

[Home](#) > [Training, Judicial Networks and Agencies](#) > [France](#)

Initial training of judges and prosecutors in the European Union

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France



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General description

The national college of the judiciary (École nationale de la magistrature, ENM) is the only institution that trains judges and prosecutors for the ordinary courts. To become a judge or prosecutor (professional judge or *magistrat*) at the ordinary courts it is mandatory to follow the initial training.

ENM trains various categories of people; the length of the training depends on how they are recruited.

ENM's approach combines various complementary teaching formats, the main one being small study groups working under a supervisor.

The study group format offers small-group thematic modules based on mock situations. The study groups comprise around 20 students with different profiles, and are set up for the whole 7-month training period in Bordeaux for the main year-group. This enables the trainers to provide effective leadership of the group and tailored individual guidance, with interactivity at the heart of the teaching method.

In addition, students receive training by way of classes or lectures in the lecture theatre, thematic workshops, mock situations and simulated hearings, debates and round tables, written assignments and online learning.

There are 25 permanent trainers (training coordinators) based at the college in Bordeaux. 23 of them are professional judges seconded to ENM for a maximum of 6 years, and thus able to provide teaching that reflects real-life professional practice at court. A director of court registry services and a language teaching coordinator complete the training team. Assigned to one of eight training sectors, the training coordinators provide expertise, supervise the production of training materials and teach or organise the teaching of training sessions.

In addition, around 50 associate teaching staff regularly assist the college with study groups and simulated hearings alongside their work as professional judges. Other professionals are also called upon, including lawyers, doctors, teachers and researchers. Each year more than 750 contributors provide expertise in law, history, sociology, psychology, psychiatry, forensic medicine and criminology.

The training of future judges and prosecutors is geared towards teaching professional practice specific to the functions that they will perform, such as drafting judgments and indictments, conducting judicial interviews, presiding at hearings or taking steps needed to take a civil or criminal case forward. 70% of the training is accordingly dedicated to work placements, most of them carried out at court. These full-time placements are essential for practical training in the functions of judge and prosecutor through immersion in the future working environment. They are supervised by professional judges at the court, who perform the role of placement supervisor under the coordination of a placement centre director.

The trainees have the status of professional judge and civil servant. As soon as they are appointed, they enter the judiciary and swear an oath of confidentiality in respect of documents that come to their attention. They are paid during their training and undertake to serve the French State for at least 10 years.

Access to the initial training

To be admitted to the judiciary, future judges must be successful in a competitive examination or a selection procedure based on qualifications or an application file. The different entry routes into ENM mean that candidates with a variety of academic and professional backgrounds can be recruited. This diversity of backgrounds ensures that French society is accurately represented.

The number of places available in the various competitive examinations is set each year by the Ministry of Justice in accordance with the forecasted number of judges and prosecutors needed and budgetary constraints.

Each year ENM holds three competitive entry examinations, plus one additional competitive examination:

- The first is open to students with a Master's degree or equivalent who are aged 31 or younger; it receives the highest number of applicants.
- The second is open to civil servants with 4 years' seniority in post who are aged 48 and 5 months or younger on 1 January of the year in which the competitive examination is held and the third is open to people who have 8 years' professional experience in the private sector or who hold elected office; the tests are the same in both.
- The additional competitive examination is for those over 35 with at least 7 years' professional experience.

Preparatory classes for the first competitive examination

ENM has set up 'equal opportunity' preparatory classes in order to foster diversity of recruitment and to support deserving and motivated candidates from disadvantaged backgrounds. Each year, five classes prepare students for the first competitive examination to enter ENM.

Recruitment of trainee judges based on qualifications

Only people aged between 31 and 40 with experience in the fields of law, economics or human and social sciences qualifying them to carry out judicial functions and who hold qualifications depending on their professional status may be recruited in this way.

The entry conditions are: selection by a promotion committee based on a file compiled by the principal state counsel officer before the court of appeal of the candidate's place of residence.

Direct recruitment

Holders of Master 2 qualifications whose professional experience particularly qualifies them for the judiciary may be recruited directly, without having to take a competitive examination. They must have at least 7 years' qualifying professional experience to be recruited to the second grade (minimum age: 35) and at least 15 years' to be recruited to the first grade.

