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**SATURN GUIDELINES  
FOR JUDICIAL TIME MANAGEMENT  
COMMENTS AND IMPLEMENTATION EXAMPLES**

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## SATURN GUIDELINES FOR JUDICIAL TIME MANAGEMENT COMMENTS AND IMPLEMENTATION EXAMPLES

### Introduction

The excessive length of judicial proceedings is a major problem in most European Countries. Courts must deal with their caseload *within a reasonable time*, as stated by art. 6 of the European Convention on Human Rights.

Part of the mission of the CEPEJ Saturn Centre is to develop tools and to help Member States in implementing measures that prevents violations of the reasonable time clause. Among these tools there are the “Saturn Guidelines for Judicial Time Management” (Cepej 2008-8 Rev), which gives a list of 63 possible actions to be undertaken to fight the excessive length of judicial proceedings, and the Guide “Implementing the Saturn Time Management Tools in Courts” (Cepej-Saturn 2001-9). This Guide focuses on the steps to be undertaken to implement 15 Guidelines, out of 63, as a starting priority.

These 15 Guidelines have been selected because they address issues that can be successfully implemented by the courts themselves in several jurisdictions.

This work is a further step towards the implementation of these 15 Guidelines. It would like to be a *living document*, which compiles comments and effective examples from the courts that have taken *real actions* to deploy these guidelines.

Therefore, courts are strongly encouraged to exploit these Guidelines and to inform the CEPEJ Saturn Centre with their results, to constantly up to date this document with fresh examples and comments.

This document is organized in two parts.

The first part deals with the 15 Guidelines to be considered as “Saturn priorities”. For each of them comments and examples from the existing CEPEJ information are collected. More in detail, they mainly come from: a) the recent (2011) “Reports on the CEPEJ guidelines for judicial time management”; b) the “Compendium of ‘best practices’ for judicial time management”, which was drafted in 2006; c) the “Time management of justice systems: A Northern Europe Study” (2007); d) the “Timeliness report 2010-2011 of the European Network of Councils for the Judiciary” (2011). The “CEPEJ European Judicial Systems Report 2010” has also been taken into consideration.

The second part deals with the whole “Saturn Guidelines for Judicial Time Management”, with examples and comments of the remaining 48 Guidelines, which also come from the same sources and need to be up to date with fresh information that will come from the Member States.

Please send to the CEPEJ Saturn Centre your comments and examples to enrich and to share the good practices used to tackle the excessive length of judicial proceedings across Europe.

## **PART 1**

### **The 15 Saturn Starting Priorities Guidelines**

#### ***Planning and collection of data***

##### **Guideline 1**

The length of judicial proceedings should be planned, both at the general level (planning of average/mean duration of particular types of cases, or average/mean duration of process before certain types of courts), and at the level of concrete proceedings.

##### **Guideline 2**

The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps.

#### ***Intervention***

##### **Guideline 3**

If departures from standards and targets for judicial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy the causes of such departures.

##### **Guideline 4**

Particular attention should be given to the cases where integral duration is such that it may give rise to the finding of the violation of the human right to a trial within reasonable time.

##### **Guideline 5**

The monitoring should make sure that the periods of inactivity (waiting time) in the judicial proceeding are not excessively long, and wherever such extended periods exist, particular efforts have to be made in order to speed up the proceeding and compensate for the delay.

#### ***Collection of information***

##### **Guideline 6**

The court managers should collect information on the most important steps in the judicial process. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four.

### **Guideline 7**

The information collected should be available, to inform the work of court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public.

## ***Continuing analysis***

### **Guideline 8**

All information collected should be continually analysed and used for the purposes of monitoring and improvement of performance.

### **Guideline 9**

The reports on the results of analysis should be produced at regular intervals, at least once a year, with appropriate recommendations.

## ***Established targets***

### **Guideline 10**

In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. The court managers should have sufficient authorities and autonomy to actively set or participate in setting of these targets.

### **Guideline 11**

The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.

### **Guideline 12**

The targets may be used in the evaluation of the court performance. If they are not achieved, the concrete steps and actions have to be taken to remedy the situation.

## ***Crisis management***

### **Guideline 13**

In the situations where there is a significant departure from the targets set at the court level, there should be specific means to rapidly and adequately address the cause of the problem.

## ***Timing agreement with the parties and lawyers***

### **Guideline 14**

Where possible, the judge should attempt to reach agreement with all participants in the procedure regarding the procedural calendar. For this purpose, he should also be assisted by appropriate court personnel (clerks) and information technology.

### **Guideline 15**

The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all parties, or if the interests of justice so require.



### *Planning and collection of data*

#### Guideline 1

**The length of judicial proceedings should be planned, both at the general level (planning of average/mean duration of particular types of cases, or average/mean duration of process before certain types of courts), and at the level of concrete proceedings.**

#### *Comments and implementation examples*

- **Denmark - Esbjerg District Court** - 58% of the civil cases should be disposed within 1 year, 63% of the criminal cases should be disposed within 2 months and 95% within 6 months.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006) 13, p. 7).
- **Finland - Supreme Administrative Court** - The average processing time is set to 10 months. In addition, the aim is to process 25% of the cases in less than four weeks and 35% of the cases within 6-9 months. The objective set for 2006 is to pay special attention to overall processing times in the Finnish Supreme Administrative Court and in Finnish general courts and especially to enhance the processing of cases that have been pending over one year. The aims regarding courts of appeal are that the differences in processing times between individual courts are reduced. The aim is that the difference between the longest and shortest processing times in courts of appeal is reduced from over six months (in 2005) to 5.5 months in 2006. In Finnish district courts the time limit for criminal cases is 3,1 month and in cases brought up by an extended application for a summons 7,9 months. Regarding nearly all district courts a time limit for processing 50% of the cases within two months has been set. The process should not exceed 9 months in more than 10% of the cases. The district courts shall also aim at identifying and processing already delayed criminal cases as swiftly as possible.  
(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 18).
- **Finland - Rovaniemi Court of Appeal** - Targets are agreed every year in the budget negotiations between the Court and the Ministry of justice. It has been agreed that all the cases should be solved in less time than a year.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).
- **Finland - Turku District Court** - Targets and objectives are negotiated annually by the head of court and the head of each court unit. Optimum timeframes for each type of cases are also agreed. The head of each court unit makes an agreement with each judge of the unit about the targets.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).
- **Finland - Turku Regional Administrative Court** - Targets and objectives of every court unit (also called sector or section) are negotiated annually by the head of court and the head of each unit. Also the optimum timeframe for each type of case are agreed. Therefore, the head judge of each unit negotiates and makes an agreement with each judge and referendary of the unit about the target.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).



- **Georgia** - *Tbilisi Appeal Courts* - The procedural legislation strictly defines that civil and administrative cases should be finalized within 2 months, in case of a difficult case within 5 months. These terms are strictly controlled by the court management and most of the cases are finalized within 5 months term. If case exceeds its time frames in the electronic database this fact shall be indicated. In criminal cases there are no time frames stipulated. There are not time planning instruments involving parties, however, the time frames of the cases are strictly monitored that allows to maintain the high rate of cases finalized within legally binding periods of time.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).
- **Ireland** - *Dublin Commercial Court* - All aspects of cases in the Commercial Court are monitored and time periods calculated in respect of various stages within each case on an ongoing basis.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 7).
- **Norway** - The first instance hearing in a criminal case should be held within 6 weeks after the case has been brought before the district court if the defendant remains in custody or is a juvenile. Appeal hearings shall then be held within 8 weeks after permission to appeal has been granted. Some civil matters are generally prioritised in terms of timeframes of proceedings. Examples of this kind of matters are child custody matters and labour disputes. In Norway the hearing in a criminal case should be held within 6 weeks after the case has been brought to the district court and within 8 weeks after permission to appeal has been granted by the court of appeal. At the same time, some matters are generally prioritised in terms of timeframes of proceedings. Examples of this kind of matters are child custody matters and labour disputes.  
(Source: Doc. CEPEJ(2007), Report Time management of justice systems: a Northern Europe study, CEPEJ(2007), p. 19).
- **Norway** - The timeframes are proposed by the Ministry of Justice with consent from the Norwegian Parliament. As of today, 100% of civil cases should be disposed in six months, 100% of criminal cases in three months.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 7).
- **Norway** - *Nedre Romerike Tingrett* - The court schedules planning meetings in all civil cases shortly after the case has arrived at the court. The lawyers of the parties and the handling judge - but not the parties - participate and the meetings are supposed to plan all necessary steps until the disposal of the case. The meeting clarifies the claims of the parties, their main supportive arguments and the evidence they offer. During the meeting, the progress of the case is planned, deadlines put up and the dates and number of days needed for the main hearing set. In Norway it is exceptional to schedule more hearings than the major hearing. All evidence must be ready before a set date, and the parties therefore must plan their collection and presentation of evidence accordingly. The hearing date are set according to the general standards for time use by the courts which is 6 months for ordinary civil trials and 3 months for small claims (the small claim's limit applies to claims with a value less than 15.000 euro). Scheduling at a later date demands special justification and is expected to be done rarely. Planning in almost all criminal cases is carried out by the prosecution and is outside the court's responsibility. The prosecution summons the accused and the witnesses and produces the technical evidence. The court oversees the preparations of the prosecution and might order alterations. Also criminal cases are disposed of during one major hearing and the judgement should be written immediately afterwards. National standards for the court's time use in criminal cases also exist, and the court schedules the main hearings accordingly. In a few exceptional cases the main hearing might go on for weeks and even months. Then the judge will organize a planning meeting with the prosecution and the defender participating.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 33).
- **Slovenia** - *Maribor and Novo Mesto District Court* - Court rules sets a timeframe of 18 months after the case has been presented before the court. If a decision is not taken within 18 months, the case is considered delayed. The head of court may ask the judge in charge of the case to report the circumstances why a decision has not been reached.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).

- **Sweden** - Targets for civil and criminal cases are set up by the Government. All units within the court define their targets.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).
- **Switzerland - District Court Dorneck Thierstein** - The Judicial District Dorneck-Thierstein plans the length of judicial proceedings for the coming year. These are included in the above-mentioned annual contract and consist of the following indicators:
  - Ratio of resolved incoming cases / incoming cases (Indicator for the speed of resolution, maximum 1);
  - Ratio of resolved old cases / cases pending at the beginning of the new reporting period (Indicator for the resolution of old cases, maximum 1);
  - Ratio of total resolved cases / incoming cases (>1 reduction of the number of pending cases; <1 increase of the number of pending cases);
  - Duration of resolution: age structure of the executed cases in the reporting period (year); this structure contains the following subdivisions: 0 to 3 months, 0 to 6 months, 0 to 12 months and 0 to 24 months.
 Year targets for the following type of cases will be determined:
  - a) Family law divided into divorce proceedings (including amendments, complaints about marriage validity and legal separation, invalidity and separation complaints according to the Same-Sex Partnership Act) and proceeding measures for the protection of the matrimonial union (including summaries according to the Same-Sex Partnership Act).
  - b) Other civil law divided into ordinary proceeding, simplified proceeding, summary proceeding and debt collection and bankruptcy proceeding.
  - c) Criminal proceeding divided into “presidential competence” (single judge) and District Court competence (three judges).
 (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 48).
- **United Kingdom - England and Wales (Manchester County Court)** - 80% of *small claims* should be disposed in 15 weeks, 85% of cases assigned to a so called *fast track procedure* should be disposed in 30 weeks, 85% of case assigned to the so called *multi track procedure* should be disposed of in 50 weeks.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).

See guideline 10 for further examples of planning by individual courts.

## Guideline 2

**The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps.**

*Comments and implementation examples )*

Comment: Some states view timeliness as a public good and have legislated strict statutory deadlines on time use in the courts. They give little leeway for agreements on time management in the individual case. When such deadlines exist, the court’s main task is to see to that they are adhered to by the parties.<sup>1</sup>

- **Denmark - Esbjerg District Court** - In civil cases a meeting is held at an early stage in the process, where the parties agree on the development of the case.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
- **Finland - Rovaniemi Court of Appeal** - There is a tailored program for each case and directions are given informing the parties about the estimated timeframe of the pre-trial phase, pre-trial hearings and trial. Detailed hearing timetables are sent beforehand to the parties. The lawyers and prosecutors are copied in for comments.

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<sup>1</sup> This comment has been written by Mr. Jon Johnsen.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).

