



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Response questionnaire project group Timeliness

Consejo General Del Poder Judicial (Spain)

1. The Court System and Available Statistics

1.1. The Court System

<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpi/cgpi/principal.htm>

Statistic information on Courts, judges and cases

Judges:

4.937 judges and magistrates at January, 1, 2010

The number of courts, detailed by type :

Single judge courts:

Exclusive Dean's Offices	8
Civil:	
Courts of First Instance	606
Family Courts of First Instance	102
Mortgage Courts of First Instance	2
Wardship Courts of First instance	13
Commercial Courts	55
Exclusive Public Registries	25
Central Public Registry	2
TOTAL	805
Criminal:	
Magistrates' Courts	457
Violence against women Courts	103
Prison Supervisory Courts	46
Criminal Courts	346
Prison Supervisory Courts	17
Juvenile Courts	82
Central Enquiry Courts	6
Central Criminal Courts	1
Central Juvenile Courts	1
Central Prison Supervisory Courts	1
TOTAL	1060
Mixed Civil and Criminal :	
Courts of First Instance and Magistrates	1.099
TOTAL	1.099
Administrative:	
Central Administrative Courts	12
Administrative Courts	224
TOTAL	236
Labour:	
Labour Courts	331
Courts of Labour enforcement	4
TOTAL	335
Overall Total	3.543

Collegiate Courts:

Civil:	
Provincial courts. Civil Chamber	96
High Court 1st Chamber	1
TOTAL	97
Criminal:	
Provincial courts. Criminal Chamber	89
National court. Criminal Chamber	4
High Court 2nd. Chamber	1
TOTAL	94
Mixed Civil and Criminal:	
Provincial Courts. Mixed Divisions	44
H.C.J. Civil and Criminal Chamber	17
TOTAL	61
Administrative:	
H.C.J. . Contentious Administrative Chamber	21
National Court. Contentious Administrative Chamber	8
High Court 3rd Chamber	1
TOTAL	30
Labour:	
H.C.J. Labour Chamber	21
National Court. Labour Chamber	1
High Court 4 th . Chamber	1
TOTAL	23
Military:	
High Court 5 th Chamber	1
High Court Special Chamber:	
High Court Special Chamber	1
Overall Total	307

Cases:
Year 2009

	Incoming	Decided	Pending at year end	Sentences	decide by other resolutions
First instance. Criminal	1.360.464	1.361.946	547.244	660.820	884.461
Second instance. Criminal	151.783	149.769	28.406	65.036	84.733
Supreme Court. Criminal	4.331	4.747	2.202	1.349	3.398
First instance. Noot Criminal	2.305.131	1.943.392	1.701.313	724.236	1.219.156
Second instance. Not Criminal	194.333	186.360	117.426	155.564	30.796
Supreme Court. Not Criminal	16.199	19.121	20.266	6.105	13.016

Not criminal include: civil, administrative, commercial and labor.

First instance includes the cases entered in second instance courts acting as single instance. The following cases are included in the upper distribution.

	Incoming	Decided	Pending at year end	Sentences	decide by other resolutions
First instance. Labor	424.577	341.325	229.379	192.484	148.841
First instance. Comercial	28.740	20.050	30.006	7.375	12.675
First instance. Administrative	201.895	171.134	198.060	95.436	75.698
FamilyAdministrative	176.100	167.201	84.838	139.992	27.209
Single instance in 2nd instance courts. Administrative	58.813	72.431	134.398	47.951	24.480
Single instance in 2nd instance courts. Labor	218	196	75	139	57
Single instance in 2nd instance courts. Civil	2.373	2.300	1.352	1.296	1.004
Second instance. Labor	54.723	56.582	31.074	55.003	1.579
Second instance. Administrative	46.861	39.197	42.427	35.244	3.953
Supreme Court. Administrative	8.059	8.486	11.589	4.008	4.478
Supreme Court. Labor	4.925	5.314	4.379	1.060	4.254
Supreme Court. Militar	209	257	84	209	48

1.2. Statistic information on processing time

We don't have, at the moment, direct estimations of the processing time. We have just indirect estimation of the average time of the cases ending in one year, from the beginning to resolution. The estimation is produced using a mathematical model.

