



European Network of Councils  
for the Judiciary (ENCJ)

Reseau européen des Conseils  
de la Justice (RECJ)

# Attractiveness of the Judicial Career

## Report of the ENCJ Thematic Dialogue group

### 2023-2024



Co-funded by the Justice Programme of the European Union



*This publication has been produced with the financial support of the Justice Programme of the European Union. The contents of this publication are the sole responsibility of the ENCJ and can in no way be taken as the views of the European Commission.*

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# 1 INTRODUCTION<sup>1</sup>

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During the years 2021-2022, the issue of shortage of candidates for judicial positions and decreasing attractiveness of the judicial career were observed in several ENCJ Members and Observers. To address this, in 2022 the ENCJ chose to establish a working group dedicated to exploring the origins of this problem and finding effective possible solutions to enhance the attractiveness of a judicial career.

As a part of the ENCJ's 2023-2024 Work Plan, the Project on Judicial Attractiveness within the Thematic Dialogue Group initiated by the ENCJ in 2022 has involved mapping the main challenges in each ENCJ Member and Observer country, collecting best national practices, and drafting of recommendations.

The participation in this dialogue group was, in principle, limited to one participant per ENCJ Member/Observer, which allowed a limited number of ENCJ representatives to exchange best practices and experiences, with the primary goals being dialogue and mutual learning and fostering of a European Judicial Culture based on common principles.

As a first step, it was decided to collect information from the ENCJ Members and Observers. In 2022-2023 the questionnaire was sent out to the ENCJ Members and Observers inviting them to comment on whether lack of judicial attractiveness is an issue in their jurisdiction and to identify the factors that make judicial career unattractive or less attractive. The questionnaire also aimed to identify the measures (including preventive measures) taken by institutions that are not currently facing this problem.

The questionnaire was answered by twenty-six institutions<sup>2</sup>. The answers to the questionnaire confirmed that a diminished attractiveness of judicial career is a problem faced by judiciaries in Europe, as many judiciaries have identified the attractiveness of the judicial career being a significant issue in their respective countries.

The responses to the questionnaires, which highlight challenges related to attracting and retaining candidates, as well as working conditions, were discussed within the framework of the thematic dialogue group. The Project group explored possible solutions to address these challenges and shared insights on ways to enhance the participating judiciaries.

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<sup>1</sup> This report was composed, with the input of the project team, by Project Coordinators: Mrs Lucia Dreser, Mr Aigars Strupis, Mrs Natalie Callebaut, Mrs Solvita Harbacevica and ENCJ Office team: Mrs Aleksandra Switalska and Mrs Milda Treige. The members of the project team are listed in Annex 1. In 2023/2024 the following project team meetings took place: 16&17 November 2023, 18 January 2024, 11&12 March 2024 and 24 April 2024. Several online meetings were also held in the project year 2022/2023.

<sup>2</sup> Austria, Belgium, Bulgaria, Croatia, Denmark, England and Wales, Estonia, Finland, Germany, Greece, Hungary, Northern Ireland, Italy, Latvia, Lithuania, Malta, Montenegro, Netherlands, Norway, Portugal, Scotland, Serbia, Slovakia, Slovenia, Spain and Sweden.

Taking into consideration the answers to the questionnaire, whether the attractiveness of a judicial career is a significant issue in various judiciaries, the ENCJ Members and Observers may be divided in the following categories<sup>3</sup>:

- Countries where this was identified as a substantial problem: Belgium, England and Wales, Lithuania, Norway, Portugal, Scotland, and Slovenia and Ukraine;
- Countries where this is seen as a partial issue: Austria (anticipated in the future), Estonia (anticipated in the future), Finland (specific counties), Germany (specific lands), Greece (Council of State), Hungary, Latvia, Netherlands (higher instance courts and specialized judges (courts)), Serbia (specific counties), Slovakia (specific courts), and Sweden (specific counties);
- Countries where this was found not problematic: Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Italy, Malta, Montenegro, and Spain.

The findings from the dialogue group project were presented at the Ljubljana General Assembly in 2023. In the project year 2023-2024, the group continued the work by sharing the best practices in this area and formulating recommendations.

The core of this report consists of recommendations on how to attract, recruit, retain, and engage the most competent and talented people for the profession to provide high-quality justice, as well as, recommendations related to organizational and working conditions in the judiciary. These recommendations are a set of best practices and measures to improve the attractiveness of the judicial career in every country. Their implementation relies on internal adherence.

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<sup>3</sup> Please note that different aspects and indicators were taken into consideration to provide this division and the division between the groups is not strict.

## 2 MAIN CHALLENGES DISTILLED

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The first online meeting of the Project group took place on 18 November 2022, with the primary objective of delving into the factors that contribute to the lack of attractiveness of the judicial career. In addition, participants discussed possible solutions and additional steps that could help to improve the current situation. The working group thought about possible solutions “to make becoming a judge cool again” through employer branding and marketing, focusing on judicial recruitment and training.

On the 2nd of December 2022, the ENCJ representatives participated in a conference organized by the Academy of European Law, in the framework of the EU Forum of Legal Professions, under the title of “Maintaining the attractiveness of the legal professions: how can we anticipate future trends”. The meeting addressed various themes, including trends in the desirability of legal professions, the perception of legal careers, access to legal professions, and how can we make the legal professions more attractive. It appeared evident from the discussions that the issue of attractiveness encompasses other legal professions: attorneys, notaries and bailiffs as well.

From the responses to the ENCJ questionnaire the following main groups of challenges (*See annex 4*), emerged: **selection and training of judges, concerns regarding judicial remuneration (pensions and salaries), working conditions of judges and social status.**

First of all, as a significant factor contributing to the unattractiveness of the judicial career was a notably lower salary in comparison to similarly qualified professionals in other legal fields or to the lawyers employed in the private market.

Respondents also believe that law firms offer more opportunities and more attractive opportunities in comparison to limited career advancement options in the judiciary. Well-paid lawyers still regard the salary of the judge as non-competitive, therefore hiring among the professions (in jurisdictions, where this is a possibility), is difficult. Similarly, the progression of salary throughout a judicial career may not be as lucrative as in other professions, dissuading top candidates from pursuing this path.

Even more, several respondents noted that the level of judicial remuneration was on the verge of threatening not only the attractiveness of profession, but also the independence of the judiciary<sup>4</sup>.

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<sup>4</sup> To this end also see the Statement of the ENCJ Executive Board of 25 May 2023 On financial security in the context of judicial remuneration, available at: <https://pgwrk-websitemedia.s3.eu-west->

The current relationship between the demands and responsibilities of the judicial profession and the remuneration offered limits the possibility of building the judicial corps that meets the expectations of society. The most experienced candidates are often not applying for demanding judicial posts as they seek better compensation, working conditions and professional development elsewhere.

Secondly, factors such as heavy workload impacting work-life balance, insufficient social guarantees, outdated buildings and ICT support were identified as negatively affecting the attractiveness of the judiciary as an employer. Respondents agreed that the workload of judges and pressure to meet demands of efficiency discourage a significant number of graduates from becoming a judge. The emphasis is sometimes placed on quantity over quality<sup>5</sup>, leading judges to work on evenings and weekends. The lack of social guarantees such as the termination of judges' pensions, restrictions to receive other remuneration, even from being a lecturer at the university, may be unattractive to potential candidates. In addition it was underlined that judges often lack adequate support in their work and consequently do not work in satisfactory conditions.

Thirdly, judicial career is perceived as a very demanding path. Certain candidates might be discouraged by complicated and lengthy selection procedure. Only the most qualified candidates fulfilling highest requirements can join the judiciary. This, together with the challenges mentioned above, automatically narrow the pool of candidates. In some cases, applicants must undergo training without a guarantee of becoming a judge at the end.

The competition to access to the judiciary are very demanding and the exam failure rate in general is rather high. This may discourage some potential candidates from applying, the remuneration in the form of scholarship received during training may also be viewed as not attractive.

Finally, it has been pointed out that, as a result of changing societal values and increased media scrutiny and criticism, working for the judiciary is seen less prestigious. Very often, the high level of responsibility associated with judicial office tends not to be fully recognised.

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[1.amazonaws.com/production/pwk-web-encj2017-p/Statement%20EB%20financial%20security%2025%20May%202023.pdf](https://www.amazonaws.com/production/pwk-web-encj2017-p/Statement%20EB%20financial%20security%2025%20May%202023.pdf).

<sup>5</sup> See for example, ENCJ Survey on the Independence of Judges 2022, p. 3, p. 30-31. The results of this reveal that judges in a number of jurisdictions, feel case-related internal pressure by the management of the court to reach production targets. Report is available here: <https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/GA%2022/Report%20ENCJ%20Survey%202022.pdf>.



### 3 WORK CARRIED OUT BY THE GROUP IN 2023/2024

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In the project-fiche for the year 2023/2024 the working group agreed to work on the main challenges distilled in the following manner. Two in-person meetings were to be held, which were to be followed by two online meetings. It was proposed to address the challenges in the following manner: (1) broadening the circle of possible judicial candidates and selection procedures; (2) focusing on remuneration and working conditions. It was agreed by the coordinators that external expertise, especially knowledge from the persons working in the private sector could be instrumental, thus qualified external speakers were sought.

On 16 and 17 November 2023, an in-person meeting took place in Brussels which focused on the first two themes. During the meeting, four presentations were delivered: “The talent to find the talent”, by Shaireen Aftab, Director Communication and Marketing, Flemish Agency of Work (VDAB); “Our HR perspective on the appeal of working for the Judiciary”, by Ms. Dorinda Hovestadt, the Raad voor de Rechtspraak, Netherlands; “Measures to make the judicial career attractive”, by Mrs. Dina Gutrad, Sveriges Domstolar, Sweden and “Equality Plan for the Judiciary”, by Consejo General del Poder Judicial, Spain.

The Project group learned that this is also caused by the tightening labour market, which is becoming increasingly competitive. In general, there is a tension between the number of job seekers and available vacancies. Moreover, the labour force is also shrinking due to demographic trends (ageing population) and lower rate of participation in the market, which may be caused by various factors. European countries will face a shortage of workers in the future and legal professions are one group that is in short supply even now. It is therefore important that the judiciary is aware of these changes in the labour market and tries to be an attractive and more active employer. The judiciary must attract, recruit, retain and engage the most competent and talented people for the profession in order to provide high-quality justice. If enough people cannot be attracted or if recruitment or selection standards are lowered, the quality of the judiciary will be affected.

On 11 and 12 March 2024, an in-person meeting took place in Riga (Latvia), devoted to sharing best practices related to the working conditions of judges and judicial remuneration (principles of setting judicial remuneration: who should define it; principles on how it should be defined, what should encompass the notion and whether and how it should be indexed).

The following presentations were presented at the meeting: presentation by Ms. Inna Plakhtii from HCJ Ukraine on the situation in Ukraine; presentation by the speaker Ms. Reda Moliene on best practices related to organizational and working conditions in the judiciary; presentation by speaker Ms. Inese Stankus-Viša on tools to address the impact the working environment from a perspective mental well-being; presentation by Mr. Tiago Perreira on the main results of the burnout-study of CSM Portugal.

In December 2023, another meeting organized by ERA on the theme of the media and the legal profession, examining the relationship between trust in the judiciary and trust in media reports. This topic aligns with one of the identified factors influencing the attractiveness of the judiciary.

Two online meetings held on 18 January 2024 and 23 March 2024 were held to distil and work on the possible recommendations.

## 4 BEST PRACTICES

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During the work of the dialogue group, experiences were shared on how ENCJ members and observers deal with the lack of attractiveness of the judiciary and what efforts they have undertaken in their respective countries to address this. Some of the good practices exchanged are listed below and could inspire the development of concrete initiatives to make a career in the judiciary more attractive.

In **Austria**, coaching is available. Experts, paid by state, can be hired for team buildings or seminars. For those interested, training is available on topics of social skills, minimizing and handling conflicts in teams.

In **Belgium**, the High Council has emphasised on organising information sessions for interested candidates prior to the exam, sample exams are also published on the website and unsuccessful candidates are given the opportunity to participate in collective or individual feedback afterwards. The examination programmes have also been expanded, with new subjects being offered (such as family law or tax law) to attract more specialised lawyers or legal professionals and the legislation that must be known for the various exams is better defined.

The High Council participates in JobDays at the various (French-speaking and Dutch-speaking) universities. Since 2021, the Week of the Magistracy has been organised for law students in order to make them aware of the content of the profession of magistrate. During this week, they can walk in the footsteps of a magistrate for one day to encourage them to choose the job of magistrate in the future. Students also receive information dossiers on the magistrate's profession.

