



# Court staff training systems in the EU

## Romania

Information provided by: Școala națională de grefieri (National School for Clerks)

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### DESCRIPTION OF THE NATIONAL TRAINING SYSTEM FOR COURT STAFF in Romania

#### 1. Training of court staff

Legal basis/ regulatory documents on training

- **Regulation on the National School for Clerks**, adopted by the Superior Council of Magistracy Decision no. 183/2007, as further amended.
- **Law no. 567/2004** regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended

Clerks are usually recruited through the National School of Clerks, set up by the Government decision no. 425/1999, under the name Training Centre for Clerks and the Other Specialised Auxiliary Personnel, which started functioning at the end of the year 2000, the name of National School of Clerks which it currently bears being conferred to it in 2004, by Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended.

National School of Clerks is regulated by the provisions of Chapter III of Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, as well as by Regulation on the National School for Clerks, adopted by the Superior Council of Magistracy Decision no. 183/2007, as further

	<p>amended, emitted in accordance to this law.</p> <p>National School of Clerks is a public institution with legal personality, being coordinated by the Superior Council of Magistracy, being responsible with the initial and continuous training of clerks and other speciality auxiliary personnel of courts and prosecutors' offices, in accordance to law.</p> <p>National School of Clerks is financed by the State budget, through the budget of Superior Council of Magistracy. National School of Clerks is not part of the national educational system and it is not subject to the legal provisions regarding the authority of education institutions.</p>
Categories/ professions concerned	<p>The training system for clerks is different for each of the following 3 categories of clerks provided by the Romanian legislation:</p> <p><b>A. The Romanian legislation provides an <i>initial training for the National School of Clerks trainees.</i></b></p> <p>The National School of Clerks is the main manner to acquire the position of clerk. We wish it to become the sole manner in the future, but, unfortunately at present we do not have the material resources required for the training of such a great number of trainees, which to cover the very significant needs of our judicial system.</p> <p>The entrance to the National School of Clerks is made by a national competition, organised by the National School of Clerks, coordinated by the Superior Council of Magistracy, pursuant to a regulation adopted by the decision of the Superior Council of Magistracy. NSC is responsible with the initial training of future clerks and other speciality auxiliary personnel of courts and prosecutors' offices.</p> <p>As NSC does not have the capacity to train enough new clerks, the law allows the organisation of contests for the direct occupation of the vacant clerk offices, contests organised by courts of appeal or the prosecutor's offices under the courts of appeal, or by the High Court of Cassation and Justice or its prosecutor's office or by National Anticorruption Directorate, but only if the carrying out of the activity is seriously affected by the large number of vacant offices.</p> <p><b>B. The Romanian legislation also provides an <i>induction period</i></b></p>

	<p><b>for the clerks recruited through contests for the direct occupation of the vacant clerk offices</b>, contests organised by courts of appeal or the prosecutor's offices under the courts of appeal, or by the High Court of Cassation and Justice or its prosecutor's office, or by National Anticorruption Directorate.</p> <p><b>C.</b> Romanian legislation also provides an <b>induction period for the archiving clerks and documentary clerks</b>.</p>
<p><b>2. Induction period</b></p>	
<p>Is there an induction period?</p>	<p><b>YES</b></p> <p><b>A.</b> The Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, provides an <b>initial training period</b> for clerks recruited by national competition, organised by National School of Clerks, coordinated by the Superior Council of Magistracy. The initial training within the National School of Court Clerks lasts for a period of 6 months. NSC' graduates having passed the classes and the final examinations are allotted a position within Romanian courts or prosecutor's offices.</p> <p>The initial training within the National School of Clerks has a dominant practical nature, our final objective being to provide the trainees with a sufficient training that allows them to successfully cope with the activity to be carried out within the courts and prosecutor's offices.</p> <p>The 6 months of initial training include approximately 4 months of apparently theoretical training, which is in fact an applicative training, a month of internship within the courts and prosecutor's office of Bucharest, study visits and the final examination. Considering the fact that the current class is exclusively composed of legal higher education graduates, their training is focused on the manner in which the knowledge acquired at the law school may be effectively used, when exercising the clerk's profession.</p> <p><b>B.</b> For the <b>clerks admitted based on a direct competition</b>, without having attended the initial training organised by National School of Clerks, The Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the</p>

