



CCJE-BU(2016)1

Strasbourg, 20 January 2016

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 19 (2016):

“The role of court presidents”

Please in your answers do not send extracts of your legislation but describe the situation in brief and concise manner.

Comments on what is also happening in practice, and not only on point of law, will be much appreciated.

Introduction

The first three sections deal with presidents of first instance courts and presidents of courts of appeal. Please for each question, if and when applicable, make a distinction between the two positions.

The last section specifically deals with the president of the Supreme Court (e.g. Court of Cassation, Courts of last resort, but not with the Constitutional Courts or bodies with similar authority).

The Bureau and the Secretariat of the CCJE thank you very much for your cooperation and contributions.

1. Selection, removal, term of office, decision making process

- 1.1 How many presidents of first instance courts and how many presidents of the court of appeal there are in your country?
- 1.2 Who appoints (e.g. Judicial Council, Ministry of Justice, Higher court, Parliament, Agency etc.) the presidents of the courts? (Please remember, if applicable, to make a distinction between the presidents of the courts of first instance and of the courts of appeal. Is it possible that presidents of the courts are appointed from other legal professionals than those who are already judges?)

- 1.3 Do the presidents get a "confidence vote" (after or before their appointment) from the other judges of the court?
- 1.4 Please describe briefly the selection procedure for presidents of the courts.
- 1.5 What kinds of qualifications (e.g. specific training, previous specific judicial position, seniority, managerial experience etc.) are required to become president? (Please explain, for example, if training is mandatory or on a voluntary basis, is there training at all, and how much it affects the choice of the president).
- 1.6 Are presidents selected among the judges of the same court, or they may or must have served in a different court before taking the position as court president.
- 1.7 Can the candidates, who applied for the position but did not get it, challenge the decision before a court/tribunal?
- 1.8 How often does it happen? (Please give a percentage based on data available or on your personal knowledge).
- 1.9 Is additional training in management, or in other subjects, required after the judge has been selected as court president?
- 1.10 What is term of office for the president of court (please explain if there are limitations)?
- 1.11 How many times the same position of court president can be hold by the same person?
- 1.12 Which is the process to confirm presidents in their position (e.g. assessment of the first term served and then renewal)?
- 1.13 Under which circumstances can presidents be removed from their office before the expiration of their term?
- 1.14 Who is in charge of the removal procedure, and how it works?
- 1.15 Can the president removed challenge the decision before a tribunal/court?
- 1.16 Are the decisions by the presidents shared/negotiated with the other judges or "boards" within the courts?
- 1.17 Do the local lawyers association or any other authority play a role in the decision making process carried out by the court's president?
- 1.18 Are the organizational decisions taken by the presidents supervised by any other authority (e.g. Ministry of Justice, Judicial Council, Supreme Court, other)?
- 1.19 Is there any extra remuneration for presidents, and how much is it in percentage of the regular judge's salary in the same court?
- 1.20 Please add any critical issue or further information that you consider relevant for this section.

2. Tasks, functions, relations

- 2.1 Are the presidents of the courts adjudicating cases as the other judges or they have a reduction of their caseload fixed by the law or by practice?
- 2.2 Are the presidents involved in the selection and recruitment of the judges? (Please make a distinction, if applicable, between full-time/permanent judges, temporary judges, lay judges if it applies in your respective jurisdiction).
- 2.3 Are the presidents involved in the selection and recruitment of the court staff?
- 2.4 Do the presidents assess the work of the judges of the court? (If this is the case, please describe how often does it happen, what kind of procedure is followed, what are the consequences of this assessment, and if the assessment can be challenged by the judges before a tribunal/court).
- 2.5 Are the presidents in charge of starting a disciplinary procedure against a judge? (If this is the case, please describe briefly the procedure and who is going to make the final decision about the charge).
- 2.6 Can, and under which circumstances, the presidents fire a judge or a court employee?
- 2.7 Which is the procedure of assigning cases to judges? Is there place for discretion of president of the court in this procedure? If yes, is it regulated by law or other kind of regulation?
- 2.8 Can presidents set priorities in the handling of the cases (e.g. family cases must be dealt with before contracts)?
- 2.9 Which are the circumstances that may allow presidents to retrieve cases from judges and re-assign them?
- 2.10 Do presidents decide over the composition of court's sections/division and over the composition of judges' panel?
- 2.11 Do presidents select and appoint judges who may coordinate/head a section/division of the court?
- 2.12 Can presidents delegate their functions to other judges?
- 2.13 Are presidents supported in their tasks and by whom?
- 2.14 Have presidents any supervision on the judgments delivered by other judges of the court?
- 2.15 Are presidents in charge of the uniform application of the law within the court, and in which way they carry out this function?
- 2.16 Do presidents set productivity and/or timeframes targets for their court?
- 2.17 Do presidents set productivity or timeframes targets for each judge or court staff?
- 2.18 Do presidents monitor the length of judicial proceedings and what kind of actions they can undertake to improve the pace of litigation?

