



ПРОЕКТ
“НОВЕ ПРАВОСУДДЯ”



ПРОЕКТ ЄС
“ПІДТРИМКА РЕФОРМ У СФЕРІ ЮСТИЦІЇ
В УКРАЇНІ”



УКРАЇНСЬКО-КАНАДСЬКИЙ ПРОЕКТ
«ПІДТРИМКА СУДОВОЇ РЕФОРМИ»



ПРОЕКТ РС
“ ПІДТРИМКА ВПРОВАДЖЕННЮ
СУДОВОЇ РЕФОРМИ В УКРАЇНІ ”



НАЦІОНАЛЬНА ШКОЛА СУДДІВ УКРАЇНИ



ПРОЕКТ
“РОЗРОБКА СТАНДАРТИЗОВАНИХ
ПРОГРАМ ПІДГОТОВКИ СУДДІВ”

Draft

CURRICULUM FOR FUTURE SUPREME COURT JUSTICES (ORIENTATION COURSE)

November 14 – 23, 2017

Kyiv

Introductory remarks about the overall goal of the orientation course and the international technical assistance projects implementing the programme.

VENUES:

DAY 1

14.11.2017, Tuesday

SC Plenary Sessions Hall – 8 Pylypa Orlyka str. (4 floor).

DAY 2

15.11.2017, Wednesday

«Intercontinental» hotel – 2^a Velyka Zhytomyrska str. (hall....., floor)

DAY 3

16.11.2017, Thursday

Business centre «Leonardo» – 19-21 Bohdana Khmelnytskoho str. (hall....., floor)

DAY 4

17.11.2017, Friday

Business centre «Leonardo» – 19-21 Bohdana Khmelnytskoho str. (hall....., floor)

DAY 5

20.11.2017, Monday

«Fairmont» hotel – 1, Naberezhno-Kreshchatytska str. (hall....., floor)

DAY 6

21.11.2017, Tuesday

«Fairmont» hotel – 1, Naberezhno-Kreshchatytska str. (hall....., floor)

DAY 7

22.11.2017, Wednesday

«Fairmont» hotel – 1, Naberezhno-Kreshchatytska str. (hall....., floor)

DAY 8

23.11.2017, Thursday

«Fairmont» hotel – 1, Naberezhno-Kreshchatytska str. (hall....., floor)

DAY 1

14.11.2017, Tuesday

*Supreme Court, SC Plenary Sessions Hall
8 Pylypa Orlyka str. (4 floor).*



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



Підтримка реформ
у сфері юстиції
в Україні
ПРОЕКТ ЄС
“ПІДТРИМКА РЕФОРМ У СФЕРІ ЮСТИЦІЇ
В УКРАЇНІ”

Module 1. Modern Rule of Law concept in executing justice. The role of the judge in a democratic society. Judiciary as an independent branch of power.

Module 2. Independence, impartiality and accountability of judges in the context of the European standards and the ECtHR case law. International and European (CoE) standards, including external and internal independence of judges.

9:30 – 10:00	<i>Registration of participants</i>
10.00 – 10.30	Opening session: Welcome speeches. Objectives and organisation of the training course.
10:30 – 10:50	<i>Ihor Benedysiuk</i> , Chairman of the High Council of Justice <i>Mykola Onishchuk</i> , Rector of the National School of Judges <i>Heads of ITA projects</i>, (order of speeches tbc!!!!) <u>Introductory presentation:</u> Judicial reform in Ukraine <i>Mykola Onishchuk</i> , Rector of the National School of Judges, PhD in Law, Honoured Lawyer of Ukraine.
10:50 – 11:20	Module 1. Modern Rule of Law concept in executing justice. The role of the judge in a democratic society. Judiciary as an independent branch of power. <u>Moderator:</u> <i>Mykola Onishchuk</i> , Rector of the National School of Judges <u>Lectures/presentations:</u> Modern Rule of Law concept in executing justice <i>Serhii Holovaty</i> , Member of the European Commission for Democracy through Law (Venice Commission), founder of Ukrainian Legal Foundation, Associate Member of the National Academy of Legal Sciences of Ukraine
11.20 – 11.40	Coffee break
11.40 – 13.00	Module 2. International standards of judicial independence. Impartiality of judges. <u>Moderator:</u> _____ <u>Lectures/presentations:</u> _____ <i>Judge Virgilijus Valancius</i> , General Court of the European Union _____ <i>Judge Janis Neimanis</i> , Constitutional Court of Latvia

