

**ANALYSIS OF
NEEDS FOR RECRUITMENT OF INTERNS
IN COURTS AND PUBLIC PROSECUTOR'S OFFICES**

Podgorica, June 2014

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1. INTRODUCTION

At its session of June 27, 2013, the Government of Montenegro adopted the Action Plan for Chapter 23 – Judiciary and Fundamental Rights. In accordance with the obligation defined in the Action Plan, the government conducted an analysis of needs for recruitment of trainees in courts and state prosecutor's offices.

Pursuant to the Law on Civil Servants and State Employees ("Off. Gazette of MNE", No. 39/2011, 50/2011 and 66/2012), an intern is a person possessing a certain level of qualification, entering employment in a state authority for the first time for the purpose of being trained for autonomous work. An intern is trained in accordance with the programme determined by the state authority where the intern is being trained.

The status of interns and volunteers in courts and state prosecutor's offices is regulated by the Law on Courts ("Off. Gazette of RoM", No. 5/2002, 49/2004 and Off. Gazette of MNE", No.22/2008, 39/2011, 46/2013 and 48/2013.), and for those in the state prosecutor's offices it is regulated by the Law on the State Prosecutor's Office ("Off. Gazette of RoM", No. 69/2003 and " Off. Gazette of MNE", No. 40/2008, 39/2011 and 46/2013.). The Courts' Rules of Procedure and the Rules on the State Prosecutor's Offices regulate in more detail the manner of realization of training of judicial and prosecutors' trainees, as well as the supervision and keeping record on trainings.

The position of interns in the courts and prosecutor's offices is regulated in the same way. Employment as in intern is open for persons who possess a law degree and who meet the general requirements for employment in state authorities. Interns are employed for a limited period, i.e. for a period of two years. In the event that the intern has demonstrated a distinguished performance at work, the internship may be extended for an additional year, provided he passes the bar exam within three months. Training of interns is conducted in accordance with a special program that is passed by the president respectively the head of the prosecutor's office.

Pursuant to the Law on Vocational Training of Persons Possessing Higher Education («Official Gazette of Montenegro», No. 38/12), the Vocational Training Programme for Persons Possessing Higher Education was implemented in 2013. During nine months of vocational training, the Programme offered graduates with higher education and no work experience the opportunity to gain knowledge and skills to enable them for independent performance of tasks. Courts and prosecutor's office contributed to the implementation of this Programme by offering a number of graduate lawyers to complete their internship in this way.

The Analysis of needs for recruitment of interns in courts and prosecutor's offices includes data on interns in courts that have been submitted by 22 courts in Montenegro, which are as follows: the Supreme Court, the Administrative Court, the Appellate Court, the Commercial Court Podgorica, the Commercial Court Bijelo Polje, the High Court Podgorica, the High Court Bijelo

Polje, the Basic Court Bar, the Basic Court Berane, the Basic Court Bijelo Polje, the Basic Court Cetinje, the Basic Court Danilovgrad, the Basic Court Herceg Novi, the Basic Court Kolašin, the Basic Court Kotor, the Basic Court Nikšić, the Basic Court Plav, the Basic Court Pljevlja, the Basic Court Podgorica, the Basic Court Rožaje, the Basic Court Ulcinj and the Basic Court Žabljak. The Analysis includes as well data submitted by 16 state prosecutor's offices, which are: the Supreme State Prosecutor's Office, the High State Prosecutor's Office Podgorica, the High State Prosecutor's Office Bijelo Polje, the Basic State Prosecutor's Office in Bar, the Basic State Prosecutor's Office in Berane, the Basic State Prosecutor's Office in Bijelo Polje, the Basic State Prosecutor's Office in Kolašin, the Basic State Prosecutor's Office in Kotor, the Basic State Prosecutor's Office in Nikšić, the Basic State Prosecutor's Office in Plav, the Basic State Prosecutor's Office in Pljevlja, the Basic State Prosecutor's Office in Podgorica, the Basic State Prosecutor's Office in Rožaje, the Basic State Prosecutor's Office in Ulcinj, the Basic State Prosecutor's Office in Herceg Novi and the Basic State Prosecutor's Office in Cetinje.

The submitted data relating to 2013 and 2014 were compiled and systematized on the basis of a questionnaire designed by the Ministry of Justice for the purpose of conducting the said Analysis. Apart from the information collected from the mentioned authorities, the Analysis includes as well conclusions drawn on the basis of the processed information. The aim of the Analysis was to obtain an overview of the number of interns across the judiciary authorities, the method of determining the number of interns as well as of the realistic need for their recruitment. The conclusions drawn on the basis of the Analysis will facilitate an effective solving of recognized problems and increase the quality of education and training of interns. By considering the needs of judicial authorities for additional staff, trained according to quality programmes, the judicial authorities will become more effective.

2. THE QUESTIONNAIRE OF THE MINISTRY OF JUSTICE FOR COLLECTION OF DATA

1. Number of interns in all courts and state prosecutor's offices in Montenegro;
2. out of the total number, how many interns have been recruited by means of public announcement, how many of them were recruited on the basis of the Vocational Training Programme for Persons Possessing Higher Education and what is the number of interns-volunteers?;
3. What is the number of interns in courts and state prosecutor's offices, who pass the bar exam in the statutorily prescribed deadline and what is the number of interns whose employment at the court respectively state prosecutor's office is extended upon termination of the internship period for another year, in accordance with the Law on Courts respectively the Law on the State Prosecutor's Office;
4. Do the presidents of the courts respectively the heads of the state prosecutor's offices adopt a Training Programme for Interns and are mentors assigned to the interns? What are the contents of the Programme and what are the usual duties assigned to interns in courts or state prosecutor's offices?

5. Do all the interns pass through all divisions in a court respectively state prosecutor's office, where they work and how long does the period of training in the area of a given department last?
6. Are the interns during the internship referred to training in other courts resp. state prosecutor's offices, or other authorities, and if so, which is the number of such interns and where have they been referred to?
7. Do the courts or state prosecutor's offices keep a record or log books for each of intern and volunteer, in which the data on the time spent in training in some divisions and services, as well as tasks which the intern or volunteer carried out are registered?
8. Is the interns' work supervised and evaluated?
9. Do interns attend seminars or workshops in various fields of law for the purpose of professional development and what is the number of interns in courts and state prosecutor's offices who attended such forms of training?

3. NUMBER OF INTERNS IN COURTS AND STATE PROSECUTOR'S OFFICES, AND THE DURATION OF THE INTERNSHIP PERIOD

3.1 The Courts

The Law on Courts ("Off. Gazette of RoM", No. 5/2002, 49/2004 and "Off. Gazette of MNE", No. 22/2008, 39/2011, 46/2013 and 48/2013) stipulates that courts shall have a sufficient number of advisors, other officers, judicial trainees and administrative staff. A law graduate (higher education in the scope of 240 ECTS credit points, VII1 level of qualification), meeting the general requirements for admission to employment in state authorities, may be admitted to employment as a judicial trainee, for a period of two years. The requirement for employment in a court as a volunteer, for the purpose of acquiring special qualifications and meeting the conditions for taking the bar exam, according to the law, is a degree in law (higher education in the scope of 240 ECTS credit points, VII1 level of qualification) and meeting the general requirements for admission to employment in state authorities. The admission of volunteers is decided on by the president of the court.

Entering and termination of employment of advisors and administrative staff, salaries and other employment-related rights, obligations and responsibilities, the required level of education, the duration and execution of the internship, the requirements for taking the professional exam and other related issues, are governed by the Law on Civil Servants and State Employees (Official Gazette of Montenegro, No. 39/2011, 50/2011 and 66/2012).

The Supreme Court

In 2013, there were two interns and two volunteers in the Supreme Court of Montenegro, of which one was admitted as a judicial trainee through the Vocational Training Programme for Persons Possessing Higher Education, while the other one was admitted as a trainee-volunteer. In 2014 there were two volunteers in the Supreme Court. In 2013 and 2014 there were no

interns who passed the bar exam in the legally prescribed deadline, and since their internship period was not prolonged in accordance with the law, both interns continued to work at the Supreme Court as volunteers.

The Administrative Court

At the Administrative Court there were five interns in 2013, while in 2014 their number was only three. All interns were recruited by public announcement advertised by the Human Resources Management Authority. There are no interns-volunteers at the Administrative Court.

All interns who passed the bar examination in 2013 (4 of them), continued to work at the court for another year after termination of their internship, in accordance with article 116 para. 3 of the Law on Courts, while one intern hasn't met the conditions for prolongation of the internship period in accordance with the mentioned provision yet.

The Appellate Court

There are in total 13 judicial trainees and 1 intern-volunteer at the Appellate Court. All judicial trainees were recruited by means of a public announcement. Since 2013, the court recruited 12 judicial trainees, while in 2014 one judicial trainee and one volunteer-intern were engaged.

In 2013, the employment was terminated for one intern, because he failed to pass the bar exam within 3 months. In 2014, one intern passed the bar exam shortly after expiry of the second year of the internship, while seven others registered for taking the bar exam in the May and June examination term. Since 2013 no decision prolonging employment of an intern at a court after expiry of the internship period pursuant to article 116 paragraph 3 of the Law on Courts was passed.

The Commercial Court in Podgorica and in Bijelo Polje

The Commercial Court in Podgorica employs a total of 11 judicial trainees and four volunteer-interns. All judicial trainees entered employment by means of a public announcement. There were no public job announcements in 2013, while five interns completed their internship in this court through the Vocational Training Programme for Persons Possessing Higher Education.

In 2013, the employment was terminated for one intern, because he failed to pass the bar exam, while employment at the court after expiry of the internship was continued for six interns in accordance with article 116 paragraph 3 of the Law on Courts. Employment for three interns is to be terminated as they failed to pass the bar exam.

