

FINAL REPORT AND GOOD PRACTICES

In the present report it is described the execution of the Project coordinated by the Portuguese Judicial High Council, “Court Management – Old Problems New Solutions for Caseload Management” (hereinafter the Project), under the Grant agreement signed with Directorate-General for Justice and Consumers with the European Commission. In execution of 2015 European Commission program for Justice, the Directorate-General for Justice and Consumers launched in July 2015 a Grant Call with the specific scope on promotion the quality of the national justice systems in EU member states.

The contents of this publication are the sole responsibility of the Project Members and can in no way be taken to reflect the views of the European Union”

**JUST/2015/JACC/AG
/QUAL/8517**



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PROJECT JUST/2015/JACC/AG/QUAL/8517

(Court Management – Old Problems New Solutions for Caseload Management)

Summary: The present text represents the final Project report, including a description of the Project scope, execution procedure, documents for data collection drafting and outcome, collected data description and evaluation under a good-practice and improvement suggestions perspective. The report, has the project itself, refers both to the first instance courts of all Partners and the Portuguese Appeal Courts

Key-words: Court Management, Case Management, Performance Evaluation, Good Practice, JUST/2015/JACC/AG/QUAL/8517

I. INTRODUCTION

In the present report it is described the execution of the Project coordinated by the Portuguese Judicial High Council, “Court Management – Old Problems New Solutions for Caseload Management” (hereinafter the Project), under the Grant agreement signed with Directorate-General for Justice and Consumers with the European Commission. In execution of 2015 European Commission program for Justice, the Directorate-General for Justice and Consumers launched in July 2015 a Grant Call with the specific scope on promotion the quality of the national justice systems in EU member states.

The report begins with a brief description of the Project approved for co-finance by the Portuguese Judicial High Council and the description of how it’s general execution and specific data gathering was made.

In different chapters the report concerns the collected data concerning the different Projects Partners and a brief analysis of such data.

Considering the collected data the Project proposes a list of judicial practices considered positive and in several points a possibility for improvement.

With the report, as attachment are several working and execution elements of the Project. Including the financial report (see Annex IX).

II. SCOPE

Following the program set by the European Commission, the Project has a transnational dimension and aims at promoting the quality of the justice system as the last ratio of allowing the European citizens the effective and universal judicial protection, through sharing experiences and pointing out critical factors of success or failure.

It is a priority of the program to provide an analysis of court practices and implemented initiatives, in order to improve the quality of the justice system in the Member States, aiming to know and reveal the Member States Courts good practices.

Within this program, the Project developed by the Portuguese Judicial High Council directed the information and data collection for the comparative analysis on Member States court practices that promote the justice system quality and sharing such procedures.

Being so, the Project follows an evaluation of the justice systems quality, promoting the debate and a comparative analysis of case and court management. The Project is particularly aware that the improvement of productivity, never jeopardizing the decisions quality or the citizens' rights, is the main challenge to justice systems, always seeing productivity as one of the dimensions of the global quality of the justice systems.

Bearing in mind that a considerable part of the cases pending before the European Court of Human Rights concerns the violation of the decision in reasonable time foreseen in the article 6.º of the European Human Rights Convention, the productivity control and the definition of indicators that allow for measuring and evaluation are crucial to improve quality.

The Project intends to contribute for legal review and, specially, case management practices, through the analysis of different solutions adopted by the different partners and sharing practices and results.

Managing caseload and reasonable time for decision is an improvement step for the quality of the justice systems. It has, however, its natural limits derived from the necessary pursuit of the fundamental values of judicial activity:

- Obedience to the Constitution and the Law;
- Courts and Judges Independence in the jurisdictional activity;
- Autonomous governance of the Judicial System, total or partially, but always in an integrated form;
- Impartial justice administration;

- Equal treatment granted to all citizens, in obtaining legal counseling and access to court and effective legal protection;
- Accountability concerning the efficient use of public resources;
- Ethical behaviour standards commitment;
- The pursuit of excellence in the service provided to the community.

The Project concerns first and second instance courts focusing on Court Management, Caseload Management and Performance Evaluation.

Being the purpose of the Project to share good practices of caseload management between the partners, the collection and analysis of information regarding different case management solution has rendered special attention to the following points:

Case allocation;

Strategic management by goal setting;

Rational distribution of caseload for judge;

Court and judicial performance evaluation according to productivity standards.

Within the first instance courts from the Project has following partners:

Conselho Superior da Magistratura – Portugal

Le Collège des cours et tribunaux - Belgium

El Consejo General del Poder Judicial - Spain

National Courts Administration of Lithuania – Lithuania

Sodni svet Republike Slovenije - Slovenia

The Amtsgericht Leipzig – Free State of Saxony/Germany (when referring to Germany, the specific situation of the federal state of Saxony is in most cases mirrored)

National Council of the Judiciary – Poland

Within the appeal courts the Project has following partners:

Conselho Superior da Magistratura – Portugal

Tribunal da Relação de Lisboa

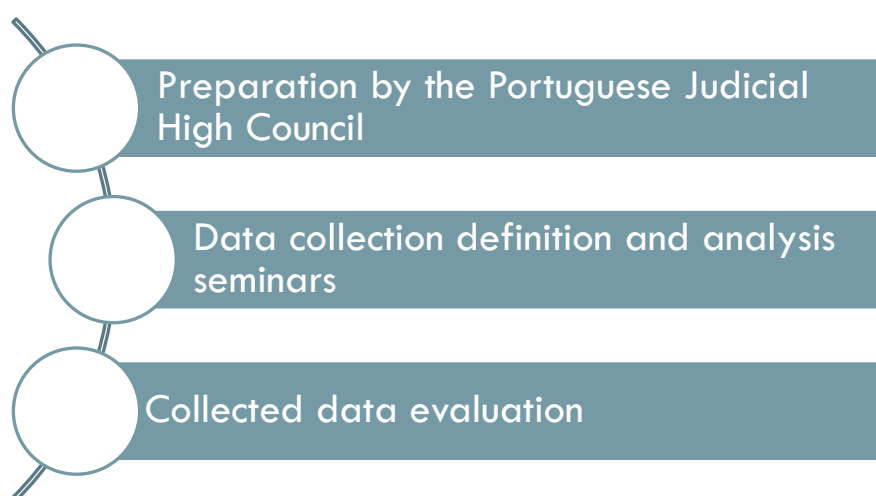
Tribunal da Relação do Porto

Tribunal da Relação de Coimbra

Tribunal da Relação de Évora

Tribunal da Relação de Guimarães

In the Projects' execution it should stand out three stages: (1.) one first stage of preparation by the Portuguese Judicial High Council; (2.) a second stage of conducting the two seminars on data collection definition, that took place in Lisbon, and another in Porto, and collected data analysis and (3.) a third stage of collected data evaluation.



1. Project execution preparation by the Portuguese Judicial High Council

In this stage the Project definition documents were drafted, the initial ground was set to propose an initial questionnaire, under a common topic of Justice Values and Policies.

The specific priorities for data collection were established bearing in mind the priorities of the Project: Allocation of cases system; Goal Setting, Caseload Management, Court Performance Standards / and Caseload Reference Values (VRP).

Looking at enhancing the data comparability, the Project followed from up close the CEPJ approach criteria, whether in GOJUST for statistical data, or in CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS adopted by CEPEJ in Strasbourg in 2008 (CHECKLIST). From amongst those the ones related to the analysis items of the Project were selected, adding proper space for more detailed description, when relevant,

considering the purpose of collecting the best practices and legal information concerning court management.

The action plan for collecting the data was set out, being determined the activities to follow, with limited data gathering in order to effectively gather all the statistic information, as well as legal information and good management practices.

The execution chronogram was established and the paper drafting was foreseen. In this process the seminars organization stand out: one first kick-off seminar for contend and data gathering process definition, organized in Lisbon on the 23 and 24 of May 2016, and a second one for a collective approach and evaluation of the collected data, held in Porto on the 3 and 4 of November 2016.

2. Lisbon Seminar (23 and 24 May 2016). Qualitative and Quantitative data collecting criteria definition

In this first seminar a member of each Project Partner was present, with the exception of Spain, previously enrolled (**Annex I – Doc. 1 and 2**).

In this seminar, according to the agenda (**Annex I – Doc. 2 and 3**), the following presentations took place by the other speakers (**Annex I – Docs. 4 e 5**).

The seminar marked the Project execution beginning with the Partners and intended to gather the Partners input on the questionnaires drafts prepared in phase 1 for data gathering, agree on the final questionnaires, decide on gathering methods and set the timeline for reporting, which was achieved, after a broad debate and using the workshop working method.

It was agreed to draft two different documents (questionnaires) (**Docs. of Annex II and III**) for each Partner to fill out: one focusing on quantitative data and another for qualitative data gathering.

2.1. Quantitative Data (regarding caseload)

The questionnaires for statistic and quantitative data information gathering was looking manly at getting an overall view of the caseload and case flow of judicial Courts in the diferente Partners (**Docs. of Annex IV**).

With the final questionnaires draft agreed, the Project team moved on to analyse its different points looking at unify criteria and fill out terms in each of its segments.

The questionnaires allowed gathering information concerning:

(i) Courts and cases general data:

- a) Number and sorts of Courts and it's jurisdiction;
- b) Number and sort of pending cases;
- c) Cases that are considered priority or urgent;

(ii) Data concerning each judicial year

- a) Cases pending in the beginning of the period;
- b) New cases in the period;
- c) Cases ending in the period;
- d) Cases pending in the end of the period.

(iii) Data on cases length

- a) Global case length (considering as such the period of time from the instalment of the case until its considered ready for archive)
- b) Case length until it's enforcement (if possible).

(iv) Analytical information and indicators

- a) Clearance rate: Relationship between the new cases and completed cases within a period;
- b) Case Turnover ratio: Relationship between the number of resolved cases and the number of unresolved cases at the end;
- c) Disposition time: it compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period;
- d) Efficiency rate: Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year;
- e) Total backlog: Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period;
- f) Backlog resolution: The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time;
- g) Case per judge: Number of cases per judge in the given period;
- h) Judicial review of fact in appeal Courts, setting several indicators: number of appeals of fact, number of this appeals that are rejected, the number that are deemed unfounded or that are granted review and, in the latter, the number or percentage of those that the review has no influence on the case outcome.

2.2. Qualitative Data (concerning Case Management)

The second questionnaire focused on existing legal information and case management practices collection, gathering information on qualitative data concerning the justice system in general and each Partner in particular (**Docs. of Annex V**).

In this context, the information gathering was divided in several levels: the national level subdivided on the Executive and Judicial Councils; court level; judge level.

The question focus on the generic issues:

- a) Strategy and Policy in Court Management;
- b) Allocation of Cases System;
- c) Goal Setting;
- d) Caseload Management;
- e) Court Performance Standards;

The drafted document and the question were discussed. The relevant suggestions, after agreed upon, were introduced on the questionnaire, reaching the final version.

3. Porto Seminar (3 and 4 November 2016). Data analysis.

The seminar went through with presence of all the Partners, having previously send their answers to the questionnaires (**Annex IV and V**).

This seminar aimed at conducting a first analysis and discussion about the collected data with the several Partners, looking closely at some particular issues that were caring for further discussion (**Annex VIII – Doc. 43**).

It moved on to the analysis and qualitative summaries discussion.

III. FIRST INSTANCE COURTS

Qualitative Data Strategy and Policy in Court Management

I. INTRODUCTION

When we talk about Court Management the first issue has to be to identify the tools and entities responsible for Court Management. According to each system the management activities may be concentrated in a judicial managing body (Judicial Council, etc), in a Higher Court or Ministry.

On the other hand, the managing practices play also an important role on the judicial performance and in the acceptance of the managing issues. In all judicial systems the same challenges for court management emerge.

II. COMPARATIVE RESULTS

1. Is there a public authority responsible for drafting general policies and strategic documents concerning the judiciary?

In most systems the policies definition belongs to the Government. However the Judicial Councils and Higher may be consulted or even have initiative powers.

In Spain, in accordance with art.97, of the Spanish Constitution (hereinafter C.E.), it concerns the Government to direct the domestic and foreign policy, which obviously includes the design of policies on judicial matters that later have to be decided by the Parliament (art. 122 C.E.). However, the General Council of the Judiciary (hereinafter, CGPJ) has previous consultative powers on the draft law, concerning matters of judicial interest (Article 108 of the Organic Act of the Judiciary, hereinafter LOPJ.): Judicial districts, judicial personnel, creation of new courts, etc.

In Germany, and in Leipzig in particular, is up to the Saxon Ministry of Justice to draft general policies and strategic documents concerning the judiciary.

On a Court Level court administration within the ordinary jurisdiction is headed by the President of the Higher Regional in Dresden, capital of Saxony. He supervises the Presidents of the regional and local Courts of the state.

In Lithuania the Parliament adopts (on the basis of initiative of judiciary and/or on the basis of the consent of judiciary and executive) concept papers concerning judicial system, for example, concept papers on: reorganization of court system, on introducing the institute of lay judges, on mediation, etc.

National Courts Administrations prepares, negotiates with courts and assists the Council of Judges to adopt strategic documents, concerning strategic issues of the activities and

development of court system and judicial services (for example, Communication Strategy of Court System, the Plan of the implementation of the reorganization of courts, concept proposals for the development of e-tools in courts, priorities of the capital investments in courts, etc.)

The President of the Court approves strategic plan for 3 years and annual plan of internal control of administrative activities.

In Poland the Ministry of Justice proposes to the Parliament a programme for the Judiciary in the perspective of 2020.

In Portugal the Ministry of Justice is responsible for drafting and executing the Justice policy defined by the Parliament and the Government. The Judicial High Council has the power to issues opinions concerning the judiciary organization and management, as well as the power to propose legal changes on those issues

In Slovenia, in the past, the Annual reports on the efficiency and effectiveness of courts the Judicial Council provided short-term and long-term recommendations for the successful functioning of the judiciary. The Annual reports were based on the findings of the court's work.

Nowadays the Supreme Court has adopted a long term strategy of functioning of the judiciary (a six-year strategic plan). In the documents "Annual reports on the efficiency and effectiveness of judiciary" and "The Opening of the Judicial year" the Supreme Court determines the annual judiciary objectives. The realisation of these annual judiciary objectives is assessed and presented in the previously mentioned annual reports.

2. Is there legislation supporting the courts or court organisation?

In Spain, pursuant to art. 122 CE, the Organic Act of the Judiciary shall determine the establishment, operation and governance of the courts and the legal status of Judges and Magistrates, who shall form a single body, and staff at the service of the Administration of Justice.

Therefore, this Act regulates the types of Judicial Bodies and their powers (arts. 53 et seq), from the Supreme Court to the organs that occupy the lowest rung in the judicial hierarchy. Similarly, the Government of the Courts, by defining the powers of the Council in this regard and of Salas Government (Governance Chambers) and its Presidents, Deans Courts, Boards of Judges, etc. (arts. 149 et seq L.O.P.J.).

In Germany Sec.1 Courts Constitution Act (Federal law): "Judicial power shall be exercised by independent courts that are subject only to the law."

The Courts Constitution Act determines jurisdiction of the various ordinary courts, allocation of cases and court's administration. For specialized courts this is ruled in special laws (Administrative Courts, Labour Courts etc)

In Lithuania the Parliament, as the legislative body, adopts primary laws and other legal acts, regulating court system, organization and competence of self-governance institutions of judiciary, principle procedures of recruitment, career and dismissal of judges, disciplinary grounds and sanctions, etc. (for example, Law on Courts, Law on Establishing District Courts, Law on Judicial Salary, Law on State Pensions for retired Judges, Parliament's Resolution on District Courts and Regional Administrative Courts Reorganization).

In a Judicial level the National Courts Administration prepares and the Judicial Council adopts resolutions and rules for: administrative activities of courts, model structures of courts, model job descriptions of the employees of courts, corruption risk analysis, providing information to public, client service standard.

In a Court level it should be taken in consideration the Orders of the President of the Court and Chancellor of the Court, establishing internal rules regarding providing information to public, public procurement procedures, client service, etc.

In Poland the Act of 27 July 2001, Law on Common Courts Organisation and Regulation of Minister of Justice on the operation of common court of 23 December 2015.

In Portugal there are several main legal instruments, namely: Lei n.º 62/2013, de 26 de Agosto (LOSJ); Decreto-Lei n.º 49/2014, de 27 de Março (ROFTJ); Decreto-Lei n.º 342/88, de 28 de Setembro (EMJ); Lei n.º 47/86, de 15 de Outubro (EMMP); DL n.º 343/99, de 26 de Agosto (EFJ).

In Slovenia the Judicial Service Act, the Courts Act and the Courts Order.

3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers?

In Spain the art. 117.1 C.E. states that "Justice emanates from the people and is administered on behalf of the King by Judges and Magistrates of the Judiciary, who are independent, irremovable, responsible and subject only to the rule of law power."

The independence of the Judge is, therefore, an essential quality of its role reflected in various legal provisions: independent exercise of the judicial function (art 104.1 LOPJ.), Self-government of the judiciary by the existence of the Council (art. 104.2), allocation of sufficient

material to exercise judicial functions independently (art. 37 LOPJ), specific procedures to preserve judicial independence when a judge is disturbed on it (art. 14 LOPJ), etc.

In Germany the article 97 of the Basic Law (Constitution), under the title of Judicial independence, states that “(1) Judges shall be independent and subject only to the law” and “(2) Judges appointed permanently to full-time positions may be involuntarily dismissed, permanently or temporarily suspended, transferred or retired before the expiration of their term of office only by virtue of judicial decision and only for the reasons and in the manner specified by the laws. The legislature may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of courts or in their districts, judges may be transferred to another court or removed from office, provided they retain their full salary”.

On the Section 26 of German Judiciary Act, under the title “Supervision of service” it states that: “(1) A judge shall be subject to supervision only in so far as there is no detracting from his independence”; “(2) Subject to the provision in subsection (1), supervision shall also include the power to censure an improper mode of executing an official duty and to urge proper and prompt attention to official duties.”, and “(3) Where a judge contends that a supervisory measure detracts from his independence a court shall, on application being made by the judge, give a ruling in compliance with this Act.”

Similar regulations may be found in the constitutions of the “Länder” (states).

In Lithuania such guarantees are expressis verbis established in the Constitution (Art. 109), Rulings of the Constitutional Court (for example, 1999/12/21; 2000/01/12; 2004/05/13) and Law on Courts (Art. 2). Also there are several norms, related and targeted inter alia to protect the independence. For example: legal regulation on the judicial appointment, dismissal, disciplinary procedure with the Judicial Council’s role as a safeguard of judicial independence in this procedure; regulation, establishing procedure of the courts budgeting (draft budgets are prepared by the National Courts Administration, approved by the Judicial Council, submitted to the Government, negotiated with the Judicial Council, adopted by the Parliament and no changes can be made in executive level); salaries of the judges are established by the Law, etc.

In Poland the article 173 of Polish Constitution states: “The courts and tribunals shall constitute a separate power and shall be independent of other branches of power.”

In Portugal the Judicial independence and the separation of powers are foreseen in the Portuguese Constitution: Articles 110.º, 111.º, 203.º, 216.º, 217.º e 288.º (maxime al. j) e m)) da CRP

In Slovenia in the third article of the Slovenian Constitution.

4. Is there a policy regarding the specialisation of courts and/or certain categories of judges?

In Spain there is in two senses:

i) in general, the Council has responsibility for judicial education (Art. 107 LOPJ) reflected in extensive annual educational programs through the Service Training Council, to which the Judicial school relies on.

ii) from a strict point of view, there are procedures of specialization of judges in commercial, administrative and labour matters who get "specialist degrees" in these matters (art. 110.2 L.O.P.J.) after passing rigorous selection tests. Similarly, without obtaining the specialist degree, the Act provides in districts with large populations specific allocation to certain organs of competencies that normally correspond to the Courts of First Instance (family or disability matters, art. 98.1 LOPJ).

In Germany specialization of judges is determined and regulated in various federal judicial acts. However as the appointment of judges (apart from the federal ones) and public prosecutors is being carried out by the governments of the "Länder" there are slight differences between their "policies" regarding specialization. As long as they can – legally – have influence on the allocation of judges to specific courts or prosecution offices or regarding promotion of judges some governments prefer judges with a more "general" knowledge (promoting changes of offices/courts) than others. Nevertheless, the Sec. 30 of the German Judiciary Act rules that a judge on principle cannot be transferred or discharged without his consent:

Section 30

Transfer and discharge from office

(1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent

1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law),

2. in formal disciplinary proceedings,

3. in the interests of the administration of justice (section 31),

4. on changes being made in the organisation of the courts (section 32).

(2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect.

In Lithuania, in the Constitution, there is a provision that specialized courts can be established.

On the basis of this provision administrative court system was created by the law in 1999. Regarding the specialization of judges inside the system, Law on Courts (Art. 34, par. 4) provides, that in courts judges' specialization for particular categories of cases can be foreseen, according to the rules, adopted by the Judicial Council.

Judicial Council's Resolution 2008/11/13 No 13P-202-(7.1.2), establishing rules and principles of the specialization of judges. According to this Resolution Presidents of Courts are entitled to determine the specialization in respective court.

President of the court determines the specialization of respective judges for particular categories of cases (for example, labour disputes, family cases, public procurement, intellectual property disputes, etc.)

In Poland there is the Act of 27 July 2001, Law on Common Courts Organisation.

In Portugal the specialization of judges has been recently disseminated throughout the country in the recent reform. Within the Judicial Court (separated from the Administrative and Tax Courts) we can find the following specializations: Labour, Commercial, Family, High Civil, High Criminal Courts; Enforcement Courts.

The conditions for being appointed for those courts are foreseen in the Courts Organization Law (years of service and grade).

The Judicial High Council can decide on the creation or extinction of some specialization.

In Slovenia the legal basis for organization of the departments in the courts and for the allocation of judges in certain specialized areas is the Courts Act and the Judicial Service Act.

Individual procedural laws are the legal basis for derogation of specific tasks in proceedings from judges to the judicial staff.

Also annual work schedules are determined annually by Courts Presidents. They determine the organization of work in the courts to the individual departments and allocate judges and judges' assistants to individual departments. The level of specialisation of individual judges in courts is dependent on firstly the size of the courts, secondly the sheer number of judges the judicial staff and finally the amount of new cases, pending/unsolved cases.

5. Is there a strategy and policy regarding the needs and planning of court resources?

In Spain pursuant to art. 37 L.O.P.J., the Ministry of Justice or the Autonomous Regions' Governments must provide the Courts sufficient resources to perform their functions effectively and independently.

There is no specific regulatory channel in this sense, but in Spain the communication of needs follows a pyramid scheme, which starts at the first level courts and ascends up the Council. The Council is then responsible for transmitting the Administration needs of resources. It should be noted the Council's obligation to submit to the Parliament an annual Report which includes a detailed list of needs of judiciary (art. 109 L.O.P.J.).

In Germany at a State Level the Saxon Ministry of Justice does have internal strategies for the needs and planning of court resources. At a Court Level Court-President and presidium are in charge of the needs and planning of court resources.

In Lithuania there are main principles of the state budgeting and the requirements for all state institutions for planning resources: Law on State Budget, Government Resolution, regulating planning procedures.

Courts budget drafting rules are adopted by the Judicial Council's resolution 2014/01/31 No. 13P-16-(7.1.2), describe the procedure of collecting needs of the courts, drafting consolidated budget, negotiating procedures and competence/role/responsibilities of Court Presidents, NCA, JC in this process.

In Poland the Ministry of Justice and the Ministry of Finances present the Budget for the Judiciary: in particular Central Intelligence for Courts Supplies.

In Portugal the main task belongs to the Ministry of Justice. However starting January 2017 the Judicial High Council will be fully responsible for processing and paying the Judges salary.

In Slovenia the Supreme Court prepares and presents the scope of financial resources needed for the courts to function. Drafting the financial budgets is the responsibility of the government. The budget for the courts is, as a part of a single budget of all state bodies, accepted by the National Assembly.

The Supreme Court plans the short and long-term personnel plans of Courts (Which may be: decreasing the number of Judges at certain times, increasing the size of the judicial staff and ensuring the right judge to judicial staff ratio). The realization of these plans is, of course, dependent upon the financial resources made available.

6. Is there a policy concerning the structure and competence of courts?

In Spain art. 122 C.E. refers to the L.O.P.J. in the aspects of organization and functioning of the judiciary; this Act therefore regulates in detail the types of courts depending on their level (hierarchy) and the kind of issues of their responsibility (Articles 53 et seq.): in short, Courts ruled by a judge (first level courts on a variable number according to the local population, which determines the Planta y Demarcación Judicial Act), Provincial Courts, High Courts of Justice, National Court and Supreme Court.

All of those organs belong to one of these judicial chapters or sections: civil, criminal, commercial, labour and military matters. From the point of view of the number of each organ and its geographical location, 28/12/1988 Act (nº 38) (Planta y Demarcación Judicial Act) establishes the number and location of each class of court as well as the physical limits of every judicial district (partido judicial, in Spanish) in attention to the number of disputes in the district and population.

In Germany the German Courts Constitutional Act, Labour Courts Act, Finance/Tax-Courts Act etc.

In Lithuania the system of courts of general jurisdiction is established by the Constitution (Art. 111), also there is a provision, that specialized courts can be established by the Law. Law on Courts regulates the system of general courts and specialized administrative courts, also it prescribes the structure and the competence of respective courts.

State President determines particular number of judges in every court by decrees.

In Poland there is the Act of 27 July 2001, Law on Common Courts Organisation

In Portugal there is the judicial organization law.

In Slovenia the number, kind (courts of general jurisdiction, specialized courts), the geographical distribution and jurisdiction of the courts is determined by law.

The Judicial Council has proposed that an optimisation of the court network takes place, due to establishing the judicial district as the basic organisation level of courts. And that the Ministry of Justice collaborates with the Supreme Court and the Judicial Council in preparing the strategy of optimizing court networks.

7. Including geographical court location policy?

In Germany Court Location Policy lies in the competence of the parliaments of the Länder. They define court's jurisdiction over geographical regions.

In Lithuania Geographical courts' location and territories of their jurisdiction are prescribed by the Law on the territories of activities of the Supreme Court, Court of Appeal, regional courts and district courts.

In Slovenia The geographical distribution of courts is determined by law. The Ministry of Justice is currently preparing a strategy to optimize the court networks. To work on this strategy two judges with leadership/management experiences were allocated to the Ministry. The Judicial Council has for a number of years advocated, that the Ministry of Justice should work on this task in collaboration with the Supreme Court and the Judicial Council.

8. Has the court management defined a mission/vision and a strategy?

The management of the judiciary in Spain has two areas covered by the Council and the courts themselves, respectively.

Regarding the Council, its functions are set out in Articles 107 to 110 L.O.P.J. and can be grouped as follows; between the functions of executive type, it must be mentioned (i) all those relating to the professional status of judges and magistrates (appointments, transfers, discipline, pensions and the rest of the administrative situations -the licenses for holidays, etc.-, or training), (ii) the surveillance powers of courts and its members, (iii) the regulatory power, on the basis of which the Council may adopt regulations concerning judicial activity within the limits provided by law and always about accessories matters (public hearings, judicial cooperation, regulation of readiness services, honors and protocol standards of judicial staff, etc.).

Concerning the powers of the courts themselves we distinguish those which correspond to the collegiate courts, on the one hand, and the courts of first grade –on the other-, ruled by single magistrates (not collegiate tribunals). Both subjected to the superior control of the Council.

Thus, in the collegiate courts there are Governance Chambers (Salas de Gobierno) exercising management functions within its demarcation: they approve the allocation rules proposed by the judges of first instance, exercise disciplinary powers over judges in its district, exercise surveillance powers, etc.

In the case of first grade courts, it must be highlighted in each district the existence of (i) one Dean Judge, representing all judges in the district, and (ii) the Boards or Council of Judges, which propose to the Governance Chamber its rules for cases allocation and other aspects concerning their work (holidays, licences, replacements, readiness service, etc.).

In Germany the stipulation of criteria for appointment, promotion and other strategic measurements regarding judges and public prosecutors in Saxony is carried out by the Ministry of Justice that has to consult a judicial council.

As far as non judicial staff is concerned (clerks, bailiffs, judicial officers) in Saxony this is delegated by the Ministry of Justice to the president of the Higher Regional Court or presidents of the specialized highest regional courts.

In Lithuania the President of the Court after consultation with the management of Court, approves strategic plan, including missions/vision/tasks/performance indicators.

In Portugal The Courts President most present annual goals to the Judicial High Council, that set the milestones and the purpose of the Courts activity.

The Courts Presidency also approves the internal regulation of the Court.

In Slovenia Documents of the Supreme court: The Opening of the Judicial year, The Annual reports of court management and documents regarding predicted/future projects of the Supreme Court (Improving the quality of justice, setting time standards), that refer to individual projects of work.

9. Is it given publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff?

In Spain In the exercise of its powers, the aforementioned bodies emit agreements that are communicated to the stakeholders. Specifically, the allocation rules proposed by the judges of first grade, once approved by the respective Governance Chamber, are available to the public and professionals as they constitute compulsory rules.

In Germany State Level These general rules are published. At a Court Level the rules for non-judicial staff are published as well.

In Lithuania the strategic plans of courts are public, they are published in the websites, some tasks and priorities are communicated separately and expressly to the stakeholders and/or public (for example, for the purpose of better communication and transparency courts foresee and communicate publicly some measures, related to the improvement of delivering the information about court activities to the public, also client service development, etc.).

As an example we can consider the strategic plan of one of Lithuanian courts of the first instance.

Goals:

- Ensuring efficient and high quality activity of the court.
- Ensuring the quality of (justice administration)/case management.
- Increasing capacities for more effective activity.

Performance indicators (according to goals):

1.1. Stability of decisions (percentage of revoked decisions by the higher instance from total number of appealed decisions);

1.2. Service quality (4 from 5 according to anonymous surveys, “mystery customer” investigations).

2.1. Percentage of handled cases in total number of incoming cases;

2.2. Shortening of the length of the proceedings (by days).

3.1. Number of training (hours per person, including personnel);

3.2. Percentage of internal audit recommendations implemented.

In Poland there is no publicity except for judges and lawyers.

In Portugal the annual report and objectives are public and announced on the Courts webpage. The same publicity occurs with the regulation.

In Slovenia the Opening of the Judicial year and the Annual reports of court management are published online and accessible to public, while the content of the projects is published on the courts websites for its staff to accesses.

The Supreme Court presents the core information from these documents on press conferences, after the documents are accepted.

10. Does the court management take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy?

In Spain the mechanisms of communication among the concerned stakeholders (for example, bar associations) allow the abovementioned bodies to be aware of the expectations and wishes of those and decide accordingly, within the limits of its powers.

In Germany there are surveys about the court's services among citizens and lawyers from outside last year.

In Lithuania tasks and priorities are always set in accordance with the legitimate needs and expectations.

The results of public surveys, opinions of parties, other clients, also public expressions are taken into consideration. For example, better communication of decisions, public explanation of motivation of judicial decisions in high-profile cases, improvement of the quality of client service, support to victims and witnesses. Such expressed expectations are taken into account when planning activities and initiatives in courts.

In Portugal the above mentioned documents are approved in the Court's Council. The Council has lawyers, city hall representatives, court staff representatives, and judges.

11. Is there any input of internal or external stakeholders?

In Spain in addition to the procedures of communication among courts and professional corporations (bar associations), in all government bodies there are collecting and claim mechanisms at the disposal of the stakeholders.

It concerns to the Judges Deans, Presidents of the Chambers of Government and the Council itself the collection of such requests, response and, if necessary, adopting appropriate measures [for example, art. 110.2 m) L.O.P.J.], provided that these request cannot concern jurisdictional issues but management and organization questions

In Lithuania when determining directions and initiatives of the courts system's performance and development the opinion of external stakeholders, expressed in surveys and directly in round table discussions or other formats as well as needs and opinion of judges and court staff are taken into account.

Courts get feedback from clients through surveys and individual complaints and/or addresses and on this basis performance indicators are established (for example, to achieve particular rate of client satisfaction, etc.)

In Poland the internal input comes from judges, lawyers, parties. The External input from the Community (also local), public opinion, judges associations, bar associations.

In Portugal another way for external input comes from the fact that the Courts Council members include external stakeholders.

The Courts presidency has the duty to keep in touch with the courts activity and to reach out to the community.

The internal stakeholders are heard in defining the courts objectives, and the annual report.

In Slovenia there is no input.

12. Does the court management maintain a systematic contact with the internal and external stakeholders?

In Spain there is a continuous contact with the bar associations and other law professionals, although there are no legal provisions so ordered.

This permanent contact is required by the dynamics of the judicial function. In this regard, it should be noted the existence of judicial associations (art. 127 C.E.) whose object is the promotion and defence of the professional interests of judges as a professional group and the general of Justice. In this context, these associations usually deal with the responsible staff of Governance instances all issues regarding the improvement of judicial management.

In Germany there are regular meetings between the court's president and heads of departments as well as between them and their colleagues on the administrative level within the court's sections. There are also regular meetings between the president and external stakeholders like solicitors and authorities/offices of the city of Leipzig take place.

In Lithuania besides the feedback from the surveys, there is also individual direct contacts, as well as round table discussions with media, NGOs representatives, etc.

In Poland, Portugal and Slovenia there is also a systematic contact.

13. Is there a culture that is aimed at stimulating and inspiring improvements in the overall organisation?

In Spain usually through judicial associations. It must be reminded, however, that only about 50% of judicial staff belongs to a judicial association (currently they are five).

In Lithuania the Judicial Council supports initiatives on quality management development and other measures, which are aimed at the improvement of the judicial system.

One of the priorities of the activity of the Judicial Council and National Courts Administration is to develop effectiveness and efficiency of courts system in particular areas: use of e-tools, communication, quality of judicial decisions. On these issues particular initiatives are performed.

In courts quality management systems are introduced (ISO, Client Service Standard), which are constantly monitored. Also supervision of administrative activities of the court are constantly executed as well as internal audits, aimed to the improvement of the management are periodically carried out.

In Portugal the Judicial High Council has drafted and approved good practice manuals in specific areas. The Judicial High Council has also approved regulations concerning the reallocation of judges, and staff. Within the Court local meetings are held concerning the Courts objectives

14. Has the court management determined the priorities on which court policies should be developed?

In Spain the general outlines of the gaps and needs are set each year by the Council on its annual report. In attention to these needs, which are collected through statistics and reports provided by the surveillance services and judicial bodies themselves, the Council exercises its responsibility for management.

These functions are not limited to needs attention but to the adoption of internal directives relating to matters within its responsibility field (allocation of cases, readiness service, government bodies rules, etc.).

In Germany at the moment the president of the court emphasizes on electronic files and further training of judges and non-judicial staff.

In Lithuania, following the recommendations of internal audit, Judicial Council's observations on good practices and weaknesses of court management and on justice administration activities. The Court Presidents decides which areas have to be focused in particular period of time.

In Poland the Ministry of Justice there is a special Department in the Ministry of Justice responsible for the Strategy. It prepares the: strategy, priorities, evaluation of the system, development programmes.

In Portugal in the Courts objectives the main areas for intervention are pointed out, considering the main concerns (timeliness, backlog etc.)

In Slovenia the Supreme Court annually sets priorities regarding the management of courts. In the year 2016 it set the following priorities: improving the quality of Judges, improving

the quality of procedures, improving the quality of and participants and improving the public trust in the Judicial system.

15. Has the court management described how the decision-making process on these priorities should take place?

In Spain both the L.O.P.J. and the specific regulation provided by the Council (specifically, Regulation over the Governance Courts Bodies, nº 1/2000) establish certain rules about bodies session announcements, discussion process, and, most of all, needed quorums to get a compulsory agreement. For example, the vote for a Dean Judge requires a 3/5 majority on first vote and simple majority on the second one (art. 166 L.O.P.J.).

In Germany internal consultants for these purposes have been appointed.

In Lithuania no particular regulation or established procedures. It is the discretion of the President of the Court.

In Poland the he department of strategy of the Ministry of Justice has not published anything so far.

In Portugal the law defines the powers to propose and approve the objectives. The Judicial High Council follows through the procedure. The Courts Presidency holds local meetings.

In Slovenia the methods for realization of set objectives are presented or in other words provided in the reasoning of the Supreme Court project: "Improving the quality of judiciary"

16. Is there a policy regarding the delegation of responsibilities from judges to non-judge staff?

Traditionally in Spain responsibility for all decisions corresponded to magistrates; they not only made the judgements to resolve the disputes but they also exercised all functions concerning staff and process management, in other words, they retained all the management and surveillance responsibilities on their hands and the whole Court staff, including the Letrados de la Administración de Justicia (Deputy Clerks), were submitted to their decisions and directives.

However, when the Act 13/2009, from November 3rd, was enacted, this situation completely changed because this act hasn't just determined the delegation of these last responsibilities but their complete transmission to the Deputy Clerks who since that moment

have become the directors on procedural and staff management matters. Since this moment, it corresponds to the Deputy Clerks to adopt the decisions on these matters and, on certain cases (only concerning procedural matters, not staff management), they can be subject to legal recourse addressed to the magistrate.

In Germany several attempts have been made. But the Courts Constitution Act and several procedural codes determine strict demarcations of competences between judges, clerks and judicial officers. By law a judge is not the principal of a court clerk, however in practice they do what you order them to do.

In Lithuania the Constitution and the Law on Courts do not provide the possibility to delegate any judicial functions, directly related to the administration of justice, to the non-judicial staff.

Nevertheless, the Law on Courts establishes the office of judicial assistants (legal clerks), who are enabled to support judges in performing their duties. Almost all judges have their judicial assistants, who prepare case material and draft judicial decisions. Also the team of the judge of the first instance court consists of court secretaries. These clerks perform all duties, related to the technical support of judicial functions.

According to the legal acts of the Judicial Council, some of the functions, which are not directly related to the justice administration, can be divided between judges and their supporting staff, for example, the anonymization of judicial decisions, administering e-file account, etc.

In Poland there is no policy, in principle it is not possible to delegate responsibilities from judges to non-judge staff.

In Portugal traditionally there exists legally binding instructions that a judge could give to its staff “provimentos”. By following those instructions the judges would not intervene in day to day small decisions.

Nowadays the power to give out instructions has to go through the courts presidency.

In Slovenia the Supreme Court and The Judicial Council have been advocating for a long time that the managerial processes of courts should be reviewed and renewed, and the process should be rebuilt in such a way that each judicial task is to be done at the lowest level of processing/(decision making).

The management and organisation of work in Courts is the responsibility of Courts presidents, which are limited of course by law restrictions. The court presidents provide Annual work schedules and prepare projects that refurbish the managerial processes.

17. Are the main tasks, roles and standards for the court clerk office determined?

In Spain the LOPJ determines not only the status of judicial staff (magistrates) but aims to regulate all aspects concerning the development of the work on courts. Thus, it regulates in detail the Deputy Clerks' functions (arts. 451 et seq), it provides a basic administrative division in direct support units to every single judge and procedural common services to all judges on a district (art. 435 LOPJ), it classifies all administrative clerks on three categories (team or body of procedural and administrative direction, team or body of procedural and administrative management and team or body for administrative assistance –Art. LOPJ 475); the law adds a detailed job description of the functions corresponding to each, from high to low technical complexity (arts. 476 et seq. LOPJ).

All this based on an essential principle: the strict separation of the judicial function from the functions (tasks) of management and administration (to judge is not to administrate).

In Germany there are numerous written orders and regulations, issued by the president of the Higher Regional Court concerning tasks, roles and standards of the courts' clerk offices. Additionally you can find written orders issued by the president of the local court, published within the local intranet.

In Lithuania the Law on State Service has provisions regulating the obligation to have job descriptions for every state servant, including court clerks. In the Labor Code it is stated that the role, functions, tasks, accountability must be clearly set in job contract.

The Judicial Council approves model structures of courts and model job descriptions for certain court clerks: legal assistants, court secretaries, employees of registrar offices, etc.

At these descriptions tasks, functions, qualification requirements, accountability are prescribed. Also there is some regulation (for example, the Rules of working with courts information system LITEKO, adopted by the JC on 2011/09/30) regulating roles and responsibilities of certain categories of court clerks in some processes. The Court President (or Chancellor) adopts job description for individual office.

In Poland the court manager, foreseen in the Act of 27 July 2001, Law on Common Courts Organisation, in Article 31a.:

“§ 1. The court manager:

1) manages the administrative activity of the court within the scope of Article 8 item 1;

2) performs tasks assigned to the manager of a unit under separate provisions in the fields of finance, economy, financial control, management of the State Treasury assets and internal audit within these areas;

3) acts as a superior to court employees and performs activities in the field of labour law and represents the court in this respect before court employees, with the exclusion of judges, assistant judges, court referendaries, court probation officers, assistants to judges and trainee judges;

4) determines, after consulting the president of the court, the distribution and the number of particular posts in court divisions, filled in by court employees, with the exclusion of judges, assistant judges, court referendaries, court probation officers, assistants to judges and trainee judges;

5) represents the State Treasury within the scope of entrusted assets and court tasks;

6) administers the deposit accounts of the Minister of Finance.”

In Portugal the law defines the usual tasks according to the clerks position. The Court management may assign the clerk to another function.

In Slovenia the main roles and standards are determined in The Courts Order.

18. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated?

In Spain There is not a service whose specific purpose is the assessment/evaluation of the impact of new policies (laws) on the structure of the courts.

However, the Council has departments responsible for monitoring and inspection of the Courts, which perform this function continuously on a very detailed way. It is therefore inevitable that in the exercise of these functions over each court, conclusions on this subject are obtained which logically will be reflected on the annual report made by the Council.

These monitoring resources include:

1) quarterly Judicial Statistics made by the Deputy Clerks (art. 461 LOPJ), which is an essential tool for planning, development and implementation of public policies relating to the administration of justice and, in particular, for following purposes: a) The exercise of the State's legislative policy on justice issues; b) The modernization of the judicial organization; c) Planning

and management of human and material resources in the service of the Administration of Justice; d) The exercise of the inspection function over courts.

Law insists that the data resulting from these statistics are available to the public authorities and this obviously is a tool for periodic evaluation of the effect of legislative changes in judicial matters.

2) The CGPJ Inspection Service of the Courts (Articles 615 et seq.); this service exercises the functions of checking and controlling the operation of the Courts through long and detailed visits that include (i) physical review of records and (ii) the control of management techniques of the Courts, including records and staff management. The inspection service is divided into inspection units, each of which is entrusted with an area of Spanish territory. This allows continuous and detailed judicial follow-up work. At the end of the inspection process, the inspection unit prepares a report including recommendations and guidelines mandatory for the court.

Of course, by using these two instruments, it is possible systematic assessment/evaluation of changes in legal structures, their impact on the judiciary and the effectiveness and efficiency of judicial processes.

In Lithuania the evaluation is performed regularly on the basis of the changes in workload, number of pending cases and other indicators, which show, if implemented initiatives have enabled to balance workload or to reduce the length of the proceedings, or to use resources more effectively, etc. (depending on the expected result).

As an example the reform on merging district courts in 3 cities (in total 3 courts out of 8). The reform was aiming to optimize district courts' activity by reducing number of courts as autonomous legal entities; balance the workload of district courts and ensure more effective proceedings; ensure more effective planning and managing material, financial and human resources.

After these changes have been implemented, the results were evaluated. The Judicial Council has concluded that the aim of the balance of workload has been completely achieved by achieving the same rate of workload of all merged court's judges. A

Also specialization of judges was introduced in merged courts. While talking about effectiveness of resource management there was internal audit exercised by the National Courts Administration Internal Audit Division and conclusions of this audit were positive towards the optimization of resource management in merged courts.

In Poland only the Ministry of Justice.

In Germany the evaluation is made both on federal and on the Länder level.

In Portugal the Ministry of Justice has a statistics department that assess all the courts activity. The Courts Presidency report to the Judicial High Council on a trimestral basis the statistical analyses of each court. And there are semester and annual reports

In Slovenia there is no evaluation procedure.

19. Is the implementation of changes in legislation regularly evaluated?

In Lithuania law on legislation principles provides the monitoring after the legislation is in force (Art. 23).

The monitoring is aimed to evaluate regulation's effectiveness; positive and negative impact on particular area; direct and indirect benefit; if the consequences of the regulation meet the planned goals and results; need for improvement or abolishment of regulation.

For example, after one year of regulation being in force the monitoring was performed by the Ministry of Justice (monitoring note on the results of year 2011).

It was observed that 2/3 (over 240000 cases) of administrative procedures for administrative offence was finalized by administrative order. It means that the workload of competent institutions, which handle cases of administrative offences (including courts), decreased considerably (for example, number of such cases decreased by 13% in district courts).

The conclusion of this audit was that the institute of administrative order justified itself and the aim of simplifying the procedure of minor offences and decreasing the workload of competent authorities and courts were achieved. Herewith it was concluded that some improvements are needed: the extension of scope of administrative order and creation of unified register of administrative offences.

In Poland there is no regular evaluation. However, according to the Constitution, in Article 186, number 2: 2. The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.

In Portugal and in Slovenia there is no formal system in place.

20. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated?

In many countries the government or parliament asks for written statements to planned changes in legislation.

In Lithuania after the implementation of the regulation in some cases the Judicial Council initiates the evaluation of the impact on judicial workload or management of the resources of courts.

For example, after some period of the implementation of the changes in Criminal Procedure Code concerning the transition of the function of issuing European Arrest Order from the Ministry of Justice to courts, the increase of the workload of some courts and extra costs for translation has been calculated and alongside with the request for extra resources has been presented by the Judicial Council to the executive authorities, namely Ministry of Justice and Ministry of Finances.

21. Are the effectiveness and efficiency of judicial proceedings systematically evaluated?

In some of the countries this only happens at a governmental level.

In Lithuania case statistics, workload, backlog, observations of the prolongation of proceedings and its reasons, other indicators of judicial performance are evaluated and published in the Annual Courts' Report.

The Report is prepared by the National Courts Administration and approved by the Judicial Council. It is presented publicly and discussed with stakeholders (prosecutors, lawyers, representatives of different institutions). After the publication of this Report the representatives of the Judicial Council and the National Courts Administration visit courts and discuss main issues of court activities to be improved.

The main indicators of judicial activities are monitored periodically (quarterly). Court President monitors basic indicators and takes particular measures periodically (principles, procedure are established in the regulation, adopted by the Judicial Council).

In Poland the work evaluation and professional development planning system for judges has been regulated in the Common court system law. Work efficiency and professional competences of a judge in the scope of work method and office culture, as well as the specialization in handling individual types of cases and holding specific functions, are subject to

assessment (judge's work assessment). The scope of judge's work assessment may not exceed the field in which the judges are independent.

The type and degree of complexity of assigned cases or entrusted tasks and functions, as well as the workload and work conditions in the entire assessed period are taken into account during the assessment of the judge's work. The judge's work assessment is conducted by an inspector in the scope of an inspection of the section in which the judge adjudicates or has adjudicated for at least one year in the period subject to inspection.

22. Are quality standards and guidelines used for drafting new legislation or changes in current legislation?

In Spain it is an issue concerning political initiative that cannot be answered, therefore, according to mathematical parameters. The government, who proposes legislative proposals to Parliament, has all the tools and reports to translate those standards and guidelines into Laws.

In Lithuania law on legislation principles regulates the procedure of drafting new legislation/changes in current legislation. The requirements for the structure and content of the legal act are prescribed, including for example, the requirement to perform feasibility study/analysis of possible positive and negative impact on particular public area (economics, state financial system, social environment, legal system, public administration, etc.).

23. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed?

In Germany these impacts normally are checked and estimated. More or less successful.

In Lithuania all draft legislation concerning initiatives on dispute resolution, changes in criminal policy, commercial activities and other legal relations, which obviously or possibly can directly or indirectly influence any changes in court's activities, are evaluated in respect of possible impact on court's workload, need for extra financial and human resources.

In Poland every draft of new legislation has so called assessment of its effects but there is no assessment of the effect of already introduced legislation.

In Portugal and Slovenia there is no formal system in place.

24. If yes, does this lead to changes in the (staff) capacity of courts?

In Spain the activity of the courts is subject to very frequent structural changes. Therefore, the impact these changes may have on staff capacity is provided on Law, which establishes regular and continuous training programs for both judicial staff (art. 617 LOPJ, establishing the Judicial School) and non-judicial staff (art. 471 LOPJ). Training activities (ie, adaptation to legislative changes) in both categories of public servants are continuous and well planned

In Germany not in all cases. However the amount of reaction changes of legislation or even actual and social changes caused on the federal level (Federal laws, or for example the large amount of refugees entering Germany last year) differs from one state to the other. This is a disadvantage of the federal structure of Germany. Countries with a more centralized government can deal better with these problems.

In Lithuania any abovementioned changes are followed by the analysis and declarations of the need of particular staff.

In Poland and Portugal there is no direct connection with such assessment and the changes in staff. The changes are made in accordance to the courts reports and requests.

In Slovenia usually the personnel problems that arise due to changes in legislation are resolved after the new situation arises and are not planned for and changed in advance.

25. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process?

In Spain, at least by two different bodies. The State Council, in a not mandatory way, the supreme consultant Government's institution, can issue reports relating to legislative proposals on judicial matters at the Government's request (art. 21.11, Organic Law 3/1980, from April 22th).

The C.G.P.J.. mandatorily must issue a report concerning legislative proposals on legally relevant issues, listed in art. 108 L.O.P.J.: judicial districts, judges staff, procedural rules, etc.

The intervention of the judges themselves in the issuance of these reports is channelled through judicial associations, which can raise their proposals and petitions to C.G.P.J. which, in turn, can incorporate them into abovementioned reports

In Germany usually government or parliament asks for written statements to planned changes in legislation, specifically if workload or procedures in courts are affected by the proposed law.

In Lithuania all legislative initiatives, related to court activities, judicial activities, procedural rules are presented for review to the judiciary via National Courts Administration, Judicial Council and/or members of the judiciary as part of legislative working groups. Members of the Judicial Council, representatives of the National Courts Administration and judges are also invited to the legislative negotiation procedures in the Parliamentary Committee of Legal Affairs.

In Poland the National Council drafts opinions about the legislation regarding the independence of courts and judges but it is only of consultative nature.

In Portugal in many areas it is legally foreseen the formal hearing of the Judicial High Council and the General Prosecution Services.

In the general legislative procedure the Judicial High Council, the association of judges are frequently heard.

In Slovenia usually they are, but proposals and opinions of the experts/professionals are not always taken into account.

26. Does the judiciary play any role in the legislation process?

In Germany the Federal Constitutional Court can play an important role in legislation process as this court can either decide with the power of a law or it can order legislative to change law in case it infringes constitution. There have been a great number of cases where this took place. Other courts are normally only consulted.

In Lithuania all legislative initiatives, related to court activities, judicial activities, procedural rules are presented for review to the judiciary via National Courts Administration

In Poland according to the Constitution, in Article 186, number 2: “2. The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.”

In Portugal through the Judicial High Council. However the Judicial High is not a member of the legislative procedure per se. The Judicial High plays only a consultant role.

In Slovenia the judges in the courts and the Judicial Council prepare opinions on legislation proposals, but their opinions are not always taken into account.

27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings?

In Spain in civil matters and only in 2015 there have been 10 amendments to the current Law of Civil Procedure, modifying rules relating to mortgages foreclosures, preliminary proceedings, family proceedings, procedural capacity of parties, etc.

In Lithuania these rules are constantly reviewed in different forms and by different means: judges and courts on the basis of court practice submit their proposals to the Judicial Council; Judicial Council on the basis of proposals of the courts or the members of Judicial Council or the National Courts Administration submits proposals to the executive.

There is another constant form of review: Working Groups on the development of civil procedure and criminal procedure (representatives of the legislative, executive and judiciary as well as academics are participating). These Working Groups are reviewing proposals from different counterparts and their own initiatives and submit their conclusions and proposals to the Ministry of Justice and/or Parliamentary Committees.

In Poland the codes of procedure are constantly modified in Poland (about 10-15 times a year).

In Portugal there are frequent changes to procedural law. The goal is always to improve effectiveness and efficiency. However the frequent amendments do not contribute for the full comprehension of the legal needs.

In Slovenia in both criminal and civil proceedings many changes and amendments to the legislation have been accepted/adopted in order to improve the efficiency of judicial proceedings.

28. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges?

In Spain it may be mentioned the different situation among justice at first or at second level in civil matters and in many cases of criminal justice: usually cases at first level are addressed and judged by a single judge (always in civil matters and largely in criminal issues); in criminal matters (offenses punishable by more than five years in prison penalties) in the first

instance and both civil and criminal matters on appeal, the rule is the decision by a collegiate court, being necessary a minimum of three.

In Germany the processing of single cases is the central responsibility of the judge/s, who have to obey to the rules determined by the procedural laws.

In Lithuania law on Courts (Art. 36) establishes clear rules of composition of court (in which instances and in which categories of disputes, cases are handled by a single judge and when by the panel of 3, 5 (in case of the Supreme Administrative Court), 7 (in case of the Supreme Court) or plenary session (in case of the Supreme and Supreme Administrative Courts).

In Poland it is regulated in civil, criminal, administrative procedural codes.

In Portugal it is established in procedure law. In first instance courts can only take place in criminal, labour and family cases (lay judges).

In Slovenia there is no established policy

29. Is there a policy regarding the promotion of legal certainty?

In Germany as a rule (with few exceptions) judges in all instances in Germany are not bound to decisions of other courts even to those of higher instances. They are only bound to law, not to decisions of other courts.

Legal certainty is obtained by the way remedies are dealt with in the various procedural codes, so parties can get revocation of decisions that differ from a generally accepted legal opinion to a specific problem.

In Lithuania the principle of legal certainty and the need for uniform court practice has been underlined in several Constitutional Court's rulings. According to the Law on Courts the Supreme Court is empowered to form the uniform practice of the courts of general jurisdiction, whereas in the system of the administrative courts such competence is given to the Supreme Administrative Court.

In Poland and Slovenia there is no policy.

In Portugal the procedure law foresees the judicial general binding settlement when to appeal courts frequently disagree on a legal interpretation. The Supreme Court gathers in a full bench and formally decides. That decision is published with the same publicity as a law and its binding for all. If a judges does not follow the supreme general binding decision may commit a disciplinary offence.

30. Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence?

In Spain there are. Apart from the fact that all Spanish judges dispose internet connection to consult the Court's jurisprudence data base (not only Supreme Courts but most judgements from all judicial bodies), it exist within the formation programs several activities and meetings to promote the most recent jurisprudence.

In Germany no official one.

In Lithuania the methods of the fulfilling the abovementioned competence can be different, including meetings of judges, public presentation of the Judicial Council's reports on uniform court practice, publications. Also the search system of court decisions is in place as well as the search system of law interpretation rules, presented in the Supreme Court's final decisions. Supreme Court of Lithuania as well as the Supreme Administrative Court of Lithuania give focus to this duty.

In Poland and Slovenia there is no instrument

In Portugal beyond the formal system described, in specific areas (commercial and enforcement) there has been some good practice guides approved by the Judicial High Council.

Allocation of Cases System

1. INTRODUCTION

The allocation of cases is one of the main issues in court management.

The European Network of Council for the Judiciary (ENCJ) presented a report on allocation of cases, produced ENCJ Project 2013-2014 Development of Minimum Judicial Standards IV: Allocation of Cases adopted Rome 13 June.¹

This valuable research focus on allocation system rules, as guarantee of independence and impartiality of the judiciary and not specifically on caseload measurement or correction as management instrument to improve productivity and efficiency.

¹, available at:
http://www.encj.eu/index.php?option=com_content&view=article&id=179:allocationofcases&catid=11&Itemid=229.

The problem is how to maintain an efficient response to the work load when there's a change in the number of cases distributed to a court or when a particular complicated case is brought to trial.

Facing the test of the Minimum Standards we can compare different solutions within the different Partners

II. COMPARATIVE RESULTS

1. Is there a possibility to reassign cases or assignments in order to increase efficiency in the court?

2. Is there an objective method for allocating cases between judges?

3. Is the information on the allocation of cases made available to the whole court organisation?

One of the first issues is to know if we have an objective and random system for the allocation of cases to a judge.

In this sense we are talking about primary allocation.

In most systems there are abstract rules regarding the allocation of cases according to the jurisdiction of each court.

However, the main issue is to know how a case is distributed within the Court, when we have more than one judge.

In some systems, a part from the legal provisions, we have distribution schemes organized by the Courts Presidency or the relevant institution with management powers.

A random system of allocation of cases may not be sufficient to face issues that may arise during the year. If a judge falls ill or faces a particular complex case, in some systems, the Court Management can reassign a case in order to increase efficiency in the Court.

In Slovenia² the distribution of new cases is regulated by the annual work schedules, which are accepted by court presidents.

² <http://www.sodni-svet.si>

By this instrument, produced by the Supreme Court³, the judges are distributed to the different sections of courts (their working areas). The reports also determine the ratio of how the new cases are distributed between judges.

One of the fundamental tenets for efficient and successful court functioning and to provide equal access to judicial protection is ensuring a steady workload of judges, both pending and new cases. In order to ensure that, the Court presidents keep careful track of the workload of judges.

With justified reasons (prolonged absence of judges etc.) the Court Presidents have the power to change the annual work schedules and alter the allocation of new cases or allocate the unsolved cases to different judges.

To ensure a uniform workload on judges in different courts, an agreement between courts is possible (in agreement with the Supreme Court), that allows for flow of cases between courts. Judges can also be temporarily (partially or fully) or permanently allocate judges to other courts (with their consent).

When allocating cases one of the fundamental tenets is ensuring a steady workload of judges with pending and new cases. The Judicial Councils criteria did, up until the year 2015, determine the minimal workload of judges in different areas and were, while taking into account the pending and new cases, the basis for determining the workload on judges. From the year 2016 onward the workload of judges is determined with the time standards of solving cases as well, this, coupled with taking into account important circumstances allows for objective determination of workload on judges.

In Poland⁴ the system also allows for re-allocation of cases.

Re-allocation of case to another judge's unit (change of the reporting judge) is possible in particularly justified cases, e.g. in circumstances justifying abandoning general allocation rules. Such decision should not lead to extension of considering the case.

Chairman of the Department is entitled to re-allocate the case.

There are no restrictions as to proceeding stage where re-allocation is admissible. However, the later the proceeding stage, at which the reporting judge is changed, the more justified re-allocation must be justified in order to ensure efficiency of the proceeding.

Under applicable provisions the originally appointed judge's consent to re-allocate the case is not required. However, having regard to procedural justice and considering rules of

³ For 2017 available at http://sodisce.si/sodni_postopki/objave/2017021512313353/

⁴ <http://www.krs.pl/en/home>

courts' and judges' independence consent of the judge from whom the case is taken and consent of the judge to whom it is transferred might constitute important element for keeping transparency of such re-allocation. However, under applicable law provisions such consent is not required

In Lithuania⁵ cases are allocated by using a special computer programme of the Informational system of Lithuanian courts (LITEKO) intended for case allocation. The particular judge is selected in the automatic way (by the computer) that eliminates any subjective interference and warrants transparency of case allocation procedure⁶.

In the system some are established to ensure objective criteria (workload, specialization, etc.), which must be taken into account while distributing the cases to judges.

The Court President adopts rules for allocation of cases in particular court on the basis of the rules, adopted by the Judicial Council.

As for re-allocation of cases it may occur, for example, if there are circumstances determining that the judge to whom the case has been assigned would not be able to investigate it in the nearest future because of long-lasting illness or other reasons of this kind, the case can be reassigned to other judge in order to assure the expedience of the procedure.

Rules for Allocation of Cases and appointment of judicial panel composition are adopted by the Judicial Council's Resolution 2015/09/25 No 13P-123-(7.1.2), particularly Par. 16-19, provide the possibility, principles and criteria to be followed during the reassignment of cases.

Court President or other authorized official of court can reassign the case if the abovementioned established criteria and principles are met. The ground for the reassign must be indicated on the protocol of case allocation.

In Germany⁷ a written allocation distribution scheme with abstract rules is issued every year by the court's presidium⁸.

In Germany no re-allocation of cases is allowed. It is common to say that once a case has been allocated to a judge he becomes "married" to it.

In Spain⁹ the allocation of cases is normally determined by law regarding specialized jurisdiction¹⁰.

⁵ <http://www.teismai.lt/en/>

⁶ Art. 36, Par. 10 and 11 of the Law on Courts provide, that cases are allocated to judges automatically by using the ICT. During this procedure the workload, specialization, the complexity of cases and other criteria shall be followed.

⁷ <https://www.justiz.sachsen.de/agl/>

⁸ Each German court establishes a presidium composed of the president of the court and up to eight judges, depending on the size of the court

⁹ http://www.poderjudicial.es/cgpj/es/Poder_Judicial

According to those same provisions, the Regional Superior Courts can allocate the competence to the different Judges of a same judicial district according to numbers or specialization.

The allocation itself usually takes place by means of an electronic system.

Re-allocation of cases usually is not possible. Just exceptionally, when a case can collapse a Court or a Judge (reinforcements measures) or illness of a Judge through previous substitution rules

The Superior Regional Court can do it, in its Government functions (reinforcement measures). Court's or Judicial District Judge Meetings can discuss about it, in order to elevate the agreement to the Superior Regional Court.

In Portugal¹¹ the allocation is random by electronic system attending to previous distributions¹².

The re-allocation of cases is possible. Cases can be reassign to increase efficiency. The Court's President promotes and Council decides.

On the other hand judges can be allocated to different courts according rules previously published by Council.

According to the ENCJ's Minimum Judicial Standards for Allocation of Cases the method of allocation should be made available to the public and the parties to a case are entitled to be informed about the allocation of the case at a time prior to the start of the hearing/consideration.

In Germany the distribution scheme for allocation of cases is public for everyone and the criteria for case allocation are public. So every stakeholder can check at any time whether the rules are met or not.

In Spain the information is available in the allocation rules, (Superior Regional Court). Those rules may govern the allocation in one Court or Judicial District.

In Portugal the primary allocation is available on line¹³. The reassignment of cases is publicly published in the court

In Slovenia the annual schedule and its changes/modifications are publicly published in court areas and courts webpages.

¹⁰ Arts. 84 LOPJ -State Law

¹¹ <https://www.csm.org.pt/>

¹² <https://www.citius.mj.pt/portal/consultas/consultasdistribuicao.aspx>

¹³ <https://www.citius.mj.pt/portal/consultas/consultasdistribuicao.aspx>

In Lithuania it is established, that case allocation protocols are public.¹⁴ Not only the court organization but the society as well is given access to the information regarding case allocation – every interested person can familiarize with the protocol of judge's allocation by using a search programme in the website administered by National Administration of Courts (it is enough to introduce such data as case number, parties' surname in the special search programme).

The computer-based allocation of cases assures the maximum transparency. Moreover, courts have special rules regarding allocation of the cases that introduce objective criteria that are set in advance and publicly known.

In Poland information on number of cases in particular judges' units is available in electronic database, supplemented by secretary office up-to-date (so called electronic register of cases).

Usually, besides statistical data (i.e. number of cases in the judge's unit), also type and weight of a case, extensiveness of collected evidence materials and volume of a specific case (e.g. number of volumes of preparatory proceeding files, number of accused persons and other participants of criminal proceedings) are taken into consideration.

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The allocation of cases as random as it can be, can also take into consideration the workload between judges.

In the ENCJ's mentioned work the availability and/or workload of the Judge is one of the admissible criteria to consider in the allocation of cases.

In Germany this completely lies within the discretion of the members of the presidium.

In Lithuania the computer programme used to allocate the cases automatically evaluates caseload of individual judges and applies measures to even the workload.

Moreover, court's administration is entitled to decrease the workload of particular judges in such situations when the judge is investigating an extensive or complicated case, the case that was acknowledged to be investigated more swiftly, if the judge has been commissioned to perform functions of administrative nature (for example, to perform administrative inspection) or if he/she is a member of the judge's self-rule bodies (Judicial Council, Judicial Court of Honour ant etc.)

In Poland the Chairman of the department makes assessment of judges' workload up-to-date, striving for relatively equal distribution of work.

¹⁴ Par. 28 of the abovementioned Rules, adopted by the Judicial Council.

Information on number of cases in particular judges' units is available in electronic database, supplemented by secretary office up-to-date (so called electronic register of cases). Usually, besides statistical data (i.e. number of cases in the judge's unit), also type and weight of a case, extensiveness of collected evidence materials and volume of a specific case (e.g. number of volumes of preparatory proceeding files, number of accused persons and other participants of criminal proceedings) are taken into consideration.

Those criteria are assessed by a chairman of the department. It is very discretionary (based on chairman's discretion). A judge may ask the chairman for temporary non-allotting new cases to his unit, however such applications are considered positively in exceptional situations.

In Portugal Cases can be reassigned to increase efficiency. Court's President promotes and CSM decides.

Judges can also be allocated to different courts according rules previously published by CSM.

In Slovenia the courts presidents actively monitor the court work data, the work data of individual departments and data of workload of judges.

Changes in circumstances of work in courts they react by changing the Annual schedule accordingly.

In Spain normally it is not taken into account, but there is a possibility that (always previously to raise the case to the Court) establishes that a Judge can be competent on a quite hard and laborious matters (as a previous and objective decision) so he will be liberated from a high numbers of cases that are in other low difficult matter (example).

However, once a case go into the Court, if it is not established this possibility, there will be no concrete measures for it.

In Slovenia, the Annual work schedule (AWS) organized by the Supreme Court.

This instrument distributes the judges and determines ratio of new cases distribution.

A similar system is used in Poland being the rules developed by the Ministry of Justice and the Court President.

In Germany we have a written scheme of abstract rules Court's Presidium.

In Spain According to the Law prevision, the Regional Superior Courts can allocate the competence to the different Judges of a same judicial district according to numbers or specialization

In Lithuania and Portugal abstract and formal rules are applied by using computer random distribution systems – ICT Computer Programme in Lithuania – and Random electronic system attending to previous distribution.

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4. Are measures taken to ensure a fair and efficient allocation of workload between judges?

5. Are measures taken to ensure transparency in the allocation of files to judges?

In most systems we have some rules that allow for reallocation of cases.

In Germany no reallocation is possible - once a case is allocated judge is married to it

In other system is up to the Courts Presidency to decide any reallocation. In Lithuania rules for allocation of cases and panel composition can be changed by court president in case of illness of previous judge.

In Poland this power belongs to the Chairman of Department.

In other systems the reallocation is decided by the Council or the Supreme Court.

In Portugal Cases can be reassign to increase efficiency Court's President promotes and CSM decides. Judges can be reallocated to different courts, according rules previously published by CSM.

In Slovenia and Spain the reallocation is decided by a superior court.

In Slovenia the AWS can be changed by Court Presidents (justified reasons) and Supreme Court can changes between courts with judges consent.

In Spain as a rule it's not possible, just exceptionally, when a case can collapse a Court or a Judge (reinforcements measures) or illness of a Judge through previous substitution rules, (regulated in articules 84 y ss LOPJ). The Superior Regional Court can do it, in its Government functions (reinforcement measures). The Court's or Judicial District Judge Meetings can discuss about it, in order to elevate the agreement to the Superior Regional Court.

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The allocation of cases is transparent? The allocation is available to the whole organization?

In Spain in the allocation rules, (Superior Regional Court), where any judge can ask for having in his Court.

In Germany and in Lithuania is public to everyone.

In Portugal only the reassignment of cases is publicly published in the court.

In Slovenia the AWS is publicly published

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The random distribution is the main principle. However a random system may not always produce fair results in workload. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)?

In Spain normally it is not taken into account, but there is a possibility that (always previously to raise the case to the Court) establishes that a Judge can be competent on a quite hard and laborious matters (as a previous and objective decision) so he will be liberated from a high numbers of cases that are in other low difficult matter (example).

However, once a case goes into the Court, if it is not established this possibility, there will be no concrete measures for it.

In Germany by the written scheme only

In Lithuania the computer programme evaluates the caseload

Court's administration can decrease the workload of a judge

In Poland the Chairman (suspending the allocation of new cases to a judge is possible)

In Portugal Cases can be reassign to increase efficiency Court's President promotes and CSM decides Judges can be allocated to different courts according rules previously published by CSM

In Slovenia there is a Minimum workload Time standards of solving cases.

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GOAL SETTING

I. INTRODUCTION

One of the most basic management instruments in any organization is goal setting. However in Court activity the definition of productive goals face serious issues.

The first issue should be to separate qualitative goals from quantitative ones. The latter target judicial work focusing on productivity. The qualitative goals concern any interaction with the justice system.

II. COMPARATIVE RESULTS

1. First of all we should know if there is currently any performance targets (quantitative and qualitative) defined for courts.

In Spain there isn't, as a rule, performance targets defined for courts. There are some non-binding recommendations of what is the highest workload you must have as a Judge, but it is not compulsory neither has any legal consequences.

Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish a strategy that includes certain goals.

In Germany qualitative targets of the work of judges cannot be defined or ordered by any other authority as the responsibility for the quality of this work lies completely within the hands of the single judge.

As far as quantity is concerned there are standards for this defined by "Pebbsy", a calculation system for the amount of judicial and non-judicial staff needed for the coping of the court's work.

In Lithuania statistical data regarding the flow of cases and number of resolved cases are analysed permanently. According to the tendencies of case flow the approximate numbers of cases the court plans to resolve are indicated in the Strategic plan of activity. As for qualitative targets (in particular – the aim to assure expedition of the procedure), peak numbers of cases that last more than one year are as well indicated in the Strategic plan of activity.

In Poland the Ministry of Justice collects all statistical data on the courts

In Portugal there are annual strategic objectives defined by the State, and Strategic and procedural objectives defined by the High Council. There are also procedural objectives defined by each Court.

The Judge may participate in planning reunions in preparation of the procedural objectives.

The internal law foresees the definition of general procedural reference values (quantitative goals). The CSM has developed several studies throughout the years but is yet to set any specific values.

In Slovenia qualitative goals are usually not directed for judicial work but for user treatment and other Court interactions. Qualitative objectives of judicial work are only set by the judge himself.

As for quantitative goals some studies have been conducted, but there is no legal determination of Goals.

2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities?

In Spain not as a rule. Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish a strategy. Actually, just by the Judge can be set the goal

In Germany as far as (abstract) case allocation and the workload of judges is concerned the “Pebbsy” defined standards play a central role for the decisions of the presidium. Personal characteristics or “weaknesses” or “talents” of judges are sometimes taken into consideration as well.

In Lithuania strategic target of court’s activity, as well criteria for evaluating achievement of strategic target of court’s activity (e. g. improvement of public opinion about court’s activity, decrease of the decisions of European Court of Human Rights in the cases against Lithuania in which violations of human rights are stated in the court’s activity), particular aims and goals are stated in Strategic plan of court’s activity.

In Poland is the Ministry of Justice who is responsible for the administrative supervision of the courts and collects all statistical data on the courts

In Portugal the previously defined procedural objectives are: i) Specific (each section of the court); ii) Measurable; iii) Realistic; iv) Reasonable. The objectives are evaluated annually and every 6 months.

In Slovenia annual reports and the openings of the judicial year contain the time standards/time frames for solving cases in previous year and the expected timeframes for solving cases in the following year. The goals to improve the quality of work of courts are also specified. The law imposes an obligation of the Supreme Court to set the time standards to solve an individual case

3. Does it have performance indicators (quantitative and qualitative)?

In Spain not as a rule. Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish a strategy.

Actually, just by the Judge can be set the goal

In Germany the status of cases pending longer than one year regularly have to be reported to the president of the Local Court as well as the president of the Higher Regional Court.

There are no “qualitative” indicators as “quality” of a decision only has to be reviewed by remedies to higher courts.

In Lithuania the Strategic plan of court’s activity includes particular aims and goals set for achieving the strategic target of the court. Performance indicators inter alia include the stability of court decisions (percentage of court decisions that remained unchanged by the appellate court), percentage of court decisions that were not appealed.

In Poland is the Ministry of Justice who is responsible for the administrative supervision of the courts and collects all statistical data on the courts

In Portugal there are performance indicators monitoring each 3 months the achieving of annual objectives: i) Provided by the Ministry of Justice; ii) Requested by the High Council; iii) Fulfilled by the Court President.

In Slovenia in the past the objective indicators of effectiveness and efficiency of work of courts were used in the quantitative area; (quotients of: managing influx, decreasing judicial backlog, statement of the ratio of old unsolved cases, that are replaced with time standards for solving cases). The quality of work of courts was assessed by use of surveys. Parties and participants in the judicial proceedings took part in this survey.

The Judicial Council has in the past recommended to courts, that in addition to decreasing the number of unsolved cases, they need to improve the quality of their work as well. The current focus of Slovenian judiciary is to improve the quality of work of judges, procedures and participants in the process. The Supreme Court runs many projects in this field.

4. Does the court management determine critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives?

In Lithuania the elements necessary to achieve court's mission (for example, human resources, financing from the government's budget and etc.) are determined in the Strategic plan of court's activity.

In Poland is the Ministry of Justice who is responsible for the administrative supervision of the courts and collects all statistical data on the courts

In Portugal the statistical data (CITIUS) allows to consider the nature of pending cases.

The court management intervention only occurs when the critical factors are not present (ex: the fixation of maximum length of hearing procedures as an objective depending from the increasing of available hearing rooms)

In Slovenia the Supreme Court and also other individual courts in the Annual reports determine the assumptions to achieving the objectives (financial area, human resources area, ensuring working conditions, estimated number of new cases..).

5. Is the nature of pending cases systematically analysed?

In Spain not as a rule. As an exception in the Court's or Judicial District Judge Meetings may decide to propose reinforcement measures.

In criminal Law Procedures (mainly investigation, the Prosecutor has this function too.

In Germany a systematic analysis of pending cases was made in preparation for the "PEBBŞY" expertise.

In Lithuania causes of the procedure duration in the cases that last more than 12 months are reviewed precisely twice a year.

In Portugal statistical analysis considering diverse procedural areas (by the Ministry of Justice). The Allocation of cases is made by procedural areas, specialization areas and in some

cases the complexity of the case (by the High Council in coordination with the Court President). In any case there is a Permanent monitoring of allocation cases (by the President of the Court).

In Slovenia the courts actively monitor the number and kind of unsolved cases. Special attention is, or rather was given to analysing reasons for older unsolved cases or the problematic critical areas (such as: commercial disputes, bankruptcy and enforcement cases). Such cases are monitored closely and promptly, the reasons for longer solving time of these cases (interruption, suspension of operations, adherence of solving the case to solving another unsolved case, the unavailability of the parties) are actively reported to the courts presidents.

6. Have objectives been determined for reducing the backlog of cases?

In Lithuania measures to make the procedure more expedient are taken after having examined the long duration reasons of particular cases

In Portugal there are defined objectives to reduce backlog cases: i) Reallocation of cases; ii) Constitution of teams to recover cases pending for long time; iii) Allocation of judges, etc.

In Slovenia From the year 2016 onward the quantitative goals are mostly set via determined time standards for solving a certain kind of cases, because the judicial backlog in Slovenia has severely decreased.

7. Does a quantitative evaluation system regarding the activity of each judge exist?

In Spain not as a rule. Exceptionally if there is initiated a disciplinary or inspection procedure and in order to outcomes of productivity. it is possible to check how is going the work of a judge thorough judicial statistic.

In Germany input and output of the cases of every judge within the ordinary courts can be monitored by numbers and figures delivered by State Statistic Office that receives data from the courts software database. "PEBBŞY" is the quantitative evaluation system (see appendix).

In Lithuania as cases are allocated to the judges in automatic way (using the computer programme for allocation of cases), case allocation programme performs quantitative evaluation of each judge's workload and applies measured to assure the even distribution of workload among the judges. The informational system of Lithuanian courts (LITEKO) as well provides vast possibilities to collect and evaluate data regarding each judge's workload (number of resolved, number of pending cases and etc.).

In Poland the method of allocation of cases is subject to control within the frame of visitation or vetting of a court/court department. Visitations and vetting are conducted by inspecting judges. In the course of visitation attention is paid to equal charging the judges with job. Rules and principles and course of conducting a visitation are governed by acts and executive ordinances of the Minister of Justice.

There is no general mechanism leading to equal workload for judges out of the same department or court - e.g. within the frame of district, appeal or the whole country. Presently differences of judges' workload between small provincial courts and courts in big cities sometimes equal to (temporarily) 1:4.

President of appeal court may order a visitation covering full administrative activity of a court or court's department or vetting covering selected matters of the court's or department's administrative activity; it may also concern distribution of cases among different judges.

Vetting may also be ordered by Minister of Justice

In Portugal by the inspection services (of the High Council). The activity of each section (not directly the judge work) is monitored each 3 months by the High Council and each 3, 6 months and annually by the President of the Court.

In Slovenia the extent of work done (number and kind of cases), number of hearings, data of times of writing decisions, numbers of cases submitted into ruling of higher judicial instances and the rest of unsolved work (managerial tasks, teaching assignments, participation as an expert in working groups) are monthly and yearly monitored. From the year 2016 onward the times of solving individual cases are monitored as well.

This data, along with other relevant factors of judicial work, is basis for the assessment of the judicial service.

8. Does a qualitative evaluation system regarding the activity of each judge exist?

In Spain not as a rule. Exceptionally if there is initiated a disciplinary or inspection procedure and in order to outcomes of productivity

In Germany it does not exist as well.

In Lithuania statistical data regarding stability of decisions passed by particular judge may be collected using the informational system of Lithuanian courts (LITEKO). Such data (as well as the reasons why some decisions passed by the judge were changed or overruled by the

court of higher instance) are analysed and evaluated during the periodical assessment of the judge that takes place once in five years.

Moreover, such data is as well taken into mind in case an extraordinary assessment of the judge is organized (this might happen if drawbacks are indicated in the judge's activity repeatedly).

In Portugal the judge's evaluation comprises the qualitative evaluation.

In Slovenia The quality of the work of judges (the number of complaints lodged against the decisions of the judge in relation to the total number of resolved cases, data on the number revised/modified cases, the reasons for their modification/revision, the proportion of confirmed cases). When assessing an individual's judicial service opinions of judges working in the higher court are taken into account as well.

9. Is each judge granted access to the information regarding his/her own court department?

In Spain, Poland and Germany through Judicial Statistics.

In Lithuania every judge has access to the database of the Informational system of Lithuanian courts (LITEKO). Such data as number of received, pending, resolved cases, information regarding allocation of cases is accessible to every judge

In Portugal by CITIUS system all judges can have access to the number of cases pending in a court jurisdiction. Also provided by courts management reports, published on the Courts website.

In Slovenia in terms of number of allocated, solved and unsolved cases monthly, in the Annual reports regarding other data as well.

10. Is each judge granted access to the information regarding his/her colleagues' department?

11. Is each judge granted access to the information regarding the whole court?

In Spain, Poland and Germany through Judicial Statistics.

In Lithuania For example, the judge who works in Criminal Cases Division is as well granted access to the information (database) of the Informational system of Lithuanian courts (LITEKO) regarding the received, pending, resolved cases in Civil Cases Division.

In Portugal through the statistical data in CITIUS system, but only for its own Court,

In Slovenia the judges are familiar with the annual report of management of court. The law states that the court president must carry out an annual conference with the judges before accepting the annual schedule of work in courts.

12. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy?

In Spain yes, by the State or Regional rules.

In Germany quantitative standards are defined (PEBB§Y – a calculation system for the amount of judicial/non-judicial staff needed).

In Lithuania as it was mentioned above, qualitative aspects of the performance of individual judges are analysed during the procedure of periodical and extraordinary assessment of the judge's performance. It is as well taken into account when appointing assistants to the judges.

In Poland only the judges whose work is of a highest quality can be promoted to the higher position. If the judges work leaks quality he is sent to the training or he could be moved to another court.

In Portugal judge's promotion is based in merit

The court management in allocation of judges takes into account the complexity of the cases and other aspects

In Slovenia within the Supreme courts project: IKS - improving the quality of functioning of courts, the starting points for improving the quality of work of judges, participants and proceedings are prepared, along with them the methods and procedures for achieving the goals are presented.

CASELOAD MANAGEMENT

I. INTRODUCTION

Caseload management is the main issue of timeliness. Different measures can be taken to ensure an adequate distribution of files according to specialisation. Nevertheless the concrete systems are both similar and specific.

II. COMPARATIVE RESULTS

1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialisation, regrouping of cases, “test files”, etc.)?

In Spain there is a training period after being appointed judge, comprising a course in the Judiciary School (in Barcelona) for nine months. And a period shadowing senior judges in different courts, for another 4 months. Act 6/1985 on Judicial Power, Section 307.

There are similar training periods when a Judge changes his jurisdiction.

In accordance to section 159, Regulation of the Judiciary: Administrative Courts, Employment and Social Security Courts; Commercial Courts and Gender Violence. Courts dealing with prison sentences, and underage Courts.

Judges can be specialised in: Commercial matters; Underage jurisdiction; Administrative Law, Employment and Social Security Law.

Seniority in dealing with certain cases is taken into account in order to promote to different positions within the judiciary.

There is not regrouping of cases.

In Germany there is no more systematic training of judges once they have started their work at court. However plenty of training workshops are offered by the state or Federal Institutions. Attendance is not obligatory.

In Lithuania there is specialization of judges that is introduced by the chairman of the court/head of division (e. g. judges that investigate public tender, family, labour cases, cases in

which minors are accused being committed a crime and etc.). When the new judge is appointed there is a period of introductory training during which the judge's workload is decreased.

There are as well such measures as "safe" periods that mean several days before such events as judge's training, vacation and etc. During those periods cases (especially such issues that must be resolved in short terms) are not allocated to the judge.

In Poland there are so called "function judges" who have less workload but are specialized

In Portugal there is training periods. Some of these training is obligatory.

2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department?

In Spain at regional level, an official computer application (called Atlante, Adriano, Minerva, etc) allows judges to monitor in real time the cases they are dealing with. They can control applications and schedules.

There is a specific application in each administrative region. There are some issues about the compatibility between those programs. The General Council of the Judiciary is developing tools in order to set standards in the use of the computer programs.

In Germany in most sections of the court the software allows the judge to check instantly how many pending cases he has and how many cases he has resolved within a specific period of time. Furthermore he can see there the general state of the case itself, the documents issued by the court and some more data.

In Lithuania every judge and as well court staff have possibility to check the number of pending (not resolved) cases in the court in general, the number of pending cases in every department (division) and as well the number of pending cases of particular category (e. g. civil, criminal, administrative misdemeanours) by using the informational system of Lithuanian courts (LITEKO) search tools.

In Poland information on number of cases in particular judges' units is available in electronic database, supplemented by secretary office up-to-date (so called electronic register of cases).

In Portugal there is software that allows the judge knowing, in real time, his pending cases processes. This information is shared with bailiffs but not within the court.

In Slovenia the judges have access to the information system with the data of states of cases, that were allocated to them to solve.

3. Is he/she able to share this information with his/her administrative staff?

In Spain by using the computer application, the judge can send messages and directions to his clerical staff.

The system enables the use of alarms and reminders in each file.

In Germany, Lithuania, Poland and Slovenia the judicial staff responsible for managing the data of states of cases have the access to the information system as well.

4. Is this information shared within the court?

Each member of the Court (judges and clerical staff) has access to the files. However, access could be denied or restricted when necessary.

In Lithuania Every judge and as well court staff (except the technical staff) have access to the database of the informational system of Lithuanian courts (LITEKO).

5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding?

In Spain, following Act 5/12 on mediation in civil and commercial matters. ADR is being promoted by law, according to European directives.

In the common track (juicio Ordinario), the judge informs the parties in the preliminary hearing (Audiencia Previa), sect 414.

The parties must inform the judge about their decision regarding the use of mediation and the reasons involved. The claimant and defendant have to agree to use the mediation process.

Similarly, in the fast track (verbal), artículo 440

In Germany judges have been specifically trained for mediation at Leipzig Local Court. A case can be transferred to them if the parties agree.

In Lithuania the Art. 231 of the Code of Civil Litigation states that the court makes efforts to reconcile the parties. On the basis of the parties' pleading or their agreement the judicial conciliatory mediation can be performed.

In Poland the conditions that make the mediation possible are regulated by the civil and criminal procedure codes.

In Portugal the judge should try to reconcile the parties

In Slovenia judges may, in civil and commercial cases, give the parties the option to solve their disputes with associated mediation.

6. Are court proceedings (in principle) open to the public?

Cases as a rule are heard in open court sessions and society can take part except those cases when it is necessary to protect secrets of private, family life and etc. In such cases court has right to decide to hear the case in the close session in which only parties/participants of criminal procedure can be present. Court/judge as well has right to decide that material of the case / particular part or parts of case material are not accessible to public

7. Is the judge able to organize the proceedings in an expedient manner to solve the conflict?

In Spain in principle procedural rules are binding and must be followed according to a standard, previously set procedure.

There is not enough room of manoeuvre for the judge within the proceedings to change it.

In Germany the judge has the power to organize the proceedings for that end.

In Lithuania the Civil and Criminal procedure Codes provide the special rights to the chairman of the court hearing.

In Portugal the judge is able to organize proceeding in manner to solve the conflict. The processes are organized affecting only the necessary and sufficient means. It is also possible to use videoconferencing to question witnesses

In Slovenia proceedings are led by judges, in accordance to procedural laws. Within the limits of the law and having regard to the objective circumstances functioning of the Court,

judges can with appropriate organization of the proceedings, to a certain extent influence the pace and efficiency of proceedings.

8. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimised?

In Spain in general, there is no specific rule in order to keep low the costs of proceedings. Yet certain provisions in different laws regarding the number of witnesses (artículo 363 Civil Procedure Law), expert witnesses and the use of technology to obtain evidence are intended to minimize costs. For example video conferences are widely use in order to prevent long commutes to courts.

The economic amount of procedures is taking into account to assess the fees of lawyers. Maximum amounts rules are applicable.

In Lithuania the economy of the procedure is one of the essential principals of litigation (for example, it is provided in Art. 7 of the Code of Civil Procedure). This principle means obligation of the court to resolve disputes in the shortest possible terms and as cost-effectively as possible.

The court has several means to minimize the expenses of parties and others involved in the litigation (adjusting dates of hearings with the legal counsellors of the parties in order to escape the necessity to postpone the hearing because of the absence of party's counsellor, to interrogate witnesses who arrived in case the hearing is postponed and etc.).

In Poland the proceeding are carried out before the court where the parties lives (that minimalizes the travel costs). There is also something called "limitation of the evidence" which means for example that the court is able to refuse several expert witness opinions on the same issue.

In Slovenia with efficient management of proceedings, the judges can partially affect the amount of the costs for both the parties and participants in the proceedings.

9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators?

In Spain pursuant to Act 5/12 on Mediation in Civil and Commercial Matters, judges can suggest to, or advice the parties to use mediation.

Though mediation is not compulsory, and is for the parties to decide if they want to use the ADR. They must, however, explain the reasons for not doing so (in theory).

In Lithuania judicial mediation is, first of all, based on the principle of voluntarism of parties (Art 7.1 of the Rules of Judicial Mediation). Thus handing of the dispute to the judicial mediator is possible only in case there is a pleading or agreement of the parties.

In Poland and Portugal the procedural law allows the judge to send the parties to the conflict mediation.

In Slovenia judges may, in certain cases, give the parties the option to solve their disputes with associated mediation. The decision is made by the parties of the case.

10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily?

In Spain, pursuant section 20 of the aforementioned law, mediation process must be swift, but there is no a specific provision to prevent delays.

Parties can agree on a deadline to the mediation process. Parties can decide anytime to leave mediation in the middle of the process.

In Germany there are no routines for that.

In Lithuania the art. 25 of the Rules of Judicial Mediation confirmed by Judicial Council inter alia states that judicial mediation is terminated after the term of mediation established in the court ruling is over.

Moreover, Art. 27 of the Rules of Judicial Mediation establishes obligation for the judicial mediator to return the case material to the judge/board before the appointed date of court session.

In Slovenia as a general rule the mediation process can last up to three months, however if the parties propose and if the circumstances of the case are right, the mediation process can be extended.

So far the practise of extending the duration of mediation is not frequent.

11. Is there a policy for preparing the hearings?

In Spain, in civil matters, there is a preliminary hearing in the common track (*ordinario*). One of its goals is for the judge to do case management, clarify points with parties, try to reach a settlement, inform about mediation, and decide about evidence.

Judges give directions to Clerk of the Court in order to schedule hearings and trials.

In Germany Procedural Codes determine how hearings have to be prepared

In Lithuania preparing for the hearing of the case comprises one of the litigation stages and is regulated by procedural laws.

For example, in civil cases the Code of Civil Litigation foresees the oral preparation (preparatory session) and provides that preparation for case hearing must be completed during one preparatory session (in exceptional situations or if the court considers that there is a possibility to reach peace agreement, the second preparatory session can be appointed); there exists as well the written form of preparing for the case hearing that means that parties exchange preparatory documents (not more than four including the claim and the response to the claim). This way of preparing for the case hearing is obligatory if both parties have legal counsellors. Moreover, in case the court, having received the response to the claim, holds that further preparing is not necessary it has right to proceed to the hearing of the case.

Art. 231 of the Code of Criminal Procedure provides that chairman of the court of chairman of Criminal Cases Division in two days after the case has been received in the court appoints the judge who will prepare the case for hearing and hear it. According to Art. 240 part 1, the case has to be appointed to be heard in the court session during 15 days after it has been received in the court in cases when the accused person is arrested and during one month in case the accused person in free.

In Poland this issue is regulated in the civil and criminal procedure codes. According to the civil procedure code: The date of the hearing shall be assigned by the presiding judge. At the same time he orders the service of the lawsuit and, as required, assigns the judge-rapporteur.

Prior to the hearing, the presiding judge shall, as appropriate in the circumstances, issue, on the basis of the lawsuit and other pleadings, the order aimed at preparing the hearing. The presiding judge may in particular summon the parties to appear at the hearing in person, demand from a state organisational department or a local government department evidence in their possession, if the party itself may not obtain these pieces of evidences, summon to the hearing the witnesses adduced by the parties, summon to the hearing the persons unanimously

called by the parties as experts; order the presentation of documents, items to inspected, books, plans, etc.

In Portugal The law promotes the adoption of measures for cases streamlining through the CSM and the President judge.

The labor process begins with an attempt at conciliation after practice the first procedural act. There is no instituted system to measure the timely start of hearings. The parties are informed when the hearing is adjourned or delayed. There are regulations on the use of hearings room when they are insufficient in number. The summonses for hearings are sent with the advance of 3 month.

The President judge can take measures to speed up delayed cases and to reduce the backlog.

In Slovenia the proceedings which include preparation for hearing are led by judges.

12. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties?

In Spain, in civil matters, case are allocated to either a common track or a fast track.

Each provide different rules about scheduling proceedings which in general do not take into account the counsel of the parties.

Yet in the preliminary hearing the main trial is scheduled in cooperation with counsel.

Parties can apply to change schedule if there is a proper reason to do so.

In Germany only in rare cases especially temporary injunctions that have to be decided within some days.

In Lithuania such practice is most often in extensive and complicated cases

In Poland the date of the hearing shall be assigned by the presiding judge and communicated to the parties

13. Is the duration of the proceedings and the time needed to prepare for the main court hearing decided in cooperation with the counsels of the parties?

In Spain the duration of proceeding is not previously set by the judge or parties. Though judges can establish some general rules regarding a specific cases.

In Germany is frequent on criminal cases. Usually not in civil and family cases, unless the time schedules of the legal counsels require this cooperation.

In Poland the date of the hearing shall be assigned by the presiding judge and communicated to the parties

14. Is there a system for measuring the timely start of hearings?

In Spain the Council of Judiciary Inspection of Tribunals regularly analyses the measures adopted to prevent delays, when inspecting courts. And give proper advices or guidelines in that matter.

In Germany doesn't exists such a system.

In Lithuania according to Art. 240 part 1 of the Code of Criminal Procedure, the case has to be appointed to be heard in the court session during 15 days after it has been received in the court in cases when the accused person is arrested and during one month in case the accused person in free.

According to Art. 240 part 2 of the Code of Criminal Procedure the court must start to investigate the case in the court session in 20 days after the ruling of the court to appoint the case to be heard in the court session has been passed. If the case is complicated or extensive or there is a schedule of court sessions stated in advance the case must be started to be heard in a court session in three months after the ruling to appoint the case to be heard in court session has been passed.

In civil litigation there is no general term during which the case has to be started to be heard in court session but there are particular categories of cases (labour, public tender cases and etc.) in which terms during which preparing to hear the case must be completed and the decision passed are foreseen in the Code of Civil Litigation.

In Poland is a task of the presiding judge.

15. Are parties informed when the hearing is adjourned or delayed?

In Spain according to spanish law, parties should be notified as soon as possible when the hearing is adjourned or delayed (LAW 1/2000, ON CIVIL PROCEDURE)

Any kind of electronic means of communications can be used.

In Lithuania the Art. 162² of the Code of Civil Procedure foresees that adjourning the hearing of the case the court appoints the date of the new hearing. Participants of the litigation that are present are informed about the new date by signing declaration that they are informed about the date of the next court session and those who are absent are informed by sending court announcements.

In Poland the Regulation of Minister of Justice on the operation of common court of 23 December 2015, § 69: “1. The Courts secretariat shall draw up the plan of hearings before the date of the meeting or hearing in paper form or in electronic form.

2. Before the room where the public session or hearing shall be a there is a copy of the plan of the hearings in paper form or in electronic form.

3. On the hearings plan there are possible changes placed and already proceeded cases.”

In Portugal there is pilot experience taken place that allows for electronic and automatic notification to the parties (Tribunal mais)

16. Is there an information system which is used for determining an efficient schedule of court sessions?

In Spain in criminal cases, there is a schedule shared by the Police and Courts to set hearings related with certain crimes, in order to speed the process.

It is used for the summons of victims, witnesses and expert witnesses.

In Lithuania the informational system of Lithuanian courts (LITEKO) provides the tool of occupation that can be used when appointing the date of the court session.

In Poland Regulation of Minister of Justice on the operation of common court of 23 December 2015§ 66.

“1. For each case there shall be designated starting time, having regard to the time allowed for the analysis of cases preceding, the communication conditions used by persons residing outside the headquarters of the Court and the possibility for them to reach the Court at the appointed hour, and also determined the planned end time of the meeting or hearing.

2. In criminal cases for offences before the Court of first instance, by setting the time limit of the meeting or hearing, as far as possible, the Court should take into account the participation of the prosecutor referred to the case and other parties, their defenders and agents.

3. *The cases involving the public prosecutor and the cases in which there are the same persons involved, as far as possible, should be set on the same day and in the following consecutive order.”*

17. As regards judges:

- do they prepare court files bearing in mind oral investigation?
- do they have the ability to improve the understanding of their role by the various players in the proceeding?
- do they control the allocation of the parties and witnesses' speaking time?
- do they control the police of the trial in an appropriate way?
- do they take into account the parties and witnesses' expectations within the oral phase of the proceeding?
- do they control the timetable of the proceeding?
- do they begin the hearings at time?

In Spain judges organise their heavy workload in order to be efficient and deal with as many cases as possible.

Judges give directions to Clerk of the Court in order to schedule hearings and trials.

There are no specific rules and you can find significant differences between courts.

Act 6/1985 on Judicial Power orders judges to direct the hearings and control its development, with specific powers such as fining lawyers or public, sections 190 and 192.

In general judges try to set maximum times in oral hearings for the lawyers to make their pleadings and petitions.

Lately, certain courts are establishing the maximum numbers of words used in applications and appeals (administrative courts), according to sect 87 bis of the Procedural rules.

Oral hearings do not usually begin in time and delays are rather frequent.

In Lithuania Court files are prepared in the same way no matter if investigation of the case is oral or written.

The judge has no write to determine the duration of the parties or witnesses speaking time but is entitled to pay their attention or suspend the speaking person if he is speaking about the circumstances that are not related to the matter. Chairman of the court hearing is obliged to ensure order during the court session and has special rights foreseen in procedure laws that make possible to do it.

In general, all the questions related to the organization of procedure are resolved after having heard opinion of the parties. It enables court to take parties and witnesses expectations into account. Most often the hearings begin at time. As court hearing is recorded there is always possibility to check when did the hearing begin. It should be mentioned that ethical principles applied to the judges demand the judge to be punctual thus often cases when the hearings are not started at time can be treated as misconduct.

In Slovenia proceedings are led and decided by judges.

Therefore there is no specific answer to this question, as it would need to assess the course of action of every individual judge in proceedings in a certain timeframe. The assessment of this element of work of a judge is a part of the assessment of judicial service of that judge, which is made every 3 years

18. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ?

In Spain courts are using the modern means of communication to summon parties and witnesses, such as fax and e-mail.

In Lithuania art. 133 part 2 of the Code of Civil Litigation foresees that summonses for hearings should be delivered for the participants of litigation in such terms that they would have enough time to prepare and to arrive to the court session.

When civil cases are investigated in a written form the announcement about the date of court session (though participants in this case do not take part in the hearing) is promulgated in a special website not later than 7 days before the court session

In Poland the Regulation of Minister of Justice on the operation of common court of 23 December 2015, § 76.: "1. Summons and notices of the dates of hearings and meetings should be sent in due time limits which allow, in case of obstacles in delivery, their second delivery or postponing the meeting or hearing and also noticing of this people, which the summons or notices has already been effectively delivered.

2. In the notifications and summonses must be included following information: in which case, in what capacity, in which time and place a person should appear before the Court and if their appearance is mandatory. In addition, it must be warned about the consequences of failure to appear and announced that the Court shall determine the identity of the person requested based on the identity card or other document stating the identity of this person.”

19. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given?

In Spain certain cases are prioritised by law. In general, parties are not allowed to apply for exceptions, and the system works in a first come first served basis.

In really special situations, the Clerk and the judge can decide to change the schedule

In Germany and Poland there are no binding rules on that.

In Lithuania in general, the parties have no influence on this matter. But it should be mentioned that several provisions of Civil and Criminal Procedure Codes establish numerous terms for performing particular procedural activities.

If particular procedural activities cannot be performed during the foreseen terms because of such reasons like judges vacation, illness, taking part in schooling and etc., there is possibility to appoint the other judge to perform urgent procedural activities. Parties can, as well, address the court administration asking to appoint the judge for urgent procedural activities.

Moreover, in case the parties consider that hearing of the case is too slow or protracted they can address the court administration. The latter is entitled to acknowledge the case to be investigated more swiftly.

In Slovenia the justification of priority treatment is decided upon by a judge on the basis of reasoned submissions from the parties.

20. Is there a policy for setting foreseeable and optimum timeframes?

In Spain and Germany there isn't.

In Lithuania there is possibility to foresee the schedule of court sessions and this practice is often in extensive and complicated cases.

In Portugal the judge plays an active role in driving the process and conducting the hearing. The judgment must be delivered not later than 30 days after court finished the hearing.

In Slovenia the Courts Act is determined the obligation of The Supreme Court to adopt the Standard times of solving the cases. They were prepared and adopted at the end of the year of 2015

21. Are standards or norms concerning the acceptable length of judicial proceedings defined?

In Spain there are no standards regarding the length of proceedings.

The General Council of Judiciary sets standards regarding the number of cases with can be properly deal in any court.

It also decides the number of cases that each Judge should adjudicate on a yearly basis.

Statistics and data are regularly collected in order to control and assess the productivity of Judges.

In Lithuania there are no general terms for the judicial proceedings in civil or criminal cases defined in procedural laws (except some particular case categories as, for example, labour, public tender, possession cases, summary proceedings in civil and criminal cases, for example, court order, documentary proceedings, penal court order). On the other hand, one of the principles of civil litigation is concentration of proceedings meaning that the court is obliged to use all procedural means to prevent the protracting of proceedings and to resolve the dispute during one court session unless it harms the proper resolution of the dispute.

In Poland there is no such regulation but it is a standard resulting from the judgments in cases regarding unjust delays.

In Slovenia the Supreme court has accepted the Standart times/timeframes of solving individual cases in different courts.

22. Is there a policy for managing case flows preventing delays?

In Lithuania the managing of case flow can be regulated by revising the provisions of procedure codes regarding cognizance.

For example, recently the sum of the claim that makes civil cases cognizable to the regional court (this is the second level of courts after district courts) has been increased and it influenced the decrease of the number of civil cases that are heard by regional court as the court of first instance. Moreover, statistic data regarding case flows are analyzed and paid

respect unto when making decisions regarding number of judge or judge's assistants staff in particular courts.

23. Are measures taken to speed up delayed cases and to reduce the backlog?

In Spain the Law sets a system of exceptional measures to help to reduce backlog, section 216 bis. Those are, mainly, the provisional appointment of additional judges to a court. It also can be the exclusion of a Judge in dealing with new cases in order to concentrate in one regarded to be very difficult.

In Germany in some cases the president of the court carries out a personal interview with a judge who has problems with delay of cases

In Lithuania administration of the court has the right to acknowledge particular cases (considering the length of the proceedings) to be investigated more swiftly. In such situations the work-load of the judge investigating such case can be decreased until the resolution of this case.

In Slovenia in the framework of the financial and human possibilities steps for effective and efficient work of the Court are made by the Courts presidents by adopting programs to solve certain types of cases, by organization the departments of the courts, by specialization of judges etc.

24. Is there an active role for the judge in the management of the timelines of the proceedings?

In general the judges are responsible for all cases in his court.

The judge presiding a court session has right to pay attention of the litigants if they are speaking about circumstances not related to the case, refuse to accept evidentiary material if it is not related, to match dates of further court sessions with counselors of the parties, to apply procedural sanctions (e. g. fine) for the protracting of procedure.

25. Can parties negotiate with the court on the timeframes that will be used?

In Germany Civil Cases: Section 310 Civil Procedure Code: Hearing for pronouncement of the judgment (1) The judgment shall be pronounced at the hearing at which the court proceedings are declared terminated, or at a hearing to be arranged immediately. This will be

set for a date later than three (3) weeks after the last hearing only for grave cause, this being particularly the scope or the complexity of the matter

In Germany In many cases they can.

In Lithuania Dates of court sessions are matched with counsellors of the parties and their occupation in other cases is considered in order to escape the postponing of the case because of counselor's absence.

26. Is there a timeframe set for delivering the decision after the court hearing?

In Spain there are deadlines set for the delivery of judicial opinions in all proceedings. In general, they range between 20 days for the common track (ordinario, difficult cases) or 10 days in cases allocated to the fast track (verbal).

If those deadlines are not respected, the proceeding is not deemed void or null, but judges could be fined and can be held responsible.

In Germany Civil Cases: Section 310 Civil Procedure Code: Hearing for pronouncement of the judgment (1) The judgment shall be pronounced at the hearing at which the court proceedings are declared terminated, or at a hearing to be arranged immediately. This will be set for a date later than three (3) weeks after the last hearing only for grave cause, this being particularly the scope or the complexity of the matter.

In Lithuania in civil cases (first instance) the decision must be delivered not later than in 20 days after the court has finished the hearing of the case.

In the procedure of appeal (civil cases) the decision of the appellate court must be delivered in 30 days (if appeal is regarding the final decision of the first instance court) and 7 days (if appeal is regarding the intermediate ruling of the first instance court). In criminal cases (first instance) the judgement must be delivered not later than in 14 days and if the case is extensive and complicated – 40 days.

In Poland for example in civil procedure:

Article 326.

§ 1. The pronouncement of the decision should take place at the session at which the case was closed. However, in a complicated case, the court may postpone the pronouncement of the decision for a period of two weeks. In the ruling on the postponement, the court should assign the date for announcing the decision and announce the date immediately after closing the session.

§ 2. The pronouncement of the decision shall be done in open court. The non-appearance of the parties shall not stop the pronouncement. When the pronouncement has been postponed it is made by the presiding judge alone.

§ 3. The pronouncement of the decision is effected by reading the conclusion. After announcing the conclusion, the presiding judge shall present orally the reasons for the decision; he may omit this if the case has been examined in camera.

Article 328.

§ 1. The reasons for the decision shall be detailed upon a motion from the party, lodged within one week of the delivery of the conclusion of the decision.

In Slovenia in some cases the decisions are made immediately after the court hearings (in criminal cases).

In civil and commercial cases usually the decision need to be made and written copies of the judgement need to be made and sent to the parties in 30 days after the last hearing. Exceptionally the deadline can be extended to 90 days. Information of how many judgements are made within the deadlines is an important element of assessing the work of judges.

27. Is there a policy concerning the enforcement of judicial decisions?

In Spain in general, decisions are only enforced when a party applies for enforcement, setting up an special proceeding. The court do not act on its own motion

In Germany there are enforcement laws and codes

In Lithuania the enforcement of judicial decisions is entrusted to members of specific profession – the bailiffs.

In Poland there are special enforcement regulations to the civil and criminal procedures.

In each court there is a special enforcement department.

In the Ministry of Justice there is a special department supervising the enforcement of the judgements.

In Portugal it is provided in the procedural law the enforcement of decisions.

The computer system CITIUS allows to notify the court decisions.

The enforcement of decisions is entrusted to bailiffs that are supervised by the judge.

There is also a specific profession "Agentes de Execução" which are supervised by the respective order

28. Is there a system of notification of judicial decisions?

In Spain as a rule, all decisions are notified to parties and to anyone that could be interested.

Electronic means of communications such as restricted computer platforms are now used to notify. Section 152. Applications are to be submitted electronically, section 135 (zero paper policy).

Parties must inform about their emails in order to receive all communications.

In Lithuania the judicial decisions are placed in the informational system of Lithuanian courts (LITEKO).

Parties can obtain access to the e-file of their case and get acquainted with judicial decisions on-line. The impersonalized variants of judicial decisions are as well placed in the informational system of Lithuanian courts (LITEKO) and are available for public in the special website administered by National administration of the courts.

29. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties?

In Spain all decisions should be notified to parties in three days maximum (Section 151).

In Lithuania in civil cases the copies of the decision for the parties that were present in the hearing are sent under their request.

For those who were absent the copies must be sent not later than during three workdays. In criminal cases the copies of the judgement for the sentenced or absolved persons must be delivered immediately if these persons are present at the court hearing. In case they are not the copies must be sent during five workdays

In Slovenia the timeframe is 30 days, exceptionally this timeframe can be extended to 90 days.

30. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored?

In Spain the Council of Judiciary Inspection of Tribunals regularly analyses the measures adopted to enforce decisions, when inspecting courts. And give proper advices or guidelines in that matter.

31. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities?

In Spain Procuradores have a special role in the enforcement of decisions, but most of them are enforce by public officials (bayliff)

In Germany the court's president supervises the work of the bailiffs.

In Lithuania enforcement of decisions is entrusted to bailiffs. Their procedural activities can be appealed to the court in the way of non-contentious proceedings. The Bailiffs' law as well foresees the control (expect procedural activities of the bailiff) carried out by the Bailiffs' Chamber.

In Poland there is so called "judicial supervision over the court bailiffs".

32. Does a case management information system exist for the recording and monitoring of court files and cases?

In Portugal The CITIUS, computer system, records court files and court decisions. It's possible to submit documents to the court in electronic form.

33. Is there a specific policy concerning archiving of court files and court decisions?

In Spain specific rules govern the archiving of court files, which is supervised by the Law Clerks. They also decide who is entitled to obtain copies of the files or to be granted access to it.

In Germany regulations by the President of the Higher Regional Court determine how and how long files have to be archived.

In Lithuania every court has its archive regulation that is based on general rules of document safekeeping, manual of documents' safekeeping terms that are introduced by the Chief Registrar of the Republic of Lithuania

In Slovenia Courts Act, other Acts and Courts Orders govern the manner of archiving courts files and courts decisions.

34. Does an electronic information system for archiving court cases and decisions exist?

In Spain the CENDOJ (depending of the General Council of Judiciary) regularly analyse and publish all decisions made by the Supreme Court and Court of Appels. And those made by judges which can be relevant.

The Data base is open to the public, though names of parties are changed in order to protect privacy and comply with privacy rules.

In Lithuania the informational system of Lithuanian courts (LITEKO) serves for this purpose.

In Slovenia for some cases an electronic information system for archiving court cases exist.

35. Does a court system of electronic files exist?

In Spain, according to Law 42/2015, beginning in January 1th 2.016, electronic means of communication will substitute paper and no paper should be used in the courts.

Each file has a particular number of reference, given by the computer application.

Following the zero paper policy, all applications and documents are electronically submitted to the court

In Lithuania electronic files system is widely used in civil litigation. Nowadays several issues regarding pre-trial investigation in criminal cases as well obtained the electronic form.

In Slovenia In certain cases courts files are kept in electronic forms. As a part of judicial information system, all decisions made by The Appeal Courts and the Supreme Court are published.

36. Is it possible to submit documents to the court in electronic form?

In Spain it is not only possible, but in fact is mandatory in civil proceedings.

This year a Zero Paper Policy has been implemented, and applications and documents are filed in electronic form. The use of digital signature is necessary.

In Germany all documents can be submitted in electronic form using a specific software. Plain Email is not sufficient.

In Lithuania submitting of documents to the court in electronic form is used in civil litigation. Litigants have possibility to do this through the website of electronic services of Lithuanian courts (EPP).

It is worth mentioning that Code of Civil Litigation introduces considerable reduction of litigation costs (stamp-duty) in cases where documents are submitted to the court in electronic form. Moreover, particular subjects (like governmental institutions, institutions of local government, advocates) have a duty introduced by the Code of Civil Litigation to use the website of electronic services of Lithuanian courts (EPP) and the court is obliged to deliver all procedural document to them in electronic form.

Court performance standards

I. INTRODUCTION

Court performance standards are important in more than one perspective. The debate of the Partners stressed mainly two of them: the assessment of the whole system and the assessment of judges' performance. Both are a concern of the judicial systems of the countries involved in the Project even though many differences can be found between them.

II. COMPARATIVE RESULTS

1. Is there a system to monitor the workload of each judge continuously?

In Spain Judges' professional performance is currently evaluated through a monitoring procedure.

The system basically takes into consideration the quantitative aspect of the professional performance of judges (i.e. the number of judgments and decisions issued in their respective courts per year), and does not make an assessment of the qualitative aspect of the contents of the decisions, in as far as this aspect of professional assessment could conflict with judicial independence.

However, the qualitative aspect of professional performance of Spanish judges is assessed by the relevant Committees of the General Council for the Judiciary and by its Plenary when appointing Chairpersons of the respective courts, and Justices of the Supreme Court, since the Council should make this appointment on the basis of merit and professional qualification of the candidates.

The competences of the General Council for the Judiciary in the field of evaluation of professional performance of judges are exercised by means of the Judicial Inspection Department under the General Council, which has a special unit devoted to assessing judges' performance. The Head of the Inspection Department is a very high official of the Council, who is appointed by the Plenary of the Council. The Organic Law on the Judiciary (sections 148 & 171), allocates the verification and control of the functioning of the judicial administration's services to the Inspection Department, via proceedings and inspections that must be approved by the General Council for the Judiciary. The Judicial Inspection Department under the General Council for the Judiciary is structured in several Inspection Units composed by judges and court registrars and other civil servants with at least 5 years of professional experience who are seconded to the Judicial Inspection Department on the basis of a decision made the Plenary of the Council.

The decisions on the evaluation of professional performance of Spanish judges are formally made by the Standing Committee of the Council on the basis of the proposals of the Judicial Inspection Department. Under the Organic Law on the Judiciary (section 130.1) the Standing Committee of the Council is composed by the Chairman of the General Council (who also chairs this Committee) and four other members of the Council appointed to sit at the Standing Committee by a majority of three fifths of the members of the Council, following a decision passed by the Plenary of the Council.

Neither the Ministry of Justice nor the Chairman of the respective court plays any role in the process of evaluation of professional performance of Spanish judges. However, it has to be born in mind that the Ministry of Justice is the body responsible for the payment of judicial salaries. This means that the contents of the decision issued by the Standing Committee of the Council as to the evaluation of professional performance and the accomplishment of performance targets by all Spanish judges must be formally notified to the Ministry of Justice (in particular to the Secretary of State of Justice), so that the Ministry proceeds to pay the bonuses of the judicial salary which are linked to the achievement of the performance targets.

In Germany the "Pebbsy" system has numbers and figures that can be obtained at any time for that purpose.

In Lithuania the workload of judges is monitored constantly in the LITEKO system. Methodology of the calculation of the workload of judges was adopted (new version) by JC's resolution 2015/11/27 No. 13P-148-(7.1.2).

This methodology is used for monitoring of individual judge's workload in a particular period, calculation of average workload of particular court and all courts. This data is used for judicial performance evaluation, allocation of cases, balancing the workload in courts, distributing and redistributing resources, including judicial positions between courts.

The President of the Court as the official, empowered by the Law on Courts to organize the activity of the court (Art. 103), is obliged, alongside with other responsibilities, to monitor and balance the workload of judges in the court. The obligation to monitor this indicator is inter alia established in the Rules of the Administration of Courts, adopted by the JC Resolution 2015/12/18 No. 13P-157-(7.1.2) (new version).

In Poland this is one of the main tasks of the President of the Court.

In Portugal every six months the Court Presidents must report different aspects on courts activities, resources etc.

These reports are sent to the Minister of Justice and to the Prosecution's Office

In Slovenia an information system has been established that allows judges to look at the states of the cases that were allocated to them.

The court presidents can, via this system, access the number of allocated, solved and unsolved cases, by judge, department and court.

2. Is the court performance periodically evaluated?

In Spain in ordinary and extraordinary means. The procedure for the evaluation of professional performance is regulated in the legal norms that develop the system, such as the Act on Judicial salaries currently in force (Act nº 15/2003, of 26th May) and the secondary legislation passed by the General Council for the Judiciary on the basis of its regulatory powers (such as Regulation nº 2/2003 of the General Council for the Judiciary, and decisions of the Plenary of the Council of 31st May 2000, 9th October 2003, 8th February 2006, 21st February 2006, 24th June 2006, and 22nd April 2010).

Under the new guidelines of the Inspection Department under the General Council for the Judiciary the procedure begins with the collection of the relevant information concerning the professional performance of each judge, which is normally gathered by the Inspection

Department on the basis of the statistical data provided by the courts to the General Council. Taking into account the statistical data collected the Judicial Inspection Department of the General Council for the Judiciary submits a proposal concerning the level of achievement of performance targets to the Standing Committee of the Council, which is the responsible body to make the decision as to the level of achievement of the performance targets.

The decision made by the Standing Committee of the General Council for the Judiciary is formally notified to the Ministry of Justice (Secretary of State of Justice), which is the body responsible for the payment of judicial salaries. As already explained, the evaluation of professional performance is taken into account under the Act on Judicial Salaries currently in force, in order to fix the amount of the variable component of the judicial salary (bonus), which is connected to the achievement of performance targets.

On the other hand, it is necessary to bear in mind that the system of evaluation of professional performance does not contemplate the grading of judges, since it only contemplates the percentage of accomplishment of a predetermined standard/target regarding the number of judgments/decisions or other judicial actions, depending on the type of court, branch of the jurisdiction, etc..

In Germany the president and other staff with administrative functions get regular reports on that from the State Statistics Office (every 3 months).

In Lithuania the rule of the evaluation of administrative activities of the courts is established in the Law on Courts (Art. 104). The procedure, areas for monitoring, periodicity of the court's performance evaluation (supervision), are determined in the Rules of the Administration of Courts. One of such authorities is the judicial Council. Another form of evaluation of the results of courts activities is the abovementioned Annual Report of Courts (see answer No 21 of Chapter I).

Alongside with abovementioned procedures, in courts, which have implemented quality management standards, periodically monitor particular areas of the activity (for example, Client service quality, etc.).

In Poland this is one of the main tasks of the President of the Court. According to the Act law on common Courts: Article 37b.

“§ 1. As part of internal administrative supervision the president of the court, in particular:

- 1) verifies the efficiency of proceedings in individual cases;
- 2) controls the activity of the secretariat of the division;

3) verifies the correctness of allocating cases to judges, assistant judges and court referendaries and ensures even spread of the workload.

§ 2. Moreover, the duties of the president of the court of appeal and of the president of the regional court in the field of internal administrative supervision comprise:

- 1) inspection, covering complete administrative activity of a court or court division;
- 2) vetting, covering a range of selected issues from the administrative activity of a court or court division.

§ 3. As part of internal administrative supervision the president of the court of appeal:

- 1) specifies the guidelines on internal administrative supervision to be followed by the presidents of courts acting in the appeal court area;
- 2) coordinates actions within the scope of internal administrative supervision exercised by the presidents of courts acting in the appeal court area;
- 3) controls the performance of supervisory duties by the presidents of courts acting in the appeal court area and issues relevant orders.

Article 37c.

§ 1. Inspections of particular court divisions are carried out every four years.

§ 2. Inspections of divisions of a court of appeal or a regional court are carried out by inspecting judges holding the post of an appeal court judge.

§ 3. Inspections of divisions of a district court are carried out by inspecting judges holding the post of a regional court judge.

§ 4. The inspection of a court division shall not be carried out by an inspecting judge who is a spouse, a relative or an in-law of one of the judges or assistant judges assigned to the division or who has such a legal or factual relationship with one of the judges or assistant judges that it may cast reasonable doubt on the impartiality of the inspecting judge.

§ 5. The same inspecting judge shall not conduct two consecutive inspections in the same division.

§ 6. The president of the court and the head of the division are notified of the scheduled inspection at least thirty days in advance.

Article 37h.

§ 1. The president of the court of appeal prepares annual information about the activity of courts acting in the appeal court area, within the scope of tasks entrusted thereto, which, after an opinion thereon has been delivered by the general assembly of appeal judges, the president submits to the Minister of Justice not later than by the end of April each year.

In Slovenia the work of courts is assessed yearly, in the Annual reports.

3. Is there a policy on the publication of the evaluation results?

In Spain all statistics regarding each and every Court are published in the site of the Council. The interventions of the Inspection Service remain generally undisclosed except for the Court itself.

In Germany judges and other staff interested in that can get the information.

In Lithuania the National Courts Administration prepares annual report on the administration in courts, where good practices are indicated and recommendations are included.

This Report is communicated to all courts. Also the initiative of the NGO (Transparency International) in cooperation with the Judicial Council and the National Courts Administration to publish all data, concerning incoming cases number, workload of courts and individual judges, budgets of courts and HR of every court, etc., on the special website. This project could be considered as a one of the forms of the publicity of courts activities and the possibility to the public to evaluate some indicators of courts activities (for example, estimating the most and the least productive judges).

In Poland only in the annual report

In Slovenia the law determines the content of Annual reports. The annual report, made by the Supreme Court is publicly accessible.

4. Are quality regulations and standards or indicators, periodically evaluated?

In Spain the criteria and indicators of the evaluation of Spanish judges are only referred to objective quantitative data (such as, incoming cases; closed cases; decisions issued by each judge/court; pending cases and backlogs). These indicators basically provide information regarding workload and quantitative performance of judges (and indirectly speed and timeliness of proceedings), but do not assess other aspects (quality and contents of the judicial decisions, impartiality, integrity and expertise of judges, uniform application of the law, etc.), the evaluation of which could collide with judicial independence, according to the Spanish approach on this

matter. Thus, no body of self-governance or self-administration of the Judiciary (including the Judicial Inspection Department, the Standing Committee and the Plenary of the General Council for the Judiciary) may correct or evaluate any judge's application or interpretation of the Law outside of the system of statutory appeals and remedies, under the pretext of assessing the performance of the judge.

In this respect, the main element is the comparison of the performance of each judge with a predefined standard regarding the number of judgments and decisions to be issued by each court or judge, depending on the branch of the jurisdiction, kind of court, etc. The procedure used to define the performance target is based on a survey on the functioning of different courts in order to assess the average length of each kind of proceeding and the average work time devoted to each kind of proceeding or action by the judge or judges responsible for its adjudication. Thus, the Council for the Judiciary has established the workload that can be assumed by judges, setting the target for each type of judicial body and fixing a scoring for each type of case in each branch of the jurisdiction.

In Portugal First instance judges are evaluated every four years by the inspector of the area where they serve.

In the evaluation the inspector will assess the technical quality of the decisions, and the judge has a chance to present selected decisions to submit for appraisal. It's also assessed the work by the results from the view of timeliness, backlog rate and clearance rate in relation with available resources.

Indirectly the CSM also takes part on the organization of the training session and courses for judges, investing on specialized training according to the trainee jurisdiction.

However the CSM does not intervene in the judicial decision, and there is no regular appraisal of the decisions.

In Slovenia in the year 2016 timeframes for solving individual cases were implemented, this brought a change in assessment of efficiency of judges and courts. Other quantitative factors for determining the efficiency of judges and courts are still being used as they were in the past.

5. Following the evaluation results, have measures been identified and implemented to improve the situation?

In Spain evaluation of professional performance of judges in Spain has several aims:

A) The system of performance evaluation is helpful in order to ensure the good functioning of the judicial system by foreseeing and preventing any possible malfunctioning of the judicial bodies. In this respect it can be of assistance in order to make decisions regarding the number of courts and judicial positions in each court of the country, including programmes of reinforcement in overburdened courts. The performance targets have helped the General Council for the Judiciary define the maximum workload of every judge/court of the country through the system of “input measures/output measures” (módulo de entrada de asuntos/módulo de dedicación), according to the specificities of each court. When the input measures of the judges/courts of a city in the country are exceeded, the Council makes a reasoned proposal to the Ministry of Justice in order to have new courts or positions for additional judges installed in that city or to develop and implement temporary programmes of reinforcement in overburdened courts.

B) On the other hand, performance evaluation could also be helpful in order to adopt decisions by the relevant Committees or the Plenary of the General Council for the Judiciary concerning disciplinary liability of Spanish judges. So, for instance, the disciplinary liability for delays of judges who achieve the predetermined performance targets is normally discarded or mitigated taking into account the fact that standards of performance defined by the Council for the Judiciary have been met.

In Slovenia on the basis of the assessment the Judicial Council has made proposals to courts in order to improve their results.

Now the assessment is made by the Supreme Court. The Supreme Court based on the assessment, refurbishes strategies of work, improves programs for improving efficiency and quality of work and carries out certain projects.

6. Are these improvements monitored?

In Spain the competent body for the inspection of courts is the Inspection Department under the General Council for the Judiciary. According to the relevant provision of the Spanish Constitution (section 122.2) the General Council for the Judiciary exercises its function “*in connection with appointments, promotions, inspection and the disciplinary system*” (of the Judiciary). Developing the constitutional provision, the Organic Law on the Judiciary currently in force (sections 148 & 171), allocates the verification and control of the functioning of the judicial administration's services to the Inspection Department, via proceedings and inspections that must be approved by the General Council for the Judiciary. In order to fulfil its mission, the

Inspection Department must adopt the necessary measures, and state the dysfunctions and need for human and material resources that become apparent in the course of the inspections.

The inspections are normally carried out by the Department in situ, with the judicial inspectors making the visits required to evaluate the situation and functioning of the judicial body, as well as the quality of the service provided. Furthermore, the inspections may also be performed on-line from the seat of the Department, to check the situation of all the Spanish judicial bodies. As it has already been explained, the Judicial Inspection Department under the General Council for the Judiciary is structured in several Inspection Units composed by judges and court registrars and other civil servants with at least 5 years of professional experience who are seconded to the Judicial Inspection Department. The Inspection Units operate under the supervision of the Head of the Inspection Department.

In order to determine the quality of the service provided by the inspected body, the Inspection Unit responsible for the inspection of a judicial body collects data related to quantitative and qualitative parameters (such as, response time for processing, ruling and notifications, stays of proceedings, rulings index, organization and management of cases, compliance with the principle of immediacy, legal reasoning and language of the rulings and decisions, accessibility of the judge and staff for legal professionals and citizens, correct behaviour, adequate enforcement of the rulings and decisions, etc.). After the Inspection Unit has finished an inspection a report is drawn up, setting out the proposals deemed necessary to improve the body inspected and, consequently, the quality of the service it provides. The proposals may vary widely, depending on the dysfunctions detected, which in some cases may be due to a lack of resources, and are generally made after the inspections and as a result thereof. The Inspection Department under the Council for the Judiciary is also responsible for the implementation of the proposals approved by the Inspection Department's Management. The implementation of the proposals is monitored by the respective Inspection Unit in the terms stipulated in the inspection report.

Apart from the competences of the Inspection Department under the General Council for the Judiciary concerning judicial inspections, the Inspection Department also plays an important role in the evaluation.

In Lithuania in the Report of the next period the status of the implementation of recommendations is observed.

There different forms of the monitoring used, for example, there are client satisfaction surveys periodically executed in order to monitor client service quality in courts. The improvement is measured by the increase/decrease of certain rate of satisfaction.

7. Is the percentage of cases recorded and published?

In Spain every one of them in the annual report of the TSJ and the final resume in the site of the Council

In Germany in “Pebb§y” and “JASPER”. The information is published in a Court Level.

In Lithuania in the official website of courts (www.teismai.lt), in the website of Transparency International project (www.atvirasteismas.lt) all case statistics are available.

In Slovenia the information on the number of allocated and unsolved cases is kept as well, this information is published in Annual reports of efficiency and effectiveness of courts, that was prepared by the Judicial Council (publicly accessible). The data is nowadays published by the courts in their Annual reports regarding management.

8. Is the percentage of appeals recorded and published?

In Spain that percentage is recorded in the web of the Council

In Lithuania in the official website of courts (www.teismai.lt), in the website of Transparency International project (www.atvirasteismas.lt), Annual Report and other sources all statistics, including the percentage of the appealed decisions, is published.

9. Is the productivity of judges and court staff recorded and published?

In Spain the number of decisions produced and the number of pending cases is published by Courts individually.

In Germany the number are recorded but not published for everyone

In Slovenia a part of the reports is the data regarding the productivity of courts as a whole. The data of the scope of work done is kept for individual judges as well; however they are not a part of the annual report.

10. Is the length of proceedings systematically recorded and published?

In Lithuania in the official website of courts (www.teismai.lt), in the website of Transparency International project (www.atvirasteismas.lt), Annual Report and other sources all statistics, including the length of the proceedings and the reasons of the delayed procedures, is published

In Slovenia in the year of 2016 the timeframes/timestandards to solve an individual case was proposed, in accordance to the law, by the Supreme court. From this year onward data is kept on the mentioned timeframes as well.

11. Is it possible to determine the total number of incoming, pending and decided cases in a given period?

In Spain in order to set the maximum number of cases that judicial bodies can assume, the Plenary of the Council has recently approved a new model that has entered into operation in January 2013. The model takes into consideration

The statistical data provided by the Council's Statistics Department with regards to the bodies whose ruling rate (ratio between the number of incoming cases and cases adjudicated) varies between 0.9 and 1.1, and on which the statistical mean for the past three years is based. Therefore, the evaluation takes into account the actual workload supported by the judicial bodies, rather than the number of incoming cases alone, thus making the statistical information used to calculate the means more reliable. In addition, the result obtained is refined by calculating the average of the mean, to which the reducing percentages are applied on the basis of the overload of work detected in each branch of the jurisdiction. This is because some judicial bodies have been saturated by working at levels much higher than the standards set by the Council. The idea underlying the model is to prevent that an exceptional situation in the courts could be considered a normal or reasonable workload.

Distinctions based on types of procedure are not contemplated, and therefore, rather than using a single figure, the statistics are based on a range of incoming cases capable of absorbing annual fluctuations in the complexity of the procedures and notable variations between territories. Therefore, it is a matter of establishing minimum and maximum values within which the adequate workload can be measured, taking into account the type and peculiarities of each judicial body at the time the evaluation is made (number of court staff, mobility, percentage of contracts for substitutions in staff, implementation of the new judicial office, complexity of the incoming cases, territorial singularities, etc.). Said range has been set at +/-9% for all bodies.

In Lithuania such statistics is recorded in the LTEKO system

In Poland the Ministry of Justice that is responsible for the administrative supervision of the courts and collects all statistical data on the courts

In Slovenia the information system of the Supreme Court, which is based on gathering data from computerized registers of individual courts, allows the user to look into the data of allocated, unsolved and solved cases in a certain timeframe.

IV. SECOND INSTANCE COURTS

The data regarding the appeal of the judicial decision on fact issues, that were highly regarded in Project phase concerning second instance, focus on the appeal system on fact issues that assures full legal review, with double jurisdiction level, when an ordinary appeal is admissible.

Such system involves a reapreciation, by the Appeal Courts, of the concrete facts over which the parties manifest sustained reasons for different interpretation, the system frequently demands the judges to listen to audio recorded evidence produced during the first instance trial.

This system is currently responsible for a considerable stake of the Appeal court judges work, being common the empirical notion, by one hand, that the number of cases in which the fact appeal is found, and, simultaneous, quite frequently that appeal is irrelevant to change the final decision.

This issue has been draining resources in the Appeal Courts having a direct impact in the quality of the justice system.

In order to collect the data mentioned in point h), never before collected in Portugal, a specific board/sheet to fill out in each Appeal Court session.

On the other hand, it was decided that would be collected data with the appeal court judges referring to the cases each decided on 2015 (referring to the civil year and not the judicial year, in order to facilitate future comparison with data from other countries).

Considering the difficulty of collecting this data and its relevance, it was decided that from now on a specific mean to collect this data would be instituted, this system is now in place following a decision of the Judicial High Council allowing for the collection and treatment of data for the future.

Not being yet possible the gathering of this data by the IT system and while that doesn't occur, it was suggested and accepted that a grid with the registration of all published decisions in each session with the specific indication of this elements in order to replace the current grid.

QUANTITATIVE DATA

DATA COLLECTION

It's important to distinguish the collection of data regarding the two proposed questionnaires (**Annex I and III**), regarding quantitative and qualitative data.

Quantitative data for the year of 2015 reported by the Appeal Courts within the Project (**Annex IV**)

Lisbon Appeal Court (TRL)

a) Collected data:

- ✓ Number of chambers and it's specialization by jurisdiction;
- ✓ Case types within the case distribution system;
- ✓ Average case duration (with no distinction on jurisdiction or case types);
- ✓ Number of Appeal court judges in office and the number of judges to consider in finding the indicators and analytical information, considering any case allocation reduction or service reduction on the grounds of sickness leave or accumulated service;
- ✓ Data regarding resolution rate, Case Turnover ratio, Disposition time, efficiency rate, total backlog, backlog resolution and case per judge (the numbers present are global numbers, with no distinction by jurisdiction);
- ✓ Court Statistic data regarding the number of allocated cases, ended and pending, per judge, with no discrimination on case type, but with the indication of case re-allocation due to sick leave or by judges retirement;
- ✓ Number of Appeal court judges and their distribution by the different chambers;
- ✓ Judicial statistic for 2015 by jurisdiction (not entirely matching with the CSM statistics, the later with case type's discrimination).

b) Gathering features

The data sent by the Lisbon Appeal Court mentioned that wasn't possible to find the global court data regarding the number of Appeals in which a fact review was requested, neither the percentage of deferral/ non deferral of the appeals and if the deferrals had any influence on the final decision.

It also points out that such data are not currently gathered and analysed, it proposes that in the future the information should be gathered electronically.

From the collected sample of data regarding fact review it pours out that the feedback is an estimate from the data of a few judges (23 of a total of 124). With this universe it was reported that 83,36% of the Appeals in which there was request from fact review were dismissed and 13,64% were deferred with influence in the decision.

Concerning allocated cases in which fact review is requested, according to the supplied sample, they amount up to approximately 30% of the total cases, being noticed however that the different case types are not indicated when the allocated cases are mentioned – bearing in mind that not all case types allow for fact review.

Porto Appeal Court (TRP)

a) Gathered data

- ✓ Number of Appeals
- ✓ Number of Appeals with fact review requested

b) Gathering features

From the chart regarding the Appeals and the fact review requests in the 2015 cases, with the input of a few judges (17 judges from the civil chamber and 4 from a criminal chamber), it turns out that about 50% Appeals have fact review request, 387 in a total of 778 Appeals, being that 12,9% are rejected and only 15,5% are deferred with influence in the decision.

The Porto Appeal Court data are more comprehensive (concerning 53 judges in a total of 91) and they also refer to first semester of 2016, without covering all judges.

From this data we can conclude that 42% of the Appeals have fact review requested - 589 in a total of 1400 Appeals -, from those 9,8% are rejected and only 17,6% are deferred with influence in the decision. From the chart concerning Appeals and fact review requests in 2015, it emerges that about 50% of the Appeals have fact review request, 387 in a total of 778 Appeals, in these 12,9% are rejected and only 15,5% are deferred with influence in the decision.

Coimbra Appeal Court (TRC)

a) Gathered data

- ✓ Statistic data regarding new cases, finished cases and pending cases in 2015;
- ✓ Cases length according to each jurisdiction and referring to several time slots, concerning average, maximum and minimum length;
- ✓ Analytical information and indicators, total and by jurisdiction, differencing the jurisdictions;

- ✓ Number of judges;
- ✓ Finished, new and pending cases;
- ✓ Resolution rate, Case Turnover ratio and efficiency rate, total backlog, and case per judge.

b) Gathering features

The support statistics show a slight variation regarding the data presented by the Judicial High Council.

The data regarding the Appeals with fact review request concern data from almost all judges (only four judges missing) and are separated by jurisdictions.

From these numbers it pours out that, proportionally, is the civil jurisdiction that has more fact reviews requests, when compared with criminal and social jurisdiction.

In the whole of all jurisdictions the Appeals with fact review are 40% of cases (1426 in a total of 3560 Appeals), in these 19,7% are rejected and only 15,2% deferred with influence in the decision.

Évora Appeal Court (TRE)

a) Gathered data

- ✓ Number of Appeal court judges in 03/09/2015, with any case allocation reduction pointed out;
- ✓ Number of cases allocated per judge, and by jurisdiction, differencing the main case types;
- ✓ Appeals with fact review requested.

b) Gathering features

Thousands of listed registrations were sent, without any treatment, of little help to extract the relevant data.

The statistical data that were sent don't match entirely with the ones from CSM.

From the gathered data regarding the Appeals with fact review requested, we can conclude that the data is 73,26% from the civil chamber, 35,13% from the criminal chamber and of 75,81% in the social chamber.

Regarding the number of cases allocated and the number of cases with fact review requested the following results emerge: 30,92% in the civil jurisdiction, 30,30% in the criminal jurisdiction and 44,79% in the social jurisdiction.

Concerning the total of the fact reviews requests, 63,02% are dismissed in the civil jurisdiction, 77,50% in the criminal jurisdiction and 26,03% in the social chamber. The percentage of fact reviews rejections is of 22,19% in the civil jurisdiction, 8,13% in the criminal jurisdiction and 42,47% in the social chamber.

The Appeals with fact review request that are deferred with influence in the decision are 6,80% in the civil jurisdiction, 11,88% in the criminal jurisdiction and 12,33% in the social chamber.

The number of Appeals with fact review request allocated per judge is quite different as a result of not having a specific allocation category different from the common Appeals.

Guimarães Appeal Court (TRG)

a) Gathered data

- ✓ Number of judges
- ✓ Number of Appeals with fact review requested and the outcome (granted, dismissal and influence in the decision).

b) Gathering features

From the data concerning the Appeals that had fact review requested, according to each jurisdiction, the supplied data concern a total of 44 judges from amongst 49 who serve in the Court.

It is noticed that in a total of 1385 Appeals with fact review requested 16,5% are rejected, and 56% are dismissed, and only 10% of the deferred have an influence in the decision.

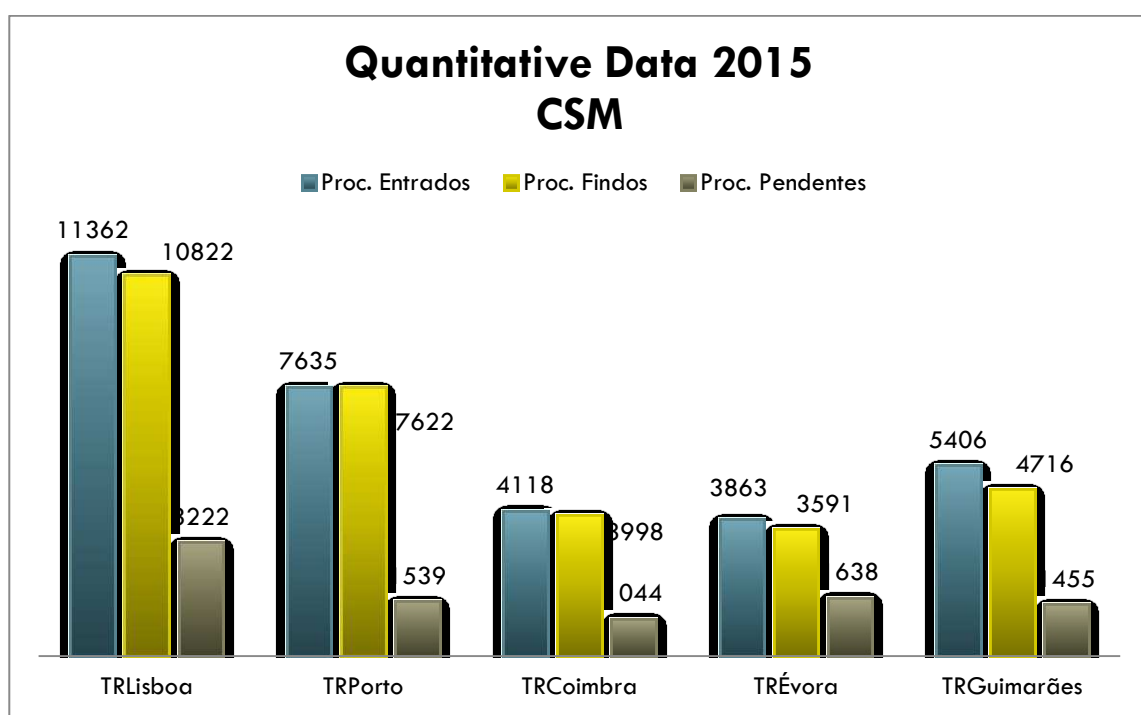
Quantitative data from 2015 reported by the Appeal Courts in the biannual report to the Judicial High Council

With the clear notion that the gathering of data by each Appeal Court wasn't the same (the courts didn't send all the data and some few data) and, on the other hand, that, although the effort standardization, didn't obey the same criteria, the Judicial High Council supplied the Project the data that has for 2015, concerning each Appeal Court. Data gathered every six months.

With these data it moved on to the management indicators calculation, in order to consider all the courts and the same criteria, allowing a description by equal standards as much as possible for comparative assessment.

The total numbers, for 2015, are the following:

APPEAL COURTS	New Cases	Finished Cases	Pending Cases	Number of Judges
Lisbon	11362	10822	3222	124
Porto	7635	7622	1539	91
Coimbra	4118	3998	1044	49
Évora	3863	3591	1638	45
Guimarães	5406	4716	1455	49



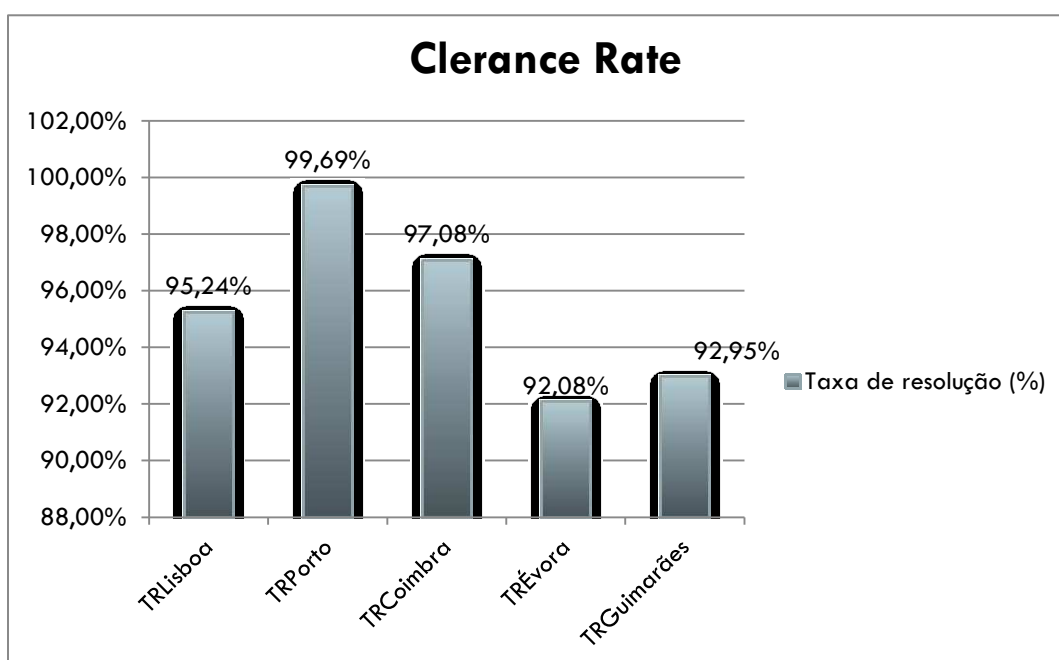
Concerning the number of judges, the number reported by the Judicial High Council was considered.

In this calculation it wasn't considered the situations in which there was some case allocation reduction as a result of other service accumulation, sickness, ou complex cases allocation, due to the lack of data.

