

**RESULTS OF IMPLEMENTING THE CEPEJ QUESTIONNAIRES:  
“Assessment of Time Management Tools in Court Proceedings at the Courts  
of the Slovak Republic”**

## Questionnaire “Assessment of Time Management Tools in Court Proceedings at the Courts of the Slovak Republic”

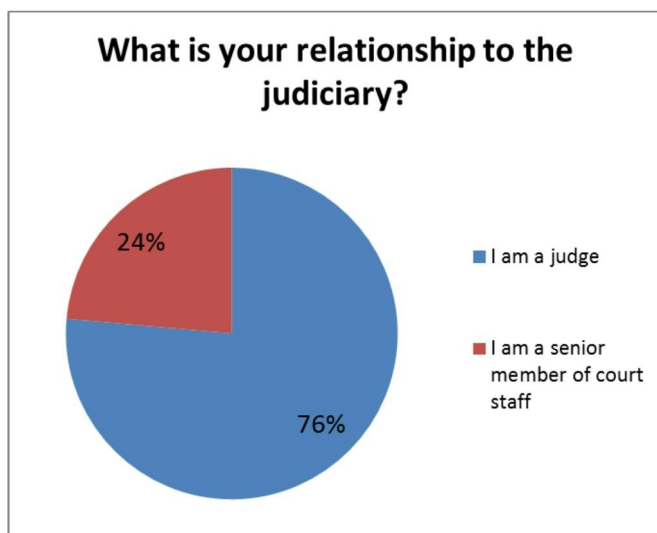
Out of 200 persons invited, 125 judicial officials (presidents of courts, judges, and senior members of court staff in charge with managerial functions) answered the “time management” questionnaire

### General questions.

#### What is your relationship to the judiciary?

I am a judge 96

I am a senior member of court staff 29



#### Are you the president of a court?

**Are you the head of staff/secretariat of a court?**

**What is the length of your professional experience within the court system?**

**How many judges are in the court you are part of?**

## Objective

**1. Is particular attention paid to the cases where integral duration is such that it may give rise to finding a violation of the “reasonable time” requirement by the European Court of Human Rights?**

Comments:

- if the ministry does not increase the number of judges, it is difficult to implement effective measures, given the fact that our district court has unusual high number of unresolved cases (the number of unresolved cases in the respective department) with an average of about 500-600 cases per judge in the civil law section and about 1000 cases per judge in commercial law section.
- the President of the Court can supervise the fluency of the proceedings; cases older than 3 months belonging to the section of criminal law and cases older than 6 months in the other sections are monitored regularly, whereas in cases older than two years, justification has to be provided every 6 months.
- the appropriate length of proceedings, the fact that cases are handled swiftly and without undue delay is ensured by the President's supervision over the fluency of the proceedings of each Senate; in particular, attention is paid to court cases older than 1 year and those in which the Constitutional Court of the Slovak Republic has already stated delays, principle is observed that certain categories of cases are prioritised, such as cases regarding custody and care of minors have a higher priority
- they are recorded as cases older than 1 year with monthly notification of acts; all cases older than 5 years are kept in a special files containing general overview of the case, reasons etc.

### 1.1. Does the president of the court collect information on the overall length of judicial proceedings?

#### Comments:

- I monitor the handling of court cases older than 1 year and in the event of a substantive complaint about the delays in the proceedings and if the Constitutional Court of the Slovak Republic has stated delays and ordered the court to act, or it has given financial satisfaction to the party (the party to the dispute), I monitor the handling of the case until its final termination from the point of view of the smoothness of the proceedings

- statistics are kept of cases older than one, two and five years

- the length of the court proceedings in a particular case can be ascertained from the judicial management, in general, these data are not specifically recorded; in certain cases, e. g. when the party filed a complaint for delays in the proceedings, the supervision of the President of the Court also consists of specialised gathering of information on the overall length of proceedings.

- the length of the court proceedings is checked regularly, every six months.

- in addition to statistics, reports of resolved and unresolved cases in each court's Senate, the vast majority of court cases older than 1 year are registered in the administrative register, some of these cases are also under the supervision of the President of the Court

- given the high occurrence of cases, it cannot be checked physically

- data on the average monthly occurrence, the number of resolved and unresolved cases and cases older than 1 year, and the average length of proceedings are presented to the President of the Court monthly.

- I do not quite understand the meaning of the word “gathers”; the President of the Court has an electronic register of all cases in court (the judges have an electronic register available only of those cases handled in their departments); the President of the Court can thus search for any file and determine the status and length of the proceedings. In the context of special attention devoted to the cases older than 1 year, statements of the electronic register of these cases are submitted to the President of the Court in order for him to obtain an overview of the total number of those cases by a particular judge; such a statement may be made at any time by the President himself. "

## 1.2. Does the single judge collect information on the overall length of judicial proceedings?



### Comments:

- each judge knows many cases he has to decide, on one hand he has the overview from statistics and on the other he sees electronic files in the court register, but he does not systematically collect these data
- in particular, on the basis of internal monthly statements + length of proceedings is apparent from the file number, which contains the calendar year, when submission was registered or shifted to another department or registry
- in view of the range of agendas that the judge covers, the monthly occurrence of new actions and the number of procedural submissions he has to decide until he works himself over to the merits of the case, often gathering information about the length of proceedings is not in his human abilities
- the judge is informed of the number of unfinished cases for his department, for the court and for the region on regular monthly work meetings
- each judge receives monthly reports from the relevant office on the status of cases (number of cases, file number date of the registration, etc.) in his Senate.

## A. Monitoring of data, analysis and information

Monitoring and collection of data

### 2. Does the president of the court collect information on the most important steps in the judicial proceedings?

Monitoring and collection of data

Comments:

- at regular intervals of about 4 times a year, analyses of court cases older than 1 year are carried out, where individual judicial departments state the status of the case, whether the date is set for the trial or whether the case is submitted to the court of appeals or the expert evidence is carried out, and so on.
- technically not possible at all! Again with regard to the number and variety of agendas; in addition, the President of the Court has to deal with incoming cases and besides the management of the court he also participates in the every-day decision-making process
- justification has to be provided in cases older than 2 years and 5 years
- the judge is independent in his decision-making activity; the President of the Court, as a representative of the state administration, has no legal possibility to influence or direct the proceedings of the judge and the judicial officer in court proceedings, and therefore there is no reason to collect information on individual steps in legal proceedings; the President of the Court may ensure that there is no delay in the case by regular submission of the file and by checking that a legal action has been taken in the case, he may participate in the hearing in order to observe the principles of dignity and continuity of judicial proceedings and compliance with the principles of judicial ethics
- the President of the Court collects this information by the handling of complaints, by inspections of cases older than 1 year, if requested by the Ministry of Justice of the Slovak Republic or the Constitutional Court of the Slovak Republic
- in the registers, there is a special module for the President of the Court where he can monitor the overall state of the proceedings, the notification of the decision on the case, the interruption or the procedural decisions outside the cases older than 1 year are not stated here
- I do not know if it can be well enough and clearly defined, which is the most important step in the judicial proceedings; I am of the opinion that it might in particular be the decision to close the proceedings as such; however, the President of the Court does not collect such decisions, nor does he collect other "steps".

