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A UNIFORM CAREER PLAN FOR ALL JUDICIAL PROFESSIONS

- The Law on the Judicial Professions

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Rationale

A uniform career plan is foreseen for all the legal professions, adapting to the structure and function of the judicial service units (courts). The career plan of the legal professions will have at least three major degrees. Each degree will have a maximum of three levels. Progression between the levels within degrees will depend on seniority, while progression between degrees will depend on a combination of success in the profession and seniority. The progression of judges and prosecutors will depend on the availability of open positions in the higher courts to which they can advance. The aim is to develop human resources in line with the needs of the courts.

It is envisaged that legal professionals will be brought to the standard of competence, knowledge and experience required by the judicial authorities and that the most difficult jobs will be performed by the most senior, experienced and competent persons.

For admission to the legal professions, it is envisaged that candidates will have reached the age of personal maturity when fully authorized, on the one hand, and when judged to be fully competent, knowledgeable and experienced enough to perform their duties accurately, on the other. For full admission to the profession, it is stipulated that all candidates will perform an official internship, as well as summary and assistant roles and gain experience in the profession. In order to progress through all these professional stages, it is envisaged that there will be a written examination and an oral interview in front of a committee on which the elements of each profession are present, and that these interviews will be recorded and subject to judicial review in order to ensure objectivity.

Progress in all professions will depend on merit. Merit will

be determined through modern performance evaluation that identifies the elements which ensure quality service. In addition, it is envisaged that up-to-date and continuous training, guidance and mentorship (based on the road guides of the Ahi community) will be provided. For this purpose, it is envisaged that retired professional leaders will continue in their profession as mentors/"road guides" as long as they are healthy, and the mandatory retirement age will be raised to facilitate this.

Thus, it will be ensured that the professions of judge, prosecutor and attorney develop in parallel and in an equal manner. Transition between professions will be facilitated when the needs of society require it or professionals desire it, and it will be ensured that the human resources of the country in the field of law are used dynamically and effectively in accordance with the needs.

Currently, conflicts between judicial officials, especially judges and citizens, and refusal and withdrawal issues, mainly regarding whether or not a judge will hear a case, are examined and decided in the normal course of administration, which is unhealthy, open to abuse and causes delay.

It is stipulated that the examination of such issues that may arise between citizens and judicial officials will be supervised by the Supreme Authority of Justice, which will be responsible for both the provision and quality of the service and management of service units, and judicial supervision by the Supreme Court of Justice. In this way, on the one hand, it will be ensured that the Supreme Authority of Justice is aware of problems regarding the service between the courts and the citizen at first hand, and on the other the abuse of withdrawal and refusal authorities will be prevented.

Outline of the Proposed Law on Judicial Professions

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- 1- There will be a uniform career plan for all judicial professions that is compatible with the structure and functioning of the court system. There will be at least three professional degree and, in every degree, three levels that are uniform across all the judicial professions.
- 2- Admission to legal professions shall be through (i) general introductory training; (ii) training for specific profession; (iii) serving for two years reporting professional; and (iv) having worked as an assistant judicial professional for three years.
- 3- Career advancement will be in degrees, based on success and seniority, or, in levels, based on seniority only.
- 4- The career advancement of judges and prosecutors will be dependent on the availability of a position at the higher degree.
- 5- In order to be appointed one must succeed in written exam and oral interview prior to each appointment.
- 6- All interviews will be conducted by a qualified board, and interviews are recorded and broadcast. Appointments will be based on merit and experience, and on the basis of fair and open competition.
- 7- All judicial professionals will be subjected to performance evaluation, and advancement will be based on performance, with levels based on the standards of national culture set by the Ahi Community. Up-to-date and vocational education, guidance and mentorship will be made available (“yol atalığı” in the Ahi Community).
- 8- The Supreme Authority of Justice (SAoJ) will review recusal motions, all the complaints made against judges, and disputes between judges and civilians.

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Principal Aims and Objectives

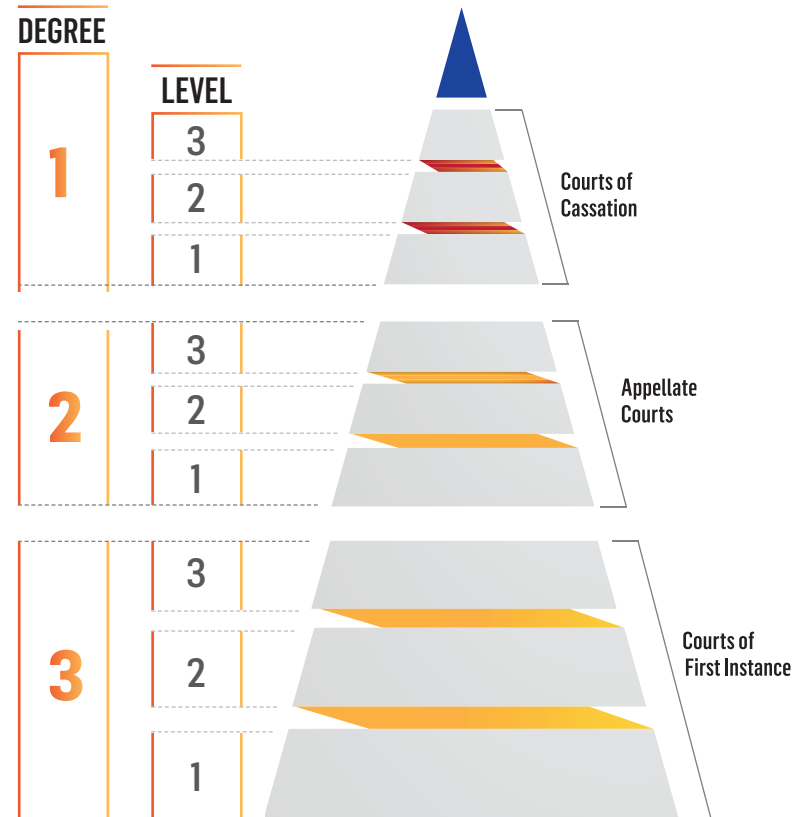
The main objective is to transform the service quality of the courts so they become more efficient, competent and internationally competitive. Moreover, we aim to improve the current structure of the Courts of First Instances, Regional Courts of Appeal and Courts of Cassation to ensure the efficient and effective use of resources.

For this purpose, we aim to accomplish the following objectives:

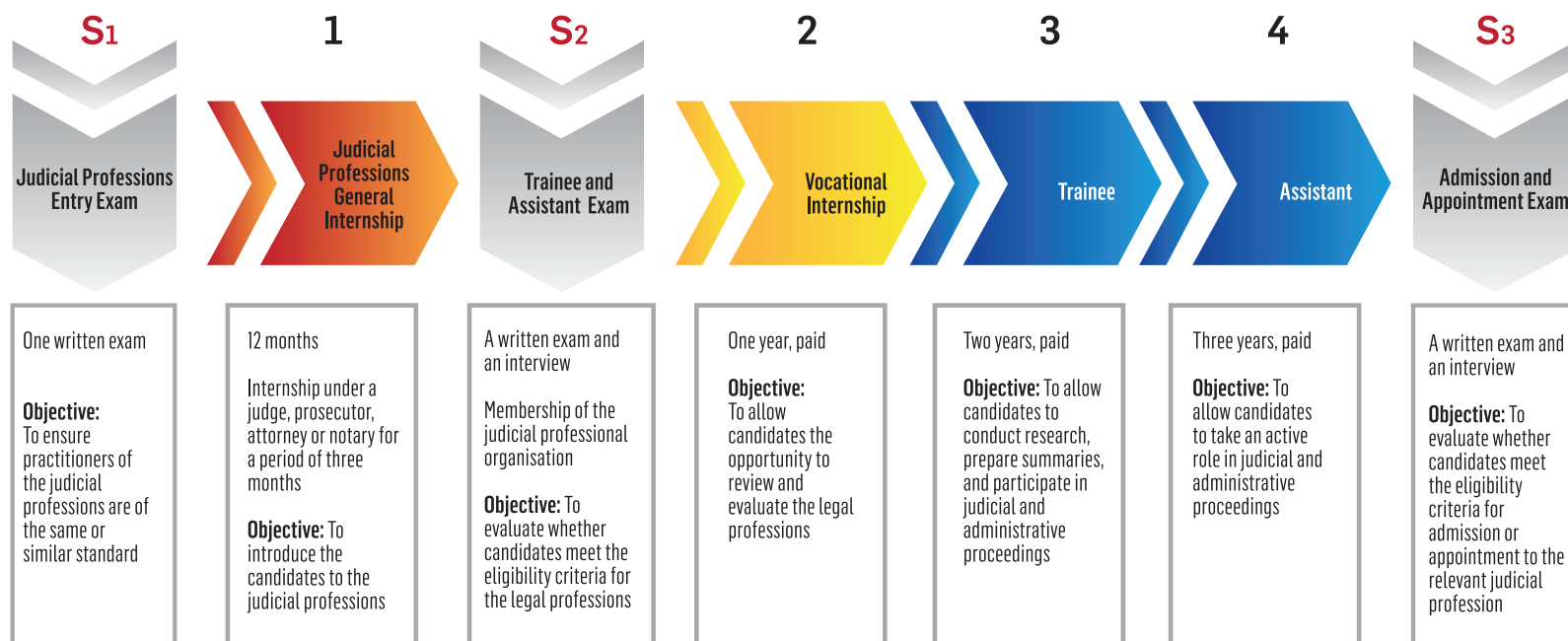
- Unifying the organization of the judicial professions in line with the court structure;
- Unifying the systems in place to become a judge, prosecutor, attorney and notary;
- Unifying the career plans, promotions and appointment systems of judges, prosecutors, attorneys and notaries;
- Easing the transition between judicial professions through standardisation; and
- Making the judicial professions internationally competitive in terms of competence and efficiency.

