European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

Response questionnaire project group Timeliness

Tieslietu padome (Latvia)

1. The Court System and Available Statistics

1.1. The Court System

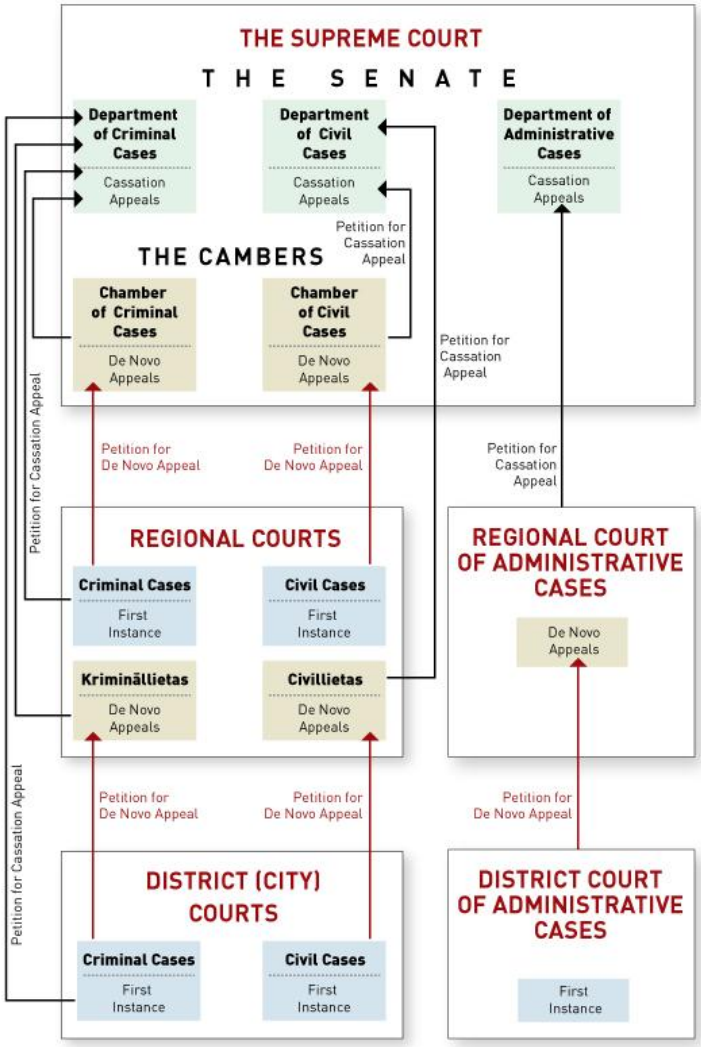
Legal framework of the court system is determined by the Constitution (*Satversme*) which defines cornerstone principles - independence of judges; judge appointment procedure; irrevocableness of judges. The Law on Constitutional Court defines the institutional and legal framework of the Constitutional Court and the law On Judicial Power specifies the judicial (court) system, elaborates on principles and immunities, judge appointment procedure, disciplinary proceedings, e.t.c

There are no any special (extraordinary) courts in Latvia. In state of emergency or during war a military court can be established.

The Constitutional Court is independent and is not subject to the three level court system.

There is mixed three instance (district (city) court – regional court – The Supreme Court) court system in Latvia, i.e. district (city) court tries cases in the first instance and regional court tries the appealed cases as well as tries particular type of cases in the first instance. The Supreme Court reviews cassation cases, tries the appealed cases of regional court and tries particular type of cases in the first instance. The Civil Procedure Law, Criminal Procedure Law, Administrative Procedure Law and Latvian Administrative Violations Code determine matters which are within the jurisdiction of district (city) court or regional court as the court of first instance. Some rules of jurisdiction are also set in the specific laws, e.g. in the Law on Public Procurement etc.