	<p>personnel working within National Institute of Forensic Expertise, as further amended, provides a period of 6 months within which those clerks have the quality of <b>beginners</b>. After passing 6 months of working within courts and prosecutor's offices, the beginners clerks have to pass a final exam.</p> <p><b>C.</b> For the <b>the archiving clerks and documentary clerks</b>, who are recruited on a local level, the Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, provides a period of probation (induction) of 2 months.</p>
Structure responsible for rules	<ul style="list-style-type: none"> <li>• National School of Clerks</li> <li>• Superior Council of Magistracy</li> </ul> <p>The National School of Clerks draws up proposals regarding strategies, directions, training programmes in order to be approved by Superior Council of Magistracy.</p>
Compulsory	YES
Description	<p>Set length: YES</p> <p><b>A. Initial training at National School of Clerks:</b></p> <p>Within National School of Clerks, the initial training of the <i>clerks with higher legal education</i> differs from that of the clerks having graduated from high school or a higher education institution with a different specialisation.</p> <p>During January 2005 – July 2007 period, the length of the initial training was of <b>one year</b> for the trainees with <i>higher legal education</i> and of <b>2 years</b> for the <i>high school graduate trainees</i>.</p> <p>At present, for budgetary reasons, it was reduced to <b>6 months for the higher legal education graduates and to one year for the high school graduates trainees</b> (or trainees having graduated from a higher education institution with a different specialisation). Since 2007, National School of Clerks organises initial training seminars exclusively for the higher legal education trainees for a period of <b>6 months</b>.</p> <p><b>B. Initial training for the clerks recruited through contests for the direct occupation of the vacant clerk offices</b>, contests organised by courts of appeal or the prosecutor's offices under the courts of appeal, or by the High</p>

Court of Cassation and Justice or its prosecutor's office, or by National Anticorruption Directorate – the induction period is of 6 months within which those clerks have the quality of **beginners**. After passing 6 months of working within courts and prosecutor's offices, the beginners clerks have to pass a final exam; after passing that exam, the beginners clerks become permanent clerks. For this category of clerks, National School of Clerks implements continuous training seminars.

**C. Initial training for archiving clerks and documentary clerks** – the Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, provides a period of probation (induction) of 2 months. The professional training for this category of clerks, during the induction period, is provided at a local level, within courts and prosecutor's offices, under the coordination of National School of Clerks.

Form:

- Training courses on legal professional skills (procedures, drafting)
- Training courses on non legal professional skills
- Training on EU law
- Apprenticeship in courts
- Coaching (for clerks recruited directly by the Courts)
- On-the-job training (for clerks recruited directly by the Courts)

***National School of Clerks organises initial training courses on legal and non legal professional skills.***

Considering the fact that the current class is exclusively composed of legal higher education graduates, their training is focused on the manner in which the knowledge acquired at the law school may be effectively used, when exercising the clerk's profession. For this reason, the most important subject matters to be studied within the initial training for the clerks of the law court include the civil and criminal procedure, comprising several modules related to the different stages of the civil and criminal trial or the specialisation thereof.

At the same time, for the purpose of developing the necessary skills of a clerk, subject matters such as IT classes and typing are given a great importance.

Since the clerk makes contacts with the public, he/she contributes to a great extent to the creation of the Judiciary's image. In this respect, we introduced into the curricula the professional deontology and conferences focused on subjects related to communication and public relations. Given the fact that the Romanian clerk is an European clerk, the initial training also includes **classes related to the international judicial cooperation, human rights and EU law.**

The curricula also includes conferences focused on present interest themes, approaching large interest issues whose debating seems necessary. In this manner, we can adjust the curricula to the circumstances that occur and need to be debated. Similarly, we also conceived the curricula for the clerks within the prosecutor's offices, taking into account the specificity of the activity that they shall carry on.

**Coaching and on-the-job-training** are applicable for those clerks recruited through contests for the direct occupation of the vacant clerk offices (the recently clerks are coached by the experienced clerks within a court), although the legislation provides on-the-job-training also for the NSC's trainees, within the initial training implemented by National School of Clerks.

Set curriculum: YES

**The initial training curricula at National School of Clerks** aims at providing future clerks with the basic knowledge on relevant legislation necessary for the accomplishment of their tasks, as well as developing specific abilities and attitudes. The training program comprises a theoretical part (courses and seminars related to topics such as civil law, criminal law, civil and criminal procedure, family law, EU law, judicial cooperation in civil and criminal matters, Human rights, IT, typing, communication and PR, non legal professional skills, ethics, clerk's activity management, foreign languages), a practical stage (internship) within the Bucharest courts and study visits at public institutions within Romanian judiciary.

The main topics studied by the **beginners clerks** are: Civil procedural law, criminal procedural law, communication, ethics.

