

Conference of Presidents of Supreme Courts of Central and Eastern Europe

Brijuni, Croatia

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ENHANCING COURT EFFICIENCY

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**Honorary President of the International Association of
Judges**

STRUCTURE OF THE PRESENTATION

- Introduction
- Length of trials
- Use of experts
- Reducing multiple appeals in the same court
- Conclusion

European Convention on Human Rights: Article 6

Right to a fair trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing *within a reasonable* time by an independent and impartial tribunal established by law.

Slovenian Constitution

Article 23

Right to judicial protection

Everyone has the right to have any decision regarding his rights, duties, and any charges brought against him made *without undue delay* by an independent, impartial court constituted by law.



ECHR statistics on Slovenia

Summary 1994 - 2014

- 323 judgments (304 more than one violation):
 - 256 length of proceedings
 - 262 right to an effective remedy
 - 19 inhuman or degrading treatment
 - 12 right to a fair trial

2012

- The Court dealt with 1.539 applications:
 - 1.517 (98%) were declared inadmissible
 - 22 judgments

2013

- The Court dealt with 921 applications:
 - 896 (97%) were declared inadmissible
 - 25 judgments

2014

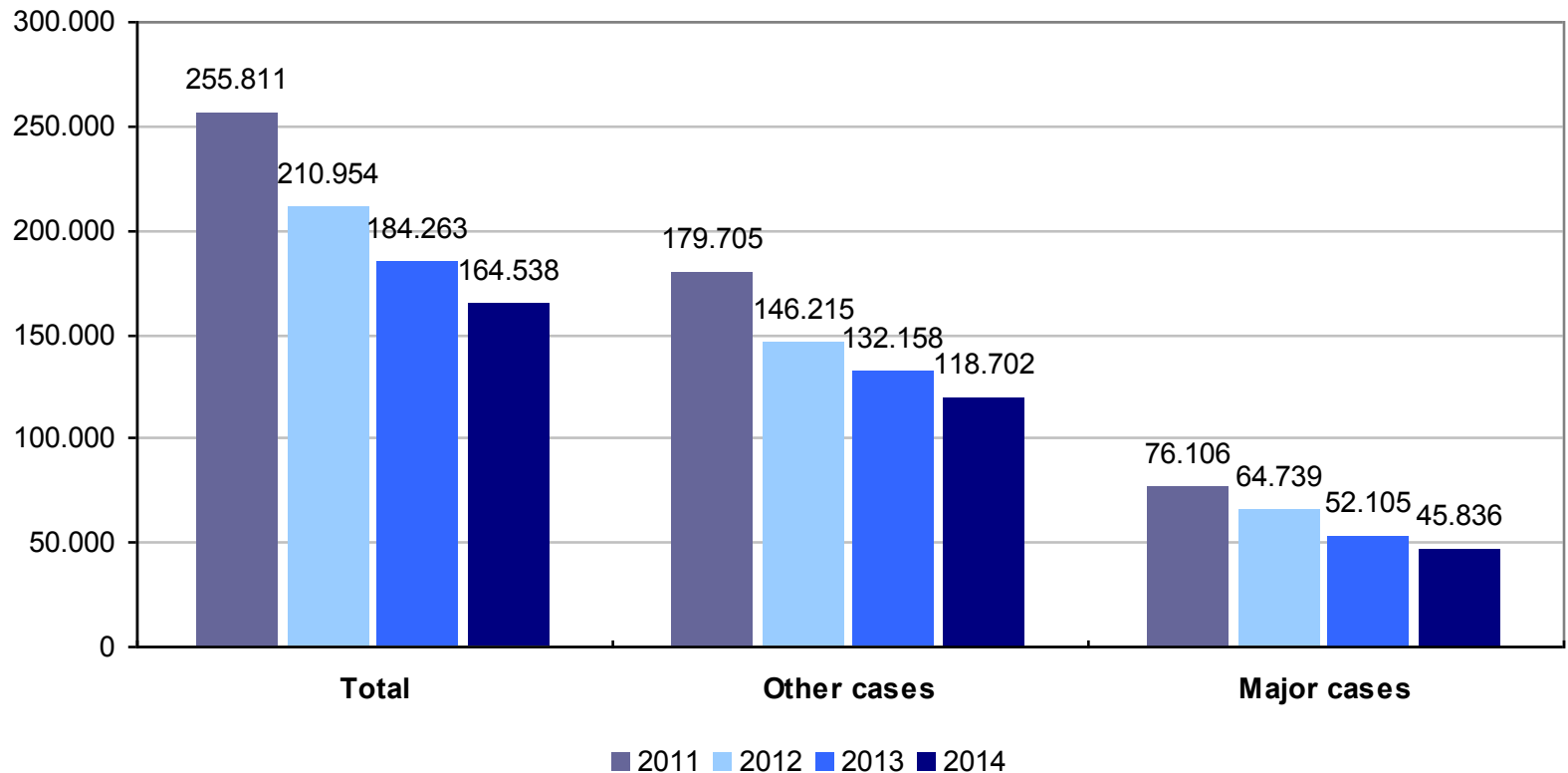
- The Court dealt with 441 applications:
 - 411 (93%) were declared inadmissible
 - 31 judgments (29 of which found at least one violation of ECHR)
 - 1.736 pending applications on 1.1.2015




