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HIGH SCHOOL OF JUSTICE - MANDATORY STEP BEFORE JUDGESHIP

Comparative Legal Review



**HIGH SCHOOL OF JUSTICE,
MANDATORY STEP BEFORE JUDGESHIP**

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**Tbilisi
2025**

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INTRODUCTION

Judgeship, as a profession with the highest social value, is of particular importance in a democratic society, because in such a society the rule of law is achieved through the trust in the judicial system. The training of judicial candidates and newly appointed judges, equipping them with special knowledge and skills, is an important factor in building trust in the court.¹

Despite the differences between legal systems, there is a consensus in modern society that legal education alone should not be sufficient for an appointment as a judge. The crucial role and responsibility of the applier of the law requires systemic knowledge and skills, and, therefore, various countries find different mechanisms to prepare a candidate to face the challenges of their future work.

The training of judges does not only include a professional component, it should at the same time also be multifaceted and practical- focused on developing the judge's skills to effectively manage the process and make legally sound decisions. In accordance with the standards of the Council of Europe, appropriate initial training is an essential component of professional independence.² According to the recommendation of the Committee of Ministers, an independent authority should ensure, in full compliance with the educational autonomy, that the initial and in-service training programmes meet the requirements of openness, competence and impartiality inherent in the judicial office.³

The Consultative Council of European Judges (CCJE) adopted a conclusion in 2003, which is related to the training of judges, emphasizing that the independence of the judiciary grants judges rights, but also imposes ethical duties,⁴ which means that they must have highly developed professional skills,

¹ Marina Samofal, Experience of initial training of candidates for a post of judge and newly appointed judges in the member States of European Union, High Qualification Commission of Judges of Ukraine: <https://vkksu.gov.ua/page/experience-initial-training-candidates-post-judge-and-newly-appointed-judges-member-states>, renewed on: 24.06.2025.

² CDL-AD(2024)036, Serbia- Opinion on the draft Law on the Judicial Academy and draft amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §§ 22-23.

³ CM/Rec(2010)12- Recommendation of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies) §57, available at: <https://search.coe.int/cm/#%22CoEIdentifier%22:%5B%2209000016805afb78%22%5D,%22sort%22:%5B%22CoEValidationDate%20Descending%22%5D,%22renewed%22:%5B%222025%22%5D%7D>, renewed on: 24.06.2025.

⁴ CONSULTATIVE COUNCIL OF EUROPEAN JUDGES(CCJE)OPINION No. 4, OF THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE), TO THE ATTENTION OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE, Paragraph 34.

which are acquired, maintained and improved through the training they have the right and obligation to undergo.⁵ Some of the judicial qualities are innate personal characteristics (honesty, impartiality, social sensitivity), some of the qualities are acquired and subject to training.⁶ Considering that judicial knowledge and skills could not be fully mastered within the framework of traditional university education, the discussion on the need for a system of professional training of judges has intensified.⁷

⁵ Ibid.

⁶ Luis Muniz-Arguelles; Migdalia Fraticelli-Torres, Selection and Training of Judges in Spain, France, West Germany, and England, *Boston College International and Comparative Law Review* 8, no. 1, 1985, 1-2.

⁷ Diana Richards, Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions, *Journal of the International Organization for Judicial Training*, issue 5, 2016, 43.

STUDY METHODOLOGY

The aim of the study is to identify the systemic challenges facing the School and to search for methods of overcoming them using comparative analysis. The study consists of four chapters. The first and the second chapters deal with the existing model and analyze the normative regulations of the School and the legislative and practical challenges observed during the competitions held in the previous years. The stages of admission and training in the School of Justice are described, as well as the circumstances that may lead to the high number of vacancies in the system and the low interest of lawyers in the profession of judgeship. The third and the fourth chapters discuss the models of Schools in the European countries in terms of, on the one hand, their organizational independence, and on the other hand, organizing the influx of sufficient judicial personnel into the system.

The studied countries have been selected only from the legal systems where judges are appointed on a professional basis. Among these countries both Eastern and Western European countries have been chosen. Western European legal systems are more stable than Eastern European countries, due to their long history of independence. In young democracies, the degree of independence of the judiciary is relatively fragile. Accordingly, these countries face different challenges when selecting judges.⁸

The following study methods have been used for the creation of the paper: analytical, descriptive, normative, comparative-legal and historical. The research and evaluation of the models of mandatory preliminary education of judges and their implementing institutions have been analyzed based specifically on these methods.

⁸ James E. Moliterno, Lucia Berdisová, Peter Čuroš, & Ján Mazúr. Independence Without Accountability: The Harmful Consequences of EU Policy Toward Central and Eastern European Entrance.

1. THE FUNCTION AND PLACE OF THE SCHOOL OF JUSTICE IN THE SYSTEM OF COMMON COURTS

In Georgia, the body which would take care of the initial and continuing education of judges, the High School of Justice, was established in April 2006.⁹ Before the establishment of the School of Justice, judges were appointed to the position by the President of Georgia upon the recommendation of the Council.¹⁰ The candidate was only required to pass an exam.¹¹

The establishment of the High School of Justice is connected with the initiative and support of the Council of Europe, and the goal was to provide the justice sector in Georgia with highly qualified personnel.¹² According to the School's statute, its aim is to admit conscientious and competent people as the trainees of justice, to provide professional training to the trainees of justice, which includes both professional education and the promotion of their understanding of the liberty of acting, their integration into the social environment, in which they will have to work in the future, etc.¹³

In Georgia, the High School of Justice is not solely responsible for the training of judges, but its aim is to staff the common court system with highly qualified personnel (assistant judges, secretaries of the court sessions, etc.).¹⁴ Through the professional training of the judicial candidates, retraining of judges and court officials, the School significantly determines the general state of justice in the country and it has this function exclusively.¹⁵

The High School of Justice has been affected by the waves of reform carried out in the field of justice, although these amendments have not been able to overcome the principal issues and institutional challenges. The last significant amendments regarding the High School of Justice were adopted by the

⁹ The Website of the High School of Justice, available at: https://www.hsoj.ge/eng/about_us/history, renewed on: 13.08.2025.

¹⁰ Abashidze A., Arganashvili A. et al., „The Judicial System: Past Reforms and Future Perspectives“, Coalition for an Independent and Transparent Judiciary, Tbilisi, 2017, p. 33, available at: http://coalition.ge/index.php?article_id=150&clang=1, renewed on: 13.08.2025.

¹¹ Ibid.

¹² The Website of the High School of Justice, available at: https://www.hsoj.ge/eng/about_us/history, renewed on: 13.08.2025.

¹³ Statute of the High School of Justice, Article 2.

¹⁴ Ibid.

¹⁵ Verdzeuli S., „Judicial System Reform in Georgia, 2013-2021“, Georgian Young Lawyers' Association, Tbilisi, 2021, p. 18, available at: <https://gyla.ge/en/post/judicial-system-reform-in-georgia-2013-2021>, renewed on: 13.08.2025.

Parliament of Georgia on 26 June 2025, in an expedited manner.¹⁶ The draft law significantly worsened not only the issues related to the High School of Justice, but also further weakened the already fragile guarantees of the independence of the judges. The complete domination of the influential group in the staffing and functioning of the School was not weakened or balanced by the amendments, but rather strengthened.

1.1. Structure and the Management Bodies of the High School of Justice

The governing bodies of the High School of Justice are the Independent Board of the School and the administration of the School.¹⁷ The Independent Board determines the main issues related to training and the general functioning of the School, while the administration ensures the implementation part.

1.2. Independent Board of the High School of Justice

The focus areas of the activities of the High School of Justice are defined, coordinated and its implementation monitored by the Independent Board of the School of Justice.¹⁸ Given its role and importance in the system of common courts, the Independent Board has been subject to reforms several times.

During the first wave of reforms, the role of the Chairperson of the Supreme Court in relation to the Independent Board was weakened and they could no longer be a member of the Independent Board of the School, and the power to elect members was also distributed to the Council of Justice and the Conference, and the Conference also elected the Chairperson.¹⁹ During the fourth wave of reforms, the rules for staffing the Independent Board were amended: the composition was increased by one member and quotas were established for judicial and non-judicial members.²⁰ And the ability of electing the Chairperson of the Independent Board of the School has been left

¹⁶ Amendments of 2025 to the Organic Law on Common Courts of Georgia, Georgian Young Lawyers' Association, Tbilisi, 2025, available at: https://admin.gyla.ge/uploads_script/publications/pdf/saerto-sasamart_eng11.pdf, renewed on: 13.08.2025.

¹⁷ Organic Law of Georgia on General Courts, Article 66².

¹⁸ Organic Law of Georgia on General Courts, article 66³, Paragraph 1.

¹⁹ Verdzeuli S., "Judicial System Reform in Georgia, 2013-2021", Georgian Young Lawyers' Association, Tbilisi, 2021, p. 21, available at: <https://gyla.ge/en/post/judicial-system-reform-in-georgia-2013-2021>, renewed on: 13.08.2025.

²⁰ Ibid.

with the High Council of Justice.²¹ The last amendments to the Independent Board were made in June 2025, and according to the current version, the Board consists of 7 members and a citizen of Georgia with the higher education and sufficient qualifications and professional experience may become a member.²² A member of the Independent Board cannot be the Chairperson of the Supreme Court.²³

3 members of the Independent Board are elected by the Conference of Judges for a 4-year term. It is noteworthy that before the 2025 amendments, the Conference of Judges was limited by instance quotas, meaning that each of the three members appointed by it had to represent a different instance. Although this provision formally promoted representation, this restriction has also been removed with the current version.²⁴

The High Council of Justice of Georgia elects 2 members of the Independent Board (1 judge and 1 non-judge) from among its members for the term of their powers as members of the High Council of Justice of Georgia.²⁵

The High Council of Justice also elects the remaining two members as well. According to the procedure, at least three members of the Council of Justice can nominate a candidate for election.²⁶ According to the version valid until 2025, these members had to be the representatives of the academic field, but currently this restriction has also been lifted.²⁷

Accordingly, the High Council of Justice appoints 4 members of the Independent Board of the School. The powers of the Council in relation to the Independent Board of the School do not end with this, and it appoints the Chairperson of the Independent Board of the School from among the members elected by the Conference.²⁸ Even though the Independent Board does not elect a Chairperson itself, it elects a Deputy or Deputies.²⁹ According to the current version, the Chairperson of the Independent Board may have several Deputies. According to the amendments, the activities of the Chairperson also become remunerated and their election is no longer limited to one term.³⁰

²¹ Ibid.