For 2015 these are the management indicators:

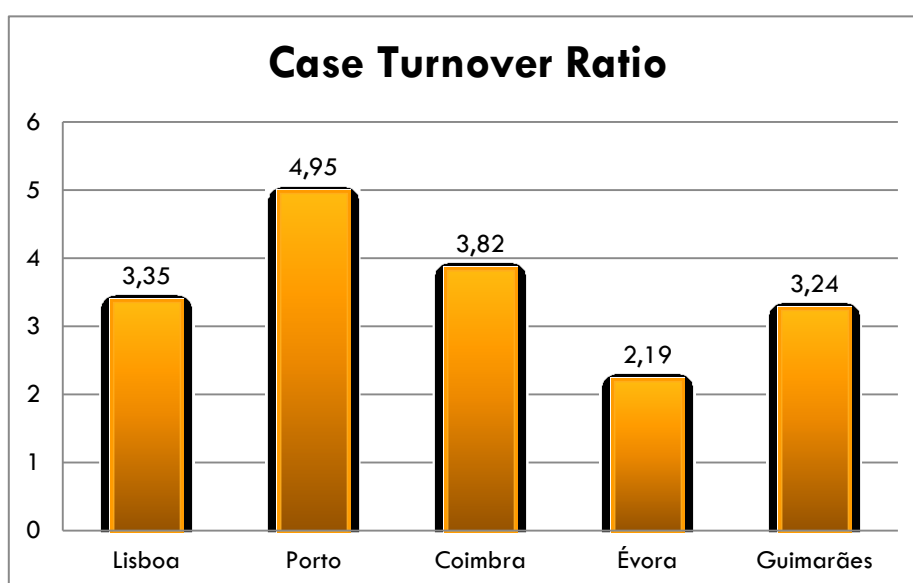
a) Clearance rate: Relationship between the new cases and completed cases within a period:

APPEAL COURTS	New Cases	Completed Cases	Clearance rate (%)
Lisboa	11362	10822	95.24
Porto	7635	7622	99.69
Coimbra	4118	3998	97.08
Évora	3863	3591	92.08
Guimarães	5406	4716	92.95



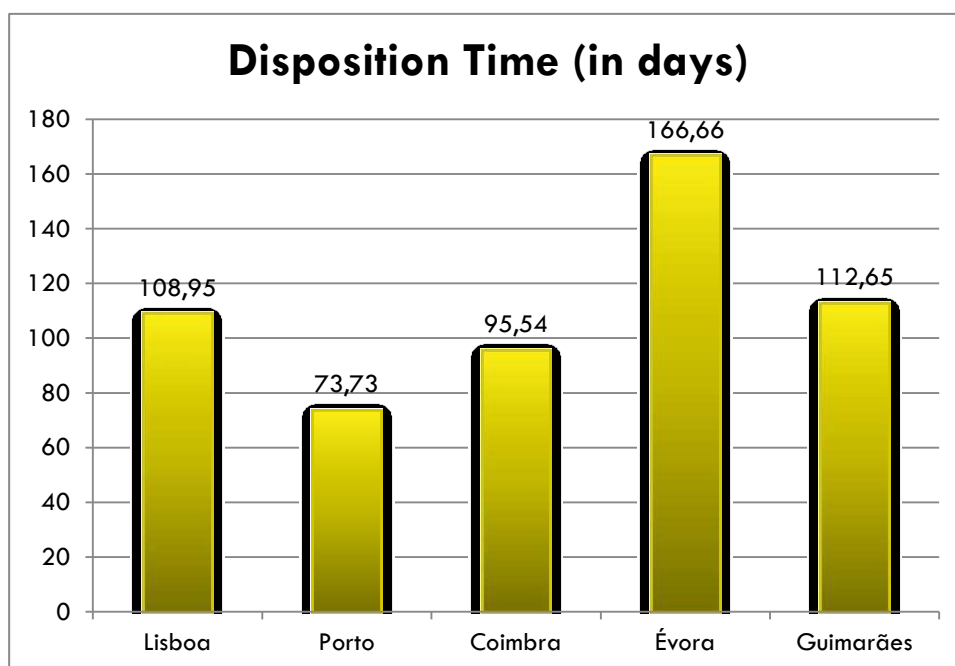
b) Case Turnover ratio: Relationship between the number of resolved cases and the number of unresolved cases at the end:

APPEAL COURTS	New Cases	Completed Cases	Case Turnover ratio (%)
Lisboa	10822	3222	3,35
Porto	7622	1539	4,95
Coimbra	3998	1044	3,82
Évora	3591	1638	2,19
Guimarães	4716	1455	3,24



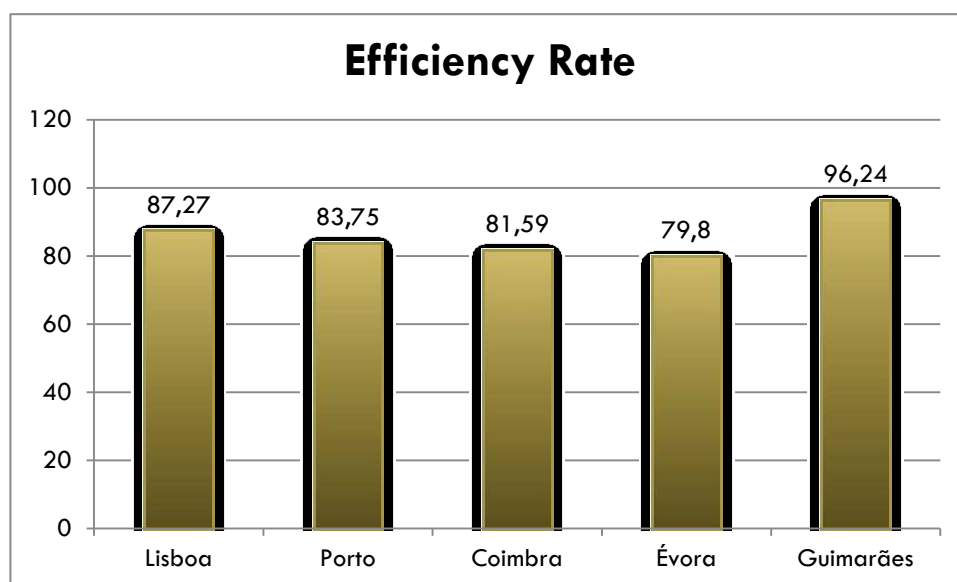
c) Disposition time: it compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period:

COURT	Disposition time (in days)
Lisboa	108,95
Porto	73,73
Coimbra	95,54
Évora	166,66
Guimarães	112,65



- d) Efficiency rate:** Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year:

COURT	Efficiency Rate	Number of Judges	Resolved Cases
Lisboa	87,27	124	10822
Porto	83,75	91	7622
Coimbra	81,59	49	3998
Évora	79,8	45	3591
Guimarães	96,24	49	4716



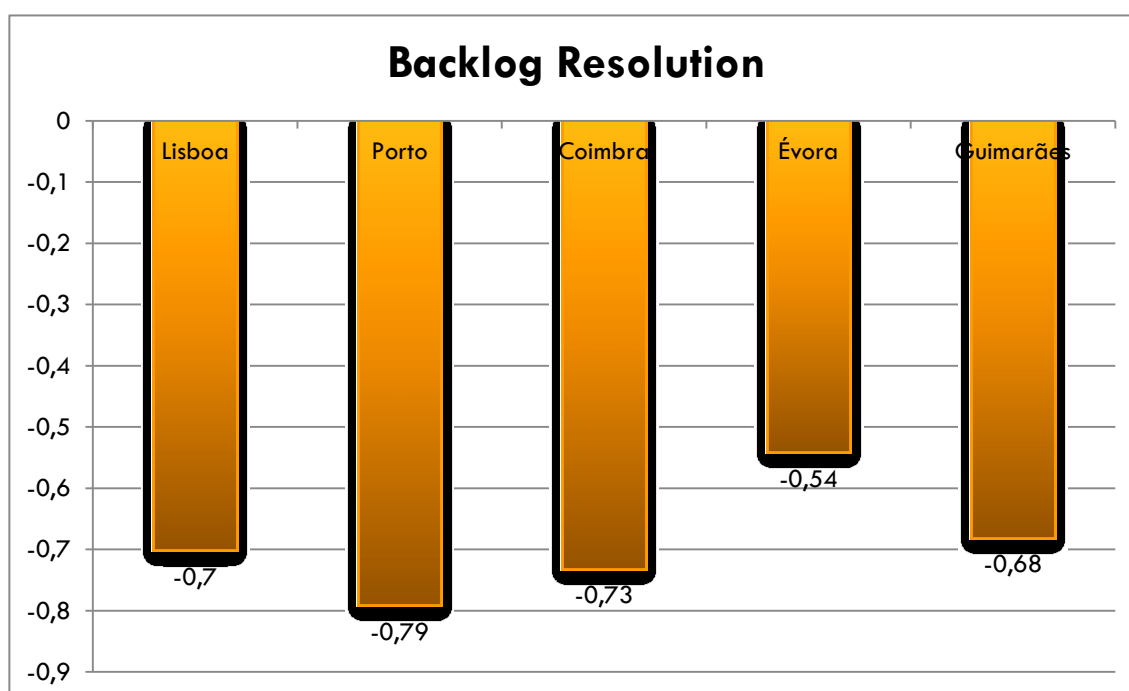
COURTS	Number of Judges
Lisboa	124
Porto	91
Coimbra	49
Évora	45
Guimarães	49

- e) Total backlog:** Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period

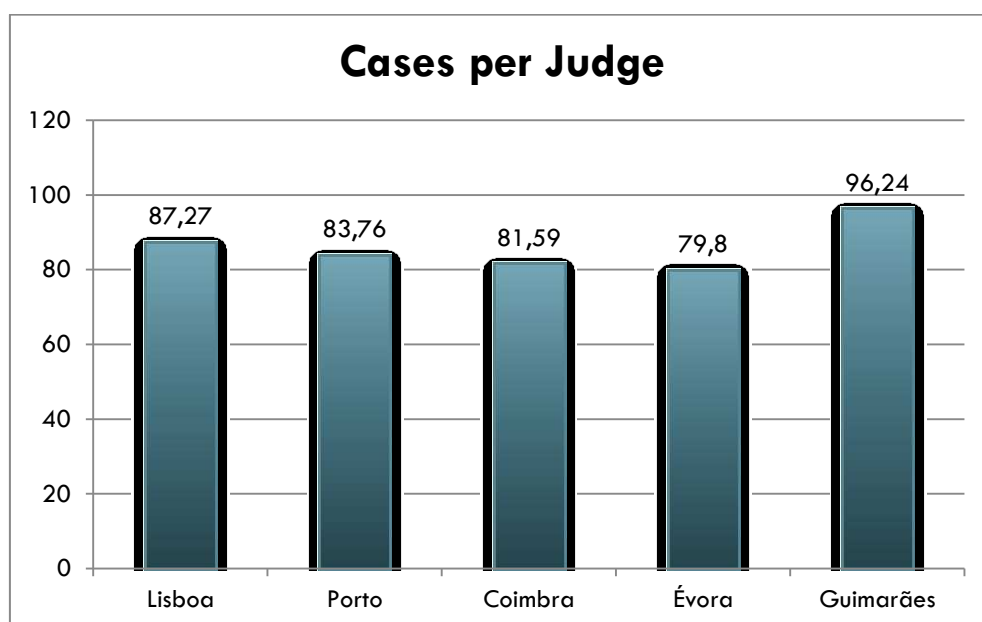
This indicator was not possible to assess due to the lack of data concerning the pending cases in the beginning of the period.

- f) Backlog resolution:** The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time:

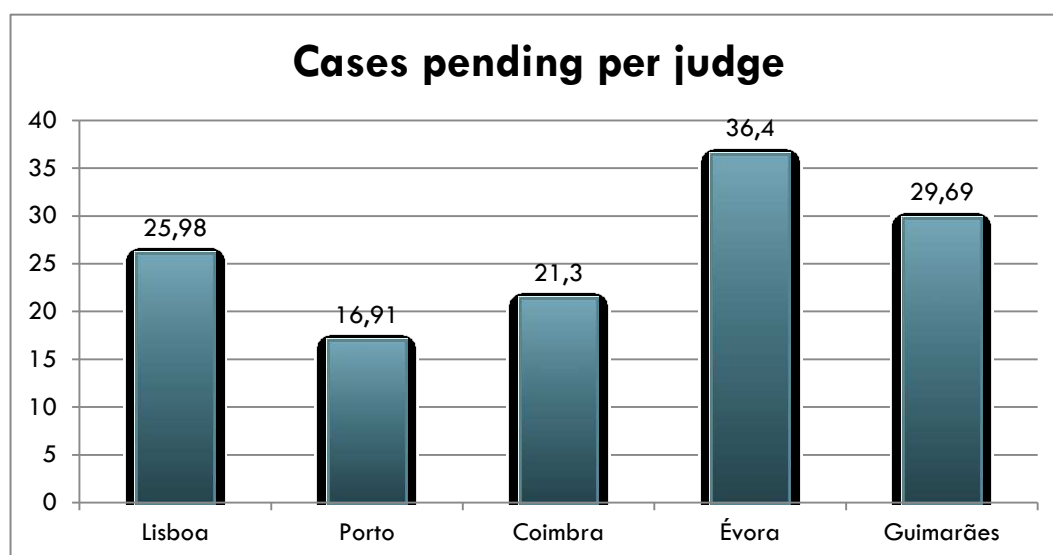
Courts	Backlog resolution	Total backlog	Resolved cases
Lisboa	-0,7	3222	10822
Porto	-0,79	1539	7622
Coimbra	-0,73	1044	3998
Évora	-0,54	1638	3591
Guimarães	-0,68	1455	4716



COURTS	Cases per judge	New Cases (2015)	Number of judges
Lisboa	87,27	10822	124
Porto	83,76	7622	91
Coimbra	81,59	3998	49
Évora	79,80	3591	45
Guimarães	96,24	4716	49



COURT	Caseload per judge pending in the end of the period	Cases pending in the end of the period	Number of judges
Lisboa	25,98	3222	124
Porto	16,91	1539	91
Coimbra	21,3	1044	49
Évora	36,4	1638	45
Guimarães	29,69	1455	49



Qualitative Data reported by the Appeal Courts (**Annex V**)

All the Appeal Courts filled out the questionnaire.

From the collective answers we can summarize the following information (**Annex V**).

I. Strategy and Policies (values, mission, vision)

1. Public authority responsible for drafting general policies and strategic documents concerning the judiciary

The Parliament has specific legislative powers, and in some issues even exclusively. The Government/Ministry of Justice also share some legislative power. The Judicial High Council has the powers to propose amendments to the legislation.

Essentially is up to the legislative branch (Parliament) and the Executive (Government) the responsibility for drafting legislation and general policies and strategies concerning the judiciary.

The Judicial High Council may present proposals in certain areas it deems more relevant. It has also regulatory power within its legal attributions.

2. Legislation supporting the courts or court organisation

There is support legislation in place for the Courts and Court organisation, at the common level it stands out Lei n.º 62/2013, de 26 de Agosto (LOSJ); Decreto-Lei n.º 49/2014, de 27 de Março (ROFTJ); Decreto-Lei n.º 342/88, de 28 de Setembro (EMJ); Lei n.º 47/86, de 15 de Outubro (EMMP); DL n.º 343/99, de 26 de Agosto (EFJ).

3. Guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers

In Portugal the Judicial independence and the separation of powers are foreseen in the Portuguese Constitution.

This principle of judicial Independence from the executive and legislative powers is also reflected in other legal instruments, as the Judicial System Organizational Law and the Judicial Statute.

4. Policy regarding the specialisation of courts and/or certain categories of judges

The specialisation of courts is an option foreseen in the Judicial System Organizational Law.

The Judicial System Organizational Law (article 67) it foresees the existence of specialised chambers in the Appeal Courts, only determining mandatory specialization on civil and criminal chambers. On other jurisdictions: social, family and juvenile, commercial, intellectual property and competition, regulation and supervision, the creation of specialized chambers depends on the volume and complexity of cases.

The Judicial High Council has the power to create specialized chambers in the Appeal Courts, under a proposal from their Presidents. The specialized chambers are created by a Judicial Council ruling.

In Portugal the specialisation at the first instance courts level is higher than in the Appeal Courts, where specialisation is limited to criminal, civil and social jurisdiction, not existing, in the Appeal Courts, specialisation in the family and juvenile, commercial, intellectual property and competition, regulation and supervision jurisdictions.

In the judges themselves there isn't a real specialization, which doesn't happen in first instance as well. The placement of an Appeal Court judge in a certain chamber is a power of the Appeal Court President.

The Appeal Court judges recruitment is made by choosing an Appeal Court without choosing jurisdiction.

5. Strategy and policy regarding the needs and planning of court resources

In a first take is up to the Appeal Court President to define the needs for human and material resources in the court.

The effective resources attribution is made in coordination with the executive power, in what concerns material resources, and with the Ministry of Justice, The General Prosecution Service and the Judicial High Council in what concerns human resources, namely clerks, prosecutors and judges.

Each Appeal Court has their own budget, being legal set the human resources chart for each court.

The number of judges for each court is legally foreseen between a minimum and a maximum, which allows flexibility in its management.

Is up to the Judicial High Council the organization of recruitment procedures for Appeal Court judges as well their movement for placement.

The Presidents of each court communicate, beforehand, to the Judicial High Council, the needs for judges placement.

6. Policy concerning the structure and competence of courts including geographical court location

The policy concerning the structure and competence of courts including geographical court location is a legislative task.

The Judicial Organizational Law and its regulation define the structure and the competence of courts, as well as their geographical location.

7. Court management defined a mission/vision and a strategy

There is no strategic plan for the Appeal Courts, nor by the courts, or by the Judicial High Council.

The Lisbon Appeal Court is the only one that mentions a year annual plan of internal court management, concerning case allocation and human resources managements, without clarifying its contents.

The Judicial Organizational Law foresees and defines the powers for strategic management of the first instance courts, but not for the Appeal Courts.

8. Publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff

There is no strategic plan.

9. Does the court management take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy

There isn't a defined policy in court.

The majority of courts gave a negative answer.

The Lisbon Appeal Court is the only one with a positive answer, although without any justification, and the Coimbra Appeal Court mentioned that the Court President hears internal stakeholders and is aware of the needs of external stakeholders.

10. Is there any input of internal or external stakeholders

The majority of courts believes that is only true with internal stakeholders.

The Appeal Court of Lisbon mentioned occasional contacts with the "*media*".

In management issues in Appeal Courts there is only one body – the President of the Appeal Court.

11. Culture that is aimed at stimulating and inspiring improvements in the overall organisation

The answers to these questions are different: negative answers, absence of response or reference to occasional hearing and coordination measures by the Court President in organizational matters.

The data show that there isn't, at least in a general way, a idea or practices sharing culture, with the goal of improving the organization.

12. Court management determined the priorities on which court policies should be developed

There isn't a concrete definition of policies that should be developed by the court. However, the Coimbra Appeal Court reports a strategic interest in issues regarding legal certainty, promoting opportunities for sharing and debating jurisprudence solutions.

Only one Court reports measures of priority management of urgent cases.

13. The court management described how the decision-making process on these priorities should take place

There is no formal definition of priorities, and therefore no specific process.

14. Policy regarding the delegation of responsibilities from judges to non-judge staff

The answer has to be negative.

At this level it should be noticed the absence of legal advisors or specialized clerks assigned to the judges, in order to relief them form more administrative tasks, the delegation is not legal foreseen.

15. The main tasks, roles and standards for the court clerk office determined

Although there are no concrete determinations of goals or standards for the court's clerks, there are binding instructions or service orders that give answer to concrete questions or problems that arise.

The management has a more day to day nature. The measures may cover only some of the clerks or for some chambers.

16. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated

The majority of the courts does not answer this question.

From the data it is possible to conclude that there isn't a regular evaluation of the implementation of new organizational measures in the Court, or at least, not in a formal and organized way, so as to be known.

17. The implementation of changes in legislation regularly evaluated

There is no evaluation for the implementation of legal changes, or by the executive power, or by the Judicial High Council or any of the courts.

18. Changes in legislation and their impact on courts and/or judges / prosecutors evaluated

There is no evaluation for the implementation of legal changes, or by the executive power, or by the Judicial High Council or any of the courts.

A good example of this issue is the legal change that allowed for fact review request in common Appeals. The repercussion of this change in the judges' daily work was never evaluated.

It is not even possible to know the weight or percentage of the fact review in the overall Appeals allocated to a judge, nor is it possible to compare the different courts at this level.

Only with this project has begun a initial gathering of data to produce a statistic calculation of the number of cases. Besides the general feeling of the overload of work it represents.

19. Are the effectiveness and efficiency of judicial proceedings systematically evaluated

The answer is generally negative.

There isn't a culture of evaluation of the effectiveness and efficiency of judicial proceedings, different from the caseload comparison.

20. Are quality standards and guidelines used for drafting new legislation or changes in current legislation

There wasn't any positive answer to this question.

21. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed

The answers are negative, there is no organized system of assessment.

22. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process

Generally there is the possibility of open discussion about legal proposals presented by the Government.

Not only the Judicial High Council, but also the Judges Associations or Lawyers Bar are called to give their opinion on legal amendments concerning the judiciary.

Sometimes and when the change is to a more main legal instrument, a commission will be appointed or a work party will be formed, usually featuring several judges in it's composition.

23. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings

There is a regular review of procedural law, always with the goal to improve efficiency and effectiveness of courts proceedings.

There isn't a final evaluation to ensure that the initial goal was met. Quite frequently the amendments occur due to particular issues, with public repercussion, with no impact assessment.

24. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges

Procedure law has specific provisions. There is no management intervention.

25. Is there a policy regarding the promotion of legal certainty

There is the unified of jurisprudence by the Supreme Court, when there is diverging decisions from the Appeal Courts.

The Appeal Court of Coimbra is the only one that promotes debate between judges on controversial legal issues in order to ensure equal treatment of identical issues, without jeopardizing the Independence of each judge.

There isn't, in a general way, at each Court, or even chamber, a concern with knowledge of the general decisions rendered by the court and the attempt of debating issues in order to ensure legal certainty.

26. Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence

A frequent reference is made to the public database where some of the pre-selected decisions are published, as well as to the courts individual web page in which the courts decisions are published.

Some courts release periodical summaries compilation.

Some chambers have a culture of arguing relevant jurisprudence issues.

There is some publicity of the Appeal Courts decisions, after selection, but not of all decisions rendered.

Although there isn't a general culture of arguing relevant or controversial jurisprudence issues, it still occurs in some chamber, promoted by their presidents.

II. Allocation of Cases System

1. Is there a possibility to reassign cases or assignments in order to increase efficiency in the court

The Court's President has the power to decide the reallocation of cases. Which as occurred in exceptional and duly justified situations, also deciding suspension or allocation reduction.

There is no standard criteria in this matter amongst the Appeal Courts.

2. Is there an objective method for allocating cases between judges

The case allocation is set in procedural law and it is executed through a computer system in a random and equal way between the judges.

3. Is the information on the allocation of cases made available to the whole court organisation

The information is produced in a daily basis and public available. Published on the web page.

Some Appeal Court release periodicle distribution reports for the whole period.

4. Are measures taken to ensure a fair and efficient allocation of workload between judges

Only by the random distribution of the electronic system.

Any intervention in the allocation system will interfere with the computer system.

The Appeal Court Presidents keep up with the case movement and report every month to the Judicial High Council, specialy cases of excessive length in the procedure.

The Judicial High Council has made in the past, and as ongoing work concerning procedure reference values: number of cases per year suitable for each judge, the courts human resources should follow the reference number.

5. Are measures taken to ensure transparency in the allocation of files to judges

The legal criteria for allocation ensure objectivity and transparency.

The case allocation is made electronically in a random mode to ensure equal caseload.

III. GOAL SETTING

1. Performance targets (quantitative and qualitative) defined for courts

There are no performance targets for the Appeal Courts. The Reference Numbers from the Judicial High Council serve as target idea about the average number of cases per judge for a year, between a minimum and a maximum for each jurisdiction.

The Appeal Court president also controls the deadlines for decision, and reports to the Judicial High Council the cases that exceed the deadlines.

2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities

The answers tend to be negative.

There are no performance indicators, although periodically the Courts Presidents report to the Judicial High Council the number of new cases and finished cases per judge.

3. The court management determine critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives

That assessment is not made by the court management.

4. Is the nature of pending cases systematically analysed

There is a difference between urgent and non-urgent cases, in order to have a proper control in the different deadline for decision, that difference does not show at the allocation level.

The report is made with no distinction in the case types, only on global numbers.

There is no distinction by any criteria.

5. Have objectives been determined for reducing the backlog of cases

The Judicial High Council has data concerning each judge annual productivity and his/hers delays according to previously set criteria.

At the Court level there is no goal definition in general or in particular to reduce backlog of cases.

6. Does a qualitative and quantitative evaluation system regarding the activity of each judge exist

There is a system of information concerning the number of cases finished by each judge, but no regular assessment of each judge.

By the judge's request or decided by the Judicial High Council an extraordinary inspection can be decided with the purpose of evaluation the performance of an Appeal Court Judge.

7. Is each judge granted access to the information regarding his/her own court department

The number of cases allocated to each judge is shared with all judges that serve in each Appeal Court.

The number of cases decided or waiting decision is, usually, individual, each judge has access only to the information concerning themselves. There is however cases where that information is also shared with all judges, namely in the Appeal Court of Coimbra.

8. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy

The answers were negative, there is no information on this regard. Not even on the decision that are changed or confirmed by the Supreme Court.

IV. CASELOAD MANAGEMENT

1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialisation, regrouping of cases, “test files”, etc.)

There is no management tool at the Appeal Court level, not even specialised training, although Appeal Court Judges have access to ongoing training in the Centre for Judicial Studies.

2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department

There is a computer system to support the activity of the court. The system allows the clerks to have real time information to the cases situation.

Each judge can have that information from the clerks, concerning the cases that have been allocated to him, but not for all the Court's cases.

3. Is he/she able to share this information with his/her administrative staff

The information comes from them.

4. Is this information shared within the court

Usually is not shared within the court. The information is shared or obtained by each judge only about the cases allocated to him.

5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding

Only in first instance courts.

6. Are court proceedings (in principle) open to the public

Cases as a rule are heard in open court sessions.

7. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimised

The answers are negative.

8. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators

This tool is not foreseen for higher courts.

9. Does it exist routines to safeguard that mediation does not delay the case unnecessarily

This tool is not foreseen for higher courts.

10. Is there a policy for preparing the hearings

The hearings in the Appeal Courts are rare, and when they occur they are prepared by the presiding judge.

11. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties

The answers are positive.

The procedural law demands for that cooperation.

12. Is there a system for measuring the timely start of hearings

The hearing is always registered with the date and time.

13. Are parties informed when the hearing is adjourned or delayed

Yes. As foreseen in procedural law.

14. Is there an information system which is used for determining an efficient schedule of court sessions

The schedule of court sessions is usually for the same date as work sessions and publicly known.

15. As regards judges:

- do they prepare court files bearing in mind oral investigation?
- do they have the ability to improve the understanding of their role by the various players in the proceeding?
- do they control the allocation of the parties and witnesses' speaking time?
- do they control the police of the trial in an appropriate way?
- do they take into account the parties and witnesses' expectations within the oral phase of the proceeding?
- do they control the timetable of the proceeding?
- do they begin the hearings at time?

The answers are positive. There are very few hearing in the higher courts.

16. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc)

The answers are positive

17. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given

The answers are positive. The priority can be given in cases of urgent nature, there are also tools for procedure acceleration.

18. Is there a policy for setting foreseeable and optimum timeframes

Only the timeframe in procedural rules.

19. Are standards or norms concerning the acceptable length of judicial proceedings defined

The law foresees deadlines for decisions, but not for procedures.

The Judicial High Council defines the reporting of cases when the deadline has been overlapped.

The cases may be reallocated to other judges. This may bring disciplinary consequences.

20. Is there a policy for managing case flows preventing delays

Only the periodical report to the Judicial High Council of the cases with a duration that goes beyond the reasonable deadline.

21. Are measures taken to speed up delayed cases and to reduce the backlog

Exceptionally there is the reallocation of cases. Currently, the Judicial High Council has decided to reallocate cases that are waiting decision for over a year.

22. Is there an active role for the judge in the management of the timelines of the proceedings

The answers are positive, but only reported to the judges deadlines not the clerks.

23. Can parties negotiate with the court on the timeframes that will be used

The answers are mostly negative.

The Lisbon Appeal Court reports that in exceptional cases the judge can grant an extension deadline for a certain act.

24. Is there a timeframe set for delivering the decision after the court hearing

In the procedural law.

25. Is there a policy concerning the enforcement of judicial decisions

In the procedural law. The civil enforcement procedure..

26. Is there a system of notification of judicial decisions

In the procedural law.

27. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties

In the procedural law there is a deadline for the clerks to practice all notification acts.

28. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored

No it isn't. The enforcement has to be promoted by the parties or the prosecution (in criminal matters).

29. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities

The answers are different concerning the existence of supervision.

30. Does a case management information system exist for the recording and monitoring of court files and cases

There is

31. Is there a specific policy concerning archiving of court files and court decisions

There is

32. Does an electronic information system for archiving court cases and decisions exist

The answers are different concerning the use of the current system.

33. Does a court system of electronic files exist

There is a system of case management and decisions registrations, for the clerks. The computer system is not yet available to judges, with the exception of some pilot experiments.

34. Is it possible to submit documents to the court in electronic form

It is possible, but only by email and not directly in the computer system.

V. Court performance standards

1. Is there a system to monitor the workload of each judge continuously

The Court's President follows through the number of cases allocated to each judge, as well as the number of finished cases, reporting periodically the delays to the Judicial High Council.

2. Is the court performance periodically evaluated

The majority of the Courts reports that that assessment is not made.

3. Is there a policy on the publication of the evaluation results

There is no evaluation.

4. Are quality regulations and standards or indicators, periodically evaluated

The majority of the Courts reports that that assessment is not made.

5. Following the evaluation results, have measures been identified and implemented to improve the situation

The majority of the Courts reports that that assessment is not made.

6. Is the percentage of cases recorded and published

The panel decisions are registered.

7. Is the number successful demands registered and published

The outcome of any case is registered. The data are not treated and published.

8. Is the percentage of appeals recorded and published

The outcome of any case is registered. The data are not treated and published.

9. Is the productivity of judges and court staff recorded and published

the number of decisions produced and the number of pending cases is registered, but not published. The productivity can be calculated through those numbers, the numbers are not treated.

10. Is the percentage of revocations registered

The outcome of any case is registered. The data are not treated and published.

11. Is the length of proceedings systematically recorded and published

The new and finished cases are registered. There is no treatment concerning their length.

12. Is it possible to determine the total number of incoming, pending and decided cases in a given period

It is possible.

REVIEW

1.1. Quantitative Data

One first issue has to be pointed out, that concerns the difficulty of obtaining the requested data, not all the courts sent the full requested data, the length of the cases is a clear example.

On the other hand, it is also noticed a diversity of criteria followed in the data gathering – as an example, while some courts report the percentage of review of facts requests in the whole cases, others only in the context of Appeal cases, this difference produces different data, considering that in all jurisdictions there are different case types that allow review of fact.

Regarding the general data requested about the courts, it also missing detailed information about the number and types of pending cases in each jurisdiction or over the number of cases deemed priority or urgent, being noticed that possibly that difference isn't accounted for in the courts, even if the difference is considered in the case allocation system.

The outcome of this data gathering allows to conclude for the need to implement a culture of statistical data gathering and assessment, for that end is crucial that a standardization of criteria to be used by the several Courts, the determination of such criteria must emerge from the Judicial High Council, particular by using computer tools.

Following this circumstances, the only valid assessment possible, with the gathered data, as to be made with the numbers of the Judicial High Council concerning new cases, finished cases and pending cases for each Appeal Court for the 2015, using as well, the Judicial High Council's numbers regarding the number of judges in office in each Appeal Court in the year 2015, not including judges in office in each Appeal Court but serving in a non-judicial office, not counting the judges with reduced service, for reasons of accumulated service, sickness, or complex case allocation.

a) Clearance rate

Concerning the clearance rate, that measures the relationship between the new cases and completed cases within a period, it shows that none of the Appeal Courts has a clearance rate of 100% or higher.

With the exception of the Guimarães Appeal Court had a clearance rate of 87,23%, the other Appeal Courts show between 92,95% (Évora) and 99,69% (Porto).

The Appeal Court of Guimarães is the Court that shows the best efficiency rate.

b) Case Turnover ratio

The case turnover ratio for the Appeal Court of Lisbon, according to the official number is of 108,95 days, the information from the court states that the average time is 3 months. The difference may result from the different statistical calculation. In the official statistics all sorts of cases are considered. In the Court's statistic only the appeal cases, excluding the foreign decisions review process.

This last types of cases tend to be pending for a longer period of time due to the problems on notifying the defends abroad. These cases have a significant share in the Appeal Court of Lisbon when compared to the other Appeal Courts. In Lisbon it represents a 1/3 of the Appeal cases.

c) Efficiency rate

Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year.

The efficiency rate in the Appeal Courts had a variation, in 2015, between a minimum of 79,8 in the Appeal Court of Évora and a maximum of 96,24 in the Appeal Court of Guimarães.

g) Case per judge

The number of cases per judge in the given period has different numbers between the Courts, the Appeal Court of Évora is the one that shows the highest number of cases per judge (36,4) twice as much as the Appeal Court of Porto, with the lowest (16,91).

d) Appeals with fact review request

In the Appeal Court of Lisbon the number stand for a sample of about 1/5 of the judges. The numbers show that the number of cases that have a fact review request amount to about 30% of the total allocated cases, always keeping in mind that not all types of cases allow for a fact review request. From the cases with fact review request, only 13,64% are granted review and with influence on the final decision.

The Appeal Court of Porto contributed with data about 60% of the judges. From this numbers it pours out that 42% of the Appeals have fact review and from those only 17,6% are granted and with influence on the final decision.

The Appeal Court of Coimbra is the one that shows more comprehensive data. The fact review requests are about 40% of the Appeals, only 15,2% are granted with influence in the decision.

The Appeal Court of Évora contributes with data covering about 60% of all judges. From this data with shows that the fact review request represent about 35% of the Appeals, the fact review granted are only about 10,3% of all cases.

The Appeal Court of Guimarães contributed with extensive data. The appeals with fact review requests represent 25% of all cases and only 10% are granted with influence in the final decision.

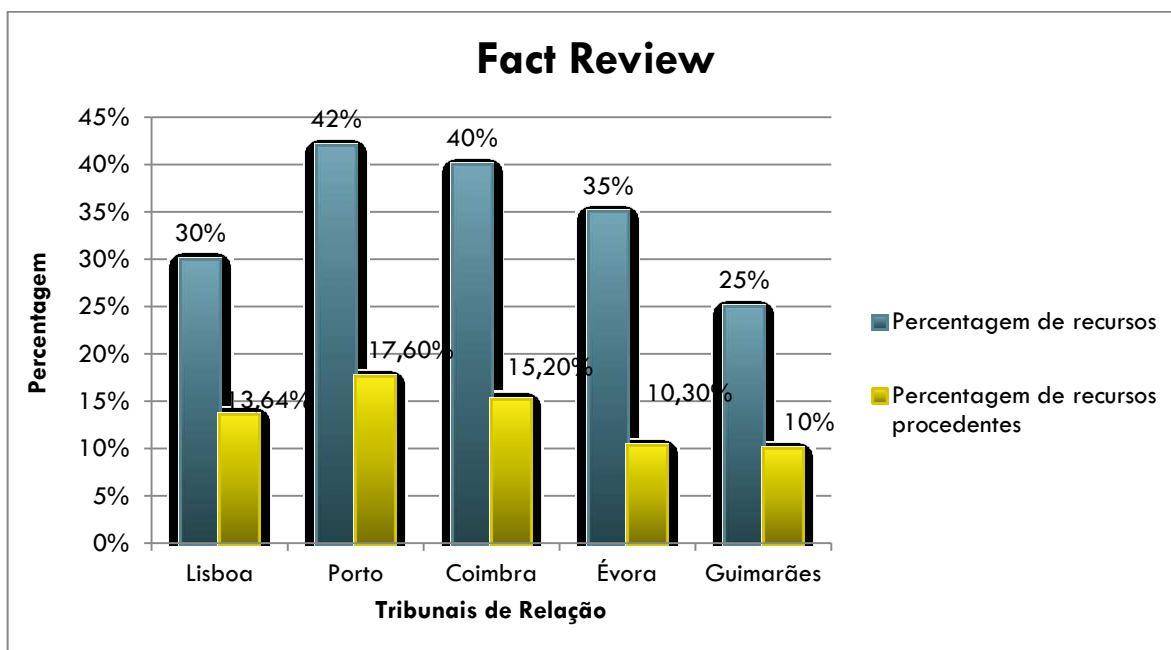
The comparison of data from all Courts faces challenges for two reasons. First of all the in the Appeal Courts of Guimarães and Lisbon the data concern all sorts of cases (even those that don't allow for fact review). On the other hand the different percentage of judges covered in the study.

The data collected in the Appeal Courts of Porto, Coimbra and Évora are, in one hand, more comprehensive and, on the other hand, cover a percentage of all the Appeal cases (and not all existing case types).

The assessment of these number shows that 40% of the Appeals have fact review requests, from these only an average of 14% are granted with actual influence on the final decision.

These data should be tuned in future data gathering by the Judicial High Council, being essential for any assessment or recommendation on legal amendments.

APPEAL COURTS	Fact reviews requests	Granted
Lisboa	30%	13,64%
Porto	42%	17,60%
Coimbra	40%	15,20%
Évora	35%	10,30%
Guimarães	25%	10%



1.2. Qualitative data evaluation

1. Strategies and policies

On this issue the answers to the questionnaire report the co-existence of several entities with powers to interfere and regulate judicial matters, on different levels. The Parliament, the Government (Ministry of Justice) are responsible for legislation.

However, the Judicial High Council may present legal amendments propositions in issues deemed relevant.

Base legislation for Courts and their organization exists, and judicial Independence is guaranteed at the highest level, in Portuguese Constitution, has well as reflected in other legal basis.

The definition regarding specialization of courts and judges, in a first level, is a responsibility of the legislative and executive branch. In what concerns Appeal Courts, the actual execution of this policy is assigned to the Judicial High Council. The Council has the power to decide the creation of specialized chambers under a proposal of the Appeal Courts' Presidents.

It was specially noticed that the specialization in the Appeal Courts is lower to the existing in the first instance courts and that situation should be changed, in order to value the jurisprudence of the Appeal Courts.

Concerning specialization of judges, it is noticed that, when promoted to the Appeal Court, and although the Presidents try to place the judges in the same jurisdiction they practiced in the first instance, that does not always happens.

Specialization isn't taken to account in the recruitment stage for the Appeal Courts, the judges application is made for Courts and not jurisdictions, differently from what happens in the first instance courts.

Not all Appeal Courts take to consideration (or are able to) the specialization of judges when organizing and planning vacation service.

As for courts resources planning policy, once again the policy is drafted in collaboration with the executive branch, namely about material resources and clerk's placement.

As for judges and Prosecutors, the management is made by each of the High Councils, within the legal framework, the Appeal Courts Presidents are heard.

In what strategic management of the caseload is concerned, the conclusion has to be that doesn't exist. It is not made by each Appeal Court, or by the Judicial High Council. In the current legal framework the management powers for the first instance courts are foreseen, but nor for the Appeal Courts. The internal and external users are also not heard in planning court issues (with the exception of the Appeal Court of Coimbra that practices internal consultation).

The Courts Presidents are who holds the management powers, being noticed that doesn't exist idea or practice sharing with the goal of improving the organization, nor a standardization of procedures within the court itself, namely about what may be considered a good procedural or organizational practice.

In what concerns planning, it is not made a regular assessment of the policy implementation of policies concerning organizational structure of the Appeal Courts, not being evaluated the implementation of legal amendments and their impact in Court (for example a change in the fact review system or a change in the territorial jurisdiction of an Appeal Court). It doesn't exist and it is not made a structure assessment about these issues in the Appeal Courts, nor at the level of the executive branch, nor by the Judicial High Council, not even by the Appeal Courts.

It what concerns policies to promote legal certainty, with the exception of the Appeal Court of Coimbra, that promotes debate between the Appeal Court Judges with the specific goal to ensure that the same issues are dealt in a specific way, with no constraint to judges independence, in the others Appeal Courts it doesn't exist any policy to promote legal certainty.

Besides a generalized lack of joint reflection about controversial jurisprudence issues, it doesn't even exist an information sharing policy for the general jurisprudence within the court – whether in the same jurisdiction or the same chamber. The specific instruments or procedures for that purpose are lacking, may that be a internal information system for all the courts' jurisprudence (currently there is only for selected decisions) or the promotion of gatherings to discuss relevant jurisprudence.

Has mentioned, the only exception is the Appeal Court of Coimbra, a experience that can be taken in consideration in future procedures, and some chambers also have a culture of discussing relevant jurisprudence.

II. Case Allocation System

The case allocation is foreseen in the procedural legislation and it is executed through the computerized system, randomly and equally between all judges. The equal allocation may suffer with the removal of some judge from the allocation system, namely when a allocation suspension is in place or a judge with reduced service, the decision is up to the Courts President.

It is also to the Court President the power to determine the case redistribution, the data show that the criteria is not the same for all Courts, whether about the reasons that may justify the removal, or about the number of judges that are covered by the redistribution.

Currently some unification of criteria is being achieved with the intervention of the Judicial High Council.

The case distribution is also different in what concerns the periodicity in which is made in all courts, in the majority of the Appeal Courts it's in a daily basis.

The outcome of the allocation is public. The statistic information is released in different ways in the several courts, being different about the format and the periodicity of the information.

The Appeal Courts' Presidents monitored the case movement, identify and reporting periodically to the Judicial High Council.

The Appeal Court of Coimbra releases internally amongst all judges the case movement of each judge, the only Appeal Court that releases such information covering the number of finished cases and the cases pending.

In this area the Appeal Courts would benefit of objective criteria introduction as well as a procedure normalization in the several courts, as well higher information sharing and transparency for internal and external users.

III. Goal Setting

In the Appeal Courts formal goals are not defined, or even court or chamber priorities, there isn't any initial planning or deadline, nor for the Court, nor for the judges.

General or particular goals are not set as well, in order to reduce pending cases or backlog.

There are no performance indicators, although there is a general reference to a former work made by the Judicial High Council that set reference numbers for the Appeal Court Judges.

The nature of the pending cases is not generally analysed by complexity case criteria that allow for effective burden equalization, the only differences are the urgency and some legal types.

There is no quantitative or qualitative system for the activity of each judge and the information about the cases judged by one judge is not public. There is no statistical treatment of the share of Appeal Court's decisions that are changed or revoked by an Appeal to the Supreme Court, lacking as well any assessment of the qualitative dimension of each judge performance, with the rare exception of an inspection under a request or decided by the Judicial High Council.

The information available to each judge covering the courts data, it's one chamber, or his/hers colleagues it varies from Appeal Court to Appeal Court, in its contents and periodicity, generally supplied in a global way, with no individualized data from each judge.

IV. Case management

It doesn't exist an electronic tool for case management or a computer platform for judges. Some test experiences are in place.

A computer platform is available for clerks and provide information under a judge's request. This information is not shared with the whole court.

The case management is made individually by each judge in his own cases, not existing, as a rule, common procedures for all cases.

Considering the Appeal cases specific procedure rules, many case management issues that are relevant and important at the first instance courts level are not that relevant in the Appeals Courts, as for example schedule, prepare and conduct hearings.

V. Performance and Evaluation Indicators

Monitoring systems of each judge's work is in place, controlled by the Courts President that follows through the number of cases allocated to each judge, as well as the number of resolved cases and the number of the pending cases, this data are reported every six months to the Judicial High Council.

There is no periodical evaluation of each Appeal Court performance, at least in a formal and organized mode. Although statistic data are periodically released, with the previously mentioned loopholes, the data are evaluated or compared with other periods or with other Courts, no additional information is added.

There is no rule or quality standards to be compare with, neither in court or other entity.

The outcome of the appeals is registered and published, but there is no statistical treatment or data assessment, namely to know the percentage of granted appeals.

The judges and clerks productivity is also not released nor a periodical assessment of the cases length is made. Generally there is no data treatment, and when the data are analysed, the outcome is not published or released either internally or externally.

V. GOOD PRACTICES

First Instance Courts

1

• STRATEGY

i) The judicial representative bodies should be stimulated to adopt strategic documents, concerning the activities and development of court system and judicial services;

ii) Policies regarding the specialization of courts and/or certain categories of judges should allow for concrete adaptations by the judicial managing bodies;

iii) Court management should play an important role on collecting needs of the courts, drafting budgets, negotiating procedures and competence/role/responsibilities of Court Presidents.

iv) Instruments such as annual goals/annual report should be produce by court management in order to state it's strategy/vision;

v) internal and external stakeholders should have a saying on policy drafting for the courts – they should take part on court management consultant bodies;

2

• COURT MANAGEMENT

vi) Adopt policies regarding the delegation of responsibilities from judges to non-judge staff in order to set out clear bonders on what can be delegated and on what remains as jurisdiction absolute reserve, considering that in the court organization each task should be done at the lowest level of processing/(decision making).

vii) the impact that legal amendments regarding court structure has on the workload of the courts should be regularly evaluated; The evaluation should also care for effectiveness and efficiency of judicial proceedings, when possible to foreseen an increase or decrease on workload , the evaluation should, if necessary, lead to changes in the staff of courts.

viii) All legal initiatives, related to court activities, judicial activities, and procedural rules should mandatorily be presented for review to the judiciary.

3

• ALLOCATION OF CASES

ix) The primary allocation of cases should be random. However, different distribution schemes for different types of casefiles should be allowed, as well as consideration of workload.

x) Allocation or reallocation of cases should be made by using computer programs. That eliminates any subjective interference and warrants transparency of case allocation procedure

xi) Any reassignment of cases should go through the random distribution system

xii) The allocation criteria should be know and available in the court

xiii) The system should allow to reassign cases or assignments in order to increase efficiency in the Court.

xiv) Court management should be able to decrease the allocation of new cases to a judge in order to speed up delayed cases and to reduce the backlog

4

• GOAL SETTING

xv) Goal setting should include non-binding recommendations of highest workload for each judge (manly according to the nature of the cases he/she works).

xvi) Quality goals should be directed for user treatment and other court interactions.

xvii) The procedure to set goals or performance indicators should be previously known and opened for the participation of judges and other judicial players;

xviii) The goals should be evaluated in a regular basis.

5

• PERFORMANCE STANDARDS

xix) The nature of pending cases should be systematically analysed with special attention to procedural areas, or cases pending for a long period of time.

xx) Quantitative evaluation system regarding the activity of each judge should exist only in the context of judicial evaluation – evaluation by superior council or similar body.

xxi) Each judge should be granted electronic access to the information regarding the whole court – statistical information not the case files.

xxii) Before taking seat in special jurisdictions there should be new training period similar to the initial training period, not so much lengthwise but ins substance (v.g. allowing for a period of following a senior judge)

xxiii) Each judge should have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department

xxiv) Parties should be informed by electronic means when the hearing is adjourned or delayed

xxv) Information system should be used for determining an efficient schedule of court sessions

xxvi) Besides the legal deadlines court management should foresee acceptable length of judicial proceedings (the whole proceeding and not only a specific act)

xxvii) The timeframe between the final decision of a judge and the enforcement of the judicial decision should be periodically monitored. In most system the execution stage is not a direct responsibility of the court. However, only with compliance or enforcement has the legal protection being completed.

xxix) The workload of each judge should be monitored continuously by using electronic system. The results should be reported with previous consultation to the judge.

xxx) The results should be public in the broad number (v.g. for court) and shared within the court.

Second Instance Courts

The gathered data and the debates, experience exchange registered in the seminars, gave way to conclude some management and evaluation good practices that should be mentioned and shared.

From among those we can point out the following:

1

• STRATEGY

a) Coordination between several entities responsible for managing the justice system in its several levels: human resources, material, technological, etc.

b) The rules concerning the Judicial Independence should be foreseen at the highest level, v.g. at the Constitutional level.

c) Proper execution of the legal policy of specialization of courts and judges in the Appeal Courts, namely in jurisdictions like family and juvenile and commercial law.

d) Judges specialization, namely in recruitment and in the choice of chamber.

e) Global, organized and constant analysis, in the chamber and courts, of all the court's jurisprudence and from all court in order to promote legal certainty.

2

• ALLOCATION OF CASES

f) Legal provisions that foresee the random allocation of cases, essential to ensure impartial trial.

g) Case allocation through electronic system, randomly and equally between judges, has a way to ensure random allocation.

h) Allocation suspension or reduced allocation, for specific reasons concerning the judge, should be foreseen.

i) Evaluation of allocation suspension or reduction should be made locally, by the Court's President.

j) Case reallocation should be foreseen, when necessary, under standard rules. The rules should specify criteria, ground for reallocation, the number of judges affected by reallocation, always respecting random allocation.

k) The case allocation outcome should be public.

3

• GOAL SETTING

l) Planning the strategic management of the caseload of a court, hearing the judges.

m) Hearing internal and external stakeholders on court planning issues.

n) Share management, promoting ideas and practices Exchange with the goal to improve the overall organization, with the formalization of procedures within the court or jurisdiction.

o) Regular assessment of policy implementation concerning the organizational structure of the Appeal Courts, as well as evaluate legal amendments introduction and their impact in Courts.

p) Goal setting to reduce pending cases and backlog.

q) Performance standards setting.

r) Differential pendency structure according to complexity criteria that allow for effective caseload equalization.

- s) Case movement quantitative and qualitative evaluation.
- t) Statistic treatment of all the percentage of the Appeal Court's decisions that are changed or revoked by an Appeal to the Supreme Court.
- u) Release internal and external statistical and case movement information.

4

• CASE MANAGEMENT

- v) Release standard (criteria, universe and periodicity) statistical information.
- w) Monitor case handling, identifying cases of excessive length, with specific intervention to rendered decisions.
- x) Introduction in the Appeal Courts of electronic case management tool and a computer work platform for judges.

5

• PERFORMANCE STANDARDS

- y) Setting analysis standards for case movement statistic data.
- z) Evaluation of the outcome of Appeals and causes for repeal.

VI. CONCLUSION

In the end of the Project, there are some conclusions we can draw concerning it's development and ideas looking forward:

First Instance Courts

- 1) Court Management should have the opportunity to adopt strategic documents concerning specialization, case allocation and human resources management.

- 2) Accountability instruments like biannual reports can be used for Court Management to set out its policy and strategies.
- 3) The impact of legal amendments in the judiciary should be evaluated.
- 4) Random allocation of cases and efficiency management of workflows can coexist in Court Management.
- 5) Court Management needs to have proper tools for problem solving (reassign cases, reduce case distribution).
- 6) Goal setting should deal with quantitative and qualitative standards.
- 7) A standard procedure to set those goals should be foreseen and known by all court staff.
- 8) Goals should be reviewed and evaluated in a regular basis.
- 9) Statistical information should be as detailed as possible and of public access for transparency and accountability reasons.
- 10) The workload of a judge should be monitored in order to prevent any incident in case handling.

Second Instance Courts

- 1) The Project allowed for a proper analysis of the Appeal Courts in Portugal and of their managing model. Although there are some data loopholes it gave a first diagnostic of weakness and opportunities.
- 2) The Project outcome allows to point out the random, computerized and equal case allocation system in the Appeal Courts, feature most relevant to ensure impartial judgment.
- 3) The quantitative gathered data allow us to conclude that in all Appeal Court there is a concern of monitoring the caseload, the delay in case procedure and decisions, with periodical reporting to the Judicial High Council.
- 4) The Project allowed to point out the concern in evaluation the constraint situations and case allocation or reallocation intervention in order to ensure equal caseload, looking to promote the conditions to render decisions within reasonable time.
- 5) Concerning the management model the main weakness in the Appeal Courts is the absence of explicit and permanent planning or the evaluation of goals reaching.
- 6) The Project allowed to be particularly noticed the lack of equal management criteria amongst the five Appeal Courts, either for their own or with the intervention of the Judicial High Council.

- 7) From the Project it came out that in the Appeal Courts the managing structure is, exclusively focused in the President, with total absence of any other management body.
- 8) The Project approached an essential issue in the second instance courts – the fact review requests – which, notwithstanding its importance and impact in case management, lacks any statistic data.
- 10) In this particular aspect the Project presented a good opportunity to draft data gathering criteria, which led to an ongoing data gathering in all Appeal Courts, being a solid outcome of this Project a higher consistency in the analysis, gathering and scope of such data.
- 11) The Project allowed to calculate the number and outcome of the fact review requests, an issue of the highest relevance for legislative policy.

PHOTO REPORT

PROJETO
JUST/2015/JACC/AG/
QUAL/8517



**LISBON
SEMINAR
22 AND 23
May 2016**





**PORTO
SEMINAR 2
and 3
Nov. 2016**



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LISBON SEMINAR

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ANNEX I



CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

MEMORANDO

ASSUNTO:

Reunião - Projeto QUALI - Tribunais de 1.º Instância

Lisboa, 24 de Maio de 2016 - 09.30 h.

*

Presentes:

National Courts Administration of Lithuania

Nerijus Meilutis - Chairman of Kaunas Regional Court;

Reda Molienė - Director of National Courts Administration of Lithuania;

Živilė Navickaitė Babkin - Head of Communication Department of National Courts Administration of Lithuania.

Amtsgericht Leipzig

Knut Petersen - Judge, Head of Civil Department Amtsgericht Leipzig, Free State of Saxony;

Lisa Hartmann - Judicial Officer of the Leipzig Local Court, Personal Assistant to the President;

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HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

Carina Wiedemann - Judicial Officer of the Leipzig Local Court, Personal Assistant to the President.

National Council of the Judiciary

Katarzyna Gonera - Supreme Court Judge/ Member of the National Council of the Judiciary of Poland;

Karolina JansonErnert - senior specialist at the Office of the National Council of the Judiciary of Poland.

Le Collège des cours et tribunaux

Pol Van Iseghem - President Commercial Court of Ghent;

Luc Hennart - Président, TPI Francophone de Bruxelles.

Sodni svet Republike Slovenije

Jonika Marflak Trontelj - High Court Judge, Secretary General of the Judicial Council of the Republic of Slovenia;

Špela Jakopič - District Court Judge/Judicial Council of the Republic of Slovenia.

Juízes Presidentes de Comarca

Rosa Maria Colchete de Vasconcelos - West Lisbon First Instance Court President;

Isabel Maria Afonso Matos Namora - Coimbra First Instance Court President;

Artur Dionísio Oliveira - Braga First Instance Court President;

Edgar Valente - Évora First Instance Court President;

Amélia Catarino - Lisbon First Instance Court President;

José Rodrigues da Cunha - Porto First Instance Court President.

CSM

Maria João Barata- Judge;

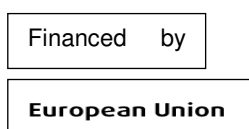
Ana Paula Conceição - Vogal CSM;

Paula Dória Pott - Ponto de Contacto Português da Rede Judiciária Europeia em Matéria Civil e Comercial;

Ruben Oliveira Juvandes - Adjunto do CSM

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HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

*

Iniciada a reunião foi feita um breve resumo da finalidade dos questionários.

De forma a recolher todos os contributos, foi inciado um *tour de table* para recolha de contributos.

*

Pelos representantes da Sodni svet Republike Slovenije – Eslovénia foi colocada a questão se os questionários enviados seriam para preencher durante a reunião, ou se seria apenas para a acordar no teor dos mesmos.

Pelos representantes do National Council of the Judiciary – Polónia foi feita a observação que a tabela de respostas era curta, devendo ser repensado o grafismo da mesma.

O Juiz Presidente da Comarca de Braga concordou com o comentário da Polónia, considerando que as questões deviam ser separadas para permitir uma resposta mais pormenorizada.

O Juiz Presidente da Comarca de Évora considerou que os questionários são excessivamente detalhados.

O Juiz Presidente da Comarca de Coimbra subscreveu esse comentário.

A Juiz Presidente da Comarca de Lisboa Oeste considerou que os questionários são muito detalhados.

Pelos representantes da National Courts Administration of Lithuania – Lituânia foi dito nada ter a opor ou acrescentar aos questionários, tendo apenas dúvidas no âmbito de aplicação dos mesmos. Em particular, se as informações abrangiam a jurisdição administrativa.

Pelos representantes da Amtsgericht Leipzig – Alemanha foi dito nada ter a opor ou acrescentar aos questionários.

Pelos representantes da Le Collège des cours et tribunaux – Bélgica, Pol Van Iseghem fez uma observação, baseada na sua experiência na resposta a questionários similares, que a simplicidade dos mesmos favorece a recolha de informação, em detrimento de questionários mais ambiciosos.

*

Terminado o *tour de table* foi iniciada a discussão dos questionários, começando pelo questionário relativo a informação quantitativa – Anexo A.



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A primeira observação respeitou a definição de “proceedings”. Considerando os diferentes sistemas jurídicos em comparação, e as diferentes repartições de competência, acordou-se em circunscrever as recolhas a jurisdição civil, excluído as execuções. Mais foi considerado que devia incluir a jurisdição penal, trabalho, família e comércio.

No ponto 5. foi discutido qual o âmbito de tribunais deverá dizer respeito esta informação analítica. Neste ponto, foi acordado que deverá se circunscrever aos Tribunais de primeira instância.

Ainda no que respeita ao ponto 5., foi considerado que o período de análise será relativo ao ano de 2015.

Por fim, e para o cálculo da efficiency rate – ponto 5.4 – foi debatido se deverá apenas respeitar a funcionários, ou se deverá incluir juízes, funcionários e pessoal de apoio. Neste ponto, e considerando as diferente figuras nos sistemas jurídicos presentes. Em particular, os representantes alemães e polacos fizeram especial referência à existência de um oficial de justiça que desempenha funções jurisdicionais em matérias determinadas (custas e execuções).

Feita uma nova ronda para comentários relativamente à possibilidade de recolha destes dados, todos os representantes manifestaram disponibilidade para recolha dos dados.

Os representantes do parceiro Polaco referiram que estes dados são recolhidos pelo Ministério da Justiça, a quem pedirão colaboração.

★

Foi iniciada a discussão do anexo B.

Em comentário ao anexo B foi feita reiterada a observação de falta de espaço para responder às questões com o detalhe pretendido. Sendo sugerido uma alteração de grafismo que permita a especificação das medidas, regras ou normativos legais para cada um dos níveis.

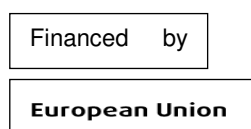
Foi também sugerida alguma precisão terminológica de conceitos. Os representantes do parceiro Bélgica consideraram que constar da pergunta o termo “court management” seria pressupor que as medidas em causa eram decididas e aplicadas ao nível do tribunal.

Por outro lado, e da parte dos representantes do parceiro alemão, foi saudada a opção pelo termo “policy” como genérico o suficiente para incluir medidas legislativas, administrativas, processuais ou outras.

★

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No redacção concreta do questionário foram feitas várias observações.

A primeira observação, e transversal a todas as questões, foi a eliminação do termo *court management*.

Na redacção concreta das questões foram analisados os quadros autónomamente.

*

Na redacção do quadro I:

i) na questão 1.º deve ser eliminada a referência a Ministro da Justiça ou Conselho Superior;

ii) na questão 7.º deve ser eliminada a definição de estratégia;

iii) na questão 9.º foi sugerida que se adicione – “*is there any input of internal or external stakeholders?*”;

iv) na questão 21.º, é sugerido a divisão da questão em 2 questões;

v) na questão 22.º, é sugerida a eliminação a referência a autoridades independentes – expressão passível de induzir em erro.

*

Na redacção do quadro II:

i) na questão 1.º foi sugerida a eliminação do segundo segmento da pergunta, sendo eliminada a referência a “*Is the court able to establish a flexibility..*”;

*

Na redacção do quadro III:

i) na questão 1.º, o termo “performance” deve ser especificado ou detalhado para saber se está relacionado com produtividade. Sugere-se ainda a introdução de exemplos práticos do que poderão ser os indicadores de performance;

ii) na questão 2.º sugere-se a divisão em duas questões e a exemplificação do que são “performance indicators”;

iii) na questão 3.º sugere-se que a questão foque em meios e não em “factores”;

iv) na questão 6.º sugere-se a separação da quantidade e qualidade em duas questões diferentes;

v) na questão 7.º sugere-se a divisão das diversas questões que compõem o actual texto.

*

Na redacção do quadro IV:

i) na questão 7.º, é sugerida a introdução de “*is the judge able to organize*”;

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HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

- ii) na questão 9.º, é sugerida a sua eliminação;
- iii) na questão 13.º, é sugerida a sua divisão em duas questões e especificar a marcação, duração e tempo de preparação;
- iv) na questão 17.º, é sugerida a eliminação do termo “appropriate” e uma alteração ao termo “punctual”;
- v) na questão 27.º, 30.º e 21.º, sugere-se a alteração de “execution” para “enforcement” e deve ser especificado o que dirá respeito ao tribunal, considerando as diferenças de sistemas jurídicos;

*

Na redacção do quadro V:

- i) na questão 1.º, sugere-se a substituição de “does exists” por “is there”;
- ii) na questão 2.º, sugere-se a especificação de “is the court performance”;
- iii) na questão 4.º, sugere-se a introdução de exemplos;
- iv) na questão 5.º, sugere-se a separação das questões;
- v) na questão 6.º, sugere-se a eliminação da referência a colectivo e incluir apenas a primeira instância;
- vi) na questão 7.º, é sugerida a sua eliminação;
- vii) na questão 10.º, é sugerida a sua eliminação.

*

Fechada a discussão dos questionários passou-se à discussão dos métodos e prazos de recolha.

Pelo parceiro CSM foi sugerida a recolha disseminada e a fixação do prazo em 15 de Setembro de 2016.

Feita a ronda de comentários todos os presentes concordaram com a proposta.

*

Pelas 15.35 h. foram encerrados os trabalhos.



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HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

MEMORANDO

ASSUNTO:

Reunião - Projeto QUALI - Tribunais da Relação

Lisboa, 24 de Maio de 2016 - 09.30 h.

*

Presentes:

Tribunal da Relação de Lisboa

Juiz Desembargador Fernando Correia Estrela (TRL)

Juiz Desembargador José Eduardo Miranda Santos Sapateiro (TRL)

Juíza Desembargadora Maria Filomena Onório Gil (TRL)

Tribunal da Relação do Porto

Juiz Desembargador António Gama Ferreira Ramos (TRP)

Juiz Desembargador Carlos Pereira Gil (TRP)

Tribunal da Relação de Coimbra

Juiz Desembargador João Inácio Monteiro (TRC)

Juiz Desembargador Luís Miguel Ferreira de Azevedo Mendes (TRC)

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Juíza Desembargadora Maria João Fontinha Areias Cardoso (TRC)

Tribunal da Relação de Évora

Juíza Desembargadora Albertina Pedroso (TRE)

Juiz Desembargador Alexandre Ferreira Baptista Coelho (TRE)

Tribunal da Relação de Guimarães

Juiz Desembargador António Beça Pereira (TRG)

Juíza Desembargadora Manuela Bento Fialho (TRG)

CSM

Juiz Desembargador Sousa Pinto (Vogal CSM)

Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM)

Juíza Desembargadora Inês Brasil de Moura (Adjunta CSM)

Juiz de Direito Carlos Castelo Branco (Adjunto CSM)

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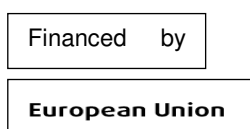
O Exmo. Vogal do CSM, Desembargador Sousa Pinto deu início à sessão de trabalhos enunciando as linhas gerais do projeto aprovado pela Comissão Europeia a que o CSM se candidatou, em parceria com outros países europeus e os genéricos termos delineados para concretização deste projeto.

Em seguida, a Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Desembargadora Ana de Azeredo Coelho fez alusão aos documentos – de análise quantitativa e qualitativa – previamente fornecidos assinalando que sobre eles incidiria o trabalho a realizar nesta reunião e que a mesma se destina prioritariamente a consolidar os termos de preenchimento das tabelas que constituem os documentos denominados de anexos “A” e “B”, em termos que se pretendem específicos para os Tribunais da Relação de modo a retratar a realidade destes, sendo ainda documentos em aberto.

Especificamente, quanto ao anexo “A” – referente a recolha de dados quantitativos – a Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Desembargadora Ana de Azeredo Coelho concretizou que os pontos que poderão suscitar maior controvérsia ou dificuldade, centram-se na definição da

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estrutura de pendências e na concretização dos quadros mencionados no ponto 8. Quanto ao anexo “B” – recolha de dados qualitativos - pretende-se que os mesmos abordem as áreas que constituem o núcleo de temáticas definidas para o projeto (afetação de processos, fixação de objetivos, gestão processual e avaliação do desempenho dos tribunais).

Para além disso salientou a necessidade de ser estabelecida uma metodologia para os trabalhos a desenvolver, uma cronologia para as respostas a dar, os termos de redação dos textos finais.

O Exma. Senhora Adjunta do Gabinete do Vice-Presidente e Membros do CSM, Desembargadora Inês Brasil de Moura assinalou que uma questão a decidir será também a de concretizar os termos do preenchimento dos questionários, se pelos elementos do grupo de trabalho ou se o mesmo deverá ter um alcance mais alargado.

Foi consensualizado que o preenchimento dos questionários do anexo B deverá ser feito pelos membros do grupo de trabalho ao nível dos respetivos Tribunais de Relação.

Quanto ao questionário constante dos pontos 3 e 5 do anexo A, deverá ser solicitada a resposta pelo Conselho Superior da Magistratura aos Exmos Senhores Presidentes dos Tribunais da Relação.

Foi também salientado que este trabalho deverá ser, desde já, divulgado junto de todos os Juízes Desembargadores através dos Exmos Senhores Presidentes dos Tribunais da Relação, para que, querendo, apresentem as sugestões que tiverem por pertinentes para a obtenção das finalidades pretendidas com o projeto, divulgação essa que deverá ocorrer por um período de 10 dias, devendo, depois, os elementos do grupo de trabalho, ao nível de cada Relação, recolher e tratar os contributos apresentados.

Por se afigurar pertinente foram indicados como Pontos de Contacto entre cada um dos Tribunais de Relação e o CSM, para resolução das questões operacionais que se mostrem necessárias, os seguintes Senhores Juízes Desembargadores:

- Do Tribunal da Relação de Lisboa, a Exma. Senhora Juíza Desembargadora Maria Filomena Onório Gil;

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- Do Tribunal da Relação do Porto, o Exmo. Senhor Juiz Desembargador António Gama Ferreira Ramos (TRP);
- Do Tribunal da Relação de Coimbra, o Exmo. Senhor Juiz Desembargador Luís Miguel Ferreira de Azevedo Mendes (TRC);
- Do Tribunal da Relação de Évora, a Exma. Senhora Juíza Desembargadora Albertina Pedroso; e
- Do Tribunal da Relação de Guimarães, o Exmo. Senhor Juiz Desembargador António Beça Pereira.

Em seguida foi apreciado o Anexo “B”, tendo sido analisada cada uma das questões formuladas, tendo as alterações consideradas pertinentes, após consensualização, sido introduzidas no questionário em questão, que assim foi consolidado como definitivo nos termos consequentes (em anexo).

Após pausa para almoço, foi apreciado o Anexo “A”, tendo sido analisados todos os pontos referentes aos termos do preenchimento de cada uma das rubricas consensualizadas a serem incluídas nas tabelas quantitativas (em anexo).

Ficou estabelecido que serão solicitados aos juízes desembargadores os dados referentes aos processos que cada um relatou em 2015 (considerando o ano civil e não o ano judicial para facilitar eventual futura comparação de dados com outros países).

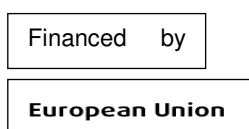
A recolha far-se-á através de ficha com os pontos acordados nesta reunião da qual constarão os processos relatados por cada Desembargador a fornecer pelas secções de processos.

Foi ainda solicitado que o CSM envie as fichas (A e B) em formato editável e que permita o preenchimento dos quadros relativos à descrição de forma o mais completa possível.

Ponderada que foi a enorme dificuldade de recolha dos dados e a sua pertinência, foi considerado útil que doravante se estabelecesse um meio de recolha desses dados.

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Deverá ainda constar dessa tabela a recolha de dados quanto a votação (unanimidade ou maioria). Do mesmo modo deverá ser considerada a recolha de dados quanto a decisões singulares.

Tendo em atenção o projeto de instalação do CITIUS nas Relações, será elaborada uma memória descritiva dos dados a recolher que permita solicitar ao IGFEJ os necessários desenvolvimentos do CITIUS.

No entanto, enquanto tal não ocorre, foi sugerido e aceite que seja elaborada uma grelha de registo das decisões publicadas em cada sessão com a indicação desses dados a fim de substituir a que atualmente é utilizada.

Essa grelha deverá ser proposta aos Ex.mos Senhores Presidentes dos Tribunais de Relação para sugestões a fim de posteriormente ser submetido a aprovação pelo Conselho Superior da Magistratura.

Pelas 16.00 h. foram encerrados os trabalhos.

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HIGH JUDICIAL COUNCIL OF PORTUGAL

Gestão dos Tribunais, Gestão Processual e Avaliação de Desempenho
(Court Management, Case Management and Performance Evaluation)

Lisbon, 23 and 24 May 2016

Day 1: 23.05.2016

09H15 – Guests and Partners reception

09H30 – Opening Session – HJC Vice-President, Supreme Court Judge Mário Morgado

10H00 – Court Management in the First Instance Courts: West Lisbon Court

West Lisbon Court's President, Judge Rosa Vasconcelos

10H30 – Germany Communication

11H00 – Coffee Break

11H30 – Performance indicator and court management

Assistant Director for Justice Policy, Dra. Maria João Costa

Moderation: Appeal Court Judge Ana Azeredo Coelho

12H00 – Debate

12H30 – Lunch

14H00 – Poland Communication

14H30 – Lithuania Communication

15H00 – Belgium Communication

15H30 – Slovenia Communication

Moderation: Judge Maria João Barata dos Santos

16H00 – Debate

17H00 – Closing

17H30 – Departure

18H00 – Lisbon Appeal Court visit

President Lisbon Appeal Court, High Court Judge Luís Maria Vaz das Neves

19H30 - Dinner

Day 2: 24.05.2016

09H30 – Workshop

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HIGH JUDICIAL COUNCIL OF PORTUGAL

GROUP A – Setting of questionnaire to gather qualitative data for the first instance courts – working language: English - DEBATE

GROUP B - Setting of questionnaire to gather qualitative data for the second instance courts - working language: Portuguese - DEBATE

11H00 - Coffee Break

11H30 - Workshop

GRUPO A – Final drafting of questionnaire to gather qualitative data for the first instance courts – working language: English - DEBATE

GRUPO B – Final drafting of questionnaire to gather qualitative data for the second instance courts – working language: Portuguese - DEBATE

12H30 – Lunch

14H00 – Workshop

GROUP A – Setting of methods to gather qualitative data for the first instance courts - working language: English - DEBATE

GROUP B - Setting of methods to gather qualitative data for the second instance courts – working language: Portuguese - DEBATE

16H00 - Workshop

GRUPO A – Setting of questionnaire and methods to gather qualitative data for the first instance courts – working language: English - Conclusion

GRUPO B - Setting of questionnaire and methods to gather qualitative data for the first instance courts - working language: Portuguese

Coffee Break

17H30 – Closing

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HIGH JUDICIAL COUNCIL OF PORTUGAL

**Gestão dos Tribunais, Gestão Processual e Avaliação de Desempenho
(Court Management, Case Management and Performance Evaluation)
Programa do Seminário de Lançamento**

Lisboa, 23 e 24 de Maio de 2016

Dia 23.05.2016

09H15 – Receção dos Participantes e Convidados

09H30 – Sessão de Abertura – Vice-Presidente do CSM, Juiz Conselheiro Mário Morgado

10H00 - Gestão Processual em Primeira Instância: a comarca de Lisboa Oeste

Presidente do Tribunal de Comarca, Juiz de Direito Rosa Vasconcelos

10H30 – Comunicação da Alemanha

11H00 – Pausa para café

11H30 - Indicadores de medida e gestão processual

Subdiretora-Geral da Política de Justiça de Portugal, Dra. Maria João Costa

Moderação: Juiz Desembargadora Ana Azeredo Coelho

12H00 – Debate

12H30 – Almoço (no local)

14H00 – Comunicação da Polónia

14H30 – Comunicação da Lituânia

15H00 – Comunicação da Bélgica

15H30 – Comunicação da Eslovénia

Moderação: Juiz de Direito Maria João Barata dos Santos

16H00 – Debate

17H00 – Encerramento dos trabalhos

18H00 – Tribunal da Relação de Lisboa – Visita

Presidente da Relação de Lisboa, Juiz Desembargador Luís Maria Vaz das Neves

Porto de honra

19H30 – Jantar (Rest. *Can the Can* – Terreiro do Paço)

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CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

HIGH JUDICIAL COUNCIL OF PORTUGAL

Dia **24.05.2016**

09H30 – Workshop

GRUPO A – Discussão e fixação dos questionários para recolha de dados qualitativos na primeira instância – **Língua de trabalho:** *inglês* - DEBATE

GRUPO B - Discussão e fixação dos questionários para recolha de dados qualitativos na segunda instancia - **Língua de trabalho:** *português* - DEBATE

11H00 - Pausa para café

11H30 - Workshop

GRUPO A – Redação final dos questionários para recolha de dados qualitativos na primeira instância- **Língua de trabalho:** *inglês* - DEBATE

GRUPO B - Redação final dos questionários para recolha de dados qualitativos na segunda instancia - **Língua de trabalho:** *português* - DEBATE

12H30 – Almoço (no local)

14H00 – Workshop

GRUPO A –para recolha de dados quantitativos na primeira instância - **Língua de trabalho:** *inglês* - DEBATE

GRUPO B - Fixação dos questionários e métodos para recolha de dados quantitativos na segunda instancia - **Língua de trabalho:** *português* - DEBATE

16H00 - Workshop

GRUPO A – Fixação dos questionários e métodos para recolha de dados quantitativos na primeira instância – Conclusão

Língua de trabalho: *inglês*

GRUPO B - Fixação dos questionários e métodos para recolha de dados quantitativos na segunda instancia – Conclusão

Língua de trabalho: *português*

Pausa para café

17H30 – Encerramento do Seminário

Local: **Campus da Justiça, (Edifício do IGFEJ/DGPJ/DGAJ)- Piso 2**

Av. D. João II, n.º 1.08.01D Bloco H 1990-097 Lisboa

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Senhores Representantes dos Tribunais, Conselhos Superiores e Órgãos de Administração Judiciária da Bélgica, Alemanha, Lituânia, Polónia e Eslovénia

Senhores Vogais do Conselho Superior da Magistratura de Portugal

Senhores Presidentes dos Tribunais da Relação

Senhores Desembargadores

Senhor Diretor-Geral da Direção-Geral da Administração da Justiça

Senhor Presidente do Instituto de Gestão Financeira e Equipamentos da Justiça

Senhores Juízes Presidentes dos Tribunais de Comarca

Caros Colegas

Minhas Senhoras e meus Senhores

1. Uma primeira palavra para cumprimentar calorosamente todos os presentes, em especial todos os participantes - nacionais e estrangeiros - neste nosso encontro.

Por todo o apoio prestado à realização deste evento, também uma palavra de agradecimento à DGPJ, à DGAJ e ao IGFEJ, na pessoa do seu Presidente, nosso anfitrião e que prontamente manifestou toda a disponibilidade para nos acolher, bem como a todos os demais que deram o melhor de si na organização do seminário.

2. O Projeto que o Conselho Superior da Magistratura submeteu à Comissão Europeia, e cuja execução hoje se inicia, tem como tema dominante o da qualidade do sistema de justiça e surgiu num contexto específico do Judiciário Português: o da extensão a todo o País, em 1 de setembro de 2014, da primeira reforma judiciária especificamente centrada na alteração do modelo de gestão dos tribunais, reforma que se havia iniciado, em regime piloto, em 2009.

Nesta reforma, entre outros aspetos - como é o caso da colaboração institucional com o Ministério da Justiça e a Procuradoria-Geral da República, ou o exercício das suas competências de gestão -, o Conselho Superior da Magistratura tem estado profundamente empenhado no apoio aos juízes presidentes dos tribunais de comarca, entidades fulcrais do novo modelo.

Num contexto que exige permanente monitorização e reflexão, aprofundamento do pensamento e da ação, assume especial importância a partilha de experiências com outros Países do nosso espaço cultural de inserção.

Em boa hora se associaram a este Projeto, pois, os nossos Parceiros da Bélgica, Alemanha, Lituânia, Polónia, Eslovénia e Espanha, esta infelizmente ausente deste primeiro seminário.

A adesão de todos os Tribunais de Relação de Portugal, devida ao entusiasmo dos seus Presidentes, também possibilita que este Projeto alargue o horizonte de gestão dos tribunais e dos processos à segunda instância, realidade que a Reforma Judiciária não contemplou, mas que não pode deixar de considerar-se essencial.

Pelo apoio de todos os envolvidos neste projeto, bem hajam.

3. A fase de execução da nossa vontade comum de analisar e partilhar as melhores práticas, estratégias e soluções, em matéria de gestão de tribunais e de processos, tem em vista um objetivo último: a melhoria contínua da qualidade dos nossos sistemas de justiça.

Num Estado de Direito Democrático, a qualidade da justiça convoca uma multiplicidade de eixos problemáticos, surgindo, neste âmbito, como essencial:

- 1) decisões tomadas por juízes independentes e imparciais;**
- 2) decisões materialmente justas;**

3) justiça procedimental, expressa, nomeadamente, nos princípios do contraditório, da igualdade, e da proporcionalidade dos ónus, cominações e preclusões processuais;

4) os direitos dos cidadãos de acesso ao direito, à tutela jurisdicional efetiva e a um processo judicial sem demoras injustificadas, nos quais radicam, em última análise, os imperativos de funcionalidade dos tribunais.

X X X

É incontroverso que um deficiente modelo de administração judiciária dificulta a efetivação dos direitos de acesso à Justiça por parte dos cidadãos.

Mas não podemos iludir a existência de uma certa tensão entre alguns dos polos de princípios e valores constitucionais em presença, sendo que é precisamente na harmonização prática de todos eles que se estrutura a arquitetura institucional de qualquer sistema de justiça de matriz democrática.

Em síntese, diria que os imperativos de gestão dos tribunais se confrontam com limites que essencialmente residem na esfera de intangibilidade inerente ao conteúdo essencial do princípio da independência dos juízes no exercício da função de julgar, bem como dos conexos princípios da inamovibilidade e do juiz natural.

4. Posto isto, permitam-me que ainda acrescente que a cabal compreensão das questões atinentes à qualidade dos sistemas de justiça não prescinde de uma visão global dos múltiplos fatores que condicionam o seu funcionamento, entre os quais destacaria:

a) O quadro normativo em que se desenvolve a atividade dos tribunais, nomeadamente ao nível da organização judiciária e das leis de processo;

- b) A arquitetura institucional e organizacional do Sistema;**
- c) As suas estruturas materiais e tecnológicas;**
- d) A cultura do conjunto do sistema judiciário, que é essencialmente função da atuação dos seus órgãos de topo;**
- e) A cultura de cada comarca ou tribunal, para a qual contribuem todos os que aí trabalham;**
- f) A atitude das pessoas;**
- g) Por último – e é nisso que em boa parte nos vamos focalizar neste seminário – , os aspetos referentes à gestão processual, entendida num duplo significado: por um lado, enquanto atividade dirigida à tramitação mais célere, simples e racional dos processos dos processos individualmente considerado; por outro lado, a gestão do conjunto dos processos afetos a cada juiz ou, mais genericamente, dos processos pendentes em cada tribunal ou comarca.**

5. Dada a complexidade e abrangência de todos os temas em discussão, é seguro que os dias de hoje e de amanhã serão de intenso trabalho.

Desejo-vos que esse trabalho seja estimulante e profícuo, em termos que permitam estabelecer bases sólidas na abordagem da apaixonante problemática da dimensão organizacional da qualidade dos sistemas de justiça.

Simultaneamente, desejo a todos uma ótima e distendida estada nesta nossa - e também vossa - cidade de Lisboa.

Os trabalhos, bem como os momentos de convívio do final de tarde do dia de hoje, desenrolam-se a poucos metros do Tejo, o rio que foi ao longo dos tempos expressão da vocação hospitaleira dos Lisboetas e dos caminhos que uniram os portugueses a outros povos.

O Tejo simboliza bem a honra e alegria que sinto em vos acolher, o que manifesto pessoalmente e em nome do Conselho Superior da Magistratura.

Na esperança de que entre nós se sintam em casa, reitero o meu agradecimento pela presença de todos.

Muito obrigado pela vossa atenção.

MEASUREMENT INDICATORS AND CASE MANAGEMENT IN COURTS

MEASUREMENT INDICATORS AND CASE MANAGEMENT

Agenda

- 1. The Judiciary Organization Act**
- 2. Key Performance Indicators (KPI)**
- 3. The online system**

MEASUREMENT INDICATORS AND CASE MANAGEMENT

The Judiciary Organization Act
Law 62/2013
(august 26th)

New management system of first instance courts

Monitoring the activity of each court over judicial year

MEASUREMENT INDICATORS AND CASE MANAGEMENT

The Judiciary Organization Act
Law 62/2013
(august 26th)

**Working group for
implementation of the Judiciary
Organization Act**



**Subgroup on
management indicators**



**Identify KPI to monitor the activity
of the courts and measure in what
degree their goals are achieved**

MEASUREMENT INDICATORS AND CASE MANAGEMENT

Agenda

1. The Judiciary Organization Act
2. Key Performance Indicators (KPI)
3. The online system

MEASUREMENT INDICATORS AND CASE MANAGEMENT

Management and organization of courts

Satisfaction with the service

- Satisfaction survey;
- N.º calls;
- (...)

Human, budgetary and technical resources

- Average cost per case;
- System availability;
- Hours of training;
- Absenteeism rate;
- (...)

Reducing the number of pending cases

- Pending cases;
- Clearance rate;
- Disposition time.

Simplification, speed and quality

- % cases pending for more than x days;
- Average length of cases;
- Clearance rate;
- Deviation from the statutory period;
- (...)

Simplification of procedures

- % of electronic files;
- Acts automation;
- Acts per case;
- Average of hearings per case;
- (...)

Operational efficiency

- Productivity per magistrate;
- Productivity per court;
- (...)

MEASUREMENT INDICATORS AND CASE MANAGEMENT

Agenda

- 1. The Judiciary Organization Act**
- 2. Key Performance Indicators (KPI)**
- 3. The online system**

MEASUREMENT INDICATORS AND CASE MANAGEMENT

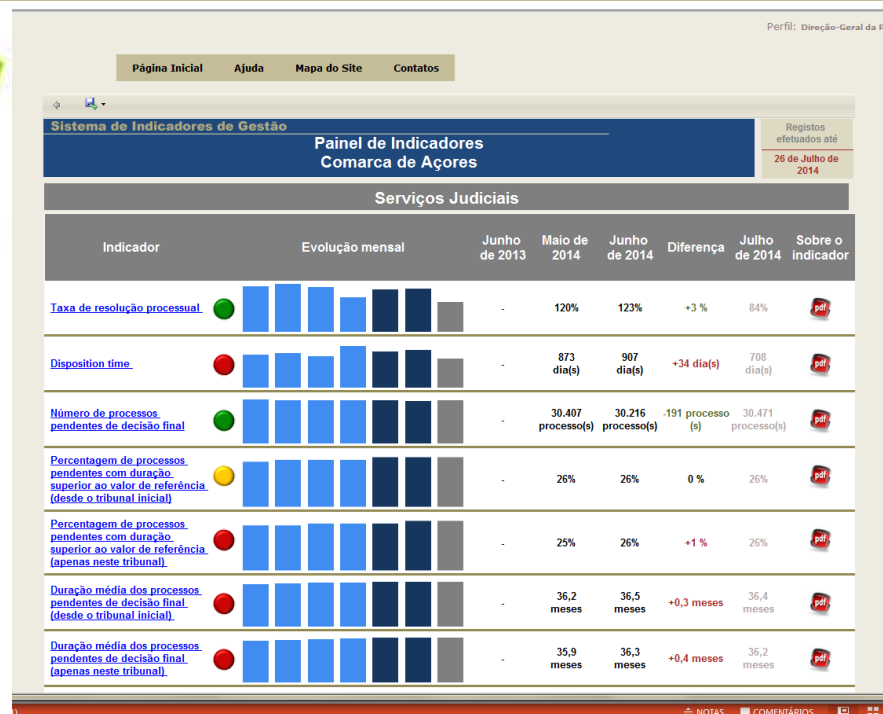
KPI online system

Flags & alerts

- ✓ Knowing the activity of each court
- ✓ Identify bottlenecks
- ✓ Anticipate problems
- ✓ Take action
- ✓ Assess the impact and effectiveness of management policies



MEASUREMENT INDICATORS AND CASE MANAGEMENT



DGPJ

Direção-Geral da Política de Justiça

MEASUREMENT INDICATORS AND CASE MANAGEMENT

http://www.kpi.dggs.mj.pt/indicadoresGestao/comum/140megaps.asp

Sistema de Indicadores de Gestão

Página Inicial

Registos efectuados até 26 de julho de 2014

A Lei n.º 62/2013, de 26 de agosto, criou um novo sistema de gestão dos tribunais judiciais de primeira instância, prevendo-se que a monitorização da atividade de cada tribunal, ao longo do ano judicial, seja feita com base, entre outros, nos elementos disponibilizados pelo sistema de informação de suporte à tramitação processual. O Sistema de Indicadores de Gestão aqui disponibilizado pretende ser uma das ferramentas para essa monitorização, assente nos elementos atualmente disponibilizados pelo Sistema Cívis e seguindo, tão perto quanto possível, o rol de indicadores de gestão identificados pelo Grupo de Trabalho para Implementação da Lei de Organização do Sistema Judiciário.

Inspirado em trabalhos e experiências nacionais, estrangeiras e internacionais, este sistema pretende disponibilizar e manter, atualizados alguns dos mais conhecidos indicadores estatísticos de gestão na área da Justiça, apresentados tanto em termos numéricos como gráficos. Os dados aqui disponibilizados não são estatísticas oficiais, espelhando o trabalho de registo e de atualização do Sistema Cívis feito por cada serviço até à data indicada no canto superior direito de cada página. O retrato que traçam será tanto mais fiel quanto o registo e a atualização dos dados estejam completos e sejam rigorosos. Para mais informações sobre o sistema, a forma de o usar, os indicadores e os dados, consulte o separador [Ajuda](#).

Aceder ao sistema:

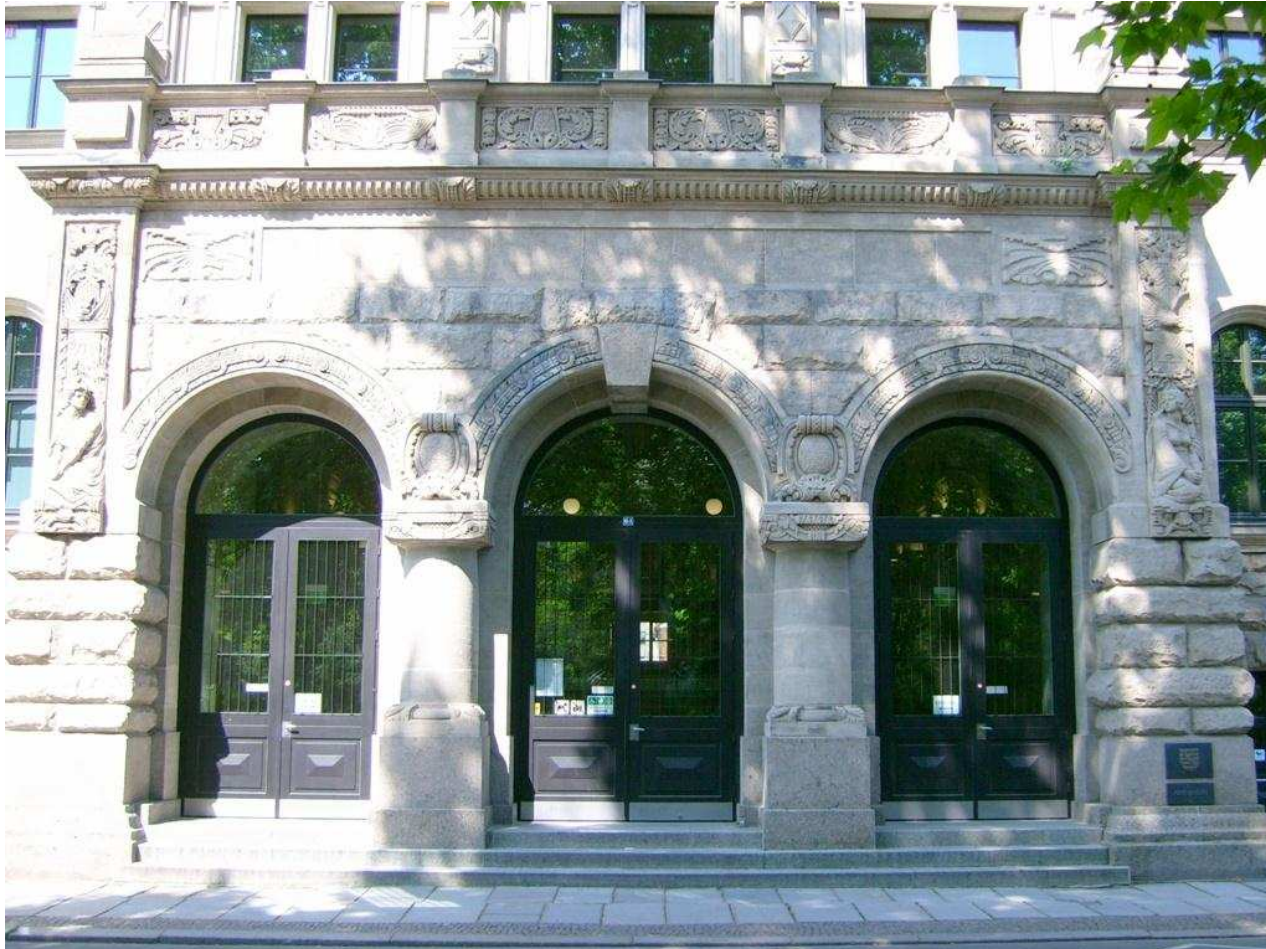
Painel de indicadores das comarcas	Tabela de movimento e duração processual, por unidade orgânica e tipo de processo	
	Serviços Judiciais	Serviços do Ministério Público

Das Amtsgericht Leipzig

Leipzig local court



some impressions









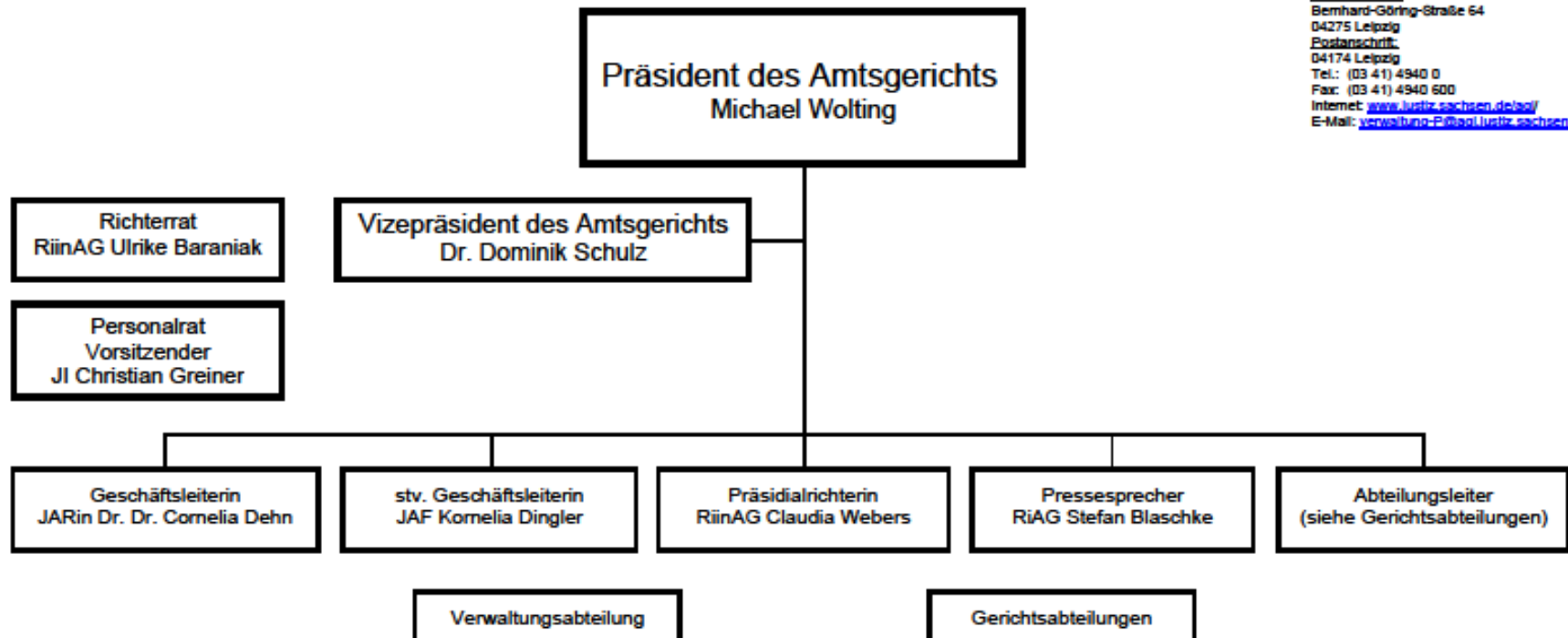


facts and figures

- **501** employees
- **81** judges
- **118** judicial officers
- **229** clerks of the court
- **36** bailiffs
- **37** patrolmen/securities

Stand: 21. März 2016

Hausanschrift:
Bernhard-Göring-Straße 64
04275 Leipzig
Postanschrift:
04174 Leipzig
Tel.: (03 41) 4940 0
Fax: (03 41) 4940 600
Internet: www.justiz.sachsen.de/ago/
E-Mail: verwaltung-P@ago.justiz.sachsen.de



Amtsgericht Leipzig Abteilungs- und Gruppenleiter - Stand: 11.01.2016				
Abteilung	Abteilungsleiter/in	Stellvertreter/in	Gruppenleiter/in	stv. Gruppenleiter/in
Zivilabteilung I	wauRIAG Pfuhl Zl.: 360 Tel.: 515	wauRIAG Petersen Zl.: 362 Tel.: 512	JAR Müller Zl.: 354 Tel.: 596	JOLin Grob Zl.: 308 Tel.: 584
Zivilabteilung II	wauRIAG Petersen Zl.: 362 Tel.: 512	wauRIAG Pfuhl Zl.: 360 Tel.: 515	JAR Müller Zl.: 306 Tel.: 596	JOLin Grob Zl.: 308 Tel.: 584
Rechtsantragsstelle	wauRIAG Petersen Zl.: 362 Tel.: 512	wauRIAG Pfuhl Zl.: 360 Tel.: 515	JOLin Schubert Zl.: 141 Tel.: 530	JAF König Zl.: 139 Tel.: 526
Familienabteilung	wauRIAG Tischer Zl.: 407 Tel.: 224	RIAG Welfenbach Zl.: 421 Tel.: 213	JOLin Grundmann Zl.: 485 Tel.: 215	JOLin Döhler Zl.: 484 Tel.: 236
Betreuungsabteilung	RIAG Harner Zl.: 415 Tel.: 253	wauRIAG Pfuhl Zl.: 360 Tel.: 515	JAF Kuhnert Zl.: 458 Tel.: 266	JAF Schulze Zl.: 412 Tel.: 272
Nachlassabteilung	wauRIAG Pfuhl Zl.: 360 Tel.: 515	RIAG Harner Zl.: 415 Tel.: 253	JAF Liedtke Zl.: 463 Tel.: 401	JAF Freudenthal Zl.: 465 Tel.: 405
Grundbuchamt	VPräsAG Dr. Schulz Ast.: 131a Tel.: 255 8210	NN	JAM Goder Zl.: 219 Tel.: 255 8413	JAF Fritzsche Zl.: 108 Tel.: 255 8212
Insolvenzabteilung	wauRIAG Dr. Böttner Zl.: 020 Tel.: 118	wauRIAG Winderlich Zl.: 216 Tel.: 894	JAF Helne Zl.: 034 Tel.: 140	JOLin Diana Melßner Zl.: 032 Tel.: 131
Einzelzwangsvollstreckungsabteilung	wauRIAG Dr. Böttner Zl.: 020 Tel.: 118	wauRIAG Winderlich Zl.: 216 Tel.: 894	JAF Schröter Zl.: 050 Tel.: 171	JOLin Rechenberg Zl.: 048 Tel.: 166
Strafabteilung I	wauRIAG Maciejewski Zl.: 277 Tel.: 807	RIAG Weber Zl.: 256 Tel.: 821	JOLin Meier Zl.: 254 Tel.: 893	JHS Schaubitzer Zl.: 276 Tel.: 801
Strafabteilung II	wauRIAG Eppelt-Knochenstern Zl.: 168 Tel.: 702	wauRIAG Maciejewski Zl.: 277 Tel.: 807	JOLin Meier Zl.: 254 Tel.: 893	JHS Schaubitzer Zl.: 276 Tel.: 801
Registerabteilung	RIAG Hasselberger Zl.: 082 Tel.: 460	VPräsAG Dr. Schulz Zl.: 156 Tel.: 901	JARin Kuhn Zl.: 085 Tel.: 458	JAF Goder Zl.: 077 Tel.: 952
Zwangsversteigerungsabteilung	wauRIAG Winderlich Zl.: 216 Tel.: 894	wauRIAG Dr. Böttner Zl.: 020 Tel.: 118	JAR Naumann Zl.: 346 Tel.: 768	JAF Stanke Zl.: 329 Tel.: 781

the members of the presidium

President Mr. Wolting

Vice-president Dr. Schulz

RiinAG Merschdorf civil court

RiinAG Hahn criminal court

RiinAG Werner civil court

RiinAG Kühnert family court

RiinAG Nieragden civil court

RiAG Weber criminal court

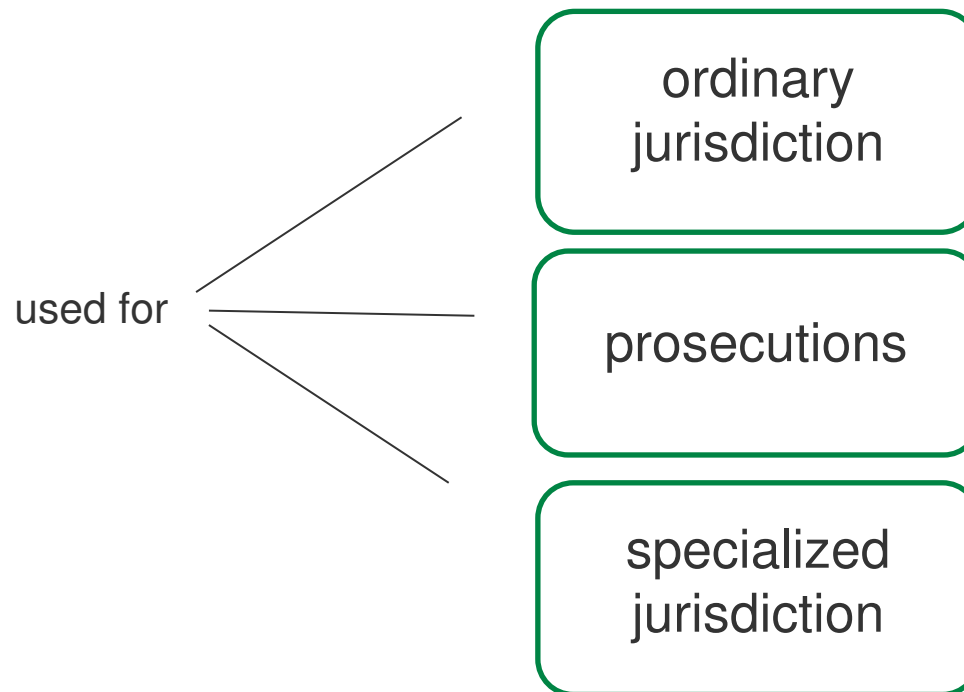
RiinAG Webers criminal court

RiinAG Schulz criminal court

PEBB§Y

(**PE**rsonal**B**edarfs**B**erechnung**SY**stem für die Justiz)

= system for the calculation of the personnel need of the judiciary



5 PEBB§Y projects

PEBB§Y I for judges and clerks of the court in the ordinary jurisdiction and the prosecutions

PEBB§Y II concerning the court offices, the court guards and the other staff in the ordinary jurisdiction and the prosecutions

PEBB§Y for the specialized jurisdiction

PEBB§Y renewal 2008

PEBB§Y renewal 2014

Calculation of the personnel need is based on 3 values:

$$\frac{\text{basic value} \times \text{reference value}}{\text{working time per year}} = \text{personnel need}$$

$$\frac{\text{working time per year}}{\text{basic value}} = \text{workload per year}$$

basic value

reference value

working time per year

- average time a judge needs for the treatment of one case in a special field of law
- number of incoming cases concerning a special field of law
- 2016: 99.258 minutes (judges) and 93.095 minutes (court offices)



Amtsgericht Leipzig							Kennzahl: 1560
							Bezirk: Amtsgericht Leipzig
Summe:							420,56
Richter							Jahresarbeitszeit: 99258
Summe:							76,40
Zivilsachen							19,51
RA015	155	330	1	300,78	0,00%	0,00%	0,52
Nachbarschaftssachen, Bau-/Architektensachen (ohne Architektenhonorarsachen) sowie Arzthaftungssachen							
RA041	3909	180	1	551,43	0,00%	0,00%	7,09
Mietsachen							
RA053	1933	230	1	431,56	0,00%	0,00%	4,48
Verkehrsunfallsachen, Reisevertragsachen und WEG-Binnenstreitigkeiten							
RA059	4916	150	1	661,72	0,00%	0,00%	7,43
Sonstige Zivilsachen, selbständige Beweisverfahren und Rechtshilfeersuchen							



Personalsituation Laufbahngruppe 2, Einstiegsebene 2 zum 1. Mai 2016 nach Peßßy (Stand JASPER: März 2016)

höherer Dienst	Soll	Ist *	Besetzungssituation		durchschnittliche Besetzungssituation		Differenz zu durchschnittlicher Besetzung **	
Gericht	AKA	AKA	AKA	%	AKA	%	AKA	%
OLG	81,89	71,72	-10,17	87,58%	86,49	105,62%	-14,77	-18,04%
LG-Bezirk Chemnitz								
LG Chemnitz	34,71	40,17	5,46	115,72%	36,67	105,62%	3,50	10,10%
AG Aue	13,49	13,50	0,01	100,08%	14,25	105,62%	-0,75	-5,54%
AG Chemnitz	36,80	38,80	2,00	105,43%	38,87	105,62%	-0,07	-0,20%
AG Döbeln	14,50	15,75	1,25	108,63%	15,31	105,62%	0,44	3,01%
AG Freiberg	8,65	9,88	1,23	114,16%	9,14	105,62%	0,74	8,53%
AG Marienberg	9,48	11,00	1,52	116,09%	10,01	105,62%	0,99	10,47%
LG-Bezirk gesamt	117,63	129,10	11,47	109,75%	124,25	105,62%	4,85	4,12%
LG-Bezirk Dresden								
LG Dresden	50,56	59,40	8,84	117,48%	53,41	105,62%	5,99	11,85%
AG Dippoldiswalde	7,83	8,50	0,67	108,51%	8,27	105,62%	0,23	2,88%
AG Dresden	59,70	58,25	-1,45	97,57%	63,06	105,62%	-4,81	-8,06%
AG Meißen	10,27	10,75	0,48	104,68%	10,85	105,62%	-0,10	-0,94%
AG Pirna	10,49	11,00	0,51	104,81%	11,09	105,62%	-0,09	-0,81%
AG Riesa	8,25	9,50	1,25	115,20%	8,71	105,62%	0,79	9,58%
LG-Bezirk gesamt	147,11	157,40	10,29	107,00%	155,38	105,62%	2,02	1,37%
LG-Bezirk Görlitz								
LG Görlitz	21,57	25,00	3,43	115,88%	22,79	105,62%	2,21	10,26%
AG Bautzen	11,90	12,00	0,10	100,86%	12,57	105,62%	-0,57	-4,76%
AG Görlitz	10,12	11,00	0,88	108,69%	10,69	105,62%	0,31	3,07%
AG Hoyerswerda	5,13	6,25	1,12	121,88%	5,42	105,62%	0,83	16,25%
AG Kamenz	7,54	7,75	0,21	102,82%	7,96	105,62%	-0,21	-2,81%
AG Weißwasser	4,96	5,50	0,54	110,95%	5,24	105,62%	0,26	5,32%
AG Zittau	10,04	10,75	0,71	107,06%	10,61	105,62%	0,14	1,44%
LG-Bezirk gesamt	71,26	78,25	6,99	109,82%	75,26	105,62%	2,99	4,19%
LG-Bezirk Leipzig								
LG Leipzig	60,24	64,78	4,54	107,54%	63,63	105,62%	1,15	1,91%
AG Borna	12,28	11,80	-0,48	96,05%	12,98	105,62%	-1,18	-9,57%
AG Eilenburg	9,43	10,00	0,57	106,10%	9,96	105,62%	0,04	0,47%
AG Grimma	8,93	9,80	0,87	109,75%	9,43	105,62%	0,37	4,13%
AG Leipzig	75,90	79,87	3,97	105,23%	80,17	105,62%	-0,30	-0,39%
AG Torgau	7,77	8,00	0,23	102,99%	8,20	105,62%	-0,20	-2,63%
LG-Bezirk gesamt	174,54	184,25	9,71	105,56%	184,36	105,62%	-0,11	-0,06%
LG-Bezirk Zwickau								
LG Zwickau	18,08	22,30	4,22	123,36%	19,09	105,62%	3,21	17,74%

Legal and practical aspects of case allocation to judges in German courts, Amtsgericht Leipzig in particular

The German Constitution, called „Basic Law“:

Principle of Separation of Powers:

Article 20

[Constitutional principles – Right of resistance]

...

(2) **All state authority** is derived from the people. It **shall be exercised** by the people through elections and other votes and through specific **legislative, executive and judicial bodies**.

(3) The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice.

(4) All Germans shall have the right to resist any person seeking to abolish this constitutional order, if no other remedy is available.

Separation of Powers also means:

Executive or any other state authority (apart from parliament) has no right to influence or control judicial power in any aspect.

Problem:

Who provides us with money and manpower???

Who decides about our promotions and carriers?

Finance Ministry (Executive)

Justice Ministry (Executive)....

Article 101

[Ban on extraordinary courts]

(1) Extraordinary courts shall not be allowed. No one may be removed from the jurisdiction of his **lawful judge**.

“Lawful judge” means that each case has to have a judge who was determined by abstract rules before being in charge of it.

Allocation of cases is determined by the
German Courts Constitution Act:

Section 21a

(1) A presidium shall be established at each
court.

This judge's committee consists of several
judges elected by judges. The court's president
or chief is a member **by law**. The president is
not elected and the chairman of the presidium
but **has just one vote** like all other members.

The abstract annual judges distribution scheme for case allocation determines the “lawfull judge”:

Section 21e

(1) The presidium shall determine the composition of the adjudicating bodies, appoint the investigating judges, regulate representation **and allocate court business**. It shall make these arrangements prior to the beginning of the business year for the latter’s duration.

(3) The arrangements pursuant to subsection (1) may only be changed in the course of the business year if this becomes necessary due to the **excessive or insufficient workload** of a judge or adjudicating body or as a result of the transfer or prolonged absence of individual judges.

The annual case distribution scheme determines:

The departments (Civil-, Criminal-, Family department etc.) of the court and which judges are in charge there

The Case department of the single judges

The deputy of judge, 2nd , 3rd -, 4th -, 5th -...Deputies of this judge,

The way incoming cases are allocated to the judges

Wrongly allocated cases lead to an “unlawfull” judge

Remedy!!!

Example:
Case allocation scheme Civil Department:

daily incoming cases:

Ordered the next day by plaintiff's surname, get successive numbers

Clerk must not know the last registered case:

Next clerk registers into database

1 fulltime judge gets 10 successive cases, then next judge etc

Conclusion:

A German judge who works on a case he is not in charge of....

increasing his personal workload without any need...

is not only stupid...

he also acts unlawful !











CASE ALLOCATION SYSTEM: LITHUANIA'S EXPERIENCE (INSTANCE OF KAUNAS REGIONAL COURT)

Lecturer – Nerijus MEILUTIS

Judge, chairman of Kaunas Regional Court

May 23-24, 2016

Lisbon (Lisboa)



Portugal - 92 391 km²,
10 605 870 inhabitants,
114,79 persons/km²



Lithuania - 65 300 km²,
2 878 696 inhabitants,
45.3 persons/km²

JUDICIAL COURTS (ORDEM JUDICIAL) IN PORTUGAL AND COURTS OF GENERAL JURISDICTION IN LITHUANIA



Judicial Courts in Portugal (Ordem Judicial)

Supreme Court of Justice
(*Supremo Tribunal de Justiça*)
Second Instance Courts (5)
(*Relações*)
Judicial Courts of First Instance (23)
(*Comarcas*)



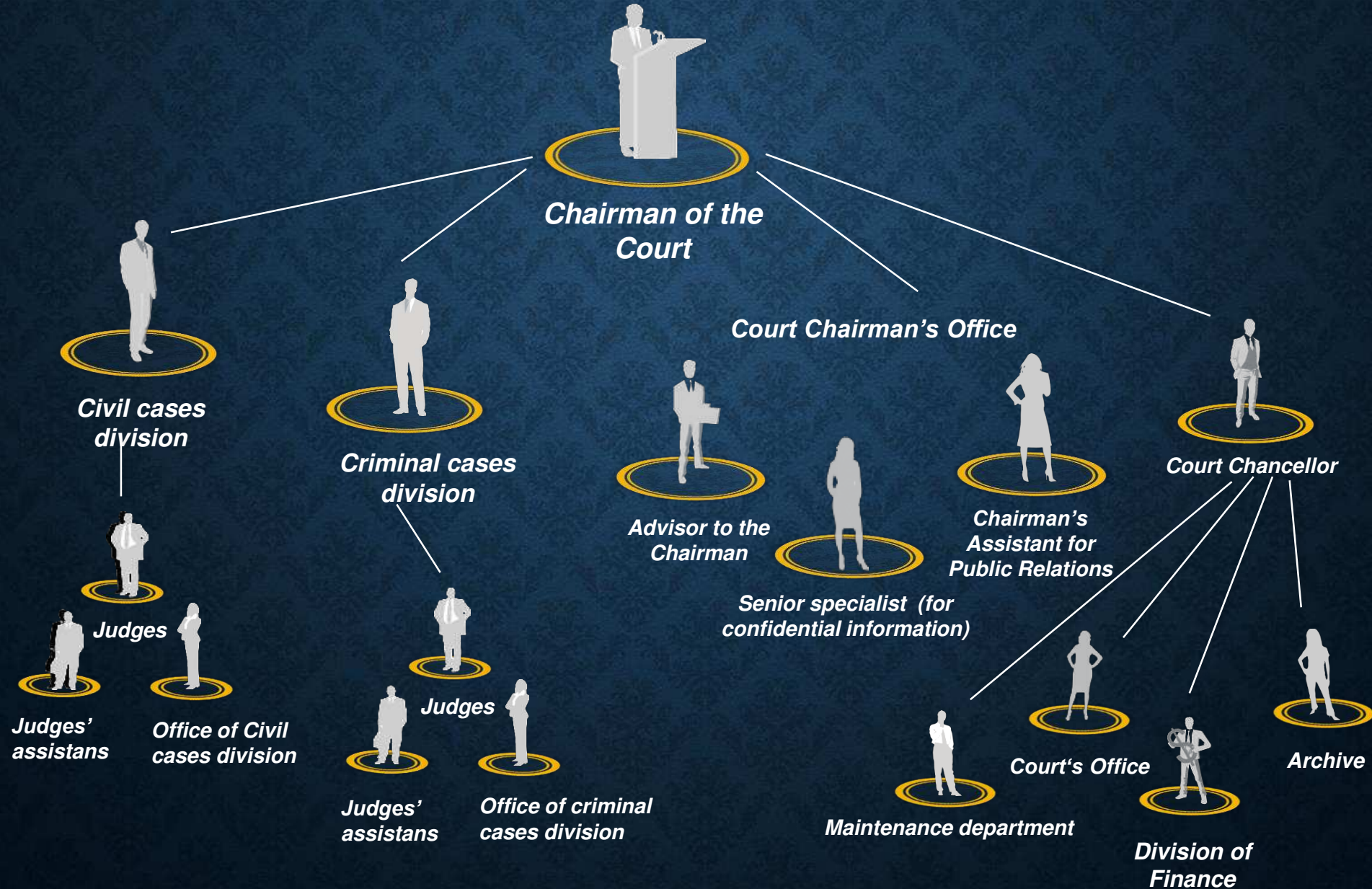
Courts of General Jurisdiction in Lithuania

The Supreme Court of Lithuania
Court of Appeal of Lithuania
Regional Courts (5)
District Courts (49)



- **Kaunas Regional Court** is one of 5 regional courts in Lithuania;
- Kaunas judicial region covers approximately 1/3 of the country's territory (approximately 20 000 km²; approximately 1/3 of country's inhabitants live in the territory covered by Kaunas judicial region; 13 district courts belong to Kaunas judicial region.

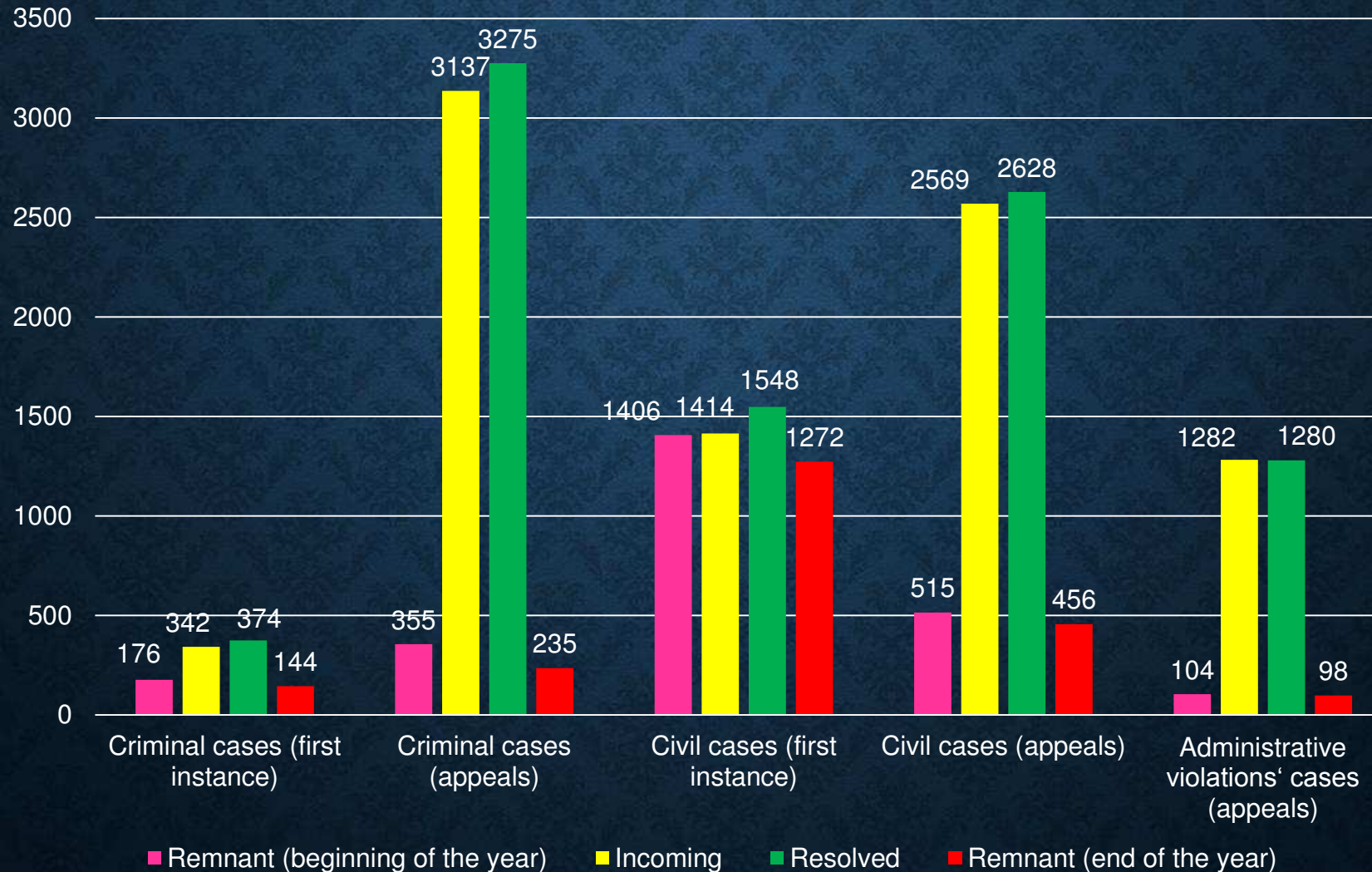
COURT'S STRUCTURE



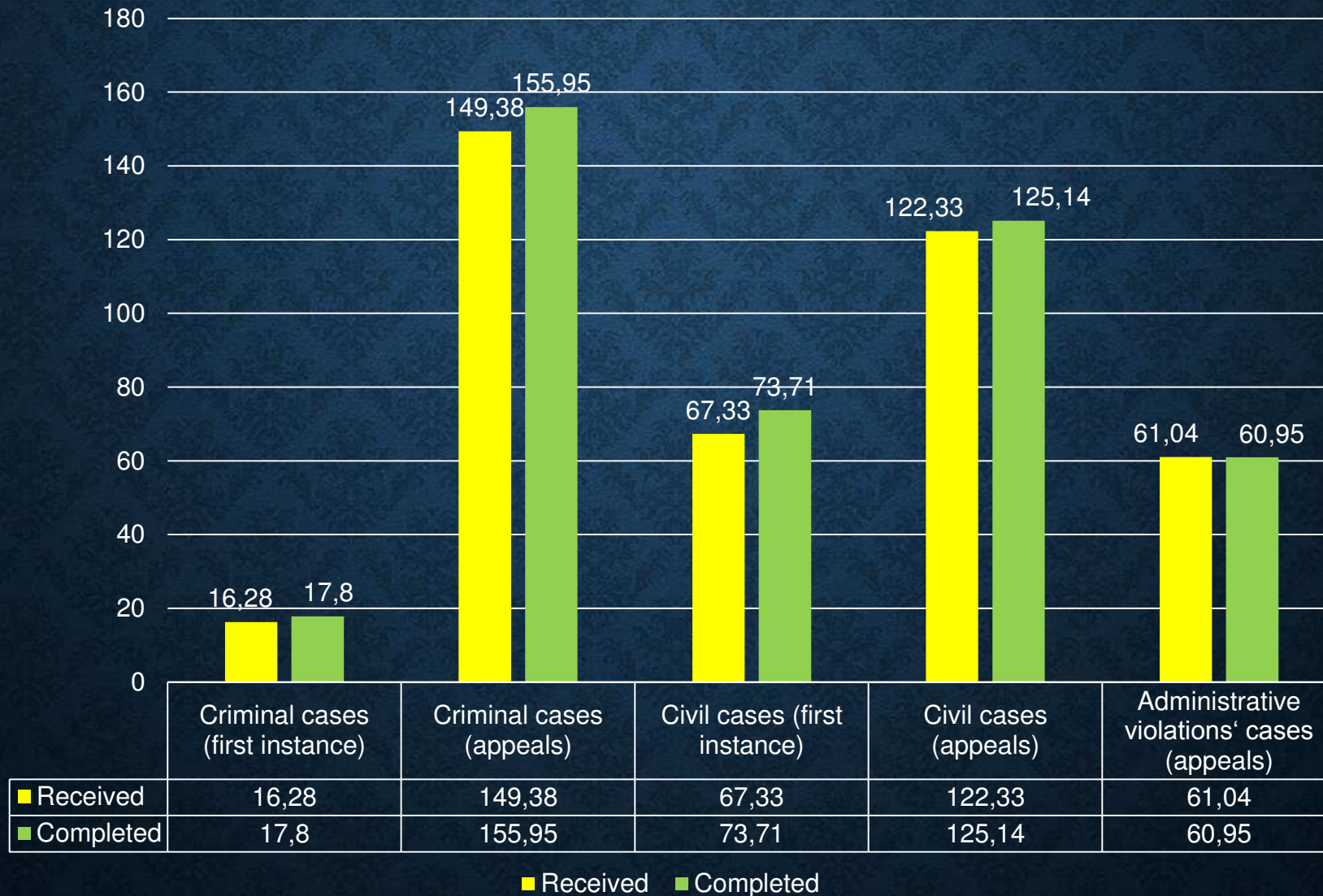
NUMBER OF NEW CASES RECEIVED IN KAUNAS REGIONAL COURT IN 2015

	Remnant (beginning of the year)	Incoming	Resolved	Remnant (end of the year)
Criminal cases (first instance)	176	342	374 (+362 pleadings regarding execution of sentences)	144
Criminal cases (appeals)	355	3137	3275	235
Civil cases (first instance)	1406	1414	1548	1272
Civil cases (appeals)	515	2569	2628	456
Administrative violations' cases (appeals)	104	1282	1280	98

NUMBER OF COMPLETED CASES IN KAUNAS REGIONAL COURT IN 2015



APPROXIMATE NUMBER OF RECEIVED AND COMPLETED CASES FOR 1 JUDGE



ALLOCATION OF INCOMING CASES

Goals:

- **Transparency of case allocation**
- **Equality of workload**
- **Public availability of information on allocation of cases**

ALLOCATING OF CASES IN KAUNAS REGIONAL COURT: LIST OF INCOMING CASES

LITEK

LIETUVOS TEISMŲ INFORMACINĖ SISTEMA

Kauno apygardos teismas

Gautų elektroninių dokumentų: 6/3

Pradžiai | Dokumentai | Bylos | IT | IBPS | Šalys | Užimtumas | Kiti teismai | Administravimas | Bylų skirstymas | Spec. info | Senos funkcijos | Teismų praktika

Funkcijos: Skirstyti bylas | Skirti posėdį ir kolegiją | Redaguoti kolegijas | Skirstymo protokolai | Teisėjų specializacijos ir skyriai, išlyginamasis krūvis | Specializacijos | Budintys teisėjai | Priežasčių šablonai

Išėiti | Pagalba

Prisijungė: Oksana Šimašis

Bylų eilės formavimo kriterijai

Bylos tipas: visos bylos

Skirstymo grupė:

Byla dėl:

Numerio šablonas: -- numeris be šablono --

Bylų skirstymas skubos tvarka

Leisti skirstyti skubos tvarka: ☐

Atrinkti

Teisėjų sąrašo formavimo kriterijai

Atsižvelgti į specializaciją ☒

Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius) ☒

Galima priskirti teismo pirmininkui ☒

Galima priskirti teismo pirmininko pavaduotojui ☒

Galima priskirti skyriaus pirmininkui ☒

Užimtumo skaičiavimas ☒

Užimtumą skaičiuoti eilės viduje: ☒

Bylų eilė:

Nr.	Metai	Bylos tipas	Bylos Nr.	Skirstymo grupė	Šalys	Gauta	Bylos esmė			
1	2016	BB	1-25-XX/2016	I grupė	kaltinamasis:Sebastian Gorlewski	2016.05.16 00:00:00	Muitinės apgaulė, neteisėtas disponavimas akcijais apmokestinamomis prekėmis	Priskirti	Negali nagrinėti	Privalo nagrinėti
2	2016	ATPB	ATP-515-XX/2016	I grupė	liudytojas:Vaida Vainilavičienė administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Modestas Pranevičius institucija/pareigūnas, surašęs ATP protokolą:Kauno apskrities VPK Kėdainių r. PK	2016.05.16 00:00:00	Pažeidimai, kuriais kėsinama į nuosavybę		Negali nagrinėti	Privalo nagrinėti
3	2016	ATPB	ATP-516-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Andrius Barčis administracinė atsakomybėn traukiamo/patraukto asmens atstovas:Advokatas Linas Mažonas institucija/pareigūnas, surašęs ATP protokolą:Kauno apskrities Vyriausiojo policijos komisariato Kelių policijos valdyba	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
4	2016	ATPB	ATP-517-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Tomas Gervelis institucija/pareigūnas, surašęs ATP protokolą:Marjampolės apskrities vyriausiojo policijos komisariatas	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
5	2016	ATPB	ATP-518-XX/2016	I grupė	liudytojai:Dainius Žvaliauskas ir kt. administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Aivaras Kubilius administracinė atsakomybėn traukiamo/patraukto asmens atstovas (apelianto atstovas):Žydrūnas Ambrizas institucija/pareigūnas, surašęs ATP protokolą:Alytaus apskrities VPK Prienų rajono PK	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
6	2016	ATPB	ATP-519-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Daumantas Dapkus institucija/pareigūnas, surašęs ATP protokolą:Marjampolės apskrities vyriausiojo policijos komisariato Vilkiškio rajono policijos komisariatas	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
Nr.	Metai	Bylos tipas	Bylos Nr.	Skirstymo grupė	Šalys	Gauta	Bylos esmė			

(C) LITEKO 2004 - 2016

ASSIGNMENT OF THE CASE

Teisėjo skyrimo protokolais byloje Nr. eB2-2020-638/2016

Paskirtas teisėjas

Labokaitė, Diana

Data

2016.05.16 10:26:07

Vartotojas

Q.Šimaitis

Bylos duomenys:

Bylos numeris: 2-56-3-00656-2016-2

[eB2-2020-XX/2016](#)

Bylos tipas: civilinė byla

Byla: Dėl įmonių, bendrovių bankroto

Bylos šalys: Valstybinio socialinio draudimo fondo valdybos Kauno skyrius (ieškovas)

UAB Agnita (atsakovas)

Bylos skirstymo grupė: II grupė

Bylų svorio koeficientas: 10

Tomų skaičius: 0

Teisėjų sąrašo kriterijai

Atsižvelgti į specializaciją: **Taip**

Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): **Taip**

Galima priskirti teismo pirmininkui: **Taip**

Galima priskirti teismo pirmininko pavaduotojui **Taip**

Galima priskirti skyriaus pirmininkui **Taip**

Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl juridinių asmenų bankroto, B2-[NUMERIS]-[TEISEJAS]/[META14]

Nustatyti koeficientai:

Dienų skaičius: 90

Užimtumo (Uk): 10

Specializacijos (Spk): 1000000

Atsitiktinumumo (Ak): 1

$$U*Uk+P+Sp*Spk-Sk+A*Ak=Rk$$

Teisėjų sąrašas:

Teisėjas	Pareigos	Bylų vno:	Bylų svoris vno:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išp. kravis:	Užimt. (U)	Pareig. (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Labokaitė Diana 638	Teisėjas(a)	341	3410	5	50	0	50	0	0%	0	143	3217	0	0	0	92	32262		
Lozoraitytė Virginija 221	Teisėjas(a)	341	3410	14	140	0	140	0	0%	0	55	3215	0	0	0	90	32240		
Nėnienė Izolda 273	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	25	3215	0	0	0	81	32231		
Rimdeikaitė Albina 480	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	30	3210	0	0	0	68	32168		
Indreikienė Nijolia 230	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	27	3213	0	0	0	28	32158		
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(e)	341	3410	11	110	0	110	0	30%	48	46	3206	0	0	0	98	32158		
Burzdikas Evaldas 601	Teisėjas(a)	341	3410	18	180	0	180	0	0%	0	19	3211	0	0	0	5	32115		
Jachimavičius Leonas 173	Teisėjas(a)	341	3410	20	200	0	200	0	0%	0	4	3206	0	0	0	53	32113		
Blaževič Galina 153	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	37	3203	0	0	0	71	32101		
Baubienė Aušra 264	Teisėjas(a)	341	3410	16	160	0	160	0	0%	0	43	3207	0	0	0	31	32101		
Kukalis Algimantas 390	Teisėjas(a)	341	3410	18	180	0	180	0	0%	0	24	3206	0	0	0	34	32094		
Meilutis Nerijus 658	Teismo pirmininkas(e)	341	3410	4	40	0	40	0	40%	64	105	3201	0	0	0	22	32032		
Koriaginas Gintautas 413	Teisėjas(a)	341	3410	20	200	0	200	0	0%	0	9	3201	0	0	0	3	32013		
Gudynienė Virginija 324	Teisėjas(a)	341	3410	21	210	0	210	0	0%	0	0	3200	0	0	0	2	32002		
Kantaravičius Darius 813	Teisėjas(a)	341	3410	0	0, IT:3	0	0	0	0%	0	105	3302	0	-700000	0	96	-666884		
Šiugždinytė Danguolė 238	Teisėjas(a)	341	3410	0	0, IT:2	0	0	0	0%	0	105	3303	0	-700000	0	85	-666885		

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is a possibility to consider:

- 1. Periods during which cases are not assigned to the judge;**
2. Percentage by which workload of the judge is decreased;
3. Categories of the cases that are eliminated (not assigned to the judge);
4. “must hear” function that allows to assign related cases to the same judge).

Teisėjo išlyginamieji krūviai

 Atgal

Teisėjas: Urbšys Algerdas 175

Pastovus užimtumas kitoje veikloje:

Pastaba: Įvesta pastovaus užimtumo kitoje veikloje reikšmė [sigalioja kitą dieną po įvedimo arba po duomenų atnaujinimo]. 0 % Galioja nuo:

Pastabos:

Registravo: Nèra duomenų.

Išlyginamieji krūviai:

Naujas įrašas

2016.05.03 - 2016.05.04	Atostogos. 2016 m. gegužės 2 d. įsakymas Nr. P2-264	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.02 10:24 (G.Juskiene) Redagavo: ()	
2016.04.04 - 2016.04.05	Komandiruotė. 2016 m. kovo 7 d. įsakymas Nr. P2-117	(bylos neskiriamos)	Redaguoti	Registravo: 2016.03.07 17:46 (G.Juskiene) Redagavo: ()	
2016.04.01 - 2016.04.01	Komandiruotė. 2016 m. kovo 22 d. įsakymas Nr. P2-147	(bylos skiriamos)	Redaguoti	Registravo: 2016.03.22 15:50 (G.Juskiene) Redagavo: ()	
2016.01.12 - 2016.04.11	Teisejo nagrinėjamų bylų tipų keitimas	(bylos skiriamos)	Redaguoti	Registravo: 2016.04.11 13:14 (G.Juskiene) Redagavo: ()	
2015.09.18 - 2015.09.18	Komandiruotė. 2015 m. rugsėjo 2 d. įsakymas Nr. P2-655	(bylos skiriamos)	Redaguoti	Registravo: 2015.09.03 15:30 () Redagavo: ()	
2015.09.14 - 2015.09.17	Komandiruotė. 2015 m. rugsėjo 2 d. įsakymas Nr. P2-654	(bylos skiriamos)	Redaguoti	Registravo: 2015.09.03 15:21 () Redagavo: ()	
2015.07.07 - 2015.08.14	Atostogos. 2015 m. birželio 15 d. įsakymas Nr. P2-375	(bylos skiriamos)	Redaguoti	Registravo: 2015.06.16 09:13 () Redagavo: 2015.07.29 14:54 ()	
2015.06.26 - 2015.06.26	Komandiruotė. 2015 m. birželio 22 d. įsakymas Nr. P2-411	(bylos skiriamos)	Redaguoti	Registravo: 2015.06.23 18:13 () Redagavo: ()	
2015.05.04 - 2015.05.07	Komandiruotė. 2015 m. balandžio 30 d. įsakymas Nr. P2-244	(bylos skiriamos)	Redaguoti	Registravo: 2015.04.30 13:19 () Redagavo: ()	
2015.04.17 - 2015.04.17	Komandiruotė. 2015 m. balandžio 14 d. įsakymas Nr. P2-200	(bylos skiriamos)	Redaguoti	Registravo: 2015.04.15 09:59 () Redagavo: ()	
				Registravo: 2014.12.08 15:18 ()	

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge decrease workload (e . g. when the judge is assigned to exercise additional non-judicial functions;
- 2. Percentage by which workload of the judge is decreased;**
3. Categories of the cases that are eliminated (not assigned to the judge);
4. “must hear” function that allows to assign related cases to the same judge).

Teisėjo išlyginamieji krūviai

Atgal

Teisėjas:

Šimonis Mindaugas 773

Pastovus užimtumas kitoje veikloje:

Pastaba: Įvesta pastovaus užimtumo kitoje veikloje reikšmė įsigalioja kitą dieną po įvedimo arba po duomenų atnaujinimo.

30 % Galioja nuo: 2016-04-22 00:00:00

Pastabos:

Teismo pirmininko 2016-01-26 įsakymas Nr. P1-28 "Dėl Kauno apygardos teismo Baudžiamųjų ir Civilinių bylų skyrių pirmininkų darbo ktūvio nagrinėjant bylas sumažinimo 2016 m. rugpjūtio 1 d."

Išsaugoti

Registravo: 2016.04.21 09:36 O.Šimašis.56

Išlyginamieji krūviai:

Naujas įrašas

2016.08.08 - 2016.08.09	Saugus laikotarpis po atostogų	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.03 16:30 (O.Šimašis.56) Redagavo: ()	
2016.07.04 - 2016.07.08	Saugus laikotarpis iki atostogų (2016-04-25 įsakymas nr. P2-252)	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.03 16:29 (O.Šimašis.56) Redagavo: 2016.05.03 16:34 (O.Šimašis.56)	
2016.05.26 - 2016.05.26	Saugus laikotarpis po komandiruotės	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:54 (O.Šimašis.56) Redagavo: 2016.05.12 16:20 (O.Šimašis.56)	
2016.05.23 - 2016.05.25	Komandiruotė, 2016-02-01 įsakymas Nr. P2-47,(2016-05-12 įsakymas Nr. P2-302)	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:53 (O.Šimašis.56) Redagavo: 2016.05.12 16:20 (O.Šimašis.56)	
2016.05.20 - 2016.05.20	Saugus laikotarpis iki komandiruotės	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:54 (O.Šimašis.56) Redagavo: ()	
2016.05.12 - 2016.05.12	Saugus laikotarpis po komandiruotės, 2016-05-06 įsakymas Nr.P2-287 (dėl komandiruotės atšaukimo)	(bylos skiriamos)		Registravo: 2016.03.10 15:26 (O.Šimašis.56) Redagavo: 2016.05.09 09:32 (O.Šimašis.56)	
2016.05.10 - 2016.05.11	Komandiruotė, 2016-03-09 įsakymas nr. P2-125, 2016-05-06 įsakymas Nr. P2-287 (dėl komandiruotės atšaukimo)	(bylos skiriamos)		Registravo: 2016.03.10 15:15 (O.Šimašis.56) Redagavo: 2016.05.09 09:31 (O.Šimašis.56)	

Teisėjo skyrimo protokolas byloje Nr.: eB2-2002-773/2016

Paskirtas teisėjas Šimonis, Mindaugas
Data 2016.05.10 13:38:28
Vartotojas V.Šidiškytė

Bylos duomenys:

Bylos numeris: 2-56-3-00641-2016-6
[eB2-2002-XX/2016](#)
Bylos tipas: civilinė byla
Byla: Dėl įmonių, bendrovių bankroto
Bylos šalys: Valstybinio socialinio draudimo fondo valdybos Alytaus skyrius (ieškovas)
UAB Trakas (atsakovas)
Bylos skirstymo grupė: II grupė
Bylų svorio koeficientas: 10
Tomų skaičius: 0

Teisėjų sąrašo kriterijaiAtsižvelgti į specializaciją: **Taip**Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): **Taip**Galima priskirti teismo pirmininkui: **Taip**Galima priskirti teismo pirmininko pavaduotojui **Taip**Galima priskirti skyriaus pirmininkui **Taip****Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl juridinių asmenų bankroto, B2-[NUMERIS]-[TEISEJAS]/[META14]**

Nustatyti koeficientai:

Dienų skaičius: 90

Užimtumo (Uk): 10

Specializacijos (Spk): 1000000

Atsitiktinumumo (Ak): 1

$$U*Uk+P+Sp*Spk-Sk+A*Ak=Rk$$

Teisėjų sąrašas:

Teisėjas	Pareigos	Bylų viso:	Bylų svoris viso:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išyg. krūvis:	Užimt. (U)	Pareigos (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(e)	344	3440	10	100	0	100	0	30%	49	54	3237	0	0	0	99	32469		
Rudzinskas Arūnas 436	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	6	3244	0	0	0	19	32459		
Rimdeikaitė Albina 480	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	30	3240	0	0	0	58	32458		
Meilutis Nerijus 658	Teismo pirmininkas(e)	344	3440	2	20	0	20	0	40%	65	113	3242	0	0	0	36	32456		
Jachimavičius Leonas 173	Teisėjas(a)	344	3440	20	200	0	200	0	0%	0	4	3236	0	0	0	85	32445		
Buzelis Raimondas 260	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	29	3241	0	0	0	24	32434		
Indreikienė Nijolia 230	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	27	3233	0	0	0	100	32430		
Blaževič Galina 153	Teisėjas(a)	344	3440	16	160	0	160	0	0%	0	44	3236	0	0	0	69	32429		
Burzdikas Evaldas 601	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	19	3241	0	0	0	8	32418		
Koriaginas Gintautas 413	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	9	3241	0	0	0	6	32416		
Tamašauskas Egidijus 555	Teisėjas(a)	344	3440	20	200	0	200	0	0%	0	6	3234	0	0	0	73	32413		
Palubinskaitė Rūta 343	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	37	3233	0	0	0	76	32406		
Nėnienė Izolda 273	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	25	3235	0	0	0	49	32399		
Burdulienė Dalė 254	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	21	3229	0	0	0	93	32383		
Baubienė Aušra 264	Teisėjas(a)	344	3440	16	160	0	160	0	0%	0	43	3237	0	0	0	13	32383		
Kukalis Algimantas 390	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	28	3232	0	0	0	52	32372		

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge;
2. Percentage by which workload of the judge is decreased;
- 3. Categories of the cases that are eliminated (not assigned to the judge);**
4. “must hear” function that allows to assign related cases to the same judge).

Atgal

☐ IT dokumentai

 Atgal

Registravo: 2013.04.12 13:52 ()
Redagavo: 2013.04.12 13:52 ()

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge;
2. Percentage by which workload of the judge is decreased;
3. Categories of the cases that are eliminated (not assigned to the judge);
- 4. “must hear” function that allows to assign related cases to the same judge).**

Teisėjo skyrimo protokolas byloje Nr.: B2-2017-413/2016

Paskirtas teisėjas Koriaginas, Gintautas
Data 2016.05.16 08:15:21
Vartotojas O.Šimašis.56

Bylos duomenys:

Bylos numeris: 2-56-3-00653-2016-9
B2-2017-XX/2016
Bylos tipas: civilinė byla
Byla: Dėl įmonių, bendrovių bankroto
Bylos šalys: Remigijus Nivinskas (ieškovas)
UAB AZ spaustuvė (atsakovas)
Bylos skirstymo grupė: II grupė
Bylų svorio koeficientas: 10
Tomų skaičius: 0

Teisėjų sąrašo kriterijai
Atsižvelgti į specializaciją: Taip
Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): Taip
Galima priskirti teismo pirmininkui: Taip
Galima priskirti teismo pirmininko pavaduotojui Taip
Galima priskirti skyriaus pirmininkui Taip
Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl restruktūrizavimo, B2-[NUMERIS]-[TEISEJAS]/[META14]
Nustatyti koeficientai:
Dienų skaičius: 90
Užimtumo (Uk): 10
Specializacijos (Spk): 1000000
Atsitiktinum (Ak): 1

$$U*Uk+P+Sp*Spk-Sk+A*Ak=Rk$$

Teisėjų sąrašas:

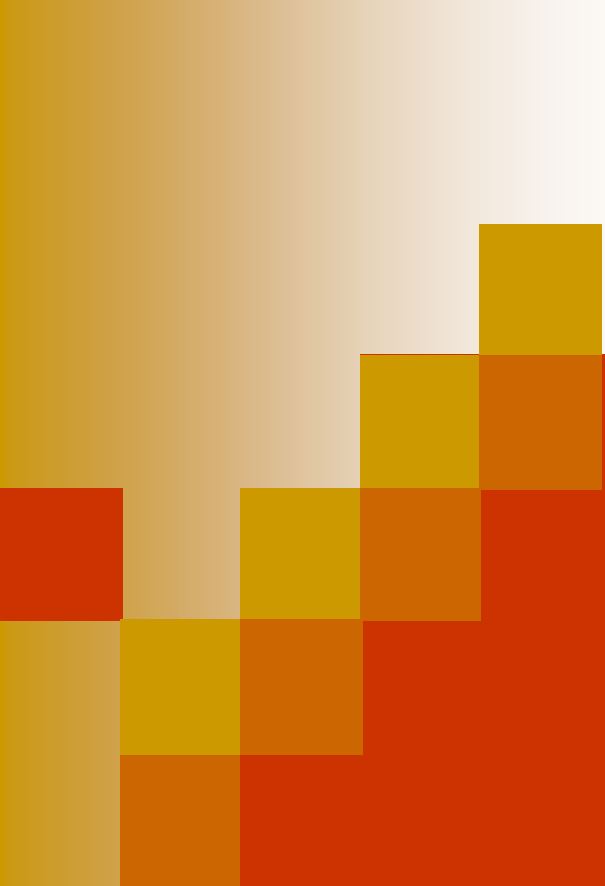
Teisėjas	Pareigos	Bylų viso:	Bylų svoris viso:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išlyg. krūvis:	Užimt. (U)	Pareigos (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Koriaginas Gintautas 413	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	3	2000097	0	0	0	24	20000994	Taisyklių 11.3 p., Įmonių bankroto įstatymo 5 str. 4 d.	
Baubienė Aušra 264	Teisėjas(a)	10	100	1	10	0	10	0	0%	0	4	86	0	0	1	63	1000923		
Lozoraitytė Virginija 221	Teisėjas(a)	10	100	1	10	0	10	0	0%	0	4	86	0	0	1	30	1000890		
Indreikienė Nijolia 230	Teisėjas(a)	10	100	2	20	0	20	0	0%	0	1	79	0	0	1	85	1000875		
Rimdeikaitė Albina 480	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	1	99	0	0	0	66	1056		
Gudynienė Virginija 324	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	49	1049		
Burzdikas Evaldas 601	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	1	99	0	0	0	31	1021		
Jachimavičius Leonas 173	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	7	1007		
Nėnienė Izolda 273	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	5	1005		
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(ė)	10	100	0	0	0	0	0	30%	3	5	92	0	0	0	65	985		
Labokaitė Diana 638	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	11	89	0	0	0	92	982		

CONCLUSIONS

1. Computer-assisted case allocation ensures transparency of case assignment;
2. Automatic case allocation system comprises an important guarantee of person's right to fair and impartial trial;
3. Computer-assisted case allocation system levels workload automatically;
4. Court's administration has sufficient possibilities to manage workload and ensure rational distribution;
5. Computer-assisted system makes information on the allocation of cases available to the internal and external stakeholders;
6. Case allocation modulus makes it possible for administrator to analyse court's activity considering various aspects and enables chairman to ensure timely and effective management.

Thank you for your attention

nerijus.meilutis@kat.lt



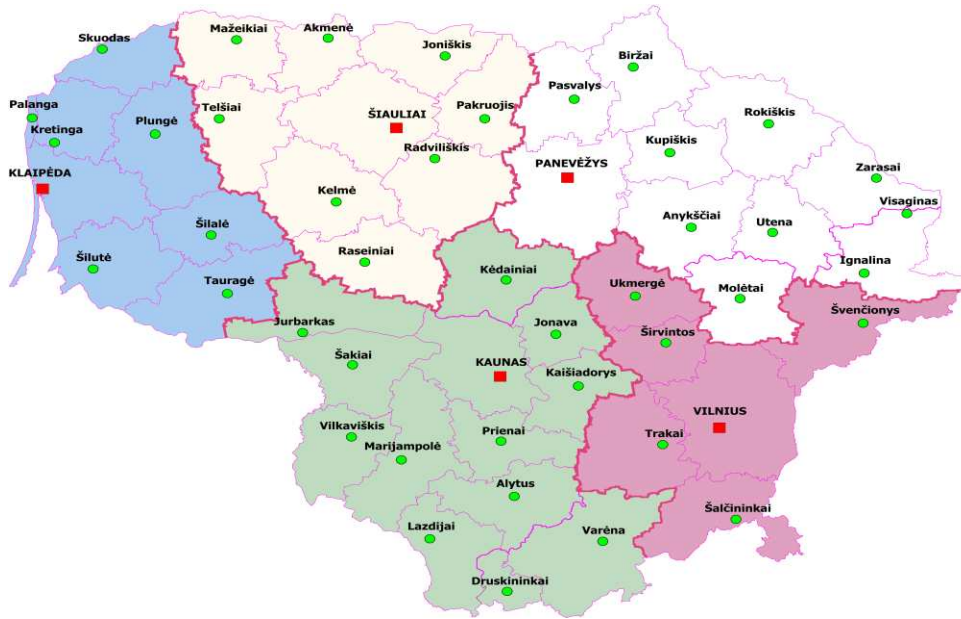
Estimation and distribution of workload

Reda Moliené

Director of the National Courts Administration

2016/05/23/24 Lisbon

Courts of General Jurisdiction



Supreme Court
of Lithuania.

Court of Appeal
of Lithuania.

5 regional
courts (Vilnius,
Kaunas,
Šiauliai,
Panevėžys,
Klaipėda).

49 district
courts

Numbers

- 762 judges
- 735 assistants of judges
- 330 000 cases per year





Jurisdiction of a District Court

Civil cases and criminal cases except the cases within the jurisdiction of regional courts.

Cases of administrative offences.

Cases assigned to the jurisdiction of mortgage judges.

Cases relating to the enforcement of judgements and sentences.



Jurisdiction of a Regional Court

The first instance for civil and criminal cases assigned to its jurisdiction by the law.

The instance of appeal for cases involving judgements, sentences, rulings, decisions and orders of district courts.

Performs other functions assigned to its jurisdiction.



Jurisdiction of the Court of Appeal

The instance of appeal for cases involving judgements, sentences, rulings, decisions and orders of regional courts.

The only court that hears requests for the recognition of the judgements of foreign and international courts and arbitration awards and their enforcement in the Republic of Lithuania.

Performs other functions assigned to its jurisdiction.



Jurisdiction of the Supreme Court of Lithuania

Cassational review

Unification of the practice of courts of general jurisdiction in the interpretation and application of statutes and other legal acts

Recommendations on the cooperation between the courts of general jurisdiction of Lithuania and the judicial institutions of the European Union in ensuring a uniform interpretation and application of European Union law in the Republic of Lithuania.

Performs other functions assigned to its jurisdiction.



Courts of Special Jurisdiction

Supreme administrative court of Lithuania (instance of appeal for cases of regional administrative courts).

Vilnius regional
administrative court

Kaunas regional
administrative court

Klaipėda regional
administrative court

Panevėžys regional
administrative court

Šiauliai regional
administrative court



Jurisdiction of the Regional Administrative Court (first instance courts)

The legality of individual administrative acts and actions adopted by state and municipal administrative subjects

The pecuniary and non pecuniary damage, which was caused by illegal actions of state or local municipal establishment

Disputes in the field of public service, when one of the parties is a state official (employment, disciplinary, etc.).

Other disputes in the field of public administration.



Jurisdiction of the Supreme administrative court of the Republic of Lithuania

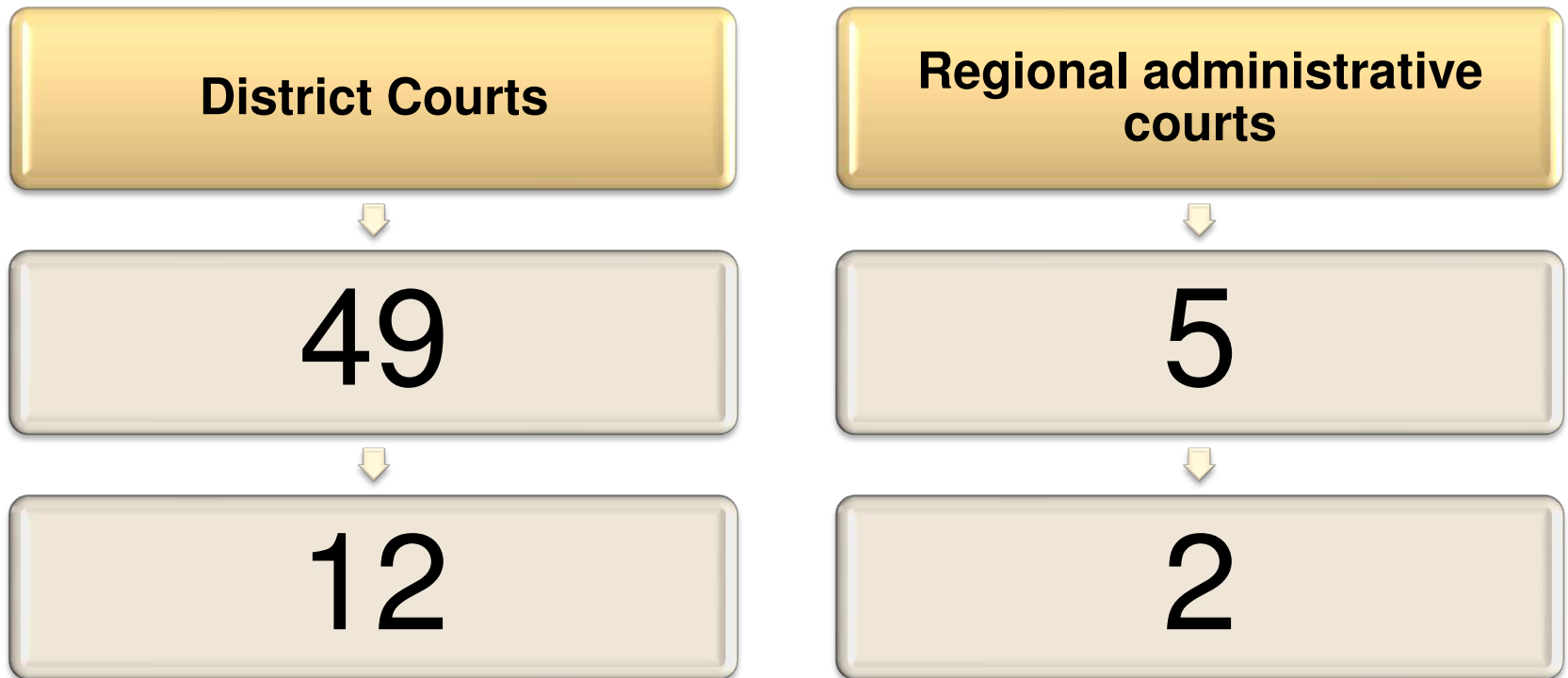
Appeal instance for cases from decisions, rulings and orders of regional administrative courts.

