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SCHOOL OF MAGISTRATES, LAW **SHKOLLA E MAGJISTRATURËS, LIGJ**

DISCLAIMER

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Unofficial translation of the initial law on the School of Magistrates of the Republic of Albania and the following amending laws:

Initial Law no. 8136, dated 31.07.1996

Amending Law no 9414, dated 20.05.2005¹

Amending Law no 97/2014, dated 24.07.2014²

Data of last check 2016 04 06.

LAW

No. 8136 of July 31, 1996

ON THE SCHOOL OF MAGISTRATES OF THE REPUBLIC OF ALBANIA

¹This amendment has been promulgated upon the Decree of the President of the Republic no 4620, dated 06.06.2005 and it entered into force 15 days after its publication in the Official Journal

² This amendment has been approved by the Parliament, dated 24.07.2014 and it contains the following transitory provisions:

Article 12

1. Members of the Steering Council, as specified in Article 6, paragraph 1, letters "ç", "d", "e", "ë", "f", "g" of the law shall stay in office until 1 September 2014.

2. Within 30 days from the day this law comes into force, the National Judicial Conference, the Prosecutors' General Meeting, the Ministry of Justice, the Ministry of Education and Sports, the Assembly of Candidates for Magistrate pursuing Initial Training must elect the new Steering Council members, who will fill the vacancies created pursuant to of this law;

3. The new Steering Council meeting shall be convened within 5 days from the filling of vacancies according to paragraph 2 of this article, in order to elect the new members of the Steering Council, according to Article 6, paragraph 1, letter "f" of the law;

4. Immediately after the new Steering Council is constituted, according to paragraph 3 of this article, it verifies if conditions and criteria are met by the Director, the School internal and external pedagogues;

5. The Director, the Magistrates' School internal and external pedagogues hold their post until the moment of their replacement from the new Steering Council in case they do not meet conditions and criteria established by law.

6. The academic year 2014 - 2015 starts on 1 November 2014.

7. The competition for admission to Initial Training at the School of Magistrates for the Academic Year 2014 – 2015 will not take place. The next competition will be that for the academic year 2015 – 2016.

Article 13

This Law enters into force 15 days after its publication in the Official Journal

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In reliance on article 16 of law no. 7491 of 29 April 1991 "On the major constitutional provisions," on the proposal of the President of the Republic,

**THE PEOPLE'S ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

DECIDED:

CHAPTER I

THE PURPOSE AND DUTIES OF THE SCHOOL OF MAGISTRATES

Article 1

The School of Magistrates, which is a public budgetary institution, has been established and it has the status of a legal person.

The School of Magistrates enjoys administrative, academic and financial autonomy for the realization of purposes and duties designated in this law.

The seat of the School of Magistrates is in Tirana.

Article 2

~~The Magistrates' School assures the professional training of the magistrates (judges, prosecutors.) The professional training program includes the mandatory initial training of the candidates for magistrate, and also the program for the continuous education of the magistrates. The Magistrates' School, according to particular provisions, assumes the professional training of the judicial administration employees~~

The School of Magistrates assures the professional education of magistrates (judges, prosecutors).

Professional education includes the program of initial education of candidates for magistrate and of continuous education of incumbent judges and prosecutors.

In conformity with the law or at the request of interested institutions, depending on free capacities that are created by the activity for initial and continuous education of magistrates and respective funds put at its disposition by responsible institutions or donors, the School of Magistrates shall also realise activities of professional education of employees of the judicial administration as well as other legal professions related to the system of justice.

Article 3

~~The income and the property of the Magistrates' School consists of:~~

- a) ~~Income granted by the budget of the State; the budget of the School is approved by the Peoples' Assembly upon the proposal of the Council of Ministers;~~
- b) ~~Donations and income from different donors, domestic or foreign, interested in this problem which do not infringe the goal and the functioning of the School in compliance with the legislation in force;~~
- c) ~~Income from publications or service activities performed by this institution;~~
- ç) ~~Movable and immovable property administered by the School;~~
- d) ~~Any other legal income.~~

The School of Magistrates has its own budget, a separate line in the state budget. The School of Magistrates, to perform its activities and in the view of its mission, has the right to obtain and use other income, derived from

- a) Financing or donations obtained according to law from foreign or local natural or legal persons or institutions;
- b) The sale of its publications and published works;
- c) Payment from third parties for education activities organised by the school or other professional services offered by it;
- ç) Movable and immovable property that it has under administration;
- d) Other lawful sources.

Article 4

The funds, income and property of the School of Magistrates serve the performance of its activity and operation. These include:

- a) The pay of the teaching staff, specialists, those responsible for internships and the administrative personnel;
- b) ~~The scholarships of the candidates~~ Compensation of the candidates for magistrate;
- c) The performance of work or services, as well as the purchase of things for purposes of the activity of the school;
- ç) Other activity approved by ~~the board~~ Steering Council in the context of the purpose of the School.