LENGTH OF TRIALS

Slovenia – Court backlogs

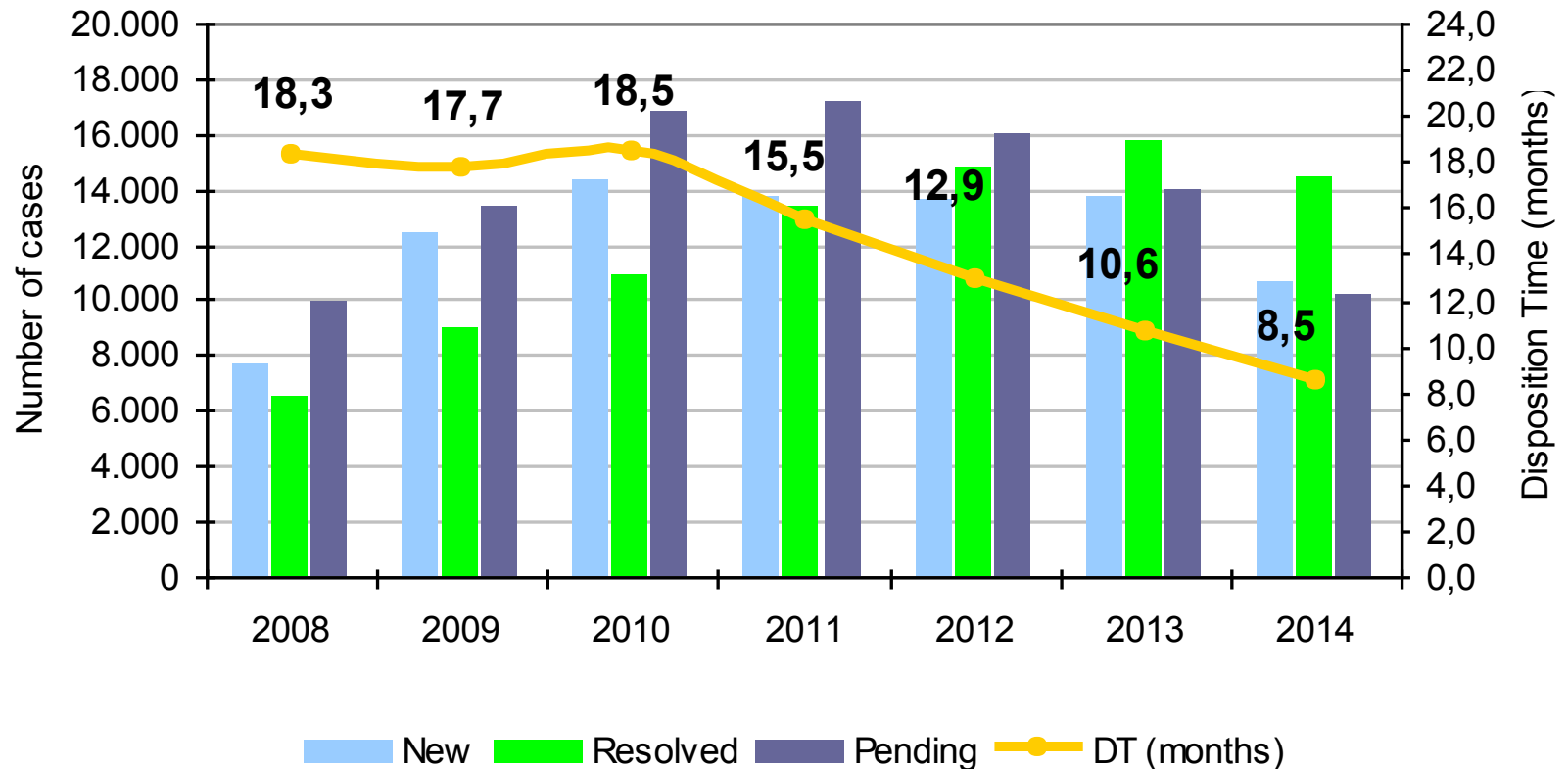
Court backlogs 2011 - 2014



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- A decorative graphic in the top-left corner consisting of a light green square and a white rounded rectangle. A thick dark blue horizontal bar spans across the middle of the slide.
- Case management (triage, IT)
 - Legislative changes
 - Court management

