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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

## **TIME MANAGEMENT CHECKLIST**

**Checklist of indicators  
for the analysis of the duration of proceedings  
in the courts**

*Document adopted at the 40th plenary meeting of the CEPEJ  
(Strasbourg, 15 and 16 June 2023)*

## **Background and purpose of the Checklist**

In order to prevent the excessive duration of court proceedings, competent judicial authorities should collect data relevant to cases that enables them to monitor and analyse the functioning of justice systems.<sup>1</sup> This could empower them to take appropriate measures to prevent delays and reduce timeframes. The regular evaluation of judicial systems by the European Commission for the Efficiency of Justice (CEPEJ) enables analysis of the situation in the member States of the Council of Europe.

The European Convention on Human Rights and the case-law of the European Court of Human Rights provide for the effective implementation of the right to a fair trial within reasonable time. The Court assesses the excessive duration of proceedings in light of the circumstances of the case, having regard in particular to the complexity of each case, the conduct of the applicant and of the relevant authorities, and the importance of what was at stake for the applicant in the litigation. The overall duration of court proceedings has to be monitored and measured from the filing of the proceeding before the court, to the enforcement of the final judicial decision.

The CEPEJ also took into account the work of the Consultative Council of European Judges (CCJE). This relates in particular to the Opinion N° 6 of the CCJE "on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute resolution and opinions of other organisations of legal professionals represented as observers to the CEPEJ.

The Time Management Checklist is a first diagnostic and management tool for courts. It provides an initial set of questions with the purpose of helping in collecting appropriate information about the cases and to analyse relevant aspects of duration of court proceedings. Based on the collected information and outcomes of the analysis, its purpose is to support courts to take measures to resolve cases within a reasonable time, set feasible timeframes and make the proceedings more transparent and predictable to court users.

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<sup>1</sup> This document was drawn up by the Working group on judicial time management (CEPEJ-SATURN), assisted by Dimitrije Suđeranovic (Serbia), scientific expert.

## CHECKLIST OF TIME MANAGEMENT INDICATORS

### INDICATOR ONE: ASSESSING THE OVERALL DURATION OF COURT PROCEEDINGS

*Proper time management requires not only the ability to assess the duration of individual stages of proceedings, but also the total duration of proceedings from their start to the final determination and, if applicable, to the enforcement of the judicial decision.*

#	<b>Question</b>	<b>Answer</b>	<b>Comment/NA/NAP</b>
1.a.	Does the court track case duration from the initial filing of the case to the final decision, if a case continues after the first instance decision under different court instances?	Yes/No	
1.b.	Does the court track case duration from the initial filing of the case to the final decision, if a case continues after the first instance decision under different court jurisdictions?	Yes/No	
1.c.	Does the court assign a unique case number to cases from the initial act (case filed before the court for the first time) until the final court decision, including enforcement procedures?	Yes/No	
1.d.	Is the original date of filing of the case still used for calculating the duration of proceedings, when cases are merged or separated?	Yes/No	

**INDICATOR TWO: ESTABLISHING TIMEFRAMES / STANDARDS FOR DURATION OF PROCEEDINGS**

*For the purpose of planning, transparency, predictability and assessment of the duration of court proceedings, timeframe/standards should be established and communicated to the court users.*