**2.1. Is the length of the various steps of a judicial proceeding monitored?**

Comments:

- I monitor the actions of the court in cases older than 1 year.
- the judge shall report on the acts, if the supervision of the President of the Court is ordered
- in specific cases under supervision; the duration of the procedural act is monitored only in connection with custody; it is not a standard statistical indicator
- only the overall length of proceedings is monitored
- in view of the large number of court files, it is not possible for the President of the Court to monitor all the acts performed by the judges and the officials in the file
- insufficient database of data; it is addressed in ad hoc cases - complaints, findings of the Constitutional Court of the Slovak Republic
- not specifically monitored, can be identified from the judicial management
- according to the legal regulations the individual deadlines of the court proceedings are defined

**2.2. Do the judges make sure that the periods of inactivity (waiting time) in the judicial proceedings are not excessively long?**

Comments:

- the judges make sure that they do not have a lot of cases older than 1 year.



- there are few hundred cases per judge, so with today's insufficient number of judges, it is not possible to deal with incoming cases on time, since they have to deal with things that are on the table at the moment; thus the problem is that judges are burdened by an enormous number of cases and are not physically or mentally able to follow every single case. Annually, over 700-900 cases are incoming in our court's departments (C, Csp, Cb), and there are 400 other old unresolved cases in the Senate from previous years.
- in view of the high number of incoming cases in individual agendas and states of the unresolved cases, it is not possible to analyse periods of inactivity in all court proceedings; attention is also in this respect focused on cases older than 1 year
- judges themselves monitor the state of the court's proceedings assigned to them for decision; it is also necessary to point out the amount of cases assigned to them (hundreds of cases); in some of them, it is not even in their power, possibilities, to act continuously without delays; many take their files home and work even after working hours and during the weekend; on the grounds that the judges are being notified of judgements of the Constitutional Court of the Slovak Republic, the decisions of the European Court of Human Rights regarding the delays in the proceedings, or the violation of other fundamental rights and obligations, they monitor the periods of inactivity in their judicial proceedings; none of the judges wants to be prosecuted for this reason after all.
- judges are obliged to adhere to the presidential measure in order to reduce the number of cases older than 1 year, in which they are obliged to carry out acts aimed at the meritorious decision in the case, the next hearing must be ordered in cases older than 1 year within two months from the last hearing; in all cases the judge has to proceed so that the case is decided without delay and act smoothly
- a judge must always notify the President of the Court of an inadequate number of assigned cases if there is a threat that he will not settle them without undue delay. The judge's responsible approach to the fulfilment of this statutory duty presupposes that the judge, with regard to his objective capabilities and possibilities, continuously monitors the status of the proceedings in the cases assigned to him.

**3. Is the information on the length of judicial proceedings analysed?**

**Continuing Analysis**

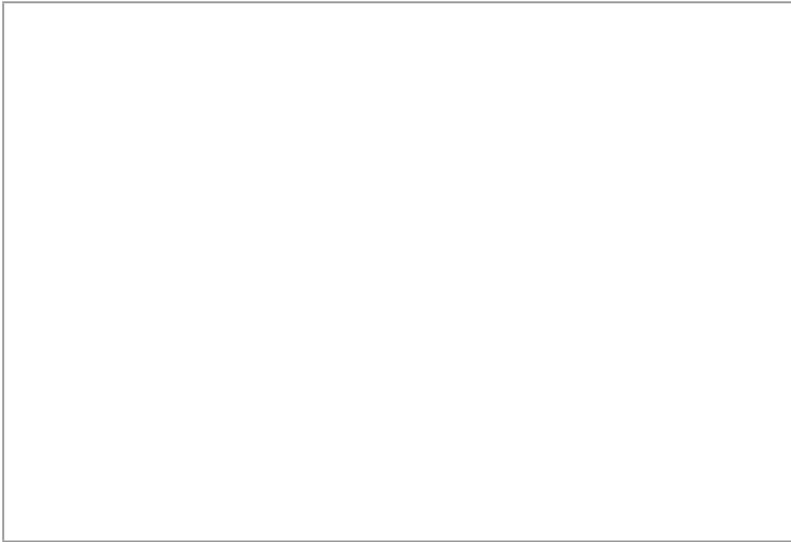
Comments:

- I analyse the numbers of undecided cases and the number of undecided cases older than 1 year
- these data are analysed only by the Ministry of Justice, the district court does not do it and other courts neither as well.
- yes, provided that the monitoring of monthly statistics informing about the changes in agendas can be referred to as an analysis of the length of the proceedings

- in the framework of work meetings, or a personal interview with a particular judge, especially about court cases older than 1 year, an analysis is made of the length of the court proceedings together with the President of the Court, in particular of what prevents the decision in the case
- according to my information, once a year in statistics, the Ministry evaluates the average length of proceedings in individual courts and agendas and compares it with statistical data from recent years. As the President of the District Court, I do not specifically identify or analyse such data.

**4. Is the information on the length of judicial proceedings available to court administrators, judges and the central authorities responsible for the administration of justice?**

Information



Comments:

- the length of proceedings is detectable from each of the files, however, the judge and the President of the Court do not have data on the average length of proceedings of respective judges, the efficiency of individual judges is monitored according to the number of undecided cases and undecided cases older than 1 year
- these data are available to judges and court employees in court management, to judges also from monthly, semi-annual and annual reports regularly evaluated at meetings and to the Ministry of Justice, these data are available on the basis of reports and judicial statistics regularly monthly processed by the court
- such information on the length of proceedings is not provided to the court employees of the local court; this also applies to judges; but they can find out the length of the proceedings themselves from the available data (occurrence of the case, decision in the given case, etc.); in the case of a central body, this information is provided to it only on the basis of its request, provided that the central body itself ascertains the total length of proceedings within all courts in the territory of the Slovak Republic, this information is also provided to the court and, in that case, the court employees and the judges are notified of the length of the court proceedings; however, this is a figure relevant for the whole territory of the Slovak Republic.

