

Strasbourg, 1 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:      **Vilnius Regional administrative court**

Country:      **Lithuania**

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

- |                                             |            |
|---------------------------------------------|------------|
| A. Country                                  | <b>yes</b> |
| B. Region (for instance for federal states) |            |
| C. Court                                    | <b>yes</b> |

**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>yes</b> |
| B. Job and operations processes                                      | <b>yes</b> |
| C. Access to justice, communication to court users<br>and the public | <b>yes</b> |
| D. Human resources and status of judges and prosecutors              | <b>yes</b> |
| E. Means of justice                                                  | <b>yes</b> |
| F. Please specify the actions undertaken in these fields :           |            |

Seimas of the Republic of Lithuania adopted the Resolution "On the reform of the legal framework and enforcement" nationwide on the 25<sup>th</sup> of June 1998 and in accordance with this resolution, the structural reform of the judiciary in the Republic of Lithuania was carried out in 1995, but improvement of judicial work regarding work quality is ongoing in nowadays as well. The amendments of "Law on Courts" made in 2007 and 2009 newly regulated issues

regarding work of the Judicial Council, courts' administration, judicial performance evaluation, training of judges, the case accounting and quality. Changes in legislation are still ongoing and they ensure faster resolution of questions in courts and more convenient access to the courts to people.

The Law on Courts among other things gives the right to the Judicial Council to approve description of the Assessment of Judges' Activities and The Rules of the Permanent Commission for the Assessment of Judges' Activities, to investigate complaints regarding results of judicial performance evaluation; to determine order and grounds for the establishment of judges specialization, to approve rules of the assignment of cases to judges and composition of judges boards; to approve regulation of administration in courts; to solve all other issues related to administration in courts; to approve rules of the organization of judicial training, training programmes, annual training plans and qualification requirements for trainers; to adopt model descriptions of the structure of the district courts, regional courts and the regional administrative courts; to consider and approve proposals for the courts investment projects and proposals regarding the courts draft budgets and to submit them to the Government.

Administration of courts is regulated by the Law on Courts and Regulation on Administration in Courts. External administration is performed by the higher courts in respect of lower courts; the internal administration is performed by the chairmen of courts and courts' administrations in accordance with approved annual plans. Administration Plans cover all areas of the work organization in courts, except justice. Justice control (the quality of decisions) is performed by the judges' boards of higher courts' by reviewing cases according to appeal and cassation complaints. Quality of decisions is assessed after setting up data of overruled or emended decisions. The data is entered by the National Courts Administration based on data in the courts information system "LITEKO", where every movement of each case in courts is registered. Since the 1<sup>st</sup> of January 2012 the register of Courts' Activities Administration will take action. All administrative activities of Courts', results of the checks and reports on removal of found problems will be recorded in that register.

The assessment of Judges activities are regulated by Law on Courts and description of the Assessment of Judges' Activities. By assessing the work of a judges the results of their work in a statistical sense, terms of litigation, the quality of drawing up the decisions and their stability, the professional conduct of judges, qualification, compliance with code of ethics of judges and others are taken into account. After started work as a judge his activities are assessed after three years and then every five years. An extraordinary assessment can be carried if deficiencies settled in the judge' work repeat or if the judge seeks to occupy position of judge in a higher court.

The Judicial Council establishes model lists of posts and job descriptions for the courts. The courts have the discretion to confirm job descriptions by their work need. Higher court by the administrative procedure can recommend to the lower court how to organize work so that would be convenient service for people and reasonable use of resources for litigation. The President of the Republic determines the number of judges in courts. If the workload increases in some courts and in others decreases, there is a possibility to move temporarily a judge of the same step to another court.

Training of judges takes place continuously in accordance with approved training programs for judges. In some cases the Commission for the Assessment of Activities of Judges may recommend to the judge to pass-the-spot training on certain issues if it is necessary to raise his qualification.

Accounting of cases is done in the courts' information system "LITEKO. This system allows you easily to determine the speed of judges' work (how many cases examining, the complexity of cases, how much time takes the examination), as well what quality are decisions of judges. This data is taken into account while assessing work of the judge.

Vilnius Regional Administrative Court approves annually its administrative supervision plan according to which monitors how tasks of the court are implemented.

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

**YES**

A. On which tools are they based ?

- |                                                                        |            |
|------------------------------------------------------------------------|------------|
| 1. Satisfaction surveys?                                               | <b>yes</b> |
| Inspection (inspectorate body, High Council of the Judiciary, other) ? | <b>yes</b> |
| 2. Peer evaluation ?                                                   | <b>yes</b> |
| 3. Other tools ?                                                       | <b>yes</b> |
| Which are they ?                                                       |            |

Opinion of the cases' participants regarding work of court and court decisions are clarified by surveys. The survey results are systemized, analyzed and conclusions are drawn regarding the rise of courts' working efficiency.

At present the review of courts activities is performed by chairman of the court and his subordinated court's administration. As well as routine checks are carried out by the higher courts in lower courts. From 2012 the inspection results will be recorded in a special register of the National Courts Administration. By its assistance will be possibility to analyze the data and see the problems and all the great changes in all Republic. Usually non-routine inspection of the court or judge' organizational activity is performed on receipt of complaints

or requests from people and results of the inspection are analyzed. In case of violations if guilty the judge is found, the judge may be brought to disciplinary liability

Timeliness execution of procedural actions is inspected annually in Vilnius Regional Administrative Court under a separate administrative supervision plan. Usually cases are checked which execution lasted more than 6 months and problems related with organization of the examination of these cases are discussed with judges.

**IV. Do you have indicators for measuring quality ? YES**

If yes, which ones :

- |                                                   |            |
|---------------------------------------------------|------------|
| 1. Rate of annulment/challenge of court decisions |            |
| By higher courts                                  | ?          |
|                                                   | <b>yes</b> |
| 2. Continuous training ?                          | <b>yes</b> |
| 3. Others ?                                       | yes        |
| If yes, which ones ?                              |            |

The number of overruled or emended resolutions is not the only criteria of judges' activity assessment. The quality of judge's work also reflects in the higher court conclusion, where the difficulty of judge's examined cases and quality of resolutions writing is being analyzed.

Free comments :

Judicial system of the Republic of Lithuania has no such law where usable and prospective measures for the increase of Courts' work effectiveness are settled down. All tools are put in separate rules of law which regulate the work of courts and judges.