The Commercial Court in Bijelo Polje has not had any interns during the past several years, which means that there were no interns during 2013 and 2014.

The Higher Court in Podgorica

On 01 January 2013 inclusive, the High Court in Podgorica employed 24 judicial trainees and 23 volunteers. Employment for three interns was terminated by the end of 2013, because their internship period had expired.

11 new interns were admitted on 17 June 2013; 10 out of the 23 volunteers entered employment with the status of intern, while one intern was newly admitted from outside the court. For four out of the remaining 13 volunteers, the voluntary work expired, while three volunteers terminated their voluntary work by mutual consent and moved to another court. In addition, six new volunteers were admitted in 2013. On 31 December 2013, there were 32 judicial trainees and 12 volunteers at the High Court in Podgorica.

10 new interns were recruited at the High Court in Podgorica in 2014, of which 8 out of 12 volunteers entered employment as interns, while two interns were admitted from outside the court. Also in 2014, employment of nine interns was terminated due to expiry of their internship period. Currently there are 33 interns and 4 volunteers engaged in this court.

In 2013, eight interns passed their bar exam, while two interns passed it in 2014. All of these candidates passed the bar exam within the prescribed deadline and employment at this court was continued for all of them for another year.

The High Court in Bijelo Polje

11 interns and 1 volunteer completed their internship at the High Court in Bijelo Polje in 2013. All interns were admitted by means of a public announcement. In 2014, seven interns and two volunteers are performing their internship at this court.

In 2013, four interns did not pass their bar exam in the prescribed deadline due to objective reasons, because they had not been scheduled an examination date within this period, while their employment was extended for another year after expiry of the internship period.

The Basic Court in Bar

In 2013, the Basic Court in Bar employed 11 interns. All of them had been admitted on the basis of a public announcement. The court currently employs eight interns admitted by public announcement and one volunteer.

Two out of the aforesaid number of interns passed the bar exam during 2013. The internship period was extended for three interns during the same year. In 2014, the internship was extended for another two interns, whereby the three months period set for taking the bar exam has not expired yet.

The Basic Court in Berane

The Basic Court in Berane employed 18 interns in 2013. Six of them were admitted on the basis of a public announcement and 12 of them under the Vocational Training Programme for Persons Possessing Higher Education. In 2014, 12 interns worked at this court, of which four were admitted based on a public announcement, while eight interns are working there as volunteers.

None of the interns passed their bar exam in the statutorily prescribed term during 2013 and 2014, thus their engagement at the court was not extended for another year after expiry of the internship, in accordance with the law.

The Basic Court in Bijelo Polje

Six judicial trainees with a degree in law are employed on a fixed term at the Basic Court in Bijelo Polje in 2013 and 2014. All employees had been admitted on the basis of a public announcement. There were no volunteers to be trained as interns at this court in 2013 and 2014.

Among the judicial trainees recruited by the Basic Court in Bijelo Polje, two judicial trainees passed the bar exam in the legally prescribed term and their engagement was extended for another year pursuant to the Law on Courts. The engagement was extended for an additional year for three more judicial interns after expiry of their internship despite not having passed their bar exam, but they registered for taking the exam, although, due to objective reasons, they have not been assigned a date for taking the examination yet.

The Basic Court in Cetinje

A total number of six interns were admitted to work at the Basic Court in Cetinje in 2013, on the basis of a public announcement. In the same year, employment was terminated for two interns as they failed to pass the bar exam in the legally prescribed term. In 2014, two interns were admitted by public announcement as well as one volunteer-intern. Seven interns are working at the Basic Court in Cetinje at present.

The Basic Court in Danilovgrad

Two persons were admitted to internship by public announcement at the Basic Court in Danilovgradu in 2013, and in accordance with the law the internship period was prolonged for an additional year, since they passed their bar exam in the legally prescribed deadline. Two persons were admitted under the Vocational Training Programme for Persons Possessing Higher Education, one of whom continued work at the court on a volunteering basis after expiry of the vocational training programme.

During 2014, one intern was admitted to internship at the Basic Court in Danilovgrad based on public announcement, while one person was employed by public announcement for the period of one year with the purpose of meeting the requirements for taking the bar exam pursuant to article 7 paragraph 2 of the Law on Vocational Training of Persons Possessing Higher Education.

The Basic Court in Herceg Novi

Ten interns were admitted to work at the Basic Court in Herceg Novi by means of public announcement; one of them was admitted by public announcement after completion of practical training at the Basic Prosecutor's Office in Herceg Novi in the duration of nine months, pursuant to article 7 paragraph 2 of the Law on Vocational Training of Persons Possessing Higher Education (Official Gazette of Montenegro No. 38/12), according to which it is admissible that a person, after having completed practical training for nine months, may enter employment in the capacity of a trainee pending the fulfillment of the prescribed conditions regarding the internship period for the purpose of taking the relevant examination required for work in a court, state prosecutor's office, law practice, bailiff or notary public. There is also a volunteer performing internship at this court.

There were no interns at this court who passed the bar examination within three months, after their internship was extended.

The Basic Court in Kolašin

By 29 November 2013, there was one judicial trainee admitted for internship at the Basic Court in Kolašin on the basis of a public announcement. The internship for this intern was extended for another year in accordance with article 16 paragraph 3 of the Law on Courts, for the purpose of taking the bar examination, after which his internship – employment was terminated.

On 30 December 2013, a vacancy for one trainee for the period of 2 years was published for the needs of the Basic Court in Kolašin, and the Human Resources Management Authority submitted to this court a list of applicants meeting the requirements set out in the announcement. The president of the court passed the decision on admission of one applicant from the short list as judicial trainee. Since appeal was filed against this decision, a procedure before the Appeals Commission is currently underway. After the decision becoming final, a decision on admission and beginning of the internship at the Basic Court in Kolašin will be taken.

The Basic Court in Kotor

On 31 December 2013, there were 15 judicial trainees admitted to internship at the Basic Court in Kotor on the basis of public announcement, as well as 10 judicial trainees – volunteers. On 29 April 2014, the Basic Court in Kotor had 17 judicial trainees recruited by public announcement as well as five interns – volunteers.

Two of the judicial trainees passed their bar exam in 2013 and their engagement in the court was prolonged for another year after expiry of their internship, pursuant to article 16 paragraph 3 of the Law on Courts.

The Basic Court in Nikšić

18 trainees are working at the Basic Court in Nikšić pursuant to the Judicial Trainees Recruitment Plan (Rule of Procedure No.III -4-Su.159/2012), based on which the number of interns was determined. Four interns worked at the court in 2013, all of which were admitted upon public announcement. One intern – volunteer was also admitted in 2013. Nine interns were admitted to internship in 2014.

The interns who started their internship on 08 September 2011 registered for the bar exam in December 2013 and their internship was extended for another year pursuant to the Law on Courts.

The Basic Court in Plav

During 2013, a total number of seven interns were practically trained at the Basic Court in Plav, two of whom were admitted by public announcement, four interns were admitted under the Vocational Training Programme for Persons Possessing Higher Education, while one of them was an intern – volunteer. After expiry of the nine months' period foreseen as training period, all of the four interns admitted under the Vocational Training Programme for Persons Possessing Higher Education continued to work at the court as volunteers for as long as it was necessary for the purpose of registering for the bar examination. Currently, four interns are working at the Basic Court in Plav, one of whom was admitted by public announcement, while the other three are interns – volunteers. Since the internship period for one of the two interns, who was admitted by public announcement, expired on 10 January 2014, the Human Resources Management Authority launched on 15 February 2014 a public announcement for admission of a new judicial trainee, which is still open.

During 2013, there was no intern who had passed the bar examination within the legally prescribed deadline in the Basic Court in Plav, despite three interns having registered for this examination and waiting for the call to take the exam. After expiry of the internship in the course of 2013, in compliance with article 116 paragraph 3 of the Law on Courts the internship was

extended by another year for one intern who had been admitted by public announcement, whereby the additional period for this intern expired as well on 10 January 2014. Currently, there are no interns at the Basic Court in Plav whose internship period was continued in accordance with article 116 paragraph 3 of the Law on Courts.

The Basic Court in Pljevlja

The Basic Court in Pljevlja had one judicial trainee and three volunteers working until 01 October 2013, and after 01 October 2013 there were four judicial trainees. As regards the year 2014, four judicial trainees are working in the Basic Court in Pljevlja.

In 2013, one intern passed the bar exam, while the internship of the other intern was extended by an additional year on 28 November 2013, in accordance with the law.

The Basic Court in Podgorica

The total number of interns at the Basic Court in Podgorica is 35, eight of whom are working the third year. All the interns had been admitted on the basis of a public announcement in 2013. A vacancy announcement for admission of additional 10 interns is currently underway. There are 27 volunteers at the court at present, while the number of volunteers for the year 2013 was 36.

There are eight interns at the Basic Court in Podgorica, whose internship was extended by another year after having passed the bar exam, in compliance with article 116 paragraph 3 of the Law on Courts.

The Basic Court in Rožaje

Two judicial trainees were employed at the Basic Court in Rožaje based on a public announcement in the year 2013, while in 2014 there was no recruitment of judicial trainees. Neither in 2013 nor in 2014 was there any recruitment of interns under the Vocational Training Programme for Persons Possessing Higher Education or interns – volunteers at this court.

By now, none of the trainees who performed their internship passed the bar examination within the legally prescribed period, so that their engagement in this court was not extended by an additional year after expiry of their internship.

The Basic Court in Ulcinj

In 2013 the Basic Court in Ulcinj employed four interns, three of whom were recruited during 2012, and one intern had his internship period extended by an additional year after having passed the bar examination. Admission of all of the interns was carried out by means of public announcement. During the same year, three interns worked at the court as volunteers, without compensation, for 2 years, in order to obtain professional training.