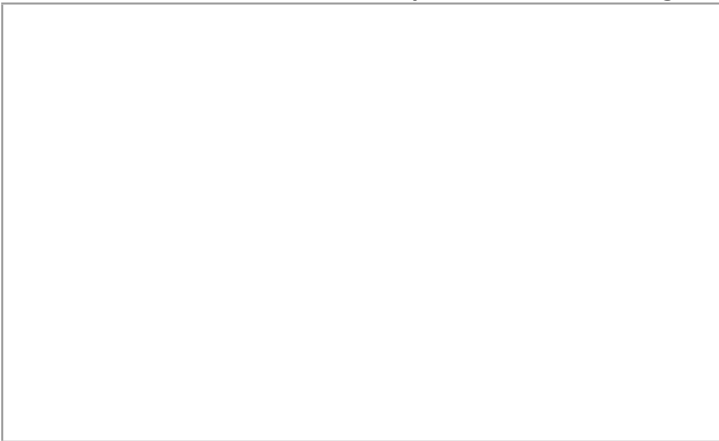
#### 4.1. Is this information discussed among judges?



##### Comments:

- I send out information about the number of unsettled cases and unsettled cases older than 1 month to the judges each month; I analyse these data annually in a document I send and discuss with the judges.
- through meetings, meetings of committees, or statements to complaints on delays in proceedings, and then individually with the relevant judge

#### 4.2. Is this information used to improve the functioning of the court?



##### Comments:

- with the current staffing of the local court with judges and other employees, it is not very possible, it could rather be an indicator for the Ministry of Justice of the Slovak Republic for determining the number of staff in the court
- no full-scale measures at court level, if so, then in a specific case of determined delays in the proceedings
- when creating a work schedule and its changes
- in relation to the efficiency of circulation of the case file within the Senate
- mainly the quality of the decision-making activity is monitored.
- rather informatively, so that the judges would have an overview of the average Slovak deadlines and could compare it with the status within their own Senates.
- in order for these statistics to serve to improvement of the functioning of the court, it is necessary to draw up serious analyses both from the point of view of input data and from the point of view of analysis of the causes of the existing situation and effective measures to improve it.

**4.3. Is this information available to the parties and to the general public?**

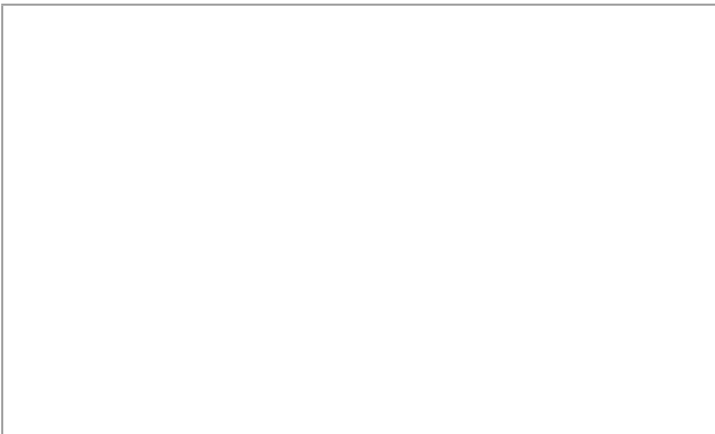


Comments:

- this information is on the publicly accessible website of the Ministry of Justice of the Slovak Republic, but I am not aware that the general public would use it very much for anything

**5. Are reports on the length of judicial proceedings produced at regular intervals?**

**Information**



Comments:

- the Ministry processes data on the average length of proceedings, but I do not think that this figure says much about the state of affairs in courts.

- this information is produced at regular intervals - monthly, semi-annual and annual reports

**5.1. By which authority/subject?**

**Information**

Comments:

- analytics of the Ministry of Justice is poor

- statistical data from the reports are received at the Ministry of Justice of the Slovak Republic, Statistical Office

- Beyond the statutory obligations also the District Court Banská Bystrica on its website - basic annual data

- on the basis of data from individual judicial departments, the statistical department of the court processes these in the statistical tables, submits them to the supervisory officer and the management of the court for evaluation, or these data are available to all the judges of the competent court.

**5.2. Are recommendations to improve the length of judicial proceedings included?**



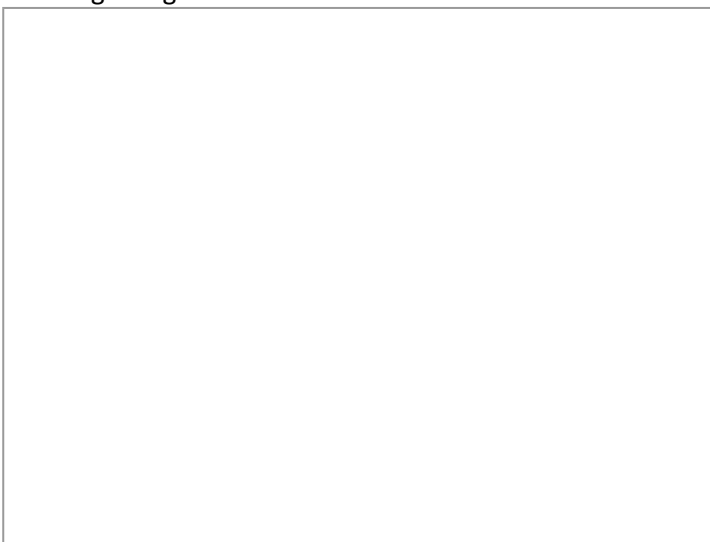
Comments:

- I, as the President, evaluate judges at regular meetings, while giving them recommendations to improve the length of proceedings
- it is not realistic to give recommendations in each and every case, since the judiciary is totally understaffed and judges are lacking.
- the report is only a statistical evaluation of the data, the improvement comments are not part of the report and are not even requested

**B. Planning, setting targets and intervention**

**6. Are there standards/timeframes/targets for the length of judicial proceedings set up by a central authority (for example: Ministry of Justice, Parliament, High Judicial Council)?**

Planning at a general level

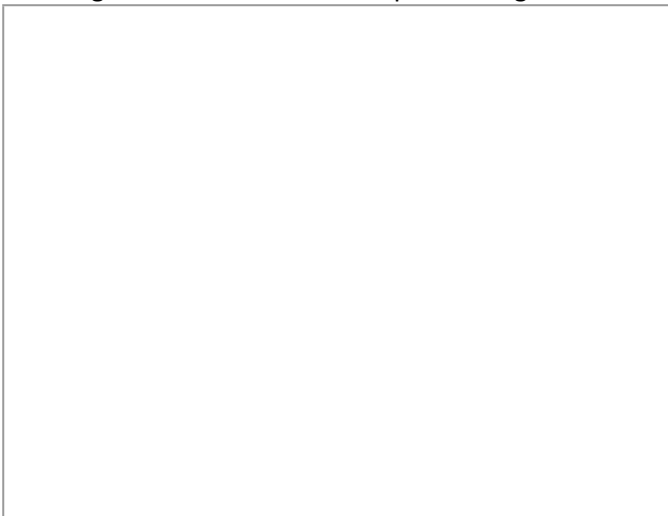


Comments:

- the adequacy of duration the judicial proceedings is governed by the case-law of the Constitutional Court of the Slovak Republic, the procedural law also determines the time frame of the proceedings (Civil Dispute Rules, Civil Extra-Dispute Rules, Criminal Procedure Code)
- especially in guardianship cases, or in cases governed by the Civil non-controversy code, the procedural deadlines for the decision are set by law, for example deadlines in business register matters; in the inheritance proceedings, the court determines the notary's time frame for handling of the inheritance; for disputes, this "standard" is the set by the decision-making activity of the Constitutional Court of the Slovak Republic, according to which the unreasonable inaction of the court is generally considered to be inaction exceeding 6 months
- the length of proceedings is only an indicator; there is no standard for the length of proceedings
- there are proceedings, where the court acts preferentially
- rather the statutory time-limits for the decision-making procedure for urgent measures are regulated by law, where there is a social need for an accelerated decision.
- depending on the agenda, the length of time after which the case / court proceedings are considered to be old (e. g. agenda "P" and agenda "T" - the deadline is set for 6 months)
- each case is different, the duration of the proceedings is affected by many factors and independent of the will and the capacity of the judge, it is not possible to determine the time frame for the length of proceedings by a "standard", it should be the effort of each judge to decide the case in the shortest time possible, considering the preferentially handled agenda (custody, etc.)

**7. Are there standards/timeframes/targets for the length of judicial proceedings set up by the courts?**

Planning at the level of concrete proceedings



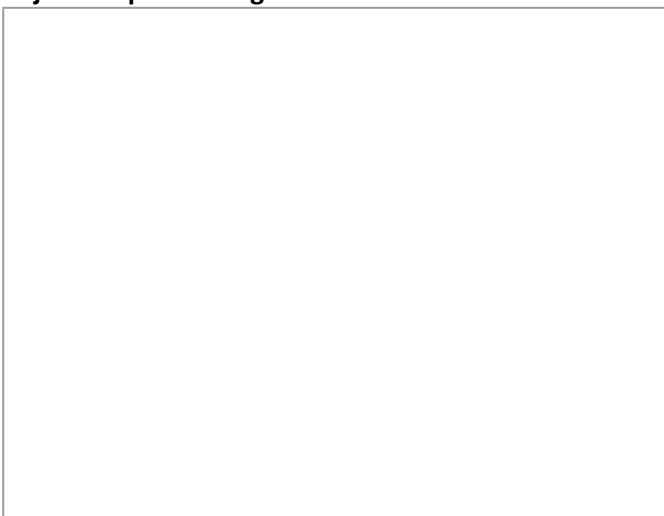
Comments:

- there is a standard that some unsettled cases are not old if they are not older than one year, others are not old, if they are not older than half a year, I do not know who has set these time frames; there are also cases that have to be decided by law within a certain time (30 days, 48 hours, 24 hours)
- the courts monitor the age structure of the cases and the President uses the results by the supervision
- nor can I imagine such standards, because in most cases, the disputes are prolonged for reasons on the part of the parties, not on the part of the courts; this is a misconception of the public, which is created by the media and populists
- based on Article 6 (1) of the European Convention and the criteria for determining which court proceedings are to be carried out preferentially, emphasis is placed on in cases involving serious danger to

the life, liberty, health and livelihood of a citizen, these cases are given priority (especially cases related to custody, restrictions on freedom of movement by placement in health care institutions (such as psychiatry clinic), aliment payments, compensation for damage to health, threats to livelihoods, work related endangerment of livelihood, etc.), and in cases where a Finding of the Constitutional Court of the Slovak Republic was issued for delays in proceedings and in cases where more than five years have passed since the commencement of the proceedings

- in heritage cases by the authorisation of a notary.
- there are no targets for determining the length of court proceedings
- see the case law of the Constitutional Court of the Slovak Republic, the ECHR and the Court of Justice of the European Union

**7.1. Are the presidents of the courts in charge of setting up standards/timeframes/ targets for the length of judicial proceedings in their courts?**



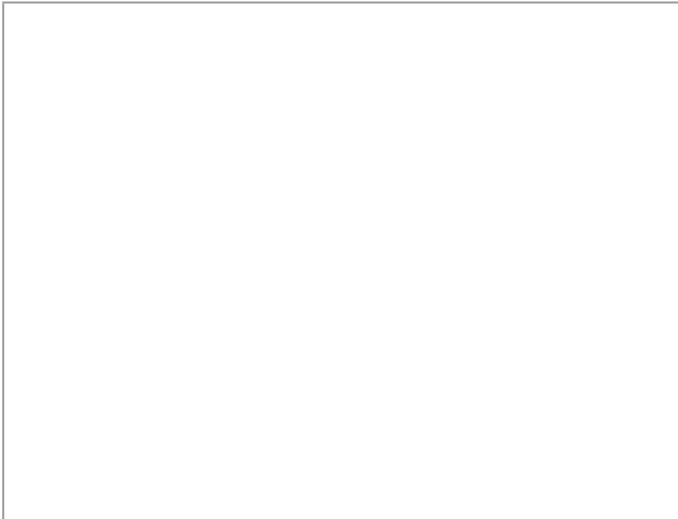
Comments:

- the President of the Court monitors the handling of cases and takes measures to mitigate the undesirable effects of an excessive length of proceedings, for example through changes in the work schedule
- they should monitor the decision-making activity of the judges in terms of fluency of the court proceedings (Section 53 (1) of the Act on Courts No. 757/2004 Coll. ); I suppose, this is individual, according to the respective President, including the method of monitoring and the method of evaluating the results obtained and the measures taken
- the Presidents of the Courts can only allow judges to have more time to write a judgement, up to a maximum of 4-5 weeks; I think that responsibility could be passed to Presidents, if each judge would have less than half of the cases assigned and could be sufficiently involved; then also better quality would be achieved
- the personnel conditions for the proper functioning of the court and, therefore, proceedings in individual cases without delay, are set by the supreme bodies; The Ministry of Justice of the Slovak Republic determines the number of judges, judicial officers and other employees.
- there are no targets for determining the length of court proceedings
- the President of the Court relies on the standards set by the legal provisions, Ministry of Justice of the Slovak Republic, decisions of the Constitutional Court of the Slovak Republic and ECHR
- I think that not for the setting of the time frames - the targets for the length of the court proceedings; these are laid down by law; the President of the Court is, however, responsible for monitoring the

observance of these time frames involved in the overall length of the court proceedings, by performing inspections in the court file, drawing attention to the smoothness of the proceedings, imposing any disciplinary measures that may be imposed by the President of the Court, or by submitting proposals for disciplinary action against a judge, even for delays in the proceedings, i. e. due to the considerable length of court proceedings

- each judge is responsible for the length of the proceedings in his Senate

**7.2. Do the presidents of the courts have sufficient authority and autonomy to actively set or participate in setting of targets?**



Comments:

- the targets we set at the meetings with the judges are very vague, however, the objectives are not set in terms of length of proceedings, but as to how many cases or cases older than 1 year we should remain undecided. I specifically monitor, as a president of the court, the old unresolved cases and communicate to the judges, what I see as the reason of prolongation of cases

- The President of the Court has no authority to determine the number of judges and employees - in this respect he is completely dependent on the Ministry of Justice of the Slovak Republic; there are also no performance standards; setting of targets is without effect, since judges are lacking and employees are not sufficiently remunerated

- he may set an internal unofficial standard

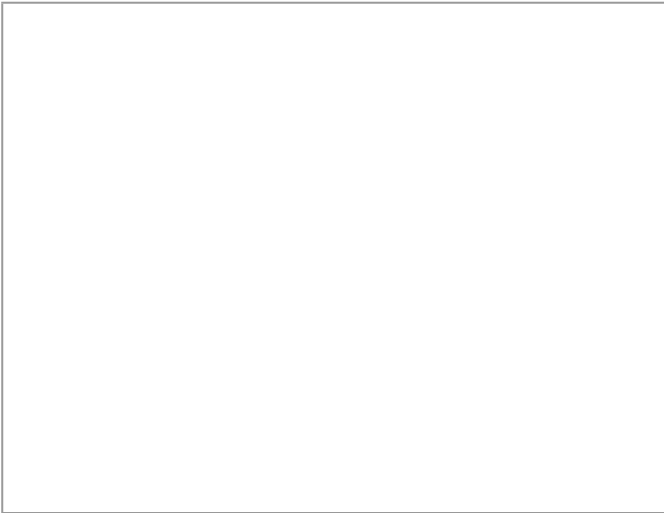
- it is up to the President of the Court, how and against whom he is able to take action against the shortcomings identified

- the President of the Court has the power to set the targets, but the conditions for their achievement are created by the supreme bodies (the Regional Court and the Ministry of Justice of the Slovak Republic).

- the President of the Court has authority to carry out managerial activities, e. g. the schedule of work, burden of judicial departments, performance of judges in the sense of Law No.757 / 2004 Coll.



**7.3. Do the court managers have sufficient capacity to monitor the compliance with the set targets, and authority to enforce them?**

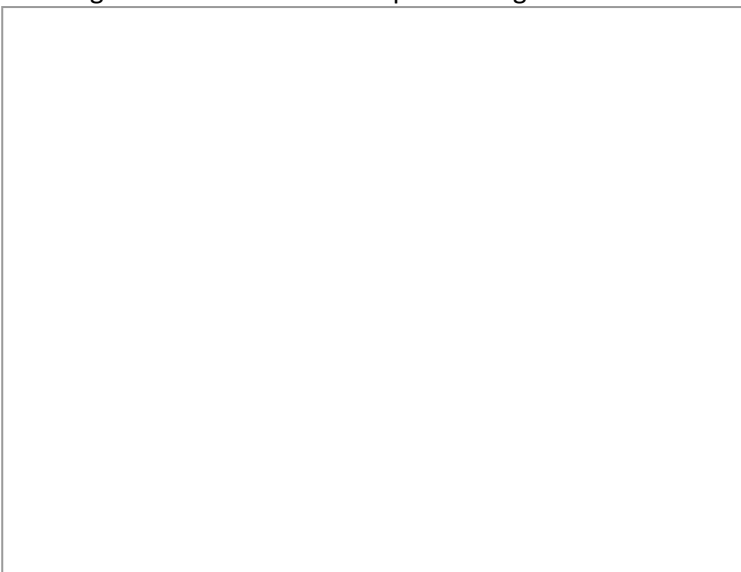


**Comments:**

- the heads of the court - in Slovak conditions, the “directors of the court administration” are assigned to the administration of the court and not to the judiciary, but some organisational units of the judiciary are subject to their authority (registry, information centre + by register courts) - Section 7 (1) and Section 7 (7) of the Administrative and Office Order No. 543/2005 Coll.
- the judiciary understaffed at all levels
- these activities are carried out by a supervisor in the courts, who is an employee of the judiciary; it is only possible to fulfil prescribed targets if the court is fully staffed with judges, judicial officers and court employees; these figures are determined by the Ministry of Justice of the Slovak Republic and it does not always comply with the request of the President of the Court to increase the number of vacancies; even when it is clear that with such a number of judges and employees, the court will not reach its targets.
- they have no personal capacity and decision-making autonomy

**8. Are there timeframes/targets established for the length of concrete judicial proceedings?**

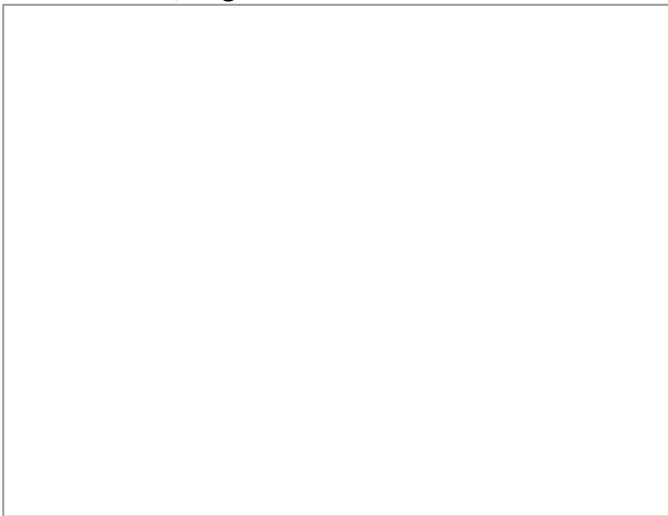
Planning at the level of concrete proceedings



Comments:

- for certain types of proceedings - urgent action, precautionary measures, criminal cases (e. g. custodies), minor cases, administrative justice - review of the detention order, asylum application, commercial matters, e.g. bankruptcy, when entering a business register
- the time frame can be determined by the Constitutional Court of the Slovak Republic in civil proceedings
- in order to establish frameworks and targets for the length of the court proceedings, the framework for the burden on judges and court officers must first be set, so the criteria for the number of cases in the judicial department of a judge, a senior judge, a court secretary and an assistant must be determined, if a court is not properly staffed, it is unnecessary to set targets, when it is clear that it will not be possible to achieve them.