The main topics covered during the induction period for

	<p><b>archiving clerks and documentary clerks</b> are: civil procedural law, criminal procedural law, communication, ethics, judicial organization.</p> <p>EU law content: YES</p> <p>Only the initial training curricula at National School of Clerks covers specific sessions on the implementation of EU law, more precisely topics such as: EU law, judicial cooperation in civil and criminal matters, Human rights.</p>
Options	<p>Linguistic training: YES</p> <p>The initial training curricula at National School of Clerks covers topics related to linguistic training (English and French). Also, NSC is about to start eLearning courses on Legal English.</p> <hr/> <p>Training in another member state</p> <p>YES</p> <p>The Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, provides the right for the Romanian clerk to spend time in a court of another Member State. The Romanian sitting clerk has the legal right to participate to study visits or internships in another Member State. The travel and accommodation costs are covered by the budget of courts and prosecutor's offices where clerks are working. But this right is provided by the law regardless of the period within which the clerk is working in a court or in a prosecutor's office. So, there is no particular regulation provided by the law for the induction period.</p> <p>The above mentioned law does not provide the same right for the National School of Clerks' trainees.</p> <p>So far, within the framework of international projects implemented for the benefit of National School of Clerks, study visits were organized in another EU Member States or at European institutions such as European Court of Human Rights or European Court of Justice.</p> <p>In the future, National School of Clerks intends to initiate partnerships with other European schools of clerks or institutions responsible with auxiliary personnel training in order to organize</p>

	internships, study visits and professional training activities.
<b>3. Continuous training system</b>	
Continuous training available?	YES
Financial support by	<ul style="list-style-type: none"> <li>• National Training Provider (The National School of Clerks is financed by the State budget, through the budget of the Superior Council of Magistracy)</li> <li>• Local Court</li> <li>• Prosecution services</li> </ul>
Specificities	<p>Compulsory: YES</p> <p>Specific obligations to fulfil</p> <ul style="list-style-type: none"> <li>- Courses related to the position held</li> <li>- Every clerk is obliged to attend a continuous training module within the school at least once every 5 years</li> </ul>
	<p>Methods used:</p> <ul style="list-style-type: none"> <li>• Attending face to face training sessions</li> <li>• Completing distance training sessions</li> <li>• Completing blended-learning activities (for beginners clerks)</li> </ul>
	<p>Includes EU law aspects:</p> <p>YES</p> <p>EU Cross-border judicial procedures</p>
Training in another MS	<p>YES</p> <p>It is an exceptional part of the training</p> <p>Conditions to fulfill:</p> <ul style="list-style-type: none"> <li>• It depends on the activity being co-organised by training providers of the two concerned Member States (MS of origin and MS where the training takes place)</li> <li>• It depends on the participation to the activity being accepted beforehand by the structure in charge of organising continuous training at national level</li> </ul>
Exchanges (time spent in a court of another member state)	YES



	<p>It is possible for a Romanian clerk to spend time in a court of another Member State, as a training activity for continuous training, either within the framework of international projects implemented for the benefit of National School of Clerks (study visits were organized in another EU Member States or at European institutions such as European Court of Human Rights or European Court of Justice), or within the framework of partnerships between National School of Clerks and other European schools of clerks or institutions responsible with auxiliary personnel training.</p> <p>National School of Clerks is financed by the State budget, through the budget of Superior Council of Magistracy. Under these circumstances, National School of Clerks has no legal and financial means to cover the travel costs abroad for the sitting clerks.</p> <p>According to Romanian legislation, Ministry of Justice and Prosecutor's Office attached to the High Court of Cassation and Justice are authorizing officers and the structures responsible for covering the travel costs in another Member State of the Romanian clerks.</p>
<p>Continuous training impact on professional evaluation of a person</p>	<p>YES</p> <p>Participation in continuous training is taken into consideration for the professional evaluation of a sitting clerk. According to the Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, the specialised auxiliary personnel is obliged to participate at least once in 5 years in a continuing professional training form organised by the National School of Clerks, and the participation is taken into consideration for the yearly professional evaluation of a sitting clerk.</p>
<p><b>4. Evaluation of training activities</b></p>	
<p>Regarding induction period training activities</p>	<p>YES</p> <p>Romanian legislation provides 3 types of evaluation of the existing induction period training activities.</p> <p>National School of Clerks is the structure responsible for the evaluation of initial training sessions organised for NSC's trainees (evaluation of the trainees, on the one hand, and evaluation of the trainers and of the relevance of the training activities, on the other hand). The evaluation of the trainers and</p>