The Proposed Career Plan for the Judicial Professions

- The SAoJ organises the career plans of judicial professionals by considering the court structure and the importance of their functions.
- The proposed career plan is prepared in such a way that it allows easy transition between the same level of judicial professionals.
- Judicial professions are categorised into three degrees according to the court instances (first, second and third), and there are three levels at each degree.
- Career advancement in levels is automatic and based on experience and performance.
- The career advancement of judges and prosecutors depends on the availability of a position at a higher level, and judges and prosecutors must apply for that available position.
- The SAoJ plans the career advancement in levels according to the needs of the judicial services.
- The SAoJ determines the period of time to be spent at each level and sub-level, the education to be received, and the career advancement criteria to move to the next level or sub-level.



Entry to the Judicial Professions



The Judicial Professions' Entry Process and Conditions: Judges, Prosecutors, Lawyers and Notaries

- The SAoJ prepares the judicial professions' entry exam, conducts interviews, and is both the authorising and the appointing authority.
- Vocational interns are paid.
- Those who complete a vocational internship will work as a trainee for two years. Those who succeed at that will work as an assistant for a further three years.
- The SAoJ appoints trainee and assistant judges and prosecutors. The SAoJ evaluates the application based on merit. Merit-based appointment is also applicable to an internship undertaken under an attorney or a notary.
- The SAoJ oversees, audits and records the entire process and is the deciding authority throughout. All of the decisions taken by the SAoJ are subject to judicial review.



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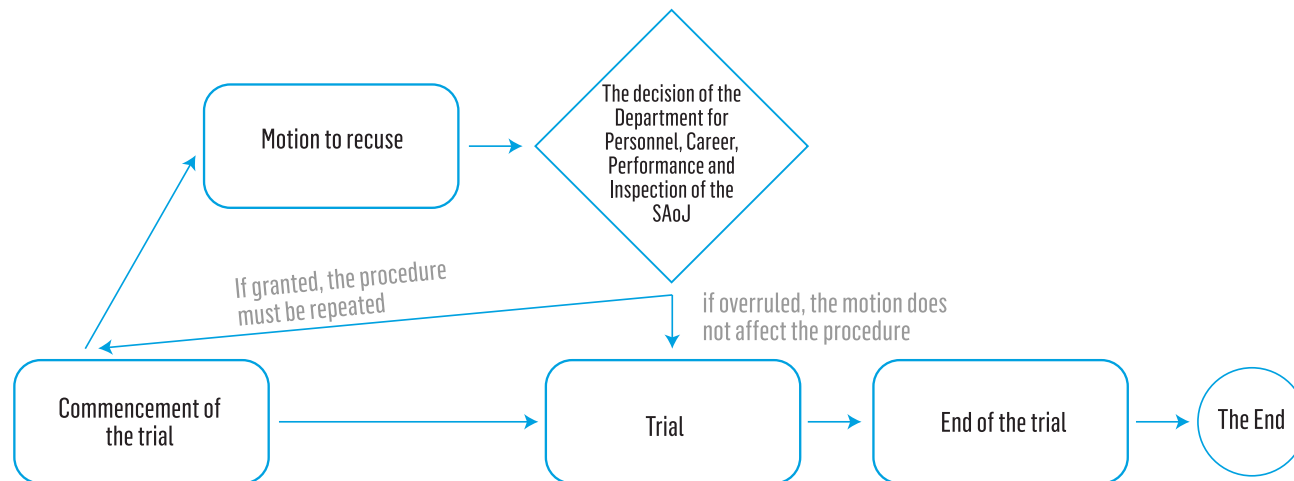
Judges' and Prosecutors Relations with the Parties and the Public

The SAoJ's and SCJ's Review of Recusal Requests.

Motions to recuse a judge or a prosecutor and any accusations or complaints about a judge raised are immediately forwarded to the SAoJ. After evaluating the complaint and examining whether or not it is appropriate for the judge to hear the case, or the prosecutor to handle investigation the SAoJ may decide to recuse the judge or the prosecutor and transfer the case to another judge.

In the event legal action is brought against such decision the SCoJ must deliver a ruling in as short a time as possible.

Recusal motions do not suspend the proceedings before the court. If the motion for recusal is accepted, all the procedures from the time the relevant party raised the motion to recuse the judge or the prosecutor are repeated.



Judicial Profession Raporteurs

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The SAoJ authorises those who have successfully completed their chosen vocational training to work as a trainee in the relevant judicial professions for at least two years.

Trainee judges and prosecutors are appointed on merit and on the basis of fair and open competition.

Trainee attorneys and notaries must apply to the SAoJ to work under an attorney or a notary who has notified the SAoJ regarding their need for a trainee. Trainee attorneys and notaries are appointed on merit and on the basis of fair and open competition. The SAoJ is notified.

A trainee's duties include the following:

- Summarizing petitions, lawsuit briefs, evidence and reports in the case file assigned to them;
- Conducting legal research, preparing drafts, doing the necessary follow-ups after a process/procedure and accompanying members of the relevant judicial profession; and
- Fulfilling whatever duty is required of them by members of the relevant judicial profession.

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Vocational Internship for Judicial Professionals

Judge interns observe judges while they are working and during hearings, assist them while they engage with the administrative authorities, participate in training, and fulfill whatever duties imposed by the bylaws.

- Prosecutor interns observe prosecutors while they are working and during hearings, assist them while they engage with the administrative authorities, participate in training, and fulfill duties imposed by the bylaws.
- Attorney interns conduct research, prepare case files, assist the attorney in correspondence with third parties, assist attorneys when they engage with administrative authorities, attend hearings with attorneys, assist in defense, participate in training and fulfill duties imposed by the bylaws.
- Notary interns observe notary procedures, assist notaries while they engage with the administrative authorities, participate in training, and fulfill duties imposed by the bylaws.
- All interns' performance is evaluated according to the performance evaluation system
- All interns are paid a salary not less than the minimum wage set for civil servants.
- The salary is set annually by the relevant union of judicial professions.

Assistants for Judicial Professions

Those who have worked as a rapporteur judicial professions for at least two years and are found to be successful in the performance evaluation are appointed by the SAoJ to work as an assistant judicial professional. They work under the supervision and instructions of a fully qualified, experienced judicial professional and trainee to become fully skilled in the chosen profession. Assistants are appointed on merit and on the basis of fair and open competition.

- Assistant notaries apply to the SAoJ to work under an attorney who has notified the SAoJ regarding his/her need for an assistant. Assistant attorneys are assigned on merit and the SAoJ is informed the outcome.
- Assistant attorneys apply to the SAoJ to work under an attorney who has notified the SAoJ regarding his/her need for an assistant. Assistant attorneys are assigned on merit and the SAoJ is informed the outcome.
- Assistant participate in the adjudication of disputes, performs tasks assigned by their principals, generally assist them but cannot substitute in place of their principals.
- An assistant attorney can attend hearings in the Judicial Preparation Courts related to the cases the principal attorney is working on and complete the relevant tasks in the Enforcement Office, if authorized by the principal attorney.
- Assistants are managed and directed by their principals; they examine the file, petition, evidence and other documents given to them, they carry out research on case-law, literature, prepare drafts as instructed and guided.
- Assistants, in limited circumstances they carry out communications with judicial and administrative authorities,
- Assistants prepare files, order the evidence, questions to witnesses and help form opinion on the evidence.
- And perform other duties given to them by their principals.

























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The Admission and Appointment Exam

- Those who have completed their vocational internship and have worked as a trainee for at least two years and an assistant for at least three years are eligible to take the exam.
- The SAoJ conducts the written exams as well as the interviews for each of the judicial professions. The first stage of the exam is written. Those who are successful in the written exam are then interviewed.
- The written exam and the interview assess the candidates' legal knowledge, analysis, application, communication and other social skills, and performance evaluation results.
- Video and audio recordings of the interviews are made and, following the interview, the recordings are published on the SAoJ's website.
- Those who score at least 70 out of 100 are considered successful.
- Anyone can object to an exam result and these are subject to judicial review. Any required revision or annulment of an exam result is given priority and resolved promptly.
- Those who are successful are appointed.

