

*TRAINING SESSION FOR FUTURE CEPEJ EXPERTS
KNOW, UNDERSTAND, USE AND DISSEMINATE THE CEPEJ TOOLS*

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Giacomo OBERTO
President of the CEPEJ-GT-SATURN Working Group

**THE WORK OF THE CEPEJ ON JUDICIAL TIME MANAGEMENT
– GENERAL PRESENTATION –**

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**The CEPEJ-GT-SATURN Working Group on Judicial Time Management:
Works, Terms of Reference and Composition.**

Web page: <https://www.coe.int/en/web/cepej/cepej-work/saturn-centre-for-judicial-time-management>

The CEPEJ-GT-SATURN working group (where SATURN is an acronym for “Study and Analysis of judicial Time Use Research Network”) has been set up in 2007 by CEPEJ as a Centre for judicial time management. According to its terms of reference, the CEPEJ-GT-SATURN is instructed to collect information necessary for the knowledge of judicial timeframes in the member States and detailed enough to enable member states to implement policies aiming to prevent violations of the right for a fair trial within a reasonable time protected by Article 6 of the European Convention on Human Rights.

The Working group is aimed to become progressively a genuine European observatory of judicial timeframes, by analysing the situation of existing timeframes in the member States (timeframes per types of cases, waiting times in the proceedings, etc.), providing them knowledge and analytical tools of judicial timeframes of proceedings. It is also in charge of the promotion and assessment of the Guidelines for judicial time management.

The tasks of the Working group are in particular to collect, process and analyse the relevant information on judicial timeframes in a representative sample of courts in the member States by relying on the network of pilot courts. Thus it must define and improve measuring systems and common indicators on judicial timeframes in all member states and develop appropriate modalities and tools for collecting information through statistical analysis.

By Resolution N° 1 on a modern, transparent and efficient justice, the Ministers of Justice of the Council of Europe’s member States, during their meeting in Istanbul at the occasion of their 30th Conference (24-26 November 2010), “invited the Committee of Ministers to build on the work of the SATURN Working group within CEPEJ, further developing its capacity to acquire better knowledge of the time required for judicial proceedings in the member States, with a view to developing tools to enable the member States to better meet their obligations under Article 6 of the ECHR regarding the right to a fair trial within a reasonable time”.



According to the terms of reference for the biennium 2022-2023 (article 7.2.b of annex 1 to Resolution Res(2002)12, and under the authority of the European Commission for the Efficiency of Justice (CEPEJ)), the Working group on judicial time management (CEPEJ-SATURN) is in charge of collecting specific information necessary for obtaining a sufficiently detailed knowledge of judicial timeframes in the member States and is instructed to develop tools to improve the efficiency of court management in order to enable member States to implement policies aiming to prevent violations of the right to a fair trial within a reasonable time as protected by Article 6 of the European Convention on Human Rights.

In order to fulfil its mandate, the CEPEJ-SATURN shall in particular:

- develop a tool enabling to better analyse the various timeframes according to the various steps of
- the civil procedure;
- develop guidelines allowing the implementation of a system of case weighting;
- draft a proposal to update the Recommendation No. R (86)12 of the Committee of Ministers to
- Member States concerning measures to prevent and reduce the excessive workload in the courts;
- develop tools supporting courts and justice professionals in improving judicial time management and
- court management, for example by updating the CEPEJ Time management checklist;
- promote and assess the implementation in the member States of the SATURN Guidelines for judicial time management and update the Guidelines as needed;
- develop a compilation of good practices analysing success factors concerning judicial time management in member States, taking into account the CEPEJ Compendium of good practices on judicial time management;
- contribute to the HELP training modules reflecting the work in the field of judicial time management;
- contribute to the implementation of the relevant co-operation programmes.

In carrying out its terms of reference, the CEPEJ-SATURN might rely on the CEPEJ Network of Pilot courts. It will also coordinate its work with other relevant CEPEJ's working groups (namely the CEPEJ-GT-EVAL, the CEPEJ-GT-QUAL and CEPEJ-GT- CYBERJUST). It may also the advice of external experts and have recourse to studies by consultants.

Current Composition of the CEPEJ-GT-SATURN:

WORKING GROUP ON JUDICIAL TIME MANAGEMENT/ GROUPE DE TRAVAIL SUR LA GESTION DU TEMPS JUDICIAIRE (CEPEJ-SATURN)
Members / Membres
<p>Vassilis ADROULAKIS Judge at the Council of State, Athens, GREECE</p>
<p>Ivana BORZOVA Head of the Department of Civil Supervision, Ministry of Justice, Prague, CZECH REPUBLIC</p>
<p>Ivan CRNCEC Assistant Minister, Ministry of Justice, Zagreb, CROATIA</p>
<p>Francesco DEPASQUALE The Honourable Mr Justice, Superior Courts, Republic Street, VALLETTA, MALTA</p>
<p>Giacomo OBERTO Judge, First instance court of Torino (civil court), ITALY</p>
<p>Mitja KOZAR Judicial Councillor at the District Court of Maribor, SLOVENIA</p>
Scientific experts / Experts scientifiques
<p>Marco FABRI Research director, National Research Council of Italy, BOLOGNA, ITALY</p>
<p>Dimitrie SUJERANOVIC Judicial Expert, SERBIA</p>
Deputy Working group members / Membres suppléants du Groupe de travail
<p>Jean-Marc TOUBLANC Inspecteur de la Justice, Inspection générale de la Justice, FRANCE</p>
<p>Christian DE VALKENEER Président du tribunal de première instance de Namur-Dinant, BELGIQUE</p>
Observers / Observateurs
<p>European Union institutions / Institutions de l'Union européenne</p> <ul style="list-style-type: none"> • Commission LIBE du Parlement européen • le Conseil de l'Union européenne • European Commission (EU Scoreboard et Dashboard WB) • European Union Agency for Fundamental Rights (FRA)
<p>Council of the Bars and Law Societies of Europe / Conseil des Barreaux européens (CCBE)</p>
<p>European Expertise and Expert Institute / Institut Européen de l'Expertise et de l'Expert (EEEI)</p>
<p>European Union of Rechtspfleger / Union européenne des greffiers de justice et Rechtspfleger (EUR)</p>
<p>International Union of Bailiffs / Union Internationale des Huissiers de Justice et Officiers Judiciaires (UIHJ)</p>