Unification of the practice of administrative courts in the interpretation and application of statutes and other legal acts.

Disputes concerning violations of the laws on election or referendum

Other functions assigned to its jurisdiction

Court System Reform



Estimation of workload: regulation

The order of estimation of judicial workload is adopted by the resolution Judicial Council.

- This order is applicable in all courts.
- The formula of the workload of particular judge consists of these elements:
 - *The number of completed cases of the judge at the period of 6 months*
 - *The score of difficulty of particular cases, reflected by case categories*
 - *Role of the judge in particular case (1 point for the role of rapporteur or 0,5 points for the role of the member of chamber)*
 - *Number of working days of the judge*

Estimation of workload:CASE COMPLEXITY SCORES (first instance)

Civil cases

- Bankrupt of legal person 1,7
- Bankrupt of natural person 1,7
- Payment order 0,4
- Documentary process 0,7
- Court decisions enforcement 0,3
- Adoption 0,9
- Ordinary civil disputes (not falling under other listed categories) 1
- Judicial mediation 0,5

Criminal cases

- EAO 0,7
- Enforcement procedure 0,3
- Probation 0,7
- Recognition and enforcement of international sanction 1,5
- Private prosecution 1
- Summary process 1
- Ordinary criminal case 2,5
- Pretrial investigation 0,6

Administrative offence

- Ordinary case 0,5
- Appeal against administrative order issued by the official 1

Administrative cases

- Administrative disputes 1



Estimation of workload: CASE COMPLEXITY SCORES (appeal)

Criminal cases

- Appeal against decision of first instance court 3
- Appeal against ruling of first instance court 0,7

Civil cases

- Appeal against decision of first instance court 1,7
- Appeal against ruling of first instance court 1



Estimation of workload: types of data

- Workload of individual judge
- Average workload of judges in particular court
- Average workload of judges in particular jurisdiction
(for example, average workload of the judge in district courts)



Workload records: internal administration

- evaluation of judicial activity
- administration of case allocation system
- administration of HR, directly involved in administration of justice (for example, this data is examined in case of assignment of assistants of judges in court)

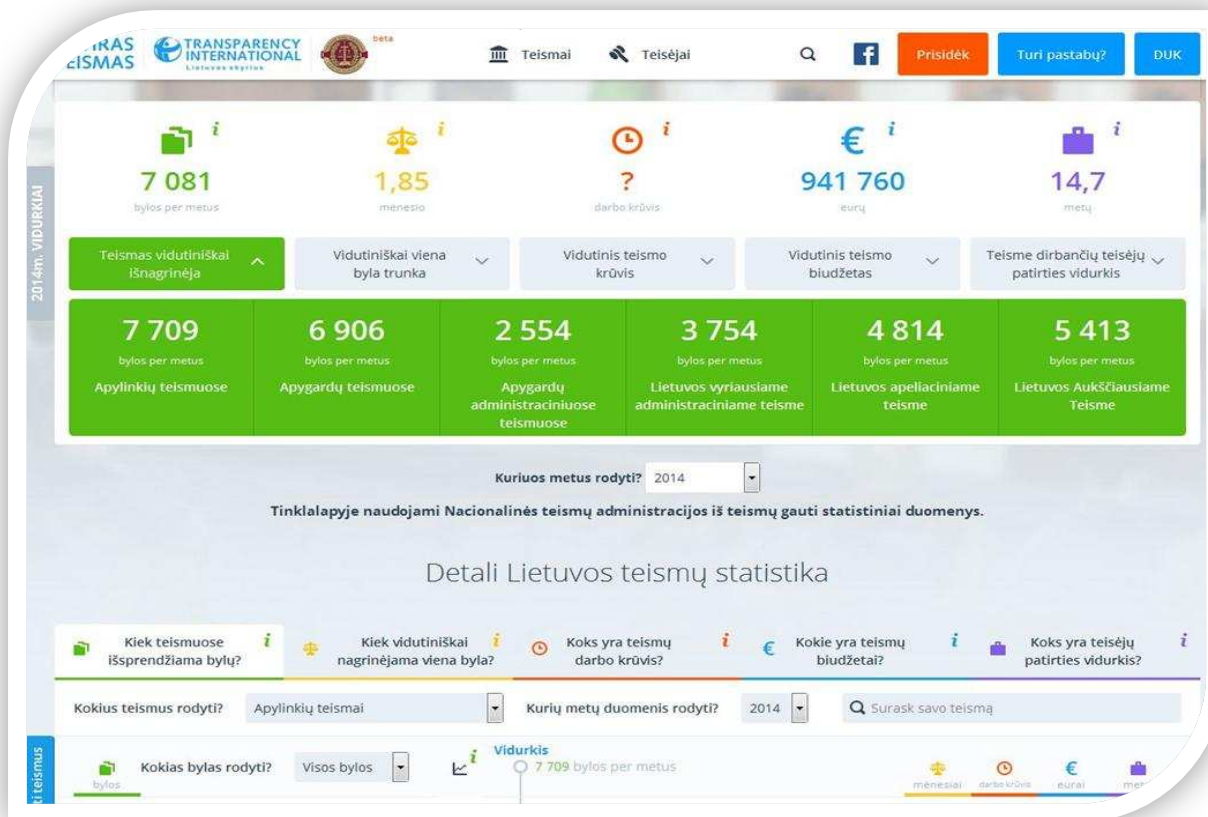


Workload records: administration of the court system

- balancing the workload in particular jurisdiction
- fair and effective distribution of budgetary allocations and other resources between courts
- redistribution of judicial positions between courts
- redistribution of court clerks, namely judicial assistants between courts (1 judicial assistant is estimated as 0,5 judicial position)
- systematic initiatives – reform of merging district courts and regional administrative courts

Workload records: evaluation of judicial system's efficiency and transparency

- comparing the effectiveness of particular courts
- presenting data to international institutions (Scoreboard)
- presenting data to society – *Open court* – www.atvirasteismas.lt



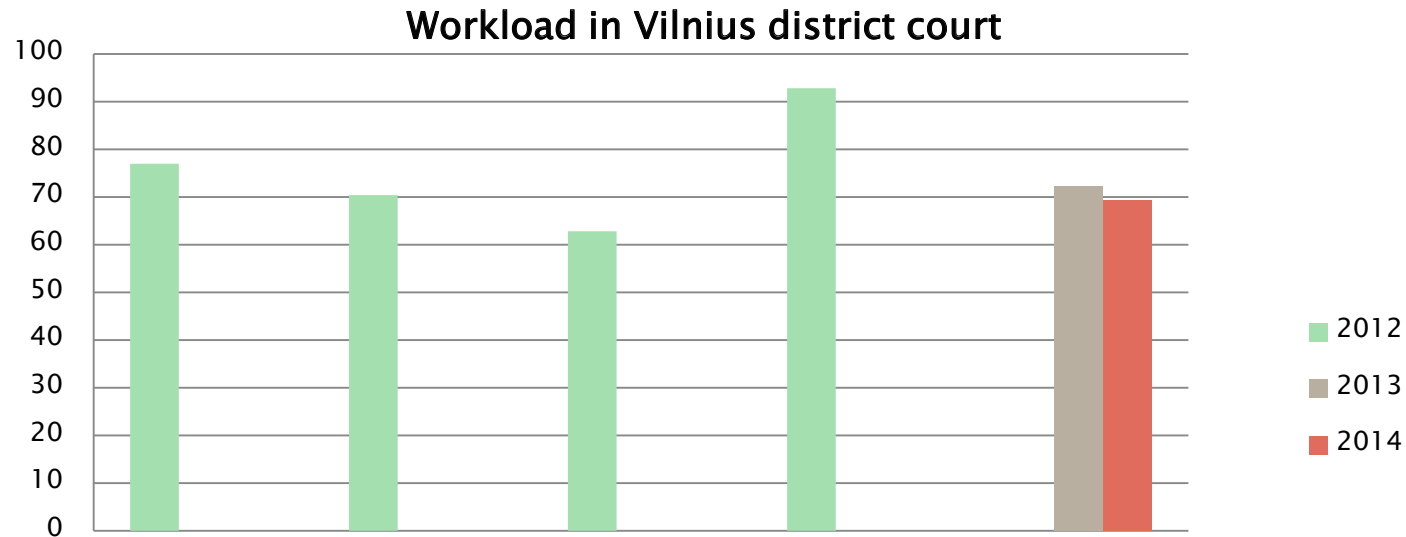


Workload records: basis for court system reform in 2012

- Merging district courts in 3 cities (in total 3 courts out of 8)
- Most important measurable result – **the balance of workload between judges of respective courts**
- Other aims: optimize district courts' activity by reducing number of courts as autonomous legal entities; ensure more effective proceedings; ensure more effective planning and managing material, financial and human resources.

Workload records: basis for court system reform in 2012

- The aim to balance of workload completely achieved



- **Four green columns represent workload of 4 Vilnius district courts before merger. The last column represents workload of all judges in merged Vilnius district court.*

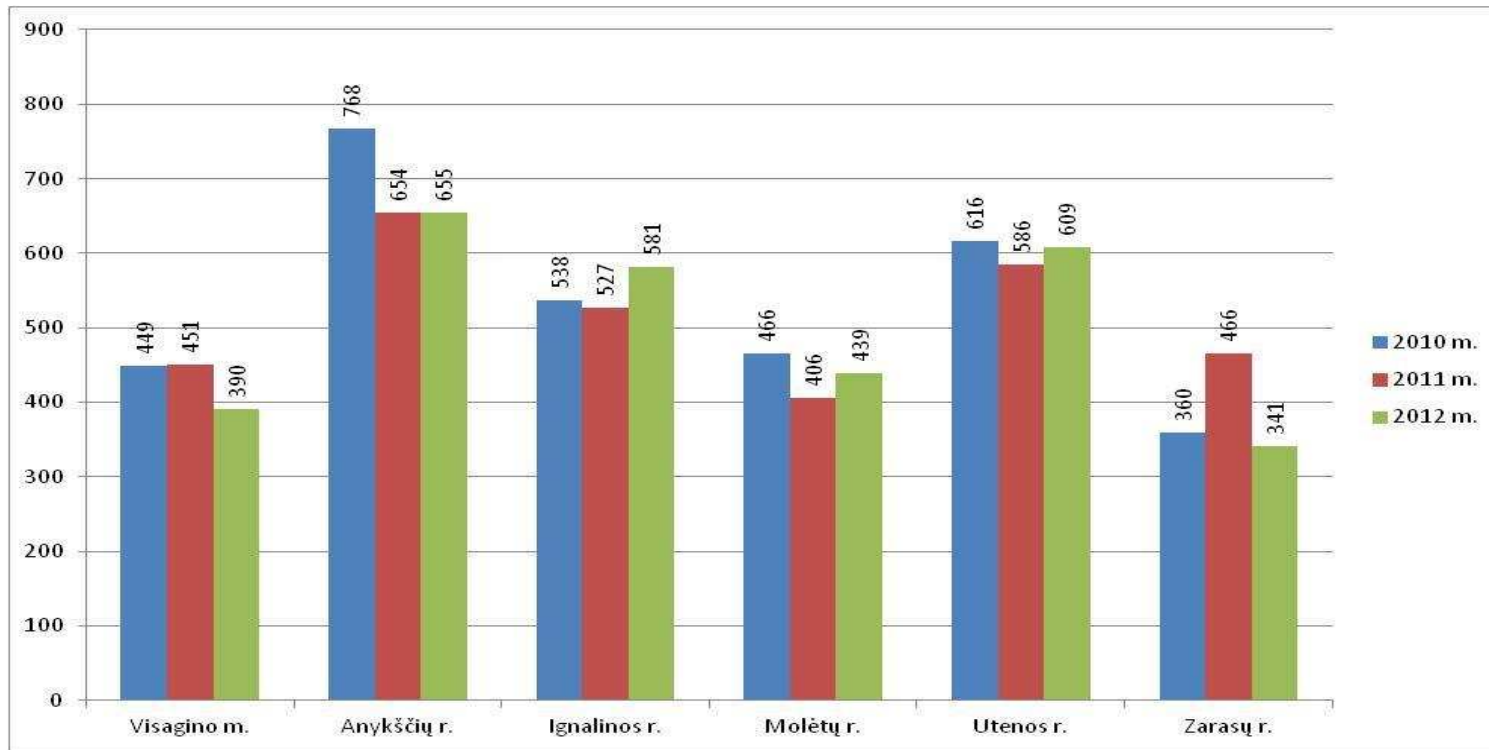


Workload records: basis for court system reform in 2017

The aims of reform 2017:

- balancing of workload in all district courts and facilitating timeliness of process
- ensuring more effective access to justice for people by giving them opportunity to make procedural actions in the nearest courthouse
- managing recourses more effectively
- encouraging judges' self-governance by establishing new institute of court self-governance - meeting of judges of all merged district court
- facilitating judges specialization

Workload records: basis for court system reform in 2017

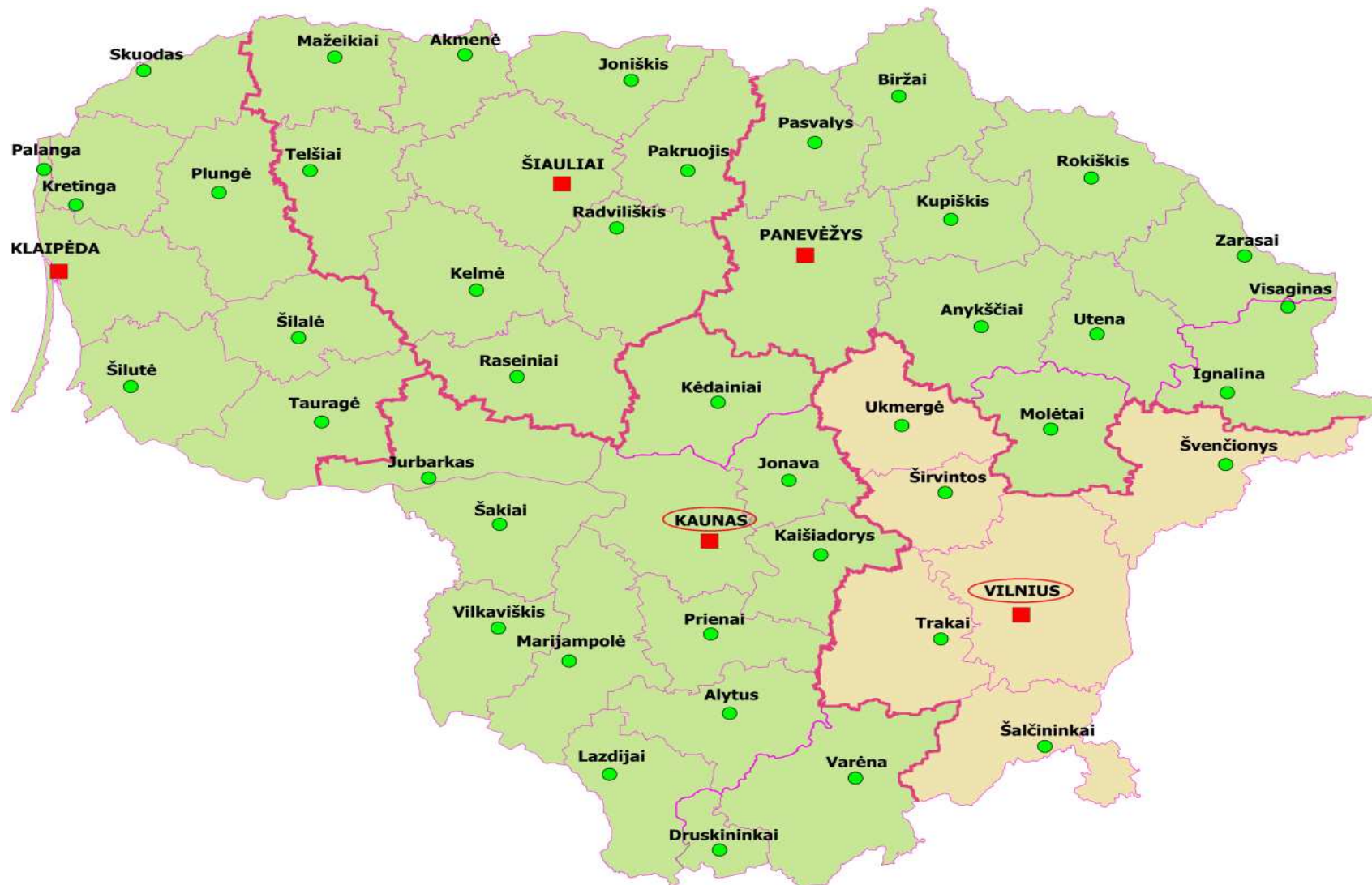


- **It can be compared that for example in Zarasai district court 1 judge handles per year over 300 cases (360 in 2010, 466 in 2011, 341 in 2012) and in Anyksciai district courts number of cases for 1 judge per year is over 600-700 (768 in 2010, 654 in 2011 and 655 in 2012), that is almost twice as much as in Anyksciai district court.*

Court system reform in 2017: District Courts



Court system reform in 2017: Regional Administrative Courts





Thank you for your attention

reda.moliene@teismai.lt

Court Management, Case Management and Performance Evaluation Lisbon, 23 and 24 of May 2016

A. The judiciary in Slovenia

The judiciary in Slovenia is an independent branch of power entrusted with impartial and independent trial without undue delay in order to preserve the rule of law and protect the rights and freedoms guaranteed by the Constitution and legislation of the Republic of Slovenia. For the purpose implementing its mission, the Slovenian judiciary has adopted the following fundamental values: independent and impartial decision-making, responsibility, integrity and fairness, trial within an optimum and foreseeable timeframe, and the provision of high-quality services for parties to court proceedings. The Slovenian judiciary implements its mission through smart and sustainability-oriented operation distinguished by the highest level of professional competence, effective administration and IT-supported case management. The judiciary in Slovenia is aware that, as an independent branch of power, it is the key factor in ensuring legal certainty.

Based on the slovenian judicial reform in 1995 in Slovenia there are 43 Local Courts, 11 District Courts, 1 Administrative Court, 3 Labour and Social disputes Courts (all first level instance), 4 Higher Courts and 1 Labour and Social disputes Higher Court and Superme Court. During the judicial reform and a few years after, a lot of judges left their judicial service so the inconsistent judicial reform was among main raisions for huge baclogs practicy on all courts and on all legal fields, which have occupied slovenian judiciary for almost twenty years.

But in recent years Slovenia has achieved significant progress in the elimination of backlogs, the more rapid adjudication of cases and greater efficiency as a whole. Positive trends of operation have continued in Slovenian courts. In practically all courts, the performance indicators relating to caseload and pending cases of major importance are positive. In recent years the courts were focused on solving the older, usually more demanding cases affecting the performance of a particular court and on reducing worklogs. Exceptionally positive indicators were at first achieved by local courts, the Higher Labour and Social Court, and the Supreme Court. In local courts in particular, this is also the result of a relatively favourable level of judicial post occupancy and work focused on the enforcement area, although these courts still have some systemic issues to cope with. The situation in district courts, however, wasn't so good, but has also improved a lot in recent years. Two years ago the most of District Courts weren't managing the new caseload and reducing the workload. At the national level, there where some areas, which required special attention, particularly commercial disputes, more demanding criminal proceedings, insolvency proceedings and immovable property enforcement. At the same time, individual poor performance indicators at particular courts were being determined (e.g. inability to cope with the caseload, staff imbalance regarding different workloads of courts, inadequate age structure of pending cases). A comparative analysis of the level of judicial post occupancy in district courts with respect to caseload and to resolved and pending cases showed the need for additional measures in particular legal fields (above all, commercial law cases) and for additional judges in particular district courts (Ljubljana District Court in particular), and for a reduction in the number of judges in local courts. But as was already mentioned, in last two years a signifiant progress has been achieved. According to the achievements of slovenian courts in the meantime slovenian judiciary is and is going to be more and more focused on improvement of the quality of their work.

For a long time in Slovenia we were dealing with reducing the baclogs. Cases that are considered court backlogs are still precisely defined by the Court Rules in relation to the time from the matter being filed with the courts, depending on individual types of case. The time frames that define the time limits for backlogs have been changed and different time limits were in force in 2008, 2009 and 2010. However, following an agreement between the Judiciary, the Ministry of Justice and the Judicial Council, the focus moved from the area of backlogs to the criterion of timeframes for judicial decisions.

At the moment the main problem in Slovenia is uneven workload of the courts. Thats why it is necessary to amend the Coutrs Act and the Judicial Service Act so that we would have only one type of the first instance judges, to set up the District Coutrs as the main organizational unit and to reconsider the importance of the princip of the irremovability in Slovenia which has only 20.000 km2 and the distnace between corts is 15 km. For the quality of the judiciary is important the age and gender balance, so it is important to adopt clear human resources strategy. Ajustments are anticipatet in both distribution and number of Local Courts. The number of judges will continue to decrease as it did in the last five years. An adequate number of judicial staff should be ensured. A further problem is the age gap that arose becouse of very small number of free

judicial posts.

B. The Judicial Council of Slovenia

B/1. The constitutional status and composition of the Judicial Council of the Republic of Slovenia

The Judicial Council of the Republic of Slovenia was first founded by the Courts Act in 1990 to deal with matters concerning the appointment of judges and relieving them of office. In 1991, after the declaration of Slovenian independence, the Constitution of the Republic of Slovenia established the Judicial Council as a body which proposes judicial candidates to the National Assembly of the Republic of Slovenia. The judges of all courts in the Republic of Slovenia are elected by the National Assembly. The Constitution regulates the composition and some basic elements of the election of the members of the Judicial Council. According to Art. 131 of the Constitution, the Judicial Council is composed of 11 members. The National Assembly elects five members of the Judicial Council on the proposal of the President of the Republic from among university professors of law, attorneys and other lawyers, while judges holding permanent judicial office elect six members from among their own number.

B/2. The powers of the Judicial Council

The powers of the Judicial Council are mainly regulated by the CA. The most important of these are basically determined by Art. 28 of the CA, according to which the Judicial Council has the power to:

- propose to the National Assembly the candidates for election to judicial office;
- propose to the National Assembly the dismissal of a judge;
- decide on the incompatibility of judicial office;
- provide an opinion on the proposed budget for the judiciary, and provide the National Assembly with an opinion on laws (i.e. draft laws) governing the status, rights, and duties of judges as well as judicial personnel;
- adopt the quantitative and qualitative criteria for the assessment of the work of judges;
- hear and decide on the justifiability of an appeal of a judge who believes that his/her legal rights, or his/her independent position, or the independence of the judiciary have been violated;
- adopt the criteria on the quality of judicial performance for the evaluation of judicial service,
- adopt The Code of Judicial Ethics
- perform other matters, if so provided by law (i.e. statute),

B/3. The role of The Judicial Council of Slovenia in field of court management

The Judicial Council was also empowered to monitor, ascertain, and analyze the effectiveness of the work of courts, regarding which kept annual records and informed the Supreme Court thereof at least once a year. But the Judicial Council has been monitoring and evaluating the performance of courts and issues in a yearly report on the execution of judicial power (Courts Act, Article 28) only for three years (2011- 2013). With the amendment of the Courts Act that stepped in force in year 2014 this responsibility was entrusted with the Supreme Court. The performance of courts was monitored according to the indicators, mainly by incoming, closed and pending cases and backlogs, productivity of judges and court staff, through the years the attention has shifted towards indicators prescribed by the Courts Act (Article 71b) to draft a yearly plan of operating results: criterion of efficiency – number of closed cases, divided with the number of judges and non-judge staff, criterion of effectiveness – timeframes of proceedings, criterion of economy – budget, divided with the number of closed cases. According the analyze of the effectiveness of the work of the courts in annual records Judicial Council pointed out the main problems of the slovenian judiciary and proposed the solutions of that problems.

Among powers of the Judicial Council of Slovenia is also the adoption of The criteria on the quality of judicial performance for the evaluation of judicial service. [In december of 2015 Slovenian Judicial Council adopted](#)

new Criteria on the quality of judicial performance for the evaluation of judicial service. According to them, the number of quantitative and qualitative criteria are used for individual evaluation of judges. With new Criteria the qualitative criteria are becoming more important than used to be in the past. So the new criteria don't include standards for the minimal expected number of solved cases anymore. Factors, such as the number of cases decided by the evaluated judge, the time spent on each case and the average time to complete a judgment are still taken into account as "quantitative" criteria, the productivity of a judge is measured against a fixed quota and also against the average number of decisions handed down by other judges. As "qualitative" criteria, the quality of a judge's analysis and the way in which the judge handles complex cases is considered of great importance in the evaluation process. The number or percentage of decisions reversed on appeal are factors that are of some importance in the evaluation process. In others, because of the principle of judicial independence, neither the numbers of decisions reversed on appeal nor the reasons for the reversal are taken into account, unless they reveal grave mistakes. Other factors considered are the ability to mediate between parties, the ability to draft clear and comprehensible judgments, the ability to cooperate with other colleagues, to work in areas of law that are new to the judge and the readiness to take on extra activities within the court's administration such as mentoring and educating recently appointed judges or lawyers. Organisational skills, work ethic or scholarly activities such as publications and lecturing are also treated as factors. Violations of ethical and professional rules/standards are also considered in the evaluation process. With adoption of new Criteria the evaluation of quality of Judicial service is becoming more and more important in evaluation process, and this was very important step that was taken from the Judicial Council.

The Judicial Council appoints presidents of courts while taking in consideration candidates six years strategic court management plans as their leadership skills as well.

C. The Supreme Court

C/1 Strategy of development of judiciary in six years term (2014 - 2020)

Based on an analysis of the situation at courts, Slovenia's judiciary defined medium-term priority areas and five measures for their implementation which helped to improve the situation in backlog reduction, the resolution of older pending cases, acceleration of business processes at courts, relieving pressure from judges and balancing human resources even. In the strategic plan named „EVROPA 2020“ Slovenia's judiciary determined four primary goals to achieve development till the year of 2020. These goals are:

- predicted time for solving cases of major importance will be six months in year of 2020,
- predicted time for solving other cases will be three months in year of 2020,
- the number of judges per 100.000 capita will decrease from 53 to 42,
- the ratio between the judges and judicial staff will increase from 3,6 to 4,3

C/2 Opening of the Judicial year

Document of the Supreme Court named » Opening of the judicial year« presents last year's results and sets goals and priorities for the next year. The achievements are evaluated according to prior short term goals. According to the priorities for the whole judiciary set by the Supreme Court at the opening of the judicial year, specific areas are monitored – in 2016 these areas were the following:

1. Improving of the quality - judges
2. Improving of the quality - proceedings
3. Improving of the quality – parties in proceedings
4. An increase in both an inner coherency and public trust in the judiciary

C/3 Annual Report of efficiency of Judiciary

Since 2014 the Annual Report of efficiency of judiciary is prepared by Supreme Court. The evaluation of efficiency is based on statistical data of workload balance, expected time of solving cases, the share and structure of unsolved cases and also other aspects of courts work, like spendings, the number of judges and judicial staff etc. Findings and conclusions from Annual Report are fundamental for setting further goals.

D. Allocation of Cases system

The allocation of cases in Slovenia is regulated **by law and by Court Rules. The Courts Act** provides the general principle of case assignment and the **Court Rules** further specify the detailed application of this principle. Court Rules, adopted in 1995 and last amended in 2011 are a special by-law designed to implement the right to judicial protection established in the Constitution and to set out the detailed modalities of implementation of the Courts Act. It deals in particular with the internal organisation of courts, case allocation, contacts with the parties and court management issues.

The Courts Act provides the general principle of case allocation, whereby cases are allocated to individual judges, depending on the legal field to which they have been assigned to work in the court, according to the daily succession of filed initial procedural acts, taking into account the alphabetical order of initial letters of the judges' surname. **The Court Rules** further specify the detailed application of this principle, for instance when several procedural acts are filed on the same day or when the judges' respective workloads or the urgency of a given case are to be taken into account.

Based on the Courts Acts at **some courts departments for trials in complex cases of organized and economic crime, terrorism, corruption and related offenses are established. Cases are allocated to the judges assigned to these departments.** The Judicial Council decides upon appointment of judges to these departments. With the annual work schedule of courts judges are assigned to resolve cases of their legal areas of specialization. The schedule also provides how the new cases are allocated. If a judge is burdened with heavy case(s), the flow of new cases to a judge can be limited for certain period of time with the schedule.

The Courts Act provides the general principle of case assignment and The Court Rules further specify the detailed application of this principle, which applies to all courts, including the Supreme Court. In Slovenia there is a uniformed system of case allocation applied equally at all courts.

The annual work schedule of the court, adopted by president of the court, and Court Rules are the basis for allocation of cases to judges through automated registers, that are managed by court registrars. Control over the accuracy of assigning cases is in the jurisdiction of the president of the court. Procedure of control is not adopted.

The Supreme Court of Slovenia is in charge of the computerisation of the judicial system and has been introducing new technologies in courts, among others to implement the rules on case allocation and on publicity. Court registers in Slovenia are entirely computerised and publicly available. About 95 % of cases are registered and allocated electronically. Annual work schedules of all courts are published on the Slovenian judiciary website.

Allocation to a board of judges is done in the same way and by same principles, as mentioned above. The case is allocated to the reporting judge of the board. The judges within the board alternate the role of reporting judge (the one who writes the judgement).

E. Courts statistic

In Slovenia we have a regular monitoring system in a form of collecting data on court statistics. Court statistics are collected and published four times a year by the Ministry of Justice. They include the data on the number of judges and court staff, number of incoming, resolved and pending cases, age of unresolved cases, length of proceedings, average time to resolve a case, type of decision, court backlogs, legal remedies and time to issue a court decision. Beside that courts themselves are equipped by special reports produced in the Court management information system on priority areas that are set in the beginning of year. They include more detailed information on court activities (length of specific phases in a court procedure, top 20 oldest cases in certain area of law for each specific court, etc.) and human resources, as well as performance indicators (the critical indicators are marked red) that provide guidance to presidents and directors of courts. These additional data available to court management officials are the reason, why we put check before "other elements". Both systems – court statistics and the business intelligence system that creates priority reports derive the data from the same source - the Data warehouse of the Supreme Court. Each court monitors the above mentioned data on regular basis, depending on their own decision, but four times a year (prescribed by the Court Rules) these data are collected and published on a national level.

According to the Courts Act (Article 60.a) every court has to prepare the yearly report, which includes data on the number of judges, the number of their working days, the number of solved cases, unsolved cases,

legal remedies, their outcome, the number of solved cases considered backlogs, time frame of judicial proceedings, etc. Beside that the court has to analyse the efficiency of work of judges. This report is sent to the higher court, the Supreme Court, the Judicial Council and the Ministry of Justice. Every court president has to prepare a yearly plan (Courts Act, Article 71.a, b) that is sent to the president of the higher court, the Supreme Court and the Minister of Justice. The yearly plan includes estimations of the number of new cases and targets in terms of time frames for typical acts in judicial procedures and the disposition time indicator. It also includes a plan of results with estimations of the number of solved cases and criteria regarding efficiency rate, disposition time, case per judge, etc. Additionally, the criterion of costs per case is monitored and evaluated. Court presidents are responsible for meeting the targets set and they can lose the position of president, if the targets are not met. In the procedure of adoption of the State Budget, individual courts set their own targets, but it is the Supreme Court who, on the basis of the information provided by the individual courts, sets the final targets in the process of adoption of the Budget. The Ministry of Justice has no formal role in evaluating the performance of courts, nevertheless, it has significant influence with allocating the budget for investments in courts and preparing the legislation on the judicial system.



CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

HIGH JUDICIAL COUNCIL OF PORTUGAL

Gestão dos Tribunais, Gestão Processual e Avaliação de Desempenho
(Court Management, Case Management and Performance Evaluation)

Lisbon, 23 and 24 May 2016

	NAME	PARTNER	POSITION
1	Knut Petersen	GERMANY	Judge, Head of Civil Department Amtsgericht Leipzig, Free State of Saxony
2	Lisa Hartmann	GERMANY	Judicial Officer of the Leipzig Local Court, Personal Assistant fo the President
3	Carina Wiedemann	GERMANY	Judicial Officer of the Leipzig Local Court, Personal Assistant fo the President
4	Pol Van Iseghem	BELGIUM	President Commercial Court of Ghent
5	Luc Hennart	BELGIUM	Président, TPI Francophone de Bruxelles
6	Jonika Marflak Trontelj	SLOVENIA	High Court Judge, Secretary General of the Judicial Council of the Republic of Slovenia
7	Špela Jakopič	SLOVENIA	District Court Judge/Judicial Council of the Republic of Slovenia
8	Nerijus Meilutis	LITHUANIA	Chairman of Kaunas Regional Court
9	Reda Molienė	LITHUANIA	Director of National Courts Administration of Lithuania
10	Živilė Navickaitė-Babkin	LITHUANIA	Head of Communication Department of National Courts Administration of Lithuania
11	Katarzyna Gonera	POLAND	Supreme Court Judge/ Member of the National Council of the Judiciary of Poland
12	Karolina Janson-Ernert	POLAND	senior specialist at the Office of the National Council of the Judiciary of Poland
13	Maria João Costa	PORTUGAL	Assistant Director for Justice Policy
14	Ana Azeredo Coelho	PORTUGAL	Appeal Court Judge/ Head of the Judicial High Council Cabinet
15	Ruben Juvandes	PORTUGAL	Judge/Member of the Judicial High Council Cabinet
16	Inês Brasil de Moura	PORTUGAL	Appeal Court Judge/ Member of the Judicial High Council Cabinet
17	Carlos Castelo Branco	PORTUGAL	Judge/Member of the Judicial High Council Cabinet
18	Maria João Barata dos Santos	PORTUGAL	Judge
19	José Maria Sousa Pinto	PORTUGAL	Appeal Court Judge/Member of the HJC
20	Paula Conceição	PORTUGAL	Judge/Member of the HJC
21	António Rodrigues Ribeiro	PORTUGAL - GUIMARÃES APPEAL COURT	President
22	António Beça Pereira	PORTUGAL - GUIMARÃES	Appeal Court Judge

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HIGH JUDICIAL COUNCIL OF PORTUGAL

		APPEAL COURT	
23	Manuela Bento Fialho	PORTUGAL - GUIMARÃES APPEAL COURT	Appeal Court Judge
24	Artur Dionísio Oliveira	PORTUGAL - GUIMARÃES APPEAL COURT	Braga First Instance Court President
25	Acácio Neves	PORTUGAL- ÉVORA APPEAL COURT	President
26	Alexandre Ferreira Baptista Coelho	PORTUGAL- ÉVORA APPEAL COURT	Appeal Court Judge
27	António José Casebre Latas	PORTUGAL- ÉVORA APPEAL COURT	Appeal Court Judge
28	Albertina Pedroso	PORTUGAL- ÉVORA APPEAL COURT	Appeal Court Judge
29	Edgar Valente	PORTUGAL- ÉVORA APPEAL COURT	Appeal Court Judge
30	Luís Vaz das Neves	PORTUGAL- LISBON APPEAL COURT	President
31	Amélia Catarino Correia de Almeida	PORTUGAL- LISBON APPEAL COURT	Lisbon First Instance Court President
32	Rosa Maria Colchete de Vasconcelos	PORTUGAL- LISBON APPEAL COURT	West Lisbon First Instance Court President
33	António Isaías Pádua	PORTUGAL- COIMBRA APPEAL COURT	President
34	Luís Miguel Ferreira de Azevedo Mendes	PORTUGAL- COIMBRA APPEAL COURT	Appeal Court Judge
35	João Inácio Monteiro	PORTUGAL- COIMBRA APPEAL COURT	Appeal Court Judge
36	Maria João Fontinha Areias Cardoso	PORTUGAL- COIMBRA APPEAL COURT	Appeal Court Judge
37	Isabel Maria Afonso Matos Namora	PORTUGAL- COIMBRA APPEAL COURT	Coimbra First Instance Court President
38	António Gama Ferreira Ramos	PORTUGAL- COIMBRA APPEAL COURT	Appeal Court Judge
39	Carlos Pereira Gil	PORTUGAL-PORTO APPEAL COURT	Appeal Court Judge
40	José Rodrigues da Cunha	PORTUGAL-PORTO APPEAL COURT	Appeal Court Judge

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41	Henrique Araújo	PORTUGAL-PORTO APPEAL COURT	President
42	Maria Filomena Onório Gil	PORTUGAL-LISBON APPEAL COURT	Appeal Court Judge
43	Orlando dos Santos Nascimento	PORTUGAL-LISBON APPEAL COURT	Appeal Court Judge
44	Fernando Correia Estrela	PORTUGAL-LISBON APPEAL COURT	Appeal Court Judge
45	José Eduardo Miranda Santos Sapateiro	PORTUGAL-LISBON APPEAL COURT	Appeal Court Judge
46	Paula Pott	PORTUGAL	Judge

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LISBON SEMINAR

QUESTIONNAIRE A

Doc. 6 – Questionnaire A (EN) – Quantitative Data Collection – 1.^a Instância – Resultado do seminário

Doc. 7 – Questionnaire A (PT) – Recolha de dados quantitativos – Relações – Resultado do seminário

Doc. 8 – Questionnaire A (PT) – Ficha das Relações

ANNEX II

ANNEX A

QUANTITATIVE DATA COLLECTION

The quantitative collection, for easy implementation and comparison shall obey to the CEPEJ 2008 (GOJUST) criteria, available at <https://wcd.coe.int/ViewDoc.jsp?id=1389931&Site=COE>.

Aiming an easy implementation and comparison, the quantitative data collection must follow the CEPEJ 2008 (GOJUST) criteria, available at <https://wcd.coe.int/ViewDoc.jsp?id=1389931&Site=COE>.

However, considering the objective of the statistic collection of data in the Project (depict pending structure) points 2 to 4 from the appendix 1 shall not be collected. Attached you will find the data collection sheet following CEPEJ 2008 with that omission.

Data considered in other GOJUST appendixes will not be collected. Instructions must be followed when fulfilling the above mentioned global document.

Appendix I

EUROPEAN UNIFORM GUIDELINES FOR MONITORING OF JUDICIAL TIMEFRAMES (EUGMONT)

1. General data on courts and court proceedings (civil, criminal, labour, family and commercial proceedings)

System of monitoring should have available and public information on the general design of the judicial system, with special attention to the information relevant for the time management of the proceedings. The information on the general level should include accurate information on:

- the number and types of courts and their jurisdiction;
- the number and types of proceedings in the courts;
- the proceedings designated as priority (urgent) cases;

The data on judicial system should be regularly updated, and be available at least annually (start/end of the calendar year). The following data on the number of proceedings in the courts should be available:

- total number of proceedings pending at the beginning of the monitored period (e.g. calendar year);
- new proceedings (proceedings initiated within the monitored period, e.g. in the calendar year);
- resolved cases (proceedings finalized within the monitored period either through a decision on the merit, a withdrawal of the case, a friendly settlement, etc...);
- total number of proceedings pending at the end of the monitored period.

The data on the finalized proceedings can be split according to the way how the proceedings ended. At least, the cases that ended by a decision on the merits should be distinguishable from the cases that ended otherwise (withdrawal of the claim, settlement, and rejection on formal grounds).

(...)

3. Information on timeframes of proceedings

3a. Information on court-based timeframes of proceedings per duration periods and average/maximum timeframes

Every court should collect data regarding the timeframes of proceedings that are taking place in the court. Pending and completed cases within the period (e.g. calendar year) should be separately monitored, and the data on their duration should be split in the groups according to the periods of their duration, i.e. cases pending or completed in less than one month, 1-3 months, 4-5 months, 7 to 12 months, 1-2 years, 2-3 years, 3-5 years and more than 5 years. In addition to the spread of cases according to periods of their duration, the average and mean duration of the proceedings have to be calculated, and an indication of minimum and maximum timeframes should be given as well. The time of processing should consider only the time that was needed to process the case within the particular court, i.e. the time between the moment when the case arrived to the court and the moment when the case exited the court (e.g. final decision, transfer to a higher court to be decided on appeal, etc). If possible, the information on timeframes of proceedings for the completed cases should be distinguishable for the cases completed after a full examination of

the case (i.e. the cases that ended by a decision on the merits) and the cases that were completed otherwise (by withdrawal, settlement, lack of jurisdiction etc.).

3b. Information on total duration of proceedings

It is particularly important that the cases in the court also can be distinguished according to their total duration. The total duration is the time between the initiation of the proceedings and the final disposal of the case (see the CEPEJ Time-management checklist and SATURN Guidelines). If possible, the time needed to enforce the decisions should also be appended to the information on total timeframes of proceedings.

(...)

5. Analytical information and indicators in first instance courts

Based on the general data on courts, numbers of cases and their duration, as well as on the other relevant information on the courts and judicial system, further instruments may be used as indicators and benchmarks of performance in the courts.

Inter alia, the following indices can be used to analyse and monitor the duration and other factors important for the understanding of timeframes in the court:

1. **Clearance rate (CR indicator):** Relationship between the new cases and completed cases within a period (2015), in percentage.

$$\text{Clearance Rate (\%)} = \text{Number of Resolved Cases} / \text{Number of Incoming Cases} * 100$$

2. **Case Turnover ratio:** Relationship between the number of resolved cases and the number of unresolved cases at the end. This requires a calculation of the number of times during the year (or other observed period) that the standardized case types are turned over or resolved.

$$\text{Case Turnover Ratio} = \text{Number of Resolved Cases} / \text{Number of Unresolved Cases}$$

3. **Disposition time (DT indicator):** it compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period. 365 is divided by the number of resolved cases divided by the number of unresolved cases at the end, so as to be able to express it in number of days. The ratio measures how quickly the judicial system (of the court) turns over received cases – that is, how long it takes for a type of cases to be resolved. This indicator provides further insight into how a judicial system manages its flow of cases.

$$\text{Disposition Time} = 365 / \text{Case Turnover Ratio}$$

4. **Efficiency rate (ER indicator):** Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year.

$$\text{Efficiency Rate} = \text{Number of Resolved Cases} / \text{Number of clerk in FTE}$$

4.1. Global Efficiency rate

$$\text{Efficiency Rate} = \text{Number of Resolved Cases} / \text{Number of all personnel (including judges, prosecutors, judicial and non-judicial staff) in FTE}$$

4.2. Judicial Efficiency rate

Efficiency Rate = Number of Resolved Cases / Number of Judges in FTE

5. **Total backlog (TB indicator):** Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period. **Example:** If there were 1000 cases pending at the beginning of the calendar year, and the court terminated 750 cases during the calendar year, at the end of the calendar period there would be 250 cases that are calculated as total backlog.

Total Backlog = Number of Pending Cases in the beginning – Number of Resolved Cases

6. **Backlog resolution (BR indicator):** The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time. **Example:** If there are 100 cases considered as total backlog at the end of the period, and the court completed 200 cases in the same period, the BR indicator is 6 months or 180 days.

Backlog Resolution = (Number of Pending Cases in the beginning – Number of Resolved Cases) / Number of Resolved Cases

7. **Case per judge (CPJ indicator):** Number of cases per judge in the given period. **Example:** If a court has 600 pending civil cases at the end of the calendar year and 4 judges that deal with them, the CPC is 150.

Number of cases per judge in the given period. **Example:** If a court has 600 pending civil cases at the end of the calendar year and 4 judges dealing with them, the CPC is 150.

Number of Pending Cases at the end / Number of Judges dealing with

8. (PT) Impugnação da matéria de facto nos Tribunais de Relação

APELAÇÕES FINAIS (Ano de)	TOTAL	IMPUGNAÇÃO DE FACTO				
		TOTAL	REJEITADAS	PROCEDENTES		IMPROCEDENTES
				Com influência na decisão	Sem influência na decisão	
RELAÇÃO DE LISBOA						
RELAÇÃO DO PORTO						
RELAÇÃO DE COIMBRA						
RELAÇÃO DE ÉVORA						
RELAÇÃO DE GUIMARÃES						

Em alternativa:

RELAÇÃO DE APELAÇÕES FINAIS	TOTAL	IMPUGNAÇÃO DE FACTO				
		TOTAL	REJEITADAS	PROCEDENTES		IMPROCEDENTES
				Com influência na decisão	Sem influência na decisão	
2013						
2014						
2015						

8. (EN) Appeal before the Court of Appeal to assess the facts of the case

FINAL APPEALS (YEAR)	TOTAL	ASSESS THE FACTS OF THE CASE				
		TOTAL	PRELIMINARY REFUSED	WELL-FOUNDED		UNFOUNDED
				Influencing the decision	Without influencing the decision	
LISBOA APPEAL COURT						
PORTO APPEAL COURT						
COIMBRA APPEAL COURT						
ÉVORA APPEAL COURT						
GUIMARÃES APPEAL COURT						

Alternatively:

COURT OF APPEAL FINAL APPEALS	TOTAL	ASSESS THE FACTS OF THE CASE				
		TOTAL	PRELIMINARY REFUSED	WELL-FOUNDED		UNFOUNDED
				Influencing the decision	Without influencing the decision	
2013						
2014						
2015						



CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

ANEXO A

RECOLHA DE DADOS QUANTITATIVOS

A recolha de dados quantitativos obedecerá às orientações CEPEJ (2008) GOJUST, por facilidade de implementação e comparação, disponíveis em <https://wcd.coe.int/ViewDoc.jsp?id=1389931&Site=COE>.

No entanto, considerando o objetivo da recolha estatística do Projeto (análise de estrutura de pendências) os pontos 2 e 4 do apêndice 1 não serão considerados. Consta infra a indicação dos dados a recolher com essa omissão.

Os dados considerados em outros apêndices GOJUST não serão recolhidos. Deverão ser seguidas as instruções de recolha e preenchimento indicadas pela CEPEJ.

Apêndice I

ORIENTAÇÕES EUROPEIAS UNIFORMES PARA A MONITORIZAÇÃO DA DURAÇÃO DOS PROCESSOS (EUGMONT)

1. Dados gerais sobre os tribunais e os processos

O sistema de monitorização deve proporcionar informação pública quanto à organização do sistema judiciário, com especial atenção para a informação respeitante à gestão dos processos. A informação geral deve incluir dados exatos sobre:

- Número e tipo de tribunais e a sua competência jurisdicional;
- Número e tipo de processos pendentes;
- Processos considerados prioritários ou urgentes;

Os dados do sistema judiciário devem ser atualizados regularmente e disponibilizados anualmente, pelo menos com referência ao início e fim do ano judicial. Devem, em concreto, ser disponibilizados os seguintes dados quanto aos processos pendentes:

- Número total de processos pendentes no início do período em causa (v.g. ano judicial);
- Processos entrados no período em causa (processos iniciados no período, v.g. ano judicial);
- Processos findos (processos terminados no período por decisão de mérito, indeferimento liminar, acordo, etc...);
- Número total de processos pendentes no final do período.

Quanto aos processos findos, os dados poderão ter em conta a natureza da decisão ou ato que lhes pôs termo, devendo ser sempre indicado o número de processos que terminam por decisão de mérito.

(...)

3. Informação sobre duração dos processos

3a. Informação sobre duração processual por períodos-quadro, duração média e duração mínima/máxima (PROCESSOS PENDENTES A 31-12-2015)

Todos os tribunais devem recolher dados sobre a duração dos processos, devendo ser discriminados os dados relativos a processos findos e a processos pendentes no período em causa (v.g. ano judicial).

Os dados de duração dos processos devem ser agrupados Segundo o tempo de pendência: menos de um mês, 1-3 meses, 4-5 meses, 7-12 meses, 1-2 anos, 2-3 anos, 3-5 anos e mais de 5 anos.

Para além dos dados relativos aos tempos de duração indicados, deve ser calculada a duração média dos processos e indicadas as durações mínimas e máximas.

O cálculo da duração do processo deve ter em conta apenas o tempo decorrido entre a entrada e a finalização do processo. Se possível, os dados devem discriminar a duração dos processos findos por decisão de mérito e a dos demais.

3b. Informação sobre a duração global dos processos (PROCESSOS FINDOS DE 01-01-2015 A 31-12-2015)

É particularmente importante que os dados possam indicar a duração global do processo, considerando-se como tal o tempo decorrido desde o início do processo e o seu arquivamento (Cf. CEPEJ CHECKLIST e SATURN GUIDELINES). Se possível deve ser indicada a duração do processo até execução da decisão.

JUST.2015.JACC.AG.QUAL.8517

Recolha de dados quantitativos – Relações



(...)

5. Informação analítica e indicadores

Diversos indicadores de desempenho podem ser construídos com base nos dados gerais recolhidos quanto aos tribunais, número e duração dos processos e em outra informação relevante sobre os tribunais e os sistemas de justiça.

Inter alia, podem usar-se os indicadores seguintes para analisar e monitorizar a duração e outros fatores relevantes para a compreensão dos tempos dos processos:

1. **Taxa de resolução:** Relação entre processos entrados e processos findos no período, em percentagem.

$$\text{Taxa de resolução (\%)} = \text{Processos findos} / \text{Processos entrados} * 100$$

2. **Taxa de rotatividade:** Relação entre os processos findos e os processos pendentes no final do período.

$$\text{Taxa de rotatividade} = \text{Processos findos} / \text{Processos pendentes}$$

3. **Tempo de resolução:** Exprime a taxa de rotatividade em dias estabelecendo a razão entre o número de dias do ano e a taxa de rotatividade. Mede o tempo necessário para a resolução dos processos.

$$\text{Tempo de resolução} = 365 / \text{Taxa de rotatividade}$$

4. **Taxa de eficiência:** Relação entre os recursos humanos e os processos findos (considerando Juizes Desembargadores, incluindo os Presidentes de Secção, os Vice-Presidentes e o Presidente da Relação devendo, em caso de redução de serviço derivada de incapacidade, doença ou acumulação com serviço externo, ser considerada a percentagem de serviço atribuído na Relação).

$$\text{Taxa de eficiência} = \text{Número de casos decididos} / \text{Número de unidades de trabalho (FTE)}^1$$

5. **Acumulação global:** Processos não decididos no final do período definida pela diferença entre os processos pendentes no início do período e os processos findos no período. **Exemplo:** Se existiam 1000 processos pendentes no início do período e findaram no período 750, a acumulação é de 250.

$$\text{Acumulação global} = \text{Processos pendentes no início do período} - \text{Processos findos no período}$$

6. **Resolução da pendência:** Indica o tempo necessário (em meses ou dias) para resolver os processos pendentes, calculado pela relação entre o número de processos pendentes no final do período e o número de processos findos. **Exemplo:** havendo 100 casos pendentes no final do período, tendo findado 200, a taxa é de 6 meses ou 180 dias.

$$\text{Resolução da pendência} = (\text{Processos pendentes no final do período} - \text{Processos Findos}) / \text{Processos findos}$$

7. **Carga processual por juiz (CPJ):** Número de processos pendentes no período por juiz. **Exemplo:** se o tribunal tem 600 processos pendentes no final do período e 4 juizes, a CPJ é de 150.

$$\text{Número de processos pendentes no final do período} / \text{Número de juizes}$$

¹ Full time equivalent.



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8. (PT) Impugnação da matéria de facto nos Tribunais de Relação

RELAÇÃO DE RECURSOS DE 01-01-2015 A 31-12-2015	TOTAL GERAL DE RECURSOS ENTRADOS	RECURSOS COM IMPUGNAÇÃO ² DA MATÉRIA DE FACTO				
		REJEITADOS (INCLUINDO LIMINARMENTE)	PROCEDENTES		IMPROCEDENTES	TOTAL DE RECURSOS COM IMPUGNAÇÃO DA MATÉRIA DE FACTO
			Com influência na decisão	Sem influência na decisão		
SECÇÃO CÍVEL						
SECÇÃO CRIMINAL						
SECÇÃO SOCIAL						
TOTAL DAS SECÇÕES						

² Deverá ser contabilizada uma impugnação por cada processo (independentemente de serem deduzidas mais de uma pelos intervenientes) e inclui a impugnação com base exclusivamente em prova documental sujeita a livre apreciação.

[illegible]

[illegible]

[illegible]

LISBON SEMINAR

QUESTIONNAIRE B

Doc. 9 – Questionnaire B (EN) – Qualitative Data Collection – 1.^a Instância – Resultado do seminário

Doc. 10 – Questionnaire B (pt) – Recolha de dados qualitativos – Relações – Resultado do seminário

ANNEX III

ANNEX B

QUALITATIVE DATA COLLECTION

The qualitative data collection questionnaire follows by close the CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (from now on Checklist) adopted by CEPEJ in Strasbourg in 2008.

The proposed questions have been organized around the focus points of the Project: Allocation of cases system; Goal setting, Caseload management, Court performance Standards and VRP.

The data are collected with reference to various levels of verification: national level - State (S) and Councils for Judiciary (HC); Court level (C) and judge level (J). A column that does not exist in the checklist has been added in order to collect legislative references, practices or management policies.

Bearing in mind the project partners, it was considered insignificant to include a column for gathering regional incidence data.

We propose the following sets of questionnaires:

I. STRATEGY AND POLICY IN COURT MANAGEMENT (values, mission, vision)	
1. Is there a public authority responsible for drafting general policies and strategic documents concerning the judiciary?	DESCRIBE (measures/laws/practices)
S	
HC	
C	
J	
NA	
2. Is there legislation supporting the courts or court organisation?	DESCRIBE (measures/laws/practices)
S	
HC	
C	
J	
NA	
3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers?	DESCRIBE (measures/laws/practices)
S	
HC	
C	
J	
NA	
4. Is there a policy regarding the specialisation of courts and/or certain categories of judges?	DESCRIBE (measures/laws/practices)
S	

HC		
C		
J		
NA		
5.	Is there a strategy and policy regarding the needs and planning of court resources?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
6.	Is there a policy concerning the structure and competence of courts?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
7.	Including geographical court location policy?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
8.	Has the court management defined a mission/vision and a strategy?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
9.	Is it given publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
10.	Does the take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
11.	Is there any input of internal or external stakeholders?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
12.	Does the court management maintain a systematic contact with the internal and external stakeholders?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
13.	Is there a culture that is aimed at stimulating and inspiring improvements in the overall organisation?	DESCRIBE (measures/laws/practices)
S		
HC		

C		
J		
NA		
14. Has the court management determined the priorities on which court policies should be developed?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
15. Has the court management described how the decision-making process on these priorities should take place?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
16. Is there a policy regarding the delegation of responsibilities from judges to non-judge staff?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
17. Are the main tasks, roles and standards for the court clerk office determined?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
18. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
19. Is the implementation of changes in legislation regularly evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
20. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
21. Are the effectiveness and efficiency of judicial proceedings systematically evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
22. Are quality standards and guidelines used for drafting new legislation or changes in current legislation?		DESCRIBE (measures/laws/practices)
S		
HC		

C		
J		
NA		
23. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
24. If yes, does this lead to changes in the (staff) capacity of courts?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
25. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
26. Does the judiciary play any role in the legislation process?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
28. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
29. Is there a policy regarding the promotion of legal certainty?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
30. Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		

II. ALLOCATION OF CASES SYSTEM		
1. Is there a possibility to reassign cases or assignments in order to increase efficiency in the court?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
2. Is there an objective method for allocating cases between judges?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
3. Is the information on the allocation of cases made available to the whole court organisation?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
4. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
5. Are measures taken to ensure transparency in the allocation of files to judges (i.e. initial and public objective criteria)?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		

III. GOAL SETTING		
1. Are performance targets (quantitative and qualitative) defined for courts?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
3. Does it have performance indicators (quantitative and qualitative)?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
4. Does the court management determine		DESCRIBE (measures/laws/practices)

critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives?		
S		
HC		
C		
J		
NA		
5. Is the nature of pending cases systematically analysed?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
6. Have objectives been determined for reducing the backlog of cases?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
7. Does a quantitative evaluation system regarding the activity of each judge exist?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
8. Does a qualitative evaluation system regarding the activity of each judge exist?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
9. Is each judge granted access to the information regarding his/her own court department?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
10. Is each judge granted access to the information regarding his/her colleagues' department?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
11. Is each judge granted access to the information regarding the whole court?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
12. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		

IV. CASELOAD MANAGEMENT		
1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialisation, regrouping of cases, "test files", etc.)?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
3. Is he/she able to share this information with his/her administrative staff?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
4. Is this information shared within the court?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
6. Are court proceedings (in principle) open to the public?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
7. Is the judge able to organize the proceedings in an expedient manner to solve the conflict?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
8. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimalised?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators?		DESCRIBE (measures/laws/practices)
S		
HC		

C		
J		
NA		
10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
11. Is there a policy for preparing the hearings?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
12. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
13. Is the duration of the proceedings and the time needed to prepare for the main court hearing decided in cooperation with the counsels of the parties?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
14. Is there a system for measuring the timely start of hearings?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
15. Are parties informed when the hearing is adjourned or delayed?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
16. Is there an information system which is used for determining an efficient schedule of court sessions?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
17. As regards judges: - do they prepare court files bearing in mind oral investigation? - do they have the ability to improve the understanding of their role by the various players in the proceeding? - do they control the allocation of the parties and witnesses' speaking time? - do they control the police of the trial in an appropriate way? - do they take into account the parties and witnesses' expectations within the oral phase of the proceeding? - do they control the timetable of the		DESCRIBE (measures/laws/practices)

proceeding? - do they begin the hearings at time?		
S		
HC		
C		
J		
NA		
18. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
19. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
20. Is there a policy for setting foreseeable and optimum timeframes?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
21. Are standards or norms concerning the acceptable length of judicial proceedings defined?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
22. Is there a policy for managing case flows preventing delays?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
23. Are measures taken to speed up delayed cases and to reduce the backlog?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
24. Is there an active role for the judge in the management of the timelines of the proceedings?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
25. Can parties negotiate with the court on the timeframes that will be used?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
26. Is there a timeframe set for delivering the decision after the court hearing?		DESCRIBE (measures/laws/practices)

S		
HC		
C		
J		
NA		
27. Is there a policy concerning the enforcement of judicial decisions?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
28. Is there a system of notification of judicial decisions ?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
29. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
30. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
31. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
32. Does a case management information system exist for the recording and monitoring of court files and cases?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
33. Is there a specific policy concerning archiving of court files and court decisions?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
34. Does an electronic information system for archiving court cases and decisions exist?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
35. Does a court system of electronic files exist?		DESCRIBE (measures/laws/practices)
S		

HC		
C		
J		
NA		
36. Is it possible to submit documents to the court in electronic form?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		

V. COURT PERFORMANCE STANDARDS		
1. Is there a system to monitor the workload of each judge continuously?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
2. Is the court performance periodically evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
3. Is there a policy on the publication of the evaluation results?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
4. Are quality regulations and standards or indicators, periodically evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
5. Following the evaluation results, have measures been identified and implemented to improve the situation?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
6. Are these improvements monitored?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
7. Is the percentage of cases recorded and published?		DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		

NA		
8.	Is the percentage of appeals recorded and published?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
9.	Is the productivity of judges and court staff recorded and published?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
10.	Is the length of proceedings systematically recorded and published?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		
11.	Is it possible to determine the total number of incoming, pending and decided cases in a given period?	DESCRIBE (measures/laws/practices)
S		
HC		
C		
J		
NA		



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ANEXO B

RECOLHA DE DADOS QUALITATIVOS

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goal setting/Fixação de Objetivos, Caseload management/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendiéndose a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário?						
2. Existe legislação de base aos tribunais ou à sua organização?						
3. Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?						
4. Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juizes?						
5. Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?						
6. Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?						
7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui						

¹ Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)						
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes, procuradores e funcionários judiciais?						
9. A gestão do tribunal tem em conta as expetativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?						
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?						
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?						
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?						
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?						
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal não juiz?						
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?						
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?						
17. A implementação das alterações legislativas é regularmente avaliada?						
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes são avaliadas?						
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?						
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?						
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)?						
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?						

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23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?						
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?						
25. Existe uma política de promoção da certeza jurídica?						
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?						

II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA(medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?						
2. A gestão do tribunal tem um método objectivo para a distribuição de processos entre os juizes?						
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?						
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?						
5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?						

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III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?						
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?						
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?						
4. A natureza dos processos pendentes é sistematicamente analisada?						
5. Foram definidos objectivos para reduzir a acumulação processual?						
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?						
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?						
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?						

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IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São tomadas medidas para assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?						
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?						
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?						
4. Esta informação é partilhada dentro do tribunal?						
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?						
6. Os processos judiciais (em princípio) são livremente acessíveis ao público?						
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?						
8. Os juizes/procuradores têm competência/autoridade para entregar determinados processos à mediação?						
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?						
10. Existe uma política para a preparação das audiências?						
11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?						
12. Existe um sistema de controlo do início atempado das audiências?						
13. As partes são informadas quando a audiência é adiada ou está atrasada?						
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?						
15. No que respeita aos juizes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento?						

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e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?						
16. As convocações para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?						
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?						
18. Existe uma política para fixar prazos previsíveis e ideais?						
19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?						
20. Existe uma política de gestão dos fluxos processuais evitando atrasos?						
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?						
22. Existe um papel activo do juiz na gestão do tempo dos processos?						
23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?						
24. Existe um prazo definido para a entrega da decisão após a audiência?						
25. Existe uma política para a execução das decisões judiciais?						
26. Existe um sistema de notificação das decisões judiciais?						
27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?						
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?						
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?						
30. Existe um sistema de informação de gestão processual para registo e monitorização dos arquivos do tribunal e processos judiciais?						
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?						
32. Existe um sistema de informação (electrónico) para arquivamento de processos e decisões judiciais?						
33. Existe um sistema electrónico de processos no tribunal?						
34. É possível submeter documentos ao tribunal em formato electrónico?						

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V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?						
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?						
3. Existe uma política quanto à publicação dos resultados da avaliação?						
4. As normas e parâmetros de qualidade são periodicamente avaliados?						
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?						
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?						
7. O número de demandas bem-sucedidas é registado e publicado?						
8. A percentagem de recursos é registada e publicada?						
9. A produtividade dos juizes e dos funcionários judiciais é registada e publicada?						
10. A percentagem de revogações é registada?						
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e publicada?						
12. É possível determinar o número total de processos entrados findos e pendentes em determinado período temporal?						

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RESULTS

QUESTIONNAIRE A

Doc. 11 – Questionnaire A – Deutschland

Doc. 12 – Questionnaire A – España

Doc. 13 – Questionnaire A – Latvija

Doc. 14 – Questionnaire A – Latvija

Doc. 15 – Questionnaire A – Slovenia

Doc. 16 – Questionnaire A – Relação de Coimbra

Doc. 17 – Questionnaire A – Relação de Lisboa

ANNEX IV

Report

Court Management, Case Management, Performance Evaluation

Porto, Nov 2nd 2016, Nov 3rd 2016



Federal Republic of Germany



Free State of Saxony

Leipzig Local Court

Knut Petersen

Judge at Local Court Leipzig

Head of Civil Section

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Questionnaire CEPEJ(2008) - Annex A

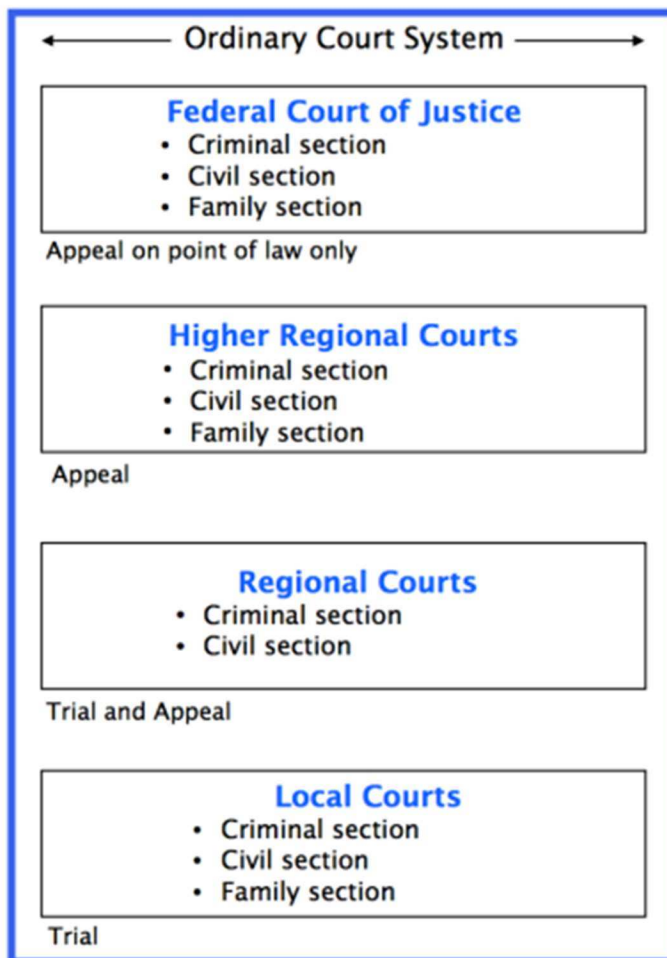
QUANTITATIVE DATA COLLECTION

Appendix I

1. General data on Court proceedings

a) Germany (Population: about 82 Million)

Due to the federal structure of the country jurisdiction (apart from the Federal Courts) is a matter of the 16 states of Germany ("Länder"). The administration of judiciary is therefore carried out by the 16 ministries of justice of the states. However the structure of judicial instances of courts from low to highest is centralized for the whole country leading to the Federal Courts being administered by the German Ministry of Justice. There are four instances within the ordinary jurisdiction:



Depending on the legal matters the courts are dealing with, jurisdiction for remedies differ. Regional Courts ("Landgerichte") are courts of appeal for civil and criminal cases decided by the Local Courts. For civil cases decided by the regional Courts in first instance (value of dispute higher than 5.000,00 EUR) the Higher Regional Courts ("Oberlandesgerichte") have this jurisdiction whereas against decisions in criminal cases of the Regional Courts remedies have to be filed in directly at the Federal Court of Justice ("Bundesgerichtshof"). Family Court decisions all have their origin at the Local Courts. Courts of Appeal for them are the Higher Regional Courts. The Federal Court of Justice is last instance in these cases.

Each state has at least one Higher Regional Court. Larger states like North Rhine-Westphalia or Bavaria up to three. There are **24** Higher Regional Courts (https://de.wikipedia.org/wiki/Oberlandesgericht#Die_einzelnen_Oberlandesgerichte), **115** regional Courts (<https://de.wikipedia.org/wiki/Landgericht>) and **639** Local Courts (source: <https://de.wikipedia.org/wiki/Amtsgericht>) in Germany.

b) Free State of Saxony (Population: about 4 Million)

There is one Higher Regional Court in Dresden, five Regional Courts and 25 Local Courts in ordinary jurisdiction. All civil, criminal and family proceedings are registered and processed by the software "ForumSTAR" containing a database, administrative features and text processing. All statistically relevant data are delivered automatically by the courts to the State Statistic Office. Ministry of Justice and all other interested parties can use the data for various purposes. Workload of judges and non-judicial staff is evaluated by "Pebbsy", a calculation system that defines and sets goals of worktime for numerous different court businesses. Ministry of Justice set up another - Microsoft Access based - software called "JASPER". It provides queries from database that show the amount of judges and other staff needed for the various court businesses. The user can inquire data and figures concerning his own court, other courts in the state or get overviews of data regarding all courts in Saxony. This enables the user to compare workload between his and other courts as well as workload between sections or departments within his court.

c) Leipzig Local Court (Amtsgericht Leipzig)

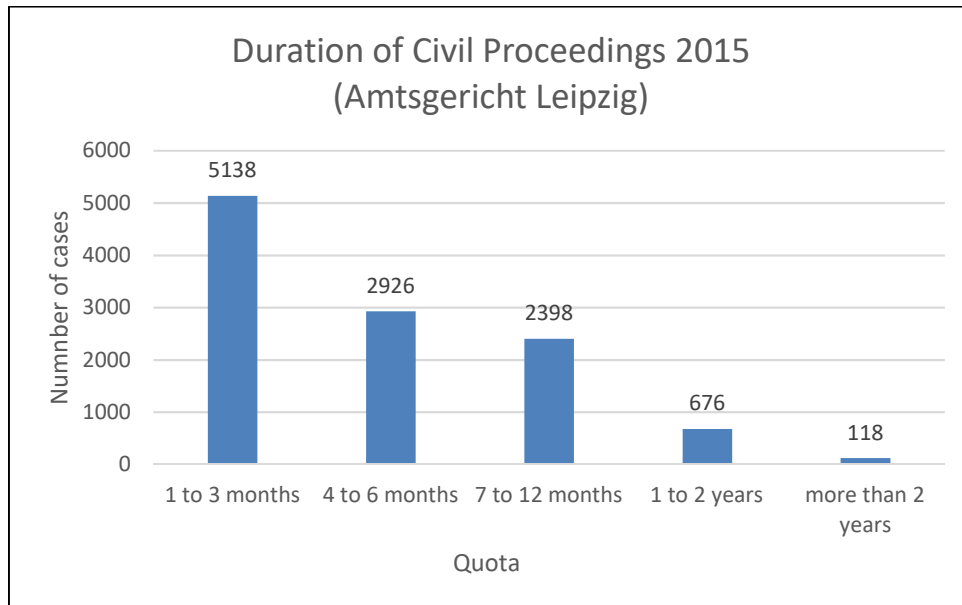
Has jurisdiction over about 530 000 people living in the city of Leipzig. 74 judges work in different sections of the court.

2. Information on court-based timeframes of proceedings (3. Appendix I):

a. Civil proceedings (Leipzig Local Court):

Jurisdiction: Civil Proceedings, value of dispute up to 5.000 €; all apartment tenancy disputes

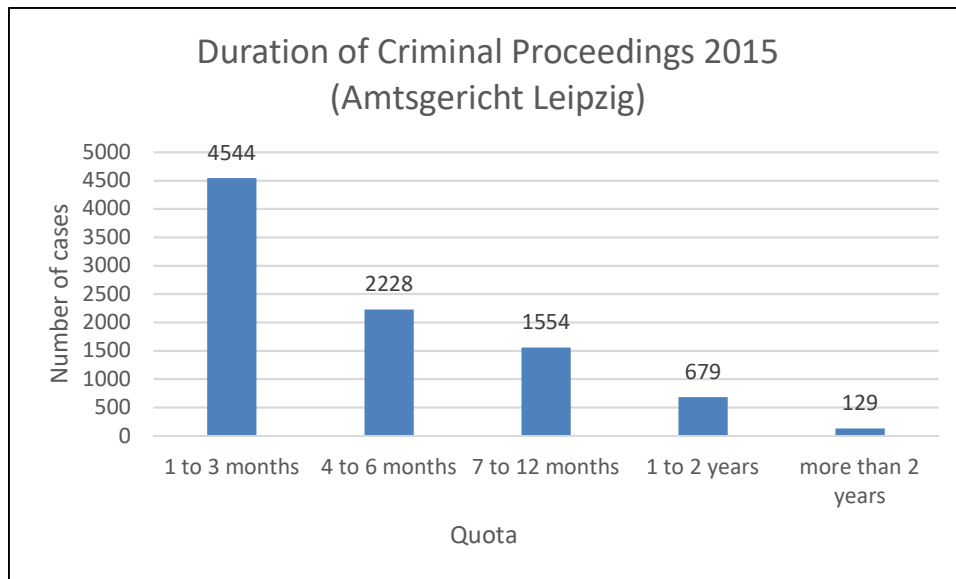
Total number of proceedings 2015:	10802



b. Criminal proceedings (Leipzig Local Court):

Jurisdiction: Crimes expectation of imprisonment up to 4 years, youth crimes, administrative offences

Total number of proceedings 2015:	8746

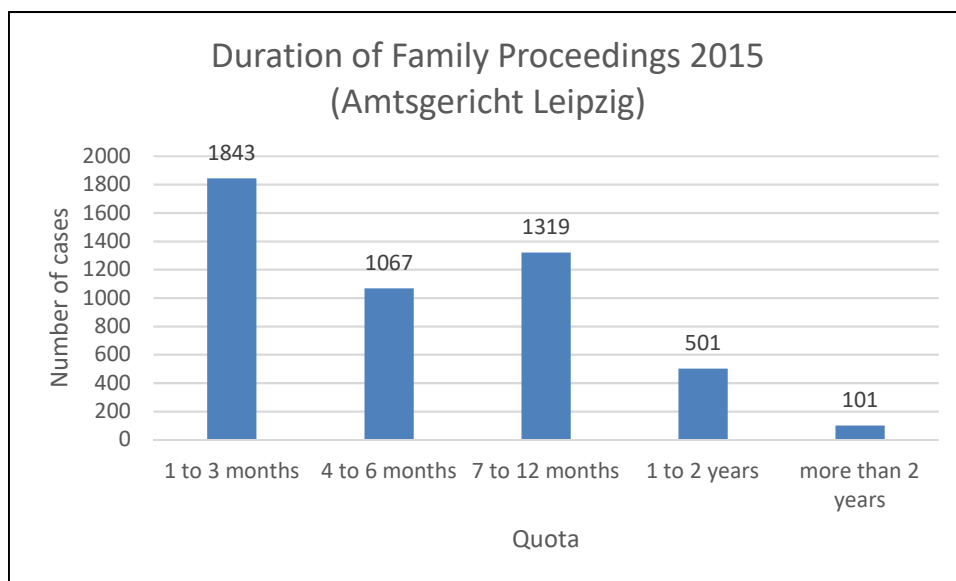


cc) Family Proceedings (Leipzig Local Court):

Jurisdiction: Family matters are:

- 1. marital matters;**
- 2. parent and child matters;**
- 3. parentage matters;**
- 4. adoption matters;**
- 5. matters concerning the marital home and household objects;**
- 6. matters concerning protection from violence;**
- 7. matters concerning the equalisation of pension rights;**
- 8. matters concerning maintenance;**
- 9. matters concerning marital property law;**
- 10. other family matters;**
- 11. matters concerning life partnerships.**

Total number of proceedings 2015:	4831



Types of resolving the cases:

2015	Resolved cases total	Resolved by decision	% Resolved by decision	Resolved by withdrawal, settlement etc.	% Resolved by withdrawal, settlement etc.
Civil	11256	2204	19,58%	9052	80,42%
Criminal	9201	3886	42,23%	5315	57,77%
Family	4831	3449	71,39%	1332	27,57%

3. Analytical information and indicators (5.):

a. Clearance Rates:

Germany:

Statistic numbers and figures about ordinary court business regarding the whole of Germany could only be obtained for the year 2014 : (source:

https://www.bundesjustizamt.de/DE/SharedDocs/Publikationen/Justizstatistik/Geschaeftsentwicklung_Gerichte_Staatsanwaltschaften.pdf?__blob=publicationFile):

	Resolved Cases (Local + Regional Courts)	Incoming Cases (Local + Regional Courts)	Clearance Rate
2014:			
Civil	1.441.714	1.439.072	100,18%
Criminal	1.045.014	1.043.986	100,10%
Family	648.930	628.886	103,19%

Leipzig Local Court:

2015:	Resolved Cases	Incoming Cases	Clearance Rate
Civil	11256	10802	104,20%
Criminal	9201	8746	105,20%
Family	4831	4814	100,35%

b. Case Turnover Ratio, average duration of cases (5.2. + 5.3.)

Germany:

2014, 1st instance:	Incoming cases (Local + Regional Courts)	Average Duration Local Courts (months)	Average Duration Regional Courts (months)
Civil	1.441.714	4,9	9,1
Criminal	1.045.014	5,1	7,2
Family	648.930	6,1	-

Leipzig Local Court:

2015:	Unresolved cases end 2015	Resolved cases	Case Turnover Ratio	Disposition time (days)	Average Duration (months)
Civil	4502	11256	2,50	145,99	4,9
Criminal	3745	9201	2,46	148,56	5,1
Family	2909	4831	1,66	219,79	6,1

c. Efficiency Rates (5.4):**Leipzig Local Court:**

(Data for Germany is not available because it is not known how many staff works within the mentioned sections within the courts).

2015:	Number of resolved cases	Number of clerk in FTE (incl. judicial-officers "Rechtspfleger")	Number of judges	Number of personnel	Efficiency Rate of clerk	Efficiency Rate of judges	Global Efficiency Rate
Civil	11256	33,96	19,45	53,41	331,45	578,71	210,75
Criminal	9201	48,52	27,15	75,67	189,63	338,90	121,59
Family	4831	24,51	11,15	35,66	197,10	433,27	135,47

d. Backlog/Backlog resolution (BR indicator) (5.5 + 5.6):**Leipzig Local Court:**

(Data for Germany was not available)

2015:	Unresolved cases end 2015 (Total Backlog)	Resolved cases	Backlog Resolution (days)
Civil	4502	11256	145,99
Criminal	3745	9201	148,56
Family	2909	4831	219,79

e. Cases per judge (CPJ indicator) (5.7):**Leipzig Local Court:**

(Data for Germany was not available)

2015:	Unresolved cases end 2015 (Total Backlog)	Number of judges	Cases per judge (CPJ)
Civil	4502	19,45	231
Criminal	3745	27,15	138
Family	2909	11,15	261

Annex B

Qualitative Data Collection:

I. STRATEGY AND POLICY IN COURT MANAGEMENT (values, mission, vision)

1. Is there a public authority responsible for drafting general policies and strategic documents concerning the judiciary?

State Level	The Saxon Ministry of Justice is competent on drafting general policies and strategic documents concerning the judiciary.
Court Level	Court administration within the ordinary jurisdiction is headed by the President of the Higher Regional in Dresden, capital of Saxony. He supervises the Presidents of the regional and local Courts of the state.
Judge Level	

2. Is there legislation supporting the courts or court organisation?

State Level	Sec.1 Courts Constitution Act (Federal law): “Judicial power shall be exercised by independent courts that are subject only to the law.” The Courts Constitution Act determines jurisdiction of the various ordinary courts, allocation of cases and court’s administration. For specialized courts this is ruled in special laws (Administrative Courts, Labour Courts etc)
Court Level	
Judge Level	

3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers?

State Level	Article 97 Basic Law (Constitution) [Judicial independence] (1) Judges shall be independent and subject only to the law. (2) Judges appointed permanently to full-time positions may be involuntarily

	dismissed, permanently or temporarily suspended, transferred or retired before the expiration of their term of office only by virtue of judicial decision and only for the reasons and in the manner specified by the laws. The legislature may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of courts or in their districts, judges may be transferred to another court or removed from office, provided they retain their full salary. Section 26 German Judiciary Act Supervision of service (1) A judge shall be subject to supervision only in so far as there is no detraction from his independence. (2) Subject to the provision in subsection (1), supervision shall also include the power to censure an improper mode of executing an official duty and to urge proper and prompt attention to official duties. (3) Where a judge contends that a supervisory measure detracts from his independence a court shall, on application being made by the judge, give a ruling in compliance with this Act. Similar regulations in the constitutions of the “Länder” (states).
Court Level	
Judge Level	

4. Is there a policy regarding the specialization of courts and/or certain categories of judges?

State Level	Specialization of judges is determined and regulated in various federal judicial acts. However as the appointment of judges (apart from the federal ones) and public prosecutors is being carried out by the governments of the “Länder” there are slight differences between their “policies” regarding specialization. As long as they can – legally – have influence on the allocation of judges to specific courts or prosecution offices or regarding promotion of judges some governments prefer judges with a more “general” knowledge (promoting changes of offices/courts) than others. Nevertheless: Sec. 30 of the German Judiciary Act rules that a judge on principle cannot be transferred or discharged without his consent: Section 30 Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32).

	(2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect.
Court Level	
Judge Level	

5. Is there a strategy and policy regarding the needs and planning of court resources?

State Level	The Saxon Ministry of Justice does have internal strategies for the needs and planning of court resources.
Court Level	Court-President and presidium are in charge of the needs and planning of court resources.
Judge Level	

6. Is there a policy concerning the structure and competence of courts?

State Level	German Courts Constitutional Act, Labour Courts Act, Finance/Tax-Courts Act etc.
Court Level	
Judge Level	

7. Including geographical court location policy?

State Level	Court Location Policy lies in the competence of the parliaments of the Länder. They define court's jurisdiction over geographical regions.
Court Level	
Judge Level	

8. Has the court management defined a mission/vision and a strategy?

State Level	Stipulation of criteria for appointment, promotion and other strategic measurements regarding judges and public prosecutors in Saxony is carried out by the Ministry of Justice that has to consult a judicial council.

Court Level	As far as non judicial staff is concerned (clerks, bailiffs, judicial officers) in Saxony this is delegated by the Ministry of Justice to the president of the Higher Regional Court or presidents of the specialized highest regional courts.
Judge Level	

9. Is it given publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff?

State Level	These general rules are published.
Court Level	The rules for non judicial staff are published as well.
Judge Level	

10. Does the take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy?

State Level	
Court Level	There were surveys about the court's services among citizens and lawyers from outside last year.
Judge Level	

11. Is there any input of internal or external stakeholders?

State Level	
Court Level	
Judge Level	

12. Does the court management maintain a systematic contact with the internal and external stakeholders?

State Level	I think yes
Court Level	There are regular meetings between the court's president and heads of departments as well as between them and their colleagues on the administrative level within the court's sections. Also regular meetings between

	the president and external stakeholders like solicitors and authorities/offices of the city of Leipzig take place.
Judge Level	

13. Is there a culture that is aimed at stimulating and inspiring improvements in the overall organisation?

State Level	Yes, there is.
Court Level	Yes, there is.
Judge Level	

14. Has the court management determined the priorities on which court policies should be developed?

State Level	
Court Level	At the moment the president of the court emphasizes on electronic files and further training of judges and non judicial staff
Judge Level	

15. Has the court management described how the decision-making process on these priorities should take place?

State Level	
Court Level	Yes. Internal consultants for these purposes have been appointed.
Judge Level	

16. Is there a policy regarding the delegation of responsibilities from judges to non-judge staff?

State Level	Various attempts have been made. But the Courts Constitution Act and several procedural codes determine strict demarcations of competences between judges, clerks and judicial officers. By law a judge is not the principal of a court clerk, however in practice they do what you order them to do.

Court Level	
Judge Level	

17. Are the main tasks, roles and standards for the court clerk office determined?

State Level	
Court Level	Yes, there are numerous written orders and regulations, issued by the president of the Higher Regional Court concerning tasks, roles and standards of the courts' clerk offices. Additionally you can find written orders issued by the president of the local court, published within the local intranet.
Judge Level	

18. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated?

State Level	I think yes: both on federal and Saxon level.
Court Level	
Judge Level	

19. Is the implementation of changes in legislation regularly evaluated?

State Level	I think yes: both on federal and Saxon level.
Court Level	
Judge Level	

20. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated?

State Level	In many cases government or parliament asks for written statements to planned changes in legislation.
Court Level	
Judge Level	

21. Are the effectiveness and efficiency of judicial proceedings systematically evaluated?

State Level	yes: both on federal and Saxon level.
Court Level	
Judge Level	

22. Are quality standards and guidelines used for drafting new legislation or changes in current legislation?

State Level	
Court Level	
Judge Level	

23. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed?

State Level	Yes, these impacts normally are checked and estimated. More or less successful.
Court Level	
Judge Level	

24. If yes, does this lead to changes in the (staff) capacity of courts?

State Level	Not in all cases. However the amount of reaction changes of legislation or even actual and social changes caused on the federal level (Federal laws, or for example the large amount of refugees entering Germany last year) differs from one state to the other. This is a disadvantage of the federal structure of Germany. Countries with a more centralized government can deal better with these problems.
Court Level	
Judge Level	

25. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process?

State Level	Usually government or parliament asks for written statements to planned changes in legislation, specifically if workload or procedures in courts are affected by the proposed law.
Court Level	
Judge Level	

26. Does the judiciary play any role in the legislation process?

State Level	The Federal Constitutional Court can play an important role in legislation process as this court can either decide with the power of a law or it can order legislative to change law in case it infringes constitution. There have been a great number of cases where this took place. Other courts are normally consulted.
Court Level	
Judge Level	

27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings?

State Level	If these reviews are regular or not I cannot tell.
Court Level	
Judge Level	

28. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges?

State Level	
Court Level	
Judge Level	The processing of single cases is the central responsibility of the judge/s, who have to obey to the rules determined by the procedural laws.

29. Is there a policy regarding the promotion of legal certainty?

State Level	As a rule (with few exceptions) judges in all instances in Germany are not bound to decisions of other courts even to those of higher instances. They are only bound to law, not to decisions of other courts. Legal certainty is obtained by the way remedies are dealt with in the various procedural codes, so parties can get revocation of decisions that differ from a generally accepted legal opinion to a specific problem.
Court Level	
Judge Level	

Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence?

State Level	No official ones I can think of.
Court Level	
Judge Level	

II. ALLOCATION OF CASES SYSTEM

1. Is there a possibility to reassign cases or assignments in order to increase efficiency in the court?

State Level	
Court Level	As a rule in Germany: No. Once a case has been allocated to a judge he becomes "married" to it. A single case cannot be assigned to another judge, even with the consent of the judge who would get rid of the case.
Judge Level	

2. Is there an objective method for allocating cases between judges?

State Level	
Court Level	A written allocation distribution scheme with abstract rules is issued every year

	by the court's presidium.
Judge Level	

3. Is the information on the allocation of cases made available to the whole court organisation?

State Level	
Court Level	This distribution scheme for allocation of cases is public for everyone.
Judge Level	

4. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)?

State Level	
Court Level	This completely lies within the discretion of the members of the presidium. However arbitrary decisions of the presidium can be remedied by actions before administrative courts (very rare cases)
Judge Level	

5. Are measures taken to ensure transparency in the allocation of files to judges (i.e. initial and public objective criteria)?

State Level	
Court Level	Criteria for case allocation are public. So every stakeholder can check at any time whether the rules are met or not.
Judge Level	

III. GOAL SETTING

1. Are performance targets (quantitative and qualitative) defined for courts?

State Level	Qualitative targets of the work of judges cannot be defined or ordered by any other authority as the responsibility for the quality of this work lies completely within the hands of the single judge. As far as Quantity is concerned there are standards for this defined by “Pebbsy”, a calculation system for the amount of judicial and non-judicial staff needed for the coping of the court’s work (see: Appendix).
Court Level	
Judge Level	

2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities?

State Level	
Court Level	On principle: yes. As far as (abstract) case allocation and the workload of judges is concerned the “Pebbsy” defined standards play a central role for the decisions of the presidium. Yet personal characteristics or “weaknesses” or “talents” of judges are sometimes taken into consideration as well.
Judge Level	

3. Does it have performance indicators (quantitative and qualitative)?

State Level	
Court Level	The status of cases pending longer than one year regularly have to be reported to the president of the Local Court as well as the president of the Higher Regional Court. There are no “qualitative” indicators as “quality” of a decision only has to be reviewed by remedies to higher courts.
Judge Level	

4. Does the court management determine critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives?

State Level	
Court Level	
Judge Level	

5. Is the nature of pending cases systematically analysed?

State Level	
Court Level	A Systematic analysis of pending cases was made in preparation for the “PEBBŞY” expertise.
Judge Level	

6. Have objectives been determined for reducing the backlog of cases?

State Level	-
Court Level	-
Judge Level	-

7. Does a quantitative evaluation system regarding the activity of each judge exist?

State Level	
Court Level	Input and output of the cases of every judge within the ordinary courts can be monitored by numbers and figures delivered by State Statistic Office that receives data from the courts software database. “PEBBŞY” is the quantitative evaluation system (see appendix).
Judge Level	

8. Does a qualitative evaluation system regarding the activity of each judge exist?

State Level	No
Court Level	No
Judge Level	No

9. Is each judge granted access to the information regarding his/her own court department?

State Level	

Court Level	yes
Judge Level	

10. Is each judge granted access to the information regarding his/her colleagues' department?

State Level	
Court Level	Yes, within the section (civil, criminal etc.)
Judge Level	

11. Is each judge granted access to the information regarding the whole court?

State Level	
Court Level	Yes, if he/she wishes
Judge Level	

12. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy?

State Level	
Court Level	
Judge Level	

IV. CASELOAD MANAGEMENT

1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialization, regrouping of cases, "test files", etc.)?

State Level	There is no more systematic training of judges once they have started their work at court. However plenty of training workshops are offered by the state or Federal Institutions. Attendance is not obligatory.
Court Level	

Judge Level	

2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department?

State Level	
Court Level	
Judge Level	In most sections of the court the software allows the judge to check instantly how many pending cases he has and how many cases he has resolved within a specific period of time. Furthermore he can see there the general state of the case itself, the documents issued by the court and some more data.

3. Is he/she able to share this information with his/her administrative staff?

State Level	
Court Level	
Judge Level	Yes

4. Is this information shared within the court?

State Level	
Court Level	Yes, shared within the sections.
Judge Level	

5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding?

State Level	
Court Level	We have specifically trained judges for mediation at Leipzig Local Court. A case can be transferred to them if the parties agree.
Judge Level	

6. Are court proceedings (in principle) open to the public?

State Level	
Court Level	yes
Judge Level	

7. Is the judge able to organize the proceedings in an expedient manner to solve the conflict?

State Level	
Court Level	
Judge Level	Yes.

8. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimalised?

State Level	
Court Level	
Judge Level	Yes.

9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators?

State Level	
Court Level	
Judge Level	Yes, if the parties agree.

10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily?

State Level	
Court Level	
Judge Level	There are no routines for that I can think of.

11. Is there a policy for preparing the hearings?

State Level	
Court Level	
Judge Level	Procedural Codes determine how hearings have to be prepared.

12. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties?

State Level	
Court Level	
Judge Level	Only in rare cases especially temporary injunctions within some days.

13. Is the duration of the proceedings and the time needed to prepare for the main court hearing decided in cooperation with the counsels of the parties?

State Level	
Court Level	
Judge Level	Frequently in criminal cases. Usually not in civil and family cases, unless the time schedules of the legal counsels require this cooperation.

14. Is there a system for measuring the timely start of hearings?

State Level	
Court Level	No
Judge Level	

15. Are parties informed when the hearing is adjourned or delayed?

State Level	
Court Level	Up to now not at the Amtsgericht Leipzig. But within the next months such a system will be installed.
Judge Level	

16. Is there an information system which is used for determining an efficient schedule of court sessions?

State Level	
Court Level	
Judge Level	

As regards judges:

- do they prepare court files bearing in mind oral investigation?
- do they have the ability to improve the understanding of their role by the various players in the proceeding?
- do they control the allocation of the parties and witnesses' speaking time?
- do they control the police of the trial in an appropriate way?
- do they take into account the parties and witnesses' expectations within the oral phase of the proceeding?
- do they control the timetable of the proceeding?
- do they begin the hearings at time?

State Level	
Court Level	
Judge Level	Regularly: yes

17. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ?

State Level	
Court Level	
Judge Level	Regularly: yes

18. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given?

State Level	
Court Level	
Judge Level	No, there are no binding rules on that.

19. Is there a policy for setting foreseeable and optimum timeframes?

State Level	
Court Level	No
Judge Level	No

20. Are standards or norms concerning the acceptable length of judicial proceedings defined?

State Level	
Court Level	No
Judge Level	No

21. Is there a policy for managing case flows preventing delays?

State Level	
Court Level	
Judge Level	

22. Are measures taken to speed up delayed cases and to reduce the backlog?

State Level	
Court Level	In some cases the president of the court carries out a personal interview with a judge who has problems with delay of cases.
Judge Level	

23. Is there an active role for the judge in the management of the timelines of the proceedings?

State Level	
Court Level	
Judge Level	Yes. The judge is responsible for that.

24. Can parties negotiate with the court on the timeframes that will be used?

State Level	
Court Level	
Judge Level	In many cases they can.

25. Is there a timeframe set for delivering the decision after the court hearing?

State Level	
Court Level	
Judge Level	Civil Cases: Section 310 Civil Procedure Code: Hearing for pronouncement of the judgment (1) The judgment shall be pronounced at the hearing at which the court proceedings are declared terminated, or at a hearing to be arranged immediately. This will be set for a date later than three (3) weeks after the last hearing only for grave cause, this being particularly the scope or the complexity of the matter.

26. Is there a policy concerning the enforcement of judicial decisions?

State Level	There are plenty of enforcement laws and codes
Court Level	
Judge Level	

27. Is there a system of notification of judicial decisions ?

State Level	There are plenty of enforcement laws and codes
Court Level	
Judge Level	

28. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties?

State Level	No
Court Level	
Judge Level	

29. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored?

State Level	
Court Level	
Judge Level	In Civil and Family cases usually: no. Because enforcement lies in the parties' responsibility.

30. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities?

State Level	
Court Level	Yes. The court's president supervises the work of the bailiffs.
Judge Level	

31. Does a case management information system exist for the recording and monitoring of court files and cases?

State Level	
Court Level	No
Judge Level	

32. Is there a specific policy concerning archiving of court files and court decisions?

State Level	
Court Level	Yes. Regulations by the President of the Higher Regional Court determine how and how long files have to be archived.
Judge Level	

33. Does an electronic information system for archiving court cases and decisions exist?

State Level	
Court Level	Not yet.
Judge Level	

34. Does a court system of electronic files exist?

State Level	
Court Level	
Judge Level	No, not yet. Planned for the next years.

35. Is it possible to submit documents to the court in electronic form?

State Level	Yes. All documents can be submitted in electronic form using a specific software. Plain Email is not sufficient.
Court Level	
Judge Level	

V. COURT PERFORMANCE STANDARDS

1. Is there a system to monitor the workload of each judge continuously?

State Level	
Court Level	Yes. "Pebbsy" numbers and figures can be obtained at any time.
Judge Level	

2. Is the court performance periodically evaluated?

State Level	
Court Level	Yes. The president and other staff with administrative functions get regular reports on that from the State Statistic Office (every 3 months).
Judge Level	

3. Is there a policy on the publication of the evaluation results?

State Level	
Court Level	Judges and other staff interested in that can get the information.
Judge Level	

4. Are quality regulations and standards or indicators, periodically evaluated?

State Level	
Court Level	
Judge Level	

5. Following the evaluation results, have measures been identified and implemented to improve the situation?

State Level	
Court Level	
Judge Level	

6. Are these improvements monitored?

State Level	
Court Level	
Judge Level	

7. Is the percentage of cases recorded and published?

State Level	Yes, "Pebbŷy" and "JASPER" (see appendix)
Court Level	Yes
Judge Level	

8. Is the percentage of appeals recorded and published?

State Level	Yes
Court Level	Yes
Judge Level	

9. Is the productivity of judges and court staff recorded and published?

State Level	
Court Level	Recorded but not published for everyone
Judge Level	

10. Is the length of proceedings systematically recorded and published?

State Level	Yes, by a lot of statistic analysis of proceedings.
Court Level	Recorded but not published for everyone
Judge Level	

11. Is it possible to determine the total number of incoming, pending and decided cases in a given period?

State Level	Yes
Court Level	Yes
Judge Level	Yes

Appendix “PEBB\$Y” and “JASPER” :

I. “PEBB\$Y”

The so called “PEBB\$Y”- system is a statistic-based Manpower Requirement Planning (MRP) system. From 1998 on, a working group consisting of members of all federal state ministries of justice and several professional associations designed and executed an extremely widespread and intense statistical survey on the question of how much time the judge or non-judicial staff need to fulfil their duties. “PEBB\$Y” – simplified – works as follows:

At first different types of cases judges deal with are defined at different courts (local, regional and higher regional courts). E.g. civil proceedings are distinguished in disputes on apartment tenancies, compensation for traffic accidents, disputes between neighbours, disputes on building construction works and “normal” civil proceedings. Similar to that different types of criminal, family or other cases are determined.

In a next step, quite a large number of representative courts in different states of Germany were selected to carry out a survey monitoring the time the judges needed to work on these cases. Each file they were working on got a special form that had to be filled out with the number of minutes of work spent in every working step. After six months, all filled out forms were collected again and evaluated. As a result an average processing time of each type of case can be figured out.

This survey is being held every few years to consider changes in legislation or other influences that could lead to different workloads for the courts.

E.g. an average dispute on apartment tenancy at a local court demanded 180 minutes of work for a judge, based on his own records he wrote down during the survey. A “normal”, not classified civil case at the local court is supposed to take 150 minutes for the judge.

Next the annual working time of a judge is defined: Based on the assumption that an average judge works 8 hours per working day this annual working time differs between the different states (different number of bank holidays) and from one year to the next year (bank holidays on a Sunday or leap years etc.). Average times of illnesses of judges are considered as well. In Saxony in the year 2015 the judges’ annual working time was stipulated 99.256 minutes.

If you divide for example these 99.256 minutes through 180 minutes the result will be 551. This is called the “basic figure” which means the number of cases a judge (who only deals with disputes of apartment tenancy) should settle per year.

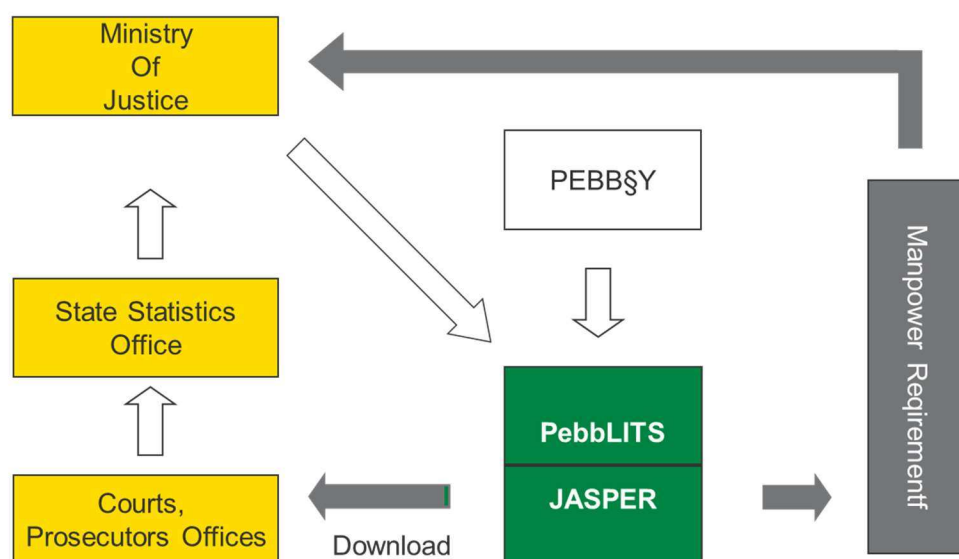
At last the number of all incoming cases (looking at the specific type of cases) per year is counted. Looking at the basic figures, the sum of incoming cases and the annual working time you can figure out the number of judges needed to settle all these cases.

Although serious objections as to the validity and accuracy of the “basic figures” can be raised, the MRP-system currently practised in the German judiciary is founded predominantly - if not solely - on the “PEBB§Y” evaluation. Even without legally binding effects PEBB§Y therefore has reached an overwhelming importance in the field of measuring court activities in terms of quantity.

II. “JASPER”

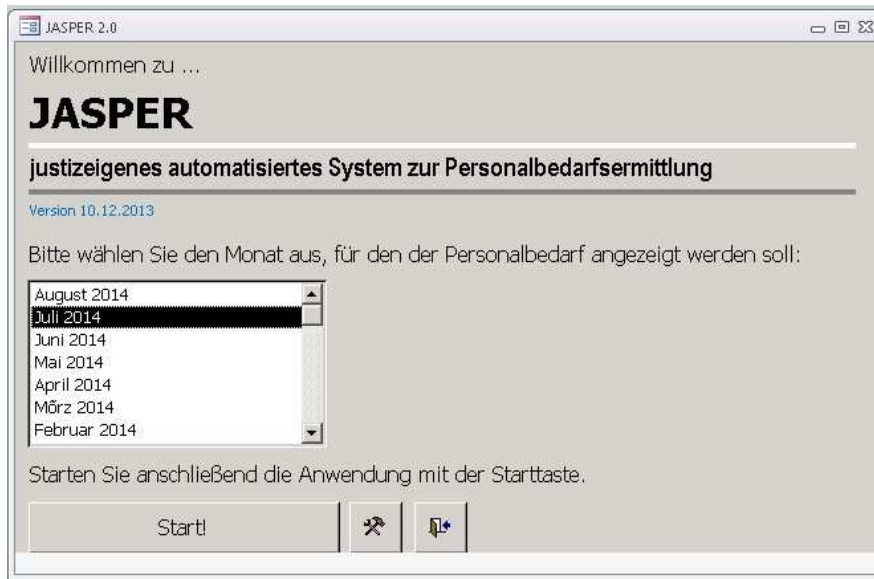
...is an invention of the Ministry of Justice in Saxony. It is a Microsoft Access based calculation software that allows to display (queries) the number of judges needed in the whole of Saxony as well as within the different courts in the state. It is fed with the data of incoming cases reported by the courts to the State Statistical Office and the (constant) values of “PEBB§Y”. The Ministry as well as court presidents, members of the presidium or other administrative staff in the courts can comfortably find out how many judges or even non-judicial personnel is “officially” required in the courts or for the courts sections.

Data flow:

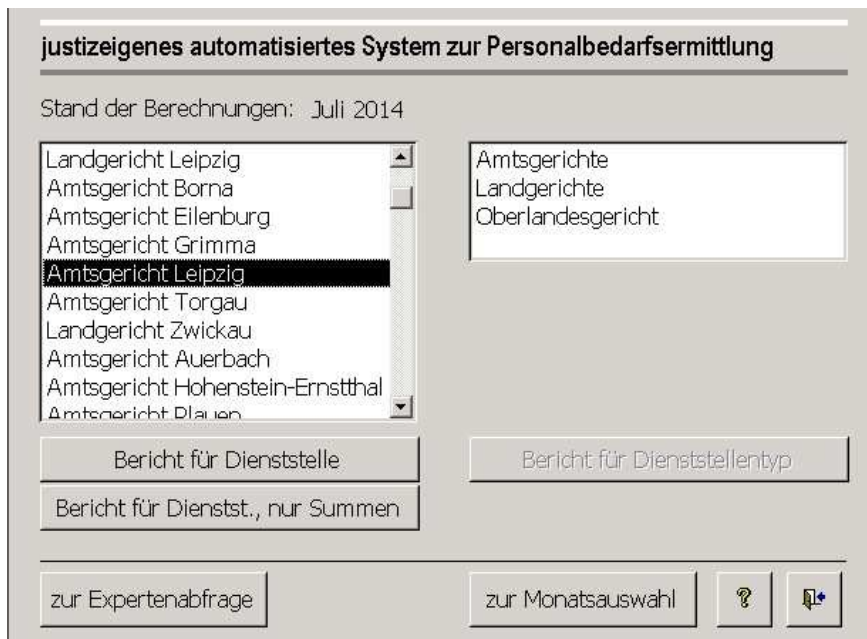


JASPER, how it looks:

Screenshot, Select the month for which data should be displayed:



Screenshot, Select the court:



Screenshot, Example report: Data for civil proceedings July 2013 to June 2014 (Disputes neighbourhood, building construction, architect fees, medical liability)

Number Basic Value
of cases

Datum	Bez/V	Basiszahl	Faktor	BevZ	PBBtoZus	Zu/agl.	aZus/V	lwSuG	aZus/w	AntDSt	PBBm aZus	Zu/test	tZus/Vert	PBB matZ	PBB end
Amtsgericht Leipzig											Kennzahl:	1560			
											Bezirk:	Amtsgericht Leipzig			
											Summe:	18,72			
Richter											Jahresarbeitszeit:	98974			
											Summe:	18,72			
Zivilsachen															18,72
RA015 Nachbarschaftssachen, Bau-/Architektensachen (ohne Architektenhonorarsachen) sowie Arzt haftungssachen											Verfahrenszähler				
Juli 2013	32	330	1	299,92	0,106695	0,00%	0	0,500131	0	21,33%	0,106695	0,00%	0,000000	0,106695	0,106695
August 2013	7	330	1	299,92	0,023339	0,00%	0	0,416776	0	5,60%	0,023339	0,00%	0,000000	0,023339	0,023339
September 2013	30	330	1	299,92	0,100026	0,00%	0	0,350092	0	28,57%	0,100026	0,00%	0,000000	0,100026	0,100026
Oktober 2013	30	330	1	299,92	0,100026	0,00%	0	0,460121	0	21,74%	0,100026	0,00%	0,000000	0,100026	0,100026
November 2013	41	330	1	299,92	0,136703	0,00%	0	0,410108	0	33,33%	0,136703	0,00%	0,000000	0,136703	0,136703
Dezember 2013	16	330	1	299,92	0,053347	0,00%	0	0,453452	0	11,76%	0,053347	0,00%	0,000000	0,053347	0,053347
Januar 2014	27	330	1	299,92	0,090024	0,00%	0	0,336755	0	26,73%	0,090024	0,00%	0,000000	0,090024	0,090024
Februar 2014	12	330	1	299,92	0,040011	0,00%	0	0,346758	0	11,54%	0,040011	0,00%	0,000000	0,040011	0,040011
März 2014	20	330	1	299,92	0,066684	0,00%	0	0,393437	0	16,95%	0,066684	0,00%	0,000000	0,066684	0,066684
April 2014	17	330	1	299,92	0,056682	0,00%	0	0,376766	0	15,04%	0,056682	0,00%	0,000000	0,056682	0,056682
Mai 2014	18	330	1	299,92	0,060016	0,00%	0	0,363429	0	16,51%	0,060016	0,00%	0,000000	0,060016	0,060016
Juni 2014	26	330	1	299,92	0,086689	0,00%	0	0,340089	0	25,49%	0,086689	0,00%	0,000000	0,086689	0,086689
	276	330	1	299,92		0,00%						0,00%			0,920242

← Annual working time

← Number of judges
needed (sum civil
cases)

← Number of judges
needed for this type of
civil case



The Spanish Judiciary in figures 2015



JUDICIAL STATISTICS



The Spanish Judiciary in figures 2015



JUDICIAL STATISTICS

Presentation

As part of its policy of transparency, the General Council of the Judiciary (GCJ), has taken, for another year, the step of compiling "The Spanish Judiciary in figures", which sets out the key statistics for 2015 describing quantitatively the Spanish Court system.

The full document may be accessed at www.poderjudicial.es, in Statistics National Plan section, origin of data for this publication, where there is also available the complementary and most updated information.

We would like to thank the judicial bodies cooperation, who are responsible the most of information, as well as the rest of government bodies and institutions providing the information to the Judicial Statistics National Plan.

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STRUCTURE AND RESOURCES

NUMBER OF JUDICIAL DISTRICTS ¹

Andalusia	85
Aragon	16
Asturias	18
Balearic Islands	6
Canary Islands	19
Cantabria	8
Castille and Leon	41
Castille-La Mancha	31
Catalonia	49
Valencian Region	36
Extremadura	21
Galicia	45
Madrid	21
Murcia	11
Navarre	5
Basque Country	14
Rioja (La)	3
Ceuta	1
Melilla	1
Total	431

¹Data as at January 1, 2015

SINGLE JUDGE COURTS ²

Exclusive Dean's Offices	8
Civil:	
Courts of First Instance	679
Family Courts of First Instance	109
Mortgage Courts of First Instance	3
Wardship Courts of First instance	12
Findings and arbitration Courts of First instance	1
Commercial Courts	64
Exclusive Public Registries	26
Central Public Registry	2
TOTAL	896
Criminal:	
Magistrates' Courts	499
Violence against women Courts	106
Prison Supervisory Courts	50
Criminal Courts	343
Violence against women Criminal Courts	23
Criminal of enforcement Courts	17
Juvenile Courts	82
Central Enquiry Courts	6
Central Criminal Courts	1
Central Juvenile Courts	1
Central Prison Supervisory Courts	1
TOTAL	1128
Mixed Civil and Criminal :	
Courts of First Instance and Magistrates	1.046
TOTAL	1.046
Administrative:	
Administrative Courts	229
Central Administrative Courts	12
TOTAL	241
Labor:	
Labor Courts	341
Courts of Labor enforcement	4
TOTAL	345
OVERALL TOTAL	3.656

² Fuente: CGPJ. Datos a 1 de enero de 2015

COLLEGIATE BODIES³

Civil:	
Provincial courts. Civil Chamber	101
High Court 1st Chamber	1
TOTAL	102
Criminal:	
Provincial courts. Criminal Chamber	100
National Court. Criminal Chamber	4
High Court 2nd. Chamber	1
TOTAL	105
Mixed Civil and Criminal:	
Provincial Courts. Mixed Divisions	29
H.C.J. Civil and Criminal Chamber	17
TOTAL	46
Administrative:	
H.C.J. Contentious Administrative Chamber	21
National Court. Contentious Administrative Chamber	8
High Court 3rd Chamber	1
TOTAL	30
Labor:	
H.C.J. Labor Chamber	21
National Court. Labor Chamber	1
High Court 4th. Chamber	1
TOTAL	23
Military:	
High Court 5th Chamber	1
High Court Special Chambers	1
Overall Total	308

³ Source: GCJ. Data as at January 1, 2015

MEMBERS OF THE JUDICIARY ⁴

	Exclusive Dean's Offices and President N.C..	Civil and Criminal	Adminis- trative	Labor	Military	Judges for a judicial area⁵	Judges waiting for to be appointed. Attached like supple- mentary	TOTAL
Andalusia	2	72	9	8	0	57	72	1027
Aragon	1	11	1	1	0	3	10	158
Asturias	0	11	1	2	0	3	6	160
Balearic Islands	1	11			0	5	16	153
Canary Islands	0	20	2	3	0	14	29	297
Cantabria	0	5		1	0	3	4	82
Castille and Leon	0	23	3	3	0	8	21	329
Castille la Mancha	0	15	1	1	0	9	20	215
Catalonia	1	64	4	8	0	30	55	865
Valencian Region	1	44	3	4	0	19	48	594
Extremadura	0	8	1	1	0	5	6	122
Galicia	0	25	3	4	0	9	24	371
Madrid	1	55	8	6	0	29	48	780
Murcia (Region)	0	11	1	1	0	8	18	174
Navarre	0	5			0	3	3	71
Basque Country	1	16	2	3	0	10	11	245
Rioja (La)	0	2			0	2	4	42
State: High Court and National Court	1	5	8	1	8	0	0	162
TOTAL	9	4.11	569	53	8	217	395	5.847

⁴ Source: General Council of Judiciary. Judges and Senior Judges are sitting in Courts. Data as at January 1, 2015

⁵ Judges of last selection process, waiting for be appointed. They are attached like supplementary to HCJ and to Courts of First Instance and Magistrates.

MEMBERS OF THE JUDICIARY PER 100.000 INHABITANTS⁶

Andalusia	12,0
Aragon	12,0
Asturias	15,2
Balearic Islands	13,9
Canary Islands	14,1
Cantabria	14,0
Castille and Leon	13,3
Castille la Mancha	10,4
Catalonia	11,5
Valencian Region	11,9
Extremadura	11,2
Galicia	13,6
Madrid	12,1
Murcia (Region)	11,9
Navarre	11,1
Basque Country	11,2
Rioja (La)	13,2
Spain	12,5

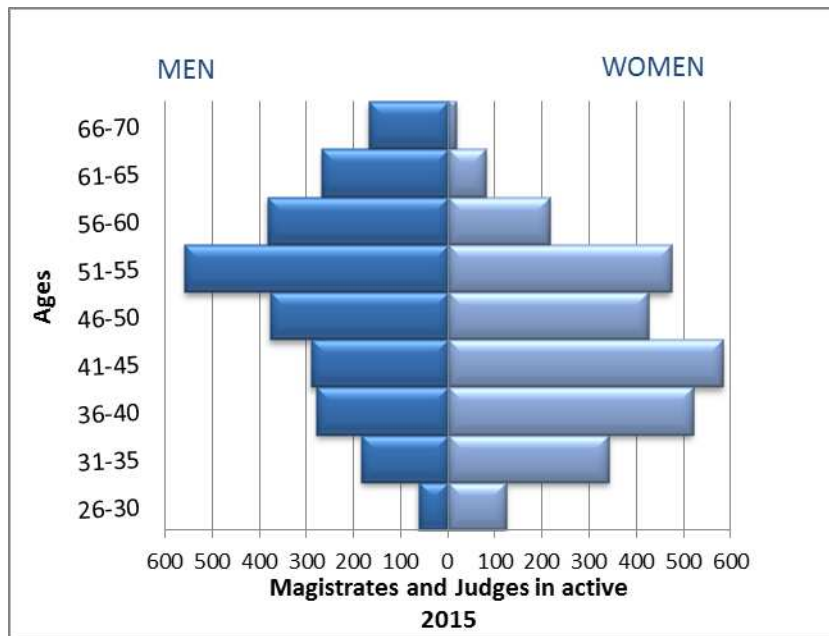
PERCENTAGE OF JUDGES AND SENIOR JUDGES IN THE H.C.J

	Civil and Criminal	Contentious-Administrative	Labor	Judges for a judicial area and attached like supplementary	Total (*)
Andalusia	17,7	19,2	16,0	21,1	18,1
Aragon	2,9	2,9	2,5	2,1	2,8
Asturias	2,7	3,3	4,8	1,5	2,8
Balearic Islands	2,8	1,7	1,5	3,4	2,7
Canary Islands	4,9	4,8	5,8	7,0	5,2
Cantabria	1,4	1,4	1,9	1,1	1,4
Castille and Leon	5,8	6,8	6,3	4,7	5,8
Castille la Mancha	3,7	3,7	3,5	4,7	3,8
Catalonia	16,0	10,1	15,6	13,9	15,2
Valencian Region	10,9	7,9	8,7	10,9	10,4
Extremadura	2,2	2,5	1,9	1,8	2,1
Galicia	6,4	7,2	8,5	5,4	6,5
Madrid	13,6	17,4	12,3	12,6	13,7
Murcia	2,9	3,5	2,9	4,2	3,1
Navarre	1,2	1,9	1,2	1,0	1,2
Basque Country	4,2	5,0	5,8	3,4	4,3
Rioja (La)	0,7	0,8	1,0	1,0	0,7

(*) There are included Exclusive Dean's Offices and Judges for a judicial area in HCJ. The supplementary Judges have been accounted for "Civil and Criminal" and "Total"

⁶ Source: GCJ. Data as at January 1, 2015. The High Court and the National Court data are included in the Spain figures. Without them the figure would be 12,2.

**MAGISTRATES AND JUDGES IN-ACTIVE
AGE PYRAMID JUDGES AND MAGISTRATES
AT JANUARY 1, 2015**



	Age range					Total	Age average	Seniority average
	20 to 30	31 to 40	41 to 50	51 to 60	61 to 70			
Women	102	884	988	614	73	2.661	44,7	14,1
Men	60	455	730	900	413	2.558	50,5	18,9
Total	162	1.339	1.718	1.514	486	5.219	47,6	16,4

JUSTICES OF PEACE BODIES ⁷

Andalusia	687
Aragon	715
Asturias	60
Balearic Islands	61
Canary Islands	69
Cantabria	94
Castille and Leon	2.207
Castille la Mancha	888
Catalonia	898
Valencian Region	506
Extremadura	366
Galicia	269
Madrid	158
Murcia	34
Navarre	267
Basque Country	237
Rioja (La)	171
Total	7.687

⁷ Source: GCJ. Data as at January 1, 2015

PUBLIC PROSECUTORS⁸

	Chief Prosecutors	Prosecutors	Prosecuting Lawyers	Total
Central bodies	25	131	0	156
Public Prosecutor's office	11	35	0	46
Public Prosecutors in High Court of Justice	9	40	0	49
Public Prosecutors in Constitutional Court	1	8	0	9
Public Prosecutors in Court of Auditors	1	4	0	5
Public Prosecutors in National Court	1	16	0	17
Special Prosecutors for the prevention and repression of illegal drug trafficking	1	13	0	14
Special Prosecutors Anti-corruption and against Organised Crime	1	15	0	16
High Courts of Justice of Regions	0	1.647	604	2.251
Andalusia	0	296	132	428
Aragon	0	46	14	60
Asturias	0	36	14	50
Balearic Islands	0	41	17	58
Canary Islands	0	91	28	119
Cantabria	0	20	8	28
Castille and Leon	0	87	40	127
Castille la Mancha	0	57	25	82
Catalonia	0	289	86	375
Valencian Region	0	187	59	246
Extremadura	0	37	19	56
Galicia	0	99	45	144
Madrid	0	227	64	291
Murcia	0	46	13	59
Navarre	0	16	5	21
Basque Country	0	62	32	94
Rioja	0	10	3	13
Total	25	1.778	604	2.407

⁸ Source: Public Prosecutor office. Data as at January 1, 2015

COURT CLERKS ⁹

	Staff	Personnel
Andalusia	714	665
Aragon	119	110
Asturias	117	110
Balearic Islands	109	93
Canary Islands	206	153
Cantabria	60	56
Castille and Leon	254	237
Castille la Mancha	157	135
Catalonia	635	476
Valencian Region	427	397
Extremadura	94	81
Galicia	270	235
Madrid	602	521
Murcia (Region)	134	117
Navarre	49	47
Basque Country	192	74
Rioja (La)	30	26
Ceuta	62	14
Melilla	15	8
Central Bodies	62	60
Total	4.308	3.615

STAFF DIGESTS

	Judge	Public Prosecutors	Court Clerks	Ratio Judge/ Public Prosecutor	Ratio Judge/ Court Clerk
Andalusia	1.027	428	791	2,4	1,3
Aragon	158	60	119	2,6	1,3
Asturias	160	50	117	3,2	1,4
Balearic Islands	153	58	109	2,6	1,4
Canary Islands	297	119	206	2,5	1,4
Cantabria	82	28	60	2,9	1,4
Castille and Leon	329	127	254	2,6	1,3
Castille la Mancha	215	82	157	2,6	1,4
Catalonia	865	375	635	2,3	1,4
Valencian Region.	594	246	427	2,4	1,4
Extremadura	122	56	94	2,2	1,3
Galicia	371	144	270	2,6	1,4
Madrid	780	291	602	2,7	1,3
Murcia (Region)	174	59	134	2,9	1,3
Navarre	71	21	49	3,4	1,4
Basque Country	245	94	192	2,6	1,3
Rioja (La)	42	13	30	3,2	1,4
Central Bodies	162	156	62	1,0	2,6
Total	5.847	2.407	4.308	2,4	1,4

⁹ Source: Ministry of Justice. Data as at January 1, 2015.

OFFICERS OF COURTS STAFF¹⁰

	Forensic doctors	Judicial Management	Judicial Processing	Judicial Assistance
Andalusia	188	2.280	3.472	1.559
Aragon	30	350	534	273
Asturias	22	345	556	255
Balearic Islands	21	339	533	232
Canary Islands	48	629	1.151	484
Cantabria	15	188	279	135
Castille and Leon	66	805	1.097	632
Castille la Mancha	48	513	689	387
Catalonia	213	2.244	3.322	1.505
Valencian Region.	92	1.380	2.265	839
Extremadura	28	295	396	238
Galicia	51	788	1.158	551
Madrid	150	2.151	3.245	1.200
Murcia (Region)	29	372	585	265
Navarre	13	171	217	121
Basque Country	55	659	978	433
Rioja (La)	8	84	148	68
Ceuta (Town)	3	44	66	30
Melilla (Town)	4	40	80	27
Central Bodies	5	296	746	154
National Institute of Toxicology	10	7	39	13
Total	1.099	13.980	21.556	9.401

¹⁰Source: Ministry of Justice. Data as at January 1, 2015.

CENSUS OF LAWYERS AND SOLICITORS ¹¹**LAWYERS**

	Lawyers residents	Lawyers no residents	Total Lawyers	No practising law
Andalusia	21.960	489	22.449	18.918
Aragon	3.050	112	3.162	1.665
Asturias	2.976	157	3.133	2.307
Balearic Islands	2.730	16	2.746	1.214
Canary Islands	6.047	63	6.110	3.727
Cantabria	1.211	23	1.234	932
Castille and Leon	4.955	336	5.291	3.287
Castille la Mancha	3.296	237	3.533	2.309
Catalonia	20.907	2.360	23.267	11.155
Valencian Region	13.136	458	13.594	8.562
Extremadura	1.741	72	1.813	897
Galicia	6.908	279	7.187	4.821
Madrid	36.484	7.268	43.752	34.755
Murcia (Region)	3.971	336	4.307	2.110
Navarre	1.328	63	1.391	674
Basque Country	5.662	85	5.747	2.458
Rioja (La)	641	8	649	405
Ceuta	252	8	260	374
Melilla	192	1	193	117
Total	137.447	12.371	149.818	100.687

SOLICITORS

Regions	Men	Women	Total
Andalucía	1.352	719	2.071
Aragón	218	98	316
Asturias, Principado de	250	119	369
Balears, Illes	124	71	195
Canarias	365	158	523
Cantabria	117	58	175
Castilla y León	431	203	634
Castilla - La Mancha	327	137	464
Cataluña	623	370	993
Comunitat Valenciana	749	336	1.085
Extremadura	181	90	271
Galicia	501	254	755
Madrid, Comunidad de	1.105	593	1.698
Murcia, Región de	192	124	316
Navarra, Comunidad Foral de	56	36	92
País Vasco	256	120	376
Rioja, La	49	15	64
Ceuta	7	3	10
Melilla	13	3	16
Total	6.906	3.525	10.431

¹¹ Sources: General Council of the Bar (data of practising lawyers in residence). General Solicitors Council. Data as at January 1, 2015

Regions	Lawyers	Solicitors	Ratio lawyers/ solicitors
Andalucía	22.449	2.071	10,8
Aragón	3.162	316	10,0
Asturias (Principado de)	3.133	369	8,5
Balears (Illes)	2.746	195	14,1
Canarias	6.110	523	11,7
Cantabria	1.234	175	7,1
Castilla y León	5.291	634	8,3
Castilla-La Mancha	3.533	464	7,6
Cataluña	23.267	993	23,4
Comunitat Valenciana	13.594	1.085	12,5
Extremadura	1.813	271	6,7
Galicia	7.187	755	9,5
Madrid (Comunidad de)	43.752	1.698	25,8
Murcia (Región de)	4.307	316	13,6
Navarra (Com. Foral de)	1.391	92	15,1
País Vasco	5.747	376	15,3
Rioja (La)	649	64	10,1
Ceuta	260	10	26,0
Melilla	193	16	12,1
Total	149.818	10.431	14,4

Ratio Lawyers/Judge	23,5
Ratio Solicitors/Judge	1,8
Ratio Lawyers/Public Prosecutor	57,1
Ratio Solicitors/Public Prosecutor	4,3
Ratio Lawyers/Court Clerk	32,2
Ratio Solicitors/Court Clerk	2,5

SOCIAL GRADUATES ¹²

Regions	Men	Women	Total
Andalusia	2.467	1.353	3.820
Aragon	447	350	797
Asturias	289	334	623
Balearic Islands	679	505	1.184
Canary Islands	134	89	223
Cantabria	573	503	1.076
Castille and Leon	117	98	215
Castille la Mancha	1.274	850	2.124
Catalonia	1.379	1.397	2.776
Valencian Region	119	117	236
Extremadura	676	795	1.471
Galicia	344	303	647
Madrid	821	596	1.417
Murcia (Region)	527	382	909
Navarra	152	244	396
Basque Country	332	329	661
Rioja (La)	30	28	58
Total	10.360	8.273	18.633

¹² Source: General Council of Official Colleges of Spain Social Graduates. Data as at January 1, 2015. In-active, non-active and honorary members have being included.

STATE LEGAL SERVICE¹³

	Men	Women	Personnel
Central bodies	104	55	159
Unit for European and International Assistance	3	4	7
Advisory Services	2	3	5
Service in the Contentious matters	5	1	6
Contentious matters Service– Civil and Commercial Section.	1	3	4
Contentious matters Service–Criminal Section	4	2	6
Contentious matters Service–Labor Section	2	3	5
State Legal Service in Ministry of Justice. State Attorney's Cabinet	2	1	3
Coordination and Audit Service	1	1	2
Constitutional and of Human Rights Service	4	0	4
State Legal Service to the National Court	4	12	16
State Legal Service to the Administrative Central Courts	2	2	4
State Legal Service to the Auditors Court	1	0	1
State Legal to the High Court of Justice	9	0	9
Support Unit	33	8	41
State Legal Service to the Ministries	30	16	46
Decentralized bodies	81	53	134
In State Legal Service in the High Courts of Justice (Regions)	48	32	80
Others decentralized bodies	33	21	54

¹³ Source: State Legal Service. Data as at January 1, 2015

LAND CHARGE AND COMMERCIAL REGISTRARS¹⁴

	Men	Women	Total	Established posts
Andalusia	118	74	192	205
Aragon	22	15	37	44
Asturias	8	9	17	28
Balearic Island	22	7	29	29
Canary Islands	28	13	41	43
Cantabria	7	6	13	18
Castille and Leon	36	33	69	91
Castille la Mancha	26	26	52	61
Catalonia	87	65	152	158
Valencian Region	72	60	132	136
Extremadura	16	7	23	32
Galicia	22	31	53	69
Madrid	71	62	133	122
Murcia (Region)	24	13	37	38
Navarre	7	6	13	16
Basque Country	28	12	40	45
Rioja (La)	7	4	11	12
Ceuta	1	0	1	1
Melilla	1	0	1	1
Total	603	443	1.046	1.149

¹⁴ Source: Professional Land charge and Commercial Registrars Associations. Data as at January 1, 2015

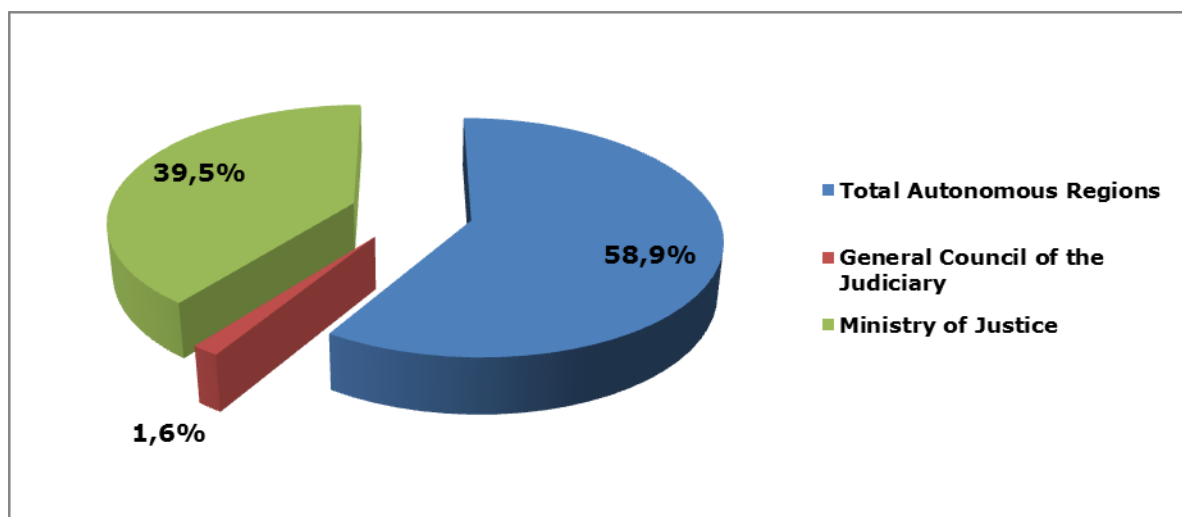
NOTARIES IN-ACTIVE ¹⁵

	Total Notary's offices	Total Notaries	Men	Women	Vacant Positions
Andalusia	542	504	342	162	38
Aragon	101	92	69	23	9
Asturias	78	70	49	21	8
Balearic Island	81	77	48	29	4
Canary Islands	111	97	67	30	14
Cantabria	43	38	27	11	5
Castille and Leon	196	168	103	65	28
Castille la Mancha	141	134	78	56	7
Catalonia	559	448	320	128	111
Valencian Region	382	342	254	88	40
Extremadura	81	76	45	31	5
Galicia	187	169	122	47	18
Madrid	382	365	299	66	17
Murcia (Region)	93	85	55	30	8
Navarre	45	39	27	12	6
Basque Country	147	133	102	31	14
Rioja (La)	25	21	18	3	4
Ceuta	3	2	2	0	1
Melilla	2	2	2	0	0
Total	3.199	2.862	2.029	833	337

¹⁵ Source: General Council of Notary. Data as at January, 2015

COURT SYSTEM BUDGET¹⁶

	2014	2015	Evolution 2014/2015
Andalusia	390.797.412	383.523.054	-1,9%
Aragon	71.901.265	70.267.757	-2,3%
Asturias	44.988.742	45.869.512	2,0%
Canary Islands	131.089.009	129.539.825	-1,2%
Cantabria	28.447.600	28.603.900	0,5%
Catalonia	452.327.408	460.635.024	1,8%
Valencian Region	236.264.620	241.235.090	2,1%
Galicia	120.644.509	118.537.738	-1,7%
Madrid	337.005.961	355.582.931	5,5%
Navarre	26.452.137	26.597.441	0,5%
Basque Country	162.894.077	167.696.217	2,9%
La Rioja	25.611.282	26.744.886	4,4%
Total Autonomous Regions	2.093.982.776	2.054.833.376	-1,9%
General Council of the Judiciary	57.955.190	54.883.560	-5,3%
Ministry of Justice	1.365.896.550	1.378.439.210	0,9%
Total State	3.517.834.516	3.488.156.146	-0,8%



¹⁶ Figures are in €. Sources: General Council of the Judiciary.

	Public Budget allocated to the courts as a percentage of the GDP ¹⁷	Public Budget allocated to the courts per inhabitant (euros)
Andalusia	0,26%	44,8
Aragon	0,21%	53,3
Asturias	0,21%	43,6
Canary Islands	0,31%	61,7
Cantabria	0,24%	48,9
Catalonia	0,23%	61,4
Valencian Region	0,24%	48,4
Galicia	0,21%	43,4
Madrid	0,17%	55,2
Navarre	0,15%	41,5
Basque Country	0,25%	76,6
La Rioja	0,34%	84,4
Total State	0,32%	74,8

COMPENSATION OF USERS FOR JUDICIAL DYSFUNCTION¹⁸

Incoming cases

	Unjustified dysfunction	On remand	Judicial failure	Total
2011	374	274	41	689
2012	383	239	62	684
2013	378	211	92	681
2014	321	203	104	628
2015	406	175	99	680

Resolved cases

	Ruling upheld	%	Ruling dismissal	%	Total
2011	75	10,9	613	89,1	688
2012	95	13,8	592	86,2	687
2013	184	27,1	495	73,0	679
2014	90	16,9	444	83,2	534
2015	100	17,8	462	82,2	562

¹⁷ Source: the GDP at regional and state level the National Statistical Institute, Regional and National Accounts. The first estimation was in 2016. In the case of National data, the source was the quarterly National Account.

¹⁸ Source: Ministry of Justice. 2015. Figures in €

Upheld causes by type of dysfunction

JUDICIAL DYSFUNCTION									
	Unjustified delay	Stay of hearing	Evidence misplaced	Payment misplaced	Seizure	Others	Wrongful on remand or wrongful arrest	On remand	Judicial failure
2011	29	3	2	2	1	13	9	13	3
2012	25	2	3	6	3	29	4	6	7
2013	72	9	3	9	6	55	5	12	3
2014	34	4	1	4	3	26	1	4	3
2015	37	8	1	5	2	36	5	2	4

Estimate amounts paid

	Administrative way	Administrative jurisdiction	Total
2011	458.749,37	3.364.947,58	3.823.696,95
2012	825.148,97	3.947.925,85	4.773.074,82
2013	1.311.398,59	2.478.498,81	3.789.897,40
2014	2.751.319,54	1.724.047,58	4.475.367,12
2015	4.445.377,73	506.724,64	4.952.102,37

LEGAL AID ¹⁹

	2014	2015	Evolution
Andalusia	38.400.000	37.300.000	-2,9%
Aragon	4.321.300	4.522.365	4,7%
Asturias	3.801.064	4.419.804	16,3%
Canary Islands	17.356.000	16.856.000	-2,9%
Cantabria	2.090.000	2.104.000	0,7%
Catalonia	60.327.000	60.327.000	0,0%
Valencian Region	21.152.640	23.267.900	10,0%
Galicia	10.000.000	10.000.000	0,0%
Madrid	28.800.000	31.948.871	10,9%
Navarre	2.625.000	2.625.000	0, %
Basque Country	13.770.925	14.504.525	5,3%
La Rioja	786.918	1.046.356	33,0%
Ministry of Justice	34.151.060	34.936.530	2,3%
Total	237.581.907	243.858.351	2,6%

¹⁹ According to Public Funding of the Court System initially passed. As this part of the Public Funding is reinforced, the spending is finally higher. Figures in €.

JUDICIAL ACCOUNT²⁰

	Input movements	Input amounts	Output movements	Output Amounts	Balance
Andalusia	801.665	1.218.836.173	543.711	1.163.929.842	542.347.457
Aragon	131.462	190.630.598	104.446	176.921.773	53.992.549
Asturias	147.336	163.474.314	116.767	157.836.123	47.190.455
Balearic Island	123.508	182.162.996	83.017	288.967.972	110.675.092
Canary Islands	282.170	281.776.325	190.831	277.926.985	131.787.652
Cantabria	72.886	109.804.977	61.141	114.852.968	30.172.249
Castille and Leon	272.290	558.494.809	223.373	556.519.613	122.577.106
Castille la Mancha	173.046	267.835.652	102.633	261.077.864	126.361.485
Catalonia	919.168	1.091.673.031	577.223	1.106.735.999	489.261.623
Valencian Region	525.119	763.021.591	342.700	745.528.948	353.791.752
Extremadura	87.527	123.281.232	73.185	130.475.078	81.771.587
Galicia	298.303	423.374.467	232.389	439.470.228	150.710.139
Madrid	1.283.620	3.070.561.544	838.796	2.845.104.852	1.618.237.277
Murcia (Region)	135.432	225.016.523	75.025	212.355.546	116.706.243
Navarre	57.590	92.875.354	44.386	95.363.648	23.523.267
Basque Country	170.225	315.411.284	137.721	313.356.818	83.693.396
Rioja (La)	34.959	46.895.931	27.975	43.454.524	13.112.229
Ceuta	10.748	13.577.041	7.378	14.342.027	4.449.327
Melilla	8.140	10.761.255	6.563	7.809.003	7.377.655
Total	5.535.194	9.149.465.097	3.789.260	8.952.029.810	4.107.738.539

²⁰ Source: Ministry of Justice. 2015. Figures in €

COURT FEES²¹

	2014		2015 (provisional)	
	Gross	Net	Gross	Net
Andalusia	33.831	33.117	20.920	20.293
Aragon	6.812	6.599	4.075	3.896
Asturias	5.181	5.017	2.773	2.638
Balearic Islands	5.918	5.842	2.908	2.810
Canary Islands	8.679	8.513	4.403	4.262
Cantabria	18.883	18.617	16.318	15.983
Castille and Leon	11.099	10.786	5.026	4.770
Castille La Mancha	7.232	7.117	3.758	3.630
Catalonia	60.033	59.283	50.524	48.090
Valencian Region	20.356	19.858	11.537	11.141
Extremadura	2.996	2.936	1.508	1.453
Galicia	13.368	12.441	6.910	6.423
Madrid	80.461	78.424	65.172	62.747
Murcia (Region)	5.378	5.286	2.996	2.923
Navarre	2.301	2.245	1.241	1.176
Basque Country	20.372	19.853	13.762	13.334
Rioja (La)	1.160	1.132	591	571
Ceuta	176	174	113	100
Melilla	180	175	78	74
Total	304.416	297.415	214.613	206.314

²¹ Source: Ministry of the Economy and Finance. 2015. Figures in thousands of euros

PERSONNEL TURNOVER ²²

²² Source: Judicial Statistics of the GCJ

Using the data of the court staff in judicial bodies and the staff status contained in statistics reports, three indicators have been prepared on the staff status, applied to every professional status. These indicators are as follows:

Percentage of coverage by non-permanent staff (PCNP): Relationships between the number of days in which positions of a concrete professional status have been occupied by non-permanent staff members, and the total of those professional status members, multiplied by 365. This is expressed as a percentage.

Percentage of non-covered days (PNCD): Relationships between the number of days in which positions of a concrete professional status have been uncovered, and the number of those professional status members, multiplied by 365. This is expressed as a percentage.

Rotation index (RI): Relationships between of number of investitures both of permanent positions and others, and the staff allocated for that professional status. This is a measurement of the stability of the staff.

National Court

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNT	0,6%	0,0%	7,1%	13,7%	22,1%
PDSC	1,5%	0,0%	0,5%	0,6%	0,2%
IR	0,2	0,1	0,1	0,2	0,1

High Courts of Justice

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNT	0,2%	0,5%	0,9%	0,8%	1,7%
PDSC	0,1%	0,1%	0,4%	0,1%	0,0%
IR	0,01	0,0	0,0	0,0	0,0

Provincial Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNT	0,7%	1,8%	4,9%	6,1%	14,0%
PDSC	0,1%	0,0%	1,9%	2,2%	1,5%
IR	0,1	0,1	0,1	0,1	0,1

Magistrate's Courts, Courts of First Instance and Courts of First Instance and Enquiry

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNT	5,1%	8,4%	8,8%	11,8%	18,7%
PDSC	0,3%	0,2%	1,2%	1,3%	0,7%
IR	0,2	0,2	0,1	0,1	0,1

Commercial Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	6,4%	1,8%	12,3%	22,3%	30,3%
PNCD	0,5%	0,1%	0,7%	0,7%	0,3%
RI	0,2	0,1	0,1	0,1	0,1

Courts of Violence against Women

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	7,0%	14,7%	8,6%	8,8%	14,0%
PNCD	0,4%	0,3%	1,0%	0,8%	0,7%
RI	0,3	0,3	0,1	0,1	0,1

Criminal Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	5,2%	8,3%	13,5%	19,2%	28,4%
PNCD	0,2%	0,2%	0,8%	1,1%	1,3%
RI	0,2	0,2	0,1	0,1	0,1

Juvenile Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	4,6%	3,1%	7,6%	7,4%	18,1%
PNCD	0,2%	0,0%	1,1%	0,8%	1,2%
RI	0,2	0,1	0,1	0,0	0,1

Administrative Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	3,8%	1,1%	4,4%	4,2%	16,4%
PNCD	0,1%	0,1%	0,4%	2,3%	0,2%
RI	0,1	0,1	0,2	0,1	0,2

Labor Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	3,4%	5,3%	8,0%	11,3%	27,9%
PNCD	0,1%	0,7%	0,6%	0,6%	0,3%
RI	0,1	0,1	0,1	0,1	0,1

Prison Supervisory Courts

	Senior Judge	Clerk	Judicial Management	Judicial Processing	Judicial Assistance
PCNP	2,4%	1,8%	3,3%	3,8%	9,7%
PNCD	0,0%	0,0%	0,2%	1,0%	3,8%
RI	0,2	0,1	0,1	0,1	0,1

WORKLOAD AND RESOLVED CASES ²³

²³Source: Judicial Statistics of the GCJ. 2014

CASES HANDLED

All jurisdictions

	Cases handled			Judgments
	Incoming cases	Resolved cases	Pending at the year end	
Civil	1.972.116	1.908.900	1.065.480	504.021
Criminal	5.805.619	5.997.051	826.743	644.693
Administrative	198.720	230.040	207.146	145.968
Labor	399.592	419.055	312.460	218.739
Military	224	252	70	186
High Court - Special Chambers	40	43	6	5
TOTAL	8.376.311	8.555.341	2.411.905	1.513.612

	Enforcement of Judgments		
	Incoming cases	Resolved cases	Pending at the year end
Civil	576.714	701.426	2.032.529
Criminal	378.374	578.588	414.986
Administrative	18.193	18.197	17.650
Labor	82.091	100.883	57.061
Military	0	0	0
High Court - Special Chambers	0	1	0
TOTAL	1.055.372	1.399.095	2.522.226

Civil Courts

	Cases handled			Judgments
	Incoming cases	Resolved cases	Pending at the year end	
Courts of First Instance	904.477	877.494	431.282	173.510
Comercial Courts	75.019	60.230	92.359	23.336
Violence against women Courts	22.521	21.725	11.439	8.885
Family Courts of First Instance	172.177	171.803	67.210	78.257
Courts of First Instance and Enquiry	685.972	677.424	401.093	165.291
Juvenile Courts	0	0	0	5
Provincial Courts. Civil Division	93.189	86.690	51.721	46.886
Provincial Courts. Mixed Division	11.619	11.552	4.721	6.728
H.C.J.- Civil and Criminal Chamber	858	844	359	389
High Court - 1 st Chamber	4.284	3.138	5.296	734
TOTAL	1.972.116	1.908.900	1.065.480	504.021

Enforcement of Judgments			
	Incoming cases	Resolved cases	Pending at the year end
Courts of First Instance	301.933	395.031	1.043.667
Commercial Courts	10.197	8.731	29.563
Violence against women Courts	5.360	4.687	10.362
Family Courts of First Instance	24.282	23.606	55.648
Courts of First Instance and Enquiry	229.846	263.320	885.363
Juvenile Courts	5.086	6.043	7.915
Provincial Courts. Civil Division	-	-	-
Provincial Courts. Mixed Division	-	-	-
H.C.J.- Civil and Criminal Chamber	10	8	11
High Court - 1 st Chamber	0	0	0
TOTAL	576.714	701.426	2.032.529

Criminal Courts

	Cases handled			Judgments
	Incoming cases	Resolved cases	Pending at the year end	
Magistrates' Courts	3.070.603	3.185.237	259.489	228.090
Courts of First Instance and Enquiry	1.905.902	1.958.536	294.304	141.741
Violence against women Courts	176.147	174.128	30.682	18.819
Juvenile Courts	26.665	28.438	12.698	16.939
Prison Supervisory Courts	259.125	257.616	37.948	-
Criminal Courts	164.982	187.750	153.622	166.428
Courts of Enforceable Criminal	-	-	-	-
Provincial Courts. Criminal Division	160.889	163.277	30.488	63.479
Provincial Courts. Mixed Divisions	20.158	20.876	3.508	8.015
H.C.J. - Civil and Criminal Chamber	3.612	3.670	146	140
Central Enquiry Courts	1.715	1.694	1.010	-
Central Criminal Courts	25	27	35	21
Central Juvenile Courts	16	18	10	14
Central Prison Supervisory Court	8.949	9.123	695	-
National Court - Criminal Chamber	2.944	2.978	350	181
High Court - 2nd Chamber	3.887	3.683	1.758	826
TOTAL	5.805.619	5.997.051	826.743	644.693

	Enforcement of Judgments		
	Incoming cases	Resolved cases	Pending at the year end
Magistrates' Courts	87.068	96.362	45.576
Courts of First Instance and Enquiry	46.226	53.343	41.782
Violence against women Courts	3.861	3.927	1.976
Juvenile Courts	17.481	19.129	16.278
Criminal Courts	169.848	295.608	232.875
Courts of Enforceable Criminal Judgements	45.212	87.505	58.510
Provincial Courts. Criminal Division	6.946	19.679	13.997
Provincial Courts. Mixed Divisions	1.076	2.544	2.511
H.C.J. - Civil and Criminal Chamber	4	2	14
Central Criminal Courts	23	96	35
Central Juvenile Courts	14	5	11
National Court - Criminal Chamber	615	387	1418
High Court - 2nd Chamber	0	1	3
TOTAL	378.374	578.588	414.986

Administrative Courts

	Cases handled			Judgments
	Incoming cases	Resolved cases	Pending at the year end	
Administrative Courts	123.801	150.969	113.845	86.516
Central Administrative Courts	2.773	3.358	1.813	2.150
H.C.J. Contentious-Administrative Chamber	55.080	63.519	71.577	49.646
National Court.-Contentious Administrative Chamber	8.263	6.307	10.458	4.485
High Court - 3rd Chamber	8.803	5.887	9.453	3.171
TOTAL	198.720	230.040	207.146	145.968

	Enforcement of Judgments		
	Incoming cases	Resolved cases	Pending at the year end
Administrative Courts	10.726	10.252	9.369
Central Administrative Courts	193	237	121
H.C.J. - Contentious Administrative Chamber	6.997	7.415	7.769
National Court. - Contentious Administrative Chamber	260	280	380
High Court - 3rd Chamber	17	13	11
TOTAL	18.193	18.197	17.650

Labor Courts

	Cases handled			Judgments
	Incoming cases	Resolved cases	Pending at the year end	
Labor Courts	345.151	364.382	287.455	169.009
H.C.J. - Labor Chamber	49.315	50.521	19.535	48.605
National Court. - Labor Chamber	385	351	110	223
High Court - 4th Chamber	4.741	3.801	5.360	902
TOTAL	399.592	419.055	312.460	218.739

	Enforcement of Judgments		
	Incoming cases	Resolved cases	Pending at the year end
Labor Courts	73.370	85.322	51.660
Courts of Enforcement Labor	8.490	15.353	5.331
H.C.J. - Labor Chamber	153	137	54
National Court - Labor Chamber	78	71	16
High Court - 4th Chamber			
TOTAL	82.091	100.883	57.061

RATES

Clearance rate: The result to divide the number of resolved cases by the number of incoming cases during a period of time.
It relates the number of incoming cases to the capability to resolve them.

