. But the practice of further training shows that quality assurance in the organisation of training is a continual task which repeatedly poses new challenges to those responsible.

Since its founding in 1973, the German Judicial Academy, with its conference sites in Trier and Wustrau, has in many respects been a pioneer in terms of the organisation of its conferences, which now number more than 140 annually. Often based upon formal resolutions by the Programming Conference, in the decades since its founding the German Judicial Academy has continually improved and modernised the organisation and implementation of its conferences. In some cases, the resolutions of the Programming Conference have merely confirmed what had already become established as day-to-day practice in administering further training. Based upon the many visits by delegations of foreign training institutes and the positive feedback received by them, it has become clear that the high organisational efficiency of the supra-regional further training offered by the German Judicial Academy to judges and public prosecutors is well-known abroad, and that our conferences are often seen to serve as a model worthy of imitation. Naturally, however, there are opportunities to make improvements to the organisational side of German Judicial Academy conferences.

### 5.1. Organising the conferences themselves

Of particular significance in the run-up to a training conference requiring physical presence are of course the conference’s substantive and conceptual design (see Chapter 4 above) and the administration of participants (see Chapter 3 above). Beyond that, however, those responsible for further training – for the special structure of the German Judicial Academy, this means the Director and his/her staff, as well as those from the organising justice administrations responsible for further training and their assistants – must perform other preparatory administrative tasks in order to ensure the best possible success of the conference from the outset.

### a) Role and selection of conference chair

During the entire course of the conference, including the preparatory and follow-up phases, the conference chair has a role that should not be underestimated. For this reason, the Programming Conference of the German Judicial Academy has made a resolution governing the selection and role of the conference chairs. Pursuant to resolution 3.2, the conference chair should be “involved in the preparation of the conference” and is to be “informed in a face-to-face meeting about the configuration and any special features of the conference” by the individual from the organising justice administration which is responsible for further training. In practice, the conference chair is often included by the organising justice administration as a key participant in the substantive and conceptual design of the event (see Chapter 4 above). This is one reason why the conference chair should be “an expert in the conference topic”. It is also provided that the conference chair should “try to ensure the ongoing presence of all participants during the conference”, “provide assistance to the speakers for each of the conference sessions”, and “report to the organisers after the conference on how the conference went and on the suitability of the topics and speakers”.

After all, the conference chair is the most important point of contact for the organising justice administration, the speakers, participants, the Director of the German Judicial Academy and the personnel of the two conference venues, namely the staff of the respective conference office and secretariat. Those at the organising justice administrations responsible for further training thereby carry significant responsibility in selecting suitable conference chairs. Experience shows that having a weak (“invisible”) conference chair who does not fulfil his/her steering and instruction function not only causes considerably more work for the other participants, but can also result in minus points being given in the substantive evaluation of the event in question (cf. below Chapter 6).

### b) The “if” and “how” of preparing speakers

The selection of suitable speakers and the accompanying development of conference sessions that are as instructive as possible are a core part of the substantive and conceptual design of further training measures for adults (cf. on this point Chapter 4.3. above). But this also involves a process which must be flanked by suitable organisational measures. Interestingly, in contrast to the conference chairs, to which resolution 3.2 applies as explained above, there is no formal decision by the Programming Conference of the German Judicial Academy which deals extensively with the role and selection of speakers / lecturers. With regard to selection, those responsible for further training at the organising justice administrations and/or the conference chair usually use speakers who have proven to be a good choice at other events and/or those who have been recommended as suitable for the respective topic. An appropriate evaluation process (below Chapter 6) should ensure that in the fortunately few cases where a lecture apparently has not at all impressed the participants either in terms of substance or method (or both), changes can be made for the following event.

However, the selection of professionally and didactically suitable lecturers alone does not by any means guarantee that the relevant conference session will be a success, especially in terms of long-term added value for the participants. In the modern training landscape, judges and public prosecutors have high standards in attending a



conference; they expect visual aids, suitable learning materials, and the possibility to participate actively – and this applies in equal measure to legal conferences. These expectations, which are not always self-explanatory for all lecturers, must be imparted in advance. This is why resolution 3.1. of the German Judicial Academy's Programming Conference provides that speakers should be encouraged to give their lectures if possible with the use of modern presentation technology, as well as using a "variety of teaching methods," which specifically includes "work in small groups, panel discussions, debate, field trips and role play". Further, it should be made clear to speakers that their "lecture may be divided into several blocks, each with subsequent discussion". In terms of the practical implementation of resolution 3.1, the lecturers receive an information sheet from the organising justice administration – for the most part agreed upon by the Programming Conference – which includes, in addition to purely administrative information, a polite statement explaining the participants' expectations in terms of visual aids and documents accompanying the lecture, as well as in terms of interactivity. It is pointed out in particular that at least one hour of each conference session should be made available for questions and answers as well as discussion.

### c) Provision of preparatory information and conference materials – form and deadline

Resolution 3.3, section 1 of the German Judicial Academy's Programming Conference stipulates that speakers "shall generally provide participants with documents on their topic". The concrete design of the materials (outlines, overviews of court decisions, case studies, bibliographies, printouts of PowerPoint presentations, etc.) is left to the speakers, with the reservation that the "distribution of fully fledged lecture manuscripts is not considered expedient". In contrast to many other countries that are not organised federally, and in which central judicial schools / academies organise further training for judges and public prosecutors at the national level, speakers at the German Judicial Academy are not given any rules for the optical design of their conference materials (in the sense of a style guide). Although this type of optical uniformity – which in some of the above-mentioned schools also serves the subsequent compilation of a full conference volume with all lectures – might seem quite desirable, it is certainly not compatible with the federal character of the German Judicial Academy and particularly with the circumstance that 18 different justice administrations (which all have their own style guide) are responsible for the substantive design of more than 140 conferences.

More important than the optical uniformity of conference materials seems to be the question of how and when the conference materials should be made available to participants. Resolution 3.3, section 2 provides that the requisite number of conference materials shall be sent by the organising justice administration (at its own cost) in a timely manner in advance of the event in paper form to the relevant conference venue. The invitation letter by the justice administrations to the lecturers, which is largely uniform, states in more precise terms that conference materials should be sent to the justice administration at least two weeks prior to the beginning of the conference. In practice, this deadline is often not met by the lecturers, which is partly caused by logistical difficulties on the part of the organising justice administrations and the conference offices of the German Judicial Academy in connection with copying and mailing. The question of at what point in time the conference materials should be made available to participants is answered in a differentiated manner in resolution 3.3, sections 1 and 3: Section 1 provides that "A structural outline with key words [...] shall be provided at the start of a lecture so that the par-

participants can follow the lecture more easily,” while “full lecture notes shall be handed out afterwards [...] since these distract from the lecture” (whereby fully fledged lecture manuscripts are to be avoided altogether). On the other hand, section 3 states that in the case of specific conferences or portions thereof it should be considered whether “manuscripts or further-reading lists should be provided in advance in order to ensure uniform levels of comprehension among the participants”.

The question arises of whether the largely paper-based “materials management” of the German Judicial Academy, in which materials are currently handed out after the respective lecture, is still appropriate for today’s times. The above-mentioned issue of late submission of documents presents considerable practical difficulties for the organising justice administrations as well as the two conference venues of the German Judicial Academy in terms of implementing resolution 3.3 of the Programming Conference. Given the (good) experiences reported by numerous justice administrations, the frustration often expressed by participants because they have taken notes unnecessarily by hand, and the increasing importance of blended learning concepts, the great logistical effort and high costs incurred by the justice administrations in regularly sending large amounts of paper out by mail, as well as the associated administrative effort for the conference centre staff, should be replaced by the largely electronic administration of conference materials. Especially in view of the fact that – as stated above – handing out fully fledged lecture manuscripts is undesirable at any rate and the transition between a “structural outline with key words” and “full lecture notes” (but not a polished speech) is likely fluid, we should specifically consider whether the lion’s share of the conference materials should be sent electronically to the participants in advance, for example by making it available in a password-protected area of the German Judicial Academy’s homepage. The access password for the relevant file could be sent out approx. five to six weeks before the event along with the invitation. It would then be the responsibility of the judges and public prosecutors, until shortly before the beginning of the event, to regularly check whether new conference materials have been added, and to decide for themselves whether to print these out or save them onto a laptop.

#### d) Preparation of conference logistics

It is vital to emphasise that the staff of the conference centres must ensure that all logistical prerequisites for the smooth running of a conference are in place prior to the start of the event itself. For example, these include:

- A staffed reception to assign rooms, for example, which may have to meet special requirements for certain lecturers and/or participants;
- Appropriate signposting of all relevant rooms in the conference venue, including the main conference room;
- Preparation of name tags for the conference chair(s), lecturers and participants;
- Handing out adequate numbers of updated conference programmes and participant lists;
- Equipping the conference rooms with the required technical equipment and the seating necessary for the respective event; and
- Timely information to the kitchen with regard to participants’ special needs (food allergies, religious wishes, etc.).

## 5.2. Design of the actual conference framework

The only administrative aspect of a conference which is (for the most part) visible to the participants themselves is the design of the overall framework during the phase of their physical presence. Indeed, in administrative terms, this means the period of time that is associated with almost no organisational effort for the organising justice administrations and – due to its routine nature – requires only a modicum of effort on the part of the two conference centres of the German Judicial Academy.

### a) Tasks to be performed by the conference centre office

The existence of an adequate venue represents a significant factor for the success of an further training measure requiring the physical presence of its participants. In addition to the requirements to be fulfilled by the conference room and its furnishings, addressed in more detail at b), this includes accommodation in single rooms with a wireless Internet connection which meets the high standards expected by speakers, the conference chair, and the participating judges and public prosecutors. Also necessary are pleasant and functional administrative, kitchen and dining room facilities, the best possible cuisine for conference participants, the availability of a specialist library, work rooms for small groups, and the offer of attractive recreational activities.

