

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

**1st 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)

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

**Questionnaire “A” on the structural and functional features of training institutions
of judges and prosecutors**

Formatted: English (U.S.)

I. What is (are) the name (s) of the training institution (s) of judges and prosecutors in your country? Please indicate whether the training of judges and that of prosecutors takes place or not within the same training institution; does (do) the training institution(s) of judges /prosecutors ensure both initial and in-service training? National and decentralised training?

Germany is a federal state. Apart from the jurisdiction of the supreme federal courts, jurisdiction lies with the 16 *Laender*. The judicial system includes the courts and the public prosecutors' offices. Hence, the large majority of judges and public prosecutors are in the employ of the *Laender*. Consequently, initial training for judges and public prosecutors is carried out within a federal structure. This means that each *Land* conducts its own training courses for its judges and public prosecutors, smaller *Laender* at times collaborating with other *Laender*. Therefore, there is no national training institution for initial training of judges and prosecutors in Germany. The initial training is done in a so called preparatory service (juristischer Vorbereitungsdienst), which is hold by almost each district court in the *Laender* according to their special rules. This service takes place for all future judges, prosecutors and lawyers without any difference.

Only for in-service training, there is a national training centre. Since 1973, the *Deutsche Richterakademie* (German Judicial Academy) has been working to promote inter-regional further training of judges from all branches of the justice system, as well as of public prosecutors. It is financed jointly by the Federation (*Bundesministerium der Justiz* – Federal Ministry of Justice) and the *Laender*. The original location and administrative headquarters of the training institution is in Trier (Rhineland-Palatinate). At the beginning of 1993 the Academy acquired a second centre, the “*Zieten-Schloss*” in Wustrau in the Mark Brandenburg.

II. For each training institution, please indicate:

- a) the number of full- time trainers
- b) the number of part- time trainers
- c) the number of occasional trainers
- d) the number of administrative and managerial staff
- e) the origin of funding
- f) the link with the Ministry of Justice, the High Council of Magistrates, etc..
- g) taking into account, in particular, item f) above, if it should be considered as an autonomous/independent training institution
- h) the links between the training institutions if there are more than one (co-operation, coordination, subordination, etc...);

Since there is no special training institution for initial training of judges and prosecutors, no full-time trainers are employed at a school. On the other hand, the *Laender* organise the preparatory courses themselves. Therefore, a lot of different systems exist within Germany. Mostly, initial training is done by experienced judges and prosecutors who are then part-time teachers, often without a reduction of their work in the main functions. Some *Laender* have full-time trainers next to part-time or occasional trainers for the initial training. Because of the variability of the number of interns in the courses, it is not possible to give a number of trainers working in the field of initial training in Germany.

Due to the structure of the German Judicial Academy, there are no special trainers for the continuous training programme either. Concerning the professional background, around half of the training courses are of a specialist legal nature, held by experienced magistrates and lawyers, sometimes by university teachers. Twenty five per cent of the training courses are interdisciplinary and the remaining twenty five per cent concern instruction in social competence. It is not possible to specify in greater detail. The teachers are recruited separately for every course.

Like this, occasional and part-time trainers as well as full-time trainers of other universities are teaching judges and prosecutors in their in-service training.

In the year 2003, about 700 trainers gave lessons at the German Judicial Academy.

The head of the *Deutsche Richterakademie* (German Judicial Academy) is a Director. He is responsible for the staff (administration, service, library, security) in both centres in Trier and Wustrau. In addition, each centre has a local manager.

The outline of the programme offered by both centres is established by the programme conference, at which the Federation and each Land are represented with one vote each. The judges' and public prosecutors' professional associations play an advisory role. The costs are equally divided between the German Federation and the *Länder*, with the contribution of the latter calculated on the basis of the size and income of the Land in question.

Responsibility for programme organisation is then assigned to the judicial administration systems of the Federation and the *Länder* in accordance with the guidelines laid down by the programme conference.

III. What are the procedure and the criteria for the appointment of managerial staff and instructors of the training institution (s)? Are the criteria for the appointment of the trainers identical for a) full-time, part-time and occasional trainers? b) trainers responsible for initial training and those responsible for in-service training?

There is no special procedure for the appointment of the instructors.

The criterias for the choice of the trainers are competence on the field they are teaching and great professional experience.

IV. What is the proportion of judges and prosecutors who are full-time / part-time instructors and/or members of the management?

Please see above (I/II)

V. If persons other than judges or prosecutors fulfill the task of trainers, what are their original profession? Please also give details on their proportion;

Please see above (I/II)

VI. Are retired judges and prosecutors or other retired law practitioners invited to act as trainers or members of the management?

Yes, sometimes, retired judges and prosecutors and other retired law practitioners are invited to act as trainers in the initial and in-service training.

VII. What choice has been done between full-time instructors, part-time instructors or occasional instructors that furthermore have judicial functions?

Please see above (I/II)

VIII. If judges or prosecutors are part-time or occasional trainers, is the burden of their work within their jurisdiction alleviated?

No, usually, the burden of their work within their jurisdiction is not alleviated.

IX. Please specify the modalities of the training of trainers who perform their training mission –full-time or part-time- within the framework of the training institution(s) or in Courts (content, educational methods, duration, periodicity, etc...); Is training of trainers compulsory?

According to the differences in the 16 Laender, there are different systems and modalities of the training of trainers. There are seminars of different length – one day up to one week courses - where trainers can get didactical and methodological information as well as lessons in pedagogy.

X. Please specify what initiatives are taken to assure vicinity between trainers and trainees at regional and local level as well as to develop communication (including through the Internet):

Since trainers and trainees - judges, prosecutors and the interns - often work together at the same court or office, there is no problem of communication caused by local distances.

XI. Please specify what initiatives are taken to assure participation of the training institution in international co-operation in the field of training (exchanges between training institutions, periodicity of these exchanges, organisation of / participation. in international seminars, co-operation with International Organisations / Institutions (Council of Europe, the European Commission, etc...)).

The German Judicial Academy holds regularly seminars about European and international law with international participation. In addition, foreign judges and prosecutors participate in national seminars. The programme is completed by joint conferences with foreign judges and public prosecutors.