	<p>_____</p> <p>Jean Lagadec, France _____</p> <p><u>Discussion</u></p>
13.00 – 14.00	Lunch break
14.00 – 15.20	<p>Module 2. International standards of judicial independence. Impartiality of judges (continuation).</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u></p> <p>.....</p> <p>Probably, 1 American judge and 1 Canadian judge</p> <p><u>Discussion</u></p>
15.20 – 15.40	Coffee break
15.40 – 17.00	<p>Module 2. International standards of judicial independence. Impartiality of judges (continuation).</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u></p> <p>.....</p> <p><u>Discussion</u></p>
17:00	<p>Completion of the programme of Day 1.</p> <p>Summary.</p> <p>Mykola Onishchuk, Rector of the National School of Judges</p> <p>Dovydas Vitkauskas, Team Leader of the EU Project “Support to Justice Sector Reforms in Ukraine”</p>

DAY 2

15.11.2017, Wednesday

«Intercontinental» hotel

2^a Velyka Zhytomyrska str. (hall....., floor)



НАЦІОНАЛЬНА ШКОЛА СУДДІВ УКРАЇНИ



ПРОЕКТ ЄС
“ПІДТРИМКА РЕФОРМ У СФЕРІ ЮСТИЦІЇ
В УКРАЇНІ”

9:30 – 10:00	<i>Registration of participants</i>
10.00 – 11.20	<p>Module 3. Role of the Supreme Courts in ensuring greater uniformity of practice. Requirements to the cassation judicial acts. Legal reasoning and judicial interpretation in executing justice.</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u></p> <p>_____</p> <p>Georg Stawa, President of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe</p> <p>_____</p> <p>Judge Aldis Lavins, Constitutional Court of Latvia, former Judge of the Supreme Court</p> <p>_____</p> <p>Judge Danute Jociene, Constitutional Court of the Republic of Lithuania</p> <p><u>Discussion</u></p>
11.20 – 11.40 CEPEJ Ju 0 – 11.40	Coffee break
11.40 – 13.00	<p>Module 3. Role of the Supreme Courts in ensuring greater uniformity of practice. Requirements to the cassation judicial acts. Legal reasoning and judicial interpretation in executing justice (continuation).</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u></p> <p>.....</p> <p><u>Discussion</u></p>
13.00 – 14.00	Lunch break
14.00 – 15.20	<p>Module 3. Role of the Supreme Courts in ensuring greater uniformity of practice. Requirements to the cassation judicial acts. Legal reasoning and judicial interpretation in executing justice (continuation).</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u></p> <p>.....</p>

	<u>Discussion</u>
15.20 – 15.40	Coffee break
15.40 – 17.00	<p>Module 3. Role of the Supreme Courts in ensuring greater uniformity of practice. Requirements to the cassation judicial acts. Legal reasoning and judicial interpretation in executing justice (continuation).</p> <p><u>Moderator:</u> _____</p> <p><u>Lectures/presentations:</u> </p> <p><u>Discussion</u></p>
17:00	<p>Completion of the programme of Day 2. Summary.</p> <p>_____, Pro-rector of National School of Judges of Ukraine <i>Dovydas Vitkauskas, Team Leader of the EU Project “Support to Justice Sector Reforms in Ukraine”</i></p>

DAY 3

16.11.2017, Thursday

Business centre «Leonardo» – 19-21 Bohdana Khmelnytskoho str. (hall....., floor)

