



Inspection Générale de la Justice

# Training for judges and prosecutors in France



MINISTÈRE  
DE LA JUSTICE

# Introductory remarks

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French judiciary comprises two distinct branches: the judicial branch and the administrative branch.

The judicial courts settle civil and commercial disputes between private individuals and punish those responsible for criminal offences.

The administrative courts judge disputes between private individuals and the State, local authorities, public institutions or private organisations running public services. This presentation is about the judicial branch training.

# The national school for the judiciary

## ENM

The national school for the judiciary (E.N.M Ecole nationale de la magistrature) is the only school in France for judges and prosecutors and was founded in 1958.

Some lay judges, such as commercial courts judges, and employment court judges, are also trained by the ENM.

The main site of the French National School for the Judiciary (E.N.M.) is in Bordeaux . The School also has a site in Paris, home to the In-Service Training and International Departments.



# A public administrative institution

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## A public administrative institution

- Placed under the authority of the Minister for Justice
- Governed by a Board of Directors, chaired by the First President of the Court of Cassation
- Managed by a Director appointed by Decree of the President of the Republic, issued by the Council of Ministers, assisted by an executive team.
- Administrative personnel: 227
- 2018 budget: €34,5 million

# Main activities of the ENM

- Organising entrance examinations
- Initial training for future judges and prosecutors
- In-service training for the judiciary
- Training for non-professional judges and judicial system personnel
- Research and documentation
- International cooperation

# Training departments

## The 8 departments are common to both initial and in-service training

- Judicial humanities
- The civil justice decision-making and formalisation process
- The criminal justice decision-making and formalisation process
- Judicial communication
- Administration of justice
- The international dimension of justice
- The judicial environment
- Economic and business life

- **Permanent teaching staff**
- 27 initial training coordinators
  - (25 judges and prosecutors, 1 chief clerk and 1 language teacher)
- 7 in-service training coordinators
- 12 regional training coordinators
- Associate judges and prosecutors
- **Associate teaching staff**
- Session directors (in-service training)
- Almost 1,500 **occasional speakers** a year from the private sector, associations or public institutions (universities, other public schools, foreign academies...)
- **Regional delegate in charge of training and internship centre directors**

# Objectives

- Prepare students for their different roles in a judicial career by acquiring the basic skills necessary for decision-making that are:
  - ☐ In line with the law
  - ☐ Tailored to the context
  - ☐ Respectful of the individual and ethical and professional rules
  - ☐ Adapted to the realities of the national / international institutional context

# Objectives

- 1. Identify, grasp and apply ethical rules
- 2. Analyse and summarise a situation or case
- 3. Identify, respect and enforce the procedural framework
- 4. Adapt to the requirements of situations
- 5. Adopt a position of authority or humility to fit the given circumstances
- 6. Demonstrate interpersonal skills, listen and debate
- 7. Prepare and conduct hearings or questioning in adversary procedures
- 8. Seek agreement and conciliate
- 9. Make a sensible, enforceable decision that is adapted to its context, based on the law and the facts
- 10. Explain and formalise the decision
- 11. Take account of the national and international institutional environment
- 12. Work in a team
- 13. Organise, manage and innovate



# Student recruitment

## **3 preparatory courses**

➤ Bordeaux, Douai and Paris

➤ 54 students prepared / 18 students per class

- The ENM has set up "equal opportunities" preparatory courses to foster recruitment diversity within the judiciary.

# Access conditions

## First admission examination

This has the greatest number of candidates. It is open to students with a Masters Degree or equivalent diploma, who are no more than 31 years of age.

## Second admission examination

Open to civil servants with four years of seniority, aged no more than 48 years and 5 months on January 1st of the year of the examination. It has the same programme and papers as the external examination.

## Third examination

It is open to professional with eight years of experience in the private sector, local elected office or service as a non-professional judge, and aged no more than 40.

The number of places on offer in the examination is set each year by the ministry for justice in line with its needs forecasts and budget obligations.

The different type of admissions was created to attract a more diverse range of abilities into the judiciary without giving up on the principle of egalitarian recruitment through an examination.

It exists an admission on qualification too for those who Have a PhD in law plus another higher education diploma or have served for 3 years as a teaching or research assistant in law.