²² Organic Law of Georgia on General Courts, article 66², Paragraph 2.

²³ Ibid, Paragraph 3.

²⁴ Organic Law of Georgia on General Courts, article 66³, Paragraph 4.

²⁵ Ibid.

²⁶ Ibid, Paragraph 5.

²⁷ Ibid, Paragraph 6.

²⁸ Ibid, Paragraph 5.

²⁹ Ibid, Paragraph 6.

³⁰ Ibid, Paragraph 8.

A member of the Independent Board is dismissed from office by the High Council of Justice, based on the application of the Chairperson of the Independent Board. Prior to the amendments, this prerogative was held by the Conference of Judges.³¹

The Independent Board has quite broad powers, both in the terms of administrative and substantive parts: it approves the statute, takes decisions on the admission of a person to the School and the expulsion of a trainee, approves the budget, curricula, theoretical course and the final exam programmes, etc.³² In addition, it approves the staffing schedule and supervises the administration of the School.³³

A fundamental reform of the judiciary, which is also reflected in the recommendations issued by the European Union, is one of the main challenges for the country. In these circumstances, the amendments adopted in an expedited manner in June- expanding the powers of the High Council of Justice, increasing the number of the managerial positions, the prerogative to self-determine the number of deputies and self-assign salaries- further increase the role of the Council of Justice and its influence over the High School of Justice and completely subordinate the system to the power of the influential group.

1.3. Administration of the School

The administration of the management consists of the director, their deputy and the internship supervisor.³⁴ The School director mainly has executive functions, representing the School, ensuring the functioning of the School, implementing the decisions of the Independent Board, etc.³⁵

The School director is elected to the position for a five-year term.³⁶ According to the Organic Law, a person can be elected to this position by the independent Board if they have a legal education, three years of work experience and are over 25 years of age.³⁷ Before the 2025 amendments, the election of a director for a third or more consecutive term was not allowed, however, this restriction has been abolished and also the director can now have two deputies.

³¹ Organic Law of Georgia on General Courts, Article 66⁴, Paragraph 4.

³² Organic Law of Georgia on General Courts, Article 66³, Paragraphs 4 and 7.

³³ Ibid.

³⁴ Organic Law of Georgia on General Courts, Article 66⁶, Paragraph 1.

³⁵ Organic Law of Georgia on General Courts, Article 66.⁷

³⁶ Organic Law of Georgia on General Courts, Article 66⁶, Paragraph 2.

³⁷ Ibid, Paragraph 3.

It is unclear why, when, according to the Law on Higher Education, even the head of a state-founded higher education institution cannot be elected for more than two consecutive terms,³⁸ it is permissible to hold the position of the director of the School for a practically indefinite period.

³⁸ Law of Georgia on Higher Education, Article 22, Paragraph 3.

2. SELECTION OF THE JUDICIAL CANDIDATES AND THE ROLE OF THE HIGH COUNCIL OF JUSTICE

The High Council of Justice has full control over the influx of new personnel into the judicial system. This authority, along with many other functions, is one of the important levers for controlling the system. Despite numerous legislative amendments and refinements to the appointment rules, practice has shown that the amendments do not work in reality, are superficial and deserve constant criticism.³⁹

The Council is fully responsible for the appointment of the judges to the district (city) courts and the courts of appeal based on competition.⁴⁰ An essential prerequisite for this is passing a qualification exam and completing a course at the High School of Justice.⁴¹ The Council is also the body responsible for the nomination of judges to the Supreme Court.⁴² With the amendments adopted in June, the candidates for the Supreme Court judgeship are also required to pass a qualification exam.

2.1. Judge's Qualification Exam

Any legally competent citizen of Georgia aged 25 or older has the right to take the qualification exam if he or she has a higher legal education and is fluent in the state language.⁴³

The following persons are not required to pass the qualification examination: a) an active or former member of the Supreme Court; b) an active or former member of the Constitutional Court; and c) a former judge of a general court, before the expiration of 10 years from the termination of their judicial powers.⁴⁴ The results of the qualification examination become invalid if a person has not enrolled in the Higher School of Justice or has not been elected to the office of a judge within 10 years passing the exam.⁴⁵

³⁹ Nino Nozadze and Olga Sheradini, Monitoring report of the Council of Justice №7, Georgian Young Lawyers' Association and Transparency International – Georgia, Tbilisi, 2019, pp. 13-22, available at: https://admin.gyla.ge/uploads_script/publications/pdf/eng.pdf.crdownload, renewed on: 31.10.2025; Nino Nozadze, Monitoring report of the Council of Justice №8, Georgian Young Lawyers' Association, Tbilisi, 2020, pp. 14-21, available at: <https://gyla.ge/files/news/ფონდი/HCoJ%20-%208.pdf>, renewed on: 31.10.2025.

⁴⁰ Organic Law of Georgia on General Courts, Article 35, Paragraph 1.

⁴¹ Ibid, Article 34, Paragraph 1.

⁴² Constitution of Georgia, Article 61, Paragraph 2.

⁴³ Organic Law of Georgia on General Courts, Article 53, Paragraph 1.

⁴⁴ Organic Law of Georgia on General Courts, Article 34, Paragraph 3.

⁴⁵ Organic Law of Georgia on General Courts, Article 53, Paragraph 4.

The High Council of Justice announces and conducts the qualification examination for judges.⁴⁶ The Council also determines the form, date and the time frame for conducting the examination.

The Council creates a commission and approves its composition in accordance with the rules established by the regulations. The law does not specify the criteria for selecting a member of the examination commission.⁴⁷ It also determines the procedure and programme for conducting the qualification exam,⁴⁸ which gives it broad authority to exert undue influence on the process of admission to the School.

While the High Council of Justice has full discretion over the selection of the examination commission members, the very general criteria - 5 years of experience, master's degree, "high reputation" - by which the council selects examination commission members, are problematic.

The qualification examination programme provides for the examination to be conducted by the test format and in case of successful passing, the person also takes a written examination afterwards, which includes testing their knowledge in constitutional, criminal, civil, administrative law and human rights.⁴⁹ The candidate registers for the examination according to the general or one of the specializations. Specialization is carried out in the fields of civil and administrative law and criminal law.

The test exam is conducted electronically. The exam test contains multiple-choice questions based on the relevant fields of law for the qualification exam.⁵⁰ The questions are divided into three levels of difficulty: easy, medium and difficult. Each topic of the question consists of two parts – a condition and four possible answers.

A candidate who scores 75 (seventy-five) or more points in the test exam advances to the next stage and has the right to take the written exam.

The written exam test contains 5 open-ended questions based on the relevant fields of law for the qualification exam. Each question is graded on a five-

⁴⁶ Organic Law of Georgia on General Courts, Article 52, Paragraph 1.

⁴⁷ Ibid, Article 52, Paragraph 1.

⁴⁸ Ibid, Article 53, Paragraph 2.

⁴⁹ Organic Law of Georgia on General Courts, Article 53, Paragraph 3.

⁵⁰ Decision #1/152 of the High Council of Justice of Georgia of 19 March 2018 "On the Procedure for Conducting the Judicial Qualification Examination and Approval of the Qualification Examination Programme", Article 8, Paragraph 2.

point scale. The written exam is considered passed if the examinee scores at least 15 points.⁵¹

The assignment is evaluated by two members of the qualification examination commission, independently of each other, anonymously, according to a pre-prepared evaluation plan.⁵² In the event of the evaluations being identical, the evaluation mark is reflected in the system. If the difference between the marks does not exceed one, the assignment is evaluated by agreement of the members of the qualification examination commission, and if the difference between the marks exceeds one, the position of the Chairperson of the commission is decisive in the evaluation.⁵³

It is not transparent which criteria direct the commission member when grading a written work. What the “evaluation plan” includes. This broad and unbalanced authority once again clearly shows that the council has complete control over the conduct of the qualification exam.

2.2. Enrolment of the Trainees at the High School of Justice

The High School of Justice is a necessary step for the new personnel to enter the system, as a person without judicial experience cannot be appointed as a judge without completing the full School course.⁵⁴

As mentioned, the School conducts a competition for admission to the School,⁵⁵ but the decision to conduct the competition for admission to the School is still made by the Council of Justice,⁵⁶ and after passing the competition, the Council decides whether a person is enrolled as a trainee of justice.⁵⁷

According to the legislation, the School is responsible for extending the trainee’s theoretical knowledge and developing the skills necessary for practical work.⁵⁸

The School announces a public competition for the admission of the trainees,⁵⁹ determines the deadline for the submission of applications by the can-

⁵¹ Ibid, Article 19.

⁵² Ibid, Article 22, Paragraph 4.

⁵³ Ibid.

⁵⁴ Organic Law of Georgia on General Courts, Article 34, Paragraph 1.

⁵⁵ Organic Law of Georgia on General Courts, Article 66¹⁴.

⁵⁶ Organic Law of Georgia on General Courts, Article 66¹², Paragraph 2.

⁵⁷ Organic Law of Georgia on General Courts, Article 66¹⁶.

⁵⁸ Organic Law of Georgia on General Courts, Article 66¹, Paragraph 2.

⁵⁹ Statute of the Legal Entity of Public Law – the High School of Justice, Article 4, Paragraph 1, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 31.10.2025.

didates for the participation in it, which may be extended in case of objective necessity, by the decision of the Council. The notice about the competition must be published on the official website of the School.