The Admission and Appointment Interview for the Judicial Professions

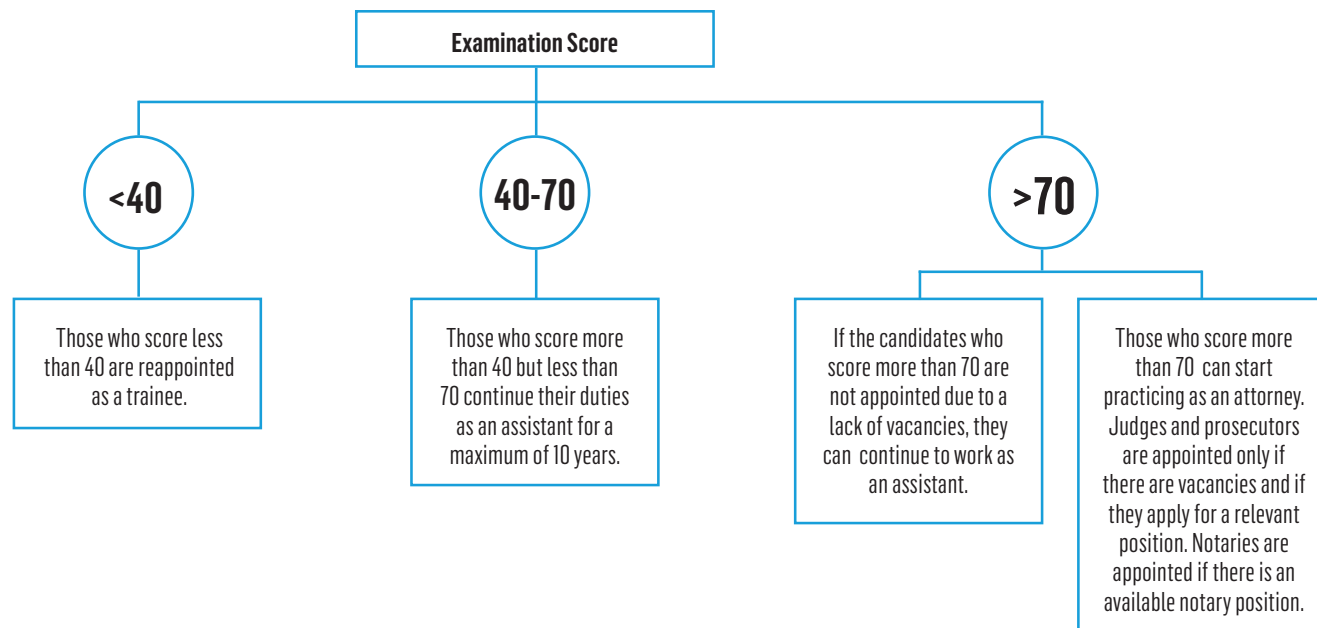
Interview boards comprise seven SAoJ members. If there are not enough members who to fulfill the criteria stated below, interview board members are selected from among judges, prosecutors, attorneys and notaries.

	Judge	Prosecutor	Attorney	Notary	Academician	Psychologist
Interview Board of Judges						
Interview Board of Prosecutors						
Interview Board of Lawyers						
Interview Board of Notaries						

The Evaluation of the Written Exam and Oral Interview

If no red flags arise during the interview that would prevent a candidate from being admitted to the judicial profession:

- His/her average score is calculated from the interview and written examination score.
- A decision is made based on this score and according to the table shown here.
- A certification is issued indicating that the candidate can practice in the relevant judicial profession.
- He/she can be appointed as a judge or a prosecutor if there is an available judge or prosecutor position.
- He/she can apply to be a notary if there is an open notary position.

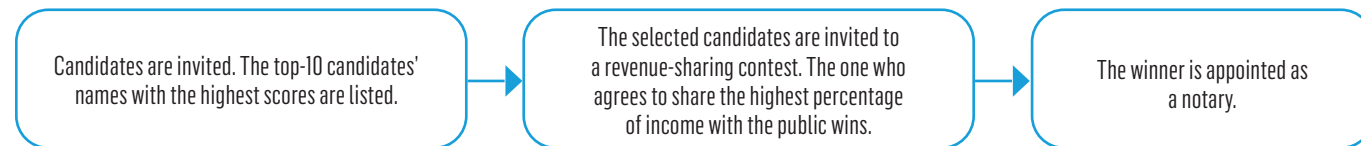


Notary Appointments via Open Competition

Notary appointments are made taking into consideration the following: (1) Notaries should provide a better service; (2) appointments should be based on merit; (3) income received from notary public activities must be fairly distributed between the notaries and the public, and (4) fairly distributed among notaries.

For that reason:

- The SAoJ grades notaries by their qualifications, seniority and performance.
- Notary public offices are graded by the economic status of the region, the intensity of the work performed, the service they provide to the community, and the income obtained from the notary public service in previous years.
- When there is a vacancy for a notary position, an open competition is organised and the top-10 candidates' names with the highest score are listed.
- Notaries are appointed on merit and on the basis of open and fair competition to serve for the period determined.
- The selected candidates are invited to a revenue-sharing contest. The one who agrees to share the highest percentage of their income with the public is appointed as a notary.
- Candidates cannot offer to share less than 50 percent of their income. If the candidates offer the same amount, the one who received the highest score is appointed as a notary.



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Commencing to Judicial Professionals

- Newly appointed attorneys can immediately start practicing law as an attorney. Once they have incorporated their law firm, they must notify its address to the Unions of Regional Bar Associations and the SAoJ.
- In accordance with the special provisions of notaries, they must apply to the vacancies first. If they are successful, they can immediately start practicing their notary public duties.
- Judges and prosecutors are appointed by the SAoJ in accordance with the needs of the courts and prosecutor's offices, taking into consideration their knowledge, experience, expertise, performance evaluation and exam scores. The SAoJ regularly updates and publishes the available judgeship or prosecutorship positions and the expected qualifications for the positions available.
- Those would-be judges and prosecutors whose qualifications meet the needs of a specific court are appointed by the SAoJ. If there are no candidates with the required qualifications, then the candidates with the closest qualifications are appointed.
- Judges and prosecutors are appointed on merit, and the most competent candidate among those who seek appointment in the same region or province is appointed to the relevant court.
- The SAoJ is the appointing authority.

Performance Evaluation of Judicial Professionals

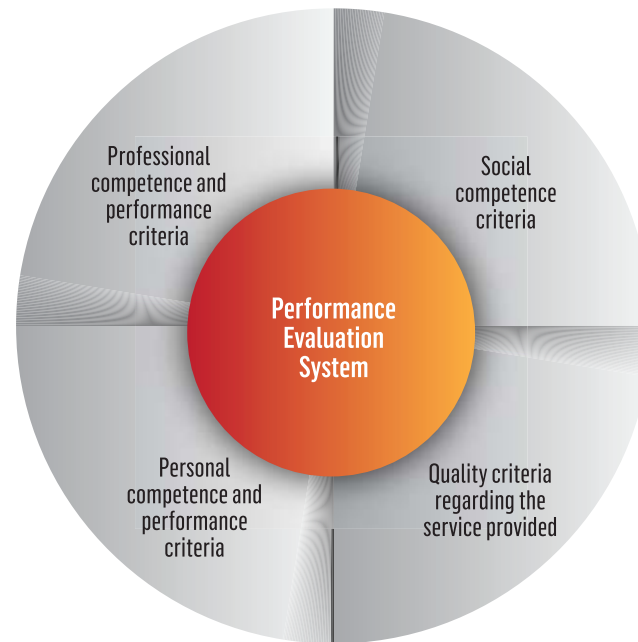
The SAoJ evaluates the performance of the current judicial professionals and announces the results once a year, in order to ensure the quality of the judicial system. It reports on:

- Quality criteria regarding the service provided;
- Personal competence and performance criteria;
- Professional competence and performance criteria;
- Social competence criteria; and
- Other criteria

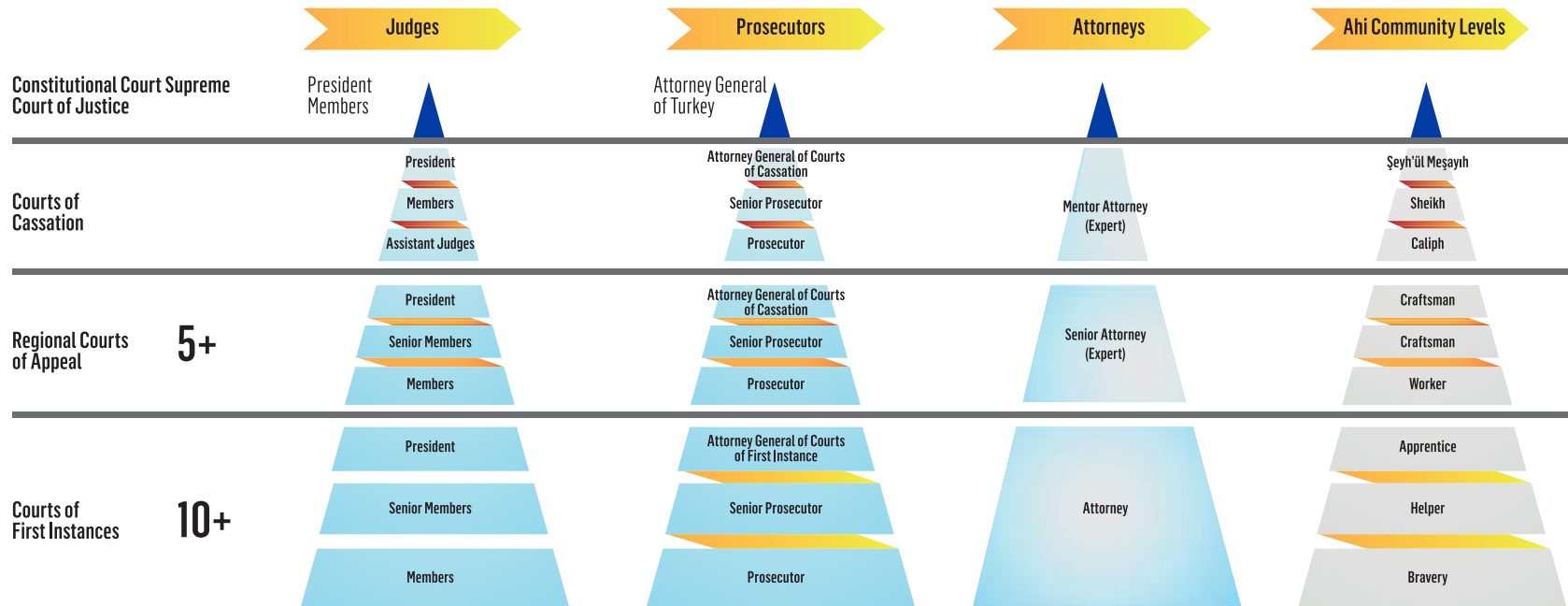
Via a questionnaire, judges, judicial officials, attorneys and citizens give feedback about the judicial professionals with whom they have engaged.

