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Going Federal: A Longitudinal Study of 196 Judicial Career Trajectories to the German Federal Court of Justice from 2000 to 2020

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“Say not the struggle naught availeth...”¹

Arthur Hugh Clough

The manner in which judges at the highest courts of a country are chosen is a matter of keen interest across the world’s jurisdictions. Concerns about political meddling by governments and political parties in the selection of candidates and “packing the court” are among the main issues that have led to acrimonious debates in recent years, for example, in the appointment of three new judges to the United States Supreme Court under the first Trump administration,² and the judicial discipline structure in Poland, the latter even leading to an intervention by the European Commission before the Court of Justice of the European Union (CJEU).³ Similar problems had already been described in 1998 by the author, in a joint paper together with Christian Latour, in relation to the German Federal Court of Justice (*Bundesgerichtshof* – BGH).⁴ In more recent times, the issue of diversity and gender representation in the global judiciary has increasingly commanded scholarly attention.⁵ The judiciary in Germany in particular,

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¹ See Annex IV for the online reference.

² See Annex IV for the online reference.

³ See Annex IV for the online reference.

⁴ Michael Bohlander and Christian Latour, “Zum Einfluß der politischen Parteien auf die Ernennungen zum Bundesgerichtshof”, *Zeitschrift für Rechtspolitik*, (1997), pp. 437-439; id, *The German Judiciary in the Nineties - A Study of the Recruitment, Promotion and Remuneration of German Judges* (1998); Bohlander, “Flexible Judges or Flexing the Political Muscle?”, in L. E. De Groot-van Leeuwen and W. Rombouts (eds.), *Separation of Powers in Theory and Practice - An International Perspective* (2010), pp. 123-137.

⁵ Ulrike Schultz and Gisela Shaw (eds.), *Gender and Judging* (2013).

including the selection of candidates for seats on the German supreme court benches, had already been studied abroad for some time.⁶

These structural and political tropes⁷ have so far received the lion's share of the attention, yet, as every judge in every country's judiciary knows, there are formal and informal contacts, relationships, connections, channels, or pathways in practice that lead to appointment to higher judicial office, and especially in those systems with a career judiciary like Germany, to a promotion. It should be noted, however, that strictly speaking the move from the state to the federal judiciary is not a promotion. Selection for the next step of the career progression,⁸ however, often appears as a "black box" and little to no hard data on the criteria applied by the selectors exist, leaving aside the rumours and anecdotal stories circulating among the – not infrequently jealous – peers of any "chosen" colleague. The suspicions, in particular, about membership of a political party were scathingly discussed in some responses by BGH judges to the above-mentioned survey from 1998, and occasionally linked to the poor performance or professional credentials of the respective judicial colleagues. For example, one BGH judge in the 1998 sample who was not a member of a political party stated that "[t]hose who do not belong to any party have very limited prospects of being nominated to the BGH even if they are highly qualified. [...] Weak colleagues are almost always party members"⁹

The BGH is the highest court of appeal¹⁰ in civil and criminal matters and a number of assorted specialist areas. Its relatively small bench has a massive influence on the development of the law in those areas across the country. Scrutiny of the actual recruitment avenues is thus highly important, not least because compared to the overall number of professional judges in Germany, the percentage of federal judges at the apex of the system is much smaller than in other countries which rely to a large extent either on lay judges and/or single judges with or without juries at the trial level, whereas in Germany, collegiate panels are the norm for many mid-level to serious criminal proceedings at trial level and lay-only courts such as the English magistrates courts for the majority of low-level crime cases are unknown. Table 1 shows the number of judges in Germany at federal and state ("*Land/Länder*") level in the courts of ordinary jurisdiction as of 31 December 2020, the end of this article's sampling period, and the female gender quotas.¹¹

⁶ Glenn N. Schram, "The Recruitment of Judges for the West German Federal Courts", *American Journal of Comparative Law*, XXI (1973), pp. 691-711.

⁷ Including, more recently, the attempts at preventing parties of the extreme right, such as the AfD, from influencing appointments to constitutional courts.

⁸ It is, however, not the case that every judge or prosecutor is keen on a career that leads to a federal court; see the explanations for Saxony, for example, in Table 18.

⁹ Bohlander and Latour, note 4 above (1998), pp. 36-37.

¹⁰ The Federal Constitutional Court is not an appellate court in the strict meaning of the word and only examines legal questions at the level of constitutional law in a limited array of procedural avenues. In particular, the Court has consistently held since 1957 that it is not a "super-appellate tier" against judgments of the lower courts based on errors of sub-constitutional law ("*keine Superrevisionsinstanz*"). See BVerfGE 7,198 and Michael Sachs and Steffen Detterbeck, *Grundgesetz, Kommentar* (9th ed., 2021), Article 93 mn. 17-19.

¹¹ The most recent federal statistics from 2010 to 2022 on gender equality in leadership positions (salary levels R3 and above – see below) in *all* sectors of the administration of justice in the member states and on the federal level (except the BVerfG) show an increase from 17.6% to 30.5%

Table 1
Judges of ordinary jurisdiction as of 31 December 2020
(female judges in grey).¹²

Judges	Ordinary Jurisdiction	BGH	Percentage federal judges of total
Federal judiciary	152.00	152.00	0.96%
f	54.00	54.00	0.34%
State judiciary	15,824.30		
f	7,619.36		
Total	15,976,30		
f	7,673.36		
Percentage f	48.03%	35.52%	

Federal judges at the BGH thus account for just under 1% of the total of judges in all courts of ordinary jurisdiction across Germany, with female judges making up not even half a percent. Within the BGH, female judges make up just above a third of all judges, almost 13% less compared to their quota in the nationwide ordinary jurisdiction at all levels. This would at the time have included the first transgender judge at the BGH, Johanna Schmidt-Räntsch (previously known as Jürgen Schmidt-Räntsch), who retired from the court only in 2021.¹³ We will see later whether, and if so how, the data about the recruitment of female candidates over the years can explain this picture, which would appear to be at odds with the enhanced attention given in Germany to gender equality in career advancement opportunities in recent decades.

In 2018, Stephan Barton published an analysis of the BGH press releases from 1990 to 2017¹⁴ related to the appointment, promotion, special career events, and retirement of BGH judges. There is some statistical element to that publication, but it is subordinated to an overall more qualitative approach about how the press releases describe the judges. However, research tracking the career trajectories of individual judges in Germany from their entry into the judiciary to their appointment at the BGH in detail has so far been lacking. This article addresses that gap in the research regarding the pathways of individual judges to their actual appointment to the BGH by the German Federal President, as

on the state, and from 20.9 % to 35.3 % on the federal level . See Annex IV for the online reference.

¹² Most recent available data, taken from the 2020 overall statistics of the administration of justice. See Annex IV for the online reference.

¹³ She has been counted as a female throughout the sample period. She was appointed to the BGH in 2002 and underwent gender reassignment only in 2014; however, it seemed questionable to split her gender identity in a period before 2014 and after, although an argument could be made that before she had the reassignment and made that public, the system may have treated her as a male. However, her preferred identity was respected despite the minor potential statistical error this may entail. Neither Judge Schmidt-Räntsch nor the BGH have ever entertained media requests and the like on the matter. See Hannelore Crolly, „Bundesrichter lässt sich zur Frau umwandeln“ . See Annex IV for the online reference.

¹⁴ Stephan Barton, „Richterbiografien von der Stange - Konfektionsware und Accessoires. Bundesrichter im Spiegel von Pressemitteilungen“, in Barton, Eschelbach, Hettinger, Kempf, Krehl, Salditt (eds.), *Festschrift für Thomas Fischer* (2018), pp. 945-961.

opposed to the date of their election, in the period from 2000 to 2020. That period presents two full decades in recent times, and the selection procedures for that period had already been established and undergone a sufficiently long time of practical application to allow a conclusion of the results as stemming from settled practice. Finally, a banal logistical factor militated for that earlier cut-off date: given the time needed for the development and evaluation of the survey since late 2021, as well as the drafting process of this paper since late 2022, it would have been difficult to the point of making it a moving target, to adapt the analysis to each new year, and possibly to new rules and procedures, beyond 2020. There is no indication from media or academic coverage that after that date major changes across the board in the practice of career trajectories happened which would have had a significant impact on the usefulness of the analysis (that is also supported by the answers from ministries of justice and federal institutions to a letter from the author requesting details about that practice set out in Table 18 below).

The article presents original research based on the regular appointment press releases issued by the BGH from 2000 to 2020 which contain a summary of every appointee's career trajectory with full name transparency, and in a large number of cases even including information about their personal status and whether they have children (Annex I).¹⁵ It is interesting to note that the judge in the BGH administration in charge of drafting the press releases at the time of the survey confirmed that she did not seek prior approval from the new judges regarding their content, and merely consulted their personnel files. She explained that she was unsure whether her predecessors had adopted a different approach.¹⁶ The full table of data collected about each judge based on the press releases is found in Annexes IIa and IIb.

A major factor which seems to be a stepping stone to the BGH (and promotion in general) is the secondment to higher levels of the administration of justice in each state, and especially to certain federal judicial bodies. The author therefore requested information from the individual state ministries of justice, as well as the three main federal secondment destinations for careers in the branch of ordinary jurisdiction, the BGH, the Federal Constitutional Court (*Bundesverfassungsgericht* – BVerfG) and the Federal Prosecutor's Office (*Generalbundesanwaltschaft* – GBA) about the process applied by them for nominating and selecting candidates for secondment to federal placements. The data complement to some degree the author's previous study, with Latour, of the political affiliations and state exam results of judges at that court mentioned above, although many judges examined then are, of course, no longer in office, and may not have been anymore even at the start of the period of this research project in the year 2000. Due to the anonymity of the 1998 study, it is not possible to draw any connections between the respondents then and the current sample.

¹⁵ The appointment press releases for 2000 to 2020 can be found by year online. The numbers and dates of the releases relied upon in this article are found in Annex I. See Annex IV for the online reference to the relevant webpage of the BGH.

¹⁶ Email by Judge Dr. Desiree Dauber to the author of 31 October 2022, on file. Anecdotal evidence by one former judge included in the current sample, who wanted to remain anonymous, suggests that the procedure had been similar at the time of his appointment, and his press release contained the fact that he was married and had children.

We will first explore the legal and institutional framework for the selection of candidates to the BGH, followed by a detailed analysis of the career trajectories of the 196 judges who were appointed to the BGH in the years from 2000 to 2020. We will in particular look at the progression steps in different postings during the probationary phase, at secondments and promotions, and among those especially at the secondments to a post as an academic assistant (“*wissenschaftlicher Mitarbeiter*” – WiMi), or in United States terms as a “clerk”, to the BGH, BVerfG, and the GBA.

THE INSTITUTIONAL AND LEGAL FRAMEWORK

The German judiciary is split into the state and the federal levels. In the context of the courts of ordinary jurisdiction, the (simplified) hierarchy begins with the *Amtsgerichte* (AG) which deal with minor to mid-level crime, minor civil cases up to a certain value in dispute and the summary written civil proceedings (“*Mahnbescheidsverfahren*”), family matters and the so-called cautelary jurisdiction (“*Freiwillige Gerichtsbarkeit*” – FGG), including areas such as the land registry, companies register, probate court, and others. At the next tier are the *Landgerichte* (LG); they deal with serious crime and all remaining (major) civil cases, as well as appeals on fact and law against decisions of the AG. Above them sit the *Oberlandesgerichte* (OLG), the state supreme courts, which deal with appeals on law and fact against decisions of the LG, and appeals on point of law only against decisions of the AG. They also have trial jurisdiction for major cases of crimes against the state, such as terrorism offences. There is no appeal on facts against the trial judgments of the LG to the OLG, or from the OLG in criminal cases but only on points of law to the federal jurisdiction of the BGH, which also hears appeals on law against civil appellate judgments of the LG and OLG, and exceptionally leap-frog appeals on points of law against civil trial judgments of the AG and LG. There are different appellate avenues for family and FGG matters which do not concern us here.

The public prosecution service offices are linked to a LG or to an OLG, and on the federal level the prosecution is represented by the GBA, whose prosecutors can, and usually do, in certain cases, such as the more serious crimes against the state, also appear before the OLG at trial.

The vast majority of judges start their legal career as a probationary judge, although a few may have practiced as a lawyer for a few years before entering public service, and some may have started as civil servants in the realm of the Executive. The probation period lasts between three and five years according to ss. 12 and 13 of the German Judiciary Act¹⁷ (“*Deutsches Richtergesetz*” – DRiG). During that time, the “probationers” may be employed without their consent only at a court, a branch of the prosecution service or a judicial administrative authority, in practice mainly at a ministry of justice. When appointed for life as a judge and not as a prosecutor (“*Staatsanwalt*” – StA), they must be assigned to a specific court (s. 27 DRiG) which triggers the protection of inamovability as part of the principle of personal judicial independence and prevents judges from being moved to another post without their consent, unless one of the exceptions of s. 30 DRiG applies. No such protection exists for prosecutors. Entry level judicial tenure positions are usually as a judge at the AG (“*Richter am*

¹⁷ English translation available online. See Annex IV for the online reference.

Amtsgericht – RAG) or at the LG (*“Richter am Landgericht”* – RLG). Some states, however, practise a constant switching of postings between the courts and the prosecution service during a person’s career, even after they have obtained life tenure. Bavaria, in particular, is notorious for that on the judicial grapevine: refusal to switch especially from a court to the prosecution can mean an early end of any hopes for promotion. This practice, as the saying among judges goes, is meant to reacquaint the judge with the experience of being bound by superior instructions, because prosecutors do not benefit from the other part of judicial independence either, namely independence in decision-making – that is, if one leaves the specific topic of the trial scenario aside, where a prosecutor in principle has the prerogative to act as she sees fit on the basis of the evidence presented in court.

During the probationary stage, judges in most states can be and are moved around frequently between different courts and/or the prosecution, sometimes at the same level, that is, between different AGs or LGs, for example. However, in a few states, this change of role is not supported and new appointees need to choose which career path they wish to follow. As was mentioned above, even after their life tenure appointment, judges (and prosecutors) are regularly seconded and sometimes even moved to other positions, and the judges will often agree to such assignments because a successful term of secondment may reflect well on their chances of promotion. Since both RAG and RLG (and a StA) are at the same salary level (R1) on the judicial R-Scale,¹⁸ a move from the AG to the LG is strictly speaking not a promotion, but it means being given greater responsibility due to the seriousness of the cases before the LG and gaining experience of working in a collegiate panel, which will be useful for any later service at a higher court, where panels are the rule.

If a judge does well in the entry post, he or she may be sent to the so-called “Third State Examination” at a higher level of that state, usually at the OLG, but also in ministries or higher level prosecution services, typically for a year, sometimes less. One of the more prestigious higher-level assignments is that of a WiMi¹⁹ at the BGH, BVerfG, or GBA. It is a position with a function not unlike that of a clerk to the judges in the United States system and usually has a duration of three years. We will return to this practice below.

Candidates are eligible for a post at the BGH according to s 125 (2) of the Courts Organization Act (*Gerichtsverfassungsgesetz – GVG*) if they are at least 35 years old and are qualified to become a judge, that is, they have to have two state exams in law. Direct election from the legal profession is in theory possible, but rare in practice. A minimum period of professional experience is not strictly speaking required. Federal judges are elected pursuant to the Federal Judicial Election Act (*Richterwahlgesetz*) by a judicial selection panel, whose decision must be formally approved by the federal minister in charge of the particular portfolio; for the BGH that means the Federal Minister of Justice. The appointment is made by the Federal President. The panel consists of the

¹⁸ See Annex IV for the online reference.