In **Bosnia and Herzegovina**, there is a vast ratio of supporting staff per judge. In the first instance courts, there is a pool of assistants whose aid can be requested.

In **Germany**, the higher Court instances, special office offers counselling for every member of staff. This counselling covers health, family and work problems, as well as personal coaching. Judges and members of staff can receive coaching to improve their skills in dealing with certain issues.

Younger judges in Germany are tutored by the more experienced judges on topics such as dealing well with the workload. Judges are provided with good desks and there is also training available on how to work in an ergonomical way.

In **Ireland** a 10-year modernisation program had been set up, which includes the digitalisation and modernization of court rooms. The availability of training has increased manifold and judges are being educated on topics like handling difficult situations.

**Latvia** has been using individual and team supervision for both judges and court system managers to improve the functioning of courts (through raising the quality of communication) and mental wellbeing and professional life of individuals.

Special attention is being paid to health insurance and to creation of ergonomic workplace.

Psychological evaluation has been introduced in selection process, showing if candidates are prone to psychological stress or whether they are resilient to stress.

**Lithuania** has recently solved the problem of low judicial salaries and the low salaries is solved. Currently the Council of judges is concentrating on the work-life balance, the distribution of cases and determining the optimal workload for judges. All appeal cases in Lithuania are distributed through a computer program that takes into account the workload of the judges. Lithuania has a system for establishing the optimal workload taking into consideration the number of cases a judge has, a complexity score of a case, an indicator of working time of a judge and the contribution of their assistant. This system is expected to help optimize the network of courts and should reveal if there are enough judges in particular courts.

Judges are free to plan their work during the day and are allowed to work from home if they do not have to attend to a hearing.

A study on psychological wellbeing in 2022, shows that older judges are more satisfied compared to their younger colleagues. The focus is on the psychological training on overcoming stress and improving decision-making in stressful situations, rather than on psychological helpdesks or supervision.

**The Netherlands** explained their human resources perspective on the appeal of working for the Judiciary. Their activities focus on recruiting of new legal professionals and retention of those currently serving. That is done keeping in mind that the Netherlands will face shortage of workers in the foreseeable future, also for legal professions. Demographics of labour market change as well, population becoming more highly educated, proportion of people over 65 rising and population growth in the coming decades coming only from the children of migrants. These tendencies must be taken into account when redefining how to be an inclusive employer (for example, considering providing social and emotional support to employees who are informal caregivers to aging family members).

Pull factors for attracting lawyers to work in judiciary are good pay, but also good work-life balance, flexible working conditions, meaningful work and the opportunity to get involved in social issues. Availability of permanent contract is increasingly important, as well as, especially for younger generations, flat organisation with open lines of communication and availability of diverse options for career path.

Taking into account all these factors, core message of employer branding has been formulated as – The Judiciary works for everyone as a result of your efforts.

Special attention is being paid to mental health and recreation. In case of illness judges are paid at full rate for two years.

In **Norway** there has been a reform whereby 60 first instance courts have been reduced to 23 courts. The distribution of the workload proceeds in a fair way, regardless of where you work. The court reform has proven successful. However, the workload remains high with judges working on

average 46.2 hours a week, 10 hours more than the official working hours. Working environment and equipment is up to the needs and professional psychological help is available when necessary.

Unlike the setup in many other European countries, in Norway judges have no personal assistants, however members of staff are available to handle technical matters. The question of what help is needed from support staff is currently being looked at by a working group.

**Portugal** presented results of an extensive study on working conditions, professional burnout and well-being of judges. The study identified such predominant risk factors as high pace of work and working overtime that in turn leads to health risks. 17% of judges have a high risk of burnout. Acknowledging existing stress factors enables them to be taken into account when organising work, performance evaluation as well as resource distribution.

In **Romania** mental support is available through network of psychologists attached to courts of appeal. They organise meetings at least once a year in every court in their jurisdiction. The option to make an appointment with them to discuss work-related issues is available. Team buildings are organised for employees.

**Spain** presented its Equality Plan for the Judicial Career. Based on Constitutional and legislative provisions, and adopted by the plenary of the General Council of the Judiciary, this plan encompasses a wide scope of topics, among those – access to the judicial career, professional promotion, professional training, security and health, remuneration (dealing with) harassment and violence, inspection and disciplinary action, image of justice, etc. The plan, in force since 2020, provides for annual report and monitoring, review and implementation mechanisms.

**Sweden** gave an insight in the set of measures taken to ensure the attractiveness of judicial career. The objective of the action plan is defined as ability of the courts to attract, retain and engage the most skilled and professionally most suitable lawyers. With that in mind, employer branding strategy is employed, aiming to enhance the competence of the courts in the field, developing a clear employer value proposition and building ambassadorship.

**Ukraine** has been reflecting on ways to facilitate the selection procedure, by reducing the number of stages of selection, by changing the rules for passing the qualifying exam and by performing special checks.

In the **United Kingdom**, there is no formal counselling, but the contact details of professionals offering psychological help, are shared and visits are encouraged. These visits are entirely confidential.

## 5 ENCJ RECOMMENDATIONS

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### I. Pool of Candidates and Access to the Profession

#### 1. Attraction and retention of talent

Organize the judiciary as an appealing career path and work environment to retain currently employed highly skilled professionals and attract potential new candidates and the right talent.

#### 2. Highlighting social role of judiciary

Showcase meaningful and interesting aspects of a judicial career through sharing short campaign messages to spotlight the key role of judges. These messages should aim to educate the public on judges as guardians of the law, who uphold laws and protect rights. Additionally, highlighting their role in conflict resolution would underscore the positive societal impact of judicial work. These messages could also serve as inspiration for aspiring legal professionals, encouraging them to pursue a career in the judiciary and make a positive impact on society.

#### 3. Allowing for flexibility in judicial career

Consider providing more flexibility in the judicial career, such as movement between jurisdictions and the opportunity to combine teaching and judicial work. Strive to provide easier mobility among different legal professions including a possible return to the judiciary.

#### 4. Articulating pull-factors for young professionals

Deliberate on incentives and benefits for the younger generation showcasing the judiciary not only as an interesting and meaningful career path, but also a good work-life balance including the possibility of working part-time, satisfactory remuneration, pleasant working environment and good working conditions. It is important that sufficient financial resources be made available to provide these preconditions to attract (young) people.

#### 5. Encouraging ambassadorship

Encourage other judges to act as ambassadors for the judiciary. They are best at conveying what the judiciary stands for, what the job entails and the environment in which new people find themselves. Target young people by organizing open days in the courts, internships and projects such as judges at schools. If young people encounter justice in a positive way, they will be more likely to choose a judicial career.

## **6. Maintaining dialogue with universities**

Pay attention to trends in legal education in universities (emergence of new curricula) and in legal professions (demand for legal specialization in jurisdictions, where it is possible). Consider tailoring entrance exams and the selection process accordingly. Special provisions to access judiciary from other legal professions should be established, including special training courses for the transition, including courses that could be taken in parallel with practicing current legal profession.

## **7. Broadly advertising vacancies**

Announce vacant judicial positions and dates for entry examination to potential candidates for the judiciary using various means of communication (e.g. professional social media, own website). Consider opening tasks of previous entry exams visible to potential candidates.

## **8. Broadening target group**

Review entry requirements to the judiciary and broaden the target group to include legal professions other than lawyers (with a bar exam). Those who work in the public or private sector and hold a law degree may also have a suitable experience and profile for the judiciary.

## **9. Tailoring selection procedures**

Evaluate current selection procedures and review their complexity. Selection procedures that are (too) long may discourage a number of qualified candidates. Provide constructive feedback to unsuccessful candidates on their performance during the selection process. Ensure that the selection procedures are tailored to achieving gender balance and that the widest possible representation of the society in the judiciary is reached. Regularly evaluate the effectiveness of the selection process and make improvements based on feedback.

## **10. Ensuring inclusiveness**

Strive to ensure that people from immigrant backgrounds would consider joining the judiciary as a possible career. Make use of ambassadors with the same background.

## **II Working conditions**

### **11. Developing leadership skills**

Invest in organizational and leadership development within courts, including of court presidents, that would enable courts as organizations to adapt to the current global environment characterized by accelerated technological change, cross-border cases, economic, societal and other shifts.

### **12. Promoting positive organisational culture**

Promote positive organizational culture. Ensure that every court fosters a culture of engagement and recognition, ensuring respect for all court staff, supporting good communication between staff, judges and presidents so that ideas can be shared. Acknowledge contributions of judges and court staff towards a common goal to nurture the feeling of being valued.

### **13. Ensuring optimal work organisation**

Aim to streamline organizational processes to ensure effective organization of court activities, look for/ provide an optimal organizational structure, clear assignment of roles and effective work-regime.

### **14. Promoting health and safety at work**

Strive to obtain sufficient financial resources to provide pleasant, secure and ergonomic physical working arrangements and tools, including but not limited to court buildings, offices and IT equipment. Invest in developing and implementing measures to ensure a safe, attractive and healthy work environment for judges and court staff (e.g. enough space, proper ventilation and lightening, ergonomic workstations).

### **15. Measuring and equitably distributing workload**

Develop and apply mechanisms to measure the workload of judges. The purpose of this is to design an optimal, efficient workload for judges and to ensure the equitable distribution of work.

### **16. Recognising leadership's role in physical and psychological well-being of judges**

Recognise and prioritise the responsibility of Court Presidents, Councils, and/or other stakeholders, governing bodies to support the physical and psychological well-being of judges.

### **17. Providing psychological support structure**

Make available access to support services, such as stress management training and individual counselling for judges undergoing stress.



### **18. Investing in judicial support staff**

Provide judges, to the extent possible, with staff assisting in the delivery of justice and an appropriate number of court employees responsible for proper functioning of courts. Investing in judicial support staff is an investment in the effective administration of justice.

## **III Judicial remuneration**

### **19. Ensuring sufficient judicial remuneration**

Ensure that the judicial remuneration is sufficient to safeguard judicial independence and impartiality, taking into consideration the significant responsibilities and wide range of tasks judges undertake and the equivalent salaries in other legal work. Ensure that a competitive and appealing remuneration package for judges is offered.

### **20. Adhering to systemic understanding of judicial remuneration**

The concept of judicial remuneration should encompass all social benefits, including pension. Automatic adjustment mechanisms that align judicial remuneration with inflation and market conditions, like indexation of salaries, are necessary. Other factors may include previous experience, seniority or length of service, where applicable, special responsibilities, travelling time and number of vacation days. All of these may be taken into consideration when calculating remuneration.

## ANNEX 1 MEMBERS OF THE PROJECT GROUP

First name	Last name	Institutions
Gerhard	Reissner	Ministry of Justice Germany
Lucia	Dreser	High Council of Justice of Belgium
Natalie	Callebaut	High Council of Justice of Belgium
Aigars	Strupiss	Judicial Council of Latvia
Solvita	Harbacevica	Judicial Council of Latvia
Mary Rose	Gearty	Judicial Council of Ireland
Judith	Gleeson	Judges Council of England and Wales
Dina	Gutrad	NCA Sweden
Tiago Rafael	Pereira	CSM Portugal
Dorinda	Hovestadt	Raad voor de Rechtspraak Netherlands
Roland	Kempfle	Judges Association Germany
Francisco Javier	Forcada Miranda	CGPJ Spain
Ana	Bilic	HJPC Bosnia and Herzegovina
Marius	Bajoras	Judicial Council Lithuania
Alin	Ene	SCM Romania
Peter	Szabo	OBTHungary
Ola	Holmen	NCA Sweden
Marit	Bjørånesset Frogner	NCA Norway
Madeleine	Mathieu	CSM France
John	O'Connor	Judicial Council of Ireland
Nina	Opslah	NCA Norway
Jasmin	Calija	HJPC Bosnia and Herzegovina
Inna	Plakhti	HJC of Ukraine
Dalia	Vasariene	ENCJ President
Milda	Treige	ENCJ Office
Aleksandra	Switalska	ENCJ Office



## ANNEX 2 MEMBERS RESPONSES TO THE ENCJ QUESTIONNAIRE

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European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

### **Thematic dialogue group: Attractiveness of judicial career- Compilation of replies**

#### ● **Ministry of Justice of Austria**

##### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Yes, the judiciary in Austria experience a lack of judges' candidates.

