



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## Response questionnaire project group Timeliness

### Teisėjų Taryba (Lithuania)

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

##### 1.1. The Court System

A court system of the Republic of Lithuania is made up of **courts of general jurisdiction** and **courts of special jurisdiction**.

➤ **Courts of general jurisdiction.** The Supreme Court of Lithuania (1), the Court of Appeal of Lithuania (1), regional courts (5) and district courts (54) are courts of general jurisdiction dealing with civil and criminal cases. A **district court** is first instance for criminal, civil cases and cases of administrative offences (assigned to its jurisdiction by law), cases assigned to the jurisdiction of mortgage judges, as well as cases relating to the enforcement of decisions and sentences. A **regional court** is first instance for criminal and civil cases assigned to its jurisdiction by law, and appeal instance for judgements, decisions, rulings and orders of district courts. **The Court of Appeal** is appeal instance for cases heard by regional courts as courts of first instance. It also hears requests for the recognition of decisions of foreign or international courts and foreign or international arbitration awards and their enforcement in the Republic of Lithuania, as well as performs other functions assigned to the jurisdiction of this court by law. **The Supreme Court of Lithuania** is the only court of cassation instance for reviewing effective judgements, decisions, rulings and orders of the courts of general jurisdiction. These courts also hear family, labour and other civil cases, because there are no other courts established special for these cases. The regional courts, the Court of Appeal and the Supreme Court of Lithuania have Civil and Criminal Divisions. There are no divisions only in district courts. However, the Chief of the Court has a right to set specialization of judges for criminal, civil, juvenile, family and labour cases. There is also specialization of judges for pre-trial investigation actions.

➤ **Courts of special jurisdiction.** The Supreme Administrative Court of Lithuania (1) and regional administrative courts (5) are courts of special jurisdiction hearing disputes arising from administrative legal relations. A **regional administrative court** is the court of special jurisdiction established for hearing complaints (petitions) in respect of administrative acts and acts of commission or omission (failure to perform duties) by entities of public and internal administration. Regional administrative courts hear disputes in the field of public administration, deal with issues relating to the lawfulness of regulatory administrative acts, tax disputes, etc. **The Supreme Administrative Court** is first and final instance for administrative cases assigned to its jurisdiction by law. It is appeal instance for cases concerning decisions, rulings and orders of regional administrative courts, as well as for cases involving administrative offences from decisions of

district courts. The Supreme Administrative Court is also instance for hearing, in cases specified by law, of petitions on the reopening of completed administrative cases, including cases of administrative offences. These courts also hear tax, asylum and pension matters, because there are no other courts established special for these cases.

## 1.2. Statistic information on Courts, judges and cases

There are settled number of judges which is 787 in the Republic of Lithuania. All the judges work full-time and, according to the law, there are no lay judges, justices of peace or half year employed judges in the Republic of Lithuania.

### **Courts of general jurisdiction**

There are 54 district courts and 491 district court judges. In 2009, district courts have received (by not including the number of unfinished cases in 2008) 16752 criminal cases and have finished 16087 cases. There were also 222971 civil cases received and 218880 were finished. All cases were heard in the first instance.

There are 5 regional courts and 158 regional court judges. 70 of them are judges working in the criminal cases divisions and 88 of them are judges working in civil cases divisions of these regional courts. In 2009, regional courts have received 782 first instance criminal cases and have finished 745 cases. Regional courts have also received 6933 appeal instance criminal cases and have finished 6760 cases. In 2009, regional courts have received 13585 first instance civil cases and have finished 10341 cases. Regional courts have also received 11193 appeal instance civil cases and finished 9591 cases.

There are 30 judges in the Court of Appeal. 14 of them are working in the criminal cases division and 16 are working in the civil cases division. 679 criminal cases were received in 2009. 667 criminal cases were finished. There were also 2870 civil cases received and 2421 civil cases were finished.

There are 37 judges in the Supreme Court of Lithuania. 18 of them are working in the civil cases division and 19 of them are working in the criminal cases division. In 2009, 303 complaints in criminal cases were refused, 704 complaints were accepted and 517 cases were finished. 937 complaints in civil cases were refused, 651 complaints were accepted and 591 cases were finished.

In total of criminal cases, 17534 cases were received and 16832 cases were finished by the first instance. In total of civil cases, 236556 cases were received and 232465 cases were finished by the first instance. In appeal instance of criminal cases, 7612 cases were received and 7427 cases were finished. In appeal instance of civil cases, 14063 cases were received and 12012 cases were finished.

### **Courts of special jurisdiction**

There are 54 judges in the regional administrative courts. In 2009, 4364 cases were received in the regional administrative courts and 4424 cases were finished.

There are 16 judges in the Supreme Administrative Court. In 2009, 415 first instance cases were received and 501 were finished. In the appeal instance, 1683 cases were received and 1463 were finished. There were also 754 complaints (petitions) in respect of administrative acts received and 764 were finished.

