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**REPUBLIC OF ALBANIA**

**THE SCHOOL OF MAGISTRATES**

**STEERING COUNCIL**

**No. 210/2 prot. Tiranë, on 16.03.2023**

**DECISION**

**No. 10, date 16.3.2023**

**ON SOME ADDITIONS AND CHANGES IN THE INTERNAL REGULATION OF THE SCHOOL OF MAGISTRATES**

Based on law no. 96/2016, *on the status of judges and prosecutor in the Republic of Albania,* on law no. 115/2016, *on the organs of the management of the system of justice,* the Steering Council of the School of Magistrates, gathered on 16.3.2023, decided:

I. To be done these amendments in the Internal Regulation of the School of Magistrates, approved by decision no. 1, date 31.1.2017:

1. Article 20 **“The organization of admission test for candidates for magistrate, for advisors and legal assistants and state advocates” changes as follows:**

1. The results of all tests for all categories and profiles have effect for the candidate only for the year when he/she competes. Candidates, in the future become subjects of the competition from the start for all types of tests.
2. The admission test in the School of Magistrates for candidates for magistrate, for positions in the State Advocacy and for legal assistants in courts and prosecution offices will be done in the written form and/or orally under supervision, organized in two phases in different days. Thesis model for both phases of the admission test is approved by the Steering Council.
3. The first phase of qualifying nature, with electronic assessment, is organized in one day. The model of the test thesis in this phase is organized in the form of questions with alternatives, that check knowledge on the general formation in the field of law as well as knowledge and capacities on language and intelligence. Answers are given systematically without words, under the *scantron* technique, (*the model of the answer sheet attached*).
4. The test will be done in the same hall and will be evaluated electronically there, in the presence of participants.
5. Candidates are qualified in the first phase, if they have collected no less than 60% of the points.
6. The winning candidates of the first phase enter into the second phase of the competition, which is the professional test. This test has two parts. The first phase has questions on the evaluation of knowledge and capacities on the fields of law, foreseen in the program of admission test. The second part has two case laws of judicial practice, one case law from criminal field (material and procedural) and one case law from civil field (material and procedural). For each case law there are some questions (4 - 5 questions) to assess specific elements of legal reasoning, that not essentially are related (or not) to the proper solution of the case. Test questions are the same for all competitors and are established on draw done by one or by some competitors, for each group of questions classified under relevant grounds.
7. Winning candidates of the second phase become subjects of the test of mental and psychological health. The methodology of the evaluation of mental and psychological health will be done in the written form, in the form of questions with alternatives and in the oral form, combined with interviews in group and individually, under the rules foreseen by the Annex 5 of this Regulation.

2. In the Article 23, “*On* ***the evaluation method for the admission test for candidates for magistrate, for advisors, legal assistants and state advocates,* *”*** points 1 and 2 are changed as follows:

1. In the first phase, thesis of the electronic test is evaluated maximally with 100 points. This thesis is going to have maximally 100 questions/100 points and will be structured in 10 rubrics, *(thesis model attached).*

2. Thesis of the first phase will be composed of:

1. Rubric 1: Constitutional Law and Human Rights (10 points);
2. Rubric 2: Administrative Law (7 points), and Labor Law (3 points);
3. Rubric 3: Constitutional Law (5 points), and Criminal Procedure (5 points);
4. Rubric 4: Civil Law (5 points), and Civil Procedure (5 points);
5. Rubric 5: Family Law (5 points), and Commercial Law (5 points);
6. Rubric 6: EU Law (5 points), and Public International Law (5 points);
7. Rubric 7: History of Law in Albania (10 points);
8. Rubric 8: Albanian language (10 points);
9. Rubric 9: Intelligence (10 points);
10. Rubric 10: Ethics and Civilian Behavior (10 points).
11. In Annex 2, “The procedure of the organization of the test for the selection of candidates to the School of Magistrates,” the first phase of the admission test, rule III, application: paragraphs 6 and 7 on the structuring of thesis, changes as follows:

Thesis will be structured in 10 rubrics.

Thesis of the first phase will be composed of:

1. Rubric 1: Constitutional Law and Human Rights (10 points);
2. Rubric 2: Administrative Law (7 points), and Labor Law (3 points);
3. Rubric 3: Constitutional Law (5 points), and Criminal Procedure (5 points);
4. Rubric 4: Civil Law (5 points), and Civil Procedure (5 points);
5. Rubric 5: Family Law (5 points), and Commercial Law (5 points);
6. Rubric 6: EU Law (5 points), and Public International Law (5 points);
7. Rubric 7: History of Law in Albania (10 points);
8. Rubric 8: Albanian language (10 points);
9. Rubric 9: Intelligence (10 points);

Rubric 10: Ethics and Civilian Behavior (10 points).

4. In Annex 15, “Regulation of publications of scientific texts of the School of Magistrates and of *Jeta Juridike* journal,” is added point 4/1 with this content:

1. The School of Magistrates (SchM) publishes periodically, every 3 months, summaries of transcripts of the content of trainings done in the program of continuous formation.
2. Summaries of transcripts, mentioned in point 1 of this article are grouped under the following fields:
* Constitutional Law and Human Rights;
* Administrative Law;
* Criminal Law (material and procedural);
* Civil Law (material and procedural);
* Non-legal capacities and competences.
1. For the drafting and preparation of summaries of transcripts according to fields mentioned in point 2 of this article, the School of Magistrates could engage candidates for magistrate that has ended the program of the second year of the initial formation. The selection of candidates is based on their ranking in the final evaluation of the second year, starting from the candidate that is ranked in the first position.
2. In this process, candidates for magistrate are guided by a group of lecturers/experts of relevant fields.
3. The inclusion of candidates selected in this activity of the School of Magistrates, serves to encourage their commitment in the field of publications and in the program of continuous formation after graduation.
4. To approve the sample of the thesis of the first phase of the test (scan tron) attached, as an inseparable part of this decision.
5. The School of Magistrates is charged to take all the precautions for the reviewing and publication of the program of the admission test.
6. This decision comes immediately into force!

**VICE-HEAD**

**OLSIAN ÇELA**

**THESIS MODEL (First phase)**

**Candidates for magistrate, legal advisor, legal assistant**

Total of points 100.

(One question = one point)

**Rubric 1: (10 questions)**

Constitutional Law and Human Rights Law (*10 points)*

**Rubric 2: (10 questions)**

Administrative Law *(7 points)*

Labour Law (*3 points)*

**Rubric 3: (10 questions)**

Criminal Law *(5 points)*

Procedural Law *(5 points)*

**Rubric 4: (10 questions)**

Civil Law (5 points)

Civil Procedure (5 points)

**Rubric 5: (10 questions)**

Family Law (5 points)

Commercial Law (5 point)

**Rubric 6:** **(10 questions)**

EU Law (5 points)

Public International Law (5 points)

**Rubric 7: (10 questions)**

History of law in Albania (10 points)

**Rubric 8: (10 questions)**

Albanian language (10 *points*)

**Rubric 9:** (10 questions)

Intelligence (*10 points*)

**Rubric 10:** (10 questions)

Ethics and civilian conduct (*10 points*)