“First Study Commission of IAJ-UIM

Questionnaire 2015

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

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?

The cases distribution in Latvia courts is carried out by a software program – The Court Information System (TIS). TIS are the national information system which includes single judicial record-keeping software and a database of courts proceedings. Information contained therein has restricted access. TIS users are Latvian judicial officers and few public authorities. A specially designed clerk in each court is responsible for the files distribution. This electronic system ensures the principle of casualty in process of distribution cases.

However, according the law On Judicial Power the Chief judge of the court prior to the beginning of the each calendar year is obliged to approve a division of matters plan. The law allows that the Chief Judge of the court may amend the division of matters plan during the calendar year:

1) due to the overload of work of judges
2) due to an insufficient working load of judges;
3) in relation to a change of judges;
4) in relation to judges being unable to perform their duties.

So, such rights could be observed as an infringement of independence of the 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?

Within the scope of the Latvian-Swiss project “Modernization of courts in Latvia” Latvian courts and places of imprisonment have equipped with video conferencing appliance and sound recording systems. Video conferencing is used with a view to providing the option to effect distance court proceedings to improve public safety and to promote the accessibility of courts in Latvian and cross-border court proceedings.

The audio recording system disciplines the parties, diminish the number of complaints regarding judges attitudes in hearings, simplifies the work of the secretaries.
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 Latvian legislation does not establish the rules regarding the level of caseload. Statistic data shows the average received and adjudicated cases, but nothing else. One of the main problems of the judiciary is how to balance the dereference of the workload between courts, particularly, between courts in the capital of the state and regions.

The evaluation of the professional work of judges, particularly quality of the adjudicated cases, performs The Judicial Qualification Board.

4. Please identify shortcomings of the actual working conditions? What are positive effects of measures taken, regarding working conditions? [Please take into consideration the different aspects mentioned above at a) 4]

The working conditions in Latvia are relatively good. The courts houses are located in new or renovated buildings, equipped with audio recording systems and videoconferences. The audio recordings simplify the work of the secretaries, but prolong the time for writing judgments.

The professional development depends on judges own activity. It is presumed, that every judge should attend no less than 10 days studies in Latvian Judges Training center. But studies are not mandatory.

Every first instance judge is guaranteed with one assistant and one secretary. However, the salaries of staff is low and leads to the fluctuation of courts’ staff, so its impacts the efficiency and quality of the work.