CHAPTER II

MANAGEMENT AND ORGANISATION OF THE SCHOOL OF MAGISTRATES

Article 5

The management bodies are:

- (a) ~~The Managing Board of the Magistrates' School~~ The Steering Council;
- (b) The Director of the School;
- (c) The Pedagogical Council;
- (d) ~~The Disciplinary Council~~ The disciplinary commission.

Article 6³

1. The Board consists of:

- a) The Chairman of the Court of Cassation, who performs, at the same time, the duties of the President of the Board and presides over its meetings;
- b) The General Prosecutor, who in the absence of the Chairman of the Court of Cassation, presides over the Board and its meetings;
- c) The Director of the Magistrates' School;
- d) two experienced judges and two experienced prosecutors appointed by the High Council of Justice;
- e) Two well-qualified specialists appointed by the Minister of Justice, who have previously served as judges, prosecutors or advocates;
- f) the Dean of the Law Faculty;
- g) One legal internship supervisor appointed by the Director of the School;
- i) Two students elected by secret ballot from the Assembly of the candidates for magistrate who attend the initial training.

The members of the Board mentioned in the items d), e) and g) of this article are appointed for a four-year term, and by decision of not less than nine members of the Board, can be replaced by the competent authorities that appointed them

1. The Steering Council of the School of Magistrates consists of:

- a) The Chairperson of the High Court, who at the same time serves as the Chairperson of the Steering Council;
- b) The General Prosecutor, who at the same time serves as deputy chairperson of the Steering Council;
- c) The Deputy Chairperson of the High Council of Justice;
- ç) Two judges and two prosecutors with experience, who are designated respectively by the High Council of Justice and by the General Prosecutor;
- ç) An experienced judge and prosecutor, who is designated respectively by the National Judicial Conference and the Prosecutors' General Meeting. The member selected by the National Judicial Conference cannot be at the same time a member of the High Council of Justice and the member selected by the General Prosecutors' Meeting cannot be at the same time a member of the Prosecutors' Council;
- d) Two representatives designated by the Minister of Justice;
- dh) The Chairperson of the National Chamber of Advocacy;
- e) The Dean of the Faculty of Law at the University of Tirana;
- e) A representative of the Ministry of Education and Sports, of outstanding experience in the area of law, who is designated from among the members of the Academic Titles Evaluation Commission;
- ë) The Director of the School of Magistrates;
- f) The persons responsible for initial and continuous training;

³ Article 6 has been previously amended by Law no 9414, date 20.05.2005

f) Persons in charge of initial and continuous training, along with two internal pedagogues of the School of Magistrates;

g) Two students elected by secret voting from the Assembly of candidates for magistrate who are following the initial education.

The members of the Steering Council according to letters “ç” and “d” stay in office for a four year period, except when they resign, no longer exercise the duty that was the reason for their appointment as members of the Council, or are released from this duty by decision of the organ that designated them.

2. The Managing Board has these duties:

a) ~~Follows the implementation of the requirements for the admission of the candidates who will attend the initial training program.~~

b) ~~Selects the candidates and decides on their admission to the professional program.~~

c) ~~Defines the requirements for the appointment of the teaching staff of the School and appoints them upon the proposal of the Director.~~

d) ~~Within the budget, defines the organizational structure and the requirements for the appointment of the administrative staff.~~

e) ~~Approves the regulations of the school, defines the school policy and is responsible for it.~~

f) ~~Upon the proposal of the Director, defines the teaching program, regulates the relations between the subjects in the common and in the separate training of the candidates on the basis of a career as judge or prosecutor.~~

g) ~~Proposes the draft budget of the school and considers the reports by the Director on the implementation of the budget and expenditure of the income.~~

h) ~~Every academic year presents to the High Council of Justice a report on the progress and the attendance of the courses by the magistrates and candidates for magistrate, and on the future policy of the school~~

2. The Steering Council has these duties:

a) It follows the implementation of the criteria for the acceptance of the candidates who will follow the program of initial education and announces their final list;

b) ~~It decides on the criteria and the rules for selecting the teaching body, appoints them and releases them from duty on the proposal of the Director of the School;~~

b) Takes measures to ensure implementation of rules on selection of the teaching staff, and appoints or releases them from duty, upon proposal of a majority of Steering Council members or of the School Director.

c) Within the budget, it defines the organisational structure and the criteria of appointment of administrative personnel.

