



PAKOTE SEMINÁRIU
FORMASAUN JURÍDIKA
KOMPLEMENTÁR

SEMINAR PACK
CONTINUING LEGAL EDUCATION

13 Novembru 2015

SEMINÁRIU PÚBLIKU

FORMASAUN JURÍDIKA KOMPLEMENTÁR

Sesta, 13 Novembru 2015, 9:00 AM - 2:00 PM

Centro Formação Jurídica

Programa semináriu

9:00 AM – 10:00 AM	Rejistu & kafé
10:00 AM – 10:10 AM	Benvindu ofisiál <ul style="list-style-type: none"> Ms. Susan Marx Country Representative, Fundasaun Ázia
10:10 AM – 10:30 AM	Importânsia formasaun komplementár ba juis sira <ul style="list-style-type: none"> Oradór: Dr. Juis Phillip Rapoza Prezidente Tribunál Rekursu, Massachusetts, Estadus Unidus Amérika (2006–2015) Juis Internasional & Koordenadór, Painél Espesiál ba Krime Grave iha Timor-Leste (2003–2005)
10:30 AM – 11:00 AM	Formasaun jurídika komplementár & dezenvolvimentu profisionál iha Austrália <ul style="list-style-type: none"> Oradór: Dr. Neville Carter Diretor no Governadór, Centru Formasaun Judisiáriu Austrália & Novazelândia
11:00 AM – 11:15 AM	Perspetiva pesoál - formasaun jurídika komplementár iha Austrália <ul style="list-style-type: none"> Oradór: Dr. José Teixeira Parseiru, Da Silva Teixeira & Associados Membru Parlamentu Nasional (2007–2012), Membru Governu (2002–2007)
11:15 AM – 11:30 AM	Perspetiva pesoál - formasaun jurídika komplementár iha Portugál <ul style="list-style-type: none"> Oradór: Dr. Nuno Marrazes Asosiadu, Da Silva Teixeira & Associados
11:30 AM – 12:00 PM	Kafé & rejista perguntas ba painél <ul style="list-style-type: none"> Bainaka sira iha oportunidade hodi hakerek perguntas ba oradór sira
12:00 PM – 1:00 PM	Perguntas ba painél & diskusaun nakloke
1:00 PM – 2:00 PM	Taka semináriu Almosu

PUBLIC SEMINAR

CONTINUING LEGAL EDUCATION

Friday, 13 November 2015, 9:00 AM - 2:00 PM

Legal Training Centre

Seminar program

9:00 AM – 10:00 AM	Registration & coffee
10:00 AM – 10:10 AM	Official welcome <ul style="list-style-type: none"> Ms. Susan Marx Country Representative, The Asia Foundation
10:10 AM – 10:30 AM	Importance of continuing professional development for judges <ul style="list-style-type: none"> Speaker: Judge Phillip Rapoza President of the Court of Appeal, Massachusetts, United States (2006–2015) International Judge & Coordinator, Special Panels for Serious Crimes in Timor-Leste (2003–2005)
10:30 AM – 11:00 AM	Continuing legal education & professional development in Australia <ul style="list-style-type: none"> Speaker: Mr. Neville Carter Chief Executive Officer and Principal Executive Governor, The College of Law Australia Director, College of Law New Zealand
11:00 AM – 11:15 AM	Personal perspectives - continuing legal education in Australia <ul style="list-style-type: none"> Speaker: Dr. José Teixeira Partner, Da Silva Teixeira & Associados Member of National Parliament (2007–2012), Member of Government (2002–2007)
11:15 AM – 11:30 AM	Personal perspectives - continuing legal education in Portugal <ul style="list-style-type: none"> Speaker: Dr. Nuno Marrazes Associate, Da Silva Teixeira & Associados
11:30 AM – 12:00 PM	Coffee & registration of questions for the panel <ul style="list-style-type: none"> Participants have opportunity to submit written questions to the speakers
12:00 PM – 1:00 PM	Questions for the panel & open discussion
1:00 PM – 2:00 PM	Close seminar Lunch



The Asia Foundation

Importánsia formasaun komplementár ba juis sira

DR. JUIS PHILLIP RAPOZA

Prezidente Tribunál Rekursu, Massachusetts, Estadus Unidus Amérika (2006–2015)

Juis Internasionál & Koordenadór, Painél Espesiál ba Krime Grave iha Timor-Leste (2003–2005)

IMPORTÂNSIA HUSI EDUKASAUN JURÍDIKA KONTINUADA NO DEZENVOLVIMENTU PROFISIONÁL BA JUIS SIRA

Meritizimu Phillip Rapoza
Juiz Prezidente (reformadu)
Tribunál Rekursu Massachusetts

Hato'o iha:

Semináriu Públika kona-ba Edukasaun Jurídiка Kontinuada
Sentru Formasaun Jurídiка
Dili, Timor Leste
13 Novembru 2015

Bainaka, kolega, oradór, no maluk sira ne'ebé ha'u
respeita:

Molok hahú ha'u-nia apresentasaun, uluk liu ha'u
hakarak hato'o obrigadu ba *The Asia Foundation* tanba
organiza semináriu ida-ne'e kona-ba edukasaun jurídiка
kontinuada. Konserteza tópiku ida-ne'e importante
tebes, liuliу iha kontestu esforsu sira ne'ebé kontínuu
hodi dezenvolve sistema justisa Timor-Leste. Ha'u
hakarak hato'o obrigadu mós ba Dra. Marcelina Tilman,
Diretora Sentru Formasaun Jurídiка, tanba organiza
eventu ida-ne'e.

Hanesan ne'e mós, ha'u hakarak hato'o ha'u-nia agradesimentu ba oradór sira iha programa ne'e ohin loron ne'ebé sei fahe sira-nia koñesimentu espesializadu no perspetiva sira relasiona ho tópiku importante ida-ne'e.