Module 4. Application of the European Convention on Human Rights and Fundamental Freedoms and jurisprudence of the European Court of Human Rights

- Standards of human rights protection in terms of the European Convention on Human Rights (ECHR) and jurisprudence of the European Court of Human Rights (ECtHR)
- Main groups of cases revealing justice-related systemic problems as found by the ECtHR
- Enforcement of the ECtHR decisions (introduction)



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



ПРОЕКТ РЄ
“ ПІДТРИМКА ВПРОВАДЖЕННЮ СУДОВОЇ РЕФОРМИ В УКРАЇНІ ”

10.00 – 10.40	Module 4. Application of the European Convention on Human Rights and Fundamental Freedoms and jurisprudence of the European Court of Human Rights <u>Introductory presentation</u> Standards of human rights protection in terms of the ECHR and jurisprudence of ECtHR <i>Tetiana Fulei</i> , Head of Unit for Methodological Support of the Judiciary, PhD in Law, Honoured Lawyer of Ukraine Presentation of the new film about the European Court of Human Rights
10.40 – 11.00	Coffee break ??? (or welcome coffee at 10.00, the session starting at 10.20???)
11.00 – 13.00	Module 4. Application of the European Convention on Human Rights and Fundamental Freedoms and jurisprudence of the European Court of Human Rights Videoconference: NSJ – European Court of Human Rights (<i>time limit: 45-50 minutes, Q&A: 10-15 minutes</i>). <u>Moderators:</u> From NSJ – <i>Tetiana Fulei</i> , Head of Unit for Methodological Support of the Judiciary, PhD in Law From ECtHR – <i>Viktoriia Chernychuk</i> , Information Department of the ECtHR <u>Lectures/presentations:</u> General principles and ECtHR jurisprudence in respect of Ukraine under Article 1 of Protocol 1 <i>Taras Pashchuk</i> , lawyer of the Secretariat of the European Court of Human Rights The judgement of the Grand Chamber of the ECtHR in cases <i>Fabian v. Hungary</i> and <i>Belane Nagy v. Hungary</i>. ECtHR case law on pension-related issues (Article 1 of Protocol 1) <i>Viktoriia Chernychuk</i> , Information Department of the European Court of Human Rights
13.00 – 14.00	Lunch break
14.00 – 15.20	Session 1.

	<p><u>Moderator:</u> <i>Andrii Kavakin, manager</i> of the CoE Project “Support to the Implementation of the Judicial Reform in Ukraine”</p> <p><u>Lectures/presentations:</u></p> <p>_____</p> <p><i>Dmytro Tretiakov</i>, Senior Lawyer of the European Court of Human Rights</p> <p>.....</p>
15.20 – 15.40	Coffee break
15.40 – 17.00	<p>Session 1.</p> <p><u>Moderator:</u> <i>Andrii Kavakin, manager</i> of the CoE Project “Support to the Implementation of the Judicial Reform in Ukraine”</p> <p><u>Lectures/presentations:</u></p> <p>_____</p> <p><i>Mamuka Longurashvili</i>, Head of Section, Department for the Execution of Judgements of the ECtHR, Council of Europe</p> <p>.....</p>
17:00	<p>Completion of the programme of Day 3.</p> <p>Summary.</p> <p>_____, Pro-rector of the National School of Judges of Ukraine</p> <p><i>Andrii Kavakin</i>, Manager of the CoE Project “Support to the Implementation of the Judicial Reform in Ukraine”</p>

DAY 4

17.11.2017, Friday

Business centre «Leonardo» – 19-21 Bohdana Khmelnytskoho str. (hall....., floor)

Module 5. Relationship between national and International / European Law. Ukraine international commitments in the Rule of Law & Human Rights respect areas (Art.6 of ECHR). The concept of “fair trial” and role of the Supreme Court in this process according to the jurisprudence of ECtHR. Concepts of “proportionality”, “public interest”, “necessary in a democratic society”, “established by the law” according to the jurisprudence of ECtHR.

