**Form for expressing the opinion of the president of the court on the judge**

**Evaluation period:**

**from.........................**  **until........................**

|  |  |
| --- | --- |
| **Details of the judge:**  **Name:**  **Surname:**  **Date of birth:**  **Court:**  **Function:**  **Official email address:**  **Phone number:** | **Information about the President of the court:**  **Name:**  **Surname:**  **Date of birth:**  **Court:**  **Function:**  **Official email address:**  **Phone number:** |

**Introductory information:**

The purpose of this form for Presidents of (district, regional and high) courts is to create structures for the possible evaluation of the activity and person of a judge by the President of the court, e.g. for the purposes of promotion or transfer, or for other appropriate purposes. It may also be used by the President of another (usually superior) court where the judge being assessed carried out his traineeship to evaluate the traineeship.

The form is offered only as a possible alternative to using the President of courts to express an evaluation opinion on a promoted judge or even a judge transferred to another court of the same instance. In particular, the intention is to increase the transparency and objectification of procedures for promoting judges to higher courts. At the same time, space is given for the judge's statement as well. Since the Czech legislation does not provide for any evaluation procedure for promotion to higher courts or for continuous regular evaluation of judges, it is entirely left to the discretion of the President of the court to what extent, to what extent and whether he will use this form at all.

The form was prepared as one of the outputs of the international project "Portrait of Judge" (no. 2018-1-0662 "The Portrait of a Judge – a multi-dimensional model of competencies to be measured during the procedures of selection, evaluation and promotion of judges). The evaluation areas are then inspired in particular by the Albanian "Integrated Evaluation Form for Judges", taking into account Czech specifics, consisting mainly in the absence of a statutory procedure for the continuous evaluation of judges, as well as the procedure for promoting judges to higher courts .

The evaluation of judges promoted to a higher court or transferred to other courts in the Czech Republic takes place only very informally, if any. The legislation sets the parameters for the evaluation of judges in connection with selection procedures only for the post of President of the court; appropriately, certain evaluation criteria may also be applied in the final statement of the opinion of the President of the court on the person of the judge at the end of this form. Specifically, Decree No. 516/2021 Coll., on the professional judicial examination, selection and training of judicial candidates, the selection of candidates for the position of judge, the selection of court Presidents, as amended, in Section 40, states that *"(1) The President of the court or the Vice-president designated by him shall prepare an evaluation of the judge containing a brief evaluation of the applicant for the entire period of his or her work at the court and a detailed evaluation of the applicant for the previous calendar year. Where a judge who performs the function of President is evaluated, the evaluation of a judge is drawn up by the President of the higher court in whose district the candidate performs the function of judge. (2) The evaluation of a judge is focused in particular on the evaluation of decision-making activity, fluency and dignity of conducting court proceedings, taking into account factually complex cases and opinions of the court of appeal and appellate court. The evaluation also includes an assessment of the applicant's expertise, organisational and communication skills, personality prerequisites, an overview of the applicant's internships at higher courts and information on disciplinary proceedings against him/her.*" The previous provisions of Section 39 provide that *"(1) The President of the court or the Vice-president authorized by him shall prepare a statement for the previous calendar year without undue delay from the delivery of the request of the President of the relevant regional court or ministry. (2) The statement shall contain the designation of the court and the applicant and a) the total idea of cases for the applicant for the previous calendar year, b) the number of cases completed by the applicant for the previous calendar year and c) the number of cases pending by the applicant on the last day of the previous calendar year. (3) The statement of the applicant who held the office of the President or vice-President of the court in the previous calendar year also contains statistical data on performance in the main agendas of the court and comparison with courts in the jurisdiction of a higher court."*

**To fill in the form:**

**1**. At the request of the President of the court, the judge completes the evaluation form in the relevant sections designated for him or her and submits it to the President of the court. The judge may substantiate his or her claims with selected decisions, or with statistics, statements, etc., if available.

**2**. The President of the court in which the judge holds office during the evaluation period (i.e. in the last completed calendar year or as agreed) provides a preliminary opinion, which completes the section of this form entitled 'Preliminary opinion of the President'. The President may supplement his opinion with statistics, analyses, reports, etc., if available.