Ikus liu, ha'u hakarak hato'o obrigadu ba Ita-Boot sira hotu tanba marka prezensa iha ne'e ohin loron no tanba Ita-Boot sira interesadu ba tópiku kona-ba edukasaun jurídika kontinuada.

Onra boot mai ha'u atu mai iha ne'e ohin loron hodi fahe ha'u nia observasaun no reflesaun balu kona-ba importánsia husi edukasaun jurídika kontinuada ba ema hotu-hotu ne'ebé partisipa iha setór justisa. Nu'udar juis ida, ha'u hakarak mós ko'alia uitoan kona-ba signifikadu husi esforsu hanesan ne'e ba judisiáriu nia dezenvolvimentu profisionál.

Ha'u fiar katak ita hotu-hotu rona fraze ida ne'ebé hanesan ka atu hanesan ho "ita sempre aprende durante ita-nia moris tomak." Sein duvida, iha ita-nia moris pesoál ita kontinua aumenta esperiénsia no komprensaun husi tinan ba tinan.

Maibé, oinsá ho ita-nia vida profisionál? Ha'u hakarak sujere katak iha área ne'e prinsípiu kona-ba sempre aprende durante ita-nia moris sei válido nafatin, maibé ita tenke lida ho informasaun ne'ebé espesializadu liu. Ita-nia mundu iha ritmu rápido, no kada profisaun tenke inkorpora no prosesa informasaun foun maibé iha momentu hanesan tenke mantein foku metin ba prinsípiu báziku sira. Loos duni, iha kuaze kada área profisionál ne'ebé eziste, husi doutór to'o traballadór sosiál, husi arkitetu to'o enjeñeiru, edukasaun kontinuada nu'udar parte husi prosesu mantein ema ida nia sertifikasaun profisionál. Mézmuke iha profisaun sira ne'ebé ladún reguladu, edukasaun

kontinuada sai nu'udar parte importante husi mantein kompeténsia profisionál.

Ha'u sujere ba Ita-Boot sira katak ita ne'ebé serbisu iha área legál la diferente. Klaru katak molok ita hahú ita-nia karreira nu'udar juis, prokuradór, defensór públiku ka advogadu privadu, ita ida-idak tenke hetan tiha ona edukasaun akadémika iha área direitu no mós formasaun profisionál. Maibé prosesu edukasionál labele para iha ne'e de'it.

Depoizde ita hahú ita-nia karreira, ita tenke haka'as an hodi mantein no hasa'e ita-nia kapasidade profisionál. Loos duni, ita hotu-hotu ne'ebé serbisu iha área direitu iha responsabilidade koletiva hodi dedika ita-nia karreira hodi realiza dezempeñu profisionál ne'ebé exelente. No, hodi realiza ida-ne'e, ita tenke iha kompromisu hodi aprende kona-ba lei durante ita-nia moris tomak, ho nune'e ita-nia kapasidade no koñesimentu tenke atualizadu.

Ha'u-nia esperiénsia iha Timor-Leste dezde 2003 to'o ohin loron hatudu ba ha'u katak profisionál legál iha NASAUN ida-ne'e hakarak halo serbisu másimu ne'ebé sira bele, sein haree ba sira-nia kargu ka pozisaun. Esperiénsia ne'e mós hatudu ba ha'u katak kolega Timoroan sira ne'ebé ha'u koñese hakarak hetan asesu ba instrumentu sira ne'ebé sira presiza hodi bele mantein no kontinua dezenvolve sira-nia kapasidade profisionál. No relasiona ho ida-ne'e, hanesan ha'u rona beibeik, sira presiza edukasaun jurídika kontinuada.

Konserteza ida-ne'e la signifika katak sira-nia edukasaun iha universidade no sira-nia formasaun profisionál subsekuente ladún adekuadu. Maibé, ida-ne'e reflete realidade katak bele dehan lei hanesan organizmu ida ne'ebé moris, krexe, muda, no enkuantu lei dezenvolve daudaun, bele halo ita hakfodak. Ho lia-fuan seluk, ita presiza haka'as an beibeik hodi akompaña lei no dezenvolvimentu legál.

Hanesan ita hotu-hotu hatene, nu'udar exemplu, iha ne'e iha Timor-Leste enkuadramentu legál seidauk kompletu, nu'udar exemplu, lei sira ne'ebé relasiona ho mediasaun, lei kostumeiru no justisa juvenil sei konsidera daudaun. Bainhira dispozisaun hirak-ne'e no dispozisaun sira seluk promulga tiha ona, juis, prokuradór, defensór públiku no advogadu privadu hotu-hotu sei presiza introdusaun kona-ba dispozisaun foun hirak-ne'e iha lei sira. Dalan ne'ebé efetivu no efikás liu hotu hodi realiza ida-ne'e mak garante katak profisionál legál bele hetan instrusaun formál ne'ebé foka ba lei foun bainhira lei sira promulga. Aleinde ida-ne'e, edukasaun hanesan ne'e labele halo sein estrutura klara ka halo de'it ho maneira ad hoc. Edukasaun ne'e tenke sai nu'udar parte husi kurrikulu ne'ebé dezenvolvidu didi'ak iha ne'ebé kursu no programa sira (1) responde loloos ba profisionál legál sira-nia nesesidade, (2) organiza no dezeña didi'ak, (3) ho profisionál kompetente ne'ebé hanorin no (4)

aprezenta edukasaun ne'e nu'udar parte husi planu ida ba edukasaun kontinuada ne'ebé globál no planeadu didi'ak.