Besides the general lack of manpower on the labor market, which also affects the judiciary, there is an increased number of retirements since the „baby-boomer“ generation reaches the age of mandatory retirement (65 years). Moreover, in recent years a significant number of positions of judges and prosecutors could have been generated (since 2020, there are 111 additional positions), which need to be filled. At present and in future, it will not be possible to fill all those vacancies completely. For this reason, the judiciary pursues two prior aims:

1.) The main goal is still to get the necessary number of judges' candidates. In this sense, the judiciary has taken or is currently preparing different measures, e.g. advertising campaigns, projects at universities and schools or raising the salary of judges' candidates (see in more detail under 3 and 4).

2.) Besides, the judiciary recruits applicants from other legal professions (e.g. lawyers) who will become judges with only a short period of training. Of course, this applicants have to absolve a strict selection process and the final judge's examination.

##### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

No, because the judicial career is still attractive for many jurists.

In addition to the reasons already mentioned under point 1 for the lack of judges' candidates, a decline in the number of graduated law students can be noticed. There is a greater choice of different legal professions for fewer graduants. Consequently there are less candidates to become a judge, which also limits the selection of the best-qualified ones.

One critical point, however, which might make the judicial career unattractive, is a relatively low starting salary as a legal trainee and as a candidate judge. Moreover, unlike other legal professions, the judicial profession is preceded by a long and challenging testing process with many examinations for a limited numbers of positions as a candidate to become a judge. This means a long period of uncertainty with little pay. However, law firms are also struggling to find associate attorneys. Students are currently tending toward the private sector that offers comparatively high starting salary.

In general, the judicial profession is still attractive. The pay is well above average and it is a secure job, which is becoming ever more important in today's world. Moreover, judges have flexible working hours and the option of home office.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Successful steps taken:

„Justiz macht Schule“: Within the framework of this project, judges and public prosecutors introduce students aged 12 and older to the tasks and functioning of the rule of law in the form of lectures, trial visits, trial games, court tours, etc.

„Rechtshörerschaft“: Those who would like to get to know the judiciary during their studies can attend an unpaid internship at a court or public prosecutor's office as a law student for a couple of weeks.

Cooperation with Universities: Judges and prosecutors present the judicial profession during lectures. Law students and their professors attend court hearings which are then analysed and debated.

Participation in career fairs

Advertising campaigns (posters, brochures etc)

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Raising the salary as a legal trainee and as a candidate judge might help improve the attractiveness. This measure shall be effected within the next legal amendment of the judge's service law.

## ● **Conseil Supérieur de la Justice / Hoge Raad voor Justitie of Belgium**

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

For several years and especially since 2016-2017, the number of candidates for the exams giving access to a job in the magistracy has decreased, which may indicate more generally a declining interest in a job in the magistracy.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

We think one of the possible causes could be the many judicial reforms since 2014. The judicial landscape was redrawn and the number of judicial districts was reduced. Whereas a candidate used to know he was applying for a specific court district, he is now applying for a vacancy within, say, a first instance court that has multiple divisions. Thus, at the time of applying, there is often still no certainty about the division or the subject matter in which the candidate will serve as a judge. This uncertainty and imposed flexibility, both in terms of location and specialisation, can put a brake on interest in the magistracy. Also the mobility associated with this can potentially act as a brake to choosing the magistracy.

In addition, there has also been the pension reform which makes the magistrate's office less attractive to, for example, lawyers who wish to make the switch.

This is also consistent with the findings of a poll conducted by the HCJ in 2018 of 500 lawyers in collaboration with the bar associations. This showed that these reforms - in addition to the working environment, terms of employment and financial conditions - deter lawyers, notwithstanding that the magistrate profession is still described as intellectually challenging and socially relevant.

Furthermore, the drop in the number of participants in entrance exams could possibly also be explained by the introduction in 2017 of the limitation on the number of entries. This makes candidates less likely to register and not to "try" but to participate in the exams better prepared.

### **3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The HCJ continues to conduct awareness and information campaigns to attract new candidates for the magistracy. Therefore, it is important to develop an action plan to attract high potential profiles. Thus, in its multi-year plan, the HCJ focuses on the attractiveness of the magistracy.

As part of this, in the month of March 2022, the HCJ organized the first Week of the Magistracy. Law students from 3rd year Bachelor and 1st and 2nd year Masters were given the opportunity to closely follow and observe a magistrate for a day. This initiative was a great success. In total, nearly 2,500 students registered and thanks to the cooperation of about one-third of all magistrates,

nearly 1,750 students were able to walk in the footsteps of a magistrate for a day. This project will be repeated on a regular basis.

In addition, the HCJ has also taken other actions. Thus, information sessions for the bar associations are regularly organized to promote the office of magistrate and explain the various exams; the HCJ participates in job fairs organized by the universities and, during digital information sessions, candidates are given the necessary explanations about the exams and how to prepare for them. The HCJ also provides collective and individual feedback sessions where unsuccessful candidates are given explanations of the case. Sample exams are also published on our website and we also internally evaluate our exams each time. Finally, we keep the laureates of the professional competence exam and the oral evaluation exam informed of new vacancies via email.

At the end of June 2022, the HCJ approved new examination programs for the coming judicial year. Regarding the professional competence examination, the possibility is provided for the appointing committee of each language group to organise an exam specifically on family law or corporate law. The idea is to attract new candidates with these new subject matters, for example, lawyers who have specialised in family law and are now held back by their lesser knowledge of the other areas of civil law. For the oral evaluation examination, tax law can be offered in addition to family law. And for the judicial internship social law. For candidates to better prepare themselves, the appendix to these examination programs clearly defines what each examination program entails.

The HCJ is reflecting internally on reforming the oral evaluation exam to attract more specialized candidates. However, we should note that lawyers with such a profile are still not participating enough in this exam.

The HCJ also gives candidates the opportunity to take the exams in optimal conditions. In addition to their own law books, candidates have also the opportunity to consult legislation digitally through Justel.

#### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

We continue to reflect on this further within the working group “Attractiveness” set up for this purpose in our High Council.

### **● Supreme Judicial Council of the Republic of Bulgaria**

Answer from the Supreme Judicial Council of the Republic of Bulgaria on additional question:

*“You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue”*

The profession of the judge is distinguished by the guarantees provided by the Constitution of the Republic of Bulgaria for the independence of the judiciary as a whole and of the individual judge, as well as by his binding only to the law (Article 117). This fundamental value of the judicial profession is also confirmed by the statute of irremovability of magistrates. Art. 129, para. 3 of the Constitution regulates that upon completion of five years of experience as a judge and after

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attestation, with a decision of the Judges' College of the Supreme Judicial Council, judges become irremovable. When appointing the candidates ranked in competitive procedures, the Judges' College of the SJC places emphasis on the presence of high professional and ethical qualities.

The Supreme Judicial Council of the Republic of Bulgaria and the bodies of the judiciary promote the work of the courts and the profession of the judge through the annually implemented Educational Program "The Judiciary - informed choice and civil trust". Open Courts and Prosecutor's Offices" (<http://www.vss.justice.bg/page/view/6221>) and the information campaign "Open Doors Day" (<http://www.vss.justice.bg/root/f/upload/37/2021-a.pdf>).

The educational program was established in 2014 with the aim of forming legal literacy and culture among students, increasing public confidence in the judiciary and compliance with the laws. It is an initiative of the SJC, carried out in agreement with the Ministry of Education and Science of the Republic of Bulgaria and implemented by magistrates and court officials. Pioneers in the academic year 2014/2015 are 23 district courts and 21 district prosecutor's offices, which work with tenth graders from 28 schools in the regional cities of Bulgaria. In the following years, the scope of the Program grew and before the Covid-19 pandemic, during the academic year 2018/2019, 431 judges and prosecutors from 160 courts participated in it, giving lectures in 178 schools. During the academic year 2021/2022, 251 judges, prosecutors and investigators from 94 courts and prosecutor's offices in the country worked under the Program, in partnership with 128 schools.

The educational program of the SJC is implemented according to a concept agreed with the Ministry of Education and Science, with the magistrates entering the classrooms and presenting the division of powers according to the Constitution of the Republic of Bulgaria, the structure and functions of the bodies of the judiciary, the professions of "judge", "prosecutor" and "investigator", access to information in the judicial system and others. They involve students in the judicial process with courthouse visits, mock trials, legal quizzes, legal literacy competitions, including younger students through court drawing competitions. The students put on the judge's toga, sit in their seat in the courtroom, take photos with the case files and perceive the gravity and humanity of the judicial profession. In the educational process, they acquire impressions about the professional and personal qualities, about the moral and ethical requirements for the judge. Young people often share a desire to continue their education in the specialty "law", they are interested in how to become a "judge" and receive guidance on professional orientation.

The "Open Door Days" information campaign has been implemented by the SJC since 2014 and is a traditional initiative of the bodies of the judiciary, with the aim of increasing the publicity of their activities and presenting the main functions and mission of the judiciary. The main participants in the meetings with the guests, in the simulation trials and others, are the judges and the administrative heads, who explain the specifics of their profession and the process of administration of justice.

Courts promote their work on the Education Program and Open Days on their websites through press releases, photographs, video files, including educational films they have produced, animated products and other presentations. The Supreme Judicial Council provides access to their information through its website (<http://www.vss.justice.bg/page/view/6563>) and Facebook page (<https://www.facebook.com/profile.php?id=100062961463772>). These activities are widely covered in regional media and internet sites, and the publicity contributes to increasing the authority of judges and public interest in their qualities and responsibilities.



The Supreme Judicial Council administers the "Open Doors Days" educational program and information campaign, and annually publishes information on the courts and the judges participating in their activities on its website (<http://www.vss.justice.bg/page/view/106580>, <http://www.vss.justice.bg/page/view/7165>).

In 2017, the Supreme Judicial Council was presented the "Crystal Scales of Justice" award for the Educational Program in the "Crystal Scales of Justice" competition of the Council of Europe. In 2018, the presentation of the Educational Program was met with great interest at the first "Exhibition of the European Network of Councils for the Judiciary" and after a vote among the participants, it was awarded at the second place as an example of "Leading Positive Change".

In addition, it should be noted that there is a great interest in the judicial profession, which is evident from the number of candidates for the position of judge in various competitive procedures:

Information on the announced by the Judges' College of the SJC competitions for junior judges and for initial appointment in the courts, incl. the number of the competition positions and the candidates admitted to participate in 2020, 2021 and 2022

## 2020

1. Competition for junior judges, announced by a Decision of the Judges' College of the SJC under Protocol № 01/21.01.2020 and promulgated in the SG №10/04.02.2020:

- 29 positions, total number of admitted candidates -775;

2. Competition for initial appointment in the Regional courts (first instance) announced by Decision of the Judges' College of the SJC under Protocol №7/25.02.2020, amended and supplemented by Decision of the Judges' College of the SJC under Protocol №8/10.03.2020 and promulgated in SG № 47/22.05.2020:

- 7 positions – 154 admitted candidates;

3. Competition for initial appointment in Sofia City Court – Civil College, announced by a Decision of the Judges' College of the SJC under Protocol № 32/08.10.2019 and promulgated in SG №82/18.10.2019:

- 1 position – 19 admitted candidates;

4. Competition for initial appointment in the District Court – Vratsa (second instance) Criminal College, announced by a Decision of the Judges' College of the SJC under Protocol № 32/08.10.2019 and promulgated in SG №82/18.10.2019:

- 1 position – 14 admitted candidates;

## 2021

1. Competition for initial appointment in the administrative courts, announced by a Decision of the Judges' College of the SJC under Protocol № 12/13.04.2021 and promulgated in SG №32/16.04.2021:

- 31 positions, 302 admitted candidates;

2. Competition for junior judges, announced by a Decision of the Judges' College of the SJC under Protocol № 02/26.01.2021 and promulgated in the SG № 08/29.01.2021:

- 7 positions – 531 admitted candidates;

## 2022

1. Competition for junior judges, announced by a Decision of the Judges' College of the SJC under Protocol № 02/25.01.2022 and promulgated in the SG № 09/01.02.2022:

- 39 positions – 844 admitted candidates;

### ● **State Judicial Council of Republic of Croatia**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

No

Next questions: not applicable

### ● **Ministry of Justice – Cyprus**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

There is no lack of candidates.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

See above.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

No. However the establishment of criteria for the appointment and promotion of judges has made the appointment and promotion more transparent and has reinforced the trust to the judiciary.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

The security of tenure afforded to judges, which guarantees the independence of the judiciary is one of the factors that the position of judges in Cyprus is still attractive to candidates. The career prospects is another factor.

## ● **Domstolsstyrelsen - Denmark**

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

No, not generally, but in some parts of the country that are far from the big cities, there may be few applicants for some judge positions.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The career as a judge is considered attractive.

### **3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The career as a judge is considered attractive.

### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

The waiting times for citizens at the Courts of Denmark are long and the judges generally experience a great deal of work pressure. More resources for the courts, including support functions for the judges, will therefore make the judges' working conditions more attractive.

