

QUESTIONNAIRE B

I.- Candidates join the CEJ via a public application. They are subject to aptitude tests which entail a written section comprising three tests (composition on cultural, social or economic matters; civil law and civil procedure; criminal law and criminal procedure) and an oral section comprising four tests (conversation on subjects involving ethics, methodology and sociology; discussion on civil law and civil procedure; discussion on criminal law and criminal procedure; question-and-answer session on administrative, constitutional, labour and family and minors law). Candidates also have to perform an interview with a psychologist. In case his report is negative, candidates will be excluded.

II.- The assessment of vacancies to be filled is done every year. The High Council of the Bench and the High Council of the Public Prosecution Service inform the Minister of Justice on the number of vacancies needed and based on that information the Minister decides on the number of vacancies to be filled.

III.- The recruitment procedures are presided over by a jury composed of a minimum of three members:

1/3 are judges, designated by the Higher Council of the Bench;

1/3 are public prosecutors, appointed by Higher Council of Public Prosecution Service;

1/3 are meritorious individuals from the cultural and legal fields, designated by the Minister of Justice.

The members of the jury do not receive any specific training for the purpose.

IV.- Candidates must have a degree in law, obtained in a Portuguese university. In case candidates got their degree in a foreign university, it has to be legally recognized by the Portuguese Universities.

V.- Admission examinations are composed by three phases : 1) written ; 2) oral; 3) interview.

The written phase has three exams: a) cultural, social and economic themes; b) resolution of cases on civil law, commercial law and civil procedure law; c) resolution of cases on criminal and criminal procedure law.

Concerning phase 2, there are three oral exams: a) deontology, methodology and sociology; b) civil, commercial and civil procedure law; c) criminal and criminal procedure law; d) questions on constitutional law administrative law, EU law, labour law, family and minors law.

Finally, the interview is conducted by a psychologist (grades: favorable / not favorable).

VI.- Passing the initial examination and succeeding in the initial training assures that one can begin the professional career. During initial training trainees are evaluated and graded, based on their performance throughout the proceedings of the training.

VII.- Initial training is divided into three periods:

- 1) From September 15th to March 31st of the following year, at the Centre for Judicial Studies, in Lisbon;
- 2) From April 1st to March 31st of the following year, in the Courts of First Instance;
- 3) From April 1st to July 15th, again at the Centre for Judicial Studies.

Theoretical and Practical Phase at the Centre for Judicial Studies is composed by activities in working groups (15 - 20 trainees each); activities in joint sessions; study visits (e.g., to prisons, police departments, foster care institutions), research activities; and seminars, conferences, colloquies and workshops.

Theoretical and Practical Phase at Court consists of an internship with judges and public prosecutors, spending equal time with each. In that phase, training activities consist mainly of assisting the trainers in criminal investigation activities; drafting decisions; observing hearings, trials and judges' deliberations.

Trainers are designated by the Minister of Justice, under the proposal of the Director of the Centre for Judicial Studies, after consulting the Pedagogical Council of the Centre.

The activities developed in regular group sessions led by trainers involve technical and judicial areas that are distributed amongst the following spheres: a) Civil and Commercial Area, with three sessions per week, each lasting 90 minutes; b) Criminal Area, with three sessions per week, each lasting 90 minutes; c) Family and Minors

Area, with one session per week, lasting 90 minutes; d) Labor and Corporate Area, with one session per week, lasting 90 minutes. The training activities which go to make up this module basically consist of: addressing and discussing judicial issues and subjects during the sessions, backed up by actual or simulated cases, as well as a critical analysis of doctrine and jurisprudence, with a view to fine-tuning legal methods and techniques and exercising the ability to select a personalised option in specifically solving these cases (perception and individualisation of legal problems, sufficient and clear motivation for decisions); dealing with practical cases, essentially by putting together pleadings; analysing and debating specific problems with emphasis on judicial life, developed and carried out by groups of assistants, under the trainer's guidance and with the collaboration of invited specialists; individual and frequent contact between the judges' assistants and their teachers throughout the course, with a view to ensuring pedagogical guidance and assessing the development of each student's performance, particularly in terms of oral participation and completion of exercises, as well as critical reflection on ethical and technical requirements and suitability for the job; contacts with courts and other institutions which represent the actual social, economic, cultural and judicial situation, together with the work carried out during the sessions.

In addition to the above mentioned subjects, training also involves the study of social, economic and cultural context in which judicial functions are performed. There is also an area of studies that includes a trans-disciplinary and systemic vocation, called Judicial Culture. Within this area, a certain degree of priority is given to training in the fields of ethics and professional deontology, knowing the specific duties performed by the judicature and its role in society; a thematic strand in specialist areas of importance to the dynamics of the justice system, namely in the spheres of international law, community law, administrative law, economic law, environmental law, and consumer law, forensic medicine, forensic psychiatry, criminology and criminal investigation.

The activities which go to make up this module are performed in various different ways in plenary sessions, namely conferences, seminars, debates, talks, workshops or get-togethers, involving intervention or guidance by university professors, magistrates, lawyers, teachers working at the Centre for Judicial Studies and people of recognised technical, scientific and professional merit.

As a rule, the module involves one or two days per week. Half of this time is essentially allocated to judicial culture and the other half to speciality subjects. The maximum daily workload is six hours.

The implementation of training within these scopes requires methodological pluralism (from workshops to wide-ranging conferences), as well as pluralism with regard to contents. The guiding criterion should be the fight against judicial autism and corporativism, as well as the encouragement of social awareness in future magistrates.

It is not only difficult but also inappropriate to separate technical training from humanist training; it is therefore necessary, in practice, to incorporate both standpoints in all training activities.

VIII.- No, there isn't any exit examination.

IX.- Yes. Complementary training is held during the two years after the definitive appointment as judges or prosecutors. This training involves the participation of the Higher Council of the Bench and the Higher Council of Public Prosecution Service. The goals are: exchange of judicial experiences; critique and reflection about legal, judicial and institutional problems of the career; to deepen the studies on specialized legal issues.