The entry conditions are: recruitment based on an application file made to the Ministry of Justice, which forwards the file to a committee. The committee can require the candidate to complete a probation period of no more than 6 months at court, before delivering its opinion. The probation period is organised by ENM and an assessment report is produced. After the probation period, the candidate is interviewed by the panel responsible for approving and ranking trainee judges, which delivers an opinion on their suitability to perform judicial functions. The committee then gives its final opinion on the candidate.

Format and content of the initial training

The length of the initial training varies according to how candidates are recruited.

The longest period is 31 months in total at ENM based on alternating periods of practical training in the workplace and study at ENM in Bordeaux. This training format is for students recruited by the first type of competitive examination (external candidates), the second type (civil servants), the third type (8 years' experience in the private sector) and those recruited based on their qualifications (former lawyers, and people with doctorates or other qualifications in law). The first 2 years of this programme ('general training phase') are common to all trainee judges. They receive training in the essential, non-technical, skills of the profession,

aspects of the working environment that they need to know in order to perform most functions, and basic professional techniques common to the various functions. During that time, the trainee judges carry out a number of work placements, mostly at court, where they apply the common techniques and practices of the profession.

The last 6 months of the training programme are spent specialising in a single function that the trainee judge has chosen for their first post. This period spent preparing for their first post starts with theoretical training at ENM, in which the trainee studies in more depth the professional techniques and the scope of the function they have chosen. They then do a final work placement at court to prepare for taking up a post. This final placement should enable them to be fully operational when they take up a post.

For the schedule, see [here](#).

The training programme for candidates recruited directly or via the additional competitive examination, all of whom have more than 7 or 15 years' professional experience, is shorter, but is also based on alternating periods of study at Bordeaux with professional placements. These trainees follow 1 month of training at Bordeaux before embarking on a 4-5 month work placement at court. In addition, those who passed the additional competitive examination carry out a further placement after choosing their first post.

Termination of the initial training and qualification process

Assessment

The initial training for judges and prosecutors is subject to assessment throughout the training programme, during periods of study and professional placement. The aim is to assess the extent to which the trainees have acquired the essential skills of the profession and master the techniques specific to each function. Assessment at ENM takes the form of continuous assessment as well as tests at the end of study periods and on completion of placements at court.

The work placement assessments are done by the professional judges seconded to the college, who are the regional training coordinators. Based locally in 12 judicial regions comprising several courts of appeal, these seconded judges provide a link between ENM and the courts. They organise professional placements for the trainee judges, supervise them and assess them during their placements.

Once the training is completed, the panel responsible for approving and ranking trainee judges delivers an opinion on the suitability of each trainee to perform judicial functions on leaving the college, after interviewing them and obtaining a reasoned opinion from the director based on the reports from the regional training coordinator and the director of the placement centre. Trainees found to be suitable to perform the functions of judge and prosecutor then embark on the last stage of their training before taking up a post at court, namely the preparatory training for their first post.

First appointment

The final exam to determine suitability and ranking produces a list in order of merit. On this basis, the future professional judges choose their first post from a list drawn up by the Ministry of Justice. Once they have completed the preparatory training prior to taking up the post, they are appointed as a judge or prosecutor at the court to which they have been assigned. They then swear the oath of a professional judge, and are appointed to their first post by decree of the President of the Republic, after consultation of the Supreme Council of the Judiciary.

After completing the initial training, trainees may be appointed to one of eight functions (with the exception of those who have passed an additional competitive examination, whose first appointment may only be to the post of adjudicating judge or assistant state counsel officer):

- adjudicating judge (*juge*);
- protection litigation judge (*juge des contentieux de la protection*);
- investigating judge (*juge d'instruction*);
- juvenile court judge (*juge des enfants*);
- judge for the enforcement of sentences (*juge de l'application des peines*);

- assistant state counsel officer (*substitut du procureur de la République*);
 - assistant principal state counsel officer (*substitut placé auprès du procureur général*);
 - judge reporting to the first president of a court of appeal (*juge placé auprès du premier président*).
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