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Initial training of judges and prosecutors in the European Union

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Spain



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Judges

General description

The Spanish Judicial School has two different headquarters. The one in Barcelona, located in Vallvidrera, is the Spanish Judicial School for new candidate judges, and offers a compulsory initial training for those who wish to access the Spanish Judicial Career. The Judicial School every year has a new class of trainees comprised of around 150 judges per year.

The headquarters of the Judicial School located in Madrid offers continuous training for all judges of the Spanish Judicial Career who desire to improve or update their knowledge, both in legal and non-legal areas. Unlike the initial training, which is compulsory, the continuous training is optional. Some of the sessions are offered in different locations around the country in order to facilitate access to all members of the Judicial Career to this continuous training.

The Spanish Judicial Schools depend on the Spanish Judiciary General Council (CGPJ), which is the maximum responsible for both the initial, and the continuous training of Judges.

Access to the initial training

There are two basic pathways to access the Spanish Judicial Career

The first one is called "Access from Judge Category". It requires to pass an exam and a selection training in the Spanish Judicial School.

The exam is held every two years, minimum.

To apply for the initial exam, the candidate must be of Spanish nationality, of legal age, without any criminal record and have a law degree.

It takes around 4/5 years to prepare the exam.

The exam consists of three eliminatory parts.

The first one is a questionnaire with 100 questions concerning knowledge of general law (10 about constitutional law, 40 about civil law, 30 about criminal law and 20 about procedural law). Each question has 4 possible answers and only one of them is correct.

The second and the third parts consist of oral examinations. For the second part, specifically, one must prepare, and defend in front of the Supreme Court, subjects on constitutional law, civil law and criminal law. In the third part of the exam, one must prepare, and defend in front of the Supreme Court, subjects on both civil and criminal procedural law, commercial law and administrative and labor law.

After the exam, there is a compulsory initial training that lasts two years. The first year takes place, for all the trainees unequivocally, in the Spanish Judicial School, which is in Barcelona. During the second year, there is a one-on-one mentoring training, in which each trainee has his/her own training with a mentor specialized in a certain area of law. During the mentoring, the trainee spends different periods with several different mentors, each of them focusing in a specific area of law: Civil, criminal, administrative, commercial, labor, family.

There is a second pathway of access to the Spanish Judicial Career that is called "Access from Senior Judge Category". To apply, one must be a jurist with recognised competence and with 10 or more years professional exercise. Once the merits are validated, one must elaborate a graded technical report and pass an interview. After that, one has a compulsory training period in the Spanish Judicial School, that lasts around 12 weeks, and includes a mentoring period.

Format and content of the initial training

The initial training for new trainee judges has a compulsory training, in the Spanish Judicial School, that lasts one year, and a mentoring period that lasts for another year. In both the Spanish Judicial School and in the mentoring, we strive to train our trainees in technical competences as well as in soft skills, in abilities and attitudes, and specially in what we call "judgecraft".

In the Spanish Judicial School, we try to focus on a very practical way of training. It is for that reason that in our sessions we prepare the trainees to think, debate, discuss and argue. And for that we use real judicial files. We also organize mock trials with our judge trainees and lawyer trainees.

In the Judicial School we offer the trainees a preparation that is:

- Focused: Regarding main topics such as civil law, criminal law and constitutional and EU law
- Specialised: In topics such as administrative, labor, minors, family law
- Complementary: In topics such as international cooperation, accounting, mass media, data protection, forensic medicine, organic law
- Multidisciplinary: In topics such as ethics, oral expression, leadership, mindfulness, English, local languages, risk prevention
- Short stays: In Law Enforcement Environments, in prisons, with Prosecutors, Lawyers, Court Clerks, Public Notaries
- Stays in the European Court of Human Rights and in the Court of Justice of the European Union, as well as international activities such as Themis or Aiakos programmes.

Termination of the initial training and qualification process

The initial exam that all candidates must pass to enter the Spanish Judicial School represents 50% of the final grade.

The other 50% comes from the initial training period, divided as it follows:

- The initial training in the Judicial School - 40%
 - 13% civil law
 - 13% criminal law
 - 7% constitutional and UE law
 - 2% administrative law
 - 2% labor law
 - 2% participation and involvement
 - 1% assistance
- The mentoring training - 10%

In order to be graded in the Judicial School, one must have attended, physically, at least the 80% of the training period.

The evaluations in the Judicial School consist of anonymous legal resolutions that are revised, corrected, and graded by the trainers of the Spanish Judicial School.

And during the mentoring period, the mentor is the one who evaluates the candidate, considering 40 different

topics related to the different training areas.

