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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES  
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges and court staff**

**QUESTIONNAIRE**

**Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges/court staff**

**1. Access to courts**

- a) May legal proceedings be instigated by electronic means? **Yes, it may be a great deal.**
- b) Is there relevant legislation? **Yes, there is.**
- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)
- The parties must submit the claim with a qualified electronic signature
  - The parties must fill in a downloadable form to be submitted electronically
  - Other, please specify. **They can be downloading from, but they have to submit personally.**
- d) To what extent are legal proceedings instigated by electronic means in practice? **They are instigated in a smaller degree**

**2. Procedure within courts**

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure? **It is still not possible to issue claims electronically.**
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)? **It is not possible.**
- c) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input checked="" type="checkbox"/> by traditional means?	<input checked="" type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

- d) Do specific electronic means exist for the communication between lawyers and courts? **Please specify. There are now electronic means for the communication.**
- e) Do electronic files exist? **Only paper files exist.**  
 - If an electronic file exist, is there a paper file as well?  
 - If both exist, which is the "authentic" file?
- f) If yes, is there relevant legislation?
- g) What are the main requirements with respect to electronic files?
- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?

- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties? **It is regular traditional procedure.**
- j) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow? **By the end of 10 years.**
- k) Must paper documents be kept? If yes, how long? **No, it doesn't.**
- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?
- m) Do parties have access to the complete court file:
- Yes, always
  - Yes, but only with specific conditions
  - No

Please indicate, if appropriate, the relevant legislation.

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)? **No**
- o) Is the access to electronic files within the court regulated? Please specify. **No**
- p) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

### 3. Oral hearing

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)? **No**
- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer? **No**
- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)? **Yes**
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience? **Yes**
- e) Are oral hearings audio or video recorded? **Only audio hearing**
- f) Is video conference in public hearing used:
- for the hearing of witnesses?
  - for the hearing of experts?
  - for the hearing of parties?
  - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input checked="" type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input type="checkbox"/> international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

#### 5. Practical court work

- a) What is the work of the judge:
  - **in writing the documents?**
  - in delivering the documents?
  - in registering the documents?
- b) What is the work of the court staff:
  - in writing the documents?
  - **in delivering the documents?**
  - **in registering the documents?**
- c) Is there enough staff to do this work? Please specify. **Yes**
- d) Do judges write their decisions themselves on their computer? **Yes, somebody does.**
- e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify. **No**

- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (eg. alert system)? **No**
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify **Yes**.

#### 6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify. **Only in some high courts the access is available.**
- b) Do all courts have their own website? Please specify which court and the content of the website. **Yes, high court in Podgorica and it contains the decisions and public announcement.**

#### 7. Use of private personal computers/laptops by judges and court staff

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?) **No**
- b) May e-mails be send from the court to a judge's private e-mail address and vice versa containing professional information ? **No**
- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc. )? Please specify. %
- d) Is the situation the same for all court staff? %

#### 8. Use of data

- e) Is the data contained in the procedure used for another aim than the procedure itself? %
- f) Is this data used for statistics? %
- g) If yes:  
 - who produces these statistics?  
 - how and by whom are these statistics used?

#### 9. Data security

- a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes %

No

- b) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions

correction and deletion requirements %

other. Please specify.

- c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary? %
- d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)? %

#### **10. Participation of judges**

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts? **The administrations of the Court Council.**

#### **11. Conclusion**

Please give your opinion on the advantages and disadvantages of the development of IT in courts? **It could affect on better efficiency of the work of judges and court staff.**