

JUDICIAL ACADEMY

S E R B I A

Four sets of concentric circles, resembling ripples in water, are located in the bottom right corner of the slide. They are rendered in a lighter shade of blue than the background.

JUDICIAL ACADEMY

- The present Law shall regulate the establishment of a Judicial Academy (hereinafter referred to as: Academy), its status, activities, managing bodies and financing, as well as the initial and permanent training of judges, public prosecutors and deputy public prosecutors (hereinafter referred to as: prosecutors), training of assistants to the judges and prosecutors and trainees and training of judicial and prosecutorial staff.

JUDICIAL ACADEMY

- The Academy shall:
- organize and implement entrance examinations for initial training;
- organize and implement initial training;
- organize and implement the permanent training of judges and prosecutors;
- organize and implement the training of lecturers and mentors;
- organize and implement the professional specialization of the judicial and prosecutorial staff;
- establish and maintain cooperation with domestic, foreign and international institutions, organizations and associations in connection with its activities;
- issue publications and perform other publishing activities;
- perform research and analysis and engage in scientific activities;
- systematically collect data and maintain a documentation and information center;
- collect and process judicial practice
- perform other activities regulated under the Law and Academy Statute (hereinafter referred to as: Statute).

JUDICIAL ACADEMY

Managing Board

- The Managing Board shall manage the Academy and consist of nine members.
- The Managing Board members shall be as follows: four members shall be appointed by the High Judicial Council from amongst the judges with at least seven years of judicial experience, one of whom shall be appointed at the proposal of the Judges' Association; two members shall be appointed by the State Council of Prosecutors from amongst the prosecutors with at least seven years of prosecutorial experience, one of whom shall be appointed at the proposal of the Association of Prosecutors; and three members shall be appointed by the government, one of whom shall be an official from the ministry in charge of the judiciary.
- Members of the High Judicial Council and State Council of Prosecutors may not be members of the Managing Board.
- The Managing Board members shall be appointed for a four-year term of office and may be re-elected to another term.
- The Managing Board members and president shall have the right to a fee at the amount of 30% of the basic salary of a higher court judge.

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Program Council

- The Program Council is the Academy's expert body.
- The Program Council shall consist of 11 members appointed by the Managing Board from amongst judges and prosecutors, other experts and judicial and prosecutorial staff.
- At least five Program Council members shall be judges, at least three others prosecutors, out of whom one member shall be nominated by the Judges' Association, one by the Prosecutors' Association and one member shall be a member of the judicial and prosecutorial staff.
- Members of the High Judicial Council, State Council of Prosecutors and Managing Board may not be members of the Program Council.
- Members of the Program Council from paragraph 3 of this Article may be relieved of up to 50% of their regular duties on the account of their work at the Academy

JUDICIAL ACADEMY

Competence of the Program Council

- The Program Council of the Academy shall:
- draft the proposal for the entrance examination program for the initial training;
- draft the final examination proposal for the initial training;
- draft the program of initial training for judges and prosecutors;
- nominate standing commission members, with the agreement of the Managing Board;
- create ad hoc commissions and working groups, in accordance with the Statute;
- draft the program of permanent training for judges and prosecutors;
- draft the proposal for a special training program for assistants to judges and prosecutors and trainees;
- draft the proposal for the training program for the judicial and prosecutorial staff;
- draft the proposal for the training program for mentors and lecturers and other specialized training programs;
- nominate permanent lecturers from amongst the judges and prosecutors with the agreement of the High Judicial Council and State Council of Prosecutors;
- approve the decision on the election of permanent lecturers who are not judges or prosecutors;
- determine the criteria for the nomination and nominate mentors and occasional lecturers;
- draft the proposal for the rules of entrance examination;
- draft the proposal for the rules of final examination;
- adopt its own Rules of Procedure;
- rule on complaints to the rank list of candidates who took the entrance exam;
- engage in other activities in accordance with the present Law and Statute.