Ita hotu-hotu okupadu no mézmuke ita iha intensaun di'ak, dala rumá difisil hodi organiza ita-nia tempu hodi "acompañá dezenvolvimentu". Faktu ne'e subliña importánsia hodi fornese kursu sira ne'ebé dezenvolvidu didi'ak no hanorin ho profisionál iha área direitu ne'ebé foun no dezenvolve daudaun. Konserteza iha objetivu atu fó meius ne'ebé di'ak liu hotu ba profisionál legál sira hodi acompañá dezenvolvimentu legál ne'ebé resente, no mós atu dezenvolve beibeik sira-nia kapasidade profisionál. Aleinde ida-ne'e, importante atu haree didi'ak informasaun bázika no fó edukasaun jurídika kontinuada kona-ba prinsípiu fundamentál husi profisaun ne'e ho objetivu atu halo resiklajen no reforsa koñesimentu no kapasidade. Iha momentu hanesan, aleinde edukasaun kona-ba direitu ne'e rasik, formasaun kona-ba kapasidade profisionál oioin

tenke sai foku mós iha esforsu sira ne'ebé kontínuua. Kona-ba ida-ne'e, ha'u refere ba kursu sira iha área hanesan responsabilidade profisionál, étika, prática julgamentu no jestaun kazu. Ikus liu, profisionál legál sira tenke aproveita formasaun komplementár, hanesan programa sira ne'ebé lida ho ema ne'ebé iha dependénsia ba droga no alkol ka kursu sira ne'ebé halo peskiza kona-ba esperiénsia no perfil husi infratór juvenil no vítima juvenil.

Agora ha'u sei ko'alia espesifikamente kona-ba benefisiu husi edukasaun jurídika kontinuada ba juis sira. Hanesan mós ho membru sira seluk husi komunidade legál, juis sira hetan benefisiu boot husi oportunidade ne'ebé iniciativa edukasionál ne'e fó hodi mantein padraun dezempeñu profisionál ne'ebé aas. Ha'u ko'alia hanesan ne'e tanba ita, nu'udar juis, serve públiku no iha responsabilidade ba kualidade husi ita-nia serbisu no mós efetividade no efikásia bainhira ita administra justisa. Loos duni, juis sira-nia abilidade hodi

prienxe espetativa katak sira sei mantein padraun aas importante tebes, tanba ikus liu, sira-nia dezempeñu sei tulun hodi influensia público nia persesaun kona-ba prosesu judisiál. Nu'udar konsekuénsia, konfiansa pública ba ita-nia tribunál sira la'ós de'it depende ba juis sira-nia independénsia no imparsialidade, maibé mós ba público nia fiar katak juis sira kompetente, efetivu no efikás.

Bazeia ba ha'u-nia esperiénsia rasik, durante tinan 24 ne'ebé ha'u sai nu'udar juis, ha'u tuir beibeik programa barak kona-ba edukasaun jurídika kontinuada no dezenvolvimentu profisionál ba juis. Aleinde ida-ne'e, nu'udar membru sénior iha ha'u-nia judisiáriu, ha'u serbisu hamutuk ho kolega judisiál sira seluk ne'ebé iha esperiénsia hodi fó apresentasaun no hanorin iha programa refere. Ha'u hakarak hatete katak iha Estadus Unidus, iha momentu ne'e edukasaun jurídika kontinuada sei konsidera hanesan juis sira-nia direitu profisionál. Mezmu sira ne'ebé iha inísiu ladún fiar

kona-ba benefisiu, agora sira fiar metin ba edukasaun jurídika kontinuada no agora simu didi'ak programa hirak-ne'e nu'udar parte husi vida judisiál.

Maski la'ós ha'u-nia objetivu iha ne'e atu fó deskrisaun jerál kona-ba sistema tomak iha Estadus Unidus kona-ba edukasaun jurídika kontinuada ba juis, ha'u bele hatete katak programa hanesan ne'e disponivel iha fatin barak no administra iha kada estadu (provínsia), normalmente liuhosi konsellu administrasaun ka komisaun ne'ebé hetan fiskalizasaun husi Tribunál Supreme iha estadu (provínsia) ne'e.

National Judicial College mós fó formasaun jurídika, ne'ebé lokalizadu iha Universidade Nevada no dedikadu hodi hanorin juis. *Judicial College* ne'e fó edukasaun jurídika kontinuada no mós programa sertifikadu ba juis sira ne'ebé hakarak hetan formasaun ne'ebé intensivu liu kona-ba área direitu ne'ebé espesífiku liu. Durante ne'e, maizumenus juis na'in-

60.000 husi Estadus Unidus no husi mundu tomak hetan edukasaun jurídika no oportunidade dezenvolvimentu profisionál liuhosi *college* refere.

Hanesan de'it ho sira-nia kolega husi tribunál estadu (provínsia), ami-nia juis Federál, ne'ebé serbisu iha nivel nasionál, iha mós asesu ba edukasaun no formasaun kontinuada liuhosi *Federal Judicial Center* (Sentru Jurídiku Federál), ne'ebé lokalizadu iha Washington, D.C. Tinan kotuk sentru ne'e fó maizumenus programa edukasionál hamutuk 1000 ba juis no pesoál tribunál na'in-48.000 resin iha Estadus Unidus no organiza semináriu ka instrusaun ba juis no ofisiál estranjeiru ne'ebé reprezenta NASAUN 30 resin.

Ita-Boot bele husu ba an rasik: programa edukasaun jurídika kontinuada ba juis sira hanorin kursu oinsá?

Ha'u agora bele fó exemplu kona-ba título husi kursu sira. Ho nune'e, ha'u sei fahe kursu sira ba

kategoria tolu: Dahuluk, edukasaun legál direta; Daruak, formasaun práтика no dezenvolvimentu profisionál; no Datoluk, estudu komplementár. Ha'u completa kursu sira ne'e husi programa sira ne'ebé disponivel iha ha'u nia estadu orijen Massachusetts.