- **Finland** - *Turku District Court* - Several discussions take place between the judges and the local lawyers in order to come up with common ideas and guidelines on how to improve the efficiency of justice including the length of procedure.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
- **Georgia** - *Tbilisi Appeals Court* - The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the time of all future procedural steps.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).
- **Germany** - *Stuttgart Regional Court of Appeal* - Regular meetings with lawyers are organised to discuss customer satisfaction and problems with the service delivered by the court.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
- **Italy** - *Turin First Instance Court* - As far as overall foreseeability of the length of proceedings is concerned, the initiative of the President of regularly spreading general statistical and other data on the length of proceedings, section by section, can be very much helpful in this respect. Also the spreading of statistical evidence reporting the “productivity” rate of each and every judge fosters a sort of competition which helps avoiding backlogs.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).
- **Norway** - *Nedre Romerike Tingrett* - The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps. As mentioned above, the court calls planning meetings in civil cases and the prosecution performs similar planning functions in criminal cases. In addition to the lawyers, also the expert witnesses participate in the meetings. It appears, however, that the planning of the court does not include consultations with the parties themselves unless they are unrepresented. The lawyers are expected to consult with the parties and forward the interests of their clients according to the lawyer’s code of good practice. However, that according to Norwegian understanding, swift progress of cases is for the public good. Even when both the parties and their lawyers agree that it would be beneficial for them to delay the case, the public interest means that the conflict should be brought to an end and the parties motivated to go on with their lives. Scheduling all cases within short limits leaves little space for negotiation about the timetable between the lawyers and the parties. The point with time planning in Norway is not to negotiate the length of the trial, which is given by the time standards set by the national authorities, but only to plan how the proceedings must be conducted to conform to the standards set. Such planning tasks are mainly technical and the parties might have little to contribute.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 32).
- **Norway** - *Midhordland Tingrett District Court* - Preparatory meetings in civil cases resulted in legal settlement in more than 80 % of cases.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
- **Sweden** - *Huddinge District Court* - Timeframes for each civil case are set up in cooperation with the users.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
- **United Kingdom** - *Central London Civil Justice Centre* - In the cases that fall within the 3 tracks, “Small, Fast and Multi”, users are invited to provide time estimates and proposed case management directions. The Judges, in turn, will take such information into account when providing listing directions. The administration must ensure that the parties are served with the judicial order in time for them to comply with timeframes.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).

See also guideline 14 for further examples from courts. PART 2 guideline ID1 p. 29 also has examples of how to involve parties in time management.

## **Intervention**

### **Guideline 3**

**If departures from standards and targets for judicial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy the causes of such departures.**

#### *Comments and implementation examples*

Comment: National court administrations and bar organizations should analyse whether the existing fee structure of lawyers is in line with efficient time use or are in need of revision. For example, they should not allow for payment per document or hearing so that the more documents and adjournments in a case, the more the lawyer earns. Necessary adjustments should be made so that swift handling by the lawyers is rewarded.<sup>2</sup>

- **Georgia - Tbilisi Appeals Court** - Tbilisi Appeals Court is the only court so far in Georgia which has and operates its own electronic case management system which produces number of landmarks in all types of cases. Such landmarks are: a) Time limit for admission of the case; b) Time limit for appointing the first hearing; c) Deadline for writing of the judgment. In addition, all the procedural steps and documents are registered of the web page while word documents are attached to the same page and the parties can through their passwords view the current situation with their case and download word documents. When the time frames are exceeded the cases is show in red letters on a screen and it is easily identifiable that this case has a problem. The chairman of the court can obtain the information about the lengthy cases, their quality and their content. If the situation is very problematic a special meeting may be held discussing the situation with the lengthy cases.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).

- **Italy - First Instance Court** - It is useful to monitor the backlog situation and the correct proportion between input and output. In the future it might be envisaged to have an automatic monitoring of cases which last more than a fixed period of time. The system could automatically issue sort of "warnings" to the judge (directly sent to his/her mailbox), informing him/her of a possible problem. Currently judges are obliged to personally take care of this aspect and monitoring statistical data. This happens, of course, already with the help of computerized systems, but the initiative nowadays has to come from the judge. In this Court, only if the case has lasted more than three years, some colleagues charged by the President will inform the concerned judge (or his/her President of section) of this. It would be important in the future to be warned in time, even before the said timeframe has elapsed.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).

- **Italy - First Instance Court** - Strasbourg Decalogue: Article 1 ) All civil cases pending for longer than two and half years before the Court should be marked with a particular tag of different colour, according to the fact that they have been pending for: a) longer than six years; b) between six and two and a half years; c) two and an half years. Judges should give priority to all above mentioned cases. Article 2) Judges should ensure to adjudicate cases mentioned in Article 1) according to the following programme:
  - for cases of the a) group: no later than (six months);
  - for cases of the b) and c) group: no later than (one year).

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<sup>2</sup> This comment has been written by Mr. Jon Johnsen.

All other cases should be finally adjudicated no later than three years from the day they have started. As far as this point is concerned, rules issued by the Head of the Court should, as it happened in the Turin case, set priorities among different cases, like e.g.: reducing maximum length to no more than three years; giving priority to cases exceeding that deadline or dangerously approaching to it, etc. The Italian Code of Civil Procedure leaves little judicial discretion in this field. For example, adjournments on the basis of Article 183 of the Italian Code of Civil Procedure cannot be avoided, if at least one of the parties requires them, even in cases where it is absolutely clear that they are useless and that lawyers just need them in order to “add” such adjournments (as well as the petitions they wrote for each and any of them) on the their final check for the liquidation of their fees and honoraries. However, rules set by the President of the Court about time limits in a framework such as that of the “Strasbourg Programme” can also help the Judge to try to convince parties to avoid unnecessary requests and to try to “adjust their pace,” in order to meet the requirements of a quicker procedure.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 24).

- **Norway** - *Nedre Romerike Tingrett* - The national, electronic case handling system (LOVISA) produces a set of landmarks in civil cases as soon as the case is registered. The landmarks are: a) Time limit for sending off the plaintiff's writ to the defendant; b) Time limit for receiving the defendant's pleading; c) Deadline for scheduling the planning meeting; d) Time limit for scheduling the main hearing; e) Deadline for writing the judgment. The court then demonstrated how it used the landmarks during the processing of civil cases and how the progress of each case according to the landmarks was monitored through monthly reports generated from the electronic case handling system. These reports are checked by the chief judge and the chief administrator and also sent to each judge for keeping them updated on the progress of their cases. The judges found them useful, although some mildly remarked that they felt the reports a bit stressing and that the quality of the decision mattered more than the speed. The chief judge has the power to intervene if a significant deviance from the landmarks should occur and had not experienced any need for more extensive powers for intervention.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).

- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - Every 6 months (30.6. and 31.12.) a list of the cases that are older than two years is printed. The courts of the canton of Solothurn have to deliver a justification for the proceedings duration of those cases to the Administrative Court Commission. Therefore, the Judicial District Dorneck-Thierstein has to watch that as few cases as possible are included on that list. On 30 June 2010, 5 cases with a proceeding duration between 27 and 32 months were on the list. In three cases, the trial will take place within the next six months. In one case, a non-extendable deadline for the submission of the complaint response was fixed.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 42).

- **United Kingdom** - *Central London Civil Justice Centre* - This is dealt with by the Civil Procedure Rules. Case management within the provisions of the rules provides for a party to the case to apply to the Court if the other party is not complying with the timeframes. Such matters are usually dealt with by application to a judge or by correspondence. The Judge will then have the opportunity to intervene. In either case of application or correspondence the administration must ensure that the process is treated with priority and a judicial order obtained without undue delay otherwise administrative delays may adversely affect the user and the length of proceedings.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).

- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - The judge undertaking his/her judicial case management role will ensure the parties and the court maintains the timeframe. If the case is not proceeding as planned the judge will take appropriate action by giving further directions and if necessary impose sanctions on the parties.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 8).



## Guideline 4

**Particular attention should be given to the cases where integral duration is such that it may give rise to the finding of the violation of the human right to a trial within reasonable time.<sup>3</sup>**

Comment: Guideline 4 is of special importance for preventing violations of the “within reasonable time” criterion in ECHR article 6 (1). Complaints concerning such violations constitute a major share of the case load of the European Court of Human Rights and are considered a major factor behind the huge backlogs at the court.

According to the case law of the Court, the evaluation of alleged violations of “reasonable time” depends on a complex analysis, which is discretionary in character. All courts therefore ought to possess a thorough understanding of the case law of the court on timeliness. SATURN recommends the Calvez study available at the CEPEJ website.<sup>4</sup> The study thoroughly identifies the criteria used, and also suggests some fixed time limits that, if exceeded, will make the case vulnerable of violating the “reasonable time” criterion.

The Court also has developed criteria for how time use should be counted.

In civil cases counting *starts* on the date when the case arrives in court. In criminal cases measurement starts when the investigation focuses on an identified suspect -- meaning when a person is substantially affected by the investigation, which often happens long before the case arrives in court. The starting point in administrative cases is the day of arrival at the administrative authority in question, which usually happens long before the case is forwarded to the administrative court.

In all three types of cases counting *stops* when the decision on the substantive matter becomes final. However, if civil judgements need to be enforced, counting goes on until enforcement is done. When a case is appealed, time use at the appellate stage must be added.

In many jurisdictions measurement starts when cases arrive at the court and stops when they are finalized there or sent off to another instance. It appears that such measurement might easily become incomplete. Criminal courts should also receive information about the duration of criminal cases before the arrival at the first instance court, for instance from the police or prosecution. Administrative courts should receive information about time use at the administrative stage for instance from the administrative authority in question. Appellate courts and enforcement authorities should also receive information about time use at previous stages – for example from the previous court. Courts and enforcement institutions might then speed up their handling of cases that have progressed slowly at previous stages and prevent unintended violations due to incomplete information about total time use.

Statistics that mainly focus on average time use do not necessarily reveal exceptional long duration in atypical cases. Time use must be measured for each individual case.<sup>5</sup>

### *Comments and implementation examples*

- **Georgia - Tbilisi Appeals Court** - The main requirement of ECHR in relation with reasonable time is that the case should not suffer from so called waiting times i.e. time when nothing happens with the case. From the practice of the court we can see that such waiting times either do not exist at

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<sup>3</sup> See CEPEJ Studies No. 3: “[Length of court proceedings in the member states of the Council of Europe based on the case-law of the European Court of Human Rights](#)”.

<sup>4</sup> See CEPEJ Studies No. 3: “Length of court proceedings in the member states of the Council of Europe based on the case-law of the European Court of Human Rights”. An update of the study is under preparation by SATURN.

<sup>5</sup> This comment has been written by Mr. Jon Johnsen.

all or are at their minimal level. When the case is admissible the case is appointed immediately, and the appeal together with all the attached materials is sent to the opposite party. When postponing the hearing the date and hour of the next hearing is fixed at the moment of postponement. The only cases when the date of the next hearing is not appointed may be the cases when some documents or information are requested from other entities and it is not clear when they arrive, but the number of such cases is very few and it can not influence overall situation. In relation to criminal cases, the court has no fixed terms for hearing because according to procedural laws the judgment of the first instance court enters the force from the moment of its announcement although it is subject to appeal. However, the Appeals Court still handles the cases within a very strict timeframes. The fact that almost all cases are appointed after their admissibility provides that there are almost no waiting times. From this point of view the extended time limits of the case can be explained by some other factors (for example, difficult case, or involvement of tens or hundreds of parties etc.) and not by the inactivity of the court.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 14).

- **Norway** - *Nedre Romerike Tingrett* - The court thought that its short average time use both in civil and criminal cases probably would protect it from “reasonable time” infringements. It also asked for an updated interpretation of the standards of the European Court of Human Rights. Statistics that mainly focus on *average* time use do not by necessity reveal exceptional long duration in a few atypical cases. Cases must be checked individually.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 35).
- **United Kingdom** - *Central London Civil Justice Centre* - The administration must support the judges in ensuring that timeframes are adhered to and there are no lengthy periods within the timeframe that calls for no activity from the parties. If a party to the case considers that the timeframe unreasonably lengthens the time of the proceedings then they can apply. However, the process of setting timeframes to cases within the Civil Procedure Rules does not provide for integral delay.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).
- **United Kingdom** - *Queen’s Bench Division of the High Court of Justice* - At present the Deputy Head of Civil Justice has the responsibility to monitor cases that may be deemed a violation under Article 6 but there is no local provision for this to be done beyond in the absence of a adequate computer support. Fortunately The general judicial case management provisions in place ensures that cases do not fall into the violation category.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 8).

## Guideline 5

**The monitoring should make sure that the periods of inactivity (waiting time) in the judicial proceeding are not excessively long, and wherever such extended periods exist, particular efforts have to be made in order to speed up the proceeding and compensate for the delay.<sup>6</sup>**

### *Comments and implementation examples*

- **Austria** - *Linz District Court* - Each case with no new entry in the electronic registry for more than three months appears automatically into a checklist. This list is handed out monthly to the head of court and to the judges and their staff for controlling.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).

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<sup>6</sup> The duty to pay special attention to the periods of inactivity that can be attributed to the courts and other state authorities also arises out of the case-law of the European Court of Human Rights in relation to Art. 6 of the European Human Rights Convention.