The Board of the School, upon the nomination of the School director, creates the organizational secretariat of the competition (hereinafter- the secretariat) from among the School staff and appoints a head of the secretariat from among its own members, who will lead the work of the secretariat until the end of the competition.⁶⁰

The Secretariat is responsible for verifying the compliance of the applications and attached documents of those wishing to participate in the competition with the competition requirements and submitting an appropriate report to the Board.⁶¹

Any legally competent citizen of Georgia with no criminal record, who knows the state language, has a higher legal education of at least a master's degree or an equivalent academic degree and has passed the judicial qualification exam within the last 10 years, has the right to participate in the School admission competition.⁶²

Within 5 working days from the deadline for receiving the applications, the secretariat submits a report to the Board. Finally, the Board takes a decision on the registration of a candidate. The statute stipulates that this decision must be published on the School's official website within 3 calendar days.⁶³ This requirement is not met and all stages of the trainee competition are conducted in a non-transparent manner.⁶⁴

Since 2018, when the trainee enrollment competition was fully conducted by the Board, interviews with the trainees were closed for reasons of personal data protection.⁶⁵ Afterwards it was directly written in the School statute that the Independent Board of the School conducts interviews with the candi-

⁶⁰ Ibid, Paragraph 3.

⁶¹ Ibid, Paragraph 4.

⁶² Organic Law of Georgia on General Courts, Article 66¹³.

⁶³ Statute of the Legal Entity of Public Law – the High School of Justice, Article 8, Paragraph 1. Available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 31.10.2025.

⁶⁴ Monitoring of the website of the High School of Justice.

⁶⁵ Nozadze N., Monitoring report of the Council of Justice №7, Georgian Young Lawyers' Association, Tbilisi, 2021, p. 21, available at: https://admin.gyla.ge/uploads_script/publications/pd-

dates who have advanced to the second stage, in a closed session.⁶⁶

The law does not regulate the criteria for selecting the trainees. According to the School's statute, when selecting a candidate for the trainee of justice, the results of the qualification exam, as well as his or her qualifications, legal analysis, reasoning, oral communication and expression skills, will be taken into consideration.⁶⁷

It is unclear how moral reputation, personal qualities and professional skills are assessed. Especially since the statute provides that in the event of a negative assessment based on the personal qualities criterion, a member of the High Council of Justice is authorized to take a negative decision without evaluating the other criteria. It is unclear which evidence and sources the Board relies on when assessing a candidate based on these criteria.

The members of the Board use the following types of assessments when selecting the candidates: a) significantly exceeds the requirements; b) partially exceeds the requirements; c) meets the requirements; d) meets the requirements to a lesser extent; e) does not meet the requirements. In the conditions where the process is completely opaque, there is no information available on how to justify the different assessments.

The candidate who receives the support of at least half of the full membership of the Board during the vote shall be enrolled as the trainee of Justice.⁶⁸

The competition for the admission to the School of the trainees is conducted in a completely opaque manner. GYLA has requested information related to the competition: records of the session of the Independent Board and the decisions taken at the relevant meeting, deadlines for submitting applications for the candidates in the competition for admission to the School of the train-

[f/%E1%83%98%E1%83%A3%E1%83%A1%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%9B%E1%83%90%E1%83%A6%E1%83%9A%E1%83%94%E1%83%A1%E1%83%98%20%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D%E1%83%A1%20%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%98%E1%83%A1%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%20No9.pdf_01722856942.pdf](https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf), renewed on: 31.10.2025.

⁶⁶ Statute of the Legal Entity of Public Law – the High School of Justice, Article 9, Paragraph 1, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 31.10.2025.

⁶⁷ Ibid, Paragraph 3.

⁶⁸ Ibid.

ees, the total number of persons participating in the competition, how many candidates advanced to the second stage, when the Independent Board interviewed the candidates and how long the interviews lasted. However, the High School of Justice has not returned responses to any of them.⁶⁹ The High School of Justice, like the Council of Justice, does not even adhere to the minimum standards of transparency. In the conditions of complete closure and arbitrariness of information, it is impossible to monitor the School's activities. As a result, the public is devoid of the right to information about the persons who are the potential judges in the future.

2.3. Stages of Training at the High School of Justice

The legislation stipulates that the curriculum for the training of the trainees of justice must ensure the enrichment of the theoretical knowledge, the development of practical skills and qualities.⁷⁰ In addition to the mandatory subjects, the programme may also include elective subjects. The list of the subjects and the form of teaching are also approved by the Independent Board upon the proposal of the director.

The forms of teaching at the School are as follow: seminar, simulation of judicial proceedings, discussion, training on the issues of making a court decision and its substantiation, evening courses, remote training. The training programme also includes short-term business trips for the trainees of justice to the court and the prosecutor's office, and it is also possible for a trainee to train and/or intern at an authoritative educational organization of the country.⁷¹

The period of training at the School is 16 months, in exceptional cases 12 months.⁷² The full course of study includes a theoretical course, internship

⁶⁹ Nozadze N., Monitoring report of the Council of Justice №12, Georgian Young Lawyers' Association, Tbilisi, 2024, pp. 16-27, available at: https://admin.gyla.ge/uploads_script/publications/pdf/%E1%83%98%E1%83%A3%E1%83%A1%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%98%E1%83%A1%E1%83%A3%E1%83%9B%E1%83%90%E1%83%A6%E1%83%9A%E1%83%94%E1%83%A1%E1%83%98%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D%E1%83%A1%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%98%E1%83%A1%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2012.pdf_01722590007.pdf, renewed on: 19.09.2025.

⁷⁰ Organic Law of Georgia on General Courts, Article 66²².

⁷¹ Organic Law of Georgia on General Courts, Article 66²³.

⁷² For a trainee who has at least 10 years' experience of working as Head of a structural subdivision of the Administration of the High Council of Justice of Georgia, head of Administration of

and seminar work.⁷³

The duration of the theoretical course at the School is six months, the internship is eight months, and the seminar work is two months. During the 12-month study period, the internship period is reduced to four months.⁷⁴

The trainee takes an exam at the end of the theoretical course and the School studies.⁷⁵ After that, the trainee of justice undergoes an internship⁷⁶ in the general courts, the Constitutional Court, the Bar, the notary's office, the prosecutor's office and/or administrative bodies, the list of which is approved by the Independent Board upon the proposal of the School director.

The School director appoints the internship coordinators, who may be a judge, prosecutor, or a senior official of the aforementioned institution, who assigns a qualifying score to each trainee of justice and provides a written recommendation.⁷⁷

At the end of the internship, the School organizes seminars for the trainees of justice, where the knowledge and experience gained during the theoretical course and the internship are generalized, and the trainee of justice is prepared for the School's final exam.⁷⁸

At the end of the training at the School, a trainee of justice takes an exam, the purpose of which is to assess the theoretical knowledge and practical experience acquired by the trainee of justice.⁷⁹

The final examination is conducted by an examination commission. The three members of the commission appointed by the Board consist of the specialists in criminal law, civil law and administrative law. The Council elects a Chairperson of the commission from among the members of the commission.⁸⁰

a general court of Georgia or its structural subdivision, a judge's assistant, a secretary of a court session, an investigator, a prosecutor and/or a lawyer.

⁷³ Organic Law of Georgia on General Courts, Article 66²¹.

⁷⁴ Statute of the Legal Entity of Public Law – the High School of Justice, Article 15, Paragraphs 3 and 4, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 20.09.2025.

⁷⁵ Ibid.

⁷⁶ Organic Law of Georgia on General Courts, Article 66²⁶.

⁷⁷ Organic Law of Georgia on General Courts, Article 66²⁷, Paragraph 3.

⁷⁸ Statute of the Legal Entity of Public Law – the High School of Justice, Article 22, Paragraph 1, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 20.09.2025.

⁷⁹ Ibid, Article 23.

⁸⁰ Ibid.

The trainee is given a criminal, civil or administrative case from judicial practice. The trainee must choose one of the categories of cases and draft procedural documents for it.

The final exam assesses the compliance of procedural documents with procedural norms, their substantiation. The final exam is considered passed if the trainee scores at least 85 points.⁸¹

The results of the final exam are appealed to the Complaints Commission, the composition of which is determined by the Board of the School, which usually consists of specialists in criminal law, civil law and administrative law.⁸²

Within a month of the completion of the final examination at the School, the School director shall submit to the Board for approval a qualification list of the trainees of justice, which shall include a) the scores obtained in the judicial qualification examination, the coefficient of which is 1; b) the scores obtained when passing the final examination of the theoretical course at the School, the coefficient of which is 2; c) the scores obtained during the internship, the coefficient of which is 3; d) the scores obtained when passing the final examination at the School, the coefficient of which is 4.⁸³

After familiarizing with the legislation, it becomes clear that the process of selecting the trainees is opaque and vague. There are no clear criteria determined. It is also not clear what information and sources the evaluator relies on for the assessment, which gives the commission members wide discretion. These circumstances make it easier for the influential group to make decisions based on favouritism and nepotism.

2.4. Determination of the Vacancies of the Judges

Before announcing the competition for admission to the School, the Independent Board, by a substantiated decision, determines the total number of the trainees of justice to be admitted to the School, taking into account the School's funding and infrastructure capabilities.⁸⁴

⁸¹ Ibid, Paragraph 11.

⁸² Statute of the Legal Entity of Public Law – the High School of Justice, Article 24, Paragraph 2, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 20.09.2025.

⁸³ Statute of the Legal Entity of Public Law – the High School of Justice, Article 25, Paragraph 2, available at: https://www.hsoj.ge/uploads/Uploads/The_statute_of_the_High_School_of_Justice86.pdf, renewed on: 20.09.2025.

⁸⁴ Organic Law of Georgia on General Courts, Article 66¹⁵.

Despite the large number of vacancies, the School, due to limited resources, cannot train more than 30 trainees. At the 23 March 2023 session, the Board, taking into account the 95 vacancies in the system, presented the School with a decision on the need for 121 trainees, but the School confirmed the possibility of training for only 20 trainees due to limited resources. If we look at the practice of the previous years, the School has been able to train a maximum of 40 people per year.⁸⁵ Its such an actual inability to act is especially problematic against the background of overload and protracted cases, which is a lever of pressure on the individual judges.⁸⁶

In conditions where the School is the only way for a person without judicial experience to enter the system, the Board can simply not announce a competition and artificially hinder the flow of new personnel into the system, while the law directly states that the competition for admission to the School is held at least once a year, for example, in 2021, 2022, the Council did not announce a competition for admission to the School. In June 2025, with the amendments adopted in an expedited manner, this part was removed from the law and this issue came entirely under the discretion of the Council of Justice. While there are constantly vacancies for judges in the system, the Board does not even justify why it does not announce competitions for the admission of the trainees.