JUDICIAL ACADEMY

TRAINING OF JUDGES AND PROSECUTORS

The training of judges and prosecutors is an organized process of gaining of and specialization in practical and theoretical skills and knowledge they need to perform their duties independently, professionally and efficiently.

Types of training

The training may be initial and permanent.

Initial training

Initial training

Initial training is an organized process of gaining practical and theoretical skills and knowledge and understanding of the role and basic principles of actions of judges and deputy public prosecutors with the aim of ensuring that judges at the misdemeanor and basic courts and deputy public prosecutors at the basic public prosecutors' offices perform their duties independently, professionally and efficiently.

Users of initial training

Users of initial training

- Persons who pass the entrance exam and are admitted to initial training at the Academy shall be the users of initial training.
- The High Judicial Council and State Council of Prosecutors shall determine the number of users of initial training once a year by March 1, and shall inform the Academy about their decision.
- The High Judicial Council and State Council of Prosecutors shall determine the number of users of initial training from paragraph 2 of this Article on the basis of an assessment increased by 30% of the number of vacancies for judges at the misdemeanor and basic courts and deputies at the basic public prosecutors' offices in the year following the one in which the users shall complete the initial training.

Initial training

Announcement and conditions

Announcement for the admission to initial training

- The Academy shall issue a public announcement for the selection of candidates to be admitted to initial training.
- The public announcement from paragraph 1 of this Article shall be issued once a year, by June 1 at the latest, and shall be published at the Official Gazette of the Republic of Serbia and other media that cover the entire territory of the Republic of Serbia.
- The deadline for applications shall be 15 days after the date of publication of the public announcement in the Official Gazette of the Republic of Serbia.

Conditions for the admission to initial training

- The conditions for the admission to the initial training are as follows:
- bar exam;
- fulfillment of general conditions for employment at state bodies;
- passing of entrance exam for initial training.

Entrance examination for initial training

Goal of the entrance examination

- The goal of the entrance examination is to determine the level of professional knowledge necessary for undergoing the initial training and ability for performing the duties of judges and prosecutors.
- **Subject matter and program of the entrance examination**
The subject matter of the entrance examination refers to the determination of the level of professional knowledge necessary for undergoing initial training, which includes the applicable material and procedural civil and criminal law and law on misdemeanors as well as general knowledge.
- The examination program shall be regulated by the Program Council, under an act that shall be issued at least six months before the examination date.

Date and method of entrance examination

- The entrance examination for initial training shall be organized once a year, by September 1 at the latest.
- The entrance examination shall consist of the written and oral parts and personality test.
 - The method of taking of the entrance examination shall be elaborated under the rules on the entrance examination.

Initial training

Grades and Rank

Grades

- Candidates shall receive receive grades from 1 to 10 at the entrance examination.
- Grades at the personality test shall be “satisfactory” and “not satisfactory.”
- The candidate who receives 2 or less at the oral or written parts of the entrance examination, or “not satisfactory” at the personality test shall be regarded as failed.
- The final grade at the entrance examination shall be the sum of grades from the oral and written parts of the entrance examination.

Rank list

- The examination committee shall determine the rank list of candidates on the basis of the final grade.
- If several candidates have the same final grade, the advantage shall be given to the candidate whose grade at the bar exam was better and, if these grades also prove to be the same, the advantage shall be given to the candidate who had a better average during his/her studies.
- Candidates at the rank list shall become users according to the order at the rank list up to the planned number of users.

Implementation of initial training

- **Program and implementation of initial training**
- The initial training program encompasses the implementation of the material and procedural laws, standards of judicial and prosecutorial practice, ethical standards for judges and prosecutors, international legal standards, papers in the field of domestic and international law and skills of the judicial and prosecutorial work.
- The initial training shall begin on October 1, last for two years and consist of theory and practice in the field of civil and criminal law and law on misdemeanors as well as the general and professional knowledge.
- The practical part of initial training shall be held at courts, public prosecutors' offices and other state bodies, law firms and other organizations.
- The training periods for the respective fields shall be determined under the program of initial training.
- Within the theoretical part of the training, some topics shall be covered in the organization of the Academy, while within the practical part users shall work at judicial bodies under the mentor's supervision and at non-judicial institutions.