**Revised Saturn Guidelines
For Judicial Time Management (4th revision)
Document adopted at the 37th Plenary Meeting of the CEPEJ
(Strasbourg and online, 8 and 9 December 2021)**

Web page: <https://rm.coe.int/cepej-2021-13-en-revised-saturn-guidelines-4th-revision/1680a4cf81>

The SATURN Guidelines on judicial time management are a document whose latest draft is relatively recent (2021). Furthermore, their first version dates back to several years ago (2005). Over the course of this long period, the guidelines have undergone various modifications, additions and improvements. And indeed, initially, the document referred only to some specific actors in the process. Important stakeholders, obviously (legislators, ministries of justice, judges and heads of judicial offices), but not able to exhaust the list of subjects involved in a complex work such as managing (and making reasonable) the times of procedures. It was thus decided to extend the content of the guidelines, initially, to public prosecutors, providing a specific chapter dedicated to them. The same was done later for other categories of relevant protagonists of the trial: from lawyers to clerks, from *Rechtspfleger* (obviously, where they exist) to judicial officers, to court appointed experts.

This is the current version of the Guidelines, according to its table of contents:

Table of contents	
PART I: GUIDELINES FOR COURTS	3
I. General principles and guidelines	3
II. Guidelines for legislators and policy makers	5
III. Guidelines for authorities responsible for administration of justice	6
IV. Guidelines for court managers	7
V. Guidelines for judges	8
VI. Guidelines for <i>Rechtspfleger</i>	9
VII. Guidelines for non-judge court staff	10
Part II: Guidelines for Prosecutors	11
Part III: Guidelines for Lawyers	14
Part IV: Guidelines for Court-appointed experts	16
Part V: Guidelines for Enforcement agents	19
Appendix I : Uniform Guidelines for monitoring of judicial timeframes (EUGMONT)	22
Appendix II – Examples of synopsis	27
Appendix III: Timeline showing the different stages of the criminal procedure before and during the trial	29

Among the various points developed by the document, it is important here to emphasize, first of all, the insistence with which it intervenes in favour of attributing an active role to the judge in the management of the trial. See the guideline V.A., which, under the “Active case management,” heading, provides for as follows:

“1. The judge should have sufficient powers to manage the proceedings actively.

2. Subject to general rules, the judge should be authorised to set appropriate time limits and adjust time management to the general and specific targets as well as to the particulars of each individual case (...).”

In this same view, guideline V.C., under the “Co-operation and monitoring of other actors (experts, witnesses etc.)” heading, provides for as follows:

“7. All participants in the process have the duty to co-operate with the court in the observance of set targets and time limits.

8. In the process, the judge has the right to monitor the observance of time limits by all participants, in particular, but not restricted to, those invited or engaged by the court, such as witnesses or experts”.

Also worth mentioning is the issue of the powers that should be attributed to the judge to carry out a radical suppression of the abuses of the process that are perpetrated daily in our courts. The relevant rules enshrine the judge’s duty to exercise a sort (if we may use the expression) of “inspection power” to discourage, in every possible way, the all too recurring attempts by many parties, through their respective lawyers, to postpone the day of the decision. See in particular following guidelines:

“V.D. Suppression of procedural abuses

9. All attempts to willingly and knowingly delay proceedings should be discouraged.

10. There should be procedural sanctions for causing delay and vexatious behaviour. These sanctions can be applied either to the parties or their representatives.

11. If a member of a legal profession grossly abuses procedural rights or significantly delays the proceedings, it should be reported to the respective professional organisation for such sanctions as may be appropriate”.

Judges, for their part, should pay more attention to the need to find ways to discourage and possibly sanction incorrect behaviour of the parties and lawyers.

A mention can then be made, closing on this topic, to the problem of the reasoning of judgements. Actually, some national legal traditions (e.g. in Italy) know a system of reasoning of judicial decisions that is more suited to the style of ponderous and complex “treaties”, than to the need to respond to criteria of sound and efficient administration of justice. The advantage of this situation is that lawyers can find in the reasoning answers to the problems and legal questions (most of the time, however, irrelevant) that they have raised during the trial, as well as grounds and reasons for a possible appeal. The disadvantage is that the judges, “intimidated” by the need to explain in detail the reasons for their decisions, may be tempted to postpone the moment of judgment, thus hoping to persuade the parties to abandon the case and find a settlement, which, unfortunately, only very rarely happens.

Hence, one of the “bottlenecks” of civil justice, in some countries (among which Italy stands out), is the time that elapses between the moment in which a case has been completely investigated with the experiment of preliminary trial activity and the time at which the decision is issued. This proves that one of the possible causes of justice delays is precisely the complexity of the activity of writing the reasoning of judicial decisions.



The most recent version of the Guidelines also intervenes on this point, establishing, in point V.E.12., under the heading “The reasoning of judgments”, that this reasoning should be “concise in form and limited to those issues requiring to be addressed”. The purpose of reasoning should be only “to explain the decision”, as “Only questions relevant to the decision of the case should be taken into account”.

Towards European Timeframes for Judicial Proceedings Implementation Guide (As adopted at the 28th Plenary Meeting of the CEPEJ on 7 December 2016)

Web page: <https://rm.coe.int/16807481f2>

Another relevant tool created and adopted by the CEPEJ SATURN Centre is the Implementation guide “Towards European timeframes for judicial proceedings”. This is, in a nutshell, the content of the guide, according to its table of contents.