**8.1. Are the courts/judges obliged to anticipate the length of concrete judicial proceedings on the bases of timeframes/targets?**



Comments:

- it is not realistically given the enormous workload of the courts
- with the exception of the statutory time-limits for decision-making, neither the judges nor the courts have the obligation to foresee the length of proceedings; however, it may be assumed, in some court proceedings, that they will take longer, for example cases with a foreign element, criminal cases where only the investigation file has several thousand pages and will require more time to study; the courts have no obligation to report the length of proceedings
- the length of proceedings cannot be affected only by a lawful judge

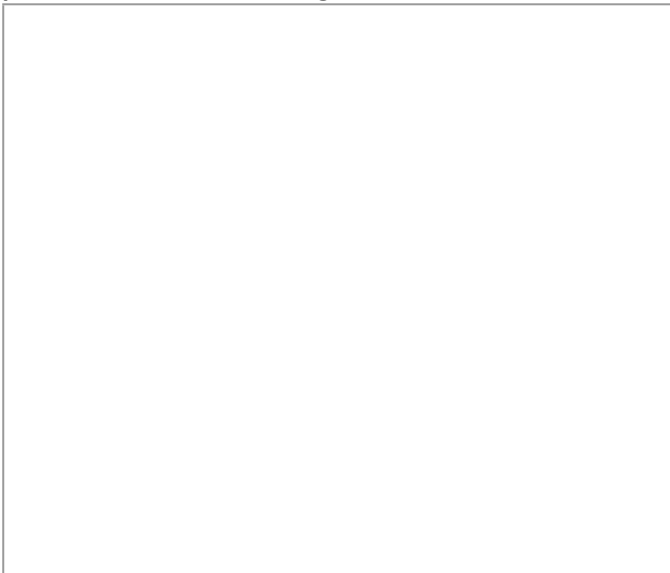
## 9. Are the standards/timeframes/targets made public?

Planning at the level of concrete proceedings

Comments:

- those that I create as the President are not disclosed; I notify the judges of them
- only the terms prescribed by law, within which the court has to take decision
- targets are not made public

### 9.1. Can the public/parties/lawyers anticipate the length of concrete judicial proceedings on the bases of published timeframes/targets?



Comments:

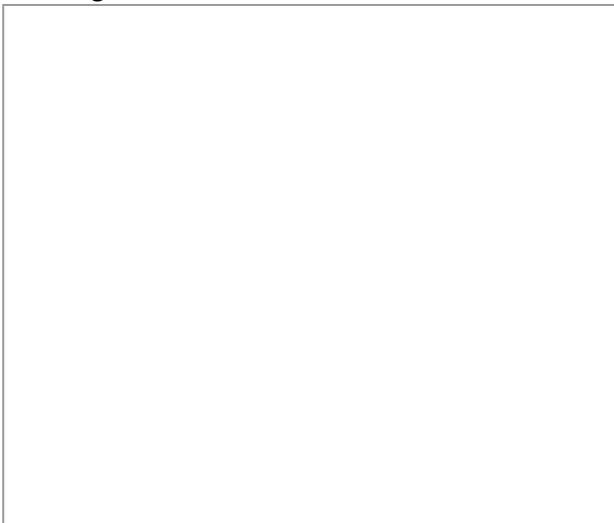
- in civil and commercial proceedings, no length of proceedings can be expected, because it depends to a large extent on the parties themselves; in criminal and minor cases, the time limits for the decision are set by law
- only if the court is properly staffed and the number of cases per judge is appropriate
- on the basis of disclosed time frames / targets, where the above is stated that they are not to be published, the public / parties / lawyers cannot expect the length of specific court proceedings, but lawyers,

as well as judges, can estimate that court proceedings will take longer (e. g. the need to file an expert's report, the execution of legal aid to foreigners, a large number of plaintiffs or defendants, more defendants in criminal matters or more actions, etc.), they are able to inform their clients - parties in court proceedings and so the lawyers, and parties can expect longer length of court proceedings; with regard to the public, it may receive such information on specific disputes and their length of proceedings either from the parties themselves or from mass media.

- cases are handled continuously by the date of their occurrence, taking into account the preferably handled agenda / custody, etc./ , lists of court hearings are published on-line, where information can be obtained and the foreseeable date of proceedings in a specific case.

**10. Are the standards/timeframes/targets periodically reviewed?**

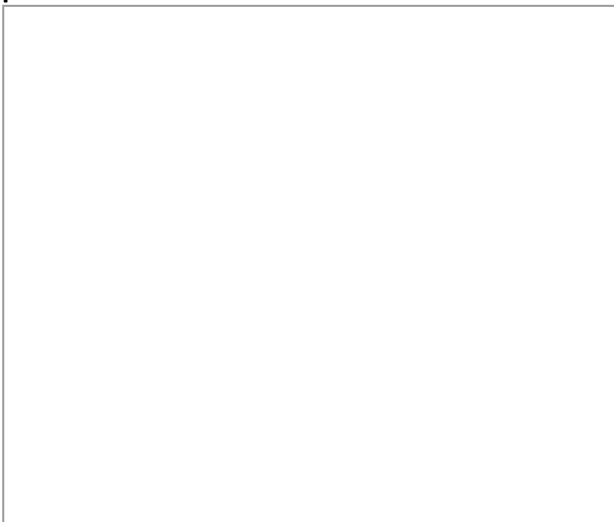
Planning



Comments:

- if the caseload is reduced, my action towards accelerating the proceedings in court cases older than 1 year can be more resolute; the Slovak judiciary was flooded with high number of mass cases in the years 2012 to 2013; in principle, by the year 2015, the courts handled this unnaturally high caseload, and it was hardly possible to exert pressure.

**11. Is the compliance with the standards/ timeframes/targets used in the evaluation of the court performance?**

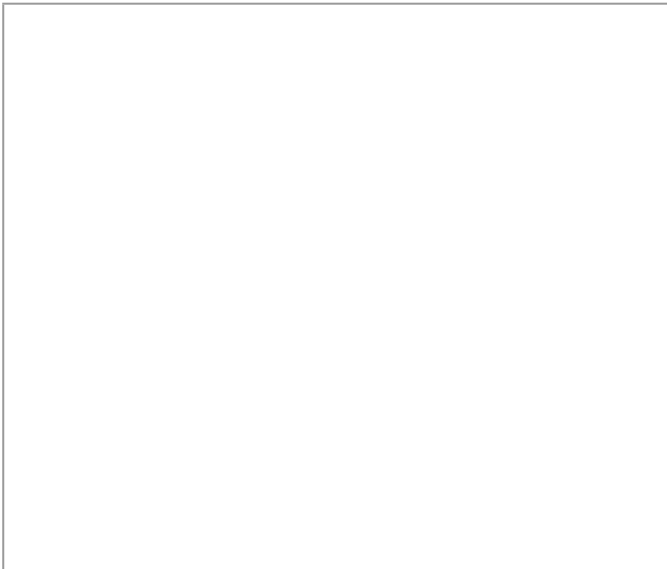


Comments:

- judges in my court reached even ration between number of undecided cases and undecided cases older than 1 year; the differences arise, in particular, in the light of their different legal ideas as to what evidence is to be done, which judicial procedures are optimal; the Slovak judiciary does not have clear legal standards on what is the optimal procedure in court proceedings, which is the optimal decision; concerning one and the same thing, typologically the same case decided after one trial, or after three trials, a court decision on two pages, but also on eight pages.
- the judge's statistical statements contain some data compared to the average of the court or compared to the whole Slovak Republic, however, the composition of cases in terms of their complexity is not taken into account
- judges are being monitored with regard to having reasonable complaints about delays, constitutional complaints
- the Ministry of Justice of the Slovak Republic assesses the courts also according to the length of proceedings.
- the time frame after which the case becomes old is the same in all courts; there are several factors influencing the length of proceedings, one of them being the staffing of the courts, or leaving of judges (retirement, promotion to a higher court, transfer to serve as a judge at another court, long-term judicial incapacity), which means redistributing cases of the "leaving judges" to the Senate of other judges, an obligation to study all redistributed files, which reduces space for the judge to be able to act continuously in all of his assigned and redistributed cases; this factor is not taken into account in the judges' assessment; the length of proceedings is affected by many other factors.

