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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting (Strasbourg, 15 – 17 June 2005) and
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(936th meeting of the Ministers' Deputies)**

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6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	YES	3'782'880 €
▪ IT?	YES	59'802 €
▪ Justice expenses borne by the State?	YES	1'265'788 €

Source *Statement of accounts (Rechenschaftsbericht) of the Government*

7. Annual public budget spent on legal aid 1'292'008 €

Source *Statement of accounts (Rechenschaftsbericht) of the Government*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	523'962 €
▪ the annual public budget spent on legal aid in other court cases	694'785 €

Source *Statement of accounts (Rechenschaftsbericht) of the Government*

9. Annual public budget spent on prosecution system 1'302'339 €

Source *Statement of accounts (Rechenschaftsbericht) of the Government. Public prosecutors only, examining magistrates (Judges) are included in Question 5*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	No	No	No	No
Other ministry. Please specify	Finance (Ressort Finanzen)	No	No	Finance (Ressort Finanzen)
Parliament	No	Yes	No	Yes (Approval of the Statement of accounts)
Supreme Court	Yes	No	Yes (for the supreme Court)	No
Judicial Council	No	No	No	No
Courts	Yes	No	Yes (for the Courts)	No
Inspection body. Please specify.	No	No	No	No
Other. Please specify	No	No	No	Financial Controlling Unit (Finanzkontrolle)

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	-	-

12. Number of legal aid cases:

- total
- criminal cases
- other than criminal cases

Source

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | | |
|----------------------------------|--|---|
| | No | Yes/Amount |
| ▪ for criminal cases? | | YES. The amount is dependant on the individual living circumstances and the costs of the case |
| ▪ for other than criminal cases? | | YES. The amount is dependant on the |

individual living circumstances and the costs of the case

Source :

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- the court? YES.
- a body external to the court? NO
- a mixed decision-making body (court and external)? NO

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

Yes No

- for criminal cases?
- for other than criminal cases?

If yes, are there exceptions? Please specify:

In civil cases there is a application fee (Eingabegebühr), except when legal aid is granted.

Article 12 of the law on court taxes and Paragraph 56 of the law on Civil procedures allow to ask for a deposit (or other security) on taxes and the expected cost of the proceedings, if the plaintiff does not have assets within the area of the State that are realizable.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

Insurance companies do offer such services (Rechtsschutzversicherung)

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

Yes No

- criminal cases?
- other than criminal cases?

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.gesetze.li | | |
| ▪ case-law of the higher court/s? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.stgh.li | | |
| ▪ other documents (for examples legal forms)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.gerichte.li | | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	
Victims of terrorism	Yes	Yes	Yes	
Child/Witness/Victim	Yes	Yes	Yes	

Victims of domestic violence	Yes	Yes	Yes	
Ethnic minorities	Yes	Yes	Yes	
Disabled persons	Yes	Yes	Yes	
Juvenile offenders	Yes	Yes	Yes	
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- | | |
|------------------|--|
| ▪ a public fund? | Yes |
| ▪ a court order? | No <input checked="" type="checkbox"/> |
| ▪ private fund? | No <input checked="" type="checkbox"/> |

26. If yes, which kind of cases does this procedure concern?

Victims of crimes can participate as privates in the criminal proceedings and raise their civil claims.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No Yes Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|--|
| ▪ excessive length of proceedings? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

Claims can be made under the law of public liability. Any compensation awarded is

dependant on the individual situation of the plaintiff and circumstances of the case.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	-	-
High Council of Justice	-	-
Other external organisations (e.g. Ombudsman)	-	-

Can you give information elements concerning the efficiency of this complaint procedure?

Complaints are to be lodged with the Court of Appeal. If the complaint concerns the Court of Appeal with the Supreme Court.

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction 1

Source *Law on the organisation of Courts*

- specialised first instance courts 0

Source *Law on the organisation of Courts*

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

34. Total number of courts (geographic locations) 3

Source *Law on the organisation of Courts*

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 1

Please specify what is meant by small claims in your country:

A Claim is defined a small claim if the value of the dispute (monetary claim or a claim of equivalent value) does not surpass 645 €. A simplified proceeding applies.

- a dismissal 1
- a robbery 1

36. Number of professional judges sitting in courts 17
(present the information in full time equivalent and for permanent posts)

Source *Job Plan of the Court*

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure 1
- if possible, in full time equivalent -

Source *Job Plan of the Court*

Please specify:

38. **Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** 16

Source *Job Plan of the Court*

Please specify:

39. **Does your judicial system include trial by jury with the participation of citizens?**

No

Yes **For which type of case(s)?**

In first instance in procedures before the criminal court, the assessors court and the youth court, as well as in all second and third instance courts.