**3**. The judge has the opportunity to comment on the preliminary opinion of the President. The judge may request an appointment with the President to clarify disputed points.

**4.** The President shall make a closing statement on the person of the judge. The President shall explain and defend his or her point of view, in particular on those criteria on which his or her final opinion differs from the judge's self-assessment.

# *Assessment of the judge's professional abilities*

***The criterion of professional abilities of a judge evaluates the professional skills of a judge in terms of legal knowledge, legal formulation and argumentation.***

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| **Ability to determine the nature of the case, applicable law and/or conflict of norms**  *This indicator evaluates the judge's ability to determine the facts of the case, its nature, applicable law and/or conflict of norms.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |
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| **Ability to interpret and apply law to resolve a case**  *This indicator evaluates the judge's ability to interpret the established right and his or her reasoning on the application of the law to the facts that are the subject of the decision. The ability to apply the general principles of substantive and procedural law related to the interpretation of the law and the resolution of the case, the ability to search, identify, organise and apply relevant national and international case law is also evaluated.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |

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| **Formulation and language skills**  *This criterion evaluates the judge's ability to use simple and direct language, the ability to express an opinion clearly, the precise use of grammatical and syntax rules, the careful choice of language, the arrangement of paragraphs and sentence structure to convey meaning, the correct and consistent use of technical terms.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |
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| **Logical and well-organized structure of decisions**  *This criterion evaluates the judge's ability to draw up decisions according to a well-organised structure in which the judge precisely defines the presentation of the facts, the identification of the applicable law and their connection with the conclusions reached. The decision is understandable, the structure of the text is logical.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |
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| **Quality of analysis and logical argumentation**  *This indicator assesses the judge's ability to carry out a qualitative analysis based on the logical preparation of legal concepts. Logical reasoning means the ability of the judge to identify cause-and-effect relationships and to analyse the way in which concepts, institutes and provisions are interconnected between them or how they are implemented in a particular situation. In particular, it is evaluated whether the level of reasoning meets the standard of due process of law and whether the content responds to all claims of the parties.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |

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| **Preliminary opinion of the President on the summary assessment of the level of professional skills of a judge:** | | | | |
| Weak | Below average | Average | Above average | Very high |
| ***Space for the judge to comment on the President's preliminary opinion:*** | | | | |
| **Final President's opinion:** | | | | |
| **Weak** | **Below average** | **Average** | **Above average** | **Very high** |

# *Assessment of the organisational skills of a judge*

***The organisational skills criterion assesses a judge's ability to cope with workload, his ability to organise, administer and control court proceedings effectively, his ability to effectively manage time for scheduling hearings and for procedural activities outside them, and his ability to keep a case file.***

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| **Compliance with legal and reasonable time limits for decisions**  *This indicator evaluates the judge's ability to comply with the time limits laid down by law and, where appropriate, with reasonable deadlines within which the decision on the case should be concluded in order to avoid unjustified delays in the proceedings. The type of agenda and the complexity of the assigned cases are taken into account.*  ***Judges assess their skill level (their statistics can be used)*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanations** *(here the judge may give explanations on the factual situation concerning the complexity of the cases, their volume, the sudden increase in the volume of cases, as well as other aspects relating to working conditions)* | | | | |
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| **Efficiency (efficiency) of court case resolution**  *The ratio of the number of cases closed by a judge, irrespective of the time they were assigned, to the number of cases assigned to a judge within a calendar year.*  ***The judge independently analyses his statistical data and selects his or her skill level*** | | | | |
| Weak  (up to 81%) | Below average  (over 81-87%) | Average  (over 87-93%) | Above average  (over 93-99%) | Very high  (over 99%) |
| **Explanations:** *(Here the judge may give explanations on the factual situation concerning the complexity of the cases, their volume, the sudden increase in the volume of cases, as well as other aspects relating to working conditions.)* | | | | |
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| **Anumber of hearings for each case and the performance of the procedural steps necessary to avoid unproductive acts**  *This indicator assesses the judge's ability to conduct effective judicial proceedings effectively (with the exception of proceedings without parties),* *as well as the performance of procedural steps necessary to avoid unproductive hearings. The performance of a judge is assessed in terms of the implementation of measures such as: supervising the sending of the necessary notification actions; taking measures to ensure proper notification for subsequent hearings, taking into account the duration of the case, legal time limits and the opinion of the parties, as well as any other measure taken specifically by the judge to avoid unproductive hearings.*  ***The judge assesses his or her level of skill (his or her statistics can be used)*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** *(Here the judge can give explanations on the facts related to the complexity of the cases, the volume of cases and the efforts made by the judge to avoid unproductive court hearings)* | | | | |

