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Szkolenie wstępne sędziów i prokuratorów w Unii Europejskiej

Initial training of judges and prosecutors in the European Union

Czechy

### General description

In the Czech Republic the initial training is provided by the [Czech Judicial Academy](#).

The Judicial Academy provides initial training for **trainees**, namely judicial trainees (future judges) and legal trainees (future prosecutors), and, more recently, **judicial candidates** (future judges).

**Judicial and legal trainees** undergo a three-year preparatory service during which they practice in a court/state prosecutor's office and participate in training events organised by the Judicial Academy and the courts/state prosecutor's offices. The amendment to the Act on courts and judges (No.6/2002 Sb.) abolished the position of judicial trainee with effect from 1st January 2022. Judicial trainees who were admitted to the preparatory service prior to this date will complete their preparatory service in accordance with the existing preparatory service plan.

The above mentioned amendment newly introduced the position of **judicial candidate**. A judicial candidate undergoes a training course lasting 1 year. Its purpose is to prepare the judicial candidate for the office of judge in the best possible way. This is ensured both by working in various departments of the courts of first instance and courts of appeal and by attending training events of the Judicial Academy, which mainly take the form of practical seminars. Attendance at some Judicial Academy seminars is mandatory for judicial candidates. The first selection processes for judicial candidates are currently underway in some courts. We anticipate that in 2022 there will be approximately 30 judicial candidates in the Czech Republic at the end of this first stage of the selection process. Further selection processes will take place in the autumn 2022. On the 1st January 2022 there were 74 legal trainees.

Legal framework for initial training of judicial candidates see in Act no. 6/2002 Coll., on Courts, Judges, Lay-judges and Administration of Courts, as amended (<https://www.zakonyprolidi.cz/cs/2002-6>) and in Regulation no. 516/20021 Coll., on selection, traineeship and examination of judicial candidates, as amended (<https://www.zakonyprolidi.cz/cs/2021-516>); Legal framework for initial training of legal trainees see in Act no. 283/1993 Coll., on Public Prosecutor's Office, as amended (<https://www.zakonyprolidi.cz/cs/1993-283>) and in [Regulation no. 383/2017 Coll.](#), on selection, traineeship and examination of legal trainees.

### Access to the initial training

The selection process for admission to the **Legal Trainee** Preparatory Service is announced by the Regional Public Prosecutor in consultation with the Ministry of Justice, when there is the need to fill the vacancies of legal trainees. A legal trainee must meet the following requirements: citizenship of the Czech Republic, full legal capacity, good character and a Czech university degree in law. The selection process includes a written test, an interview and a psychological examination. A written test and an interview are used to verify the applicant's professional knowledge and aptitude for admission to the preparatory service. Passing the written test is a prerequisite for advancing to the oral part of the selection process. The result of the interview will be submitted by the examination committee to the Regional Public Prosecutor, who will accept the successful candidate for a three-year preparatory service.

The selection process for admission to the **judicial candidate** preparatory service is announced by the President of the Regional Court according when there is the need to fill vacancies of judicial candidates. The requirements for a judicial candidate are: citizenship of the Czech Republic, a university degree in law from a university in the Czech Republic, a professional judicial examination (or other comparable professional examination), legal capacity and good character, his/her experience and moral qualities give a guarantee that s/he will hold his/her position properly, succeed in the selection process for a judicial candidate, and take an oath in the hands of the President of the Regional Court. The selection process consists of a written part, a psychological examination and an interview. The written part includes case studies of a basic level of difficulty in civil law, criminal law, administrative law and insolvency law, as well as questions testing logical reasoning. The written part of the selection process is provided and organised by the Judicial Academy. Passing the written test is a prerequisite for advancing to the oral part of the selection process. A candidate who advances to the oral part of the selection process must undergo a psychological examination prior to being admitted to the oral part of the selection process. The result of the psychological examination is one of the documents submitted to the selection committee. The members of the selection committee ask questions about the written part of the selection process, as well as questions about the candidate's professional knowledge and personal qualities. Each member of the committee marks the candidate between 0 and 10 points. All the documents available to the selection board, the results of the written part drawn up by the candidate, the results of his/her psychological examination and the candidate's answers in the oral part of the selection process, including his/her overall presentation and expression, will be taken into account. The results of the selection process for the post of judicial candidate are published by the President of the Regional Court in pseudonymised form on the Court's website.

### Format and content of the initial training

The initial training of **legal trainees** lasts for 3 years. During this time, they can attend training courses offered by the Judicial Academy, which are designed specifically for this target group.

These include seminars on the application of substantive and procedural law, adaptation courses, workshops and webinars. Legal trainees also have access to a range of distance learning materials, video courses, methodologies or recordings of lectures in the form of audiobooks. The adaptation course, which is compulsory, takes place in the first 6 months of initial training. Its aim is to familiarise newly recruited legal trainees with the content of the preparatory service and the basic legislation governing the work of the prosecution service. Among the training activities offered to this target group are also mock trials, a seminar focused on practical training in sentencing, regular seminars focused on amendments to criminal legislation, and final preparatory courses for the final professional examination. Each legal trainee has a trainer at the prosecutor's office, who supervises the level of the preparatory service from a professional and pedagogical point of view. The trainer also guides the trainees in learning the principles of professional ethics. The trainer is appointed and removed by the regional prosecutor and chosen from among the most experienced prosecutors.

