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Initial training of judges and prosecutors in the European Union

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General description

Under the amended Law of 7 June 2012 on *attachés de justice* (junior judges), the recruitment and initial training of future judges and prosecutors is organised by the Recruitment and Training Commission for *attachés de justice*. The Recruitment and Training Commission is composed exclusively of judges and prosecutors, almost all of whom have the status of head of a court or of a prosecutor's office.

Judges at the ordinary courts and at the administrative courts and public prosecutors all follow the same initial training.

Access to the initial training

Judges at the ordinary courts and at the administrative courts and public prosecutors are all recruited in accordance with the same arrangements and procedures.

In order to apply, candidates must:

- hold Luxembourg nationality;
- enjoy full civil and political rights;
- be able to present all the requisite guarantees of good repute;
- hold a Master's degree in law or equivalent;
- be able to speak and write Luxembourgish, French and German fluently;
- have completed a lawyer's or notary's traineeship of at least 1 year;
- have the required physical and mental abilities: a medical examination and a psychological examination are conducted.

There are two avenues to enter the judiciary, namely recruitment by entry examination and recruitment based on an application file.

Recruitment by entry examination

The entry examination consists of three written tests.

Applicants draft court rulings or procedural acts in the following fields: civil law and civil procedure/criminal law and criminal procedure/administrative law and administrative litigation.

The recruitment tests are organised by the Recruitment and Training Commission. It is the members of that Commission who grade the examinations.

Candidates are recruited in order of their ranking.

Recruitment based on application file

If the examination for entry in the judiciary fails to deliver the number of *attachés de justice* set each year by the Minister for Justice, the Recruitment and Training Commission carries out recruitment based on application files.

This method of recruitment is open only to candidates who hold a certificate confirming completion of a judicial traineeship and who have practised as a lawyer for a total period of at least 5 years.

The Recruitment and Training Commission invites candidates to a personal interview. A psychologist takes part in the interviews and submits a reasoned opinion on each candidate.

The Recruitment and Training Commission selects the successful candidates. The selection criteria are the results of the final examinations on additional courses in Luxembourg law and the examination taken at the end of the traineeship, professional experience, any additional qualifications and any publications.

Form and content of the initial training

Attachés de justice have a probationary period of 12 months. This period may be extended for a maximum of 12 months. It is divided into two parts:

The first part consists of participation in courses, seminars and study visits. Written and oral tests are conducted. There is collaboration with the École Nationale de la Magistrature (France, ENM). Training is organised in Bordeaux (France) and in Luxembourg over a period of 4 months.

The second part consists of a practical placement at a court or prosecutor's office. *Attachés de justice* are mentored by specialist members of the judiciary. They may be appointed to replace a judge or a public prosecutor. Their professional skills and human qualities are assessed.

Completion of the initial training and qualification process

When *attachés de justice* have successfully completed their probationary period, they may be appointed to the functions of judge at a district court, judge of the administrative court or as a deputy public prosecutor.

In the absence of a vacancy in the judiciary, the persons concerned may be definitively appointed as *attachés de justice*.

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