“First Study Commission of IAJ-UIM

Questionnaire 2015

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

Answers from Lithuania

0. Preliminary Question: Are there any aspects [see a) above] missing regarding our topic for this year, which should be treated?

No, they aren’t.

1. Please specify – in note form – your case allocation system (in particular who is responsible for case allocation and how it is done, whether account is taken of any special abilities or interests of the judge and how the appearance of impartiality or neutrality is maintained). What are the advantages of your system? What are shortcomings of the system, especially regarding judicial independence?

In all Courts of the Lithuanian Republic cases are appointed with an aid of a special computer program. It is a work of a Court employee, which is authorized to perform such actions by the President of the Court. Cases are randomly divided to judges according to their receipt queue, but also considering the specialization of judges, the workload of judges and other objective criteria. The benefits of such system is impartiality, transparency, the possibility at any time to check and prove that the case was not specifically assigned to a particular judge. The weaknesses of this program are that the program does not always take into account the actual quantity of cases of the particular judge, case distribution is uneven over time. For example one day a judge may be assigned to 10 cases and after that for some time there may be no cases, assigned to the same judge.

2. What measures to increase output and/or diminish handling time are in use or planned in your Courts? How do these measures affect judicial independence?

   a) Efforts are being made to unify the workload in different courts. It is done by transferring a part of cases from court with a heavy workload to a court with a less workload. The President of a higher court decides to transfer cases from one court to another.
   b) If a difference of workload is continuous and large, this issue can be solved by transferring a judge from one court to another. Before transferring a judge to the other court, there must be obtained his consent.
   c) Additional assistants are appointed to the Courts with the biggest workload.
   d) Presidents of Courts are taking various management measures to achieve the best possible organization of court work.

3. Do you have performance appraisal, regarding quality or quantity of judicial work performed? What are the advantages of these measures? What are disadvantages/shortcomings, especially regarding judicial independence?

The work of a Judge is mandatory assessed in qualitative and quantitative terms every five years or when a Judge claims to a higher position in judiciary system. This assessment is carried out by a special commission consisting of judges and the public persons. This
commission is formed by the Judicial Council. Furthermore, under specific complaints, according to administrative procedures the work of a Judge can be assessed by the President of the Court or the President of a higher court.

4. Please identify shortcomings of the actual working conditions? What are positive effects of measures taken, regarding working conditions?

There are these main shortcomings of the actual working conditions in Lithuanian courts:

- Heavy workload;
- Due to a lack of funds there is no possibility to provide all courts with appropriate computer equipment;
- Not all judges have their personal judicial assistants;
- Working conditions in some courts are inadequate.

Certain measures to eliminate these problems are being taken:

- Fifty additional assistant positions are being established from January, 2015;
- Some buildings of Courts are being built or reconstructed;
- The planned reform of judiciary will help unify the workload in different courts.