### 1.3. Statistic information on processing time

#### **Courts of general jurisdiction**

In the criminal cases of district courts, the average of the trial usually takes 84 days. In the civil cases of district courts, the average of the trial usually takes 46 days.

In the criminal cases of regional courts as first instance, the average of the trial usually takes 177 days. In the civil cases of regional courts as first instance, the average of the trial usually takes 124 days. In regional courts as the appeal instance, the average of the trial in criminal cases usually takes 35 days and in civil cases the average of the trial usually takes 96 days.

In the criminal cases of the Court of Appeal, the average of the trial usually takes 103 days. In civil cases, the average of the trial usually takes 65 days.

In the criminal cases of the Supreme Court of Lithuania, the average of the trial usually takes 116 days. In civil cases, the average of the trial usually takes 46 days.

#### **Courts of special jurisdiction**

In the regional administrative courts, the average of the trial usually takes 124 days. In the first instance cases of the Supreme Administrative Court, the average of the trial usually takes 158 days. In the appeal instance, the average of the trial usually takes 325 days. The average of the trial of the complaints (petitions) usually takes 43 days.

**Vilnius Regional Administrative Court** has selected at random 600 cases of the year 2009. Here are the results of the proceedings:

- The question of acceptance of the complaint (petition) is resolved within an average of 7.5 days.
- The preparation for the hearing takes an average of 22 days.
- Proceedings lasts an average of 62 days.
- The decision is drawn up and published within an average of 10 days.

## **2. Statistics, Requirements and Transparency**

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

Normally, statistics are presented on a quarterly basis, half-year and annual. These statistics include:

- the number of cases received;
- the number of cases finished;
- the number of cases received and finished under the categories;
- stability of decisions in the first instance courts (the number of cases received and the number of cases repealed in the appeal instance);
- the workload of court and judges ( how many cases were resolved by the court and by the judge within the certain time).

Since these statistics are obtained by using Lithuanian courts information system „LITEKO“, where all data about cases from all Lithuanian courts is kept, the data can be easily calculated and received for any period of time.

### 2.2. Are provided statistics published?

The annual statistics of criminal and civil cases are published in the joint website of the courts: [www.teismai.lt](http://www.teismai.lt). These statistics include the number of finished criminal and civil cases and the number of cases in categories. These statistics are also available in the annual reports of the Supreme Court of Lithuania and the Court of Appeal. Statistics of administrative cases are published in the annual report of the Supreme Administrative Court and can be found on the

website [www.lvat.lt](http://www.lvat.lt). Other courts also publish statistics on their websites. For example, Vilnius Regional Administrative Court publishes statistics every six months on its website [www.vaateismas.lt](http://www.vaateismas.lt).

Statistics, which are unpublished publicly (for example, each judge's workload, the stability of the decided cases, the number of days worked, etc.) are available for the National Courts Administration, courts, judges and institutions (such as Judicial Council, Ministry of Justice, President's Office). Statistics may also be provided to other institutions on their request.

### 2.3. Is processing time of individual cases transparent?

The duration of each particular case can be seen in the intranet network 'LITEKO'. This information is available to the National Courts Administration, courts, judges and court staff. This information is also available to the institutions which has the permission from the Judicial Council (for example, President's Office, Prosecution service, Police, legal aid authority). However, this information is inaccessible to the public.

### 2.4. Are requirements for processing time stipulated?

The duration of procedures in civil and criminal matters are not regulated by law. The law contains only a general principle, that the case should be examined within the shortest possible time. However, the law sets the duration of the census. In civil cases, the decision-making and drawing it up may be delayed up to 14 days. In criminal cases, the judgment and its census may also be delayed up to 14 days (in special cases up to 45 days).

In administrative cases, the question of the acceptance of complaints (petitions) should be decided in 7 days. The preparation of case should not last more than one month. The examination of case should not last more than two months. There is also 10 days term for the judgment and its census.

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

National law do not provide any special remedies which would compensate the stress suffered because of the long proceedings. In this case, disciplinary measures may be applied against judges. In case the court has a very big workload compared to other courts, it is possible to redistribute the workload of judges, judges' assistants and secretaries. However this practice started not long time ago, so only four judges' posts were redistributed over the last two years.

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

Individuals may bring an action in court for damages that come from unreasonable length of proceedings. They may also apply to the Chief of the court hearing their case or to the Chief of the higher court with complain if they believe that court proceedings take too long time. It is also possible to apply to the Judicial Ethics and Discipline Commission.

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

Litigants and public does not have any special powers to check the length of proceedings. If litigants involved in the proceedings believe that these proceedings take too long time, then they may apply to the Chief of the court hearing their case or to the Chief of the higher court with the request to check the reasonableness of the length of the proceedings.