Iha ámbitu edukasaun legál direta, kursu balu iha título hanesan tuiirmai:

- Dezenvolvimentu resente iha lei kriminál
- Dezenvolvimentu resente iha lei kona-ba evidénsia
- Dezenvolvimentu resente iha lei kona-ba alimentos, apoiu no kustódia ba labarik
- Interpretasaun Konstitusionál
- Interpretasaun ba estatutu sira
- Fundamentasaun jurídika
- Determina sentensa

Iha área formasaun práтика no dezenvolvimentu profisionál:

- Prátika di'ak iha administrasaun tribunál
- Jere orsamentu tribunál
- Jestaun kazu
- Jere sala audiénsia
- Kapasidade julgamentu nian
- Utilizasaun teknolojia informasaun iha peskiza legál
- Oinsá hakerek desizaun judisiál
- Ética profisionál

No ikus liu, buat ida ne'ebé ha'u bolu estudu komplementár. Kursu balu ne'ebé reprezenta tipu ne'e inklui:

- Lida ho ema ne'ebé abuza droga no alkol
- Análize kona-ba violénsia doméstika
- Infratór juvenil no vítima juvenil
- Prekonseitu rasiál no étnika
- Formasaun kona-ba diversidade

Ha'u bele ko'alia barak tan kona-ba kursu sira ne'e. Website husi *National Judicial College*, nu'udar exemplu, halista kursu 50 resin ne'ebé agora daudaun oferese, no balu disponivel liuhosi internet. No ha'u hatene katak ha'u bele fó mós lista naruk ida kona-ba kursu sira ne'ebé disponivel husi fonte oioin ba prokuradór, defensór públiku no advogadu privadu. Maibé ha'u hanoin klaru tiha ona. Edukasaun jurídika kontinuada fó apoiu kontinuadu ba juis sira, no tanba ne'e hala'o papél importante tebes hodi mantein no hasa'e judisiáriu nia perisia no mós hadi'ak kualidade husi dezempeñu judisiál.

Ha'u remata fakuldade direitu iha 1976, ne'ebé signifika katak tinan oin ha'u sei selebra aniversáriu da-40 dezde ha'u-nia graduasaun. Ha'u fiar metin katak informasaun ne'e bele halo ema balu iha ne'e hakfodak, tanba ha'u iha lisensiatura iha kursu direitu ba tempu ne'ebé naruk liu duké imi barak nia moris. Maski ha'u sai juis ba tinan 24, durante tinan 16 molok sai juis,

ha'u uluk liu serbisu nu'udar prokuradór no tuirmai nu'udar advogadu privadu. Sei la posivel ba ha'u, durante períodu tinan 40 ne'e tomak, atu akompaña beibeik lei no kestaun sira ne'ebé relasiona ho ha'u-nia responsabilidade profisionál sira sein edukasaun jurídika kontinuada. Maibé ha'u-nia nesesiadade ba edukasaun ne'e la hahú iha momentu ha'u sai juis. Maibé, ida-ne'e hahú bainhira ha'u foin komesa serbisu nu'udar prokuradór no advogadu privadu no kontinua durante tinan barak nia laran, inklui períodu ne'ebé ha'u serbisu nu'udar juis.

Iha Timor-Leste, ema barak (maski iha kontestu ida ne'ebé diferente), hatete "*a luta continua.*" Ha'u hakarak sujere variasaun ida ba tema ne'e no hodi tane aas objetivu husi diskusaun ida-ne'e: "*a formação continua.*" Ha'u hein atu rona husi ita-nia oradór sira seluk enkuantu sira fahe sira-nia koñesimentu espesializadu no esperiénsia relasiona ho tópiku

importante ida-ne'e kona-ba edukasaun jurídika kontinuada.

Hodi taka ha'u-nia diskursu, dala ida tan ha'u hakarak hato'o obrigadu ba *The Asia Foundation* tanba organiza programa ida ne'e, no mós ba Marcelina Tilman, no Sentru Formasaun Jurídika, tanba organiza eventu ida-ne'e. Maibé ha'u hato'o mós ha'u-nia agradesimentu ba Ita-Boot hotu-hotu tanba marka prezensa iha ne'e ohin loron.

Obrigadu ba Ita-Boot sira-nia atensaun.

THE IMPORTANCE OF CONTINUING LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT FOR JUDGES

Hon. Phillip Rapoza
Chief Justice (ret.)
Massachusetts Appeals Court

Delivered at:
Public Seminar on Continuing Legal Education
Legal Training Centre
Dili, Timor-Leste
13 November 2015

Honored guests, esteemed colleagues, fellow speakers and friends:

Before starting my presentation I would like to take just a moment to thank The Asia Foundation for sponsoring this seminar on continuing legal education. Needless to say, this is a very important topic, especially in the context of the ongoing efforts to develop the justice system of Timor-Leste. I also want to thank Dra. Marcelina Tilman, the Director of the Legal Training Centre, for hosting this event.

Similarly, I want to express my gratitude to the several speakers on today's program who will be sharing with us their own insights and perspectives with respect on the subject of today's seminar.

Finally, I want to thank all of you for your presence here today and for your interest with respect to the subject of continuing legal education.

It is a great honor for me to be here today to share with you some observations and reflections on the importance of continuing legal education for all participants in the justice sector. As a judge, I would also like to spend some time discussing the significance of such efforts to the professional development of the judiciary.

I believe that in one form or another, all of us have heard the phrase “to live is to learn.” Without doubt, in our personal lives we continue to grow in experience and understanding as the years pass.