<b>Setting timeframes/standards of court proceedings</b>			
<b>#</b>	<b>Question</b>	<b>Answer</b>	<b>Comment/NA/NAP</b>
2.a.	Are there any kinds of national timeframes/standards which define the duration of court proceedings?	Yes/No	
2.b.	Do they cover all categories/types of cases (e.g. civil, criminal, administrative, etc.)?	Yes/No	
2.c.	Do judges plan timeframes/standards?	Yes/No	
2.d.	Is there any mechanism in place for judges to monitor the duration of court proceedings?	Yes/No	
2.e.	Is there an estimate of the time needed by a court to process the case (time employed by judges; judicial officials; other staff) for each case type?	Yes/No	
2.f.	Does the court collect data on the duration of any type of alternative dispute resolution (ADR) such as: arbitration, mediation and conciliation?	Yes/No	
2.g.	Does the court collect data on any court-related ADR in the calculation of case duration?	Yes/No	
<b>Predictability of the duration of court proceedings</b>			
<b>#</b>	<b>Question</b>	<b>Answer</b>	<b>Comment/NA/NAP</b>
2.h.	Is the predictable duration of proceedings communicated to the court users (parties, lawyers, others)?	Yes/No	
2.i.	Does the court present data about the duration of court proceedings to the public?	Yes/No	
2.j.	Do judges create procedural calendars?	Yes/No	
2.k.	Do judges plan procedural calendars with the parties taking into consideration the needs of the parties of the proceedings?	Yes/No	
2.l.	Is there any procedural law which oblige the judges to plan the duration of court proceedings?	Yes/No	

2.m.	Does the court sign framework agreements with Bars and other lawyers' associations concerning timeframes and deadlines?	Yes/No	
2.n.	Does the court take into consideration CEPEJ timeframes guidelines?	Yes/No	

### INDICATOR THREE: ELABORATING CASE CATEGORIES AND CASE WEIGHTING

*Realistic and appropriate planning of timeframes and overall duration of court proceedings requires a sufficiently elaborated grouping of cases with respect to their complexity. The introduction of a case weighting methodology (case complexity methodology) can be beneficial for the functioning of courts and their users.*

#	Question	Answer	Comment/NA/NAP
3.a.	Is there a categorisation of cases?		
3.b.	Is there a categorisation of cases according to their complexity?	Yes/No	
3.c.	Is there a categorisation of cases according to their estimated duration?	Yes/No	
3.d.	Does the court use any form of case weighting methodology to evaluate the complexity of cases?	Yes/No	
3.e.	Does the court use any information and communication technology (ICT) to implement the case weighting methodology?	Yes/No	

**INDICATOR FOUR: MONITORING OF COURT PROCEEDINGS**

*Proper time management needs to take into account duration of each individual stage of court proceedings. For this purpose, the durations of the various stages of proceedings should be tracked and analysed.*

#	Question	Answer	Comment/NA/NAP
4.a.	Does the court collect data on the following procedural steps:		
1	Date of the filing of the initial act before the court	Yes/No	
2	Date of the service of process to the other party(s)	Yes/No	
3	Beginning of the trial stage (first oral hearing)	Yes/No	
4.i.	Number of hearings (on merits and non-merits)	Yes/No	
4.ii	Date of hearings	Yes/No	
4.iii	Duration of hearings	Yes/No	
5	Date of the last hearing	Yes/No	
6	Date of the first instance court decision	Yes/No	
7	Date of the filing of the legal remedies by the parties	Yes/No	
8	Date of the second instance court decision	Yes/No	
9	Dates of the other (extraordinary) stages and remedies (e.g. re-opening of a case or constitutional review)	Yes/No	
10	Date of enforceability of the final decision	Yes/No	
4.b.	Does the court use these data to calculate the duration of the various procedural steps for most categories of cases?	Yes/No	
4.c.	Are the data on the duration of the various procedural steps available to the parties of court proceedings?	Yes/No	
4.d.	Are the data on the duration of the various procedural steps available to the public?	Yes/No	
4.e.	Is information related to procedural steps used for planning purposes, in order to identify and prevent undue delays, accelerate proceedings, and improve their effectiveness?	Yes/No	
4.f.	Is there an estimate of expected or maximum time that is needed to accomplish particular procedural steps (e.g. service of documents by which proceedings are instituted; preparation of case prior to oral hearing)?	Yes/No	