Despite the existing vacancies, in recent years, experienced, qualified personnel have been refraining from participating in the competitions. In 2021, only 13 people applied for the competition to select judges for 42 vacancies.⁸⁷ In

⁸⁵ Nozadze N., Monitoring report of the Council of Justice №11, Georgian Young Lawyers' Association, Tbilisi, 2023, p. 19, available at: https://admin.gyla.ge/uploads_script/publications/pdf/%E1%83%98%E1%83%A3%E1%83%A1%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%9B%E1%83%90%E1%83%A6%E1%83%9A%E1%83%94%E1%83%A1%E1%83%98%20%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D%E1%83%A1%20%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%98%E1%83%A1%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%20No11.pdf_01722845272.pdf, renewed on: 19.09.2025.

⁸⁶ Nozadze N., Monitoring report of the Council of Justice №10, Georgian Young Lawyers' Association, Tbilisi, 2022, p. 16.

⁸⁷ Nozadze N., Monitoring report of the Council of Justice №11, Georgian Young Lawyers' Association, Tbilisi, 2023, p. 19, available at: https://admin.gyla.ge/uploads_script/publications/pdf/%E1%83%98%E1%83%A3%E1%83%A1%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%9B%E1%83%90%E1%83%A6%E1%83%9A%E1%83%94%E1%83%A1%E1%83%98%20%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D%E1%83%A1%20%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%98%E1%83%A1%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%20No11.pdf_01722845272.pdf

2022, a total of 21 applications were submitted for the competition for 76 vacant judicial positions.⁸⁸

The reason for this may be the following: the duration of training at the School, which is 16 months, and 12 months in only exceptional cases,⁸⁹ the amount of the scholarship,⁹⁰ especially considering that the period of training is incompatible with other paid work.

The Council of Justice, the School is not open to accepting interested personnel from outside the system. Practice shows that the School mainly enrolls internal personnel (assistants, secretaries) as the trainees. Furthermore, successfully completing the School is not a guarantee of appointment as a judge. The Council also filters here. The Council's filter does not only include an assessment of competence and integrity. Monitoring of the appointment process shows that the Council appoints as judges individuals who are loyal to the ideas of an influential group in the system.

“In fact, people are not selected, unless someone is actually their recommender, someone takes responsibility for an employee or a judge. [...] [T]his is the main direction and the only way. Exceptions are very rare”.⁹¹

2.5. Challenges of the Current Model of the High School of Justice

Moving the trainee selection competition from the council to the School, like the amendments made to the law in recent years, is a facade change and the influential group controls the process of the trainee enrollment in the School.

The broad role of the High Council of Justice in staffing the Independent Board of the High School of Justice remains a challenge. The changes implemented have failed to limit control, exclude the Board's participation in this process and strengthen the School's role.

[%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%20No11.pdf_01722845272.pdf](#), renewed on: 19.09.2025.

⁸⁸ Letter №55/4103-03-m of the High Council of Justice of Georgia dated 30 January 2023.

⁸⁹ For a trainee who has at least 10 years' experience of working as Head of a structural subdivision of the Administration of the High Council of Justice of Georgia, head of Administration of a general court of Georgia or its structural subdivision, a judge's assistant, a secretary of a court session, an investigator, a prosecutor and/or a lawyer.

⁹⁰ A trainee of justice receives a state scholarship while taking part in the training course, the amount of which cannot be less than 1/3 of the minimum salary of a judge of the court of the first instance.

⁹¹ Tsereteli Nino, Factors Encouraging Nepotism and Cronyism in the Judiciary of Georgia, p. 42, Tbilisi, 2022, available at: <https://courtwatch.ge/en/articles/54b12ba6-31f8-42e9-9f8b-236dae3a2aa5>, renewed on: 20.09.2025.

The Independent Board is the main body of the School, which coordinates the School's activities, also it takes the decision to enroll a person as a trainee of justice in the School and to expel a trainee of justice from the School.

The Board is composed of 7 members. 2 of the members (1 judge and 1 non-judge member) are appointed by the High Council of Justice from among its own members.⁹² The High Council of Justice appoints 2 additional members. Three more judge members of the Independent Board of the School are elected by the Conference of Judges.⁹³ Unfortunately, the Conference of Judges, just like the High Council of Justice, serves the interests of the influential group within the system. A good example of this is the non-competitive environment at the Conference and the practice of the electing members of the collegiate body without healthy discussion and differences of opinion.⁹⁴

Currently, the Independent Board of the High School of Justice is staffed with influential judges.⁹⁵

The procedure for taking decisions by the Independent Board is also problematic. A meeting is authorized if the majority of the members are present. The Independent Board takes decisions by a majority of votes of the members present at its meeting. In the event of an equal division of votes, the vote of the Chairperson of the Council meeting is decisive.⁹⁶

According to the European Judicial Qualifications Framework, the body responsible for the training of the judges should be independent of both the legislative and executive branches, as well as the body responsible for the appointment and discipline of the judges.⁹⁷ The independence of the bodies responsible for the development of the curricula and the conduct of training and their composition, is of paramount importance.⁹⁸

⁹² Organic Law of Georgia on General Courts, Article 66³, Paragraph 4.

⁹³ Ibid.

⁹⁴ The Coalition Responds to the XXXI Conference of Judges, The Coalition for Independent and Transparent Judiciary, 25 October 2022, available at: http://coalition.ge/index.php?article_id=275&clang=1, renewed on: 20.09.2025.

⁹⁵ Giorgi Mikautadze, Irakli Shengelia and Vasil Mshvenieradze were elected by the Conference of Judges in a non-competitive environment, while Dimitri Gvritishvili, after returning to the Council of Justice, returned to the Independent Board with the quota of a judge member of the Council.

⁹⁶ Organic Law of Georgia on General Courts, Article 66⁵, Paragraph 4.

⁹⁷ CONSULTATIVE COUNCIL OF EUROPEAN JUDGES(CCJE)OPINION No. 4, OF THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE), TO THE ATTENTION OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE.

⁹⁸ Ibid.

3. PRE-TRIAL TRAINING SYSTEMS IN EUROPE

3.1. The Importance and General Characteristics of the Pre-trial Training System by Legal Systems

At the end of the previous century, the European Court of Human Rights ruled that the procedure for selecting a judge, his or her appropriate qualifications, integrity and judicial skills directly affect the realization of the right to an independent and impartial tribunal protected by the Convention.⁹⁹

According to a special recommendation of the Consultative Council of European Judges (CCJE), all judges should have the knowledge of national and international law and should also undergo training to enable them to perform their duties effectively.¹⁰⁰ Given that judicial knowledge and skills cannot be fully acquired within the framework of traditional university education, the discussion on the need for and forms of a system of professional training for judges remains relevant.¹⁰¹

Judicial training models have developed in different legal systems, taking into account the specificities of judicial appointment and legal systems.¹⁰²

In the common law countries, judges were being selected from among experienced professionals at a relatively later stage in their careers, after they had proven their abilities as practicing lawyers, prosecutors, or in academia.¹⁰³ Under this principle, the appointment of a judge was based on the candidate's individual reputation, as assessed by the relevant circles outside the court system (the experience-based model).¹⁰⁴

⁹⁹ Samuel Spáč, Recruiting European Judges in the Age of Judicial Self-Government, Vol.19, No 07, German Law Journal, 2018, p. 2080, available at: <https://www.cambridge.org/core/journals/german-law-journal/article/recruiting-european-judges-in-the-age-of-judicial-selfgovern-ment/4AC9577979DDB841D1FCB3B029408869>, renewed on: 28.06.2025.

¹⁰⁰ Consultative Council of European Judges (CCEJ), Opinion No.4 of The Consultative Council of European Judges to the Attention of The Committee of Ministers of The Council of Europe, Strasbourg, 2003, available at: <https://rm.coe.int/1680747d37>, 2,3, renewed on: 28.06.2025.

¹⁰¹ Diana Richards, Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions, Journal of the International Organization for Judicial Training, issue 5, 2016, p. 43.

¹⁰² Giacomo Oberto, Selection and Appointment of Judges: Constitutional and Legislative Protection and Defacto Practice, African Group of the International Association of Judges in co-operation with JOASA (Judicial Officers Association of South Africa), Cape Town, 2-6 June 2019, 2.

¹⁰³ Graham Gee, Judicial Independence in Transition: The Persistent Politics of Judicial Selection, Heidelberg, 'Springer Berlin', 2012, p. 127.

¹⁰⁴ Nuno Garoupa, Tom Ginsburg, Judicial audiences and reputation: perspectives from comparative law. Columbia Journal of Transnational Law, Chicago, 2009, pp. 451-490.

Furthermore, in this system, the judge is passive, as he is limited by the precedents.¹⁰⁵ Accordingly, the system of training judges in the common law countries is oriented more towards introducing them to legal innovations rather than improving their professional knowledge.¹⁰⁶

In the countries with the continental law, the judges began their judicial careers at the lowest level of the hierarchy and their professional socialization took place within the judicial system.¹⁰⁷ Judges were selected through a competition and lawyers with little professional experience could also participate in the competition.¹⁰⁸ In this system, judicial training was not only a means of deepening professional skills, but also served the purpose of integration and career growth in the field of justice and ensured the possibility of developing a stable and predictable staff (bureaucratic/career model).¹⁰⁹

In terms of the training of judges before entering the profession, as noted, researchers have usually distinguished between two main models, corresponding to the differences in the qualification requirements for judges in common law and civil law systems.¹¹⁰ However, the significantly different appointment and promotion practices between civil and common law jurisdictions have also tended to converge over time.

Contrary to their historical tradition, civil law countries appoint almost half of the judges from candidates with more practical experience, similar to civil law jurisdictions.¹¹¹ At the same time, common law countries have lowered their

¹⁰⁵ Luis Muniz-Arguelles; Migdalia Fraticelli-Torres, Selection and Training of Judges in Spain, France, West Germany, and England, *Boston College International and Comparative Law Review* 8, no. 1 1985, p. 2.