District (city) court and regional court try all type of civil, criminal and administrative violation by person cases, but administrative cases (regarding the control over the activities of executive power, which relates to the rule of law and justification of concrete public law relations – administrative acts or the actual actions of institutions as well as ascertain a person public law duties or rights) are tried by the Administrative court. District (city) courts are established in the territory of operation of the particular regional court. Regional courts (except the regional administrative court) are located in different regions of Latvia and have set territory of jurisdiction. Some regional courts have divisions – courthouses, which are located within the territory of operation of the regional court. Courthouses are established to ease the access to the court because of the regional court location reasons. The regional administrative court is located in the capital of Latvia (Riga) and its territory of operation is the whole country. The Administrative district court has divisions – courthouses, which are located in different places in Latvia and has set territory of operation.



Land Registry Offices are part of the court system and are established to register real property, as well as to record the rights associated therewith. Land Registry Offices are supervised by regional courts.

Adjudication in district (city) court. Civil and administrative matters in district (city) courts are adjudicated by single judge. Especially complicated administrative violence by person matters, at the discretion of the Chief Judge of the district (city) court may be adjudicated collegially by a court panel comprising three judges. Criminal matters are adjudicated collegially by a court panel comprising three judges, but in cases specified by law, criminal matter may be adjudicated by a single judge.

Adjudication in regional court. Civil and criminal matters in regional court (acting as court of first instance) are adjudicated by single judge. Regional court, sitting as the court of appellate instance for matters, which have been adjudicated by district (city) court as the court of first instance, adjudicates civil, criminal and administrative violence by person matters collegially by a panel comprising three judges.

Adjudication and internal structure of the Supreme Court. The Supreme Court is composed of the Senate and two judicial panels: the Civil Matters Panel and the Criminal Matters Panel. The Panel (Civil Matters Panel or the Criminal Matters Panel) is the court of appellate instance for matters, which have been adjudicated by regional court as the court of first instance. The Panel adjudicates matters collegially comprising three judges.

The Senate is composed of three departments: the Civil Matters Department, the Criminal Matters Department and the Administrative Matters Department. The Senate adjudicates matters collegially, in panels comprising three senators. In cases specified by law, an extended panel of senators adjudicates a matter. The Senate is the court of cassation for all matters, which have been adjudicated by district (city) court, regional court, and the administrative court. The Senate is the court of first instance for matters concerning decisions of the Council of the State Audit Office.

1.2. Statistic information on Courts, judges and cases

There are 35 district (city) courts (including the Administrative district court), 6 regional courts (including the Regional administrative court) and the Supreme Court. According to the current statistics (latest update from November 1, 2010) the actual number of judges in Latvia is **545** (**45** judges of the Supreme Court (**24** senators (judges of the Senate) and **21** judge of the Panels); **112** judges of regional courts; **19** judges of the regional administrative court; **251** judges of the district (city) courts; **42** judges of the administrative district court and **76** judges of the Land Registry Offices).

1.3. Statistic information on processing time

Statistics for the 2009:

	Incoming and decided cases in the court of first instance (2009)	
Case type	**Incoming**	**Decided**
Civil cases	41703[1] 93336[2] (total 135033)	41868[1] 93843[2] 135773
Criminal cases	11805	11442
Administrative violence cases	18958	19141
Administrative cases	5841	3912

	Incoming and decided appealed cases (2009)	
Case type	**Incoming**	**Decided**
Civil cases	4128	3852[3]
Criminal cases	2111	2086
Administrative violence cases	581	759
Administrative cases	1223 1223[4]	1526 1056[5]

[1] Statement of claim for actions in court proceeding matters.
[2] Out-of-court matters, which are decided without the convocation of the court hearing.
[3] Including ancillary complaints.

