

Judicial Reform in the Netherlands is published by the Netherlands Council for the Judiciary. The object of the periodical is to address issues concerning judicial reform which are aimed at improving the functioning of the Judiciary and strengthening its role in present-day society. It contributes to the ongoing debate on the necessity for further development of the judiciary.

This issue presents the new process for the recruitment, selection and training of judges in the Netherlands. It also tells about the background and principles, and experiences of a trainee judge. It might inspire many other Judiciaries all over the world, who can benefit from this new learning approach.

■ Judicial reform in the Netherlands



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A new process for the recruitment, selection and training of judges

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A new process for the recruitment, selection and training of judges

## Colofon

### Rechtstreeks

#### Scientific magazine for the judiciary organisation of the Netherlands

This periodical is published by the Netherlands Council for the Judiciary.

The magazine aims at making scientific research into the present legal and organisational developments within the Dutch Judiciary Organisation accessible to judges and legal support staff.

Rechtstreeks is published in Dutch, but some issues that are relevant to the international judiciary community are also published in English. This series in English is devoted to judicial reform.

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# Foreword

Our changing society is placing new demands on the Judiciary. These demands call for judges that not only have excellent judicial skills, but also take social developments into account, use their social skills in court and know how to handle the media. In order to meet new demands, the Dutch Judiciary has innovated the recruitment, selection and training of judges.

The innovation process was instigated by a number of thoroughly performed evaluations. The input from these evaluations together with academic input was developed further in several working groups in which judges and educational experts from our national Training and Study Centre for the Judiciary cooperated in order to generate ideas for a revised system. As an inspiration for this innovation process, we have also gratefully used other Judiciaries' best practices.

In this international issue, we will present our revised system that we now consider to be future-proof. The highlights of our new system are as follows: we work with a far smaller amount of selectors in the national selection committee. This implies that they gain more experience in selecting candidate judges, making them more professional in doing so. Pertaining to education, we are now able to offer custom-made education for lawyers with all kinds of different back-

grounds. In addition, we have a new learning philosophy where there is room to make mistakes and discuss them, and where the trainee judge is valued as a new colleague with existing knowledge and talent instead of someone who needs to constantly prove himself. Also, we have introduced different forms of (international) internships for all trainee judges. We believe that these changes will enhance the development of trainee judges and reduce the dropout rate.

We hope that our revision will inspire our counterparts abroad if they decide to update their recruitment, selection and training practices. After all, the human resources of Judiciaries are key in ensuring quality administration of justice.

Frits Bakker  
Chairman of the Dutch Council for the  
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Rosa Jansen is a member of the Steering Committee of the European Judicial Training Network ([www.ejtn.eu](http://www.ejtn.eu)), the network of the 28 EU educational institutions and recently Chair of the Working Group on Judicial Training Methods of the EJTN.



### **Jo Janssen**

Mr. J.J. Janssen studied Law at the University of Utrecht from 1999 to 2004 and Political Theory at the University of Amsterdam from 2004 to 2006. After that, he was a lawyer at the Dutch Competition Authority and the Council of State, before becoming a trainee judge at the District Court of East Brabant, the Netherlands.



### **Simone Roos**

Drs. S.M. Roos is a former member of the Dutch Council for the Judiciary (2009-2014). As a member of the Council she contributed to this publication. Earlier, she was the Deputy Secretary-General at the Ministry of Education, Culture and Science. Drs. Roos now holds the position of Director General at the Ministry of the Interior and Kingdom Relations.



# A new process for the recruitment, selection and training of judges

Simone Roos and Elske van Amelsfort-van der Kam

Our changing society is placing new demands on the Judiciary. In order to meet these new demands, the process involved in the recruitment, selection and training of judges has been adapted. This article describes the reasons behind the innovations and the direction they will take.

The Judiciary serves society. In order to function properly, the Judiciary must adapt to the demands of the times. The fact that today's society is rapidly changing calls for faster procedures in which people seeking justice play a central role, guided by judges who can take social developments into account. In their daily work, judges and other members of staff contribute to shaping a high-quality Judiciary. In order to ensure that a sufficient number of well-equipped judges are available in the future, the Judiciary has updated the recruitment, selection and training programme for judges and justices. The updated judge's profile<sup>1</sup> and the vision for the initial training programme<sup>2</sup> provide the necessary direction.

## Necessity

Over the past few years, various studies have been conducted into the recruitment, selection and training of judges. The process for the recruitment, selection and training of judges was evaluated, and the alternatives for the RAIO (trainee judicial officer) training programme and the development of an intermediate ('medior') training programme were explored.<sup>3</sup> The motivation behind this was concern about whether or not the Judiciary would be capable of recruiting a sufficient number of highly qualified judges given the expected increase in

- 1 The profiles are drawn up by the order of the Council by a project group led by H. Naves LL.M. (President of the District Court of East Netherlands from 1 January 2013, currently acting President of the District Courts of Almelo, Arnhem, Zutphen and Zwolle).
- 2 *Vision on the Initial Judicial Programmes 2011-2014* (7 July 2011).
- 3 Report from the Steering Committee for the evaluation of the recruitment, selection and training of trainee judges (29 November 2010), analysis of the outcomes of the meeting on the review of the RAIO training programme (22 June 2010), exploration of an intermediate programme (11 November 2010).

demand. All the researchers pointed to the necessity of implementing improvements in the system. According to the criticism, the training programme did not offer future judges enough independence, personal responsibility and the ability to customise their work. A budget cut of € 10 million for the RAIO training programme that was contained in the coalition agreement led to an acceleration in the plans to modernise the programme.

## New demands placed on judges

A divided concept of what is expected of judges and of the requirements they must satisfy lies at the basis of the modernisation, with a view on a changing society. The core aspects involved in becoming a judge remain unchanged; independence, impartiality, integrity and professionalism are still the central values, and legal knowledge, the adjudication of disputes and the writing of judgments obviously all remain crucial. However, the context within which judges do their job is changing substantially. The increasing focus on and criticism from media, politics and society result in external pressure. Internal changes, in the organisation (such as the reform of the judicial map) and in the primary process (under the influence of innovations in proceedings and digitisation), have an impact on the work judges do. In order to better meet the needs of society, several other elements are of increasing importance. Judges must be aware of the social consequences of a case, for instance. This means that they must know what is at play in society, and familiarise themselves with the situation. This attitude must be visible, both during the court session as well as in the judgment. Judges must properly administer justice wherever possible. This may be by delivering a rapid judgment, but also by addressing the problem that lies beneath the legal conflict.

In April 2012, the Council for the Judiciary defined new job profiles with the approval of the Presidents' meeting and the Netherlands Association for the Judiciary.<sup>4</sup> According to these requirements, the criteria that future and current judges and justices must meet form the basis for the modernisation of the recruitment, selection and training process for judges.

4 Letter dated 25 April 2012, reference from 5148/fBt/JB/ci.

The changes in the five updated job profiles (for judge, senior judge, senior judge a, justice and senior justice) essentially boil down to the following:

1. Judges/justices acquire more of a leading role in all fields of law, before, during as well as after a court session. They must maintain transparency regarding the possibilities and limitations of their role and must be capable of managing expectations, increasing the likelihood of the acceptance of decisions.
2. Judges/justices provide reasons for every decision, and have insight into the social consequences of them.
3. Judges/justices are open to collaboration, both internally (with paralegals and legal assistants, for example) and externally (with chain partners and other courts of justice), for the purpose of sharing information.
4. Judges/justices are receptive to social feedback and feedback from their peers. They must possess the ability to reflect on their own behaviour and not be afraid to admit mistakes.
5. Judges/justices are creative and innovative in the way they make decisions and adjudicate disputes.
6. A shift is occurring across the board from judges who merely write decisions to judges who preside over sessions; communication skills, sensitivity and listening to and involvement with the parties are all becoming more important.
7. Judges/justices must be able to strike a balance between (apparent) contradictions: involvement versus keeping a distance, legal certainty versus innovation, collaboration versus independence, working without making mistakes versus admitting mistakes, speed versus due care.
8. Judges/justices realise that they are dispensing justice in a society in which the speed of a response is highly valued.
9. The importance of the capacity to learn (in addition to knowledge) is underscored.
10. External presentation is becoming more important. Now more than ever, judges must be able to bring the substance and importance of their work out in the open.