On 30 April 2014, two interns worked at the Basic Court in Ulcinj, whose internship was to expire in June 2014, while the internship of one intern expired in January 2014. The public announcement procedure for recruitment of one intern has been completed and the decision on selection of the successful applicant has been passed, but is not final yet. The number of interns – volunteers has not changed comparing to that of the year 2013. No intern has been admitted to internship at the court under the Vocational Training Programme for Persons Possessing Higher Education.

One intern passed the bar examination within the legally prescribed term in 2013, and after expiry of the internship period of two years his engagement was extended by an additional year pursuant to article 116 paragraph 3 of the Law on Courts.

The Basic Court in Žabljak

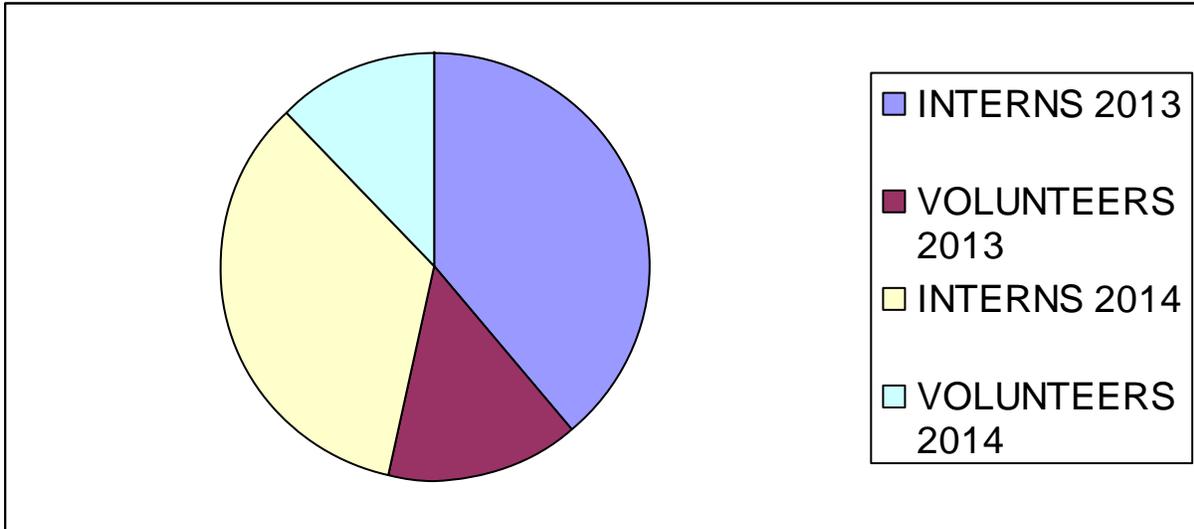
One judicial trainee is working in the Basic Court in Žabljak, who was admitted on the basis of a public announcement in 2013. His internship was prolonged for another year on 22 April 2014, based on the report of all judges of this court including the president of the court, under the condition that he passes the bar examination within three months, pursuant to article 116 paragraph 3 of the Law on Courts.

On 27 January 2014, the Basic Court in Žabljak launched a vacancy announcement for admission of a judicial trainee for a definite term of two years. The Human Resources Management Authority forwarded to the court a short list of applicants satisfying the requirements of the vacancy announcement, and one applicant from the list was selected. A procedure before the Appeals Commission is currently underway and after the decision becoming final, the beginning of the intern's work will be decided.

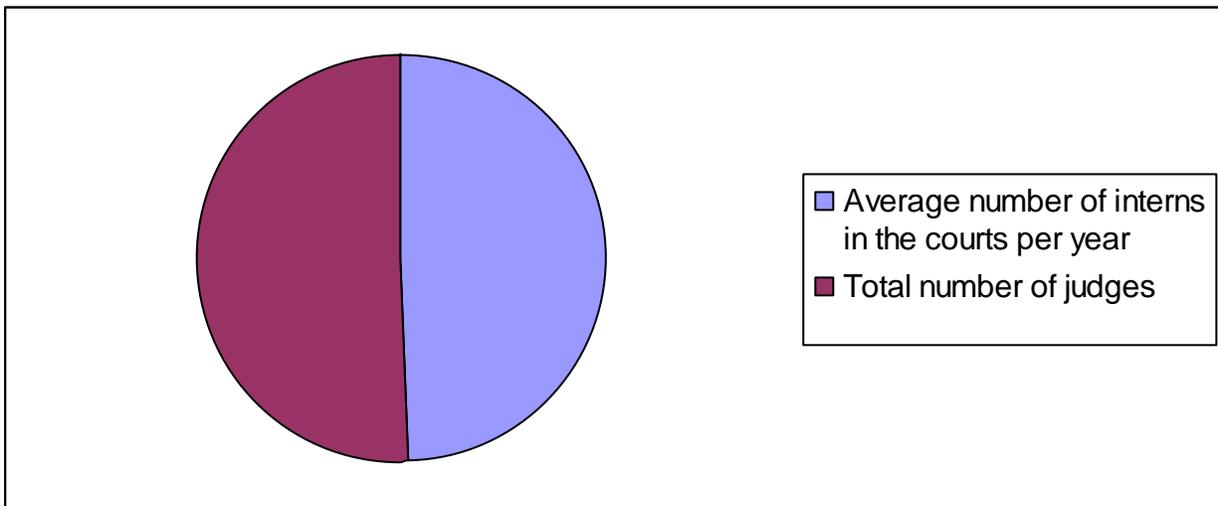
Overview of interns and volunteers across the courts in Montenegro

COURT	INTERNS 2013	VOLUNTEERS 2013	INTERNS 2014	VOLUNTEERS 2014
SUPREME COURT	1	1	0	2
ADMINISTRATIVE COURT	5	0	3	0
APPELATE COURT	12	1	13	1
HIGHER COURT PODGORICA	32	12	33	4
HIGHER COURT BIJELO POLJE	11	1	7	2
COMMERCIAL COURT PODGORICA	12	2	11	4
COMMERCIAL COURT BIJELO POLJE	0	0	0	0
BASIC COURT BAR	11	0	8	1
BASIC COURT BERANE	18	1	4	7
BASIC COURT BIJELO POLJE	6	0	5	0
BASIC COURT CETINJE	6	0	6	1
BASIC COURT DANILOVGRAD	2	1	2	0
BASIC COURT HERCEG NOVI	10	0	10	1
BASIC COURT KOLAŠIN	1	0	0	0
BASIC COURT KOTOR	15	10	17	5
BASIC COURT NIKŠIĆ	4	1	13	1
BASIC COURT PLAV	6	1	1	3
BASIC COURT PLJEVLJA	5	3	4	0
BASIC COURT PODGORICA	35	36	35	27
BASIC COURT ROŽAJE	2	0	2	0
BASIC COURT ULCINJ	4	3	2	3
BASIC COURT ŽABLJAK	1	0	1	0
TOTAL:	199	73	177	62

Graphic overview of the ratio between the number of interns and volunteers in 2013 and 2014



Analyzing the collected information, it was established that the average number of interns working in a court during a year is 255, while the total number of judges is 261. Based on this, it can be concluded that the average recruitment ratio is one intern corresponding to one judge.



3.2 The State Prosecutor's Offices

According to article 121 of the Law on the State Prosecutor's Office ("Off. Gazette of the Republic of Montenegro", No. 69/2003 and "Off. Gazette of Montenegro", No. 40/2008, 39/2011 and, 46/2013), a law graduate (higher education in the scope of 240 ECTS credit points, VII1 level of qualification), meeting the general requirements for admission to employment in state authorities, may be admitted to employment as an intern. Employment as an intern is entered for the period of two years. If during the two years the intern distinguishes himself by an outstanding performance, upon assessment by the state prosecutors' panel, employment can be continued for another year after expiry of the internship period, provided he passes the bar exam within three months.

The requirement for admission to employment in a state prosecutor's office as a volunteer, for the purpose of acquiring special qualifications and fulfilling the conditions for taking the bar exam, is a degree in law (higher education in the scope of 240 ECTS credit points, VII1 level of qualification) and meeting the general requirements for admission to employment in state authorities.

The number of interns performing internship across all state prosecutors' offices by December 2013 inclusive was eighteen, and this number remained the same in the current year, so that in May 2014 there were 18 interns within the state prosecutor's offices in Montenegro. During 2013, there were 23 volunteers engaged across the state prosecutor's offices in Montenegro, while in 2014 the number of volunteers is 12.

Six interns were recruited to the Supreme State Prosecutor's Office of Montenegro in 2013, on the basis of a public announcement. In 2013, there were also two interns – volunteers at the Supreme State Prosecutor's Office of Montenegro and in 2014 there is one volunteer.

Two interns were admitted for performing internship at the Higher State Prosecutor's Office in Podgorica in 2013 on the basis of a public announcement. During 2013 there were also 3 interns – volunteers engaged at this state prosecutor's office, while in 2014 there is 1 volunteer working at the Higher State Prosecutor's Office in Podgorica.

During 2013 there were no interns recruited by public announcement at the Higher State Prosecutor's Office in Bijelo Polje, and neither was there any in 2014. There were three volunteers working at this prosecutor's office in 2013 and two are working in 2014.

As for the Basic State Prosecutor's Office in Podgorica, in 2013 there were three interns recruited by public announcement. During the same year the Basic State Prosecutor's Office in Podgorica engaged also 3 volunteers in 2013.

The Basic State Prosecutor's Office in Cetinje recruited one intern by public announcement in 2013. The same prosecutor's office engaged one volunteer in 2013 and this number was the same for 2014, when there was one intern – volunteer.

The Basic State Prosecutor's Office in Bijelo Polje recruited one intern by public announcement in 2013, in the same year there was one volunteer, while three volunteers were engaged in this prosecutor's office in 2014.

The Basic State Prosecutor's Office in Ulcinj engaged one intern by public announcement in 2013. No volunteers were engaged in this prosecutor's office in 2013, while in 2014 one intern – volunteer was admitted in this prosecutor's office.