All results are evaluated during an evaluation meeting with the professional mentors, and strengths and areas of development are determined.

An individualised vocational training plan is prepared, incorporating these findings.





Comparative Career Degrees and Levels of Judicial Professions



Transition Between Judicial Professions

With the implementation of a uniform career plan it is aimed to enable the judiciary to efficiently utilize the human resources because members of judicial professions will be able to switch between professions at the same or lower degree or levels depending on the success in the written exam and interview for admission and appointment.

- The SAoJ will regularly update and publish capacity and the needs of each judicial profession.
- The SAoJ will prepare and conduct exams and interviews at least every year
- Those who succeed in exams and interview will have to do a one year mandatory internship for the profession they want to switch to
- For transition to other judicial professions, the candidates' success in his/her previous profession and degree and level, performance evaluation scores, written exam and oral interview scores, foreign language knowledge, academic studies he/she has completed such as masters, doctorate or professorship will be evaluated.

Judges		Vocational Internship	Judgeship Internship – Trainee Judge	Assistant Judge		Assistant Judge – Courts of First Instance	Judge – Courts of First Instance	President – Courts of First Instance	Judge – Regional Courts of Appeal	Senior Judge – Regional Courts of Appeal	President – Regional Courts of Appeal	Assistant Judge – Courts of Cassation	Judge – Courts of Cassation	President – Courts of Cassation
Prosecutors	Entry Exam for Judicial Professions		Prosecutorship Internship – Trainee Prosecutor	Assistant Prosecutor	Admission to the Professions: Admission and Appointment Exam	Prosecutor – Courts of First Instance	Senior Prosecutor – Courts of First Instance	Attorney General – Courts of First Instance	Prosecutor – Regional Courts of Appeal	Senior Prosecutor – Regional Courts of Appeal	Attorney General – Regional Courts of Appeal	Prosecutor – Courts of Cassation	Senior Prosecutor – Courts of Cassation	Attorney General – Courts of Cassation
Attorney			Internship under an Attorney – Trainee Attorney	Assistant Attorney		Attorney			Senior Attorney			Mentor Attorney		

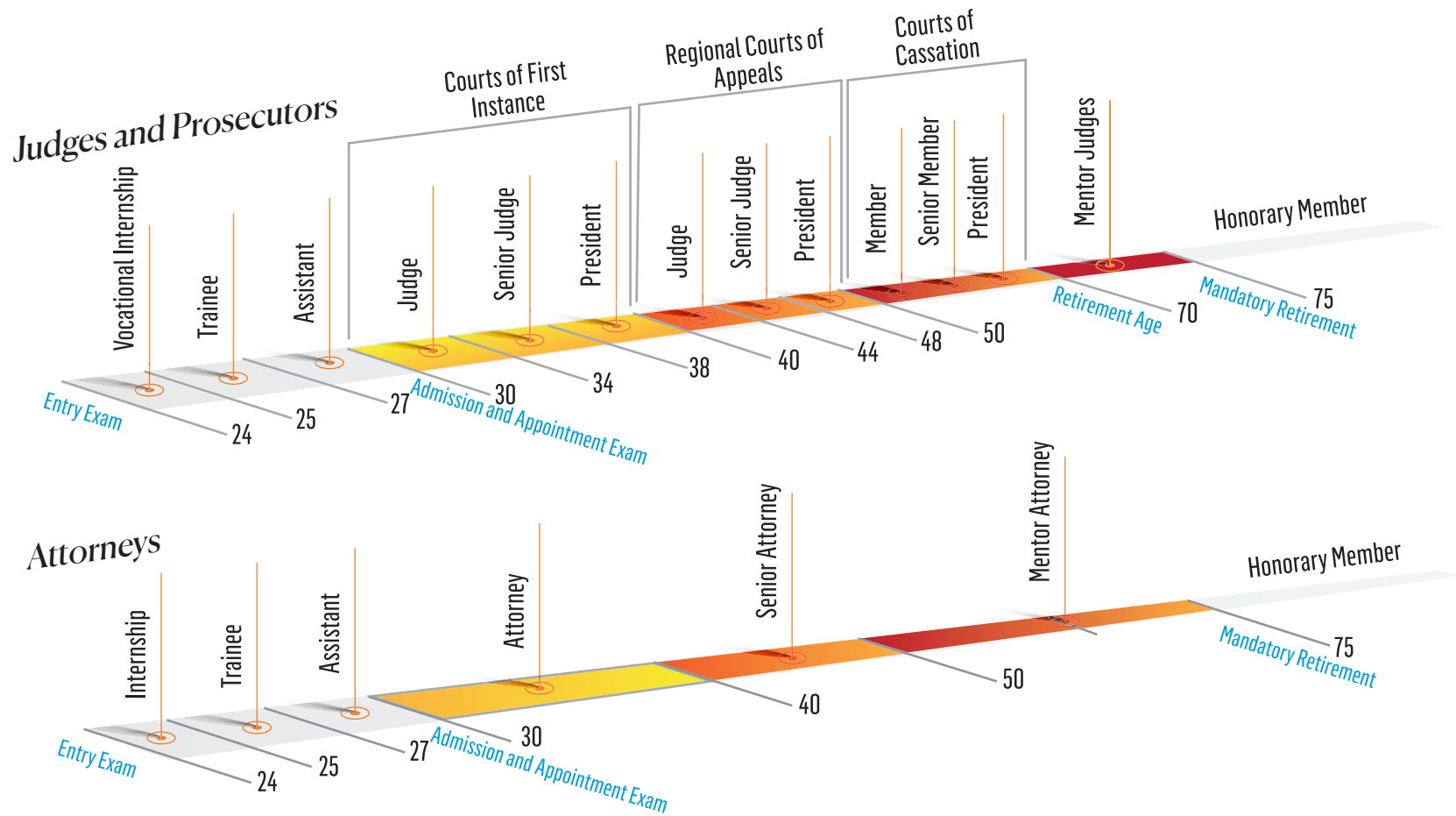
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Vocational, Up-to-Date and Continuing Education for Judicial Professionals

All judicial professionals will receive regular and continuous education and training throughout their professional life completion of this training is a prerequisite for advancing in degrees and levels. The SAoJ determines the outline and basic principles for in-profession training. Judicial professional associations, together with the Justice Academy prepare a detailed education plan regarding their members' needs.

- For every 30 calendar days trainees, reporters and assistant professional receive minimum 3 days of compulsory in-profession education.
- Trainingng judges and ass.
- The results of such training is measured by written exam and oral interview.
- Those who advance to a higher level must complete two months' intensive training before starting their duties. Those who succeed in the written exam at the end of their training and education can start working at the higher level. However, those who fail must repeat the training, and if they fail again, their higher-level advancement is cancelled.
- The result of education is measured by written exam and oral interview. One-year training period for judges of the Courts of Cassation and Council of State.
- Judicial professionals may receive their training through conferences and seminars. Their participation in and credit obtained from these events can substitute a written exam score, but credit obtained from such events cannot exceed 20 percent of the total score.
- Those who aspire to work and successfully fulfill their duties in deprived regions, or those who have achieved outstanding success while performing their duties will be sent to receive a masters or doctoral education in Turkey or abroad. The relevant judicial association will cover their expenses, including but not limited to education and accommodation.

Judges' and Prosecutors' Career Advancement by Age A Comparison with the Envisaged Attorney Career Plan



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Professional Guidance and Mentorship

In the traditional judicial professions, individuals attain mastery by using their skills repeatedly for long periods of time and accumulated years of experience are paramount to developing this mastery. Professional mentorship has been considered a prerequisite for career advancement, yet the mandatory retirement rule applied to judges and prosecutors results in the loss of experienced mentors. It is indisputable, however, that judicial professionals use their knowledge rather than their physical strength in order to do their jobs, and, with that in mind, some countries appoint Supreme Court Justices for life.