## The old training programme

The previous judicial training programme was set up as a work-study programme. Training institute SSR provided the theoretical component, but trainee judges (RIOs) learnt the most in practice, at the courts. An individual learning plan was created that consisted primarily of two six-month periods working in a specific sector, followed by an assessment. The RIOs and RAIOS were assigned different trainers in each sector; these trainers were experienced judges, nearly all of whom had completed the practical training programme at SSR. The training for RAIOS was longer in duration. They also worked as a public prosecutor for one year, and completed a two-year external work placement.

The RAIOS training programme no longer met the needs of trainee judicial officers and they had a need for more independence and personal responsibility.

They perceived a lack of creativity and modern technology in the training programme.<sup>5</sup> At university, they became accustomed to customisation, individualisation and IT support.

They wanted to be at the helm when it came to their training. One significant objection to the old trainee judge programme was the lack of clear starting and final attainment levels,

5 Analysis of outcomes meeting, review of the RAIOS training programme (22 June 2010).

and this stood in the way of an objective assessment. Another objection they had was that the trainers were also assessors. There were also a great many local differences. Trainers at the courts did not all have as much time available for supervision and their own refresher courses.

## The new training programme

SSR has developed a new system of initial training programmes which includes the RIO and RAIO programmes. In close cooperation with the Judiciary, the Public Prosecution Service is also setting up a new initial training programme. This will take into account the various demands and training needs on the part of judges and public prosecutors, but will also involve the development of collective modules and possibilities for the participants to gain work experience. By retaining the beneficial aspects, the new training centre aims to improve the judicial training programme.<sup>6</sup> This also involves applying knowledge on judicial training that has been acquired abroad, as well as the experiences of other organisations such as the Police College and the Cardiology programme. The combination of work and study has been maintained in the new programme, but the training centre also applies a new educational philosophy. Judges are given more control over their education, they work with others in learning and research teams to share knowledge and are assigned judicial tasks as soon as possible. They occupy a position that more closely resembles a colleague than someone in a training programme. There is more of a focus on personal development, for example when it comes to judicial attitude, integrity and communication skills.

## Focus on the courts

This educational philosophy means that the new training centre places a great deal of focus on the quality of the training in the courts.

After all, this is where trainee judges acquire most of their training. In the previous situation, the local trainer was also the assessor for trainee judges. The plan is to separate these roles as much as possible in the future. Every trainee judge is given an individual learning plan with an interview cycle which consists of progress and performance interviews. These interviews are held on the basis of pre-determined starting and final attainment levels. The new training centre places other demands on the practical trainers. The goal is to provide trainee judges with more intensive training. This does, however, mean that trainers must be given sufficient time and freedom, which usually means more than they had, in order to fulfil their duties properly. The expectations for a practical trainer and a training coordinator are translated into a model profile.

<sup>6</sup> See *Vision on the Initial Judicial Programmes 2011–2014* (7 July 2011). The Council has commissioned SSR to develop the training centre in close collaboration with the Public Prosecution Service. Acting as project leader, Ms A.M.F. Huigen, LL.M. (senior judge District Court of Amsterdam) will be helping to develop this project.

## Prior experience

Due to the higher demands placed on judges, particularly in terms of social orientation, it is not desirable for them to spend their entire lives working in the Judiciary. Before they start the training programme, all judges must have at least two years of relevant judicial work experience elsewhere as well as demonstrable social experience. This requirement has been the object of criticism from multiple sides.<sup>7</sup> The fear is that this will mean that the Judiciary will no longer be capable of attracting legal talent from the universities, because they will gravitate to other sectors and will still refrain from choosing the Judiciary later on. The Council for the Judiciary does not share this concern; in practice, candidates who were applying to become a judicial officer in training (RAIO) often also had several years of work experience under their belt. In four of the last five classes of RAIO trainees, over 95% of the candidates had legal and social experience.

Another concern is that the requirement involving experience will result in a lower influx of young judges. The age structure of the previous influx of trainee judges does not present a cause for concern, however. Of the 202 people who entered the trainee judge programme from 2006 through 2010, 18% were under the age of 35, and 53% were under 40. The influx of young trainee judges is expected to rise due to the lapse of the minimum six-year work experience requirement for entering the RIO programme. Once the prior work experience requirement is broadly known, students can take this into account in planning their education. This doesn't affect the fact that in modernising the recruitment process, it is important to devote a great deal of attention to getting and keeping students interested in the Judiciary. In consultation with the Presidents' meeting, the proposal to set up a talent programme has been rejected for now, among other reasons, due to the costs associated with this.

### **A summary of the new training programme**

Retaining the positive elements of the previous training programme

- Traditional aspects.
- Work-study (practical training and theory).
- Working with the Public Prosecution Service as much as possible, work placements between two organisations.
- SSR as the joint training institute for the Judiciary and the Public Prosecution Service.

Changes

- Clear starting and final attainment levels.
- Prior experience: at least two years of judicial work experience and demonstrable social experience.
- Modular structure of the training programme. Customised programme.
- Customised training.
- More control for the trainee judge.
- Separate recruitment and selection procedure for Judiciary and Public Prosecution Service.
- All trainee judges must work at courts.
- Adapted to modern teaching methods (e-learning).

<sup>7</sup> See "'Reflectie maakt moedige rechters". Een interview met mw. prof. mr. M.J.A.M. Ahsmann', *Mr.* 2012, no. 3; J.G. van Ommeren, 'Soepele toelatingseisen voor de opleiding tot rechter', *NJB* 2012, no. 18.

## Recruitment of new judges in practice

The Judiciary takes part in various career fairs and, in conjunction with the Public Prosecution Service, organises the SummerCourt each year, a summer work placement that gives talented law students the opportunity to acquire intensive knowledge of the Judiciary. In addition to these initiatives within the scope of job market communications, there are also concrete efforts to recruit judges. This proceeds according to traditional methods. Courts report vacancies for trainee judges to the National Selection Committee for the Judiciary which then publishes an announcement on the website [rechtspraak.nl](http://rechtspraak.nl) and in newspapers. A standard text is normally used for these announcements, and if necessary, supplemented by text from the particular court that is looking for a trainee judge. The courts may also advertise. The recruitment of candidates for the RAIO training programme is fully centralised.

## Lacking in appeal

According to the 2010 evaluation report, job market communication no longer fits the image that the Judiciary wishes to project, and is in dire need of modernisation. The recruiting advertisements are not very appealing or informative. Interested candidates should be able to get better information about the judicial profession prior to the application procedure. Considerably more active, digital and explicit recruitment efforts can also help to *'attract a broader flow of candidates with more variation in their cultural and social backgrounds and their work and life experience than is currently the case.'*<sup>8</sup>

The fact that a more modern approach will produce an effect was apparent during the recruitment of the RAIO class of 2012. Initially, a traditional recruitment campaign was launched via paper media. It wasn't until a digital campaign had been started that the applications started coming in.

## Word-of-mouth advertising

In order to attract the right candidates, it is important for the Judiciary to be viewed as an appealing employer. The annual Intermediar image study in which young, highly educated people are asked to spontaneously name companies they would like to work for shows a decreasing trend, however. In 2009, the Judiciary was ranked 23rd, and 17th in 2010, but in 2011, dropped back down to 39. In 2012, the Judiciary climbed three positions to 36.<sup>9</sup> A company's image is not only determined by major campaigns, but more and more by word-of-mouth advertising and statements made by employees via social media. In the 'Judiciary

8 Report from the Steering Committee for the evaluation of the recruitment, selection and training of trainee judges (29 November 2010), p. 26.

