



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## Response questionnaire project group Timeliness

### Ministry of Justice Finland

#### 1. The Court System and Available Statistics

##### 1.1. The Court System

##### General Courts in Civil and Criminal Matters in Finland

##### District Courts (27)

Finland is divided into a 27 of judicial districts, each with a District Court (käräjäoikeus). The districts vary greatly in size, both in terms of population and of area. A District Court is made up of a Chief Judge (laamanni) and a number of other professional judges (käräjätuomari).

In civil cases the proceedings start with the pre-trial phase of the procedure, after which the case is adjourned to the main hearing. The case also can be resolved already in the course of the pre-trial procedure. Also in criminal procedure the principles of orality, directness and concentration of the trial are stressed. The greatest volume of cases dealt with by the district courts undisputed debt-collecting cases.

##### Courts of Appeal (6)

The second instance in an ordinary case is the Court of Appeal (hovioikeus). These courts hear civil and criminal appeals. In the Courts of Appeal the cases are heard by three judges. The appeal procedure is similar in both civil and criminal cases. After preliminary preparation the case can be resolved either after hearing or in written procedure.

##### The Supreme Court

The third and final instance is the Supreme Court (korkein oikeus), which has its seat in Helsinki. Its most important task is to establish precedents, thus giving guidelines to the lower courts on the application of the law.

## Administrative Jurisdiction

The administrative courts hear appeals of private individuals and corporate bodies against the acts of the authorities. In certain cases the State and municipal authorities also have the right of appeal.

### Administrative Courts (8)

An appeal is usually first heard by a regional Administrative Court (hallinto-oikeus). The administrative courts hear tax, municipal, construction, social welfare, health care and alien cases as well as other administrative cases. In certain of these the appeal must be preceded by a complaint to a separate lower appellate body. The administrative court consists of three judges. The procedure is mainly written.

### The Supreme Administrative Court

The Supreme Administrative Court (korkein hallinto-oikeus) finally decides the legality of the acts of the authorities. The bulk of its case-load consists of appeals against the decisions of the Administrative Courts.

### Special Courts

There also are special courts in Finland, such as 1. The High Court of Impeachment (valtakunnanoikeus), which hears criminal cases relating to offences in office allegedly committed by a member of the Council of State, the Chancellor of Justice, the Parliamentary Ombudsman or a member of either the Supreme Court or the Supreme Administrative Court, 2. The Market Court (markkinaoikeus) hears i.a. disputes regarding public acquisition, competition between firms and improper marketing, 3. The Labour Court (työtuomioistuin) hears disputes relating to collective agreements on employment relationships and on civil service relationships and 4. The Insurance Court (vakuutus-oikeus) considers certain cases falling within the field of social insurance, e.g. occupational accident insurance and pensions.

1 . 2 .

### Statistic information on Courts, judges and cases

District Courts (27), 492 judges (2009), 496 judges (2010),

-Total: 750 151 incoming and 731 658 solved cases (2009)

-Criminal cases: 85 971 incoming criminal cases (25157 cases of them are cases related to criminal cases, like coercive demands (detention), enforcement cases concerning punishments etc.)

-Civil cases: 664 180 incoming civil cases (2009)

-311 675 of them are undisputed debt collection cases, heard by the clerks of District Court

-295 442 of them are mortgages and registrations of the ownership to land, earlier solved by the clerks and from 2010 transferred to the Land Register (administrative organ)

Courts of Appeal (6), 183 judges (2009), 184 judges (2010)

-Total: 11 435 incoming and 11 447 solved cases (2009)

The Supreme Court (1), 18 justices (2009), 19 justices (2010)

-Total: 2722 incoming and 2629 solved cases (2009)

Administrative Courts (8), 179 judges (2009), 176 judges (2010)

-Total: 22 515 incoming and 21 494 solved cases (2009)

The Supreme Administrative Court (1), 22 justices (2009), 23 justices (2010)

-Total: 4279 incoming and 3965 solved cases (2009)

### 1.3. Statistic information on processing time

District Courts

-Total processing time 2009: 3,4 months in criminal and 8,2 months in civil cases (2,2 months in undisputed debt collection cases heard by clerks);

Courts of Appeal

-Total processing time 2009: 6,7 months

The Supreme Court

-Total processing time 2009: 4,1 months (the leave not granted), 14,5 months (the leave granted and The Supreme Court hears the case)

Administrative Courts

-Total processing time 2009: 7,8 months

The Supreme Administrative Court

-Total processing time 2009: 10,2 months

## 2. Statistics, Requirements and Transparency

### 2.1. What statistics are provided for on a regular basis?

Statistics are collected by the electronic registers (diary) of all courts. They are available for courts in real time either by the electronic case handling programs of the courts or by so called BO (Business Objects) - system, by which it is possible to print different kinds of "set up"-statistics of handling times and numbers of different types of cases solved etc, as well as produce "one-off"- statistics describing the performance of

a court, different units in a court or even performance of a single judge. These statistics based on the real time registers are available for the courts and for the Ministry of Justice.