But what about in our professional lives? Let me suggest that in that domain the same principle of living and learning holds true, although the information that one must deal with is more specialized. In this fast-paced world of ours every profession must absorb and process new information while at the same time maintain a steady focus on the basics. Indeed, in virtually every professional discipline one can think of, ranging from physicians to social workers, from architects to engineers, continuing education is part of the process of maintaining one’s professional certification. Even in disciplines that are not so closely regulated, continuing education is an important part of maintaining professional proficiency.

I would suggest to you that those of us whose professional lives are in the legal field are no different. Obviously, prior to entering our careers as a judge, prosecutor, public defender or private attorney, each of us must have the benefit of an academic education in the law as well as professional training. But the educational process cannot stop there.

Once we have started our careers, we must strive to maintain and enhance our professional abilities. Indeed, it is the collective responsibility of all of us in the legal field to dedicate our careers to the pursuit of professional excellence. And to do so, we must be committed to a lifetime of legal learning, keeping our skills and knowledge fresh and up to date.

My experience in Timor-Leste between 2003 and today tells me that the legal professionals of this country want to do the best possible job they can, whatever may be their post or position. That same experience tells me that the Timorese colleagues with whom I have dealt also want to have access to the tools they need both to maintain and to continue developing their professional abilities. And for that, as I have so often heard, they need continuing legal education.

This, of course, is not to say that their university education and their subsequent professional training were in some way inadequate. Rather, it reflects the fact that the law is, in a sense, a living organism, which grows, changes and, as it develops, can sometimes surprise us. In other words, it takes some amount of continuing work to keep up with the law and legal developments.

As we all know, here in Timor-Leste the legal framework is not yet complete and, by way of example, laws relating to mediation, customary law and juvenile justice are still under consideration. Once those and other provisions are enacted, judges, prosecutors, public defenders and private attorneys will all need an introduction to these new statutory provisions. The most effective and efficient way to achieve that is to see that legal professionals are able to receive formal instruction focused on such new laws as they are enacted. Moreover, such

education should not be on a loosely organized or purely ad hoc basis. It should be part of a carefully developed curriculum in which courses and programs are (1) responsive to the needs of legal practitioners, (2) properly organized and designed, (3) taught by competent professionals and (4) presented as part of an overall, well-thought out plan for continuing education.

Every one of us is busy and even when we have the best of intentions, it is often difficult to find the time on our own - as we say in English - "to keep up." That fact underscores the importance of providing carefully developed and professionally taught courses in new and emerging areas of law. The goal, of course, is to provide the best possible means for legal professionals to keep abreast of recent legal developments as well as to remain professionally up to date. Moreover, it is important to keep a watchful eye on the basics and to provide continuing legal education regarding the fundamentals of the profession with a view toward refreshing and reinforcing one's legal knowledge. At the same time, beyond education in the law itself, training in various professional skills should also be a focus of such ongoing efforts. In this respect I have in mind courses in areas such as professional responsibility, ethics, trial practice and case management. Finally, legal professionals should avail themselves of complementary training, such as programs dealing with persons who are drug and alcohol addicted or courses that survey the experiences and profile of both juvenile offenders and juvenile victims.

Let me now turn specifically to the benefits of continuing legal education for judges. As with other members of the legal community, judges benefit greatly from the opportunity that such educational initiatives provide to maintain high standards of professional performance. I say this because we, as judges, serve the public and

are responsible for the quality of our work as well as for the effectiveness and the efficiency with which we render justice. Indeed, the ability of judges to satisfy the expectation that they will maintain high standards is critical because ultimately, their performance will help shape the public's perception of the judicial process. Consequently, public confidence in our courts depends not only on the independence and impartiality of our judges, but also on the public's belief that those same judges are competent, effective and efficient.

Speaking from my own experience, over the 24 years that I have been a judge, I have attended countless continuing legal education and professional development programs for judges. Moreover, as a senior member of our judiciary, I have joined other experienced judicial colleagues in serving as a presenter and teacher at such programs. I have to say that in the US, the availability of ongoing legal education is at this stage considered to be virtually a professional entitlement of judges. Even those who at the outset were most doubtful about its usefulness have converted to the cause of continuing legal education and it is now a commonly accepted part of judicial life.

Although it is not my purpose here to provide an overview of the entire US system of continuing legal education for judges, I can tell you that such programs are widely available and are administered on a state by state basis, generally through a board or commission overseen by each state's Supreme Court.

Judicial training is also provided by the National Judicial College which is located at the University of Nevada and dedicated to the instruction of judges. The judicial college provides ongoing legal education as well as certificate programs for judges seeking to obtain more intense training in a particular area of law. To

date, some 60,000 judges from both the US and around the world have been provided legal education and professional development opportunities through the college.

Like their state court colleagues, our Federal judges, who serve at the national level, similarly have access to ongoing education and training through the Federal Judicial Center, which is located in Washington, D.C. Last year the center provided approximately 1000 educational programs for US judges and court staff members and hosted seminars or briefings for foreign judges and officials representing over 30 countries.

You might ask yourself: what kinds of courses are taught in continuing legal education programs for judges?

Let me provide you a sampling of course titles. In doing so I will divide courses into three categories: First, substantive legal education; Second, practical training and professional development; and Third, complementary studies. I have taken the courses mentioned from programming offered in my home state of Massachusetts.

In the domain of substantive legal education, some course titles are as follows:

- Recent developments in the criminal law
- Recent developments in the law of evidence
- Recent developments in the law of alimony, support and child custody
- Constitutional interpretation

- Statutory interpretation
- Legal reasoning
- Sentencing

In the area of practical training and professional development:

- Best practices in court administration
- Managing court budgets
- Case management
- Managing the courtroom
- Trial skills
- The use of information technology in legal research
- Judicial decision writing
- Professional ethics

And finally, what I have called complementary studies. Some representative courses of this type include:

- Dealing with abusers of drugs and alcohol
- The anatomy of domestic violence
- Juvenile offenders and juvenile victims
- Racial and ethnic bias
- Diversity training

I probably could go on for quite a while. The website of the National Judicial College, for example, lists just over 50 courses that are currently being offered, a number of them online. And I know that I could provide an equally long list of available courses from a variety of other sources for prosecutors, public

defenders and private attorneys. But I believe I have made my point. By providing ongoing support for judges, continuing legal education plays a critical role in maintaining and enhancing the legal expertise of the judiciary as well as improving the quality of judicial performance.