¹⁰⁶ Livingston Armytage, Training of Judges: Reflections on Principle and International Practice, *European Journal of Legal Education* 2, no. 1 (2005), p. 23.

¹⁰⁷ Giacomo Oberto, Selection and Appointment of Judges: Constitutional and Legislative Protection and Defacto Practice, African Group of the International Association of Judges in co-operation with JOASA (Judicial Officers Association of South Africa), Cape Town, 2-6 June 2019, 3.

¹⁰⁸ Carlo Guarnieri, Appointment and Career of Judges in Continental Europe: The Rise of Judicial Self-Government, *Legal Studies*, Vol. 24, Society of Legal Scholars (SLS), 2004, 169.

¹⁰⁹ Ekaterine Tsimakuridze, "Selection of Judges in Transitional Democracies". Group of Independent Lawyers, Tbilisi, 2021, pp. 7-8, available at: https://democracyindex.ge/uploads_script/studies/tmp/phpqchPDF.pdf, renewed on: 08.05.2025.

¹¹⁰ Giacomo Oberto., Selection and Appointment of Judges: Constitutional and Legislative Protection and Defacto Practice, African Group of the International Association of Judges in co-operation with JOASA (Judicial Officers Association of South Africa), Cape Town, 2-6 June 2019.

¹¹¹ Diana Richards., Judicial Education and Training, *Journal of the International Organization for Judicial Training*, 2016, "Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions", 47.

requirements regarding the needed level of practical experience of candidates to promote more diversity in the selection of the judicial candidates.¹¹²

Today, the alignment of legal systems has led to the creation of a common standard for judicial qualification requirements.

In almost all of the countries studied, it is a mandatory step for judges to undergo training prior to their first appointment or following the appointment, or have practical experience before the assumption of judicial duties, including in those countries where schools of justice do not exist.

Notwithstanding the initial skepticism, both civil law and common law countries (e.g. England, Ireland)¹¹³ have now adopted mandatory training systems for newly appointed judges.¹¹⁴

3.2. Pre-Judicial Education Institutions and their Role within National Legal Systems

The first school of the justice was created in France in 1958.¹¹⁵ Following France's example, judicial education institutions were established in Spain and Portugal.¹¹⁶ In all three of these countries, judicial schools today constitute a mandatory stage for entry into the judicial system.¹¹⁷ Some civil law countries have entrusted pre-judicial education to the courts and universities, e.g. in Germany judges undergo preliminary training at courts with mentor judges.

¹¹² Diana Richards., Judicial Education and Training, Journal of the International Organization for Judicial Training, 2016, "Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions", 47.

¹¹³ Initial Training Judges and Prosecutors European Union, European e-justice portal, available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/es_en, renewed on: 24.06.2025.

¹¹⁴ Diana Richards, the referenced work, 43.

¹¹⁵ ENM Genesis of the School, available at: <https://www.enm.justice.fr/en/history>, renewed on: 24.06.2025.

¹¹⁶ The Center for Judicial Studies (CEJ), available at.: <https://cej.justica.gov.pt/Sobre-o-CEJ/Quem-somos>, renewed on: 24.06.2025.

Luis Muniz-Arguelles; Migdalia Fraticelli-Torres, Selection and Training of Judges in Spain, France, West Germany, and England, Boston College International and, Comparative Law Review 8, no. 1 1985, 1.

¹¹⁷ Initial Training of Judges and Prosecutors European Union, European e-justice portal, available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/es_en, renewed on: 24.06.2025.

In Estonia, the administration of judicial training is conducted by the Supreme Court through its structural unit- the judicial training department.¹¹⁸

In many European countries, judicial schools operate as independent institutions under various names, such as “the School of Judges”, “The School of Magistrates”, “The Judicial Academy” and others. Considering the specific characteristics of judicial appointment systems, their institutional structures are also different. In systems where judges are selected through a bureaucratic process based on qualifications, integrity and sufficient judicial skills,¹¹⁹ the training tends to be more complex and is often conducted according to pre-approved programmes within institutionally stable and independent establishments. Among those countries examined, in five of them (France, Spain, Romania, the Czech Republic, Poland) this function is undertaken by Schools of Justice.

Despite the existence of independent schools, they do not possess full institutional independence or autonomy. Some are more closely connected to Councils of Justice,¹²⁰ while others – to the executive branch of the Government.¹²¹ In addition, there are so-called mixed models that are linked with both the judiciary and the executive authorities.¹²²

According to the European standards, when it comes to training of judges, it is essential that the executive Government respect the system’s autonomy and refrain from interference.¹²³

¹¹⁸ High Qualification Commission of Judges of Ukraine: Marina Samofal, “Experience of Initial Training of Candidates for a Post of Judge and Newly Appointed Judges in the Member States of European Union”, available at: <https://rm.coe.int/comparative-study-on-selection-of-judges-eng/1680a59e55>, renewed on: 24.06.2025.

¹¹⁹ Samuel Spáč, Recruiting European Judges in the Age of Judicial Self-Government, German Law Journal, Vol.19, No 07. 2080, available at: <https://www.cambridge.org/core/journals/german-law-journal/article/recruiting-european-judges-in-the-age-of-judicial-selfgovernment/4AC9577979DDB841D1FCB3B029408869>, renewed on: 24.06.2025.

¹²⁰ In Spain and Lithuania, judicial training is incorporated within the structure of the Councils of Justice, while in Estonia it falls within the competence of the Supreme Court, for details, see, p. 6.

¹²¹ The Czech Republic and Germany, for details, see, p.8.

¹²² The School of Justice of Poland, although an independent legal entity, requires separate consideration due to the extensive involvement of the Ministry of Justice in the administration of justice, for details, see, p.11.

¹²³ Recommendation of the Committee of Ministers of the Council of Europe, “Judges: Independence, Efficiency and Responsibilities” CM/Rec 2010(12), available at: <https://rm.coe.int/cmrec-2010-12-on-independence-efficiency-responsibilites-of-judges/16809f007d>, renewed on: 14.05.2025.

In certain countries, schools of justice hold competence only for continuous education.¹²⁴ In others, schools also provide initial trainings.¹²⁵ In some countries, schools are responsible not only for training judges, but also prosecutors and others.¹²⁶ For instance, the National School for the Judiciary of France (ENM) provides trainings for judges, prosecutors, and other professionals related to the judiciary (court audience).¹²⁷

These factors determine the position of the School of Justice and the rationale of its institutional connection with other agencies. For example, in those Schools where both judges and prosecutors are being trained, the governing boards include representatives of the prosecution office alongside with judges.¹²⁸ Based on the examples of the countries studied and the European Standards, it can be concluded that the administration of Schools of Justice commonly includes representatives of the judiciary, academia, the Prosecutor's Office, the Ministry of Justice, in accordance with the structure of each country's judicial system, the logic of judicial appointments, and the functional role of the school.

¹²⁴ For example, among the examined systems, in Germany, the initial training of judges involves practical work at courts with mentor judges, while the Judicial Academy focuses on the continuous education of judges and prosecutors, for details, available at: https://www.deutsche-richterakademie.de/icc/draen/nav/42b/42b060c6-20f5-0318-e457-6456350fd4c2&class=net.icteam.cms.utils.search.AttributeManager&class_uBasAttrDef=a001aaaa-aaaa-aaaa-eeee-000000000054.htm, renewed on: 24.06.2025.

¹²⁵ Schools in France, the Czech Republic, Romania, Poland and Spain also provide advance trainings, available at: Initial Training Judges and Prosecutors European Union, European e-justice portal, available at: <https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union>, renewed on: 24.06.2025.

¹²⁶ The National Institute of Magistracy (NIM) of Romania trains candidates for both judicial and prosecutorial positions. The Czech Judicial Academy provides training for judges, prosecutors, court staff, and other legal professionals, available at: https://e-justice.europa.eu/sites/default/files/2014-06/Judicial%20training%20in%20CZ_EU_en.pdf?id=6f62d608-4f7c-4f52-92dd-20e371f6714d, renewed on: 24.06.2025.

Initial Training Judges and Prosecutors European Union, European e-justice portal, available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/ro_en, renewed on: 26.06.2025.

¹²⁷ National School for The judiciary, available at: <https://ejtn.eu/office/france-national-school-for-the-judiciary/>, also, available at: <https://www.enm.justice.fr/en/initial-training>, renewed on: 26.06.2025.

¹²⁸ For example, Poland, see: National School of Judiciary and Public Prosecution, available at: <https://ejtn.eu/office/poland-national-school-of-judiciary-and-public-prosecution/>, renewed on: 26.06.2025.

3.3. Model of the School of Justice Connected to the Judiciary

Among the models connected with the judiciary is National Institute of Magistracy (NIM) of Romania.¹²⁹ In 2004, it was detached from the supervision of the Ministry of Justice and integrated into the general self-governing structure of the judicial system as an independent legal entity.¹³⁰ It has legal personality, manages its own administration, enjoys academic freedom, determines its programmes, teaching methods and systems for evaluating graduates; however, its autonomy is limited and it depends on the decision of the Superior Council of the Magistracy. The Superior Council of the Magistracy defines the School's policy and appoints its governing bodies; the Director of the National Institute of Magistracy (NIM) is accountable to the Superior Council of the Magistracy.¹³¹ The Council of the Magistracy also ensures the admission of trainees to the School and their evaluation after enrollment.¹³²

The Spanish Judicial School (CJS) does not possess the status of an independent legal entity. It is fully subordinate to the General Council of the Judiciary (GCJ). From a legal standpoint, the Judicial School operates as a body within the General Council (GCJ), within the regulations established by the latter.¹³³ The General Council of the Judiciary (GCJ) determines the structure and operating procedures of the School (CJS) and appoints its director.¹³⁴

In Estonia, there is no independent institution for judicial training. The administration of judicial training is conducted by the Supreme Court.¹³⁵ The preparation of judicial personnel is coordinated by the Training Council, which is comprised of nine members, including judges from county and district courts and the Supreme Court, representative of the Ministry of Justice, Office of Prosecutor General, and University of Tartu.¹³⁶ The judges of the Training Council are elected by the Court *en banc* that is comprised of all Estonian judges.¹³⁷ The ministry, prosecutor's office, and the university appoint their representatives themselves. Support services for the Training Council are

¹²⁹ LAW No 304 of 15 November 2022 on judicial organization, Article 114

¹³⁰ Bianca Selejan-Guțan Romania: Perils of a "Perfect Euro-Model" of Judicial Council, IGerman Law Journal Vol. 19, No. 07, 1719.