**A judicial candidate** is obliged to attend specified seminars during the one-year initial training. Among the compulsory ones is a seminar introducing new judicial candidates to the judiciary and the basics of professional ethics. Subsequently, the judicial candidate must attend a five-day practical, interactive seminar on civil procedure called "Proceedings from the statement of claim to the judgment", which focuses on the civil proceedings held in the civil court of first instance. In addition, the judicial candidate is required to attend an interactive seminar on criminal procedure called 'Proceedings from the indictment to the judgment', which focuses on the procedural process in a first instance criminal court. Subsequently, the judicial candidate is obliged to attend one mock

hearing, namely "Civil Law Mock Hearing" or "Criminal Law Mock Hearing". These mock hearings take place in a mock courtroom and are based on the active role of the participants. In addition to the compulsory seminars, judicial candidates may attend optional seminars. These seminars focus on courtroom representation, the basics of rhetoric and effective communication, writing skills, and practical tips on using major legal information systems. The seminar "Administrative Justice" serves as a preparation for future administrative judges. A number of e-learning study materials, methodological guidelines and training videos are also available to them. They can also participate in other training events offered by the Judicial Academy and designed for other target groups.

A judicial candidate also has trainers throughout his/her preparatory service at the court who supervise the level of the preparatory service from a professional and pedagogical point of view. A judicial candidate has a trainer in each of the judicial departments in which he or she works. The trainers are judges appointed and dismissed by the President of the Regional Court. The trainers also draw up an evaluation of the judicial candidate's performance in that department.

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

The initial preparatory service of a legal trainee lasts 3 years. After completing the three-year preparatory service, the **legal trainee** takes a final exam. It consists of a written test and an interview before a selection committee. In the written part of the final examination, the legal trainee drafts an indictment, other decision or motion in a criminal case or a motion in a civil case in which the public prosecutor is authorised to act, and an appeal against the decision of the court of first instance. The oral part of the final examination tests the candidate's knowledge of

constitutional law,

substantive and procedural civil law,

labour law and social security law,

family law,

substantive and procedural criminal law,

commercial law,

administrative justice and substantive and procedural administrative law,

financial law,

notarial law and the Code of Enforcement,

the rules of procedure of courts and public prosecutors, their internal and office rules and the organisation of courts and public prosecutors.

Basic knowledge of the European Union law and an orientation in the basic sources of international law are also acquired. It also takes into account the applicant's general orientation in the legal system and the rules of procedure of the public prosecutor's office, the applicant's ability to correctly apply and interpret legal provisions and his/her verbal expression. The result of the final examination is graded as 'excellently qualified', 'qualified' and 'not qualified'.

The successful candidate will receive a certificate of completion from the Ministry of Justice. Passing the final examination is a prerequisite for the subsequent performance of the office of public prosecutor. The conditions for performing the function of a prosecutor include: citizenship of the Czech Republic, legal capacity, good character, age of at least 25 years, a university degree in law from a university in the Czech Republic, passing the final examination, his/her moral qualities give a guarantee that s/he will hold the function properly, and s/he agrees to his/her appointment as a prosecutor and to his/her assignment to a particular prosecutor's office. A public prosecutor is appointed by the Minister of Justice for an unlimited period of time on the proposal of the Supreme Public Prosecutor.

The training of a judicial candidate lasts 1 year. At the end of this period, a judicial candidate may apply for a selection process for the post of judge, which is announced by the Minister of Justice. Not only judicial candidates, but also other persons may apply for the selection process for the post of judge. For example, persons who have held the office of public prosecutor, attorney, notary, bailiff and judge of the Constitutional Court for 5 years, as well as persons who have been engaged in legal practice or scientific or teaching activities for 10 years in a legal field related to the decision-making activities of courts. The selection process consists of a written and an oral part. The written part of the selection process is organised by the Judicial Academy and includes case studies of a higher level of difficulty in civil law, criminal law, administrative law, insolvency law and constitutional law. The written examination verifies the candidate's professional knowledge and aptitude for the post of judge. A candidate who succeeds in the written test and advances to the oral part will undergo a psychological examination prior to being admitted to the oral part of the selection process (if he or she has not already undergone it in the selection process for the post of judicial candidate). The oral part of the selection process for the post of judge takes the form of an interview. The selection committee has 5 members (judges and experts from the Ministry of Justice). During the interview, the members of the selection committee ask questions focused on the written part of the selection process, as well as questions focused on the professional aspect of performing the function of a judge and on the personal qualifications of the candidate. Each member of the selection committee marks the candidate on a scale of 0 to 10, taking into account the documents available to the selection committee, the results of the written part drawn up by the candidate, the results of his/her psychological examination and the candidate's answers in the oral part of the selection process, including his/her general demeanour and expression. The number of points awarded determines the success or failure of a candidate in the selection procedure. Successful passing of the selection process for judges is a prerequisite for the possible performance of the judicial function. When being appointed, a candidate must be at least 30 years old. A judge is appointed to the office by the President of the Republic.

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