### **Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

A career as a judge is considered attractive. This is due, among other things, to the very special role of the courts in the society as well as the professional content, the responsibility and the independence of the position.

## ● Judges' Council England and Wales

1. Difficulties in recruiting the number of salaried judges that are needed have been acknowledged by both the Lord Chief Justice and the Review Body on Senior Salaries.

2. This is a complex issue. The Lord Chief Justice has referred to several factors that may be contributing to the problem. These include a reduction in the real value of overall remuneration since 2008 and the poor physical conditions in which many judges work, increases in salaried judges' workload and in the relative attractiveness of fee-paid as opposed to salaried office and, in the Crown Courts in particular, a reduction in the number of criminal practitioners. In October 2018 the Review Body on Senior Salaries identified previous reforms to judicial pensions in 2015 as an important contributor to judicial recruitment problems.

3. Immediate short-term measures to increase judicial capacity have included encouragement of fee-paid judges to sit more than they usually would and the appointment of a greater number of retired judges to sit on a fee-paid basis in retirement. In March this year royal assent was given to the Public Service Pensions and Judicial Offices Act. This raised the judicial retirement age to 75 which is expected to improve retention of salaried judges. That Act also reversed aspects of changes to judicial pension arrangements, first announced in 2012, which had previously been identified by the Review Body on Senior Salaries as an underlying cause of judicial recruitment problems (see 2, above).

4. The Lord Chief Justice has spoken on the need to do more to maintain a strong cadre of salaried judges who make a career commitment to the salaried judiciary, including measures to reduce the system's reliance on fee-paid judges when that can be achieved and to ensure judges terms and conditions do not positively benefit fee-paid judges at the expense of salaried judges. He has also emphasised the importance of the success of His Majesty's Courts and Tribunals Service's reform programme as well as adequate resourcing for all parts of the courts and wider justice system.

In addition, we are continuing our efforts to increase the diversity of those who apply for judicial posts so they can participate in the justice system and positively affect the administration of justice. A range of priorities are in place to increase the diversity within the Judiciary including administering the Judicial Work Shadowing Scheme and Mentoring Schemes; partnering with the Judicial Appointments Commission, academic institutions, legal career fairs and professional bodies such as HERBAR (an on-line hub for women barristers) to host outreach events to attract diverse talent, enable delegates to connect with judges and learn about judicial roles in the courts and tribunals and to understand better the application process.

**For more information, please see:**

[\*LCJ Annual Report 2021\*](#),

[\*LCJ Press Conference November 2021\*](#),

[\*LCJ's Mansion House Speech July 2002\*](#),

[LCJ oral evidence to Constitution Committee 18 May 2022,](#)

[Review Body on Senior Salaries Forty-Fourth Annual Review, 2022](#)

[Review Body on Senior Salaries Supplement to Fortieth Annual Report on Senior Salaries 2018.](#)

## ● Ministry of Justice of Estonia

Input was given by the presidents of the courts.

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

There are candidates who are interested in pursuing a career in the judicial system, including candidates with PhD degrees but due to the lack of vacant positions, potential candidates may lose their interest. Although there are enough candidates, they should have better theoretical and practical skillsets. In a few years, the lack of suitable candidates may be a problem.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Yes, numerous factors make the judicial career unattractive. Firstly, the law is oriented around a particular country's legal system, thus making it harder to find a job in another country compared to other fields. Also, a career in the judicial system isn't as prestigious as a career as a lawyer. The reason for this could be that lawyers are more well-paid as opposed to judges who have higher responsibilities but might receive a lower salary. In Estonia, judges are appointed for life which doesn't leave many career options when younger candidates are appointed to circuit courts or the Supreme Court. Furthermore, a lack of social guarantees such as the termination of judges' pensions (for new judges since 2013), restrictions to participate in business as well as a high workload may be unattractive to potential candidates.

### **3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The Ministry of Justice announced a scholarship to promote criminal law among law students. Also, the Supreme Court of Estonia started giving out scholarships to support law students at the University of Tartu in their studies. The courts have participated in career fairs to promote a career in the judiciary. There are plans to introduce a national law exam that could help to standardize the level of legal education in Estonia.

### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Actions that could help to improve the attractiveness of the judicial career could be an attractive career system, increasing social guarantees (such as restoring the judges' pensions), modernizing

courthouses and improving work conditions, supporting work-life balance by enabling flexible working hours, developing systems for wider social recognition of judges' work.

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

## ● National Courts Administration of Finland

In Finland Judge is a well-respected profession. It is an attractive career.

The Finnish Bar Association notes that there are approximately 140 available positions per year to the in-bench-training to become a judge, and approximately 350–400 persons apply yearly.

( <https://asianajajaliitto.fi/2021/02/tuomioistuinharjoittelun-valintakriteerit-muuttuvat/> , translation by the author)

The Chair of the Judicial Appointments Board, in its Annual Report for 2021 states the following: *“There are considerable variations in the number of applicants for open judges’ vacancies. There are delightfully many qualified candidates for the posts for the courts located in the capital region and other major cities. However, the situation is not the same for all courts. In some instances, to a court located in a smaller city, only one person has applied for the vacancy, and such a situation cannot be considered satisfactory. We all have a responsibility to ensure that the pool of candidates to recruit from is adequate. This is also influenced by how interesting the work of judges is perceived to be. The attractiveness and significance of the work of judges should therefore be expressed whenever appropriate.”*

([https://oikeus.fi/material/collections/20220505141335/7Z1yDPMjJ/Tuomarivalintalautakunnan\\_toimintakertomus\\_2021.pdf](https://oikeus.fi/material/collections/20220505141335/7Z1yDPMjJ/Tuomarivalintalautakunnan_toimintakertomus_2021.pdf) , translation by the author)

Also, the “side effects” (such as harassment) have thus far been low in number / are under control.

However, the situation might be slowly changing and the NCA is keeping an eye on these developments.

### ● Conseil Supérieur de la Magistrature of France

#### 1. Does the judiciary in your country experience a lack of candidates to become a judge?

In France, there is not a lack of vocation on the part of candidates for the posts of judges, but a lack of attractiveness of certain functions, particularly civil functions or those of head of jurisdiction or head of court, in their subsequent careers.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

It is not the functions themselves that make them unattractive but the way they are performed. Indeed, the lack of means and the possibility of exercising them properly is a determining reason. There are not enough judges in France, they do not have enough time and, for certain functions that require it, they do not have a sufficient team of jurists around them. Many chief posts are not attractive because of the major constraints they face (isolation of certain areas, lack of staff around them, multiple tasks (administrative and jurisdictional), for a very high level of responsibility).

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The end of 2021 was marked in France by an unprecedented movement of demands from magistrates regarding their working conditions. The Minister of Justice, who in France is the policy-maker on human resources for the judiciary, announced the recruitment of several hundred new magistrates over several years, as well as a significant increase in their salaries. Judicial staff should also be recruited (clerks, assistants).

The High Council of the Judiciary is very attentive to these developments and has had several opportunities to point out that the working conditions of magistrates and the way in which they are able to dispense justice in practice contribute to the independence of justice as a whole.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

The issue of resources and support for magistrates, both material and human, are fundamental in order that the profession of magistrate remain attractive.

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

## ● Judges Association - Germany

Pretext: Apart from the Federal Supreme Courts, the German states (Länder) are competent for appointing judges in Germany. Therefore, the situation differs significantly between the states. The answers given below purport to give an overview of the general trends, although in some states the answers might differ.

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

The situation seems to differ significantly between the German states. In some states it is reported that there are no problems in finding sufficiently qualified candidates to become a judges, such as Lower Saxony and Bavaria, others do. In the state of Hessen, for example, approximately 100 positions of judges are vacant at the moment.

What is remarkable is that especially the number of male applicants has decreased significantly within the last decades – all over Germany.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Where there is a lack of sufficiently qualified candidates, indeed the lacking attractiveness of the judicial career in those states seems to be the main reason for that development. The main factors for lacking attractivity are:

#### **a. The remuneration of judges.**

In Germany, the remuneration of judges is considerably lower than the salary of similarly qualified professionals in other legal professions. Moreover, the level of remuneration differs significantly between the German states which causes some states to “lose” judges to their neighbouring states, i. e. jurists who live in a state with a low level of remuneration apply to become a judge in the neighbouring state.

#### **b. Equipment of the judicial workplace.**

Outdated buildings and work infrastructure and insufficient IT equipment compared to law firms and private companies are another factor that discourages graduates from becoming a judge. The actual equipment of the judicial workplace differs significantly between the different states.

#### **c. Workload.**

According to law graduates, the high workload of the judiciary, especially in lower instance courts, does in fact discourage a significant number of graduates from becoming a judge in Germany.



**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Whether or not steps have been undertaken differs highly between the German states.

Very generally speaking, most of the German states stress the possibilities for judges to combine family and working life, e. g. by working work part time, or by being released from the job for a certain time to take care of the judge's family.

Just this year, Hessen started to increase the remuneration (slightly) and hire more judges in order to decrease the workload for each judge. At the same time, the criteria to become a judge, i. e. the required minimum marks of the State Examinations, were lowered in several of the German states.

Furthermore, some states started hiring trainee lawyers (law school graduates between their 1<sup>st</sup> and 2<sup>nd</sup> State Examination) to work for the courts before their 2<sup>nd</sup> state examination, for example as assistants to judges, a position that is just being introduced in a few of the German states. In Schleswig-Holstein, some judges take a lot of efforts to choose good trainee lawyers during their compulsory court traineeship and actively integrate them into their daily work. That proves as a very effective means to recruit talented and interested trainees to become a judge after their 2<sup>nd</sup> State Examination.

More measures include active advertisement, such as on social media, information evenings, or even work with school students. In Lower Saxony, for example, moot courts for high school students were organised.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

First of all it is crucial that judges themselves are actually satisfied with their own judicial career. That depends on several key factors, such as remuneration, working infrastructure and overall working conditions, workload, appreciation of work done and possibilities of promotion, but also the self-image of judges within the justice system and within society. It is also important to analyse why someone becomes a judge: is it only to have a job that is more compatible with having children and a family than being a lawyer? Or is the graduate really interested in being a judge?

In a second step, it seems to be promising to get in touch with law students, and even school students, and create an interest in the judiciary in general, and in working as a judge. However, as long as judges themselves do have a somewhat negative image of their job, whether or not that may be justified, it is more difficult to attract those of the younger generations to become a judge than if judges convey a positive image of their job, and are actually satisfied.

● **Supreme Judicial Council for Administrative Justice of Greece**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Not in general.

However, as in Greece administrative judges receive common training (both for administrative courts of first instance and the Council of State) before their appointment and only express their preference at the end, it has been observed that during the past 10 years young judges prefer administrative courts of first instance to the Council of State. This has raised concern within the supreme administrative court.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Not in general, but there is definitely some unattractiveness regarding the career in the Council of State. Although working in the supreme administrative court certainly comes with prestigious status and high-profile cases, young judges have gradually become reluctant to join it, due to the heavy workload and the long hours, in combination with a) the fact that its organisation offers very distant prospects of promotion (in average 13 years in the initial rank) and b) the fact that there are no financial benefits differentiating it from the lower courts.

Also, over the years, a mentality of judges as employees rather than as independent guarantors of the rule of law seems to have been developed among young judges, possibly after the financial crisis of the 2010's that forced a significant amount of self-employed lawyers to seek security in the judicial profession.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

For the moment, we are contemplating various solutions, but no measures taken yet.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Change of organization of the court in order to balance workload and efficiency.

Change of working conditions (safe and pleasant working environment, technical supplies and support, adequate supporting staff [secretary, assistant]).

Offer of better prospects of professional development (acceleration of promotion, active encouragement of further training and exchanges). Tailor-made training. Better remuneration.

Promotion of work-life balance (day-care services for young parents, gym etc.).

## ● National Judicial Council of Hungary

### 1. Does the judiciary in your country experience a lack of candidates to become a judge?

No, there is no such experience. However, in recent years the central administration of courts has decided to decrease the number of judicial statuses in the country due to the smaller number of the new cases. This means that there are fewer open applications for judge's positions than before. In this situation we perceive that in the countryside there are also fewer applicants for the fewer positions, so the career does not seem to be so popular than before. (For example, in one county court, there were 2 administrative judge positions open and altogether only 4 candidate applied.) It does not apply to the capital city, Budapest, where there are still many applicants for the few available open places. Exact numbers on these perceived tendencies, however, could only be provided by the National Office for the Judiciary (OBH).