I graduated from law school in 1976, which means that next year I will be celebrating the 40th anniversary of my graduation. I am sure that fact may be a bit shocking to some of you, as I have held a law degree for longer than many of you have been alive. Although I have been a judge for 24 years, during the 16 years before that I was first a prosecutor and later a private attorney. It would not have been possible for me, during that entire 40 year period, to stay current with the law and matters bearing on my professional responsibilities without the availability of continuing legal education. But my need for that education did not start only when I became a judge. Rather it started when I was a young prosecutor and private attorney and it has continued for the many years that followed, including the period of my judicial service.

Here in Timor-Leste, it is often said (although in a somewhat different context), that “a luta continua.” Let me suggest a variation on that theme and say that for purposes of today’s discussion, “a formação continua.” I look forward to hearing from our other speakers as they share with us their insights and experiences with respect to the important subject of continuing legal education.

In conclusion, once again let me thank The Asia Foundation for its sponsorship of this program and Dra. Marcelina Tilman and the Legal Training Center for hosting this event. Most of all, my thanks to all of you for being here today. Thank you all for your kind attention.



**Formasaun komplementár &
dezenvolvimentu profisionál iha Austrália**

DR. NEVILLE CARTER

Diretor Jerál no Governadór,
Centru Formasaun Judisiáriu Austrália & Novazelândia

Fundasaun Ázia

Semináriu kona-ba formasaun jurídika komplementár

Dili, Timor Leste
Sesta 13 Novembru 2015



THE COLLEGE
OF LAW
Australia and New Zealand

Sumáriu

- Sé mak ami
- Saida mak ami halo
- Ami nia filozofia kona-ba edukasaun
- Setór ne'ebé ami servisu
- ‘Uma’ programa
- Prinsípiu halo dezeňu
- Estratéjia hodi fó edukasaun
- Implikasaun ba formasaun jurídika

Centru Formasaun Judisiáriu Austrália no Novazelândia



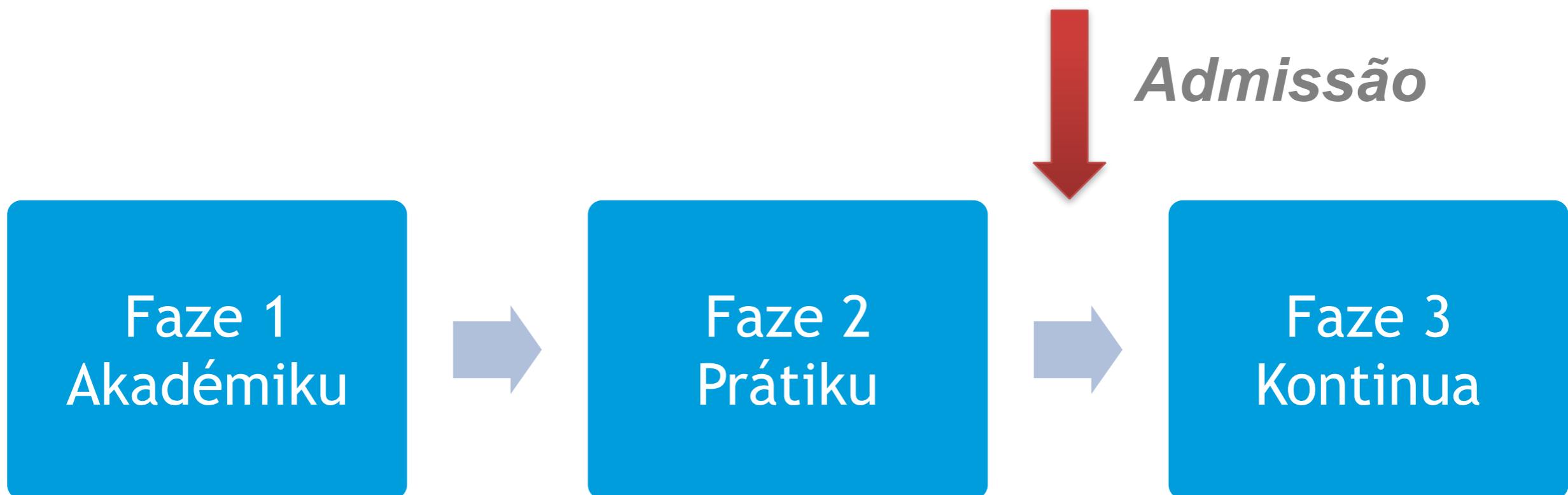
Sé mak ami

- Instituisaun práтика profisionál
- Fundasaun ba edukasaun ne'ebé independente
- Memburu-na'in 31
- Objetivu karitativu (naun-lukru)
- Racionalidade Empreza
- Pesoál permanente na'in 150 & pesoál adjuntu na'in 150
- Orsamentu AUD millaun \$40 (US millaun \$29) kada tinan

Saida mak ami halo

- Diploma Graduadu iha Práтика Jurídiku:
pelumenus estudante na'in 4.000 kada tinan
hetan kualifikasiun hanesan advogada privada
- Programa Aplikadu Pozgraduadu:
estudante na'in 1.800 kada tinan
hetan formasaun iha área espesializadu no kredensiais
- Formasaun Komplementár Jurídika:
pratikante na'in 30.000 kada tinan
tuir rekerementu obrigatório
- Programa Práтика Lei iha kontestu Internasionál:
foka ba COL Ázia, SEA
- Servisu Konsultadoria & Konsellu iha Edukasaun