**INDICATOR FIVE:           DIAGNOSING DELAYS AND MITIGATING THEIR CONSEQUENCES**

*While monitoring the duration of proceedings, the courts need to have established mechanisms and dashboards for prompt identification of excessive durations (delays) and backlogs. These tools help the courts to immediately alert responsible persons and offices to act accordingly and remedy the situation, preventing further delays. Moreover, proper communication may significantly improve the efficiency of court proceedings and reduce their duration and expenses, for the benefit of the court users and the courts. Communication must be based on the established rules.*

#	Question	Answer	Comment/NA/NAP
5.a.	Can delays be clearly ascertained by the responsible person or office in charge of monitoring of the proceedings?	Yes/No	
5.b.	Does the court use electronic automatic notifications for deadlines and timeframes?	Yes/No	
5.c.	Are there any measures available to the court to mitigate the impact of situations in which significant delays occur?	Yes/No	
5.d.	Are there mechanisms available for the parties to complain during proceedings regarding unreasonably long durations of certain procedural steps?	Yes/No	
5.e.	Does a responsible person or office have a duty to inform the court, competent authority, or office about undue delays of the proceedings?	Yes/No	
5.f.	Can the responsible person take steps to mitigate current delays or prevent future ones and speed up the proceedings?	Yes/No	
5.g.	Is it possible to impose sanctions against parties/lawyers/experts who delay the proceedings (e.g. admonition, replacement, fines, cost decisions)?	Yes/No	
5.h.	Are the data on such sanctions collected?	Yes/No	
5.i.	Does the court periodically review all cases and decide on the need to revive or terminate suspended proceedings?	Yes/No	
5.j.	Are adjournments <i>sine die</i> permissible?	Yes/No	
5.k.	If yes, are cases adjourned <i>sine die</i> periodically reviewed?	Yes/No	

5.i.	Is there any communication strategy in place which supports internal, external, or crisis communication in situations of significant delays in case resolution?	Yes/No	
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**INDICATOR SIX: USING INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AS A TOOL FOR TIME MANAGEMENT OF COURT PROCEEDINGS**

*The court may best achieve proper time management by the use of up-to-date ICT for the purpose of monitoring timeframes and procedures, data analysis, court performance and strategic planning.*

<b>ICT as a tool for case registration, monitoring of duration and backlogs in the court proceedings</b>			
#	<b>Question</b>	<b>Answer</b>	<b>Comment/NA/NAP</b>
6.a.	Does the court use an electronic case management system?	Yes/No	
6.b.	Does the court use electronic communication (e-filing) with parties to exchange documents?	Yes/No	
6.c.	Does the court collect the data on the duration of the various procedural steps via the electronic case management system?	Yes/No	
6.d.	Does the electronic case management system collect data on pending cases?	Yes/No	
6.e.	Does the electronic case management system collect data on backlog?	Yes/No	
6.f.	Is information about backlogs available in electronic form to judges?	Yes/No	
6.g.	Is information about the stage of the case available in electronic form to parties (e.g. dates of hearings, location of the file)?	Yes/No	
<b>ICT as a tool for statistical processing, improvement efficiency and planning in the area of timeframes</b>			
#	<b>Question</b>	<b>Answer</b>	<b>Comment/NA/NAP</b>
6.h.	Does ICT enable production of statistical reports?	Yes/No	
6.i.	Are the statistical reports available in electronic form for court users?	Yes/No	
6.j.	Are statistical reports on the duration of proceedings and delays regularly used for judges' case management?	Yes/No	



6.k.	Does the court use standard electronic templates for the drafting of judicial decisions?	Yes/No	
6.l.	Are the judicial decisions stored in a court electronic database?	Yes/No	
6.m.	Are the judicial decisions in electronic form available to judges?	Yes/No	
6.n.	Are the judicial decisions in electronic form available to court users?	Yes/No	
6.o.	Does the court use videoconferencing in court proceedings?	Yes/No	
6.p.	Is Artificial Intelligence (AI) use in the court?	Yes/No	