### 2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?

Yes, there can be connection. Possible factors: poor remuneration compared to the high responsibility and workload, lowering public trust in the judiciary, bad working conditions, rapidly changing legal environment, promotion is not solely on abilities, increasing administrative burdens, lack of proper administrative assistance and increasing fluctuation of court staff, burnout. Based on ENCJ survey, the perceived independence is declining, possibly partly due to the above-mentioned factors.

### 3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?

A few years ago, the National Office for the Judiciary had a "Retention Program" aiming to keep the judges and court staff in the courts. It was not a big success. There are also family friendly measures taken by the court management. There were also measures in order to increase the salaries, this is the task of the legislative.

### 4. Do you think there are other actions that could help improve the attractiveness of the judicial career?

*All actions that aim the solution of the problems can improve attractiveness. The salary of judges might be a core element, but not sufficient in itself.*

## ● Judges Council Northern Ireland

### 1. Does the judiciary in your country experience a lack of candidates to become a judge?

In certain tiers of the judiciary, yes.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The major factors in certain tiers are :

- (a) The much greater volume of work required from judges in those tiers
- (b) Erosion of terms and conditions , in particular in relation to pension provision
- (c) The increase of the differential of salary between judges and lawyers in private practice.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Steps have been taken to address the pension issue . No steps have been taken to expand the numbers of judges recruited to deal with the increase in volume of work .

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Yes . Increased remuneration and recruitment of more judges .

**● Consiglio di Presidenza della giustizia amministrativa of Italy**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

In our country there is no relevant problem of attracting good candidates to the position of judge; usually there is abundance of candidates to become a judge.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The Italian judicial career is very attractive. The main factors are: a) social prestige; b) career based on objective progress; c) remarkable remuneration characterized by a significant rate of increase over time.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The attractiveness of the judicial career is not seen as a real issue in our institution. Rather, the structural shortages of staff in the roles of the judiciary are due to the great selectivity of the entrance exams, which are very difficult, especially for the administrative judiciary, which requires passing a second level competition.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

As can be seen from the previous answers, there is no need of actions to improve the attractiveness of the judicial career.

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

Basically, we are not participating in this working group because there is no real problem of attracting good candidates to the position of judge. Additionally, from a practical point of view, we represent that our CPGA is about to expire. In the near future we will be able to express our representatives in the ENCJ working groups from the new Council.

- **Tieslietu padome of Latvia**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Since the amendments to law stipulating the increase of the judge's salary (until 2019 – first instance judge 1966 EUR/month, since 2019 + 35% - 2695 EUR/month), the number of candidates to the judicial post has increased.

However, even though the number of candidates has increased, relatively few of them are able to pass the thorough selection procedure, established by the Judicial Council (adopted 21.10.2022, provides for four stages of selection – examination of formal criteria, test, solving case studies and interviews with psychologist and the selection committee. <https://likumi.lv/ta/id/327188-par-rajona-pilsetas-tiesas-un-apgabaltiesas-tiesnesa-amata-kandidatu-atlases-kartibu> ). Therefore so far it has been a challenge to establish reserve lists to the judicial posts, aimed at immediate filling of vacancies when they open up. The system of reserve lists is provided for in the named selection procedure, but so far it has been possible to establish such a list only for the administrative district court.

According to the latest data, overall in the court system, 8,2% of positions are currently vacant. The vacancies are relatively uniformly distributed, over all territory of Latvia and all court instances. Most part of vacancies are in the process of being filled in through already launched competitions.

Parallel to this, there are ongoing discussions about establishing a system of case weighting and the optimal number of judges for Latvia. Especially in perspective, the number of judges might actually decrease, as currently we observe both decrease of population and of the cases submitted to courts.

Working on various aspects of courts' efficiency might also lead to decrease in number of judges.

As a demographic group, Latvian judges are aging rapidly. Currently 7%, but during the next 5 years 34% of judges will be entitled to receive professional pension (izdienas pensija).

It is also important to note that Latvia has very low number of male judges – only 19%.

Therefore, in coming years, maintaining efficient corpus of judiciary will require carefully addressing all the mentioned factors and balancing them.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

- The best lawyers still regard the salary of the judge as non- competitive;
- The status of a state official implies a number of limitations which might play a role (limitation to hold positions in organisations etc);
- Societal trust and respect for judiciary needs to be further strengthened;
- Certain candidates might be discouraged by complicated and lengthy selection procedure. However, as the candidates selected through it are of high professional quality, there are no plans to change the new selection procedure.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The new selection procedure for the judicial posts was created in order to strengthen and emphasize the importance and high status of the judicial post in Latvia. The interviews and even videos were created for this purpose.

Judicial Council is currently actively engaged in strengthening of the judicial training system in Latvia. The question is still open if it will cover the training of lawyers wishing to participate in competitions for judicial posts, however support for this idea gains ground based on the outcomes of competitions organised under the new, stricter selection system.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

One of important issues related to the everyday work of a judge is the quality and efficiency of judicial assistants. The change of employees (judicial staff) is rather high. It hinders judges in the performance of their main duty - the function of reviewing the court cases. Judicial Council is working at securing additional budgetary funds for remuneration and social guarantees of courts' staff.

- **National Courts Administration of Lithuania**

1. The Lithuanian judiciary has recently faced a shortage of judicial candidates. Currently, 73 out of 786 judicial posts in Lithuania are vacant. The selection of judicial candidates usually does not attract many applicants for senior positions (presidents of courts, presidents of court divisions, deputy presidents of courts). There is also a recent and persistent shortage of applicants for district court judges. The smallest number of applicants is in smaller, more remote districts, such as Akmenė, Švenčionys, Visaginas, etc. (but perhaps these towns are not internationally significant). The current situation is that there are more vacancies in the courts than there are applicants for these posts. For example, in 2020 there were 4 judicial selections (2 in 2021), which did not result in a single successful candidate and suggested to the President of the Republic of Lithuania that the selections be re-opened. There were also 2 selections in both 2020 and 2021 where only one applicant had expressed an interest. The lack of applicants for the highest positions of the heads of courts and court divisions is also illustrated by the selections for the position of the President of the Court of Appeal in 2021 (1 applicant), the selections for the positions of the Presidents of the Civil Division of the Supreme Court of Lithuania in 2022 (1 applicant), the Presidents of the Criminal Division of the Supreme Court of Lithuania (2 applicants), and the Presidents of the Criminal Division of the Lithuanian Court of Appeal (3 applicants).

2. The biggest problem for the Lithuanian judiciary is the heavy workload and insufficient funding. Low and uncompetitive salaries make it impossible to attract professional lawyers to the courts. As a result, professionals working in the judiciary are deciding to take up other careers as their workload increases. In addition, courts face shortages of judges or court staff, and insufficient funds to pay for services necessary for the administration of justice (e.g. postal services). Low salaries threaten the independence of the judiciary and the attractiveness of the profession. The current relationship between the demands and responsibilities of the judicial profession and the remuneration received limits the possibility of building a judicial corps that meets the expectations of society.

3. The Judicial Council, representing the interests of the judiciary, takes initiatives and cooperates with other state institutions, initiates, where possible, changes in the legal regulation and submits comments on draft legislation prepared by other institutions related to the reform of the remuneration of state institutions, including the judiciary, and the organisation of the civil service. In various meetings, events and discussions, the Judicial Council, representing the interests of judges, raises issues of relevance to the Lithuanian judiciary, such as the biased funding of courts and the insufficient remuneration of judges.

The Judicial Council works to improve the working conditions of judges and to address issues of concern to them in a variety of ways:

- participated in the coordination, comments and proposals on the draft amendment to the Law on Remuneration of Judges, which amended the provisions on the amount of the supplement for

the length of service to the State, adjusted the provisions on working and on-call duty on rest days and holidays, and introduced the provisions on payment for substitutes and the bonus for additional workload;

- submitted comments and proposals to the Ministry of Social Security and Labour of the Republic of Lithuania and to the Committee on Social Affairs and Labour of the Seimas of the Republic of Lithuania on the amendment to the Law on State Pensions for Judges of the Republic of Lithuania;
- approved the description of the procedure for the payment of remuneration for work and duty on rest days and public holidays and for substitution, and for the granting and payment of bonuses for increased workload to judges of courts of general competence and specialised courts, which implements the amended provisions on the remuneration of judges.

The General Assembly of Judges on 16 September 2022 adopted a resolution drawing attention to the extremely poor financial situation of the judiciary (insufficient resources for the salaries of the judicial community, postage, etc.). The resolution calls on the Seimas of the Republic of Lithuania, the President of the Republic of Lithuania and the Government of the Republic of Lithuania to "mobilise and resolve in the near future, through joint efforts, the issue of insufficient and inadequate financing of the judiciary in order to ensure the proper performance of the functions of the judiciary and to ensure that judges and persons working in the judiciary are properly paid for the duties they perform; sign a national agreement between the authorities to address the problems of financing and development of the Lithuanian justice system; establish a model of financing of the judiciary in line with European standards in the laws governing the organisation of the work of the judiciary and the formation of the state budget". According to the Judicial Council's strategic directions in 2020-2024, one of the strategic goals - to create and approve a long-term the judiciary vision, aiming to improve the judicial system, foreseeing the long-term priority directions of the development, goals, tasks, and the expected results, ensuring the consistent improvement of the judicial activities. The Green Paper on the Judicial Development vision is prepared and on 20 September 2022 was published to stimulate discussion on given topics with the judiciary and other stakeholders.

4. It is believed that preserving the attractiveness and prestige of the judicial profession in the society is related both to ensuring decent working conditions for judges and to strengthening social guarantees and effective dissemination of information on the activities of courts. The Judicial Council and the National Courts Administration are taking various initiatives to achieve these goals: The Judicial Council sets out strategic directions and measures for its implementation in a four-year perspective, including the improvement of the model for the selection and evaluation of judges, the conceptual evaluation of the procedures and content of the judicial examination and the initiation of change, the evaluation of the psychological well-being of judges and staff in the courts with the help of experts, the improvement of the psychological well-being of judges and staff in the courts, and the establishment of a model for the funding of the courts in the interests of ensuring the real independence of judges and the judiciary through a series of communication campaigns: conferences, some of which are available to the judiciary on YouTube, and a long-standing tradition of a "Day with a Judge" event for the entire judiciary. As mentioned above, the Judicial Council is also working on a document of great importance for the development of the entire judicial community, on the development of a vision for the judiciary for more than 4 years. The draft document also includes measures that will contribute to the strengthening of the judicial profession in society: the development of a strategy for the formation of the judicial corps, legal education of the public, the creation of a system for identifying and developing leaders, etc.

## ● Commission for the Administration of Justice – Malta



**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

We do not experience a lack of candidates to become a judge but we are experiencing candidates who are not well prepared for the judiciary.

**2. Do you believe this is due to the (un)attractiveness of the judicial career?**

Yes in the sense that there is lot of public exposure to the members of the judiciary and, since Malta is a small country, comments or articles in the media do not help the situation since, being a small community, almost everybody is well known.

What do you believe could be the possible factors that make the judicial career unattractive?

Private practice enables a lawyer to seek a better income than members of the judiciary. The constraints of being a judge and limiting any social contact due to one's function as a member of the judiciary is not seen as attractive in today's society.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Presently no steps have been taken to make a judicial career more attractive. However during the last couple of years, public perception of the judiciary is being viewed as more positive. The government is committed to help the judiciary as regards conditions of work, staff and resources.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Yes, through university specialised courses.

● **Judicial Council of Montenegro**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

No, in Montenegro does not a lack of candidates for judges. Even more, sometimes we have many applicants for some court, and we are elect for example 2 judges...

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

In Montenegro, still the attractiveness of judicial career exists.

3. **If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**
4. **Do you think there are other actions that could help improve the attractiveness of the judicial career?**

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

The position of judge in our country is still considered as a prestigious and respectable position. Each study year over than 1000 students applied on Law faculty.

## ● **Raad voor de Rechtspraak Netherlands**

1. **Does the judiciary in your country experience a lack of candidates to become a judge?**

In 2021 119 vacancies were posted to which 853 candidates responded. 111 candidates have been selected for the training programme to become a judge at a first instance court or a court of appeal.

Over the past two years, the council for the judiciary has set a goal to hire at least 130 candidates. This was achieved in 2021 and in 2022. Although the target has been achieved, not all vacancies could be filled in 2021.

First of all, this is applicable to the courts of appeal. The courts of appeal fill their vacancies by judges from first instance courts who wants to become a judge at a court of appeal, and also by external candidates.