9 In the ranking of non-profit organisations, the Judiciary is ranked 16.

and Society Programme’, a ‘story on the Judiciary’ has been drawn up, incorporating contributions from many employees from all over the country. Entitled ‘The Judiciary makes living together possible (*Rechtspraak maakt samen leven mogelijk*)’, this account may serve as a basis for job market communication.

The modernisation of the recruiting process must lead to a sufficiently large, high-quality and diverse pool of candidates.<sup>10</sup> The Judiciary always aims to ensure that the diversity of society is embodied by the staff composition of the courts. In order to achieve this goal, although no separate diversity policy is formulated, special attempts are being made in the modernisation of the recruitment, selection and training procedures for the judges in order to achieve a balanced composition of the Judiciary.

Furthermore, the influx of a sufficient number of young judges is an important area for special attention, since the two-year minimum work experience requirement prevents students from being able to become trainee judges immediately after graduation. Interviews with companies active in various sectors, such as the legal profession, business and banking, which were conducted in the interest of the modernisation of recruitment and selection indicated that these sectors make much more effort than the Judiciary to come in contact with students via Twitter, Facebook and students’ associations. Students who participate in SummerCourt have indicated that they have a strong need for face-to-face contact.

#### **A summary of the modernisation of recruitment**

Retaining the positive elements of the previous system

- Diversity of selection tools.
- Independent national selection committee with internal and external members.
- National and local contributions to the selection process.

Changes

- Where possible, improve the predictive values of the selection process.
- Increased transparency in the composition of the SRM.
- Reducing the number of ‘green will-o’-the-wisps’.
- Clarification of the different approaches by national and local selection committees.

## **Selection of trainee judges**

Application letters from candidates who would like to be trained to become judges were sent to the National Selection Committee for the Judiciary (SRM). Candidates satisfying

<sup>10</sup> A project group led by R.C.A.M. Philippart (President of the Court of Appeal in Den Bosch as of 1 January 2013, currently acting President of the Court of Appeal in Den Bosch) will submit proposals for a new job market communication strategy.

the requirements were asked to participate in an assessment that involved an analytical-cognitive test, a personality test and an interview. The candidate was then interviewed by three SRM committees consisting of someone from the Judiciary and an external committee member. They did not see the assessment report until after the interviews. The SRM referred the suitable candidates to a court where the choice would ultimately be made. The remaining suitable candidates got the green light to apply over the next two years for trainee judge vacancies.

The selection of RAIOS was centralised at the SRM. After a selection had been made from the application letters, the candidates were given an analytical-cognitive test. Those who passed this part of the procedure spoke to members of a committee that evaluated the candidates based on their skills and personality traits. If they passed this evaluation, they underwent an assessment and interviews with members of three committees. The SRM then determined who would be able to start the RAIO training programme.

### Dropouts and will-o'-the-wisps

An estimated 25% of the trainee judges left the programme prematurely.<sup>11</sup> Given the intense nature of the selection process, this is quite high. It is not certain whether this may be attributed to defects in the selection, or the circumstances of the training programme. The high drop-out rate, however, was another reason to review the predictive value of the selection tools once again. Another weakness in the previous process was that it resulted in many 'green will-o'-the-wisps', candidates who were considered suitable by SRM for the position of judge, yet who did not make it through the local selection.

If after two years candidates still did not find a position as a judge, they had to wait another three years before being allowed to participate in the selection process. In the previous system, there were 51 candidates in this position. It is crucial to reduce this number. In addition, the composition of the SRM was not very transparent. Of the 70 committee members, half of them were nominated by court presidents (all the courts were represented in the committee) and the other half by an external advisory board. The relatively closed selection of internal and external members 'promotes the image of a co-optation system' according to the evaluation study.<sup>12</sup> External members often weren't sure exactly what was expected of them. Due to the large size of the SRM and the declining number of vacancies, the members did not have many opportunities to gain experience with the selection of candidates.

11 Report from the Steering Committee for the evaluation of the recruitment, selection and training of trainee judges (29 November 2010), p. 42.

12 Report from the Steering Committee for the evaluation of the recruitment, selection and training of trainee judges (29 November 2010), p. 31.

## Gaining inspiration

The objections referred to above had to be overcome.<sup>13</sup> Moreover, the new judge profile and training centre raised questions that related to the selection process. What, for example, is meant by relevant judicial work experience? And which types of activities apply as demonstrable social experience? The Council asked Professor of Personnel Psychology, Dr M. Ph. Born to provide scientific recommendations about the selection tools and selection standards that have a good predictive value and which, at the same time, are as free from cultural values as possible. For the modernisation of the selection process, inspiration was also sought in studying judicial institutions abroad, and organisations in the legal, business and banking sectors. The Judiciary can learn from these other institutions and sectors, for example about working with online job applications and digital testing, one-on-one interviews instead of selection committees, and short completion times. The new process meets the minimum requirements set by the European Network for Councils of the Judiciary (ENCJ).<sup>14</sup> The general rule that *‘any system for the recruitment, selection and appointment of judges must be independent, fair, open and transparent’* is incorporated in standards for the recruitment, selection, appointment and promotion of judges, as well as in standards applicable to the bodies that appoint judges.

## The importance of strategic personnel planning

The modernisation of the judge profile and the recruitment, selection and training of judges must lead to a diverse composition of the Judiciary that is properly equipped to carry out its task. Determining the precise characteristics of this influx on a local level is a matter of strategic personnel planning within the courts. This will enable the court executive to identify quantitative and qualitative personnel needs so as to facilitate the satisfaction of the organisation’s goals. Strategic personnel planning consists of several steps. First, the size of the current personnel database is mapped out, including the expected influx, outflow and promotion of personnel. The same is then carried out for the quality of personnel (for example, specialised knowledge fields and MD potential). Based on an analysis of future tasks, the personnel needs are determined and measures are taken to attract the desired employees.

## Minimal influx

Under the previous system, there was hardly any influx of employees at the courts. In 2011, 11 job vacancies opened up for trainee judges, compared with 65 in 2010. This was due to

13 The Council has assigned a project group led by I. Verheij, LL.M. (President of the Court of Appeal in The Hague since 1 January 2013, currently acting President of the Court of Appeal in The Hague) to submit proposals for the modernisation of the selection process.

14 European Network of Councils for the Judiciary (ENCJ), *Development of Minimal Judicial Standards II. Report 2011–2012*.

the high degree of uncertainty about the planned increase in the court fees. That legislative proposal was scrapped, but the current uncertainty about possible future cutbacks and the effect of these on the inflow of court cases is still considerable. The Judiciary's staff shrunk in 2011 for the first time, as a result of departing judges and other employees who were not replaced. This situation actually applies to nearly the entire job market. All the courts are currently implementing quantitative and qualitative personnel planning. Due to the uncertain situation, attempts are often made to make the personnel more flexible, by striving for a broader deployment of employees for one, so that they can 'move' in parallel with a changing inflow of court cases in the sectors. Another goal is to create a flexible shell by working with deputy judges on an increasing basis. The number of judges may not be increasing – in 2011 the courts had 506 deputy judges, compared with 498 in 2009 – but their rate of deployment is: from 3,992 sessions in 2009 to 6,320 in 2011. This is an understandable development; a judge is, after all, appointed for life, whereas a deputy may be deployed as needed. The question, however, is whether or not this is a desirable situation, and if there are any limitations on the deployment of deputies.<sup>15</sup>

## Perpetual motion

The Judiciary will remain in motion in the years to come. Digitisation and innovations in proceedings will have major consequences for the employees of the courts. Strategic personnel planning will become an important area for special attention, not only regarding judges, but also for other personnel. Court managers can respond to the changing inflow of cases, a new structure for the primary processes, the increasing demands that are placed on quality and the growing outflow of employees who are retiring.

A new approach with regard to the recruitment, selection and training processes has been taken. The necessary modernisation uses existing insights and experiences, both inside and outside of the Judiciary; the wheel does not have to be reinvented entirely. We have to make sure that changes are not merely made for the sake of change, but primarily to retain the good elements from the previous practices. The modernisation measures, of which many people within the Judiciary are feeling the effects, have just one purpose: to ensure that a high-quality administration of justice may also be offered in the future – one which meets the needs of society.

