

## Legal Status of Employees of the Judiciary in Selected OECD Countries

July 2001

Country	Job Title	Responsible Entity	Employment Status (CS = civil servant like)	Education and Career System	Promotion and Discipline Arrangements	Right to strike (1) and political action (2)
	Investigating Judge ( <i>Juge d'instruction</i> )	Ministry of Justice	Same as judge	Same as judge	Same as judge	(1) No (2) No
	Procurator ( <i>Magistrats du parquet / Ministère public</i> )	Ministry of Justice	CS Civil Service Law  Subject to order and supervision from Ministry of Justice, no "inamovibilité"	Same as judge	No career path, Promotion scheme administered by government similar to system for judges, however opinion of CSM not required (for higher positions) or only facultative	(1) Yes (2) Yes

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	Administrative Judge ( <i>Juge administratif</i> )	Ministry of Justice	CS but constitutionally not judges Status varies according to type of administrative juge Independence close to judge but no formal “ <i>inamovibilité</i> ” except for fiscal courts ( <i>cour des comptes</i> )	Mostly lateral recruitment, neither specific legal studies nor entry exam required, however $\frac{3}{4}$ of administrative judges at administrative courts ( <i>tribunaux administratifs</i> and <i>cours administratives d’appel</i> ) and $\frac{4}{5}$ of administrative judges at fiscal courts ( <i>chambres régionales des comptes</i> ) are recruited from the prestigious National Administration Institute ( <i>École Nationale d’Administration</i> ) $\frac{3}{4}$ of administrative judges at Council of State, the highest administrative court ( <i>Conseil d’État</i> )	Promotions based on suggestions by Superior Council on Administrative Tribunals and Appellate Courts ( <i>Conseil supérieur des Tribunaux administratifs et Cours administrative d’appel</i> ) presided by the vice-president of the Council of State	(1) Yes (2) ?
	Lay Judges ( <i>Juges consulaires, conseillers prud’homaux conseillers des tribunaux paritaires des baux ruraux</i> )	Ministry of Justice				(1) No (2) Yes
	Judge’s Assistant ( <i>Assistant de justice</i> )	Ministry of Justice	Two types: 1) Employee with 2-year contract, once renewable 2) Employee with a maximum 5-year contract	Minimum of 4 years of legal studies at university	No possibilities of promotion	(1) ? (2) ?

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	Chief Law Clerks ( <i>greffier en chef</i> )	Ministry of Justice	Two types : 1) CS 2) Employee ( <i>agent contractuel</i> or <i>auxiliaire</i> )	Competitive general entry exams ( <i>concours</i> ) and lateral recruitment ( <i>choix</i> ), minimum of 3 years university studies, one-year training course at National Law Clerk Training College ( <i>École nationale des greffes</i> )		(1) ?
	Law Clerks ( <i>greffier</i> )	Ministry of Justice	Two types : 1) CS 2) Employee ( <i>agent contractuel</i> or <i>auxiliaire</i> )	Competitive general entry exams ( <i>concours</i> ) and lateral recruitment ( <i>choix</i> ), minimum of 3 years university studies, one-year training course at National Law Clerk Training College ( <i>École nationale des greffes</i> )		(1) i
	<i>L'huissier</i>	Ministry of Justice				(1) No (2) Yes
	Security guards ( <i>Officiers, agents de police judiciaire</i> )	Ministry of Interior ( <i>Police Nationale</i> ) or Defense ( <i>Gendarmerie</i> )	CS No specific career path of “judicial police”, officers from different local ( <i>officiers</i> ) and national ( <i>agents</i> ) police forces are employed for various judicial policing functions			(1) No (2) Yes

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	Lay Judges ( <i>Ehrenamtlicher Richter</i> )	Federal or Regional Ministries of Justice	Schöffe (criminal) Handelsrichter (commercial) Ehrenamtlicher Richter (other)			(1) No (2) Yes
	Administrative Judge ( <i>Richter am Verwaltungsgericht</i> )	Federal or Regional Ministries of Justice	CS	Minimum of 3 1/2 years of legal studies at university enrolment, mandatory 2-year state traineeship ( <i>Referendariat</i> ), 2 state examinations  Open recruitment		(1) No (2) Yes
	Prosecutor ( <i>Staatsanwalt</i> )	Federal or Regional Ministries of Justice	CS	Minimum of 3 1/2 years university enrolment, mandatory 2-year state traineeship, 2 state examinations		(1) No (2) Yes
	Gerichtsvollzieher	Federal or Regional Ministries of Justice				
	Law Clerk ( <i>Rechtspfleger</i> )	Federal or Regional Ministries of Justice	CS	3 years at University of Applied Sciences ( <i>Fachhochschule</i> )		(1) No (2) Yes
	Paralegal ( <i>Justizfachangestellter</i> )	Federal or Regional Ministries of Justice	CS	3 years at vocational training center ( <i>Berufsschule</i> ) #ueberall ? / wo nur 6 Monate		(1) No (2) Yes

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	Security Guard ( <i>Wachtmeister</i> )	Federal or Regional Ministries of Justice	CS	6-Month Training at Court		(1) No (2) Yes