Currently, there are not enough judges who are keen to move on to a position at a court of appeal. The position of judge at a court of appeal is not an attractive career step to all judges. As for a senior judge there are hardly any financial benefits or career opportunities, and the nature of the work should suit. Recruiting candidates for the courts of appeal from outside the judiciary, is often difficult because a candidate must have at least 10 years of work experience to be appointed as a judge. Candidates with extensive work experience often have well-paid jobs and are not always willing to settle for a lower salary during their training to become a judge.

Secondly there are certain regions where courts have difficulty in recruiting candidates. These are the courts of Limburg, Noord Nederland and Zeeland-West Brabant which are located in regions where the number of legal experts is limited.

Thirdly, all courts have difficulty in recruiting tax specialists.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Jurists can work in the Judiciary as a court legal expert, as a judge at a first instance court or a court of appeal. Or as a legal expert in one of the national services (SSR, Rvdr or LDCR).

As a third state power, the Judiciary is appealing for jurists looking for a challenging job. The Judiciary is a unique employer that offers substantial legal work and is also of great social significance. The fact that a judge is above parties or interests and makes an independent judgment, attracts a number of jurists. Also generally speaking, the working atmosphere within the courts and collegial cooperation are highly appreciated. As generalists, judges rotate regularly between areas of law. Jurists also can rotate to other areas of law.

The high workload, the lack of career opportunities for jurists working at the courts, and somewhat outdated ICT support could possibly be circumstances that negatively affect the attractiveness of the Judiciary as an employer.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Despite the fact that the Judiciary is generally able to recruit sufficient candidates for judicial positions, the tight labour market is reason to professionalize our labour market policy and communication. For example, the profile and reputation of the Judiciary as an employer has been studied within and outside the organization. Based on the results our employer branding will be developed and updated.

The upcoming years the Judiciary wants to profile itself in the labour market as an attractive, modern and inclusive employer. The core recruitment message is "The Judiciary works for everyone". A general employer campaign will start in early 2023.

At the end of this year the employer branding will be completed. In doing so, the Judiciary wants to radiate that it wants to be an informal employer, where employees working in a wide variety of substantively challenging positions, cooperate together for an equitable society. Also a specific target group campaign for the recruitment of judges for first instance court and court of appeal will be developed and implemented in the second quarter of 2022.

The courts put in a lot of effort in developing and implementing career policies for court jurists. Career opportunities for jurists have been identified both within and outside the judiciary.

Some courts offer jurists who have the ambition and capacity to become judge, a variety of facilities to enable them to be well-equipped and prepared in the selection procedure. This increases their chances to succeed in the selection procedure.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

The Judiciary offers judges the opportunity to move on to leadership positions (from team president to director). There is a leadership academy at the SSR training institute where judges are trained for a leadership position. Judges are also employed as project leaders and there are opportunities to be deployed as advisors or judges in an international context.

The Judiciary will start a trainee program for newly graduated jurists in 2023. This program will last 2 years and will give them the opportunity to get acquainted with the Judiciary and its partners.

The Judiciary hopes, in this manner, to attract and retain young jurists as future judge now or in the future.

## ● National Courts Administration of Norway

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Yes. Generally, we would like more candidates to apply for available positions as judges. We have a lack of candidates as judges to the courts in the districts, especially in north and west of Norway. In the central parts of Norway and in the bigger towns, we have sufficient candidates. We also experience that we have lack of candidates to the Appeal Courts in some parts of Norway. Especially for the Land Consolidation Courts the lack of candidates is critical.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Answer from Norway:

Generally, it is quite attractive to become a judge. Main reasons for lack of candidates might be:

- Salaries might be higher in private law sector
- List of applicants for the position is public
- Other positions will better fit the candidates specialization/skills.

We also see that there are a general lack of candidates/manpower who apply for available positions in many occupations in Norway these days.

### **3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

- More targeted calls for positions.
- Actively contact possible applicants for positions.
- Renewed calls for applicants (when few qualified has applied for a position)

### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

- The Norwegian Judicial Appointments Board and the Norwegian Court Administration have contact with the Ministry of Justice and the Norwegian Judge Association. We will improve the attractiveness of the judicial career.

- If we have few candidates The Norwegian Judicial Appointments Board will not nominate candidates who are not qualified.

- Concerning candidates for the Land Consolidation Courts, where the situation is critical and Norway educate few candidates, The Norwegian Court Administration, The Ministry of Justice, The Ministry of Agriculture and The Norwegian Judicial Appointments Board discuss the problems. The Court Administration has decided to increase the wages with NOK 200 000 per year in the north of Norway to apply for available position as judges. The Court Administration has also dialogue with the universities to educate more candidates.

- **Judicial High Council of Portugal**

- 1. Does the judiciary in your country experience a lack of candidates to become a judge?**

The recruitment to join the judiciary in Portugal has experienced, in recent years, a decrease in both the number of candidates and their level. This is a publicly recognised reality both by the judiciary and by the executive branch.

In the last competition (39th) opened by the Centre for Judicial Studies for admission to the initial training course, to fill a total of 104 vacancies (52 being in the judiciary and 52 in the prosecutor's office) only a total of 452 candidates were applied, confirming a trend of decrease that has been increasing in the last decade. In the previous competition (38th) they were left to fill posts due to the lack of candidates with a minimum positive assessment to fill all vacancies in competition.

Because of the reduction in the number of candidates, the average of those who enter is lower. This year there were candidates admitted with a score of 10 on a scale from 0 to 20, while three years ago the lowest grade was 10.75 values.

The effects, already in the short term, may manifest themselves in the lack of quality and shortage of judges.

- 2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

Yes, the data indicate so. Twelve years ago, in 2010, the number of candidates was three times higher than this year (1457), and in the last 10 years, the volume of students with a master's degree in Law has doubled.

Although the lack of attractiveness of the judicial career is a well-known fact, there is no exact answer to this issue, nor are there any known studies that have addressed this problem. Some personalities of the judiciary have been pointing out some factors that may contribute to this situation, such as:

- The lack of interest shown by young graduates in taking on careers with stability and security until their retirement, opting for professional paths that allow them to

access different experiences and functional contexts, whether at the national or international level.

- Erosion of the social role of the magistrate and its importance, a factor of personal fulfilment that determines the public service appeal underlying the choice of a life project as a judge; disenchantment with the profession.
- The importance of the duties performed and the professional and social prestige are not properly recognised, taking into account a rapid and progressive devaluation in terms of working conditions, remuneration and career progression, compared to other professions.
- The requirements for exercising the profession of judge are higher than that of other legal professions (e.g. lawyer). In order to apply to the Centre for Judicial Studies, a master's degree in law is required, whereas to sit the Bar exam a bachelor's degree is sufficient.
- Competitions for access to the judiciary are, as a rule, open once a year and at the beginning of each year, with, in general, a very limited number of vacancies to be filled. The competitions are very demanding and the approval rate is very low (80% failure rate in the exams), and this may discourage some people. Another reason is the application fee of 210 euros, which is not negligible at a time when applicants lack resources.
- The training of the successful candidates, called "justice auditors", lasts for 3 years from their admission to their first placement in a district court as judges (2 years of theoretical-practical training and 1 year of traineeship).
- The Center for Judiciary Studies is based in Lisbon, being the responsibility of the justice auditors to bear the costs of accommodation and food, which are higher in this region compared to the rest of the country, which penalizes all those who do not have residence in such metropolitan area.
- The amount of the scholarship paid to the justice auditors during training (EUR 1279 gross), is not attractive. Law firms, for example, pay the same or more, and if they are good, in three or four years these new lawyers will be earning twice as much.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The attractiveness of the judicial career is a topic that has been on the agenda, but for which no concrete measures aimed at promoting it have yet been taken.

According to recent statements made by the Minister of Justice (July 2022), justice needs magistrates with quality and must be able to attract the best, having admitted that "the bright and traditionally appealing character of careers in the judiciary seems to have faded", coupled with the demographic downturn. Consequently, the reasons for this fading, whether circumstantial or structural, must be identified rigorously and quickly.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Yes, we think there are measures that may contribute to this, such as:

- Campaigns with higher education institutions to attract the best students of law courses.
- Predictability and constancy in the opening of competitions for entry to the judiciary.
- Lift the obligation to reach the degree of “Master” or “Doctoral” after graduation.
- Improvement of the conditions of access to the career (increase of the scholarship value and/or access to accommodation in the training context).
- Regional deployment of the initial training carried out by the Centre for Judicial Studies, in a dynamic approach to the Country.
- Strengthen the professional status in terms of working conditions, remuneration and career progression in view of the public relevance of the judge's function and the obligations and conduct required in the exercise of that office.

- **Superior Council of Magistracy of Romania**

**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

1. Romania’s judicial system has begun to face a decline in the number of candidates. For example, 1636 candidates registered at the National Institute of Magistracy in 2022, down from 2499 registered in 2021. In the same year, at the competition for admission to the judiciary under the conditions of Article 33(1) of Law No 303/2004 republished, which is addressed to persons with at least 5 years’ seniority in certain legal positions (for example, lawyer or legal adviser), 1196 candidates were registered, compared to 1474 candidates registered in 2021. Although the figures remain high, the decrease in the number of registered candidates is likely to affect the selection process, this being a complex one, with several stages, at the end of which there may be situations where not all the places selected for the competition are filled.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

2. In the past, the Romanian judicial system was not faced with a lack of candidates to become a judge. Although the work of a judge has consistently involved a very large amount of work and an extremely high degree of responsibility, and the status of judge presupposes the most drastic incompatibilities and prohibitions applicable in the public sphere, the profession managed to remain attractive due to the way of regulating the magistrate’s status, which confers irremovability, independence, opportunity of promotion and appointment to management

positions on the basis of examination or competition up to the highest level of jurisdiction. Another factor in this was the competitive salary package by reference to the level of training and responsibility of the profession, as well as the rights provided by law in favour of judges, such as the possibility of obtaining a service pension, a measure capable of partially compensating for the lack of work-life balance during the period of work.

Currently, the number of candidates for the position of judge has started to decline, as more and more legal professions, especially in the private sector, have become increasingly attractive, both financially and in terms of career development opportunities. The significant wave of retirement from the incumbent magistrates that the judiciary is currently facing is an additional element that affects the attractiveness of the profession of judge.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

3 The Superior Council of Magistracy (SCM) has been constantly concerned with ensuring the necessary human resources for the proper performance of the activity at the level of the courts and prosecutor's offices, by organising competitions for admission to the profession, those of promotion, as well as the sessions for filling vacancies by transfer. For example, there is currently a competition for admission to the National Institute of Magistracy and two competitions for admission to the judiciary that will be completed at the beginning, respectively in the middle of next year.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

4. The Council will continue the steps mentioned in the previous question and will react in real time to cover vacancies in the system, including by supplementing the admission competitions to the judiciary organised in one year.

**Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

● **Judicial Council of Scotland**



**1. Does the judiciary in your country experience a lack of candidates to become a judge?**

The problem is not a lack of candidates. The salary levels are sufficient to attract candidates. The difficulty is in attracting candidates of sufficient quality. The problems in doing so are not straightforward. On one level it can be argued that salary levels are not high enough to attract the most able lawyers to sit on the superior or inferior court benches. There may be some force in this, but experience shows that, if a particular individual were to be head-hunted, he or she would be willing to give up a substantial portion of current income from private practice in order to have what might be regarded as a less pressured existence later in life.

What can be said is that, at present, the superior court career continues to attract some candidates of sufficient quality. If it did not, the Judicial Appointments Board would not recommend them for appointment. However, it is also true that many eminently suitable candidates do not apply. There can be several reasons for this, including lifestyle choices. Another is the application process. This is often seen overly focused on procedure and formal competency based assessments. It fails some excellent candidates and many, if not most, of these do not, as they might were they in the civil service, apply again. Others are afraid of rejection, as they have seen other, sometimes better qualified candidates, failing to be appointed.

At the inferior (sheriff) court level, there is a surprising lack of interest from civil practitioners at both the Bar and solicitors. There is a dearth of applications from amongst those solicitors who practise in the major cities. This would suggest that money does indeed play a part in the thinking of some.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The references above to a dearth of applications from civil practitioners might suggest that the heavy diet of criminal cases, which exists in Scotland's courts, may put people off. As also referred to, the modern era places some emphasis on persons having a work-life balance, perhaps to the detriment of the sense of public duty which may have had more prominence in years gone by. There is at least a perception that life as a judge or a sheriff will be less flexible than that of a self-employed advocate or solicitor albeit that it may, overall, be less stressful.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The Judicial Appointments Board, in conjunction with the Judiciary, stage a number of outreach events to try to dispel some of the myths that circulate amongst the profession and to stress the benefits of life on the bench. The provision of relatively full information on the

work undertaken is important. A judicial shadowing scheme is in place. The success of these efforts is difficult to gauge.