2 . 2 . Are provided statistics published?

General statistics of case load, incoming and solved cases, handling times and general view of given sentences and punishments are available for everybody in Statistics Finland's internet service (<http://www.stat.fi/til/oik.html>)

Bench marking is not really encouraged, because the detailed BO- statistics of the performance of a judge and a single unit of a court are only available for a single court. To encourage bench marking on some level general statistics of handling times and cases solved in different courts are published every month in the intranet for all courts. There is a project to develop case handling programs of the courts in near future to serve electronic information sharing between authorities more effectively than nowadays.

2 . 3 . Is processing time of individual cases transparent?

Processing time of individual cases is transparent for a single court on a level of a single clerk, judge and unit of a court. It is also transparent in Administrative Courts and Courts of Appeal to the parties of a single case. They are allowed to use an electronic enquiry in their case based on the data of electronic registers of courts. In near future the electronic registers of courts should be able to serve media and parties via internet, but this is still a project.

2 . 4 . Are requirements for processing time stipulated?

They are not regulated by the Parliamentary Act, but the European Convention on human rights sets limits for handling times and there already are some national precedents on handling times.

2 . 5 . What are the consequences of exceeding required/reasonable processing time according to national rules or practice?

A new Act on Compensation for Damages Caused by the Delay in Court Proceedings came into force at 1.1.2010. According to this Act a litigant is entitled a right for compensation, if the delay in Court Proceedings violates his/her right to a fair trial according to the European Convention on Human Rights. The compensation is 1 500 euros for each year the proceedings have delayed because of the state's authorities. The maximum compensation is 10 000 euros.

2 . 6 . Can the parties and others make a complaint about the processing time?  
If so to whom?

According to new Act on Compensation for Damages Caused by the Delay in Court Proceedings a litigant is allowed to demand the compensation during the proceedings in the Court before the main hearing has ended.

2.7. Are user surveys on processing time carried out?

If so how often?

They are followed by statistics.

### **3. Reduction of Caseload and Facilitating Court Procedures**

3.1. Which means of reduction of caseload are used?

For the meantime there is a system of "sieve" in the Courts of Appeal. It is a simplified procedure to extract cases with no chance of success in a rapid and affordable way. Because of the problems within this procedure it will be replaced by a new system of leave for the Courts of Appeal from the beginning of 2011. The new system of leave is suited to minor criminal and civil cases. There also is a system of leave in the Supreme Court, which most important task is to establish precedents as guidelines to lower courts in those cases the leave is granted.

Also several alternative dispute resolution methods are used in Finland. as mediation during the civil procedure, Court Annexed Mediation for civil matters and Mediation for Civil and Criminal matters organized by the municipals (social services). Mediation is also offered by some private organisations, like the Finnish Bar Association. The special characteristic for nordic dispute resolution are decisions (recommendations) by ombudsmen or non binding boards, like consumer disputes board. The Consumer Disputes Board in Finland hears about 4500 cases in a year concerning different kinds of consumer disputes like goods, services, insurances, securities and housing matters.

3.2. Are any special easy procedures available?

There is a summary civil procedure for undisputed debt recovery cases. It is formed of the written preparation of normal civil procedure. The application for a summons is easier as in a normal civil case, the literary evidence is not given to a court as in normal civil procedure, but it is only indicated in the application for a summons. Thus a application for a summons can be made electronically and there is a special electronic service for big debt collection agencies, who initiate about 70 % of all 311 675 summary cases in a year. The request for an answer is also served to the defendant the electronic post service offered by the national Post. The request for an answer is sent electronically to the nearest post office to the defendant

and printed to paper form and served to the defendant there. The summary cases are handled by clerks in District Courts and they are given to a judge only if the defendant oppose the plaintiff's demands.