TABLE OF CONTENTS

- [1. Introduction](#)
- [1.1. Method used to elaborate the Timeframes](#)
- [1.2. Main objectives and development perspectives](#)
- [1.3. Application field](#)
- [2. Description of the Timeframes](#)
- [3. Methodology to implement the Timeframes](#)
- [3.1. Step 1: Diagnosis of the current situation](#)
- [3.2. Step 2: Setting and implementing Timeframes](#)
- [3.3. Step 3: Monitoring](#)
- Annex : Excel spreadsheet to be downloaded from CEPEJ Website

The guide intends timeframes as one of the tools available for the attainment of the goal set in Article 6 of the European Convention on Human Rights, according to which “everyone is entitled to a fair and public hearing within a reasonable time”. Timeframes can be considered operational tools, because they are concrete targets to measure to what extent each court, and more generally the administration of justice, pursue the timeliness of case processing, and then the principle of fair trial within a reasonable time stated by the European Convention on Human Rights.

The setting of Timeframes is a fundamental step to start measuring and comparing case processing performance and defining conceptually better the “Backlog”, which is the number or percentage of pending cases that do not accomplish the set or planned timeframe.

Timeframes should be set not only for the three major areas (civil, criminal, administrative), but they should progressively be set also for the different “Case categories” dealt with by the court. Timeframes should be tailored to each case category (e.g. family matters, bankruptcy, labour etc.), and local circumstances, depending on procedural issues, resource available, and legal environment. However, a European indication is a fundamental lighthouse to develop Timeframes at the national and local levels, and to start building a shared vision of common expectations across Europe.

The Timeframes proposed in our guide are the result of a process which was carried out in the following steps:

- analysis of the literature on judicial timeframes;
- case law of the European Courts of Human Rights;
- data collection and analysis of two surveys submitted to both National Correspondents and Pilot Courts of the CEPEJ;
- discussion of the proposed Timeframes during the 2014, 2015, 2016 meetings of the CEPEJ Pilot Courts and the CEPEJ plenary meeting in December 2015 and June 2016.

The result of this process are the proposed four sets of timeframes (A, B, C, D), which take into consideration the large variety of situations in the member States.

Contentious Civil and Administrative Cases	Timeframe	Timeframe	Timeframe	Timeframe
	Target A	Target B	Target C	Target D
Priority Cases	Disposed in 6 months	Disposed in 12 months	Disposed in 12 months	Disposed in 12 months
Normal Cases + (priority cases)	95% - 90%	95% - 90%	95% - 90%	95% - 90%
	Disposed in 18 months	Disposed in 24 months	Disposed in 30 months	Disposed in 36 months
Complex Cases (buffer)	5% - 10%	5% - 10%	5% - 10%	5% - 10%
	Pending cases older than 18 months	Pending cases older than 24 months	Pending cases older than 30 months	Pending cases older than 36 months

Criminal Cases	Timeframe	Timeframe	Timeframe	Timeframe
	Target A	Target B	Target C	Target D
Priority Cases	Disposed in 3 months	Disposed in 6 months	Disposed in 6 months	Disposed in 6 months
Normal Case + (Priority cases)	95% - 90%	95% - 90%	95% - 90%	95% - 90%
	Disposed in 12 months	Disposed in 18 months	Disposed in 24 months	Disposed in 30 months
Complex Cases (buffer)	5% - 10%	5% - 10%	5% - 10%	5% - 10%
	Pending cases older than 12 months	Pending cases older than 18 months	Pending cases older than 24 months	Pending cases older than 30 months

This scheme can therefore be used, on the one hand to “photograph” the present and, above all, on the other, to set objectives to be achieved, such as that of providing for an “upgrading” of the situation of a given judicial office, which, finding itself, to say, today in the situation described by target C, he wanted to reach, for example, target B within a given period.

In the context of this document (as well as in that of various other documents of this kind developed by CEPEJ-GT-SATURN) Two fundamental concepts take on considerable importance in the assessment of the efficiency of judicial offices:

- clearance rate, which is obtained using the following formula
 - resolved cases ÷ incoming cases x 100,
- calculated disposition time, which is obtained as follows
 - pending cases at the end of the year ÷ resolved cases in that year x 365 (days).

Naturally, it must be taken into account that the data must be homogeneous, that is to say that the above calculations must be carried out in relation to homogeneous case categories (all types of proceedings of a certain jurisdiction, or only contentious proceedings, or only not contentious, or only labour cases, family cases, commercial cases, etc.).

Based on the data available, we are aware that some countries will not be able to meet the timeframes proposed, while some others will probably be able to do even better. These four Timeframes may be used as a basic reference. Each country or court is invited to establish its own Timeframes for each court and case category. The same or different Timeframes should be applied also for each instance of the whole judicial process (first, appeal, Supreme Court instance). For example, Timeframe D can be realistic and set for first instance courts, at least as a starting point, while Timeframe A can be used in Supreme Courts.



As for the objectives, we believe that these Timeframes are a pragmatic compromise of very different situations and contexts of the various member States. They should be seen as objectives to be progressively reached step by step by all the member States, also in the light of the need to promote justice services and a similar length of judicial proceedings quite similar across Europe. This entails that the overall objective for all the Council of Europe member States should be to reach Timeframe A for all the proceedings, with a progressive approaching, for example through Timeframe B and C.

The Centre activated the Network of Pilot Courts of the CEPEJ through a questionnaire in order to get data and information on compliance with the above-mentioned timeframes according to the different categories of cases. Several European Pilot Courts participated in the survey and the final results were discussed during the meeting of the Pilot Courts Network held in Barcelona on 4th October, 2019.

Handbook on Court Dashboards
Document adopted by the CEPEJ Plenary at its 36th Plenary Meeting
(June 2021)

Web page: <https://rm.coe.int/cepej-2021-8-handbook-on-court-dashboards-en/1680a2c2f6>

The Court Dashboard Manual provides an overview of this management tool for displaying, tracking, and analysing multiple data in one place. Based on performance indicators, it helps courts, their managers, and justice professionals to measure performance and efficiency of judicial work, thus facilitating the distribution of tasks within the courts. This Manual provides practical, step-by-step guidance on how to develop comprehensive court and judge-level dashboards.

It covers the dashboard design process, its content, data visualisation, technical requirements, and contains practical examples of dashboards. The concepts it highlights are presented as food for thought, and court systems are encouraged to take ownership of the general framework and adapt it to their own needs. The Handbook was prepared by the European Commission for the efficiency of justice's Working Group on judicial time management (CEPEJ-GT-SATURN).