The Basic State Prosecutor's Office in Berane engaged one intern by public announcement in 2013. Two persons performed their internship on a volunteer basis at the Basic State Prosecutor's Office in Berane, while two interns – volunteers were engaged in this prosecutor's office in 2014.

At the Basic State Prosecutor's Office in Plav there was one intern recruited by public announcement in 2013. In the same year, two persons executed their internship at this prosecutor's office as volunteers, while there were no volunteers at this prosecutor's office in 2014.

The Basic State Prosecutor's Office in Kolašin recruited one inter by public announcement in 2013, while there were no volunteers either in 2013 or 2014.

The Basic State Prosecutor's Office in Pljevlja did not recruit any intern by public announcement in 2013. Four persons were engaged as volunteers in this prosecutor's office in 2013, while in 2014 there were no volunteers.

The Basic State Prosecutor's Office in Rožaje did not recruit any intern by public announcement in 2013. One person completed his internship at this prosecutor's office as a volunteer during 2013, while in 2014 this prosecutor's office engaged one intern – volunteer.

The Supreme State Prosecutor's Office applied on behalf of all the state prosecutor's offices for recruitment of interns under the Vocational Education Programme for Persons holding a degree in higher education. A total number of 37 participants attended the Vocational training within the state prosecutor's offices in 2013, in particular:

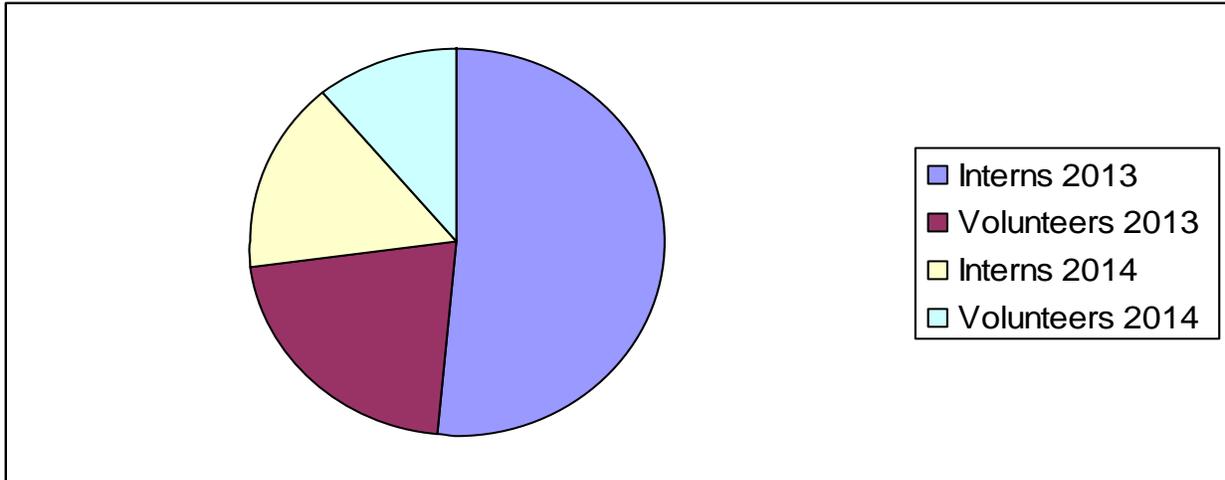
- at the Supreme State Prosecutor's Office of Montenegro: 3 participants, of which 2 are law graduates and 1 has a degree in economics
- at the Higher State Prosecutor's Office in Podgorica: 3 law graduates
- at the Higher State Prosecutor's Office in Bijelo Polje: 4 law graduates
- at the Basic State Prosecutor's Office in Podgorica: 1 law graduate
- at the Basic State Prosecutor's Office in Kolašin: 1 law graduate
- at the Basic State Prosecutor's Office in Herceg Novi: 2 law graduates
- at the Basic State Prosecutor's Office in Cetinje: 1 law graduate
- at the Basic State Prosecutor's Office in Nikšić: 3 law graduates
- at the Basic State Prosecutor's Office in Pljevlja: 4 law graduates
- at the Basic State Prosecutor's Office in Berane: 3 law graduates

- at the Basic State Prosecutor's Office in Bijelo Polje: 4 law graduates
- at the Basic State Prosecutor's Office in Plav: 1 law graduate
- at the Basic State Prosecutor's Office in Bar: 1 law graduate
- at the Basic State Prosecutor's Office in Ulcinj: 5 law graduates.

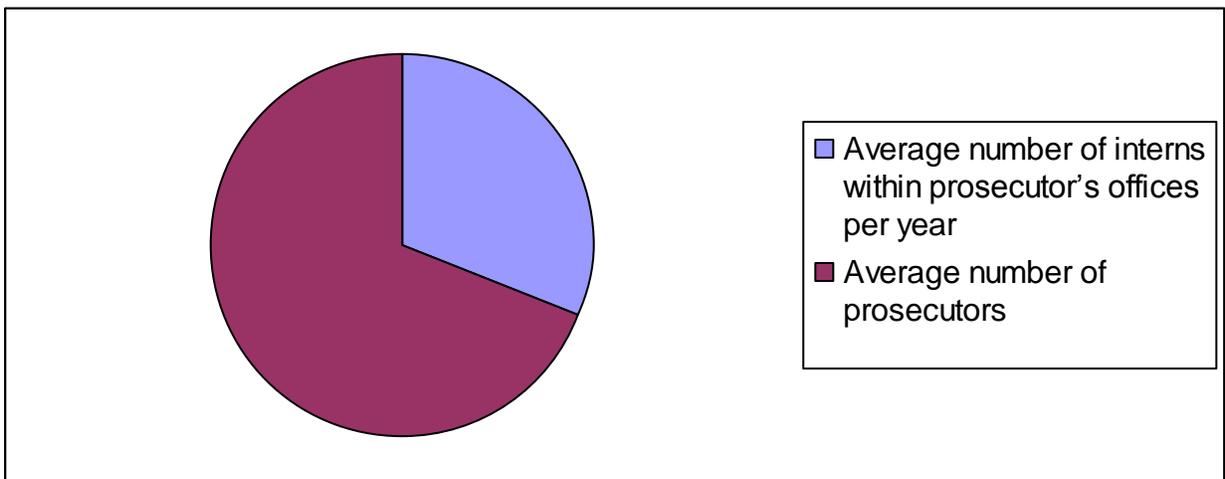
Overview of interns and volunteers within the state prosecutor's offices

State prosecutor's office	INTERNS 2013	VOLUNTEERS 2013	INTERNS 2014	VOLUNTEERS 2014
SUPREME SPO	9	2	6	1
Higher SPO Podgorica	5	3	2	1
Higher SPO Bijelo Polje	4	4	0	2
Basic SPO Podgorica	4	3	3	0
Basic SPO Cetinje	2	1	1	1
Basic SPO Bijelo Polje	5	1	1	3
Basic SPO Nikšić	3	0	0	0
Basic SPO Ulcinj	6	0	1	1
Basic SPO Bar	1	0	0	0
Basic SPO Herceg Novi	2	0	0	0
Basic SPO Berane	4	2	1	2
Basic SPO Plav	2	2	1	0
Basic SPO Kolašin	2	0	1	0
Basic SPO Pljevlja	4	4	0	0
Basic SPO Rožaje	0	1	0	1
Basic SPO Kolašin	2	0	0	0
TOTAL:	55	23	17	12

Graphical presentation of the number of interns and volunteers during 2013 and 2014



By analyzing the collected data, it has been established that the average number of interns working across the state prosecutor's offices during a year is 55, while the total number of prosecutors is 122. Based on this, it can be concluded that the average recruitment ratio is one intern corresponding to 2.2 prosecutors.



4. TRAINING OF INTERNS

4.1 The Courts

The Law on Courts ("Official Gazette of the Republic of Montenegro", No. 5/2002, 49/2004 and "Official Gazette of Montenegro", No. 22/2008, 39/2011, 46/2013 and 48/2013) stipulates that the training of interns shall be exercised in accordance with a special programme that is adopted by the president of the court.

The Rules of Procedure of the Court ("Official Gazette of Montenegro", No. 26/2011, 44/2012 and 2/2014) regulates the training of judicial trainees and volunteers at the court. The president of the court organizes the work of the Judicial trainees and volunteers in accordance with the curriculum of the training for the judicial trainees and allocates them to work in particular divisions and services and takes other measures for their training for practical work, whereby he ensures that they be acquainted with all the operations of the court. Records are kept for every judicial trainee and volunteer, in which information on the time spent in training in the individual divisions and services is registered as well as the tasks that the intern i.e. volunteer has been engaged in. These data are verified by the judge or the head of the division or the head of the service in which the trainee or the volunteer has been on training.

The Supreme Court

On 28 December 2012, the President of the Supreme Court passed the Rulebook on the Training Programme for Judicial Trainees and Volunteers at the Supreme Court. The Rulebook regulates the process of vocational training of judicial trainees and volunteers with the purpose of training and gaining practical experience in all areas of judicial work and meeting the conditions for taking the bar exam. Vocational training of judicial trainees and volunteers is done through practical work on professional legal affairs, making them familiar with the context and the manner of handling the affairs in the court in order to enable them for independent work. It is accomplished through work in the court registry, the obligation to follow panel sessions and hearings, drafting of court decisions, access to seminars and familiarization with the procedural and material laws that are applied in the work of the Supreme Court and courts in which they will be referred, introduction to the Law on Courts, Law on the Judicial Council, Court Rules of Procedure, Rules of the Judicial Council, rules of the house and the Code of Ethics, The European Convention on Human Rights and the practice of the European Court of Human Rights.