¹⁹ Often the slightly derogatory term “HiWi” or “Hiwi”, short for “wissenschaftliche Hilfskraft” (academic support staff) is used in practice, but the official term is “wissenschaftliche Mitarbeiter”. Indeed, the WiMIs at the BGH themselves have their own webpage which uses the term “Hiwi”. In its FAQ section it explains what a WiMi does, and how you can become one. See Annex IV for the online reference.

relevant state ministers, in the case of the BGH the state ministers of justice, as ex officio members, and an equal number of elected members determined by vote in by the Federal Parliament (*Bundestag* – BTag); these elected members must be eligible to the BTag and have experience in law; they do not have to be parliamentary delegates themselves. The sessions and votes of the panel are confidential; there is in principle no judicial review of the voting. The minister is normally bound by its decision and must propose the selected candidate to the Federal President for appointment. However, as the BVerfG decided in 2016²⁰, since the panel is bound by the constitutionally required principle of the selection of the most qualified as enshrined in Art. 33(2) of the Basic Law (*Grundgesetz* – GG), the minister may exceptionally refuse approval if there was a formal procedural error, or if there are serious material concerns regarding the substance of the decision, such as an abuse of the panel’s discretion. Competitors who feel their qualifications were better than those of the selected candidate, can initiate administrative court proceedings, the so-called *Konkurrentenklage*, with the aim of preventing the appointment of the selectee and a repeat of the selection procedure (see in more detail below),

THE SURVEY

Initial comments on the limitations of source selection, analysis, background and format

We turn to the results gleaned from the survey based on an analysis of the press releases from 2000 to 2020. However, one linguistic caveat must first be made: The press releases listed in Annex I are available only in German; a translation of their full digitally available text into English would have been relatively easy using one of the increasingly accurate free translation software tools for laying the groundwork. Yet, it would have produced an annex several times the word-length of this paper and created an undesirable imbalance between reproduction of data material and analysis. The author feels that this is a negligible drawback, as on one hand the essential data have been culled from the raw materials and placed into Annex II, and on the other hand, any reader interested in checking the raw data can easily do so by translating the releases themselves.

Second, although the vast majority of the releases follow a certain pattern and as a rule are fairly specific, there were a few cases where for unknown reasons the information in the press release did not closely follow that pattern and was also otherwise not as detailed as normal. In these cases the author either made conservative extrapolations based on his knowledge as a previous German judge of the typical practice, if there were sufficiently reliable criteria to do so (highlighted in grey in Annex II); in other cases the author listed the criterion as “unknown” (U). This means that the sample total “n” is not necessarily the same for every question.

For example, as already found by Barton in 2018, for certain years there was no information about the personal status or number of children of a new appointee. A query with the judge in charge at the BGH²¹ made it clear that this

²⁰ See the article by Constantin Baron van Lijnden, “Freibrief für die Bundesrichterwahl” , and also the article by Frauke Rödel, “Politik bestimmt Justiz” . See Annex IV for the online references.

²¹ Emails from Judge Dr Desiree Dauber of 25 August 2022 and 31 October 2022, on file with

was a simple overall change in procedure and that in any event no conclusions could be drawn from the absence of information about children or of a mention of any form of partnership, as to whether the person was a parent, was married, single or otherwise, even in prior years where such information was generally available. In the context of the question of the potential impact of traditional gender roles regarding child-rearing on the career progression of females in particular, this prevented any useful analysis of the data material. A fully accurate picture could only have been obtained by gaining access to the personnel files of all 196 judges, which would obviously have been a futile exercise to begin with, for reasons of the strict data protection criteria which apply particularly to confidential employment matters. Asking the judges directly would have in theory been possible, if exceedingly cumbersome, but would in all likelihood not have produced a coherent and complete response either, which is why it was impractical to go down that particular path. The data obtained from the press releases are thus to be considered not as an exact representation of the facts, but as the next best alternative, and hence a certain minor margin of error cannot be excluded.

Third, the dates of the appointments to the different posts, especially the entry post and the elevation to the BGH, were not congruent in the sense that each would have been by month and year. While the latter could have been extrapolated from the date of the press release for the BGH appointment, this was not the case for the entry post where only the year was given. Therefore, the full years have been used for the calculation of speed of promotion and the like. There is thus an equally unavoidable margin of error when the article discusses any topic to do with timelines.

Finally, although the data would have allowed for analyzing a certain correlation of practices in each of the sixteen member states, the author was of the view that for the purposes of this article such a level of detail at state level would not have had any added value to the aim of giving a nationwide overview, and would have made the article confusing and unwieldy. That exercise must therefore wait for another time.

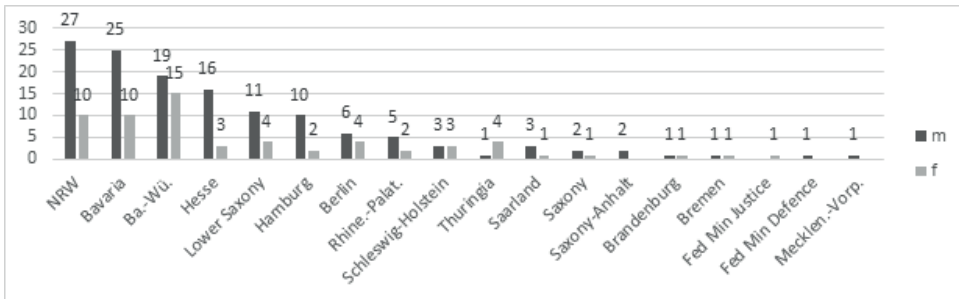
Gender of future BGH judges by location/state of entry post

The first question we shall investigate is the gender ratio of future BGH judges across the full survey period of 2000 to 2020 according to the state where they first joined the judiciary. Note that two judges' first posting was with a federal ministry. Figure 1 and Table 2 show the relation of males to females by career entry location or state in the sequence of the number of judges coming from each state, from left to right/top to bottom.

the author.

Figure 1

Gender ratio of future BGH judges by location/state of career entry

**Table 2**

Gender ratio of future BGH judges by location/state of career entry

State of career entry	M	f	Total
NRW	27	10	37
Bavaria	25	10	35
Ba.-Wü.	19	15	34
Hesse	16	3	19
Lower Saxony	11	4	15
Hamburg	10	2	12
Berlin	6	4	10
Rhine.-Palat.	5	2	7
Schleswig-Holstein	3	3	6
Thuringia	1	4	5
Saarland	3	1	4
Saxony	2	1	3
Saxony-Anhalt	2	0	2
Brandenburg	1	1	2
Bremen	1	1	2
Fed Min Justice	0	1	1
Fed Min Defence	1	0	1
Mecklen.-Vorp.	1	0	1
Total	134	62	196

Despite the overall alignment with the total increase of female judges in all sectors of the administration of justice mentioned in footnote 11 above, the first striking – although perhaps unsurprising – result is that over the 20 years of the survey period, the overall number of male judges (68.4% of the total) ultimately making their way to the BGH is still over twice that of female judges (31.6%). In some states, such as Hesse, Lower Saxony, and Hamburg, it is even more pronounced. Saxony-Anhalt had no females selected at all. While some have parity or near-parity (Ba.-Wü.), the only state sending more females than males

was Thuringia. The top seven states in Table 2 were responsible for sending 162 of the 196 judges, that is, 82.7%, even though Hamburg and Berlin are not among the large population states, where such a proportion would not seem out of the ordinary. The five new *Länder* established in East Germany after unification in 1990 (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia) sent only thirteen of the 196 judges over the two decades, beginning ten years after German unification.

It is necessary to point out that the mere fact that a judge entered their career in an East German state does not mean they were of East German origin: in the early 1990s, many “new” judges came from West Germany because the East German pool of persons qualified under the West German legal system was severely limited, given that the West German system initially had a higher proportion of courts with collegiate panels, especially in civil matters, thus requiring more personnel than the former GDR courts. The press releases are not clear about that aspect. In only one case the West German provenance is mentioned, in two other cases the author knew the judges personally; only one of them was East German – his origin is, however, also mentioned in the press release. The respective judges have been marked in Annex II with W for West, E for East, and U for Unknown.

It cannot be excluded but it seems unlikely that the selection process at the BGH would have had a discernible effect of distorting any state-population-based proportional recruitment to the BGH. In this context in particular, the phenomenon of the WiMi secondments is relevant and it stands to reason that larger states send more candidates because they have a larger pool of personnel within the administration of justice. However, as Table 18 below suggests at least for Saxony, there may not have been much of an interest in the state judiciary to be seconded to the federal level as a WiMi to begin with.

Entry posts

The next question of relevance for the career progression is the level of the entry posts. These are set out in Figure 2 and Table 3.

Figure 2
Entry posts (n = 196)

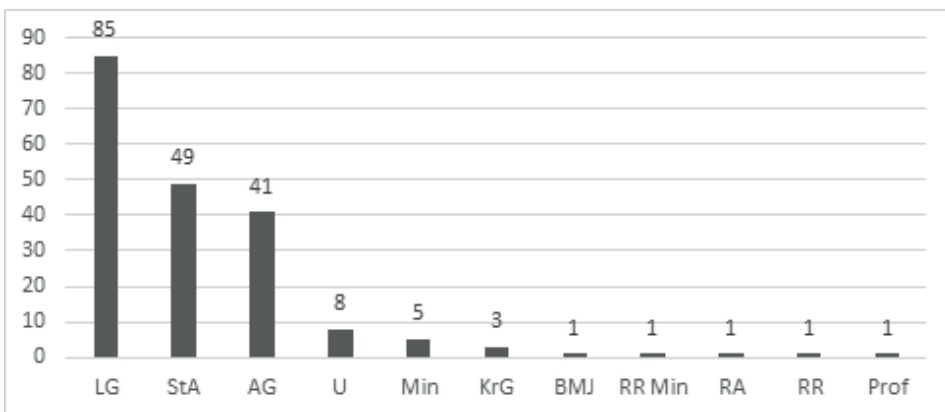


Table 3
Entry posts (n= 196)

Entry posts		
Post	Number (n = 196)	%
LG	85	43.4
StA	49	25.0
AG	41	20.9
U	8	4.1
Min	5	2.6
KrG	3	1.5
BMJ	1	0.51
Prof	1	0.51
RA	1	0.51
RR	1	0.51
RR Min	1	0.51

As indicated above, the three main entry posts are LG, StA, and AG, with 43.4% of judges starting their career in the probationary period at the collegiate district court level of the LG, 25% as a prosecutor, and 20.9% as a judge at the county court level of the AG. The high proportion of LG judges in the sample may be partly down to the fact that, as with most AG judges, their first superior line manager potentially proposing them for any promotion or secondment would have been the President of the LG. They would have been in a better position early on in their career of catching her attention, due to banal possibility of having more frequent contact in the court building and thus being known to the President personally, and/or the fact that the presiding judges of their chambers would have had a better opportunity to communicate informally with the President about their abilities. AG judges, often far away from the seat of their district's LG, would have been more isolated.

This picture is at least tendentially supported, if not enforced, by Figure 11 below regarding the seconding institutions for WiMis at the BGH, where the LG accounts for 61% of all WiMis at the snapshot date of August 2022. The filter function of being at the LG directly before secondment would seem to be even more acute than that of having an LG assignment at entry level for the final appointment to the BGH. Yet, again, these data relate to only one date, which was also outside the sample period and cannot simply be statistically extrapolated across it. Ultimately, at this level of data access, the above explanation remains anecdotal conjecture.

Following these three entry posts is a relatively large number of persons (8) whose entry-level post could not be clearly deduced from the press release and who have thus been listed as U. The next two levels of multiple entry posts are ministries and the KrG, the first-instance *Kreisgerichte* of the former GDR, which had a somewhat different jurisdiction from the West German AGs and can therefore not simply be put in the same category. Part of their jurisdiction in civil matters, for example, was later transferred to the LG, after the West German

court structure had been fully adopted in the new East German *Länder*. The role of ministry posts as entry-level placements is relatively low but as we will see, they play a much larger role in the progression and promotion context.

Progression posts

Table 4 sets out the progression steps the judges from the sample went through before they were appointed to the BGH. Progression here does not mean a move to a higher level or a promotion, but merely the number of different posts a judge held. For example, a probationary judge starting out at a LG may be moved to an AG next, and then back to the LG, a different AG or to the StA. One of the sample had gone through twelve different postings before arriving at the BGH. We will not address the issue of the WiMis here, as that will be done comprehensively below.

Table 4

Entry and progression posts (PP) – Quantitative overview by post (n = 194*)
(for the abbreviations see Annex III)

	EP	1	2	3	4	5	6	7	8	9	10	11	12
Admin Landtag								1					
AG	41	77	37	13	11	5	1		1				
ArbG		1	1										
BG			1	1									
BKanzlerAmt					1								
BMJ	1							1					
BPatG			1		1		1						
BTag							1						
BVerfG						1							
BZR								1	1				
DirAG							1			1			
DPatMO					1								
FH Rpfl		1											
GBA						1	1	1			1		
GStA						1			1				
JVA					1								
KrG	3	1											
Landtag								1					
LG	85	40	20	17	8	6	7	2	1	2			
LMR						1				2	1		
LO CJEU							1						
LOStA									1			1	
Ltd RD PO						1							
BayObLG								1					

<i>MD</i>								<i>1</i>					
<i>Min</i>	<i>5</i>		<i>13</i>	<i>16</i>	<i>13</i>	<i>14</i>	<i>7</i>	<i>5</i>	<i>5</i>				
<i>Min (t)</i>			<i>1</i>										
<i>MR</i>					<i>3</i>	<i>4</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>3</i>		<i>1</i>	
<i>OLG</i>		<i>1</i>	<i>9</i>		<i>16</i>	<i>15</i>	<i>10</i>	<i>11</i>	<i>1</i>	<i>1</i>			
<i>OLG/LVerfG</i>						<i>1</i>							
<i>ORR Min</i>			<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>							
OStA						<i>2</i>	<i>1</i>	<i>1</i>	<i>2</i>			<i>1</i>	
OStA BGH					<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>				<i>1</i>
OStA GStA						<i>1</i>							
RAG		<i>5</i>	<i>10</i>	<i>12</i>	<i>6</i>	<i>4</i>		<i>1</i>					
<i>RAG Stv Dir</i>						<i>1</i>							
<i>RAG WAR</i>				<i>1</i>			<i>1</i>	<i>1</i>					
RBayObLG							<i>1</i>						
RBG				<i>1</i>									
RBPatG						<i>1</i>		<i>1</i>					
RD				<i>1</i>	<i>1</i>								
RD Min				<i>3</i>	<i>1</i>	<i>3</i>	<i>2</i>	<i>1</i>	<i>1</i>				
RLG		<i>16</i>	<i>38</i>	<i>46</i>	<i>27</i>	<i>11</i>	<i>4</i>	<i>1</i>	<i>1</i>				
<i>ROLG</i>			<i>2</i>	<i>15</i>	<i>27</i>	<i>37</i>	<i>31</i>	<i>20</i>	<i>11</i>	<i>6</i>	<i>4</i>	<i>1</i>	
ROVG									<i>1</i>				
RR	<i>1</i>												
<i>RR Min</i>	<i>1</i>	<i>1</i>	<i>3</i>										
<i>StA</i>	<i>49</i>	<i>23</i>	<i>16</i>	<i>5</i>						<i>1</i>			
<i>StA (t)</i>		<i>9</i>	<i>15</i>	<i>10</i>	<i>5</i>								
<i>StA BGH</i>							<i>2</i>						
<i>StA GrL</i>				<i>1</i>	<i>5</i>	<i>2</i>	<i>1</i>	<i>1</i>					
<i>StA GStA</i>		<i>1</i>											
<i>StV LOStA</i>								<i>1</i>	<i>1</i>	<i>1</i>			
U	<i>8</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>				
VerfGH Berlin						<i>1</i>							
VerfGH NRW								<i>1</i>					
VG		<i>1</i>		<i>1</i>						<i>1</i>			
<i>VPrLG</i>				<i>1</i>		<i>2</i>		<i>2</i>	<i>2</i>			<i>1</i>	
VPrOLG												<i>1</i>	
VRBPatG									<i>1</i>				
<i>VRLG</i>			<i>1</i>	<i>3</i>	<i>10</i>	<i>5</i>	<i>15</i>	<i>6</i>	<i>5</i>	<i>2</i>	<i>1</i>		
<i>VROLG</i>				<i>1</i>	<i>1</i>	<i>5</i>	<i>4</i>	<i>4</i>	<i>2</i>	<i>1</i>			
<i>WiMi BGH</i>			<i>14</i>	<i>18</i>	<i>24</i>	<i>19</i>	<i>13</i>	<i>3</i>	<i>3</i>				
<i>WiMi BVerfG</i>		<i>1</i>	<i>2</i>	<i>6</i>	<i>10</i>	<i>9</i>	<i>8</i>	<i>4</i>	<i>2</i>	<i>3</i>			
WiMi ECtHR					<i>1</i>								

WiMi GBA		2	3	1	2	2							
WiMi LTF				1					1				
WiMi Sax			1										
VerfG													
WiMi StGH										1			
WiMi VerfGH					1								
Thü													
ZS NS											1		
Total	194	194	194	192	179	158	118	76	50	25	10	4	1

* For this table n = 194, because the RA and Prof/ROLG2HA were too atypical as entry posts and have been left out.