Pending rate: The result to divide the number of unsolved cases by the number of cases resolved.

Judgement rate: Relationship between the number of judgements and the number of resolved cases. Data is shown by percent

Congestion rate. A quotient where the numerator is the sum of the pending and incoming cases at the beginning of the period and the denominator is the number of resolved cases during that period.

2015 Rates. Ordered by Jurisdiction

	Clearance	Pending	Judgement	Congestion
Civil	1,0	0,5	0,3	1,5
Criminal	1,0	0,2	0,1	1,1
Administrative	1,1	1,0	0,7	2,0
Labor	1,0	0,8	0,5	1,9
Military	1,0	0,4	0,7	1,4
High Court. - Special Chambers	1,0	0,2	0,2	1,2
TOTAL	1,0	0,3	0,2	1,3

2015 Rates. Civil

	Clearance	Pending	Judgement	Congestion
Courts of First Instance	0,97	0,49	0,20	1,49
Comercial Courts	0,80	1,53	0,39	2,54
Violence against Women Courts	0,96	0,53	0,41	1,55
Family Courts of First Instance	0,99	0,39	0,46	1,41
Courts of First Instance and Enquiry	0,99	0,59	0,24	1,60
Juvenile Courts	-	-	-	-
Provincial courts. Civil Division	0,93	0,60	0,54	1,59
Provincial courts. Mixed Divisions	0,99	0,41	0,58	1,39
H.C.J. - Civil and Criminal Chamber	0,98	0,43	0,46	1,45
High Court - 1st Chamber	0,73	1,69	0,23	2,84
TOTAL	0,97	0,56	0,26	1,56

2015 Rates. Criminal

	Clearance	Pending	Judgement	Congestion
Magistrates' Courts	1,04	0,08	0,06	1,06
Courts of First Instance and Enquiry	1,03	0,15	0,06	1,16
Violence against women Courts	0,99	0,18	0,09	1,18
Juvenile Courts	1,07	0,45	0,60	1,41
Prison Supervisory Courts	0,99	0,15	-	1,14
Criminal Courts	1,14	0,82	0,89	1,76
Provincial Courts. Criminal Division	1,01	0,19	0,39	1,19
Provincial Courts. Mixed Divisions	1,04	0,17	0,38	1,17
H.C.J - Civil and Criminal Chamber	1,02	0,04	0,04	1,04
Central Enquiry Courts	0,99	0,60	-	1,42
Central Criminal Courts	1,08	1,30	0,78	2,26
Central Juvenile Courts	1,13	0,56	0,78	1,56
Central Prison Supervisory Court	1,02	0,08	-	1,08
National Court. - Criminal Chamber	1,01	0,12	0,06	1,11
High Court - 2nd Chamber	0,95	0,48	0,22	1,48
TOTAL	1,03	0,14	0,10	1,13

2015 Rates. Administrative

	Clearance	Pending	Judgement	Congestion
Administrative Courts	1,22	0,75	0,57	1,71
Central Administrative Courts	1,21	0,54	0,64	1,47
H.C.J. - Contentious	1,15	1,13	0,78	2,12
Administrative Chamber				
National Court. Contentious	0,76	1,66	0,71	2,67
Administrative Chamber				
High Court - 3rd Chamber	0,64	1,67	0,56	2,67
TOTAL	1,16	0,90	0,63	1,87

2015 Rates. Labor

	Clearance	Pending	Judgement	Congestion
Labor Court	1,06	0,79	0,46	1,83
H.C.J.- Labor Chamber	1,02	0,39	0,96	1,39
National Court.- Labor Chamber	0,91	0,31	0,64	1,44
High Court - 4th Chamber	0,80	1,41	0,24	2,41
TOTAL	1,05	0,75	0,52	1,78

EVOLUTION FROM 2014/2015

Ordered by Jurisdiction

	Incoming cases	Resolved	Pending at the year end	Judgments	Court Writs
Civil	6,9%	2,7%	5,6%	4,0%	7,0%
Criminal	-6,0%	-4,5%	-15,2%	-15,9%	-2,8%
Administrative	-3,9%	-1,8%	-10,6%	-4,9%	-11,6%
Labor	-6,6%	1,8%	-9,7%	-0,1%	7,0%
Military	-7,4%	7,2%	-27,8%	12,7%	31,6%
High Court. Special Chambers	-33,3%	27,1%	-33,3%	-64,3%	-18,2%
TOTAL	-3,2%	-2,6%	-5,9%	-6,4%	-1,4%

Evolution from 2014/2015. Civil

	Incoming cases	Resolved	Pending at the year end	Judgments	Court Writs
Courts of First Instance	9,0%	2,6%	7,5%	8,0%	8,0%
Commercial Courts	12,6%	18,4%	18,6%	16,4%	3,9%
Violence against Women Courts	0,0%	-1,0%	2,9%	-2,2%	-2,6%
Family Courts of First Instance	0,9%	3,9%	0,3%	-3,0%	8,0%
Courts of First Instance and Enquiry	4,5%	1,9%	0,7%	4,4%	6,1%
Juvenile Courts	-	-	-	-85,7%	15,6%
Provincial Courts. Civil Division	13,6%	0,6%	16,3%	-2,1%	9,9%
Provincial Courts. Mixed Divisions	12,4%	-4,8%	6,2%	-4,2%	-1,9%
H.C.J. - Civil and Criminal Chamber	8,2%	4,1%	-2,2%	5,1%	3,2%
High Court - 1st Chamber	9,7%	7,5%	14,8%	-3,2%	6,2%
TOTAL	6,9%	2,7%	5,6%	4,0%	7,0%

Evolution from 2014/2015. Criminal

	Incoming cases	Resolved	Pending at the year end	Judgments	Court Writs
Magistrates' Courts	-1,7	-1,7	-7,0	-2,3	-2,5
Courts of First Instance and Enquiry	-3,1	-3,1	-6,4	-4,5	-3,6
Violence against Women Courts	0,1	-1,0	-2,8	5,0	-7,9
Juvenile Courts	-7,0	-2,1	-10,7	-2,5	-1,7
Prison Supervisory Courts	1,0	2,6	3,0	-	-
Criminal Courts	-6,4	1,0	-3,8	0,8	2,8
Provincial Courts. Criminal Division	6,0	9,2	-4,0	4,4	13,4
Provincial Courts. Mixed Divisions	-31,2	-29,3	-28,2	-32,4	-27,1
H.C.J. Civil and Criminal Chamber	8,1	4,7	38,4	4,5	4,0
Central Enquiry Courts	10,2	5,9	-2,8	-	3,7
Central Criminal Courts	54,5	-48,3	176,9	-46,3	0,0
Central Juvenile Courts	85,7	-20,0	300,0	-	0,0
Central Prison Supervisory Court	6,4	8,3	-12,2	-	-
National Court. - Criminal Chamber	9,1	-0,7	38,3	-2,3	-1,4
High Court - 2nd Chamber	-2,0	-5,1	-14,1	-13,8	-2,1
TOTAL	-2,1	-1,7	-5,9	-1,9	-2,8

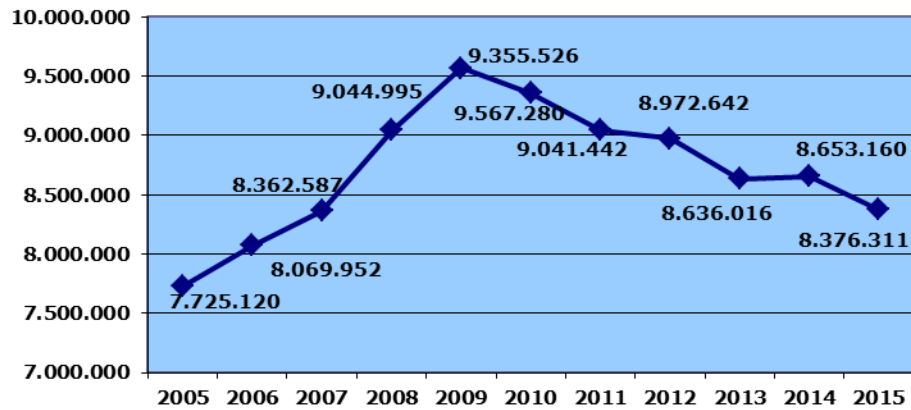
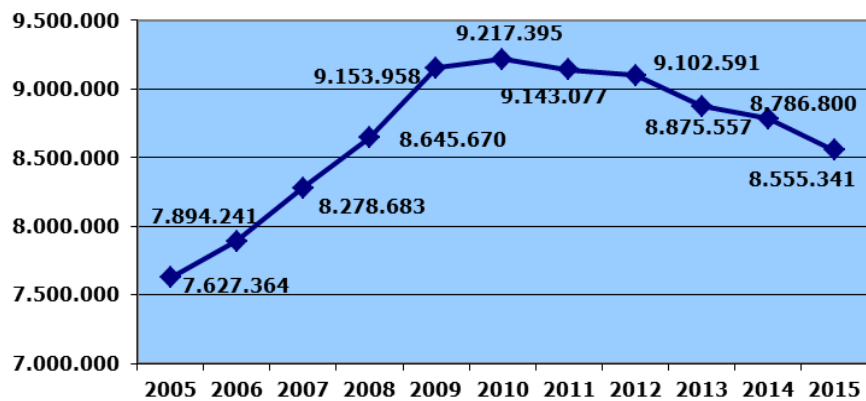
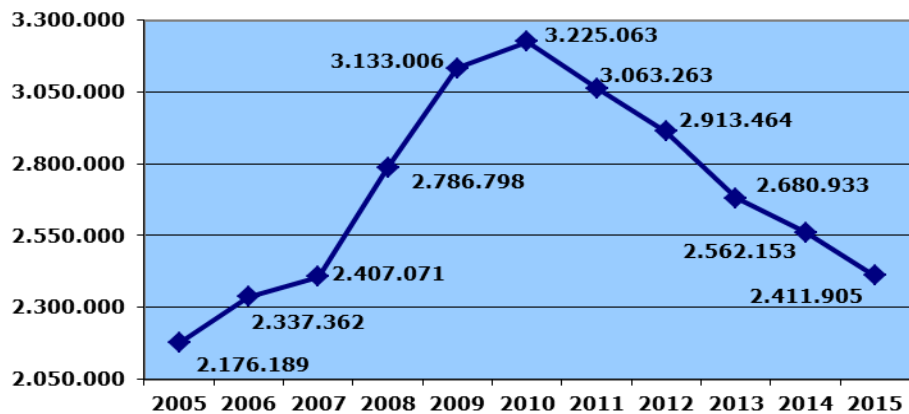
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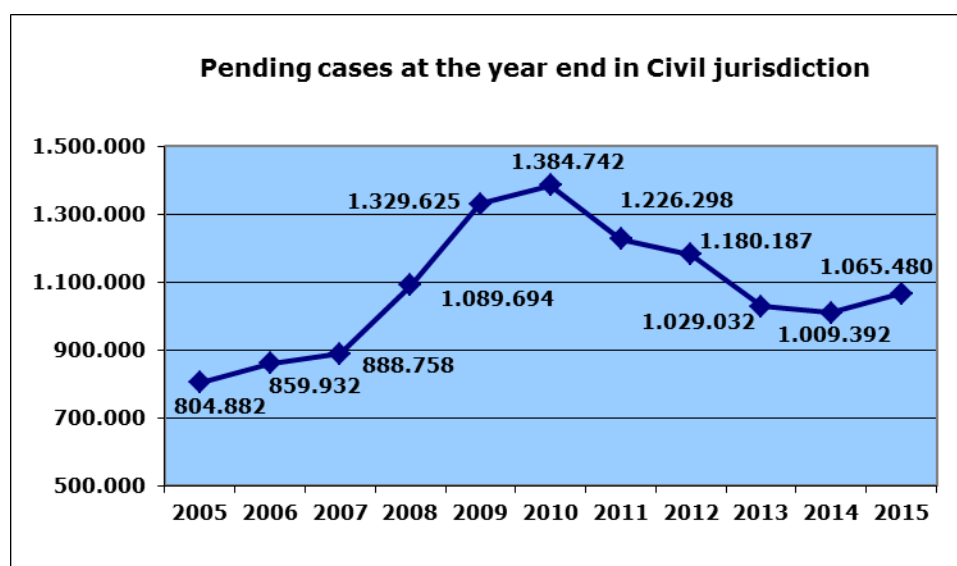
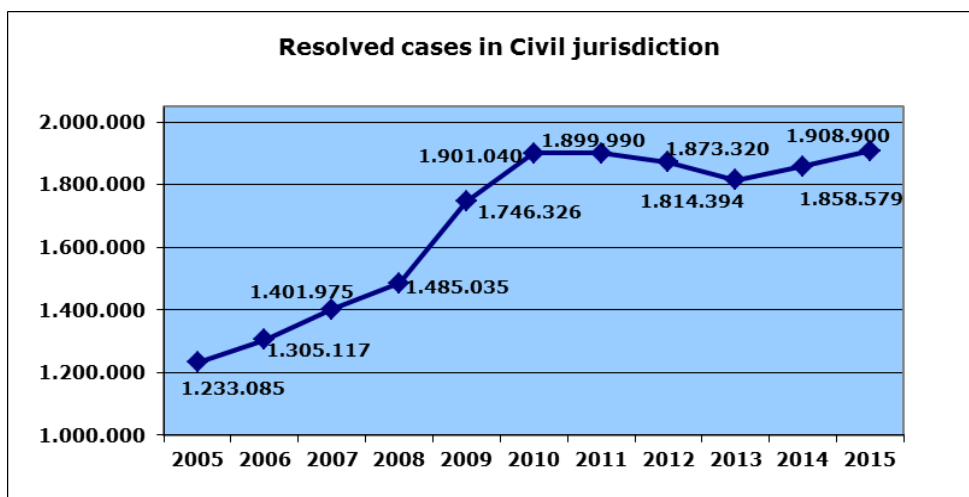
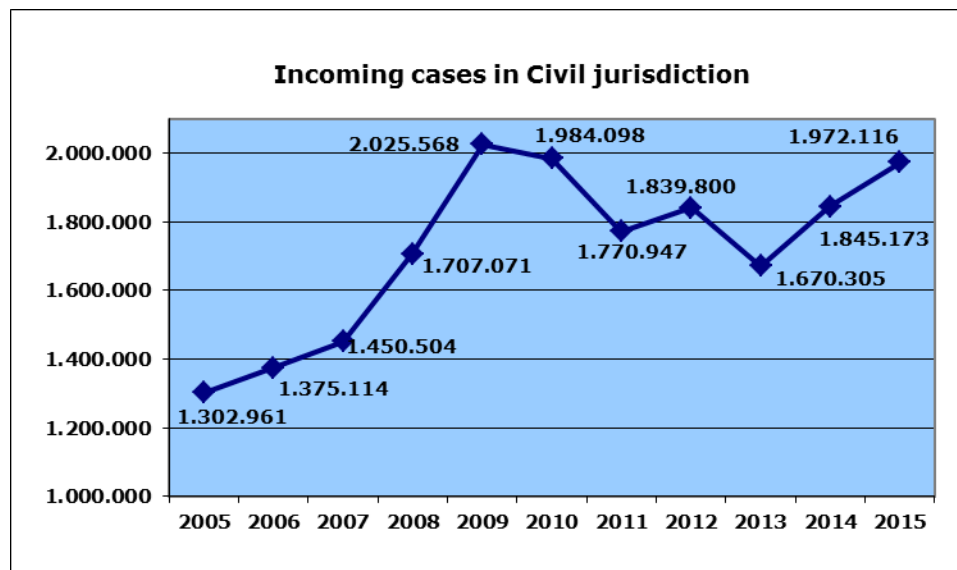
	Incoming cases	Resolved	Pending at the year end	Judgments	Court Writs
Administrative Courts	-10,9%	4,8%	-15,4%	0,5%	2,4%
Central Administrative Courts	-20,6%	-45,7%	-15,6%	-32,1%	-2,7%
H.C.J. - Contentious Administrative Chamber	7,6%	-10,6%	-10,3%	-11,8%	-0,5%
National Court.- Contentious Administrative Chamber	10,1%	-14,7%	22,2%	-10,7%	7,1%
High Court - 3rd Chamber	58,2%	5,8%	44,4%	1,5%	8,6%
TOTAL	-3,9%	-1,8%	-10,6%	-5,0%	2,2%

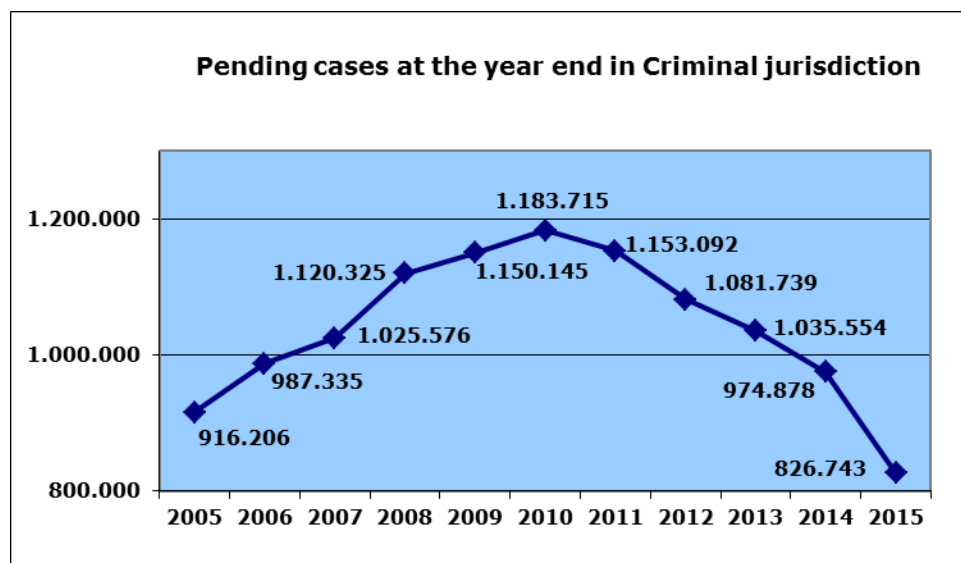
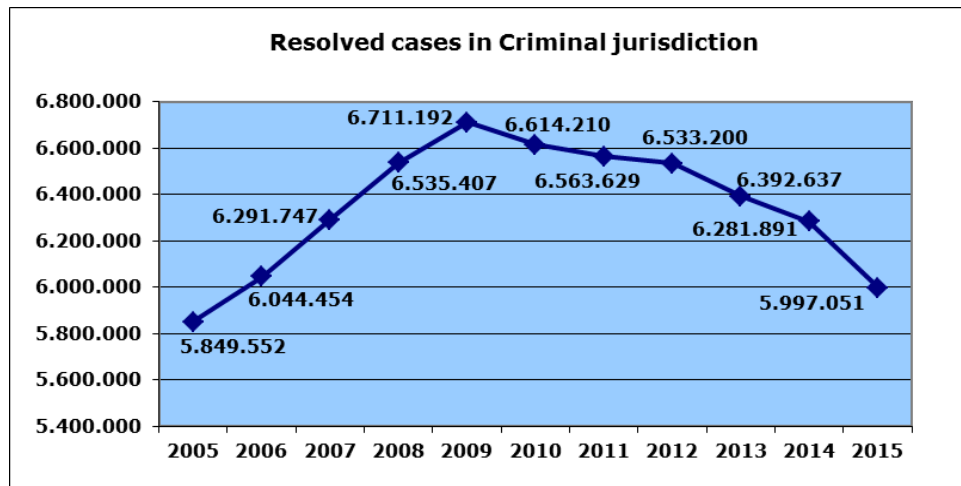
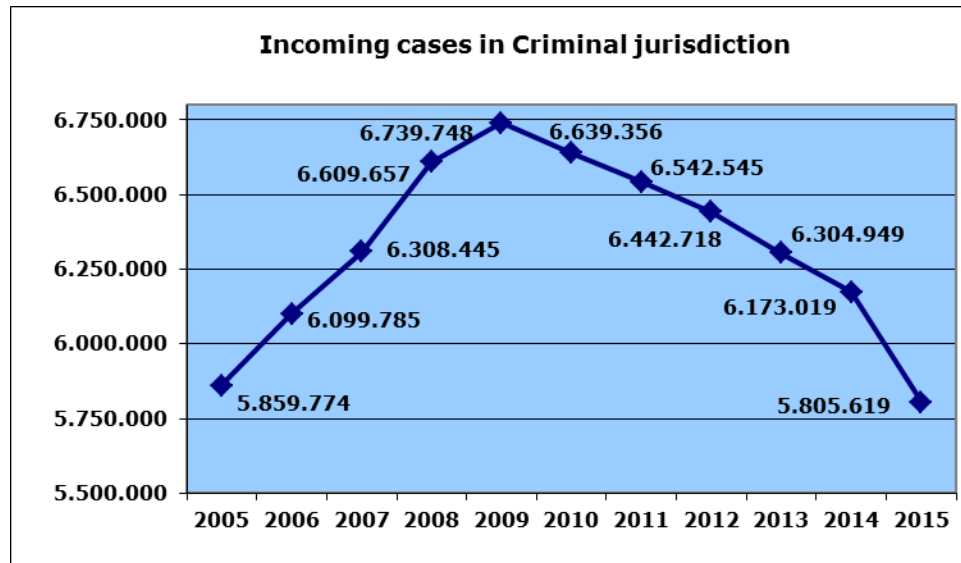
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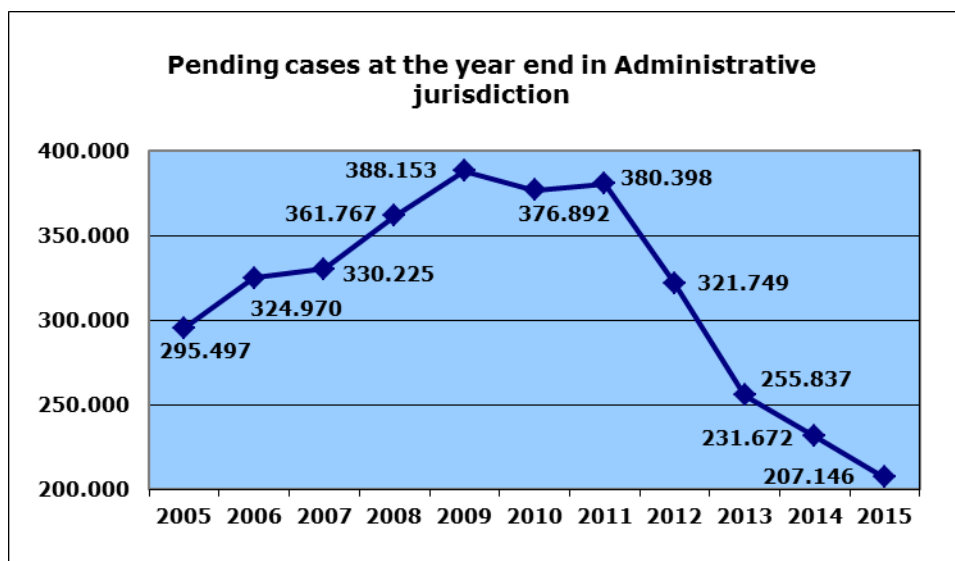
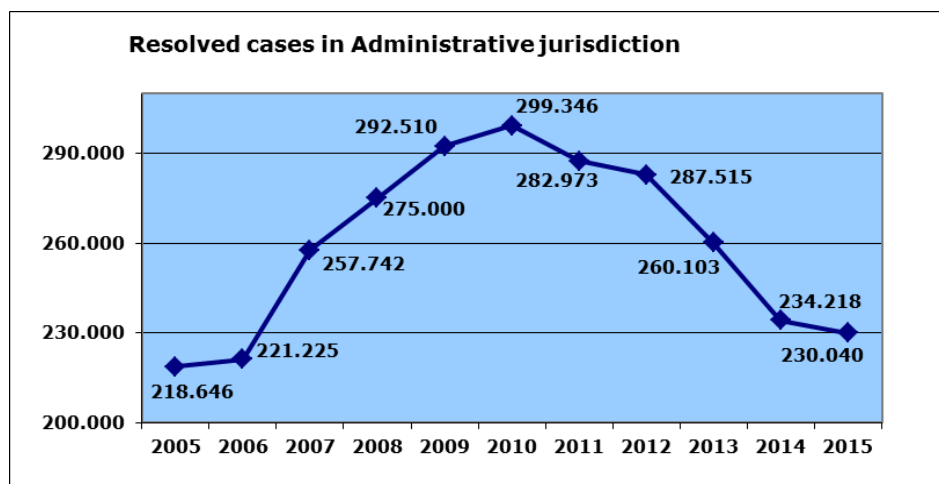
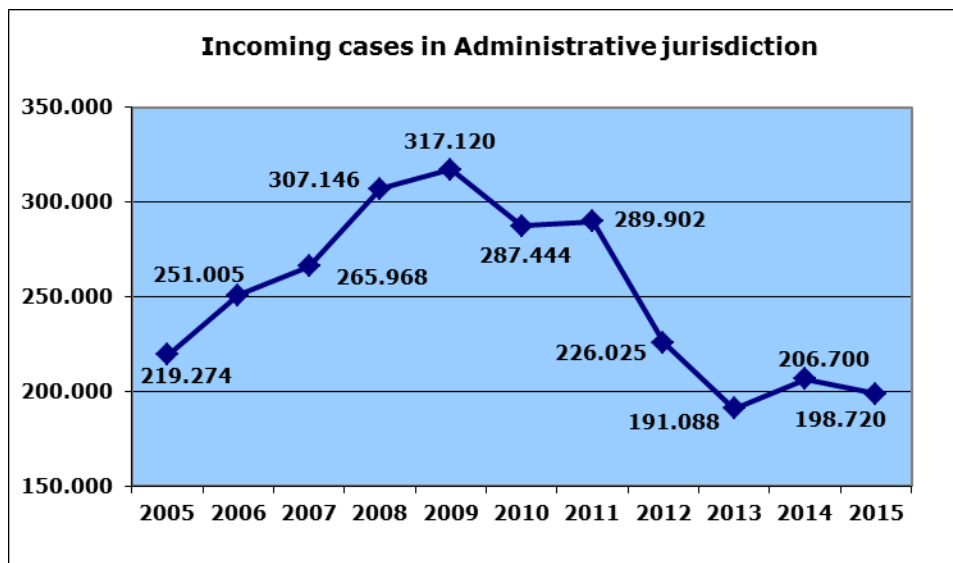
	Incoming cases	Resolved	Pending at the year end	Judgments	Court Writs
Labor Courts	-7,8%	2,2%	-10,4%	0,4%	-
H.C.J - Labor Chamber	0,8%	-2,0%	-6,0%	-1,9%	-1,2%
National Court.- Labor Chamber	5,2%	1,7%	-8,3%	10,4%	-66,7%
High Court - 4th Chamber	4,5%	8,1%	21,3%	-4,3%	12,7%
TOTAL	-6,6%	1,8%	-9,8%	-0,1%	7,0%

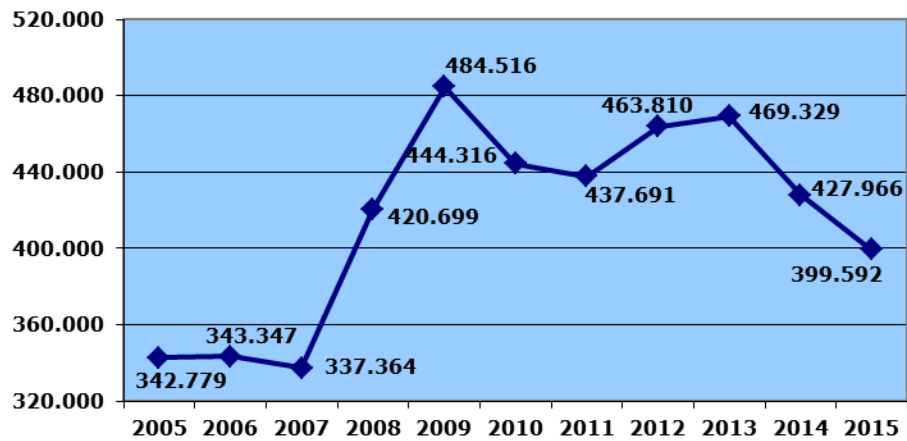
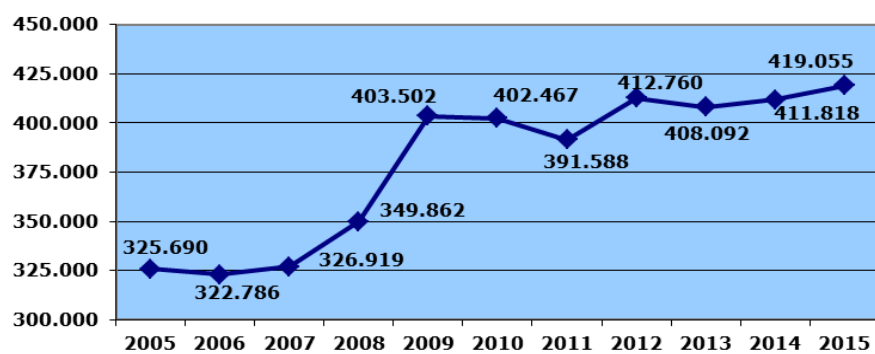
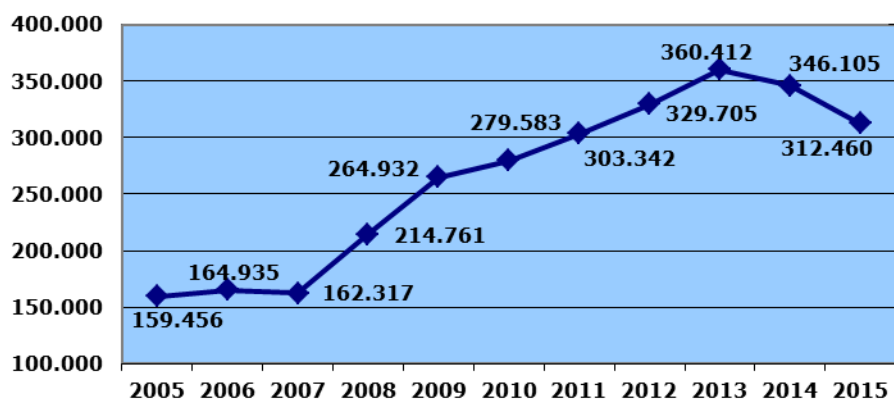
TIME SERIES

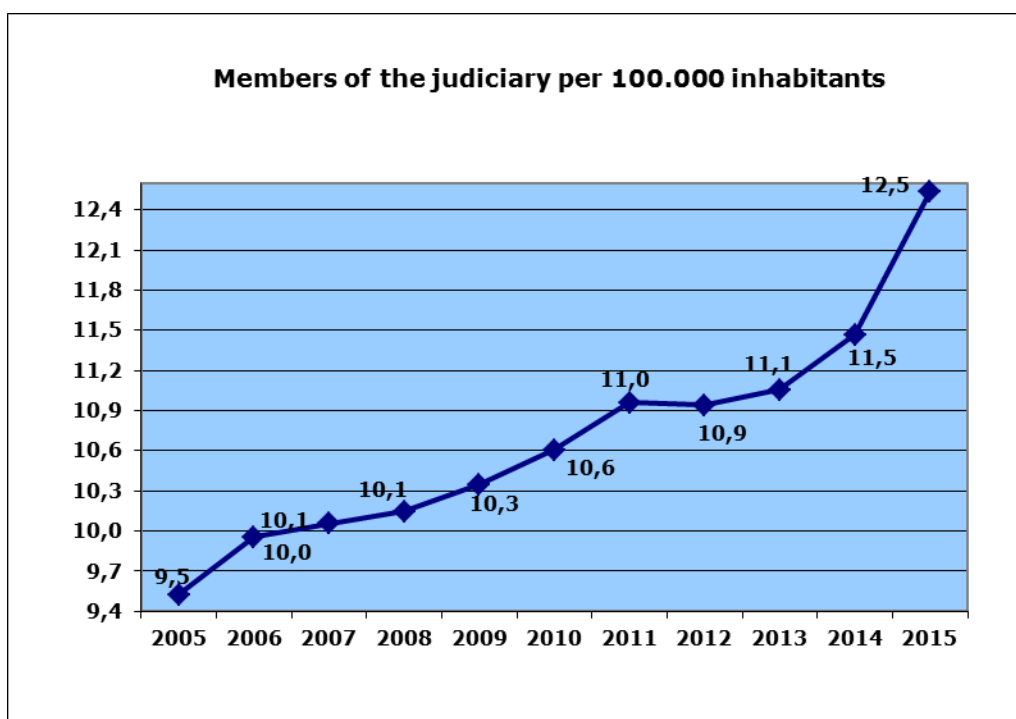
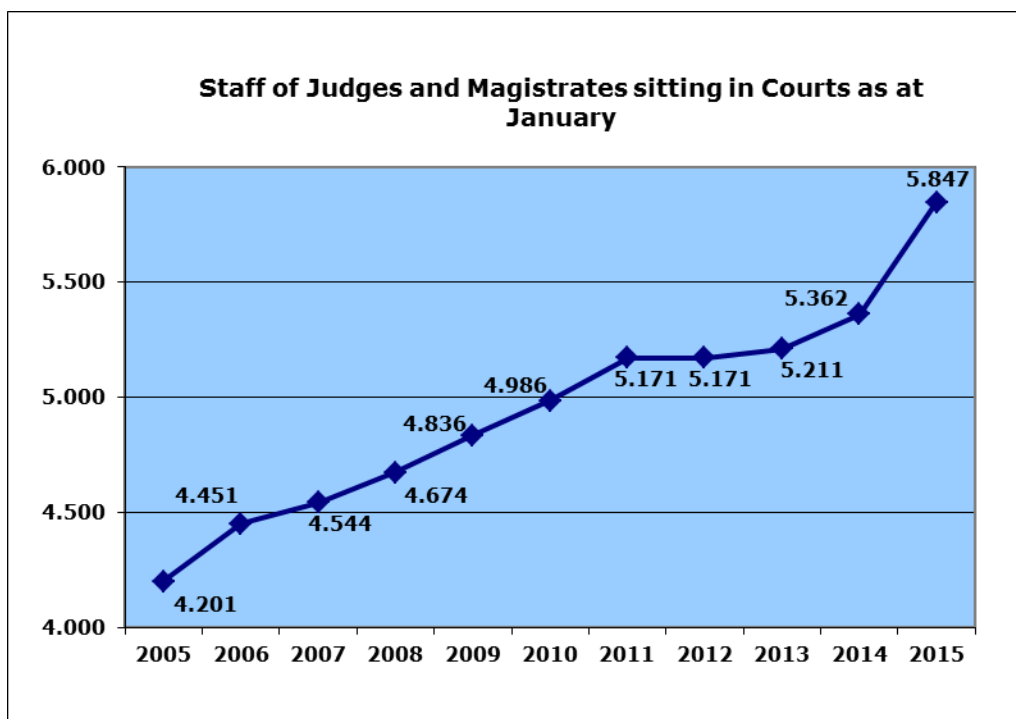
Incoming cases in all jurisdictions**Resolved cases in all jurisdictions****Pending cases at the year end in all jurisdictions**







Incoming cases in Labor jurisdiction**Resolved cases in Labor jurisdiction****Pending cases at the year end in Labor jurisdiction**



HIGH COURTS OF JUSTICE DATA

Incoming cases in 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	351.073	1.324.935	51.504	66.715	1.794.227
Aragon	47.748	133.118	3.498	8.223	192.587
Asturias	52.838	96.206	3.973	15.065	168.082
Balearic Islands	50.936	154.150	2.421	6.958	214.465
Canary Islands	95.254	287.638	7.872	22.365	413.129
Cantabria	27.617	70.564	1.877	5.774	105.832
Castille and Leon	118.627	240.108	8.639	21.150	388.524
Castille - La Mancha	81.509	206.565	5.754	13.951	307.779
Catalonia	266.798	893.601	15.891	61.201	1.237.491
Valencian Region	243.850	634.718	18.034	37.759	934.361
Extremadura	37.078	108.632	2.664	5.739	154.113
Galicia	123.758	279.296	9.710	30.177	442.941
Madrid (Region)	306.874	902.439	30.042	60.908	1.300.263
Murcia (Region)	62.445	188.999	5.799	10.848	268.091
Navarre	19.728	71.898	1.749	4.482	97.857
Basque Country	67.565	173.164	8.042	20.164	268.935
Rioja (La)	14.134	20.609	1.412	2.987	39.142

Percentage of incoming cases in 2015 relative to the total cases in the H.C.J.

	Civil	Criminal	Administrative	Labor	Total
Andalusia	17,8	22,9	28,8	16,9	21,5
Aragon	2,4	2,3	2,0	2,1	2,3
Asturias	2,7	1,7	2,2	3,8	2,0
Balearic Islands	2,6	2,7	1,4	1,8	2,6
Canary Islands	4,8	5,0	4,4	5,7	5,0
Cantabria	1,4	1,2	1,0	1,5	1,3
Castille and Leon	6,0	4,1	4,8	5,4	4,7
Castille - La Mancha	4,1	3,6	3,2	3,5	3,7
Catalonia	13,6	15,4	8,9	15,5	14,9
Valencian Region	12,4	11,0	10,1	9,6	11,2
Extremadura	1,9	1,9	1,5	1,5	1,9
Galicia	6,3	4,8	5,4	7,7	5,3
Madrid (Region)	15,6	15,6	16,8	15,4	15,6
Murcia (Region)	3,2	3,3	3,2	2,8	3,2
Navarre	1,0	1,2	1,0	1,1	1,2
Basque Country	3,4	3,0	4,5	5,1	3,2
Rioja (La)	0,7	0,4	0,8	0,8	0,5

Resolved cases in 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	343.037	1.361.739	63.714	66.088	1.834.578
Aragon	48.667	137.215	3.992	10.124	199.998
Asturias	50.950	99.671	4.037	14.647	169.305
Balearic Islands	49.449	159.594	2.986	6.339	218.368
Canarias	92.337	295.452	9.269	24.864	421.922
Cantabria	28.000	72.252	2.033	6.231	108.516
Castille and Leon	112.719	246.876	11.384	23.610	394.589
Castille-La Mancha	75.695	213.336	7.610	14.713	311.354
Cataluña	275.753	924.663	21.131	63.792	1.285.339
Valencian Region.	234.587	666.248	18.706	37.261	956.802
Extremadura	36.131	110.884	3.018	5.687	155.720
Galicia	121.031	287.854	11.166	32.952	453.003
Madrid	279.606	933.560	37.522	62.996	1.313.684
Murcia (Region)	58.761	195.001	7.090	11.404	272.256
Navarre	19.211	73.866	1.686	5.993	100.756
Basque Country	66.896	179.158	7.685	24.574	278.313
Rioja (La)	12.890	20.581	1.459	3.628	38.558

Pending cases at the end of the year

	Civil	Penal	Contencioso	Social	Total
Andalusia	224.550	166.575	57.798	65.708	514.631
Aragon	15.960	15.309	3.087	5.846	40.202
Asturias	16.853	13.528	2.215	7.957	40.553
Balearic Islands	24.636	24.262	2.951	8.850	60.699
Canarias	50.569	37.085	7.102	13.728	108.484
Cantabria	11.852	7.947	946	3.006	23.751
Castille and Leon	47.778	34.348	6.518	9.060	97.704
Castille-La Mancha	50.227	45.660	6.432	11.490	113.809
Cataluña	154.055	128.031	20.637	48.112	350.835
Valencian Region.	133.073	115.384	21.937	35.238	305.632
Extremadura	16.315	15.379	1.446	3.397	36.537
Galicia	53.499	47.695	7.403	27.733	136.330
Madrid	168.235	107.290	32.206	41.414	349.145
Murcia (Region)	51.591	31.933	5.717	10.646	99.887
Navarre	7.039	6.085	1.608	2.330	17.062
Basque Country	27.320	22.097	5.951	10.976	66.344
Rioja (La)	6.632	3.992	1.468	1.499	13.591

Pending rate in 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	0,65	0,12	0,91	0,99	0,28
Aragon	0,33	0,11	0,77	0,58	0,20
Asturias	0,33	0,14	0,55	0,54	0,24
Balearic Islands	0,50	0,15	0,99	1,40	0,28
Canary Islands	0,55	0,13	0,77	0,55	0,26
Cantabria	0,42	0,11	0,47	0,48	0,22
Castille and Leon	0,42	0,14	0,57	0,38	0,25
Castille la Mancha	0,66	0,21	0,85	0,78	0,37
Catalonia	0,56	0,14	0,98	0,75	0,27
Valencian Region	0,57	0,17	1,17	0,95	0,32
Extremadura	0,45	0,14	0,48	0,60	0,23
Galicia	0,44	0,17	0,66	0,84	0,30
Madrid	0,60	0,11	0,86	0,66	0,27
Murcia (Region)	0,88	0,16	0,81	0,93	0,37
Navarre	0,37	0,08	0,95	0,39	0,17
Basque Country	0,41	0,12	0,77	0,45	0,24
Rioja (La)	0,51	0,19	1,01	0,41	0,35
Spain	0,56	0,14	0,90	0,75	0,28

Clearance rate in 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	0,98	1,03	1,24	0,99	1,02
Aragon	1,02	1,03	1,14	1,23	1,04
Asturias	0,96	1,04	1,02	0,97	1,01
Balearic Islands	0,97	1,04	1,23	0,91	1,02
Canary Islands	0,97	1,03	1,18	1,11	1,02
Cantabria	1,01	1,02	1,08	1,08	1,03
Castille and Leon	0,95	1,03	1,32	1,12	1,02
Castille la Mancha	0,93	1,03	1,32	1,05	1,01
Catalonia	1,03	1,03	1,33	1,04	1,04
Valencian Region	0,96	1,05	1,04	0,99	1,02
Extremadura	0,97	1,02	1,13	0,99	1,01
Galicia	0,98	1,03	1,15	1,09	1,02
Madrid	0,91	1,03	1,25	1,03	1,01
Murcia (Region)	0,94	1,03	1,22	1,05	1,02
Navarre	0,97	1,03	0,96	1,34	1,03
Basque Country	0,99	1,03	0,96	1,22	1,03
Rioja (La)	0,91	1,00	1,03	1,21	0,99
Spain	0,97	1,01	1,16	1,01	1,02

Congestion rate in 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	1,65	1,12	1,85	2,05	1,27
Aragon	1,33	1,11	1,73	1,59	1,20
Asturias	1,33	1,13	1,55	1,60	1,24
Balearic Islands	1,49	1,14	1,96	2,42	1,27
Canary Islands	1,55	1,11	1,72	1,57	1,25
Cantabria	1,41	1,11	1,43	1,52	1,22
Castille and Leon	1,42	1,13	1,56	1,41	1,25
Castille la Mancha	1,69	1,24	1,84	1,77	1,39
Catalonia	1,56	1,12	1,94	1,76	1,26
Valencian Region	1,58	1,16	2,14	2,04	1,32
Extremadura	1,49	1,14	1,51	1,63	1,25
Galicia	1,45	1,18	1,65	1,88	1,31
Madrid	1,60	1,10	1,84	1,70	1,26
Murcia (Region)	1,91	1,16	1,90	1,95	1,38
Navarre	1,40	1,07	1,93	1,39	1,17
Basque Country	1,41	1,11	1,74	1,45	1,23
La Rioja	1,50	1,22	1,88	1,38	1,35
Spain	1,56	1,13	1,87	1,78	1,28

Relative (in percentage) of trials held and trials scheduled

	Courts of First Instance, Magistrates' Courts and Courts of First Instance and Enquiries			Courts of Violence Against women		
	Civil	Total trials for minor offences	Summary trials for minor offences	Civil	Total trials for minor offences	Summary trials for minor offences
Andalusia	74,2	80,8	85,3	79,6	92,3	94,6
Aragon	74,9	85,5	89,7	84,4	90,4	100,0
Asturias	75,3	82,8	90,4	86,7	94,7	100,0
Balearic Islands	67,5	75,2	91,2	77,9	85,5	100,0
Canary Islands	72,2	80,9	87,5	76,5	90,7	91,5
Cantabria	80,6	82,9	98,5	91,0	97,4	100,0
Castille and Leon	77,3	83,6	89,4	83,3	95,6	97,8
Castille la Mancha	74,6	79,7	89,7	78,7	94,3	95,9
Catalonia	68,5	81,1	91,7	74,6	89,3	95,0
Valencian Region	76,2	78,5	89,9	81,8	90,0	96,2
Extremadura	72,9	82,9	95,3	84,5	90,8	98,0
Galicia	76,3	82,7	89,3	80,1	91,9	94,1
Madrid	79,1	81,2	96,5	78,4	89,6	99,4
Murcia (Region)	71,8	80,7	91,1	74,6	89,0	93,2
Navarre	82,7	80,3	86,6	75,9	87,9	85,7
Basque Country	71,1	83,4	96,1	69,9	90,0	95,0
La Rioja	77,4	90,0	93,7	77,6	92,1	100,0
Spain	74,3	81,0	90,1	78,5	91,0	95,0

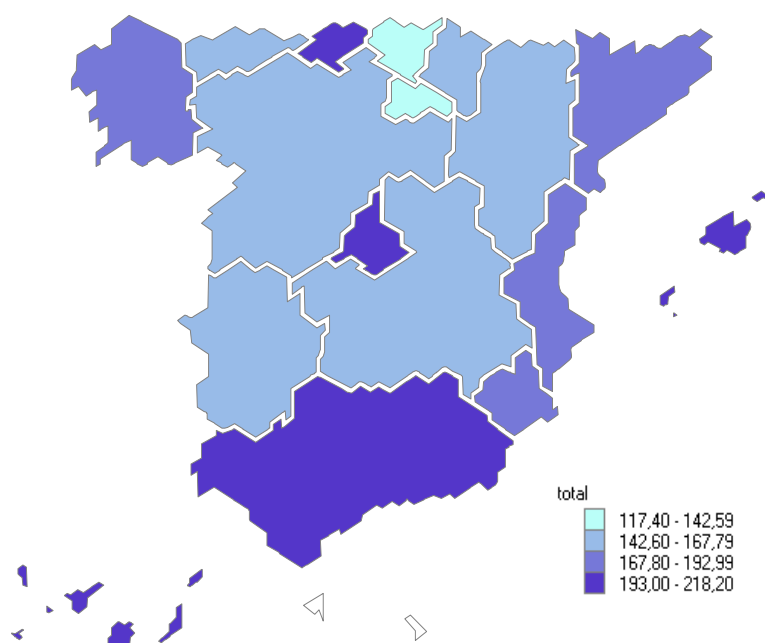
	Criminal Courts		Juvenile Courts	Provincial Courts	
	Total trials	Fast trials	Criminal	Civil	Criminal
Andalusia	75,9	79,8	84,6	95,9	81,1
Aragon	85,4	94,4	87,5	99,6	76,5
Asturias	88,1	91,3	87,4	90,1	87,4
Balearic Islands	84,6	83,3	75,9	84,1	88,3
Canary Islands	77,2	84,2	81,1	99,1	84,9
Cantabria	84,4	84,4	79,9	81,4	87,0
Castille and Leon	83,1	86,3	92,2	91,8	82,8
Castille la Mancha	70,1	78,8	77,8	94,3	76,1
Catalonia	76,5	80,4	72,1	98,3	81,7
Valencian Region	70,1	79,2	78,3	98,9	75,8
Extremadura	83,2	97,0	85,6	100,0	78,5
Galicia	78,6	83,1	88,9	95,2	83,1
Madrid	72,0	78,4	74,7	98,6	85,6
Murcia (Murcia)	78,1	81,4	86,6	62,9	83,7
Navarre	89,9	93,5	83,9	65,5	89,4
Basque Country	75,7	81,1	78,6	96,7	83,5
La Rioja	70,9	81,7	81,8	85,7	68,3
Spain	75,9	80,9	80,2	97,5	81,9

	Commercial Courts	Administrative Courts	Labor Courts
Andalusia	88,2	76,1	59,7
Aragon	70,8	75,7	66,5
Asturias	74,1	84,7	71,0
Balearic Islands	65,4	84,9	42,8
Canary Islands	54,3	79,0	45,4
Cantabria	57,5	80,0	73,3
Castille and Leon	87,3	79,0	65,7
Castille la Mancha	75,6	82,6	62,6
Catalonia	58,6	84,2	54,3
Valencian Region	73,5	88,3	53,2
Extremadura	75,7	70,8	75,2
Galicia	80,8	83,4	67,7
Madrid	83,6	87,5	54,5
Murcia (Region)	69,6	79,5	62,6
Navarre	63,7	77,5	50,2
Basque Country	75,3	89,5	43,7
La Rioja	68,6	75,4	50,0
Spain	75,7	81,3	57,1

Litigation rate 2015

	Civil	Criminal	Administrative	Labor	Total
Andalusia	41	154,6	6	7,8	209,4
Aragon	36,2	101	2,7	6,2	146,1
Asturias	50,3	91,5	3,8	14,3	159,9
Balearic Islands	46,1	139,6	2,2	6,3	194,2
Canary Islands	45,4	137	3,7	10,6	196,7
Cantabria	47,2	120,6	3,2	9,9	180,9
Castille and Leon	48	97,1	3,5	8,6	157,2
Castille la Mancha	39,6	100,3	2,8	6,8	149,5
Catalonia	35,5	119	2,1	8,2	164,8
Valencian Region	49	127,4	3,6	7,6	187,6
Extremadura	33,9	99,4	2,4	5,3	141
Galicia	45,3	102,2	3,6	11	162,1
Madrid	47,7	140,2	4,7	9,5	202
Murcia	42,6	128,8	4	7,4	182,7
Navarre	30,8	112,3	2,7	7	152,8
Basque Country	30,9	79,1	3,7	9,2	122,8
La Rioja	44,6	65	4,5	9,4	123,5
Spain	42,3	124,5	4,3	8,6	179,7

LITIGATION RATE BY HCJ (*)



(*) Number of incoming cases per 1.000 inhabitants

REQUEST LETTERS/COMMON OFFICES**Request letters**

Courts	744.422
Common Offices	705.387
Total	1.449.809

Common Offices**Proceedings handled**

	Incoming cases	Returned with positive fulfilment	Others returned	Pending at the year end
Personal proceedings	4.514.356	3.189.307	1.310.434	172.051
Proceedings on Commission	119.105	71.890	46.018	16.622
• Seizures	32.539	18.459	14.750	3.046
• Evictions	69.631	42.482	25.794	10.796
• Others	16.935	10.949	5.474	2.780

Venue of undertaking

	In the Service venue	Outside Service venue	Total
Personal proceedings	1.097.222	3.546.838	4.644.060
Proceedings on Commission	17.779	108.441	126.220

	Proceedings by the own service	Proceedings in prisons
Personal proceedings	96.210	230.005
Proceedings on Commission	-	30.541

Average length of time (days)

Individual proceedings	Seizures	Evictions
13,3	21,6	31,3

INFORMATION REQUESTS ON PNJ NETWORK

Access to web sites	2015	2014	Evolution
Directorate General of road traffic	4.806.394	4.773.959	0,7%
CORPME (Registrar Association)	35.299	32.007	10,3%
Police	4.770.412	5.166.029	-7,7%
AEAT (Tax Agency) + AEATWS	10.362.049	10.024.382	3,4%
Land Registry	2.874.589	2.793.128	2,9%
SEPE (Employment Service)	2.666.355	2.566.720	3,9%
INE (Statistics Institute- Municipal Register)	2.047.376	2.358.851	-13,2%
FOGASA (Found subsidized severance pay)	433.369	165.664	161,6%
Leaves and vacations	87.431	36.304	140,8%
Seizures	1.017.450	963.672	5,6%
Text messages	88.190	40.104	119,9%
Request letters	215.078	202.039	6,5%
Court Fees	721.497	1.161.143	-37,9%
TGSS (General Treasury of the Social Security)	1.518.757	1.347.867	12,7%
INSS (Social Security National Institute)	1.668.316	1.569.157	6,3%
Central Registry Office of Births, Marriages and Deaths	990.736	970.497	2,1%
Total	34.303.298	34.171.523	0,4%

Special services	2015	2014	Evolution
Comprehensive inquiry	3.221.745	3.110.208	3,6%
Emailing/messaging	350.648		
Total	3.572.393	3.110.208	14,9%

NUMBER OF CONVICTS AT 31ST DECEMBER 2015 ²⁴

	Convicts			Percentage of Foreigners		
	Men	Women	Total	Men	Women	Total
Andalusia	13.293	1066	14.359	16,6	18,0	16,7
Aragon	1.893	106	1.999	35,6	38,7	35,7
Asturias	1.127	110	1.237	9,8	14,5	10,2
Balearic Islands	1.556	140	1.696	31,8	20,0	30,8
Canary Islands	3.055	249	3.304	17,7	24,9	18,3
Cantabria	500	25	525	17,8	12,0	17,5
Castille and Leon	4.040	302	4.342	44,5	30,1	43,5
Castille-La Mancha	1.755	34	1.789	29,1	23,5	29,0
Catalonia	8.201	609	8.810	43,9	37,9	43,5
Valencian Region	6.131	571	6.702	25,2	18,4	24,6
Extremadura	1.031	62	1.093	13,6	8,1	13,3
Galicia	3.268	216	3.484	23,7	17,6	23,3
Madrid (Region)	7.359	914	8.273	41,1	50,3	42,1
Murcia (Región)	1.510	123	1.633	22,6	26,8	22,9
Navarra (Region)	284	25	309	25,7	28,0	25,9
Basque Country	1.140	133	1.273	27,7	18,0	26,7
Rioja (La)	315	20	335	29,8	40,0	30,4
Ceuta	179	11	190	31,3	27,3	31,1
Melilla	255	6	261	49,4	33,3	49,0
Total	56.892	4.722	61.614	29,0	28,7	29,0

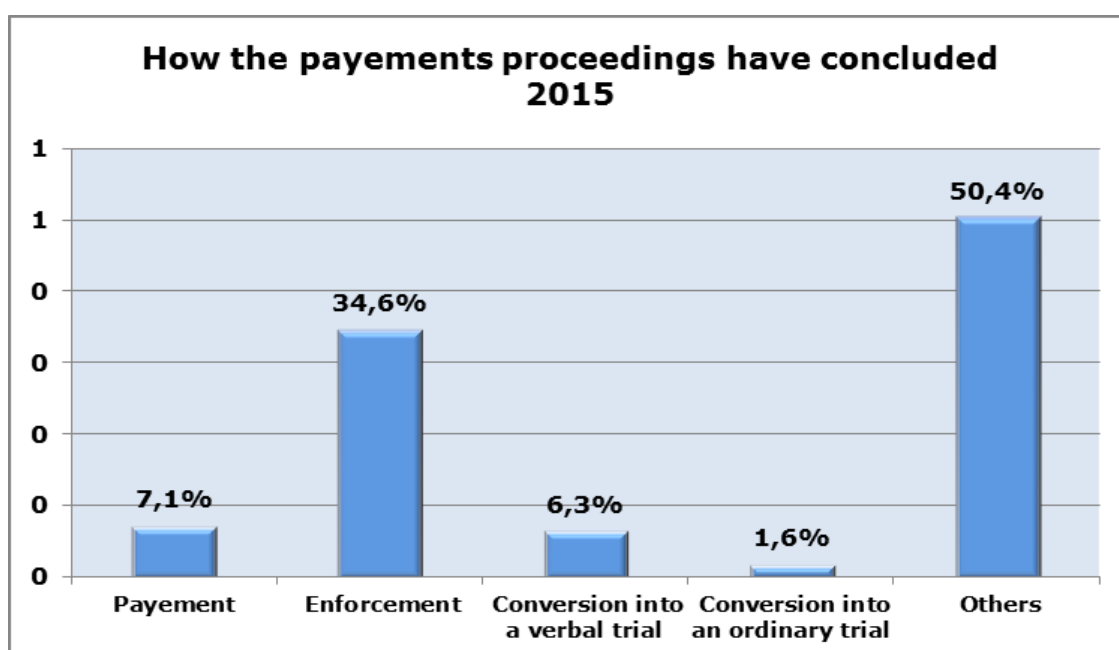
²⁴ Source: Home Office. General Direction of Penitentiary Institutions. General Statistics of penitentiary population.

IMPORTANT CASES HANDLING

PAYMENT PROCEEDINGS²⁵

	2011	2012	2013	2014	2015
Incoming cases	683.704	699.930	563.176	657.055	654.794
Resolved	811.668	730.361	680.488	674.811	673.851
Pending at the year end	467.293	435.385	317.329	299.266	283.136

	Evolution 2011/2012	Evolution 2012/2013	Evolution 2013/2014	Evolution 2014/2015
Incoming cases	2,4	-19,5	16,7	-0,3
Resolved	-10,0	-6,8	-0,8	-0,1
Pending at the year end	-6,8	-27,1	-5,7	-5,4



	Incoming enforcements	Enforcements of payment proceedings	Enforcements from payment proceedings
2011	650.788	309.799	47,6
2012	662.754	285.201	43
2013	633.054	274.532	43,4
2014	599.381	252.574	42,1
2015	556.061	232.966	41,9

²⁵ Only in Courts of First Instance and Courts of First Instance and Enquiry

DIVORCES AND SEPARATIONS

	Annulment	Consensual Divorces	Litigious Divorces	Consensual Separations	Litigious Separations
Andalusia	27	12.180	11.323	957	561
Aragon	3	1.951	1074	110	27
Asturias	1	1.764	1.129	122	37
Balearic Islands	3	1.995	1060	87	40
Canary Islands	2	3.599	3.017	147	121
Cantabria	2	960	575	77	27
Castille and Leon	7	2.795	1.958	199	76
Castille-La Mancha	10	2.723	2.258	192	105
Catalonia	102	14.630	7.176	872	245
Valencian	26	8.774	5.736	551	209
Extremadura	3	1.426	1153	129	67
Galicia	7	3.928	3.029	246	104
Madrid	15	10.264	6.264	549	186
Murcia (Region)	0	2.030	1.803	148	86
Navarre	3	854	424	56	22
Basque Country	3	3.039	1.698	148	58
Rioja (La)	2	477	264	26	8
Total	216	73.389	49.941	4.616	1.979
Evolution 2014/2015	6,9	-3,2	-1,3	-3,9	-11,6

NON-CONTENTIOUS PROCEEDINGS

	Incoming cases	Resolved	Pending at the year end	Incoming evolution 2013/2014
Andalusia	8.642	9.456	5.209	-1,1%
Aragon	1.687	1.848	602	-3,4%
Asturias	2.125	2.115	653	0,2%
Balearic Islands	1.396	1.416	615	6,5%
Canary Islands	2.239	2.436	1.868	3,1%
Cantabria	1.152	1.211	417	1,7%
Castille and Leon	5.619	5.554	3.289	1,0%
Castille-La Mancha	2.373	2.540	1.840	-7,8%
Catalonia	6.423	6.494	3.764	8,2%
Valencian	6.403	6.584	3.304	7,8%
Extremadura	1.328	1.393	648	-3,9%
Galicia	5.309	5.272	2.954	12,2%
Madrid	8.383	8.453	4.014	7,0%
Murcia (Region)	1.782	1.588	1.297	-6,2%
Navarre	1.192	1.153	562	1,9%
Basque Country	4.335	4.563	1.238	20,2%
Rioja (La)	473	422	318	3,7%
Total	60.861	62.498	32.592	4,4%

BANKRUPTCY PROCEEDINGS INCOMING IN COMMERCIAL COURTS

	2014	2015	Evolution 2014/2015
Andalusia	1.078	798	-26,0
Aragon	240	190	-20,8
Asturias	193	180	-6,7
Balearic Islands	206	167	-18,9
Canary Islands	223	170	-23,8
Cantabria	71	58	-18,3
Castille and Leon	347	250	-28,0
Castille-La Mancha	283	247	-12,7
Catalonia	1.636	1.224	-25,2
Valencian Region.	1.130	966	-14,5
Extremadura	88	94	6,8
Galicia	508	324	-36,2
Madrid	1.285	984	-23,4
Murcia (Region)	256	182	-28,9
Navarre	94	95	1,1
Basque Country	435	325	-25,3
Rioja (La)	59	34	-42,4
Total	8.132	6.288	-22,7

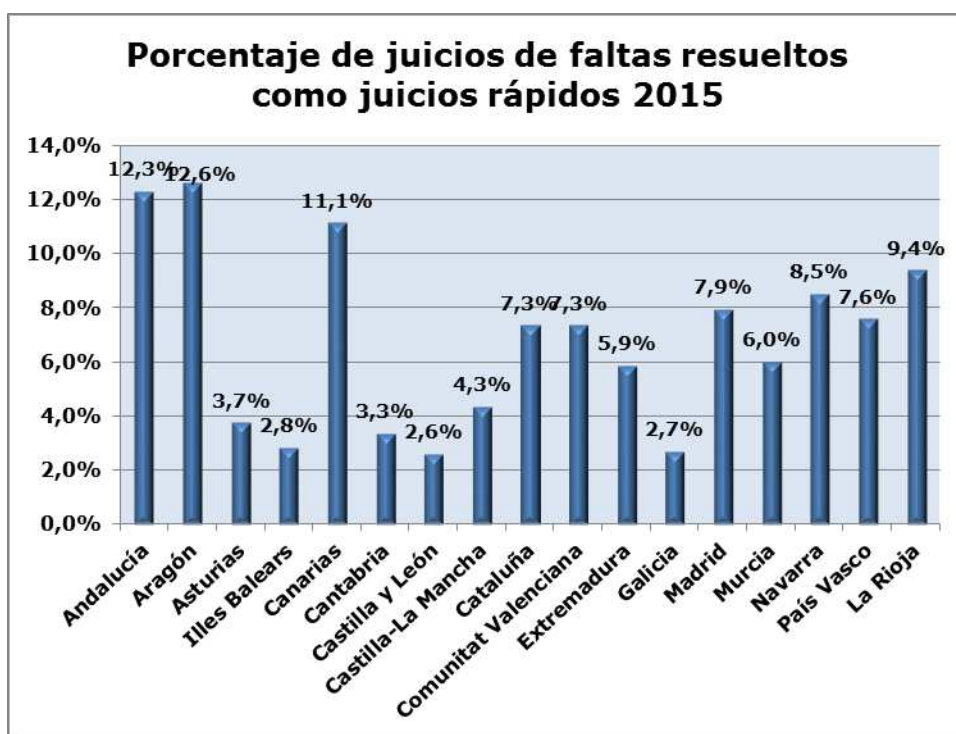
On Bankruptcy and on liquidation

	On receivership			On liquidation		
	Free proceedings	Compulsory proceedings	Total	Incoming and reopened cases	Resolved	Pending at the year end
Andalusia	479	63	542	500	192	2.496
Aragon	148	4	152	104	143	436
Asturias	78	19	97	64	37	323
Balearic Islands	115	18	133	106	93	686
Canary Islands	115	13	128	147	40	479
Cantabria	45	5	50	33	29	314
Castille and Leon	151	19	170	171	156	759
Castille-La Mancha	142	21	163	177	112	590
Catalonia	839	47	886	978	1258	2.755
Valencian Region	555	42	597	588	595	2.002
Extremadura	47	3	50	82	83	278
Galicia	259	20	279	274	279	1.133
Madrid	636	46	682	505	423	1.776
Murcia (Region)	109	20	129	124	242	582
Navarre	72	5	77	90	64	376
Basque Country	227	9	236	183	251	714
Rioja (La)	21	2	23	36	43	175
Total	4.038	356	4.394	4.162	4.040	15.874

FAST TRIALS FOR CRIMINAL PROCEDURES ²⁶

Urgent Proceedings	Approval Proceedings	of Urgent Proceedings resolved as Fast trials
185.244	91.649	49,5

	Resolved	Resolved as Fast trials	% Resolved as Fast trials
Minor offences	725.515	57.364	7,9%
Petty crimes Trials	236.758	34.702	14,7%



²⁶ Information of Magistrates' Courts and Courts of First Instance and Enquiry as well as to Courts of Violence against Women has been included.

JURY TRIALS

Proceedings heard before Jury

	On remand	Non remand	TOTAL
Magistrates' Courts and Courts of First Instance and Enquiry	121	127	248
Violence against women Courts	27	14	41
Total	148	141	289

Judgements LO 5/1995

	Total	of convictions	of acquittals
Domestic Violence	12	91,7%	8,3%
Violence against Women	26	96,2%	3,8%
Rest	282	87,9%	12,1%
Total	320	88,8%	11,3%

ON REMAND CASES

Magistrates' Courts and Courts of First Instance and Enquiry	2.740
Violence against Women Courts	308
Provincial Courts	1.332
Criminal Courts	617
Central Enquiry Court	107
Central Criminal Court	0
National Court - Criminal Chamber	59
Total	5.163

IMMIGRATION

	2011	2012	2013	2014	2015
Immigration Cases incoming in the H.C.J. Contentious-Admtve. Chamber	997	1.130	937	1.218	1.031
Immigration Cases incoming in the Administrative Courts	36.153	30.064	23.637	23.930	22.177
Immigration Cases incoming in the Magistrates' Courts	17.358	15.567	14.669	12.009	9.428
Foreigner population registered as at 1 January	5.751.487	5.736.258	5.546.238	5.023.487	4.729.644

Percentage of Immigration cases to the overall incoming cases in 2015

	Administrative Court	H.C.J.
Andalusia	17,5	0,1
Aragon	25,0	0,0
Asturias	7,3	0,0
Balearic Islands	27,2	0,0
Canary Islands	6,9	0,5
Cantabria	20,7	0,0
Castille and Leon	10,1	0,0
Castille-La Mancha	16,5	0,0
Catalonia	29,8	0,0
Valencian Region	15,8	0,0
Extremadura	4,8	0,0
Galicia	5,3	0,0
Madrid	20,4	13,2
Murcia (Region)	28,7	0,0
Navarre	15,6	0,4
Basque Country	25,2	0,0
Rioja (La)	13,0	0,5
Total	17,9	3,2

DOMESTIC VIOLENCE

			Protection Orders	Formal Complaints
Total			3.418	17.390
Victim	Men	Spanish of legal age	1.065	6.129
		Spanish underage	118	659
		Foreign of legal age	173	998
		Foreign underage	39	152
	Women	Spanish of legal age	1.848	8.562
		Spanish underage	171	703
		Foreign of legal age	219	1.149
		Foreign underage	47	195
Charged	Men	Spanish	2.237	10.251
		Foreign	321	1.646
	Women	Spanish	699	4.605
		Foreign	183	1.122

	Formal Complaints 2015	Formal complaints per 10.000 inhabitants in 2015
Andalusia	3.726	4,3
Aragon	226	1,7
Asturias	480	4,6
Balearic Islands	864	7,8
Canary Islands	1.093	5,2
Cantabria	144	2,5
Castille and Leon	937	3,8
Castille-La Mancha	450	2,2
Catalonia	1.544	2,1
Valencian Region.	1.871	3,8
Extremadura	273	2,5
Galicia	930	3,4
Madrid	2.259	3,5
Murcia (Region)	720	4,9
Navarre	174	2,7
Basque Country	1.597	7,3
Rioja (La)	102	3,2
Spain	17.390	3,7

Defendant's nationality

	Convicted	Acquitted	Defendant	Population
Spanish	87,5%	90,4%	88,8%	89,9%
Foreigner	12,5%	9,6%	11,2%	10,1%

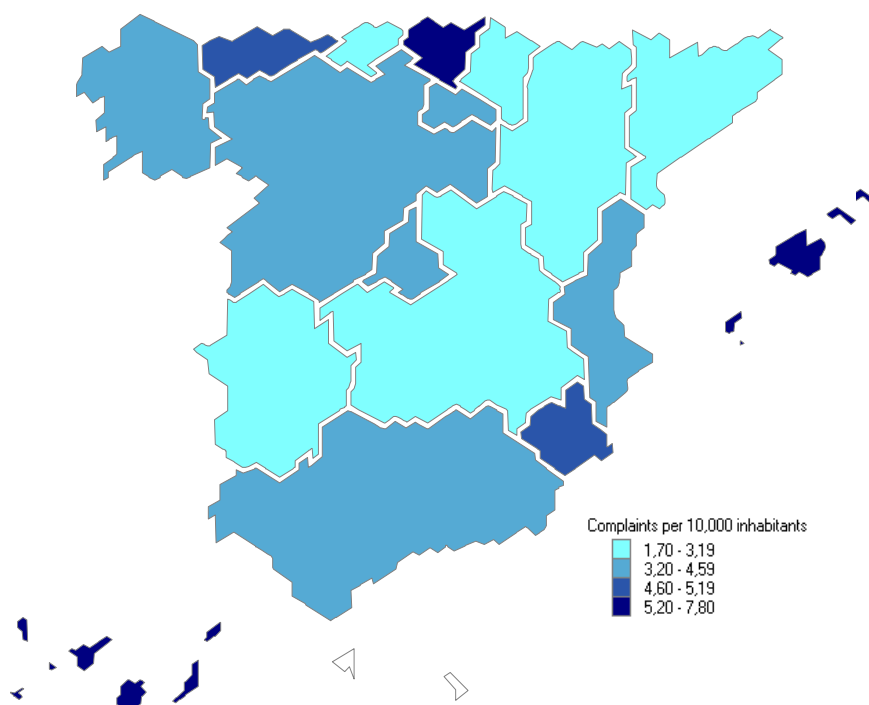
Defendant's sex

	Convicted	Acquitted	Defendant
Men	78,1%	64,5%	71,9%
Women	21,9%	35,5%	28,1%

Defendant's sex and nationality

	Convicted		Acquitted	
	Spanish	Foreigner	Spanish	Foreigner
Men	37,6%	5,0%	26,9%	2,4%
Women	10,1%	1,8%	14,2%	1,9%

Formal Complaints per 10.000 inhabitants



VIOLENCE AGAINST WOMEN

Violence against women Courts	Incoming cases in the Court	Incoming cases from others bodies	Reopening	Resolved	Pending at the year end
Urgent Procedures	46.248	5.552	49	51.812	219
Summaries	297	3	21	289	197
Preliminary Enquiries	68.585	17.783	682	84.350	20.464
Instant Committals	27.366	251	106	27.284	8.517
Petty crimes Trials ²⁷	3.727	164	7	3.053	844
Minor offences Trials	5.849	275	94	7.290	407
Jury Procedures	43	4	0	50	34

Protection orders, defendants and victims (In Violence against Women Courts)

Protection Orders	Victims				Defendants	
	Spanish women of legal age	Spanish women underage	Foreigner women of legal age	Foreigner women underage	Spanish men	Foreigner men
36.292	25.203	557	10.285	248	25.803	10.489

Protection orders by the claimant (In Violence against women Courts)

Victims	Other persons	Public Prosecutor	Judge	Administration
93,3	0,3	4,7	1,7	0,0

Defendants ordered by nationality (In Violence against women Courts)

	Convicted	Acquitted	Defendant	Population
Spanish	74,8%	85,0%	77,2%	89,9%
Foreigner	25,2%	15,0%	22,8%	10,1%

Defendants ordered by sex (In Violence against women Courts)

	Convicted	Acquitted	Defendant
Men	99,4%	98,9%	99,3%
Women	0,6%	1,1%	0,7%

Percentage of convictions among defendants

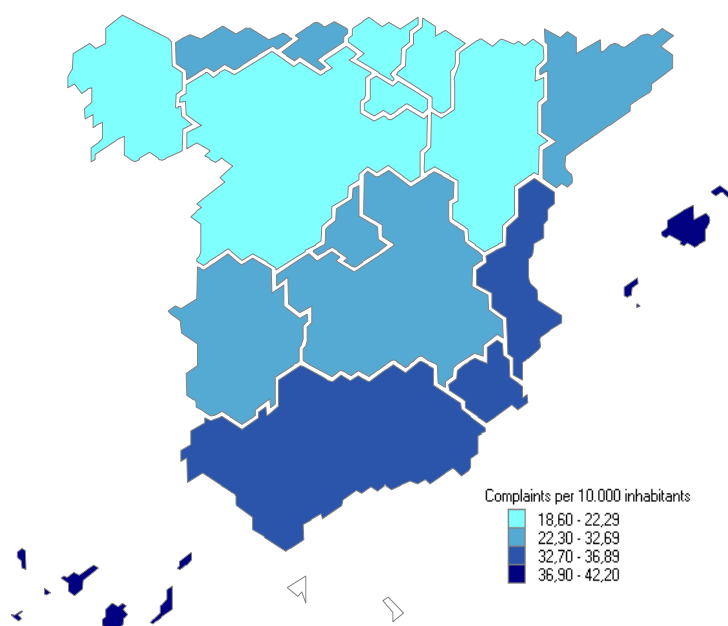
	Convictions among defendants	Convictions among Spanish defendants	Convictions among foreigner defendants
Violence against women Courts	76,5	74,1	84,6
Criminal Courts	51,6	52,3	50,0
Provincial courts	76,3	77,6	72,9

²⁷ The new concept "Petty crimes" is included since 3rd trimester of 2015,

COMPLAINTS

	Complaints 2015	Complaints per 10.000 inhabitants 2015
Andalusia	28.024	32,7
Aragon	2.635	20,0
Asturias	2.359	22,4
Balearic Islands	4.658	42,2
Canary Islands	7.758	36,9
Cantabria	1.327	22,7
Castille and Leon	4.644	18,8
Castille-La Mancha	4.634	22,5
Catalonia	18.514	24,7
Valencian Region.	17.394	34,9
Extremadura	2.436	22,3
Galicia	5.210	19,1
Madrid	18.527	28,8
Murcia (Region)	5.034	34,3
Navarre	1.191	18,6
Basque Country	4.232	19,3
Rioja (La)	616	19,4
Spain	129.193	27,7

Complaints per 10.000 inhabitants



RESOLVED CASES IN LABOR COURTS

	Collective disputes	Dismissals	Amounts	Social Security	Work accident, occupational disease, oc- cupational risk prevention	Challenge procedures against adminis- trative acts in Labor and S. S. matters	Funda- mental rights and public freedoms	Others
Andalusia	390	17.127	17.154	17.904	338	538	302	4.195
Aragon	100	2.851	3.468	1.740	45	101	39	955
Asturias	81	2.087	3.958	4.569	115	327	53	740
Balearic Islands	30	1.752	2.133	1.327	41	58	28	532
Canary Islands	153	7.041	8.610	3.545	58	246	108	2245
Cantabria	74	1.199	1.843	1.474	87	30	20	422
Castille and Leon	193	5.117	8.267	5.292	125	308	67	1.001
Castille-La Mancha	183	3.495	4.760	3.229	171	210	153	988
Catalonia	335	19.717	17.521	13.900	455	689	224	3.121
Valencian Region.	207	11.748	11.979	8.020	384	367	217	1534
Extremadura	16	1.479	1.861	992	78	59	26	497
Galicia	197	5.716	9.496	7.740	277	131	122	1.764
Madrid	337	20.433	23.559	6.813	93	199	287	5.060
Murcia	40	3.315	2.915	3.281	0	182	31	493
Navarre	74	1.132	1.941	1.461	168	36	125	534
Basque Country	482	5.175	7.442	5.101	575	175	63	2.941
Rioja (La)	42	714	1.712	553	17	23	4	193
Total	2.934	110.098	128.619	86.941	3.027	3.679	1.869	27.215

JUDICIAL AUCTIONS

Judicial Auctions held in the Magistrates' Courts and in
First Instance and Enquiry Courts

	Judicial Auctions held	Evolution 2014/2105
Andalusia	14.141	-1,9
Aragon	1.664	-4,1
Asturias	718	-19,4
Balearic Islands	1595	-24,3
Canary Islands	3.087	-15,4
Cantabria	677	-0,6
Castille and Leon	2.898	-16,2
Castille-La Mancha	3.372	-8,3
Catalonia	11.418	-4,6
Valencian Region.	10.433	-18,2
Extremadura	1075	2,8
Galicia	1.966	-11,2
Madrid	4.579	-12,3
Murcia	1340	4,4
Navarre	576	-13,4
Basque Country	670	-1,3
Rioja (La)	375	-33,9
Total	60.584	-9,6

INCOMING NULLITY SUITS (art. 241.1de la L.O.P.J.)

	Civil	Criminal	Contentious	Labor	Special Chambers in H.C.	Total
Andalusia	682	215	155	147	-	1.199
Aragon	89	9	12	14	-	124
Asturias	128	28	14	23	-	193
Balearic Islands	184	27	19	8	-	238
Canary Islands	229	30	102	67	-	428
Cantabria	46	8	5	7	-	66
Castille and León	158	54	18	24	-	254
Castille-La Mancha	159	75	32	35	-	301
Catalonia	356	190	65	68	-	679
Valencian Region.	287	124	66	57	-	534
Extremadura	83	26	8	17	-	134
Galicia	260	78	51	44	-	433
Madrid	476	262	75	171	-	984
Murcia (Region)	249	26	3	35	-	313
Navarre	21	4	16	5	-	46
Basque Country	82	48	43	18	-	191
Rioja (La)	45	0	6	0	-	51
Central bodies	57	125	64	0	3	250
Total	3.591	1.329	754	740	3	6.417

LEGAL PROTECTION APPEALS LODGED BEFORE THE CONSTITUTIONAL COURT

	2012	2013	2014	2015
Individual legal protection appeals ²⁸	7.205	7.376	7.663	7.203
Incoming Nullity suits (art. 241.1de la L.O.P.J.).	5.982	6.592	6.521	6.417

²⁸ Source: Constitutional Court Rapport

PRELIMINARY RULING SUBMITS TO THE COURT OF JUSTICE OF THE E. U.²⁹

Matter	2011	2012	2013	2014	2015
Agriculture	-	-	-	-	2
State Aid	-	-	2	3	
Competition	-	2	3	-	2
Environment and consumers	6	-	1	-	4
Area of freedom, security and justice	1	-	-	5	
Taxation	1	4	-	-	
Freedom of establishment	4	-	-	1	
Free movement of capital	-	-	-	-	
Free exchange of goods	-	-	-	-	
Free exchange of services	-	-	-	-	2
Industrial policy	3	-	1	-	1
Social policy	4	3	6	9	10
Principles of European law	-	-	1	-	1
Intellectual and industrial property	1	-	-	2	1
Consumers protection	2	5	11	17	12
Aproximation of laws	1	1	-	2	
Social Security for immigrants workers	1	-	-	-	
Transport	3	1	-	-	
Public Procurement	-	-	1	1	1
Citizenship of the European Union	-	-	-	1	
Total	27	16	26	41	36

INTERNATIONAL REQUEST OF JUDICIAL COOPERATION. CIVIL BODIES³⁰

INCOMING CASES

Civil requests		2011	2012	2013	2014	2015
European Union	Services and sending documents Rgl. C.E. 1393/07	1.024	817	820	856	874
	Taking of evidence Rgl. E. C. 1206/01	168	170	201	199	186
	Service of writs	663	650	588	436	448
	Urgents Proceedings	26	40	11	14	3
	Rest	216	253	268	244	176
Other countries		251	242	317	197	251

²⁹ Source: Court of Justice of the European Union

³⁰ Source: Judicial Statistics of the GCJ

INTERNATIONAL REQUEST OF JUDICIAL COOPERATION. CRIMINAL BODIES ³¹
INCOMING CASES

Criminal requests		2011	2012	2013	2014	2015
European Union	Service of writs	2.769	1.904	2.012	1.953	1.703
	Urgents Proceedings	148	167	92	116	104
	Rest	1067	861	859	853	833
Other countries		290	266	232	359	284

EXTRADITIONS REQUESTS

	2011	2012	2013	2014	2015
Incoming cases	1.049	564	544	443	362
Resolved	1.057	545	542	489	357
Pending	185	163	147	133	148

**INSTRUMENTS FOR MUTUAL RECOGNITION OF JUDICIAL DECISIONS
THROUGHOUT THE EU³²**

	Instruments transmitted	Incoming cases
Orden europea de detención y entrega	507	1044
Resolución por la que se impone una pena o medida privativa de libertad	6	70
Resolución de libertad vigilada	1	1
Resolución sobre medidas de vigilancia de la libertad provisional	2	0
Orden europea de protección	4	0
Resolución de embargo preventivo de bienes o aseguramiento de pruebas	53	27
Resolución por la que se imponen sanciones pecuniarias	60	123
Exhorto europeo de obtención de pruebas	132	22

³¹ Source: Judicial Statistics of the GCJ

	2010	2011	2012	2013	2014
Certificates for enforcement of monetary sanctions (LO 2/2008 y Law 1/2008, 4 December)	--	--	10	26	29
Measures for freezing of evidence in criminal proceedings (Law 18/2006)	--	--	21	4	39
Confiscation orders according the Act 4/2010	127*	172	4	25	10
European Arrest Warrants and surrender procedures	176	223	427	603	674

Instruments received for mutual recognition of judicial decisions throughout the EU

	2010	2011	2012	2013	2014
Certificates for enforcement of monetary sanctions (LO 2/2008 y Law 1/2008, 4 December)	--	--	54	99	166
Measures for seizures and freezing of evidence in criminal proceedings (Law 18/2006)	--	--	31	22	24
Confiscation orders according the Act 4/2010	--	--	19	12	7
European Arrest Warrants and surrender procedures	1.479	1.571	1.806	1.489	1.528

SPECIAL INVESTIGATION INSTRUMENTS OF COOPERATION WITH FOREIGNERS AUTHORITIES

(Joint investigation teams, under covered agents, authorizing controlled deliveries)

	2013	2014	2015
Transmitted	68	90	80

EXTRADITIONS SENDING TO OTHER COUNTRIES

	2013	2014	2015
Transmitted	181	190	224

INTERNATIONAL REQUEST OF JUDICIAL CO-OPERATION TRANSMITTED BY OTHER COUNTRIES

2012	2013	2014	2015
574	590	649	910

JUSTICES OF PEACE DATA ³³**(Resolved cases)**

	Minor Offences Trials	Rogatory Letters in Criminal Matters	Prepara- tory Proce- edings	Other Criminal Matters	Oral trials	Concilia- tion Proce- edings	Rogatory Letters in Civil Matters	Other civil matters
Andalusia	5.297	121.235	13.220	18.541	1.411	4.017	150.870	32.262
Aragon	328	21.466	357	830	100	407	24.038	6.859
Asturias	51	17.743	21	144	2	545	8.364	9.554
Balearic Islands	838	13.040	200	75	136	480	27.077	1.352
Canary Islands	1.110	14.483	446	1.065	68	975	33.719	5.888
Cantabria	295	21.114	201	27	0	2.628	22.157	148
Castille and Leon	702	72.536	213	2.102	16	1.451	59.094	10.613
Castille-La Mancha	1.390	44.856	1.130	4.482	0	2.796	48.975	1.171
Catalonia	2.597	132.878	1.855	3.703	899	3.827	150.357	10.649
Valencian Region.	5.047	146.068	5.810	8.953	1.650	3.978	123.340	18.228
Extremadura	357	22.818	350	3.920	5	1.223	16.008	3.158
Galicia	1.135	42.962	2.336	5.483	5	867	6.817	364
Madrid	1.021	14.057	606	1.124	192	1.428	35.263	9.223
Murcia	376	13.130	936	429	17	1.127	20.128	1.944
Navarre	162	22.108	0	898	5	244	18.247	1.904
Basque Country	1.164	66.351	1.108	2.896	219	1.144	43.023	4.392
Rioja (La)	341	6.825	7	9	0	369	7.551	279
Total	22.211	793.670	28.796	54.681	4.862	29.153	820.946	142.568

³³ Source: National Statistics Institute

CONCILIATION PROCEEDINGS³⁴

	Individual Conciliations concluded		Jointly Conciliations concluded					
	Conciliation and Arbitration Services Aut. Regions	Out-of-court Body settling the labor disputes	Conciliation and Arbitration Services of Regions			Out-of-Court Body settling the labor disputes		
			Total	Firms	Workers	Total	Firms	Workers
Andalusia	52.019	460	-	-	-	856	9.172	243.789
Aragon	5.542	6.889	3	11	93	122	1.518	51.721
Asturias	9.842	-	-	-	-	184	2.057	57.966
Balearic Islands (1)(2)	11.781	10.491	56	-	-	56	..	..
Canary Islands	22.252	-	-	-	-	161	161	47.268
Cantabria (1)	6.543	4.867	10	10	472	115	115	44.001
Castille-La Mancha	14.515	-	-	-	-	214	789	49.696
Castille and Leon	20.110	-	-	-	-	243	6.682	93.936
Catalonia	74.889	149	122	123	114.979	693	850	193.716
Valencian Region	36.944	-	-	-	-	300	7.640	132.255
Extremadura	5.241	-	7	12	964	47	553	13.625
Galicia	23.486	-	96	88	18.096	65	644	24.209
Madrid	86.252	-	81	88	90.881	675	19.121	509.314
Murcia	15.311	-	-	-	-	105	10.110	106.551
Navarre (2)	2.575	-	25	25	8.066	25	225	7.429
Basque Country (2)	24.787	-	-	-	-	538	..	185.476
Rioja (La)	2.188	933	3	8	348	11	224	2.626
Ceuta & Melilla	1.327	-	22	23	1.542	-	-	-
Inter-Aut. Regions	-	-	-	-	-	-	-	-
SIMA (Conciliat-Arbitration Service) (1)	-	-	37	73	345.741	422	209.628	3.271.330
TOTAL	415.605	23.789	462	461	581.182	4.832	269.489	5.034.524

(1) The Individual Conciliations concluded in out-of-court Bodies of Balearic Islands (TAMIB) and Cantabria (ORECLA) have also included.

(2) The out-of-court Body setting the labor disputes in Balearic Islands (TAMIB) does not provide data of firms and workers. The out-of-court bodies in Navarre and Basque Country provide incomplete information (not firm's data in Navarre, not workers data in Basque Country).

³⁴ Fuente: Estadística de Mediación Arbitraje y Conciliación. Subdirección General de Estadística. MEYSS. Año 2014

LABOR ARBITRATION ³⁵

	Out-of-court settling disputes bodies		
	Total	Firms	Workers
Andalusia	1	1	690
Aragon	2	2	94
Asturias	-	-	-
Balearic Islands	-	-	-
Canary Islands	1	-	-
Cantabria	-	-	-
Castille and Leon	3	3	620
Castille-La Mancha	-	-	-
Catalonia	11	11	1.771
Valencian Region	5	5	1.957
Extremadura	1	8	417
Galicia	3	93	4.456
Madrid	18	18	18
Murcia	-	-	-
Navarre	-	-	-
Basque Country	3	..	134
Rioja (La)	1	1	31
Ceuta & Melilla	-	-	-
Inter-Aut. Regions	-	-	-
SIMA (Conciliat-Arbitration Service) (*)	-	-	-
Total	49	142	10.188

(*) The data elaborating by out-of-court bodies in Balearic Islands (TAMIB) and Cantabria (ORECLA) have been included, because both these Regions have not a SIMA Unit.

³⁵ Source: Ministry of Employment and Social Security

THE QUALITY OF THE COURT SYSTEM

JUDGMENTS BY TYPE OF JUDGE

One indicator of the quality of judgments is the percentage of them delivered by professional judges. The data provided in the third column (temporary judges) of the following tables refer to non-professional judges.

Source: Judicial Statistics. General Council of the Judiciary

Courts of Civil Jurisdiction

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Courts of First Instance	86,2	0,2	1,2	1,2	5,2	0,1	3,8	1,6	0,6
Family Courts of First Instance	78,0	0,0	1,8	2,8	8,1	0,0	4,6	3,5	1,2
Courts of First Instance and Enquiry	79,6	0,2	1,1	1,7	9,8	0,0	4,7	2,1	0,7
Violence against women Courts	83,9	0,0	1,6	0,0	9,5	0,0	3,6	0,0	1,4
Commercial Courts	59,8	1,2	1,2	15,7	6,1	0,4	2,9	10,9	1,8
Provincial C.- Mixed Divisions	92,9	0,0	2,2	0,1	0,1	2,2	0,0	0,0	2,5
Provincial C.- Civil Division	92,7	0,2	2,6	0,1	0,6	2,6	0,0	0,0	1,4
Provincial C. - Commercial Chamber	96,6	0,0	2,1	0,0	0,0	1,0	0,0	0,0	0,3
H.C.J.- Civil and Criminal Chamber	97,7	0,0	0,0	0,0	0,0	2,3	0,0	0,0	0,0
High Court 1st Chamber	89,5	0,0	7,6	0,0	0,0	0,0	0,0	0,0	2,9*

* settled by meritorious judges

Courts of First Instance, Courts of First Instance and Enquiry. Civil proceedings (family matters included)

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Andalusia	80,8	0,2	0,7	2,2	7,3	0,0	5,5	2,9	0,4
Aragon	91,9	0,0	0,7	1,4	2,4	0,0	1,3	2,4	0,0
Asturias	88,2	0,0	0,5	0,7	5,7	0,0	4,5	0,2	0,2
Balearic Islands	79,2	0,0	2,6	0,1	10,3	0,4	6,4	1,1	0,0
Canary Islands	71,2	0,3	1,6	1,0	13,6	0,0	8,5	0,9	2,9
Cantabria	90,6	0,1	0,4	0,3	5,7	0,2	2,7	0,0	0,0
Castille and Leon	85,3	0,0	0,7	1,3	6,7	0,0	3,9	1,8	0,4
Castille-La Mancha	70,6	0,2	1,2	0,6	17,1	0,0	7,1	1,2	2,0
Catalonia	74,4	0,1	1,4	1,9	16,7	0,0	3,3	1,8	0,2
Valencian Region	76,2	0,3	1,0	3,0	10,5	0,2	2,8	5,4	0,5
Extremadura	79,6	0,7	0,5	0,9	12,3	0,0	4,7	1,4	0,0
Galicia	78,8	0,5	0,2	2,0	12,8	0,1	3,4	1,9	0,5
Madrid	85,4	0,0	2,1	0,4	4,1	0,0	6,4	0,3	1,3
Murcia (Region)	72,5	0,0	1,8	5,9	5,7	0,0	7,8	5,5	0,9
Navarre	88,2	0,0	0,2	0,0	8,7	0,5	2,2	0,0	0,3
Basque Country	79,1	0,0	0,5	2,1	11,2	0,0	5,1	1,5	0,4
Rioja (La)	91,9	0,0	0,4	0,0	7,5	0,2	0,0	0,0	0,0
Total	79,6	0,2	1,1	1,7	9,8	0,0	4,7	2,1	0,7

Courts of Criminal Jurisdiction

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Magistrates' Courts	86,4	0,1	3,5	1	5,2	0,1	2,5	0,7	0,6
Courts of First Instance and Enquiry	79,3	0,1	1,3	1,2	11,9	0	4,8	0,9	0,6
Violence against Women	79,1	0,1	5,6	0,5	10,4	0,0	3,3	0,7	0,3
Juvenile Courts	92,8	0	3	0,1	3,3	0	0,2	0	0,6
Criminal Courts	77,7	0,1	2,3	2,9	8,2	0	4,5	3,2	1,1
Provincial C. - Criminal Division	91,5	0,2	3,2	0	0,5	3,4	0	0	1,2
Provincial C. -Mixed Divisions	91,9	0,9	2,0	0,0	0,2	2,8	0	0	2,3
H.C.J. - Civil and Criminal Chamber	100	0	0	0	0	0	0	0	0
Central Criminal Court	100	0	0	0	0	0	0	0	0
National C. - Criminal Chamber	85,1	4,4	1,1	0	0	9,4	0	0	0
High Court - 2 nd . Chamber	87,3	7	3,6	2,1	0	0	0	0	0

* settled by meritorious judges

Criminal Courts

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Andalusia	82,6	0,0	2,9	0,8	5,8	0,0	5,9	1,4	0,7
Aragon	75,6	0,0	2,3	5,0	3,7	0,0	9,3	4,2	0,0
Asturias	90,9	0,0	2,6	0,0	6,5	0,0	0,0	0,0	0,0
Balearic Islands	96,6	0,0	1,8	0,0	1,6	0,0	0,0	0,0	0,0
Canary Islands	67,4	1,8	0,5	5,9	10,2	0,0	6,5	6,1	1,7
Cantabria	85,5	0,0	1,1	0,0	13,3	0,0	0,0	0,0	0,0
Castille and Leon	88,7	0,0	0,3	1,8	4,0	0,0	2,3	2,9	0,0
Castille-La Mancha	63,0	0,0	4,5	14,3	5,1	0,0	5,0	3,5	4,5
Catalonia	70,2	0,0	3,0	2,0	14,0	0,0	4,4	4,9	1,4
Valencian Region	73,6	0,3	0,9	4,9	11,0	0,0	3,2	6,1	0,0
Extremadura	63,6	0,0	0,5	8,3	21,9	0,9	0,9	3,8	0,0
Galicia	80,5	0,0	0,7	2,3	13,4	0,0	1,6	1,3	0,2
Madrid	83,4	0,0	3,5	2,0	1,4	0,0	4,6	2,4	2,7
Murcia (Region)	82,6	0,0	3,9	0,0	2,0	0,0	8,9	0,0	2,6
Navarre	87,0	0,0	1,3	0,0	11,8	0,0	0,0	0,0	0,0
Basque Country	76,2	0,0	0,4	4,5	12,3	0,0	3,6	2,7	0,3
Rioja (La)	39,1	0,0	1,2	13,6	0,0	0,0	33,7	12,4	0,0
Total	77,7	0,1	2,3	2,9	8,2	0,0	4,5	3,2	1,1

Courts of Administrative Jurisdiction

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Administrative Courts	84,8	0,2	2,0	2,7	6,4	0,0	1,4	1,5	1,0
H.C.J.- Contentious Administrative Chamber	88,9	0,7	3,5	0,6	0,6	3,4	0,0	0,0	2,3
Central Administrative Court	87,8	0,0	12,2	0,0	0,0	0,0	0,0	0,0	0,0
National C. - Contentious Administrative Chamber	98,3	0,0	0,9	0,7	0,0	0,0	0,0	0,0	0,0
High Court - 3rd Chamber	93,4	0,0	0,1	0,0	0,0	3,2	0,0	0,0	3,3*

* settled by meritorious judges

Administrative Courts

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Andalusia	88,1	0,0	1,7	3,2	2,3	0,0	1,1	2,7	1,0
Aragon	88,5	0,0	3,8	0,0	7,7	0,0	0,0	0,0	0,0
Asturias	99,6	0,0	0,0	0,0	0,4	0,0	0,0	0,0	0,0
Balearic Islands	25,5	0,0	0,1	23,3	14,7	0,0	15,9	20,4	0,1
Canary Islands	81,4	0,0	2,7	7,6	6,7	0,0	0,0	1,4	0,3
Cantabria	80,6	0,0	0,3	0,0	14,2	0,0	4,9	0,0	0,0
Castille and Leon	92,8	0,0	0,0	1,0	2,5	0,1	2,4	0,0	1,1
Castille-La Mancha	82,4	0,0	1,7	8,0	6,2	0,0	0,0	0,0	1,8
Catalonia	68,6	0,0	6,2	0,0	22,5	0,0	1,1	1,6	0,0
Valencian Region	88,2	1,0	0,1	4,0	6,2	0,0	0,0	0,0	0,5
Extremadura	98,2	0,0	1,6	0,0	0,2	0,0	0,0	0,0	0,0
Galicia	89,7	0,0	0,0	4,2	6,0	0,0	0,0	0,0	0,0
Madrid	85,8	0,4	2,3	0,8	6,2	0,2	2,4	0,5	1,4
Murcia (Region)	81,9	0,0	10,0	0,0	3,0	0,0	0,0	0,0	5,2
Navarre	92,4	0,0	0,1	0,0	7,4	0,0	0,0	0,0	0,0
Basque Country	84,9	0,1	0,0	0,0	12,9	0,2	0,0	0,0	1,8
Rioja (La)	59,8	0,0	2,3	0,0	0,0	0,0	27,3	10,6	0,0
Total	84,8	0,2	2,0	2,7	6,4	0,0	1,4	1,5	1,0

Courts of Labor Jurisdiction

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Labor Courts	77,4	0,4	0,6	4,4	7,7	0,6	3,0	5,0	0,8
H.C.J. - Labor Chamber	91,9	1,8	2,2	0,0	0,4	2,3	0,0	0,0	1,4
National C. - Labor Chamber	95,1	0,0	4,5	0,0	0,0	0,0	0,0	0,0	0,4
High Court - 4th Chamber	95,8	0,0	0,0	0,0	0,0	0,0	0,0	0,0	4,2*

* settled by meritorious judges

Labor Courts

	Judge appointed to the Court		Judge from another Court		Temporary Judges		Judges for a judicial area		Others
	Ordinary	Supplementary	sustitute	Supplementary	sustitute	Supplementary	sustitute	Supplementary	
Andalusia	78,5	0,1	0,5	5,4	4,3	0,0	3,0	6,0	2,1
Aragon	73,8	1,3	0,2	4,4	6,5	0,0	5,7	7,2	0,9
Asturias	94,2	0,0	0,1	0,0	5,6	0,0	0,0	0,0	0,0
Balearic Islands	79,1	0,0	0,2	0,0	1,1	8,6	7,8	3,2	0,0
Canary Islands	49,1	1,0	1,8	7,5	20,9	0,0	8,5	8,3	2,9
Cantabria	93,1	0,0	1,1	0,0	5,8	0,0	0,0	0,0	0,0
Castille and Leon	79,2	1,1	0,3	7,0	5,4	1,2	0,6	5,2	0,0
Castille-La Mancha	64,4	0,5	0,2	11,0	9,3	0,4	6,0	6,2	2,0
Catalonia	83,5	0,2	1,1	1,9	8,8	0,0	2,1	2,4	0,0
Valencian Region	72,8	0,0	0,8	3,5	7,7	0,7	5,2	9,4	0,0
Extremadura	78,1	0,0	0,1	0,0	14,6	5,1	0,0	1,9	0,1
Galicia	86,1	1,3	0,0	4,9	6,5	0,3	0,0	0,5	0,5
Madrid	70,6	0,4	0,6	4,2	10,9	1,1	3,6	7,6	1,0
Murcia (Region)	87,0	0,0	1,1	2,3	0,3	0,0	4,2	5,0	0,1
Navarre	63,4	0,0	0,0	18,5	6,6	3,1	0,0	8,0	0,4
Basque Country	86,2	0,0	0,5	1,4	5,9	1,1	1,2	3,4	0,4
Rioja (La)	75,8	0,0	0,1	11,1	0,0	0,0	2,9	10,1	0,1
Total	77,4	0,4	0,6	4,4	7,7	0,6	3,0	5,0	0,8

COURTS OF APPEAL

Another indicator of the Quality of Justice is the result of heard and returned appeals. The relationship between the appeals filed during the year and the total of judgements (or judgements and writs) can show the appeal rate.

Source: Judicial Statistics. General Council of the Judiciary

Courts of Civil Jurisdiction

	Appeals submitted higher Court/ Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
First Instance Court and First Instance and Enquiry Courts	12,1	63,5	15,2	20,7	0,6
Commercial Courts	15,6	55,7	16,6	26,9	0,8
Provincial Courts	7,4	85,7	9,3	4,5	0,5

Cassation appeals in Provincial Courts for Civil Judgements

	Appeals submitted higher Court/ Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Andalusia	6,8	84,5	11,0	4,2	0,3
Aragon	12,0	85,7	11,6	2,7	0,0
Asturias	6,2	93,0	5,3	1,8	0,0
Balearic Islands	8,6	93,0	3,5	3,5	0,0
Canary Islands	6,5	86,3	12,7	1,0	0,0
Cantabria	5,9	89,5	10,5	0,0	0,0
Castille and Leon	4,2	77,9	13,7	8,4	0,0
Castille-La Mancha	5,3	79,0	15,0	6,0	0,0
Catalonia	6,4	82,3	10,7	5,5	1,4
Valencian Region	9,4	88,1	7,5	4,1	0,3
Extremadura	6,2	88,5	7,7	3,8	0,0
Galicia	7,5	90,9	4,3	4,8	0,0
Madrid	8,0	83,5	11,0	5,0	0,5
Murcia (Region)	6,7	96,9	3,1	0,0	0,0
Navarre	10,5	89,2	0,0	5,4	5,4
Basque Country	13,7	85,1	6,1	8,1	0,7
Rioja (La)	8,4	100,0	0,0	0,0	0,0
Total	7,4	85,7	9,3	4,5	0,5

Courts of Criminal Jurisdiction

	Appeals submitted higher Court/ Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Magistrates' Courts and First Instance and Enquiry Courts	6,7	75,4	14,3	8,6	1,7
Violence against women	4,7	77,0	15,4	6,0	1,5
Criminal Courts	19,1	77,7	8,6	13,0	0,8
Juvenile Courts	7,6	79,1	11,0	8,9	1,0
Provincial Courts	3,3	82,9	4,9	8,9	3,3
National C. - Criminal Chamber	30,4	68,1	10,6	19,1	2,1
Central Criminal Courts	28,6	100,0	0,0	0,0	0,0

Appeals in the Criminal Courts

	Appeals submitted higher Court / Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Andalusia	16,2	79,8	8,3	10,9	1,0
Aragon	18,6	81,9	7,3	10,7	0,1
Asturias	20,0	85,4	3,2	10,8	0,6
Balearic Islands	12,4	80,9	5,0	13,7	0,4
Canary Islands	16,7	79,7	7,4	11,7	1,2
Cantabria	29,9	71,2	10,4	16,4	1,9
Castille and Leon	15,4	76,6	9,5	13,3	0,6
Castille-La Mancha	19,4	79,1	12,1	8,4	0,4
Catalonia	20,2	74,6	10,1	14,6	0,7
Valencian Region	19,5	79,6	8,6	11,2	0,6
Extremadura	12,2	86,7	3,3	9,1	0,9
Galicia	20,0	80,1	6,3	13,1	0,4
Madrid	25,9	75,3	8,4	15,3	1,0
Murcia (Region)	15,2	79,8	8,1	11,3	0,8
Navarre	14,6	78,5	7,2	14,0	0,4
Basque Country	18,1	71,1	10,0	18,1	0,8
Rioja (La)	9,5	83,0	6,8	10,2	0,0
Total	19,1	77,7	8,6	13,0	0,8

Cassation appeals in the Provincial Courts for Criminal Judgments

	Appeals submitted higher Court / Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Andalusia	3,1	79,0	8,0	12,7	0,3
Aragon	3,3	90,0	1,4	8,6	0,0
Asturias	2,7	90,0	0,0	10,0	0,0
Balearic Islands	4,3	71,7	3,8	13,2	11,3
Canary Islands	4,0	89,0	1,0	10,0	0,0
Cantabria	2,4	87,5	8,3	4,2	0,0
Castille and Leon	2,9	87,3	1,8	7,3	3,6
Castille-La Mancha	2,4	69,2	16,9	13,8	0,0
Catalonia	3,3	86,4	3,9	8,1	1,5
Valencian Region	3,7	73,1	4,1	8,6	14,2
Extremadura	4,2	70,6	23,5	2,9	2,9
Galicia	2,8	83,2	1,1	10,5	5,3
Madrid	3,5	88,2	4,9	5,5	1,4
Murcia (Region)	1,8	88,5	0,0	11,5	0,0
Navarre	5,0	85,7	0,0	7,1	7,1
Basque Country	3,1	90,5	1,1	8,4	0,0
Rioja (La)	2,2	100,0	0,0	0,0	0,0
Total	3,3	82,9	4,9	8,9	3,3

Courts of Administrative Jurisdiction

	Appeals submitted higher Court / Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Administrative Courts	18,5	74,0	19,4	6,0	0,5
Central Administrative Courts	20,1	73,7	17,8	7,2	1,2
National C. - Contentious Administrative Chamber	5,2	79,4	12,2	4,7	3,6
H.C.J. - Administrative Chamber	21,8	80,5	13,2	6,2	0,1

Appeals in the Administrative Courts

	Appeals submitted higher Court / Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Andalusia	16,4	80,2	14,6	5,0	0,3
Aragon	32,7	78,6	17,3	4,0	0,0
Asturias	9,9	77,2	19,5	2,3	0,9
Balearic Islands	26,4	62,4	28,6	9,0	0,0
Canary Islands	25,1	68,3	24,0	6,5	1,2
Cantabria	25,9	82,9	12,2	5,0	0,0
Castille and Leon	13,4	70,7	17,3	11,5	0,5
Castille-La Mancha	20,8	63,7	26,4	9,2	0,7
Catalonia	27,1	70,9	21,0	7,4	0,7
Valencian Region	27,4	78,6	16,5	4,5	0,4
Extremadura	13,7	71,0	19,4	9,7	0,0
Galicia	14,7	76,2	15,4	7,9	0,5
Madrid	13,3	67,6	25,5	6,0	1,0
Murcia (Region)	10,8	72,5	18,5	8,0	1,1
Navarre	22,2	85,0	12,8	1,1	1,1
Basque Country	23,4	65,1	28,4	5,9	0,7
Rioja (La)	29,4	85,5	12,8	1,7	0,0
Total	18,5	74,0	19,4	6,0	0,5

Courts of Labor Jurisdiction

	Appeals submitted Higher Court/ Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Labor Courts	26,4	77,4	14,7	6,1	1,8
National C. - Labor Chamber ⁽¹⁾	92,1	82,1	7,5	4,2	6,1
H.C.J. Labor Chamber ⁽¹⁾	8,4	87,3	10,0	0,7	0,0

(1) Comparison between Appeals submitted and judgements and final decisions

Appeals in the Labor Courts

	Appeals submitted Higher Court / Judgements	Appeals returned in the year			
		Upheld	Revoked fully	Revoked partially	Quashed
Andalusia	27,8	74,9	17,0	6,3	1,8
Aragon	19,3	81,3	12,0	4,8	1,9
Asturias	33,6	82,3	12,2	4,8	0,8
Balearic Islands	16,0	67,6	26,0	5,1	1,3
Canary Islands	22,6	69,7	19,9	8,1	2,3
Cantabria	30,5	80,7	13,4	5,5	0,3
Castille and Leon	31,6	76,0	11,3	9,3	3,4
Castille-La Mancha	28,7	77,0	14,5	4,2	4,3
Catalonia	27,2	82,0	12,6	4,2	1,2
Valencian Region	19,6	79,4	13,6	5,7	1,3
Extremadura	15,8	66,0	21,2	7,9	4,9
Galicia	32,3	81,0	12,8	4,7	1,5
Madrid	24,7	73,4	16,4	8,1	2,1
Murcia (Region)	25,4	87,1	7,9	3,9	1,0
Navarre	23,0	88,1	9,0	2,3	0,7
Basque Country	27,9	70,2	18,5	9,8	1,5
Rioja (La)	16,2	74,9	17,0	7,7	0,4
Total	26,4	77,4	14,7	6,1	1,8

ESTIMATED LENGTH OF PROCEEDINGS

The average length of proceedings is another very important indicator of the Quality of the Justice. As the Judicial Statistics does not offer direct data from lengths, we present a set of evaluation produced by a mathematical model, according to the data from General Council of the Judiciary. Judicial Statistics: Incoming cases, resolved cases and pending proceedings at the beginning of every period of time. It offers an estimation of the average length of the cases ended in each period. **Length is stated in months.**

Courts of Civil Jurisdiction

	2015	2014	2013	2012	2011
First Instance Courts	5,6	6,2	7,1	7,2	8,0
Family Courts	4,5	4,6	4,5	4,4	4,5
First Instance and Enquiry Courts	7,0	7,6	8,8	9,2	9,9
Commercial Courts ³⁶	41,6	40,0	38,1	34,8	28,2
Provincial Courts	6,1	6,6	7,0	6,3	5,9
H.C.J. - Civil and Criminal Chamber	4,6	4,7	4,7	5,8	4,6
High Court - 1st Chamber	15,4	13,3	11,7	11,1	11,4

Cases of Civil First Instance in Courts of First Instance, Family Courts and Courts of First Instance and Enquiry

	2015	2014	2013	2012	2011
Andalusia	7,12	8,03	9,30	9,69	9,74
Aragon	3,86	4,26	5,10	5,37	6,39
Asturias	3,50	3,45	4,27	4,52	5,33
Balearic Islands	5,64	6,01	7,54	8,85	10,35
Canary Islands	6,04	6,94	7,98	8,69	9,85
Cantabria	4,61	5,05	5,88	6,35	7,67
Castille and Leon	4,46	4,50	5,36	5,52	6,12
Castille-La Mancha	7,24	7,56	8,76	9,73	10,46
Catalonia	6,40	6,06	6,61	6,72	7,50
Valencian Region	6,79	8,01	8,97	9,41	10,27
Extremadura	5,74	6,05	6,86	7,31	7,99
Galicia	5,06	5,28	6,11	6,26	6,75
Madrid	5,82	6,53	7,58	8,22	9,06
Murcia (Region)	9,90	10,29	11,06	11,35	11,55
Navarre	4,10	4,09	4,69	4,57	4,66
Basque Country	4,61	4,81	5,20	5,02	5,17
Rioja (La)	4,81	4,64	4,56	4,65	5,39
Spain	6,12	6,59	7,56	7,96	8,64

³⁶ Only contest of creditors have been considered

Civil cases in Provincial Courts

	2015	2014	2013	2012	2011
Single instance	2,7	2,4	2,8	3,2	3,6
Appeals	6,5	7,1	7,5	6,5	6,0

Provincial Courts. Civil Appeals

	2015	2014	2013	2012	2011
Andalusia	7,6	8,0	8,0	6,5	5,7
Aragon	3,3	3,0	3,1	2,9	2,6
Asturias	2,4	2,7	4,2	4,1	3,5
Balearic Islands	3,3	3,4	4,9	4,6	3,9
Canary Islands	10,4	12,1	11,0	8,7	7,5
Cantabria	9,9	12,6	13,0	12,4	11,5
Castille and Leon	2,3	2,2	2,8	3,7	3,5
Castille-La Mancha	7,8	8,4	7,9	6,3	6,2
Catalonia	10,3	10,6	10,4	9,3	8,4
Valencian Region	3,5	3,6	4,4	4,3	3,7
Extremadura	1,5	1,7	1,5	1,5	1,8
Galicia	5,3	6,5	7,6	7,0	6,9
Madrid	6,9	7,9	8,6	7,8	8,0
Murcia (Region)	5,3	6,0	6,1	4,8	4,3
Navarre	6,9	6,9	7,5	6,9	7,8
Basque Country	2,6	2,3	2,6	3,0	3,9
Rioja (La)	7,8	12,7	11,7	10,1	9,0
Spain	6,5	7,1	7,5	6,5	6,0

Courts of Criminal Jurisdiction

	2015	2014	2013	2012	2011
Magistrates' Courts and of First Instance and Enquiry Courts	1,5	1,6	1,7	1,8	1,9
Violence against women Courts	2,1	2,2	2,4	2,5	2,7
Juvenile Courts	5,6	5,7	5,7	6,1	6,8
Prison Supervisory Courts	1,7	1,7	1,2	1,1	1,3
Criminal Courts	10,8	10,9	10,6	10,4	10,0
Provincial Courts	2,4	2,6	2,7	2,6	2,6
H.C.J. - Civil and Criminal Chamber	0,7	2,4	1,9	0,9	2,1
Central Enquiry Courts	5,3	5,7	5,8	5,8	5,3
Central Criminal Courts	11,1	5,8	5,9	8,0	8,1
National C. - Criminal Chamber	1,2	1,3	1,5	2,3	2,4
High Court - 2nd Chamber	5,1	5,1	6,0	6,0	5,3

Provincial Courts. Summaries

	2015	2014	2013	2012	2011
Andalusia	8,49	8,21	8,16	7,92	8,06
Aragon	8,99	9,22	8,62	7,91	9,89
Asturias	8,07	9,67	9,77	11,05	10,58
Balearic Islands	16,60	10,12	7,76	7,10	4,45
Canary Islands	9,70	10,27	11,30	11,12	8,91
Cantabria	13,00	12,30	12,00	12,67	10,80
Castille and Leon	11,58	10,54	8,46	6,60	6,42
Castille-La Mancha	9,09	9,43	9,26	9,10	10,81
Catalonia	13,59	13,31	13,37	12,64	12,17
Valencian Region	8,64	8,75	11,09	10,62	9,61
Extremadura	16,46	7,13	10,59	14,14	17,90
Galicia	10,43	10,39	10,71	12,08	11,14
Madrid	9,86	10,74	10,95	10,16	9,47
Murcia (Region)	21,57	19,81	17,34	14,26	14,09
Navarre	7,67	10,36	10,83	11,28	11,27
Basque Country	11,09	12,01	14,30	14,90	13,13
Rioja (La)	17,03	15,52	16,11	15,56	16,22
Spain	10,94	10,20	10,45	10,05	9,33

Provincial Courts. Jury Cases

	2015	2014	2013	2012	2011
Andalusia	5,21	4,09	4,40	4,29	4,87
Aragon	5,40	8,23	8,82	7,04	3,51
Asturias	4,20	9,33	11,57	10,62	9,51
Balearic Islands	9,32	7,56	4,72	4,41	3,43
Canary Islands	5,93	4,62	6,32	6,46	6,11
Cantabria	5,01	5,85	4,54	4,00	6,14
Castille and Leon	6,20	5,42	4,08	3,78	4,29
Castille-La Mancha	4,79	6,27	5,41	5,88	6,11
Catalonia	7,14	9,47	10,39	9,14	7,82
Valencian Region	4,83	5,43	5,09	5,02	5,91
Extremadura	4,03	14,08	19,80	13,80	11,00
Galicia	4,85	5,30	5,54	3,75	4,23
Madrid	6,54	6,28	5,82	7,45	7,55
Murcia (Region)	2,68	5,04	6,29	4,23	6,02
Navarre	11,64	10,80	4,80	6,00	6,40
Basque Country	6,21	9,66	10,18	11,54	13,50
Rioja (La)	-	3,00	-	6,67	6,50
Spain	5,84	6,44	6,73	6,57	6,51

Provincial Courts. Criminal Appeals

	2015	2014	2013	2012	2011
Andalusia	2,22	2,38	2,30	2,01	1,77
Aragon	0,62	0,56	0,61	0,63	0,75
Asturias	1,18	1,16	0,89	1,09	1,23
Balearic Islands	2,26	2,06	2,33	3,66	3,99
Canary Islands	2,35	2,75	2,68	2,83	2,81
Cantabria	2,92	2,43	2,36	2,55	2,40
Castille and Leon	1,18	1,15	1,68	2,02	2,16
Castille-La Mancha	2,75	2,91	2,79	2,85	2,95
Catalonia	1,93	2,17	2,40	2,47	2,98
Valencian Region	1,60	1,98	2,01	1,61	1,31
Extremadura	0,54	0,39	0,34	0,35	0,30
Galicia	2,90	3,31	3,59	2,82	2,22
Madrid	2,00	2,52	2,86	2,93	2,62
Murcia (Region)	4,46	3,69	2,46	1,50	2,71
Navarre	1,58	1,89	2,12	2,35	2,75
Basque Country	1,09	1,32	1,93	2,11	2,02
Rioja (La)	3,24	2,26	2,28	1,99	1,41
Spain	2,01	2,23	2,35	2,28	2,23

Courts of Administrative Jurisdiction

	2015	2014	2013	2012	2011
Administrative Courts	11,0	12,6	14,2	13,6	12,9
H.C.J. - Contentious Administrative Chamber *	20,6	23,7	24,3	24,6	25,9
Central Administrative Court	7,4	8,0	10,9	14,0	16,9
National C. - Contentious Administrative Chamber	15,4	15,7	20,4	19,9	18,6
High Court - 3rd Chamber	13,8	14,7	15,5	16,5	18,0

* In single instance

Administrative Courts

	2015	2014	2013	2012	2011
Land Development	14,5	16,3	17,2	17,3	16,9
Compulsory expropriation	16,0	16,8	16,9	18,4	17,3
Administrative contracting	14,8	15,8	15,3	14,9	16,1
Public ownership and special properties	12,8	15,0	16,3	15,1	14,8
Taxes	12,7	14,2	15,4	15,8	15,1
Environment	16,0	16,9	17,4	16,7	15,9
Public functions	11,4	12,4	15,6	14,0	12,7
Labor administration	11,9	13,3	14,9	15,0	14,3
Immigration	8,4	9,3	10,4	10,1	9,6
Administrative penalties	11,4	14,8	16,0	15,1	13,9
Electoral	13,3	11,3	13,1	6,2	0,4
Authorization of entries into home	2,5	2,7	3,1	3,4	2,9
Patrimonial responsibility	12,8	14,5	15,2	15,0	14,6
Sport Doping in	5,8	8,4	6,2	11,3	7,8
Rest	10,1	11,8	13,9	13,9	14,3

Cases in Contentious Administrative Chambers of H.C.J.

	2015	2014	2013	2012	2011
Land Development	27,2	28,6	27,1	27,3	26,8
Compulsory expropriation	31,2	41,3	42,8	43,2	39,5
Administrative contracting	14,5	15,2	15,4	16,8	17,9
Taxes	23,9	25,9	27,0	27,5	27,3
Public functions	17,6	20,5	21,0	19,2	20,4
Immigration	6,4	4,5	5,1	6,2	10,1
Administrative penalties	17,6	19,1	18,2	18,1	16,7
Other matters	24,9	25,7	24,3	23,8	23,6
Remedy of Appeals	19,8	23,5	23,0	22,6	23,0
Appeals against refusal of leave to appeal	19,0	20,4	17,9	17,5	15,0

Courts of the Labor Jurisdiction

	2015	2014	2013	2012	2011
Labor Courts	10,7	10,7	9,7	9,1	8,6
National C. - Labor Chamber	4,9	5,6	6,8	6,7	6,7
H.C.J. - Labor Chamber	4,1	4,8	3,2	1,9	2,2
Tribunal Supremo - 4th Chamber	12,7	11,1	10,7	10,6	9,8

Labor Courts

	2015	2014	2013	2012	2011
Collective disputes	12,70	10,31	6,66	6,32	4,86
Dismissals	7,21	7,61	6,45	4,75	3,79
Amounts	12,07	12,53	12,17	11,85	11,21
Social Security	13,20	12,65	11,62	11,19	10,31
Work accident, Occupational disease, occupational risk prevention	12,91	11,56	8,71	4,50	-
Challenge procedures against administrative acts in Labor and Social Security matters	12,75	11,41	8,50	4,79	-
Fundamental rights and public freedoms	7,25	7,35	6,08	4,24	-
Other matters	10,20	10,82	9,74	9,37	8,66

Cases in Labor Chambers of H.C.J.

	2015	2014	2013	2012	2011
Andalusia	13,55	13,15	11,89	10,68	9,75
Aragon	10,54	10,47	8,81	7,76	6,89
Asturias	8,14	7,21	6,08	5,89	6,04
Balearic Islands	15,16	18,14	16,37	13,77	11,16
Canary Islands	8,66	10,17	9,92	9,59	8,90
Cantabria	8,37	9,03	7,99	8,54	8,83
Castille and Leon	6,99	8,30	7,49	7,08	7,33
Castille-La Mancha	10,56	10,74	11,38	10,14	9,58
Catalonia	10,39	9,92	8,86	8,29	7,75
Valencian Region	13,27	12,65	11,03	10,34	9,70
Extremadura	8,46	8,55	7,61	6,68	7,19
Galicia	11,19	10,32	9,47	9,20	9,10
Madrid	9,33	9,87	9,36	9,26	8,83
Murcia (Region)	13,20	13,80	13,19	11,99	10,94
Navarre	8,82	10,37	8,99	7,47	7,03
Basque Country	8,41	8,49	5,79	5,12	5,34
Rioja (La)	7,47	8,04	6,28	4,90	5,29
Spain	10,71	10,71	9,74	9,12	8,62

AVERAGE TIME OF PROCEEDINGS PENDING AT THE END OF THE YEAR

Other way to measure the length of proceedings is to considerate the time that the cases, which have not yet been decided at the end of the year, have been in Court. The “average time” has been calculated by a mathematical model according to the data from General Council of the Judiciary. Judicial Statistics. **The lengths are stated in months.**

Courts of Civil Jurisdiction

	2015	2014	2013	2012	2011
Courts of First Instance	2,8	2,9	3,3	3,4	3,8
Family First Instance Courts	2,3	2,3	2,3	2,3	2,2
Courts of First Instance and Enquiry	3,5	3,6	4,2	4,4	4,9
Comercial Courts	23,8	20,7	18,1	17,1	16,1
Violence against women Courts	3,0	3,0	3,0	3,0	3,2
Provincial Courts	3,2	3,1	3,5	3,3	3,1
H.C.J. - Civil and Criminal Chamber	2,3	2,3	2,4	2,2	2,9
High Court - 1st Chamber	7,4	7,1	6,1	5,6	5,5

Civil cases in Courts of First Instance, Courts of First Instance and Enquiry and Family Courts

	2015	2014	2013	2012	2011
Andalusia	3,6	3,7	4,5	4,7	5,0
Aragon	1,8	2,1	2,4	2,5	2,8
Asturias	1,9	1,7	2,0	2,2	2,4
Balearic Islands	2,9	2,9	3,3	4,0	4,8
Canary Islands	3,0	3,4	3,7	4,0	4,7
Cantabria	2,3	2,4	2,7	3,1	3,6
Castille and Leon	2,3	2,2	2,5	2,8	2,8
Castille-La Mancha	3,5	3,7	4,1	4,5	5,1
Catalonia	3,2	3,0	3,2	3,3	3,5
Valencian Region	3,3	3,7	4,3	4,5	4,8
Extremadura	2,6	2,9	3,3	3,5	3,8
Galicia	2,5	2,5	2,9	3,1	3,2
Madrid	3,1	3,1	3,6	3,8	4,4
Murcia (Region)	5,0	4,7	5,7	5,5	6,1
Navarre	1,9	2,1	2,1	2,3	2,2
Basque Country	2,3	2,4	2,5	2,6	2,4
Rioja(La)	2,6	2,5	2,3	2,2	2,4
Spain	3,1	3,1	3,6	3,8	4,2

Civil Cases of the Provincial Courts

	2015	2014	2013	2012	2011
Single instance	1,3	1,2	1,3	1,6	1,7
Appeals	1,3	1,2	1,3	1,6	1,7

Provincial Courts. Civil Appeals

	2015	2014	2013	2012	2011
Andalusia	3,9	3,8	4,2	3,6	3,1
Aragon	1,9	1,6	1,4	1,5	1,3
Asturias	1,3	1,3	1,5	2,0	2,0
Balearic Islands	2,0	1,4	2,1	2,4	2,4
Canary Islands	4,9	5,7	6,4	4,7	4,0
Cantabria	4,4	5,7	6,9	6,4	6,0
Castille and Leon	1,4	1,1	1,1	1,4	1,9
Castille-La Mancha	3,8	4,1	4,2	3,4	3,2
Catalonia	5,3	5,2	5,5	4,9	4,5
Valencian Region	2,2	1,5	2,0	2,2	2,1
Extremadura	0,8	0,7	0,9	0,6	1,0
Galicia	2,5	2,9	3,7	3,5	3,4
Madrid	3,4	3,7	4,3	4,0	4,0
Murcia (Region)	2,5	2,8	3,1	2,7	2,4
Navarre	3,8	3,2	3,7	3,5	3,5
Basque Country	1,5	1,3	1,0	1,3	1,7
Rioja (La)	4,9	5,1	7,7	5,7	4,7
Spain	3,4	3,4	3,8	3,4	3,2

Courts of Criminal Jurisdiction

	2015	2014	2013	2012	2011
Magistrates' Courts and of First Instance and Enquiry Courts	0,7	0,8	0,8	0,8	0,9
Violence against women Courts	1,0	1,0	1,0	1,1	1,1
Juvenile Courts	2,8	2,8	2,9	2,9	3,2
Prison Supervisory Courts	0,9	0,8	0,8	0,5	0,5
Criminal Courts	5,3	5,5	5,4	5,3	5,2
Provincial Courts	1,1	1,2	1,3	1,4	1,3
H.C.J. - Civil and Criminal Chamber	0,2	1,4	1,1	0,5	1,0
Central Enquiry Courts	3,1	2,8	3,0	2,9	2,5
Central Criminal Courts	7,8	4,1	2,0	3,3	3,9
National C. - Criminal Chamber	0,6	0,7	0,6	1,1	1,1
High Court - 2nd Chamber	2,7	2,4	2,7	3,1	2,7

Provincial Courts. Summaries

	2015	2014	2013	2012	2011
Andalusia	4,0	3,8	3,8	3,7	3,9
Aragon	4,8	4,5	4,6	3,6	4,5
Asturias	4,1	4,6	4,7	5,4	5,4
Balearic Islands	10,3	6,4	3,7	3,9	2,8
Canary Islands	4,5	5,0	5,3	6,0	5,1
Cantabria	6,7	6,3	6,0	6,0	6,7
Castille and Leon	6,1	5,5	5,0	3,1	3,4
Castille-La Mancha	4,9	4,4	5,1	4,0	5,6
Catalonia	7,0	6,8	6,8	6,7	5,6
Valencian Region	4,3	4,1	4,7	5,4	5,1
Extremadura	8,5	8,4	3,2	7,0	7,3
Galicia	4,9	5,5	4,8	6,4	5,8
Madrid	4,5	5,2	5,5	5,1	4,6
Murcia (Region)	10,9	10,7	9,7	8,2	6,4
Navarre	3,5	4,7	5,5	5,0	6,4
Basque Country	5,4	5,6	6,5	7,8	7,4
Rioja (La)	10,1	6,5	9,0	8,2	7,3
Spain	5,5	5,2	5,0	5,1	4,7

Provincial Courts. Jury Cases

	2015	2014	2013	2012	2011
Andalusia	2,4	2,3	1,8	2,1	2,4
Aragon	3,0	2,4	5,1	4,3	2,1
Asturias	2,7	-	6,0	5,6	5,1
Balearic Islands	4,5	4,3	3,2	2,3	2,0
Canary Islands	3,8	2,3	2,2	4,1	2,5
Cantabria	1,7	4,5	1,2	3,0	1,0
Castille and Leon	1,8	3,2	2,0	2,3	1,6
Castille-La Mancha	2,1	2,8	3,0	3,8	2,0
Catalonia	3,1	4,1	5,5	4,8	4,2
Valencian Region	1,9	2,4	2,7	2,7	2,6
Extremadura	1,2	1,8	15,0	8,6	6,0
Galicia	3,0	1,6	3,2	2,3	1,7
Madrid	2,6	3,3	3,1	3,0	4,0
Murcia (Region)	1,71	1,50	2,57	2,77	1,64
Navarre	3,00	7,80	3,60	1,20	4,80
Basque Country	2,67	3,75	5,14	6,00	5,54
Rioja (La)	6,00	-	-	-	4,00
Spain	2,67	2,91	3,37	3,34	3,20

Provincial Courts. Criminal Appeals

	2015	2014	2013	2012	2011
Andalusia	0,9	1,2	1,2	1,1	0,9
Aragon	0,3	0,3	0,3	0,3	0,3
Asturias	0,6	0,6	0,6	0,4	0,7
Balearic Islands	1,1	1,0	1,1	1,6	2,1
Canary Islands	1,1	1,3	1,4	1,4	1,4
Cantabria	1,8	1,2	1,2	1,1	1,5
Castille and Leon	0,7	0,4	0,7	1,0	1,2
Castille-La Mancha	1,2	1,5	1,4	1,5	1,5
Catalonia	1,0	1,0	1,2	1,2	1,3
Valencian Region	0,7	0,8	1,1	0,9	0,7
Extremadura	0,2	0,3	0,2	0,2	0,1
Galicia	1,3	1,6	1,7	1,7	1,2
Madrid	0,9	1,1	1,4	1,5	1,5
Murcia (Region)	2,22	2,27	1,55	0,96	0,65
Navarre	0,70	0,94	1,00	1,10	1,25
Basque Country	0,51	0,54	0,81	1,10	1,06
Rioja (La)	1,85	1,47	1,28	0,99	0,81
Spain	0,94	1,06	1,18	1,18	1,15

Courts of Administrative Jurisdiction

	2015	2014	2013	2012	2011
Administrative Courts	5,3	5,7	6,9	7,4	6,6
H.C.J. - Contentious Administrative Chamber*	9,5	11,1	13,1	13,1	12,5
Central Administrative Court	3,6	3,6	3,5	6,4	7,5
National C. - Contentious Administrative Chamber	8,1	7,2	8,3	11,8	9,5
High Court - 3rd Chamber	6,5	7,1	7,6	8,1	8,8

* In single instance

Cases in the Administrative Courts

	2015	2014	2013	2012	2011
Land Development	7,1	7,8	8,7	9,0	8,7
Compulsory expropriation	8,2	7,9	8,6	8,8	9,6
Administrative contracting	7,0	7,9	8,2	7,5	7,5
Public ownership	5,7	6,9	7,8	8,5	7,4
Taxes	6,1	6,7	7,7	8,0	7,8
Environment	7,5	8,2	8,9	9,1	8,1
Public functions	5,8	5,7	6,9	8,5	6,6
Labor administration	5,6	6,3	7,2	7,8	7,3
Immigration	3,9	4,4	5,1	5,2	4,9
Administrative penalties	5,0	6,4	8,4	8,3	7,3
Electoral	2,2	42,0	8,7	5,6	0,2
Authorization of entries into home	1,0	1,3	1,5	1,7	1,4
Patrimonial responsibility	6,0	6,9	7,9	7,8	7,4
Sport Doping in	5,8	-	2,1	11,7	2,7
Rest	5,1	5,0	6,5	7,1	7,0

Cases in the Contentious Administrative Chambers of the H.C.J.

	2015	2014	2013	2012	2011
Land Development	11,8	15,2	16,2	15,1	13,9
Compulsory expropriation	14,2	18,2	22,9	23,6	24,6
Administrative contracting	8,5	7,3	7,9	7,6	8,6
Taxes	10,5	13,3	14,3	14,0	13,6
Public functions	8,5	9,3	11,3	12,1	9,7
Immigration	3,3	2,8	2,0	2,8	3,5
Administrative penalties	9,3	9,3	9,5	9,0	8,8
Other matters	11,7	13,4	13,9	12,6	12,0
Remedy of Appeals	8,2	11,2	13,4	11,9	11,0
Appeals against refusal of leave to appeal	9,7	10,0	10,9	9,2	8,7

Courts of Labor Jurisdiction

	2015	2014	2013	2012	2011
Labor Courts	5,2	5,5	5,1	4,6	4,5
H.C.J.- Labor Chamber	2,4	2,5	3,2	3,3	3,4
National C. - Labor Chamber	1,9	2,3	2,0	1,5	0,7
High Court - 4 th Chamber	6,8	5,8	5,3	5,5	5,0

Cases in the Labor Courts

	2015	2014	2013	2012	2011
Collective disputes	6,5	6,2	4,3	3,2	2,6
Dismissals	3,4	3,7	3,5	2,9	2,1
Amounts	5,9	6,2	6,2	5,9	5,9
Social Security	6,5	6,8	5,9	5,7	5,5
Work accident, Occupational disease, occupational risk prevention	6,6	6,1	5,2	3,3	-
Challenge procedures against administrative acts in Labor and Social Security matters	6,5	6,2	5,1	3,7	-
Fundamental rights and public freedoms	3,5	3,6	3,4	2,6	-
Other matters	4,9	5,2	5,0	4,6	4,4

Cases in the Labor Chambers of the High Courts of Justice

	2015	2014	2013	2012	2011
Andalusia	6,8	6,8	6,2	5,6	5,2
Aragon	4,8	5,6	4,8	4,1	3,8
Asturias	4,0	4,0	3,2	3,0	3,0
Balearic Islands	8,2	7,1	8,8	7,7	6,1
Canary Islands	3,9	4,8	5,1	4,9	4,7
Cantabria	3,7	4,6	4,2	4,0	4,6
Castille and Leon	3,0	3,9	4,0	3,5	3,7
Castille-La Mancha	5,3	5,6	6,1	5,2	4,9
Catalonia	5,3	5,1	4,7	4,2	4,1
Valencian Region	6,5	6,8	5,9	5,2	5,2
Extremadura	4,1	4,4	3,9	3,6	3,5
Galicia	5,7	5,3	5,0	4,5	4,7
Madrid	4,5	4,7	4,7	4,5	4,6
Murcia (Region)	6,3	6,9	7,0	6,2	5,8
Navarre	3,4	5,2	5,0	4,0	3,7
Basque Country	3,7	4,6	3,6	2,7	2,6
Rioja (La)	3,3	4,1	3,7	2,4	2,3
Total	5,2	5,5	5,1	4,6	4,5

COMPLAINTS ³⁷

³⁷ Source: Data 2015 of the Citizens Service Unit of the GCJ

**Claims, complaints, suggestions and written requests for information,
according to the body whose action is sought**

	2014	2015	Growth
Citizens Service Unit of the GCJ	10.777	10.144	-5,87
Other Central Bodies	2.060	2.514	22,04
Total	12.837	12.658	-1,39

Reasons for the claims, complaints, suggestions and requests for information

Overview	Number	Percentage
Relating to the operation of tribunals and courts	10.294	68,15
Dissent with a ruling	2.238	14,82
Unclassifiable or uninvolved matter	1.512	10,01
Requests for information	719	4,76
Suggestions	225	1,49
Expressions of gratitude	116	0,77
Total	15.248	100,0

**Breakdown of reasons claims and complaints relating to operation
of tribunals and courts**

<i>Modern and open Justice</i>	
Transparency	656
General understandability	4
Attentiveness in justice	3.892
Answerability to the public	181
Rapid handling of cases and computerized management proceedings	4.254
Total for modern and open Justice	8.987
<i>Justice protecting the weakest members of society</i>	
Protection of Crime victims	30
Protection of Children	8
Protection of disabled People	53
Immigrants and Justice	9
Total for Justice that protects the weakest members of society	100
<i>A trusting relationship with lawyers and solicitors of the courts</i>	
Ethically sound conduct	97
Adequately informed citizens	30
Public-Funding and quality of Justice	33
Total for a trusting relationship	160
<i>Other reasons not provided for in the Charter of Citizens' Rights</i>	
Professionals Practise	307
Manner in which the professionals perform their duties	740
Total for other reasons not provided for in the Charter	1.047
Total for reasons relating to the operation of Tribunals and Courts	10.294

The first three classes relate to the Charter of Citizens' Rights before Justice.

The following matters prompted the largest number of complaints in relation to *Attentiveness in justice*:

- The right to a reduction of proceedings length (654).
- The right to be treated respectfully (1.097).
- The right to an adequate timetable (750).
- The right for the waiting and hearing rooms properly equipped and of a reasonable standard (446)

In the class with the most instances, *Speed and use of modern technologies in justice*, the following matters prompted the largest number of complaints:

- The right to a speedy processing concerning them and to be informed of the reasons for any delays (3.531).
- The right to be provided with suitably designed forms (319).
- Staff absences in judicial office (182)
- The right to be provided with a good organisation of judicial services (106)

Claims and complaints by judicial body concerned

Judicial bodies	Number	Percentage
Court of First Instance and Enquiry	3.653	38,39
Court of First Instance	1.985	20,86
Magistrates' Courts	1.014	10,66
Criminal Court	543	5,71
Exclusive Public Registry	500	5,25
Provincial Court	278	2,92
Commercial Court	227	2,39
Labor Court	224	2,35
Justices of the Peace	154	1,62
Administrative Court	136	1,43
Prison Supervisory Court	129	1,36
High Court of Justice	115	1,21
Common Offices	115	1,21
Court of Violence Against Women	107	1,12
Exclusive Senior Court	99	1,04
Central Registry Office of Births, Marriages and Deaths	95	1,00
Supreme Court	62	0,65
National Court	29	0,30
Central Enquiry Court	28	0,29
Juvenile Court	11	0,12
Central Juvenile Court	6	0,06
Central Administrative Court	4	0,04
Central Military Court	1	0,01
Total	9.515	100

Breakdown of other bodies that have been the subject of claims and complaints

Reported bodies	Number	Percentage
Judicial Site	259	7,23
Administration with judicial powers	215	6,00
Sending to others judicial bodies	151	4,22
Government bodies of the Judiciary	123	3,43
Others	123	3,43
Bar Associations	100	2,79
Others administrations	77	2,15
Public Prosecutors' Offices	75	2,09
Forensic Clinics and Forensic Medicine Institutes	61	1,70
Prisons	59	1,65
Legal Counselling Offices	57	1,59
General Council of the Judiciary	56	1,56
Common Offices	18	0,50
Constitutional Court	7	0,20
Professional Solicitors' Associations	6	0,17
Support Services	6	0,17
Electoral Boards	5	0,14
Free Legal Aid Committees	4	0,11
State Security Forces	4	0,11
Not specified (*)	896	25,02
General (**)	1.279	35,72
Total	3.581	100

(*) For any specific jurisdictional area or the claimant does not concrete it.

(**) Requests for information, suggestions or expressions of gratitude and unclassifiable matters are included.

Territorial distribution of the courts/judicial bodies

Autonomous Region	Number
Madrid	2.070
Andalusia	2.040
Catalonia	1.537
Valencian Region	1.298
Canary Islands	636
Central bodies	581
Galicia	409
Castille-La Mancha	403
Basque Country (*)	330
Castille and Leon	316
Murcia (Region)	311
Balearic Islands	240
Aragon	198
Extremadura	136
Asturias	91
Navarre	83
Cantabria	49
Rioja (La)	26
Unspecified (**)	2.342
Total	13.096

(*) In the Basque Country there are not boxes for complains in judicial sites. This fact could affect the results.

(**) There are related claims and complaints addressed to several Autonomous Region or others that is not possible to establish which of them is related.

Claims and complaints by type of claimant Gender perspective

Type of person	Number	Percentage
Male	7.631	56,84
Female	5.205	38,77
Legal entity	144	1,07
Judicial body	61	0,45
Unspecified	384	2,86
Total	13.425	100

Legal status of claimant

Type of petitioner	Number	Percentage
Private individuals	10.896	81,16
Legal professionals	1.270	9,46
Penitentiary centre convicts	643	4,79
Groups/associations	113	0,84
Judicial Bodies	61	0,45
Anonymous	60	0,45
Public officials	41	0,31
Court Clerks	15	0,11
Public bodies	12	0,09
Commercial bodies	6	0,04
Judiciary Member	1	0,01
Others	307	2,29
Total	13.425	100

Number of claims that had entertained and what type of Measures had taken for improvement

Type of measure approved	Number	Percentage
Personnel resources	15	21,74
Organisation of the judicial office	15	21,74
Procedural	10	14,49
Disciplinary	8	11,59
Transfer to a different competent body	8	11,59
Organization, material and personnel measures	6	8,70
Competency measures	4	5,80
Material resources	2	2,90
Commencement proceedings	1	1,45
Total	69	100

Claims sending to initiate disciplinary proceedings	Number
Sending to Ombudsman for Disciplinary Action (for judges and magistrates)	648
Sending to competent body for disciplinary matter	67
Sending to Provincial Coordinator Clerk	65
Sending to HCJ Head Clerk	35
Total	815

0

KEY INDICATORS

KEY INDICATORS. ALL JURISDICTIONS

Rates

	2014	2015	Evolution
Clearance	1,02	1,02	0,6%
Pending	0,29	0,28	-3,3%
Congestion	1,29	1,28	-0,9%

Litigation Rate (Incoming cases per 1,000 inhabitants)

2014	2015	Evolution
185,0	179,7	-2,9%

Incoming cases per magistrate

2014	2015	Evolution
1.702,7	1.611,8	-5,3%

Judgements per magistrate

2014	2015	Evolution
306,7	291,2	-5,0%

Percentage of judgements which have been appealed

2014	2015	Evolution
12,7%	13,4%	5,7%

Percentage of granted appeals

	2014	2015	Evolution
Appeals	72,7%	72,9%	0,2%
Cassation appeals	84,7%	82,9%	-2,1%

Percentage of judgements delivered by members of the judiciary

2014	2015	Evolution
93,9%	92,0%	-2,0%

Estimated length of proceedings

	2014	2015	Evolution
First Instance	3,7	3,4	-7,5%
2nd Instance	4,6	4,2	-8,7%
High Court	11,1	11,6	4,8%

KEY INDICATORS. CIVIL JURISDICTION

Rates

	2014	2015	Evolution
Clearance	1,01	0,97	-3,9%
Pending	0,54	0,56	2,8%
Congestion	1,55	1,56	1,0%

Litigation Rate (Incoming cases per 1.000 inhabitants)

2014	2015	Evolution
39,5	42,3	7,2%

Incoming cases per magistrate

2014	2015	Evolution
697,1	735,6	5,5%

Judgements per magistrate

2014	2015	Evolution
183,1	188,0	2,7%

Percentage of judgements which have been appealed

2014	2015	Evolution
10,8%	12,4%	14,8%

Percentage of granted appeals

	2014	2015	Evolution
Appeals	62,6%	63,0%	0,6%
Cassation appeals	86,2%	86,3%	0,1%

Percentage of judgements delivered by members of the judiciary

2014	2015	Evolution
93,5%	91,1%	-2,6%

Estimated length of proceedings

	2014	2015	Evolution
First Instance	7,0	6,2	-10,9%
2nd Instance	7,1	6,5	-8,6%
High Court	13,3	15,4	15,9%

KEY INDICATORS. CRIMINAL JURISDICTION

Rates

	2014	2015	Evolution
Clearance	1,02	1,03	1,5%
Pending	0,16	0,14	-11,2%
Congestion	1,15	1,13	-1,5%

Litigation Rate (Incoming cases per 1.000 inhabitants)

2014	2015	Evolution
132,0	124,5	-5,7%

Incoming cases per magistrate

2014	2015	Evolution
2.246,4	2.047,1	-8,9%

Judgements per magistrate

2014	2015	Evolution
255,1	227,3	-10,9%

Percentage of judgements which have been appealed

2014	2015	Evolution
9,9%	9,8%	-1,1%

Percentage of granted appeals

	2013	2014	Evolution
Appeals	77,4%	77,4%	0,1%
Cassation appeals	86,3%	83,0%	-3,8%

Percentage of judgements delivered by members of the judiciary

2014	2015	Evolution
94,2%	91,9%	-2,5%

Estimated length of proceedings

	2014	2015	Evolution
First Instance	2,0	1,9	-4,9%
2nd Instance	2,2	2,0	-11,3%
High Court	5,1	5,1	-0,7%

KEY INDICATORS. ADMINISTRATIVE JURISDICTION

Rates

	2014	2015	Evolution
Clearance	1,13	1,16	2,1%
Pending	0,99	0,90	-9,1%
Congestion	1,97	1,87	-5,3%

Litigation Rate (Incoming cases per 1.000 inhabitants)

2014	2015	Evolution
4,4	4,3	-3,4%

Incoming cases per magistrate

2014	2015	Evolution
363,9	349,2	-4,0%

Judgements per magistrate

2014	2015	Evolution
270,5	256,1	-5,3%

Percentage of judgements which have been appealed

2014	2015	Evolution
15,9%	18,5%	16,4%

Percentage of granted appeals

	2014	2015	Evolution
Appeals	72,6%	73,9%	1,7%
Cassation appeals	79,3%	79,0%	-0,3%

Percentage of judgements delivered by members of the judiciary

2014	2015	Evolution
94,6%	94,6%	-0,1%

Estimated length of proceedings

	2014	2015	Evolution
First Instance	14,9	12,8	-13,6%
2nd Instance	12,5	11,3	-9,2%
High Court	14,3	12,9	-9,9%

KEY INDICATORS. LABOR JURISDICTION

Rates

	2014	2015	Evolution
Clearance	0,96	1,05	9,0%
Pending	0,84	0,75	-11,3%
Congestion	1,91	1,78	-7,0%

Litigation Rate (Incoming cases per 1.000 inhabitants)

2014	2015	Evolution
9,2	8,6	-6,3%

Incoming cases per magistrate

2014	2015	Evolution
798,4	745,5	-6,6%

Judgements per magistrate

2014	2015	Evolution
408,7	408,1	-0,1%

Percentage of judgements which have been appealed

2014	2015	Evolution
26,3%	26,4%	0,5%

Percentage of granted appeals

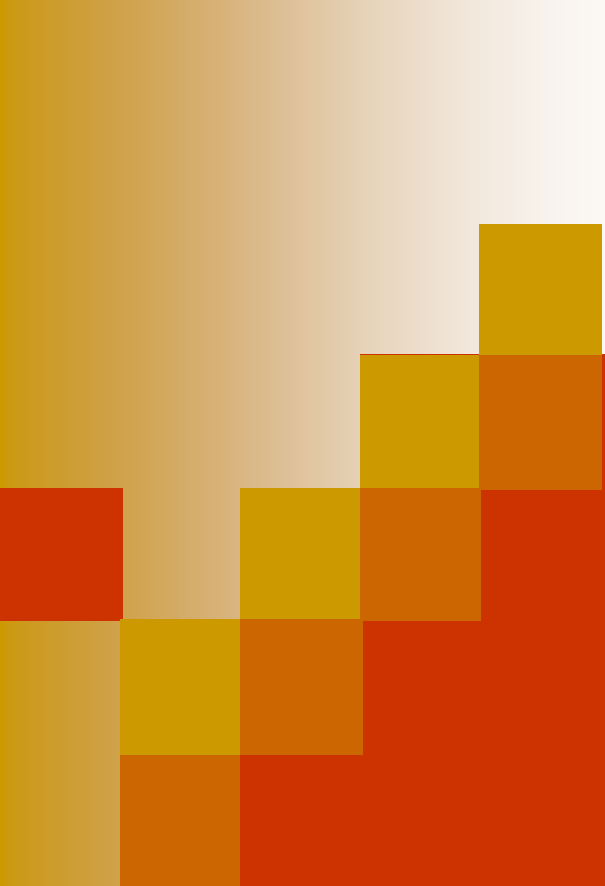
	2014	2015	Evolution
Appeals	77,4%	77,2%	-0,25%
Cassation appeals	89,4%	85,3%	-4,62%

Percentage of judgements delivered by members of the judiciary

2014	2015	Evolution
93,5%	93,1%	-0,5%

Estimated length of proceedings

	2014	2015	Evolution
First Instance	10,6	9,0	-14,7%
2nd Instance	5,6	4,9	-12,7%
High Court	11,1	12,7	14,2%



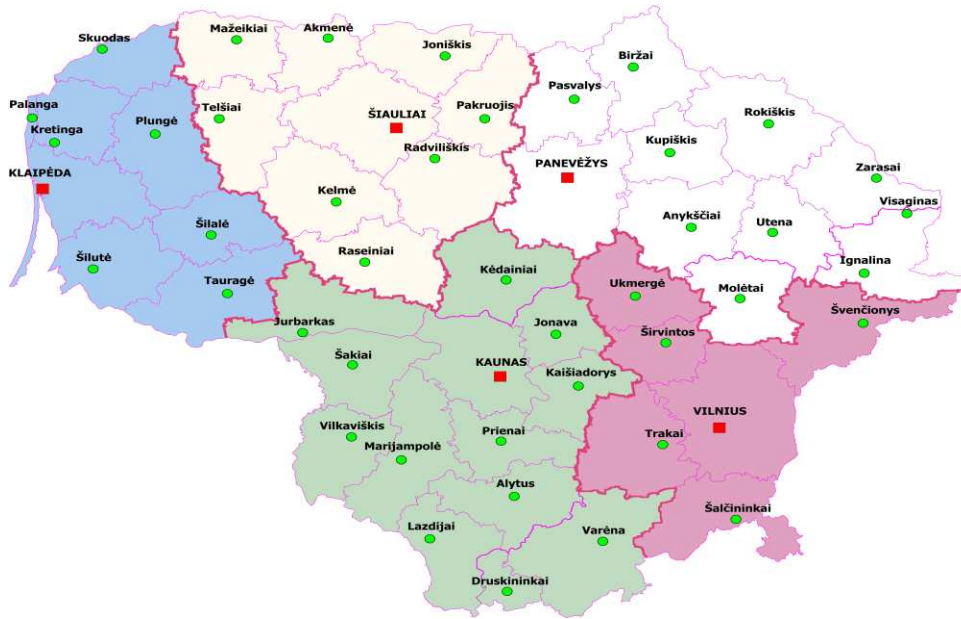
Estimation and distribution of workload

Reda Moliené

Director of the National Courts Administration

2016/05/23/24 Lisbon

Courts of General Jurisdiction



Supreme Court
of Lithuania.