ç) It approves and follows the implementation of the Internal Regulation of the School and the annual program of its activities;

d) On the proposal of the Director, it determines the teaching plan, regulates the relations between subjects for joint and separate preparation of the candidates according to the profiles of judge and prosecutor;

dh) It proposes the draft budget and examines the reports of the Director on the realisation of the budget and the expenditures of income.

e) ~~It submits annual reports to the High Council of Justice and the General Prosecutor on the results achieved and the directions of work for the future.~~

e) Submits annual reports to the High Council of Justice, the General Prosecutor and the Minister of Justice on achieved results and directions of work in the future.

3. ~~The Managing Board holds no less than three general meetings every year, and in extraordinary cases, when called by its president.~~

3. The Steering Council meets at least once every three months. The time, place and issues on the agenda of the meeting are set by the Chairman. No fewer than three members of the Council or the Director of the School also has the right to ask for a meeting of the Steering Council and the inclusion of issues on the agenda. The Council meets no later than 15 days from the submission of a written request.

Meetings are valid when no less than half of the members take part in them.

Decisions are taken by a majority of votes and, when the votes are equal, the vote of the chairperson is a decisive vote.

4. ~~The discussions in the meeting and the decisions of the Board are reflected in the minutes taken by a secretary. The minutes are signed by the president of the Board and by the secretary (the minutes keeper)~~

4. The voting regarding persons, directors, pedagogues, etc., is conducted through secret ballot, according to the law on the decision-making of collegial bodies".

Article 7⁴

~~The Director of the Magistrates' School is appointed by the High Council of Justice upon the proposal of the Managing Board from among well qualified judges, and prosecutors for a four year term with the right to be reappointed only once.~~

~~The Director of the Magistrates' School is appointed by the High Council of Justice on the proposal of the Steering Council from the ranks of judges and prosecutors with no less than 10 years work seniority or from the ranks of distinguished jurists who have exercised the profession of jurist for no less than 15 years.~~

~~The appointment is made for a four year period with the right of re appointment for only one other four year mandate.~~

~~The pay of the Director of the School is equal to that of a judge of the High Court.~~

~~The Director of the Magistrates' School may be discharged by the High Council of Justice for the commission of a crime, for physical or mental incapacity, for acts and conduct that seriously discredit his position and figure or for professional insufficiency.~~

~~The Director of the Magistrates' School has these duties:~~

⁴ Article 7 has been previously amended by Law no 9414, date 20.05.2005

1. He represents the Magistrates' School before public and private organs.
2. to compile the internal regulations of the School and the annual plan of its activity
2. He draws up and proposes a draft of the Internal Regulations of the School, the draft annual plan of its activity and amendments to them.
3. He implements the duties that come from the laws, from decisions of the Steering Council and from the recommendations of the High Council of Justice.
4. He seeks funds from the state, donations from societies and individuals and administers the income in an independent manner, according to the principal directions defined by the managing board Steering Council according to the conditions specified in article 4.
5. He takes measures for the publication of literature and texts.
6. He leads the pedagogical body, co-ordinates the work with them, asks for and approves teaching programs for each subject and checks their implementation and the quality of the teaching, and proposed candidates for pedagogue to the Steering Council.
7. To appoint and be responsible for the administrative staff and all its subsidiary activities
7. He proposes the appointment, release or discharge from duty of the teaching staff and appoints and removes the employees of the administrative personnel of the School.

In the exercise of his functions the Director is assisted by the vice director, who replaces him in his absence, or who fulfills the duties assigned to him by the Director and responds to him.

The vice director is appointed by the High Council of Justice upon the proposal of the Managing Board. His salary is defined by this Board

The financial administrative activity of the institution is realised by the Chancellor of the School, under the authority of the Director. He is appointed and discharged, and his work description is prepared, by the Steering Council.

The labour relations of the employees of the administrative personnel are regulated according to the provisions of the Labour Code.

An Albanian citizen, who, at the moment of his candidacy, meets all of the following legal criteria, can be appointed as Director of the School of Magistrates:

- a) Has completed higher education in law, Second Cycle Diploma;
- b) Has worked as a judge or prosecutor for no less than 10 years, or as a jurist with no less than 15 years of work experience;
- c) Has no less than 10 years of teaching experience at the School of Magistrates since the moment he was granted the Doctor of Science Degree, or has no less than 5 years of teaching experience at the School of Magistrates since the moment he was granted the science degree of "Professor", or no less than 15 years of teaching experience at the School of Magistrates as internal or external pedagogue;
- ç) Has no record of criminal conviction by final decision;
- d) Has held no political function or conducted no activity of a political nature during the last 10 years.

Article 7/1

The Director of the School of Magistrates is appointed by the Steering Council of the School, through a competition process, based on the documentation, for a four-year mandate, with the right to be re-appointed only once.

