

## Supervised written exams in the Second State Examination in North Rhine-Westphalia

Legal Trainees („*Rechtsreferendarinnen / Rechtsreferendare*“) complete the post-graduate practical legal training („*juristischer Vorbereitungsdienst*“) as part of a state-organised apprenticeship in the federal state of North Rhine-Westphalia (Section 30 paragraph 1 Legal Training Act „JAG NRW“ in conjunction with Section 7 paragraph 1 Civil service law for the state of North Rhine-Westphalia „LBG NRW“).

The legal trainees are exclusively employees of the federal state of North Rhine-Westphalia (cf. Federal Social Court, judgement of 31 March 2015 - B 12 R 1/13 R) The President of the Higher Regional Court („*Oberlandesgericht*“) is responsible for all decisions relating to the training.

There is no separate employment relationship established to other employers while legal trainees are assigned to a training supervisor, who instructs them with work relating to the relevant section of the practical legal training. The priority of any official business continues to be determined according to the specifications of the JAG NRW or the specific instructions of the training supervisor of the Higher Regional Court.

Writing the eight supervised written exams as part of the second state examination is a priority official business during the assignment to a training supervisor.

The supervised written exams must be completed during the 21st month of the practical legal training (section 53 JAG NRW), i.e. in the first of the four months of the elective internship („*Wahlstation*“).

Usually, the supervised written exams take place in the first half of the 21st month of the practical legal training („*juristischer Vorbereitungsdienst*“). The exact dates can be found on the website of the Judicial Examination Office of the State of North Rhine-Westphalia („*Landesjustizprüfungsamt*“): ([https://www.justiz.nrw.de/Gerichte\\_Behoerden/landesjustizpruefungsamt/2\\_jur\\_staatspr/klausuren/klausurtermine/index.php](https://www.justiz.nrw.de/Gerichte_Behoerden/landesjustizpruefungsamt/2_jur_staatspr/klausuren/klausurtermine/index.php)).

If legal trainees do not fulfill their obligation to deliver the supervised written exams on time, whether with or without a sufficient excuse, the JAG NRW provides for sanctions. Additionally the legal trainees are in breach of service regulations.

In summary: Even if the assignment to the elective internship („*Wahlstation*“) becomes effective on the 1st day of the first month of the 4-month internship, legal trainees are not available to the training before the end of the period, in which the supervised written exams in the second state examination are written. Usually legal trainees are available as from the second half of the 21st month of the practical legal training („*juristischer Vorbereitungsdienst*“).