- Senior judicial professionals can continue to work as mentors. Those who have gained enough experience to reach this level of seniority are assigned responsibilities appropriate to their new position – for example, the duties of an appellate court.
- In order to fulfill a higher-level responsibility, those who are recently appointed to such a role may undertake it under the supervision of a senior judicial professional.
- The mentor-mentee relationship will last until the final stage of the relevant judicial profession. Those who are retired can share their knowledge, experience and expertise with younger professionals. The SAoJ regulates mentorship with bylaws.
- Those who have gained enough experience to be a mentor, or those who have reached the mandatory retirement age can apply to the SAoJ to be a mentor. Mentorship applications are evaluated by the SAoJ, and the SAoJ registers the names of mentors.
- Mentors can be appointed to those who succeed in the admission and appointment exam and request a mentor.



Saim Dursun,
“Gergin” (Nervous),
30 x 60cm,
oil on canvas,
spatula technique,
2013

Working Days and Hours, and Annual Planning

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- Judges and prosecutors can choose their working days until the expiration of their term of office, plan the dates when they will not be in court due to vocational training, conferences, etc, and choose the dates when they will take annual leave. They must inform the SAoJ and Unions of Regional Bar Association of the above-mentioned dates and take the utmost care that their court work is not interrupted.
- Judges and prosecutors may take 30 days of paid leave every year. They may use their annual leave in July and August and, if they wish, they may also use a week in January. Public holidays falling within the leave period do not result in the extension of annual leave.
- The provisions of the Civil Servant Law apply to judges' absences, sickness leave and unpaid leave. They must take the utmost care and appropriate measures to compensate for any interruption.
- The judicial holiday is abolished. The SAoJ does the necessary planning and takes the necessary precautions to ensure that judges' annual leave does not interrupt the judicial service provided.
- Judges and prosecutors abide by daily and weekly working hours. If necessary, they continue to work outside of their working hours and on holidays, and to serve in the courts. Their working time is recorded, and the records are approved by the court administrators.
- The SAoJ takes certain measures to compensate for overtime and gives priority to the planning of training, education and vacations. It also takes into account issues such as the allocation of judicial payments.

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The Public Registry of Judicial Professionals

The SAoJ keeps a registry of judicial professionals. The details of all judicial professionals who are admitted to the profession are found in this registry. A digital version is published on the SAoJ's website so that anyone may easily access the records, if necessary. Judicial professionals' personal information and other information that has a bearing on their security is not published. The following information can be found in the registry:

- All documents submitted for his/her exams;
- The questions and answers from his/her written examination, interview minutes, and written examination and interview scores;
- Documents relating to his/her internship, trainee and assistant judge and other judgeship duties;
- If there are any, other documents and information about his/her duties other than as a judge;
- All articles written by him/her;
- His/her performance evaluation results;
- All promotion, demotion or suspension decisions or any other decision taken about his/her;
- All judgements, and if the judgements are appealed, the appeal results;
- Recusal motions and the results;
- Complaints, and disciplinary and criminal investigations, and his/her results; information about his/her financial status;
- Information about his/her social status and his/her relationships; and
- Any other relevant information.

JUDGESHIP

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The Main Objectives of Judgeship

Judgeship is a public service. Judges are one of the three founding pillars of the judiciary.

Judges' duties include revealing the facts about a civil, criminal, administrative or tax-related dispute; ensuring claims and defenses are discussed and evaluated; resolving disputes with consideration for each party's arguments; and delivering a just judgement.

Judges fulfill their duties with due care and devotion to duty in line in order to realize the social goals below. They benefit from certain guarantees and privileges enshrined to them to realize these goals:

- To ensure the rule of law;
- To protect and develop fundamental rights and freedoms;
- To strengthen the notion of justice in society;
- To encourage reconciliation to sustain peace and tranquility in society;
- To provide a high-quality judicial service;
- To accurately resolve disputes;
- To apply the law in accordance with its meaning and purpose; and
- To eliminate discrepancies in regulations and case law.

The Guarantees Enshrined to Judges

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- A judge cannot be relieved of his/her duties before his/her term of office has expired.
- A judge's level can be reduced in the case of poor performance or failed exams.
- A judge can be appointed to another jurisdiction only when the SAoJ prepares a new rotation plan and it is determined in advance.
- Due care and importance must be given to obtain a judge's consent in the case of a transfer of jurisdiction. However, if that is not possible, then the appointing authority must give its justified and reasoned decision.
- Measures should be taken to ensure that any judge who has started to review a case has the opportunity to close the case prior to his/her transfer. When planning the distribution of case files to courts, the career, rotation and transfer of a judge should be taken into consideration.
- As a rule, courts cannot be closed. However, if there are compulsory reasons for the closure of a certain court, then all the cases reviewed by the then sitting judge must be transferred to the court where the judge is newly appointed due to closure. Due care should be given to ensure that the judge who reviewed a case has the opportunity to close the case.
- A judge's financial benefits and other personal rights cannot be denied.
- A judge cannot be forced to retire before the age of 70 except at their own request.

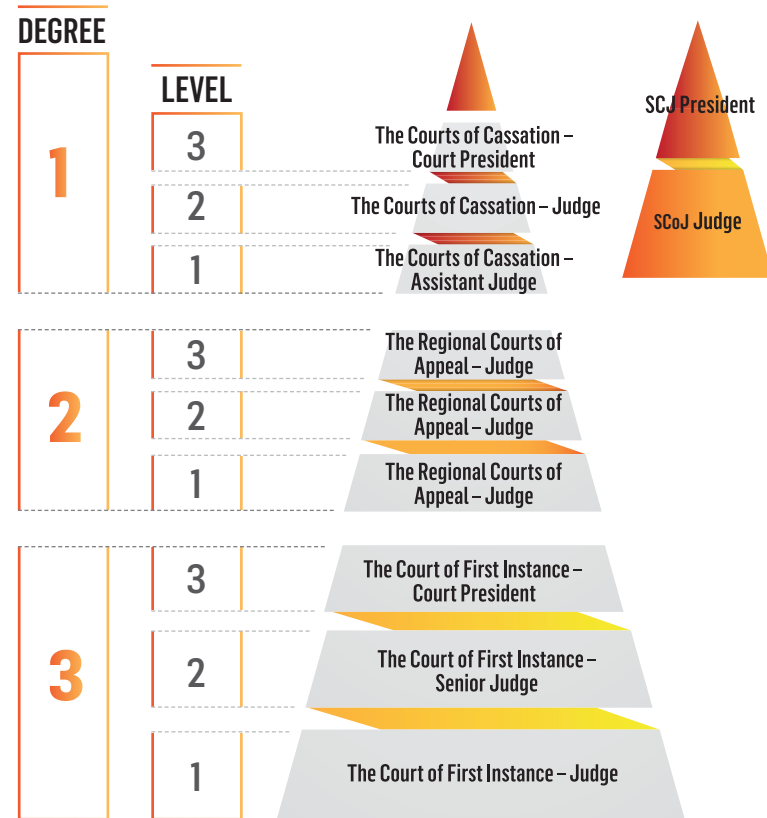
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Judgeship Career Levels and Sub-levels

The career plan for judges: There are three degrees, namely, the Court of First Instance, the Regional Courts of Appeal, and the Courts of Cassation. Each degree has three levels. Judges start their career from the first level of the first degree.

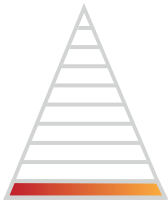
The degree at which each candidate should start following the judicial profession transition is determined by their test results.

- Career advancements are determined on application and/or ex officio.
- Level career advancements are determined on application.
- Judges' remuneration and other personal rights are determined according to their degree and level.



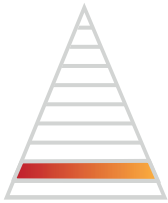
3rd Degree: First Instance Courts Advancement Criteria for Judges

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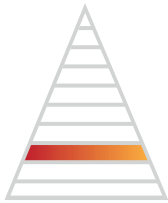
The Court of First Instance – Judges:

- Must be at least 29 years old.
- Must have passed the admission and appointment exam.



The Court of First Instance – Senior Judges

- Must have served as a judge in a Court of First Instance for at least four years.
- Must have scored at least 65 in their performance evaluation.

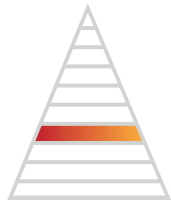


The Court of First Instance – Court President

- Must have served as a senior judge in a Court of First Instance for at least four years.
- Must have scored at least 70 in their performance evaluation.

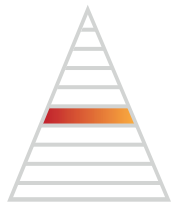
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2nd Degree: Regional Courts of Appeal Advancement Criteria for Judges



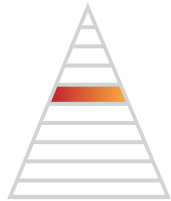
The Regional Court of Appeal – Judge

- Must have served as a court president in a Court of First Instance for at least two years.
- Must have scored at least 75 in their performance evaluation.
- Must have published at least two articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters degree.



