



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



ENCJ South – Western Region Seminar on Timeliness Madrid, Spain 28-30 November 2016

On 28-30 November 2016 ENCJ organised a regional Timeliness seminar in Madrid for the South Western countries. The seminar was the last in a series of 4 seminars.

Participants came from the Judicial Councils and judicial authorities of France, Italy, Portugal and Spain. The CEPEJ and the European Commission also attended and addressed the participants. The meeting was chaired by ENCJ coordinator Mr Niels Grubbe of Denmark and hosted by the Spanish CGPJ.

The aim of the seminar was to increase awareness for the issue of Timeliness, to deepen the understanding of causes and remedies, and to discuss the recommendations and the cooperation between stakeholders, and thus to further the implementation of the recommendations. It was deemed appropriate to organise the seminars with participants from countries within a region with comparable legal cultures and traditions.

Monday 28 November

Nuria Diaz Abad – The president of the ENCJ and member of the Spanish CGPS opened and welcomed all the participants to the last timeliness seminar. Three aspects are of importance regarding timeliness: judicial ethics, court management and quality of justice.

Niels Grubbe (coordinator of the Seminar, Denmark) - welcomed all the participants. He gave an overview of the work in the field of Timeliness and its significance for the courts, justice and society. The decision to organise regional seminars – is due to the proximity of the legal traditions. This is the 4th Seminar which covers the countries from South-Western Europe. The basis for the discussions during the Seminar will be the issues indicated in [ENCJ Timeliness Report](#).

He gave a presentation on the scope, impact and causes of timeliness. The reasons for undue delay were presented. The causes of the delay should be analyzed. There is shortage of money in all countries but there are other causes for delay. The solution of problems shall take the efforts of all stakeholders. Balancing remedies with other quality features and independence were also presented.

Luca Verzelloni, researcher Centre of Social Studies of the University of Coimbra, made a presentation on the reduction of backlog and the experience of the Strasbourg Program and the Census of Italian Civil Justice Systems. He presented the implementation of the Strasbourg Program on the case of the court of first instance of Turin.

Concepción Sáez Rodríguez, member of CGPJ, Member of the working group Mediation and ADR, gave a presentation on mediation and other forms of alternative dispute resolution in the Spanish legal system. Although the development of ADR is a priority to the Spanish government Spain faces some problems with the implementation: cultural limitations, lack of public policies, lack of ADR policies.



Workshop discussion

The participants then went to discuss the topic of reduction of case load. The issues and questions dealt with during the first workshop were:

- Judicial dispute prevention
- Alternative dispute resolution
- Amicable settlement
- Extended competence of lower courts – limitation of appeal
- Multiparty actions

Tuesday 29 November

Ana Azeredo Coelho, judge at the Court of Appeal, chief of the Vice President's Office, CSM Portugal, made a presentation on the assignment/reassignment and transfer of cases and the posting of judges in Portugal. As a general rule the assignment and reassignment of cases is random and by electronic system. In general judges can not be moved from the Court/section to which they were appointed however in very limited and clearly defined cases there can be an exception to enhance efficiency, overcome workload imbalances or ensure the handling of the cases.

Eva Pacheco Pinto Jorge, Ministry of Justice, DG of Justice Administration, spoke about flying brigades in Portugal and the successful implementation.

Workshop discussion

The participants then went to discuss the topic of capacity management. The issues and questions dealt with during the second workshop were:

- Balancing load and capacity
- Transfer of cases, reallocation of judges, flying brigades
- Retired judges and juridical assistants
- Composition of the tribunal

Jesús González, professor, adviser at the Spanish Constitutional Court, made a presentation on the Spanish experience concerning small case procedures in civil matters.

Alain Lacabarats, member of the French CSM and chamber president at the Court of Cassation, explained the changes introduced in civil case management by digitization. Digital technology has been used for appeal to the Court for almost ten years and the procedures are totally dematerialized. Judges have 'virtual offices' which gives them access to Court's decisions, reports on legal topics, main academic's comments of the Court Judgements etc. By means of this digitization and thanks to better working methods the Court has succeeded in reducing the duration of procedures.

Isabel Maria Matos Namora, Judge, President of the first instance Court of Coimbra, spoke about the reduction and limitation of the hearing, directive powers and the power-duty of the judge in trial. She gave a detailed description of the course of the proceeding at the final hearing. The judge's intervention at the final hearing is based on three basic principles: inquisitorial, undelayable final hearing and continuity of the final hearing. She also commented on alternative procedures to an ordinary trial such as summary proceedings or abbreviated proceedings.

Sérgio M. Silva Pena, High Court Prosecutor, General Attorney's Office, made a presentation on the restriction of witnesses and written testimonies at Portuguese criminal procedure and its main stages and the effect of it on timeliness.



Workshop discussion

The participants then went to discuss the topic of procedures and case management. The issues and questions dealt with during the third workshop were:

- Procedural steps – reduction and time limitation
- Case management, call-overs
- Hearing – reduction and limitation
- Written judgements – simplification and limitation
- Small case procedures

Wednesday 30 November

Antonella Ciriello, magistrate, member of STO (IT development Commission), presented the Processo Civile Telematico (PCT: On-line civil trial = tool not a different kind of procedure) and in which way it helped to improve the efficiency of the justice and to reduce the length of civil cases in Italy.

Sammy Lauritsen, European Commission DG Justice and Consumers, made a presentation on time limits and timeframes used in EU member states.

Ivana Borzova – Member of the Bureau of CEPEJ talked about the evaluation report on European Judicial Systems 2016, the experiences of the Saturn (Study of Analysis of judicial Time Use Research Network) Centre for judicial management and in particular the Implementation guide CEPEJ-Saturn.

Session III Procedures and Case Management

Introductions of each of the countries represented about their main challenges in the field of procedures and case management were made. In most of the countries there were new legal acts implemented to improve the case management and to reduce the time for solving the cases. There should be a programme for each case setting out a time limits for all the steps during the procedure.

Workshop discussion

The participants then went to discuss the topic of processing and goals. The issues and questions dealt with during the last workshop were among others:

- Video and telephone meetings
- Electronic recording
- Electronic tracing and filing
- Specialization

Presentations

All presentations of the different speakers can be found here [on the ENCJ website](#).

Evaluation of the Seminar

At the end of the Seminar all the participants were kindly invited to fill in an evaluation form. About 90% of the participants indicated that the length of the Seminar was right. The overall rate of the Seminar was indicated as excellent or good. Most of the participants expect the Seminar to make a difference in the way they approach timeliness issues. It was suggested that councils and ministries should have sent in statistics and documents in advance and that there could have been a little bit more focus on criminal procedure.



Evaluation of the Seminar