- Notion of the main principles – subsidiarity, interpretation etc.
- The Supreme Court's opening of proceedings on the basis of a decision of the ECtHR



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



ПРОЕКТ РЄ
“ ПІДТРИМКА ВПРОВАДЖЕННЮ СУДОВОЇ РЕФОРМИ В
УКРАЇНІ ”

10.00 – 11.20	Session 3. Key information about the Council of Europe <ul style="list-style-type: none">- European Convention on Human Rights- Main institutions of the Council of Europe- Standards of the Council of Europe as to the organisation and functioning of the judiciary- Opinions of the Consultative Council of European Judges (CCJE) Lecturers: <ul style="list-style-type: none">- CCJE representative (<i>tbc</i>)- Judge Viktor Horodovenko, CCJE Member from Ukraine, President of the Court of Appeal of Zaporizhia region (<i>tbc</i>)- Andrii Kavakin, manager of the CoE Project “Support to the Implementation of the Judicial Reform in Ukraine”
11.20 – 11.40	Coffee break
11.40 – 13.00	Session 4. Videoconference with the Department for the Execution of Judgements of the ECtHR Pavlo Pushkar , Head of Unit, Department for the Execution of Judgements of the ECtHR, Council of Europe
13.00 – 14.00	Lunch break
14.00 – 15.20	Session 5. ? Mamuka Longurashvili , Head of Section, Department for the Execution of Judgements of the ECtHR, Council of Europe ? Dmytro Tretiakov , Senior Lawyer of the European Court of Human Rights
15.20 – 15.40	Coffee break
15.40 – 17.00	Session 6. Parliamentary Commissioner for the European Court of Human Rights (<i>tbc</i>) Ivan Lishchyna , Deputy Minister of Justice of Ukraine, Parliamentary Commissioner for the ECtHR Olha Davydchuk , Head of the Secretariat of the Parliamentary Commissioner for the ECtHR

DAY 5

20.11.2017, Monday

«Fairmont» hotel - 1, Naberezhno-Kreshchatytska str. (hall....., floor)

Module 6. Training “Judicial ethics. Integrity”



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



ПРОЕКТ
“НОВЕ ПРАВОСУДДЯ”

Trainers involved into the training process all over the orientation course:

1. **Olha A. Shapovalova** – Head of ToT Department – Advisor to the Rector of the National School of Judges of Ukraine (NSJ), retired judge of the Supreme Court of Ukraine, PhD in Law, Honoured Lawyer of Ukraine.
2. **Halyna V. Yurovska** – Deputy Head of ToT Department of the NSJ – Director of the “Judicial ethics. Integrity” training course, retired judge of the High Specialised Court of Ukraine for Civil and Criminal Cases, PhD in Law, Honoured Lawyer of Ukraine.
3. **Oleksandr A. Korotkykh** – Trainer of ToT Department of the NSJ, retired judge of the Supreme Court of Ukraine.
4. **Oleksandr O. Terletskyi** – Trainer of ToT Department of the NSJ, retired judge of the Supreme Court of Ukraine.
5. **Liliia I. Hryhorieva** – retired judge of the Supreme Court of Ukraine, Honoured Lawyer of Ukraine

Overall goal of the course: *development of the Supreme Court justices’ awareness of their honourable status, which imposes an obligation to be a model in both professional and extra-judicial activities having in view that the Supreme Court is the highest national judicial body.*

Objectives of the course:

- *help judges to realize their high status, the importance of their mission, and the trust credited by the society to the newly created highest judicial body;*
- *maintain the society’s trust in the integrity, independence, impartiality, and fairness of the Court;*
- *be able to implement the provisions of the Code of Judicial Ethics and the Bangalore Principles of Judicial Conduct as provided by the Law on the judiciary and the status of judges;*
- *be able to identify benchmarks of judicial behaviour that would reinforce public confidence in the judiciary;*
- *understand the essence of restrictions related to the status of a judge;*
- *be able to withstand pressure and time challenges.*