Citizens participate as lay judges for the duration of a term.

If possible, number of citizens who were involved in such juries for the year 2004?

23 (plus an equal sum of replacements, the actual use of replacements is unknown)

40. **Number of non-judge staff who are working in courts** 39.4
(present the information in full time equivalent and for permanent posts)

Source *Job Plan of the Court*

41. **If possible, could you distribute this staff according to the 3 following categories:**

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:**
- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):**
- **technical staff:**

42. **In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):**

No

Yes **Number of staff** 1.5

43. **Number of public prosecutors** 6.5
(present the information in full time equivalent and for permanent posts)

Source *Public Prosecutors Office*

44. Do you have persons who have similar duties as public prosecutors?

No
 Yes

Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

Yes

46. Number of staff (non prosecutors) attached to the public prosecution service

3.8 full

time equivalent shared by 5 persons

(present the information in full time equivalent and for permanent posts)

Source *Public Prosecutors Office*

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	No	No	No	No
Court President	Yes	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	Yes	No	Yes	Yes
Other. Please specify	-	Parliament	-	Financial Controlling Unit

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence				
	Electronic files	X			
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system	X			
	Court management information system				
	Financial information system				
Communication between the court and the parties	Electronic forms				
	Special Website				
	Other electronic communication facilities				

Source

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No
Yes

Please specify the name and the address of this institution:

The Presidents of the Courts

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes No

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ length of proceedings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Please specify:

53. Do you have a regular evaluation system of the performance of the court?

No
Yes Please specify:

54. Concerning court activities, have you defined:

- performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes No

Please specify who is responsible for setting the targets:

- | | Yes |
|----------------------|--------------------------|
| - executive power? | <input type="checkbox"/> |
| - legislative power? | <input type="checkbox"/> |
| - judicial power? | <input type="checkbox"/> |
| - other? | <input type="checkbox"/> |
- Please specify:

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

- | | | |
|----------------------------------|-------------------------------------|-----------------|
| | Yes | |
| ▪ the High Council of judiciary? | <input checked="" type="checkbox"/> | |
| ▪ the Ministry of justice? | <input checked="" type="checkbox"/> | |
| ▪ an Inspection body? | <input checked="" type="checkbox"/> | |
| ▪ the Supreme Court? | <input checked="" type="checkbox"/> | |
| ▪ an external audit body? | <input checked="" type="checkbox"/> | |
| ▪ other? | <input checked="" type="checkbox"/> | Please specify: |

The Presidents of the Courts, the Government and the Parliament.

56. Does the evaluation system include quality standards concerning judicial decisions?

- | | | |
|-----|-------------------------------------|-----------------|
| No | <input checked="" type="checkbox"/> | |
| Yes | <input type="checkbox"/> | Please specify: |

Source

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | | |
|-------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ civil cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ administrative cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

58. Do you have a way of analysing queuing time during court procedures?

- | | | |
|-----|-------------------------------------|-----------------|
| No | <input checked="" type="checkbox"/> | |
| Yes | <input type="checkbox"/> | Please specify: |

59. Do you monitor and evaluate the performance of the prosecution services?

- | | | |
|-----|-------------------------------------|-----------------|
| No | | |
| Yes | <input checked="" type="checkbox"/> | Please specify: |

Electronic Registers are kept with the prosecution services on various data but are only used for internal purposes and not for official monitoring or evaluation purposes.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system



IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
Yes No
 - the right to have reasons given for all prisons sentences?
Yes No
 - for all cases, an effective remedy to a superior jurisdiction?
Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? No data available

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
Yes If possible, number of successful challenges (in a year): No data available

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
	Article 6§1 (equity)										

Civil proceedings	Article 6§1 (duration)										
	Article 6§1 (non execution only)										

Source

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:

	Yes	No
▪ civil cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

65. Are there simplified procedures for:

	Yes	No
▪ civil cases (small claims)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases (petty offences)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 831

Please specify the main types of cases:

Source Statement of accounts (Rechenschaftsbericht) of the courts

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	416	No data	No data	No data
	Decisions on the merits	89	No data	124	No data
	Percentage of decisions subject to appeal in a higher court	No data	No data	No data	No data
	Pending cases by 1 January 2005	154	No data	No data	No data
	Percentage of pending cases of more than 3 years	No data	No data	No data	No data
Average length (from date of lodging of court proceedings*)	1st instance decisions	No data	No data	No data	No data
	2nd instance decisions	No data	No data	No data	No data
	Total procedure	No data	No data	No data	No data