Table 5, an excerpt of Table 4, shows a summary of the overall total number of PP passed by candidates before they reached the BGH.

Table 5

Overall number of PP held by judges before appointment to BGH by absolute number and quota of entire sample (n = 194)

PP-level	Absolute at PP	Absolute progressing from previous	% progressing from previous
1	194	0	0,0
2	194	0	0,0
3	192	2	1,0
4	179	13	6.7
5	158	21	10.8
6	118	40	20.6
7	76	42	21.6
8	50	26	13.4
9	25	25	12.9
10	10	15	7.7
11	4	6	3.1
12	1	3	1.5

According to this, the earliest progression to the BGH was that of two judges (1%) after the second PP. Based on the progression percentages in double figures, 79.3% of all judges progressed to the BGH between PP4 and PP8, with 42.2% between PP5 and 6, and over half of the entire sample (55.6%) between PP4 and 7. There is thus a clear bunching to be noted in the PP4 – 8 bracket. Outside this bracket, only 15 (7.7%) were appointed to the BGH before PP4, but 24 (12.3%) after PP9. That means the ratio of those being appointed before PP4 to those after PP4 is roughly 1 in 13, that of those appointed after PP2 (2) is even 1 in 97, both emphasising an extraordinary and exceptionally fast career trajectory.

But let us return to Table 4 which requires some further unpacking. The italics used for some posts above refer to posts clustered at certain courts, prosecution offices, ministries, and so on, with the placements in bold fonts RAG, RLG and StA(t) as examples signifying appointment to a *tenured* office at that court and so on, which means a proper move to another post and not a mere temporary secondment. One result is that between RAG, RLG, and StA(t), the latter have the least number of PP after the entry appointment: Nobody was appointed to a tenured R1 prosecutor post past the fourth PP, whereas both RAG and RLG went up to PP 7 (RAG) or PP 8 (RLG). Also striking is the high number of people progressing via the OLG, either as a secondment, or by way of full appointment either as a judge at the OLG (ROLG), or even a presiding judge of a senate (VROLG). The same can be said of those becoming presiding judges of a chamber at the LG (VRLG). If one looks at the last posts which candidates held directly before their appointment, the picture in Table 6 arises.

Table 6

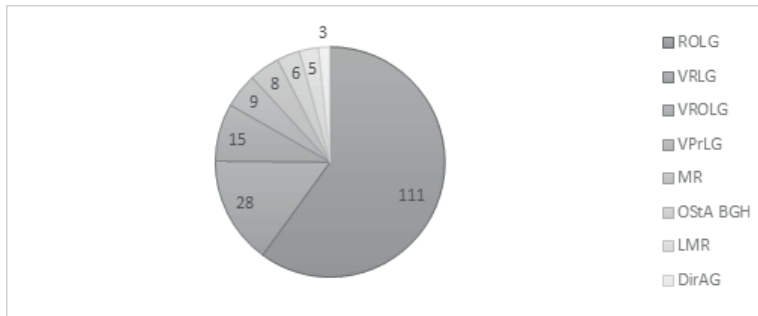
Last posts before appointment to BGH (n = 196)

Post by frequency	Absolute	%
1. <i>ROLG</i>	111	65.7
2. <i>VRLG</i>	28	14.3
3. <i>VROLG</i>	15	7.7
4. <i>VPrLG</i>	8	4.1
5. <i>MR</i>	8	4.1
6. <i>OStA BGH</i>	6	3.1
7. <i>LMR</i>	5	2.6
8. <i>DirAG</i>	3	1.5
9. <i>VPrOLG</i>	1	0.5
10. <i>StA BGH</i>	1	0.5
11. <i>RA</i>	1	0.5
12. <i>MD</i>	1	0.5
13. <i>OStA</i>	1	0.5
14. <i>VRBPatG</i>	1	0.5
15. <i>LOStA</i>	1	0.5
16. <i>RBPatG</i>	1	0.5
17. <i>ROLG2HA</i>	1	0.5
18. <i>RLG</i>	1	0.5
19. <i>RA BGH</i>	1	0.5
20. <i>RBayObLG</i>	1	0.5

The pie chart in Figure 3 visualises the quota of the top eight post categories (highlighted in italics above) before appointment to the BGH, that is, those with more than one person having held it.

Figure 3

Top eight last posts before appointment to BGH



The data show that 74.4% of BGH judges progressed there from a post at the OLG, that is, ROLG, VROLG, or VPrOLG (including the academic who held a post as a part-time ROLG). Another 17.4% came from promotion posts at the LG (VRLG and VPrLG). In total, 91.8% of all BGH judges thus came directly from a promotion post at the LG or OLG level.

Another recognizable result from Table 4 is the bunching of ministerial posts across the sample between PP3 and 8, with the main quota between PP3 and 5. This is also indicative of the possible use of ministerial secondments or appointments as stepping stones to a career at the BGH. Placements in ministries, it would seem reasonable to conclude, carry a greater chance of being exposed to – and possibly even selected by – staff close to the (party-)political sphere of government, something which may become useful when ministerial proposals or approvals of candidacies are required.

Year of appointment to BGH by gender

The administration of justice in the state judiciaries across Germany had subscribed to a form of “affirmative action”, preferring females over males if both had the same level of qualification for some time even before the year 2000. So it was of interest to check the distribution of candidates appointed to the BGH across the two decades by gender. The picture that emerged did not map onto that alleged policy, as can be seen from Figure 4 and Table 7.

Figure 4

Appointment to BGH by year and gender across the survey period (n = 196)

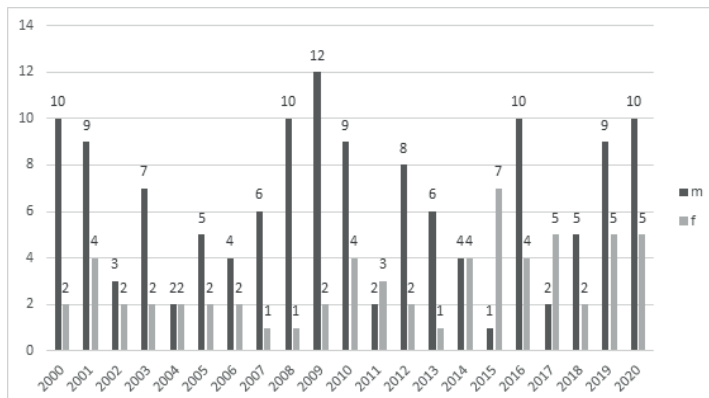


Table 7

Appointment to BGH by year and gender across the survey period (n = 196)

Year	m	f	Total	f %
2000	10	2	12	16.6
2001	9	4	13	30.8
2002	3	2	5	40.0
2003	7	2	9	22.2
2004	2	2	4	50.0
2005	5	2	7	28.6
2006	4	2	6	33.3
2007	6	1	7	14.3
2008	10	1	11	9.1
2009	12	2	14	14.3
2010	9	4	13	30.8
2011	2	3	5	60.0
2012	8	2	10	20.0
2013	6	1	7	14.3
2014	4	4	8	50.0
2015	1	7	8	87.5
2016	10	4	14	28.6
2017	2	5	7	71.4
2018	5	2	7	28.6
2019	9	5	14	35.7
2020	10	5	15	33.3
Total	134	62	196	31.6

Across the entire period, not even a third of the appointees were women. There were only three years, 2011, 2015 and 2017, when females were in the majority, and two, 2004 and 2014, where there was equality. Because of the secrecy of deliberations of the selection panel and the opaque nature of the process of proposals or support by state ministries, there is no way of avoiding the data access barrier of the procedure's "black box", with the exception of occasional administrative court proceedings by competitors who feel they were unjustly overlooked, the above-mentioned "*Konkurrentenklage*".²² These have become more frequent in recent times.²³ Their aim is, usually in the form requests for interim relief, to prevent the appointment of the selectee and to gain a rerun of the selection procedure. The plaintiff as a rule cannot request that the court order her instatement in the post, even though she may have been clearly

²² On this phenomenon and the constitutional background, see in general Michael Sachs and Ulrich Battis, *Grundgesetz, Kommentar* (9th ed.; 2021), Article 33 mn 41, with references to further literature and case law.

²³ See, for example, the continuously updated reporting of the German version of Legal Tribunal Online. See Annex IV for the online reference.

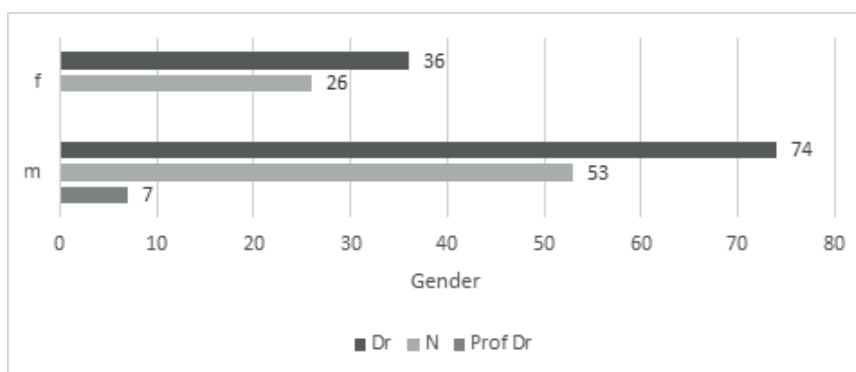
the candidate with the best qualification, which in any event is something that will rarely ever be the case.²⁴

In this context, it is useful to compare one aspect of legal/academic qualification, namely the degree to which BGH judges in the sample have a PhD in Law (“Dr. iur.”) or even a professorial title as evidence of mainly academic teaching activity – some of which may, of course, be honorary professorships. From research into the systems of Germany, the United Kingdom, and the international judicial arena over many years, it can be considered as fairly settled that overall the German judiciary as a rule has a much more academic bent²⁵ than, for example, its British counterpart, and has a far higher number of judges, prosecutors, and counsel who hold postgraduate research degrees in law. This should come as no surprise if one looks at the recruitment practice of British law firms who by far do not only hire law graduates, but also a large percentage of non-law graduates, and given that the British judiciary is still mainly recruited from the Bar, and less so from the Law Society, or the Crown Prosecution Service (CPS), for example. United Kingdom Supreme Court Judge Lord Sumption’s remarks in that regard are a rather telling rendition of that attitude:

Appreciating how to fit legal principles to particular facts is a real skill. Understanding the social or business background to legal problems is essential. I’m not sure current law degrees train you for that, nor really are they designed to. This is not a criticism of the course. It’s simply a recognition of the fact that a command of reasoning skills, an ability to understand and use evidence, and broad literary culture are all tremendously valuable to any advocate. If you don’t have them you are going to find it difficult to practise. *If you don’t know any law that is not a problem; you can find out* (emphasis added).²⁶

Figure 5 and Table 8 provide the data related to this issue with regard to the survey sample (n = 196).

Figure 5
Gender and PhD/Professorial Title (n = 196)



²⁴ Sachs and Battis, note 22 above, Article 33 mn 41.

²⁵ On the involvement of judges, prosecutors, and counsel in the practice of legal commentary writing in Germany, see Bohlander, “Drafting a Commentary on the Chinese Criminal Code – German Reflections on a Chinese Desideratum”, *Peking University Law Journal* (2021). See Annex IV for the online reference.

²⁶ “Non-law grads make the best lawyers, claims Supreme Court Judge, LawCareersNet, 13 July 2012 . See Annex IV for the online reference.

Table 8

Gender and PhD/Professorial Title (n = 196)

Gender	No PhD/ title	% of gender	PhD	% of gender	Prof Dr	% of total
m	53	39.6	74	55.2	7	5.2
f	26	41.9	36	58.1		0.0
Total by category	79	40.3	110	56.1	7	3.6
f % of category	32.9		32.7		0.0	

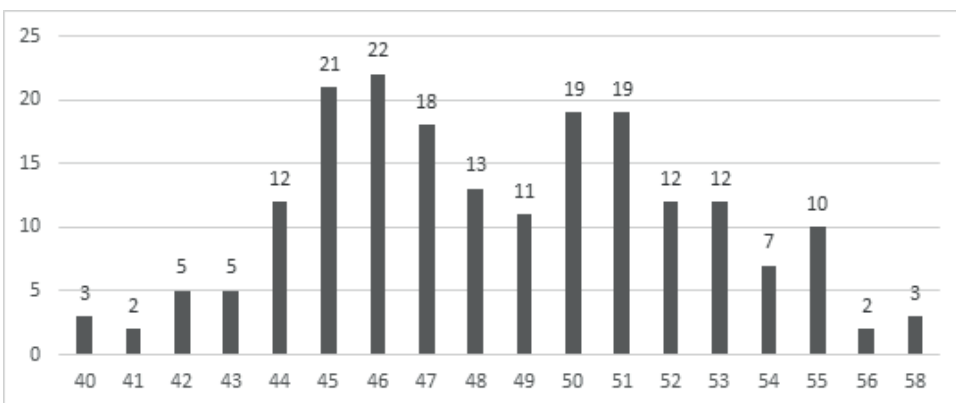
The result: although in absolute numbers over twice as many men than women hold a PhD, and no woman holds a professorship as opposed to seven men, the percentage of PhD holders by gender is higher in the female cohort by almost 3%; women also exceed the percentage of PhD holders across both gender cohorts by 2%. However, as the author already found in 1998,²⁷ PhDs in law are not a criterion which state recruiters for the administration of justice – as opposed to private law firms – put much emphasis on, yet given the often highly complex and academically sophisticated arguments required at federal appellate level, having a degree evidencing the ability to carry out advanced legal research certainly should be a more important factor there.

Age of appointment to the BGH

Given the relatively young age at which people join the bench/the prosecution in Germany – usually in their mid- to late twenties straight out of training – it is also of interest to find out at what age they arrive at the BGH. Figure 6 and Table 9 show the results from the present sample.

Figure 6

Age at appointment to BGH



²⁷ See Bohlander and Latour, note 4 above (1998), pp. 11-13, 15-18, 21.