Ami nia filozofia kona-ba edukasaun: Faze tolu ne'ebé sei kontinua



Setór iha ne'ebé ami servisu

Faze 1: Rekerimentu akadémiku, komponente 11

Faze 2: Rekerimentu prátku, komponente 12
no área kompeténsia 100



Lisensa hodi prátku hanesan advogada

Faze 3: Halo oras 10 iha Formasaun Komplementár
Obrigatóriu

Prátnika
Jerál
85%+

Prátnika
Espesializadu
14%+

Prátnika
Judisiál
< 1%

‘Uma’ programa



Administrativu

Empreza /
Negócio

Kriminál

Traballu

Família

Litíjiu (litigasi)

Propriedade

Testamentos &
Imóveis



THE COLLEGE
OF LAW



Saida mak lakon

Jestaun Kazu

Práтика Lei
Internasional

Jeitu/Abilidade
Profisional

Komunidade

Prinsípiu halo dezeñu

- Abilidade/kapasidade durante karreira tomak
- Liga ka aliňa ho profisaun
- Aprendizajen ho strutura

Prinsípiu halo dezeňu



Estratéjia hodi fó edukasaun



Fatin-hotu



Tempu hotu



Meius hotu



THE COLLEGE
OF LAW

Implikasaun ba formasaun jurídika

- Formasaun profisionál importante
 - Koñesimentu no jeitu/abilidade
 - Akontabilidade sosiál
- Formasaun jurídika difisil iha jurisdisaun hotu
 - Tópiku espesializadu
 - Foka práтика
 - Ezije husi política públiku
 - Ligasaun ho komunidade

Implikasaun ba formasaun jurídika

- Estrutura ne'ebé eziste ona iha rejiaun
 - Estratéjia aprendizajen
 - Konteudu
 - Dezeñu no planeamentu
 - Estratéjia hodi fó edukasaun
 - Centru Formasaun Jurídika sira iha rejiaun
- Etapa tuirmai komesa ho prosesu adaptasaun



Perspetiva pesoál - formasaun jurídika komplementár iha Austrália

DR. JOSÉ TEIXEIRA

Parseiru, Da Silva Teixeira & Associados

Membru Parlamentu Nasionál (2007–2012)

Membru Governu (2002–2007)



**Perspetiva pesoál - formasaun jurídika
komplementár iha Portugál**

DR. NUNO MARRAZES

Asosiadu, Da Silva Teixeira & Associados

Formação de Advogados

A experiência portuguesa

DA SILVA
TEIXEIRA
& ASSOCIADOS

Estágio

Objectivo: preparar os novos Advogados para os aspectos práticos da profissão

- Figura chave: Patrono – os Advogados Estagiários devem ter um Patrono, que é responsável pela orientação do estágio e por dar formação relativamente às questões técnicas, científicas e éticas da advocacia, incluindo a preparação de peças processuais;
- Centros de Estágio – cada Conselho Distrital da Ordem dos Advogados Portugueses promove acções de formação que incluem aulas e workshops;
- Duração total: 24 meses;
- Taxas a pagar até à conclusão do estágio e agregação como Advogado: € 1,500.00 (US\$ 1,611.50)



Primeira fase do estágio – formação inicial

- Curso de formação inicial obrigatório com frequência não obrigatória de aulas nas seguintes disciplinas:
 - Prática processual civil;
 - Prática processual penal;
 - Deontologia profissional;
 - Direito constitucional e direitos humanos;
 - Organização judiciária;
 - Informática jurídica;
- Os Centros de Estágio promovem obrigatoriamente simulações de julgamentos e a assistência a julgamentos em tribunal;
- No final da fase inicial, os Estagiários devem obter aprovação numa prova de aferição em cada uma das disciplinas *supra* mencionadas para poderem passar à segunda fase do estágio.



Segunda fase do estágio – formação complementar

Prática profissional sob a supervisão do Patrono

- ▶ O Patrono deve permitir ao Estagiário que participe nas suas actividades e que assine conjuntamente as peças processuais em cuja elaboração tenha colaborado;
- ▶ Os Centros de Estágio devem implementar programas de formação prática que desenvolvam a formação dada pelo Patrono, especialmente nas áreas processuais (civil, penal, insolvência, administrativo, etc.);

Em conjunto com o Patrono, o Estagiário deve praticar pelo menos 15 intervenções em processos judiciais de qualquer natureza;

Apresentação de relatórios das intervenções em processos judiciais e relatório do Patrono sobre o estágio;

Exame nacional escrito, com questões de deontologia profissional e preparação de peças processuais;

Exame oral de agregação – discussão de um tema controverso perante um júri composto por, pelo menos, um juiz, procurador ou professor

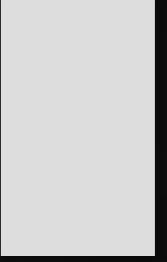
Depois do Estágio

- Ao contrário do que sucede noutras jurisdições, não existem programas de formação obrigatória para Advogados depois da conclusão do Estágio;
- As actividades de desenvolvimento e formação profissional mais comuns consistem em:
 - Cursos de mestrado ou pós-graduação – a maioria das universidades dispõe de um leque alargado de cursos em várias áreas específicas;
 - Seminários e conferências organizadas por universidades, empresas privadas (designadamente escritórios de advogados) ou pela Ordem dos advogados (e-learning, ou cursos presenciais nos centros de formação dos Conselhos Distritais da Ordem dos Advogados).