15 The situation at the courts is different; there, the number of deputies increased in 2011 from 542 to 602 (compared to 2009), but the number of sessions presided over by deputies increased less sharply than in the courts (from 3,157 to 3,696).

# Leendert Verheij on the new selection, recruitment and training programme

Suzan Verberk and Julia Breeuwsma



## Background

Leendert Verheij studied Law in Leiden and started his career in 1976 as a lawyer in Rijswijk/Voorburg. He has been a member of the Judiciary since 1987, and has been, among other things, a judge, vice-president of the court of The Hague (chairman of Criminal law division) and vice-president of the court of justice in The Hague (chairman of Criminal law division). From 2006 to 2008, Verheij was rector of SSR, the training and study centre of the Judiciary. Subsequently, and as the President of the Court of Appeal in The Hague, he was asked in 2010 by the Council for the Judiciary to become the President of the National Selection Committee for the Judiciary (LSR). He also presided the working group on the new selection programme and became a member of the Steering Committee responsible for the correct implementation of the new initial training programme.

Verheij, currently the president of the Court of Appeal in The Hague, is therefore *the* person to talk to in order to learn more about the principles of the current selection procedure of judges and the way it has come about.

## **The Judiciary in the Netherlands has undergone a thorough renewal of the selection, recruitment and training of judges. Could you tell us a little about the background of this profound revision?**

There were various reasons. First of all, the number of candidates that did not finish the old training programme was too high. The question was whether the selection procedure was not functioning well, if there was an issue with the training programme or whether it was a combination of both. Secondly, there was an on-going discussion on the question whether to continue the combined training programme for the Judiciary and the Public Prosecution Service. Partly due to severe budget cuts, it was finally decided to separate the two programmes. This combination of factors was an important incentive and opportunity to look critically at the training programme.

At the same time, the discussion persisted on the selection procedure. The main issues were that the selection procedure was too lengthy (three to five months, reds.) and that there were

too many selectors (75 in total). The disadvantage of the old selection system was that the selectors only did a few selections per year and, therefore, they could not build up enough expertise in selecting candidates. Also, there was still a considerable number of candidates that were selected by the Selection Committee but did not pass the selection on a local level at courts.

So, all in all, there were enough reasons to ask some scholars to evaluate the current recruitment, selection and training of judges. This study by the Erasmus University Rotterdam formed the foundation for the new programme.

### **Could you elaborate on the different aspects involved in the selection and the improvements that have been made?**

One of the subjects that the Selection Committee looked into was the intelligence tests that are part of the selection procedure. Various aspects of intelligence are tested, such as: matrix tests for abstract thinking, verbal analogy tests and verbal language tests. The scholars of the Erasmus University pointed out that these tests have a very high predictive value, that is to say, they are good indicators of how well the candidates will do during training. They also concluded that the selection process at the time didn't take full advantage of this predictive value. The intelligence tests were not used as a separate instrument, instead the selectors took the average score of the intelligence test and other tests. Following the advice of the Erasmus University, the intelligence test in the new programme has become one of the first selection criteria. If the candidates do not do well enough at the intelligence test, they cannot go through to the next phase of the selection procedure.

### **The intelligence test is obviously not the only selection tool. What are the other instruments that are being used? And could you tell us in particular about the assessment, as we have understood this to be a quite critical selection tool.**

Indeed it is important not only to look at the intelligence test. Therefore, we have designed a selection procedure wherein other competences are tested as well, to get a more complete picture of the candidates. Communicative, social and professional skills are all part of the judge's profile. We test these and other competences through interviews, but the assessment is a very important instrument in this regard as well.

The assessment takes a whole day and, according to the researchers of the Erasmus University, it is the most valuable instrument of the selection procedure. Moreover, it is the most expensive instrument that we use. The study showed that the instrument was not used efficiently. In previous years, the results of the assessment were used at the very end of the selection procedure, after the last interview with the candidates. This meant that the selectors only saw the results of the assessment *after* they had formed their preliminary opinion of the candidate. In general, the selectors used the assessment report to only confirm their

already-formed opinion of the candidate, so not at all using the full potential of this instrument. The Erasmus University recommended us to show the assessment reports to the selectors *before* the final interview, also because the assessment results have a higher predictive value for future performance than the interview.

In addition to changes in the assessing process of the assessment, the way the assessment results were presented was ameliorated. For example, we can now get more feedback (statistics) on the different parts of the assessment, which allows for a better understanding of the final conclusion. Also, quite interestingly, we followed up on the advice to add new elements to the assessment, most notably the so-called ‘dark side test’. This is a test that is integrated in other tests and that assesses whether a candidate has a dark side in his personality – for example, an addiction or a psychiatric disorder.

### **One of the most important competences of a judge is integrity. How do you measure integrity in the selection procedure?**

Integrity is indeed crucial. In the former selection procedure, integrity was assessed during the interviews with the candidates. As a result, it was difficult to get other answers than so-called socially correct answers. The assessment bureau therefore developed a computer-based test with numerous questions on moral dilemmas. This integrity test proved to be more effective than the interview and is now part of the selection procedure.

### **What is the link between the national selection and the selection on a local level? What is the role of the local selection?**

It is important to have a national selection to be sure that we have the same professional standards at the beginning.

In the new programme, we made guidelines for the local selection; the local selection should not test the same elements as the national selections. Also, the local selection should focus on the question whether the specific candidate has the profile to become a judge at that specific court in a specific position. We find the match between court and judge important. Judges need to feel connected to their environment. Candidates have to apply for a position in a specific court and can apply (only) for two courts at the same time. The local courts are involved in the selection of the most promising candidates, based on the application letters. And, if a candidate makes it through the intelligence tests, there is a first interview with three people (a human resource advisor, a member of the selection committee and a representative of the court).

### **Did you also look at best practices in other countries?**

We asked the Erasmus University to make a comparative analysis of the different selection procedures in EU countries and they have found information that has been quite useful for the new design of the selection procedure. For example, we learned from the Danish

experience of working with a small selection committee. In the old system, the selection committee was quite large. As a result, some selectors did only a couple of interviews per year and did not build up enough experience. Therefore, we changed our system to the Danish example and now have two groups of six selectors with six deputy selectors, both from inside and outside the Judiciary. In addition, the president, vice-president and the two secretaries can function as deputy selectors. Among these selectors there is one selector and one deputy selector from the Public Prosecution Service. The idea is that selectors work for three to four years and then become deputy selectors. That way, they can use their experience, which is important for the continuity. At the same time, this system makes room for new selectors.

### **What type of judge does the Judiciary want to select, recruit and train?**

We have several core competences that, to us, form the essence of the judicial profile. Furthermore, we have taken the stance that communication skills should be more important in comparison to the old situation. This is linked to the capacity to communicate with colleagues as well as with the people that come to the court. It goes without saying that, therefore, it is also important to have a good understanding of what is going on in society.

### **This refers to the external orientation of judges. How do you determine this and how important is this quality?**

The criteria of social involvement has to be proven by recent extracurricular activities and interests. It is an important element to be discussed during the interview with the candidates. It can even be a reason to reject a candidate. Once, as a selector, I interviewed a candidate that was already a deputy judge. Beforehand, everyone thought that the candidate would go through the selection process easily. However, during the interview we noticed that the candidate had never done one extracurricular activity and did not read the newspaper at all. This was also reflected in his answers on societal issues. In the end, he did not become a judge. Of course, one has to take into account the entire picture; in a situation where the candidate has young children, one cannot expect to engage in a lot of extracurricular activities.

### **It looks like the selection procedure is targeted at finding the 'super judge'. Are there enough candidates that can pass all these different tests?**

This is one of the main concerns we have. We have two programmes: one programme for candidates that have had less than five years' experience and a programme for professionals with more than five years' experience. In the first programme, we see that there were not enough candidates applying to become a judge.