The training lasts throughout the period of internship which is determined by the law, maximum for the period of 2 years. In order to gain practical experience in all areas of court work equally, the interns and volunteers are periodically assigned to all court divisions as well as the Case Law Division. Judicial trainees and volunteers working in a court for a certain period of time (up to 12 months) are referred to lower-instance courts in order to observe trials and processing of the court decisions in non-contentious judicial, executive, criminal and civil matters. While the

intern is trained in the basic or higher court, the training is organized in accordance with the act of such courts.

Both interns - volunteers were referred to work at the Basic Court in Podgorica, and they have also followed trials before the Higher Court in Podgorica.

Records are kept in the Supreme Court for all interns and volunteers in accordance with article 38 of the Court Rules of Procedure. During the training at the basic or higher court, the intern keeps a record in the internship log book, which is verified with the signature of the President of the Court.

Upon completion of the training programme for the judicial trainees and volunteers, the judge is obliged to deliver his opinion on their work, expertise, conduct, and overall engagement, evaluating their work with "satisfactory" and "unsatisfactory". The president of the court informs the interns of the evaluation of their performance. The intern's performance was also evaluated during the period of the internship, in accordance with the Programme of Vocational Training for Persons Possessing Higher Education.

Judicial trainees and volunteers are obliged to attend the lectures and seminars as well as other forms of professional development during the period of internship. Both interns- volunteers attended the seminars organized by the Human Resources Management Authority as well as seminars on the European Convention on Human Rights, organized by the Judicial Training Center and international/non-governmental organizations.

The Administrative Court

President of the Administrative Court adopted the Rulebook on the Training Curriculum for Interns at the Administrative Court and assigned interns in councils in accordance with the court's annual schedule of assignments. In compliance with the adopted Rulebook, the usual duties of interns are work in the court registry and familiarization with the conduct of the court operations, getting familiar with the contents of the court cases, attendance at the panel sessions and the public hearings, drafting court decisions, etc..

Interns pass through all the divisions of the court and are also referred to training to other courts. Four interns of the Administrative Court were sent for training to the Basic Court in Podgorica, and one of them is currently on training in that court. The court maintains a record on the performance of the intern. The performance of the intern is monitored by the judges of the panel where the intern is assigned to in accordance with the court's annual schedule of assignments and they inform the president of the court on the intern's performance.

The Appellate Court

The President of the Court of Appeals adopted the Rulebook on the Curriculum of Training of Judicial Trainees and Volunteers in the Court of Appeals of Montenegro on 08 February 2012. The trainees have not been assigned a mentor so far. The Rulebook stipulates the procedure for the vocational training of judicial trainees and volunteers for the purpose of training and gaining practical experience in all areas of the court operation, and for fulfilling the conditions for taking the bar exam, as well as the obligations of the judges and the rights and obligations of the trainees (volunteers) arising from this program.

Vocational training of judicial trainees and volunteers is provided through practical work on professional legal affairs, familiarization with the content and the manner of handling the affairs in the court in order to enable them for independent work. It is accomplished through work in the court registry, the obligation to follow the panel sessions and hearings, preparing draft court decisions, providing access to seminars and familiarization with the procedural and material laws that are applied in the work of the Supreme Court and courts in which they will be referred to, introduction to the Law on Courts, Law on the Judicial Council, Court Rules, Rules of the Judicial Council, the house rules and the Code of Ethics, The European Convention on Human Rights and the European Court of Human Rights.

The interns pass through all the divisions of the court. The training in the area of one division lasts eight months on average. During the internship the interns are being sent to training to lower courts in order to follow trials and preparing court decisions in non-contentious judicial, enforcement, criminal and civil matters for a period of six months. Since 2012, eleven interns have been referred to training at the Basic Court in Podgorica for the period of 4 months.

Records of the interns are maintained by the court. Judicial trainees and interns – volunteers are obliged to maintain a work log book in accordance with article 38 of the Court Rules of Procedure. Control over the performance of the interns and their evaluation is performed in accordance with article 6 of the Rulebook, which provides that a judge is obliged to provide practical training of the judicial trainees and volunteers by means of explanations, guidance and instructions, to enable them to follow trials and provide them access to the case files the trials of which they attended, to monitor the maintenance of the internship log book and confirm its authenticity with his signature. The evaluation is done on the occasion of deciding over the continuation of employment after expiry of the internship according to article 116 paragraph 3 of the Law on Courts.

Commercial Court in Podgorica

A Rulebook on Training of Judicial Trainees and Volunteers in the Commercial Court in Podgorica was adopted in January 2013. Trainees have not been assigned a mentor so far. The Rulebook defines the procedure for the vocational training of judicial trainees and volunteers with the purpose of training and gaining practical experience in all areas of the court operation

and for meeting the conditions for taking the bar exam. Vocational training of judicial trainees and volunteers includes training through practical work in professional legal work, exploring the content and manner of conducting the operations of the court and training for independent application of the law. The content of the training of judicial trainees and volunteers is provided through familiarization with the holders of judicial functions and judicial employees, familiarization with the Law on Courts of Montenegro, familiarization with the Rulebook on Internal Organization and Systematization of the Court, work in the court registry, learning about the contents of cases and following trials, briefing to the judge about the perceived legal problems and disputable facts of the case the trial of which they attend as well as drafting of court decisions.

Interns pass through all of the divisions in the court. Training in the area of one division lasts six months on average. After completing the internship in the abovementioned tasks, the intern i.e. volunteer is referred to the Basic Court in Podgorica for further realization of the internship or volunteering in the first instance criminal division over a period of one month. In the previous year, five interns were referred to the Basic Court in Podgorica.

Records of the interns are maintained by the court. Control over the performance of the interns and their evaluation is done in accordance with article 6 of the Rulebook which stipulates that a judge is obliged to provide practical training to the judicial trainees and volunteers through explanations, guidance and instructions, to facilitate them the following of trials as well as access to the case files of the trial they attended, to monitor the maintenance of the internship log book and confirm its authenticity with his signature. The evaluation is done while deciding over the continuation of employment after expiry of the internship according to article 116 paragraph 3 of the Law on Courts.

The Commercial Court in Bijelo Polje

The president of the court adopted the Programme for Recruitment and Training of Interns and Volunteers and it can be found on the court's internet site. The training of the interns is realized under the direct supervision of the court president or person authorized by the court president. The Programme comprises a description of the training with regard to the organization in performing tasks, following the work of the court registry, familiarization with the manner of keeping specific registers, auxiliary books and the manner of processing of cases, monitoring of the flow of all documents and files within the court, the electronic assignment of cases, the functioning of the dispatch unit, manner of due handling of files and submission for dispatch, manner of handling of unorderedly submissions, monitoring of the case flow and of the flow of all files upon regular and irregular legal remedies, recording of received and completed cases etc. is specified in detail in the Programme for Recruitment and Training of Interns and Volunteers.

During the period of six months, the interns have to pass through all the divisions in the court - civil, bankruptcy and enforcement. They are also referred to other courts - Basic and Higher Court in Bijelo Polje for following of trials.

Records on each intern and volunteer are kept at the court. The performance of the intern is supervised and evaluated. Interns attend seminars or workshops during the period of their internship.

The Higher Court in Podgorica

A Rulebook on Training of Judicial Trainees and Volunteers I Su.No.84/09 dated 30 September 2009 has been adopted and it can be found on the internet site of the court.

The abovementioned curriculum closely defines the duration of the training, method of conducting the training (the amount of time the intern spends in the court registry and the amount of time spent in the various divisions in the court), that the president of the court should attend to the organisation and the procedure of realization of the training of judicial trainees and volunteers, as well as the rights and obligations of the judges. The obligations of the interns are:

- Each judicial trainee and volunteer is obliged to observe this Programme. During the training, the judicial trainee or volunteer is obliged to maintain an internship log book. The internship log book shall include information on the daily activities, completed draft decisions, work with the judge on certain cases or other assignments, guidance provided by the judge on specific institutes. During the training, the judicial trainee or volunteer is expected to conscientiously and diligently participates in the realization of the Programme, to be timely, accurate, hard-working, to comply with the requests of the judge relating to daily work and other forms of the training, to observe the rules of conduct in the court house and the court-rooms, to arrive at work dressed appropriately with regard to the social significance and regard of the work he performs, to treat the judges, court officials, other trainees and parties to the procedure with due respect, to take initiative with regard to the work and the training.

The interns pass through all the divisions within the court during the period determined by the training curriculum, but in practice it happens that interns stay longer in a particular division, because some interns start their internship as volunteers and after some time they enter employment as interns for the period of two years. There are no interns in the court who have been sent to training in other courts, public prosecutor's office or other authorities during their internship.

The court maintains records on the time spent on training in particular divisions or services as well as on assignments on which the intern i.e. volunteer has been working on. The performance of the interns is being supervised by the judges as well the president of the court, while the intern's performance evaluation is executed in the form of an informal discussion

between the judge and president of the court on the professional and working qualities of each intern i.e. volunteer.

All the interns in the court are familiar with the curriculum of the training that is conducted by the Human Resources Management Authority. But since the said training is on a voluntary basis i.e. it is necessary that the intern himself takes initiative and opt for the offered topics that are scheduled by the curriculum, and therefore neither in the last year nor in 2014 were there interested training candidates.

The Higher Court in Bijelo Polje

On 31 December 2010 the president of the Higher Court in Bijelo Polje adopted the Training Curriculum for Judicial Trainees and Volunteers, setting obligations to certain judges to attend among other to the vocational training of judicial trainees and monitor their performance.

Training Curriculum for Judicial Trainees and Volunteers at the Higher Court in Bijelo Polje Su No. 2346/10 dated 31 December 2010 includes:

- the objective of the training
- the contents of the training
- the duration of the training
- the manner of realization of the training
- the provider of the training
- the rights and obligations of the judges
- the rights and obligations of judicial trainees and volunteers and
- final provisions.