The document was based on the work of two experts in the persons of Shanee BENKIN (Israel) and Martin MIKUŠ (Slovak Republic), who have been working hard many months on a draft which was periodically submitted to our meetings, was improved and made more concise, but also more practical and finally was adopted by the Group. The issue was also discussed with Pilot Courts during our meetings in Kristiansand (2017) and Barcelona (2019), where we tried to get a maximum of ideas and inspiration from the system which had already implemented such tools. The scientific experts proceeded with a final quality check and adjusted the terminology used to make it fully compliant with the CEPEJ Glossary. It consists of 45 pages, organised in 6 different short chapters. It is preceded by an Introduction, in which it is explained what is the genesis of this document and followed by a Bibliography.

The work was developed through research and collection of examples of dashboards, also via the network of pilot courts of the CEPEJ. The document outlines their content and their layout and provides guidelines for the judiciary on how to set up a dashboard system. It also gives several examples while highlighting that judge-level dashboards are intended to better manage their work time and should under no circumstances be considered tools for performance assessment of judges. The experts also heeded the suggestion by our WG to supplement the handbook by templates for dashboards and tables, both at court and judge-level, to be made readily available to the courts.

Contents of the handbook are listed in the table of contents, as follows.

Contents

Introduction	5
A. Content of the dashboards	6
A.1 General definitions and purpose	6
A.2 Initial classification of the dashboards.....	7
A.3 Recommended KPIs for courts systems	7
B. Visualisation of data	9
B.1 Data filtering	9
B.2 Composition of KPIs, layout and flow.....	10
B.3 Types of visual representation and correct use of colours.....	11
C. Court-level template dashboards	15
C.1 Overall court performance.....	16
C.2 Incoming and pending cases in multiple case categories.....	18
C.3 Resolved cases comparison between different case categories	20
C.4 Focus on an individual case category.....	22
C.5 Timeframes comparison between multiple case categories	24
C.6 National overview.....	26
D. Judge-level template dashboards	27
D.1 Electronic task board.....	29
D.2 Case counts and CR dashboard	31
D.3 Pending cases dashboard.....	33
D.4 Resolved cases dashboard.....	36
E. Technical requirements	37
E.1 Data availability and access	38
E.2 Dashboard platform (software).....	38
F. Guidelines for creating court dashboards.....	39
Bibliography.....	41

The document addresses four aspects of the dashboard design process:

- content of the dashboard (with the identification of the so-called K.P.I. - Key Performance Indicators, i.e. the types of data that actually need to be entered and shown to the user),
- data visualization (therefore the indication of how the dashboard should actually appear in the eyes of the user, with the possible possibility of inserting/deleting one or more K.P.I.s, depending on the information sought and the category of users to whom it is addressed),
- technical requirements in the dashboard drafting process,
- concise and practical guidelines to be followed by those who intend to follow this approach.

The document outlines its content and structure and provides guidance to the judiciary on how to set up a dashboard system. It also provides several concrete examples, highlighting that dashboards at the level of the individual judge are intended to better manage working time and should under no circumstances be considered as tools for evaluating the performance of judges. The manual has also been integrated with dashboard models and tables, taken from the most significant experiences of various European countries, both at level of jurisdictions and of judges.

Among the various possible solutions it will be worth showing one of the many possible examples (here fictitious, obviously), clarifying that among the various models and examples the document does not take a position, favouring some rather than others. Actually, the handbook sets itself the task of providing complete information on the concrete models, leaving the choice of the best model to the user.

Type of cases	Pending cases on 1.1	Incoming cases	Resolved Cases	Pending cases		Clearance Rate (CR - %)	Disposition Time (DT - days)
				On 31.12	> 2 years		
Civil cases	15 619	4 127	4 121	15 625	NA	100%	1 384
Civil 1st instance	14 288	3 172	2 887	14 573	NA	91%	1 842
Non-contested	478	911	680	709	NA	75%	381
Inheritances	853	44	554	343	NA	1259%	226
Administrative cases	1 947	1 720	1 107	2 560	NA	64%	844
Commercial disputes	301	766	431	636	NA	56%	539
Criminal cases	34 256	88 002	70 250	52 008	NA	80%	270
Criminal - General division	5 719	4 283	1 462	8 540	NA	34%	2 132
Criminal - Serious crimes	2 332	1 158	578	2 912	NA	50%	1 839
Minor offences	26 205	82 561	68 210	40 556	NA	83%	217
Total [Year]	52 123	94 615	75 909	70 829	NA	80%	341

**Checklist of indicators
for the Analysis of the Duration of Proceedings in the Courts
(Document adopted at the 40th Plenary Meeting of the CEPEJ,
Strasbourg, 15 and 16 June 2023)**

In order to prevent the excessive duration of court proceedings, competent judicial authorities should collect data relevant to cases that enables them to monitor and analyse the functioning of justice systems. This could empower them to take appropriate measures to prevent delays and reduce timeframes. The regular evaluation of judicial systems by the European Commission for the Efficiency of Justice (CEPEJ) enables analysis of the situation in the member States of the Council of Europe.

During 2023, the CEPEJ-GT-SATURN working group developed, approved and presented to the Plenary (which officially adopted) a totally updated and revised version of the Time Management Checklist (originally dating back to 2005). The document is a reasoned and orderly collection of indicators that serve to analyze and monitor the duration of processes. It contains a series of questions with the aim of helping to collect adequate information on the processes and to analyze the relevant aspects of their duration. Its aim is therefore to support judicial offices in adopting measures to resolve proceedings within a reasonable time, set achievable timeframes and make proceedings more transparent and predictable for the justiceables.

In drafting this checklist the CEPEJ also took into account the work of the Consultative Council of European Judges (CCJE). This relates in particular to the Opinion N° 6 of the CCJE “on fair trial within a reasonable time and judge’s role in trials taking into account alternative means of dispute resolution and opinions of other organisations of legal professionals represented as observers to the CEPEJ”.