The problem of a lack of candidates, in my view, lies not in the selection procedure but is more linked to the labour market. We have to change the image of the Judiciary to attract

good candidates. We have a reputation of a closed organisation and that it is difficult to pass our selection.

What complicates the matter of the new system is that candidates should at least have two years of experience before they can apply. This means that we have to stay in touch with potential candidates that graduate and start their first job outside the Judiciary.

However, there is a group of young lawyers that has three to five years of experience and are looking for a career change. It is this group that we should target in the recruitment phase. At the moment, the connection with this group is not adequate.

### **Is salary an important aspect for candidates to not apply?**

In general, the salary levels are regarded as high enough to attract the talented people, even though we do not pay as much as the top-level law firms.

### **How do you, more in general, invest in non-western immigrants to become part of the Judiciary?**

It is very important that tests during the selection procedure are culture-free, and we have taken care that they are. As for language skills, there are specific tests aimed at the potential of mastering a language, which, by the way, all candidates have to take. If language skills remain behind, but the candidates have shown potential to develop themselves with, for example, extra language training, this is not an impediment to select them. Also, we have made sure that one of our selectors has a bicultural background.

### **The Judiciary has more women than men, do you have a policy to attract more men?**

At the moment, we do not have a selection policy to attract more men. Also, you have to take into account that currently 70% of law students is female. In the older age group, there are more men. But it is an important issue and, in the future, we will have to revise our policy and investigate how we can attract more men.

### **Thus far, we have concentrated on the recruitment and selection procedure. However, the training programme for judges has also been intensively revised. What is the most important difference between the former training programme and the new programme?**

The current training programme has a completely different philosophy than the former one. As we now only select candidates with at least two years of experience (before, the candidates could start right after they finished their studies), the candidates bring (a lot of) experience to the programme as well as relevant knowledge for the Judiciary. Furthermore, the trainee judge has become much more responsible for his or her own development. The components of the training are highly dependent on his or her work experience. The trainee

judge keeps a portfolio during the whole training programme so that the trainers and managers can follow their development. The trainee judges have to work in different courts and there are traineeships outside the Judiciary. This can be a traineeship at the Police Department, for example, or within EU institutions. A short international traineeship is compulsory. Long traineeships (up to six months) are encouraged.

### **Can you explain what the connection is between the selection and training programme?**

When a candidate has been selected, the candidate gets a report from the assessment bureau which includes specific issues that require attention during training. These elements can then be translated into the training programme.

Also, we are in the process of developing a system to ‘monitor’ the trainee judges to see whether the predictive capacity of the selection procedure is adequate. In addition, this monitoring system will be helpful in evaluating the training programme.

### **What would be your advice if some other country would also like to revise the recruitment, selection and training of judges?**

One of the most valuable things we did was to ask the University of Erasmus to do a study on the former situation and provide us with suggestions to ameliorate the programme. The conclusions of this study were very useful and played an essential part in the remodelling of our entire recruitment, selection and training programme. We consulted the professor in charge of the research several times when we were in the implementation phase.

In addition, the input of external parties is also very important as they have experience and knowledge that we simply do not have but is very relevant for the Judiciary. And, as a side effect, it also contributes to changing society’s perception that we are a closed or co-opt organisation.

### **When do you consider the new programme a success?**

There are two important yardsticks. The first one is that the selection procedure will result in good candidates. It is important that we stay focused on the true positives. The second one is that the selected candidates will be successful trainee judges and, in the end, good judges. I will only be completely satisfied when the whole chain of recruitment, selection and training is working.

# The Dutch training system as a role model for the initial training of judges

Rosa Jansen

## General

In 1956, an important decision was made in the Netherlands, which was decisive for the position and the quality of the Judiciary as a whole.<sup>1</sup> As of 1 January 1957, a ‘judicial officer’ training programme was started (called RAIIO, a six-year joint initial training programme for judges and public prosecutors) ‘with the intention of making the professions of judge and public prosecutor accessible to young, talented jurists who, regardless of their social background, their religious or political persuasion or their bank balance, wanted to become a magistrate’. One of the reasons for setting up this training programme was the wish to make the Judiciary generally accessible to everyone, and to make the training of judges and public prosecutors more professional and uniform.

Before, people were expected to work without pay for years at a court or in a public prosecution office before receiving an appointment. Only very wealthy people were able to afford this. Judicial officers received a salary from the start, so that the judicial system was made accessible for anyone who satisfied the objective quality requirements. The judicial officer training programme was a modern, well-structured and dual six-year course, which combined learning and working, where, according to the original concept, the trainee sat behind the table for two years (as a registrar), stood beside the table for two years (as a prosecutor) and stood before the table for two years (as a practising lawyer).

At the time of the 50-year anniversary of the judicial officer training programme, former judicial officers from the early days of the programme, former President André de la Porte and the former Chief Public Prosecutors Kees van Steenderen, Ton Herstel and Hans Blok commented: ‘In the past fifty years, the judicial officer training programme has certainly

1 Article 59 a through e laid down in the Judiciary (Organisation) Act, after which the Training and Formation Decision of 23 December 1956 (Netherlands Bulletin of Acts and Decrees 643), which was based thereon, entered into force as of 1 January 1957.

contributed to the judicial system developing from a “rigid” elitist bastion into a professional organisation of jurists firmly rooted in society ...’ In doing so, the judicial officer training programme has made a significant contribution to innovation and diversity in the Judiciary and is still doing so. The importance of the programme has been noted outside of the Netherlands as well. Over the past twenty years, the Dutch model of the initial training programme, which was the first initial training programme in Europe, has served as an example for many new EU members, but also for many other countries in the world.

In addition to the above-mentioned initial training programme, more and more initial training programmes have been established in the Dutch judicial system over time, which has also led to a judgeship:

### **The Trainee Judge Training Programme**

Since the 1990s, jurists with a minimum of six years of relevant work experience (trainee judge) have received one year of training in court. They were allowed to follow the Judge Training Programme at SSR. This training programme was not compulsory, however, and was sometimes only followed in part, while sometimes not at all.

### **Trainee Justice Programme**

In general, a justiceship is a position which follows a judgeship. It does sometimes occur, however, that justices are attracted by an appeal board outside of the judicial system. This route had little structure, and the courts of appeal each dealt with it in their own way. There was often a (short) internal training procedure within a court of appeal.

### **The Internal Advancement to a Judgeship Procedure (IDR)**

On the basis of specific conditions, legal assistants working at a court could advance to a judgeship via an internal judgeship advancement procedure. The IDR procedure is a customised training programme at a court, meant for internal transfer candidates who, after this internal procedure, still have to follow the judicial officer training programme to become a judge. An internship outside the Judiciary belongs to the possibilities.

A shared characteristic of these last three training paths was that this form of training was much less structured and far more non-committal in comparison to the judicial officer training programme. Also, the explicit involvement of SSR (the Dutch Training and Study Centre for the Judiciary) in the judicial officer training programme led to a much more structured and didactic learning design. This raised questions about the need for and quality

of training within the judicial system, and the fleshing out of it in practice.<sup>2</sup> For that reason, the necessary research was carried out between 2005 and 2012 for improving the existing initial training programmes.<sup>3</sup>

In 2011<sup>4</sup>, a new vision of initial training for the judicial system 2011-2014 was developed in order to create judges and justices who have all enjoyed training of the same quality – before being appointed as a judge or justice – and who are optimally equipped at the end of their initial training programme. This new vision seeks to provide direction and create reference frameworks for the development of a new training system for admission to the professions of judge and justice. This new system for initial training is essential for high-quality jurisprudence, which is why the necessary requirements must be set for the initial training programme. The training programme must have proper didactic substance in order to achieve an optimal return from the persons who are trained. Following the ever-tighter labour market, the courses had to be attractive to both starting and experienced legal professionals. And – with an eye on great uncertainty about the future case inflow – courses had to be able to quickly and flexibly deal with changing needs for a new inflow of judges and justices.

