

Strasbourg, 28 August 2011

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**NETWORK OF PILOT COURTS**

**6th Plenary Meeting  
Strasbourg, Agora building  
22 September 2011**

**PREPARATORY QUESTIONNAIRE ABOUT ITEM 5 OF THE AGENDA  
"WHICH INDICATORS FOR MEASURING THE QUALITY OF JUSTICE ?"**

Name of the pilot court: **District Court for the Capital City of Warsaw**  
Country: **Poland**

**I. Is there in your ... a programme or programmes regarding the quality of justice ?**

- |   |                   |    |
|---|-------------------|----|
| A. Country                                  | <b><u>yes</u></b> | no |
| B. Region (for instance for federal states) | <b><u>yes</u></b> | no |
| C. Court                                    | <b><u>yes</u></b> | no |

**II. If yes, which scopes are concerned by these programmes in the five following fields (to know the content of these fields, please refer to the Checklist for promoting the quality of justice and courts**

**[http://www.coe.int/t/dghl/cooperation/cepej/quality/default\\_EN.asp](http://www.coe.int/t/dghl/cooperation/cepej/quality/default_EN.asp) ) ?**

- |   |                   |           |
|---|-------------------|-----------|
| A. Strategy and policies  | <b><u>yes</u></b> | no        |
| B. Job and operations processes                                   | yes               | <b>no</b> |
| C. Access to justice, communication to court users and the public | <b><u>yes</u></b> | no        |
| D. Human resources and status of judges and prosecutors           | <b><u>yes</u></b> | no        |
| E. Means of justice   | <b><u>yes</u></b> | no        |

Please specify the actions undertaken in these fields :

STRATEGY AND POLICIES – on all three levels mentioned in question above the most important of the general principle are: transparency, efficacy and collecting of data, especially to control the length of judicial proceedings, which should be

appropriate. The cases should not last excessively long. They should, under some circumstances, also not be too short, if this would impact the users' right of access to court.

The length of judicial proceedings is supervised, both at the general level (average duration of particular types of cases), and at the level of concrete proceedings. The length of judicial proceedings is monitored through an integral and defined system of collection of information and data. The system promptly provides both the detailed statistical data on the length of proceedings, and identify individual instances at the origin of excessive and unreasonable length.

The time management of the judicial process is in certain cases adjusted to the needs of the concrete proceedings, paying special attention to the needs of users (ex. cases involving examination whether legal person is insolvent or not).

Within the Court, there is the unit that permanently analyses the length of proceedings with a view to identify trends, examines the reasons of excessive length and prevent problems related to the length of proceedings.

The timeframes of judicial proceedings are scrutinised through statistics. There is information with respect to the length of particular types of cases. The standards for the specific types of cases and demands in them are supervised.

The reports on the results of analysis are produced at regular time and also *ad hoc*, at least once a year, with appropriate recommendations.

#### ACCES TO JUSTICE, COMMUNICATION TO COURT USERS AND PUBLIC:

As it was mentioned above, the cases should not last excessively long, so judges are asked to write written reasons for the authority when the length of the case is inappropriate long and the authorities notice it based on the statistics. The monitoring shows when the periods of inactivity (waiting time) in the judicial proceeding are excessively long, and why such extended periods exist. Then,

particular efforts are taken to speed up the proceeding. The participants have also the special demand for the compensate, if in fact, there is excessively and unreasonably delay.

The collected information are available for the purposes of statistical evaluation. The collected data, can be also available to independent researchers and research institutions for the purpose of scientific analysis, but they have to gain the permission to have the access, and guide the privacy.

There is also the unit for the contact with mass media, which is available for reporters to give the information about the cases in which people are interested, esp. involved crimes and social problems.

Where possible, the judges attempt to reach agreement with all participants in the procedure regarding the procedural calendar.

The court has its own website where the users can find all necessary informations connecting the organisation of the Court, telephone numbers to the division in which the case is being conduct. The Commercial Division of Bankruptcy law has special website where are the information about the sale of certain assets which are sold by official receiver in certain case, including price and data of bidding.

**HUMAN RESOURCES AND STATUS OF JUDGES:** The authorities try to make judicial resources system sufficient enough to cope with its regular workload in due time. They take care that the resources would be distributed according to the needs to the certain departments in the Court in order to avoid delays.

**MEANS OF JUSTICE:** The Court has its own computer data system, each judge has his own work computer to work, and the information technology is at high level. There is not enough well prepared assistants to help judges, and they are not independent in their tasks. There should be possibility to share some easiest tasks in order to not involved judges in each decisions, court clerks.

### III. Is there in your country a programme for evaluating the quality of justice?

YES      NO

#### A. On which tools are they based ?

- |  |     |     |    |
|--|-----|-----|----|
| 1. Satisfaction surveys?   |     | yes | no |
| Inspection (inspectorate body, High Council of the Judiciary, other) ? |     | yes | no |
| 2. Peer evaluation ?   | yes | no  |    |
| 3. Other tools ?   |     | yes | no |
| Which are they ?   |     |     |    |

#### IV. Do you have indicators for measuring quality ?      YES      NO

If yes, which ones :

- |   |  |            |           |
|---|--|------------|-----------|
| 4. Rate of annulment/challenge of court decisions |  |            |           |
| By higher courts                      ?           |  | <b>yes</b> | no        |
| 5. Continuous training ?                          |  | <b>yes</b> | no        |
| 6. Others ?                                       |  | yes        | <b>no</b> |
| If yes, which ones ?                              |  |            |           |

.....  
Free comments :

All these steps and measures should be taken by the authorities regarding the principles of independence of judges, especially when authorities responsible for administration of justice demand the explanations for certain decisions made by judges. It is particularly important.

According to the lenght of proceedings, problem exists because The Court deals with a great numer of cases every year. The judges are sufficient prepared to actively manage the proceedings, but because of the fact they are overcased, it is often difficult to conduct the case promptly. We still need better prepared assistants to help judges, and the assistants sould be more independent in order to sheare some easiest tasks. Judges should be assisted by appropriate court personnel (clerks and assistants).