The Time Management Checklist is a first diagnostic and management tool for courts. It provides an initial set of questions with the purpose of helping in collecting appropriate information about the cases and to analyse relevant aspects of duration of court proceedings. Based on the collected information and outcomes of the analysis, its purpose is to support courts to take measures to resolve cases within a reasonable time, set feasible timeframes and make the proceedings more transparent and predictable to court users. The overall duration of court proceedings has to be monitored and measured from the filing of the proceeding before the court, to the final judicial decision.

The questions that make up the checklist are presented in an orderly manner and grouped by topics, or indicators: more precisely, these are the following six indicators:

- assessing the overall duration of court proceedings,
- setting timeframes/standards for duration of proceedings,
- elaborating case categories and case weighting,
- monitoring of court proceedings,
- diagnosing delays and mitigating their consequences,
- using information and communication technology (ICT) as a tool for time management of court proceedings,

The checklist is accompanied by an explanatory note, whose purpose is to illustrate and comment on the questions that make up the checklist. The document also clarifies how to proceed with collecting the answers to the questions proposed in the checklist itself.

Case Weighting in Judicial Systems CEPEJ Studies No. 28 (Adopted by the CEPEJ Plenary in July 2020)

In 2020, the CEPEJ plenary assembly, following the preparatory work carried out by the CEPEJ-GT-SATURN group (with the help of two expert external scholars, the Italian Marco Fabri and the Israeli Shanee Benkin), adopted a study (n. 28) entitled Case weighting in judicial systems. The purpose of this study is to review various case-weighting systems (CWS) and provide judicial systems and policy makers with tools to evaluate them and choose which is best suited for their judicial systems. For this purpose, the second chapter defines the term case-weights and lists the possible uses of a case-weighting system.

In this respect, it is important to distinguish between a CWS, which aims to assess the complexity of cases, and systems designed to assess the performance of judges. In essence, the weight of a case indicates how much more or less time-consuming the case is in comparison to others. This is done by assessing the amount of time and effort each case requires to be processed, on average.

This average value is not intended to assess the performance of individual judges in comparison to their peers. The evaluation of the performance of judges is a complex and sensitive issue, requiring careful handling. According to “international standards”, this evaluation should be based on the combination of a qualitative and quantitative analysis of a wider list of indicators than those used in CWS. For this reason, the assessment of the complexity of cases is not to be confused with the assessment of the performance of judges.

The third chapter provides a general overview of the case-weights practices in member States of the Council of Europe, based on their replies to an on-line questionnaire and supplementary interviews. The third chapter will then proceed to an in-depth review of the case-weights models implemented in the following selected member States: Austria, Denmark, Estonia, Germany, Romania and the Netherlands.

As a reference frame, the fourth chapter examines the case-weights model implemented in the United States.

The fifth chapter then summarises findings in a comparative manner.

Finally, the last chapter concludes with a list of recommendations. They provide non-exhaustive basic guidelines to any judiciary seeking to adopt or evaluate an existing case-weights system. In this context, we turn the spotlight on the main building blocks of a successful CWS, one of which is the significant and indispensable contribution of judges as key stakeholders in the process of developing and maintaining a valid and reliable CWS. Simply put, no system will be successful without the full cooperation and active involvement of judges.

Table of content

1. Introduction	3
2. Definition and objectives	4
2.1 What are case-weights?	4
2.2 Case-weights objectives and possible uses	5
3. Overview of case-weighting practices in European judicial systems ...	6
3.1 Online questionnaire and interviews on case-weighting practices in Europe	7
3.2 In-depth review of the case-weighting systems in six European countries	18
3.2.1 Austria	18
3.2.2 Denmark	21
3.2.3 Estonia	23
3.2.4 Germany	26
3.2.5 Romania	29
3.2.6 The Netherlands	31
4. Review of the weighted caseload model in the United States courts ..	34
5. Comparative summary	39
6. Recommendations	55
7. Concluding remarks	60
Bibliography	62

It should be kept in mind here that, basically, the relevant systems for the case weighting can be of two different types, that is, on the one hand,

- systems based on a concrete and statistical analysis carried out among the concerned judge, through interviews on the actual time concrete taken for each proceedings, dealt with in a given period (so-called Time-study method) and, on the other hand,
- systems based on assessments carried out abstractly by experts (generally judges) on the possible duration and “weight” of various types of proceedings (so-called Time-estimate method).

It should be added that the CEPEJ-GT-SATURN working group decided to continue the exercise in question, extending it in two different directions. More precisely, on the one hand, by preparing a similar study on case weighting in public prosecution offices; on the other hand, by redrafting and re-elaborating more in depth the guidelines placed at the end of the above mentioned study on case weighting. The first work (that is, the one consisting in the drafting of a study on case weighting relating to public prosecutors) has already been completed in 2023 within the working group and has to be submitted to the Plenary for adoption on 5 and 6 December, 2023. The text retraces in some way the report on case weighting in judicial offices. The second work, namely the expansion and deepening of the guidelines to be followed in the preparation of a case weighting system, is scheduled for the two-year period 2024-2025.

Backlog Reduction Tool
Concept note on the preparation of a backlog reduction tool
Document adopted by the CEPEJ at its 39th plenary meeting
(Strasbourg, 6 and 7 December 2022)

As a matter of fact, many judicial systems continue facing backlogs of cases in the courts. This may negatively affect the compliance with the “reasonable time” requirement. There is an interest from many states to address this matter.

Therefore, the CEPEJ-GT-SATURN decided to develop a set of practical tools to support member States in setting up and implementing measures to improve the level of efficiency of justice and prevent backlogs. Many of these tools have been already developed by the CEPEJ-GT-SATURN. However, no tool has been so far developed specifically to contribute to reducing backlogs. This tool aims to support member States in developing specific backlog reduction programmes.

As for the working methods, the CEPEJ-GT-SATURN aims to prepare the backlog reduction tool in close co-operation with other working groups of the CEPEJ in line with their respective mandates. The co-operation can concern:

- measures conducive to reducing backlog based on the tools developed by CEPEJ-GT-QUAL (e.g. mediation);
- use of information and communication technologies (ICT) in addressing backlog based on the tools developed by CEPEJ-GT-CYBERJUST;
- measures based on the information and analysis of the functioning of judicial systems resulting from the evaluation carried out by the CEPEJ-GT-EVAL.

