



Strasbourg, 31 January 2005

RES/LISB/Bu/ Quest (2004) 2 e

**Council of Europe Co-Operation Programme to strengthen the Rule of Law**

**1<sup>st</sup> meeting of the Bureau of the European Network for the Exchange of Information between Persons and Entities responsible for the Training of Judges and Public Prosecutors**

**(LISBON NETWORK)**

**(Web site of the Lisbon Network: [www.coe.int/lisbon-network](http://www.coe.int/lisbon-network))**

Palais de l'Europe (Room 7) Strasbourg, 16 (10h00) – 17 (13h00) December 2004

**QUESTIONNAIRE “B” ON THE ROLE OF TRAINING INSTITUTIONS IN RECRUITMENT AND INITIAL TRAINING OF JUDGES AND PROSECUTORS**

**Questionnaire “B” on the role of training institutions in recruitment and initial training of judges and prosecutors<sup>1</sup>**

*I. What are the ways of acceding (and the respective related procedures) to the functions of judge and prosecutor (examination, selection based on a file, etc..)?*

According to art 27 of the Danish Constitution, judges are appointed by the Queen and according to the civil procedure Code, the Queen acts on a submission from the Minister of Justice. The broadly composed independent **Judicial Appointments Council** makes recommendations to the Minister of Justice on the appointment of all judges. The recommendations are made public and will normally be accepted by the Minister.

The candidates must:

- have Danish nationality (art. 39, par. 4, of the EC-treaty exempts public employment from the right of the free movement, and this is taken to include employment as a judge),
- have a Danish law degree (cand.jur.),
- have a clean record and a good reputation,
- for employment as a supreme court judge, participate in the deliberation of at least 4 cases on a trial basis, and normally have had recognised employment as a lawyer for more than 3 years.

The Court Administration employs all deputy judges. The prerequisite to become a deputy judge is a university degree in law. It takes approximately 5-6 years to obtain a law degree.

The Court Administration reviews the qualifications of the applicants to become deputy judges on the basis of an interview, university diplomas and relevant information about work experience, references from former employers, courses taken abroad, etc. There is no formal entrance test or examination in Denmark.

*II. How, following which periodicity and by whom is the assessment of vacancies to be filled done?*

The Court Administration employs all deputy judges as described above. As regards judges the employment procedure is also described above.

*III. What are the bodies which proceed to the selection of the candidates to the initial training for the function of judge or prosecutor? According to the way of*

---

<sup>1</sup> Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail ([valerie.schaeffer@coe.int](mailto:valerie.schaeffer@coe.int)) for 31 March 2005 at the latest.

*acceding to the function of judge or prosecutor (cf. question I. above), please specify: a) the qualification of the persons proceeding to the selection: members of these selection bodies are they: i) exclusively judges and prosecutors? ii) in majority judges and prosecutors? iii) in majority persons who are neither judge nor prosecutor? and b) the selection procedure; do members of these selection bodies benefit from a specific training, for instance in the field of assessment techniques? If so, please give details;*

The Judicial Appointment Council was established July 1<sup>st</sup> 1999 and is expected to facilitate that judges are recruited from all branches of the legal professions, inter alia deputy judges, civil servants, academics and practising lawyers. The Judicial Appointment Council is composed of one Supreme Court Judge, one High Court Judge, one County Court Judge, one practising lawyer and two members appointed by organisations representing a broad spectre of interests in the Danish society. It is envisaged, as mentioned above, that the recommendations made by the Judicial Appointment Council will be followed by the Minister of Justice.

*IV. What qualifications are requested from candidates (university degrees, previous professional experience)?*

The requested qualifications for appointed judges and deputy judges are described above under I.

*V. In the case of a selection done by way of an examination, what are the selection modalities (multiple choice questionnaire, written and oral examinations, psychological tests, etc...)?*

No initial tests or examinations are used.

*VI. What is the value of passing of initial examination (access to initial training as a tool for further selection, or as a tool to begin the professional career)? What are the consequences on curricula and assessment of training?*

No initial tests or examinations are used.

*VII. Please give information on:*

- a) the framework of initial training;*
- b) the duration of initial training;*
- c) the qualification and the selection of trainers;*
- d) the method used in initial training (seminars, training periods in a jurisdiction, training period in other places, period of the curriculum during which these training periods take place);*

e) *the content of the initial training programmes<sup>2</sup> and its link with university curricula;*

The initial training programme consists of 11 courses:

- Introductory course
- Enforcement law
- Registration
- Forced sale
- Written communication
- Accounting
- Administration of the estates of deceased persons
- Division of matrimonial property
- Administration and management
- Conduct of proceedings and administration of justice

After having attended the course on Written communication there is a written test. At the completion of the 11 courses there is an oral test (described below).

For a description of the three year basic training programme for deputy judges please look at questionnaire A, question I.

*VIII. Is there an exit examination? If so, what is the value of this exit examination? Please give details about the methods of selection, the selection bodies and their membership;*

The deputy judges complete a basic training during their first three years of employment. An annual statement and evaluation regarding the abilities of the deputy judge has to be submitted to the Danish Court Administration by the judge in charge of the training at the different district courts designated as courts for legal training.

After the first two years the deputy judges have to take a written test. The test consists of a case (a court hearing) that is shown on video for the deputy judges and they then have to write the judgment of the case.

The three years of basic training is completed by an oral test held by the Danish Court Administration. The deputy judge gets a case with different questions ranging from legal questions to questions about court management. The deputy judge gets 20 minutes preparation time. A panel of 2 judges then discusses the case and the answers with the deputy judge for about 30 minutes. The 2 panel

---

<sup>2</sup> For example: deontology, European and international law, foreign languages, international judicial co-operation, issues related to discrimination; practical studies in the field of forensic medicine, police, cadastre, social security, labour law, alternative dispute resolution (ADR), etc.; familiarization with the functioning of jurisdictions such as Supreme Courts, State Councils, etc....

judges afterwards grade and evaluate the performance of the deputy judge (more than satisfactory, satisfactory, less than satisfactory or not satisfactory performance).

*IX. Are there provisions for the training and tutoring for judges and prosecutors in the first years of their career (complementary training)? If so, what are the modalities?*

The Training section of the Danish Court Administration also plans courses for judges regarding specific legal areas but also management courses.