	Civil	Criminal	Administrative	Labor
1ª Instancia	7,7	2,1	15,0	6,4
2ª Instancia	5,5	2,2	10,3	7,2
Supremo	18,5	6,5	18,8	11,5

2. Statistics, Requirements and Transparency

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

Quarterly every court of the country fills a web questionnaire with detailed information on the number of incoming, solved and pending at the end of the period (cases are classified, on the kind of procedure, and for some type of courts also on the cases

on the materia). Number of sentences and other final resolutions for the whole court and for every magistrate. Appellations presented and solved Enforcements, etc.

2.2. Are provided statistics published?

Yes. They are published quarterly and yearly. The web page of the HCJ is used for yearly detailed information and quarterly reports and analysis. The same information and quarterly full detail information is published in the Punto Neutro Judicial, a private network. All judges, secretaries, and Administrations with competences in Justice Administration have access to this PNJ.

If not published, to whom are they available?

Is bench marking encouraged?

<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm> (See “Atención ciudadana - Duración de procedimientos judiciales”)

2.3. Is processing time of individual cases transparent?

Yes, for the parties and third parties involved

2.4. Are requirements for processing time stipulated?

Yes, in all legal texts on procedural regulations

<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm> (See “Atención ciudadana Información procedimientos y trámites”)

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

If this is due to inefficient functioning of the administration of justice: pecuniary liability of the public authority.

For the public official or senior judge responsible there may be disciplinary consequences and even civil liability

2.6. Can the parties and others make a complaint about the processing time?

If so to whom?

Yes. Through an administrative claim requesting declaration of liability for ineffective functioning of the administration of justice and also through the Civic Advisory Service of the CGPJ.

2.7. Are user surveys on processing time carried out?

If so how often?

This may be done through the civic advisory service of the CGPJ

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

3.1. Which means of reduction of caseload are used?

Pilot mediation schemes are being carried out in the civil (family) and labour and criminal systems

(<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm> See “Atención Ciudadana - Quejas y sugerencias Acceso a la mediación”).

In addition a Draft Bill on Expediting Procedures is currently underway which aims to reduce traditional proceedings and increase small claims as well as reducing civil appeals and reducing the formalities in contentious-administrative appeals and further reducing appeals

Are any special easy procedures available?

Civil jurisdiction: the small claims procedure has been a success and its scope of application has recently been increased.

Criminal jurisdiction: summary trials

Contentious-administrative jurisdiction: fast track procedure heard by single judge court

3.2. What simplifications of ordinary procedures are applied?

The aforementioned Draft Bill on Expediting Procedures aims to speed up the formalities of checking addresses and to reduce the formalities in civil cases and the phases of procedural formalities in contentious-administrative cases

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

A system for electronic notifications and reception of briefs has been set up with professionals.

A system has been established to check addresses and income and appointment of legal aid in specific court cases through the PNJ.

In the project indicated in civil matters it has been made compulsory for parties to notify their changes of address, the declaratory and preparatory phase of appeals has been dispensed with, appeals have been dispensed with in fast track civil proceedings and in contentious-administrative cases the hearing of evidence has been removed. In addition, formalities have been expedited in the most urgent cases of cautionary measures, and the hearing formality has been dispensed with if the parties come to an agreement and the amount specified as a requirement to appeal in cassation has been increased; furthermore in both disciplines the amount required for appeal in the cassation court has been increased.

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?

Yes. By creating the system of attaching judges to territorial posts, staffing reforms, temporary exemption from distribution, and exceptionally agreeing on judicial support measures such as reallocating judges to services or allocating substitute judges who collaborate with processing and resolving cases.

<http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=80882&Download=false&ShowPath=false>

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?

Yes. By creating a system of judges attached to territorial departments, in addition to reinforcement measures and the possibility of appointing substitute judges or support judges or judges in training to collaborate with processing and ruling on cases

<http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=80882&Download=false&ShowPath=false>

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

Only in the Supreme Court through the Technical Consultancy consisting of Senior Judges and Lawyers acting in support and providing expert assistance to the various Chambers of the Supreme Court in its jurisdictional duties

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

At present, the New Judicial Office is being rolled out in some Spanish courts, in the near future the electronic judicial procedure will be initiated at the National Court and at the General Council of the Judiciary mediation experiments are being practiced in the family, penal and labour sectors.

5. **Other initiatives**

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

Plans are underway to reduce the number of cases in second instance and cassation in all jurisdictions.

At present a system is being studied for defining procedural milestones in managing proceedings which permits the duration of each case to be measured in real time, in order to define terms and to detect and avoid any deviation from these.