Table 9

Age at appointment to BGH

Age	Number
40	3
41	2
42	5
43	5
44	12
45	21
46	22
47	18
48	13
49	11
50	19
51	19
52	12
53	12
54	7
55	10
56	2
58	3
Total	196

If one takes a rate of appointment of double figures per year of age as a cut-off threshold, the numbers show a bunching-up starting at the age of 44 lasting until the age of 53, with an outlier rate of 10 at the age of 55. The five years where the numbers cross or almost reach 20 are 45 to 47 and 50 to 51. 99 out of 196 judges, that is, just over half of them, were appointed in those age brackets, and out of those, 61, that is 61.6 %, were in the bracket of 45 to 47.

If one compares the appointment ages by gender of the total of both WiMi and non-WiMi appointees, an interesting shift occurs, as shown by Figure 7 and Table 10.

Figure 7

Age at appointment to BGH by gender

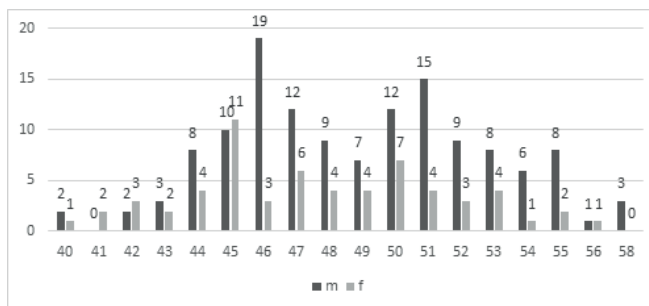


Table 10
Age at appointment to BGH by gender

Age	m	f	% m	% f	% total	% m	% f	% total
40	2	1	1.5	1.6	1.5			
41	0	2	0.0	3.2	1.0			
42	2	3	1.5	4.8	2.6			
43	3	2	2.2	3.2	2.6			
44	8	4	6.0	6.5	6.1			
45	10	11	7.5	17.7	10.7	18.7	37.0	24.5
46	19	3	14.2	4.8	11.2			
47	12	6	9.0	9.7	9.2			
48	9	4	6.7	6.5	6.6	48.6	58.0	51.5
49	7	4	5.2	6.5	5.6			
50	12	7	9.0	11.3	9.7			
51	15	4	11.2	6.5	9.7	74.0	82.3	76.5
52	9	3	6.7	4.8	6.1			
53	8	4	6.0	6.5	6.1			
54	6	1	4.5	1.6	3.6			
55	8	2	6.0	3.2	5.1			
56	1	1	0.7	1.6	1.0			
58	3	0	2.2	0.0	1.5			

These figures are evidence that, measured by their own cohort, female judges outperformed their male colleagues and the total of both sexes at the bunching thresholds (in italics) of around 25%, 50% and 75% of the total at ages 45, 48 and 51, and outperformed them heavily. At the age of 45, only 18.7% of male judges, but already 37.0% of female judges had been appointed to the BGH, against a total of 24.5%. By the age of 51, 74.0% of male judges had reached the BGH, as opposed to 82.3% of female judges, against a total of 76.5%. In all of the three years highlighted in Table 10, the percentage of male judges as a cohort remained under the percentage of the total numbers appointed. This could be seen as indicative of the fact that even though females are at a numerical disadvantage overall when it comes to their initial quota of nominees to the BGH, once they are on track to become BGH judges they do so at an earlier age. However, this finding receives a differentiated treatment when we compare the speed of WiMis and non-WiMis. To this we turn now.

The impact of being a WiMi

We already looked at the progression posts in general above, but as will become evident, the real career “game changer” among them appears to be the secondment to a federal court or the GBA as a WiMi – especially for females. Figure 8 and Table 11 show the WiMis at the BGH from 1997 to 2020 by gender. It

is important to remember that the WiMis typically stay at the federal institution for more than one year, so there is no point in trying to establish a correlation to the overall number of 196 judges, because some of the persons who were WiMis, for example, in 2018 may not have been appointed to the BGH yet in 2020, or indeed at all. Some from 1997 to 2000 may have been, however. A calculation of the total across all years is not possible because each WiMi will typically have served for three years, and the annual numbers are not indicative of an entirely new intake each year. The underlying data from the Federal Office of Justice²⁸ allow no inference of the annual turnover.

Figure 8
WiMi BGH 1997 – 2020 by gender

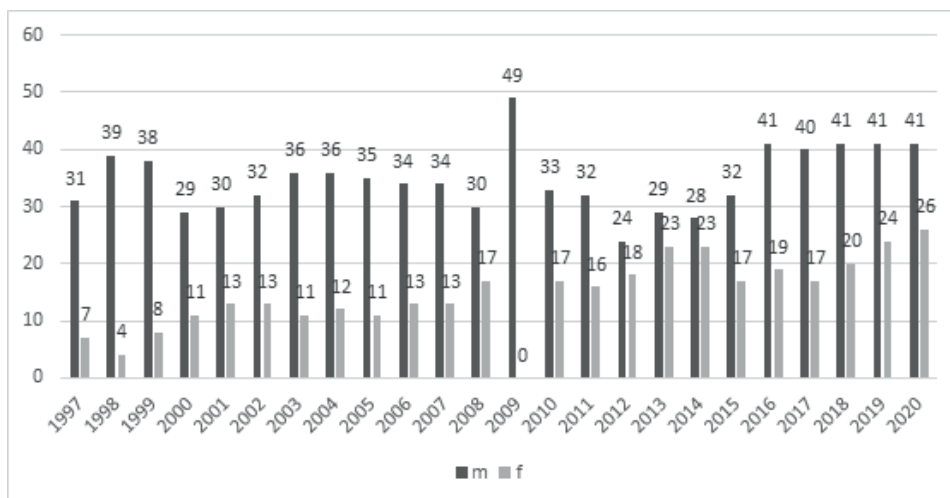


Table 11
WiMi BGH 1997 – 2020 by gender

Year	Total	m	f	% f
1997	38	31	7	18.4
1998	43	39	4	9.3
1999	46	38	8	17.4
2000	40	29	11	27.5
2001	43	30	13	30.2
2002	45	32	13	28.9
2003	47	36	11	23.4
2004	48	36	12	25.0
2005	46	35	11	23.9
2006	47	34	13	27.7

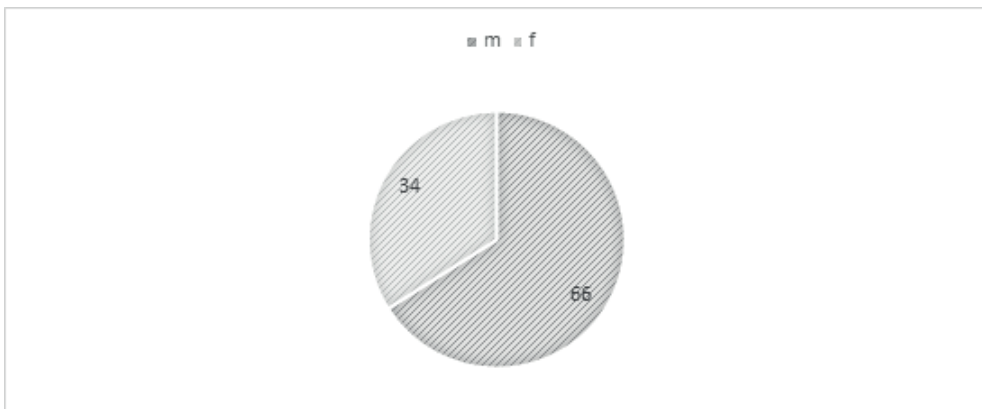
²⁸ Bundesamt für Justiz . See Annex IV for the online reference.

2007	47	34	13	27.7
2008	47	30	17	36.2
2009	49	49	0	0.0
2010	50	33	17	34.0
2011	48	32	16	33.3
2012	42	24	18	42.9
2013	52	29	23	44.2
2014	51	28	23	45.1
2015	49	32	17	34.7
2016	60	41	19	31.7
2017	57	40	17	29.8
2018	61	41	20	32.8
2019	65	41	24	36.9
2020	67	41	26	38.8

The discrepancy between the numbers of male and female judges which we saw earlier at the initial nomination stage seems to repeat itself in the selection for WiMi secondments, regardless of the fact that an annual intake cannot be inferred from the numbers, because the male WiMis *always* outnumber the females, and often significantly, which can only mean that the male intake was in general larger than the female. In 2009, there were no female WiMis at the court at all, strangely enough. The reason for this anomaly is not known and may ultimately just be sheer coincidence. The most recent WiMi gender and age composition data available²⁹ are of July/August 2022, as seen in Figures 9 and 10. There were almost twice as many males than females, and the vast majority of WiMis were between the ages of 35 and 44.

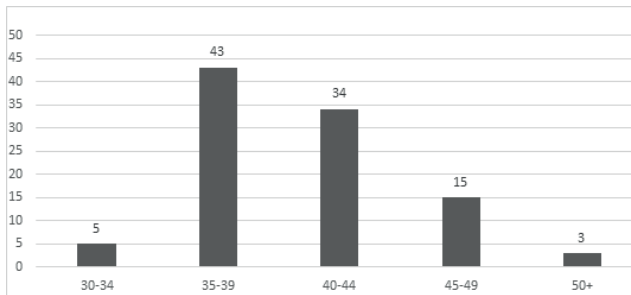
Figure 9

Gender composition of WiMis BGH August 2022



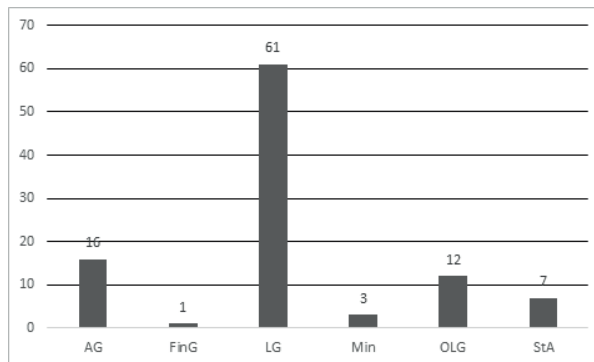
²⁹ See Annex IV for the online reference.

Figure 10
Age Composition of WiMis BGH August 2022



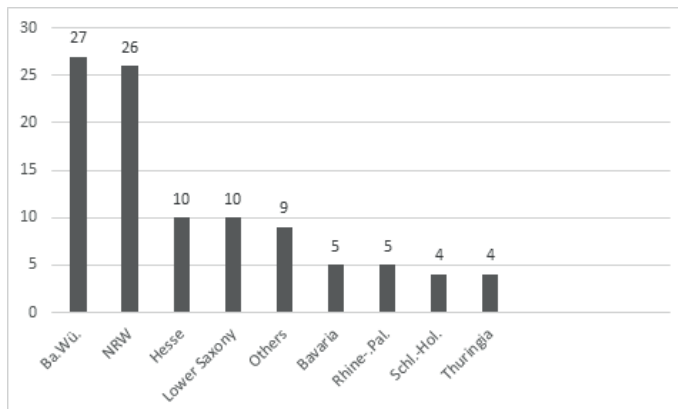
As Figure 11 shows, in August 2022, 61%, almost two thirds of the WiMis came from the *Landgericht* (LG) level, with a further 28% from AG and OLG. Together, they make up 89% of all WiMis. This would seem to be a clear indicator that in the last two to three years leading up to 2022, secondments to the BGH from anywhere but courts of ordinary jurisdiction were the exception of about 1 in 10.

Figure 11
WiMi- Sending institution in %



Finally, Figure 12 provides the sending states of those WiMis serving at the BGH at the same date.

Figure 12
Sending state in %



Ba.Wü. and NRW together supplied 53% of all WiMis in service on that date, more than all other states combined. Again, we see a distinctive underrepresentation of the five new *Länder*. Apart from this snapshot on one particular date, which was outside the sample period, the sample data allow for a calculation of the number of WiMis at all federal institutions, and of non-WiMis, across the 20-year sample period, and their respective progress by gender.

Before we look at that issue, however, another related factor needs explaining: it is not uncommon for persons who serve as a WiMi to be also promoted during their stage as a WiMi, thus giving them an additional boost on their path to a seat on the apex court. A person may, for example, have been seconded when they were a RLG and be appointed a ROLG during the secondment period. The overall number of WiMis in the sample, with three judges marked as U (and therefore $n = 193$), was 122, that is, 63.2%, with 71 non-WiMis, that is, 36.6%, as seen in Figure 13 and Table 12.

Figure 13

Promotion during WiMi stage

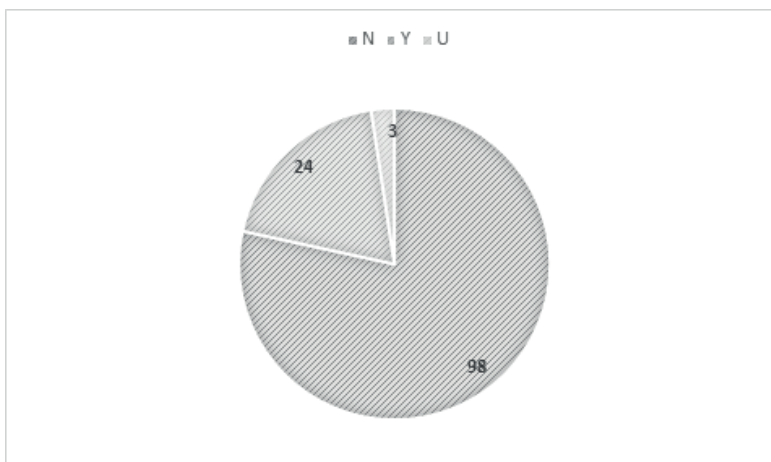


Table 12

Promotion during WiMi stage

Promotion during WiMi		% (n = 122)
N	98	80.0
Y	24	19.7
U	3	
Total	196	

The sheer number of at least 122 previous WiMis, or almost two thirds of the entire sample over 20 years, is reliable testament to the impact of having been a WiMi on the chances of selection for appointment as a judge at the BGH. Yet, almost 20% of WiMis receive the additional career enhancement of a promotion during the WiMi stage, something that non-WiMis by definition cannot experience to the same degree: you are either seconded to a higher court while retaining your lower court judicial title, or you are promoted – yet the

latter usually only happens to non-WiMis *after* the secondment has ended. If you are seconded outside the judiciary that may be different: you might in theory be promoted in your judicial office while being seconded to a ministry, for example. However, the sample did not contain any case in point (see Annex II b).

But let us return to the question of the difference between non-WiMis and WiMis with regard to the speed of their trajectory from their entry post to the BGH appointment. Figure 14 and Table 13 show the years it took both male and female non-WiMis to reach the top of the pole. N = 68 because of the three persons who were categorized as U.

Figure 14

Time non-WiMi from career entry to BGH

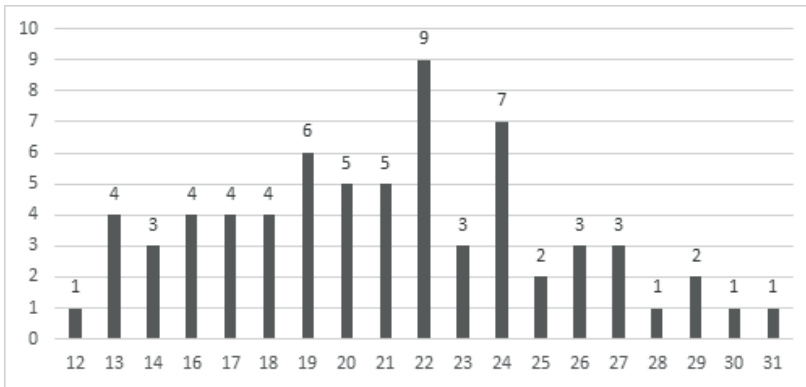


Table 13

Time non-WiMi from career entry to BGH

Years	Number
12	1
13	4
14	3
16	4
17	4
18	4
19	6
20	5
21	5
22	9
23	3
24	7
25	2
26	3
27	3

28	1
29	2
30	1
31	1
Total	68

These data show a relative bunching between 19 and 24 years of service before appointment across both genders. However, as Figure 15 and Table 14 show, there is a different picture for male and female candidates.