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

Source **Statement of accounts (Rechenschaftsbericht) of the courts**

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	X	<input type="checkbox"/>
▪ to conduct investigation?	X	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	X	<input type="checkbox"/>
▪ to charge?	X	<input type="checkbox"/>
▪ to present the case in the court?	X	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input type="checkbox"/>	X
▪ to appeal?	X	<input type="checkbox"/>
▪ to supervise enforcement procedure?	X	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	X	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input type="checkbox"/>	X
▪ other significant powers?	<input type="checkbox"/>	X

Please specify:

--

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes Please specify:

As a rule the prosecutor does not lead civil or administrative cases. There is one exception in the law concerning persons: He can contest the legitimation of a child (§155 ABGB) and lodge a suit asking to determine the paternity (§164c ABGB) if there is a public interest or it is in the interest of the child or in the interest of it's descendants.

Analogue to the Civil Forfeiture in the Common Law System, where it is enforced by the civil courts, the absorption of enrichment and forfeited fortunes are realized by the prosecutor with the criminal court.

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		2787
Discontinued by the public prosecutor	In general	1407
	Because the offender could not be identified	208
	Due to the lack of an established offence or a specific legal situation	1199
Concluded by a penalty, imposed or negotiated by the public prosecutor		0
Charged by the public prosecutor before the courts		1158

Source [Register of the Public Prosecutor](#)

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	1429	No data	No data
	Judicial decisions	1293	No data	No data
	Convicted persons	No data	No data	No data
	Acquitted persons	No data	No data	No data
	Percentage of decisions subject to appeal in a higher court	No data	No data	No data
	Pending cases by 1 January 2005	321	No data	No data
	Percentage of	No data	No data	No data

	pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision	No data	No data	No data
	2nd instance decision	No data	No data	No data
	Total procedure	No data	No data	No data

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source **Statement of accounts (Rechenschaftsbericht) of the courts**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-------------------------------------|
| | Yes |
| ▪ a body composed of members of the judiciary? | <input type="checkbox"/> |
| ▪ a body composed of members external to the judiciary? | <input checked="" type="checkbox"/> |
| ▪ a body composed of members of the judiciary and external to the judiciary? | <input type="checkbox"/> |

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-------------------------------------|
| | Yes |
| ▪ a body composed of members of the prosecution system? | <input type="checkbox"/> |
| ▪ a body composed of members external to the prosecution system? | <input checked="" type="checkbox"/> |
| ▪ a body composed of members of the prosecution system and external to the prosecution system? | <input type="checkbox"/> |

76. Is the mandate given for an undetermined period for:

- | | | |
|----------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ judges? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Are there exceptions ? Please specify:

In some cases the mandate was limited to 1 or 2 years. In other cases an unlimited mandate was given.

If no, what is the length of the mandate:

Is it renewable?

- of judges?
- of prosecutors?

Yes

No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended		Regular	Yes
	Optional	Yes	Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes	
Highly recommended				
Optional				
General in-service training	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	Yes
	Highly recommended	Yes	Regular	
	Optional		Occasional	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of of your training system for judges and prosecutors

Generally first instance judges need to be certified lawyers and undergo a 6 Month traineeship.

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career
approx. 100'000 €

Source *Law an salaries (LGBl. 1991 Nr. 6)*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
No data

Source *These are non-permanent judges. The pay is on a per case basis (lump sum plus fee per case). The total pay therefore varies on the workload.*

81. Gross annual salary of a public prosecutor at the beginning of his/her career
approx. 100'000 €

Source *Law an salaries (LGBl. 1991 Nr. 6)*

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Source *There is no separate prosecutor at higher courts. The maximum earning of a 'regular' prosecutor may raise as high as approx. 160'000 €.*

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	X			X		
Research and publication	X			X		
Arbitrator			X			X
Consultant			X			X
Cultural function	X			X		
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No
 Yes

Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	0	1
	Breach of professional ethics (Yes/No) If yes, please specify the number	-	0
	Professional inadequacy (Yes/No) If yes, please specify the number	-	1
	Criminal offence (Yes/No) If yes, please specify the	-	0

	number		
	Other (Yes/No) If yes, please specify	-	0
Types of sanctions	Total number	0	0
	Reprimand (Yes/No) If yes, please specify the number	-	-
	Suspension (Yes/No) If yes, please specify the number	-	-
	Dismissal (Yes/No) If yes, please specify the number	-	-
	Fine (Yes/No) If yes, please specify the number	-	-
	Other (Yes/No) If yes, please specify	-	-