Court of Appeal
of Lithuania.

5 regional
courts (Vilnius,
Kaunas,
Šiauliai,
Panevėžys,
Klaipėda).

49 district
courts

Numbers

- 762 judges
- 735 assistants of judges
- 330 000 cases per year





Jurisdiction of a District Court

Civil cases and criminal cases except the cases within the jurisdiction of regional courts.

Cases of administrative offences.

Cases assigned to the jurisdiction of mortgage judges.

Cases relating to the enforcement of judgements and sentences.



Jurisdiction of a Regional Court

The first instance for civil and criminal cases assigned to its jurisdiction by the law.

The instance of appeal for cases involving judgements, sentences, rulings, decisions and orders of district courts.

Performs other functions assigned to its jurisdiction.



Jurisdiction of the Court of Appeal

The instance of appeal for cases involving judgements, sentences, rulings, decisions and orders of regional courts.

The only court that hears requests for the recognition of the judgements of foreign and international courts and arbitration awards and their enforcement in the Republic of Lithuania.

Performs other functions assigned to its jurisdiction.



Jurisdiction of the Supreme Court of Lithuania

Cassational review

Unification of the practice of courts of general jurisdiction in the interpretation and application of statutes and other legal acts

Recommendations on the cooperation between the courts of general jurisdiction of Lithuania and the judicial institutions of the European Union in ensuring a uniform interpretation and application of European Union law in the Republic of Lithuania.

Performs other functions assigned to its jurisdiction.



Courts of Special Jurisdiction

Supreme administrative court of Lithuania (instance of appeal for cases of regional administrative courts).

Vilnius regional
administrative court

Kaunas regional
administrative court

Klaipėda regional
administrative court

Panevėžys regional
administrative court

Šiauliai regional
administrative court



Jurisdiction of the Regional Administrative Court (first instance courts)

The legality of individual administrative acts and actions adopted by state and municipal administrative subjects

The pecuniary and non pecuniary damage, which was caused by illegal actions of state or local municipal establishment

Disputes in the field of public service, when one of the parties is a state official (employment, disciplinary, etc.).

Other disputes in the field of public administration.



Jurisdiction of the Supreme administrative court of the Republic of Lithuania

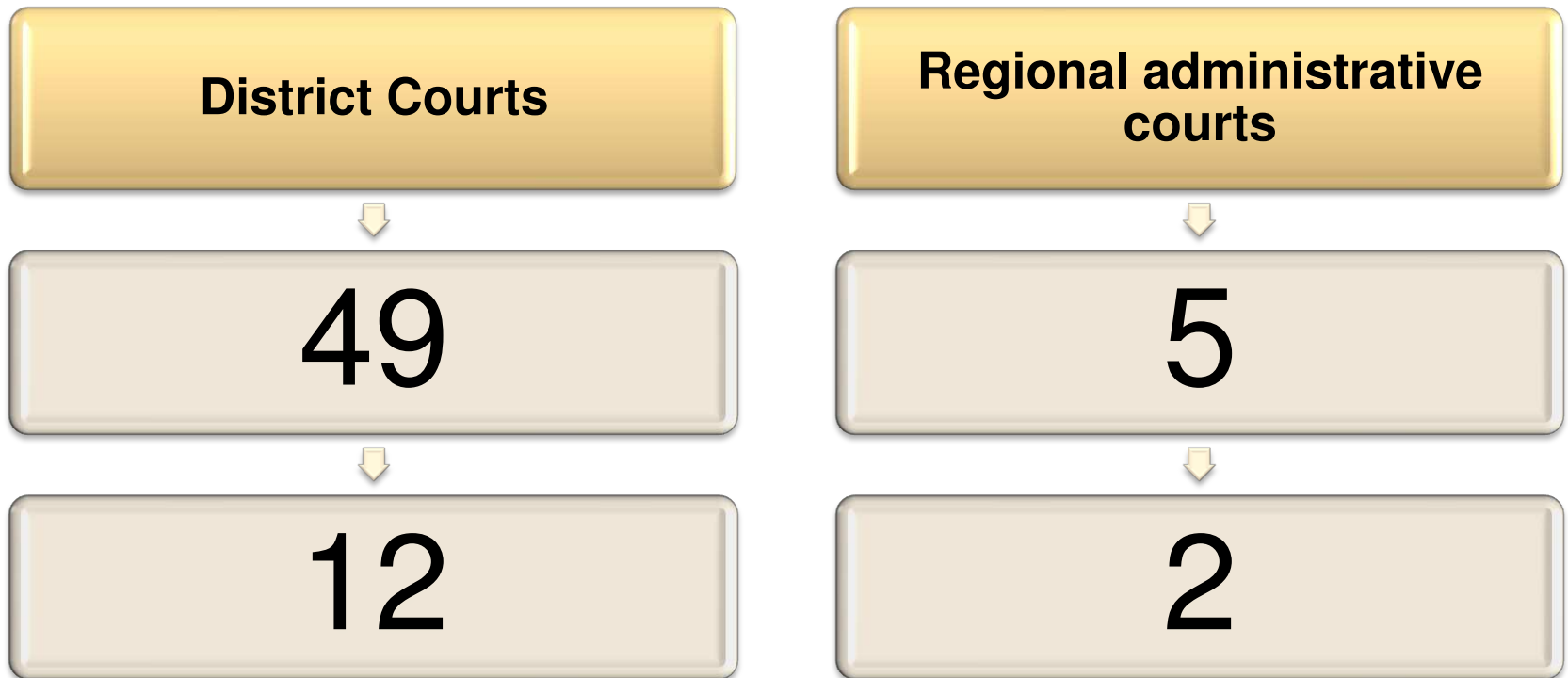
Appeal instance for cases from decisions, rulings and orders of regional administrative courts.

Unification of the practice of administrative courts in the interpretation and application of statutes and other legal acts.

Disputes concerning violations of the laws on election or referendum

Other functions assigned to its jurisdiction

Court System Reform





Estimation of workload: regulation

The order of estimation of judicial workload is adopted by the resolution Judicial Council.

- This order is applicable in all courts.
- The formula of the workload of particular judge consists of these elements:
 - *The number of completed cases of the judge at the period of 6 months*
 - *The score of difficulty of particular cases, reflected by case categories*
 - *Role of the judge in particular case (1 point for the role of rapporteur or 0,5 points for the role of the member of chamber)*
 - *Number of working days of the judge*

Estimation of workload:CASE COMPLEXITY SCORES (first instance)

Civil cases

- Bankrupt of legal person 1,7
- Bankrupt of natural person 1,7
- Payment order 0,4
- Documentary process 0,7
- Court decisions enforcement 0,3
- Adoption 0,9
- Ordinary civil disputes (not falling under other listed categories) 1
- Judicial mediation 0,5

Criminal cases

- EAO 0,7
- Enforcement procedure 0,3
- Probation 0,7
- Recognition and enforcement of international sanction 1,5
- Private prosecution 1
- Summary process 1
- Ordinary criminal case 2,5
- Pretrial investigation 0,6

Administrative offence

- Ordinary case 0,5
- Appeal against administrative order issued by the official 1

Administrative cases

- Administrative disputes 1



Estimation of workload: CASE COMPLEXITY SCORES (appeal)

Criminal cases

- Appeal against decision of first instance court 3
- Appeal against ruling of first instance court 0,7

Civil cases

- Appeal against decision of first instance court 1,7
- Appeal against ruling of first instance court 1



Estimation of workload: types of data

- Workload of individual judge
- Average workload of judges in particular court
- Average workload of judges in particular jurisdiction
(for example, average workload of the judge in district courts)



Workload records: internal administration

- evaluation of judicial activity
- administration of case allocation system
- administration of HR, directly involved in administration of justice (for example, this data is examined in case of assignment of assistants of judges in court)

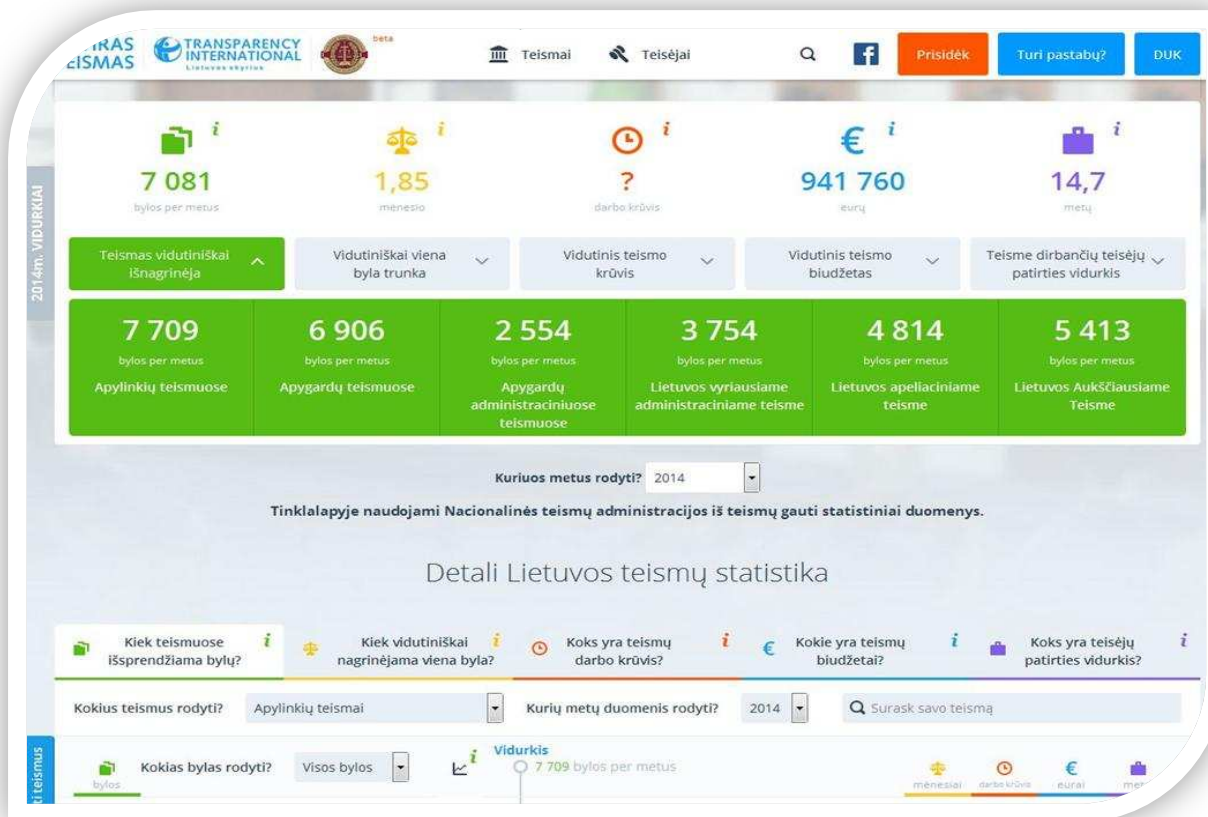


Workload records: administration of the court system

- balancing the workload in particular jurisdiction
- fair and effective distribution of budgetary allocations and other resources between courts
- redistribution of judicial positions between courts
- redistribution of court clerks, namely judicial assistants between courts (1 judicial assistant is estimated as 0,5 judicial position)
- systematic initiatives – reform of merging district courts and regional administrative courts

Workload records: evaluation of judicial system's efficiency and transparency

- comparing the effectiveness of particular courts
- presenting data to international institutions (Scoreboard)
- presenting data to society – *Open court* – www.atvirasteismas.lt



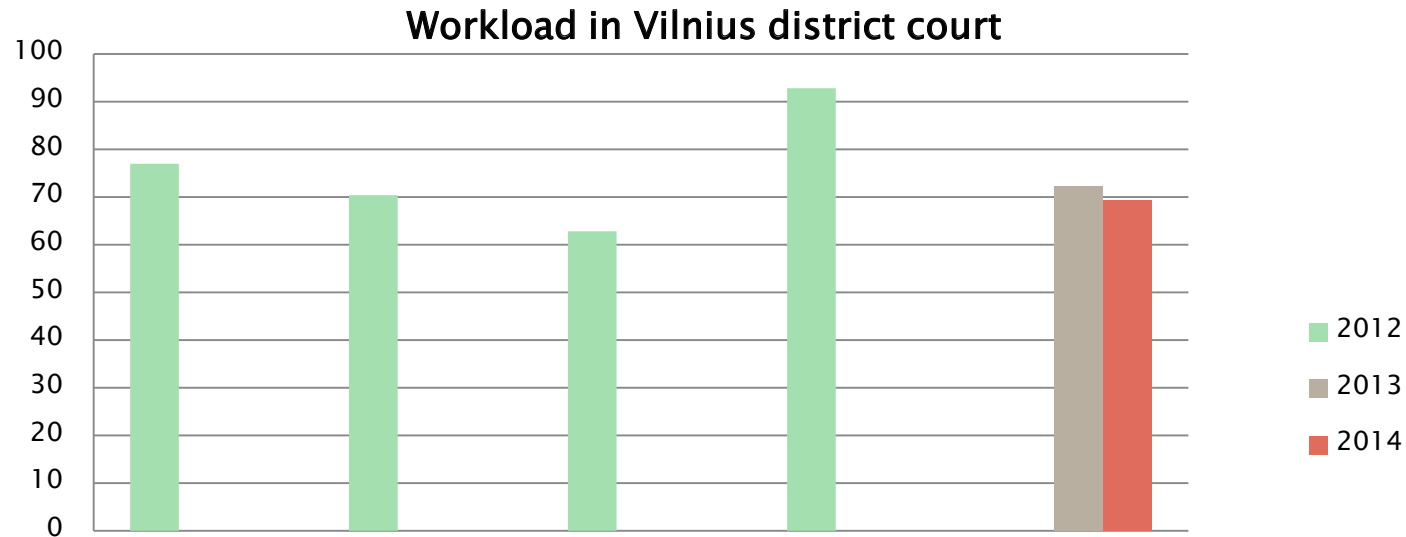


Workload records: basis for court system reform in 2012

- Merging district courts in 3 cities (in total 3 courts out of 8)
- Most important measurable result – **the balance of workload between judges of respective courts**
- Other aims: optimize district courts' activity by reducing number of courts as autonomous legal entities; ensure more effective proceedings; ensure more effective planning and managing material, financial and human resources.

Workload records: basis for court system reform in 2012

- The aim to balance of workload completely achieved



- **Four green columns represent workload of 4 Vilnius district courts before merger. The last column represents workload of all judges in merged Vilnius district court.*

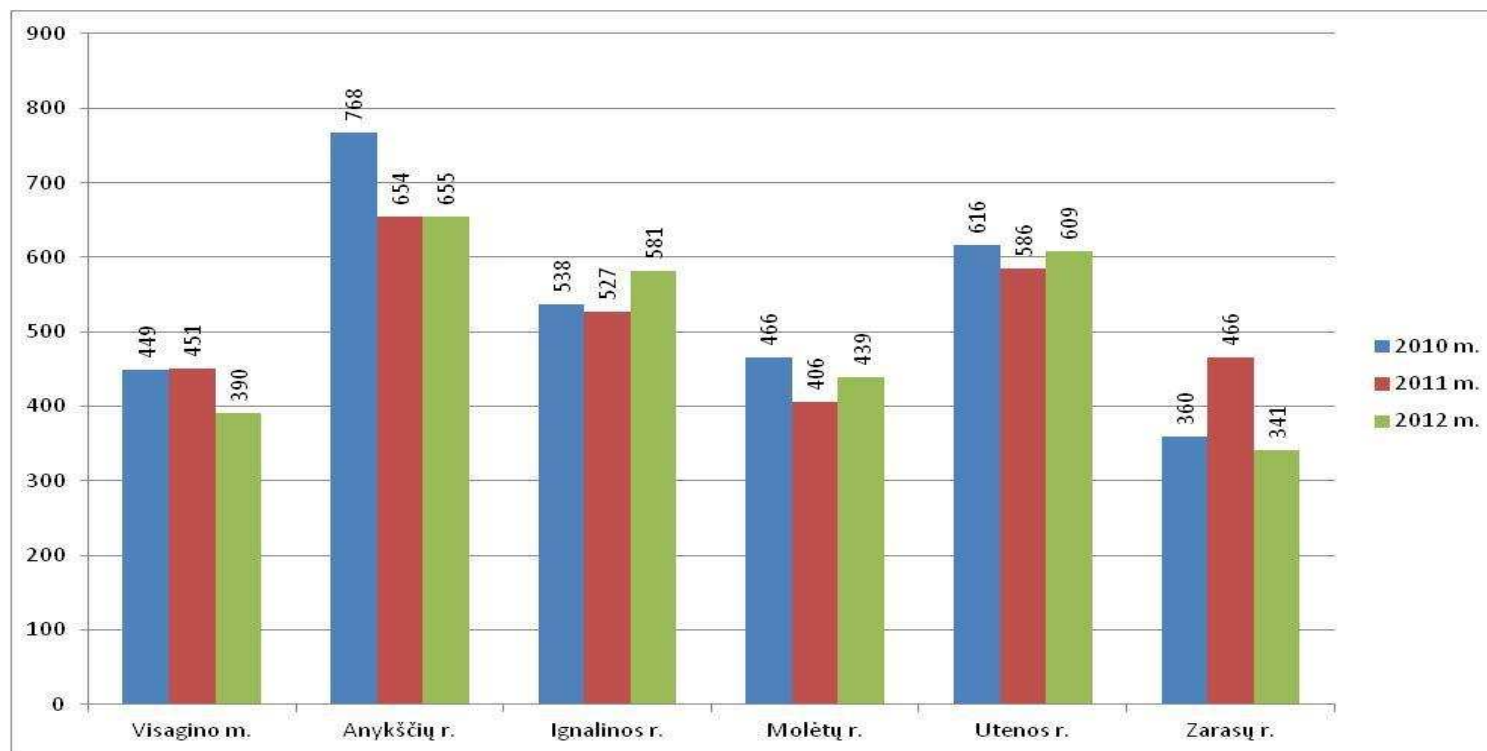


Workload records: basis for court system reform in 2017

The aims of reform 2017:

- balancing of workload in all district courts and facilitating timeliness of process
- ensuring more effective access to justice for people by giving them opportunity to make procedural actions in the nearest courthouse
- managing recourses more effectively
- encouraging judges' self-governance by establishing new institute of court self-governance - meeting of judges of all merged district court
- facilitating judges specialization

Workload records: basis for court system reform in 2017

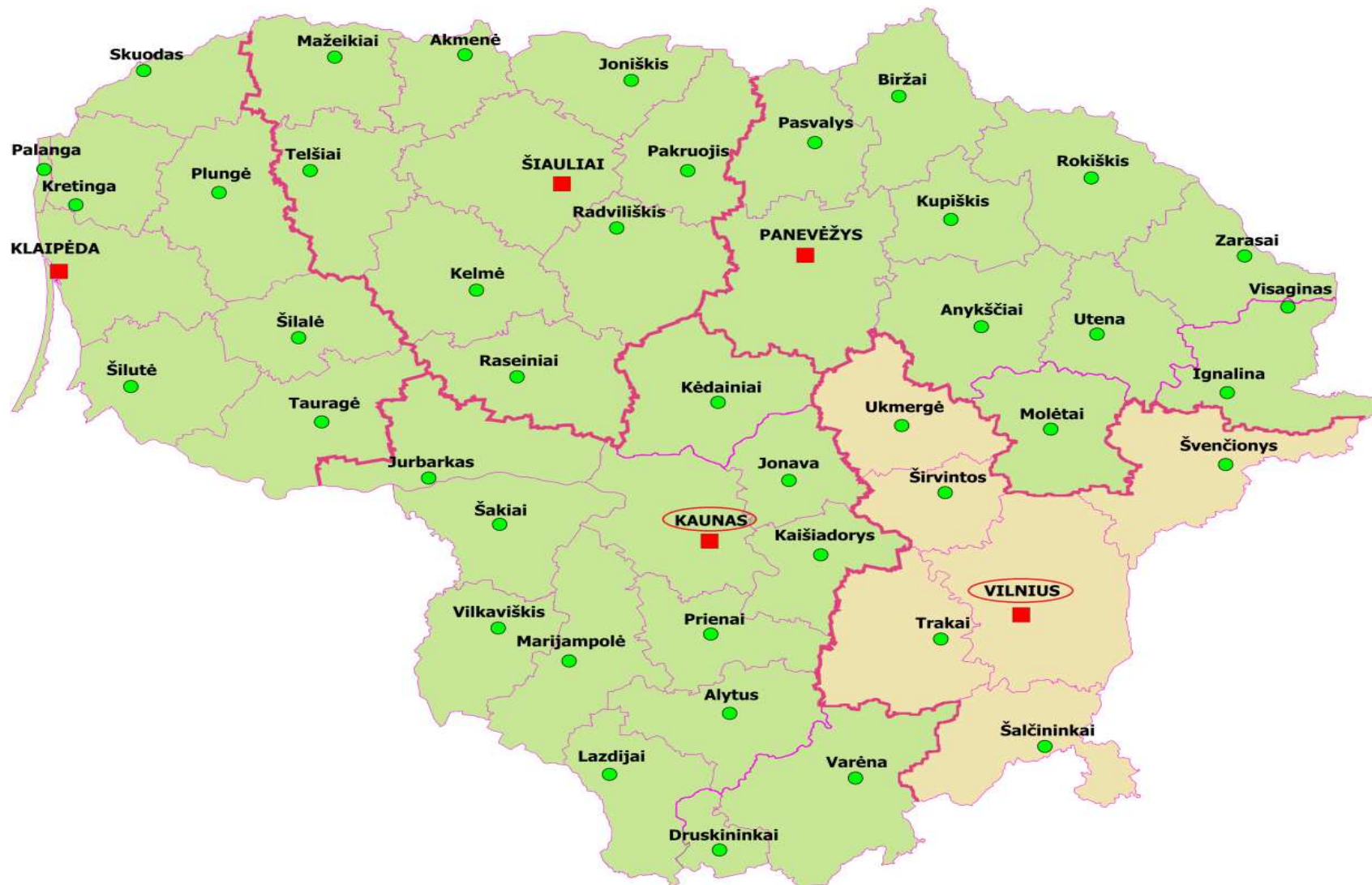


- **It can be compared that for example in Zarasai district court 1 judge handles per year over 300 cases (360 in 2010, 466 in 2011, 341 in 2012) and in Anyksciai district courts number of cases for 1 judge per year is over 600-700 (768 in 2010, 654 in 2011 and 655 in 2012), that is almost twice as much as in Anyksciai district court.*

Court system reform in 2017: District Courts



Court system reform in 2017: Regional Administrative Courts





Thank you for your attention

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Relationship between the new cases and completed cases within a period (2015) in percentage
DISTRICT COURTS

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Criminal	3400	17190	17704	2886	102,99
Civil	25407	199710	202260	22857	101,28
Administrative of	3553	88663	87543	4673	98,74
Total	32360	305563	307507	30416	100,64

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Criminal	3400	17190	17704	2886	6,13
Civil	25407	199710	202260	22857	8,85
Administrative of	3553	88663	87543	4673	18,73
Total	32360	305563	307507	30416	10,11

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Criminal	6,13	72,67
Civil	8,85	47,37
Administrative of	18,73	19,70
Total	10,11	40,95

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Total	32360	305563	307507	30416	919	335

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Criminal	3400	17190	17704	2886	-14304
Civil	25407	199710	202260	22857	-176853
Administrative of	3553	88663	87543	4673	-83990
Total	32360	305563	307507	30416	-275147

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Criminal	3400	17190	17704	2886	59,50
Civil	25407	199710	202260	22857	41,25
Administrative of	3553	88663	87543	4673	19,48
Total	32360	305563	307507	30416	36,10

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Total	32360	305563	307507	30416	491	62

Relationship between the new cases and completed cases within a period (2015) in percentage
REGIONAL COURTS (1ST INSTANCE)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Criminal	595	1168	1259	504	107,79
Civil	6890	6417	6592	6715	102,73
Total	7485	7585	7851	7219	103,51

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Criminal	595	1168	1259	504	2,50
Civil	6890	6417	6592	6715	0,98
Total	7485	7585	7851	7219	1,09

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Criminal	2,50	193,95
Civil	0,98	363,01
Total	1,09	335,90

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Total	7485	7585	7851	7219	312	25

*neiskaičiuotos kolegijos nariams tenkančios bylos

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Criminal	595	1168	1259	504	-664
Civil	6890	6417	6592	6715	298
Total	7485	7585	7851	7219	-366

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution

Criminal	595	1168	1259	504	146,12
Civil	6890	6417	6592	6715	371,81
Total	7485	7585	7851	7219	335,62

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Total	7485	7585	7851	7219	162	45

*neiskaičiuotos kolegijos nariams tenkančios bylos

Relationship between the new cases and completed cases within a period (2015) in percentage
REGIONAL COURTS (APPELLATE INSTANCE)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Criminal	954	9114	9255	813	101,55
Civil	2938	11827	11791	2974	99,70
Administrative of	393	4809	4773	429	99,25
Total	4285	25750	25819	4216	100,27

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Criminal	954	9114	9255	813	11,38
Civil	2938	11827	11791	2974	3,96
Administrative of	393	4809	4773	429	11,13
Total	4285	25750	25819	4216	6,12

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Criminal	11,38	43,72
Civil	3,96	101,17
Administrative of	11,13	33,54
Total	6,12	68,07

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Total	4285	25750	25819	4216	312	83

*neiskaičiuotos kolegijos nariams tenkančios bylos

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Criminal	954	9114	9255	813	-8301
Civil	2938	11827	11791	2974	-8853
Administrative of	393	4809	4773	429	-4380
Total	4285	25750	25819	4216	-21534

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Criminal	954	9114	9255	813	32,06
Civil	2938	11827	11791	2974	92,06
Administrative of	393	4809	4773	429	32,81
Total	4285	25750	25819	4216	59,60

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Total	4285	25750	25819	4216	162	26

*neiskaičiuotos kolegijos nariams tenkančios bylos

Relationship between the new cases and completed cases within a period (2015) in percentage THE COURT OF APPEAL

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Criminal	334	1058	1069	323	101,04
Civil	807	3165	2983	989	94,25
Administrative of	0	4	4	0	100,00
Total	1141	4227	4056	1312	95,95

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Criminal	334	1058	1069	323	3,31
Civil	807	3165	2983	989	3,02
Administrative of	0	4	4	0	
Total	1141	4227	4056	1312	3,09

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Criminal	3,31	117,80
Civil	3,02	107,19
Administrative offences		20
Total	3,09	109,90

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Total	1141	4227	4056	1312	86	47

*neiskaičiuotos kolegijos nariams tenkančios bylos

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Criminal	334	1058	1069	323	-735
Civil	807	3165	2983	989	-2176
Administrative of	0	4	4	0	-4
Total	1141	4227	4056	1312	-2915

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Criminal	334	1058	1069	323	110,29
Civil	807	3165	2983	989	121,01
Administrative of	0	4	4	0	0
Total	1141	4227	4056	1312	118,07

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Total	1141	4227	4056	1312	33	40

*neiskaičiuotos kolegijos nariams tenkančios bylos

Relationship between the new cases and completed cases within a period (2015) in percentage THE SUPREME COURT

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Criminal	140	568	594	114	104,58
Civil	403	543	694	252	127,81
Administrative of	37	95	102	30	107,37
Total	580	1206	1390	396	115,26

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Criminal	140	568	594	114	5,21
Civil	403	543	694	252	2,75
Administrative of	37	95	102	30	3,40
Total	580	1206	1390	396	3,51

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Criminal	5,21	149,26
Civil	2,75	208,24
Administrative of	3,40	134
Total	3,51	177,31

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Total	580	1206	1390	396	74	19

*neiskaičiuotos kolegijos nariams tenkančios bylos ir atrankos kolegijos

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Criminal	140	568	594	114	-454
Civil	403	543	694	252	-291
Administrative of	37	95	102	30	-65
Total	580	1206	1390	396	-810

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Criminal	140	568	594	114	70,05
Civil	403	543	694	252	132,54
Administrative of	37	95	102	30	107
Total	580	1206	1390	396	103,99

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Total	580	1206	1390	396	37	11

*neiskaičiuotos kolegijos nariams tenkančios bylos ir atrankos kolegijos

Relationship between the new cases and completed cases within a period (2015) in percentage
ADMINISTRATIVE COURTS

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Administrative	10968	16923	16875	11016	99,72

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Administrative	10968	16923	16875	11016	1,53

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Administrative	1,53	142,10

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Administrative	10968	16923	16875	11016	94	180

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Administrative	10968	16923	16875	11016	-5907

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Administrative	10968	16923	16875	11016	238,27

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Administrative	10968	16923	16875	11016	48	230

**Relationship between the new cases and completed cases within a period (2015) in percentage THE
SUPREME ADMINISTRATIVE COURT**

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Clearance rate
Administrative	1768	5635	4526	2877	80,32

Relationship between the number of resolved cases and the number of unresolved cases at the end

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Case Turnover Ratio
Administrative	1768	5635	4526	2877	1,57

Relationship between the number of resolved cases and the number of unresolved cases expressed in number of days (Disposition time)

Type of cases	Case Turnover Ratio	Average time frame (days)
Administrative	1,57	153,22

Number of examined cases/Number of judges and court clerks (Global Efficiency rate)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Number of judges and court clerks	Efficiency Rate
Administrative	1768	5635	4526	2877	39	116

*neiskaičiuotos kolegijos nariams tenkančios bylos

Number of Pending Cases in the beginning - Number of Resolved Cases (Total Backlog)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog
Administrative	1768	5635	4526	2877	-2758

Number of Pending Cases in the beginning-Number of Resolved Cases (Backlog resolution)

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Backlog Resolution
Administrative	1768	5635	4526	2877	232,02

Case per judge

Type of cases	Pending at the beginning of the year	Received	Resolved	Pending at the end of the year	Judges number of posts	Case per judge
Administrative	1768	5635	4526	2877	18	160

Local Courts

- Number of Courts: 44
- Number of Judges: 407 (Actual presence: 370,6)

	Incoming Cases in 2015	Resolved Cases in 2015	Unresolved Cases at 1. 1. 2015	Unresolved Cases at 31. 12. 2015	Clearance rate (CR indicator)	Case Turnover ratio (CT ratio)	Disposition time (DT indicator)	Efficiency rate (ER indicator)	Total backlog (TB indicator)	Backlog resolution (BR indicator)*	Case per judge) PJ indicator
Criminal Cases - important	7305	7683	5790	5412	105,17%	1,419623	257,111	/	-1893	-2,96	/
Civil Cases – important	10930	11793	10628	9765	107,90%	1,20768	302,232	/	-1165	-1,19	/

Local Court of Ljubljana

- Number of Judges judging in Criminal Cases: 12
- Number of Judges judging in Civil Cases: 26

	Incoming Cases in 2015	Resolved Cases in 2015	Unresolved Cases at 1. 1. 2015	Unresolved Cases at 31. 12. 2015	Clearance rate (CR indicator)	Case Turnover ratio (CT ratio)	Disposition time (DT indicator)	Efficiency rate (ER indicator)	Total backlog (TB indicator)	Backlog resolution (BR indicator)*	Case per judge) PJ indicator
Criminal Cases - important	1639	1496	1285	1428	91,28%	1,047619	348,409091	124,7	-211	-1,69	119
Civil Cases – important	3061	3290	3372	3143	107,48%	1,046771	348,691489	126,5	82	0,30	120,9

District Courts

- Number of Courts: 11
- Number of Judges: 261 (Actual presence: 237,4)

	Incoming Cases in 2015	Resolved Cases in 2015	Unresolved Cases at 1. 1. 2015	Unresolved Cases at 31. 12. 2015	Clearance rate (CR indicator)	Case Turnover ratio (CT ratio)	Disposition time (DT indicator)	Efficiency rate (ER indicator)	Total backlog (TB indicator)	Backlog resolution (BR indicator)*	Case per judge) PJ indicator
Criminal Cases - important	7355	7712	6460	6103	104,85%	1,263641	288,848	/	-1252	-1,95	/
Comercial Cases	8879	11462	10209	7626	129,09%	1,503016	242,845	/	-1253	-1,31	/
Civil Cases – important	8233	8826	8767	8174	107,20%	1,079765	338,036	/	-59	-0,08	/

District Court of Ljubljana

- Number of Judges judging in Criminal Cases: 25
- Number of Judges judging in Civil Cases: 21

	Incoming Cases in 2015	Resolved Cases in 2015	Unresolved Cases at 1. 1. 2015	Unresolved Cases at 31. 12. 2015	Clearance rate (CR indicator)	Case Turnover ratio (CT ratio)	Disposition time (DT indicator)	Efficiency rate (ER indicator)	Total backlog (TB indicator)	Backlog resolution (BR indicator)*	Case per judge) PJ indicator
Criminal Cases - important	2299	2400	1956	1855	104,39%	1,293801	282,114583	96	-444	-2,22	74,2
Civil Cases – important	3058	3491	3728	3295	114,16%	1,059484	344,507304	166,2	237	0,81	156,9

Labour Courts

- Number of Courts: 4
- Number of Judges: 43 (Actual presence: 40,3)

	Incoming Cases in 2015	Resolved Cases in 2015	Unresolved Cases at 1. 1. 2015	Unresolved Cases at 31. 12. 2015	Clearance rate (CR indicator)	Case Turnover ratio (CT ratio)	Disposition time (DT indicator)	Efficiency rate (ER indicator) ¹	Total backlog (TB indicator)	Backlog resolution (BR indicator)	Case per judge) PJ indicator ¹
Labour Cases	4454	5024	5721	5151	112,80%	0,975	374,227	167,5	697	1,66	171,7

* In monts

¹ Around 30 Judges were judging in Labour Cases



TRIBUNAL JUDICIAL DA COMARCA DE COIMBRA

PRESIDÊNCIA

1. Taxa de resolução:

Taxa de Resolução					
(Período de Janeiro a Dezembro de 2015)					
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Taxa de Resolução
Jurisdição Cível	35712	14756	21566	28762	146,15%
Jurisdição Penal	1932	4320	4504	1671	104,26%
Jurisdição Laboral	1783	2026	2498	1288	123,30%
Jurisdição Tutelar	1962	3026	3778	1113	124,85%
Instrução Criminal	173	3065	3135	102	102,28%
Execução das Penas	5884	5675	7007	4538	123,47%
Total	47446	32868	42488	37474	129,27%

2. Taxa de rotatividade

Taxa de Rotatividade					
(Período de Janeiro a Dezembro de 2015)					
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Taxa de Rotatividade
Jurisdição Cível	35712	14756	21566	28762	0,75
Jurisdição Penal	1932	4320	4504	1671	2,70
Jurisdição Laboral	1783	2026	2498	1288	1,94
Jurisdição Tutelar	1962	3026	3778	1113	3,39
Instrução Criminal	173	3065	3135	102	30,74
Execução das Penas	5884	5675	7007	4538	1,54
Total	47446	32868	42488	37474	1,13

3. Tempo de resolução

Tempo de Resolução		
(Período de Janeiro a Dezembro de 2015)		
	Taxa de Resolução	Tempo de Resolução
Jurisdição Cível	0,75	487
Jurisdição Penal	2,70	135
Jurisdição Laboral	1,94	188
Jurisdição Tutelar	3,39	108
Instrução Criminal	30,74	12
Execução das Penas	1,54	236
Total	1,13	322



TRIBUNAL JUDICIAL DA COMARCA DE COIMBRA

PRESIDÊNCIA

4. Taxa de eficiência

Taxa de Eficiência						
(Período de Janeiro a Dezembro de 2015)						
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Oficiais de Justiça	Taxa de Eficiência
Total	47446	32868	42488	37474	186	228

5. Acumulação global

Acumulação Global					
(Período de Janeiro a Dezembro de 2015)					
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Acumulação Global
Jurisdição Cível	35712	14756	21566	28762	14146
Jurisdição Penal	1932	4320	4504	1671	-2572
Jurisdição Laboral	1783	2026	2498	1288	-715
Jurisdição Tutelar	1962	3026	3778	1113	-1816
Instrução Criminal	173	3065	3135	102	-2962
Execução das Penas	5884	5675	7007	4538	-1123
Total	47446	32868	42488	37474	4958

6. Resolução da pendência

Resolução da Pendência					
(Período de Janeiro a Dezembro de 2015)					
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Resolução da Pendência
Jurisdição Cível	35712	14756	21566	28762	487
Jurisdição Penal	1932	4320	4504	1671	135
Jurisdição Laboral	1783	2026	2498	1288	188
Jurisdição Tutelar	1962	3026	3778	1113	108
Instrução Criminal	173	3065	3135	102	12
Execução das Penas	5884	5675	7007	4538	236
Total	47446	32868	42488	37474	322

7. Carga processual por juiz (CPJ)

Carga Processual por juiz						
(Período de Janeiro a Dezembro de 2015)						
	Pendência Inicial	Entrados no período	Findos no período	Pendência Final	Magistrados Judiciais	Carga Processual por juiz
Total	47446	32868	42488	37474	50	749

ANEXO A

RECOLHA DE DADOS QUANTITATIVOS

A recolha de dados quantitativos obedecerá às orientações CEPEJ (2008) GOJUST, por facilidade de implementação e comparação, disponíveis em <https://wcd.coe.int/ViewDoc.jsp?id=1389931&Site=COE>.

No entanto, considerando o objetivo da recolha estatística do Projeto (análise de estrutura de pendências) os pontos 2 e 4 do apêndice 1 não serão considerados. Consta infra a indicação dos dados a recolher com essa omissão.

Os dados considerados em outros apêndices GOJUST não serão recolhidos. Deverão ser seguidas as instruções de recolha e preenchimento indicadas pela CEPEJ.

Apêndice I

ORIENTAÇÕES EUROPEIAS UNIFORMES PARA A MONITORIZAÇÃO DA DURAÇÃO DOS PROCESSOS (EUGMONT)

1. Dados gerais sobre os tribunais e os processos

O sistema de monitorização deve proporcionar informação pública quanto à organização do sistema judiciário, com especial atenção para a informação respeitante à gestão dos processos. A informação geral deve incluir informação exata sobre:

- **Número e tipo de tribunais e a sua competência jurisdicional;**

Existem na Comarca de Lisboa, 31 Tribunais, dos quais 4, são de competências territorial alargada.

Tribunal Judicial da Comarca de Lisboa

Sede: Lisboa.

Tribunal da Relação competente: Lisboa.

Área de competência territorial: municípios de Alcochete, Almada, Barreiro, Lisboa, Moita, Montijo e Seixal.

Instância central

Secções de competência especializada

Lisboa

- 1.ª Secção cível;
Área de competência territorial: município de Lisboa.
- 1.ª Secção criminal.
Área de competência territorial: município de Lisboa.
- 1.ª Secção de instrução criminal.
Área de competência territorial: município de Lisboa.
- 1.ª Secção de família e menores.
Área de competência territorial: município de Lisboa.
- 1.ª Secção do trabalho.
Área de competência territorial: município de Lisboa.
- 1.ª Secção de comércio.
Área de competência territorial: município de Lisboa.
- 1.ª Secção de execução.
Área de competência territorial: município de Lisboa.

Almada

- 2.ª Secção cível;
Área de competência territorial: municípios de Alcochete, Almada, Barreiro, Moita, Montijo e Seixal.
- 2.ª Secção criminal.
Área de competência territorial: municípios de Almada e Seixal.
- 2.ª Secção de instrução criminal.
Área de competência territorial: município de Almada.
- 2.ª Secção de família e menores.
Área de competência territorial: município de Almada.
- 2.ª Secção de execução.
Área de competência territorial: municípios de Alcochete, Almada, Barreiro, Moita, Montijo e Seixal.

Barreiro

- 3.ª Secção de instrução criminal.
Área de competência territorial: municípios de Alcochete, Barreiro, Moita e Montijo.
- 3.ª Secção de família e menores.
Área de competência territorial: municípios de Alcochete, Barreiro, Moita e Montijo.
- 2.ª Secção do trabalho.
Área de competência territorial: municípios de Alcochete, Almada, Barreiro, Moita, Montijo e Seixal.
- 2.ª Secção de comércio.

Área de competência territorial: municípios de Alcochete, Almada, Barreiro, Moita, Montijo e Seixal.

Seixal

- 4.ª Secção de família e menores.
Área de competência territorial: município de Seixal.

Instâncias Locais

Secções de competência genérica

Almada

A secção de competência genérica desdobra-se em secção cível e secção criminal.

Área de competência territorial: município de Almada.

- Secção cível
- Secção criminal

Barreiro e Moita

A secção de competência genérica desdobra-se em secção cível (sediada na Moita) e secção criminal (sediada no Barreiro).

Área de competência territorial: municípios do Barreiro e Moita.

- Secção cível
- Secção criminal

Lisboa

A secção de competência genérica desdobra-se em secção cível, secção criminal e secção de pequena criminalidade.

Área de competência territorial: município de Lisboa.

- Secção cível
- Secção criminal
- Secção de pequena criminalidade

Montijo

A secção de competência genérica desdobra-se em secção cível e secção criminal.

Área de competência territorial: municípios de Alcochete e Montijo.

- Secção cível
- Secção criminal

Seixal

A secção de competência genérica desdobra-se em secção cível e secção criminal.

Área de competência territorial: município de Seixal.

- Secção cível
- Secção criminal

Tribunal Marítimo

Sede: Lisboa.

Tribunal da Relação competente: Lisboa.

Área de competência territorial: departamentos marítimos do norte, centro e sul.

Tribunal da Propriedade Intelectual

Sede: Lisboa.

Tribunal da Relação competente: Lisboa.

Área de competência territorial: território nacional.

Tribunal Central de Instrução Criminal

Sede: Lisboa.

Tribunal da Relação competente: Lisboa.

Área de competência territorial: território nacional.

Tribunal de Execução de Penas

Sede: Lisboa

Tribunal da Relação competente: Lisboa.

Área de competência territorial: comarcas dos Açores, Lisboa, Lisboa Norte, Lisboa Oeste, Madeira e estabelecimentos prisionais de Alcoentre, das Caldas da Rainha e de Vale de Judeus.

- **Número e tipo de processos pendentes;**

Número de Processos pendentes: 260870 (estatística oficial) / 547303 (estatística de secretaria)

Tipos de Processos pendentes:

- Divórcios e Separações
- Acções Comuns em processo cível
- Execuções Comuns
- Acções Especiais em processo cível
- Alterações/Incumprimentos de Regulação do Poder Paternal
- Reclamações de Créditos - (CIRE)
- Execuções Especiais
- Execuções Sumárias

- Reclamações de Créditos
- Acções Sumaríssimas
- Contratos Individuais de Trabalho
- Recursos de Contra-Ordenação
- Actos Jurisdicionais

- **Processos considerados prioritários ou urgentes;**

Os dados do sistema judiciário devem ser atualizados regularmente e disponibilizados anualmente, pelo menos com referência ao início e fim do ano judicial. Devem, em concreto, ser disponibilizados os seguintes dados quanto aos processos pendentes:

- Número total de processos pendentes no início do período em causa (v.g. ano judicial);
- Processos entrados no período em causa (processos iniciados no período, v.g. ano judicial);
- Processo findos (processos terminados no período por decisão de mérito, indeferimento liminar, acordo, etc...);
- Número total de processos pendentes no final do período.

Quanto aos processos findos, os dados poderão ter em conta a natureza da decisão ou ato que lhes pôs termo, devendo ser sempre indicado o número de processos que terminam por decisão de mérito.

Secções e Tribunais da Comarca de Lisboa – Estatística Oficial				
Tribunal / Secção	Processos Pendentes a 01.09.2015	Processos entrados entre 01.09.2015 e 31.08.2016	Processos findos entre 01.09.2015 e 31.08.2016	Processos pendentes a 31.08.2016
1.ª Secção cível	3097	3745	3572	3262
1.ª Secção criminal	2392	1947	2098	2204
1.ª Secção de família e menores	6070	5363	6266	5066
1.ª Secção de instrução criminal	1332	8461	8976	774
1.ª Secção do trabalho	6016	5262	6836	4426
1.ª Secção de comércio	18685	5506	6396	17788
1.ª Secção de execução	172377	16186	40841	147696
2.ª Secção criminal	1069	704	872	862
2.ª Secção cível	507	382	462	423
2.ª Secção de instrução criminal	557	1964	2051	397
2.ª Secção de família e menores	1324	1467	1862	1022
2.ª Secção de execução	49626	10116	11286	48407
3.ª Secção de instrução criminal	210	1192	1291	105
3.ª Secção de família e menores	1985	1583	1731	1810
2.ª Secção do trabalho	3298	2831	2690	3422
2.ª Secção de comércio	1081	2870	2876	1071
4.ª Secção de família e menores	1873	1688	2297	988
Secção cível de Almada	1215	1120	1354	960
Secção criminal de Almada	2018	1964	2493	1366
Secção cível de Lisboa	7578	12187	13912	5814
Secção criminal de Lisboa	5630	5002	5125	5411
Secção de pequena criminalidade de Lisboa	4270	5032	5260	3955
Secção cível da Moita	400	663	654	396
Secção criminal do	987	1456	1582	844

Barreiro				
Secção cível do Montijo	354	447	505	295
Secção criminal do Montijo	579	707	806	436
Secção cível do Seixal	530	859	963	406
Secção criminal do Seixal	1556	1678	1918	1264
Tribunal da Propriedade Intelectual	552	637	786	403
Tribunal de Execução de Penas	21325	21507	24336	18364
Tribunal Central de Instrução Criminal	236	348	425	153
Tribunal Marítimo	1201	572	737	1036
TOTAL	319930	125446	163259	280826

Secções e Tribunais da Comarca de Lisboa – Estatística de Secretaria				
Tribunal / Secção	Processos Pendentes a 01.09.2015	Processos entrados entre 01.09.2015 e 31.08.2016	Processos findos entre 01.09.2015 e 31.08.2016	Processos pendentes a 31.08.2016
1.ª Secção cível	7167	3752	4041	6872
1.ª Secção criminal	429 8637	102 1876	132 3087	399 7417
1.ª Secção de família e menores	10962	5384	7338	8750
1.ª Secção de instrução criminal	1612	8462	9010	1019
1.ª Secção do trabalho	17719	5283	11223	11767
1.ª Secção de comércio	37461	5547	3866	39140
1.ª Secção de execução	291129	16242	28806	278557
2.ª Secção criminal	3116	463	905	2672
2.ª Secção cível	1038	384	555	867
2.ª Secção de instrução criminal	374	1663	1794	230
2.ª Secção de família e menores	3329	1470	2182	2608
2.ª Secção de execução	63078	10134	3203	69996
3.ª Secção de instrução criminal	237	1191	1303	121
3.ª Secção de família e menores	5358	1597	2538	4413
2.ª Secção do trabalho	6159	2836	2060	6927
2.ª Secção de comércio	3830	2873	2671	4022
4.ª Secção de família e menores	4544	1722	2966	3296
Secção cível de Almada	2644	1121	1721	2036
Secção criminal de Almada	6194	1727	3333	4578
Secção cível de Lisboa	16695	12194	16340	12519
Secção criminal de Lisboa	14347	5018	5915	13440
Secção de pequena	12826	5057	4632	13247

criminalidade de Lisboa				
Secção cível da Moita	679	663	667	675
Secção criminal do Barreiro	3592	1457	1787	3261
Secção cível do Montijo	689	449	645	493
Secção criminal do Montijo	1625	708	944	1484
Secção cível do Seixal	1158	859	1279	736
Secção criminal do Seixal	8148	1684	3471	6356
Tribunal da Propriedade Intelectual	1838	637	1357	1118
Tribunal de Execução de Penas	40888	21625	26238	36198
Tribunal Central de Instrução Criminal	280	349	426	196
Tribunal Marítimo	1816	572	495	1893
TOTAL	579598	125101	156930	547303

(...)

3. Informação sobre duração dos processos

3a. Informação sobre duração processual por períodos-quadro, duração média e duração mínima/máxima

Todos os tribunais devem recolher dados sobre a duração dos processos, devendo ser discriminados os dados relativos a processos findos e a processos pendentes no período em causa (v.g. ano judicial).

Os dados de duração dos processos devem ser agrupados Segundo o tempo de pendência: menos de um mês, 1-3 meses, 4-5 meses, 7-12 meses, 1-2 anos, 2-3 anos, 3-5 anos e mais de 5 anos.

Para além dos dados relativos aos tempos de duração indicados, deve ser calculada a duração média dos processos e indicadas as durações mínimas e máximas.

O cálculo da duração do processo deve ter em conta apenas o tempo decorrido entre a entrada e afinalização do processo. Se possível, os dados devem discriminar a duração dos processos findos por decisão de mérito e a dos demais.

Processos		Número de processos pendentes de decisão final (Dados de Agosto de 2016)	Duração média dos Processos em meses (Dados de Agosto de 2016)	Tempo para Resolução (n.º de dias) (Dados de Agosto de 2016)
Cível	<i>Acções Declarativas</i>	10 067 processos	27,8 meses	579 dias
	<i>Acções Especiais</i>	4 221 processos	5,9 meses	357 dias
	<i>Execuções</i>	193 288 processos	66 meses	1 813 dias
	<i>Outros</i>	26 757 processos	9,2 meses	595 dias
	<i>Procedimentos Cautelares</i>	305 processos	2,7 meses	114 dias
Laboral	<i>Acções Declarativas</i>	1 008 processos	21,6 meses	323 dias
	<i>Acções Especiais</i>	2 660 processos	13,4 meses	367 dias
	<i>Contra-Ordenações</i>	239 processos	14 meses	164 dias
	<i>Execuções</i>	546 processos	94,2 meses	2 103 dias
	<i>Outros</i>	18 processos	0	274 dias
	<i>Procedimentos Cautelares</i>	7 processos	2,2 meses	30 dias
Militar	<i>Processo Crime (Julgamento)</i>	42 processos	0	578 dias
Penal	<i>Actos jurisdicionais avulsos</i>	289 processos	3,1 meses	10 dias
	<i>Contra-ordenações</i>	569 processos	0	271 dias
	<i>Outro</i>	268 processos	0,4 meses	42 dias

	<i>Processo Crime (Instrução)</i>	305 processos	1,2 meses	240 dias
	<i>Processo Crime (Julgamento)</i>	9 772 processos	0,4 meses	486 dias
<i>Tutelar</i>	<i>Actos jurisdicionais avulsos</i>	10 processos	2,4 meses	91 dias
	<i>Processo tutelar cível</i>	5 935 processos	22,2 meses	376 dias
	<i>Promoção e protecção</i>	845 processos	9,9 meses	454 dias
	<i>Tutelar educativo</i>	116 processos	23,4 meses	196 dias

3b. Informação sobre a duração global dos processos

É particularmente importante que os dados possam indicar a duração global do processo, considerando-se como tal o tempo decorrido desde o início do processo e o seu arquivamento (Cf. CEPEJ CHECKLIST e SATURN GUIDELINES). Se possível deve ser indicada a duração do processo até execução da decisão.

(...)

5. Informação analítica e indicadores

Diversos indicadores de desempenho podem ser construídos com base nos dados gerais recolhidos quanto aos tribunais, número e duração dos processos e em outra informação relevante sobre os tribunais e os sistemas de justiça.

Inter alia, podem usar-se os indicadores seguintes para analisar e monitorizar a duração e outros fatores relevantes para a compreensão dos tempos dos processos:

**** A INFORMAÇÃO ANALÍTICA CONTIDA NOS INDICADORES SEGUINTE É AFERIDA EM REALÇÃO À ESTATÍSTICA OFICIAL ****

1. **Taxa de resolução:** Relação entre processos entrados e processos findos no período, em percentagem.

$$\text{Taxa de resolução (\%)} = \text{Processos findos} / \text{Processos entrados} * 100$$

$$\text{Taxa de resolução (\%)} = 163259 / 125446 * 100$$

$$\text{Taxa de resolução (\%)} = 130,14 \%$$

2. **Taxa de rotatividade:** Relação entre os processos findos e os processos pendentes no final do período.

$$\text{Taxa de rotatividade} = \text{Processos findos} / \text{Processos pendentes}$$

$$\text{Taxa de rotatividade} = 163259 / 280826$$

$$\text{Taxa de rotatividade} = 0,581$$

3. **Tempo de resolução:** Exprime a taxa de rotatividade em dias estabelecendo a razão entre o número de dias do ano e a taxa de rotatividade. Mede o tempo necessário para a resolução dos processos.

$$\text{Tempo de resolução} = 365 / \text{Taxa de rotatividade}$$

$$\text{Tempo de resolução} = 365 / 0,581$$

$$\text{Tempo de resolução} = 628,22 \text{ dias}$$

4. **Taxa de eficiência:** Relação entre os recursos humanos e os processos findos.

$$\text{Efficiency Rate} = \text{Number of Resolved Cases} / \text{Number of clerk in FTE}^1$$

$$\text{Clerk} = 235 \text{ (Juizes)}, 650 \text{ (oficiais de justiça)}, 45 \text{ (administrativos)} = 930$$

$$\text{Efficiency Rate} = 163259 / 930$$

$$\text{Efficiency Rate} = 175,54$$

5. **Acumulação global:** Processos não decididos no final do período definida pela diferença entre os processos pendentes no início do período e os processos findos no período. **Exemplo:** Se existiam 1000 processos pendentes no início do período e findaram no período 750, a acumulação é de 250.

$$\text{Acumulação global} = \text{Processos pendentes no início do período} - \text{Processos findos no período}$$

$$\text{Acumulação global} = 319930 - 163259$$

$$\text{Acumulação global} = 156671$$

6. **Resolução da pendência:** Indica o tempo necessário (em meses ou dias) para resolver os processos pendentes, calculado pela relação entre o número de processos pendentes no final do período e o número de processos findos. **Exemplo:** havendo 100 casos pendentes no final do período, tendo findado 200, a taxa é de 6 meses ou 180 dias.

$$\text{Resolução da pendência} = (\text{Processos pendentes no final do período} - \text{Processos Findos}) / \text{Processos findos}$$

$$\text{Resolução da pendência} = 280826 / 163259$$

$$\text{Resolução da pendência} = 1,720$$

$$\text{Resolução da pendência} = 1 \text{ ano} \text{ ----- } 12 \text{ meses} \\ 1,720 \text{ ano} \text{ ----- } 20,64 \text{ meses ou } 627 \text{ dias}$$

$$\text{Resolução da pendência} = 20,64 \text{ meses ou } 627 \text{ dias}$$

Carga processual por juiz (CPJ): Número de processos pendentes no período por juiz. **Exemplo:** se o tribunal tem 600 processos pendentes no final do período e 4 juizes, a CPJ é de 150.

$$\text{CPJ} = \text{Número de processos pendentes no final do período} / \text{Número de juizes}$$

$$\text{CPJ} = 280826 / 235$$

$$\text{CPJ} = 1195$$

¹ Full time equivalent.

7. (PT) Impugnação da matéria de facto nos Tribunais de Relação

APELAÇÕES FINAIS (Ano de)	TOTAL	IMPUGNAÇÃO DE FACTO				
		TOTAL	REJEITADAS	PROCEDENTES		IMPROCEDENTES
				Com influência na decisão	Sem influência na decisão	
RELAÇÃO DE LISBOA						
RELAÇÃO DO PORTO						
RELAÇÃO DE COIMBRA						
RELAÇÃO DE ÉVORA						
RELAÇÃO DE GUIMARÃES						

Em alternativa:

RELAÇÃO DE APELAÇÕES FINAIS	TOTAL	IMPUGNAÇÃO DE FACTO				
		TOTAL	REJEITADAS	PROCEDENTES		IMPROCEDENTES
				Com influência na decisão	Sem influência na decisão	
2013						
2014						
2015						



Direção-Geral da Política de Justiça

OS NÚMEROS DA JUSTIÇA

2015

Principais Indicadores das Estatísticas da Justiça



MINISTÉRIO DA JUSTIÇA

Edição da

DGPJ

Direção-Geral da Política de Justiça

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Dezembro de 2016

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Apresentação

As estatísticas permitem-nos conhecer a realidade através da análise e interpretação dos dados numéricos recolhidos.

A Direção-Geral da Política de Justiça, entidade responsável pela informação estatística na área da Justiça, propõe nas páginas que se seguem, uma viagem pelos principais números da Justiça, procurando dar a conhecer de forma sucinta esta realidade.

Nesta pequena compilação terá oportunidade de conhecer melhor:

- o funcionamento dos tribunais;
- a criminalidade registada no nosso país;
- o funcionamento das prisões, centros educativos e outras formas de cumprimento de penas;
- o funcionamento dos registos e notariado.

Se pretender obter informações mais completas e aprofundadas convidamo-lo a consultar o Sistema de Informação das Estatísticas da Justiça (SIEJ), uma base de dados interativa disponível online em www.dgpi.mj.pt.

1. Os tribunais e o seu funcionamento

Em Portugal, os tribunais dividem-se pelas seguintes categorias:

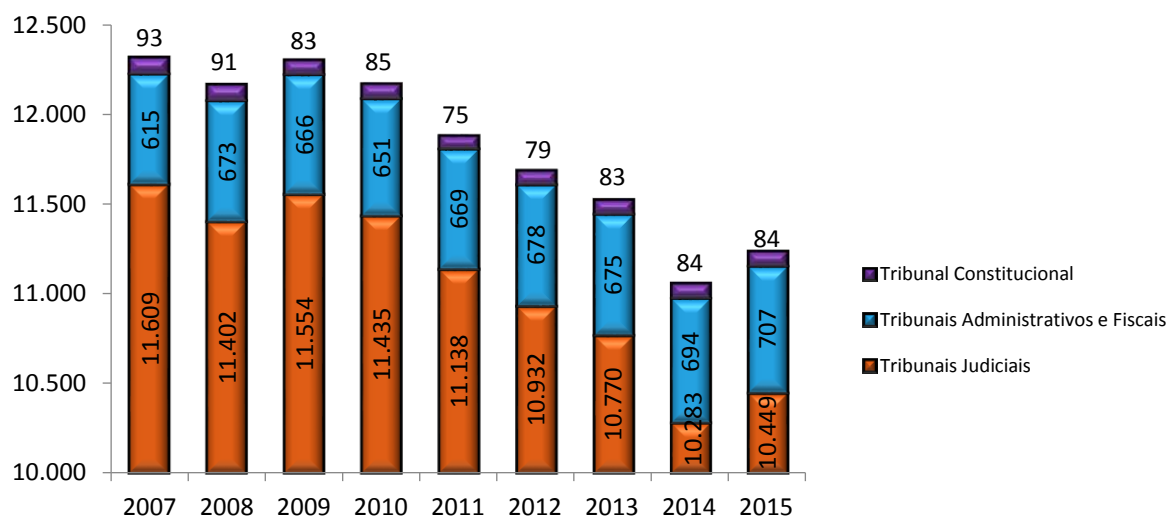
- *Tribunal Constitucional* que desempenha um papel de particular relevância, uma vez que funciona como garante da Constituição da República Portuguesa verificando, em último grau, se as normas jurídicas respeitam a Constituição. Para além disso, tem também competências relacionadas com o processo eleitoral e com os partidos políticos, nomeadamente o seu financiamento;
- *Tribunal de Contas*, entidade à qual cabe a fiscalização da legalidade das despesas públicas. Este tribunal está encarregado, por exemplo, de analisar e dar parecer sobre a Conta Geral do Estado;
- *Tribunais judiciais* que correspondem aos tribunais com maior número de processos no nosso país e têm competência para julgar a maior parte dos litígios entre cidadãos e/ou empresas.

- Das decisões dos tribunais judiciais de 1ª instância¹ é possível, nalguns casos, recorrer para um dos tribunais da Relação (que são 5 e estão localizados em Lisboa, Porto Coimbra, Évora e Guimarães) e desses para o Supremo Tribunal de Justiça;
- *Tribunais administrativos e fiscais* são os tribunais competentes na maior parte dos casos em que uma das partes é o Estado ou outra entidade pública. Das decisões dos 16 tribunais administrativos e fiscais de 1ª instância existentes é possível, nalguns casos, recorrer para um dos 2 tribunais Centrais Administrativos (localizados em Lisboa e Porto) e daí para o Supremo Tribunal Administrativo;
- *Julgados de Paz* são entidades competentes para resolver alguns dos litígios da competência dos tribunais judiciais, desde que o valor em causa não seja superior a € 15.000. Os Julgados de Paz têm uma filosofia que privilegia uma relação de proximidade e informalidade com os cidadãos que a eles recorrem. Neste momento existem 25 julgados de paz em funcionamento em Portugal.
- *Tribunais arbitrais* são tribunais privados. Se em causa estiver um direito a que as partes podem renunciar, estas podem optar por escolher um ou mais árbitros para decidirem o caso, em vez de recorrerem ao tribunal do Estado. A decisão dos árbitros produz os mesmos efeitos que uma sentença de um tribunal do Estado.

¹ Estes tribunais são, em 2015, 31 no total. O território nacional divide-se em 23 comarcas e em cada comarca existe um tribunal judicial de 1.ª instância, designado pelo nome da comarca onde se encontra instalado. Existem, além destes 23 tribunais de comarca, 8 tribunais de competência alargada, como por exemplo o Tribunal da Propriedade Intelectual e o Tribunal Marítimo.

1.1. Pessoal ao serviço, por tipo de tribunal

Pessoal ao serviço, por tipo de tribunal (31 de dezembro 2007-2015)*

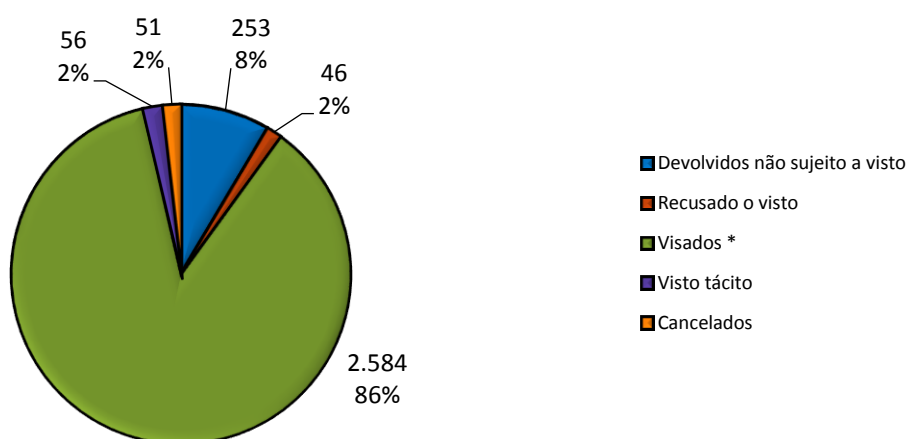


* Não está disponível a informação sobre o pessoal ao serviço no Tribunal de Contas

Ao observar o pessoal ao serviço por tipo de tribunal, verifica-se que entre os anos de 2009 e 2015 se registou uma diminuição de 10,6% do pessoal ao serviço nos tribunais judiciais (o seu número passou de 11.554 no ano de 2009 para 10.449 no ano de 2015).

1.2. Funcionamento do Tribunal de Contas

Processos de visto findos no Tribunal de Contas, segundo a decisão (2015)



* Inclui os processos com homologação de conformidade.

Do total de processos de visto findos no Tribunal de Contas, a maioria finaliza como visados (86%) e apenas uma pequena percentagem (2%) com recusa do visto.

1.3. Funcionamento dos Tribunais Judiciais

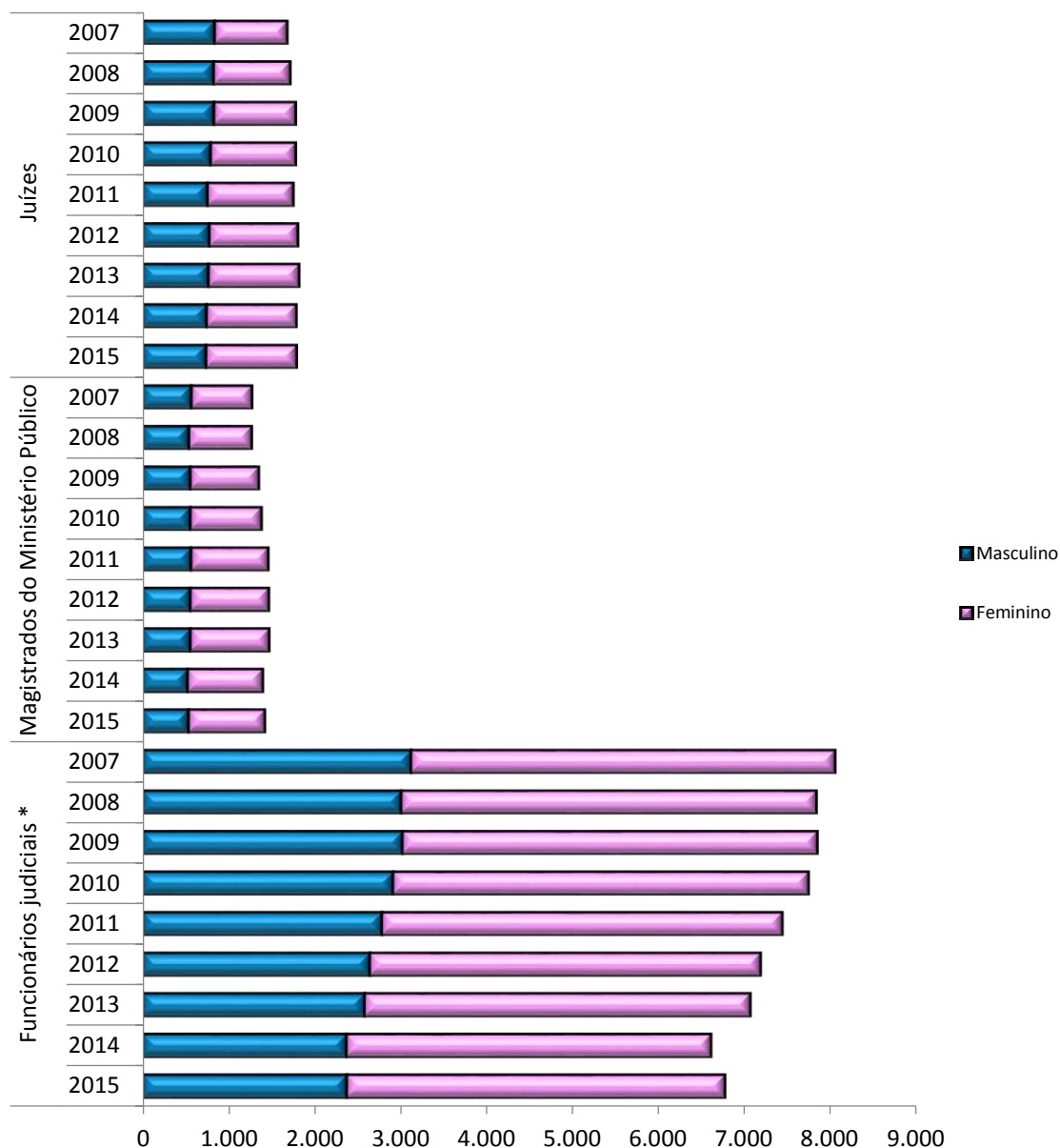
1.3.1. Profissionais da Justiça



* Incluem secretário de tribunal superior/ secretário de justiça, escrivão de direito ou adjunto, técnico de justiça principal ou adjunto e escrivão auxiliar/técnico de justiça auxiliar.

A observação da figura anterior revela que, no ano de 2015, por larga vantagem, os advogados são os profissionais da Justiça em maior número em Portugal, seguidos dos funcionários judiciais com um valor correspondente a menos de um quarto dos primeiros.

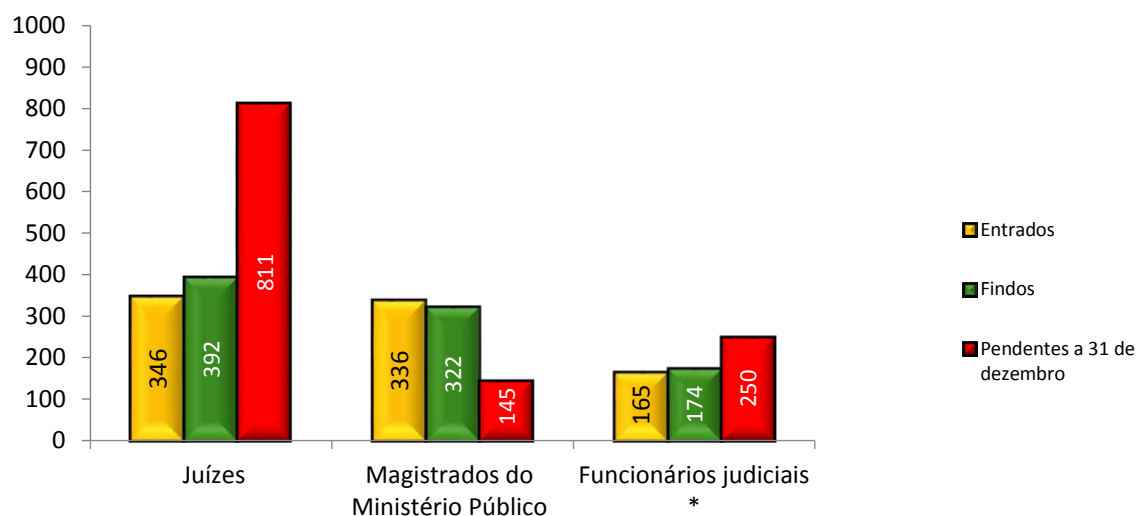
Magistrados e funcionários judiciais em funções nos tribunais judiciais (31 de dezembro de 2007-2015)



* Incluem secretário de tribunal superior/ secretário de justiça, escrivão de direito ou adjunto, técnico de justiça principal ou adjunto e escrivão auxiliar/técnico de justiça auxiliar.

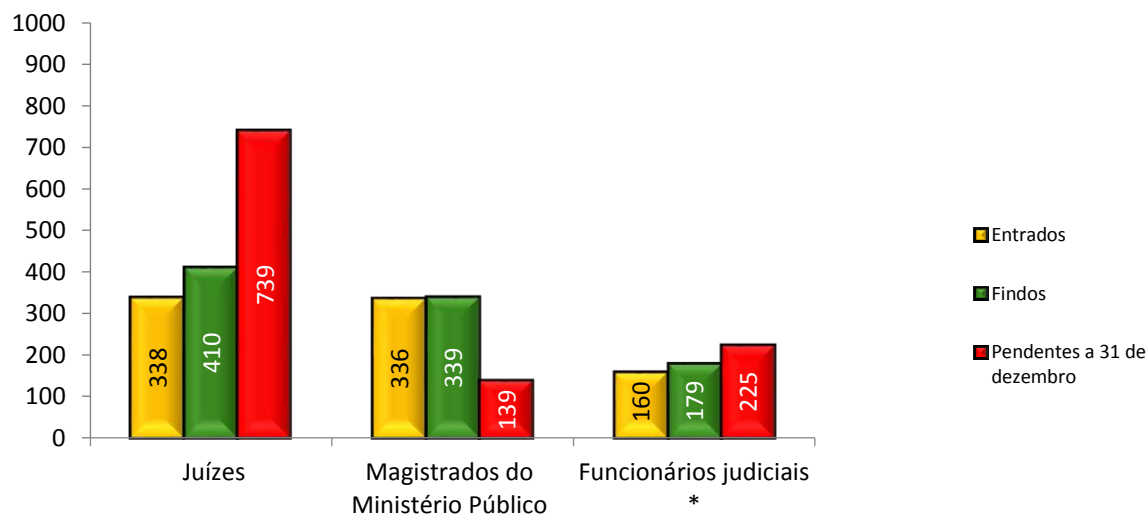
No que respeita aos juizes e magistrados do Ministério Público, verifica-se uma tendência moderada, mas persistente, de aumento do seu número, entre 2007 e 2013, diminuindo no ano de 2014, seguida de um ligeiro aumento no ano de 2015. O número de funcionários judiciais, isto é, os funcionários que trabalham nas secretarias dos tribunais e nos serviços do Ministério Público, sofre um decréscimo entre 2007 e 2014, invertendo-se esta tendência no ano de 2015.

Média de processos, por magistrado e por funcionário judicial (2014)



* Incluem secretário de tribunal superior/ secretário de justiça, escrivão de direito ou adjunto, técnico de justiça principal ou adjunto e escrivão auxiliar/técnico de justiça auxiliar.

Média de processos, por magistrado e por funcionário judicial (2015)



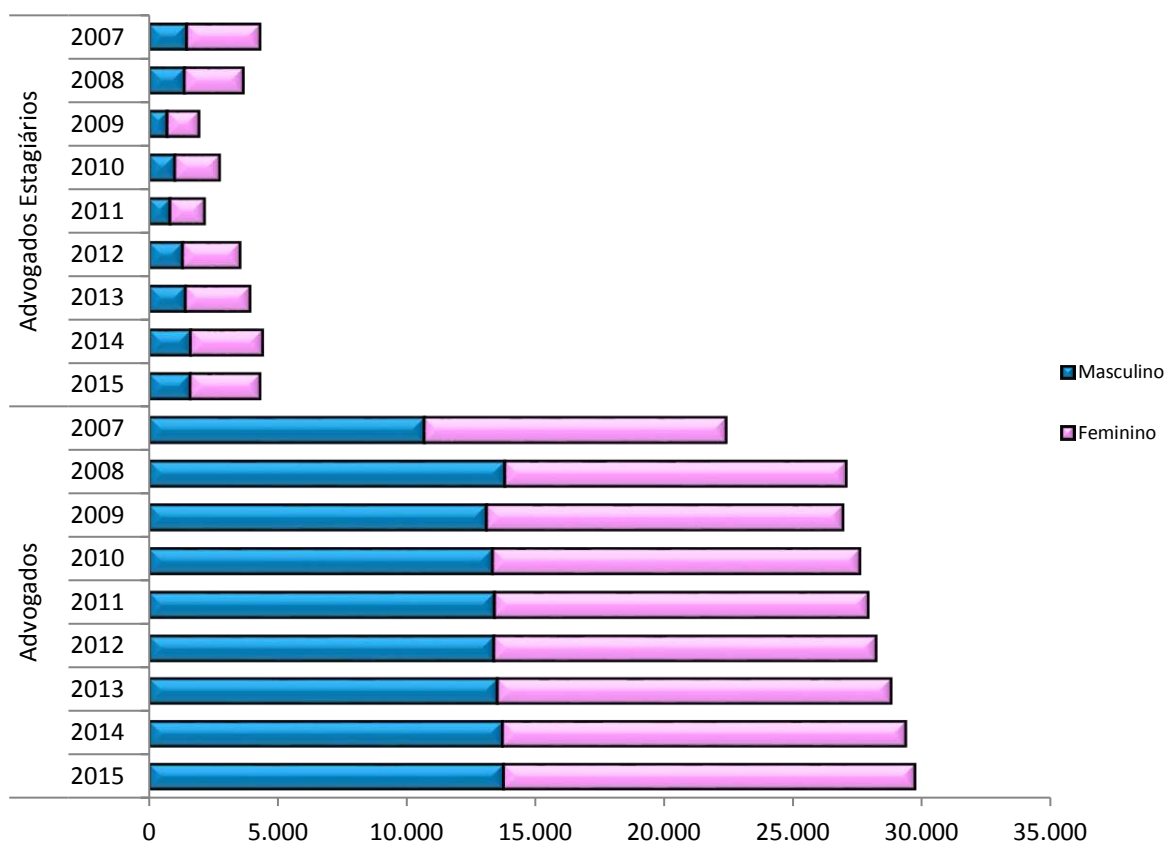
* Incluem secretário de tribunal superior/ secretário de justiça, escrivão de direito ou adjunto, técnico de justiça principal ou adjunto e escrivão auxiliar/técnico de justiça auxiliar.

Em 2014 e 2015, é possível observar que tanto os juízes, como os funcionários judiciais findaram, em média, mais processos do que aqueles que receberam². Já quanto aos magistrados do

² Não se incluem os processos de execução de penas. Não se incluem igualmente os processos transitados e findos no Ministério Público por remessa para outro serviço. Para a média de processos do Ministério Público apenas são contabilizados os processos de inquérito crime e os processos de inquérito tutelar educativo.

Ministério Público, no ano de 2014, observa-se que entraram em média mais processos do que aqueles que findaram, sendo que, no ano de 2015, observa-se o contrário.

Advogados e advogados estagiários inscritos (31 de dezembro de 2007-2015)

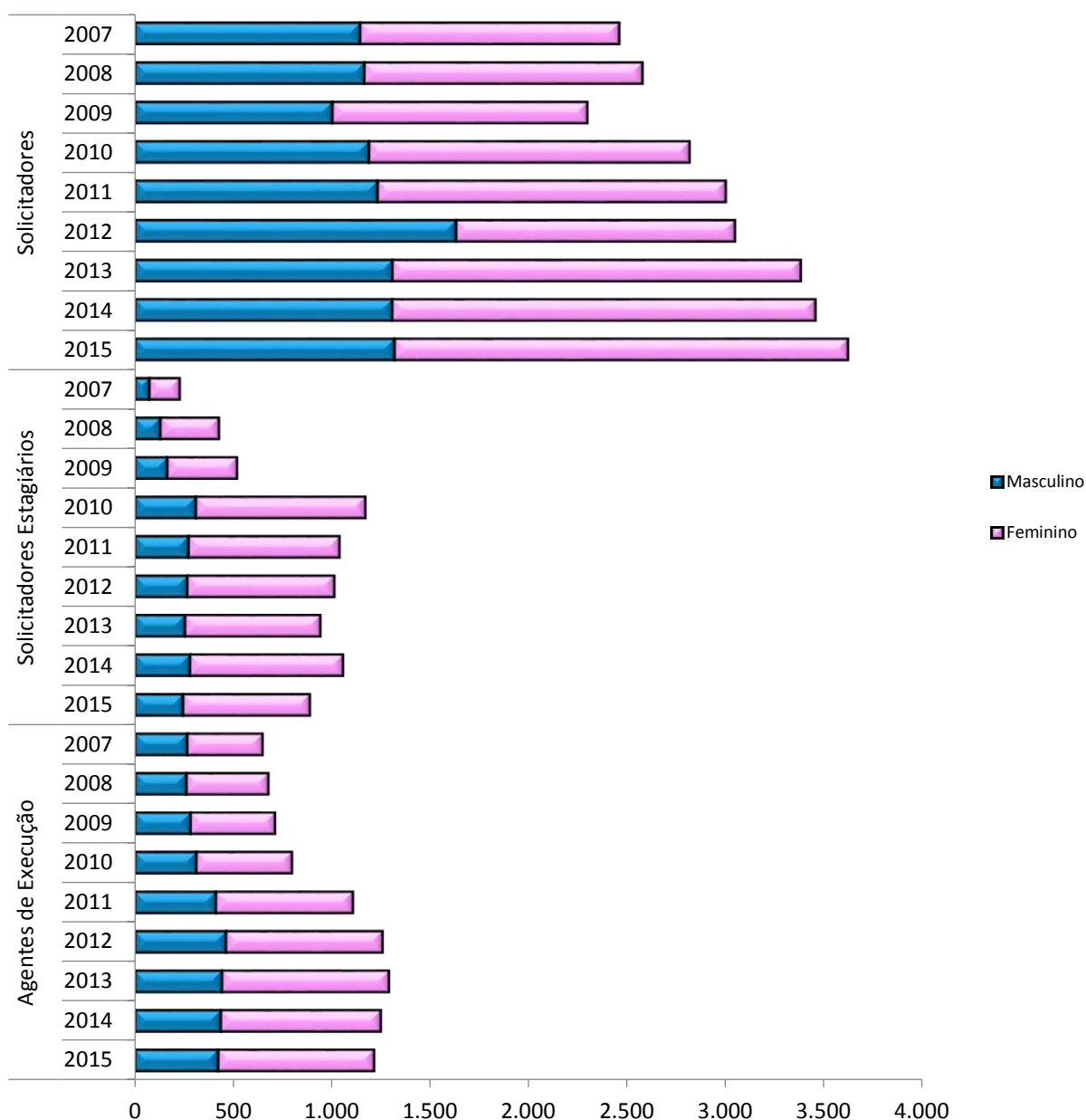


O número de advogados estagiários³ inscritos apresenta uma tendência de decréscimo entre 2007 e 2011, seguida de um aumento entre 2012⁴ e 2014 e de uma diminuição em 2015. O número de advogados inscritos apresenta uma tendência constante de aumento.

³ No ano de 2009 está em falta a informação do círculo Judicial do Funchal.

⁴ O número de advogados estagiários inscritos em 31 de dezembro de 2012 foi alterado na atualização de dados de 6.3.2014. Esta alteração deveu-se a uma correção comunicada pela Ordem dos Advogados.

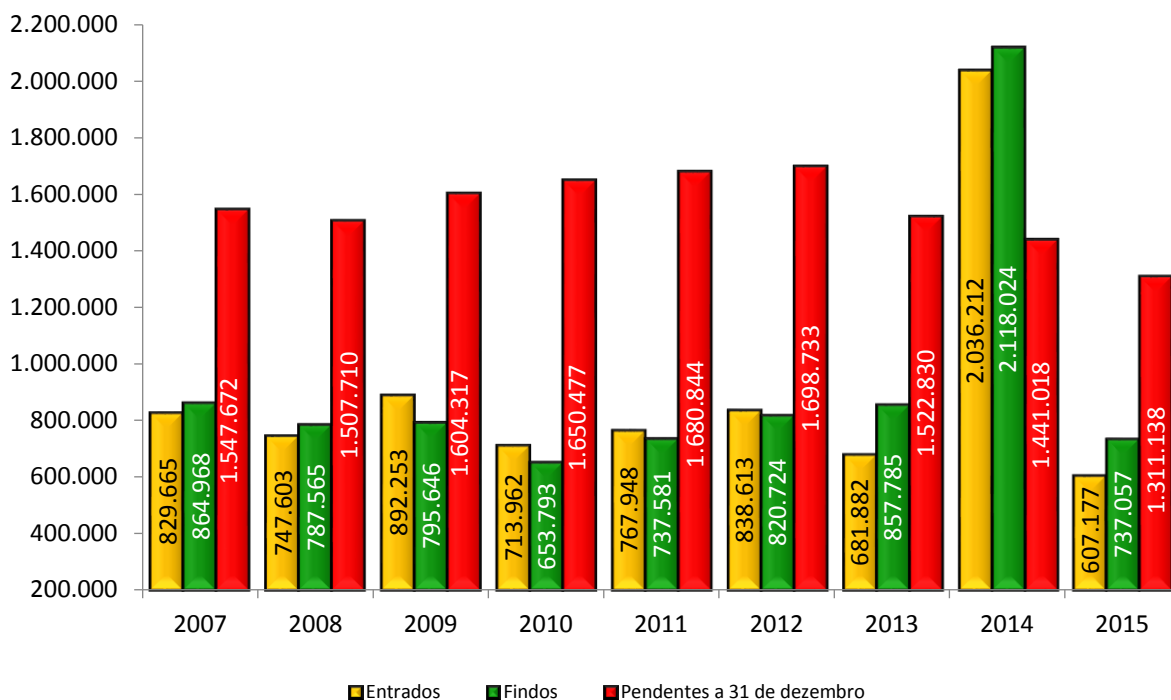
**Solicitadores, solicitadores estagiários e agentes de execução inscritos
(31 de dezembro de 2007-2015)**



O número de solicitadores inscritos aumenta em 2007 e 2008, decresce em 2009 e volta a aumentar nos anos de 2010 a 2015. O número de agentes de execução apresenta uma tendência constante de aumento entre 2007 e 2013 registrando-se um decréscimo em 2014 e 2015.

1.3.2. Tribunais judiciais de 1ª instância^{5 6} (a partir de 2010 os dados não incluem os processos de execução de penas)

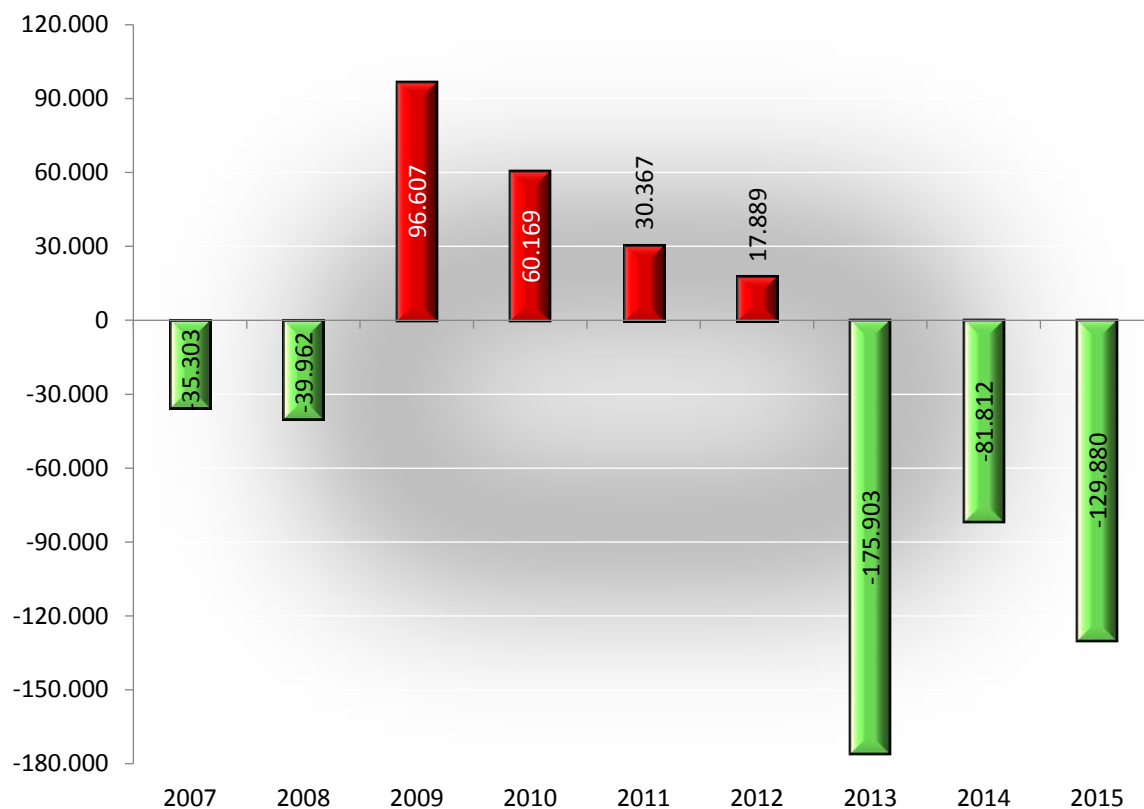
Movimento de processos nos tribunais judiciais de 1ª instância (2007-2015)



⁵ No ano de 2014, o número de processos entrados e findos foi invulgarmente elevado, consequência das transferências internas decorrentes da aplicação da Lei nº 62/2013, de 28 de agosto (Lei da Organização do Sistema Judiciário). “O número total de processos transitados em 2015 foi de 39.025, em 2014 de 1.449.610, em 2013 de 28.409, em 2012 de 104.725, em 2011 de 50.210, em 2010 de 32.357, em 2009 de 147.080, em 2008 de 45.513 e em 2007 de 122.851.”

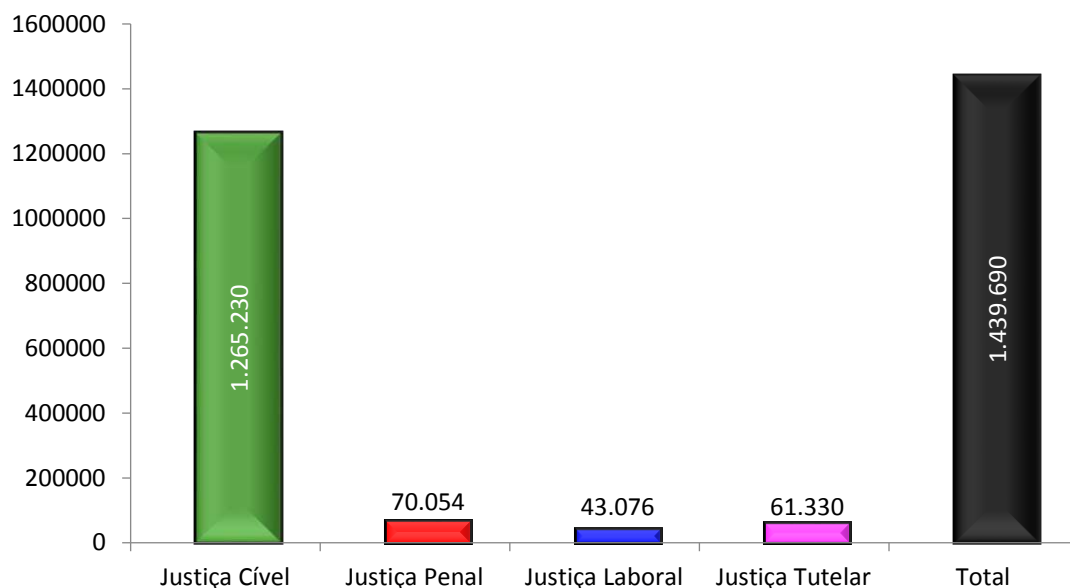
⁶ No que respeita à ação executiva, os resultados apresentados seguem o modelo legal vigente até 1 de setembro de 2013, data em que entrou em vigor o novo Código do Processo Civil, aprovado pela Lei n.º 41/2013, de 26 de junho. De acordo com o artigo 551.º, n.º 5, deste código, o processo de execução corre em tribunal quando seja requerida ou decorra da lei a prática de ato da competência da secretaria ou do juiz e até à prática do mesmo. Nestes termos, o processo de execução não deve, assim, ser considerado pendente em tribunal nas demais circunstâncias. Contudo, não tendo sido ainda possível fazer os desenvolvimentos técnicos e os ajustes necessários à implementação deste dispositivo legal, os resultados continuam a ser apresentados segundo o modelo anterior.

Saldo processual (entrados - findos) nos tribunais judiciais de 1ª instância (2007-2015)

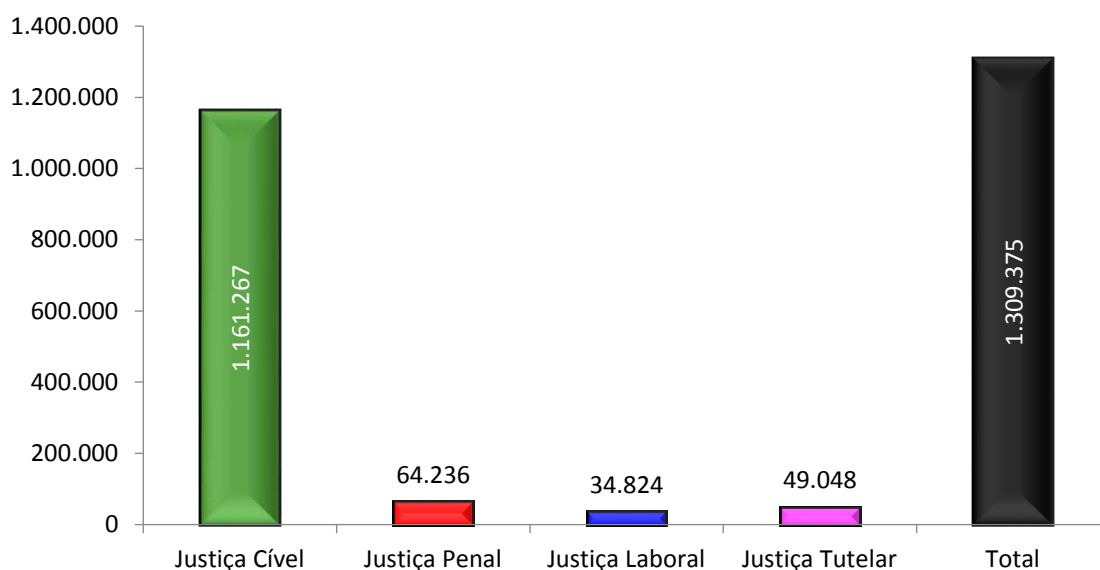


Como é possível observar nas figuras anteriores, o número de processos findos é superior ao número de processos entrados durante os anos de 2007, 2008, 2013, 2014 e 2015. Por isso, o saldo processual (processos entrados – processos findos) durante esses anos é favorável, tendo-se traduzido numa redução do número de processos pendentes.

Volume de cada área processual no total de processos pendentes nos tribunais judiciais de 1ª instância (2014)



Volume de cada área processual no total de processos pendentes nos tribunais judiciais de 1ª instância (2015)

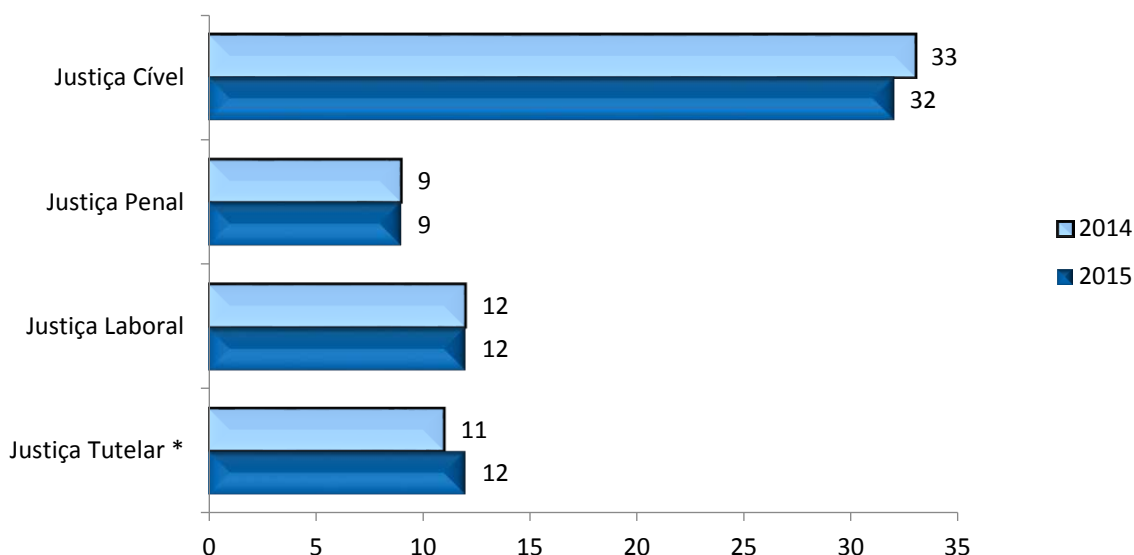


As figuras anteriores⁷ permitem observar que o número total de processos pendentes nos tribunais judiciais de 1ª instância é claramente dominado pelo número de processos na área

⁷ Os dados apresentados nas figuras não incluem a Justiça Laboral Penal (1.255 processos no ano de 2014 e 1.705 processos no ano de 2015) e a Justiça Militar (73 processos no ano de 2014 e 58 processos no ano de 2015).

cível, área esta que, de forma bastante simplificada, diz respeito à grande maioria dos litígios entre privados, exceto os que respeitam às relações de trabalho (Justiça Laboral).

Duração média (em meses) dos processos findos nos tribunais judiciais de 1ª instância, por área processual (2014-2015)



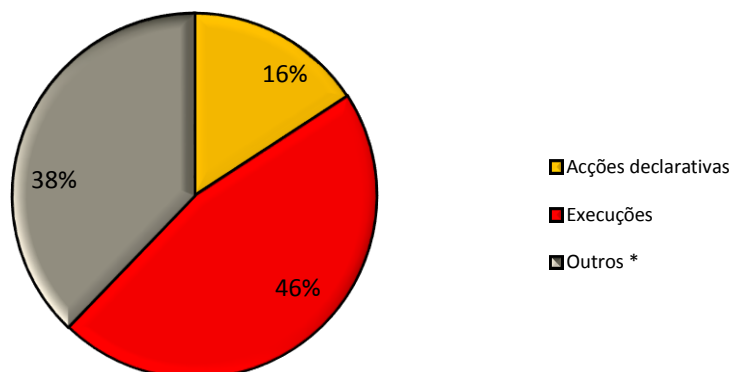
* Não se incluem as durações dos processos de promoção e proteção e dos processos tutelares educativos.

De igual modo a duração média dos processos findos⁸ é dominada pelo contributo da área cível. Estes processos duraram, em média, mais do dobro do que os processos em qualquer uma das restantes áreas processuais.

⁸ Os dados apresentados na figura não incluem a Justiça Laboral Penal (7 meses no ano de 2014 e 6 meses no ano de 2015) e a Justiça Militar (17 meses em 2014 e 19 meses em 2015). Não são contabilizados os processos transitados, apensados, incorporados ou integrados, remetidos a outra entidade, os processos com termo "N.E." e modalidade do termo "N.E.".

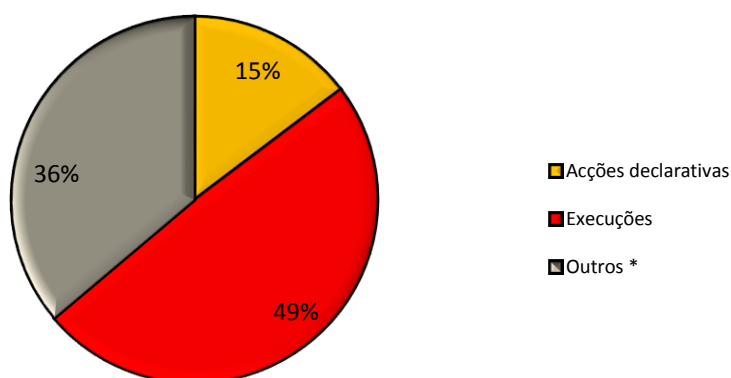
1.3.3. A Justiça cível ⁹

Processos cíveis entrados nos tribunais judiciais de 1ª instância, segundo o tipo de espécie (2014)



* Os outros processos correspondem a acções especiais, a procedimentos cautelares e a outros.

Processos cíveis entrados nos tribunais judiciais de 1ª instância, segundo o tipo de espécie (2015)



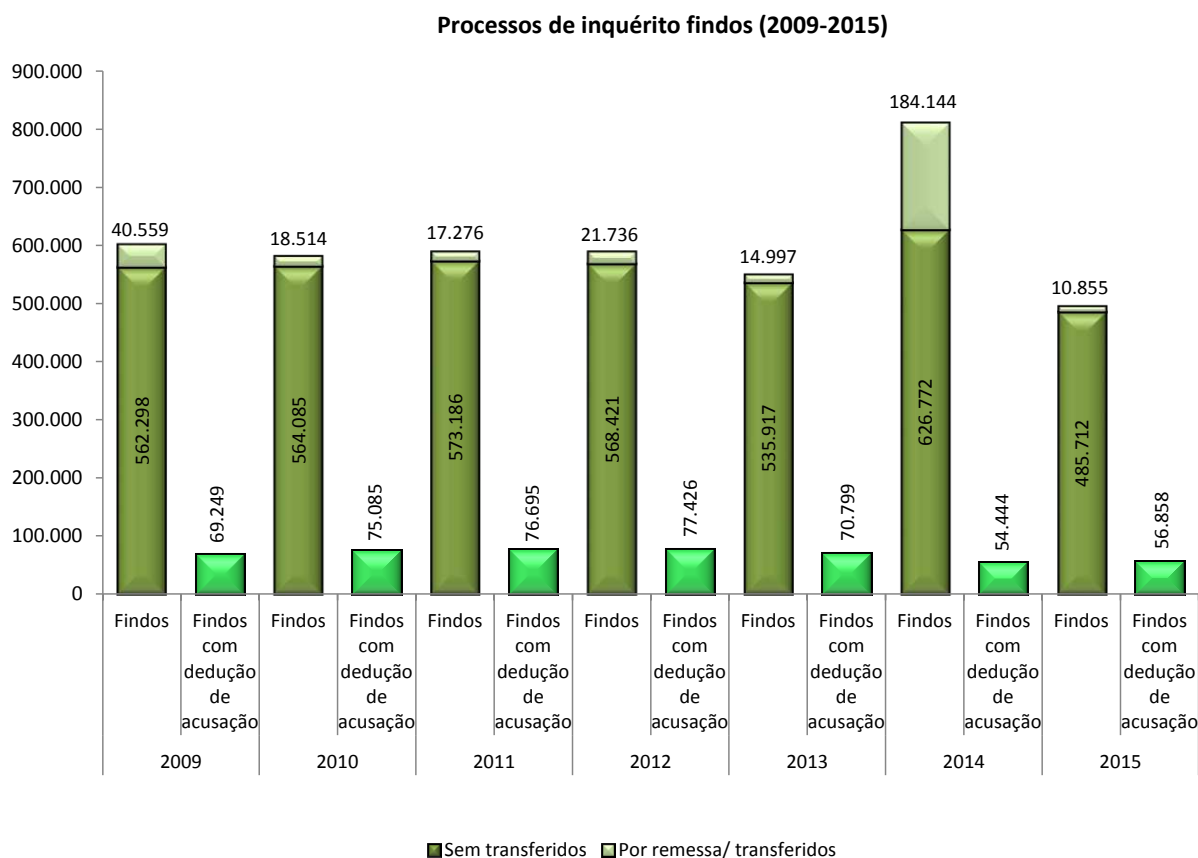
* Os outros processos correspondem a acções especiais, a procedimentos cautelares e a outros.

Relativamente aos processos cíveis entrados em 2014 e 2015, é importante constatar que 46% e 49% correspondem a acções executivas, ou seja, acções destinadas a obter de forma coerciva o pagamento de dívidas, a entrega de bens ou determinada atuação.

⁹ Nos processos entrados não estão incluídos os processos transitados entre unidades orgânicas.

1.3.4. A Justiça penal

1.3.4.1. Processos crime na fase de inquérito findos nos serviços do Ministério Público



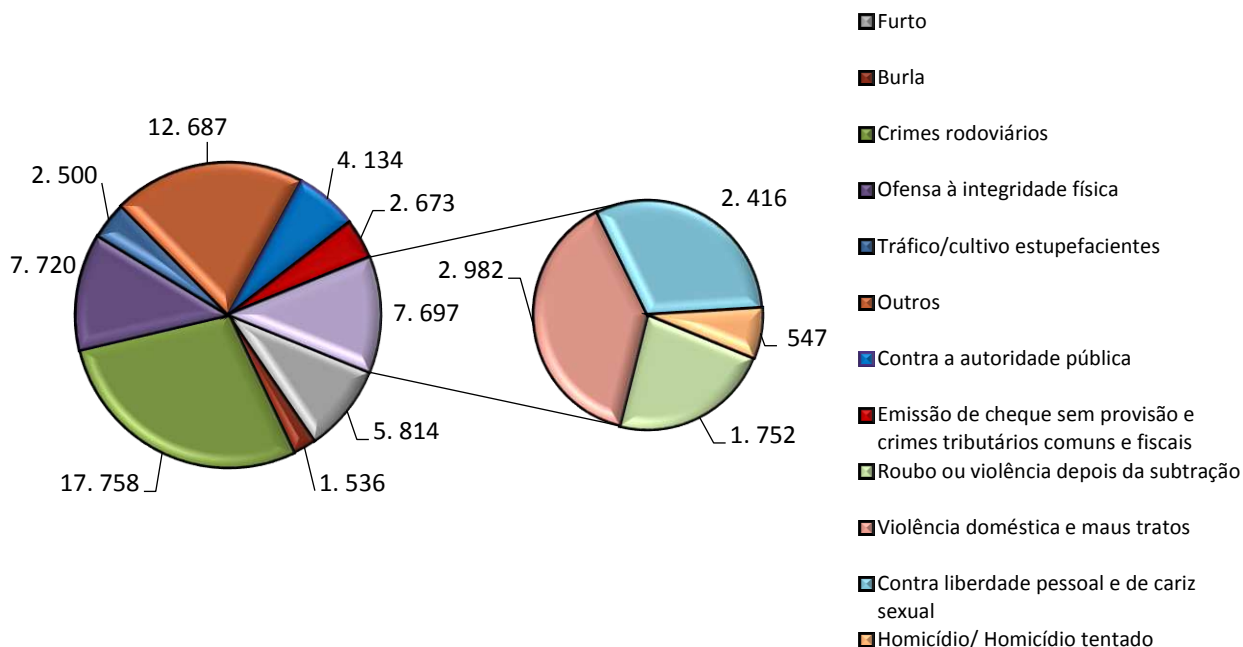
Relativamente ao número de inquéritos findos¹⁰ entre 2009 e 2011, verifica-se uma tendência moderada para o seu aumento, invertendo-se essa situação nos anos de 2012 e 2013. No ano de 2014, o número de inquéritos findos volta a aumentar, seguindo-se uma descida no ano de 2015.

Nos processos de inquérito findos com dedução de acusação, verifica-se uma subida entre os anos de 2009 e 2012, tendo este valor diminuído nos anos de 2013 e 2014 e voltando a crescer ligeiramente em 2015.

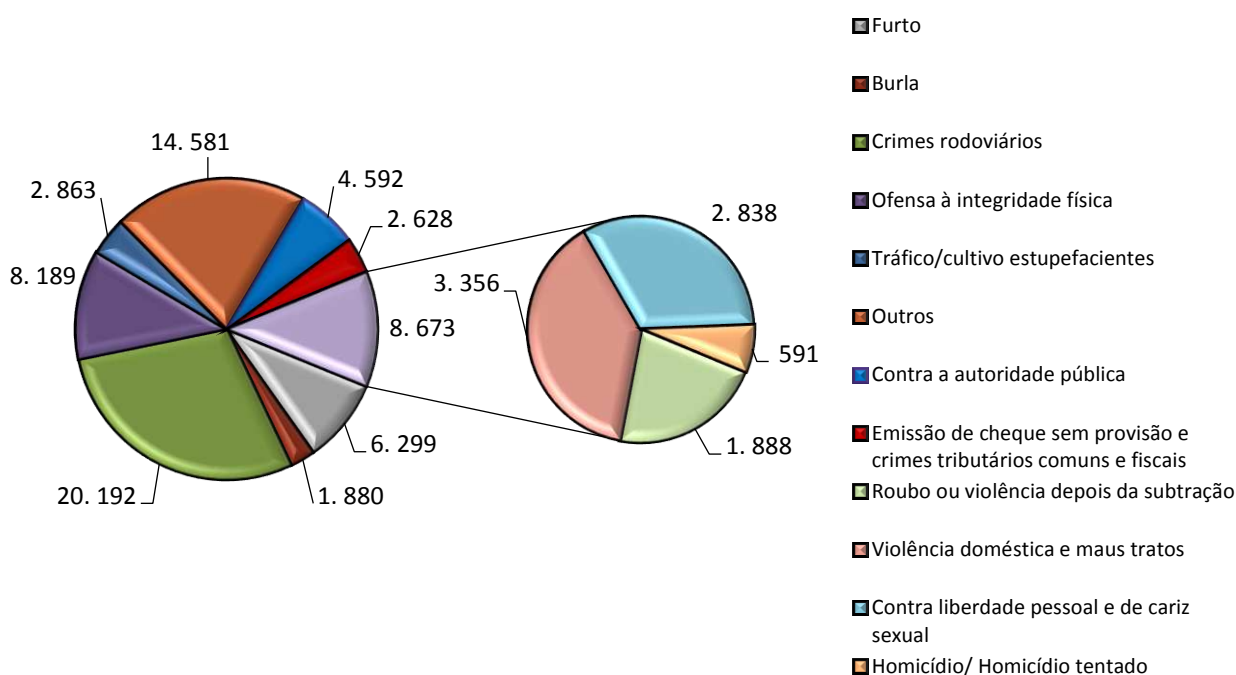
¹⁰ No ano de 2014, o número de processos findos foi invulgarmente elevado, consequência das transferências internas decorrentes da aplicação da Lei nº 62/2013, de 28 de agosto (Lei da Organização do Sistema Judiciário).

1.3.4.2. Processos crime na fase de julgamento findos nos tribunais judiciais de 1ª instância

Processos crime na fase de julgamento findos nos tribunais judiciais de 1ª instância, segundo os tipos de crime (2014)



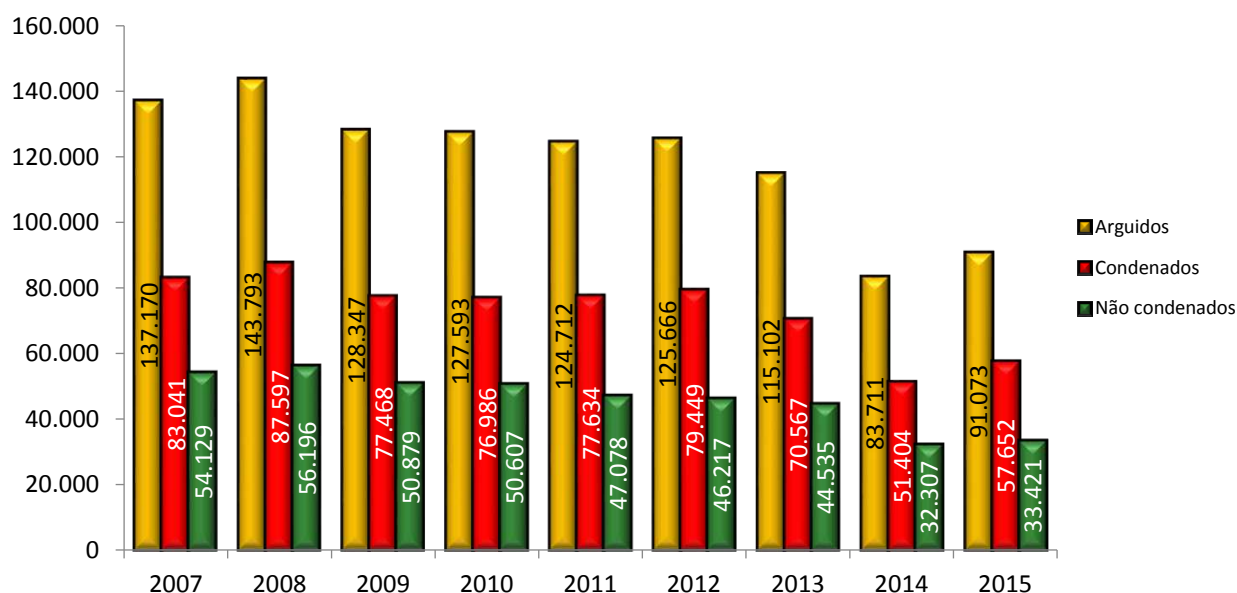
Processos crime na fase de julgamento findos nos tribunais judiciais de 1ª instância, segundo os tipos de crime (2015)



Os tipos de crime apresentados são os mais frequentes entre os processos crime em fase de julgamento findos nos tribunais judiciais de 1ª instância.

Os crimes com maior peso no total de processos crime na fase de julgamento findos em 2014 e 2015, são os crimes rodoviários, isto é, os crimes de condução com taxa de álcool igual ou superior a 1,2 g/l, de condução sem habilitação legal, de condução perigosa de veículo rodoviário e os outros crimes contra a segurança das comunicações, seguidos dos crimes de ofensa à integridade física.

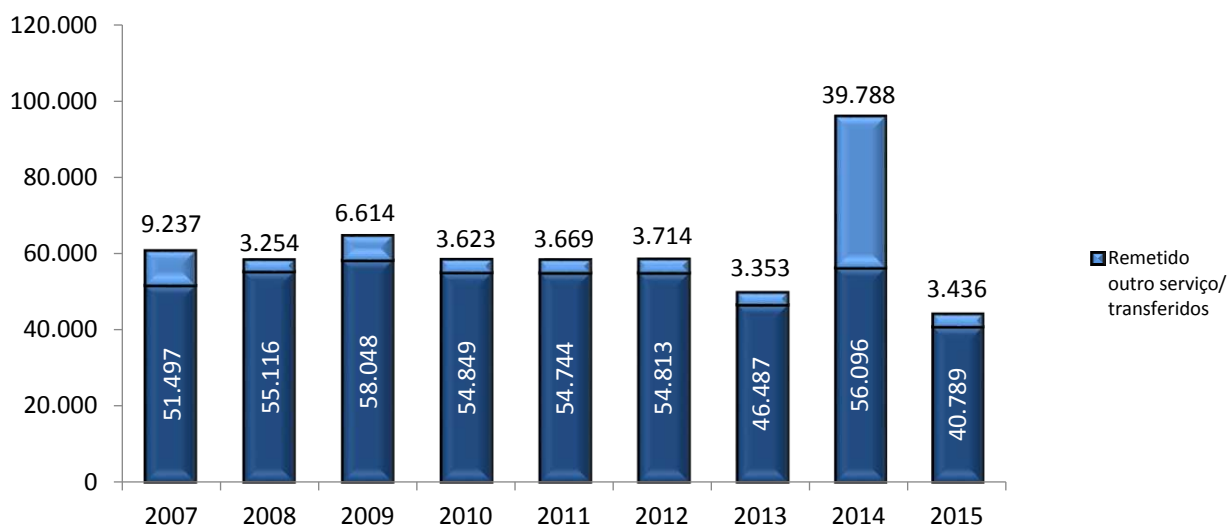
Arguidos em processos crime na fase de julgamento findos nos tribunais judiciais de 1ª instância, condenados e não condenados (2007-2015)



O ano de 2014 quando comparado com o ano de 2015 e com os anos anteriores, revela-se aquele em que se verifica o menor número de arguidos julgados em processos crime na fase de julgamento findos nos tribunais judiciais de 1ª instância. Verifica-se igualmente que, em todos os anos, o número de condenados é superior ao número de não condenados, variando entre uma proporção máxima de 63% condenados (2012 e 2015) e uma proporção mínima de 60% (2009 e 2010). O número de não condenados varia entre uma proporção máxima de 40% (2009 e 2010) e uma proporção mínima de 37% (2012 e 2015).

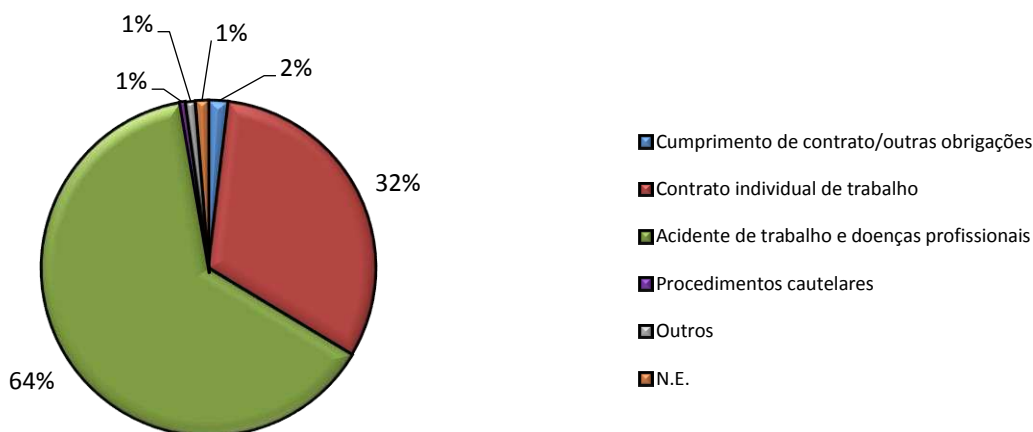
1.3.5. A Justiça laboral¹¹

Processos laborais entrados nos tribunais judiciais de 1ª instância (2007-2015)



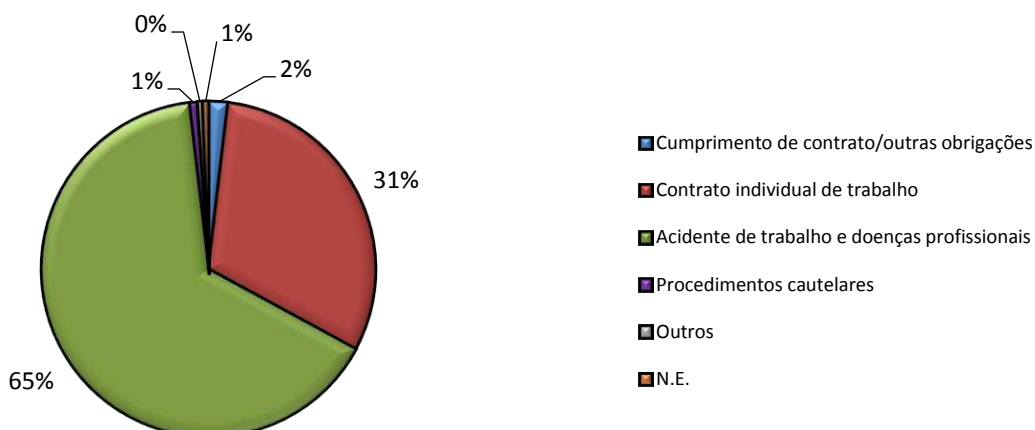
É possível observar, na figura anterior, uma tendência de estabilização do número de processos de trabalho entrados nos tribunais judiciais de 1ª instância, variando entre um valor máximo de 58.048 processos entrados em 2009 e um valor mínimo de 40.789 processos entrados em 2015.

Processos laborais entrados nos tribunais judiciais de 1ª instância, segundo o tipo de objeto de ação (2014)



¹¹ Não estão incluídos os processos de Justiça Laboral Penal. No ano de 2014, o número de processos entrados foi invulgarmente elevado, consequência das transferências internas decorrentes da aplicação da Lei nº 62/2013, de 28 de agosto (Lei da Organização do Sistema Judiciário).

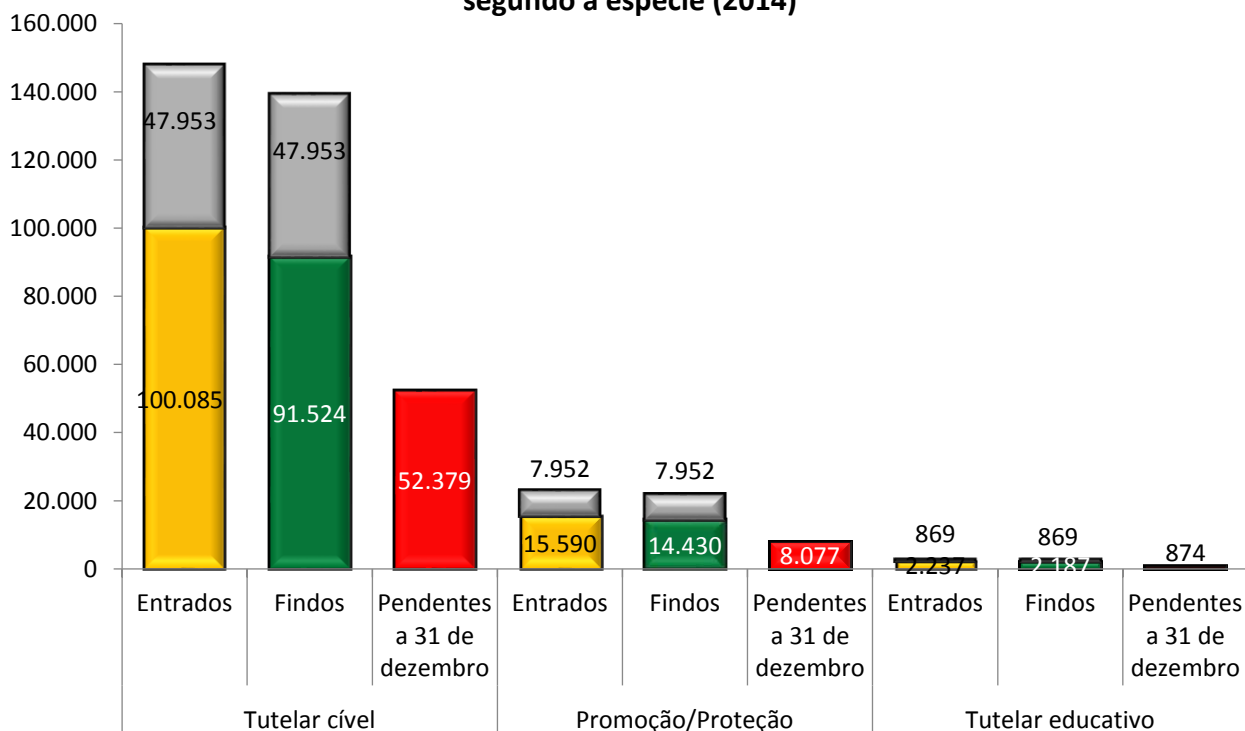
Processos laborais entrados nos tribunais judiciais de 1ª instância, segundo o tipo de objeto de ação (2015)



Fazendo incidir o foco sobre o objeto de ação dos processos entrados no ano de 2014 e 2015, é possível apurar que a maioria corresponde a processos relacionados com acidentes de trabalho e doenças profissionais (64% e 65% do total).

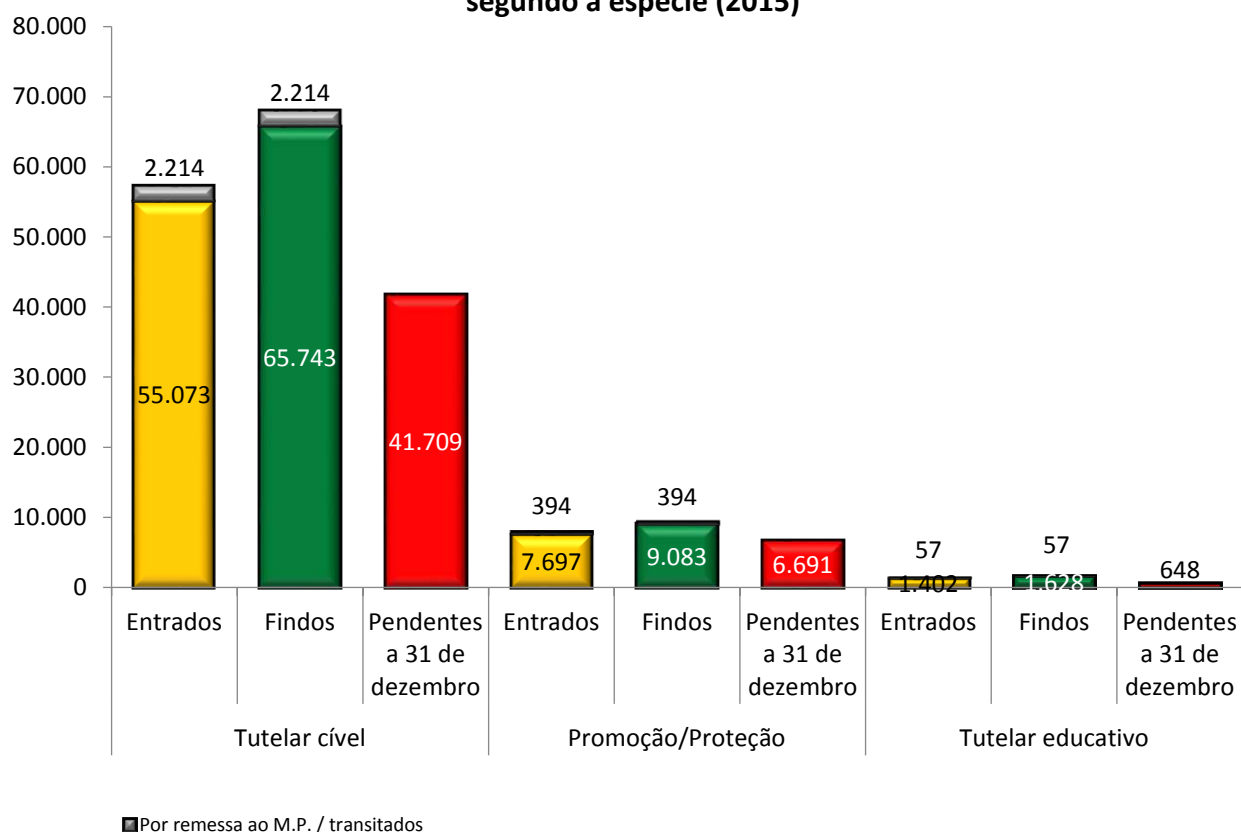
1.3.6. A Justiça tutelar

Movimento de processos tutelares nos tribunais judiciais de 1ª instância, segundo a espécie (2014)



■ Por remessa ao M.P. / transitados

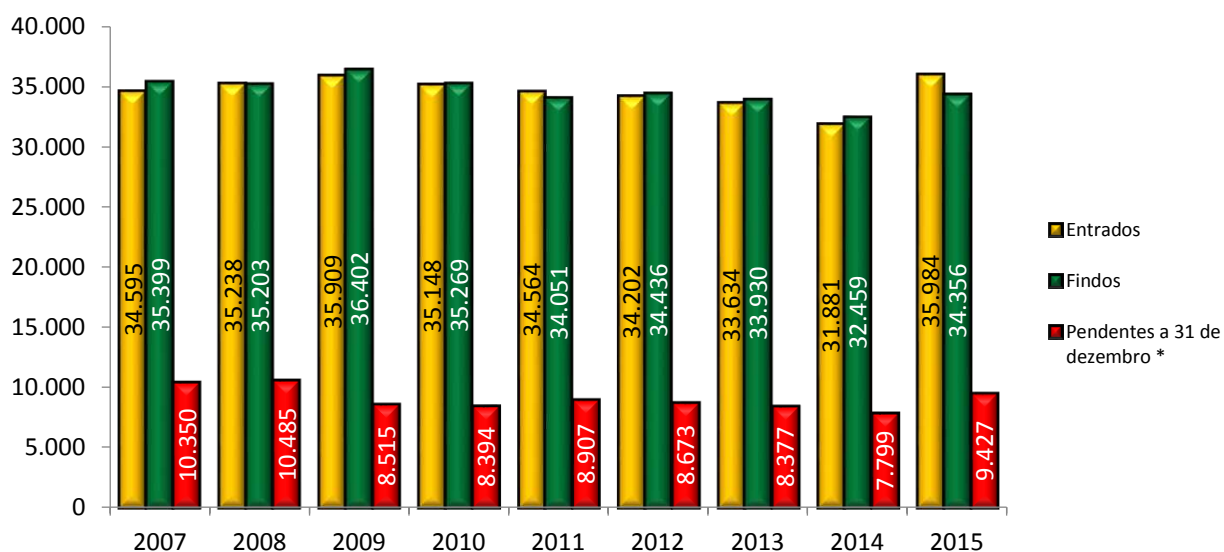
**Movimento de processos tutelares nos tribunais judiciais de 1ª instância,
segundo a espécie (2015)**



No que diz respeito aos processos tutelares, isto é, os processos relacionados com menores, torna-se evidente que a maioria dos processos entrados, findos e pendentes são processos tutelares cíveis, isto é, que têm por objeto, por exemplo, a regulação do exercício das responsabilidades parentais ou a fixação de alimentos.

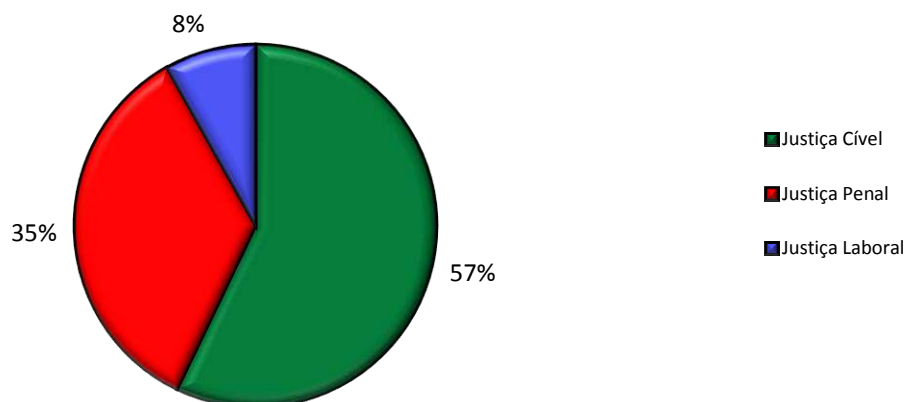
1.3.7. Tribunais judiciais superiores

Movimento de processos nos tribunais judiciais superiores (2007-2015)



* Os dados do Supremo Tribunal de Justiça e do Tribunal da Relação de Évora foram alterados aquando da atualização de 30.4.2013. Os dados do Tribunal da Relação de Lisboa foram alterados aquando da atualização de 31.10.2014. Estas alterações devem-se à recontagem dos processos nestes tribunais.

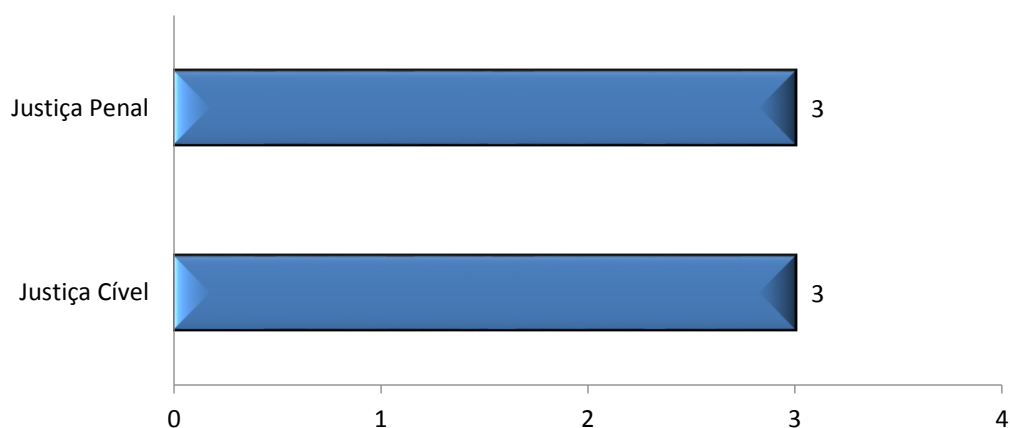
Peso de cada área processual nos processos pendentes nos tribunais judiciais superiores (2015)



O número de processos entrados e findos nos tribunais judiciais superiores apresenta uma ligeira diminuição entre 2010 e 2014, invertendo-se essa tendência em 2015.

Já o número de processos pendentes apresenta uma tendência de diminuição com exceção de um ligeiro aumento em 2008, 2011 e 2015. Esses processos pendentes são dominados em 57% pelas ações cíveis, seguidas das ações penais e laborais.

Duração média (em meses) dos processos findos nos tribunais judiciais superiores, por área processual (2015)

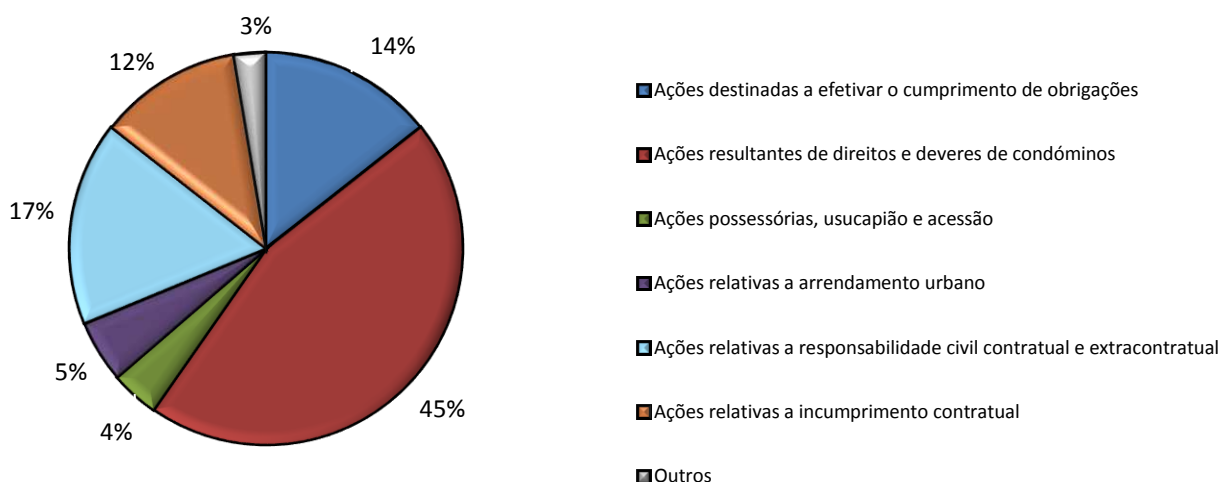


A duração média dos processos findos nos tribunais judiciais superiores apresenta um valor de 3 meses para os processos cíveis e para os processos penais¹².

¹² Os recursos sociais, correspondentes à Justiça Laboral, estão incluídos na Justiça Penal ou na Justiça Cível consoante a sua matéria. Os recursos relativos à Justiça Tutelar não são estatisticamente caracterizados quanto à sua duração.

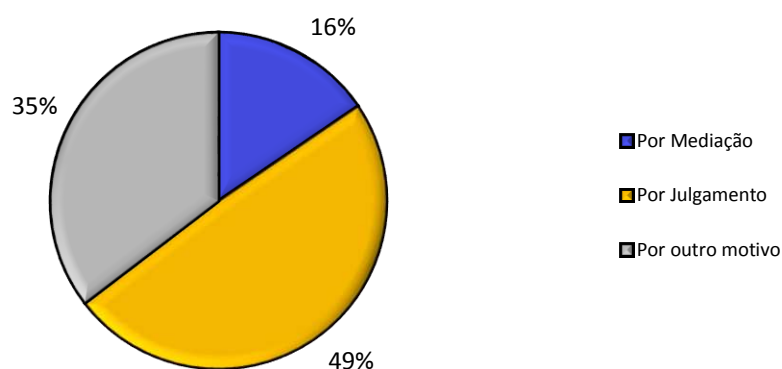
1.4. Funcionamento dos julgados de paz

Processos entrados nos julgados de paz, segundo o objeto de ação (2015)



Do total das ações entradas nos julgados de paz, 45% correspondem a ações resultantes de direitos e deveres de condóminos.

Processos findos nos julgados de paz, segundo o termo (2015)



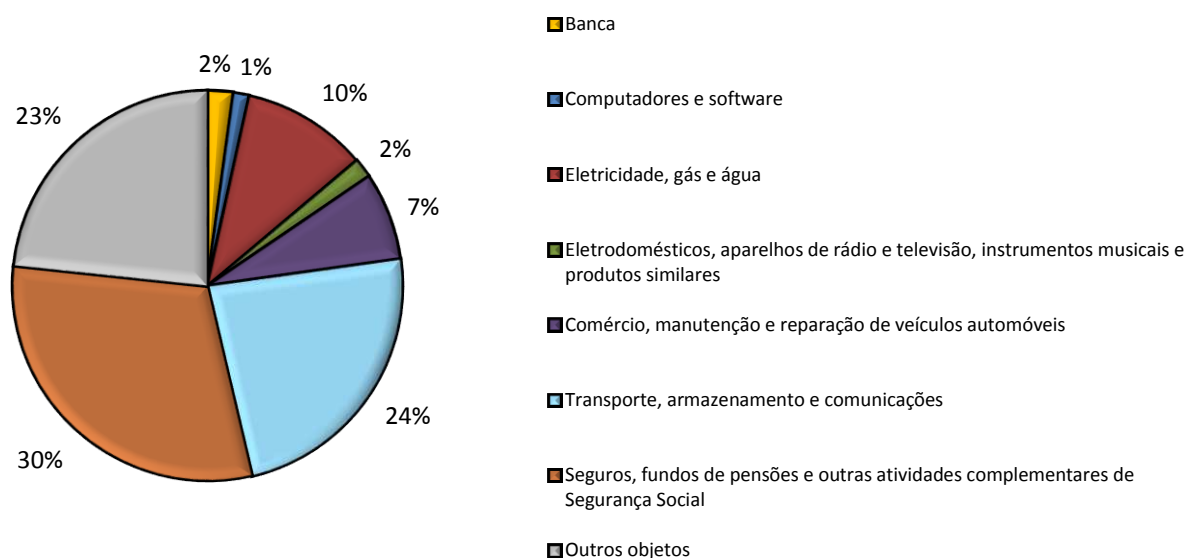
Nos julgados de paz, 49% dos processos findam por julgamento e 16% por mediação, isto é, numa fase anterior ao julgamento, em que um terceiro imparcial procura facilitar o diálogo entre as partes, de modo a que estas alcancem um acordo que põe termo ao seu litígio.

1.5. Funcionamento dos centros de arbitragem

Os tribunais arbitrais são tribunais privados. As partes optam por colocar a decisão na mão de árbitros, obtendo uma sentença com o mesmo valor de uma decisão do tribunal do Estado.

Um centro de arbitragem institucionalizada é uma instituição especializada de carácter permanente, à qual as partes se dirigem para resolver um litígio, por via de tribunal arbitral. Atendendo à relevância social dos conflitos em matéria de consumo e de acidentes de viação, o Estado apoia diversos centros de arbitragem voluntária que se dedicam a resolver conflitos nestas áreas específicas. O Estado financia e apoia ainda centros de arbitragem institucionalizada nas áreas da propriedade industrial e da justiça tributária e administrativa.

Processos findos nos centros de arbitragem, segundo o objeto de litígio (2015)

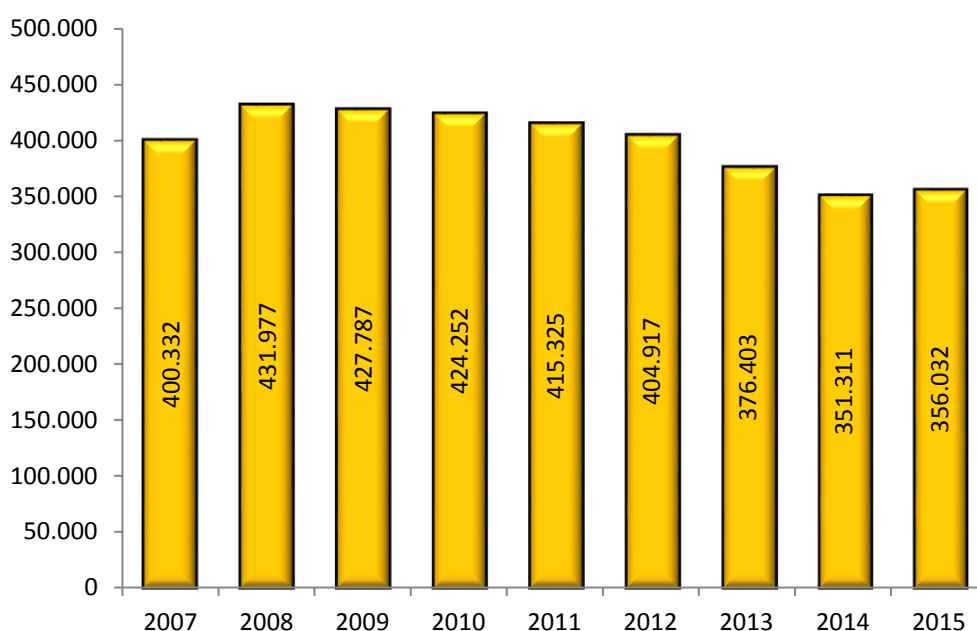


Na figura é possível observar que 30% dos processos findos nos centros de arbitragem correspondem a ações relacionadas com seguros, fundos de pensões e outras atividades complementares de Segurança Social.

2. Criminalidade registada

A criminalidade registada tem como objetivo observar a evolução da criminalidade que chegou ao conhecimento das autoridades policiais, consoante o tipo de crime praticado, o tipo de arma ou outros meios utilizados, bem como caracterizar o suspeito/agente e o lesado/ofendido.

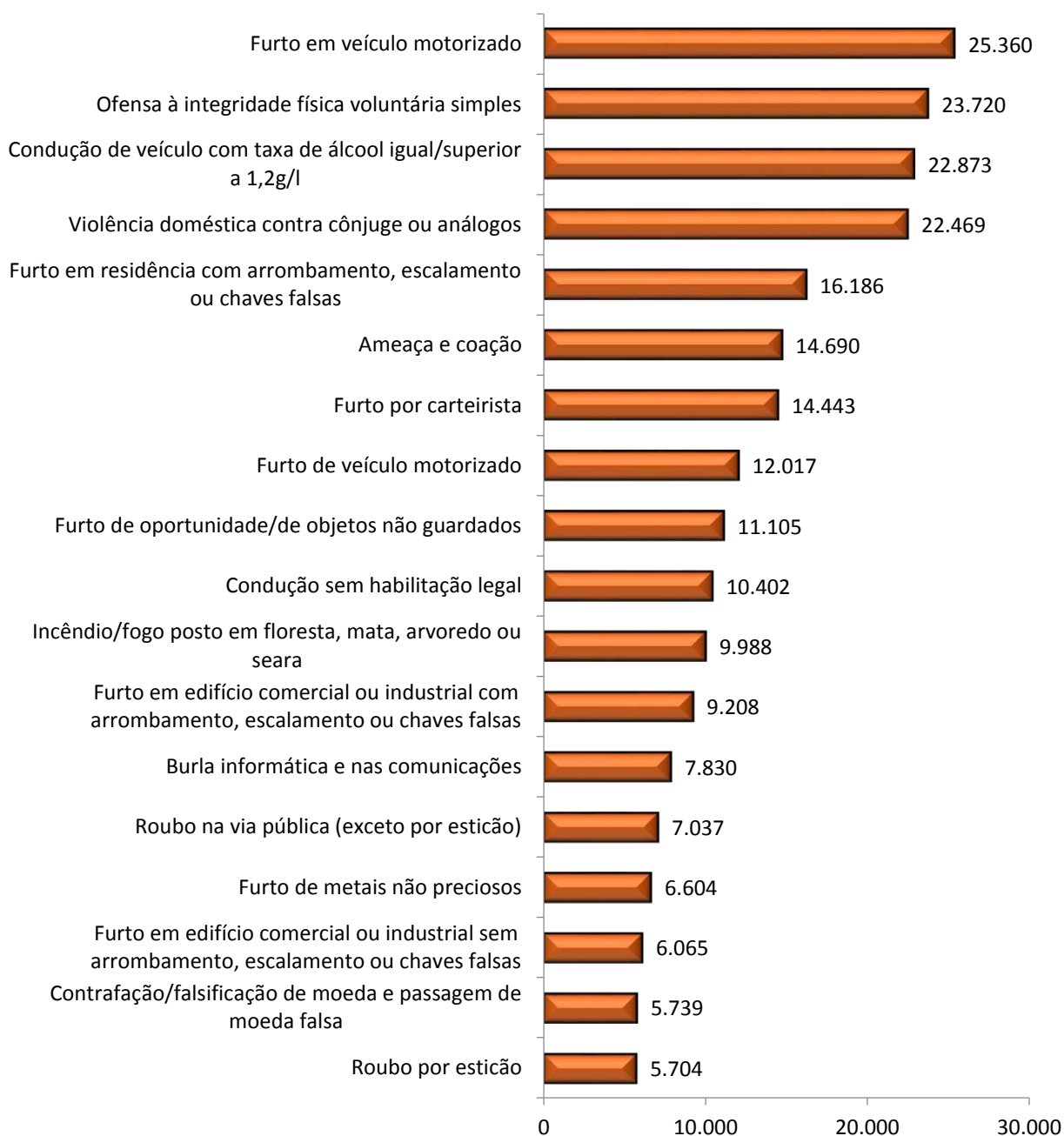
Criminalidade registada pelas autoridades policiais (2007-2015)



Os valores contemplam dados registados pelas autoridades policiais: Polícia Judiciária (PJ), Polícia de Segurança Pública (PSP), Guarda Nacional Republicana (GNR), Polícia Marítima (PM), Polícia Judiciária Militar (PJM), Autoridade de Segurança Alimentar e Económica (ASAE), Serviço de Estrangeiros e Fronteiras (SEF) e Autoridade Tributária Aduaneira (ATA). Esta última, até ao ano de 2012 corresponde e congrega os seguintes serviços: Direção-Geral dos Impostos (DGI) e Direção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo (DGA). Até 2010 estava também incluída a Inspeção-Geral de Jogos (IGJ).