¹³¹ LAW No 304 of 15 November 2022 on judicial Organization art.

¹³² For detailed information on the admission and evaluation procedures at the National Institute of Magistracy of Romania, p. 12.

¹³³ Organic Law 6/1985 on the Judiciary, Spain, Article 611 (4).

¹³⁴ Organic Law 6/1985 on the Judiciary, Spain, Article 560 (11).

¹³⁵ Republic of Estonia Courts Act, Paragraph 62 (2).

¹³⁶ Ibid., Paragraph 44 (1).

¹³⁷ Ibid., Paragraph 44.

provided by the Legal Information and Judicial Training Department of the Supreme Court.¹³⁸

Lithuania likewise does not have a separate institutional training establishment. Judicial training is conducted by the Court Administration, which is the supporting body of the Council of Justice.¹³⁹ The training programmes and methods are approved by the Minister of Justice, following the approval of the Council of Justice.¹⁴⁰

3.4. Model of School of Justice Connected to the Ministry of Justice

In Poland, the School of Judiciary focuses on both initial and continuous training for judges, prosecutors and personnel of the courts and prosecution offices.¹⁴¹ The Polish model reflects the significant role of the executive branch in the process of judicial personnel training within the country's justice system.¹⁴² The Polish model represents a system in which the Ministry of Justice is directly involved in the administration and organization matters of the School of Judiciary.¹⁴³ The School has legal personality and is governed by the director and the Programme Board appointed by the Ministry of Justice.¹⁴⁴ The Ministry of Justice also approves the School's regulations and determines its funding arrangements.¹⁴⁵ Members of the Programme Board and the School's Director can only be current and former judges, prosecutors or representatives of academia. The Programme Board is composed of the Director of the School and no more than 12 members, all appointed by the Minister of Justice for a four-year term.¹⁴⁶ The right to nominate candidates for the Board lies with the Council of Judiciary, the Council of Prosecutors, the General Prosecutor, the First Presidents of the Supreme Court and the Supreme Administrative Court, the higher education institutions.¹⁴⁷ Two mem-

¹³⁸ <https://portal.ejtn.eu/en/About-us/Members/Estonia-Supreme-Court-of-Estonia>.

¹³⁹ Republic of Lithuania Law on the National Courts Administration, Article 92.

¹⁴⁰ Republic of Lithuania Law on the National Courts Administration, Article 92.

¹⁴¹ ACT on the Polish National School of Judiciary and Public Prosecution Article 1.2.

¹⁴² Adam Bodnar, Lukazc Bojarsky, Judicial Independence in Poland, Judicial Independence in Transition, 2012, 17.

¹⁴³ Adam Bodnar, Lukazc Bojarsky, Judicial Independence in Poland, Judicial Independence in Transition, 2012, 17.

¹⁴⁴ ACT on the Polish National School of Judiciary and Public Prosecution, Article 5.

¹⁴⁵ | ACT on the Polish National School of Judiciary and Public Prosecution, Article 3, 4.

¹⁴⁶ ACT on the Polish National School of Judiciary and Public Prosecution, Article 6.

¹⁴⁷ ACT on the Polish National School of Judiciary and Public Prosecution, Article 6 (1).

bers are appointed by the Minister of Justice among judges.¹⁴⁸ Even though the specific matter of the School of Judiciary was not addressed, the 2019 legislative reforms in Poland were assessed negatively by the Venice Commission,¹⁴⁹ primarily due to the increased influence of the executive branch over the judiciary in general.

3.5. Mixed Models

The Czech Republic and Germany may be classified as examples of mixed models. In Germany, the Judicial Academy (Deutsche Richterakademie) is not established by a specific law. It operates on the basis of an administrative agreement concluded between the federal Government and Länder (the states)¹⁵⁰, within the scope defined by that Agreement. The function of the Academy, as defined by law, is the continuous professional development of judges and prosecutors, as well as their specialization in various fields of law.¹⁵¹ The Federal and Länder Ministries, along with judicial departments, take part in determining the Academy's funding and policy priorities.¹⁵²

The Czech Republic does not have a Council of Justice; the administration of the courts is the responsibility of the Ministry of Justice and the presidents of the Courts.¹⁵³ One of the prerequisites for appointment as a judge is the successful completion of a professional examination, although this examination is not administered by the Judicial Academy. The professional judicial examination is established by the Minister of Justice, who also appoints the members of the examination commission.¹⁵⁴

¹⁴⁸ ACT on the Polish National School of Judiciary and Public Prosecution Article 6 (1-2).

¹⁴⁹ CDL-AD(2020)017, Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on the Common courts, the Law on the Supreme court and some other Laws of Poland. §50.

¹⁵⁰ Administrative Agreement of 1 March 1993 between the Federation and the Länder on the German Judicial Academy.

¹⁵¹ Johannes Riedel, Johannes Riedel, "Training and Recruitment Judges in Germany", *International Journal for Court Administration*, vol.5, issue 2, 2013, 42-54, available at: <https://iacajournal.org/articles/10.18352/ijca.12>, renewed on: 26.06.2025.

¹⁵² Administrative Agreement of 1 March 1993 between the Federation and the Länder on the German Judicial Academy, 3-6.

¹⁵³ Blisa A., Papuskova T., Urbanikova M., "Judicial Self-Government in Czechia: Europe's Black Sheep?", *German Law Journal*, 2018, vol. 19, no 07. p. 1956.

¹⁵⁴ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia, §.109.

3.6. Judicial Training – Mandatory Prerequisite for Appointment

According to the European Standards, it is important to train judges prior to the assumption of judicial office. Relying solely on continuous professional education is inconsistent with, and undermines, the merit-based nature of the appointment process.¹⁵⁵ The Consultative Council of European Judges (CCJE) recommends mandatory initial training by programmes appropriate to appointees' professional experience.¹⁵⁶ The duration of such training should be determined with regard to their previous professional background.¹⁵⁷ In some countries, the training is long-term and in-depth, while in others it is shorter and more practice-oriented.¹⁵⁸

3.7. Initial Training Outside the School of Justice

In Germany, the specific characteristics of the judicial candidate training system are determined by the individual *Länder* (states).¹⁵⁹ Under federal regulation, all candidates are required to pass two comprehensive state professional examinations and to complete a two-year practical training period.¹⁶⁰ The state examinations are administered by the State Commission, the first at the federal level (in cooperation with the Higher Regional Courts), and the second in cooperation with the Ministry of Justice of the respective *Land*.¹⁶¹ Representatives of the judiciary play a significant role both in the examination process and during the practical training stage.¹⁶² The mandatory preparatory

¹⁵⁵ Compilation of Venice Commission Opinions and Reports Concerning Judges (CDL-PI(2025)003), 23.

¹⁵⁶ Opinion No. 4 of the Consultative Council of European Judges (CCEJ) "On Appropriate Initial and in-service Training for Judges at National and European Level", available at: <https://rm.coe.int/1680747d37>, renewed on: 24.06.2025.

¹⁵⁷ European Charter on the Statute for Judges (DAJ/DOC (98) 23), Article 2.3, available at: <https://rm.coe.int/090000168092934f>, renewed on: 24.06.2025.

¹⁵⁸ The Recommendation of the Committee of the Ministers of the Council of Europe, "Judges: Independence, Efficiency and Responsibilities" CM/Rec 2010(12), available at: <https://rm.coe.int/cmrec-2010-12-on-independence-efficiency-responsibilites-of-judges/16809f007d>, renewed on: 14.05.2025.

¹⁵⁹ The German Judiciary Act, Section 5.

¹⁶⁰ The German Judiciary Act, Section 5b.

¹⁶¹ Johannes Riedel, "Training and Recruitment Judges in Germany", International Journal for Court Administration, vol. 5, issue 2, October of 2013, 43-44, available at: <https://iacajournal.org/articles/10.18352/ijca.12>, renewed on: 26.06.2025.

¹⁶² High Qualification Commission of Judges of Ukraine: Marina Samofal, "Experience of Initial Training of Candidates for a Post of Judge and Newly Appointed Judges in the Member States of European Union. available at: <https://rm.coe.int/comparative-study-on-selection-of-judges-eng/1680a59e55>, renewed on: 24.06.2025.

practice is conducted in civil or criminal courts, prosecutor's offices, administrative bodies, with attorneys, and in one or more elective institutions.¹⁶³

Schools of Justice do not exist in Lithuania¹⁶⁴ and Estonia,¹⁶⁵ however, both initial and continuous judicial training are organized by the structural units of the Councils of Justice and the Supreme Court. In Estonia, candidates are first appointed to the position of candidate judges and work under the supervision of a judge; this stage serves as their training and probationary assessment period.¹⁶⁶ In Lithuania, a list of judicial candidates is compiled following the successful completion and verification of the judicial examination.¹⁶⁷ Newly appointed judges undergo an adaptation training programme lasting at least one month.¹⁶⁸

¹⁶³ Johannes Riedel, "Training and Recruitment Judges in Germany", *International Journal for Court Administration*, vol. 5, issue 2, October of 2013, 43-44.

¹⁶⁴ Republic of Lithuania, Law "On the National Courts Administration", art. 92.

¹⁶⁵ Samofai M., "Experience of Initial Training of Candidates for a Post of Judge and Newly Appointed Judges in the Member States of European Union", available at: <https://rm.coe.int/comparative-study-on-selection-of-judges-eng/1680a59e55>, renewed on: 24.06.2025.

¹⁶⁶ Courts Act of Estonia §63.

¹⁶⁷ Republic of Lithuania Law on Courts, Article 56.