Whenever the Director of the School of Magistrates is selected from among the judges or prosecutors that meet the criteria set out in letter (b) of article 7 of this law, their appointment is done only after the consent is given respectively by the High Council of Justice or the General Prosecutor, according to a request of the Steering Council of the School of Magistrates.

During his term in office, the Director of the School of Magistrates enjoys the status of a High Court judge.

The function of the Director of the School of Magistrates is incompatible with any other public function; with membership to any political party or participation in their activities; or with the conduct of any profitable activity, with the exception of teaching.

The time period, that the Director of the School of Magistrates holds this function, is recognized as job seniority, as that of a judge or prosecutor, for the purposes of professional career needs, as set out in legal provisions on the organisation of judicial power, of the High Court, the Constitutional Court and of the Prosecution Office.

Judges or prosecutors performing the function of the Director of the School of Magistrates shall return, upon their request, to their previous positions, which are saved for them by the High Council of Justice or the General Prosecution Office.”

Article 8⁵

~~The Director, the vice director and the current members of the teaching body enjoy the status of judge~~

~~1. Judges and prosecutors may also be accepted and may serve in the functions of Director and internal pedagogue of the Magistrates' School.~~

~~2. The acceptance and appointment of judges or prosecutors is done without a competition, after the consent has been given, respectively, by the High Council of Justice or the General Prosecutor, according to the request and proposals of the Steering Council of the Magistrates' School.~~

~~3. The period of exercise of the functions mentioned in point 1 of this article is recognised as a period of work seniority as a judge or prosecutor for purposes of the requirements of the professional career provided in the legal provisions on the organisation of the judicial power, the High Court, the Constitutional Court and the prosecutor's office.~~

~~4. Judges or prosecutors who serve in the functions mentioned in point 1 of this article are re-appointed judges or prosecutors, without a competition, on their request.~~

~~5. For purposes of pay, the Director of the School is equivalent to a judge of the High Court; the internal pedagogues are equivalent to a judge of the Tirana Court of Appeals; the Chancellor is equivalent to the Chancellor of the Court of First Instance, Tirana.~~

⁵ Article 8 has been previously amended by Law no 9414, date 20.05.2005

The Director of the School of Magistrates has the following tasks:

- a) Represents the School of Magistrates in relations with third parties;
- b) In cooperation with the pedagogical council, he drafts and proposes the draft of Internal Regulations of the School, the draft of the annual plan of its activities, as well as amendments to them;
- c) Implements tasks deriving from laws and from decisions of the Steering Council, and cooperates with the bodies to which he/she reports to, in accordance with this law;
- ç) Seeks funds from the state, donations from other lawful sources and administers the income in an independent manner, according to main directions set out by the Steering Council, in compliance with the conditions stipulated in Article 4;
- d) Takes steps for the publication of literature and textbooks;
- dh) Leads the teaching staff, coordinates work with them, asks for and approves teaching programmes for each subject, checks their delivery and the teaching quality, proposes the candidates for external pedagogues to the Steering Council, according to the criteria set forth in this law;
- e) In cooperation with the Pedagogical Council, proposes to the Steering Council the appointment, release from duty or discharge of the teaching staff and the chancellor. The release from duty of the teaching internal and external staff is done only after the presentation of reasons and after seeking the opinion of the Pedagogical Council of the School. The evaluation of the teaching staff by candidates for magistrates shall accompany this process. In case the opinion of the Pedagogical Council is in favour of the release from duty, the director forwards the proposal to the Steering Council for decision;
- ë) Appoints, releases or discharges the administrative staff of the School, whose labour relations are regulated by provisions of the Labour Code;
- f) The Chancellor carries out the financial-administrative activity of the institution, under the authority of the Director."

Article 8/1

The Director of the School of Magistrates shall be released from duty when:

- a) Convicted by final decision for commission of a crime;
- b) Has not reported for duty for more than 3 months;
- c) Resigns;

The Director of the School of Magistrates can be discharged by the School Steering Council when:

- a) Declared mentally or physically disabled by the relevant state body;
- b) He/she performs actions or behaviours that seriously discredit his position and image and that of the School of Magistrates;

- c) For professional inadequacy, in case he/she does not meet the criteria set forth in this law;
- ç) In case of non-implementation of decisions of the Steering Council of the School;
- d) He/she performs activities that cause conflict of interest;
- dh) He/she violates provisions of the present law."

Article 9⁶

~~The Academic Council consists of:~~

- ~~a) The Director of the Magistrates' School, who is its chairman;~~
- ~~b) The teaching staff;~~
- ~~c) One judge and a prosecutor from among those defined in item d) of article 6 of this law, elected by decision of the Board.~~

~~The duties and functioning of the Academic Council are defined by regulations~~

1. The pedagogical council is chaired by the Director of the School and consists of:

- a) The internal teaching staff and heads of main subjects of educational and professional nature determined by the Steering Council;
- b) One judge and one prosecutor designated by the Steering Council from among the members of the Council.