Statistical information on processing time:

	Processing time (in months) in the court of first instance							
Case type	Up to 3	3 to 6	6 to 12	12 to 18	18 to 24	24 to 30	30 to 36	More than 36
Civil cases	104016[6]	14011	12805	3189	737	348	186	481
Criminal cases	6859	2472	1440	372	141	73	44	95
Administrative violence cases	636	540	834	464	967	394	103	58
Administrative cases	559	422	648	479	999	404	109	64

	Processing time (in months) of appealed cases							
Case type	Up to 3	3 to 6	6 to 12	12 to 18	18 to 24	24 to 30	30 to 36	More than 36
Civil cases	2135	689	223	102	523	116	24	40
Criminal cases	1648	366	100	16	7	2	0	0
Administrative cases and Administrative violence cases	115	138	470	700	77	15	6	5

2. Statistics, Requirements and Transparency

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

The Court Administration prepares an annual report on court workload, which is published in the Court Administration's homepage. Certain statistical data (number of received court cases and length of the proceedings sorted by the jurisdiction) is prepared twice a year and published on the Court Administration homepage. However, every interested person can select statistical data while using the Court Information System.

The Court Administration's annual report on court workload includes following statistical data:

- **Workload of the district (city) courts** (number of received court cases (civil/administrative violation/administrative/criminal); number of received court cases per judge in a month (civil/administrative violation/administrative/criminal); accomplished court cases (civil/administrative violation/administrative/criminal); backlog of court cases (civil/administrative violation/administrative/criminal); statistic analysis of court case increase/decrease per court/per court procedure type (civil/administrative violation/administrative/criminal);

[4] Ancillary complaints.
[5] Ancillary complaints.
[6] Including out-of-court matters, which are decided without the convocation of the court hearing.

- **Workload of the regional courts** (as the court of first instance and the court of appeals) the same data collected as in the case of the district (city) courts.
- **Statistics of the court proceedings and court adjudications** (in the first instance, the appealed cases, length of the proceedings; analysis of the court adjudications per type, etc.

The public part of the Court Information System homepage includes different searching criterias (year, case type, court, court instance, accounting period, length, etc.) and particular type of statistical report will be generated by the Court Information System.

2.2. Are provided statistics published? If not published, to whom are they available?

The Court Administration's annual report on court workload is published electronically (www.ta.gov.lv). Statistical data is also available in the public part of the Court Information System homepage by choosing different search criteria (year, case type, court, court instance, accounting period, length, etc.) generating a particular type of statistical report.

Is bench marking encouraged?

There are regulations on State statistical information program which is planned yearly in our State. There is required statistical information, for instance, about the number of sentenced persons, number of received cases in courts, the average duration of hearing the cases etc.

The statistics concerning courts is applied into practice and is used for having a complete overview of the information about the court workload which is important in planning judicial policy and judicial organization of work.

2.3. Is processing time of individual cases transparent?

If a person knows the number of the particular court matter, it is possible to calculate it manually according to the data available in the court portal (www.tiesas.lv). That mean, that if the person know the case number, he or she can enter it in the court portal search section and data like date of the institution of the court proceeding and date of the court adjudication will be displayed. According to these dates every person can calculate the length of the particular case. Individual case processing time is not provided automatically.

According to the regulations of the Cabinet of Ministers the Court Administration offers a paid service (LVL 21.78/hour (~EUR 31,-) "Preparation of court statistical information using specific type of search criteria or data preparation". The paid service is public.

2.4. Are requirements for processing time stipulated?

According to the Law on Judicial Power and principle of procedural economy, a judge must adjudicate a matter as fast as possible. However, there are different terms set in the procedural acts. For example, the Civil Procedure Law defines, that some of the actions of the court must be done without any delay or sets terms.

The terms are set for: preparation of the court hearing protocol; to take a decision regarding acceptance of the statement of claim and initiation of a matter; refusal to accept the statement of claim or leaving the statement of claim not proceeded with; in matters regarding the reinstatement of an employee in work and matters regarding the annulment of an employer's notice of termination, the date of the court sitting shall be determined not later than 15 days after the receipt of explanations or the end of the time period for the submission thereof or after a preparatory sitting; if in a complicated matter, the court acknowledges that in this court sitting it is not possible to render a judgment, it shall determine the next court sitting in which it shall notify the judgment within the nearest 14 day time period etc.