- **Czech Republic - District of Prague** - Project of the electronic guardian of time limits. There could be useful to extend existing information system by the application on the guardian of time limits, in other words to extend this IT application the way to bring to attention of judges files or cases with so called risky deadlines that should be worked out (i.e. judgment that should be written down, etc., or the files in which there has not been done any procedural act for more than i.e. 2 months, or in case where the file is older than two years, so it needs special attention etc.). Those files (cases) should be marked with visible color when judge opens the computer. Every judge would have this way the overview over his files. The idea of one specific project is to widen the IT program in the way that it would guard the old files. It means that the IT program would be able to appoint to the judges of the pilot District court of Prague 1, who will be willing to participate to this project the file which has a dead time period longer than one or two months so that he can bring his attention to this concrete file. And then, when this project would show up usefulness and brings positive results (lower the number of old cases), try to spread this project to other courts. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 6).
- **Czech Republic - District of Prague** - There is a periodical control of length of proceedings (every 6 months) of old cases (more than 3 years) performed president of each court. Each individual judge has to provide respective justifications. President can take measures – usually order concrete judge to work on the case immediately. There is also other control existing, from the side of higher courts and the Ministry of Justice. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
- **Finland - Insurance Court** - A time-frame alarm-system was designed to be a work planning tool and an important means to equalize throughput-times and reduce the number of cases pending over 12 months, and especially it aims to eliminate the very long delays of certain cases. The alarm-system was designed on the basis of an idea from traffic signals, consisting two alarm-levels: lower alarm-level (when a case starts to draw closer to the set time-frame for the phase) and upper alarm-level (when a case has exceeded the set time-frame for the phase). The time-frames and alarm-levels for the control points were designed separately to priority cases (total throughput-time target 5 months) and other cases (total throughput-time target 12 months). With the help of the alarm-system symbols and listings, a person can easily control his/her own inventory situation and easily plan the work according to the age of the cases. The data system also enables the managers to monitor the overall situation of pending cases and inventories easily online, as the pending case listings are available from the data system by the whole court, the departments, persons, subject groups, complexity, priorities and decision divisions. If the pending time of a case has for some reason exceeded the set time-frames in some control point, the alarm system symbol appears in the case listing in the data system for the particular person responsible for the next advance phase in the handling. If the case has exceeded the lower alarm-level, the symbol in the listings is one exclamation mark, and if the case exceeds the upper alarm level, the symbol is three exclamations marks. As an addition to these symbols, also the whole time period of pending gets updated daily to the listing. The case lists in the order of age and the exceeding of alarm-levels are the following: first are the priority cases with three exclamations marks in the order of age, then normal cases with three exclamations marks in order of age, and so on. With the help of these different symbols it is easy to control the overall situation of different pending inventories: the exact age of cases, the number of cases over time limits, the number of priority cases, and complex cases. (Source: Pekkanen, D. (2011), Delay reduction in courts of justice – possibilities and challenges of process improvement in professional public organizations, Doctoral Dissertation, Acta Universitatis Lappeenrantaensis, p. 135).
- **Finland - Turku Regional Administrative Court** - All steps in the proceedings of each case are registered in the case management system. All the waiting times can be monitored and analysed. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
- **Georgia - Tbilisi Appeals Court** - The periods of waiting time are at its minimal level that means that for no significant period of time the case is at standstill position. Where proceedings are excessively long, such cases are easily identified by electronic case management system and dealt with. At this stage standstill time is under control by electronic case management system which identifies any shortcomings in this regard.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 15).

- **Ireland** - In Ireland case management is used by the High Court to reduce delays in proceedings. It is common in cases which have the potential to take a long time at trial and these cases can be shortened considerably. The judge can, after the defence is delivered, ascertain the contentious issues, direct the appropriate pre-trial measures, e.g. discovery, and confine and tailor these to the actual contentious issues. A timetable can be fixed for completion of pre-trial procedures and the trial itself. All of this ensures that in the trial itself, the evidence and the legal argument are confined with precision to the real issues in contention. The judge may decide to fix a timetable for the completion of preparation of the case for trial, if there has been undue delay; he may require the party to explain the delay and make any ruling or direction which might expedite proceedings or, if the judge is dissatisfied with the conduct of proceedings, he can disallow the costs associated with irrelevant or excessively lengthy processes. Case management may be exercised in case management conferences conducted by a judge and attended by solicitors and counsel for the parties. These conferences are ordered or directed by the judge at the initial directions hearing, and if no direction is given at this stage, either party may apply by motion to the Court at any time prior to trial for a direction that a case management conference be held. The general purpose of such conferences is to ensure that proceedings are prepared for trial in a manner which is just, expeditious and likely to minimise the costs of proceedings. The judge's focus is on the timely progression of proceedings and his readiness to disallow costs, acts as a disincentive to parties to engage in excessive interlocutory proceedings, e.g. discovery. Every case, whether or not it has been the subject of a case management conference, is subject to a pre-trial conference at which the judge establishes the steps that remain to be taken in preparation for the trial. The judge must establish the length of and arrangements for trial. If the judge is satisfied that the case is ready to proceed, he will fix a hearing date. The judge can request the parties to consult and agree documents for trial.  
(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness , Timeliness Report 2010-2011, p. 25)
- **Lithuania** - *Regional Administrative Court Vilnius* - Inactive cases for more than three months are brought to the attention of the head of court.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
- **Norway** - *Frostating Lagmannsrett Court of Appeal* - The length of proceedings are monitored and evaluated with statistical measures as a routine, at least every three months.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - The Judicial District Dorneck–Thierstein applies the following rule to case management: all cases must be given a deadline for the next step . This deadline can either be external (example: for the submission of a response to a complaint) or internal (example: for the resumption or continuation of a proceeding). This ensures that no case stands still. As an additional measure, the first clerk requests from the court chancellery to control the status of all pending cases every three months. If a case without a deadline is detected, a deadline is provided.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 43).
- **United Kingdom** - *Central London Civil Justice Centre* - In the cases that fall within the 3 tracks, "Small, Fast and Multi", users are invited to provide time estimates and proposed case management directions. The Judges, in turn, will take such information into account when providing listing directions. The administration must ensure that the parties are served with the judicial order in time for them to comply with timeframes. Waiting times must be monitored by administration both by scrutinising electronically collected data information and by reference to any local waiting times that are agreed with the judges and considered meet the needs of the user. In order to achieve this administrators must ensure that judicial time is available for cases to be listed in accordance with the timeframe and if there are any concerns in achieving the listing target then the facility for using additional resources (part time judiciary) to bring waiting times back into target. In the case of lengthy Court hearings of one day or more we have developed listing practices to ensure that judicial hearing days are heavily loaded. This takes into account the propensity for late settlements while maintaining full lists for the judges.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 35).

- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - During the course of judicial case management the judge will decide if one of the parties is causing delay and impose sanctions or order that party to cover the other person's costs. If the court is responsible for the delay compensation may be paid to cover the additional costs incurred by delay cause. In addition, the judge may order the lawyers to be the wasted costs incurred by the parties because of the delay and if necessary strike out the claim or defence and award the case to the other party. If the court staff and or management are responsible this will be identified by the performance reports for the court and be reflected in the appraisal of the staff, possibly impacting on their pay and promotion prospects.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 6).

## Collection of information

### Guideline 6

**The court managers should collect information on the most important steps in the judicial process. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four<sup>7</sup>.**

#### *Comments and implementation examples*

- **Albania** - *Tirana District Court* - Data about the length of proceedings or the postponements of hearing are available on the web site.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Denmark** - *Esbjerg District Court* - Court statistics are used internally by the court's manager for evaluation and monitoring of the time of processing each case and the court's productivity.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Finland** - *Turku Regional Administrative Court* - Statistics are produced monthly and sent by e-mail to all the judicial staff.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Finland** - *Turku District Court* - Each court publishes annual reports that contain information about timeframes and applied strategies.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Finland** - *Regional Administrative court of Turku* - Publication of the yearbook of justice statistics and of an annual report on the performance of the courts. Court annual reports containing statistics of pending times of different types of cases are published on the Internet.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Georgia** - *Tbilisi Appeals Court* - It uses its own electronic case management system which is available to the management of the court, to the judges, non-judge staff as well as to the users of the court but the later only in their own cases and not to the whole database. In civil and administrative cases the system uses ten out of 12 points of progress described in indicator four of the Time Management Checklist. Only "v. the use and timing of preparatory conference or

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<sup>7</sup> Time management Checklist (CEPEJ(2005)12Rev).

preliminary hearings” and “vii. Existence and duration of technical expertises”. The court also does not use the points xiii – xvii because they concern the cassation stage of proceedings.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 15).

- **Latvia** - Riga Central District Court - Court administration, all court’s staff and other courts have an access to the Courts’ Informative System, which provides data about the cases.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Norway** - *Nedre Romerike Tingrett* - This court - As other Norwegian courts, this court uses the nationwide electronic system for tracking case progress. The information is available both to court administrators and judges. In ordinary civil cases, the electronic case handling system registers all the first eleven points of progress (or stages) described in indicator four of the Time management checklist. It probably also contains the other points on the list, but the pilot court, which is a court of first instance, does not concern itself with the later stages of the proceedings. As mentioned the system also provides electronic warnings when deadlines are exceeded.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).
- **Slovenia** - *Nova Gorica District Court* - Statistics are published in the annual report of the Ministry of Justice.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
- **Spain** - *Commercial Court no. 3 of Barcelona* - Every three months each court must produce statistics of pending cases to be published by the Consejo general del poder judicial (Judicial Council).  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).

See PART 2 guideline IC3 p. 27 for more examples of case monitoring systems for courts.

## Guideline 7

**The information collected should be available, to inform the work of court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public<sup>8</sup>.**

### *Comments and implementation examples*

- **Austria** - *Linz District Court* - With the Electronic legal communication developed by the Ministry of justice, it is possible to file cases electronically, and to exchange data between the courts and the parties. All the judges receive a summary including the numbers of all the pending cases classified by duration (i.e. more than 1, 2 or 3 years). The heads of courts undertake consistent activities with this information such as balancing the caseload or commencing disciplinary proceedings. Parties can request the Court of Appeal to fix a time limit for special parts of proceedings, if they believe the judge’s activities are not on time.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 17).
- **Finland** - *Turku District Court* - E-services in civil and criminal cases allow an exchange of information and documents between the parties and along the criminal justice chain.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 17).

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<sup>8</sup> For instance on the court's web site.

- **Hungary** - *Veszprem Municipal Court* - The upper court monitors the monthly report of the lower judge, checking monthly the settling of pending cases older than 2 years.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
- **Latvia** - *Riga Central District Court* - Once a week the head of court holds meetings with the judges to discuss problems and solutions related to timely examination of cases. Judges are accountable and may be disciplined for the delay in case processing.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9). *Guideline n. 7*
- **Norway** - *Nedre Romerike Tingrett* - The court publishes a yearly report in print that also is downloadable from the Internet:<sup>9</sup> In addition, the court’s website contains an overview of the average case handling time and the national standards set by the Norwegian parliament. Both the court personnel and the National court administration have access to the information as described above.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).
- **Norway** - *Midhordland Tingrett District Court* - The head of district court makes monthly inspections and obtains monthly statistical reports showing for the court’s total processing hours. There is a procedure that enables the parties to complain about a judge to the Supervisory Council for judges.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
- **United Kingdom** - Money claim on line allows citizens and businesses to file claims up to about 150.000 Euro through the Internet.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 17).

## Continuing analysis

### Guideline 8

**All information collected should be continually analysed and used for the purposes of monitoring and improvement of performance.**

#### *Comments and implementation examples*

- **Georgia** - *Tbilisi Appeals Court* - The court management is informed daily about situation with cases and in case of necessity there are meetings devoted to deal with the existing problems. The statistical data of performance of each judge is collected monthly and in case of significant decrease the reasons are analyzed.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 15).
- **Norway** - *Nedre Romerike Tingrett* - Reports on ordinary civil cases and criminal cases are discussed monthly in leader team meetings at the court. Reports on estate and enforcement cases are discussed quarterly or more frequently when special circumstances substantiate. An example is the present economic crises that might generate an increase in bankruptcy cases. If significant deviances from the time use targets are discovered, action is taken – for example by reallocating cases among the judges. Since swift case handling is a prime goal for the pilot court, efforts is made to analyse statistics and other information to pursue this goal. As mentioned in the example, analysis is not limited to statistical information. Another example: A nationwide police strike on overtime work in 2009 significantly slowed down the investigation of criminal cases and resulted in a huge backlog within the police. To be prepared if a huge bulge in the flow of criminal

<sup>9</sup> See [http://www.domstol.no/DAtemplates/Article\\_13797.aspx?epslanguage=NO](http://www.domstol.no/DAtemplates/Article_13797.aspx?epslanguage=NO)



cases appears, the court tries to update itself on how the dismantling of the backlog progresses in the local police and prosecution.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).