~~2. The duties and rules for the functioning of the pedagogical council are set in the Internal Regulations of the Magistrates' School.~~

2. Tasks and rules for the functioning of the Pedagogical Council are as follows:

- a) It participates in the preparation of the Initial Training teaching plan and Continuous Training Program;
- b) It provides input on the drafting of the School's external and internal trainers list, examining every proposal that the Director will submit to the Steering Council;
- c) It examines performance evaluation reports of current trainers and pedagogues drafted by the candidates for magistrate and the teaching staff and submits to the Steering Council his opinion on the continuation of the performance of their role;
- ç) It participates, in accordance with this law, in the examination of disciplinary proceedings initiated by teaching staff;
- d) It approves, in order to submit as a proposal to the Steering Council, names of new lecturers, pedagogues and trainers that will be added to the list of academic staff of the School of Magistrates;
- dh) It examines and approves the recommendations of the assembly of candidates regarding special series of lectures on specific areas of law, ethics, legal sociology and legal psychology, and develops guidance regarding the practical activity of the candidates during their pre-professional and professional internship;

⁶Article 9 has been previously amended by Law no 9414, date 20.05.2005

- e) It makes the final evaluation of Initial Training candidates, on the basis of the results achieved during the bi-annual period of their theoretical school year and pre-professional internship, and at the end of the professional internship program;
- ë) It follows on a regular basis the implementation of the Steering Council decisions during the academic activity of the School.

Article 10

The pedagogical council meets on the request of the Director of the School.

Meetings of the pedagogical council are held when no less than half of the members take part in it, and decisions are taken by majority vote. When the votes are equal, the vote of the chairperson is decisive.

CHAPTER III

DISCIPLINE

Article 11

~~The Disciplinary Council consists of:~~

- ~~a) The Director of the school who is its president;~~
- ~~b) One judge and a prosecutor appointed by the High Council of Justice from among those defined in item d) of article 6 of this law, and who are not members of the academic council;~~
- ~~c) Two current pedagogues of the school appointed by the academic council;~~
- ~~d) Two candidates for magistrates elected from the candidates' assembly by secret ballot every year~~

1. The disciplinary commission is chaired by the Director of the School and includes:

- a) One judge and one prosecutor, designated by the Steering Council of the School, who are not members of the pedagogical council;
- b) Two full-time pedagogues of the School designated by the pedagogical council;
- c) Two of the candidates for magistrate elected every year by secret voting, from the Assembly of the candidates for magistrate.

2. The disciplinary commission has the competence to assume the functions of a disciplinary body, taking disciplinary measures in writing against candidates for magistrate who violate the rules of discipline set out in this law and in the respective regulations.

The disciplinary commission meets on the request of the Director of the School or upon the submission of a written request by interested persons.

~~The meetings of the Disciplinary Council are held when no less than half of its members take part. Decisions are taken by a majority vote, and in case of a tie, the determining vote rests with the Chairman.~~

Meetings of the disciplinary commission are held when no less than half of the members take part in them.

Article 12⁷

~~The disciplinary measures are:~~

- ~~1. Reprimand~~
- ~~2. Warning~~
- ~~3. Transfer from the legal internship position~~
- ~~4. Reduction of salary~~
- ~~5. Dismissal from the school~~

~~The punishments provided by points 1 through 3 of this article are decided by the Director of the School, while those provided by points 4 and 5 are decided by the disciplinary council.~~

~~No punishment can be given without first giving the person who will be punished an opportunity to be heard.~~

~~The punishments given by the Director can be appealed to the disciplinary council.~~

~~The decisions of the disciplinary council for the measures mentioned in points 4 and 5 of this article can be appealed to the Court of Cassation within ten days from the day of their communication. The appeal does not suspend the implementation of the disciplinary measure.~~

~~The disciplinary measure of dismissal from the school results in the person dismissed being barred from attending the school for five years, without counting the interrupted year~~

1. Disciplinary violations that may be committed by candidates for magistrate are defined in the regulation of the School. Disciplinary measures imposed for these violations are:

- a) Reprimand;
- b) Written reprimand;
- c) Reprimand with warning;
- ç) Transfer from the place of internship;
- d) Reduction in pay up to the amount of 30 per cent for a period of from three to six months;
- dh) Expulsion from the school..

2. Disciplinary measures provided in letters "a," "b," and "c" are imposed by the Director of the School, while those provided in letters "ç," "d" and "dh" are imposed by the disciplinary commission on the proposal of the Director of the School or of no fewer than three of disciplinary commission members.

