

NEW JUDICIAL OFFICE
MODERNISATION OF JUSTICE



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PRESENTATION of Francisco Caamaño

MINISTER OF JUSTICE

For a long time now, a basic consensus has existed in our country on the need for a modernising boost to our justice system. The idea is to bring in structural changes in the organisation and operation of our courts of law. These changes would enable the courts to reap full advantage of being endowed with more resources leading to greater efficiency. As from 1st January 2010, that qualitative change in the structure of justice will come about with the implementation of the new judicial office model, a key element for meeting public demand for a justice system that is flexible, modern and efficient.

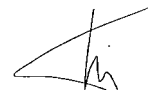
The Act on procedural reform that has created the new judicial office was unanimously approved, and this is a particularly important and significant fact because such a broad, solid support guarantees the stability and success of such a transformation of major importance in the day-to-day running of the Administration of Justice.

However, approval of the Act is only the first element in the transformation of the way courts of law work, which is what the new judicial office represents. The second essential element needed for pro-

NEW JUDICIAL OFFICE

MODERNISATION OF JUSTICE

gress to be achieved is for the new structures and organisational methods to be put into operation. And for this second element, dialogue continues to be the indispensable tool. We, at the Ministry of Justice, are already working on this with the General Council of the Judiciary, the Autonomous Communities, professional groups and the trade unions with a view to the new judicial office being a reality in 2012 in each and every one of the courts of law of Spain. The Government has a resolute political will to achieve this objective because the development and growth of our country cannot allow such a basic pillar of our State as the justice system to remain anchored in structures and customs that belong to the 19th century. Justice reform is a task that cannot be postponed, a real challenge for the country and in which we shall put all our efforts.



Francisco Caamaño Domínguez

NEW JUDICIAL OFFICE

MODERNISATION OF JUSTICE

The regulatory reform to implement the New Judicial Office is the result of thorough technical work and broad political consensus. The best recipe for solving the problems of Justice

Francisco Caamaño, Minister of Justice

The atomised structure of judicial bodies in Spain, which follows a 19th century design, has been one of the causes of the delays that occur in legal proceedings.

Up until now our courts of law have been organised into small judicial offices formed by one judge, one court secretary and seven or eight clerks, inundated with paper and largely inaccessible to citizens. They are offices that operate like water-tight compartments in which all the tasks of the legal process, from lawsuits to enforcement of orders, are carried out.

Being aware of the defects of the model, the Spanish Government, through the Ministry of Justice, has decisively promoted a transformation of the judicial office to turn it into a management model that contributes to the efficiency, flexibility and transparency called for by society.

The new judicial office

As a vehicle of change, the Ministry of Justice has promoted broad regulatory reform with the aim of providing the right kind of legal basis for the new Administration of Justice model.

The reform of procedural legislation for implementing the New Judicial Office, which was unanimously approved by Parliament, amends a total of 16 ordinary laws and 4 organic laws, among them the Organic Law of the Judicial Power itself.

1. AIMS

What is sought is to introduce a new system of organisation for the Administration of Justice that permits greater flexibility in providing citizens with answers and for that response to be of the best quality.

The New Judicial Office will operate using criteria of flexibility, effectiveness, efficiency, rationalisation of work and responsibility for management, also incorporating the use of information and communication technologies.

The New Judicial Office is a basic pillar in modernising the Justice system, and is the pivot on which the essential reorganisation and streamlining of its resources will move.

Juan Carlos Campo, Secretary of State for Justice.

2. NEW STRUCTURE

These principles manifest themselves in a new structure that changes the traditional office model and in which two clearly differentiated units can be distinguished: Direct Support Units and Common Procedural Services.

- **Support Units** give specialised support to judges and magistrates in the performance of their judicial duties. They operate as an administrative and technical team for the judge or magistrate.
- **Common Procedural Services** are not incorporated into any specific judicial body but provide services to several of them. They make it possible to optimise resources and speed up procedures. They act under the supervision of a court secretary and have specialised units for carrying out management and support duties in court proceedings, such as communication, registration and distribution, case management, enforcement, etc.

The **generalised implementation of new technologies and suitable computer tools** is also necessary for the appropriate **deployment of the Judicial Office**:

- **Digital Court Record**, thus making possible the follow-up by computer of dossiers between the different units comprising the office;
- **Authenticated recording of hearings**, which will make it possible to develop guarantees for citizens and will release staff resources.

Central points for change

Modern organisation therefore clearly distinguishes **three types of activity** that are performed by the judicial bodies:

- **Judicial**, done by judges and magistrates;
- **Procedural**, pertaining to the court secretary and the support and procedural services;

- **Administrative or managerial**, which is the responsibility of the Ministry of Justice or autonomous regions with devolved powers.

How this is done:

- The judges and magistrates must devote the whole of their effort to the duties entrusted to them by the Constitution: **to judge and cause judgment to be enforced**. To achieve this, they are released from administrative tasks.
- **Development of the powers of the court secretaries** who, as true managers of the judicial office, take on a more active role in pushing forward court proceedings and their enforcement.
- **Specialisation** in the tasks carried out by the judicial bodies.
- **More efficient restructuring of work** and resources and a more accurate, rational distribution of duties.

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