The two German Judicial Academy conference centres in Trier and Wustrau live up to these standards – especially taking into account their straitened financial circumstances – in an exemplary manner in almost all aspects. Located in the midst of attractive landscapes, they offer participants modern, spacious and clean single rooms with wireless Internet connections free of charge, as well as complete meal service, which is also free of charge except for cold drinks. The administrative areas, which include the conference offices, are freely accessible and pleasantly designed. Both facilities include regularly updated professional libraries, free legal online databases for the participants, current print media as well as work rooms for small groups. For sports and recreation, there are table football facilities, table tennis, fitness rooms, and bicycles available to borrow. There are a swimming pool in Trier and a bowling alley in Wustrau. Participants can relax in the sauna, and the *Weinstube* in Trier and the *Märkischer Keller* in Wustrau are pleasant pubs for relaxing and engaging in informal exchanges with colleagues. In this way, the German Judicial Academy takes special account of the facts that firstly, a positive learning environment plays a special role in adult education, and secondly, in terms of the long-term added value of the insights they receive within the scope of an further training event, it is almost as important for the attending judges and public prosecutors to have the opportunity to exchange experiences with colleagues on the sidelines of the conference as is the actual content of the conference itself.

Based on the above, it is no wonder that the two conference centres of the German Judicial Academy are extremely attractive for external conference organisers as well. In view of the limited capacity – in approx. 40 weeks of the year, the two conference centres regularly host over 140 conferences with a total of almost 5,000 participants – the Programming Conference has determined that the conference centres are, as a general rule, not available for further training to other justice employees (resolution 7.1). On the other hand, resolution 7.2 of

the Programming Conference allows for rooms to be made available when capacity exists – for a fee – to external event organisers with links to training (in the justice sector). Justice-sector training organisers at the regional level take particular advantage of this opportunity in both venues.

#### b) Requirements in terms of the conference room and its furnishings

The availability of fully fledged conference centres for the purposes of further training not only has the above-mentioned advantage of fostering connections among the group of participants; rather, it also guarantees an appropriate level of (technical) equipment for the rooms where the conferences take place. If it is necessary to book external hotels for certain conferences due to a lack of sufficient accommodation in a permanent training facility, the furnishing of the seminar room might be a bit modest and, in many cases, not up to the current technological standards; but an institute exclusively geared toward professional further training needs will naturally have the goal of offering all (affordable) modern training technology. For example, all of the main conference rooms at both conference venues of the German Judicial Academy in Trier and Wustrau have beamers, flip charts, metaplan equipment, overhead projectors, etc. Further, both buildings have modern video equipment for filming and screening role plays and similar sessions. Since 2011, the German Judicial Academy has also had mobile simultaneous interpreting equipment and interpreting booths which enables both foreign delegations to participate fully and certain conference sessions to be held in foreign languages. The acquisition of interactive whiteboards (over the medium term in the event of adequate funding) is being considered as additional improvement.

#### c) Accompanying cultural programme

Enhancing further training measures with an adequate (cultural) programme takes account of the insight that the human mind internalises new knowledge particularly well when it is repeatedly confronted with a variety of intellectual challenges. Correspondingly, the Programming Conference of the German Judicial Academy has determined in resolution 4.3 that “a framework programme for free time during the course of the conference shall be offered [...] according to demand” and that this take place on Wednesday afternoons. In implementation of that resolution, both conference centres organise city tours of Trier / Neuruppin on Wednesdays for the participants if there is sufficient interest. Furthermore, wine tastings regularly take place at the conference venue in Trier; in Wustrau, church tours, landscape slide shows and piano concerts are regularly offered. Also, distinguished art exhibits can be enjoyed in both venues during the entire course of the conferences, whereby the four annual exhibition openings per venue – the majority of them with artists from the respective area – always represent particular highlights of the conference year.

#### d) Involvement of conference guests from abroad

The organisational tasks of the organising justice administration and the two conference centres in Trier and Wustrau also include inviting foreign conference guests and ensuring their comfort. Pursuant to resolution 5.4 of the German Judicial Academy's Programming Conference, "the attendance of individual judges and public prosecutors from abroad also at conferences that are not aimed explicitly at participants from other states is welcomed". It is the task of the organising justice administration to evaluate to the extent possible the suitability (in terms of language and substantive topic) of the foreign guest. Of course, foreign guests take part in larger numbers in the bilateral conferences of the German Judicial Academy. In the past few years, there have been fruitful professional exchanges with Chinese, Russian, U.S. and Turkish guests; a German-Japanese seminar and a German-Chinese seminar have been carried out in 2012. Finally, resolution 7.3 allows suitable conferences to be opened up for up to ten (five in Wustrau) guest participants from European Judicial Training Network (EJTN) States. Suitable conferences (in 2012, over 30 of a total of 142 conferences) are identified by the Programming Conference of the German Judicial Academy.

#### e) Involvement of the media

The administrative tasks of both the organising justice administration and the Director's team of the German Judicial Academy include supporting journalists in the case of conferences that spark their interest (however, in practice this is relevant only for a handful of events). Resolution 5.7 of the Programming Conference generally welcomes the participation of media representatives. Details, such as the protection of personality rights of the speakers and the participants, must be clarified by the organising justice administration and the Director of the German Judicial Academy in cooperation with the conference chair and the lecturers concerned. Resolution 5.7 also provides that the consent of the conference participants is always necessary if the media wish to report on participant discussions within the scope of a conference.

### 5.3. Organisational follow-up of conferences

Naturally, the most important aspect in terms of the follow-up to each conference is the substantive evaluation / quality assurance (see below Chapter 6). However, there are additional organisational measures that can/should be taken in order to ensure the long-term added value of the respective further training measure.

#### a) Concluding conversation between the conference chair and the Academy Director

Although this is not expressly set forth in the above-mentioned resolution 3.2 of the German Judicial Academy's Programming Conference, in practice it has proven very useful to have the conference chair sit down for a short conversation with the Director and/or the respective Administrative Manager of the conference centre immedia-

tely following the final conference session in order to provide some initial feedback about the content and implementation of the further training measure. This conversation, which is meanwhile mentioned as worthwhile and desirable in the German Judicial Academy's uniform information sheet for all conference chairs, allows the chair not only to relate his/her impression of the substantive course of the seminar while memory is still fresh (they are supposed to do this in more detail and in a more structured manner in their written report to the training department of the organising justice administration, cf. below Chapter 6.3.), but also to bring up positive feedback or negative criticism regarding the overall framework of the conference. If circumstances require, this allows the two conference centres to better respond to the needs of the speakers and participants in future conferences. Also, in suitable cases the Director of the German Judicial Academy may refer to the initial personal feedback from the conference chair when forwarding the evaluation questionnaires to the organising justice administration.

### b) Certificates for lecturers?

Because lecturing for the German Judicial Academy continues to be associated with a certain level of prestige which should not be underestimated, some lecturers ask for certification that they have lectured on a certain topic at a conference. Although resolution 5.8 of the German Judicial Academy's Programming Conference states that (only) "each participant and the conference chair shall be issued a certificate of participation at the end of the conference", i.e. there is no provision for certificates to be issued to lecturers, such certificates are provided in suitable cases upon request. In contrast, the systematic issuance of certificates for lecturers by the German Judicial Academy is likely neither necessary nor desirable. Lecturers may generally prove their lecturing activity by reference to the conference programme, the invitation from the organising justice administration, or sometimes even by way of a feedback letter following the conference. Also, a mere certificate for the lecturer would likely not have much promotional value.

### c) Conference documentations

Resolution 3.3, section 4 of the German Judicial Academy's Programming Conference provides that the organising justice administrations – for copyright reasons, only with the express consent of the lecturers concerned, which must be obtained by the respective justice administration – should make conference materials available to the conference centres in electronic form in order to serve long-term documentation needs. In practice, it has become customary to make a copy of each lecture available in paper form. These materials are administered and archived at both conference centres. Upon express request, they are generally made available free of charge to a limited number of persons with rights of access. Only those persons who potentially have the right to participate in conferences at the German Judicial Academy have rights of access, namely judges, public prosecutors, assistant prosecutors in local courts, and ministry officials.

In the course of the further modernisation of the German Judicial Academy's homepage, proposed above at 5.1.c), it would seem expedient to establish an online library with the conference documents made available by

lecturers, divided up into ten blocks of topics as identified by the Programming Conference (European and international law; civil law; criminal law; administrative jurisdiction; fiscal jurisdiction; labour jurisdiction; social security jurisdiction; interdisciplinary conferences; behavioural conferences; and other conferences). Unauthorised access by third parties could be prevented by having a password which the conference centres of the German Judicial Academy would disclose only to authorised individuals.

This online library should also include conference programmes for access by those responsible for further training at the justice administrations, as well as brief descriptions of the conferences of the past three years.

**d) Transmission security: Electronic forums for participant networks?**

Until now, linking up conference participants following their respective event has been generally limited to compiling an e-mail list in paper form, which usually means that participants remain in contact only sporadically and rather coincidentally. In suitable cases, however, in order to ensure sustained learning success and in the interests of better networking among the group of participants (see below, Chapter 6.5.), forums should be established on the homepage of the German Judicial Academy (if this is technically feasible) as well as on easily accessible electronic platforms of third-party training organisers (e.g. the North Rhine-Westphalia justice administration); these forums – which might be operational for a limited period of time only – could have upload and real time chat functions.



CHAPTER 6

# QUALITY ASSURANCE IN FOLLOW-UP TO THE CONFERENCES



The mission of the German Judicial Academy in providing further training is defined in number 2 of the Administrative Agreement on the German Judicial Academy of 1 March 1993:

*„Its mission shall be to provide judges and public prosecutors with further training in their respective areas of expertise and to provide them with knowledge and experience of political, social, economic and other scholarly developments.“*

This mission has been placed in more concrete terms by way of a resolution by the Programming Conference on establishing the content of the conference programme, which determines the relationship between specialist legal conferences and interdisciplinary / behavioural conferences, as well as pointing out, also in the form of resolutions, that in specific conferences, use is to be made of the diversity of teaching methods (resolutions 1.1 and 3.1. of the Programming Conference of the German Judicial Academy). There are no additional official rules with regard to the goals and content of the further training offered.