The new training system has replaced the above-mentioned, existing training paths. In 2012, SSR converted this vision for all initial training programmes into a *Concept for the new initial Administration of Justice training programme*.<sup>5</sup> Finally, in 2013, a unique cooperation between SSR, the Netherlands Council for the Judiciary and the courts gave this concept further form and implemented it. An enormous operation, which has only been made a success through intensive cooperation of many people in the judicial system. The result is something to be proud of: good training with which the judicial system can secure its future generations.

- 2 Margreet Ahsmann, 'A critical review of the (revised) judicial officer training', *Trema* 2008; Margreet Ahsmann, *Over meesters in de rechten en priesters van het recht* 2013; K.G.F. van der Kraats, 'Het kind en het badwater...?', *Trema* 2011, no. 2, p. 70; K.F.G. van der Kraats, 'Kwaliteit en diversiteit van de rechterlijke macht in de krimp', *NJB* 2011, 729, with post-script in *NJB* 2011, 1133; K.G.F. van der Kraats, 'Het nieuwe opleidingshuis kent vele kamers', *NJB* 2013, 876.
- 3 End report of the Exploratory Project Group for judicial officer training 2005; End Report on the Revision of judicial officer training, July 2007; Report of the Assessment Steering Group for recruitment, selection and training of judges in training, 2010.
- 4 Vision of the initial training for the judicial system 2011-2014, established on 15 June 2011 by the Justice Administration Council, having heard the Presidents Meeting.
- 5 A concept for a new initial training programme for the judicial system, dated 21 December 2012.

## A new concept for the initial training programme

The instruction was to design a new initial training programme for everyone joining the Judiciary. This means that all future judges and justices will form their foundation in the new initial training programme. The set-up and content of this training programme will shape the case law of the future. In the assignment, quality was mentioned as the primary motive for improving and renewing the initial training programme. This raises the question of what makes training good training for future members of the Judiciary. Professional training, which is what the initial training programme is in educational terms, will lead the trainee professional from the starting qualifications on which the trainee professional was selected to the final outcome, which will show whether a person is ready for admission to the profession.

Reduced to its core, a course is good if the trainee in that programme takes as much as possible from what he/she is supposed to learn. In professional training such as the new trainee judge training programme, good training must result in as few drop-outs as possible – both during the training programme and after taking up the position. In our profession, trainee judges who successfully complete the training programme are appointed for life: an extra reason to ensure that the selection and the training are of high quality.

The Dutch judicial system has different training courses, of which the judicial officer course has been around for more than half a century and is internationally known for its quality. We have therefore set as our goal to retain the excellence of the existing training programmes and at the same time introduce innovation, so that the training will be able to stay relevant for a long time. This requires that the concept offers a strong basis as well as leaves room for adaptation in accordance with the requirements of the time and possibly for nuances relating to local circumstances.

The basic principle is that the training programme will train future judges and justices to become a generalist judge/justice, i.e. a judge or justice who can preside over cases encompassing more than one area of law (work environment). A generalist judge/justice must always be deployable in two on-the-job work environments which means that a trainee judge must therefore be trained in at least two different on-the-job training environments.

For the new initial training programme it is important that inflowing practitioners no longer come directly from the university, but have at least two years of relevant legal practice experience, gained outside of the Judiciary. The group of inflowing practitioners is very diverse, which demands for a concept in which customised work per individual is possible – both with regard to the duration and the set-up (the on-the-job training environments and the external traineeships), whereby existing knowledge and experience is taken into account. The training must be of such duration that, at the end, the individual has at least six

years of legal practice (a necessary prerequisite to be appointed as a judge). This means that the group of inflowing practitioners with only two years of work experience must follow a four-year training programme. The other inflowing practitioners will follow a shorter training programme of one to four years. The contents of the training programme will be customised at the start.

Our new learning philosophy is the focal point of the concept. The most important aspects of this learning philosophy are, in short:

- a stimulating learning climate, geared to optimising learning within the organisation and reducing the drop-out rate;
- taking the available knowledge and talent of the trainee judge as the starting point (talent development);
- more possibilities for training in practice;
- supervising and evaluating the trainee judge is no longer done by the same person;
- creating a reflection of the profession of the independent practitioner in the training, which means that the trainee judge must be established as an independent practitioner as much and quickly as possible in his/her role of judge/justice;
- the trainee judge him-/herself is in charge of and responsible for what he/she learns and how he/she learns it;
- creating a network in which the trainee judge can learn in cooperation with others and study whether improvement proposals can benefit the organisation as a whole.

The new learning philosophy requires a change in the training culture. Whether this will be realised depends to a great extent on the way in which the trainers in particular give it substance. Their conviction and involvement is of great importance in this respect. Attention will therefore be paid to (further) training of the trainers. In addition, the set-up of the concept of the course is of great influence on the establishing of the necessary change process. What is important in this respect is therefore that the concept supports and stimulates the change process within the Judiciary as a whole. The following aspects are particularly relevant for that change in culture.

The basic principle must be that the trainee judge is someone who brings in his/her own knowledge, experience and talent and keeps those during the training programme. The goal of a stimulating learning environment is primarily that the trainee judge genuinely focuses his/her attention and energy on learning and not on 'self-maintenance'. The trainee judge must feel free and encouraged to indicate what he/she finds difficult and what he/she wants to improve. This requires, inter alia, that the person who supervises the trainee judge is not (continually) assessing him/her. The new assessment will be carried out by a national assessment committee on the basis of a portfolio to be maintained by the trainee judge of

his/her own actions and assessments. The national assessment committee must conduct the assessment on the basis of final terms, being the competences of a starting judge.

A stimulating learning environment entails that the trainee judge must be able to make mistakes and must be able to practice, especially in the beginning. The reflection of the profession in the training means that the trainee judge must be established as an independent practitioner as much and as quickly as possible in his/her role of judge/justice, responsible for his/her own work and learning process. This does demand that the trainee judge has insight into what he/she must learn and how he/she can approach this. The concept of the training must entail that these basic principles can be implemented as best as possible and that the learning philosophy is implemented as effectively as possible.

These are the most important choices made in the concept of the new programme:

- four fixed inflow times each year;
- a modular training structure, a system that allows customisation for each individual;
- a preliminary stage of three months, starting with an induction week, in which the trainee judge gets his/her first impressions of judge craft and of being a judge, and develops his/her own personal learning plan, ending with a self-evaluation;
- a primary stage of varying length in two or three on-the-job training environments (criminal law, civil law, family law, administrative law or tax law);
- an on-the-job training team for the entire term of the training;
- an ongoing module ‘The trainee practitioner’;
- external traineeship with a court of another instance (higher or lower), public prosecution service, social, European/international;
- personal training plan (customised work for realising the training);
- digital portfolio in which the trainee judge demonstrates his/her development and skills by means of compulsory and optional documents;
- supervision by core and practical trainers, lecturers/trainers, work placement supervisors and colleagues;
- a fully digital, structured assessment by the national assessment committee on the basis of the (digital) portfolio;
- interrelationship between the initial courses for the public prosecution service and the Judiciary.

Finally, the further set-up of the supervision and evaluation of the trainee judge on the basis of our learning philosophy, has been developed in further detail. This has led to:

- trainers (practice and core trainers of SSR) focusing on the supervision and coaching of the trainee judge and focusing their feedback and assessments on learning;

- the trainee judge keeping track of his/her entire learning process and all learning activities as well as the feedback delivered thereon in a digital portfolio with compulsory and optional documents, which he/she also regularly discusses with the trainers;
- the assessment being in the hands of a national assessment committee;
- the assessment taking place on the basis of the digital portfolio. The portfolio contains a number of mandatory documents and some optional parts, in which the trainee can show his/her development and options. It forms the basis of the assessment.

## A new era

As of 1 January 2014, five classes of the training programme with future judges have started, now there are six. They encompass a total of 62 candidates. These candidates have been put to work at the various courts, which are also their employers. After a totally renewed selection procedure<sup>6</sup> on the basis of a renewed judge profile, which is discussed elsewhere in this edition, these candidates will arrive before a national intake committee, which will, in collaboration with them, determine the length of their training as well as the main points of the content of their training. This committee will advise the court boards in this respect.