- **Sweden** - All Swedish courts have started to use the new electronic case management system Vera. Through the Vera database it is possible to combine information for various different purposes. The SIV-system (statistics in Vera) searches information from Vera and summarises data based on reports from courts. All information contained by Vera is not only used in producing statistical reports but there are also possibilities to carry out additional analyses with the tools in the system. For example, it is possible to produce a summary report, which presents all legal proceedings in which a certain person is currently involved in by using the search function of Vera. Vera's search function together with the SIV reports can be further used for different purposes with help e.g. from Excel calculation functions. An example of this kind of procedure is a model, which shows how a certain court or a department of a court qualifies with administrative deadlines. Vera is being constantly developed and possibilities to produce new information appear to be increasing. The main question at the moment is to define the type of information that is useful.  
(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 46).
- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - The court that prevails over the Court Administration Commission of the canton of Solothurn requires regular statistics and lists; the court also keeps its own statistics with the court administration application JURIS 2011.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 43).
- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - As a result of collecting management information priorities are reassessed and resources re-distributed. Without the collection of this management information on performance the problems would not be identified and the decline in performance would have continued.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 9).

## Guideline 9

**The reports on the results of analysis should be produced at regular intervals, at least once a year, with appropriate recommendations.**

### *Comments and implementation examples*

- **Sweden** - The National Courts Administration of Sweden makes statistical follow-ups on the basis of average current duration of different cases and on cases older than six and twelve months. The National Courts Administration also helps the courts by producing tools as a support in their operational planning and follow-up. The courts make their own follow-ups and most of them report on cases that have been pending for a given length of time. In these reports one can, for example read the reasons for delay.  
(Source: CEPEJ(2007), Report Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 18).
- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - Statistics will be regularly kept within the court. Possible actions will be taken afterwards. Every three months, all cases will be checked for the presence of a deadline and, if necessary a deadline will be provided. Once a year, the Court Administration gives an annual report to the supervisory authority (Parliament of the canton of Solothurn) based on the word of the Judicial District Dorneck-Thierstein. The report of the Court Administration on the court management shows that the High Court president and the court administrator visited the Judicial District and discussed with them based on the annual contract the case management for the year 2009. The report also includes recommendations for the fastest possible completion of the proceedings that are pending for more than two years.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 43).

- **Switzerland** - The business management application JURIS includes the necessary data for the control of the proceeding duration and allows to produce the required statistics. The justice report includes general statistics on the case and time management of the Judicial District Dorneck-Thierstein: business and civil law remedy statistics, Criminal law, and the indicators, particularly relating to procedure length.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 40). <sup>Guideline n. 9</sup>

## **Established targets**

### **Guideline 10**

**In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. The court managers should have sufficient authorities and autonomy to actively set or participate in setting of these targets.**

*Comments and implementation examples (see also related examples of guideline 1)*

- **Norway** - *Nedre Romerike Tingrett* - The court explicitly adheres to the national standards for case handling time in its annual plan and also to some extent further specifies them. When national standards are lacking, the court supplements with its own goals for time use. According to the target in the annual plan of the court, 95 percent of all ordinary civil cases shall be disposed of within 180 days and 75 percent of the all small claims within 90 days. The pilot court also has an overall ambition of being among the best first instance courts in Norway in swift disposal of cases. National statistics is used to compare with other courts  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 37).
- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - Local targets are set for different parts of the court office. Types of work may be allocated a target time for completion and daily reports produced to monitor progress. This information is used for the local allocation of resources to achieve maximum efficiency.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 8).
- **United Kingdom** - *Central London Civil Justice Centre* - Court Managers must ensure that they work with the local judiciary in setting local targets. Full autonomy cannot be given as much depends upon how judicial diaries are organised and the needs of the judges to attend to matters of priority. Progress has been made in setting local targets for interim applications, urgent matters relating to injunctive relief and applications for a stay of execution. Locally agreed targets including family matters are contained in the local judicial listing policy and this also provides information to administrative staff relating to the numbers and types of cases that must be listed within a target period.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 11).

### **Guideline 11**

**The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.**

*Comments and implementation examples*

- **Norway** - *Nedre Romerike Tingrett* - National goals for time use are confirmed or revised regularly by national authorities (Parliament, Ministry of Justice, National Court administration). The National



court administration generates reports on all first instance courts every six months. The court also reports once a year to the National court administration on the fulfilment of the targets set in its annual plan and comments and explains the figures in the text. The annual report also comments on other issues.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 37).

- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - The agreed targets of the Judicial District Dorneck-Thierstein are included in the annual contract. They consist of individual goals (such as coping with impending staff changes), indicators (resolution ratios and resolution durations). The annual report of the previous year shows that the goals are realistic. The targets will not be published. Only the performances of the Court (resolution ratios and resolution durations) will be published in the annual report, the half-year report and the progress report. The content of the annual contract will be reviewed annually and if necessary re-defined.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 44).
- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - National targets are published as is the performance against target. These targets are set each year after reviewing the previous year's outcome and are considered achievable. Performance against some local targets is all displayed for the public and other court users and this performance is discussed at user group meetings.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 9).
- **United Kingdom** - *Central London Civil Justice Centre* - Targets are judged to be achievable by assessing workflows against case type, judicial availability and importance. The listing policy is reviewed regularly and this must be the case as changes to legislation, workflows and changing judicial resources must be factors built into the review. The policy should be published and court users must be aware of the aims and targets.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 11).

## Guideline 12

**The targets may be used in the evaluation of the court performance. If they are not achieved, the concrete steps and actions have to be taken to remedy the situation.**

### *Comments and implementation examples*

- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - The resolution ratio and resolution duration defined as targets will be included in the annual report as proof of the additional yield. In the ensuing discussion between the court and the supervisory authority the possible necessary measures will be agreed.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 44).
- **United Kingdom** - *Central London Civil Justice Centre* - National targets are firstly used in the evaluation of Court performance as all Courts are assessed against them. Local targets are also used to measure performance. From a user perspective they are no less important and the relationship between National and local targets are inter-linked. For example, missing a target for interlocutory case management hearings may impact upon the substantive hearings and reflect poorly upon court performance.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 11).

## **Crisis management**

### **Guideline 13**

**In the situations where there is a significant departure from the targets set at the court level, there should be specific means to rapidly and adequately address the cause of the problem.**

#### *Comments and implementation examples*

- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - The annual contract foresees that the indicators and the list of the cases that are pending for over two years, will be delivered by the middle and the end of the year and that by significant deviations, the district court directorial President shall immediately inform the Administrative Court commission of the reasons. The purpose of this reporting obligation is to detect deviations early and if necessary, to take specific measures in time.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 45).
- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - The results against local targets are circulated to Senior Management and the Court Manager is accountable for failure to meet targets and would be required to produce recommendations and a plan to rectify failures. It is important that managers are pro-active and take remedial action at the earliest stage.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 9).

## **Timing agreement with the parties and lawyers**

### **Guideline 14**

**Where possible, the judge should attempt to reach agreement with all participants in the procedure regarding the procedural calendar. For this purpose, he should also be assisted by appropriate court personnel (clerks) and information technology.**

#### *Comments and implementation examples (see also related examples of guideline 2 and PART 2 guideline ID1 p. 29.)*

- **Italy** - *Turin First Instance Court* - Recent reforms of the Italian civil procedure have brought about the need, for each judge, at the start of each proceedings, to draw a calendar of the process, in which the judge, taking into account lawyers' advices, "foresees" and "predicts" when each and any of the steps of the process will take place. Moreover, according to the guidelines issued by the President, each judge has to try to help parties to friendly settle the case. During such hearings judges prospect to the parties the advantages brought about by a settlement, also envisaging what could be the path to be followed by the  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).
- **Norway** - The judge should be responsible for the fact that the main hearing is actively steered. This contains for example ensuring that the process is concentrated and can be carried out without time waste for the court or the parties involved. It has been suggested in Norway that the judge must, at the beginning of the process, go through the timeframe with the parties involved and clarify any possible obscurities related to cause of action, evidence and so forth. Moreover, it has been proposed that the courts should organise meetings with representatives of local lawyer associations in order to develop means that can strengthen and enhance the processing of civil matters. It has also been suggested that guidelines for preparatory work and carrying out main hearings in civil matters should be planned and developed together with lawyers. It is desirable that a representative of the court would participate in the membership meetings of the local lawyer association whenever new guidelines are adopted or other changes made to the court practices. It

is important to include lawyers in the co-operation. Co-operation between different courts has been called for in order to develop guidelines to establish the best possible practices.

(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 24).

- **Sweden** - A number of amendments of the Swedish Code of Judicial Procedure, which comprehends both civil and criminal cases, have been proposed in order to modernise the proceedings in the general courts. Several proposals concern the use of new technologies. Parties or witnesses involved will be able to take part in court proceedings by videoconference instead of appearing in the courtroom. When deciding if a person can participate via video link, the court should consider the cost or inconvenience that would otherwise arise and whether the person is afraid to appear in person. One condition for using videoconference is that it is not deemed inappropriate. Furthermore, the testimony given in the district court will be recorded by video. Such a recording can then be used in the Court of Appeal. This will enable the Court of Appeals deliberations to be limited to the facts that were known to the court of first instance. The use of video technology will reduce the risk of having to adjourn court proceedings due to witnesses and parties failure to appear in court. It will also make it easier to plan and hold trials and other hearings, which will result in a speedier trial. It is also proposed that the court will be able to reject evidence when, despite all reasonable efforts, it proves impossible to hear evidence and the judgment of the court cannot be further delayed. To hold a main hearing before deciding a case is the normal procedure in criminal cases. In the future, it will however be possible for the district court to decide criminal cases without holding a main hearing when there is no reason to impose a sentence other than a fine, unless a party demands a main hearing or if such a hearing is necessary for the sake of the judicial inquiry.  
(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 42).
- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - Upon arrival of a new case, the next steps will start immediately and, if possible, they are set in agreement with the parties involved.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 45).
- **United Kingdom** - *Queen's Bench Division of the High Court of Justice* - During the process the parties are present either in person or by telephone and are involved in the discussions regarding the timetable and future hearings. If a party does not attend the court will make the decisions in their absence. The court may also receive a proposed consent order agreed by the parties. This proposal will be considered by the judge and allowed if it is reasonable, if not, the parties will be required to attend a hearing.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 7).
- **United Kingdom** - Virtual Courts (Video and Telephone Conferences): this scheme involves the use of IT and video links to prisons and police stations. Telephone conferences will normally not be accepted for testimonies needed to establish disputed and crucial facts.  
(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness, Timeliness Report 2010-2011, p.24)

## Guideline 15

**The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all parties, or if the interests of justice so require.**

### *Comments and implementation examples*

- **Czech Republic** - *District of Prague* - Extension requests of the parties are accepted only if the proves yet presented in the process can be used (art. 95 point 2 Civil proceeding law). In cases where an expertise is required, the deadline will be fixed by the court. In case of delay, the expert will be reminded insistently to deliver his report under the sanction of a fine.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 4).

- **Denmark** - *District Court of Esbjerg* - The court sets up meetings with the prosecutor and the defence lawyer to plan the schedule of the case to avoid unnecessary adjournments during the trial.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
- **Italy** - *Turin First Instance Court* - Article 117 of the Italian Code of Civil Procedure allow the Judge to take into account parties’ behaviour in order to adjudicate the case. It happens some times that a party (or his/her lawyer) does not co-operate with the expert appointed by the judge, not providing information the expert requires, or having the expert fix dates for inspecting a building, or a machine, etc. and then not attending on that occasion. Under such circumstances the Judge can take into account such facts and decide the case against the party who did not co-operate. A new version of Article 96 of the same Code provides for now that, even without a particular request on this point, the Judge can *ex officio* sentence the party losing his/her case to pay a sum of money (to be fixed by the Judge) to the other party, when the case or the defences of the losing party are frivolous. Older judges are much more linked to “lenient” practices of the past, but I have very much confidence in new generations of judges, who are much more ready to apply sanctions against disloyal parties and attorneys. Once again, specific guidelines on this topic by the Head of the Court could be of use in persuading “older” judges to take into account, when the case has to be adjudicated, of the behaviour of parties and lawyers.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 30).
- **Latvia** - *Riga Central District Court* - Hearings cannot be postponed without fixing new dates.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
- **Norway** - *Nedre Romerike Tingrett* - The court’s case administrators work actively on scheduling cases within the set deadlines and targets. A lawyer who instigates proceedings or represents a defendant is supposed to be able to conduct the case within the official time limits. If the lawyer is unavailable, the administrators pressure for a transfer of the case to another lawyer at the firm. The court’s practice on adjournments is restrictive and mainly limited to illness documented from a doctor’s certificate.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 38).
- **Switzerland** - *Judicial District Dorneck-Thierstein (first instance civil and criminal court)* - Extension requests of the parties are generally not granted more than twice (art. 81 Civil proceeding law of canton of Solothurn from 11.9.1966).  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 41).
- **Switzerland** - In cases where an expertise is required, the deadline will be agreed with the expert (telephone interview). In case of delay, the expert will be reminded insistently to deliver his report. In general a delayed expertise occurs only rarely. To avoid date collisions and delays, the date and time of the hearings will be fixedly settled with the lawyers.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 41).

## PART 2

### Comments and Implementation Examples of Saturn Guidelines

#### I. General principles and guidelines

##### A. *Transparency and foreseeability*

1. The users of the justice system should be involved in the time management of judicial proceedings.
2. The users should be informed and, where appropriate, consulted on every relevant aspect that influences the length of proceedings.
3. The length of proceedings should be foreseeable as much as possible.
4. The general statistical and other data on the length of proceedings, in particular per types of cases, should be available to general public.