In most cases there are set terms for the court to take the required action. However, it must be noted that in most cases there are not set any terms for the maximal permissible length for whole proceeding except particular matters especially provided by law (e.g. in matters regarding the reinstatement of an employee in work and matters regarding the annulment of an employer's notice of termination; in an insolvency matters; in matters regarding the declaring of a strike or an application to strike as illegal; in matters regarding the declaring of a lock-out or an application to lock-out as illegal; in matters regarding voluntary sale of immovable property at auction e.a.).

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

It must first be noted that there is only a terms prescribed by the procedural normative acts (Civil Procedure Law; Administrative Procedure Law; Criminal Procedure Law) which prescribes a term in which a particular adjudication must be made or court action must be taken. If the processing time is exceeded, a person can submit a complaint to the Chief Justice of the particular court or to the Minister of Justice. As already noted in the answer to the previous question, in most cases there are not set any terms for the maximal permissible length for whole proceeding except particular matters especially provided by law.

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

According to the Civil Procedure Law and Administrative Procedure Law the parties can make a complaint about the decision of judge if the court decision hinders the matter being proceeded with (Civil Procedure Law, Article 441; Administrative Procedure Law, Article 315). According to the Criminal Procedure Law (Article 336) a complaint regarding actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.

A party can also submit a complaint to the Minister of Justice regarding an unlawful delay of adjudication, which can be a basis to initiate a disciplinary proceeding. Usually consequences of case overload and subsequent extended case processing time is not a basis to initiate a disciplinary proceeding, except if the law provides a specified term to adjudicate the particular case and it has been ignored.

2.7. Are user surveys on processing time carried out? If so how often?

According to the regulations of the Cabinet of Ministers the Court Administration offers a paid service (LVL 21.78/hour (~EUR 31,-) "Preparation of court statistical information using specific type of search criteria or data preparation". The paid service is public.

3. Reduction of Caseload and Facilitating Court Procedures

3.1. Which means of reduction of caseload are used?

Considering the existing data in Latvia the overload of cases and backlogs is mostly in the administrative courts and in the Riga regional court in civil cases. As a result, cases are designated by a relatively long time, and processing times are also long. Therefore while developing Court system development guidelines for 2009 to 2015, as one of the priority targets set was to reduce and equalize courts overload. To achieve this objective, the strategy and tasks were defined.

One of the substantial directions in this case is the promotion of alternative dispute resolution methods (mediation). The Ministry of Justice has developed and the government has adopted the concept of "Introduction of mediation in civil disputes", which provides gradual introduction of mediation models, including all of the mediation models (pure mediation, court derived mediation, court mediation and integrated mediation). To ensure the implementation of the concept the action plan is developed.

To import the mediation in all legal disciplines in the future it's also planned to develop a Mediation Law which would define the terms, determine the quality and ensure confidentiality of mediation.

Latvia has developed a model of pure mediation and several non-governmental organizations are active in this mediation area. Mediators are mostly mediating in disputes arising from civil law relations, mainly family disputes. However there are other categories of civil disputes, such as commercial and labour law disputes, and there is sufficiently large number of criminal law disputes as well.

In addition it should be noted, that relatively large number of dispute resolutions is solved in criminal matters – according to existing data the agreement was reached in 90% of mediation cases. Comparatively according to the associations dealing with mediation given data the agreement was reached in 67-75% of all mediation cases. Thus it is obvious that successful introduction of mediation in Latvia will further reduction of caseload.

Another significant mean of reduction of caseload is to assign the separate court competences to other institutions and persons belonging to the court system. In the offing it is established to transfer non-actionable divorce cases to the sworn notaries. On October 28 this year in a final reading Saeima (parliament) adopted amendments in several laws thus establishing, that non-actionable divorce cases shall be decided by sworn notaries instead of the courts. This new order should come in to force on 1st of December after the President will proclaim law passed by the Saeima.

It is also being considered to assign certain categories of cases to judges of the Land Registry Offices as according to the law On Judicial Power the judicial status of judges of the Land Registry Offices is equivalent to that of district (city) judges.