	<p>of the relevance of the training activities is realized through questionnaires. The evaluation of the trainees is performed both under the form of an ongoing assessment, as well as under the form of a final examination. At the end of the initial training period, the trainees sit for examinations at three subject matters, established on an annual basis by the Managing Board of the School and the average of all the grades obtained during the training period is computed, and the ranking table thus created being the criterion according to which the graduates choose their positions.</p> <p>There is also a scheme in place to evaluate the existing induction period training activities dedicated to the <i>beginners clerks</i>, who are obliged to pass a final evaluation test (at the of the induction period). According to Superior Council of Magistracy Decision no 181/2007, after passing 6 months of working within courts and prosecutor's offices, the beginners clerks have to pass a final exam; after passing that exam, the beginners clerks become permanent clerks. So, the beginners clerks are evaluated through this final exam.</p> <p>The law provides also a special evaluation for the archiving clerks and documentary clerks, who are recruited through contests for the direct occupation of the vacant clerk offices, contests organised by courts of appeal or the prosecutor's offices under the courts of appeal, or by the High Court of Cassation and Justice or its prosecutor's office, or by National Anticorruption Directorate. The evaluation of the archiving clerks and documentary clerks is made by an internship coordinator, supervised by a NSC representative, according to the decision of the Superior Council of Magistracy no 647/2010. The curricula for the internship for the archiving clerks and documentary clerks is approved by Superior Council of Magistracy.</p>
Regarding continuous training activities	<p>YES</p> <p>Romanian legislation provides also a scheme to evaluate the existing continuous training activities. The continuous professional training is carried out for the already existing clerks as well as for the other specialised auxiliary personnel of the law courts and prosecutor's offices. This may consist in seminars, training sessions, study visits, and internships in other countries. These seminars are carried out based on a schedule approved in every calendar year by the Superior Council of the Magistracy. According to the law, the specialised auxiliary personnel is obliged to participate at least once in 5 years in a</p>

	<p>continuing professional training form organised by the National School of Clerks.</p> <p>So, the structure responsible for the evaluation of the existing continuous training activities is National School of Clerks (evaluation of the trainees / sitting clerks, on the one hand, and evaluation of the trainers and of the relevance of the continuous training activities, on the other hand).</p> <p>Periodically, the relevance of the continuous training activities implemented by National School of Clerks is evaluated also through questionnaires filled by judges, prosecutors and clerks.</p>
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### 5. Assessment of needs

<p>Assessment scheme description</p>	<p>YES</p> <p>Yes, there is a scheme in place to identify training needs and adapt continuous training programmes. The structure responsible for it is National School of Clerks.</p> <p>According to the Law no. 567/2004 regarding the status of the auxiliary personnel working in law courts and prosecutor's offices and of the personnel working within National Institute of Forensic Expertise, as further amended, at the end of every continuous training seminar, the NSC' trainers (judges, prosecutors, sitting clerks) are evaluated by the participants through questionnaires.</p> <p>According to the above mentioned Law, is compulsory for National School of Clerks to have consultations with courts and prosecutor's offices, during the process of drafting the initial and continuous training programmes.</p>
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### 6. Foreseen reform

The reform of the Judiciary is an ongoing and permanent process in Romania, which is facing now a complex and consolidated set of reforms in order to strengthen the independence, professionalism, administration and management of the judicial system and its representative institutions.

In the context of the justice reform undertaken in Romania, and the more and more substantial changes made in the field in Europe, the enhancement of the role of clerks in the activity of the law courts became a necessity and a solution to improve the quality of the judicial act and to avoid the overburdening of judges.

Currently, the reform of the Romanian justice aims to transfer new duties, particularly

administrative ones, from the judge to the clerk, so that the judge can be the person who only “speaks” the law, i.e. solves the cases deferred to justice.

Romanian legislation is to be amended so as to create a legislative framework required for the performing of the said competence transfer. Of course, we must not ignore the fact that such an evolution requires a major increase of the number of clerks and their adequate training.

The strengthening of the National School of Clerks is a priority within the reform of the Judiciary, aiming to ensure a high level of professional training for clerks, in order to substantially contribute to an efficient, competent and reasonably fast court resolution of legal disputes. National School of Clerks is still facing the challenge of adapting its training policy to the requirements derived from the envisaged reallocation of tasks between judges and clerks, from the increased role of clerks in the information process of the public at large and the media more specifically, in the judicial system, as well as from the implementation of the new Criminal Code and Criminal Procedure Code, as a natural response to the tendency manifested at European level.

Source: Pilot Project - European Judicial Training: "*Lot 3 – State of play of training of court staff in EU law and promotion of cooperation between training providers at EU level* ", carried out by the European Institute of Public Administration (EIPA) together with a consortium