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| **Carrying out the required procedural steps for the organisation of court proceedings**  *This indicator assesses the judge's ability to effectively perform procedural tasks such as: timely handling of files in accordance with legal conditions; carrying out effective and timely preparatory actions, taking into account the identification of shortcomings in the conditions of legal proceedings; planning and conducting effective preparatory meetings; keeping documentation of decisions and other procedural steps; conducting due process, focusing on discussions between the parties, which will be clearly expressed by means of interim measures and decisions on each of their claims; the immediate opening of negotiations; audio recording of sessions; orientation of the parties towards alternative means of dispute resolution, such as mediation.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high |
| **Explanation:** | | | | |

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| **Ability of the judge to keep the case file**  *This indicator assesses the judge's ability to ensure that the file does not contain any missing actions and that the documentation contained in the file is appropriate and relevant to the specific case. The completeness and accuracy of documentation shall also be evaluated.*  ***How does a judge assess his or her skill level?*** | | | | |
| Weak | Below average | Average | Above average | Very high | |
| **Explanation:** | | | | | |

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| **Preliminary opinion of the President on the summary assessment of the level of organisational abilities and skills of a judge:** | | | | |
| Weak | Below average | Average | Above average | Very high |
| ***Space for the judge to comment on the President's preliminary opinion:*** | | | | |
| **Final President's opinion:** | | | | |
| **Weak** | **Below average** | **Average** | **Above average** | **Very high** |

# *Assessment of ethics and acceptance of professional values*

***This indicator is based on the underlying thesis that each judge has ethics, integrity and impartiality due to his or her position. The process for assessing this criterion is based on the presumption of the existence of such fundamental values in relation to the execution of the obligation.***

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| **Ethics and responsibility in the office**  *This indicator assesses a judge's ability to demonstrate prudence, objectivity, self-discipline and maturity in the performance of his duties; the judge acts correctly, consciously, systematically with detachment and within a reasonable time; has the abilities of self-control, empathy and attention; can avoid any behaviour showing disrespect or inappropriate and offensive attitude.*  ***How does a judge assess the degree of commitment and responsibility in office?*** | | | | | | | | |
| Weak | | Below average | | Average | | Above average | | Very high |
| **Explanation:** | | | | | | | | |
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| **Preservation of judicial integrity, honour and dignity**  *This indicator assesses the judge's ability to respect, accept* *and promote the fundamental values of his or her work, such as avoiding inappropriate appearance*, *maintaining honour and dignity; responding to public expectations, demonstrating personal qualities of wisdom, honesty, a sense of humanity, courage, seriousness and prudence*, being *aware* *that professional behaviour, private life and its behaviour in society have an impact on the image of justice*  *and public trust. In making their decision, judges should seek to avoid any bias that could be harmful or considered detrimental to their judgment. Judges should not show favour or disfavour in relation to cases, parties or lawyers.*  *The judge transmits personal and professional values and is considered a role model for others.*  ***How does a judge assess his or her degree of judicial integrity, honor and dignity?*** | | | | | | | | |
| Weak | | Below average | | Average | | Above average | | Very high |
| **Explanation:** | | | | | | | | |
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| **Impartiality of the judge with regard to prejudice and the language used**  *This indicator evaluates the judge's ability to avoid the use of discriminatory language and any tendency to bias, as well as the ability to be aware of their prejudices and to deal with them.*  ***How does a judge judge the level of these abilities?*** | | | | | | | | |
| Weak | Below average | | Average | | Above average | | Very high | |
| **Explanation:** | | | | | | | | |
| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Preliminary opinion of the President on the summary assessment of the level of ethics and the acceptance of the professional values of a judge:** | | | | | | | Weak | Below average | Average | | Above average | Very high | | ***Space for the judge to comment on the President's preliminary opinion:*** | | | | | | | **Final President's opinion:** | | | | | | | **Weak** | **Below average** | **Average** | **Above average** | | **Very high** | | | | | | | | | |