*No Comments and implementation examples identified at this stage*

##### B. *Optimum length*

1. The length of judicial proceedings should be appropriate.
2. It is particularly important and in the public interest that the length of judicial proceedings is not unreasonable. The cases should not last excessively long. They should, under some circumstances, also not be too short, if this would unduly impact the users' right of access to court.
3. The time management of judicial proceedings, if not determined by the behaviour of the users themselves, should be made in an impartial and objective manner, avoiding significant differences with regard to timing of similar cases.
4. Particular attention should be given to the appropriateness of the total length of proceedings, from the initiation of the proceedings to the final satisfaction of the aims that the users wanted to obtain through judicial process.

*No Comments and implementation examples identified at this stage*

##### C. *Planning and collection of data*

1. The length of judicial proceedings should be planned, both at the general level (planning of average/mean duration of particular types of cases, or average/mean duration of process before certain types of courts), and at the level of concrete proceedings.  
**This guideline is one of the 15 Saturn priorities**
2. The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps.  
**This guideline is one of the 15 Saturn priorities**

3. The length of judicial proceedings should be monitored through an integral and well-defined system of collection of information. Such a system should be able to promptly provide both the detailed statistical data on the length of proceedings at the general level, and identify individual instances at the origin of excessive and unreasonable length.

*Comments and implementation examples, (see also related examples of PART 1 priority guideline 6)*

Comment: States should implement GIC3 by establishing national, uniform IT systems at the courts that allow for monitoring of all time use and deadlines relevant for the implementation of the SATURN guidelines. Preferably the systems should be uniform in some respects also on the European level, making it possible for European instances like CEPEJ to compare time use all over Europe. CEPEJ is in the progress of developing European standards for time measurement.<sup>10</sup>

- **Austria - Linz District Court** - Each case with no new entry in the electronic registry for more than three months appears automatically into a checklist. This list is handed out monthly to the head of court and to the judges and their staff for controlling.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
- **Czech Republic** The Czech courts use an information system which provides for all kind of information on the proceedings including the length of different kind of respective periods. This is the project that the pilot court is going to propose: to enlarge the existing IT system, that will be able to show everyday’s overview of all cases having a critical time or when a stand-still or dead time overcome certain time limit (i.e. one month). There are data collected by the statistical bodies of the Ministry of Justice. The justice report includes general statistics on the case and time management of the District Court of Prague 1: business and civil law remedy statistics, Enforcement of the decision, Family law, Criminal law (T) (*these statistics are from the point of view of the Ministry of Justice, internal, confidential, in the Czech language*). There is a periodical control of length of proceedings (every 6 months) of old cases (more than 3 years) performed president of each court. Each individual judge has to provide respective justifications. President can take measures – usually order concrete judge to work on the case immediately. There is also other control existing, from the side of higher courts and the Ministry of Justice. The Ministry of Justice is responsible to collect and publish the information collected.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 3 - 6).
- **Czech Republic - District of Prague** - There could be useful to extend existing information system by the application on the guardian of time limits, in other words to extend this IT application the way to bring to attention of judges files or cases with so called risky deadlines that should be worked out (i.e. judgment that should be written down, etc., or the files in which there has not been done any procedural act for more than i.e. 2 months, or in case where the file is older than two years, so it needs special attention etc.). Those files (cases) should be marked with visible color when judge opens the computer. Every judge would have this way the overview over his files. The idea of one specific project is to widen the IT program in the way that it would guard the old files. It means that the IT program would be able to appoint to the judges of the pilot District court of Prague 1, who will be willing to participate to this project the file which has a dead time period longer than one or two months so that he can bring his attention to this concrete file. And then, when this project would show up usefulness and brings positive results (lower the number of old cases), try to spread this project to other courts.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 3 - 6).
- **Finland - Turku Regional Administrative Court** - All steps in the proceedings of each case are registered in the case management system. All the waiting times can be monitored and analysed.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).

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<sup>10</sup> This comment has been written by Mr. Jon Johnsen.



- **Georgia - Tbilisi Appeals Court** - Tbilisi Appeals Court is the only court so far in Georgia which has and operates its own electronic case management system which produces number of landmarks in all types of cases. Such landmarks are

  - Time limit for admission of the case;
  - Time limit for appointing the first hearing;
  - Deadline for writing of the judgment;

In addition, all the procedural steps and documents are registered on the web page while word documents are attached to the same page and the parties can through their passwords view the current situation with their case and download word documents. When the time frames are exceeded the cases are shown in red letters on a screen and it is easily identifiable that this case has a problem.

The chairman of the court can obtain the information about the lengthy cases, their quality and their content. If the situation is very problematic a special meeting may be held discussing the situation with the lengthy cases.

Conclusion – At this stage the above mentioned intervention shall be considered to be sufficient, however, there is always room for improvement, however, such improvement shall not take the form of overburdening the judge and the staff and allowing the necessity of prompt hearing to outweigh the necessity of fair trial, adversarial proceedings and quality of judgments.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).
  
- **Italy - Turin First Instance Court** - It is useful to monitor the backlog situation and the correct proportion between input and output. In the future it might be envisaged to have an automatic monitoring of cases which last more than a fixed period of time. The system could automatically issue sort of “warnings” to the judge (directly sent to his/her mailbox), informing him/her of a possible problem. Currently judges are obliged to personally take care of this aspect and monitoring statistical data. This happens, of course, already with the help of computerized systems, but the initiative nowadays has to come from the judge. In this Court, only if the case has lasted more than three years, some colleagues charged by the President will inform the concerned judge (or his/her President of section) of this. It would be important in the future to be warned in time, even before the said timeframe has elapsed.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).
  
- **Lithuania - Regional Administrative Court Vilnius** - Inactive cases for more than three months are brought to the attention of the head of court.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
  
- **Norway - Frostating Lagmannsrett Court of Appeal** - The length of proceedings are monitored and evaluated with statistical measures as a routine, at least every three months.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 12).
  
- **Norway - Nedre Romerike Tingrett** - The national, electronic case handling system (LOVISA) produces a set of landmarks in civil cases as soon as the case is registered. The landmarks are:

  - Time limit for sending off the plaintiff’s writ to the defendant
  - Time limit for receiving the defendant’s pleading
  - Deadline for scheduling the planning meeting
  - Time limit for scheduling the main hearing
  - Deadline for writing the judgment

The court then demonstrated how it used the landmarks during the processing of civil cases and how the progress of each case according to the landmarks was monitored through monthly reports generated from the electronic case handling system. These reports are checked by the chief judge and the chief administrator and also sent to each judge for keeping them updated on the progress of their cases. The judges found them useful, although some mildly remarked that they felt the reports a bit stressing and that the quality of the decision mattered more than the speed. The chief judge has the power to intervene if a significant deviance from the landmarks should occur and had not experienced any need for more extensive powers for intervention.

In criminal cases, the national electronic case handling system only produces statistics on average case handling time, which the court uses for quarterly monitoring



However, the national electronic system allows each court to put in its own deadlines in addition to the national ones. The pilot court makes use of this opportunity in all three types of cases. In cases on enforcement, for example, the court has added deadlines for:

- the enforcement officer's notification to the party (debtor)
- the debtor's one month's respite for fulfilling the claim
- making the decision on involuntary sale of confiscated property
- the four month limit for the enforcement officer to sell it
- the two week limit for the parties to protest on the sale

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).

- **Norway** - *Nedre Romerike Tingrett* - Reports on ordinary civil cases and criminal cases are discussed monthly in leader team meetings at the court. Reports on estate and enforcement cases are discussed quarterly or more frequently when special circumstances substantiate. An example is the present economic crises that might generate an increase in bankruptcy cases. If significant deviances from the time use targets are discovered, action is taken – for example by reallocating cases among the judges. Since swift case handling is a prime goal for the pilot court, efforts is made to analyse statistics and other information to pursue this goal. As mentioned in the example, analysis is not limited to statistical information. Another example: A nation wide police strike on overtime work in 2009 significantly slowed down the investigation of criminal cases and resulted in a huge backlog within the police. To be prepared if a huge bulge in the flow of criminal cases appears, the court tries to update itself on how the dismantling of the backlog progresses in the local police and prosecution. The court produces monthly statistics and yearly reports.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 36).
- **Switzerland** - *Judicial District Dorneck-Thierstein* - The business management application JURIS includes the necessary data for the control of the proceeding duration and allows to produce the required statistics. The justice report includes general statistics on the case and time management of the Judicial District Dorneck-Thierstein: business and civil law remedy statistics, Criminal law, and the indicators, particularly relating to procedure length).  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 40).

#### **D. Flexibility**

1. The time management of the judicial process has to be adjusted to the needs of the concrete proceedings, paying special attention to the needs of users.

*Comments and implementation examples (see also related examples of PART 1, priority guidelines 2 and 14)*

- **Denmark** - *Esbjerg District Court* - The Danish courts undertake, for each district, users' surveys on a regular basis. Studies to measure the confidence and satisfaction of the users vis-à-vis have been implemented in few pilot courts.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
  - **Finland** - *Rovaniemi Court of Appeal* - An external research Institute compiles a survey on the appellant's views of the civil trial.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
  - **United Kingdom** - *Manchester County Court* - Three public surveys are carried out per year.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 8).
2. The normative setting of time-limits by legislation or other general acts should be used cautiously, having regard to possible differences in concrete cases. If the time limits are set by the law, their observance and appropriateness should be continually monitored and evaluated.

### *Comments and implementation examples*

- **Finland** - In year 2006, the Finnish Ministry of Justice had an idea, that a totally new and fresh perspective and expertise were needed in the battle against the delays and in finding novel solutions to the court system operations and processes. This idea shaped up as a judicial process improvement and delay reduction innovation, which is also called the Projects of Logistics in daily use. In this innovation the court system processes are viewed and analyzed with cross-scientific perspectives by merging knowledge and ideas from industrial management and the law. In order to do this, a research group from Lappeenranta University of Technology (Supply chain and operations management) formed a process improvement teams together with the management and employees from the Helsinki Court of Appeal and Insurance Court. The main stages of the project were:
  - a) Thorough inventory of pending cases of the different working units of the court (age, type and size of pending cases),
  - b) Analysis and evaluation of the process and improvement needs (e.g. operational statistics, and interviews),
  - c) Planning the improvement initiatives (in group work-shops),
  - d) Implementing the improvement actions (e.g. pilot-testing, training, personal guidance), (v) evaluation of the improvement actions (e.g. inter-views, numerical analysis, needs for changes).As a result of the Projects on Logistics the courts have in use new work and management procedures which have had a huge impact on process efficiency. The new procedures include for example: a) New production planning practices using multiple project control. New work planning practices were developed where the cases are treated as projects. The proceeding of the case is scheduled immediately after arrival and the handling process is planned according to this scheduled date. b) A new follow-up and control system using time-limits for each stage of the handling process. An IT-tool based follow-up system was build, which has time-limits for every phase of the handling process and which alerts if the case exceeds these limits. The system can be used as a tool both for planning the order of work and for the overall management follow-up of the situation. c) New procedures to highlight and control the progress and flow of more complex cases. The more complex cases often got stuck in the process. In order to avoid this, procedures to identify and highlight these cases from the mass were developed. d) Establishment of prioritization rules and determining definite through-put-time objectives for different case-groups. The goal of the projects was that no case should be pending over 12 months and this was very well achieved. When the projects started in Helsinki Court of Appeal as much as 34 % of the pending cases were older than 12 months and in Insurance Court 16 %. After the projects, the situation is dramatically better; Helsinki Court of Appeal has now 7 % of pending cases older than 12 months and Insurance Court 8 %. The situation is continuing to improve as the use of the new procedures becomes more and more routine.  
(Source: European Network of Councils for the Judiciary, Project Team on Timeliness Timeliness Report 2010-2011, p. 28)

3. If the law provides that particular types of cases should have priority or be decided urgently, this general rule has to be interpreted in a reasonable way, in the light of the purpose for which the urgency or priority was provided.

### *Comments and implementation examples*

- **Czech Republic - District of Prague** - There are some types of cases which have priority (with the duration set in the procedural law – for example: preliminary measures, family and penal cases). There is a control over following these rules.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 6).
- **Italy - Turin First Instance Court** - Priorities should be set in the framework of an agreement between Court and Bar. It happens that very often (especially during the summer time) a number of “urgent” cases are brought before the Court which actually have nothing to do with urgency. Lawyers should become aware that if any case is submitted as “urgent,” then the following lengthening of timeframes jeopardises the (relatively few) cases which are really and genuinely urgent.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 24).