Figure 15

Entry post to BGH non-WiMi by gender

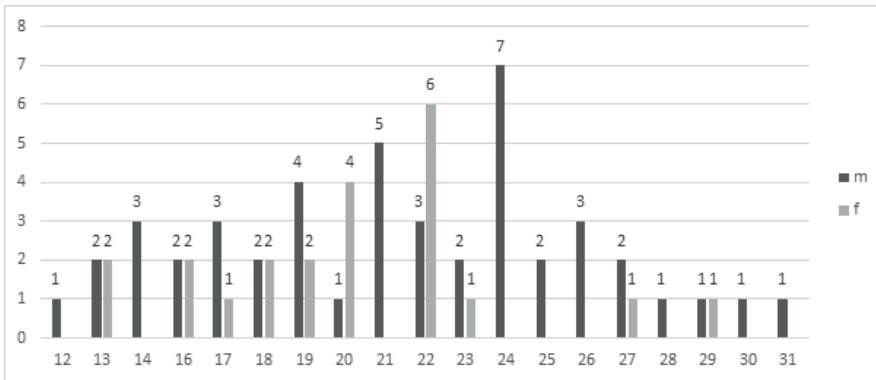


Table 14

Entry post to BGH non-WiMi by gender			
Years	m	f	Total
12	1	0	1
13	2	2	4
14	3	0	3
16	2	2	4
17	3	1	4
18	2	2	4
19	4	2	6
20	1	4	5
21	5	0	5
22	3	6	9
23	2	1	3
24	7	0	7
25	2	0	2
26	3	0	3

27	2	1	3
28	1		1
29	1	1	2
30	1		1
31	1		1
Total	46	22	68

Although at first glance Figure 13 would seem to suggest that female appointments to the BGH bunch earlier than those of the males, the calculation based on the actual numbers delivers the following result:

Average time males: 17.4 years
 Average time females: 19.8 years
 Average time total: 18.6 years

For non-WiMis, being a female thus carries no advantage; in fact their career takes on average over two years longer than that of the males, and still over a year longer than the average across genders. The explanation cannot be gleaned with sufficient certainty from the data found in the announcements; however, an obvious contender might again be the issue of child-rearing responsibilities and traditional gender roles. Verification of this hypothesis is not possible without further qualitative research, such as individual interviews with the judges. However, the picture changes drastically when we look at the trajectories of previous WiMis. Figure 16 and Table 15 represent the data found in the sample across genders.

Figure 16
 Time WiMi from career entry to BGH

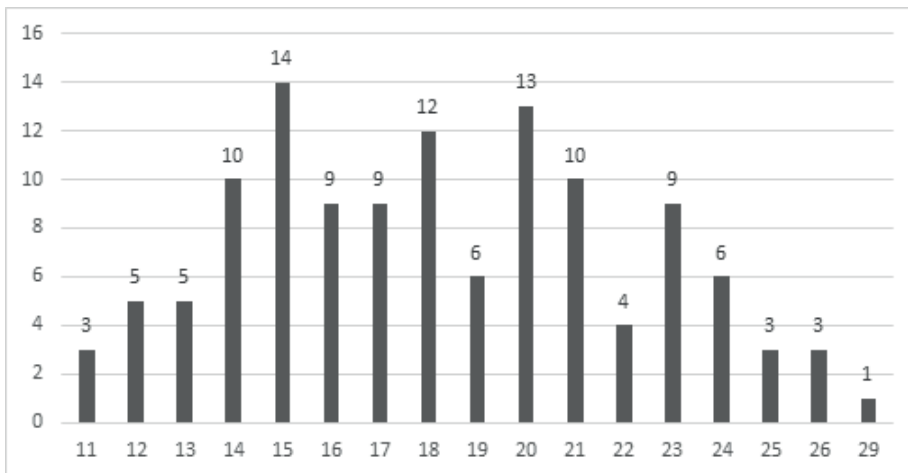


Table 15

Time WiMi from career entry to BGH

Entry post to BGH in years non-WiMi	
11	3
12	5
13	5
14	10
15	14
16	9
17	9
18	12
19	6
20	13
21	10
22	4
23	9
24	6
25	3
26	3
29	1
Total	122

The relative bunching across genders here begins after 14 years and lasts until 21 years, thus significantly earlier than for the non-WiMis. However, as Figure 17 and Table 16 show, the data also support the conclusion that being a WiMi seems to eliminate the gender differences within the WiMi sample almost entirely, which non-WiMis, however, still experience.

Figure 17

Time WiMi from career entry to BGH by gender

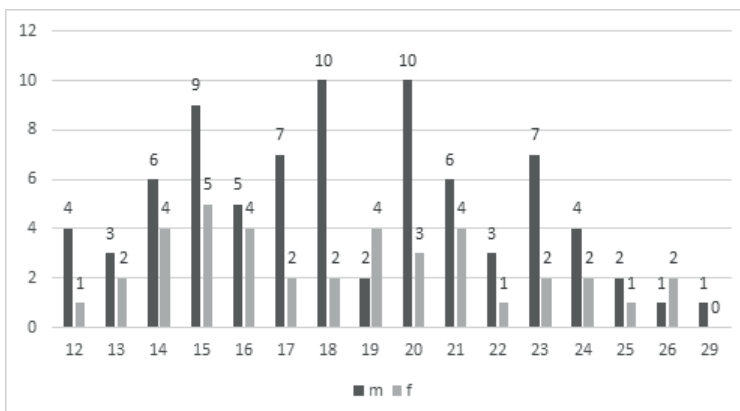


Table 16
Time WiMi from career entry to BGH by gender

Years	m	f
11	2	1
12	4	1
13	3	2
14	6	4
15	9	5
16	5	4
17	7	2
18	10	2
19	2	4
20	10	3
21	6	4
22	3	1
23	7	2
24	4	2
25	2	1
26	1	2
29	1	0

The average calculation leads to the following result:

Average time males: 17.4 years
 Average time females: 17.7 years
 Average total: 17.6 years

Based on the 20-year sample, it seems justifiable to say that having been a WiMi is the main career booster for females vis-à-vis non-WiMIs, and that gender plays hardly any role within the WiMi sample as such anymore (see also Table 17). Again, the reasons for the massive difference for female judges can only be speculated, yet the consideration which suggests itself again is that, for whatever reason, career breaks from child-rearing did not matter as much for the female WiMi sample. Maybe the women decided to put back any plans for raising children in order to further their careers, or maybe they had better and more equally shared caring arrangements with their partners, or maybe they simply did not have, or want to have, children.

Table 17

Comparison of career duration in years non-WiMi/WiMi

Non-WiMi		WiMi	
Average time males:	17.4 years	Average time males:	17.4 years
Average time females:	19.8 years	Average time females:	17.7 years
Average time total:	18.6 years	Average total:	17.6 years

Compared to male non-WiMis, male WiMis thus do not seem to benefit noticeably, but for the females being a WiMi means an average waiting time reduction of over 2 years. The reduced average total across genders thus seems to be entirely down to the boost which female WiMis enjoy.

This massive effect of being selected as a WiMi raises the fundamental question: how do you become a WiMi in the first place? In order to find out, the author wrote to all state ministries of justice, as well as the typical federal WiMi destinations with relevance for the BGH's jurisdiction, i.e., the BGH itself, the BVerfG and the GBA. The five questions were:

Q1: Was there a generally defined procedure for such secondments beyond the state judiciary acts for the above-mentioned period in your area of responsibility, and if so, on what legal basis?

Q2: Can you send me a copy of that legal basis (file or link)?

Q3: If there was no separate legal basis, how was the selection procedure structured in practice, that is, who initiated it and which bodies were involved before a decision was made on secondment?

Q4: In particular: have such secondment opportunities been advertised?

Q5: Has the procedure changed since 2020? If so, please explain briefly how, using numbers 1 to 4.

No answers were provided by Berlin, the GBA, Hamburg, Mecklenburg-Vorpommern, and the Saarland. The response by Bavaria did not engage with the individual questions and was very brief and thus useless for this survey. It is also important to note that the answers state the law and practice as of the date of response in 2022; they may since have changed, although all responses were clear that there had been no change since the sample period of 2000 to 2020. The responses³⁰ are listed in summarized form (in English) in Table 18; the titles of the laws and regulations were left in German.

³⁰ The letters from the author and the responses are on file with the author, in German.

Table 18

Response by states and federal institutions regarding practice of selection for federal WiMi postings

Respondent and date of response	Q1	Q2	Q3	Q4	Q5
BaWü 23/08/2022	N	N/A	Initiation by candidates – otherwise unclear response	N	N
Brandenburg 24/10/2022	N	N/A	Initiation by candidates; transmitted via chain of judicial hierarchy; involvement of presidial council and EDI office; secondment by president of highest state court/prosecutor-general after selection of candidate by BGH	Y	N
Bremen 15/08/2022	Y	Allgemeine Verfügung des Senators für Justiz und Verfassung über den Zugang der Richterinnen und Richter sowie der Staatsanwältinnen und Staatsanwälte zu Erprobungsstellen vom 11. April 2014 - 2000-5 -	Initiation by candidates with or without specific advertisement; transmitted via chain of judicial hierarchy to the Senator for Justice, who issues the secondment in case of selection of a candidate by BGH.	Y	N
Hesse 24/08/2022	N	N/A	Initiation by candidates with or without specific advertisement; transmitted via chain of judicial hierarchy to BGH. In case of selection by BGH, involvement of ministry, presidial council and EDI office, as required.	Y	N

Lower-Saxony 30/08/2022	N	N/A	OLG asks lower courts for expressions of interest from candidates; occasionally information events at a local level for interested judges etc. are held. Initiation by candidates with or without specific advertisement; transmitted via chain of judicial hierarchy to BGH, which requests secondment from OLG in case of selection.	Y	N
NRW 25/10/2022	Y	AV d. JM vom 2. Mai 2005 (2010 - I B. 61) - JMBl. NRW S. 136 - in der Fassung vom 9. Juli 2014 (Erprobungs-AV)	Initiation by candidates typically on basis of specific advertisement, in rare cases without (e.g. BVerfG); transmitted via chain of judicial hierarchy to BGH. In case of selection by BGH, involvement of ministry, judicial/prosecutorial council, as required.	Y	N
Rhine.-Palat. 22/08/2022	(Y) EDI only	§ 10 Landesgleichstellungsgesetz (LGG) of 11. July 1995 (GVBl. 1995, 208), since 29 December 2015 see §§ 7 und 24 Landesgleichstellungsgesetz (LGG) of 22 December 2015 (GVBl. 2015, 505)	Initiation by candidates on basis of specific advertisement; transmitted via chain of judicial hierarchy and after consultation with EDI office to BGH.	Y	N

<p>Saxony 08/11/2022</p>	<p>N</p>	<p>N/A</p>	<p>Annual request by Ministry of Justice for expressions of interest. Presidents of state supreme courts/prosecutor-general comment on candidacies and ranking; then sent to BGH. NB: Response stated expressly that there is generally very little interest in federal secondments, and hence ranking is not a real issue.</p>	<p>Y</p>	<p>N</p>
<p>Saxony- Anhalt 02/09/2022</p>	<p>N</p>	<p>N/A</p>	<p>Initiative by candidates on basis of advertisements, supreme court presidents/prosecutor-general need to express agreement. If affirmative, sent to BGH. NB: Selection by BGH is not a guarantee for secondment if personnel situation at post of origin does not allow absence.</p>	<p>Y Un- clear why re- sponse said N</p>	<p>N</p>
<p>Schleswig-Holstein 09/08/2022</p>	<p>N</p>	<p>N/A</p>	<p>Initiative by candidates on basis of advertisements or without; expressions of interest go straight to BGH via hierarchy; no involvement in selection process by state except provision of personnel files etc.</p>	<p>Y</p>	<p>N</p>

Thuringia 31/08/2022	Y	§ 4(4) ThürRiStAG	Request by Ministry of Justice for expressions of interest. Candidacies transmitted to BGH; apparently no pre-selection involvement by state.	(N) Request for expression of interest implies generic advertisement	N
BGH 25/08/2022	N/A	N/A	Candidates proposed by states; BGH invites candidates for interviews; if successful, BGH EDI office and staff council involved; if agreement, secondment requested	Y To all states	N
BVerfG 23/08/2022	Y	§ 13 GOBVerfG	Selection by individual judges; no formal procedure.	N	N

The responses are mostly self-explanatory; the majority of states and the BGH responded that vacancies for WiMis were advertised and people could express an interest in one form or another in their home jurisdictions. The selection procedure itself varies from state to state and as such remains opaque to a certain extent. It seems that at least in principle the earlier approach of waiting to receive a tap on the shoulder from a superior no longer holds sway to the same extent as in previous years. The BGH itself says this on its webpage on WiMi secondments:

The *Bundesgerichtshof* has a continuous interest in recruiting qualified colleagues for a secondment as *wissenschaftliche(r) Mitarbeiter(in)*. The secondment practice differs between the individual states. Some advertise the option of secondment state-wide, whereas in other potential candidates are approached directly. An application with the *Bundesgerichtshof* is not possible due to the different criteria for a secondment in each state.

Since women are still underrepresented among the *wissenschaftlichen Mitarbeiterinnen und Mitarbeiter* at the *Bundesgerichtshof*, like in other higher or promotion-relevant positions in the administration of justice, a special emphasis is placed on recruiting more female *wissenschaftliche Mitarbeiterinnen* in order to achieve an equal support of female lawyers.

With the *Bundesgerichtshof*, secondments may be served part-time, and there are good possibilities of working remotely.³¹

To which extent this intention expressed by the BGH is actually transposed within the state-based secondment selection procedures remains open to question, as the previous data on the gender quota have shown. Especially the part-time and remote options should be expected to enhance participation by females even if they have children, for example. It seems clear, however, that the problem is not at the BGH's end. The actual development of these options shows that they are indeed used almost exclusively by females. The part-time option has existed at the BGH since 2007. It still means a 100% secondment for three years, that is, part-time service does not lead to an extension of the term of secondment, and WiMis do not continue to serve the other part in their home state judiciary. Since that time until March 2024, 32 WiMis made use of it. 29 were women and three were men. On 11 March 2024, of the total of 73 WiMis there were 12 women and one man in service as part-time WiMis.

Mobile work, that is, working from home, has existed for a long time, as was the case with the judges. It is subject to individual agreement with the presiding judge of the respective senate; however, the judge in charge of the recruitment of new WiMis had no statistical data on how much the mobile work option has actually been used. It is not possible to serve the secondment completely from home. A certain time of in-person work at the court is required.³²

Note, however, the anomalous situation at one of the most prestigious WiMi destinations, the BVerfG: The selection is made by the individual judges of that court, without any formal procedure, and may be based on little more than a recommendation by a departing WiMi or personal acquaintance of the judge with the new candidate(s).³³

Promotion to presiding judge at the BGH

While appointment to the BGH is already a career move only a small minority of judges will ever experience, there is, of course, another competition which only begins once the BGH has been reached, that of promotion to presiding judge (*Vorsitzende/r Richter/in*) of a senate (VRBGH). A forceful and assertive presiding judge can steer the direction of her senate, depending on her colleagues' will to stress their own judicial independence. It is highly prestigious and carries a higher salary, although the relatively modest raise between the basic monthly salaries in bracket R6 for ordinary BGH judges (10,622 €) and bracket R8 for presiding judges (11,717 €)³⁴ is probably not the main incentive.

