

Conference of the Network of the Presidents of the Supreme Judicial Courts of the European Union and the Supreme Court of the United States.

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### Training to be a judge in the Netherlands

There are three ways to become a judge:

1. Through the “trainee judicial officer programme”: qualified lawyers with less than six years’ relevant legal experience may apply to the Judiciary Selection Committee for a place on a six-year training course leading to a position as a public prosecutor or a judge. The successful candidates are known by the Dutch abbreviation RAIO.
2. Through the “trainee judge programme”: qualified lawyers with at least six years’ relevant legal experience who wish to join the judiciary may apply to the Judiciary Selection Committee for a judicial post. The course takes 12 to 18 months, depending on the individual’s experience. The trainee judges are known by the Dutch abbreviation RIO.
3. By internal transfer: since 1 January 2007, the prospect of a career on the bench has been open to particularly well qualified legal officers (in many cases judge’s clerks).

The Judiciary Selection Committee is a broad-based national committee, whose members are appointed by the Council for the Judiciary and are drawn from various walks of life, including public administration, business, education and research, the legal profession and the judiciary itself.

#### 1. Trainee judicial officers (RAIOs)

On average, 350 lawyers apply for this programme every year. Only 60 can be admitted at a time. The six-year course has 270 trainees in addition to the entrants. The first four years are spent on an internship, in other words, working and studying in the courts or the Public Prosecution Service, while the remaining two years are spent on an externship elsewhere.

#### *Internship*

During the internship, the trainee becomes familiar with every facet of the district or trial courts and the public prosecutor’s office. The first part of the internship (lasting over three years) is the same for all trainees. A trainee starts by clerking at a district court, spending

the first six months in the criminal law sector, followed by ten months in the civil law sector, and finally ten months in the administrative law sector. The trainee then works for a year as a deputy public prosecutor in a public prosecutor's office at a district court. At the end of this stage, the trainee decides whether to become a judge or a public prosecutor. Depending on the choice made, the trainee spends the last ten months of the internship working as an alternate judge at a district court or a deputy public prosecutor in a public prosecutor's office.

### *Externship*

Trainees spend the following two years doing high-level legal work elsewhere in the legal profession. For most trainees, the externship takes them to a law firm, although placements in a commercial company or a municipality are also possible.

Trainees who successfully complete the six-year course are appointed as either a court legal assistant or a junior deputy public prosecutor, depending on the choice they made after the internship. This can be followed a year later by an appointment as a judge or public prosecutor.

#### 1. Trainee judges (RIOs)

In 2006, 108 candidates for these posts applied to the Selection Committee, 85 of whom received a positive recommendation. It is up to the courts themselves to decide how many candidates they take on, since this depends on the number of vacancies available. Those who are accepted take the training course for judges, a full-time one-year course, comprising a general component and various sector-specific elements. The trainees choose two out of three sectors: criminal, civil or administrative law.

The course was devised with the assistance of a group of expert practitioners: judges with experience in education and administration drawn from a number of different sectors and courts. The training provided is tailored to the individual trainee judge's requirements. Depending on their work experience and the results of an assessment, trainees are offered the course elements in each field of law that will enable them to acquire the competences necessary to match the national training profile. Alongside traditional legal subjects, the course includes teaching on, for example, communicative skills, time management, presentation, professional ethics and how to deal with moral dilemmas.

Candidates who successfully complete the course may be appointed as judges.

When the full-time training course for judges was introduced, it became clear that a shortage of financial or personnel resources compelled many courts to offer only one day's training per week, rather than full-time training. In these circumstances trainee judges take an intensive form of the training course.

#### *Training and Study Centre for the Judiciary*

As its name implies, this Centre, known by the abbreviation SSR, is the training institute for the judiciary and the Public Prosecution Service. Many of its teaching staff also work in the judiciary, thus enabling them to combine theory with practice. Academics based in university law faculties also make a significant contribution.

The SSR provides the initial courses for RAIOS and RIOS and in-depth courses for specialisations such as examining magistrate in criminal cases or bankruptcy cases, children's judge or public prosecutor dealing with environmental offences. The SSR also trains legal and administrative staff for courts and public prosecutor's offices.

In addition, the SSR provides permanent education for judges and public prosecutors, since keeping up with developments is essential to maintain and improve professional standards. The assembly of court presidents and the Council for the Judiciary have set a national standard of 30 hours' continuing education per year. The SSR has developed courses to meet a widely felt need among the judiciary for more information on non-legal subjects, including one on multiculturalism and intercultural communication. It addresses the social, economic and cultural backgrounds, as they pertain to the law, of people of Turkish, Moroccan, Surinamese, Antillean and Aruban origin living in the Netherlands, and examines topics such as different attitudes to honour (honour crimes), cultural defence (the Surinamese Winti religion) and differences in non-verbal behaviour from one population group to another. To enable courts and prosecutors to assess technical forensic evidence, the SSR has devised courses to enhance forensic expertise, for example on firearms and ammunition, pathology and toxicology, fire scene investigations and fire accelerants, and DNA testing. The forensic behavioural science course looks at the most common mental disorders and methods of behavioural observation. A further course teaches judges to assess expert witness evidence on its merits and to question expert witnesses more effectively in court. Lastly, the course on medical matters includes such subjects as medical ethics, medical errors, dealing with alternative medicine, medical disciplinary law, euthanasia and assisted suicide, palliative sedation and the right of self-determination.

The SSR tailors the courses it offers to suit the needs of the individual court. Where necessary, courses can be adapted or bought in from outside or new ones can be devised. The SSR teaches courses in house on request.

The SSR is a member of the European Judicial Training Network.