09.00 – 09.15	Welcome speeches.
09.15 – 09.45	Expectations from the course.
	Organisation of the training process (use of flip-charts)
	<u>Module 1. Judicial ethics: International standards and national legislation</u> <i>Objective: form better understanding of the necessity of observance of international and national legislative provisions concerning the rules of conduct</i>

	<i>of a judge while exercising the particularly important public function.</i>
09.45 – 10.15	On-site clicker survey to have an idea about the participants’ understanding of the notion of judicial ethics
10.15 – 10.30	<u>“International Standards and National Legislation”</u> Mini-lecture with the use of Power Point app Trainers:
10.30 – 10.50	Discussion. Summary on Module 1.
10.50 – 11.20	Coffee break
	<u>Module 2. Impeccable behaviour of a judge when administrating justice as a pre-condition for the respect of the rule of law</u> <i>Objective: be able to choose a model of behaviour that would be favourable for the improvement of professional skills and strengthening the public confidence in independence, impartiality and fairness of the judiciary.</i>
11.20. – 12.00	Presentation of 3 videos
12.00 – 12.20	Discussion of the videos
12.20 – 12.40	Practical exercise in small groups (<i>how a judge should act under specified circumstances</i>)
12.40 – 13.10	Presentation of results of the group work
13.10 – 13.20	Summary on Module 2
13.20 – 14.20	Lunch break
	<u>Module 3 “Rules of conduct in extra-judicial activities”</u> <i>Objective: help with proper understanding of the need in self-restriction in personal and public life; develop skills required for the successful solution of ethical dilemma.</i>
14.20 – 14.35	<u>“Accepted behaviour in extra-judicial activities”</u> Mini-lecture with the use of Power Point app Trainers: L. Hryhorieva, H. Yurovska
14.35 – 14.50	Practical exercise in small groups
14.50 – 15.20	Presentation of the results of the practical exercise
15.20 – 15.40	Summary on Module 3
15.40 – 16.00	Coffee break
	<u>Module 4. Integrity of a judge</u> <u>Conflict of interest: potential and real. Settlement of the conflict of interest</u> <i>Objective: form understanding of the concept of integrity.</i> <i>Enhance knowledge and develop skills in:</i> <i>filling in the declarations of integrity and family ties;</i>

	<p><i>making difference between corruption offences and corruption-related offences, delineation of their characteristics.</i></p> <p><i>forming understanding of the concept of conflict of interest; ability to distinguish a potential conflict of interest from a real one; settlement of the conflict of interest in both procedural and extra-procedural way.</i></p>
16.00 – 16.15	Practical exercise in small groups. Essay “What is the integrity?”
16.15 – 16.45	Oral presentation of the essay
16.45 – 17.05	What is the conflict of interest? What is your understanding of a potential and a real conflict of interest? Brainstorming session.
17.05 – 17.15	Practical exercise on module 4 Trainer: O. Korotkykh.
17.15 – 17.45	Presentation of the results of the group work
17.45 – 18.00	Summary oral test of knowledge
18.00 – 18.10	Summary on the training. Trainers’ comments
18.10 – 18.30	Final coffee

DAY 6

21.11.2017, Tuesday

«Fairmont» hotel - 1, Naberezhno-Kreshchatytska str. (hall....., floor)

Module 7. Judicial precedent and judicial decision

Training

Creation and application of decisions, having precedent nature by the Supreme Courts in different jurisdictions:

- Why Supreme Courts adopt decisions of precedent nature or decisions influencing judicial practice?
- How such decisions should be developed / written?
- What conditions shall be met to develop such decisions?
- How the above issues are solved in countries with continental/common law jurisdictions, ECtHR?