One of the means of caseload reduction is optimization of legal procedures - improving the legal framework in administrative matters, administrative violation cases, civil and criminal matters. For instance, in December 2006 significant amendments in the Administrative procedure law came into the force. The purpose of those amendments was to make the administrative court procedure simpler and more effective, f.e., now the court can adopt decisions and judgments in a written procedure without having an oral proceeding in a simplified way.

In addition, with the purpose to ensure availability of the Administrative Regional courts in regions as well as to reduce caseload in these courts on April 3rd, 2008 amendments of law on Judicial Power came into force and four divisions of Administrative District court were established. As a result of the reform administrative judges were appointed (37 judges in Administrative District court, 19 judges in Administrative Regional court, 7 judges in Administrative Department of the Senate of the Supreme Court), and also the number of court staff was enlarged. Judicial society admits that establishment of administrative courts has made significant contribution in protecting individuals against unlawful invasion in public relationship, but at the same time they note the need to seek more solutions to reduce administrative court overload.

3.2. Are any special easy procedures available?

Administrative Procedure law allows provisional regulation, namely, if there is cause to believe that execution of a court judgment in a matter may become problematic or impossible, a court

may, pursuant to the reasoned request of an applicant, take a decision regarding provisional regulation. In an application for provisional regulation shall be set out the means of provisional regulation. This may be as follows:

1) a court decision which, pending judgment of the court, substitutes for the requested administrative act or actual action of the institution; or
2) a court decision which imposes an duty on the relevant institution to carry out a specific action within a specified time period or prohibits a specific action.
According to the Criminal Procedure Law Section 428 a person directing the proceedings may perform an investigation in accordance with summary procedures, if the person who committed the criminal offence has been ascertained or the completion of the investigation is possible within a term of 10 days.

Civil Procedure Law currently provides simplified procedure regarding certain types of civil cases. Procedure of compulsory execution of obligations in accordance with warning procedures is permitted in payment obligations, which are justified by a document and for which the term for execution is due, as well as payment obligations regarding the payment of such compensation, which is in the entered into contract regarding supply of goods, purchase of goods or provision of services if such obligations are justified by a document and for which a time period for execution has not been specified.

As regards to urgent matters, according to the Civil Procedure Law Section 238 At the request of a party the court may take a decision which temporarily, until the decision regarding dissolution or annulment of marriage is rendered, specifies the procedures for child care, the procedures for exercising access rights, means of support for children, means for the provision of the previous welfare level or support of the spouse, procedures for utilization of the joint home of the spouses or instructs one of the parties to issue to the other party household and personal articles..

According to the Criminal Procedure Law Section 424 in commencing an investigation, a person directing the proceedings may apply urgent procedures, if the person who committed the criminal offence has been ascertained, because such person was surprised at the moment of the committing of the criminal offence or immediately after the committing thereof; the person has committed a criminal violation, a less serious crime, or a serious crime or the completion of the investigation, in accordance with emergency procures in the amount specified for such investigation, is possible in three working days.

According to the Administrative Procedure Law Section 62 clarification of the opinion and arguments of a person is not required if the issue of the administrative act is urgent and any delay may directly endanger the security of the state, public order, or the life, health or property of persons.

Administrative Procedure Law Section 64 also prescribes that in urgent cases; the submitter may apply to the institution with a substantiated submission and request that time period for the issue of the administrative act is abbreviated. Institution examines such submission without delay and takes a decision in writing. In the event of refusal, the decision shall be notified to the submitter without delay. Such decision may be disputed and appealed. The decision of a court may not be appealed.

3.3. What simplifications of ordinary procedures are applied?

According to the Section 114 of the Administrative Procedure Law a court may adjudge a matter without a court sitting if the documents in the matter are sufficient and the participants in the administrative proceeding have consented thereto in writing. If a participant in an administrative proceeding has consented to the adjudicating of the matter by way of written procedure, it shall be considered that they have also consented to written procedure in ensuing court instances.