- **Norway** - The first instance hearing in a criminal case should be held within 6 weeks after the case has been brought before the district court if the defendant remains in custody or is a juvenile. Appeal hearings shall then be held within 8 weeks after permission to appeal has been granted. Some civil matters are generally prioritised in terms of timeframes of proceedings. Examples of this kind of matters are child custody matters and labour disputes. In Norway the hearing in a criminal case should be held within 6 weeks after the case has been brought to the district court and within 8 weeks after permission to appeal has been granted by the court of appeal. At the same time, some matters are generally prioritised in terms of timeframes of proceedings. Examples of this kind of matters are child custody matters and labour disputes.  
(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 24).
- **Sweden** - Certain matters, such as some criminal cases, are generally considered priority cases in the Nordic countries. For example in Sweden, cases where a person is on remand together with a number of cases where the person is under the age of eighteen are cases for which the legislation contains provisions requiring the case to be dealt with within a specified maximum period. Also, so called family cases, i.e. cases that relate to custody, access or a child's residence, are normally given priority. The general demand for urgency in youth criminal procedure that previously concerned the police and the prosecutor was supplemented with a deadline reform regarding certain matters in Sweden. Currently the pre-trial investigation of those who are under the age of 18 and pre-trial investigations of crimes in which the prison sentence can exceed six months will be processed with particular urgency. Moreover, preliminary investigation must be completed as soon as possible and the charge decided latest within six weeks from the completion of the pre-trial investigation. The main hearing shall be held within two weeks from the moment the charge has been brought in cases where the accused person is under the age of 18 and the conviction of the crime in question is more than six months imprisonment.  
(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 46).

#### **E. Loyal collaboration of all stakeholders**

1. Optimum and foreseeable length of proceedings<sup>11</sup> should be within the responsibility of all institutions and persons who participate in the design, regulation, planning and conduct of judicial proceedings, in particular by taking into account ethical rules.

#### *Comments and implementation examples*

- **Austria - Linz District Court** - All the judges receive a summary including the numbers of all the pending cases classified by duration (i.e. more than 1, 2 or 3 years). The heads of courts undertake consistent activities with this information such as balancing the caseload or commencing disciplinary proceedings. Parties can request the Court of Appeal to fix a time limit for special parts of proceedings, if they believe the judge's activities are not on time.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
- **Finland - Turku District Court** - The head of court confers annually with every judge. In these conversations all cases that are considered pending for too long are discussed.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).

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<sup>11</sup> See the Framework Programme: "A new objective for judicial systems: the processing of each case within an optimum and foreseeable timeframe (CEPEJ(2004)19Rev2) and the "CEPEJ Study N°3: Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights" (F. Calvez – Council of Europe publishing) available on [www.coe.int/cepej](http://www.coe.int/cepej).

- **Germany** - *Stuttgart Regional Court of Appeal* - There is a system of inspections (Nachschau) through which the upper judges visit periodically the lower courts to control all cases pending longer than a certain period.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
  - **Hungary** - *Veszprem Municipal Court* - The upper court monitors the monthly report of the lower judge, checking monthly the settling of pending cases older than 2 years.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
  - **Italy** - A significant role in the case management is played by the lawyers. Therefore it is important to involve Bars in the process of reduction of judicial delays. Actually it may happen that very similar cases have very different lengths, simply because the lawyers tried to make use in some cases of procedural tactics and “tricks” which may result in a waste of time. Of course it is also up to the judge to be vigilant and to discourage such practices. For instance, it may happen that adjournments are required by lawyers, who assure they are going to settle the case, and they need time to do it. Here it is up to the judge not to be too “generous” and to monitor closely the seriousness of this prospective settlement, as well as the honesty and truthfulness of the intentions of the lawyers and of the parties who are involved in the case.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).
  - **Latvia** - *Riga Central District Court* - Once a week the head of court holds meetings with the judges to discuss problems and solutions related to timely examination of cases. Judges are accountable and may be disciplined for the delay in case processing.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).
  - **Malta** - Upon application of a litigant the president of the court may reassign the case to another judge. Provided that the new judge is required to prioritise the case, the reassignment will bring the parties closer to a decision, but the remedy seems to conflict with the principle of having the judge who heard the evidence give the judgement. A case may be reassigned, if it has been pending for more than 3 years or the judgement after the final hearing has been pending for more than 18 months.  
(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness , Timeliness Report 2010-2011, p. 25)
  - **Norway** - *Midhordland Tingrett District Court* - The head of district court makes monthly inspections and obtains monthly statistical reports showing for the court’s total processing hours. There is a procedure that enables the parties to complain about a judge to the Supervisory Council for judges.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
  - **Slovenia** - *Maribor District Court, Nova Gorica District Court* - Complaints from a party about the excessive length of the procedure may lead to an intervention by the head of court to speed up the proceeding.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
  - **Sweden** - *Huddinge District Court* - Pending cases are analysed by the Head of court who may ask for explanation.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
2. In particular, the actions needed to ensure the implementation of the principles and guidelines contained in this document should be undertaken by legislators, policy makers and the authorities responsible for the administration of justice.

*No Comments and implementation examples identified at this stage*

3. The central bodies responsible for the administration of justice have the duty to ensure means and conditions for appropriate time management, and take action where appropriate. The bodies of court administration have to assist in the time management by collecting information and facilitating the organisation of judicial proceedings. The bodies that conduct the proceedings should actively engage in the planning and organisation of the proceedings.

#### *Comments and implementation examples*

- **Italy - Turin First Instance Court** - In these very last months, thanks to the initiative of our Court's President an agreement with the local Law Faculty is going to be signed in the next weeks. According to this agreement a certain number of selected and qualified law students and young law graduates will be admitted as trainees in our Court for periods of some months. We will take advantage of this training initiative, on one side, to have a number of young people better trained and prepared to face the very hard competitive examination to become Judge (of course, provided they will; otherwise they will address themselves to the legal profession, however with a much higher degree of awareness about the functioning of the "judicial machinery" and of the real needs of a quicker and more efficient justice). On the other side these people will provide a "helping hand" to the day-to-day work of judges and clerical staff, helping Judges to draw minutes of hearings, to perform legal research activity, to put in order papers, petitions, acts and documents (very often hundreds of pages!) within each and any file, to single out particular questions and difficulties arising from cases, to fine-tuning the ongoing process of using IT for case management and the electronic management of procedures, to check that orders given by the judge to clerks are properly enforced, that lawyers and/or parties and/or experts have actually been informed about decisions to summon them for a certain hearing, etc. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).
- **United Kingdom - Central London Civil Justice Centre** - It is the role of Court Administration to assist the judiciary in their functions by ensuring file availability and the completeness of files and to ensure that judicial diaries are effectively managed to meet the listing requirement. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).

## **II. Guidelines for legislators and policy makers**

### **A. Resources**

1. The judicial system needs to have sufficient resources to cope with its regular workload in due time. The resources have to be distributed according to the needs and have to be used efficiently.

#### *No Comments and implementation examples identified at this stage*

2. There should be resources that can be utilised in case of unexpected changes in the workload or the inability of the system to process the cases promptly.

#### *Comments and implementation examples*

- **France** - The judges operating next to the court president (mostly heads of a department within a court) or the general prosecutor of the court of appeal can be called to temporarily replace their colleagues in case of disease, maternity leave, annual leave, training courses and also in a situation to reinforce the personnel capacity in a court in order to ensure the treatment of a case within a reasonable time (Art 3-1 of the Statute of the Judiciary). A similar solution exists for the court staff. (Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 24).
- **Netherlands** - The Flying brigade has been established in the Netherlands to support district courts overburdened by backlogs. It is a small centralised unit of judges and staff which assists



the court in the reduction of pending cases.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 21).

- **Sweden - Huddinge District Court** - The court is divided in units’ of 2-3 judges. The judges in every unit can share the amount of work so that while one judge is concentrating on for example a big civil case the others can deal with more simple ones.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 21).
  - **United Kingdom - England and Wales** - Judges appointed to the High Court are, on the whole, meant to be generalists. Yet, within the court, there are divisions and sections that require particular expertise such as criminal commercial and families. For these areas judges are ticketed for certain fields. While most expertise is evaluated and defined upon appointment, judges are able to undergo further training to acquire new expertise and new tickets.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 21).
3. The decisions on the utilisation of resources for the functioning of the judiciary should be made in the way that stimulates effective time management. If it is necessary, it should be possible to reallocate the resources in a fast and effective way in order to avoid delays and backlogs.

#### *Comments and implementation examples*

- **Netherlands** - The facility to reallocate judges to deal with cases in another district is flexible and easy to apply. Dutch judges are competent to judge cases in all districts. They are appointed as a judge in one district-court but at the same time are appointed as deputy-judge in all the other courts. Therefore judges can easily deal with cases in another court. This method of reallocation is often used.  
(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness , Timeliness Report 2010-2011, p. 21)

### **B. Organisation**

1. The judicial bodies should be organised in the way that encourages effective time management.

#### *Comments and implementation examples*

- **Italy** - In the framework of the trial court unification policy that took place in 1999, the legislator expanded the jurisdiction of the single judge in civil cases (whilst reduced the one of panel of three judges). As a consequence, the courts of general jurisdiction normally sit with a single judge with few exceptions for cases in which the law still requires a panel of three judges, compendium 2006.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 20).
  - **Netherlands** - Courts are governed by the principle of “Integral management”. The responsibility for the functioning of a court is shared by all the members of the board (court president, head of each division (vice-presidents) and a court director (non-judge)) who control and review the performances of judges and administrative staff.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 10).
2. Within the organisation, the responsibility for the time management or judicial processes has to be clearly determined. There should be a unit that permanently analyses the

length of proceedings with a view to identify trends, anticipate changes and prevent problems related to the length of proceedings.

*No Comments and implementation examples identified at this stage*

3. All organisational changes that affect the judiciary should be studied as regards the possible impact on the time management of judicial proceedings.

*No Comments and implementation examples identified at this stage*

### **C. Substantive law**

1. The legislation has to be clear, simple, in plain language and not too difficult to implement. The changes in substantive laws have to be well prepared.

*Comments and implementation examples*

- **Czech Republic - District of Prague** - Ministry of Justice is consulting during the preparation of the new laws all the actors of the justice proceedings. Problem is based at the moment on the fact that there is not such duty incorporated in employment (working) duties of those people. Therefore, they devote mostly their free time, if needed.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 4).
- 2. When enacting new legislation, the government should always study its impact on the volume of new cases and avoid rules and regulations that may generate backlogs and delays.

*No Comments and implementation examples identified at this stage*

3. Both the users and the judicial bodies have to be informed in advance about changes in the legislation, so that they can implement them in a timely and efficient way.

*No Comments and implementation examples identified at this stage*

### **D. Procedure**

1. The rules of judicial procedures must enable to respect optimum timeframes. The rules that unnecessarily delay the proceedings or provide for overly complex procedures have to be eliminated or amended.

*Comments and implementation examples*

- **Georgia - Tbilisi Appeal Courts** - In December 2010 the Parliament adopted a new amendment in Civil Procedural Code according to which if the party is present at the public announcement of the resolution part of the judgment (which is actually what was solved by the court in that case i.e. the conclusion of the court) or if a party was duly informed about the date of announcement of the judgment, then the party who wishes to appeal such judgment is obliged to come to the court not sooner than 20 and not later than 30 days after announcement of resolution part and receive copy of the motivated judgment. If the party fails to do so then the term of appeal shall be calculated from 30-th day after the announcement of the judgment. It is prohibited to renew or restore this term. Interestingly enough, this rule applies only in appeals courts (there are only two appeals courts in Georgia) and only in civil cases.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).



- **Italy - Turin First Instance Court** - Nowadays the Italian civil procedural rules oblige the judge to set a calendar for each case. Moreover, a special hearing devoted to attempt the friendly settlement of the case can help persuading parties of the need to find a solution to it, or at least to avoid practices which could uselessly enhance the length of the process. Some months ago, when we first tried to concretely implement provisions concerning the calendar of the procedure, we discovered that it was not so easy as it could have appeared at a first glance. It is almost impossible to foresee one or two years in advance what the course of the case will be and to fix a certain day for each and possible procedural event. Therefore I suggested a solution which was concretely adopted by many colleagues, consisting in fixing not exact days, but exact deadlines, such as e.g.: a) deadline for the accomplishment of the hearings for questioning witnesses: no later than 30 June 2011; b) deadline for the accomplishment of an expertise (in case this would show as relevant): no later than 31 December 2011; c) deadline for the last hearing where parties summon their final requests and petitions before the Judge adjudicates the case: no later than 30 June 2012.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).

2. The rules of judicial procedure should take into account the applicable recommendations of the Council of Europe, in particular the recommendations:
  - [R\(81\)7](#) on measures facilitating access to justice,
  - [R\(84\)5](#) on the principle of civil procedure designed to improve the functioning of justice,
  - [R\(86\)12](#) concerning measures to prevent and reduce the excessive workload in the courts,
  - [R\(87\)18](#) concerning the simplification of criminal justice,
  - [R\(95\)5](#) concerning the introduction and improvement of the functioning of appeal systems and procedures in civil and commercial cases,
  - [R\(95\)12](#) on the management of criminal justice,
  - [R\(2001\)3](#) on the delivery of court and other legal services to the citizen through the use of new technologies.

*No Comments and implementation examples identified at this stage*

3. In drafting or amending the procedural rules, due regard has to be made to the opinion of those who will apply these procedures.