During the internship in that court, all the judicial trainees pass through all the divisions within the court. The training of a judicial trainee is realized through following stages:

Work in the court registry over the period of four months, during which the judicial trainee is made familiar with the Law on Courts, the Court Rules of Procedure and acts relating to the internal organization of the court.

- Work in the court divisions:
- with the investigative judge5 months
 - first-instance criminal division.....5 months
 - second-instance civil division 5 months
 - second-instance criminal division 4 months

Judicial trainees have not been referred to other courts, prosecutor's offices or other institutions for training by a separate act, however those willing to learn about the work under the jurisdiction of those institutions were not denied the opportunity.

The court maintains a record on each judicial trainee by entering the data on the time spent on training in the various divisions as well as assignments the trainee worked on, into the record. The work of the trainees is supervised, while performance evaluation was not performed until now.

During their internship, judicial trainees attended trainings according to the curriculum of the Human Resources Management Authority on professional development of civil servants and state employees, when they were held in Bijelo Polje.

The Basic Court in Bar

On 04 February 2011, the President of the Basic Court adopted the Training Curriculum for Judicial Trainees and Volunteers with a Degree in Law. The mentioned curriculum, which has been posted on the web site: sudovi.me, specifies the objectives of the programme, contents, duration and manner of implementation of the training, the period of time that interns have to spend in particular divisions, the providers of the training, rights and obligations of judges in regard to the interns as well as the rights and obligations of interns during the internship. Mentors are not formally assigned to the interns, while the course of the training is attended to by the judge to whose panel the intern has been assigned.

The interns are obliged to pass through all the divisions within the court and the period of time spent in a particular division is determined in the curriculum. During internship, the interns are not referred to other courts, public prosecutor's offices or other authorities.

The court does not keep records or an internship log book for each trainee or volunteer in which data would be entered on the time spent in training in particular divisions and services, as well as tasks which he performed. All judges supervise the work of the interns who are assigned to them, while evaluation of the performance of interns is not carried out.

The Basic Court in Berane

On 02 February 2011, the Basic Court in Berane adopted the Curriculum for Training of Interns for the Purpose of Independent Discharge of Tasks, which envisages that the training shall be provided the direct supervision of the authorized person - head of the registry appointed by the President of the Court. Training of the interns requires their presence at the trials, their following of the course of trials, the method of scheduling trials or hearings, the manner of sending all submissions to physical or legal entities, drafting of decisions, documents, accounts, writing

summons and performing all other duties within the scope of the trial, all under the supervision of the relevant judge as a mentor. Training of interns includes the introduction to the method of work and decision-making in the human resources, organizational and other issues that are discharged by the Secretary of the Court as well as the manner of keeping the register of the "SU" record file and the introduction to the work of the Judicial Information System - JIS.

Training of Interns is conducted in the appropriate sectors, ranging from the court registries, divisions and services, on the request of the authorized person. The authorized person verifies quarterly reports on training of the interns and reports on all activities undertaken for the purpose of training of interns. Interns have not been referred for training to other courts, public prosecutor's offices or other state authorities to date.

The court keeps records on all interns and volunteers. Data on the time spent in a particular division or services for training as well as the data on the assignments completed by the intern are entered in it. The data are verified by the judge or the manager of the registry where the intern i.e. volunteer was trained. A quarterly report on the training of the interns is submitted to the authorized person, which he verifies with his signature, giving thus his approval of the report and the intern's performance. The abovementioned report is prepared by the intern in training and it comprises all the activities undertaken with the purpose of his training. In accordance with the abovementioned programme for training of interns, the success of the completed internship is evaluated with the grades "satisfactory performance during the internship" or 'unsatisfactory performance during internship'.

The Basic Court in Bijelo Polje

The President of the Basic Court in Bijelo Polje adopted the Training Programme for Judicial Trainees and Volunteers on 16 February 2011, based on which he commits certain judges, among other, to attend to the professional training of the judicial trainees and supervise their work.

The Curriculum for Training of Judicial Trainees and Volunteers at the Basic Court in Bijelo Polje, Su.No.184/2011 dated 16 February 2011 includes the following:

- purpose of the programme;
- subject matter of the training;
- period of the training;
- manner of implementation of the training;
- providers of the training;
- rights and obligations of judges and mentors;
- rights and obligations of judicial trainees and volunteers;
- final provisions.

During the internship period, the judicial trainees have practical training across all organizational units of this court.

The vocational training of a judicial trainee at this court is implemented in the following stages:
Work in the court registry during 2 months, where the judicial trainee is made familiar with the Law on Courts, the Court Rules of Procedure and documents relating to the internal organization of the work at the court;

Work in various court divisions:

- Division for civil cases.....7 months
- Division for criminal cases7 months
- Division for non-contentions cases.....4 months

and

- Enforcement division..... 4 months

During the training period, the judicial trainees were not referred to training in other courts, prosecutor's offices or other authorities by a special act, but all those who were interested in learning about the work within the competence of these institutions were enabled to do so.

In this court records are kept for each judicial trainee in the way that the data on the time spent in training in the various divisions and services, as well as tasks he/she worked on.

During the training period, the judicial trainees attended training according to the Programme of the Human Resources Management Authority for professional development of civil servants and state employees, but mostly those which were organized in Bijelo Polje.

The Basic Court in Cetinje

The Training Curriculum for Interns was adopted in 2013 and it regulates the contents of the professional training of judicial trainees, the method of implementation of the training, as well as the rights and obligations of the trainees. The duties of trainees at the court are to work together with the judge on specific cases, draft court decisions and comply with the requests of the judge relating to the daily work, with the obligation to participate in the realization of the programme in a conscientious and responsible manner, observe the Code of Ethics, the Court Rules of Procedure and to respect the rules of the house.

The interns pass through all the divisions of the court they work in, such as the criminal, litigation, non-contentious and enforcement division, a month in each, and in the civil and criminal division for six months in each, while in the non-contentious and enforcement division for four months in each. During the internship period, the interns are not referred to training in other courts, state prosecutor's office or other authorities.

The court does not keep records of work for each of the interns and volunteers in which the data on the time spent in training in some divisions and services, as well as tasks on which the trainee or volunteer worked. The work of the intern is controlled by the judge, to whom the intern is assigned, but his work is not assessed.

Depending on the possibilities, respectively in line with the invitation to participate in seminars forwarded by training organizers, the interns attend vocational training seminars. At present, there are two interns at the court, who attended seminars.

The Basic Court in Danilovgrad

Training of interns at the Basic Court in Danilovgrad is executed in accordance with the Rulebook on Training of Interns Su No.172/11 dated 19 September 2011. For each of the interns, a judicial trainees' training programme is adopted, which includes a schedule according to which the judicial trainee performs his internship within the court registry, respectively with the judges of the Basic Court in Danilovgrad, where the judicial trainees are made familiar with the work of the individual divisions and services of the court, and trained for practical work and where they are assigned concrete tasks related to the preparation and processing of court cases, as well as court decisions.

The trainees pass through all the divisions of the court and the training with each individual judge lasts for five months, while the initial training in the administration and court registry lasts two to three months. During the internship, the trainees are not referred to other courts, state prosecutor's offices or other authorities, since the training at the court offers them the possibility to comprehensively learn about the work in the judiciary.

When entering employment, each intern receives a work log book, in which he enters the information related to the training, the cases and acts in the drafting of which he took part, which is the basis for supervision and assessment of the trainee's work in the three-monthly report prepared by the mentor.

The interns actively attend seminars and other forms of training, where all interns took part in the seminars organized by the Human Resources Management Authority, NGOs and the Judicial Training Center.

The Basic Court in Herceg Novi

The training program includes training of interns through practical work on professional legal tasks, familiarization with the contents and manner of conducting the operations of the court as well as training for independent application of the law. For the purpose of an equal acquisition of practice in all areas of judicial operations, the judicial trainees and volunteers are gradually assigned to work in all departments of the court registry and divisions of the court during the period of internship respectively volunteer work. During the training period, a court trainee or volunteer is obliged to conscientiously and diligently participate in the realization of the Programme, to be accurate and hard-working, to comply with the requests of the mentor or judge that relate to the daily work and other forms of training, to observe the Court Rules of Procedure, the rules of conduct at the court and in the courtrooms, to arrive at work dressed appropriately with regard to the social importance and esteem of the work he performs, to

comport themselves with due respect towards the judges, court officials, other interns and to take initiative in their work and training.

By the Annual Assignment Schedule for 2014, the head of the court registry is assigned with keeping the records, the assignment and the implementation of the Curriculum for Training of Judicial Trainees and Volunteers. The interns pass through all the divisions of the court, while the Curriculum for Training of Judicial Trainees and Volunteers defines that the training of judicial trainees and volunteers is implemented through the following stages:

- Getting familiar with the Law on Courts3 days
- Getting familiar with the Court Rules of Procedure2 days
- Getting familiar with the internal organization of work at the court.....2 days
- Work in the court registry2 months

Work within the divisions of the court:

- Civil division.....7 months
- Criminal division.....7 months
- Non-contentious division4 months
- Enforcement division.....4 months.

The interns are not referred to work in other courts, state prosecutor's offices or other authorities. The court keeps records on the various tasks and the various divisions in which the intern or volunteer works, and after completed internship at the court, an opinion on the intern's performance and qualities demonstrated during the internship is issued at the request of the intern when entering employment in some other public authority.

The interns do not attend seminars or workshops, since there have not been any such invitations, nor has the court been informed on the realization of such seminars. Namely, in the invitations, it is usually written that the judge or associate is invited, thus the interns are deprived of such forms of professional development.

The Basic Court in Kolašin

In the Basic Court in Kolašin, the interns were trained by practical work in accordance with the training curriculum of that court. Every intern had the President of the Basic Court in Kolašin assigned as his mentor. For the purpose of training, all interns passed through all divisions of the court, specifically they were trained in the court registry, the enforcement division of the court, the litigation division of the court, in criminal matters, non-contentious matters, gaining in this way practical experience essential for their professional development and taking the bar examination.