Figure 18 and Table 19 show the promotions to VRBGH posts during the sample period relative to the year of appointment to the BGH (RiBGH) by

³¹ Translation by author. See Annex IV for the online reference.

³² Emails from Judge Dr Desiree Dauber to the author of 11 March 2024 (on file with the author).

³³ See for an explanation and the critique of this model the commentary by Tristan Barczak, *BVerfGG - Mitarbeiterkommentar zum Bundesverfassungsgerichtsgesetz* (2018), §1 mn 114-125. See also Constantin Körner, „Jobprofil Wissenschaftlicher Mitarbeiter am BVerfG – Der „Dritte Senat.“ See Annex IV for the online reference.

³⁴ For numbers since 1 April 2022, see Annex IV for the online reference.

gender. Note that this naturally includes judges who had been appointed to the BGH before the sample period.

Figure 18

Promotion to VRBGH by gender in relation to year of appointment

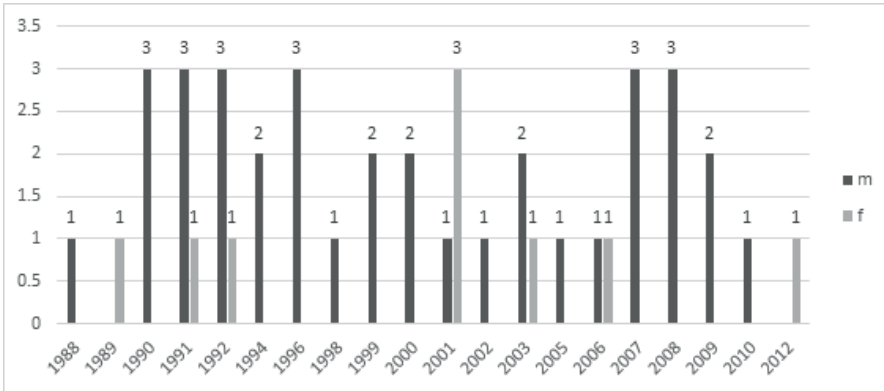


Table 19

Promotion to VRBGH by gender in relation to year of appointment

Year RiBGH	m	f	Total
1988	1		1
1989		1	1
1990	3		3
1991	3	1	4
1992	3	1	4
1994	2		2
1996	3		3
1998	1		1
1999	2		2
2000	2		2
2001	1	3	4
2002	1		1
2003	2	1	3
2004	1		1
2005	1	1	2
2006	3		3
2007	3		3
2009	2		2
2010	1		1
2012		1	1
	35	9	44

We see that during the sample period, 44 judges were promoted, of whom 20, or 45.5%, had already been judges at the BGH before the start of the sample period; only three women from that period made it to VRBGH during the sample period. Only the female cohort of 2001 had more promotions than the males. Overall, the males outnumber the females by almost 4:1.

Moving to the actual appointments by gender during the sample period, Figure 19 and Table 20 again show a preponderance of male judges across the period with only 2011 as the year when no male judge was appointed VRBGH.

Figure 19
Promotion to VRBGH by gender

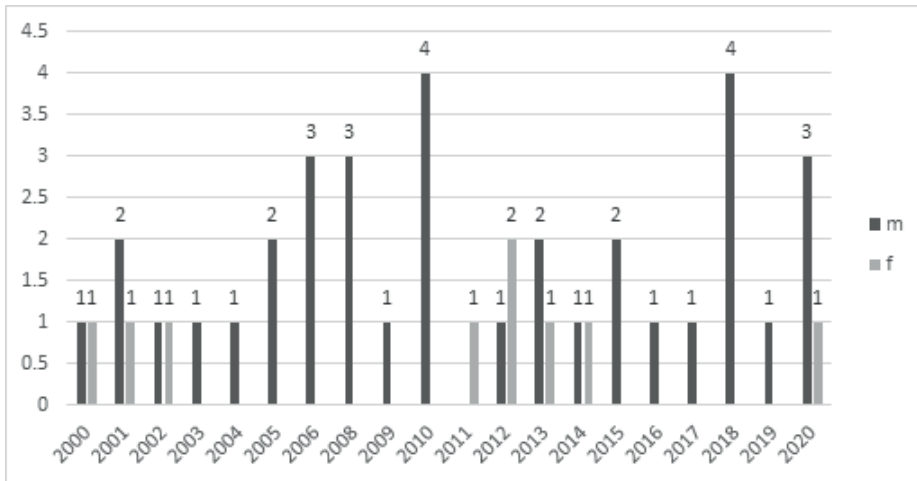


Table 20
Promotion to VRBGH by gender

Year	m	f	Total
2000	1	1	2
2001	2	1	3
2002	1	1	2
2003	1	0	1
2004	1	0	1
2005	2	0	2
2006	3	0	3
2008	3	0	3
2009	1	0	1
2010	4	0	4
2011	0	1	1
2012	1	2	3
2013	2	1	3

2014	1	1	2
2015	2		2
2016	1		1
2017	1		1
2018	4		4
2019	1		1
2020	3	1	4
Total	35	9	44

The bunching of female VRBGH begins in 2011, yet there are still a number of years after 2011 when no female was promoted. However, as Figure 20 and Table 21 suggest, overall females were promoted significantly faster than their male colleagues and faster than the overall average.

Figure 20

Years from RiBGH to VRBGH by gender

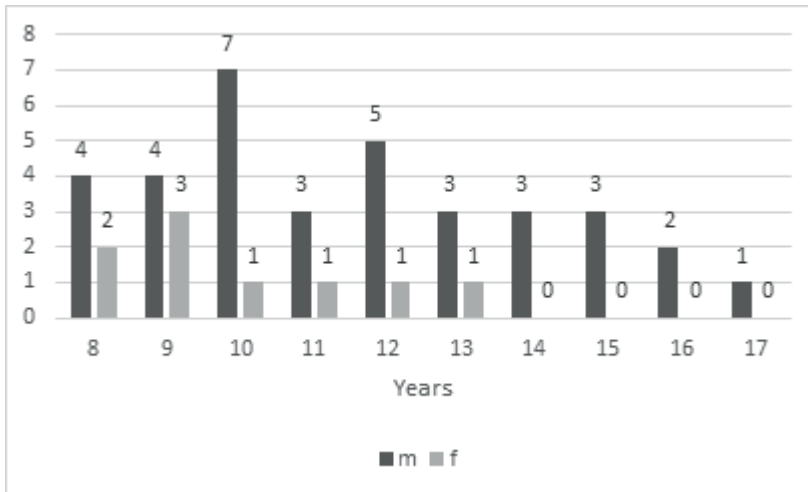


Table 21

Years from RiBGH to VRBGH by gender

Years	m	f
8	4	2
9	4	3
10	7	1
11	3	1
12	5	1
13	3	1

14	3	0
15	3	0
16	2	0
17	1	0

Calculating the average time to promotion from initial appointment to the BGH by gender and overall, the following picture emerges:

Average time males: 11.6 years
Average time females: 9.9 years
Average total: 10.8 years

As with the impact of being a WiMi on the initial appointment to the BGH, the females outperform their male colleagues by almost 2 years in the promotion to VRBGH and stay under the average by almost a year. The reasons for this are unclear: It may simply be that in the relevant years the female candidates were better qualified than other male contenders, and/or linked to this, that there may have been an aspect of affirmative action, that is, preferring female judges who were equally qualified, to redress the imbalance in the gender composition of presiding judges.

SUMMARY OF FINDINGS AND CONCLUSION

In this article we interrogated the environment in which 196 individual judges from different German states made their way to being appointed to the apex court of ordinary jurisdiction, the BGH, in the period from 2000 to 2020. This study is the first of its kind in the German context and allows for the tracking of individual career paths rather than generic criteria of the statistical composition of the BGH judiciary. A special emphasis was placed on the question whether there were any discernible gender-related differences. Overall, the first finding was that female judges were in a minority across the nation, and even more so at the BGH at the cut-off date of 31 December 2020.

Exploring the legal and institutional framework of the court hierarchy, the typical recruitment and career progress of judges and prosecutors, and of the BGH appointment process, we found that despite the enhanced attention given to issues such as equal access to public office and the duty of the selection panels under constitutional law to bear these in mind in a judgment by the BVerfG in 2016, the procedure seems to have remained more or less of a “black box”, not least because the BVerfG did not permit any judicial review of the secret deliberations or vote of these panels. In a sense, this ruling provides for a veil of decision-making which cannot be pierced.

We addressed the statistical limitations of the survey, which was based on publicly available press releases provided by the BGH about appointments from 2000 to 2020. These press releases give the full names, the career progression, and sometimes even personal status details of the newly appointed judges, such as whether they are married or have children, although the lack of consistency in the coverage of the latter data category does not allow for any statistical conclusions to be drawn from them. The question of whether this seems in line with modern data protection laws remains open, especially given that there

seems to have been no uniform practice of obtaining the judges' prior consent to the content of the announcements.

Looking at the gender ratio of the sample, we found that on the national level more than twice as many males than females were appointed during the sample period, with some states having an even more pronounced gender imbalance, and only Thuringia sending more females than males. There was also an imbalance of sending states between those of the former East German territories and the former Federal Republic, despite almost a decade having passed at the beginning of the sample period since the German unification in 1990.

BGH judges in the sample had overwhelmingly begun the probationary phase of their career at the LG, followed by the StA and the AG. The type and number of progression posts before the appointment to the BGH was varied, with one judge having gone through twelve different posts, but none less than two. There was a clear bunching between progression posts 4 and 8. Almost 92% of the last posts before appointment were posts at the OLG or promotion posts at the LG level.

The study of the year of appointment by gender showed that only in three years was there a majority of females being appointed, despite the fact, for example, that in relation to their cohort, the females had a higher quote of PhD holders than the males and surpassed the average of all PhD holders in the sample. However, most states do not put much emphasis on a PhD when recruiting candidates to the entry post of the state benches; yet it would seem to stand to reason that an advanced academic degree might be more relevant at the ultimate appellate level, where only – and often highly complex – questions of law are dealt with.

Overall, the age when judges of both genders were appointed showed a concentration between the ages of 44 and 53, and within that bracket between the ages of 45 to 47. The three youngest appointees were 40, the oldest three 58. However, when we differentiated the age of appointment between genders, the females outperformed their male colleagues quite dramatically, in that at each of the percentage thresholds of around 25%, 50%, and 75% of the overall sample, more women than men had been appointed, and always with a clear difference.

However, this picture changed again when the difference between WiMis and non-WiMis was taken into consideration. An available snapshot from August 2022, outside the sample period, showed that there were almost twice as many men than women seconded as WiMi to the BGH, as one of the WiMi destinations, with most of them in the age brackets from 35 to 39 and 40 to 44. 61% of them had been seconded from an LG post. The sample did not allow for a calculation of the WiMi cohort in earlier years because the length of a stage as a WiMi does not map onto any annual entry data and overlaps across years are the rule.

Returning to the sample, we found that 122 judges, around 63% of the entire sample, had been WiMis during their career, and that of those, almost 20% had also been promoted to a higher office during their secondment, as opposed to none from the non-WiMi cohort. When interrogating the age and gender of the two cohorts, it emerged that both in the non-WiMi cohort and the WiMi cohort, the male judges had an average appointment waiting time of around 17.4 years, whereas the time differed drastically for women: Non-WiMis needed to wait for 19.8 years but the WiMis had to wait only 17.7 years before being appointed.

Whereas the gender aspect played no discernible role within the WiMi cohort, it was a major career booster for female WiMIs, slicing off over 2 years from the average non-WiMi career trajectory before appointment to the BGH. It was thus important to know how states selected candidates for the WiMi route because it is not possible to apply directly to the BGH: Despite some attempts at opening up the procedure for self-nomination to the respective state authorities, the actual selection remained opaque and lacking uniformity. The BGH's stated policy of attracting more women to WiMi posts did thus not seem to be reflected in the actual secondment numbers.

Finally, examination of the promotion from being a member of a senate panel to its presiding judge disclosed the males outnumbering the females by almost 4:1 during the sample period; however, on average the females who were appointed reached the destination significantly faster than their male colleagues, that is, 9.9 years from appointment to the BGH versus 11.6 years, and they even surpassed the average total of 10.8 years.

Therefore in sum, while females were at a numerical disadvantage as far as overall recruitment numbers are concerned, especially those who managed to be selected as a WiMi received a drastic career boost vis-à-vis their female non-WiMi competitors, in essence drawing even with the males, where being a WiMi did not seem to carry an advantage compared to the male non-WiMi cohort. The same phenomenon could be seen in the secondary career trajectory from judge to presiding judge at the BGH. The reasons for these discrepancies are not easy to find, because that would require in-depth study of confidential employment data, access to which is highly unlikely to be granted, or interviews with each judge in the sample, something which would face similar confidentiality and logistical hurdles.

In any event, the study, despite its methodological limitations, has shown that the general anecdotal suspicion among German judges of all levels that being selected as a WiMi substantially increases the chances of being appointed to the BGH has not been disproven, and that women in particular benefit from it. It has also made clear that, consequently, more consideration should be given to a unified and more transparent WiMi nomination and selection process.

Annex I**BGH Appointment Press Releases 2000 – 2020**

Year	Date (DD/MM/YYYY)	PR-No.
2000	28/06/2000	44/2000
	01/08/2000	54/2000
	07/09/2000	66/2000
	12/10/2000	75/2000
	08/11/2000	81/2000
	28/11/2000	91/2000
2001	03/04/2001	27/2001
	03/05/2001	35/2001
	03/05/2001	36/2001
	05/07/2001	52/2001
	06/08/2001	59/2001
	06/09/2001	64/2001
	21/09/2001	67/2001
	05/11/2001	78/2001
2002	07/06/2002	57/2002
	30/07/2002	79/2002
	15/08/2002	82/2002
	02/10/2002	97/2002
	06/11/2002	110/2002
2003	06/02/2003	15/2003
	08/07/2003	89/2003
	11/07/2003	92/2003
	03/09/2003	103/2003
	11/12/2003	155/2003
	18/12/2003	157/2003
2004	04/05/2004	49/2004
	03/09/2004	100/2004
	03/09/2004	101/2004
	03/11/2004	126/2004
2005	10/01/2005	2/2005
	11/05/2005	72/2005
	02/06/2005	83/2005
	02/06/2005	84/2005
	05/07/2005	99/2005

	05/07/2005	100/2005
2006	01/08/2006	110/2006
	02/08/2006	111/2006
	04/08/2006	112/2006
	17/08/2006	119/2006
	06/09/2006	123/2006
	02/11/2006	152/2006
	02/11/2006	154/2006
2007	03/01/2007	2/2007
	02/05/2007	053 ³⁵ /2007
	15/06/2007	073/2008
	03/07/2007	089/2007
	01/08/2007	114/2007
	03/09/2007	123/2007
	02/11/2007	162/2007
2008	02/01/2008	001/2008
	04/02/2008	021/2008
	02/04/2008	062/2008
	02/04/2008	063/2008
	02/04/2008	064/2008
	15/04/2008	072/2008
	19/05/2008	094/2008
	02/06/2008	104/2008
	01/07/2008	125/2008
	01/09/2008	162/2008
	06/11/2008	203/2008
	06/11/2008	204/2008
2009	07/01/2009	002/2009
	02/03/2009	045/2009
	01/04/2009	070/2009
	01/04/2009	071/2009
	01/07/2009	142/2009
	01/09/2009	174/2009
	05/10/2009	204/2009
2010	04/01/2010	001 ³⁶ /2010

³⁵ From May 2007 onwards, the number format of the press releases was changed to a regular three-digit number.

