

# **CoE STANDARDS ON ORGANIZATION OF JOINT TRAINING FOR JUDICIARY AND ADVOCATES**

## **Summary**

Here it is presented the summary recommendations of Council of Europe on cooperation between Judiciary and Advocates to create a dialogue on mutual understanding of each other's role, on mutual respect and on independence. The sharing of common legal principles and ethical values by all the professionals involved in the legal process is essential for the proper administration of justice. One of the essential modes of cooperation is organization of joint trainings for judges, public prosecutors and lawyers on the themes of common interest. Among other things, trainings curricula might touch upon ethics issues of all Justice Professionals as well as issues of friendly settlement of disputes. These trainings could contribute to the achievement of justice of the highest quality for the interests of parties. In addition, according to these standards, professional associations and independent governing bodies of both judges and lawyers (advocates) should be responsible for this process.

## **I. EU-CoE EJREPC Joint Project Report**

### ***2.5 Guarantees against undue pressure***

#### **Relevant European Standards**

The curricula of training programmes as part of pre-trial and continuous legal education for judges should involve judicial ethics in general and cover the requirements surrounding the proper behaviour of judges in particular, in order to avoid undue influence. (p77)

## **II. CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE), OPINION NO. (2013) 16 ON THE RELATIONS BETWEEN JUDGES AND LAWYERS**

17. Judges and lawyers must co-operate in meeting the needs of the parties. To this end, the CCJE considers it important to develop planning hearings and procedural calendars, to facilitate, in the interests of the parties, an effective co-operation between judges and lawyers. Further, judges and lawyers must cooperate in facilitating the friendly settlements in the interests of the parties. In its Opinion No. 6 (2004), the CCJE recommended the development of arrangements for the friendly settlement of cases. Joint training sessions can improve the understanding of the respective roles of judges and lawyers in the field of friendly settlements of disputes, by the processes of conciliation or mediation.

21. The CCJE considers that the relations between judges and lawyers should be based on the mutual understanding of each other's role, on mutual respect and on independence vis-à-vis each other.

The CCJE accordingly considers it necessary to develop dialogues and exchanges between judges and lawyers at a national and European institutional level on the issue of their mutual

relations. The ethical principles of both judges and lawyers should be taken into account. In this regard, the CCJE encourages the identification of common ethical principles, such as the duty of independence, the duty to sustain the rule of law at all times, co-operation to ensure a fair and swift conduct of the proceedings and **permanent professional training. Professional associations and independent governing bodies of both judges and lawyers should be responsible for this process.**

**22. Training conferences for judges and lawyers should deal with their respective roles and with their relations**, with the general aim of promoting the fair and efficient settlement of disputes, whilst respecting the independence of both sides. The CCJE refers to paragraph 10 of its Opinion No. 12 (2009), in which it considered that, where appropriate, joint training for judges, public prosecutors and lawyers on themes of common interest could contribute to the achievement of justice of the highest quality.

## **V. Recommendations**

V. In order to meet the needs of the parties, the CCJE recommends developing arrangements for the friendly settlement of disputes. It considers that understanding the respective roles of judges and lawyers in the framework of friendly settlements by conciliation or mediation is a vital factor for developing this approach and that, as far as possible, joint training sessions on the various modes of friendly settlement should be provided.

VI. The CCJE recommends the development of dialogues and exchanges between judges and lawyers at an institutional level (both national and international) on the issue of their mutual relations, whilst taking full account of the ethical principles of both lawyers and judges. Such dialogue should facilitate mutual understanding of and respect for the role of each side, with respect for the independence of both judges and lawyers.

VII. The CCJE considers that, where appropriate, joint training for judges and lawyers on the themes of common interest can improve the quality and efficiency of proceedings.

## **III. OPINION No.12 (2009) OF THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)**

10. The sharing of common legal principles and ethical values by all the professionals involved in the legal process is essential for the proper administration of justice. Training, including management training, is a right as well as a duty for judges and public prosecutors. Such training should be organized on an **impartial basis and regularly and objectively evaluated** for its effectiveness. Where appropriate, joint training for judges, public prosecutors and lawyers on **themes of common interest** can contribute to the achievement of a justice of the highest quality.