

Report of the First Study Commission

Barcelona, October 2015

“The relationship between effective management of the courts and the delivery of justice by independent judges”

The subject matter dealt with by the First Study Commission proved to be somewhat broad and was divided into the following four areas:

Case Allocation Mechanisms

Increasing Output and Diminishing Handling Time

Performance Appraisal

Working conditions

The First Study Commission has been provided with responses from judges on these topics from all five continents. These have provided a valuable resource for understanding the different ways in which these issues are dealt with throughout the world. A report, which will finish incorporating all of these responses and the conclusions, will be provided to the Central Council of the IAJ in due course.

Based on the answers to the questionnaires and on two days of discussion among the delegates, the First Study Commission has arrived at the following conclusions with respect to our topic:

Many countries allocate cases randomly; others have different methods for case assignment.

Assignment of cases should be based on rules that are objective and established and made known to the judges beforehand, and the assignments should be transparent and verifiable.

With respect to increasing the output of the courts and diminishing the handling time for processing cases, delivering justice is one of the principal tasks of a country. Therefore, there need to be adequate resources available to the courts to handle the work that comes to them even in times of economic pressure.

The quality of a judge's work is of primary importance. Pressure to increase judicial performance (e.g., diminish handling times and increase output) should not have negative consequences diminishing quality, nor should it affect judicial independence in the rendering of decisions.

Increasing caseloads should be accompanied by increased resources (increased numbers of judges, increased use of law clerks or other legal assistants, improved use of information and communication technology, development of mechanisms for early disposition of cases, addition of appropriate resources for initial and continuing training of judges, and consideration of other innovative procedures).

Assessment of a judge's performance should be based on criteria and rules established by the competent body within the judiciary and made known to the judges beforehand. Performance assessment must not concentrate on quantity alone. It must above all take into account the complexity of cases and the quality of the decisions and judgments that are rendered.

Because the work of the tribunal or jurisdiction is collegial, performance problems should be addressed first informally within the court taking account of sustainable workload.

Disciplinary measures related to performance should be a matter of last resort and should be implemented by a competent body within the judiciary following rules and regulations established by law.

Topic for 2016:

Best practices within the Judicial System for ensuring transparency and integrity and preventing corruption.