**4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

Greater transparency in the application process is important, as is the need to persuade the profession of the fairness of that process. The latter is only likely to occur if the successful candidates, especially on the superior court bench, are seen as worthy of the role and if those known to be suitable are not cast aside. The recent resolution of a significant dispute in the United Kingdom on judicial pensions is likely to be of great benefit since the pension is one of the most attractive elements in the package of financial reward. It is one which few in private practice are likely to afford.

● **High Judicial Council of Serbia**

**1. Does the judiciary in your country experience a lack of judicial candidates?**

The judiciary in Serbia does not face that kind of experience, but it does face the fact that due to the unattractiveness of judgeships in courts outside of the big cities, there is less interest in candidates for the judicial position in small towns.

**2. Do you believe this is due to the (un)attractiveness of the judicial career? In your opinion, what could be the possible factors that make the judicial career unattractive?**

The main factor that makes the judicial career (un)attractive is the financial status of judges. More attractive are better-paid jobs, which enable solving existential issues, and do not require the sacrifices that judges are subject to. Judges must be professional, responsible, have exemplary behavior, both in public and private life, which is not required of other citizens.

Judges must always take care when expressing their opinions as this could call into question their impartiality. Also, judges, unlike other professions, cannot perform other jobs than teaching and scientific work.

Difficult conditions in which judges work, such as lack of space, lack of technical support, insufficient number of court staff, large number of cases, especially in large courts, primarily in the capital, are also reasons that make the function of a judge less attractive.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

One of the basic principles that ensure judicial independence concerns the financial independence of the holder of the judicial office. This principle has been proclaimed by the Law on Judges and it guarantees a judge the right to a salary commensurate with the dignity of judgeship and their burden of responsibility, and therefore determines that the salary of a judge represents a guarantee of their independence and support of their family.

A set of new judicial laws is being drafted and the elected members of the High Council of the Judiciary from the ranks of judges are members of the working group. They are advocating for a better financial and employment-related status of both judges and judicial employees.

#### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

It is necessary to find a solution on how to attract quality people to work in the judiciary. This is possible only if the status of judges is regulated and the status of trainee judges and assistants is better regulated and their financial position is made more attractive.

The High Judicial Council in its Strategic Plan for the period from 2022-2025 as strategic priority no. 3 stated that it is necessary to improve the status of judges and judicial staff.

“The financial and employment-related status of judges at the institutional level should correspond to the role and responsibilities of judges in society. Accordingly, it is necessary to also guarantee and ensure the appropriate status of other employees, so that the judiciary, as an independent branch of government, can respond to society’s needs.”

Improving the employment-related and financial status of judges and the staff employed in the judiciary is possible by changing the legal framework in accordance with international standards.

In order to achieve this strategic goal, the High Council has established working groups in which the members - elected members of the Council from the ranks of judges - will analyze the employment-related status of judges and analyze the financial position of judges and the requirements for their retirement.

#### **Additional question for ENCJ Members and Observers not participating in this working group:**

**You are not participating in this working group. We deduce that there is no major problem of attracting good candidates to the position of judge. Could you please tell us why you think this is not a (big) issue in your country and what measures, if any, you have taken in the past regarding this issue.**

The High Judicial Council established the Working Group for the Improvement of the Position of Judicial Assistants in order to improve the position of judicial assistants, and to draft legal and by-laws which regulate the position and duties of judicial assistants. In addition to the representatives of the High Judicial Council, the working group included representatives of the Ministry of Justice, the Judicial Academy, professional associations of judges and prosecutors'

assistants. The proposal of this working group was adopted by the High Council of the Judiciary on March 15, 2021.

## ● **Sudna Rada of Slovakia**

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

No, we have enough candidates to become a judge. In practice, the number of candidates exceeds the number of judges needed.

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The judicial career is attractive enough for nearly all the practising lawyers. We do not need to make the judicial career more attractive.

### **3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

There is no need to take some steps to increase the interest for the position of a judge.

### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

There is no room for answering this question.

## ● **Judicial Council of Slovenia**

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Yes, in some courts and especially in certain fields of work (like criminal judgeship in district courts).

### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

The mentioned fact is definitely tied to unattractiveness of the judicial career. We can see the reasons for the lack of interest in some judgeships in several factors. The work of a judge is very demanding, tiring and brings a lot of stress, and in Republic of Slovenia this is not compensated by an adequate salary. Slovenian judges have one of the lowest salaries in the EU (the recent CEPEJ

evaluation report on the comparability of judges' salaries in EU member states[1] shows that Slovenian judges are significantly below-average), which have further worsened in last years, with the rising costs of living. The starting salary of a judge in 2020 was only about 1.5 of the average salary in the country and has since then decreased even more. The judges' salary is too low comparing to the salaries of public servants. The Judicial Council has been finding for a long time that the most experienced candidates are not applying for certain, most demanding judicial posts. This primarily applies to the transfer of local court judges to district court judgeships. The difference between the starting salary of a local court judge and a district court judge is small, but in the usual case that the local court judge has already advanced in the salary grades in this position, it is negligible. The same applies to the transition of experienced judicial advisors within the judiciary to judicial positions. Some (senior) judicial advisors have a higher salary than they would have if they were appointed to the incomparably more responsible and demanding position of judge of the first instance, which logically has a negative effect on the candidacy of the best candidates for judicial positions. At the same time, there are also relatively few candidates for judicial positions from the other legal professions (such as attorneys). The fact that judges' salaries (especially the salaries of first-instance judges) lag behind not only the salaries of the officials of the other two branches of government, but even the salaries of officials within the judicial system and in comparison with the state administration, as well as the salaries of other legal professionals, represents a serious danger as well for the independence and impartiality of judges and courts. The independence and impartiality of the judiciary and judges are fundamental conditions for the existence of democracy, the protection of human rights and freedom of each individual, the functioning of the rule of law and the achievement of the ideal of a fair trial, and the orderly functioning of the economic base of society. The concept of the independence of the judiciary and judges has several aspects that intertwine and complement each other. One of these is also so called organizational independence, which ensures that the judge has a position and working conditions that allow him to make decisions without any pressure or restrictions. The salaries of other court staff (note takers, registrars, IT specialists) are also poor. This is why there is a large turnover in these personnel, and the advertised positions remain unfilled. Therefore, judges often do not have adequate and sufficient support in their work and consequently do not work in satisfactory conditions. The judiciary also has a relatively low reputation in society, for the number of reasons, and judges who must decide in demanding cases are exposed in the media.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

Both the Judicial Council and the judiciary have identified the problem of the unattractiveness of the judicial career. At its meetings, the Judicial Council has repeatedly accepted and published the position that judges' salaries are inappropriately low. It demanded the immediate regulation of all aspects of judicial independence and thus also the elimination of salary disparities regarding judges' salaries. It called on the Government of the Republic of Slovenia to resolve this issue as a matter of urgency, and it is planning to inform the European institutions

about the fact as well. A representative of the Judicial Council is a member of the group that conducts a dialogue with the Government regarding judges' salaries. Faced with government's unresponsiveness, in 2021, the Judicial Council submitted a request to the Constitutional Court for an assessment of the constitutionality of the regulations governing judges' salaries and benefits. The Constitutional Court classified the case as an absolute priority but has not yet considered it. The Judicial Council will shortly organize a consultation on how to improve the attractiveness of some demanding judicial posts for which there is the least interest in the tenders. After many written protests, by the judges' association, the Judicial Council and a large part of the judges, the Government of the Republic of Slovenia recently undertook to address the issue of judges' salaries (and the salaries of other officials) by June 30, 2023, at the latest.

#### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

The attractiveness of the career court will primarily be influenced by higher incomes and better working conditions (adequate number and quality of support staff). It would be necessary to take measures that would reduce court backlogs, as working on old cases is a strong generator of stress for judges. It is also possible to consider other measures, such as the introduction of a special monetary allowance in addition to the salary due to a special workload, depending on the nature, type and gravity of the cases, the introduction of a longer paid break in addition to the annual leave, namely as a longer break after the workload in the most demanding cases for a longer period (e.g. a month) and for all judges every few years (e.g. five years) for an even longer period (e.g. six months) with the possibility of education abroad, visits to foreign courts and rest. We would also like to draw attention to the study "Exploring Linkages between Judicial Well-Being and Judicial Integrity," [2] which, among others, deals with the addressed topics and has some useful conclusions.

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[1] <https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems>

[2] <https://www.unodc.org/res/ji/resdb/data/2022/exploring-linkages-between-judicial-well-being-and-judicial-integrity.html/Global-Report-Judicial-Well-being.pdf>

## **● General Council for the Judiciary of Spain**

### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

Access to the Judicial Career in Spain is regulated in articles 301 and following of Organic Law 6/1985, of July 1, 1985, of the Judicial Power and is based on the principles of merit and capacity for the exercise of the jurisdictional function. The selection process guarantees, with objectivity and transparency, equal access to all citizens who meet the necessary conditions and aptitudes,

as well as the suitability and professional sufficiency for the exercise of the jurisdictional function. Entry into the Judicial Career in the category of Judge is mainly by passing a competitive examination and a theoretical and practical selection course held at the Judicial School. The competitive examination, which must be held at least every two years, has been held annually since 1998. Since 2001, it has been held jointly with the entrance examination to the Public Prosecutor's Office, so that those who pass the selection process phase opt, depending on the score obtained and the places available, to take the theoretical-practical course at the Judicial School or at the Center for Legal Studies of the Ministry of Justice.

If we look at the latest statistical data on applications submitted by citizens in the entrance exams to the judicial career, in the last 5 years, **we cannot say that in Spain there is a lack of candidates to become a judge.** The figures remain very stable. From the year 2017 to the year 2021 we have had the following number of candidates for access to the judicial and prosecutorial career by the free turn of opposition and for each annuity: 4,193, 4,532, 4,195, 4,300 and 4,013 candidates.

If we refer to the access to the judicial career by the so called "fourth shift", which is a specific path for jurists of recognized competence, in the period from 2015 to 2021, we can say that in 2020 there were 193 candidates in the civil branch, 223 in the criminal area and 184 in the mixed level. In 2018 there were 112 candidates in the social branch and 91 in the contentious-administrative branch, and in 2015 there were 125 candidates in the civil branch, 198 in the criminal branch, and 295 at the mixed level.

An important statistic to consider is the number of vacancies called each year. Thus, in the years 2015 to 2021, 65, 66, 65, 190, 180, 168 and 139 positions for judges were called, and 35, 35, 35, 35, 110, 120, 132 and 101 positions for prosecutors, which makes a total of 100, 100, 100, 100, 300, 300, 300, 300 and 240 positions for each of the years referred to.

## **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

In view of the statistical data reflected in the answer to the previous question, we cannot say that the judicial career is unattractive to the public, since the statistics have remained stable over the last five years.

One factor that could be a disincentive is that **the procedure for entry to the category of Judge lasts approximately three years**, which is perhaps too long if we consider the long period of time devoted to preparing for the competitive examinations. In that way, **the average time required to prepare for the competitive examinations is between 4 to 5 years.**

However, it does not seem that such a factor affects the candidates since the training provided is very high and the selection process comprises several necessary phases:

1.- Overcoming a first phase of free competitive examination, which consists of three exercises:

First exercise (2 h 45 min duration): consisting of passing a test with 100 questions on constitutional law, civil law, criminal law and procedural law.

Second exercise (60 minutes): oral presentation in public hearing of 5 topics (one on constitutional law, two on civil law and two on criminal law).

Third exercise (60 minutes): oral presentation in public hearing of 5 topics (two on civil procedural law, one on criminal procedural law, one on commercial law and one on administrative or labour law).

2.- Passing a second phase at the Judicial School, which consists of three periods:

First period (twelve months approx.): passing a practical theoretical course at the Judicial School in Barcelona.

Second period (six months approx.): internship phase, performing functions of assistance and collaboration with the heads of the judicial bodies in which they carry out their internships, who will perform a tutelary function.

Third period (five months approx.): substitution and reinforcement phase in judicial bodies with the same scope as that of the judicial body.

Some other factors that could discourage the attractiveness of a judicial career could be a **lower professional remuneration** compared, for example, with that of notaries or property registrars, or even the **consideration of the social function performed by the figure of the judge**, which can be both an attraction and a disadvantage.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

We cannot say that in Spain there is a lack of attractiveness towards the judicial career. This is evidenced, for example, by the latest survey conducted by Metroscopia for the General Council for the Judiciary among Spanish citizens, which indicates that the Justice is seen by Spaniards as fully reliable, impervious to corruption and served by competent and well-trained judges.

