

**The 2nd International Conference of the Training of the Judiciary
Judicial Education in a World of Challenge and Change**

**Workshop on
Judicial Education Issues
Getting Started: Creating and Sustaining a Successful
Training Center with Limited Resources
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JUDICIAL TRAINING OVERVIEW IN LITHUANIA

Legal Background

The Law on Courts, which went into effect on 31 May 1994 (new wording of 1 May 2002) includes provisions defining judicial training. Under the provision No 93 the Ministry of Justice and the Council of Courts is responsible for judges training, training programs and training material preparation.

In the year of 2002 the Council of Courts and the Minister of Justice approved the long-term training plan for judges, which groups the arrangement and programmes of training into the following: (1) training of first instance judges whose work record is up to five years; (2) training of judges with more than five-year work record; (3) training of judges of the appeal instance; (4) training of justices of the Supreme Court of Lithuania; (5) training in the area of administration designated for presidents and deputy presidents of courts; (6) training of judges of administrative courts; (7) training of hypothec judges; (8) training of executing judges. The plan now is being followed drafting annual programmes each year. The annual training programmes are prepared by the Ministry of Justice and Lithuanian Judicial Training Center and have to be considered and approved by the the Council of Courts and the Minister of Justice.

In 2003 the Council of Courts passed and the Minister of Justice approved the Rules of organizing the training for judges and testing the acquired knowledge.

Training forms

(a) Initial and continuing training

The Law on Courts provides for initial training of judges and compulsory raising of their qualification. The persons who are appointed as local court judges must undergo initial training in order to broaden their knowledge and develop their professional skills. The compulsory raising of qualification is broadening of special professional skills and development of skills and which is designed for working judges.

(b) Arrangement of initial training

Initial training of judges, before they take the office of the judge, takes place for no less than one month. The initial training of judges is arranged subsequent to the rules approved by Resolution of the Council of Courts No. 90 "Rules of organizing the training for judges and testing the acquired knowledge". The training occurs in three places: in the local court, in the regional court within whose territory there is the local court, and in the Lithuanian Judicial Training Center. The training in local and regional courts is ensured by presidents of these courts, who are also responsible for the training, while at the Center for Training of Judges - by the Director of the Center.

(c) Continuing training

Under Article 92 of the Law on Courts, the compulsory raising of qualifications of judges is provided for in these cases: (1) upon promotion; (2) to those appointed or transferred from a court of general jurisdiction to a specialized court, and vice versa, also in cases when specialization of the judge becomes different; (3) when the legal regulation of social relations becomes essentially different; (4) no less than once in every five years, counting from the last training; (5) in other necessary cases.

Lithuanian Judicial Training Center

INSTITUTIONAL INFORMATION

The Lithuanian Judicial Training Center (hereinafter - the Center or LJTC) is a non-governmental and non-profit public institution, founded in 1997 under the Law on Public Institutions of the Republic of Lithuania. The Center was made possible by the cooperative efforts of its six founders and three additional founding contributors. They include the following:

Founders:

- Ministry of Justice of Lithuania;
- Lithuanian Judges' Association;
- Supreme Court of Lithuania;
- United Nations Development Program (UNDP);
- Open Society Fund-Lithuania; and
- American Bar Association/Central and East European Law Initiative (ABA/CEELI).

Funding Contributors:

- The United States Agency for International Development (USAID);
- The EU PHARE Program; and
- The Government of Finland.

These organizations have long recognized that a strong, professional, and independent judiciary is crucial to democratic governance and the interpretation and application of laws. Since regaining its independence, Lithuania has embarked upon a major restructuring of its legal system, including the passage of numerous new laws, designed to bring about a harmonization with European and liberal/democratic norms. As part of this process, appellate and constitutional courts have been created, the number of judges has increased significantly, and the demands upon judges have been completely transformed compared to prior practice. Under these circumstances, it was clearly necessary to create an institutional structure that will train and educate judges concerning their duties, and assist them to develop the skills necessary to manage the third branch of government. In short, a systematic approach to elevating the level of professionalism of judges, and the court personnel with whom they work, is a requisite step in Lithuania's democratic development.