¹⁶⁸ Republic of Lithuania Law on Courts, Article 56.

4. STAGES OF ADMISSION AND TRAINING AT SCHOOLS OF JUSTICE

Each country, taking into account its legal system and specific needs, independently determines how to organize the initial training of judges. This matter falls within the scope of the national competence and discretion of countries. Therefore, the approaches acceptable for each country regarding the organization of trainings and admission of the judges to the judiciary are individual and vary significantly.¹⁶⁹

The main differences among countries are, as follows: the methods of assessing candidates for admission to the school, the duration of mandatory theoretical and practical components, the composition of the admission boards, the nature of the examination and the post-examination evaluation process.

4.1. Required Experience for Admission

Based on the examples of civil law countries – the systems of France, Italy and Spain determine the duration of judicial training according to the candidate's prior experience.¹⁷⁰ In Italy¹⁷¹ and France¹⁷², practice of 15 years is considered long-term experience, while in Spain¹⁷³ - 10 years. The similar model is adopted by Romania, where 5 years of experience is regarded as long-term.¹⁷⁴ For trainees with prior experience, the duration of the initial training generally ranges from four to eight months, whereas for judicial trainees, who do not

¹⁶⁹ Compilation of Venice Commission Opinions and Reports Concerning Judges (CDL-PI(2025)003), pp. 3-5.

¹⁷⁰ Diana Richards, Judicial Education and Training, Journal of the International Organization for Judicial Training, 2016, "Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions.

¹⁷¹ Diana Richards, Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions, Journal of the International Organization for Judicial Training, issue 5, 2016, 45.

¹⁷² Diana Richards, Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions, Journal of the International Organization for Judicial Training, issue 5, 2016, 46.

¹⁷³ Initial Training Judges and Prosecutors European Union, European e-justice portal, available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/es_en, renewed on: 24.06.2025.

¹⁷⁴ European Judicial Training Network. available at: <https://ejtn.eu/office/romania-national-institute-of-magistracy>, renewed on: 24.06.2025.

possess practical experience, the training period is longer and ranges from one and a half to three years.¹⁷⁵

4.2. Admission Authority and Procedures

Poland

In Poland, the admission process for trainees of the School of Judiciary involves the participation of the Director of the School, the Examination Team, and the Examination Commission.¹⁷⁶ The Examination Team is comprised by the Director of the School and the Minister of Justice, and involves judges, among them, lecturer judges of the School, and it is responsible for preparing examination questions and assignments.¹⁷⁷

A candidate is exempt from the requirement of attending the School and passing the examination if they have held the post of an administrative court judge or a military court judge, have held the post of a prosecutor, or if they have served as a Professor at a Polish university, the Polish Academy of Sciences or in a research institute, or holds the academic degree of PhD in legal sciences.¹⁷⁸

To be admitted to the School (NSJ), candidates take a two-stage (multiple-choice tests and a written component) examination.¹⁷⁹ Upon successful completion of the examination, candidates proceed to the competition stage for admission to the School. Based on the evaluation of trainees, the Contest Commission provides the Director with a qualification list.¹⁸⁰ The Director of the School, taking into account the candidate's preference, admits candidates included on the qualification list to either the judicial or prosecutorial training.¹⁸¹

The judicial training programme in Poland is based on a modern methodology. For two years, short-term (five-day) theoretical sessions at the School of Judiciary are combined with practical training of candidates under the

¹⁷⁵ Diana Richards, Current Models of Judicial Training: An Updated Review of Initial and Continuous Training Models Across Western Democratic Jurisdictions, *Journal of the International Organization for Judicial Training*, issue 5, 2016, 46.

¹⁷⁶ Act on the Polish National School of Judiciary and Public Prosecution, Article 32 (5), Article 32 (8).

¹⁷⁷ Act on the Polish National School of Judiciary and Public Prosecution Article 32 (5), Article. 32 (9).

¹⁷⁸ Law "On the Organisation of Common Courts of Poland", Paragraph 61.

¹⁷⁹ Act on the Polish National School of Judiciary and Public Prosecution, Article 32 (5), Article 32(3).

¹⁸⁰ Act on the Polish National School of Judiciary and Public Prosecution, Article 22.

¹⁸¹ Act on the Polish National School of Judiciary and Public Prosecution, Article 25.

supervision of personal mentors, across various institutions throughout the country. Approximately 80% of the entire training is devoted to the practical component. Each training cycle concludes with an evaluation, which involves assessing the candidate's ability to analyze cases, work with judicial documents, and participate in simulated court proceedings.¹⁸²

The standard path to a judicial career involves completing training at the National School of Justice (NSJ) and having at least two-year practice as a trainee judge at the court.¹⁸³ The training process finalized with a professional examination; after the successful completion of which graduates may apply for the position of a trainee judge. Supervision and subsequent evaluation during the judicial traineeship effectively serve as a substitute for the probationary period mechanism for judges.¹⁸⁴

Romania

There are two ways of joining the judiciary in Romania: first, through the National Institute of Magistracy (NIM), where candidates are admitted by passing entrance exams, and the second path is available for candidates with at least five years of professional experience, who take their examination directly before the Superior Council of Magistracy (SCM).¹⁸⁵

The entrance examination to the National Institute of Magistracy (NIM) is administered by the Superior Council of Magistracy (SCM).¹⁸⁶ For this purpose, it establishes examination committees composed of judges and representatives from the relevant academic fields.¹⁸⁷

Only individuals having legal education may be admitted to the professional training course.¹⁸⁸ Applicants for admission undergo several stages: multi-

¹⁸² The Official Website of the National School of Judiciary of Poland, available at: <https://www.kssip.gov.pl/angielski>, renewed on: 14.05.2025.

¹⁸³ The Official Website of the National School of Judiciary of Poland, available at: <https://www.kssip.gov.pl/angielski>, renewed on: 14.05.2025.

¹⁸⁴ Adam Bodnar, Lukazc Bojarsky, Judicial Independence in Poland, *Judicial Independence in Transition*, 2012, 17-19

¹⁸⁵ Comparative Study on the Procedure of Selection and Appointment of Judges of Administrative Court, "Experience of Initial Training of Candidates for a Post of Judge and newly-appointed Judges in Bosnia and Herzegovina, Croatia, Germany, Italy, Serbia, and Slovenia, p. 27, available at: <https://rm.coe.int/comparative-study-on-selection-of-judges-eng/1680a59e55>, renewed on: 14.05.2025.

¹⁸⁶ Romanian Law on The Statute of Judges and Prosecutors, Article 5 (2).

¹⁸⁷ Romanian Law on The Statute of Judges and Prosecutors, Article 5 (2).

¹⁸⁸ Romanian Law on The Statute of Judges and Prosecutors, Article 5.

ple-choice tests, written tests according to their area of specialization, psychological and personal skills assessments, and an interview.¹⁸⁹ All stages of the admission process are conducted and supervised by special committees of the Superior Council of Magistracy (including the Organizational, Examination Programme, Interview, and Appeals Committees).¹⁹⁰

After admission to the NIM, trainees have the status of auditors of justice¹⁹¹ and they undergo a three-year professional training programme.¹⁹² The first stage of the training is theoretical and takes place directly at the NIM, while the second stage involves practical preparation within the structures of the courts and the prosecution service.¹⁹³ During this period, auditors receive an allowance and are subject to internal regulations.¹⁹⁴

Trainees are subject to continuous and final evaluation¹⁹⁵ - at the end of the course, they are assessed by the commission of psychologists and, if the evaluation results are satisfactory, they take a final exam.¹⁹⁶ Based on the results obtained, a ranking list of trainees is formed. Those with the highest rankings are granted the priority right to choose among the available vacant positions.¹⁹⁷ After making their selection, graduates are granted the status of trainee judges or trainee prosecutors and are appointed to the corresponding positions.¹⁹⁸ Following one year of service in this capacity, trainee judges attend a capacity examination conducted by the Council. Upon successful completion of this evaluation, they obtain the status of judge.¹⁹⁹

Candidates with at least five years of experience,²⁰⁰ as mentioned above, do not undergo this training stage, and they directly participate in the capacity examination before the Superior Council. Upon successful completion of this process, they are appointed as judges, and only thereafter complete six-month training programme at the NIM.²⁰¹

¹⁸⁹ Romanian Law on The Statute of Judges and Prosecutors, Article 12.

¹⁹⁰ Romanian Law on The Statute of Judges and Prosecutors, Article 6.

¹⁹¹ Romanian Law on The Statute of Judges and Prosecutors, Article 25.

¹⁹² Romanian Law on The Statute of Judges and Prosecutors, Article 283.

¹⁹³ Romanian Law on The Statute of Judges and Prosecutors, Article 25 (2), Article 26 (1).

¹⁹⁴ Romanian Law on The Statute of Judges and Prosecutors, Article 27.

¹⁹⁵ Romanian Law on The Statute of Judges and Prosecutors, Article 26.

¹⁹⁶ Romanian Law on The Statute of Judges and Prosecutors, Article 33 (5).

¹⁹⁷ Romanian Law on The Statute of Judges and Prosecutors, Article 20.

¹⁹⁸ Romanian Law on The Statute of Judges and Prosecutors, Article 41.

¹⁹⁹ Romanian Law on The Statute of Judges and Prosecutors, Article 46.

²⁰⁰ Romanian Law on The Statute of Judges and Prosecutors, Article 64.

²⁰¹ Romanian Law on The Statute of Judges and Prosecutors, Article 33.

The Czech Republic

In the Czech Republic, passing an examination is also mandatory prerequisite for entry into the judicial system.²⁰² Those holding a master's degree in law may be admitted to the examination by decision of the Minister of Justice, as follows:

- Assistant Judges with at least three years of practical experience, of which at least one year shall have been served as an assistant judge.²⁰³ The practical experience required for admission to the examination is prescribed by law and it includes professional experience acquired in the fields of justice, notarial and enforcement services, or in the preparation of legislative acts.²⁰⁴
- A senior court officer or a judge of the Constitutional Court.²⁰⁵
- A public officer with at least four years of practical experience working as a assistant judge or assistant prosecutor, legal advisor, notary, or in a similar position.²⁰⁶
- A civil servant employed in a legal service, who holds at least a 13th salary grade, has five years of professional experience, has received the highest rating in their most recent performance evaluation, and has paid the examination fee.²⁰⁷

Individuals are exempt from the judicial examination if they have already passed the bar examination, the final examination of lawyer-trainees, the notary qualification examination, or the examination of enforcement officer, or if they have at least two years of experience as a judge of the Constitutional Court.²⁰⁸

²⁰² Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §109.