The interns are obliged to keep their work log books as proof of training across all the divisions in the competence of the basic courts, a practice that will be maintained in future as well. In the course of the year, it is envisaged that a judicial trainee with a degree in law will be recruited, in accordance with the Curriculum and the systematization of that court. The supervision and monitoring of work of judicial trainees is exercised by the president of the court.

The Basic Court in Kotor

The President of the Basic Court in Kotor adopted the Programme for Training of Judicial Trainees - Volunteers posl.No.III-4-Su.256/2012 dated 17 December 2012.

The Programme envisages that a judicial trainee is trained in the way that he passes through all areas of the court's operation across all the court's divisions and departments, while the training dynamics is as follows:

- 1.) one month in the registry for criminal matters;
- 2.) one month in the registry for civil matters;
- 3.) one month in the registry for non-contentious matters;
- 4.) one month in the registry for enforcement matters;
- 5.) six months in the division for criminal matters with the judge for criminal matters;
- 6.) six months in the division for civil matters with the judge for civil matters;
- 7.) three months with the judge for non-contentious matters;
- 8.) three months with the judge for enforcement matters; and
- 9.) two months in the court administration“.

The mentor of the interns is the judge to whom they have been assigned, respectively the head of division or head of the service where the intern is trained.

All interns at the Basic Court in Kotor (employed or with volunteer status), pass across all divisions within the court, however depending on the operational needs, an intern's work in a given division may be prolonged.

During the internship, the trainees are not referred to work in other courts, state prosecutor's offices or other authorities.

At the Basic Court in Kotor, records are kept for every judicial trainee and volunteer, in which data are entered on the time spent on training in the various divisions and services, as well as tasks on which the trainee or volunteer had worked. The data are verified by the judge respectively head of division or head of a service where the trainee or volunteer had been trained, as prescribed by the provisions of article 38 of the Court Rules of Procedure. The work of judicial trainees and interns – volunteers is supervised and evaluated in the way that the judges to which the interns are assigned are obliged to monitor the keeping of the trainee's work log book and to verify its authenticity by signing it, and upon completion of the training of the judicial trainees and volunteers the judge is obliged to submit to the president of the court his opinion on their performance, professional knowledge, conduct and overall engagement, assessing the intern's work with the grades: “satisfactory” and “unsatisfactory”. The president of the court informs the trainee of the assessment of his work.

The Basic Court in Nikšić

The president of the court adopted the Rulebook on the Training Programme for Interns (Su. No. 74/11), which regulates the contents of the professional training of judicial trainees, as well as the method and procedure of execution of the training. The Rulebook also relates to the

professional training of volunteers. According to the Rulebook, the professional training of interns – volunteers is executed by means of work in the court registry, direct familiarization with conducting operations at the court, familiarization with the contents of court cases, attendance at trials, participation in panel sessions when professional issues are discussed as well as preparation of draft court decisions. For the purpose of equal acquisition of practical experience in all areas of court operations, an intern – volunteer is in the initial phase of the internship assigned to work in the court registries – criminal, civil, non-contentious and enforcement, and such training lasts for three months. After completion of work in the court registries, the interns – volunteers are assigned to a judge, who is obliged to provide them practical training, following the course of trials, access to documents of cases and preparation of draft decisions. Upon completion of the training of the intern, the judge submits to the president of the court his opinion on the intern's work, acquired skills, conduct and overall performance. The intern's performance is assessed with "satisfactory" and "unsatisfactory".

The president of the court attends to the organization and procedure of the training of interns, on their referral to judges deciding within the various divisions. In this way the intern – volunteer passes through all divisions of the court. Up to now, the interns have not been referred to training in other courts, prosecutor's offices or other authorities.

Records are maintained in the court on all interns – volunteers, with data on the time spent on training in the various divisions and services, as well as on the tasks they worked on. The intern's work is supervised by the judge to whom he was assigned as well as by the president of the court. The assessment is made in compliance with the Rulebook on the Training Programme for Interns at the Basic Court in Nikšić.

Trainees in that court regularly attend seminars or workshops in the field of law for the purpose of further professional development.

The Basic Court in Plav

With the purpose of comprehensive training of interns and volunteers and their gaining practical experience in all areas of court operation, the president of the court adopted the Programme for Training of Judicial Trainees - Volunteers for 2014, III-4-Su.No.3/2014 dated 03 January 2014. The Programme envisages that the supervision and monitoring of the work of judicial trainees and volunteers is carried out by the judge, to whom the intern is assigned as well as the civil servant responsible for judicial trainees (mentor), in accordance with the Annual Assignment Schedule. The Programme defines the objectives, contents, duration and method of realization of the training, the providers of the training, as well as the rights and obligations of the judge and the mentor and the rights and obligations of judicial trainees and volunteers. The Programme defines as well the method, procedure and contents of vocational training of law graduates, judicial trainees and volunteers at the Basic Court in Plav through practical work, with the purpose of acquiring practical experience in all areas of the court's operations, enabling them

for independent application of the law and meeting the requirements for taking the bar examination.

During the training period, the interns are required to conscientiously and diligently participate in the realization of the Programme, to work on draft decisions, to report to the judges about any identified legal problems and disputable facts in the cases, the trials of which they attend, to be accurate, hard-working, to comply with the requests of the mentors and judges relating to daily work and other forms of training, to observe the Court Rules of Procedure, the rules of conduct at the court and in the courtrooms, to arrive at work dressed appropriately with regard to the social importance and esteem of the work he performs, to comport themselves with due respect towards the judges, court officials, other interns and to take initiative in their work and acquisition of skills.

In order to ensure ultimate and comprehensive acquisition of practical experience in all areas of the court's operations, the judicial trainees and volunteers are gradually assigned to work in all the departments of the court registry and court divisions. The training is realized in several stages envisaged by the Programme:

- Work in the court registry.....2 months,
- Work in the division for civil matters.....7 months,
- Work in the division for criminal matters.....7 months,
- Work in the division for non-contentious matters4 months,
- Work in the division for enforcement matters4 months.

Since the interns are trained for work in courts under the Programme for Training of Judicial Trainees – Volunteers, until now it was not practiced by the Basic Court in Plav to refer the trainees to training in other courts, state prosecutor's offices or other authorities during their internship.

All until 15 January 2013, no precise and complete records on the work of the judicial trainees and volunteers was kept by the court; this practice was established by means of preparing monthly reports on their work and performance assessment by the mentor and president of the court. The reports include specifications on the activities of every intern during the period of one month, which were envisaged by the Programme for Training of Judicial Trainees – Volunteers as well as the assessment of their performance by their mentor, with the grades: "satisfactory" or "unsatisfactory". The supervision and assessment of work of the trainees and volunteers in that court was established on 15 January 2013 and it is realized by means of a report on their monthly work.

Beside vocational training at the court, interns are sent to attend seminars and workshops in various areas of law. Such form of training was attended by four interns in 2013, while in 2014 there has not been any possibility to send trainees to attend seminars for the purpose of further professional development.

The Basic Court in Pljevlja

On 31 August 2012, the Training Programme for Judicial Trainees and Volunteers was adopted at the court and published at the web site of the Basic Court in Pljevlja; the Programme includes the objectives of the Programme, the contents of the training, duration and method of realization of the training, rights and obligations of judges, rights and obligations of judicial trainees and volunteers.

The interns pass through all divisions of the court, while the training in the area of one specific division lasts three months. Up to now, interns have not been referred to training in other courts, prosecutor's office or other authority.

A record on each intern is maintained at the court. The log books are maintained by the interns themselves and they enter the data relating to their work, while the keeping of the work log book and its authenticity is controlled by the judge mentor under whose control, directions and supervision the intern's training is realized. The intern's work is supervised and evaluated with the grades "satisfactory", "unsatisfactory", "excellent" and "outstanding".

In 2013 and 2014, no judicial trainee attended seminars or workshops in the area of law for their further professional development.

The Basic Court in Podgorica

The President of the Court adopted the Training Programme for Judicial Trainees and Volunteers Su I No.17/201. Mentors are the judges to whom the trainees are assigned according to the training programme. The Training Programme contains the objectives that are to be reached with the interns, the contents and method of training by means of assigning the trainees across the court registries and divisions and the time in the various divisions, the method of realization of the training, the rights and obligations of the judges in relation to the trainees and volunteers as well as the rights and obligations of the interns and volunteers in relation to the judges and the court. The final part relates to opinions and recommendations.

The interns are assigned a specific period of training, a month each for the court registries and six months for training across the divisions. A certain degree of flexibility is provided for individual trainees, for the case that they should need more or less time in the various divisions. The court does not send the interns to training in other courts and prosecutor's offices, while there are ca. 10 interns who came from other courts (Administrative, Appellate, Constitutional Court) to be trained at the Basic Court.

On admission, the interns were notified that they have to keep work log books that include the assignment schedule and the time spent on the assignments across the registries and divisions, as well as the number of court decisions in the drafting of which the intern had taken part. The work of the intern is supervised and it is assessed by opinions and recommendations given by the judge and court secretary upon comprehensive review of their work.

Whenever possible, depending on the organizer of seminars and workshops, the interns are enabled to attend the trainings for the purpose of additional professional development.

The Basic Court in Rožaje

The President of the Court adopted the Schedule and Programme of Recruitment and Training of Interns for 2014. The Programme envisages the familiarization of interns with holders of judicial functions, civil servants and state employees, getting familiar with organizational regulations and the Court Rules of Procedure, learn about the work in the court registries, the work with the judges in criminal, civil, non-contentious and enforcement cases, and preparation of draft court decisions.

