

Questionnaire "B" on the role of training institutions in recruitment and initial training of judges and prosecutors⁴

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..)?

Nowadays judges are selected based on the judicial qualification examination and in-person interview conducted by the High Council of Justice. From 2007, when the HSoJ will start initial training program, judicial candidates (students of justice) will accede to the function of a judge automatically after successfully completing a 14-months long initial training and passing all relevant exams. In order to be accepted to the HSoJ, judicial candidates must also pass entrance competition.

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

The number of future trainees is determined by the High Council of Justice annually. A total number of students of justice to be admitted to the School must be approved by the Independent Council upon the submission of the High Council of Justice of Georgia.

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 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 selection of candidates is carried out by the High Council of Justice, majority of members of which are judges. They do not receive any training on assessment techniques, etc. prior to the selection process.

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

⁴ Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail (valerie.schaeffer@coe.int) **for 31 March 2005 at the latest.**

According to the Law of Georgia on “The High School of Justice,” “any citizen of Georgia having legal capability and without previous conviction, who has passed state certification exam (hereinafter referred to as “Certification exam”) as provided for by law “on Legal Education” and 7 years have not been expired after passing this exam, is eligible to participate in the [entrance] competition.”

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...)?

According to the Law of Georgia on “The High School of Justice” “The competition shall be conducted in the form of an oral interview by the High Council of Justice of Georgia.

2. The purpose of interview is to assess

- a) professional and general skills of candidates;
- b) their analytical thinking;
- c) professional and moral reputation;
- d) professional experience.”

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?

The initial examination is a tool for further selection, as the candidates have to successfully pass several tests as well as internship before they are appointed to the bench.

VII. Please give information on:

- a) the framework of initial training; The candidates are admitted in October of each year.
- b) the duration of initial training; The duration of the initial training is 14 months (including seminars and internship component)
- 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 programmes⁵ and its link with university curricula;

The contents, methods, etc are being elaborated now, as the HSoJ will start first initial training program in the 4th quarter of 2007.

- 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;

This issue is regulated by article 28 of the Law of Georgia on “The High School of Justice” which states:

“1. Upon completion of training at School, students of justice shall pass an examination which aims to assess theoretical knowledge and practical experience acquired by a student during the training process.

2. The examinations shall be conducted in written form. Students shall be given concrete cases from court practice and be entrusted with a task to draft procedural documents.

3. Results of the examinations shall be assessed by a Commission consisting of

a) a judge of the Supreme Court;

b) a member of the High Council of Justice of Georgia;

c) a law professor of the state university;

d) three members appointed by the Independent Council;

e) director of the High School of Justice.

4. Members of the commission referred to in Subparagraphs a, b and c of Paragraph 3 shall be approved by the Independent Council.

5. The member referred to in subparagraph a) shall be nominated by the Chairman of the Supreme Court of Georgia; the member referred to in subparagraph b) - by the High Council of Justice of Georgia, and the member referred to in subparagraph c) - by the Minister of Justice of Georgia.

6. Rules and terms of conducting examination, also score estimation system shall be defined by the Statute of the School.

7. Relevant measures in case of failing exam within a fixed time limit shall be prescribed by the Statute of the School.”

- 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?

No

⁵ 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... .