# *Assessment of personal skills and professional commitment*

***This criterion assesses the judge's ability to work and professional commitment, communication skills, ability to cooperate with colleagues and court administration, and the judge's readiness to engage in other activities.***

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| **Communication skills**  *This indicator assesses the judge's ability to communicate transparently and express himself in a clear, clear and concise manner towards the parties to the dispute, the public, other entities and third parties.*  ***How does a judge assess his or her ability to communicate clearly and transparently?*** | | | | | | |
| Weak | Below average | | Average | Above average | | Very high | |
| **Explanation:** | | | | | | | |
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| **Respect for confidentiality and protection of personal data**  *This indicator assesses the ability of a judge to exercise the utmost care in maintaining confidentiality and protecting personal data concerning information and data of which he or she becomes aware as a result of his or her duties, such as cases involving minors, domestic violence, etc.*  ***How does a judge assess his or her ability to respect confidentiality and protect personal data?*** | | | | | | |
| Weak ☐ | | Average ☐ | | | Deer☐ | | |
| **Explanation:** | | | | | | | |

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| **Level of communication and cooperation with colleagues, including exchange of knowledge and professional experience with them**  *This indicator assesses the ability and willingness of a judge to cooperate with colleagues, without prejudice to his independence in decision-making, to engage in problem solving on specific legal issues, to improve legislation, to discuss the implementation of uniform decisions, to develop uniform models of fairness of procedural acts and any other issues related to judicial activity, and to share with colleagues the experience gained in various training activities.*  ***How does a judge assess the level of his/her abilities in terms of communication and cooperation with colleagues?*** | | | | |
| Weak | Below average | Average | Above average | Very high | |
| **Explanation:** | | | | | |
|  | | | | |
| **Level of communication and cooperation with the judicial administration.**  *This indicator assesses the judge's ability to communicate regularly with court staff and to foster cooperative relationships in order to create a harmonious and productive working environment.*  ***How does a judge assess his or her ability to communicate and cooperate with the administration of justice?*** | | | | |
| Weak | Below average | Average | Above average | Very high | |
| **Explanation:** | | | | | |

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| --- | --- |
| **Participation of a judge in continuing education programmes at the Judicial Academy and other training**  ***Judges participate in further education and vocational training.*** | |
| Yes ☐ | No ☐ |
| **Explanation** *(Here the judge indicates participation in educational activities, he can attach documentation to the form.)* | |
|  | |
| **Participation of the judge in interinstitutional activities aimed at improving the judicial system and in public relations activities in the courts.**  *This indicator assesses the ability and willingness of a judge to engage in activities aimed at improving the justice system, activities outside the service, with or without remuneration, such as: public speeches; presentations at national and international scientific conferences; participation in educational programmes, teaching activities in the field of law; publications, cooperation with key stakeholders to improve the quality of justice and raise public awareness of law enforcement and any other related legal activities.* | |
| **Explanation:** *(The judge should provide here information on participation and/or involvement in interinstitutional activities as mentioned above. Documentation may be attached to the form.*) | |
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| **Preliminary opinion of the President on the summary assessment of the level of personal skills and professional commitment:** | | | | |
| **Weak** | **Below average** | **Average** | **Above average** | **Very high** |
| ***Space for the judge to comment on the President's preliminary opinion:*** | | | | |
| **Final President's opinion:** | | | | |
| **Weak** | **Below average** | **Average** | **Above average** | **Very high** |

**The final statement of the President of the court on the person of the judge (also with regard to the specific purpose of this form):**

**Completed by the judge (name, surname) Date Signature**

**Preliminary opinions of the President (name, surname) Date Signature**

**Judge's statement (first name, surname) Date Signature**

**Final opinions of the President and final statement Date Signature**