³⁶ In 2010, the number format was curiously given both in the original and the post-2007 three-digit format.

	01/03/2010	046/2010
	06/04/2010	073/2010
	25/06/2010	130/2010
	25/06/2010	131/2010
	06/09/2010	168/2010
	06/09/2010	169/2010
	01/10/2010	187/2010
	02/11/2010	208/2010
	17/11/2010	222/2010
2011	03/01/2011	001/2011
	02/02/2011	020/2011
	13/05/2011	085/2011
2012	12/04/2012	046/2012
	02/05/2012	055/2012
	08/06/2012	083/2012
	18/06/2012	090/2012
	18/06/2012	091/2012
	02/07/2012	105/2012
	01/08/2012	125/2012
	03/09/2012	141/2012
	03/09/2012	142/2012
	05/10/2012	165/2012
2013	08/01/2013	003/2013
	07/02/2013	026/2013
	02/05/2013	082/2013
	01/07/2013	108/2013
	01/08/2013	133/2013
	01/10/2010	163/2013
2014	03/03/2014	040/2014
	01/07/2014	104/2014
	04/08/2014	122/2014
	20/11/2014	171/2014
2015	10/03/2015	030/2015
	09/04/2015	053/2015
	29/07/2015	130/2015
	03/08/2015	133/2015
	04/08/2015	137/2015
	01/09/2015	155/2015
	02/10/2015	169/2015

	02/12/2015	198/2015
2016	07/01/2016	002 ³⁷ /2016
	04/05/2016	080/2016
	24/06/2016	108/2016
	04/07/2016	111/2016
	01/09/2016	147/2016
	04/10/2016	175/2016
	02/11/2016	193/2016
	11/11/2016	206/2016
	22/11/2016	211/2016
	01/12/2016	219/2016
2017	02/01/2017	001/2017
	01/02/2017	015/2017
	08/05/2017	067/2017
	15/05/2017	073/2017
	29/06/2017	101/2017
	29/06/2017	102/2017
	29/12/2017	204/2017
2018	22/01/2018	017/2018
	22/01/2018	018/2018
	28/02/2018	041/2018
	29/03/2018	065/2018
	30/04/2018	084/2018
	30/05/2018	098/2018
	29/06/2018	110/2018
	25/07/2018	123/2018
	08/08/2018	134/2018
	12/11/2018	175/2018
2019	02/01/2019	001/2019
	01/04/2019	038/2019
	15/05/2019	067/2019
	22/05/2019	069/2019
	03/06/2019	073/2019
	01/07/2019	087/2019
	03/09/2019	114/2019
	01/10/2019	126/2019
2020	02/01/2020	001/2020

³⁷ The same double formatting as in 2010 happened again in 2016, but only for the first PR. The reasons are unclear.

	17/02/2020	018/2020
	02/06/2020	070/2020
	02/07/2020	087/2020
	27/08/2020	111/2020
	31/08/2020	112/2020
	02/11/2020	134/2020
	16/11/2020	138/2020
	01/12/2020	153/2020

Annex II - Full career trajectories by judge (anonymised)
 (Extrapolations and unusual career paths highlighted in grey)

Annex II a

Judges by gender, state and year of entry, and year of appointment to the BGH

Judge	Gen	LEP	YE	YBGH
BGH1	m	Hesse	1978	2000
BGH2	m	Bavaria	1988	2000
BGH3	m	Ba.-Wü.	1976	2000
BGH4	m	NRW	1984	2000
BGH5	m	Bavaria	1982	2000
BGH6	m	Hesse	1971	2000
BGH7	m	Lower Saxony	1978	2000
BGH8	f	NRW	1975	2000
BGH9	m	Bavaria	1983	2000
BGH10	m	Hesse	1983	2000
BGH11	m	Berlin	1975	2000
BGH12	f	Bavaria	1977	2000
BGH13	m	Bavaria	1975	2001
BGH14	m	NRW	1976	2001
BGH15	f	Schleswig-Holstein	1985	2001
BGH16	m	Hesse	1979	2001
BGH17	m	Bavaria	1974	2001
BGH18	m	Hamburg	1983	2001
BGH19	m	NRW	1981	2001
BGH20	m	Bavaria	1973	2001
BGH21	f	Ba.-Wü.	1983	2001
BGH22	f	NRW	1986	2001
BGH23	f	Ba.-Wü.	1978	2001
BGH24	m	Hesse	1977	2001
BGH25	m	NRW	1980	2001
BGH26	f	Lower Saxony	1981	2002
BGH27	m	Ba.-Wü.	2002 (BGH)	2002
BGH28	m	Bavaria	1981	2002
BGH29	f	NRW	1984	2002
BGH30	m	NRW	1976	2002
BGH31	m	Bavaria	1979	2003

BGH32	f	NRW	1981	2003
BGH33	m	Rhine.-Palat.	1985	2003
BGH34	m	Lower Saxony	1986	2003
BGH35	m	NRW	1990	2003
BGH36	m	Ba.-Wü.	1983	2003
BGH37	m	Ba.-Wü.	1985	2003
BGH38	f	Berlin	1987	2003
BGH39	m	NRW	1979	2003
BGH40	f	NRW	1988	2004
BGH41	m	Hesse	1990	2004
BGH42	m	Fed Min Defence	2002 (BGH)	2004
BGH43	f	Saarland	1990	2004
BGH44	m	Schleswig-Holstein	U	2005
BGH45	m	Ba.-Wü.	U	2005
BGH46	f	Bavaria	1976	2005
BGH47	m	Hamburg	1987	2005
BGH48	m	Hamburg	1981	2005
BGH49	m	Hesse	1991	2005
BGH50	f	Bavaria	1983	2005
BGH51	f	Lower Saxony	1984	2006
BGH52	m	NRW	1988	2006
BGH53	m	Bavaria	1995	2006
BGH54	m	Rhine.-Palat.	1992	2006
BGH55	f	Schleswig-Holstein	1988	2006
BGH56	m	Berlin	1985	2006
BGH57	m	Bavaria	1981	2007
BGH58	m	NRW	1995	2007
BGH59	f	Rhine.-Palat.	1993	2007
BGH60	m	NRW	1989	2007
BGH61	m	Ba.-Wü.	1986	2007
BGH62	m	Hesse	1992	2007
BGH63	m	Lower Saxony	1982	2007
BGH64	m	Bavaria	1984	2008
BGH65	m	Berlin	1988	2008
BGH66	m	Lower Saxony	1984	2008
BGH67	m	Hesse	1981	2008
BGH68	f	NRW	1988	2008
BGH69	m	NRW	1990	2008

BGH70 (E)	m	Thuringia	1991	2008
BGH71	m	Bavaria	1985	2008
BGH72	m	Lower Saxony	1979	2008
BGH73	m	Ba.-Wü.	1985	2008
BGH74	m	NRW	1990	2008
BGH75	f	Ba.-Wü.	1994	2009
BGH76	m	Lower Saxony	1989	2009
BGH77	m	Bremen	1995	2009
BGH78	m	Hamburg	1988	2009
BGH79	m	Bavaria	1986	2009
BGH80	f	Ba.-Wü.	1992	2009
BGH81	m	Ba.-Wü.	1994	2009
BGH82	m	NRW	1992	2009
BGH83	m	Hamburg	1997	2009
BGH84	m	Ba.-Wü.	1978	2009
BGH85	m	Berlin	1990	2009
BGH86	m	Hesse	1996	2009
BGH87	m	Ba.-Wü.	1988	2009
BGH88	m	Hesse	1988	2009
BGH89	m	Bavaria	1989	2010
BGH90	m	Hesse	1997	2010
BGH91	m	Lower Saxony	1994	2010
BGH92	m	Bavaria	1991	2010
BGH93	m	NRW	1980	2010
BGH94	m	Rhine.-Palat.	1994	2010
BGH95	m	Rhine.-Palat.	1988	2010
BGH96	f	Hesse	1995	2010
BGH97	f	Bavaria	1984	2010
BGH98	m	NRW	1990	2010
BGH99	f	Hamburg	1997	2010
BGH100	f	Ba.-Wü.	1987	2010
BGH101	m	Hesse	1987	2010
BGH102	m	NRW	1995	2011
BGH103	f	Lower Saxony	1997	2011
BGH104	f	Bavaria	1989	2011
BGH105	f	Ba.-Wü.	1999	2011
BGH106	m	Bavaria	1992	2011
BGH107 (U)	m	Saxony-Anhalt	1996	2012
BGH108	m	NRW	1993	2012

BGH109	m	NRW	1999	2012
BGH110	f	Ba.-Wü.	1988	2012
BGH111	m	NRW	1989	2012
BGH112	f	Berlin	1997	2012
BGH113	m	Bavaria	1988	2012
BGH114	m	Bavaria	1990	2012
BGH115	m	Hesse	1989	2012
BGH116	m	Saarland	1999	2012
BGH117	m	Ba.-Wü.	1993	2013
BGH118	m	NRW	1990	2013
BGH119 (W)	m	Mecklen.-Vorp.	1995	2013
BGH120	m	Berlin	1998	2013
BGH121	m	Bavaria	1996	2013
BGH122	f	Fed Min Justice	1992	2013
BGH123	m	Ba.-Wü.	1998	2013
BGH124 (U)	f	Brandenburg	1994	2014
BGH125	f	Bavaria	1990	2014
BGH126	f	NRW	1996	2014
BGH127	m	Ba.-Wü.	1995	2014
BGH128	f	Hesse	2003	2014
BGH129	m	Hamburg	1997	2014
BGH130	m	Hamburg	2002	2014
BGH131	m	NRW	1994	2014
BGH132	f	Ba.-Wü.	1993	2015
BGH133	f	Berlin	1999	2015
BGH134	f	Bavaria	1996	2015
BGH135	m	Bavaria	1991	2015
BGH136	f	Ba.-Wü.	2002	2015
BGH137	f	Rhine.-Palat.	1995	2015
BGH138	f	Hesse	2001	2015
BGH 139	f	Bavaria	1996	2015
BGH140	m	NRW	1992	2016
BGH141	f	Ba.-Wü.	1995	2016
BGH142	f	Ba.-Wü.	1999	2016
BGH143 (U)	f	Saxony	1996	2016
BGH144	m	Hesse	1998	2016
BGH145	m	Ba.-Wü.	2002	2016
BGH146 (W)	f	Thuringia	1994	2016
BGH147	m	Bavaria	1999	2016

BGH148	m	Schleswig-Holstein	2005	2016
BGH149	m	Berlin	1990	2016
BGH150	m	NRW	2002	2016
BGH151	m	Bavaria	1995	2016
BGH152	m	Ba.-Wü.	2002	2016
BGH153	m	Ba.-Wü.	2001	2016
BGH154	m	Lower Saxony	2003	2017
BGH155	f	NRW	1997	2017
BGH156	f	NRW	2000	2017
BGH157	m	NRW	1992	2017
BGH158 (U)	f	Thuringia	1991	2017
BGH159	f	Bremen	2004	2017
BGH160	f	Schleswig-Holstein	2004	2017
BGH161 (U)	m	Saxony	1998	2018
BGH162	m	Schleswig-Holstein	2001	2018
BGH163	f	Lower Saxony	1997	2018
BGH164 (U)	m	Saxony	1998	2018
BGH165	m	Saarland	2003	2018
BGH166	f	Ba.-Wü.	1999	2018
BGH167	m	Bavaria	1998	2018
BGH168 (U)	m	Brandenburg	1996	2019
BGH169	m	Hamburg	2005	2019
BGH170	m	Hamburg	2003	2019
BGH171	m	Bavaria	1997	2019
BGH172	m	NRW	1998	2019
BGH173	m	NRW	2003	2019
BGH174	f	Hamburg	2000	2019
BGH175	f	Ba.-Wü.	2003	2019
BGH176	f	Berlin	2004	2019
BGH177	f	Ba.-Wü.	2000	2019
BGH178	m	Rhine.-Palat.	2007	2019
BGH179	f	Ba.-Wü.	2000	2019
BGH180	m	Ba.-Wü.	2004	2019
BGH181	m	NRW	2001	2019
BGH182	m	Ba.-Wü.	1997	2020
BGH183	m	Saarland	2005	2020
BGH184	m	Lower Saxony	1999	2020
BGH185	m	Lower Saxony	2000	2020
BGH186 (U)	f	Thuringia	1993	2020

BGH187 (U)	f	Thuringia	1998	2020
BGH188	m	Ba.-Wü.	2003	2020
BGH189	m	Hesse	2007	2020
BGH190	f	Bavaria	2002	2020
BGH191	m	Bavaria	1996	2020
BGH192	f	Bavaria	2004	2020
BGH193	m	Hamburg	2001	2020
BGH194	f	NRW	2000	2020
BGH195	m	Lower Saxony	2005	2020
BGH196 (U)	m	Saxony-Anhalt	1991	2020

Annex II b
Judges by gender, entry and promotion posts before appointment to the BGH

Judge	Gen	EP	PP 1	PP 2	PP 3	PP 4	PP 5	PP 6	PP 7	PP 8	PP 9	PP 10	PP 11	PP 12	Prom while WiMi
BGH1	m	LG	AG	AG	Min	VRLG	Min	VRLG	VPrLG	MD					N/A
BGH2	m	AG	StA (t)	WiMi BGH	RLG	VRLG	MR								N
BGH3	m	U	U	U	U	U	U	U	U	U					N/A
BGH4	m	LG	RLG	ROLG	VRLG										N/A
BGH5	m	LG	AG	StA (t)	WiMi BGH	ROLG	VROLG								N
BGH6	m	AG	LG	Min (t)	OLG	MR	LMR								N/A
BGH7	m	LG	RAG	AG	StA (t)	WiMi BVerfG	ROLG	Min	VROLG						N
BGH8	f	LG	AG	WiMi GBA	WiMi BVerfG	ROLG	OstA BGH								Y
BGH9	m	LG	RLG	StA	WiMi BGH	OLG	StA GL	WiMi BVerfG	ROLG						Y
BGH10	m	LG	AG	AG	RLG	ROLG									N/A
BGH11	m	StA	U (LG/AG)	RLG	Min	ROLG	WiMi BGH	VRLG	BZR						N
BGH12	f	Min	StA	RAG	ROLG										N/A
BGH13	m	LG	StA	StA (t)	RLG	StA GL	OstA	VRLG	OstA	Stv LOStA	VPrLG				N/A
BGH14	m	LG	AG	AG	AG	AG	AG	RLG	ROLG	WiMi BGH					N
BGH15	f	LG	AG	RAG	OLG	ROLG									N/A

BGH71	m	LG	AG	StA	StA (t)	LG	WiMi BGH	LG	ROLG	ROLG	VRIG	ROLG				N
BGH72	m	StA	LG	AG	Min	RLG	WiMi BGH	ROLG	VRIG	VRIG						U
BGH73	m	StA	VG	AG	LG	StA (t)	RLG	StA (t)	VRIG	VRIG						N
BGH74	m	LG	AG	AG	RAG	RLG	ROLG	RLG								N/A
BGH75	f	StA	AG	StA	LG	RLG	WiMi BGH	ROLG	ROLG							N
BGH76	m	LG	AG	AG	StA	WiMi BGH	RLG	ROLG								N
BGH77	m	StA	LG	AG	AG	RAG	WiMi BVerfG	ROLG	ROLG							N
BGH78	m	U	RLG	Min	WiMiLTF	VRIG										N/A
BGH79	m	U	StA (t)	RLG	WiMi:BGH	RAG	ROLG	RAG	ROLG	ROLG						N
BGH80	f	StA	LG	AG	AG	RLG	WiMi BGH	ROLG	ROLG	ROLG						N
BGH81	m	AG	LG	RLG	OLG	Min	WiMi BGH	ROLG	ROLG							N
BGH82	m	LG	RLG	WiMi BGH	ROLG	VRIG										N
BGH83	m	AG	LG	RLG	ROLG											N/A
BGH84	m	StA	Min	StA	Min	RD Min	OStA	Min	StV	LOStA	LOStA	VRIG	VPrOLG			N/A
BGH85	m	LG	AG	Min	RLG	Min	ROLG	ROLG								N/A
BGH86	m	LG	AG	RLG	ROLG	Min	MR	MR								N/A
BGH87	m	AG	LG	StA	RLG	WiMi BGH	ROLG	ROLG								N