Consent to written procedure does not prevent a participant in an administrative proceeding from requesting that the matter be adjudicated by way of oral procedure in the next court instance.

According to the Section 15 of the Civil Procedure Law in certain cases prescribed by Civil Procedure Law or European Union laws court applications, complaints and issues are examined in the written procedures without a hearing the case.

Criminal Procedure Law also allows that the decision may be taken to examine the case in a written procedure but only in appellate and cassation instances.

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

Already this year part of the courts in Latvia being equipped with video conferences facilitates to hold the court sessions using its benefits. The use of video conferences facilitates the geographical access to court not only for the parties but also for witnesses, experts, interpreters etc. Another aspect is that in many cases the court session can be held earlier when parties etc. are offered the possibility of video conference as an alternative to finding time to turn up in court. Another benefit is to avoid having to physically remove the defendant from a remand prison. As a result, substantial time and cost saving arise because of the substantially shorter journey and the judges get a direct impression of the person. Reduce costs and duration of proceedings.

Thus to modernize the trial process according to the Court system development guidelines for 2009 to 2015 its planned to implement sound recording and video conferencing equipment in administrative proceedings, civil and criminal proceedings as according to present legislation the use of the video conference facilities is possible to use only in the frames of the criminal proceedings, however after supplementing laws and regulations video conferences will be introduced in civil and administrative proceedings as well. Judges and other related persons recognize the positive impact of video conference use thus encouraging to it put into practice more regulatory.

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?

In Latvia we do not plan to increase the number of courts or judges.

But to ensure the availability of the Administrative district court in 2008 the amendments to the Law "On Judicial Power" were adopted stating that district (city) court may have divisions – courthouses, which are located within the territory of operation of the relevant district (city) court. Consequently, this created a legal basis for the organizing Administrative district courts in the regions. On January 5, 2009, in addition to the existing Administrative courthouse located in Riga, the new Administrative district court units located in Jelgava, Liepāja, Valmiera and Rēzekne started its work in the Latvian regions. Considering the increase of the number of courts (courthouses), the number of administrative judges also grew.

After establishment of Administrative district court courthouses the term of administrative court case trial in Administrative district court has decreased. In 2008 only 5,6% of cases were tried in a term of 1-3 months, 6,3% of cases were tried in term 3-6 months, 14,9% of cases were tried in 6-12 months. In 2009 in a term of 1-3 months were tried 16% of court cases, in term of 1-3 months were tried 14% of court cases, but in term of 3-6 months were tried 21% of court cases.

In Latvia we do not have and we do not plan either to establish so called Ambulance Teams (Back-Up, Flying Brigades, Supplementary Judges, who are not permanently allocated to a specific court).

As well we do not plan to decrease the number of judges sitting on a case.

According to the Law "On Judicial Power" (Section 31 and Section 37) already in the district (city) court, a single judge shall adjudicate civil matters and administrative matters. Only especially complicated administrative matters, at the discretion of the Chief Judge may be adjudicated collegially – comprising three judges. In cases specified by law, a single judge shall adjudicate criminal matters.

Also in the Regional Court, as a court of first instance, a single judge shall adjudicate criminal and civil matters.

Reallocation of cases to a jugdes with less caseload. In Latvia a Chief Judge prior to the beginning of each calendar year approves a division of matters plan.

According the Law "On Judicial Power" (Section 28.1) Chief Judge may amend the division of matters plan during the calendar year in four occasions: due to the overload of work of judges, due to an insufficient working load of judges, in relation to a change of judges and in relation to judges being unable to perform their duties. After a judge has received a case there is not a possibility for reallocation of a case.

In Latvia Saeima (parliament of Latvia) may grant the title of Judge Emeritus to a judge who has worked with integrity and has retired from the work of a judge upon the proposal of the Judicial Council (law „On judicial power" Section 66).