НАЦІОНАЛЬНА ШКОЛА СУДДІВ УКРАЇНИ



УКРАЇНСЬКО-КАНАДСЬКИЙ ПРОЕКТ
«ПІДТРИМКА СУДОВОЇ РЕФОРМИ»

Trainers:

Judge **Harvey Groberman**, Court of Appeal of British Columbia

Judge **Darius Silitsky**, Supreme Court of Kosovo from EULEX

Judge **Anna Adamska**, Supreme Court of Kosovo from EULEX

Ukrainian trainer – tbc

9:00 – 9:30	Welcome speeches, introduction and brief on the course (30 minutes since more than 60 participants are expected)
9:30 – 10:15	Mini-lecture Concept and essence of the precedent <ul style="list-style-type: none">- What are the functions of the precedent?- How the Supreme Courts should be organised to develop decisions having precedent nature?- Differences between two roles that may be taken by the Supreme Court: leader of the judicial system and authority that corrects the judicial mistakes. <i>Short description of the role of the Supreme Court in continental and common law systems - as introduction to further presentations and discussions.</i> Presenter: Judge of the Court of Appeal of British Columbia Harvey Groberman Plenary discussion: Q&A
10.15 – 10.45	Mini-lecture Application of precedents by the Supreme Court of Ukraine: historical background and current legislation Presenter: Ukrainian judge or academician
10.45 – 11.00	Coffee break
11:00 – 11:45	Mini-lecture

	<p>Application of precedents by the Supreme Court of Canada and other higher courts of Canadian provinces</p> <ul style="list-style-type: none"> • Historical background of application of precedents in the Supreme Court of Canada • Clarification of the decision of the Supreme Court of Canada to reduce the number of cases that may qualify for the consideration of the Supreme Court to save time for more thorough consideration of the most important cases, and to develop strategies and approaches to be applied to the most significant cases • Reasons to decrease the caseload of the Supreme Court of Canada and province appellate courts that are the highest judicial authorities in provinces by introducing the mechanism of access to relevant courts. <p>Presenter: Judge of the Court of Appeal of British Columbia Harvey Groberman</p> <p>Plenary discussion: Q&A</p>
11:45 – 12:30	<p>Mini-lecture Overview of European jurisdictions within the continental system (e.g. France, Germany, the Netherlands)</p> <ul style="list-style-type: none"> • How does the cassation proceedings (proceedings before the Supreme Courts) happen in these countries, in particular, how they limit the number of cases qualifying for full review by the Supreme (Cassation) Courts? • What are the criteria for selecting cases for consideration by the Supreme (Cassation) Courts? <p>Presenters: Judge Darius Silitsky, Supreme Court of Kosovo from EULEX Judge Anna Adamska, Supreme Court of Kosovo from EULEX</p> <p>Plenary discussion: Q&A</p>
12.30 – 13.30	Lunch break
13:30 – 14:15	<p>Work in small groups How can the Supreme Court quickly and efficiently develop good decisions having precedent nature? How can be limited the number of cases qualifying for full review by the Supreme Courts? What are the options and obstacles?</p> <p>Moderator: tbc</p>
14:15 – 14:45	<p>Oral presentations prepared in small groups. List of ideas and challenges</p> <p>Moderator: tbc</p>
14.45 – 15.00	Coffee break
15:00 – 15:30	<p>Mini-lecture Elements of an effective system development and application of decisions having precedent nature (legal opinions) that are binding for courts, authorities, citizens, etc., in order to ensure the uniformity of judicial</p>

	<p>practice.</p> <p>Such a system should include the following elements:</p> <ul style="list-style-type: none"> • Clear rules for appeal against and review of judgments in appellate and cassation courts alongside clear justification and criteria for such review • Mechanism in place for the selection the selection of cases qualifying for the review by cassation courts, and judges with relevant skills to define such cases • Judges having relevant skills to hold effective and proper hearings in cassation courts • Judges who are able to make critical analysis of case materials and develop decisions with due reasoning and clear wording • Mechanism of easy access to such decisions. <p>This presentation will focus on the elements of a well-developed and effective judgment having precedent nature (legal opinions), and the review of principles of due drafting of court decisions.</p> <p>Presenter: Judge Harvey Groberman, Court of Appeal of British Columbia</p>
15:30 – 15:45	<p>Mini-lecture</p> <p>Current practice of the Supreme Court of Ukraine as to the development of decisions having precedent nature (SCU legal opinions).</p> <p>Presenter: Ukrainian judge or academician</p>
15:45 – 16:15	<p>Work in small groups</p> <p>How can the new Supreme Court ensure that all judges have the skills to develop effective decisions having precedent nature that would be, in the meantime, understandable for the wide public?</p>
16:15 – 16:30	<p>Oral presentations prepared in small groups</p> <p>Moderator: tbc</p>
16:30 – 16:50	<p>Follow-up activities – discussion</p> <p>Moderator: tbc</p>
16:50 – 17:00	<p>Summary</p>