The need for substantive legal education arises from the volume of new legislation passed in Lithuania during the past five years, and the fact that many areas of law are either completely new or have been vastly transformed. Fields such as constitutional law, commercial law, international law, administrative law, and human rights are novel, while the criminal and civil codes were substantially rewritten. Harmonization with European Union Law creates a whole new set of demands. But Lithuanian judges need much more than

enhanced substantive knowledge. They must also be trained in entirely new methods of handling court proceedings, and dealing with participants in the process. And they have to fully understand the new system for the administration of justice. Other court personnel, such as bailiffs and support staff, must receive similar assistance. Otherwise, the people of Lithuania will not develop confidence in their system of justice, which will ultimately undermine the very foundations of the reform process.

Goals of the Center:

The goals of the Center as established in its Bylaws include the following:

- 1) organizing and conducting training and educational activities for judges and other judicial staff;
- 2) conducting research concerning the status of the court system and current practices;
- 3) maintaining research and reference materials to support the Center's activities;
- 4) publishing or making available in electronic form materials useful to judges for the purposes outlined above.

The Center's Overall Objectives are as follows:

1. To substantially increase the level of competence, professionalism and knowledge of all individuals affiliated with and relevant to Lithuania's judiciary; (improve the knowledge level of the community of the judiciary)
2. To institutionalize and make sustainable high-caliber training and the systematic provision of current, relevant information to the Lithuanian judiciary in a consistent and ongoing manner. (to create the mechanism for ongoing education and communications for the judiciary)

In order to realize these objectives, the Center utilizes the following strategies to create a stronger judiciary system in Lithuania:

Strategy One: Develop and implement a sustained, high quality judicial training programmes.

Strategy Two: Continually update the judiciary community with materials pertaining to new laws, recent decisions and verdicts, information on the systems in other countries, as well as other issues affecting the abilities of the judiciary to perform its duties.

Strategy Three: Provide a means by which the judiciary and the Center can learn about the procedures and positive changes in the judicial systems of other democratic countries and network with other judicial professionals to encourage an ongoing information exchange.

The LJTC is providing both seminar and lecture format sessions, covering the most important topics, as identified by the judges themselves and included into the training programmes. In addition, it is conducting research, both independently and in

cooperation with other institutions, concerning the status of courts and court practices. This enables it to identify legal and operational issues, which are considered priorities for future judicial training. Teaching foreign language skills and computer skills are also within its mandate. To support these activities, the LJTC also maintains a computer training class and a library, and works to make as much information as possible available to the courts, both through publications and electronic/computer means.

Although the main focus is on the training of judges, the LJTC as well conducts seminars for other lawyers such as court bailiffs, notaries, court personnel, attorneys etc. The training for judges is free of charge. While the other trainees have to pay for the training.

Location

The Center's headquarters are located in the capital Vilnius at the Supreme Court building. The majority of training activities take place in the capital city at the Center's training hall or Supreme Court spacious conference room. The Center as well uses the other premises for training, i.e. the big hall in the Ministry of Justice or conference centers in the city. Besides, there is a training affiliate in a small town Moletai, situated 60 km away from the capital, where modern premises for training had been equipped. The Center as well has a computer-training classroom where a minimum of 10 trainees could attend the training

Organization and Structure

The supreme managing body of the Center is the Founders' Meeting that is composed of the representatives of the founders. The Meeting sets the Center's broad policies and decides major issues related to its operations. Among other things, the Meeting elects a Board that is an intermediate managing body whose purpose is to implement the policies established by the Meeting. The Board is composed of one representative from each founder and three additional persons from other organizations within the legal community. The Board also establishes committees that are charged with performing specific tasks such as establishing curriculum and directing research.

The Center's daily activities are organized and conducted by a full time Director selected by the Meeting via an open competition. The Director, subject to the approval of the Board, makes all of the Center's staffing decisions and directs the activities of the Center's one part-time and one full-time assistants. Additionally, the Center employs a part-time bookkeeper whose records are periodically audited by an independent examiner.