- 2.19 What are the functions of presidents as far as the management of judges and court staff is concerned (i.e. setting working hours, authorising holidays, moving staff from one function to another, allowing extra-judicial activities etc.)?
- 2.20 Have presidents any discretion in setting the remuneration (i.e. financial incentives) or other fringe benefits (please explain which one) of judges or court staff?
- 2.21 Which tasks presidents have in the appropriation of the court budget among the different courts?
- 2.22 Which tasks and how much discretion presidents have in the management of the court budget within the court?
- 2.23 Do presidents manage the court premises and layout?
- 2.24 Do presidents manage information and communication technology implemented in the court?
- 2.25 Do presidents have some autonomy about what kind of information and communication technology tools/application should be implemented in their court?
- 2.26 Are presidents really the managers of the court or they are supported in their functions by a board (please describe the composition) or by a court manager/administrative director?
- 2.27 If applicable, please briefly describe the functions and the background of the court manager in comparison to the president of the court.
- 2.28 Please describe briefly the court manager selection process, if they serve for a limited term, and if the president can remove the court manager.
- 2.29 Are presidents the "interface" with the media, and are they trained to do it?
- 2.30 Would you please briefly describe what kind of relations there are between presidents of the courts (first instance and appeal) and the president of the Supreme Court (court of last resort)?
- 2.31 Are there other tasks of presidents of the courts in your country, which were not mentioned before?
- 2.32 Please add any critical issue or further information that you consider relevant for this section.

3. Accountability and discipline

- 3.1 What kind of accountability mechanisms (e.g. reporting, auditing, etc.) are in place for the presidents, and before which authority (e.g. Judicial Council, Ministry of justice, Supreme Court, internal board etc.)?
- 3.2 Do presidents have a different disciplinary responsibility in comparison to the judges?
- 3.3 Is there any special immunity for presidents?

- 3.4 Which criteria are used for the evaluation of presidents, how often, and by whom?
- 3.5 Which are the consequences of such evaluation (e.g. ranking, promotion, admonition, removal, salary increase, any other consequence, etc.)?
- 3.6 Please add any critical issue or further information that you consider relevant for this section.

4. Appointment, tasks, functions, relations of the president of the Supreme Court (Chief Justice of the court of last resort e.g. court of cassation; please note that you do not have to describe the position of president of the Constitutional Court / here and after referred as president of the Supreme Court).

- 4.1 Who appoints (e.g. Judicial Council, Ministry of Justice, Parliament, etc.) the president of the Supreme Court?
- 4.2 Please describe briefly the selection procedure.
- 4.3 What kind of qualifications (e.g. specific training in management, previous specific judicial position, seniority, etc.) are required to become president of the Supreme Court? (Please also explain if training is mandatory or on a voluntary basis, if any training is necessary at all, and how much it affects the choice of the president).
- 4.4 Does the president get a “confidence vote” (after or before their appointment) from other judges of the Supreme Court?
- 4.5 How long is term of office of the president of the Supreme Court (please explain if there are limitations)?
- 4.6 Can their mandate be renewed, and what is the process (e.g. evaluation of the first term served and then renewal)?
- 4.7 What are the tasks and functions of the president of the Supreme Court in comparison to the other courts' presidents? (in particular, please explain the role of the president, if any, in relation to: Judicial Council, Ministry of Justice, legislative power, budget of the judiciary).
- 4.8 Please add any critical issue or further information that you consider relevant for this section.