3. No disciplinary measure may be imposed without first hearing the person who is to be punished.

4. Disciplinary measures imposed by the Director of the School may be appealed to the disciplinary commission, while those imposed by the latter may be appealed to Tirana Court of Appeals within 10 days from the date they were communicated. Filing of an appeal does not suspend the implementation of the disciplinary measure for first- and second-year students.

5. A disciplinary measure may not be imposed after one year has passed from the commission of the violation.

⁷ Article 12 has been previously amended by Law no 9414, date 20.05.2005

6. Disciplinary measures imposed according to letters "a" and "b" of item 1 of this article are expunged after one year from the date they were given.
- ~~7. Detailed rules in connection with a disciplinary proceeding are set by the Steering Council of the School.~~
7. Detailed rules relating to disciplinary proceedings against candidates for magistrate are determined by the Steering Council of the School.
8. Procedures and decisions made for disciplinary proceedings against candidates for magistrate shall be reflected in their personal file.

CHAPTER IV **OPERATION OF THE SCHOOL OF MAGISTRATES**

Article 13

The academic year starts on the ~~1 October~~ first Monday of the month of October and ends on June 30 of the succeeding year.

Competition procedures are held during the month of September.

Article 14

The initial education of candidates includes a three year period consisting of:

- a) One year, a theoretical program on various law subject-matters;
- ~~b) One year practice under the supervision of a well qualified judge or prosecutor (the pre-professional internship period~~ One year of practice under the care of a pedagogue of the School and under the direction of a judge or prosecutor of higher qualification.
- c) One year of active practice following less complicated cases under the direction of a judge or prosecutor (period of professional internship).

The theoretical program according to letter a) of article 14 is the same for all candidates, while the year of practice and the year of professional internship is conducted according to the profiles of judge or prosecutor that the candidate has selected.

The director of the School posts the list of where the judges and prosecutors will conduct the internship, the responsible magistrates and the names of the candidates for each court and prosecution office.

Article 15⁸

~~The permanent internal and external pedagogues are appointed by the Steering Council on the proposal of the director according to the criteria determined by the Council.~~

~~For general subjects, external pedagogues who have exercised duty for a long time as judge, prosecutor, lawyer and pedagogue may be engaged. For specific subjects, specialists of those fields are engaged.~~

⁸Article 15 has been previously amended by Law no 9414, date 20.05.2005

~~Pedagogues are prepared for the subjects that they conduct themselves and are assisted through courses, seminars or colloquia held periodically.~~

1. Internal and external pedagogues are appointed by the Steering Council, upon proposal of the Director or of any member of the Steering Council;
2. Internal pedagogues are selected from among the most outstanding lawyers, with more than 15 years of experience working as jurists, judges, prosecutors, lawyers and more than 10 years of experience as a university lecturer or at the School of Magistrates;
3. External pedagogues, who meet the criteria of internal pedagogues set forth in paragraph 2 of this law, can be engaged in lecturing main subjects. In case the candidates for external pedagogues are part of the incumbent judges or prosecutors that have completed the School of Magistrates, they should meet the criteria of having worked for 10 years as a judge or prosecutor and have more than 5 years of experience working as a University lecturer or at the School of Magistrates. As for specific subjects, specialists of those areas shall be engaged;
4. Pedagogues, in relation to subjects they teach, shall attend Train-the-Trainer courses and seminars that are periodically delivered by the School or other national and international bodies;
5. Persons in charge of initial and continuous training shall be selected by the Steering Council from among internal pedagogues of the School."

Article 15/1

1. Admission and appointment of judges or prosecutors as internal pedagogues is done through competition, according to the criteria of this law, and after consent is respectively given by the High Council of Justice or the General Prosecutor, according to the request and proposal of the Steering Council of the School of Magistrates.
2. Internal pedagogues enjoy the status of the judge of Tirana Court of Appeals; the Chancellor is equal to the Chancellor of Tirana Court of Appeals;
3. The time period of assuming functions mentioned in item 1 of this article shall be recognised as job seniority of a judge or prosecutor, for the purposes of professional career needs, as set out in legal provisions on the organisation of judicial power, the High Court, the Constitutional Court and the Prosecution Office.
4. The judge or prosecutor shall hold the position of internal pedagogue for a period of time of 4 years, with the exception of cases when he/she submits his resignation, or is dismissed by the relevant body;
5. Judges or prosecutors working as internal pedagogues shall return, upon their request, to their previous positions, which are saved for them by the High Council of Justice or the General Prosecution Office."

