

Estonian Answers to the Questionnaire of the 1st Study Commission IAJ-UIIM “The Effects of Remote Work on the Judicial Workplace and the Administration of Justice”

1) Remote work of judges in your country

a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?

Yes, in Estonian judges were not only permitted, but also obliged to work remotely during the COVID-19 pandemic. Before that it was permitted, but perhaps not that widely used.

In Estonia we have all possible technical means to work remotely. This means that all files of all court cases are accessible electronically and videoconferences may be held both for discussions with colleagues and for court hearings. Due to the possibilities of remote work and due to existence of technical means all court cases in Estonia were solved during pandemic time without delays.

b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)

As a result of the pandemic experience, more and more judges prefer to work remotely at least some days during the week. This is more spread in civil and administrative litigations and on all levels, less in criminal cases due to some procedural issues.

2) Effect on judicial work

a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

There are now general surveys made on what have been the overall results. As a good result it is possible to state that Estonian courts managed to work as effectively as before during the pandemic times.

b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

In Estonia, all judges and almost all courts were equipped with IT means which made it possible to work remotely already before pandemic. Therefore, there are no substantial changes. However, what has been changed, is the attitude – it is considered more and more understandable to work remotely and thus the working conditions are more flexible.

c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

Positive effects are related with flexibility – both judges and parties of litigations do not have to spend many hours at courthouses. Negative effects are related with less direct communications and impact on health.

In Estonia from January 1, 2024 there should not be any paper files and all work should be done via computers. There are no surveys on what kind of impact it may have on the health of judges (specially eyesight).

3) Effects on the administration of justice

a. What are the pros and cons of remote work on the administration of justice?

There are no direct effects. However, it is clear that when most of the judges are working remotely, it is difficult to have good and tense relations with colleagues and create and keep common values.

b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.

The quality of the administration has not been changed yet.

c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.

In Estonia, public opinion is rather supportive regarding remote work. However, sometimes it seems to be a mean of convenience – lawyers to not always want to attend hearings at court houses and prefer videoconferences.

d. What are the positive and/or negative effects of holding remote hearings/conferences?

Positive effects are related to flexibility. Negative effects are related to the impact videoconferences have on direct communication. Estonian procedural rules are also not in all areas suitable for remote hearings. For example it is not possible in all criminal cases and it is legally not possible to interview witnesses. If the witness is not located at some other courthouse, it is not possible to guarantee that there are no third parties involved that could have impact on their statements.

4) Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

No effects on that.

5) Limits on remote work for judges

a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

It is not possible to have remote hearings in all criminal cases. Also it is not appropriate in cases related with minors or with persons with mental disorders.

b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

No, there are no proposals.

c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

Procedural rules should be more clear for remote court hearings.