Before answering the question of how quality can be assured, it must be identified in principle what actually constitutes quality in training for judges and public prosecutors. Should the goal of good – or better – quality in judicial and prosecutorial work be to accelerate judicial decisions, to reduce the number of legal remedies against judicial decisions, to lower the percentage of reversed cases by higher courts, to accelerate investigative proceedings, or to prefer bills of indictment more quickly? Does quality in behavioural conferences mean strengthening the individual, improving physical and mental performance capacity, increasing professional contentment? If these goals are met, are we able to claim that we have qualitatively good further training?

Following a conference, the question of the success of the measure is the most important question posed by the training centres and the organisers. This question can be answered only by way of an evaluation of the respective conference. “Evaluation is to be understood as the description, analysis and assessment of processes and results with the goal of controlling, steering and reflecting on educational activities” (Federal Academy for Public Administration, Educational Controlling in the Public Administration: concluding report of the project group on educational controlling 2008, p. 57).

The German Judicial Academy’s conferences are evaluated in two phases. First of all, the secretariats of the conference centres and the Director of the German Judicial Academy analyse the questionnaires, which are based on a points system of evaluation. The Director makes an initial assessment of the analysis. Thereupon, an evaluation is made by the organisers, namely those responsible for further training at the justice administrations.

The *Länder* justice administrations and the Federal Ministry of Justice work exclusively with the instrument of self-evaluation. Therefore, the planners in the training divisions and departments are the same people who, following a training event, analyse and reflect on the event’s success, draw relevant conclusions and further develop the respective conference. It is likely true that most of the individuals who deal with evaluations have not had any training in the theory and methodology of self-evaluation. It would be recommendable for the German Judicial Academy and/or the Programming Conference to address the issue of uniform standards and recommendations for action – possibly with the assistance of professional consulting. At the very least, organising a conference for those who engage in further training should be considered.

## 6.1. Participant questionnaires

The most commonly used instrument of evaluation is the questionnaire filled out by the participants of each conference. The relevant literature always points out that the informational value of participant questionnaires is limited because it is usually the satisfaction of the participant that is the subject of the questions. The literature states that satisfaction is largely dependent upon the personality of the lecturer. Due to the euphoria and enthusiasm about what they have experienced which becomes a central focal point directly following the conference, participants tend to evaluate behavioural conferences slightly higher.

Clearly, however, the participant questionnaire used by the German Judicial Academy is indispensable. Conclusions can be drawn about the quality of the lecturers, as well as that of the conference programme as implemented, for example whether the content of a lecture was appropriate to its length, or whether difficult personalities were chosen as lecturers. The questionnaires also sometimes reveal group dynamics which might shift the assessment of an entire conference (especially with regard to evaluation of the conference centre, the food, or an excursion).

Both the qualifications of the lecturers as well as the use of diverse learning methods and modern didactics should be subject to more intensive evaluation. To that end, the questionnaires should be redesigned to contain more targeted questions on teaching aspects. Experience with the questionnaires shows that currently, the participants do not always differentiate between content and methodology; it is therefore difficult to analyse the questionnaire with regard to the teaching methods employed.

Due to the indisputably subjective nature of the answers to a questionnaire filled out by participants, additional instruments should be used as corrective measures.

## 6.2. Questionnaires for lecturers?

Questionnaires for lecturers are sure to constitute a suitable means of qualifying a questionable assessment by a participant or explaining any unclear comments. However, the majority of the conferences at the German Judicial Academy entail presentations by a number of lecturers; therefore, they are only able to evaluate a conference session of three hours. They are not aware of difficulties which could have ensued in the group due to a previous lecture, and group dynamics are also difficult for the lecturers to discern because the focus on a single conference session is too narrow. Furthermore, the lecturers, who must often make great effort to integrate their lecturing activities into their everyday professional lives, are not exactly enthusiastic about having to prepare a report in addition to their lecture. It would therefore make more sense to ask the conference chairs to prepare reports.

### 6.3. Reports by conference chairs

Resolution 3.2 of the Programming Conference of the German Judicial Academy provides that reports are to be submitted by conference chairs following their event. Sometimes, however, these are not submitted; even where they are submitted, they are often extremely general. Therefore, the organisers are responsible for encouraging submission of conference reports which reveal more. One reason for this is that the information provided to conference chairs does not point this out; rather, it merely requests oral feedback to staff at the conference centre.

It would be recommendable to supplement the information sheet for conference chairs accordingly.

The conference chair has an overview of the conference in its entirety, has sufficient expertise to be able to substantively evaluate the lecturers, and can report on any processes or tendencies with regard to group dynamics during a conference. The instrument of reporting by the conference chairs should therefore be established as a more firm standard as part of the follow-up to German Judicial Academy conferences.

### 6.4. Securing the long-term added value of Academy conferences

Another building block in attempting an objective evaluation of a training measure is a second participant questionnaire, which should be distributed six to twelve weeks following their return to work, and can specifically serve to evaluate success in applying the attained skills in everyday working life. After that period of time, the distance from the training measure is large enough for the added value of the measure to be assessed more realistically in view of everyday professional activities. It is recommended that this additional instrument be taken up as a standard of quality control. This approach is based upon the “Kirkpatrick model.”

Donald Kirkpatrick began in the 1950s to work on evaluations of educational processes and developed a four-step model – albeit especially for industry – in which each specific step builds upon the others and the steps are to be studied consecutively:

- Reaction (success in satisfaction level)
- Learning (success in learning)
- Behaviour (success in transferring knowledge and skills)
- Results (success in business operations).

This model continues to be discussed and further developed because it is seen to apply well to adult education.

In its report titled *Educational Controlling*, the Federal Academy for Public Administration continued to develop that model by changing the step of “success in business operations” to the steps of “success in government authorities” and “success in investment”. It is very important for the further training offered by the German Judicial Academy to observe the success of the measure itself as well as the success in transfer (implementing the skills learned into everyday working life). Independently of the great difficulty in measuring them, success in government authorities and investment success

cannot be measured by the German Judicial Academy. This assessment must be made by the justice authorities who send participants to the conferences and/or those responsible for further training at the justice administrations / ministries of justice at the *Land* and federal levels.

#### a) Measuring learning success

It is also difficult to measure the learning success among the target group of judges and public prosecutors. Concrete criteria must be determined and applied to be able to determine whether the learning goals have been attained. The most obvious alternatives are knowledge and practical tests; due to the voluntary nature of further training, this presupposes the consent of the participants. There will likely not be much willingness on the part of conference participants to subject themselves to a performance test. One possibility for measuring learning success would be to use anonymous tests which do not allow identification of the tested individual; here as well, consent to the measure would be required. Although at least a portion of the group could be convinced to take such a test, this task would likely prove time-consuming because tests would need to be designed; due to the diversity of legal topics, these could not be standardised and would have to be corrected as well. To some extent, case studies are undertaken at the end of a conference; however, these cannot be evaluated and are often not very popular among the participants.

One proposal would be to obligate conference lecturers at the German Judicial Academy to formulate a “learning goal” for their respective contribution, which should be specified in very concise terms. This would represent a way of monitoring the learning process for the German Judicial Academy and conference organisers.

Conferences on behavioural topics that are designed to impart social competences play a special role. Learning success cannot be measured by tests in such cases. Only self-evaluation on the part of participants is available to gauge whether they have attained a certain goal. For this, a catalogue of questions would have to be compiled which would identify as concretely as possible the improvements made in terms of social / communicative skills. The German Judicial Academy does not have this type of catalogue of questions. It is recommended that one be developed.

#### b) Measuring transfer success

Transfer success – i.e., how successfully the knowledge and skills can be applied in everyday professional life – lends itself to observation as well. Measuring this is also the responsibility of the authorities who send participants to conferences, but due to its great significance for quality control, more focus should be placed on this issue. How can transfer success be measured? Should work results before and after the conference be compared with one another? Should there be comparisons among employees who have participated in a conference and those who have not? Can evaluations be undertaken by the authorities, or must external experts be called upon? Is academic monitoring necessary in order to develop a precise method of gathering data? Staff councils must be involved in this area at least to a certain extent.

Therefore, only instruments from the toolkit of personnel management can be considered – in modern vernacular, this is called career development. For the target group of judges, however, these are difficult to apply due to the principle of judicial independence. In any case, the transfer success should be discussed with the competent superior in the mandatory annual evaluation and career-development talk between employee and superior.

In its concluding report titled *Educational Controlling*, the Federal Academy for Public Administration recommended that as a rule, some time following conclusion of the training measure, a survey of participants should be undertaken, including with regard to their assessment of transfer success. This assessment should be combined with the follow-up questionnaire (six to twelve weeks following the training measure). It is only feasible for this type of questionnaire to be carried out by the German Judicial Academy itself, because this is the only place that information can be gathered and assessed pursuant to a uniform standard. In order to ensure this without excessive investment of time, however, the technical preconditions for a comprehensive electronic evaluation must be in place.

Thereafter, implementation plans could be worked up; with these, every individual would be able to measure or assess his/her transfer success with the help of a checklist, potentially with monitoring by experts in the field. These could be made available to participants at the end of each conference.

## 6.5. Participant networks and multipliers

The German Judicial Academy does not offer any workshops especially designed to study conference content in more detail (the modular conferences for those in leadership positions and some behavioural conferences divided into introductory and advanced-level conferences do not fall into this category). However, participants in a training event do have the opportunity to privately organise meetings with other participants and/or to establish longer-term networks. In this way, interested persons are able to exchange expertise about specific legal issues in their respective field of work.

To promote effective further training, care should be taken to ensure that the teaching content reaches a broad group of participants. Because each justice administration has only a limited contingent of participants at its disposal, it can often take some time before an individual is able to participate in the desired conference. Against that background, it would seem expedient to be able to familiarise interested judges and public prosecutors of conference content in other ways as well. Toward that end, it would make sense to utilise conference participants as multipliers. To make this task as attractive as possible for participants, the lecturers should be encouraged in advance of the event to make available suitable materials which could be forwarded to a broader public. It should be ensured that the documents are able to provide a decent overview of the significant content without the necessity of the readers having participated in the respective conference. This content might include bibliographies, key conclusions reached by specific lectures, and tips for transfer into practice. At the same time, these documents could aid the participants in their revision and overview. Furthermore, this substantive exchange provides a good opportunity for self-assessment of the transfer success.

