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## The Judicial Officer in the World

### DENMARK

Name (singular and plural): **Foged / Fogeder**

#### Presentation

##### Generalities

A judicial officer in Denmark is employed at a city court with the title «dommerfuldmægtig». Many of them also perform other tasks in the court besides functioning as judicial officers. When functioning as a judicial officer they exercise the function as «foged». The judicial officers work together with staff who does not have a legal education. This staff often has a power of attorney from the president of the court to also act as «foged». The staff thus often perform enforcement procedure as «fogeder» provided that no dispute arise between the parties subject to the enforcement procedure. Only the judicial officer («dommerfuldmægtig») or a judge can decide the case if there is dispute. There are 24 city courts in Denmark. All employees are civil servants (State employed).

##### Training

###### Initial and on-going training of judicial officers

To become a judicial officer, the following level is required: five years of law studies or equivalent (Master 2 or equivalent). There is an initial training for the future judicial officers. This training is normally compulsory. Duration: Up to 3 years. An on-going training is available for the judicial officers. This training is not compulsory.

###### On-going training for the staff of judicial officers

On-going training courses are available for the staff of judicial officers.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. The judicial officers are appointed by a different authority than the ministry of justice. There is a limited number of judicial officers.

The profession is represented at national level by: **Domstolsstyrelsen**.

##### Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest...).
- Obligations relating to the professional activities of the judicial officer.



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- Conditions of keeping of archives.

Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is not submitted to a control of his activities. However, many decisions are subject to appeal to the one of the two High Courts in Denmark.

## Activities exerted by the judicial officers

### Enforcement of court decisions

The task of the judicial officer («dommerfuldmægtig») and others functioning as «fogeder» include:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings in some situations.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Distribution to creditors of money collected during the forced auction sale of a movable good.
- Distribution to creditors of money collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### Service of judicial or extrajudicial documents

The judicial officer cannot as such serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. However, since the persons functioning as judicial officers often also perform other task in the court, they might have the authority to do it in another capacity than exercising its role as a judicial officer.

### Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods and real estate



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attached in previous enforcement procedure.

### Voluntary public auction sales

The judicial officer cannot carry out the voluntary public auction sale of goods, with the exception of real estate.

<b>Other activities (X = yes)</b>	
Debt collection	
Statements of facts	
Sequestration of goods	X
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	