It is envisaged that the Network of the CEPEJ pilot courts will be consulted to contribute to the development of the tool.

Coming to the content of the tool, it should provide methodologies and specify measures that can be applied to prevent and reduce a backlog. The tool will be intended for different stakeholders of judicial systems at all levels (judicial council, supreme courts, ministries of justice, court presidents, heads of court units or individual judges).

The guidelines can be structured around the four main sections (analysing the situation, defining the measures to prevent and reduce backlog, setting up the targets and monitoring of the situation). A template for backlog reduction plan will complement the tool.

The proposed structure for the tool is as follows:

- The first section is devoted to the subject of analysing the situation.
 - The tool should propose methodologies for identification of key issues that cause backlogs in the courts. The backlog is defined as “pending cases at the court concerned which have not been resolved within an established timeframe” (CEPEJ Glossary).
 - In this section the tool will propose a series of data and indicators that allow a correct analysis of the situation; among these, in particular the following:
 - number of pending/terminated/pending/backlog procedures,
 - seniority of pending proceedings,
 - clearance rate,
 - disposition time,
 - duration of proceedings,
 - number of judges,
 - number of non-judicial staff members,

- number of pending/terminated/pending/backlog cases per judge, etc.
- Here we can give an example of calculating expected trends, if the current flow of proceedings and the disposition time remain constant:

1	2	3	4	5	6	7	8	9
Court	Number of judges	Avg number of received cases in the previous years (average number for the last 3-5 years)	Avg number of resolved cases in the previous years (average number for the last 3-5 years)	Number of pending cases on 1 Jan	Expected increase/decrease in the number of pending cases (court level) 1. Jan – 31. Dec (f= Col.4 - Col.3)	Expected number of pending cases on 31 Dec (f= Col.5 - Col.6)	Expected increase/decrease in the number of pending cases (per judge) 1. Jan – 31. Dec (f= (Col.6 / Col.2)	Expected number of pending cases (per judge) on 31. Dec (f= Col.7 / Col.2)

- In the second part the tool should propose a catalogue of potential measures that contribute to preventing and reducing the backlog. The catalogue should be sufficiently broad, so as to offer possible solutions for various situations at different levels (judicial system, judicial office and individual judge) and different periods for their implementation (short, medium and long term). The use of dashboards can then play an important role in providing an overview of the situation in the judicial offices involved. In this context, attention should be paid to existing documents, such as the Handbook on Court Dashboards adopted by CEPEJ in 2021. The proposed measures should vary depending on whether they refer to the ministerial level, or to the level of heads of courts or that of individual judges.
- In its third part the document will focus on setting the results to be achieved (targets), in accordance with what is already foreseen in the document on the “SATURN timeframes”. Other practices will be presented, such as examples on how to determine the objectives that are intended to be achieved when there has been an increase in the number of judges, or a change in the level of productivity of the same (with the number of them unchanged), as in the two tables here they are presented below.

An example on how to determine the objectives that are intended to be achieved when there has been an increase in the number of judges						
1	2	3	4	5	6	7
Court	Number of judges (existing judges + newly appointed judges)	Avg number of received cases in the previous years (per judge)	Avg number of resolved cases in the previous years (per judge)	Number of pending cases on 1 Jan (court level)	Expected decrease in the number of pending cases after implementation of the measure (court level) 1. Jan – 31. Dec (f= (Col.4 X Col.2) – (Col.3 X Col.2)	Target 1 (court level) Expected number of pending cases on 31 Dec (f= Col.5 - Col.6)
An example on how to determine the objectives that are intended to be achieved when there has been a change in the level of productivity of judges (their number remaining unchanged)						

1	2	3	4	5	6	7
Court	Number of judges	Avg number of received cases in the previous years (per judge)	Avg number of resolved cases in the previous years (per judge)	Number of pending cases on 1 Jan (court level)	Expected decrease in the number of pending cases after implementation of the measure (court level) 1. Jan – 31. Dec (f= (1.2 x Col.4 X Col.2) – (Col.3 X Col.2))	Target 1 (court level) Expected number of pending cases on 31 Dec (f= Col.5 - Col.6)

- The fourth section of the future report will be dedicated to the preparation of monitoring mechanisms, which will have to define which indicators are to be monitored, as well as the way in which monitoring should be implemented, who will have to do it and the time periods to be taken into consideration. Finally, the document must contain a model for drawing up a backlog reduction plan, according to the simple scheme presented below.

MODELLO PER UN PIANO DI RIDUZIONE DELL'ARRETRATO				
TARGET	MEASURE	DEADLINE (short - term, mid - term, long - term)	RESPONSIBLE INSTITUTION/PERSON	IMPLEMENTED YES/NO

In this context, the creation of a database on good practices aimed at reducing the backlog (Database of backlog reduction practices) is also envisaged, according to a concept note drawn up by the CEPEJ Secretariat, discussed and approved by CEPEJ-GT-SATURN. The model in this regard is represented by the already existing Resource Centre on Cyberjustice and Artificial Intelligence. The concept note then specifies that the functions of the database to be established could be the following:

- show and publicize good practices in the sector of backlog reduction (think, for example, of what was in Italy, in its time back in 2000, the so-called “Strasbourg Programme”, created by the then President of the First Instance Court of Turin, Mr Mario Barbuto);
- increase the bilateral and plurilateral exchange of experiences;
- concretely follow the path of a pure and simple presentation, as objective as possible, without any evaluation in terms of positivity or otherwise and without any endorsement by CEPEJ; the user is therefore given full freedom of judgement, evaluation and appreciation (or disagreement) about the usefulness of the experiences shown in the database, as well as about their transferability to other cultural and legal contexts.

The collection of practices will be based on the information sent by the competent authorities of each country. More precisely, this work is expected to involve the Network of Pilot Courts, the national CEPEJ correspondents, as well as, of course, the CEPEJ members. Other sources of “supply” of good practices in this regard could be constituted by cooperation programs or other activities promoted by CEPEJ: let us think of the Crystal Scale of Justice Prize, as well as to round tables, seminars, on-site missions, etc. Once collected, this information will be examined, reviewed and classified for possible inclusion in the database by a special Task Force, which will decide on the relevant publication, after also evaluating the genuineness of the practice, its effective



application and the results thereof. The same Task Force will also be responsible for updating the database every six months.

