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Initial training of judges and prosecutors in the European Union

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Romania

### General description

The initial training of judges and prosecutors is carried out by the National Institute of Magistracy (NIM) and it is compulsory for the judicial trainees. The number of available places is decided annually by the Superior Council of Magistracy (SCM), based on the needs of the judiciary. In 2021 there were 300 positions open, of which 175 of judges and 125 of prosecutors and the competition is currently ongoing.

Initial training lasts for two years, according to the law, but it is only at the end of the first year of studies that judicial trainees opt for their profession – that of a judge or prosecutor. In the first-year initial training is therefore generalized, as all judicial trainees follow the same curricula and are submitted to the same evaluation process, regardless of their future profession. During their second year of studies judicial trainees are being provided specialized training, mainly in courts and prosecutors' offices, according to their option.

The National Institute of Magistracy is a **professional school** and not an extension of the university studies. Therefore, the initial training within the NIM concerns mainly the applied skills and not only the acknowledgement of law provisions/texts.

The judicial trainees are therefore trained in order to know, for example, how to conduct a court/criminal prosecution stage hearing, to examine the evidence brought by the parties to the court, to understand the psychology of different types of litigants, to easily analyse a file and to draft a decision or any other jurisdictional act.

### Access to the initial training

The access to the initial training is granted exclusively through NIM admission competition, organized by SCM, through NIM, and it is based on professional competence, skills and good reputation.

NIM admission contest is addressed to law graduates holding a bachelor's degree, regardless of age or previous professional experience, and includes 4 stages:

an exam verifying the legal knowledge through a multiple-choice test, in order to make an objective and efficient first selection;

a written exam aiming to assess the ability to process and correlate information, to interpret and apply the law, to argue in writing, proving a logical and correct reasoning;

a psychological exam, comprising a written test and an interview, in order to determine whether the candidates are psychologically able to exercise the profession;

an oral exam, consisting of an interview that verifies not only the knowledge but also the skills, abilities, motivation and human qualities of the candidates for such a profession.

The accepted candidates acquire the quality of judicial trainees and follow the NIM initial training program, completed with the NIM graduation exam.

There are no alternative routes of access to the initial training. However, one can also join the ranks of magistracy by the following means:

by competition for admission to the magistracy, organized by SCM, through NIM – addressed to persons holding a degree in law and at least 5 years of experience in certain legal positions provided by the law. The accepted candidates acquire the quality of judge or prosecutor and they have the obligation to attend a professional training course within NIM, for 6 months;

without competition or exam, within a procedure carried out by SCM - for persons having held before the position of a judge, a prosecutor or an assistant magistrate for at least 10 years, who have ceased their activity for reasons not attributable to them, in order to fill vacant positions in courts or prosecutor's offices.

### Format and content of the initial training

The initial training of judicial trainees takes place over a period of two years, the first year being dedicated to theoretical and practical training through courses and seminars held at the Institute, and the second year mainly to internships in courts and prosecutor's offices.

The initial training program is approved annually by the Plenary of the Superior Council of Magistracy, at the proposal of the National Institute of Magistracy which elaborates this program and submits it for the analysis of the Pedagogical Council and of the Scientific Council.

The curricula for the first year includes the fields of study, the number of courses and seminars related to each field, as well as the assessment methodology. The curricula for the second year provides the practical training internships.

The training of judicial trainees is being performed by the training staff of the Institute usually selected from among the acting judges and prosecutors. Full-time trainers, seconded to the National Institute of Magistracy, and collaborating trainers are organized in departments according to the training fields they are specialized in.

The trainers develop the curriculum related to each field that include the topics and sub-topics, the number of hours allocated to each of them, the training methodology as well as the details regarding the assessment of the judicial trainees.

The practice coordinators are judges and prosecutors from courts and prosecutor's offices who guide the activity specific to the practical training during the second year.