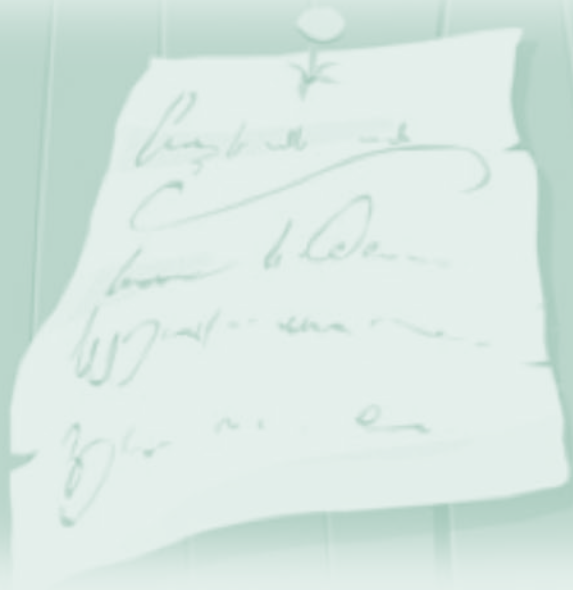
Further training series composed of modules, for example on mediation or other behavioural topics, but also, for example, for conferences on English, French and Spanish law, all have in common that the group of participants does not change significantly over the course of several modules. It might be conducive to learning success to network participants if this is technically feasible at justifiable cost; if so, electronic user forums could be set up via the homepage of the German Judicial Academy (with logins and passwords). This type of forum would enable participants to communicate what they have learned in between the events requiring physical presence – potentially in real time – and upload any documents of general interest to the other participants.

Resolution 3.3, section 4 of the Programming Conference of the German Judicial Academy expressly provides that “to ensure that information is fully transferred, certain conferences shall entail follow-up in the form of [...] a forum (for a limited period of time).” Before commencing with the establishment of electronic user networks, which entails a large amount of organisational effort, it would seem feasible to first evaluate the longer-term experiences of other justice administrations with such forums, namely the justice administration of North Rhine-Westphalia.

The German Judicial Academy cannot force participants to organise themselves in any particular way following a conference, or force them to use any electronic forums that are set up.

It is therefore recommended that a standardised letter of encouragement be forwarded to all conference participants.





**SUMMARY OF  
THE KEY FINDINGS:  
WHAT CONSTITUTES GOOD  
FURTHER TRAINING?**



## 1. Needs Assessment

Further training at the German Judicial Academy will be a success if the following principles are adhered to in the context of needs assessment:

- The users of further training at the German Judicial Academy are given the chance to communicate their training needs and their expectations of the conferences they attend;
- It is easy for users to register their training needs;
- The executive staff of the sending authorities communicate the training needs they recognise in working with their staff or through one-on-one staff evaluation and career-development meetings;
- The further training events are geared to the needs communicated through the above-mentioned channels.

## 2. Compilation of the Annual Programme

Further training at the German Judicial Academy will be a success if the annual programme meets the following criteria:

- Specialist legal conferences, behavioural conferences and interdisciplinary conferences, as well as introductory, advanced-level and leadership conferences are offered in due proportion;
- Due consideration is given to the increasing impact of European law in legal matters at the national level;
- New seminars and conferences are offered on the latest issues in addition to those conferences designed to meet permanent further training needs;
- Conferences of varying duration are offered and the length of each conference is chosen and utilised effectively depending on the topic and the interests of the participants;
- The annual programme can be compiled on the basis of a variety of conference and substitute proposals and the Programming Conference has the necessary background information at its disposal for its members to lead a constructive and critical dialogue in examining and assembling these proposals in accordance with current needs.

## 3. Administration of Participants

Further training at the German Judicial Academy will be a success if the following principles are adhered to in administering attendance:

- The judges and public prosecutors of all justice administrations are given the opportunity to take part in the conferences on offer at the German Judicial Academy within the scope of the Academy's capacity;
- Suitable conferences at the Academy are also made available for justice ministry staff (of the higher civil service), and for assistant prosecutors at local court level whose area of expertise is relevant to the conferences on offer. This will promote dialogue between the justice ministries and assistant prosecutors at local court level;
- Attention is paid by the justice administrations in selecting participants for the conferences to whether there is a professional need for the staff in question to receive further training in the respective field;
- The registration procedure and involvement of staff councils do not pose any serious obstacle to last-minute registrations or rule them out entirely;

- Participation in introductory and advanced-level conferences generally go hand in hand and both events are carried out within a narrow timeframe;
- Unavoidable cancellations are made as early as possible to ensure that others can be informed in good time of any places that become available. This will ensure that these people are still able to attend the conference.

#### 4. Conceptual Design of an Individual Conference

Further training at the German Judicial Academy will be a success if each individual conference is conceptualised as follows:

- A variety of teaching methods are employed. This will involve the use of various learning modes and media throughout the course of a conference session to ensure active participation;
- In selecting the conference chair, attention is paid to whether the person concerned is suitable for the job and is willing to support the speakers actively in their work at the conference, e.g. by moderating the discussion;
- Sufficient breaks are planned in and the speakers are made aware of this;
- Emphasis is placed on selecting speakers with didactic skills, and further training on good teaching methods is provided for speakers;
- The possibilities of blending learning are utilised at least with the provision of conference documents in electronic form before and after the event, as well as the creation of user forums. Education platforms will constitute a suitable option for the latter because of copyright and data protection considerations;
- Web-based e-learning programmes are made available on the homepage of the German Judicial Academy.

#### 5. Organisation of an Individual Conference

Further training at the German Judicial Academy will be a success if each individual conference is organised as follows:

- The conference chair is chosen and involved throughout the entire duration of the conference. This will enable the chair to work efficiently as a go-between in both substantive and organisational matters for all those involved in the conference (organising justice administration, director and staff of the conference centres, speakers, participants);
- The justice administrations establish contact with the speakers / lecturers in advance of the event to emphasise the importance of a presentation that is carefully planned both in terms of teaching methods and substance. A good presentation will involve utilisation of suitable visual aids and learning materials, as well as enough time for discussion;
- The relevant documents for each conference session are sent to the participants in suitable form prior to the conference – preferably in electronic form via a website that is well protected against external attack;
- Electronic forums with upload capacity and real time chat are set up for the participants as follow-up to the conference;
- The conference programme and a brief description of the events from the last three years as well as the key conference materials are stored together (preferably in electronic form), archived and made available for those who can demonstrate a legitimate interest in accessing these documents;

- Staff at the conference centres handle all organisation matters in good time for the orientation of the speakers, conference chairs and participants (receiving the participants, signs, conference equipment, etc.);
- Spaces are made available in close proximity to one another for all conference-related purposes (single rooms with wireless Internet; a modern administrative space; generous kitchen and dining facilities; small, medium and large conference rooms with modern presentation technology such as [overhead] projectors, flip charts, metaplan equipment and, if appropriate, interactive whiteboards);
- Participant satisfaction beyond success in learning is guaranteed with an interesting cultural programme to accompany the event.
- The conference centres and their staff work to ensure an open, friendly and welcoming environment for media representatives and participants from abroad.

## 6. Quality Assurance in Follow-up to the Conferences

Further training at the German Judicial Academy will be a success in terms of quality assurance in follow-up to the conferences if the following principles are adhered to:

- Participant questionnaires have as much declarative value as possible;
- A written report is provided by the conference chair in the follow-up to a conference; this contains exhaustive and comprehensible information on the adequacy of speaker knowledge and teaching skills, as well as on any problems or organisational glitches experienced in the course of the conference;
- Speakers are obligated to formulate and specify a “learning goal”;
- A questionnaire is provided in the case of conferences on behavioural topics in order to portray the added value of each conference in as much detail as possible;
- Suitable instruments such as follow-up questionnaires and staff evaluation meetings are used to gauge the how successful an event has been in transferring the required knowledge;
- Workshops, networks and – if these have been set up – electronic forums for participants (continue to) run after a conference has finished.

**ANNEXES**

## Annex 1: Administrative Agreement of 1 March 1993 between the Federation and the *Länder* on the German Judicial Academy

- The Federal Republic of Germany and
- The Land of Baden-Württemberg,
- The Free State of Bavaria,
- The Land of Berlin,
- The Land of Brandenburg,
- The Free Hanseatic City of Bremen,
- The Free and Hanseatic City of Hamburg,
- The Land of Hesse,
- The Land of Mecklenburg-Western Pomerania,
- The Land of Lower Saxony,
- The Land of North Rhine-Westphalia,
- The Land of Rhineland-Palatinate,
- The Saarland,
- The Free State of Saxony,
- The Land of Saxony-Anhalt,
- The Land of Schleswig-Holstein and
- The Land of Thuringia

hereby enter into the following Agreement:

### 1 Funding

The German Judicial Academy shall be jointly funded by the Federation and the *Länder*. It shall have a conference centre in Trier, an institution of the Land of Rhineland-Palatinate, and a conference centre in Wustrau, an institution of the Land of Brandenburg.

### 2 Mission

The German Judicial Academy shall provide supra-regional further training to judges of all branches of the judiciary and public prosecutors. Its mission shall be to provide judges and public prosecutors with further training in their respective areas of expertise and to provide them with knowledge and experience of political, social, economic and other scholarly developments.

### 3 Annual Agenda

A general outline of the Annual Agenda of the German Judicial Academy is set by the Programming Conference for the forthcoming calendar year. In particular, the Programming Conference shall determine the number, duration and topics of the conferences to be held and specify which justice administrations are to implement each part of the Agenda. The general outline of the Annual Agenda shall be fleshed out by the *Land* implementing the conference in accordance with the guidelines stipulated by the Programming Conference.

#### 4 Programming Conference

The Federal Ministry of Justice and the justice administrations of every one of the *Länder* shall each have one vote at the Programming Conference; the German Judges' Association (Association of Judges and Public Prosecutors), the Public Services and Transport Workers' Union (professional group: judges and public prosecutors)\* and the Association of Administrative Court Judges in Germany shall participate in an advisory capacity. If unanimity cannot be achieved, the Programming Conference shall issue its decisions with a majority of three-quarters of the votes. The Programming Conference shall be chaired by the *Land* that currently holds the chair of the Conference of Justice Ministers.