After getting familiar with the organizational regulations and the Court Rules of Procedure, the interns spend 2 months at the court registries and the remaining time they are assigned in turns to the criminal, civil, non-contentious and enforcement division. Mentors are not assigned to the interns, however their work is supervised by the head of the court registry, the judges and the president of the court.

The interns pass through all the divisions in the court. They spend on average 2 – 3 months in one division. During the internship, depending on the interest shown by the intern, they are given the opportunity to work at the Basic State Prosecutor's Office or other authorities.

Interns maintain the work log book, while a record on the time spent on training in the various divisions as well as the tasks performed by the intern is kept by the court. The intern's work is controlled and the performance is evaluated at the end of their internship period.

The interns are given the opportunity to attend seminars for the purpose of professional development. The interns who are currently in that court attended a number of seminars in different areas of law.

The Basic Court in Ulcinj

The Training Programme for Interns and Volunteers was adopted in 2010 and it defined the method of realization of the training, the prescribed duration of training in the various court divisions, as well as the procedure for the control of implementation of training for interns and volunteers. The method and quality of realization of training of interns and volunteers during work in the court registry is controlled by the head of the court registry under the supervision of the president of the court; after assignment to a judge, the control is executed by the judge, with whom the intern's training was realized.

According to the Training Programme for Interns and Volunteers, every intern or volunteer begins his training in the court registry, in which the training lasts 3 months, in the criminal and

civil division 6 months each and in the non-contentious and enforcement division it lasts 4 months each.

Since the Basic State Prosecutor's Office Ulcinj and the Local Misdemeanour Authority of Ulcinj are situated in the building of the court, it is possible for the interns at the court and for those in the other authorities to get acquainted with the work of the other authorities.

The interns keep record on their work, which is controlled by the president of the court. The method and quality of realization of training of interns and volunteers during work in the court registry is controlled by the head of the court registry under the supervision of the president of the court, and after assignment to a judge, it is controlled by the judge with whom the intern is trained. The final assessment of the work of each individual intern and volunteer is made by the president of the court, which is particularly taken into account when prolonging the engagement of the intern after passing the bar exam.

Interns and volunteers are given the opportunity to attend any form of training when the technical requirements for it are in place or when need arises. During 2013, the interns were not included in any training of this kind.

The Basic Court in Žabljak

Interns are trained through practical work in accordance with the Training Curriculum published on the web site of that court. Each intern has his mentor for a given professional area; interns keep their intern's work log book and pass across all divisions in the court during the period of time they had been recruited. According to the Training Curriculum, it is envisaged that two judicial trainees and one intern with secondary education is recruited in the course of the year. After having passed the state exam and two years internship, one judicial trainee applied for taking the bar exam, but he has not been informed on the date of the exam yet.

The control and supervision of the work of judicial trainees is performed by the judges from the relevant divisions, or by the head of the court registry for interns with secondary education and they inform the president of the court on everything. The president of the court performs the assessment of the intern at the end of the year, based on the proposal made by the mentor. In this court's practice, interns are during the internship period obligatorily sent to seminars, where they are made familiar with current issues within areas of their professional profile.

4.2 The State Prosecutor's Offices

Article 121 paragraph 3 of the Law on the State Prosecutor's Office, training of interns is realized in accordance with a special programme adopted by the head of the state prosecutor's office. All state prosecutor's offices adopted training programmes for interns, which regulate the method, procedure and contents of vocational training and of acquisition of practical experience and meeting the requirements for taking the bar exam. The training is realized in the way that the intern is assigned a mentor – state prosecutor, with whom the intern works on the preparation of draft documents and decisions, and other activities under his supervision with the

purpose of gaining skills for practical work. Great attention is given to making the intern familiar with the contents and method of conducting the operations of the state prosecutor's office.

The Rulebook on Internal Operations of the State Prosecutor's Office ("Official Gazette of Montenegro, No. 22/2014) is governing the method of training of interns. In accordance with the training programme for interns, the head of the state prosecutor's office organizes the work of interns and volunteers and takes appropriate measures for their training for practical work, taking care that they are made familiar with all operations of the state prosecutor's office during the internship. A record is established for every intern, in which data are entered on the time and the tasks on which the intern had worked. The data are verified by the state prosecutor, or head of the department or service in which the intern performed his internship.

The work of interns is supervised on a daily basis, in the way that right after the drafting of an act by the intern, the mentor – deputy prosecutor controls the document and verifies it with his signature, whereafter the control of the same act is made by the head of the prosecutor's office as well. The record, which is at the same time a particular form of control of timeliness of the intern's work, is maintained in form of a booklet – work log book, in which the assigned and completed tasks are entered.

Interns from state prosecutor's offices attend seminars for the purpose of professional development, on which records are kept at the Supreme State Prosecutor's Office.

5. SUMMARY

The subject-matter of the present analysis is the recruitment of interns in judiciary bodies, their vocational training and development. The objective of the analysis is to present the real situation with regard to the number of interns in courts and prosecutor's offices, the method of determining the number of required interns and the realization of their vocational training and development.

Entering employment and termination of employment of civil servants and state employees, remuneration and other employment-related rights, obligations and responsibilities, the required education, duration and performance of internship, conditions for taking the professional exam and other related issues, are governed by the Law on Civil Servants and State Employees.

The procedure of recruitment of interns in courts and state prosecutor's offices by means of public announcement is conducted by the human resources management authority pursuant to the Law on Civil Servants and State Employees. The conditions for admission as an intern in a court or state prosecutor's office for the period of 2 years is a degree in law (higher education in the scope of 240 ECTS credit points, VII1 level of qualification) and meeting the general requirements for admission to employment in state authorities. The requirement for admission as a volunteer in a court or state prosecutor's office, for the purpose of acquiring special

qualifications and fulfilling the conditions for taking the bar exam, according to the law, is a degree in law (higher education in the scope of 240 ECTS credit points, VII1 level of qualification) and meeting the general requirements for admission to employment in state authorities.

The Law on Courts and the Law on the State Prosecutor's Office regulates the status of interns within courts and state prosecutor's offices, while the Court Rules of Procedure and the Rulebook on Internal Operations of the State Prosecutor's Office regulate in more detail the manner of realization of training of future judges and prosecutors, as well as the control and keeping records of trainings. Moreover, the Law on Vocational Training of Persons Possessing Higher Education provided for the implementation of the Programme of Vocational Training of Persons Possesing Higher Education.

The Programme enabled persons possessing higher education, but no work experience, to acquire, during 9 months' training, knowledge and skills for independent performance of tasks. The realization of this Programme was supported by the courts and prosecutor's offices, which made it possible for a certain number of graduate lawyers to complete their internship.

The analysis was to ascertain the number of interns recruited on the basis of a public vacancy announcement, the number of interns – volunteers and of those admitted under the Programme of Vocational Training of Persons Possessing Higher Education, how the traianing of interns is implemented and whether their work in a court or state prosecutor's office is monitored and evaluated appropriately, and finally whether and how much attention is given to their professional development.

The Ministry of Justice compiled the information on the basis of a questionnaire that was distributed to all judiciary authorities, which was drafted from the perspective of the legal framework regulating the status of interns, so as to obtain a realistic insight on recruitment and vocational training of interns across the judiciary.

Based on the collected information on the number of interns in courts and state prosecutor's offices, the numbers say that the average number of interns in courts in a year, in relation to the number of judges, is 255, which means that 1 intern comes on 1 judge, while in the state prosecutor's offices the average number of interns relative to the number of prosecutors is 55, which means 2 interns versus one prosecutor. Based on these results it can be concluded that it is necessary to balance the number of interns in courts and state prosecutor's offices. The analysis proved that the current legal framework governing the system of recruitment of interns has not regulated the method of determining the required number of trainees across the judiciary, but it is determined according to the estimation of the heads of the authorities, which is the cause of the uneven recruitment of interns in courts and prosecutor's offices. All the said points towards the need for normative regulation of the system of recruitment of interns within judicial authorities, based on a recruitment plan for a specific period. The recruitment plan for interns would facilitate a balanced recruitment of interns in the judiciary in accordance with the actual needs.

The Law on Civil Servants and State Employees stipulates that interns are trained according to a programme adopted by the state authority in which the trainee is performing his internship. That is why all interns do not undergo the same training, as there is no uniform programme across all state authorities.

As regards the vocational training of interns in courts and state prosecutor's offices, it is evident that training programmes for interns and volunteers are adopted in all judicial authorities, that all interns have mentors and that they keep log books on their work. However, upon completion of their internship period, the assessment of the interns' performance is not carried out uniformly, based on the same, previously defined, criteria. During the vocational training of interns, they are provided with different training, seminars and workshops in various areas of law, while there are cases that some interns are not provided any such form of training. The attendance of interns at seminars, workshops and other trainings is determined exclusively by the heads of the authorities, who sometimes do not have the opportunity to register all interns for the training, or the interns themselves do not show any interest in the training. It is therefore necessary to adopt a uniform and coherent training programme for interns in courts and prosecutor's offices and introduce mandatory attendance of a certain number of seminars and workshops in certain areas of law, in order that all interns acquire a relatively even level of knowledge and skills.

6. CONCLUSIONS

In order to implement the results obtained by means of this Analysis of Needs for Recruitment of Interns in Courts and State Prosecutor's Offices, it is required to:

- Amend the legislative framework governing the status of interns in judicial authorities in order to establish a system of recruitment of interns on the basis of the Schedule of Vacant Positions that would be relevant for a certain period of time;
- Define a uniform curriculum for vocational training of interns and volunteers in courts and state prosecutor's offices in Montenegro, with the purpose of their uniform acquisition of knowledge and skills;
- Introduce mandatory vocational training of interns through a certain number of seminars and workshops, which interns must attend during their internship;
- Introduce electronic maintenance of the intern's work log book, the record on their vocational training (number of trainings, seminars and workshops) as well as of the records on the assessment.