According to the law „On judicial power" (Section 75., 77 and 79) in a case of vacancy or the temporary absence of a judge of a district (city) court or a judge of a regional court the Judicial Council may for a period not exceeding two years, assign a judge emeritus if such person has given written consent, to fulfil the duties of a judge of a district (city) court or a judge of a regional court upon the proposal of the the Minister for Justice. During the time of vacancy or a temporary absence of a judge of the Senate of the Supreme Court, the Chief Justice of the Supreme Court may assign a judge emeritus of the Supreme Court to substitute for him or her. During a vacancy or the temporary absence of a judge of a Panel of the Court The Judicial Council may for a period not exceeding two years assign a judge emeritus of the Supreme Court to substitute for him or her if such person has given written consent upon the proposal of the Chief Justice of the Supreme Court and recommendation of the Judicial Qualifications Board. But till now there has not been an incident as mentioned before.

In accordance with law „On judicial power" Section 75., 77 and 79 (as mentioned before) in a case of vacancy or the temporary absence also the judges from other courts (in cases regulated by law „On judicial power") may be assigned to substitute a judge of a district (city) court, a regional court or the Supreme Court. In 2009 there were four judges that were assigned to substitute a judge from another court, but in 2010. (till 15.november) this number of judges has increased till eight.

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

We do not have an institute of a deputy judge except deputy for Chief Judges and for Heads of a Land Registry Offices.

In Latvia a candidate for a Position of a Judge in the time for apprenticeship can apprentice in three institutions: in a court, in a Land Registry Office or in the institution of State administration. This is a periode of apprenticeship and is not considered as an assistence, for instance, for a judge.

In Latvia almost every judge has an assistant (juridical assistant). An assistant to a judge receives visitors and their submissions, takes measures in connection with the preparation of matters for adjudication at a sitting of the court, as well as perform other tasks assigned by the judge.

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

In some courts we have a specialization of judges, for instance, some judges are specialized in work disputes, family law, insolvency cases.

In our smallest courts (for instance, three judges in Valka district court, four judges in Gulbene district court) it is not possible to have a specialization of judges to provide that the division of matters is random. And if there are only three – five judges in a court and there is a specialization of judges that means that only one or two of them may adjudicate the matters of insolvency cases.

In accordance with Administrative procedure law and Civil procedure law there is no limitation for the duration of examination of witness. According Criminal procedure law (Section 148) the length of an examination of a person of legal age (18 years) shall not exceed eight hours, including an interruption, during a twenty-four-hour term without the consent of such person. An examination of a minor shall be conducted in accordance with the provisions of Sections 152 and 153 of this Law. According Section 152 (Criminal procedure law) the length of an examination of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor.

According Criminal procedure law (Section 131) testimony is also an explanation regarding concrete facts and circumstances written and signed by a person him or herself and addressed to a court, a pre-trial investigating institution or a prosecutor's office. An accused may submit his or her testimony to a court in writing. Written testimony shall be read, except for the case specified in Section 449, Paragraph three of this Law. Written evidence and other documents shall be read or played in a court session, except for cases where the person who performs defence, a public prosecutor, and a victim or his or her representative agrees that the reading or playing of such evidence is not necessary (Criminal procedure law Section 503 and Section 449).

What concerns quoting or referring documents (citing of reasons) in accordance with Criminal procedure law (Section 125) without the additional performance of procedural actions, there are following conditions that shall be considered proven, if the opposite is not proven during the course of criminal proceedings. These conditions are notorious facts, facts determined in another criminal proceedings with a court adjudication or the injunction of a public prosecutor regarding a penalty that has entered into effect, the fact of an administrative violation recorded in accordance with the procedure specified by Law, if a person has known such fact, the fact that a person knows or should have known his or her duties provided for in regulatory enactments, the fact that a person knows or should have known his or her professional duties and duties of Office, the correctness of research methods generally accepted in contemporary science, technology, art, or skilled trades. It shall be considered proven that a person has violated the copyrights, related rights, or rights to a trademark of a legal owner, if such person is not able to believably explain or justify the acquisition or origin of such rights. Also in civil proces (Civil procedure law, Section 203) after a judgment has come into lawful effect, the participants in the matter or their successors in interest are not entitled to dispute at other court proceedings the facts established by the court, as well as to bring court action anew regarding the same subject-matter and on the same basis, except in the cases specified in this Law. As well in accordance with Administrative procedure law (Section 263) after a judgment has come into effect, a participant in the administrative proceeding and his or her successor in interest do not have the right to submit an application to a court anew regarding the same subject-matter on the same basis or to contest facts established by the court in another procedure.