*\*Now the VERDI union*

#### 5 Administration of the German Judicial Academy

The German Judicial Academy shall be headed by a Director, who shall be based in Trier. He shall also exercise his official duties from Wustrau as appropriate.

The Director shall be appointed for a limited term by the justice administration of the Land of Rhineland-Palatinate upon the joint nomination of the justice administrations of Rhineland-Palatinate and Brandenburg in agreement with the justice administrations of the remaining *Länder* and the Federal Ministry of Justice. He shall be a judge, public prosecutor or civil servant of the higher service, and be qualified for appointment to judicial office. Persons with a diploma in law who have been appointed as a judge, public prosecutor or higher civil servant of the administration in the territory specified in Article 1 par. 1 of the Unification Treaty may also be appointed.

The Director shall advise the Programming Conference in the latter's compilation of the Annual Agenda, coordinate the day-to-day running of both conference centres and support the *Länder* organising the conferences in their planning and implementation thereof. He shall report to the Programming Conference on his experience in performing his functions and make proposals for new further-training concepts.

The Trier and Wustrau conference centres shall each have an Administrative Manager and the necessary number of support staff members as determined in the budget plan of each Centre. The Administrative Managers shall have the power of instruction vis-à-vis the staff working in the institutions they head.

#### 6 Costs

Subject to the approval required under budgetary law, the financial needs of the German Judicial Academy which pertain to its running costs and are not covered in any other way shall be divided in half between the Federation and the *Länder*. These running costs shall include funds for building maintenance and for small conversion and extension works. The part of the funding that falls to the *Länder* shall be borne by all of *Länder* together: two-thirds of their share in this shall be determined proportionately by tax revenue and one-third by size of population. Tax revenue shall consist in the tax revenue of the *Länder* which serves as the basis for fiscal equalisation among the *Länder*.

Tax revenue shall increase or decrease by the amounts the *Länder* receive from or provide to other *Länder* as part of this fiscal equalisation. Tax revenue and the population figures ascertained by the Federal Statistical Office for 30 June of the accounting year two years prior to the accounting year in question shall be determinative.

So long as the *Länder* of Mecklenburg-Western Pomerania, Brandenburg, Saxony-Anhalt, Thuringia, the Free State of Saxony and the Land of Berlin with regard to its eastern part are not included in the fiscal equalisation among the *Länder*, the transitional provisions as indicated in the Annex shall apply.

The shares to be paid by the Federation and the *Länder* shall be due within the course of each accounting year in two parts to be paid on 31 March and 30 November pursuant to the estimates of the budget plans. Over- and underpayments beyond or below the funding needs calculated pursuant to the annual accounts shall be offset against the second part-payment of the following accounting year.

## 7 Budget

The *Länder* of Rhineland-Palatinate and Brandenburg shall each prepare a budget estimate for the institutions located on their territories. The estimates shall then be agreed by a joint commission of the *Länder* of Rhineland-Palatinate and Brandenburg, which shall consist of representatives of both justice administrations and the Director of the German Judicial Academy. The estimates for both institutions shall be forwarded in one dossier to the Federation and the remaining *Länder*. This dossier shall require the approval of the Federation and a two-thirds majority of the *Länder* in order to be adopted.

The *Länder* of Rhineland-Palatinate and Brandenburg shall then incorporate into their budgets the share of the approved budget estimate that is relevant to the institutions on each of their territories. The audit reports of the courts of audit of Rhineland-Palatinate and Brandenburg shall be forwarded to the Federation and *Länder*.

## 8 Buildings

The buildings of the German Judicial Academy owned by the *Länder* of Rhineland-Palatinate and Brandenburg shall be provided, alongside all facilities, irrevocably and free of charge to the Federation and the *Länder* for the purposes served by the German Judicial Academy.

## 9 Period of validity

The present Agreement shall be concluded for an indefinite period of time. It may only be terminated with a notice period of two years running to the end of the given calendar year; in this case the present Agreement shall remain in force among the remaining parties thereto.

If the present Agreement is terminated, a settlement shall take place pursuant to the services rendered, to the extent that these have resulted in the creation or augmentation of value. After the termination notice by one of the parties to the Agreement, no property disputes shall arise.

## 10 Repeal

With the entry into force of the present Agreement, the Administrative Agreement on the German Judicial Academy of 12 January 1973 between the Federal Republic of Germany and the Land of Baden-Württemberg, the Free State of Bavaria, the Land of Berlin, the Free Hanseatic City of Bremen, the Free and Hanseatic City of Hamburg, the Land of Hesse, the Land of Lower Saxony, the Land of North Rhine-Westphalia, the Land of Rhineland-Palatinate, the Saarland and the Land of Schleswig-Holstein shall be repealed.

## 11 Entry into force

The present Agreement shall enter into force on 1 January 1993.

## Annex 2: Collection of Resolutions issued by the Programming Conference of the German Judicial Academy (Last updated: June 2012)

### 1 Programme contents / Annual programme

#### 1.1 Contents of the annual programme

03.06.-05.06.2002 – Erfurt

The Programming Conference resolves unanimously on the composition of the annual programme as follows:

- |   |      |
|---|------|
| • Specialist legal conferences  | 45 % |
| focusing on the following   |      |
| • Civil law   | 4/10 |
| • Criminal law  | 4/10 |
| • Specialist jurisdictions  | 2/10 |
| • Interdisciplinary conferences   | 30 % |
| • Conferences for the development of social competences (behavioural conferences) | 25 % |

The conferences proposed by the justice administrations for the annual programme shall be categorised into the aforementioned groups. The Judicial Academy and the associations of judges may make additional proposals for the annual programme.

#### 1.2 Special conferences and language courses

03.06.-05.06.2002 – Erfurt  
 14.03.-15.03.2005 – Recklinghausen resolution supplemented  
 30.05.-01.06.2005 – Wustrau resolution supplemented

No courses specifically geared to judges in their probationary period shall be offered. The same applies to seminars on the use of information technology.

However, introductory courses to certain areas of law for department beginners / transferees shall be included in the programme.

To the extent required, a self-learning phase shall precede such courses to ensure that the training provided in the attendance phase is more advanced than basic training.

In agreement with the Programming Conference, the German Judicial Academy may offer introductory courses to foreign law at the Trier conference centre in the language of the country concerned. Such courses shall primarily serve as language courses.



### 1.3 Overview / collection of conference topics (continuous as of 1973) by the German Judicial Academy

03.06.-05.06.2002 – Erfurt

An "Overview of Conferences of the German Judicial Academy since 1973 – Conference Topics" shall be maintained by the German Judicial Academy, Wustrau conference centre.

### 1.4 Publications

14.03.-16.03.2005 – Recklinghausen

The slides "Appraisal of conferences since 2000", "Appraisal by conference content", "Appraisal of duration of conference", "Attendance since 1973" and "Participation according to professional group" from the annual report shall be published on the homepage.

In future, a comparison of attendance by professional group with staff statistics shall be published.

## 2 Programme structure / Annual programme

### 2.1 Ratio of short conferences to long conferences

03.06.-05.06.2002 – Erfurt  
 30.05.-01.06.2005 – Wustrau resolution amended  
 14.05.-15.05.2007 – Wustrau resolution amended  
 25.05.-27.05.2009 – Dresden resolution supplemented  
 31.05.-02.06.2010 – Hamburg resolution reworked  
 26.03.-28.03.2012 – Wustrau resolution supplemented  
 30.05.-01.06.2012 – Wiesbaden resolution amended

The programme structure shall be determined by the duration of the individual conferences. As a rule, the conferences shall be classified according to duration by the number of sessions they contain (one session = 3 hours including break) using the codes W4, W6, W8, W9, W10, W11 or W13.

In the annual programme, all conferences shall be distributed evenly over the two conference centres.

As a rule, the conferences shall take place with the following arrival/departure days:

Conference	Arrival day	Departure day
W 4	Monday or Thursday	Thursday or Sunday
W 6	Sunday or Monday	Thursday or Friday
W 8	Sunday or Monday	Friday or Saturday
W 9	Sunday	Saturday
W 10	Sunday	Saturday
W 11	Sunday	Sunday
W 13	Thursday	Saturday

W4 conferences shall only take place in exceptional cases where suitable. There shall be the option for W9, W10 and W13 conferences to end on Friday afternoon or Saturday morning, and for W11 conferences to end on Saturday afternoon or Sunday morning.

A framework programme may be provided if there is the demand for one.

## 2.2 Hot topics / „Autumn Academy“ in Trier and Wustrau

03.06.-05.06.2002 – Erfurt

To provide focus at short notice on topics of current interest, the annual programme shall contain eight short conferences (W6) – four in Trier and four in Wustrau – in the form of an “Autumn Academy”.

The conferences of the Autumn Academy shall be implemented by the *Länder* in alternating order in addition to the conference sessions to be organised pursuant to the *Königstein* formula [translator’s note: key used to determine the contribution of each *Land* in jointly financed projects].

The issues to be put on the agenda of the Autumn Academy for the current year shall be discussed in the first session of the Programming Conference and adopted in the second session.

## 2.3 Advanced-level conferences

03.06.-05.06.2002 – Erfurt

Advanced-level conferences can be implemented as soon as the need has arisen for an advanced-level conference on a certain topic. Participants of advanced-level conferences should have participated previously in a basic-level conference on the same subject.

## 2.4 Distribution key for e and f conferences

22.03.-24.03.2004 – Wustrau

The Programming Conference unanimously resolves that, in future, e-conferences in Wustrau shall be held according to the “d formula” and f-conferences in Trier shall be held according to the “a formula” [translator’s note: refers to the composition of participants of additional, so-called “e” and “f” conferences].

## 3 Tasks / Responsibility for the programme on the part of the justice administrations

### 3.1 Variety of methods at each conference

03.06.-05.06.2002 – Erfurt

A variety of teaching methods shall be employed as part of the programme of each conference.

Aside from lectures – as part of which modern presentation technology shall be used where possible – speakers shall be encouraged to incorporate work in small groups, panel discussions, debate, field trips and role play into the conference. The lecture may be divided into several blocks, each with subsequent discussion. The aim pursued in the application of a variety of methods shall be implemented in agreement with the speakers and the conference chairperson.

