

The President of the Supreme Court of Berlin
Dezernat Aus- und Fortbildung
- Referat für Referendarangelegenheiten -
- Department for post-graduate judicial service trainees -
2202 – A 114 KG

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Leaflet for the training abroad of postgraduate judicial service trainees:

The training of postgraduate judicial service trainees is governed by the Legal Training Act (JAG) and the Training and Examination Regulations for the Legal Profession (JAO).

1) Status of postgraduate judicial service trainees

Judicial service trainees are temporary civil servants undergoing preparatory practical professional training or trainees undergoing in-service training at a public institution. They are subject to the Land Civil Service Code and are paid remuneration.

Periods of absence of a judicial service trainee (in particular on account of illness) and the date of resuming work following recuperation should be reported to me promptly. Applications for leave, countersigned by the instructor, should be passed on to me without delay, so that I can make the necessary arrangements.

2) Objective and subject matter of the training of judicial service trainees

According to § 13 JAG the two-year period of preparatory practical professional training is designed to enable trainees to widen and use the knowledge and skills acquired at law school, to familiarise themselves with the practical exercise of the legal profession and its social and economic background and impact, and to critically assimilate the experience gained.

What kind of assignments a judicial service trainee is given will depend on the objective of his education. He is expected to complete these assignments to the greatest extent possible on his own and, so far as the kind of activity involved permits, in his own responsibility. The trainee should be given assignments requiring full-time attention. However, he should be left enough time to spare to be able to gain an insight, by studies of his own, into the given legal field and to prepare for the second State Examination.

The subsequent second State Examination is designed to determine if the trainee, in terms of his professional and general knowledge and practical skills, is capable of applying applicable law, taking account of its historical, economic, political and philosophical roots, and if his overall personal characteristics qualify him, after an appropriate orientation period, to work as a judge, public prosecutor, lawyer or civil servant of the non-technical higher administrative service or in a comparable legal profession (§ 18 JAG).

3) Design of training programs for judicial service trainees

The design of such training programs in terms of subject matter and methodology is the responsibility of the instructor, acting on applicable guidelines governing practical training. At the beginning of each period of training the instructor should review with the trainee what training opportunities are available and how he intends to design his training program. In the elective duty stations account should be taken, where possible, of the trainee's special interests.

4) Training record

Pursuant to § 26 JAO the instructor shall maintain a training record in which he keeps track of the trainee's overall and specific written and oral performances and their evaluation. Any performance entered in the training record is to be thoroughly discussed with the trainee.

The attached sample form of such a training record should be filled in as follows:

In column 1 ("serial number") specific performances should be serially numbered.

In column 2 ("reference number") the reference number or some other indication should be entered for easy referencing.

In column 3 ("assignments") the specific assignment should be briefly designated, e.g. "draft judgement", "lecture", "departmental assignment" etc.

In column 4 ("performance"), in case of trainee performances of a rather comprehensive nature, the assignment designated in column 3 should be briefly described and the trainee's performance evaluated, such evaluation to be expressed in preparation for the eventual certificate in the form of a mark reflecting the number of points awarded (see para. 5).

Column 5 ("discussed on") should note the date on which the corresponding performance was discussed with the trainee.

Training records can fulfil their function only if they are kept continuously and completely. Abbreviated handwritten entries will be adequate.

5) Certificate

Pursuant to § 26 JAO the instructor will reflect the trainee's performances and qualifications in a certificate. In so doing, he will comment on the individual's knowledge, capabilities and personality to the extent necessary for appraising the trainee's performances and his aptitude for the field of duties concerned.

The trainee's overall performance shall be rated by awarding one of the following marks and points:

| | | |
|-----------|--------------------------------------|-----------------|
| very good | particularly outstanding performance | 16 to 18 points |
|-----------|--------------------------------------|-----------------|

| | | |
|--------------------|---|-----------------|
| good | performance well above average demands | 13 to 15 points |
| fully satisfactory | performance above average demands | 10 to 12 points |
| satisfactory | performance meeting average demands in every respect | 7 to 9 points |
| sufficient | p. which despite its shortcomings still meets average demands | 4 to 6 points |
| unsatis-factory | p. marked by major shortcomings and on the whole unacceptable | 1 to 3 points |
| insufficient | totally unacceptable performance | 0 points |