The study "[Spaniards and Justice](#)" (May 2021) completed the survey conducted among members of the Judicial Career published in October 2020 ("Justice as seen by judges") and is part of the Opinion Barometers that the judges' governing body has been conducting since 1984.

Said survey indicates that the judiciary is the best valued of the three branches of government. Three out of four respondents said that Spanish judges are competent and well prepared for the exercise of their functions, an opinion that rises to 82% among the youngest. Fifty-six percent of Spaniards had a good opinion of the way in which the General Council for the Judiciary acts and 72% said that justice is slow and 79% that it does not have the necessary resources to act



efficiently and quickly. The image of justice in our society is notably better than what is usually taken for granted, in view of this survey of 2021, where 77 percent of those surveyed stated that Justice usually has a worse image than it really deserves because only its possible deficiencies are in the news and not the thousands of cases that it resolves daily in an adequate manner.

#### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

At the university level a project is going on in which the Spanish judicial associations participate, assisting the universities to publicize the legal professions and thus encourage the number of people who may be interested in becoming a judge.

This is not an activity carried out by the General Council for Judiciary, which nevertheless maintains and supports a project called «Educating in justice» that pursues the same goals of publicity and general knowledge of the meaning of the judicial career.

### **● National Courts Administration of Sweden**

#### **1. Does the judiciary in your country experience a lack of candidates to become a judge?**

The ability to employ judges varies depending on where the court is located and which type of court it is. The lack of qualified candidates is mainly a problem for courts of first instance - and especially for the District courts – located outside and sometimes far away from the three main cities of Sweden: Stockholm, Gothenburg and Malmö. These courts often experience a lack of qualified candidates and sometimes the court is not able to recruit all the judges they need. Instead, they have to temporarily employ retired judges and young lawyers who are still in training to become judges. During the last years the problem has escalated and even the bigger courts in Sweden from time-to-time experience that there are not as many candidates as expected when they announce a vacant position as a judge. However, these courts have so far always had enough candidates and have been able to recruit the judges they need.

#### **2. Do you believe this is due to the (un)attractiveness of the judicial career? What do you believe could be the possible factors that make the judicial career unattractive?**

There have been many inquiries – both by the Swedish government and the Swedish National Courts Administration (SNCA). The theme of the recruitment of judges trying to understand the reason to why young, qualified lawyers who has been trained to become judges, choose a different career. From these inquiries it is clear that there are many factors determining the attractiveness of the judicial career. However, the main factors that seem to keep qualified lawyers from pursuing a judicial career are:

- The salary for judges compared to other legal professions and the development of the salary during a judicial career.
- The workload for the judges and the pressure to meet demands of efficiency. Many young lawyers express that nowadays there is no time for a judge to read jurisprudence, discuss legal issues with colleagues and reflect over different cases. Instead, the focus is set on quantity rather than quality and many times judges work under heavy time pressure which means they must work evenings and weekends.
- The lack of career opportunities for judges. In the Swedish judiciary system, there are no senior or specialised judges in the courts of first instance where most judges work. Unless you become a chief judge where you also have personnel and administrative responsibilities, there are no career opportunities in the courts of first instance. Working in an appeal court is not a promotion as the requirements for becoming a judge in an appeal court are the same as for a court of first instance. Many young lawyers therefore consider a position as a judge as a “final station of the career” with very limited opportunities to make a career and to develop.
- The lack of autonomy in the daily work for judges and the difficulties of planning the work and not being able to work from home in the extent that many young lawyers would like.
- The loss of “status” in the profession itself has also been identified as a factor by young lawyers.

**3. If the attractiveness of the judicial career is seen as a real issue in your institution/country, what steps has your institution/country taken to remedy this? Was the action successful? If you have not taken any steps yet, are you planning to take any measures? If so, which ones?**

The attractiveness of the judicial career has the highest priority for the courts of Sweden and the SNCA. There is a continuous discussion about what needs to be done to improve the attractiveness. It is clear that different courts face different challenges regarding this matter and that there are different actions that need to be taken in order to remedy this problem. Currently an action plan is being drafted together with the chief judges of all the courts in Sweden with the aim of getting more qualified lawyers to choose a judicial career and making judges more satisfied with their job. The following are examples of actions that have been taken the last years:

- In Sweden most judges have undergone a specific practical education for judges for four years and after that for a minimum of two years gained other experience from legal work, for example in the ministry of Justice. In order to increase the number of candidates to become a judge in the future, the SNCA has decided to increase the number of places in this education and has given the courts means for this.
- The SNCA has together with the individual courts worked with promoting a judicial career. A special project with the aim of increasing the attractiveness of the Swedish courts as an employer was started in October 2020. They have worked with three different main goals. The first goal is to internally increase the competence of Sweden's Courts, why should we work with our employer brand and what effects it can have. The second goal is produce a employer value proposition (EVP) that all of Sweden's Courts

can stand behind. And the last goal is to build ambassadorship among our employees as we believe is a very genuine and effective way to market our workplace.

- Since January 2020 the SNCA is financing certain groups of qualified and experienced lawyers such as advocates, state prosecutors, legal professors etc. to try the work as a judge for one year. The lawyer is employed by one of the 11 appeal courts where they spend the first six months working as a judge. The appeal courts are collegial courts where there are always at least three judges determining the outcome of a case. After six months the lawyer is sent out to one of the courts of first instance where she or he will work as a judge without any other judges participating in the outcome of the cases. After that year, the lawyer has gained a lot of valuable experience and can determine if she or he want to pursue a judicial career. If so, that person can apply to available positions as a judge and if the qualifications are enough can get such a position.
- At the moment the SNCA is starting up a workgroup together with courts of first instance that want to make changes in their organisation in order for their respective court to be more attractive as an employer. An important question is how the court should be organised in order to create more autonomy for the judges. The different kinds of organisations will then be evaluated, and other courts can learn from their examples.

#### **4. Do you think there are other actions that could help improve the attractiveness of the judicial career?**

There are many actions that need to be taken in order to improve the attractiveness of the judicial career. The aim must be to make it attractive to work as a judge in all courts in the country. In order to do so we have to work with human resources and the organisations of the courts. It is also important to work with leadership in the courts and perhaps different ways to create a career for judges have to be examined more closely. It is also important that good ambassadors are used when marketing the courts and what it is like to work there.

## **ANNEX 3 ANSWERS TO THE QUESTIONNAIRE ON DEFINING JUDICIAL SALARY**

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During the period of the working group, the National Courts Administration of Norway circulated the request for information regarding the judicial remuneration. Based on the replies, the following information on the method for defining judicial salaries may be provided.

The full answers are available only to the ENCJ community in the version of the report uploaded on the secure section of the ENCJ website.

### **Similarities in the method for defining judges' salaries**

#### Request for Information – Norway

##### **1. Established in the Law**

The salaries of magistrates in the countries Austria, Spain, Croatia, Italy, Germany, Romania and Lithuania are established in the law.

In Austria, the income depends on the level of court the judge is active in and on the length of service. Should a change in income be wanted, there needs to be a law. In Austria, annual negotiations between the Union of Public Servants and the government, represented by the Minister of Public Service and the Minister of Finance, are held.

In Spain, the defining of the salary of judges is written in Law 15/2003 of 26 May. Said law regulates the remuneration regime of judicial and fiscal careers.

In Croatia, it is the Law on Salaries and Other Material Rights of Judicial Officials that defines the salary of judges. There is a basic salary that is multiplied by coefficients depending on the rank of the judicial body. The salary is as well increased by 0.5% every year of service, with a maximum of 20%.

In Italy, the salary is also established by law, in relation to length of service and the position that is held. In Italy, the salary system is determined by law. Before the Constitution, judges advanced to higher positions through competitions and the salary was defined by the period at the previous level. Through a reform, automatic career developments and “open staff” promotion were introduced. The salary system remains the same as before, but the judicial levels have been dropped. The reform introduced professionalism assessments which take place every four years up to 28 years. The law of 2 April 1979 states that there is no bargaining regarding the salary of magistrates. Law no. 27 of 19 February 1981, introduced the automatic adjustment system, which calculates and adapts the salary of magistrates to the cost of living, taking into consideration the variation of salaries of public employees.

In Germany, the salary is also regulated in the law, to ensure that judges are able to devote themselves entirely to their jobs. The judges get compensated for their service as a whole and not for individual work. The remuneration of judges consists of the basic salary, that is determined in accordance with

the pay grade of the office that is held or was assigned, the family allowance, allowance in specific cases and in some cases an annual special payment and capital-forming benefits.

In Romania, the salary of judges is established in Framework Law no.153 of 28 June 2017. The salary of the judges depends on the seniority of the magistrate, the type of court and the type of function that is being performed. For magistrates active in harmful or dangerous conditions, an increase up to 15% of the basic salary is offered. For those who run the risk of neuropsychic overload, an increase up to 25% is available and for magistrates who maintain confidentiality an increase up to 5% is offered.

In Lithuania, the salaries of judges and the procedure around the calculations are laid down by the Law of Remuneration of Judges of the Republic of Lithuania, which is adopted by the Parliament.

Finland is currently discussing the transition to a system where the salaries are regulated by law. Now the salary is determined in a collective agreement. The salary is composed of the class of the judicial position and a percentage which is based on the years of experience.

Also in Portugal the salary system for judges is provided for in Law No.21/85, of July 30<sup>th</sup>.

## 2. Factors in determining the salary

### i. Seniority

Austria, France, Italy, Denmark, Romania, Hungary, Portugal and Finland all take seniority/experience or length of service into consideration when calculating the salary of judges. As a result, magistrates who are longer in service, will receive a higher salary than newer judges.

In Croatia, with each completed year of service, the salary is increased by 0.5%, with a maximum of 20%.

The Consiglio Superiore della Magistratura reports that in Italy, the salary of magistrates is increased first by 6% every two years. After several years of service, that increase is reduced to a 2,5% increase every two years.

### ii. Bonusses

In France, judges get bonusses in accordance with the nature of their activities. For example, magistrates that have to work during the nights or in the weekends will get an additional bonus. There are also a monthly bonus from 34% to 50% depending on the function of the job, a bonus for jobs that have a certain responsibility and technicality and a bonus for anti-terrorism. Finally there is a bonus that is based on the magistrates contribution to the judiciary.

As previously mentioned, in Croatia there is an increase in the salary by 0.5% each completed year of service with a maximum of 20%.

In Slovakia, there are bonusses awarded for management work, for different functions, for executing of their judicial offices as visiting judges, for managing interns, for service on standby (for each hour). In Slovakia, judges are entitled to sickness benefit bonusses when they are unfit to execute their office due to illness or injury. When they are entitled to maternity compensation, they shall receive a bonus in the amount of 55% of judicial salary. There is a bonus for each year of executing judicial office, if the judge is entitled to pension, early pension or disability pension pursuant to special regulations.

Widowers of judges are also entitled to a bonus of 60% for execution of judicial office, to which the deceased partner was entitled.

In Lithuania there are no additives or bonuses, except two: magistrates get payment when work is done on festive and/or rest days; the judge that replaces the President of the Court in case of absence, receives a salary that is calculated by applying the coefficient of the President of the Court.

In Denmark, judges receive supplements, which are provided by the chief salary pool. Those supplements depend on functions and seniority.

In England & Wales, judicial pay awards are subject to an annual review by the Senior Salaries Review Body (SSRB), which takes into consideration a broad range of factors including evidence from the Government on affordability, recruitment and the wider justice system, as well as the wider macroeconomic environment. The SSRB makes recommendations to the Lord Chancellor, that are taken into account when determining the annual judicial pay award.

### iii. Court instance

In France the salary depends on the court instance. In Croatia, the rank of the judicial bodies have corresponding coefficients, for example the first instance rank has coefficient 4,21. In Germany there is a clear distinction in salaries between first instance judges and second instance judges. In Romania the salary of judges is determined partly according to the type of court in which the magistrate is active. Also in Portugal a difference is visible between judges of first instance courts and those of courts of appeal, of Supreme Courts and other Courts.

### iv. Function

The salary of judges in France, Denmark and Romania is partly dependent on the function which the judge exercises. The higher the function, the higher the salary will be.

## 3. Salary

In Spain the salary of judges varies between 2500 euros and 8000 euros per month, depending on seniority and function. In France, the median is 4447 euros per month. Judges and prosecutors earn on average per month between 1816 and 7076 euros. In Germany, the salary lies between 3451,38 euros and 7499,43 euros, depending on seniority, court instance and family situation (married, children). In Portugal, judges are paid between 2738,27 and 7119,50 euros per month.