Handbook for Implementing CEPEJ Tools (Version 3 of 10 May 2017)

Among the documents developed by CEPEJ-GT-SATURN, mention must be made of the Handbook for implementing CEPEJ tools. This is a sort of methodological guide, aimed at all those who intend, for study and/or operational reasons, to introduce the use of one or more of the tools developed by the CEPEJ-GT-SATURN group (as well as by the other working groups of the CEPEJ) over these years. The text describes in detail the phases and contents of this activity, in a way that can be summarized as follows.

The procedure is divided into several phases, aimed at identifying, first of all, which instruments are in question, depending on the needs of the judicial office or other authority that requests them. The analysis phase follows, meticulously described in the manual: data collection, identification of groups of comparable countries, analysis of the topics to be studied, development of a project, management of the project, evaluation and monitoring of the results, etc.

Of particular interest, then, is Appendix no. 6 to the aforementioned document, containing detailed instructions on how to prepare and carry out study visits aimed at the application of one or more CEPEJ tools in a specific context (Ministries of Justice, jurisdictions, individual judges, etc.), with the specific indication, e.g., of the documents to be requested and of the statistical analyzes to be prepared in view of the meetings with the stakeholders in the concerned jurisdiction or office. The last appendix (no. 7) is dedicated to a model for carrying out analyzes on the situation of judicial offices. In this framework, it may be useful to report the following scheme here.

<p>1. GENERAL DESCRIPTION OF THE COURT</p> <p>1.1 Name and location: ... Court</p> <p>1.2 Population concerned: Approx. ... million inhabitants.</p> <p>1.3 Jurisdiction: ...</p> <p>1.4 Organisation of the court</p> <ul style="list-style-type: none"> ▲ <i>President</i> ... ▲ <i>Subdivisions of the court</i> ... <p><i>Judicial map, etc.</i></p> <p>1.5 Judges, law officers and staff:</p> <ul style="list-style-type: none"> ● Number of professional judges: ... , including ...% women ● Number of lay judges: ... ● Number of part-time judges: ... ● Number of prosecutors attached to the court: ... ● Number of registrars: ... , including ...% women ● Number of enforcement agents: ... ● Number of other staff (security officers, etc.): ... <p>1.6 Building and premises</p> <p>1.7 Computer hardware and equipment:</p> <ul style="list-style-type: none"> a) <i>Software</i> ... b) <i>Hardware</i> ... 	<p>2. Volume of cases handled by the court</p> <p>2.1 Indicators used</p> <p>¹ CR: clearance rate indicator – ratio between new and resolved cases during a specific period, expressed as a percentage.</p> <p style="text-align: center;"><i>Clearance Rate (CR) = $\frac{\text{Number of resolved cases}}{\text{Number of incoming cases}}$</i></p> <p><i>Example:</i> if during a calendar year the court has had 500 new cases referred to it and has resolved 550 cases in the same period, the CR is 110%. If the court only managed to resolve 400 cases, the CR would be 80%. A CR above 100% means the number of pending cases is falling.</p> <p>² DT: disposition time. This indicator compares the number of resolved cases during the period observed and the number pending at the end of that period. The number 365 is divided by the number of resolved cases divided by the number of unresolved cases at the end of the period to enable this to be expressed in the number of days. The ratio measures how quickly the judicial system (or the court) turns over received cases – i.e., how long it takes for a type of case to be resolved. This indicator provides further insight into how a judicial system manages its flow of cases.</p> <p style="text-align: center;"><i>Disposition Time (DT) = $365 \times \frac{\text{Number of pending cases at the end of the year}}{\text{Number of resolved cases}}$</i></p> <p>■ = CR above 95% and DT lower than 365 days (1 year) ■ = CR between 75% and 95% and DT between 365 days and 730 days ■ = CR below 75% and DT above 730 days (2 years)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 10%;">Cases pending at 1.1.20..</th> <th style="width: 10%;">New cases</th> <th style="width: 10%;">Total</th> <th style="width: 10%;">Resolved cases</th> <th style="width: 10%;">Cases pending at 31.12.20..</th> <th style="width: 10%;">> 2 years</th> <th style="width: 10%;">CR (%)</th> <th style="width: 10%;">DT (days)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		Cases pending at 1.1.20..	New cases	Total	Resolved cases	Cases pending at 31.12.20..	> 2 years	CR (%)	DT (days)																																													
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<p>Consistency with Timeframes</p> <p>Comments:</p> <p>2.2 Structure of the pending cases at (date) ...</p> <p>a) Table and description</p> <p>b) Comment</p> <p>3. DETAILED DESCRIPTION OF THE PROCESS OF SELECTING CEPEJ TOOLS FOR IMPLEMENTATION</p> <p>3.1 Persons present</p> <p>...</p> <p>3.2 Description of selection process</p> <p>...</p> <p>3.3 Degree of success in achieving the objectives selected</p> <p>[For each aspect a) Description of the aspect b) Description of the situation, especially the extent to which this aspect is implemented at the court concerned c) Summary of the extent of the implementation: - fully implemented - implemented by other means - implementation planned - partially implemented or - not implemented d) In the case of aspects only partially or not implemented: recommendations for implementation if this is considered appropriate, i.e. if it will contribute to improving the functioning of the court.]</p>	<p>4. FINAL OBSERVATIONS</p> <p>4.1 Assessment of degree of achievement with regard to the aspects examined</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #333; color: white;"> <th style="padding: 2px;">Degree of achievement</th> <th style="padding: 2px;">Implementation</th> <th style="padding: 2px;">Partially implemented</th> <th style="padding: 2px;">Not implemented</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Number of aspects</td> <td style="width: 100px; height: 20px;"></td> <td style="width: 100px; height: 20px;"></td> <td style="width: 100px; height: 20px;"></td> </tr> </tbody> </table> <p>The aspects partially implemented are:</p> <ul style="list-style-type: none"> ... <p>The aspects not implemented are:</p> <ul style="list-style-type: none"> ... <p>4.2 Summary of recommendations</p> <p>...</p> <p>4.3 Follow-up</p> <p style="text-align: center;">_____</p>	Degree of achievement	Implementation	Partially implemented	Not implemented	Number of aspects			
Degree of achievement	Implementation	Partially implemented	Not implemented						
Number of aspects									

Forecasts of the Next CEPEJ-GT-SATURN Working Group’s Activity for the Biennium 2024-2025

It may be useful, at this point, to briefly illustrate the sectors in which the research and activities of the CEPEJ-GT-SATURN group will be developed during the biennium 2024-2025.