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors

VI. Lawyers

87. Number of lawyers practising in your country

113

Source *Statistical Yearbook 2005*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)	If no, possible representation by (Yes/No)	
Civil cases*	No	Member of family	No
		Trade Union	No
		NGO	No

Criminal cases*	Defendant	Yes	Other	
			Member of family	No
			Trade Union	No
			NGO	No
			Other	
Criminal cases*	Victim	Yes	Member of family	No
			Trade Union	No
			NGO	No
			Other	
			Administrative cases*	No
Trade Union	No			
NGO	No			
Other				

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar? Yes
- a regional bar?
- a local bar?

Please specify:

There is only one association (www.lirak.li). Membership is compulsory for admitted lawyers.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No
 Yes Please specify:

Patent Lawyers

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law? Yes
- regulated by Bar association?

▪ freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other?

Yes

Please specify:

98. Is it possible to complain about :

- the performance of lawyers? No Yes Please specify:

The culpable disregard of professional duties is subject to disciplinary proceedings before the Court of Appeal (Art. 31 and following, law on lawyers, LGBl. 1993 Nr. 41). Also contractual liability may apply.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	Yes
	Other	
Type of sanctions	Reprimand	Yes
	Suspension	Yes
	Removal	Yes
	Fine	Yes
	Other	

100. Who is the authority responsible for the disciplinary procedures:

- a professional body? Yes Please specify:

Court of Appeal

- the judge?
- the Ministry of justice?

▪ other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	Yes, with exceptions	Private mediator	No
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	Yes, with exceptions	Private mediator	No
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in	No	Prosecutor	

	certain cases			
Employment dismissals	Compulsory stage prior to court proceedings	Yes, with exceptions	Private mediator	No
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	

102. Can you provide information about accredited mediators?

- 103. Can you provide information about the total number of mediation procedure concerning:**
- civil cases? 569 (total including all cases)
 - family cases?
 - administrative cases?
 - employment dismissals?
 - criminal cases?

Source: Statistical Yearbook 2005

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- | | |
|---|-------------------------------------|
| ▪ judges? | Yes |
| ▪ bailiff practising as private profession ruled by public authorities? | <input checked="" type="checkbox"/> |
| ▪ bailiff working in a public institution? | <input type="checkbox"/> |
| ▪ other enforcement agents? | <input checked="" type="checkbox"/> |
| Please specify their status: | <input type="checkbox"/> |

106. Number of enforcement agents 2

Source Job plan of the court

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108. Is the profession of enforcement agent organised by?

- | | |
|--------------------|--------------------------|
| ▪ a national body? | Yes |
| ▪ a regional body? | <input type="checkbox"/> |
| ▪ a local body? | <input type="checkbox"/> |

109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

110. Are enforcement fees:

- regulated by law? Yes
- freely negotiated? X

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body? Yes
 - the judge? X
 - the Ministry of justice?
 - the prosecutor?
 - other?
- Please specify:

112. Have quality standards been formulated for enforcement agents?

No

Yes Who is responsible for formulating these quality standards?

Source

113. What are the main complaints of users concerning the enforcement procedure:

- | | Yes | No |
|-----------------------------|--------------------------|--------------------------|
| ▪ no execution at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ lack of information? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive length? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ unlawful practices? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ insufficient supervision? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive cost? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

Source no data available

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No

Yes Please specify:

115. Is there a system measuring the timeframes of the enforcement of decisions :

Yes No

- for civil cases? X
- for administrative cases? X

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days Yes
- between 6 and 10 days
- between 11 and 30 days
- more: please specify

Source no data available

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	-
	Professional inadequacy	-
	Criminal offence	-
	Other	-
Sanctions	Reprimand	-
	Suspension	-
	Dismissal	-
	Fine	-
	Other	-

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in civil matters*

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

The Judge decrees the enforcement order and surveys its execution by the bailiff.

[Empty box]

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

[Empty box]

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes

Please specify:

[Empty box]

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

[Empty box]

IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

[Empty box]

Source

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

- other?
- If yes, please specify:

122. Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

There are no notaries in Liechtenstein. Attestations and the like are done either by the court or public authorities.

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

