

## **Training on Demand and Improvement of Judicial Capability**

GAO Jinghong

Justice and Full-time member of the Adjudication Committee of the  
Supreme People's Court of China  
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The honorable Justice Hayne, ladies and gentlemen:

I am very honored to be invited to speak on the Asia-Pacific Judicial Reform Forum. The theme of this session is "judicial training and development of skills." Judgment is a professional act, which requires the same treatment for the same circumstances, and different treatment for different situations. This is the root cause for providing homogenizing professional training to judges. Unlike the general education of law schools, training of judges caters to different training needs of judges. If the training was spoon-feeding with similar or same courses, it would be definite that some judges think the training is inadequate, or excessive, and others think it is not conducive to the improvement of judicial capability. Therefore, good training for judges needs to accurately grasp their needs, and then administer categorized training according to the demand.

Chinese judges are trained mainly in the following ways: long-term or short-term training at the National Judges College and its branches; special short-term training for judges co-organized by courts and law schools; judges attend legal education at law schools, etc. The most important way is training at the National Judges College and its branches. Because such training takes fully into account the differences between training of judges and college legal education, specifically aimed to upgrade the judicial capability, thus more targeted and effective. Therefore, in this study I will mainly discuss training of judges conducted

at the National Judges College and its branches.

### **Firstly, the general information on the National Judges College and its branches**

I'd like to briefly introduce China's National Judges College and its branches. China has a two-tier management system in training of judges: Supreme Court assumes the nationwide unified leadership of training of judges, and establishes the National Judges College for the specific implementation of training of judges. Meanwhile, if their conditions permit, provinces, municipalities and autonomous regions establish branches of the National Judges College, for the implementation of training of judges within their jurisdictions. National Judges College was founded in 1997; it currently organizes about 70 various training courses each year, training around 15,000 people of all categories from courts including judges. Since 2002, the National Judges College began to set up branches in the provinces, municipalities and autonomous regions; so far, there are 22 branches, and 10 more branches in preparation.

### **Secondly, identifying training needs**

The premise of training on demand is to accurately grasp the judges' training needs. In general, it is like this: First, proceeding from the basic types of trainees and judicial capability, we identify the overall framework for training needs; then we identify specific training needs through various forms of research; at the end of the training, we further adjust training needs through teaching evaluation.

#### **(A) to identify the overall framework for training needs**

First, we identify the training needs according to the basic types of the trainees. From the perspective of the judicial field, trainees can be divided into three broad categories of the trial judge for criminal cases, the trial judge for civil cases, and trial judge for administrative cases; from the identity and level of the judges, they can be divided into judge, senior judge, and justice; or into president, vice president, presiding judge,

ordinary judges and other categories. The judges in different judicial fields, with different identity or level face different judicial issues, so the judicial capability they want to learn is different.

The second, we identify the training needs according to the basic types of judicial capability. Upon the summarize of the long-term practice, the training of judges mainly focuses on improving four kinds of judicial capability: the capability to control the court trial; the capability for litigation mediation; the capability to apply the law, the capability of instrument production. Some judges may need a comprehensive training on the four capabilities, while some may focus on the training on one or several capabilities.

**(B) to identify specific training needs through research into trainees**

First, the Supreme People's Court, before the annual training plan is drawn up, would listen to the opinions of the trial divisions, to understand what training programs that judges need. Secondly, before the training of each course, the National Judges College requires students to submit in advance to the designated mailbox the difficult problems encountered in practice and cases in the trial, and the problems they want to solve through training, and then set the appropriate targeted courses. The College has established two special institutions "The Trial Practice Research Center" and "Case Development Research Center," to collect, edit, develop and apply the difficult issues and cases.

**(C) to constantly adjust the training needs through teaching evaluation**

Before the end of each course, the NJC goes through questionnaire, judge seminars, etc., collecting assessment information. Assessment includes a comprehensive assessment of the training work, of teachers' teaching quality, and quality assessment of training aids. The main purpose of assessment is to get the trainees' negative opinions on the

training course in terms of its goals, curriculum and teachers, for further adjustment of training needs, resulting in further improvement for similar training in the future.

**Thirdly, carrying out training in category in accordance with the training needs**

**(A) the training needs to be met by the National Judges College**

1. We provide the following specialized trainings courses according to different trainees and different training demand, (1) appointment training for new presidents, vice presidents of the high and intermediate people's courts and presidents of the primary courts; (2) promotion training for senior judges; (3) renewal job training for senior judges; (4) pre-appointment training for reserved judges (some are authorized to the NJC branches); (5) other specialized training.

In addition, to foster the high-level talents in the court system, National Judges College conducts joint doctoral and master's programs to the judges in cooperation with City University of Hong Kong,; and joint Master of Law Program in cooperation with China University of Political Science and Law.

2. To satisfy the training demand, we conduct different training method according to the different training demand. The judges' training is different from the law science education in the law school. The aim of the judges to attend the training, is not to grasp the systematic legal knowledge, but to solve the practical problems. This requires us to go beyond the traditional teaching methods of spoon-feeding, and to find more creative, more divergent training approach. The training methods of NJC include: (1) "Judges Teach Judges". Experienced judges are invited to teach judging methods and case handling experiences; (2) Case Study. Through group discussion and typical cases analysis, the trainees can summarize the judicial capability needed to improve judging; (3) On-Site Instruction. 49 on-site teaching bases are set up in China for training

judges, taking the model of on-site observation and mock-trial; (4) discussion-style teaching. Teachers select topics for discussion according to trainee's need. Under the guidance of teachers, trainees attend group discussion; (5) interactive teaching. This includes organizing judges to have dialogue with scholars at law school, or inviting prosecutors and lawyers to the classroom to conduct the three-party interaction; (6) menu teaching. In accordance with the three categories of criminal trial, civil trial and administrative trial, different courses are opened, and the judges can choose certain courses according to their own needs and interests; (7) international co-operative training. To satisfy the demand for international vision of judges, the NJC also provides extensive cooperation in judicial training programs with the United States, Germany, Japan, France and other countries, mainly in the following forms: selecting judges to go abroad to participate in training; inviting foreign judges and experts to give lectures; Sino-foreign joint training courses or seminars and so on.

### **(B) the training needs to be met by the Branches of the NJC**

From the trainees' point of view, training categories of the NJC Branches include: (1) judges other than the NJC trainees; (2) the training of judges in Branches commissioned by the NJC (now mainly training of pre-judges); (3) other specialized training.

In the training method, NJC Branches, following the NJC, continue to explore diverse training methods, which are capable to meet the training needs of judges, and improve the judicial capability of judges.

### **(C) training on Internet in exploration**

With the steady expansion of the scale of judges in China, as well as the continuous improvement of knowledge and capability needed by the judges, , it is not enough to meet the training needs of the whole nation's judges only by face-to-face training in the NJC and its branches. The training on Internet breaks the constraints of space and accommodations and communicates the training materials to places with network coverage

in lower cost. Therefore, the NJC founded in 2008 a website for training Chinese judges, actively exploring the training on Internet. The training on Internet was mainly used in promotion training of senior judges. Currently, we are exploring to establish a special network for presidents of the courts, network for senior judges on renewal job training, and network for training of pre-judges, so as to further expand the types and scopes of network training.

In short, the training of judges must always be consistent with the needs of judges. According to the differences in the judges' needs, as well as their changing needs, we must make corresponding adjustments in training schedule, curriculum, teaching staff, training method, to really improve their judicial capability. Meanwhile, with the improvement of capability of judges through training, there will be new training needs. Therefore, the training of judges is a continuous and renewal cause with our unremitting efforts.

Thank you!