The Regional Court of Appeal – Senior Judge

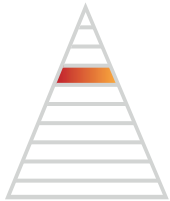
- Must have served as a judge in a Regional Court of Appeal for at least two years.
- Must have scored at least 80 in their performance evaluation.
- Must have published at least two articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters degree.



The Regional Court of Appeal – Court President

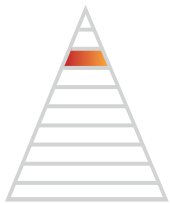
- Court presidents are selected from among the senior judges currently serving in the Regional Courts of Appeal.

1st Degree: Courts of Cassation Advancement Criteria for Judges



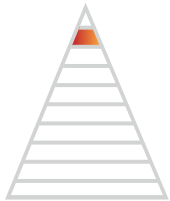
The Court of Cassation – Judge

- Must have served as a judge in a Regional Court of Appeal for at least five years.
- Must have scored at least 80 in their performance evaluation.
- Must have published at least five articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters degree.



The Court of Cassation – Senior Judge

- Must have served as an assistant judge in a Court of Cassation for at least two years.
- Must have scored at least 90 in their performance evaluation.
- Must have published at least seven articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters and doctorate degree.



The Court of Cassation – Court President

- The court president is selected from among the senior judges currently serving in the Courts of Cassation.

PROSECUTORSHIP

The Main Objectives of Prosecutorship

NOTES

Prosecutorship is a public service. Prosecutors are one of the three founding pillars of the judiciary.

Prosecutors' duties include examining and investigating complaints, violations and alleged violations of the rules that society is obliged to adhere to that would constitute a crime; impartially revealing the material facts; bringing and prosecuting accused people before competent courts on behalf of the public.

Prosecutors fulfill their duties with due care and devotion to duty in line in order to realize the social goals below. They benefit from certain guarantees and privileges enshrined to them to realize these goals:

- To ensure the rule of law;
- To protect and develop fundamental rights and freedoms;
- To strengthen the notion of justice in society;
- To encourage reconciliation to sustain peace and tranquility in society;
- To provide high-quality judicial service;
- To accurately resolve disputes;
- To apply the law in accordance with its meaning and purpose; and
- To eliminate discrepancies in the regulations and case law.

NOTES

The Guarantees Enshrined to Prosecutors

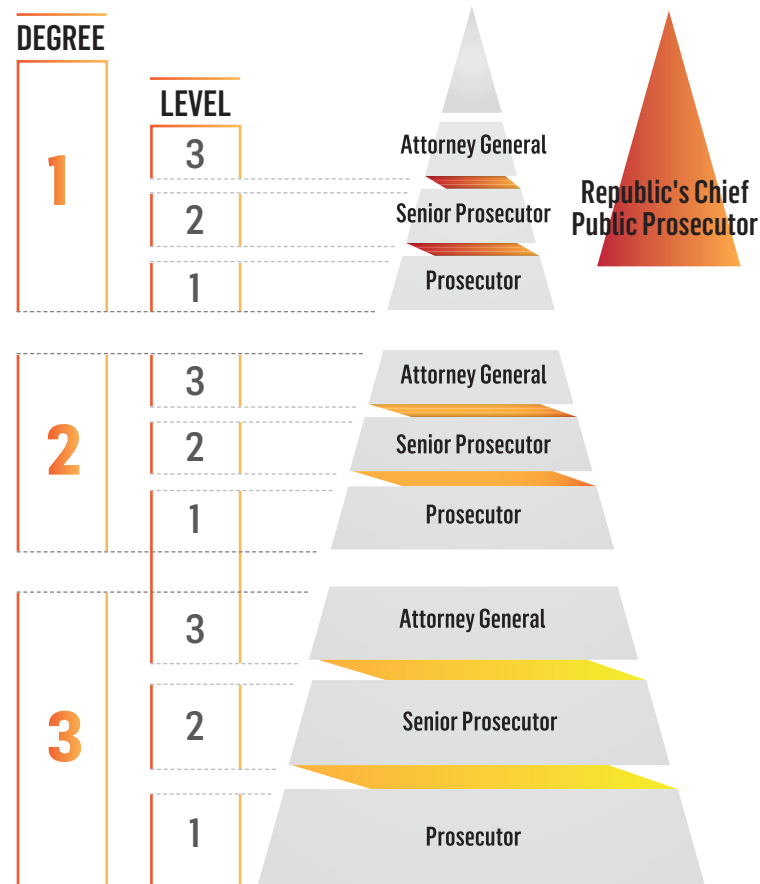
- A prosecutor cannot be relieved of his/her duties before his/her term of office has expired.
- A prosecutor's level can be reduced in the case of poor performance or failed exams.
- A prosecutor can be appointed to another jurisdiction only when the SAoJ prepares a new rotation plan and it is determined in advance.
- Due care and importance must be given to obtain a prosecutor's consent in the case of a transfer of jurisdiction. However, if that is not possible, then the appointing authority must give its justified and reasoned decision.
- Measures should be taken to ensure that a prosecutor can complete the tasks he/she has begun prior to any transfer. Due care should also be given to allow a prosecutor to complete any investigation he/she has started.
- A prosecutor and his/her assistant act on behalf of the public during investigations and prosecutions.
- A prosecutor's financial benefits and other personal rights cannot be denied.
- A prosecutor cannot be forced to retire before the age of 70 except at their own request.

Prosecutorship Career Degrees and Levels

The career plan for prosecutors: There are three degrees, namely, the Court of First Instance, the Regional Courts of Appeal, and the Courts of Cassation. Each degree has three levels. Prosecutors start their career at the first level in the first degree.

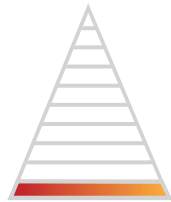
The degree at which each candidate should start, following a judicial profession transition, is determined by their written and oral examination scores.

- Career advancements are determined on application and/or ex officio.
- Level career advancements are determined on application.
- Prosecutors' remuneration and other personal rights are determined according to their degree and level.



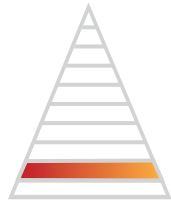
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3rd Degree: First Instance Prosecutors Advancement Criteria and Qualifications



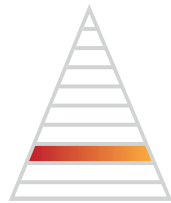
The Court of First Instance – Prosecutors

- Must be at least 29 years old.
- Must have passed the admission and appointment exam.



The Court of First Instance – Senior Prosecutors

- Must have served as a prosecutor in a Court of First Instance for at least four years.
- Must have scored at least 65 in their performance evaluation.

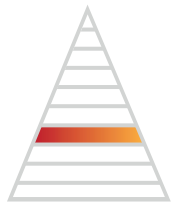


The Court of First Instance – Chief Public Prosecutor

- Must have served as a senior prosecutor in a Court of First Instance for at least four years.
- Must have scored at least 70 in their performance evaluation.

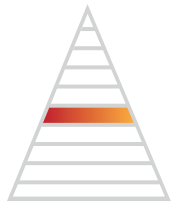
2nd Degree: Regional Court of Appeal Prosecutors Advancement Criteria and Qualifications

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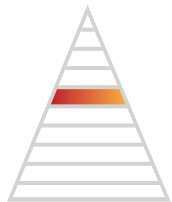
The Regional Court of Appeal – Prosecutor

- Must have served as an Chief Public Prosecutor in a Court of First Instance for at least two years.
- Must have scored at least 70 in their performance evaluation.
- Must have a masters degree.



The Regional Court of Appeal – Senior Prosecutor

- Must have served as a prosecutor in a Regional Court of Appeal for at least two years.
- Must have scored at least 75 in their performance evaluation.
- Must have published at least two articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters degree.

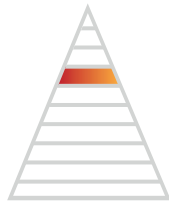


The Regional Court of Appeal – Chief Public Prosecutor

- The attorney general of the Regional Courts of Appeal is selected from among senior prosecutors currently serving in the Regional Courts of Appeal.

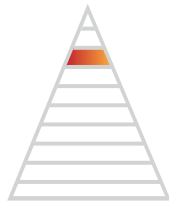
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1st Degree: Courts of Cassation Prosecutors Advancement Criteria and Qualifications



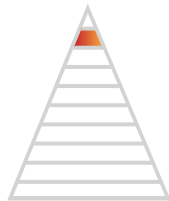
The Court of Cassation – Prosecutor

- Must have served as a prosecutor in a Regional Court of Appeal for at least five years.
- Must have scored at least 85 in their performance evaluation.
- Must have published at least five articles in peer-reviewed journals on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters degree.



The Court of Cassation – Senior Prosecutor

- Must have served as a prosecutor in a Court of Cassation for at least two years.
- Must have scored at least 90 in their performance evaluation.
- Must have published at least seven articles in peer-reviewed journals, on a subject or subjects that correspond to the jurisdiction of the courts they served.
- Must have a masters and doctorate degree.



The Court of Cassation – Chief Public Prosecutor

- The Chief Public Prosecutor of the Courts of Cassation is selected from among senior prosecutors currently serving in the Regional Courts of Appeal.