The final grades (coming from the 50% of the exam and the 50% of the initial training) are used to rank the trainees. Based on the ranking, after completion of their initial training, trainees can choose their first new court from the destinies offered by the Spanish Judicial Council.

Prosecutors

General description

Judges and Prosecutors access to their professions through a common state exam described in the "Access to the initial training" section below. Prosecutors come to the Centre for Legal Studies for their initial training which we will develop in the "Format and content of the initial training" section below. Initial training is compulsory as it is the second phase of the whole selection procedure to become a Public Prosecutor (being the first the above mentioned state exam)

Once they pass their common exam, judges are trained by the Judicial School in Barcelona and Public Prosecutors are trained at the Centre for Legal Studies in Madrid.

The Centre for Legal Studies is an autonomous body, organically depending on the Ministry of Justice:

- Regulation approved by Royal Decree 312/2019
- Autonomous legal status
- Own assets and budget
- Autonomous day to day management.

The number of trainees may vary. Every year, in the offer of public employment published by the Government, they establish how many places they offer to each of the two professions. In 2022, there were 132 places for Public Prosecutors and 168 for Judges.

Access to the initial training

In order to become a Public Prosecutor in Spain you must, in all cases:

1. Be 18 years old or above
2. Have Spanish nationality
3. Have a Degree in Law (complete University studies).

Aside from the above 3, they must first pass a State exam consisting of 3 exercises. The first one is a multiple-choice test, and the other two are oral presentations in which candidates have to explain different themes on various fields of law, selected randomly among the whole list of subjects they are asked to study.

The first of the two oral presentation exercises consists on presenting 5 different themes, during one hour: 1 on Constitutional law, 2 on Civil law and 2 on Criminal law.

The second oral presentation exercise consists again of 5 themes presented in 1 hour, this time on the following fields: 2 Civil procedure, 1 criminal procedure, 1 commercial law, 1 administrative / labour law.

There are no other ways to become a public prosecutor.

The examination Court is composed of 1 magistrate from the Supreme Court/High Court of Justice or a Chief prosecutor, 2 Magistrates, 2 Public Prosecutors, 1 University professor, 1 State lawyer, a lawyer with more than 10 years of experience and a Judicial counsellor.

After passing this exam the candidates are listed in a priority order according to their results. Then they choose in order of priority either to become judge or prosecutor given the places available for each profession each year.

Format and content of the initial training

Characteristics of the initial training:

- It aims to complement the already proven theoretical knowledge of candidates.
- The training plan is developed by the General Prosecutor's Office and the Centre for Legal Studies, and approved by CEJ's Council.
- It has an active and participative methodology.
- It aims to provide candidates technical, relational and personal skills.
- Our Centre does not have in-house trainers, each year we select professionals of each field with a wide experience and training knowledge.

Initial training for Public Prosecutors can be divided in two phases:

1. Theoretical-practical phase at CEJ:

- Length: 20 weeks in 2022.
- Specific modules, training on specialisations, visits and additional content.

Face to face training, except in 2021, in which it took place in an hybrid format.

In this phase they receive training in these different modules:

1. Public prosecution and its Deontology.
2. Constitutional rights and warranties in the criminal procedure
3. Criminal procedure in practice
4. Minors jurisdiction/juvenile law
5. Civil law and public prosecution. Protection of people with disabilities and elderly people
6. Gender perspective
7. Legal and forensic medicine

Inside these modules there is training in various fields:

- Migration law
- Prison supervision
- Computer-related crime
- International cooperation
- Environmental Law
- Gender violence
- Workplace accidents
- Road safety
- Administrative jurisdiction
- Social jurisdiction
- Economic crimes
- Hate crimes

2. Internship at Prosecution Offices:

- Length: 22 weeks (2022). Divided in Civil jurisdiction, Criminal jurisdiction, violence against women, juvenile/minors jurisdiction
- They take part in trials, different judicial acts, in which the public prosecution is represented.
- The training team is composed of a coordinator and the tutors: public prosecutors working in each public prosecution office participating in the training.

They are mentored by another experienced public prosecutor.

Mandatory activities:

- Drafting decisions
- On-call service
- Attendance and intervention in Court Hearings

- Control of remand inmates (preventive detention)
- Oral hearings
- Protection of minors.

Termination of the initial training and qualification process

The final qualification after all the selection procedure is a duty of the Junta de Profesores (Teachers's Board).

They take into account the results of the different tests taken during the course, the individualised marks given by each teacher, the reports from the mentors in the internship phase, and the active participation of the candidates in the practice-based activities.

Once the global mark of the initial training phase (CEJ's Course + internship) is obtained, it is added to the mark obtained during the selection exam described above and this way, the definitive qualification is obtained.

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