

## **Judicial Assistants**

Judicial Assistants are employed either part-time or full-time. They are appointed by the President of Malta after selection by a panel consisting of Judges and one member appointed by the Public Service Commission.

Only persons holding a warrant to work as an advocate can be appointed as Judicial Assistants.

Prior to commencing duties, a Judicial Assistant has to take an oath of office before the Court of Appeal that he/she will act faithfully, honestly and to the best of his/her ability in the performance of his/her duties as a Judicial Assistant.

Judicial Assistants are assigned to a particular court (or, where more than one Judge or Magistrate sits in a court, to a particular Judge or Magistrate) by the Chief Justice. Once a Judicial Assistant is so assigned he/she acts under the direction and control of the court or of the particular Judge or Magistrate. In addition to any power lawfully assigned to him/her by such court, a Judicial Assistant has the power to order the attendance of any person for the purpose of giving evidence or to make an affidavit or a declaration, or to produce documents, at such place and time as he/she may specify in the order.

Judicial Assistants are expected to assist the Judge or Magistrate in the performance of his/her duties. According to the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) the duties of Judicial Assistants include:

- to assist in the judicial process and at the request of the court to participate in the proceedings pending before a court, including any research or other work required therefor, and for the purpose of carrying out such duties and exercise such powers as they may be required or authorised to perform by such court;
- to administer oaths;
- to take the testimony of any person that is produced as witness in any proceedings;
- to take any affidavit on any matter, including a matter connected with any proceedings taken or intended to be taken before any court or any court or tribunal of civil jurisdiction established by law;
- to receive documents produced with any testimony, affidavit or declaration, including in particular a testimony, affidavit or declaration as is referred to in this Code;
- to hold such sittings as may be directed by the court, to meet with the advocates and legal procurators of the parties for the purpose of planning the management of the lawsuit, and to issue deadlines for the submission of evidence, pleadings or other judicial acts by the parties.

Judicial Assistants may replace the Judge in conducting pre-trial hearings before

the General Jurisdiction Section of the Civil Court. Extensive use is made of Judicial Assistants in the execution of letters rogatory both under EU legislation and under the general provisions of the Code of Organisation and Civil Procedure.