3.3. What simplifications of ordinary procedures are applied?

Witness testimonies can be given either by telephone, if there is no question about the reliability of a witness (doctors, engineers, experts), or by video conference. All court houses and premises of prosecutors and different judicial authorities are connected to a secure videonetwork by which all premises can be reached. It is already a common habit to hear witnesses by the video, but nowadays the law does not allow a litigant to attend proceedings by video, except the coercion cases (detention) in criminal procedure.

3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.

In the Courts of Appeal it is now possible to invite the appellant to the main hearing from his procedural address, which in most cases are the lawyers' addresses. Earlier there was a rule that the appellant was to invite personally and this caused many cancellations of hearings, because often the appellants are the defendants in the criminal procedure, who occasionally are hard to find for serving the invitation.

#### 4. **Increase of Capacity and Improvement of Processing**

4.1. Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?

There is no ambulance teams or other kinds of supplementary judges in Finland, who are not permanently allocated to a specific court. The assistance from retired judges is also not used in Finland. The amount of judges is adapted to the workload of the court by the yearly budget- and result-negotiations between the Ministry of Justice and the specific court.

4.2. Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?

In the Courts of Appeal, The Supreme Court, Administrative Courts and The Supreme Administrative Court there are clerks, who prepare cases for decision. They also take care of practicalities concerning the hearings, invitations and communication with parties.

4.3 Do you try to limit processing time by facilitating processing of cases?

In big courts there can be house rules to distribute criminal and civil cases to different departments and even more specific house rules to concentrate certain civil cases (like mediation, insolvency cases-

es, cases of intellectual property rights, family cases etc.) to certain judges, who also have special training for such cases.

4.4 Do you try to limit processing time by giving secretary or juridical assistance to individual judges?

In the District Courts a judge and his secretary are partners, who form a pair (a working unit). The secretary takes care about the practicalities of the process, like invitations, protocols and communication with the advocates' offices.

4.3. Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?

The Projects of Logistics

This year 2010 the Projects of Logistics participated the competition of Crystal Scales of Justice Prize organized by the European Commission and Council of Europe (Cepej). The Projects of Logistics did not win the Prize, but was placed one of the best four projects of all 50 projects participating the competition.

In year 2006, the Finnish Ministry of Justice had an idea, that totally new and fresh perspective and expertise is needed in the battle against the delays and in finding novel improvement solutions to the court system operations and processes. This idea shaped up as *a judicial process improvement and delay reduction innovation*, which is also called the Projects of Logistics in a daily use. In this innovation the court system processes are viewed and analyzed with cross-scientific perspectives by melting knowledge and ideas from industrial management and law. In order to do this, a research group from Lappeenranta University of Technology (Supply chain and operations management) formed a process improvement teams together with the management and employees from the Helsinki Court of Appeal and Insurance Court.

The main stages of the project were: (i) thorough. inventory of pending cases of the different working units of the court (age, type and size of pending cases), (ii) analysis and evaluation of the process and improvement needs (e.g operational statistics, and interviews), (iii) planning the improvement initiatives (in group work-shops), (iv) implementing the improvement actions (e.g. pilot-testing, training, personal guidance), (iv) evaluation of the improvement actions (e.g. interviews, numerical analysis, needs for changes).

As a result of the improvement projects the courts have in use new work and management procedures which have had a huge impact to process efficiency. The new procedures include for example:

1. New production planning practices using multiple project control
  - a. New work planning practices were developed where the cases are treated as projects. The proceeding of the case is scheduled right after arrival and the handling process is planned according to this scheduled date.
2. New follow-up and control system using time-limits for each stage of the handling process
  - a. An IT-tool based follow-up system was built, which has time-limits for every phase of the handling process and which alerts if case exceed these limits. The system can be used as a tool both to planning the order of work and to overall management follow-up of the situation.
3. New procedures to highlight and control progression and flow of the more complex cases
  - a. The more complex cases often got stuck in the process, in order to avoid this, procedures to identify and highlight these cases from the mass was developed.
4. Establishment of prioritization rules and determining definite throughput-time objectives for different case-groups.

The goal of the projects was that no case should be pending over 12 months and this was very well achieved. When the projects started in Helsinki Court of Appeal as much as 34% of the pending cases were older than 12 months and in Insurance court 16%. After the projects, the situation is dramatically better; Helsinki Court of Appeal has now 7% of pending cases older than 12 months and Insurance Court 8%. The situation is getting better all the time as the use and utilization of the new procedures become more and more like a routine.