DAY 7

22.11.2017, Wednesday

«Fairmont» hotel - 1, Naberezhno-Kreshchatytska str. (hall....., floor)

Module 8. Working and taking decisions in a panel

Training. Taking decisions in a panel, using experience of countries with continental and common law systems.

Leadership in the development of the judiciary is the key task of Supreme Courts all over the world. This requires foreseeable court decisions that must be clear, and effectively applied. When making decisions, the supreme court judges work in panels to develop one or more decisions in a case. It is necessary to understand how judges discuss and agree on a specific decision in each particular case.

The following issues will be examined and clarified during the course:

- What are the methods of ensuring clear and effective functioning of judicial panels;
- What are the ways of ensuring independence of a separate judge in the panel;
- What is the purpose of having meetings before/after consideration of case;
- Who writes decisions adopted by the panel of judges?
- What is the mechanism of drafting of the judicial decision adopted by a panel?



НАЦІОНАЛЬНА ШКОЛА СУДДІВ УКРАЇНИ



УКРАЇНСЬКО-КАНАДСЬКИЙ ПРОЕКТ
«ПІДТРИМКА СУДОВОЇ РЕФОРМИ»

Trainers:

Professor **Alan Paterson**, Professor of Law, Director of the Centre for Professional Legal Studies, Strathclyde University Law School

Judge Harvey Groberman, Court of Appeal of British Columbia

Judge Darius Silitsky, Supreme Court of Kosovo from EULEX

Judge **Anna Adamska**, Supreme Court of Kosovo from EULEX

Ukrainian trainer – tbc

9:00 – 9:15	Welcome speeches, introduction and brief on the course
9:15 – 9:45	Mini-lecture Adoption of decisions by the Supreme Court Presenter: Professor Alan Paterson, Professor of Law, Director of the Centre for Professional Legal Studies, Strathclyde University Law School Q&A Moderator: tbc
9:45 – 10:00	
10:00 – 10:30	Mini-lecture about the methods used in the Supreme Court of Ukraine for the adoption of decisions in panels. Clarification of provisions of the new procedural legislation regulating the relevant issue. Presenter: Ukrainian judge or academician Q&A