### 3.2 Appointing a conference chairperson; Selecting and involving the conference chairperson; Special responsibilities of conference chairpersons

03.06.-05.06.2002 – Erfurt

The significance of the chairperson with regard to the success a conference is emphasised. All conferences should therefore have a conference chairperson.

The conference chairperson should:

- Be an expert in the conference topic;
- Be involved in the preparation of the conference;
- Be informed in a face-to-face meeting about the configuration and any special features of the conference;
- Be made aware of the problem of – undesired – early departure of participants and try to ensure the ongoing presence of all participants during the conference;
- Provide assistance to the speakers for each of the conference sessions (introduction, farewell, breaks and moderation where necessary);
- Report to the organisers after the conference on how the conference went and the suitability of the topics and speakers.

In preparation for the conference the conference chair shall also receive an information sheet from the German Judicial Academy with organisational tips on how to chair the conference.

### 3.3 Conference documents

03.06.-05.06.2002	–	Erfurt
14.06.-16.06.2005	–	Recklinghausen resolution supplemented
30.05.-01.06.2005	–	Wustrau resolution supplemented

Speakers shall generally provide participants with documents on their topic. A structural outline with key words and additional (further reading) tips shall be provided at the start of a lecture so that the participants can follow the lecture more easily. Full lecture notes shall be handed out afterwards, however, since these distract from the lecture. The distribution of fully fledged lecture manuscripts is not considered expedient.

An appropriate number of copies of the documents for each lecture shall be sent by the justice administration organising the conference in preparation for the conference to the German Judicial Academy.

The organisers shall consider whether, for certain conferences or lectures, manuscripts or further-reading lists should be provided in advance in order to ensure uniform levels of comprehension among the participants.

To ensure that information is fully transferred, certain conferences shall entail follow-up in the form of lecture notes or a forum (for a limited period of time). Any costs arising for such support shall be quoted in the calculation of the speaker remuneration.

Lecture materials shall be forwarded by the German Judicial Academy to persons entitled to participate in the conferences to the extent that the speakers have given the appropriate consent and the materials have been provided in electronic form by the justice administration organising the conference.

### 3.4 Willingness to pursue further training as a criterion of assessment

03.06. - 05.06.2002 – Erfurt

The programme conference considers it desirable for a willingness to pursue further training to be considered as a criterion in judges' and prosecutors' assessments.

## 4 Organisation of individual conferences

### 4.1 Registration of participants (time) and procedure for registering new participants following a fresh call for participants by the *Land* organising the conference

03.06.-05.06.2002	–	Erfurt
30.05.-01.06.2005	–	Wustrau resolution supplemented

The justice administrations shall register the conference participants and reserve participants with the *Land* organising the conference at the latest eight weeks prior to the start of the conference.

With the registration of participants, the *Länder* shall inform the *Land* organising the conference of how many replacement participants and persons with an interest in the conference are available, to the extent that this information is available to the *Länder*.

### 4.2 Invitation letter to the participants

03.06.-05.06.2002	–	Erfurt
30.05.-01.06.2005	–	Wustrau resolution supplemented
26.03.-28.03.2012	–	Wustrau resolution supplemented
30.05.-12.06.2012	–	Wiesbaden resolution supplemented

#### Hindered attendance / Universal passage in the invitation letter

The Federation, the *Länder* and the German Judicial Academy as the organisers of the conferences shall include in the letters of invitation, which may be sent out to the participants in paper form or by email, mention of the fact that participants who are prevented from attending the conference should immediately inform not only the *Land* organising the conference and the German Judicial Academy of their non-attendance, but also the *Land* from which they are being sent in order to ensure that their places can be filled by other participants if applicable.

#### Early departure / Universal passage in the invitation letter

The letter of invitation to the participants shall also contain the following passage:

“The conferences of the German Judicial Academy are official, work-related events. Their organisation requires large-scale deployment of personnel, financial and organisational resources. We therefore do not welcome late arrival, interrupted attendance or early departure.”

It shall be up to the justice administration issuing the invitations to decide where in the letter this passage will be included, and which introductory and/or additional remarks are to be included.

The *Land* organising the conference shall be free to decide whether to include a passage with additional reference to the costs in order to increase awareness among participants of the costs entailed. Such addendum may consist of the following: “The costs borne by the justice administrations per day and per participant amount to an average of €150” or “The average costs for a conference of this length per participant amount to ...” The average costs can be drawn from the following table:

Conference type	Cost per participant
W 4	300 €
W 6	450 €
W 8	600 €
W 9	675 €
W 10	750 €
W 11	825 €
W 13	975 €

#### 4.3 Free time / Public holidays during conferences / Evening events / Framework programme

03.06.-05.06.2002	– Erfurt
30.05.-01.06.2005	– Wustrau resolution amended
14.05.-15.05.2007	– Wustrau resolution amended
25.05.-27.05.2009	– Dresden resolution supplemented
31.05.-02.06.2010	– Hamburg resolution reworked

With W9, W11 and W13 conferences a free afternoon can be included on the Wednesday.

Public holidays shall be left free in coordination with the parallel meeting, to the extent that the programme allows. The public holidays in the region of the conference centre concerned shall apply.

A framework programme for free time during the course of the conference shall be offered by the German Judicial Academy according to demand.

#### 4.4 Conference starting times

11.06.-13.06.2001	– Trier
30.05.-01.06.2005	– Wustrau resolution amended
14.05.-15.05.2007	– Wustrau resolution amended
25.05.-27.05.2009	– Dresden resolution supplemented
31.05.-02.06.2010	– Hamburg resolution reworked
26.03.-28.03.2012	– Wustrau resolution supplemented

Members of the Programming Conference have agreed upon the following starting times for each session of all conferences taking place at both conference centres:

First session:	9.00 - 12.00 Uhr
Second session:	15.00 - 18.00 Uhr

If there is the demand for a framework programme, the second session on **Wednesday afternoon** shall commence at 16.00 and end at 19.00 for W6, W8 and W10 conferences as well as those W9, W11 and W13 conferences without a free afternoon. Dinner time shall be determined for conferences taking place in parallel by whether a framework programme is to be offered for one of the conferences.

With all conferences the second session of the last day shall begin at 13.00 and end at 16.00.

#### 4.5 Procedure for cancellation of conferences by the *Land* organising the conference

03.06.-05.06.2002 – Erfurt

A conference may only be cancelled by the justice administration organising the conference in agreement with the executive staff of the German Judicial Academy on important grounds. The conference should be cancelled where the number of registered participants remains below 50% of the available places for that conference.

In such cases, the justice administration organising the conference must advise the registered participants of the cancellation.

## 5 Participation in conferences

### 5.1 Voluntary nature of further training

03.06.-05.06.2002 – Erfurt

The Programming Conference is of the opinion that further training should generally remain voluntary, since effective training can only be provided on a voluntary basis.

## 5.2 Occupational accident cover for participants

03.06.-05.06.2002 – Erfurt

The Programming Conference considers it desirable – given the official, work-related nature of further training conferences – for the participants to be provided with full occupational accident cover by the sending *Land*.

## 5.3 Participation by other justice officials and members of other professions

03.06.-05.06.2002 – Erfurt  
13.03.-15.03.2006 – Trier ergänzt

Justice officials in the higher civil service who are not judges or public prosecutors may participate in conferences if there is a thematic connection between the conference and their line of work.

An assistant prosecutor at local court level may be nominated to participate if the conference pertains to his/her area of activity.

Only in exceptional cases shall attorneys and those in other, non-judicial professions participate in conferences of the German Judicial Academy. The Programming Conference shall generally specify the conferences to which persons from outside the judicial system may be invited as guests. The *Land* organising the conference shall make the choice.

Where such persons do not attend the conference as speakers, moderators or participants in the discussion, they must bear the costs of accommodation and food themselves.

## 5.4 Selection and participation of guests from abroad

03.06.-05.06.2002 – Erfurt

The attendance of individual judges and public prosecutors from abroad also at conferences that are not aimed explicitly at participants from other states is welcomed. The participation of guests from abroad shall be organised via the registration of interested persons from all states by the German Judicial Academy.

The justice administrations organising the conferences shall invite guests from abroad only if the latter are well suited to the conference. Efforts shall be made in advance – insofar as this is possible – to ensure that the justice administrations of other countries select suitable participants.

If, despite such efforts, unsuitable participants are sent from abroad, the German Judicial Academy shall inform the justice administration organising the conference of this.



### 5.5 Resolutions by conference participants

03.06.-05.06.2002 – Erfurt

Attention shall be paid to ensuring that reserve is exercised as far as the passing of resolutions by participants of individual conferences is concerned. If resolutions are issued, however, the impression should not be given that such resolutions constitute the official opinion of the German Judicial Academy.

### 5.6 Attendance of conferences by speakers as official business trips

03.06.-05.06.2002 – Erfurt

The Programming Conference of the German Judicial Academy considers it necessary for all justice administrations to approve the attendance of judges and civil servants from within their remit as speakers at the German Judicial Academy as constituting official business trips, to the extent that this does not run contrary to official interests. The travel costs shall be covered by the German Judicial Academy. It is further proposed that the justice administrations organising the conferences, in sending out invitations, should advise those speakers who are not from within their remit to apply to have their attendance recognised as an official business trip by their own justice administrations.

### 5.7 Press involvement

03.06.-05.06.2002 – Erfurt  
30.05.-01.06.2011 – Wustrau resolution supplemented

The Programming Conference generally advocates the participation of journalists in events at the German Judicial Academy. Further details and exceptions shall be agreed upon by the justice administration organising the conference in coordination with the conference chairperson, the speakers concerned and the executive staff of the German Judicial Academy. In the case of the lectures themselves, participants are not to be asked whether journalists may participate. However, during discussions the participants shall be asked for their permission if journalists are to participate.

### 5.8 Certification of attendance

22.03.-24.03.2004 – Wustrau  
12.03.-14.03.2007 – Berlin resolution supplemented

The Programming Conference hereby resolves that each participant and the conference chairperson shall receive a certificate of attendance at the end of the conference. The certificate for the conference chairperson shall state that he/she chaired the conference.