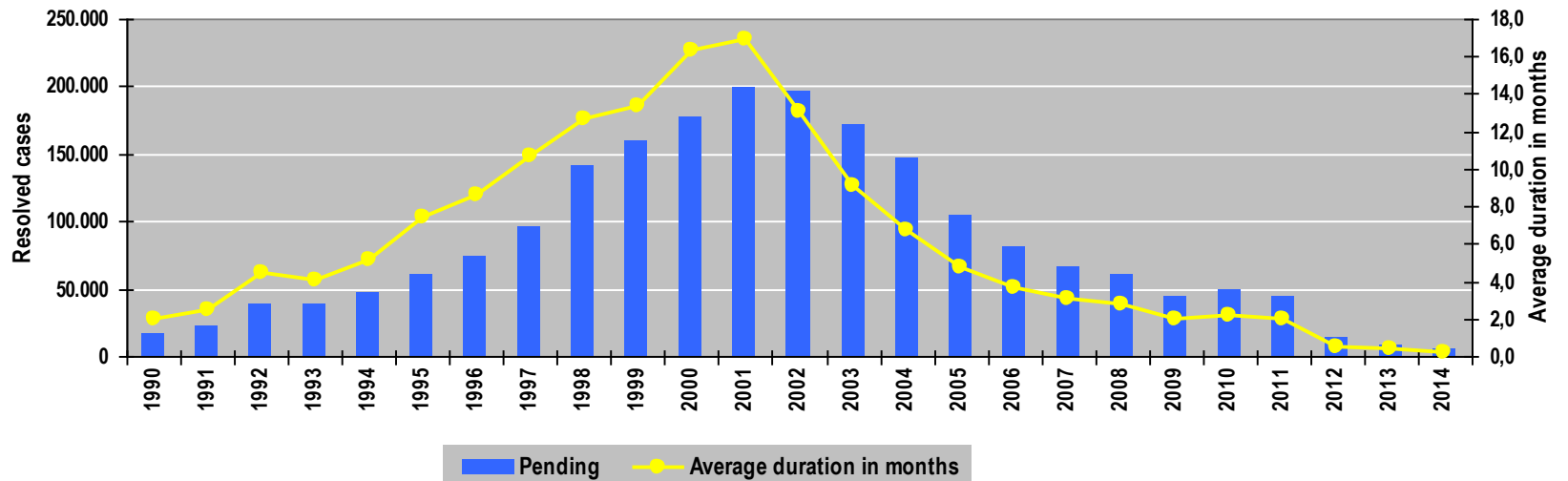
Case management - triage

District Courts - Commercial Cases



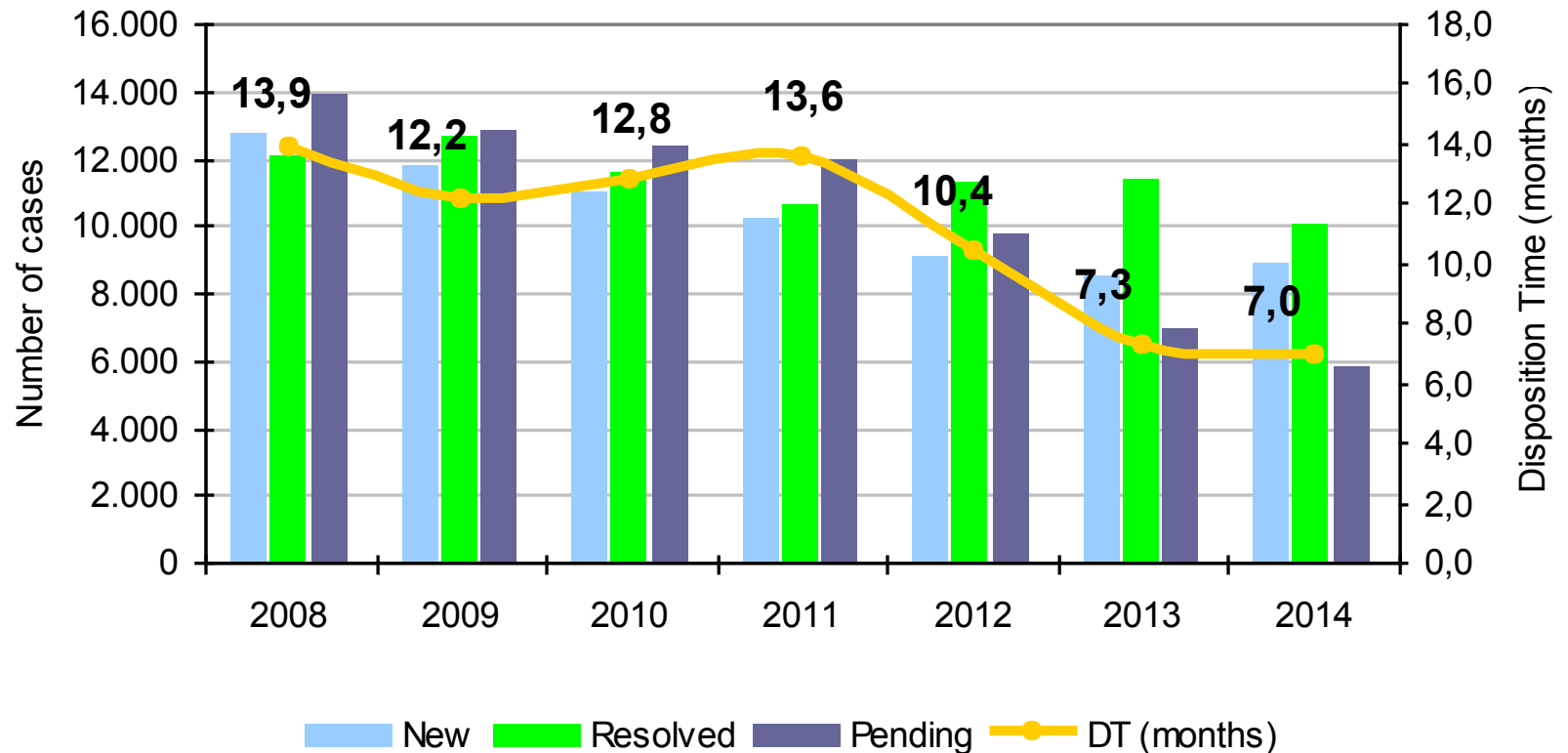
Informatisation

Land register cases



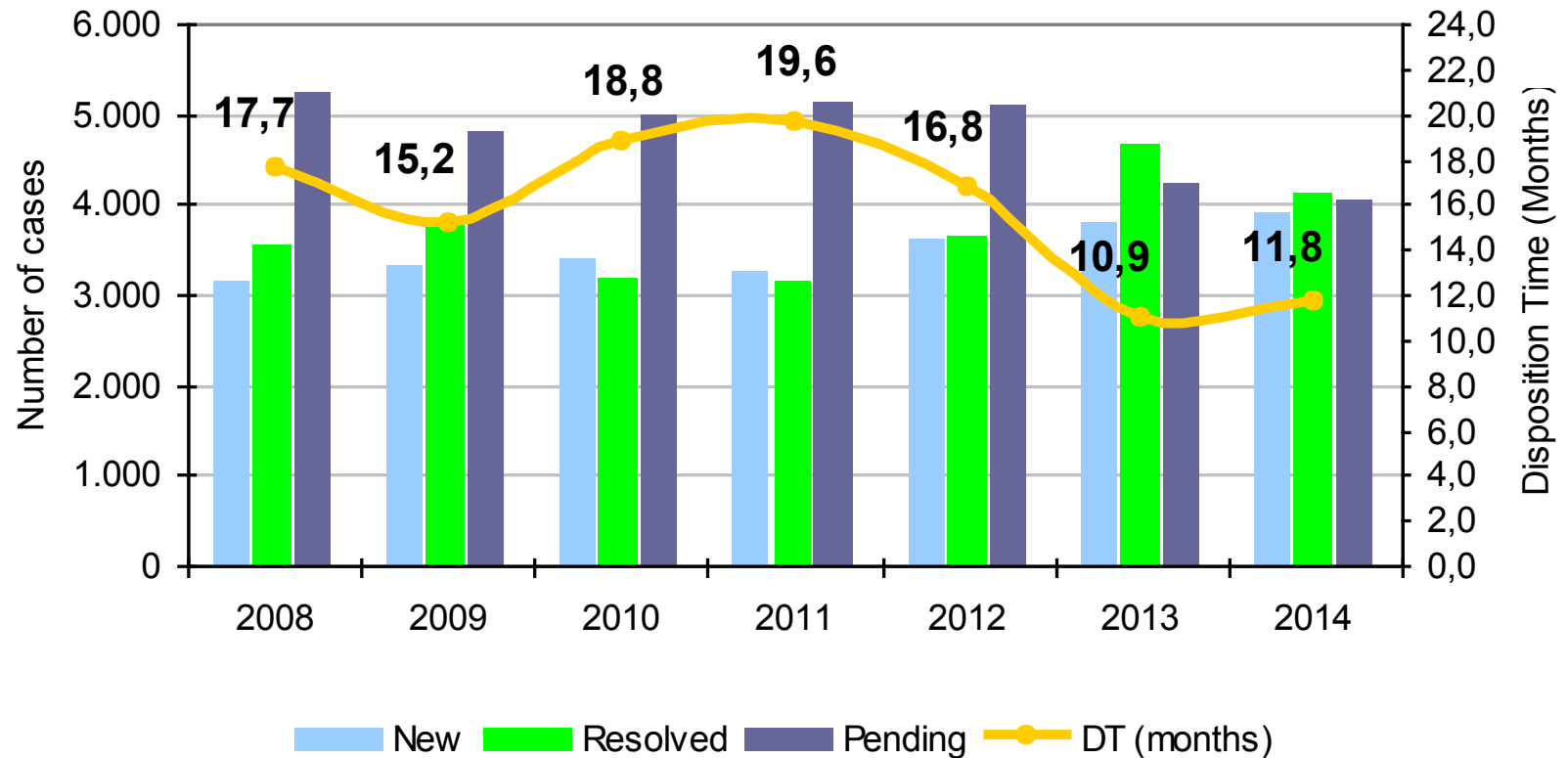
Legislative change

Local Courts - Criminal cases



Legislative change

District Courts - Criminal Cases



Court management

President's dashboards - Overview of the work of courts:

- Efficiency
- Oldest unresolved cases
- Type of case solution
- Procedural phases

Regular visits of the President of the Supreme Court



USE OF EXPERTS

Use of experts in Slovenia

Legal area	2012	