Saim Dursun,
"Olta"
(Fishing Rod),
50 x 50cm,
oil on canvas,
spatula technique,
2013



ATTORNEYSHIP

NOTES

The Main Objectives of Attorneyship

Attorneyship is a public service. Attorneys are one of the three founding pillars of the judiciary.

Attorneyship is considered an extension of society and, while performing their duties, attorneys are considered to be civil servants. They must protect the rule of law, as well as fundamental rights and freedoms. They may fulfill their duties independently and freely.

Attorneys represent those seeking legal aid before all kinds of official and private judicial bodies, arbitrators, official and private persons, boards and institutions. They defend the strengthening of the rule of law and compliance with the law in every situation. They share their opinions and suggestions about interruptions, to the judicial process and other problems that may occur.

The objectives of attorneyship include:

- Protecting justice, the rule of law, and fundamental human rights and freedoms. Attorneys utilize their powers and duties to realize these goals;
- Informing individuals about their rights and obligations, and managing legal relations in a way that does not cause further conflict and, instead, encourages cooperation; and
- Assisting individuals to resolve their issues fairly and effectively, thereby strengthening reconciliation and solidarity in society.

The Guarantees Enshrined to Attorneys

NOTES

- To do whatever in their power is necessary to reveal the material truth, protect individuals' rights, and accurately resolve disputes.
- Official and private institutions, organizations and other people must assist the attorney by providing information and documents requested and by answering the attorney's questions honestly. The attorney must only use their authority in relation to cases they have been working on.
- Any disputes arising during the exercise of this authority shall be resolved before a Judicial Preparation Courts in the place where the attorney ought to have exercised this authority or where the underlying dispute ought to be resolved. The Judicial Preparation Courts will give priority to this dispute and resolve it promptly. The attorney may use this authority through the Judicial Preparation Courts as well.
- An attorney may transfer his/her authority to the interns, trainees and assistant that have been assigned to him/her or to other relevant bureau personnel.
- In the absence of an agreement with their clients stating otherwise, an attorney can charge the amount designated by the SAoJ's tariffs for their service. Minimum attorney fees are determined realistically, according to market conditions. The effort expended, the time spent, the attorney's career plan, the service market, the economic conditions and public access to the legal services are all taken into consideration when calculating this amount.
- An attorney's fees must not be less than the minimum tariff.

NOTES

Admission to the Judicial Profession and Bar

- Those who succeed in the bar examination are registered to the attorneys' registry by the SAoJ.
- Registered attorneys may open an office wherever they want or start working with another judicial professional. Attorneys must register their workplace address, tax registry number and other office registry information with the relevant provincial and Unions of Regional Bar Associations. If an attorney relocates their place of business, they must notify their previous and next provincial and Unions of Regional Bar Associations.
- An attorney must also register their offices with the relevant provincial or Unions of Regional Bar Associations registry.
- Attorneys operate under the relevant provincial and Unions of Regional Bar associations where their offices are located. They are under the authority of the SAoJ regarding their personal rights (including any disciplinary action requiring their removal), but are under the authority of the provincial bar association, working with the Unions of Regional Bar Associations, in terms of their professional solidarity and development with regard to any disciplinary action.

Attorneys' Permitted and Prohibited Activities

Assistant and trainee attorneys and those who are admitted to the attorneyship vocational internship:

- Can become a political party member and can engage in all sorts of political actions;
- Must not engage in commercial activities that require personal liability;
- Can become a board member or a shareholder of a company and can purchase publicly traded company shares on the stock market. However, they must inform the provincial and Unions of Regional Bar Associations about such transactions; and
- Must resign from all political activities and terminate all political relations if they apply to be a member of a bar association's body.

Activities that are incompatible with exercising the profession of attorney

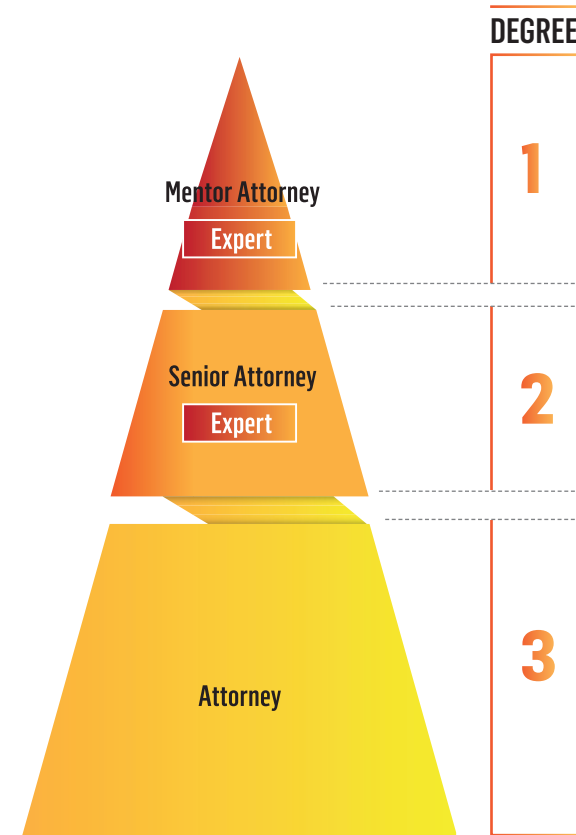
- Except for the activities stated above, any services and duties performed in return for payments such as daily or monthly wages or deductions, works related to being an insurance broker, tradesman or artisan, or any work that might impair the dignity of the profession cannot be combined with an attorney's duties.

Prohibitions

- Those who work in state economic enterprises or their companies, affiliates and subsidiaries within the scope of Decree No. 233 of the State Economic Enterprises cannot undertake a lawsuit against the government for a period of two years following the termination of their employment relationship with the herein mention enterprises.
- Those who are transferred from judgeship or prosecutorship to attorneyship cannot work on or give opinions on a case that is being reviewed by the courts in which they have previously served either as a judge or a prosecutor.

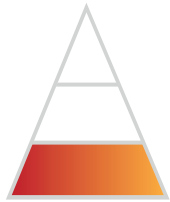
Advancement Criteria and Qualifications for Attorneys

- Attorney careers are regulated in three degrees.
- The career degrees and advancement criteria are regulated by the bylaws enacted by the SAoJ.
- Degree advancements are determined by the SAoJ on application.
- The application is evaluated in a meeting by the representatives of the Unions of Regional Bar Associations. The candidate's written and oral exams and interviews are evaluated, and the process is supervised by the SAoJ.
- Attorneys start practicing law at the first degree. The degree at which a candidate should start, following a judicial profession transition, is determined separately by the SAoJ according to their written and oral examination scores.
- An attorney can become an expert on subjects determined by the SAoJ.
- Attorneys wishing to be an expert must fulfil the relevant SAoJ criteria. In order to become an expert, one must first reach the degree of a senior attorney.



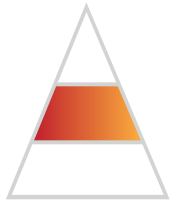
Advancement Criteria and Qualifications for Attorneys

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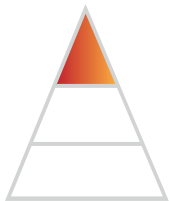
In order to be admitted as an attorney in the 1st degree

- Must be at least 29 years old.
- Must have passed the admission and appointment exam.



In order to become a senior attorney in the 2nd degree

- Must have worked as an attorney for at least 10 years.
 - Must have scored at least 80 in their performance evaluation.
- Those who have worked as an attorney in a certain number of cases as specified by the bylaws enacted by the SAoJ and who took certain responsibilities as regulated by the bylaws enacted by the SAoJ are called senior attorneys.



