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

Replies of the Office of the National Council of Justice in Hungary, Budapest

Questionnaire “B” on the role of training institutions in recruitment and initial training of judges and prosecutors¹

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..)?

After receiving the diploma, young lawyers apply for vacant places for trainee judges. The presidents of each county court determine the procedure of the selection. After spending three years of being a trainee judge, the applicants have to pass the so called legal qualification exam which is the same for all legal professions.

After passing this exam, the applicants apply for places of court secretaries (future judges), where they spend at least one year and they have very similar competences as judges. The vacant judge posts are always to apply for these persons. The selection of being a judge is based on the applicant’s results during his/her traineeship, the grade of diploma and legal qualification exam. There is also a psychological assessment of the applicant.

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

There is no periodicity in this field. Presidents of each county court publish the vacancies.

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;

After receiving the diploma, young lawyers apply for vacant places for trainee judges. The presidents of each county court determine the procedure of the selection. That is why it is impossible to give an exact answer. The National Council of Justice is currently dealing with the reformation of the selection of trainee judges in the framework of the future National Academy of Judges which will be operational from the 1st of September 2006.

¹ 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.

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

Only degree in legal sciences is requested.

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...)?

The presidents of each county court determine the procedure of the selection.

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?

Passing the initial examination opens the way only until the legal qualification exam. The assessment of the training period has an important role in the evaluation of the candidates for the post of a court secretary or a judge.

VII. Please give information on:

a) the framework of initial training;

Regulation 14 of 1999 of the National Judicial Council on the legal traineeship, training and evaluation of clerks,

Decree 11/1999. (X.6.) IM of the Minister of Justice on the legal traineeship and training of court clerks

b) the duration of initial training;

Three years.

c) the qualification and the selection of trainers;

The trainings of trainee judges take place at county courts and local courts (decentralised). The trainers are always judges.

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);

The legal traineeship schedule must be prepared so that in line with the courts' tasks and the county training plan, the clerk should spend at least

- **two weeks at a court administration office,**
- **thirteen months with civil cases (civil law, family law, economic law, corporate law, social security law) at a first instance court,**
- **two months with public administration cases,**
- **one month at a labour court,**
- **nine months with penal cases at a district court,**
- **two months with civil cases at a court of second instance,**
- **two months with penal cases at a court of second instance.**

During the period of legal traineeship, the clerk shall give an account of the knowledge he acquired fifteen times before the judge (senior court official) appointed by the chairman of the county court. A memorandum shall be drawn up about each of these tests.

- e) the content of the initial training programmes² and its link with university curricula;

The materials of the above mentioned tests shall include:

- **the court related provisions and decisions of the Constitution and the Constitutional Court. Acts on the organisational structure of the courts, on the legal status and remuneration of judges, on the service relationship of judicial employees. The major rules of court procedures. Rules of law on the protection of personal data, on the publicity of data of general interest, on state and service secrets, as well as on the press;**
- **criminal procedural law;**
- **criminal substantive law I, and the related international treaties, the human rights related provisions and decisions of the Constitution and the Constitutional Court;**
- **criminal substantive law II, and the related international treaties, the human rights related provisions and decisions of the Constitution and the Constitutional Court;**
- **penitentiary law;**
- **civil lawsuits and out-of-court procedures, the major rules of execution;**
- **civil law I (general rules, persons, proprietary rights), and the related international treaties, the human rights related provisions and decisions of the Constitution and the Constitutional Court;**
- **civil law II (contract law);**
- **civil law III (family law, right of inheritance);**
- **economic law;**
- **corporate law;**

² 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. . . .

- public administration law;
- social security law;
- labour law;
- the basic norms of the *acquis communautaire*.

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;

There is no exit examination but after finishing the initial training period the legal qualification exam follows.

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?

Judges in their first three years of their career must attend at least two one-week training courses, one in material law (civil or penal) and one in procedure law (civil or penal).