Vantagens

- Apreensão de informação relevante e actual sobre áreas de prática específicas;
- Actualização relativamente a alterações legislativas;
- Aumento do conhecimento sobre mercado da advocacia;
- Networking;
- Espaços privilegiados para discussão de ideias com advogados mais experientes;
- Manutenção de um rendimento proficiente numa determinada área.





Lawyers training

The Portuguese experience

DA SILVA
TEIXEIRA
ASSOCIADOS

Traineeship

Objective: prepare new lawyers for the practical aspects of legal practice

- Key figure: Sponsor Lawyer (Patrono) – trainee Lawyers must have a Sponsor, who is responsible for the orientation and teaching of the technical, scientific and ethical aspects of the practice of law, including the preparation of pleadings in judicial proceedings.
- Training Centres – each District Counsel of the Portuguese Bar Association promote vocational training programs which include classes and workshops;
- Total duration: 24 months;
- Fees to pay until the end of traineeship and registration as lawyer: € 1,500.00 (US\$ 1,611.50)



First phase of traineeship – initial training

- Mandatory initial training course with non compulsory attendance to classes in the following disciplines:
 - Civil procedure practice;
 - Penal Procedure practice;
 - Professional ethics;
 - Constitutional Law and human rights;
 - Judicial organisation;
 - Legal data processing (e-justice);
- Training centres promote mandatorily trial simulations and observance of trials;
- By the end of the initial training phase, trainee lawyers shall pass national assessment tests in each of the above said disciplines to gain access to the second phase of traineeship.

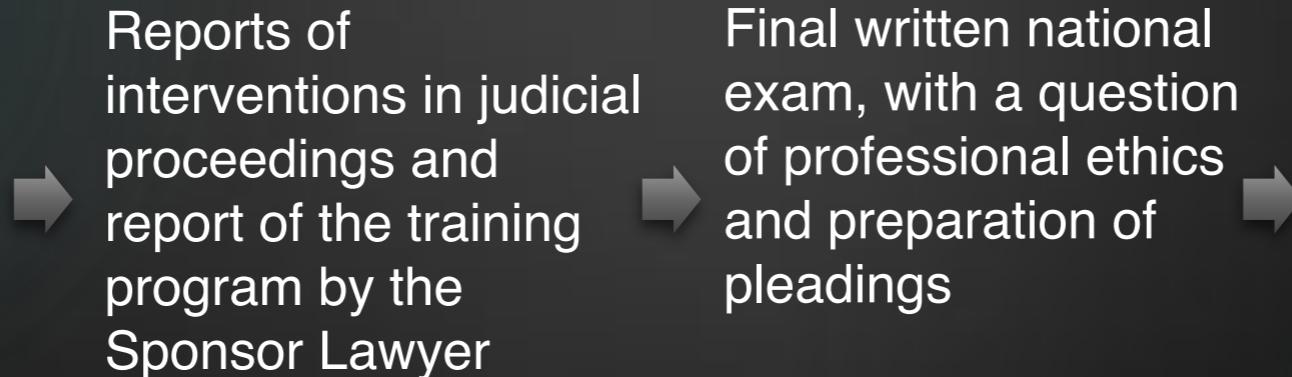


Second phase of traineeship – additional training

Legal practice under supervision of the Sponsor Lawyer

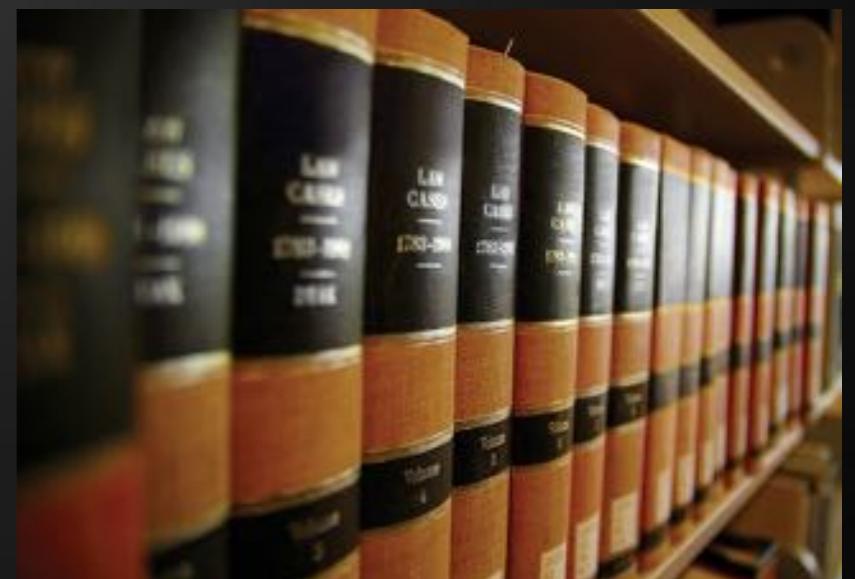
- ▶ The Sponsor shall allow the trainee to participate in all his activities and jointly sign pleadings in which the trainee has collaborated;
- ▶ During this period, training centres may implement programs of practical training that complement training practices at the Sponsor's office, specially regarding court proceedings in several areas (civil, criminal, insolvency administrative, tax, etc.);

Together with the Sponsor Lawyer, the trainee shall perform at least 15 interventions in judicial proceedings of any nature;



After traineeship

- Unlike other jurisdictions, there are no mandatory programs of training for Lawyers after completing traineeship.
- The most common activities of professional development are:
 - Master or postgraduate studies – most universities provide a large spectrum of courses in several specific areas;
 - Seminars and lectures organised by universities, private entities (namely law firms) or the Bar Association (e-learning and training centres of the District Counsels).



Benefits

- Receiving current and relevant information about specific areas of law;
- Keep up-to-date with legislative changes;
- Improve your ‘business of law’ knowledge;
- Networking;
- Space to discuss ideas with more experienced lawyers;
- Remaining proficient in your field.