## 6 Costs

### 6.1 Speaker remuneration

05.03.-07.03.2001 – Mainz

The Programming Conference unanimously resolves that the current remuneration framework is making it increasingly difficult, if not impossible in some cases, to attract qualified speakers.

The half-day fee of DM400\* has remained unchanged since 1985 and was increased to DM600\*\* in 1994 for some of those working as freelancers only. The Programming Conference thus continues to consider the following

1. Adaptation of the remuneration rates indispensable:
  - a) For staff of the public administration, courts and universities  
as well as those working in industry and in the associations 250,- €
  - b) For those working as freelancers who do not come under category a) above 350,- €

The Programming Conference once again requests that the budget commission make the necessary financial preparations therefor.

*\* since 01.01.2010: 225,- EUR    \*\* since 01.01.2010: 325,- EUR*

2. Special remuneration

In special cases higher fees may be paid within the framework of the remuneration funds decided upon by the Programming Conference. This exception shall not permit any deviation from the total permitted remuneration funds.

3. Remuneration amounts / average payments

The administration of the German Judicial Academy shall calculate the average remuneration amount per conference session for both conference centres from the relevant budget appropriations. Each of the justice administrations organising conferences may not exceed this average amount for all of the conference sessions they organise in one year in total. This should be distinguished from the "regular remuneration amount" paid to speakers, which is set annually in advance by the Programming Conference.

Extra spending on one conference may be balanced out by under-spending on another of the organiser's conference at the same conference centre.

The annual report of the German Judicial Academy shall contain information on the management of remuneration fees.

## 6.2 Expenses coverage for speakers

03.06.-05.06.2002 – Erfurt

The provisions of the law governing travel costs shall not be applied in full for the covering of speakers' expenses. Aside from the reimbursement of travel expenses, speakers shall receive a set amount of €10 per arrival and departure day. For the duration of their stay at the conference centres, they shall be considered guests of the German Judicial Academy, which means that they are granted accommodation and food free of charge.

Speakers who arrive the day before their lecture or leave the day after their last lecture shall not be charged for accommodation or food. Speakers staying any longer shall also have to cover these costs. By way of exception, this shall not apply if there is a professional interest in the speaker's continued presence at the conference and if the responsible justice administration has informed the conference centre in Trier / Wustrau of this circumstance. Any persons accompanying the speakers shall cover the costs of accommodation and food themselves in the amounts applicable to events within the justice system.

## 6.3 Speaker travel costs for concurrent participation

28.02.-01.03.1985 – Stuttgart  
14.05.-16.05.2007 – Wustrau resolution suspended  
02.06.-04.06.2008 – Trier resolution revoked

resolution revoked

## 6.4 Joint budget appropriation for remuneration

03.06.-05.06.2002 – Erfurt

The Programming Conference considers it imperative that in future a joint appropriation for speaker remuneration be set in accordance with budgetary rules.

## 6.5 No special funds for panel discussions

03.-05.06.2002 – Erfurt

Panel discussions shall be financed out of the remuneration framework available for each conference. Participation in a panel discussion shall be remunerated with a lower fee since participants in a panel discussion are not responsible for the entire conference session.

## 6.6 Food costs for field trips

22.03.-24.03.2004 – Wustrau

The Programming Conference hereby unanimously resolves that participants shall not be refunded the cost of food arising during field trips within the context of a conference. Participants shall be informed of this as part of the general information provided in the conference programme and in the invitation.

## 7 Use of the German Judicial Academy

### 7.1 German Judicial Academy as a conference centre for other institutions

03.06.-05.06.2002 – Erfurt

The Programming Conference of the German Judicial Academy does not see the capacity for the German Judicial Academy to implement initial or further training courses for other groups of professionals, in particular prison officers, in addition to the fulfilment of its own mandate.

### 7.2 Use of free capacities at the conference centres by other organisers

03.06.-05.06.2002 – Erfurt

Periods where, pursuant to what is set by the Programming Conference for the annual programme, no meetings are to take place or the available capacities are not used to the full, both conference centres may be used for other purposes (external use).

The Programming Conference hereby assumes that the external use is necessary as an exception and will contribute to better filling the capacities offered by both conference centres.

It shall be left to the conference centres to grant external use of their facilities. Priority shall be given to justice institutions, professional organisations of judicial staff, and European and international institutions, to the extent that these wish to use the free capacities of the conference centres for their own initial and further training needs, working-group meetings, discussions etc. Otherwise, the facilities of the German Judicial Academy shall be provided to external users on the principle of thematic proximity.

External users may be required to pay fees that are higher than the accommodation and meal rates paid by conference participants (according to the notes on the revenue items in the budgetary plans).

### 7.3 European Judicial Training Network (EJTN)

14.03.-16.03.2005 – Recklinghausen

The Programming Conference shall decide annually on the conferences that it will open up to a maximum of 10 EJTN participants from abroad as part of the EJTN.

### 7.4 EJTN representatives

17.03.-19.03.2003 – Wustrau

In its session of 13.06.2001 (agenda item 8) the Programming Conference decided that alongside the Federation, the representatives of Bavaria and North Rhine-Westphalia would represent all interests within the framework of the EJTN.

The Programming Conference shall grant the above-mentioned *Land* representatives the power to represent it in the committees of the EJTN.

### 7.5 Number and organisation of conferences in the EJTN framework

22.03.-24.03.2004 – Wustrau  
 14.03.-16.03.2005 – Recklinghausen resolution supplemented  
 31.05.-02.06.2010 – Hamburg resolution amended

The justice administrations may agree on EU sponsored events at the European level within the EJTN framework. The number of participants shall be set at a maximum of 55. The conferences shall be offered for German participants in accordance with the reduced-participation key. EU sponsored conferences shall initially be organised only at the Trier conference centre. Per year, a maximum of three EU sponsored conferences may be agreed upon by the justice administrations for implementation at the German Judicial Academy.

The Director of the German Judicial Academy is called upon to make the necessary funding applications to EU offices and to investigate the possibility of cooperation with the ERA.

## 8 Programming Conference

### 8.1 Change of chair of the Programming Conference

27.02.-01.03.1989 – Recklinghausen

It is resolved that the change of Programming Conference chair shall take place after the protocol of the second session has been sent out.

## 9 Director of the German Judicial Academy

### 9.1 Selection procedure

03.06.-05.06.2002 – Erfurt

Given number 5, subsection 2, first sentence of the Administrative Agreement on the German Judicial Academy, the Programming Conference considers it necessary for the change of Director to be discussed by members of the Programming Conference at least one year prior to the change taking place.

In order for the remaining justice administrations and the Federal Ministry of Justice to be able to consent to the proposal made by the justice administrations of Rhineland-Palatinate and Brandenburg, the necessary information therefor (on the selection procedure and who the future holder of this office will be) must be committed by the Justice Ministry of Rhineland-Palatinate at the earliest stage possible.

## 10 Annex to the collection of resolutions

revoked

## Annex 3: Model evaluation form

## Questionnaire

Conference to be evaluated: Title (justice administration) from to (W -conference)  
 Topic: " " "

Please answer the questions by putting a cross in the correct box, or by providing points or a description as required.

## I. Outcome and benefits of the conference

1. Did the conference meet your expectations from the description?  
 Yes       NO       in part

Explanation:

2. How would you assess the added value of attending the conference?  
 Explanation:

## II. Topics:

1. Which topics of this conference should have been given
- a) more detailed
  - b) additional
  - c) less
  - d) no attention?
2. How can the conference best be described given the topic as a whole  
 too short       too long       adequate ?
3. Would it make sense in your opinion to provide written information in advance on certain topics that were included in the conference (self-study phase)?  
 YES       NO

### III. Other suggestions on the order of topics or the configuration of conference sessions:

### IV. Assessment of the individual conference sessions:

Please assign points to describe the extent to which you profited from each session of the conference. Please provide a number of points from 0 (did not profit at all/very poor) to 9 (profited a lot/excellent) for both the substance of the lecture and the methods used.

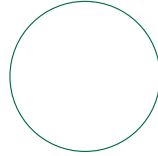
Please provide some key words to justify your decision. Please continue overleaf if necessary!

Conference session	Substance of lecture		Methodology	
	Points	Reasons	Points	Reasons
1. Name				
2. Name				
3. Name				
4. Name				

### V. Comments on conference chair:



VI. Overall conference rating  
(9 points = excellent; 0 points = very poor):



VII. Further comments and suggestions:

VIII. Topic proposes for supra-regional further training courses at the German Judicial Academy  
(primarily topics that require an exchange of experience at the national level):

TRIER, (date) \_\_\_\_\_

\_\_\_\_\_  
Signature  
(optional)

## Annex 4: Excerpt from the information sheet for conference chairpersons (last updated: June 2012)

### Information for Chairpersons

Ladies and gentlemen,

The German Judicial Academy is pleased to be able to welcome you in the near future as a conference chairperson. Also on behalf of the justice administrations organising the conference, I would first of all like to provide you with some information and make some requests with regard to organisational procedure and your tasks. My colleagues and I will be happy to help you over the telephone should you have any questions.

#### 1 Participants

In general, 40 judges and public prosecutors from all over Germany attend the conferences of the German Judicial Academy in Trier and 35 in Wustrau. Two conferences always take place in parallel at each conference centre.

#### 2 Accommodation

During your stay you will be accommodated free of charge at the conference centre in a single bedroom with shower and WC. Towels and a hairdryer are provided. Please notify us of any special accommodation requests in advance.

The conference centre and guest rooms are equipped with wireless Internet access, which means that you can use your own laptop to access the Internet in addition to the computer workstations available in the library.

#### 3 Arrival day

On arrival day I would ask you to come to my office along with the chairperson of the conference running parallel to yours at 18.40, so that we can introduce ourselves and hold a short information meeting. Subsequently, at 19.00, we will eat dinner with the participants and a welcome speech will be given. In case I am not there, the Administrative Managers of the conference centres will stand in for me (in Trier: Ms. Meyer, in Wustrau: Ms. Uckrow).

