



Final survey regarding the experience,
attitudes and perceptions of the
implementation of
Judicial Reforms in Romania

CLIENT:

Ministry of Justice through the
Department for Implementation of
Externally Financed Projects

BENEFICIARY:

Superior Council of Magistracy

BRIEF DISSEMINATION

The Romanian society's structural reforms, supported by international organizations, constituted main endeavors for the systemic reorganization of the main Romanian institutions, leading, beyond the expected and anticipated results, to medium and long-term outcomes which affected not only the reformed fields but also the society in its entirety.

Judiciary reform continues to represent an important chapter in the process of transition from communism to democracy and remains paramount to the integration within the social and institutional structures of the European Union. The justice system, as a distinct power in the state, touches all levels and segments of society, representing a guarantor of balanced, fair and just relationships between the individuals and the state. Thus, there is a need for a modern justice system, capable of dealing with the challenges of convoluted times of profound societal reorganization, which generate to a greater extent disputes, litigations and practices beyond the limit of the law.

The present study aims to evaluate the direct effects as well as the side-effects of the implementation of the "Judicial System Reform" project, which was funded through a loan taken by the Romanian Government with the International Bank for Reconstruction and Development (IBRD), and aimed at offering consultancy to the Government on the implementation of structural reforms, with the purpose of increasing the efficiency of courts and improving the accountability of the judicial system, leading to a reduction in the level of corruption and improvements in justice transparency.

The evaluation was achieved with the help of a quasi-experimental design (which made use of court samples, on one hand of those included in the project, as well as some which were not, as control samples), in three stages: the initial one, which was meant to secure an image of the state of affairs before the implementation of the project, an intermediary one, meant to evaluate the progress and possibly offer feedback with the purpose of correcting the actual implementation and a final one, meant to observe the clear, net image of the impact as well as the associated social effects of the project. The populations taken into consideration for the study consists of employees of the judicial system (judges, prosecutors and clerks), professionals that work within the courts (lawyers and legal advisers) as well as litigants, private citizens or representatives of legal entities that benefited from the juridical services offered by the courts. It is worth mentioning that in all evaluation studies, all three types of courts have been taken into account.

The first main direct effect of the implementation of the reform project of the judicial system is represented by developments and improvements in what concerns the infrastructure of the courts, especially, the facilities offered to employees (advanced audio system, larger office areas and offices for lawyers, increased archive areas and capacity as well as online access to useful information) and for litigants (info kiosks, waiting areas, parking spaces and restrooms). The courts that were included in the project benefit from a modern infrastructure, adapted to modern

realities, with generous spaces and adequate facilities for the day to day needs of the court public.

Beyond these direct conclusions, anticipated from the simple analysis of the objectives established through the reform project, the public perception is a positive one and the satisfaction degree over the available infrastructure is higher for the courts where the reform project took place. The majority of the interviewees acknowledged that the improvement in the aspect of the courts is visible.

The evaluation emphasized changes in attitudes, between the groups defined by the categories of court professionals, as well as those of litigants towards these professionals. Generally, where intervention over the workplace was present, relations also improved between judges, prosecutors and clerks, perception of "the other" being better than in cases of courts where nothing was done. Also, there are significant differences in what concerns the perception of lawyers, both on the court employees part as well as the litigants'; likewise, in terms of the levels of confidence litigants have in all professionals of the judicial system.

Perception over justice itself tends to be more favorable for the sample subject to intervention. Starting with the time needed for resolution and ending with the way litigants are treated in court, we can observe signs of improvement that, even if not doubled by factual reality, indicate a real influence over the quality of the justice environment as well as over the state of mind of the parties involved.

Access to new technologies, both in what concerns archiving methods and the access to jurisprudence databases or in general, internet information is omnipresent in courts subject to intervention. In this regard, though, the gap with the control sample is smaller, due to the implementation of these information and storage facilities within courts, in general.

There are certain aspects for which we cannot identify differences between courts subject to intervention and the control sample ones. In what concerns the workload of employees and costs associated to the justice system, gathered data does not indicate statistically significant differences, a sign of a limited impact on these issues, or implying that the actual effect is only discernable over a long period of time.

The impact of the "Judicial System Reform" is distinguishable especially in what concerns the proposed objectives and at a perceptual, subjective level or that of the satisfaction manifested by certain aspects associated with the interaction with judicial system. Employees' perception, especially that of judges and clerks is a positive one, improvements in work conditions and collegiate relationships being acknowledged, the intervention being felt all the way to an organizational level. Litigants' perception is also a positive one, especially from a utilitarian, functional point of view in what concerns the courts and the act of justice, we can conclude that infrastructure changes which occur within the justice system lead to additional appreciation and trust for the general public involved in litigation.