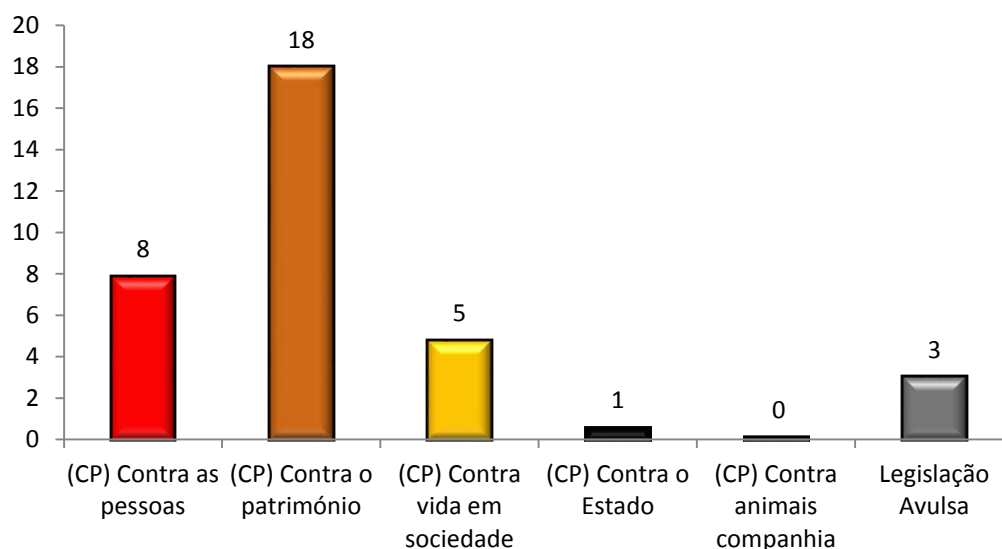
Entre os anos de 2008 e 2014 observa-se um decréscimo de 23% na criminalidade registada, verificando-se um ligeiro aumento no ano de 2015.

Alguns crimes registados pelas autoridades policiais (2015)



A figura anterior põe em destaque as categorias de crimes mais frequentes entre os crimes registados. Em 2015, verifica-se que o crime com maior número de registos por parte das autoridades policiais foi o de "furto em veículo motorizado", isto é, o furto de objetos de dentro de viaturas, seguido do crime de "ofensa à integridade física voluntária simples".

Crimes registados por 1.000 habitantes (2015)

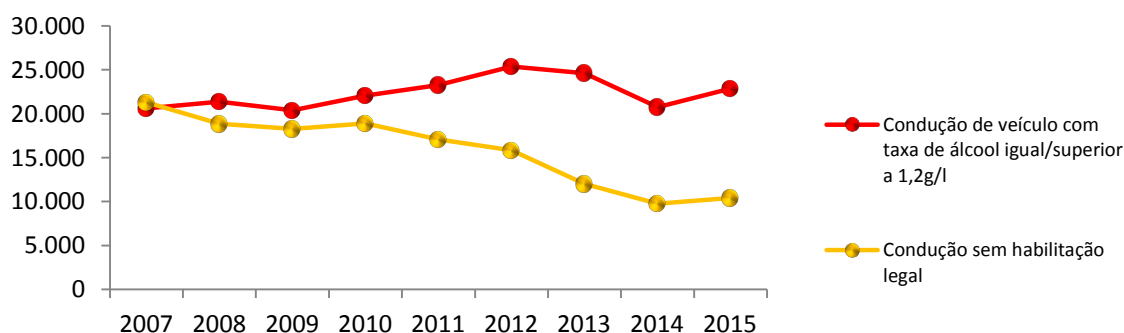


Fazendo incidir o foco sobre os crimes registados em 2015 por cada 1.000 habitantes, constata-se que os crimes contra o património (por exemplo, o furto e o roubo) apresentam o valor mais elevado, seguidos dos crimes contra as pessoas (por exemplo, a ofensa à integridade física). Por seu turno, o valor mais baixo reporta-se a crimes contra animais de companhia seguidos dos crimes contra o Estado (por exemplo, a desobediência e a resistência e coação sobre funcionário).

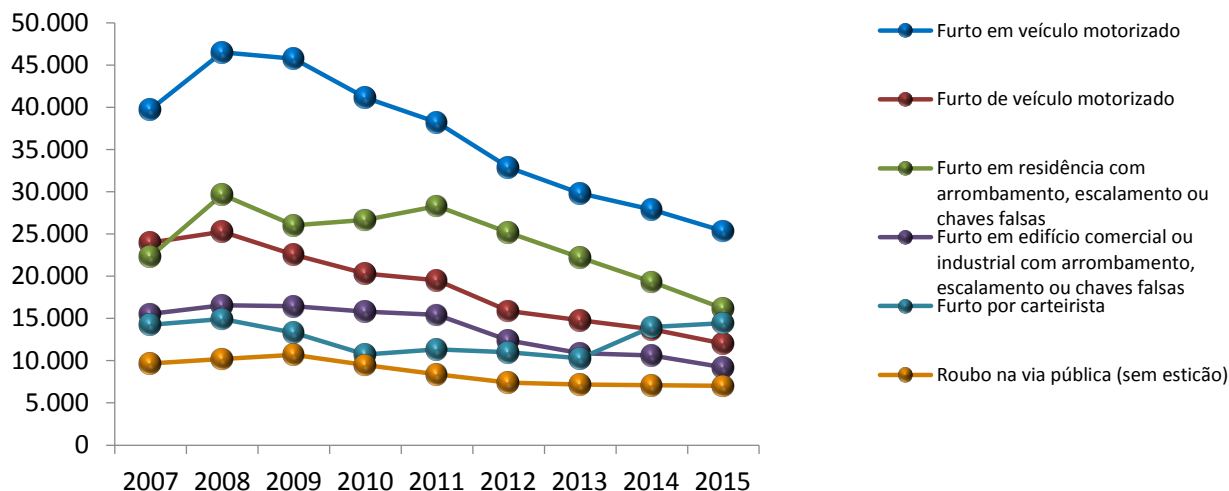
2.1. Evolução de alguns tipos de crimes registados

Pela sua relevância social, nomeadamente por serem comuns e dizerem diretamente respeito aos cidadãos, apresenta-se a evolução dos crimes rodoviários e de alguns crimes de furto e de roubo, ao longo dos últimos anos.

Crimes rodoviários registados pelas autoridades policiais (2007-2015)



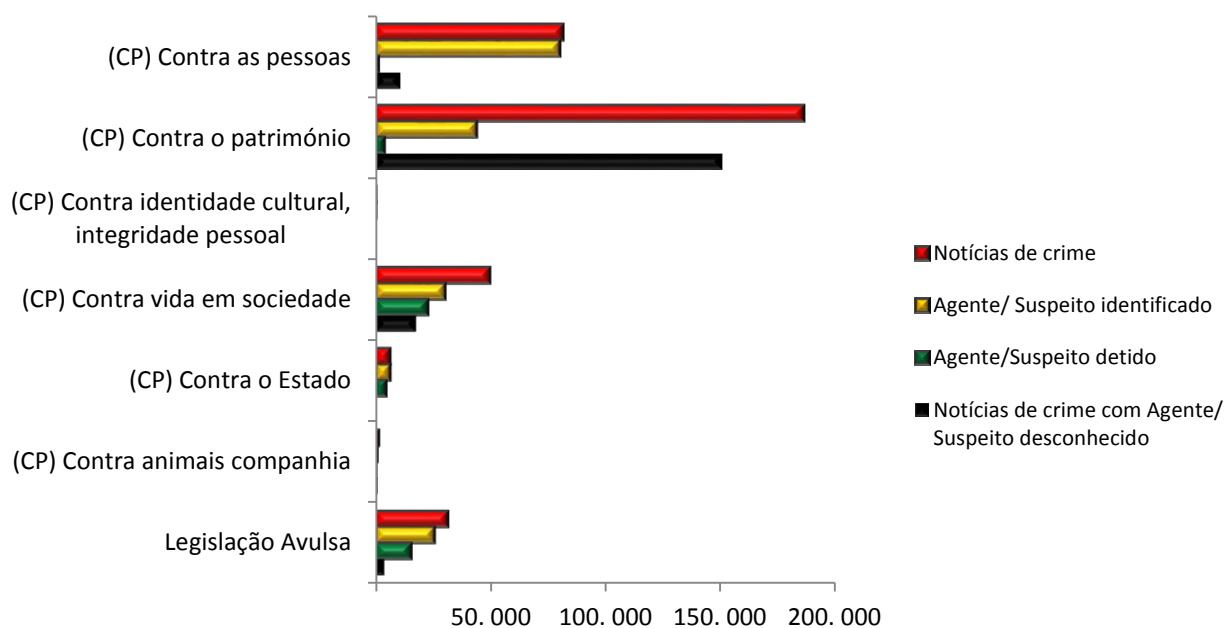
Alguns crimes de furto e de roubo registados pelas autoridades policiais (2007-2015)



Não obstante as flutuações anuais registadas, a evolução dos crimes rodoviários, entre 2007 a 2012, apresenta uma tendência relativamente estável. Já nos anos de 2013 e 2014 verifica-se uma descida neste tipo de crimes, invertendo-se essa tendência em 2015. Os crimes de furto e roubo a partir de 2008 registam uma tendência decrescente, à exceção do “furto por carteirista” que registou um aumento em 2014 e 2015.

2.2. Intervenientes em crimes registados e tipo de crime registado

Notícias de crime e agentes / suspeitos (2015)

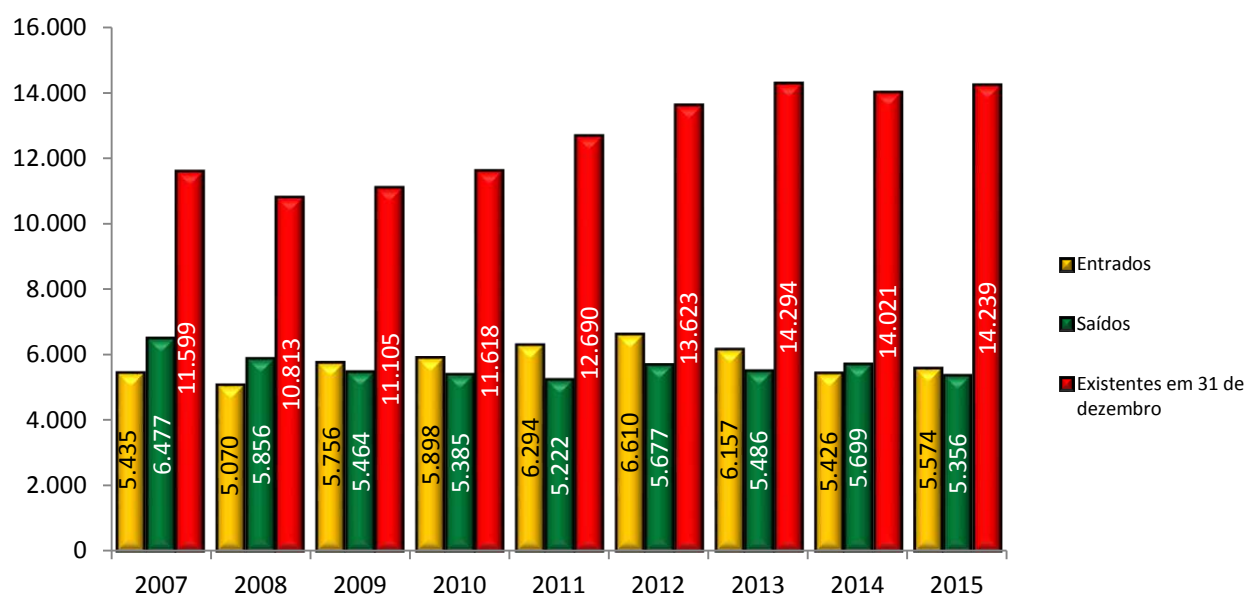


Verifica-se que nas notícias de crime contra o património, a maioria é com agente/suspeito¹³ desconhecido, enquanto nos crimes contra as pessoas, o agente/suspeito é identificado.

3. Cumprimento de penas e reinserção social

3.1. Estabelecimentos prisionais

Movimento de reclusos nos estabelecimentos prisionais (2007-2015)

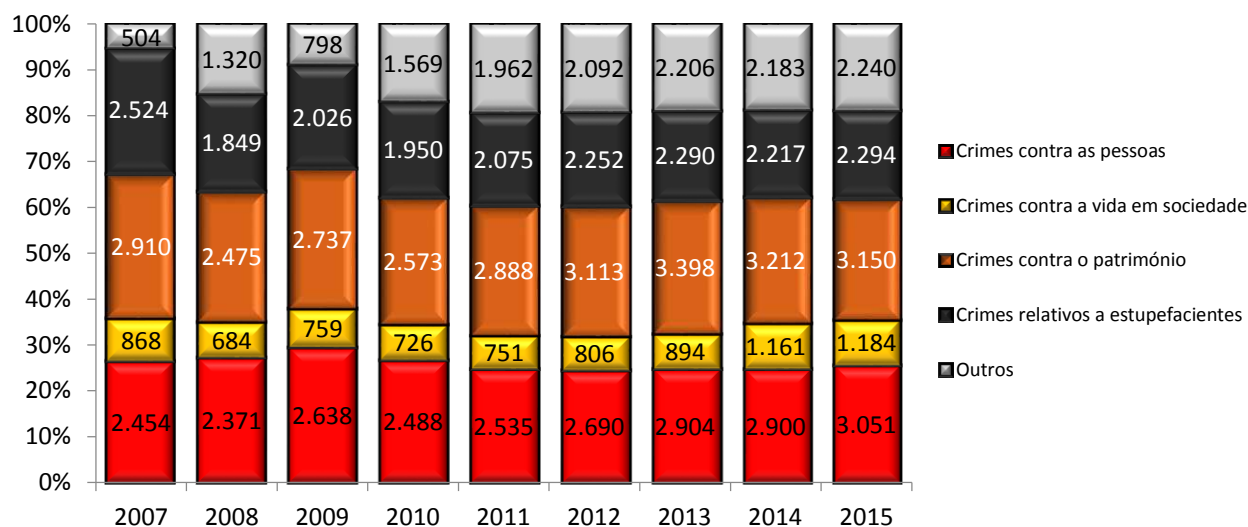


No que respeita ao movimento de reclusos nos estabelecimentos prisionais¹⁴ verifica-se, entre os anos de 2008 e 2013, um aumento do número de reclusos existentes a 31 de dezembro, devido ao número de reclusos entrados ser superior ao número de reclusos saídos. No ano de 2014 esta tendência inverte-se, uma vez que o número de reclusos saídos superou o número de reclusos entrados. No ano de 2015 a tendência é novamente de aumento do número de reclusos existentes a 31 de dezembro, uma vez que o número de reclusos entrados superou o número de reclusos saídos.

¹³ Considera-se agente/suspeito o indivíduo sobre quem recaem fortes indícios de ser o autor do crime, mesmo que menor de 16 anos ou incapaz. Considera-se o suspeito identificado sempre que a vítima o viu ou entreviu na altura do crime, sendo capaz de referir o seu sexo e/ou, aproximadamente, a sua idade ou pertença aos escalões etários.

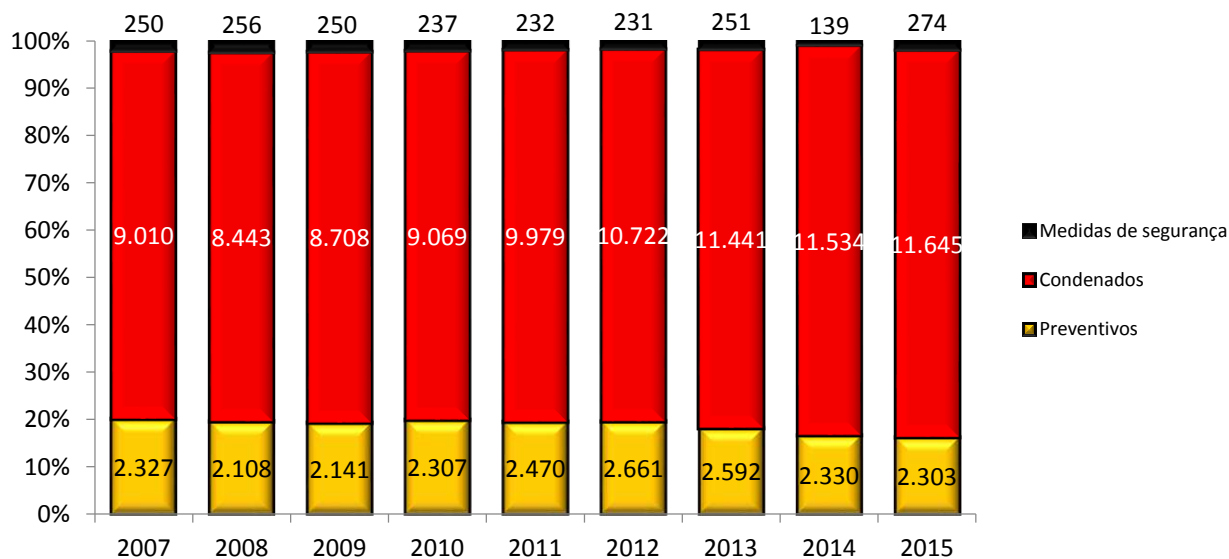
¹⁴ Inclui o movimento de reclusos civis e militares

Reclusos condenados nos estabelecimentos prisionais, segundo o tipo de crime (31 de dezembro de 2007-2015)



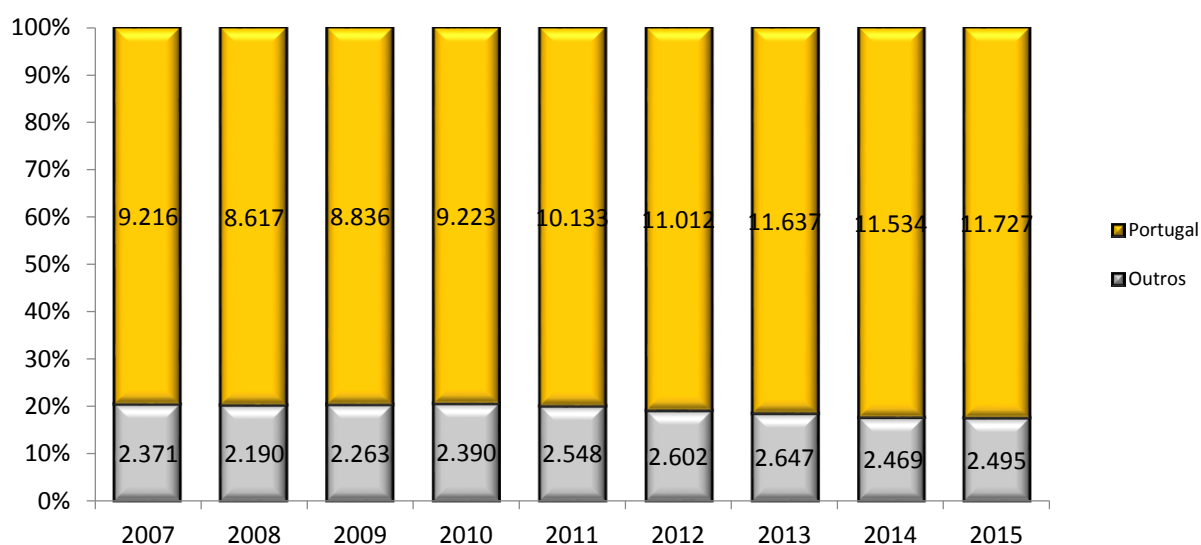
Não obstante as variações observadas no número absoluto de reclusos condenados, nos estabelecimentos prisionais a 31 de dezembro de cada ano, por cada tipo de crime, a sua proporção mantem-se relativamente estável, em especial a partir do ano de 2010.

Reclusos nos estabelecimentos prisionais, segundo a situação jurídica (31 de dezembro de 2007-2015)



A figura relativa ao número de reclusos segundo a situação jurídica permite observar uma diminuição do número de reclusos, tanto em prisão preventiva como condenados em 2008. Entre 2009 e 2015 esta tendência é invertida, observando-se um aumento. Nos três últimos anos o número de reclusos condenados aumenta, mas o número de reclusos preventivos diminui.

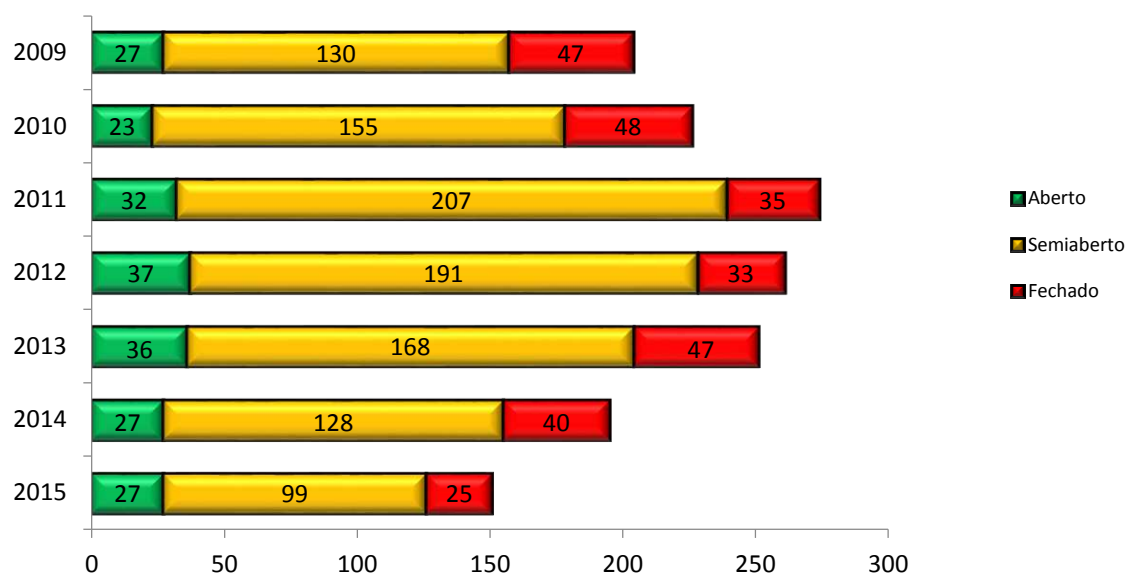
**Reclusos nos estabelecimentos prisionais, segundo o país de origem
(31 de dezembro de 2007-2015)**



A proporção de reclusos com origem em Portugal e de reclusos com origem em outros países manteve-se essencialmente constante ao longo do período em análise, com cerca de 81% e 19%, respetivamente.

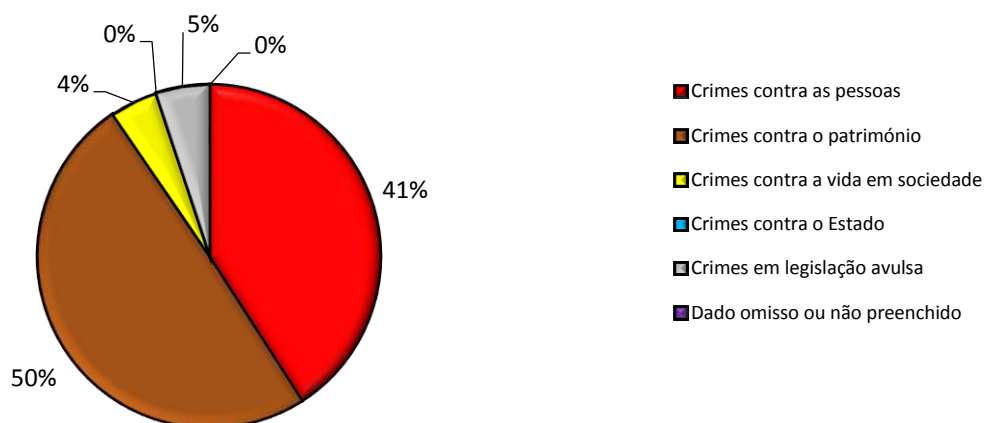
3.2. Centros educativos¹⁵

Menores internados nos centros educativos a 31 de dezembro, por tipo de regime (2009-2015)



A grande maioria dos menores internados em centro educativo, entre 2009 e 2015, encontra-se em regime semiaberto.

Menores internados nos centros educativos a 31 de dezembro, segundo o tipo de crime (2015)*

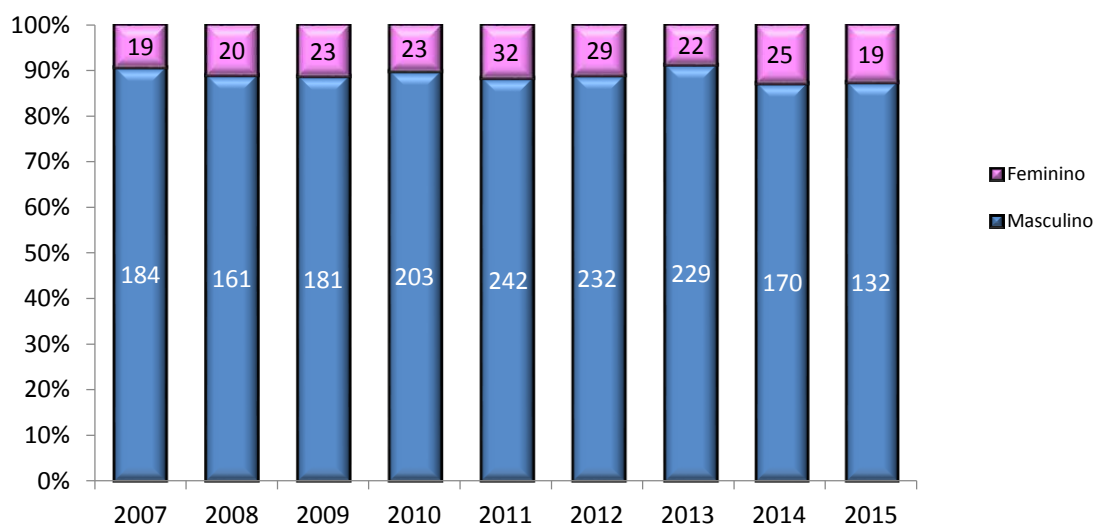


* Cada jovem pode ter praticado mais que um crime.

¹⁵ A partir de 2008 não se incluem os jovens em internamento em regime de fim de semana (art.º 145º LTE) pela curta duração (um a quatro fins de semana – art.º 138º LTE).

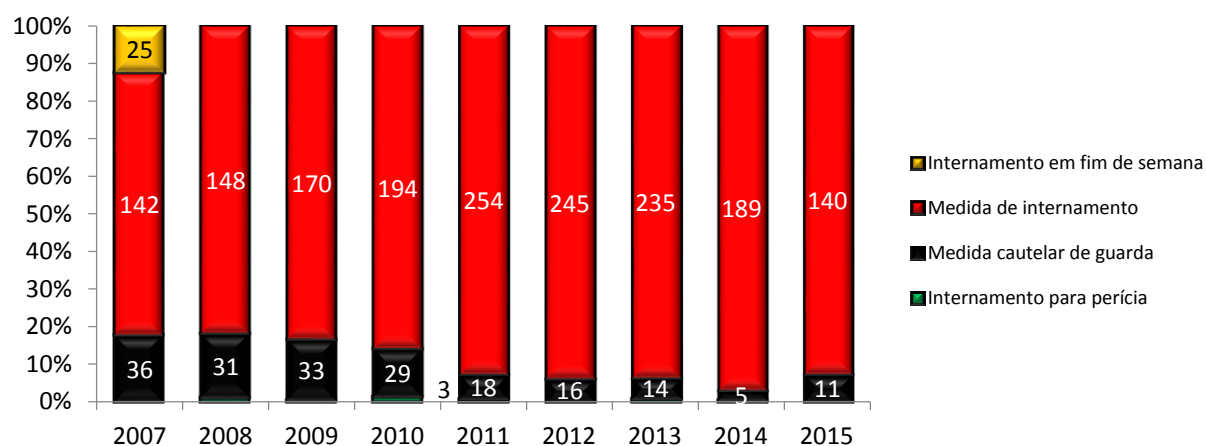
Em 2015, o peso dos menores internados nos centros educativos por crimes contra o património atingiu 50% do total.

Menores internados nos centros educativos a 31 de dezembro, segundo o sexo (2007-2015)



No que diz respeito ao sexo dos menores internados em centros educativos, facilmente se conclui que a vasta maioria dos mesmos é do sexo masculino, em qualquer dos anos considerados na figura.

Menores internados nos centros educativos a 31 de dezembro, segundo a situação jurídica (2007-2015)

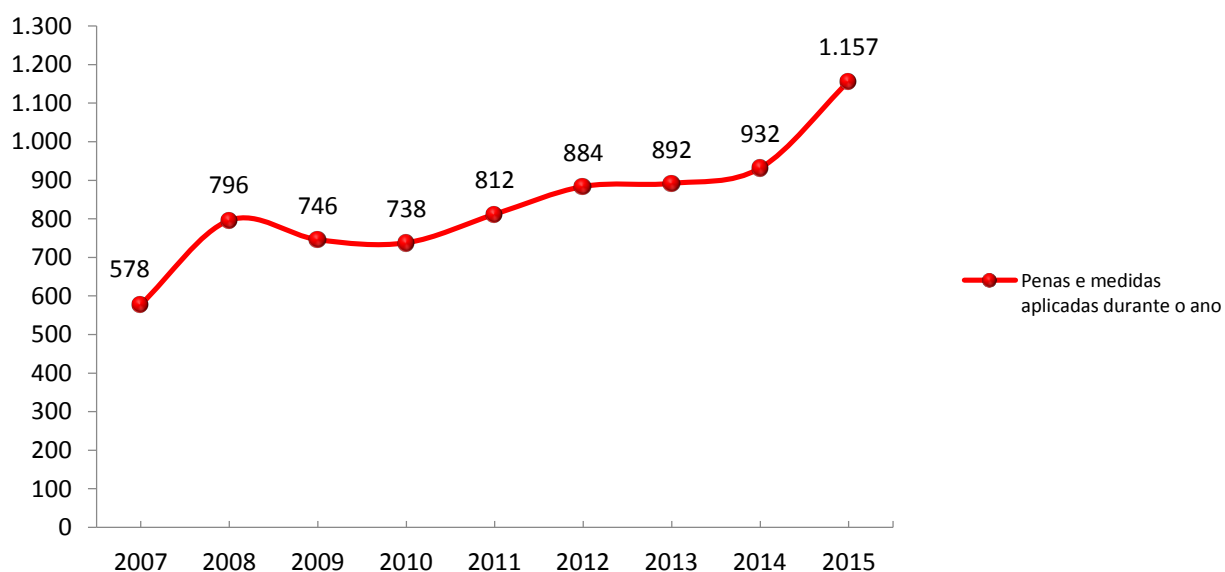


A figura anterior permite verificar que a maioria dos menores internados em centros educativos, entre 2007 e 2015, se encontra ao abrigo de uma medida de internamento.

3.3. Vigilância eletrónica

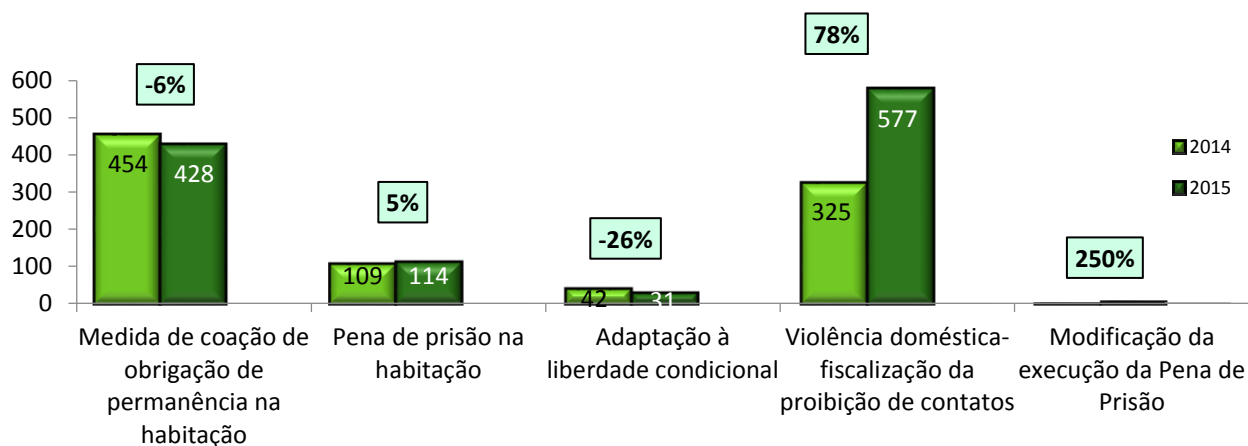
O sistema de vigilância eletrónica, mais conhecido como “pulseira eletrónica”, pode ser utilizado para fiscalizar o cumprimento da medida de coação de obrigação de permanência na habitação, o cumprimento da pena de prisão em regime de permanência na habitação e na adaptação à liberdade condicional. Pode, ainda, ser utilizado na fiscalização da proibição de contactos entre vítima e agressor, no âmbito do crime de violência doméstica.

Penas e medidas aplicadas com recurso à vigilância eletrónica (2007-2015)



Considerando as penas e medidas de vigilância eletrónica aplicadas, observa-se uma tendência de aumento entre os anos de 2007 e 2008, seguida de uma diminuição entre 2008 e 2010. Nos anos de 2011 a 2015 a aplicação destas penas e medidas aumenta.

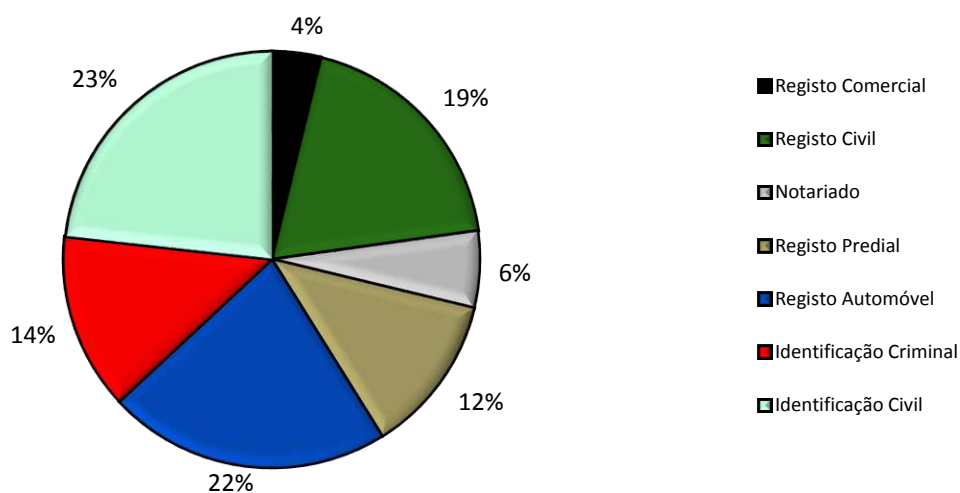
Penas e medidas aplicadas com recurso à vigilância eletrónica, segundo a situação e respetiva variação percentual (2014-2015)



Entre 2014 e 2015, verifica-se uma redução do número de medidas de coação aplicadas com recurso à vigilância eletrónica no caso da obrigação de permanência na habitação e da adaptação à liberdade condicional. Observa-se um aumento do número nos casos do cumprimento da pena de prisão em regime de permanência na habitação, de fiscalização da proibição de contactos na violência doméstica e da modificação da execução da pena de prisão.

4. Registos e Notariado

Atos de registo praticados, segundo a área (2015)

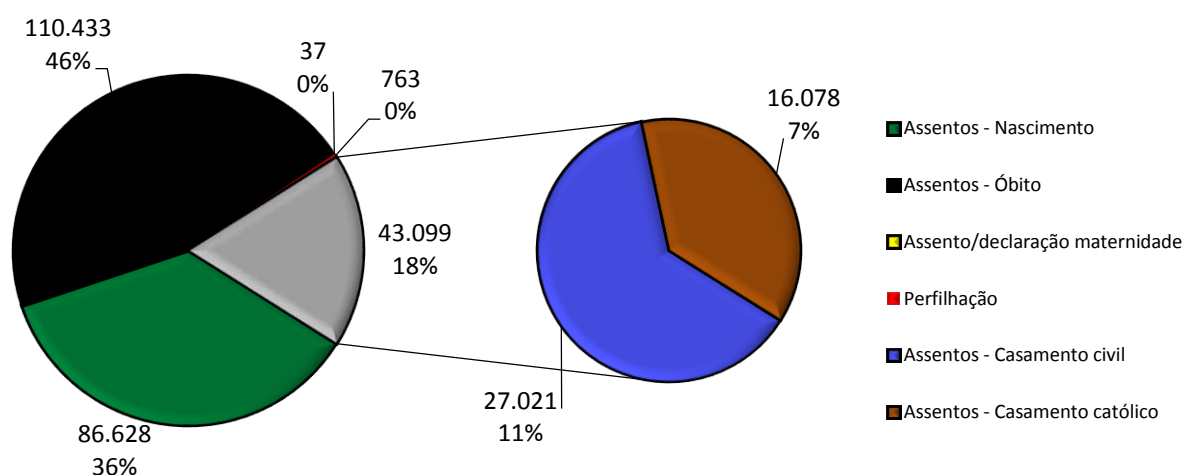


No que respeita aos atos de registo praticados em 2015, destaca-se a identificação civil com 23% do peso total de atos, seguido do registo automóvel com 22%. Já o registo comercial apresenta o peso mais reduzido com 4%.

4.1. Registo Civil

4.1.1. Conservatórias do Registo Civil

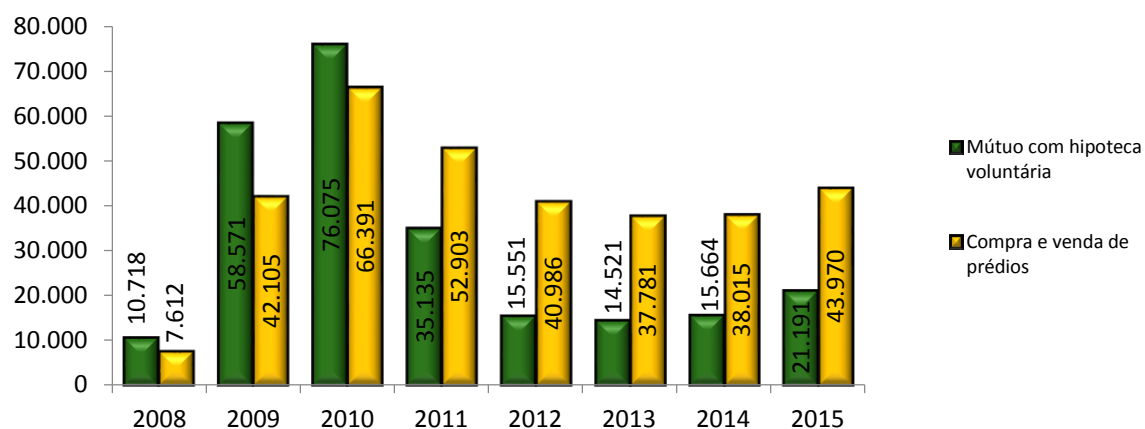
Assentos lavrados no Registo Civil, segundo o tipo de ato (2015)



Em 2015 o número de assentos lavrados no registo civil é dominado pelo número de assentos de óbito e de assentos de nascimento, que perfazem um total de cerca de 82%.

4.2. Registo Predial

Atos celebrados no Registo Predial ao abrigo do D.L. n.º 263-A/2007, de 23 de julho (2008-2015) *

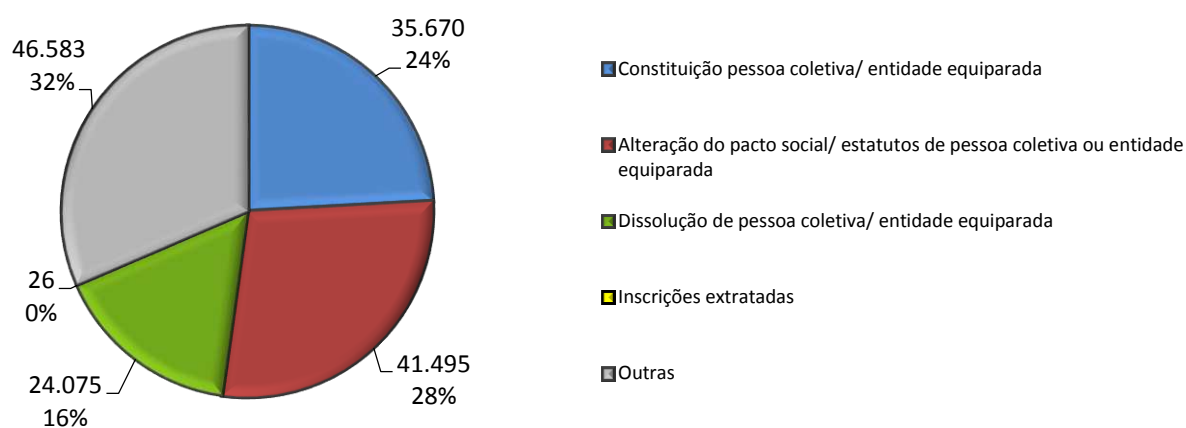


* Apenas estão incluídos os atos de compra e venda e de mútuo com hipoteca voluntária celebrados ao abrigo do Decreto Lei n.º 263-A/2007, de 23 de Julho, não se incluindo atos da mesma natureza celebrados por escritura pública ou por documento particular autenticado.

É possível observar um crescimento do número de atos entre 2008 e 2010, seguido de uma redução entre 2010 e 2013 e de um ligeiro aumento em 2014 e em 2015.

4.3. Registo Comercial

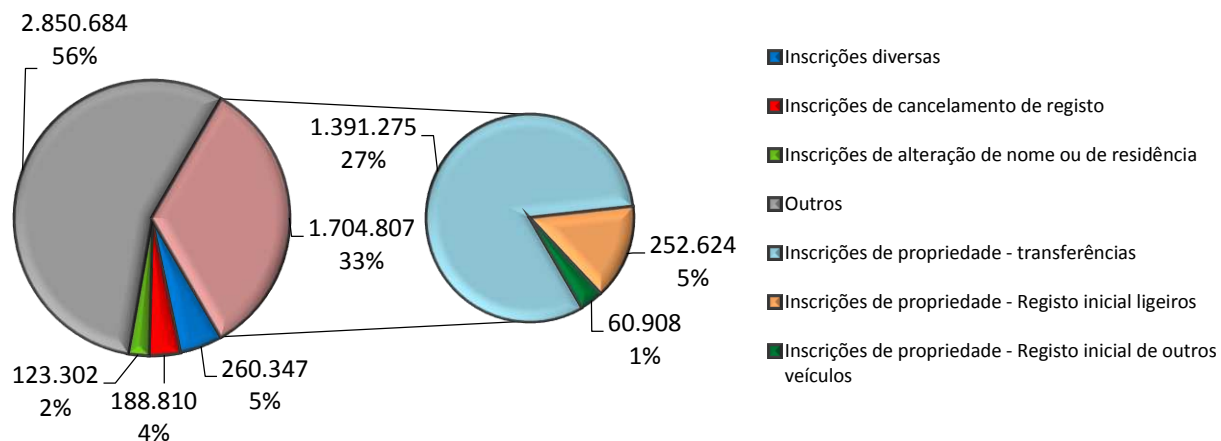
Inscrições efetuadas no Registo Comercial, segundo o tipo de ato (2015)



No registo comercial, constata-se que 28% das inscrições respeitam a alteração ao pacto social ou aos estatutos de pessoa coletiva ou entidade equiparada, enquanto 24% se referem a constituição de pessoa coletiva ou entidade equiparada e 16% a dissolução de pessoa coletiva ou entidade equiparada.

4.4. Registo Automóvel

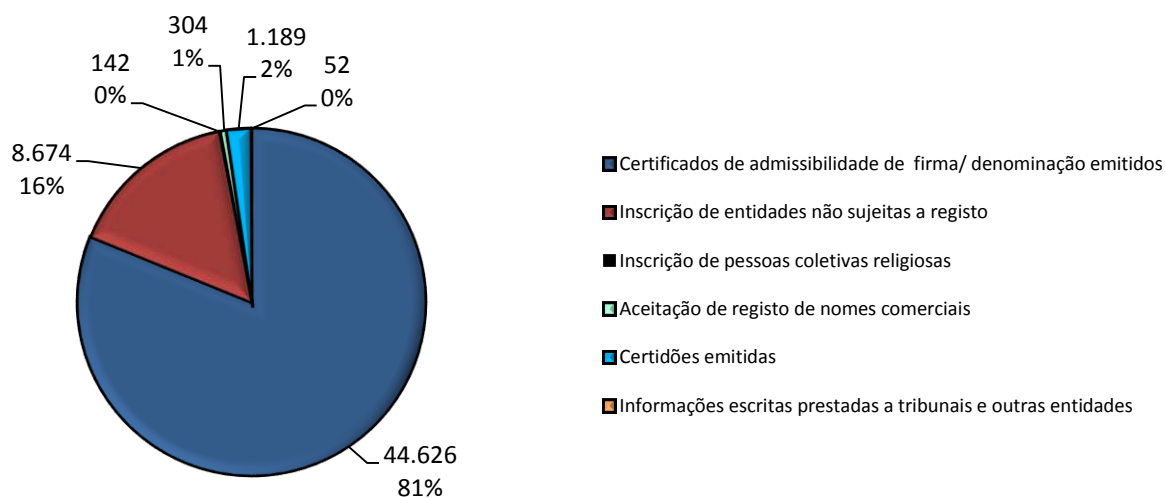
Atos praticados no Registo Automóvel, segundo o tipo de ato (2015)



Não considerando a categoria “outros”, que inclui as certidões e fotocópias, o tipo de atos mais comum no âmbito do registo automóvel em 2015 é o de inscrição de propriedade com 33% do peso total dos atos.

4.5. Registo Nacional de Pessoas Coletivas

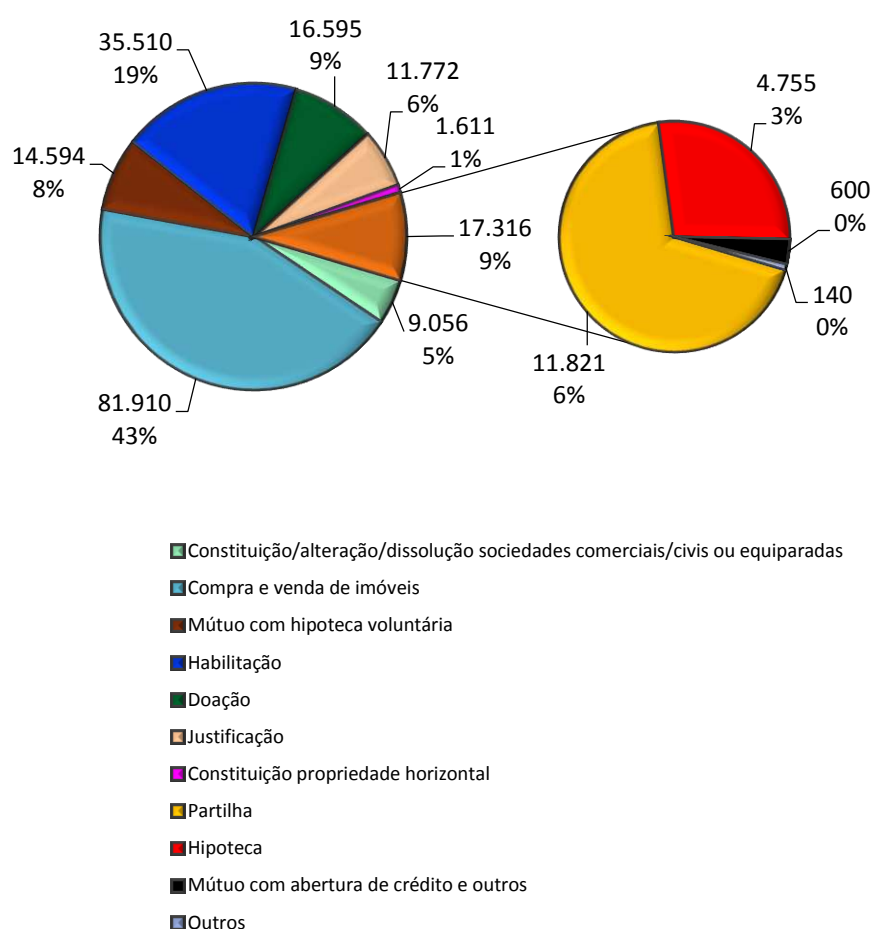
Atos praticados no Registo Nacional de Pessoas Coletivas, segundo o tipo de atos (2015)



No Registo Nacional de Pessoas Coletivas, o tipo de ato mais praticado em 2015 corresponde à emissão de certificados de admissibilidade de firma ou denominação emitidos, com um peso de 81% no total de atos.

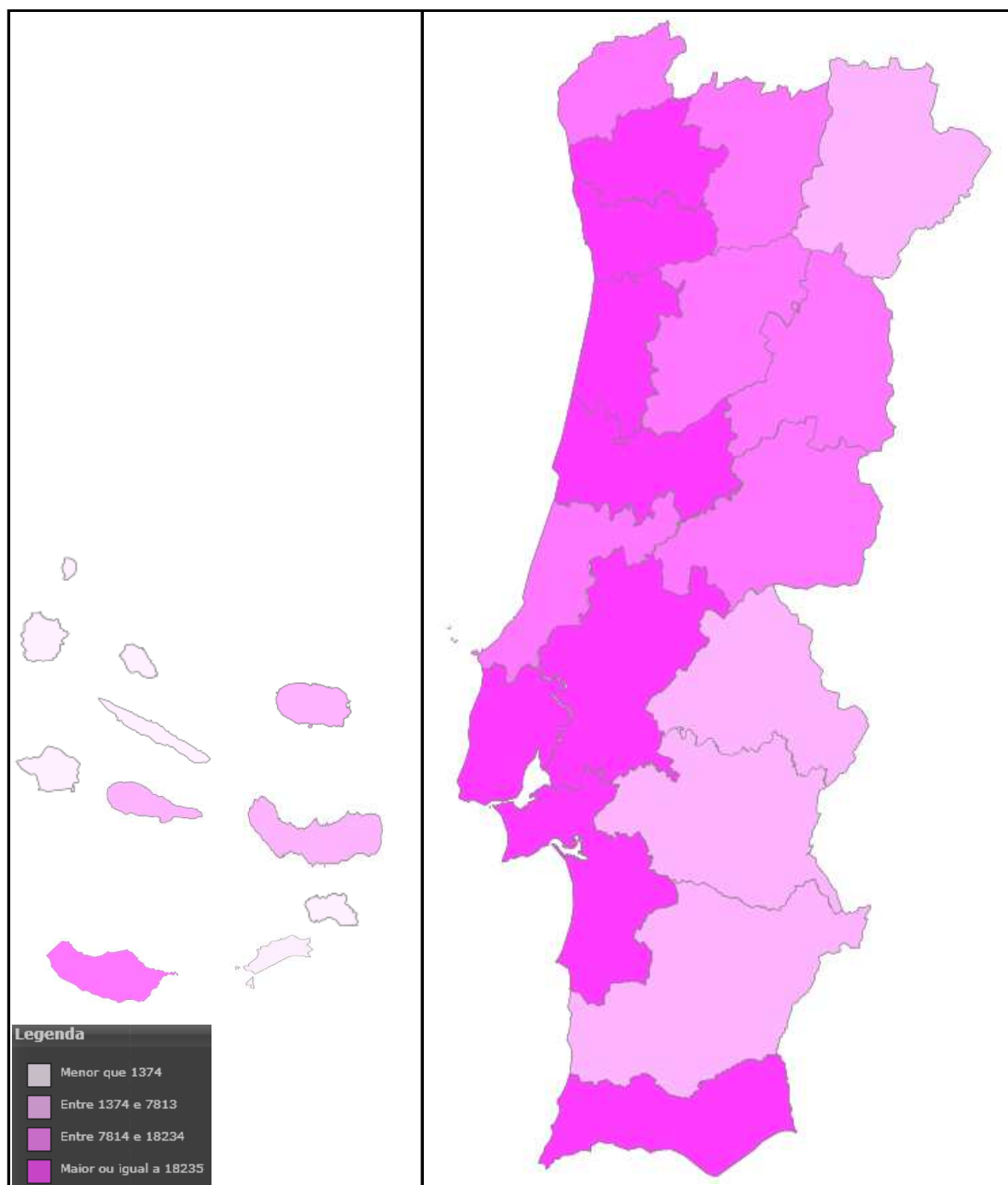
4.6. Notariado

Principais atos praticados por escritura pública (2015)



O principal ato de notariado praticado por escritura pública é o de compra e venda de imóveis cujo número ascende em 2015 a 81.910, seguido do ato de habilitação com o valor de 35.510.

Principais atos praticados por escritura pública, segundo o distrito (2015)



A observação da distribuição geográfica dos principais atos por escritura pública permite concluir que existe uma tendência para maiores volumes nos distritos mais populosos.

NOTA TÉCNICA

Processos pendentes:

Os processos pendentes correspondem a processos que, tendo entrado, ainda não findaram, ou seja, não tiveram decisão final. Os processos pendentes são assim processos que aguardam a prática de atos ou de diligências pelo tribunal, pelas partes ou por outras entidades, podendo ainda em certos tipos de processos aguardar a ocorrência de determinados factos ou o decurso de um prazo. Um processo suspenso é, por exemplo, um processo pendente, qualquer que seja a causa da suspensão.

Processos findos:

Entende-se por processo findo o processo em que é proferida decisão final, na forma de acórdão, sentença ou despacho na respetiva instância, independentemente, do trânsito em julgado. São ainda considerados findos, numa determinada unidade orgânica, os processos transferidos ou remetidos a outra unidade orgânica, na qual são dados como entrados.

Duração média dos processos findos:

A duração média dos processos findos corresponde ao tempo que medeia, entre a data da entrada do processo e a data da decisão final (acórdão, sentença ou despacho) na instância respetiva, independentemente do trânsito em julgado. Na área da Justiça Penal é considerada apenas a duração da fase de julgamento. Na área da Justiça Tutelar está apenas a ser contabilizada a duração dos processos tutelares cíveis, não se incluindo as durações dos processos de promoção e proteção e dos processos tutelares educativos. Não são contabilizados os processos transitados, apensados, incorporados ou integrados, remetidos a outra entidade, os processos com termo "N.E." e modalidade do termo "N.E.".

Saldo processual:

O saldo processual corresponde à diferença entre o número de processos entrados e o número de processos findos.

RESULTS

QUESTIONNAIRE B

Doc. 18 – Questionnaire B – Deutschland

Doc. 19 – Questionnaire B – España

Doc. 20 – Questionnaire B – Latvija

Doc. 21 – Questionnaire B – Polska

Doc. 22 – Questionnaire B – Slovenia

Doc. 23 – Questionnaire B – Relação de Coimbra

Doc. 24 – Questionnaire B – Relação de Évora

Doc. 25 – Questionnaire B – Relação de Guimarães

Doc. 26 – Questionnaire B – Relação de Lisboa

Doc. 27 – Questionnaire B – Relação do Porto

ANNEX V

Report

Court Management, Case Management, Performance Evaluation

Porto, Nov 2nd 2016, Nov 3rd 2016



Federal Republic of Germany



Free State of Saxony

Leipzig Local Court

Knut Petersen

Judge at Local Court Leipzig

Head of Civil Section

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Questionnaire CEPEJ(2008) - Annex A

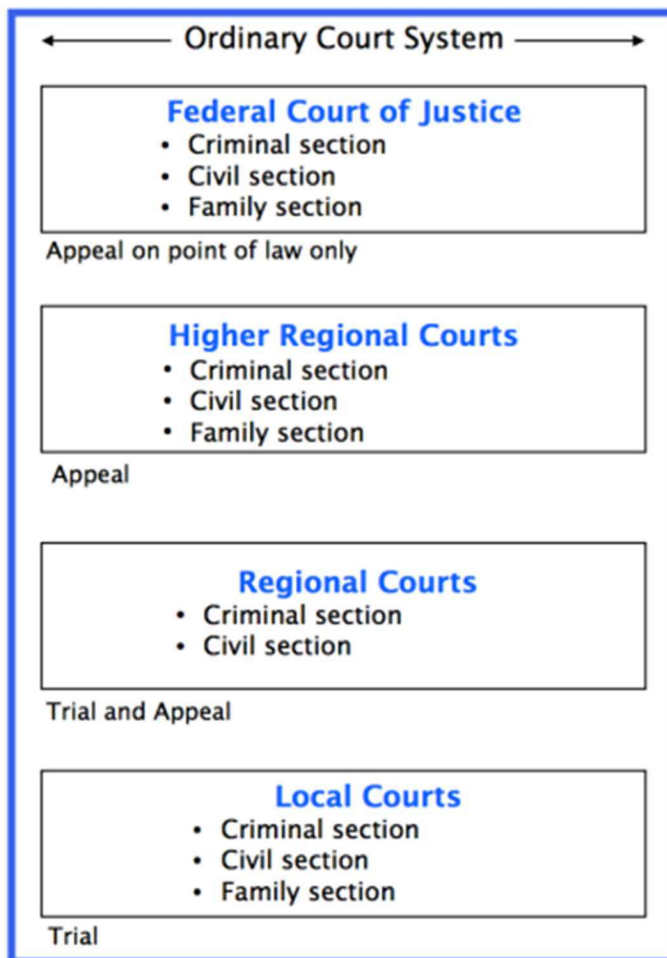
QUANTITATIVE DATA COLLECTION

Appendix I

1. General data on Court proceedings

a) Germany (Population: about 82 Million)

Due to the federal structure of the country jurisdiction (apart from the Federal Courts) is a matter of the 16 states of Germany ("Länder"). The administration of judiciary is therefore carried out by the 16 ministries of justice of the states. However the structure of judicial instances of courts from low to highest is centralized for the whole country leading to the Federal Courts being administered by the German Ministry of Justice. There are four instances within the ordinary jurisdiction:



Depending on the legal matters the courts are dealing with, jurisdiction for remedies differ. Regional Courts ("Landgerichte") are courts of appeal for civil and criminal cases decided by the Local Courts. For civil cases decided by the regional Courts in first instance (value of dispute higher than 5.000,00 EUR) the Higher Regional Courts ("Oberlandesgerichte") have this jurisdiction whereas against decisions in criminal cases of the Regional Courts remedies have to be filed in directly at the Federal Court of Justice ("Bundesgerichtshof"). Family Court decisions all have their origin at the Local Courts. Courts of Appeal for them are the Higher Regional Courts. The Federal Court of Justice is last instance in these cases.

Each state has at least one Higher Regional Court. Larger states like North Rhine-Westphalia or Bavaria up to three. There are **24** Higher Regional Courts (https://de.wikipedia.org/wiki/Oberlandesgericht#Die_einzernen_Oberlandesgerichte), **115** regional Courts (<https://de.wikipedia.org/wiki/Landgericht>) and **639** Local Courts (source: <https://de.wikipedia.org/wiki/Amtsgericht>) in Germany.

b) Free State of Saxony (Population: about 4 Million)

There is one Higher Regional Court in Dresden, five Regional Courts and 25 Local Courts in ordinary jurisdiction. All civil, criminal and family proceedings are registered and processed by the software "ForumSTAR" containing a database, administrative features and text processing. All statistically relevant data are delivered automatically by the courts to the State Statistic Office. Ministry of Justice and all other interested parties can use the data for various purposes. Workload of judges and non-judicial staff is evaluated by "Pebbsy", a calculation system that defines and sets goals of worktime for numerous different court businesses. Ministry of Justice set up another - Microsoft Access based - software called "JASPER". It provides queries from database that show the amount of judges and other staff needed for the various court businesses. The user can inquire data and figures concerning his own court, other courts in the state or get overviews of data regarding all courts in Saxony. This enables the user to compare workload between his and other courts as well as workload between sections or departments within his court.

c) Leipzig Local Court (Amtsgericht Leipzig)

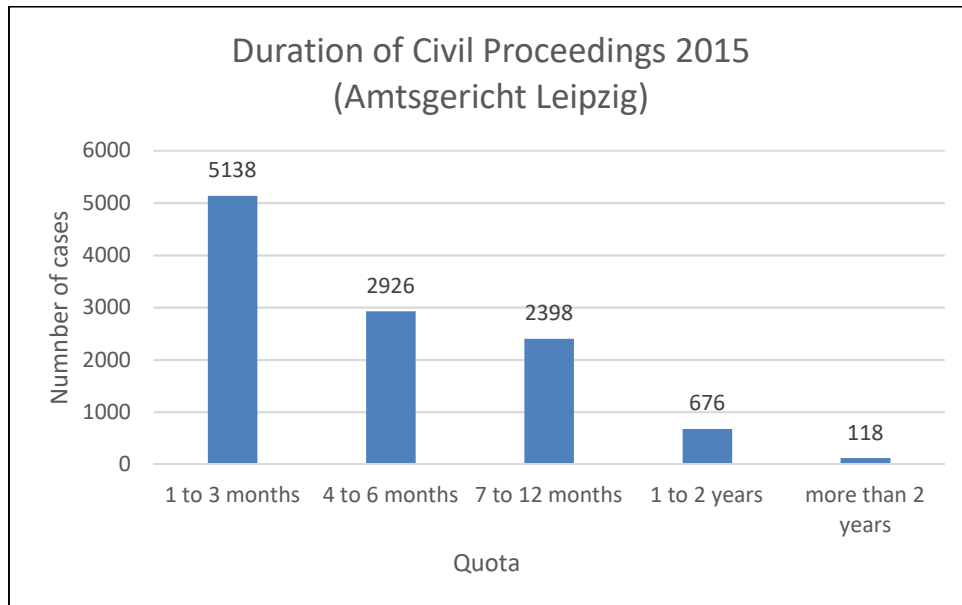
Has jurisdiction over about 530 000 people living in the city of Leipzig. 74 judges work in different sections of the court.

2. Information on court-based timeframes of proceedings (3. Appendix I):

a. Civil proceedings (Leipzig Local Court):

Jurisdiction: Civil Proceedings, value of dispute up to 5.000 €; all apartment tenancy disputes

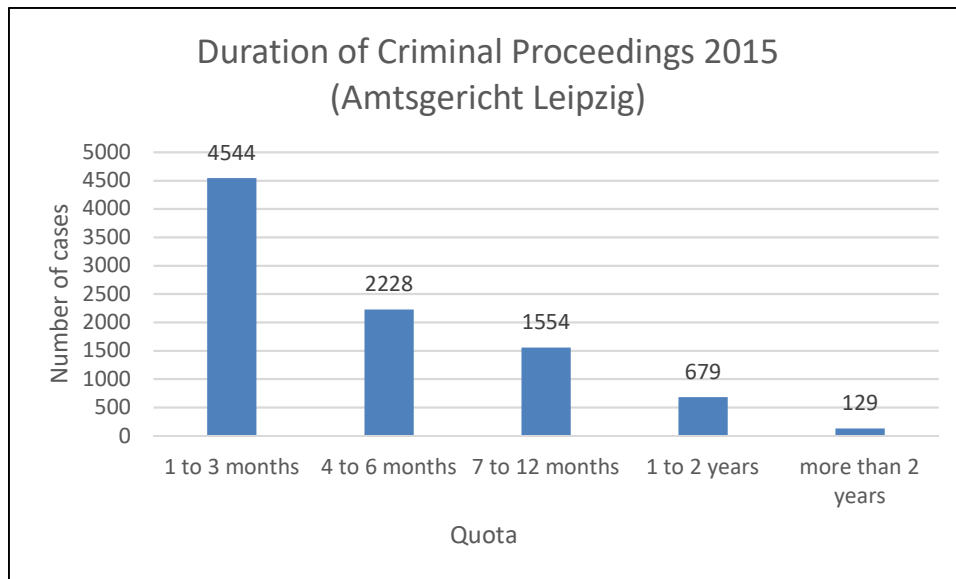
Total number of proceedings 2015:	10802



b. Criminal proceedings (Leipzig Local Court):

Jurisdiction: Crimes expectation of imprisonment up to 4 years, youth crimes, administrative offences

Total number of proceedings 2015:	8746

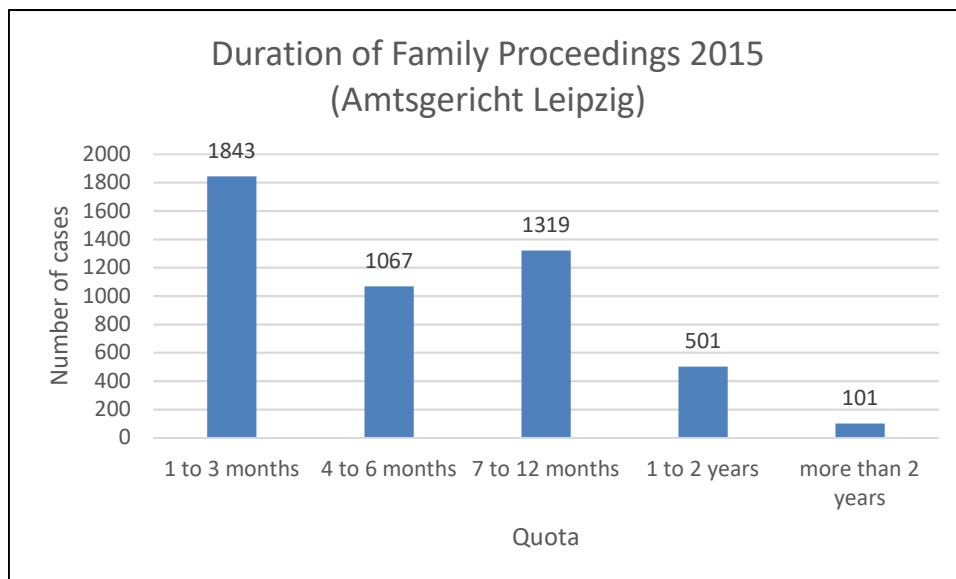


cc) Family Proceedings (Leipzig Local Court):

Jurisdiction: Family matters are:

- 1. marital matters;**
- 2. parent and child matters;**
- 3. parentage matters;**
- 4. adoption matters;**
- 5. matters concerning the marital home and household objects;**
- 6. matters concerning protection from violence;**
- 7. matters concerning the equalisation of pension rights;**
- 8. matters concerning maintenance;**
- 9. matters concerning marital property law;**
- 10. other family matters;**
- 11. matters concerning life partnerships.**

Total number of proceedings 2015:	4831



Types of resolving the cases:

	Resolved cases total	Resolved by decision	% Resolved by decision	Resolved by withdrawal, settlement etc.	% Resolved by withdrawal, settlement etc.
2015					
Civil	11256	2204	19,58%	9052	80,42%
Criminal	9201	3886	42,23%	5315	57,77%
Family	4831	3449	71,39%	1332	27,57%

3. Analytical information and indicators (5.):

a. Clearance Rates:

Germany:

Statistic numbers and figures about ordinary court business regarding the whole of Germany could only be obtained for the year 2014 : (source:

https://www.bundesjustizamt.de/DE/SharedDocs/Publikationen/Justizstatistik/Geschaeftsentwicklung_Gerichte_Staatsanwaltschaften.pdf?__blob=publicationFile):

	Resolved Cases (Local + Regional Courts)	Incoming Cases (Local + Regional Courts)	Clearance Rate
2014:			
Civil	1.441.714	1.439.072	100,18%
Criminal	1.045.014	1.043.986	100,10%
Family	648.930	628.886	103,19%

Leipzig Local Court:

2015:	Resolved Cases	Incoming Cases	Clearance Rate
Civil	11256	10802	104,20%
Criminal	9201	8746	105,20%
Family	4831	4814	100,35%

b. Case Turnover Ratio, average duration of cases (5.2. + 5.3.)

Germany:

2014, 1st instance:	Incoming cases (Local + Regional Courts)	Average Duration Local Courts (months)	Average Duration Regional Courts (months)
Civil	1.441.714	4,9	9,1
Criminal	1.045.014	5,1	7,2
Family	648.930	6,1	-

Leipzig Local Court:

2015:	Unresolved cases end 2015	Resolved cases	Case Turnover Ratio	Disposition time (days)	Average Duration (months)
Civil	4502	11256	2,50	145,99	4,9
Criminal	3745	9201	2,46	148,56	5,1
Family	2909	4831	1,66	219,79	6,1

c. Efficiency Rates (5.4):**Leipzig Local Court:**

(Data for Germany is not available because it is not known how many staff works within the mentioned sections within the courts).

2015:	Number of resolved cases	Number of clerk in FTE (incl. judicial-officers "Rechtspfleger")	Number of judges	Number of personnel	Efficiency Rate of clerk	Efficiency Rate of judges	Global Efficiency Rate
Civil	11256	33,96	19,45	53,41	331,45	578,71	210,75
Criminal	9201	48,52	27,15	75,67	189,63	338,90	121,59
Family	4831	24,51	11,15	35,66	197,10	433,27	135,47

d. Backlog/Backlog resolution (BR indicator) (5.5 + 5.6):**Leipzig Local Court:**

(Data for Germany was not available)

2015:	Unresolved cases end 2015 (Total Backlog)	Resolved cases	Backlog Resolution (days)
Civil	4502	11256	145,99
Criminal	3745	9201	148,56
Family	2909	4831	219,79

e. Cases per judge (CPJ indicator) (5.7):**Leipzig Local Court:**

(Data for Germany was not available)

2015:	Unresolved cases end 2015 (Total Backlog)	Number of judges	Cases per judge (CPJ)
Civil	4502	19,45	231
Criminal	3745	27,15	138
Family	2909	11,15	261

Annex B

Qualitative Data Collection:

I. STRATEGY AND POLICY IN COURT MANAGEMENT (values, mission, vision)

1. Is there a public authority responsible for drafting general policies and strategic documents concerning the judiciary?

State Level	The Saxon Ministry of Justice is competent on drafting general policies and strategic documents concerning the judiciary.
Court Level	Court administration within the ordinary jurisdiction is headed by the President of the Higher Regional in Dresden, capital of Saxony. He supervises the Presidents of the regional and local Courts of the state.
Judge Level	

2. Is there legislation supporting the courts or court organisation?

State Level	Sec.1 Courts Constitution Act (Federal law): “Judicial power shall be exercised by independent courts that are subject only to the law.” The Courts Constitution Act determines jurisdiction of the various ordinary courts, allocation of cases and court’s administration. For specialized courts this is ruled in special laws (Administrative Courts, Labour Courts etc)
Court Level	
Judge Level	

3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers?

State Level	Article 97 Basic Law (Constitution) [Judicial independence] (1) Judges shall be independent and subject only to the law. (2) Judges appointed permanently to full-time positions may be involuntarily

	dismissed, permanently or temporarily suspended, transferred or retired before the expiration of their term of office only by virtue of judicial decision and only for the reasons and in the manner specified by the laws. The legislature may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of courts or in their districts, judges may be transferred to another court or removed from office, provided they retain their full salary. Section 26 German Judiciary Act Supervision of service (1) A judge shall be subject to supervision only in so far as there is no detracting from his independence. (2) Subject to the provision in subsection (1), supervision shall also include the power to censure an improper mode of executing an official duty and to urge proper and prompt attention to official duties. (3) Where a judge contends that a supervisory measure detracts from his independence a court shall, on application being made by the judge, give a ruling in compliance with this Act. Similar regulations in the constitutions of the “Länder” (states).
Court Level	
Judge Level	

4. Is there a policy regarding the specialization of courts and/or certain categories of judges?

State Level	Specialization of judges is determined and regulated in various federal judicial acts. However as the appointment of judges (apart from the federal ones) and public prosecutors is being carried out by the governments of the “Länder” there are slight differences between their “policies” regarding specialization. As long as they can – legally – have influence on the allocation of judges to specific courts or prosecution offices or regarding promotion of judges some governments prefer judges with a more “general” knowledge (promoting changes of offices/courts) than others. Nevertheless: Sec. 30 of the German Judiciary Act rules that a judge on principle cannot be transferred or discharged without his consent: Section 30 Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32).

	(2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect.
Court Level	
Judge Level	

5. Is there a strategy and policy regarding the needs and planning of court resources?

State Level	The Saxon Ministry of Justice does have internal strategies for the needs and planning of court resources.
Court Level	Court-President and presidium are in charge of the needs and planning of court resources.
Judge Level	

6. Is there a policy concerning the structure and competence of courts?

State Level	German Courts Constitutional Act, Labour Courts Act, Finance/Tax-Courts Act etc.
Court Level	
Judge Level	

7. Including geographical court location policy?

State Level	Court Location Policy lies in the competence of the parliaments of the Länder. They define court's jurisdiction over geographical regions.
Court Level	
Judge Level	

8. Has the court management defined a mission/vision and a strategy?

State Level	Stipulation of criteria for appointment, promotion and other strategic measurements regarding judges and public prosecutors in Saxony is carried out by the Ministry of Justice that has to consult a judicial council.

Court Level	As far as non judicial staff is concerned (clerks, bailiffs, judicial officers) in Saxony this is delegated by the Ministry of Justice to the president of the Higher Regional Court or presidents of the specialized highest regional courts.
Judge Level	

9. Is it given publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff?

State Level	These general rules are published.
Court Level	The rules for non judicial staff are published as well.
Judge Level	

10. Does the take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy?

State Level	
Court Level	There were surveys about the court's services among citizens and lawyers from outside last year.
Judge Level	

11. Is there any input of internal or external stakeholders?

State Level	
Court Level	
Judge Level	

12. Does the court management maintain a systematic contact with the internal and external stakeholders?

State Level	I think yes
Court Level	There are regular meetings between the court's president and heads of departments as well as between them and their colleagues on the administrative level within the court's sections. Also regular meetings between

	the president and external stakeholders like solicitors and authorities/offices of the city of Leipzig take place.
Judge Level	

13. Is there a culture that is aimed at stimulating and inspiring improvements in the overall organisation?

State Level	Yes, there is.
Court Level	Yes, there is.
Judge Level	

14. Has the court management determined the priorities on which court policies should be developed?

State Level	
Court Level	At the moment the president of the court emphasizes on electronic files and further training of judges and non judicial staff
Judge Level	

15. Has the court management described how the decision-making process on these priorities should take place?

State Level	
Court Level	Yes. Internal consultants for these purposes have been appointed.
Judge Level	

16. Is there a policy regarding the delegation of responsibilities from judges to non-judge staff?

State Level	Various attempts have been made. But the Courts Constitution Act and several procedural codes determine strict demarcations of competences between judges, clerks and judicial officers. By law a judge is not the principal of a court clerk, however in practice they do what you order them to do.

Court Level	
Judge Level	

17. Are the main tasks, roles and standards for the court clerk office determined?

State Level	
Court Level	Yes, there are numerous written orders and regulations, issued by the president of the Higher Regional Court concerning tasks, roles and standards of the courts' clerk offices. Additionally you can find written orders issued by the president of the local court, published within the local intranet.
Judge Level	

18. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated?

State Level	I think yes: both on federal and Saxon level.
Court Level	
Judge Level	

19. Is the implementation of changes in legislation regularly evaluated?

State Level	I think yes: both on federal and Saxon level.
Court Level	
Judge Level	

20. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated?

State Level	In many cases government or parliament asks for written statements to planned changes in legislation.
Court Level	
Judge Level	

21. Are the effectiveness and efficiency of judicial proceedings systematically evaluated?

State Level	yes: both on federal and Saxon level.
Court Level	
Judge Level	

22. Are quality standards and guidelines used for drafting new legislation or changes in current legislation?

State Level	
Court Level	
Judge Level	

23. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed?

State Level	Yes, these impacts normally are checked and estimated. More or less successful.
Court Level	
Judge Level	

24. If yes, does this lead to changes in the (staff) capacity of courts?

State Level	Not in all cases. However the amount of reaction changes of legislation or even actual and social changes caused on the federal level (Federal laws, or for example the large amount of refugees entering Germany last year) differs from one state to the other. This is a disadvantage of the federal structure of Germany. Countries with a more centralized government can deal better with these problems.
Court Level	
Judge Level	

25. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process?

State Level	Usually government or parliament asks for written statements to planned changes in legislation, specifically if workload or procedures in courts are affected by the proposed law.
Court Level	
Judge Level	

26. Does the judiciary play any role in the legislation process?

State Level	The Federal Constitutional Court can play an important role in legislation process as this court can either decide with the power of a law or it can order legislative to change law in case it infringes constitution. There have been a great number of cases where this took place. Other courts are normally consulted.
Court Level	
Judge Level	

27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings?

State Level	If these reviews are regular or not I cannot tell.
Court Level	
Judge Level	

28. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges?

State Level	
Court Level	
Judge Level	The processing of single cases is the central responsibility of the judge/s, who have to obey to the rules determined by the procedural laws.

29. Is there a policy regarding the promotion of legal certainty?

State Level	As a rule (with few exceptions) judges in all instances in Germany are not bound to decisions of other courts even to those of higher instances. They are only bound to law, not to decisions of other courts. Legal certainty is obtained by the way remedies are dealt with in the various procedural codes, so parties can get revocation of decisions that differ from a generally accepted legal opinion to a specific problem.
Court Level	
Judge Level	

Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence?

State Level	No official ones I can think of.
Court Level	
Judge Level	

II. ALLOCATION OF CASES SYSTEM

1. Is there a possibility to reassign cases or assignments in order to increase efficiency in the court?

State Level	
Court Level	As a rule in Germany: No. Once a case has been allocated to a judge he becomes "married" to it. A single case cannot be assigned to another judge, even with the consent of the judge who would get rid of the case.
Judge Level	

2. Is there an objective method for allocating cases between judges?

State Level	
Court Level	A written allocation distribution scheme with abstract rules is issued every year

	by the court's presidium.
Judge Level	

3. Is the information on the allocation of cases made available to the whole court organisation?

State Level	
Court Level	This distribution scheme for allocation of cases is public for everyone.
Judge Level	

4. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)?

State Level	
Court Level	This completely lies within the discretion of the members of the presidium. However arbitrary decisions of the presidium can be remedied by actions before administrative courts (very rare cases)
Judge Level	

5. Are measures taken to ensure transparency in the allocation of files to judges (i.e. initial and public objective criteria)?

State Level	
Court Level	Criteria for case allocation are public. So every stakeholder can check at any time whether the rules are met or not.
Judge Level	

III. GOAL SETTING

1. Are performance targets (quantitative and qualitative) defined for courts?

State Level	Qualitative targets of the work of judges cannot be defined or ordered by any other authority as the responsibility for the quality of this work lies completely within the hands of the single judge. As far as Quantity is concerned there are standards for this defined by “Pebbsy”, a calculation system for the amount of judicial and non-judicial staff needed for the coping of the court’s work (see: Appendix).
Court Level	
Judge Level	

2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities?

State Level	
Court Level	On principle: yes. As far as (abstract) case allocation and the workload of judges is concerned the “Pebbsy” defined standards play a central role for the decisions of the presidium. Yet personal characteristics or “weaknesses” or “talents” of judges are sometimes taken into consideration as well.
Judge Level	

3. Does it have performance indicators (quantitative and qualitative)?

State Level	
Court Level	The status of cases pending longer than one year regularly have to be reported to the president of the Local Court as well as the president of the Higher Regional Court. There are no “qualitative” indicators as “quality” of a decision only has to be reviewed by remedies to higher courts.
Judge Level	

4. Does the court management determine critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives?

State Level	
Court Level	
Judge Level	

5. Is the nature of pending cases systematically analysed?

State Level	
Court Level	A Systematic analysis of pending cases was made in preparation for the “PEBBŞY” expertise.
Judge Level	

6. Have objectives been determined for reducing the backlog of cases?

State Level	-
Court Level	-
Judge Level	-

7. Does a quantitative evaluation system regarding the activity of each judge exist?

State Level	
Court Level	Input and output of the cases of every judge within the ordinary courts can be monitored by numbers and figures delivered by State Statistic Office that receives data from the courts software database. “PEBBŞY” is the quantitative evaluation system (see appendix).
Judge Level	

8. Does a qualitative evaluation system regarding the activity of each judge exist?

State Level	No
Court Level	No
Judge Level	No

9. Is each judge granted access to the information regarding his/her own court department?

State Level	

Court Level	yes
Judge Level	

10. Is each judge granted access to the information regarding his/her colleagues' department?

State Level	
Court Level	Yes, within the section (civil, criminal etc.)
Judge Level	

11. Is each judge granted access to the information regarding the whole court?

State Level	
Court Level	Yes, if he/she wishes
Judge Level	

12. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy?

State Level	
Court Level	
Judge Level	

IV. CASELOAD MANAGEMENT

1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialization, regrouping of cases, "test files", etc.)?

State Level	There is no more systematic training of judges once they have started their work at court. However plenty of training workshops are offered by the state or Federal Institutions. Attendance is not obligatory.
Court Level	

Judge Level	

2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department?

State Level	
Court Level	
Judge Level	In most sections of the court the software allows the judge to check instantly how many pending cases he has and how many cases he has resolved within a specific period of time. Furthermore he can see there the general state of the case itself, the documents issued by the court and some more data.

3. Is he/she able to share this information with his/her administrative staff?

State Level	
Court Level	
Judge Level	Yes

4. Is this information shared within the court?

State Level	
Court Level	Yes, shared within the sections.
Judge Level	

5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding?

State Level	
Court Level	We have specifically trained judges for mediation at Leipzig Local Court. A case can be transferred to them if the parties agree.
Judge Level	

6. Are court proceedings (in principle) open to the public?

State Level	
Court Level	yes
Judge Level	

7. Is the judge able to organize the proceedings in an expedient manner to solve the conflict?

State Level	
Court Level	
Judge Level	Yes.

8. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings are minimalised?

State Level	
Court Level	
Judge Level	Yes.

9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators?

State Level	
Court Level	
Judge Level	Yes, if the parties agree.

10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily?

State Level	
Court Level	
Judge Level	There are no routines for that I can think of.

11. Is there a policy for preparing the hearings?

State Level	
Court Level	
Judge Level	Procedural Codes determine how hearings have to be prepared.

12. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties?

State Level	
Court Level	
Judge Level	Only in rare cases especially temporary injunctions within some days.

13. Is the duration of the proceedings and the time needed to prepare for the main court hearing decided in cooperation with the counsels of the parties?

State Level	
Court Level	
Judge Level	Frequently in criminal cases. Usually not in civil and family cases, unless the time schedules of the legal counsels require this cooperation.

14. Is there a system for measuring the timely start of hearings?

State Level	
Court Level	No
Judge Level	

15. Are parties informed when the hearing is adjourned or delayed?

State Level	
Court Level	Up to now not at the Amtsgericht Leipzig. But within the next months such a system will be installed.
Judge Level	

16. Is there an information system which is used for determining an efficient schedule of court sessions?

State Level	
Court Level	
Judge Level	

As regards judges:

- do they prepare court files bearing in mind oral investigation?
- do they have the ability to improve the understanding of their role by the various players in the proceeding?
- do they control the allocation of the parties and witnesses' speaking time?
- do they control the police of the trial in an appropriate way?
- do they take into account the parties and witnesses' expectations within the oral phase of the proceeding?
- do they control the timetable of the proceeding?
- do they begin the hearings at time?

State Level	
Court Level	
Judge Level	Regularly: yes

17. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ?

State Level	
Court Level	
Judge Level	Regularly: yes

18. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given?

State Level	
Court Level	
Judge Level	No, there are no binding rules on that.

19. Is there a policy for setting foreseeable and optimum timeframes?

State Level	
Court Level	No
Judge Level	No

20. Are standards or norms concerning the acceptable length of judicial proceedings defined?

State Level	
Court Level	No
Judge Level	No

21. Is there a policy for managing case flows preventing delays?

State Level	
Court Level	
Judge Level	

22. Are measures taken to speed up delayed cases and to reduce the backlog?

State Level	
Court Level	In some cases the president of the court carries out a personal interview with a judge who has problems with delay of cases.
Judge Level	

23. Is there an active role for the judge in the management of the timelines of the proceedings?

State Level	
Court Level	
Judge Level	Yes. The judge is responsible for that.

24. Can parties negotiate with the court on the timeframes that will be used?

State Level	
Court Level	
Judge Level	In many cases they can.

25. Is there a timeframe set for delivering the decision after the court hearing?

State Level	
Court Level	
Judge Level	Civil Cases: Section 310 Civil Procedure Code: Hearing for pronouncement of the judgment (1) The judgment shall be pronounced at the hearing at which the court proceedings are declared terminated, or at a hearing to be arranged immediately. This will be set for a date later than three (3) weeks after the last hearing only for grave cause, this being particularly the scope or the complexity of the matter.

26. Is there a policy concerning the enforcement of judicial decisions?

State Level	There are plenty of enforcement laws and codes
Court Level	
Judge Level	

27. Is there a system of notification of judicial decisions ?

State Level	There are plenty of enforcement laws and codes
Court Level	
Judge Level	

28. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties?

State Level	No
Court Level	
Judge Level	

29. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored?

State Level	
Court Level	
Judge Level	In Civil and Family cases usually: no. Because enforcement lies in the parties' responsibility.

30. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities?

State Level	
Court Level	Yes. The court's president supervises the work of the bailiffs.
Judge Level	

31. Does a case management information system exist for the recording and monitoring of court files and cases?

State Level	
Court Level	No
Judge Level	

32. Is there a specific policy concerning archiving of court files and court decisions?

State Level	
Court Level	Yes. Regulations by the President of the Higher Regional Court determine how and how long files have to be archived.
Judge Level	

33. Does an electronic information system for archiving court cases and decisions exist?

State Level	
Court Level	Not yet.
Judge Level	

34. Does a court system of electronic files exist?

State Level	
Court Level	
Judge Level	No, not yet. Planned for the next years.

35. Is it possible to submit documents to the court in electronic form?

State Level	Yes. All documents can be submitted in electronic form using a specific software. Plain Email is not sufficient.
Court Level	
Judge Level	

V. COURT PERFORMANCE STANDARDS

1. Is there a system to monitor the workload of each judge continuously?

State Level	
Court Level	Yes. "Pebbsy" numbers and figures can be obtained at any time.
Judge Level	

2. Is the court performance periodically evaluated?

State Level	
Court Level	Yes. The president and other staff with administrative functions get regular reports on that from the State Statistic Office (every 3 months).
Judge Level	

3. Is there a policy on the publication of the evaluation results?

State Level	
Court Level	Judges and other staff interested in that can get the information.
Judge Level	

4. Are quality regulations and standards or indicators, periodically evaluated?

State Level	
Court Level	
Judge Level	

5. Following the evaluation results, have measures been identified and implemented to improve the situation?

State Level	
Court Level	
Judge Level	

6. Are these improvements monitored?

State Level	
Court Level	
Judge Level	

7. Is the percentage of cases recorded and published?

State Level	Yes, "Pebbŷy" and "JASPER" (see appendix)
Court Level	Yes
Judge Level	

8. Is the percentage of appeals recorded and published?

State Level	Yes
Court Level	Yes
Judge Level	

9. Is the productivity of judges and court staff recorded and published?

State Level	
Court Level	Recorded but not published for everyone
Judge Level	

10. Is the length of proceedings systematically recorded and published?

State Level	Yes, by a lot of statistic analysis of proceedings.
Court Level	Recorded but not published for everyone
Judge Level	

11. Is it possible to determine the total number of incoming, pending and decided cases in a given period?

State Level	Yes
Court Level	Yes
Judge Level	Yes

Appendix “PEBB\$Y” and “JASPER” :

I. “PEBB\$Y”

The so called “PEBB\$Y”- system is a statistic-based Manpower Requirement Planning (MRP) system. From 1998 on, a working group consisting of members of all federal state ministries of justice and several professional associations designed and executed an extremely widespread and intense statistical survey on the question of how much time the judge or non-judicial staff need to fulfil their duties. “PEBB\$Y” – simplified – works as follows:

At first different types of cases judges deal with are defined at different courts (local, regional and higher regional courts). E.g. civil proceedings are distinguished in disputes on apartment tenancies, compensation for traffic accidents, disputes between neighbours, disputes on building construction works and “normal” civil proceedings. Similar to that different types of criminal, family or other cases are determined.

In a next step, quite a large number of representative courts in different states of Germany were selected to carry out a survey monitoring the time the judges needed to work on these cases. Each file they were working on got a special form that had to be filled out with the number of minutes of work spent in every working step. After six months, all filled out forms were collected again and evaluated. As a result an average processing time of each type of case can be figured out.

This survey is being held every few years to consider changes in legislation or other influences that could lead to different workloads for the courts.

E.g. an average dispute on apartment tenancy at a local court demanded 180 minutes of work for a judge, based on his own records he wrote down during the survey. A “normal”, not classified civil case at the local court is supposed to take 150 minutes for the judge.

Next the annual working time of a judge is defined: Based on the assumption that an average judge works 8 hours per working day this annual working time differs between the different states (different number of bank holidays) and from one year to the next year (bank holidays on a Sunday or leap years etc.). Average times of illnesses of judges are considered as well. In Saxony in the year 2015 the judges’ annual working time was stipulated 99.256 minutes.

If you divide for example these 99.256 minutes through 180 minutes the result will be 551. This is called the “basic figure” which means the number of cases a judge (who only deals with disputes of apartment tenancy) should settle per year.

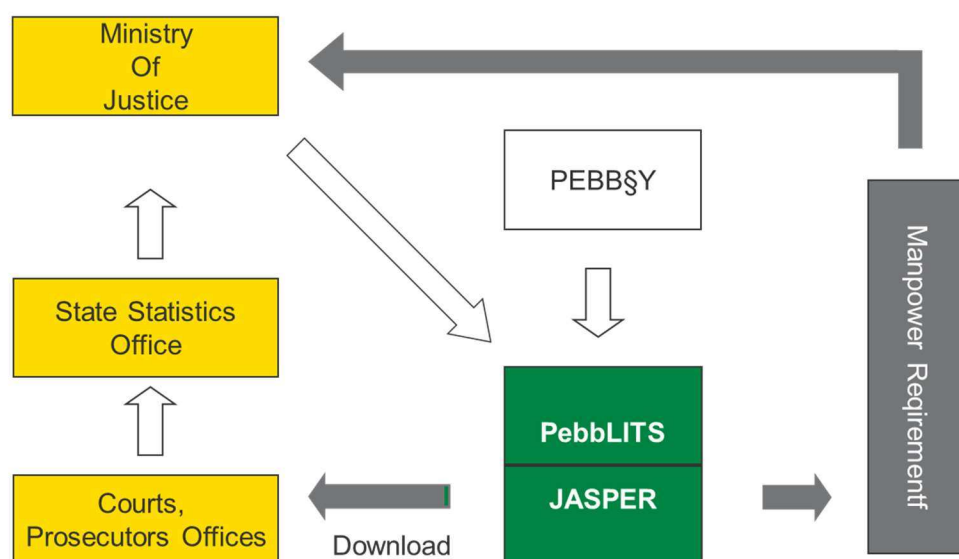
At last the number of all incoming cases (looking at the specific type of cases) per year is counted. Looking at the basic figures, the sum of incoming cases and the annual working time you can figure out the number of judges needed to settle all these cases.

Although serious objections as to the validity and accuracy of the “basic figures” can be raised, the MRP-system currently practised in the German judiciary is founded predominantly - if not solely - on the “PEBB§Y” evaluation. Even without legally binding effects PEBB§Y therefore has reached an overwhelming importance in the field of measuring court activities in terms of quantity.

II. “JASPER”

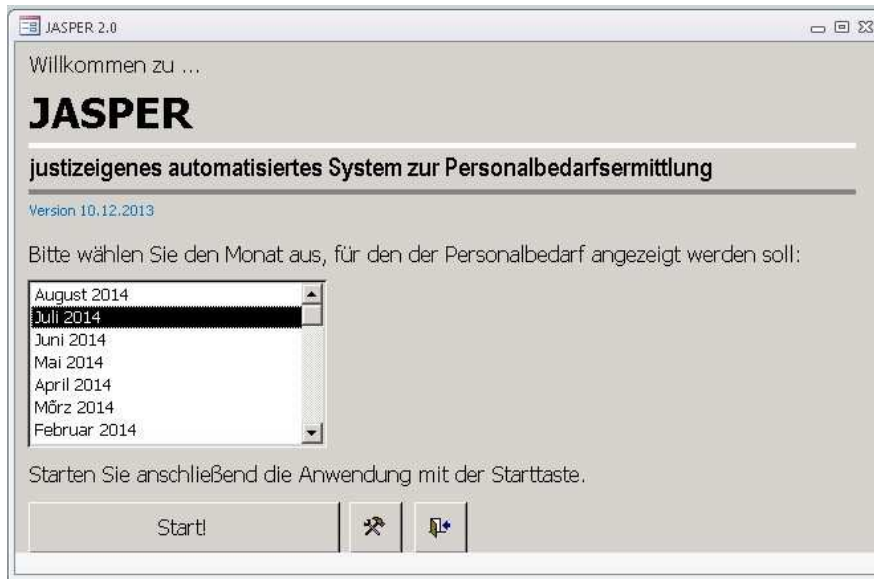
...is an invention of the Ministry of Justice in Saxony. It is a Microsoft Access based calculation software that allows to display (queries) the number of judges needed in the whole of Saxony as well as within the different courts in the state. It is fed with the data of incoming cases reported by the courts to the State Statistical Office and the (constant) values of “PEBB§Y”. The Ministry as well as court presidents, members of the presidium or other administrative staff in the courts can comfortably find out how many judges or even non-judicial personnel is “officially” required in the courts or for the courts sections.

Data flow:

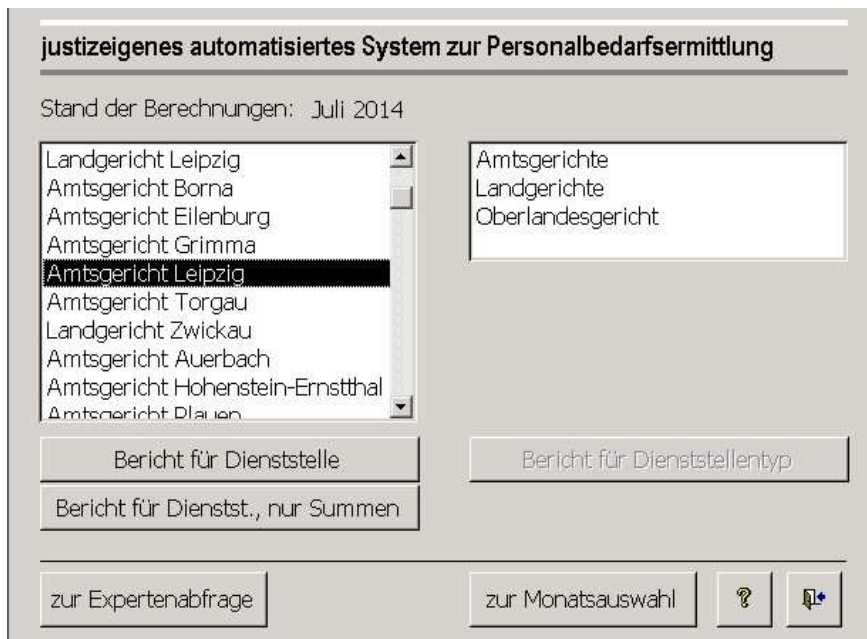


JASPER, how it looks:

Screenshot, Select the month for which data should be displayed:



Screenshot, Select the court:



Screenshot, Example report: Data for civil proceedings July 2013 to June 2014 (Disputes neighbourhood, building construction, architect fees, medical liability)

Number Basic Value
of cases

Datum	Bez/V	Basiszahl	Faktor	BevZ	PBBtoZus	Zu/agl.	aZus/V	lwSuG	aZus/w	AntDSt	PBBm aZus	Zu/test	tZus/Vert	PBB matZ	PBB end
Amtsgericht Leipzig											Kennzahl:	1560			
											Bezirk:	Amtsgericht Leipzig			
											Summe:	18,72			
Richter											Jahresarbeitszeit:	98974			
											Summe:	18,72			
Zivilsachen															18,72
RA015 Nachbarschaftssachen, Bau-/Architektensachen (ohne Architektenhonorarsachen) sowie Arzt haftungssachen											Verfahrenszähler				
Juli 2013	32	330	1	299,92	0,106695	0,00%	0	0,500131	0	21,33%	0,106695	0,00%	0,000000	0,106695	0,106695
August 2013	7	330	1	299,92	0,023339	0,00%	0	0,416776	0	5,60%	0,023339	0,00%	0,000000	0,023339	0,023339
September 2013	30	330	1	299,92	0,100026	0,00%	0	0,350092	0	28,57%	0,100026	0,00%	0,000000	0,100026	0,100026
Oktober 2013	30	330	1	299,92	0,100026	0,00%	0	0,460121	0	21,74%	0,100026	0,00%	0,000000	0,100026	0,100026
November 2013	41	330	1	299,92	0,136703	0,00%	0	0,410108	0	33,33%	0,136703	0,00%	0,000000	0,136703	0,136703
Dezember 2013	16	330	1	299,92	0,053347	0,00%	0	0,453452	0	11,76%	0,053347	0,00%	0,000000	0,053347	0,053347
Januar 2014	27	330	1	299,92	0,090024	0,00%	0	0,336755	0	26,73%	0,090024	0,00%	0,000000	0,090024	0,090024
Februar 2014	12	330	1	299,92	0,040011	0,00%	0	0,346758	0	11,54%	0,040011	0,00%	0,000000	0,040011	0,040011
März 2014	20	330	1	299,92	0,066684	0,00%	0	0,393437	0	16,95%	0,066684	0,00%	0,000000	0,066684	0,066684
April 2014	17	330	1	299,92	0,056682	0,00%	0	0,376766	0	15,04%	0,056682	0,00%	0,000000	0,056682	0,056682
Mai 2014	18	330	1	299,92	0,060016	0,00%	0	0,363429	0	16,51%	0,060016	0,00%	0,000000	0,060016	0,060016
Juni 2014	26	330	1	299,92	0,086689	0,00%	0	0,340089	0	25,49%	0,086689	0,00%	0,000000	0,086689	0,086689
	276	330	1	299,92		0,00%						0,00%			0,920242

← Annual working time

← Number of judges
needed (sum civil
cases)

← Number of judges
needed for this type of
civil case

ANNEX B

QUALITATIVE DATA COLLECTION

The qualitative data collection questionnaire follows by close the CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (from now on Checklist) adopted by CEPEJ in Strasbourg in 2008.

The proposed questions have been organized around the focus points of the Project: Allocation of cases system; Goal setting, Caseload management, Court performance Standards and VRP.

The data are collected with reference to various levels of verification: national level - State (S) and Councils for Judiciary (HC); Court level (C) and judge level (J). A column that does not exist in the checklist has been added in order to collect legislative references, practices or management policies.

Bearing in mind the project partners, it was considered insignificant to include a column for gathering regional incidence data.

We propose the following sets of questionnaires:

I. STRATEGY AND POLICY IN COURT MANAGEMENT (values, mission, vision)		
1. Is there a public authority responsible for drafting general policies and strategic documents concerning the judiciary?		DESCRIBE (measures/laws/practices)
S		In accordance with art. 97 of the Spanish Constitution (hereinafter C.E.), it concerns the Government to direct the domestic and foreign policy, which obviously includes the design of policies on judicial matters that later have to be decided by the Parliament (art. 122 C.E.). However, the General Council of the Judiciary (hereinafter, CGPJ) has previous consultative powers on the draft law, concerning matters of judicial interest (Article 108 of the Organic Act of the Judiciary, hereinafter LOPJ): Judicial districts, judicial personnel, creation of new courts, etc.
HC		
C		
J		
NA		
2. Is there legislation supporting the courts or court organisation?		DESCRIBE (measures/laws/practices)

S		Pursuant to art. 122 CE, the Organic Act of the Judiciary shall determine the establishment, operation and governance of the courts and the legal status of Judges and Magistrates, who shall form a single body, and staff at the service of the Administration of Justice. Therefore, this Act regulates the types of Judicial Bodies and their powers (arts. 53 et seq), from the Supreme Court to the organs that occupy the lowest rung in the judicial hierarchy. Similarly, the Government of the Courts, by defining the powers of the Council in this regard and of Salas Government (Governance Chambers) and its Presidents, Deans Courts, Boards of Judges, etc. (arts. 149 et seq L.O.P.J.).
HC		
C		
J		
NA		
3. Is there a guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers?		DESCRIBE (measures/laws/practices)
S		Yes, there are such guarantees: the art. 117.1 C.E. states that <i>"Justice emanates from the people and is administered on behalf of the King by Judges and Magistrates of the Judiciary, who are independent, irremovable, responsible and subject only to the rule of law power."</i> The independence of the Judge is, therefore, an essential quality of its role reflected in various legal provisions: independent exercise of the judicial function (art 104.1 LOPJ.), Self-government of the judiciary by the existence of the Council (art. 104.2), allocation of sufficient material to exercise judicial functions independently (art. 37 LOPJ), specific procedures to preserve judicial independence when a judge is disturbed on it (art. 14 LOPJ), etc.
HC		
C		
J		
NA		
4. Is there a policy regarding the specialisation of courts and/or certain categories of judges?		DESCRIBE (measures/laws/practices)

S		Yes there is in two senses: in general, the Council has responsibility for judicial education (Art. 107 LOPJ) reflected in extensive annual educational programs through the Service Training Council, to which the Judicial school relies on. From a strict point of view, there are procedures of specialization of judges in commercial, administrative and labour matters who get "specialist degrees" in these matters (art. 110.2 L.O.P.J.) after passing rigorous selection tests. Similarly, without obtaining the specialist degree, the Act provides in districts with large populations specific allocation to certain organs of competencies that normally correspond to the Courts of First Instance (family or disability matters, art. 98.1 LOPJ).
HC		
C		
J		
NA		
5. Is there a strategy and policy regarding the needs and planning of court resources?		DESCRIBE (measures/laws/practices)
S		Pursuant to art. 37 L.O.P.J., the Ministry of Justice or the Autonomous Regions' Governments must provide the Courts sufficient resources to perform their functions effectively and independently. There is no specific regulatory channel in this sense, but in Spain the communication of needs follows a pyramid scheme, which starts at the first level courts and ascends up the Council. This one is responsible for transmitting the Administration needs of resources. It should be noted the Council's obligation to submit to the Parliament an annual Report which includes a detailed list of needs of judiciary (art. 109 L.O.P.J.).
HC		
C		
J		
NA		
6. Is there a policy concerning the structure and competence of courts?		DESCRIBE (measures/laws/practices)
S		Indeed, art. 122 C.E. refers to the L.O.P.J. in the aspects of organization and functioning of the judiciary; this Act therefore regulates in detail the types of courts depending on their level (hierarchy) and the kind of issues of their responsibility (Articles 53 et seq.): in short, Courts ruled by a judge (first level courts on a variable number according to the local population, which determines the <i>Planta y Demarcación Judicial</i> Act), Provincial Courts, High Courts of Justice, National Court and Supreme Court. All of those organs belong to one of these judicial chapters or sections: civil, criminal, commercial, labour and military matters. From the point of view of the number of each organ and its geographical location, 28/12/1988 Act (nº 38) (<i>Planta y Demarcación Judicial</i> Act) establishes the number and location of each class of court as well as the physical limits of every judicial district (<i>partido judicial</i> , in Spanish) in attention to the number of disputes in the district and population.

HC		
C		
J		
NA		
7. Including geographical court location policy?		DESCRIBE (measures/laws/practices)
S		See previous answer.
HC		
C		
J		
NA		
8. Has the court management defined a mission/vision and a strategy?		DESCRIBE (measures/laws/practices)
S		The management of the judiciary in Spain has two areas covered by the Council and the courts themselves, respectively. Regarding the Council, its functions are set out in Articles 107 to 110 L.O.P.J. and can be grouped as follows; between the functions of executive type, it must be mentioned (i) all those relating to the professional status of judges and magistrates (appointments, transfers, discipline, pensions and the rest of the administrative situations -the licenses for holidays, etc.-, or training), (ii) the surveillance powers of courts and its members, (iii) the regulatory power, on the basis of which the Council may adopt regulations concerning judicial activity within the limits provided by law and always about accessories matters (public hearings, judicial cooperation, regulation of readiness services, honors and protocol standards of judicial staff, etc.). Concerning the powers of the courts themselves we distinguish those which correspond to the collegiate courts, one the one hand, and the courts of first grade –on the other-, ruled by single magistrates (not collegiate tribunals). Both subjected to the superior control of the Council. Thus, in the collegiate courts there are Governance Chambers (<i>Salas de Gobierno</i>) exercising management functions within its demarcation: they approve the allocation rules proposed by the judges of first instance, exercise disciplinary powers over judges in its district, exercise surveillance powers, etc. In the case of first grade courts, it must be highlighted in each district the existence of (i) one Dean Judge, representing all judges in the district, and (ii) the Boards or Council of Judges, which propose to the Governance Chamber its rules for cases allocation and other aspects concerning their work (holidays, licences, replacements, readiness service, etc.).
HC		
C		
J		

NA		
9. Is it given publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff?		DESCRIBE (measures/laws/practices)
S		In the exercise of its powers, the aforementioned bodies emit agreements that are communicated to the stakeholders. Specifically, the allocation rules proposed by the judges of first grade, once approved by the respective Governance Chamber, are available to the public and professionals as they constitute compulsory rules.
HC		
C		
J		
NA		
10. Does the take the expectations of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy?		DESCRIBE (measures/laws/practices)
S		The mechanisms of communication among the concerned stakeholders (for example, bar associations) allow the abovementioned bodies to be aware of the expectations and wishes of those and decide accordingly, within the limits of its powers.
HC		
C		
J		
NA		
11. Is there any input of internal or external stakeholders?		DESCRIBE (measures/laws/practices)
S		In addition to the procedures of communication among courts and professional corporations (bar associations), in all government bodies there are collecting and claim mechanisms at the disposal of the stakeholders. It concerns to the Judges Deans, Presidents of the Chambers of Government and the Council itself the collection of such requests, response and, if necessary, adopting appropriate measures [for example, art. 110.2 m) L.O.P.J.], provided that these request cannot concern jurisdictional issues but management and organization questions
HC		
C		
J		
NA		
12. Does the court management maintain a systematic contact with the internal and external stakeholders?		DESCRIBE (measures/laws/practices)

S		Yes, it is, with regard to bar associations and other law professionals, although there are no legal provisions so ordered. It is to keep continuous contacts required by the dynamics of the judicial function. In this regard, it should be noted the existence of judicial associations (art. 127 C.E.) whose object is the promotion and defense of the professional interests of judges as a professional group and the general of Justice. In this context, these associations usually deal with the responsible staff of Governance instances all issues regarding the improvement of judicial management.
HC		
C		
J		
NA		
13. Is there a culture that is aimed at stimulating and inspiring improvements in the overall organisation?		DESCRIBE (measures/laws/practices)
S		Yes, it is, usually through judicial associations. It must be reminded, however, that only about 50% of judicial staff belongs to a judicial association (currently they are five).
HC		
C		
J		
NA		
14. Has the court management determined the priorities on which court policies should be developed?		DESCRIBE (measures/laws/practices)
S		The general outlines of the gaps and needs are set each year by the Council on its annual report. In attention to these needs, which are collected through statistics and reports provided by the surveillance services and judicial bodies themselves, the Council exercises its responsibility for management. These functions are not limited to needs attention but to the adoption of internal directives relating to matters within its responsibility field (allocation of cases, readiness service, government bodies rules, etc.).
HC		
C		
J		
NA		
15. Has the court management described how the decision-making process on these priorities should take place?		DESCRIBE (measures/laws/practices)

S		Yes it has; both the L.O.P.J. and the specific regulation provided by the Council (specifically, Regulation over the Governance Courts Bodies, nº 1/2000) establish certain rules about bodies session announcements, discussion process, and, most of all, needed quorums to get a compulsory agreement. For example, the vote for a Dean Judge requires a 3/5 majority on first vote and simple majority on the second one (art. 166 L.O.P.J.).
HC		
C		
J		
NA		
16. Is there a policy regarding the delegation of responsibilities from judges to non-judge staff?		DESCRIBE (measures/laws/practices)
S		Traditionally in Spain responsibility for all decisions corresponded to magistrates; they not only made the judgements to resolve the disputes but they also exercised all functions concerning staff and process management, in other words, they retained all the management and surveillance responsibilities on their hands and the whole Court staff, including the <i>Letrados de la Administración de Justicia</i> (Deputy Clerks), were submitted to their decisions and directives. However, when the Act 13/2009, from November 3rd, was enacted, this situation completely changed because this act hasn't just determined the delegation of these last responsibilities but their complete transmission to the Deputy Clerks who since that moment have become the directors on procedural and staff management matters. Since this moment, it corresponds to the Deputy Clerks to adopt the decisions on these matters and, on certain cases (only concerning procedural matters, not staff management), they can be subject to legal recourse addressed to the magistrate.
HC		
C		
J		
NA		
17. Are the main tasks, roles and standards for the court clerk office determined?		DESCRIBE (measures/laws/practices)

S		Yes, they are, the LOPJ determines not only the status of judicial staff (magistrates) but aims to regulate all aspects concerning the development of the work on courts. Thus, it regulates in detail the Deputy Clerks' functions (arts. 451 et seq), it provides a basic administrative division in direct support units to every single judge and procedural common services to all judges on a district (art. 435 LOPJ), it classifies all administrative clerks on three categories (team or body of procedural and administrative direction, tem or body or procedural and administrative management and team or body for administrative assistance –Art. LOPJ 475); the law adds a detailed job description of the functions corresponding to each, from high to low technical complexity (arts. 476 et seq. LOPJ). All this based on an essential principle: the strict separation of the judicial function from the functions (tasks) of management and administration (to judge is not to administrate).
HC		
C		
J		
NA		
18. Is the implementation of policies concerning changes in the structure of the court organisation regularly evaluated?		DESCRIBE (measures/laws/practices)

S		There is not a service whose specific purpose is the assessment/evaluation of the impact of new policies (laws) on the structure of the courts. However, the Council has departments responsible for monitoring and inspection of the Courts, which perform this function continuously on and very detailed way. It is therefore inevitable that in the exercise of these functions over each court, conclusions on this subject are obtained which logically will be reflected on the annual report made by the Council. These monitoring resources include: 1) quarterly Judicial Statistics made by the Deputy Clerks (art. 461 LOPJ), which is an essential tool for planning, development and implementation of public policies relating to the administration of justice and, in particular, for following purposes: a) The exercise of the State's legislative policy on justice issues. b) The modernization of the judicial organization. c) Planning and management of human and material resources in the service of the Administration of Justice. d) The exercise of the inspection function over courts. Law insists that the data resulting from these statistics are available to the public authorities and this obviously is a tool for periodic evaluation of the effect of legislative changes in judicial matters. 2) The CGPJ Inspection Service of the Courts (Articles 615 et seq.); this service exercises the functions of checking and controlling the operation of the Courts through long and detailed visits that include (i) physical review of records and (ii) the control of management techniques of the Courts, including records and staff management. The inspection service is divided into inspection units, each of which is entrusted with an area of Spanish territory. This allows continuous and detailed judicial follow-up work. At the end of the inspection process, the inspection unit prepares a report including recommendations and guidelines mandatory for the court. Of course, by using these two instruments, it is possible systematic assessment/evaluation of changes in legal structures, their impact on the judiciary and the effectiveness and efficiency of judicial processes. This answer questions 18 to 21 and 23.
HC		
C		
J		
NA		
19. Is the implementation of changes in legislation regularly evaluated?		DESCRIBE (measures/laws/practices)
S		See answer 18
HC		

C		
J		
NA		
20. Are changes in legislation and their impact on courts and/or judges / prosecutors evaluated?		DESCRIBE (measures/laws/practices)
S		See answer 18
HC		
C		
J		
NA		
21. Are the effectiveness and efficiency of judicial proceedings systematically evaluated?		DESCRIBE (measures/laws/practices)
S		See answer 18
HC		
C		
J		
NA		
22. Are quality standards and guidelines used for drafting new legislation or changes in current legislation?		DESCRIBE (measures/laws/practices)
S		Normally, yes, but it is an issue concerning political initiative that cannot be answered, therefore, according to mathematical parameters. What we can probably affirm is the government, who proposes legislative proposals to Parliament, has all the tools and reports to translate those standards and guidelines into Laws.
HC		
C		
J		
NA		
23. Is the impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed?		DESCRIBE (measures/laws/practices)
S		See answer 23
HC		
C		
J		
NA		

24. If yes, does this lead to changes in the (staff) capacity of courts?		DESCRIBE (measures/laws/practices)
S		The activity of the courts is subject to very frequent structural changes. Therefore, the impact these changes may have on staff capacity is provided on Law, which establishes regular and continuous training programs for both judicial staff (art. 617 LOPJ, establishing the Judicial School) and non judicial staff (art. 471 LOPJ). Training activities (ie, adaptation to legislative changes) in both categories of public servants are continuous and well planned
HC		
C		
J		
NA		
25. Are legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process?		DESCRIBE (measures/laws/practices)
S		Yes, at least two bodies; in a not mandatory way, the State Council, the supreme consultant Government's institution, can issue reports relating to legislative proposals on judicial matters at the Government's request (art. 21.11, Organic Law 3/1980, from April 22th); compulsorily, the C.G.P.J. must issue a report concerning legislative proposals on legally relevant issues, listed in art. 108 L.O.P.J.: judicial districts, judges staff, procedural rules, etc. The intervention of the judges themselves in the issuance of these reports is channelled through judicial associations, which can raise their proposals and petitions to C.G.P.J. which, in turn, can incorporate them into abovementioned reports.
HC		
C		
J		
NA		
26. Does the judiciary play any role in the legislation process?		DESCRIBE (measures/laws/practices)
S		See previous answer.
HC		
C		
J		
NA		
27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings?		DESCRIBE (measures/laws/practices)

S		in fact, in civil matters and only in 2015 there have been 10 amendments to the current Law of Civil Procedure, modifying rules relating to mortgages foreclosures, preliminary proceedings, family proceedings, procedural capacity of parties, etc.
HC		
C		
J		
NA		
28. Is there an established policy concerning the processing of cases by a single judge or by a panel of judges?		DESCRIBE (measures/laws/practices)
S		It may be mentioned the different situation among justice at first or at second level in civil matters and in many cases of criminal justice: usually cases at first level are addressed and judged by a single judge (always in civil matters and largely in criminal issues); in criminal matters (offenses punishable by more than five years in prison penalties) in the first instance and both civil and criminal matters on appeal , the rule is the decision by a collegiate court, being necessary a minimum of three.
HC		
C		
J		
NA		
29. Is there a policy regarding the promotion of legal certainty?		DESCRIBE (measures/laws/practices)
S		Legal certainty is not just a policy. It is a basis principle of the Spanish judicial system formulated in the Spanish Constitution (art. 9.3) which must inspire the entire legal system. As example of this, it can be noted the rules concerning the maximum delays of criminal instruction proceedings (normally 6 months) and delays for expiration of legal actions on civil proceedings: when the proceeding is not active during 2 years on first instance and one year on appeal for reason that can be attributable to one litigant, the case is immediately closed.
HC		
C		
J		
NA		
30. Are there specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence?		DESCRIBE (measures/laws/practices)

S		Yes there are. Apart from the fact that all Spanish judges dispose internet connection to consult the Court's jurisprudence data base (not only Supreme Courts but most judgements from all judicial bodies), it exist within the formation programs several activities and meetings to promote the most recent jurisprudence.
HC		
C		
J		
NA		

II. ALLOCATION OF CASES SYSTEM		
1. I Is there a possibility to reassign cases or assignments in order to increase efficiency in the court?		DESCRIBE (measures/laws/practices)
S		<u>As a rule it's not possible. Just exceptionally, when a case can colapse a Court or a Judge (reinforcements measures) or illness of a Judge through previous substitution rules</u> <u>State Law: regulated in articules 84 y ss LOPJ (State Law)</u> <u>HC: the Superior Regional Court can do it, in its Government functions (reinforcement measures)</u> <u>C: Court's or Judicial District Judge Meetings can discuss about it, in order to elevate the agreement to the Superior Regional Court.</u>
HC		
C		
J		
NA		
2. Is there an objective method for allocating cases between judges?		DESCRIBE (measures/laws/practices)

S		<u>S- Normally by law specialized aspects or materias (arts. 84 y ss LOPJ -State Law-) (objective competence)</u> <u>HC According to the Law prevision, the Regional Superior Courts can allocate the competence to the different Judges of a same judicial district according to numbers or specialization</u> <u>C inside specialization, the Court's or Judicial District Judge Meetings numbers (usually electronic system)</u>
HC		
C		
J		
NA		
3. Is the information on the allocation of cases made available to the whole court organisation?		DESCRIBE (measures/laws/practices)
S		<u>HC</u> <u>Yes. In the allocation rules. (Superior Regional Court), where any judge can ask for having in his Court.</u> <u>C</u> <u>Yes. Allocation rules. (In the Own Court and Judicial District)</u>
HC		
C		
J		
NA		
4. Are measures taken to ensure a fair and efficient allocation of workload between judges (i.e. follow up of case flows, of the number of cases entrusted to each judge, of the speed of processing a case, stock-taking of external activities, etc.)?		DESCRIBE (measures/laws/practices)

S		<u>Normally it is not taken into account, but there is a possibility that (always previously to raise the case to the Court) establishes that a Judge can be competent on a quite hard and laborious matters (as a previous and objective decision) so he will be liberated from a high numbers of cases that are in other low difficult matter (example).</u> <u>However, once a case go into the Court, if it is not established this possibility, there will be no concrete measures for it.</u> <u>HC</u> <u>A number of cases are entrusted to each judge (exceptionally, reinforcement a Judge who seats or investigates a special case)</u> <u>C</u> <u>A number of cases entrusted to each judge (exceptionally, reinforcement a Judge who seats or investigates a special case)</u>
HC		
C		
J		
NA		
5. Are measures taken to ensure transparency in the allocation of files to judges (i.e. initial and public objective criteria)?		DESCRIBE (measures/laws/practices)
S		<u>HC</u> <u>yes. In the allocation rules that have been discussed by every Judges in the Judiciary District. These rules are approved by the Superior Regional Court, in its Government functions. So, since this moment, every Judges know that this rules have to bee comply and the stakeholders and law proffesional now it.</u>
HC		
C		
J		
NA		

III. GOAL SETTING		
1. Are performance targets (quantitative and qualitative) defined for courts?		DESCRIBE (measures/laws/practices)
S		<u>NO, as a rule. There are some non binding recommendations of what is the highest workload you must have as a Judge, but it has not a compulsory neither legal consequences.</u> <u>HC</u> <u>Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish an strategy.</u> <u>J</u> <u>Actually, Just by the Judge can be set the goal.</u>
HC		
C		
J		
NA		
2. Does the court management translate the mission/vision into concrete and measurable objectives and priorities?		DESCRIBE (measures/laws/practices)
S		<u>NO, as a rule</u> <u>HC</u> <u>Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish an strategy..</u> <u>J</u> <u>Actually, Just by the Judge can be set the goal.</u>
HC		
C		
J		
NA		
3. Does it have performance indicators (quantitative and qualitative)?		DESCRIBE (measures/laws/practices)

S		<u>NO, as a rule</u> <u>HC</u> <u>Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish an strategy.</u> <u>J</u> <u>Actually, Just by the Judge can be set the goal.</u>
HC		
C		
J		
NA		
4. Does the court management determine critical success factors (elements that are necessary for an organization to achieve its mission) for achieving these objectives?		DESCRIBE (measures/laws/practices)
S		<u>NO, as a rule</u>
HC		<u>HC</u>
C		<u>Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish an strategy.</u>
J		
NA		<u>J</u>
5. Is the nature of pending cases systematically analysed?		<u>Actually, Just by the Judge can be set the goal.</u>
S		<u>NO, as a rule</u> <u>HC</u> <u>Exceptionally, if there is initiated a disciplinary or inspection procedure, the Superior Court can establish an strategy.</u> <u>C</u> <u>As an exception in the Court's or Judicial District Judge Meetings (reinforcement measures...)</u> <u>J</u> <u>In criminal Law Procedures (mainly investigation, the Prosecutor has this function too.</u>
HC		

C		
J		
NA		
6. Have objectives been determined for reducing the backlog of cases?		DESCRIBE (measures/laws/practices)
S		<u>NO, as a rule</u> <u>HC</u> <u>By the General Council/Sala Gobierno when there is an Inspection Control of the Court or through disciplinary measures</u> <u>J</u> <u>Actually, Just by the Judge can be set the goal.</u>
HC		
C		
J		
NA		
7. Does a quantitative evaluation system regarding the activity of each judge exist?		DESCRIBE (measures/laws/practices)
S		<u>NO, as a rule</u> <u>S- In order to outcomes of productivity</u> <u>HC</u> <u>Exceptionally if there is initiated a disciplinary or inspection procedure and in order to outcomes of productivity, it is possible to check how is going the work of a judge thorough judicial statistic.</u>
HC		
C		
J		
NA		
8. Does a qualitative evaluation system regarding the activity of each judge exist?		DESCRIBE (measures/laws/practices)

S		<u>NO, as a rule</u> <u>S</u> <u>In order to outcomes of productivity</u> <u>HC</u> <u>Exceptionally if there is initiated a disciplinary or inspection procedure and in order to outcomes of productivity</u>
HC		
C		
J		
NA		
9. Is each judge granted access to the information regarding his/her own court department?		DESCRIBE (measures/laws/practices)
S		<u>yes</u> <u>HC</u> <u>Through Judicial Statistics</u> <u>C</u> <u>Through Judicial Statistics</u>
HC		
C		
J		
NA		
10. Is each judge granted access to the information regarding his/her colleagues' department?		DESCRIBE (measures/laws/practices)
S		<u>HC</u> <u>Through Judicial Statistics</u> <u>C</u> <u>Through Judicial Statistics</u>
HC		
C		

J		
NA		
11. Is each judge granted access to the information regarding the whole court?		DESCRIBE (measures/laws/practices)
S		<u>HC</u> <u>Through Judicial Statistics</u> <u>C</u> <u>Through Judicial Statistics</u> <u>J</u> <u>NA</u>
HC		
C		
J		
NA		
12. Are the qualitative aspects of the performance of individual judges also part of the court human resources policy?		DESCRIBE (measures/laws/practices)
S		<u>S</u> <u>yes, by the State or Regional rules</u>
HC		
C		
J		
NA		

IV. CASELOAD MANAGEMENT		
1. Are measures taken to ensure adequacy between the judges functions and the files entrusted to them (training periods, specialisation, regrouping of cases, "test files", etc.)?		DESCRIBE (measures/laws/practices)
S		

HC	Yes	There is a training period after being appointed judge, comprising a course in the Judiciary School (in Barcelona) for nine months. And a period shadowing senior judges in different courts, for another 4 months. Act 6/1985 on Judicial Power, Section 307. There are similar training periods when a Judge changes his jurisdiction. Section 159, Regulation of the Judiciary: Administrative Courts, Employment and Social Security Courts; Commercial Courts and Gender Violence. Courts dealing with prison sentences, and underage Courts. Judges can be specialised in: Commercial matters; Underage jurisdiction; Administrative Law, Employment and Social Security Law. Seniority in dealing with certain cases is taken into account in order to promote to different positions within the judiciary. There is not regrouping of cases.
C		
J		
NA		
2. Does each judge have specific tools which enable him/her to know - in real time - the state of the pending cases within his/her department?		DESCRIBE (measures/laws/practices)
S		
HC		
C	Yes	At regional level, an official computer application (called Atlante, Adriano, Minerva, etc) allows judges to monitor in real time the cases they are dealing with. They can control applications and schedules. There is a specific application in each administrative region. There are some issues about the compatibility between those programs. The General Council of the Judiciary is developing tools in order to set standards in the use of the computer programs.
J		
NA		
3. Is he/she able to share this information with his/her administrative staff?		DESCRIBE (measures/laws/practices)
S		
HC		
C	Yes	Using the computer application, the judge can send messages and directions to his clerical staff. The system enables the use of alarms and reminders in each file.
J		
NA		
4. Is this information shared within the court?		DESCRIBE (measures/laws/practices)
S		
HC		

C	Yes	Each member of the Court (judges and clerical staff) has access to the files. However, access could be denied or restricted when necessary.
J		
NA		
5. Can judges take alternative, yet non-coercive measures to solve conflicts during a pending proceeding?		DESCRIBE (measures/laws/practices)
S	Yes	Pursuant to Act 5/12 on mediation in civil and commercial matters. ADR is being promoted by law, according to European directives. In the common track (juicio Ordinario), the judge inform parties in the preliminary hearing (Audiencia Previa), sect 414. The parties must inform the judge about their decision regarding the use of mediation and the reasons involved. The claimant and defendant have to agree to use the mediation process. Similarly, in the fast track (verbal), artículo 440
HC		
C		
J		
NA		
6. Are court proceedings (in principle) open to the public?		DESCRIBE (measures/laws/practices)
S	Yes	According to Spanish Constitution and Act 6/1985 on Judicial Power, section 232 all hearings are open to public. The publicity can be restricted in cases in which the public order could be affected, and to protect certain rights (children or underage, disabled people).
HC		
C		
J		
NA		
7. Is the judge able to organized the he proceedings in an expedient manner to solve the conflict?		DESCRIBE (measures/laws/practices)
S	No	In principle procedural rules are binding and must be followed according to a standard, previously set procedure. There is not enough room of manoeuvre for the judge within the proceedings to change it.
HC		
C		
J		
NA		
8. Are the proceedings arranged and carried out in such a manner that the expenses for the parties and others involved in the proceedings		DESCRIBE (measures/laws/practices)

are minimised?		
S	No	In general, there is no specific rule in order to keep low the costs of proceedings. Yet certain provisions in different laws regarding the number of witnesses (artículo 363 Civil Procedure Law), expert witnesses and the use of technology to obtain evidence are intended to minimise costs. Video conferences are widely use in order to prevent long commutes to courts. The economic amount of procedures is taking into account to asses the fees of lawyers. Maximum ammounts rules are aplicable.
HC		
C		
J		
NA		
9. Do judges /prosecutors have the competence/authority to hand over certain disputes to mediators?		DESCRIBE (measures/laws/practices)
S	Yes	Pursuant to Act 5/12 on Mediation in Civil and Commercial Matters, judges can suggest to, or advice parties the use of mediation. Though mediation is not compulsory, and is for the parties to decide if they want to use the ADR. Though they must explain the reasons for not doing so (in theory).
HC		
C		
J		
NA		
10. Does it exist routines to safeguard that mediation does not delay the case unnecessarily?		DESCRIBE (measures/laws/practices)
S	No	Pursuant section 20 of the aforementioned law, mediation process must be swift, but there is no a specific provision to prevent delays. Parties can agree on a deadline to the mediation process. Parties can decide anytime to leave mediation in the middle of the process.
HC		
C		
J		
NA		
11. Is there a policy for preparing the hearings?		DESCRIBE (measures/laws/practices)

S	Yes	In civil matters, there is a preliminary hearing in the common track (ordinario). One of its goals is for the judge to do case management, clarify points with parties, try to reach a settlement, inform about mediation, and decide about evidence. Judges give directions to Clerk of the Court in order to schedule hearings and trials.
HC		
C		
J		
NA		
12. Is a court hearing scheduled within some days after having received the case, in cooperation with the counsels of the parties?		DESCRIBE (measures/laws/practices)
S		In civil matters, case are allocated to either a common track or a fast track. Each provide different rules about scheduling proceedings which in general do not take into account the counsel of the parties. Yet in the preliminary hearing the main trial is scheduled in cooperation with counsel. Parties can apply to change schedule if there is a proper reason to do so.
HC		
C		
J		
NA		
13. Is the duration of the proceedings and the time needed to prepare for the main court hearing decided in cooperation with the counsels of the parties?		DESCRIBE (measures/laws/practices)
S	No	The duration of proceeding is not previously set by the judge or parties. Though judges can establish some general rules regarding a specific case
HC		
C		
J		
NA		
14. Is there a system for measuring the timely start of hearings?		DESCRIBE (measures/laws/practices)
S	No	The Council of Judiciary Inspection of Tribunals regularly analyses the measures adopted to prevent delays, when inspecting courts. And give proper advices or guidelines in that matter.
HC		
C		
J		
NA		

15. Are parties informed when the hearing is adjourned or delayed?		DESCRIBE (measures/laws/practices)
S	Yes	According to spanish law, parties should be notified as soon as possible when the hearing is adjourned or delayed. LAW 1/2000, ON CIVIL PROCEDURE Any kind of electronic means of communications can be used.
HC		
C		
J		
NA		
16. Is there an information system which is used for determining an efficient schedule of court sessions?		DESCRIBE (measures/laws/practices)
S	No	In criminal cases, there is a schedule shared by the Police and Courts to set hearings related with certain crimes, in order to speed the process. It is used for the summons of victims, witnesses and expert witnesses.
HC		
C		
J		
NA		
17. As regards judges: - do they prepare court files bearing in mind oral investigation? - do they have the ability to improve the understanding of their role by the various players in the proceeding? - do they control the allocation of the parties and witnesses' speaking time? - do they control the police of the trial in an appropriate way? - do they take into account the parties and witnesses' expectations within the oral phase of the proceeding? - do they control the timetable of the proceeding? - do they begin the hearings at time?		DESCRIBE (measures/laws/practices)
S		It is very difficult to make a comprehensive assessment about those questions. Judges organise their heavy workload in order to be efficient and deal with as many cases as possible. Judges give directions to Clerk of the Court in order to schedule hearings and trials. There are no specific rules and you can find significant differences between courts. Act 6/1985 on Judicial Power orders judges to direct the hearings and control its development, with specific powers such as fining lawyers or public, sections 190 and 192. In general Judges try to set maximum times in oral hearings for the lawyers to make their pleadings and petitions. Lately, certain courts are establishing the maximum numbers of words used in applications and appeals (administrative courts), according to sect 87 bis of the Predural rules Oral hearings do not usually begin in time and delays are rather frequent.

HC		
C		
J		
NA		
18. Are summonses for hearings sent at the earliest period possible, to avoid unnecessary waiting time (scheduled appointments, time slot, etc) ?		DESCRIBE (measures/laws/practices)
S	Yes	Courts are using the modern means of communication to summon parties and witnesses, such as fax and e-mail. Section 230.
HC		
C		
J		
NA		
19. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons given?		DESCRIBE (measures/laws/practices)
S	Yes	Certain cases are prioritised by law. In general, parties are not allowed to apply for exceptions, and the system works in a first come first served basis. In really special situations, the Clerk and the judge can decide to change the schedule
HC		
C		
J		
NA		
20. Is there a policy for setting foreseeable and optimum timeframes?		DESCRIBE (measures/laws/practices)
S	no	
HC		
C		
J		
NA		
21. Are standards or norms concerning the acceptable length of judicial proceedings defined?		DESCRIBE (measures/laws/practices)
S	No	No standards apply to the length of proceedings. The General Council of Judiciary sets standards regarding the number of cases with can be properly deal in any court. It also decides the number of cases that each Judge should adjudicate on a yearly basis. Statistics and data are regularly collected in order to control and assess the productivity of Judges.

HC		
C		
J		
NA		
22. Is there a policy for managing case flows preventing delays?		DESCRIBE (measures/laws/practices)
S	No	Not in general, though certain Courts can establish standards on its own motion.
HC		
C		
J		
NA		
23. Are measures taken to speed up delayed cases and to reduce the backlog?		DESCRIBE (measures/laws/practices)
S		The Law sets a system of exceptional measures to help to reduce backlog, section 216 bis. Those are, mainly, the provisional appointment of additional judges to a court. It also can be the exclusion of a Judge in dealing with new cases in order to concentrate in one regarded to be very difficult.
HC		
C		
J		
NA		
24. Is there an active role for the judge in the management of the timelines of the proceedings?		DESCRIBE (measures/laws/practices)
S	No	There is not that specific provisions. Though, in general, the judge is responsible for all cases in his court.
HC		
C		
J		
NA		
25. Can parties negotiate with the court on the timeframes that will be used?		DESCRIBE (measures/laws/practices)
S	No	
HC		
C		
J		
NA		

26. Is there a timeframe set for delivering the decision after the court hearing?		DESCRIBE (measures/laws/practices)
S	Yes	There are deadlines set for the delivery of judicial opinions in all proceedings. In general, they range between 20 days for the common track (ordinario, difficult cases) or 10 days in cases allocated to the fast track (verbal). If those deadlines are not respected, the proceeding is not deemed void or null, but judges could be fined and can be held responsible.
HC		
C		
J		
NA		
27. Is there a policy concerning the enforcement of judicial decisions?		DESCRIBE (measures/laws/practices)
S		
HC		In general, decisions are only enforced when a party applies for enforcement, setting up an special proceeding. The court do not act on its own motion.
C		
J		
NA		
28. Is there a system of notification of judicial decisions ?		DESCRIBE (measures/laws/practices)
S	Yes	As a rule, all decisions are notified to parties and to anyone that could be interested. There are professionals called Procuradores who receive notice, and Procuradores are allowed to notify themselves according to Act 42/15 Electronic means of communications such as restricted computer platforms are now used to notify. Section 152 Applications are to be summited electronically, section 135 (zero paper policy). Parties must inform about their emails in order to receive all communications.
HC		
C		
J		
NA		
29. Is there a maximum timeframe defined between the final decision of a judge and the notification of the decision to the parties?		DESCRIBE (measures/laws/practices)
S		
HC		All decisions should be notified to parties in three days maximum. Section 151
C		
J		

NA		
30. Is the timeframe between the final decision of a judge and the enforcement of the judicial decision periodically monitored?		DESCRIBE (measures/laws/practices)
S		
HC		The Council of Judiciary Inspection of Tribunals regularly analyses the measures adopted to enforce decisions, when inspecting courts. And give proper advices or guidelines in that matter.
C		
J		
NA		
31. If the enforcement of decisions is entrusted to members of a specific profession (bailiffs, etc), are they supervised by the judicial authorities?		DESCRIBE (measures/laws/practices)
S		
HC		Procuradores have a special role in the enforcement of decisions, but most of them are enforce by public officials (bayliff)
C		
J		
NA		
32. Does a case management information system exist for the recording and monitoring of court files and cases?		DESCRIBE (measures/laws/practices)
S		
HC	No	The computer application could be used for this purpose. All hearings are recorded in video and audio (videotaped).
C		
J		
NA		
33. Is there a specific policy concerning archiving of court files and court decisions?		DESCRIBE (measures/laws/practices)
S		Specific rules govern the archiving of court files, which is supervised by the Law Clerks. They also decide who is entitled to obtain copies of the files or to be granted access to it.
HC		
C		
J		
NA		
34. Does an electronic information system for archiving court cases and decisions exist?		DESCRIBE (measures/laws/practices)
S		

HC		The CENDOJ (depending of the General COuncil of Judiciary) regularly analise and publish all decisions made by the Supreme Court and Court of Appels. And those made by judges which can be relevant. The Data base is open to the public, though names of parties are changed in order to protect privacy and comply with privacy rules.
C		
J		
NA		
35. Does a court system of electronic files exist?		DESCRIBE (measures/laws/practices)
S		
HC		According to Law 42/2015, beginning in January 1th 2.016, electronic means of communication will substitute paper and no paper should be used in the courts. Each file has a particular number of reference, given by the computer application. Following the zero paper policy, all applications and documents are electronically submitted to the court.
C		
J		
NA		
36. Is it possible to submit documents to the court in electronic form?		DESCRIBE (measures/laws/practices)
S	Yes	It is not only possible, but in fact is mandatory in civil proceedings. This year a Zero Paper Policy has been implemented, and applications and documents are filed in electronic form. The use of digital signature is necessary.
HC		
C		
J		
NA		

V. COURT PERFORMANCE STANDARDS		
1. Is there a system to monitor the workload of each judge continuously?		DESCRIBE (measures/laws/practices)
S		
HC		Judges' professional performance is currently evaluated through a monitoring procedure. The system basically takes into consideration the quantitative aspect of the professional performance of judges (i.e. the number of judgments and decisions issued in their respective

		courts per year), and does not make an assessment of the qualitative aspect of the contents of the decisions, in as far as this aspect of professional assessment could conflict with judicial independence. However, the qualitative aspect of professional performance of Spanish judges is assessed by the relevant Committees of the General Council for the Judiciary and by its Plenary when appointing Chairpersons of the respective courts, and Justices of the Supreme Court, since the Council should make this appointment on the basis of merit and professional qualification of the candidates. The competences of the General Council for the Judiciary in the field of evaluation of professional performance of judges are exercised by means of the Judicial Inspection Department under the General Council, which has a special unit devoted to assessing judges' performance. The Head of the Inspection Department is a very high official of the Council, who is appointed by the Plenary of the Council. The Organic Law on the Judiciary (sections 148 & 171), allocates the verification and control of the functioning of the judicial administration's services to the Inspection Department, via proceedings and inspections that must be approved by the General Council for the Judiciary. The Judicial Inspection Department under the General Council for the Judiciary is structured in several Inspection Units composed by judges and court registrars and other civil servants with at least 5 years of professional experience who are seconded to the Judicial Inspection Department on the basis of a decision made the Plenary of the Council. The decisions on the evaluation of professional performance of Spanish judges are formally made by the Standing Committee of the Council on the basis of the proposals of the Judicial Inspection Department. Under the Organic Law on the Judiciary (section 130.1) the Standing Committee of the Council is composed by the Chairman of the General Council (who also chairs this Committee) and four other members of the Council appointed to sit at the Standing Committee by a majority of three fifths of the members of the Council, following a decision passed by the Plenary of the Council. Neither the Ministry of Justice nor the Chairman of the respective court plays any role in the process of evaluation of professional performance of Spanish judges. However, it has to be born in mind that the Ministry of Justice is the body responsible for the payment of judicial salaries. This means that the contents of the decision issued by the Standing Committee of the Council as to the evaluation of professional performance and the accomplishment of performance targets by all Spanish judges must be formally notified to the Ministry of Justice (in particular to the Secretary of State of Justice), so that the Ministry proceeds to pay the bonuses of the judicial salary which are linked to the achievement of the performance targets.
C		
J		
NA		
2. Is the court performance periodically evaluated?		DESCRIBE (measures/laws/practices)
S		
HC		Yes. In ordinary and extraordinary means. The procedure for the evaluation of professional performance is regulated in the legal norms that

		develop the system, such as the Act on Judicial salaries currently in force (Act nº 15/2003, of 26th May) and the secondary legislation passed by the General Council for the Judiciary on the basis of its regulatory powers (such as Regulation nº 2/2003 of the General Council for the Judiciary, and decisions of the Plenary of the Council of 31st May 2000, 9th October 2003, 8th February 2006, 21st February 2006, 24th June 2006, and 22nd April 2010). Under the new guidelines of the Inspection Department under the General Council for the Judiciary the procedure begins with the collection of the relevant information concerning the professional performance of each judge, which is normally gathered by the Inspection Department on the basis of the statistical data provided by the courts to the General Council. Taking into account the statistical data collected the Judicial Inspection Department of the General Council for the Judiciary submits a proposal concerning the level of achievement of performance targets to the Standing Committee of the Council, which is the responsible body to make the decision as to the level of achievement of the performance targets. The decision made by the Standing Committee of the General Council for the Judiciary is formally notified to the Ministry of Justice (Secretary of State of Justice), which is the body responsible for the payment of judicial salaries. As already explained, the evaluation of professional performance is taken into account under the Act on Judicial Salaries currently in force, in order to fix the amount of the variable component of the judicial salary (bonus), which is connected to the achievement of performance targets. On the other hand, it is necessary to bear in mind that the system of evaluation of professional performance does not contemplate the grading of judges, since it only contemplates the percentage of accomplishment of a predetermined standard/target regarding the number of judgments/decisions or other judicial actions, depending on the type of court, branch of the jurisdiction, etc..
C		
J		
NA		
	3. Is there a policy on the publication of the evaluation results?	DESCRIBE (measures/laws/practices)
S		
HC		All statistics regarding each and every Court are published in the site of the Council. The interventions of the Inspection Service remain generally undisclosed except for the Court Itself.
C		
J		
NA		
	4. Are quality regulations and standards or indicators, periodically evaluated?	DESCRIBE (measures/laws/practices)
S		
HC		The criteria and indicators of the evaluation of Spanish judges are only referred to objective quantitative data (such as, incoming cases; closed cases; decisions issued by each judge/court; pending cases and backlogs). These indicators basically provide information regarding workload and quantitative performance of judges (and indirectly speed and timeliness of proceedings), but do not assess other aspects (quality and contents of the judicial decisions, impartiality, integrity and expertise of judges, uniform application of the law, etc.), the evaluation of

		which could collide with judicial independence, according to the Spanish approach on this matter. Thus, no body of self-governance or self-administration of the Judiciary (including the Judicial Inspection Department, the Standing Committee and the Plenary of the General Council for the Judiciary) may correct or evaluate any judge's application or interpretation of the Law outside of the system of statutory appeals and remedies, under the pretext of assessing the performance of the judge. In this respect, the main element is the comparison of the performance of each judge with a predefined standard regarding the number of judgments and decisions to be issued by each court or judge, depending on the branch of the jurisdiction, kind of court, etc. The procedure used to define the performance target is based on a survey on the functioning of different courts in order to assess the average length of each kind of proceeding and the average work time devoted to each kind of proceeding or action by the judge or judges responsible for its adjudication. Thus, the Council for the Judiciary has established the workload that can be assumed by judges, setting the target for each type of judicial body and fixing a scoring for each type of case in each branch of the jurisdiction.
C		
J		
NA		
	5. Following the evaluation results, have measures been identified and implemented to improve the situation?	DESCRIBE (measures/laws/practices)
S		
HC		Evaluation of professional performance of judges in Spain has several aims: A) The system of performance evaluation is helpful in order to ensure the good functioning of the judicial system by foreseeing and preventing any possible malfunctioning of the judicial bodies. In this respect it can be of assistance in order to make decisions regarding the number of courts and judicial positions in each court of the country, including programmes of reinforcement in overburdened courts. The performance targets have helped the General Council for the Judiciary define the maximum workload of every judge/court of the country through the system of "input measures/output measures" (módulo de entrada de asuntos/módulo de dedicación), according to the specificities of each court. When the input measures of the judges/courts of a city in the country are exceeded, the Council makes a reasoned proposal to the Ministry of Justice in order to have new courts or positions for additional judges installed in that city or to develop and implement temporary programmes of reinforcement in overburdened courts. B) On the other hand, performance evaluation could also be helpful in order to adopt decisions by the relevant Committees or the Plenary of the General Council for the Judiciary concerning disciplinary liability of Spanish judges. So, for instance, the disciplinary liability for delays of judges who achieve the predetermined performance targets is normally discarded or mitigated taking into account the fact that standards of performance defined by the Council for the Judiciary have been met.
C		
J		

NA		
	6. Are these improvements monitored?	DESCRIBE (measures/laws/practices)
S		
HC		Yes. In Spain the competent body for the inspection of courts is the Inspection Department under the General Council for the Judiciary. According to the relevant provision of the Spanish Constitution (section 122.2) the General Council for the Judiciary exercises its function "in connection with appointments, promotions, inspection and the disciplinary system" (of the Judiciary). Developing the constitutional provision, the Organic Law on the Judiciary currently in force (sections 148 & 171), allocates the verification and control of the functioning of the judicial administration's services to the Inspection Department, via proceedings and inspections that must be approved by the General Council for the Judiciary. In order to fulfill its mission, the Inspection Department must adopt the necessary measures, and state the dysfunctions and need for human and material resources that become apparent in the course of the inspections. The inspections are normally carried out by the Department in situ, with the judicial inspectors making the visits required to evaluate the situation and functioning of the judicial body, as well as the quality of the service provided. Furthermore, the inspections may also be performed on-line from the seat of the Department, to check the situation of all the Spanish judicial bodies. As it has already been explained, the Judicial Inspection Department under the General Council for the Judiciary is structured in several Inspection Units composed by judges and court registrars and other civil servants with at least 5 years of professional experience who are seconded to the Judicial Inspection Department. The Inspection Units operate under the supervision of the Head of the Inspection Department. In order to determine the quality of the service provided by the inspected body, the Inspection Unit responsible for the inspection of a judicial body collects data related to quantitative and qualitative parameters (such as, response time for processing, ruling and notifications, stays of proceedings, rulings index, organization and management of cases, compliance with the principle of immediacy, legal reasoning and language of the rulings and decisions, accessibility of the judge and staff for legal professionals and citizens, correct behaviour, adequate enforcement of the rulings and decisions, etc.). After the Inspection Unit has finished an inspection a report is drawn up, setting out the proposals deemed necessary to improve the body inspected and, consequently, the quality of the service it provides. The proposals may vary widely, depending on the dysfunctions detected, which in some cases may be due to a lack of resources, and are generally made after the inspections and as a result thereof. The Inspection Department under the Council for the Judiciary is also responsible for the implementation of the proposals approved by the Inspection Department's Management. The implementation of the proposals is monitored by the respective Inspection Unit in the terms stipulated in the inspection report. Apart from the competences of the Inspection Department under the General Council for the Judiciary concerning judicial inspections, the Inspection Department also plays an important role in the evaluation .
C		

J		
NA		
7. Is the percentage of cases recorded and published?		DESCRIBE (measures/laws/practices)
S		
HC		Yes, every one of them in the annual report of the TSJ and the final resume in the site of the Council.
C		
J		
NA		
8. Is the percentage of appeals recorded and published?		DESCRIBE (measures/laws/practices)
S		
HC		Yes, in the web of the Council
C		
J		
NA		
9. Is the productivity of judges and court staff recorded and published?		DESCRIBE (measures/laws/practices)
S		
HC		They are published the number of decisions produced and the number of pending cases. By Courts individually.
C		
J		
NA		
10. Is the length of proceedings systematically recorded and published?		DESCRIBE (measures/laws/practices)
S		
HC		No, they are not.
C		
J		
NA		
11. Is it possible to determine the total number of incoming, pending and decided cases in a given period?		DESCRIBE (measures/laws/practices)
S		
HC		In order to set the maximum number of cases that judicial bodies can assume, the Plenary of the Council has recently approved a new model that has entered into operation in January 2013. The model takes into consideration - The statistical data provided by the Council's Statistics Department with regards to the bodies whose ruling rate (ratio between the number of incoming cases and cases adjudicated) varies between 0.9 and 1.1, and on which the statistical mean for the past three years is based. Therefore, the evaluation takes into account the actual workload supported by the judicial bodies, rather than the number of incoming cases alone, thus making the statistical information used to calculate the means more reliable. In addition, the result obtained is refined by calculating the average of the mean, to which the reducing percentages are applied on the basis of the overload of work detected in each branch of the jurisdiction. This is because some judicial bodies have been saturated by working at levels much higher than the standards set by the Council. The idea underlying the model is to prevent that an exceptional situation in the courts could be considered a normal or reasonable workload. - Distinctions based on types of procedure are not contemplated, and therefore, rather than using a single figure, the statistics are based on a range of incoming cases capable of absorbing annual fluctuations in the complexity of the procedures and notable variations between territories. Therefore, it is a matter of establishing

		minimum and maximum values within which the adequate workload can be measured, taking into account the type and peculiarities of each judicial body at the time the evaluation is made (number of court staff, mobility, percentage of contracts for substitutions in staff, implementation of the new judicial office, complexity of the incoming cases, territorial singularities, etc.). Said range has been set at +/-9% for all bodies.
C		
J		
NA		

CASE ALLOCATION SYSTEM: LITHUANIA'S EXPERIENCE (INSTANCE OF KAUNAS REGIONAL COURT)

Lecturer – Nerijus MEILUTIS

Judge, chairman of Kaunas Regional Court

May 23-24, 2016

Lisbon (Lisboa)



Portugal - 92 391 km²,
10 605 870 inhabitants,
114,79 persons/km²



Lithuania - 65 300 km²,
2 878 696 inhabitants,
45.3 persons/km²

JUDICIAL COURTS (ORDEM JUDICIAL) IN PORTUGAL AND COURTS OF GENERAL JURISDICTION IN LITHUANIA



Judicial Courts in Portugal (Ordem Judicial)

Supreme Court of Justice
(*Supremo Tribunal de Justiça*)
Second Instance Courts (5)
(*Relações*)
Judicial Courts of First Instance (23)
(*Comarcas*)



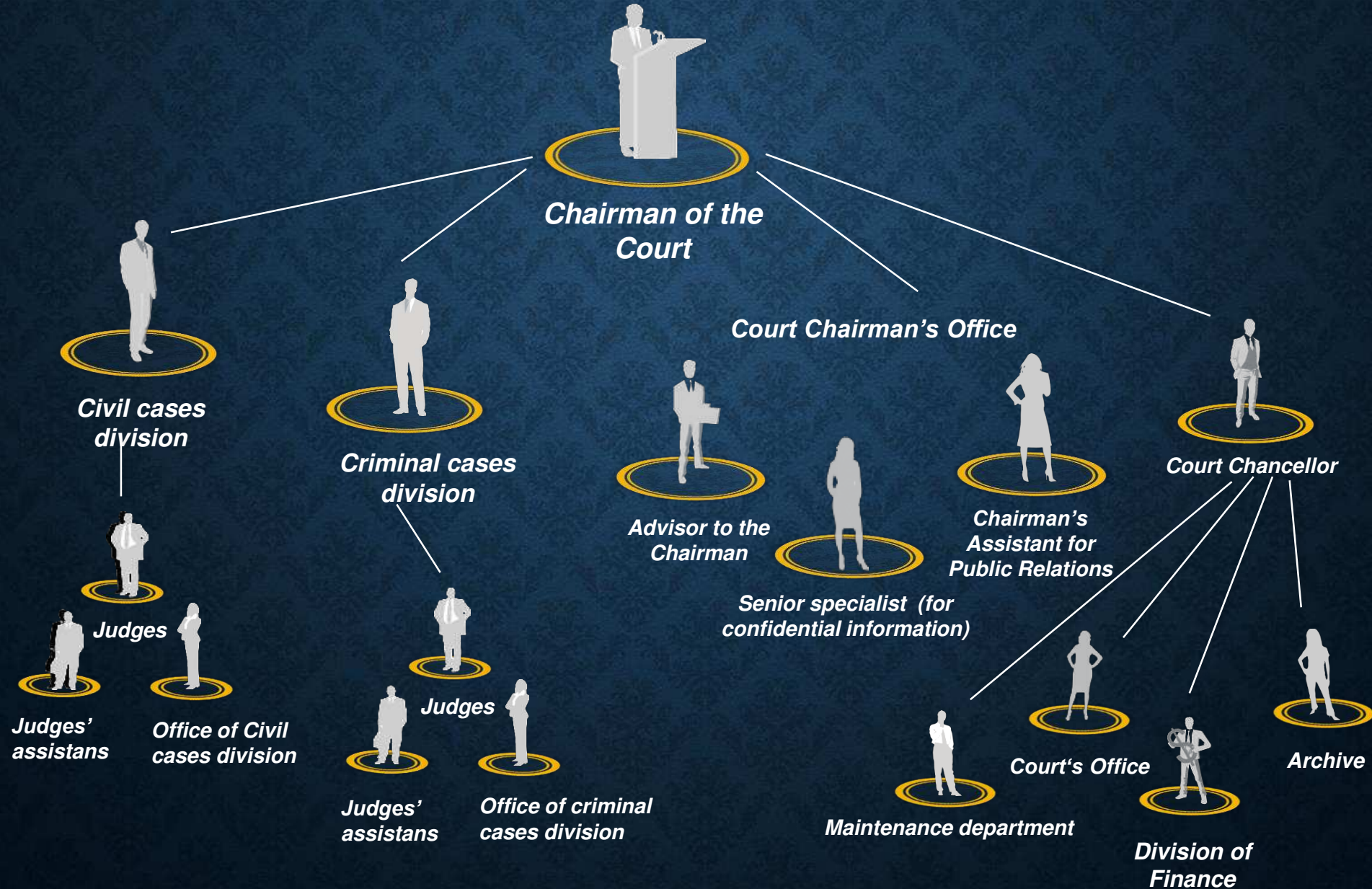
Courts of General Jurisdiction in Lithuania

The Supreme Court of Lithuania
Court of Appeal of Lithuania
Regional Courts (5)
District Courts (49)



- **Kaunas Regional Court** is one of 5 regional courts in Lithuania;
- Kaunas judicial region covers approximately 1/3 of the country's territory (approximately 20 000 km²; approximately 1/3 of country's inhabitants live in the territory covered by Kaunas judicial region; 13 district courts belong to Kaunas judicial region.