²⁰³ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §110 (1).

²⁰⁴ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §110 (3).

²⁰⁵ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §111 (1).

²⁰⁶ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §111 (2).

²⁰⁷ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §60.

²⁰⁸ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §60 (3).

The examination consists of two stages: written and verbal, and it is focused to evaluate candidates' procedural and legal skills, rather than merely their theoretical legal knowledge.²⁰⁹ The examination takes place before the Examination Commission appointed by the Minister of Justice.²¹⁰ The Commission is composed of five members, the majority of whom are judges, while the remaining members are officials of the Ministry of Justice or, if possible, representatives of academia.²¹¹

After successful completion of the examination, the candidate undergoes a training course lasting one year at the Judicial Academy.²¹² This training course may be undertaken by working in various departments of the courts of first instance and courts of appeal and by attending training events of the Judicial Academy, which mainly take the form of practical seminars and simulated court proceedings.²¹³ A judicial candidate has a trainer in each of the judicial departments in which he or she works; the trainers are judges appointed and dismissed by the President of the Regional Court.²¹⁴ The trainers also draw up an evaluation of the judicial candidate's performance in that department.²¹⁵

A labour agreement is executed with the candidate, and during the training course, they receive a salary corresponding to their work within the respective court.²¹⁶ In addition to judicial candidates, the selection committee for

²⁰⁹ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §§109-111.

²¹⁰ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §109 (1)

²¹¹ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia §109.

²¹² Initial Training of judges and Prosecutors in the European Union - Czechia, European Justice (E-Justice), available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/cz_en, renewed on: 24.06.2025.

²¹³ Initial Training of judges and Prosecutors in the European Union - Czechia, European Justice (E-Justice), available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/cz_en, renewed on: 25.06.2025.

²¹⁴ Initial Training of judges and Prosecutors in the European Union - Czechia, European Justice (E-Justice), available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/cz_en, renewed on: 24.06.2025.

²¹⁵ Initial Training of judges and Prosecutors in the European Union - Czechia, European Justice (E-Justice), available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/cz_en, renewed on: 24.06.2025

²¹⁶ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia, § 114.

judicial appointments may also be approached by legal professionals with at least five years of experience (attorneys, prosecutors, notaries, bailiff, judges) as well as by legal scholars with at least ten years of academic experience in a legal field.²¹⁷ The selection process consists of three stages: a written examination, a psychological examination and an interview. Based on the results of each stage, the committee marks the candidate on a ten-point scale. The successful candidate is appointed as a judge by the Minister of Justice.²¹⁸

Some individuals are exempt from professional judicial training, such as persons who have held the office of public prosecutor, attorney, notary, bailiff and judge of the Constitutional Court for 5 years, as well as persons who have been engaged in scientific or teaching activities for 10 years in a legal field, or those who have fifteen years of experience in work related to judicial decision-making or in legislative functions as high-ranking public officers.²¹⁹

Lithuania

In Lithuania, a person can be appointed as a judge if they hold a single-level legal university education, including bachelor's degree, having at least five years of legal work experience and having passed the examination for candidates for judges.²²⁰ Persons with PhD and five years of work experience as a judge are exempt from the examination (provided that no more than five years have passed since the examination was last taken).²²¹

The Examination Commission for candidates is formed by the Council of Judges and is composed as follows: two judges and one legal scholar as proposed by the Chairperson of the Council of Judges, one judge and one legal scholar as proposed by the Minister of Justice and the Association of Judges, which unites mostly judges.²²²

²¹⁷ Ibid, Paragraphs 116-117.

²¹⁸ Initial Training of judges and Prosecutors in the European Union - Czechia, European Justice (E-Justice), available at: https://e-justice.europa.eu/topics/trainings-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/cz_en, renewed on: 24.06.2025.

²¹⁹ Act No. 6/2002 "On Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges) of Czechia 117.

²²⁰ Republic of Lithuania Law "On the National Courts Administration", Article 51.

²²¹ Republic of Lithuania Law "On the National Courts Administration", Article 51.

²²² Republic of Lithuania Law "On the National Courts Administration", Article 54.

The list of successful candidates is submitted to the Council of Judges and the Selection Commission.²²³ The Selection Commission consists of seven members: three judges appointed by the Council of Judges and four representatives of society appointed by the President of the Republic.²²⁴ After verifying the documentation and conducting interviews, the Selection Commission prepares a list identifying those candidates who may be appointed to current vacancies and those eligible for future vacancies (reserve members) and submits the list of candidates proposed for appointment to the President.²²⁵ Appointed persons undergo an pre-judicial training.²²⁶ Introductory training of a judge before taking up the duties of a judge lasts at least one month. The training is organized by the National Administration of Courts, a supporting body of the Council of Judges, established by law and entrusted with specific powers.²²⁷

Estonia

In Estonia, the Examination Board assesses the candidates' legal knowledge, conducts interviews with them and, for admission to the preparatory course, presents them to the Chairperson of the respective court, who decides on the candidate's admission to the programme.²²⁸ Individuals admitted to the preparatory training obtain the status of a candidate for judicial office, and the duration of the training period is two years.²²⁹

Exempt from the special preparatory training are not only persons with previous judicial experience, but also those who, after taking the oath of a lawyer, have at least two years of professional experience as a lawyer or prosecutor and have successfully passed the judicial qualification examination.²³⁰

The judicial qualification system in Estonia consists of a comprehensive examination, which includes a verbal assessment of theoretical knowledge and a written analysis of a specific case.²³¹ Candidates shall take this examination no

²²³ Republic of Lithuania Law "On the National Courts Administration", Article 55.

²²⁴ Republic of Lithuania Law "On the National Courts Administration", Article 55.

²²⁵ Republic of Lithuania Law "On the National Courts Administration", Article 55¹(1).

²²⁶ Republic of Lithuania Law "On the National Courts Administration", Article 92.

²²⁷ Republic of Lithuania Law "On the National Courts Administration", Article 2.

²²⁸ Courts Act of Estonia, § 47.

²²⁹ Ligi T., Judicial Independence in Estonia, "Judicial Independence in Transition", 2012, page 757.

²³⁰ Ligi T., Judicial Independence in Estonia, "Judicial Independence in Transition", 2012, page 757.

²³¹ Courts Act of Estonia, §§ 65, 67.

earlier than four months before completing the preparatory programme.²³² The judges are evaluated by the Examination Committee.²³³ The Committee consists of ten members, including two judges of the court of first instance elected by the Court *en banc*, two circuit court judges, two justices of the Supreme Court, a representative of the Law Faculty of the University of Tartu and from the Ministry of Justice, an advocate designated by the Bar Association and a public prosecutor designated by the Chief Public Prosecutor.²³⁴ The Committee determines its own rules of procedure, while its administrative support is provided by the Supreme Court.²³⁵

²³² Courts Act of Estonia, §§ 65, 67.

²³³ Courts Act of Estonia, § 68.

²³⁴ Courts Act of Estonia, § 69.

²³⁵ Courts Act of Estonia, § 69.

SUMMARY

Over the years, the reforms implemented have been insufficiently focused on the genuine strengthening and independence of existing structures within the judiciary, as well as on reducing the risks posed by the excessive influence of the Council of Justice.

Behind the facade reforms, the existence of vacancies of judges in the judiciary and the resulting decline in the quality of justice is not coincidental. The permanent existing vacancies and overload within the system have been used by the Council to exert pressure on judges. The high number of vacancies and the lack of interested applicants indicate that a judicial career has become less attractive to qualified lawyers, due to informal influences and the influential group within the system.

The non-competitive environment is directly linked to the policy of the High School of Justice – aiming to staff the courts by their choice exclusively with candidates deemed loyal to them.

The influential group primarily favours internal candidates, forming the system with its preferred candidates. Considering the recent experience, two main challenges have become more vivid: the continued dominance of this influential group and the complete closure of the system, preventing the public from accessing any information about who is admitted to the High School of Justice, and how candidates are evaluated and appointed as judges.

As outlined in the first part of this Study, over the years the High Council of Justice has maintained full control over the judicial recruitment process. By applying various filters at different stages (the qualification examination, the High School of Justice), the Council has the ability to exclude undesirable candidates from entering the system. The Study clearly shows the broad role of the High Council of Justice in the qualification examination, the composition of the Governing Board of the High School of Justice, and, more generally, in the admission process of trainees of justice.

The second part of the Study reviews the international experience regarding the admission of individuals into judiciary, the prerequisites and the institutions responsible for administering the process. According to the researched information, specialized judicial training prior to the exercise of judicial powers has been adopted and implemented in all examined countries. Schools of Justice, even when holding the status of independent legal entities, do not exist as fully independent and autonomous institutions; they maintain, to a greater or lesser extent, connected and dependent on judicial self-governing bodies, the courts and the Ministry of Justice.

Schools of Justice are not everywhere entrusted with the function of initial judicial training. In some places, they are focused on the continuous education.

In all studied countries, the training process consists of several stages. The duration of the initial training for judges varies from four months to three years, depending on the country. The duration of the initial training for judges also differs according to the candidate's prior professional experience.

In some cases, the initial training for the judge puts particular emphasis on the practical component. This component often involves paid practical work within the courts, which serves as a substitute for the probationary period of judges.

For admission to Schools of Justice, candidates undergo a comprehensive selection process. Depending on the country, candidate selection is carried out by either the School of Justice, or by the Council of Justice.

The study of existing practices and international models show that it is difficult to directly adopt another model from one country to another. It is important to consider the context of a particular country. During the implementation of future systemic reforms, it is essential to ensure a balanced distribution of functions within the judiciary, since the concentration of broad and discretionary powers in a single body leads to challenges that the judicial system is currently facing.