Grading of initial training and Final exam

Grading of initial training

- Upon the completion of each segment of initial training, the mentor and lecturer from the part of training held at courts and prosecutors' offices shall grade the users. The work at non-judicial institutions shall not be graded.
- If a user of initial training gets 1 as the final grade in any of the segments of initial training, he/she shall no longer be considered a user of initial training.

Final exam

- After they complete the initial training, users shall take the final exam where only their practical knowledge and skills acquired at the initial training for becoming a judge of the misdemeanor and basic courts and deputy public prosecutor at the basic prosecutor's office shall be tested.
- The grades at the final test shall be between 1 and 5.
- It shall be considered that any initial training user who gets 1 at the final exam has not completed the initial training.
- The program and method of the final examination shall be defined in detail under the Rules of Procedure.

Rights and obligations of the users of initial training

- Users of initial training shall be temporarily employed at the Academy for a period of 30 months, starting from October 1 of the year when they were admitted as the users of initial training.
- The court or the public prosecutor's office where the user shall undergo initial training shall be determined by the Program Council in accordance with the place of work or permanent or temporary residence of the user of initial training.
- During their temporary employment at the Academy, the users of initial training shall receive salaries at the amount of 70% of the basic salary of a basic court judge..
- Upon the completion of initial training, the user shall have the obligation to apply for the job of a judge at misdemeanor or basic courts, or a deputy basic public prosecutor.
- ***When they propose candidates for election as a judge at misdemeanor or basic courts, or a deputy basic public prosecutor, the High Judicial Council or the State Council of Prosecutors shall have the obligation to propose the candidate that has completed the initial training at the Academy according to the success he/she has achieved at the initial training.***
- If there are no candidates who have completed the initial training among the candidates for the job, the High Judicial Council or the State Council of Prosecutors may propose the candidate that satisfies the general conditions of election.
- The High Judicial Council or the State Council of Prosecutors may allow the person who has completed the initial training to be employed at the court or the prosecutor's office for a temporary period of up to three years at the most if he/she applied for the position of a judge or deputy public prosecutor and if he/she has not been elected.
- If a candidate who has completed the initial training does not become a judge at misdemeanor or basic courts or a deputy basic public prosecutor within three years after receiving the certificate on the completion of initial training in the years when the National Assembly elected judges at the magistrate's or basic courts or deputy public prosecutors, he/she shall lose the advantage in nominations for the election to these offices.

Permanent training

Permanent training is a process of specialization in theoretical and practical skills and knowledge with the aim of ensuring a professional and efficient discharge of judicial and prosecutorial duties.

➤ **Users of permanent training**

- Users of permanent training shall be judges and prosecutors.
- The Academy shall keep a record of judges and prosecutors who have participated in the permanent training program and shall send the data to the High Judicial Council and State Council of Prosecutors.

Types and program of permanent training

Permanent training can be voluntary and compulsory.

- Permanent training is voluntary, except in the case when it is compulsory under the law or decision of the High Judicial Council and State Council of Prosecutors in case of a change in specialization, significant modifications of regulations, introduction of new techniques of work and in order to remove shortcomings observed in the work of judges and deputy public prosecutors, as well as for judges and deputy public prosecutors who are elected as judges or prosecutors for the first time and who have not attended the initial training program.
- The permanent training program shall be adopted by the Managing Board, at the proposal of the Program Council and with the agreement of the High Judicial Council and State Council of Prosecutors.