**12. Is the compliance with the standards/ timeframes/targets used in the evaluation of judges' performance?**

Intervention



Comments:

- judges evaluate their colleagues - judges
- depending on who prepares the evaluation
- the speed of resolving of cases, which is naturally reflected by the low number of undecided cases compared to the average, is an important part of the judge's assessment

- I am not aware of any standards / time frames of the length of the court proceedings, I am not aware of the time frame of the length of the court proceedings at a divorce of a marriage, or in criminal proceedings e. g. when it comes to fraud, therefore, I do not know what impact this will have on assessing the performance of the judge, the judge's annual statistical report takes into account the number of cases that occurred by the judge in the year under review, the number of cases in which he decided for the year, in which he lawfully decided for the given year and his average in the evaluation of the whole Slovak Republic, but not the judge's assessment in terms of the time frame of the court proceedings

**13. Are prompt actions undertaken by the court managers (president/chair or someone else) if departures from standards and targets are being observed or foreseen?**

Intervention

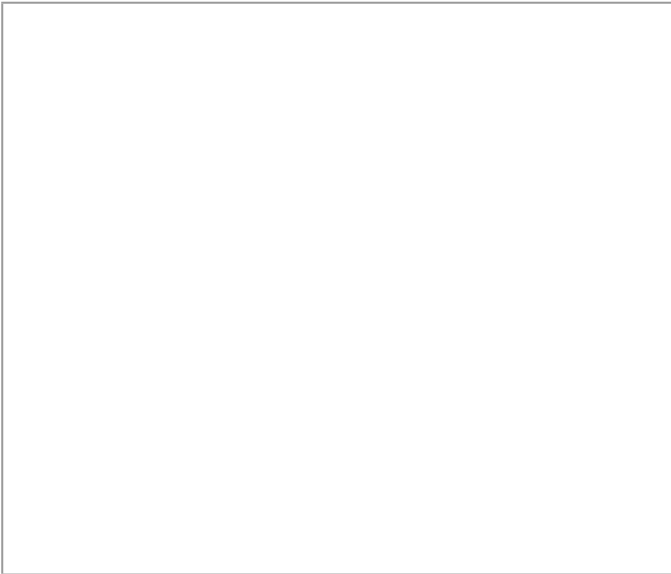


Comments:

- judges draw attention to the fact that they are unable to handle the case within reasonable time limits, the President of the Court draws the attention of the superiors and requests the appointment of other judges and judicial officers
- standards and targets are not determined
- the President of the Court will issue a measure that will lead to a correction of shortcomings in the proceedings, but cannot interfere with the judge's decision-making
- they do not have the power to influence the number of judges and the administration if the court is overloaded, is not able to adhere to the time standards for settling cases within a reasonable time
- the length of the proceedings shall be discussed; in the event of failure to act, he files a motion for disciplinary action
- yes, but not on the basis of the recording of deviations from the standards and targets for the duration of the proceedings, but on the basis of the review carried out by the President of the Court regarding the smoothness of the proceedings, or on the basis of a complaint by a party to the proceedings or on the basis of a decision of the Constitutional Court of the Slovak Republic, ECHR; these immediate steps are directed towards eliminating the deficiencies found in the proceedings, monitoring such proceedings until they are finally terminated, admonishing the judge concerned or court staff and the like

**14. Is there a complaint procedure for the parties if the examination of cases is perceived to be delayed?**

Intervention



Comments:

- each party to the proceedings has the right to file a complaint regarding the way how the court acts in the judicial proceedings with respect to undue delay, whereas this complaint is investigated by the President of the Court or higher instance (the regional court as a court of appeal against the decision on complaint made by the President of the district court, as well as the Ministry of Justice of the Slovak Republic) + complaint to the Constitutional Court of the Slovak Republic

**14.1. What is the concrete outcome of such a complaint (e.g. concrete measures to accelerate the proceedings and/or to compensate for the delay)?**

Comments:

- interview with the judge, measure or notification of delays in writing, in serious cases disciplinary proceedings

- an effort to remove the objectionable shortcomings, or monitoring at regular intervals until removal while checking the activity of the competent judge - the choice of specific measures is not laid down by law, but is determined by the President of the Court according to the circumstances of the case

- in the case of a complaint filed with the Constitutional Court of the Slovak Republic, the applicant may be granted financial compensation

- there is no competence to order the end of the case at a certain time

**15. Are there cases that are dealt with in a priority way by the courts?**



Comments:

- according to the work schedule of district court:

„The rule is that the case is, in principle, treated in the order in which it was registered in the various judicial departments (reasonable speed of proceedings) with the exception of:

a) in particular, cases handled with special speed with regard to care for minors, cases relating to employment claims, personal status, compensation for damage to health, social security cases, as well as those in which the failure to provide immediate protection loses the meaning.

b) cases of exceptional speed (absolute priority in handling), including enforcement of decisions:

- the return of a minor to the country of habitual residence
- adjusting the relationship of parents and children,
- aliments for minors,
- damages compensations to people who are terminally ill and are believed to pass away soon,
- damages compensations for the loss of health resulting in loss, or paralysis of the limbs, or total immobility,
- disputes in which the Constitutional Court of the Slovak Republic decided on the violation of the constitutional right of the participant to have his matter handled without undue delay."
- urgent measures in civil proceedings, custody in criminal proceedings, issuing of payment order on the form of the Ministry of Justice of the Slovak Republic within 10 days, minors
- constitutional complaints, cases monitored by the Ministry of Justice, cases in which a reasonable complaint has been lodged by the parties.