10:30 – 10:45	Moderator: tbc
10.30 – 10.45	Coffee break
11:00 – 11:50	<p>Structured panel discussion</p> <p>What are the biggest problems that the judges of the new Supreme Court may face when adopting decisions in a panel?</p> <p><i>The trainers will come back to the said problematic issues all over the orientation course, so that the answers could be found by the end of the training.</i></p> <p>Moderator: Professor Alan Paterson, Professor of Law, Director of the Centre for Professional Legal Studies, Strathclyde University Law School</p>
11:50 – 12:15	<p>Mini-lecture: adoption of decisions in a panel by the Supreme Court of Canada</p> <p>Presenter: Judge Harvey Groberman, Court of Appeal of British Columbia</p>
12:15 – 12:30	Q&A session
12:30 – 13:30	Lunch break
13:30 – 14:00	<p>Mini-lecture: adoption of decisions in a panel by the Supreme Courts of European countries: comparative analysis</p> <p>Presenters: Judge Darius Silitsky, Supreme Court of Kosovo from EULEX Judge Anna Adamska, Supreme Court of Kosovo from EULEX</p>
14:00 – 14:15	Plenary discussion: Q&A
14:15 – 14:45	<p>Panel discussion on the methods and approaches to the adoption of decisions in panels in different countries and jurisdictions.</p> <p><i>During the discussion, attention will be focused on such issues as ensuring the independence of a separate judge in the panel, the role of legal traditions in the approaches to adoption of decisions in panels, the prevention of conflicts in a panel, the allocation of responsibilities among the members of a panel, etc..</i></p> <p>Participants: Professor Alan Paterson, Professor of Law, Director of the Centre for Professional Legal Studies, Strathclyde University Law School Judge Harvey Groberman, Court of Appeal of British Columbia Judge Darius Silitsky, Supreme Court of Kosovo from EULEX Judge Anna Adamska, Supreme Court of Kosovo from EULEX Ukrainian trainer – tbc</p>
14.45 – 15.00	Coffee break
15:00 – 15:40	<p>Discussion in small groups</p> <ul style="list-style-type: none"> • What should be the method applied by the Supreme Court? • Should such a method be formalised in writing? How exactly? • Who shall approve the procedure of adoption of decisions by the Supreme Court justices in panels? <p>Moderator: tbc</p>
15:40 – 16: 00	Oral reports prepared in small groups. Putting down ideas and proposals.

<i>16:00 – 16:30</i>	<i>Plenary discussion:</i> What should be the following steps of the Supreme Court to solve the relevant issue? How can an effective adoption of decisions in panels be implemented in the Supreme Court?
<i>16:30 – 16:45</i>	Summary

DAY 8

23.11.2017, Thursday

«Fairmont» hotel - 1, Naberezhno-Kreshchatytska str. (hall....., floor)

Module 9. Novels of procedural legislation



НАЦІОНАЛЬНА ШКОЛА СУДДІВ
УКРАЇНИ



Organization for Security and
Co-operation in Europe
Project Co-ordinator in Ukraine

ПРОЕКТ
“РОЗРОБКА СТАНДАРТИЗОВАНИХ ПРОГРАМ
ПІДГОТОВКИ СУДДІВ”

10:00 – 10:15	Opening session. Introduction and clarification of the programme
10.15 – 11.15	Panel discussion 1: Novels of Civil Procedural Code of Ukraine <u>Moderator:</u> <u>Panelists:</u> Academician: professor N. S. Kuznietsova Judge: Dmytro Luspenyk , Supreme Court Expert:
11.15 – 11.35	Coffee break
11.35 – 12.35	Panel discussion 1: Novels of the Commercial Procedural Code of Ukraine <u>Moderator:</u> <u>Panellists:</u> Academician: professor V.V. Reznikova Judge: Expert:
12.35 – 13.30	Panel discussion 1: Novels of <input type="checkbox"/> Criminal Procedural Code of Ukraine <u>Moderator:</u> <u>Panellists:</u> Academician: professor P.P. Andrushko Judge: Nadiia Stefaniv , Supreme Court Expert:
13.30 – 14.30	Lunch break
14:30 – 15:30	Panel discussion 1: Novels of <input type="checkbox"/> Code of Administrative Proceedings of Ukraine <u>Moderator:</u> <u>Panellists:</u> Academician: Judge: Mykhailo Smokovych , Supreme Court Expert: Jautrite Briede , RTA “Strengthening the institutional capacity of the Supreme Court of Ukraine in the field of human rights protection at the national level”, Judge of the Supreme Court of Latvia

<i>15.30 – 16.00</i>	Coffee break
<i>16.00 – 17.00</i>	<p>Completion of the programme.</p> <p>Summary.</p> <p><i>Mykola Onishchuk</i>, Rector of the National School of Judges</p> <p><i>Heads of ITA projects</i>, (order of speeches tbc!!!!)</p> <p>Certificate delivery ceremony.</p> <p><i>Mykola Onishchuk</i>, Rector of the National School of Judges</p>