The national intake committee includes representatives of the courts and SSR, who have substantial experience and expertise in the area of training future judges. The advice they provide the court boards also guarantees a uniform basis for the training in the entire country, with room for local colouring of the content of the training. The court boards will ultimately make the final decision, but to date it has turned out that in most cases the court boards follow the advice of the intake committee. The training is then started and takes place at SSR and the courts. For the details of the Training Programme I refer to the infographic on page 32, and the SSR website: [www.ssr.nl](http://www.ssr.nl) > initiële opleidingen (also available in English).

It is important to briefly refer to the first three months of the training programme, in which the trainee judges, under the supervision of the core trainers at SSR and under the management of the practice trainers with the courts, will have a first impression of their future work. In addition, they will be involved in what it means to be a judge, both at work and in private. Lastly, they learn what their own learning style and talents are. They can use all of this if they write their Personal Training Plan together with their trainers.

The training plan forms the guideline for the rest of the training. This plan will in any event describe to what extent and in which on-the-job training environments the trainee judge will work and learn, and for how long, as well as what external traineeships will be covered. All of this relates to the learning goals and activities to be developed in this respect. In the main phase of the training programme, this plan will be assessed every three months and possibly adjusted by the trainee judge, together with the core trainer and the practice trainer of the

6 Marise Ph. Born, 'Het selecteren van rechters: oude en nieuwe methoden', *Rechtstreeks* 2012, nr. 4.

### Preliminary phase

For both experienced and inexperienced trainee judges. Participants will discover their own learning style in a stimulating environment and work on the learning plan. This phase will be completed partly in a jurisdictional workteam and partly at the trainee judges' own court.  
Starts at least 2 and at most 4 times a year.

#### Induction week

- All trainee judges together:
- Getting to know the organisation
- Corporate identity
- Building a network
- Inventory of knowledge/talent/learning needs
- Start of learning plan

#### Subsequently:

- At own court (blue)
- Discovering – in a practical environment – what remains to be discovered
- Writing draft judgements
- Attending court sessions

#### In a work-team environment (yellow)

- Where do I stand? (what knowledge and talent do I offer?)
- How do I learn best?
- How can I give direction to my learning process?
- What is it like to be a magistrate? (brief Public Prosecution Service internship)
- Frequent court-session simulations

#### Personal Learning Plan (PLP)

- Which work-training environments?
- In what order?
- Duration of work-training environments
- Which phases and duration of phases

#### Self-evaluation

- Is this the right professional field for me?

### Main phase

#### Work-training environments (blue)

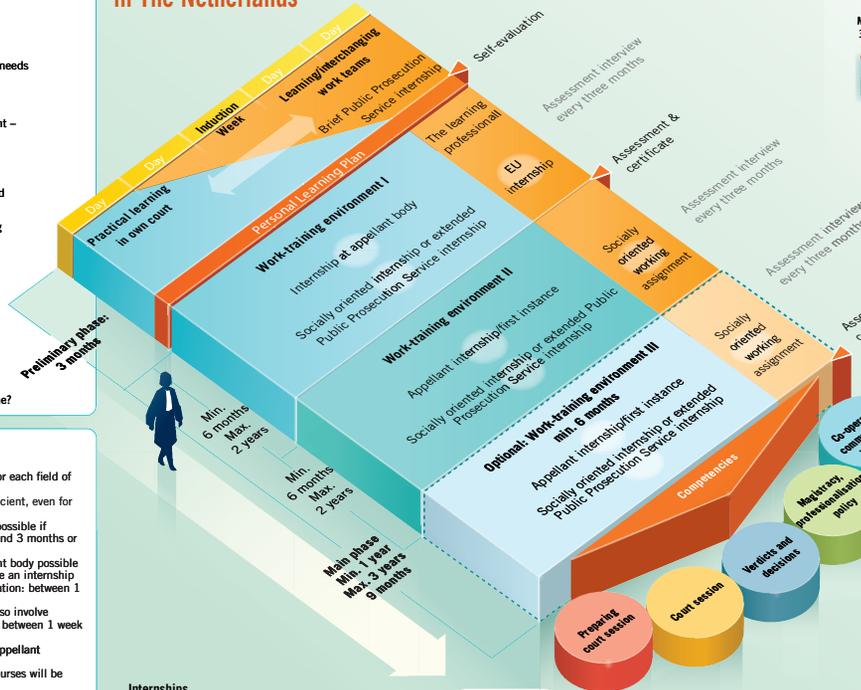
- Working and learning in the workplace for each field of law or theme (e.g. 'youth')
- Two work-training environments is sufficient, even for longer programmes
- Three work-training environments are possible if duration of the programme is 3 years and 3 months or more
- Alternation between court and appellant body possible
- Trainee judges of criminal law complete an internship at the Public Prosecution Service (duration: between 1 week and six months)
- All other work-training environments also involve socially oriented internships (duration: between 1 week and six months)
- Brief internship at the corresponding appellant body/lower court
- At the same time, discipline-related courses will be conducted

#### Jurisdictional: the learning professional (orange)

- One day a week throughout the entire programme
- Sharing experiences and knowledge in work teams.
- Practising skills such as reflection, ethics, intervision, integrity, dealing with the media etc.
- Work assignments/improvement proposals for the organisation
- Working on the portfolio and PLP
- Space to address learning needs
- Brief EU internship

# Initial Judicial Programme in The Netherlands

- Work-training environment
- Work-team environment



#### Internships

- Duration of at least one week, at most six months
- For every field of law, there is an internship at a higher institution, and vice-versa for the courts
- Various internships at the Public Prosecution Service
- Compulsory national/international internships (EU)
- Social orientation consists of an internship or assignment

#### Trainers

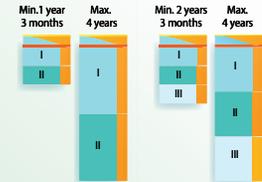
- The practical trainers work in the blue section
- Must be trained asap in the new role within the learning philosophy
- In the preliminary stage, they operate as practical supervisors
- In the main phase they teach within the work-training environment (within the profession)
- They no longer bear final responsibility for the assessment, though they do give input regarding the portfolio

#### The core trainers work in the orange section

- Must first be trained to teach within the new learning philosophy
- Together with other core trainers, they form a work-training team for each jurisdiction
- In the first classes, they will perform a lot of pioneering work.
- Coaching of trainers in the blue section with regard to the learning philosophy
- Provide training in sections of the (competency) themes

### Flexibility

Duration of programme: at least one year three months, at most four years, depending on the knowledge and experience of the trainee judges. Possibly in two or three work-training environments.



### Assessments

- Take place after six months in the first work-training environment and always at the end of the programme, conducted by assessment committees set up for each jurisdiction. The assessments are based on the portfolio (test results, draft judgements, work-team assignments, feedback, interview reports etc.)
- Possible extra interim assessment when appropriate
- When duration of the programme is 3 years or more, there will always be an extra assessment halfway through the remaining programme
- An evaluation interview takes place every three months (unless assessment is taking place), in which discussion is held regarding whether everything is in accordance with the PLP
- After completing a work-training environment a certificate can be awarded



on-the-job training environment, where the trainee judge is working and learning at that moment.

The trainee judge can also use the first three months to review whether the profession of judge was the right choice. At this stage, it will be even easier for the candidates to possibly return to their original path.

The new assessment method still requires some attention. From an educational perspective, it is advisable to build in law positional assessments at specific times that are the same for everyone. Consequently, the (first) assessment is no longer necessarily linked to the completion of a certain phase of on-the-job training and neither is it self-evident or essential, given the separation of supervising and assessing the trainee. The first assessment takes place six months after completion of the preliminary phase, i.e. nine months after the start of the training. This may thus be after completion of on-the-job training, depending on the duration of the training of the trainee judge and the set-up of the personal training plan. There will also always be an assessment at the end of the training programme.