Article 16

~~The procedures of admission of candidates are as below:~~

~~The Director of the School, in accordance with a vacancies' list compiled by the High Council of Justice, makes an announcement for submission of the applications from the candidates, announcing as well the documents that should be enclosed in the application and the application deadline. Attached to the announcement, the Director of the School announces the list of the subjects on which the test of the candidates will be based~~

~~Candidates should present these documents:~~

- ~~a) A copy of the diploma as a jurist~~
- ~~b) A list of the marks received in higher education~~
- ~~c) An application expressing the desire of the candidate himself for the profile selected of judge or prosecutor. The following takes place for the acceptance of candidates:~~

For the admission of candidates, it is acted as follows:

In conformity with the number of vacancies determined by the High Council of Justice for candidates for judges and by the General Prosecutor for candidates for prosecutors, the Director of the School makes an announcement for the submission of candidates' applications, making known the documents to be attached to the application, the last date for their submittal and the list of subjects that will serve as the basis for the testing of candidates.

Article 17⁹

~~Candidates undergo a competition, which is given in writing and orally before a jury consisting of five persons designated by the managing board Steering Council.~~

~~At the end of the competition, a list of the winners is issued, which is approved by the managing board Steering Council. The candidates who are accepted are obligated to attend the program regularly and to respect the regulations of the School.~~

Candidates are subject to a competition that is done in writing and under monitoring, arranged in two phases of which the first is of qualifying nature and electronic evaluation, the technical aspects of which are determined in the regulation of the School.

The candidates that qualify in the first phase shall be subject to a test on mental and psychological health, conducted by a commission established by the Steering Council of the School of Magistrates in cooperation with the Ministry of Health. This Commission, technical aspects of which are determined in the regulation of the School, consists of two psychiatrists, two psychologists and an internal pedagogue of the School of Magistrates.

⁹Article 17 has been previously amended by Law no 9414, date 20.05.2005

Once passing the test, the candidates shall be provided with an ability license for practicing the profession as a judge or prosecutor and enter the second phase of the competition, which is delivered in writing, before a commission consisting of 5-7 persons, designated by the Steering Council, of whom 2-3 internal pedagogues and 3-4 external pedagogues of more than 5 years of experience in teaching at the School of Magistrates. The latter cannot become members of the commission two times consecutively.

Upon completion of the competition, it is issued the list of winning candidates, which is approved by the Steering Council. The admitted candidates have the obligation to attend the programme regularly and abide by the regulation of the School.

Article 18

During the period when they are following the program, candidates receive compensation equal to 50% of the pay of a judge of the district court for the first two years of the program. A candidate, who is expelled or who leaves the School in an unjustified manner, is obligated to return the compensation received during the period when he was following the theoretical program and the pre-professional internship.

Article 19

~~At the end of the theoretical activity and the pre professional internship period the candidates are temporary appointed by the High Council of Justice according to the evaluations of the academic council. The evaluation scale is:~~

- a) ~~Insufficient~~
- b) ~~Sufficient~~
- c) ~~Good~~
- d) ~~Very good~~

~~The candidate evaluated insufficient is not subject to the process of temporary appointment~~

Candidates for magistrates, at the end of the period provided in letter "b" of article 14 of this law, in accordance with the evaluation made by the pedagogical council of the School, in accordance with designated profiles, are provisionally appointed by the President of the Republic to perform a professional internship as judge and prosecutor respectively upon the proposal of the High Council of Justice and the General Prosecutor.

Article 19/1

The evaluation of the pedagogical council is done in five levels:

- a) Outstanding;
- b) Very good;
- c) Good;
- d) Satisfactory;

e) Unsatisfactory.

Rules and procedures for the evaluation are defined in the Internal Regulation of the School of Magistrates.

Article 20

~~The final evaluation of the candidates is made by the academic council set up by article 9, item 1 of this law, on the basis of the result of the theoretical and internship stages.~~

~~The Director's office designates judges and prosecutors in the districts where the internship shall take place, whom after inspecting the work of the intern, prepare evaluation reports on him to help the council evaluate the candidate.~~

~~The Director of the School sends the list of the graduates to the High Council of Justice for final appointment. After gathering the necessary data for each candidate, the High Council of Justice makes the final appointment to the vacancies according to the evaluation by the Magistrates' School. When there are no vacancies, those who await appointment receive the salary and have all the other rights of a magistrate.~~

~~The candidate for magistrate, in this case, with his consent, can be assigned to the position of the assistant judge or to a position in the judicial administration until a vacancy occurs~~

The final evaluation of candidates is done by the pedagogical council on the basis of theoretical and the practical results of the internship.

Upon the request of the Director of the School, the chairperson of the court or the head of the prosecution office, where the internship has been conducted, shall assign judges or prosecutors who, after checking the work of the intern, shall submit evaluation reports thereof.

The Directorate of the School shall send the data of the evaluation process to the President of the Republic to make their final appointment to vacant positions in conformity with the level of their evaluation by the School, upon proposals made respectively by the High Council of Justice for judges and the General Prosecutor for prosecutors.