- First of all, the activities already undertaken and not yet completed will continue over the current two-year period.
- The first of these consists in the development of a tool that allows monitoring the times of the individual phases of the procedures (“Possible tool for timeframes analysis according to the steps of civil proceedings”). Here the final objective pursued is to investigate the possibility of developing a methodological tool that allows us to identify delays in judicial proceedings – and, above all, in the different and individual phases of each type of procedure – as well as the reasons for these delays. This practically means identifying where the “bottlenecks” are located in the different stages in which the various procedures are divided. The exercise has for the moment only begun in relation to civil (ordinary) proceedings, while criminal and administrative proceedings will be studied at a later stage. In this initial phase, a questionnaire was drawn up, which has already been submitted to the Network of Pilot Courts.
- The questionnaire scheme is articulated into the following phases:

ANALYSIS OF THE LENGTH OF CIVIL PROCEEDINGS				
<p>Description of the action:</p> <p>The overall aim of this action is to analyse the length of civil proceedings with the focus on detecting possible delays and identify the reasons for their occurrence. The analysis can help, in a long run perspective, to design measures to address the delays.</p> <p>The CEPEJ Working Group on judicial time management (CEPEJ-SATURN) will gather information on court proceedings in civil matters from Council of Europe member States and observers. This is an initial step before preparing guidance to improve the overall length of civil proceedings in different judicial systems, using concrete examples from existing practices.</p> <p>This questionnaire aims to identify what the « legal » deadlines are for conducting individual steps in a standard/ordinary procedure, their actual or estimated duration in practice, and why there may be a difference between these two aspects (legal deadlines and estimated duration).</p> <p>The analysis and comparison of the data collected through this questionnaire could help determine the specific procedural steps where delays usually take place, as well as the reasons for their occurrence.</p> <p>Please note that the steps listed in the table below have been selected not only because they are considered common in the majority of judicial systems, but also because it is assumed that deadlines for these steps are envisaged in the laws/regulations of Council of Europe member States and observers. Some other important procedural actions are not indicated as a particular step in this questionnaire (such as judicial expertise, etc.) as a large number of judicial systems do not set fixed deadlines, leaving it to judges to determine deadlines on a case-by-case basis. However, they might be included in future CEPEJ questionnaires that will deal with these topics.</p> <p>For further explanation of the terminology and procedural steps, please see below the Explanatory Note.</p>				
<p>Instance of the court (if your court acts as both first and second instance, please select only one instance):</p> <p><input type="checkbox"/> First instance</p> <p><input type="checkbox"/> Second (appeal) instance</p>	<p>State:</p>	<p>Court:</p>	<p>Name of the respondent:</p>	<p>Email address:</p>

Procedural steps	Deadlines prescribed by laws/regulations (in days)	Data on the actual duration of the procedural step? (If you have data on the actual duration, please answer "yes", and provide the data (in days) in this column. If "no", please provide an estimate in the following column.	Estimated duration of the procedural step (in days)	If there is difference between deadlines prescribed by laws/regulations and actual or estimated duration in practice, please explain the reasons for this gap.	Comments (any further comment and explanation would be appreciated)
Serving documents - time between sending the documents initiating a legal action by the plaintiff and their reception by a defendant	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Filing a response to the legal action by the defendant - time between the reception of the documents initiating a legal action by the defendant and submission of their response	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Preliminary hearing (or first hearing in some jurisdictions) - time between the court's reception of the defendant's response and the preliminary/first hearing	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Final hearing - time between the preliminary/first hearing and last hearing	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Issuing a written judgment after an oral judgment - time between the rendering of an oral judgment and the issuing of a written judgment (short version)	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Issuing a written judgment - time between the closing of the final hearing and the issuing of a written judgment	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Total length of the proceeding - time between the start of the legal action by the plaintiff and the issuing of a final written judgment by the court	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			
Filing an appeal on the first instance judgment - time between the reception of the first instance judgment by the parties and their submission of an appeal to the second instance court	Days ___ / <input type="checkbox"/> NA/ <input type="checkbox"/> NAP	<input type="checkbox"/> Yes; Duration in days: _____ <input type="checkbox"/> No			

- Another activity of the group to be carried out during the two-year period 2024-2025 will consist in the development of a checklist for the management of judicial time of the public prosecutor's offices, along the lines of the one that already exists for the courts.
- Furthermore, a document will be drawn up for the implementation of the checklist for the management of judicial time in both courts and prosecuting offices (the idea here is to collect information on the basis of the two checklists and prepare a report that analyzes the situations in the various countries, from a comparative perspective).
- Also envisaged is the drafting of detailed guidelines on the creation of case weighting systems for courts and prosecuting offices.
- The CEPEJ-GT-SATURN will also proceed with the creation and implementation of the database on backlog reduction.
- It will as well proceed with the updating of the report (dating back in its latest version to 2018) dedicated to the length of judicial procedures in Member States of the Council of Europe, on the basis of the case-law of the European Court of Human Rights.
- Among the topics that should be addressed from scratch in the next two years, the following may be mentioned.



- The CEPEJ-GT-SATURN also foresees the creation of tool for measuring workload – workload, and not just caseload – in European judicial systems.
- Another interesting item will be the preparation of a study on the methods of achieving a fair balance between professional activity and private life of judges.
- Drafting of tools for efficient management of judicial offices by managers.
- Measurement of the effects potentially deriving from the use of artificial intelligence on the efficiency of courts.