*Comments and implementation examples*

- **Denmark** - Esbjerg District Court - Annual joint meetings with representatives from the prosecution service and the judicial districts' lawyers.  
(Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
- **Italy - Turin First Instance Court** - The court has established local guidelines to deal with the caseload, which have been shared with the stakeholders.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).
- **Norway** - *Frostating Lagmannsrett Court of Appeal* - Letters sent to both counsel to state deadlines for new submissions, evidential lists and input for the appeal proceedings. Letters are followed by telephone calls to decide on the date and duration of the hearing. A week or two before the appeal hearing the judge contacts the lawyer directly (by email) to define a detailed joint timetable for the appeal hearing (presentation of witnesses etc.). This is a real time-saver because it obliges the lawyers to talk to each other and agree on practical arrangements. On the criminal side, informal preparatory conferences are organised with the prosecutors for the most complex cases to discuss the evidence presentation, reasonable and realistic timing schedule etc. Guidelines for case handling are set up in writing and signed by the bar association and the court, resulting from common discussions and consensus. There are also close contacts with attorneys and a joint establishment of clerking rules for the court.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 11).

4. The procedure in the first instance should be concentrated, while at the same time affording to the users their right to a fair and public hearing.

#### *Comments and implementation examples*

- **Czech Republic** - *District of Prague* - The new legislation of the civil procedure come with the institute of so called “Legal concentration of the procedure” which means that parties should come with all their relevant facts and evidences just on the first hearing of the procedure, so that in the opposite case court can not take them in consideration (art. 118b of Civil proceeding law). (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 9).
  - **Denmark** - *Esbjerg District Court* - In civil cases a meeting is held at an early stage in the process, where the parties agree on the development of the case. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
  - **Norway** - *Midhordland Tingrett District Court* - Preparatory meetings in civil cases resulted in legal settlement in more than 80 % of cases. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 15).
5. In appropriate cases, the appeal options can be limited. In certain cases (e.g. small claims) the appeal may be excluded, or a leave to appeal may be requested. The manifestly ill-founded appeals may be declared inadmissible or rejected in a summary way.

#### *Comments and implementation examples*

- **Czech Republic** - *District of Prague* - The new legislation of the civil procedure has enlarged the amount of cases, in which the appealation is excluded. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 6).
- **Georgia** - *Tbilisi Appeals Court* - According to procedural legislation when the case arrives at court it should pass the stage of admissibility which means that the appellate claim should contain certain pre-requisites as well as the state duty (court fee) should be paid unless party is exempted from payment. If such requirements are not met the case is not admissible. Once the case is admissible the judge adopts a formal resolution (ruling) and appoints a date of hearing which usually is within one-two months from the date of admissibility. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 13).
- **Norway** - *Frostating Lagmannsrett Court of Appeal* - This court filters the less serious cases through a preliminary examination process made by three judges. If all three agree that the appeal clearly will not succeed, then they can deny referral to an appeal hearing. As a result, the District Court’s judgment is final. To have an effective procedure, a team of three judges is always ready to consider an appeal when it arrives. Most cases are therefore examined and filtered in two or three days. (Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 19).
- **Netherlands** - The Dutch small claims procedure for petty cases where the disputed amount is not more than €5,000. Such cases are heard by a single judge and legal representation is not obligatory. In the majority of such cases upon the decision of the court the judgment is delivered orally at the court session. With this regulation at least 75% of the total cases can be finished within 6 months. (Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness , Timeliness Report 2010-2011, p. 25)

6. The recourse to the highest instances has to be limited to the cases that deserve their attention and review.

#### *Comments and implementation examples*

- **Czech Republic - District of Prague** - In the present state of affairs it is the case. The recourse to the Supreme Court is restricted to the most important cases and cases not yet treated by the Supreme Court.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 11).

### **III. Guidelines for authorities responsible for administration of justice**

#### **A. Division of labour**

1. The duty to contribute to appropriate time management is shared by all the authorities responsible for the administration of justice (courts, judges, administrators), and all persons involved professionally in the judicial proceedings (e.g. experts and lawyers), each within his competences.

#### *Comments and implementation examples*

- **Czech Republic - District of Prague** - Ministry of Justice is consulting during the preparation of the new laws all the actors of the justice proceedings. Problem is based at the moment on the fact that there is not such duty incorporated in employment (working) duties of those people. Therefore, they devote mostly their free time, if needed.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 6).
  - **Italy - Turin, First Instance Court** - One of the reasons for the non-respect of the reasonable deadline requirement resides in the geographical distribution of courts on the territory. It happens very often that local sections of courts are scattered in the provincial territory (Turin e.g. has four of them in small cities around the district) and it very often happens that, due to temporary problems (pregnancies, accidents, vacancies waiting for a new judge to be sent by the High Council for the Judiciary, etc.) those seats become temporary vacant. Very often judges in the "central" seat declare themselves ready to provide help, by taking upon their shoulders cases (esp. the most urgent ones) coming from those sections. Unfortunately lawyers, in order to avoid to have their cases dealt with at only 10-15 Kms distance, oppose this allocation of cases to the judges of the "central" seat, forcing the President to dispatch judges from the "Capital" to the small cities of the district. This is of course a reason for a huge and useless waste of precious time, because judges who travel from the centre to the district have to adjourn their cases in the central seat, not counting the time needed for travelling back and forth. Everything would be much better, more performing and also more respectful of modern and efficient case management criteria, if only lawyers could accept to have their cases dealt with (for just a few months) at... 10 or 15 Kms of distance! This clear example of lack of collaboration from the part of the Bar shows how crucial a role Italian lawyers could play, were they genuinely interested in shortening judicial timeframes.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 21).
2. All authorities responsible for the administration of justice have to cooperate in the process of setting standards and targets. In the elaboration of these standards and targets the other stakeholders and the users of the justice system should also be consulted.

#### *Comments and implementation examples*

- **United Kingdom - London County Court** - Various users' groups have been established to share objectives and carry out common actions.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 10).

## **B. Monitoring**

1. The timeframes of judicial proceedings have to be scrutinised through statistics. There should be sufficient information with respect to the length of particular types of cases, and the length of the all stages of judicial proceedings.

### *Comments and implementation examples*

- **Czech Republic - District of Prague** - There is a periodical control of length of proceedings (every 6 months) of old cases (more than 3 years) performed president of each court. Each individual judge has to provide respective justifications. President can take measures – usually order concrete judge to work on the case immediately. There is also other control existing, from the side of higher courts and the Ministry of Justice.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 6).

2. It should be made clear that the standards and targets for the specific types of cases and/or specific courts are being observed.

### *No Comments and implementation examples identified at this stage*

3. The body in charge of individual proceedings has to monitor the compliance with the time limits that are being set or agreed with the other participants in the proceedings.

### *No Comments and implementation examples identified at this stage*

4. The monitoring should be done in accordance with the European Uniform Guidelines for Monitoring of Judicial Timeframes – EUGMONT.

### *No Comments and implementation examples identified at this stage*

## **C. Intervention**

1. If departures from standards and targets for judicial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy the causes of such departures.

**This guideline is one of the 15 Saturn priorities**

2. Particular attention should be given to the cases where integral duration is such that it may give rise to the finding of the violation of the human right to a trial within reasonable time.<sup>12</sup>

**This guideline is one of the 15 Saturn priorities**

3. The monitoring should make sure that the periods of inactivity (waiting time) in the judicial proceeding are not excessively long, and wherever such extended periods exist, particular efforts have to be made in order to speed up the proceeding and compensate for the delay.<sup>13</sup>

**This guideline is one of the 15 Saturn priorities**

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<sup>12</sup> See CEPEJ Studies No. 3: “Length of court proceedings in the member states of the Council of Europe based on the case-law of the European Court of Human Rights”.

<sup>13</sup> The duty to pay special attention to the periods of inactivity that can be attributed to the courts and other state authorities also arises out of the case-law of the European Court of Human Rights in relation to Art. 6 of the European Human Rights Convention.

## **D. Accountability**

1. Everyone who, by his act or omission, causes delays and adversely affects the observance of set standards and targets in the time management should be held accountable.

### *Comments and implementation examples*

- **United Kingdom - Queen's Bench Division of the High Court of Justice** - During the course of judicial case management the judge will decide if one of the parties is causing delay and impose sanctions or order that party to cover the other person's costs. If the court is responsible for the delay compensation may be paid to cover the additional costs incurred by delay cause. In addition, the judge may order the lawyers to be the wasted costs incurred by the parties because of the delay and if necessary strike out the claim or defence and award the case to the other party. If the court staff and or management are responsible this will be identified by the performance reports for the court and be reflected in the appraisal of the staff, possibly impacting on their pay and promotion prospects.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 8).
- **United Kingdom - Central London Civil Justice Centre** - Accountability rests with the parties to the case. Any departure from the timeframes may render the offending party to a sanctions order and costs. In regard to the Court rules either party can make application either with or without a hearing and the judge must consider the implications to the progress of the case when making an order. In addition any party that makes an application for an adjournment of a case, for an order to vary a time frame or to amend must show good and just cause in doing so and judges will not grant any order without ensuring that a party is unreasonably disadvantaged.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).

2. In addition to the individual accountability for the ineffective time management, the state may be held jointly and severally accountable for the consequences caused to the users by the unreasonable length of proceedings.

### *Comments and implementation examples*

- **United Kingdom - Central London Civil Justice Centre** - The state provides the resources to the Court to discharge its functions. Therefore, if the length of proceedings are found to be unreasonable then the administration must anticipate the potential problems before they are experienced. Both the administration and the State must then consider what additional resources are required to remedy the problem. In addition administration must be satisfied that systems for listing, economical usage of judicial time and any other listing related factors are efficiently managed.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 11).

## **IV. Guidelines for court managers**

### **A. Collection of information**

1. The court managers should collect information on the most important steps in the judicial process. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four<sup>14</sup>.

**This guideline is one of the 15 Saturn priorities**

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<sup>14</sup> Time management Checklist (CEPEJ(2005)12Rev).



2. The information collected should be available, to inform the work of court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public.

**This guideline is one of the 15 Saturn priorities**

### ***B. Continuing analysis***

1. All information collected should be continually analysed and used for the purposes of monitoring and improvement of performance.

**This guideline is one of the 15 Saturn priorities**

2. The collected information should be available for the purposes of statistical evaluation. Subject to the protection of privacy, the collected data should also be available to independent researchers and research institutions for the purpose of scientific analysis.

**This guideline is one of the 15 Saturn priorities**

3. The reports on the results of analysis should be produced at regular intervals, at least once a year, with appropriate recommendations.

**This guideline is one of the 15 Saturn priorities**

### ***C. Established targets***

1. In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. The court managers should have sufficient authorities and autonomy to actively set or participate in setting of these targets.

**This guideline is one of the 15 Saturn priorities**

2. The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.

**This guideline is one of the 15 Saturn priorities**

3. The targets may be used in the evaluation of the court performance. If they are not achieved, the concrete steps and actions have to be taken to remedy the situation.

**This guideline is one of the 15 Saturn priorities**

### ***D. Crisis management***

1. In the situations where there is a significant departure from the targets set at the court level, there should be specific means to rapidly and adequately address the cause of the problem.

**This guideline is one of the 15 Saturn priorities**

## **V. Guidelines for judges**

### ***A. Active case management***

1. The judge should have sufficient powers to actively manage the proceedings.

#### *Comments and implementation examples*

- **Ireland** - The case load of the High Court is divided into a number of lists. Some of the busiest lists, most notably, the Personal Injuries, Non Jury/Judicial Review and Commercial Lists, operate systems of list management to deal with the large volume of cases listed. The judges

managing court lists often use “positive call overs” to ensure that cases are progressed through the system as speedily as possible. These are usually done at the same time as a list to fix dates for trials. This exercise occurs at a stage in the proceedings after the pleadings have been closed and a notice for trial served by either party. Although the case will have been certified as ready for trial by one or both sides and thus placed in a list to fix dates for trials, frequently there are outstanding unresolved procedural issues, usually discovery of documents. In a “positive call over”, the legal representatives of the parties are required to attend court to confirm that their case remains “live” and inform the court if they are ready to proceed. Any case in which the parties fail to appear can be struck out and can only be re-entered by order of the court. Problems causing delay in progressing a case are frequently brought to light in these call overs and a form of informal case management can be applied. Thus the judge can make appropriate orders directed to any party, perceived to be in delay in any requisite procedure. Often where delay occurs because a problem has been encountered by a party, not involving culpable delay, the discussion which ensues between the parties and the judge can lead to a solution to the problem without the necessity of recourse to a court order. These call overs can take place three or four times a year and are a very useful way of ensuring that the entire stock of cases in a particular list is kept under active supervision and management, so that delay can be minimised.