## **3. Reduction of Capacity and Improvement of Processing**

### 3.1. Which means of reduction of caseload are used?

The workload in the first instances courts is reduced by redistribution of the staff number, by increasing the number of judges in the courts where workload is very high and reducing the number

of judges in the courts where workload is very little. A chairman of the higher court could decide to transmit civil and criminal cases from one court to another in which case could be resolved in shorter period of time. A chairman is responsible of the supervision of judges' workload and to transmit cases from one judge to another. In the courts of general jurisdiction for the labour cases there is settled the procedure of the pre-trial hearing. Regarding administrative disputes there about 11 specialized institutions which resolve part of administrative cases.

Workload in appeal instance is reduced by restricting by law the appeal possibility for the minor disputes (till 250 litas), excluding labour, damage because of health injury or industrial disease cases. There is foreseen 30 day period for the appeal after the adoption of the decision. If this term was missed the appeal without very serious reasons is not possible.

Workload in the cassation is reduced by restricting the cassation possibility: cassation is not possible for the disputes if the amount of the dispute is less than 5000 litas, excluding labour, damage because of health injury or industrial disease cases; cases which were not heard in appeal instance; when the complaint is regarding the determination of factual circumstances or if the complaint is made after 3 months when decision came into force and after one cassation is not possible anyway. Regarding the acceptance of the complaint the decision is made by the board of 3 judges. If complaint is not accepted cassation is not possible anymore.

### 3.2. Are any special easy procedures available?

The civil cases of contract commitments may be solved by court order without having it examined in court (if there are no objections from the defendant). Cases of court permits serving, fact confirmation, wealth administration, inherit procedures adjustment and others there is a written case examination established. In Criminal cases, in which according to the accusation fine or fine as well is foreseen, there is possible a simplified case examination which ends with criminal order (without examining case in court). In administrative cases, if parties don't arrive to court, there is also written case examination possible.

### 3.3. What simplifications of ordinary procedures are applied?

No special usual procedures are consolidated by law. In exclusive cases, there is a video conference performance possible in criminal cases. In administrative cases, there is a statute that after having the witness or expert or specialist interrogated for one time their testimony keep their conclusive power for the rest of the process.

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

In civil cases is foreseen 14 days period for the provision of documents and for the response to the claim. After the settled time evidences are not accepted. In this way the time for the preparation to examine the case is shortened.

In administrative cases procedural terms are settled by law. However Vilnius region administrative court because of very high workload is not able to keep the terms. When cases are distributed to judges they are not capable in 7 days resolve the question of the complaint acceptance and in 1 month to prepare the case for the examination. Therefore it was made a decision the acceptance of the complaint will be solved by 3 judges of the court. These judges together with the assistants' prepare the case for the examination and when the case is prepared it is given over to the board of 3 judges for the examination. The judges of the board do not participate in the resolving the question of the acceptance of the complaint and in the preparation procedure. In this way Vilnius region administrative court achieved that acceptance of the complaint and preparation of the case are implemented within the terms settled by law.

#### **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 an opinion that the number of judges does not have to increase in Lithuania. Moreover there is a will that each judge could have an assistant holding the master degree in Law. The venue of the case hearing because of the big workload could be changed by the order of the chairmen of the higher court. The law foresees the possibility to transfer the judge for the 6 month period to another court in order to help to examine cases. However in practice this was not implemented yet. There are projects of the law adjustments which foresee that in appeal instance easier cases could be examined by one judge instead of three. Furthermore in region administrative courts cases as well could be heard by one judge instead of three.

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

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

There are not deputy judges, trainee judges or similar to them in Lithuania. The length of the case examination is shortened by some functions of the judges transferring to judges' assistants who are civil servants and have high education in law. The judges' assistants help judge to collect necessary legal acts, case law, prepare projects of court decisions, and write data of cases into IT system.

There is no possibility not to follow the case proceedings settled by law (also there is not possibility to shorten), because litigants seek to follow proceeding formally in all cases. However the length is shortened by reducing input of judges work: judges tries to specialize in certain cases – labour disputes, asylum, juvenile, family cases, as well by establishing written form of examination of minor cases.

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

Every judge who examines cases in the first instance has its own secretary. There is a decision that each judges has to have an assistant and step by step the number of judges is increasing till will be reached that each judge will have an individual assistant.

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

The informational system have been started to establish in order procedures could be computerized and systematized. Moreover this is very important that the work time of court employees could be used rationally.

#### **5. Other initiatives**

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

In order the work time of courts employees could be used rationally there is a plan to establish electronic system for the delivery and transfer of procedural documents. There is an adjustment of Civil process code where is foreseen that cases of appeal could be examined in written process. Also there is a will to refuse written protocol of the case hearing and replace them by audio recorded protocols.