Furthermore, an option must be available to have an extra assessment in the interim if there is cause for such, e.g. on the indication of a trainer, the trainee judge him-/herself or the assessment committee who carried out the earlier assessment. A trainee judge who is in training for longer than one year and three months can, if there is no cause for an extra assessment, go through his/her training for some time without a formal assessment point. This contributes to a stimulating learning environment. It is furthermore in line with the improvement of the selection procedure, whereby it is expected that the selective element of the assessments in the training may decrease in importance.

The experience gained with the new initial training programme are still of short duration. Of course there are teething problems that need adjustment, and we are working on that. However, the new programme as a whole has been a very positive experience. This has to do with the fact that, in this model, the trainee has to really think his/her big responsibility through. After all, someone who will have to decide independently in the future should also inherit that great responsibility during his/her training. This is how we create judges who approach the judicial organisation and society with an open mind, who are brave and who dare to stick their neck out.

In addition, we hope that the new learning environment, in which training and assessment are separated, has created a new stimulating training atmosphere with more space for peer review and reflection between (future) judges. The Judiciary has traditionally been a closed

shop, in which judging and condemning are core competencies. These core competencies are often counterproductive to the ability of the courts and their judges to be reflective and to give each other feedback within the organisation.

I hope that the new training programme has more in it than only a new initial training programme. I also hope that this new approach will allow us to implement a cultural change within the judicial system as a whole. The final aim is to create a judicial system in which everyone, with all their different talents, may grow and develop. This growth is necessary for the judge of the future, who should be able to face the great pressure from society in a transparent and confident way. Because so many people in the Judiciary are involved in the new initial training programme, this will be a powerful medium.

Judgment and condemnation can further be reserved to the real judicial work. I, myself, have a lot of confidence in this new approach, but there is still some work to be done. A new culture does not come from a system, but is in the minds of judges. The challenge is to get everyone to understand this, so we can greatly strengthen our judicial organisation.

If I summarise, I come to the conclusion that the Dutch model for initial training, created in 1956 and afterwards modified many times to social developments, has found a worthy successor in our new design. I am convinced that not only the Dutch Judiciary, but also many other Judiciaries all over the world can benefit from this new learning approach – all in the interest of good learning for a just society.

# The new selection process and the preliminary phase of the training: the experiences of a trainee judge

Jo Janssen

I have known I wanted to become a judge for a long time. Unlike in some other countries, the opportunity exists in the Netherlands to be admitted to a training programme to become a judge despite relatively little work experience. After having worked at the Netherlands Competition Authority and the Council of State for several years, I decided to apply for the selection process for the training programme to become a judge. The selection process and the preliminary phase of the training were an exciting and interesting time for me. I would like to provide a glimpse into my personal experiences with this process.

## The selection process

In the previous selection procedure, applicants were only allowed to express their preference for placement at a certain court when applying for a training position, but could still be placed at a completely different court. In the current process, you can apply to (a maximum of) two specific courts for trainee judge positions and, if you are selected, you are placed there. The advantage of this is that you will no longer be placed with a court on the other side of the country. I wrote letters to apply for a position at the District Court of Central Netherlands or the District Court of East Brabant.

After the application letter selection process, I was asked to come take an analytical test and participate in a preliminary interview on 14 November 2013 in The Hague with the national selection committee, the SRM (now the LSR). Unlike in the past, a representative from the district court to which the candidate is applying is now also present at this preliminary interview. After the test and the interview, I was notified by telephone that same day that I had made it to the next round. Incidentally, I later learned that this first round meant the end of the line for a very high number of candidates. The primary reason for this is the difficulty of the analytical test.

On 26 November, I was to undergo an assessment at LTP, an assessment firm in Amstelveen. I was actually really dreading this assessment, not least of all because of the role-playing exercises I would be expected to complete and that I had been warned about by friends who had been through the ‘old’ selection process. To my great pleasure, I discovered the role-playing exercises were no longer part of the assessment. The only thing I had to do was complete endless questionnaires about my personality and have a one-hour session with a psychologist. The results showed that I am not the most flexible man in the country. These results were met with agreement at home. According to my wife, it was nice to have this confirmed by an objective observer. But, apparently, this did not form an obstacle on the road to becoming a judge.

On 12 December, I headed to The Hague for three interviews with the SRM. It was a nerve-racking day, not only because of the interviews, but also because it was the date my wife was due to give birth to our second daughter. Contrary to my normal habits, I kept my mobile phone within reach, with the sound turned on. Fortunately, I didn’t receive any calls. My initial impression was that the three meetings had gone well, and this feeling appeared to be justified; that evening, I was told that the SRM had given the green light. Two days later, on 14 December, Hazel was born. Years from now, I will have to thank her for staying ‘inside’ a bit longer.

The green light from the SRM used to mean that you were placed with a district court, but this is no longer the case. On 7 January 2014, I was to report to the District Court of East Brabant for two additional interviews. As you can probably understand, there had been days where I have felt more alert than I did during these meetings; three weeks of nearly sleepless nights is not good for a person. However, the interviews went very well, and at the end of the afternoon, I was told that I could start in East Brabant.

Tired, yet satisfied, I was finally able to get some rest after a tiring application process. This didn’t last long, however; unfortunately, babies don’t really take their parents’ wishes into account.

## The preliminary phase

Once I had recovered from the selection process and had also caught up on some sleep, the ‘preliminary phase’ started, in April 2014. The preliminary phase is a three-month period at the start of the new training programme. Regardless of their knowledge or prior experience, this period is structured in the same way for all trainee judges.

The preliminary phase begins with the ‘Induction Week’, during which all trainee judges starting the training programme meet in Utrecht to get to know one another, their core

trainers from SSR and the Judiciary. The Induction Week proceeds according to a pattern that is familiar to members of new groups. In the beginning, everyone carefully shuffles in and tries to show their most appealing side. As time goes by, the hesitation dissipates, and people's true characters start coming through. This process is accelerated even further during the Induction Week. On the one hand, this is the result of assignments in which you are asked to talk about yourself, and on the other, through team-building exercises. Everyone resists these types of exercises initially, but ultimately, they always seem to work.

During the rest of the preliminary phase, about half of the time is spent participating in activities organised by the SSR. All the training sessions and courses during this period are outside of a court room. Just a few examples: general communication skills, power of persuasion, theory and simulations in chambers, core quadrants, holding court sessions, the European judge, *Rechters voor Rechters* ('Judges for Judges'), and so on. Remember that some of these sessions will span several days, and that there are also two peer-review and eight work-team meetings. Although training sessions and courses are normally a welcome change from regular work duties, the reverse is often the case during the preliminary phase.

The other part of the preliminary phase is spent at court. One of the goals of this is to learn as much as possible about every aspect of the court. I did this in East Brabant by observing the activities of various teams (Criminal Law, Commercial Law, Family and Juvenile Law, Administrative Law) for a few days. During that time, I attended as many court sessions as possible and talked to the staff about their work. Naturally, I noticed many differences between the various teams, but what really stood out for me was an element that is common to all teams: the dedication to the proper administration of justice. I also spent a morning observing the messengers and receiving an explanation from them about their work. It was really enlightening to see what happens before the parties enter the courtroom; I can recommend this to every new trainee judge. I spent the remaining time after this introductory period with the various teams to familiarise myself with the work done by the first team I will be working with during the main phase, the Sub-district Division. This induction is no luxury, since, in many respects, there are great differences between this work and my previous position as a lawyer at the Council of State. It's not administrative law anymore, but civil law. No more Court of Appeal, but court of first instance (and then often without a lawyer present!). And last but not least, I will no longer just be writing, but also receiving parties appearing at a court session.

Although there are certainly ample opportunities for debating the precise structure of the preliminary phase – for example, wouldn't it be useful to spend a bit more time in the courtroom? And should all these courses and training sessions really be concentrated during the first months of the training programme? – the period was definitely helpful for me as a

whole. I got to know the other trainee judges in my group very well, I got a clearer impression of the work being done by the various teams at the court and, moreover, I learned more about my personal strengths and weaknesses. The latter, in particular, offers a good basis for the rest of the training programme.