(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness, Timeliness Report 2010-2011, p. 26)

- **Italy - Turin First Instance Court** - The Judge has little or in-existent power to fix a “quick start” of the case, taking into account rules set forth by the Italian Code of Civil Procedure. Actually, according to Article 163-bis, between the day in which summoning act has been served to the defendant and the day of the first hearing before the Judge, at least ninety days must elapse (in case the summon act has been served in a foreign country that period of time is of hundred and fifty days). If one thinks that, at the first hearing, parties have the right to get an other adjournment of at least eighty days for “fine-tuning” their petitions and pretensions (and it is enough that just one of them asks for it, without any power for the judge to deny the adjournment) it becomes clear that, after the service of a summoning on a certain day (a day which, among other things, concretely and procedurally marks the official start and beginning of the case), in the “quickest” imaginable solution, the Judge can practically start dealing with the case not sooner than six months after this event. This means that the Judge can start playing a pro-active role only after that (at least!) a good half of the first of the two (or three, according to our Strasbourg Programme) years of the “reasonable timeframe” has already elapsed.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).

- **United Kingdom - Central London Civil Justice Centre** - Civil Procedure Rules provide the judges with sufficient case management powers. They can make orders for directions “by their own initiative” and provide any additional directions for the economical and effective disposal of a case as they see appropriate.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).

2. Subject to general rules, the judge should be authorized to set appropriate time limits and adjust the time management to the general and specific targets as well as to the particulars of each individual case.

#### *Comments and implementation examples*

- **Ireland** - Case management is used by the High Court to reduce delays in proceedings. It is common in cases which have the potential to take a long time at trial and these cases can be shortened considerably. The judge can, after the defence is delivered, ascertain the contentious issues, direct the appropriate pre-trial measures, e.g. discovery, and confine and tailor these to the actual contentious issues. A timetable can be fixed for completion of pre-trial procedures and the trial itself. All of this ensures that in the trial itself, the evidence and the legal argument are confined with precision to the real issues in contention. The judge may decide to fix a timetable for the completion of preparation of the case for trial, if there has been undue delay; he may require the party to explain the delay and make any ruling or direction which might expedite proceedings or, if the judge is dissatisfied with the conduct of

proceedings, he can disallow the costs associated with irrelevant or excessively lengthy processes. Case management may be exercised in case management conferences conducted by a judge and attended by solicitors and counsel for the parties. These conferences are ordered or directed by the judge at the initial directions hearing, and if no direction is given at this stage, either party may apply by motion to the Court at any time prior to trial for a direction that a case management conference be held. The general purpose of such conferences is to ensure that proceedings are prepared for trial in a manner which is just, expeditious and likely to minimise the costs of proceedings. The judge's focus is on the timely progression of proceedings and his readiness to disallow costs, acts as a disincentive to parties to engage in excessive interlocutory proceedings, e.g. discovery. Every case, whether or not it has been the subject of a case management conference, is subject to a pre-trial conference at which the judge establishes the steps that remain to be taken in preparation for the trial. The judge must establish the length of and arrangements for trial. If the judge is satisfied that the case is ready to proceed, he will fix a hearing date. The judge can request the parties to consult and agree documents for trial.

(Source: European Network of Councils for the Judiciary, (2011), Project Team on Timeliness, Timeliness Report 2010-2011, p. 25)

- **Italy - Turin First Instance Court** - The Italian Code of Civil Procedure leaves little judicial discretion in this field. For example, adjournments on the basis of Article 183 of the Italian Code of Civil Procedure cannot be avoided, if at least one of the parties requires them, even in cases where it is absolutely clear that they are useless and that lawyers just need them in order to "add" such adjournments (as well as the petitions they wrote for each and any of them) on their final check for the liquidation of their fees and honoraries. However, rules set by the President of the Court about time limits in a framework such as that of the "Strasbourg Programme" can also help the Judge to try to convince parties to avoid unnecessary requests and to try to "adjust their pace," in order to meet the requirements of a quicker procedure. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).
- **United Kingdom - Central London Civil Justice Centre** - This is generally the case but the priority of a judge must firstly be to make orders with time frames that are appropriate for the case. The achievement of listing a case within target cannot always be achieved and this is why our targets are fixed at or around 70%. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 10).
- **United Kingdom - Queen's Bench Division of the High Court of Justice** - This is enshrined in the Civil Rules and allows the Judge almost total discretion to manage the case, set a timetable and impose restrictions on the parties as appropriate to the case being dealt with. (Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 8).

## **B. Timing agreement with the parties and lawyers**

1. In the time management of the process, due regard should be given to the interests of the users. They have the right to be involved in the planning of the process at an early stage.

### *Comments and implementation examples*

- **Netherlands** - A mediation programme has been set up to facilitate the use of mediation before the hearing of a case (civil, family and tax cases) and during the process by professional mediators. (Source: CEPEJ (2006), Compendium of "best practices" on time management of judicial proceedings, CEPEJ (2006), 13, p. 19).
- **Norway - Midhordland District Court** - The purpose of Norwegian judicial mediation program is to reach a settlement that the disputing parties can accept before going to the main proceeding in court. The judicial mediator, who very often is a judge, assists the parties to reach an agreement. Judicial mediation succeeds in 70-80 % of the cases. If the disputing parties are unable to reach an agreement, the case is referred to another judge for further dealings. As the

judicial mediator is under obligation of confidentiality, the judge taking over the case will not be in a position of knowing the details of the mediation. The court taking part in this project has found many advantages, among which: faster case scheduling and less time spent on each case. This is both because time-consuming main hearings are avoided, and because the judge need write no judgment in the case.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 19).

- **Slovenia** - *Nova Gorica District Court* - The court has set up a specific program of ADR in civil cases. The goal is to solve the cases by settling the dispute without trial. If both parties agree, the court guarantees to schedule the first mediation meeting in 90 days. The proceeding is free for both parties. Specially trained mediators have the task to help the parties to reach an agreement that solves the dispute using negotiation techniques.

(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 18).

- **United Kingdom** - *Queen’s Bench Division of the High Court of Justice* - During the process the parties are present either in person or by telephone and are involved in the discussions regarding the timetable and future hearings. If a party does not attend the court will make the decisions in their absence. The court may also receive a proposed consent order agreed by the parties. This proposal will be considered by the judge and allowed if it is reasonable, if not, the parties will be required to attend a hearing.

(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 7).

### **C. Co-operation and monitoring of other actors (experts, witnesses etc.)**

1. All participants in the process have the duty to co-operate with the court in the observance of set targets and time limits.

#### *Comments and implementation examples*

- **Finland** - The Ministry of Justice set up a pilot project in 2000, in which the criminal procedure of juveniles was shortened to about half compared to the situation before the experiment by means of effective co-operation between different officials dealing with juvenile delinquency. According to Matti Marttunen (2002, Finland) the experiment shortened the procedure at all its stages and affected the police investigation, the prosecution, the court proceedings and the enforcement of the punishment. Also, different kinds of supportive measures were combined with the criminal procedure better than before. In practice, the police, the prosecutor, the judge, the Probation and Aftercare Association and welfare officials have co-operated since the beginning of the crime investigation

(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 26).

- **Norway** - The judge should be responsible for the fact that the main hearing is actively steered. This contains for example ensuring that the process is concentrated and can be carried out without time waste for the court or the parties involved. It has been suggested in Norway that the judge must, at the beginning of the process, go through the timeframe with the parties involved and clarify any possible obscurities related to cause of action, evidence and so forth. Moreover, it has been proposed that the courts should organise meetings with representatives of local lawyer associations in order to develop means that can strengthen and enhance the processing of civil matters. It has also been suggested that guidelines for preparatory work and carrying out main hearings in civil matters should be planned and developed together with lawyers. It is desirable that a representative of the court would participate in the membership meetings of the local lawyer association whenever new guidelines are adopted or other changes made to the court practices. It is important to include lawyers in the co-operation. Co-operation between different courts has been called for in order to develop guidelines to establish the best possible practices.

(Source: CEPEJ (2007), Time management of justice systems: a Northern Europe study, CEPEJ (2007), p. 23).

2. In the process, the judge has right to monitor the observance of time limits by all participants, in particular those invited or engaged by the court, such as witnesses or experts.

### *Comments and implementation examples*

- **Andorra Principality** - *Superior Court of Appeal* - Lawyers have to present their conclusions in no more than 15 days.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006) 13, p. 16).
- **Czech Republic** - *District of Prague* - Extension requests of the parties are accepted only if the proves yet presented in the process can be used (art. 95 point 2 Civil proceeding law). In cases where an expertise is required, the deadline will be fixed by the court. In case of delay, the expert will be reminded insistently to deliver his report under the sanction of a fine.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 4).
- **Finland** - *Turku Regional Administrative Court* - Lists of cases in which the judicial expert’s report has not been received in the time set by the court are produced from the case management system monthly and notices to expedite are sent.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006) 13, p. 16).
- **Ireland** - *Dublin Commercial Court* – Delay litigation have been overcome also through the use of initiatives such as the taking of evidence by way of video-link. The use of video-link to allow witnesses to give evidence together with the provision for the acceptance of witness statements can obviate the necessity for witnesses to attend Court.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006) 13, p. 17).
- **Ireland** - *Dublin Commercial Court* - A system of intensive case management with a view to reducing timeframes is in place, It is possible to strike out cases or impose cost penalties for non-compliance with the Court’s directions. The drafting of Court rules ensures a speedy appeals procedure.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006) 13, p. 4).
- **Italy** - *Turin First Instance Court* - Guidelines issued by Heads of Courts should (as it is the case for the Court of Turin) focus on the need for the judges to closely monitor the respect of deadlines by experts. It happens very often that experts, simply because they have maybe too many assignments (and are not accustomed to workloads and working times of judges...), tend to apply for an adjournment of the deadline originally set by the judge for the delivery of the expertise. Judges should take care that such adjournments are given only when strictly necessary (e.g. because parties are discussing, under the control and with the assistance of the expert, for reaching a friendly settlement of the case). As far as witnesses and parties are concerned, judges should dispose of much more effective powers in order to oblige them to attend the hearing. But, once again, it is up to the Legislators to change current laws. Actually a little improvement has been brought about by a recent reform, according to which the expert appointed by the judge, before submitting his/her report, has to present it to the parties, who have a deadline to send him/her their remarks. Finally the expert has to submit to the judge his/her expertise, together with the parties’ remarks and his/her final comments on the parties’ remarks. According to this procedure, lawyers will be no longer allowed to ask for further adjournments for commenting the expertise. No further hearing will be necessary, unless the Judge esteems that one or more points of the report need to be more thoroughly explained. So, once the expertise and the remarks have been included in the official file, the Judge can be ready to deliver his/her final decision.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 20).



- **Slovak Republic** - *Bratislava District Court* - Obligation to try and to decide a case on the first hearing, adjournments are only allowed for serious reasons, announced by the judge to the parties and put on the record. A specific deadline is provided to submit expert opinion. If the deadline is not observed the expert can be sanctioned.  
(Source: CEPEJ (2006), Compendium of “best practices” on time management of judicial proceedings, CEPEJ (2006), 13, p. 16).
- **Switzerland** - *Lausanne/Dornach Court* - In cases where an expertise is required, the deadline will be agreed with the expert (telephone interview). In case of delay, the expert will be reminded insistently to deliver his report. In general a delayed expertise occurs only rarely. To avoid date collisions and delays, the date and time of the hearings will be fixedly settled with the lawyers.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time management in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 41).

#### **D. Suppression of procedural abuses**

1. All attempts to willingly and knowingly delay the proceedings should be discouraged.

*No Comments and implementation examples identified at this stage*

2. There should be procedural sanctions for causing delay and vexatious behaviour. These sanctions can be applied either to the parties or their representatives.

*No Comments and implementation examples identified at this stage*

3. If a member of a legal profession grossly abuses procedural rights or significantly delays the proceedings, it should be reported to the respective professional organisation for further consequences.

*Comments and implementation examples*

- **Italy** - *Turin First Instance Court* - Also in this field much greater powers should be advocated for judges and this issue has to be primarily dealt with by the Legislative Powers. The issue deals with the delicate topic of legal training for all the actors of judicial proceedings and first of all for lawyers. A well trained lawyer can understand how risky or useless can be going to the Court for frivolous cases. Once the process has started it is very hard for the judge to convince parties to find an amicable solution, because parties have already engaged expenses and lawyers know that the longer the proceeding is going to last, the more they will be earning. Therefore the first reform should concern legal fees: this means that lawyers' fees should not be linked to the number of acts they write, nor to the number of hearings they attend. This would be a very good step forward, but once again this cannot be done by the judges. Judges, on their part, should be more attentive to the need to find ways to “punish” incorrect behaviours by parties and lawyers. Currently our procedural rules give the judges some powers in this sense. Older judges are much more linked to “lenient” practices of the past, but I have very much confidence in new generations of judges, who are much more ready to apply sanctions against disloyal parties and attorneys. Once again, specific guidelines on this topic by the Head of the Court could be of use in persuading “older” judges to take into account, when the case has to be adjudicated, of the behaviour of parties and lawyers.  
(Source: CEPEJ (2011), Reports on the implementation of the CEPEJ guidelines for judicial time in 7 pilot courts/ institutions, CEPEJ (2011) 1, p. 24).

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