When vacant positions are lacking, those who are awaiting for their appointment earn respectively the pay and other rights of a judge or prosecutor.

In the absence of vacant positions, the candidate for judge or prosecutor, with his consent, may work in the judicial administration or the administration of the prosecution office, in the Ministry of Justice or as a clerk in the High Court, until a vacant position for judge or prosecutor becomes available.

Article 21

During the professional internship period, candidates enjoy rights and have obligations the same as magistrates.

Article 22

~~The appointed magistrates, who, without justifiable reasons, resign or ask for their removal within five years of their appointment, are obliged to pay to the Magistrates' School the amount of money of the remuneration they received during the theoretical program and the pre-professional internship in proportion to the period of non-fulfilment of their duties~~

Appointed magistrates who, without good cause, do not appear for duty, resign or ask to leave office before five years have passed from their appointment, are obligated to return to the School of Magistrates the compensation that they have received during the period provided in letters "a" and "b" of article 14 of this law, in proportion to the time of non-fulfilment of the obligation.

The return of the compensation according to the second paragraph of article 18 and the first paragraph of this article is done by order of the Director of the School that constitutes an executive title and is executed by the enforcement office.

Article 23

Supplementary Formation

~~The judges and prosecutors who have less than five years work experience and who have not finished the Magistrates' School are subject to the continuous activities of continual training.~~

~~The period of continual training shall not exceed one month in a year, and three months in total during the five years.~~

~~Participation of the magistrates in the continual training activity is mandatory.~~

~~The traveling and living expenses of the participants in those courses are provided by the funds of the Magistrates' School.~~

~~The chairman of the district court and the district prosecutor propose respectively to the Chairman of the High Court of Cassation and to the General Prosecutor, the judges and the prosecutors that will attend training activities. The High Council of Justice, upon the proposal of the Chairman of the High Court of Cassation and of the General Prosecutor, determines the number and the magistrates who will attend these activities~~

Judges and prosecutors of first instance courts and prosecution offices and those of courts of appeal are subject to continuous education.

The time period for continuous education should not exceed 20 days a year and no more than 60 days in five years.

~~The program of continuous formation is drawn up by the Director of the School after having first received the opinion of the Chairman of the High Court, the General Prosecutor, the Ministry of Justice, the High Council of Justice and the pedagogical council of the School. The program of continuous formation is approved by the Steering Council of the School.~~

The continuous training programme is drafted by the Director of the School in cooperation with the internal pedagogical staff, after obtaining the preliminary opinion of the Chairperson of the High Court, the General Prosecutor, the Ministry of Justice, the High Council of Justice and the Pedagogical Council of the School. The continuous training programme is approved by the Steering Council of the School.

Participation in these trainings is mandatory.

Travel and board costs for these activities shall be covered by budgetary funds provided for this purpose, respectively by funds of the Judicial Budget Administration Office, the General Prosecutor's Office and other legal sources predetermined for those activities.

Article 24

~~The Magistrates' School periodically organizes academic sessions, workshops, discussions and other activities in order to provide updated information for the improvement of the magistrates.~~

~~The participation of the magistrates in these academic and scientific activities is optional.~~

~~The traveling and living expenses during these activities are provided by the courts and prosecutors' offices to which the participants belong.~~

~~The Magistrates' School, in cooperation with the Ministry of Justice, the High Court of Cassation, the general Prosecutors' Offices and the law faculties, organizes full time day courses for judges and prosecutors. The selection procedure is the same as the one explained in the previous article.~~

~~The magistrate himself decides the period and the area of training. The above mentioned activities do not have a goal of disqualification~~

Proposals to the participation of each judge and prosecutor in specific activities of the continuous education shall be made to the Director of the School of Magistrates, respectively, by chairpersons of first instance courts or courts of appeal and by the head of the prosecution office at those courts.

Upon the proposal of the Director of the School of Magistrates, the High Council of Justice for judges and the General Prosecutor for prosecutors approve lists with the names of the persons who will take part in continuous training for at least a one year period, according to the respective activities determined in the program of continuous formation.

Article 25

~~The judges, the prosecutors, and the lawyers who participate in the continual training activities and in the improvement courses, at the end of them, are provided with a special certificate given by the Director of the Magistrates' School.~~

~~The certificates are placed in their files and give evidence of the qualification of the magistrates~~

Judges and prosecutors who take part in continuous formation are furnished with a certificate issued by the Director of the School. A copy of the certificate is put into the personal file of the judges and prosecutors.

Article 26

Every law and sublegal act that is in conflict with this law is repealed.

Article 27

This law is effective 15 days after publication in the Official Journal.

Promulgated by decree no. 1581, dated 14.08.1996 of the President of the Republic of Albania, Sali Berisha