If this is not already specified in the programme, you will have the option of bringing the participants of your conference together on the evening of their arrival for a quick introductions session so that they can get to know the rest of the group and start communicating with their fellow participants. We will discuss whether and when you would like to hold an introductions session during our information meeting.

#### 4 Contact with the conference centre administrative staff

During the conference, the conference office and the secretariat are your first points of contact for all organisational matters (in Trier: Ms. Semmert-Roth, Ms. Kaemmerer-Jastroch and Ms. Weiland; in Wustrau: Ms. H. Stellmacher, Ms.

Bittner and Ms. A. Stellmacher). This also includes setting up / familiarisation with the conference technology. It would be nice if you could contact the conference office before the start of each conference session (morning and afternoon) on days when conference sessions are to be held. Experience shows that this is when things have to be discussed with you (handing out evaluation forms, conference documents, post etc.).

Please communicate / coordinate any requests or changes well in advance. Any deviations from or additions to the set programme should be discussed with the responsible justice administration and – insofar as organisational changes need to be made – with the German Judicial Academy as well. These should be reported to the conference office.

If possible, please hand out the evaluation forms provided to you by the conference office to the participants on the first day of the conference, so that they can start assessing the conference from day one (these forms are to be filled in and signed on a voluntary basis). Please collect these questionnaires at the end of the conference and hand them in at the conference office. The evaluation questionnaires are analysed by the German Judicial Academy and sent alongside the results to the *Land* that organised the conference.

## 5 Contact with speakers

Per half day, speakers usually have three hours at their disposal. A coffee break is usually included in the morning and afternoon sessions. It is your job to take care of the speakers and welcome them / bid them farewell.

Where speakers provide materials to accompany their lectures (e.g. manuscripts, references to previous court decisions, papers etc.), I would ask you to put a copy of these aside for the German Judicial Academy and hand them in at the conference office at the end of the conference; these materials are archived in our library.

Please try and ensure that your speakers stop by the conference office before they commence their session, i.e. early in the morning or after lunch, so that their bills can be settled. This is made more difficult if done later on, or may not be possible at all if the speaker only gets to the office after it has closed, for example in the late afternoon.

Moreover I would be grateful if you could point out to all your speakers that they will be provided with drinks free of charge in the breaks and during meals.

## 6 Further responsibilities of a conference chairperson

At conferences opened up by the EJTN to participants from abroad, please look after these guests in particular.

As conference chairperson you are responsible for moderating the sessions, especially the discussions usually planned for the end of each half-day. It is in the interest of all participants that enough time remains for these discussions. It is your job to work with the speakers to ensure this happens.

Furthermore you should also communicate to the participants that they are expected to participate in all sessions of the conference. Late arrivals, interrupted attendance or early departures are not welcomed either by the *Länder* organising the conferences or by the German Judicial Academy. This applies not only in light of the major personnel, financial and administrative resources employed in organising such conferences, but also because the success of a conference and the benefit it has for the work of its participants in practice will very much depend on the dedication and attendance of the participants themselves.

If any participants approach you to excuse themselves for absence or early departure, please inform them that it is up to the sending justice administration alone to respond to such requests, not the conference chairperson.

## 7 Closing the conference

I would be pleased if you could take the time and opportunity on the last day of the conference to provide me or the responsible Administrative Manager with some feedback on the substance of the conference and how it went. By doing this you would be providing me with some valuable assistance for the future work of the German Judicial Academy.

Of course all members of staff at both conference centres and I are available at all times to assist you in making your conference a success.

The German Judicial Academy wishes you a safe journey to Trier / Wustrau, a pleasant stay and every success in chairing your conference.

## Annex 5: Extract from a model invitation for speakers (last updated: June 2012)

[...]

You can find information about how to get the German Judicial Academy at [www.deutsche-richterakademie.de](http://www.deutsche-richterakademie.de).

Please provide the conference office with the necessary preliminary information regarding your arrival as well as any reasons for your being delayed.

Please find attached a conference programme, list of participants, brochure for the Trier / Wustrau conference centre, consent form for the forwarding of your lecture notes, and an administrative form.

If you intend to provide participants in the conference with **working materials** in **paper form** (lecture notes, papers, contents list, further-reading list, list of related court decisions or similar documents), please send these by post or by email to (address, email address), for the attention of (name), at the latest two weeks prior to the start of the conference. From there, the right number of copies of your lecture notes will be made and sent to the Trier / Wustrau conference centre. We cannot guarantee that copies will be made at the conference centre. Furthermore, use of the photocopier at the conference centre may cause billing difficulties.

If you are making lecture notes for the seminar participants and agree to having these notes distributed to interested judges, public prosecutors and public attorneys who will not be at the conference, I would ask you to provide me or the German Judicial Academy with the lecture notes in electronic form for distribution.

**Please do not forget to take a look at the attached administrative form. This is very important in particular as far as your accommodation, organisational matters at the conference centre and travel-cost refunds are concerned.**

Important:

Please complete the administrative form and consent form for the distribution of your lecture notes and send them **by the deadline** (10 days prior to your arrival) to the conference office of the German Judicial Academy in Trier/Wustrau.

(Title, name, address, telephone number, email address) will **chair the conference**. Mr./Mrs./Ms. \_\_\_\_\_ will also meet you in Trier/Wustrau and act as your point of contact.

The German Judicial Academy will provide you with **remuneration** for your lecture in the amount of \_\_\_\_\_ €.

**Travel costs:**

Payment of your travel costs will be arranged by the conference office in Trier/WuStrau. You will receive a set amount of €10 per day of arrival and departure. Your travel costs will be reimbursed pursuant to the Federal Travelling Expenses Act.

**a) Rail**

If you intend to travel by train, please buy your ticket yourself.

- (1) There are two options for travelling to conferences of the German Judicial Academy by train for a set national fee (Event Ticket).

[Detailed information on the Event Ticket]

- (2) If the Event Ticket is not available or is more expensive:

When booking your train tickets use should be made of our discount agreement with the Deutsche Bahn, which will save 10% on the ticket price. Our customer number is 8200069. Tickets can only be obtained using the above-mentioned customer discount if purchased at the ticket desks of the Deutsche Bahn, and cannot be purchased online or via the travel office. It is only possible to combine this discount with a BahnCard discount [translator's note: BahnCard is a discount card offered to individuals by the German railway operator Deutsche Bahn] if the holder has a BahnCard Business [translator's note: BahnCard for business travellers].

In arranging your travel you should make use of all **available reductions and discounts**; use of these reductions and discounts will be assumed for the purposes of refunding your costs.

All discounts offered by bonus programmes may only be used in the context of travel to and from the conferences of the German Judicial Academy.

**b) Air**

If you plan to arrive by air, please be advised that you should contact the conference office at the conference centre you will be attending early on in order to book your flights and transfer. **Any tickets booked without contacting the conference office first cannot be refunded.**

**c) Road**

If you travel to the conference centre by car, you will receive € 0.20 per kilometre. The maximum amount generally refunded for travel by private vehicle pursuant to the Federal Travelling Expenses Act is €130 in total for travel to and from the conference (section 5 (1) of the Federal Travelling Expenses Act).

You are invited to stay at the German Judicial Academy from the day before until the day after your lecture, during which time meals will be included (drinks outside meal times and conference breaks must be paid for). Please let us know if you would like to stay for longer.

Speakers at both conference centres can be issued with a [certificate of exemption from turnover tax](#).

Please show a valid personal ID card or passport to the reception staff upon arrival at the Academy.

## Annex 6: Overview of the different types of learning employed at conferences of the German Judicial Academy in 2011

### Discussion/exchange of experience:

03c/11 (BY)	03d/11 (BW)	06c/11 (NDS)	12c/11 (HE)	14d/11 (SAN)	21c/11 (BU)	27a/11 (NRW)	40a/11 (DRA)
34s/11 (BY)	19b/11 (BW)				32c/11 (BU)		
					32d/11 (BU)		

### Panel discussion:

03c/11 (BY)	06c/11 (NDS)
06b/11 (BY)	
19a/11 (BY)	
29b/11 (BY)	

### Group work:

03d/11 (BW)	09a/11 (BY)	13b/11 (HE)	14d/11 (SAN)	21b/11 (DRA)	23a/11 (NRW)
10c/11 (BW)	10b/11 (BY)				23b/11 (NRW)
19b/11 (BW)					25b/11 (NRW)
					35d/11 (NRW)
					40d/11 (NRW)

### Case study:

02a/11 (TH)	06a/11 (RP)	16a/11 (DRA)	16b/11 (BU)
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### Role-play/simulation/games:

08a/11 (NRW)	09a/11 (BY)	10a/11 (SAAR)	10c/11 (BW)
05d/11 (NRW)			
13a/11 (NRW)			
35d/11 (NRW)			

### Practical exercises/training:

02a/11 (TH)	06a/11 (RP)	06c/11 (BY)	07a/11 (DRA)	07b/11 (BW)	09c/11 (NRW)	10a/11 (SAAR)	13b/11 (HE)
07c/11 (TH)	33c/11 (RP)	09a/11 (BY)		08c/11 (BW)	13a/11 (NRW)	28c/11 (SAAR)	
17d/11 (TH)	33c/11 (RP)	10b/11 (BY)		10c/11 (BW)	25b/11 (NRW)		
				11d/11 (BW)	35d/11 (NRW)		
				19b/11 (BW)	39d/11 (NRW)		
				34d/11 (BW)	40d/11 (NRW)		
28d/11 (SAC)							



**Field trips:**

06c/11 (NDS)	07a/11 (DRA)	14c/11 (NRW)	16b/11 (BU)	17b/11 (BY)	25d/11 (BER)	33c/11 (RP)
11a/11 (NDS)		27a/11 (NRW)	32c/11 (BU)			35a/11 (RP)
27d/11 (NDS)		27b/11 (NRW)				
		38a/11 (NRW)				

**Film:**

06c/11 (NDS)	14c/11 (NRW)	23c/11 (HH)
27d/11 (NDS)		

**Individual coaching:**

10b/11 (BY)
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**Workshops:**

22a/11 (SH)	33c/11 (RP)
	35a/11 (RP)











## Impressum

Herausgeber Deutsche Richterakademie

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