**15.1. If there cases that are dealt with in a priority, is the priority granted on the initiative of the court manager or on a request by the parties?**

Comments:

- priority is based on the work schedule (specific principles relating to proceedings requiring preferential treatment and on the decision-making process of the European Court of Human Rights, on the legislation

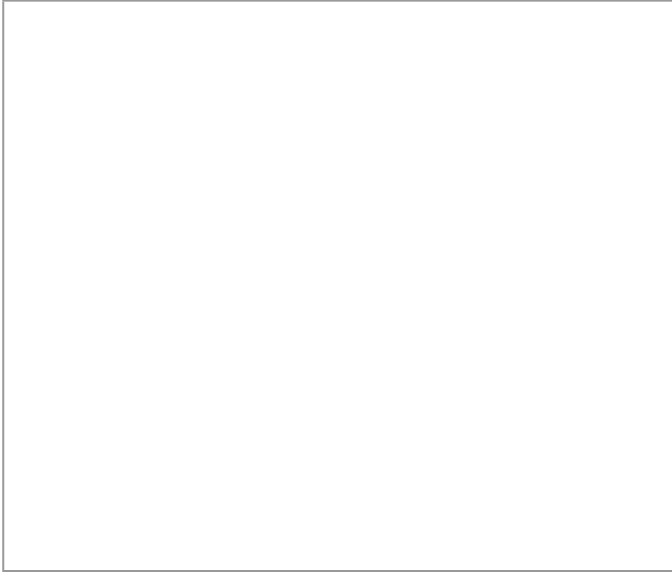


(terms set by law, within which the decision has to be made), or on the fact that some type of cases are considered to be old after half a year, and other after one year.

- not at the request of the President of the Court, it would interfere with the independence of the judge; the party may apply for preferential handling and it is at the discretion of the judge, if he complies with the request or not.

## **C. Consultation on the scheduling of procedural steps**

### **16. Are parties entitled to be informed about the length of their judicial proceeding?**



Comments:

- they may gain information from the court's information centre about the status of the case, or may request the notification of the expected hearing time

- the parties may be informed of the state of the proceedings, but not of the foreseeable duration of the proceedings

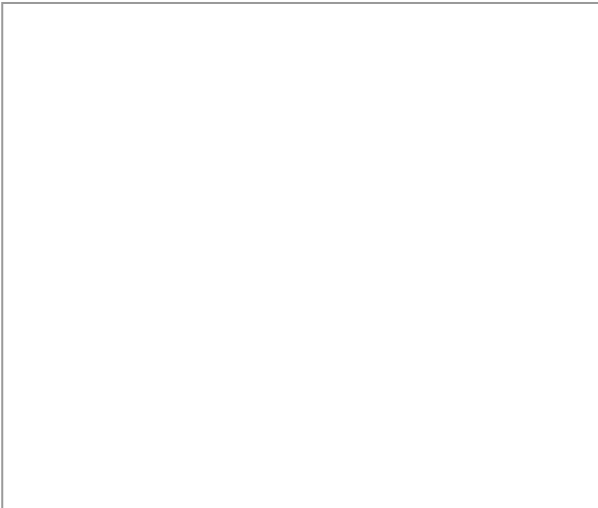
### **17. Are the parties involved in setting the dates of the procedural acts of their proceeding?**



Comments:

- it is common to consult, for example, setting the date of the hearing with the attorney to avoid overlap of terms
- at the adjournment of the hearing, the judge always ascertains whether the date of the new hearing suits the parties present at the hearing
- the party in the proceedings influences the procedural acts by its approach in the proceedings, i. e. whether it reacts actively or is rather passive and causes obstructions
- the judge will usually comply with the request of the party to the dispute, the party to the proceedings, or the attorney, if they cannot take part in any procedural act at any given time

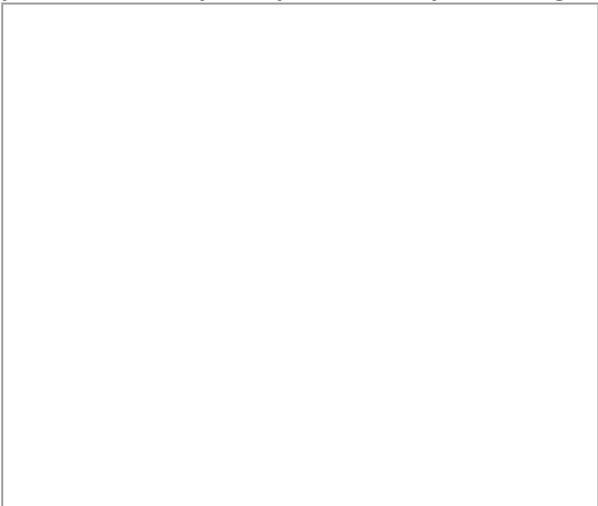
**17.1. Does the judge have to reach an agreement with the parties to schedule the dates of future procedural acts?**



Comments:

- it is not the duty of a judge, but in general, the judge does so in the interest of the successful conduct of the scheduled act
- when a judge adjourns a hearing directly at the hearing, he naturally tries to match the deadlines of all present parties

**18. Do the courts have a specific policy to limit postponements and adjournments requested by the parties or other participants to the proceedings (experts, witnesses etc.)?**



Comments:

- the question of delays and adjournments of proceedings is answered by respective legal provisions
- it is a result of procedural regulations, in the form of the imposition of a fine, a presentation, an order for arrest, a witness securing, and the like
- the court practice is quite strict, when it comes to unsubstantiated requests for adjournment of proceedings and, in principle it allows to act even in the absence of parties.

**18.1. Are there sanctions by law or court rules against parties who intentionally delay the proceedings (admonition, replacement, fines, cost decisions)?**



Comments:

- they are set out in the procedural regulations e. g. a fine imposed, a presence of the party at the trial may be secured by police, the default decision, the payment of the costs incurred, the lapse of a procedural motion as a result of the failure to observe the deadline

**18.2. Are there sanctions by law or court rules against other participants to the proceedings (experts, witnesses etc.) whose behaviour cause delay of proceedings?**



Comments:

- order fine, demonstration, reduction of experts, complaint to expert, interpreter, lawyer...

- pushing the experts to give their reports faster is often ineffective, because there is often an objective overload of the experts due to their small amount in the given sector

**18.3. Are there specific common initiatives between judges, court personnel, and lawyers to reduce the length of proceedings?**



Comments:

- I do not understand, what exactly is meant by this question
- judges and judicial officers unify their procedural and working practices at work meetings
- this initiative is led by a lawful judge in communication with the parties to the dispute and legal representatives in conducting proceedings
- e. g. if so requested by a party in a proceedings, where a number of disputes arose in a particular court, and that party resides outside the city of the district court's headquarters, takes care of a number of children, or suffers from a lack of funding to travel to the hearing and asks for the possibility of hearing in these cases on a single day and if the judges handling his case are assigned the same day of hearing, nothing prevents them from doing so in the proceedings, they are willing, so a joint initiative will arise between them in order to set the date of the hearing on the same day, this also applies to judges and lawyers as mentioned above, in order to avoid a conflict between the defence counsel and the lawyer with another hearing in another court or in another case, it is possible to negotiate this in order to determine the date of the hearing, and that is for the need of smoothness in proceedings, need to shorten the length of proceedings, economy, efficiency