Funding

Since the establishment in 1997 the Center had been funded by foreign donor institutions such as UNDP, ABA/CEELI, USAID, Soros Foundation etc. However, foreign donorship has finished or was reduced after three years of Center's existence. Establishing the Center there was an agreement of the Founders that after the foreign sponsorship comes to an end, the state budget should take over the funding of the Center. At the phase of establishing the Center the Ministry of Justice has agreed to channel

through the Center all of the funds in its budget allocated for judicial training. Unfortunately, this agreement was broken and the Ministry of Justice refused to channel the state budget funds to the Center. So the Center has had to fight for its funding.

Now the Center is contracted with the Ministry of Justice to implement the majority of the training programmes. Besides, the Center has started commercial activities organizing the training for other target groups such as lawyers, advocates, court clerks etc. Advocates and prosecutors have their own training organizations.

Workshop

Getting Started: Creating and Sustaining a Successful Training Center with Limited Resources

The workshop team has worked out the list of most important questions, which were distributed among the panelists. I would like to speak on two issues, i.e. *Organizational location / model* and *Structure* slightly touching upon *Resources and Funding* as it overlaps one another. I will speak accordingly to the lessons learned by Lithuanian Judicial Training Center as well as Baltic countries experience.

Organizational location and models

JTC as a public institution

Advantage of such establishment is that at the primary stage it is easier to receive foreign sponsorship and attract founders if you prove it to be a successful project. The other thing is independency as long as the institution has its own funding. Disadvantage of the public establishment is that such entity cannot receive state budget allocations directly to its own budget, it is channeled through some governmental body and gradually you become dependant upon that institution. In Lithuanian and also the other Baltic countries scenario (as all the three Baltic states were created as public institutions having almost the same founders structure) there has been a constant conflict between the JTC and the Ministry of Justice in terms of control and funding. One more threat is that Founders whose funding has come to an end lose interest in the institution and their representatives on the Board become passive. The most active and interfering becomes the one controlling state budget allocations, i.e. the Ministry of Justice. And finally the Ministry wants to close the Center and carry the judges training on its own.

JTC as part of the Ministry of Justice

It could cause interest conflict and too high governmental interference with judges education and furthermore – with courts. Lithuanian scenario is that courts have their self-governing body Courts Council and do not like being controlled by the Ministry. Locating training within the Ministry of Justice would in a way breach courts independence principle.

JTC outside the government as part of a university

There is a threat for a gap existence between the training institution and judicial branch. It is a threat to become too academic as university education is different from adult education and especially sitting judges training.

JTC as a unit of another judicial branch agency (e.g., Supreme Court or Courts Council or National Courts Administration)

This could be the best model if it is government-owned entity and is provided with sufficient direct state funding. It would be supervised by the Courts self-governing body and the courts would have the direct interest in having and sustaining a professional judicial training body and would be directly involved in the training process. It is very important to involve judges themselves shaping the training models, training programmes and training assessment.

Structure

The structure of a JTC depends on the country scale in terms of population and number of judges, and whether it is a consolidated training institution or solely judges branch training. These factors influence the internal structure of organization, i.e. number and functions of departments, supervision and reporting models etc.

Nevertheless, some structural principles should be the same or similar. Besides the inner structure, there is an “outside structure” which plays equally important role. These are the boards and committees working for the training institution. This “outside structure” is important for promotion and positioning of the institution in the state picture.

It is inevitable to have an Advisory or Governing Board and Curriculum Committee. Advisory Board is responsible for overall strategy and policy of an institution. The Advisory Board should comprise the representatives of relevant legal community professionals. While Curriculum Committee is responsible for long-term and annual training programmes. The majority of the Curriculum Committee members should be judges from all the court levels including Supreme Court judges and a few academics who would have experience with long-term adults education. The successful performance of these bodies depends upon the members' willingness to contribute and be active.

Conclusions

- **State and Government must be involved from the very beginning and be committed to long-term sustainability of judicial training institution in terms of funding**
- **The institution must be state politics resistant, i.e. the change in the Government or Parliament should not influence the institution**
- **Foreign donors funding is a temporary phenomena of a developing country, and it should not be considered to give long-term sustainability**
- **Establishing a new judicial training institution it is very important to chose the right model and structure which could guarantee the long-term sustainability**