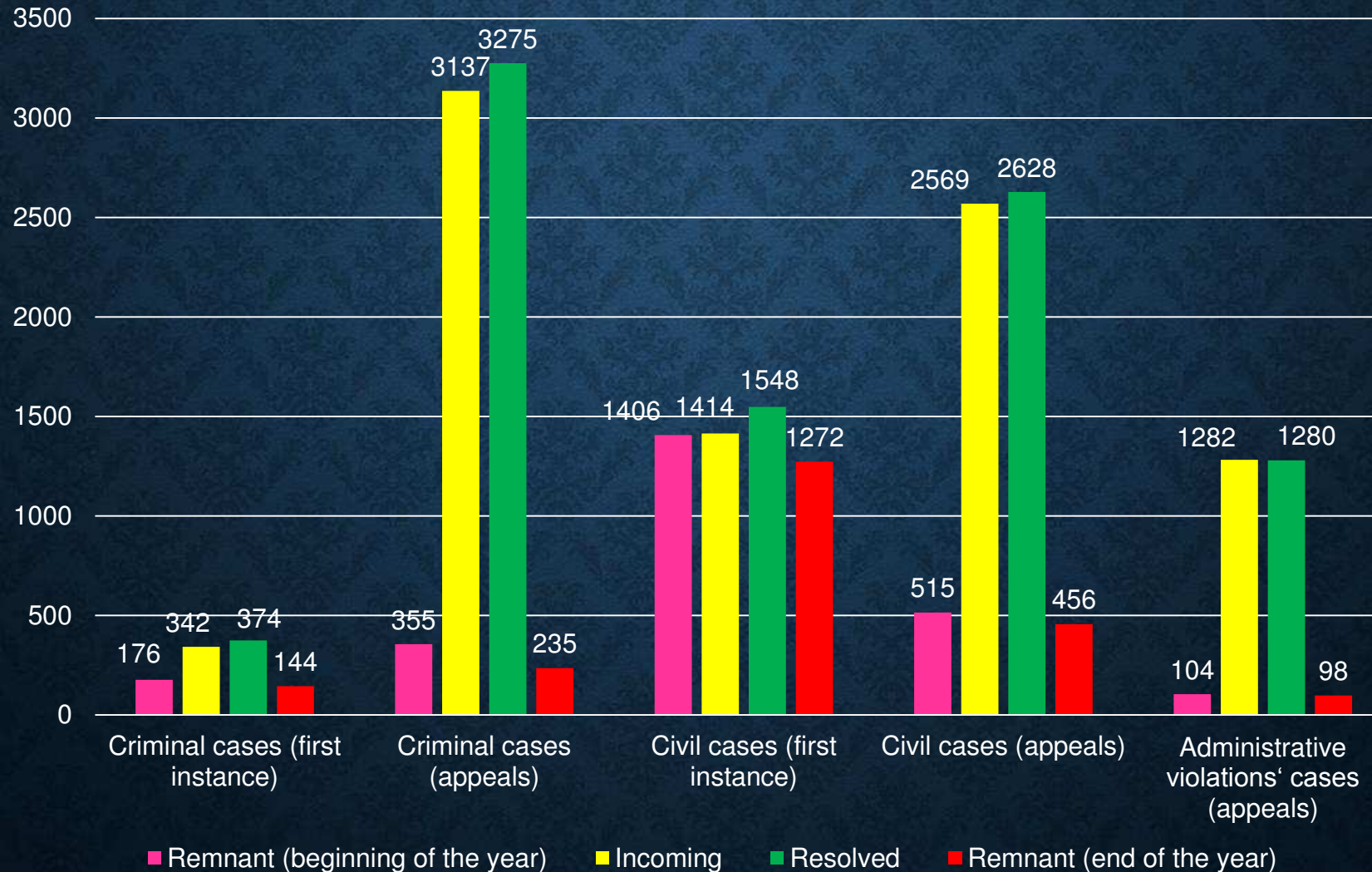
COURT'S STRUCTURE



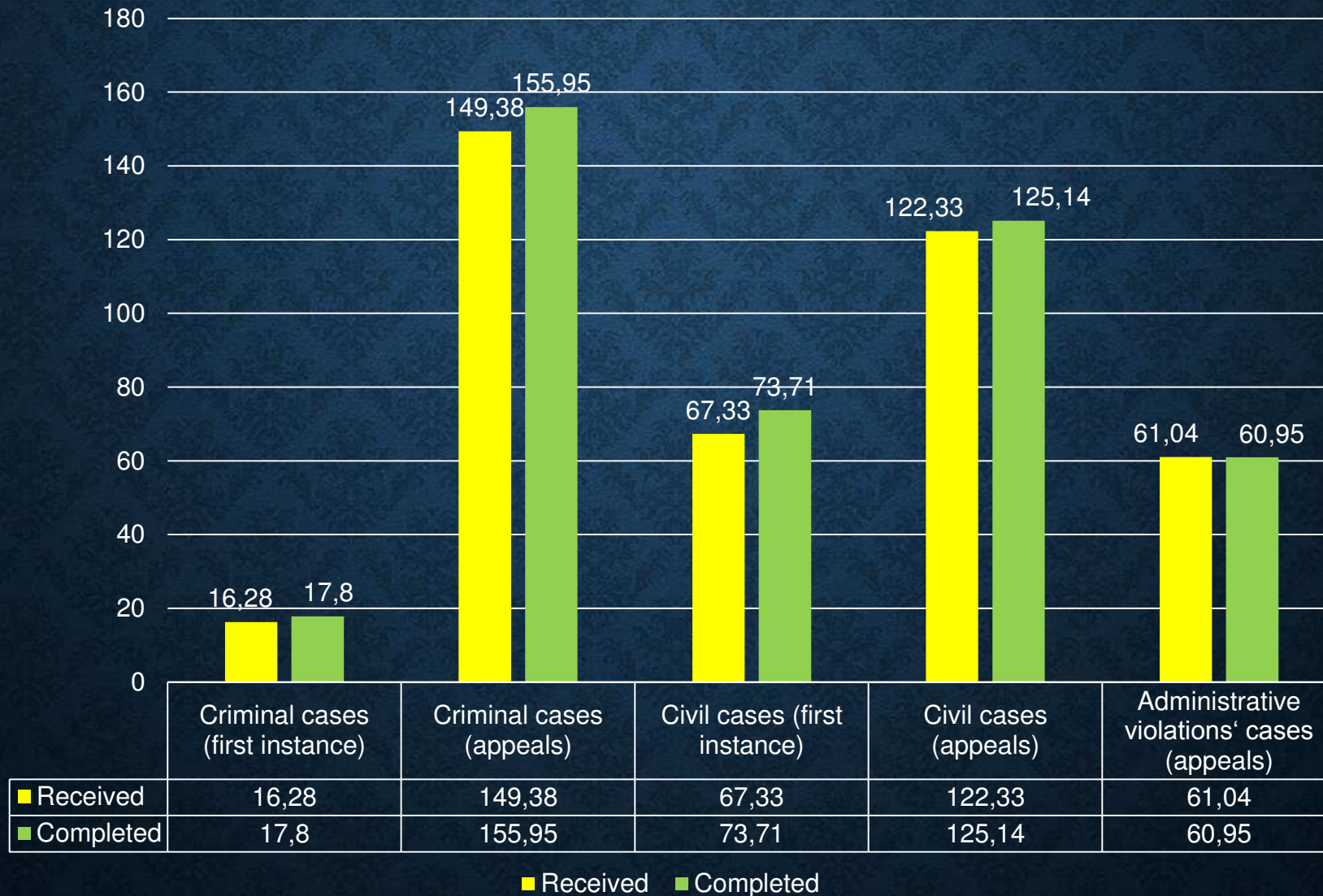
NUMBER OF NEW CASES RECEIVED IN KAUNAS REGIONAL COURT IN 2015

	Remnant (beginning of the year)	Incoming	Resolved	Remnant (end of the year)
Criminal cases (first instance)	176	342	374 (+362 pleadings regarding execution of sentences)	144
Criminal cases (appeals)	355	3137	3275	235
Civil cases (first instance)	1406	1414	1548	1272
Civil cases (appeals)	515	2569	2628	456
Administrative violations' cases (appeals)	104	1282	1280	98

NUMBER OF COMPLETED CASES IN KAUNAS REGIONAL COURT IN 2015



APPROXIMATE NUMBER OF RECEIVED AND COMPLETED CASES FOR 1 JUDGE



ALLOCATION OF INCOMING CASES

Goals:

- **Transparency of case allocation**
- **Equality of workload**
- **Public availability of information on allocation of cases**

ALLOCATING OF CASES IN KAUNAS REGIONAL COURT: LIST OF INCOMING CASES

LITEK

LIETUVOS TEISMŲ INFORMACINĖ SISTEMA

Kauno apygardos teismas

Gautų elektroninių dokumentų: 6/3

Pradžiai | Dokumentai | Bylos | IT | IBPS | Šalys | Užimtumas | Kiti teismai | Administravimas | Bylų skirstymas | Spec. info | Senos funkcijos | Teismų praktika

Funkcijos: Skirstyti bylas | Skirti posėdį ir kolegiją | Redaguoti kolegijas | Skirstymo protokolai | Teisėjų specializacijos ir skyriai, išlyginamasis krūvis | Specializacijos | Budintys teisėjai | Priežasčių šablonai

Išėiti | Pagalba

Prisijungė: Oksana Šimašis

Bylų eilės formavimo kriterijai

Bylos tipas: visos bylos

Skirstymo grupė:

Byla dėl:

Numerio šablonas: -- numeris be šablono --

Bylų skirstymas skubos tvarka

Leisti skirstyti skubos tvarka: ☐

Atrinkti

Teisėjų sąrašo formavimo kriterijai

Atsižvelgti į specializaciją ☒

Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius) ☒

Galima priskirti teismo pirmininkui ☒

Galima priskirti teismo pirmininko pavaduotojui ☒

Galima priskirti skyriaus pirmininkui ☒

Užimtumo skaičiavimas

Užimtumą skaičiuoti eilės viduje: ☒

Bylų eilė:

Nr.	Metai	Bylos tipas	Bylos Nr.	Skirstymo grupė	Šalys	Gauta	Bylos esmė			
1	2016	BB	1-25-XX/2016	I grupė	kaltinamasis:Sebastian Gorlewski	2016.05.16 00:00:00	Muitinės apgaulė, neteisėtas disponavimas akcijais apmokestinamomis prekėmis	Priskirti	Negali nagrinėti	Privalo nagrinėti
2	2016	ATPB	ATP-515-XX/2016	I grupė	liudytojas:Vaida Vainilavičienė administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Modestas Pranevičius institucija/pareigūnas, surašęs ATP protokolą:Kauno apskrities VPK Kėdainių r. PK	2016.05.16 00:00:00	Pažeidimai, kuriais kėsinama į nuosavybę		Negali nagrinėti	Privalo nagrinėti
3	2016	ATPB	ATP-516-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Andrius Barčis administracinė atsakomybėn traukiamo/patraukto asmens atstovas:Advokatas Linas Mažonas institucija/pareigūnas, surašęs ATP protokolą:Kauno apskrities Vyriausiojo policijos komisariato Kelių policijos valdyba	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
4	2016	ATPB	ATP-517-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Tomas Gervelis institucija/pareigūnas, surašęs ATP protokolą:Marjampolės apskrities vyriausiasis policijos komisariatas	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
5	2016	ATPB	ATP-518-XX/2016	I grupė	liudytojai:Dainius Žvaliauskas ir kt. administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Aivaras Kubilius administracinė atsakomybėn traukiamo/patraukto asmens atstovas (apelianto atstovas):Žydrūnas Ambrizas institucija/pareigūnas, surašęs ATP protokolą:Alytaus apskrities VPK Prienų rajono PK	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
6	2016	ATPB	ATP-519-XX/2016	I grupė	administracinė atsakomybėn traukiamas/patrauktas asmuo (apeliantas):Daumantas Dapkus institucija/pareigūnas, surašęs ATP protokolą:Marjampolės apskrities vyriausiojo policijos komisariato Vilkiškių rajono policijos komisariatas	2016.05.16 00:00:00	Pažeidimai transporte		Negali nagrinėti	Privalo nagrinėti
Nr.	Metai	Bylos tipas	Bylos Nr.	Skirstymo grupė	Šalys	Gauta	Bylos esmė			

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ASSIGNMENT OF THE CASE

Teisėjo skyrimo protokolais byloje Nr. eB2-2020-638/2016

Paskirtas teisėjas

Labokaitė, Diana

Data

2016.05.16 10:26:07

Vartotojas

Q.Šimaitis

Bylos duomenys:

Bylos numeris: 2-56-3-00656-2016-2

[eB2-2020-XX/2016](#)

Bylos tipas: civilinė byla

Byla: Dėl įmonių, bendrovių bankroto

Bylos šalys: Valstybinio socialinio draudimo fondo valdybos Kauno skyrius (ieškovas)
UAB Agnita (atsakovas)

Bylos skirstymo grupė: II grupė

Bylų svorio koeficientas: 10

Tomų skaičius: 0

Teisėjų sąrašo kriterijai

Atsižvelgti į specializaciją: **Taip**

Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): **Taip**

Galima priskirti teismo pirmininkui: **Taip**

Galima priskirti teismo pirmininko pavaduotojui **Taip**

Galima priskirti skyriaus pirmininkui **Taip**

Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl juridinių asmenų bankroto, B2-[NUMERIS]-[TEISEJAS]/[META14]

Nustatyti koeficientai:

Dienų skaičius: 90

Užimtumo (Uk): 10

Specializacijos (Spk): 1000000

Atsitiktinumo (Ak): 1

$$U*Uk+P+Sp*Spk-Sk+A*Ak=Rk$$

Teisėjų sąrašas:

Teisėjas	Pareigos	Bylų vno:	Bylų svoris vno:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išp. kravis:	Užimt. (U)	Pareig. (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Labokaitė Diana 638	Teisėjas(a)	341	3410	5	50	0	50	0	0%	0	143	3217	0	0	0	92	32262		
Lozoraitytė Virginija 221	Teisėjas(a)	341	3410	14	140	0	140	0	0%	0	55	3215	0	0	0	90	32240		
Nėnienė Izolda 273	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	25	3215	0	0	0	81	32231		
Rimdeikaitė Albina 480	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	30	3210	0	0	0	68	32168		
Indreikienė Nijolia 230	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	27	3213	0	0	0	28	32158		
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(e)	341	3410	11	110	0	110	0	30%	48	46	3206	0	0	0	98	32158		
Burzdikas Evaldas 601	Teisėjas(a)	341	3410	18	180	0	180	0	0%	0	19	3211	0	0	0	5	32115		
Jachimavičius Leonas 173	Teisėjas(a)	341	3410	20	200	0	200	0	0%	0	4	3206	0	0	0	53	32113		
Blaževič Galina 153	Teisėjas(a)	341	3410	17	170	0	170	0	0%	0	37	3203	0	0	0	71	32101		
Baubienė Aušra 264	Teisėjas(a)	341	3410	16	160	0	160	0	0%	0	43	3207	0	0	0	31	32101		
Kukalis Algimantas 390	Teisėjas(a)	341	3410	18	180	0	180	0	0%	0	24	3206	0	0	0	34	32094		
Meilutis Nerijus 658	Teismo pirmininkas(e)	341	3410	4	40	0	40	0	40%	64	105	3201	0	0	0	22	32032		
Koriaginas Gintautas 413	Teisėjas(a)	341	3410	20	200	0	200	0	0%	0	9	3201	0	0	0	3	32013		
Gudynienė Virginija 324	Teisėjas(a)	341	3410	21	210	0	210	0	0%	0	0	3200	0	0	0	2	32002		
Kantaravičius Darius 813	Teisėjas(a)	341	3410	0	0, IT:3	0	0	0	0%	0	105	3302	0	-700000	0	96	-666884		
Šiugždinytė Danguolė 238	Teisėjas(a)	341	3410	0	0, IT:2	0	0	0	0%	0	105	3303	0	-700000	0	85	-666885		

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is a possibility to consider:

- 1. Periods during which cases are not assigned to the judge;**
2. Percentage by which workload of the judge is decreased;
3. Categories of the cases that are eliminated (not assigned to the judge);
4. “must hear” function that allows to assign related cases to the same judge).

Teisėjo išlyginamieji krūviai Atgal

Teisėjas:

Urbšys Algerdas 175

Pastovus užimtumas kitoje veikloje:

Pastaba: Įvesta pastovaus užimtumo kitoje veikloje reikšmė įsigalioja kitą dieną po įvedimo arba po duomenų atnaujinimo.

0

% Galioja nuo:

Pastabos:

Išsaugoti Registravo: Nėra duomenų. 

Išlyginamieji krūviai:

Naujas įrašas

2016.05.03 - 2016.05.04	Atostogos. 2016 m. gegužės 2 d. įsakymas Nr. P2-264	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.02 10:24 (G.Juskiene) Redagavo: ()	
2016.04.04 - 2016.04.05	Komandiruotė. 2016 m. kovo 7 d. įsakymas Nr. P2-117	(bylos neskiriamos)	Redaguoti	Registravo: 2016.03.07 17:46 (G.Juskiene) Redagavo: ()	
2016.04.01 - 2016.04.01	Komandiruotė. 2016 m. kovo 22 d. įsakymas Nr. P2-147	(bylos skiriamos)	Redaguoti	Registravo: 2016.03.22 15:50 (G.Juskiene) Redagavo: ()	
2016.01.12 - 2016.04.11	Teisėjo nagrinėjamų bylų tipų keitimas	(bylos skiriamos)	Redaguoti	Registravo: 2016.04.11 13:14 (G.Juskiene) Redagavo: ()	
2015.09.18 - 2015.09.18	Komandiruotė. 2015 m. rugsėjo 2 d. įsakymas Nr. P2-655	(bylos skiriamos)	Redaguoti	Registravo: 2015.09.03 15:30 () Redagavo: ()	
2015.09.14 - 2015.09.17	Komandiruotė. 2015 m. rugsėjo 2 d. įsakymas Nr. P2-654	(bylos skiriamos)	Redaguoti	Registravo: 2015.09.03 15:21 () Redagavo: ()	
2015.07.07 - 2015.08.14	Atostogos. 2015 m. birželio 15 d. įsakymas Nr. P2-375	(bylos skiriamos)	Redaguoti	Registravo: 2015.06.16 09:13 () Redagavo: 2015.07.29 14:54 ()	
2015.06.26 - 2015.06.26	Komandiruotė. 2015 m. birželio 22 d. įsakymas Nr. P2-411	(bylos skiriamos)	Redaguoti	Registravo: 2015.06.23 18:13 () Redagavo: ()	
2015.05.04 - 2015.05.07	Komandiruotė. 2015 m. balandžio 30 d. įsakymas Nr. P2-244	(bylos skiriamos)	Redaguoti	Registravo: 2015.04.30 13:19 () Redagavo: ()	
2015.04.17 - 2015.04.17	Komandiruotė. 2015 m. balandžio 14 d. įsakymas Nr. P2-200	(bylos skiriamos)	Redaguoti	Registravo: 2015.04.15 09:59 () Redagavo: ()	
			Redaguoti	Registravo: 2014.12.08 15:18 () Redagavo: ()	

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge decrease workload (e . g. when the judge is assigned to exercise additional non-judicial functions;
- 2. Percentage by which workload of the judge is decreased;**
3. Categories of the cases that are eliminated (not assigned to the judge);
4. “must hear” function that allows to assign related cases to the same judge).

Teisėjo išlyginamieji krūviai

Atgal

Teisėjas:

Šimonis Mindaugas 773

Pastovus užimtumas kitoje veikloje:

Pastaba: Įvesta pastovaus užimtumo kitoje veikloje reikšmė įsigalioja kitą dieną po įvedimo arba po duomenų atnaujinimo.

30 % Galioja nuo: 2016-04-22 00:00:00

Pastabos:

Teismo pirmininko 2016-01-26 įsakymas Nr. P1-28 "Dėl Kauno apygardos teismo Baudžiamųjų ir Civilinių bylų skyrių pirmininkų darbo ktūvio nagrinėjant bylas sumažinimo 2016 m. rugpjūtio 1 d."

Išsaugoti

Registravo: 2016.04.21 09:36 O.Šimašis.56

Išlyginamieji krūviai:

Naujas įrašas

2016.08.08 - 2016.08.09	Saugus laikotarpis po atostogų	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.03 16:30 (O.Šimašis.56) Redagavo: ()	
2016.07.04 - 2016.07.08	Saugus laikotarpis iki atostogų (2016-04-25 įsakymas nr. P2-252)	(bylos neskiriamos)	Redaguoti	Registravo: 2016.05.03 16:29 (O.Šimašis.56) Redagavo: 2016.05.03 16:34 (O.Šimašis.56)	
2016.05.26 - 2016.05.26	Saugus laikotarpis po komandiruotės	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:54 (O.Šimašis.56) Redagavo: 2016.05.12 16:20 (O.Šimašis.56)	
2016.05.23 - 2016.05.25	Komandiruotė, 2016-02-01 įsakymas Nr. P2-47,(2016-05-12 įsakymas Nr. P2-302)	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:53 (O.Šimašis.56) Redagavo: 2016.05.12 16:20 (O.Šimašis.56)	
2016.05.20 - 2016.05.20	Saugus laikotarpis iki komandiruotės	(bylos neskiriamos)	Redaguoti	Registravo: 2016.02.04 12:54 (O.Šimašis.56) Redagavo: ()	
2016.05.12 - 2016.05.12	Saugus laikotarpis po komandiruotės, 2016-05-06 įsakymas Nr.P2-287 (dėl komandiruotės atšaukimo)	(bylos skiriamos)		Registravo: 2016.03.10 15:26 (O.Šimašis.56) Redagavo: 2016.05.09 09:32 (O.Šimašis.56)	
2016.05.10 - 2016.05.11	Komandiruotė, 2016-03-09 įsakymas nr. P2-125, 2016-05-06 įsakymas Nr. P2-287 (dėl komandiruotės atšaukimo)	(bylos skiriamos)		Registravo: 2016.03.10 15:15 (O.Šimašis.56) Redagavo: 2016.05.09 09:31 (O.Šimašis.56)	

Teisėjo skyrimo protokolas byloje Nr.: eB2-2002-773/2016

Paskirtas teisėjas Šimonis, Mindaugas
Data 2016.05.10 13:38:28
Vartotojas V.Šidiškytė

Bylos duomenys:

Bylos numeris: 2-56-3-00641-2016-6
[eB2-2002-XX/2016](#)
Bylos tipas: civilinė byla
Byla: Dėl įmonių, bendrovių bankroto
Bylos šalys: Valstybinio socialinio draudimo fondo valdybos Alytaus skyrius (ieškovas)
UAB Trakas (atsakovas)
Bylos skirstymo grupė: II grupė
Bylų svorio koeficientas: 10
Tomų skaičius: 0

Teisėjų sąrašo kriterijaiAtsižvelgti į specializaciją: **Taip**Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): **Taip**Galima priskirti teismo pirmininkui: **Taip**Galima priskirti teismo pirmininko pavaduotojui **Taip**Galima priskirti skyriaus pirmininkui **Taip****Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl juridinių asmenų bankroto, B2-[NUMERIS]-[TEISEJAS]/[META14]**

Nustatyti koeficientai:

Dienų skaičius: 90

Užimtumo (Uk): 10

Specializacijos (Spk): 1000000

Atsitiktinumumo (Ak): 1

$$U*Uk+P+Sp*Spk-Sk+A*Ak=Rk$$

Teisėjų sąrašas:

Teisėjas	Pareigos	Bylų viso:	Bylų svoris viso:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išyg. krūvis:	Užimt. (U)	Pareigos (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(e)	344	3440	10	100	0	100	0	30%	49	54	3237	0	0	0	99	32469		
Rudzinskas Arūnas 436	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	6	3244	0	0	0	19	32459		
Rimdeikaitė Albina 480	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	30	3240	0	0	0	58	32458		
Meilutis Nerijus 658	Teismo pirmininkas(e)	344	3440	2	20	0	20	0	40%	65	113	3242	0	0	0	36	32456		
Jachimavičius Leonas 173	Teisėjas(a)	344	3440	20	200	0	200	0	0%	0	4	3236	0	0	0	85	32445		
Buzelis Raimondas 260	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	29	3241	0	0	0	24	32434		
Indreikienė Nijolia 230	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	27	3233	0	0	0	100	32430		
Blaževič Galina 153	Teisėjas(a)	344	3440	16	160	0	160	0	0%	0	44	3236	0	0	0	69	32429		
Burzdikas Evaldas 601	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	19	3241	0	0	0	8	32418		
Koriaginas Gintautas 413	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	9	3241	0	0	0	6	32416		
Tamašauskas Egidijus 555	Teisėjas(a)	344	3440	20	200	0	200	0	0%	0	6	3234	0	0	0	73	32413		
Palubinskaitė Rūta 343	Teisėjas(a)	344	3440	17	170	0	170	0	0%	0	37	3233	0	0	0	76	32406		
Nėnienė Izolda 273	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	25	3235	0	0	0	49	32399		
Burdulienė Dalė 254	Teisėjas(a)	344	3440	19	190	0	190	0	0%	0	21	3229	0	0	0	93	32383		
Baubienė Aušra 264	Teisėjas(a)	344	3440	16	160	0	160	0	0%	0	43	3237	0	0	0	13	32383		
Kukalis Algimantas 390	Teisėjas(a)	344	3440	18	180	0	180	0	0%	0	28	3232	0	0	0	52	32372		

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge;
2. Percentage by which workload of the judge is decreased;
- 3. Categories of the cases that are eliminated (not assigned to the judge);**
4. “must hear” function that allows to assign related cases to the same judge).

Atgal

☐ IT dokumentai

Atgal

Registravo: 2013.04.12 13:52 ()
Redagavo: 2013.04.12 13:52 ()

MEANS OF LEVELLING WORKLOAD

In the case allocation modulus there is possibility to consider:

1. Periods during which cases are not assigned to the judge;
2. Percentage by which workload of the judge is decreased;
3. Categories of the cases that are eliminated (not assigned to the judge);
- 4. “must hear” function that allows to assign related cases to the same judge).**

Teisėjo skyrimo protokolais byloje Nr.: B2-2017-413/2016

Paskirtas teisėjas Koriaginas, Gintautas
Data 2016.05.16 08:15:21
Vartotojas O.Šimašis.56

Bylos duomenys:

Bylos numeris: 2-56-3-00653-2016-9
B2-2017-XX/2016
Bylos tipas: civilinė byla
Byla: Dėl įmonių, bendrovių bankroto
Bylos šalys: Remigijus Nivinskas (ieškovas)
UAB AZ spaustuvė (atsakovas)
Bylos skirstymo grupė: II grupė
Bylų svorio koeficientas: 10
Tomų skaičius: 0

Teisėjų sąrašo kriterijai
Atsižvelgti į specializaciją: Taip
Atsižvelgti į teisėjo nagrinėjamų bylų tipus(skyrius): Taip
Galima priskirti teismo pirmininkui: Taip
Galima priskirti teismo pirmininko pavaduotojui Taip
Galima priskirti skyriaus pirmininkui Taip
Užimtumas skaičiuojamas eilės viduje: civilinė byla(I-a instancija), II grupė, dėl restruktūrizavimo, B2-[NUMERIS]-[TEISEJAS]/[META14]
Nustatyti koeficientai:
Dienų skaičius: 90
Užimtumo (Uk): 10
Specializacijos (Spk): 1000000
Atsitiktinumo (Ak): 1

U*Uk+P+Sp*Spk-Sk+A*Ak=Rk

Teisėjų sąrašas:

Teisėjas	Pareigos	Bylų viso:	Bylų svoris viso:	Bylų teisėjo:	Svoris teisėjo:	TM teisėjo:	Svoris teisėjo:	TM svoris teisėjo:	Past. užimt. proc.:	Past. užimt.:	Išlyg. krūvis:	Užimt. (U)	Pareigos (P)	Skyrius (Sk)	Spec. (Sp)	Atsit. (A)	Rūš. koef.	Privalo nagrinėti	Atmetimo priežastis
Koriaginas Gintautas 413	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	3	2000097	0	0	0	24	20000994	Taisyklių 11.3 p., Įmonių bankroto įstatymo 5 str. 4 d.	
Baubienė Aušra 264	Teisėjas(a)	10	100	1	10	0	10	0	0%	0	4	86	0	0	1	63	1000923		
Lozoraitytė Virginija 221	Teisėjas(a)	10	100	1	10	0	10	0	0%	0	4	86	0	0	1	30	1000890		
Indreikienė Nijolia 230	Teisėjas(a)	10	100	2	20	0	20	0	0%	0	1	79	0	0	1	85	1000875		
Rimdeikaitė Albina 480	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	1	99	0	0	0	66	1056		
Gudynienė Virginija 324	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	49	1049		
Burzdikas Evaldas 601	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	1	99	0	0	0	31	1021		
Jachimavičius Leonas 173	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	7	1007		
Nėnienė Izolda 273	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	0	100	0	0	0	5	1005		
Šimonis Mindaugas 773	Civilinių bylų skyriaus pirmininkas(ė)	10	100	0	0	0	0	0	30%	3	5	92	0	0	0	65	985		
Labokaitė Diana 638	Teisėjas(a)	10	100	0	0	0	0	0	0%	0	11	89	0	0	0	92	982		

CONCLUSIONS

1. Computer-assisted case allocation ensures transparency of case assignment;
2. Automatic case allocation system comprises an important guarantee of person's right to fair and impartial trial;
3. Computer-assisted case allocation system levels workload automatically;
4. Court's administration has sufficient possibilities to manage workload and ensure rational distribution;
5. Computer-assisted system makes information on the allocation of cases available to the internal and external stakeholders;
6. Case allocation modulus makes it possible for administrator to analyse court's activity considering various aspects and enables chairman to ensure timely and effective management.

Thank you for your attention

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Allocation of cases system and rational distribution of the number of cases per judge in Poland

The common courts of the first and second instance: the manner in which cases are assigned is regulated by the Order of the Minister for Justice of 23rd December 2015 – named “Internal regulation concerning the operation of the common courts”.

Assignment of cases to particular reporting judges is made by the chairman of the division. Cases are assigned to the divisions according to the division or distribution of the activities or duties. Detailed organization of distribution of cases is determined by the order of the president of the court.

Different regulations, of more restrictive character, apply to criminal proceedings. The grounds for cases assignment is set by the Code of Criminal Proceedings. The Code stipulates that a judge or judges appointed to hear a given case shall be assigned in line with the sequence of the cases submitted, from a list of judges of a given court or division. Stepping aside from this rule is only allowed in the event of a judge's illness or other important obstacle, which should be noted in the order designating the date of hearing. If the indictment includes charges of a crime which is subject to a penalty of twenty-five years' imprisonment or life-time imprisonment, designation of the panel to hear the case shall, on a motion from the defence counsel or state prosecutor, be carried out by drawing lots at which they shall have a right to be present.

Pursuant to the regulation of the Supreme Court enacted by the General Assembly of Judges of this Court, the Presidents of the Supreme Court managing the work in given Chambers, indicate the dates of session of the members of adjudication panel, as well as the chairman and the reporting judge. However performance of these duties may be assigned by the President of the Supreme Court to the chairmen of the divisions or judges of the Chamber, the activity of which he manages. In practice the rule is that the Presidents of the Supreme Court assign the activities to the chairmen of given divisions.

In the administrative courts, pursuant to the Internal regulation laying down rules concerning the operation of the administrative courts, the collegium of the court, upon the petition of the president of the court, assigns judges to the adjudication divisions and specifies the principles of assigning cases to judges, taking into consideration their adjudication

specialization, the scope of judge's duties not connected with adjudication and the sequence of the cases submitted. The chairman of the division, as a rule, assigns cases to the judges of the division, appointing the reporting judge for the case pursuant to the detailed principles of assigning cases to judges set by the Collegium of court. The reporting judge shall be assigned in the subsequent cases in order of the alphabetical list of judges in a given division. The chairman of the division may appoint the reporting judge in the subsequent cases, stepping aside from the order of the alphabetical list of judges of the division if the subsequent cases might be included in one complaint or are in connection with each other. If necessary the Collegium of court changes the judges' assignment to divisions and the principles in respect of case assignment to judges.

The adjudication panel shall be appointed in the order designating the date of hearing. The order designating the date of hearing is issued by the chairman of the division or the reporting judge.

The Regulation also provides that the chairman of the division orders appointment of the adjudication panel by drawing lots in the case remanded for re-examination, in the event of exclusion of the judge and in the event of petition for resumption of proceedings. Due to justified reasons also the reporting judge may file the petition to the president of the court for appointing the adjudication panel by drawing lots.

In the Supreme Administrative Court there are similar solutions. The Collegium of the Court, upon the petition of the President of the Court, assigns cases and specifies detailed principles of assigning cases to judges, taking into consideration their adjudication specialization, the scope of judge's duties not connected with adjudication and the sequence of the cases submitted. If necessary the Collegium of the Court changes the judges' assignment to Chambers and principles in respect of case assignment to judges. In the event of any changes in the assignment of judges to the Chamber or division the Collegium of the Court indicates the cases, from among the cases assigned to the reporting judge, which are assigned to other judges. The chairman of the division, as a rule, assigns cases to the judges in the division, appointing the reporting judge in the case pursuant to the detailed principles of case assignment to judges set by the Collegium of the Court. The reporting judge in subsequent cases brought to the Court shall be appointed by indicating the judge in the order of the alphabetical list of judges of the Chamber (division). The chairman of the division may appoint the reporting judge in the subsequent cases, stepping aside from the order of the alphabetical list of judges of the division if the subsequent cases are in connection with each

other. However the chairman of the division orders appointment of adjudication panel by drawing lots in the event of the exclusion of the judge and in the event of the petition for resumption of proceedings. Additionally, due to justified reasons, the reporting judge may file the petition to the President of the Chamber for appointing the adjudication panel by drawing lots.

Evaluation of the system: In discussions there are arguments raised that not only in criminal proceedings but also in civil proceedings the rules relating to assignment of cases to judges should be stipulated in details on the level of statutory act (Code of Civil Procedure, Act on organization and functioning of common courts). Furthermore judges notice that there are no convincing arguments which justify the differentiation of the manner of assigning cases to judges in civil and criminal proceedings. It is also emphasized that there should be transparent rules of assigning reporting judges in every division (not only in criminal division) when hearing all categories of cases in the court's cognition.

However sometimes there are also other views expressed that assigning cases in an alphabetical order in every case makes it impossible to consider the judge's experience in the situation when there is a particularly complicated case to be adjudicated.

Evaluation of professional performance of judges in Poland

Until 2012, the evaluation of work of a judge was made only in connection with the promotion, the new law (entered into force on 28 March 2012) provides a system of periodic (every 4 years) evaluations of judges, although until now the executive provisions has not been issued. In accordance with the Law on Common Courts Organization a candidate for the post of a judge shall be evaluated on the qualifications by an inspector (visitor) judge, and then evaluated by the collegium of the competent court. In the promotion are therefore not only formal qualifications assessed and length of service, but also the quality of work.

The evaluation of work of a judge carried out in connection with the promotion is based rather on certain fixed practices (habits), and not a detailed legal regulation. The statutory criterion of interim evaluation of the judge is efficiency and professional competence in the field of methodology of work and business culture, as well as expertise in identifying specific types of matters, and the exercise of individual functions.

Periodic assessment of the work of a judge of the court shall be carried out in the framework of the visitations. The assessment is carried out by the judges of provincial courts or courts of appeal called the visitors (inspectors). In the process of periodic evaluations of judges nor the Ministry of Justice, nor the Council for the Judiciary has competence.

In accordance with the regulations that came in force on 28 March 2012, the evaluation of the work of the judge shall be made in the framework of the visit of the Court (every 4 years). Visits in the district courts are carried out by visitors of the district courts and the courts of appeal by the visitors of appeal court.

The president of the court takes note in particular of the results and the summary of the assessment and creates a professional development plan for the individual judge. The judge, within two weeks from the moment he knows the results of the assessment, has the right to submit written comments and the reasons for it. The President of the superior court makes a summary of the results of the assessment, and in the case of a judge of the court of appeal – the president of another court of appeal.

The president of the court gives to the judge the results of assessment and, if necessary, makes on that basis an individual professional development plan changes that the judge finds necessary. Assessment of the work of the judge shall be made from the point of view of the efficiency and effectiveness and should lead to improvement of the efficiency of his work. The scope of the assessment of the work of a judge may not enter in the field, in which the judges are independent.

In addition, currently, judges are subject to assessment in connection with the promotion. However, the assessment carried out in the framework of the vacancies in the courts cannot effectively and fully improve the effectiveness of the functioning of the courts. Is it because first of all, a narrower scope (some judges may not be subject to evaluation by the entire career), and also the irregularity, it is carried out exclusively for the needs of a specific recruitment for the post and not periodically.

In accordance with the new legal status, interim evaluation has the following parameters:

- **subject (criteria) of evaluation-evaluation** is to be basically lifetime for each judge, beginning with organizational performance (performance) and activeness in raising the qualifications, through the trial management skills (personal culture, a way of communication with the participants in the court proceedings), until after the "skills in

a clear and complete formulation of the statements and the taking of decisions". The relevance and accuracy of the judgments will not be subject to evaluation.

- **assessing body** - the work carried out by judge should take place every four years, in the framework of the visit of the courts carried out already by the judges-inspectors working in the district courts, appeal and the Ministry of Justice. The Act provides for the establishment of a separate body of judges - evaluators.

- **the rights of the assessed judge** - pursuant to the new provisions of law the President of the Court, in which the assessment of the judge took place discuss with him the results of the evaluation. The judge, who has been negative assessed has the right to submit to the president of the court of appeal, within two weeks from the date of the assessment protocol, written comments to review. After considering the comments, the judge- visitor can uphold the assessment of the judge or change it. The position of judges- inspectors should be expressed in writing with reasons and shall be subject to the delivery to the judge.

The negative assessed judge, has the right to submit, within a week from the date of delivery of the negative position of the judges-inspectors, a reference to the Council for the Judiciary, through the president of the court of appeal. Council decides about the result of the periodic evaluation of the judge's work within two months of the date of the appeal. It follows from the foregoing that evaluated judge will not be able to formulate his comments and proposals in the course of the assessment. He can make the reference to the Council, but only in the case of a negative assessment. The decision of the Council will be final.

- **the consequences of the evaluation** - evaluation will result in an extension of the period required to obtain the next incensement of the basic salary of a judge. You can therefore speak about the financial sanctions following a negative evaluation. In addition, periodic assessment is a part of the assessment of the qualifications of a judge, which is one of the elements determining promotion of the judge.

Court Management, Case Management and Performance Evaluation Lisbon, 23 and 24 of May 2016

A. The judiciary in Slovenia

The judiciary in Slovenia is an independent branch of power entrusted with impartial and independent trial without undue delay in order to preserve the rule of law and protect the rights and freedoms guaranteed by the Constitution and legislation of the Republic of Slovenia. For the purpose implementing its mission, the Slovenian judiciary has adopted the following fundamental values: independent and impartial decision-making, responsibility, integrity and fairness, trial within an optimum and foreseeable timeframe, and the provision of high-quality services for parties to court proceedings. The Slovenian judiciary implements its mission through smart and sustainability-oriented operation distinguished by the highest level of professional competence, effective administration and IT-supported case management. The judiciary in Slovenia is aware that, as an independent branch of power, it is the key factor in ensuring legal certainty.

Based on the slovenian judicial reform in 1995 in Slovenia there are 43 Local Courts, 11 District Courts, 1 Administrative Court, 3 Labour and Social disputes Courts (all first level instance), 4 Higher Courts and 1 Labour and Social disputes Higher Court and Superme Court. During the judicial reform and a few years after, a lot of judges left their judicial service so the inconsistent judicial reform was among main raisions for huge baclogs practicy on all courts and on all legal fields, which have occupied slovenian judiciary for almost twenty years.

But in recent years Slovenia has achieved significant progress in the elimination of backlogs, the more rapid adjudication of cases and greater efficiency as a whole. Positive trends of operation have continued in Slovenian courts. In practically all courts, the performance indicators relating to caseload and pending cases of major importance are positive. In recent years the courts were focused on solving the older, usually more demanding cases affecting the performance of a particular court and on reducing worklogs. Exceptionally positive indicators were at first achieved by local courts, the Higher Labour and Social Court, and the Supreme Court. In local courts in particular, this is also the result of a relatively favourable level of judicial post occupancy and work focused on the enforcement area, although these courts still have some systemic issues to cope with. The situation in district courts, however, wasn't so good, but has also improved a lot in recent years. Two years ago the most of District Courts weren't managing the new caseload and reducing the workload. At the national level, there where some areas, which required special attention, particularly commercial disputes, more demanding criminal proceedings, insolvency proceedings and immovable property enforcement. At the same time, individual poor performance indicators at particular courts were being determined (e.g. inability to cope with the caseload, staff imbalance regarding different workloads of courts, inadequate age structure of pending cases). A comparative analysis of the level of judicial post occupancy in district courts with respect to caseload and to resolved and pending cases showed the need for additional measures in particular legal fields (above all, commercial law cases) and for additional judges in particular district courts (Ljubljana District Court in particular), and for a reduction in the number of judges in local courts. But as was already mentioned, in last two years a signifiant progress has been achieved. According to the achievements of slovenian courts in the meantime slovenian judiciary is and is going to be more and more focused on improvement of the quality of their work.

For a long time in Slovenia we were dealing with reducing the baclogs. Cases that are considered court backlogs are still precisely defined by the Court Rules in relation to the time from the matter being filed with the courts, depending on individual types of case. The time frames that define the time limits for backlogs have been changed and different time limits were in force in 2008, 2009 and 2010. However, following an agreement between the Judiciary, the Ministry of Justice and the Judicial Council, the focus moved from the area of backlogs to the criterion of timeframes for judicial decisions.

At the moment the main problem in Slovenia is uneven workload of the courts. Thats why it is necessary to amend the Coutrs Act and the Judicial Service Act so that we would have only one type of the first instance judges, to set up the District Coutrs as the main organizational unit and to reconsider the importance of the princip of the irremovability in Slovenia which has only 20.000 km2 and the distnace between corts is 15 km. For the quality of the judiciary is important the age and gender balance, so it is important to adopt clear human resources strategy. Ajustments are anticipatet in both distribution and number of Local Courts. The number of judges will continue to decrease as it did in the last five years. An adequate number of judicial staff should be ensured. A further problem is the age gap that arose becouse of very small number of free

judicial posts.

B. The Judicial Council of Slovenia

B/1. The constitutional status and composition of the Judicial Council of the Republic of Slovenia

The Judicial Council of the Republic of Slovenia was first founded by the Courts Act in 1990 to deal with matters concerning the appointment of judges and relieving them of office. In 1991, after the declaration of Slovenian independence, the Constitution of the Republic of Slovenia established the Judicial Council as a body which proposes judicial candidates to the National Assembly of the Republic of Slovenia. The judges of all courts in the Republic of Slovenia are elected by the National Assembly. The Constitution regulates the composition and some basic elements of the election of the members of the Judicial Council. According to Art. 131 of the Constitution, the Judicial Council is composed of 11 members. The National Assembly elects five members of the Judicial Council on the proposal of the President of the Republic from among university professors of law, attorneys and other lawyers, while judges holding permanent judicial office elect six members from among their own number.

B/2. The powers of the Judicial Council

The powers of the Judicial Council are mainly regulated by the CA. The most important of these are basically determined by Art. 28 of the CA, according to which the Judicial Council has the power to:

- propose to the National Assembly the candidates for election to judicial office;
- propose to the National Assembly the dismissal of a judge;
- decide on the incompatibility of judicial office;
- provide an opinion on the proposed budget for the judiciary, and provide the National Assembly with an opinion on laws (i.e. draft laws) governing the status, rights, and duties of judges as well as judicial personnel;
- adopt the quantitative and qualitative criteria for the assessment of the work of judges;
- hear and decide on the justifiability of an appeal of a judge who believes that his/her legal rights, or his/her independent position, or the independence of the judiciary have been violated;
- adopt the criteria on the quality of judicial performance for the evaluation of judicial service,
- adopt The Code of Judicial Ethics
- perform other matters, if so provided by law (i.e. statute),

B/3. The role of The Judicial Council of Slovenia in field of court management

The Judicial Council was also empowered to monitor, ascertain, and analyze the effectiveness of the work of courts, regarding which kept annual records and informed the Supreme Court thereof at least once a year. But the Judicial Council has been monitoring and evaluating the performance of courts and issues in a yearly report on the execution of judicial power (Courts Act, Article 28) only for three years (2011- 2013). With the amendment of the Courts Act that stepped in force in year 2014 this responsibility was entrusted with the Supreme Court. The performance of courts was monitored according to the indicators, mainly by incoming, closed and pending cases and backlogs, productivity of judges and court staff, through the years the attention has shifted towards indicators prescribed by the Courts Act (Article 71b) to draft a yearly plan of operating results: criterion of efficiency – number of closed cases, divided with the number of judges and non-judge staff, criterion of effectiveness – timeframes of proceedings, criterion of economy – budget, divided with the number of closed cases. According the analyze of the effectiveness of the work of the courtes in annual records Judicial Council pointed out the main problems of the slovenian judiciary and proposed the solutions of that problems.

Among powers of the Judicial Council of Slovenia is also the adoption of The criteria on the quality of judicial performance for the evaluation of judicial service. [In december of 2015 Slovenian Judicial Council adopted](#)

new Criteria on the quality of judicial performance for the evaluation of judicial service. According to them, the number of quantitative and qualitative criteria are used for individual evaluation of judges. With new Criteria the qualitative criteria are becoming more important than used to be in the past. So the new criteria don't include standards for the minimal expected number of solved cases anymore. Factors, such as the number of cases decided by the evaluated judge, the time spent on each case and the average time to complete a judgment are still taken into account as "quantitative" criteria, the productivity of a judge is measured against a fixed quota and also against the average number of decisions handed down by other judges. As "qualitative" criteria, the quality of a judge's analysis and the way in which the judge handles complex cases is considered of great importance in the evaluation process. The number or percentage of decisions reversed on appeal are factors that are of some importance in the evaluation process. In others, because of the principle of judicial independence, neither the numbers of decisions reversed on appeal nor the reasons for the reversal are taken into account, unless they reveal grave mistakes. Other factors considered are the ability to mediate between parties, the ability to draft clear and comprehensible judgments, the ability to cooperate with other colleagues, to work in areas of law that are new to the judge and the readiness to take on extra activities within the court's administration such as mentoring and educating recently appointed judges or lawyers. Organisational skills, work ethic or scholarly activities such as publications and lecturing are also treated as factors. Violations of ethical and professional rules/standards are also considered in the evaluation process. With adoption of new Criteria the evaluation of quality of Judicial service is becoming more and more important in evaluation process, and this was very important step that was taken from the Judicial Council.

The Judicial Council appoints presidents of courts while taking in consideration candidates six years strategic court management plans as their leadership skills as well.

C. The Supreme Court

C/1 Strategy of development of judiciary in six years term (2014 - 2020)

Based on an analysis of the situation at courts, Slovenia's judiciary defined medium-term priority areas and five measures for their implementation which helped to improve the situation in backlog reduction, the resolution of older pending cases, acceleration of business processes at courts, relieving pressure from judges and balancing human resources even. In the strategic plan named „EVROPA 2020“ Slovenia's judiciary determined four primary goals to achieve development till the year of 2020. These goals are:

- predicted time for solving cases of major importance will be six months in year of 2020,
- predicted time for solving other cases will be three months in year of 2020,
- the number of judges per 100.000 capita will decrease from 53 to 42,
- the ratio between the judges and judicial staff will increase from 3,6 to 4,3

C/2 Opening of the Judicial year

Document of the Supreme Court named » Opening of the judicial year« presents last year's results and sets goals and priorities for the next year. The achievements are evaluated according to prior short term goals. According to the priorities for the whole judiciary set by the Supreme Court at the opening of the judicial year, specific areas are monitored – in 2016 these areas were the following:

1. Improving of the quality - judges
2. Improving of the quality - proceedings
3. Improving of the quality – parties in proceedings
4. An increase in both an inner coherency and public trust in the judiciary

C/3 Annual Report of efficiency of Judiciary

Since 2014 the Annual Report of efficiency of judiciary is prepared by Supreme Court. The evaluation of efficiency is based on statistical data of workload balance, expected time of solving cases, the share and structure of unsolved cases and also other aspects of courts work, like spendings, the number of judges and judicial staff etc. Findings and conclusions from Annual Report are fundamental for setting further goals.

D. Allocation of Cases system

The allocation of cases in Slovenia is regulated **by law and by Court Rules. The Courts Act** provides the general principle of case assignment and the **Court Rules** further specify the detailed application of this principle. Court Rules, adopted in 1995 and last amended in 2011 are a special by-law designed to implement the right to judicial protection established in the Constitution and to set out the detailed modalities of implementation of the Courts Act. It deals in particular with the internal organisation of courts, case allocation, contacts with the parties and court management issues.

The Courts Act provides the general principle of case allocation, whereby cases are allocated to individual judges, depending on the legal field to which they have been assigned to work in the court, according to the daily succession of filed initial procedural acts, taking into account the alphabetical order of initial letters of the judges' surname. **The Court Rules** further specify the detailed application of this principle, for instance when several procedural acts are filed on the same day or when the judges' respective workloads or the urgency of a given case are to be taken into account.

Based on the Courts Acts at **some courts departments for trials in complex cases of organized and economic crime, terrorism, corruption and related offenses are established. Cases are allocated to the judges assigned to these departments.** The Judicial Council decides upon appointment of judges to these departments. With the annual work schedule of courts judges are assigned to resolve cases of their legal areas of specialization. The schedule also provides how the new cases are allocated. If a judge is burdened with heavy case(s), the flow of new cases to a judge can be limited for certain period of time with the schedule.

The Courts Act provides the general principle of case assignment and The Court Rules further specify the detailed application of this principle, which applies to all courts, including the Supreme Court. In Slovenia there is a uniformed system of case allocation applied equally at all courts.

The annual work schedule of the court, adopted by president of the court, and Court Rules are the basis for allocation of cases to judges through automated registers, that are managed by court registrars. Control over the accuracy of assigning cases is in the jurisdiction of the president of the court. Procedure of control is not adopted.

The Supreme Court of Slovenia is in charge of the computerisation of the judicial system and has been introducing new technologies in courts, among others to implement the rules on case allocation and on publicity. Court registers in Slovenia are entirely computerised and publicly available. About 95 % of cases are registered and allocated electronically. Annual work schedules of all courts are published on the Slovenian judiciary website.

Allocation to a board of judges is done in the same way and by same principles, as mentioned above. The case is allocated to the reporting judge of the board. The judges within the board alternate the role of reporting judge (the one who writes the judgement).

E. Courts statistic

In Slovenia we have a regular monitoring system in a form of collecting data on court statistics. Court statistics are collected and published four times a year by the Ministry of Justice. They include the data on the number of judges and court staff, number of incoming, resolved and pending cases, age of unresolved cases, length of proceedings, average time to resolve a case, type of decision, court backlogs, legal remedies and time to issue a court decision. Beside that courts themselves are equipped by special reports produced in the Court management information system on priority areas that are set in the beginning of year. They include more detailed information on court activities (length of specific phases in a court procedure, top 20 oldest cases in certain area of law for each specific court, etc.) and human resources, as well as performance indicators (the critical indicators are marked red) that provide guidance to presidents and directors of courts. These additional data available to court management officials are the reason, why we put check before "other elements". Both systems – court statistics and the business intelligence system that creates priority reports derive the data from the same source - the Data warehouse of the Supreme Court. Each court monitors the above mentioned data on regular basis, depending on their own decision, but four times a year (prescribed by the Court Rules) these data are collected and published on a national level.

According to the Courts Act (Article 60.a) every court has to prepare the yearly report, which includes data on the number of judges, the number of their working days, the number of solved cases, unsolved cases,

legal remedies, their outcome, the number of solved cases considered backlogs, time frame of judicial proceedings, etc. Beside that the court has to analyse the efficiency of work of judges. This report is sent to the higher court, the Supreme Court, the Judicial Council and the Ministry of Justice. Every court president has to prepare a yearly plan (Courts Act, Article 71.a, b) that is sent to the president of the higher court, the Supreme Court and the Minister of Justice. The yearly plan includes estimations of the number of new cases and targets in terms of time frames for typical acts in judicial procedures and the disposition time indicator. It also includes a plan of results with estimations of the number of solved cases and criteria regarding efficiency rate, disposition time, case per judge, etc. Additionally, the criterion of costs per case is monitored and evaluated. Court presidents are responsible for meeting the targets set and they can lose the position of president, if the targets are not met. In the procedure of adoption of the State Budget, individual courts set their own targets, but it is the Supreme Court who, on the basis of the information provided by the individual courts, sets the final targets in the process of adoption of the Budget. The Ministry of Justice has no formal role in evaluating the performance of courts, nevertheless, it has significant influence with allocating the budget for investments in courts and preparing the legislation on the judicial system.



CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

ANEXO B

RECOLHA DE DADOS QUALITATIVOS

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goalsetting/Fixação de Objetivos, Caseloadmanagement/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendendo a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

Respostas relativas aos Tribunais de Relação

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário?	SIM	SIM	NÃO	NÃO		- A Constituição da República Portuguesa atribui à Assembleia da República a competência exclusiva (reserva absoluta de competência) para legislar em matéria do Estatuto dos Juizes (art. 164.º al. m)), bem como a competência, salvo autorização dada ao governo (reserva relativa de competência), para legislar sobre a organização e competência dos tribunais (art. 165.º al. p)). - A Lei Orgânica do Ministério da Justiça, Lei n.º

¹Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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					123/2011, de 29/12, estabelece que esse ministério é o departamento governamental que tem por missão a concepção, condução, execução e avaliação da política de justiça definida pela Assembleia da República e pelo Governo, assegurando no âmbito das suas atribuições as relações do Governo com os tribunais, o Ministério Público e o Conselho Superior da Magistratura. Na organização do ministério é, sobretudo, a Direção Geral da Administração da Justiça (DGAJ) que tem a missão assegurar o apoio ao funcionamento dos tribunais e é estrutura do ministério que interage mais proximamente com a gestão dos tribunais. Prossegue, entre outras, as atribuições de apoiar a definição das políticas de organização e gestão dos tribunais, propor e executar medidas adequadas à modernização e à racionalização dos meios à disposição do sistema judiciário, programar e executar acções relativas à gestão e administração dos funcionários judiciais, incluindo a programação e a execução das acções de formação, executar e proceder à avaliação da gestão orçamental, financeira e contabilística dos tribunais sem autonomia administrativa, bem como participar na preparação e gestão dos orçamentos, relativamente aos tribunais de 1.ª instância, das magistraturas judicial e do Ministério Público, participar na concepção, desenvolvimento e funcionamento dos sistemas de informação do sistema judiciário, programar as necessidades de instalações dos tribunais e colaborar no planeamento e na execução de obras de construção, remodelação ou conservação nos mesmos, bem como colaborar na recolha, tratamento e difusão da informação estatística relativa aos tribunais. - O Conselho Superior da Magistratura, previsto na Constituição como garantia da independência dos juizes dos tribunais judiciais e, portanto, como parte integrante do seu Estatuto tem poderes de estabelecer regulamentos relativos à definição de algumas políticas gerais e estratégicas em matéria de gestão. O Estatuto dos Magistrados Judiciais, Lei n.º 21/85, de 30/7, e a Lei de Organização do Sistema Judiciário, Lei 62/2013, de 26 de Agosto, entre outros diplomas legais atribuem-lhe competências em matéria de: nomeação, colocação, transferência, promoção e exoneração, dos juizes dos tribunais judiciais, assim como o exercício da acção disciplinar; avaliação do mérito e da disciplina dos funcionários judiciais em exercício nesses tribunais; competências de gestão e co-participação na gestão do sistema judiciário, como as de propor ao Ministro da Justiça medidas tendentes à eficiência e ao aperfeiçoamento das instituições judiciárias, alterar a distribuição de processos nos tribunais com vista a assegurar a operacionalidade dos serviços, estabelecer prioridades no processamento de causas que se encontrem pendentes por tempo considerado excessivo; responsabilidades para estabelecer objectivos estratégicos para o desempenho dos tribunais, ponderando os recursos disponíveis,

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						estabelecer valores de referência processual adequados para a produtividade de cada juiz e unidade jurisdicional, bem como de monitorização permanente da actividade de cada tribunal e conjunto de tribunais; participação na coordenação da rede de gestão dos tribunais, com o poder de nomeação do presidente de cada tribunal de 1.ª instância, podendo fazer cessar as suas funções a qualquer momento, cabendo-lhe a apreciação de recursos dos actos do presidente, bem como dos actos do administrador judiciário no uso de competências próprias, e podendo atribuir ao presidente determinadas tarefas por orientação ou delegação; responsabilidades de avaliação geral, através de um serviço de inspecção, ao qual compete facultar o conhecimento do estado e necessidades dos serviços e, também, recolher informações sobre o desempenho e o mérito dos magistrados, para além do serviço de instrução dos processos disciplinares e da realização das sindicâncias e inquéritos.
2. Existe legislação de base aos tribunais ou à sua organização?	SIM	SIM				- A Lei n.º 62/2013, Lei de Organização do Sistema Judiciário, estabelece as normas de enquadramento e de organização do sistema judiciário e o Decreto-Lei n.º 49/2014 regulamenta essa Lei. Essa legislação assegura o quadro de organização e competências jurisdicionais dos tribunais judiciais, bem como define as suas estruturas de gestão e o quadro do desenvolvimento da gestão (competências e articulação). - O Estatuto dos Magistrados Judiciais, Lei n.º 21/85, regula as matérias da nomeação, colocação, transferência, promoção e exoneração, dos juizes, bem como as garantias de independência, avaliação, estatuto disciplinar e remuneratório dos juizes.
3. Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?	SIM	SIM				- A Constituição da República Portuguesa dispõe que os tribunais são independentes e apenas estão sujeitos à lei (art. 203.º) e, em matéria de estatuto dos juizes, estabelece (art. 216.º) as garantias de inamovibilidade (os juizes não podem ser transferidos, suspensos, aposentados ou demitidos senão nos casos previstos na lei) e de irresponsabilidade (os juizes não podem ser responsabilizados pelas suas decisões, salvas as excepções previstas na lei), bem como a garantia da existência do Conselho Superior da Magistratura, a quem compete em exclusivo a nomeação, colocação, transferência e promoção dos juizes, bem como o exercício da acção disciplinar. - A Lei n.º 62/2013, Lei de Organização do Sistema Judiciário, e o Estatuto dos Magistrados Judiciais, Lei n.º 21/85, reafirmam e concretizam aquelas garantias.

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4. Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juizes?	SIM	SIM	SIM			- A Lei n.º 62/2013, de 26 de agosto, (Lei de Organização do Sistema Judiciário) estabelece uma muito ampla especialização das secções jurisdicionais que integram os tribunais de primeira instância. A colocação dos juizes nessas secções especializadas compete ao Conselho Superior da Magistratura, mediante critérios que podem incluir o critério da formação especializada e experiência, embora na prática esse critério não seja usado. No caso dos tribunais de Relação, aquela lei garante a especialização dos juizes, integrando-os em secções especializadas, cível e criminal, podendo ser organizadas, se necessário, secções especializadas em matéria laboral, de família e menores, de comércio, de propriedade intelectual e de concorrência, regulação e supervisão, por deliberação do Conselho Superior da Magistratura, sob proposta do presidente do respetivo tribunal. Neste caso, cabe ao presidente do tribunal de Relação distribuir os juizes pelas secções especializadas, tomando sucessivamente em conta o seu grau de especialização, a conveniência do serviço e a preferência manifestada.
5. Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?	NÃO	NÃO	SIM			No caso dos tribunais de Relação, o controlo do planeamento e das medidas adequadas às necessidades dos tribunais é feito pelo presidente do tribunal, tomando as decisões adequadas a cada situação e, nas medidas que dele não dependem, angariando recursos junto do Conselho Superior da Magistratura ao nível de colocação de juizes (o quadro de juizes é flexível) e junto dos departamentos do Ministério da Justiça ao nível dos recursos orçamentais, de equipamentos e de colocação de funcionários de justiça
6. Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?	SIM	NÃO	NÃO	NÃO		A política relativa à estrutura e competência dos tribunais de Relação é assumida pelo legislador de forma genérica nas leis de organização judiciária. A sua estrutura e competências visam essencialmente responder à capacidade de julgar os recursos das decisões dos tribunais de primeira instância localizados nas áreas do território sobre as quais cada Relação tem, para tanto, jurisdição, áreas essas definidas na lei. A localização dos atuais tribunais da Relação, também definida na lei, relaciona-se apenas com a sua inserção da área territorial sobre a qual tem jurisdição e com uma política de Estado relacionada com a presença física e simbólica em determinadas cidades do território nacional.
7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)		NÃO	NÃO			
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes,		NÃO	NÃO			

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procuradores e funcionários judiciais?						
9. A gestão do tribunal tem em conta as expectativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?			SIM			O presidente de cada tribunal da Relação procura ouvir, na medida do possível, os juizes, magistrados do Ministério Público, advogados e funcionários antes de tomar medidas de gestão e está atento às necessidades suscitadas pelos utentes em geral
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?			NÃO			
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?			SIM			O presidente de cada tribunal da Relação procura articular com os juizes e funcionários as medidas a tomar, fornecendo informação de forma sistemática, agregando vontades, respondendo a sugestões organizativas e promovendo consensos, quando necessário
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?			NÃO			
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?			NÃO			
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal não juiz?			NÃO			
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?			SIM			O presidente de cada tribunal da Relação acompanha a actividade dos funcionários de justiça, estabelecendo directrizes sempre que necessário
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?	NÃO	NÃO	NÃO			
17. A implementação das alterações legislativas é regularmente avaliada?	NÃO	NÃO	NÃO			
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes são avaliadas?	NÃO	NÃO	NÃO			
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?	NÃO	NÃO	NÃO	NÃO		
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?	NÃO	NÃO	NÃO	NÃO		
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)?	NÃO	NÃO	NÃO			
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?	SIM	SIM				Por regra, o Conselho Superior da Magistratura, as associações de magistrados e outras entidades relevantes são ouvidas, para parecer. Por vezes tal sucede antes da apresentação de propostas legislativas pelo executivo ao parlamento, mas por regra o parlamento procede a essa audição em comissão parlamentar, como parte do processo

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						legislativo.
23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?	SIM					
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?	NÃO	NÃO	NÃO	NÃO		
25. Existe uma política de promoção da certeza jurídica?	SIM					Existe um mecanismo para uniformização de jurisprudência, com um recurso próprio para o Supremo Tribunal de Justiça. No mais, existe um acompanhamento judicial e académico da jurisprudência relevante, com promoção da adequada reflexão para garantir uniformidade nas decisões dos tribunais, sem prejuízo da independência dos juizes.
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?	SIM		SIM			Existe a publicação em site internet, de acesso livre, das decisões mais relevantes de cada Relação. Alguns tribunais da Relação divulgam boletins periódicos contendo sumários dessas decisões. Não ocorrem reuniões para discutir a jurisprudência relevante, para além de ocasionais ações de formação onde tal sucede.

II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA(medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?		SIM	SIM			Nos termos legais, apenas o Conselho Superior da Magistratura pode alterar a distribuição de processos, a fim de assegurar a igualação e operacionalidade dos serviços (art. 158.º al. h) do Estatuto dos Magistrados Judiciais). Essa alteração, opera-se por via de regra com a suspensão da distribuição ou distribuição em percentagem reduzida a um juiz, tendo em vista o apontado objectivo. A reatribuição de processos não é prática seguida, sem prejuízo de casos excepcionais, por respeito ao princípio do juiz natural ou da pré-determinação legal do juiz. Nos tribunais da Relação, no entanto, os presidentes, ponderando certas circunstâncias de serviço, com vista a maior eficácia, têm tomado decisões de suspensão de distribuição (p. ex., em caso de fluxo muito elevado de processos em relação ao contingente de juizes, permitindo a maior atenção aos processos já distribuídos, ou em caso de atribuição a um juiz de processo de elevada complexidade, permitindo-lhe a concentração exclusiva a esse processo) ou mesmo de redistribuição de processos a outros juizes (p. ex.,

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						em caso de impedimento do juiz por doença), fazendo-o mesmo sem determinação do Conselho.
2. A gestão do tribunal tem um método objectivo para a distribuição de processos entre os juizes?			SIM			A distribuição de processos é feita, nos termos legais, por forma aleatória e igualizadora da carga processual de cada juiz, por meios electrónicos. Esse é o único método objectivo praticado.
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?			SIM			A informação quanto à distribuição diária de processos é disponibilizada publicamente em site internet de acesso livre. Alguns presidentes de tribunais de Relação divulgam periodicamente junto dos juizes do tribunal boletins com o número total de processos, por referência a período mensal, anual ou outro, atribuídos a cada juiz.
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?		SIM	SIM			No que toca aos tribunais de Relação, o Conselho Superior da Magistratura definiu valores de referência processual (VRP), ou seja, o número anual de processos adequado para cada juiz, após um estudo elaborado em 2011 mediante ampla consulta (o estudo pode ser consultado em http://www.csm.org.pt/actividade/estudos/349-estudo-vpr). Esses VRP permitem tomar medidas organizativas para evitar uma carga processual excessiva para cada juiz, nomeadamente com a dotação adequada do quadro de juizes, permitindo adequada monitorização e uma distribuição justa e eficiente. Os presidentes de cada tribunal de Relação acompanham mensalmente o número dos processos distribuídos a cada juiz e o número dos processos findos, bem como identificam os casos de demora excessiva de resolução. Desse acompanhamento, informam periodicamente o Conselho (trimestralmente). Com base nesse acompanhamento, o Conselho e o presidente de cada tribunal podem, identificando os problemas, tomar medidas correctivas na distribuição e de reforço de meios, quando necessário e se possível.
5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?			SIM			A distribuição de processos é feita, nos termos legais, por forma aleatória e igualizadora da carga processual de cada juiz, por meios electrónicos. Nessa medida, é assegurada a transparência na distribuição.

III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?	NÃO	SIM	NÃO			Por determinação do Conselho Superior da Magistratura foi elaborado um estudo sobre os Valores de Referência Processual (VRP), aprovado por deliberação de 13.03.2012, consistente num valor indiciário sobre o número médio de processos a atribuir, por ano, a cada juiz, entre um número mínimo e um número máximo, relativamente a cada uma das áreas de jurisdição existentes juntos dos tribunais da relação (Cível, Social e Criminal).
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e			NÃO			Apenas existem Índices indicadores de produtividade.

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mensuráveis? Tem indicadores de desempenho?						
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?			NÃO			
4. A natureza dos processos pendentes é sistematicamente analisada?		SIM	SIM			O presidente de cada um dos tribunais da Relação acompanha mensalmente o número de processos atribuído a cada juiz e o número de processos findos, comunicando os atrasos ao Conselho Superior da Magistratura.
5. Foram definidos objectivos para reduzir a acumulação processual?	NÃO	SIM				O CSM averigua a produtividade anual de cada juiz, procurando inteirar-se das razões dos atrasos sempre que ocorra uma destas situações: a. decisões finais relatadas ou proferidas em número inferior ao índice de produtividade; b. 15 ou mais processos com prazos injustificadamente excedidos; c. 5 ou mais processos com conclusão aberta há mais de seis meses; d. qualquer processo com conclusão aberta há mais de um ano.
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?	Não	SIM	Não			Há uma monitorização quantitativa constante do trabalho de cada juiz. Podem ainda ser objeto de inspeções extraordinárias, por iniciativa do CSM ou a requerimento do próprio quando previsivelmente concorrente necessário ao STJ (art. 37º-A, do Estatuto dos Magistrados Judiciais). Tais inspeções abrangem uma avaliação quantitativa e qualitativa da atividade do juiz.
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?						Cada juiz tem acesso aos dados respeitantes aos seus processos. Alguns tribunais divulgam ainda regularmente aos juizes do tribunal o número de processos distribuídos e findos relativamente a cada um e a todos os juizes do tribunal.
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?		NÃO	NÃO			

IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA(medidas/leis/práticas)
1. São tomadas medidas para assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?	NÃO	NÃO	NÃO	NÃO		
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?			SIM			No Tribunal da Relação de Coimbra só as respectivas secções de processos têm acesso ao estado dos processos pendentes em tempo real na respectiva unidade. Nos tribunais de 1.ª instância o juiz dispõe de sistema adequado, através do programa CITIUS que lhe permite saber em cada momento o estado de cada processo pendente na sua unidade. O presidente da comarca tem livre acesso aos processos das diversas unidades orgânicas,

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						comunicando automaticamente ao Conselho Superior da Magistratura os respectivos atrasos. O Inspector Judicial, na 1.ª instância, tem igualmente acesso, através de código pessoal que lhe é fornecido pelo Conselho Superior da Magistratura, ao estado dos processos em tempo real.
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?					X	
4. Esta informação é partilhada dentro do tribunal?			SIM			A informação do estado dos processos na respectiva unidade, pode ser partilhada pelos juizes desembargadores, a solicitação destes junto do escrivão da secção ou do presidente da Relação.
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?				NÃO		
6. Os processos judiciais (em princípio) são livremente acessíveis ao público?	NÃO	NÃO	NÃO	NÃO		Nos tribunais de Relação é apenas acessível ao público a livre assistência às audiências de julgamento, susceptíveis de ocorrerem a requerimento do recorrente e que decorrem nos termos dos art. 411.º, n.º 5 e 423.º, do Código de Processo Penal, em princípio públicas, por força do art. 206.º da Constituição da República Portuguesa.
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?					X	
8. Os juizes/procuradores têm competência/autoridade para entregar determinados processos à mediação?					X	
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?					X	
10. Existe uma política para a preparação das audiências?			SIM	SIM		Os tribunais da Relação são, em regra, os tribunais de 2.ª instância, competindo-lhe julgar recursos conforme art. 67.º, n.º 1 e 73.º, al. a), da Lei 62/2013, de 28/8. No tribunal da Relação de Coimbra, à semelhança das restantes Relações as audiências para julgar recurso são raras e apenas ocorrem nos processos-crime, a requerimento do recorrente, nos termos dos art. 411.º, n.º 5 e 423.º, do Código de Processo Penal. Há uma política de preocupação de que os actos processuais devem resumir-se à forma mais simples, de modo a atingir-se o fim pretendido com o menor custo possível e rentabilizar os meios humanos e financeiros. Por isso, as sessões no Tribunal da Relação de Coimbra como tribunal de recurso são organizadas de modo a ocorrerem uma vez por semana, por forma a concentrar as sessões em conferência ou em audiências de julgamento no dia da sessão semanal, a não ser que razões excepcionais,

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						como seja o carácter urgente do processo imponham procedimento diverso. Normalmente a audiência de julgamento em processos de recurso é marcada com antecedência entre 3 semanas e 1 mês e antecedida com distribuição de projecto de acórdão ao adjunto e presidente da secção, com as questões pertinentes à decisão e que são suscitadas no âmbito do recurso. Nos recursos de processos-crime aberta conclusão ao juiz desembargador este profere despacho para <u>exame preliminar</u> para decidir as questões prévias ao julgamento e quando o recurso deva ser julgado em conferência, o relator elabora projecto de cordão no prazo de 15 dias, a partir da data em que no processo lhe foi aberta conclusão e o processo, acompanhado do projecto de acórdão vai aos vistos do presidente e adjunto e depois inscrito em tabela na 1.ª sessão que tiver lugar (art. 417.º, n.º 1 e 9 e 418.º, do CPP) e quando deva ser julgado em audiência o processo é remetido ao presidente da secção para designar sessão dentro dos 20 dias seguintes. Nos recursos de processos-cíveis distribuído o processo ao relator cabe-lhe deferir todos os termos do recurso até final (art. 652.º, n.º1, do Código de Processo Civil) e decididas todas as questões que devam ser apreciadas antes do julgamento do objecto do recurso, o relator elabora o projecto de acórdão no prazo de 30 dias, sendo o processo inscrito em tabela logo que decorrido este prazo (art. 657.º, n.º1 e 659.º, n.º1, do CPC). Como tribunais de 1.ª instância julgam os processos referidos no art. 73.º, al. b) a e), da Lei 62/2013, de 28/8 e art. 214 (4.ª espécie), do Código de Processo Civil e como tal estão sujeitos à mesma disciplina e regulamentação dos tribunais judiciais de 1.ª instância, na preparação e realização das audiências de julgamento, cabendo ao juiz desembargador titular do processo a sua gestão e respectiva marcação da audiência de julgamento.
11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?			SIM	SIM		Os recursos julgados em conferência, após o exame preliminar e findo o prazo para o relator elaborar o projecto de acórdão, são logo inscritos em tabela na 1.ª sessão que tiver lugar (art. 418.º, n.º 1, do CPP e 659.º, n.º 1, do CPC), não sendo a sessão marcada em cooperação com os advogados por não ser necessária a sua presença. Nos recursos-crime julgados em audiência o presidente da secção deve marcar julgamento no prazo de 20 dias. Porém, tal como nos processos em que a Relação julga como tribunal de 1.ª instância, o juiz deve marcar julgamento sempre que for possível com prévio acordo com os advogados, devendo para tal observar o procedimento imposto pelo art. 151.º, do CPC.
12. Existe um sistema de controlo do			SIM	SIM		O controlo do início atempado das audiências de

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início atempado das audiências?						juízo está imposto pelo art. 151.º, n.ºs 4 a 7, do CPC, impondo ao tribunal a obrigação de comunicar aos intervenientes processuais a impossibilidade do início da diligência à hora designada, o que deve fazer dentro dos 30 minutos subsequentes à hora designada para o início, bem como sobre os advogados impende a obrigação de comunicar prontamente quaisquer circunstâncias impeditivas da sua presença, a fim do juiz tomar as medidas necessárias. O próprio Regulamento das Inspeções Judiciais, aprovado pela Deliberação 1868/2012, do CSM, publicado no DR – 2.ª Série, N.º 235 de 5/01/2012, tendo em vista uma melhor administração da justiça, na apreciação do mérito do desempenho funcional do juiz no art. 13.º, n.º 3, al, f), como elementos a ter em conta manda atender à “Direcção do tribunal, das <u>audiências</u> e outras diligências, designadamente, quanto à <u>pontualidade e calendarização destas</u>”.
13. As partes são informadas quando a audiência é adiada ou está atrasada?			SIM	SIM		Se a audiência não se iniciar à hora designada, por motivos justificados, o juiz deve informar os advogados da causa impeditiva e a secretaria as partes e demais intervenientes, decorridos que sejam 30 minutos após a hora designada para o início (art. 151.º, n.º 6, do CPC), sob pena da falta de comunicação implicar a dispensa automática dos intervenientes processuais (art. 151.º, n.º 7, do CPC).
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?	NÃO	NÃO	NÃO	NÃO		
15. No que respeita aos juizes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento? e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?				SIM		a) O Juiz ao qual é distribuído o processo de recurso no exame preliminar analisa e decide as questões objecto de decisão prévia à decisão final e elabora o projecto de acórdão que comunica ao adjunto e presidente da secção. Sendo decidido o recurso de processos-crime em audiência de julgamento, no início desta o relator introduz os debates com uma exposição sumária sobre o objecto do recurso, na qual enuncia as questões que o tribunal entende merecerem exame especial (art. 423.º, n.º 1, do CPP). Nos julgamentos em que o Tribunal da Relação julga como tribunal de 1.ª instância, nos <u>processos cíveis</u>, ao juiz titular cabe a preparação, saneamento e instrução do processo, bem como a identificação do litígio e a enunciação dos temas da prova que comunica às partes, podendo estas colaborar na identificação do litígio e enunciação dos temas da prova (art. 590.º a 596.º, do CPC), bem como nos <u>processos-crime</u> lhe cabe o saneamento, instrução dos autos e designação da audiência de julgamento (art. 311.º e interv. a 314.º, do CPP). b) O juiz tem a capacidade de intervir de forma a melhorar a compreensão do seu papel junto dos intervenientes processuais, no sentido de simplificar e adequar procedimentos que melhor se ajustem para atingir o fim pretendido, fazendo

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					uso do princípio da adequação formal adequada às especificidades da causa (art. 547.º, do CPC), com independência (art. 4.º, da Lei 62/2013, de 26/8 e art. 203.º, da CRP), atenuando a litigiosidade quando tal se justifique recorrendo à audiência prévia ou no início da audiência para conciliação (art. 591.º e 604.º, n.º 2, do CPC) e exercendo os poderes de gestão processual e de direcção da audiência que lhe são atribuídos (art. 602.º, do CPC). c) O juiz controla a distribuição do tempo de intervenção das partes e testemunhas, de forma a assegurar que as sessões decorram com a programação definida (art. 602.º, n.º 2, al. a), do CPC). O CSM recomenda a marcação de diligências com estudo prévio do processo de modo a não serem convocadas pessoas que eventualmente não venham a ser ouvidas. d) Os juízes controlam a polícia e direcção do julgamento (art. 602.º, do CPC e 323.º, do CPP). e) Os juízes têm em conta as expectativas das partes e das testemunhas na fase oral, intervindo com independência e isenção na discussão (art. 4.º, da Lei 62/2013, de 26/8 e art. 203.º, da CRP), garantindo o contraditório (art. 323.º, al. f), do CPP, art. 3.º, do CPC e art. 32.º, n.º 5, da CRP), obediência pelo princípio da igualdade e proporcionando um processo equitativo (art. 13.º e 20.º, n.º 4, da CRP). A independência, isenção, dignidade de conduta, relacionamento do juiz com os sujeitos e intervenientes processuais, a serenidade e reserva com exerce a função, são objecto de apreciação no mérito do desempenho funcional do juiz, na acção inspectiva (art. 13.º, n.º 2, al. b), c) e e), do Regulamento das Inspeções Judiciais. f) Os juízes controlam o calendário do processo, devendo ter em conta o inspector judicial na apreciação do mérito relativamente ao desempenho funcional do juiz, que deve levar ao relatório de inspecção, por recomendação do CSM, relativamente às práticas processuais neste domínio, o tempo de duração média do processo, relação de processos com prazos excedidos nos actos praticados pelo juiz com certidão para o CSM para eventual responsabilidade disciplinar, dilação de marcação das diligências, adiamentos injustificados, despachos dilatatórios. g) Os juízes no Tribunal da Relação de Coimbra são pontuais, nas sessões enquanto tribunal de recurso, cujas secções reúnem semanalmente (cíveis à 3.ª feira, criminais às 4.ª feira e social à 5.ª feira). Sempre que um juiz desembargador está impedido de comparecer comunica ao presidente da Relação o motivo. Se por ventura o recurso é julgado em audiência, bem como nos restantes processos em que julga em 1.ª instância, se o juiz está impedido de iniciar

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						a sessão à hora designada informa os advogados do motivo impeditivo (art. 151.º, n.º 6, do CPC). Nos critérios de avaliação sobre o mérito do desempenho funcional do juiz, no segmento de adaptação ao serviço, de acordo com o art. 13.º, n.º 3, al. f), do Regulamento das Inspeções Judiciais, o inspector deve atender à <u>pontualidade</u> do magistrado.
16. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?			SIM	SIM		
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?		SIM				Nos processos-crime quando estiverem excedidos os prazos previstos na lei para a duração de cada fase do processo, podem o Ministério Público, o arguido, o assistente ou as partes civis, requerer a aceleração processual, cujo pedido é dirigido respectivamente ao Procurador-Geral da República ou ao Conselho Superior da Magistratura, conforme o processo esteja na fase de inquérito ou em fase de julgamento processos cíveis (art. 108.º e 109.º, do CPP). Se o pedido de aceleração do arguido, do assistente ou das partes civis for manifestamente infundado o requerente será condenado no pagamento de 6Us e 20UCs (art. 110, do CPP). Compete ao CSM estabelecer prioridades no processamento de quaisquer causas que se encontrem pendentes nos tribunais por período considerado excessivo (art. 149.º, al. i), do EMJ, aprovado pela Lei 21/85, de 30/7.
18. Existe uma política para fixar prazos previsíveis e ideais?	SIM	SIM				A lei estipula prazos para a prática dos diversos actos nas diferentes fases processuais, de acordo com as diferentes formas processuais, servindo de indicador, não havendo anomalias estranhas à normal tramitação, para se atender a prazos previsíveis e ideais. O inspector judicial na apreciação do mérito do desempenho funcional do juiz como critérios de avaliação deve atender à produtividade, nomeadamente apurando a taxa de descongestionamento, isto é, a relação anual entre processos entrados e findos durante o período inspectivo, discriminando-os por espécies (art. 13.º, n.º 3, al. b), do Regulamento das Inspeções Judiciais). O presidente da Relação faz o controlo dos processos de recurso relatados por cada desembargador e comunica os atrasos ao CSM trimestral, semestral e anualmente.
19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?						O Conselho Superior da Magistratura definiu valores de referência processual (VRP), ou seja, o número anual de processos adequado para cada juiz, após um estudo elaborado em 2011 mediante ampla consulta (o estudo pode ser consultado em http://www.csm.org.pt/actividade/estudos/349-estudo-vrp). Esses VRP têm em vista atribuir uma carga processual adequada a cada juiz, permitindo adequada monitorização e uma distribuição justa e eficiente.

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20. Existe uma política de gestão dos fluxos processuais evitando atrasos?		SIM	SIM			O presidente da Relação, através dos escrivães acompanha mensalmente o número dos processos distribuídos a cada juiz e o número dos processos findos, bem como identificam os casos de demora excessiva de resolução. O CSM é informado trimestralmente, da situação trimestral, semestral e anual, relativamente à produtividade de cada juiz desembargador.
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?		SIM	SIM			O CSM e o Presidente, identificando os problemas em articulação na gestão do fluxo processual e dos processos atrasados, tomam medidas adequadas a corrigi-los, designadamente adoptando medidas correctivas na distribuição.
22. Existe um papel activo do juiz na gestão do tempo dos processos?				SIM		Enquanto tribunal de recurso o juiz tem papel activo na gestão do tempo dos processos que lhe são distribuídos no cumprimento ou não dos prazos para a prática dos actos processuais, designadamente o exame preliminar do processo e tempo para elaborar projeto de acórdão ou decidir questões prévias ou incidentais.
23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?	NÃO	NÃO	NÃO	NÃO		
24. Existe um prazo definido para a entrega da decisão após a audiência?	SIM					Nos recursos julgados em conferência a publicitação do acórdão é no próprio dia. Nos recursos-crime julgados em audiência a publicitação do acórdão é por norma no próprio dia. Se não for possível lavrar imediatamente o acórdão, o presidente da secção fixa a data para o efeito e, dentro dos 15 dias seguintes (art. 425.º, n.ºs 1 e 3, do CPP).
25. Existe uma política para a execução das decisões judiciais?	SIM	SIM				A execução de decisões em matéria cível e comercial está regulamentada nos art. 10.º, n.º 4 e 53.º a 58.º, do CPC, sendo o tribunal coadjuvado pelos agentes de execução (Portaria 282/2013, de 298). O exequente pode optar pelo procedimento administrativo prévio (PEPEX – www.pepex.pt), sendo um procedimento electrónico desmaterializado, célere e mais económico que o processo judicial. Portugal quanto a execução de decisões relativas a obrigações alimentares vem adoptando no seu direito interno as convenções e tratados em vigor na Comunidade Europeia (Ex: Convenção n.º 23 da Conferência de Haia de 2/10/1973, em vigor em Portugal desde 1/8/1976). Relativamente a alimentos devidos a menores foi criado o Fundo de Garantia de Alimentos Devidos a Menores, dependente do Instituto de Segurança Social, garantindo o estado o pagamento de alimentos devidos a menores quanto o obrigado se encontre impossibilitado de os prestar, por via do art. 189.º, do DL 317/78, de 27/10 (Lei 75/98, de 19/1). Na execução de decisões condenatórias no processo crime também existe uma política que

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						tenta conciliar o aspecto punitivo do arguido com a sua ressocialização, cabendo assim o controle do cumprimento de penas ao tribunal e à Direção-Geral de Reinserção e Serviços Prisionais (DGRSP tendo sido criada pelo Decreto-Lei n.º 215/2012, de 28 de Setembro, sucedendo neste domínio à Direção-Geral de Reinserção Social (DGRS) e ao Tribunal de Execução de Penas, que executa as penas privativas da liberdade e designadamente de expulsão do território nacional, de acordo com o Código de Execução de Penas e Medidas Privativas de Liberdade (CEPMPL), aprovado pela Lei 115/2009, de 12/10, na redacção da Lei 21/2013, de 21/2.
26. Existe um sistema de notificação das decisões judiciais?	SIM		SIM			A notificação de decisões judiciais em processo civil são feitas directamente às partes, quando não constituam mandatário por carta registada para a residência declarada nos autos, acompanhada de cópia legível da decisão e dos fundamentos (art. 249.º e 252.º, do CPC) e quando houver mandatário é feita a este por correio electrónico, regulamentada por portaria (art. 247.º, n.º 1, 248.º e 132.º, do CPC). Em processo penal as notificações das decisões judiciais para além do defensor ou advogado, quando se trate de decisão instrutória e sentença, são sempre feitas também ao arguido, assistente e partes civis nos termos e nas diversas modalidades pormenorizadamente previstas no art. 113.º, do CPP). No âmbito da cooperação judiciária em matéria penal entre estados membros da União Europeia, vigora o princípio "locus regit actum", segundo o qual o cumprimento dos actos são regidos pela lei do lugar em que forem praticados, isto é, pela lei do Estado requerido, a não ser que o Estado requerente expressamente indique forma diferente e desde que as formalidades e procedimentos indicados não sejam contrários aos princípios fundamentais de direito do Estado membro requerido - Artigo 3.º, n.º 1, da Convenção Relativa ao Auxílio Judiciário Mútuo em Matéria Penal entre os Estados Membros da União Europeia, de 20 de Abril de 1959, ratificada pela Resolução n.º 39/94, de 14/7; artigo 4.º, n.º 1, da Convenção Relativa ao Auxílio Judiciário Mútuo em Matéria Penal entre os Estados Membros da União Europeia, assinada em Bruxelas em 29/05/2000, ratificada pela Resolução n.º 63/2001, de 21/6/2001; ARTIGO art. 161.º, al. i) e 166.º, n.º 5, da CRP.
27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?	SIM	SIM				Se a decisão é proferida oralmente ou directamente ditada para a acta a decisão deve ser notificada de imediato, sob pena do juiz poder incorrer eventualmente em responsabilidade disciplinar. O CSM através do corpo de inspecções moveu nos últimos anos diversos processos disciplinares, por procedimento diferente ou por leituras de sentenças por apontamento, sem serem lavradas e assinadas

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						no acto e tardiamente notificadas, quando a lei impunha que fosse proferidas de imediato e implicitamente que fossem notificadas no acto, por ser este o espírito das formas processuais simplificadas (ex: no processo civil - acções sumaríssimas, acções especiais para cumprimento de obrigações pecuniárias, procedimentos cautelares; No processo penal - sumários, abreviados). O inspector judicial na apreciação do mérito do desempenho funcional do juiz deve atender ao não cumprimento daqueles procedimentos impostos para os processos mais simples e urgentes e aos atrasos não só na prolação da sentença, como no atraso na notificação da decisão, sem a qual a parte interessada está impedida de reagir à sentença proferida. Hoje, graças ao empenho do CSM nesta matéria, são procedimentos, em regra arredados da prática dos tribunais portugueses. Quando a lei não disponha de forma diferente como nos casos acima referidos, ou o juiz não ordene nada em contrário, a notificação da sentença é feita logo que depositada no prazo que a secretaria tem para praticar os actos, sendo de 5 dias para notificação da decisão cível (art. 162.º, n.º 1, do CPC). No processo penal, em princípio é obrigatória a presença do arguido na audiência, não podendo afastar-se dela até ao seu termo (art. 332.º, n.º 1 e 4, do CPP) devendo por isso assistir à leitura da sentença e considerando-se notificado, bem como os sujeitos processuais que deverem considerar-se presentes (art. 372.º, 4, do CPP). Se o arguido for dispensado de estar presente será representado para todos os efeitos pelo seu defensor (art. 334.º, n.º 4, do CPP) e se não estiver presente injustificadamente será notificado logo que seja detido ou se apresente voluntariamente (art. 334.º, n.º 6, do CPP). As restantes notificações da decisão em processo penal são feitas dentro do prazo que a secretaria tem para praticar os actos.
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?	NÃO	NÃO	NÃO	NÃO		
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?	SIM	SIM	SIM	SIM		A execução das sentença pode ser confiada aos agentes de execução ou a oficial de justiça, quando, cabendo ao juiz enquanto supervisor do processo, velar pela tramitação normal dos autos, o que deve fazer, imprimindo celeridade e eficácia à decisão. Em caso de atrasos injustificados o juiz deve intervir e solicitar a justificação, podendo eventualmente condenar em multa o responsável e participar disciplinar ou até criminalmente. Não raras vezes o agente de execução é removido do cargo por negligência em promover o andamento dos autos.
30. Existe um sistema de informação de gestão processual para registo e			NÃO			

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monitorização dos arquivos do tribunal e processos judiciais?						
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?	SIM	SIM	SIM			- Nos processos julgados em recurso em baixam à 1.ª instância, sem ficar na Relação qualquer traslado (art. 669.º, do CPC). - Nos processos julgados com tribunal de 1.ª instância os processos findos, depois do visto em correição, através do qual o juiz confirma a validade dos actos mais importantes do processo e conclui que o processo não tem mais actos a praticar e pode ir para arquivo. As decisões judiciais uma vez proferidas são depositadas e arquivadas em livro próprio na secretaria, sendo de registo obrigatório as decisões finais e decisões instrutórias. A sentença penal uma vez assinada, logo após a leitura é depositada na secretaria, e o secretário apondo nela a data, subscreve a declaração de depósito (art. 373.º, n.º 5, do CPP).
32. Existe um sistema de informação (electrónico) para arquivamento de processos e decisões judiciais?	NÃO	NÃO	NÃO			
33. Existe um sistema electrónico de processos no tribunal?	NÃO	NÃO	NÃO			
34. É possível submeter documentos ao tribunal em formato electrónico?	SIM	SIM	SIM			Os processos são tramitados electronicamente pelas secções através do sistema CITIUS, sendo por isso possível receber documentos em formato electrónico, embora esta ferramenta ainda não esteja disponível para os juízes desembargadores.

V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?		SIM	SIM			O presidente de cada um dos tribunais da Relação acompanha mensalmente o número de processos atribuído a cada juiz e o número de processos findos, comunicando os atrasos ao Conselho Superior da Magistratura.
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?			NÃO			
3. Existe uma política quanto à publicação dos resultados da avaliação?			NÃO			
4. As normas e parâmetros de qualidade são periodicamente avaliados?			NÃO			
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?			NÃO			
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?			NÃO			

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7. O número de demandas bem-sucedidas é registado e publicado?			NÃO			
8. A percentagem de recursos é registada e publicada?			NÃO			
9. A produtividade dos juízes e dos funcionários judiciais é registada e publicada?						A produtividade dos juízes é registada e nalguns tribunais da relação, os resultados são comunicados aos respetantes juízes. Os funcionários judiciais são avaliados periodicamente.
10. A percentagem de revogações é registada?						Os resultados são registados, quer sejam no sentido da revogação, que da confirmação, sem indicação de percentagem.
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e publicada?			NÃO			
12. É possível determinar o número total de processos entrados findos e pendentes em determinado período temporal?				SIM		Sendo os processos tramitados eletronicamente pelas secções através do sistema CITIUS, é possível a qualquer momento aceder a tais dados.

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**ANEXO B****RECOLHA DE DADOS QUALITATIVOS**

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goal setting/Fixação de Objetivos, Caseload management/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendendo a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário?	SIM	SIM				As leis de organização judiciária são da competência da Assembleia da República e o Governo tem elaborado documentos com políticas gerais e estratégicas. O CSM tem competência para propor alterações legislativas com reflexo nas políticas gerais e estratégicas e tem a competência de definir os objectivos estratégicos na vertente judicial.
2. Existe legislação de base aos tribunais ou à sua organização?			SIM			Lei de organização judiciária e respectivo Regulamento
3. Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?			SIM			Constituição da República Portuguesa e Estatuto dos Magistrados Judiciais
4. Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juízes?			SIM			Ao nível dos Tribunais Superiores a Lei de Organização do Sistema de Justiça prevê a possibilidade de criação de secções especializadas, cabendo ao CSM a decisão de

¹ Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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						as instalar, em regra, sob proposta dos presidentes daqueles tribunais
5. Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?		SIM	SIM			Ao nível do CSM, análise das necessidades de recursos humanos, no confronto entre a ratio de processos/desembargadores e a previsão da respectiva jubilação; ao nível dos TR avaliação das necessidades também de funcionários e meios de suporte e integração no orçamento da previsão de custo respectivo.
6. Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?	SIM					Leis de organização judiciária
7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)					X	A matéria não cabe na competência dos órgãos de gestão dos tribunais
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes, procuradores e funcionários judiciais?			NÃO			
9. A gestão do tribunal tem em conta as expetativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?			NÃO			Não existe política ao nível do tribunal
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?			SIM			Apenas com os utentes internos
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?			NÃO			
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?			NÃO			
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?			NÃO			
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal não juiz?			NÃO			
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?			NÃO			Não. Mas existem provimentos que procuram dar resposta a questões concretas
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?			NÃO			
17. A implementação das alterações legislativas é regularmente avaliada?			NÃO			
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes			NÃO			

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são avaliadas?						
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?			NÃO			
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?			NÃO			
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)?			NÃO			A resposta é negativa, sob o ponto de vista da avaliação sistemática, tendo sido efectuada aquando da alteração da LOSJ, mercê da significativa alteração da competência territorial
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?		SIM				O Conselho Superior da Magistratura é sempre ouvido sobre as alterações legislativas. Para além disso, em diplomas mais estruturantes do Judiciário, são criadas comissões de reforma legislativa ou grupos de trabalho que integram personalidades de reconhecido mérito na área respectiva, é efectuada a consulta das associações sindicais e, por vezes, são ouvidas outras entidades, como a Ordem dos Advogados e a Ordem dos Solicitadores
23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?	SIM					Existe revisão regular, anunciada sempre como tendente a melhorar a eficiência e eficácia. Não obstante, muitas alterações são introduzidas sem avaliação dos resultados da alteração anterior e, sobretudo, sem avaliação do impacto da alteração proposta, por vezes, impulsionadas por situações concretas, e nem sempre com a ponderação de todas as variáveis relevantes, sobretudo do ponto de vista dos meios humanos e tecnológicos existentes.
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?			SIM			A lei processual define o modo de intervenção do tribunal – coletivo ou singular
25. Existe uma política de promoção da certeza jurídica?			SIM			Através da uniformização de Jurisprudência pelo STJ, ou pela admissão do recurso excepcional, só admissível precisamente quando existe divergência de decisões nos TR.
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?			SIM			Para além dos mecanismos estabelecidos em sede processual referidos no item anterior, existe ainda a seleção de jurisprudência e publicação numa base de dados pública, permitindo o conhecimento pelos tribunais das decisões proferidas noutros e, pontualmente, são discutidas ao nível das secções dos TR questões de jurisprudência relevante

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II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?			SIM			a) Através de decisão do Presidente b) Apenas em situações muito pontuais e devidamente justificadas, atento o princípio do juiz natural
2. A gestão do tribunal tem um método objectivo para a distribuição de processos entre os juizes?			SIM			Definida na lei processual, e concretizada aleatoriamente, através de sistema informático
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?			SIM			Através de plataforma informática, sendo ainda disponibilizada, pela mesma via, para consulta pública
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?			SIM			A principal garantia resulta do próprio sistema de distribuição automático e aleatório entre todos os juizes, só havendo intervenção do Presidente caso se justifique, fundadamente, a implementação de alguma medida correctiva.
5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?			SIM			Existem critérios legalmente definidos e a referida distribuição através de sistema informático.

III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?			NÃO			Apesar de não existir essa definição, ao nível dos Tribunais de Relação existem quer VRP por desembargador, quer controlo do cumprimento dos prazos, com comunicação

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						ao CSM dos processos em que sejam ultrapassados 90 dias sem decisão, que conjugadamente levam a que a «meta» seja o cumprimento dos prazos legalmente estabelecidos e alcançar ou ultrapassar os VRP estabelecidos pelo CSM
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?			NÃO			Apesar de não existirem indicadores de desempenho em sentido próprio, os Presidentes comunicam semestralmente ao CSM o número de processos entrados/findos por cada desembargador. Assim, quer o CSM quer os Presidentes têm forma de acompanhar efectivamente o desempenho de cada desembargador
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?			NÃO			
4. A natureza dos processos pendentes é sistematicamente analisada?			SIM			Por força da lei, distinguem-se desde logo 2 grandes grupos de processos: os processos com natureza urgente e os não urgentes, tendo aqueles sempre prioridade na decisão
5. Foram definidos objectivos para reduzir a acumulação processual?			NÃO			
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?		SIM	SIM			Existe sistema de informação da quantidade da atividade de cada juiz ao nível do próprio Tribunal e ainda a possibilidade de avaliação qualitativa, revestindo esta natureza excepcional nos tribunais superiores, dependendo de solicitação do próprio juiz, ou de determinação do CSM se verificar situação que a justifique
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?			SIM			A consulta da plataforma informática – que é pública -, permite sempre saber quais os processos e a quem foram distribuídos. Porém, após a distribuição cada juiz só tem conhecimento dos processos pendentes e findos relativos a si próprio, sendo a informação global apenas do conhecimento do Presidente do Tribunal e do CSM
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?			NÃO			

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IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São tomadas medidas para assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?			NÃO			Existe formação contínua ministrada pelo Centro de Estudos Judiciários, na qual os juizes desembargadores se podem inscrever, mas não é de natureza obrigatória
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?			SIM			O sistema informático de apoio à atividade dos Tribunais
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?			SIM			Os oficiais de justiça têm acesso ao mesmo sistema e tramitam nele os processos
4. Esta informação é partilhada dentro do tribunal?			NÃO			A informação está acessível apenas ao juiz a quem o processo foi distribuído e aos funcionários da respectiva secção
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?					X	A mediação apenas está prevista na primeira instância
6. Os processos judiciais (em princípio) são livremente acessíveis ao público?			SIM			A lei consagra o princípio da publicidade como regra, a qual implica o direito de exame e consulta do processo, pelas partes, por qualquer pessoa que possa exercer o mandato judicial, ou ainda por quem nisso revele interesse atendível
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?			NÃO			
8. Os juizes/procuradores têm competência/autoridade para entregar determinados processos à mediação?					X	
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?					X	
10. Existe uma política para a preparação das audiências?			NÃO			A realização de audiências nos Tribunais de Relação tem natureza excecional, sendo preparadas casuisticamente quando se realizam
11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?			SIM			Nos casos em que se realiza nos TR, a data é proposta aos advogados, que aderem à mesma ou propõem datas alternativas
12. Existe um sistema de controlo do início atempado das audiências?			SIM			É efetuada uma ata das audiências em que consta a hora do respectivo início, fim e eventuais interrupções, ficando ainda registada no sistema quando as audiências são gravadas,

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						o que atualmente é a regra
13. As partes são informadas quando a audiência é adiada ou está atrasada?			SIM			A própria lei prevê essa informação
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?			SIM			As datas das sessões são definidas pelos Presidentes das secções e pelo Presidente do Tribunal
15. No que respeita aos juízes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento? e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?			SIM		X X X X X	Nos tribunais superiores, como se disse, as audiências são residuais. Assim, apenas se aplica habitualmente a primeira parte da pergunta da alínea a) e as alíneas d), f) e g)
16. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?			SIM			
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?			SIM			Nos tribunais superiores, a prioridade de tratamento resulta da natureza urgente ou não do processo. Porém, em qualquer processo em que tenham sido ultrapassados os prazos legais de decisão, as partes têm oportunidade de requerer a respectiva decisão, podendo fazê-lo diretamente ao processo ao solicitar ao CSM
18. Existe uma política para fixar prazos previsíveis e ideais?	SIM					Os prazos processuais estão definidos nas leis de processo, mas do seu incumprimento não resulta qualquer sanção que vicie a decisão tardiamente proferida, a qual só existe quando se verifica responsabilidade disciplinar
19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?			SIM			A duração ideal resultaria do cumprimento de todos os prazos processuais. Porém, existe uma definição legal do que pode não ser aceitável, prevendo-se a comunicação ao CSM de processos com conclusão ao juiz há mais de 90 dias, à semelhança do que o CSM já havia anteriormente deliberado quando aos tribunais superiores.

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20. Existe uma política de gestão dos fluxos processuais evitando atrasos?			NÃO			
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?			SIM			Pontualmente, a redistribuição de processos
22. Existe um papel activo do juiz na gestão do tempo dos processos?			SIM			Cada juiz estabelece o ritmo processual, adequando-o à natureza e complexidade do processo, tendo em vista a decisão no mais curto tempo possível
23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?			NÃO			Apenas pode haver prorrogação dos prazos legais para as partes praticarem na primeira instância e somente nos casos especificados na lei.
24. Existe um prazo definido para a entrega da decisão após a audiência?			SIM			Nos tribunais superiores a decisão é entregue na própria audiência, para ser notificada às partes pela secção.
25. Existe uma política para a execução das decisões judiciais?	SIM		SIM			O processo executivo cujos termos estão previstos na lei processual
26. Existe um sistema de notificação das decisões judiciais?			SIM			Definido na lei processual
27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?			SIM			Definido na lei processual relativamente ao cumprimento pela secção de processos dos despachos judiciais
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?			NÃO			A execução da decisão judicial de natureza cível depende da iniciativa da parte, não sendo monitorizado pelo Tribunal. No processo crime, a iniciativa da execução das sentenças pertence ao Ministério Público.
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?			NÃO			O incumprimento dos deveres funcionais dos oficiais de justiça incumbe à DGAJ e dos agentes de execução à CAAJ. No processo executivo o juiz apenas intervém quando estão em causa direitos, liberdades e garantias.
30. Existe um sistema de informação de gestão processual para registo e monitorização dos arquivos do tribunal e processos judiciais?			SIM			Existe sistema informático para a tramitação e gestão processual, incluindo dos arquivos
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?			SIM			Nos Tribunais superiores só ficam arquivados os processos em que a Relação conhece em primeira instância, sendo os demais processos arquivados no tribunal de origem. Existe política de registo de todas as decisões judiciais proferidas.
32. Existe um sistema de informação			SIM			O sistema de informação e suporte à actividade

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(electrónico) para arquivamento de processos e decisões judiciais?						dos Tribunais – Habitus/Citius
33. Existe um sistema electrónico de processos no tribunal?			SIM			Habitus/Citius
34. É possível submeter documentos ao tribunal em formato electrónico?			SIM			Habitus/Citius

V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?			SIM			Análise dos dados constantes do sistema informático e comunicação das pendências superiores a 3 meses ao CSM
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?			NÃO			
3. Existe uma política quanto à publicação dos resultados da avaliação?			NÃO			
4. As normas e parâmetros de qualidade são periodicamente avaliados?			NÃO			
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?			NÃO			
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?			NÃO			Há sempre registo das decisões e as tabelas com os resultados são públicas, qualquer que este seja, mas não existe tratamento das percentagens, nem diferenciação pelo sucesso ou insucesso da demanda (7. 8. e 10.)
7. O número de demandas bem-sucedidas é registado e publicado?			NÃO			
8. A percentagem de recursos é registada e publicada?			NÃO			
9. A produtividade dos juizes e dos funcionários judiciais é registada e publicada?			NÃO			
10. A percentagem de revogações é registada?			NÃO			
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e publicada?			NÃO			
12. É possível determinar o número total			SIM			Através da plataforma informática

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de processos entrados findos e pendentes em determinado período temporal?						

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**ANEXO B****RECOLHA DE DADOS QUALITATIVOS**

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goal setting/Fixação de Objetivos, Caseload management/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendiéndose a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégias relativas ao judiciário?			NÃO			
2. Existe legislação de base aos tribunais ou à sua organização?			SIM			Leis de organização judiciária
3. Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?			SIM			Constituição da República Portuguesa
4. Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juízes?			SIM			Leis de organização judiciária preveem a possibilidade de criação de secções especializadas, cabendo ao CSM a decisão de as instalar
5. Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?			SIM			Ordens de serviço ou provimentos
6. Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?			SIM			Leis de organização judiciária

¹ Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)					X	A matéria não cabe na competência dos órgãos de gestão dos tribunais
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes, procuradores e funcionários judiciais?			NÃO			
9. A gestão do tribunal tem em conta as expetativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?			NÃO			Não existe política ao nível do tribunal
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?			SIM			Apenas com os utentes internos
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?			NÃO			
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?			NÃO			
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?			NÃO			
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal não juiz?					X	
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?			NÃO			Não. Mas existem provimentos que procuram dar resposta a questões concretas
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?			NÃO			
17. A implementação das alterações legislativas é regularmente avaliada?			NÃO			
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes são avaliadas?			NÃO			
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?			NÃO			
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?			NÃO			
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)?			NÃO			
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e			SIM			Comissões de reforma legislativa, grupos de trabalho, consulta da associação sindical

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comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?						
23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?			NÃO			Existe revisão regular. Mas não há um procedimento uniforme: a metodologia adotada nuns casos não o é nos outros.
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?			SIM			A lei processual define o modo de intervenção do tribunal – coletivo ou singular
25. Existe uma política de promoção da certeza jurídica?			NÃO			
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?			SIM			Seleção de alguma jurisprudência e publicação respetiva numa base de dados pública

II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA(medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?			SIM – a) NÃO – b)			a)Através de decisão do presidente
2. A gestão do tribunal tem um método objectivo para a distribuição de processos entre os juizes?			SIM			Definida na lei processual
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?			SIM			Através de plataforma informática
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?			NÃO			

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5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?			SIM			Existem critérios legalmente definidos

III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?			NÃO			
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?			NÃO			
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?			NÃO			
4. A natureza dos processos pendentes é sistematicamente analisada?			SIM			Diferenciam-se os processos urgentes dos não urgentes, tendo aqueles precedência na decisão
5. Foram definidos objectivos para reduzir a acumulação processual?			NÃO			
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?			SIM			Existe sistema de informação da quantidade da atividade de cada juiz e a possibilidade de avaliação qualitativa, revestindo esta carater excecional e dependendo de solicitação do próprio juiz
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?			SIM			Consulta da plataforma informática permite o conhecimento sobre volume processual distribuído. Após a distribuição cada juiz só tem conhecimento dos processos pendentes e findos relativos a si próprio
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?			NÃO			

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IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São tomadas medidas para assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?			NÃO			
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?			SIM			Entende-se por unidade o próprio juiz e não a totalidade da secção que ele integra
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?			SIM			
4. Esta informação é partilhada dentro do tribunal?			NÃO			
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?			NÃO			
6. Os processos judiciais (em princípio) são livremente acessíveis ao público?			SIM			A lei consagra o princípio da publicidade como regra
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?			NÃO			
8. Os juizes/procuradores têm competência/autoridade para entregar determinados processos à mediação?			NÃO			
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?					X	
10. Existe uma política para a preparação das audiências?					X	Nota: a realização de audiências na Relação tem natureza excecional, razão pela qual consideramos NA às questões 10 a 13

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11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?					X	
12. Existe um sistema de controlo do início atempado das audiências?					X	
13. As partes são informadas quando a audiência é adiada ou está atrasada?					X	
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?			SIM			As datas das sessões são definidas anualmente pela presidência
15. No que respeita aos juizes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento? e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?					X X X X X X	
16. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?					X	
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?					X	
18. Existe uma política para fixar prazos previsíveis e ideais?					X	Os prazos são definidos nas leis processuais
19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?			SIM			Existe um sistema de comunicação ao CSM de pendências com atrasos superiores a 3 meses
20. Existe uma política de gestão dos fluxos processuais evitando atrasos?			NÃO			
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?			NÃO			
22. Existe um papel activo do juiz na gestão do tempo dos processos?			SIM			Cada juiz define o seu próprio ritmo processual
23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?			NÃO			
24. Existe um prazo definido para a entrega da decisão após a audiência?					X	
25. Existe uma política para a execução das decisões judiciais?					X	
26. Existe um sistema de notificação das decisões judiciais?			SIM			Definido na lei processual

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27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?			SIM			Definido na lei processual
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?					X	
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?					X	
30. Existe um sistema de informação de gestão processual para registo e monitorização dos arquivos do tribunal e processos judiciais?			SIM			Existe sistema informático para a gestão processual e registo de acórdãos
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?					X	
32. Existe um sistema de informação (electrónico) para arquivamento de processos e decisões judiciais?			NÃO			
33. Existe um sistema electrónico de processos no tribunal?			SIM			
34. É possível submeter documentos ao tribunal em formato electrónico?			SIM			

V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?			SIM			Comunicação das pendências superiores a 3 meses ao CSM
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?			NÃO			
3. Existe uma política quanto à publicação dos resultados da avaliação?			NÃO			
4. As normas e parâmetros de qualidade são periodicamente avaliados?			NÃO			
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?			NÃO			
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?			NÃO			

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7. O número de demandas bem-sucedidas é registado e publicado?			SIM			Há registo de decisões, qualquer que seja o seu resultado
8. A percentagem de recursos é registada e publicada?			NÃO			
9. A produtividade dos juizes e dos funcionários judiciais é registada e publicada?			NÃO			
10. A percentagem de revogações é registada?			NÃO			
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e publicada?			NÃO			
12. É possível determinar o número total de processos entrados findos e pendentes em determinado período temporal?			SIM			Através da plataforma informática

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**ANEXO B****RECOLHA DE DADOS QUALITATIVOS**

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goal setting/Fixação de Objetivos, Caseload management/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendendo a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário?	sim	sim				- O Ministério da Justiça é o organismo responsável pela concepção, implementação e coordenação da política definida e aprovada pelo Parlamento Nacional e pelo Conselho de Ministros, para as áreas da Justiça e do Direito. • O Ministério da Justiça, no âmbito das suas atribuições, assegura as relações do Governo com os Tribunais, o Ministério Público, o Conselho Superior da Magistratura Judicial, com o Conselho Superior do Ministério Público, com o Conselho Superior da Defensoria Pública, bem como com os demais agentes da área da Justiça e do

¹ Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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Direito, designadamente com a entidade representativa dos Advogados.

Atribuições

Constituem atribuições do Ministério da Justiça:

- Elaborar os projectos de legislação e regulamentação das medidas normativas adequadas à prossecução das políticas para as áreas da Justiça e do Direito, bem como assegurar o estudo, elaboração e acompanhamento da execução dessas medidas;
- Assegurar, sempre que solicitado, a harmonização sistemática e material da produção legislativa em geral;
- Regular e gerir o sistema prisional, a execução de penas e medidas de segurança e os serviços de reinserção social;
- Assegurar mecanismos de patrocínio e de apoio judiciário para os cidadãos mais desfavorecidos;
- Criar e garantir mecanismos que assegurem o respeito pelos Direitos Humanos
- Promover a divulgação dos direitos e deveres de Cidadania;
- Organizar e prestar serviços de administração e cadastro de bens imóveis em todo território nacional e promover as medidas de implementação necessárias à gestão do património imobiliário do Estado;
- Estabelecer e garantir os serviços de registo e de notariado;
- Assegurar a formação jurídica de quadros necessários para o exercício de funções na área da Justiça e do Direito.

- O Conselho Superior da Magistratura (CSM) é o órgão do Estado a quem estão constitucionalmente atribuídas as competências de nomeação, colocação, transferência e promoção dos Juizes dos Tribunais Judiciais e o exercício da acção disciplinar, sendo, simultaneamente, um órgão de salvaguarda institucional dos Juizes

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						e da sua independência. Constituição da República Portuguesa (CRP) Lei Organização do Sistema Judiciário (LOSJ)- Lei 62/2013 de 26.8 Regulamento – Dec Lei 49/2014 de 23.3 Estatuto dos Magistrados Judiciais (EMJ) Deliberações do Conselho Superior da Magistratura
2.	Existe legislação de base aos tribunais ou à sua organização?	sim				Lei Organização do Sistema Judiciário e demais indicadas no número anterior.
3.	Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?	Sim				CRP EMJ LOSJ
4.	Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juízes?	Sim	Sim			CRP prevê a possibilidade de secções especializadas nos tribunais superiores. LOSJ Movimentos judiciais e deliberações do CSM
5.	Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?	Sim	Sim			LOSJ e seu regulamento Movimentos judiciais
6.	Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?	Sim				Mapa judiciário LOSJ e seu regulamento
7.	A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)			Sim		Plano anual do Tribunal da Relação de Lisboa (TRL) que respeita à gestão global do tribunal, incluída a distribuição de processos, gestão de magistrados e de funcionários. Relatórios e medidas semestrais da actividade do judiciário no TRL
8.	A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes, procuradores e funcionários judiciais?			Sim		O Plano anual é publicado no site do TRL e divulgado internamente e através de contactos directos, gerais e individuais.
9.	A gestão do tribunal tem em conta as expetativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?			Sim		>> >> >> >> >> >> >> >> >> >> >> >> >> >> >> >>

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10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?			Sim			Mantém contactos regulares e oportunos com utentes e 'media'
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?			Sim			Através de contactos directos, estimulando uma política de mentalização de magistrados e funcionários, visando a boa gestão de recursos e a compreensão da mesma
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?			Sim			Através de suspensões de serviço em casos pontuais de modo a permitir a gestão prioritária de serviços urgentes e/ou prioritários.
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?			Não			Sem prejuízo de fazer recomendações genéricas em matéria de gestão.
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal não juiz?			Não			
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?			Sim			No sentido do acompanhamento pelos oficiais de justiça nas diligências judiciais e quanto à tramitação processual
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?			Sim			
17. A implementação das alterações legislativas é regularmente avaliada?	Sim	Sim				
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes são avaliadas?	Sim	Sim				
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?			Sim		x	Determinações práticas e gestão do TRL em casos pontuais e relevantes para o bom funcionamento do tribunal
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?					N	
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações		Sim	Sim			Nomeadamente, a entrada em vigor da LOSJ, a propósito da proposta de alteração da colegiabilidade, foi feita após avaliação prática dos seus efeitos e após discussão pública e audição dos magistrados.

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na capacidade dos tribunais (no pessoal)?						Alterações na capacidade dos tribunais dependem das medidas legislativas.
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?		Sim				Nos termos consagrados na CRP
23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?	Sim					
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?	Sim					A decisão será singular ou colectiva, nos termos definidos pela lei, ou seja pela LOSJ de acordo com a composição do tribunal e pelas leis processuais penais.
25. Existe uma política de promoção da certeza jurídica?	Sim					Através de Acórdãos de Fixação de Jurisprudência
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?			Sim			Nas secções compostas por juizes do TRL é feita a observação e promoção de discussões colegiais, entre os vários colectivos de juizes e pela secção em geral promovida pelo presidente da secção e através da escolha e publicação de acórdãos na Base de Dados de jurisprudência.

II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA(medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?			Sim Sim			Através de medidas pontuais por parte do Presidente do TRL e por competência delegada do CSM
2. A gestão do tribunal tem um			Sim			Distribuição processual por via informática

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método objectivo para a distribuição de processos entre os juizes?						
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?			Sim			A distribuição é publica e periodicamente divulgada nomeadamente no site do TRL
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?			Sim			» » » » » » (resposta a 1)
5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?			Sim			» » » » » » » »

III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?			Não			Não existem metas definidas pelos presidentes, nos tribunais superiores
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?		Sim				De acordo com o CSM e com a distribuição o Presidente do TRL define. Os indicadores são os resultantes da estatística processual
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?			Sim			A gestão do tribunal identifica e dá publicidade a tais factores.
4. A natureza dos processos pendentes é sistematicamente analisada?			Sim			Com regularidade, é analisada a estatística processual geral e individual e pedida

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						notícia acerca de processos urgentes ou de acumulação para cima de certos limites com vista a encontrar mecanismos para a resolução de tais situações.
5. Foram definidos objectivos para reduzir a acumulação processual?			Sim			Através da análise sistemática da pendência geral e individual e da tomada de medidas pontuais que se imponham. É especialmente acautelada a natureza de processos urgentes e aqueles em que se possa verificar a prescrição do procedimento processual.
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?		Sim	Sim			De natureza qualitativa e quantitativa pelo CSM e de natureza quantitativa pelo TRL
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?			Sim			Através do órgão de gestão do TRL é publicitada a estatística, bem como os resultados das decisões (igualmente divulgados ao público) e das situações de suspensão ou de redução de serviço
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?			Não			

IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São tomadas medidas para			Não			

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assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?						
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?			Sim			
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?			Sim			
4. Esta informação é partilhada dentro do tribunal?			Sim			
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?			Não			
6. Os processos judiciais (em princípio) são livremente acessíveis ao público?			Sim			Com excepção dos que se encontrem em segredo de justiça
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?			Sim			Nomeadamente através da possibilidade de envio, por email, de requerimentos.
8. Os juizes/procuradores têm competência/autoridade para entregar determinados processos à mediação?					NA	
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?					NA	
10. Existe uma política para a preparação das audiências?			Sim	Sim		
11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?				Sim		
12. Existe um sistema de controlo do início atempado das audiências?				Sim		Através da elaboração de actas que registam o conteúdo e formalidades das audiências,

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						nomeadamente a hora de início e termo.
13. As partes são informadas quando a audiência é adiada ou está atrasada?				Sim		Através do oficial de justiça que acompanha.
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?			Sim	Sim		Sim através da organização das Tabelas respectivas.
15. No que respeita aos juizes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento? e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?				Sim		
16. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?				Sim		
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?		Sim				Existem mecanismos processuais de pedido de aceleração processual.
18. Existe uma política para fixar prazos previsíveis e ideais?			Não			Depende da lei e da oportunidade do tribunal e do juiz
19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?	Sim	Sim				São fixados prazos ideais e indicativos para a pendência média, ocorrendo a intervenção do CSM quando os mesmos são ultrapassados..
20. Existe uma política de gestão dos fluxos processuais evitando atrasos?	Sim	Sim				Idem
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?						
22. Existe um papel activo do juiz na gestão do tempo dos processos?				Sim		Exclusivamente no seu âmbito de intervenção pessoal.

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23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?				Sim		Em alguns casos, como sejam os processos a que foi reconhecida a natureza de especial complexidade para os quais estão previstos, por lei, prazos mais longos para a realização de certas fases ou actos processuais e em que o juiz pode conceder prazo adicional aos intervenientes processuais ou em casos pontuais como na oposição aos pedidos de cumprimento pel Estado Português de mandados de detenção europeus, no âmbito da cooperação judiciária internacional.
24. Existe um prazo definido para a entrega da decisão após a audiência?				Sim		De acordo com a lei processual em causa.
25. Existe uma política para a execução das decisões judiciais?	Sim					
26. Existe um sistema de notificação das decisões judiciais?	Sim		Sim			
27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?	Não		Não	Não		
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?			Sim			
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?			Sim	Sim		
30. Existe um sistema de informação de gestão processual para registo e monitorização dos arquivos do tribunal e processos judiciais?			Sim			Existe registo informático das decisões.
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?			Sim			Idem
32. Existe um sistema de informação (electrónico) para arquivamento de processos e decisões judiciais?			Sim			Idem
33. Existe um sistema electrónico			Sim			Idem

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de processos no tribunal?						
34. É possível submeter documentos ao tribunal em formato electrónico?			Sim			Nos termos da lei processual aplicável.

V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?			Sim			
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?			Sim			
3. Existe uma política quanto à publicação dos resultados da avaliação?			Não			
4. As normas e parâmetros de qualidade são periodicamente avaliados?		Sim	Sim			
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?		Sim	Sim			
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?			Sim			Não é registada a percentagem mas é registado o número de decisões proferidas em tribunal singular ou em colectivo.
7. O número de demandas bem-sucedidas é registado e publicado?			Sim			
8. A percentagem de recursos é registada e publicada?			Sim			
9. A produtividade dos juizes e dos funcionários judiciais é registada e publicada?			Sim			
10. A percentagem de revogações é registada?			Sim			
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e			Sim			

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publicada?						
12. É possível determinar o número total de processos entrados findos e pendentes em determinado período temporal?			Sim			

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**ANEXO B****RECOLHA DE DADOS QUALITATIVOS**

O questionário de recolha de dados qualitativos segue de perto a CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (doravante Checklist) adotada pela CEPEJ em Estrasburgo em 2008.

As questões propostas foram organizadas em torno dos pontos de análise do Projeto: Allocation of cases system/Afetação de processos; Goal setting/Fixação de Objetivos, Caseload management/Gestão processual macro, Indicadores de medida, Court Performance Standards/Indicadores de medida e VRP.

Os dados são recolhidos com referência a vários níveis de verificação¹: o nível nacional desagregado no Executivo (E) e nos Conselhos de Justiça (CS), o nível do Tribunal (T) e o nível do Juiz (J). Acrescentou-se uma coluna não prevista na Checklist para recolha das indicações de leis, práticas ou medidas de gestão relativas aos pontos considerados.

Tendo em atenção os Parceiros do Projeto considerou-se despendiçanda a inclusão de uma coluna destinada à recolha de dados de incidência regional prevista na Checklist.

Propõem-se os seguintes conjuntos de questionários:

I. ESTRATÉGIA E POLÍTICA (valores, missão, visão)	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. Existe uma autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário?			S			A Assembleia da República tem competência exclusiva para legislar em matéria do Estatuto dos Juízes (art. 164.º al. m)), bem como a competência, salvo autorização dada ao governo (reserva relativa de competência), para legislar sobre a organização e competência dos tribunais (art. 165.º al. p)). O Ministério da Justiça executa a política de justiça definida pela Assembleia da República e pelo Governo. Dentro do ministério da justiça a Direcção Geral da Administração da Justiça (DGAJ) assegura o funcionamento dos tribunais.
2. Existe legislação de base aos tribunais ou à sua organização?			S			Lei n.º 62/2013, Lei de Organização do Sistema Judiciário regulamentada pelo Decreto-Lei n.º 49/2014.

¹ Legenda: E – Estado; CS – Conselho Superior da Magistratura Judicial (excluindo a Magistratura Administrativa e Fiscal e do Ministério Público); T – Tribunal; J – Juiz; NA – não aplicável.



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						O Estatuto dos Magistrados Judiciais, Lei n.º 21/85. Os Códigos de processo; no caso do Código de Processo Penal as suas normas relativas à competência prevalecem sobre as de organização judiciária, art.º 10º do Código de Processo Penal.
3. Existe garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo?			S			A Constituição da República Portuguesa consagra no art. 203.º a independência do judiciário perante os poderes executivo e legislativo. As leis ordinárias (estatutárias, de organização judiciária e processual) concretizam e materializam essa independência.
4. Existe uma política relativa à especialização dos tribunais e/ou a certa categoria de juizes?			S			A Lei n.º 62/2013, de 26 de agosto, (Lei de Organização do Sistema Judiciário) implementou a especialização dos tribunais.
5. Existe uma política e estratégia relativa às necessidades e planeamento dos recursos do Tribunal?			S			
6. Existe uma política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica?			S			Leis de Organização Judiciária
7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)			N			
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juizes, procuradores e funcionários judiciais?			N			
9. A gestão do tribunal tem em conta as expectativas das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal?			N			
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos?			N			
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização?			N			
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas?			N			
13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades?			N			
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juizes no pessoal			N			

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não juiz?						
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal?			S			
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na estrutura organizacional do tribunal?			N			
17. A implementação das alterações legislativas é regularmente avaliada?			N			
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juizes são avaliadas?			N			
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada?			N			
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente?			N			
21. É avaliado o impacto da introdução de nova legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)?			N			
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo?			S			Há, em regra, uma ampla discussão.
23. As leis processuais (civil, criminal, administrativas) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais?			S			
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes?			S			Os Códigos de Processo (Civil e Penal) definem as regras aplicáveis.
25. Existe uma política de promoção da certeza jurídica?			S			O recurso para a Uniformização de Jurisprudência é disso exemplo
26. Existem instrumentos específicos usados para promover a segurança jurídica, por exemplo um sistema interno de jurisprudência ou a organização de reuniões para discutir a jurisprudência relevante?			S			Todos os tribunais superiores disponibilizam <i>on line</i> a respectiva jurisprudência, publicando alguns ainda Boletins temáticos. O CEJ nas suas acções de formação discute a jurisprudência relevante.

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II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. a) O tribunal tem a possibilidade de reatribuir ou atribuir processos a fim de aumentar a eficácia no tribunal? b) O tribunal pode estabelecer uma flexibilidade entre os juizes que permita tais reatribuições?			N			Vigora o princípio do juiz natural e o aumento da eficácia não é excepção a esse princípio. A redistribuição de um processo pode ocorrer mas não com esse objectivo.
2. A gestão do tribunal tem um método objectivo para a distribuição de processos entre os juizes?			S			O resultante da lei
3. A informação quanto á distribuição de processos é disponibilizada a toda a organização do tribunal?			S			
4. São tomadas medidas para garantir uma justa e eficiente distribuição de volume processual entre os juizes (i.e. acompanhamento dos fluxos processuais, do número de processos confiados a cada juiz, da velocidade de resolução processual, do levantamento das actividades externas, etc.)?			S			Apenas há uma justa e eficiente distribuição inicial de volume processual.
5. São tomadas medidas para assegurar a transparência na distribuição de processos aos juizes (i.e. critérios objetivos iniciais e públicos)?			S			Total objectividade e transparência, com base na lei.

III. FIXAÇÃO DE OBJECTIVOS	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São definidas metas para os tribunais (desempenho)?			N			
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?			N			
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectivos?			N			
4. A natureza dos processos pendentes é sistematicamente analisada?			S			Diferenciam-se os processos urgentes dos não urgentes; na jurisdição criminal é ponderado o prazo de prescrição.
5. Foram definidos objectivos para reduzir a acumulação processual?			N			

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6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?			N			
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?			N			Há acesso apenas aos dados do próprio
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?			N			

IV. GESTÃO PROCESSUAL	E	CS	T	J	NA	DESCREVA (medidas/leis/práticas)
1. São tomadas medidas para assegurar a adequação entre as funções dos juizes e os processos que lhes são confiados (formação, especialização reagrupamento de casos, “processos teste”, etc.)?			N			
2. Cada juiz tem ferramentas específicas que lhe permitam saber – em tempo real – do estado dos processos pendentes na sua unidade?			N			Excepto nos casos em que o processo se encontra na posse física do juiz, ele só pode saber – em tempo real – do estado dos processos pendentes na sua unidade através da sua secção de processos.
3. É possível ao juiz partilhar esta informação com os seus oficiais de justiça?					X	Os oficiais de justiça podem aceder em tempo real ao estado dos processos pendentes na sua unidade.
4. Esta informação é partilhada dentro do tribunal?						
5. Podem os juizes tomar medidas alternativas, porém não coercivas para resolver conflitos no decurso de processo pendente?			N			

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6. Os processos judiciais (em princípio) são livremente acessíveis ao público?			S			Em regra funciona o princípio da publicidade.
7. Os processos são organizados e levados a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas?			N			
8. Os juízes/procuradores têm competência/autoridade para entregar determinados processos à mediação?			N			
9. Existem rotinas para salvaguardar que a mediação não atrase o processo desnecessariamente?			N			
10. Existe uma política para a preparação das audiências?			S			Na jurisdição penal, aquando da marcação da audiência, o projecto de decisão é distribuído pelo presidente e adjuntos.
11. A audiência é designada em prazo previsível, após o recebimento do caso, em cooperação com os advogados das partes, com vista a decidir a duração dos procedimentos e o tempo necessário para preparar a audiência final?			S			Na jurisdição penal
12. Existe um sistema de controlo do início atempado das audiências?			S			Na jurisdição penal a hora do início da audiência consta da respectiva acta
13. As partes são informadas quando a audiência é adiada ou está atrasada?			S			
14. Existe um sistema de informação usado para definir um agendamento eficiente das sessões no tribunal?			S			Datas das sessões pré-determinadas, podendo ser conhecidas pelos sujeitos processuais.
15. No que respeita aos juízes: a)Preparam de forma adequada os processos tendo em vista a instrução e discussão oral? b)Têm a capacidade de melhorar a compreensão do seu papel pelos vários intervenientes processuais? c)Controlam a distribuição do tempo de intervenção das partes e testemunhas? d)Controlam de forma adequada a polícia e direcção do julgamento? e)Têm em conta as expectativas das partes e das testemunhas na fase oral do processo? f)Controlam o calendário do processo? g)São pontuais?			S			A resposta afirmativa restringe-se à parte aplicável relativa à pontualidade
16. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários tempos de espera?			S			Na parte aplicável que é a jurisdição penal
17. As partes têm a oportunidade de requerer a prioridade de tratamento do processo se forem dadas razões legítimas?			S			Na jurisdição penal pedido de aceleração de processo.
18. Existe uma política para fixar prazos previsíveis e ideais?			N			

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19. Existem padrões ou normas definidos quanto à duração aceitável dos processos judiciais?			S			A sua violação implica comunicação ao CSM
20. Existe uma política de gestão dos fluxos processuais evitando atrasos?			S			O CSM é informado trimestralmente da pendência processual.
21. São tomadas medidas para acelerar processos atrasados e para reduzir a pendência processual?			S			Por parte do CSM
22. Existe um papel activo do juiz na gestão do tempo dos processos?			S			O juiz com respeito pelas regras processuais define o decurso do processo.
23. As partes podem negociar com o tribunal quanto aos prazos que serão utilizados?			N			
24. Existe um prazo definido para a entrega da decisão após a audiência?			S			Nos recursos-crime julgados em audiência a publicitação do acórdão é, em regra, na sessão imediata, decorridos oito dias, dentro dos 15 dias seguintes permitidos pelo art. 425.º, n.ºs 1 e 3, do Código de Processo Penal.
25. Existe uma política para a execução das decisões judiciais?			S			
26. Existe um sistema de notificação das decisões judiciais?			S			
27. Existe um prazo máximo definido entre a decisão final do juiz e a notificação desta às partes?			S			
28. O prazo entre a decisão final do juiz e a execução desta é periodicamente monitorizado?			N			
29. Se a execução das decisões judiciais está confiada a membros de uma profissão específica (oficiais de justiça, etc.), estes são supervisionados pelas autoridades judiciais?			N			
30. Existe um sistema de informação de gestão processual para registo e monitorização dos arquivos do tribunal e processos judiciais?			N			
31. Existe uma política específica relativa ao arquivamento dos processos e das decisões judiciais?			S			
32. Existe um sistema de informação (electrónico) para arquivamento de processos e decisões judiciais?			S			
33. Existe um sistema electrónico de processos no tribunal?			S			
34. É possível submeter documentos ao tribunal em formato electrónico?			S			

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HIGH COUNCIL FOR THE JUDICIARY OF PORTUGAL

V. INDICADORES DE AVALIAÇÃO DO DESEMPENHO	E	CS	T	J	NA	DESCRIÇÃO (medidas/leis/práticas)
1. Existe um sistema de monitorização contínua do volume de trabalho de cada juiz?			S			
2. A gestão do tribunal avalia periodicamente o desempenho do tribunal?			N			
3. Existe uma política quanto à publicação dos resultados da avaliação?			N			
4. As normas e parâmetros de qualidade são periodicamente avaliados?			N			
5. Seguidamente aos resultados da avaliação são identificadas e implementadas medidas para melhorar a situação? Estas medidas são monitorizadas?			N			
6. A percentagem de casos de uma decisão em plenário (colectivo de juizes) é registada e publicada?			S			
7. O número de demandas bem-sucedidas é registado e publicado?			S			
8. A percentagem de recursos é registada e publicada?			N			
9. A produtividade dos juizes e dos funcionários judiciais é registada e publicada?			N			
10. A percentagem de revogações é registada?			S			São elaboradas tabelas com o resultado dos recursos que são publicitados
11. A duração dos processos (no tribunal em causa) é sistematicamente registada e publicada?			N			
12. É possível determinar o número total de processos entrados findos e pendentes em determinado período temporal?			S			Através do sistema <i>CITIUS</i>

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RESULTS ANALYSIS

First Instance

Doc. 28 – Results Analysis - Group I - Strategy and Policy in Court Management - 1.ª Instância

Doc. 29 – Results Analysis - Group II - Allocations of Case System - 1.ª Instância

Doc. 30 – Results Analysis - Group III - Goal Setting - 1.ª Instância

Doc. 31 – Results Analysis - Group IV - Caseload Management - 1.ª Instância

Doc. 32 – Results Analysis - Group V - Court Performance Standards - 1.ª Instância

ANNEX VI

I. STRATEGY AND POLICY IN COURT MANAGEMENT
(values, mission, vision)

	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
1. Public authority responsible for drafting general policies and strategic documents concerning the judiciary.	N/A	The Saxon Ministry of Justice is competent on drafting general policies and strategic documents concerning the judiciary. Court administration within the ordinary jurisdiction is headed by the President of the Higher Regional in Dresden, capital of Saxony. He supervises the Presidents of the regional and local Courts of the state.	Yes Parliament adopts (on the basis of initiative of judiciary and/or on the basis of the consent of judiciary and executive) concept papers concerning judicial system, for example, concept papers on: reorganization of court system, on introducing the institute of lay judges, on mediation, etc. Yes National Courts Administrations prepares, negotiates with courts, Council of Judges adopts strategic documents, concerning strategic issues of the activities and development of court system and judicial services (for example, Communication Strategy of Court System, the Plan of the implementation of the reorganization	Yes, Parliament, Ministry of Justice Strategy Programme for the Judiciary in the perspective of 2020	The Ministry of Justice is responsible for drafting and executing the Justice policy defined by the Parliament and the Government. The Judicial High Council has the power to issues opinions concerning the judiciary organization and management, as well as the power to propose legal changes on those issues.	Article 3 of the Constitution provides that Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovenian nation to self-determination. In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, according to the principle of separation of legislative, executive and judicial. In the past The Annual reports on the efficiency and effectiveness of courts the Judicial Council provided short-term ad long-term recommendations for the successful functioning of the judiciary. The Annual reports were based on the findings of the court's work. The Supreme Court has adopted a long term strategy of functioning of the judiciary (a six-year strategic plan). In the documents Annual reports on the efficiency and effectiveness of judiciary and The Opening of the Judicial year the Supreme Court determines the annual	N/A

			of courts, concept proposals for the development of e-tools in courts, priorities of the capital investments in courts, etc. Yes President of the Court approves strategic plan for 3 years and annual plan of internal control of administrative activities. President of the higher court approves annual plan of administrative monitoring of administrative activities of respective court.			judiciary objectives. The realisation of these annual judiciary objectives is assessed and presented in the preeviusly mentioned annual reports.	
2. Legislation supporting the courts or court organization.	N/A	Sec.1 Courts Constitution Act (Federal law): “Judicial power shall be exercised by independent courts that are subject only to the law.” The Courts Constitution Act determines jurisdiction of the various ordinary courts, allocation of cases and court’s administration. For specialized courts this is ruled in special	Yes Parliament, as the legislative body, adopts primary laws and other legal acts, regulating court system, organization and competence of self-governance institutions of judiciary, principle procedures of recruitment, career and dismissal of judges, disciplinary grounds and sanctions, etc. (for	ACT of 27 July 2001 Law on Common Courts Organisation and Regulation of Minister of Justice on the operation of common court of 23 December 2015	There are several main legal instruments, namely: Lei n.º 62/2013, de 26 de Agosto (LOSJ); Decreto-Lei n.º 49/2014, de 27 de Março (ROFTJ); Decreto-Lei n.º 342/88, de 28 de Setembro (EMJ); Lei n.º 47/86, de 15 de Outubro (EMMP); DL n.º 343/99, de 26 de Agosto (EFJ).	Yes, The Judicial Service Act, The Courts Act and The Courts Order	N/A

		laws (Administrative Courts, Labour Courts etc) . example, Law on Courts, Law on Establishing District Courts, Law on Judicial Salary, Law on State Pensions for retired Judges, Parliament's Resolution on District Courts and Regional Administrative Courts Reorganization) Yes NCA prepares, JC adopts resolutions and rules for: administrative activities of courts, model structures of courts, model job descriptions of the employees of courts, corruption risk analysis, providing information to public, client service standard. Yes Orders of the President of the Court and Chancellor of the Court, establishing internal rules regarding providing information to public, public procurement procedures, client service, etc.				