BGH88	m	AG	LG	Min	RLG	WiMi GBA	ROLG	OStA BGH	WiMi BVerfG	Min	WiMi BVerfG			Y
BGH89	m	U	StA (t)	LG	RLG	WiMi BGH	WiMi BVerfG	LG	StA GrL	OStA	VRLG			N
BGH90	m	AG	LG	RLG	WiMi BGH	ROLG								N
BGH91	m	LG	AG	AG	StA	RLG	WiMi BGH	ROLG						Y
BGH92	m	StA	StA (t)	RLG	ROLG									N/A
BGH93	m	LG	AG	AG	LG	OLG	RLG	OLG	ROLG	VROLG				N/A
BGH94	m	LG	AG	RLG	WiMi BGH	OLG	VRLG							N
BGH95	m	AG	LG	RLG	WiMi BGH	WiMi BVerfG	ROLG							Y
BGH96	f	RR Min	LG	RLG	WiMi BVerfG	VRLG								N
BGH97	f	LG	StA	StA (t)	RLG	BPatG	RBPatG	WiMi BGH	BPatG	VRBPatG				N
BGH98	m	LG	AG	OLG	RLG	WiMi BGH	OLG	ROLG	VROLG					N
BGH99	f	LG	StA	LG	AG	RLG	OLG	LG	ROLG					N/A
BGH100	f	U	StA (t)	Min	RLG	WiMi BGH	ROLG	VRLG	VROLG					Y
BGH101	m	AG	LG	RLG	OLG	VRLG	OLG	ROLG						N/A
BGH102	m	LG	AG	OLG	RLG	Min	OLG	ROLG						N/A
BGH103	f	StA	AG	LG	RLG	WiMi BVerfG	ROLG	Min						N
BGH104	f	LG	StA	AG	RLG	ROLG	BVerfG							N/A
BGH105	f	AG	LG	StA	Min	RAG	RD Min	OLG	WiMi BGH	ROLG	WiMi BVerfG			Y

BGH123	m	AG	StA	AG	AG	RAH	Min	RLG	WiMi BGH	OLG	Min	ROLG	LMR		N
BGH124 (U)	f	LG	AG	RLG	ROLG										N/A
BGH125	f	StA	StA (t)	WiMi GBA	RAG	RAG	StA GrL	VRLG	ROLG						N
BGH126	f	LG	AG	OLG	RLG	RLG	Min	ROLG	VROLG						N/A
BGH127	m	LG	StA	AG	Min	Min	RLG	WiMi BGH	OLG	LG	VRLG	ROLG	VPrLG		N
BGH128	f	LG	AG	Min	RLG	RLG	WiMi BGH	WiMi BVerfG	ROLG						Y
BGH129	m	AG	AG	RAG	AG	AG	OLG	ROLG							N/A
BGH130	m	LG	RLG	WiMi BGH	OLG	OLG	ROLG								N
BGH131	m	LG	OLG	RLG	WiMi BVerfG	WiMi BVerfG	ROLG								N
BGH132	f	AG	LG	StA	RLG	RLG	WiMi BVerfG	OLG	ROLG	VRLG					N
BGH133	f	AG	StA	LG	Min	Min	RLG	Min	WiMi BGH	OLG	ROLG	WiMi BVerfG			N
BGH134	f	StA	Min	RR Min	RLG	RLG	StA GrL	GenStA	OStA						N/A
BGH135	m	AG	StA	StA (t)	RAG	RAG	OLG	ROLG	Min	MR					N/A
BGH136	f	StA	LG	AG	StA (t)	StA (t)	Min	RLG	OLG	ROLG					N/A
BGH137	f	AG	LG	WiMi BGH	ROLG	ROLG									N
BGH138	f	LG	RLG	WiMi BVerfG	Min	Min	LG	ROLG							N
BGH 139	f	StA	Min	RR Min	RLG	RLG	WiMi BVerfG	Min	MR	ROLG					N

BGH156	f	LG	AG	AG	OLG	RLG	Min	ROLG	VROLG											N/A
BGH157	m	LG	AG	AG	AG	AG	RLG	OLG	VRLG	Min										N/A
BGH158 (U)	f	KrG	LG	LG	RLG	OLG	WiMi BGH	ROLG	VROLG											Y
BGH159	f	AG	AG	AG	RAG	LG	RLG	WiMi BGH	ROLG											N
BGH160	f	AG	AG	AG	AG	LG	WiMi ECTHR	RAG	WiMi BVerfG	ROLG										Y
BGH161 (U)	m	StA	AG	AG	WiMi Sax VerfG	RLG	OLG	ROLG	WiMi BGH	VROLG										N
BGH162	m	LG	AG	AG	RLG	WiMi BGH	VRLG													N
BGH163	f	StA	AG	AG	LG	RLG	WiMi BGH	ROLG												N
BGH164 (U)	m	AG	LG	LG	RA	StA	StA (t)	WiMi GBA	StA BGH	Min										N
BGH165	m	AG	Min	Min	RLG	WiMi BVerfG	AG	OLG	ROLG	Landtag										N
BGH166	f	AG	StA	StA	Min	StA (t)	LG	RLG	WiMi BGH	ROLG										N
BGH167	m	StA	Min	Min	StA (t)	RAG	RLG	WiMi BGH	OLG	ROLG										N
BGH168 (U)	m	LG	AG	AG	RAG	LG	OLG	RAG Stv Dir	ROLG											N
BGH169	m	LG	AG	AG	RLG	OLG	WiMi BGH	LG	VRLG											N
BGH170	m	AG	AG	AG	RAG	OLG	AG	AG	RLG	WiMi BGH	ROLG									N
BGH171	m	LG	Min	Min	RR Min	ORR Min	StA (t)	ORR Min	RD Min	RAG	MR	RD Min	ROLG	MR	ROLG	MR				N/A

BGH188	m	AG	AG	StA	Min	StA (t)	GBA	StA GrL	LV EU	OStA	StV LOStA	ZSNS	LOS- tA	N/A
BGH189	m	StA	Min	WiMi BVerfG	StA (t)	AG	RLG	VRLG	Min	MR	LMR			N
BGH190	f	AG	StA	StA (t)	Min	RLG	WiMi BGH	LG	OLG	ROLG				N
BGH191	m	StA	WiMi GBA	StA (t)	RLG	StA GrL	OStA GStA	Btag	ROLG					N
BGH192	f	StA	WiMi BVerfG	StA (t)	StA	RAG	WiMi BGH	OLG	RAG WAR	ROLG				N
BGH193	m	AG	AG	OLG	RAG	RLG	WiMi BVerfG	OLG	Min	VRLG	ROLG			N
BGH194	f	LG	AG	Min	LG	RLG	WiMi BGH	WiMi BVerfG	ROLG	VPrLG				Y
BGH195	m	StA	LG	AG	RLG	WiMi GBA	LG	ROLG						N
BGH196 (U)	m	LG	KrG	LG	OLG	RLG	OLG	LG	WiMi BGH	VRLG	DirAG			N

Annex III

Glossary of abbreviations:

Abbreviations

Note on terminology and gender diversity:

The male and female version of each personal title have been indicated by the use of the “/” followed by the female ending of the basic male term, for example, “*Richter/in*”, in order to keep the description as crisp as possible while acknowledging gender diversity in title designations. Official German usage can vary from the constant and cumbersome use of both terms, especially in the generic plural (“*Richter und Richterinnen*”), to the use of a so-called gender star (“*Richter*innen*”), which does, however, not represent the proper declined form of both gendered titles. However, in compound nouns denoting the office or the institution as such, for example, “*Generalbundesanwaltschaft*”, the male form still persists as the only correct one for the stem (*Generalbundesanwalt*) of the compound, even if the incumbent is female. The entire word is, however, always female, through the use of the female suffix “-schaft”.

The full terms are accompanied by explanations of the role and function, where appropriate. Where an official translation is given on the webpages of an institution, that has been used. Abbreviations have been used throughout instead of the full terms to avoid overloading the text with gendered terms.

AdminLT	Administration of a <i>Landtag</i> (state parliament)
AG	<i>Amtsgericht</i> (entry level court for minor criminal and civil matters – typical career entry level posting)
ArbG	<i>Arbeitsgericht</i> (employment tribunal)
BG	<i>Bezirksgericht</i> (district court – previous GDR hierarchy equivalent to LG)
BGH	<i>Bundesgerichtshof</i> (Federal Court of Justice)
BKanzlerAmt	<i>Bundeskanzleramt</i> /Federal Chancellery
BMJ	<i>Bundesministerium der Justiz</i> (Federal Ministry of Justice)
BPatG	<i>Bundespatentgericht</i> (Federal Patent Court)
BTag	<i>Bundestag</i> (Federal Parliament)
BVerfG	<i>Bundesverfassungsgericht</i> (Federal Constitutional Court)

BZR	<i>Bundeszentralregister</i> (Federal Criminal Records Bureau)
DirAG	<i>Direktor/in des Amtsgerichts</i> (Director of an AG)
DPatMO	<i>Deutsches Patent- und Markenamt</i> (German Patent and Trademark Office)
ECtHR	European Court of Human Rights
EDI	Equality, Diversity and Inclusion
FH RpfI	<i>Fachhochschule für Rechtspflege</i> (University of Applied Sciences for the Administration of Justice – in previous UK terms similar to a polytechnic)
GBA	<i>Generalbundesanwaltschaft</i> (Federal Prosecutor-General's Office)
GStA	<i>Generalstaatsanwaltschaft</i> (State Prosecutor-General's Office)
JVA	<i>Justizvollzugsanstalt</i> (Prison)
KrG	<i>Kreisgericht</i> (circuit court – previous GDR equivalent to AG)
<i>Land/Länder</i>	Member state(s) of the federation
LG	<i>Landgericht</i> (district court – typical career entry level posting)
LMR	<i>Leitende/r Ministerialrat/rätin</i> (Senior ministry official, usually a head of department)
LO CJEU	Legal Officer at the Court of Justice of the European Union
LOStA	<i>Leitende/r Oberstaatsanwalt/wältin</i> (Chief Prosecutor)
Ltd RD PO	<i>Leitende/r Regierungsdirektor/in</i> (senior administration official) at the Patent Office
LV EU	<i>Landesvertretung</i> (State Representative's Office) with the European Union
MD	<i>Ministerialdirektor/in</i> (mid-level ministry official)
Min	Ministry
Min (t)	Tenured ministry post
MR	<i>Ministerialrat/rätin</i> (mid-level ministry official)
OLG	<i>Oberlandesgericht</i> (state supreme court)
OLG/LVerfG	Joint post at OLG and <i>Landesverfassungsgericht</i> (state constitutional court) – secondment post
ORR Min	<i>Oberregierungsrat/rätin</i> (lower administration official) in a ministry
OStA	<i>Oberstaatsanwalt/wältin</i> (senior prosecutor)
OStA BGH	<i>Oberstaatsanwalt/wältin</i> at the BGH (mid-level prosecutor at GBA)
OStA GStA	<i>Oberstaatsanwalt/wältin</i> at a state prosecutor-general's office

Proberichter/in; Richter/in auf Probe	Judge on probationary status – typical career entry level post
RA	<i>Rechtsanwalt</i> (attorney)
RAG	<i>Richter/in am AG</i> (judge at the AG, typical entry level tenured post)
RAG Stv Dir	<i>Stellvertretende/r Direktor/in</i> of an AG (deputy director)
RAG WAR	<i>RAG als weiterer aufsichtsführender Richter</i> (deputy line manager at larger AGs)
RBayObLG	<i>Richter/in am Bayerischen Obersten Landesgericht</i> (judge at the Bavarian Supreme Court – a Bavarian appellate court not existing in any other state, and distinct from the OLGs which also exist in Bavaria)
RBG	<i>Richter/in am Bezirksgericht</i> (judge at the BG) – Note: Some judges who started their career in West Germany moved to East Germany shortly after German unification, not least because the chances of promotion were better.
RBPatG	<i>Richter/in am BPatG</i>
RD	<i>Regierungsdirektor/in</i> (mid-level administration official)
RD Min	<i>Regierungsdirektor/in</i> in a ministry
RLG	<i>Richter/in am LG</i> (judge at the LG – typical entry level tenured post)
ROLG	<i>Richter/in am OLG</i> (judge at the OLG – typical first promotion post)
ROLG2HA	<i>ROLG im 2. Hauptamt</i> (part-time ROLG, usually a law professor)
ROVG	<i>Richter/in am Oberverwaltungsgericht</i> (judge at the upper administrative tribunal – typical first promotion post)
RR	<i>Regierungsrat/rätin</i> (mid-level administration official)
RR Min	<i>Regierungsrat/rätin</i> in a ministry
StA	<i>Staatsanwalt/wältin</i> (public prosecutor – typical career entry level posting)
StA (t)	<i>Staatsanwalt/wältin</i> with tenure (public prosecutor – typical entry level tenured post)
StA BGH	<i>Staatsanwalt/wältin</i> at the BGH (lower level post at the GBA)
StA GrL	<i>Staatsanwalt/wältin als Gruppenleiter/in</i> (prosecutor as group leader – in some states a typical first promotion post)
StA GStA	<i>Staatsanwalt/wältin</i> at a GStA – typical secondment post)
StGH	<i>Staatsgerichtshof</i> (other term for constitutional court of a state)

StV LOStA	<i>Stellvertretende/r Leitende/r Oberstaatsanwalt/wältin</i> (deputy chief prosecutor)
U	Unknown – used where data were missing or too unclear to make even an educated guess based on standard practice and experience
VerfGH Berlin	<i>Verfassungsgerichtshof</i> (Constitutional Court) of Berlin
VerfGH NRW	VerfGH of North-Rhine Westphalia
VerfGH Thu	VerfGH of Thuringia
VG	<i>Verwaltungsgericht</i> (administrative tribunal)
VPrLG	<i>Vizepräsident/in des LG</i> (vice-president of a LG)
VPrOLG	<i>Vizepräsident/in des OLG</i> (vice-president of an OLG)
VRBPatG	<i>Vorsitzende/r Richter/in am BPatG</i> (presiding judge of a senate at the BPatG)
VRLG	<i>Vorsitzende/r Richter/in am LG</i> (presiding judge of a chamber at a LG – typical first promotion post)
VROLG	<i>Vorsitzende/r Richter/in am OLG</i> (presiding judge of a senate at an OLG – typical second promotion post)
WiMi	<i>Wissenschaftliche/r Mitarbeiter/in</i> (academic assistant assigned to judges or senates)
WiMi BGH	WiMi at the BGH
WiMi BVerfG	WiMi at the BVerfG
WiMi ECtHR	WiMi at the ECtHR
WiMi GBA	WiMi at the GBA
WiMiLTF	WiMi with the parliamentary party of a state parliament (<i>Landtagsfraktion</i>)
WiMi Sax VerfGH	WiMi at the VerfGH of Saxony
WiMi StGH	WiMi at a StGH
WiMi VerfGH Thu	WiMi at the VerfGH of Thuringia
ZS NS	<i>Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen</i> (Central Office of the Land Judicial Authorities for Investigation of National Socialist Crimes)

Annex IV

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