### First year of studies

The activity of judicial trainees, organized in groups of 15 – 17, is carried out mainly at the NIM headquarters, where they attend courses and seminars provided by the initial training program, in order to extend their legal knowledge and to develop skills specific to the profession of judge and prosecutor. At the NIM, the study of law is mainly practical, reproducing, as much as possible, the real conditions in which a magistrate carries out his/her activity. It comprises case studies, carried out in small groups, under the guidance of the practitioners who have drawn up the documents. The seminars also include practical activities, such as record study, drafting of procedural documents and mock sequences.

The study of the fundamental fields (Civil Law and Civil Procedure Law, respectively, Criminal Law and Criminal Procedure Law) has a substantial importance in the curricula of the first year of studies, considering that the activity of a judge/prosecutor is based to a significant extent on knowledge specific to these fields.

In addition to the fundamental legal fields, judicial trainees also study Administrative Law, Litigation with Professionals, Family Law, Forensics, Constitutional Law, EU Law, Human Rights

The training program includes both legal and non-legal skills, grouped in a pole of disciplines dedicated to socio-human sciences, which addresses topics related to psychology, communication and personal development, sociology, critical thinking. The study of foreign languages also aims at the acquisition of knowledge and the development of non-legal skills relevant to the exercise of the profession. A significant component of the initial training program is the study of professional ethics and deontology, the purpose of this subject being to establish and acquire the behavioral and moral standards specific to the position of judge/prosecutor, both in the exercise of the profession and in relation with society, according to internal and international rules.

After graduating the first year of study, judicial trainees opt for the position of a judge or a prosecutor, according to their ranking and according to the number of available positions established by the Superior Council of Magistracy.

### **Second year of studies**

In order to develop the necessary skills specific to the profession, acquired in the first year of studies, but also to get acquainted with the future professional environment, judicial trainees carry out their activities mainly in courts and prosecutor's offices. They are being guided by tutors/practice coordinators (judges and prosecutors), who are required to ensure that they take part in all relevant activities within a court and prosecutor's office. The tutors/practice coordinators are part of the NIM training personnel/staff.

In addition, judicial trainees undergo internships in law firms, notary offices, bailiffs' offices. They also carry out practical activity within probation departments, police stations and penitentiaries. The purpose of these internships is to provide an overview of the judiciary, as well as to get acquainted to the realities of other legal professions in order to being able to establish an effective and fruitful collaboration in their future professional life.

Throughout their initial training, judicial trainees have the opportunity to become familiar with the common European legal space, by participating in exchanges organized within the AIKOS component of the exchange program, in the THEMIS competition of judicial schools, as well as by participating in summer schools, aimed at developing and improving the skills and competencies specific to the magistrate profession, linguistics etc.

### **Termination of the initial training and qualification process**

After completing the initial training program provided by NIM, judicial trainees take a graduation exam which assesses the acquired knowledge, skills and abilities necessary to perform the function of judge or prosecutor.

It consists of written tests in the subjects of civil law and civil procedural law, criminal law and criminal procedural law, ethics and judicial organization.

Passing this exam ensures the NIM graduates the quality of junior judges and junior prosecutors and according to their ranking they opt for the courts and prosecutors' offices where they start their professional career.

After a probation period of one-year junior judges and prosecutors must pass a capacity exam in order to become senior/in-service judges and prosecutors. This exam assesses theoretical and practical knowledge by means of written and oral examinations. Successful junior judges and prosecutors are appointed by the President of the State as senior judges and prosecutors.

One of the major objectives of the entry level training at the NIM, is to provide the future magistrates with a comprehensive entry-level training and help them enrich their knowledge in as many as possible branches of law. The objective regarding the European and international openness of law is constantly achieved by training sessions on EU law, ECHR and European legal concepts, by inserting in the curriculum new elements of comparative law, as well as by drafting cooperation programmes with European institutions responsible with the training of judges and prosecutors and with other European judicial institutions.

Last update: 09/06/2023

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