	Number of solved cases	Percentage of cases with the use of expert
Criminal	28.113	4,8%
Civil	22.803	9,1%
Commercial	14.924	2,1%
Labour	4.853	3,3%
Social	3.267	15,3%
Non-litigious	6.794	10,4%
Inheritance	23.194	0,4%
Total	103.948	3,7%

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REDUCING MULTIPLE APPEALS IN THE SAME COURT

Data on appeal procedures

Legal area	2012		2013		2014	
	Solved	Percentage of appeals	Solved	Percentage of appeals	Solved	Percentage of appeals
Total	95.828	10,1%	95.545	10,4%	92.506	10,4%
Criminal	28.113	7,7%	28.607	7,5%	26.433	7,8%
Civil	22.803	19,9%	22.162	20,8%	22.327	19,6%
Commercial	14.924	14,9%	15.893	15,5%	14.505	16,9%
Non-litigious	6.794	5,3%	6.149	5,8%	5.979	6,5%
Inheritance	23.194	1,5%	22.734	1,6%	23.262	1,5%

Data on appeal procedures

Legal area	2012			2013			2014		
	Confirmed	Modified	Set aside and remanded to 1st instance	Confirmed	Modified	Set aside and remanded to 1st instance	Confirmed	Modified	Set aside and remanded to 1st instance
Total	65,8%	16,1%	18,2%	68,1%	14,9%	17,0%	69,5%	12,6%	17,9%
Criminal	62,5%	20,8%	16,7%	68,8%	18,9%	12,3%	67,0%	16,6%	16,4%
Civil	65,0%	17,3%	17,7%	65,9%	16,1%	18,0%	68,1%	13,6%	18,2%
Commercial	73,4%	10,1%	16,5%	73,1%	11,4%	15,5%	75,0%	9,3%	15,7%