Special permanent training program

Special permanent training program

- ***Judges and deputy public prosecutors who have been elected for the first time and have not completed initial training shall have the obligation to attend the special permanent training program.***
- ***Judges and deputy public prosecutors from relevant decisions of the High Judicial Council or State Council of Prosecutors shall also be users of the special permanent training program, when this is needed in order to remove some shortcomings observed during the evaluation of the work of the judges and deputy public prosecutors. In this case, permanent training shall be compulsory.***
- ***Under a decision of the High Judicial Council, or State Council of Prosecutors permanent training may be imposed on some categories of judges and prosecutors in case of election to the court or the public prosecutor's office of a higher instance, change of specialization, significant modifications of regulations and introduction of new techniques of work.***
- ***The Academy shall have the obligation to make a special program of permanent training in accordance with the decisions of the High Judicial Council and State Council of Prosecutors.***

Annual program of voluntary permanent training

Once a year, by December 1 at the latest, the Academy shall have the obligation to send to courts and public prosecutors' offices the draft annual program of voluntary training for the next calendar year.

- Judges and prosecutors shall send their applications for the programs to the Academy until December 31 of the current year.
- The Academy shall decide on the users of each of the offered programs and inform courts and public prosecutors' offices about it.
- The Academy shall issue certificates on the participation in permanent training programs to judges, public prosecutors and deputy public prosecutors.

TRAINEES

Entrance examination for trainees

- Candidates for trainees at courts or prosecutors' offices shall have the obligation to take the entrance examination in order to be admitted at a court or public prosecutor's office to complete their training period.
- The program of the entrance examination for trainees shall be adopted by the Managing Board of the Academy, at the proposal of the Program Council.
- Candidates for trainees at courts or prosecutors' offices shall be employed by the court or public prosecutor's office on the basis of their total grade.
- The total grade shall consist of the sum of the average grade received during the studies and grade from the entrance examination, where the grade from the studies shall account for 40% of the total grade and the grade from the entrance exam for 60%.
- Candidates who have the highest total grades shall be employed as trainees at courts or prosecutors' offices.

TRAINING FOR ASSISTANTS TO JUDGES AND PROSECUTORS AND TRAINEES

- **Special training program**
- The Program Council shall define the draft special program of training for assistants to judges and prosecutors and trainees in cooperation with chief judges and public prosecutors.
- A special program of training for assistants to judges and trainees at courts shall be adopted by the Managing Board with the agreement of the High Judicial Council.
- The special program of training for assistants to prosecutors and trainees at prosecutors' offices shall be adopted by the Managing Board and sent to the State Council of Prosecutors for approval.
- Assistants to judges and prosecutors and trainees shall have the obligation to attend the special training program.
- Chief judges and public prosecutors shall send to the Academy once a year their reports on the work of assistants to judges and prosecutors and trainees and the opinion of their mentors.

TRAINING OF THE JUDICIAL AND PROSECUTORIAL STAFF

The training of judicial and prosecutorial staff is an organized process of gaining of knowledge and skills with the aim of ensuring a professional and efficient discharge of duties.

Users

- Users of training are members of the judicial and prosecutorial staff who perform administrative duties.
- The training of judicial and prosecutorial staff shall be voluntary, unless a special law says otherwise.

Training program for the judicial and prosecutorial staff

- The training program for the judicial and prosecutorial staff shall be adopted by the Managing Board at the proposal of the Program Council, with the agreement of the High Judicial Council and the State Council of Prosecutors. The program shall be adopted for each category of the judicial and prosecutorial staff.

Legal succession JTC to ACADEMY

Legal succession and takeover of means of work and employees

The Academy shall be the legal successor of the Judicial Center for Training and Professional Specialization (hereinafter referred to as: Judicial Training Center / JTC).

On the date when the present Law takes effect, the Academy shall take over the means of work and employees of the Judicial Training Center.

Takeover of the Judicial Training Center's activities

The activities of the Judicial Training Center, which are regulated under Article 165 of the Law on Juvenile Perpetrators of Crimes and Criminal Law Protection of Minors (Official Gazette of the Republic of Serbia No. 85/05), i.e. those regulated under the Rules on the Program and Method of Acquiring Specialized Knowledge from the Field of Rights of the Child for Trial Judges in Family Cases (Official Gazette of the Republic of Serbia No. 44/06), shall be performed by the Academy starting from the date when the present Law takes effect.