3. Guarantee at constitutional level (or at the highest level of the hierarchy of norms) to protect the independence of the judiciary vis-à-vis the executive and legislative powers.	N/A	Article 97 Basic Law (Constitution) [Judicial independence] (1) Judges shall be independent and subject only to the law. (2) Judges appointed permanently to full-time positions may be involuntarily dismissed, permanently or temporarily suspended, transferred or retired before the expiration of their term of office only by virtue of judicial decision and only for the reasons and in the manner specified by the laws. The legislature may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of courts or in their districts, judges may be transferred to another court or removed from office, provided they retain their full salary. Section 26 German Judiciary Act Supervision of service (1) A judge shall be	Yes Such guarantees are expressis verbis established in the Constitution (Art. 109), Rulings of the Constitutional Court (for example, 1999/12/21; 2000/01/12; 2004/05/13) and Law on Courts (Art. 2). Also there are a lot of norms, related and targeted inter alia to protect the independence. For example: legal regulation on the judicial appointment, dismissal, disciplinary procedure with the JC's role as a safeguard of judicial independence in this procedure; regulation, establishing procedure of the courts budgeting (draft budgets are prepared by the NCA, approved by the JC, submitted to the Government, negotiated with the JC, adopted by the	Article 173 of Polish Constitution: The courts and tribunals shall constitute a separate power and shall be independent of other branches of power.	The Judicial independence and the separation of powers are foreseen in the Portuguese Constitution: Articles 110.º, 111.º, 203.º, 216.º, 217.º e 288.º (maxime al. j) e m)) da CRP	Yes, in the third article of the Slovenian Constitution.	N/A

		subject to supervision only in so far as there is no detracting from his independence. (2) Subject to the provision in subsection (1), supervision shall also include the power to censure an improper mode of executing an official duty and to urge proper and prompt attention to official duties. (3) Where a judge contends that a supervisory measure detracts from his independence a court shall, on application being made by the judge, give a ruling in compliance with this Act. Similar regulations in the constitutions of the "Länder" (states).	Parliament and no changes can be made in executive level); salaries of the judges are established by the Law, etc.				
4. Policy regarding the specialisation of courts and/or certain categories of judges.	N/A	Specialization of judges is determined and regulated in various federal judicial acts. However as the appointment of judges (apart from the federal ones) and public prosecutors is being carried out by the governments of the "Länder"	Yes In the Constitution there is provision, that specialized courts can be established. On the basis of this provision administrative court system was created by the law in 1999. Regarding the specialization of	ACT of 27 July 2001 Law on Common Courts Organisation	The specialization of judges has been recently disseminated throughout the country in the recent reform. Within the Judicial Court (separated from the Administrative and Tax Courts) we can find the following specializations: Labour, Commercial, Family, High Civil, High Criminal Courts; Enforcement Courts.	The legal basis for organization of the departments in the courts and for the allocation of judges in certain specialized areas are the Courts Act and the Judicial Service Act. Individual procedural laws, are legal basis for derogation of specific tasks in proceedings from judges to the judicial staff.	N/A

	there are slight differences between their “policies” regarding specialization. As long as they can – legally – have influence on the allocation of judges to specific courts or prosecution offices or regarding promotion of judges some governments prefer judges with a more “general” knowledge (promoting changes of offices/courts) than others. Nevertheless: Sec. 30 of the German Judiciary Act rules that a judge on principle cannot be transferred or discharged without his consent: Section 30 Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of	judges inside the system, Law on Courts (Art. 34, par. 4) provides, that in courts judges’ specialization for particular categories of cases can be foreseen, according to the rules, adopted by the JC. Yes JC’s Resolution 2008/11/13 No 13P-202-(7.1.2), establishing rules and principles of the specialization of judges. According to this Resolution Presidents of Courts are entitled to determine the specialization in respective court. Yes President of the court determines the specialization of respective judges for particular categories of cases (for example, labor disputes, family cases, public procurement, intellectual property disputes, etc.)		The conditions for being appointed for those courts are foreseen in the Courts Organization Law (years of service and grade) . The Judicial High Council can decide on the creation or extinction of some specialization.	Annual work schedules are determined annually by Courts Presidents. They determine the organization of work in the courts to the individual departments and allocate judges and judges' assistants to individual departments. The level of specialisation of individual judges in courts, is dependant on firstly the size of the courts, secondly the sheer number of judges the judicial staff and finally the ammount of new cases, pending/unsolved cases.	

		the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32). (2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect.					
5. Strategy and policy regarding the needs and planning of court resources	N/A	The Saxon Ministry of Justice does have internal strategies for the needs and planning of court resources. Court-President and presidium are in charge of the needs and planning of court resources.	Yes There are main principles of the state budgeting and the requirements for all state institutions for planning resources: Law on State Budget, Government Resolution, regulating planning procedures. Yes Courts budget drafting rules, adopted by the Judicial Council's resolution 2014/01/31 No. 13P-	Budget for the Judiciary: in particular Central Intelligence for Courts Supplies	The main task belongs to the Ministry of Justice. Starting January 2017 the Judicial High Council will be fully responsible for processing And paying the Judges salary.	The Supreme court prepares and presents the scope of financial resources needed for the courts to function. Drafting the financial budgets is the responsibility of the government. The budget for the courts is, as a part of a single budget of all state bodies, accepted by the National Assembly. The Supreme Court plans the short and long-term personnel plans of Courts (Which may be: decreasing the number of Judges at certain times, increasing the size of the judicial staff and	N/A

			16-(7.1.2), describe the procedure of collecting needs of the courts, drafting consolidated budget, negotiating procedures and competence/role/responsibilities of Court Presidents, NCA, JC in this process.			ensuring the right judge to judicial staff ratio). The realization of these plans is, of course, dependant upon the financial resources made available.	
6. Policy concerning the structure and competence of courts.	N/A	German Courts Constitutional Act, Labour Courts Act, Finance/Tax-Courts Act etc.	Yes The system of courts of general jurisdiction is established by the Constitution (Art. 111), also there is a provision, that specialized courts can be established by the Law. Law on Courts regulates the system of general courts and specialized administrative courts, also it prescribes the structure and the competence of respective courts. State President determines particular number of judges in every court by decrees.	ACT of 27 July 2001 Law on Common Courts Organisation	Yes. The judicial organization law.	The number, kind (courts of general jurisdiction, specialized courts), the geographical distribution and jurisdiction of the courts is determined by law. The Judicial Council has proposed, that an optimisation of the court network takes place, due to establishing the judicial district as the basic organisation level of courts. And that the Ministry of Justice collaborates with the Supreme court and the Judicial Council in preparing the strategy of optimizing court networks.	N/A
7. Including geographical	N/A	Court Location Policy lies in the competence	Yes Geographica	ACT of 27 July 2001	YES The judicial organization law.	The geograflcal distribution of courts is determined by	N/A

court location policy.		of the parliaments of the Länder. They define court's jurisdiction over geographical regions.	I courts' location and territories of their jurisdiction are prescribed by the Law on the territories of activities of the Supreme Court, Court of Appeal, regional courts and district courts.	Law on Common Courts Organisation		law. The Ministry of Justice is currently preparing a strategy to optimize the court networks. To work on this strategy two judges with leadership/management experiences were allocated to the Ministry. The Judicial Council has for a number of years advocated, that the Ministry of Justice should work on this task in collaboration with the Supreme Court and the Judicial Council.	
8. Court management defined a mission/vision and a strategy	N/A	Stipulation of criteria for appointment, promotion and other strategic measurements regarding judges and public prosecutors in Saxony is carried out by the Ministry of Justice that has to consult a judicial council. As far as non judicial staff is concerned (clerks, bailiffs, judicial officers) in Saxony this is delegated by the Ministry of Justice to the president of the Higher Regional Court or presidents of the specialized highest regional courts	Yes President of the Court after consultation with the management of Court, approves strategic plan, including missions/vision/tasks/performance indicators.	In Polish Constitution: Article 176 1. Court proceedings shall have at least two stages. 2. The organizational structure and jurisdiction as well as procedure of the courts shall be specified by statute. Article 177 The common courts shall implement the administration of justice concerning all matters save for those statutorily reserved to other courts. Article 178 1. Judges, within the	The Courts President most present annual goals to the Judicial High Council, that set the milestones and the purpose of the Courts activity. The Courts Presidency also approves the internal regulation of the Court.	Documents of the Supreme court: The Opening of the Judicial year, The Annual reports of court management and documents regarding predicted/future projects of the Supreme Court (Improving the quality of justice, setting time standards), that refer to individual projects of work.	N/A

				exercise of their office, shall be independent and subject only to the Constitution and statutes. 2. Judges shall be provided with appropriate conditions for work and granted remuneration consistent with the dignity of their office and the scope of their duties. 3. A judge shall not belong to a political party, a trade union or perform public activities incompatible with the principles of independence of the courts and judges Council for the Judiciary, Constitutional Tribunal, Supreme Court They safeguard the mission which incorporates the basic characteristics of the judiciary such as impartiality, independence, legal certainty and access but they are not a			

				part of the court management.			
9. Publicity to the mission/vision and strategy among stakeholders, judges and prosecutors and court staff.	N/A	These general rules are published. The rules for non judicial staff are published as well	Yes The strategic plans of courts are public, they are published in the websites, some tasks and priorities are communicated separately and expressly to the stakeholders and/or public (for example, for the purpose of better communication and transparency courts foresee and communicate publicly some measures, related to the improvement of delivering the information about court activities to the public, also client service development, etc.). As the example could be taken the strategic plan of one of Lithuanian courts of the first instance. Goals: -Ensuring efficient and high quality activity of the court. -Ensuring the quality of (justice	Mission and strategy do not have any publicity only judges and lawyers.	The annual report and objectives are public and announced on the Courts webpage. The same publicity occurs with the regulation.	The Opening of the Judicial year and The Annual reports of court management are published online and accessible to public, while the content of the projects is published on the courts websites for its employees to access. The Supreme Court presents the core information from these documents on press conferences, after the documents are accepted.	N/A

			administration)/case management. -Increasing capacities for more effective activity. Performance indicators (according to goals): 1.1. Stability of decisions (percentage of revoked decisions by the higher instance from total number of appealed decisions); 1.2. Service quality (4 from 5 according to anonymous surveys, “mystery customer” investigations). 2.1. Percentage of handled cases in total number of incoming cases; 2.2. Shortening of the length of the proceedings (by days). 3.1.Number of training (hours per person, including personnel); 3.2.Percentage of internal audit recommendations implemented.				
10. Take the expectations	N/A	There were surveys about the court's	Yes Tasks and priorities are always	YES	The above mentioned documents are approved in	No	N/A

of the legitimate needs and wishes of the internal and external stakeholders into account when drafting a court policy.		services among citizens and lawyers from outside last year.	set in accordance with the legitimate needs and expectations. The results of public surveys, opinions of parties, other clients, also public expressions are taken into consideration. For example, better communication of decisions, public explanation of motivation of judicial decisions in high-profile cases, improvement of the quality of client service, support to victims and witnesses. Such expressed expectations are taken into account when planning activities and initiatives in courts.		the Court's Council. The Council has lawyers, city hall representatives, court staff representatives, and judges.		
11. Input of internal or external stakeholders.	N/A	N/A	Yes When determining directions and initiatives of the courts system's performance and development the opinion of external stakeholders, expressed in surveys and directly in round	YES Internal: judges, lawyers, parties; External: Community (also local), public opinion, judges associations, bar associations.	As for external input. The Courts Council members include external stakeholders. The Courts presidency has the duty to keep in touch with the courts activity and to reach out to the community.	No	N/A

			table discussions or other formats as well as needs and opinion of judges and court staff are taken into account. Yes Courts get feedback from clients through surveys and individual complaints and/or addresses and on this basis performance indicators are established (for example, to achieve particular rate of client satisfaction, etc.)		The internal stakeholders are heard in defining the courts objectives, and the annual report. Consultivo		
12. Court management maintain a systematic contact with the internal and external stakeholders	N/A	There are regular meetings between the court's president and heads of departments as well as between them and their colleagues on the administrative level within the court's sections. Also regular meetings between the president and external stakeholders like solicitors and authorities/offices of the city of Leipzig take place.	Yes Feedback from surveys, individual direct contacts, as well as round table discussions with media, NGOs representatives)	YES	Yes.	No	N/A
13. Culture that is aimed	N/A	YES	Yes JC supports initiatives of quality	YES	The Judicial High Council has drafted and approved good	No	N/A

at stimulating and inspiring improvements in the overall organisation			management development and other measures, which are aimed to improvement of judicial system. One of the priorities of the activity of JC and Naional Cpourts Administration is to develop effectiveness and efficiency of courts system in particular areas: use of e-tools, communication, quality of judicial decisions. On these issues particular initiatives are performed. Yes In courts quality management systems are introduced (ISO, Client Service Standard), which are constantly monitored. Also supervision of administrative activities of the court are constantly executed as well as internal audits, aimed to the improvement of the management are periodically carried out.		practice manuals in specific areas. The Judicial High Council has approved regulations concerning the reallocation of judges, and staff. Within the Court the local meetings concerning the Courts objectives		

14. Court management determined the priorities on which court policies should be developed	N/A	At the moment the president of the court emphasizes on electronic files and further training of judges and non judicial staff	Yes On the basis of the recommendations of internal audit, JC's observations on good practices and weaknesses of court management and justice administration activities Court Presidents decide, which areas have to be focused in particular period of time..	YES There is a special Department in the Ministry of Justice responsible for the Strategy. It prepares the: strategy, priorities, evaluation of the system, development programmes.	Namely in the Courts objectives the main areas for intervention are pointed out, considering the main concerns (timeliness, backlog etc.)	The Supreme Court annually sets priorities regarding the management of courts. In the year 2016 it set the following priorities: improving the quality of Judges, improving the quality of procedures, improving the quality of and participants and improving the public trust in the Judicial system.	N/A
15. Court management described how the decision-making process on these priorities should take place	N/A	Yes. Internal consultants for these purposes have been appointed	No No particular regulation or established procedures. It is the discretion of the President of the Court.	The department of strategy of the Ministry of Justice has not published anything so far.	The law defines the powers to propose and approve the objectives. The Judicial High Council follows through the procedure. The Courts Presidency holds local meetings.	Methods for realization of set objectives are presented or in other words provided in the reasoning of the Supreme Court project: »Improving the quality of judiciary«	N/A
16. policy regarding the delegation of responsibilities from judges to non-judge staff	N/A	Various attempts have been made. But the Courts Constitution Act and several procedural codes determine strict demarcations of competences between judges, clerks and judicial officers. By law a judge is not the principal of a court clerk, however in	No The Constitution and the Law on Courts do not provide the possibility to delegate any judicial functions, directly related to the administration of justice, to the non-judicial staff. Nevertheless, the Law on Courts	In principle it is not possible.	Traditionally there exist legally binding instructions that a judge could give to its staff- provimentos. By following those instructions the judges would not intervene in day to day small decisions. Nowadays the power to give out instructions has to go through the courts presidency.	The Supreme Court and The Judicial Council have been advocating for a long time that the managerial processes of courts should be reviewed and renewed, and the process should be rebuilt in such a way that each judicial task is to be done at the lowest level of processing/(decision making).	N/A

		practice they do what you order them to do.	establishes the office of judicial assistants (legal clerks), who are enabled to support judges in performing their duties. Almost all judges have their judicial assistants, who prepare case material and draft judicial decisions. Also the team of the judge of the first instance court consists of court secretaries. These clerks perform all duties, related to the technical support of judicial functions. According to the legal acts of the Judicial Council, some of the functions, which are not directly related to the justice administration, can be divided between judges and their supporting staff, for example, the anonymization of judicial decisions, administering e-file account, etc.			The management and organisation of work in Courts is the responsibility of Courts presidents, which are limited of course by law restrictions. The court presidents provide Annual work schedules and prepare projects that refurbish the managerial processes.	
17. The main tasks, roles	N/A	Yes, there are numerous written orders and	Yes In the Law on State Service	Yes, court manager ACT	The law defines the usual tasks according to the clerks	The main roles and standards are determined in The Courts	N/A

and standards for the court clerk office determined		regulations, issued by the president of the Higher Regional Court concerning tasks, roles and standards of the courts' clerk offices. Additionally you can find written orders issued by the president of the local court, published within the local intranet.	there are provisions, regulating the obligation to have job descriptions for every state servant, including court clerks. In the Labor Code it is stated that the role, functions, tasks, accountability must be clearly set in job contract. Yes JC approves model structures of courts and model job descriptions for certain court clerks: legal assistants, court secretaries, employees of registrar offices, etc. At these descriptions tasks, functions, qualification requirements, accountability are prescribed. Also there is some regulation (for example, the Rules of working with courts information system LITEKO, adopted by the JC on 2011/09/30) regulating roles and responsibilities of certain categories of court clerks in some processes.	of 27 July 2001 Law on Common Courts Organisation Article 31a. § 1. The court manager: 1) manages the administrative activity of the court within the scope of Article 8 item 1; 2) performs tasks assigned to the manager of a unit under separate provisions in the fields of finance, economy, financial control, management of the State Treasury assets and internal audit within these areas; 3) acts as a superior to court employees and performs activities in the field of labour law and represents the court in this respect before court employees, with the exclusion of judges, assistant judges, court referendaries, court probation officers, assistants to judges and trainee judges; 4) determines, after consulting the president of the	position. The Court management may assign the clerk to another function.	Order.	

			Yes Court President (or Chancellor) adopts job description for individual office.	court, the distribution and the number of particular posts in court divisions, filled in by court employees, with the exclusion of judges, assistant judges, court referendaries, court probation officers, assistants to judges and trainee judges; 5) represents the State Treasury within the scope of entrusted assets and court tasks; 6) administers the deposit accounts of the Minister of Finance.			
18. The implementation of policies concerning changes in the structure of the court organisation regularly evaluated	N/A	I think yes: both on federal and Saxon level.	Yes The evaluation is performed regularly on the basis of the changes in workload, number of pending cases and other indicators, which show, if implemented initiatives have enabled to balance workload or to reduce the length of the proceedings, or to use resources more effectively, etc. (depending on the	Yes, Ministry of Justice The Council do not know any details regarding the future changes.	The Ministry of Justice has a statistic departments that assess all the courts activity. The Courts Presidency report to the Judicial High Council on a trimestral basis the statistical analyses of each court. There are semester and annual reports	No.	N/A

		expected result). As an example can be taken the reform on merging district courts in 3 cities (in total 3 courts out of 8). The reform was aiming to optimize district courts' activity by reducing number of courts as autonomous legal entities; balance the workload of district courts and ensure more effective proceedings; ensure more effective planning and managing material, financial and human recourses. After these changes have been implemented, the results were evaluated. JC has concluded that the aim of the balance of workload has been completely achieved by achieving the same rate of workload of all merged court's judges. Also specialization of judges was introduced in merged courts. While talking about				

			effectiveness of recourse management there was internal audit exercised by the NCA Internal Audit Division and conclusions of this audit were positive towards the optimization of resource management in merged courts.				
19. The implementation of changes in legislation regularly evaluated	N/A	I think yes: both on federal and Saxon level.	Yes Law on legislation principles provides the monitoring after the legislation is in force (Art. 23). The monitoring is aimed to evaluate regulation's effectiveness; positive and negative impact on particular area; direct and indirect benefit; if the consequences of the regulation meet the planned goals and results; need for improvement or abolishment of regulation. For example, after one year of regulation being in	No, but... according to the Constitution: Article 186 1. The National Council of the Judiciary shall safeguard the independence of courts and judges. 2. The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.	There is no formal system in place.	No..	N/A

		force the monitoring was performed by the Ministry of Justice (monitoring note on the results of year 2011). It was observed that 2/3 (over 240000 cases) of administrative procedures for administrative offence was finalized by administrative order. It means that the workload of competent institutions, which handle cases of administrative offences (including courts), decreased considerably (for example, number of such cases decreased by 13% in district courts). The conclusion of this audit was that the institute of administrative order justified itself and the aim of simplifying the procedure of minor offences and decreasing the workload of competent authorities and				

			courts were achieved. Herewith it was concluded that some improvements are needed: the extension of scope of administrative order and creation of unified register of administrative offences.)				
20. Changes in legislation and their impact on courts and/or judges / prosecutors evaluated	N/A	In many cases government or parliament asks for written statements to planned changes in legislation.	Yes After the implementation of the regulation in some cases JC initiates the evaluation of the impact on judicial workload or management of the resources of courts. For example, after some period of the implementation of the changes in Criminal Procedure Code concerning the transition of the function of issuing European Arrest Order from the MoJ to courts, the increase of the workload of some courts and extra costs for translation has been calculated and alongside with the request for extra	N/A	There is no formal system in place.	No.	N/A

			resources has been presented by the JC to the executive authorities, namely MoJ and MoF.				
21. the effectiveness and efficiency of judicial proceedings systematically evaluated	N/A	yes: both on federal and Saxon level.	Yes Case statistics, workload, backlog, observations of the prolongation of proceedings and its reasons, other indicators of judicial performance are evaluated and published in the Annual Courts' Report. The Report is prepared by the NCA and approved by the JC. It is presented publicly and discussed with stakeholders (prosecutors, lawyers, representatives of different institutions. After the publication of this Report the representatives of the JC and NCA visit courts and discuss main issues of court activities to be improved. LAso main indicators of judicial activities are monitored	Yes. The work evaluation and professional development planning system for judges has been regulated in the Common court system law. Work efficiency and professional competences of a judge in the scope of work method and office culture, as well as the specialization in handling individual types of cases and holding specific functions, are subject to assessment (judge's work assessment). The scope of judge's work assessment may not exceed the field in which the judges are independent. The type and degree of complexity of assigned cases or entrusted tasks and	There is no formal system in place.	No.	N/A

			periodically (quarterly). Yes Court President monitors basic indicators and takes particular measures periodically (principles, procedure are established in the regulation, adopted by the JC).	functions, as well as the workload and work conditions in the entire assessed period are taken into account during the assessment of the judge's work. The judge's work assessment is conducted by an inspector in the scope of an inspection of the section in which the judge adjudicates or has adjudicated for at least one year in the period subject to inspection..			
22. quality standards and guidelines used for drafting new legislation or changes in current legislation	N/A	N/A	Law on legislation principles regulates the procedure of drafting new legislation/changes in current legislation. There requirements for the structure and content of the legal act are prescribed, including for example, the requirement to perform feasibility study/analysis of possible positive and negative impact on particular public area (economics, state financial	N/A	There is no formal system in place.	No.	N/A

			system, social environment, legal system, public administration, etc.).				
23. impact of the introduction of new legislation or changes in current legislation on the workload of courts assessed	N/A	Yes, these impacts normally are checked and estimated. More or less successful.	Yes All draft legislation concerning initiatives on dispute resolution, changes in criminal policy, commercial activities and other legal relations, which obviously or possibly can directly or indirectly influence any changes in court's activities, are evaluated in respect of possible impact on court's workload, need for extra financial and human resources.	No but... every draft of new legislation has so called assessment of its effects but there is no assessment of the effect of already introduced legislation.	There is no formal system in place.	No.	N/A
24. If yes, does this lead to changes in the (staff) capacity of courts	N/A	Not in all cases. However the amount of reaction changes of legislation or even actual and social changes caused on the federal level (Federal laws, or for example the large amount of refugees entering Germany last year) differs from one state to the other. This is a	Yes Any abovementioned changes are followed by the analysis and declarations of the need of particular staff.	NO	There is no direct connection with such assessment and the changes in staff. The changes are made in accordance to the courts reports and requests.	Usually the personel and spacial problematics that arise due to changes in legislation are resolved after the new situation arises and are not planned for and changed in advance.	N/A

		disadvantage of the federal structure of Germany. Countries with a more centralized government can deal better with these problems.					
25. legislative proposals presented by the executive to Parliament reviewed and commented by any authorities and the judiciary as a part of the legislation process	N/A	Usually government or parliament asks for written statements to planned changes in legislation, specifically if workload or procedures in courts are affected by the proposed law.	Yes All legislative initiatives, related to court activities, judicial activities, procedural rules are presented for review to the judiciary via NCA, JC and/or members of the judiciary as part of legislative WGs. Members of the JC, representatives of the NCA, judges are also invited to the legislative negotiation procedures in the Parliamentary Committee of Legal Affairs.	Yes The National Council drafts opinions about the legislation regarding the independence of courts and judges but it is only of consultative nature.	In many areas it is legally foreseen the formal hearing of the Judicial High Council and the General Prosecution Services. In the general legislative procedure the Judicial High Council, the association of judges are frequently heard.	Usually they are, but proposals and opinions of the experta/professionals are not always taken into account	N/A
26. Does the judiciary play any role in the legislation process?	N/A	The Federal Constitutional Court can play an important role in legislation process as this court can either decide with the power of a law or it can order legislative to change law in case	YES	No but... according to the Constitution: Article 186 1. The National Council of the Judiciary shall safeguard the independence of courts and judges.	Through the Judicial High Council. However the Judicial High is not a member of the legislative procedure per se. The Judicial High play a consultant role.	The judges the courts and the Judicial Council prepare opinions on legislation proposals, but their opinions are not always taken into account.	N/A

		it infringes constitution. There have been a great number of cases where this took place. Other courts are normally consulted.		2. The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.:			
27. Are procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings	N/A	If these reviews are regular or not I cannot tell	Yes These rules are constantly reviewed in different forms and by different means: judges and courts on the basis of court practice submit their proposals to the JC; JC on the basis of proposals of the courts or the members of JC or the NCA submits proposals to the executive. There is another constant form of review: WGs on the development of civil procedure and criminal procedure (representatives of the legislative, executive and judiciary as well as academics are	Question to Ministry of Justice but... the codes of procedure are constantly modified in Poland (about 10-15 times a year).	There are frequent changes to procedural law. The goal is always to improve effectiveness and efficiency. However the frequent amendments do not contribute for the full comprehension of the legal needs.	In both criminal and civil proceedings many changes and amendments to the legislation have been accepted/adopted in order to improve the efficiency of judicial proceedings.	N/A

			participating). These WGs are reviewing proposals form different counterparts and their own initiatives and submit their conclusions and proposals to the MoJ and/or Parliamentary Committees.				
28. established policy concerning the processing of cases by a single judge or by a panel of judges	N/A	Y The processing of single cases is the central responsibility of the judge/s, who have to obey to the rules determined by the procedural laws.	Yes Law on Courts (Art. 36) establishes clear rules of composition of court (in which instances and in which categories of disputes, cases are handled by a single judge and when by the panel of 3, 5 (in case of the Supreme Administrative Court), 7 (in case of the Supreme Court) or plenary session (in case of the Supreme and Supreme Administrative Courts).	Yes. It is regulated in civil, criminal, administrative procedural codes.	It is established in procedure law. In first instance courts can only take place in criminal, labour and family cases (lay judges).	No.	N/A
29. policy regarding the promotion of legal certainty	N/A	As a rule (with few exceptions) judges in all instances in Germany are not bound to decisions of other courts even to those of higher instances. They are only	Yes The principle of legal certainty and the need for uniform court practice has been underlined in several Constitutional	NO	The procedure law foresees the judicial general binding settlement when to appeal courts frequently disagree on a legal interpretation. The Supreme Court gathers in a full bench and formally decides.	No.	N/A

		bound to law, not to decisions of other courts. Legal certainty is obtained by the way remedies are dealt with in the various procedural codes, so parties can get revocation of decisions that differ from a generally accepted legal opinion to a specific problem.	Court's rulings. According to the Law on Courts the Supreme Court is empowered to form the uniform practice of the courts of general jurisdiction, whereas in the system of the administrative courts such competence is given to the Supreme Administrative Court.		That decision is published with the same publicity as a law and its binding for all. If a judges does not follow the supreme general binding decision may commit a disciplinary offence.		
30. specific instruments used to promote legal certainty, for example an internal system for jurisprudence or the organisation of meetings to discuss relevant jurisprudence	N/A	No official ones I can think of.	Yes Methods of the fulfilling the abovementioned competence can be different, including meetings of judges, public presentation of the SC's reports on uniform court practice, publications. Also the search system of court decisions is in place as well as the search system of law interpretation rules, presented in the Supreme Court's final decisions. Supreme Court of Lithuania as well as the Supreme Administrative Court	NO	Beyond the formal system described, in specific areas (commercial and enforcement) there has been some good practice guides approved by the Judicial High Council.	No.	N/A

			of Lithuania give focus to this duty.				
			Yes See abovementioned explanation.				

N/A – Answers Not Available

QUESTIONS

I – Does the Judiciary has a formal initiative power in the legislative procedure (question 1 – Lithuania)

II - In the annual work schedules can the specialization of judges change? Is it necessary for the judge to consent? (question 4 – Slovenia)

II – The annual report also acts a prediction for the following year? (question 8 – Slovenia)

III – Can the judge give formal instruction how to follow through a case file? (question 16 - Germany)

IV – The judicial assistants has a law degree? Does he/she has judicial powers? (question 16 – Lithuania)

V – Could you please elaborate the following statement: “The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges”? Those the National Council has the power to promote a constitutional court review? (question 26 – Poland)

II. ALLOCATION OF CASES SYSTEM							
	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Assign and reassign of cases		NO (once a case is allocated judge is married to it)	YES Rules for allocation of cases and panel composition Can be changed by court president in case of illness of previous judge	YES Chairman of Department	YES Cases can be reassign to increase efficiency Court's President promotes and CSM decides Judges can be allocated to different courts According rules previously published by CSM	YES Annual work schedule (AWS) (distributes the judges and determines ratio of new cases distribution) The AWS can be changed by Court Presidents (justified reasons) and Supreme Court can changes between courts with judges consent	
Objective method of allocation		Written scheme of abstract rules Court's Presidium	Automatically by ICT Computer programme	Ministry of Justice Court President	Random by electronic system attending to previous distributions	YES By AWS	

II. ALLOCATION OF CASES SYSTEM							
Information to court organization		Public to everyone	Public to the whole society	Electronic database	The reassignment of cases is publicly published in the court	AWS is publicly published	
	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Fair and efficiently allocation/reassignment		By the written scheme only	The computer programme evaluates the caseload Court's administration can decrease the workload of a judge	Chairman (suspending the allocation of new cases to a judge is possible)	Cases can be reassign to increase efficiency Court's President promotes and CSM decides Judges can be allocated to different courts According rules previously published by CSM	YES Minimum workload Time standards of solving cases	

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II. ALLOCATION OF CASES SYSTEM							
Transparency		Public to everyone	Public to the whole society	Controlled by: Appeals Administrative supervision Parties	The reassignment of cases is publicly published in the court	AWS and its changes and modifications are publicly published	

II. ALLOCATION OF CASES SYSTEM

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QUESTIONS

Appointment of panel composition? Which is the system of the judiciaries (**Lithuania's** JC's resolution 2015/09/25)

In **Slovenia** who is responsible for Annual Work Schedule? How can CP change it for reassignment when decreasing workload is needed (q. II/3)?

By whom are rules for allocation of cases decided in **Lithuania**?

How/if can rules for allocation of cases and panel composition be changed in cases of excessive workload (**All**)?

Court's administration can decrease the workload of a judge (**Lithuania**): who and how?

Need of judges consent (both: the receiver and the sender) **All**

Written allocation distribution scheme of **Germany** can be changed during the year if need occurs?

Is it the same system to criminal and civil cases **All**?

Relation between the SC and the JC (**Slovenia**)

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III. GOAL SETTING							
	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
1. Performance targets definition	N/A	Qualitative objectives are only in the hands of the single judge. Quantitative standards are defined (PEBB\$Y – a calculation system for the amount of judicial/non-judicial staff needed).	YES The approximate number of cases the court plans to resolve are indicated in Strategic plan of activity (according to statistical data) as well as numbers of cases that last more than one year	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	YES Strategic objectives (State); Strategic and procedural objectives (High Council); Procedural objectives (Court); Participation in planning reunions in preparation of the procedural objectives (Judge). Annually determined	Goals are set in Annual reports and in the document: Opening of the Judicial year (charge of the Supreme Court). Supreme Court also prepares strategy for courts work in long-term goals.	N/A
2. Concrete and measurable objectives and priorities set by court management	N/A	Along with the abstract allocation the PEBB\$Y standards play a central role for the decisions of the presidium. Personal characteristics of judges are sometimes taken also into account.	YES Particular aims and goals are stated in Strategic plan of courts activity.	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	YES The previously defined procedural objectives are: - Specific (each section); - Measurable; - Realistic; - Reasonable. Annual and every 6 months evaluation.	Time standards/time frames of previous year and expected timeframes for solving cases in following year (in Annual reports/Opening of Judicial year). Quality goals are specified. The law imposes to the Supreme Court the obligation to set time standards to solve an individual case.	N/A
3. Performance (quantitative and qualitative) indicators	N/A	Cases pending longer than 1 year are regularly reported to the President of the Local Court/President of Higher Regional Court. There are no “qualitative” indicators (only revision by higher courts).	YES The Strategic plan of court’s activity includes particular aims and goals set for achieving the strategic target of the court. Performance indicators include stability of court decisions (% unchanged decisions	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	YES There are performance indicators monitoring each 3 months the achieving of annual objectives: - Provided by the Ministry of Justice; - Requested by the High Council; - Fulfilled by the Court President	In the past objective indicators of effectiveness an efficiency of court’s work were used in quantitative area (quotients of managing influx, decreasing judicial backlog, statement of the ratio of old unsolved cases, replaced with time standards for solving cases). The Judicial Council has recommended to	N/A

			by the appellate court) and (% of) not appealed court decisions.			courts they need to decrease n.º of unsolved cases and to improve quality.	
4. Factors determined by court management to achieve objectives	N/A	-----	YES These factors (e.g. human resources, financing from the government's budget, etc.) are determined in the Strategic plan of court's activity.	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	The statistical data (CITIUS) allows to consider the nature of pending cases. The court management intervention only occurs when the critical factors are not present (ex: the fixation of maximum length of hearing procedures as an objective depending from the increasing of available hearing rooms)	Supreme Court/other courts in Annual reports determine the assumptions to achieving the objectives (financial area, human resources, working conditions, estimated number of new cases).	N/A
5. Examine the nature of pending cases	N/A	Systematic analysis of pending cases was made in preparation for PEBBŞY expertise.	YES Causes of procedure duration in cases + 12 months are reviewed twice a year	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	YES Statistical analysis considering diverse procedural areas (by the Ministry of Justice); Allocation of cases, by procedural areas, specialization areas and in some cases the complexity of the case (by the High Council in coordination with the Court President); Permanent monitoring of allocation cases (by the President of the Court).	Courts actively monitor number and kind of unsolved cases analyzing the reasons – interruption, suspension of operations, adherence of solving the case to solving another unsolved case, the unavailability of the parties- or critical problematic areas – commercial disputes, bankruptcy and enforcement cases) and report them to the court presidents	N/A
6. Objectives determined to reducing cases backlog	N/A	-----	NO Measures to make the procedure more expedient are taken after examination the long duration reasons of particular cases	Minister of Justice is responsible for the courts administrative supervision and collects all statistical courts data	YES There are defined objectives to reduce backlog cases: - Reallocation of cases; - Constitution of teams to recover cases pending for long time; - Allocation of judges, etc.	Since 2015 the quantitative goals are mostly set by time standards for solving a certain kind of cases, because the judicial backlog has severely decreased.	N/A

7. Quantitative evaluation of the activity of each judge	N/A	PEBBŠY is the quantitative evaluation system. Courts can be monitored by numbers and figures delivered by State Statistic Office	YES Cases are allocated in automatic way, to assure even distribution of judges workload. LITEKO is the informational system of Lithuanian courts providing to collect and evaluate judges workload data (n.º resolved/n.º pending cases, etc.)	YES Allocation of cases and equal charging is controlled in the frame of visitation/vetting of a court, conducted by inspecting judges. Rules of a visitation are governed by acts/executive ordinances of the Minister of Justice. There is no general mechanism leading to equal judges workload. President of appeal court can order visitation covering full administrative court activity. Minister of Justice can order vetting.	YES By the inspection services (of the High Council) The activity of each section (not directly the judge work) is monitored each 3 months by the High Council and each 3, 6 months and annually by the President of the Court.	The extent of work (number and kind of cases), number of hearings, data of times of writing decisions, number of cases submitted into ruling of higher instances and the rest of unsolved work are monthly and yearly monitored. Since 2016 the times of solving individual cases are also monitored. These elements are the basis for the assessment of the judicial service.	N/A
8. Qualitative evaluation of the activity of each judge	N/A	NO	YES LITEKO provides statistical data about stability of decisions. Data are analyzed and evaluated during periodical (once in 5 years) or extraordinary assessment of judges.	YES	The judge's evaluation comprises the qualitative evaluation.	Are taken into account: - Number of complaints against judge decisions in relation to the total number of resolved cases, data on the number revised/modified cases, reasons for their modification, proportion of confirmed cases; - Opinions of judges working in higher court.	N/A

9. Judge access to the information of own court department	N/A	YES (at Court level)	YES Every judge has access to the LITEKO database (n.º of received, pending, resolved case, allocation of cases).	YES	By CITIUS system all judges can have access to the number of cases pending in a court jurisdiction. Also provided by courts management reports Court website	YES Monthly: In terms of number of allocated, solved and unsolved cases; Yearly: In the Annual reports.	N/A
10. Judge access to colleagues information	N/A	YES (within the section – civil, criminal, etc.)	YES (ex: Criminal judge has access to received, pending and resolved cases in Civil Cases Division)	YES	YES Statistical data in CITIUS system Reports by court management Court website	Judges are familiar with the annual report of court management. The law states that the court president must carry out an annual conference with the judges before accepting the annual schedule of court's work.	N/A
11. Judge access to whole court information	N/A	YES (if he/she wishes)	YES	YES	Statistical data provided by Ministry of Justice Reports by court management Court website	Judges are familiar with the annual report of court management. The law states that the court president must carry out an annual conference with the judges before accepting the annual schedule of court's work.	N/A
12. Performance qualitative aspects as part of court human resources policy	N/A	-----	YES Qualitative aspects of the individual performance of judges are analyzed during periodical or extraordinary assessment of judge's performance. It is taken into account when appointing assistants to the judges	YES Only judges whose work is of highest quality can be promoted to higher position. If the judges work leaks quality he is sent to training or he could be moved to another court.	YES Judge's promotion is based in merit The court management in allocation of judges takes into account the complexity of the cases and other aspects	In the IKS (improving the courts functioning quality) the starting points are improving the quality of judges work, and there are also present the methods and procedures for achieving the goals.	N/A

N/A – Answers Not Available

QUESTIONS

- I
 - a) State and High Council don't have a role in the definition of performance court targets? (question 2 – Lithuania)
 - b) Judges don't have any role in the definition of performance court targets? (question 1 to 6 - Poland)
 - c) How the law imposes the setting of time standards to solve individual cases (question 2 – Slovenia)
- II – At judge level there are no performance indicators? (question 3 – Portugal)
- III – Why were not answered the questions 4, 6 and 12? (Germany)
- IV – How is made the revision – twice in one year - of cases that last more than 12 months? (question 5 – Lithuania)
- V – How the judicial backlog in Slovenia has severely decreased? (question 6 – Slovenia)
- VI – Can the President of the court made a qualitative evaluation of the judges work? (question 8 – Portugal)
- VII – How is made the annual conference carried out between court president and the judges, before accepting the annual schedule of work? And the opinion of the judges play any role in the setting of the work for the next year- (questions 10 and 11 – Slovenia).
- VIII – How the qualitative aspects of the individual performance of judge is taken into account to the appoint of assistants to the judge? (question 12 – Lithuania)
- IX – The removal of judge mentioned by Poland can only be the consequence of a disciplinary proceeding? (question 12 – Poland)

IV. CASELOAD MANAGEMENT

	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Judges Formation		No After the judge starts his/her duties at the court he/she doesn't receive training.	Yes There is a specialization that is introducing by the chairman of the court/head of division	Yes There are so called "function judges" who have less workload but are specialized.	Yes There is training periods. Same of these training is obligatory.		
Information on pending cases		-The software allows the judge to check instantly the pending cases, who is shared within the sections	-Every judge, and the court staff can check the number of pending cases in court, using an informatics system	-There is a register in electronic database that gives the information on number of cases supplemented by secretary office up-to-date	-There is software that allows the judge knowing, in real time, his pending cases processes. This information is shared with bailiffs, but not within the court.	-The judges have access to the information system with the states of cases that are allocated to them to solve, who is shared within the judicial staff	
Judicial alternative measures		-The judges have specifically trained four mediation. A case can be transferred for mediation	-Mediation can take place at the request of the parties or with their consent	-The conditions that make the mediation possible are regulated by civil and criminal procedure codes	-The judge can try to reconcile the parties	-In Civil and commercial cases the judges can give de parties the option to solve their disputes with associated mediation	

Public Hearings		-The court proceeding is open to the public.	-The court proceeding is open to the public except in special cases	-The court proceeding is open to the public except for reasons of morality, state security, public order or protection of private life	-The court proceeding is open to the public, except in special cases.	-The court proceeding is open to the public except in special cases, which are determined by law	
Case management		-The judge is able to organize proceeding in manner to solve the conflict	-The economy of the procedure is one of the essential principals of litigation	-The proceeding are carried out before the court where the parties lives and there is a "limitation of evidence" , that permits court do not allow having several experts witness opinions on the same issue	-The judge is able to organize proceeding in manner to solve the conflict. The processes are organized affecting only the necessary and sufficient means. It is possible to use videoconferencing to question witnesses	-Proceeding is led by judges, in accordance to procedural laws.	
Mediation		-If the parties agree the judge can to hand over certain disputes to mediators	-Handing of the dispute to the judicial mediator is possible only in case as pleading or agreement of the parties.The court establishes when mediation must be completed.	-Mediation is allowed and is regulated by civil and criminal procedure codes	-The procedural law allows the judge to send the parties to the conflict mediation.	-In certain cases judges can give the parties the option to solve their disputes with associated mediation. -General rule the mediation can last up to 3 months, but can be extended	

Hearings Management

-The procedural Codes determine how hearing have to be prepared.
-In criminal cases the duration of proceedings and the time needed to prepare for the main court hearing is decided in cooperation with counsels of the parties.
-The summonses for hearings are sent the earliest as possible.

-In civil cases there is an oral preparatory session. A written one must take place in both parties have legal counselors.
There a system of measuring the timely star of hearing.
-The court hearing is recorded.
In civil cases that are investigated in a written form, the announcement about the date of court session is promulgated in a special web site not later than 7 days before the court session.
-The parties can address to the court administration asking for urgent procedural

-The date of hearing shall be assigned by presiding judge. At the same time he orders the service of the lawsuit and as required, assigns the judge-rapporteur.
-The presiding judge has the task of to measure the timely start of hearing.
-There is a regulation on the operation of common court that defines that court secretary shall draw up the plan of hearings before the date of meeting, or hearing in paper form, or in electronic form.
-This Regulation shall govern also the scheduling of the court sessions and discipline the scheduling of the trial sessions and

-The law promotes the adoption of measures for cases streamlining through the CSM and the President judge.
-The labor process begins with an attempt at conciliation after practice the first procedural act.
-There is no instituted system to measure the timely start of hearings.
-The parties are inform when the hearing is adjourned or delayed.
-There are regulations on the use of hearings room when they are insufficient in number.
-The summonses for hearings are

The proceedings which include preparation for hearing are leg by judges.
-The parties may require priority treatment that is decided by a judge based on these reasons.
Supreme Court is obliged to adopt the standard times of solving the cases.
-The Court Presidents can adopt programs to solve delayed or reduce the backlog.

			activities. -The is a policy of setting foreseeable and optimum time frames, for managing flows, preventing delays and measures to reduce backlog	the summonses for hearings -There is no regulation about the possibility of the parties address to the court administration asking for urgent procedural, but is a good practice of the chairman of the department. -The Ministry of Justice is responsible for the administrative supervision of the court and collect all statistical data on the courts	sent with the advance of 3 month. The President judge can take measures to speed up delayed cases and to reduce the backlog.		
Timeframes		-The judgment shall be pronounced at the end of the hearing. In grave cases this can be done in 3 weeks.	-The dates of court sessions are matched with counselors of the parties. In civil cases the judgment must be delivered 20 days and the criminal in 14 days, after court finished the hearing cases. if the case is extensive and complicated in 40 days.	-The judgment shall be pronounced at the end of the hearing. In a complicated case the court may postpone the pronouncement of the decision a period for 2 weeks. The decision is made in public.	-The judge plays an active role in driving the process and conducting the hearing. The judgment must be delivered not later than 30 days after court finished the hearing.	-In some cases the decisions are made immediately after the court hearings. In civil and commercial cases the decision must be notified to the parties within 30 days after the final hearing. Exceptionally can be extended to 90 days	

Enforcement and notification		There are a plenty notification enforcement laws and codes. In Civil and Family cases the enforcement lies in the parties' responsibility. -The court's president supervises the work of the bailiffs	There are enforcement of judicial is entrusted to the bailiffs, whose procedural activities can be appealed to the court Judicial decisions are placed in the informational system.	In Ministry of Justice there is a special department supervising the enforcement of the judgments. The enforcement of decisions are entrusted to bailiffs that are supervised by the " judicial supervisor over the court bailiffs"	It is provided in the procedural law the enforcement of decisions. The computer system CITIUS allows to notify the court decisions. The enforcement of decisions is entrusted to bailiffs that are supervise by the judge. There are also a specific profession "Agentes de Execução" that are supervise which are supervised by the respective order	There is no notification enforcement.	
Archive and it		-There are no information system for the recording and monitoring court files and cases. -There is no electronic court files -All documents can be submitted in electronic form using a specific software .	There is an information system for the recording and monitoring court files and cases. -The documents can be submitted in electronic form to the electronic services of Lithuanian courts.	There is an information system for the recording and monitoring court files and cases. It is possible to submit documents to the court in electronic forma, but not in every cases	The CITIUS, computer system, records court files and court decisions. It's possible to submit documents to the court in electronic form.	For some cases exist an electronic information system for archiving court cases, that are kept in the electronic forms and is possible to submit documents to the court on electronic form.	

QUESTIONS

In addition to the procedural rules which the judge can do to streamline the process?

Is the sentence oral or written?

Are the judges of the processes that decide the order of priority? (Slovenia)

The court of first instance is not obliged to adopt the standard times to resolve the cases? (Slovenia)

What kind of measures can the Court President adopt to solve delayed or reduce the backlog?(Slovenia)

How does the occupation tool provides the information about the beginning of the hearing ?(Lithuania)

How is made the announcement of the hearing in the civil cases that are not investigated in a written form?(Lithuania)

How works the policy of setting foreseeable and optimum time frames, for managing flows and prevent delays and the measures to reduce backlog (Lithuania)

How can the parties obtain access to the judicial decision? (Lithuania)

What are the rules of the regulation of the operations of the common courts in relation to hearing? (Poland).

How does the chairman of the department granting the request for priority treatment? (Poland)?

V. COURT PERFORMANCE STANDARDS

	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Evaluation and Publicity Q. 1 to 3		Yes Court Level “Pebbsy” system (numbers and figures can be obtained at any time) The court performance is evaluated every <u>three</u> months (State Statistic Office) The president and other staff with administrative functions get regular reports on that from the State Statistic Office Judges and other staff interested in that can get the information	LITEKO system. (The obligation to monitor this indicator is <i>inter alia</i> established in the Rules of the Administration of Courts) This project could be considered as a one of the forms of the publicity of courts activities and the possibility to the public to evaluate some indicators of courts activities (for example, estimating the most and the least productive judges). The PC is obliged to monitor and balance the workload of judges	YES Is one of the main tasks of Court’s President The President of Appeal Court prepares an information about courts of appeal court area which he submits to Minister of Justice	Every six months the Court Presidents must report different aspects on courts activities, ressources etc These reports are send to the Minister of Justice and to the Prossecution’s Office	Information system. Allows judges to look at the state of the cases that were allocated to them. The court presidents can, via this system, access the number of allocated, solved and unsolved cases, by judge, departement and court. The work of courts is assessed yearly in the Annual reports. The law determines the content of Annual reports. The annual report, made by the <u>Supreme court</u> is publicly accessible.	

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V. COURT PERFORMANCE STANDARDS

	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Evaluation and Improvement Q. 4 to 6		NO evaluation by quality regulations and standards or indicators	Different forms of monitoring (Client satisfaction <u>surveys</u> periodically executed in order to monitor client service quality in courts). The improvement is measured by the increase/decre ase of certain	Supervision by the Minister of Justice who specifies general guidelines	First instance judges are evaluated every four years by the inspector of the area where they serve. In the evaluation the inspector will assess the technical quality of the decisions, and the judge has a chance to present selected decisions to submit for appraisal. It's also assessed the work by the results from the view of timeliness, backlog rate and clearance rate in relation with available ressources. Indirectly the CSM also	Not in the past. In the year 2016 timeframes for solving individual cases were implemented , this brought a change in assesement of efficienci of judges and courts. On the basis of the assesement the Judicial Coucil has made proposals to courts in order to improve their results Now the assesement is made by the Supreme Court. The Supreme Court based on the assesement, refurbishes strategies of work, improves programmes for improving efficiency and quality of work and carries out certain projects.	

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V. COURT PERFORMANCE STANDARDS

			rate of satisfaction.		takes part on the organization of the training session and courses for judges, investing on specialized training according to the trainee jurisdiction. However the CSM does not intervene in the judicial decision, and there is no regular appraisal of the decisions.		
	Belgium	Germany	Lithuania	Poland	Portugal	Slovenia	Spain
Statistics and Publicity Q. 7 to 11		YES “Pebbşy” and “JASPER” At state and court levels The percentage of appeals is recorded and published At state level and court level	Such statistics is recorded in the LITEKO system.	Percentage of cases is recorded and published mostly in SC and 2.nd instance The statistics are question	The statistics are question of the Ministry of Justice Although the CSM monitors courts and collects data on workload and timeliness	Yes, with the help of statistical and other methods. The information on the number of allocated and unsolved cases is published in Annual reports of efficiency and effectiveness of courts, that was prepared by the Judicial Council (publicly accessible).	

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		The productivity of judges and court staff is recorded at court level but not published The length of proceedings is recorded and published, but not for everyone It is possible to determine the total number of incoming, pending and decided cases		of the Ministry of Justice		A part of the reports is the data regarding the productivity of courts as a whole. The data of the scope of work done is kept for individual judges as well, however they are not a part of the annual report. In the year of 2016 the timeframes/timestandards to solve an individual case was proposed, in accordance to the law, by the Supreme court. Yes. The information system of the Supreme court, which is based on gathering data from computerized registers of individual courts.	

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V. COURT PERFORMANCE STANDARDS

QUESTIONS

Results of court's activity is also published to the whole society in Poland?

The Court's President is allways the President of Court of Appeal (Poland)?

Are the Court Presidents appointed by the Minister of Justice (Poland)?

What are HC competences?

Who supervises the PEbby system in Germany?

How articulates HC and SC intervention in assesement in Slovenia?

Could Lithuania explains the LITEKO system?

All explain the assesement of workload and the standards used.

Lithuania surveys. How are they prepared and realized? Does the other countries have that?

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RESULTS ANALYSIS

Appeal Courts

Doc. 33 – Results Analysis - Group I - Strategy and Policy in Court Management – Quadros Relações

Doc. 34 – Results Analysis - Group II - Allocations of Case System - Quadros Relações

Doc. 35 – Results Analysis - Group III - Goal Setting - Quadros Relações

Doc. 36 – Results Analysis - Group IV - Caseload Management - Quadros Relações

Doc. 37 – Results Analysis - Group V - Court Performance Standards - Quadros Relações

ANNEX VII

	Coimbra	Évora	Guimarães	Lisboa	Porto
1. Autoridade pública responsável pela elaboração de documentos com políticas gerais e estratégicas relativas ao judiciário.	A Constituição da República Portuguesa atribui à Assembleia da República a competência exclusiva (reserva absoluta de competência) para legislar em matéria do Estatuto dos Juizes (art. 164.º al. m)), bem como a competência, salvo autorização dada ao governo (reserva relativa de competência), para legislar sobre a organização e competência dos tribunais (art. 165.º al. p)). - A Lei Orgânica do Ministério da Justiça, Lei n.º 123/2011, de 29/12, estabelece que esse ministério é o departamento governamental que tem por missão a concepção, condução, execução e avaliação da política de justiça definida pela Assembleia da República e pelo Governo, assegurando no âmbito das suas atribuições as relações do Governo com os tribunais, o Ministério Público e o Conselho Superior da Magistratura. Na organização do ministério é, sobretudo, a Direção Geral da Administração da Justiça (DGAJ) que tem a missão assegurar o apoio ao	As leis de organização judiciária são da competência da Assembleia da República e o Governo tem elaborado documentos com políticas gerais e estratégicas. O CSM tem competência para propor alterações legislativas com reflexo nas políticas gerais e estratégicas e tem a competência de definir os objectivos estratégicos na vertente judicial.	Não	- O Ministério da Justiça é o organismo responsável pela concepção, implementação e coordenação da política definida e aprovada pelo Parlamento Nacional e pelo Conselho de Ministros, para as áreas da Justiça e do Direito. • Justiça e do Direito, designadamente com a entidade representativa dos Advogados. Atribuições Constituem atribuições do Ministério da Justiça: • • • • • • • • • - O Conselho Superior da Magistratura (CSM) é o órgão do Estado a quem estão	A Assembleia da República tem competência exclusiva para legislar em matéria do Estatuto dos Juizes (art. 164.º al. m)), bem como a competência, salvo autorização dada ao governo (reserva relativa de competência), para legislar sobre a organização e competência dos tribunais (art. 165.º al. p)). O Ministério da Justiça executa a política de justiça definida pela Assembleia da República e pelo Governo. Dentro do ministério da justiça a Direcção Geral da Administração da Justiça (DGAJ) assegura o funcionamento dos tribunais.

	funcionamento dos tribunais e é estrutura do ministério que interage mais proximamente com a gestão dos tribunais. Prossegue, entre outras, as atribuições de apoiar a definição das políticas de organização e gestão dos tribunais, propor e executar medidas adequadas à modernização e à racionalização dos meios à disposição do sistema judiciário, programar e executar acções relativas à gestão e administração dos funcionários judiciais, incluindo a programação e a execução das acções de formação, executar e proceder à avaliação da gestão orçamental, financeira e contabilística dos tribunais sem autonomia administrativa, bem como participar na preparação e gestão dos orçamentos, relativamente aos tribunais de 1.ª instância, das magistraturas judicial e do Ministério Público, participar na concepção, desenvolvimento e funcionamento dos sistemas de informação do sistema judiciário, programar as necessidades de instalações dos tribunais e colaborar no planeamento e na execução de obras de construção,			constitucionalmente atribuídas as competências de nomeação, colocação, transferência e promoção dos Juizes dos Tribunais Judiciais e o exercício da acção disciplinar, sendo, simultaneamente, um órgão de salvaguarda institucional dos Juizes e da sua independência. Constituição da República Portuguesa (CRP) Lei Organização do Sistema Judiciário (LOSJ)- Lei 62/2013 de 26.8 Regulamento – Dec Lei 49/2014 de 23.3 Estatuto dos Magistrados Judiciais (EMJ) Deliberações do Conselho Superior da Magistratura	

	remodelação ou conservação nos mesmos, bem como colaborar na recolha, tratamento e difusão da informação estatística relativa aos tribunais. - O Conselho Superior da Magistratura, previsto na Constituição como garantia da independência dos juizes dos tribunais judiciais e, portanto, como parte integrante do seu Estatuto tem poderes de estabelecer regulamentos relativos à definição de algumas políticas gerais e estratégicas em matéria de gestão. O Estatuto dos Magistrados Judiciais, Lei n.º 21/85, de 30/7, e a Lei de Organização do Sistema Judiciário, Lei 62/2013, de 26 de Agosto, entre outros diplomas legais atribuem-lhe competências em matéria de: nomeação, colocação, transferência, promoção e exoneração, dos juizes dos tribunais judiciais, assim como o exercício da acção disciplinar; avaliação do mérito e da disciplina dos funcionários judiciais em exercício nesses tribunais; competências de gestão e co-participação na gestão do sistema judiciário, como as de propor ao Ministro da Justiça medidas tendentes à eficiência e ao				

aperfeiçoamento das instituições judiciais, alterar a distribuição de processos nos tribunais com vista a assegurar a operacionalidade dos serviços, estabelecer prioridades no processamento de causas que se encontrem pendentes por tempo considerado excessivo; responsabilidades para estabelecer objectivos estratégicos para o desempenho dos tribunais, ponderando os recursos disponíveis, estabelecer valores de referência processual adequados para a produtividade de cada juiz e unidade jurisdicional, bem como de monitorização permanente da actividade de cada tribunal e conjunto de tribunais; participação na coordenação da rede de gestão dos tribunais, com o poder de nomeação do presidente de cada tribunal de 1.ª instância, podendo fazer cessar as suas funções a qualquer momento, cabendo-lhe a apreciação de recursos dos actos do presidente, bem como dos actos do administrador judiciário no uso de competências próprias, e podendo atribuir ao presidente determinadas				

	tarefas por orientação ou delegação; responsabilidades de avaliação geral, através de um serviço de inspecção, ao qual compete facultar o conhecimento do estado e necessidades dos serviços e, também, recolher informações sobre o desempenho e o mérito dos magistrados, para além do serviço de instrução dos processos disciplinares e da realização das sindicâncias e inquéritos.				
2. legislação de base aos tribunais ou à sua organização.	- A Lei n.º 62/2013, Lei de Organização do Sistema Judiciário, estabelece as normas de enquadramento e de organização do sistema judiciário e o Decreto-Lei n.º 49/2014 regulamenta essa Lei. Essa legislação assegura o quadro de organização e competências jurisdicionais dos tribunais judiciais, bem como define as suas estruturas de gestão e o quadro do desenvolvimento da gestão (competências e articulação). - O Estatuto dos Magistrados Judiciais, Lei n.º 21/85, regula as matérias da nomeação, colocação, transferência, promoção e exoneração, dos juizes, bem como as garantias de independência, avaliação, estatuto disciplinar e	Lei de organização judiciária e respectivo Regulamento	Leis de organização judiciária	Lei Organização do Sistema Judiciário e demais indicadas no número anterior	- Lei n.º 62/2013, Lei de Organização do Sistema Judiciário regulamentada pelo Decreto-Lei n.º 49/2014. O Estatuto dos Magistrados Judiciais, Lei n.º 21/85. Os Códigos de processo; no caso do Código de Processo Penal as suas normas relativas à competência prevalecem sobre as de organização judiciária, art.º 10º do Código de Processo Penal.

	remuneratório dos juízes.				
3. Garantia ao nível constitucional (ou ao mais alto nível da hierarquia normativa) que proteja a independência do judiciário perante os poderes executivo e legislativo	- A Constituição da República Portuguesa dispõe que os tribunais são independentes e apenas estão sujeitos à lei (art. 203.º) e, em matéria de estatuto dos juízes, estabelece (art. 216.º) as garantias de inamovibilidade (os juízes não podem ser transferidos, suspensos, aposentados ou demitidos senão nos casos previstos na lei) e de irresponsabilidade (os juízes não podem ser responsabilizados pelas suas decisões, salvas as excepções previstas na lei), bem como a garantia da existência do Conselho Superior da Magistratura, a quem compete em exclusivo a nomeação, colocação, transferência e promoção dos juízes, bem como o exercício da acção disciplinar. - A Lei n.º 62/2013, Lei de Organização do Sistema Judiciário, e o Estatuto dos Magistrados Judiciais, Lei n.º 21/85, reafirmam e concretizam aquelas garantias.	Constituição da República Portuguesa e Estatuto dos Magistrados Judiciais	Constituição da República Portuguesa	CRP EMJ LOSJ	A Constituição da República Portuguesa consagra no art. 203.º a independência do judiciário perante os poderes executivo e legislativo. As leis ordinárias (estatutárias, de organização judiciária e processual) concretizam e materializam essa independência.
4. Política relativa à especialização dos tribunais	- A Lei n.º 62/2013, de 26 de agosto, (Lei de Organização do Sistema Judiciário) estabelece uma muito ampla	Ao nível dos Tribunais Superiores a Lei de Organização do Sistema de Justiça prevê a possibilidade de criação	Leis de organização judiciária preveem a possibilidade de criação de secções especializadas, cabendo ao CSM a decisão de as instalar	CRP prevê a possibilidade de secções especializadas nos tribunais superiores.	A Lei n.º 62/2013, de 26 de agosto, (Lei de Organização do Sistema Judiciário) implementou a especialização dos

e/ou a certa categoria de juízes	especialização das secções jurisdicionais que integram os tribunais de primeira instância. A colocação dos juízes nessas secções especializadas compete ao Conselho Superior da Magistratura, mediante critérios que podem incluir o critério da formação especializada e experiência, embora na prática esse critério não seja usado. No caso dos tribunais de Relação, aquela lei garante a especialização dos juízes, integrando-os em secções especializadas, cível e criminal, podendo ser organizadas, se necessário, secções especializadas em matéria laboral, de família e menores, de comércio, de propriedade intelectual e de concorrência, regulação e supervisão, por deliberação do Conselho Superior da Magistratura, sob proposta do presidente do respetivo tribunal. Neste caso, cabe ao presidente do tribunal de Relação distribuir os juízes pelas secções especializadas, tomando sucessivamente em conta o seu grau de especialização, a conveniência do serviço e a preferência manifestada.	de secções especializadas, cabendo ao CSM a decisão de as instalar, em regra, sob proposta dos presidentes daqueles tribunais		LOSJ Movimentos judiciais e deliberações do CSM	tribunais.
5. política e estratégia	No caso dos tribunais de Relação, o controlo do	Ao nível do CSM, das	Ordens de serviço ou provimentos	LOSJ e seu regulamento	

relativa às necessidades e planeamento dos recursos do Tribunal	planeamento e das medidas adequadas às necessidades dos tribunais é feito pelo presidente do tribunal, tomando as decisões adequadas a cada situação e, nas medidas que dele não dependem, angariando recursos junto do Conselho Superior da Magistratura ao nível de colocação de juizes (o quadro de juizes é flexível) e junto dos departamentos do Ministério da Justiça ao nível dos recursos orçamentais, de equipamentos e de colocação de funcionários de justiça	necessidades de recursos humanos, no confronto entre a ratio de processos/desembargadores e a previsão da respectiva jubilação; ao nível dos TR avaliação das necessidades também de funcionários e meios de suporte e integração no orçamento da previsão de custo respectivo.		Movimentos judiciais	
6. política relativa à estrutura e competência dos tribunais, incluindo uma política quanto à sua localização geográfica	A política relativa à estrutura e competência dos tribunais de Relação é assumida pelo legislador de forma genérica nas leis de organização judiciária. A sua estrutura e competências visam essencialmente responder à capacidade de julgar os recursos das decisões dos tribunais de primeira instância localizados nas áreas do território sobre as quais cada Relação tem, para tanto, jurisdição, áreas essas definidas na lei. A localização dos atuais tribunais da Relação, também definida na lei, relaciona-se apenas com a sua inserção da área territorial sobre a qual tem	Leis de organização judiciária	Leis de organização judiciária	Mapa judiciário LOSJ e seu regulamento	Leis de Organização Judiciária

	jurisdição e com uma política de Estado relacionada com a presença física e simbólica em determinadas cidades do território nacional.				
7. A gestão do tribunal definiu a missão/visão e estratégia (características base do judiciário aqui incorporadas, tais como a imparcialidade, independência, certeza legal e acesso ao direito?)	Não	A matéria não cabe na competência dos órgãos de gestão dos tribunais	A matéria não cabe na competência dos órgãos de gestão dos tribunais	Plano anual do Tribunal da Relação de Lisboa (TRL) que respeita à gestão global do tribunal, incluída a distribuição de processos, gestão de magistrados e de funcionários. Relatórios e medidas semestrais da actividade do judiciário no TRL	
8. A gestão do tribunal dá ampla publicidade da missão/visão e estratégia aos utentes, juízes, procuradores e funcionários judiciais	Não		Não	O Plano anual é publicado no site do TRL e divulgado internamente e através de contactos directos, gerais e individuais.	
9. A gestão do tribunal tem em conta as expectativas	O presidente de cada tribunal da Relação procura ouvir, na medida do possível, os juízes, magistrados do Ministério Público,	Não existe política ao nível do tribunal	Não existe política ao nível do tribunal	Sim	

das necessidades legítimas e desejos dos utentes internos e externos ao elaborar a política do tribunal	advogados e funcionários antes de tomar medidas de gestão e está atento às necessidades suscitadas pelos utentes em geral				
10. A gestão do tribunal mantém um contacto sistemático com os utentes internos e externos.	Não	Apenas com os utentes internos	Apenas com os utentes internos	Mantém contactos regulares e oportunos com utentes e 'media'	
11. A gestão do tribunal garante uma cultura com o objectivo de estimular e inspirar melhorias em toda a organização.	O presidente de cada tribunal da Relação procura articular com os juizes e funcionários as medidas a tomar, fornecendo informação de forma sistemática, agregando vontades, respondendo a sugestões organizativas e promovendo consensos, quando necessário		Não	Através de contactos directos, estimulando uma política de mentalização de magistrados e funcionários, visando a boa gestão de recursos e a compreensão da mesma	
12. A gestão do tribunal determinou prioridades quanto às políticas do tribunal que devem ser desenvolvidas	NÃO		Não	Através de suspensões de serviço em casos pontuais de modo a permitir a gestão prioritária de serviços urgentes e/ou prioritários.	

13. A gestão do tribunal descreveu como deve ter lugar o processo de decisão quanto a estas prioridades	NÃO		Não	Sem prejuízo de fazer recomendações genéricas em matéria de gestão.	
14. A gestão do tribunal elaborou uma política quanto à delegação de competências dos juízes no pessoal não juiz	NÃO		Não	Não	
15. A gestão do tribunal determinou as principais tarefas, papel e parâmetros para os oficiais de justiça do tribunal	O presidente de cada tribunal da Relação acompanha a actividade dos funcionários de justiça, estabelecendo directrizes sempre que necessário	Não. Mas existem provimentos que procuram dar resposta a questões concretas	Não. Mas existem provimentos que procuram dar resposta a questões concretas	No sentido do acompanhamento pelos oficiais de justiça nas diligências judiciais e quanto à tramitação processual	
16. É efectuada uma avaliação regular da implementação de políticas relativas às alterações na	NÃO			Sim	

estrutura organizacional do tribunal					
17. A implementação das alterações legislativas é regularmente avaliada	NÃO			Sim	
18. As alterações legislativas e o seu impacto nos tribunais e/ou nos juízes são avaliadas	NÃO			Sim	
19. A eficácia e eficiência dos procedimentos judiciais é sistematicamente avaliada	NÃO			Determinações práticas e gestão do TRL em casos pontuais e relevantes para o bom funcionamento do tribunal	
20. São utilizados padrões e directrizes de qualidade na elaboração de nova legislação ou nas alterações na vigente	NÃO			Não	
21. É avaliado o impacto da introdução de nova	NÃO	A resposta é negativa, sob o ponto de vista da avaliação sistemática, tendo sido efectuada		Nomeadamente, a entrada em vigor da LOSJ, a propósito da proposta de	

legislação ou de alterações na vigente sobre o volume de trabalho dos tribunais? Se sim, isto conduz a alterações na capacidade dos tribunais (no pessoal)		aquando da alteração da LOSJ, mercê da significativa alteração da competência territorial		alteração da colegiabilidade, foi feita após avaliação prática dos seus efeitos e após discussão pública e audição dos magistrados. Alterações na capacidade dos tribunais dependem das medidas legislativas.	
22. As propostas legislativas apresentadas pelo executivo ao Parlamento são analisadas e comentadas por autoridades independentes e pelo judiciário como parte do processo legislativo	Por regra, o Conselho Superior da Magistratura, as associações de magistrados e outras entidades relevantes são ouvidas, para parecer. Por vezes tal sucede antes da apresentação de propostas legislativas pelo executivo ao parlamento, mas por regra o parlamento procede a essa audição em comissão parlamentar, como parte do processo legislativo.	O Conselho Superior da Magistratura é sempre ouvido sobre as alterações legislativas. Para além disso, em diplomas mais estruturantes do Judiciário, são criadas comissões de reforma legislativa ou grupos de trabalho que integram personalidades de reconhecido mérito na área respectiva, é efectuada a consulta das associações sindicais e, por vezes, são ouvidas outras entidades, como a Ordem dos Advogados e a Ordem dos Solicitadores	Comissões de reforma legislativa, grupos de trabalho, consulta da associação sindical	Nos termos consagrados na CRP	Há, em regra, uma ampla discussão.
23. As leis processuais (civil, criminal, administrativ	Sim	Existe revisão regular, anunciada sempre como tendente a melhorar a eficiência e eficácia. Não obstante, muitas	Existe revisão regular. Mas não há um procedimento uniforme: a metodologia adotada nuns casos não o é nos outros.	Sim	

as) são regularmente revistas e modificadas para melhorar a eficácia e eficiência dos processos judiciais		alterações são introduzidas sem avaliação dos resultados da alteração anterior e, sobretudo, sem avaliação do impacto da alteração proposta, por vezes, impulsionadas por situações concretas, e nem sempre com a ponderação de todas as variáveis relevantes, sobretudo do ponto de vista dos meios humanos e tecnológicos existentes.			
24. Existe uma política estabelecida quanto ao tratamento de processos por juiz singular ou por colectivo de juizes	Não	A lei processual define o modo de intervenção do tribunal – coletivo ou singular	A lei processual define o modo de intervenção do tribunal – coletivo ou singular	A decisão será singular ou colectiva, nos termos definidos pela lei, ou seja pela LOSJ de acordo com a composição do tribunal e pelas leis processuais penais .	Os Códigos de Processo (Civil e Penal) definem as regras aplicáveis.
25. Existe uma política de promoção da certeza jurídica.	Existe um mecanismo para uniformização de jurisprudência, com um recurso próprio para o Supremo Tribunal de Justiça. No mais, existe um acompanhamento judicial e académico da jurisprudência relevante, com promoção da adequada reflexão para garantir uniformidade nas decisões dos tribunais, sem prejuízo da independência dos juizes.	Através da uniformização de Jurisprudência pelo STJ, ou pela admissão do recurso excecional, só admissível precisamente quando existe divergência de decisões nos TR.	Não	Através de Acórdãos de Fixação de Jurisprudência	O recurso para a Uniformização de Jurisprudência é disso exemplo

26.	Existe a publicação em site internet, de acesso livre, das decisões mais relevantes de cada Relação. Alguns tribunais da Relação divulgam boletins periódicos contendo sumários dessas decisões. Não ocorrem reuniões para discutir a jurisprudência relevante, para além de ocasionais acções de formação onde tal sucede.	Para além dos mecanismos estabelecidos em sede processual referidos no item anterior, existe ainda a seleção de jurisprudência e publicação numa base de dados pública, permitindo o conhecimento pelos tribunais das decisões proferidas noutros e, pontualmente, são discutidas ao nível das secções dos TR questões de jurisprudência relevante	Seleção de alguma jurisprudência e publicação respetiva numa base de dados pública	Nas secções compostas por juízes do TRL é feita a observação e promoção de discussões colegiais, entre os vários colectivos de juízes e pela secção em geral promovida pelo presidente da secção e através da escolha e publicação de acórdãos na Base de Dados de jurisprudência.	Todos os tribunais superiores disponibilizam <i>on line</i> a respectiva jurisprudência, publicando alguns ainda Boletins temáticos. O CEJ nas suas acções de formação discute a jurisprudência relevante.

N/A – Answers Not Available

II. ALLOCATION OF CASES SYSTEM					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
Assign and reassign of cases	Apenas o CSM pode alterar a distribuição de processos (158/h EMJ) Opera normalmente por via da suspensão ou redução da distribuição A redistribuição é excecional (juiz natural e pré-determinação do juiz)	Através de decisão do Presidente e apenas em situações pontuais e devidamente justificadas (juiz natural)	Através de decisão do presidente	Através de medidas pontuais por parte do Presidente por competência delegada do CSM	Vigora o princípio do juiz natural e o aumento da eficácia não é exceção a esse princípio. A redistribuição de um processo pode ocorrer mas não com esse objetivo
Objective method of allocation	A distribuição de processos é feita, nos termos legais, por forma aleatória e igualizadora da	Definida na lei processual, e concretizada aleatoriamente, através de sistema	Definida na lei processual	Distribuição processual por via informática	O resultante da lei

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II. ALLOCATION OF CASES SYSTEM					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
	carga processual, por meios electrónicos. Esse é o único método objetivo praticado.	informático			
Information to court organization	A informação quanto à distribuição diária de processos é disponibilizada publicamente em site internet de acesso livre. Alguns presidentes de tribunais de Relação divulgam periodicamente junto dos juízes do tribunal boletins com o número total de	Através de plataforma informática, sendo ainda disponibilizada, pela mesma via, para consulta pública	Através de plataforma informática	A distribuição é publica e periodicamente divulgada nomeadamente no site do TRL	

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II. ALLOCATION OF CASES SYSTEM					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
	processos, por referência a período mensal, anual ou outro, atribuídos a cada juiz.				
Fair and efficiently allocation/reassignment	O Conselho Superior da Magistratura definiu valores de referência processual (VRP), ou seja, o número anual de processos adequado	A principal garantia resulta do próprio sistema de distribuição automático e aleatório entre todos os juízes, só	Não há medidas para tal		Apenas há uma justa e eficiente distribuição inicial de volume processual.

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II. ALLOCATION OF CASES SYSTEM					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
	para cada juiz. Esses VRP permitem tomar medidas organizativas para evitar uma carga processual excessiva para cada juiz, nomeadamente com a dotação adequada do quadro de juízes, permitindo adequada monitorização e uma distribuição justa e eficiente. Os presidentes monitorizam mensalmente o movimento processual e identificam os casos de demora excessiva, informando o CSM.	havendo intervenção do Presidente caso se justifique, fundadamente, a implementação de alguma medida corretiva.			

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II. ALLOCATION OF CASES SYSTEM					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
Transparency	A distribuição de processos é feita, nos termos legais, por forma aleatória e igualizadora da carga processual de cada juiz, por meios eletrónicos. Nessa medida, é assegurada a transparência na distribuição.	Existem critérios legalmente definidos e a referida distribuição através de sistema informático.	Existem critérios legalmente definidos.		Total objetividade e transparência, com base na lei.

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III. GOAL SETTING/ FIXAÇÃO DE OBJECTIVOS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
1. São definidas metas para os tribunais (desempenho)?	Por determinação do CSM foi elaborado estudo sobre os Valores de Referência Processual (VRP), aprovado por deliberação de 13.03.2012 - valor indiciário sobre o n.º médio de processos a atribuir, por ano, a cada juiz, entre um mínimo e um máximo, relativamente a cada uma das áreas de jurisdição existentes nos TR (Cível, Social e Criminal).	NÃO Apesar disso há: - VRP por desembargador; - Controlo do cumprimento dos prazos (comunicação ao CSM dos processos em que sejam ultrapassados 90 dias sem decisão.	NÃO	NÃO	NÃO
2. A gestão do tribunal traduz a missão/visão em objectivos e prioridades concretos e mensuráveis? Tem indicadores de desempenho?	NÃO Apenas existem índices de produtividade	NÃO Apesar de não existirem indicadores de desempenho, os Presidentes comunicam semestralmente ao CSM o número de processos entrados/findos por desembargador.	NÃO	SIM De acordo com o CSM e com a distribuição definida pelo Presidente. Os indicadores são os resultantes da estatística processual.	NÃO
3. A gestão do tribunal determina os factores críticos de sucesso para atingir esses objectives?	NÃO	NÃO	NÃO	SIM A gestão do tribunal identifica e dá publicidade a tais factores.	NÃO

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III. GOAL SETTING/ FIXAÇÃO DE OBJECTIVOS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
4. A natureza dos processos pendentes é sistematicamente analisada?	SIM O presidente do TR acompanha mensalmente o número de processos atribuído a cada juiz e o número de processos findos, comunicando os atrasos ao CSM	SIM Distinguem-se (por lei) processos urgentes (com prioridade na decisão) e não urgentes.	SIM Diferenciam-se processos urgentes (com precedência de decisão) e não urgentes.	SIM É analisada regularmente a estatística processual geral e individual. É pedida notícia dos processos urgentes ou de acumulação para cima de certos limites (para encontrar mecanismos para resolução dessas situações).	SIM Diferenciam-se processos urgentes e não urgentes. Na jurisdição criminal é ponderado o prazo de prescrição
5. Foram definidos objectivos para reduzir a acumulação processual?	O CSM averigua a produtividade anual de cada juiz e procura inteirar-se das razões dos atrasos quanto a estas situações: a. decisões finais relatadas ou proferidas em número inferior ao índice de produtividade; b. 15 ou mais processos com prazos injustificadamente excedidos; c. 5 ou mais processos com conclusão aberta há mais de	NÃO	NÃO	SIM Através da análise sistemática da pendência geral e individual e da tomada de medidas pontuais necessárias. É acautelada, em particular, a natureza dos processos urgentes e daqueles onde possa ocorrer prescrição do procedimento processual	NÃO

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III. GOAL SETTING/ FIXAÇÃO DE OBJECTIVOS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
	seis meses; d. qualquer processo com conclusão aberta há mais de um ano				
6. Existe um sistema de avaliação qualitativo e quantitativo da actividade de cada juiz?	Há monitorização quantitativa constante do trabalho de cada juiz. Podem existir inspeções extraordinárias, por iniciativa do CSM ou a requerimento do próprio quando previsivelmente concorrente necessário ao STJ (art. 37º-A do EMJ) que abrangem uma avaliação quantitativa e qualitativa da actividade do juiz	SIM Existe sistema de informação da quantidade da actividade de cada juiz. Há possibilidade de avaliação qualitativa (a título excepcional) dependendo de solicitação do próprio juiz ou de determinação do CSM.	SIM Há sistema de informação da quantidade da actividade de cada juiz. Há possibilidade de avaliação qualitativa, tendo esta carácter excepcional e depende de solicitação do próprio juiz.	SIM Quantitativa e qualitativa (pelo CSM); Quantitativa (pelo TR)	NÃO Há acesso apenas aos dados do próprio
7. Está garantido a cada juiz o acesso à informação relativa à sua unidade, à dos seus colegas bem como aos dados de todo o tribunal?	Cada juiz tem acesso aos dados respeitantes aos seus processos. Alguns tribunais divulgam ainda regularmente aos juízes do tribunal o número de processos distribuídos e findos relativamente a cada um e a todos os juízes do tribunal	SIM A consulta da plataforma informática permite saber quais os processos e a quem foram distribuídos. Após a distribuição cada juiz só tem conhecimento dos processos pendentes e findos relativos a si próprio, sendo a informação global apenas do	SIM A consulta da plataforma informática permite o conhecimento do volume processual distribuído. Após a distribuição cada juiz só tem conhecimento dos	SIM Através do órgão de gestão do TR é publicitada a estatística e os resultados das decisões (também divulgados ao público) e das situações de suspensão/redução de serviço.	NÃO

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III. GOAL SETTING/ FIXAÇÃO DE OBJECTIVOS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
		conhecimento do Presidente do Tribunal e do CSM	processos pendentes e findos relativos a si próprio.		
8. Os aspectos qualitativos do desempenho de cada juiz também fazem parte da política de recursos humanos do tribunal?	NÃO	NÃO	NÃO	NÃO	NÃO

QUESTÕES

- I – Há fixação de metas nos TR consistentes nos VRP? E nos processos pendentes sem decisão há mais de 90 dias? (questão 1)
- II – Quais as razões de diversa resposta às questões 2 e 3 do TRL face aos outros TR?
- III – Relativamente à questão 4 há efectiva prática entre os vários TR ou o procedimento é uniforme?
- IV – A resposta dada à questão 5 pelo TRC é transponível para os demais TR?
- V – Deve ser instituído um mecanismo de avaliação qualitativa regular (cfr. questão 6)?
- VI – Deve ser instituído um mecanismo de acesso à informação, por cada juiz, relativamente ao serviço dos colegas, idêntico para os vários TR (cfr. questão 7)?
- VII – Como se justifica a resposta negativa (unânime) dada à questão 8?

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IV Caseload Management					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
Judges Formation	Não Não existe formação especializada.	Não Existe formação contínua ministrada pelo Centro de Estudos Judiciários, na qual os juízes desembargadores se podem inscrever, mas não é de natureza obrigatória	Não	Não	Não
Information on pending cases	Só as secções de processos têm acesso ao estado dos processos pendentes em tempo real na respetiva unidade. A informação do estado dos processos, pode ser partilhada pelos juízes desembargadores, a solicitação destes	Existe um sistema informático de apoio à atividade dos tribunais. Os oficiais de justiça têm acesso ao mesmo sistema e tramitam nele os processos A informação está acessível apenas ao juiz a quem o processo foi distribuídos e aos	Com recurso ao sistema informático de apoio aos tribunais permite, em tempo real, saber do estado dos processos pendentes na sua unidade(Entende-se por unidade o próprio juiz e não a totalidade da secção que ele integra)	O sistema informático permite ao juiz obter informação dos seus processos pendentes informação essa que é partilhada no tribunal.	Exceto nos casos em que o processo se encontra na posse física do juiz, ele só pode saber – em tempo real – do estado dos processos pendentes na sua unidade através da sua secção de processos. Os oficiais de justiça

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	junto do escrivão da secção ou do presidente da Relação.	funcionários da respectiva secção	Essa informação não é acessível aos demais juízes.		podem aceder em tempo real ao estado dos processos pendentes na sua unidade.
Judicial alternative measures	Não existem	A mediação apenas está prevista na primeira instância	Não existem	Não existem	Não existem
Public Hearings	Apenas é acessível ao público a assistência às audiências de julgamento, de ocorrerem a requerimento do recorrente.	A lei consagra o princípio da publicidade como regra, a qual implica o direito de exame e consulta do processo, pelas partes, por qualquer pessoa que possa exercer o mandato judicial, ou ainda por quem nisso revele interesse atendível	A lei consagra o princípio da publicidade como regra.	Audiência é pública, com exceção dos processos que se encontrem em segredo de justiça.	Em regra, funciona o princípio da publicidade.
Case management				Os processos são organizados e levados	

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				a cabo de forma a que as despesas para as partes e outras pessoas envolvidas nos processos sejam minimizadas, possibilitando-se o envio de requerimentos por email.	
Mediation	-----				
Hearings Management	São raras as audiências para julgar em recurso e apenas ocorrem nos processos-crime. A audiência é agendada pelo presidente da secção, no prazo de 20 dias e, sempre que for possível, com o prévio acordo dos advogados. A audiência está	A realização de audiências nos Tribunais de Relação tem natureza excecional. Quando se realizam são preparadas e a data é proposta aos advogados, que aderem à mesma ou propõem datas alternativas. Para controlo do início	A realização de audiências na Relação tem natureza excecional. As datas das sessões são definidas anualmente pela presidência. Existe um sistema de comunicação ao CSM de pendências com atrasos superiores a 3 meses	A audiência é agendada em cooperação com os advogados das partes. As atas registam o conteúdo e formalidades das audiências, nomeadamente a hora de início e termo. As partes são informadas, através do oficial de justiça,	Na jurisdição penal, aquando da marcação da audiência, o projeto de decisão é distribuído pelo presidente e adjuntos. A audiência é agendada com a cooperação dos advogados e a hora do início da audiência consta da respetiva ata.

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	sujeita à mesma disciplina e regulamentação dos tribunais judiciais de 1.ª instância, cabendo ao juiz desembargador titular do processo a sua gestão e respetiva marcação. É imposto ao tribunal a obrigação de comunicar aos intervenientes processuais a impossibilidade do início da diligência à hora designada, o que deve fazer dentro dos 30 minutos subsequentes à hora designada para o início, bem como sobre os advogados impende a obrigação	hora do início da audiência é efetuada uma onde q consta a hora do respetivo início, fim e eventuais interrupções, ficando ainda registada no sistema quando as audiências são gravadas, o que atualmente é a regra. -A própria lei prevê que as partes sejam informadas do adiamento ou atraso da audiência. Os prazos processuais estão definidos nas leis de processo, mas do seu incumprimento não resulta qualquer sanção que vicie a decisão tardiamente proferida, a qual só		dos adiamentos ou atrasos da audiência. Existe um sistema de informação usado para definir um agendamento das sessões através da organização das Tabelas. Existem mecanismos processuais de pedido de aceleração processual. São fixados prazos ideais e indicativos para a pendência média, ocorrendo a intervenção do CSM quando os mesmos são ultrapassados.	As datas das sessões são pré-determinadas, podendo ser conhecidas pelos sujeitos processuais. Existem padrões para a duração média dos processos cuja violação implica comunicação ao CSM. .

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	de comunicar prontamente quaisquer circunstâncias impeditivas da sua presença, a fim do juiz tomar as medidas necessárias. Se a audiência não se iniciar à hora designada, por motivos justificados, o juiz deve informar os advogados da causa impeditiva e a secretaria as partes e demais intervenientes. As convocatórias para as audiências são enviadas no mais curto período temporal possível, para evitar desnecessários	existe quando se verifica responsabilidade disciplinar. A duração ideal do processo resultaria do cumprimento de todos os prazos processuais. Porém, existe uma definição legal do que pode não ser aceitável, prevendo-se a comunicação ao CSM de processos com conclusão ao juiz há mais de 90 dias, à semelhança do que o CSM já havia anteriormente deliberado quando aos tribunais superiores. Cada juiz estabelece o ritmo processual,			

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	tempos de espera. Nos processos-crime quando estiverem excedidos os prazos previstos na lei para a duração de cada fase do processo, podem o Ministérios Público, o arguido, o assistente ou as partes civis, requerer a aceleração processual, cujo pedido é dirigido respetivamente ao Procurador-Geral da República ou ao Conselho Superior da Magistratura, conforme o processo esteja na fase de inquérito ou em fase de julgamento processos. A lei estipula prazos	adequando-o à natureza e complexidade do processo, tendo em vista a decisão no mais curto tempo possível. Pontualmente, procede-se à redistribuição de processos como forma de acelerar processos atrasados ou reduzir a pendência processual			

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	para a prática dos diversos atos nas diferentes fases processuais. O presidente da Relação, através dos escrivães acompanha mensalmente o número dos processos distribuídos a cada juiz e o número dos processos findos, bem como identifica os casos de demora excessiva de resolução. O CSM é informado trimestralmente, da situação trimestral, semestral e anual, relativamente à produtividade de cada juiz desembargador. O CSM e o Presidente,				

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	tomam medidas adequadas à correção da pendência processual, adotando medidas corretivas na distribuição. Nos recursos julgados em conferência a publicitação do acórdão é no próprio dia.				
Timeframes	Nos recursos-crime julgados em audiência a publicitação do acórdão é, por norma, no próprio dia.	Nos tribunais superiores a decisão é entregue na própria audiência, para ser notificada às partes pela secção.	Os prazos são definidos nas leis processuais.	Em alguns casos, como sejam os processos a que foi reconhecida a natureza de especial complexidade, para os quais estão previstos, por lei, prazos mais longos para a realização de certas fases ou atos processuais e em que o juiz pode conceder	Nos recursos-crime julgados em audiência a publicitação do acórdão é, em regra, na sessão imediata, decorridos oito dias, dentro dos 15 dias seguintes

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				prazo adicional aos intervenientes processuais ou em casos pontuais como na oposição aos pedidos de cumprimento pelo Estado Português de mandados de detenção europeus, no âmbito da cooperação judiciária internacional. Os prazos para a prolação das decisões estão definidos na lei.	
Enforcement and notification	Existe uma política para a execução das decisões judiciais A execução das sentenças pode ser confiada aos agentes de execução ou a	A lei processual prevê o processo executivo que pode ter natureza cível, dependendo da iniciativa da parte, não sendo monitorizado pelo Tribunal.		Existe um sistema de notificação das decisões judiciais bem como o processo executivo	

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	oficial de justiça, cabendo ao juiz enquanto supervisor do processo, velar pela tramitação normal dos autos, o que deve fazer, imprimindo celeridade e eficácia à decisão	No processo crime, a iniciativa da execução das sentenças pertence ao Ministério Público. O incumprimento dos deveres funcionais dos oficiais de justiça incumbe à DGAJ e dos agentes de execução à CAAJ. No processo executivo o juiz apenas intervém quando estão em causa direitos, liberdades e garantias.			
Archive and it	Nos processos julgados em recurso baixam à 1.ª instância, sem ficar na Relação qualquer traslado. Os processos são tramitados eletronicamente pelas	Existe um sistema informático para a tramitação e gestão processual, incluindo os arquivos. Nos Tribunais superiores só ficam arquivados os	Existe sistema informático de processos no tribunal, para a gestão processual e registo de acórdãos.	Existe registo informático das decisões.	Existe registo informático das decisões.

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	secções através do sistema CITIUS, sendo por isso possível receber documentos em formato eletrónico, embora esta ferramenta ainda não esteja disponível para os juízes desembargadores.	processos em que a Relação conhece em primeira instância, sendo os demais processos arquivados no tribunal de origem. Existe política de registo de todas as decisões judiciais proferidas.			

V. COURT PERFORMANCE STANDARDS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
Evaluation and Publicity Q. 1 to 3	1. O presidente de cada um dos tribunais da Relação acompanha mensalmente o número de processos atribuído a cada juiz e o número de processos findos, comunicando os atrasos ao Conselho Superior da Magistratura. 2 e 3. Não quanto a avaliação e publicação de resultados	Análise dos dados constantes do sistema informático e comunicação das pendências superiores a 3 meses ao CSM	Comunicação das pendências superiores a 3 meses ao CSM	SIM	Existe um sistema de monitorização continua

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V. COURT PERFORMANCE STANDARDS					
	COIMBRA	ÉVORA	GUIMARÃES	LISBOA	PORTO
Evaluation and Improvement Q. 4 to 6	Não quanto a registo do resultado das demandas, da percentagem de recursos ou da duração dos processos Registo o resultado dos processos e da produtividade	Não quanto a avaliação no próprio tribunal dos resultados ou de parâmetros de qualidade	Não	SIM	Não quanto a avaliação no próprio tribunal dos resultados ou de parâmetros de qualidade
Statistics and Publicity Q. 7 to 11	Sim quanto aos processos entrados, findos e pendentes CITIUS	Através da plataforma informática Há sempre registo das decisões e as tabelas com os resultados são públicas, qualquer que este seja, mas não existe tratamento das percentagens, nem diferenciação pelo sucesso ou insucesso da demanda	Há registo de decisões, qualquer que seja o seu resultado Não há tratamento por resultado	SIM	Não quanto a percentagem de recursos ou produtividade, sendo elaboradas tabelas com os resultados de cada sessão e publicadas. Sim quanto aos processos entrados, findos e pendentes CITIUS

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PORTO SEMINAR

Doc. 38 – Memo 02-11-2016 – First Instance

Doc. 39 – Memo 03-11-2016 – Appeal Courts

Doc. 40 – Memo 03-11-2016 – First Instance

Doc. 41 – Memo 03-11-2016 – Appeal Courts

Doc. 42 – Agenda

Doc. 43 – Participants

ANNEX VIII



CONSELHO SUPERIOR DA MAGISTRATURA

MEMORANDO

ASSUNTO:

**Reunião – Projeto QUALI – Tribunais de 1.^a instância
Porto, 02 de Novembro de 2016 – 09.30 h.**

*

Presentes:

Espanha

4

Eslovénia

2

Alemanha

Knut Petersen

2

Bélgica

Luc Hennard(?)

Lituânia

4

Polónia

3





CONSELHO SUPERIOR DA MAGISTRATURA

Portugal

JPC Porto

JPC Lisboa

JPC Coimbra

JPC Braga

JPC Lisboa Oeste

CSM

Juiz de Direito Narciso Magalhães Rodrigues (Vogal do CSM)

Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e
Membros do CSM)

Juiz de Direito Carlos Castelo Branco (Juiz Secretário CSM)

Juiz de Direito Rúben Juvandes (Adjunto do GAVPM)

Juíza de Direito Eugénia Guerra (Adjunta do GAVPM)

*

Apresentação

Informações sobre programa

Apresentação de resultados até 30-06-2017

Questões de trabalho, apenas como proposta de trabalho

Ruben, teve uma reunião em Setembro em Bruxelas sobre o projecto

Quadro I

Apreciação de algumas questões em concreto:





CONSELHO SUPERIOR DA MAGISTRATURA

1 - A intervenção do Judiciário (nomeadamente dos Conselhos) no processo legislativo

Em algum dos países esta intervenção tem mais do que uma intervenção consultiva?

Eslovénia

- Só papel consultivo na legislação (o Supremo Tribunal e o Conselho)

Lituânia

- O Conselho e a Administração dos Tribunais prepara iniciativas legislativas e apresenta ao Ministério da Justiça e ao Parlamento
- Nenhuma lei pode ser adoptada se o Conselho se opuser (na prática).

Lisboa-Oeste

- O CSM pode estar representado em grupos de trabalho (intervenção indirecta)

Espanha

- Semelhante a Lituânia e Portugal
- O Governo/Parlamento tem iniciativa, mas há lei orgânica que impõe que o Conselho seja ouvido em matérias de interesse judicial antes da aprovação dos diplomas legislativos
- Todos os juízes têm o direito de suscitar a inconstitucionalidade/ o Conselho não pode invocar a inconstitucionalidade

Polónia

- O Conselho não tem iniciativa legislativa





CONSELHO SUPERIOR DA MAGISTRATURA

- Geralmente é função consultiva e até pode haver intervenção em grupos de trabalho entre o Conselho e o Governo

- O Conselho tem o direito de pedir ao Tribunal Constitucional apenas a questões relacionadas com a independência dos juízes e tribunais

Alemanha

- Não temos Conselho

- As leis judiciais são federais

- O Governo tem a iniciativa, distribuem ordens para relatórios aos governos dos outros estados sobre iniciativas legislativas para o Tribunal regional que o distribui junto dos demais tribunais (transposição de directivas/diplomas básicos/administração de tribunais/todas as leis civis)

Lituânia

- Todas as iniciativas legislativas que possam ser do interesse judiciário são remetidas ao Conselho (por vezes há falhas, há leis que deveriam ter sido remetidas e que não o foram)

Bélgica

- O Conselho ou os presidentes dos tribunais têm uma função consultiva, mas este parecer não é vinculativo.

Évora

- Desenho dos conselhos superiores

Tribunais abrangidos/Se inclui MP/Composição

Lituânia – Só juízes (desde 2006)/MP separados/4 membros do Conselho são dos tribunais administrativos





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20 – eleitos por juizes

3 – presidente do tribunal de recuros, judicial e administrativos

Polónia

25 – 17 são juízes, 2 destes são ex-officio e os outros 15 são eleitos por juízes

(há 3 juízes administrativos)

Há 6 membros do parlamento

O Ministro da Justiça faz parte do conselho

1 representante do presidente da república

Eslovénia

11 – 6 são juízes eleitos entre os juízes/5 não juízes, mas advogados respeitados seleccionados pelo parlamento (tribunais administrativos estão incluídos)

Portugal

17 membros (9 não juízes)

8 – presidente do STJ, vice-presidente – juiz conselheiro e 6 vogais

7- AR

2-PR

Há separação com o CSTAF e com o CSMP

Bélgica

4 anos

-1 Conselho – 24 membros eleitos juízes ou procuradores (12 franceses/12 flamengos)





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24 – outros membros designados pelo Parlamento

No Conselho não há juízes da jurisdição administrativa

Alemanha – não tem Conselho

Espanha

-O Conselho é comum (para judicial/administrativa)

O MP não faz parte do Conselho

- 20 membros + 1 – exofficio presidente do CSM que, por isso, é o Presidente do STJ

Os outros são escolhidos pelo Conselho – podem ser professores, advogados, juízes, ou outras profissões

-12 têm que ser juízes

- 3 candidatos propostos pelas associações de juízes ao Parlamento;

- 25 juízes podem subscrever uma candidatura de um juiz;

2 – Especialização dos tribunais

A quem compete?

Se só pode ser estabelecida pelo Parlamento/Supremos Tribunais/Conselhos

Eslovénia

Court Act – a especialização é legal, a colocação concreta dos juízes é decidida pelo presidente de cada tribunal

Lisboa





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O JPC não coloca juízes, mas alerta o CSM da necessidade de juízes em função da pendência

Lisboa-Oeste

A especialização é legal. O JPC propõe afectação de processos que seriam afectados a um número de juízes

Alemanha

A especialização é legal. Foi decidida especialização ao nível do tribunal. O Presidium é que decide (comité de juízes) alocar os processos. Pode ser especializada ao nível de jurisdições ou de matérias. Pode haver alocação sem a concordância dos juízes.

Espanha

Especialização de jurisdições – que pertence ao legislativo definir

Dentro de uma jurisdição pode ser feita especialização dentro do TSJ de uma região, que propõem por via das juntas de juízes ao decano uma especialização (família, menores, execuções, certo tipo de acções, v.g. falências, vg tribunal a criar junto do tribunal de instrução criminal para operações internacionais ao nível da extradição) temporária.

Polónia

A lei define.

Não é possível especialização ao nível da jurisdição, com uma excepção que é a necessidade de todos os juízes acordarem na especialização (ao nível local).

Lituânia

A especialização de tribunais é definida por lei.





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Civil e criminal especialização /dentro da jurisdição civil e administrativa.

O Presidente pode decidir sobre a especialização de juízes.

Quadro II

Distribuição inicial de processos /eventual possibilidade de reafecção (impedimento/doença/gestão das pendências processuais)?

Distribuição inicial de processos

Lisboa – A distribuição é electrónica, aleatória, em cada jurisdição

Em situações específicas de gestão é possível afectar processos a outros juízes desde que se faça uma proposta ao CSM

(Ex: Juiz que não pode fazer julgamentos, mas decisões escritas, este juiz faz sentenças em todos os processos de execuções que não exijam julgamento, etc.;
Ex. Afectação de processos aos juízes auxiliares, etc.)

Para chegar a essa conclusão é necessário saber a pendência, onde é mais necessária a intervenção

Coimbra - Critério objectivo, falta de capacidade de resposta, sem escolha de processos concretos.

Alemanha

A lei quer prevenir específicas decisões relativamente a casos específicos. O princípio do juiz natural é fundamental.

Tem que haver regras abstractas para distribuição inicial com periodicidade anual- há um esquema de alocação que tem de ser efectuado pelo Presidium – tem de ser publicado, só pode ser mudado ao longo do ano se houver razões específicas precisas (imprevista carga de trabalho, etc.)





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Em casos excepcionais o Presidium (1 presidente, 10 membros de 2 em 2 anos) pode realocar processos.

Narciso

3 formas de reafecção

- juiz que demora tempo excessivo – o CSM pode decidir afectar o processo a outro juiz; o juiz será repetido;

- carga processual excessiva – sob proposta do JPC ao CSM pode propor colocar juiz de QCJ (processos não concretos, mas segundo critérios abstractos)

- medida de gestão processual – artigo 94.º LOSJ – o CSM pode decidir por razões de carga processual afectar processo mesmo sem acordo do juiz

Espanha

- Temos regras objectivas de distribuição que não podem ser mudadas

Com 2 excepções:

- excessiva carga de trabalho, pode haver reafecção;

Lituânia

Impedimento/morte – só estes casos é que justificam realocação. Não há casos de realocação por casos de excesso de carga processual, mas pode ser estabelecida.

Bélgica

O presidente do Tribunal (apresentando ao Conselho, com uma carta de missão de gestão e nomeado pelo Ministério da Justiça – 5 anos, renovável uma vez) decide onde o caso vai ser distribuído a uma camara/secção (compostas





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entre 1 e 3 juízes) do tribunal (podendo o presidente mudar os juízes, mas o caso mantêm-se na mesma câmara/secção).

O juiz fica com o caso quando prepara a decisão.

O juiz da camara pode recusar por razões pessoais e por outras razões processuais de impedimentos.

Se houver excesso de carga de trabalho, o presidente pode mudar o juiz da secção, não podendo voltar.

O presidente (e só ele) pode determinar a realização de tribunal colectivo.

Eslovénia

Esquema anual de trabalho realizado por cada presidente do Tribunal, que é publicado no website do tribunal.

Forma como os casos são alocados.

A entrada de novos processos pode ser limitada.

Um processo singular não pode ser realocado.

Se um novo juiz vem a meio do ano e vem para um novo tribunal. Que casos deve ter a cargo? Não há regras específicas. Os juízes escolhem eles a forma de atribuir os casos.

Polónia

Lista de juízes e cada novo caso vai distribuído ao juiz, de forma electrónica. Em geral não é possível mudar.

Em casos extraordinários, o presidente da divisão pode suspender a distribuição de novos processos.

Em casos de carga excessiva não é possível a realocação de processos, salvo colocando um juiz para esse local.

Os casos criminais não podem ser mudados de juiz.





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Quadro III

1 - Existe um procedimento de fixação de objectivos? Modo? Avaliação final? Quem faz a avaliação? Consequências da avaliação?

Eslovénia

Há um plano anual preparado pelo Supremo Tribunal (até 2020) outro documento é feito em Março de cada ano na abertura do ano, em que é apresentado o resultado do ano anterior e as previsões para o ano seguinte.

O presidente é responsável pela obtenção dos objectivos. Pode perder o lugar se os objectivos não forem atingidos.

Há áreas que são especialmente monitorizadas de acordo com os objectivos fixados (aumentar a qualidade de juiz, procedimentos, partes e procedimentos)

3/6 meses de duração média dos processos em 1.^a instância.

Não são fixados pelo MJ.

Alemanha

A qualidade de decisões apenas pode ser avaliada pelos tribunais superiores.

Há contudo avaliação dos juízes, em três escalões, que é condição para a promoção do juiz (apreciada pelo Presidente do Tribunal).

Portugal

Objectivos em 3 níveis distintos:

- Estratégicos – trianuais
- CSM/PGR/MJ – anuais





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- JPC – relatório de gestão onde se mede o cumprimento dos objectivos anuais.

As propostas de objectivos referem-se a vários aspectos:

Duração dos processos, antiguidade dos processos, qualidade do serviço na óptica do utilizador (não ao nível do conteúdo das decisões).

Objectivos obtidos por consenso (se possível) e com reuniões de planificação (em cada secção, com os juízes, com o chefe de secretaria, o administrador judiciário, sendo enunciadas as áreas prioritárias de intervenção, os objectivos atingidos e nos objectivos que mereçam consenso são reduzidos a uma proposta escrita).

A qualidade é sindicada ao nível das inspecções.

Espanha

Os tribunais superiores/CGPJ podem estabelecer objectivos, mas em regra não há objectivos fixados.

Polónia

É uma área do MJ, mas não é muito transparente.

Lituânia

Cada tribunal tem um plano estratégico a 3 anos.

O Conselho adopta objectivos estratégicos – aumento de confiança geral nos tribunais, qualidade das decisões, guidelines.

Os factores de qualidade são avaliados a respeito da avaliação individual do juiz. As razões para uma decisão são avaliadas por uma comissão de avaliação do juiz, sendo dadas recomendações ulteriores de melhoria do trabalho do juiz.

Não há classificações atribuídas ao juiz. As recomendações são gerais.





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Bélgica

Não há controlo de qualidade das decisões. Só por via de recursos.

O único controlo é se houver atrasos processuais. Se houver atrasos (1 mês para prolação de sentença após o fecho dos debates), o JP pode perguntar porque há atrasos. Depois de 6 meses, as partes podem pedir ao Tribunal Supremo para retirar o processo ao juiz e atribuir ao presidente para realocar o processo. Pode tirar consequências disciplinares.

Pode ser determinada a exclusividade de tramitação de processos (não lhe sendo alocados novos processos).

Há notações, mas sem consequências para o nível de promoção dos juízes.

Quadro IV

Medidas de gestão quanto ao agendamento e dilação da marcação dos julgamentos?

Prazo para a prolação da decisão após a conclusão do julgamento?

Espanha

Se passar o prazo para a prolação há só consequências disciplinares

Não há período estabelecido para o julgamento.

Depois de passado o prazo o CGPJ é que decide as consequências.

O juiz não é afastado do processo, a não ser que seja afastado da carreira.

Cada 2 meses o Secretário Judicial envia ao CGPJ as estatísticas com as pendências.

O Boletim estatístico distingue todos os tipos de processos, tendo um VRP que um juiz tem de proferir num tempo determinado de casos especificados.

Pode ser determinada a especial complexidade dos processos.





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Portugal

Há obrigação de prolação de sentença.

Há um balanço que pode ser feito nos casos de promoção/incapacidade sobre a prova em continuar ou não a prolação da sentença.

Em caso de atrasos excessivos, pode haver reafecção excepcional, no caso de o CSM por via disciplinar ter afastado do processo o juiz (baixa prolongada com incerteza do timing de regresso ao serviço), o processo vai ser redistribuído aleatoriamente.

Polónia

A remoção apenas pode ser consequência de um processo disciplinar.

Há um acto de conselhos em que pode ser designado um juiz a um tribunal mesmo contra a sua vontade. O Tribunal Constitucional, contudo, determinou que esta provisão é inconstitucional, por violação do princípio da inamovibilidade.

Presidente do Tribunal pode determinar a remoção do juiz, podendo tal suceder por iniciativa do presidente ou das partes.

Lituânia

Há poucos problemas na jurisdição cível, mas na jurisdição criminal há alguns casos em que os casos tiveram atrasos, podendo o juiz ser mudado, mas em casos perfeitamente excepcionais.

Quadro V

Se há VRP? Inquéritos de satisfação? Tipo de tratamento informático de gestão estatística?

Gestão dos processos /Estatística





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Lituânia

Sistema centralizado onde todos os casos estão no sistema.

O modelo de alocação de processos e demais dados necessários para a gestão estão no sistema informático (LITEKO).

Há um módulo informático de gestão dos casos (40% dos casos administrativos).

Em todos os tribunais (em todas as categorias).

Polónia

CENJAR (Magistrado) há dados que podem ser obtidos, mas não há interconexão entre os dados dos tribunais.

O MJ recolhe dados de todos os tribunais e publica-os.

Eslovénia

Há um sistema centralizado de estatística centralizado no supremo tribunal. Há dados para cada processo, juiz, tribunal.

Os processos são informáticos na jurisdição civil e registos, mas não na criminal.

Bélgica

Não há sistema integrado. Cada tribunal tem o seu próprio sistema (ex: 5 sistemas informáticos em Bruxelas na 1ª instância).

Não há processo electrónico (salvo os colocados perante o juge de instruction).

Alemanha





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Todos os dados são recolhidos pela estatística do Estado. Há um software para todos os juízes. Os casos são electrónicos e há uma base de dados para todos os tribunais (PEBBSS).

Espanha

3 ferramentas básicas: geridos electronicamente todos os tribunais. Não há expediente electrónico em todos os tribunais. Os softwares são diferentes entre as regiões.

Desde 2016 começou o dossier electrónico (sem papel) ainda só em tribunais-piloto (só nos juízos cíveis e tribunais especiais com Audiencia Nacional só em cível). É obrigatório.

Outra ferramenta são os boletins estatísticos definidos para 3 meses.

Sistema MODULOS – determina a carga média ideal para um tribunal ser eficiente (concretizado em dias e horas de trabalho).

Pelas 17.00 h. foram encerrados os trabalhos.





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MEMORANDO

ASSUNTO: **Reunião – Projeto QUALI – Tribunais da Relação**
Porto, 03 de Novembro de 2016 – 09.30 h.

*

Presentes:

Tribunal da Relação de Coimbra

Juiz Desembargador António Isaías Pádua (Presidente do TRC)

Juíza Desembargadora Maria João Fontinha Areias Cardoso (TRC)

Juiz Desembargador Luís Miguel Ferreira de Azevedo Mendes (TRC)

Juiz Desembargador João Inácio Monteiro (TRC)

Tribunal da Relação de Évora

Juiz Desembargador Acácio Luís Jesus das Neves (Presidente do TRE)

Juiz Desembargador Alexandre Ferreira Baptista Coelho (TRE)

Juiz Desembargador António João Casebre Latas (TRE)

Tribunal da Relação de Guimarães

Juíza Desembargadora Raquel Maria Carvalho Rêgo da Silva (Presidente do TRG)





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Juiz Desembargador António Beça Pereira (TRG)

Tribunal da Relação de Lisboa

Juíza Desembargadora Maria Filomena Onório Gil Clemente Lima (TRL)

Juíza Desembargadora Manuela Bento Fialho (TRL, integrando a TRG no início do presente projecto).

Tribunal da Relação do Porto

Juiz Desembargador Henrique Araújo (Presidente do TRP)

Juiz Desembargador António Gama Ferreira Ramos (TRP)

Juiz Desembargador Carlos Pereira Gil (TRP, integrando o TRC no início do projecto)

Juiz Desembargador José Manuel Igreja Martins Matos (TRP)

CSM

Juiz Desembargador José Maria Sousa Pinto (Vogal CSM)

Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM)

Juiz de Direito Carlos Castelo Branco (Juiz Secretário CSM)

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O Exmo. Vogal do CSM, Senhor Juiz Desembargador Sousa Pinto deu início à sessão de trabalhos, agradecendo o trabalho realizado por todos os presentes, manifestando um especial agradecimento ao Tribunal da Relação do Porto pela sua hospitalidade e amabilidade, bem como aos envolvidos no projecto, manifestando que, apesar das dificuldades e contingências, o trabalho final foi para além do inicialmente expectável.





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Em seguida, a Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho igualmente agradeceu as respostas dadas aos questionários e deu nota de que nas pastas individualmente fornecidas aos presentes, se encontra uma sinopse dos dados qualitativos apurados e um quadro quantitativo.

Avançou ainda com uma proposta de trabalhos a desenvolver na presente reunião, envolvendo dois tipos de abordagens:

- a) Uma abordagem geral ao questionário realizado, com análise dos dados sobre os processos entrados, findos, pendentes e taxas a deles retirar;
- b) Uma abordagem específica relativamente à impugnação da matéria de facto e à implementação das novas grelhas nos TR.

A Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho deu ainda nota aos presentes de que o prazo para conclusão do projecto QUALI - que estava inicialmente previsto concluir-se em Dezembro de 2016- foi prolongado até 30-06-2017, pelo que é possível afinar os dados recolhidos até ao final de 2016.

Seguidamente, o Senhor Juiz Desembargador Beça Pereira (TRG) referiu que, nos dados que fez chegar, não foram apresentados os totais dos recursos interpostos, manifestando que, apesar disso, será possível fornecer esses dados, comprometendo-se a efectuar tal fornecimento com a maior brevidade. Salientou que, relativamente a alguns dados terá havido interpretações diversas entre os colegas da mesma Relação, dado que, os dados finais apresentam algumas discrepâncias.

A Senhora Juíza Desembargadora, Dra. Maria João Areias (TRC) referiu que no TRC foram consideradas todas as apelações entradas, não se distinguindo entre recurso de despacho interlocutório e recurso de sentença. Salientou, por isso, que a disparidade mencionada pelo TRG pode ter resultado de se terem considerado apenas as apelações de decisões finais.

Colocada a questão relativamente a todos os Tribunais da Relação (quanto a saber se foi considerado o universo de todas as apelações ou só de apelações de decisões finais), foi uniformemente referido que todas as Relações consideraram todos os recursos de apelação.

O Senhor Juiz Desembargador Carlos Pereira Gil mencionou haver a necessidade de precisão de conceitos referindo que a ampliação do





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conhecimento do recurso relativamente a matéria de facto não está contemplado, mas deve ser considerado como impugnação da matéria de facto.

Pelo Senhor Juiz Desembargador João Inácio Monteiro (TRC) foi aludida a necessidade de não complexificar os dados, havendo a necessidade de sensibilizar para o dever de preencher as tabelas, sendo que, por isso, a base de recolha de dados tem que ser sólida, propondo que, junto de cada secção haja um responsável para que se assuma o preenchimento com carácter rigoroso.

Pela Senhora Juíza Desembargadora Manuela Fialho foi questionado o modo de recolha dos dados para futuro.

A Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho sublinhou a necessidade de distinguir duas questões: a) A recolha dos dados de 2015 e se sobre os mesmos há alterações/precisões; b) O modo de proceder relativamente a 2016 e de ora em diante.

Relativamente à alínea a), foi assinalado pelos presentes que os resultados alcançados são muito dispares, sendo importante que a equipa de recolha de dados do CSM trabalhe com cada um dos Tribunais da Relação até Fevereiro de 2017, com vista a se obterem dados mais fiáveis e quando não for possível uma amostra significativa, saber qual é a amostra para proceder a uma possível extrapolação.

Sobre este ponto, foi salientado que os dados fornecidos pelo Tribunal da Relação de Coimbra (onde apenas não responderam 3 desembargadores, serão os mais fiáveis ou com maior representatividade do real).

A Senhora Juíza Desembargadora Filomena Lima referiu que o pedido de recolha de dados não recebeu uma reação positiva dos Colegas, não existindo, no geral, vontade de colaborar, sendo que, os dados recebidos são muito poucos para retirar conclusões, não sendo fiáveis. Referiu que, em seu entender, no actual estado, a grelha solicitada é suficiente. Nas Secções Criminais a mesma funciona, mas na Social e no Cível não há a sensibilidade correta das questões que se põem, não tendo havido adequada colaboração. Concluiu, por isso, que quanto a 2015 não será viável obter novos dados e que haverá que, eventualmente, fazer uma reunião com os presidentes das secções para sensibilização.

O Exmo. Senhor Vogal do CSM, Juiz Desembargador Sousa Pinto referiu, a este propósito, que, de acordo com o que sabe, quanto ao Tribunal da Relação de Lisboa a não resposta resultou da transição de presidentes, sendo que, quanto a 2016 os elementos recolhidos são suficientes, importando sedimentar os dados,





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eventualmente com alguns acertos. Manifestou o compromisso de sensibilizar o Presidente do Tribunal da Relação de Lisboa para implementar a recolha de dados junto das Secções Cíveis e Social.

Em conclusão, sobre este ponto:

- Os dados do Tribunal da Relação de Coimbra são suficientes;

- Quanto aos Tribunais da Relação do Porto, de Guimarães e de Évora, os dados passíveis de obter são os que foram obtidos, pelo que, o trabalho subsequente a realizar será o de caracterizar melhor os dados obtidos.

- Quanto ao Tribunal da Relação de Lisboa, o mesmo tem uma situação específica (pela sucessão na presidência da relação e por a equipa ser, presentemente, na prática, só a Senhora Juíza Desembargador Filomena Lima, da secção criminal, não existindo elementos de contacto de secção cível e de secção social).

Relativamente à alínea b) (modo de proceder relativamente aos dados de 2016)

Pelo Senhor Presidente do Tribunal da Relação de Coimbra, Juiz Desembargador Isaías Pádua foi referido que não se deve mexer mais na tabela de recolha futura, o que seria um erro. As grelhas estão maximizadas com informação tendo o essencial da informação. Sem prejuízo, poder-se-á, no final do ano fazer uma reavaliação do trabalho realizado.

Pelo Senhor Juiz Desembargador Baptista Coelho foi referido que, apesar disso, se deve evidenciar que nem todos os processos são susceptíveis de imputação de matéria de facto (v.g. contraordenações).

A Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho resumiu, com o acordo dos presentes, a discussão sobre este ponto, no sentido de ser acordado que se devem manter as grelhas como estão, tentar obter os dados diferenciadores a partir dos *citius* e não deixar o Tribunal da Relação de Lisboa fora destes dados.

Sobre as grelhas de recolha de dados, evidenciou que as mesmas deveriam ser implementadas a partir de 01-09-2016.





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Questionados os presentes sobre o grau de implementação dessa recolha foi obtido o seguinte resultado:

- Tribunal da Relação de Lisboa – Não funciona (concluindo-se que deverá ser integrada uma nova equipa, com envolvimento do Senhor Presidente do TRL e, bem assim, dos Presidentes das Secções);

- Tribunal da Relação do Porto – A recolha está implementada a 100% desde Maio de 2016 (devendo o *citius* ter valências para se retirarem dados de forma mais automatizada);

- Tribunal da Relação de Évora – A recolha está implementada desde Setembro de 2016 a 100%;

- Tribunal da Relação de Guimarães – A recolha está implementada desde Setembro de 2016 a 100%;

- Tribunal da Relação de Coimbra – A recolha está implementada desde Setembro de 2016 a 100%.

Com vista à específica caracterização dos dados há que verificar:

- Qual o peso da impugnação da matéria de facto nos trabalhos dos desembargadores;

- Qual o resultado que tem sido obtido pelas partes em resultado da impugnação da matéria de facto.

- Saber quais os tipos de processos em que não é possível a impugnação de matéria de facto e excluir dos dados tais processos.

Pelo Senhor Juiz Desembargador Gama Ferreira Ramos foi referido que, presentemente, com o *citius* já se consegue saber a origem do recurso, sendo dados que a própria secção consegue obter.

Foi consensualizado que, relativamente à Impugnação de Matéria de Facto em processos criminais, a mesma se reporta aos casos em que esteja em causa a reapreciação de decisões finais em que haja impugnação por via do artigo 412.º do CPP e, não, os casos em que estejam em questão as situações a que respeita o artigo 410.º do CPP.





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Relativamente à tabela das sessões, depois de ter sido assinalada a existência de divergência entre as relações sobre o sentido da votação (referência a inscrição da menção “unimidade” ou “maioria” – sendo um dado solicitado no Tribunal da Relação de Coimbra, mas não nos Tribunais da Relação de Évora, Lisboa e Guimarães – foi consensualizado não se proceder a alteração da tabela.

A Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho sintetizou a necessidade de caracterizar – salvo quanto ao Tribunal da Relação do Porto e ao Tribunal da Relação de Coimbra - os dados da primeira parte do “Anexo A” (durações médias dos processos e taxa de rotatividade - pontos 3 e 5 a 7), havendo que obter os dados a partir do *citius* (e, não, aproveitando os dados recolhidos).

Por outro lado, os dados deverão ponderar os desembargadores com reduções de serviço, relativamente ao número de desembargadores efectivos.

Finalmente, os dados quantitativos gerais deverão ser considerados com base nos dados que resulta da Estatísticas da Justiça, havendo, todavia, que proceder à obtenção do dado «Carga Processual por Magistrado».

No fecho dos trabalhos da manhã, o Exmo. Senhor Presidente do Tribunal da Relação do Porto, Juiz Desembargador Henrique Araújo evidenciou a importância dos trabalhos, em termos de impacto no trabalho dos desembargadores, para se poder reflectir sobre o que possa ser o futuro. Mais solicitou uma especial saudação ao Dr. Igreja Matos por ter sido eleito como presidente da Associação Europeia de Juízes – o que recebeu aplauso geral – e agradecendo ao Conselho Superior da Magistratura o ter escolhido o Porto como ponto para a reunião.

Os trabalhos foram suspensos pelas 11.30 horas.

Após pausa para almoço, foi ...

Pelas 16.... h. foram encerrados os trabalhos.





CONSELHO SUPERIOR DA MAGISTRATURA

MEMORANDO

ASSUNTO:

**Reunião - Projeto QUALI - Tribunais de 1.ª instância
Porto, 03 de novembro de 2016 - 09.30 h.**

A Reunião foi realizada no âmbito do Projeto QUALI e encontravam-se presentes:

Em representação da **Alemanha** o Senhor Juiz Knut Petersen e as Senhoras Assessoras Tina Mäder e Nicolette Klaudius.

A representar a **Bélgica** o Senhor Juiz Luc Hennart.

A representar a **Eslovénia** a Senhora Juiz Jonika Marflak Trontelj e Senhor Assessor Nejc Barovič.

Em representação de **Espanha** os Senhores Juízes:

Pedro Felix Alvarez de Benito, Presidente da Secção das Relações Internacionais do Conselho Geral do Poder Judicial;

Pablo Catalán García;

Julián Cabrero López; e

Jesus Angel Suarez Ramos.

A representar a **Lituânia** encontravam-se presentes os senhores Juízes:

Vigintas Višinskis;

Nerijus Meilutis;

Reda Molienė; e

Artūras Drigotas.

Em representação a **Polónia** os Senhores Juízes:

Marcin Myczkowski

Sławomir Pałka; e

Karolina Janson-Ernert.

Em representação de **Portugal**

O Senhor Juiz Presidente da Comarca do Porto, Juiz Desembargador António Rodrigues Cunha;

A Senhora Juiz Presidente da Comarcade de Lisboa, Juiza Desembargadora Amélia dos Reis Cartarino Correia de Almeida;





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A Senhora juíza Presidente da Comarca de Coimbra, Juíza Isabel Maria Afonso Matos Namora;

O Senhor Juiz Presidente da Comarca de Braga, Juiz Artur Dionosio Oliveira; e

A Senhora Juíza Presidente da Comarca de Lisboa Oeste, Juíza Rosa Maria Colchete Vasconcelos

Em representação do **CSM** encontravam-se presentes:

Juiz de Direito Narciso Magalhães Rodrigues (Vogal do CSM)

Juiz de Direito Rúben Juvandes (Adjunto do GAVPM)

Juíza de Direito Eugénia Guerra (Adjunta do GAVPM)

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1. Foram iniciados os trabalhos pelo Senhor Adjunto Ruben Juvandes que indicou aos presentes que estaria em debate os elementos quantitativos dos vários países.

Referiu que ainda não estavam disponíveis todos os elementos quantitativos dos diversos países, mas que tais elementos poderiam ainda ser tidos em conta uma vez que tinha sido concedida uma prorrogação do prazo para a apresentação do relatório final.

Pelo representante da Bélgica foi referido que já estava na posse dos elementos quantitativos mas que não teve oportunidade de os enviar

Foi então explicado pelo Senhor Adjunto que a recolha de dados quantitativos deve obedecer às orientações CEPEJ e os elementos a ter em conta são referentes ao tipo de tribunal: Criminal, Cível, Família e Trabalho, com a indicação do número de juízes e o número de funcionários.

Relativamente ao número de processos haverá que indicar o número de processos entrados, o número de processos findos, bem como os processos pendentes ao início e pendentes no final, tudo referência ao período de 1 de janeiro a 31 de dezembro de 2015.

Após o Senhor Adjunto do GAVPM colocou-se à disposição para esclarecer eventuais dúvidas que surgissem

2. Foram então referidas algumas especificidades de cada país quanto aos dados a obter, tendo-se verificado a necessidade de efetuar a alteração dos dados já fornecidos.

Quanto a este aspecto representante da **Alemanha** referiu que, com ainda não tinham sido publicados os números referentes a 2015, os dados por si fornecidos se reportam ao ano de 2014.

A **Lituânia** afirmou que iria fazer alterações aos dados que apresentou.

3. Passou-se à análise das jurisdições a ter em conta no computo dos dados a fornecer, tendo-se colocado em discussão a inclusão, ou não, dos dados relativos às execuções.

Pela representante da **Alemanha** foi dito que não tinha execuções.

Os representantes de **Espanha** informaram que o processo executivo é um processo cível e que existe um elevado número desta espécie processual.

O mesmo foi afirmado pelo representante **Belga**.





CONSELHO SUPERIOR DA MAGISTRATURA

O processo executivo existe também na **Eslóvenia**, **Polónia** e **Lituania**, tal como foi afirmado pelos respetivos representantes.

Os representantes da **Polónia** afirmaram que os processos executivos no seu país são em tão elevado número que se excluem estes processos os dados a apresentar estes são artificiais.

Seguiu-se um debate quanto a inclusão, ou não, dos elementos relativos às execuções, tendo-se consensualizado a apresentação de dados separados, com e sem os elementos do processo executivo.

Pelas 11.30 h. foram encerrados os trabalhos.



MEMORANDO

ASSUNTO:	Reunião – Projeto QUALI – Tribunais da Relação Porto, 03 de Novembro de 2016 – 14.00 h.

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Após pausa para almoço, foram reabertos os trabalhos, com a presença do Senhor Vice Presidente do Conselho Superior da Magistratura, o Exmo. Senhor Juiz Conselheiro Dr. Mário Belo Morgado, agradecendo a presença de todos e a colaboração prestada na recolha dos elementos necessário para o projeto, tendo-se retirado.

Em seguida, a Exma. Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho deu início à análise e discussão prosseguissem dos quadros qualitativos, com referência ao quadro I, referente à estratégia e política do Tribunal (valores, missão, visão) tendo proposto como tópicos: a resposta negativa dada pelo Tribunal de Guimarães ao questionário em análise; a gestão estratégica dos Tribunais da Relação; e a sua especialização.

Relativamente a resposta negativa dada pelo Tribunal da Relação de Guimarães pela Senhora Juíza Desembargadora Manuela Bento Fialho (TRL, integrando a TRG no início do presente projeto) e pelo Senhor Juiz Desembargador António Beça Pereira (TRG) foi referido que, aquando da resposta ao questionário se suscitaram dúvidas, tendo optado por responder de forma subjetiva por entenderem que não há plano estratégico para o Tribunal.

Face à resposta dada pelo Tribunal da Relação de Lisboa, em que considerou existir um plano anual, foi esclarecido pela Senhora Juíza Desembargadora Maria Filomena Onório Gil Clemente Lima (TRL) que foi essa que a informação que obteve da parte do Exmo. Senhor Desembargador Vaz das Neves (anterior Presidente do TRL), possivelmente porque existe um plano interno que é divulgado internamente, mas que não é publicado no site.

Atendendo às diversas interpretações dadas às perguntas formuladas, foi sugerido pelo Senhor Juiz Desembargador Henrique Araújo (Presidente do TRP) que se chegasse a um consenso quanto ao sentido da mesmas reformulando-se de seguida as respostas, o que não obteve o acolhimento por parte do Senhor Juiz Desembargador Luís Miguel Ferreira de Azevedo Mendes (TRC), que afirmou serem notórias as diferenças entre os vários Tribunais, pelo que uma resposta

única seria redutor, opinião que obteve o assentimento do Senhor Juiz Desembargador João Inácio Monteiro (TRC).

Pela Senhora Chefe de Gabinete do Vice-Presidente e Membros do CSM, Juíza Desembargadora Ana de Azeredo Coelho, foi dito que a respostas ao questionário podem ser esclarecidas.

Após, iniciou-se o debate relativamente à existência, ou não, de gestão estratégica nos Tribunais da Relação, a que reporta a pergunta nº 7, referenciando-se as respostas da Relação de Évora, Guimarães e Coimbra que responderam que a mesma não existe, tendo o Tribunal da Relação de Coimbra respondido que tal gestão é da competência do Tribunal da Relação.

Pelos Senhores Juízes Desembargadores Henrique Araújo (Presidente do TRP), António Isaías Pádua (Presidente do TRC) e Juiz Desembargador José Maria Sousa Pinto (Vogal CSM) foi afirmado que resposta à pergunta nº 7 tem que ser negativa, questionando o Senhor Presidente do Tribunal da Relação do Porto, como é que se pode promover a certeza legal.

Após discussão concluiu-se que inexistente gestão estratégica nos Tribunais da Relação.

Foi, então, discutida se tal gestão cabe, ou não, na competência dos Presidentes dos Tribunais das Relações, tendo-se mencionado, a propósito, a existência de reuniões de articulação, informais, reuniões de articulação, traduzidas em atas e alvitando-se a possibilidade de promoção de debate entre os Senhores Desembargadores sobre questões que foram objeto de decisões contraditórias, fomentando-se, dessa forma, a certeza jurídica.

O Senhor Juiz Desembargador Henrique Araújo (Presidente do TRP) afirmou que a gestão estratégica como competência do Presidente do Tribunal pode não ser compaginável com o dever de imparcialidade, pois as garantias de imparcialidade são discutidas apenas com o Presidente. O Senhor Juiz Desembargador António Isaías Pádua (Presidente do TRC) referiu que as questões, tal como a imparcialidade, não se enquadram no âmbito da gestão.

No que concerne ao funcionamento das Secções das Relações, o Senhor Juiz Desembargador João Inácio Monteiro (TRC) considerou que aí existe gestão estratégica pois realizam-se reuniões onde se promovem valores como a certeza jurídica.

O Senhor Juiz Desembargador Carlos Pereira Gil (TRP, integrando o TRC no início do projeto) afirmou que os Presidentes dos Tribunais da Relação não têm competência estratégica, sem prejuízo de intervenções pontuais tendo em vista garantir a certeza e o acesso ao direito.

Já a Senhora Juíza Desembargadora Raquel Maria Carvalho Rêgo da Silva (Presidente do TRG) esclareceu que apesar da resposta dada ao questionário

apenas atribuir competência estratégica ao CSM, a mesma considera que, na prática, tal competência existe, pois a gestão do Tribunal está aí enquadrada.

Passando-se para a análise das respostas dadas ao Quadro II, relativo ao sistema de distribuição processual, a Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM) propôs, como tópicos para o debate, a distribuição e igualação da carga processual e a reafecção de processos.

Pelo Senhor Juiz Desembargador Henrique Araújo (Presidente do TRP) foi referido que existem critérios de complexidade em matéria cível e criminal. Quanto a esta segue-se a deliberação do CSM com referência ao número de volumes do processo: mais de 10. Relativamente ao cível, cria-se uma nova espécie para distribuição.

Acrescentou o Senhor Juiz Desembargador António Isaías Pádua (Presidente do TRC) que os processos de natureza urgente não são tidos como processos de especial complexidade, porque sempre existiu, em Coimbra, uma distribuição específica para esse tipo de processos.

Relativamente aos processos com recursos da matéria de facto, constatou-se que os mesmos não são levados à distribuição como processos de especial complexidade, ocorrendo uma igualação à posteriori, com suspensão da distribuição ou redução. Estas medidas são tomadas pelos Presidentes, mas não como regra.

Foi, então questionado pela Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM) se as medidas pontuais de distribuição são comunicadas.

Relativamente ao Tribunal da Relação e Coimbra o Senhor Presidente informou que essas medidas pontuais não são comunicadas mas são conhecidas no seio de cada Secção. Trimestralmente é remetida informação da distribuição, quanto aos processos entrados e findos.

Em Lisboa tais medidas são comunicadas a todo o tribunal através de uma listagem, tal como referiu a Senhora Juíza Desembargadora Maria Filomena Onório Gil Clemente Lima (TRL)

A Senhora Juíza Desembargadora Raquel Maria Carvalho Rêgo da Silva (Presidente do TRG) informou que, na Relação de Guimarães só a partir do passado mês de Setembro essas medidas passaram a ser comunicadas a todas as Secções da mesma jurisdição.

Na Relação do Porto as medidas adotadas são divulgadas por todos os Desembargadores. Informou, ainda, o Senhor Presidente da Relação do Porto que é mensalmente divulgada a listagem dos processos entrados e findos e, a cada Desembargador é dado conhecimento, também mensalmente, do número de processos que terminou e que se encontram pendentes.

Foi questionado pela Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM) se deveria haver comunicação generalizada de tais medidas, não se tendo obtido uma respostas consensual.

Pelo Senhor Juiz Desembargador António Isaías Pádua (Presidente do TRC) foi dito que, trimestralmente é remetida informação da distribuição relativa aos processos entrados e findos.

O Senhor Juiz Desembargador Acácio Luís Jesus das Neves (Presidente do TRE) afirmou que na Relação de Guimarães a distribuição é divulgada a todo Tribunal, mensalmente e que a pendência é comunicada a cada um dos Desembargadores.

Pela Senhora Juíza Desembargadora Maria Filomena Onório Gil Clemente Lima (TRL) foi referido que a distribuição é divulgada semestralmente e, mensalmente é comunicada a cada um dos Senhores Desembargadores.

Foi, então, proposto pela Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM) que se passasse à análise das respostas dadas ao Quadro III, relativo à fixação de metas de molde a apurar se são definidas metas nos tribunais da Relação.

A este respeito foi consensual que se fixavam objetivos nos Tribunais da Relação, que existe monitorização mas inexiste avaliação das metas propostas.

Relativamente ao quadro IV, que versa sobre a gestão processual, a Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM), propôs como linhas orientadoras do debate: a colocação de juízes especializados na Relações; a implementação do sistema Citius; a colegialidade e a certeza jurídica; a dilação dos agendamentos e a seleção de acórdãos para publicação.

Pelo Senhor Juiz Desembargador José Manuel Igreja Martins Matos (TRP) foi referido que a inexistência de especialização nos Tribunais em certas matérias leva que, numa mesma secção de um tribunal, praticamente em simultâneo, dois coletivos tivessem apresentado decisões contrárias sobre a mesma questão.

Segundo o Senhor Desembargador a inexistência de especialização levou, ainda, que viesse a ser escolhido um juiz de primeira instância para representação de Portugal internacionalmente no âmbito da jurisdição de insolvência.

Foi ainda referido que muitas vezes são interpostos recursos de decisões de proferidas por juízes com muita experiência na respetiva jurisdição que acabam por ser apreciados por juízes Desembargadores que nunca tramitaram processos dessa natureza

Conclui-se sobre este ponto que os concursos para a Relação e para o Supremo deveriam ser especializados.

Relativamente ao sistema Citius na Relações a Senhora Juíza Desembargadora Raquel Maria Carvalho Rêgo da Silva (Presidente do TRG) afirmou o mesmo será muito útil.

No Tribunal da Relação de Évora, tal como informou o Senhor Juiz Desembargador Acácio Luís Jesus das Neves (Presidente do TRE), houve uma grande aderência por parte dos Senhores Desembargadores, encontrando-se com acessos ao sistema 13 Desembargadores.

Estando a ser implementado o sistema nas Relações de Coimbra e Évora foi afirmado que tal implementação se encontra ainda numa fase embrionária, pois importa adaptar o sistema aos fluxos dos Tribunais das Relações.

Pelo Senhor Juiz Desembargador António Isaías Pádua (Presidente do TRC) foi dado nota que têm vindo a realizar-se ações de formação no Tribunal da Relação de Coimbra, que abrangem juízes procuradores e funcionários. Neste Tribunal já trabalham no sistema Citius 9 Magistrados.

O Senhor Juiz Desembargador Acácio Luís Jesus das Neves (Presidente do TRE) referiu, ainda, que se solicitou a autorização automática do seguimento dos processos, em fase de recurso, de molde a se aceder ao processo executivo e respetivos apensos.

Pelo Senhor Juiz Desembargador Henrique Araújo (Presidente do TRP), foi referido que o recurso ao sistema Citius pode vir a ter um efeito perverso de se ver aumentado, significativamente, as decisões singulares.

Foi discutida esta temática, como sendo uma questão sensível porque, em bom rigor, em sede de recurso da matéria de facto a prova apenas é ouvida pelo relator.

Como forma de agilizar a elaboração dos acórdãos foi consensual a necessidade de assessores para os Tribunais da Relação.

Relativamente à publicação acórdãos foi discutido se deveria existir, ou não, um previa seleção de acórdãos a publicar, tendo-se concluído que a publicação universal seria a adequada.

A este propósito a Senhora Juíza Desembargadora Ana de Azeredo Coelho (Chefe de Gabinete do VP e Membros do CSM) mencionou a existência de um projeto com a União Europeia para a atribuição de indicador europeu à jurisprudência, para proceder à publicação universal dos acórdãos das decisões dos tribunais superiores.

Considerou-se que relativamente ao questionário constante do quadro V, relativa aos padrões de desempenho do Tribunal, avaliação e publicação de resultados, havia já sido analisado juntamente com o quadro II.

Reiterou-se a necessidade dos Presidentes das Secções discutirem, entre si as questões de forma a não existirem decisões contraditórias.

Foi ainda salientada, pelo Senhor Juiz Desembargador António Gama Ferreira Ramos (TRP) a incoerência resultante da alteração ao Código de Processo Penal de 2007, permitindo que os acórdãos de um coletivo de três juízes venham a ser apreciados por dois desembargadores e decisões de um juiz venham a ser apreciadas, por três desembargadores.

Alvitrou-se, também, como forma de obter melhores resultados, a possibilidade de não distribuição de processos aos presidentes das secções e ainda a existência de um presidente para várias secções.

Pelas 16:00h foram encerrados os trabalhos.



CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

Portuguese Judicial High Council

**Gestão dos Tribunais, Gestão Processual e Avaliação de Desempenho
(Court Management, Case Management and Performance Evaluation)**

Porto, 2 and 3 November 2016

Day 1: 02.11.2016

09H15 - Guests and Partners reception

09H30 - Opening Session - *tour de table* for introduction and sharing the issues addressed by the questionnaires.

10H00 - Annex B (Qualitative Data) Discussion
I. STRATEGY AND POLICY IN COURT MANAGEMENT

11H00 - Coffee Break

11H30 - Annex B (Qualitative Data) Discussion
II. ALLOCATION OF CASES SYSTEM

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12H30 - Lunch

14H00 - Annex B (Qualitative Data) Discussion
III. GOAL SETTING

15H00 - Annex B (Qualitative Data) Discussion
IV. CASELOAD MANAGEMENT

16H00 - Coffee Break

16H30 - Annex B (Qualitative Data) Discussion
V. COURT PERFORMANCE STANDARDS

17H30 - Closing

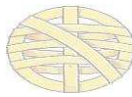
20H00 - Dinner

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CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

Portuguese Judicial High Council

Day 2: 03.11.2016

09H30 - Annex A (Quantitative Data) Discussion

11H00 - Coffee Break

11H30 - Annex A (Quantitative Data) Discussion

12H30 - Closing and Lunch

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CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

Conselho Superior da Magistratura

**Gestão dos Tribunais, Gestão Processual e Avaliação de Desempenho
(Court Management, Case Management and Performance Evaluation)**

Porto, 2 e 3 de Novembro de 2016

GRUPO A

Dia 1: 02.11.2016

09H15 – Receção dos Participantes e Convidados – Palácio da Justiça – Sala de Conferências do Tribunal da Comarca – Piso 5 (*Campo Mártires da Pátria*)

09H30 – Sessão de abertura – *tour de table* de apresentação e discussão de questões suscitadas pelos questionários.

10H00 – Anexo B (Dados Qualitativos)

I. ESTRATÉGIA E POLÍTICA

11H00 – Pausa para café

11H30 – Anexo B (Dados Qualitativos)

II. SISTEMA DE DISTRIBUIÇÃO PROCESSUAL

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12H30 – Almoço (*Tribunal da Relação – Passos Perdidos*)

14H00 – Anexo B (Dados Qualitativos)

III. FIXAÇÃO DE METAS

15H00 – Anexo B (Dados Qualitativos)

IV. GESTÃO PROCESSUAL

16H00 – Pausa para café

16H30 – Anexo B (Dados Qualitativos)

V. PADRÕES DE DESEMPENHO DO TRIBUNAL

17H30 – Encerramento

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CONSELHO SUPERIOR DA MAGISTRATURA DE PORTUGAL

Conselho Superior da Magistratura

GRUPOS A e B (opcional)

17H45 – saída em autocarro para Visita e prova de vinhos
Caves Graham's

Rua do Agro, nº 141- Vila Nova de Gaia

20H00 – **Jantar** no restaurante *Vinum*

Grupo A (Sala de Conferências do Tribunal da Comarca) **e**

Grupo B (Sala de sessões do Tribunal da Relação)

Dia 2: 03.11.2016

09H30:

Grupo A: **Discussão Anexo A (Dados Quantitativos)**

Grupo B: **Discussão Anexo A (Dados Quantitativos)**

11H00 - Pausa para café

11H30:

Grupo A: **Discussão Anexo A (Dados Quantitativos)**

Grupo B: **Discussão Anexo A (Dados Quantitativos)**

12H30 – Encerramento (Grupo A) e **almoço** Grupos A e B (*Tribunal da Relação – Passos Perdidos*)

GRUPO B

14H00 – Anexo B (Dados Qualitativos)

16h00 - Pausa

16H30 – Anexo B (Dados Qualitativos)

17H30 – Encerramento

GRUPO A (opcional)

14H15 – Visita pela baixa portuense (a pé):

MMIPO (Museu da Misericórdia do Porto)

16H30- Instituto dos Vinhos do Douro e Porto

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3.11.2016 - GRUPOS A e B

NOME PARTICIPANTE	PAÍS	CARGO
Mr. Knut Petersen	ALEMANHA -Leipzig	Judge, Head of Civil Department Amtsgericht Leipzig, Free State of Saxony
Ms Tina Mäder	ALEMANHA -Leipzig	member of non judicial staff at Amtsgericht Leipzig
Ms Nicolette Klaudius	ALEMANHA -Leipzig	member of non judicial staff at Amtsgericht Leipzig
Mr. Luc Hennart	BÉLGICA	Président, TPI Francophone de Bruxelles
Ms. Jonika Marflak Trontelj	ESLOVÉNIA	High Court Judge, Secretary General of the Judicial Council of the Republic of Slovenia
Mr. Nejc Barovič	ESLOVÉNIA	Analyst /Judicial Council Slovenia
Mr. Vigintas Višinskis	LITUÂNIA	Court of Appeal of Lithuania
Mr. Nerijus Meilutis	LITUÂNIA	Court Chairman, Kaunas Regional Court
Ms. Reda Moliénė	LITUÂNIA	Director of the National Courts Administration of Lithuania
Mr. Artūras Drigotas	LITUÂNIA	Judge, Supreme Administrative Court of Lithuania
Pedro Felix Alvarez de Benito	ESPANHA- Barcelona	Senior Judge, Head of Section of International Relations Department (CGPJ)
Pablo Catalán García	ESPANHA- Barcelona	Judge - family law of Barcelona's Court
Julián Cabrero López	ESPANHA - Málaga	Magistrate at Fuengirola Civil First Instance Court
Jesus Angel Suarez Ramos	ESPANHA- Canárias	judge, Las Palmas - Court of Appeal
Marcin Myczkowski	POLÓNIA/POLISH - Wroclav	judge, President of the Regional Court in Środa Śląska
Mr. Sławomir Pałka	POLÓNIA/POLISH - Wroclav	judge, Member of the Polish National Council for the Judiciary
Karolina Janson-Ernert	POLÓNIA/POLISH - Warsaw	senior specialist at the Office of the National Council of the Judiciary of Poland
António Gama Ferreira Ramos	PORTUGAL-TRPORTO	Porto Appeal Court Judge
José Igreja Matos	PORTUGAL-TRPORTO	Porto Appeal Court Judge
José António Rodrigues da Cunha	PORTUGAL-TRPORTO	Porto First Instance Court President
António Beça Pereira	PORTUGAL - TRGUIMARÃES	Porto Appeal Court Judge
Manuela Bento Fialho	PORTUGAL - TRGUIMARÃES	Guimarães Appeal Court Judge
Artur Dionísio Oliveira	PORTUGAL - TRGUIMARÃES	Lisbon First Instance Court President
Edgar Valente	PORTUGAL- TRÉVORA	Évora First Instance Court President
Luís Miguel Ferreira de Azevedo Mendes	PORTUGAL-TRCOIMBRA	Coimbra Appeal Court Judge
João Inácio Monteiro	PORTUGAL-TRCOIMBRA	Coimbra Appeal Court Judge
Maria João Fontinha Areias Cardoso	PORTUGAL-TRCOIMBRA	Coimbra Appeal Court Judge
Isabel Maria Afonso Matos Namora	PORTUGAL-TRCOIMBRA	Judge/Coimbra First Instance Court President
Carlos Pereira Gil	PORTUGAL-TRPORTO	Porto Appeal Court Judge
Maria Filomena Onório Gil	PORTUGAL- TR LISBOA	Lisboa Appeal Court Judge
Alexandre Ferreira Baptista Coelho	PORTUGAL- TRÉVORA	Évora Appeal Court Judge
António Iatas	PORTUGAL- TRÉVORA	Évora Appeal Court Judge
Rosa Maria Colchete de Vasconcelos	PORTUGAL- TR LISBOA	Judge/West Lisbon First Instance Court President
Amélia Catarino Correia de Almeida	PORTUGAL- TR LISBOA	Lisbon First Instance Court President
Mário Belo Morgado	PORTUGAL - CSM/HJC	High Court Judge/ Vice-President of the Judicial High Council
José Maria Sousa Pinto	PORTUGAL - CSM/HJC	Appeal Court Judge/Member of the Judicial High Council
Narciso Rodrigues	PORTUGAL - CSM/HJC	Judge/Member of the Judicial High Council
Ana Azeredo Coelho	PORTUGAL - CSM/HJC	Appeal Court Judge/ Head of the Judicial High Council Cabinet
Ruben Juvandes	PORTUGAL - CSM/HJC	Judge/Member of the Judicial High Council Cabinet
Eugénia Guerra	PORTUGAL - CSM/HJC	Judge/Member of the Judicial High Council Cabinet
Carlos Castelo Branco	PORTUGAL - CSM/HJC	Secretary Judge of the Judicial High Council Cabinet
Henrique Araújo	PORTUGAL-TRPORTO	President
Acácio Neves	PORTUGAL- TRÉVORA	President
Raquel Rego da Silva	PORTUGAL - TRGUIMARÃES	President
António Isaias Pádua	PORTUGAL-TRCOIMBRA	President

BUDGET EXECUTION

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ANNEX IX

BUDGET & EXECUTION SUMMARY

Ref.	Budget heading	Estimated expenditure	%	Declared expenditure	Change %	Total eligible expenditure	Check % change max. + 20%
A	Staff	0,00		0,00	#DIV/0!	0,00	#DIV/0!
B	Travel	71.496,00		36.978,04	-48,28%	36.978,04	-48,28%
C	Equipment	0,00		0,00	#DIV/0!	0,00	#DIV/0!
D	Consumables	1.050,00		800,10	-23,80%	800,10	-23,80%
E	Other direct costs	132.090,00		6.598,95	-95,00%	6.598,95	-95,00%
	Total Direct Costs A+B+C+D+E	204.636,00		44.377,09		44.377,09	Check % indirect costs
F	Indirect costs (max 7%)	10.231,80	5,00%	2.218,85	5,00%	2.218,85	5,00%
	Total Eligible Costs	214.867,80		46.595,94		46.595,94	
G	Contribution in kind/non eligible	0,00		0,00		0,00	
	Total Costs	214.867,80		46.595,94		46.595,94	

Ref.	Budget heading	Estimated income	%	Declared income	%	Accepted income
I	Financial contributions specifically assigned by donors to the financing of the eligible costs & Income generated by the financed activities	0,00	0,00%	0,00	0,00%	0,00
K	Other income, including own contribution from the beneficiary/-ies	46.647,80	21,71%	46.647,80	100,11%	46.647,80
	EU Contribution	168.220,00	78,29%			
	Total	214.867,80				
G	Contribution in kind/non eligible	0,00				
	Total Income	214.867,80				

FINAL PAYMENT CALCULATION		Beneficiary request
A	(Total Eligible Costs x % EU Contribution)	36.479,96
B	(Max. amount of EU Contribution)	168.220,00
Base of final payment request (lowest amount of A/B)		36.479,96

EC final decision	
	36.479,96
	168.220,00
	36.479,96
NA	Profit = (Lowest amount of A/B as per EC final decision + "I") - Total Eligible Costs as per EC final decision
	Final EU Contribution after application of the no-profit rule = (Lowest amount of A/B as per EC final decision) - (Profit x EU % as per EC final decision)
36.479,96	
0,00	
36.479,96	Final payment

J	Pre-financing paid	0,00
	Final payment requested by the beneficiary	36.479,96