Changes in procedural acts

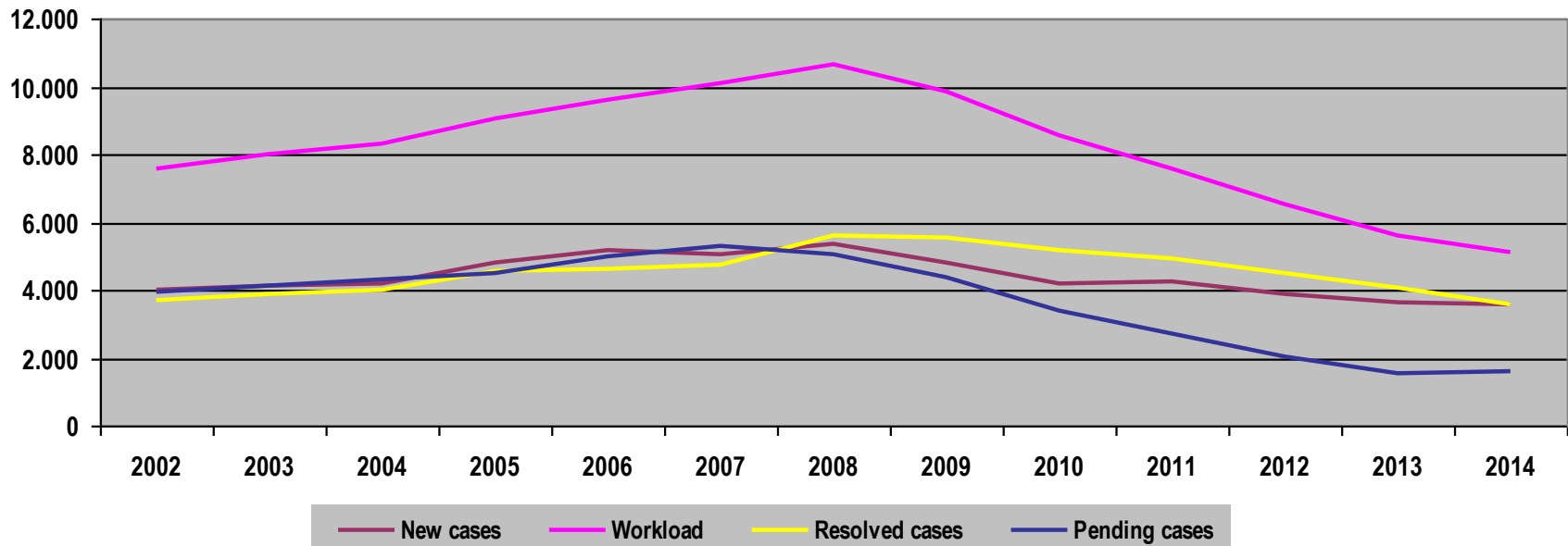
- Following the changes to the **Administrative Dispute Act** (2007) and the **Civil Procedure Act** (2008) the Supreme Court has now the **right to decide** in these types of cases **whether to review a case or not**.
- Consequently, the appeals to the Supreme Court can be made as of right and **no leave to appeal** is needed **only in criminal cases**.
- Before the reform, the decisive admissibility criterion for revision was the disputed amount that was set quite low at approximately 4.000 EUR, causing a very wide access to the Supreme Court that resulted in constantly growing backlogs.

Changes in procedural acts

- With the reform the admissibility criteria have changed and **revision** is now a remedy that **depends mainly on the discretion of the Supreme Court**. Now revision is admissible only, if the case raises a **question of law of fundamental significance** or if the **development of law** or the **preservation of uniformity of case law** requires a decision by the Supreme Court.
- On the other hand, if the amount in dispute exceeds **40.000 EUR (200.000 EUR in commercial disputes)**, then revision is admissible already by law and it is not necessary to obtain a leave from the Supreme Court.

Supreme Court – movement of cases

Supreme court - movement of cases 2002-2014





**Thank you
for your attention.**

Further information:
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