In Latvia courts adjudicating matters shall take into consideration the case law (the uniform court practice) but case law can not be as an independent source to base on.

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

In Latvia that is a standard assistance for each judge – one court secretary and one assistant to a judge. Only in some cases (approximately in 10%) there is one court secretary and one assistant to a judge for two judges.

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

Court Administration as institution which implements Latvian – Swiss co-operation program project "Court modernization in Latvia" are planning to strengthen the capacity of judiciary and improve the quality of judiciary by introducing new technologies in court proceedings and court management.

The individual project within the priority "Modernization of judiciary" forsees two main goals:

1. Strengthening the capacity of judiciary and improving the quality of judiciary by introducing new technologies in court proceedings and court management;
2. Provide more extensive approach to the concept "access to judiciary" for the inhabitants and business – improve direct access to the courts through use of new technologies and improve information and service delivery to the inhabitants and business.

The objectives of the project are:

1. Introducing with new technologies in a court proceedings and simplify the way inhabitants and business can communicate with courts.
2. Increased efficiency of court personnel by using new technologies in court management.
3. Establishing procedures for cost effective court management.
4. Improvement of information delivery to the inhabitants and business on court services and legal aid available.
5. Modernization of courts information systems to enable inhabitants and business submit claims, send and receive information from courts by electronic means.
   The main activities of the project are:

   Improvement of quality of the judiciary:

1. Set-up videoconference equipment in courts and prisons; (We are planning to equip all courts with sound recording systems (295 court rooms) and equip and install 81 videoconference equipment (58 stationary videoconference equipment for court, 16 stationary videoconference equipment for prisons, 7 mobile videoconference equipment).
2. Set-up audio recording equipment in court proceedings;
3. Improve cost management of the courts and court proceedings;
4. Improve effectiveness of court procedures.
5. Access to the judiciary:
6. Improve direct access to the courts through use of new technologies;
7. Improve information and service delivery to the inhabitants and business.

Activities applying to both main goals:

1. Project management.
2. Project audit.
3. Publicity.

In the aspect of access to the judiciary the following improvements are planned:

1. Option for visitors of the court to use information booth to gain information on court proceedings -60 information booth and modern unified information boards installed in the courts;
2. Availability of court electronic services for inhabitants and business – five electronic services developed;
3. Developed electronic forms for claims and documents for court proceedings. It's foreseen to post around 40 forms for claims and documents for court proceedings in the official court page.

5. Other initiatives

5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated?

To implement the European Parliament and Council Directive 2008/52EK on certain aspects of mediation in civil and commercial matters adopted on May 21, 2008, the Ministry of Justice drafted and the government approved political planning document-introduction of mediation in civil dispute resolution system. Mentioned concept provides a gradual implementation of clear mediation, court derived mediation, court and integrated mediation. The main activity of the implementation program is to develop amendments to the Civil Procedure Law to promote using of mediation in civil and commercial matters. These amendments would provide a partial reimbursement of the state fees if settlement in trial is achieved – the sooner a settlement is achieved, the more the state fee is paid back. This regulation would motivate the parties to use mediation. Amendments would also provide that the sent covering letter with the claim statement should also contain information about possible settlement options. The certain versions of these amendments in Civil Procedure Law have not been developed yet. To import the mediation in all legal disciplines in the future it's also planned to develop a Mediation Law which would define the terms, determine the quality and ensure confidentiality of mediation.