In order to become a mentor attorney in the 3rd degree

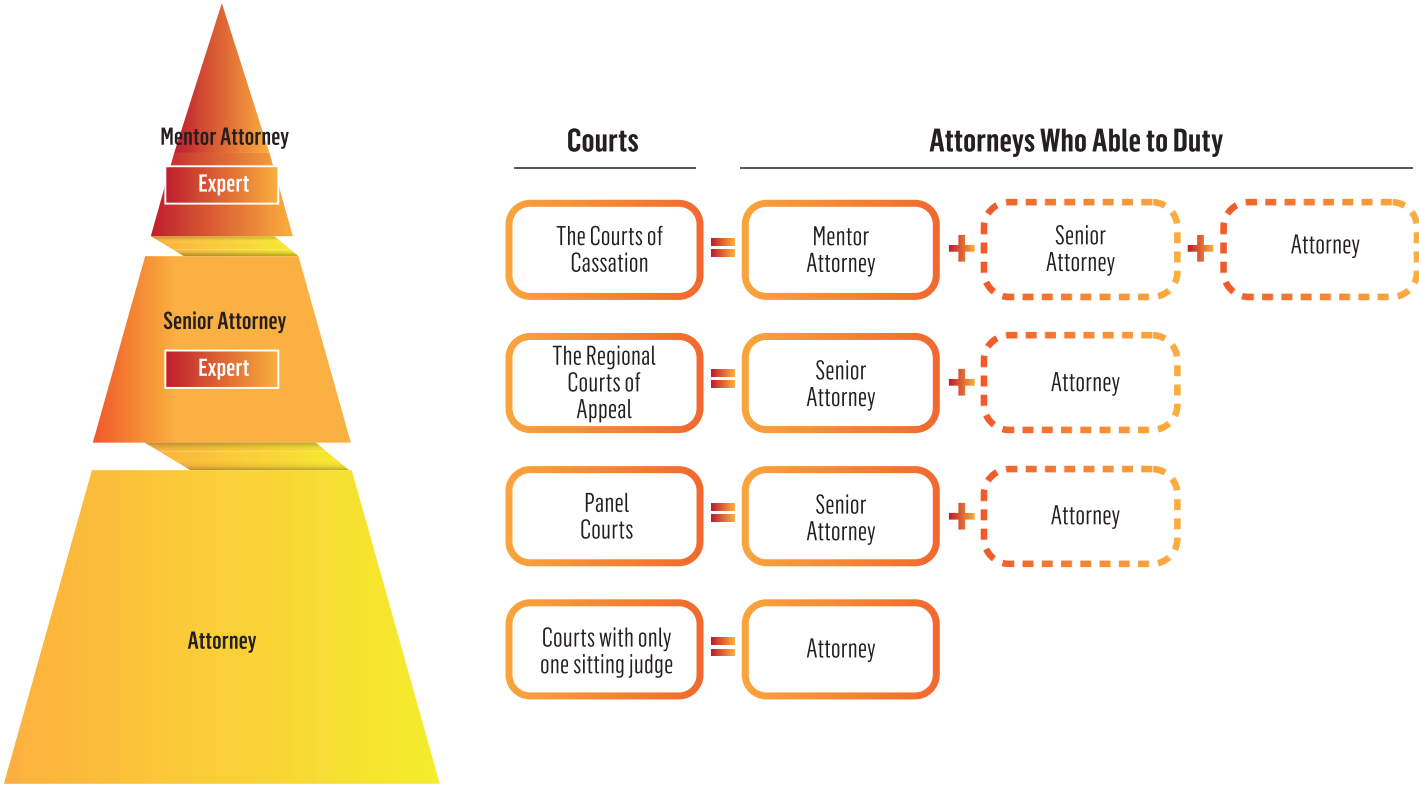
- Must have worked as an attorney for at least 10 years.
- Must have scored at least 90 in their performance evaluation.

Those who have worked as an attorney in a certain number of cases as specified by the bylaws enacted by the SAoJ and who took certain responsibilities as regulated by the bylaws enacted by the SAoJ are called mentor attorneys.

NOTES

Advancement Criteria and Qualifications for Attorneys

Attorneys may assume responsibility for matters as appropriate to their seniority. They may add to their team junior attorneys while remaining actively and solely responsible.



NOTARYSHIP

The Notaryships' Nature, Objectives and Prohibited Activities

The Nature of Notarial Services

- Notaryship is a public service. Only those who are authorised by the SAoJ can act as a notary. The SAoJ establishes different-level notary public offices where they are needed. Notaries are appointed to newly established notarial offices based on fair and open competition.

The Main Objectives of Notaryship

- Completing all duties assigned to them by the law, documenting all transactions that may result in legal liability, so as to ensure legal security.
- Performing their duties in such a way as to minimize or prevent legal disputes from arising and establishing trust in the documents and, ultimately, the trust of individuals in public service.

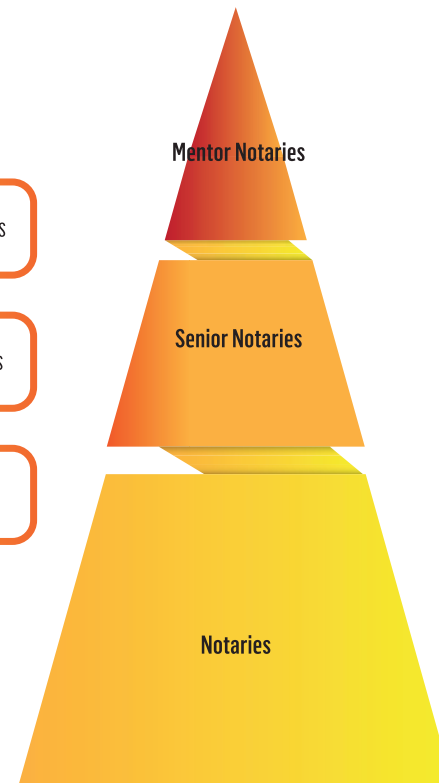
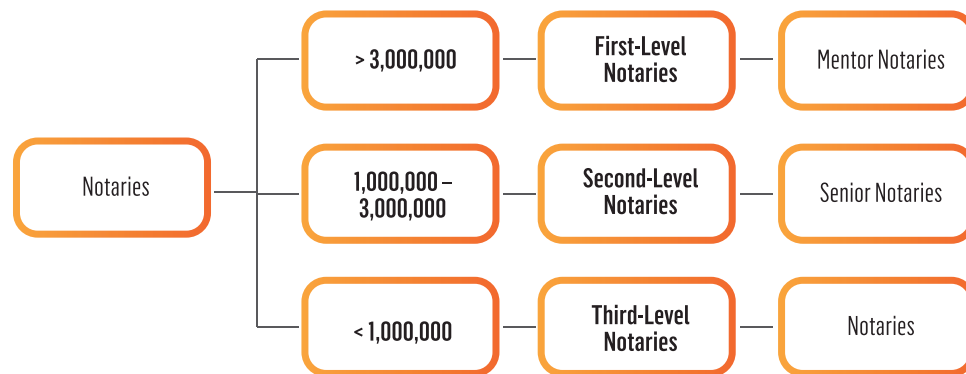
Prohibited Activities

- Notaries must not become a member of any political party and must not participate in political-party activities of any sort.
- Except for the duties assigned to them by the judicial authorities, and the duties attached to being the president or a member of a charitable organization, or an arbitrator, or the executor of a will, no other duties can be combined with notarial duties.
- Notaries cannot engage in commercial activities and cannot become guarantors within the meaning of Article 28/1 of the Law No 657 on civil servants.
- Notary candidates must have dissolved their previous business activities and terminated their previous political-party attachments before they start an internship.
- Notaries cannot use middleman, cannot advertise and cannot undertake any action that would constitute unfair competition.
- Notaries can not execute a verbal or written agreement among themselves regarding notary fees under any circumstances.
- Notaries can apply a discount to the fees for their transactions and services specified in the tariff providing they do not compromise the minimum standards of their services.

Notaries and Notary Classifications

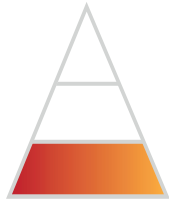
The career plan for notaries: There are three notaryship levels, namely, the **Notary**, the **Senior Notary** and the **Mentor Notary**. Level career advancements are determined by the SAoJ on application. The level at which each candidate should start, following a judicial profession transition, is determined separately by the SAoJ.

- Testaments and other related transactions, the issuance of a certificate of inheritance, and sales transactions involving the transfer of ownership of registered properties with the promise of real-estate sales can be made only by mentor notaries.
- 1st level notaries comprise mentor notaries
- 2nd level notaries comprise senior notaries and mentor notaries
- 3rd level notaries comprise notaries at all level



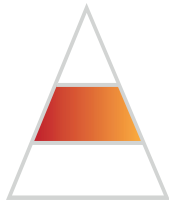
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Advancement Criteria and Qualifications for Notaries



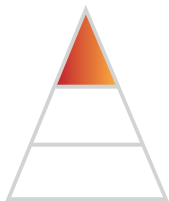
In order to be admitted as a notary

- Must be at least 29 years old.
- Must have passed the admission and appointment exam.



In order to become a senior notary

- Must have served as a notary for at least 10 years.
- Must have scored at least 80 in their performance evaluation.



In order to become a mentor notary

- Must have served as a senior notary for at least 10 years.
- Must have scored at least 90 in their performance evaluation.

Working Days and Hours, and the Authorisation of Notaries

NOTES

- Notaries are obliged to serve during working hours and to complete all transactions themselves. This rule does not apply on official holidays and during the notary's annual leave.
- Notaries can transfer their authority to perform notarial duties to an assistant notary who is under their direct supervision and who is assigned to them for a certain period by the SAoJ. A notary must inform the SAoJ and the Turkish Association of Notaries about the transfer of authority.
- Notaries operate during official working days and hours. If they wish, they can also work after hours and during the weekend and holidays.
- The SAoJ arranges notarial services in such a way that the public can easily access notaries during the weekend, in the evenings and at night. The Turkish Association of Notaries ensures there are always enough numbers of notaries on duty.
- Notaries can take 30 calendar days of paid leave every year. Public holidays falling within the leave period do not result in the extension of annual leave.
- Notaries can use their annual leave in July and August and can also take it in January, as long as this does not cause an interruption to notarial services. Notaries can determine the dates when they are going to use their annual leave, but must inform the Turkish Association of Notaries and the SAoJ about these dates.
- Notary public offices continue their activities even in the absence of the notary.
- Notaries must show who will be acting as their proxy and what powers the proxy will be using on their behalf on the dates when they are not at the notary public office due to leave of absence, illness or vacation. A notary must inform the Turkish Association of Notaries and the SAoJ about the transfer of power.