# Profile of the promotion of 2018

- 350 trainee judges and prosecutors : 261 women and 89 men
  - 74,6% women
  - Ages: 22 to 46 years
  - Average age: 28 years
  - 96,7% have had a professional activity prior to admission to the ENM
- They are paid during their training and committed to serve for a ten year minimum period.

# Initial training

## Train students for 6 different functions

Deputy to the Public Prosecutor

- First Instance Court Judge
- Investigating Judge
- Juvenile Court Judge
- Sentence Enforcement Judge

- All students take an oath before the Appeal Court prior to beginning their training
- **30 months of training, including**
  - A common core phase to be completed by all the students: **96 weeks**
  - A preparatory phase for their first professional posting: **18 weeks**

# Initial training program

- **The common core phase**

- Internship to discover the court: **1 week**
- Internship with a lawyer: **12 weeks**
- Studies: **30 weeks**
- Investigations unit internship: **2 weeks**
- Penitentiary internship: **2 weeks**
- Court internship: **39 weeks**
- External partners: **3 weeks** : *Judicial Juvenile Protection Department (PJJ), a Prison Integration and Probation Department (SPIP)*
- External internships: **7 weeks** of which **3 weeks abroad possibly**

## Teaching methods during the studies period:

- Tutoring: work in groups of 18 students with training coordinators or associate teaching personnel
- Simulations of hearings and questioning
- Lectures, round-table debates
- Workshops
- Written work

## Court internship

- Students do a **court internship** during which they practice the professional techniques of each position under the supervision of a serving magistrate.

# Evaluation and validation of skills

## The process

- 3 written examinations at the end of the period of studies: professional techniques in civil and criminal functions, plus a general examination;
- 3 examinations at the end of the court internship: presiding over a criminal court hearing, summing up in criminal courts, holding a civil hearing in the judge's office;
- 3 final examinations:
- interview with the board of examiners, drafting a civil judgement, drafting a final submission.
- There is also an English test.

## Possible decisions

- Declaration of general fitness for judicial functions
- Unfit
- Repeat a year's court internship
- Functional recommendations

# End of course

- *The students take the oath before the appeal court :“I promise to fulfil my duties faithfully, to strictly protect the secrecy of all judgements and to behave always in a manner befitting a worthy, loyal magistrate”*
- **The student is now a professional judge or prosecutor**

# In-service training for the judiciary

- In-service training is **mandatory for all judges and prosecutors. One week per year.**
- An online catalogue approved each year by the Board of Directors serves for enrolments by judges or prosecutors
- The range of courses is reviewed annually.
- **508** training courses in 5 different teaching formats (sessions, training cycles, collective internships, individual internships and colloquiums)
- **Objectives**
  - Keep judges and prosecutors up to date with legislative and regulatory reforms and developments in case law.
  - Help judges and prosecutors deal with changes in their functions and responsibilities.
  - Prepare judges and prosecutors for managerial functions and promote a culture of effective management.
  - Foster exchanges of knowledge, methodologies and professional best practices.
  - Enhance understanding of European and international law.
  - Adopt a multi-disciplinary approach to open up the judiciary to the broader social, economic and cultural environment.



# Decentralised in-service training

Organised in each of the regional Appeal Courts by their magistrate in charge of training or by the regional training coordinators, funded by the ENM

Over **521** courses in **2017**

# International department

## **1. Broaden the international horizons of the French judiciary:**

- Training in foreign languages.
- Training dedicated to international questions.
- Participation of French judges and prosecutors on training courses taking place abroad.
- Internships abroad for ENM students (3 weeks).
- Internships abroad for French judges and prosecutors (1 to 3 weeks).

## **• 2. Contribute to training of foreign judges and prosecutors by:**

- Including foreign judges and prosecutors in initial training.
- Opening up French in-service training courses to foreign judges and prosecutors.
- Specific training courses abroad.
- Specific training courses in France.
- Hosting foreign magistrates for internships or courses in France (student exchange programme or individualised internships).

# Specialised professional training department

- this department organises and rationalises training activities for:
  - those judges who do not have professional magistrate status
  - certain personnel working in the justice system
- Commercial court judges
- Part time judges
- Employment tribunal judges
- Judicial conciliators
- Representatives of the public prosecutor

# Research and documentation department

- Documentation support to teaching activities (two-monthly civil and criminal intelligence updates, press round-ups, bibliographies, exhibitions...)
- Collects and manages documentary resources produced by the School (initial training guides, in-service training files, CD-ROMs)



Thanks for your attention